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SENATE—*Tuesday, February 2, 1999*

The Senate met at 9:59 and 58 seconds a.m., and was called to order by the President pro tempore [Mr. THURMOND].

ADJOURNMENT UNTIL WEDNESDAY, FEBRUARY 3, 1999

The PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 12 noon, Wednesday, February 3, 1999.

Thereupon, the Senate, at 10 o'clock and 12 seconds a.m., adjourned until Wednesday, February 3, 1999, at 12 noon.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Tuesday, February 2, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 2, 1999.

I hereby designate the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. VISCLOSKY) for 5 minutes.

ILLEGAL DUMPING OF STEEL, A CRISIS IN AMERICA

Mr. VISCLOSKY. Mr. Speaker, I rise today to announce the introduction of legislation along with the gentleman from New York (Mr. QUINN), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Ohio (Mr. NEY) and 96 other of my colleagues.

The 100 of us join together today to try to provide a solution to the crisis we face in the United States of America today involving the domestic steel industry. We want to help those Americans who want to work in a steel mill in the United States of America, and I say want to because using the administration's figures it is clear that over the last 12 months, 8,775 steel workers have already lost their job because of this crisis. That translates into 24 steel workers, 24 American families today will lose a breadwinner in everything that connotes.

What is the cause of this crisis? Illegal dumping. Countries selling steel in the United States, or I should almost suggest giving it away in the United States of America, at below their costs of production, at below what they sell it in their home market.

This crisis began after July of 1997, and it is of astronomical proportions. Using trade figures from November of this past year, imports have increased over that approximately 18-month period of time by 48 percent. Imports in November of 1998, compared to pre-crisis level in July 1997, from Japan, increased by 303 percent; 303 percent as shown on the first chart.

Steel exports from Russia increased from July 1997 to November 1998 by 151 percent, 151 percent. Steel exports to the United States increased from Korea from July 1997 to November 1998 by 111 percent. Exports of steel to the United States from the Ukraine increased from July 1997 to November 1998 by 196 percent.

The result at Timken Company is that 160 workers were laid off in Pittsburgh, Pennsylvania. Forty-seven workers were laid off at three Ohio steel manufacturing facilities. Forty union workers were laid off at Timken Latrobe Steel in Latrobe, Pennsylvania. Four hundred people were released from the former Inland Steel Company in Indiana. At Geneva Steel Company in Vineyard, Utah, there is an 18 percent cutback. USX laid off 200 workers in Fairfield, Alabama, and 100 workers at the Mon Valley Works near Pittsburgh. Slater Steel Corporation has slashed 51 positions. It has altogether reduced the salaried workforce by 22½ percent. Acme Metals in Riverdale, Illinois, has filed for Chapter XI bankruptcy.

There is Gulf States Steel Corporation in Gadsden, Alabama, where 100 steel workers have been laid off. Northwestern Steel and Wire Corporation in Sterling Falls, Illinois, 300 of 400 workers are out of work today. Weirton Steel Corporation, Weirton, West Virginia, more than 900 steel workers have lost their job.

No action was taken by last fall, and the Congressional Steel Caucus introduced a resolution. Language ultimately was sent to the administration begging, imploring and demanding that the President of the United States act. The President reported back to Congress with his action plan in January of this past year, and among other things the President indicated that the Japanese government has indicated, the President's word to us, that Japanese steel imports would return close to 1997 levels, close to 1997 levels, in 1999. A representative of the Japanese government later indicated that that potentially was not true.

The administration will come before us today and indicate that the Japanese have begun to correct their problem with the United States, and my colleagues can see by the second chart that, yes, indeed, exports from Japan have declined. Today they are 94 percent higher than they were at pre crisis levels, and I will bet steel workers in Japan have not lost their job.

But that contrasts to the USS/Fairless Works where Mike Dobrowolsky and Kenneth Houser were laid off the day before Thanksgiving. They are both in their mid forties, they are married, they each have two children. Both have worked for more than 20 years at Fairless; they are not working today. At Geneva Steel Corporation in Utah, Eric Shepherd is married with three children and was among those laid off in September.

We need to act.

SOLUTIONS TO THE CHALLENGES WE FACE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, I have the privilege of representing a very diverse district in Illinois. I represent the south side of Chicago, the south suburbs in Cook and Will Counties, a lot of bedroom communities like the town of Morris where I live, towns like Peru, and a lot of farm towns. When representing a diverse district, of course one wants to listen and find out what is a common message, and I find, as I listen and learn, the concerns of the people of this very diverse district. They tell me one very clear message, and that is the people of our part of Illinois want solutions, solutions to the challenges that we face.

In fact, in 1994 when we were elected they sent us here with a very clear message that was part of that effort to find solutions, and that is we want to change how Washington works and make Washington responsive to the folks back home. When we were elected in 1994, we wanted to bring solutions to balance the budget, to cut taxes, to reform welfare, to tame the IRS. There were an awful lot of folks in Washington who said we could not do any of those things because they had always failed in the past. But I am proud to say that we did. I am pretty proud of our accomplishments: balancing the budget for the first time in 28 years,

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cutting taxes for the first time in 16 years, reforming welfare for the first time in a generation, taming the IRS for the first time ever. We produced a balanced budget that is now projecting a $2.3 trillion; that is "T" as in Tom trillion dollars surplus of extra tax revenue. We produced a $500 per child tax credit that will now benefit three million Illinois children. We produced welfare reform that has now lowered rolls in Illinois by 25 percent, and taxpayers now enjoy the same rights with the IRS that they do in the courtroom, and that is a taxpayer is innocent until proven guilty.

Mr. Speaker, those are real accomplishments, but we continue to face challenges in this Congress, and because this Congress held the President's feet to the fire, we balanced the budget, and now we are collecting more in taxes than we are spending. And the question is today: What do we do with that extra tax money? What do we do with that $2.3 trillion surplus of extra tax revenue?

I believe it's pretty clear what the first priority is, and I think we all agree. We want to save Social Security. We want to save Social Security first, and I want to point out that last fall this House of Representatives passed the 90–10 plan which would have set aside 90 percent of the budget surplus, the extra tax revenue to save Social Security. Two weeks ago in this very room the President said we now only need 62 percent. Well, we agree. We want to make the first priority, and we certainly agree that at least 62 percent of the surplus tax revenue should be reserved for saving Social Security. The question is: What do we do with the rest?

Some say, particularly Bill Clinton, we should save Social Security and spend the rest on new big government programs. Now I disagree. I believe we should save Social Security and give the rest back in tax relief. The question is, it is simple: Whose money is it in the first place?

If my colleagues go to a restaurant and they pay too much, they overpay their bill, the restaurant refunds their money. They do not keep it and spend it on something else. Well, clearly in this case the government is collecting too much. Well, let us give it back.

The question is: Do we want to save Social Security and create new government programs and spend the rest of the surplus, or do we want to give it back by saving Social Security and eliminating the marriage tax penalty and rewarding retirement savings? Tax Foundation says today that the tax burden is pretty high. In fact, for the average family in Illinois, 40 percent of the average family's income in Illinois now goes to Washington and Springfield and local taxing bodies at every level. In fact, since Bill Clinton was elected in 1992, the total amount of tax revenue collected has gone up 63 percent since 1992.

Clearly taxes are too high.

We can help working taxpayers, we can help working taxpayers, we can help working families. Let us save Social Security and cut taxes. Let us save Social Security and eliminate the marriage tax penalty. Let us save Social Security and reward savings for retirement. Some say we cannot, but I believe we can. Just as we balanced the budget for the first time in 28 years, it is because we also cut taxes for the first time in 16 years, reformed welfare for the first time in a generation and tamed the IRS for the first time ever. We can also save Social Security, and lower taxes for working families and bring that tax burden down for the first time in a long time.

Mr. Speaker, let us save Social Security, let us cut taxes, let us eliminate the marriage tax penalty.

STAND UP FOR STEEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from West Virginia (Mr. MOLLOHAN) is recognized during morning hour debates for 5 minutes.

Mr. MOLLOHAN. Mr. Speaker, 2 weeks ago the Ohio Valley made itself heard here in the Nation's Capital. Thousands of steel workers and their families woke before dawn on a cold damp January day. They came from Weirton, they came from Wheeling, from all across the tri-state area. They jammed into dozens of buses for a 6 hour ride to Washington. When they got here, they rallied long and hard on the steps of this Capitol. Then they marched down Pennsylvania Avenue and rallied long and hard at the White House. Then they jammed back into their buses to get home before morning came again, and many of them lost a day's pay in the process.

So why did they do it?

They did it, Mr. Speaker, because our steel communities are in a state of pure crisis. We have been overtaken by illegal imports, and we cannot take it any more.

Every hour another American steel worker loses his or her job. Every hour another American family wonders when and if they will ever see another paycheck. And what is worst of all is that they have not done a single thing wrong. In fact, Mr. Speaker, they have done everything right.

For years the American steel workers have sacrificed, our American steel companies have made huge investments. They did it all in the name of efficiency, to achieve productivity standards unheard of, and now they are the world's best producers.

But that means nothing if our so-called partners do not play by the same rules. It means nothing if Japan and Russia and Korea can dump steel in our markets whenever they want.

That is not fair trade, Mr. Speaker. That is not even free trade. It's foolish trade, and it is, in fact, absolute folly for this Congress and this administration to sit and watch as the American steel industry is destroyed by unfair foreign imports.

Our steel industry is at the breaking point, Mr. Speaker. There's no time left for tough talk; there is only time for tough action.

Today the Steel Caucus is introducing tough legislation. I commend my good friends: the gentleman from Ohio (Mr. REGULA), the gentleman from Pennsylvania (Mr. MURTHA), the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from Ohio (Mr. TRAFICANT) for their leadership on this issue. I am proud to cosponsor the bills that are being brought before the Congress. I urge my colleagues, Mr. Speaker, to make this legislation the very first priority in the 106th Congress. I urge them to stand up for steel.

☐ 1245

THE STEEL IMPORT CRISIS

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. REGULA) is recognized during morning hour debates for 5 minutes.

Mr. REGULA. Mr. Speaker, I rise today to discuss the continued threat that the surge of low priced steel imports is having on our domestic steel industry and on the jobs of steel workers, their families and the communities in which they live.

According to the President's steel report released on January 7, we have already lost 10,000 steel worker jobs in the United States.

This import crisis is having a dramatic effect on the families that are directly affected by these job losses, but the story does not end there. Many more jobs are being lost as suppliers cut back and businesses in the affected communities must cut back on employment because demand for their products and services is no longer there.

We are told by the administration, and I quote from the January 7 report: "Free and fair rules-based trade is essential for both global economic recovery and for U.S. prosperity." I emphasize "fair rule-based trade."

But what we have seen since July 1997 when the Asian financial crisis began and the Russian economic crisis flared up has certainly not been "fair rules-based trade." At that time we already had worldwide over-capacity in steel production because many nations had subsidized the building of new steel plants that had no economic basis. Then demand in these nations collapsed as their currencies and the economy collapsed.

In order to obtain hard currency, foreign companies began shipping to the world's most open market, the United States. The oversupply of steel products on the world market flowed into the United States, often at prices that had no relation to actual production costs.

For example, steel mill imports into the United States jumped almost 33 percent in 1998 over imports in 1997, and it should be noted that 1997 was already a record year for imports.

Steel mill product from Japan surged 163 percent in 1998 over 1997, with hot rolled steel products from Japan increasing an astronomical 386 percent in 1998 over 1997. Steel mill product imports from Russia were up 58 percent and on and on.

These figures do not paint a picture of "fair rules-based trade," as the President called it, with regard to steel imports.

It is time that the administration truly enforce fair trade in this Nation with regard to steel imports. It is also time that we examine our overall trade policy.

As we provide nations in financial and economic turmoil with international monetary fund aid, should these nations be allowed to export their way out of their troubles, thereby threatening a basic industry in the United States? Why should an industry, such as the steel industry, which has modernized and downsized to become world competitive, now be put at risk because of outside factors over which it has no control?

Do we want to become a nation without any basic manufacturing capability, totally dependent on foreign supply of things such as steel? These are questions that we must address and which have been brought to the forefront by the steel import crisis.

I continue to urge the administration to take immediate action under existing authority. I refer to Section 201 of the 1974 Trade Act, which allows the President to respond to injurious import surges. He now has the authority to impose tariffs or quotas if the International Trade Commission finds injury.

Section 201 is the appropriate current law remedy accepted under our international obligations to stop import surges that injure.

One problem that exists with Section 201 is that the injury standard is high, higher than required by the World Trade Organization rules. Because the injury standard under current law is so high, Section 201 has not been the remedy of choice.

I have proposed legislation that would lower the injury standard that now exists in Section 201 to bring it into compliance with World Trade Organization rules. This would restore the effectiveness of Section 201 and make it a viable remedy against import surges.

With this change to Section 201, the administration could join with the Congress, industry and labor to rekindle the partnership that was so effective during the 1980's in rebuilding this vital industry, and come up with a solution to stop unfair imports.

Such a solution to the import crisis could be agreed to by all parties under a U.S. law that is in accordance with our international obligations. We could work together to ensure that no more jobs are lost and that we maintain a vital and strong domestic steel industry here in the United States.

SUPPORT THE VISCLOSKY-QUINN-KUCINICH-NEY STEEL BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. KUCINICH) is recognized during morning hour debates for 5 minutes.

Mr. KUCINICH. Mr. Speaker, we are here because the policy of this administration on international finance and trade is causing a crisis for American workers and industries.

The centerpiece of the administration's policy is to widen the trade deficit. They are depending on American consumers to continue spending record amounts to pull the rest of the world out of the severe recession it has plunged into. The rest of the world includes Russia, Thailand, Brazil and Mexico.

Many of these countries have witnessed a dramatic devaluation of their currencies, which makes their product very cheap when sold in the United States. And when the products are flowing into the United States unfairly, underpriced to similar products made in America, the administration has chosen to allow the foreign product to undercut the American, and that is causing layoffs in many American industries, and it has reached a crisis level in steel.

There is no question that the U.S. trade deficit is growing at a rapid pace. The goods and services trade deficit grew nearly 54 percent last year over the preceding year, according to figures compiled by the Economic Policy Institute, to a level of $170 billion.

Cheap foreign steel is flooding the American market. Last year, a record amount of foreign steel came to the United States. In the third quarter, 56 percent more foreign steel was brought to the United States than in the third quarter of the preceding year.

At the same time, American workers in industries affected by the foreign imports are losing their jobs. We are here today because the steel workers have been dramatically affected by the import of foreign steel made cheap by currency devaluations.

Ten thousand American steel workers have already lost their jobs. Steel workers are not losing their jobs because the American steel industry is inefficient. In fact, the American steel industry is the world's most efficient. The reason American steel workers are losing their jobs is that the price of foreign steel, though more inefficient, is so much cheaper due to the devaluation of the currencies of those countries.

Steel workers are not the only ones losing their jobs to cheap imports. According to the Economic Policy Institute, 249,000 workers, that is 249,000 American workers, lost their manufacturing jobs between March and December.

Americans should know there is a direct connection between the inflow of cheap foreign products reflected in a growing trade deficit and American job loss. This is already having and will continue to have a profound negative effect on the United States economy.

The Financial Times wrote in an editorial yesterday that the U.S. trade deficit is "unsustainable." Unsustainable because the record levels of consumer debt, combined with mounting American job loss and resulting loss of wages and benefits, will make it impossible for Americans to continue to spend record amounts on foreign products; unsustainable because the economic policies that the International Monetary Fund have imposed on Thailand, Brazil and others create austerity and depression, not growth that will continue into the future and benefit the citizens of those countries.

The administration is blind to this connection. In the President's recent report on steel, the administration proposes no comprehensive action to stem the inflow of foreign steel made cheap by currency devaluation.

In recent statements to Congressional committees, members of the administration have counseled that America stay the course and continue importing cheap foreign imports at record levels. But this policy is unsustainable. The U.S. cannot continue as an oasis of prosperity while the rest of the world experiences economic depression of a magnitude in some countries that greatly overshadows our own Great Depression of the 1930's.

The extent of the economic crisis around the world is so great that even if the United States doubles its record trade deficit, it will not be enough to pull the rest of the world out of its troubles, but it will be enough to send thousands and thousands more Americans out of work and send the United States into a recession.

That is why we are here today, Mr. Speaker, to step into the breach by proposing the Visclosky-Quinn-Kucinich-Ney steel quota bill. Our bill will impose limitations on the imports of cheap foreign steel at levels not to exceed the average volume of steel products that was imported monthly during the three years before the recent import surge began in July 1997. Our bill is the only action that will directly confront the major cause of layoffs in the steel industry. Our bill is America's best hope in averting an economic crisis of our own.

It is time to stand up for American steel workers. It is time to stand up for America's future. We cannot have a free nation if we let our manufacturing base fall apart, and that is what our trade policy is doing.

NO PARDON FOR POLLARD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Washington (Mr. NETHERCUTT) is recognized during morning hour debates for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, on January 19, I introduced House Concurrent Resolution No. 16, expressing the sense of Congress that Jonathan J. Pollard should serve his full sentence and not receive any presidential pardon for his crime of espionage.

Jonathan Pollard was a civilian employee at the Department of the Navy from September 1979 until November 1985. He had access to classified documents and information and began making those documents available to Israeli intelligence officers in 1984. When he was arrested, by his own estimate, Pollard had given the Israelis enough documents to fill some 360 cubic feet. In 1987, he pled guilty and was sentenced to life in prison.

The President has twice rejected release for Pollard, in 1994 and again in 1996. In fact, the White House press statement in 1996 found that, "The enormity of Mr. Pollard's offenses, his lack of remorse, the damage done to our national security and the need for general deterrence in the continuing threat to national security that he posed made the original sentence imposed by the court warranted."

Of course, nothing has changed. Pollard remains unrepentant, and the damage to national security has not paled with the passage of time. But something must have changed, at least in the mind of the Clinton White House.

In October 1998 President Clinton acceded to the request of the Israeli prime minister to review Pollard's sentence. The answer should have been a polite but a firm "no." But, instead, the President agreed to a review.

On January 11, the relevant executive agencies were to report back on the virtues of releasing Pollard. Not surprisingly, the director of the CIA, the Secretary of State, the Secretary of Defense and the director of the FBI were unanimous in opposing any pardon for Pollard.

The position of the Department of Justice has been less clear. Attorney General Janet Reno has delayed in offering an opinion to the President in the case pending a meeting with the prominent Jewish figures who support Pollard's release. The AG's office could not confirm for me yesterday whether such a meeting had taken place, nor could they offer any date when any legal opinion on Pollard's release may be offered.

To me, this seems like a clear case for the Department of Justice. But apparently they require more extensive deliberations than our national security agencies are capable of providing.

But what deliberation is really needed? Press accounts have given us some indication of how damaging Pollard's betrayal really was. He didn't just give away intelligence estimates, he also betrayed sources and methods, the very capabilities that make sound intelligence estimates possible.

Revealing how our intelligence services learn secrets is extremely damaging, because it provides opportunities for our targets to hide assets and plant misinformation, negating the very capabilities we spend billions of taxpayer dollars over the years to develop and maintain.

Of course, Pollard is now claiming that he never intended to spy against the United States. He claims that his espionage efforts were motivated by a noble concern for the State of Israel and a desire to avoid a return of the Yom Kippur War.

He says, very charitably, that the money he was paid, more than $50,000, did not motivate his spying, and that he intended to repay it all, and he suggests that because Israel is an ally of the United States, his sentence should be reduced, as if spying for a friend is a lesser evil than spying for an enemy.

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Of course, this logic also ignores the suggestions in the public record that much of what Pollard provided to Israel may have ended up in the hands of the Soviet Union. Then there is the issue of his willingness to provide information to countries in addition to Israel.

It is important to point out that even though Pollard is now eligible for parole, he has not chosen to apply. All of the public deliberations on Pollard are occurring without his having even sought release.

The granting of pardons is a constitutional power reserved for the President of the United States, but that does not mean that Congress is obliged to sit by quietly as this decision is made. Two weeks ago, 60 Senators from the United States Senate sent a letter to the President urging that Pollard not be set free. House Concurrent Resolution 16 similarly will allow the House of Representatives to go on record opposing any pardon, reprieve, or any other form of executive clemency for Mr. Pollard. The gentleman from Michigan (Mr. UPTON) has also introduced a resolution opposing a pardon, and I encourage all Members to join us as cosponsors of both resolutions. This betrayal of U.S. national security must not be rewarded with a presidential pardon.

Last week, two Americans were convicted of spying for East Germany throughout the 1970s and 1980s. Releasing Pollard now suggests that when the political price is right, we are willing to look the other way on espionage. Pollard's betrayal of U.S. national security must not be rewarded with a Presidential pardon and I hope Members will join as cosponsors to H. Con. Res. 16.

NO NEW INITIATIVES YIELDS EMPTY PROMISES

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. TRAFICANT) is recognized during morning hour debates for 5 minutes.

Mr. TRAFICANT. Mr. Speaker, I have heard a lot of comments about this steel dumping issue, and it continues to amaze me how we debate this issue on a lot of sophisticated, philosophical grounds when it is basically a very simple issue. A number of foreign countries are invading our marketplace with illegal criminal trade practices.

The White House, it was rumored, was going to come out with a response and that response, they said, would include no new initiatives. Well, that rumor is true. The White House response includes absolutely no new initiatives.

So let us go over just briefly the old initiatives that we will, as diplomats and bureaucrats, sit down with the Japanese, the Russians, the Brazilians, the South Koreans, and we will ask them to please stop violating our laws. We are going to ask them to make another promise, another promise. And I can remember Richard Nixon and every President up to and including President Clinton who threatened Japan with sanctions, just Japan alone, if they did not open up their markets. Now, every President in our recent history threatened Japan, and evidently, every time Japan responded with a promise, they broke it. They broke it.

Now, what is this policy? It is like putting a kid in a candy store and telling him, you cannot touch, you cannot smell and certainly you cannot eat anything here, but we want you to run free in this candy store and take a look at all of the goodies here, folks.

I have submitted a bill I think is right to the point. They say it has no shot, but I know the Trade Representative is negotiating with it right now. And what they are saying is, and I can almost give my colleagues the words: Do we want such a dramatic action? Shape up, or the House may even ban illegal dumping. And it is not an outright ban, it is a 90-day ban, and it is the only thing that will stop this hemorrhaging. If the wound is open and one is hemorrhaging, one must stop the hemorrhaging. That is the bottom line.

This administration and no administration in the last 25 years will support import quotas. So what will it be? Voluntary restraint agreements? Side-bar agreements? Unbelievable to me.

One other aspect of this thing that really bothers me, and it should bother my good friend, the gentleman from Massachusetts (Mr. FRANK), whose voice is needed on this issue, and that is the White House wants to give some tax relief to American steel companies. Now, I think that is great, and I would like to see some relief for our industry. But quite frankly, I have to oppose this, because that tax relief will be coming from American taxpayers, many of them laid off and fired steelworkers, downsized, whose taxes are going to go to help American industry that is being ripped off by foreign ingrates. Beam me up here. Is there any balsam left? We give foreign aid to Brazil and Russia. We give open markets to South Korea and Japan, and they kick us right in the crotch, and that is the bottom line.

I am hoping this House schedules for debate a 90-day temporary ban, and quite frankly, Scarlet, I do not give a damn what the final agreement is that is worked out after that ban. Because I guarantee my colleagues this: As soon as the shock waves come from that ban, they will all be sitting at the table and they will be machinating those pencils and within 7 days this problem will be worked out. I am absolutely convinced of that.

Mr. Speaker, before I close, it is not only the steel industry. Farmers are getting as low as 7 cents a pound live weight for hogs in America. We are exporting 40,000 and importing a half a million hogs. Agriculture, steel, huge trade imbalances. A paper tiger stock market. No one is listening, no one is looking, and we are going to ask for more promises. I say it is time to stop the promises and promulgate some plan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that they should refrain from using profanity in the House Chamber.

BIENNIAL BUDGET AND CONCEALED WEAPONS RECIPROCITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to announce the introduction of what I consider to be two significant bills for the American people regarding the budget process here in Congress, and allowing law abiding citizens to carry concealed weapons outside of their home States.

The first bill I will be introducing is a companion bill to what has already been introduced by Senator DOMENICI to establish a biennial budget happening every two years and a biennial appropriation process. The Biennial Budgeting and Appropriations Act would fundamentally change how Washington and the Congress operates. It would be a change for the better in dealing with the Nation's fiscal matters. This bill would establish a two-year budget process and appropriations process for Congress.

The fundamental importance of this bill is that it removes politics from the budget process. The first session of Congress would be dedicated to passing a budget and the 13 appropriations bills. Establishing this method would free the Congress from the nastiest budget and appropriations fights during national election years.

I was greatly dismayed last year watching the outcome of the budget negotiations between the congressional leadership and the White House, where both sides agreed to spend as much of the budget surplus as they could. The administration was able to use, once again, the threat of a government shutdown in order to extract billions of dollars in extra spending for political gain. The American taxpayer deserves to be better treated than last year's cop-out on sticking to our budget priorities. I voted against that monster budget last year.

The second congressional session could then be dedicated for authorizing bills which are greatly needed and which are greatly bypassed, in our day and age, for general government oversight and for other important legislative priorities.

In addition, the second session would be used for any true, necessary emergency spending bills which would have to be dealt with in the appropriate spring months of an election year to avoid political manipulation. Since 1950, Congress has only twice met the fiscal year deadline for completion of all 13 individual appropriations bills. In the 22-year history of the Budget Act, Congress has met the statutory deadline to complete a budget resolution just three times.

A biennial budget would at least reduce the rushed atmosphere of budgeting and appropriating during an election process. In addition, Senator DOMENICI asked 50 Federal agencies about a biennial budget. Thirty-seven agencies supported the idea, and not one Federal agency opposed it. These agencies responded that this process would actually save the Federal Government money, because it would reduce the burden on their operations of having to annually seek budget authority and appropriations.

Senator DOMENICI introduced a similar bipartisan bill in the last Congress and enjoyed cosponsorship of 36 U.S. Senators, including Minority Leader DASCHLE, Senators FEINGOLD, MOYNIHAN, BREAUX and other Republican Senators, including MCCAIN, NICKLES, and ROTH. The current bill already has 26 Senate cosponsors, and it appears that it will sail through the Senate. Therefore, I urge my colleagues that have interest in this matter to work together and to consider this proposal and to be a cosponsor.

The second bill, Mr. Speaker, I will be introducing is my concealed weapons reciprocity bill that I had introduced in the 105th Congress, which was cosponsored by 75 Members of the House. My bill would allow the citizens of every State the right to carry a concealed weapon across State lines into any State or Territory of our Nation. My bill creates a national standard for the carrying of certain concealed firearms by nonresidents of those States.

Every citizen, in order to carry a concealed firearm across State lines, would have to be properly licensed for carrying a concealed weapon in their home State and would have to obey the concealed weapons laws of the State they are entering. If the State they are entering does not have a concealed weapons law, the national standard provisions in this legislation would dictate the rules in which a concealed weapon would have to be maintained. For instance, the national standard disallows the carrying of a concealed weapon in a school, police station or a bar serving alcoholic beverages.

Mr. Speaker, in addition, my legislation exempts qualified former and current law enforcement officers from State laws prohibiting the carrying of concealed handguns.

Mr. Speaker, again, these two pieces of legislation are very important. If Members of the House are interested in cosponsoring either of these bills, I urge that they contact my office.

KEN STARR'S MEDDLING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 3 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, even those of us who have come to be of low expectations regarding Kenneth Starr's behavior were astonished on Sunday when he, through his aides, interjected himself into the current proceedings on impeachment by announcing that he thinks he has the right to indict the President. Mr. Starr has a very unusual way of operating. He sets for himself a very low standard and then consistently falls short of it.

The New York Times has been a major critic of President Clinton, but they have been forced by Mr. Starr's abhorrent behavior to become more critical of him, given their dedication to the rule of law. The New York Times editorial entitled "Ken Starr's Meddling" in which they note, and I quote, "Mr. Starr is already regarded by his critics as an obsessive personality. Now he seems determined to write himself into the history books as a narcissistic legal crank."

"The news article highlighted an underlying problem. Mr. Starr keeps flapping around, with deliberations over indictments and by meddling in the House managers' contacts with Monica Lewinsky, in ways that complicate Senate work that is more important than he is. . . . should rebuke Mr. Starr and appeal to the Federal judges who supervise him to restrain him from further disturbance of the constitutional process."

Now, The Times understandably brushes off the fact that this was leaked illegally from Mr. Starr's office uncontestably, because they were the beneficiaries of the leak. But Mr. Starr has been guilty of this, and he has been guilty in sworn testimony before the House of misleading and perhaps lying about his role in this.

Mr. Speaker, when he testified before us on November 18 and I asked him about leaks, he said he could not respond because "I am operating under a sealed proceeding." I then said, "Sealed at your request, correct?" And here is his answer. "No, Mr. Frank. It is sealed by the Chief Judge."

Mr. Speaker, I insert those portions of the editorial absent such references to the President and the Senate as are prohibited by House rules, and the following excerpt of hearing testimony of Mr. Starr for the RECORD and urge Members to read the whole editorial.

Mr. FRANK. Let me ask you again, did anybody on your staff, to your knowledge, do the things which Judge Johnson has included in her list of the 24 items? Understanding that you may think that if they did, they weren't violations, but did anybody on your staff give out that information on any of those 24 instances?

Mr. STARR. There are a couple of issues or instances in which we issued a press release where we do have—you know, we clearly issued a press release with respect to certain matters. But may I say this. I am operating under a sealed litigation proceeding, and what I am trying to suggest is, I am happy to answer as fully as I can, except——

Mr. FRANK. To the extent that you can't answer under this particular proceeding, it is sealed at your request to the extent that it is sealed at all. That is, Judge Johnson granted a motion for an open procedure. You appealed to the circuit court, and they closed it up, so if you didn't object, nobody else will. If you didn't do anything, why not just tell us if it is wrong factually. On the other hand, you are going to say well, you successfully got the circuit court to seal it, so I suppose I can't do much, but I don't understand why you don't just tell us.

Mr. STARR. Let me make very briefly these points. We believe that we have completely complied with our obligations.

Mr. FRANK. That wasn't my questions.

Mr. STARR. Under 6(e).

Mr. FRANK. My question is, Judge Johnson set it forward, and they did this. They could differ as to the law. I am not debating the law, I am trying to elicit a factual response.

Mr. STARR. The second point that I was trying to make is that I am operating under a sealed proceeding.

Mr. FRANK. Sealed at your request, correct?

Mr. STARR. No, Mr. Frank. It is sealed by the Chief Judge based upon her determination of——

Mr. FRANK. She granted a much more open proceeding and you appealed that and got a circuit court to severely restrict the procedure on the grounds that hers was too open. Isn't that true?

Mr. STARR. Congressman Frank, what she did was to provide for a procedure that didn't provide quote, "openness," it provided for an adversarial process, and this is all in the public domain. But from this point forward, no, she is the custodian and the guide with respect——

Mr. FRANK. Would you ask her to release that? I think this is severe for public interest in dealing with this leak question. It does to the credibility of a lot of what you have done. Would you then join, maybe everybody would join, maybe the White House would join, and others, in asking Judge Johnson to relax that so we could get the answers publicly, because I think there is a lot of public interest, legitimate interest in this.

Mr. STARR. I am happy to consider that, but I am not going to make, with all respect, a legal judgment right on the spot with respect to appropriateness——

[From the New York Times]

KEN STARR'S MEDDLING

The most surprising aspect of the Senate impeachment trial is the persistent challenges to the senators' constitutional right to run it. First came the House managers' attempt to call a parade of unnecessary witnesses. Now we have an apparent effort from the office of Kenneth Starr, the independent counsel, to spark a debate over criminal prosecution of the President at a time when the Senate deserves a calm decision-making atmosphere and an open field for negotiation.

Mr. Starr is already regarded by his critics as an obsessive personality. Now he seems determined to write himself into the history books as a narcissistic legal crank. Once the Senate started the second Presidential impeachment trial in American history, that was Mr. Starr's cue not only to shut up but to stop any activity by his office that would direct attention away from the Senate or reduce its bargaining room. The issue of who leaked news of Mr. Starr's indictment research to the New York Times is a phony one. What is needed here is not an investigation of journalistic sources, but attention to the substance of Mr. Starr's legal mischief. It seems designed to disrupt these solemn deliberations into Presidential misconduct of a serious if undeniably sordid kind.

The news article highlighted an underlying problem. Mr. Starr keeps flapping around—with deliberations over indictments and by meddling in the House managers' contacts with Monica Lewinsky—in ways that complicate Senate work that is more important than he is. . . . rebuke Mr. Starr and also appeal to the Federal judges who supervise him to restrain him from further disturbance of the constitutional process.

This incident is more serious than Mr. Starr's customary blundering. The Constitution clearly allows the indictment and prosecution of officials who have been impeached by the House and removed from office by the Senate. But whether such a trial should go forward in this case is a complex constitutional and civic question that needs to be shaped by the wisdom . . . rather than by Mr. Starr's personal inclinations and his idea of prosecutorial duty. If the three witnesses being deposed this week do not dramatically change the evidence, then the Senate is clearly the right place to make the final disposition of President Clinton's case.

For Mr. Starr's office to be talking about a trial inhibits the Senate's freedom to draft a censure resolution that might include some kind of Presidential admission. Indeed, virtually everyone in the capital except Mr. Starr seems to know that censure-plus-admission, speedily arrived at, would be a far better outcome for the country than a trial for either a sitting or former President.

To be sure, if the changes were of greater criminal magnitude or threatened orderly government, such a trial could be fitting and constitutional once a President was removed. While removal is not appropriate in this case, the Senate is clearly the appropriate venue for condemning and finding a proportional punishment to offenses like those committed by Mr. Clinton.

Recently, after this testimony, the Chief Judge released the papers in the case relevant to that investigation of the leaks, and in this we have the following finding and the following pleading from Mr. Starr: "The Office of the Independent Counsel urges the Court to keep the Order under seal until the conclusion of the investigation." And he ends once again by saying, "The Order should remain under seal."

I asked him, in other words, if the order was sealed at his request. He denied that. He said no. Now we have the paper that says he simply did not tell us the truth. But as The Times points out, the even more important issue is his apparent inability to restrain himself; his wholly inappropriate interjection of himself into the impeachment proceeding.

[In the United States District Court for the District of Columbia]

In re Grand Jury Proceedings

[Misc. Action Nos. 98–55, 98–177, and 98–228 (NHJ) (consolidated)]

RESPONSE OF THE UNITED STATES TO THE COURT'S SEPTEMBER 25, 1998 ORDER TO SHOW CAUSE

The United States of America, by Kenneth W. Starr, Independent Counsel, respectfully submits its response to the Court's request for proposed redactions to the Order to Show Cause of September 25, 1998. The Office of the Independent Counsel ("OIC") urges the Court to keep the Order under seal until the conclusion of the investigation by the Special Master and findings by this Court. We believe that postponing the release of the Order will help preserve the integrity of the ongoing grand jury investigation, further the interests of Rule 6(e), and allow the Special Master to undertake his task without outside interference. If the Court determines to unseal the Order, the OIC proposes that the identity of the Special Master be redacted so that, to the maximum extent possible, he is able to conduct his work outside the intense glare of the inevitable media spotlight.

In its August 3, 1998 opinion in this matter, the Court of Appeals cautioned against procedures that might cause "undue interference with either the work of the grand jury or that of the district court itself." *In re Sealed Case No. 98–3077*, 151 F.3d 1059, 1073 (D.C. Cir. 1998). Here, the work of the Special Master also is protected from undue interference. Indeed, pursuant to the Court of Appeals' opinion, this proceeding is being conducted *ex parte* and *in camera* precisely to minimize the risk of interfering with or impeding the grand jury investigation. *See id.* at 1075.

Unsealing the Order before the Special Master concludes his work, and subjecting this proceeding to the unprecedented media frenzy that has surrounded the underlying grand jury investigation, needlessly increases that risk. Divulging the subject matter and scope of the proceeding at this time will provide a roadmap for prying and intrusion into it, and necessarily into grand jury matters in an ongoing investigation. These dangers can be avoided simply by delaying release of the Order until the Special Master conclude his investigation and the Court issues its findings.

Furthermore, as both this Court and the Court of Appeals have recognized, the threshold standard for establishing a *prima facie* case is minimal and is not conclusive of a violation of Rule 6(e). As the Court of Appeals noted, the OIC will have the opportunity in its rebuttal to "negate at least one of the two prongs of a *prima facie* case—by showing either that the information disclosed in the media reports did not constitute 'matters occurring before the grand jury' or that the source of the information was not the government." *Id.* The unsealing of findings pinioned on the mere *prima facie* standard could be exploited by the criminal defense bar in an effort to undermine the integrity of the OIC's investigation. This is especially true in the political climate existing as a result of the OIC's §595(c) referral to Congress. The integrity of the investigation is an important interest that Rule 6(e) and the *ex parte* and *in camera* nature of the proceeding at this stage is intended to protect. That interest should not be compromised by unsealing the Order now.

Maintaining the Order under seal also will allow the Special Master to conduct his work without interference and interruption. If the existence and identity of the Special Master become public, he undoubtedly will become the focal point of worldwide press attention, his efforts the subject of media inquiry, investigation, and speculation. These distractions will only serve to impede a process that the Court, and the OIC, wants to see concluded expeditiously. Should the Court nevertheless determine to release the Order, the OIC proposes the redaction of all references to the identity of the Special Master in order to afford him as much anonymity as possible. (Copies of the OIC's proposed redactions on pages 20–22 of the Order are attached hereto).

Finally, the OIC intends to file a motion for partial reconsideration of the Order. We believe that this motion is well justified under the facts and law at issue in this proceeding, especially since the OIC has not had the opportunity to address whether several of the media reports establish a *prima facie* case. It would be premature for the Court to unseal the Order while the motion is pending, and before the Court has given thoughtful consideration to our views. At the very least, the Court's preliminary rulings in this matter, with which we respectfully disagree, ought not be made public until the motion for partial reconsideration is decided.

For the reasons set forth above, the Order should remain under seal until the Special Master completes his investigation and the Court issues its final findings.

Respectfully submitted,
DONALD T. BUCKLIN,
ANDREW W. COHEN,
Squire, Sanders & Dempsey L.L.P., Washington, DC.
Attorneys for the Office of the Independent Counsel.

Of Counsel,
KENNETH W. STARR,
Independent Counsel, Washington, DC.

Dated: October 1, 1998.

Mr. Starr has already done enormous damage to the institution of the Independent Counsel. It is time for him to somehow find an ability to show a restraint that has previously eluded him and let this proceeding conclude without him having to make himself, in a distracting way, the center of attention.

□ 1315

INJECTING REALITY INTO THE DEBATE ON THE BUDGET SURPLUS

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. FOLEY) is recognized during morning hour debates for 5 minutes.

Mr. FOLEY. Mr. Speaker, I rise today because I want to inject a little bit of reality, I hope, into the ongoing budget debate on the surplus that we continually hear around this Capitol.

I know my home State has Disney World, and I know we have Universal Theme Park, and I know a lot of those expectations in those things are about not reality but about enjoying yourself.

It seems with this apparent flush of revenues for years to come, fiscal responsibility in Washington, D.C. has become a thing of the past. Indeed, the Administration's fiscal year 2000 budget seems to promise a new government program for just about anybody you can think of.

To be fair to the President, he does not propose using future surplus dollars for these new programs, but the assumption seems to be that with a healthy U.S. economy and a balanced budget in the black for the first time in decades, the government, the Federal Government, can afford to grow again.

We take out of account any potential downfalls in the economy. In fact, everybody in this Capitol is now so rosy and so full of optimistic projections they do not assume that there is going to be a hiccup in the road at any time.

I have to challenge this assumption. I have to bring some clarity to the debate. First, the fact that the U.S. economy is the envy of the world is due in large part to the fact that U.S. consumers are, indeed, confident, and armed with that confidence, they are spending in record numbers. That simply cannot last forever.

The other thing we have to look at is why and how are they spending money: dead instruments, credit cards, second mortgages, refinanced first mortgages, or a gain in stock values in the sale of equities yielding capital gains to themselves.

Today's editorial in the USA Today makes something very clear. I will include the entire editorial for consumption by those who would read the Journal.

Mr. Speaker, the problem is, Americans are not saving enough to support their spending. Household saving rates last year were the lowest since the Great Depression, and Americans are relying on the stock market to maintain their living standards. Many analysts, including Federal Reserve Chairman Alan Greenspan, maintained that stock values may be too high, and the bubble can burst at any time in the near future.

What happens then? Consumer spending will take a nosedive. We all know what will happen after that. The U.S. economy will go into a recession, government revenues will dry up, and all of a sudden, that rosy picture of the healthy economy and multiyear budget surpluses vanish. It vanishes. Again, that is where fantasy ends and reality picks up.

We have to understand that this is not a static economy; that things change. If we look at Asia, look at Brazil, look at Latin America, look at Mexico, look at Canada, look at the economies of all our major trading partners, we see deficiencies growing, problems with currencies growing. So the United States cannot be the savior of the entire world.

My point is this. While President Clinton may be able to make a case that the Federal Government can afford all of his new initiatives in the fiscal year 2000 budget, and I am skeptical of that, he certainly cannot guarantee that the U.S. taxpayers can afford them in the future.

We need to act responsibly in the good times to ensure that they last for future generations. We need to save social security now so we can afford to boost the national savings rate to maintain our strong economy. If we do the right thing we can do both at the same time, and the projected surpluses will in fact materialize.

There are two approaches that can accomplish this goal. I would personally prefer that all future surpluses be dedicated to retiring the debt to shore up social security. In the surplus years we should guarantee social security recipients their full benefits, and at the same time we should create personal retirement accounts for future generations. These accounts will not only offset the long-term costs of social security, but they will also provide much-needed capital to keep the U.S. economy healthy.

Barring this approach, however, Congress should provide tax relief, and I understand tax relief. This is what Chairman Greenspan said to our Committee on Ways and Means last week in a hearing: "If we have to get rid of the surpluses, I would prefer reducing taxes rather than spending it. Indeed, I don't think it's a close call."

That question was posed to him because there was a notion somehow that all of the money should go to surplus to retire the debt. Mr. Greenspan clearly agreed with that premise. But then as he looked at the budget unfolding as produced by President Clinton that we are now reviewing, we see that all surpluses are going out the window. All programs are expanding. All are growing past the rate of inflation. All are looking at solving the world's and our national crises by infusing more dollars here in Washington, rather than sending it home.

Mr. Greenspan took strong exception, saying if there are surpluses and they are not to be used or will not be used for deficit reduction, then clearly they should go for tax reduction. I stand on the side of Mr. Greenspan.

Mr. Speaker, I include for the RECORD the article previously mentioned.

The article referred to is as follows:

SPENDING BUDGET SURPLUSES: WAIT UNTIL THEY'RE REAL

President Clinton's proposed $1.77 trillion budget released Monday, with its projections of $2.4 trillion surpluses over the next 10 years, has both parties ready prematurely to abandon fiscal prudence in exchange for votes in the year 2000 election.

Even the GOP's last holdout against huge tax cuts, Sen. Pete Domenici, R–NM, has joined the parade. While he condemned Clinton's budget as a return to an "era of really big government," the chairman of the Senate Budget Committee has signed on to across-the-board tax cuts pushed by party leaders.

But just as stock market seers warn that market catastrophe usually follows the coaxing of the last pessimist to buy in, so may today's golden surpluses turn to lead. There's ample reason for caution, as the surpluses everyone is counting on aren't yet real.

THE PHONY SURPLUS

While both Clinton and Republicans pretended Monday that there is a surplus now, the general fund budget isn't predicted to be in balance until 2001.

Until then, the only surplus the government will be running is in Social Security.

It's an old trick. Government has for years covered up huge deficits by borrowing billions from excess payroll taxes paid into Social Security for baby boomer retirements and using them for daily operations.

The only difference over the next 10 years is that the $1.8 trillion in Social Security surpluses will make government's anticipated overall surpluses appear larger. That's how Clinton's budget achieves most of the supposed $2.4 trillion surplus.

The bottom line of the equation, though, is the same. Any spending increases or tax cuts will be paid by borrowing from Social Security, increasing the burden on future taxpayers when baby boomers retire.

Real general fund surpluses will be put off for years, and that's if forecasts are correct, unlikely considering past performance.

The Reagan administration, for instance, in its first budget in 1981 forecast a $29 billion surplus by 1986. A deep recession and fiscal irresponsibility by the administration and Congress produced a $221 billion deficit instead.

Since 1980, budget-surplus or deficit predictions have been off by an average $54 billion a year, or nearly 5%. Five-year predictions are even more iffy, being off an average 13%.

Counting on surpluses that haven't arrived thus amounts to a big gamble, especially in current economic conditions.

A BUBBLE ECONOMY?

Last month, the economy set a peacetime record for an expansion, eclipsing the mark set in the 1980s. But there are signs of bumpy times ahead. The rest of the globe continues to suffer from slow or falling growth. Asia remains in crisis, with Japan in recession. And teetering on the brink of another fiscal chasm is Brazil, key customer to Latin American economies to which U.S. exporters look for $240 billion in annual sales.

As a result, U.S. exports, which had been the key to U.S. growth through much of the 1990s, aren't likely to grow much. And as in the past two years, the U.S. and world economies will continue to depend on U.S. consumers buying more and more.

The problem: Americans aren't saving much to support their spending. Household savings rates last year were the lowest since the Great Depression. People are relying on stock market gains to maintain living standards.

Many market analysts, though, worry that current stock values, up threefold since 1993, aren't sustainable. And if the bubble bursts, consumer spending may head south.

For the budget, that could spell disaster. Capital gains tax receipts on stocks have jumped 130% since 1994, contributing heavily to a 50% increase in personal income taxes. Future surpluses rely on stock market gains leading to big, taxable pension payouts.

A fall in the market, a decline in consumer demand and a resulting recession would leave the government depending on Social Security to cover up its own deficits once again.

A year from now, with the world crisis eased or worsened, the picture will be clearer. But that doesn't fit the political calendar, which remains focused on the 2000 elections.

BUDGET BLOAT

The push to use up the surplus also would ease pressure on government to spend its money more efficiently.

Business leaders who looked into Defense operations, for example, found $30 billion in annual savings that would improve performance. But the reforms face tough sledding in the Defense bureaucracy and Congress if Clinton and Congress ease spending caps.

Similarly, the General Accounting Office of Congress has pinpointed billions in savings in agencies handling everything from food inspections to housing to transportation. They may not see the light of day if Clinton and Congress no longer have to pay for new programs by achieving savings in old ones.

The possibility of huge budget surpluses is not a reason to return to old spendthrift ways that built up the $5.6 trillion national debt.

As Federal Reserve Chairman Alan Greenspan said last week, the best thing government can do with any extra money is pay down that debt. The proposed budget, though, continues to fund the debt with Social Security surpluses, not eliminate it as celebrants suggest.

To really pay it down, the government needs to run a real surplus. And that simply hasn't happened yet.

ZEALOTRY HAS AGAIN SHUT DOWN MUCH OF AMERICA'S GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, during the first dreadful year of the Republican takeover of this Congress, zealots right here in this House insisted on shutting down the government of the United States of America, causing considerable disruption and attracting a rather considerable and well-justified indignation and public outrage on the part of the American people.

I believe that America needs to know that this same brand of zealotry has again shut down a large part of our American government. During the month of January, the Congress of the United States did not approve one single bill.

This Congress indeed failed to even consider or debate here in the House a single piece of legislation; not improvements on the quality of public education, not a consumer bill of rights to help those who have been mismanaged by managed care in this country, not reform of our campaign finance system that is at the heart of so much wrong in what happens in this Congress. Not anything was done in this Congress.

Indeed, the leadership of this House has announced within the last few days that it plans to put campaign finance reform on the back burner, the same method that was used to strangle reform in 1998 and the years before under Republican control of this Congress.

While most Americans are out there working at least an 8-hour day, this House of Representatives worked on this floor during the month of January an 8-hour month. That is right, the House met here in session to work on the problems of the American people about the same amount of time in the entire month as the ordinary American worked in one single day.

Keep in mind that this inaction on the part of the Congress follows the year of 1998, a year which has been hailed by historians as perhaps the most unproductive and irresponsible of any year in the history of the Congress in the post World War II era. This is a Congress that, for the first time in 30 years of having a Budget Act, was not even able to agree on a Federal budget resolution because of an internal struggle in the Republican caucus here in the House between the far right and the not-so-right.

After failing to gain approval of a variety of schemes, this was a Republican House whose major accomplishment in 1998 was the passage of something called the Omnibus Appropriations Bill. That was the one that weighed in here at 40 pounds, almost broke the table up here at the front of the Congress, and which was presented in such a fashion that few if any Members knew what was in it until weeks later, as the reporters began to discover all the pork that was laden in this allegedly conservative bill.

Undoubtedly some Americans are going to be pleased to hear that this Congress is shut down and not doing anything, instead of approving that kind of nonsense. No doubt there will be some on the fringes who really believe the government should do nothing that will be very pleased that their dreams have been realized and that this House is largely doing nothing.

February, well, it does not look noticeably better. Under the best of circumstances, this House may convene for a few hours on about 10 days to approve a few largely uncontested bills.

Today, for example, we will pass the first piece of legislation in this Congress. It is a measure that we are approving, reapproving today, in the very same words that we approved unanimously last year. For some reason the Senate never got around to considering it.

Tomorrow we will replace one stopgap measure approved last fall with another stopgap measure to carry us forward just a few more months until the House finally gets down to work to develop a meaningful bipartisan long-term solution to the transportation problem.

I would say that even if we gave Ken Starr another $50 million or so to waste, I do not even believe he could find anything notable that this House has done in the opening weeks of 1999 to help the ordinary American citizen. Most of the folks that I represent down in central Texas would prefer to see their Representatives in this House, the people's House, tending to the Nation's business.

The President has outlined what I think are a number of very important budget priorities throughout December and January. I believe they demand our attention and debate. He has emphasized the importance of conserving the surplus, letting it build up. I believe we should do that. I believe it is time to stop the shutdown of this House and get back to the Nation's business.

HOW LONG WILL THE WAR WITH IRAQ GO ON BEFORE CONGRESS NOTICES?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. PAUL) is recognized during morning hour debates for 5 minutes.

Mr. PAUL. Mr. Speaker, I ask my fellow colleagues, how long will the war go on before Congress notices? We have been bombing and occupying Iraq since 1991, longer than the occupation of Japan after World War II. Iraq has never committed aggression against the United States.

The recent escalation of bombing in Iraq has caused civilian casualties to mount. The Clinton administration claims U.N. resolution 687, passed in 1991, gives him the legal authority to continue this war. We have perpetuated hostilities and sanctions for more than 8 years on a country that has never threatened our security, and the legal justification comes from not the U.S. Congress, as the Constitution demands, but from a clearly unconstitutional authority, the United Nations.

In the past several months the airways have been filled with Members of Congress relating or restating their fidelity to their oath of office to uphold the Constitution. That is good, and I am sure it is done with the best of intentions. But when it comes to explaining our constitutional responsibility to make sure unconstitutional sexual harassment laws are thoroughly enforced, while disregarding most people's instincts towards protecting privacy, it seems to be overstating a point, compared to our apathy toward the usurping of congressional power to declare and wage war. That is something we ought to be concerned about.

A major reason for the American Revolution was to abolish the King's power to wage war, tax, and invade personal privacy without representation and due process of law. For most of our history our presidents and our Congresses understood that war was a prerogative of the congressional authority alone. Even minimal military interventions by our early presidents were for the most part done only with constitutional approval.

This all changed after World War II with our membership in the United Nations. As bad as it is to allow our presidents to usurp congressional authority to wage war, it is much worse for the President to share this sovereign right with an international organization that requires us to pay more than our fair share while we get a vote no greater than the rest.

The constitution has been blatantly ignored by the President while Congress has acquiesced in endorsing the 8-year war against Iraq. The War Powers Resolution of 1973 has done nothing to keep our presidents from policing the world, spending billions of dollars, killing many innocent people, and jeopardizing the very troops that should be defending America.

The continual ranting about stopping Hussein, who is totally defenseless against our attacks, from developing weapons of mass destruction ignores the fact that more than 30,000 very real nuclear warheads are floating around the old Soviet empire.

Our foolish policy in Iraq invites terrorist attacks against U.S. territory and incites the Islamic fundamentalists against us. As a consequence, our efforts to develop long-term peaceful relations with Russia are now ending. This policy cannot enhance world peace. But instead of changing it, the President is about to expand it in another no-win centuries-old fight in Kosovo.

It is time for Congress to declare its interest in the Constitution and take responsibility on issues that matter, like the war powers.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 30 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

May Your gifts of goodness and peace, O God, be upon us and all people; may Your blessings of joy and happiness be and abide with us all; may Your abundant favor touch every person in the depths of their hearts; and may Your comfort bring healing and assurance to all in need. Above all the noise of each day and above any clash or contention, we are thankful that Your still small voice strengthens and ministers to us in our very souls. For this we are eternally grateful. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 20, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 20, 1999 at 11: 45 a.m.

That the Senate passed without amendment H. Con. Res. 11.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 29, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 29, 1999 at 1:00 p.m.

That the Senate passed S. Res. 30.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

APPOINTMENT OF MEMBERS TO INVESTIGATIVE SUBCOMMITTEES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER. Pursuant to the provisions of clause 5(a)(4)(A) of rule X and the order of the House of Tuesday, January 19, 1999, the Speaker on Thursday, January 28, 1999 named the following Members of the House to serve on investigative subcommittees of the Committee on Standards of Official Conduct for the 106th Congress:

Mrs. BIGGERT of Illinois,
Ms. GRANGER of Texas,
Mr. HASTINGS of Washington,
Mr. HULSHOF of Missouri,
Mr. LATOURETTE of Ohio,
Mr. MCCRERY of Louisiana,
Mr. MCKEON of California,
Mr. SESSIONS of Texas,
Mr. SHIMKUS of Illinois, and
Mr. THORNBERRY of Texas.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER laid before the House the following communication from RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 26, 1999.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to clause 5(a)(4)(A) of Rule X of the Rules of the House of Representatives I designate the following Members to be available for service on an investigative subcommittee of the Committee on Standards of Official Conduct:

Mr. CLYBURN of South Carolina,
Mr. DOYLE of Pennsylvania,
Mr. EDWARDS of Texas,
Mr. KLINK of Pennsylvania,
Mr. LEWIS of Georgia,
Ms. MEEK of Florida,
Mr. STUPAK of Michigan,
Mr. TANNER of Tennessee.

Two additional Members will be so designated at a later time.

Sincerely,

RICHARD A. GEPHARDT,
Democratic Leader.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER. Pursuant to the provisions of section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)) and the order of the House of Tuesday, January 19, 1999, the Speaker on Tuesday, January 26, 1999 appointed the following Member of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

Mr. HASTERT of Illinois.

ELECTION OF MEMBER TO COMMITTEE ON VETERANS' AFFAIRS

Mr. FROST. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 29) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 29

Resolved, That the following named Member is, and is hereby, elected to serve on the standing committee as follows:

Committee on Veterans' Affairs: Ms. BERKLEY, Nevada.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PLEDGE TO WORK HARD FOR CALIFORNIA'S 41ST CONGRESSIONAL DISTRICT

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GARY MILLER of California. Mr. Speaker, it is a great honor for me to be here as an elected representative of California's 41st Congressional District. Here, in the greatest representative body in the world, Members of the 106th Congress have a great deal of responsibility to the American people.

It is my intention to work in a bipartisan manner on some of the key issues facing us today. I will work to reduce government waste, bureaucracy, and red tape. I will work towards reducing the tax burden on the American people. For the senior citizens of my district, I promise to focus on saving Social Security. I will work to reform managed health care.

As a member of the House Committee on Transportation and Infrastructure, I will work with members of the California delegation to maintain Ontario International Airport and reduce traffic congestion on our region's interstate highways.

As a member of the House Committee on Science, I pledge to work towards maintaining our space program as well as ensuring that our country leads the world in technological innovation.

Finally, I wish to thank my family, friends, and the people of the 41st Congressional District for their guidance and their support.

To the people of my district, I pledge to you that I will work for your interest and will continue to earn your support.

IMF WANTS TO AID IRAQ

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, it is time to throw up. That is right. Check this out. Uncle Sam gives billions to the International Monetary Fund. Reports now say that the IMF wants to give billions of dollars in aid to Iraq. That is right, Iraq.

And you guessed it, the same reports say the White House has, quote-unquote, given their blessing. Unbelievable. While the White House bombs Iraq, the White House is supporting billions of dollars for Saddam Hussein. Beam me up. Who is on first, Mr. Speaker? What is on second?

Mr. Speaker, I yield back evidently all the advice the White House is getting from Larry, Moe, and Curly.

OPPOSE H.R. 45, NUCLEAR WASTE POLICY ACT OF 1999

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the month of January of this year has already come and gone. In just that one month, there have been seven major earthquakes in Yucca Mountain, Nevada. This is a site where this city's powerful nuclear waste lobbyists want to bury their nuclear waste.

This should not be a surprise, however, because Yucca Mountain, you see, is a mountain. It is not geologically stable. In fact, it is a mountain that is tectonically active.

Jerry Szymanski, a former Department of Energy geologist, said seismic design for a facility to transfer nuclear waste canisters above ground at Yucca Mountain is not possible there. He said, with 32 faults in the area, the mountain is capable of a magnitude 8.5, folks, earthquake, and poses too many risks and variables to design seismic standards.

Realize that one does not store nuclear waste in an area that ranks third in the country for seismic activity, an area that has more than 621 earthquakes in the past 20 years, and an area that had seven earthquakes in less than 30 days.

Oppose H.R. 45, my colleagues. This could weigh heavily on my colleagues' souls.

TRIBUTE TO RONALD DONNELL WALKER

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute.)

Mrs. JONES of Ohio. Mr. Speaker, I rise today, my first opportunity to speak from this well, on a solemn note, to memorialize and make part of the CONGRESSIONAL RECORD the life of the late Ronald Donnell Walker, the husband of my sister, Barbara Walker, and my brother-in-law.

Ronald Walker, who we affectionately call Uncle Ron, was born in Chattanooga, Tennessee on October 20, 1947. He attended Chattanooga public schools, graduating from Howard High School in 1965.

He attended Morris Brown College in Atlanta, Georgia where he majored in history and excelled at football. Upon graduation, he was drafted by the Detroit Lions football organization. However, his football career was cut short by a football injury.

In 1970, Ron married his college sweetheart, my sister, Barbara Tubbs. From this union, one son, Khari Walker, was born.

Ron was a certified property manager, and his professional career took his family to many cities. In each of these cities, he became actively involved with the church.

Ronald and Barbara were a team. When you asked for one, you always got two. So it was, from the beginning of their marriage right up to the end.

My sister Barbara was my campaign manager in my successful bid for Congress. It is as a result of their hard work that I stand before my colleagues today.

Most recently, Ron organized a bus trip to Washington for the 106th Congress swearing in. My last opportunity to see him. Thank God it was a joyous occasion, and all of my family was here to witness it.

God blessed me and the 11th Congressional District with this wonderful couple. I know that his work on earth will bring heavenly rewards.

Mr. Speaker, I include Ron's obituary for the CONGRESSIONAL RECORD.

The document is as follows:

THE OBITUARY OF RONALD DONNELL WALKER

Ronald Donnell Walker, son of Lenora Walker and the late John H. Walker, was born October 20, 1947, in Chatanooga, Tennessee. Ron attended Chatanooga public schools, graduating from Howard High School in 1965. He attended college at Morris Brown College in Atlanta, Georgia, where he majored in History and excelled at football. Ron was a member of Omega Psi Phi Fraternity Inc. and was nicknamed Ron "Freeway" Walker. He graduated in 1969 and was drafted by the Detroit Lions football organization. His football career was cut short by a football injury. He then began to pursue a career in property management.

In 1970 Ron married his college sweetheart, Barbara Tubbs. To this union, one son, Khari Walker, was born. The Walkers lived in many cities beginning in Cleveland, later moving to Atlanta, Washington, D.C., Hartford, back to Cleveland, Dayton, Pittsburgh and most recently, to Cleveland again. Ron was very active in the campaign to elect Congresswoman Stephanie Tubbs Jones (OH-11) and had recently returned from the official congressional swearing-in in Washington, D.C.

Ron professed his faith at an early age. In each city, in which the family lived, he found a church home and became very active. At First Baptist Church in Hartford, he was an ordained deacon and member of its housing corporation. In Dayton, Ron joined Canaan Missionary Baptist Church, in Pittsburg, Mount Arat Baptist Church. Each time they returned to Cleveland, Ron and Barbara reunited with Bethany Baptist Church, where he served as a deacon and she served as a missionary. They both worked with the pastor's aid and with the young people of Bethany.

Ron was devoted to his family and he left a host of family and friends to celebrate his life. Among them are his wife of twenty eight (28) years, Barbara Walker, sons, Khari Walker (Atlanta, GA.) and Kevin Erskine (Deborah, Murfreesboro, Tenn.) and three granddaughters, Jalysa, Jenne and Jenysa. He is also survived by his mother, Lenora Walker (Chatanooga, Tenn.), two sisters Julia Tousaint (New York, N.Y.) and Althea Jackson (Chatanooga, Tenn.), one brother, Rev. Anthony Walker (Lagail, Atlanta, GA.), one aunt, Dorothy Gilliam (Queens, N.Y.) his in-laws, Mr. and Mrs. Andrew Tubbs (Mary) sisters-in-law, Stephanie Tubbs Jones (Mervyn and Mervyn II) and Mattie Still (Robert, San Francisco, CA.). His brother, John H. Walker Jr. predeceased him.

Ron loved the Lord and he let his work speak for him. His generous size camouflaged his gentle mature. His captivating smile and infectious personality will be missed by all.

BRONCOS SUPER BOWL VICTORY

(Mr. TANCREDO asked and was given permission to address the House for 1 minute.)

Mr. TANCREDO. Mr. Speaker, although the rules of the House prevent me from donning this beautiful chapeau, I will hold it here nonetheless for the world to see.

Mr. Speaker, last Sunday in front of 75,000 fans in Miami and before around 800 million or so around the globe, a group of men from Colorado gave a clinic in the art of football. Of course I am speaking of the world champion Denver Broncos who convincingly passed, ran, and kicked for a 34 to 19 Super Bowl victory.

In a football season where many were calling on the NFL to bring back the instant replay, the Broncos did, and they have matching trophies to prove it.

This does not surprise anyone from my home State, but others had to learn the hard way that you cannot beat a balanced attack or a defense that only allows 25 points during the entire post season.

In conclusion, Mr. Speaker, I would like to point out to my colleagues that no NFL team has ever won three Super Bowls in a row. Next year, however, this standard of dominance could finally fall, but only to one team, the Denver Broncos. Speaking as a Coloradan, this is how it should be. I look forward to coming back to the floor one year from today and honoring the Broncos again.

GUADALUPE-HIDALGO TREATY LAND CLAIMS ACT OF 1999

(Mr. UDALL of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce a bill to right long-standing injustices. One hundred fifty-one years ago the Treaty of Guadalupe-Hidalgo was signed by the United States of America and the Republic of Mexico. In that the government, our government, promised to respect and protect the culture, property rights and language of the residents who would later become United States citizens.

These promises by our government were broken. Many land grant communities no longer exist. Many individuals have lost their land. This bill starts the long process to resolve these disputes and to bring our government in line with its treaty obligations.

Exactly 151 years ago today, the United States and Mexico signed the Treaty of Guadalupe-Hidalgo, officially ending the Mexican-American war.

Under the treaty, signed February 2, 1848, Mexico ceded to the United States more than 525,000 square miles of land, including all of what is now California, Nevada and Utah, as well as parts of four other states including my state of New Mexico.

As part of the treaty, the United States also agreed to honor the land holdings of the existing residents of its vast new territory. In many cases, however, the government ignored that pledge and the protections provided by the Constitution as more and more new settlers moved into this land covered by numerous Mexican and Spanish land grants.

Mr. Speaker, for 151 years, the United States government has turned its back on this issue. For 151 years, land grant heirs of New Mexico have cried out for justice.

Robert Kennedy once said that "Justice delayed is democracy denied."

Mr. Speaker, it is time to stop denying the full blessings of democracy to the land grant heirs. It's time to start hearing their cries.

In 1997, then-Representative Bill Richardson of New Mexico introduced legislation that would create a Presidential Commission to study the claims of the land grant heirs.

Last year, my predecessor, Mr. Redmond, introduced similar legislation in this body. With tremendous bipartisan support, the Guadalupe-Hidalgo Treaty Land Claims Act of 1998 passed overwhelmingly. Its supporters and cosponsors included not only the current Speaker of the House, but former Speaker Gingrich and members of the leadership of both parties.

With the passage of this bill, the House of Representatives sent a clear message that it was time to undo 151 years of injustice.

Unfortunately, Mr. Speaker, the legislation never made it through the Senate. And so I stand here today urging my colleagues to once again take a stand for justice.

The bill I introduce today is substantively the one passed by this body last year. The bill will:

(1) Create a five person Presidential Commission, called the Guadalupe Hidalgo Treaty Land Claims Commission, to review the claims of the land grant heirs.

(2) This commission will examine land claims, made by three or more eligible descendants of the same community land grant.

(3) The members of the commission will be appointed by the President by and with the advice of the Senate.

(4) The bill also creates a Community Land Grant Study Center at the Onate Center in Alcalde, New Mexico. The center will provide the means by which to conduct research, study and investigate the land grant claims.

(5) The bill authorizes a total of $8 million over the next eight years to pay for this.

This bill is a beginning, Mr. Speaker. It is my hope that this bill will be the conduit to continue to focus on this issue. I am confident that this body, and specifically members of the New Mexico delegation, can work together on this important matter.

Mr. Speaker, this bill rights a wrong. It creates a Presidential Commission to study the claims of the land grant heirs whose land was improperly taken over the past 151 years in the absence of protection by the U.S. government over the past 151 years.

It is time for our government to stop turning its back on the people of New Mexico. It is time for our government to stop turning its back on the Constitution.

Simply, Mr. Speaker, it is time for Congress to do the right thing.

This bill creates a commission that will evaluate each individual claim and make recommendations to Congress for final consideration.

It provides a fair solution. It provides a reasonable solution. And most importantly, Mr. Speaker, it provides a just solution.

POLL REVEALS AMERICAN WOMEN ARE CONSERVATIVE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I would like to share with my colleagues the results of a recent poll conducted by the Princeton Research Association for the Center for Gender Equity.

Mr. Speaker, the poll found that 53 percent of the females who responded thought abortion should be allowed only in cases of rape, incest, and to save the life of the mother. This is up from 45 percent in 1996.

Forty-one percent believe the issues that the Christian Coalition stands for would improve the lives of women, compared with 18 percent who said the group's issues make the lives of women worse.

Seventy-five percent said religion is very important in their lives, compared to 69 percent just two years ago. And 46 percent said politicians should be guided by religious values, compared to 32 percent six years ago.

To quote my former colleague, Randy Tate, "We are the mainstream. When two-thirds of American women agree with our agenda, even when they are asked by a liberal organization about us in their own poll, that is all the proof anyone needs."

I call these statistics to my colleagues' attention. I think it shows that American women are moving in a conservative stream.

□ 1415

SIERRA LEONE AND INTRODUCTION OF BILL DEALING WITH JOB LOSS INITIATIVE TASK FORCE ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, in Sierra Leone we have seen rebel offenses going after civilians day after day after day. Three thousand civilians dead have created a terrible, terrible tragedy in Sierra Leone and has created an acute need for medicine and health care and sanitation in this war-ravaged African nation. Rebels are attacking Sierra Leone's democratically-elected government. And so this week, Mr. Speaker, I will ask the State Department to do a thorough review of this tragedy and recommend solutions to this Congress that will protect these innocent people.

Domestically, Mr. Speaker, let me turn to another subject very quickly and talk of the thousands of layoffs in this country. Although the economy is good, we have seen the energy industry losing thousands of jobs. We have seen the aviation industry losing thousands of jobs. This week, Mr. Speaker, I propose to file a bill entitled the Job Loss Initiative Task Force Act to help those around the Nation who have lost their jobs be prepared for the 21st century with a variety of specific programs that will assist them to secure training and then new jobs so that they, too, can be part of this good economy.

PRESCRIPTION DRUGS

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I would like to take the opportunity to talk about a serious problem not only in my own district but around the country. Last week in our district in Houston we released statistics showing the high cost that fee-for-service Medicare recipients pay for prescription drugs. The minority staff of the Committee on Government Reform and Oversight conducted an investigation in the 29th District of Texas and found that seniors pay inflated prices for medication that they need to maintain their health. The five best-selling drugs for older Americans are almost twice as expensive as the prices drug companies charge their most favored customers, including the United States Government.

The fundamental problems with finding affordable prescriptions for seniors are that seniors should not be forced into a managed care program just because they cannot afford their prescriptions. Many seniors around the country do not even have the opportunity to join an HMO because it is not servicing their area. MediGap insurance premiums that cover prescriptions are exceedingly too high.

In the last Congress there was legislation introduced by the gentleman from Texas (Mr. TURNER), and I cosponsored it, which would have made critical drugs more affordable to seniors. Whether we consider this proposal or another, this Congress needs to address this issue for Medicare seniors.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURR of North Carolina). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

SMALL BUSINESS INVESTMENT COMPANY TECHNICAL CORRECTIONS ACT OF 1999

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 68) to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act, as amended.

The Clerk read as follows:

H.R. 68

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Investment Company Technical Corrections Act of 1999".

SEC. 2. SBIC PROGRAM.

(a) IN GENERAL.—Section 308(i)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 687(i)(2)) is amended by adding at the end the following: "In this paragraph, the term 'interest' includes only the maximum mandatory sum, expressed in dollars or as a percentage rate, that is payable with respect to the business loan amount received by the small business concern, and does not include the value, if any, of contingent obligations, including warrants, royalty, or conversion rights, granting the small business investment company an ownership interest in the equity or increased future revenue of the small business concern receiving the business loan.".

(b) FUNDING LEVELS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (d)(1)(C)(i), by striking "$800,000,000" and inserting "$1,200,000,000"; and

(2) in subsection (e)(1)(C)(i), by striking "$900,000,000" and inserting "$1,500,000,000".

(c) TECHNICAL CORRECTIONS.—Title III of the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) is amended—

(1) in section 303(g) (15 U.S.C. 683(g)), by striking paragraph (13);

(2) in section 308 (15 U.S.C. 687) by adding at the end the following:

"(j) For the purposes of sections 304 and 305, in any case in which an incorporated or unincorporated business is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to its shareholders or partners, an eligible small business or smaller enterprise may be determined by computing the after-tax income of such business by deducting from the net income an amount equal to the net income multiplied by the combined marginal Federal and State income tax rate for corporations."; and

(3) in section 320 (15 U.S.C. 687m), by striking "6" and inserting "12".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Speaker, this is an important measure, but before we get to it, I yield such time as he may consume to the gentleman from Ohio (Mr. TRAFICANT) who has another very important subject he wishes to discuss before the House.

(Mr. TRAFICANT asked and was given permission to speak out of order.)

TRIBUTE TO CHARLES BILLY MALRY

Mr. TRAFICANT. Mr. Speaker, I want to thank the distinguished gentleman for yielding me this time, and I rise to pay tribute to one of ours that has passed on, Charles Billy Malry, the gentleman, the tall black fellow that stood there working for the Clerk who for many years, 16 years, served this House. Five children he leaves, grandchildren, but more importantly he loved boxing, he loved photography, but he loved this House and he loved, admired and respected the Members of this House.

On behalf of everyone who knows Bill and was a friend of Bill, who always had a smile and always engaged us, always willing to contact us for need and to all his family, our deepest sympathy. The House will certainly miss his tremendous service.

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for remembering Mr. Malry. It is a good opportunity for us all to remember the staff who supports our work and supports the work we do on behalf of the country. They are, in a very enduring sense, the House, and the Congress, and I appreciate the gentleman and his comments and join them.

Mr. Speaker, let me begin by thanking my colleague, the ranking member on the Committee on Small Business, the gentlewoman from New York (Ms. VELÁZQUEZ), for her assistance in moving the bill and her help in fashioning it.

Mr. Speaker, the purpose of H.R. 68 is to make technical corrections to Title III of the Small Business Investment Act. Title III authorizes the Small Business Investment Company program. Small business investment companies, or SBICs, are venture capital firms licensed by the Small Business Administration that use SBA guarantees to leverage private capital for investment in small businesses. The technical corrections proposed by H.R. 68 will improve the flexibility of the SBIC program and allow increased access to this program by small business.

Congress revamped the SBIC program during the 103rd Congress to provide for a new form of leverage geared specifically toward equity investment in small businesses. Over the past few years as the new program has become established, certain deficiencies have come to light; and, in addition, certain statutory provisions have become obsolete.

H.R. 68 seeks to correct these deficiencies and remove provisions that may produce confusion due to changes in law and the character of the SBIC program.

First, H.R. 68 will modify the SBIC program to exclude contingent obligations from the calculation of interest and loans made by SBICs. These contingent obligations include financial tools like royalties, warrants, conversion rights and options.

Second, under H.R. 68, a provision in the Small Business Investment Act that reserves leverage for smaller SBICs will also be repealed. Changes in SBA policy regarding applications for leverage, statutory changes in the availability of commitments for SBICs and the makeup of the industry present the possibility that that provision may in fact create conflicts and confusion.

Third, H.R. 68 will increase the authorization levels for the participating securities segment of the SBIC program. The authorization levels will rise from $800 million to $1.2 billion in fiscal year 1999 and from $900 million to $1.5 billion in fiscal year 2000. These increases are necessary to meet the rising demand for this section of the SBIC program. Mr. Speaker, they in no way reflect the general revenue subsidy, simply the amount in the authorization levels for the program itself.

Fourth, H.R. 68 modifies the test for determining the eligibility of small businesses for SBIC financing. Current statutory language does not account for small businesses organized in pass-through tax structures such as S corporations, limited liability companies and partnerships.

Finally, H.R. 68 will allow the SBA greater flexibility in issuing trust certificates to finance the SBIC program's investments in small businesses. Current law allows fundings to be issued every 6 months or more frequently. This inhibits the ability of the SBICs and the SBA to form pools of certificates that are large enough to generate serious investor interest. Allowing more time between fundings will permit SBA and the industry to form larger pools for sale in the market, thereby increasing investor interest and improving the interest rates for the small businesses financed.

Mr. Speaker, this bill is important work. It will have a real impact on the businesses in this country seeking start-up financing and, at the end of the day, that is the most important part of our job.

Let me again thank the gentlewoman from New York (Ms. VELÁZQUEZ) and her staff for their assistance in moving the measure before us.

Mr. Speaker, I urge my colleagues to support H.R. 68.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume. I would like to thank the gentleman from Missouri for moving forward this bill in a bipartisan process and including me in this process.

I rise in strong support of H.R. 68, the Small Business Investment Company Technical Corrections Act. As a cosponsor of last year's bill and an original cosponsor of this legislation, I strongly support the improvements we will consider to the Small Business Investment Act and the Small Business Investment Company program today. These changes will only serve to make the SBIC program more efficient and responsive to the needs of small entrepreneurs.

There is no question that the value of SBICs has been felt across this Nation. SBICs have invested nearly $15 billion in long-term debt and equity capital to over 90,000 small businesses. Over the past years, SBICs have given companies like Intel Corporation, Federal Express and America Online the push they needed to succeed. And because of SBICs, millions of jobs have been created and billions of dollars have been added into our economy.

Even as America experiences the longest period of economic growth in decades, there are still many disadvantaged urban and rural communities that are being left behind. One way of bringing economic development and prosperity to more Americans is through the SBIC program.

In fact, SBICs are such a powerful tool that the President's new economic development initiative for these distressed communities, which he announced in the State of the Union address, is based on the solid framework of the SBIC program. By passing today's legislation, we are answering the President's challenge and making it easier for small businesses, especially in those targeted urban and rural areas, to access the capital that they need.

Today's legislation ensures that the next Fed Ex's and AOLs of this country continue to have a fighting chance. The proposal is simple. It will make five technical corrections to the Small Business Investment Company Act that will help SBICs and small businesses alike. By streamlining the process and increasing flexibility, SBICs will be able to creatively finance more businesses.

The changes under discussion today will provide SBICs and small business with important tools like equity features. This proposal will not only improve a business' cash flow but will also create a sound investment for the SBIC.

Recently we have also seen the SBIC program expand into new areas. Last year we witnessed the creation of two women-owned SBICs and the establishment of the first Hispanic-owned firm. By increasing funding levels, we can build on the growing popularity of the SBIC program and make it a vehicle for achieving greater investment returns from historically underserved markets, such as women, minorities and inner cities.

Additionally, by giving the SBIC program greater flexibility and ensuring investment guarantees, small businesses will be assured lower interest rates. The bill also confirms that most small businesses, regardless of their chosen business form, are eligible for SBIC financing.

Finally, we would clarify SBA's role in ensuring equitable distribution and management of its participating securities to SBICs of all sizes. These changes are part of an ongoing process that will enable us to provide creative financing to more small businesses more efficiently.

I am pleased to join the distinguished chairman in support of the proposed correction, and I urge the adoption of this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all let me commend the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ) for bringing this important legislation to the floor.

I rise today in support of H.R. 68, the Small Business Investment Company Technical Corrections Act. Congress created the Small Business Investment Company program to ensure that independent small businesses have access to long-term financial and venture capital resources. In my district as well as districts throughout America, there are many small businesses eager to take advantage of these resources, resources that have been made available to them by SBICs which offer a wealth of opportunity, such as long-term loans of up to 20 years, all funds for working capital and equipment, or help for companies to expand or renovate their facilities.

Mr. Speaker, I believe that this bill will add another layer of financing for our Nation's budding small businesses. I urge all of my colleagues to vote in favor of it.

We all know that small businesses are the foundation of our economy, and any effort to keep them alive, viable and thriving is worthy of our support and the support of all Members of this distinguished body. Therefore, again, I am pleased to join with my colleagues on the Committee on Small Business.

Again, I commend and congratulate the chairman, the gentleman from Missouri (Mr. TALENT) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), and urge passage of this important legislation.

Ms. VELÁZQUEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, today I am speaking in support of H.R. 68, the Small Business Investment Company Technical Corrections Act, because the success of small businesses is ultimately linked to their ability to obtain investment capital.

The Small Business Investment Act has largely met the growing demands to obtain credit and equity investment capital. This is evident in my own district where an SBIC, Kansas City equity partners, invested in Organized Living, a local storage organization business. Today, through the assistance of the SBIC, this business has grown to a 6-store, 20-plus million dollar storage company.

The changes offered in this bill will strengthen these public/private partnerships to provide small businesses like Organized Living greater access to investment capital. It will also lower interest rates on loans and better cash flow. These improvements will allow small businesses to continue to create jobs and add billions of dollars to our economy.

Mr. Speaker, as a newly-appointed member of the Committee on Small Business and an original cosponsor of H.R. 68, I urge my colleagues to support this measure.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the biggest challenge facing our Nation's business is access to capital. For small businesses, access to capital means access to opportunity, and by passing the Small Business Investment Company Technical Corrections Act today, we can take an important step toward giving small businesses a chance to take advantage of that opportunity.

The SBIC program has an impressive history of helping small businesses grow and expand. The work done by SBIC is especially critical now as everyday more and more private venture dollars are sent overseas to help support companies that compete with U.S. businesses.

The SBIC program helps level the playing field for American business by focusing solely on helping domestic small businesses. These are companies that create the bulk of American jobs.

Furthermore, SBICs fill a unique gap by providing capital to companies that need smaller loans which are not generally made by large banks or lending institutions. The competitiveness that SBIC provides our small businesses helps strengthen our American economy.

The changes that will result from H.R. 68 will provide SBICs with the flexibility to offer more loans, increase the amount of available funding and lower interest rates.

Today's measure will help SBICs build on their already impressive work and pave the way for future small business success stories. I urge everyone to support the Small Business Investment Company Technical Corrections Act. Vote yes on H.R. 68.

Mr. Speaker, I yield back the balance of my time.

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have had discussion here on the floor about the importance of this bill, and I appreciate the gentlewoman's comments about the importance of this program. It is the only equity investment program as opposed to loan program in which the Federal Government plays a part for small business and it is therefore particularly important.

Those of us who are familiar with small business start-ups and expansion know that there are many small businesses that need investment, rather than additional loans. They are carrying enough debt but they needed some additional money put into the business. The SBIC program is the avenue for accomplishing that. We have nurtured it and shepherded it over the years and it is doing extremely well.

This bill is necessary in order for the program to continue moving forward, and I would appreciate the House's support for H.R. 68.

Once again, I want to express my appreciation to the distinguished gentlewoman from New York (Ms. VELÁZQUEZ).

Mr. Speaker, I have no more speakers and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the bill, H.R. 68, as amended.

The question was taken.

Mr. TALENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DANTE B. FASCELL NORTH-SOUTH CENTER

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 432) to designate the North/South Center as the Dante B. Fascell North-South Center

The Clerk read as follows:

H.R. 432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NORTH/SOUTH CENTER AS THE DANTE B. FASCELL NORTH-SOUTH CENTER.

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) SHORT TITLE.—This section may be cited as the "Dante B. Fascell North-South Center Act of 1991";

(2) in subsection (c)—

(A) by amending the subsection heading to read as follows: "DANTE B. FASCELL NORTH-SOUTH CENTER.—"; and

(B) by striking "known as the North/South Center," and inserting "which shall be known and designated as the Dante B. Fascell North-South Center,"; and

(3) in subsection (d), by striking "North/South Center" and inserting "Dante B. Fascell North-South Center".

SEC. 2. REFERENCES.

(a) CENTER.—Any reference in any other provision of law to the educational institution in Florida known as the North/South Center shall be deemed to be a reference to the "Dante B. Fascell North-South Center".

(b) SHORT TITLE.—Any reference in any other provision of law to the North/South Center Act of 1991 shall be deemed to be a reference to the "Dante B. Fascell North-South Center Act of 1991".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with a great deal of pleasure that I bring a bill before the House to honor our esteemed former colleague, the distinguished chairman of the Committee on International Relations, Dante Fascell. Our friend and colleague, Dante Fascell, regrettably passed away on November 29 after a long illness. On October 29, one month before Congressman Fascell died, President Clinton honored him at Cape Canaveral, Florida, with our Nation's highest civilian honor, the Medal of Freedom. Well over 100 Members of Congress signed what the White House termed the most bipartisan petition for the Medal of Freedom that they had ever seen.

Mr. Speaker, this bill renames the educational institution known as the North/South Center as the Dante B. Fascell North-South Center. Chairman Fascell was responsible for establishing that center in 1991 to help us promote better relations between our Nation and the nations of Latin America, the Caribbean and Canada through cooperative study, training and research.

During his tenure on the Committee on Foreign Affairs, Dante Fascell was instrumental in enacting an astonishing array of bills that significantly advanced Americans' interest abroad, and those included the creation of the National Endowment for Democracy, Radio Marti, and the Inter-American Foundation. Congressman Fascell also authored and advanced numerous bills to improve international narcotics control and aviation safety, as well as securing passage of the Freedom Support and SEED Acts, the Fascell Fellowships and the biennial State Department authorization bills. Dante Fascell also was a driving force behind establishing the Committee on Security and Cooperation in Europe.

Today we recognize the significant contributions that former Chairman Fascell made to U.S.-Latin American relations and indeed to so many other aspects of our Nation's foreign policy. He was a dedicated legislator and statesman. It is a privilege to sponsor this measure with our committee's ranking Democratic member, the distinguished gentleman from Connecticut (Mr. GEJDENSON). This is only a modest gesture to recognize a truly great American.

Mr. Speaker, tomorrow we will be honoring the memory of Congressman Fascell in a ceremony in our Foreign Affairs Committee room, and I urge our colleagues to join us on that occasion.

I ask support for this measure, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of the bill. I had the privilege of serving under Chairman Fascell for many years, and I think what we are doing here today is obviously an appropriate response. But we could really go to almost any corner of the globe and look at the tremendous work that Dante did. There was no place where humans were in suffering, where there was a crisis, that Dante Fascell did not take a leadership role in trying to resolve that crisis, to relieve that pain.

But it is appropriate, looking at the place where he had his greatest focus, settling in Florida early in this century, he recognized before most of the rest of the country did how critical this North/South relationship would be, economically and politically, and for his years in the Congress he led the fight to make sure that we engaged our Latin American neighbors on an equal footing, trying to help nurture their democratic institutions and their economies.

What we do here today is a small part of the honor that Dante deserves. We all miss him, and we all admire and respect his great accomplishments.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the distinguished ranking member, the gentleman from Connecticut (Mr. GEJDENSON), for yielding this time to me, and I thank the distinguished gentleman from New York (Mr. GILMAN) for bringing this measure to the floor.

Mr. Speaker, I was a sophomore at Coral Gables High School in the fall of 1954, and there was a gentleman running for Congress. I was 15 years of age, and the gentleman's name was Dante Fascell. I did not know him, but that was the first congressional race I ever focused on because we had a Problems of Democracy class, and we studied the congressional election.

Mr. Speaker, Dante Fascell was elected to the Congress that year, and 27 years later, in 1981, I was elected to the Congress. Dante Fascell had already served from 1955 to 1981, and was one of the senior Members. I had met Dante Fascell on numerous times before my election to Congress, and we had become good friends.

In 1976 Speaker O'Neill appointed Dante Fascell chairman of the Commission on Security and Cooperation in Europe. That is now known as the Organization on Security and Cooperation in Europe, and it is a vital factor in European peacekeeping, in a focus on human rights and conflict resolution. It is playing a major role in Bosnia and a major role in Kosovo. The OSC, a very vibrant organization, was formed in August of 1975 when 35 signatory States, including the United States and Canada, joined with 33 European states in forming the Organization on Security, then called the Conference on Security and Cooperation in Europe.

Dante Fascell was a vital founding member of that organization. As the Chairman of the Commission on Security and Cooperation in Europe from 1976 to 1985, he forged U.S. policy in many ways regarding security and cooperation in Europe.

Upon his becoming Chairman of the Foreign Affairs Committee in 1985, I was privileged to be recommended by him and then appointed by Speaker O'Neill to succeed him as chairman of the Commission on Security and Cooperation in Europe.

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Mr. Speaker, those who did not know Dante Fascell missed knowing a very decent, able, giving, caring, effective American and Member of this body.

Dante Fascell was the epitome of a bipartisan Member of the House. He worked without respect to party. He worked on behalf of the best interests of the United States of America and the best interests of the world community. He was, in many ways, an international citizen.

I had the opportunity to attend the North American Assembly on numerous occasions with Dante Fascell and others, and Dante Fascell was appropriately perceived as a leader in that organization, which is an adjunct of NATO.

Dante Fascell has been missed in this body since he left. When he left the Congress, he returned to practice law in his beloved Florida. I had the opportunity of talking to him on numerous occasions, and I lament his loss.

Dante Fascell was a good and decent man, who raised his hand and swore to defend the Constitution of the United States. No Member has done his duty better than Dante Fascell. We do ourselves proud by passing this legislation and honoring Dante Fascell.

Dante Fascell honored this institution and the people's House through his service. He served the people of Florida for over 30 years with such distinction that Floridians felt compelled every two years to return him to this body. I am honored to join with the gentleman from Connecticut (Mr. GEJDENSON), my good friend, the gentleman from New York (Mr. GILMAN), and all the Members of this body, to say to Dante Fascell, thank you and farewell. You were honored while you were here, and you are honored still.

Mr. GEJDENSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in very strong support of this bill, which would designate the North/South Center at the University of Miami as the Dante B. Fascell North/South Center.

My rhetorical question is, how else could it be, what other name could be designated, to cover this center? No man in this country has done more for north-south relations than the late Dante Fascell.

But what I liked most about Dante Fascell was that he was a gentleman. He was a populist. The people knew him well. I serve part of his district today, and never a day passes that someone does not say something good to me about what Dante Fascell has done.

Mr. Speaker, that will be Dante's legacy, what he has done for the people, what he has done to make relationships between the north and the south become real.

I want to thank the gentleman from New York (Chairman GILMAN) for his initiative in this matter, for it is a fitting honor for a truly great, and, most of all, humble man.

For 38 years, Dante Fascell served on the House Committee on Foreign Affairs, eight years as a full committee chairman. He devoted his whole life time to the service of this Nation and the nations of the world, a man of great insight, a man of good judgment and knowledge.

He advised presidents, but he never lost common touch, Mr. Speaker. He was sought by foreign leaders and foreign dignitaries, but he never got so full he didn't think about the people back home who had domestic problems as well.

Throughout his decades of service in this body, Mr. Fascell became more and more convinced of the need for an American foreign policy based on cultural, educational, trade and person-to-person exchanges between nations, in addition to normal government-to-government contacts.

His vision became reality at his alma mater, the University of Miami. If it were not for Dante Fascell, you would not see the strong cemented relationships now that exist between this country and Latin America and other countries, particular in the Caribbean as well.

He is recognized as the father of the North/South Center, which today Congress has seen fit, thank God, to authorize as one of the Nation's leading institutions, focusing on improving relations between the countries of North and South America and the Caribbean.

Despite his great achievements, Dante Fascell never forgot his roots, he never forgot from whence he came. The son of Italian immigrants, he met with presidents and kings and was a recipient of the President's Medal of Honor, the highest civilian honor that can be bestowed by our country. He was, by any measure, a truly great man, but he was, nonetheless, always friendly, and I keep underlining that, open and approachable to his constituents in South Florida.

Who among you who knew him can forget the warm feeling inside just knowing that Dante was on the phone waiting to talk to you? He was welcome wherever he went.

There is not anyone in South Florida that can ever forget attending the Dante Fascell picnic on Labor Day, where they got to shake hands with the proud and the mighty as well as the low and those were aspiring to be high. He committed his efforts to solving little problems, as well as big ones. His common sense and common touch endeared him to literally generations of voters. It is not an exaggeration to say that by the end of his service in Congress, he was, as he is today, and I believe will remain forever, truly a legend in Florida and in this country.

Mr. Fascell retired from Congress the year that I was elected, in 1992, so I never had the honor of serving with Dante. But the minute I hit Capitol Hill, Dante saw fit to advise me. He never said, "CAROL, you can't do this." He said, "You strive for what you want and work hard for it, and you can get it done."

I knew Dante for many years, and he did not hide behind his desk. He came out and advised me as to what I should do. In typical Fascell fashion, he opened up his office. Right now I am sitting in my office in one of Dante Fascell's chairs. I wish, by God, I could ever reach any heights that Dante reached. But the mere fact I inherited his furniture gave me a certain amount of inspiration and motivation to do well here. As a new Member of Congress, he opened up his doors to me.

When he retired, Dante said something that bears repeating. He said, "We should all be proud of whatever part we have done to promote the American dream. For all its faults, our method of self-government allows for more tolerance of other people and their views; more compromise when our opinions differ; and more willingness to listen to other people's problems than any government I have dealt with during my long association with nations."

He was proud of this nation. He was proud of this institution. He was proud of South Florida. He was proud of South Florida. I wish more of us in this body could emulate Dante Fascell, to share in his national pride, and spend more time in making this institution one in which there is love and caring for everyone, instead of tearing it down.

Throughout his life, Dante Fascell set a very high standard for public service, which all of us should follow. I am completely confident, Mr. Speaker, that those of you here today who served with Dante Fascell will agree with me that he is one of the finest men who will ever serve in this body.

Mr. GEJDENSON. I again commend the chairman for moving this resolution. Dante Fascell was an incredible individual. We are all privileged to have served with him. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 432 and H.R. 68.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Connecticut (Mr. GEJDENSON) for his supportive remarks. I thank the gentlewoman from Florida (Mrs. MEEK) for her support and her eloquent words.

Mr. DIAZ-BALART. Mr. Speaker, I rise today in support of this legislation to rename the University of Miami's North/South Center in honor of my good friend Dante B. Fascell. Dante Fascell worked tirelessly to help create and fund the North/South Center during his tenure as the Chairman of the House Foreign Affairs Committee. Throughout his service in Congress, Dante Fascell was a constant advocate for the cause of democracy and open dialogue among the nations of the Western Hemisphere. Our nation owes him a debt of gratitude for his years of service.

Dante Fascell's support for the creation of the North/South Center stemmed from his strong belief that the free exchange of ideas would strengthen our nation's security, competitivenes and economic vitality. The North/South Center provides a forum for research and policy analysis that is unparalleled by any other institution in the country and promotes better understanding and relations between the United States, Canada, and the nations of Latin America and the Caribbean.

In 1990, with the pasage of the North/South Center Act, Congress authorized the establishment of the Center as a place for "cultural and technical interchange between North and South." Dante Fascell's dream was to focus the country on the pursuit of policies which strengthen our national economic policy, trade practices, and relations with the countries of the Western Hemisphere.

The North/South Center plays many roles. It is a think-tank, a foundation, a public resource center and a repository of information. The work of the Center informs our national debate regarding topics of major significance, such as trade, economic growth, immigration, drug control policies, and the spread of democracy.

There is no greater way that we can thank Dante Fascell for his vital contributions to the North/South Center than naming it in his honor. Dante Fascell served his constituents in Florida and the nation as a whole for 36 years. He is, indeed, worthy of this tribute and I think that this is an excellent way to honor his memory.

Mr. DEUTSCH. Mr. Speaker, I rise in strong support for H.R. 432—a bill to designate the North-South Center as the Dante B. Fascell North-South Center. This legislation is a fitting tribute to a man who devoted his life toward promoting cultural understanding throughout the world.

South Florida was deeply saddened to learn of Dante's passing on November 28, 1998. Dante, the son of Italian immigrants and a World War II veteran, became a legend in South Florida during his 38-year career in Congress. He is remembered as a powerful, yet kind political figure who left an enduring mark on the Everglades, the Florida Keys, and world affairs.

An advisor to eight Presidents, Dante remained a humble man who demonstrated the greatest qualities of any public servant. Reflecting on his service upon his retirement from Congress, Dante said, "We all should be proud of whatever part we have done to promote the American dream."

Dante held a strong belief in American democracy saying, "For all its faults, our method of self-government allows for more tolerance of other people and their views, more compromise when our opinions differ and more willingness to listen to other people's problems than any government I have dealt with during my long association with other nations." Last October, President Clinton presented Dante with the Presidential Medal of Freedom—our nation's highest civilian honor—calling him a "man of reason and conscience" who was "courageous in war and public service."

Mr. Speaker, it is entirely appropriate that Congress dedicate Miami's North-South Center to Dante Fascell. This designation reflects Dante's impact on the Caribbean and Central America, both of which he felt were direct extensions of South Florida. Among his most famous statements, Dante often said, "When Central America sneezes, Miami catches cold." The North-South Center is a living extension of Dante's long-held belief that cultural and economic understanding between the Americas is essential to our mutual prosperity. I rise in full support of H.R. 432 and urge my colleagues' unanimous support.

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 432, a bill to name the North-South Center after our former colleague, the late Dante Fascell.

It is fitting that Congress is naming the North-South Center, which Dante helped found, in his honor. During his long and distinguished career in the House, Dante used his position as chairman of the Foreign Affairs Committee to promote understanding and cooperation between nations of the Western Hemisphere. To advance this view, in 1984 Dante helped establish the North-South Center, located in Miami. This educational institution helps promote better relations between the United States and the other nations of the Western Hemisphere through cooperative study, training and research. Today, the North-South Center plays an essential role in the conduct of American diplomacy.

Mr. Speaker, one of Chairman Fascell's top priorities in Congress was to promote closer relations among our allies in this hemisphere. Dante was also a tireless fighter against tyranny and oppression in Latin America and the Caribbean. Since the North-South Center is essentially carrying on Dante's work, it is fitting that this organization be named in his honor. I hope the naming of the North-South Center will remind future generations, and especially South Floridians, the gratitude we owe Dante Fascell for his tireless efforts.

I urge my colleagues to support H.R. 432.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 432.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PERMITTING USE OF CAPITOL ROTUNDA FOR CEREMONY COMMEMORATING DAYS OF REMEMBRANCE FOR VICTIMS OF HOLOCAUST

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 19) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. THOMAS)?

Mr. HOYER. Mr. Speaker, reserving the right to object, I yield to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, this concurrent resolution is one that is presented annually, and, up until today, at least for a decade, and I believe this resolution has been requested for two decades, at least for a decade, it was sponsored by the gentleman from Illinois, Mr. Yates.

Sid Yates is no longer with us, so it is my privilege to offer this resolution with the ranking Member of the Committee on House Administration, the gentleman from Maryland (Mr. HOYER), the gentleman from Connecticut (Mr. GEJDENSON), the gentleman from Ohio, (Chairman REGULA), the gentleman from New York (Chairman GILMAN), the gentleman from Ohio (Mr. LATOURETTE), and the gentleman from California (Mr. LANTOS).

Mr. Speaker, this year's celebration is one that strikes a theme directly remembering the period just prior to the United States entering World War II and the tumultuous nature of international relations at the time. The U.S. Holocaust Memorial Council is entrusted with sponsoring appropriate observances of the days of remembrance, and the U.S. Capitol rotunda ceremony is part of that effort.

The theme of the 1999 commemoration is the 60th anniversary of the voyage of the S.S. *St. Louis*. In 1939, if you will all recall, Hitler's invasion of Poland on September 1, 1939, is usually marked as the actual beginning of the Second World War, the *St. Louis* sailed. It had as its passengers 936 Jewish refugees. It left Europe and moved toward the United States, where it was refused entry, and it was refused entry in Cuba. The refugees then returned to Western Europe.

Then, of course, we know that following the invasion of Poland, Hitler and the German forces moved south, invading the Netherlands, Belgium and then France. These individuals, who were simply looking for freedom, found themselves refugees under the National Socialist rule and subject to the Holocaust.

The Survivors Registry is currently attempting to document the fate of the 936 passengers of the *St. Louis*. Until we are able to document the actual fate of these individuals, it is entirely appropriate on the 60th anniversary of these people, simply looking for freedom and being rejected by the country that calls itself the Beacon of Freedom, to remember the Holocaust in the way that I think strengthens this Nation's commitment to democracy and human rights.

Mr. HOYER. Mr. Speaker, continuing my reservation, I am pleased to yield to my good friend, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

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Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman from California (Mr. THOMAS) for bringing this measure to the floor at this time.

The commemoration of the Holocaust is so important, and the fact that we do it here in the Capitol building, in the Rotunda, is an extremely important reminder to the entire world of the importance that we place on the Holocaust.

Mr. Speaker, I am pleased to be able to support the House Concurrent Resolution, H. Con. Res. 19, authorizing the use of the Capitol Rotunda for a ceremony commemorating the victims of the Holocaust. That important ceremony is scheduled to take place in the Capitol on April 13, 1999, from 8 a.m. to 3 p.m.

The passage of this resolution and the subsequent Ceremony of the Days of Remembrance will provide the centerpiece of similar Holocaust remembrance ceremonies that take place throughout our Nation. This day of remembrance will be a day of speeches, reading and musical presentation, and will provide the American people and those throughout the world an important day to study and to remember those who suffered and those who survived.

Mr. Speaker, it is important that we keep the memory of the Holocaust alive as part of our living history. As Americans, we can be proud of our efforts to liberate those who suffered and survived in the oppressive Nazi concentration camps. Let us never forget the harm that prejudice, oppression and hatred can cause.

Mr. HOYER. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of the resolution. Last April I was honored to participate in the National Civic Commemoration of the Days of Remembrance in the Rotunda. If my colleagues have not experienced this moving ceremony, I strongly encourage them to attend.

During last year's commemoration, I stood with Holocaust survivors in a Capitol Rotunda that was filled with the saddest of memories from inspirational lives, lives like that of my constituent, Mr. Alec Mutz. I was privileged to light a memorial candle with Mr. Mutz, who survived three ghettos and five concentration camps.

During this commemoration, the prayers of remembrance and the voices of children reading diaries from those dark days hung in the air of the Rotunda. And as the United States Army carried the flags of the regiments, the spirit of the Allied forces that had liberated those concentration camps, my heart was so heavy and my spirit so haunted I could hardly breath. It is an experience that will never leave me.

I urge my colleagues to overwhelmingly support this resolution. It is a part of the vow that we have taken to never forget the Holocaust, lest history repeat itself. Mr. Speaker, this message must resonate throughout the ages. Our children and our children's children must learn of the Holocaust to ensure that it will never happen again.

In that vein, I would also like to commend to my colleagues the Justice for Holocaust Survivors Act that I reintroduced earlier this year. H.R. 271 would allow an estimated 60,000 Holocaust survivors to sue the German Government in United States Federal courts for equitable compensation. I know that many House Members have been frustrated in their efforts to help Holocaust survivors persuade the German Government to provide some measure of reparation. But, unfortunately, too often they have met our efforts with bureaucratic semantics and stonewalling.

H.R. 271 would give Holocaust survivors a last chance for justice. Since I introduced the bill in the last Congress, I have heard from hundreds of survivors, all denied a chance to have Germany simply acknowledge the truth about the savage and inhuman treatment to which they were subjected. Their loss, pain and suffering was and is real. They deserve compensation for the horrors that they have suffered: physical torture, mental abuse, loss of family, destruction of culture.

Mr. Speaker, as we act to remember the Holocaust with the Commemoration of the Days of Remembrance, let us also act to give these courageous survivors the last beacon of hope for just resolution of the wrongs that they have suffered. I urge my colleagues to support this resolution and to cosponsor H.R. 271, the Justice for Holocaust Survivors Act.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for her comments, and I thank her also for her leadership in so many different efforts directed at ensuring that human rights are observed, not just in the United States but around the world.

Mr. Speaker, continuing under my reservation, I am pleased to join with the gentleman from California (Mr. THOMAS) in support of this concurrent resolution, which provides for the annual remembrance for victims of the Holocaust in the Rotunda of the Capitol, on Tuesday, April 13, 1999.

I want to join with the gentleman from California (Mr. THOMAS) in recognizing that this resolution was for many years introduced by one of our finest Members, Sidney Yates from Illinois. Sidney Yates retired last year, and so the chairman of our committee, the gentleman from California (Mr. THOMAS) and I, along with some of our colleagues, are introducing it. But he stood as a giant on behalf of those who would not let this generation or generations yet to come forget the Holocaust.

There is no occasion more important for the international community and for humanity than to remember the tragedy that occurred in the 1930s and 1940s, the massive loss of life and the tragic reality of man's inhumanity to man. It is appropriate, Mr. Speaker, that we use the Rotunda, the scene of so many historic events, to draw attention again to one of the great tragedies in human history, and to remind ourselves that such events must never, never, never again be permitted to occur.

We perhaps delude ourselves that in this great country this could not happen. I like to believe and do believe that is true, but we know just a short time ago in Texas we had an African-American dragged from the back of a truck and brutally murdered. That was because he was an African-American. We know too that in the State of Wyoming we had a young man, I think he was 19 years of age, perhaps a little older, lose his life because of his sexual orientation. We see today a slaughter in Kosovo, men, women and children shot at close range in the face, unarmed.

What Days of Remembrance seeks to do is to make sure that we remember man's inhumanity to man and be vigilant to its recurrence. In this country we are fortunate to have a system that intervenes and acts and imposes the law. But, unfortunately, there are too many nations where might makes right, as it did in Nazi Germany.

The ceremony on April 13 will be part of the annual Days of Remembrance sponsored by the United States Holocaust Memorial Council, and is intended to encourage citizens to reflect on the Holocaust, to remember its victims, and to strengthen our sense of democracy and human rights.

We talked just a little earlier in this session about Dante Fascell and his chairmanship on the Commission on Security and Cooperation in Europe. Basket three of that document says specifically that there are certain international principles which apply to every Nation in dealing with its own citizens, and that those standards of the international community must be observed if a Nation is expected to be a full, participating, respected member of the international community.

Other events remembering the Holocaust will be occurring throughout the country. Each year the ceremony has a theme geared to specific events which occurred during the Holocaust. The gentleman from California (Mr. THOMAS) referred to the sailing of the *St. Louis* on May 13, 1939, 60 years ago.

Just as so many refugees came from Europe and other parts of the world, they came to the United States. They came to a nation that has a Statue of Liberty that says, "Give me your tired, your poor, your huddled masses yearning to be free, the wretched refuse of your teeming shore. Send these, the homeless, tempest tossed to me, I lift my lamp beside the golden door."

Mr. Speaker, the lamp may have been lifted, but the door was closed. That was a tragedy, not only for the 900 plus souls that sailed on the *St. Louis*, but as well for a Nation that perceived itself as a refuge from tyranny and despotism. They went, as the Chairman said, then to Cuba, and again, the door was closed. Both the United States and Cuba refused the ship entry.

It was, therefore, forced to return to Europe whence it came, where the passengers were dispersed, having no place to go, through several countries. And the tragedy is that a portion of those 936 souls were lost in the Holocaust, murdered because they were Jews, not because of any action they had taken, not because of any crime they had committed, but simply because of their religion and their national origin. An effort is being made to document the fate of these passengers through the use of worldwide archival materials, information provided by Jewish communities and other sources.

Mr. Speaker, Members of the Congress realize the importance of remembering the victims of the Holocaust and encouraging continuing public reflections on the evils which can occur and tragically are occurring in our world today.

Mr. Speaker, there are 435 of us in this House elected by our neighbors to represent them. Eleven million people by some counts, and far greater by others, including 6 million Jews, lost their lives before the Allies achieved victory and put an end to the Nazi death camps. And while the remembrance commemorates historical events, the issues raised by the Holocaust remain fresh in our memories as we survey the scene in several parts of the world, even today.

Mr. Speaker, I want to thank and congratulate the gentleman from California (Mr. THOMAS) for introducing this on the first day of our session. His leadership on this issue was important, and I know his commitment is as real as any in this body, because this is such an important resolution to pass.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 19

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used from 8 o'clock ante meridian until 3 o'clock post meridian on April 13, 1999, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 19.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 68, by the yeas and nays;

H.R. 432, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

SMALL BUSINESS INVESTMENT COMPANY TECHNICAL CORRECTIONS ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 68, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the bill, H.R. 68, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 2, not voting 29, as follows:

[Roll No. 7]

YEAS—402

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin

Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—2

Paul
Sanford

NOT VOTING—29

Barcia
Bateman
Boehner
Brown (CA)
Carson
Cooksey
Delahunt
DeLay
Deutsch
Ehlers
Gutknecht
Jefferson
LaHood
Lantos
Leach
Luther
McDermott
McGovern
Moakley
Pickett
Quinn
Rush
Scott
Sisisky
Tanner
Tierney
Towns
Udall (CO)
Young (FL)

□ 1534

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. QUINN. Mr. Speaker, on rollcall No. 7, I was inadvertently detained. Had I been present, I would have voted "yea."

Mr. MCDERMOTT. Mr. Speaker, during rollcall vote No. 7, H.R. 68, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURR of North Carolina). Pursuant to the provisions of clause 9 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

DANTE B. FASCELL NORTH-SOUTH CENTER

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 432.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 432, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 24, as follows:

[Roll No. 8]

YEAS—409

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)

Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—24

Bateman
Brown (CA)
Carson
Cooksey
Delahunt
DeLay
Deutsch
Ehlers
Gutknecht
Jefferson
LaHood
Lantos
Leach
Luther
McGovern
Moakley
Pickett
Rush
Scott
Sisisky
Tanner
Tierney
Towns
Young (FL)

□ 1550

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTKNECHT. Mr. Speaker, due to flight cancellations earlier today, I was unable to be present to vote on Tuesday, February 2, 1999, for the following votes:

Rollcall No. 7—H.R. 68—I would have voted "yea."

Rollcall No. 8—H.R. 432—I would have voted "yea."

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber on February 2, 1999, during rollcall vote Nos. 7 and 8. Had I been present, I would have voted "aye" on rollcall vote No. 7, and "aye" on rollcall vote No. 8.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. WATTS of Oklahoma. Mr. Speaker, I offer a resolution (H. Res. 30) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 30

Committee on Government Reform: Mrs. CHENOWETH.

Committee on the Judiciary: Mr. BACHUS.

Committee on Science: Mr. SANFORD; and Mr. METCALF.

Committee on Small Business: Mr. PEASE; Mr. THUNE; and Mrs. BONO.

Committee on Transportation and Infrastructure: Mr. BEREUTER; Mr. KUYKENDALL; and Mr. SIMPSON.

Committee on Veterans' Affairs: Mr. HANSEN; Mr. MCKEON; and Mr. GIBBONS; all to rank in the named order following Mr. LAHOOD.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TRIBUTE TO CHARLES "BILLY" MALRY

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, those of us who have the great privilege of serving in this body because of our election from our constituencies come to this floor every day and walk the halls of this Capitol which we revere. Every day we see the faces of and know the names of some who serve this institution so well. They are individuals who care as deeply for their country as those of us who are elected to serve in this body, and their quiet, unassuming competence adds to the quality of service that we give to the American public.

Mr. Speaker, I rise to note sadly, as others have done, the passing of a friend, the passing of a servant of this House, a servant of the people, as we are all servants of the people. His name was Charles "Bill" Malry. Some of my colleagues may not know the name, but they saw him in the Speaker's Lobby. They would see him in the cloakroom. He facilitated the operations of this House.

He was born May 6, 1936, in Greer, South Carolina, and was raised in Washington. He served in the Army until 1962. After his return from the Army he worked at the O Street Market here in Washington, D.C.

In 1966, 32 years ago, he started working here in the Capitol, where he worked until his death the very night the President delivered his State of the Union message. Billy was in the cloakroom, on duty, assisting Members, facilitating our work. God took him home.

Billy enjoyed entertaining people as well as music and photography. He was a real person, a warm person, a caring person. He cared about each one of us. Those of us who had the privilege of being his friend will never forget him.

He was the father of five children: Renee, Charles, Charles Jr., Michael and Tonya. His mother, Frances Malry Allen, nine grandchildren, as well as four brothers and seven sisters are left behind.

Mr. Speaker, I had the privilege of going to the church here in Washington, and I talked to his mother, and I congratulated her for raising a son who had done so much for his country and so much for each of us. Billy's smile and warmth and service will be missed. Bill Malry served his country well.

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following communication from the President of the United States:

THE WHITE HOUSE,
Washington, February 1, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to 31 U.S.C. 1105, attached is the Budget of the United States Government for Fiscal Year 2000.

Sincerely,

WILLIAM J. CLINTON.

BUDGET OF THE UNITED STATES GOVERNMENT, FISCAL YEAR 2000—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-3)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

The 2000 Budget, which I am submitting to you with this message, promises the third balanced budget in my Administration. With this budget, our fiscal house is in order, our spirit strong, and our resources prepare us to meet the challenges of the next century.

This budget marks a new era of opportunity. When I took office six years ago, I was determined to reverse decades of fiscal decline—a time when deficits grew without restraint, the economy suffered, and our national purpose seemed to be undermined. For too many years, the deficit loomed over us, a powerful reminder of the Government's inability to the people's business.

Today, Americans deserve to be proud and confident in their ability to meet the next set of challenges. In the past six years, we have risen to our responsibilities and, as a result, have built an economy of unprecedented prosperity. We have done this the right way—by balancing fiscal discipline and investing in our Nation.

This budget continues on the same path. It invests in education and training so Americans can make the most of this economy's opportunities. It invests in health and the environment to improve our quality of life. It invests in our security at home and abroad, strengthens law enforcement and provides our Armed Forces with the resources they need to safeguard our national interests in the next century.

This year's budget surplus is one in many decades of surpluses to come—if we maintain our resolve and stay on the path that brought us this success in the first place. The budget forecasts that the economy will remain strong, producing surpluses until well into the next century.

The 21st Century promises to be a time of promise for the American people. Our challenge as we move forward is to maintain our strategy of balancing fiscal discipline with the need to make wise decisions about our investment priorities. This strategy has resulted in unprecedented prosperity; it is now providing us with resources of a size and scope that just a few years ago simply didn't seem possible. Now that these resources are in our reach, it is both our challenge and responsibility to make sure we use them wisely.

First and foremost, in the last year of this century, the task awaiting us is to save Social Security. The conditions are right. We have reserved the surplus, our economy is prosperous, and last year's national dialogue has advanced the goal of forging consensus. Acting now makes the work ahead easier, with changes that will be far simpler than if we wait until the problem is closer at hand.

In my State of the Union address, I proposed a framework for saving Social Security that will use 62 percent of the surplus for the next 15 years to strengthen the Trust Fund until the middle of the next century. Part of the surplus dedicated to Social Security would be invested in private securities, further strengthening the Trust Fund by drawing on the long-term strength of the stock market, and reducing the debt to ensure strong fiscal health. This proposal will keep Social Security safe and strong until 2055. In order to reach my goal of protecting and preserving the Trust Fund until 2075, I urge the Congress to join me on a bipartisan basis to make choices that, while difficult, can be achieved, and include doing more to reduce poverty among single elderly women.

I am committed to upholding the pledge I made last year—that we must not drain the surplus until we save Social Security. It is time to fix Social Security now. And once we have done so, we should turn our efforts to other pressing national priorities. We must fulfill our obligation to save and improve Medicare—my framework would reserve 15 percent of the projected surplus for Medicare, ensuring that the Medicare Trust Fund is secure for 20 years. It would establish Universal Savings Accounts, using just over one-tenth of the surplus to encourage all Americans to save and invest so they will have additional income in retirement. I propose that we reserve the final portion of the projected surplus, 11 percent, to provide resources for other pressing national needs that will arise in the future, including the need to maintain the military readiness of the Nation's Armed Forces, education, and other critical domestic priorities.

CHARTING A COURSE FOR THE NEW ERA OF SURPLUS

Six years ago, when my Administration took office, we were determined to create the conditions for the Nation to enter the 21st Century from a position of strength. We were committed to turning the economy around, to reining in a budget that was out of control, and to restoring to the country confidence and purpose.

Today, we have achieved these goals. The budget is in balance for the first time in a generation and surpluses are expected as far as the eye can see. The Nation's economy continues to grow; this is the longest peacetime expansion in our history. There are more than 17 million new jobs; unemployment is at its lowest peacetime level in 41 years; and today, more Americans own their own homes than at any time in our history.

Americans today are safer, more prosperous, and have more opportunity. Crime is down, poverty is falling, and the number of people on welfare is the lowest it has been in 25 years. By almost every measure, our economy is vibrant and our Nation is strong.

Throughout the past six years, my Administration has been committed to creating opportunity for all Americans, demanding responsibility from all Americans and to strengthening the American community. We have made enormous strides, with the success of our economy creating new opportunity and with our repair of the social fabric that had frayed so badly in recent decades reinvigorating our sense of community. Most of all, the prosperity and opportunity of our time offers us a great responsibility—to take action to ensure that Social Security is there for the elderly and the disabled, while ensuring that it not place a burden on our children.

We have met the challenge of deficit reduction; there is now every reason for us to rise to the next challenge. For sixty years, Social Security has been a bedrock of security in retirement. It has saved many millions of Americans from an old age of poverty and dependency. It has offered help to those who become disabled or suffer the death of a family breadwinner. For these Americans—in fact, for all Americans—Social Security is a reflection of our deepest values of community and the obligations we owe to each other.

It is time this year to work together to strengthen Social Security so that we may uphold these obligations for years to come. We have the rare opportunity to act to meet these challenges—or in the words of the old saying, to fix the roof while the sun is shining. And at least as important, we can engage this crucial issue from a position of strength—with our economy prosperous and our resources available to do the job of fixing Social Security. I urge Americans to join together to make that happen this year.

BUILDING ON ECONOMIC PROSPERITY

At the start of 1993, when my Administration took office, the Nation's economy had barely grown during the previous four years, creating few jobs. Interest rates were high due to the Government's massive borrowing to finance the deficit, which had reached a record $290 billion and was headed higher.

Determined to set America on the right path, we launched an economic strategy built upon three elements: promoting fiscal responsibility; investing in policies that strengthen the American people, and engaging in the international economy. Only by pursuing all three elements could we restore the economy and build for the future.

My 1993 budget plan, the centerpiece of our economic strategy, was a balanced plan that cut hundreds of billions of dollars of Federal spending while raising income taxes only on the very wealthiest of Americans. By cutting unnecessary and lower-priority spending, we found the resources to cut taxes for 15 million working families and to pay for strategic investments in areas including education and training, the environment, and other priorities meant to improve the standard of living and quality of life for the American people.

Six years later, we have balanced the budget; and if we keep our resolve, the budget will be balanced for many years to come. We have invested in the education and skills of our people, giving them the tools they need to raise their children and get good jobs in an increasingly competitive economy. We have expanded trade, generating record exports that create high-wage jobs for millions of Americans.

The economy has been on an upward trend, almost from the start of my Administration's new economic policies. Shortly after the release of my 1993 budget plan, interest rates fell, and they fell even more as I worked successfully with Congress to put the plan into law. These lower interest rates helped to spur the steady economic growth and strong business investment that we have enjoyed for the last six years. Our policies have helped create over 17 million jobs, while interest rates have remained low and inflation has stayed under control.

As we move ahead, I am determined to ensure that we continue to strike the right balance between fiscal discipline and strategic investments. We must not forget the discipline that brought us this new era of surplus—it is as important today as it was during our drive to end the days of deficits. Yet, we also must make sure that we balance our discipline with the need to provide resources for the strategic investments of the future.

IMPROVING PERFORMANCE THROUGH BETTER MANAGEMENT

Vice President Gore's National Partnership for Reinventing Government, with which we are truly creating a Government that "works better and costs less," played a significant role in helping restore accountability to Government, and fiscal responsibility to its operations. In streamlining Government, we have done more than just reduce or eliminate hundreds of Federal programs and projects. We have cut the civilian Federal work force by 365,000, giving us the smallest work force in 36 years. In fact, as a share of our total civilian employment, we have the smallest work force since 1933.

But we have set out to do more than just cut Government. We set out to make Government work, to create a Government that is more efficient and effective, and to create a Government focused on its customers, the American people.

We have made real progress, but we still have much work to do. We have reinvented parts of departments and agencies, but we are forcing ahead with new efforts to improve the quality of the service that the Government offers its customers. My Administration has identified 24 Priority Management Objectives, and we will tackle some of the Government's biggest management challenges—meeting the year 2000 computer challenge; modernizing student aid delivery; and completing the restructuring of the Internal Revenue Service.

I am determined that we will solve the very real management challenges before us.

PREPARING FOR THE 21ST CENTURY

Education and Training: Education, in our competitive global economy, has become the dividing line between those who are able to move ahead and those who lag behind. For this reason, I have devoted a great deal of effort to ensure that we have a world-class system of education and training in place for Americans of all ages. Over the last six years, we have worked hard to ensure that every boy and girl is prepared to learn, that our schools focus on high standards and achievement, that anyone who wants to go to college can get the financial help to attend, and that those who need another chance at education and training or a chance to improve or learn new skills can do so.

My budget significantly increases funds to help children, especially in the poorest communities, reach challenging academic standards; and makes efforts to strengthen accountability. It proposes investments to end social promotion, where too many public school students move from grade to grade without having mastered the basics, by expanding after school learning hours to give students the tools they need to earn advancement. The budget proposes improving school accountability by funding monetary awards to the highest performing schools that serve low-income students, providing resources to States to help them identify and change the least successful schools. It invests in programs to help raise the educational achievement of Hispanic students. The budget invests in reducing class size by recruiting and preparing thousands more teachers and building thousands more new classrooms. It increases Pell Grants and other college scholarships from the record levels already reached. My budget also helps the disabled enter the work force, by increasing flexibility to allow Medicaid and Medicare coverage and by providing tax credits to cover the extra costs associated with working.

Families and Children: During the past six years, we have taken many steps to help working families, and we continue that effort with this budget. We cut taxes for 15 million working families, provided a tax credit to help families raise their children, ensured that 25 million Americans a year can change jobs without losing their health insurance, made it easier for the self-employed and those with pre-existing conditions to get health insurance, provided health care coverage for up to five million uninsured children, raised the minimum wage, and provided guaranteed time off for workers who need to care for a newborn or to address the health needs of a family member.

I am determined to provide the help that families need when it comes to finding affordable child care. I am proposing a major effort to make child care more affordable, accessible, and safe by expanding tax credits for middle-income families and for businesses to increase their child care resources, by assisting parents who want to attend college meet their child care needs, and by increasing funds with which the Child Care and Development Block Grant will help more poor and near-poor children. My budget proposes an Early Learning Fund, which would provide grants to communities for activities that improve early childhood education and the quality of child care for those under age five. And it proposes increasing equity for legal immigrants by restoring their Supplemental Security Income benefits and Food Stamps and by expanding health coverage to legal immigrant children.

Economic Development: Most Americans are enjoying the fruits of our strong economy. But while many urban and rural areas are doing better, too many others have grown disconnected from our values of opportunity, responsibility and community. Working with the State and local governments and with the private sector, I am determined to help bring our distressed areas back to life and to replace despair with hope. I am proposing a New Markets Investment Strategy which will provide tax credit and loan guarantee incentives to stimulate billions in new private investment in distressed rural and urban areas. It will build a network of private investment institutions to funnel credit, equity, and technical assistance into businesses in America's untapped markets, and provide the expertise to targeted small businesses that will allow them to use investment to grow. I am also proposing to create more Empowerment Zones and Enterprise Communities, which provide tax incentives and direct spending to encourage the kind of private investment that creates jobs, and to provide more capital for lending through my Community Development Financial Institutions program. My budget also expands opportunities for home ownership, provides more funds to enforce the Nation's civil rights laws, maintains our government-to-government commitment to Native Americans, and strengthens the partnership we have begun with the District of Columbia.

Health Care: This past year, we continued to improve health care for millions of Americans. Forty-seven States enrolled 2.5 million uninsured children in the new Children's Health Insurance Program. By executive order, I extended the patient protections that were included in the Patient's Bill of Rights, including emergency room access and the right to see a specialist, to 85 million Americans covered by Federal health plans, including Medicare and Medicaid beneficiaries and Federal employees. Medicare beneficiaries gained access of new prevention benefits, managed care choices, and low-income protections. My budget gives new insurance options to hundreds of thousands of Americans aged 55 to 65. I am advocating bipartisan national legislation to reduce tobacco use, especially among young people. And I am proposing a Long-Term Care initiative, including a $1,000 tax credit, to help patients, families, and care givers cope with the burdens of long-term care. The budget enables more Medicare recipients to receive promising cancer treatments by participating more easily in clinical trials. And it improves the fiscal soundness of Medicare and Medicaid through new management proposals, including programs to combat waste, fraud and abuse.

International Affairs: America must maintain its role as the world's leader by providing resources to pursue our goals of prosperity, democracy, and security. The resources in my budget will help us promote peace in troubled areas, provide enhanced security for our officials working abroad, combat weapons of mass destruction, and promote trade.

The United States continues to play a leadership role in a comprehensive peace in the Middle East. The Wye River Memorandum, signed in October 1998, helps establish a path to restore positive momentum to the peace process. My budget supports this goal with resources for an economic and military assistance package to help meet priority needs arising from the Wye Memorandum.

Despite progress in making peace there are real and growing threats to our national security. The terrorist attack against two U.S. embassies in East Africa last year is a stark reminder. My budget proposes increased funding to ensure the continued protection of American embassies, consulates and other facilities, and the valuable employees who work there. Our security and stability throughout the world is also threatened by the proliferation of weapons of mass destruction and their means of delivery. The budget supports significant increases for State Department efforts to address this need.

National Security: The Armed Forces of the United States serve as the backbone of our national security strategy. In this post-Cold War era, the military's responsibilities have changed, but not diminished—and in many ways have become ever more complex. The military must be in a position to guard against the major threats to U.S. security: regional dangers, such as cross-border aggression; the proliferation of the technology of weapons of mass destruction; transnational dangers, such as the spread of illegal drugs and terrorism; and direct attacks on the U.S. homeland from intercontinental ballistic missiles or other weapons of mass destruction.

Last year, the military and civilian leaders of our Armed Forces expressed concern that if we do not act to shore up our Nation's defenses, we would see a future decline in our military readiness—the ability of our forces to engage where and when necessary to protect the national security interests of the United States. Our military readiness is currently razor-sharp, and I intend to take measures to keep it that way. Therefore, I am proposing a long-term, sustained increase in defense spending to enhance the military's ability to respond to crises, build for the future through weapons modernization programs, and take care of military personnel and their families by enhancing the quality of life, thereby increasing retention and recruitment.

Science and Technology: During the last six years, I have sought to strengthen science and technology investments in order to serve many of our broader goals for the Nation in the economy, education, health care, the environment, and national defense. My budget strengthens basic research programs, which are the foundation of the Government's role in expanding scientific knowledge and spurring innovation. Through the 21st Century Research Fund, the budget provides strong support for the Nation's two largest funders of civilian basic research at universities: the National Science Foundation and the National Institutes of Health. My budget provides a substantial increase for the National Aeronautics and Space Administration's Space Science program, including a significant cooperative endeavor with Russia.

My budget also provides resources to launch a bold, new Information Technology Initiative to invest in long-term research in computing and communications. It will accelerate development of extremely fast supercomputers to support civilian research, enabling scientists to develop life-saving drugs, provide earlier tornado warnings, and design more fuel-efficient, safer automobiles.

The Environment: The Nation does not have to choose between a strong economy and a clean environment. The past six years are proof that we can have both. We have set tough new clean air standards for soot and smog that will prevent up to 15,000 premature deaths a year. We have set new food and water safety standards and have accelerated the pace of cleanups of toxic Superfund sites. We expanded our efforts to protect tens of millions of acres of public and private lands, including Yellowstone National Park and Florida's Everglades. Led by the Vice President, the Administration reached an international agreement in Kyoto that calls for cuts in greenhouse gas emissions. In my budget this year, I am proposing a historic interagency Lands Legacy initiative to both preserve the Nation's Great Places, and advance preservation of open spaces in every community. This initiative will give State and local governments the tools for orderly growth while protecting and enhancing green spaces, clean water, wildlife habitat, and outdoor recreation. I also propose a Livability Initiative with a new financing mechanism, Better America Bonds, to create more open spaces in urban and suburban areas, protect water quality, and clean up abandoned industrial sites. My budget continues to increase our investments in energy-efficient technologies and renewable energy to strengthen our economy while reducing greenhouse gases. And I am proposing a new Clean Air Partnership Fund to support State and local efforts to reduce both air pollution and greenhouse gases.

Law: Our anti-crime strategy is working. For more than six years, serious crime has fallen uninterrupted and the murder rate is down by more than 28 percent, its lowest point in three decades. But, because crime remains unacceptably high, we must go further. Building on our successful community policing (COPS) program, which in this, its final year, places 100,000 more police on the street, my budget launches the next step—the 21st Century Policing initiative. This initiative invests in additional police targeted especially to crime "hot spots," in crime fighting technology, and in community based prosecutors and crime prevention. The budget also provides funds to prevent violence against women, and to address the growing law enforcement crisis on Indian lands. To boost our efforts to control illegal immigration, the budget provides the resources to strengthen border enforcement in the South and West, remove illegal aliens, and expand our efforts to verify whether newly hired non-citizens are eligible for jobs. To combat drug use, particularly among young people, my budget expands programs that stress treatment and prevention, law enforcement, international assistance, and interdiction.

ENTERING THE 21ST CENTURY

As we prepare to enter the next century, we must keep sight of the source of our great success. We enjoy an economy of unprecedented prosperity due, in large measure, to our commitment to fiscal discipline. In the past six years, we have worked together as a Nation, facing the responsibility to correct the mistaken deficit-driven policies of the past. Balancing the budget has allowed our economy to prosper and has freed our children from a future in which mounting deficits threatened to limit options and sap the country's resources.

In the course of the next century, we will face new challenges for which we are now fully prepared. As the result of our fiscal policy, and the resources it has produced, we will enter this next century from a position of strength, confident that we have both the purpose and ability to meet the tasks ahead. If we keep our course, and maintain the important balance between fiscal discipline and investing wisely in priorities, our position of strength promises to last for many generations to come.

The great and immediate challenge before us is to save Social Security. It is time to move forward now.

We have already started the hard work of seeking to build consensus for Social Security's problems. Let us finish the job before the year ends. Let us enter the 21st Century knowing that the American people have met one more great challenge—that we have fulfilled the obligations we owe to each other as Americans.

If we can do this—and surely we can—then we will be able to look ahead with confidence, knowing that our strength, our resources, and our national purpose will help make the year 2000 the first in what promises to be the next American Century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 1, 1999.*

□ 1615

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF ALBANIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–16)

The SPEAKER pro tempore (Mrs. BIGGERT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

I am submitting an updated report to the Congress concerning the emigration laws and policies of Albania. The report indicates continued Albanian compliance with U.S. and international standards in the area of emigration. In fact, Albania has imposed no emigration restrictions, including exit visa requirements, on its population since 1991.

On December 5, 1997, I determined and reported to the Congress that Albania is not in violation of paragraphs (1), (2), or (3) of subsection 402(a) of the Trade Act of 1974, or paragraph (1), (2), or (3) of subsection 409(a) that act. That action allowed for the continuation of normal trade relations status for Albania and certain other activities without the requirement of an annual waiver. This semiannual report is submitted as required by law pursuant to the determination of December 5, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 2, 1999.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PROGRESS OF LIVABLE COMMUNITIES MOVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, we begin the new session on a note of optimism that has been sounded by Republican leaders, by our Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), and by the President of the United States in his recent appearance in this Chamber. This is important, because we have been consumed by the dark cloud hanging over this Capitol.

Over this past year, a few bright spots have indeed emerged. I am especially pleased with the progress and the attention given to the Livable Communities movement.

Recently highlighted by the administration in the President's State of the Union speech, elements were previewed a week earlier by the Vice President, who is a major architect of this work. The Vice President's address last September at the Brooking Institute was one of the best statements I have heard on the importance of Livable Communities and how to encourage them.

While I am pleased with their leadership, I want to caution that this is not just a partisan initiative of the Democratic administration. As an appointee over 25 years ago of Oregon's legendary Republican Governor Tom McCall to his Livable Oregon Committee, I know full well that making our communities livable does not have to be a partisan effort. Indeed, it should not be.

Oregon's achievements in land use, transportation and environmental protection have made it a beacon for the Livable Communities movement. Our efforts were marked by a spirit of bipartisan cooperation. Nationally, we have seen an example of Republican interest when Governor Christy Todd Whitman made "Livable New Jersey" the theme of her second and final inaugural address.

The most important strength of the Livable Communities movement is that it transcends even bipartisan politics. Over 200 local and state ballot initiatives faced voters this November from around the country signaling a new era of grassroots pressure to create more livable communities and to have government become a better partner in that effort. I would note that an overwhelming majority of those initiatives passed.

For some it is too easy to discount the Federal role, citing local control, fear of regulation or simply misreading history. The fact is the Federal Government has been a partner with local government and the private sector in shaping the landscape and building communities since the Federal Government first started taking land away from the native Americans, who were largely hunters and gatherers, and gave it to European farmers, who cut and burned the forests for farms.

Now that President Clinton and Vice President GORE have made Livable Communities a priority, raising new levels of interest, it is more important than ever that the problems of dysfunctional communities be addressed by we in Congress.

This movement brings together communities, large and small, rural and urban, inner city and suburb. This Congress has an historic opportunity to rise above partisanship and business as usual to work together to improve the quality of life of all Americans.

These proposals will not end up costing great sums of money; indeed, by and large, they will save money and create wealth. They are not going to put people at risk. They will indeed strengthen the lives of our communities and enrich them.

It does not require picking winners and losers. Livable Communities do not discriminate against one another, they reach out to include people. There is something in it for everyone.

During the work of the last Congress, on the ISTEA reauthorization to create T–21, I used a scriptural reference found in Isaiah, 58:12. If anything, it is more applicable for the Livable Communities initiative.

> Those from among you shall build the old waste places; you shall rise up the foundations of many generations; and you shall be called the Repairer of the Breach, the Restorer of Streets to Dwell In.

In the weeks ahead, I will be suggesting simple, inexpensive steps that we can all take to make our communities safe, economically secure and healthy; from not having our communities held hostage to the whims of billionaire sports franchise owners, to making the Post Office obey local land use, planning and zoning codes and work with local communities before they make decisions that have the potential of tearing the heart out of historic small town America; to reforming flood insurance, to make it more cost effective and efficient.

It is time for us in Congress to heed the Prophet Isaiah and to be about this important work of making our communities more livable.

□ 1630

AMERICA'S LEADERS, PAST AND PRESENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to highlight tonight the accomplishments of Jennifer Valoppi, a woman who has served as a wonderful example for teenage girls in my community of South Florida, and at the same time she has committed herself to her profession, rising to excellence within her chosen field as a television anchor.

In 1997 Jennifer conceived, created and founded what is now a very successful program in South Florida called Women of Tomorrow. She convinced her employer, NBC 6, to sponsor this wonderful, ambitious program that has helped so many teens who otherwise might not have successful role models to look up to.

"Women of Tomorrow" is structured in such a way that it pairs professional women in our South Florida area with teenage girls in order to improve their self-esteem, and it also provides guidance and nurturing in their lives. This fantastic program is designed to show young women the endless possibilities ahead of them as they embark on the beginning of their adult lives.

Mentors meet with small groups, usually no larger than 10 girls in a group, to discuss the girls' ambitions, their motivations, their positive attitudes, the achievement of their dreams, in addition to sharing personal stories of triumph and, of course, temporary setbacks and obstacles.

In addition to launching this wonderful organization devoted to teenage girls, Jennifer Valoppi is a multi-Emmy award winning journalist who has twice been named "Best TV News Anchor." She inspires us with her dedication and her drive to improve the world around us.

Madam Speaker, Jennifer Valoppi has made a tremendous mark on our community. I applaud all of her efforts, and I hope that more women of South Florida get in touch with Jennifer and also become part of this teen mentoring program, Women of Tomorrow.

THE DANTE FASCELL NORTH-SOUTH CENTER

Ms. ROS-LEHTINEN. Madam Speaker, another leading citizen of our community unfortunately is no longer with us, and I would like to say a few words about this very unique individual.

In Latin there is a phrase "sui generis" which refers to something unique and rare. I can think of no other way to describe our former South Florida colleague, Dante Fascell. Dante was a man of vision and of skill, whose intellect and political sense were instrumental in the passage of countless foreign policy measures throughout his tenure in this House, and in particular during the 14 years that he had the great privilege of chairing the Committee on International Relations which was then called the House Foreign Affairs Committee.

Dante Fascell was a vital figure in the fight for democracy in my native homeland of Cuba, in all of Central America. He authored programs such as the Cuban Refugees Assistance Act, and he advocated the founding and was successful in establishing Radio and TV Marti. The freedom fighters throughout our Western Hemisphere always knew that they enjoyed the support of Chairman Dante Fascell because he not only fought to protect the national security interests of his country, our beloved United States, but he was unwavering in his efforts to help those who are struggling to regain their rights as freedom-loving human beings, as citizens of the world, and as brothers and sisters in the greater family of nations.

Dante Fascell understood the idiosyncracies, the internal political dynamics, the historical context, and the global developments which impacted our region, especially the North-South relations, and for this reason he spearheaded and was successful in the creation of the North-South Center in his hometown of Miami and his beloved university, the University of Miami. He did this in order to promote an even greater understanding of the issues, in order to move the discussions toward a proactive solution-based approach.

It is appropriate that the father of the North-South Center, the man whose vision and perseverance helped make this dream a reality, be honored by having the North-South Center carry his name and the University of Miami, and in this fashion the legacy of Dante Fascell will continue to inspire future generations of leaders.

So I am honored today to say some words of praise to a man who is no longer with us, Dante Fascell, but also to praise today's leaders who are very much with us, like Jennifer Valoppi, and who are leading the way for the women leaders of tomorrow.

WELCOMING MEMBERS TO THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Madam Speaker, I come to the floor this afternoon to welcome all Members, especially new Members, to the 106th Congress. Whether one is Republican or Democrat, I am your Congresswoman away from home, and I want to tell you a little bit about this city and a little bit about the assistance I can offer you while you are here, because you are going to spend more time in the District of Columbia than you will spend in your own district.

Some of you live here, all of you work here. Many of you will have your entertainment here. Matters arise in the city. If you need help, including help for your constituents, I hope you will call me. If you live in the city, there are inevitable problems that arise with your trash, with rodents. No tickets, please. We cannot take back tickets, for the most part, although there are a few instances where the District cannot write tickets for Members of Congress, and I suppose we will submit those to the District. What we really love are shortcuts to getting a marriage license. Since I have been in Congress, I have helped at least three Members get marriage licenses.

In any case, when one is wondering where to turn when anything arises in this city, whether it is city services or the city at large, please call my office.

On Monday, February 23, 1999, we are having a formal event called Ask Me About Washington. You and your staffs are invited, with a free lunch.

I want to tell you about hometown Washington. Forget what you have heard. A revolution has occurred in this city. It has a new mayor, a reinvigorated city council, and a control board that operates with a much reduced capacity. The city is in the hands of its new mayor, Tony Williams, the man who helped repair the city's finances and, as a result, got elected mayor. I work closely with him and have great hopes in what he can do for this city, because he has already done a great deal for the city when he was chief financial officer.

The city' problems came largely from the fact that since its establishment 200 years ago, it has been the only city in the United States that has carried State, county and municipal functions. It is a miracle that the District was up and standing so long carrying State functions, despite its big city urban problems that all of you have in your own States.

Congress has relieved the city of some of its State functions, much to the credit of the Congress and the President. So the District has had three years of surpluses and is no longer even close to insolvent.

You should also know about the city that it is a city at the very top in so many ways. We are fifth per capita in the United States in the number of residents who have a bachelor's degree. The residents keep this city running for the 25 million people who come here to see the monuments and the city every year, and we keep it running out of our own pocket with $5 billion raised from taxpayers in the District. We do this with no grant from the Federal Government, despite the fact that the Federal Government takes 40 percent of the land off of our tax rolls for Federal office space and monuments.

We are third per capita in Federal income taxes paid to the Federal Treasury, and yet my folks have no representation in the Senate, and only me, a delegate, in the House. This is a historic anomaly, along with the fact that you will be asked to vote on local matters, occasional local matters affecting the District, and even on our appropriation, none of which is raised by the Federal Government. This is an anomaly that is impossible to justify today. All that we ask is that you be respectful of local government, as you insist in your own district and State. Congress should never intrude on the Democratic prerogatives of a local people, and I ask for that respect in the name of the people I represent.

Please know that you are in one of the most livable and beautiful cities in the United States. New Members will shortly be receiving a letter from me about this city. Members who have been here before will be receiving an update. You do not need to go far to know what a beautiful city this is as a hometown community. Not only the Congresswoman, but all of the elected officials and the residents stand ready to help you enjoy the city.

I want to be clear that my office is here at the disposal of Members of the House and the Senate. If you have a problem in the District, you do not have to call the District straight away to try to find out where and who to go to to deal with it. Call your Congresswoman away from home, Congresswoman ELEANOR HOLMES NORTON, who proudly represents the more than one-half million people who have the good fortune to live in the Nation's Capital.

ILL-ADVISED U.S. INTERVENTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, I have always believed that national defense is one of the most and at times the most important and most legitimate function of our national government. I have strongly supported our military, although at times I have also supported some cost-saving measures in defense spending.

I voted for the Gulf War several years ago because Saddam Hussein had moved against another country, Kuwait, and was threatening others. He had what was considered to be the strongest military in the Middle East, although we now know that we vastly overestimated his strength. There were fears then that he might try to take over the entire region if he was not stopped.

A few months ago I voted for the $100 million U.S. contribution to try to remove him. From what I have read, Saddam Hussein appears to be a horrible megalomaniac, a terrible dictator who has killed people to stay in power, and I would agree with anything bad that one could say about him.

But I believe that Robert Novak, the nationally syndicated columnist and TV commentator, is right when he calls our action against Iraq "a phony, political war."

Iraq's military strength was almost wiped out by the Gulf War eight years ago. Our sanctions since that time have ruined what was left of Iraq's economy. Our latest bombings have been against an extremely weak, almost defenseless nation, and in fact, against a military the size and strength of ours, Iraq is defenseless. We are doing this to a country that made no overt action against us, and in fact did not even threaten to.

There is no threat to our national security. There is no vital U.S. interest at stake or that is even threatened. Iraq is not even a paper tiger today.

Some of our leaders have tried their best to make Iraq sound threatening by repeatedly talking about weapons of mass destruction, yet in several years of inspections by U.N. inspectors, no weapons of mass destruction were found. Besides, many nations, including us and our leading allies, have weapons of mass destruction. We cannot go bomb every nation that has some weapon of mass destruction.

We have spent over $2 billion on the Iraqi deployment over the last few months and are still spending huge amounts; many, many millions each day. This is a surrealistic war. Most Americans do not even feel like we are at war. The news from Iraq is not even making the front pages.

All we are doing is wasting billions of dollars and making enemies all over the world. We are repeatedly involving ourselves in ethnic, religious and historical conflicts, some of which have been going on for centuries and which will go on long after we pull out, if we ever do. All we are doing is wasting billions of dollars and making enemies all over the world.

We have turned our military into international social workers. A few years ago the front page of the Washington Post carried a story that said we had our troops in Haiti picking up garbage and settling domestic disputes. Last year on this floor I heard another Member say we had our troops in Bosnia giving rabies shots to dogs. Most Americans believe the Haitians should pick up their own garbage and that the Bosnians should give their own rabies shots.

By the way, the President originally promised we would be out of Bosnia by the end of 1996. Yes, 1996. This is February of 1999, and we are still there.

Now we are preparing to send troops to Kosovo. We sent troops to Haiti, Rwanda, Somalia, Bosnia, Iraq and now Kosovo, and billions and billions of dollars taken from low and middle-income Americans to finance all of this. Anyone who even dares to oppose any foreign intervention that the elites dream up is sarcastically, or at least unkindly, referred to as an isolationist. The interventionists will not discuss these issues on the merits without name-calling.

But it is not isolationist to believe that we should try to be friends to all nations. We end up making more enemies than friends when we take sides in every international dispute that pops up.

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We cannot serve as the world's policeman. We cannot force our will on everyone. If we try, sometimes we will choose the wrong side. Just a few years ago we considered Iraq to be an ally against Iran. Even today our leaders tell us that the Iraqi people are not our enemies, but we are fast turning them into enemies.

Scott Ritter, the U.N. Inspector, resigned in protest in December, saying that we had rigged the UNSCOM report in order to justify our bombing. In August, after the President's "apology" flopped, we bombed the Sudan and Afghanistan. We rushed into that bombing so fast that only one of the members of the Joint Chiefs of Staff was informed. Paul Harvey and others have later reported that we had bombed a medicine factory, and we gained nothing from those bombings. We just, once again, wasted huge amounts of money and made more enemies.

Why are we doing all this? Is it to make our national leaders appear to be world statesmen? Is it to assure them a place in history? Is it to give the military justification for more funding? Is it a military desperately in search of a mission? We don't need all this bombing. Going to war should be the most reluctant decision we ever made. We should do so only as a very last resort, when all other reasonable alternatives have been exhausted.

Finally, Madam Speaker, while very few people seem to care about the Constitution anymore, it is unconstitutional to drop bombs on and go to war against another Nation without a declaration of war by Congress.

RULES OF COMMITTEE ON RESOURCES FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Madam Speaker, I enclose for publication in the CONGRESSIONAL RECORD the rules of the Committee on Resources, adopted by voice vote on January 19, 1999, a quorum being present.

RULES FOR THE COMMITTEE ON RESOURCES

U.S. HOUSE OF REPRESENTATIVES, 106TH CONGRESS

Adopted January 19, 1999

RULE 1. RULES OF THE HOUSE; VICE CHAIRMEN

(a) Applicability of House Rules.

(1) The Rules of the House of Representatives, so far as they are applicable, are the rules of the Committee and its Subcommittees.

(2) Each Subcommittee is part of the Committee and is subject to the authority, direction and rules of the Committee. References in these rules to "Committee" and "Chairman" shall apply to each Subcommittee and its Chairman wherever applicable.

(3) House Rule XI is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Vice Chairmen.—Unless inconsistent with other rules, the Chairman shall appoint a Vice Chairman of the Committee and Vice Chairmen of each of the Subcommittees. If the Chairman of the Committee or Subcommittee is not present at any meeting of the Committee or Subcommittee, as the case may be, the Vice Chairman shall preside. If the Vice Chairman is not present, the ranking Member of the Majority party on the Committee or Subcommittee who is present shall preside at that meeting.

RULE 2. MEETINGS IN GENERAL

(a) Scheduled Meetings.—The Committee shall meet at 11 a.m. on the first Wednesday of each month that the House is in session, unless that meeting is canceled by the Chairman. The Committee shall also meet at the call of the Chairman subject to advance notice to all Members of the Committee. Special meetings shall be called and convened by the Chairman as provided in clause 2(c)(1) of House Rule XI. Any Committee meeting or hearing that conflicts with a party caucus, conference, or similar party meeting shall be rescheduled at the discretion of the Chairman, in consultation with the Ranking Minority Member. The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(b) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a Subcommittee shall be open to the public, except as provided by clause 2(g) of House Rule XI.

(c) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of House Rule XI.

(d) Oversight Plan.—No later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of House Rule X.

RULE 3. PROCEDURES IN GENERAL

(a) Agenda of Meetings; Information for Members.—An agenda of the business to be considered at meetings shall be delivered to the office of each Member of the Committee no later than 48 hours before the meeting. This requirement may be waived by a majority vote of the Committee at the time of the consideration of the measure or matter. To the extent practicable, a summary of the major provisions of any bill being considered by the Committee, including the need for the bill and its effect on current law, will be available for the Members of the Committee no later than 48 hours before the meeting.

(b) Meetings and Hearings to Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time stipulated in the public announcement of the meeting or hearing.

(c) Addressing the Committee.—A Committee Member may address the Committee or a Subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing only when recognized by the Chairman for that purpose. The time a Member may address the Committee or Subcommittee for any purpose or to question a witness shall be limited to five minutes, except as provided in Committee rule 4(g). A Member shall limit his remarks to the subject matter under consideration. The Chairman shall enforce the preceding provision.

(d) Quorums.

(1) A majority of the Members shall constitute a quorum for the reporting of any measure or recommendation, the authorizing of a subpoena or the closing of any meeting or hearing to the public under clause 2(g) of House Rule XI. Testimony and evidence may be received at any hearing at which there are at least two Members of the Committee present. For the purpose of transacting all other business of the Committee, one third of the Members shall constitute a quorum.

(2) When a call of the roll is required to ascertain the presence of a quorum, the offices of all Members shall be notified and the Members shall have not less than 10 minutes to prove their attendance. The Chairman shall have the discretion to waive this requirement when a quorum is actually present or whenever a quorum is secured and may direct the Clerk to note the names of all Members present within the 10-minute period.

(e) Participation of Members in Committee and Subcommittees.—All Members of the Committee may sit with any Subcommittee during any hearing, and by unanimous consent of the Members of the Subcommittee may participate in any meeting of hearing. However, a Member who is not a Member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum or raise points of order.

(f) Proxies.—No vote in the Committee or Subcommittee may be cast by proxy.

(g) Roll Call Votes.—Roll call votes shall be ordered on the demand of one-fifth of the Members present, or by any Member in the apparent absence of a quorum.

(h) Motions.—A motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege.

(i) Layover and Copy of Bill.—No measure or recommendation reported by a Subcommittee shall be considered by the Committee until two calendar days from the time of Subcommittee action. No bill shall be considered by the Committee unless a copy has been delivered to the Office of each Member of the Committee requesting a copy. These requirements may be waived by a majority vote of the Committee at the time of consideration of the measure or recommendation.

(j) Access to Dais and Conference Room.—Access to the hearing rooms' daises and to the conference rooms adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting of the Committee.

(k) Cellular Telephones.—The use of cellular telephones is prohibited on the Committee dais during a meeting of the Committee.

RULE 4. HEARING PROCEDURES

(a) Announcement.—The Chairman shall publicly announce the date, place, and subject matter of any hearing at least one week before the hearing unless the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote. In these cases, the Chairman shall publicly announce the hearing at the earliest possible date. The Clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Systems as soon as possible after the public announcement is made.

(b) Written Statement; Oral Testimony.—Each witness who is to appear before the Committee or a Subcommittee shall file with the Clerk of the Committee or Subcommittee, at least two working days before the day of his or her appearance, a written statement of proposed testimony. Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in consultation with the Ranking Minority Member, extends this time period. In addition, all witnesses shall be required to submit with their testimony a resume of other statement describing their education, employment, professional affiliations and other background information pertinent to their testimony.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any Subcommittee upon any measure or matter, the Minority party Member on the Committee or Subcommittee shall be entitled, upon request to the Chairman by a majority of those Minority Members before the completion of the hearing, to call witnesses selected by the Minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Information for Members.—After announcement of a hearing, the Committee shall make available as soon as practical to all Members of the Committee a tentative witness list and to the extent practical a memorandum explaining the subject matter of the hearing (including relevant legislative reports and other necessary material). In addition, the Chairman shall make available to the Members of the Committee any official reports from departments and agencies on the subject matter as they are received.

(e) Subpoenas.—The Committee may authorize and issue a subpoena under clause 2(m) of House Rule XI if authorized by a majority of the Members voting. In addition, the Chairman of the Committee may authorize and issue subpoenas during any period of time in which the House of Representatives has adjourned for more than three days. Subpoenas shall be signed by the Chairman of the Committee, or any Member of the Committee authorized by the Committee, and may be served by any person designated by the Chairman or Member.

(f) Oaths.—The Chairman of the Committee or any Member designated by the Chairman may administer oaths to any witness before the Committee. All witnesses appearing in investigative hearings shall be administered the following oath by the Chairman or his designee prior to receiving the testimony: "Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?"

(g) Opening Statements; Questions of Witnesses.

(1) Opening statements by Members may not be presented orally, unless the Chairman or his designee makes a statement, in which case the Ranking Minority Member or his designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee is a constituent of a Member of the Committee, that Member shall be entitled to introduce the witness at the hearing.

(2) The questioning of witnesses in Committee and Subcommittee hearings shall be initiated by the Chairman, followed by the Ranking Minority Member and all other Members alternating between the Majority and Minority parties. In recognizing Members to question witnesses, the Chairman shall take into consideration the ratio of the Majority to Minority Members present and shall establish the order of recognition for questioning in a manner so as not to disadvantage the Members of the Majority or the Members of the Minority. A motion is in order to allow designated Majority and Minority party Members to question a witness for a specified period to be equally divided between the Majority and Minority parties. This period shall not exceed one hour in the aggregate.

(h) Investigative Hearings.—Clause 2(k) of House Rule XI shall govern investigative hearings of the Committee and its Subcommittees.

(i) Claims of Privilege.—Claims common-law privileges made by witnesses in hearings, or by interviewees or deponents in investigations or inquiries, are applicable only at the discretion of the Chairman, subject to appeal to the Committee.

RULE 5. FILING OF COMMITTEE REPORTS

(a) Duty of Chairman.—Whenever the Committee authorizes the favorable reporting of a measure from the Committee, the Chairman or his designee shall report the same to the House of Representatives and shall take all steps necessary to secure its passage without any additional authority needed to be set forth in the motion to report each individual measure. In appropriate cases, the authority set forth in this rule shall extend to moving in accordance with the Rules of the House of Representatives that the House be resolved into the Committee of the Whole House on the State of the Union for the consideration of the measure; and to moving in accordance with the Rules of the House of Representatives for the disposition of a Senate measure that is substantially the same as the House measure as reported.

(b) Filing.—A report on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House of Representatives is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing with the Committee Clerk of this request, the Clerk shall transmit immediately to the Chairman notice of the filing of that request.

(c) Supplemental, Additional or Minority Views.—Any Member may, if notice is given at the time a bill or resolution is approved by the Committee, file supplemental, additional, or minority views. These views must be in writing and signed by each Member joining therein and be filed with the Committee Clerk not less than two additional calendar days (excluding Saturdays, Sundays and legal holidays except when the House is in session on those days) of the time the bill or resolution is approved by the Committee. This paragraph shall not preclude the filing of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the Committee on that bill or resolution.

(d) Review by Members.—Each Member of the Committee shall be given an opportunity to review each proposed Committee report before it is filed with the Clerk of the House of Representatives. Nothing in this paragraph extends the time allowed for filing supplemental, additional or minority views under paragraph (c).

(e) Disclaimer.—All Committee or Subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or Subcommittee, as appropriate, shall contain the following disclaimer on the cover of the report: "This report has not been officially adopted by the {Committee on Resources} {Subcommittee} and may not therefore necessarily reflect the views of its Members.".

RULE 6. ESTABLISHMENT OF SUBCOMMITTEES; FULL COMMITTEE JURISDICTION; BILL REFERRALS

(a) Subcommittees.—There shall be five standing Subcommittees of the Committee, with the following jurisdiction and responsibilities:

Subcommittee on National Parks and Public Lands

(1) Measures and matters related to the National Park System and its units, including Federal reserve water rights.

(2) The National Wilderness Preservation System, except for wilderness created from forest reserves from the public domain, and wilderness in Alaska.

(3) Wild and Scenic Rivers System, National Trails System, national heritage areas and other national units established for protection, conservation, preservation or recreational development administered by the Secretary of the Interior, other than coastal barriers.

(4) Military parks and battlefields, national cemeteries administered by the Secretary of the Interior, parks in and within the vicinity of the District of Columbia and the creation of monuments to the memory of individuals.

(5) Federal outdoor recreation plans, programs and administration including the Land and Water Conservation Fund, except those in public forests.

(6) Plans and programs concerning non-Federal outdoor recreation and land use, including related plans and programs authorized by the Land and Water Conservation Fund Act of 1965 and the Outdoor Recreation Act of 1963, except those in public forests.

(7) Preservation of prehistoric ruins and objects of interest on the public domain and other historic preservation programs and activities, including national monuments, historic sites and programs for international cooperation in the field of historic preservation.

(8) Matters concerning the following agencies and programs: Urban Parks and Recreation Recovery Program, Historic American Buildings Survey, Historic American Engineering Record, and U.S. Holocaust Memorial.

(9) Except for public lands in Alaska, public lands generally, including measures or matters relating to entry, easements, withdrawals, grazing and Federal reserved water rights.

(10) Forfeiture of land grants and alien ownership, including alien ownership of mineral lands.

(11) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Forests and Forest Health

(1) Except in Alaska, forest reservations, including management thereof, created from the public domain.

(2) Except for forest lands in Alaska,public forest lands generally, including measures or matters related to entry, easements, withdrawals and grazing.

(3) Except in Alaska, Federal reserved water rights on forest reserves.

(4) Wild and Scenic Rivers System, National Trails System, national heritage areas and other national units established for protection, conservation, preservation or recreational development administered by the Secretary of Agriculture.

(5) Federal and non-Federal outdoor recreation plans, programs and administration in public forests.

(6) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Fisheries Conservation, Wildlife and Oceans

(1) Fisheries management and fisheries research generally, including the management of all commercial and recreational fisheries, the Magnuson-Stevens Fishery Conservation and Management Act, interjurisdictional fisheries, international fisheries agreements, aquaculture, seafood safety and fisheries promotion.

(2) Wildlife resources, including research, restoration, refuges and conservation.

(3) All matters pertaining to the protection of coastal and marine environments, including estuarine protection.

(4) Coastal barriers.

(5) Oceanography.

(6) Ocean engineering, including materials, technology and systems.

(7) Coastal zone management.

(8) Marine sanctuaries.

(9) U.N. Convention on the Law of the Sea.

(10) Sea Grant programs and marine extension services.

(11) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Water and Power

(1) Generation and marketing of electric power from Federal water projects by Federally chartered or Federal regional power marketing authorities.

(2) All measures and matters concerning water resources planning conducted pursuant to the Water Resources Planning Act, water resource research and development programs and saline water research and development.

(3) Compacts relating to the use and apportionment of interstate waters, water rights and major interbasin water or power movement programs.

(4) All measures and matters pertaining to irrigation and reclamation projects and other water resources development programs, including policies and procedures.

(5) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

Subcommittee on Energy and Mineral Resources

(1) All measures and matters concerning the U.S. Geological Survey, except for the activities and programs of the Water Resources Division or its successor.

(2) All measures and matters affecting geothermal resources.

(3) Conservation of United States uranium supply.

(4) Mining interests generally, including all matters involving mining regulation and enforcement, including the reclamation of mined lands, the environmental effects of mining, and the management of mineral receipts, mineral land laws and claims, long-range mineral programs and deep seabed mining.

(5) Mining schools, experimental stations and long-range mineral programs.

(6) Mineral resources on public lands.

(7) Conservation and development of oil and gas resources of the Outer Continental Shelf.

(8) Petroleum conservation on the public lands and conservation of the radium supply in the United States.

(9) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Subcommittee.

(b) Full Committee.—The Full Committee shall have the following jurisdiction and responsibilities:

(1) Measures and matters concerning the transportation of natural gas from or within Alaska and disposition of oil transported by the trans-Alaska oil pipeline.

(2) Measures and matters relating to Alaska public lands, including forestry and forest management issues, and Federal reserved water rights.

(3) Environmental and habitat measures and matters of general applicability.

(4) Measures relating to the welfare of Native Americans, including management of Indian lands in general and special measures relating to claims which are paid out of Indian funds.

(5) All matters regarding the relations of the United States with Native Americans and Native American tribes, including special oversight functions under clause 3(h) of Rule X of the Rules of the House of Representatives.

(6) All matters regarding Native Alaskans and Native Hawaiians.

(7) All matters related to the Federal trust responsibility to Native Americans and the sovereignty of Native Americans.

(8) All matters regarding insular areas of the United States.

(9) All measures or matters regarding the Freely Associated States and Antarctica.

(10) Cooperative efforts to encourage, enhance and improve international programs for the protection of the environment and the conservation of natural resources within the jurisdiction of the Committee.

(11) All measures and matters retained by the Full Committee under Committee rule 6(e).

(12) General and continuing oversight and investigative authority over activities, policies and programs within the jurisdiction of the Committee under House Rule X.

(c) Ex-officio Members.—The Chairman and Ranking Minority Member of the Committee may serve as ex-officio, Members of each standing Subcommittee to which the Chairman or the Ranking Minority Member have not been assigned. Ex-officio Members shall have the right to fully participate in Subcommittee activities but may not vote and may not be counted in establishing a quorum.

(d) Powers and Duties of Subcommittees.—Each Subcommittee is authorized to meet, hold hearings, receive evidence and report to the Committee on all matters within its jurisdiction. Each Subcommittee shall review and study, on a continuing basis, the application, administration, execution and effectiveness of those statutes, or parts of statutes, the subject matter of which is within that Subcommittee's jurisdiction; and the organization, operation, and regulations of any Federal agency or entity having responsibilities in or for the administration of such statutes, to determine whether these statutes are being implemented and carried out in accordance with the intent of Congress. Each Subcommittee shall review and study any conditions or circumstances indicating the need of enacting new or supplemental legislation within the jurisdiction of the Subcommittee.

(e) Referral to Subcommittees; Recall.

(1) Except as provided in paragraph (2) and for those matters within the jurisdiction of the Full Committee, every legislative measure or other matter referred to the Committee shall be referred to the Subcommittee of jurisdiction within two weeks of the date of its referral to the Committee. If any measure or matter is within or affects the jurisdiction of one or more Subcommittees, the Chairman may refer that measure or matter simultaneously to two or more Subcommittees for concurrent consideration or for consideration in sequence subject to appropriate time limits, or divide the matter into two or more parts and refer each part to a Subcommittee.

(2) The Chairman, with the approval of a majority of the Majority Members of the Committee, may refer a legislative measure or other matter to a select or special Subcommittee. A legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee for direct consideration by the Full Committee, or for referral to another Subcommittee, provided Members of the Committee receive one week written notice of the recall and a majority of the Members of the Committee do not object. In addition, a legislative measure or other matter referred by the Chairman to a Subcommittee may be recalled from the Subcommittee at any time by majority vote of the Committee for direct consideration by the Full Committee or for referral to another Subcommittee.

(f) Consulation.—Each Subcommittee Chairman shall consult with the Chairman of the Full Committee prior to setting dates for Subcommittee meetings with a view towards avoiding whenever possible conflicting Committee and Subcommittee meetings.

(g) Vacancy.—A vacancy in the membership of a Subcommittee shall not affect the power of the remaining Members to execute the functions of the Subcommittee.

RULE 7. TASK FORCES, SPECIAL OR SELECT SUBCOMMITTEES

(a) Appointment.—The Chairman of the Committee is authorized, after consultation with the Ranking Minority Member, to appoint Task Forces, or special or select Subcommittees, to carry out the duties and functions of the Committee.

(b) Ex-Officio Members.—The Chairman and Ranking Minority Member of the Committee shall serve as ex-officio Members of each Task Force, or special or select Subcommittee.

(c) Party Ratios.—The ratio of Majority Members to Minority Members, excluding ex-officio Members, on each Task Force, special or select Subcommittee shall be as close as practicable to the ratio on the Full Committee.

(d) Temporary Resignation.—A Member can temporarily resign his or her position on a Subcommittee to serve on a Task Force, special or select Subcommittee without prejudice to the Member's seniority on the Subcommittee.

(e) Chairman and Ranking Minority Member.—The Chairman of any Task Force, or special or select Subcommittee shall be appointed by the Chairman of the Committee. The Ranking Minority Members shall select a Ranking Minority Member for each Task Force, or standing, special or select Subcommittee.

(f) Questioning of Witnesses.—Committee staff for the Majority and Minority Members may question a witness for equal specified times. The time for extended questioning of a witness under this authority shall be equal for the Majority staff and the Minority staff and may not exceed one hour in the aggregate.

RULE 8. RECOMMENDATION OF CONFEREES

Whenever it becomes necessary to appoint conferees on a particular measure, the Chairman shall recommend to the Speaker as conferees those Majority Members, as well as those Minority Members recommended to the Chairman by the Ranking Minority Member, primarily responsible for the measure. The ratio of Majority Members to Minority Members recommended for conferences shall be no greater than the ratio on the Committee.

RULE 9. COMMITTEE RECORDS

(a) Segregation of Records.—All Committee records shall be kept separate and distinct from the office records of individual Committee Members serving as Chairmen or Ranking Minority Members. These records shall be the property of the House and all Members shall have access to them in accordance with clause 2(e)(2) of House Rule XI.

(b) Availability.—The Committee shall make available to the public for review at reasonable times in the Committee office the following records:

(1) transcripts of public meetings and hearings, except those that are unrevised or unedited and intended solely for the use of the Committee; and

(2) the result of each rollcall vote taken in the Committee, including a description of the amendment, motion, order or other proposition voted on, the name of each Committee Member voting for or against a proposition, and the name of each member present but not voting.

(c) Archived Records.—Records of the Committee which are deposited with the National Archives shall be made available for public use pursuant to Rule VII of the Rules of the House of Representatives. The Chairman of the Committee shall notify the Ranking Minority Member of any decision to withhold a record pursuant to the Rules of the House of Representatives, and shall present the matter to the Committee upon written request of any Committee Member.

(d) Records of Closed Meetings.—Notwithstanding the other provisions of this rule, no records of Committee meetings or hearing which were closed to the public pursuant to the Rules of the House of Representatives shall be released to the public unless the Committee votes to release those records in accordance with the procedure used to close the Committee meeting.

(e) Classified Materials.—All classified materials shall be maintained in an appropriately secured location and shall be released only to authorized persons for review, who shall not remove the material from the Committee offices without the written permission of the Chairman.

RULE 10. COMMITTEE BUDGET AND EXPENSES

(a) Budget.—At the beginning of each Congress, after consultation with the Chairman of each Subcommittee, the Chairman shall propose and present to the Committee for its approval a budget covering the funding required for staff, travel and miscellaneous expenses.

(b) Expense Resolution.—Upon approval by the Committee of each budget, the Chairman, acting pursuant to clause 6 of House Rule X, shall prepare and introduce in the House a supporting expense resolution, and take all action necessary to bring about its approval by the Committee on House Oversight and by the House of Representatives.

(c) Amendments.—The Chairman shall report to the Committee any amendments to each expense resolution and any related changes in the budget.

(d) Additional Expenses.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out under this rule.

(e) Monthly Reports.—Copies of each monthly report, prepared by the Chairman for the Committee on House Oversight, which shows expenditures made during the reporting period and cumulative for the year, anticipated expenditures for the projected Committee program, and detailed information on travel, shall be available to each Member.

RULE 11. COMMITTEE STAFF

(a) Rules and Policies.—Committee staff members are subject to the provisions of clause 9 of House Rule X, as well as any written personnel policies the Committee may from time to time adopt.

(b) Majority and Nonpartisan Staff.—The Chairman shall appoint, determine the remuneration of, and may remove, the legislative/investigative and administrative employees of the Committee not assigned to the Minority. The legislative/investigative and administrative staff of the Committee not assigned to the Minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of these staff members and delegate any authority he determines appropriate.

(c) Minority Staff.—The Ranking Minority Member of the Committee shall appoint, determine the remuneration of, and may remove, the legislative/investigative and administrative staff assigned to the Minority within the budget approved for those purposes. The legislative/investigative and administrative staff assigned to the Minority shall be under the general supervision and direction of the Ranking Minority Member of the Committee who may delegate any authority he determines appropriate.

(d) Availability.—The skills and services of all Committee staff shall be available to all Members of the Committee.

RULE 12. COMMITTEE TRAVEL

In addition to any written policies the Committee may from time to time adopt, all travel of Members and staff of the Committee or its Subcommittees, to hearings, meetings, conferences and investigations, including all foreign travel, must be authorized by the Full Committee Chairman prior to any public notice of the travel and prior to the actual travel. In the case of Minority staff, all travel shall first be approved by the Ranking Minority Member. Funds authorized for the Committee under clauses 6 and 7 of House Rule X are for expenses incurred in the Committee's activities within the United States.

RULE 13. CHANGES TO COMMITTEE RULES

The rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee, provided that 48 hours written notice of the proposed change has been provided each Member of the Committee prior to the meeting date on which the changes are to be discussed and voted on. A change to the rules of the Committee shall be published in the Congressional Record no later than 30 days after its approval.

RULE 14. OTHER PROCEDURES

The Chairman may establish procedures and take actions as may be necessary to carry out the rules of the Committee or to facilitate the effective administration of the Committee, in accordance with the rules of the Committee and the Rules of the House of Representatives.

RULES OF COMMITTEE ON EDUCATION AND THE WORKFORCE FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GOODLING) is recognized for 5 minutes.

Mr. GOODLING. Madam Speaker, pursuant to clause 2(a) of Rule XI of the Rules of the House of Representatives, I hereby submit for publication in the CONGRESSIONAL RECORD the rules of the Committee on Education and the Workforce for the 106th Congress, as adopted by the Committee in open session on January 7, 1999.

THE RULES OF THE COMMITTEE ON EDUCATION AND THE WORKFORCE TOGETHER WITH PERTINENT HOUSE RULE FOR THE 106TH CONGRESS—ADOPTED JANUARY 7, 1999

RULE 1. REGULAR, ADDITIONAL, & SPECIAL MEETINGS: VICE-CHAIRMAN

(a) Regular meetings of the committee shall be held on the second Wednesday of each month at 9:30 a.m., while the House is in session. When the Chairman believes that the committee will not be considering any bill or resolution before the committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect; and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the Chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the Chairman, those members may file in the offices of the committee their written request to the Chairman for that special meeting. Immediately upon the filing of the request, the staff director of the committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the staff director of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) All legislative meetings of the committee and its subcommittees shall be open to the public, including radio, television and still photography coverage. No business meeting of the committee, other than regularly scheduled meetings, may be held without each member being given reasonable notice. Such meeting shall be called to order and presided over by the Chairman, or in the absence of the Chairman, by the vice-chairman, or the Chairman's designee.

(e)(1) The Chairman of the committee and of each of the subcommittees shall designate a vice-chairman of the committee or subcommittee, as the case may be.

(2) The Chairman of the committee or of a subcommittee, as appropriate, shall preside at meetings or hearings, or, in the absence of the chairman, the vice-chairman, or the Chairman's designee shall preside.

RULE 2. QUESTIONING OF WITNESSES

(a) Subject to clauses (b) and (c), Committee members may question witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The questioning of witnesses in both committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority party in order of the member's appearance at the hearing. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority party members present and shall establish the order of recognition for questioning in such a manner as not to place the members of the majority party in a disadvantageous position.

(b) The Chairman may permit a specified number of members to question a witness for longer than five minutes. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(c) The Chairman may permit committee staff for the majority and the minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this clause shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

RULE 3. RECORDS & ROLLCALLS

(a) Written records shall be kept of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee or subcommittee for inspection by the public at reasonable times in the offices of the committee or subcommittee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member.

(b) In accordance with *Rule VII* of the *Rules of the House of Representatives*, any official permanent record of the committee (including any record of a legislative, oversight, or other activity of the committee or any subcommittee) shall be made available for public use if such record has been in existence for 30 years, except that—

(1) any record that the committee (or a subcommittee) makes available for public use before such record is delivered to the Archivist under clause 2 of *Rule VII* of the *Rules of the House of Representatives* shall be made available immediately, including any record described in subsection (a) of this Rule;

(2) any investigative record that contains personal data relating to a specific living individual (the disclosure of which would be an unwarranted invasion of personal privacy), any administrative record with respect to personnel, and any record with respect to a hearing closed pursuant to clause 2(g)(2) of *Rule XI* of the *Rules of the House of Representatives* shall be made available if such record has been in existence for 50 years; or

(3) except as otherwise provided by order of the House, any record of the committee for which a time, schedule, or condition for availability is specified by order of the committee (entered during the Congress in which the record is made or acquired by the committee) shall be made available in accordance with the order of the committee.

(c) The official permanent records of the committee include noncurrent records of the committee (including subcommittees) delivered by the Clerk of the House of Representatives to the Archivist of the United States for preservation at the National Archives and Records Administration, which are the property of and remain subject to the rules and orders of the House of Representatives.

(d)(1) Any order of the committee with respect to any matter described in paragraph (2) of this subsection shall be adopted only if the notice requirements of committee Rule 18(c) have been met, a quorum consisting of a majority of the members of the committee is present at the time of the vote, and a majority of those present and voting approve the adoption of the order, which shall be submitted to the Clerk of the House of Representatives, together with any accompanying report.

(2) This subsection applies to any order of the committee which—

(A) provides for the non-availability of any record subject to subsection (b) of this rule for a period longer than the period otherwise applicable; or

(B) is subsequent to, and constitutes a later order under clause 4(b) of *Rule VII* of the *Rules of the House of Representatives*, regarding a determination of the Clerk of the House of Representatives with respect to authorizing the Archivist of the United States to make available for public use the records delivered to the Archivist under clause 2 of *Rule VII* of the *Rules of the House of Representatives*; or

(C) specifies a time, schedule, or condition for availability pursuant to subsection (b)(3) of this Rule.

RULE 4. STANDING SUBCOMMITTEES & JURISDICTION

(a) There shall be five standing subcommittees with the following jurisdictions:

Subcommittee on Early Childhood, Youth, and Families.—Education from preschool through the high school level including, but not limited to, elementary and secondary education generally, school lunch and child nutrition, and overseas dependent schools; all matters dealing with programs and services for the care and treatment of children, including the Head Start Act, the Juvenile Justice and Delinquency Prevention Act, and the Runaway Youth Act; special education programs including, but not limited to, alcohol and drug abuse, education of the disabled, environmental education, Office of Educational Research and Improvement, migrant and agricultural labor education, daycare, child adoption, child abuse and domestic violence; poverty programs, including the Community Services Block Grant Act and the Low Income Home Energy Assistance Program (LIHEAP). Also, the Subcommittee shall have oversight over Titles III, IV, V, VI (as it pertains to block grants), VII, VIII, IX, X, XI, XII, XIII and XIV of the Elementary and Secondary Education Act.

Subcommittee on Postsecondary Education, Training, and Life-Long Learning.—Vocational education and education beyond the high school level including, but not limited to, higher education generally, training and apprenticeship (including the Job Training Partnership Act, the Full Employment and Balanced Growth Act, displaced homemakers, Work Incentive Program, welfare work requirements), adult basic education (family literacy), rehabilitation, professional development, and postsecondary student assistance, employment services, and pre-service and in-service teacher training; all matters dealing with programs and services for the elderly, including nutrition programs and the Older Americans Act; the Native American Programs Act, all domestic volunteer programs, library services and construction, the Robert A. Taft Institute, the Institute for Peace and programs related to the arts and humanities, museum services, and arts and artifacts indemnity. Also, the Subcommittee shall have oversight over Titles II and VI (as it pertains to federal funds for teachers) of the Elementary and Secondary Education Act.

Subcommittee on Workforce Protections.—Wages and hours of labor including, but not limited to, Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act (including child labor), workers' compensation generally, Longshore and Harbor Workers' Compensation Act, Federal Employees' Compensation Act, Migrant and Seasonal Agricultural Worker Protection Act, Service Contract Act, Family and Medical Leave Act, Worker Adjustment and Retraining Notification Act, Employee Polygraph Protection Act of 1988, workers' health and safety including, but not limited to, occupational safety and health, mine health and safety, youth camp safety, and migrant and agricultural labor health and safety.

Subcommittee on Employer-Employee Relations.—All matters dealing with relationships between employers and employees generally including, but not limited to, the National Labor Relations Act, Bureau of Labor Statistics, pension, health, and other employee benefits, including the Employee Retirement Income Security Act (ERISA); and all matters related to equal employment opportunity and civil rights in employment.

Subcommittee on Oversight and Investigations.—All matters related to oversight and investigations of activities of all Federal departments and agencies dealing with issues of education, human resources or workplace policy. This subcommittee will not have legislative jurisdiction and no bills or resolutions will be referred to it.

(b) The following matters shall be held at the full committee for consideration: the Elementary and Secondary Education Act, the Anti-Drug Abuse Act, the Congressional Accountability Act, welfare, trade, immigration, homeless assistance and national education standards.

(c) The majority party members of the committee may provide for such temporary, ad hoc subcommittees as determined to be appropriate.

RULE 5. EX OFFICIO MEMBERSHIP

The Chairman of the committee and the ranking minority party member shall be *ex officio* members, but not voting members, of each subcommittee to which such Chairman or ranking minority party member has not been assigned.

RULE 6. SPECIAL ASSIGNMENT OF MEMBERS

To facilitate the oversight and other legislative and investigative activities of the committee, the Chairman of the committee may, at the request of a subcommittee chairman, make a temporary assignment of any member of the committee to such subcommittee for the purpose of constituting a quorum and of enabling such member to participate in any public hearing, investigation, or study by such subcommittee to be held outside of Washington, DC. Any member of the committee may attend public hearings of any subcommittee and any member of the committee may question witnesses only when they have been recognized by the Chairman for that purpose.

RULE 7. SUBCOMMITTEE CHAIRMANSHIPS

The method for selection of chairmen of the subcommittees shall be at the discretion of the full committee Chairman, unless a majority of the majority party members of the full committee disapprove of the action of the Chairman.

RULE 8. SUBCOMMITTEE SCHEDULING

Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings, wherever possible. Available dates for subcommittee meetings during the session shall be assigned by the Chairman to the subcommittees as nearly as practicable in rotation and in accordance with their workloads. No subcommittee markups shall be scheduled simultaneously. As far as practicable, the Chairman shall not schedule a subcommittee markup during a full committee markup, nor shall the Chairman schedule any hearing during a markup.

RULE 9. SUBCOMMITTEE RULES

The rules of the committee shall be the rules of its subcommittees.

RULE 10. COMMITTEE STAFF

(a) The employees of the committee shall be appointed by the Chairman in consultation with subcommittee chairmen and other majority party members of the committee within the budget approved for such purposes by the committee.

(b) The staff appointed by the minority shall have their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee.

RULE 11. SUPERVISION & DUTIES OF COMMITTEE STAFF

The staff of the committee shall be under the general supervision and direction of the

Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate authority as he determines appropriate. The staff appointed by the minority shall be under the general supervision and direction of the minority party members of the committee, who may delegate such authority as they determine appropriate. All committee staff shall be assigned to committee business and no other duties may be assigned to them.

RULE 12. HEARINGS PROCEDURE

(a) The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman or the subcommittee chairman, as the case may be, shall make such public announcement at the earliest possible date. To the extent practicable, the Chairman or the subcommittee chairman shall make public announcement of the final list of witnesses scheduled to testify at least 48 hours before the commencement of the hearing. The staff director of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) All opening statements at hearings conducted by the committee or any subcommittee will be made part of the permanent written record. Opening statements by members may not be presented orally, unless the Chairman of the committee or any subcommittee determines that one statement from the Chairman or a designee will be presented, in which case the ranking minority party member or a designee may also make a statement. If a witness scheduled to testify at any hearing of the Committee or any subcommittee is a constituent of a member of the committee or subcommittee, such member shall be entitled to introduce such witness at the hearing.

(c) To the extent practicable, witnesses who are to appear before the committee or a subcommittee shall file with the staff director of the committee, at least 48 hours in advance of their appearance, a written statement of their proposed testimony, together with a brief summary thereof, and shall limit their oral presentation to a summary thereof. The staff director of the committee shall promptly furnish to the staff director of the minority a copy of such testimony submitted to the committee pursuant to this rule.

(d) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the Chairman by a majority of these minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon. The minority party may waive this right by calling at least one witness during a committee hearing or subcommittee hearing.

RULE 13. MEETINGS-HEARINGS-QUORUMS

(a) Subcommittees are authorized to hold hearings, receive exhibits, hear witnesses, and report to the committee for final action, together with such recommendations as may be agreed upon by the subcommittee. No such meetings or hearings, however, shall be held outside of Washington, DC, or during a recess or adjournment of the House without the prior authorization of the committee Chairman. Where feasible and practicable, 14 days' notice will be given of such meeting or hearing.

(b) One-third of the members of the committee or subcommittee shall constitute a quorum for taking any action other than amending committee rules, closing a meeting from the public, reporting a measure or recommendation, or in the case of the committee or a subcommittee authorizing a subpoena. For the enumerated actions, a majority of the committee or subcommittee shall constitute a quorum. Any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(c) When a bill or resolution is being considered by the committee or a subcommittee, members shall provide the clerk in a timely manner a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the committee or subcommittee, as the case may be.

(d) In the conduct of hearings of subcommittees sitting jointly, the rules otherwise applicable to all subcommittees shall likewise apply to joint subcommittee hearings for purposes of such shared consideration.

(e) No person other than a Member of Congress or Congressional staff may walk in, stand in, or be seated at the rostrum area during a meeting or hearing of the Committee or Subcommittee unless authorized by the Chairman.

RULE 14. SUBPOENA AUTHORITY

The power to authorize and issue subpoenas is delegated to the Chairman of the full committee, as provided for under clause 2(m)(3)(A)(i) of *Rule XI of the Rules of the House of Representatives*. The Chairman shall notify the ranking minority member prior to issuing any subpoena under such authority. To the extent practicable, the Chairman shall consult with the ranking minority member at least 24 hours in advance of a subpoena being issued under such authority excluding Saturdays, Sundays, and federal holidays. As soon as practicable after issuing any subpoena under such authority, the Chairman shall notify in writing all members of the Committee of the issuance of the subpoena.

RULE 15. REPORTS OF SUBCOMMITTEES

(a) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(b) In any event, the report, described in the proviso in subsection (d) of this rule, of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the staff director of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any such request, the staff director of the committee shall transmit immediately to the chairman of the subcommittee a notice of the filing of that request.

(c) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on Education and the Workforce (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

The minority party members of the committee or subcommittee shall have three calendar days, excluding weekends and holidays, to file, as part of the printed report, supplemental, minority, or additional views.

(d) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported. No bill or resolution or other matter reported by a subcommittee shall be considered by the full committee unless it has been delivered or electronically sent to all members and notice of its prior transmission has been in the hands of all members at least 48 hours prior to such consideration; a member of the Committee shall receive, upon his or her request, a paper copy of the such bill, resolution, or other matter reported. When a bill is reported from a subcommittee, such measure shall be accompanied by a section-by-section analysis; and, if the Chairman of the committee so requires (in response to a request from the ranking minority member of the committee or for other reasons), a comparison showing proposed changes in existing law.

(e) To the extent practicable, any report prepared pursuant to a committee or subcommittee study or investigation shall be available to members no later than 48 hours prior to consideration of any such report by the committee or subcommittee, as the case may be.

RULE 16. VOTES

With respect to each rollcall vote on a motion to report any bill, resolution or matter of a public character, and on any amendment offered thereto, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.

RULE 17. AUTHORIZATION FOR TRAVEL

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be paid from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. The Chairman shall review travel requests to assure the validity to committee business. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date of dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittees, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the committee.

(3) The Chairman shall not approve a request involving travel outside the United States while the House is in session (except in the case of attendance at meetings and conferences or where circumstances warrant an exception).

(4) At the conclusion of any hearing, investigation, study, meeting, or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the Chairman covering the activities of the subcommittee and containing the results of these activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and the Committee on House Oversight pertaining to such travel, including rules, procedures, and limitations prescribed by the Committee on House Oversight with respect to domestic and foreign expense allowances.

(d) Prior to the Chairman's authorization for any travel, the ranking minority party member shall be given a copy of the written request therefor.

RULE 18. REFERRAL OF BILLS, RESOLUTIONS, & OTHER MATTERS

(a) The Chairman shall consult with subcommittee chairman regarding referral, to the appropriate subcommittees, of such bills, resolutions, and other matters, which have been referred to the committee. Once printed copies of a bill, resolution, or other matter are available to the Committee, the Chairman shall, within three weeks of such availability, provide notice of referral, if any, to the appropriate subcommittee.

(b) Referral to a subcommittee shall not be made until three days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the Chairman of the full committee and to the chairman of each subcommittee that he [or she] intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose, at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) All members of the committee shall be given at least 24 hours' notice prior to the direct consideration of any bill, resolution, or other matter by the committee; but this requirement may be waived upon determination, by a majority of the members voting, that emergency or urgent circumstances require immediate consideration thereof.

RULE 19. COMMITTEE REPORTS

(a) All committee reports on bills or resolutions shall comply with the provisions of clause 2 of Rule XI and clauses 2, 3, and 4 of Rule XIII of the Rules of the House of Representatives.

(b) No such report shall be filed until copies of the proposed report have been available to all members at least 36 hours prior to such filing in the House. No material change shall be made in the report distributed to members unless agreed to by majority vote; but any member or members of the committee may file, as part of the printed report, individual, minority, or dissenting views, without regard to the proceeding provisions of this rule.

(c) Such 36-hour period shall not conclude earlier then the end of the period provided under clause 4 of Rule XIII of the Rules of the House of Representatives after the committee approves a measure or matter if a member, at the time of such approval, gives notice of intention to file supplemental, minority, or additional views for inclusion as part of the printed report.

(d) The report on activities of the committee required under clause 1 of Rule XI of the Rules of the House of Representatives, shall include the following disclaimer in the document transmitting the report to the Clerk of the House:

"This report has not been officially adopted by the Committee on Education and the Workforce or any subcommittee thereof and therefore may not necessarily reflect the views of its members."

Such disclaimer need not be included if the report was circulated to all members of the committee at least 7 days prior to its submission to the House and provision is made for the filing by any member, as part of the printed report, of individual, minority, or dissenting views.

RULE 20. MEASURES TO BE CONSIDERED UNDER SUSPENSION

A member of the committee may not seek to suspend the Rules of the House on any bill, resolution, or other matter which has been modified after such measure is ordered, unless notice of such action has been given to the Chairman and ranking minority member of the full committee.

RULE 21. BUDGET & EXPENSES

(a) The Chairman in consultation with the majority party members of the committee shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the committee; and, after consultation with the minority party membership, the Chairman shall include amounts budgeted to the minority party members for staff personnel to be under the direction and supervision of the minority party, travel expenses of minority party members and staff, and minority party office expenses. All travel expenses of minority party members and staff shall be paid for out of the amounts so set aside and budgeted. The Chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. After such budget shall have been adopted, no change shall be made in such budget unless approved by the committee. The Chairman or the chairman of any standing subcommittee may initiate necessary travel requests as provided in Rule 16 within the limits of their portion of the consolidated budget as approved by the House, and the Chairman may execute necessary vouchers therefor.

(b) Subject to the rules of the House of Representatives and procedures prescribed by the Committee on House Oversight, and with the prior authorization of the Chairman of the committee in each case, there may be expended in any one session of Congress for necessary travel expenses of witnesses attending hearings in Washington, DC:

(1) out of funds budgeted and set aside for each subcommittee, not to exceed $5,000 for expenses of witnesses attending hearings of each such subcommittee;

(2) out of funds budgeted for the full committee majority, to exceed $5,000 for expenses of witnesses attending full committee hearings; and

(3) out of funds set aside to the minority party members;

(A) not to exceed, for each of the subcommittees, $5,000 for expenses for witnesses attending subcommittee hearings; and

(B) not to exceed $5,000 for expenses of witnesses attending full committee hearings.

(c) A full and detailed monthly report accounting for all expenditures of committee funds shall be maintained in the committee office, where it shall be available to each member of the committee. Such report shall show the amount and purpose of each expenditure, and the budget to which such expenditure is attributed.

RULE 22. APPOINTMENT OF CONFEREES AND NOTICE OF CONFERENCE AND MEETINGS

(a) Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman shall recommend to the Speaker as conferees the names of those members of the subcommittee which handled the legislation in the order of their seniority upon such subcommittee and such other committee members as the Chairman may designate with the approval of the majority party members. Recommendations of the Chairman to the Speaker shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority members to minority party members on the full committee. In making assignments of minority party members as conferees, the Chairman shall consult with the ranking minority party member of the committee.

(b) After the appointment of conferees pursuant to clause 11 of *Rule I* of the *Rules of the House of Representatives* for matters within the jurisdiction of the committee, the Chairman shall notify all members appointed to the conference of meetings at least 48 hours before the commencement of the meeting. If such notice is not possible, then notice shall be given as soon as possible.

RULE 23. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

(a) Whenever a hearing or meeting conducted by the Committee or any subcommittee is open to the public, those proceedings shall be open to coverage by electronic media and still photography subject to the requirements of *Rule XI*, clause 4 of the *Rules of the House of Representatives* and except when the hearing or meeting is closed pursuant to the *Rules of the House of Representatives* and of the Committee. The coverage of any hearing or meeting of the Committee or any subcommittee thereof by electronic media or still photography shall be under the direct supervision of the Chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or meeting and may be terminated by such member in accordance with the Rules of the House.

(b) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(c) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

RULE 24. INTERROGATORIES AND DEPOSITIONS

(a) Pursuant to an appropriate House Resolution, the Chairman, after consultation with the ranking minority member, may order the taking of interrogatories or depositions. Notices for the taking of depositions shall specify the date, time, and place of examination. Answers to interrogatories shall be answered fully in writing under oath, and depositions shall be taken under oath administered by a member or a person otherwise authorized by law to administer oaths. Consultation with the ranking minority member shall include three business days written notice before any deposition is taken. All members shall also receive three business days written notice that a deposition has been scheduled.

(b) The committee shall not initiate contempt proceedings based on the failure of a witness to appear at a deposition unless the deposition notice was accompanied by a committee subpoena issued by the chairman.

(c) Witnesses may be accompanied at a deposition by counsel to advise them of their rights. No one may be present at depositions except members, committee staff, or committee contractors designated by the chairman or the ranking minority member, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons or for agencies under investigation may not attend.

(d) A deposition shall be conducted by any member, committee staff or committee contractor designated by the chairman or ranking minority member. When depositions are conducted by committee staff or committee contractors there shall be no more than two committee staff or committee contractors permitted to question a witness per round. One of the committee staff or committee contractors shall be designated by the chairman and the other shall be designated by the ranking minority member. Other committee staff designated by the chairman or the ranking minority member may attend, but are not permitted to pose questions to the witness.

(e) Questions in the deposition will be propounded in rounds. A round shall include as much time as is necessary to ask all pending questions. In each round, a member, or committee staff or committee contractor designated by the chairman shall ask questions first, and the member, committee staff or committee contractor designated by the ranking minority member shall ask questions second.

(f) An objection by the witness as to the form of a question shall be noted for the record. If a witness objects to a question and refuses to answer, the member, committee staff or committee contractor may proceed with the deposition, or may obtain, at that time or a subsequent time, a ruling on the objection by telephone or otherwise from the chairman or a member designated chairman. The committee shall not initiate procedures leading to contempt proceedings based on a refusal to answer a question at a deposition unless the witness refuses to testify after an objection of the witness has been overruled and after the witness has been ordered by the chairman or a member designated by the chairman to answer the question. Overruled objections shall be preserved for committee consideration within the meaning of clause 2(k)(8) of *Rule XI* of the *Rules of the House of Representatives.*

(g) Committee staff shall insure that the testimony is either transcribed or electronically recorded, or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five calendar days thereafter, the witness may submit suggested changes to the chairman. Committee staff may make any typographical and technical changes requested by the witness. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter requesting the changes and a statement of the witness's reasons for each proposed change. A letter requesting any substantive changes, modifications, clarifications, or amendments must be signed by the witness. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

(h) The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. Transcription and recording services shall be provided through the House Office of the Official Reporters.

(i) A witness shall not be required to testify unless the witness has been provided with a copy of the committee's rules.

(j) This rule is applicable to the committee's investigation into the administration of labor laws by government agencies, including the Departments of Labor and Justice concerning the International Brotherhood of the Teamsters and other related matters.

RULE 25. CHANGES IN COMMITTEE RULES

The committee shall not consider a proposed change in these rules unless the text of such change has been delivered or electronically sent to all members and notice of its prior transmission has been in the hands of all members at least 48 hours prior to such consideration; a member of the Committee shall receive, upon his or her request, a paper copy of the such proposed change.

PERTINENT RULE OF THE U.S. HOUSE OF REPRESENTATIVES—106TH CONGRESS

RULE XI, CLAUSE 2(K)

Investigative hearing procedures

(k)(1) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and of this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person—

(A) notwithstanding paragraph (g)(2), such testimony or evidence shall be presented in executive session if, in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, the committee determines by vote of a majority of those present that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the Committee shall proceed to receive such testimony in open session only if the committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person. In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) Evidence or testimony taken in executive session, and proceedings conducted in executive session, may be released or used in public sessions only when authorized by the committee, a majority being present.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

TOPICS AFFECTING AMERICA TODAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHERMAN. Madam Speaker, it is my intention to speak for the full 60 minutes if my colleague, the gentleman from New Jersey (Mr. PALLONE) does not arrive, but if he does, I would hope that could be brought to my attention so I could yield the second half of the hour to him.

Madam Speaker, this is my first speech of the 106th Congress. I would like to welcome back my old colleagues and welcome our new colleagues. My new colleagues, I have not had a chance to introduce myself to all of them. Let me take this opportunity to do so. I am BRAD SHERMAN. I hail from America's best-named city, Sherman Oaks, California.

Periodically I seek an opportunity to give a rather long speech detailing a number of different topics. This saves the House from having to listen to a number of short speeches, each on a separate topic. Madam Speaker, I often give these speeches at the beginning or the end of a session. I have a number of topics I would like to address today. The first of these is the current unpleasantness occurring in the Senate, the problems involving Monica Lewinsky, the President, et cetera.

First, I would like to point out that it is unprecedented in our lifetimes that an impeachment would be sent by this House over to the other body on a 99 percent partisan vote, with 99 percent of the one party voting against the impeachment resolution. I think it is a shame, a shame on this House, that we would send an impeachment resolution to the Senate under those circumstances.

I came to the floor last month, actually in December, to voice my opinion that in not allowing Members to vote on censure and then sending over articles of impeachment on a partisan basis, that this House had gone astray. I said at that time that I would call this House a kangaroo court, but that would be an insult to marsupials everywhere.

That shame has hung in this Chamber until yesterday, because I think we owe a debt of gratitude to prosecutor Ken Starr for doing something so outrageous that it has distracted America from the mistake we made here in December.

Ken Starr knows, we all know, that the President is not going to be removed from office. Yet a leak emerges from Ken Starr's office that he thinks that he will criminally indict and perhaps prosecute a sitting president. This is not only a constitutional outrage, it represents perhaps the worst prosecutorial judgment ever displayed.

Ken Starr has, in the words of George Stephanopolous, pursued the President with the hateful tenacity of Captain Ahab, and it is time for this misjudgment to stop. It is bizarre that Ken Starr, seeing that the President will not be removed from office, has begun to fantasize that he will barge into the Oval Office and place handcuffs on the President of the United States, perhaps during some meeting with a foreign head of State. We must take actions to show that this pipsqueak cannot barge into the oval office, and cannot seek to undermine the executive branch of government.

I recognize, and we all recognize, that President Clinton remains subject to the rule of law. While he is president he can be impeached, and has been by this House, and could be removed by the Senate. As soon as he leaves the White House he is subject to all manner of criminal action, and of course, is subject to civil action as well.

We need to look long-term at what this means for the presidency. I ask those on the Republican side of the aisle to remember that some day it may be one of theirs who is sitting as president. Imagine some future president, and imagine his enemies, or should I say, her enemies, begin immediately upon inauguration day to conspire, and they gather a few million dollars to carry it out.

I used the word "conspire." "Conspiracy" is not the right word, they simply gather together to begin a plan to undermine some new president. They gather a few million dollars together, and the first thing they do is announce that they will pay a $1 million book advance to any Secret Service agent willing to write a book titled "Embarrassing Things I Learned While Guarding the President."

Imagine that they place an ad in the Star tabloid, or should I call it the Ken Starr tabloid. The ad goes something like this: "Have you been abducted by a UFO? Was the President working with the aliens? If so, contact us. We will give you $1 million, and we will help you sue the President for everything that went on on the spaceship. And by the way, if that UFO abduction happened, if the spacecraft happened to land in any one of these three or four counties where we have, in some obscure county somewhere in America, a friendly prosecutor, then we will also be able to urge that obscure prosecutor to bring criminal action against the President."

I am not sure that a lawsuit or criminal prosecution for participation in an UFO abduction against a president of the United States would last all that long. It might be thrown out of court. But I give this as an illustration of the road we are going down.

That road is that the enemies of every president, those who are most blinded by their hatred of that president, will begin to try to destroy a president by finding out secrets and embarrassing tidbits from the Secret Service, by convincing people to begin civil suits that will distract the President and embarrass him or her, and by trying to convince local prosecutors around the country, even in the most obscure counties, to bring criminal actions against the President.

For these reasons I think it is important that this House adopt, and I look forward to beginning to draft, a Presidential Protection Act. The basic tenets of this act would be three in number. The first is that those who work for the Secret Service would be required to keep what they learn confidential. Even if they want to write a book, they should not be allowed to do so, based on secrets they learned on the job.

Second, of course, they should enjoy a privilege from being compelled to testify about those secrets. There might be a few exceptions, but imagine a situation where a Secret Service agent could testify about how long this meeting took place, or how many times the President contacted this or that adviser. Imagine the chilling effect it would have if a president felt he could not reach out or she could not reach out to advisers around the country because the names of those advisers or even the nature of what they discuss could be a matter of public discovery.

Second, a Presidential Protection Act, or rather, a Presidency Protection Act, should provide that as to all criminal actions, or attempts at criminal prosecution, that we toll the statute of limitations. So if there is a 5-year statute of limitations on a particular crime, that any day that occurs while an individual is serving in the White House as president would not count toward that 5-year period.

Then we provide that there will be no criminal indictments or trials of anyone while they are president of the United States. We could provide that under certain circumstances testimony could be taken, in case some witness might die or become unavailable in the years that someone served in the White House. But clearly, no president of the United States should have to worry for a minute about the criminal law system being visited upon him or her by a politically-motivated prosecutor.

Finally, we need to have a very similar proceedings dealing with civil suits, that the statute of limitations is tolled; that is to say, in nonlegal jargon, the suit is put in the freezer, and it can be tried after a presidency is completed.

I know that the Supreme Court ruled, in the Jones vs. Clinton case, that you could sue a sitting president. The Supreme Court noted that the Congress could change that result. The Supreme Court argued that a civil suit against the President would not be an undue distraction. Clearly, later events have proven otherwise.

I am, frankly, surprised, given the number and the power of certain individuals who hate this president, that there have not been a dozen or a hundred other civil lawsuits, trumped-up, real, or imagined, for this or that reason brought against the President. I make these comments not to invite such highly destructive behavior, but rather, to illustrate why the House and the Senate must act to make it clear that any civil lawsuit against the President is put in the freezer, that the statute is tolled until the presidency is over.

As I pointed out, such a statute would be just as protective of a Republican president as a Democratic president, and given the heightened level of partisanship that has occurred as a result of those who are scheming to try to destroy President Clinton, given the fact that that higher level of partisanship, unfortunately, is beginning to afflict both parties, I think it is critical that we act now to make sure that small groups of well-financed individuals cannot destroy a presidency.

I will be circulating a letter to my colleagues urging that they sign onto a bill, but even before that, urging that they give me their comments or meet with me in the drafting of a bill so that I can have bipartisan input into how it is drafted.

I am considering and would like my colleagues to comment on whether, on an emergency basis, we need to adopt a bill just dealing with criminal prosecutions, and making it very clear to Ken Starr that he is not empowered, and no prosecutor is empowered, to go barging into the Oval Office with a pair of handcuffs. The very possibility, the very argument that that could legally occur, undermines our system of government and makes us a laughingstock around the world.

I would now like to shift to international relations. As many of my colleagues know, I served on the Committee on International Relations. I do want to comment about our friendship with Greece and the Republic of Cyprus. We all know that the very essence of democracy and so many of the values that are at the core of Americanism developed in Greece.

□ 1700

Greece and Cyprus want nothing more at this point than to defend themselves from the possibility of air attack and have sought air defense missiles. I regret very much that the administration pressured the government of Cyprus not to deploy air defense missiles that had been acquired.

I agree with the administration. Cyprus should not have acquired missiles from Russia. Cyprus should have acquired missiles built in the 24th Congressional District in California. When the United States is willing to sell Greece and Cyprus the air defense mechanisms that it needs, there will be no need for Greece and Cyprus to try to buy these from other places and potentially have Russian technicians on Greek or Cyprian soil.

These are defensive weapons. They add to the stability of the Aegean. We ought to change our policy and make it very clear to Cyprus and Greece that we are willing to sell defensive weapons to those two countries on the one proviso that the manufacturers be located in the 24th Congressional District.

I had the honor to accompany the President of the United States on his trip to the Middle East in December. I want to applaud the President for making that visit. I also want to point out that the President was warmly welcomed by all the various legislators and officials of the Palestinian Authority and the Palestinian National Council.

But after the President left, Yasser Arafat made statements in support of Iraq and calling for an Arab meeting to condemn American policy with regard to Iraq. Just a few days after the President departed and we all departed, he was once again talking about a unilateral declaration of statehood. There is nothing worse for the peace process than a unilateral declaration of statehood by the Palestinian Authority.

Here, this year in Congress, we need to make it clear that immediately, without further action, upon any declaration of statehood made on a unilateral basis by the Palestinian Authority, all American aid to that Authority stops. And all American representatives at all international organizations, especially the World Bank and similar organizations must vote against any aid to the Palestinian Authority after such a destabilizing effort.

I want to applaud the administration for remaining involved and dedicated to peace in the Middle East but point out that pressuring Israel is not the way to achieve that peace. Israel has been pro America whether we had a Republican administration or a Democratic administration, a Republican House or a Democratic House. We should remain dedicated allies of Israel whether the government in Jerusalem is Likud or Labour, the new party being organized and headed by Isaac Mordecai and others.

In looking at the situation in the Middle East, we need to focus on both the short-term and long-term needs for security. All too much of the focus has quite naturally been on the short-term needs as if land for peace meant a peace consisting of nothing more than a month without a terrorist incident or a year without a bomb. Any such shallow definition of peace will not generate the kind of treaty that is eventually necessary for a final agreement with the Palestinians.

Can we ask the Israelis to make the kinds of concessions, even in part, that the Palestinians are asking for if peace means only peace with the Palestinians? Instead, as part of any peace agreement, Yasser Arafat personally and the entire Palestinian Authority must be willing to become apostles for peace, must be willing to go to every Arab capital, every Islamic capital, and urge the recognition of Israel, trade relations with Israel, and most important of all, a general recognition that Israel is a permanent, inherent part of the Middle East.

There are those in the Arab world who describe Israel as just the second of the crusader states, non-Islamic states created in the holy land that lasted less than two centuries. That cannot continue. We cannot have Arab children educated for war or taught that Israel is eventually to be driven in the ocean.

For that reason, we need to change Arab education just as much as we need to make any changes in any of the borders between zone A, zone B and zone C of the West Bank; A, B, and C being different levels of Palestinian Authority and Israeli military control.

Land for peace must involve sowing the seeds of peace, knowing that it will take a generation or two or three for them to bear fruit, but sowing the seeds of peace in an organized and systemic manner throughout the Middle East.

This is critical to Israel's long-term security. Because any student of history will tell us, and any student of current military affairs will tell us that, if Israel ever faces the possibility of losing another war or some war in the future, it will not be to an Army based in Ramallah. If Israel must fear for its security in the sense of potentially losing a war, it must fear armies based in Baghdad, Teheran, Cairo or Damascus.

Not only is this a reflection of current military realities or potential future military realities. And when I say current military realities, clearly Israel will not lose a war in the next decade or two. No combination of its enemies or potential enemies could beat it.

But we must look, not one or two decades, but one or two centuries in the future and recognize that, at various times in the past, Egypt, Syria, Babylon now Iraq, and Persia now Iran, have all conquered the Holy Land. We must create a situation where it is as unthinkable in Cairo to erase Israel from the map as it would be unthinkable in Paris to think of erasing the Netherlands or Belgium from the map.

I should also focus on the importance in the peace process to improving the Palestinian economy. A recent report by the Israeli government shows Israel's dedication on this subject. But the fact remains that there are close to 200,000 guest workers in Israel, workers occupying jobs that could be held by Palestinians without displacing a single Israeli.

These guest workers hail from such countries as the Philippines and Thailand. Of course we in this body are interested in the future success of the Thai economy and the Philippine economy. Yet, when it comes to policy in the Middle East, Israel's contribution to the economic recovery of Thailand is not as important for the Middle East as is economic development of the Palestinian Authority and of Palestinians in general.

I had a chance to talk to Palestinian legislators. I feared that, as a matter of being politically correct or proud, that they would reject or pooh-pooh or minimize the concept of Palestinians working almost exclusively in nonprestigious jobs in the Israeli economy.

What I found among Palestinian leaders to the very highest levels was practicality and an understanding of how important it is that especially young Palestinian men have a future for themselves and their families and not bitterness and the time on their hands to plot to join Hamas and other terrorist groups.

With that in mind, I would suggest that, as part of an overall peace process and only in return for Palestinian concessions, that Israel endeavor to provide to the Palestinians rather than to guest workers those jobs within its economy for which Israelis will not be hired.

This could be done through a flat prohibition on guest workers other than those arriving from the Palestinian Authority or some sort of tax on employers who employ guest workers from outside the Palestinian areas.

But whatever steps are taken, the need for Palestinian jobs is as important as it may seem as just a practical aspect, not on the same level as issues of war and peace. Yet it is, I believe, critical toward forming the kind of peaceful relationship that will last into the future.

A second part of this came up when I visited the industrial estate at Gaza. This is the proudest economic achievement of the Palestinian Authority and is a site where American aid has been successful in creating a desalinization plant to provide industrial quality water and some drinking quality water for industry at a site which, if everything works out well, should employ 20,000 Palestinians.

There is, however, one thing that keeps this site from being as effective as it could be, attracting the kind of investment that it would want, and of course I hope this site goes further, but there should be a second avenue toward Palestinian employment in the industrial sectors; and that would be an industrial site on the Israeli side of the border designed to provide investors with Israeli levels of security, Israeli government, Israeli levels of assurance that there will never be an expropriation, Israeli levels of assurance that the currency will always be convertible, all of the reasons that investors prefer to invest in developed countries and at the same time be accessible by Palestinian workers who would come to work there without necessarily having access to the rest of Israel.

Imagine the opportunity to invest in an area where you have a developed country's government, and of course corruption exists in all governments, but much less in developed countries than in most developing countries, Israeli level security, Israeli level absence of corruption and the risk of corruption or the belief that there might be corruption.

Even if the Palestinian Authority is able to create a corruption-free government, it will always suffer from the general belief of investors that a Third World country is more difficult to do business in than a developed country.

Imagine all of the benefits of investing in a developed country and at the same time having access to the American markets through the U.S.-Israel Free Trade Agreement and at the same time having access to Israeli technology and engineers and business acumen and at the same time having access to low cost industrial labor provided by the Palestinians.

I should point out that we will see future developments; that the Palestinians may be eager to have industrial jobs today with Israel providing some of the more technological expertise. I am confident that if we are able to achieve peace in the Middle East, the Palestinians will develop their own industrial and engineering expertise. It is written nowhere in any sacred text that the Palestinians will always live in a Third World country or Third World economy.

□ 1715

We now want to shift our attention to our relationships with China. In focusing on China, we see three abominations. The first is Chinese policy toward proliferation. Wherever we see the risk of proliferation, whether it be in Iran or Pakistan or North Korea, there is evidence that China has provided either nuclear weapons or the technology to build them, or missiles or the technology to build missiles.

Certainly, China cannot enjoy the friendly relations with the United States which it seeks if it is going to be the source of such dangerous proliferation.

The second abomination is China's work on human rights, where human rights activists were arrested so very recently in another step backward for China.

Finally, but I think most importantly, is China's adverse impact on human rights in the United States through its decision to avoid importing from America. China sends us $66 billion of exports. One cannot go into any store and not find goods made in China. Yet, China accepts only $11 billion of American exports. $66 billion to $11 billion is arguably the most lopsided trading relationship in the history of mankind and womankind; 66-to-11.

Sometimes that means U.S. workers lose their jobs because Chinese imports come in and take those jobs away. Sometimes, though, the goods being imported from China could not be profitably manufactured here in the United States, but I would argue that if we bought our tennis shoes from India, if we bought our garments from Bangladesh, that if 100 toy companies could be formed in the Caribbean, that these Caribbean countries, that Bangladesh, that India, would be recycling those dollars into the United States; that they would be buying billions of dollars of our goods if we would be buying additional billions of dollars of their goods; not even necessarily on a barter or quid pro quo basis, but any economic development in a free country means that the citizens and businesses are free to buy American.

The trade deficit we have with China is not the product of free economic decisions. It is not necessarily the product of any law that the Chinese Government has published. It is a result of oral instructions, unprovable, to major Chinese enterprises to buy American last.

Those who would say the solution is to admit China into the World Trade Organization must ask themselves: What Chinese enterprise would buy American goods if a local communist party commissar said orally in a telephone conversation, we know we have changed the law, we know that it is legal to buy these American goods without tariffs, we had to change the law, but Mr. Chinese businessman, the commissar could easily say, if you decide to buy American goods you will be sent to the reeducation camp.

What could we do? Bring a charge before the WTO? This would be a situation, and it happens now and would happen in the future until the Chinese government agrees that a country that they sell $66 billion of goods to must be a country they are willing to buy $66 billion of goods from.

The problem we have in this House is what lever do we use to try to force a strong bargaining position? I would point out that we are in an amazingly strong bargaining position. If we could just go without tennis shoes for a month, if we could just satisfy our need for toys elsewhere for a month, the Chinese economy would be brought to its knees and we would have the kind of negotiations that we need.

Instead, we cannot even threaten China with the possibility that we would play fairly and expose them to anything like the trade barriers that our products are subject to.

The administration, unfortunately, will not bargain hard, and the only device available to us here is to deny Most Favored Nation status to China and that is too Draconian a penalty. What we need to do is make it clear that if we deny Most Favored Nation status to China, that at least the first year or two or three of that denial that we will not adopt all and to the full extent the taxes and tariffs on Chinese goods that such an action would call for. Clearly we do not need to treat Chinese goods the way we treat goods from Cuba or North Korea or Libya or other countries that do not enjoy Most Favored Nation status. We will never have the votes on this floor to impose that level of tariff on Chinese goods.

So what we must do, and I had an opportunity to talk to our colleague, the gentleman from New Jersey (Mr. SMITH) about this, and it will be an unusual combination if I and the gentleman from New Jersey (Mr. SMITH) ever do anything together, is provide by statute, and even if it is vetoed its meaning would be clear, that if and when we deny Most Favored Nation status to China that we would expose its goods to only 20 percent of the tariffs otherwise applicable by that decision.

So, for example, if China can import into the United States a pair of tennis shoes with only a one dollar tariff, given the fact that China enjoys MFN status and in the absence of MFN status the tax would be $11, which would cripple China's ability to send those tennis shoes to the United States, that we would provide that in the first year of MFN denial, the tariff would be only the tariff applicable to MFN countries plus ten percent of the additional tariff imposed on nonMFN countries.

In this example, we would add one dollar of tariff to the dollar we place now on Chinese tennis shoes and then a year later we would add another dollar, and after that perhaps another dollar so that the immediate effect on U.S. Chinese trade is substantial but not so enormous that members of this Congress are unwilling to vote for it.

I look forward to working with as many of my colleagues as are interested to craft some mechanism to deprive China of some of the benefits that it enjoys under MFN.

The gentleman from New Jersey (Mr. SMITH) had an interesting bill to at least deny MFN to those products made in enterprises owned by the People's Liberation Army and while that is, I think, a good thing for us to do I would point out that we cannot count on China to properly identify for us which enterprises are so owned and which enterprise manufactured which goods.

I would now turn our attention to the budget and comment on the current debate as to who deserves credit for our booming economy today. Is it the Federal Reserve Board and its chairman Alan Greenspan, or the political system, chiefly President Clinton?

I would argue that it is the latter. Mr. Greenspan has done an outstanding job and shown tremendous capacity, but what he has done is pretty much the same as his predecessors would have done, the same as most, I would say all, mainstream economists would have called upon him to do.

There is no particular genius in knowing that interest rates can be low and inflation rates will be kept low if we run a declining Federal deficit or, better yet, a surplus at the Federal level. For many years, those of us concerned with the U.S. economy, for many years mainstream economists have said, that it would not take a genius to give us low interest rates and low inflation rates if we had fiscally responsible management of the Federal Government, and then they would go on to say but, of course, that is politically impossible.

Under President Clinton's leadership, we have done the impossible. We have shown that democracy can be fiscally responsible. Keep in mind the new Euro that was adopted in Europe, in order to join this new currency, the rule was that European countries, and they all had a very hard time meeting this standard, would have to have a national deficit of only 3 percent of their gross national product. Not a single European country even thought of running a surplus in its national government.

For any democracy to not cut taxes, all the way to running a huge deficit, to not increase spending at least until the outer limits of a possible deficit are reached, for any democracy to say no to those who want to spend money and no or not very much to those who want to cut taxes, requires a level of political genius seen in only one place in the world in recent decades, and that is here in Washington.

Now I would point out that at the beginning of 1998, our Republican colleagues suggested an $800 billion, let me stress this, an $800 billion tax cut over, I believe, a 5-year period; a tax cut of almost a trillion dollars. Had we adopted that provision we might have been popular for a day or a week or a month, but in fact we would have crippled this outstanding economic recovery.

Now, I am for tax cuts. When we were able to say no to a trillion dollars worth of tax cuts and instead what was before this House was $80 billion, less than one-tenth of what had been proposed before, I voted for it, and I hope that we have some genuine tax cuts that we can actually afford. Keep in mind, a decision to vote for $80 billion in tax cuts instead of $800 billion in tax cuts is $720 billion of saying no to our own constituents, and that is something we need to have the courage to do.

I hope in a minute to talk about the nature of the kind of tax cut that we would adopt, but I want to point out that there has been agreement that we should save 62 percent of the upcoming surplus for Social Security. Reaching agreement on that is not enough. We need our colleagues on the Republican side of the aisle to agree that we reserve 15 percent of the surplus for Medicare because it does our seniors little good to tell them that Social Security is safe until the year 2055 and, of course, we should reach a way to say 2075, but even saying that Social Security is safe until 2055 rings hollow unless we can make sure that Medicare is there, too.

Another element of the budget that I think is very important, and for which I praise the President, is dealing with the Land and Water Conservation Fund. We have a number of special funds that are part of the Federal Government. We have a transportation fund. It is funded with tax dollars paid by motorists when they buy gasoline. We assured those taxpayers we would spend the money for road improvements and repair and for many years, until last year, we cheated them out of that promise by spending less out of the transportation fund and using that to hide the deficit we were running in the general fund.

□ 1730

We finally are treating the transportation fund as a separate, sacrosanct fund. We have a Social Security fund. It is funded by employer and employee contributions that are to be used exclusively for Social Security. That fund needs to be sacrosanct and used for those purposes.

And least known of the three special funds I will mention is the Land and Water Conservation Fund. It is funded out of Federal royalties from offshore oil drilling and takes in roughly $900 million a year. For many years we spent only a tiny fraction of the Land and Water Conservation Fund on its intended purpose. Keep in mind when that fund was created in 1965 it was a grand compromise and an outstanding deal. It said that if our environment is going to be impaired by offshore oil drilling as it is in various places, and should not be but it is, then the funds that result from that should be used to preserve our environment in other places and should be set aside to buy land to conserve our heritage.

Well, when I first got to Congress, only 14 percent of the funds being taken in by the Land and Water Conservation Fund were used to buy our precious lands to protect them from development and to give something to our children. I am very proud of the fact that in 1998 this House spent virtually all of the Land and Water Conservation Fund to acquire critically needed lands.

And now as we look to the first budget of the new millennium, we must keep faith with the law that established the Land and Water Conservation Fund, and we should applaud the President for presenting us with a budget that provides for enormous surpluses, that safeguards Social Security and Medicare and at the same time allows us to spend nearly a billion dollars in preserving our land for posterity.

I especially want to complement the President for including within that $5 million to preserve the Santa Monica Mountains by buying critically necessary tracts within those mountains. For my colleagues' edification, I will point out that one out of every 17 Americans, not one out of every 17 southern Californians, not one out of 17 Californians, one-seventeenth of all Americans live within an hour's drive of the Santa Monica Mountains National Recreation Area.

There is no better investment in not just recreational opportunities but the chance to get out into nature and unwind for one-seventeenth of the country than to preserve the Santa Monica Mountains. We need to do that one parcel at a time, one fiscal year at a time, until the land acquisition plan is fully implemented. To do less would be to turn to southern Californians and say, if you want to unwind, fine, drive to Yellowstone, and after a thousand miles of hectic travel you can unwind in America's most premier national park. We need to have national parks close to where people live. We have one in the Santa Monica Mountains.

While I am focusing on local issues, I should also point out the most important transportation need of the southern California area, and that is dealing with the intersection of the San Diego Freeway and the Ventura Freeway, the 405 and the 101. I want to applaud our State government for beginning a $10 to $15 million plan to provide some immediate quick fixes and one additional lane in order to deal with the huge snarl of traffic at that interchange. But these quick fixes and moderate amounts of expenditures will not be enough to solve the problem. I want to thank Secretary Rodney Slater for providing for a half-million-dollar study of what can be done to deal with this intersection and the transition roads that have to accommodate almost half a million cars every day.

Madam Speaker, I would like to use the last 10 minutes of my presentation, and I thank the House for giving me this much time, to focus on one particular type of tax cut that I hope will have bipartisan support, and that is the need to reform our estate tax laws to dramatically reduce the amount of estate planning, the length of documents and the literal legal torture that we put our elderly and our near-elderly through as a result of an estate planning process that yields virtually no revenue from the middle-class and upper middle-class individuals who need to go through the process.

Let me describe that process briefly. We have an estate tax that reaps, I believe, $17 billion in revenue for this country. It is designed to get revenue from the wealthy as great wealth passes from one generation to another. We designed the law so that a married couple could leave $1.2 million to their children with no tax at all. That is the tax policy that we have established, $1.2 million tax-free.

But we adopted that tax policy in a bizarre way. And when I say, by the way, $1.2 million, that number is going to be ratcheted up over the next decade to a total of $2 million, depending upon, of course, when people die and that estate tax becomes applicable. In my presentation here I will use the old figures, the $600,000 figures and the $1.2 million figures.

That is to say, how is it that current law provides for that $1.2 million exemption? It provides a $600,000 exclusion to each of the two spouses. So what do they have to do to take advantage of this $1.2 million exemption? They have to write a long, complicated estate planning document and bypass trust so that when the first spouse dies, that first spouse does not just leave all the family assets to the surviving spouse. Oh, no. That would trigger an estate tax of major proportion when the second spouse dies. Instead, the first spouse to die must leave $600,000 in a trust for the benefit of the surviving spouse. The effect is virtually the same, but the legal complexities are enormous.

First, just drawing the instrument is a $1,000 to $3,000 legal fee tax imposed on any couple that believes that when the second of them to dies it is possible that their assets will exceed $600,000. And given the possibility that homes in southern California would go up in value with the same rapidity next decade as they did last decade, every middle-class married couple sees that as at least a possibility.

Keep in mind, those who fail to go through this excruciating estate planning process, and I will describe why I think it is excruciating because I have lived it, are told, well, if the second spouse dies, there will be a quarter of a million dollars of extra Federal tax that you could have avoided, a quarter-million-dollar penalty on the family for failing to go through this complicated estate planning process.

But the estate planning process is not over. It seems to be over but it is not over when the trust is documented and the couple leaves the lawyer's office with a 50-page document. Because there will come a time when the first spouse dies, and at that point complicated legal steps need to be taken so that assets are put into the trust and other assets are assigned to the widow or widower, and then every year thereafter that trust has got to fill out a separate income tax return. Assets have to be kept separate.

Imagine trying to explain for the 20th time to a 95-year-old widow or widower how some assets they have control over and are in trust, which they are only allowed to touch under certain circumstances but get the income under other circumstances, and other assets are in a different trust. Why do we afflict America's elderly, especially our widows and widowers, with the need to be in these bypass trusts?

Now, I am not talking here, by the way, of the living trusts that are established to avoid probate in many of our States. Those are genuinely simple. But built within so many of them are these bypass trusts, created not to avoid probate but created to deal with very complicated tax laws.

What we should do instead is provide that when the first spouse dies, they can leave all the assets, or some portion of them, to the surviving spouse, and any unused portion of the unified credit, the in effect $600,000 exemption, goes to the surviving spouse. In the simplest plan this would mean when the first spouse died, all of the assets could go to the widow or widower. When the widow or widower passes on later, $1.2 million would be exempt from tax and the rest would be subject to tax.

This is the same tax effect that most couples will be faced with. I just think they should be able to reach it without living with these trusts throughout the widowhood or widowerhood of the surviving spouse.

Now, the Joint Tax Committee has informed me that they believe that this kind of change would deprive the Federal Government of a billion dollars a year in revenue. For those who want to see a significant estate tax reduction, that is a strong reason to join me in this proposed estate tax change.

But I would argue that that billion-dollar reduction in revenue is almost entirely illusory, because the bill as I would propose it would provide tax benefits no greater than any married couple could get simply by visiting a lawyer and paying a $1,500 legal fee. The vast majority of couples with assets of over $600,000 will do just that, and as a result they will obtain through complication the tax savings that I would like to provide through simplicity.

I look forward to working with the staff of the Joint Tax Committee to get a more reasonable revenue estimate of this estate tax simplification, and I look forward to working with as many of my colleagues who are interested in crafting legislation to try to simplify the life of every middle-class and upper middle-class widow and widower in this country.

I want to thank the Chair for extending so much time. I want to thank my colleagues for their patience in allowing me to get so many matters off my chest.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TOMORROW

Mr. WELLER. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with tomorrow.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Illinois?

There was no objection.

TIME FOR A TAX CUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Madam Speaker, I have the privilege of representing one of the most diverse districts in America. I represent the south side of Chicago and the south suburbs in Cook and Will Counties, industrial communities like Joliet, bedroom communities like Morris and New Lennox, farm towns like Tonica and Mazon.

I hear one common message as I travel throughout this very diverse district and listen to the concerns of the people I have the privilege of representing. That message is fairly simple. That is, the American people want us to work together, they want us to come up with solutions to the challenges that we face.

When I was elected in 1994, I was elected with that message of finding solutions and finding ways to change how Washington works, to make Washington more responsive to the folks back home.

□ 1745

We were elected, of course, to bring those solutions to the challenges of balancing the budget, and raising take-home pay by lowering taxes, and reforming welfare and taming the IRS. But there were a lot of folks here in Washington who said, you know, those are challenges that you will never solve, that you will never be able to do that, and they said it just could not be done. And I am proud to say tonight that we did. We did do what we were told we could not do. I am proud that our accomplishments include the first balanced budget in 28 years, the first middle class tax cut in 16 years, the first real welfare reform in a generation and the first ever reform of the IRS. Our efforts produced a balanced budget that has now generated a projected surplus of extra tax revenue of $2.3 trillion over the next 10 years. We now have a $500 per child tax credit that is going to benefit 3 million children in my State of Illinois. Welfare reform that has succeeded in reducing welfare rolls by 25 percent, and taxpayers now enjoy the same rights with the IRS that they have in a courtroom. For the first time taxpayers are innocent until proven guilty.

Madam Speaker, these are real accomplishments of this Congress, and I am proud to have been part of those accomplishments, but we also have greater challenges ahead of us.

Because this Congress held the President's feet to the fire, we balanced the budget, and now we are collecting more in taxes than we are spending, something new here in Washington, and the question before this House and this Congress in Washington is: What do we do with that extra tax revenue, $2.3 trillion, an extra tax revenue? We are collecting more than we are spending.

I think it is pretty clear. There was an agreement, a bipartisan agreement, that the first priority for this extra tax revenue is to save Social Security, to make sure that we keep Social Security on sound footing for our seniors and future generations, and I do want to note that last fall the Republican House passed and sent to the Senate legislation that would earmark 90 percent of the surplus of extra tax revenue for saving Social Security. Now this year President Clinton says he only needs 62 percent; we can save Social Security with 62 percent. Well, we agreed that at a minimum we should set-aside 62 percent of surplus tax revenues for saving Social Security.

Of course the question is: What do we do with the rest? Bill Clinton says that we should save Social Security and then spend the rest, the remaining 38 percent of surplus tax revenues, on new government programs, on big government. I disagree and say that we should save Social Security and we should raise take-home pay by lowering taxes.

The question is pretty simple before this House: Whose money is it to start with?

You know, if you think about it, if you go to a restaurant, and you buy a meal, and you find that you overpay, the restaurant will usually say, wait a second, you have given us too much, you should take this back. You have paid too much, and that extra money they should get back to you. Well, it is clear today that this government is collecting too much, and it is time to give that too much back in a tax cut.

There is a pretty simple question again. It is do we want to save Social Security and spend the rest of the surplus tax revenue, or do we save Social Security and give it back for working families, give it back by eliminating the marriage tax penalty and rewarding retirement savings?

You know the Tax Foundation tells us that today's tax burden is too high. The average family in Illinois sends 40 percent of its annual income, its earnings, its salary, to government at local, State and Federal levels. Forty percent of your income goes to government at one level or another. And I also want to note that the IRS tells us that since Bill Clinton was elected President in 1992, taxes collected by the Federal Government from individuals and from families have gone up 63 percent. The tax burden on America's families is the highest ever.

My colleagues, we can save Social Security, we can eliminate the marriage tax penalty. Let us save Social Security, and let us lower taxes for working Americans.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 99, TEMPORARY EXTENSION OF FEDERAL AVIATION ADMINISTRATION PROGRAMS

Mr. DREIER (during the special order of Mr. PAUL), from the Committee on Rules, submitted a privileged report (Rept. No. 106-4) on the resolution (H. Res. 31) providing for consideration of the bill (H.R. 99) to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONGRESS RELINQUISHING THE POWER TO WAGE WAR

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Madam Speaker, I have great concern for the future of the American Republic. Many Americans argue that we are now enjoying the best of times. Others concern themselves with problems less visible but smouldering beneath the surface. Those who are content point out that the economy is booming, we are not at war, crime rates are down, and the majority of Americans feel safe and secure in their homes and community. Others point out that economic booms, when brought about artificially with credit creation, are destined to end with a bang. The absence of overt war does not negate the fact that tens of thousands of American troops are scattered around the world in the middle of ancient fights not likely to be settled by our meddling and may escalate at any time.

Madam Speaker, the relinquishing of the power to wage war by Congress to the President, although ignored or endorsed by many, raises serious questions regarding the status of our Republic, and although many Americans are content with their routine activities, much evidence demonstrating that our personal privacy is routinely being threatened. Crime still remains a concern for many with questions raised as to whether or not violent crimes are accurately reported, and ironically there are many Americans who now fear that dreaded Federal bureaucrat and possible illegal seizure of their property by the government more than they do the thugs in the street. I remain concerned about the economy, our militarism and internationalism, and the systemic invasion of our privacy in every aspect of our lives by nameless bureaucrats. I am convinced that if these problems are not dealt with. The republic for for which we have all sworn an oath to protect will not survive.

Madam Speaker, all Members should be concerned about the war powers now illegitimately assumed by the President, the financial bubble that will play havoc with the standard of living of most Americans when it bursts and the systemic undermining of our privacy even in this age of relative contentment.

The Founders of this great Nation abhorred tyranny and loved liberty. The power of the king to wage war, tax and abuse the personal rights of the American colonists drove them to rebel, win a revolution and codify their convictions in a new Constitution. It was serious business, and every issue was thoroughly debated and explained most prominently in the Federalist Papers. Debate about trade among the States and with other countries, sound money and the constraints on presidential power occupied a major portion of their time.

Initially the Articles of Confederation spoke clearly of just who would be responsible for waging war. It gave the constitutional Congress, quote, sole and exclusive right and power of determining on peace and war. In the debate at the Constitutional Convention it was clear that this position was maintained as the power of the British king was not to be, quote, a proper guide in defining executive war powers, close quote, for the newly formed republic. The result was a Constitution that gave Congress the power to declare war, issue letters of mark and reprisal, call up the militia, raise and train an Army and Navy and regulate foreign commerce, a tool often used in international conflict. The President was also required to share power with the Senate in ratifying treaties and appointing ambassadors.

Let there be no doubt. The President, according to the Constitution, has no power to wage war. However it has been recognized throughout our history that certain circumstances might require the President to act in self-defense if Congress is not readily available to act if the United States is attacked.

Recent flagrant abuse of the power to wage war by modern-day Presidents, including the most recent episodes in Iraq, Afghanistan and Sudan, should prompt this Congress to revisit this entire issue of war powers. Certain abuses of power are obviously more injurious than others. The use of the FBI and the IRS to illegally monitor and intimidate citizens is a power that should be easy to condemn, and yet it continues to thrive. The illegal and immoral power to create money out of thin air for the purpose of financing a welfare-warfare state serving certain financial interests while causing the harmful business cycle is a process that most in Washington do not understand nor care about. These are ominous powers of great magnitude that were never meant to be permitted under the Constitution.

But as bad as these abuses are, the power of a single person, the President, to wage war is the most egregious of all presidential powers, and Congress deserves the blame for allowing such power to gravitate into the hands of the President. The fact that nary a complaint was made in Congress for the recent aggressive military behavior of our President in Iraq for reasons that had nothing to do with national security should not be ignored. Instead, Congress unwisely and quickly rubber stamped this military operation. We should analyze this closely and decide whether or not we in the Congress should promote a war powers policy that conforms to the Constitution or continue to allow our Presidents ever greater leverage to wage war any time, any place and for any reason.

This policy of allowing our Presidents unlimited authority to wage war has been in place since the end of World War II, although abuse to a lesser degree has occurred since the beginning of the 20th century. Specifically, since joining the United Nations congressional authority to determine when and if our troops will fight abroad has been seriously undermined. From Truman's sending of troops to Korea to Bush's Persian Gulf War, we have seen big wars fought, tens of thousands killed, hundreds of thousands wounded and hundreds of billions of dollars wasted. U.S. security, never at risk, has been needlessly jeopardized by the so-called peacekeeping missions and police exercises while constitutional law has been seriously and dangerously undermined.

Madam Speaker, something must be done. The cost of this policy has been great in terms of life and dollars and our constitutional system of law. Nearly 100,000 deaths occurred in the Vietnam and Korean wars, and if we continue to allow our Presidents to casually pursue war for the flimsiest of reasons, we may well be looking at another major conflict somewhere in the world in which we have no business or need to be involved.

The correction of this problem requires a concerted effort on the part of Congress to reclaim and reassert its responsibility under the Constitution with respect to war powers, and efforts were made to do exactly that after Vietnam in 1973 and more recently in 1995. Neither efforts were successful, and ironically the President emerged with more power, with each effort being undermined by supporters in the Congress of presidential authoritarianism and internationalism. Few objected to the Truman-ordered U.N. police actions in Korea in the 1950s, but they should have. This illegal and major war encouraged all subsequent Presidents to assume greater authority to wage war than was ever intended by the Constitution or assumed by all the Presidents prior to World War II. It is precisely because of the way we have entered in each military action since the 1940s without declaring war that their purposes have been vague and victory elusive, yet pain, suffering and long term negative consequences have resulted. The road on which this country embarked 50 years ago has led to the sacrifice of a lot of congressional prerogatives and citizen control over the excessive power that have fallen into the hands of Presidents quite willing to abuse this authority. No one person, if our society is to remain free, should be allowed to provoke war with aggressive military acts. Congress and the people are obligated to rein in this flagrant abuse of presidential power.

Not only did we suffer greatly from the unwise and illegal Korean and Vietnam wars, Congress has allowed a continuous abuse of military power by our Presidents in an ever increasing frequency. We have seen troops needlessly die in Lebanon, Grenada, invaded for questionable reasons, Libya bombed with innocent civilians killed, persistent naval operations in the Persian Gulf, Panama invaded, Iraq bombed on numerous occasions, Somalia invaded, a secret and illegal war fought in Nicaragua, Haiti occupied, and troops stationed in Bosnia and now possibly soon in Kosovo.

☐ 1800

Even the Congressional permission to pursue the Persian Gulf War was an afterthought, since President Bush emphatically stated that it was unnecessary, as he received his authority from the United Nations.

Without an actual declaration of war and support from the American people, victory is unachievable. This has been the case with the ongoing war against Iraq. Without a legitimate concern for our national security, the willingness to declare war and achieve victory is difficult. The war effort becomes narrowly political, serving special interests, and not fought for the defense of the United States against a serious military threat. If we can win a Cold War against the Soviets, we hardly need a hot war with a third world nation, unable to defend itself, Iraq.

Great concern in the 1960s over the excessive presidential war powers was expressed by the American people, and, thus, the interests of the U.S. Congress after Vietnam in the early 1970's. The War Powers Resolution of 1973 resulted, but due to shrewd manipulation and political chicanery, the effort resulted in giving the President more authority, allowing him to wage war for 60 to 90 days without Congressional approval.

Prior to the Korean War, when the Constitution and historic precedent had been followed, the President could not and for the most part did not engage in any military effort not directly defensive in nature without explicit Congressional approval.

The result of the passage of the War Powers Resolution was exactly opposite to its authors' intentions. More power is granted to the president to send troops hither and yon, with the various Presidents sometimes reporting to the Congress and sometimes not. But Congress has unwisely and rarely objected, and has not in recent years demanded its proper role in decisions of war, nor hesitated to continue the funding that the various presidents have demanded.

Approval of presidential-directed aggression, disguised as "support for the troops," comes routinely, and if any member does not obediently endorse every action a President might take, for whatever reason, it is implied the member lacks patriotism and wisdom. It is amazing how we have drifted from the responsibility of the Founders, imagine, the Congress and the people would jealously protect.

It is too often and foolishly argued that we must permit great flexibility for the President to retaliate when American troops are in danger. But this is only after the President has invaded and placed our troops in harm's way.

By what stretch of the imagination can one say that these military actions can be considered defensive in nature? The best way we can promote support for our troops is employ them in a manner that is the least provocative. They must be given a mission confined to defending the United States, not policing the world or taking orders from the United Nations or serving the special commercial interests of U.S. corporations around the world.

The 1995 effort to repeal the War Powers Resolution failed because it was not a clean repeal, but one still requiring consultation and reporting to the Congress. This led to enough confusion to prevent its passage.

What is needed is a return to the Constitution as a strict guide as to who has the authority to exert the war powers and, as has been scrupulously followed in the 19th century by essentially all political parties and presidents.

The effort to curtail presidential powers while requiring consultation and reporting to the Congress implies that that is all that is needed to avoid the strict rules laid out by the Constitution.

It was admitted in the House debate by the House leadership that the repeal actually gave the President more power to use troops overseas and therefore urged passage of the measure. This accurate assessment prompted antiwar pro-peace Republicans and Democrats to narrowly reject the proposal.

The message here is that clarification of the War Powers Resolution and a return to constitutional law are the only way presidential authority to wage war can be curtailed. If our presidents do not act accordingly, Congress must quickly and forcefully meet its responsibility by denying funds for foreign intervention and aggression initiated by the President.

The basic problem here is that there are still too many Members of Congress who endorse a presidency armed with the authority of a tyrant to wage war. But if this assumption of power by the President with Congress' approval is not reversed, the republic cannot be maintained.

Putting the power in the hands of a single person, the president, to wage war, is dangerous and costly, and it destroys the notion that the people through their Congressional representatives decide when military action should start and when war should take place.

The sacrifice of this constitutional principle, guarded diligently for 175 years and now severely eroded in the past 50, must be restored if we hope to protect our liberties and avoid yet another unnecessary and, heaven-forbid, major world conflict, and merely changing the law will not be enough to guarantee that future presidents will not violate their trust.

A moral commitment to the principle of limited presidential war powers in the spirit of the republic is required. Even with the clearest constitutional restriction on the President to wage undeclared wars, buffered by precise legislation, if the sentiment of the Congress, the courts and the people or the President is to ignore these restraints, they will.

The best of all situations is when the spirit of the republic is one and the same, as the law itself, and honorable men are in positions of responsibility to carry out the law. Even though we cannot guarantee the future Congress' or our president's moral commitment to the principles of liberty by changing the law, we still must make every effort possible to make the law and the Constitution as morally sound as possible.

Our responsibility here in the Congress is to protect liberty and do our best to ensure peace and trade with all who do not aggress against us. But peace is more easily achieved when we reject the notion that some Americans must subsidize foreign nations for a benefit that is intended to flow back to a select few Americans. Maintaining an empire or striving for a world government while allowing excessive war powers to accrue to an imperial president will surely lead to needless military conflicts, loss of life and liberty, and a complete undermining of our constitutional republic.

On another issue, privacy, privacy is the essence of liberty. Without it, individual rights cannot exist. Privacy and property are interlocked and if both are protected, little would need to be said about other civil liberties. If one's home, church or business is one's castle, and the privacy of one's person, papers and effects are rigidly protected, all rights desired in a free society will be guaranteed. Diligently protecting the right to privacy and property guarantees religious, journalistic and political experience, as well as a free market economy and sound money. Once a careless attitude emerges with respect to privacy, all other rights are jeopardized.

Today we find a systematic and pervasive attack on the privacy of all American citizens, which undermines the principle of private property ownership. Understanding why the attack on privacy is rapidly expanding and recognizing a need to reverse this trend is necessary if our republic is to survive.

Lack of respect for the privacy and property of the American colonists by the British throne was a powerful motivation for the American revolution and resulted in the strongly worded and crystal clear Fourth Amendment.

Emphatically, searches and seizures are prohibited except when warrants are issued upon probable cause supported by oath or affirmation, with details listed given as to place, person and things to be seized.

This is a far cry from the routine seizure by the Federal Government and forfeiture of property which occurs today. Our papers are no longer considered personal and their confidentiality has been eliminated. Private property is searched by Federal agents without announcement, and huge fines are levied when Federal regulations appear to have been violated, and proof of innocence is demanded if one chooses to fight the abuse in court and avoid the heavy fines.

Eighty thousand armed Federal bureaucrats and law enforcement officers now patrol our land and business establishments. Suspicious religious groups are monitored and sometimes destroyed without due process of law, with little or no evidence of wrongdoing. Local and state jurisdiction is rarely recognized once the feds move in.

Today, it is routine for government to illegally seize property, requiring the victims to prove their innocence in order to retrieve their property, and many times this fails due to the expense and legal roadblocks placed in the victim's way.

Although the voters in the 1990's have cried out for a change in direction and demanded a smaller, less intrusive government, the attack on privacy by the Congress, the administration and the courts has, nevertheless, accelerated. Plans have now been laid or implemented for a national I.D. card, a national medical data bank, a data bank on individual MDs, deadbeat dads, intrusive programs monitoring our every financial transaction, while the Social Security number has been established as the universal identifier.

The Social Security number is now commonly used for just about everything, getting a birth certificate, buying a car, seeing an MD, getting a job, opening up a bank account, getting a driver's license, making many routine purchases, and, of course, a death certificate. Cradle-to-the-grave government surveillance is here and daily getting more pervasive.

The attack on privacy is not a coincidence or an event that arises for no explainable reason. It results from a philosophy that justifies it and requires it. A government not dedicated to preserving liberty must by its very nature allow this precious right to erode.

A political system designed as ours was to protect life and liberty and property would vigorously protect all citizens' rights to privacy, and this cannot occur unless the property and the fruits of one's labor, of every citizen, is protected from confiscation by thugs in the street as well as in our legislative bodies.

The promoters of government instruction into our privacy characteristically use worn out cliches to defend what they do. The most common argument is that if you have nothing to hide, why worry about it?

This is ludicrous. We have nothing to hide in our homes or our bedrooms, but that is no reason why big brother should be permitted to monitor us with a surveillance camera.

The same can be argued about our churches, our businesses or any peaceful action we may pursue. Our personal activities are no one else's business. We may have nothing to hide, but, if we are not careful, we have plenty to lose, our right to be left alone.

Others argue that to operate government programs efficiently and without fraud, close monitoring is best achieved with an universal identifier, the Social Security number.

Efficiency and protection from fraud may well be enhanced with the use of a universal identifier, but this contradicts the whole notion of the proper role for government in a free society.

Most of the Federal programs are unconstitutional to begin with, so eliminating waste and fraud and promoting efficiency for a program that requires a violation of someone else's rights should not be a high priority of the Congress. But the temptation is too great, even for those who question the wisdom of the government programs, and compromise of the Fourth Amendment becomes acceptable.

I have never heard of a proposal to promote the national I.D. card or anything short of this for any reasons other than a good purpose. Essentially all those who vote to allow the continual erosion of our privacy and other constitutional rights never do it because they consciously support a tyrannical government; it is always done with good intentions.

Believe me, most of the evil done by elected congresses and parliaments throughout all of history has been justified by good intentions. But that does not change anything. It just makes it harder to stop.

Therefore, we cannot ignore the motivations behind those who promote the welfare state. Bad ideas, if implemented, whether promoted by men of bad intentions or good, will result in bad results.

Well-intentioned people, men of goodwill, should, however, respond to a persuasive argument. Ignorance is the enemy of sound policy, every bit as much as political corruption.

Various management problems in support for welfarism motivates those who argue for only a little sacrifice of freedom to achieve a greater good for society. Each effort to undermine our privacy is easily justified.

The national I.D. card is needed, it is said, to detect illegal aliens, yet all Americans will need it to open up a bank account, get a job, fly on an airplane, see a doctor, go to school or drive a car.

□ 1815

Financial privacy must be sacrificed, it is argued, in order to catch money launderers, drug dealers, mobsters and tax cheats. Privacy for privacy's sake, unfortunately for many, is a nonissue.

The recent know-your-customer plan was designed by Richard Small, Assistant Director of the Division of Banking Supervision Regulation at the Federal Reserve. He is not happy with all of the complaints that he has received regarding this proposal. His program will require that every bank keep a detailed profile on every customer, as to how much is deposited, where it comes from, and when and how the money is spent. If there is any deviation from the profile on record, the bank is required to report this to a half dozen government agencies, which will require the customer to do a lot of explaining. This program will catch few drug dealers, but will surely infringe on the liberty of every law-abiding citizen.

After thousands of complaints were registered at the Federal Reserve and the other agencies, Richard Small was quoted as saying that in essence, the complaints were coming from these strange people who are overly concerned about the Constitution and privacy. Legal justification for the program, Small explained, comes from a court case that states that our personal papers, when in the hands of a third party like a bank, do not qualify for protection under the Fourth Amendment.

He is accurate in quoting the court case, but that does not make it right. Courts do not have the authority to repeal a fundamental right as important as that guaranteed by the Fourth Amendment. Under this reasoning, when applied to our medical records, all confidentiality between the doctor and the patient is destroyed.

For this reason, the proposal for a national medical data bank to assure us there will be no waste or fraud, that doctors are practicing good medicine, that the exchange of medical records between the HMOs will be facilitated and statistical research is made easier, should be strenuously opposed. The more the government is involved in medicine or anything, the greater the odds that personal privacy will be abused.

The IRS and the DEA, with powers illegally given them by the Congress and the courts, have prompted a flood of seizures and forfeitures in the last several decades without due process and frequently without search warrants or probable cause. Victims then are required to prove themselves innocent to recover the goods seized.

This flagrant and systematic abuse of privacy may well turn out to be a blessing in disguise. Like the public schools, it may provide the incentive for Americans finally to do something about the system.

The disaster state of the public school system has prompted millions of parents to provide private or home schooling for their children. The worse the government schools get, the more the people resort to a private option, even without tax relief from the politicians. This is only possible as long as some remnant of our freedom remains, and these options are permitted. We cannot become complacent.

Hopefully, a similar reaction will occur in the area of privacy, but overcoming the intrusiveness of government into our privacy in nearly every aspect of our lives will be difficult. Home schooling is a relatively simple solution compared to avoiding the roving and snooping high of big brother. Solving the privacy problem requires an awakening by the American people with a strong message being sent to the U.S. Congress that we have had enough.

Eventually, stopping this systematic intrusion into our privacy will require challenging the entire welfare state.

Socialism and welfarism self-destruct after a prolonged period of time due to their natural inefficiencies and national bankruptcy. As the system ages, more and more efforts are made to delay its demise by borrowing, inflating and coercion. The degree of violation of our privacy is a measurement of the coercion thought necessary by the proponents of authoritarianism to continue the process.

The privacy issue invites a serious discussion between those who seriously believe welfare redistribution helps the poor and does not violate anyone's rights, and others who promote policies that undermine privacy in an effort to reduce fraud and waste to make the programs work efficiently, even if they disagree with the programs themselves. This opportunity will actually increase as it becomes more evident that our country is poorer than most believe and sustaining the welfare state at current levels will prove impossible. An ever-increasing invasion of our privacy will force everyone eventually to reconsider the efficiency of the welfare state, if the welfare of the people is getting worse and their privacy invaded.

Our job is to make a principled, moral, constitutional and practical case for respecting everyone's privacy, even if it is suspected some private activities, barring violence, do not conform to our own private moral standards. We could go a long way to guaranteeing privacy for all Americans if we, as Members of Congress, would take our oath of office more seriously and do exactly what the Constitution says.

THE FINANCIAL BUBBLE

On a third item, the financial bubble, a huge financial bubble engulfs the world financial markets. This bubble has been developing for a long time but has gotten much larger the last couple of years. Understanding this issue is critical to the economic security of all Americans that we all strive to protect.

Credit expansion is the root cause of all financial bubbles. Fiat monetary systems inevitably cause unsustainable economic expansion that results in a recession and/or depression. A correction always results, with the degree and duration being determined by government fiscal policy and central bank monetary policy. If wages and prices are not allowed to adjust and the correction is thwarted by invigorated monetary expansion, new and sustained economic growth will be delayed or prevented. Financial dislocation caused by central banks in the various countries will differ from one to another due to political perceptions, military considerations, and reserve currency status.

The U.S.'s ability to inflate has been dramatically enhanced by other countries' willingness to absorb our inflated currency, our dollar being the reserve currency of the world. Foreign central banks now hold in reserve over $600 billion, an amount significantly greater than that even held by our own Federal Reserve System. Our economic and military power gives us additional license to inflate our currency, thus delaying the inevitable correction inherent in a paper money system. But this only allows for a larger bubble to develop, further jeopardizing our future economy.

Because of the significance of the dollar to the world economy, our inflation and the dollar-generated bubble is much more dangerous than single currency inflation such as Mexico, Brazil, South Korea, Japan and others. The significance of these inflations, however, cannot be dismissed.

The Federal Reserve Board Chairman Alan Greenspan, when the Dow was at approximately 6,500, cautioned the Nation about irrational exuberance and for a day or two the markets were subdued. But while openly worrying about an unsustained stock market boom, he nevertheless accelerated the very credit expansion that threatened the market and created the irrational exuberance.

From December 1996, at the time that Greenspan made this statement, to December 1998, the money supply soared. Over $1 trillion of new money, as measured by M-3, was created by the Federal Reserve. MZM, another monetary measurement, is currently expanding at a rate greater than 20 percent. This generous dose of credit has sparked even more irrational exuberance, which has taken the Dow to over 9,000 for a 30 percent increase in just two years.

When the foreign registered corporation long term capital management was threatened in 1998, that is, the market demanding a logical correction to its own exuberance with its massive $1 trillion speculative investment in the derivatives market, Greenspan and company quickly came to its rescue with an even greater acceleration of credit expansion.

The pain of market discipline is never acceptable when compared to the pleasure of postponing hard decisions and enjoying for a while longer the short-term benefits gained by keeping the financial bubble inflated. But the day is fast approaching when the markets and Congress will have to deal with the attack on the dollar, once it is realized that exporting our inflation is not without limits.

A hint of what can happen when the world gets tired of holding too many of our dollars was experienced in the dollar crisis of 1979 and 1980, and we saw at that time interest rates over 21 percent. There is abundant evidence around warning us of the impending danger. According to Federal Reserve statistics, household debt reached 81 percent of personal income in the second quarter of 1998. For 20 years prior to 1985, household debt averaged around 50 percent of personal income. Between 1985 and 1998, due to generous Federal Reserve credit, competent American consumers increased this to 81 percent and now it is even higher. At the same time, our savings rate has dropped to zero percent.

The conviction that stock prices will continue to provide extra cash and confidence in the economy has fueled wild consumer spending and personal debt expansion. The home refinance index between 1997 and 1999 increased 700 percent. Secondary mortgages are now offered up to 120 percent of a home's equity, with many of these funds finding their way into the stock market. Generous credit and quasi-government agencies make these mortgage markets robust, but a correction will come when it is realized that the builders and the lenders have gotten ahead of themselves.

The willingness of foreign entities to take and hold our dollars has generated a huge current account deficit for the United States. It is expected a $200 billion annual deficit that we are running now will accelerate to over $300 billion in 1999, unless the financial bubble bursts.

This trend has made us the greatest international debtor in the world, with a negative net international asset position of more than $1.7 trillion. A significantly weakened dollar will play havoc when this bill comes due and foreign debt holders demand payment.

Contributing to the bubble and the dollar strength has been the fact that even though the dollar has problems, other currencies are even weaker and thus make the dollar look strong in comparison. Budgetary figures are frequently stated in a falsely optimistic manner. In 1969 when there was a surplus of approximately $3 billion, the national debt went down approximately the same amount. In 1998, however, with a so-called surplus of $70 billion, the national debt went up $113 billion, and instead of the surpluses which are not really surpluses running forever, the deficits will rise with a weaker economy and current congressional plans to increase welfare and warfare spending.

Government propaganda promotes the false notion that inflation is no longer a problem. Nothing could be further from the truth. The dangerous financial bubble, a result of the Federal Reserve's deliberate policy of inflation and the Fed's argument that there is no inflation according to government-concocted CPI figures, is made to justify a continuous policy of monetary inflation because they are terrified of the consequence of deflation. The Federal Reserve may sincerely believe maintaining the status quo, preventing price inflation and delaying deflation is possible, but it really is not.

The most astute money manager cannot balance inflation against deflation as long as there is continued credit expansion. The system inevitably collapses, as it finally did in Japan in the 1990s. Even the lack of the CPI inflation as reported by the Federal Reserve is suspect.

A CPI of all consumer items measured by the private source shows approximately a 400 percent increase in prices since 1970. Most Americans realize their dollars are buying less each year and no chance exists for the purchasing power of the dollar to go up. Just because prices of TVs and computers may go down, the cost of medicine, food, stocks and entertainment, and of course, government, certainly can rise rapidly.

One characteristic of an economy that suffers from a constantly debased currency is sluggish or diminished growth in real income. In spite of our so-called great economic recovery, two-thirds of U.S. workers for the past 25 years have had stagnant or falling wages. The demands for poverty relief from government agencies continue to increase. Last year alone, 678,000 jobs were lost due to downsizing. The new service sector jobs found by many of those laid off are rarely as good paying.

In the last 1½ years, various countries have been hit hard with deflationary pressures. In spite of the IMF-led bailouts of nearly $200 billion, the danger of a worldwide depression remains. Many countries, even with the extra dollars sent to them courtesy of the American taxpayer, suffer devaluation and significant price inflation in their home currency.

□ 1830

But this, although helpful to banks lending overseas, has clearly failed, has cost a lot of money, and prevents the true market correction of liquidation of debt that must eventually come. The longer the delay and the more dollars used, the greater the threat to the dollar in the future.

There is good reason why we in the Congress should be concerned. A dollar crisis is an economic crisis that will threaten the standard of living of many Americans. Economic crises frequently lead to political crises, as is occurring in Indonesia.

Congress is responsible for the value of the dollar. Yet, as we have done too often in other areas, we have passed this responsibility on to someone else; in this case, to the Federal Reserve.

The Constitution is clear that the Congress has responsibility for guaranteeing the value of the currency, and no authority has ever been given to create a central bank. Creating money out of thin air is counterfeiting, even when done by a bank that the Congress tolerates.

It is easy to see why Congress, with its own insatiable desire to spend money and perpetuate a welfare and military state, cooperates with such a system. A national debt of $5.6 trillion could not have developed without a willing Federal Reserve to monetize this debt and provide for artificially low interest rates. But when the dollar crisis hits and it is clearly evident that the short-term benefits were not worth it, we will be forced to consider monetary reform.

Reconsidering the directives given us in the Constitution with regard to money would go a long way towards developing a sound monetary system that best protects our economy and guides us away from casually going to war. Monetary reform is something that we ought to be thinking about now.

Mr. Speaker, let me summarize. We in the Congress, along with the President, will soon have to make a decision that will determine whether or not the American republic survives. Allowing our presidents to wage war without the consent of Congress, ignoring the obvious significance of fiat money to a healthy economy, and perpetuating pervasive government intrusion into the privacy of all Americans will surely end the American experiment with maximum liberty for all unless we reverse this trend.

Too often the American people have chosen security over liberty. Allowing the President a little authority to deal with world problems under a U.N. banner has been easier than reversing the trend of the past 50 years. Accepting the financial bubble when on the short run, it helps everyone's portfolio, helps to finance government spending, is easy, even if it only delays the day of reckoning when the bills come due, as they already have in so many other countries in the world.

Giving up a little privacy seems a small price to pay for the many who receive the generous benefits of big government, but when the prosperity comes to an end and the right to privacy has been squandered, it will be most difficult to restore the principles of a free society.

Materialistic concerns and complacency toward the principles of liberty will undo much of what has been built in America over the past 200 years, unless there is a renewed belief that our God-given rights to life and liberty are worth working for. False economic security is no substitute for productive effort in a free society, where the citizens are self-reliant, generous, and nonviolent. Insisting on a limited government designed to protect life and property, as is found in a republic, must be our legislative goal.

A RESPONSE TO THE PRESIDENT'S PRESENTATION OF THE DEFENSE BUDGET TO CONGRESS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I rise today to respond to the President's presentation of his defense budget to the U.S. Congress. We listened to Secretary of Defense Cohen today as he made this presentation to us, and explained to us that we are in fact, according to him, increasing defense for the first time in many years.

I think it is important to respond to Secretary Cohen and to the President, because otherwise I think the American people will be somewhat misled with respect to his presentation.

First, we are not, I repeat, not, increasing the defense budget of the Clinton administration. The Clinton administration has cut defense since they took over in 1992 by $102 billion below what President Bush had planned for our country when he sat down with Colin Powell and other defense leaders. So he put together a blueprint for where he thought defense should go, and President Clinton, when he took over, decided to cut that blueprint by $102 billion.

So now he is coming up slightly in this year's budget with a $12 billion increase. I say it is $12 billion, even though they averaged a $112 billion increase, because the last half or two-thirds of that increase is not during his presidency. That means that he is giving us a recommendation that defense be increased by some other president some other time.

That means some president who is elected, who is out there in the year 2004, 2005, is, according to the recommendation of President Clinton, going to increase defense, but I do not think the American people nor the men and women who wear the uniform of the United States can count on that increase. All we can count on President Clinton doing is what he is capable of doing and has the legitimate right to do under his presidency. So let us focus on that.

If we look at Ronald Reagan's defense budgets back in 1986 and compare them with today's, our defense budget today is well over $100 billion less on an annual basis than it was in 1986. It is way under what it was in 1986.

Let us look at what has happened as a result of these defense cuts. First, Mr. Speaker, let me speak a little bit about what is happening with respect to mission capable rates. The mission capable rates are the rates at which your aircraft can fly out, fly from their carrier or from their home base, do their mission, and return to the United States or return to their home base.

That rate in 1991 was 83 percent for the Air Force. It is now down to 74 percent. It was 69 percent for the Navy. It is now down to 61 percent. For the Marine Corps it was 77 percent and it is now down to 61 percent.

That means that under the Clinton administration, the ability of our aircraft, for some reason, whether it is lack of pilot training, lack of pilots, lack of spare parts, lack of fuel, our aircraft are not able to rise off their carrier deck or rise off of their air base, go out and do their mission, and return home like they were just a few years ago. That is a very serious problem with our ability to project military power.

Mr. Speaker, let me talk about our equipment shortages a little bit. I am the chairman of the Subcommittee on Military Procurement. I looked at the President's military budget for this year. That budget calls for a six-ship building program this year.

Now, Navy ships have a life of 30 to 35 years, so that means that the President's budget is building toward a fleet of only 200 ships. When he came in we had 546 naval vessels. Now we are down to about 325. If we keep building at this low rate, we are going to be down to 200 ships in our Navy.

With respect to ammunition, we are $1,600,000,000 short in basic ammunition for the U.S. Army. We are $193 million short in ammunition for the Marine Corps. With respect to equipment our CH46s are 40 years old, our AAVs average about 26 years old. We have many, many pieces of equipment, right down to Jeeps and trucks and tanks, that are extremely old. Basically, we are living on what we had during Ronald Reagan's presidency, and we haven't replaced that equipment.

Now, the interesting thing is that most Americans have looked at the old pictures on television of our air strikes during Desert Storm, and they have the impression that we are able to wage a war like we waged in Desert Storm just a few years ago, but we are not able to do that.

The reason we are not able to do that is because we do not have the equipment and the force structure that we had just a couple of years ago. We have cut our military almost in half. That is, we had 18 army divisions in 1992. We are now down to 10. We had 546 ships during Desert Storm. We are now down to about 325. We have 346 on this poster. They have actually retired more ships since we made the poster. Active airwings were down from 24 airwings to only 13. If we include reserve airwings, we are down from 36 to only 20.

What we have done under this administration is we have cut America's force structure of our Armed Forces almost in half. The tragedy is, Mr. Speaker, that while we have cut it in half, the half that we have left is not ready. It is not ready to fight.

Mr. Speaker, let me get to another very critical area. We are 18,000 sailors short right now in the Navy. That means that the few sailors that we have left, and this is manning a very, very reduced fleet, the few sailors that we have left now have to shift back and forth between ships.

It also means that when a sailor comes home to be with his family, he may be called the next week and told, "Instead of getting that 1- or 2- or 3-month reprieve and being able to stay home with your wife and family, you are going to have to head out again, because we don't have enough people to man all of our ships. You are going to have to go back out and join the fleet again, and go back into these strenuous operations without seeing your family."

That is called personnel tempo. That is the amount of time—basically it reflects the amount of time that a soldier or sailor or airman or marine spends away from his family.

That means that, for example, with the Marine Corps, we are seeing a higher personnel tempo, marines away from their families more than they have ever been since World War II. That is important to us as a U.S. Congress that is in charge of raising the Army and the Navy and the marines and maintaining it, because we have an all-volunteer service. If people will not join, we cannot draft them, so we have to have a service that is attractive enough to get people to join.

One aspect of that attractiveness has to be quality of life. Quality of life can mean a lot of things. It can mean having a nice home for your family if you live on base, if you are an enlisted person, for example, or an officer. It can mean having a good barracks, if you are a single enlisted person, or a good bachelor officer's quarters, if you are an officer. It can mean having enough of a housing allowance to live in a fairly nice place in the community that your base is located in. It can mean having decent pay. We will talk about that in a minute. But it also means having some time with your family. That means not being constantly deployed.

The interesting thing about the Clinton administration is they have deployed their people more often than any other president. While they have deployed these people more often than any other president, they have cut the number of people that we have; that is, the force structure: the number of ships, the number of sailors, the number of army divisions, the number of marines. They have cut that force structure so much that we have this thin line of American defenders literally running around the world, running themselves ragged.

What does that mean? It means that people are not reenlisting. I think in our marine aviators, we have 92 percent of the pilots not reenlisting, which is remarkable for us, because they have always reenlisted in record numbers; in much higher numbers, up in the forties. It means that we are the 18,000 sailors short that I spoke of. It means that we are going to be 700 pilots short in the Air Force this year.

It is very, very difficult to keep these people in the service, and it is very difficult to build people in these technical skills if you do not have a lot of time and a lot of money. It costs as much as $1 million, $2 million, to build some of the technical skills to give these folks all the schools they need, and once that person walks out the door, he takes with him that enormous investment.

Then our other problem is once a person walks out the door, we now have the problem of going out and recruiting another person to take his or her place. That person is looking at a domestic job market which is quite good right now; looking, for example, if they are a pilot, at the prospect of going into the airlines; if they are a mechanic, looking into going into an automotive industry; if they are an electronics technician, looking at going into one of those areas on the outside in the civilian sector. It is more and more difficult to bring people into the military.

□ 1845

Once again, this Congress does not want to have to be faced with the prospect of having to draft people. That means we are going to have to treat our people better. That means we are going to have to slow down OPTEMPO and Personnel Tempo, not stretch our people so thin, not run them so ragged, pay them better money. That means get them up in a much higher bracket so that they cut into what is now a 13 percent pay gap between people who are in the service and people who are in the private sector.

When Ronald Reagan came into office in 1981, we had a 12.6 percent pay gap, and we closed that pay gap in a very short period of time. Well, today we have a 13 percent pay gap. The Clinton administration is offering a 4.4 percent pay raise, but that is not nearly enough to pay for that major gap that has people leaving in droves, and at the same time bring up the modernization, the spare parts, ammunition, and all the other things that we need to make our military work.

Mr. Speaker, let me go to one other aspect of national security that I think is very important. The President now realizes that we have indeed a problem with missile defense. We know and we knew ever since those scud missiles hit our barracks in Saudi Arabia that we had a problem with not being able to stop those missiles coming in. Those are very slow missiles. Those were the Model Ts of ballistic missiles. Today, many years later, we still have very little capability in terms of stopping missiles.

There are several classes of missiles. We hear about the intercontinental ballistic missiles. Those are the missiles that can be launched from Russia or China and presumably hit a city in the United States. It is a long-range missile that goes very fast.

One also has short-range missiles, and those missiles go a little slower. But what they can hit are our troop concentrations in Korea or Saudi Arabia or other places.

We have to build and maintain a missile defense. So far, we do not have that defense. This budget, Mr. Speaker, is not going to allow us to proceed fast enough to build that missile defense before our adversaries build the offensive missiles that can overwhelm that defense.

When I talk about that, what I am saying is we need to look at the North Korean missile that was just launched over the Sea of Japan. We realize now it is a two-stage missile, that it could hit some parts of the United States if it took in its full flight, built by North Korea. We know that China is moving ahead on its strategic weapons program.

We know that we have to place our troops in concentrations all over the world just like we had troops in Saudi Arabia. We had troops in Kuwait. We have troops right now in South Korea. We have to be able to maintain those troops.

If missiles can be launched from long range to hit those troops with concentrations of chemical or biological weapons, then it is going to be very, very difficult to convince America's moms and dads that we should be allowed to keep their youngsters in the military, move them into foreign theaters which are very, very dangerous, and expect them to stay in the uniform.

So it is going to be very, very difficult to recruit people unless we have a way to protect them in foreign theaters. That means we have to have missile defense. This administration, in slashing the defense budget dramatically, has not put enough money into missile defense.

So Mr. Speaker, this President has said that he is increasing defense dramatically. Let us put it in perspective. Most of the $112 billion that he has proposed to increase is supposed to be done by some other president at some other time.

It is like handing a blueprint of a house to our neighbor and saying, "After I am gone from this neighborhood, I want you to build this house on that lot over there." And our neighbor says, "Do you have any legal right to make me build it?" And you say "No, but it is my recommendation that you build this house over here after I am gone."

The President is recommending to some president who has not even been named yet, has not been elected yet, that he build this defense, rebuild national defense on his watch after President Clinton is gone.

So the President cannot increase defense $112 billion in 2005 because he will not be the President then, and he has no control over the President at that time. All he can do is offer a suggestion.

Of course, if the future president looks at what this President did rather than what he says with respect to defense, he will not increase defense at all because this President has not increased defense at all.

What we have to do in the U.S. Congress, Democrats and Republicans, is listen to the Joint Chiefs of Staff, that is the services, the Army, the Air Force, the United States Marines, and the Navy, and give them the equipment that they say they need.

The Army says they need $5 billion worth of equipment per year. They need $5 billion worth of increased funding per year for equipment and for people. The Navy says they need an additional $6 billion a year. The Air Force says they need $5 billion. The Marines say they need $1.75 billion. And that excludes this pay raise that we all agree our service people need of $2.5 billion per year.

If we add those numbers together, that is $20 billion this year that we need. The President has only offered $12 billion. We have to come up with the difference.

So then, as Republicans and Democrats put this budget together, it is incumbent upon us to listen to our armed services, listen to the men and women who serve in the military, and make sure that they are well equipped and that they have quality of life and that they have decent pay.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from South Carolina (Mr. SPENCE) so that he might control it.

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the gentleman from South Carolina (Mr. SPENCE) will control the balance of the time.

There was no objection.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SPENCE. Mr. Speaker, Article I, Section 8 of our Constitution says that the Congress shall have power to provide for the common defense of the United States, to raise and support armies, to provide and maintain a navy, to make rules for the government, and regulation of the land and able forces.

My highest priority as an American, a Member of Congress, and as chairman of the Committee on Armed Services is to ensure that our Nation is properly defended.

This world is a dangerous place. Most people are unaware of the serious threats we face in this world and how unprepared we are to properly defend against them.

I wonder how many people, Mr. Speaker, remember Pearl Harbor. Looking back on it, all the warning signs we should have had that something big was going to happen, and we did not listen, we did not learn, and we see what happened.

Remember Korea. No one expected that to happen, and it did. I am sure that people in those days felt as confident, if not more so, than we feel today that we are in a world that we can handle, we can deal with all these problems. All of a sudden, this world changes real fast.

Imagine if, all of a sudden, all the lights went out in this place, not only here, but throughout the area, the automobiles would not start, the radios would not work, televisions would not work, no telephone communications, the computers were down. These things can happen just that fast.

There is something called EMP, electromagnetic pulse effect. If a nuclear weapon had exploded up in the atmosphere, all these things can happen on the earth without killing anyone, but shutting down all these systems that I said; and one can see how paralyzed we would be. This could happen. Russia, as a matter of fact, had it in their order of battle. Other terrorist groups could use this as a way of rendering us impotent, immobile.

Or imagine if people all around us started getting sick and dying; and by the time we found out what was happening, it was too late, but we found out that someone had released over Washington, D.C. about three pounds of something called Anthrax from a civilian aircraft and destroying or killing between 1 million and 3 million people within 24 hours because we could not vaccinate enough people fast enough to take care of them.

Or imagine an accidental launch of an intercontinental ballistic missile with a nuclear warhead. In 1995, the Norwegians launched a weather rocket into the atmosphere. The sensors in Russia mistook that for a missile launched from one of our strategic missile systems. They were within a few minutes of launching nuclear weapons against us in retaliation before they found out their mistake and did not do it. We were that close to a nuclear war.

We have no defense against one of those type missiles even launched accidently, and there are thousands of them in the world.

This is truly a dangerous world in which we are living. We have other threats. Weapons of mass destruction we hear about so much today. Chemical and biological and bacteriological warheads can be put on shorter ranged ballistic missiles and launched against us and our troops and our friends and our allies. These are cruise missiles that can be bought across borders today by anyone. And these types of warheads can be put on them.

These weapons of mass destruction can be put together in laboratories in inexpensive low-tech ways. One does not have to be a superpower to produce these things. Terrorists can use them and bring all of us under the threat of these dangerous types of weapons.

The point is this is a very dangerous world, and we are unprepared to defend against these threats. We only have limited defenses against shorter range ballistic missiles and none whatsoever against intercontinental ballistic missiles.

We have a national strategy that says we are supposed to be able to fight two nearly simultaneous regional contingencies, something like a war with Iraq and Iran and North Korea about the same time.

We have cut back so much on our defenses since Desert Storm, the Persian Gulf conflict that we had back in the early 1990s, we have cut back so much since that time, I doubt very seriously that we could do one today, just one, certainly not with the same degree of efficiency that we did back then.

This is a very dangerous world, and we are unprepared to deal with it sufficiently. At the same time, we have been cutting back. We have charts, which I could show my colleagues, all over the world of nations which have the capability of launching these types of threats against us. Take one's pick: Iraq, Iran, Syria, Libya, China, North Korea, Russia, and the list goes on and on.

As the former director of the CIA said with the end of the Cold War, "It is as if we have slain a dragon and suddenly found a jungle filled with many very poisonous snakes." What have we done to prepare for these threats?

The President's fiscal year 1999 budget request represented the 14th consecutive year of declining defense budgets. As defense spending declines, the downsizing of our military forces has been dramatic.

Since 1987, active military personnel have been reduced by more than 800,000. Since 1990, the active duty Army has shrunk from 10 to 8 divisions. Since 1988, the Navy has reduced its ships from 565 to 346. Since 1990, the Air Force has shrunk from 36 to 20 fighter wings, active and reserve. Since 1988, the United States military has closed more than 900 facilities around the world and 97 major bases in this country.

At the same time, the United States military force has been shrinking, operations around the world are increasing. We remain forward deployed with 125,000 troops per day that are overseas on forward exercises or operations.

The Army conducted 10 operational events during a 31-year period from 1960 to 1991, but 26 operational events in the 8 years since 1991.

□ 1900

The Marine Corps participated in 15 contingency operations during the 7-year period between 1982 and 1989, with 62 contingency operations just since the fall of the Berlin Wall in 1989.

The competing pressures of a smaller military, declining defense budgets, aging equipment and the increased pace of operations are stretching our forces to the breaking point. Today, they do more with less environment is eroding readiness and risking the ability of the military to successfully perform its missions.

Our deployed units, the pointed end of the spear, may be ready. But ready for what? Deployed units are getting peacekeeping training, not high intensity warfare training. Pilots are not able to get enough training to maintain air combat skills.

The national military strategy, as I said earlier, calls for us to be able to fight and win wars, and we are training for peacekeeping missions. Many believe that we cannot conduct, as I said, just one of these type operations because of it.

The Army tells us it takes 9 months to retrain people when they come back from a place called Bosnia because they are not getting warfighting training.

Although President Clinton admitted the Nation's military was confronting serious problems just recently, after us trying to tell him for a long time, and he recognized that increased defense spending would be necessary to address these problems, the fiscal year 2000 defense budget falls well short of the mark. The President's budget request addresses only about 50 percent of over $150 billion in critical readiness, quality of life and modernization shortfalls that the Nation's military leaders, the Joint Chiefs of Staff have identified.

Much of the proposed funding is also budgeted after both the President's term and the balanced budget agreement expires.

Our military confronts real problems that require real solutions, not halfway measures and budget gimmicks.

The President's fiscal year 2000 budget request has been touted as a $12.6 billion increase, but it is not. The increase is primarily the result of internal adjustments and reprogrammings within the defense budget. Of the alleged $12.6 billion increase for fiscal year 2000, only $4.1 billion is new money. The remaining $8.5 billion result from optimistic economic assumptions, spending cuts and budget gimmicks, including $3.8 billion in savings based on unusually low inflation rates and extremely low fuel costs; $3.1 billion cut in the already underfunded military construction accounts that provide decent housing for our troops and their families; approximately $2.5 billion in recisions of prior year defense funds, including almost $1 billion of recisions to missile defense and intelligence funds to offset the cost of the Wye River Agreement.

Even if all of these assumptions, spending costs and cuts and gimmicks are counted, earlier this year the chairman of the Joint Chiefs of Staff, General Shelton testified before the Committee on Armed Services, that the President's budget request would still result in a shortfall of approximately $8 billion in fiscal year 2000 alone.

If the assumptions, spending cuts and gimmicks are invalid, the President's budget falls $70 billion short of meeting the service's most critical unfunded requirements over the next few years, 6 years.

The service's unfunded requirements are real; while savings associated with the optimistic economic assumptions and gimmicks may never be.

I would yield this time to other Members who can elaborate on what we have been talking about.

Mr. RYUN of Kansas. Mr. Speaker, I would like to add some points with regard to national defense, offer an example of how our armed forces are continuously being asked to do more with less.

Within the district that I represent, which is the Second District of Kansas, resides the 190th Air Refueling Wing of the Kansas Air National Guard. Now, this Wing is responsible for a variety of support operations, including air refueling of operations worldwide, support of the no-fly zones in Iraq, organizing disaster and humanitarian relief and various other community outreach programs.

In the past year, under the stress of continued deployments, the Wing has sent personnel and aircraft to various places such as Iceland, Germany, France, Turkey and to Alaska. However, Mr. Speaker, the newest KC–130 aircraft used by the 190th was built in 1963. The oldest aircraft was built in 1956.

The President's budget forces this Wing that has extensive activities around the world to use these aircraft until the year 2040. That would make the existing aircraft 80 years old.

Now, I have had the privilege of addressing a panel of experts during a hearing in the Committee on Armed Services, and I asked them the question then, would you feel comfortable flying an 80 year old aircraft? In fact, would you feel comfortable putting your son or daughter in that particular aircraft and asking them to fly?

They gave me the same answer if I had put one of my sons or daughters in there. No, they did not feel comfortable with that.

We must make that change. We must not ask our brave pilots to go into combat into aircraft that would be considered antiques in any other area. We must increase defense spending to give our military personnel the equipment they need to remain the world's premier military force. So I know there is much we need to do.

Mr. SPENCE. Mr. Speaker, I yield to the gentleman from Indiana (Mr. BUYER), the chairman of our Subcommittee on Military Personnel.

Mr. BUYER. Mr. Speaker, I thank the chairman for yielding to me.

Mr. Speaker, first I would like to commend the gentleman from South Carolina (Mr. SPENCE) for scheduling this very important special order. As chairman of the Subcommittee on Military Personnel, I am deeply concerned about maintaining the quality of our force that has been the hallmark of our military.

We have entered an era where the ability of our military to attract and retain quality young Americans is no longer assured.

On the issue of recruiting, Mr. Speaker, military recruiting can no longer be described as an unfavorable trend. Notwithstanding the significant increases in funding by the Services and by Congress for recruiting operations, advertising and incentives, the booming job market, erosion of the military pay and benefits package over the years have made military service increasingly unattractive for America's youth and made it questionable for those who are presently in the military to say it is worth it to spend their 20 years in the military, which causes retention also as an issue.

Let me stick with recruiting here for a moment and take it one service at a time. With regard to the Army, traditionally it is the first service to feel the pressure from downturns in recruiting. It began with the process of what I have noticed, what the military has done here to address the issue is they began a process of cutting recruit quality standards.

Now, they did that in March of 1997 by reducing the goal for diploma high school graduates. Even with the reduced recruit quality and additional funding, the Army failed to meet its recruiting objective for fiscal year 1998 and fell below the Congressionally set minimum troop strength.

Currently, during the first quarter of the fiscal year 1999, Army recruiting again is failing, and that is quite disturbing to me. If recruiting is not improved this year, the Army end strength would fall approximately 6,000 below the Congressionally authorized troop strength by year's end. So let this be a warning signal to the Army.

With regard to the Navy, during the fiscal year 1998, when recruiters missed their recruiting goal by approximately 7,000, approximately 13 percent, the Navy failed to meet the Congressionally set minimum end strength. During the past year, the Navy calculated that there were approximately 22,000 vacant positions, of which 18,000 were sea going billets.

Now, with regard to the 327 ships out there, when there are many billets open on the ships, these ships are now setting for sea at levels of readiness strength at C2, and we ought to question is it C2 plus 1? So before the ship even leaves harbor they may now be at a C3 level, which would be very concerning because what this does is then place great stress on the sailors who are actually running the ship. We are asking them to do more with less.

On January 15th of 1999, the Navy announced that they will follow the Army's lead by reducing its recruiting goal for diploma high school graduates. Even with this change, the Navy could miss both its recruiting goal and Congressionally set end strength for fiscal year 1999, and I have expressed my disappointment to the Navy for reducing its quality and its standards.

With regard to the Air Force, the Air Force has long been considered immune to recruiting problems but, again, the Air Force missed its recruiting objective during the first four months of fiscal year 1999. The Air Force now projects that recruiting and retention problems will result in the service coming to 4,800 under the end strength floor set by Congress for fiscal year 1999.

I am beginning to sound like a broken record, but these Services are not meeting their goals, nor the end strength as mandated by law and set forth here by Congress.

The Marine Corps continues to meet its recruiting goals, but only after adding funding to recruiting advertising, incentives and operations. In addition, the Marine Corps continues to lead all services in stress on recruiters with 75 percent of recruiters reporting that they work over 60 hours a week. I will extend compliments to the commandant of the Marine Corps.

With regard to retention, today with the drawdown, and I want to be cautious, Mr. Speaker, to say with the drawdown at near an end, because the drawdown seems to always continue but there are clear signals that the potential retention problems that first captured the attention of the committee several years ago are now becoming the leading edge of the retention crisis, and the chairman, the gentleman from South Carolina (Mr. SPENCE), warned many of us several years ago that the edge is near and the crisis is approaching, and we are now feeling those signs from the military.

Like any of life's decisions, the current retention problem stems from a complex series of issues. Throwing money, more money at this problem, is not going to be the sole answer. The current high operations tempo, the time away from home, long working hours, eroding value of pay and allowances, reduction in retirement benefits, lack of resources and the facilities to do the job, erosion of health care benefits, and the perception of others, the loss of confidence in the military and civilian leadership are all factors, both perceived and real, that contribute to the environment that is driving people from the military.

When you add that to the economy that continues to provide a significant pull on the high quality of men and women, you create a retention environment that could degrade the military readiness that this Nation so vitally relies upon.

In the Navy, Navy retention problems extend across the force, both officer and enlisted. The aviator, the quote, take rates, end quote, for aviation continuation pay are running well behind the force sustaining levels. Even retention of junior officers in the surface warfare and special operations communities are running well behind their required levels. Enlisted retention for all career groups in the Navy is also running at a minimum of 10 percent behind the force sustaining rates.

Retention of mid-career personnel is in the area of great concern with a current rate of 45 percent against the goal of 62 percent. This has prompted the Chief of Naval Operations to declare retention of quality personnel the Navy's highest short-term readiness priority.

In the Air Force, retention concerns in recent years have been focused on pilots, where the current shortage of 850 is expected to increase over 1,300, and that is 10 percent, by year 2000.

□ 1915

Air Force enlisted retention has now eroded to the point where it rivals the pilot retention problem. The mid career reenlistment rate has dropped from 81 percent in 1994 to 69 percent in fiscal year 1998. The reenlistment rate for the most junior personnel also continued to slide from a high of 63 percent in 1995 to 54 percent in 1998, below the 55 percent objective for the first time in 8 years for the Air Force. That should be a wakeup call to everyone because the Air Force generally does not have this concern.

The Army for the first time is experiencing a pilot retention problem with a shortage of 140 Apache attack helicopter pilots. The Army Chief of Staff has also noted a negative trend in the retention of junior officers over the last 3 years. Although the Army has been achieving overall enlisted retention objectives, the rate of first-term attrition has risen sharply to 41 percent, a contributing factor to the Army's failure to meet the congressional end strength floors of the Department of Defense bill.

With regard to the Marine Corps in retention, the Marine Corps is not immune from the pilot retention problems that plague all the services. Pilot retention rates within the individual weapons systems are running 8 to 21 percent below the rates required to sustain the force. The Marine Corps continues to meet its enlisted retention objectives although the retention objectives for the Marine Corps are lower than the other services and are becoming increasingly more difficult to maintain.

With regard to the President's plan, Mr. Speaker, the recruiting and retention problems confronting the military are real and are deserving of the urgent attention of Congress. That is why I compliment the gentleman from South Carolina (Mr. SPENCE) for holding this special order. I am sure that there are some Members of Congress that are going to be aghast that we would be increasing defense funding. Well, it is about time we are increasing defense funding. I will extend a compliment to the chiefs because we have been beating up the chiefs at each of the services asking for their candor. Now they have come forward and they have talked about the shortfalls and they have given us their requirements. But now that they have set forth their requirements, the President has not even funded their requirements. We here in the Congress have a responsibility, and that is to fund the requirements the military needs to satisfy the national military strategy as set forth to meet the President's national security objectives. We play a vital, important role in that function. I compliment the gentleman from South Carolina for holding this special order. We will do our part in the personnel committee. We will begin by focusing not only on the recruiting and retention, the pay and the pensions issues, and we will start by a personnel hearing at Norfolk to focus on the Navy, and the other services will also be there.

Mr. SPENCE. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. HAYES), a new member of our committee.

Mr. HAYES. Mr. Speaker, I want to take this opportunity to thank our distinguished chairman the gentleman from South Carolina (Mr. SPENCE) for his leadership and guidance in pointing out to the Congress, the administration and the American people the shortfall in the President's year 2000 defense budget proposal. The public deserves to know. More importantly I commend the chairman and my colleagues on the Committee on Armed Services for their enduring commitment to the men and women who serve our Nation in the armed forces. Their attention and diligence to the steady decline of our country's military under this administration were brought to light during last month's State of the Union address. At last the President took heed of the advice from Congress and professed to the American people his intention to reverse current trends of reduced defense spending. President Clinton's emphasis on a strong defense was applauded by Members on both sides of the aisle. His acknowledgment of the military's needs and his vow to restore teeth to our Nation's defenses served notice to our men and women on the front line, their families and the American people that this country protects her own.

Unfortunately, Mr. Speaker, as we have seen today, the President's pledge rings hollow. I do not intend to repeat what my colleagues have so eloquently made clear, but I do want to reiterate that Mr. Clinton's defense budget does not, as he claims, represent a $12 billion increase for fiscal year 2000. It certainly does not reflect a $112 billion increase over the next 5 years. I will mention, however, that I am particularly disappointed by the gimmickry the administration used in its military construction budget. They have literally, as Secretary Cohen confirmed today, borrowed from one account to bolster another. I am not sure if David Copperfield could create a better illusion. The President's partial funding of scores of construction projects gives false hope of starting and no expectation for completion of vital military construction.

In North Carolina's 8th District, Fort Bragg and Polk Air Force Base have been promised only 23 percent of their needs. In my district, the 8th of North Carolina and countless others, this is unacceptable. After review of the administration's budget, it is clear that we as authorizers have a great deal of work ahead. It is my sincere hope that the President will work with us to make good on his promise to shore up defense spending. It is irresponsible to play politics with our Nation's security by playing games with the budget. I look forward to his cooperation.

Mr. SPENCE. Mr. Speaker, I yield to the gentleman from Missouri (Mr. TALENT), a very valuable member of our committee and also the chairman of the Committee on Small Business.

Mr. TALENT. I thank the gentleman for yielding. Beyond that I want to thank him for his leadership on this issue. If ever there was a voice more or less in the wilderness, it was the voice of my friend and the friend of America's safety and America's greatness the gentleman from South Carolina (Mr. SPENCE) who ever since I have been in the Congress has been sounding the alarm about what is happening to America's military and finally people arc beginning to listen. Let us hope that they have not begun to listen too late.

Mr. Speaker, the American military is broken. Everything my colleagues have heard tonight, the statistics, the charts, the passionate speeches, the details offered by Congressmen and women who are in a position to know. That is what it all amounts to. America's military is broken. If the Joint Chiefs of Staff were in a position to tell the unvarnished truth, that is exactly what they would say, that America's military is broken, and they have been saying it, using the language of the Pentagon, for the past several months. I am very glad that they are saying it. Wisdom is always welcome, even if it comes late in the game.

It is no surprise and it should come as no surprise to anyone that America's military is broken. It is the inevitable result of a series of decisions taken over the last 10 years and accelerated by the administration. It had to happen and it has happened. We have had 13 years of declining defense budgets. That chart shows it. Nobody argues this. Nothing I am going to say today and nothing that has been said tonight is going to provoke any argument as to the facts of what happened.

At the same time as America's spending on defense was going down, we were cutting the size of America's force by approximately one-third. We have a military that is approximately one-third less than it was 10 years ago. And at the same time as we have been doing that, we have been increasing the responsibilities of America's servicemen and women around the world. There were 10 deployments of America's military in the Cold War era till the fall of the Berlin Wall. There have been 28 since then. They have been costly and they are ongoing and nobody expects that trend to stop. We have asked our servicemen and women to do more and more and more, and we have given them less and less and less to do it with. As a result, the American military is broken.

It is not their responsibility. What have they done? What have the services done in response to these trends? They did the only thing they could do. They had to make the dollars go further. So they cannibalized units that were not deployed, units that were here in the United States, they took key personnel away from them, they took key pieces of equipment away from them in order to bring up to readiness those units that have been deployed all around the world, in Bosnia and in Haiti, and everyplace else. They borrowed from the long-term accounts, the procurement accounts, the modernization accounts, things that we needed for the future, they borrowed from them in order to meet the immediate needs of today. And so we have not recapitalized the force as we should. We have in a few years a huge bill to pay. In fact we are in a position where we are beginning to have to pay it now. I am going to talk about that in just a minute with the chairman's indulgence. We are going to have to pay for the ships and the aircraft and the tanks that we should have been paying for all along in addition to those that have to be replaced in the normal course of events.

And then the services did something else they did not want to do and it may be most tragic. They bled the people. They took the money away from personnel. We just heard the gentleman from North Carolina (Mr. HAYES) talk about the shortage of military construction in his district. We have made the servicemen and women live in facilities they should not have to live in because we do not have the money to build them decent barracks. They have not had the pay increases they should have because we do not have the money for that. We have underfunded systematically their health care system, not just for them but for the retirees. We have broken the promise we made to them because we did not have the money because we were trying to do more and more with less and less and playing this essentially dishonest trick on them and on the American people. We forced them to do more without giving them the funds that they needed. It is amazing that they have done it.

We have held up as well as we have held up because we have the finest people ever to serve in the history of humankind in the military in America's Army, Navy, Air Force and Marines. But the train is reaching the end of the line, Mr. Speaker. The chairman of the Joint Chiefs of Staff has come before the House Armed Services Committee and the Senate Armed Services Committee in the last few months, the Secretary of Defense came before the House Armed Services Committee today and affirmed that we are $148 billion short over the next 5 years of the minimum necessary funding to provide for minimum readiness for America's military in the short and long term, $148 billion, $30 billion a year over the next 5 years. It did not just happen overnight. It happened as a result of these decisions and the neglect on the part of the government that owed more to its servicemen and women.

What is the impact on the average serviceman, the average servicewoman? Mr. Speaker, I flew to Washington today and on my airplane I met a couple of men who were coming up to do work for the Air Force. They are pilots. They are in the reserves now. They told me the story. I have heard this 100 times. The people in the reserve components, in the Guard and the Reserve, they sign up to do a very important job. They sign up to be ready and to go to war if we have a war. And they are being involved in all these deployments all over the world.

I said to them, what is happening as a result of that? They said people are leaving. We are 18,000 sailors short in the Navy. So when an aircraft carrier task force comes steaming home from the eastern Mediterranean, another one is steaming out to take its place, we have to take sailors off the decks of the carriers that are coming in and put them on the decks of the carriers that are going out. They have just been at sea 6 months, they have got to go out for another 6 months. Mr. Speaker, this is a volunteer force. These are highly qualified, highly trained people. They do not have to stay. Most of them have families. They love their country and they love their duty, but they cannot do it year after year after year after year while we play games here not giving them what they need. It is terrible for this country and, more than that, it is just wrong.

What does it mean to the American people? Well, it means this force is going hollow. If we do not do something about it, it is going to be hollow and it is going to be hollow fast, and a hollow military is very bad for you and me and your families. It means we cannot effectively counter the growing power of China or fight a war against terrorism the way we should around this globe. It means we cannot defend the Korean peninsula. We could not fight another Desert Storm without unnecessarily high risk and high casualties. It means we have no missile defense. If these rogue nations get long-term missile capability as fast as we now believe they will, we cannot defend our allies or ourselves because we have not been doing our duty in this government and in this body. It means, Mr. Speaker, that war is more likely to happen and more likely to kill an unnecessarily high number of servicemen and women if it does happen. And it is wrong. We have given these years over to the locusts and given the men and women who count on us in this country and in the services over to the locusts with it and it is wrong. It is worse than wrong. It is just shameful.

What do we do now? We do the one thing that will make a difference. We put our money where all our mouths have been tonight. We step up to the plate, this Congress, this year, not 2 or 3 or 4 years from now when many of us are out of office and we can make promises on behalf of successor Congresses and successor administrations, we step up now and we put enough money in this budget to enable these people to do what we have asked them to do on our behalf and on behalf of our families.

□ 1930

And not smoke and mirrors, not a couple billion dollars in projected increases, and then the rest of it is supposed to come out of existing spending authority. We do not assume that fuel costs are going to be 27 percent less next year than they are now and say, therefore, we are going to be able to spend more money on other things. We stopped the dance; we have been doing that long enough.

This issue is vital to America's safety, it is vital to our commitment to our men and women, and it is vital to our greatness, and we have to do something now. That is why the chairman is here organizing this special order. That is why those of us on the committee on both sides of the aisle are so concerned. That is why this House has to act in the people's House.

Mr. Speaker, I thank the chairman for holding this special order, and I thank him for his tireless efforts, his persistence year after year in sounding this alarm. You were right, Mr. Chairman. I bet you wish that you had not been right, but you were right.

Now we have a chance to do something. There is no stronger signal that we can send to the men and women in uniform that we care about them than to do something.

Now I am going to close with a story from my first year on the Committee on Armed Services. It was then under the chairmanship of the gentleman from South Carolina's predecessor, Mr. Ron Dellums, our friend from California, an outstanding and gracious gentleman. We had a hearing on a very contentious issue, and there was a retired officer who testified, and he talked about the issue, and then he talked about the military life.

He said, you know, it is hard being in the military; we move a lot, it is a big strain on our families, it is very difficult. He said we have to put our lives on the line, we have to contemplate the fact we may have to go to war and die, and it is not easy. He said we are glad to do it because we care about our country and we care about the traditions of our services. He said we are glad to do it. And then he looked up at the Armed Services Committee, all three tiers of us sitting there, and there I was on the lowest tier over on the side because I was a freshman. And he looked at us, and he said:

But we count on you to protect us. We count on you.

They count on us, Mr. Speaker, and we have let them down. It is time to stop letting them down. We need to do it this year, now, not on the next guy's watch.

Mrs. BONO. Mr. Speaker, today I rise to speak to this body and the nation, especially those in California's 44th district, about the President's FY 2000 budget for Defense.

Since 1985, Mr. Speaker, Defense spending has gone down in this country. When the Constitution was drafted, it was based upon the doctrine of limited government. Those powers that were not granted the federal government were reserved to the States. One of the primary, and exclusive powers, of the federal government is to provide for the national defense. This means fully funding our military to make them the strongest, best trained, best equipped, and, not to mention, the best taken care of force in the world. Many of those who live in the district I proudly represent are or were in the military. The sacrifices they made or are making should never be forgotten; for they contribute to the freedoms we now enjoy.

The President's budget claims to increase defense spending in Fiscal Year 2000 by

$12.6 billion and $112 billion over the next 5 years. Due the Administration's creative accounting and their rosy forecasts for the economy, the reality is that this "increase" is really $4.1 billion in FY 2000 and $84 billion over those same 5 years. I applaud the Administration for the increase, but it falls way short of what the military needs. In fact, two weeks ago, the Joint Chiefs of Staff testified before the House Armed Services Committee, under the questioning of my Chairman of Procurement, DUNCAN HUNTER, about what they will need in budget authority this year to fund their requests at the bare minimum. The total came to $20 billion. Even assuming the Administration's funding projections were accurate, that would still leave the military $8 billion short of what they require. Maybe the Administration could have displayed their commitment to the armed forces by coming up with the extra $8 billion.

What we need to do is make a real commitment to the men and women of the Armed Services. We need to get back to what this country, this body, our President, was chartered to do: to provide for the national defense. I, also, want to save Social Security, reform Medicare, enhance education, but I also want to get our men and women in the armed services good health care, modern equipment, time with their families and decent pay and retirement. But more importantly than that, I want this nation to make a solid commitment to the defense of this country with a domestic missile system. So our people will know that if, and I pray to God that this will never happen, a rogue nation were to fire a missile onto this country, we will have the defenses to protect our citizenry.

Unfortunately, Mr. Speaker, the Administration's budget proposal does not go far enough to meet those goals.

NO U.S. MILITARY BASES IN AZERBAIJAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to draw the attention of the Members of this House and the American people to a potentially alarming development in our foreign policy. As was reported in this Sunday's New York Times, the Republic of Azerbaijan has made what the newspaper called a startling offer. It wants the United States to open a military base there. The article notes that American oil companies have invested billions of dollars in Azerbaijan, and the New York Times also makes a particularly relevant point that such a partnership might draw the United States into alliances with undemocratic governments.

This story has also been picked up by Reuters and the Journal of Commerce, among other media outlets, and while the State Department and Defense Department denied plans to construct a military base in Azerbaijan or to move an existing facility from the Republic of Turkey into Azerbaijan, unnamed U.S. officials were mentioned in press accounts as not ruling out the need for an undefined arrangement to ensure the security of a future pipeline to deliver oil from the Caspian Sea to the Turkish oil depot at Ceyhan.

Mr. Speaker, I cannot imagine a worse idea. While I strongly support new approaches to U.S. international engagement in the post-cold war world, this proposal would not advance U.S. interests or American values. The only justification for this proposal is to make U.S. foreign policy and our military forces a tool for protecting a new and, I would say, unproven supply of oil, and to try to placate the two countries that are deemed essential to the extraction and delivery of those oil supplies; that is, Turkey and Azerbaijan, two countries, I might add, with terrible records in terms of democracy and human rights.

Mr. Speaker, for some time now I have been critical of what I view as the administration's apparent determination to see the pipeline from Baku to Ceyhan constructed. Ironically, the oil companies themselves are balking at this arrangement. The proposed pipeline is too long and costly, particularly as oil prices continue to drop. One major international consortium led by the American firm, Pennzoil, has announced that it will terminate its test drilling operations in the Caspian near Baku after finding only half the volume of oil and gas necessary to assure profitable exploitation. Today the Wall Street Journal reports that another group led by Amoco and British Petroleum is cutting personnel and deferring development on Caspian oil exploitation due to disappointing test results and declining oil prices.

It is becoming apparent that the new pipeline proposal lacks commercial viability. It is a boondoggle whose only purpose is to placate the demands of Turkey and Azerbaijan, to give those two countries the power and prestige of controlling what some see as an important source of energy resources. And now apparently Azerbaijan craves the further benefits of a U.S. military commitment, and some unnamed U.S. officials are apparently toying with this idea.

Mr. Speaker, this week I will be circulating a letter among my colleagues asking them to join me in making it clear to President Clinton, Secretary of State Albright and Secretary of Defense Cohen that we consider a U.S. military presence or commitment in Azerbaijan unacceptable.

And yes, Mr. Speaker, the administration is right to identify the Caucasus region as an important American interest, but it is wrong to make oil the major, not only the only basis for our engagement in that region, and I hope we can stop this train before it leaves the station.

Mr. Speaker, I enter the rest of the statement as an extension of my remarks.

Mr. Speaker, I rise today to draw the attention of the Members of this House and the American people to a potentially alarming development in our foreign policy. As was reported in this Sunday's New York Times, the Republic of Azerbaijan has made what the newspaper called a "startling offer—it wants the United States to open a military base there." The article notes that American oil companies have invested billions of dollars in that country. The New York Times also makes a particularly relevant point: such a partnership "might draw the United States into alliances with undemocratic governments."

This story has also been picked up by Reuters and the Journal of Commerce, among other media outlets. While the State Department and the Defense Department denied plans to construct a military base in Azerbaijan, or to move an existing facility from the Republic of Turkey into Azerbaijan, unnamed U.S. officials were mentioned in press accounts as not ruling out the need for an undefined arrangement to insure the security of a future pipeline to deliver oil from the Caspian Sea basin to the Turkish oil depot at Ceyhan.

Mr. Speaker, I cannot imagine a worse idea. While I strongly support new approaches to U.S. international engagement in the post-Cold War world, this proposal would not advance U.S. interests or American values. The only justification for this proposal is to make U.S. foreign policy and our military forces a tool for protecting a new—and unproven—supply of oil, and to try to placate the two countries that are deemed essential to the extraction and delivery of those oil supplies, Turkey and Azerbaijan—two countries, I might add, with terrible records in terms of democracy and human rights.

Mr. Speaker, many Americans may wonder why Azerbaijan, a formerly obscure republic of the former Soviet Union, is the subject of such intense interest. The answer, in a word, is oil. To Azerbaijan's west lies the Caspian Sea, an inland sea or salt lake (and the exact designation is the subject of a debate with important ramifications about who controls its resources) which some have claimed contains vast reserves of oil and natural gas. American and other western oil companies have a keen interest in developing these reserves—which, I emphasize, Mr. Speaker, remain unproven reserves. Oil companies have spent billions of dollars on this effort, and have sent in thousands of their employees to Baku, the capital of Azerbaijan.

Unfortunately, it is beginning to appear that America's policy in the region is being driven primarily by the desire to extract these unproven petroleum reserves. We have seen Azerbaijan's autocratic President, Heydar Aliyev, wined and dined at the White House, Capitol Hill and elsewhere in Washington. (The term "autocratic" is the New York Times's word, not mine.) The U.S. response to the lack of democracy, free expression and basic human and civil rights under President Aliyev—who seized power in a coup—has been muted at best. There have been efforts over the past few years under the Foreign Operations Appropriations legislation to reward

Mr. Aliyev, and the oil companies, with political risk insurance and other subsidies, courtesy of the American taxpayer. Now, I'm afraid we could see that policy come to its logical conclusion with the placement of U.S. military forces in Azerbaijan. We must stop this proposal before it advances beyond the planning stages.

For some time now, Mr. Speaker, I have been critical of what I view as the Administration's apparent determination to see the pipeline from Baku to Ceyhan constructed. Ironically, the oil companies themselves are balking at this arrangement. The proposed pipeline is too long and costly, particularly as oil prices continue to drop. One major international consortium, led by the American firm Pennzoil, has announced that it will terminate its test drilling operations in the Caspian near Baku after finding only half the volume of oil and gas necessary to ensure profitable exploitation. Today, the Wall Street Journal reports that another group, led by Amoco and British Petroleum, is cutting personnel and deferring development on Caspian oil exploitation due to disappointing test results and declining oil prices. It is becoming apparent that the new pipeline proposal lacks commercial viability. It is a boondoggle whose only purpose is to placate the demands of Turkey and Azerbaijan, to give these two countries the power and prestige of controlling what some see as an important source of energy resources. Now, apparently, Azerbaijan craves the further benefits of a U.S. military commitment, and some "unnamed" U.S. officials are apparently toying with the idea.

Mr. Speaker, this week, I will be circulating a letter among my colleagues asking them to join me in making it clear to President Clinton, Secretary of State Albright and Secretary of Defense Cohen that we consider a U.S. military presence or commitment in Azerbaijan unacceptable.

Yes. Mr. Speaker, the Administration is right to identify the Caucasus region as an important American interest. But it is wrong to make oil the major, let only the only, basis for our engagement in that region. I hope we can stop this train before it leaves the station. Then we need to focus on a Caucasus policy based on economic development, the promotion of democracy and human rights, self-determination, and the resolution of territorial and other conflicts through negotiation.

CHINA POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, this is an appropriate evening for me to be presenting what I have to say, whereas we have just heard about the changes in American defense that have taken place, some alarming changes that have taken place over these last 10 years, and in fact since 1985 there has been a dramatic decline in America's military power. At the same time, while America has been permitting its own military power to go astray or to be in decline, there have been noises being heard from across the pond, from across the Pacific Ocean, and those noises, unfortunately, are not the sound of a peaceful neighbor, but instead the sound of a neighbor that seems to be, instead of decreasing its military power and concentrating on peace and prosperity, instead seems to be the sound of a neighbor that is building a massively repressive military regime that threatens the United States and threatens our security, especially when we are considering the fact that America is no longer the military power it once was.

After 10 years in Congress, I find myself to be a senior member on two very powerful committees, the Committee on Science where I am the chairman of the Subcommittee on Space Aeronautics, and the Committee on International Relations where I sit on both the committee dealing with export policy as well as the subcommittee dealing with Asian policy. Thus, I find myself playing a major role in the trade and technology transfer issues concerning communist China. I would like to focus on China policy this evening, and I thought that an appropriate lead-in was something that just happened to me recently in my own congressional district.

It was only a short while ago that I received a call in my office that the local Chamber of Commerce, with the support of the local city government, was planning to have a lunch co-hosted by the city and the Chamber of Commerce honoring the Consul General of the People's Republic of China, and I was asked whether or not I would be willing to present a certificate or a key to the city or some kind of greeting to this representative of the communist Chinese regime. And I felt at that time that even in my own congressional district at the time, with all the time and effort that I have put in to describing what is going on in Asia, even the people in my own congressional district did not understand the magnitude of the threat posed by this vicious dictatorship on the mainland of China.

In fact, I was called by Mayor Green when I expressed my disapproval of this luncheon honoring this representative of the Communist Chinese government. Mayor Green of Huntington Beach asked me, well, what is your opposition all about, and after I explained it to him, he understood why I was opposing this, and he said: But how should we treat officials from the communist Chinese government? I mean, after all, they are a government. How should we react to this? How should we act towards them, if not having this type of luncheon?

And I said, Mayor, you should treat the representatives of the Chinese communist government the same way that you would treat a representative of Adolph Hitler's Nazi regime in 1938. And if you would feel comfortable having a Nazi representing Adolf Hitler as a guest of honor, being honored by your city and Chamber of Commerce back in 1938, if you thought that would be an appropriate thing, well, then you would feel that it was appropriate that that is the way we honor a representative today of the world's worst human rights abuser, the communist regime in Beijing.

Well, that luncheon was canceled, and I am very grateful that the members of the local city government and Chamber of Commerce listened to what I had to say because I am sure that the communist Chinese would have used it as a propaganda tool to say that, see, even the American people in Congressman ROHRABACHER's own district do not go along with him.

Well, as soon as they knew the facts, the people of my district were very quick to respond, and I think what is vitally important is for the American people to know the facts; for them to know, number one, that we are not the same powerful military force that we were 10–15 years ago and that, number two, that there is a growing threat to world peace and a growing threat to our own national security on the other side of the Pacific.

During the Reagan years I worked as a speech writer while President Reagan was President, and I worked for him for 7 years, and during that time period I remember when he went to China. In fact, I remember working on his speech in which we offered American knowhow to the Chinese if they would agree to have their goals as being peace and liberalization of their country. And at that time that made sense, and in fact President Reagan's approach was a positive approach, as Ronald Reagan was known, and it was something to try to give them the incentive to go in the right direction. When I say "they" I am referring to the leadership of the Communist Party that controls the government of China.

During that time period when I worked at the White House, a young Chinese exchange student walked into my office, and what was fascinating, that it was on a Saturday, and I was working there on Saturday afternoon, and almost no one was in the Executive Office Building. By the way, the Executive Office Building is that building right next to the White House where the President's top national security and economic advisers and policy advisers work. When most people say they work in the White House, they really work right next door in the Old Executive Office Building.

So the most sensitive area of our government, there a Chinese student walked in unaccompanied and just walked right into my office as I was working on his speech, and he explained to me that he had met one of the researchers in my department and that she had invited him to lunch and that he was coming there to meet this researcher. And he had been checked in through the security, and again without being escorted whatsoever he was walking by himself through the very heart of America's decision-making process at the Old Executive Office Building. I did not find that to be unusual at all because we were at that time convinced that China would never go back, that China had already evolved to a point that it would never be a threat to freedom, and that in fact the people of China were well on the way to a bright and prosperous and democratic future.

□ 1945

During the Cold War, of course, is when we started this evolution towards democracy in China, and it was right for President Nixon and the other presidents who followed the policy laid down by Nixon to play China off against Russia during a time when Russia threatened the entire world, when Russia's communist regime was arming itself to the teeth, sponsoring military actions and covert operations against the democratic governments all over the world.

Nixon, yes, played China against Russia in a way that permitted the western democracies to have the leverage they needed, the leverage they needed in the western democracies to prevent war and to prevent the dictatorships, the communist dictatorships of the world, from having the leverage they needed to win the day and to win the battle of the Cold War and to put us in jeopardy.

So we did. And during this time period, when we were playing China off against Russia, we developed a new relationship with China. And as part of that relationship, a democracy movement was building. This was what we saw when that young Chinese student was walking right through that building a few years later in the early 1980s. He represented a new China, the new potential for freedom and peace in China. And through the Reagan years, although the leadership of China remained tyrannical, just as it was under Nixon, there was a growing democracy movement that was undermining the tyranny that controlled the mainland of China, and it was an ever-increasingly powerful democracy movement, but it was invisible.

All of a sudden it became visible when, in Tiananmen Square, tens of thousands, perhaps even more, Chinese people, activists, democracy activists, gathered to tell the world that they were committed to democratic reform, and there, before the world to see and all of the national and international media, we could see that there was a democratic movement in China that gave us all hope, and it was a surprise to us and actually it was a surprise to the communist leadership.

But by then Ronald Reagan was no longer the President of the United States. George Bush was President of the United States, and, unlike Ronald Reagan, President Bush did not believe that the promotion of democracy and freedom was on the highest level of priority for the United States Government. In fact, George Bush's administration, instead of talking about freedom and democracy, spent most of its time talking about stability and trying to build a new world order.

What that led the communist Chinese to believe was that if they came down hard on the democracy movement in Tiananmen Square, that this administration, meaning the George Bush administration, would go along, because they were interested in stability.

In fact, that is what happened. There was a massacre of the democracy movement in Tiananmen Square. Thousands of people lost their lives, and then throughout China there was a great leap backwards, where people who believed in democracy, people who believed in religious expression and different various religions, people who were bringing China into a new era, were arrested throughout that country and thrown into a logi prison system that was similar to the gulag archipelago that the Russian people were thrown into by their communist bosses.

In a very short period of time, the positive and pro-democratic and propeaceful future of China was turned around dramatically, and instead, the picture of China controlled by thugs and goons, putting their boot in the face of the people of China forever, was the vision that emerged.

This, of course, happened very quickly, because I think there was something that was happening that we did not really fully appreciate that was happening in the United States at the same time that the democracy movement was gaining strength in China. You see, while we had this special relationship with China, and thus there was a democracy movement developing there, there was another movement developing in the United States that could be traced, its origins, back to that same relationship that we are talking about.

American billionaires and would-be billionaires were using their considerable leverage on the United States Government to ensure that they had a policy, that we had a policy, in dealing with China, that would permit them to exploit what was little more than slave labor in China.

American business interests, powerful American business interests, wanted to go there and wanted to make a quick profit, and they could care less about the other implications of doing business within a regime that was so tyrannical and so militaristic.

Of course, the businessmen who were doing this described their motives in the best possible ways. In fact, they claimed that the China market was so large and potentially so valuable that it would be a sin against the American people to let America's competitors get that business, when they should be the ones getting the business, as if those American business interests really had the interest of freedom and democracy or even the interest of the American people at heart.

Well, those big corporations were wrong, or perhaps they were just lying, because perhaps they did not care anyway. That remains to be seen. Perhaps some of the people who have invested in China care deeply about the Chinese people. Frankly, there have been hundreds of businessmen that I have spoken to on this issue, and while they claim that the more contacts they have, business contacts, with China, will make China more liberal, not one of them seems to have ever spoken about human rights to any of the local government officials in those areas in which their own factories are located.

Well, all we have to do is look at the record. Over these last ten years, since the Tiananmen Square massacre especially, repression has increased, even though investment in China has gone along at a very brisk rate. So no matter how much money our businessmen are putting into China, the repression continues, and it has gotten worse. In fact, there was a democracy movement at one point, and now all the democrats are in jail or they have been executed or they have been forced into exile, and there is not a viable democracy movement today.

So has this, our trade, really helped stimulate more democracy? No. In fact, the Chinese dictators have seen our investment as evidence that Americans really do not believe in freedom, do not believe in democracy, do not even believe in their Christian principles or other religious principles enough to side with the religious people of China who are being persecuted.

Let us note this at this moment: China, although we have been told is this vast market, little Taiwan, with 20 million people, little Taiwan buys twice as much from the United States as does all the billion, over 1 billion people, perhaps 1.5 billion people, on the mainland of China.

Is this such a vast market? Well, one of the reasons, of course, that vast market is not being exploited is that there is a government policy by the United States to permit the communist Chinese regime to charge a tariff on any American products being sold in Communist China that is far greater than any of the tariffs we charge on their goods that are flooding into our markets.

Thus, many of our goods that we would like to see sell in China to their consumers are charged 30 and 40 percent tariffs, while we only charge them 3 or 4 percent tariffs, and they flood our markets with shoes and commercial items and consumer items that have put many American businesses out of business.

No, my theory is when looking at what has been going on is the big businessmen who are investing in China really do not care about America's, about America's, future share in the Chinese market. What they care about is the 25 percent quick profit that they themselves will make by investing in China today, and they have done so in these investments over these last few years with not one concern at all of the human rights abuses, nor any concern about the American people. In fact, as I say, much of this investment has been done at the expense of the American people and the expense of people who are working and providing goods and services here.

In fact, a large number of the sales that China is making here can be attributed to U.S. companies that have built manufacturing units in China in order to use the Chinese, that have no environmental rules, no labor legislation. In fact, the Chinese laborers have none of the rights of the American laborers, and actually they receive a pittance many times as compensation. So, a lot of times our people, they say we have to invest in China in order to make sure that America can sell its goods. In reality, what they are doing is they go to China and set up a manufacturing unit and then sell those goods back to the United States.

If a refrigerator company would like to sell a refrigerator in China, no, they go there and set up a refrigerator manufacturing company and sell the refrigerators not to the Chinese, but back to the people of the United States, taking full advantage of the slave labor in China.

In fact, I have heard that people who believe in certain religious faiths, Christians and others, who have not joined the official church in China, sometimes have been dragged out kicking and screaming, out of certain factories, even factories owned by Americans, and yet the American employers have done nothing to prevent these people from being arrested because they belong to a church that is not registered by the state.

Yes, there are some companies, Boeing Company, for example, is a company that is the largest employer in my district, and I respect the fact that they want to sell airplanes. As I say, most of the time when people are talking about selling, they are not really talking about selling the product. A lot of times they are talking about setting up a manufacturing unit.

In Boeing's case, they actually do sell some airplanes. But along with these deals to sell airplanes, how many of us realize that part of the deal is that Boeing will be setting up manufacturing units in China, so after a given period of time, in dealing with enough American aerospace firms, they will have the capability of manufacturing airplanes and aerospace technology on par with the United States.

Yes, there is a quick profit to be made by a sale this year or next year, but if we are doing that by setting up manufacturing units which will permit the communist Chinese to outcompete our own aerospace workers and put them out of work five years down the road, who is to profit? The communist Chinese will benefit from that, and the American people, in the long run, will lose.

Well, we have a fight every year here in Congress over most-favored-nation status for the communist Chinese, and in fact we have just passed a rule today that is changing that to say, what is the trading status they want to change it to, it is the standard trading status, or something. Normal trading relations, that is it. They want to change most-favored-nation status to most normal trading relations. I did oppose most-favored-nation trading status for China, and I oppose normal trading relations for China, because by passing this classification of China, we are saying that the communist Chinese will be treated just as we treat Belgium or Italy or Canada in terms of our trading relations.

No, if we have free trade with other people, free trade should be between free people, not between a dictatorship that manipulates it on one end and free people who permit their billionaires to invest with no concern about the national security implications to our country or the long-term national economic interests of our country. So I would be opposed to normal trade relations.

Also there is the side benefit that the communist get, by the way, as well as the billionaires who want to invest in China get, by having normal trade relations. And that is what this issue really is all about. It is hard fought on this floor of the House every year, and you will hear speech after speech saying we cannot isolate China. We have to sell our products. We have to engage in commerce with China.

□ 2000

No one is talking about isolating China, and no one is talking about preventing these businessmen from selling whatever they want to sell to China, except perhaps some very sophisticated military equipment, which I will discuss in a few moments. But by and large, American companies, or no one who opposes Most Favored Nation status or normal trading relations with China are opposed to them selling these things, and they will not have anything to prevent them from selling these things.

However, with normal trading relations just like we have with the other democratic countries, these large financial interests, these billionaires who want to seek ever more money with no concern about the effect that it has on jobs in the United States, are then subsidizing, they are eligible for subsidies by the American taxpayer. By having normal trade relations, we then have set up a situation where the Export-Import Bank, or the World Bank or OPEC or any number of other financial entities paid for by the American taxpayers, can provide a subsidy or a loan guarantee or a loan at a lower interest rate for their investments in communist China.

Now, what does that mean? That means working people in the United States are being taxed and their money is being given to a very wealthy interest in order for that interest, to guarantee that interest's investment in a dictatorship, in order to use slave labor to export goods to the United States to put our own people out of work. What we have done is we have made it more attractive to invest in a hostile dictatorship than to invest in our own country.

We actually can say businessmen can think about earning a large profit margin and have their investment guaranteed by the American taxpayer. That is what normal trade relations is all about. That is what Most Favored Nation status has really been about. Because these businessmen could still, if they manufacture a product here, there is no one stopping it. This has been an effort to confuse the American people; their arguments have been designed to confuse and to lie to the American people, so that they do not realize that in reality their own money is being used against them.

This whole system, to be fair, was in place before Bill Clinton became President of the United States. And I remember when he first ran for President, he accused George Bush of kowtowing to the communist Chinese dictators. And President Clinton, when he became President after he won the election, just like in so many of the other things that he has done as President of the United States, has gone in exactly the opposite direction than what he promised the American people when he ran.

In fact, this administration's policies on human rights and democracy have been a catastrophe that has been an administration with the worst human rights record in the history of this country. People all over the world who look to us and believe that the United States stood for democracy and freedom have now lost hope, because they see an administration that wraps its arms around not just the communist Chinese, but just about every vicious dictatorship in the world.

Ronald Reagan understood that there is a relationship between peace and freedom. He understood that unless we fight for democracy and stand firm for our principles of freedom, that we will not have peace, because there is a symmetry in this world in which economic freedom and political freedom and peace are all connected. And there is a price to pay, there is a price to pay when one wraps his arms around criminals or when a country wraps its arms around a vicious dictatorship like that in China, which is the world's worst human rights abuser.

The American people are just now beginning to learn the truth about the risks of treating a vicious dictatorship in the same way that we treat a democratic nation. They are beginning to learn the truth about the risks that we have been taking by having normal trade relations or Most Favored Nation trading status with China, and treating them the same way we would treat the English or the Italians or the Austrians. Let me put it this way. In those other democratic countries, they are ruled by people who are elected and who respect the rights of individuals, of their own citizens.

Those people who run these dictatorships around the world hate the United States. These gangsters that murder their own people and have aggressive goals, and they look with an eye towards the resources and the land of their neighbors, these people who suppress people for their religion, these people who would murder someone for speaking up against them, these gangster regimes hate the United States and hate the people of the United States because they know that we are the only thing that stands between them and being secure in their power. Because they know it is the goodwill of the people of the United States of America that has saved this world in this century twice during the world wars, and then during the Cold War, from tyranny and totalitarianism, and it was only the strength and courage of the American people and our determination to live up to the ideals that were set forth by our Founding Fathers, it was only that commitment that prevented monsters like they are now from achieving total power on this planet. The Hitlers and the Stalins are still in power, but they are in power in China and in others of these little petty dictatorships around the world, and they hate us, and they know that we are what stands between them and having a secure hold on power in their own country and their ability to bully their neighbors.

President Clinton thinks he is trying to make friends with these people in Beijing by calling them, wrapping his arms around them, calling them our strategic partners, saying that the United States Government, the people of the United States, the most freedom-loving people in the world, people who take their religion seriously but believe in freedom of religion for all people, that we are strategic partners with the world's leading abuser of human rights, a regime that has been manipulating the trade between us so that it has tens of billions of dollars every year to increase their military power and their military might.

Well, as they do increase their military power and President Clinton calls them our strategic partners, one must wonder whom are we the strategic partners against? Are we in partners against the democratically elected government in Taiwan, or how about the democratically elected government in Japan, or how about the democratically elected government in the Philippines, or how about South Korea? What do the people who live in these democracies think when they see the President of the United States calling our relationship a strategic partnership with this militaristic regime that opposes their own people so thoroughly?

Even while President Clinton was in China the last time, the Chinese dictators are so cynical that they were testing a new rocket engine that they are trying to bring out and deploy in a new weapons system, and this new rocket engine in this weapons system is designed for one thing. It is to kill Americans, kill American military personnel and perhaps even put our country in jeopardy.

And when they were testing this rocket engine while President Clinton was there, he knew about it, he had read the cables. His National Security Council had read the cables. They knew the intelligence information, and guess what? President Clinton did not bother to bring it up to the Chinese. It just did not come up in the conversation. Do you think that the strong-arms and tough guys and the gangsters who run communist China respect President Clinton, or are they more likely to be friends of us, friends of us because he did not bring it up, he did not embarrass them by bringing it up in a conversation?

Mr. Speaker, when we do not mention the genocide in Tibet or the threats against Taiwan because it was having free elections, or the arrest of Christians and the repression of a free church, forcing everybody to register in a communist-recognized church; when one does not bring up a free press or forced abortions, one should not be surprised that the communists who control China do not take our calls for human rights seriously. And when they do not take us seriously, we should not be surprised to find out that they are building their military forces in a way that threatens the United States and that they are beginning to commit acts of aggression against their neighbors. That should not surprise us at all.

This hug-a-Nazi-and-make-him-a-liberal strategy of the Clinton Administration is doomed to failure just as it was when Neville Chamberlain and those people in the 1930s confronted that threat to world peace and freedom.

President Clinton, of course, has gone beyond that. He is not just hugging the communist Chinese dictators, he is encouraging American corporations to do business. It is this administration's policy that taxpayer money be used as a guarantee for businessmen who will invest in China. In fact, it was President Clinton's administration that encouraged even our aerospace companies to go in and do business in communist China. Of course, there is evidence that during the last election some of these companies were also major contributors to President Clinton. In fact, Bernie Schwartz was the biggest contributor to President Clinton's campaign, and he also, of course, was the head of Loral Corporation, which is now accused of sending missile and other technology, weapons technology secrets to the communist Chinese who will now use that information, if they have it, which we know they do, to threaten the United States and to threaten the lives of the American people.

So, but one cannot determine, was it the aerospace companies, some of these big corporations pushing Clinton, or was it Clinton pushing them?

The Chinese have invested money in American elections, not to buy perhaps opinion but at least to meet people and to have friends in high places. We all remember that the communist Chinese provided certain amounts of money, and we still do not know if that money was the money that was given to Vice President GORE when he went to that Chinese monastery, all of those Buddhist monks out there on the West Coast who had all of those thousands of dollars to donate. Even though they had been living a life of poverty all through the years, they just had those checks that they gave to the President's reelection effort. Where did that money come from? Did we ever learn where that money came from?

The bottom line is there has been a lot of shenanigans going on, but what is worse is the fact that weapons technology that was developed and paid for by the American taxpayer to help us preserve the peace has made its way into the hands of a regime that hates the people of the United States and hates everything that we stand for as a Nation. And now they have technology for weapons of mass destruction paid for by the American taxpayer that has been put into their hands.

Now, I am proud to have played a role in exposing this to the American people. It was about a year ago when I first made my first speech on this issue. Because earlier than that, as chairman of the Subcommittee on Space and Aeronautics, I had actually gone to a meeting of aerospace workers and engineers, and one of them was describing how he was involved in upgrading the capabilities and the efficiency of communist Chinese rockets in order to lift off satellites, American satellites.

I said, wait a minute, wait a minute. You are telling me that you are using American technology, your know-how, and you are improving the capabilities of these rockets? He says, Congressman, they do not even have the right stage separation technology and they will blow up shortly after lift-off, and they do not even have the capability in some of these rockets to carry more than one payload. I said, wait a minute. A communist Chinese rocket blowing up, that is a very good thing.

☐ 2015

He says, "Don't worry, Congressman. You are thinking about the security implications." I said, "Yes. Yes, I am. I am worried about the security implications of American technology upgrading the capability of Communist Chinese rockets." He says, "Don't worry. The White House has given us waivers. This is part of an overall program that the White House has totally approved of."

That is when the alarm bells started going off. Who is watching the watchdogs? I talked about this. I did my own investigation. I verified what this engineer had told me. I talked to subcontractors and major contractors and major aerospace companies.

In just a very short time I was able to confirm that some of our aerospace giants had used the technology that we had made available to them in a way that enables the Communist Chinese to have a better chance to effectively drop nuclear weapons in the United States of America and to upgrade their weapons systems, putting American military personnel at risk. It was enough to knock the wind right out of my lungs.

While I was doing this, the New York Times was also involved in an investigation, an investigation that turned up the same type of information that I was coming up with. I tried to alert people. All over this body I was talking to chairmen and people. I tried to tell Newt, but things were very confused and things were going fast. I told Newt several times.

Finally I remember when I got his attention, because Newt was a man of history. I said, you know, Newt, this is really the worst betrayal of America's security interests since the Rosenbergs. He turned to me and said, what did you say? I said, yes, the Communist Chinese, people who hate us, now have the ability, a greater ability to incinerate millions of Americans, and it is due to American technology.

He turned to his aide right over there in that corner, I will never forget, and he said, is DANA right? His aide said, yes, there are some reports out that what DANA is saying is accurate. And Newt immediately called together the leadership of the Committee on National Security, the Committee on International Relations, the Committee on Science, and the Committee on Intelligence, and the gentleman from California (Mr. CHRIS COX) was assigned, after a long discussion. The gentleman from California (Mr. CHRIS COX), a man who was one of top legal counsel to President Reagan, was assigned to head up a select committee to find the details about this transfer of technology to the Communist Chinese.

While I have not read the Cox committee report because it is labeled top secret, and I wanted to be able to speak freely on this issue, but those who have read it, and the gentleman from California (Mr. COX), in his summary, which is not a classified summary, indicates that the charges that I have made against certain American aerospace companies have been verified, and that there has been a sustained and systematic effort by the Communist Chinese to get their hands on American weapons technology, especially the technology of weapons of mass destruction.

During the Reagan and Bush years the Communist Chinese stole this technology. They stole it because we were trying to operate with them on a friendly basis. During the Clinton years this technology has been up for sale, up for sale, and the Clinton administration has overseen the transfer of American technology through these large aerospace companies. That means that American citizens by the millions could lose their lives in a future confrontation with the Communist Chinese.

As I say, it is perhaps the worst betrayal of American interests that I have ever seen in my lifetime. The Cox committee report verifies that, but the American people are not being permitted to see the Cox committee report.

This is kind of a funny situation, because the Chinese know what information they stole from us. Now our government knows what information they stole from us. The only people who do not know the details about the technology that they have paid for to protect their interests, now being used by a vicious dictatorship to threaten the American people, the only ones who do not know about that are the American people themselves, because this report is being kept under wraps, except it is, of course, being exploited by this administration, which I will go into in a few moments.

In the meantime, as the Communist Chinese ability to fight and kill Americans is increased, they have become more and more belligerent, more and more tyrannical, more and more aggressive toward their neighbors. Whether we are talking about the Spratly Islands, where they have been bullying their neighbors, or in Tibet, where they are committing genocide against the people of Tibet, or in Burma, where they are the godfathers of that vicious dictatorship that holds the whole population of Burma in a grip, in a dictatorial grip, or the helping hands they are giving to other anti-western dictatorships throughout the world, these are things that are happening now because the Chinese have lost all respect, the Communist Chinese have lost all respect for us, because they know that we do not care about a thing that we say, that it is just phony baloney when we talk about human rights, because this administration has done nothing to prevent the flow of weapons technology, and in fact has done nothing to prevent the billions of dollars that they have left over from this unfair trade relationship, which we have permitted them.

Not only have we permitted them to have an unfair trade relationship, we have subsidized this unfair trade relationship, giving them tens of millions of dollars to upgrade their military capabilities. What is the solution? There is a solution. This is as serious as anything we have confronted as a Nation, and we need to focus on it.

First of all, we must not treat the Communist Chinese regime as if they are a friendly regime. We must not treat them as normal trading partners like we would Italy, Belgium, or the Netherlands. We must treat them as a potential enemy of the people of the United States. They have earned that with the repression and murder that they have brought down on their own people, much less the aggression they are committing against their neighbors. That is number one.

We must classify them and understand what they are, and we should not, we should not in any way subsidize them, either through technology transfers or through an unfair trading relationship, or through Export-Import Bank guarantees to businessmen who would set up factories in Communist China.

We must support the freedom elements in China itself. Radio-Free Asia, the National Endowment for Democracy, we must support these people in every way we can, support those who are struggling for democracy in this vicious dictatorship, because they are the ones that will free the world from this terror as they themselves free themselves from oppression of the Beijing regime.

It is only when the people of China who love freedom and love democracy and love the United States, I might add, because they are our brothers and sisters in freedom and democracy, when they ascend to their rightful place as a representative government, they will no longer be a threat to the United States, because the people of China are not our enemy, it is the dictatorship in China that is.

Finally, we must insist, and I hope every one of my colleagues and everyone who may be reading this or listening insists that the Cox report be made public. They should write and call their congressman and say that, why are the American people being left in the dark? The Cox report on Communist China must be made public so we can know what the Chinese have and what they have been able to steal from us, and what role American companies have played in preparing the Communist Chinese to kill Americans.

I come to the floor tonight to inform my colleagues and to inform the American people, and perhaps to mobilize them. I personally witnessed some things, by the way, that underscore the very points that I have been making.

In a recent fact-finding trip to Asia I overflew the Spratly Islands, and I could see that there, on Mischief Reef, a small sort of island like an atoll, because at low tide it is above water but at high tide it is below water, but it is an atoll about 150 miles from the Philippines, a country that is a democratic country that has very little defense. They are trying to spend their money on improving the life of their people.

But that little island or reef, that lagoon situation 150 miles from the Philippines, is over 800 miles from China, and the Communist Chinese are trying to bully the Philippines and the other nations of the Pacific into letting them, and not letting them but in acquiescing to them, in giving in to them and giving in to their claim that this is their territory.

I flew in an old C–130, a Philippine Air Force plane. As we went through the clouds and were heading towards this reef 150 miles off the Philippine mainland, as the clouds parted right above the reef, what did we see but three Chinese warships perched in this lagoon, armed to the teeth, helicopter decks there.

And what else did we see nearby but scores of Chinese workers who were so fervently constructing a concrete military outpost on this reef that even as we flew over, their acetylene torches continued to build this fortification on that reef.

Last week the Philippine military command called this Chinese buildup the greatest threat to the Philippines and America's interest in Asia since World War II. The Chinese are committing acts of aggression. They are willing to bully their neighbors. They are willing to murder their own people.

This chain of islands, this chain of islands that we are talking about, the Spratly Islands, and some, as I say, are under water at low tide, serve and will serve as bases for the Chinese communists. They will be like stationary aircraft carriers and helicopter aircraft carriers that will threaten the most important strategic areas, trading areas, and trading routes in the world.

Now we understand that the Chinese have an anti-ship missile that can be fired from the helicopters that will be stationed on these island bases. This missile that can be fired is a supersonic cruise-like missile, the SSN–22, the Sunburn missile they have achieved from Russia.

These missiles were developed specifically by the Russians to destroy American aircraft carriers and Aegis cruisers. They are essential to a sea-based antimissile system, the Aegis cruisers. Yet, if we have any type of antimissile system, they will be vulnerable now to the Communist Chinese and their Sunburn missiles that they may be able to fire and probably are setting up bases for deep into the Pacific Ocean, 800 miles off their own shore; in fact, right off the Philippine coast.

This is a threat to the United States as well as to the people of the Philippines and the people of the Pacific. A large hunk of the world's trade goes right through the straits between these islands and the Communist Chinese mainland.

Also to highlight what I am saying, and also to highlight why an antimissile defense system is so vital for the United States and our allies in the Pacific, in early December while I was in the region the Communist Chinese launched a mock missile attack exercise against Taiwan.

During this exercise, for the first time the Chinese targeted U.S. military bases in Japan, in Okinawa, and South Korea. We know what they targeted. We know what their game plan was. The game plan was to put their finger on American bases to kill tens of thousands of Americans, and they have also now the ability to use these bases in the Spratlys, and these missiles that the Russians have sold them, to kill tens of thousands of American sailors.

These bases that they have targeted for the first time, these are bases that are essential for the defense of Taiwan and essential for the peacekeeping in that whole region.

Later this week when the Pentagon releases its congressionally-mandated report on the Chinese missile threat to the region, it will become public knowledge that China is in the midst of a massive buildup of ballistic missiles that are intended to overwhelm Taiwan and American military outposts in the Pacific.

Ironically, the Chinese military has built its first military communication station in the South Pacific. Their first military communications station is located on the atoll of Tarawa. It is there where thousands of American marines perished, battling to turn the tide of Japanese militarism during World War II.

Mr. Speaker, the Pentagon has confirmed what I revealed on this floor last year, that China, with the help of U.S. corporations, has modernized its growing nuclear missile force so it can now strike at the continental United States from the mainland of China.

□ 2030

American people by the millions, our neighborhoods, our peoples are at great risk because American technology has been transferred to the Communist Chinese. It is still not too late, however, to defang this emerging dragon before it is ready to strike. But we must begin the process, and we must be realistic about what we are trying to do.

I am especially troubled by the President and the Secretary of State continuing to use the Communist Chinese and label the Communist Chinese as strategic partners. That has got to stop.

The unwillingness of the United States, as the leader of democracy and freedom in the world, to even object to the human rights abuses committed by the Beijing dictators and their henchmen against the people of China is little less than cowardice.

The ghoulish repression in China is being ignored so that our billionaires can reap huge profits in the short term, while putting our own people out of work in the long run and putting our country in great jeopardy. Then we excuse all of this with flippant phrases like, for example, when we complain about this, these human rights abusers, we are told, oh, do not worry. We have a multifaceted relationship with China.

Multifaceted. That is what our Secretary of State used to excuse the fact that we are not using the strength of our own moral courage to complain and to put the Chinese on notice that we will not put up with human rights abuses and aggression.

I cannot believe that a young Madeleine Albright, while she was fleeing the Nazi-occupied Europe, that threat to mankind in those days, I cannot believe that a young Madeleine Albright would have accepted that we cannot, that the United States could not be too harsh on Adolph Hitler and his goons because, after all, we had to preserve a multifaceted relationship with Adolph.

In fact, throughout the 1930's, the United States did try to appease Adolph Hitler's Germany and fascist Japan, despite the full knowledge of the atrocities that were being committed in Czechoslovakia and Poland and elsewhere to the Jews and the gypsies and others.

Appeasement did not work. Leaving the subject out of conversations did not work. It led to World War II, and it led to a massive loss of American lives.

There is a relationship between peace and freedom and democracy. What do we need to do? Again, let us refrain from referring to the Communist Chinese as strategic partners. Let us label them what they are, potential enemies of the United States.

Let us develop a missile defense system for ourselves and our friends and our allies. Let us encourage those people who are struggling for democracy and dictatorships everywhere but especially in Communist China.

Let us today commit ourselves that the Cox committee report, which will disclose this treachery, this betrayal of American interests, this transfer of weapons of mass destruction that we develop with our own tax dollars, that this transferred technology, the upgrading of Communist Chinese rockets, and their capability of hitting the United States, that we need to have that verified for the American people.

The Cox committee report must be made public. I urge the White House to release the entire document. But I was outraged yesterday when the White House selectively declassified information in the Cox report and leaked it to the press. It leaked it in order to rebut the committee's recommendations which were aimed at preventing weapons of mass destruction and related technology from being sold to Communist China.

So here, instead of disclosing all the information, just little pieces of it was disclosed so that friendly members of the press could then use it to defeat the very purpose of the select committee that the gentleman from California (Mr. Cox) headed.

Does this administration have no shame? Is there no level to which it will go? We are all in jeopardy. Then they play this kind of game. I do not care what administration it is. If a hostile power has been helped by American technology, and we know about it, and they know about it, the American people should know about it, and they should know the details. Every one of us should be insisting that this be done.

The Chinese must know that we are on the side of the Chinese people who long for democracy. But the Communist Chinese leadership must know that there are political and diplomatic consequences for the actions that they are taking and that we will be willing to stand strong, and that we are Americans, the same Americans that stood for freedom.

We may be losing the Save Private Ryan generation, those people who saved the world from the Nazis, those people we are so proud of. I lost my father recently who fought in World War II. But we are the same American people, and we stand for those same principles.

We are on the side of people who love freedom. We are not on the side of ghoulish dictators like the Nazis or the Communists or like the Chinese who make their deals with American billionaires. We need to act as a people, the freedom loving people of the world need to act together, and we as Americans need to lead them.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. Carson (at the request of Mr. Gephardt) for today on account of official business.

Mr. Deutsch (at the request of Mr. Gephardt) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. Jones of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. Hoyer, for 5 minutes, today.

Mr. Blumenauer, for 5 minutes, today.

Ms. Jackson-Lee of Texas, for 5 minutes, today.

Ms. Norton, for 5 minutes, today.

Mr. Pallone, for 5 minutes, today.

(The following Members (at the request of Mr. Duncan) to revise and extend their remarks and include extraneous material:)

Mr. Weller, for 5 minutes, today.

Mr. Moran of Kansas, for 5 minutes, today.

Ms. Ros-Lehtinen, for 5 minutes, today.

Mr. Duncan, for 5 minutes, today.

Mr. Young of Alaska, for 5 minutes, today.

Mr. Goodling, for 5 minutes, today.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 3, 1999, at 10 a.m.

A REPORT REQUIRED BY THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

U.S. Congress,
Office of Compliance,
Washington, DC, January 6, 1999.

Hon. Dennis Hastert,
Speaker of the House of Representatives, Washington, DC.

Dear Mr. Speaker: Section 102(b) of the Congressional Accountability Act of 1995 (CAA) mandates a review and report on the applicability to the legislative branch of federal law relating to terms and conditions of employment and access to public services and accommodations.

Pursuant to section 102(b)(2) of the CAA, which provides that the presiding officers of the House of Representatives and the Senate shall cause each such report to be printed in the Congressional Record and each report shall be referred to the committees of the House of Representatives and the Senate with jurisdiction, the Board of Directors of the Office of Compliance is pleased to transit the enclosed report.

Sincerely yours,

Glen D. Nager,
Chair of the Board of Directors.

Enclosures.

Office of Compliance—Section 102(b) Report—Review and Report on the Applicability to the Legislative Branch of Federal Laws Relating to Terms and Conditions of Employment and Access to Public Services and Public Accommodations

Prepared by the Board of Directors of the Office of Compliance Pursuant to Section 102(b) of the Congressional Accountability Act of 1995, 2 U.S.C. §1302(b), December 31, 1998

GLOSSARY OF ACRONYMS AND DEFINED TERMS

The following acronyms and defined terms are used in this Report and Appendices:

1996 Section 102(b) Report—the first biennial report mandated by §102(b) of the Congressional Accountability Act of 1995, which was issued by the Board of Directors of the Office of Compliance in December of 1996.

1998 Section 102(b) Report—this, the second biennial report mandated under §102(b) of the Congressional Accountability Act of 1995, which is issued by the Board of Directors of the Office of Compliance on December 31, 1998.

ADA—Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.

ADEA—Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 et seq.

ADR—Alternative Dispute Resolution.

AG—Attorney General.

Board—Board of Directors of the Office of Compliance.

CAA—Congressional Accountability Act of 1995, 2 U.S.C. §1301 et seq.

CAA laws—the eleven laws, applicable in the federal and private sectors, that are made applicable to the legislative branch by the CAA and are listed in section 102(a) of that Act.

CG—Comptroller General.

Chapter 71—Chapter 71 of title 5, United States Code.

DoL—Department of Labor.

EEO—Equal Employment Opportunity.

EEOC—Equal Employment Opportunity Commission.

EPA—Equal Pay Act provisions of the Fair Labor Standards Act, 29 U.S.C. §206(d).

EPPA—Employee Polygraph Protection Act of 1988, 29 U.S.C. §2001 et seq.

FLRA—Federal Labor Relations Authority.

FLSA—Fair Labor Standards Act of 1938, 29 U.S.C. §201 et seq.

FMLA—Family and Medical Leave Act of 1993, 29 U.S.C. §2611 et seq.

GAO—General Accounting Office.

GAOPA—General Accounting Office Personnel Act of 1980, 31 U.S.C. §731 et seq.

GC—General Counsel. Depending on the context, "GC" may refer to the General Counsel of the Office of Compliance or to the General Counsel of the GAO Personnel Appeals Board.

GPO—Government Printing Office.

Library—Library of Congress.

MSPB—Merit Systems Protection Board.

NLRA—National Labor Relations Act.
NLRB—National Labor Relations Board.
OC—Office of Compliance.
Office—Office of Compliance.
OPM—Office of Personnel Management.
OSH—Occupational Safety and Health.
OSHAct—Occupational Safety and Health Act of 1970, 29 U.S.C. §651 et seq.
PAB—Personnel Appeals Board of the General Accounting Office.
PPA—Portal-to-Portal Act of 1947, 29 U.S.C. §251 et seq.
RIF—Reduction in Force.
Section 230 Study—the study mandated by section 230 of the Congressional Accountability Act of 1995, which was issued by the Board of Directors of the Office of Compliance in December of 1996.
Title VII—Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.
ULP—Unfair Labor Practice.
USERRA—Section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. chapter 43.
VEOA—Veterans Employment Opportunities Act of 1998, Pub. Law No. 105-339.
WARN Act—Worker Adjustment and Retraining Notification Act, 29 U.S.C. §2101 et seq.

EXECUTIVE SUMMARY

In this Report, issued under section 102(b) of the Congressional Accountability Act of 1995 ("CAA"), the Board of Directors of the Office of Compliance reviews new statutes or statutory amendments enacted after the Board's 1996 Report was prepared, and recommends that certain other inapplicable laws should be made applicable to the legislative branch. In the second part of this Report, the Board reviews inapplicable provisions of the private-sector laws generally made applicable by the CAA (the "CAA laws"),[1] and reports on whether and to what degree these provisions should be made applicable to the legislative branch. Finally, the Board reviews and makes recommendations on whether to make the CAA or another body of laws applicable to the General Accounting Office ("GAO"), the Government Printing Office ("GPO"), and the Library of Congress ("Library").

Part I

After reviewing all federal laws and amendments relating to terms and conditions of employment or access to public accommodations and services passed since October, 1996, the Board concludes that no new provisions of law should be made applicable to the legislative branch. Two laws relating to terms and conditions of employment were amended, but substantial provisions of each law have already been made applicable to the legislative branch. However, the provisions of private-sector law which the Board identified in 1996 in its first Section 102(b) Report as having little or no application in the legislative branch have not yet been made applicable, and the Board's experience in the administration and enforcement of the Act in the two years since that first report was submitted to Congress has raised several new issues.

Based on the work of the 1996 Section 102(b) Report, the Board makes the following two sets of recommendations.

(1) The Board resubmits the recommendations made in the 1996 Section 102(b) Report that the following provisions of laws be applied to employing offices within the legislative branch: Prohibition Against Discrimination on the Basis of Bankruptcy (11 U.S.C. §525); Prohibition Against Discharge from Employment by Reason of Garnishment (15 U.S.C. §1674(a)); Prohibition Against Discrimination on the Basis of Jury Duty (28 U.S.C. §1875); Titles II and III of the Civil Rights Act of 1964 (42 U.S.C. §§2000(a) to 2000a-6, 2000b to 2000b-3) (prohibiting discrimination on the basis of race, color, religion, or national origin regarding the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation as defined in the Act).

(2) After further study of the whistleblower provisions of the environmental laws (15 U.S.C. §2622; 33 U.S.C. §1367; 42 U.S.C. §§300j-9(i), 5851, 6971, 7622, 9610) on which the Board had previously deferred decision, the Board now concludes that the better construction of these provisions is that they cover the legislative branch. However, because arguments could be made to the contrary, the Board recommends that language should be added to make clear that all entities within the legislative branch are covered by these provisions.

Based on its experience in the administration and enforcement of the Act and employee inquiry since the 1996 Report was issued, the Board makes the following two recommendations:

(1) Employee "whistleblower" protections, comparable to those generally available to employees covered by 5 U.S.C. §2302(b)(8), should be made applicable to the legislative branch[2] to further the institutional and public policy interest in preventing reprisal or intimidation for the disclosure of information which evidences fraud, waste, or abuse or a violation of applicable statute or regulation.

(2) The Board has found that Congress has created a number of special-purpose study commissions in which some or all members are appointed by the Congress. These commissions are not listed as employing offices under the CAA and, in some cases, such commissions may not be covered by other, comparable protections. The Board therefore believes that the coverage of such special-purpose study commissions should be clarified.

Part II

Having reviewed all the inapplicable provisions of the private-sector CAA laws,[3] the Board focuses its recommendations on enforcement,[4] the area in which Congress made the most significant departures from the private-sector provisions of the CAA laws.

The Board makes the following specific recommendations of changes to the CAA:

(1) grant the Office the authority to investigate and prosecute violations of section 207 of the CAA, which prohibits intimidation or reprisal for opposing any practice made unlawful by the Act or for participation in any proceeding under the Act;

(2) clarify that section 215(b) of the CAA, which makes applicable the remedies set forth in section 13(a) of the Occupational Safety and Health Act of 1970 ("OSHAct"), gives the General Counsel the authority to seek a restraining order in district court in the case of imminent danger to health or safety; and

(3) make the record-keeping and notice-posting requirements of the private-sector laws applicable under the CAA.

The Board also makes the following general recommendations:

(4) extend the benefits of the model alternative dispute resolution system created by the CAA to the private and federal sectors to provide them with the same efficient and effective method of resolving disputes that the legislative branch now enjoys; and

(5) grant the Office the other enforcement authorities exercised by the agencies which implement those CAA laws for the private sector in order to ensure that the legislative branch experiences the same burdens as the private sector.

The Board further suggests that, to realize fully the goals of the CAA—to assure that "congressional employees will have the civil rights and social legislation that has ensured fair treatment of workers in the private sector" and to "ensure that Members of Congress will know firsthand the burdens that the private sector lives with"[5]—all inapplicable provisions of the CAA laws should, over time, be made applicable.

Part III

The Board identifies three principal options for coverage of the three instrumentalities:

(1) CAA Option—Coverage under the CAA, including the authority of the Office of Compliance as it administers and enforces the CAA (as the CAA would be modified by enactment of the recommendations made in Part II of this Report.)

(2) Federal-Sector Option—Coverage under the statutory and regulatory regime that applies generally in the executive branch of the federal sector, including the authority of executive-branch agencies as they administer and enforce the laws in the federal sector.

(3) Private-Sector Option—Coverage under the statutory and regulatory regimes that apply generally in the private sector, including the authority of the executive-branch agencies as they administer and enforce the laws in the private sector.[6]

The Board compared these options with the current regimes at GAO, GPO, and the Library, identifying the significant effects of applying each option.[7]

The Board concludes that coverage under the private-sector regime is not the best of the options it considered. Members Adler and Seitz recommend that the three instrumentalities be covered under the CAA, with certain modifications, and Chairman Nager and Member Hunter recommend that the three instrumentalities be made fully subject to the laws and regulations generally applicable in the executive branch of the federal sector.

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[1] This report uses the term "CAA laws" to refer to the eleven laws, applicable in the federal and private sectors, made applicable to the legislative branch by the CAA and listed in section 102(a) of that Act.

[2] Such protections are already generally available to employees at GAO and GPO.

[3] The table of the private-sector provisions of the CAA laws not made applicable by the CAA, set forth in Appendix I to this Report, details these exceptions.

[4] The private-sector enforcement authority tables, set forth in Appendix II to this Report, summarize the enforcement authorities afforded to the implementing executive-branch agencies under the private-sector laws made applicable by the CAA in those areas in which the CAA does not already grant enforcement authority to the Office.

[5] 141 Cong. Rec. S441 (daily ed. Jan. 9, 1995) (statement of Senator Grassley).

[6] The coverage described in each of the three options would supersede only provisions of law which provide substantive rights analogous to those provided under the CAA or which establish analogous administrative, judicial, or rulemaking processes to implement, remedy, or enforce such rights. Substantive rights under federal-sector or other laws having no analogue in the CAA, and processes used to implement, remedy, or enforce such rights, would not be affected by the coverage described in the three options.

[7] The comparisons, which are presented in detail in tables set forth in Appendix III to this Report, cover the CAA, the laws made applicable by the CAA, analogous laws that apply in the federal sector and the private sector, and mechanisms for applying and enforcing them.

The analysis and conclusions in this report are being made solely for the purposes set forth in section 102(b) of the Congressional Accountability Act of 1995. Nothing in this report is intended or should be construed as a definitive interpretation of any factual or legal question by the Office of Compliance or its Board of Directors.

The Board of Directors of the Office of Compliance gratefully acknowledges the contributions of Lawrence B. Novey and Eugenie N. Barton for their work on this report.

SECTION 102(b) REPORT

INTRODUCTION

Congress enacted the Congressional Accountability Act of 1995 ("CAA") so that there would no longer be "one set of protections for people in the private sector whose employees are protected by the employment, safety and civil rights laws, but no protection, or very little protection, for employees on Capitol Hill,"[8] and to "ensure that Members of Congress will know firsthand the burdens that the private sector lives with."[9] Thus, the CAA provides employees of the Congress and certain congressional instrumentalities with the protections of specified provisions of eleven federal employment, labor, and public access laws. (This Report refers to those laws as the "CAA laws").[10] Further, the Act generally applies the same substantive provisions and judicial remedies of the CAA laws as govern employment and public access in the private sector to ensure that Congress would live under the same laws as the rest of the nation's citizens.

However, the Act departed from the private-sector model in a number of significant respects. New institutional, adjudicatory, and rulemaking models were created. Concerns about subjecting itself to regulation, enforcement or administrative adjudication by executive-branch agencies led Congress to establish an independent administrative agency in the legislative branch, the Office of Compliance (the "OC" or the "Office"), to administer and enforce the Act. The Office's administrative and enforcement authorities differ significantly from those in place at the executive-branch agencies which administer and enforce the eleven CAA laws for the private sector and/or the federal-sector. Most notably, the Act did not grant the OC independent investigation and prosecutorial authority comparable to that of analogous executive-branch agencies. Instead, the Act created new, confidential administrative dispute resolution procedures, including compulsory mediation, as a prerequisite to access to the courts. Finally, the Act granted the OC limited substantive rulemaking authority. Substantive regulations under the CAA are adopted by the Board of Directors (the "Board"). The House and Senate retained the right to approve those regulations, but the CAA provides that, in the absence of Board action and congressional approval, the applicable private-sector regulations or federal-sector regulations apply, with one exception involving labor-management relations.[11]

In terms of substantive law, the Act did not include some potentially applicable laws and made applicable only certain provisions of the CAA laws. Moreover, the Act applied the Federal Labor-Management Relations Act, 5 U.S.C. chapter 71 ("Chapter 71"), rather than the private-sector model, and gave the Board authority to create further exclusions from labor-management coverage if the Board found such exclusions necessary because of conflict of interest or Congress's constitutional responsibilities.[12]

Finally, the CAA was not made applicable throughout the legislative branch. The CAA only partially covered the three largest instrumentalities of the Congress, the General Accounting Office ("GAO"), the Government Printing Office ("GPO"), and the Library of Congress (the "Library"), which were already covered in large part by a variety of different provisions of federal-sector laws, administered by the three instrumentalities themselves and/or executive-branch agencies.

Congress left certain areas to be addressed later, after further study and recommendation, as provided for by sections 102(b) and 230 of the Act. To promote the continuing accountability of Congress, section 102(b) of the CAA required the Board to review biennially all provisions of federal law and regulations relating to the terms and conditions of employment and access to public services and accommodations; to report on whether or to what degree the provisions reviewed are applicable or inapplicable to the legislative branch; and to recommend whether those provisions should be made applicable to the legislative branch. Additionally, section 230 of the CAA mandated a study of the status of the application of the eleven CAA laws to GAO, GPO, and the Library, to "evaluate whether the rights, protections, and procedures, including administrative and judicial relief, applicable to [these instrumentalities] . . . are comprehensive and effective . . . includ[ing] recommendations for any improvements in regulations or legislation."[13] These reports were to review aspects of legislative-branch coverage which required further study and recommendation to the Congress once the OC and its Board had gained experience in the administration of the Act and Congress had gained experience in living under the Act.

1996 Section 102(b) Report. In December of 1996, the Board completed its first biennial report mandated under section 102(b) of the CAA (the "1996 Section 102(b) Report"), which reviewed and analyzed the universe of federal law relating to labor, employment and public access, made the Board's initial recommendations, and set priorities for future reports.[14] To conduct its analysis, the Board organized the provisions of federal law in tabular form according to the kinds of entities to which they applied, and systematically analyzed whether and to what extent they were already applicable to the legislative branch or whether the legislative branch was already covered by other comparable legislation. This generated four tables: the first listed and reviewed those provisions of law generally applicable in the private sector and/or in state and local government that also are already applicable to entities in the legislative branch, a category which included nine of the laws made applicable by the CAA. The second table contained and reviewed those provisions of law that apply only in the federal sector, a category which included the two exclusively federal-sector laws applied to the legislative branch by the CAA. The third table listed and reviewed five private-sector and/or state- and local-government provisions of law that do not apply in the legislative branch, but govern areas in which Congress has already applied to itself other, comparable provisions of law. The last table listed and reviewed thirteen other private-sector laws which do not apply or have only very limited application in the legislative branch.

The Board then turned to its task of recommending which statutes should be applied to the legislative branch. In light of the large body of statutes that the Board had identified and reviewed, the Board determined that it could not make recommendations concerning every possible change in legislative-branch coverage, for "that would be the work of many years and many hands."[15] The Board further recognized that biennial nature of report, as well as the history and structure of the CAA, argued "for accomplishing such statutory change on an incremental basis."[16]

In setting its priorities for making recommendations from among the categories of statutes that the Board had identified for analysis and review, the Board sought to mirror the priorities of the CAA. Because legislative history suggested that highest priority of the CAA was the application of private-sector protections to congressional employees where those employees had little or no protection, the Board focused its recommendations in its first report on applying the private-sector laws not currently applicable to the legislative branch. The Board determined that, because of the CAA's focus on coverage of the Congress under private-sector laws, the Board's next priority should be to review the inapplicable provisions of the private-sector laws generally made applicable by the CAA.

The laws detailed in the other two tables were given a lower priority. Because determining whether and to what degree federal-sector provisions of law should be made applicable to the legislative branch "involve[s], in part, weighing the merits of the protections afforded by the CAA against those provided under other statutory schemes, the Board determined that, in . . . its first year of administering the CAA, [the Board determined that] it would be premature for the

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[8] 141 Cong. Rec. S622 (daily ed. Jan. 9, 1995) (statement of Senator Grassley).

[9] *Id.* at S441.

[10] The nine private-sector laws made applicable by the CAA are: the Fair Labor Standards Act of 1938 (29 U.S.C. §201 et seq.) ("FLSA"), Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et seq.) ("Title VII"), the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) ("ADA"), the Age Discrimination in Employment Act of 1967 (29 U.S.C. §621 et seq.) ("ADEA"), the Family and Medical Leave Act of 1993 (29 U.S.C. §2611 et seq.) ("FMLA"), the Occupational Safety and Health Act of 1970 (29 U.S.C. §651 et seq.) ("OSHAct"), the Employee Polygraph Protection Act of 1988 (29 U.S.C. §2001 et seq.) ("EPPA"), the Worker Adjustment and Retraining Notification Act (29 U.S.C. §2101 et seq.) ("WARN Act"), and section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"). The two federal-sector laws made applicable by the CAA are: Chapter 71 of title 5, United States Code (relating to federal service labor-management relations) ("Chapter 71"), and the Rehabilitation Act of 1973 (29 U.S.C. §701 et seq.).

[11] With respect to the offices listed in §220(e)(2) of the CAA, the application of rights under Chapter 71 shall become effective only after regulations regarding those offices are adopted by the Board and approved by the House and Senate. *See* §§220(f)(2), 411, of the CAA.

[12] *See* §220(e) of the CAA.

[13] 2 U.S.C. §1371(c). Originally, the Administrative Conference of the United States was charged with carrying out the study and making recommendations for improvements in the laws and regulations governing the instrumentalities, but when the Conference lost its funding, the responsibility for the study was transferred to the Board.

[14] Section 102(b) Report: Review and Report of the Applicability to the Legislative Branch of Federal Law Relating to Terms and Conditions of Employment and Access to Public Services and Accommodations (Dec. 31, 1996).

[15] *Id.* at 3.

[16] *Id.*

Board to make such comparative judgments."[17] Additionally, among the patchwork of federal-sector laws, which had come to cover some of the instrumentalities of the Congress, were laws the effectiveness and efficiency of which were then (and remain) under review by the Executive Branch. Similarly, the Board deferred consideration of laws that were not applicable, but where the Congress had applied a comparable provision, because the Board concluded that "as the Board gains rulemaking and adjudicatory experience in the application of the CAA to the legislative branch, the Board will be better situated to formulate recommendations about appropriate changes in those different statutory schemes."[18] In sum, the Board determined to follow the apparent priorities of the CAA itself, turning first to the application of currently inapplicable private-sector laws, and next in this, its second Section 102(b) Report, reviewing the omissions in coverage of the laws made applicable by the CAA and making recommendations for change.

Section 230 Study. At the same time as it completed its first report under section 102(b), the Board in its study mandated under section 230 of the CAA (the "Section 230 Study")[19] analyzed the application of labor, employment and public access laws to GAO, GPO, and the Library, evaluating the statutory and regulatory regimes in place at these instrumentalities to determine whether they were "comprehensive and effective."[20] To do so, the Board had to establish a point of comparison, and determined that the CAA itself was the benchmark intended by Congress. Further, the Board gave content to the terms "comprehensive and effective," defining those terms according to the Board's statutory charge to examine the adequacy of "rights, protections, and procedures, including administrative and judicial relief."[21] Four categories were examined—substantive law; administrative processes and relief; judicial processes and relief; and substantive regulations—to determine whether the regimes at the instrumentalities were "comprehensive and effective" according to: (1) the nature of the substantive rights and protections afforded to employees, both as guaranteed by statute and as applied by rules and regulations; (2) the adequacy of administrative processes, including: (*a*) adequate enforcement mechanisms for monitoring compliance and detecting and correcting violations, and (*b*) a fair and independent mechanism for informally resolving or, if necessary, investigating, adjudicating, and appealing disputes; (3) the availability and adequacy of judicial processes and relief; and (4) the adequacy of any process for issuing substantive regulations specific to an instrumentality, including proposal and adoption by an independent regulatory authority under appropriate statutory criteria.[22]

The Board concluded that "overall, the rights, protections, procedures and [judicial and administrative] relief afforded to employees" were "comprehensive and effective when compared to those afforded to other legislative-branch employees under the CAA," but pointed out several gaps and a number of significant differences in coverage.[23] However, the Board explained that it was "premature" to make recommendations at that "early stage of its administration of the Act,"[24] as to whether changes were necessary in the coverage applicable in these instrumentalities. The Board further stated that its ongoing reporting requirement under section 102(b) argued for accomplishing such statutory change on an incremental basis as the Board gained experience in the administration of the CAA. The conclusions in the Section 230 Study thus properly would serve at the appropriate time as "the foundation for recommendations for change" in a subsequent report under section 102(b) of the CAA.[25]

The time is now ripe for the Board to make recommendations for change in the coverage of the three instrumentalities which are appropriately included as part of this Report. The Board has had over three years' experience in the administration of the rights, protections and procedures made applicable to the legislative branch by the CAA. This experience in administering and enforcing the CAA and assessing its strengths and weaknesses in making recommendations respecting changes in the CAA to make the Act comprehensive and effective with respect to those parts of the legislative branch already covered under the CAA has augmented the structural foundation set down in the Section 230 Study. Thus, the Board has both the substantive and experiential bricks and mortar to model the options for changes in the regimes covering the three largest instrumentalities. Moreover, procedural rulemaking to extend the Procedural Rules of the Office of Compliance to cover proceedings commenced by GAO and Library employees alleging violations of sections 204–207 of the CAA raised questions as to the current status of substantive and procedural coverage of the instrumentalities under the Act, demonstrating an immediate need for Congress to clarify the relationship between the CAA and the instrumentalities.

Accordingly, this Report has three parts. In the first, the Board fulfills its general responsibility under section 102(b), by presenting a review of laws enacted after the 1996 Section 102(b) Report and recommendations as to which laws should be made applicable to the legislative branch. The second part analyzes which private-sector provisions of the CAA laws do not apply to the legislative branch and which should be made applicable. The third part reviews current coverage of GAO, GPO, and the Library of Congress under the laws made applicable by the CAA and presents the Board's recommendations for change.

I. REVIEW OF LAWS ENACTED AFTER THE 1996 SECTION 102(b) REPORT, AND REPORT RECOMMENDING THAT CERTAIN OTHER INAPPLICABLE LAWS SHOULD BE MADE APPLICABLE

A. Background

Section 102(b) of the CAA directs the Board of Directors of the Office of Compliance to—review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees, and (B) access to public services and accommodations. And, on the basis of this review—beginning on December 31, 1996, and every 2 years thereafter, the Board shall report on (A) whether or to what degree the provisions described in paragraph (1) are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch.

In preparing this part of the 1998 Section 102(b) Report, all federal laws and amendments passed since October 1996 were reviewed to identify any new laws and changes in existing laws relating to terms and conditions of employment or access to public accommodations and services. The results of that review are reported here.[26] Further, in this part of the current Section 102(b) Report, the Board addresses the question of coverage of the legislative branch under the environmental whistleblower provisions which the Board deferred in the previous, 1996 Report. The Board also notes that the provisions of private-sector law which the Board identified in that Section 102(b) Report as having little or no application in the legislative branch have not yet been made applicable, and the Board therefore also resubmits its recommendations regarding those provisions here. Based on experience in the administration and enforcement of the Act in the two years since that first report was submitted to Congress, the Board addresses two other areas—whistleblower protection and coverage of special study commissions—which, due to employee inquiry, the Board believes merit attention now.

B. Review and Report on Laws Passed Since October 1996

With two exceptions, the Congress did not pass a new law or significantly amend an existing law relating to terms and conditions of employment or access to public accommodations since the 1996 Section 102(b) Report. The first exception is the Postal Employees Safety Enhancement Act, Pub. L. No. 105–241, which amends the OSHAct to apply it to the United States Postal Service. The second exception is the Veterans Employment Opportunities Act of 1997 ("VEOA"), Pub. L. No. 105–339, which provides for expanded veterans' preference eligibility and retention in the executive branch and for those legislative-branch employees who are in the competitive service.

Both the OSHAct and the VEOA already apply to a substantial extent to the legislative branch. The OSHAct was made generally applicable to the legislative branch by section 215 of the CAA, and, in Parts II and III of this 1998 Section 102(b) Report, the Board has reviewed the extent to which specific provisions of the OSHAct apply within the legislative branch, and has made recommendations.

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[17] *Id*. at 4.

[18] *Id*.

[19] Section 230 Study: Study of Laws, Regulations, and Procedures at the General Accounting Office, the Government Printing Office and the Library of Congress (Dec. 1996) at iii.

[20] 2 U.S.C. §1371(c).

[21] *Id*.

[22] Section 230 Study at ii.

[23] *Id*.

[24] *Id*.

[25] *Id*.

[26] As in the 1996 Section 102(b) Report, excluded from consideration were those laws that, although employment-related, (1) are specific to narrow or specialized industries or types of employment not found in the legislative branch (*e.g.*, employment in maritime or mining industries, or the armed forces, or employment in a project funded by federal grants or contracts); or (2) establish government programs of research, data-collection, advocacy, or training, but do not establish correlative rights and responsibilities for employees and employers (*e.g.*, statutes authorizing the Women's Bureau or the Bureau of Labor Statistics); or (3) authorize, but do not require, that employers provide benefits to employees, (*e.g*. so-called "cafeteria plans" authorized by 26 U.S.C. §125).

As to the VEOA, selected provisions of the Act apply to employees meeting the definition of "covered employee" under the CAA, excluding those employees whose appointment is made by a Member or Committee of Congress, and the VEOA assigns responsibility to the Board to implement veterans' preference requirements as to these employees. It is premature for the Board now, two months after enactment of the VEOA, to express any views about the extent to which veterans' preference rights do, or should, apply in the legislative branch, but the Board may decide to do so in a subsequent biennial report under section 102(b).

C. Report and Recommendations Respecting Laws Addressed in the 1996 Section 102(b) Report

1. Resubmission of Earlier Recommendations

The Board of Directors resubmits the following recommendations made in the 1996 Section 102(b) Report:

(a) Prohibition against discrimination on the basis of bankruptcy (11 U.S.C. §525). Section 525(a) provides that "a governmental unit" may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is or has been a debtor under the bankruptcy statutes. This provision currently does not apply to the legislative branch. For the reasons stated in the 1996 Section 102(b) Report, the Board reports that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

(b) Prohibition against discharge from employment by reason of garnishment (15 U.S.C. §1674(a)). Section 1674(a) prohibits discharge of any employee because his or her earnings "have been subject to garnishment for any one indebtedness." This section is limited to private employers, so it currently has no application to the legislative branch. For the reason set forth in the 1996 Section 102(b) Report, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

(c) Prohibition against discrimination on the basis of jury duty (28 U.S.C. §1875). Section 1875 provides that no employer shall discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of the United States. This section currently does not cover legislative-branch employment. For the reason set forth in the 1996 Section 102(b) Report, the Board has determined that the rights and protections against discrimination on this basis should be applied to employing offices within the legislative branch.

(d) Titles II and III of the Civil Rights Act of 1964 (42 U.S.C. §§2000a to 2000a–6, 2000b to 2000b–3). These titles prohibit discrimination or segregation on the basis of race, color, religion, or national origin regarding the goods, services, facilities, privileges, advantages, and accommodations of "any place of public accommodation" as defined in the Act. Although the CAA incorporated the protections of titles II and III of the ADA, which prohibit discrimination on the basis of disability with respect to access to public services and accommodations, it does not extend protection against discrimination based upon race, color, religion, or national origin with respect to access to public services and accommodations. For the reasons set forth in the 1996 Section 102(b) Report, the Board has determined that the rights and protections afforded by titles II and III of the Civil Rights Act of 1964 against discrimination with respect to places of public accommodation should be applied to employing offices within the legislative branch.

2. Employee Protection Provisions of Environmental Statutes

(a) Report. The Board adds a recommendation respecting coverage under the employee protection provisions of the environmental protection statutes. The employee protection provisions in the environmental protection statutes (15 U.S.C. §2622; 33 U.S.C. §1367; 42 U.S.C. §§300j–9(i), 5851, 6971, 7622, 9610) generally protect an employee from discrimination in employment because the employee commences proceedings under the applicable statutes, testifies in any such proceeding, or assists or participates in any way in such a proceeding or in any other action to carry out the purposes of the statutes. In the 1996 Report the Board reviewed and analyzed these provisions but "reserve[d] judgement on whether or not these provisions should be made applicable to the legislative branch at this time" because, among other things, it was "unclear to what extent, if any, these provisions apply to entities in the legislative branch."[27]

Upon further review, applying the principles stated in the 1996 Report,[28] the Board has now concluded that there is sound reason to construe these provisions as applicable to the legislative branch. However, because it is possible to construe certain of these provisions as inapplicable, the Board recommends that Congress should adopt legislation clarifying that the employee protection provisions in the environmental protection statutes apply to all entities within the legislative branch.

(b) Recommendation: Legislation should be adopted clarifying that the employee protection provisions in the environmental protection statutes apply to all entities within the legislative branch.

D. Report and Recommendations in Areas Identified by Experience

1. Employee "Whistleblower" Protection

(a) Report. Civil service law[29] provides broad protection to "whistleblowers" in the executive branch and at GAO and GPO, but these provisions do not apply otherwise in the legislative branch. Employees subject to these provisions are generally protected against retaliation for having disclosed any information the employee reasonably believes evidences a violation of law or regulation, gross mismanagement or abuse of authority, or substantial danger to public health or safety. (In the private sector, whistleblowers are also often protected by provisions of specific federal laws.[30]) The Office has received a number of inquiries from congressional employees concerned about protection against possible retaliation by an employing office for the disclosure of what the employee perceives to be such information. The absence of specific statutory protection such as that provided under 5 U.S.C. §2302(b)(8) chills the disclosure of such information. Granting "whistleblower" protection could significantly improve the rights and protections afforded to legislative-branch employees in an area fundamental to the institutional integrity of the legislative branch.

(b) Recommendation: Congress should provide whistleblower protection to legislative-branch employees comparable to that provided to executive-branch employees under 5 U.S.C. §2302(b)(8).

2. Coverage of Special-Purpose Study Commissions

(a) Report. The Office has been asked questions respecting the coverage of certain special-purpose study commissions that include members appointed by Congress or by officers of Congressional instrumentalities. Such commissions are not expressly listed in section 101(9) of the CAA in the definition of "employing offices" covered under the CAA, and in some cases it is unclear whether commission employees are covered under rights and protections comparable to those granted by the CAA. The Board believes that the coverage of such special-purpose study commissions should be clarified.

(b) Recommendation: Congress should specifically designate the coverage under employment, labor, and public access laws that it intends, both when it creates special-purpose study commissions that include members appointed by Congress or by legislative-branch officials, and for such commissions already in existence.

II. REVIEW OF INAPPLICABLE PRIVATE-SECTOR PROVISIONS OF CAA LAWS AND REPORT ON WHETHER THOSE PROVISIONS SHOULD BE MADE APPLICABLE

A. Background

In its first Section 102(b) Report,[31] the Board determined that it should, in future section 102(b) reports, proceed incrementally to review and report on currently inapplicable provisions of law, and recommend whether these provisions should be made applicable, as experience was gained in the administration and enforcement of the Act. The next report to Congress would be an "in depth study of the specific exceptions created by Congress"[32] from the nine private-sector laws made applicable by the CAA[33] because the application of these private-sector laws was the highest priority in enacting the CAA.[34]

Part II of this second Section 102(b) Report considers these specific exceptions,[35] focusing on enforcement, the area in which Congress made the most significant departures from the private-sector provisions of the CAA laws. In this part of the Report, the Board reviews the remedial schemes provided under the CAA with respect to the nine private-sector laws made applicable, evaluates their efficacy in light of three years of experience in the administration and enforcement of the Act, and compares these CAA remedial schemes with those authorities provided for the vindication of the CAA laws in the private sector.[36] Based on this review and analysis and the Board's statutory charge to recommend whether inapplicable provisions of law "should be made applicable to the legislative branch,"[37] the Board makes a number of recommendations respecting the application of these currently inapplicable enforcement provisions.

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[27] 1996 Section 102(b) Report at 6.

[28] The Board stated in the 1996 Section 102(b) Report: "The Board has generally followed the principle that coverage must be clearly and unambiguously stated." Section 102(b) Report at 2. Furthermore, as to private-sector provisions, the Board stated: "Because a major goal of the CAA was to achieve parity with the private sector, the Board has determined that, if our review reveals no impediment to applying the provision in question to the legislative branch, it should be made applicable." *Id.* at 4–5.

[29] *See, e.g.*, 5 U.S.C. §2302(b)(8).

[30] *See, e.g.*, 15 U.S.C. §2622; 33 U.S.C. §1367; 42 U.S.C. §§300j–9(i), 5851, 6971, 7622, 9610 (the employee protection provisions of various environmental statutes), discussed on page 13 above. Other whistleblower protection may be provided through state statute or state common law, which are outside the scope of this Report.

[31] *See* 1996 section 102(b) report.

[32] *Id.* at 4.

[33] The private-sector laws made applicable by the CAA are listed in note 10, at page 5, above.

[34] *See* 1996 section 102(b) report at 3.

[35] The table of significant provisions of the private-sector CAA laws not yet made applicable by the CAA, set forth in Appendix I to this Report, details these exceptions.

The statute provides no direct guidance to the Board in recommending whether a provision "should be made applicable."[38] The Board has therefore made these recommendations in light of its experience and expertise with respect to both the application of these laws to the private sector[39] and the administration and enforcement of the Act, as well as its understanding of the general purposes and goals of the Act. In particular, the Board intends that these recommendations should further a central goal of the CAA to create parity with the private sector so that employers and employees in the legislative branch would experience the same benefits and burdens as the rest of the nation's citizens.

B. Recommendations

The Board makes the following three specific recommendations of changes to the CAA respecting the application of these currently inapplicable enforcement provisions:[40]

1. Grant the Office the authority to investigate and prosecute violations of §207 of the CAA, which prohibits intimidation and reprisal

The Board recommends that the Office should be granted enforcement authority with respect to section 207 of the CAA because of the strong institutional interest in protecting employees against intimidation or reprisal for the exercise of the rights provided by the CAA or for participation in the CAA's processes. Investigation and prosecution by the Office would more effectively vindicate those rights, dispel the chilling effect that intimidation and reprisal create, and protect the integrity of the Act and its processes.

As the tables indicate, enforcement authority with respect to intimidation or reprisal is provided to the agencies that administer and enforce the CAA laws in the private sector.[41] In contrast, under the CAA, the rights and protections provided by section 207 are vindicated only if the employee, after counseling and mediation, pursues his or her claim before a hearing officer or in district court. Experience in the administration and enforcement of the CAA argues that the Office should be granted comparable authority to that exercised by the executive-branch agencies that implement the CAA laws in the private sector. Covered employees who have sought information from the Office respecting their substantive rights under the Act and the processes available for vindicating these rights have expressed concern about their exposure in coming forward to bring a claim, as well as a reluctance and an inability to shoulder the entire litigation burden without the support of agency investigation or prosecution. Moreover, employees who have already brought their original dispute to the counseling and mediation processes of the Office and then perceive a reprisal for that action may be more reluctant to use once again the very processes that led to the claimed reprisal.

Whatever the reasons a particular employee does not bring a claim of intimidation or reprisal, such unresolved claims threaten to undermine the efficacy of the CAA. Particularly detrimental is the chilling effect on other employees who may wish to bring a claim or who are potential witnesses in other actions under the CAA. Without effective enforcement against intimidation and reprisal, the promise of the CAA that "congressional employees will have the civil rights and social legislation that ensure fair treatment of workers in the private sector"[42] is rendered illusory.

Therefore, in order to preserve confidence in the Act and to avoid chilling legislative branch-employees from exercising their rights or supporting others who do, the Board has concluded that the Congress should grant the Office the authority to investigate and prosecute allegations of intimidation or reprisal as they would be investigated and prosecuted in the private sector by the implementing agency. Enforcement authority can be exercised in harmony with the alternative dispute resolution process and the private right of action provided by the CAA, and will further the purposes of section 207 of the Act.

2. Clarify that §215(b) of the CAA, which makes applicable the remedies set forth in §13(a) of the OSHAct, gives the General Counsel the authority to seek a restraining order in district court in case of imminent danger to health or safety

With respect to the substantive provisions for which the Office already has enforcement authority,[43] the Board's experience to date has illuminated a need to revisit only one area, section 215(b) of the CAA which provides the remedy for a violation of the substantive provisions of the OSHAct made applicable by the CAA.[44] Under section 215(b) the remedy for a violation of the CAA shall be a corrective order, "including such order as would be appropriate if issued under section 13(a)" of the OSHAct. Among other things, the OSHAct authorizes the Secretary of Labor to seek a temporary restraining order in district court in the case of imminent danger. The General Counsel of the Office of Compliance, who enforces the OSHAct provisions as made applicable by the CAA, takes the position that section 213(b), by its terms, gives him the same standing to petition the district court for a temporary restraining order in a case of imminent danger as the Labor Department has under the OSHAct. However, it has been suggested that the language of section 213(b) does not clearly provide that authority.

Although it has not yet proven necessary to resolve a case of imminent danger by means of court order because compliance with the provisions of section 5 of the OSHAct has been achieved through other means,[45] the express authority to seek preliminary injunctive relief is essential to the Office's ability promptly to eliminate all potential workplace hazards. If it should become necessary to prosecute a case of imminent danger by means of district court order, action must be swift and sure. Therefore, the Board recommends that the CAA be amended to clarify that the General Counsel has the standing to seek a temporary restraining order in federal district court and that the court has jurisdiction to issue the order.

3. Make applicable the record-keeping and notice-posting requirements of the private-sector CAA laws

Experience in the administration of the Act leads the Board to recommend that all currently inapplicable record-keeping and notice-posting provisions be made applicable under the CAA. The Board recommends that the Office be granted the authority to require that records be kept and notices posted in the same manner as required by the agencies that enforce the provisions of law made applicable by the CAA in the private sector.

As the tables illustrate,[46] most of the laws made generally applicable by the CAA authorize the enforcing agency to require the keeping of pertinent records and the posting of notices in the work place. Experience has demonstrated that where employing offices have voluntarily kept records, these records have greatly assisted in the speedy resolution of disputed matters. Especially where the law has not been violated, employing offices can more readily demonstrate compliance if adequate records have been made and preserved. Moreover, based upon its experience and expertise, the Board has concluded that effective record keeping is not only beneficial to the employer, but in many cases is necessary to the effective vindication of the rights of employees.

Additionally, living with the same record-keeping and notice-posting requirements as apply in the private sector will give Congress the practical knowledge of the costs and benefits of these requirements. Congress will be able to determine experientially whether the benefits of each record-keeping and notice-posting requirement outweigh the burdens. Application of the record-keeping and notice-posting requirements will thus achieve one of the primary goals of the CAA, that the legislative branch live under the same laws as the rest of the nation's citizens.

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[36] The private-sector enforcement authority tables, set forth in Appendix II to this Report, summarize the enforcement authorities afforded to the implementing executive-branch agencies under the private-sector laws made applicable by the CAA in those areas in which the CAA does not already grant enforcement authority to the Office.

[37] Section 102(b)(2)(B) of the CAA.

[38] Section 102(b) directs the Board to: "review provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees, and (B) access to public services and accommodations." On the basis of this review, section 102(b) requires the Board biennially to: "report on (A) whether or to what degree the provisions described in paragraph (1) are applicable or inapplicable to the legislative branch, and (B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch."

[39] Section 301(d)(1) of the CAA requires that "[m]embers of the Board shall have training or experience in the application of the rights, protections, and remedies under one or more of the laws made applicable by [the CAA]."

[40] The Board also notes that several problems have been encountered in the enforcement of settlements requiring on-going or prospective action by a party. The Board does not, at this time, recommend legislative change because the Executive Director, as part of her plenary authority to approve settlements, can require a self- enforcing provision in certain cases and will now do so, as appropriate.

[41] The only exception is the WARN Act, which has no enforcement authorities.

[42] 141 Cong. Rec. S441 (daily ed. Jan. 9, 1995) (statement of Senator Grassley).

[43] The CAA provides enforcement authority with respect to two private-sector laws, the OSHAct and the provisions of the ADA relating to public services and accommodations. The CAA adopts much of the enforcement scheme provided under the OSHAct; it creates an enforcement scheme with respect to the ADA which is analogous to that provided under the private-sector provisions but is sui generis.

[44] Section 215(b) of the CAA reads as follows: "Remedy.—The remedy for a violation of subsection (a) shall be an order to correct the violation, including such order as would be appropriate if issued under section 13(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. §662(a))."

[45] *See generally* General Counsel of the Office of Compliance, Report on Safety & Health Inspections Conducted Under the Congressional Accountability Act (Nov. 1998).

[46] *See generally* the tables of enforcement authorities set forth in Appendix II to this Report.

In addition to these specific recommendations, the Board makes the following two general recommendations which derive from the comparison between the CAA's remedial schemes and those authorities provided for the administration and enforcement of the CAA laws in the private sector:

4. Extend the benefits of the model alternative dispute resolution system created by the CAA to the private and the federal sectors

The CAA largely replaces the enforcement schemes used to administer and enforce the CAA laws in the private sector with a model alternative dispute resolution system that mandates counseling and mediation prior to pursuing a claim before a hearing officer or in district court. Experience with this system has shown that most disputes under the CAA are resolved by means of counseling and mediation. There are substantial advantages in resolving disputes in their earliest stages, before litigation. Positions have not hardened; liability, if any, is generally at a minimum; and the maintenance of amicable workplace relations is most likely. Therefore, the Board recommends that Congress extend the alternative dispute resolution system created by the CAA to the private and federal sectors so that these sectors will have parity with the Congress in the use of this effective and efficient method of resolving disputes. The Board believes that the use of this alternative dispute resolution system can be harmonized with the administrative and enforcement regimes in place in both the federal and private sectors.

5. Grant the Office the other enforcement authorities exercised by the agencies that implement the CAA laws for the private sector

To further the goal of parity, the Board also recommends that Congress grant the Office the remaining enforcement authorities that executive-branch agencies utilize to administer and enforce the provisions of law made applicable by the CAA in the private sector. As the tables show, the implementing agencies have investigatory and prosecutorial authorities with respect to all of the private-sector CAA laws, except the WARN Act.[47] Based on the experience and expertise of Members of the Board, granting the Office the same enforcement authorities as the agencies that administer and enforce these substantive provisions in the private sector would make the CAA more comprehensive and effective. The Office can harmonize the exercise of investigatory and prosecutorial authorities with the use of the model alternative dispute resolution system that the CAA creates. By taking these steps to live under full agency enforcement authority, the Congress will strengthen the bond that the CAA created between the legislator and the legislated: "This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests . . . without which every government degenerates into tyranny."[48]

C. Conclusion

The biennial reporting requirement of section 102(b) provides the opportunity for Congress to review the comprehensiveness and effectiveness of the CAA in light of the Board's recommendations and make the legislative changes it deems necessary. The CAA was enacted in the spirit of "the framers of our constitution" to take "care to provide that the laws shall bind equally on all, especially those who make them."[49] Acknowledging that reaching that goal was to be a continuing process, section 102(b) mandated the periodic process of re-examination of which this Report and its recommendations are a part.

The CAA took a giant step toward achieving parity and providing comprehensive and effective coverage of the legislative branch by applying certain substantive provisions of law and by providing new administrative and judicial remedies. However, the Board's review of all the currently inapplicable provisions of the CAA laws, as set forth in the accompanying table,[50] has demonstrated that significant gaps remain in the laws made applicable, particularly with respect to the manner in which these laws are enforced under the CAA as compared with the private sector. Based on its expertise in the application of the CAA laws, its three years of experience in the administration and enforcement of the Act, and its understanding that the general purposes and goals of the Act were to achieve parity in the application of laws and to provide the legislative branch with comprehensive and effective protections, the Board recommends that Congress now take the steps of implementing the legislative changes discussed above. The Board further advises the Congress that to realize fully the goals of the CAA—to assure that "congressional employees will have the civil rights and social legislation that ensure fair treatment of workers in the private sector" and "to ensure that members of Congress will know firsthand the burdens that the private sector lives with"[51]—all inapplicable provisions of the CAA laws should, over time, be made applicable.

III. LEGISLATIVE OPTIONS AND RECOMMENDATIONS ON THE APPLICATION OF LAWS TO GAO, GPO, AND THE LIBRARY OF CONGRESS

A. Background

Congress sought "to bring order to the chaos of the way the relevant laws apply to congressional instrumentalities"[52] when, in enacting the CAA, it applied the CAA to the smaller instrumentalities, but not to GAO, GPO, and the Library. Instead, the CAA clarified and extended existing coverage of the three largest instrumentalities in certain respects[53] and, in section 230, required the Board to conduct a study evaluating whether the "rights, protections, and procedures, including administrative and judicial relief" now in place at these instrumentalities were "comprehensive and effective" and to make "recommendations for any improvements in regulations or legislation."[54]

The legislative history explains why Congress covered some instrumentalities under the CAA but not others. Applying the CAA to the smaller instrumentalities and their employees would—extend to these employees, for the first time, the right to bargain collectively, and it will provide a means of enforcing compliance with these laws [made applicable by the CAA] that is independent from the management of these instrumentalities. . . . [B]y strengthening the enforcement mechanisms, the [CAA] attempts to transform the patchwork of hortatory promises of coverage into a truly enforceable application of these laws.[55]

By contrast, GAO, GPO, and the Library—already have coverage and enforcement systems that are identical or closely analogous to the executive-branch agencies.

Notably, employees in each of these agencies already have the right to seek relief in the Federal courts for violations of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Fair Labor Standards Act, and they are covered under the same provisions of the Family and Medical Leave Act as executive-branch employees.

Employees in each of these instrumentalities also already are assured of the right to bargain collectively, with a credible enforcement mechanism to protect that right. For these three instrumentalities, [the CAA] clarifies existing coverage in certain respects, and expands coverage under the Americans with Disabilities Act.[56]

Furthermore, legislative history explained that extending the CAA to cover the smaller instrumentalities would have the advantage of "using the apparatus that will already be necessary to apply these [CAA] laws to the 20,000 employees of the House and Senate [to also apply these laws] to the remaining approximately 3,000 employees of the Architect [of the Capitol]" and other smaller instrumentalities.[57] On the other hand, the CAA would "reduce the adjudicatory burden on the new office by excluding from its jurisdiction the approximately 15,000 employees of GAO, GPO and the Library of Congress."[58]

On December 30, 1996, the Board transmitted its study mandated by section 230 of the CAA to Congress. This Section 230 Study explained that, to fulfill the statutory mandate to assess whether the "rights, protections, and procedures, including administrative and judicial relief,"[59] at GAO, GPO, and the Library were "comprehensive and effective," the Board first had to establish a point of comparison, and the Board decided that the CAA itself was the appropriate benchmark. To give further content to the term "comprehensive and effective," the Board identified four "key aspects of the current statutory and regulatory regimes,"[60] which the Board reviewed in evaluating the comprehensiveness and effectiveness of the rights, protections, and procedures at the three instrumentalities:

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[47] The particular authorities afforded to the implementing executive-branch agencies under the private-sector laws made applicable by the CAA are summarized in the private-sector enforcement authority tables set forth in Appendix II to this Report.

[48] The Federalist No. 57, at 42 (James Madison) (Franklin Library ed., 1984).

[49] Thomas Jefferson, *A Manual of Parliamentary Practice: for the Use of the Senate of the United States*, in Jefferson's Parliamentary Writings 359 (Wilbur S. Howell ed., 1988) (2d ed. 1812).

[50] *See* table of the significant provisions of the CAA laws not yet made applicable by the CAA, set forth as Appendix I to this Report.

[51] 141 Cong. Rec. S441 (daily ed. Jan. 9, 1995) (statement of Senator Grassley).

[52] 141 Cong. Rec. S445 (daily ed. Jan. 9, 1995) (statement of Senator Grassley).

[53] The CAA—*(i)* affirmed that GAO and GPO are covered under Title VII and the ADEA and extended coverage under those laws to additional employees at GPO; *(ii)* established new procedures for enforcing existing ADA rights at GAO, GPO, and the Library; *(iii)* removed GAO and the Library from coverage under FMLA provisions generally applicable in the federal sector and placed those instrumentalities under FMLA provisions generally applicable in the private sector; and *(iv)* affirmed that GPO is covered under the FLSA and extended coverage under that law to additional employees at GPO. See §§201(c), 202(c), 203(d), 210(g) of the CAA.

[54] Originally, the Administrative Conference of the United States was charged with conducting the study and making recommendations for improvements in the laws and regulations governing the three instrumentalities, but when Congress ceased funding the Conference, Congress also transferred its responsibility for the Study to the Board.

[55] 141 Cong. Rec. S445 (daily ed. Jan. 9, 1995) (statement of Senator Grassley).

[56] *Id.*

[57] *Id.*

[58] *Id.*

[59] §230(c) of the CAA.

(1) the nature of the substantive rights and protections afforded to employees, both as guaranteed by statute and as applied by rules and regulations;

(2) the adequacy of administrative processes, including: (a) adequate enforcement mechanisms for monitoring compliance and detecting and correcting violations, and (b) a fair and independent mechanism for informally resolving or, if necessary, investigating, adjudicating, and appealing disputes;

(3) the availability and adequacy of judicial processes and relief; and

(4) the adequacy of any process for issuing substantive regulations specific to an instrumentality, including proposal and adoption by an independent regulatory authority under appropriate statutory criteria.[61]

After reviewing and analyzing the statutory and regulatory regimes in place at the three instrumentalities, the Board concluded that—overall, the rights, protections, procedures and relief afforded to employees at the GAO, the GPO and the Library under the twelve laws listed in section 230(b) are, in general, comprehensive and effective when compared to those afforded other legislative branch employees covered under the CAA.[62]

However, the Board also found—The rights, protections, procedures and relief applicable to the three instrumentalities are different in some respects from those afforded under the CAA, in part because employment at the instrumentalities is governed either directly under civil service statutes and regulations or under laws and regulations modeled on civil service law.[63]

These civil-service provisions, which apply generally in the federal sector, apply at the three instrumentalities subject to numerous exceptions. In some instances where federal-sector provisions do not apply, these instrumentalities are covered under the CAA, and, in a few instances, under the statutory provisions that apply generally in the private sector. The result is what the Board called a "patchwork of coverages and exemptions."[64]

However, the Board decided that it would be "premature" at that "early stage of its administration of the Act"[65] to make recommendations as to whether changes were necessary in the statutory and regulatory regimes applicable in these instrumentalities.[66] The ongoing nature of its reporting requirement under section 102(b) argued for making recommendations for statutory change on an incremental basis as the Board gained experience in the administration of the CAA, and the conclusions in the Section 230 Study would serve at the appropriate time as "the foundation for recommendations for change" in a subsequent report under section 102(b) of the CAA.[67]

Pursuant to the CAA, several of its provisions became effective with respect to GAO and the Library on December 30, 1997, which was one year after the Section 230 Study was transmitted to Congress.[68] On October 1, 1997, in anticipation of the December 30 effective date, the Office of Compliance published a notice proposing to extend its Procedural Rules to cover claims alleging that GAO or the Library violated applicable CAA requirements.[69] Comments in response to this notice, and to a supplemental notice published on January 28, 1998,[70] raised questions as to whether the CAA authorizes GAO and Library employees to use the procedures established by the Act to seek remedies for alleged violations of sections 204–207 of the Act. (These sections apply the EPPA, WARN Act, and USERRA and prohibit retaliation for asserting CAA rights.) The Office decided to terminate the rulemaking and, instead, "to recommend that the Office's Board of Directors prepare and submit to Congress legislative proposals to resolve questions raised by the comments."[71]

The Board has decided that this Section 102(b) Report, focusing on omissions in coverage of the legislative branch under the laws made generally applicable by the CAA, provides the appropriate time and place to make recommendations regarding coverage of GAO, GPO, and the Library under those laws. As anticipated in the Section 230 Study, enough experience has now been gained in implementing the CAA to enable the Board to make recommendations for improvements in legislation applicable to these instrumentalities. Moreover, resolution of uncertainty as to whether employees alleging violations of sections 204–207 may use CAA procedures is an additional reason to include in this Report recommendations about coverage of the three instrumentalities.

B. Principal Options for Coverage of the Three Instrumentalities

On the basis of the findings and analysis in the Section 230 Study, the Board has identified three principal options for coverage of these instrumentalities:

(1) *CAA Option*—Coverage under the CAA, including the authority of the Office of Compliance as it administers and enforces the CAA. (The Board here takes as its model the CAA as it would be modified by enactment of the recommendations made in Part II of this Report.)

(2) *Federal-Sector Option*—Coverage under the statutory and regulatory regime that applies generally in the federal sector, including the authority of executive-branch agencies as they administer and enforce the laws in the federal sector.

(3) *Private-Sector Option*—Coverage under the statutory and regulatory regimes that apply generally in the private sector, including the authority of the executive-branch agencies as they administer and enforce the laws in the private sector.[72]

These options are compared with the current regimes at GAO, GPO, and the Library, identifying the significant effects of applying each option.

The comparisons are presented in tables set forth in Appendix III to this Report and are summarized and discussed in narrative form below. Insofar as federal-sector employers, private-sector employers, or the three instrumentalities are covered by laws affording substantive rights that have no analogue in the CAA, this Report does not discuss or chart these rights.[73] In defining the coverage described in the three options, the Board decided that, so as not to create duplicative rights and remedies, the application of the CAA or of analogous federal-sector or private-sector provisions should supersede existing provisions affording substantially similar substantive rights or establishing administrative, judicial, or rulemaking processes to implement, remedy, or enforce such rights. However, substantive rights under federal-sector or other laws having no analogue in the CAA, and processes used to implement, remedy, or enforce such rights, would not be affected by the coverage described in the three options.

In comparing each option for coverage with the regime in place at each instrumentality, the Board has analyzed the differences under the four general categories used in the Section 230 Study: Substantive Rights, Administrative Remedial and Enforcement Processes, Judicial Processes and Relief, and Substantive Rulemaking Process. The narrative comparisons highlight the main differences in each area. The appended tables make a more detailed comparison of differences between each option and the existing regimes at the instrumentalities in each of the above-defined areas.

The examination of the consequences of applying the three options demonstrates that each has advantages and disadvantages with regard to "comprehensiveness" and "effectiveness," particularly in the area of administrative processes and enforcement. A particular administrative/enforcement scheme arguably may be more "comprehensive" than another because it includes more avenues for the redress of grievances, but the very multiplicity of avenues arguably may make that scheme less "effective" than a more streamlined system. Because all three options largely provide the same substantive rights, determining whether to advocate the option of applying the CAA, the federal-sector model, or the private-sector model depends largely on weighing the costs and benefits of administrative systems for resolving disputes either primarily through a single-agency alternative dispute resolution system, an internal-agency investigation and multi-agency adjudicatory system, or a multi-agency investigation and enforcement system.

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[60] Section 230 Study at ii.

[61] *Id.*

[62] *Id.*

[63] *Id.*

[64] *Id.* at iv.

[65] *Id.*

[66] The Board's institutional role, functions, and resources were also very different from those of the Administrative Conference, to which Congress originally assigned the task of preparing the study under section 230. *See* footnote 53 at page 23, above. The Conference in performing the study and making recommendations would have been acting in accordance with its institutional mandate to study administrative agencies and make recommendations for improvements in their procedures.

[67] Section 230 Study at iii.

[68] *See* §§204(d)(2), 205(d)(2), 206(d)(2), 215(g)(2) of the CAA.

[69] 143 Cong. Rec. S10291 (daily ed. Oct. 1, 1997) (Notice of Proposed Rulemaking).

[70] 144 Cong. Rec. S86 (daily ed. Jan. 28, 1998) (Supplementary Notice of Proposed Rulemaking).

[71] 144 Cong. Rec. S4818, S4819 (daily ed. May 13, 1998) (Notice of Decision to Terminate Rulemaking).

[72] To be sure, other, hybrid models could be developed, based on normative judgments respecting particular provisions of law. Or, it would be possible to leave the "patchwork" of coverages and exemptions currently in place at the three instrumentalities and fill serious gaps in coverage on a piecemeal basis. However, presentation of such models would cloud the central question of which is the most appropriate model for the instrumentalities.

[73] In evaluating these options, the Board is not considering the veterans' preference statutory provisions that apply generally in the federal sector and that, under the Veterans Employment Opportunity Act of 1998 ("VEOA"), were recently made applicable to certain employing offices of the legislative branch. Veterans' preference requirements, which were not made applicable by the CAA as enacted in 1995 or listed for study under section 230, were not analyzed in the Board's study under that section. Enacted on October 31, 1998, the VEOA assigned responsibility to the Board to implement veterans' preference requirements as to certain employing offices. It is premature for the Board now to express any views about the extent to which veterans' preference rights do, or should, apply to GAO, GPO, and the Library, but the Board may decide to do so in a subsequent biennial report under section 102(b).

The Board found that the question of which option to recommend is by no means simple. Sensible arguments support the application of each model. GAO, GPO, and the Library can be analogized to either the other employing offices in the legislative branch, of which these instrumentalities are by statute a part, the executive branch, to which GAO, GPO, and the Library have many functional similarities, or the private sector, which the legislative history of the CAA portrays as the intended workplace model for the legislative branch.

Arguably, the legislative-branch model of the CAA, administered and enforced by the Office of Compliance, is the most appropriate to the instrumentalities, in that Congress has already placed not only the employing offices of the House and Senate, but also the instrumentalities of the Office of the Architect of the Capitol, the Capitol Police, the Congressional Budget Office, and the Office of Compliance under the CAA. Furthermore, as the legislative history of the CAA makes clear, the authors of the Act expected the Board to use the CAA as the benchmark in evaluating the comprehensiveness and effectiveness of the regimes in place at GAO, GPO, and the Library. Moreover, GAO, GPO, and the Library are considered instrumentalities of the Congress for many purposes, and some offices of these instrumentalities work directly with Members and staff of Congress in the legislative process, which legislative functions some Members of Congress perceived as creating tension with executive-branch agency coverage.

On the other hand, federal-sector laws and regulations, administered and enforced in part by executive-branch agencies, are already in place at the three instrumentalities in many respects. In addition, the special circumstances attendant to Congressional offices that warranted administration and enforcement under the CAA by a separate legislative-branch office, and that justified certain limitations on rights and procedures under the CAA as compared to those generally available in the federal sector, are attenuated when applied to GAO, GPO, and the Library. Moreover, as noted in Part II above, the Board has advised that the Congress over time should make all currently inapplicable provisions of the federal- and private-sector CAA laws applicable to itself; thus the instrumentalities should not become subject to those exemptions from coverage attendant upon application of the CAA model.

Finally, the private-sector model arguably best serves the goal of the CAA of achieving parity with the private sector whenever possible. By so doing, those in the legislative branch would live under the same legal regime as the private citizen.

C. Comparison of the Options for Change

1. CAA Option: Bring the three instrumentalities fully under the CAA, including the authority of the Office of Compliance as it administers and enforces the Act

(a) Substantive rights. Covering GAO, GPO, and the Library under the CAA would grant substantive rights that are generally the same as those now applicable at these instrumentalities. However, changes include: *(i)* GPO would become covered under the rights of the WARN Act and EPPA, which do not now apply at that instrumentality. *(ii)* Coverage under the CAA would afford a greater scope of appropriate bargaining units and collective bargaining than is now established at GAO under regulations issued by the Comptroller General under the GAO Personnel Act. *(iii)* Coverage under section 220(e)(2)(H) of the CAA would add a process by which the Board, with the approval of the House and Senate, can remove an office from coverage under labor-management provisions if exclusion is required because of conflict of interest or Congress's constitutional responsibilities; no such process applies now at the three instrumentalities. *(iv)* The CAA, applying private-sector FMLA rights, authorizes the employing office to recoup health insurance costs from a covered employee who does not return to work, to decline to restore "key" employees who take FMLA leave, and to elect whether an employee must use available paid annual or sick leave before taking leave without pay; GAO and the Library have already been granted these authorities, but coverage under the CAA would extend these authorities to GPO. *(v)* CAA provisions that apply FLSA rights would eliminate most use of compensatory time off, "credit hours," and compressed work schedules that may now be used at the three instrumentalities in lieu of FLSA overtime pay.

(b) Administrative and enforcement processes. In the Section 230 Study, the Board found that the three instrumentalities are subject to—a patchwork of coverages and exemptions . . . . The procedural regimes at the instrumentalities differ from one another, are different from the CAA and are different from that in the executive branch. . . . [T]he multiplicity of regulatory schemes means that, in some cases, employees have more procedural options available, and in some cases, fewer. Additional procedural steps may afford opportunities to employees in some cases, but may also be more time-consuming and inefficient.[74]

In a number of respects, coverage under the CAA would grant employees for the first time an avenue to have their claims resolved by an administrative entity outside of the employing instrumentality. Under present law, while employees of all the instrumentalities may seek a remedy for unlawful discrimination in federal district court, there are limitations on the administrative remedies available outside of their employing agency. At the Library, an employee alleging discrimination may pursue a complaint through internal Library procedures, but if the Librarian denies the complaint, the employee has no right of appeal to an outside administrative agency. Likewise, a GPO employee cannot appeal administratively from the Public Printer's decision on a complaint of discrimination on the basis of disability. The GAO Personnel Appeals Board ("PAB"), which hears GAO employee appeals, is administratively part of GAO, and its Members are appointed by the Comptroller General.

In the area of occupational safety and health, the CAA requires the General Counsel of the Office of Compliance to conduct inspections periodically and in response to charges and authorizes the prosecution of violations. Although these CAA provisions already cover GAO and the Library, they do not now cover GPO, where no outside agency has authority to inspect or prosecute occupational safety and health violations.

The application of the CAA would end the patchwork of administrative coverages and exemptions and extend an administrative mechanism for resolving complaints that is administered by an office independent of the employing instrumentalities. The counseling and mediation system of the Office provides a fair, swift, and independent mechanism for informally resolving disputes. The complaint and appeals process (along with the option of pursuing a civil action) provides an impartial method of adjudicating and appealing those disputes that cannot be resolved informally.

On the other hand, except in the areas of safety and health, labor-management, and public access, the investigatory and enforcement authorities now applicable at the three instrumentalities are more extensive than those under the CAA, especially without the authorities that the Board recommends should be added to the CAA in Part II of this Report. For example, internal procedures at the three instrumentalities provide for investigation of every discrimination complaint by the equal employment office of the employing agency and the results of those investigations are made available to the employee. Under the CAA, there is no agency investigation, and an employer is not required to disclose the results of any internal investigation to the employee. Applying the CAA to the three instrumentalities would not preclude continuing to make their internal administrative and investigative procedures available for employees who choose to use them, but employees might have to choose whether to forgo using the internal procedures and investigations in order to meet the time limits for administrative or judicial claims resolution under the CAA.

Furthermore, the PAB General Counsel for GAO and the Special Counsel for GPO provide for prosecution of discrimination and other violations under certain circumstances. The CAA does not now provide for prosecution of discrimination or most other kinds of violations.

The Board also observes that the three instrumentalities are now covered under federal-sector provisions of Title VII and the ADEA that require equal employment opportunity programs and affirmative employment plans, and that GAO's programs and plans are reviewed by the PAB and GPO's programs and plans are reviewed by the Equal Employment Opportunity Commission ("EEOC"). The CAA contains no comparable provisions.

(c) Judicial processes and relief. Coverage under the CAA would grant a private right of action that is not now available to GPO employees to remedy FMLA and USERRA violations and would clarify that GAO and Library employees may use CAA judicial procedures to remedy EPPA, WARN Act, and USERRA violations. The CAA would also grant the right to a jury trial in all situations where it would be available in the private sector, whereas a jury trial may not be available now at the three instrumentalities in actions under the ADEA, FMLA, or FLSA.

On the other hand, while the right to judicial appeal to the Federal Circuit is largely the same under the CAA as it is under the provisions of labor-management law currently applicable at the three instrumentalities, the CAA does not allow the charging party to take appeals from unfair labor practice decisions and does not provide for appeal of arbitral awards involving adverse actions or performance-based actions.

(d) Substantive Rulemaking Process. GAO and the Library are already subject to substantive regulations promulgated by the Board under CAA provisions applying rights under the EPPA, WARN Act, and OSHAct, and the full application of CAA coverage would also subject these two instrumentalities to the Board's regulations implementing FLSA, FMLA, Chapter 71, and ADA public access rights, and would subject GPO to all substantive regulations under the CAA. Substantive regulations are issued under section 304 of the CAA, which authorizes the Board to issue regulations subject to approval by the House and Senate. These regulations under the CAA must generally be the same as those adopted by executive-branch agencies under the laws made applicable by the CAA for the private sector (or, under Chapter 71, for the federal sector), or, if regulations are not adopted by the Office and approved by the House and Senate, those executive-branch agency regulations themselves are applied under the CAA in most instances.[75] The regulatory requirements made applicable by the CAA are therefore established by regulatory agencies independent of the employers being regulated.

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[74] Section 230 Study at iv.

Currently, for the subject areas where the three instrumentalities are not now subject to CAA regulations, the substantive rights of employees at the three instrumentalities are defined in most respects by government-wide regulations adopted by executive-branch agencies. However, in a few areas, the heads of these instrumentalities are granted the authority to define and delimit rights for their employees by regulation. For example, the GAO Personnel Act authorizes the Comptroller General to establish a labor-management program "consistent" with Chapter 71, and GAO's order under this authority includes limits on appropriate bargaining units and on the scope of bargaining that are more restrictive than those in Chapter 71, as made applicable by the CAA. The Comptroller General and the Librarian of Congress have authority to promulgate substantive regulations under the FMLA. The Public Printer is not bound to apply the Labor Department's occupational safety and health standards, provided he provides conditions "consistent with" those standards. By contrast, if the CAA applied, these instrumentalities would become subject to regulatory requirements established by regulatory agencies independent of the instrumentalities.

2. Federal-Sector Option: Bring the three instrumentalities fully under federal-sector provisions of law, including the authority of executive-branch agencies as they administer and enforce those provisions

(a) Substantive rights. The substantive rights now available at the three instrumentalities are mostly the same as those that would become available under federal-sector coverage. However, some changes would occur. For instance, (*i*) Under the federal-sector regime, GAO and the Library would no longer be covered under CAA provisions making applicable the rights under the EPPA or WARN Act. (*ii*) GAO and the Library would have coverage under the federal-sector provisions of the FMLA, which do not allow the employer to recoup health insurance costs from an employee who does not return to work; or to limit the application of FMLA restoration rights to "key" employees; or to elect whether an employee must use available paid annual or sick leave before taking leave without pay. (*iii*) Coverage under Chapter 71 would afford a greater scope of appropriate bargaining units and collective bargaining than is now provided at GAO under regulations issued by the Comptroller General under the GAO Personnel Act.

(b) Administrative and enforcement processes. The administrative processes now in place at GAO, GPO, and the Library are similar to, and, in many instances, the same as, those in effect generally for the federal sector. Of the three, GPO has the most federal-sector coverage, being already subject, in most areas, to the authority of the EEOC, Merit Systems Protection Board ("MSPB"), and Special Counsel, which investigate, bring enforcement actions, and hear appeals arising out of executive-branch agencies, and the Office of Personnel Management ("OPM"), which promulgates government-wide regulations under the FLSA and FMLA and investigates and resolves FLSA complaints. Choosing the federal-sector option at GPO would extend this existing situation across the board. Furthermore, whereas GPO employees' ADA complaints are now investigated and resolved by GPO management without any right of appeal to, or investigation and prosecution by, any outside agency or office, federal-sector coverage would bring such complaints under the authority of executive-branch agencies. Also, regarding occupational safety and health at GPO, whereas no outside agency can now conduct inspections, consider employee complaints, require compliance, or resolve disputes regarding occupational safety and health, application of federal-sector coverage would cause these functions to be performed by the Department of Labor. In addition, while GPO, GAO, and the Library are currently required to have internal mechanisms for investigating and resolving public-access complaints under the ADA, applying the federal-sector regime would extend the Attorney General's authority under Executive Order 12250 to review the three instrumentalities' regulations, to coordinate implementation, and to bring enforcement actions.

GAO is not now subject to executive-branch agencies' authority in most respects, but was originally considered part of the executive branch and remained subject to the authority of the executive-branch agencies until the 1980 enactment of the GAO Personnel Act, which consolidated the appellate, enforcement, and oversight functions that in the executive branch are performed by the EEOC, the MSPB, and the Special Counsel into the function of the GAO PAB and its General Counsel.[76] Applying federal-sector coverage would, with respect to the CAA laws, restore the PAB's responsibilities to the EEOC, MSPB, and Special Counsel, which, unlike the PAB, are fully separate and independent from regulated employing agencies. GAO is already subject to OPM's government-wide regulations and claims-resolution authority under the FLSA.

The Library's internal claims processes are largely modeled on those required and applied by executive-branch employing agencies, but the Library has been exempted from the authority of executive-branch agencies in most respects, with the principal exception being FLRA authority over labor-management relations.[77] Application of federal-sector coverage would, with respect to the CAA laws, extend the authority of the EEOC, MSPB, the Special Counsel, and OPM to include the Library and its employees.

(c) Judicial processes and relief. In most instances, employees at the three instrumentalities are already covered by the same judicial processes as federal-sector employees. However, whereas PAB decisions may be reviewed only by appeal to the Federal Circuit, federal-sector procedures would allow suit and trial de novo after exhausting all administrative remedies, even after decision on appeal to the EEOC or the MSPB. On the other hand, GAO and Library employees would no longer have a private right of action under FMLA, and, unlike the CAA, which now provides for judicial review of OSHAct decisions regarding GAO and the Library, final occupational safety and health decisions under the federal-sector scheme are made by the President.

(d) Substantive rulemaking process. In a number of areas, the three instrumentalities are already subject to the same government-wide regulations as are in place in the federal sector. GAO and GPO are subject to OPM's regulations under the FLSA, GPO is subject to OPM's regulations under the FMLA, and GPO and the Library are subject to FLRA's regulations under Chapter 71. However, in a number of instances the three instrumentalities are currently able to issue their own regulations without reference to the regulations in the federal sector, as described at page 33 above in the discussion of the substantive rulemaking process under the CAA option. Coverage by the federal-sector regime would subject the three instrumentalities to uniform government-wide regulations in all areas.

3. Private-Sector Option: Bring the three instrumentalities fully under private-sector provisions of law, including the authority of executive-branch agencies as they administer and enforce those provisions

(a) Substantive rights. The substantive rights and responsibilities under the current regimes at the three instrumentalities are generally similar to what would be provided under private-sector provisions of law, with the notable exception of the area of labor-management relations where application of private-sector substantive law would grant to employees at the three instrumentalities certain rights, such as the right to strike, unavailable to other federal government employees. There are also a number of other differences between private-sector provisions and the substantive provisions of law currently applicable at the three instrumentalities. For example, the application of private-sector provisions of the FLSA would eliminate most use of compensatory time in lieu of overtime pay. Also, private-sector FMLA provisions would apply at GPO, which allow the employer to recoup health insurance costs from an employee who does not return to work; to limit the application of

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[75] To date, regulations have been adopted and submitted to the House and Senate but not approved in the following areas: OSHAct, public access under the ADA, application of labor-management rights to offices listed in §220(e) of the CAA, and coverage of GAO and the Library under substantive regulations with respect to EPPA, WARN Act, and OSHAct. Regulations adopted by executive-branch agencies therefore apply in all of these areas except §220(e), because §411 of the CAA excepts from the default provision regulations regarding the offices listed under §220(e)(2). If the CAA covered the three instrumentalities, §220(e) could affect them only if the Board adopted regulations, approved by the House and Senate, to exclude "such other offices that perform comparable functions," within the meaning of §220(e)(2)(H).

[76] Legislative history explains that the GAO Personnel Act was enacted to enable GAO to audit the executive-branch personnel programs and agencies established under the Civil Service Reform Act of 1978 without being subject to those same programs and agencies. S. Rep. No. 96-540, 96th Cong. (Dec. 20, 1979) (Governmental Affairs Committee), *reprinted in* 1980 U.S. Code Cong. and Admin. News 50-53.

[77] In an another area that is significant, though not analogous to any of the laws made applicable by the CAA, the Library is also subject to OPM's authority over job classifications.

FMLA restoration rights to "key" employees; and to elect whether an employee must use available paid annual or sick leave before taking leave without pay. Finally, GPO, which is not now covered by WARN Act or EPPA rights, would become subject to those laws.

(b) Administrative processes. If provisions of private-sector law were applied, the greatest impact would be in the area of administrative processes. Under private-sector schemes generally, with the exception of occupational safety and health and labor-management relations, the agency's responsibility is limited to investigation and prosecution, without administrative adjudication and appeal.

The consequences of application of private-sector administrative schemes would be different at each instrumentality. The most significant change would be at the Library, where outside agencies now have little role in either investigation and prosecution or in administrative adjudication and appeals. If private-sector coverage applied, an agency outside of the Library would have authority to investigate and prosecute discrimination, FLSA, FMLA, and other laws. At GAO and GPO, the present adjudicatory and prosecutory schemes would be replaced by a new prosecutorial regime handled by agencies ordinarily responsible for private-sector enforcement. For example, FLSA and FMLA enforcement would be handled by the Labor Department in its investigatory and prosecutorial role, rather than OPM and the PAB at GAO and OPM and MSPB at GPO. However, under the currently applicable provisions of law and regulation that govern the federal sector with respect to the FLSA, OPM has authority to direct GPO and GAO to comply, whereas under the provisions of law and regulation that govern the private sector, the Labor Department would have to bring suit to enforce compliance. In the area of discrimination at GPO, rather than appeal rights to EEOC and MSPB, there would be investigation and prosecution by the EEOC, while at GAO, the PAB's role would be replaced by EEOC investigation and prosecution. In the area of occupational safety and health, the enforcement responsibilities for GAO and the Library would be transferred from the OC to the Labor Department, and the Labor Department would also assume these responsibilities for GPO, where currently no outside agency exercises these responsibilities.

(c) Judicial processes and relief. In the area of judicial processes and relief, if private-sector laws were applied, a private right of action would be added under a number of provisions where it does not currently exist. For example, GPO employees would gain a private right of action under FMLA and USERRA. GAO and Library employees would gain an unambiguous private right of action under WARN, USERRA, and EPPA. Moreover, punitive damages are part of the private-sector remedial scheme, whereas they are currently unavailable at the three instrumentalities.

(d) Adoption of substantive regulations. Application to the three instrumentalities of the substantive rulemaking process governing the private sector would resolve concerns respecting independent rulemaking authority under the regimes currently in place at these instrumentalities. The agencies issuing regulations that govern the private sector have no employment relationship with the community they regulate, unlike the three instrumentalities themselves when they promulgate substantive rules. Moreover, a switch to private-sector coverage in the areas of OSHAct, WARN Act, and EPPA would remove GAO and the Library, which are currently subject to CAA substantive rules in those areas, from the section 304 process of adoption and issuance of substantive regulations.

The three instrumentalities are currently covered by a number of civil service and other protections which have no analogue in the CAA and which the Board does not undertake to review here. The Board determined that such substantive rights under federal-sector or other laws having no analogue in the CAA, and processes used to implement, remedy, or enforce such rights, should not be affected by the coverage under any of the options. However, to avoid creating duplicative rights and remedies, the application of the CAA or of analogous federal-sector or private-sector provisions should supersede existing provisions affording substantially similar substantive rights or establishing administrative, judicial, or rulemaking processes to implement, remedy, or enforce such rights.

D. Recommendations

1. *The current "patchwork of coverages and exemptions"*[78] *at GAO, GPO, and the Library should be replaced by coverage under either the CAA or the federal-sector regime*

In its Section 230 Study, the Board described the current systems in place at the instrumentalities, and stated: "Congressional decisions made over many years in different statutes subject the three instrumentalities to the authorities of certain executive-branch agencies with respect to certain laws, but exempt them from executive-branch authority with respect to others. . . . The result is a patchwork of coverages and exemptions from the procedures afforded under civil service law and the authority of executive-branch agencies, and from the procedures afforded under the CAA and the authority of the Office of Compliance."[79]

In preparing this 1998 Report, the Board considered whether to recommend that serious gaps in coverage at the three instrumentalities be filled without fundamentally changing the regimes already in place at each instrumentality. However, the Board unanimously rejected that piecemeal approach. The "patchwork" nature of existing coverages and exemptions yields complexity and areas of legal uncertainty in coverage at the three instrumentalities. Furthermore, in several areas, the three instrumentalities are not now subject to the authority of any outside regulatory or personnel agency to promulgate regulations, resolve claims, or exercise enforcement authorities.

Accordingly, the Board unanimously concluded that this current system is less comprehensive and effective than, and should be replaced by, coverage under one of the options described in the previous section. The Board also agreed unanimously that coverage under the private-sector regime is not the best of the three options it considered. However, the Board did not reach a consensus as to whether the CAA or the laws and regulations applicable in the federal sector should be made applicable to GAO, GPO, and the Library. Instead, for the reasons stated below, Members Adler and Seitz concluded that the three instrumentalities should be covered under the CAA, with certain modifications, and Chairman Nager and Member Hunter concluded that the three instrumentalities should be made fully subject to the laws and regulations generally applicable in the federal sector.

2. *Members Adler and Seitz have concluded that GAO, GPO, and the Library should be covered under the CAA, including the authority of the Office of Compliance, and that the CAA, as applied to these instrumentalities, should be modified—(a) to add Office of Compliance enforcement authorities as recommended in Part II of this Report and (b) to preserve certain rights now applicable at the three instrumentalities.*

Members Adler and Seitz concluded that the three instrumentalities should be brought under the CAA primarily for two reasons. As noted above, the Board in the Section 230 Study decided that its statutory mandate was to evaluate the "comprehensiveness and effectiveness" of the existing statutory and regulatory regimes at the three instrumentalities by comparing them to the regime under the CAA. The application of the CAA to the three instrumentalities would assure that this standard of "comprehensiveness and effectiveness" is achieved throughout the legislative branch.

Second, all laws made applicable by the CAA are administered by a single Office. The advantages of this unified structure are that employees can turn to a single place for assistance; efficient and uniform procedures under a model administrative dispute resolution system have been established for various types of complaints; and a single body of substantive regulations and decisions, which is as internally consistent as possible within the constraints of applicable law, is being developed. Extending the jurisdiction of the Office to include GAO, GPO, and the Library for all of the laws made applicable by the CAA will foster such efficient and consistent administration of the laws at the three instrumentalities, and will put the expertise and resources of the Office of Compliance to full use throughout the legislative branch.

The conclusions of Members Adler and Seitz are premised and dependent upon the CAA's being applied to the three instrumentalities with certain modifications. First, the Act should be amended to enlarge the Office of Compliance's enforcement authorities as recommended above in Part II of this Report. The Board there described its determination that certain additional provisions of CAA laws should be made applicable to all employing offices of the legislative branch that are now covered under the CAA, and, for the reasons discussed above, such additional provisions should be made applicable to GAO, GPO, and the Library as well.

Second, the rights extended by the CAA in the House and Senate and the smaller instrumentalities are subject to certain limitations that do not apply under the regimes now at GAO, GPO, and the Library. These limitations appear to have been included in the CAA to preserve the independence of the House and Senate, to protect against publicity attendant to complaints or litigation that Congress believed might unduly affect the legislative and electoral processes, and to avoid labor activities that Congress was concerned might, in certain situations, engender conflict of interest or interfere with fulfillment by Congress of its constitutional responsibilities. However sound these reasons may have been with respect to Congressional offices for which the CAA was principally designed, these reasons have less force as to GAO, GPO, and the Library in view of their respective roles in the legislative process.

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[78] Section 230 Study at iv.

[79] *Id.*

Members Adler and Seitz therefore believe that limitations such as those imposed by sections 220(c)(2)(H) and 416 of the CAA should not apply at GAO, GPO, and the Library. Section 220(c)(2)(H) of the CAA establishes a process by which the Board, with the approval of the House and Senate, may remove an office from coverage under some or all provisions of labor-management law if "required because of—(i) a conflict of interest or appearance of a conflict of interest; or (ii) Congress' constitutional responsibilities."[80] No such process applies under labor-management law now applicable at GAO, GPO, and the Library, and none should be made applicable to them under the CAA. Section 416 of the CAA makes the counseling, mediation, and administrative hearing processes of the CAA "confidential." The CAA, in being made applicable to these three instrumentalities, should not impose confidentiality requirements except to the same extent that confidentiality is imposed in proceedings by the executive-branch agencies implementing the CAA laws and to the extent necessary to facilitate effective counseling and mediation under §§402 and 403 of the CAA.[81]

3. Chairman Nager and Member Hunter have concluded that the federal-sector model should apply, including the authority of executive-branch personnel-management and regulatory agencies to implement and enforce the laws.

Chairman Nager and Member Hunter have concluded that GAO, GPO, and the Library should be brought under the statutory and regulatory regime that applies generally in the federal sector, including the authority of executive-branch agencies as they administer and enforce laws in the federal sector, for several reasons. Insofar as the present statutory scheme is not "comprehensive and effective" because it does not provide employees access to an outside regulatory entity to promulgate regulations and resolve claims, this problem could be solved by extending the authority of the executive-branch agencies over the three instrumentalities.

GAO, GPO, and the Library are already subject to many of the same personnel statutes that apply generally in the federal sector and, in some instances, to the authority of executive-branch agencies as well. Making the federal-sector regime fully applicable would be less disruptive to the three instrumentalities than replacing the coverage already in effect with either the CAA or private-sector coverage.

Furthermore, employment at these three instrumentalities is more akin to the large civilian departments and agencies of the executive branch, for which federal-sector laws and regulations were designed, than the employing offices of the House and Senate, for which the CAA was primarily designed. For example, substantive provisions of federal-sector statutes and regulations in such areas as overtime pay, family and medical leave, and advance notification of layoffs are designed to dove-tail with merit-based retention systems, position-classification systems, leave policies, and other personnel practices that are found generally in both the executive branch and the three large instrumentalities, but that are not common in either House and Senate offices or the private sector. Also, while federal-sector law in some respects limits the right to sue, it also affords administrative procedures and remedies that exceed what are available under the CAA or in the private sector. Such procedures have traditionally been seen as appropriate to avoid politicized employment and to provide for accountability in large, apolitical bureaucracies. In congressional staff, where political appointment is generally seen as proper and where accountability is achieved through the electoral process, these federal-sector procedures and remedies have been considered inappropriate. However, the three instrumentalities have traditionally been seen as having many of the attributes of the large, apolitical bureaucracy, and employment practices have largely followed the federal-sector model.

Placing GAO, GPO, and the Library under federal-sector coverage would also have the salutary effect of giving Congress the experience of living under the laws that it enacts for the executive branch. According to the authors of the CAA, a principal goal of that Act was to make Congress live under the laws that it enacts for the private sector, so that Congress can better understand the consequences of those laws. Congress might likewise better understand the consequences of the laws that it enacts for the executive branch if the large instrumentalities of Congress were fully subject to those laws.

APPENDIX I—INAPPLICABLE PRIVATE-SECTOR PROVISIONS OF THE LAWS MADE APPLICABLE BY THE CAA

This table describes significant statutory provisions that are contained in the laws made applicable by the CAA (the "CAA laws") and that apply in the private sector, but that do not apply fully to the legislative branch. "Apply" means that a provision is referenced and incorporated by the CAA, or a substantially similar provision is set forth in the CAA, or the provision applies to the legislative branch by its own terms without regard to the CAA. Whether provisions apply to GAO, GPO, and the Library of Congress is not discussed in this table, but is analyzed in the tables contained in Appendix III of this Report.

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 ("TITLE VII") AND 42 U.S.C. §§1981, 1981a

A. SUBSTANTIVE RIGHTS AND PROTECTIONS	
1. Employment discrimination against individuals employed by other employers. §703(a)(1) of Title VII forbids employment discrimination by covered employers against "any individual." Courts have held that this prohibition extends beyond the immediate employer-employee relationship under certain circumstances, including where a defendant who does not employ an individual controls that individual's access to employment with another employer and denies access based on unlawful criteria.[1] Under the CAA, an employing office may only be charged with discrimination by a "covered employee," defined as an employee of the nine legislative-branch employers listed in §101(3) of the CAA.	Secs. 703(a)(1); *42 U.S.C. §§2000e–2(a)(1).*
2. Publication of discriminatory notices or advertisements. Publication of discriminatory notices or advertisements is prohibited under §704(b) of Title VII. Under the CAA, a notice or advertisement might be evidence of discriminatory animus, but §704(b) of Title VII, which makes unlawful the mere publication of a discriminatory notice or advertisement, is not referenced by the CAA.	Sec. 704(b); *42 U.S.C. §2000e–3(b).*
3. Coverage of unions. Discrimination by private-sector unions is forbidden by §§703(c) and 704 of Title VII and is subject to enforcement under §706. The CAA does not make these provisions applicable against unions discriminating against legislative branch employees, because §201 of the CAA forbids discrimination only in "personnel actions" and §§401–408 of the CAA allow complaints only against employing offices. (Unlawful discrimination by a union may be an unfair labor practice under §220 of the CAA, but the procedures and remedies under that section are very different from those under Title VII and under the CAA for violations of Title VII rights and protections.) A similar situation exists in the executive branch, where §717 of Title VII does not cover discrimination by unions against executive branch employees, but courts and the EEOC are divided as to whether the private-sector provisions of Title VII and 42 U.S.C. §1981 apply by their own terms to such discrimination. See *generally* II Lindemann & Grossman, Employment Discrimination Law 1320, 1575 (3d ed. 1996). Similarly, differing views might be expressed with respect to whether these private-sector provisions apply by their own terms to forbid discrimination by unions against legislative-branch employees.	Secs. 703(c), 704, 706; *42 U.S.C. §§2000e–2(c), 2000e–3, 2000e–5.*
4. Consideration of political party, domicile, or political compatibility. Under the CAA, §502 provides that consideration of political party, domicile, or political compatibility by Members, committees, or leadership offices shall not be a violation of §201, which is the section that makes applicable the rights and protections of Title VII. Under Title VII, there is no specific immunity for consideration of political party, domicile, or political compatibility.	Sec. 703; *42 U.S.C. §2000e–2.*
B. ENFORCEMENT	
Agency Enforcement Authorities:	
5. Agency responsibility to investigate charges filed by an employee or Commission Member. Title VII requires the EEOC to investigate charges filed by either an employee or a Member of the Commission. The CAA neither references these provisions nor sets forth similar provisions authorizing agency investigation.	Sec. 706(b); *42 U.S.C. §2000e–5(b).*
6. Agency responsibility to "endeavor to eliminate" the violation by informal conciliation. Title VII requires that, upon the filing of a charge, if the EEOC determines that "there is reasonable cause to believe that the charge is true," the agency must "endeavor to eliminate any such alleged unlawful employment practice" by informal conference, conciliation, and persuasion. The CAA does not reference these provisions; it requires the mediation of allegations of discrimination and requires approval of settlements by the Executive Director, but does not require any person involved in the mediation or in approving the settlement to "endeavor to eliminate" the alleged discrimination.	Sec. 706(b); *42 U.S.C. §2000e–5(b).*
7. Agency authority to bring judicial enforcement actions. Title VII authorizes the EEOC to bring a civil action. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to bring enforcement proceedings.	Sec. 706(f)(1); *42 U.S.C. §2000e–5(f)(1).*
8. Agency authority to intervene in private civil action of general public importance. Under Title VII, the EEOC may intervene in a private action of general public importance. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to intervene in private actions.	Sec. 706(f)(1); *42 U.S.C. §2000e–5(f)(1).*
9. Agency authority to apply to court for enforcement of judicial orders. Title VII authorizes the EEOC to commence judicial proceedings to compel compliance with judicial orders. The CAA does not reference these provisions. §407(a)(2) of the CAA enables the Office of Compliance to petition the Court of Appeals to enforce final orders of a hearing officer or the Board, but the CAA sets forth no provision enabling an agency to seek the enforcement of judicial orders.	Sec. 706(i); *42 U.S.C. §2000e–5(i).*

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[80] Section 220(e)(1)(B) of the CAA.

[81] *Cf.* 5 U.S.C. §574 (duties of confidentiality in mediation or other proceedings under the Administrative Dispute Resolution Act).

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 ("TITLE VII") AND 42 U.S.C. §§ 1981, 1981a—Continued

10. Grant of subpoena power and other powers for investigations and hearings. Title VII grants the EEOC powers to gain access to evidence, including subpoena powers, in support of its investigations and hearings. The CAA neither references these provisions nor sets forth similar provisions granting an agency investigatory powers. (§ 405(f) of the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but these CAA provisions do not subpoena powers for use in agency investigation.)	Secs. 709(a), 710; *42 U.S.C. §§ 2000e–8(a), 2000e–9.*
11. Recordkeeping and reporting requirements. Title VII requires employers in the private sector to make and preserve such records and make such reports therefrom as the EEOC shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for enforcement. The CAA does not reference these provisions, and the Board, in issuing substantive regulations with respect to several other laws, found that recordkeeping and reporting requirements under those laws were not made applicable by the CAA.	Sec. 709(c); *42 U.S.C. § 2000e–8(c).*
Administrative and Judicial Procedures and Remedies:	
12. Suing individuals as agent; possibility of individual liability. Because the definition of "employer" in Title VII includes "any agent," a plaintiff may choose to sue the employer by naming an appropriate individual in the capacity of agent. Furthermore, while many recent cases hold that individuals may not be held individually liable in discrimination cases, some cases hold to the contrary and the issue remains unresolved. *See generally* II Lindemann & Grossman, Employment Discrimination Law 1314–16 (3d ed. 1996). Under the CAA, individuals may be neither sued nor held individually liable, because only an employing office may be named as respondent or defendant under §§ 401–408 and all awards and settlements must generally be paid out of an account of the Office of Compliance under § 415(a).	Sec. 701(b); *42 U.S.C. § 2000e(b).*
13. Enforceability of subpoenas for information or documents within the jurisdiction of the House or Senate. Title VII authorizes civil actions in which courts exercise their ordinary subpoena authority. The CAA also authorizes civil actions, as well as administrative adjudications, but such authorization is subject to § 413 of the CAA, by which the House and Senate decline to waive "any power of either the Senate or the House of Representatives under the Constitution," including under the "Journal of Proceedings Clause," and under the rules of either House relating to records and information.	Sec. 706(f)(1); *42 U.S.C. § 2000e–5(f)(1).*
14. Appointment of counsel and waiver of fees. § 706(f)(1) of Title VII authorizes the court to appoint an attorney for the complainant in a private action and to waive costs. The CAA does not reference § 706(f)(1). In judicial proceedings under the CAA, the courts may exercise their general powers to authorize proceedings *in forma pauperis* and waive fees and costs and appoint counsel if a party is unable to pay. See 28 U.S.C. § 1915. In administrative proceedings under the CAA, there are no fees and costs to waive, but there is also no power to appoint counsel.	Sec. 706(f)(1); *42 U.S.C. § 2000e–5(f)(1).*
15. Agency authority to apply for TRO or preliminary relief. § 706(f)(2) of Title VII authorizes the EEOC to bring an action for a temporary restraining order ("TRO") or preliminary relief pending resolution of a charge. The CAA neither references § 706(f)(2) nor sets forth similar provisions authorizing TROs or preliminary relief, and the CAA does not allow a covered employee to commence an administrative complaint or civil action until after having completed periods of counseling and mediation and an additional period of at least 30 days	Sec. 706(f)(2); *42 U.S.C. § 2000e–5(f)(2).*
16. Private right to sue immediately, without having exhausted administrative remedies. An employee alleging race or color discrimination who prefers not to pursue a remedy through the EEOC may choose to sue immediately under 42 U.S.C. § 1981. The CAA allows a covered employee to file an administrative complaint or commence a civil action only after having completed periods of counseling and mediation and an additional period of at least 30 days..	42 U.S.C. § 1981.
Defense:	
17. Defense for good faith reliance on agency interpretations. § 713(b) of Title VII provides a defense for an employer who relies in good faith on an interpretation by the EEOC. The CAA does not specifically reference § 713(b), but the Board decided that a similar defense in the Portal-to-Portal Act ("PPA") was incorporated into § 203 of the CAA and applies where an employing office relies on an interpretation of the Wage and Hour Division.	Sec. 713(b); *42 U.S.C. § 2000e–12(b).*
Punitive Damages:	
18. Punitive damages. 42 U.S.C. § 1981a(b)(1) authorizes punitive damages in cases under Title VII where malice or reckless indifference is demonstrated, and under 42 U.S.C. § 1981 punitive damages may be warranted in cases of race or color discrimination. However, § 1981a(b)(1) is not referenced by the CAA at all, and § 1981 is referenced by § 201(b)(1)(B) of the CAA with respect to the awarding of "compensatory damages" only; furthermore, § 225(c) of the CAA expressly precludes the awarding of punitive damages.	42 U.S.C. §§ 1981, 1981a(b)(1).
C. OTHER AGENCY AUTHORITIES	
19. Notice-posting requirements. Title VII requires employers, employment agencies, and unions to post notices prepared or approved by the EEOC, and establishes fines for violation. The CAA does not reference these provisions, and the Board, in issuing substantive regulations with respect to several other laws, found that notice-posting requirements under those laws were not incorporated by the CAA.	Sec. 711; *42 U.S.C. § 2000e–10.*
20. Authority to issue interpretations and opinions. § 713(b) of Title VII establishes a defense for good-faith reliance on "any written interpretation and opinion" of the EEOC, and the EEOC has established a process by which "[a]ny interested person desiring a written title VII interpretation or opinion from the Commission may make such a request." 29 C.F.R. § 1601.91 *et seq.* The CAA does not reference § 713(b) specifically. Furthermore, as noted on page 4, row 17, above, the Board decided that the defense for good-faith reliance stated in the PPA, which is similar to the defense in § 713(b), was incorporated into § 203 of the CAA; but the Board also then stated that "it seems unwise, if not legally improper, for the Board to set forth its views on interpretive ambiguities in the regulations outside of the adjudicatory context of individual cases," and "the Board would in the exercise of its considered judgment decline to provide authoritative opinions to employing offices as part of its "education" and "information" programs." 142 Cong. Rec. S221, S222–S223 (daily ed. Jan. 22, 1996).	Sec. 713(b); *42 U.S.C. § 2000e–12(b).*

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[1] See, e.g., *Sibley Memorial Hosp.* v. *Wilson*, 488 F.2d 1338, 1341 (D.C. Cir. 1973) ("nowhere are there words of limitation that restrict references in the Act to 'any individual' as comprehending only an employee of the employer," nor could the court perceive "any good reason to confine the meaning of 'any individual' to include only former employees and applicants for employment, in addition to present employees"); *Moland* v. *Bil-Mar Foods*, 994 F.Supp. 1061, 1075 (N.D. Iowa 1998) (interlocutory appeal certified) (trucking company's employee assigned to scale house on processing-plant premises could maintain sex discrimination complaint against processing company); *King* v. *Chrysler Corp.*, 812 F.Supp. 151, 153 (E.D. Mo. 1993) (cashier employed by cafeteria on automobile manufacturer's premises need not be employee of manufacturer to sue manufacturer under Title VII); *Pelech* v. *Klaff-Joss*, L.P., 815 F.Supp. 260, 263 (N.D. Ill. 1993) (cleaning company and its chairman held potentially liable under Title VII for causing a high-rise building to fire a security guard).

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 ("ADEA")

A. SUBSTANTIVE RIGHTS AND PROTECTIONS	
1. Employment discrimination against individuals employed by other employers. §4(a)(1) of the ADEA forbids employment discrimination by covered employers against "any individual." As discussed at page 1, row 1, above, courts have held that a Title VII provision forbidding discrimination against "any individual" extends beyond the immediate employer-employee relationship under certain circumstances, including where a defendant who does not employ an individual controls that individual's access to employment with another employer and denies access based on unlawful criteria. Under the CAA, an employing office may only be charged with discrimination by a "covered employee," defined as an employee of the nine legislative-branch employers listed in §101(3).	Sec. 4(a)(1); *29 U.S.C. §623(a)(1).*
2. Reduction of wages to achieve compliance. §4(a)(3) of the ADEA forbids employers in the private sector to reduce the wage rate of any employee in order to comply with the ADEA. §4(a)(3) is not referenced by the CAA, and §15 of the ADEA, which is referenced by §201(a)(2) of the CAA, contains a subsection (f) that specifically precludes the application of any provision outside of §15.	Sec. 4(a)(3); *29 U.S.C. §623(a)(3).*
3. Publication of discriminatory notices or advertisements. Publication of discriminatory notices or advertisements is prohibited by §4(e) of the ADEA. Under the CAA, a notice or advertisement might be evidence of discriminatory animus, but §4(e) of the ADEA, which makes unlawful the mere publication of a discriminatory notice or advertisement, is not referenced by the CAA, and §15 of the ADEA, which is referenced by §201(a)(2) of the CAA, contains a subsection (f) that specifically precludes the application of any provision outside of §15.	Sec. 4(e); *29 U.S.C. §623(e).*
4. Coverage of unions. §4(c)-(e) of the ADEA forbids discrimination by unions in the private sector, and these provisions may be enforced against private-sector unions under §7 of the ADEA. The CAA does not make these provisions applicable to unions discriminating against legislative branch employees, because §201 of the CAA only forbids discrimination in "personnel actions" and §§401-408 allow complaints only against employing offices. (Unlawful discrimination by a union may be an unfair labor practice under §220 of the CAA, but the procedures and remedies under that section are very different from those under the ADEA and under the CAA for violations of ADEA rights and protections.) As noted at page 1, row 3, above, a similar situation exists in the executive branch, where §717 of Title VII does not cover discrimination by unions against executive branch employees, but courts and the EEOC are divided as to whether the private-sector provisions of Title VII and 42 U.S.C. §1981 apply by their own terms to such discrimination. Similarly, differing views might be expressed with respect to whether the private-sector provisions of the ADEA apply by their own terms to forbid discrimination by unions against legislative-branch employees.	Secs. 4(c)-(e), 7; *29 U.S.C. §§623(c)–(e), 626.*
5. Mandatory retirement for state and local police forces. §4(j) of the ADEA allows age-based hiring and firing of state and local law enforcement officers. The CAA does not reference §4(j) of the ADEA, and §15 of the ADEA, which is referenced by §201(a)(2) of the CAA, contains a subsection (f) that specifically precludes the application of any provision outside of §15. Furthermore, the CAA does not contain any provisions similar to §4(f) of the ADEA providing an exception for the Capitol Police. However, the Capitol Police Retirement Act ("CPRA'), 5 U.S.C. §8425, imposes age-based mandatory retirement for Capitol Police Officer. The CAA does not state expressly whether it repeals the CPRA, but the Federal Circuit held that the application of ADEA rights and protections by the Government Employee Rights Act, a predecessor to the CAA that applied certain rights and protections to the Senate, did not implicitly repeal the CPRA. *Riggin* v. *Office of Senate Fair Employment Practices*, 61 F.3d 1563 (Fed. Cir. 1995).	Sec. 4(j); *29 U.S.C. §623(j).*
6. State and local police officers entitlement to job-performance testing to continue employment after retirement age. Under §4(j) of the ADEA, after a study and rulemaking by the Labor Secretary are completed, state and local law enforcement officers who exceed mandatory retirement age will become entitled to an annual opportunity to demonstrate job fitness to continue employment. The CAA does not reference §4(j) of the ADEA, and §15 of the ADEA, which is referenced by §201(a)(2) of the CAA, contains a subsection (f) that specifically precludes the application of any provision outside of §15. (Whether the Capitol Police remain subject to mandatory retirement at all is discussed in row 5 above.).	Sec. 4(j); *29 U.S.C. §623(j).*

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 ("ADEA")—Continued

7. Age-based mandatory retirement of executives and high policy-makers. §12(c) of the ADEA allows aged-based mandatory retirement for bona fide executives and high policy-makers in the private sector. The CAA does not reference §12(c) of the ADEA, and §15 of the ADEA, which is referenced by §201(a)(2) of the CAA, contains a subsection (f) that specifically precludes the application of any provision outside of §15.	Sec. 12(c); *29 U.S.C. §631(c).*
8. Consideration of political party, domicile, or political compatibility. Under the CAA, §502 provides that consideration of political party, domicile, or political compatibility by Members, committees, or leadership offices shall not be a violation of §201, which is the section that makes applicable the rights and protections of the ADEA. Under the ADEA, there is no specific immunity for consideration of political party, domicile, or political compatibility.	Sec. 4; *29 U.S.C. §623.*
B. ENFORCEMENT.	
Agency Enforcement Authorities:	
9. Grant of subpoena power and other powers for investigations and hearings. The ADEA grants the EEOC subpoena and other investigatory powers for use in investigations and hearings. The CAA neither references these provisions nor sets forth similar provisions granting an agency investigatory powers. (§405(f) of the CAA grants subpoena powers to hearing officers, and §408 authorizes civil actions in which courts may issue subpoenas, but these CAA provisions do not grant subpoena powers for use in agency investigation).	Sec. 7(a); *29 U.S.C. §626(a), referencing* §9 of FLSA, *29 U.S.C. §209.*
10. Authority to receive and investigate charges and complaints and to conduct investigations on agency's initiative. Under authority of §7 of the ADEA, the EEOC investigates employee charges of ADEA violations and initiates investigations on its own initiative. The CAA neither references these provisions nor sets forth similar provisions authorizing agency investigations.	Sec. 7(a), (d); *29 U.S.C. §626(a), (d), and referencing* §11(a) of FLSA, *29 U.S.C. §211(a).*
11. Recordkeeping and reporting requirements. The ADEA empowers the EEOC to require the keeping of necessary and appropriate records in accordance with the powers in §11 of the FLSA. That section requires employers in the private sector to make and preserve such records and make such reports therefrom as the agency shall prescribe by regulation or order as necessary or appropriate for enforcement. EEOC regulations specify the "payroll" records that employers must maintain and preserve for at least 3 years and the "personnel or employment" records that employers must maintain and preserve for at least 1 year. 29 C.F.R. §1627.3. EEOC regulations further require that each employer "shall make such extension, recomputation or transcriptions of his records and shall submit such reports concerning actions taken and limitations and classifications of individuals set forth in records" as the EEOC or its representative may request in writing. 29 C.F.R. §1627.7. The CAA does not reference these provisions, and the Board, in issuing substantive regulations with respect to several other laws, found that recordkeeping and reporting requirements under those laws were not made applicable by the CAA.	Secs. 7(a); *29 U.S.C. §626(a), referencing* §11(c) of FLSA, *29 U.S.C. §211(c).*
12. Agency authority to bring judicial enforcement actions. The ADEA authorizes the EEOC to bring an action in district court seeking damages, including liquidated damages, and injunctive relief. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to bring enforcement proceedings.	Sec. 7(b); *29 U.S.C. §626(a), referencing* §§16(c), 17 of FLSA, *29 U.S.C. §§216(c), 217.*
13. Agency responsibility to "seek to eliminate" the violation. The ADEA requires that, upon receiving a charge, the EEOC must "seek to eliminate any alleged unlawful practice" by informal conference, conciliation, and persuasion, and, before instituting a judicial action, the agency must use such conciliation to "attempt to eliminate the discriminatory practice or practices and to effect voluntary compliance." The CAA does not reference these provisions; it requires the mediation of allegations of discrimination and requires approval of settlements by the Executive Director, but does not require any person involved in the mediation or in approving the settlement to determine "reasonable cause" or to "endeavor to eliminate" the alleged discrimination.	Sec. 7(b), (d); *29 U.S.C. §626(b), (d).*
Administrative and Judicial Procedures and Remedies:	
14. Enforceability of subpoenas for information or documents within the jurisdiction of the House or Senate. The ADEA authorizes civil actions in which courts exercise their ordinary subpoena authority. The CAA also authorizes civil actions, as well as administrative adjudications, but such authorization is subject to §413 of the CAA, by which the House and Senate decline to waive certain powers relating to records and information, as discussed in connection with Title VII at page 3, row 13, above.	Sec. 7(b)-(c); *29 U.S.C. §626(c), referencing* §16(b)-(c) of FLSA, *29 U.S.C. §216(b)-(c).*
15. Suing individuals as agent; possibility of individual liability. Because the definition of "employer" in the ADEA includes any agent, a plaintiff may choose to sue the employer by naming an individual in the capacity of agent. Furthermore, as noted with respect to Title VII at page 3, row 12, above, while many recent cases hold that individuals may not be held individually liable in discrimination cases, some courts hold to the contrary and the issue remains unresolved. Under the CAA, however, individuals may be neither sued nor held individually liable, because only an employing office may be named as respondent or defendant under §§401-408 and all awards and settlements must generally be paid out of an account of the Office of Compliance under §415(a).	Sec. 11(b) *29 U.S.C. §630(b).*
Defense:	
16. Defense for good faith reliance on agency interpretations. §7(e) of the ADEA provides that §10 of the Portal-to-Portal Act ("PPA") shall apply to actions under the ADEA, and §10 of the PPA establishes a defense for an employer who relies in good faith on an interpretation by the EEOC. However, the CAA does not reference §7(e) of the ADEA, and §15 of the ADEA, which is referenced by §201(a)(2) of the CAA, contains a subsection (f) that specifically precludes the application of provisions outside of §15. The ADEA thus differs from Title VII, as discussed at page 4, row 17, above, because the Title VII provisions referenced by the CAA contain no provision like ADEA §15(f) precluding the application of other statutory provisions.	Sec. 7(e); *29 U.S.C. §626(e), referencing* §10 of PPA, *29 U.S.C. §259.*
Damages:	
17. Liquidated damages for retaliation. §4(d) of the ADEA forbids discrimination against employees for exercising ADEA rights, and §7(b) of the ADEA provides that liquidated damages, in an amount equal to the amount otherwise owing because of a violation, shall be payable in cases of willful violations. Under the CAA, §201(a)(2)(B) incorporates "such liquidated damages as would be appropriate if awarded under §7(b) of [the ADEA]," but only for "a violation of subsection (a)(2)." §201(a)(2) does not reference §4(d) of the ADEA, but rather, §201(a)(2) prohibits discrimination within the meaning of §15 of the ADEA, 29 U.S.C. §633a, and §15 does not prohibit retaliation either expressly or by implication. *See Tomasello* v. *Rubin*, 920 F. Supp. 4 (D.D.C. 1996); *Koslow* v. *Hundt*, 919 F. Supp. 18 (D.D.C. 1995). Retaliation is prohibited by §207(a) of the CAA, but the remedy under §207(b) is "such legal or equitable remedy as may be appropriate," with no express authority to award liquidated damages.	Secs. 4(d), 7(b); *29 U.S.C. §§623(d), 626(b), including reference* to §16(b) of FLSA, *29 U.S.C. §216(b).*
C. OTHER AGENCY AUTHORITIES	
18. Authority to issue written interpretations and opinions. §7(e) of the ADEA, referencing §10 of the PPA, establishes a defense for good-faith reliance on "any written administrative regulation, order, ruling, approval, or interpretation" of the EEOC, and the EEOC has established a process by which a request for an opinion letter may be submitted to the Commission. See 29 C.F.R. §§1626.17-1626.18. However, as noted at page 9, row 16, above, the CAA does not reference §7(e). Furthermore, as discussed in connection with Title VII at page 5, row 20, above, the Board has decided that the PPA defense was incorporated into §203 of the CAA, but that the Board would not provide authoritative interpretations and opinions outside of adjudicating individual cases.	Sec. 7(e); *29 U.S.C. §626(e), referencing* §10 of PPA, *29 U.S.C. §259.*
19. Notice-posting requirements. The ADEA requires employers, employment agencies, and unions to post notices prepared or approved by the EEOC. The CAA does not reference these provisions, and the Board, in issuing substantive regulations as to several other laws, found that notice-posting requirements under those laws were not incorporated by the CAA.	Sec. 8; *29 U.S.C. §627.*
20. Substantive rulemaking authority. Under §9 of the ADEA, the EEOC promulgates substantive as well as procedural regulations applicable to the private sector. §9 is not referenced by the CAA, and §201 of the CAA, unlike most other CAA sections, does not require that the Board adopt implementing regulations. §304 of the CAA, which establishes the process by which the Board adopts substantive regulations, specifies that such regulations "shall include regulations the Board is required to issue under title II [of the CAA]," but does not state explicitly whether the Board has authority to promulgate regulations, at its discretion, that the Board is not required to issue. Furthermore, §201(a)(2) of the CAA references §15 of the ADEA, which, in subsection (b), requires the EEOC to issue regulations, orders, and instructions applicable to the executive branch and requires each federal agency covered by §15 to comply with them. The CAA does not state expressly whether the reference to §15 makes subsection (b) of that section applicable, and, specifically, whether employing offices must comply with regulations, orders, and instructions promulgated by the EEOC under §15(b), or whether the Board can exercise the authority of the EEOC under §15(b) to issue regulations, orders, and instructions binding on employing offices.	Sec. 9; *29 U.S.C. §628.*
21. Authority to grant "reasonable exemptions" in the "public interest." With respect to the private sector, §9 of the ADEA authorizes the EEOC to establish "reasonable exemptions" from the ADEA "as it may find necessary and proper in the public interest." §9 is not referenced by the CAA, and §15 of the ADEA, which is referenced by §201(a)(2) of the CAA, contains a subsection (f) that specifically precludes the application of any provision outside of §15. However, §15(b) of the ADEA authorizes the EEOC to establish "[r]easonable exemptions" for the executive branch upon determining that age is a BFOQ. The CAA does not state expressly whether the reference to §15 makes subsection (b) of that section applicable, and, specifically, whether any BFOQs granted by the EEOC under §15(b) would apply to employing offices, or whether the Board can exercise the authority of the EEOC under §15(b) to issue BFOQs applicable to employing offices.	Sec. 9; *29 U.S.C. §628.*

AMERICANS WITH DISABILITIES ACT OF 1990 ("ADA")

TITLE I—EMPLOYMENT

A. SUBSTANTIVE RIGHTS AND PROTECTIONS	
1. Employment discrimination against an individual employed by another employer. § 102(a) of the ADA forbids employment discrimination by covered employers against "a qualified individual with a disability." As discussed at page 1, row 1, above, courts have held that a Title VII provision forbidding discrimination against "any individual" extends, under certain circumstances, beyond the immediate employer-employee relationship, including where a defendant who does not employ an individual controls that individual's access to employment with another employer and denies access based on unlawful criteria. Under the CAA, an employing office may only be charged with discrimination by a "covered employee," defined as an employee of the nine legislative-branch employers listed in § 101(3).	Sec. 102(a); *42 U.S.C. § 12112(a).*

AMERICANS WITH DISABILITIES ACT OF 1990 ("ADA")—Continued

2. Coverage of unions. § 102 of the ADA forbids discrimination by unions in the private sector, and these provisions may be enforced against private-sector unions under § 107(a) of the ADA. The CAA does not make these provisions applicable to unions discriminating against legislative branch employees, because § 201 of the CAA only forbids discrimination in "personnel actions" and §§ 401–408 allow complaints only against employing offices. (Unlawful discrimination by a union may be an unfair labor practice under § 220 of the CAA, but the procedures and remedies under that section are very different from those under the ADA and under the CAA for violations of ADA rights and protections.) As noted at page 1, row 3, above, a similar situation exists in the executive branch, where § 717 of Title VII does not cover discrimination by unions against executive branch employees, but courts and the EEOC are divided as to whether the private-sector provisions of Title VII and 42 U.S.C. § 1981 apply by their own terms to such discrimination. Similarly differing views might be expressed with respect to whether the ADA applies by its own terms to forbid discrimination by unions against legislative-branch employees.	Secs. 102, 107(a); *42 U.S.C. §§ 12112, 12117(a).*
3. Consideration of political party, domicile, or political compatibility. Under the CAA, § 502 provides that consideration of political party, domicile, or political compatibility by Members, committees, or leadership offices shall not be a violation of § 201, which is the section that makes applicable the rights and protections of title I of the ADA. Under the ADA, there is no specific immunity for consideration of political party, domicile, or political compatibility.	Secs. 102–103; *42 U.S.C. § 12112–12113.*
B. ENFORCEMENT	
Agency Enforcement Authorities:	
4. Agency responsibility to investigate charges filed by an employee or Commission Member. The ADA requires the EEOC to investigate charges brought by an employee or by a Member of the Commission. The CAA neither references these provisions nor sets forth similar provisions authorizing agency investigation.	Sec. 107(a); *42 U.S.C. § 12117(a), referencing* § 706(b) of Title VII, *42 U.S.C. § 2000e–5(b).*
5. Agency responsibility to determine "reasonable cause" and to "endeavor to eliminate" the violation by informal conciliation. The ADA requires that, upon the filing of a charge, the EEOC must determine whether "there is reasonable cause to believe that the charge is true" and "endeavor to eliminate any such alleged unlawful employment practice" by informal conference, conciliation, and persuasion. The CAA does not reference these provisions; it requires the mediation of allegations of discrimination and requires approval of settlements by the Executive Director, but does not require any person involved in the mediation or in approving the settlement to determine "reasonable cause" or to "endeavor to eliminate" the alleged discrimination.	. . . *referencing* § 706(b) of Title VII, *42 U.S.C.* § 2000e–5(b).
6. Agency authority to bring judicial enforcement actions. The ADA authorizes the EEOC to bring a civil action. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to bring enforcement proceedings.	. . . *referencing* § 706(f)(1) of Title VII, *42 U.S.C. § 2000e–5(f)(1).*
7. Agency authority to intervene in private civil action of general public importance. Under the ADA, the EEOC may intervene in a private action of general public importance. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to intervene in private actions.	. . . *referencing* § 706(f)(1) of Title VII, *42 U.S.C. § 2000e–5(f)(1).*
8. Agency authority to apply to court for enforcement of judicial orders. The ADA authorizes the EEOC to commence judicial proceedings to compel compliance with judicial orders. The CAA does not reference these provisions. § 407(a)(2) of the CAA enables the Office of Compliance to petition the Court of Appeals to enforce final orders of a hearing officer or the Board, but the CAA sets forth no provision enabling an agency to seek the enforcement of judicial orders.	. . . *referencing* § 706(i) of Title VII, *42 U.S.C. § 2000e–5(i).*
9. Grant of subpoena power and other general powers for investigations and hearings. The ADA grants the EEOC access to evidence, including subpoena powers, in support of its investigations and hearings. The CAA neither references these provisions nor sets forth similar provisions granting an agency investigatory powers. (§ 405(f) of the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but these CAA provisions do not grant subpoena powers for use in agency investigation.)	. . . *referencing* §§ 709(a), 710 of Title VII, *42 U.S.C. §§ 2000e–8(a), 2000e–9.*
10. Recordkeeping and reporting requirements. The ADA incorporates Title VII provisions requiring private-sector employers to make and preserve such records and make such reports therefrom as the EEOC shall prescribed by regulation or order, after public hearing, as reasonable, necessary, or appropriate for enforcement. EEOC regulations require that all personnel or employment records generally be preserved for 1 year and reserve the agency's right to impose special reporting requirements on individual employers or groups of employers. 29 C.F.R. § 1602.11. The CAA does not reference these provisions, and the Board, in issuing substantive regulations with respect to several other laws, found that recordkeeping and reporting requirements under those laws were not incorporated by the CAA.	. . . *referencing* § 709(c) of Title VII, *42 U.S.C. § 2000e–8(c).*
Administrative and Judicial Procedures and Remedies:	
11. Suing individuals as agent; possibility of individual liability. Because the definition of "employer" under the ADA includes any agent, a plaintiff may choose to sue the employer by naming an individual in the capacity of agent. Furthermore, as noted with respect to Title VII at page 3, row 12, above, while many recent cases hold that individuals may not be held individually liable in discrimination cases, some courts hold to the contrary and the issue remains unresolved. Under the CAA, individuals may be neither sued nor held individually liable, because only an employing office may be named as respondent or defendant under §§ 401–408 and all awards and settlements must generally be paid out of an account of the Office of Compliance under § 415(a).	Sec. 101(5)(A); *42 U.S.C. § 12111(5)(A).*
12. Enforceability of subpoenas for information or documents within the jurisdiction of the House or Senate. The ADA authorizes civil actions in which courts exercise their ordinary subpoena authority. The CAA also authorizes civil actions, as well as administrative adjudications, but such authorization is subject to § 413 of the CAA, by which the House and Senate decline to waive certain powers relating to records and information, as discussed in connection with Title VII at page 3, row 13, above.	Sec. 107(a); *42 U.S.C. § 12117(a), referencing* § 706(f)(1) of Title VII, *42 U.S.C. § 2000e–5(f)(1).*
13. Appointment of counsel and waiver of fees. The ADA authorizes the court to appoint an attorney for the complainant in a private action and to waive costs. The CAA does not reference these provisions. In judicial proceedings under the CAA, the courts may exercise their general powers to authorize proceedings *in forma pauperis* and waive fees and costs and appoint counsel if a party is unable to pay. See 28 U.S.C. § 1915. In administrative proceedings under the CAA, there are no fees and costs to waive, but there is also no power to appoint counsel.	. . . *referencing* § 706(f)(1) of Title VII, *42 U.S.C. § 2000e–5(f)(1).*
14. Agency authority to apply for TRO or preliminary relief. § 107(a) of the ADA, which references § 706(f)(1) of Title VII, authorizes the EEOC to bring an action for a TRO or preliminary relief pending resolution of a charge. The CAA neither references § 107(a) of the ADA nor sets forth similar provisions authorizing TROs or preliminary relief, and the CAA does not allow a covered employee to commence an administrative complaint or civil action until after having completed periods of counseling and mediation and an additional period of at least 30 days.	. . . *referencing* §706(f)(2) of Title VII, *42 U.S.C. § 2000e–5(f)(2).*
Punitive Damages:	
15. Punitive damages. Punitive damages are available in cases of malice or reckless indifference brought under title I of the ADA. The CAA does not reference this provision, and § 225(c) of the CAA expressly precludes the awarding of punitive damages.	42 U.S.C. § 1981a(b)(1).
OTHER AGENCY AUTHORITIES	
16. Notice-posting requirements. The ADA requires employers, employment agencies, and unions and joint labor-management committees to post notices prepared or approved by the EEOC. The CAA does not reference these provisions, and the Board, in issuing substantive regulations with respect to several other laws, found that notice-posting requirements under those laws were not incorporated by the CAA.	Sec. 105; *42 U.S.C. § 12115.*
17. Substantive rulemaking authority. Under § 106 of the ADA, the EEOC promulgates both procedural and substantive regulations. § 106 is not referenced by the CAA, and § 201, unlike most other sections of title II of the CAA, contains no requirement that the Board adopt implementing regulations. § 304 of the CAA, which establishes the process by which the Board adopts substantive regulations, specifies that such regulations "shall include regulations the Board is required to issue under title II," but does not state explicitly whether other regulations, which the Board is not required to issue, may be issued at the Board's discretion.	Sec. 106; *42 U.S.C. § 12116.*
TITLE II—PUBLIC SERVICES	
ENFORCEMENT	
Agency Enforcement Authorities:	
18. Agencies must investigate any alleged violation, even if not charged by a qualified person with a disability. Title II of the ADA affords the remedies, procedures, and rights set forth in § 505 of the Rehabilitation Act of 1973 to "any person alleging discrimination." The regulations of the Attorney General ("AG") implementing title II require that, if any "individual who believes that he or she or a specific class of individuals" has been subject to discrimination files a complaint, then the appropriate federal agency must investigate the complaint. 28 C.F.R. §§ 35.170(a), 35.172(a). Under the CAA, § 210(d)(1), (f) provides express authority for the General Counsel to investigate only when "[a] qualified person with a disability, . . . who alleges a violation[,] . . . file[s] a charge" and in "periodic inspections" that are "[o]n a regular basis, and at least once each Congress."	Sec. 203; *42 U.S.C. § 12133, referencing* § 505 of Rehabilitation Act of 1973, *29 U.S.C. § 794a.*
19. Agencies must issue "Letter of Findings" and endeavor to "secure compliance by voluntary means." Title II of the ADA affords the remedies, procedures, and rights of § 505 of the Rehabilitation Act, and § 505 incorporates the remedies, procedures and rights of titles VI and VII of the Civil Rights Act of 1964 ("CRA"). § 602 in title VI of the CRA provides that enforcement action may be taken only if the federal agency concerned "has determined that compliance cannot be secured by voluntary means." The AG's regulations implementing title II of the ADA require that the Federal agency investigating a complaint must issue a Letter of Findings, 28 C.F.R. § 35.172, and, if noncompliance is found, the agency must initiate negotiations "to secure voluntary compliance" and any compliance agreement must specify the action that will be taken "to come into compliance" and must "[p]rovide assurance that discrimination will not recur," 28 C.F.R. § 35.173. The CAA does not reference these provisions. Under the CAA, § 210(d)(2) authorizes the General Counsel to request mediation between the charging individual and the responsible entity, and the CAA requires approval of any settlement by the Executive Director. However, the General Counsel is specifically forbidden to participate in the mediation, and the CAA does not require any person involved in the mediation or in approving the settlement to make findings as to compliance or noncompliance or to endeavor "to secure voluntary compliance."	Sec. 203; *42 U.S.C. § 12133, referencing* § 602 of title VI of the CRA, *42 U.S.C. § 2000d–1.*
20. Attorney General's authority to bring enforcement proceeding without a charge by a qualified person with a disability. Under title II of the ADA and under regulations of the AG, if a federal agency receives a complaint from any individual who believes there has been discrimination and is unable to secure voluntary compliance, the agency may refer the matter to the AG for enforcement. 28 C.F.R. § 35.174; *see U.S.* v. *Denver,* 927 F. Supp. 1396, 1399–1400 (D. Col. 1996). Under the CAA, § 210(d)(3) authorizes the General Counsel to file an administrative complaint only after "[a] qualified person with a disability, . . . who alleges a violation[,] . . . file[s] a charge."	Sec. 203; *42 U.S.C. § 12133.*

AMERICANS WITH DISABILITIES ACT OF 1990 ("ADA")—Continued

21. Attorney General's authority to bring enforcement action in federal district court. The AG enforces against a violation of ADA title II by filing an action in federal district court. Under the CAA, § 210(d)(3) authorizes the General Counsel to enforce by filing an administrative complaint, but not by commencing an action in court.	Sec. 203; *42 U.S.C. § 12133.*

Judicial Procedures and Remedies:

22. Private right of action. Under title II of the ADA, both employees and non-employees of a public entity may sue a public entity for discrimination on the basis of disability. Under the CAA, non-covered-employees have no right to sue or bring administrative proceedings under § 210 or any other section of the CAA. (As discussed at page 16, row 23, below, covered employees may sue or bring administrative complaints under § 201 and §§ 401–408 of the CAA.)	Sec. 203; *42 U.S.C. § 12133.*
23. Private right to sue immediately, without having exhausted administrative remedies. Both employees and non-employees of a non-federal public entity may sue under title II of the ADA immediately, regardless of whether administrative remedies have been exhausted.[1] Under the CAA, covered employees may not file an administrative complaint or commence a civil action until after having completed periods of counseling and mediation and an additional period of at least 30 days. (As discussed at page 15, row 22, above, non-covered-employees have no private right of action.)	Sec. 203; *42 U.S.C. § 12133.*

Damages:

24. Monetary damages. § 203 of the ADA incorporates the remedies of titles VI and VII of the CRA, as noted in page 15, row 19, above. Title VII does not provide for damages other than back pay under § 706(g)(1) in connection with hiring or reinstatement, but, under title VI, courts have inferred a private right to recover damages for an intentional violation. *Franklin* v. *Gwinnett County Public Schools,* 503 U.S. 60, 70, 112 S. Ct. 1028, 1035 (1992). Under the CAA, § 210(c) incorporates the remedies under § 203 of the ADA. However, a court has held that the Federal Government is immune, under sovereign immunity principles, against the implied right to recover damages under title VI as incorporated by § 505 of the Rehabilitation Act. *Dorsey* v. *U.S. Dep't of Labor,* 41 F.3d 1551 (D.C. Cir. 1994).	Sec. 203; *42 U.S.C. § 12133, referencing* title VI and §§ 706(f)–(k), 716 of the CRA. *42 U.S.C. §§ 2000d et seq., 2000e–5(f)–(k), 2000e–16.*

TITLE III—PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES

ENFORCEMENT

Agency Enforcement Authorities:

25. Attorney General may investigate whenever there is reason to believe there may be a violation, even if not charged by a qualified person with a disability. Title III of the ADA requires the AG to investigate alleged violations and to undertake periodic compliance reviews. The AG's regulations implementing title III specify that "[a]ny individual who believes that he or she or a specific class of persons" has been subject to discrimination may request an investigation, and that, whenever the AG "has reason to believe" there may be a violation, the AG may initiate a compliance review. 28 C.F.R. § 36.502. The CAA does not reference these provisions, and § 210(d)(1), (f) of the CAA provides express authority for the General Counsel to investigate only when "[a] qualified person with a disability, . . . who alleges a violation[,] . . . file[s] a charge" and in "periodic inspections" that are "[o]n a regular basis, and at least once each Congress.".	Sec. 308(b)(1)(A)(i); *42 U.S.C. § 12188(b)(1)(A)(i).*
26. Attorney General's authority to bring enforcement action without a charge by a qualified person with a disability. Under title III of the ADA, if the AG has reasonable cause to believe that there is discrimination that constitutes a pattern or practice of discrimination or that raises an issue of general public importance, the AG may commence a civil action. These provisions are not referenced by the CAA. § 210(d)(3) of the CAA authorizes the General Counsel to file an administrative complaint only in response to a charge filed by a qualified person with a disability who alleges a violation.	Sec. 308(b)(1)(B); *42 U.S.C. § 12188(b)(1)(B).*
27. Attorney General's authority to bring enforcement action in federal district court. The AG brings enforcement actions, as noted at page 17, row 26, above, by filing an action in federal district court. These provisions are not referenced by the CAA. § 210(d)(3) of the CAA authorizes the General Counsel may bring an enforcement action by filing an administrative complaint, but not by commencing an action in court.	Sec. 308(b)(1)(B); *42 U.S.C. § 12188(b)(1)(B).*

Judicial Procedures and Remedies:

28. Private right of action. A private right of action is available for violations of title III of the ADA. The CAA neither references these provisions nor sets forth similar provisions establishing a private right to commence either an administrative or judicial proceedings.	Sec. 308(a); *42 U.S.C. § 12188(a).*

Damages and Penalties:

29. Monetary damages. § 308(b)(2)(B) of the ADA provides that, when the AG brings a civil action, he or she may ask the court to award monetary damages to the person aggrieved. The CAA does not reference § 308(b)(2)(B), but, rather, § 210(c) of the CAA references the remedies under §§ 203 and 308(a) of the ADA. § 203 of the ADA references the remedies of titles VI and VII of the CRA, as noted in row 19 above, and § 308(a) of the ADA references the remedies of title II of the CRA, 42 U.S.C. §§ 2000a–3(a). Neither title II nor title VII of the CRA provides for damages, other than back pay under § 706(g)(1) of title VII in connection with hiring or reinstatement. Courts have inferred a private right to recover damages under title VI of the CRA, but, as discussed at page 16, row 24, above, the Federal Government may be immune. Furthermore, the remedies of title VI of the CRA are referenced by § 203 of title II of the ADA, not by § 308(a) of title III of the ADA, and might therefore not be available for a violation of title III rights and protections as made applicable by § 210 of the CAA.	Sec. 308(b)(2)(B); *42 U.S.C. § 12188(b)(2)(B).*
30. Civil penalties. In a civil action brought by the Attorney General under title III of the ADA, the court may assess a civil penalty. The CAA does not reference this provision and § 225(c) of the CAA specifically disallows the assessment of civil penalties.	Sec. 308(b)(2)(C); *42 U.S.C. § 12188(b)(2)(C).*

TITLE V—MISCELLANEOUS PROVISIONS

SUBSTANTIVE RIGHTS AND PROTECTIONS

31. Retaliation against employees of other employers. § 503 of the ADA protects "any individual" against retaliation for asserting, exercising, or enjoying rights under the ADA. Employers' obligations under this section are not expressly limited to their own employees, and, in the context of the retaliation provision in the OSHAct, the Labor Department has construed the term "any employee" to forbid employers to retaliate against employees of other employers, as discussed at page 32, row 1, below. § 503 is not referenced by the CAA, and § 207 of the CAA, which sets forth provisions prohibiting retaliation, applies by its terms to covered employees only.	Sec. 503; *42 U.S.C. § 12203.*
32. Retaliation against non-employees exercising rights with respect to public entities or public accommodations. § 503 of the ADA protects any individual against retaliation for asserting, exercising, or enjoying rights under the ADA. Such individuals may include non-employees who exercise or enjoy rights with respect to public entities under title II of the ADA or public accommodations under title III of the ADA. § 503 is not referenced by the CAA, and § 207 of the CAA, which sets forth provisions establishing retaliation protection, applies by its terms to covered employees only.	Sec. 503; *42 U.S.C. § 12203.*

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[1] *See Tyler* v. *Manhattan,* 857 F. Supp. 800, 812 (D. Kan. 1994); *Ethridge* v. *Alabama,* 847 F. Supp. 903, 907 (M.D. Ala. 1993); *Noland* v. *Wheatley,* 835 F. Supp. 476, 482 (N.D. Ind. 1993); *Petersen* v. *University of Wisconsin,* 818 F. Supp. 1276, 1279 (W.D. Wis. 1993); *Bledsoe* v. *Palm Beach County Soil and Water Conserv. Dist.,* 133 F.3d 816, 824 (11th Cir. 1998) (dictum).

FAMILY AND MEDICAL LEAVE ACT OF 1993 ("FMLA")

A. SUBSTANTIVE RIGHTS AND PROTECTIONS

1. Duties owed by "secondary" employers to employees hired and paid by temp agencies and another "primary" employers. The FMLA defines "employer" to include any person "who acts, directly or indirectly, in the interest of an employer'; makes it unlawful for any employer to interfere with the exercise of FMLA rights; and forbids employers and other persons from retaliating against "any individual." The Labor Secretary, citing this statutory authority, promulgated regulations on "joint employment" that prohibit "secondary employers" from interfering with the exercise of FMLA rights by employees hired and paid by a "primary" employer, e.g., by a temporary help or leasing agency. 29 C.F.R. § 825.106(f); 60 Fed. Reg. 2180, 2183 (Jan. 8, 1995). Under the CAA, individuals who are not employees of the nine legislative-branch employers in § 101(3) are outside the definition of "covered employee" and are not covered by family and medical leave protection under § 202(a) or by retaliation protection under § 207(a), regardless of whether an employing office would be considered the "secondary employer" within the meaning of the Labor Secretary's regulations. The Board, in promulgating its implementing regulations, stated specifically that employees of temporary and leasing agencies are not covered by the CAA. 142 Cong. Rec. S196, S198 (daily ed. Jan. 22, 1996).	Secs. 101(4)(A)(ii)(I), 105(a)(1)-(2), (b); *29 U.S.C. §§ 2611(4)(A)(ii)(I), 2615(a)(1)-(2), (b).*

B. ENFORCEMENT

Agency Enforcement Authorities:

2. Agency's general authority to investigate to ensure compliance, and responsibility to investigate complaints of violations. § 106(a) of the FMLA authorizes the Labor Secretary generally to make investigations to ensure compliance, and § 107(b)(1) specifically requires the Labor Secretary to receive, investigate, and attempt to resolve complaints of violations. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to conduct investigations.	Sec. 106(a), 107(b)(1); *29 U.S.C. §§ 2616(a), 2617(b)(1).*
3. Grant of subpoena and other investigatory powers. The FMLA grants the Labor Secretary subpoena and other investigatory powers for any investigations. The CAA neither references these provisions nor sets forth similar provisions granting an agency investigatory powers. (§ 405(f) of the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but these CAA provisions do not grant subpoena powers for use in agency investigation.).	Sec. 106(a), (d); *29 U.S.C. § 2616(a), (d).*
4. Recordkeeping and reporting requirements. The FMLA requires private-sector employers to make and preserve records pertaining to compliance in accordance with § 11(c) of the FLSA and in accordance with regulations issued by the Labor Secretary. § 11(c) of the FLSA requires every employer to make and preserve such records and to make such reports therefrom as the Wage and Hour administrator shall prescribe by regulation or order. The Secretary's FMLA regulations specify the records regarding payroll, benefits, and FMLA leave and disputes that employers must maintain and preserve for 3 years, and indicate that employers must submit records specifically requested by a Departmental official and must prepare extensions or transcriptions of information in the records upon request. 29 C.F.R. § 825.500(a)–(b). The CAA does not reference these statutory provisions, and the Board, in adopting implementing regulations under § 202 of the CAA, found that the CAA explicitly did not make these requirements applicable.	Sec. 106(b)-(c); *29 U.S.C. § 2616(b)-(c), referencing* § 11(c) of the FLSA, *29 U.S.C. § 211(c).*

FAMILY AND MEDICAL LEAVE ACT OF 1993 ("FMLA")—Continued

5. Agency authority to bring judicial enforcement actions. The FMLA authorizes the Labor Secretary to bring a civil action to recover damages, and grants the district courts jurisdiction, upon application of the Labor Secretary, to restrain violations and to award other equitable relief. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to bring enforcement proceedings.	Sec. 107(b)(2), (d); *29 U.S.C. § 2617(b)(2), (d).*
Judicial Procedures and Remedies:	
6. Individual liability. Because the definition of "employer" under the FMLA includes any person who "acts, directly or indirectly, in the interest of an employer," the weight of authority is that individuals may be held individually liable in an action under § 107 of the FMLA.[1] Under the CAA, individuals may not be held individually liable, because only an employing office may be named as respondent or defendant under §§ 401–408 and all awards and settlements must generally be paid out of an account of the Office of Compliance under § 415(a).	Secs. 101(4)(A)(ii)(I), 107; *29 U.S.C. §§ 2611(4)(A)(ii)(I), 2617.*
7. Enforceability of subpoenas for information or documents within the jurisdiction of the House or Senate. The FMLA authorizes civil actions in which courts exercise their ordinary subpoena authority. The CAA also authorizes civil actions, as well as administrative adjudications, but such authorization is subject to § 413 of the CAA, by which the House and Senate decline to waive certain powers relating to records and information, as discussed in connection with Title VII at page 3, row 13, above.	Sec. 107(a)(2); *29 U.S.C. § 2617(a)(2).*
8. Private right to sue immediately, without having exhausted administrative remedies. An employee who alleges an FMLA violation may choose to sue immediately, without exhausting any administrative remedies. The CAA allows a covered employee to file an administrative complaint or commence a civil action only after having completed periods of counseling and mediation and an additional period of at least 30 days.	Sec. 107(a); *29 U.S.C. § 2617(a).*
9. Two- or 3-year statute of limitations. A civil action may be brought under the FMLA within two years after the violation ordinarily, or, in the case of a willful violation, within three years. Proceedings under the CAA must be commenced within 180 days after the alleged violation.	Sec. 107(c); *29 U.S.C. § 2617(c).*
C. OTHER AGENCY AUTHORITIES	
10. Notice-posting requirements. The FMLA requires employers to post notices prepared or approved by the Labor Secretary, and establishes civil penalties for a violation. The CAA does not reference these provisions, and, in adopting implementing regulations, the Board found that the CAA explicitly did not incorporate these requirements.	Sec. 109; *29 U.S.C. § 2619.*

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[1] *See Beyer* v. *Elkay Manufacturing Co.*, 1997 WL 587487 (N.D. Ill. Sept. 19, 1997) (No. 97-C-50067) (holding that the term "employer" in the FMLA should be construed the same as "employer" in the FLSA, which allows individual liability); *Knussman* v. *Maryland*, 935 F.Supp. 659, 664 (D. Md. 1996); *Johnson* v. *A.P. Products, Ltd.*, 934 F.Supp. 625 (S.D.N.Y. 1996); *Freeman* v. *Foley*, 911 F.Supp. 326, 330-32 (N.D. Ill. 1995); 29 C.F.R. § 825.104(d) (Labor Department regulations). *Contra Frizzell* v. *Southwest Motor Freight, Inc.*, 906 F.Supp. 441, 449 (E.D. Tenn. 1995) (holding that the term "employer" in FMLA should be construed the same as "employer" in Title VII, which does not allow individual liability).

FAIR LABOR STANDARDS ACT OF 1938 ("FLSA")

A. SUBSTANTIVE RIGHTS AND PROTECTIONS	
Prohibition against compensatory time off. Under the FLSA, employers generally may neither require nor allow employees to receive compensatory time off in lieu of overtime pay. § 203 of the CAA makes this prohibition generally applicable, but provisions of the CAA and other laws establish exceptions:	Sec. 7(a); *29 U.S.C. § 207(a).*
1. Coverage of Capitol Police officers. § 203(c)(4) of the CAA, as amended, allows Capitol Police officers to elect time off in lieu of overtime pay.	
2. Coverage of employees whose work schedules directly depend on the House and Senate schedules. § 203(c)(3) of the CAA requires the Board to issue regulations concerning overtime compensation for covered employees whose work schedule depends directly on the schedule of the House and Senate, and § 203(a)(3) provides that, under those regulations, employees may receive compensatory time off in lieu of overtime pay.	
3. Coverage of salaried employees of the Architect of the Capitol. 5 U.S.C. § 5543(b) provides that the Architect of the Capitol may grant salaried employees compensatory time off for overtime work. The CAA does not state expressly whether it repeals this authority.	
Interns are not covered. § 203(a)(2) of the CAA excludes "interns," as defined in regulations issued by the Board, from the coverage of all rights and protections of the FLSA:	
4. Minimum wage. Interns are excluded from coverage under the entitlement to the minimum wage	Sec. 6(a); *29 U.S.C. § 206(a).*
5. Entitlement to overtime pay. Interns are excluded from coverage under the entitlement receive overtime pay	Sec. 7(a); *29 U.S.C. § 207(a).*
6. Equal Pay Act provisions. Interns are excluded from coverage under Equal Pay provisions, prohibiting sex discrimination in the payment of wages	Sec. 6(d); *29 U.S.C. § 206(d).*
7. Child labor protections. Interns are excluded from coverage under child labor protections	Sec. 12(c); *29 U.S.C. § 212(c).*
8. Coverage of unions under Equal Pay provisions. The Equal Pay provisions at § 6(d)(2) of the FLSA forbid unions in the private-sector to cause or attempt to cause an employer to discriminate on the basis of sex in the payment of wages, and these provisions may be enforced against private-sector unions under § 16(b) of the FLSA. Under the CAA, § 203(a)(1) makes the rights and protections of § 6(d) of the FLSA applicable to covered employees, but no mechanism is expressly provided for enforcing these rights and protections against unions, because §§ 401–408 of the CAA allow complaints only against employing offices. (Unlawful discrimination by a union may be an unfair labor practice under § 220 of the CAA, but the procedures and remedies under that section are very different from those under the FLSA and under the CAA for violations of Equal Pay rights and protections.) As noted at page 1, row 3, above, a similar situation exists in the executive branch, where § 717 of Title VII does not cover discrimination by unions against executive branch employees, but courts and the EEOC are divided as to whether the private-sector provisions of Title VII and 42 U.S.C. § 1981 apply by their own terms to such discrimination. Similarly, differing views might be expressed with respect to whether §§ 6(d)(2) and 16(b) of the FLSA apply by their own terms to prohibit discrimination by unions against legislative-branch employees.	Secs. 6(d)(2), 16(b); *29 U.S.C. §§ 206(d), 216(b).*
9. Prohibition of retaliation by "persons," including unions, not acting as employers. § 15(a)(3) of the FLSA forbids retaliation by any "person" against an employee for exercising rights under the FLSA, and § 3(a) defines "person" broadly to include any "individual" and any "organized group of persons." This definition is broad enough to include a labor union, its officers, and members. *See Bowe* v. *Judson C. Burns, Inc.*, 137 F.2d 37 (3d Cir. 1943). The CAA does not reference § 15(a)(3) of the FLSA, and § 207 of the CAA forbids retaliation only by employing offices.	Sec. 15(a)(3); *29 U.S.C. § 215(a)(3).*
B. ENFORCEMENT	
Agency Enforcement Authorities:	
10. Grant of subpoena and other powers for use in investigations and hearings. § 9 of the FLSA grants the Labor Secretary subpoena and other investigatory powers for use in investigations and hearings. The CAA neither references these provisions nor sets forth similar provisions granting an agency investigatory powers. (§ 405(f) of the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but these CAA provisions do not grant subpoena powers for use in agency investigation.)	Sec. 9; *29 U.S.C. § 209.*
11. Agency authority to investigate complaints of violations and to conduct agency initiated investigations. Under authority of § 11(a) of the FLSA, the Wage and Hour Division investigates complaints of violations and also conducts agency-initiated investigations. The CAA neither references these provisions nor sets forth similar provisions authorizing agency investigation.	Sec. 11(a); *29 U.S.C. § 211(a).*
12. Recordkeeping and reporting requirements. The FLSA requires employers in the private sector to make and preserve such records and to make such records therefrom as the Wage and Hour Administrator shall prescribe by regulation or order as necessary or appropriate for enforcement. Labor Department regulations specify the "payroll" and other records that must be preserved for at least 3 years and the "employment and earnings" records that must be preserved for at least 2 years, and require each employer to make "such extension, recomputation, or transcription" of required records, and to submit such reports concerning matters set forth in the records, as the Administrator may request in writing. 29 C.F.R. §§ 516.5–516.8. As to the Equal Pay provisions, EEOC regulations require employers to keep records in accordance with The CAA does not reference these provisions, and, in adopting implementing regulations, the Board found that the CAA explicitly did not made these requirements applicable.	Sec. 11(c); *29 U.S.C. § 211(c).*
13. Agency authority to bring judicial enforcement actions. The FLSA authorizes the Labor Secretary to bring an action in district court to recover unpaid minimum wages or overtime compensation, and an equal amount of liquidated damages, and civil penalties, as well as injunctive relief. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to bring enforcement proceedings.	Secs. 16(c), 17; *29 U.S.C. §§ 216(c), 217.*
Judicial Procedures and Remedies:	
14. Individual liability. Because the definition of "employer" under the FLSA includes any person who "acts, directly or indirectly, in the interest of an employer," individuals may be held individually liable in an action under §16(b) of the FLSA. Under the CAA, individuals may not be held individually liable, because only an employing office may be named as respondent or defendant under §§ 401–408 and all awards and settlements must generally be paid out of an account of the Office of Compliance under § 415(a).	Secs. 3(d), 16(b); *29 U.S.C. §§ 203(d), 216(b).*
15. Private right to sue immediately, without having exhausted administrative remedies. An employee who alleges an FLSA violation may sue immediately, without exhausting any administrative remedies. The CAA allows a covered employee to file an administrative complaint or commence a civil action only after having completed periods of counseling and mediation and an additional period of at least 30 days.	Sec. 16(b); *29 U.S.C. § 216(b).*
16. Enforceability of subpoenas for information or documents within the jurisdiction of the House or Senate. The FLSA authorizes civil actions in which courts exercise their ordinary subpoena authority. The CAA also authorizes civil actions, as well as administrative adjudications, but such authorization is subject to § 413 of the CAA, by which the House and Senate decline to waive certain powers relating to records and information, as discussed in connection with Title VII at page 3, row 13, above.	Sec. 16; *29 U.S.C. § 216.*
17. Injunctive relief. § 17 of the FLSA grants jurisdiction to the district courts, upon the complaint of the Labor Secretary, to restrain violations. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to seek injunctive relief or granting a court or other tribunal jurisdiction to grant it.	Sec. 17; *29 U.S.C. § 217.*
18. Two- or 3-year statute of limitations. A civil action under the FLSA may be brought within two years after the violation ordinarily, or, in the case of a willful violation, within three years. Proceedings under the CAA must be commenced within 180 days after the alleged violation.	Secs. 6–7 of the Portal-to-Portal Act ("PPA"); *29 U.S.C. §§ 255–256.*

FAIR LABOR STANDARDS ACT OF 1938 ("FLSA")—Continued

19. Remedy for a child labor violation. §§ 16(a), (e), and 17 of the FLSA provide for enforcement of child labor requirements through agency enforcement actions for civil penalties or injunction and by criminal prosecution. The CAA does not reference §§ 16(a), (e), or 17 of the FLSA. § 203(b) of the CAA references only the remedies of § 16(b) of the FLSA, and § 16(b) makes employers liable for: (*1*) damages if the employer violated minimum-wage or overtime requirements of the FLSA, and (*2*) legal or equitable relief if the employer violated the anti-retaliation requirements of the FLSA. The CAA thus does not expressly reference any FLSA provision establishing remedies for child labor violations.	Secs. 16(a), (e), 17; *29 U.S.C. §§ 216(a), (e), 217.*
Liquidated Damages; Civil and Criminal Penalties:	
20. Criminal penalties. The FLSA makes fines and imprisonment available for willful violations. The CAA neither references these provisions nor sets forth similar provisions imposing criminal penalties.	Sec. 16(a); *29 U.S.C. § 216(a).*
21. Liquidated damages for retaliation. § 15(a)(3) of the FLSA prohibits discrimination against an employee for exercising FLSA rights, and § 16(b) provides that an employer who violates § 15(a)(3) is liable for legal or equitable relief and "an additional equal amount as liquidated damages." Under the CAA, § 203(b) incorporates the remedies of §16(b) of the FLSA and explicitly includes "liquidated damages," but only "for a violation of subsection (a)," and § 203(a) does not reference § 15(a)(3) of the FLSA or otherwise prohibit retaliation. Retaliation is prohibited by § 207(a) of the CAA, but the remedy under § 207(b) is "such legal or equitable remedy as may be appropriate," with no express authority to award liquidated damages.	Sec. 16(b); *29 U.S.C. § 216(b).*
22. Civil penalties. The FLSA authorizes the Labor Secretary or the court to assess civil penalties for child labor violations or for repeated or willful violations of the minimum wage or overtime requirements. The CAA does not reference these provisions, and § 225(c) of the CAA expressly precludes the awarding of civil penalties under the CAA.	Sec. 16(e); *29 U.S.C. §216(e).*
C. OTHER AGENCY AUTHORITIES	
23. Agency issuance of interpretative bulletins. The Wage and Hour Administrator has issued a number of interpretative bulletins and advisory opinions, and § 10 of the PPA, 29 U.S.C. § 259, in establishing a defense for good-faith reliance, refers to the "written administrative regulation, order, ruling, approval, or interpretation" of the Administrator. Under the CAA, in adopting regulations implementing § 203, the Board stated that the Wage and Hour Division's legal basis and practical ability to issue interpretive bulletins and advisory opinions arises from its investigatory and enforcement authorities, and that, absent such authorities, "it seems unwise, if not legally improper, for the Board to set forth its views on interpretive ambiguities in the regulations outside of the adjudicatory context of individual cases," and, further, that the Board "would in the exercise of its considered judgment decline to provide authoritative opinions" as part of its education and information programs. 142 Cong. Rec. S221, S222–S223 (daily ed. Jan. 22, 1996).	Secs. 9, 11, 16–17; *29 U.S.C. § 209, 211, 216–217.*
24. Requirements to post notices. Although the FLSA does not expressly require the posting of notices, the Labor Secretary promulgated regulations requiring employers to post notices informing employees of their rights. 29 C.F.R. § 516.4. In so doing, the Secretary relied on authority under § 11, which deals generally with the collection of information. 29 C.F.R. part 516 (statement of statutory authority). In adopting implementing regulations, the Board found that the CAA explicitly did not incorporate these notice-posting requirements.	Sec. 11; *29 U.S.C. § 211.*

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[1] See, e.g., *U.S. Dep't of Labor* v. *Cole Enterprises*, 62 F.3d 775, 778 (6th Cir. 1995); *Reich* v. *Circle C. Investments, Inc.*, 998 F.2d 324, 329 (5th Cir. 1993); *Brock* v. *Hamad*, 867 F.2d 804, 809 n.6 (4th Cir. 1989); *Riordan* v. *Kempiners*, 831 F.2d 690, 694–95 (7th Cir. 1987); *Donovan* v. *Agnew*, 712 F.2d 1509, 1511 (1st Cir. 1983).

EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988 ("EPPA")

A. SUBSTANTIVE RIGHTS AND PROTECTIONS	
1. Coverage of Capitol Police. The EPPA applies to any employer in commerce, with no exception for private-sector police forces. Under the CAA, § 204(a)(3) authorizes the Capitol Police to use lie detectors in accordance with regulations issued by the Board under § 204(c), and the Board's regulations exempt the Capitol Police from EPPA requirements with respect to Capitol Police employees.	Secs. 2(1)–(2), 3(1)–(3), 7; *29 U.S.C. §§ 2001(1)–(2), 2002(1)–(3), 2006.*
B. ENFORCEMENT	
Agency Enforcement Authorities:	
2. Authority to make investigations and inspections. The EPPA authorizes the Labor Secretary to make investigations and inspections. The CAA neither references these provisions nor sets forth similar provisions authorizing investigations or inspections by an agency.	Sec. 5(a)(3); *29 U.S.C. § 2004(a)(3).*
3. Recordkeeping requirements. The EPPA authorizes the Labor Secretary to require the keeping of records necessary or appropriate for the administration of the Act. Labor Department regulations specify the records regarding any polygraph use that employers and examiners must maintain and preserve for 3 years. 29 C.F.R. § 801.30. The CAA does not reference these provisions, and, in adopting implementing regulations, the Board found that the CAA explicitly did not make these requirements applicable.	Sec. 5(a)(3); *29 U.S.C. § 2004(a)(3).*
4. Grant of subpoena and other powers for investigations and hearings. The EPPA grants the Labor Secretary subpoena and other investigatory powers for use in investigations and hearings. The CAA neither references these provisions nor sets forth similar provisions granting an agency investigatory powers. (§ 405(f) of the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but these CAA authorities do not grant subpoena powers for use in agency investigation.).	Sec. 5(b); *29 U.S.C. § 2004(b).*
5. Agency authority to bring judicial enforcement actions. The EPPA authorizes the Labor Secretary to bring an action in district court to restrain violations or for other legal or equitable relief. The CAA neither references these provisions nor sets forth similar provisions authorizing an agency to bring enforcement proceedings.	Sec. 6(a)–(b); *29 U.S.C. § 2005(a)–(b).*
Judicial Procedures and Remedies:	
6. Individual liability. The definition of "employer" under the EPPA includes any person who "acts, directly or indirectly, in the interest of an employer." This definition is substantially the same as that in the FLSA and the FMLA. As discussed in connection with these laws at page 20, row 6, and page 24, row 14, above, individuals may be held individually liable under the FLSA, and, by the weight of authority, under the FMLA. Under the CAA, individuals may not be held individually liable, because only an employing office may be named as respondent or defendant under §§ 401–408 of the CAA and all awards and settlements must generally be paid out of an account of the Office of Compliance under § 415(a).	Secs. 2(2), 6; *29 U.S.C. §§ 2001(2), 2005.*
7. Enforceability of subpoenas for information or documents within the jurisdiction of the House or Senate. The EPPA authorizes civil actions in which courts exercise their ordinary subpoena authority. The CAA also authorizes civil actions, as well as administrative adjudications, but such authorization is subject to § 413 of the CAA, by which the House and Senate decline to waive certain powers relating to records and information, as discussed in connection with Title VII at page 3, row 13, above.	Sec. 6(c)(2); *29 U.S.C. § 2005(c)(2).*
8. Private right to sue immediately, without having exhausted administrative remedies. An employee who alleges an EPPA violation may sue immediately, without having exhausted any administrative remedies. The CAA allows a covered employee to file an administrative complaint or commence a civil action only after having completed periods of counseling and mediation and an additional period of at least 30 days.	Sec. 6(c)(2); *29 U.S.C. § 2005(c)(2).*
9. Three-year statute of limitations. A civil action under the EPPA may be brought within three years after the alleged violation. Proceedings under the CAA must be commenced within 180 days after the alleged violation.	Sec. 6(c)(2); *29 U.S.C. § 2005(c)(2).*
Civil Penalties:	
10. Civil penalties. The EPPA authorizes the assessment by the Labor Secretary of civil penalties for violations. The CAA does not reference these provisions, and § 225(c) of the CAA expressly precludes the awarding of civil penalties under the CAA.	Sec. 6(a); *29 U.S.C. § 2005(a).*
C. OTHER AGENCY AUTHORITIES	
11. Requirement to post notices. The EPPA requires employers to post notices prepared and distributed by the Labor Secretary. The CAA does not reference these provisions, and, in adopting implementing regulations, the Board found that the CAA explicitly did not incorporate these requirements.	Sec. 4; *29 U.S.C. § 2003.*

WORKER ADJUSTMENT AND RETRAINING NOTIFICAITON ACT ("WARN Act")

A. SUBSTANTIVE RIGHTS AND PROTECTIONS	
1. Notification of state and local governments. The WARN Act requires the employer to notify not only affected employees, but also the state dislocated worker unit and the chief elected official of local government. Although § 205(a)(1) of the CAA references § 3 of the WARN Act for the purpose of incorporating the "meaning" of office closure and mass layoff, that section of the CAA sets forth provisions requiring notification of employees, but not of state and local governments.	Secs. 3(a), 5(a)(3); *29 U.S.C. §§ 2102(a), 2104(a)(3).*
B. ENFORCEMENT	
Judicial Procedures and Remedies:	
2. Representative of employees may bring civil action. The WARN Act allows a representative of employees to sue to enforce liability. The CAA does not reference these provisions, and §§ 401–408 of the CAA provide only for the commencement or proceedings by covered employees.	Sec. 5(a)(5); *29 U.S.C. § 2104(a)(5).*
3. Unit of local government may bring civil action. The WARN Act allows a unit of local government to sue to enforce liability. The CAA does not reference these provisions, and §§ 401–408 of the CAA provide only for the commencement or proceedings by covered employees.	Sec. 5(a)(5); *29 U.S.C. § 2104(a)(5).*
4. Private right to sue immediately, without having exhausted administrative remedies. An employee, union, or local government that alleges a WARN Act violation may sue immediately, without exhausting any administrative remedies. The CAA allows a covered employee to file an administrative complaint or commence a civil action only after having completed periods of counseling and mediation and an additional period of at least 30 days.	Sec. 5(a)(5); *29 U.S.C. § 2104(a)(5).*

WORKER ADJUSTMENT AND RETRAINING NOTIFICAITON ACT ("WARN Act")—Continued

5. Limitations period borrowed from state law. The WARN Act does not provide a limitations period for the civil actions authorized by § 5, and the Supreme Court has held that limitations periods borrowed from state law should be applied to WARN Act claims. *North Star Steel Co.* v. *Thomas*, 515 U.S. 29, 115 S.Ct. 1927 (1995). Courts have generally applied state limitations periods to WARN Act claims ranging between one and six years. *See id.*; 29 U.S.C.A. § 2104 notes of decisions (Note 17—Limitations) (1997 suppl. pamphlet). Under the CAA, proceedings must be commenced within 180 days after the alleged violation.	Sec. 5(a)(5); *29 U.S.C. § 2104(a)(5).*

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994 ("USERRA')

ENFORCEMENT	
Agency Enforcement Authorities:	
1. Agency authority to bring judicial enforcement action. Under USERRA, if a private-sector employee files a complaint with the Labor Secretary, and if the Labor Secretary refers the complaint to the Attorney General, the Attorney General may commence an action in court on behalf of the employee. However, while the USERRA provisions establishing substantive rights and protections generally extend, by their own terms, to the legislative branch, the Attorney General's authority under USERRA does not. Furthermore, the CAA neither references the Attorney General's authority under the USERRA nor sets forth similar provisions authorizing an agency to bring enforcement proceedings.	38 U.S.C. § 4323(a)(1).
2. Grant of subpoena and other investigatory powers. Under USERRA, the Labor Secretary may receive and investigate complaints from private-sector employees, and may issue enforceable subpoenas in carrying out such an investigation. However, while the USERRA provisions authorizing the Secretary to receive and investigate complaints extend, by their own terms, to the legislative branch, the Secretary's power to issue subpoenas does not. Furthermore, the CAA neither references the Secretary's authority and powers under USERRA nor sets forth provisions granting an agency investigatory authority and powers. (§ 405(f) of the CAA grants subpoena powers to hearing officers, and § 408 authorizes civil actions in which courts may issue subpoenas, but these CAA authorities do not grant subpoena powers for use in agency investigation.).	38 U.S.C. § 4326(b)–(d).
Judicial Procedures and Remedies:	
3. Individual liability. Because 38 U.S.C. § 4303(4)(A)(1) defines an "employer" in the private sector to include a "person . . . to whom the employer has delegated the performance of employment-related responsibilities," two courts have held that individuals may be held individually liable in an action under 38 U.S.C. § 4323. *Jones* v. *Wolf Camera, Inc.*, Civ. A. No. 3:96–CV–2578–D, 1997 WL 22678, at *2 (N.D. Tex., Jan. 10, 1997); *Novak* v. *Mackintosh*, 919 F.Supp. 870, 878 (D.S.D. 1996). However, the USERRA provisions that authorize civil actions and damages do not, by their own terms, extend to the legislative branch. Under the CAA, while § 206(b) authorizes damages, individuals may not be held individually liable, because only an employing office may be named as respondent or defendant under §§ 401–408 of the CAA and all awards and settlements must generally be paid out of an account of the Office of Compliance under § 415(a) of the CAA.	38 U.S.C. §§ 4303(4)(A)(1), 4323.
4. Private right to sue immediately, without having exhausted administrative remedies. A private-sector employee alleging a USERRA violation may sue immediately, without exhausting any administrative remedies. However, USERRA does not, by its own terms, entitle legislative branch employees to either file an administrative complaint or commence a civil action. Under the CAA, a covered employee may file an administrative complaint or commence a civil action, but only after having completed periods of counseling and mediation and an additional period of at least 30 days.	38 U.S.C. § 4323(a)(2), (b).
5. Enforceability of subpoenas for information or documents within the jurisdiction of the House or Senate. USERRA authorizes civil actions against private-sector employees in which courts exercise their ordinary subpoena authority. As noted in row 4 above, USERRA does not, by its own terms, entitle legislative branch employees to either file an administrative complaint or commence a civil action. The CAA does authorize civil actions, as well as administrative adjudications, but such authorization is subject to § 413 of the CAA, by which the House and Senate decline to waive certain powers relating to records and information, as discussed in connection with Title VII at page 3, row 13, above.	38 U.S.C. § 4323(a)(2), (b).
6. Four-year statute of limitation. USERRA states that no state statute of limitations shall apply, but otherwise provides no statute of limitations. Under 28 U.S.C. § 1658, statutes like USERRA enacted after December 1, 1990, have a 4-year statute of limitations unless otherwise provided by law. As noted in row 4 above, USERRA does not entitle legislative branch employees to either file an administrative complaint or commence a civil action. Under the CAA, proceedings must be commenced within 180 days after the alleged violation.	38 U.S.C. § 4323(c)(6).
Damages:	
7. Liquidated damages. Under USERRA, 38 U.S.C. § 4323(c)(1)(A)(iii) grants the district courts jurisdiction to require a private-sector employer to pay not only compensatory damages, but also an equal amount of liquidated damages. This provision does not, by its own terms, extend to the legislative branch. Under the CAA, § 206(b) provides that the remedy for a violation of § 206(a) of the CAA shall include such remedy as would be appropriate if awarded under 38 U.S.C. § 4323(c)(1). However, the CAA does not state specifically whether the liquidated damages authorized by subparagraph (A)(iii) of § 4323(c)(1) are included among the remedies incorporated by § 206(a). By contrast, in the two other instances where a law made generally applicable by the CAA provides for liquidated damages, the CAA states specifically that the liquidated damages are incorporated. *See* § 201(b)(2)(B) of the CAA (authorizing the award of "such liquidated damages as would be appropriate if awarded under section 7(b) of [the ADEA]'); § 203(b) of the CAA (authorizing the award of "such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the [FLSA]").	38 U.S.C. § 4323(c)(1)(A)(iii).

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 ("OSHAct")

A. SUBSTANTIVE RIGHTS AND PROTECTIONS	
1. Employers may not retaliate against employees of other employers. § 11(c) of the OSHAct forbids retaliation against "any employee" for exercising rights under the OSHAct, and Labor Department regulations state that "because section 11(c) speaks in terms of any employee, it is also clear that the employee need not be an employee of the discriminator." 29 C.F.R. § 1977.5(b). Under the CAA, an employing office may be charged with retaliation under § 207 only by a "covered employee," defined as an employee of the nine legislative-branch employers listed in § 101(3).	Sec. 11(c); *29 U.S.C. § 660(c).*
2. Unions and other "persons" not acting as employers may not retaliate. § 11(c) of the OSHAct forbids retaliation against an employee by any "person," and § 3(4) defines "person" broadly to include "one or more individuals" or "any organized group of persons." Regulations of the Labor Secretary explain: "A person may be chargeable with discriminatory action against an employee of another person. § 11(c) would extend to such entities as organizations representing employees for collective bargaining purposes, employment agencies, or any other person in a position to discriminate against an employee." 29 C.F.R. § 1977.5(b). Under the CAA, § 207 forbids retaliation only by an employing office.	Secs. 3(4), 11(c); *29 U.S.C. §§ 652(4), 660(c).*
B. ENFORCEMENT	
Agency Enforcement Authorities:	
3. Authority to conduct *ad hoc* inspections without a formal request by an employing office or covered employee. § 8(a) of the OSHAct authorizes the Labor Secretary to conduct inspections in the private sector at any reasonable times. Under the CAA, § 215(c)(1), (e)(1) references § 8(a) of the OSHAct, but only for the purpose of authorizing the General Counsel to exercise the Secretary's authority in making inspections. However, § 215(c)(1), (e) only provides express authority to inspect "[u]pon written request of any employing office or covered employee" or in "periodic inspections" that are "[o]n a regular basis, and at least once each Congress.".	Sec. 8(a); *29 U.S.C. § 657(a).*
4. Grant of investigatory powers. The OSHAct empowers the Labor Secretary, in conducting an inspection or investigation, to compel the production of evidence under oath. The CAA neither references § 8(b) nor sets forth similar provisions granting compulsory process in the context of inspections and investigations. (§ 405(f) of the CAA grants subpoena powers to hearing officers, but these CAA authorities do not grant subpoena powers for use in agency inspection or investigation.).	Sec. 8(b); *29 U.S.C. § 657(b).*
5. Authority to require recordkeeping and reporting of general work-related injuries and illnesses. The OSHAct requires employers to make and preserve such records as the Labor Secretary, in consultation with the HHS Secretary, may prescribe by regulation as necessary or appropriate for enforcement, and to file such reports as the Secretary may prescribe by regulation. Employers must also maintain records and make periodic reports on work-related deaths, injuries, and illnesses, and maintain records of employee exposure to toxic materials. The CAA does not reference these provisions, and the Board, in adopting implementing regulations, determined that these requirements were not made applicable by the CAA. 143 Cong. Rec. S64 (Jan. 7, 1997). However, the Board did incorporate into its regulations several employee-notification requirements with respect to particular hazards that are contained in specific Labor Department standards.	Secs. 8(c), 24(e); *29 U.S.C. §§ 657(c), 673(e).*
6. Agency enforcement of the prohibition against retaliation. Under the OSHAct, an employee who has suffered retaliation may file a complaint with the Labor Secretary, who shall conduct an investigation and, if there was a violation, shall sue in district court. The CAA does not reference these provisions and no provision of the CAA sets forth similar provisions authorizing an agency to investigate a complaint of retaliation or to bring an enforcement proceeding.	Sec. 11(c)(2); *29 U.S.C. § 660(c)(2).*

OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 ("OSHAct")—Continued

Administrative and Judicial Procedures and Remedies:	
7. Individual liability for retaliation. Because § 11(c) of the OSHAct forbids retaliation by "any person," an employee's officer responsible for retaliation may be sued and, in appropriate circumstances, be held liable. *See Donovan* v. *Diplomat Envelope Corp.*, 587 F. Supp. 1417, 1425 (E.D.N.Y. 1984) ("We cannot rule out the possibility that damages might under some circumstances be appropriately imposed upon an employer's officer responsible for a discriminatory discharge.") The CAA does not reference § 11(c) of the OSHAct, and individuals may be neither sued nor held liable under the CAA because § 207 forbids retaliation only by an employing office, only an employing office may be named as respondent or defendant under §§ 401–408, and all awards and settlements must generally be paid out of an account of the Office of Compliance under § 415(a).	Sec. 11(c); *29 U.S.C. § 660(c).*
8. Employer's burden to contest a citation within 15 days. The OSHAct provides that the employer has the burden of contesting a citation within 15 days, or else the citation becomes final and unreviewable. The CAA does not reference these provisions, and § 215(c)(3) of the CAA places the burden of initiating proceedings on the General Counsel.	Sec. 10(a); *29 U.S.C. § 659(a).*
9. Employees' right to challenge the abatement period. The OSHAct gives employees or their representatives the right to challenge, in an adjudicatory hearing, the period of time fixed in a citation for the abatement of a violation. The CAA neither references these provisions nor sets forth similar provisions establishing a process by which employees or their representatives may challenge the abatement period.	Sec. 10(c); *29 U.S.C. § 659(c).*
10. Employees' right to participate as parties in hearings on citations. The OSHAct gives affected employees or their representatives the right to participate as parties in hearings on a citation. The CAA neither references these provisions nor sets forth similar provisions allowing employees or their representatives to participate as parties.	Sec. 10(c); *29 U.S.C. § 659(c).*
11. Employees' right to take appeal from administrative orders on citations. The OSHAct gives "any person adversely affected or aggrieved" by an order on a citation the right to appeal to the U.S. Courts of Appeals. The CAA does not reference these provisions, and § 215 (c)(3), (5) sets forth authority for the employing office and the General Counsel to bring or participate in administrative or judicial appeals on a citation only.	Sec. 11(a); *29 U.S.C. § 660(a).*
12. Enforceability of subpoenas for information or documents within the jurisdiction of the House or Senate. The OSHAct grants subpoena power to the Occupational Safety and Health Review Commission, which holds adjudicatory hearings under the OSHAct. The CAA also authorizes administrative adjudications, but such authorization is subject to § 413 of the CAA, by which the House and Senate decline to waive certain powers relating to records and information, as discussed in connection with Title VII at page 3, row 13, above.	Sec. 12(h)–(i); *29 U.S.C. § 661(h)–(i).*
13. Court jurisdiction, upon petition of the agency, to restrain imminent danger. § 13(a) of the OSHAct grants jurisdiction to the district courts, upon petition of the Labor Secretary, to restrain an imminent danger. Under the CAA, § 215(b) references § 13(a) of the OSHAct to the extent of providing that "the remedy for a violation" shall be "an order to correct the violation, including such order as would be appropriate if issued under section 13(a)." However, the only process set forth in the CAA for the granting of remedies is the citation procedure under §§ 215(c)(2)–(3) and 405, culminating when the hearing officer issues a written decision that shall "order such remedies as are appropriate pursuant to title II [of the CAA]." Thus, the CAA does not expressly grant jurisdiction to courts to issue restraining orders authorized under § 215(b) and does not expressly authorize the General Counsel to petition for such restraining orders. However, § 4.12 of the Procedural Rules of the Office of Compliance states that, if the General Counsel's designee concludes that an imminent danger exists, "he or she shall inform the affected employees and the employing offices . . . that he or she is recommending the filing of a petition to restrain such conditions or practices . . . in accordance with section 13(a) of the OSHAct, as applied by section 215(b) of the CAA.	Sec. 13(a) *29 U.S.C. § 662.*
14. Employees' right to sue for mandamus compelling the Labor Secretary to seek a restraining order against an imminent danger. The OSHAct gives employees at risk or their representatives the right to sue for a writ of mandamus to compel the Secretary to seek a restraining order and for further appropriate relief. The CAA neither references these provisions nor sets forth similar provisions authorizing employees or their representatives to seek to compel an agency to act.	Sec. 13(d); *29 U.S.C. § 662(d)*
Civil and Criminal Penalties:	
15. Civil penalties for violation. Civil penalties may be assessed for violations of the OSHAct, graded in terms of seriousness and willfulness of the violation. The CAA does not reference these provisions, and § 225(c) of the CAA specifically precludes the awarding of civil penalties.	Sec. 17(a)–(d), (i)–(l); *29 U.S.C. § 666(a)–(d), (i)–(l).*
16. Criminal penalties for willful violation causing death. Under the OSHAct, fines and imprisonment may be imposed for a willful violation causing death. The CAA neither references these provisions nor sets forth similar provisions imposing criminal penalties.	Sec. 17(e); *29 U.S.C. § 666(e)*
17. Criminal penalties for giving unauthorized advance notice of inspection. Under the OSHAct, fines and imprisonment may be imposed for giving unauthorized advance notice of an inspection. The CAA does not reference these provisions or otherwise provide for criminal penalties. § 4.06 of the Procedural Rules of the Office of Compliance forbids giving advance notice of inspections except as authorized by the General Counsel in specified circumstances, but applicable penalties are not specified.	Sec. 17(f); *29 U.S.C. § 666(f).*
18. Criminal penalties for knowingly making false statements. Under the OSHAct, fines and imprisonment may be imposed for knowingly making false statements in any application, record, or report under the OSHAct. The CAA neither references these provisions nor sets forth similar provisions imposing criminal penalties.	Sec. 17(g); *29 U.S.C. § 666(g).*
C. OTHER AGENCY AUTHORITIES	
19. Requirement that citations be posted. § 9(b) of the OSHAct requires that each citation be posted at or near the place of violation, as prescribed by "regulations issued by the Secretary." The Secretary may enforce this requirement under §§ 9 and 17 of the OSHAct, which include authority to issue citations and to assess of seek civil and criminal penalties for a violation of any "regulations prescribed pursuant to" the OSHAct. Under the CAA, § 215(c)(2) references § 9 of the OSHAct, but only to the extent of granting the General Counsel the authorities of the Secretary "to issue" a citation or notice, and the CAA does not expressly state whether the employing office has a duty to post the citation. § 4.13 of the Procedural Rules of the Office of Compliance directs employing offices to post citations, but the Procedural Rules are issued under § 303 of the CAA, which authorizes the adoption of rules governing "the procedures of the Office [of Compliance]." Furthermore, as to whether a requirement to post citations is enforceable under the CAA, the only enforcement mechanism stated in § 215 is set forth in subsection (c)(2), which authorizes the General Counsel to issue citations "to any employing office responsible for correcting a violation of subsection (a)"; but subsection (a) does not expressly reference either § 9(b) of the OSHAct or the Office's Procedural Rules.	Sec. 9(b); *29 U.S.C. § 658(b).*

APPENDIX II—ENFORCEMENT REGIMES OF CERTAIN LAWS MADE APPLICABLE BY THE CAA

The tables in this Appendix show the elements of private-sector enforcement regimes for nine of the laws made applicable by the CAA: Title VII, ADEA, EPA, ADA title I, FMLA, FLSA, EPPA, WARN Act, and USERRA. (Because ADA title I incorporates powers and procedures from Title VII, these two laws are combined in a single table.) These nine are the laws for which the CAA does not grant investigatory or prosecutory authority to the Office of Compliance. ADA titles II–II, the OSHAct, and Chapter 71, for which the CAA does grant such enforcement authority to the Office of Compliance, are not included in these tables.

In each of the tables, agency enforcement authority is described in the following six categories:

1. Initiation of agency investigation, whether by receipt of a charge by an affected individual or by agency initiative.
2. Investigatory powers of the agency, including authority to conduct on-site investigations and power to issue and enforce subpoenas.
3. Authority to seek compliance by informal conference, conciliation, and persuasion.
4. Prosecutory authority, including power of an agency to commence civil actions, the remedies available, and the authority to seek fines or civil penalties.
5. Authority of the agency to issue advisory opinions.
6. Recordkeeping and reporting requirements.

TITLE VII AND AMERICANS WITH DISABILITIES ACT (TITLE I)

The ADA (title I) incorporates by reference the enforcement powers, remedies, and procedures of Title VII,[1] and is therefore summarized here in the same chart as Title VII.

1. Initiation of investigation. *Individual charges*. When an individual claimant files a charge, Title VII and the ADA require the EEOC to serve notice of the charge on the respondent and to investigate.[2] *Commissioner charges*. Title VII and the ADA also require the EEOC to serve notice and to investigate any charge filed by a Member of the EEOC.[3] Commissioner charges are ordinarily based on leads developed by EEOC field offices.

2. Investigatory powers.

On-site investigation. In connection with the investigation of an individual charge or a Commissioner charge, Title VII and the ADA authorize the EEOC and its representatives to "have access to, for purposes of examination, and the right to copy any evidence."[4] According to the EEOC Compliance Manual, this authority includes interviewing witnesses.[5]

Subpoenas. *Issuance*. Title VII and the ADA grant the EEOC the power to issue subpoenas, relying on authorities under the NLRA,[6] and EEOC regulations specify that subpoenas may be issued by any Commission member or any District Directors and certain other agency Directors and "any representatives designated by the Commission."[7] *Petitions for revocation or modification*. Under EEOC regulations, Title VII and ADA subpoenas may be challenged by petition to the Director who issued the subpoena, who shall either grant the petition in its entirety or submit a proposed determination to the Commission for final determination.[8] *Enforcement*. Title VII and the ADA also empower the EEOC to seek district court enforcement of such subpoenas under authorities of the NLRA,[9] and EEOC regulations specify that the General Counsel or his or her designee may institute such proceedings.[10]

3. "Reasonable cause" determination; Conciliation. Title VII and the ADA provide that, if the EEOC determines after investigation that there is "reasonable cause to believe that the charge is true," then the

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[1] Footnotes at end of article.

EEOC must "endeavor to eliminate any such alleged unlawful employment practice" by informal "conference, conciliation, and persuasion"; otherwise, the EEOC must dismiss the charge and send notice to the parties, including a right-to-sue letter to the person aggrieved.[11]

4. Prosecutory authority.

Civil enforcement actions. *Generally*. The EEOC has the authority to prosecute alleged private-sector Title VII and ADA violations in district court, after the Commission has found "reasonable cause" and has been unable to resolve the case through "conference, conciliation, and persuasion."[12] The EEOC General Counsel brings such civil actions on behalf of the EEOC. *Remedies*. The agency may request Title VII remedies (injunction, with or without back pay);[13] compensatory or punitive damages may be granted only in an "action brought by a complaining party."[14] Title VII and the ADA also authorize the EEOC to ask the district courts for temporary or preliminary relief.[15]

Relation with private right of action. If the EEOC sues, Title VII specifically authorizes the person aggrieved to intervene.[16] If the EEOC dismisses the charge, or fails to either enter into a conciliation agreement including the person aggrieved or commence a civil action within 180 days after the charge is filed, the EEOC must issue a right-to-sue letter to the person aggrieved, who may then sue; and the EEOC may then intervene if the case is of "general public importance."[17]

Fine for notice-posting violation. Title VII (though not the ADA) imposes a fine of not more than $100 for a willful violation of notice-posting requirements.[18] The EEOC Compliance Manual states that the EEOC district or area office can levy such a fine, and, if a respondent is unwilling to pay, "The Regional Attorney should be notified."[19]

5. Advisory opinions. *Title VII*. Title VII establishes a defense for good-faith reliance on "any written interpretation or opinion of the Commission."[20] EEOC regulations specify that the following may be relied upon as such: (i) an "opinion letter" of the Legal Counsel or the General Counsel approved by the Commission, (ii) a Federal Register publication designated as an "interpretation or opinion," or (iii) an "interpretation or opinion" included in a Commission determination of no reasonable cause.[21] *ADA*. Unlike the other discrimination laws, the ADA does not establish a defense for good-faith reliance on advisory opinions, and EEOC regulations do not provide for their issuance. Nevertheless, the EEOC appended "interpretive guidance" to its substantive regulations, stating that "the Commission will be guided by it when resolving charges of employment discrimination."[22]

6. Recordkeeping/reporting. Title VII and the ADA require employers to make and preserve records, and to make reports, as the EEOC shall prescribe "by regulation or order, after public hearing."[23] *Recordkeeping*. EEOC regulations require employers to preserve for one year "[a]ny personnel or employment record,"[24] and also reserve the right to impose specific recordkeeping requirements on individual employers or group of employers.[25] The EEOC's Title VII "Uniform Guidelines on Employee Selection Procedures" require that records be maintained by users of such procedures.[26] *Reporting*. EEOC regulations require employers having 100 or more employees to file an annual Title VII "Employer Information Report EEO–1,"[27] and also reserve the right to impose special or supplementary reporting requirements on individual employers or groups of employers under either Title VII or the ADA.[28] *Enforcement*. The EEOC may ask district courts to order compliance with Title VII and the ADA recordkeeping and reporting requirements.[29]

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

The ADEA is a procedural hybrid, modeling some of its procedures on Title VII, and incorporating other procedures from the FLSA. The ADEA was originally implemented and enforced by the Labor Department; the Secretary's functions were transferred to the EEOC by the Reorganization Plan in 1978,[30] and ADEA procedures were conformed in some respects to those of Title VII by the Civil Rights Act of 1991.

1. Initiation of investigation. *Individual charges*. Upon receiving any ADEA complaint, the EEOC must notify the respondent.[31] Unlike Title VII and the ADA, the ADEA does not specifically require the EEOC to investigate complaints, but the EEOC applies a uniform policy for all discrimination laws, conducting an investigation appropriate to each particular charge.[32] *Directed investigations*. Unlike Commissioner charges under Title VII or the ADA, directed investigations under the ADEA may be commenced without action by an EEOC Member or notice to the respondent.

2. Investigatory powers. The ADEA grants the EEOC broad investigatory power by reference to the FLSA.[33] With respect to subpoenas, the FLSA relies, in turn, on authorities of the FTC Act.[34]

On-site investigation. The EEOC and its representatives are authorized to investigate and gather data, enter and inspect an employer's premises and records, and question employees to "determine whether any person has violated" the ADEA or which may "aid in . . . enforcement."[35]

Subpoenas. *Issuance*. The ADEA, relying on authorities of the FTC Act, grants to the EEOC the power to issue subpoenas.[36] EEOC regulations, citing the agency's power to delegate under the ADEA, delegate subpoena power to agency Directors and the General Counsel or their designees.[37] Unlike under Title VII and the ADA, there is no procedure for asking the EEOC to reconsider or review a subpoena under the ADEA.[38] *Enforcement*. The ADEA authorizes the EEOC to invoke the aid of Federal courts to enforce subpoenas under authorities of the FTC Act,[39] and the EEOC Compliance Manual specifies that the Office of General Counsel and the Regional Attorneys may institute such proceedings.[40]

3. "Reasonable cause" determination; Conciliation. The ADEA provides that, upon receiving a charge, the EEOC must "seek to eliminate any alleged unlawful practice" by informal "conference, conciliation, and persuasion."[41] The ADEA, unlike Title VII and the ADA, does not require the Commission to make a "reasonable cause" determination as a prerequisite to conciliation, but EEOC regulations state that informal conciliation will be undertaken when the Commission has a "reasonable basis to conclude" that a violation has occurred or will occur.[42]

4. Prosecutory authority.

Civil actions. *Generally*. The EEOC has authority to prosecute alleged ADEA violations in district court if the EEOC is unable to "effect voluntary compliance" through informal conciliation.[43] The EEOC General Counsel brings such civil actions on behalf of the EEOC. *Remedies*. The agency may request amounts owing under the ADEA, including liquidated damages in case of willful violations, and an order restraining violations, including an order to pay compensation due.[44]

Relation with private right of action. An individual may bring a civil action 60 days after a charge is filed[45] and must sue within 90 days after receiving notice from the EEOC that the charge has been dismissed or proceedings otherwise terminated.[46] Thus, in contrast to Title VII and the ADA, the ADEA does not require that the EEOC issue a right to sue letter before an individual may sue.[47] As is the case under the FLSA, the EEOC's commencement of a suit on the individual's behalf terminates the individual's unexercised right to sue,[48] but most cases hold that an EEOC suit filed after an individual has commenced a suit does not terminate the individual's suit.[49]

5. Advisory opinions. The ADEA establishes a defense for good-faith reliance on "any written administrative regulation, order, ruling, approval, or interpretation" of the EEOC.[50] EEOC regulations specify that the following may be relied upon as such: (i) an "opinion letter" of the Legal Counsel or the General Counsel approved by the Commission, or (ii) a Federal Register publication designated as an "interpretation or opinion';[51] and the EEOC has codified a body of its ADEA interpretations in the Code of Federal Regulations.[52]

6. Recordkeeping/reporting. The ADEA empowers the EEOC to require the keeping of necessary and appropriate records in accordance with the powers in section 11 of the FLSA. *Recordkeeping*. EEOC regulations specify the "payroll" records that employers must maintain and preserve for at least 3 years and "personnel or employment" records that employers must maintain and preserve for at least 1 year.[53] *Reporting*. Although the ADEA does not specifically require employees to submit reports, it references FLSA provisions requiring every employer "to make such reports" from required records as the Administrator shall prescribe.[54] EEOC regulations require each employer to make "such extension, recomputation, or transcription" of records and to submit "such reports concerning actions taken and limitations and classifications of individuals set forth in records" as the EEOC or its representative may request in writing.[55]

EQUAL PAY ACT

The enforcement regime for the Equal Pay Act ("EPA") is a hybrid between the FLSA model and the Title VII model. The EPA legislation in 1963 added a new section 6(d) to the FLSA establishing substantive rights and responsibilities,[56] and relied on the existing FLSA provisions establishing enforcement powers, remedies, and procedures. The EPA was, at first, implemented and enforced by the Labor Department with the rest of the FLSA; the Secretary's EPA functions were transferred to the EEOC by the Reorganization Plan in 1978,[57] and the EEOC has conformed its EPA enforcement processes with those for Title VII in some respects.

1. Initiation of investigation. *Individual complaints*. Unlike the other discrimination laws, the FLSA, as amended by the EPA, does not require the EEOC to notify the respondent or to investigate complaints. However, the EEOC applies a uniform policy for all discrimination laws, conducting an investigation appropriate to each particular charge.[58] *Directed investigations*. Unlike Commissioner charges under Title VII and the ADA, directed investigations under the ADEA may be commenced without action by an EEOC Member or notice to the respondent.

2. Investigatory powers. The FLSA, of which the EPA is a part, grants the EEOC broad investigatory authority.[59] With respect to subpoenas, the FLSA relies, in turn, on authorities of the FTC Act.[60]

On-site investigation. The FLSA, as amended by the EPA, authorizes the EEOC and its representatives to investigate and gather data, enter and inspect an employer's premises and records, and question employees to "determine whether any person has violated" the EPA or which may "aid in . . . enforcement" of the EPA.[61]

Subpoenas. Under the FLSA, as amended by the EPA, the EEOC can issue and enforce subpoenas, relying on the authorities of the FTC Act.[62] *Issuance.* The power under the FLSA to issue subpoenas may not be delegated,[63] and EEOC regulations provide that subpoenas may be issued by any Member of the Commission.[64] *Enforcement.* The FLSA, as amended by the EPA, authorizes the EEOC to invoke the aid of Federal courts to enforce subpoenas,[65] and the EEOC Compliance Manual specifies that the Office of General Counsel and the Regional Attorneys may institute such proceedings.[66]

3. "Reasonable Cause" Determination; Conciliation. The FLSA, as amended by the EPA, does not require the EEOC to issue a written determination on each case or to undertake conciliation efforts. However, it is EEOC's uniform policy to issue "reasonable cause" letters for all laws, once a case has been found to meet the reasonable cause standard,[67] and EEOC office directors are granted discretion to invite a respondent to engage in conciliation negotiations when a "reasonable cause" letter is issued.[68]

4. Prosecutory authority.

Civil proceedings. *Generally.* The EEOC has the authority to prosecute alleged EPA violations in district court.[69] Unlike other discrimination laws, the FLSA, as amended by the EPA, authorizes the EEOC to sue without first having undertaken conciliation efforts. The EEOC General Counsel brings such civil actions on behalf of the EEOC. *Remedies.* The agency may request back wages, plus an equal amount in liquidated damages on behalf of aggrieved persons, and may also seek an injunction in federal district court restraining violations, including an order to pay compensation due, plus interest.[70]

Relation with private right of action. Unlike the other discrimination laws, the FLSA, as amended by the EPA, does not require an individual to first file a charge with the EEOC and await conciliation efforts before bringing a civil action.[71] If the EEOC first commences suit on the individual's behalf, the individual's right to bring suit terminates.[72]

5. Advisory opinions. The Portal-to-Portal Act ("PPA") establishes a defense for good-faith reliance on the "written administrative regulation, order, ruling, approval, or interpretation" of the Administrator.[73] The EEOC has published procedures for requesting opinion letters under the EPA, and has specified that the following may be relied upon as such: (i) an "opinion letter" of the Legal Counsel or the General Counsel approved by the Commission, or (ii) a Federal Register publication designated as an "interpretation or opinion."[74]

6. Recordkeeping/reporting. Under the FLSA, as amended by the EPA, every employer must make and preserve such records, and "make such reports therefrom," as the EEOC shall prescribe "by regulation or order."[75] *Recordkeeping.* The EEOC regulations adopt by reference the Labor Department's FLSA regulations specifying the "payroll" and other records that employers must maintain and preserve for at least 3 years and the "employment and earnings" records that employers must maintain and preserve for at least 2 years.[76] In addition, EEOC regulations require employers to preserve for 2 years any records made in the ordinary course of business that describe or explain any differential in wages paid to members of the opposite sex in the same establishment.[77] *Reporting.* The Labor Department's regulations, which are adopted by reference by EEOC's regulations, also require each employer to make "such extension, recomputation, or transcription" of required records, and to submit "such reports," as may be "require[d] in writing."[78]

FAMILY AND MEDICAL LEAVE ACT OF 1993

The FMLA incorporates much of the investigative authority set forth in the FLSA[79] and establishes prosecutorial powers modeled on those in the FLSA.[80] Furthermore, the FMLA specifically requires the Secretary to "receive, investigate, and attempt to resolve" complaints of violations "in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of [FLSA] violations."[81]

1. Initiation of investigation. *Individual complaints.* The FMLA requires that complaints be received and investigated in the same manner as FLSA complaints, even though the FLSA itself does not require the receipt and investigation of individual complaints. In practice, as the Wage and Hour Division receives and accepts complaints, which it analyzes and investigates on a worst-first priority basis,[82] the Division is required to do the same for FMLA complaints. *Directed investigations.* The FMLA references the investigatory power as the FLSA,[83] under which authority the Division conducts directed investigations.[84]

2. Investigatory powers.

On-site investigation. The FMLA references the investigatory power of the FLSA,[85] which affords authority to the Administrator and his representatives to investigate and gather data, enter and inspect an employer's premises and records, and question employees to "determine whether any person has violated" the FLSA or which may "aid in . . . enforcement" of the FLSA.[86]

Subpoenas. The FMLA incorporates the subpoena power set forth in the FLSA, under which the Secretary and the Administrator can issue and enforce subpoenas, relying on the authorities of the FTC Act.[87] *Issuance.* The power of the Secretary and the Administrator to issue subpoenas under the FLSA may not be delegated.[88] *Enforcement.* The FLSA authorizes the Secretary and the Administrator to invoke the aid of Federal courts to enforce subpoenas,[89] and that such civil litigation on behalf of the Department is handled by the Solicitor of Labor and the Regional Solicitors.

3. Conciliation. The FMLA requires the Secretary to "attempt to resolve" FMLA complaints in the same way as FLSA complaints, even though the FLSA does not require conciliation. In practice, however, where the FLSA violation appears to be minor and to involve only a single individual, the investigator will ask the employee for permission to use his or her name and will then telephone the employer to ask for a response to the charge, and, if there appears to be a violation, will close the matter upon the payment of back wages.[90]

4. Prosecutory authority.

Civil proceedings. *Generally.* The Secretary has the authority to prosecute alleged FMLA violations in district court.[91] The FMLA specifies that the Solicitor of Labor may represent the Secretary in any such litigation.[92] *Remedies.* The agency may seek: (i) damages, including liquidated damages, owing to an employee, and (ii) an order restraining violations, including an order to pay compensation due, or other equitable relief.[93]

Relation with private right of action. Unlike the discrimination laws, but like the FLSA, the FMLA does not require an individual to first file a charge with the agency and await conciliation efforts before bringing a civil action.[94] However, if the Labor Department first commences suit on the individual's behalf, the individual's right to bring suit terminates.[95]

Administrative assessment of civil penalties. Civil penalties for violation of notice-posting requirements[96] may be assessed, according to the Secretary's regulations, by any Labor Department representative, subject to appeal to the Wage and Hour Regional Administrator, and subject to judicial collection proceeding commenced by the Solicitor of Labor.[97]

5. Advisory opinions. Although the FMLA establishes a defense against liquidated damages for good-faith violations where the employer had reasonable cause to believe the conduct was not a violation,[98] the Act does not refer specifically to reliance on interpretations or opinions of the Secretary or the Administrator, and the Secretary's regulations contain neither FMLA interpretations or opinions designated as such nor procedures for requesting interpretations or opinions.

6. Recordkeeping/reporting. *Recordkeeping.* The FMLA requires employers to make, keep, and preserve records in accordance with regulations of the Secretary,[99] and those regulations specify the records regarding payroll, benefits, and FMLA leave and disputes that employers must maintain and preserve for 3 years.[100] *Reporting.* The FMLA references the recordkeeping authorities under the FLSA, which include the requirement that employers shall make "reports therefrom [from required records]" as the Administrator shall "prescribe by regulation or order."[101] The FMLA further provides that the Secretary may not require an employer to submit to the Secretary any books or records more than once in 12 months, unless the Secretary has reasonable cause to believe there may be a violation or is investigating an employee charge.[102] The Secretary's FMLA regulations indicate that employers must submit records "specifically requested by a Departmental official" and must prepare "extensions or transcriptions" of information in the records "upon request."[103]

FAIR LABOR STANDARDS ACT OF 1938

1. Initiation of investigation. *Individual complaints.* Unlike Title VII, the FLSA does not specifically require the investigation of individual complaints, but the Wage and Hour Division receives and accepts complaints, which it analyzes and investigates on a worst-first priority basis.[104] *Directed investigations.* The FLSA has no counterpart to the Commissioner charges under Title VII. Instead, the Division can conduct directed investigations without formal approval by the head of the agency, developing leads from a variety of sources.[105] The Division also conducts periodic compliance surveys, reviewing wages paid to a statistical sampling of employees at a random sample of employers, and may initiate a directed investigation when a violation is evident.[106]

2. Investigatory powers.

On-site investigation. The FLSA authorizes the Administrator and his representatives to investigate and gather data, enter and inspect an employer's premises and records, and question employees to "determine whether any person has violated" the

FLSA or which may "aid in . . . enforcement" of the FLSA.[107]

Subpoenas. Under the FLSA, the Secretary and the Administrator can issue and enforce subpoenas, relying on the authorities of the FTC Act.[108] *Issuance*. The power of the Secretary and the Administrator to issue subpoenas under the FLSA may not be delegated.[109] *Enforcement*. The FLSA authorizes the Secretary and the Administrator to invoke the aid of Federal courts to enforce subpoenas,[110] and such civil litigation on behalf of the Department is handled by the Solicitor of Labor and the Regional Solicitors.

3. Conciliation. Unlike Title VII, the FLSA does not require "reasonable cause" determinations or conciliation. In practice, where the violation appears to be minor and to involve only a single individual, the investigator will ask the employee for permission to use of his or her name and will then telephone the employer to ask for a response to the charge, and, if there appears to be a violation, will close the matter upon the payment of back wages.[111]

4. Prosecutory authority.

Civil proceedings. *Generally*. The Secretary has the authority to prosecute alleged FLSA violations in district court.[112] The Solicitor of Labor and Regional Solicitors are responsible for bringing litigation on behalf of the Administrator. *Remedies*. The agency may seek: *(i)* unpaid minimum wages or overtime compensation and liquidated damages owing to an employee, *(ii)* civil penalties, and *(iii)* an order restraining violations, including an order to pay compensation due.[113]

Relation with private right of action. Unlike the discrimination laws, the FLSA does not require an individual to first file a charge with the agency and await conciliation efforts before bringing a civil action.[114] However, if the Labor Department first commences suit on the individual's behalf, the individual's right to bring suit terminates.[115]

Administrative assessment of civil penalties; criminal proceedings. Civil penalties for repeated or willful violations or for child labor violations are assessed initially by the Secretary, and, if the respondent takes exception, are decided through adjudication before an ALJ, subject to appeal to the Labor Secretary and judicial review in federal district court.[116] The FLSA also imposes fines and imprisonment for willful violations.[117]

5. Advisory opinions. The Portal-to-Portal Act establishes a defense for good-faith reliance on the "written administrative regulation, order, ruling, approval, or interpretation" of the Administrator.[118] The Administrator has issued interpretative bulletins and advisory opinions "to indicate the construction of the law which will guide the Administrator in the performance of his administrative duties."[119]

6. Recordkeeping/reporting. The FLSA requires every employer to make and preserve such records, and "to make such reports therefrom," as the Wage and Hour Administrator shall prescribe "by regulation or order."[120] *Recordkeeping*. Labor Department regulations specify the "payroll" and other records that employers must maintain and preserve for at least 3 years and the "employment and earnings" records that employers must maintain and preserve for at least 2 years.[121] *Reporting*. These regulations also require each employer to make "such extension, recomputation, or transcription" of required records, and to submit "such reports," as the Administrator may "request in writing."[122]

EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

The enforcement regime under the EPPA is similar to that under the FLSA in some respects, and in other respects is *sui generis*.

1. Initiation of investigation. *Individual complaints*. Like the FLSA and unlike Title VII, the EPPA does not specifically require the investigation of individual complaints. However, the Labor Secretary's regulations provide that the Wage and Hour Division will receive reports of violations from any person.[123] *Directed investigations*. Like the FLSA and unlike Title VII, the EPPA authorizes the Labor Department to conduct directed investigations without formal approval by the head of the agency.[124]

2. Investigatory powers.

On-site investigation. The EPPA authorizes the Secretary to make "necessary or appropriate" investigations and inspections.[125]

Subpoenas. Under the EPPA, as under the FLSA, the Secretary can issue and enforce subpoenas, relying on the authorities of the FTC Act.[126] The EPPA authorizes the Secretary to invoke the aid of Federal courts to enforce subpoenas,[127] and civil litigation on behalf of the Department is handled by the Solicitor of Labor.[128]

3. Conciliation. Like the FLSA and unlike Title VII, the EPPA does not require "reasonable cause" determinations or conciliation.

4. Prosecutory authority.

Civil proceedings. *Generally*. The EPPA authorizes the Labor Secretary to prosecute in alleged EPPA violations in district court.[129] The Solicitor of Labor may represent the Secretary in such litigation.[130] *Remedies*. The agency may seek temporary or permanent restraining orders and injunctions to require compliance, including incidental relief such as reinstatement and back pay and benefits.[131]

Relation with private right of action. Unlike the discrimination laws, and like the FLSA, the EPPA does not require an individual to first file a charge with the agency and await conciliation efforts before bringing a civil action.[132] However, unlike both the discrimination laws and the FLSA, the EPPA does not state that the individual's right to bring suit to terminates upon the filing of an enforcement action by the Secretary.[133]

Administrative assessment of civil penalties. Civil penalties for violations are assessed initially by the Secretary. Applying the procedures of the Migrant and Seasonal Agricultural Worker Protection Act, the EPPA provides that, if the respondent takes exception, the validity of the assessment is decided through adjudication before an ALJ, who renders an initial decision subject to modification by the Labor Secretary, and subject to judicial review in federal district court.[134]

5. Advisory opinions. Unlike both Title VII and the FLSA, the EPPA establishes no defense for good-faith reliance on agency advisory opinions, and the Labor Secretary's EPPA regulations contain neither EPPA interpretations or opinions designated as such nor procedures for requesting interpretations or opinions. However, the regulations contain provisions that the Secretary characterized as "interpretations regarding the effect of . . . the Act on other laws and collective bargaining agreements."[135]

6. Recordkeeping/reporting. *Recordkeeping*. The EPPA requires the keeping of records "necessary or appropriate for the administration" of the EPPA.[136] Labor Department regulations specify the records regarding any polygraph use that employers and examiners must maintain and preserved for 3 years.[137] *Reporting*. The EPPA and Labor Department regulations do not impose any reporting requirements.

WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

The WARN Act establishes no agency investigative or enforcement authority, and is enforced solely through the private right of action.

1. Initiation of investigation. None.

2. Investigatory powers. None.

3. Conciliation. The WARN Act makes no provision for conciliation.

4. Prosecutory authority. None.

5. Advisory opinions. The WARN Act makes no provision for advisory opinions.

6. Recordkeeping/reporting. None.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994

1. Initiation of investigation. *Individual complaints*. When an employee files a complaint with the Secretary of Labor, the Secretary is required to investigate.[138] *Directed investigations*. The USERRA does not authorize investigations without an employee complaint.

2. Investigatory powers.

On-site investigation. In connection with the investigation of any complaint, USERRA authorizes the Secretary's "duly authorized representatives" to interview witnesses and to examine and copy any relevant documents.[139]

Subpoenas. *Issuance*. The Secretary can issue subpoenas under the USERRA.[140] *Enforcement*. The USERRA authorizes the Attorney General, upon the request of the Secretary, to invoke the aid of Federal courts to enforce subpoenas.[141]

3. Finding that violation occurred; conciliation. If the Secretary determines that the action alleged in a complaint occurred, the USERRA requires the Secretary to "attempt to resolve the complaint by making reasonable efforts to ensure" compliance.[142] If the Secretary is unable to resolve the complaint in this manner, the Secretary shall so notify the complaining employee.[143]

4. Prosecutory authority.

Civil proceedings. *Generally*. A complaining employee who receives notification that the Secretary could not resolve the complaint may ask the Secretary to refer the matter to the Attorney General, who, if reasonably satisfied that the complaint is meritorious, may prosecute the alleged USERRA violation in district court on behalf of the employee.[144] *Remedies*. The Attorney General may seek the same remedies as a private individual under USERRA: injunctions and orders requiring compliance, compensation for lost wages and benefits, and, for willful violations, liquidated damages.[145]

Relation with private right of action. Unlike the discrimination laws, the USERRA does not require an employee to first file an administrative complaint and await conciliation efforts before bringing a civil action.[146] If the employee does choose to file an administrative complaint, the employee may sue upon notification that the Secretary could not resolve the complaint informally, and may sue as well if the employee asks the Attorney General to take the case but the Attorney General declines.[147] If the employee asks the Attorney General to pursue the case and the Attorney General does so, the individual may not also pursue a private action.

5. Advisory opinions. The USERRA establishes no defense for good-faith reliance on agency advisory opinions, and the Labor Secretary has not promulgated in the Federal Register any interpretations or opinions designated as such nor procedures for requesting interpretations or opinions.

6. Recordkeeping/reporting. The USERRA imposes no recordkeeping or reporting requirements.

ENDNOTES

Notes regarding table 1—title VII & ADA (title I)

[1] §107(a) of the ADA, 42 U.S.C. §12117(a) (applying the powers, remedies, and procedures of §§705-707, 709, and 710 of Title VII, 42 U.S.C. §§2000e-4, 2000e-5, 2000e-6, 2000e-8, and 2000e-9).

[2] §706(b) of Title VII, 42 U.S.C. §2000e-5(b).

§107(a) of the ADA, 42 U.S.C. §12117(a) (applying the powers, remedies, and procedures of Title VII).

[3] §706(b) of Title VII, 42 U.S.C. §2000e-5(b).

§107(a) of the ADA, 42 U.S.C. §12117(a) (applying the powers, remedies, and procedures of Title VII).

[4] §709(a) of Title VII, 42 U.S.C. §2000e-8(a).

§107(a) of the ADA, 42 U.S.C. §12117(a) (applying the powers, remedies, and procedures of Title VII).

[5] 1 EEOC Compliance Manual, Vol. 1—Investigative Procedures §25.1 (BNA) 25:0001 (6/87).

[6] §710 of Title VII, 42 U.S.C. §2000e-9 (applying authorities under §11 of the NLRA, including paragraph (1) thereof, 29 U.S.C. §161(1)).

§107(a) of the ADA, 42 U.S.C. §12117(a) (applying the powers, remedies, and procedures of Title VII).

[7] 29 C.F.R. §1601.16(a).

[8] 29 C.F.R. §1601.16(b).

[9] §710 of Title VII, 42 U.S.C. §2000e-9 (applying §11 of the NLRA, including paragraph (2) thereof, 29 U.S.C. §161(2)).

§107(a) of the ADA, 42 U.S.C. §12117(a) (applying the powers, remedies, and procedures of Title VII).

[10] 29 C.F.R. §1601.16(d).

[11] §706(b) of Title VII, 42 U.S.C. §2000e-5(b).

§107(a) of the ADA, 42 U.S.C. §12117(a) (applying the powers, remedies, and procedures of Title VII).

[12] §706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

§107(a) of the ADA, 42 U.S.C. §12117(a) (applying the powers, remedies, and procedures of Title VII).

[13] §706(g)(1) of Title VII, 42 U.S.C. §2000e-5(g)(1).

§107(a) of the ADA, 42 U.S.C. §12117(a) (applying the powers, remedies, and procedures of Title VII).

[14] 42 U.S.C. §1981a(a)(1)-(2).

[15] §706(f)(2) of Title VII, 42 U.S.C. §2000e-5(f)(2).

§107(a) of the ADA, 42 U.S.C. §12117(a) (applying the powers, remedies, and procedures of Title VII).

[16] §706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

§107(a) of the ADA, 42 U.S.C. §12117(a) (applying the powers, remedies, and procedures of Title VII).

[17] §706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

§107(a) of the ADA, 42 U.S.C. §12117(a) (applying the powers, remedies, and procedures of Title VII).

[18] §711(b) of Title VII, 42 U.S.C. §2000e-10(b).

[19] 2 EEOC Compliance Manual, Vol. 2—Interpretive Manual §25.1 (BNA) 632:0019 (1/87).

[20] §713(b) of Title VII, 42 U.S.C. §2000e-12(b).

[21] 29 C.F.R. §1601.93 *et seq.*

[22] 29 C.F.R. part 1630 Appendix.

[23] §709(c) of Title VII, 42 U.S.C. §2000e-8(c).

§107(a) of the ADA, 42 U.S.C. §12117(a) (applying the powers, remedies, and procedures of Title VII).

[24] 29 C.F.R. §1602.14.

[25] 29 C.F.R. §1602.12.

[26] 29 C.F.R. §1607.4, 1607.15.

[27] 29 C.F.R. §1602.7.

[28] 29 C.F.R. §1602.11.

[29] §709(c) of Title VII, 42 U.S.C. §2000e-8(c).

§107(a) of the ADA, 42 U.S.C. §12117(a) (applying the powers, remedies, and procedures of Title VII).

Notes regarding table 2—ADEA

[30] Reorganization Plan No. 1 of 1978, §2, set out in 5 U.S.C. Appendix 1.

[31] §706(b) of Title VII, 42 U.S.C. §2000e-5(b).

[32] EEOC, *Priority Charge Handling Procedures* (June 20, 1995), *reprinted in* 3 EEOC Compliance Manual (BNA) N.3069, N.3070 (10/95).

[33] §7(a) of the ADEA, 29 U.S.C. §626(a) (granting the power to make investigations, in accordance with the powers and procedures provided in §§9 and 11 of the FLSA, 29 U.S.C. §§209, 211).

[34] §9 of the FLSA, 29 U.S.C. §209 (referencing §§9-10 of the Federal Trade Commission Act, 15 U.S.C. §§49-50.)

[35] §11(a) of the FLSA, 29 U.S.C. §211(a) (referenced by §7(a) of the ADEA, 29 U.S.C. §626(a)).

[36] §7(a) of the ADEA, 29 U.S.C. §626(a) (applying powers of §9 of the FLSA, 29 U.S.C. §209, which applies powers of §9 of the FTC Act, 15 U.S.C. §49).

[37] 29 C.F.R. §1626.16(b) (citing general authority to delegate under §6(a) of the ADEA, 29 U.S.C. §625(a)).

[38] 29 C.F.R. §1626.16(c).

[39] §7(a) of the ADEA, 29 U.S.C. §626(a) (applying powers of §9 of the FLSA, 29 U.S.C. §209, which applies powers of §§9-10 of the FTC Act, 15 U.S.C. §§49-50).

[40] 1 EEOC Compliance Manual, Vol. 1—Investigative Procedures §24.13 (BNA) 24:0009 (2/88).

[41] §7(b) of the ADEA, 29 U.S.C. §626(b).

[42] 29 C.F.R. §1626.15(b).

[43] §7(b) of the ADEA, 29 U.S.C. §626(b).

[44] *Id.*

[45] §7(d) of the ADEA, 29 U.S.C. §626(d).

[46] §7(e) of the ADEA, 29 U.S.C. §626(e).

[47] *See Crossman* v. *Crosson*, 905 F.Supp. 90, 93 n.1 (E.D.N.Y. 1995), *aff'd on other grounds*, 101 F.3d 684 (2nd Cir. 1996).

[48] §7(c)(1) of the ADEA, 29 U.S.C. §626(c)(1).

[49] *See* I Lindemann & Grossman, Employment Discrimination Law 574 (3d ed. 1996).

[50] §7(e) of the ADEA, 29 U.S.C. §626(e), referencing §10 of the Portal to Portal Act, 29 U.S.C. §259.

[51] 29 C.F.R. §1626.18.

[52] 29 C.F.R. §1625.1 *et seq.*

[53] 29 C.F.R. §1627.3(a)-(b).

[54] Sec. 11(c) of the FLSA, 29 U.S.C. §211(c).

[55] 29 C.F.R. §1627.7.

Notes regarding table 3—Equal Pay Act

[56] §6(d) of the FLSA, 29 U.S.C. §206(d), as added by Pub. L. 88-38, §3, 77 Stat. 56 (June 10, 1963).

[57] Reorganization Plan No. 1 of 1978, §2, set out in 5 U.S.C. Appendix 1.

[58] EEOC, *Priority Charge Handling Procedures* (June 20, 1995), *reprinted in* 3 EEOC Compliance Manual (BNA) N.3069, N.3070.

[59] §§9 and 11 of the FLSA, 29 U.S.C. §§209, 211.

[60] §9 of the FLSA, 29 U.S.C. §209 (referencing §§9-10 of the FTC Act, 15 U.S.C. §§49-50.)

[61] §11(a) of the FLSA, 29 U.S.C. §211(a).

[62] §9 of the FLSA, 29 U.S.C. §209 (referencing §§9-10 of the Federal Trade Commission ("FTC") Act, 15 U.S.C. §§49-50.)

[63] *See Cudahy Packing Co. of Louisiana, Ltd.*, v. *Holland*, 315 U.S. 357 (1942).

[64] 29 C.F.R. §1620.31.

[65] §9 of the FLSA, 29 U.S.C. §209 (applying the powers of §§9-10 of the FTC Act, 15 U.S.C. §§49-50.)

[66] 1 EEOC Compliance Manual, Vol. 1—Investigative Procedures §24.13 (BNA) 24:0009 (2/88).

[67] 1 EEOC Compliance Manual, Vol. 1—Investigative Procedures §40.1 (BNA) 40:0001 (2/88).

[68] 1 EEOC Compliance Manual, Vol. 1—Investigative Procedures §60.3(c) (BNA) 60:0001-60:0002 (2/88).

[69] §16(c), (e)(2), 17 of the FLSA, 29 U.S.C. §§216(c), (e)(2), 217.

[70] *Id.*

[71] §16(b) of the FLSA, 29 U.S.C. §216(b).

[72] *Id.*

[73] §10 of the Portal-to-Portal Act, 29 U.S.C. §259.

[74] 29 C.F.R. §1621.4.

[75] §11(c) of the FLSA, 29 U.S.C. §211(c).

[76] 29 C.F.R. §1620.32 (adopting by reference the Labor Department's regulations at 29 C.F.R. part 516).

[77] 29 C.F.R. §1620.32 (b)-(c).

[78] 29 C.F.R. §516.8.

Notes regarding table 4—FMLA

[79] §106(a)-(b), (d) of the FMLA, 29 U.S.C. §2616(a)-(b), (d) (referencing the investigatory authority of §11(a), the recordkeeping requirements of §11(c), and the subpoena authority of §9 of the FLSA, 29 U.S.C. §§209, 211(a), (c)).

[80] §107 of the FMLA, 29 U.S.C. §2617.

[81] §107(b)(1) of the FMLA, 29 U.S.C. §2617(b)(1).

[82] *See* Schneider & Stine, Wage & Hour Law: Compliance and Practice (Clark, Boardman, Callaghan, 1995), §19:02.

[83] §106(a) of the FMLA, 29 U.S.C. §2616(a) (referencing investigatory authority of §11(a), of the FLSA, 29 U.S.C. §211(a)).

[84] *See* Schneider & Stine, Wage & Hour Law: Compliance and Practice (Clark, Boardman, Callaghan, 1995), §19:02.

[85] §106(a) of the FMLA, 29 U.S.C. §2616(a).

[86] *See* §11(a) of the FLSA, 29 U.S.C. §211(a).

[87] *See* §9 of the FLSA, 29 U.S.C. §209 (referencing §§9-10 of the Federal Trade Commission ("FTC") Act, 15 U.S.C. §§49-50.)

[88] *See Cudahy Packing Co. of Louisiana, Ltd.*, v. *Holland*, 315 U.S. 357 (1942).

[89] *See* §9 of the FLSA, 29 U.S.C. §209 (applying the powers of §§9-10 of the FTC Act, 15 U.S.C. §§49-50.)

[90] *See* State and Federal Wage and Hour Compliance Guide, *supra*, ¶10.02[2][b], at 10-6.

[91] §107(b)(2)-(3), (d) of the FMLA, 29 U.S.C. §2617(b)(2)-(3), (d).

[92] §107(e) of the FMLA, 29 U.S.C. §2617(e).

[93] §107(b)(2)-(3), (d) of the FMLA, 29 U.S.C. §2617(b)(2)-(3), (d).

[94] §107(a) of the FMLA, 29 U.S.C. §2617(a).

[95] §107(a)(4) of the FMLA, 29 U.S.C. §2617(a)(4).

[96] §109(b) of the FMLA, 29 U.S.C. §2619(b).

[97] 29 C.F.R. §§825.402-825.404.

[98] §107(a)(1)(A)(iii) of the FMLA, 29 U.S.C. §2617(a)(1)(A)(iii).

[99] §106(b) of the FMLA, 29 U.S.C. §2616(b).

[100] 29 C.F.R. §825.500.

[101] §106(b) of the FMLA, 29 U.S.C. §2616(b) (referencing §11(c) of the FLSA, 29 U.S.C. §211(c)).

[102] *See* §106(c) of the FMLA, 29 U.S.C. §2616(c).

[103] 29 C.F.R. §825.500(a)-(b).

Notes regarding table 5—FLSA

[104] *See* Schneider & Stine, Wage & Hour Law: Compliance and Practice (Clark, Boardman, Callaghan, 1995), §19:02.

[105] *See id.*

[106] *See* State and Federal Wage and Hour Compliance Guide (Warren, Gorham & Lamont, 1996), ¶10.02[1][d], page 10-5.

[107] §11(a) of the FLSA, 29 U.S.C. §211(a).

[108] §9 of the FLSA, 29 U.S.C. §209 (referencing §§9-10 of the Federal Trade Commission ("FTC") Act, 15 U.S.C. §§49-50.)

[109] *See Cudahy Packing Co. of Louisiana, Ltd.*, v. *Holland*, 315 U.S. 357 (1942).

[110] §9 of the FLSA, 29 U.S.C. §209 (applying the powers of §§9-10 of the FTC Act, 15 U.S.C. §§49-50.)

[111] *See* State and Federal Wage and Hour Compliance Guide, *supra*, ¶10.02[2][b], at 10-6.

[112] §§16(c), (e)(2), 17 of the FLSA, 29 U.S.C. §§216(c), (e)(2), 217.

[113] *Id.*

[114] §16(b) of the FLSA, 29 U.S.C. §216(b).

[115] *Id.*

[116] §16(e) of the FLSA, 29 U.S.C. §216(e); 29 C.F.R. §580.13; 5 U.S.C. §§701-706.

[117] §16(a) of the FLSA, 29 U.S.C. §216(a).

[118] §10 of the PPA, 29 U.S.C. §259.

[119] 29 C.F.R. §775.1.

[120] §11(c) of the FLSA, 29 U.S.C. §211(c).

[121] 29 C.F.R. §§516.5—516.7.

[122] 29 C.F.R. §516.8.

Notes regarding table 6—EPPA

[123] 29 C.F.R. §801.7(d).

[124] §5(a)(3) of the EPPA, 29 U.S.C. §2004(a)(3).

[125] *Id.*

[126] §5(b) of the EPPA, 29 U.S.C. §2004(b) (applying the powers of §§9-10 of the FTC Act, 15 U.S.C. §§49-50.).

[127] *Id.*

[128] §6(b) of the EPPA, 29 U.S.C. §2005(b).

[129] *Id.*

[130] *Id.*

[131] *Id.*

[132] §6(c) of the EPPA, 29 U.S.C. §2005(c).

[133] *Id.*

[134] §6(a) of the EPPA, 29 U.S.C. §2005(a) (referencing penalty collection procedures of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. §1853(b)-(e)); 5 U.S.C. §§701-706.

[135] 29 C.F.R. §801.1(b).

[136] §5(a)(3) of the EPPA, 29 U.S.C. §2004(a)(3).

[137] 29 C.F.R. §801.30.

Notes regarding table 8—USERRA

[138] 38 U.S.C. §4322(a)-(d).

[139] 38 U.S.C. §4326(a).

[140] 38 U.S.C. §4326(b).

[141] 38 U.S.C. §4326(b)-(c).

[142] 38 U.S.C. §4322(d).

[143] 38 U.S.C. §4322(e).

[144] 38 U.S.C. §4323(a)(1).

[145] 38 U.S.C. §4323(c)(1).

[146] 38 U.S.C. §4323(a)(2)(A).

[147] 38 U.S.C. §4323(a)(2)(B)-(C).

APPENDIX III—COMPARISON OF OPTIONS: PLACING GAO, GPO, AND THE LIBRARY UNDER CAA COVERAGE, FEDERAL-SECTOR COVERAGE, OR PRIVATE-SECTOR COVERAGE

The tables in this Appendix detail the principal differences among the three options for coverage of GAO, GPO, and the Library analyzed in Part III of this Report:

(1) *CAA Option*—Coverage under the CAA, including the authority of the Office of Compliance as it administers and enforces the CAA. (The Board takes as its model the CAA as it would be modified by enactment of the recommendations made in Part II of this Report.)

(2) *Federal-Sector Option*—Coverage under the statutory and regulatory regime that applies generally in the federal sector, including the authority of executive-branch agencies as they administer and enforce those laws in the federal sector.

(3) *Private-Sector Option*—Coverage under the statutory and regulatory regimes that apply generally in the private sector, including the authority of the executive-branch agencies as they administer and enforce those laws in the private sector.

To make these comparisons, the tables use four side-by-side columns. The first column shows the current regime at each instrumentality, described in four categories: *(a)* substantive rights, *(b)* administrative processes, *(c)* judicial procedures, and *(d)* substantive rulemaking processes, if any. The other three columns compare the current regime with the CAA option, the federal-sector option, and the private-sector option.

Items in the charts are marked with the following codes:

"=" indicates rights and procedures now applicable at the instrumentality that would remain substantially the same if alternative provisions were applied.

"+" indicates rights and procedures not now applicable at the instrumentality that would apply if alternative provisions were applied.

"–" indicates rights and procedures now applicable at the instrumentality that would no longer apply if alternative provisions were applied.

"~" indicates other changes in rights and procedures that would result if alternative provisions were applied.

"{ }" indicates the amendments to the CAA proposed in the Board's three specific recommendations set forth in Part II of this Report, which are—

(1) Grant the Office the authority to investigate and prosecute violations of section 207 of the CAA, which prohibits intimidation and reprisal. *(2)* Clarify that section 215(b) of the CAA, which makes applicable the remedies set forth in section 13(a) of the OSHAct, gives the General Counsel the authority to seek a restraining order in district court in case of imminent danger to health or safety. *(3)* Make applicable the recordkeeping and notice-posting requirements of the private-sector CAA laws.[1]

The comparisons in these tables address the substantive rights afforded by the CAA or by the provisions of CAA laws[2] and other analogous provisions that apply to federal-sector employers, private-sector employers, or the three instrumentalities. Furthermore, in defining coverage under each option, the Board decided that the application of the CAA or of analogous federal-sector or private-sector provisions should supersede existing provisions affording substantially similar substantive rights or establishing processes and procedures to implement, remedy, or enforce such rights. Applicable provisions affording substantive rights having no analogue in the CAA, and processes to implement, remedy, or enforce such rights, would not be affected by the coverage described in the three options.

APPENDIX III, TABLE 1.—GENERAL ACCOUNTING OFFICE: TITLE VII, ADEA, AND EPA

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
		SUBSTANTIVE RIGHTS	
Federal-sector provisions of Title VII (§ 717) and the ADEA (§ 15), as well as the EPA, apply to GAO.	=Substantive rights under the CAA are generally the same as those at GAO.	=Substantive rights under federal-sector provisions are generally the same as those at GAO.	=Substantive rights under private-sector provisions are generally the same as those at GAO.
		ADMINISTRATIVE PROCESSES	
GAO management investigates and decides complaints initially. GAO employees may appeal to the PAB, where the PAB General Counsel may investigate and prosecute the action on behalf of employees. GAO must maintain claims-resolution and affirmative-employment programs, which the PAB evaluates. PAB is administratively part of GAO. Its Members are appointed by the Comptroller General ("CG"); and its General Counsel is selected by, and serves at the pleasure of, the PAB Chair, but is formally appointed by the CG.[1]	+Use of model ADR process under CAA is prerequisite to proceeding with complaint. +Administrative processes are more streamlined under the CAA. +The OC would adjudicate claims and appeals. GAO now does this through the PAB; see earlier reference to the institutional structure of the PAB within GAO (in "current regime" column). – The CAA does not provide for investigation and prosecution, which GAO and the PAB now conduct, *{but should do so as to retaliation}.* *{The CAA should require recordkeeping and notice posting}.* ~CAA confidentiality rules would apply. ~The CAA does not require EEO programs, including affirmative employment, which are now required of GAO.	=The processes at GAO are modeled generally on those in the federal sector. +EEOC, MSPB, and Special Counsel hear appeals and prosecute violations in the federal sector. GAO now does this through the PAB; see earlier reference to the institutional structure of the PAB within GAO. +GAO would be required to follow EEOC regulations governing agencies' internal claims-resolution procedures and affirmative-employment programs.	+The EEOC investigates and prosecutes in the private sector. GAO now does this through the PAB; see earlier reference to the institutional structure of the PAB within GAO. – The EEOC may be unable to provide timely investigation of all individual charges. – Private-sector provisions do not provide for administrative adjudication and appeal. ~Employers in the private sector are not required to have claims-resolution or affirmative-employment programs.
		JUDICIAL PROCEDURES	
Title VII and ADEA allow suit and trial *de novo* after exhaustion of administrative remedies, provided the employee has not appealed to the PAB. (The employee may sue either after a final GAO decision or if there is no such decision 180 days after the complaint.) EPA allows suit without administrative remedies having been exhausted. Jury trials are not available for ADEA and EPA claims.	+The CAA provides shorter deadlines for exhaustion of administrative remedies and access to the courts +The CAA affords jury trials allowed under all laws, including ADEA and EPA.	+Whereas PAB decisions may be reviewed only by appeal to the Federal Circuit, federal-sector procedures allow suit and trial *de novo* even after decision on appeal to the EEOC or MSPB.	+Jury trials are available under private-sector procedures for all discrimination laws, including ADEA and EPA. ~In the private sector, the EEOC can prosecute in district court, whereas prosecution under the GAOPA is before the PAB.

[1] *See generally* Section 230 Report at 27–29.

APPENDIX III, TABLE 2—GAO: ADA TITLE I AND REHABILITATION ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
		SUBSTANTIVE RIGHTS	
All substantive rights of the ADA apply to GAO, under § 509 of the ADA.	=Substantive rights under the CAA are generally the same as those at GAO.	=Substantive rights under federal-sector provisions of the Rehabilitation Act, 29 U.S.C. § 791, are generally the same as those at GAO.	=Substantive rights under private-sector provisions of the ADA are generally the same as those at GAO.

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[1] In Part II of the Report, in addition to these three specific recommendations, the Board also made two general recommendations, see Sections B.4 and B.5 of Part II, which are not described in the tables in this Appendix. Also not described in the tables are: the modifications that Members Adler and Seitz believe should be made to the CAA, as applied to GAO GPO, and the Library, in order to preserve certain rights now applicable at those instrumentalities, see Section D.2 of Part III of this Report; and the recommendations made in Part I of the Report, *see* Sections C.1, C.2.(b), D.1.(b), and D.2.(b) of Part I of the Report.

[2] The term "CAA laws" refers to the eleven laws, applicable in the federal and private sectors, made applicable to the legislative branch by the CAA. The nine private-sector CAA laws are: the Fair Labor Standards Act of 1938 (29 U.S.C. §201 et seq.) ("FLSA"), Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et seq.) ("Title VII"), the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) ("ADA"), the Age Discrimination in Employment Act of 1967 (29 U.S.C. §621 et seq.) ("ADEA"), the Family and Medical Leave Act of 1993 (29 U.S.C. §2611 et seq.) ("FMLA"), the Occupational Safety and Health Act of 1970 (29 U.S.C. §651 et seq.) ("OSHAct"), the Employee Polygraph Protection Act of 1988 (29 U.S.C. §2001 et seq.) ("EPPA"), the Worker Adjustment and Retraining Notification Act (29 U.S.C. §2101 et seq.) ("WARN Act"), and section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"). The two federal-sector CAA laws are: Chapter 71 of title 5, United States Code (relating to federal service labor-management relations) ("Chapter 71"), and the Rehabilitation Act of 1973 (29 U.S.C. §701 et seq.).

APPENDIX III, TABLE 2—GAO: ADA TITLE I AND REHABILITATION ACT—Continued

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
ADMINISTRATIVE PROCESSES			
GAO management investigates and decides complaints initially. The GAOPA provides that GAO employees may appeal discrimination cases to the PAB, where the PAB GC would again investigate and prosecute the action on behalf of the employee; however, the CAA added a provision to the ADA assigning appellate authority to the Comptroller General, and this provision appears inconsistent with the GAOPA provision assigning appellate authority to the PAB.[1]	+Use of model ADR process under CAA is a prerequisite to proceeding with complaint. +The OC would adjudicate claims and appeals. The GAOPA provides that this be done through the PAB; but see discussion in the "current regime" column on the apparent inconsistency between the ADA and the GAOPA regarding the PAB's appellate authority; see also the discussion in Table 1 on the institutional structure of the PAB within GAO. +Administrative processes are more streamlined under the CAA —The CAA does not provide for investigation and prosecution, which GAO and, arguably, the PAB now conduct, *[but the CAA should do so as to retaliation].* *[The CAA should require recordkeeping and notice posting].* –CAA confidentiality rules would apply.	=The processes at GAO are modeled generally on those in the federal sector. +Federal sector provisions authorize EEOC, MSPB, and Special Counsel to hear appeals and prosecute; see earlier discussions regarding the PAB's appellate authority and the institutional structure of the PAB within GAO. –Unlike ADA provisions now applicable at GAO, federal-sector provisions require affirmative-employment programs.	+The EEOC investigates in the private sector; see earlier discussions regarding the PAB's appellate authority and the institutional structure of the PAB within GAO. —The EEOC may be unable to provide timely investigation of all individual charges. —Private-sector provisions do not provide for administrative adjudication and appeal.
JUDICIAL PROCEDURES			
§ 509 of the ADA allows suit and trial de novo after exhaustion of administrative remedies, provided the employee has not appealed to the PAB. (The employee may sue either after a final GAO decision or if there is no such decision 180 days after the complaint.) Jury trials and compensatory damages are arguably not available in disability suits against GAO.[2]	+The CAA provides shorter deadlines for exhaustion of administrative remedies and access to the courts. +The CAA allows jury trials and compensatory damages, which are arguably not afforded at GAO.	+Jury trials and compensatory damages, arguably not available in disability suits against GAO, are afforded under federal-sector provisions.	+Jury trials and compensatory damages, arguably not available in disability suits against GAO, are afforded under private-sector provisions. +EEOC prosecutes private-sector violations in district court; as to GAO, there is no prosecution in district court, and it is uncertain whether the authority for prosecutions of ADA violations to be brought before the PAB is preserved in statute.

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[1] The GAOPA provides, among other things, that the PAB will exercise the same authorities over appeals matters as are exercised by the EEOC. See 31 U.S.C. § 732(f)(2); see also § 3(g)(3) of Pub. Law No. 96-191, 94 Stat. 28–29 (Feb. 15, 1980) (GAOPA as enacted). However, § 509(a) of the ADA, 42 U.S.C. §12209(a), as added by § 201(c)(5) of the CAA, generally assigns authority for administrative appeals to the "chief official of the instrumentality of Congress." GAO, in comments submitted to assist the Board in preparing its Section 230 Study, noted this apparent statutory inconsistency and recommended that the relevant language of the ADA should be rescinded.

[2] 42 U.S.C. § 1981a(a)(2), which generally authorizes jury trials and compensatory damages in disability suits, does not reference § 509(a) of the ADA, 42 U.S.C. § 12209(a), as added by § 201(c)(5) CAA, which extends a private right of action for disability discrimination to GAO employees.

APPENDIX III, TABLE 3.—GAO: FAMILY AND MEDICAL LEAVE ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
FMLA provisions for the private sector, 29 U.S.C. § 2611 et seq., apply to GAO.	=Substantive rights under the CAA are generally the same as those at GAO. +Eligibility would be portable if an employee transferred between GAO and another employing office covered under the CAA, but is not now portable to or from GAO.	+Federal-sector provisions establish different employer prerogatives than do the private-sector provisions now applicable at GAO.[1] +Eligibility would be portable if an employee transferred between GAO and another employing agency under federal-sector coverage, but is not now portable to or from GAO.	=Substantive FMLA provisions for the private sector apply at GAO.
ADMINISTRATIVE PROCESSES			
The FMLA provides no administrative procedures, but requires the Comptroller General ("CG") to exercise DoL's authority to investigate and prosecute FMLA violations. Under the GAOPA, if a dispute is otherwise appealable (e.g., involving an "adverse action" or "prohibited personnel practice"), the PAB may remedy an FMLA violation, and the PAB GC will investigate and prosecute the complaint.	+Use of model ADR process under CAA is a prerequisite to proceeding with complaint. +Any FMLA complaint may be adjudicated under the CAA, whereas violations may now be remedied by the PAB only in adverse actions otherwise appealable. –The CAA does not provide for investigation and prosecution, which the PAB GC conducts for cases before the PAB, *[but the CAA should do so as to retaliation].* –CAA does not require recordkeeping and notice posting, which are now required at the GAO, *but the CAA should do so.* –CAA confidentiality rules would apply.	+The MSPB remedies FMLA violations implicated in appealable adverse actions in the federal sector. Processes before the PAB are moldeled on those at the MSPB, but see discussion in Table 1 on the institutional structure of the PAB within GAO.	+DoL receives compliants and investigates FMLA violations in the private sector. Now, GAO is responsible for exercising DoL's FMLA authorities for itself. –No administrative adjudication is afforded in the private sector. Now at GAO, the PAB adjudicates allegations of FMLA violation if the adverse action is appealable.[2] –Private-sector FMLA provisions require DoL to attempt to resolve complaints while they are under investigation, but does not establish a process of administrative adjudication, such as is provided by the PAB.
JUDICIAL PROCEDURES			
GAO employees may sue for FMLA violations, and are granted liquidated or other damages specified in the private-sector statute. Jury trials, not being expressly provided by the FMLA, are arguably not allowed against the Federal government. PAB decisions may be appealed to the Federal Circuit.	+The CAA provides jury trials, which are arguably not available now against GAO.	Federal-sector employees, unlike those at GAO, cannot sue under the FMLA, and can only obtain appellate judicial review of MSPB decisions in the Federal Circuit. Federal-sector employees cannot recover liquidated or other damages specified in private-sector statute, as can GAO employees.	+Jury trials, arguably not available against GAO are allowed in the private sector. +DoL prosecutes violations in court; now GAO may exercise DoL's authorities for itself.
SUBSTANTIVE RULEMAKING PROCESS			
The CG exercises DoL's authority under the FMLA to adopt substantive regulations.	+The OC Board adopts regulations, ordinarily the same as DoL's, for all employing offices; GAO is responsible currently for issuing its own regulations.	+OPM's regulations apply Government-wide, whereas GAO is responsible for issuing its own FMLA regulations.	+Regulations are issued by DoL for all private-sector employers, whereas GAO is responsible for issuing its own regulations.

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[1] Under private-sector provisions applicable at GAO, but not under federal-sector provisions: (1) the employer may deny restoration to an employee who is a high-salary "key" employee; (2) an employer can make a binding election as to whether an employee taking FMLA leave must consume any available paid annual or sick leave or must, instead, to take unpaid leave; and (3) the employer can recoup health insurance costs from an employee who does not return to work after FMLA leave.

[2] This table assumes that, under the private sector option, the PAB's authority to remedy FMLA violations would not be retained, because administrative adjudication and appeal are not provided under private-sector laws.

APPENDIX III, TABLE 4.—GAO: FAIR LABOR STANDARDS ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
GAO is covered by the FLSA and by OPM's FLSA regulations. GAO is also covered by civil service statutes that authorize compensatory time off, credit hours, and compressed work schedules ("comp time") in exception to FLSA overtime pay.	–The CAA would preclude receipt of comp time in lieu of FLSA overtime pay. –DoL's regulatory requirements would apply in lieu of OPM's, which are more specific and tailored to the federal civil service.	–GAO is covered by generally the same substantive, administrative, and judicial statutory provisions and OPM regulations and authorities as apply in the federal sector.	–Private-sector employers are not covered by civil service provisions authorizing receipt of comp time in lieu of FLSA overtime pay.[2] –Under private sector provisions, GAO would become subject to DoL's substantive regulations in lieu of OPM's, which are more specific and tailored to the federal civil service.

APPENDIX III, TABLE 4.—GAO: FAIR LABOR STANDARDS ACT—Continued

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
ADMINISTRATIVE PROCESSES			
A GAO employee who alleges an FLSA violation may submit a complaint to OPM, either immediately or after having first complained under GAO's administrative grievance procedures. GAO must provide any information requested by OPM and is legally bound by OPM's administrative decision.	+Use of model ADR process under CAA is a prerequisite to proceeding with complaint. –Complaints may be submitted for administrative adjudication, unlike present FLSA complaints against GAO decided by OPM without adjudication. –Under the CAA, information is developed only through the parties' discovery; now OPM can request necessary information from GAO. *[The CAA should provide for investigation and prosecution as to retaliation.]* *[The CAA should require recordkeeping and notice posting.]* –CAA confidentiality rules would apply.		Whereas GAO is now bound by OPM's administrative decisions, private-sector employers are not bound by DoL's determinations unless DoL sues and prevails in court.
JUDICIAL PROCEDURES			
GAO employees may sue. Jury trials, not being expressly provided by the FLSA, are arguably not allowed against the Federal government.	+Jury trials are provided, which are arguably not now available against GAO.		+Jury trials, which are arguably not now available against GAO, are available under private-sector procedures.
SUBSTANTIVE RULEMAKING PROCESS			
GAO is subject to OPM's Government-wide substantive regulations implementing the FLSA and civil service provisions allowing comp time in lieu of FLSA pay.	–CAA substantive regulations are adopted for the legislative branch by the OC Board, subject to House and Senate approval; whereas GAO is now subject to regulations promulgated primarily for the executive branch by OPM, which is overseen by the President.[1]		–For the private sector, regulations are promulgated by DoL; whereas GAO is now subject to regulations promulgated by OPM.

[1] The head of OPM is appointed by, and serves at the pleasure of, the President, and acts for the President in many of OPM's personnel functions.

[2] This table assumes that, under the private-sector option, the receipt of comp time in lieu of overtime pay would generally not be allowed. Although the same FLSA provisions apply in the federal sector and the private sector, the civil service statutes that authorize the use of comp time apply only in the federal sector.

APPENDIX III, TABLE 5—GAO: EMPLOYEE POLYGRAPH PROTECTION ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
§ 204 of the CAA extends the substantive rights of the EPPA to GAO.	=GAO is covered under EPPA substantive rights as applied by the CAA.	– EPPA rights do not apply generally in the federal sector.[1]	=GAO is covered under EPPA substantive rights as applied by the CAA.
ADMINISTRATIVE PROCESSES			
There is disagreement as to whether GAO employees alleging a violation of § 204 may use CAA administrative procedures. There is disagreement whether GAO employees may seek a remedy for a § 204 violation from the PAB even when the adverse action is appealable under the GAOPA.	+If CAA procedures applied, use of model ADR process would be prerequisite to proceeding with complaint. +Applying CAA procedures would allow administrative adjudication by the OC and appeal to its Board, whereas adjudication and appeal by the PAB are permitted, if at all, only in an adverse action otherwise appealable. – The CAA does not provide for investigation or prosecution, whereas the PAB GC now arguably can do so for cases appealable to the PAB. [*but the CAA should provide for investigation and prosecution as to retaliation*]. –*[The CAA should require recordkeeping]*. –CAA confidentiality rules would apply.		+Under private-sector procedures, DoL would receive complaints from GAO employees and investigate violations. – Private-sector provisions do not provide for administrative adjudication and appeal. Now there is disagreement whether these are available under the CAA, and whether the PAB may adjudicates CAA charges in appealable adverse actions.[2]
JUDICIAL PROCEDURES			
There is disagreement as to whether GAO employees may sue under the CAA. If an employee seeks a remedy from the PAB in the case of an appealable adverse action, there may be disagreement whether the decision may be appealed to the Federal Circuit.	+Applying CAA procedures would grant GAO employees the right to sue and, if pursuing an administrative claim, to obtain appellate judicial review.		+Applying private-sector procedures would enable GAO employees to sue, whereas the right to sue under the CAA now is subject to dispute. +DoL can prosecute private-sector violations in court. Even if CAA or PAB procedures apply, they would not include prosecution in court.
SUBSTANTIVE RULEMAKING PROCESS			
The OC Board has issued EPPA regulations, substantially similar to those promulgated by DoL, and has extended the regulations to cover GAO, but the extension has not been approved by the House and Senate. Accordingly, § 411 of CAA would apply "the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding".	=Substantive regulations under the CAA are now promulgated by the same process for GAO as for other employing offices.		–Regulations are promulgated by DoL for all private-sector employers; regulations now applicable to GAO, which must generally be the same as DoL's regulations, are adopted by the OC Board for all employing offices, subject to House and Senate approval.

[1] To our knowledge, the only federal-sector application of EPPA and WARN Act rights, other than under the CAA, is under the Presidential and Executive Office Accountability Act, 3 U.S.C. § 401 et seq., which generally covers Presidential and Vice Presidential offices. Administrative and judicial procedures and rulemaking processes with respect to EPPA and WARN Act rights under this law are similar to those under the CAA, except regulations are issued by the President or the President's designee, and administrative adjudication is before the MSPB.

[2] This table assumes that, under the private-sector option, the PAB would not have authority to remedy EPPA violations, since administrative adjudication and appeal are not provided under laws that apply in the private sector.

APPENDIX III, TABLE 6.—GAO: WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
§ 205 of the CAA extends the substantive rights of the WARN Act to GAO. In addition, GAO regulations under the GAOPA require 60 days' advance notice to GAO employees affected by a RIF.[1]	=GAO is covered under WARN Act substantive rights as applied by the CAA.	– WARN Act rights do not apply generally in the federal sector.[2] (Federal-sector employees in the competitive service are entitled to 60 days' notice of a RIF, pursuant to applicable civil service statutes and regulations. However, this table makes no assumptions as to whether GAO's existing regulations and remedies involving RIFs would be retained, or whether general civil service statutes and regulations governing RIFs would be applied to GAO. *See generally* footnote 1.)	=GAO is covered under WARN Act substantive rights as applied by the CAA.

APPENDIX III, TABLE 6.—GAO: WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT—Continued

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
ADMINISTRATIVE PROCESSES			
There is disagreement as to whether GAO employees alleging a violation of §205 may use CAA administrative procedures. There is disagreement whether GAO employees may seek a remedy for a § 205 violation from the PAB even when the adverse action is appealable under the GAOPA.	+If CAA procedures applied, use of model ADR process would be prerequisite to proceeding with complaint. +Applying CAA procedures would allow administrative adjudication by the OC and appeal to its Board, whereas there is disagreement whether the PAB may adjudicate any CAA violation. – The CAA does not provide for investigation or prosecution, whereas the PAB GC now arguably could do so for cases appealable to the PAB. *[but the CAA should provide for investigation and prosecution of retaliation].* –CAA confidentiality rules would apply.		– Private-sector provisions do not provide for administrative adjudication and appeal. Now there is disagreement whether these are available under the CAA, and whether the PAB may adjudicate CAA complaints.[3]
JUDICIAL PROCEDURES			
There is disagreement whether GAO employees may sue under the CAA.	+Applying CAA procedures would grant GAO employees the right to sue and, if they pursue an administrative claim, to obtain appellate judicial review.		+Applying private-sector procedures would enable GAO employees to sue, whereas the right to sue under the CAA now is subject to dispute.
SUBSTANTIVE RULEMAKING PROCESS			
The OC Board issued WARN Act regulations, substantially similar to those promulgated by DoL, and extended them to cover GAO, but the extension has not been approved by the House and Senate. Accordingly, § 411 of CAA would apply "the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding."	=Substantive regulations under the CAA are now promulgated by the same process for GAO as for other employing offices.		–Regulations are promulgated by DoL for all private-sector employers; regulations now applicable to GAO, which must generally be the same as DoL's regulations, are adopted by the OC Board for all employing offices, subject to House and Senate approval.

[1] A GAO employee alleging defective notice under GAO's regulations may seek a remedy from the PAB, and the PAB GC will investigate and pursue the employee's complaint. There is no right to sue, but PAB decisions are appealable to the Federal Circuit. This table assumes that under either the CAA option or private-sector option, existing procedures for remedying violations of GAO's RIF regulations need not be changed. Notice rights under GAO's RIF regulations seem sufficiently distinct from WARN Act rights that the existing GAO procedures need not be superseded by application of WARN Act rights under the CAA or under the WARN Act itself.

[2] To our knowledge, the only federal-sector coverage other than the CAA is under the Presidential and Executive Office Accountability Act. *See* Table 5, note 1, above.

[3] This table assumes that, under the private-sector option, the PAB would not have authority to remedy WARN Act violations, since administrative adjudication and appeal are not provided under laws that apply in the private sector.

APPENDIX III, TABLE 7.—GAO: VETERANS EMPLOYMENT AND REEMPLOYMENT

—Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	—Compared to Private-Sector Coverage
SUBSTANTIVE RIGHTS			
GAO employees, like all other public- and private-sector employees, are covered by USERRA. In addition, § 206 of the CAA extends the substantive rights of USERRA to GAO.	=GAO is covered under USERRA rights as applied by the CAA, as well as under USERRA itself, which applies substantially the same rights as the CAA.	=GAO is covered under the same substantive USERRA provisions as apply generally to the federal sector, and is also covered under the CAA, which makes applicable substantially the same rights as the USERRA applies in the federal sector.	Substantive USERRA provisions that apply to the private sector also apply to GAO, and generally the same rights are also made applicable to GAO by the CAA.
ADMINISTRATIVE PROCESSES			
Under USERRA, GAO employees may: (1) file a complaint with DoL, which investigates and informally seeks compliance, (2) ask the Special Counsel to prosecute the case, and/or (3) submit the case to the MSPB for adjudication. There is disagreement as to whether a GAO employee alleging a § 206 violation may use CAA administrative procedures.	+If CAA procedures applied, use of model ADR process would be a prerequisite to proceeding with complaint. +Applying CAA procedures would provide counseling, mediation, and adjudication administered by the OC, *[and the CAA should also provide for investigation and prosecution of retaliation].* =These CAA procedures would be in addition to those under USERRA, by which GAO employees may now file claims seeking DoL investigation and may request prosecution by the Special Counsel and/or adjudication before the MSPB.[1] –CAA confidentiality rules would apply.	=GAO employees may use the same USERRA procedures as used by federal-sector employees to file complaints seeking DoL investigation and ask the Special Counsel to prosecute and/or ask MSPB to adjudicate the case. – However, it is arguable that GAO employees may also now use CAA counseling, mediation, and adjudicatory procedures, which are not available generally in the federal sector.	=Private-sector employees, as well as GAO employees, may submit complaints to DoL, which investigates and informally seeks compliance. – Private-sector provisions do not provide for administrative adjudication of complaints. Now GAO employees may ask the Special Counsel to prosecute the complaint before the MSPB, and there is disagreement whether administrative adjudication and appeal are available under the CAA.
JUDICIAL PROCEDURES			
USERRA does not authorize Federal employees, including those at GAO, to sue, but MSPB decisions are appealable to the Federal Circuit. There is disagreement as to whether GAO employees may sue under the CAA.	+Applying CAA judicial procedures would grant GAO employees the right to sue for § 206 violations; GAO employees are not afforded a private right of action under USERRA.	– There is no private right of action for federal-sector employees, whereas GAO employees may, at least arguably, sue under the CAA.	+Applying private-sector procedures would enable GAO employees to sue, whereas the right of GAO employees to sue under the CAA is now subject to dispute. +Private-sector employees may ask the Attorney General to prosecute the complaint in court; now the Special Counsel may prosecute only before the MSPB.

[1] This table assumes that, under the CAA option, the existing remedial procedures under the USERRA would be retained. § 225(d) of the CAA states that a covered employee "may also utilize any provisions of . . . [USERRA] that are applicable to that employee."

APPENDIX III, TABLE 8.—GAO: ADA TITLES II–III

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
All substantive rights of the ADA, including those involving public access, apply to GAO, under § 509 of the ADA.	=Substantive rights under the CAA are generally the same as the public-access rights now at GAO under the ADA. – The prohibition against retaliation, which applies now at GAO under the ADA to all individuals, is not granted under the CAA to members of the public.	=For the federal sector, § 504 of the Rehabilitation Act applies substantive rights that are generally the same as the public-access rights now applicable to GAO under the ADA.	=For the private sector, title III of the ADA applies generally the same substantive rights involving public access as are applicable to GAO under the ADA.
ADMINISTRATIVE PROCESSES			
GAO must maintain administrative procedures under which members of the public can seek redress for ADA violations. GAO investigates complaints and provides for appeal within the agency. There is no administrative appeal to an entity outside of GAO, nor other outside agency oversight of compliance by GAO.	+The CAA provides for mediation and adjudication administered by the OC; now, as to allegations against GAO, no such procedures are provided under authority of an entity outside of GAO. +The CAA establishes an enforcement-based process, under which an administrative proceeding may be commenced only by the GC of the OC after receiving a charge. Enforcement at GAO now is by private action only. –CAA confidentiality rules would apply to mediations, hearings, and deliberations.	=In the federal sector, as at GAO, agencies have established internal procedures for investigating and resolving public-access complaints. +The Attorney General is responsible under E.O. 12250 (reproduced at 42 U.S.C. § 2000d–1 note) for reviewing agency regulations and otherwise coordinating implementation and enforcement; now, as to GAO, no such authority has been granted to an entity outside of GAO.	+Under title III of the ADA, the Attorney General investigates alleged violations in the private sector; now, as to allegations against GAO, no such authority has been granted to an entity outside of GAO.
JUDICIAL PROCEDURES			
After having exhausted administrative remedies, members of the public can sue and have a trial de novo. (An individual may sue either after a final GAO decision or if there is no such decision 180 days after the complaint.)	– The charging individual may not sue under the CAA. However, such individual, having intervened in the CAA administrative proceeding, may appeal to the Federal Circuit.	=In the federal sector, as at GAO, members of the public alleging public-access violations by agencies may sue.	In the private sector, as now at GAO, members of the public alleging public-access violations may sue. +The Attorney General may prosecute title III violations in court, whereas no agency may do so now as to GAO.

APPENDIX III, TABLE 8.—GAO: ADA TITLES II–III—Continued

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RULEMAKING PROCESS			
Substantive regulations promulgated by executive branch agencies under titles II–III of the ADA are not made applicable.	+The OC Board promulgates regulations, generally the same as executive-branch agency regulations for the private sector, subject to House and Senate approval.[1] No entity outside of GAO now issues regulations applicable to GAO.	=In the federal sector, as at GAO, substantive regulations promulgated by executive branch agencies under titles II–III of the ADA are not made applicable.	+Private-sector employers are subject to substantive regulations promulgated by the Attorney General. No entity outside of GAO now promulgates regulations for GAO.

[1] Because the regulations have not been approved, "the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding" would be applied, pursuant to § 411 of CAA.

APPENDIX III, TABLE 9.—GAO: OSHACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
Section 215 of the CAA extends the substantive rights of the OSHAct to GAO, and requires compliance with occupational safety and health ("OSH") standards as established by DoL.	=GAO is fully subject to the substantive, administrative, and judicial provisions of the CAA with respect to occupational safety and health, including the process for imposing regulatory requirements. –[*The CAA should include recordkeeping and reporting requirements administered by the OC*], whereas law now applicable to GAO requires recordkeeping and reporting to DoL. [*The CAA should provide for investigation and prosecution of retaliation.*]	=E.O. 12196 (reproduced at 5 U.S.C. § 7902 note) requires executive branch agencies to comply with the same DoL standards as are made applicable to employing offices, including GAO, under the CAA.	=In the private sector, the OSHAct applies the same DoL standards as are made applicable to employing offices, including GAO, under the CAA.
ADMINISTRATIVE PROCESSES			
The administrative procedures of § 215 of the CAA apply fully to GAO. Requirements to keep records and report to DoL are imposed by the OSHAct and civil service law.		–E.O. 12196 requires DoL to inspect and consider employee complaints; the CAA is administered for all employing offices, including GAO, by the OC. Unlike the CAA, the E.O. also requires each agency to establish its own OSH program.[1] –If DoL and the employing agency disagree, there is no adjudicatory or other formal dispute resolution process under the E.O., as there is under the CAA. Rather, the disagreement is submitted to the President.	=Administrative processes for the private sector are generally the same as those made applicable for employing offices, including GAO, by the CAA. –DoL administers the OSHAct in the private sector; the CAA is administered for employing offices, including GAO, by OC.
JUDICIAL PROCEDURES			
The judicial procedures of § 215 of the CAA apply fully to GAO.		–There is no judicial review of actions or decisions under the E.O., unlike the CAA, which provides for appellate judicial review of administrative decisions.	=Judicial review procedures in the private sector are generally the same as those made applicable for employing offices, including GAO, under the CAA. –DoL investigates and prosecutes private-sector retaliation. The CAA, which now covers GAO, grants no such authority, [*but it should*]; employees alleging retaliation can sue under the CAA, but cannot under private-sector provisions.
SUBSTANTIVE RULEMAKING PROCESS			
The OC Board has adopted substantive OSH regulations incorporating DoL's OSH standards, and has adopted an amendment extending those regulations to cover GAO. However, neither the regulations nor the amendment has been approved by the House and Senate. Accordingly, "the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding" would be applied, pursuant to § 411 of CAA.		–The E.O was issued for the executive branch by the President; CAA regulations, which are applicable to GAO, are adopted by the OC Board, subject to approval by the House and Senate	–DoL promulgates standards for all private-sector employers. The OC Board adopts CAA regulations, generally the same as DoL regulations, but, as the House and Senate have not approved the Board's OSHAct regulations, § 411 of CAA would cause "the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding" to be applied.

[1] The program must include periodic inspections, responding to employee reports of hazard, preventing retaliation, and creating a joint labor-management Occupational Safety and Health Committee.

APPENDIX III, TABLE 10.—GAO: LABOR-MANAGEMENT RELATIONS

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
The GAOPA requires the Comptroller General to adopt a labor-management-relations program for GAO that assures each employee's right to join, or to refrain from joining, a union, and is otherwise "consistent" with Chapter 71.	+The CAA affords greater scope to collective bargaining than GAO's order.[1] –The CAA empowers the Board, with House and Senate approval, to exclude offices from coverage under labor-management relations provisions if exclusion is required because of conflict of interest or Congress's constitutional responsibilities; the GAOPA has no such provision.	+Chapter 71 affords greater scope to collective bargaining than the GAO regulations. See footnote 1.	+Private-sector employees, covered by the National Labor Relations Act ("NLRA"), have the right to strike. –Unions and employers in the private sector may enter into union security agreements. –Unions in the private sector, if the employer agrees, may obtain exclusive recognition by card majority (*i.e.*, without secret ballot election).
ADMINISTRATIVE PROCESSES			
Under the GAOPA and the CG's implementing regulations, the PAB has authority to hear cases arising from representation matters, unfair labor practices ("ULPs"), and exceptions from arbitral awards under negotiated grievance procedures.	=The OC Board under the CAA exercises a role generally similar to that of the PAB. +See discussion in Table 1 on institutional structure of the PAB within GAO. –Under the CAA, unlike under the GAOPA, employees may not pursue ULP claims individually. –The CAA, unlike the GAOPA, affords no administrative (or judicial) review of arbitral awards involving adverse or unacceptable-performance actions. –CAA confidentiality rules would apply to hearings and deliberations.	+The FLRA administers Chapter 71 in the federal sector. See discussion in Table 1 on institutional structure of the PAB within GAO. –Chapter 71, unlike the GAOPA, provides that arbitral awards involving adverse agency actions may not be appealed administratively, but must be appealed directly to the Federal Circuit.	–Grievance procedures are not a required provision of any bargaining agreement in the private sector, as they are at GAO. –Awards under binding arbitration are not ordinarily subject to review, as they are under the GAOPA.
JUDICIAL PROCEDURES			
PAB decisions on matters other than representation may be appealed to the Federal Circuit. Any person aggrieved, including an individual employee, may bring an appeal.	–The CAA, unlike the GAOPA, precludes the charging party from appealing a ULP decision.	=Chapter 71 provides for judicial appeal to the Federal Circuit generally, as does the GAOPA. +Chapter 71, unlike the GAOPA, authorizes the FLRA to seek restraining orders.	–NLRB decisions are appealable to the D.C. Circuit or the Circuit where the employer is located; under the GAOPA, PAB decisions are appealable to the Federal Circuit.
SUBSTANTIVE RULEMAKING PROCESS			
The CG, by order, established the substantive terms of GAO's labor- management relations program. The GAOPA requires generally that the program must be "consistent" with Chapter 71.	+The OC Board adopts CAA regulations, ordinarily the same as the FLRA's regulations, for all employing offices; whereas GAO issues regulations for itself, "consistent" with Chapter 71.	+Under Chapter 71, substantive provisions applicable in the executive branch are established mostly by statute, and to a limited extent by FLRA regulation, which must conform to Chapter 71. GAO issues labor-management regulations for itself, which need be only "consistent" with Chapter 71.	+The NLRB has authority to issue substantive regulations for the private sector; GAO issues labor-management regulations for itself, which need be only "consistent" with Chapter 71.

[1] For example, the following restrictions apply at GAO: (*a*) exclusion of pay and hours from bargaining, even insofar as the employer has statutory discretion, (*b*) exclusion from negotiated grievance procedures of disputes involving Title VII, ADEA, and ADA violations, or involving actions for unacceptable performance, and (*c*) pre-determined, broadly-drawn bargaining units.

APPENDIX III, TABLE 11.—GOVERNMENT PRINTING OFFICE: TITLE VII, ADEA, and EPA

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
Federal-sector provisions of Title VII (§ 717) and the ADEA (§ 15), as well as the EPA, apply to GPO.	=Substantive rights under the CAA are generally the same as those at GPO.	=The same substantive, administrative, and judicial provisions that apply generally in the federal sector cover GPO, and the authority of the EEOC, MSPB, and the Special Counsel extend to GPO.	=Substantive rights under private sector provisions are generally the same as those at GPO.
ADMINISTRATIVE PROCESSES:			
GPO management investigates and decides complaints initially. The EEOC and MSPB hear appeals, and the Special Counsel may investigate and prosecute against unlawful discrimination and retaliation that is a "prohibited personnel practice". Negotiated grievance procedures (binding arbitration and review by the FLRA or the Federal Circuit) may also be used. GPO is subject to EEOC regulations governing claims-resolution and affirmative-employment programs, and EEOC evaluates GPO's performance.	+Use of model ADR process under CAA is a prerequisite to proceeding with complaint. –CAA claims are handled administratively by the OC, rather than by GPO management, EEOC, MSPB, and Special Counsel. +Administrative processes are more streamlined under the CAA. – The CAA does not provide for investigation and prosecution, which GPO and Special Counsel now conduct, *[but should do so as to retaliation]*. *[The CAA should require recordkeeping and notice posting.]* –CAA confidentiality rules would apply. –The CAA does not require EEO programs, including affirmative employment, are now required at GPO.		– The EEOC may be unable to provide timely investigation of all individual charges. – Private-sector provisions do not provide for administrative adjudication and appeal. –Employers in the private sector are not required to have claims resolution or affirmative-employment programs.
JUDICIAL PROCEDURES			
Title VII and ADEA allow suit and trial *de novo* after exhausting administrative remedies. (The employee may sue either after a final GPO decision, or after a final EEOC decision on appeal, or if there is no such decision 180 days after the complaint or appeal.)[1] EPA allows suit without having exhausted administrative remedies. Jury trials are not available for ADEA and EPA claims.	+The CAA provides shorter deadlines for exhaustion of administrative remedies and access to the courts. +The CAA allows jury trials under all laws, including ADEA and EPA.		+Jury trials are available under private-sector procedures for all discrimination laws, including ADEA and EPA. –In the private sector, the EEOC can prosecute in court, whereas prosecution now at GPO is before the MSPB only.

[1] An employee asserting a "mixed case" complaint may also sue either if there is no GPO decision 120 days after the complaint, or after a final decision by the MSPB on appeal, or if there is no decision by the MSPB 120 days after an appeal to the MSPB.

APPENDIX III, TABLE 12.—GPO: ADA TITLE I AND REHABILITATION ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
All substantive rights of the ADA apply to GPO, under § 509 of the ADA.	=Substantive rights under the CAA are generally the same as those at GPO.	=Substantive right under federal-sector provsions of the Rehabilitation Act, 29 U.S.C. § 791, are generally the same as those at GPO.	=Substantive rights under private-sector provisions of the ADA are generally the same as those at GPO.
ADMINISTRATIVE PROCESSES			
GPO management investigates and decides complaints There is generally no administrative appeal from the Public Printer's final decision (apart from negotiated grievance procedures.) Negotiated grievance procedures (binding arbitration and review by the FLRA or the Federal Circuit) may also be used.	+Use of model ADR process under CAA is a prerequisite to proceeding with complaint. +The CAA provides for adjudication and appeal administered by the OC. Currently as to allegations against GPO, there is no administrative appeal to an entity outside of GPO. +Administrative processes are more streamlined under the CAA. –The CAA does not provide for investigation and prosecution, whereas GPO now investigates charges, *[but the CAA should provide for investigation and prosecution of retaliation]*. *[The CAA should require recordkeeping and notice posting.]* –CAA confidentiality rules would apply.	=The processes at GPO are modeled generally on those in the federal sector. +Federal sector provisions authorize EEOC, MSPB, and Special Counsel to hear appeals and prosecute. Currently as to allegations against GPO, no such authorities have been granted to an entity outside of GPO. –Federal-sector provisions, unlike ADA provisions now applicable to GPO, require affirmative-employment programs.	+Private-sector provisions authorize the EEOC to investigate and prosecute. Now as to allegations against GPO, no such authorities have been granted to an entity outside of GPO. – The EEOC may be unable to provide timely investigation of all individual charges. – Private-sector provisions do not provide for administrative adjudication.
JUDICIAL PROCEDURES			
§ 509 of the ADA allows suit and trial *de novo* after exhausting administrative remedies. (The employee may sue either after a final GPO decision or if there is no such decision 180 days after the complaint.) Jury trials and compensatory damages are arguably not available in disability suits against GPO.[1]	+The CAA provides shorter deadlines for exhaustion of administrative remedies and access to the courts. +The CAA provides jury trials and compensatory damages in disability suits, which are arguably not afforded against GPO.	=The right to sue GPO is generally the same as in the federal sector. +Jury trials and compensatory damages, which are arguably not available in disability suits against GPO, are afforded under federal-sector provisions.	+Jury trials and compensatory damages, arguably not available in disability suits against GPO, are afforded under private=sector provisions. +In the private sector, the EEOC can prosecute in court.

[1] 42 U.S.C. § 1981a(a)(2), which generally authorizes jury trials and compensatory damages in disability suites, does not reference § 509(a) of the ADA, 42 U.S.C. § 12209(a), as added by § 201(c)(5) of the CAA, which extends a private right of action for disability discrimination to GPO employees.

APPENDIX III, TABLE 13.—GPO: FAMILY AND MEDICAL LEAVE ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
FMLA provisions for the federal sector, 5 U.S.C. § 6381 *et seq.*, as well as OPM's substantive FMLA regulations, apply.	– The CAA establishes different employer prerogatives than the federal-sector provisions now at GPO.[1]	=With respect to FMLA rights, GPO is under the same substantive, administrative, and judicial statutory provisions as are executive branch agencies, and is subject to the authority of MSPB like executive-branch agencies.	– Private-sector law establishes different employer prerogatives than the federal-sector provisions now at GPO (*see* footnote 1).
ADMINISTRATIVE PROCESSES			
The FMLA provides no administrative remedy, but GPO employees may seek a remedy through GPO's administrative grievance procedure, or from the MSPB if the agency action is appealable under civil service law (*e.g.*, involving an "adverse action" or "performance-based action" or "prohibited personnel practice"). Negotiated grievance procedures may also be used.	+Use of model ADR process under CAA is a prerequisite to proceeding with complaint. +CAA provides adjudication of any FMLA complaint, whereas now at GPO, the MSPB remedies FMLA violations only if the agency action is otherwise appealable. – Retaliation by GPO is now investigated and prosecuted by the Special Counsel. The CAA does not now provide for investigation and prosecution of retaliation, *[but it should]*. *[The CAA should require recordkeeping and notice posting]*. –CAA confidentiality rules would apply		–Under private-sector provisions, DoL receives complaints and investigates FMLA violations, but does not afford administrative adjudication of complaints; whereas now the MSPB adjudicates alleged FMLA violations at GPO, but only if the adverse action is otherwise appealable under civil service law.[2]

APPENDIX III, TABLE 13.—GPO: FAMILY AND MEDICAL LEAVE ACT—Continued

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*Compared to Private-Sector Coverage*
JUDICIAL PROCEDURES			
Applicable FMLA provisions do not provide the right to sue and do not grant liquidated or other damages specified in the FMLA for private sector employees. Decisions of the MSPB are appealable to the Federal Circuit under general civil service law.	+The CAA affords a private right of action, which is not available now at GPO.		+Private-sector provisions afford a private right of action, which is not available now at GPO +DoL prosecutes violations in court. No agency does so now as to allegations of violation in the federal sector, including at GPO.
SUBSTANTIVE RULEMAKING PROCESS			
GPO is subject to OPM's Government-wide substantive regulations implementing the federal-sector FMLA provisions.	–CAA substantive regulations are adopted for the legislative branch by the OC Board, subject to House and Senate approval; whereas GPO is now subject to regulations adopted primarily for the executive branch by OPM, which is overseen by the President. (On OPM, *see* footnote at page 4, note 1, above.)		–For the private sector, regulations are promulgated by DoL, which is overseen by the President; whereas GPO is now subject to regulations promulgated by OPM, which is also overseen by the President. (*See* Table 4, footnote 1, on OPM.)

[1] Under private-sector provisions made applicable under the CAA, but not under federal-sector provisions at GPO: *(1)* the employer may deny restoration to an employee who is a high-salary "key" employee; *(2)* an employer can make a binding election as to whether an employee taking FMLA leave must consume any available paid annual or sick leave or must, instead, take unpaid leave; and *(3)* the employer can recoup health insurance costs from an employee who does not return to work after FMLA leave.

[2] This table assumes that, under private-sector coverage, the MSPB would not retain authority to remedy FMLA violations at GPO, because the MSPB has no such authority in the private sector.

APPENDIX III, TABLE 14.—GPO: FAIR LABOR STANDARDS ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
GPO is covered by the FLSA and by OPM's substantive FLSA regulations. The Kiess Act, 44 U.S.C. § 305(b), allows GPO to pay salaried employees compensatory time off for overtime work. GPO is also covered by civil service statutes authorizing credit hours and compressed work schedules in exception to FLSA overtime pay.	+The CAA would withdraw GPO's authority to require earning of comp time. –The CAA would also preclude the receipt of comp time in lieu of FLSA overtime pay. –DoL's regulatory requirements would apply in lieu of OPM's, which are more specific and tailored to the federal civil service.	=GPO is covered by generally the same FLSA substantive statutory provisions and OPM's regulations and authorities as apply in the federal sector. +Federal-sector employers cannot require employees to receive comp time in lieu of overtime pay, as GPO can do under the Kiess Act.	+Private-sector employers cannot require employees to receive comp time in lieu of overtime pay, as GPO can do. –Private-sector employers are not covered by civil service provisions authorizing flexible schedules in exception to FLSA overtime pay requirements.[1] –Private-sector provisions would apply DoL's implementing regulations in lieu of OPM's, which are more specific and tailored to the Federal civil service.
ADMINISTRATIVE PROCESSES			
A GPO employee alleging a violation may complain to OPM, either immediately or after having first complained under GPO's administrative grievance process. GPO must provide any information requested by OPM, and is legally bound by OPM's administrative decision. Bargaining unit members must use negotiated grievance procedures.	+Use of model ADR process under CAA is a prerequisite to proceeding with complaint. –The CAA provides counseling, mediation, and adjudication administered by the OC, unlike complaints now against GPO, decided by OPM without adjudication. –Under the CAA, information is developed only through the parties' discovery; OPM can currently request necessary information from GPO. *[The CAA should provide for investigation and prosecution as to retaliation.]* *[The CAA should require recordkeeping and notice posting].* –CAA confidentiality rules would apply.	=GPO employees are covered under the same statutory and regulatory provisions governing OPM's receipt and resolution of complaints as federal-sector employees.	–Whereas GPO is now bound by OPM's administrative decisions on individual complaints, employers under private-sector provisions are not bound by DoL's administrative decisions on complaints unless DoL sues and prevails in court.
JUDICIAL PROCEDURES			
GPO employees may sue for FLSA violations Jury trials, not being expressly provided by the FLSA, are arguably not allowed against the Federal government.	+The CAA provides for jury trials, which are arguably not now available against GPO.	=GPO employees are covered under the same provisions establishing a private right of action as federal-sector employees.	+Jury trials, which are arguably not now available against GPO, are available under private-sector procedures.
SUBSTANTIVE RULEMAKING PROCESS			
GPO is subject to substantive regulations promulgated by OPM implementing the FLSA Government-wide.	–CAA substantive regulations are adopted for the legislative branch by the OC Board, subject to House and Senate approval; GPO is subject to regulations issued primarily for the executive branch by OPM, which the President oversees. (See Table 4, note 1, on OPM.)	=GPO is covered by generally the same OPM regulations implementing the FLSA as apply in the federal sector +However, federal-sector employees are also subject to OPM's Government-wide regulations implementing civil service provisions authorizing comp time in lieu of FLSA overtime pay, whereas GPO can issue its own regulations on that subject.	–For the private sector, regulations are promulgated by DoL; whereas GPO is now subject to regulations promulgated by OPM.

[1] This table assumes that, under the private-sector option, the receipt of comp time in lieu of overtime pay would be generally not allowed, because civil service statutes that authorize the use of comp time in exception to FLSA requirements apply only in the federal sector.

APPENDIX III, TABLE 15.—GPO: EMPLOYEE POLYGRAPH PROTECTION ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
GPO is not covered under EPPA, under § 204 of the CAA, or under any other law making applicable the rights of the EPPA.	+Application of the CAA would extend EPPA substantive rights to GPO.	=The rights of the EPPA do not apply generally in the executive branch[1]	+The substantive rights of the EPPA apply generally in the private sector.
ADMINISTRATIVE PROCESSES			
	+Use of model ADR process under CAA is a prerequisite to proceeding with complaint. +Applying CAA procedures would provide counseling, mediation, and adjudication administered by the OC. [*The CAA should provide for investigation and prosecution of retaliation*]. [*The CAA should require recordkeeping.*] –CAA confidentiality rules would apply.		+Applying private-sector procedures would authorize DoL to receive complaints from GPO employees and to investigate violations.
JUDICIAL PROCEDURES			
	+Applying CAA procedures would grant GPO employees the right to sue and, if they pursue an administrative claim, to obtain appellate judicial review of a final administrative decision.		+Applying private-sector procedures would enable GPO employees to sue. +DoL can prosecute in court.
SUBSTANTIVE RULEMAKING PROCESS			
	+Under the CAA, substantive regulations would be promulgated for GPO under the same rulemaking process as for other employing offices.		+Applying private-sector provisions would extend substantive regulations issued by DoL to cover GPO.

[1] To our knowledge, the only federal-sector coverage other than the CAA is under the Presidential and Executive Office Accountability Act. *See* Table 5, note 1, above.

APPENDIX III, TABLE 16.—GPO: WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
GPO is not covered under the WARN Act, under § 205 of the CAA, or under any other law making applicable the rights of the WARN Act. (Most GPO employees are "competitive service" employees covered by OPM's RIF regulations and/or are members of bargaining units under collective bargaining agreements, both of which require 60 days' advance notice to employees affected by RIFs.[1])	+Application of the CAA would extend WARN Act substantive rights to GPO.	–WARN Act rights do not apply generally in the federal sector.[2] (Federal-sector employees, like GPO employees in the competitive services are entitled to 60 days' notice of a RIF, pursuant to applicable civil service statutes and regulations.)	+The substantive rights of the WARN Act apply generally in the private sector.
ADMINISTRATIVE PROCESSES			
	+Use of model ADR process under CAA is a prerequisite to proceeding with complaint. +Applying CAA procedures would provide counseling, mediation, and adjudication administered by the OC. (The CAA should provide for investigation and prosecution of retaliation.) –CAA confidentiality rules would apply.		=Private sector provisions do not provide for either investigation, prosecution, or administrative adjudication of complaints.
JUDICIAL PROCEDURES			
	+Applying CAA procedures would grant GPO employees the right to sue and, if they pursue an administrative claim, to obtain appellate judicial review.		+Applying private-sector procedures would enable GPO employees to sue.
SUBSTANTIVE RULEMAKING PROCESS			
	=Under the CAA, substantive regulations would be promulgated for GPO under the same rulemaking process as for other employing offices.		+Applying private-sector provisions would extend substantive regulations issued by DoL to cover GPO.

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[1] A GPO employee alleging defective notice under RIF regulations may seek a remedy from the MSPB. There is no right to sue, but MSPB decisions are appealable to the Federal Circuit. Bargaining unit members may seek a remedy through negotiated grievance procedures. This table assumes that, under either the CAA option or the private-sector option, the existing procedures for remedying violations of civil service RIF regulations need not be changed. Notice rights under civil service regulations seem sufficiently distinct from WARN Act rights that the existing procedures for remedying RIF notice violations need not be superseded by application of either the CAA or the private-sector provisions.

[2] To our knowledge, the only federal-sector coverage other than the CAA is under the Presidential and Executive Office Accountability Act. See Table 5, note 1, above.

APPENDIX III, TABLE 17.—GPO: VETERANS EMPLOYMENT AND REEMPLOYMENT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS:			
GPO employees, like all other public- and private-sector employees, are covered by USERRA. GPO is not covered under § 206 of the CAA, which makes applicable the rights and protections of USERRA.	=Substantive rights under § 206 of the CAA are substantially similar to those applicable to GPO under the USERRA.	=GPO is covered under the same substantive USERRA provisions as apply generally to the federal sector.	=GPO is covered under the same substantive USERRA provisions as private-sector employers.
ADMINISTRATIVE PROCESSES:			
Under USERRA, GPO employees may file a complaint with DoL, which investigates and informally seeks compliance. A GPO employee may seek a remedy through GPO's administrative grievance procedures or, if the agency action is appealable under civil service law, from the MSPB. Negotiated grievance procedures may also be used.	+Use of model ADR process under CAA is a prerequisite to proceeding with complaint. +Applying CAA procedures would provide counseling, mediation, and adjudication administered by the OC; whereas a GPO employee may now complain to the MSPB only if the agency action is otherwise appealable. *(The CAA should provide for investigation and prosecution of retaliation.)* =CAA procedures would apply in addition to the right to file a claim with DoL under USERRA.[1] –CAA confidentiality rules would apply.	=Employees under federal-sector provisions of USERRA, including GPO employees, may complain to DoL, which investigates and informally seeks compliance. +USERRA generally authorizes federal-sector employees, but not GPO employees, to: *(1)* request the Special Counsel to pursue a case on the employee's behalf, and *(2)* have any alleged USERRA violation adjudicated by the MSPB.	=Private-sector employees, like GPO employees, may submit complaints to DoL, which investigates and informally seeks compliance. –Private-sector provisions do not provide for administrative adjudication of complaints, whereas now GPO employees may complaint to the MSPB in an adverse action appealable under civil service law.
JUDICIAL PROCEDURES			
USERRA does not authorize Federal employees, including those at GPO, to sue, but MSPB decisions are appealable under civil service law to the Federal Circuit.	+Applying CAA procedures would grant GPO employees the right to sue, which they may not now do under the USERRA.	=Federal-sector employees, like GPO employees, may not sue.	+Applying private-sector procedures would grant GPO employees the right to sue, which they do not now have. +Private-sector employees, but not GPO employees, may ask the Attorney General to prosecute the violation in court.

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[1] This table assumes that, under the CAA option, the existing remedial procedures under USERRA would be retained. § 225(d) of the CAA states that a covered employee "may also utilize any provisions of . . . [USERRA] that are applicable to that employee."

APPENDIX III, TABLE 18.—GPO: ADA TITLES II-III

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
All substantive rights of the ADA, including those involving public access, apply to GPO, under § 509 of the ADA.	=Substantive rights under the CAA are generally the same as the public-access rights now at GPO under the ADA. –The prohibition against retaliation, which applies now at GPO under the ADA to all individuals, is not granted under the CAA to members of the public.	=For the federal sector, § 504 of the Rehabilitation Act applies substantive rights that are generally the same as the public-access rights applicable to GPO under the ADA.	=For the private sector, title III of the ADA applies generally the same substantive rights involving public access as are applicable to GPO under the ADA.
ADMINISTRATIVE PROCESSES			
GPO must maintain administrative procedures under which members of the public can seek redress for ADA violations. GPO investigates complaints and provides for appeal within the agency. There is no administrative appeal to an entity outside of GPO, nor other outside agency oversight of compliance by GPO.	+The CAA provides for mediation and adjudication administered by the OC; now, as to allegations against GPO, no such procedures are provided under authority of an entity outside of GPO. +The CAA establishes an enforcement-based process, under which an administrative proceeding may be brought only by the OC GC, upon receiving a charge. Enforcement at GPO now is by private action only. –CAA confidentiality rules would apply to mediations, hearings, and deliberations.	=In the federal sector, as at GPO, agencies have established internal procedures for investigating and resolving public-access complaints. +The Attorney General is responsible under E.O. 12250 (reproduced at 42 U.S.C. § 2000d–1 note) for reviewing agency regulations and otherwise coordinating implementation and enforcement; now, as to allegations against GPO, no such authorities have been granted to an entity outside of GPO.	+Under title III of the ADA, the Attorney General investigates alleged violations in the private sector; now, as to allegations against GPO, no such authority has been granted to an agency outside of GPO.
JUDICIAL PROCEDURES			
After having exhausted administrative remedies, members of the public can sue and have a trial *de novo*. (An individual may sue either after a final GPO decision or if there is no such decision 180 days after the complaint.)	–The charging individual may not sue under the CAA. However, such individual, having intervened in the CAA administrative proceeding, may appeal to the Federal Circuit.	=In the federal sector, as at GPO, members of the public alleging public-access violations by agencies may sue.	=In the private sector, as now at GPO, members of the public alleging public-access violations may sue. +The Attorney General may prosecute title III violations in court, whereas no agency may do so now as to GPO.

APPENDIX III, TABLE 18.—GPO: ADA TITLES II-III—Continued

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RULEMAKING PROCESS			
Substantive regulations promulgated by executive branch agencies under titles II-III of the ADA are not made applicable.	+The OC Board adopts CAA regulations, generally the same as executive-branch agency regulations for the private sector, subject to House and Senate approval.[1] No entity outside of GPO now issues regulations applicable to GPO.	=In the federal sector, as at GPO, substantive regulations promulgated by executive branch agencies for the private sector are not made applicable.	+Private-sector employers are subject to substantive regulations promulgated by the Attorney General. No entity outside of GPO now promulgates regulations applicable to GPO.

[1] Because the Board's public access regulations have not been approved, "the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding" would be applied, pursuant to § 411 of CAA.

APPENDIX III, TABLE 19.—GPO: OSHACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
§§ 19(a)(1) of the OSHAct requires all Federal agencies, including GPO, to provide safe and healthful conditions of employment "consistent with" DoL's OSH standards. GPO is not subject to either § 215 of the CAA or E.O. 12196 (reproduced at 5 U.S.C. § 7902 note), which establishes the executive branch occupational safety and health ("OSH") program. The Public Printer has adopted OSH standards that he has determined are "consistent."	+The CAA generally makes DoL's OSH standards applicable. Although GPO applies OSH standards that are generally the same as DoL's standards, present law only requires GPO to provide conditions "consistent with" those standards.	+E.O. 12196 requires executive-branch agencies to comply with DoL's OSH standards. Although GPO in fact applies OSH standards that are generally the same as DoL's standards, present law only requires GPO to provide conditions "consistent with" those standards.	+The OSHAct requires private-sector employers and employees to abide by DoL's OSH standards. Although GPO in fact applies OSH standards that are generally the same as DoL's standards, present law only requires GPO to provide conditions "consistent with" those standards.
ADMINISTRATIVE PROCESSES			
No agency outside of GPO has authority to inspection or require GPO compliance with OSH standards. GPO has established its own compliance procedures, including procedures for responding to employee complaints and regular inspections. Requirements to keep records and report to DoL are imposed by the OSHAct and civil service law (5 U.S.C. § 7902).	+The OC would adopt exceptions and vari ances, conduct inspections, enforce, and resolve disputes; no such authority is now granted to an entity outside of GPO. *[The CAA should require recordkeeping and reporting administered by the OC]*, law now applicable to GPO requires recordkeeping and reporting to DoL. *[The CAA should provide for investigation and prosecution of retaliation]*. –CAA confidentiality rules would apply to deliberations of hearing officers and the Board.	+E.O. 12196 requires each covered agency to establish its own OSH compliance program, requires DoL to inspect and consider employee complaints, and, if DoL and the employer disagree, the President decides. At GPO, no agency outside of GPO is authorized to inspect, consider employee complaints, require compliance, or resolve disputes.	+The OSHAct authorizes DoL to adopt exceptions and variances, conduct inspections, enforce compliance, and resolve disputes; whereas now no entity outside of GPO has such authority.
JUDICIAL PROCEDURES			
No judicial procedures apply to GPO with respect to OSHAct compliance. +The CAA provides judicial review by the Federal Circuit and authorizes judicial compliance orders under some circumstances, whereas there is now no judicial review or enforcement at GPO.	=In the federal sector, as at GPO, there is no judicial enforcement or review.	+The OSHAct provides for appellate judicial review and authorizes judicial compliance orders under some circumstances. Now, as to GPO, there is no judicial review or enforcement.	
SUBSTANTIVE RULEMAKING PROCESS			
The Public Printer has issued health and safety standards in the form of "instructions."	+CAA regulations, generally the same as DoL's OSH standards, are issued by the OC Board subject to House and Senate approval.[1] GPO issues OSH standards for itself, and must afford conditions "consistent" with DoL's standards.	+E.O. 12196, adopted by the President for the entire executive branch, applies DoL's OSH standards, whereas GPO issues OSH standards for itself and must provide conditions "consistent" with DoL's OSH standards.	+DoL promulgates OSH standards for the entire private sector; whereas GPO issues OSH standards for itself and must provide conditions "consistent" with DoL's OSH standards.

[1] Because the Board's OSHAct regulations have not been approved, "the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding" would be applied, pursuant to § 411 of CAA.

APPENDIX III, TABLE 20.—GPO: LABOR-MANAGEMENT RELATIONS

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
GPO is covered by Chapter 71 and by the FLRA's regulations thereunder.	=The CAA affords generally the same substantive rights as apply now at GPO under Chapter 71. – The CAA empowers the Board, with House and Senate approval, to exclude offices from coverage under labor-management relations provisions if exclusion is required because of conflict of interest or Congress's constitutional responsibilities; Chapter 71 has no such provision.	=The same substantive, administrative, and judicial statutory provisions of Chapter 71 apply generally in the federal sector as apply now at GPO, and agencies in the federal sector are generally subject to the authority of the FLRA as is GPO.	+Private-sector employees, covered by the National Labor Relations Act ("NLRA"), have the right to strike. –Unions and employers in the private sector may enter into union security agreements. –Unions in the private sector, if the employer agrees, may obtain exclusive recognition by card majority (i.e., without secret ballot election).
ADMINISTRATIVE PROCESSES			
Under Chapter 71, the FLRA hears cases arising from representation matters and unfair labor practices ("ULPs") at GPO. Exceptions from arbitral awards may be taken to the FLRA (except for awards involving adverse or unacceptable-performance actions, which are subject to judicial review). Under the Kiess Act, the Joint Committee on Printing approves any wage agreement and, in case of impasse, decides on wages.[1]	=The OC Board under the CAA exercises a role generally similar to that of the FLRA. –CAA confidentiality rules would apply to hearings and deliberations.		–Grievance procedures are not a required provision of any bargaining agreement in the private sector, as they are under Chapter 71. –Awards under binding arbitration are not ordinarily subject to review, as they are under Chapter 71.
JUDICIAL PROCEDURES			
FLRA decisions on matters other than representation or exceptions from arbitral awards may be appealed to the Federal Circuit. Any person aggrieved, including a GPO employee, may appeal. FLRA decisions on exceptions to arbitral awards may not be further appealed unless they involve a ULP. Arbitral awards involving adverse or unacceptable-performance actions, which may not be appealed to the FLRA, may be appealed to the Federal Circuit.	– A charging party may not appeal a ULP decision. –The CAA, unlike Chapter 71, affords no judicial review of arbitral awards involving adverse or unacceptable-performance actions (nor, under the CAA, is there administrative review of such actions). – The CAA, unlike Chapter 71, affords no authority for the OC to seek temporary relief or a restraining order.		–NLRB decisions are appealable to the D.C. Circuit or the Circuit where the employer is located; under Chapter 71, FLRA decisions are appealable to the Federal Circuit.
SUBSTANTIVE RULEMAKING PROCESS			
GPO is subject to substantive regulations promulgated by the FLRA.	–The OC Board adopts CAA regulations, ordinarily the same as FLRA regulations, subject to House and Senate approval; GPO is subject to regulations issued for the federal sector by the FLRA.		–The NLRB has authority to issue substantive regulations for the private sector, as does the FLRA for the federal sector, including GPO.

[1] This table assumes that the Joint Committee's authority under this provision of the Kiess Act, 44 U.S.C. § 305(a), would not be displaced by coverage under any of the three coverage options.

APPENDIX III, TABLE 21.—LIBRARY OF CONGRESS: TITLE VII, ADEA, AND EPA

Current Regime	*—Compared to CAA Coverage*	*Compared to Federal-Sector Coverage*	*Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
Federal-sector provisions of Title VII (§ 717) and the ADEA (§ 15), as well as the EPA, apply to the Library.	=Substantive rights under the CAA are generally the same as those at the Library.	=Substantive rights in the federal sector are generally the same as those at the Library.	=Substantive rights under private-sector provisions are generally the same as those at the Library.
ADMINISTRATIVE PROCESSES			
Library management investigates and decides complaints. There is no administrative appeal from the Librarian's final decision (apart from negotiated grievance procedures). Negotiated grievance procedures (binding arbitration and review by the FLRA or the Federal Circuit) may also be used. The Library must maintain claims-resolution and affirmative-employment programs.	+Use of model ADR process under CAA is a prerequisite to proceeding with complaint. +The CAA provides for counseling, mediation, and adjudication administered by the OC. Now, as to allegations against the Library, no entity outside of the Library has such authorities. +Administrative processes are more streamlined under the CAA. –The CAA does not provide for investigation and prosecution, whereas the Library now investigates charges, *[but the CAA should provide for investigation and prosecution of retaliation]*. [The CAA should require recordkeeping and notice posting]. –CAA confidentiality rules would apply. –The CAA does not require EEO programs, including affirmative employment, which are now required of the Library.	=The processes at the Library are modeled generally on those in the federal sector. +Federal sector provisions provide for EEOC, MSPB, and Special Counsel to hear appeals and prosecute violations. Now, as to allegations against the Library, no entity outside of the Library has such authorities. –The Library would be required to follow EEOC regulations governing agencies' internal claims-resolution procedures and affirmative-employment programs. Now the Library must maintain such programs, but no outside entity oversees or regulates the Library's performance.	+Private sector provisions provide for the EEOC to investigate and prosecute. Now, as to allegations against the Library, no entity outside of the Library has such authorities. –The EEOC may be unable to provide timely investigation of all individual charges. –Employers in the private sector are not required to have claims-resolution or affirmative-employment programs.
JUDICIAL PROCEDURES			
Title VII and ADEA allow suit and trial *de novo* after exhausting administrative remedies. (Employees may sue either after a final Library decision or if there is no such decision 180 days after the complaint.) EPA allows suit without having exhausted administrative remedies. Jury trials are not available for ADEA and EPA claims.	+The CAA provides shorter deadlines for exhaustion of administrative remedies and access to the courts +The CAA allows jury trials under all laws, including ADEA and EPA.	=Judicial remedies in the federal sector are the same as those at the Library.	+Jury trials are available under private-sector procedures for all discrimination laws, including ADEA and EPA. +In the private sector, the EEOC can prosecute in court.

APPENDIX III, TABLE 22.—LIBRARY: ADA TITLE I AND REHABILITATION ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
All substantive employee rights of the ADA apply to the Library, under § 509 of the ADA.	=Substantive rights under the CAA are generally the same as those at the Library.	=Substantive rights under federal-sector provisions of the Rehabilitation Act, 29 U.S.C. 791, are generally the same as those at the Library.	=Substantive rights under private-sector provisions of the ADA are generally the same as those at the Library.
ADMINISTRATIVE PROCESSES			
The Library management investigates and decides complaints. There is generally no administrative appeal from the Librarian's final decision (apart from negotiated grievance procedures). Negotiated grievance procedures (binding arbitration and review by the FLRA or the Federal Circuit) may also be used.	+Use of model ADR process under CAA is a prerequisite to proceeding with complaint. +The CAA provides for adjudication and appeal administered by the OC. Now, as to allegations against the Library, there is no right to appeal to an agency outside of the Library. +Administrative processes are more streamlined under the CAA. – The CAA does not provide for investigation and prosecution, whereas the Library now investigates charges, *[but the CAA should provide for investigation and prosecution of retaliation]*. [The CAA should require recordkeeping and notice posting]. –CAA confidentiality rules would apply.	=The processes at the Library are modeled generally on those in the federal sector. +Federal sector provisions authorize EEOC, MSPB, and Special Counsel to hear appeals and prosecute violations. Now, as to allegations against the Library, no such authorities have been granted to an agency outside of the Library. –Federal-sector provisions, unlike ADA provisions now applicable to the Library, require affirmative-employment programs.	+Private sector provisions provide for an the EEOC to investigate and prosecute; now, as to allegations against the Library, no such authorities have been granted to an agency outside of the Library. – The EEOC may be unable to provide timely investigation of all individual charges. – Private-sector provisions do not provide for administrative adjudication.
JUDICIAL PROCEDURES			
§ 509 of the ADA allows suit and trial *de novo* after exhausting administrative remedies. (The employee may sue either after a final Library decision or if there is no such decision 180 days after the complaint.) Jury trials and compensatory damages are arguably not available in disability suits against the Library.[1]	+The CAA provides shorter deadlines for exhaustion of administrative remedies and access to the courts. +The CAA affords jury trials and compensatory damages in disability suits, which are arguably not available against the Library.	=The right to sue the Library is generally the same as in the federal sector. +Jury trials and compensatory damages, which are arguably not available in disability suits against the Library, are afforded under federal-sector provisions.	+Jury trials and compensatory damages, arguably not available in disability suits against the Library, are afforded under private-sector provisions.

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[1] 42 U.S.C. 1981a(a)(2), which generally authorizes jury trials and compensatory damages in disability suits, does not refer to § 509(a) of the ADA, 42 U.S.C. 12209(a), as added by § 201(c)(5) of the CAA, which extends a private right of action for disability discrimination to Library employees.

APPENDIX III, TABLE 23.—LIBRARY: FAMILY AND MEDICAL LEAVE ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
FMLA provisions for the private sector, 29 U.S.C. § 2611 *et seq.*, apply to the Library.	=Substantive rights under the CAA generally are the same as those at the Library. +Eligibility would be portable in transfers between the Library and other employing offices covered under the CAA, but is not now portable to or from the Library.	+Federal-sector provisions establish different employer prerogatives than do the private-sector provisions now applicable at the Library.[1] +Eligibility would be portable if an employee transferred between the Library and another employing agency under federal- sector coverage, but is not now portable to or from GAO.	=Substantive FMLA provisions for the private sector apply at the Library.
ADMINISTRATIVE PROCESSES			
There is no administrative appeal to an entity outside of the Library. FMLA provides no administrative procedures, but requires the Librarian to exercise DoL's authority to investigate and prosecute FMLA violations.	+Use of model ADR process under CAA is a prerequisite to proceeding with complaint. +The CAA provides for adjudication and appeal administered by the OC. Now, as to allegations against the Library, there is no right to appeal to an agency outside of the Library. –The CAA does not provide for agency investigation or prosecution, whereas DoL's authorities to investigate and prosecute are exercised by the Librarian. *[but the CAA should provide investigation and prosecution of retaliation]*. –The CAA does not require recordkeeping and notice posting, which are now required at the Library, *[but the CAA should do so]*. –CAA confidentiality rules would apply.	+The MSPB remedies FMLA violations implicated in appealable adverse actions in the federal sector, whereas now the Library is responsible for exercising DoL's enforcement and other authorities with respect to itself.	– Under private-sector provisions, DoL receives complaints and investigates FMLA violations; now the Library is responsible for exercising DoL's FMLA authorities with respect to itself.

APPENDIX III, TABLE 23.—LIBRARY: FAMILY AND MEDICAL LEAVE ACT—Continued

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
JUDICIAL PROCEDURES			
Library employees may sue for FMLA violations, and are granted liquidated or other damages specified in the private-sector statute. However, jury trials, not being expressly provided by the FMLA, are arguably not allowed against the Federal government.	+The CAA provides for jury trials, which are arguably not available at the Library.	– Federal-sector employees, unlike those at the Library, cannot sue under the FMLA, and can only obtain appellate judicial review of MSPB decisions in the Federal Circuit. – Federal-sector employees cannot recover liquidated or other damages specified in private-sector statute, as can Library employees.	+Provisions applicable in the private sector provide for jury trials, which are arguably not now available against the Library. +DoL prosecutes violations; now the Library is responsible for exercising this authority with respect to itself.
SUBSTANTIVE RULEMAKING PROCESS			
The Librarian exercises DoL's authority under the FMLA to adopt substantive regulations.	+The OC Board adopts regulations, ordinarily the same as DoL's, for all employing offices; the Library is responsible currently for issuing its own regulations.	+OPM's FMLA regulations apply Governmentwide, whereas the Library is responsible for issuing its own FMLA regulations.	+Regulations for the private sector are issued by DoL for all employing offices, whereas the Library is responsible for issuing its own FMLA regulations.

[1] Under private-sector provisions applicable at GAO, but not under federal-sector provisions: (*1*) the employer may deny restoration to an employee who is a high-salary "key" employee; (*2*) an employer can make a binding election as to whether an employee taking FMLA leave must consume any available paid annual or sick leave or must, instead, to take unpaid leave; and (*3*) the employer can recoup health insurance costs from an employee who does not return to work after FMLA leave.

APPENDIX III, TABLE 24.—LIBRARY: FAIR LABOR STANDARDS ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
The Library is covered by the FLSA, and by DoL's substantive FLSA regulations. The Library is also covered by civil service statutes allowing compensatory time off, credit hours, and compressed work schedules ("comp time") in exception to FLSA overtime requirements.	–The CAA would preclude receipt of comp time in lieu of FLSA overtime pay.	–Federal-sector provisions would apply OPM's implementing regulations, which are more specific and tailored to the federal civil service that DoL's FLSA regulations, which now apply.	=The Library is covered by generally the same FLSA substantive statutory provisions and DoL regulations as apply in the private sector. –Private-sector employers are not covered by the civil service provisions authorizing comp time in exception to FLSA pay.[1]
ADMINISTRATIVE PROCESSES			
A Library employee who alleges an FLSA violation may submit a complaint to the Librarian through administrative grievance procedures. OPM can resolve claims for damages, but not other FLSA complaints, under its general claims-settlement authority.	+Use of model ADR process under CAA is a prerequisite to proceeding with complaint. +The CAA provides for mediation and adjudication administered by the OC for all FLSA complaints, whereas OPM may now resolve complaints against the Library only for settlement of damages. +CAA procedures provide for administrative adjudication, whereas OPM can settle money claims without administrative adjudication and has no jurisdiction as to non-monetary FLSA claims at the Library. *[The CAA should provide for investigation and prosecution of retaliation].* *[The CAA should require recordkeeping and notice posting].* –CAA confidentiality rules would apply.	+OPM receives and resolves any FLSA complaints against federal-sector employers, whereas it may only settle claims against the Library for damages. +Federal-sector employers are subject to governmentwide OPM regulations on the use of comp time in exception to FLSA requirements, whereas the Library now issues its own regulations on that subject.	+DoL investigates and prosecutes alleged FLSA violations in the private sector, whereas OPM now receives complaints against the Library only for settlement of damages.
JUDICIAL PROCEDURES			
Library employees may sue. Jury trials, not being expressly provided by the FLSA, are arguably not allowed against the Federal Government.	+The CAA provides for jury trials, which are arguably not available against the Library.	=Library employees are covered under the federal-sector provisions establishing a private right of action.	+Jury trials, which are arguably not now available against the Library, are available under private sector procedures.
SUBSTANTIVE RULEMAKING			
The Library is subject to OPM's substantive regulations implementing the FLSA Governmentwide. However, the Library is subject to its own regulations implementing exceptions from FLSA pay under civil service laws.	–CAA substantive regulations are adopted by the OC Board, subject to approval of House and Senate; whereas the Library is now subject to regulations promulgated primarily for the private sector by DoL, which is overseen by the President.	+Federal-sector employees are subject to OPM's Governmentwide regulations implementing civil service provisions authorizing comp time in lieu of FLSA overtime pay, whereas the Library issues its own regulations on that subject.	=The Library is covered by generally the same DoL regulations implementing the FLSA as apply in the private sector.

[1] This table assumes that, under the private-sector option, the receipt of comp time in lieu of overtime pay would generally not be allowed, because civil service statutes authorizing the use of comp time in exception to FLSA requirements apply only to the federal sector.

APPENDIX III, TABLE 25.—LIBRARY: EMPLOYEE POLYGRAPH PROTECTION ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
§ 204 of the CAA extends the substantive rights of the EPPA to the Library.	=The Library is covered under EPPA substantive rights as applied by the CAA.	=EPPA rights do not apply generally in the federal sector.[1]	=The Library is covered under EPPA substantive rights as applied by the CAA.
ADMINISTRATIVE PROCESSES			
There is disagreement as to whether Library employees alleging a violation of § 204 may use CAA procedures. There may be disagreement as to whether Library employees may seek a remedy for a § 204 violation using the Library's administrative grievance procedures, or negotiated grievance procedures at the Library.	+If CAA procedures applied, use of model ADR process would be prerequisite to proceeding with complaint. +Applying CAA procedures would provide counseling, mediation, and adjudication and appeal administered by the OC. Now no such procedures are provided under authority of an agency outside of the Library, unless under the CAA. *[The CAA should provide for investigation and prosecution of retaliation].* *[The CAA should require recordkeeping].* –CAA confidentiality rules would apply.		+Applying private-sector procedures would authorize DoL to receive complaints from Library employees and to investigate violations. – Private-sector provisions do not provide for administrative adjudication and appeal. Now there is disagreement whether these are available under the CAA.
JUDICIAL PROCEDURES			
There is disagreement as to whether Library employees may sue under the CAA.	+Applying CAA procedures would grant Library employees the right to sue and, if they pursue an administrative claim, to obtain appellate judicial review.		+Applying private-sector procedures would enable Library employees to sue, whereas the right to sue under the CAA now is subject to dispute. +DoL can prosecute private-sector violations in court. Even if CAA procedures apply, they would not include prosecution in court.

APPENDIX III, TABLE 25.—LIBRARY: EMPLOYEE POLYGRAPH PROTECTION ACT—Continued

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RULEMAKING PROCESS			
The OC Board has issued EPPA regulations, substantially similar to those promulgated by DoL, and has extended the regulations to cover the Library, but the extension has not been approved by the House and Senate. Accordingly, "the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding" would be applied, pursuant to § 411 of CAA.	=Substantive regulations under the CAA are now promulgated by the same process for the Library as for other employing offices.		=The CAA provides that the Library shall be subject to generally the same regulatory requirements as under DoL's regulations for the private sector. –Regulations are promulgated by DoL for all private-sector employers, whereas regulations now applicable to the Library, which must generally be the same as DoL's regulations, are adopted by the OC Board for all employing offices, subject to approval by the House and Senate.

[1] To our knowledge, the only federal-sector coverage other than the CAA is under the Presidential and Executive Office Accountability Act. *See* Table 5, note 1, above.

APPENDIX III, TABLE 26.—LIBRARY: WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
§ 205 of the CAA extends the substantive rights of the WARN Act to the Library. In addition, Library regulations and collective bargaining agreements require 90 days' advance notice to employees affected by a RIF.[1]	=The Library is covered under WARN Act rights as applied by the CAA.	–WARN Act rights do not apply generally in the federal sector.[2] (Federal-sector employees in the competitive service are entitled to 60 days' notice of a RIF, pursuant to applicable civil service statutes and regulations. However, this table makes no assumptions as to whether the Library's existing regulations and remedies involving RIFs would be retained, or whether general civil service statutes and regulations governing RIFs would be applied to GAO. See *generally* footnote 1.)	=The Library is covered by WARN Act substantive rights as applied by the CAA.
ADMINISTRATIVE PROCESSES			
There is disagreement whether Library employees alleging § 205 violations may use CAA administrative procedures.	+If CAA procedures applied, use of model ADR process would be prerequisite to proceeding with complaint. +Applying CAA procedures would provide counseling, mediation, and adjudication administered by the OC. Now no such procedures are provided under authority of an agency outside of the Library, unless under the CAA. *[The CAA should provide for investigation and prosecution of retaliation].* –CAA confidentiality rules would apply.		–Private-sector provisions do not provide for either investigation, prosecution, or administrative adjudication of complaints, whereas now there is disagreement whether counseling, mediation, and administrative adjudication are available under the CAA.
JUDICIAL PROCEDURES			
There is disagreement whether Library employees may sue under the CAA.	+Applying CAA procedures would grant Library employees the right to sue and, if they pursue an administrative claim, to obtain appellate judicial review of a final administrative decision.		+Applying private-sector procedures would enable Library employees to sue, whereas the right to sue under the CAA now is subject to dispute.
SUBSTANTIVE RULEMAKING PROCESS			
The OC Board has issued WARN Act regulations, substantially similar to those promulgated by DoL, and has extended the regulations to cover the Library, but the extension has not been approved by the House and Senate. Accordingly, "the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding" would be applied, pursuant to § 411 of CAA.	=Substantive regulations under the CAA are now promulgated by the same process for the Library as for other employing offices.		–Regulations are promulgated by DoL for all private-sector employers; regulations now applicable to the Library, which must generally be the same as DoL's regulations, are adopted by the OC Board for all employing offices, subject to approval by the House and Senate.

[1] This table assumes that, under either the CAA option or the private-sector option, the existing procedures for remedying violations of the Library's RIF regulations and collective bargaining agreements need not be changed. The notice rights under the Library's RIF regulations seem sufficiently distinct from WARN Act rights that the existing procedures for seeking a remedy for RIF notice violations need not be superseded by application of either the CAA or the private-sector provisions.

[2] To our knowledge, the only federal-sector coverage other than the CAA is under the Presidential and Executive Office Accountability Act. *See* Table 5, note 1, above.

APPENDIX III, TABLE 27.—LIBRARY: VETERANS EMPLOYMENT AND REEMPLOYMENT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
Library employees, like all other public- and private-sector employees, are covered by USERRA. In addition, §206 of the CAA extends substantive rights of USERRA to the Library.	=The Library is covered under USERRA rights as applied by the CAA, as well as under the USERRA itself, which applies substantially the same rights as the CAA.	=The Library is covered under the same substantive USERRA provisions as apply generally to the federal sector, and is also covered under the CAA, which makes applicable substantially the same rights as the USERRA applies in the federal sector.	=The Library is covered under the same substantive USERRA provisions as private-sector employers.
ADMINISTRATIVE PROCESSES			
Under USERRA, Library employees may file a complaint with DoL, which investigates and informally seeks compliance. There is disagreement as to whether Library employees alleging a §206 violation may use CAA administrative procedures.	+Applying CAA procedures would make the use of model ADR process a prerequisite to proceeding with complaint. +Applying the administrative procedures of the CAA would provide counseling, mediation, and adjudication administered by the OC. *[The CAA should provide for investigation and prosecution of retaliation].* =These CAA procedures would apply in addition to the right to file a claim with DoL under USERRA.[1] –CAA confidentiality rules would apply.	=Employees under federal-sector provisions of USERRA, including Library employees, may complain to DoL, which investigates and informally seeks compliance. +USERRA generally authorizes federal-sector employees, but not Library employees, to (*1*) request the Special Counsel to pursue a case on the employee's behalf, and (*2*) have an alleged USERRA violation adjudicated by the MSPB.	=Private-sector employees, like Library employees, may submit complaints to DoL, which investigates and informally seeks compliance.
JUDICIAL PROCEDURES			
USERRA does not authorize Federal employees, including those at the Library, to sue. There is disagreement whether Library employees alleging a §206 violation may sue under the CAA.	+Applying CAA procedures would grant Library employees the right to sue for § 206 violations; Library employees are not afforded a private right of action under USERRA.	=Federal-sector employees, like Library employees, may not sue.	+Applying private-sector procedures would afford Library employees the right to sue, whereas the right of Library employees to sue under the CAA is now subject to dispute. +Private-sector employees may ask the Attorney General to prosecute the violation in court.

[1] This table assumes that, under the CAA option, the existing remedial procedures under USERRA would be retained. §225(d) of the CAA states that covered employees "may also utilize any provisions of . . . [USERRA] that are applicable to that employee."

APPENDIX III, TABLE 28.—LIBRARY: ADA TITLES II–III

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
All substantive rights of the ADA, including those involving public access, apply to the Library, under §509 of the ADA.	=Substantive rights under the CAA are generally the same as the public-access rights now at the Library under the ADA. –The prohibition against retaliation, which applies now at the Library under the ADA, is not granted under the CAA to members of the public.	=For the federal sector, § 504 of the Rehabilitation Act applies substantive rights that are generally the same as the public-access rights applicable to the Library under the ADA.	=For the private sector, title III of the ADA applies generally the same substantive rights involving public access as are applicable to the Library under the ADA.
ADMINISTRATIVE PROCESSES			
The Library must maintain administrative procedures under which members of the public can seek redress for ADA violations. The Library investigates complaints and provides for appeal within the agency. There is no administrative appeal to an entity outside of the Library, nor other outside agency oversight of compliance by the Library.	+The CAA provides for mediation and adjudication administered by the OC; now, there is no administrative appeal to an entity outside of the Library. +The CAA establishes an enforcement-based process, under which an administrative proceeding may be brought only by the GC of the OC after receiving a charge. Enforcement at the Library is by private action only. –CAA confidentiality rules would apply to mediations, hearings, and deliberations.	=In the federal sector, as at the Library, agencies have generally established internal procedures for investigating and resolving public-access complaints. +The Attorney General is responsible under E.O. 12250 (reproduced at 42 U.S.C. § 2000d–1 note) for reviewing agency regulations and otherwise coordinating implementation and enforcement; as to the Library, no entity outside of the Library exercises such functions.	+Under title III of the ADA, the Attorney General investigates alleged violations in the private sector; as to the Library, no entity outside of the Library now investigates.
JUDICIAL PROCEDURES			
After having exhausted administrative remedies, members of the public can sue and have a trial de novo. (An individual may sue either after a final GAO decision or if there is no such decision 180 days after the complaint.)	–The charging individual may not sue under the CAA; but such individual, having intervened in the administrative proceeding, may appeal to the Federal Circuit.	=In the federal sector, as at the Library, members of the public alleging public-access violations by agencies may sue.	=In the private sector, as now at the Library, members of the public alleging public-access violations may sue. +The Attorney General may prosecute title III violations in court, whereas no agency may do so now as to the Library.
SUBSTANTIVE RULEMAKING PROCESS			
Substantive regulations promulgated by executive branch agencies under titles II–III of the ADA are not made applicable.	+The OC Board adopts regulations, generally the same as executive-branch agency regulations for the private sector, subject to House and Senate approval.[1] No entity outside of the Library now issues regulations applicable to the Library.	=In the federal sector, as at the Library, substantive regulations promulgated by executive branch agencies under titles II–III of the ADA are not made applicable.	+Private-sector employers are subject to substantive regulations promulgated by the Attorney General. No entity outside of the Library now promulgates regulations applicable to the Library.

[1] Because the Board's public access regulations have not been approved, "the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding" would be applied, pursuant to § 411 of CAA.

APPENDIX III, TABLE 29.—LIBRARY: OSHACT

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*—Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
Section 215 of the CAA extends the substantive rights of the OSHAct to the Library and requires compliance with occupational safety and health ("OSH") standards as established by DoL.	=The Library is fully subject to the substantive, administrative, and judicial provisions of the CAA with respect to occupational safety and health, including the process for establishing any regulatory requirements. –[*Recordkeeping and reporting requirements should be applied, administered by the OC*]; whereas law now applicable to the Library requires recordkeeping and reporting to DoL. [*The CAA should provide for investigation and prosecution of retaliation*].	=E.O. 12196 (reproduced at 5 U.S.C. § 7902 note) requires executive-branch agencies to comply with the same DoL standards as are made applicable to employing offices, including the Library, under the CAA.	=In the private sector, the OSHAct applies the same DoL standards as are made applicable to employing offices, including the Library, under the CAA.
ADMINISTRATIVE PROCESSES			
The administrative procedures of § 215 of the CAA apply fully to the Library. Requirements to keep records and report to DoL are now imposed under OSHAct and civil service law.		–E.O. 12196 requires DoL to inspect and consider employee complaints; the CAA is administered for employing offices, including the Library, by the OC. Unlike the CAA, the E.O. also requires each agency to establish its own OSH program.[1] –If DoL and the employing agency disagree, there is no adjudicatory or other formal dispute resolution process under the E.O., as there is under the CAA. Rather, the disagreement is submitted to the President.	=Administrative processes for the private sector are generally the same as those made applicable for employing offices, including the Library, by the CAA. –DoL administers the OSHAct in the private sector; the OC administers the CAA for employing offices, including the Library.
JUDICIAL PROCEDURES			
The judicial procedures of § 215 of the CAA apply fully to the Library.		–There is no judicial review of actions or decisions under the E.O., unlike the CAA, which provides for appellate judicial review of administrative decisions.	=Judicial review procedures in the private sector are generally the same as those made applicable for employing offices, including the Library, under the CAA. –DoL investigates and prosecutes private-sector retaliation. The CAA, which now covers the Library, has no such authority, [*but it should*]; employees alleging retaliation can sue under the CAA, but could not under private-sector OSHAct.
SUBSTANTIVE RULEMAKING PROCESS			
The OC Board has adopted substantive regulations incorporating DoL's standards, and has adopted an amendment extending those regulations to cover the Library. However, neither the regulations nor the amendment has been approved by the House and Senate. Accordingly, "the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding" would be applied, pursuant to § 411 of CAA.		–The E.O. was issued for the executive branch by the President; CAA regulations, which are applicable to the Library, are adopted by the OC Board, subject to approval by the House and Senate.	–DoL promulgates standards for all private- sector employers. The OC Board adopts CAA regulations, generally the same as DoL regulations. As the House and Senate have not approved, §411 of CAA would apply "the most relevant substantive executive agency regulation promulgated to implement the statutory provision at issue in the proceeding."

The program must include periodic inspections, responding to employee reports of hazard, preventing retaliation, and creating a joint labor-management Occupational Safety and Health Committee.

APPENDIX III, TABLE 30.—LIBRARY: LABOR-MANAGEMENT RELATIONS

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*Compared to Private-Sector Coverage*
SUBSTANTIVE RIGHTS			
The Library is covered by Chapter 71 and by the FLRA's regulations thereunder.	=The CAA affords generally the same substantive rights as apply now at the Library under Chapter 71. The CAA empowers the Board, with House and Senate approval, to exclude offices from coverage under labor-management relations provisions if exclusion is required because of conflict of interest or Congress's constitutional responsibilities; Chapter 71 has no such provision.	=The same substantive, administrative, and judicial statutory provisions of Chapter 71 apply generally in the federal sector as apply now at the Library, and agencies in the federal sector are generally subject to the authority of the FLRA as is the Library.	+Private-sector employees, covered by the National Labor Relations Act ("NLRA"), have the right to strike. –Unions and employers in the private sector may enter into union security agreements. –Unions in the private sector, if the employer agrees, may obtain exclusive recognition by card majority (i.e., without secret ballot election).

APPENDIX III, TABLE 30.—LIBRARY: LABOR-MANAGEMENT RELATIONS—Continued

Current Regime	*—Compared to CAA Coverage*	*—Compared to Federal-Sector Coverage*	*Compared to Private-Sector Coverage*
ADMINISTRATIVE PROCESSES			
Under Chapter 71, the FLRA hears cases arising from representation matters and unfair labor practices ("ULPs") at the Library. Exceptions from arbitral awards may be taken to the FLRA (except for awards involving adverse and unacceptable-performance actions, which are subject to judicial review).	=The OC Board under the CAA exercises a role generally similar to that of the FLRA. –CAA confidentiality rules would apply to hearings and deliberations.		–Grievance procedures are not a required provision of any bargaining agreement in the private sector, as they are under Chapter 71. –Awards under binding arbitration are not ordinarily subject to review, as they are under Chapter 71.
JUDICIAL PROCEDURES			
FLRA decisions on matters other than representation or exceptions from arbitral awards may be appealed to the Federal Circuit. Any person aggrieved, including a Library employee, may appeal. FLRA decisions on exceptions to arbitral awards may not be further appealed unless they involve a ULP. Arbitral awards involving adverse or unacceptable-performance actions, which may not be appealed to the FLRA, may be appealed to the Federal Circuit.	– A charging party may not appeal a ULP decision. – The CAA, unlike Chapter 71, affords no judicial review of arbitral awards involving adverse or unacceptable-performance actions (nor, under the CAA, is there administrative review of such actions). – The CAA, unlike Chapter 71, affords no authority to the OC to seek temporary relief or a restraining order.		–NLRB decisions are appealable to the D.C. Circuit or the Circuit where the employer is located; under Chapter 71, FLRA decisions are appealable to the Federal Circuit.
SUBSTANTIVE RULEMAKING PROCESS			
The Library is subject to substantive regulations promulgated by the FLRA.	– The OC Board adopts CAA regulations, ordinarily the same as FLRA regulations, subject House and Senate approval; the Library is subject to regulations adopted for the federal sector by the FLRA.		=NLRB has authority to issue substantive regulations, as does the FLRA for the federal sector, including the Library, under Chapter 71.•

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

111. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Tuberculosis in Captive Cervids [Docket No. 92–076–2] (RIN: 0579–AA53) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

112. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Export Certification; Accreditation of Non-Government Facilities [Docket No. 95–071–2] (RIN: 0579–AA75) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

113. A letter from the Administrator, Rural Development, Department of Agriculture, transmitting the Department's final rule—Electric Overhead Distribution Lines; Specifications and Drawings for 24.9/14.4 kV Line Construction—received January 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

114. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle; Addition to Quarantined Areas [Docket No. 98–113–1] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

115. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Liechtenstein Because of BSE [Docket No. 98–119–1] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

116. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Tolerances for Moisture Meters (RIN: 0580–AA60) received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

117. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Walnuts Grown in California; Increased Assessment Rate [Docket No. FV99–984–1 FR] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

118. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Revised Quality and Handling Requirements and Entry Procedures for Imported Peanuts for 1999 and Subsequent Import Periods [Docket No. FV98–999–1 FR] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

119. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Milk in the Nebraska-Western Iowa Marketing Area; Termination of Certain Provisions of the Order [Docket No. DA–98–11] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

120. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—RUS Fidelity and Insurance Requirements for Electric and Telecommunications Borrowers (RIN: 0572–AA86) received January 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

121. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Pseudorabies in Swine; Payment of Indemnity [Docket No. 98–123–2] (RIN: 0579–AB10) received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

122. A letter from the Chief, Natural Resources Conservation Service, Department of Agriculture, transmitting the Department's final rule—Conservation Farm Option (RIN: 0578–AA20) received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

123. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Pesticide Tolerance [OPP–300768; FRL–6050–5] (RIN: 2070–AB78) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

124. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Tolerances and Exemptions from the Requirement of a Tolerance for Canceled Pesticide Active Ingredients; Correction [OPP–300735A; FRL–6044–2] (RIN: 2070–AB78) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

125. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Extension of Tolerance for Emergency Exemptions [OPP–300774; FRL–6053–4] (RIN: 2070–AB78) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

126. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the annual report of the Farm Credit Administration for fiscal year 1998, pursuant to 12 U.S.C. 2252(a)(3); to the Committee on Agriculture.

127. A letter from the United States Court of Appeals, transmitting an opinion of the Court; to the Committee on Agriculture.

128. A communication from the President of the United States, transmitting a report of three proposed rescissions of budget authority, totaling $35 million, pursuant to 2 U.S.C. 683(a)(1); (H. Doc. No. 106–14); to the Committee on Appropriations and ordered to be printed.

129. A communication from the President of the United States, transmitting a request for previously appropriated emergency funds for the Department of Defense; (H. Doc. No. 106–10); to the Committee on Appropriations and ordered to be printed.

130. A communication from the President of the United States, transmitting the Budget of the United States Government for Fiscal Year 2000; (H. Doc. No. 106–3); to the Committee on Appropriations and ordered to be printed.

131. A communication from the President of the United States, transmitting a request for Department of Defense research, development, test, and evaluation, Defense-wide: $770,000,000; (H. Doc. No. 106–15); to the Committee on Appropriations and ordered to be printed.

132. A letter from the Secretary of Labor, transmitting a report on two violations of the Antideficiency Act; to the Committee on Appropriations.

133. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Air Force Materiel Command is initiating a single function cost comparison of the Education and Training functions at Robins Air Force Base (AFB) Georgia, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

134. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting notification that the Commander of Air Combat Command (ACC) is initiating a cost comparison of Base Training and Education functions at 18 ACC bases, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

135. A letter from the Secretary of Defense, transmitting the National Defense Stockpile Requirements Report for 1999, pursuant to 50 U.S.C. 98h–5; to the Committee on Armed Services.

136. A letter from the Assistant Secretary, Installations Logistics and Environment, Department of the Army, transmitting notification of the emergency detonation of a mortar round on November 5, 1998; to the Committee on Armed Services.

137. A letter from the Director, Defense Procurement, Office of the Under Secretary of Defense, transmitting the Office's final rule—Defense Federal Acquisition Regulation Supplement; Simplified Acquisition Procedures [DFARS Case 97–D306] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

138. A letter from the Director, Defense Procurement, Office of the Under Secretary of Defense, transmitting the Office's final rule—Defense Federal Acquisition Regulation Supplement; Order for Supplies or Services [DFARS Case 97–D024] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

139. A letter from the Director, Defense Procurement, Office of the Under Secretary of Defense, transmitting the Office's final rule—Defense Federal Acquisition Regulation Supplement; Para-Aramid Fibers and Yarns [DFARS Case 98–D310] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

140. A letter from the Secretary, Department of Housing and Urban Development, transmitting a copy of HUD's report, "Equity Sharing Under the Multifamily Assisted Housing Reform and Affordability Act of 1997"; to the Committee on Banking and Financial Services.

141. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

142. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Technical Amendments [No. 98–121] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

143. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Capital Distributions [No. 99–1] (RIN: 1550–AA72) received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

144. A letter from the Secretary of Labor, transmitting a report covering the administration of the Employee Retirement Income Security Act (ERISA) during calendar years 1995–1997, pursuant to 29 U.S.C. 1143(b); to the Committee on Education and the Workforce.

145. A letter from the Corporation for National Service, transmitting the Annual Report for 1997, including reports on the National Service Trust and the Corporation's Gift Fund; to the Committee on Education and the Workforce.

146. A letter from the Associate General Counsel, Corporation For National Service, transmitting the Corporation's final rule—Administrative Costs for Learn and Serve America and AmeriCorps Grants Programs—received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

147. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits—received January 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

148. A letter from the Secretary of Health and Human Services, transmitting a report on the Model Projects for Youth Education and Domestic Violence; to the Committee on Education and the Workforce.

149. A letter from the Assistant Secretary for Communicationsand Information, Department of Commerce, transmitting the Department's final rule—Telecommunications and Information Infrastructure Assistance Program [Docket No. 981203295–8295–01] (RIN: 0660–ZA06) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

150. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's final rule—Financial Disclosure by Clinical Investigators [Docket No. 93N–0445] (RIN: 0910–AB77) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

151. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–6220–6] received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

152. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Utah: Final Authorization of State Hazardous Waste Management Program Revisions [FRL–6217–7] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

153. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 311(b)(9)(A), CERCLA Section 311(b)(3) [FRL–6208–1] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

154. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the Nashville/Davidson County Portion of the Tennessee SIP [TN–191–9827a; FRL–6208–5] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

155. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Monterey Bay Unified Air Pollution Control District [CA 207–0108a; FRL–6203–7] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

156. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Numbers Under the Paperwork Reduction Act and Technical Correction to Consumer Confidence Report Rule [FRL–6210–7] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

157. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans State of North Carolina: Approval of Miscellaneous Revisions to the Forsyth County Air Quality Control Ordinance and Technical Code [NC–86–01–9830a; FRL–6207–3] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

158. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois [IL178–1a, Il179–1a; FRL–6216–2] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

159. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Allocation of 1999 Essential-Use Allowances [FRL–6217–1] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

160. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Suspension of Unregulated Containment Monitoring Requirements for Small Public Water Systems [FRL–6216–9] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

161. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—FY 1999 MBE/WBE Terms and Conditions—received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

162. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Modification of the Ozone Monitoring Season for Washington and Oregon [ORWA–010799–a; FRL–6220–3] received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

163. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Correction and Clarification to the Finding of Significant Contribution and Rulemaking for Purposes of Reducing Regional Transport of Ozone [FRL–6198–1] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

164. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants

for Source Categories: Pulp and Paper Production [AD–FRL–6210–5] (RIN: 2060–AH74) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

165. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Wood Furniture Manufacturing Operations [AD-FRL–6210–3] (RIN: 2060–AH66) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

166. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Fees for Ancillary or Supplementary Use of Digital Television Spectrum Pursuant to Section 336(e)(1) of the Telecommunications Act of 1996 [MM Docket No. 97–247] received January 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

167. A letter from the Secretary, Federal Trade Commission, transmitting the "Federal Trade Commission Report to Congress Pursuant to the Comprehensive Smokeless Tobacco Health Education Act of 1986"; to the Committee on Commerce.

168. A letter from the Acting Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Direct Food Substances Affirmed as Generally Recognized as Safe; Magnesium Hydroxide; Technical Amendment [Docket No. 78N–0281] received January 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

169. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 95F–0255] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

170. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Dental Devices; Effective Date of Requirement for Premarket Approval; Temporomandibular Joint Prostheses [Docket No. 97N–0239] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

171. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Medical Devices; Exemptions From Premarket Notification; Class II Devices [Docket Nos. 98P–0506 and 98P–0621] received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

172. A letter from the Acting Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 97F–0504] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

173. A letter from the Executive Director, Northeast Interstate Low-Level Radioactive Waste Commission, transmitting the 1998 Annual Report of the Northeast Interstate Low-Level Radioactive Waste Commission; to the Committee on Commerce.

174. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Policy and Procedure for Enforcement Actions; Fuel Cycle Facilities Civil Penalties and Notices of Enforcement Discretion [NUREG–1600] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

175. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Procedures Applicable to Proceedings for the Issuance of Licenses for the Receipt of High-Level Radioactive Waste at a Geologic Repository (RIN: 3150–AF88) received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

176. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—NRC Enforcement Policy; Discretion Involving Natural Events (NUREG–1600, Rev. 1) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

177. A letter from the Secretary of Health and Human Services, transmitting a report to Congress on the status and estimated costs associated with systems to track applications and submissions required under the Food and Drug Administration Modernization Act of 1997 (FDAMA); to the Committee on Commerce.

178. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Segment Reporting [Release Nos. 33–7620; 34–40884; FR54; File No. S7–17–98] (RIN: 3235–AH43) received January 6, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

179. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Technical Amendments Under the Investment Advisers Act of 1940 [Release No. IA–1780; File Nos. S7–31–96; S7–7–86] (RIN: 3235–AH59) received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

180. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Rulemaking for EDGAR System [Release Nos. 34–40934; IC–23640. File No. S7–18–97] (RIN: 3235–AG97) received January 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

181. A communication from the President of the United States, transmitting a report on developments since his last report of July 6, 1998, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 106–9); to the Committee on International Relations and ordered to be printed.

182. A communication from the President of the United States, transmitting a report on the national emergency declared by Executive Order No. 13088 of June 9, 1998, in response to the threat to the national security and foreign policy of the United States constituted by the actions and policies of the Governments of the Federal Republic of Yugoslavia, and the Republic of Serbia with respect to Kosovo, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 106–11); to the Committee on International Relations and ordered to be printed.

183. A communication from the President of the United States, transmitting notification that the emergency declared with respect to grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process is to continue in effect beyond January 23, 1999, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 106–12); to the Committee on International Relations and ordered to be printed.

184. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting a report on the audit of the American Red Cross for the year ending June 30, 1998, pursuant to 36 U.S.C. 6; to the Committee on International Relations.

185. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

186. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting information concerning the unauthorized transfer of U.S.-origin defense articles, pursuant to 22 U.S.C. 2753(e); to the Committee on International Relations.

187. A communication from the President of the United States, transmitting a supplemental report on U.S. contributions in support of peacekeeping efforts in the former Yugoslavia; (H. Doc. No. 106–8); to the Committee on International Relations and ordered to be printed.

188. A letter from the Under Secretary for Export Administration, Department of Commerce, transmitting a report imposing new foreign policy-based controls to implement the provisions of the Organization of American States (OAS) Model Regulations for the Control of the International Movement of Firearms, their Parts and Components, and Ammunition; to the Committee on International Relations.

189. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Expansion of License Exception CIV Eligibility for "Microprocessors" Controlled by ECCN 3A001 [Docket No. 981215307–8307–01] (RIN: 0694–AB83) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

190. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export Administration Regulations; Exports and Reexports to Specially Designated Terrorists and Foreign Terrorist Organizations [Docket No. 981013256–8256–01] (RIN: 0694–AB63) received January 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

191. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates—received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

192. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Passport Procedures—Amendment to Validity of Passports Regulation [Public Notice 2720] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

193. A communication from the President of the United States, transmitting a report on cost-sharing arrangements; to the Committee on International Relations.

194. A communication from the President of the United States, transmitting a report on Protection of Advanced Biotechnology, the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States; to the Committee on International Relations.

195. A communication from the President of the United States, transmitting a report

on the Australia Group's control on chemical and biological weapons-related items; to the Committee on International Relations.

196. A letter from the Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 1998, pursuant to 3 U.S.C. 113; to the Committee on Government Reform.

197. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the Office of the Inspector General and the Secretary's semiannual report on final action taken on Inspector General audits for the period from April 1, 1998 through September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

198. A letter from the Secretary of Energy, transmitting the nineteenth Semiannual Report to Congress prepared by the Department of Energy (DOE) and the DOE Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

199. A letter from the Attorney General, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

200. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

201. A letter from the Staff Director, Commission on Civil Rights, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

202. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received January 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

203. A letter from the Comptroller General, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform.

204. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the consolidated report on accountability and proper management of Federal Resources as required by the Inspector General Act and the Federal Financial Manager's Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

205. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report on activities of the Inspector General for the period ending September 30, 1998, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

206. A letter from the Deputy Secretary of Defense, transmitting the Department's FY 1998 Annual Statement of Assurance, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

207. A letter from the Administrator, Environmental Protection Agency, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

208. A letter from the Chairman, Federal Communications Commission, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act Annual Report for the Federal Communications Commission, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

209. A letter from the Acting Chairman, Federal Election Commission, transmitting the report regarding the objectives of the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

210. A letter from the Chair, Federal Labor Relations Authority, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

211. A letter from the Executive Director, Federal Labor Relations Authority, transmitting the Authority's final rule—Regional Offices; Jurisdictional Changes—January 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

212. A letter from the Chairman, Federal Maritime Commission, transmitting a report on the management controls of the Federal Maritime Commission, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

213. A letter from the Acting Director, Federal Mediation and Conciliation Service, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

214. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

215. A letter from the Chairman, Federal Trade Commission, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

216. A letter from the Administrator, General Services Administration, transmitting a report to Congress regarding the implementation of, and compliance with the Federal Advisory Committee Act Amendments of 1997; to the Committee on Government Reform.

217. A letter from the Chairman, National Capital Planning Commission, transmitting a letter to fulfill the reporting requirements of the Inspector General Act of 1978, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

218. A letter from the President, National Endowment for Democracy, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

219. A letter from the Chairman, National Endowment For The Arts, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

220. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

221. A letter from the Chairwoman, National Mediation Board, transmitting the report of the Federal Mediation Board for the Fiscal Year of 1998, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

222. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Corrections and Updating to Certain Regulations of the Office of Government Ethics (RINs: 3209–AA00, 3209–AA04 and 3209–AA13) received January 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

223. A letter from the Director, Office of Personnel Management, transmitting a detailed report to the Congress justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency; to the Committee on Government Reform.

224. A letter from the Director, Office of Personnel Management, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

225. A letter from the Director, Office of Personnel Management, transmitting OPM's Fiscal Year 1997 Annual Report to Congress on the Federal Equal Opportunity Recruitment Program (FEORP), pursuant to 5 U.S.C. 7201(e); to the Committee on Government Reform.

226. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Pay Administration (General); Collection by Offset from Indebted Government Employees (RIN: 3206–AH63) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

227. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Excepted Service; Promotion and Internal Placement (RIN: 3206–AI51) received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

228. A letter from the Special Counsel, Office of Special Counsel, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

229. A letter from the Executive Director, Presidio Trust, transmitting the Trust's final rule—Management of the Presidio: Freedom of Information Act, Privacy Act, and Federal Tort Claims Act (RIN: 3212–AA01) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

230. A letter from the Chair, Labor Member, and Management Member, Railroad Retirement Board, transmitting a report on the Railroad Retirement Board's internal control and financial management initiatives, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

231. A letter from the Chairman, Securities and Exchange Commission, transmitting a report on the management controls of the Securities and Exchange Commission for the fiscal year ending September 30, 1998, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

232. A letter from the Administrator, Small Business Administration, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1998, through September 30, 1998, and the semiannual report of management on final actions, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

233. A letter from the President, United States Institute of Peace, transmitting a report as required by the Inspector General Act of 1978 and the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C.

3512(c)(3); to the Committee on Government Reform.

234. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—North Dakota Regulatory Program [ND–037–FOR, Amendment No. XXVI] received January 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

235. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Export of River Otters Taken in Missouri in the 1998–1999 and Subsequent Seasons (RIN: 1018–AF23) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

236. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Import of Polar Bear Trophies from Canada: Addition of Populations to the List of Areas Approved for Import (RIN: 1018–AE26) received January 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

237. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Final 1999 Fishing Quotas for Atlantic Surf Clams, Ocean Quahogs, and Maine Mahogany Quahogs [Docket No. 981222317–8317–01; I.D. 100898A] (RIN: 0648–AL77) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

238. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries [Docket No. 981014259–8312–02; I.D. 101498B] (RIN: 0648–AL74) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

239. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Closure of Specified Groundfish Fisheries in the Gulf of Alaska [Docket No. 981222314–8321–02; I.D. 122898B] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

240. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Surf Clam and Ocean Quahog Fishery; Minimum Clam Size for 1999 [I.D. 122398E] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

241. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish in the Bering Sea and Aleutian Islands [Docket No. 981222313–8320–02; I.D. 122898C] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

242. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Interim 1999 Harvest Specifications [Docket No. 981222314–8321–02; I.D. 121698B] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

243. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Area; Interim 1999 Harvest Specifications for Groundfish [Docket No. 981222313–8320–02; I.D. 122198A] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

244. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Special Management Zones [Docket No. 980804203–8306–02; I.D. 061298A] (RIN: 0648–AL00) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

245. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Southeastern United States Shrimp Trawl Bycatch Program Report; to the Committee on Resources.

246. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea subarea of the Bering Sea and Aleutian Islands [Docket No. 971208298–8055–02; I.D. 111698B] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

247. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole Fishery by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands [Docket No. 971208298–8055–02; I.D. 113098A] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

248. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Species: Threatened Status for Two ESUs of Steelhead in Washington, Oregon, and California [Docket No. 980225046–8060–02; I.D. 073097E] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

249. A letter from the Secretary of Commerce, transmitting a report on the socioeconomic benefits to the United States of the striped bass resources of the Atlantic coast; to the Committee on Resources.

250. A letter from the Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a report of the Bureau of Justice Assistance entitled, "Fiscal Year 1997 Annual Report to Congress," pursuant to 42 U.S.C. 3789e; to the Committee on the Judiciary.

251. A letter from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Offset of Tax Refund Payments To Collect Past-Due Support (RIN: 1510–AA63) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

252. A letter from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Offset of Federal Benefit Payments to Collect Past-due, Legally Enforceable Nontax Debt (RIN: 1510–AA74 and RIN: 1510–AA64) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

253. A letter from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Offset of Federal Benefit Payments to Collect Past-due, Legally Enforceable Nontax Debt (RIN: 1510–AA74 and RIN: 1510–AA64) received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

254. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Finalizing Without Change the Interim Regulations that Added Visa Waiver Pilot Program Countries [INS No. 1799–96] (RIN: 1115–AB93) received January 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

255. A letter from the Senior Staff Attorney, United States Court of Appeals, transmitting an opinion of the court (James E. Burr, No. 98–9007); to the Committee on the Judiciary.

256. A letter from the United States Court of Appeals, transmitting an opinion of the court; to the Committee on the Judiciary.

257. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report entitled, "Report to Congress on Transportation Security" for Calendar Year 1996, pursuant to Public Law 101–604, section 102(a) (104 Stat. 3068); to the Committee on Transportation and Infrastructure.

258. A letter from the Administrator, Federal Aviation Administration, transmitting the report on Civil Aviation Security Responsibilities and Funding, pursuant to 49 U.S.C. app. 1356(a); to the Committee on Transportation and Infrastructure.

259. A letter from the Administrator, Federal Aviation Administration, transmitting the third annual report of actions the Federal Aviation Administration has taken in response to Section 304 of the Federal Aviation Administration Authorization Act of 1994, pursuant to Public Law 103–305, section 304(e)(2) (108 Stat. 1592); to the Committee on Transportation and Infrastructure.

260. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes; Correction [Docket No. 98–CE–40–AD; Amendment 39–10681; AD 98–11–01 R2] (RIN: 2120–AA64) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

261. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Twin Commander Aircraft Corporation 500, 680, 690, and 695 Series Airplanes [Docket No. 96–CE–54–AD; Amendment 39–10821; AD 98–08–25 R1] (RIN: 2120–AA64) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

262. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Hugo, OK [Airspace Docket No. 98–ASW–46] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

263. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Carrizo Springs, Glass Ranch Airport, TX [Airspace Docket No. 98–ASW–44] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

264. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Oak Grove, LA [Airspace Docket No. 98–ASW–45] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

265. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–80C2 Series Turbofan Engines [Docket No. 98–ANE–75–AD; Amendment 39–10968; AD 99–01–01] (RIN: 2120–AA64) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

266. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The Uninsured Relative Workshop Inc. Vector Parachute Systems [Docket No. 98–CE–101–AD; Amendment 39–10977; AD 99–01–11] (RIN: 2120–AA64) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

267. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100 and –200 Series Airplanes [Docket No. 98–NM–72–AD; Amendment 39–10967; AD 98–26–24] (RIN: 2120–AA64) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

268. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Meade, KS; Correction [Airspace Docket No. 98–ACE–43] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

269. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Remove Class D Airspace; Fort Leavenworth, KS [Airspace Docket No. 98–ACE–44) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

270. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Dubuque, IA [Airspace Docket No. 98–ACE–58] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

271. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Perry, IA [Airspace Docket No. 98–ACE–52] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

272. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fort Madison, IA [Airspace Docket No. 98–ACE–57] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

273. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Department of Transportation Acquisition Regulations—received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

274. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Market Dominance Determinations—Product and Geographic Competition (STB Ex Parte No. 627) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

275. A letter from the United States Court of Appeals, transmitting an opinion of the Court; to the Committee on Transportation and Infrastructure.

276. A communication from the President of the United States, transmitting the final report of the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China; Referred to the Select Committee on China.

277. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 1997," pursuant to 42 U.S.C. 9604; to the Committee on Science.

278. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revision to the NASA FAR Supplement Coverage on Information to the Internal Revenue Service—received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

279. A letter from the the Director, National Legislative Commission, the American Legion, transmitting the proceedings of the 79th National Convention of the American Legion, held in Orlando, Florida from September 2, 3 and 4, 1997 as well as a financial statement and independent audit, pursuant to 36 U.S.C. 49; (H. Doc. No. 106–7); to the Committee on Veterans' Affairs and ordered to be printed.

280. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, or Training and Rehabilitation Services (RIN: 2900–AJ04) received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

281. A communication from the President of the United States, transmitting an updated report concerning the emigration laws and policies of Albania, pursuant to 19 U.S.C. 2432(b); (H. Doc. No. 106–16); to the Committee on Ways and Means and ordered to be printed.

282. A letter from the Secretary, Department of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

283. A letter from the Secretary, Department of the Treasury, transmitting the United States Government Annual Report for the Fiscal Year ended September 30, 1998, pursuant to 31 U.S.C. 331(c); to the Committee on Ways and Means.

284. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Johannisberg Riesling; Deferral of Compliance Date (98R–406P) [T.D. ATF–405; Ref. T.D. ATF–370; Notice Nos. 581, 749, 871] (RIN: 1512–AB81) received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

285. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Revenue Procedure 99–4] received January 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

286. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Retention of Income Tax Return Preparers' Signatures [TD 8803] (RIN: 1545–AW83) received January 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

287. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Revenue Procedure 99–6] received January 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

288. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Revenue Procedure 99–1] received January 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

289. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Payment of Employment Taxes with Respect to Disregarded Entities [Notice 99–6] received January 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

290. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous Matters [Revenue Procedure 99–5] received January 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

291. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Revenue Procedure 99–8] received January 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

292. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Revenue Procedure 99–2] received January 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

293. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Allocation of Loss with Respect to Stock and Other Personal Property; Application of Section 904 to Income Subject to Separate Limitations [TD 8805] (RIN: 1545–AQ43; 1545–AT41) received January 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

294. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Penalty and Interest Study [Notice 99–4] received January 7,

1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

295. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reduction in Certain Deductions of Mutual Life Insurance Companies [Rev. Rul. 99-3] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

296. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Revenue Procedure 98-64] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

297. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit or abatement; determination of correct tax liability [Revenue Procedure 98-62] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

298. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Revenue Ruling 99-4] received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

299. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit [Revenue Ruling 99-1] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

300. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous [Revenue Procedure 99-11] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

301. A letter from the Commissioner, Social Security Administration, transmitting the Administration's final rule—Pilot Study of Individualized Contributions and Benefit Statements for Social Security Recipients—received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

302. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Mandatory Seizure of Certain Plastic Explosives [T.D. 99-4] (RIN: 1515-AC33) received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

303. A communication from the President of the United States, transmitting a report on the State of the Union; (H. Doc. No. 106-1); to the Committee on the Whole House on the State of the Union and ordered to be printed.

304. A letter from the Chief of Staff, The White House, transmitting a report on the status of drug testing in the Executive Office; jointly to the Committees on Government Reform and Appropriations.

305. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting a report on the applicability to the legislative branch of federal law relating to terms and conditions of employment and access to public services and accommodations, pursuant to Public Law 104-1, section 102(b)(2) (109 Stat. 6); jointly to the Committees on House Administration and Education and the Workforce.

306. A communication from the President of the United States, transmitting the "Report to Congress on a Comprehensive Plan for Responding to the Increase in Steel Imports"; jointly to the Committees on Ways and Means and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 98. A bill to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program (Rept. 106-2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 99. A bill to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes; with an amendment (Rept. 106-6). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 31. Resolution providing for consideration of the bill (H.R. 99) to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes (Rept. 106-4). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. H.R. 350. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes; with an amendment (Rept. 106-5). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLILEY (for himself, Mr. Young of Florida, Mr. Hyde, Mr. Burton of Indiana, Mr. Davis of Virginia, Mr. Bateman, Mr. Wolf, Mr. Boucher, Mr. Goode, Mr. Sisisky, Mr. Oxley, Mr. Whitfield, Mr. Fossella, Mr. Norwood, Mr. Brown of Ohio, Mr. Pallone, Mr. Pickering, Mr. Bishop, Mr. Gejdenson, Mrs. Mink of Hawaii, Mr. Cook, Mr. Maloney of Connecticut, Mr. Coyne, Mr. Scarborough, Mr. Holden, Mr. Rahall, Mr. Riley, Mr. Filner, Mr. Shays, Mr. Pascrell, Mr. Sessions, Mrs. Kelly, Mr. Underwood, Mr. Hansen, Mr. Stupak, Ms. Danner, Mr. Doyle, Mrs. Thurman, Mr. Kleczka, Mr. Weldon of Florida, Mr. Weldon of Pennsylvania, Ms. Kaptur, Mr. Green of Texas, Mr. Thompson of Mississippi, Mrs. McCarthy of New York, Mr. Hall of Ohio, Mr. Saxton, Mr. Bentsen, Mr. Meeks of New York, Mrs. Myrick, Mr. Dixon, Mr. Barrett of Wisconsin, Mr. Diaz-Balart, Mr. McNulty, Mr. Ackerman, Ms. Granger, Mr. John, Ms. Woolsey, Mr. Stenholm, Ms. Carson, Mr. Cunningham, Mr. Jenkins, Mr. Skeen, Mr. Andrews, Mr. Smith of Washington, Mr. Duncan, Mr. Tancredo, Ms. Kilpatrick, Mr. Chambliss, Mr. Abercrombie, Mr. Burr of North Carolina, Mr. Deutsch, Mr. Kennedy, Mr. English of Pennsylvania, Mr. Metcalf, Mr. Frank of Massachusetts, Mr. Ortiz, Mr. Taylor of Mississippi, Mr. Peterson of Pennsylvania, Mr. Gary Miller of California, Mr. Turner, Mr. Gutknecht, Mr. Campbell, Mr. Walden, Mrs. Jones of Ohio, Mr. Bryant, Mr. Calvert, Mrs. Cubin, Mr. Blagojevich, Mr. DeFazio, Mr. Smith of New Jersey, Mr. Gillmor, Ms. Pryce of Ohio, Mr. Baker, Mr. Traficant, Mr. Horn, Mr. McDermott, Mr. Martinez, Mr. Frost, Mr. Towns, Mr. Bachus, Mr. Strickland, Mr. Hayworth, Mr. Blunt, Mr. Allen, Mr. Peterson of Minnesota, Mr. Upton, Mr. Lantos, and Mr. McCollum):

H.R. 430. A bill to amend title 38, United States Code, to extend eligibility for hospital care and medical services under chapter 17 of that title to veterans who have been awarded the Purple Heart, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CAMP (for himself, Mr. Ehlers, Mr. Hoekstra, Mr. Kildee, Ms. Rivers, Mr. Smith of Michigan, and Mr. Upton):

H.R. 431. A bill to require any amounts appropriated for Members' Representational Allowances for the House of Representatives for a fiscal year that remain after all payments are made from such Allowances for the year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on House Administration.

By Mr. GILMAN (for himself, Mr. Gejdenson, and Mr. Lantos):

H.R. 432. A bill to designate the North/South Center as the Dante B. Fascell North-South Center; to the Committee on International Relations.

By Mr. DAVIS of Virginia (for himself, Ms. Norton, and Mrs. Morella):

H.R. 433. A bill to restore the management and personnel authority of the Mayor of the District of Columbia; to the Committee on Government Reform.

By Mr. CRANE (for himself, Mr. Rangel, Mr. McDermott, Mr. Royce, Mr. Dreier, Mr. Jefferson, Mr. Payne, Mr. Houghton, Mr. Gilman, Mr. Levin, Mr. Baker, Mr. Barrett of Nebraska, Mr. Bereuter, Mr. Bilbray, Mr. Blumenauer, Mr. Boehner, Mr. Brady of Texas, Ms. Brown of Florida, Mr. Campbell, Mr. Chabot, Ms. Christian-Christensen, Mr. Dicks, Ms. Dunn of Washington, Mr. Ehlers, Mr. English of Pennsylvania, Mr. Ewing, Mr. Faleomavaega, Mr. Fattah, Mr. Foley, Mr. Ford, Mr. Hall of Ohio, Ms. Jackson-Lee of Texas, Mrs. Johnson of Connecticut, Mrs. Jones of Ohio, Ms. Kilpatrick, Mr. Knollenberg, Mr. Kolbe, Ms. Lofgren, Mr. Manzullo, Mr. Matsui, Ms. McCarthy of Missouri, Mr. McCollum, Mr. McInnis, Mr. McIntosh, Mr. McNulty, Mr. Meeks of New York, Mr. Gary Miller of California, Mr. Moran of Virginia, Mr. Neal of Massachusetts, Mr. Owens, Mr. Petri, Mr. Portman, Mr. Radanovich, Mr. Ramstad, Mr. Salmon, Mr. Sessions, Mr. Shows, Mr. Snyder, Mr. Strickland, Mrs. Tauscher, Mr. Thomas, Mr. Towns, Mr. Wolf, and Mr. Wynn):

H.R. 434. A bill to authorize a new trade and investment policy for sub-Saharan Africa; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCHER (for himself, Mr. RANGEL, Mr. CRANE, and Mr. LEVIN):

H.R. 435. A bill to make miscellaneous and technical changes to various trade laws, and for other purposes; to the Committee on Ways and Means.

By Mr. HORN (for himself, Mr. WAXMAN, Mr. DAVIS of Virginia, Ms. BIGGERT, Mr. SESSIONS, and Mr. DAVIS of Florida):

H.R. 436. A bill to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HORN (for himself, Mr. DAVIS of Virginia, Ms. BIGGERT, Mr. MICA, Mr. SHAYS, Mr. SESSIONS, Mr. ENGLISH of Pennsylvania, and Mr. TAYLOR of North Carolina):

H.R. 437. A bill to provide for a Chief Financial Officer in the Executive Office of the President; to the Committee on Government Reform.

By Mr. SHIMKUS (for himself and Mr. TAUZIN):

H.R. 438. A bill to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes; to the Committee on Commerce.

By Mr. TALENT (for himself, Ms. VELÁZQUEZ, Mrs. KELLY, Mr. PASCRELL, Mr. SWEENEY, and Ms. SCHAKOWSKY):

H.R. 439. A bill to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies; to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT (for himself, Ms. VELÁZQUEZ, Mr. PASCRELL, and Ms. SCHAKOWSKY):

H.R. 440. A bill to make technical corrections to the Microloan Program; to the Committee on Small Business.

By Mr. RUSH (for himself and Mr. HYDE):

H.R. 441. A bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will pratice in health professional shortage areas; to the Committee on the Judiciary.

By Mr. ABERCROMBIE (for himself and Mrs. MINK of Hawaii):

H.R. 442. A bill to amend title XIX of the Social Security Act to increase the Federal medical assistance percentage for Hawaii to 59.8 percent; to the Committee on Commerce.

By Mr. ACKERMAN (for himself, Mr. SHAYS, Ms. KILPATRICK, Mr. SMITH of New Jersey, Mr. CAMPBELL, Mrs. JOHNSON of Connecticut, Mr. SHERMAN, Mr. WEXLER, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Ms. PELOSI, Mr. PAYNE, Mr. WYNN, Mr. DELAHUNT, Mr. BROWN of California, Mr. FARR of California, Mr. MORAN of Virginia, Ms. DEGETTE, Mr. TRAFICANT, Mrs. TAUSCHER, Mr. DEUTSCH, Mr. WAXMAN, Ms. RIVERS, Ms. LEE, Mr. FILNER, Mrs. LOWEY, Mr. FRANK of Massachusetts, Mr. KUCINICH, Mr. BERMAN, Mr. PASCRELL, Mr. GEORGE MILLER of California, Mr. GILMAN, Ms. WOOLSEY, Mr. DEFAZIO, Mr. TIERNEY, Mr. CROWLEY, Mr. CLYBURN, Mr. BORSKI, Mr. BLUMENAUER, Mrs. MALONEY of New York, and Mr. LANTOS):

H.R. 443. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory cattle, sheep, swine, horses, mules, or goats, and for other purposes; to the Committee on Agriculture.

By Ms. BALDWIN (for herself, Mr. OBEY, Mr. KLECZKA, and Mr. PETERSON of Minnesota):

H.R. 444. A bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program; to the Committee on Agriculture.

By Mr. BARRETT of Wisconsin (for himself and Mr. VENTO):

H.R. 445. A bill to amend the Electronic Fund Tranfer Act to safeguard consumers in connection with the utilization of certain debit cards; to the Committee on Banking and Financial Services.

By Mr. BENTSEN:

H.R. 446. A bill to amend the Internal Revenue Code of 1986 to eliminate tax subsidies for ethanol fuel; to the Committee on Ways and Means.

By Mr. BEREUTER:

H.R. 447. A bill to establish the Lands Title Report Commission to facilitate certain home loan mortgages; to the Committee on Banking and Financial Services.

By Mr. BILIRAKIS (for himself, Mr. HASTERT, Mr. UPTON, Mr. TALENT, Mr. GOODLING, Mr. GILLMOR, Mr. CUNNINGHAM, Mr. ENGLISH of Pennsylvania, Mr. GOSS, Ms. PRYCE of Ohio, Mr. HILL of Montana, Mr. ARMEY, and Mr. OXLEY):

H.R. 448. A bill to provide new patient protections under group health plans; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BORSKI (for himself, Mr. WELDON of Pennsylvania, and Mr. BRADY of Pennsylvania):

H.R. 449. A bill to authorize the Gateway Visitor Center at Independence National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. CAMP (for himself, Mr. GUTKNECHT, and Mr. POMEROY):

H.R. 450. A bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for agricultural products of the United States; to the Committee on Ways and Means.

By Mr. CAMPBELL:

H.R. 451. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for a sequestration of all budgetary accounts for fiscal year 2000 (except Social Security, Federal retirement, and interest on the debt) equal to 5 percent of the OMB baseline; to the Committee on the Budget.

H.R. 452. A bill to provide off-budget treatment for the receipts and disbursements of the land and water conservation fund, and to provide that the amount appropriated from the fund for a fiscal year for Federal purposes may not exceed the amount appropriated for that fiscal year for financial assistance to the States for State purposes; to the Committee on the Budget, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANADY of Florida (for himself, Mr. HYDE, Ms. JACKSON-LEE of Texas, Mr. GILMAN, Mr. MURTHA, Mr. CAMPBELL, Mr. DEFAZIO, Mr. HOLDEN, Mr. LEWIS of Georgia, Mr. ROTHMAN, Mr. SAXTON, Mr. SHAYS, Mr. HINCHEY, Ms. PELOSI, Mr. KLECZKA, Mr. SMITH of New Jersey, Ms. RIVERS, Mr. MORAN of Virginia, Mr. TIERNEY, Mr. WEXLER, Mr. BLUMENAUER, Mr. SHERMAN, and Ms. WOOLSEY):

H.R. 453. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture.

By Mr. CANADY of Florida (for himself, Mr. MCCOLLUM, Mr. GOSS, and Mr. YOUNG of Florida):

H.R. 454. A bill to provide for the appointment of additional Federal district judges in the State of Florida; to the Committee on the Judiciary.

By Mrs. CAPPS (for herself, Mr. DEUTSCH, Ms. KAPTUR, Mr. FROST, Mr. SANDERS, Ms. DELAURO, Mr. GREEN of Texas, Ms. LOFGREN, Mr. STARK, Mrs. CLAYTON, Mr. WAXMAN, Mr. REYES, Mrs. MALONEY of New York, Mr. BROWN of California, Ms. KILPATRICK, Mr. BONIOR, Mr. MCDERMOTT, Mr. TOWNS, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Ms. ESHOO, Mr. LUCAS of Kentucky, Mrs. JONES of Ohio, Mr. FILNER, and Ms. DEGETTE):

H.R. 455. A bill to provide grants to certain local educational agencies to provide integrated classroom-related computer training for elementary and secondary school teachers; to the Committee on Education and the Workforce.

By Mr. COLLINS:

H.R. 456. A bill for the relief of the survivors of the 14 members of the Armed Forces and the one United States civilian Federal employee who were killed on April 14, 1994, when United States fighter aircraft mistakenly shot down 2 United States helicopters over Iraq; to the Committee on the Judiciary.

By Mr. CUMMINGS (for himself, Ms. NORTON, Ms. KILPATRICK, Mr. BENTSEN, Mrs. MORELLA, Mr. FORD, Ms. RIVERS, Mr. UNDERWOOD, Mr. FROST, and Mrs. JONES of Ohio):

H.R. 457. A bill to amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes; to the Committee on Government Reform.

By Ms. DUNN of Washington (for herself, Mr. McDermott, Mr. Dicks, Mr. Hastings of Washington, Mr. Nethercutt, Mr. Metcalf, Mr. Smith of Washington, Mr. Inslee, and Mr. Baird):

H.R. 458. A bill to amend title XIX of the Social Security Act to allow States to use the funds available under the State children's health insurance program for an enhanced matching rate for coverage of additional children under the Medicaid Program; to the Committee on Commerce.

By Mr. FRELINGHUYSEN (for himself and Mr. Pallone):

H.R. 459. A bill to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project; to the Committee on Commerce.

By Mr. GALLEGLY:

H.R. 460. A bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers; to the Committee on Government Reform.

By Mr. GALLEGLY (for himself, Mr. Salmon, Mr. Royce, Mr. Sherman, Mr. Stump, Mr. Horn, Mr. Cunningham, Mr. Rogan, Mr. Bachus, Mr. Hayworth, Mr. Ney, Mr. Traficant, Mrs. Tauscher, Mr. Ehrlich, and Mr. Nethercutt):

H.R. 461. A bill to amend rule 11 of the Federal Rules of Civil Procedure regarding representations made to courts by or on behalf of, and court sanctions applicable with respect to, prisoners; to the Committee on the Judiciary.

By Mr. GEKAS (for himself, Mr. McCollum, Mr. Mica, and Mr. Romero-Barcelo):

H.R. 462. A bill to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income; to the Committee on the Judiciary.

By Mr. GILLMOR (for himself, Mr. Tanner, and Mrs. Kelly):

H.R. 463. A bill to amend the Federal Election Campaign Act of 1971 to protect the equal participation of eligible voters in campaigns for election for Federal office; to the Committee on House Administration.

By Ms. GRANGER (for herself, Mr. Weller, Mr. Pickering, Mr. Bereuter, Mr. Bonilla, Mr. Paul, Mr. Pitts, Mr. Cunningham, Mr. King of New York, Mr. Pombo, Mr. Sessions, Mr. Frost, Mr. Manzullo, Mr. Brady of Texas, Mr. Young of Alaska, Ms. Dunn of Washington, Mrs. Morella, Mr. Sisisky, Ms. Ros-Lehtinen, Mr. McIntosh, Mr. Watkins, Mr. LaTourette, Mrs. Myrick, Mr. Barton of Texas, Mr. McHugh, Mr. Schaffer, Mr. Shows, Mr. Armey, Mr. Thornberry, Mr. Rogan, Mr. Combest, Mr. Buyer, and Mr. Scarborough):

H.R. 464. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for education; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 465. A bill to direct the Foreign Trade Zones Board to expand Foreign Trade Zone No. 143 to include an area of the municipal airport of Chico, California; to the Committee on Ways and Means.

By Mr. HOLDEN (for himself, Mr. Wise, Mr. Mascara, Mr. Kanjorski, Mr. Murtha, and Mr. Boucher):

H.R. 466. A bill to make improvements in the Black Lung Benefits Act; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas:

H.R. 467. A bill to amend section 313(p)(3) of the Tariff Act of 1930 to allow duty drawback for Methyl Tertiary-butyl Ether ("MTBE"), a finished petroleum derivative; to the Committee on Ways and Means.

By Mr. KILDEE (for himself and Mr. Stupak):

H.R. 468. A bill to establish the Saint Helena Island National Scenic Area; to the Committee on Resources.

By Mr. LAZIO of New York (for himself, Mr. Shows, Mr. Horn, Mr. Gilman, and Mr. Barcia of Michigan):

H.R. 469. A bill to amend title 18, United States Code, to provide penalties for certain crimes relating to day care providers in or affecting interstate or foreign commerce; to the Committee on the Judiciary.

By Mr. McDERMOTT (for himself, Mr. Dicks, Mr. Frost, Mr. Filner, and Mrs. Capps):

H.R. 470. A bill to amend title XIX of the Social Security Act to extend the higher Federal medical assistance percentage for payment for Indian Health service facilities to urban Indian health programs under the Medicaid Program; to the Committee on Commerce.

By Mr. McNULTY:

H.R. 471. A bill to amend title 49, United States Code, to grant the State of New York authority to allow tandem trailers to use Interstate Route 787 between the New York State Thruway and Church Street in Albany, New York; to the Committee on Transportation and Infrastructure.

By Mr. MILLER of Florida (for himself, Mr. Burton of Indiana, Mr. Davis of Virginia, Mr. Greenwood, Mr. Hayworth, Mr. Mica, Mr. Petri, and Mr. Ryan of Wisconsin):

H.R. 472. A bill to amend title 13, United States Code, to require the use of postcensus local review as part of each decennial census; to the Committee on Government Reform.

By Mrs. MINK of Hawaii:

H.R. 473. A bill to ensure that crop losses resulting from plant viruses and other plant diseases are covered by crop insurance and the noninsured crop assistance program and that agricultural producers who suffer such losses are eligible for emergency loans; to the Committee on Agriculture.

By Mrs. MINK of Hawaii:

H.R. 474. A bill to provide authorities to, and impose requirements on, the Secretary of Defense in order to facilitate State enforcement of State tax, employment, and licensing laws against Federal construction contractors; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H.R. 475. A bill to amend title 10, United States Code, to extend eligibility to use the military health care system and commissary stores to an unremarried former spouse of a member of the uniformed services if the member performed at least 20 years of service which is creditable in determining the member's eligibility for retired pay and the former spouse was married to the member for a period of at least 17 years during those years of service; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H.R. 476. A bill to prescribe alternative payment mechanisms for the payment of annual enrollment fees for the TRICARE program of the military health care system; to the Committee on Armed Services.

By Mrs. MINK of Hawaii:

H.R. 477. A bill to amend the Public Health Service Act with respect to research on cognitive disorders arising from traumatic brain injury; to the Committee on Commerce.

By Mrs. MINK of Hawaii:

H.R. 478. A bill to amend the National Labor Relations Act to require the National Labor Relations Board to assert jurisdiction in a labor dispute which occurs on Johnston Atoll, an unincorporated territory of the United States; to the Committee on Education and the Workforce.

By Mrs. MINK of Hawaii:

H.R. 479. A bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act) to require that contract work covered by the Act which requires licensing be performed by a person who is so licensed; to the Committee on Education and the Workforce.

By Mrs. MINK of Hawaii:

H.R. 480. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain personal care services under the unemployment tax; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 481. A bill to provide for a Federal program of insurance against the risk of catastrophic earthquakes, volcanic eruptions, and hurricanes, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 482. A bill to provide for the regulation of the airspace over National Park System lands in the State of Hawaii by the Federal Aviation Administration and the National Park Service, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Mr. Underwood, Mr. Kennedy, Mr. Filner, Ms. Kilpatrick, Mr. Davis of Virginia, Mr. Hinchey, Mr. Fattah, and Mr. Cummings):

H.R. 483. A bill to amend title 5, United States Code, to make the percentage limitations on individual contributions to the Thrift Savings Plan more consistent with the dollar amount limitation on elective deferrals, and for other purposes; to the Committee on Government Reform.

By Mr. NETHERCUTT:

H.R. 484. A bill to direct the United States Sentencing Commission to provide penalty enhancements for drug offenses committed in the presence of children; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 485. A bill to amend part B of title III of the Higher Education Act of 1965 to repeal the specific limitation on the eligibility of the University of the District of Columbia for assistance for Historically Black Colleges and Universities; to the Committee on Education and the Workforce.

By Mr. NORWOOD (for himself, Mr. Klink, Mr. Deal of Georgia, Mr. Oxley, Mr. Burr of North Carolina, Mr. Cunningham, Mr. Bishop, Mr. Condit, and Mr. Weygand):

H.R. 486. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes; to the Committee on Commerce.

By Mr. RAMSTAD:

H.R. 487. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Ways and Means.

By Mr. SHAYS (for himself, Mrs. MALONEY of New York, Mr. LEWIS of Georgia, Mr. ACKERMAN, Ms. SLAUGHTER, Mr. HINCHEY, Ms. RIVERS, Mr. COSTELLO, Mr. NADLER, Mr. GUTIERREZ, Ms. KILPATRICK, Mr. BROWN of Ohio, Mr. TOWNS, Mr. PASCRELL, Mr. GEJDENSON, Mr. BLUMENAUER, Mr. SANDERS, Mr. SMITH of New Jersey, Mr. MEEHAN, Mr. FARR of California, and Ms. NORTON):

H.R. 488. A bill to designate as wilderness, wild and scenic rivers, national park and preserve study areas, wild land recovery areas, and biological connecting corridors certain public lands in the States of Idaho, Montana, Oregon, Washington, and Wyoming, and for other purposes; to the Committee on Resources.

By Ms. SLAUGHTER (for herself, Mr. BROWN of California, Mr. FILNER, Mr. LANTOS, Ms. LEE, Ms. LOFGREN, Mr. MATSUI, Ms. PELOSI, Mr. SHERMAN, Mr. STARK, Mr. WAXMAN, Ms. DeLAURO, Ms. NORTON, Mr. UNDERWOOD, Mrs. MINK of Hawaii, Mr. ACKERMAN, Mr. FORBES, Mr. HINCHEY, Mr. NADLER, Mrs. CLAYTON, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. DeFAZIO, Ms. HOOLEY of Oregon, Mr. BRADY of Pennsylvania, Mr. FORD, Mr. FROST, Mr. HINOJOSA, Mr. LAMPSON, Mr. RUSH, Ms. SCHAKOWSKY, Ms. CARSON, Mr. BALDACCI, Mr. CAPUANO, Mr. FRANK of Massachusetts, Mr. McGOVERN, Mr. MARKEY, Mr. MEEHAN, Mr. OLVER, Ms. KILPATRICK, Mr. BONIOR, Mr. VENTO, Mr. CLAY, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. SANDERS, and Mr. RAHALL):

H.R. 489. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve the availability of child care and development services during periods outside normal school hours, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of Texas (for himself, Mr. BONILLA, and Mr. COMBEST):

H.R. 490. A bill to require the Secretary of Energy to purchase additional petroleum products for the Strategic Petroleum Reserve; to the Committee on Commerce.

By Mr. STARK (for himself, Mr. BROWN of Ohio, Mrs. THURMAN, Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. McDERMOTT, Mr. LEVIN, Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. FROST, Mr. MARKEY, and Ms. SCHAKOWSKY):

H.R. 491. A bill to amend parts C and D of title XVIII of the Social Security Act to improve the operation of the Medicare+Choice and Medigap programs; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. SMITH of Washington, Mr. HALL of Texas, Mr. BACHUS, Mr. HOLDEN, Mr. NETHERCUTT, Mr. YOUNG of Alaska, Mrs. EMERSON, Mr. HOSTETTLER, Mr. GREEN of Texas, Mr. CRAMER, Mr. COMBEST, Mr. RAHALL, and Mr. BARCIA of Michigan):

H.R. 492. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry certain concealed firearms in the State, and to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. STEARNS:

H.R. 493. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS:

H.R. 494. A bill to amend the Endangered Species Act of 1973 to reform the regulatory process under that Act; to the Committee on Resources.

By Mr. THOMAS:

H.R. 495. A bill to reform Federal land management activities relating to endangered species conservation; to the Committee on Resources.

By Mr. THOMAS:

H.R. 496. A bill to amend the Endangered Species Act of 1973 to reform provisions relating to liability for civil and criminal penalties under that Act; to the Committee on Resources.

By Mr. THORNBERRY:

H.R. 497. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from oil and gas produced from certain recovered inactive wells; to the Committee on Ways and Means.

By Mr. THORNBERRY:

H.R. 498. A bill to direct the Minerals Management Service to accept royalty-in-kind oil from the Gulf of Mexico to fill the Strategic Petroleum Reserve; to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 499. A bill to amend the Worker Adjustment and Retraining Notification Act to require an employer which is terminating its business to offer its employees an employee stock ownership plan; to the Committee on Education and the Workforce.

By Mr. MURTHA:

H.R. 500. A bill to increase the rates of military basic pay and to revise the formula for the computation of retired pay for members of the Armed Forces who first entered military service on or after August 1, 1986; to the Committee on Armed Services.

By Mr. TRAFICANT:

H.R. 501. A bill to require the registration of all persons providing intercountry adoption services; to the Committee on International Relations.

By Mr. TRAFICANT (for himself, Mr. PALLONE, Mr. BRADY of Pennsylvania, Mr. COSTELLO, Mr. CANNON, Mr. MASCARA, Mr. NEY, Mr. KLINK, Mr. DICKEY, Mr. RAHALL, Mr. BACHUS, Mr. MOLLOHAN, Mr. VISCLOSKY, Mr. STUPAK, Ms. KAPTUR, Mr. DOYLE, Mrs. JONES of Ohio, and Mr. NORWOOD):

H.R. 502. A bill to impose a 3-month ban on imports of steel and steel products from Japan, Russia, South Korea, and Brazil; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 503. A bill to designate the Youngstown-Warren area of Ohio as an empowerment zone under subchapter U of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 504. A bill to amend the Internal Revenue Code of 1986 to require, in weighing the factors taken into account in the evaluation of applications for the designation of empowerment zones in urban areas under subchapter U of such Code, that the unemployment rate and poverty rate of an applicant together be given half the weight; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico:

H.R. 505. A bill to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty; to the Committee on Resources.

By Mr. VISCLOSKY (for himself, Mr. QUINN, Mr. KUCINICH, Mr. NEY, Mr. MURTHA, Mr. GEPHARDT, Mr. BONIOR, Mr. KLINK, Ms. KAPTUR, Mr. WISE, Mr. VENTO, Mr. DOYLE, Mr. DICKEY, Mr. MOLLOHAN, Mr. STUPAK, Mr. TRAFICANT, Mr. EVANS, Mr. KENNEDY, Mr. RAHALL, Mr. LIPINSKI, Mr. BISHOP, Mr. COSTELLO, Mr. BACHUS, Mr. HINCHEY, Mr. CONYERS, Mr. STRICKLAND, Mr. BRADY of Pennsylvania, Mr. OWENS, Ms. RIVERS, Mr. HALL of Texas, Mr. PASCRELL, Mr. PETERSON of Pennsylvania, Mr. DELAHUNT, Mr. PALLONE, Mr. BROWN of Ohio, Ms. LEE, Mr. RUSH, Mr. GUTIERREZ, Mr. MATSUI, Mr. NORWOOD, Mr. BLAGOJEVICH, Mr. MASCARA, Mr. MEEKS of New York, Mr. CARDIN, Ms. HOOLEY of Oregon, Ms. CARSON, Mr. OLVER, Mr. LaTOURETTE, Mr. FRANK of Massachusetts, Mr. HILLIARD, Mr. DINGELL, Mrs. JONES of Ohio, Mr. CROWLEY, Mr. COYNE, Mr. TOWNS, Ms. McKINNEY, Mr. SKEEN, Mr. SANDERS, Mr. GONZALEZ, Mr. HASTINGS of Florida, Ms. DeLAURO, Mr. ABERCROMBIE, Mr. FILNER, Mr. KANJORSKI, Mr. JACKSON of Illinois, Mr. HOLDEN, Mr. LEWIS of Georgia, Mr. ROTHMAN, Mr. CUMMINGS, Mr. SPRATT, Mr. RODRIGUEZ, Ms. STABENOW, Mrs. McCARTHY of New York, Mr. KILDEE, Ms. SANCHEZ, Ms. McCARTHY of Missouri, Ms. NORTON, Mr. ROMERO-BARCELO, Mr. METCALF, Mrs. CAPPS, Mr. OBERSTAR, Ms. SCHAKOWSKY, Mr. LAMPSON, Mr. SHOWS, Ms. MILLENDER-McDONALD, Mr. THOMPSON of Mississippi, Mr. FROST, Ms. DANNER, Mr. ROEMER, Mr. CANNON, Mr. HOYER, Mr. CRAMER, Mr. McGOVERN, Mr. HILL of Indiana, Mr. WYNN, Mrs. CLAYTON, Mr. MENENDEZ, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DeFAZIO, Mr. CALLAHAN, Mrs. THURMAN, Mr. HORN, Ms. WATERS, Mr. BROWN of California, Mr. DAVIS of Illinois, Mr. WEYGAND, Mr. BERRY, Mr. BALDACCI, Mr. BORSKI, and Mr. GEORGE MILLER of California):

H.R. 506. A bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997; to the Committee on Ways and Means.

By Mr. WOLF:

H.R. 507. A bill to amend title 49, United States Code, to transfer certain motor carrier safety functions vested in the Secretary of Transportation from the Federal Highway Administration to the National Highway Traffic Safety Administration; to the Committee on Transportation and Infrastructure.

By Mr. THOMAS (for himself, Mr. Hoyer, Mr. Gilman, Mr. Gejdenson, Mr. Lantos, Mr. Regula, and Mr. LaTourette):

H. Con. Res. 19. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust; to the Committee on House Administration.

By Mr. CAMPBELL (for himself and Mr. Payne):

H. Con. Res. 20. Concurrent resolution concerning economic, humanitarian, and other assistance to the northern part of Somalia; to the Committee on International Relations.

By Mr. SHIMKUS (for himself, Mr. Kucinich, Mr. Pallone, Mr. Pascrell, Mr. Knollenberg, Mr. Cox of California, and Mrs. Jones of Ohio):

H. Con. Res. 21. Concurrent resolution recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO); to the Committee on International Relations.

By Mr. FROST:

H. Res. 29. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mr. WATTS of Oklahoma:

H. Res. 30. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. BEREUTER (for himself, Mr. Kolbe, Mr. Moran of Virginia, Mr. Blumenauer, Mrs. Morella, Mr. Weller, and Mr. Kuykendall):

H. Res. 32. A resolution expressing support for, and calling for actions in support of, free, fair, and transparent elections in Indonesia; to the Committee on International Relations.

By Mr. CLEMENT (for himself, Mr. Duncan, Mr. Ford, Mr. Tanner, Mr. Bryant, Mr. Gordon, Mr. Hilleary, Mr. Wamp, and Mr. Jenkins):

H. Res. 33. A resolution congratulating the Tennessee Volunteers for winning the undisputed national championship in college football and Coach Phillip Fulmer for being honored as Coach of the Year; to the Committee on Education and the Workforce.

By Ms. DeLAURO (for herself, Mr. Gephardt, Mr. Bonior, Mr. Rangel, Mr. Matsui, Mr. Stark, Mrs. Thurman, Ms. Pelosi, Mrs. Lowey, Mrs. Morella, Mrs. Maloney of New York, Mr. McDermott, Mr. Coyne, Mr. Neal of Massachusetts, Mr. Levin, Ms. Brown of Florida, Mr. Olver, Mr. Petri, Mr. Filner, Mrs. Meek of Florida, Mrs. Capps, Mr. Gejdenson, Mr. Serrano, Ms. Millender-McDonald, Mr. Meehan, Ms. Rivers, Mr. Kucinich, Mrs. Clayton, Mr. George Miller of California, Ms. Norton, Ms. Kaptur, Mr. Frost, Mr. Markey, Mr. Hinchey, Mr. Ford, Ms. McKinney, Ms. Roybal-Allard, Mr. Stupak, Ms. Lee, Mr. Delahunt, Mr. Green of Texas, Ms. Jackson-Lee of Texas, Mr. Allen, Ms. Velázquez, Ms. Woolsey, Ms. Slaughter, Mr. Bentsen, Mr. Bishop, Ms. Danner, Mrs. Mink of Hawaii, Mr. Barrett of Wisconsin, Kildee, Mr. Frank of Massachusetts, Ms. Lofgren, Mr. Pomeroy, Mrs. McCarthy of New York, Mr. Nadler, Mr. Pallone, Mr. Oberstar, Ms. McCarthy of Missouri, Mr. Wynn, Mr. Wexler, Mr. Vento, Mr. Brown of Ohio, Mr. Maloney of Connecticut, Mr. Thompson of Mississippi, Mr. Tierney, Mr. Sherman, Mr. Brady of Pennsylvania, Mr. Sandlin, Mr. Dixon, Mr. Manzullo, Ms. Hooley of Oregon, Mr. Goode, Mr. Lewis of Georgia, Mr. Romero-Barcelo, Ms. Kilpatrick, Mr. Hinojosa, Ms. Schakowsky, Ms. Eshoo, Mr. Abercrombie, Mrs. Napolitano, Mr. Lantos, Mr. Berman, Mr. Hill of Indiana, Mr. Crowley, Mr. Underwood, Mr. DeFazio, Ms. DeGette, Mr. Waxman, Mr. Shows, Ms. Stabenow, Mr. Lampson, Mr. McGovern, Mr. Sanders, Ms. Waters, and Mr. Hilliard):

H. Res. 34. A resolution recognizing the unique effects that proposals to reform Social Security may have on women; to the Committee on Ways and Means.

By Mr. WEXLER (for himself and Mr. Clyburn):

H. Res. 35. A resolution condemning the racism and bigotry espoused by the Council of Conservative Citizens; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

1. The SPEAKER presented a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 4 expressing strong opposition to any reduction in the budget of the United States Department of Veterans Affairs that may negatively affect the quality of health care services provided to New Jersey's 740,000 veterans; to the Committee on Veterans' Affairs.

2. Also, a memorial of the General Assembly of the State of New Jersey, relative to Assembly Resolution No. 73 memorializing the Congress of the United States to enact legislation providing full protection to any innocent person who has filed a joint tax return with a current or former marital partner from the inequitable imposition of joint and several liability for understatement or underpayment of federal income tax under that return; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BARTLETT of Maryland:

H.R. 508. A bill for the relief of Roma Salobrit; to the Committee on the Judiciary.

By Mrs. CUBIN:

H.R. 509. A bill to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property; to the Committee on Resources.

By Mrs. CUBIN:

H.R. 510. A bill to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut:

H.R. 511. A bill to provide for the liquidation or reliquidation of certain customs entries of nuclear fuel assemblies; to the Committee on Ways and Means.

By Mr. McINTYRE:

H.R. 512. A bill for the relief of Augusto Ernesto Segovia, Maria Isabel Segovia, Edelmira Isabel Segovia, Perla Franccesca Segovia, and Augusto Thomas Segovia; to the Committee on the Judiciary.

By Ms. SANCHEZ:

H.R. 513. A bill for the relief of the Boyd family by clarifying the status of Joseph Samuel Boyd as a public safety officer for purposes of payment of death benefits by the Bureau of Justice Assistance; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. Brown of California, Mr. Herger, Mr. Dooley of California, Mr. Thompson of California, Mr. Stark, Mr. Martinez, Ms. Lee, Mr. Royce, Mr. Filner, Mr. Gary Miller of California, and Mrs. Napolitano.

H.R. 14: Mr. Goss and Mr. Cox of California.

H.R. 19: Mr. Pastor, Mr. Ney, Mr. Kasich, Mr. Packard, Mr. Porter, Mr. Horn, Mrs. Morella, Mr. Boehlert, and Mr. McCrery.

H.R. 27: Mr. Shays, Mr. Frost, Mr. Armey, Mr. Peterson of Pennsylvania, Mr. Hill of Montana, Mr. Burton of Indiana, Mrs. Myrick, and Mr. Hostettler.

H.R. 33: Mr. Stearns, Mrs. Meek of Florida, Mr. Scarborough, Mr. Deutsch, Ms. Brown of Florida, Mr. Weldon of Florida, Mr. Diaz-Balart, and Mr. Young of Florida.

H.R. 38: Mr. Bliley, Mr. Callahan, Mr. Goss, Mr. Hayworth, Mr. Horn, Mr. Hostettler, Mr. Rohrabacher, Mr. Royce, Mr. Sessions, Mr. Weldon of Florida, Mr. Largent, and Mr. LaHood.

H.R. 41: Mr. Saxton.

H.R. 44: Mr. Condit, Mr. Taylor of Mississippi, Mr. Pomeroy, Ms. Woolsey, Mr. Holden, Mr. Hunter, Mr. Shows, Mr. Costello, Mr. Rahall, Mrs. Emerson, and Mr. Jenkins.

H.R. 45: Mr. Ballenger, Mr. Frank of Massachusetts, Mr. Chambliss, Mr. Wicker, Mr. Weller, Mr. Boucher, Mr. Sam Johnson of Texas, Mr. Jefferson, Ms. Pryce of Ohio, Mr. Levin, Ms. Biggert, Mr. Spence, Mr. Bachus, and Mr. Hastings of Washington.

H.R. 58: Mr. Paul, and Mr. King of New York.

H.R. 61: Mr. Moakley, Mr. DeFazio, Mr. Waxman, Mr. Shows, Mr. Hilliard, and Mr. Lantos.

H.R. 65: Mr. Condit, Mr. Skeen, Mrs. Thurman, Mr. Taylor of Mississippi, Mr. Dickey, Mr. Young of Alaska, Mr. Scarborough, Ms. Woolsey, Mr. Holden, Mr. Hunter, Mr. Shows, Mr. Weldon of Pennsylvania, Mr. Costello, Mr. Rahall, Mrs. Emerson, Mr. Hall of Texas, and Mr. Jenkins.

H.R. 70: Mr. Sununu, Mr. Lewis of Kentucky, Mrs. Kelly, Mr. Gary Miller of California, Mr. LaHood, Mr. Crowley, Mr.

Frost, Mr. Kleczka, Mr. Turner, Mr. Barrett of Wisconsin, Mr. Crane, Mr. Gutknecht, Mr. Walden, Mr. Smith of New Jersey, Mr. Underwood, Mr. Bryant, Mr. Tierney, Mrs. Cubin, Mr. Shows, Mr. Ney, Mr. Nethercutt, Mr. Gejdenson, Mr. Dingell, Ms. Pryce of Ohio, Mr. Cunningham, Mr. Lipinski, Mr. Taylor of Mississippi, Mr. Martinez, Mr. Barrett of Nebraska, Mr. Sisisky, Ms. Biggert, Mr. Largent, Mr. Faleomavaega, Mr. Hayworth, Mrs. Jones of Ohio, Mr. Upton, Mr. Lantos, Mr. McCollum, Mr. Ewing, Mr. Salmon, and Mr. Kolbe.

H.R. 82: Mr. Hostettler.

H.R. 89: Mr. Wise, Mr. McHugh, Mr. Weller, Mrs. Johnson of Connecticut, Mr. Whitfield, Mr. Chambliss, Mr. Sanders, Mr. Hinojosa, Mr. Stump, Mr. Lewis of Kentucky, Mrs. Myrick, Mr. George Miller of California, Mr. Gutknecht, Mr. Underwood, Mr. Price of North Carolina, Mr. Hastings of Washington, Mr. Campbell, Mr. Ney, Mr. Dickey, Mr. Ballenger, and Mr. Peterson of Minnesota.

H.R. 99: Mr. Pickering.

H.R. 103: Ms. Kilpatrick, Mrs. Maloney of New York, Mr. Frank of Massachusetts, Mr. Campbell, Mr. Rothman, and Mr. Rogan.

H.R. 110: Mrs. Clayton, Ms. Norton, Mr. Baldacci, Mr. Moran of Virginia, Mr. Petri, Mr. Frost, Ms. Kilpatrick, Mr. Ford, Mr. George Miller of California, Mr. Thompson of Mississippi, Mr. Rangel, Mr. Brady of Pennsylvania, and Mr. Hilliard.

H.R. 111: Mr. Young of Alaska, Mr. Rahall, Mr. Petri, Mr. Wise, Mr. Bateman, Mr. Traficant, Mr. Coble, Mr. DeFazio, Mr. Ewing, Mr. Clement, Mr. Gilchrest, Mr. Costello, Mr. Horn, Ms. Norton, Mr. Franks of New Jersey, Mr. Nadler, Mr. Mica, Ms. Danner, Mr. Quinn, Mr. Menendez, Mrs. Fowler, Ms. Brown of Florida, Mr. Ehlers, Mr. Barcia of Michigan, Mr. Bachus, Mr. Filner, Mr. LaTourette, Ms. Eddie Bernice Johnson of Texas, Mrs. Kelly, Mr. Mascara, Mr. LaHood, Mr. Taylor of Mississippi, Mr. Baker, Ms. Millender-McDonald, Mr. Bass, Mr. Cummings, Mr. Ney, Mr. Blumenauer, Mr. Metcalf, Mr. Sandlin, Mr. Pease, Mrs. Tauscher, Mr. Hutchinson, Mr. Pascrell, Mr. Cook, Mr. Boswell, Mr. Cooksey, Mr. McGovern, Mr. Thune, Mr. Holden, Mr. LoBiondo, Mr. Lampson, Mr. Watts of Oklahoma, Mr. Baldacci, Mr. Moran of Kansas, Mr. Berry, Mr. Doolittle, Mr. Shows, Mr. Terry, Mr. Baird, Mr. Sherwood, Ms. Berkley, Mr. Gary Miller of California, Mr. Sweeney, Mr. DeMint, and Mr. Brady of Pennsylvania.

H.R. 116: Mr. Menendez, Mr. Reyes, Mr. Shows, Mr. Capuano, Mr. Martinez, Mr. Underwood, Mr. Ney, and Mr. Lantos.

H.R. 119: Mr. John, Mr. Frost, Mr. Wamp, Mr. Duncan, Mr. Clement, Mr. Shows, Mr. Bishop, Mr. Taylor of North Carolina, Mr. McGovern, Mr. Kennedy, Mr. Rahall, Mr. Sisisky, Mr. Spratt, Mrs. Myrick, Mrs. Thurman, Ms. Carson, Ms. McCarthy of Missouri, Mr. Pease, and Mr. Stupak.

H.R. 120: Mr. Hayworth, Mr. Duncan, Mr. Goode, Mr. Lazio of New York, and Mr. Burr of North Carolina.

H.R. 121: Mr. Watts of Oklahoma.

H.R. 122: Mr. Lazio of New York.

H.R. 136: Mr. Combest.

H.R. 137: Mr. Lampson.

H.R. 140: Mrs. Roukema, Mr. Castle, Mr. Quinn, and Mr. Miller of Florida.

H.R. 147: Mr. Goode, Mr. Gilman, Mr. Metcalf, Mr. Peterson of Minnesota, and Mr. Hilliard.

H.R. 148: Mr. Bishop, Mr. Goode, Mr. Gilman, Ms. Danner, Mr. Peterson of Minnesota, Mr. Green of Texas, Mr. Metcalf, Mr. Sessions, Mr. McIntosh, Mr. Payne, Mr. Gillmor, Mr. Frost, Mr. Ney, Mr. Hilliard, and Mr. Quinn.

H.R. 160: Mr. Hayworth, Mr. Goodlatte, and Mr. Radanovich.

H.R. 163: Ms. Rivers, Mr. Kleczka, Mr. Snyder, Mr. Cramer, Mr. Boucher, Mr. Baldacci, Mr. Gilman, Mr. George Miller of California, Mr. Stark, Mr. Ehlers, Ms. Eddie Bernice Johnson of Texas, Mr. Clement, Mr. Borski Mr. Underwood, Mr. Crowley, Mr. Martinez, and Mr. Bonior.

H.R. 171: Mr. Smith of New Jersey, Mr. Franks of New Jersey, Mrs. Roukema, and Mr. Pallone.

H.R. 175: Mr. Walsh, Mr. Frost, Mr. McNulty, Mr. Clay, Mr. Tierney, Mr. Bereuter, Mr. Gejdenson, and Mr. McGovern.

H.R. 179: Mrs. McCarthy of New York, Mr. Metcalf, and Mr. English of Pennsylvania.

H.R. 184: Mr. Farr of California.

H.R. 191: Ms. Jackson-Lee of Texas, Mr. LaFalce, Mr. Frank of Massachusetts, and Mr. McGovern.

H.R. 206: Mr. Nadler, Mr. McGovern, Mr. Hilliard, and Mr. Lantos.

H.R. 208: Mr. Weldon of Florida, Ms. Lee, Mr. Underwood, Mr. Clement, Mr. Kolbe, and Mr. Cummings.

H.R. 219: Mr. Campbell and Mr. Ney.

H.R. 220: Mr. Hostettler, Mr. Metcalf, Mr. English, Mrs. Cubin, Mr. Taylor of North Carolina, Mr. Skeen, Mr. Hill of Montana, and Mr. Burton of Indiana.

H.R. 222: Mr. Smith of New Jersey, Mr. DeFazio, Mrs. Jones of Ohio, Mr. Turner, Mr. Weller, and Mr. Bryant.

H.R. 223: Mr. English of Pennsylvania.

H.R. 225: Mr. Latham, Mr. Oberstar, Mr. Costello, Mr. Skelton, Mr. Meehan, Mr. McCollum, Mr. Gilman, Mr. Metcalf, Mr. Ackerman, Mr. Boehlert, Mr. Cunningham, Mr. LaFalce, Mr. Abercrombie, Mrs. Myrick, Mr. Paul, Mr. Stump, Mr. Sandlin, Mr. Lewis of Kentucky, Mr. Manzullo, Mr. Frost, Mr. LaTourette, Mr. Nethercutt, Mr. Doyle, Mr. Schaffer, Mr. Shows, Mr. Fattah, Mr. Gillmor, Mr. Coburn, Mr. Hilliard, and Ms. Pelosi.

H.R. 226: Mrs. Meek of Florida, Mr. Gilman, Mr. Underwood, Mr. Paul, Mr. Thompson of Mississippi, and Mr. Hilliard.

H.R. 232: Mr. Fattah, Mr. Ney, and Mr. Barton of Texas.

H.R. 234: Mrs. Meek of Florida, Mr. English of Pennsylvania, Mr. Hostettler, Mr. Weller, Mr. Goode, and Mr. Latham.

H.R. 237: Mrs. Thurman, Mr. Romero-Barcelo, Mr. Green of Texas, Mr. Gary Miller of California, and Mr. Walsh.

H.R. 271: Mr. Jefferson, Mr. Hoeffel, Mr. Thompson of Mississippi, Ms. Jackson-Lee of Texas, Ms. McCarthy of Missouri, Mr. Underwood, and Mrs. Jones of Ohio.

H.R. 303: Mr. Condit, Mr. Skeen, Mrs. Thurman, Mr. Taylor of Mississippi, Mr. Dickey, Mr. Young of Alaska, Mr. Scarborough, Ms. Woolsey, Mr. Holden, Mr. Hunter, Mr. Shows, Mr. Costello, Mr. Rahall, Mr. Boucher, Mrs. Emerson, and Mr. Jenkins.

H.R. 306: Mr. Bonior, Mr. Burton of Indiana, Mr. Capuano, Mr. Doyle, Mr. Duncan, Mr. Edwards, Mr. Inslee, Mr. Jefferson, Mrs. Kelly, Mr. Lampson, Mr. LoBiondo, Mr. Luther, Mr. Markey, Mr. Martinez, Mr. McGovern, Mr. McHugh, Mr. Ney, Mrs. Roukema, Mr. Shows, Mr. Stupak, Mr. Watt of North Carolina, and Mr. Wolf.

H.R. 315: Mr. Clay, Mr. Brady of Pennsylvania, Mr. Lewis of Georgia, Mrs. Lowey, Mr. Markey, Mr. Andrews, Mr. Cardin, Ms. Millender-McDonald, Mr. Wynn, Ms. Kilpatrick, Mr. Kennedy, Mr. Rush, Mr. Lantos, Mr. Romero-Barcelo, Mr. Engel, Ms. DeGette, Ms. Schakowsky, Ms. Jackson-Lee of Texas, Mr. Dixon, Mr. Hastings of Florida, Mr. Owens, and Mrs. Jones of Ohio.

H.R. 316: Mr. Hoekstra, Mr. Sanford, Mr. Nethercutt, Mr. Blumenauer, Mr. Moran of Virginia, and Mr. Spratt.

H.R. 325: Ms. Christian-Christensen, Mr. Crowley, Mr. Dixon, Mr. Evans, Mr. Fattah, Mr. Hinojosa, Ms. Hooley of Oregon, Mr. Inslee, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Kucinich, Mr. Meeks of New York, Mr. Moakley, Mr. Sabo, Mr. Shows, Mr. Strickland, Mr. Tierney, Mr. Traficant, and Mr. Weygand.

H.R. 329: Mr. Shows, Mr. Green of Texas, and Mrs. Morella.

H.R. 332: Mr. Royce.

H.R. 346: Mr. Rohrabacher, Mr. Hilleary, Mr. Traficant, Mr. Hefley, Mr. Metcalf, Mr. Sessions, Mr. Bachus, Mrs. Emerson, Mr. Paul, Mr. Ney, Mr. Norwood, Mr. Sensenbrenner, Mr. Pitts, Mr. Lewis of Kentucky, Mr. Weldon of Florida, Mr. Duncan, Mr. Foley, Mrs. Myrick, Mr. Souder, Mr. Barton of Texas, Mr. Collins, and Mr. Hostettler.

H.R. 350: Mr. Boyd, Mr. Gibbons, Mr. Berry, Mr. Chambliss, Mr. Skelton, Mr. Sweeney, Mr. Towns, Mr. Barton of Texas, Mr. Shows, Mr. Cooksey, Mr. Sisisky, Mr. Weller, Mr. Barcia of Michigan, Mr. English of Pennsylvania, Mr. Knollenberg, Mr. Bartlett of Maryland, Mr. Stump, Mr. Metcalf, Mr. Nethercutt, Mr. Bryant, Mr. Talent, Ms. McCarthy of Missouri, Mr. Ney, Mr. Aderholt, Mr. Hostettler, and Mr. Moran of Kansas.

H.R. 351: Mr. Visclosky, Mrs. Myrick, Mr. Wise, Mr. Canady of Florida, Mr. Goode, Ms. Eddie Bernice Johnson of Texas, Mr. Luther, Ms. Granger, Mr. Frost, Mr. Bryant, Mr. English of Pennsylvania, Mr. Davis of Florida, Mr. Sam Johnson of Texas, Mr. Frelinghuysen, Mr. Smith of Texas, Mr. Schaffer, Mr. Shows, Mr. Gillmor, Mr. Boyd, Mr. Cummings, Mr. Weldon of Florida, Mr. Sessions, Mrs. Thurman, and Mr. Kolbe.

H.R. 353: Mr. Filner, Mr. Berman, Mr. King of New York, Mr. Wynn, Mr. Walsh, Mrs. Kelly, Mr. Frost, Mr. Thompson of Mississippi, Mr. Bonior, Mr. Stupak, Mr. Waxman, Mr. McGovern, Ms. McCarthy of Missouri, Mr. Hilliard, Mr. Gutierrez, Mr. Tierney, Mr. Underwood, Mrs. Morella, Mr. George Miller of California, Mr. Doyle, Mr. Rangel, Mr. Shows, Mr. Ney, and Mr. Regula.

H.R. 357: Mr. Towns, Mr. Maloney of Connecticut, Mr. Berman, Mr. Rangel, Mr. Olver, Mr. Dicks, Mr. Frost, Mr. Crowley, Mr. Kind of Wisconsin, Mr. Tierney, Mr. LaTourette, Mr. Bentsen, Mr. Bonior, Ms. Schakowsky, Mr. Quinn, Mr. Brown of Ohio, Mr. Hilliard, Ms. Kaptur, Mr. DeFazio, Mr. Davis of Illinois, and Mr. Barcia.

H.R. 380: Mr. Lazio of New York, Mr. Smith of New Jersey, Mr. Portman, MR. Traficant, Mr. LaTourette, Mr. Gekas, Mr. Kind of Wisconsin, Mr. Frelinghuysen, Mr. Menendez, Mr. Engel, Mr. Doyle, Mr. Baldacci, Mr. Kanjorski, and Mr. Castle.

H.R. 384: Mr. Fattah, Ms. Christian-Christensen, Mr. Clay, Mr. English of Pennsylvania, Mr. Frost, Mr. Pallone, Mr. Romero-Barcelo, Mrs. Clayton, Mr. Watt of North Carolina, Mr. Kennedy, Ms. Jackson-Lee of Texas, Mr. Shows, Mr. Watts of Oklahoma, Mr. Skelton, Mr. Towns, Mr. Abercrombie, Mr. Lantos, Mr. Gordon, Mrs. Jones of Ohio, Mr. Hinchey, and Ms. Norton.

H.R. 385: Mr. Bonior, Ms. Christian-Christensen, Ms. DeLauro, Mr. DeFazio, Mr. Etheridge, Mr. Hall of Texas, Mr. Hilliard, Mr. Hinojosa, Mr. Jackson of Illinois, Mr. Shows, Mr. Towns, and Mr. Underwood.

H.R. 389: Mr. BARRETT of Wisconsin and Mr. WEYGAND.

H.R. 393: Mr. HINCHEY.

H.R. 394: Mr. STARK and Mr. HINCHEY.

H.R. 395: Mr. STARK and Mr. HINCHEY.

H.R. 397: Mr. STARK and Mr. HINCHEY.

H.R. 403: Mr. KILDEE and Mr. HAYWORTH.

H.R. 405: Mr. GOODE, Mr. BALDACCI, Mr. FRANK of Massachusetts, Mr. ORTIZ, Mr. HOSTETTLER, Mr. WALSH, Mr. BEREUTER, Mr. DEFAZIO, Mr. PETERSON of Pennsylvania, Mr. MCHUGH, Mrs. MCCARTHY of New York, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. HILL of Montana, Mr. KING of New York, Mr. PASCRELL, and Mr. LAZIO of New York.

H.R. 406: Mrs. THURMAN, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. SMITH of Washington, Mrs. CAPPS, Mr. STUPAK, Mr. MCHUGH, and Mr. HILLIARD.

H.R. 412: Mr. QUINN, Ms. KAPTUR, Mr. MURTHA, Mr. CARDIN, Mr. PETERSON of Pennsylvania, Mr. GREENWOOD, Mr. GILLMOR, Mr. GEORGE MILLER of California, Mr. BROWN of Ohio, Mr. STUPAK, Mr. BACHUS, Mr. STRICKLAND, Mr. WELLER, Mr. EHRLICH, Mr. CANNON, Mr. VISCLOSKY, Mr. DOYLE, Mr. OBERSTAR, Mr. CALLAHAN, Mr. HOLDEN, Mr. RAHALL, Mr. CRAMER, Mr. SOUDER, and Mr. EVANS.

H.R. 415: Mr. LEWIS of Georgia, Mr. PAUL, Mr. PAYNE, Ms. CHRISTIAN-CHRISTENSEN, Mr. FROST, Mr. KUCINICH, Mr. HINOJOSA, Mr. INSLEE, Mrs. CLAYTON, Mr. SHOWS, Ms. ROYBAL-ALLARD, and Mr. HILLIARD.

H.R. 417: Mr. BASS, Mrs. THURMAN, Mr. INSLEE, Mr. HINOJOSA, Mr. STRICKLAND, Mr. SHOWS, Mr. BROWN of California, Mr. CROWLEY, and Ms. ESHOO.

H.R. 423: Mr. COMBEST, Mr. MORAN of Kansas, and Mr. THORNBERRY.

H.R. 424: Mr. STUMP, Mr. COOKSEY, Ms. KILPATRICK, Mr. NEY, Ms. JACKSON-LEE of Texas, and Mr. GREEN of Texas.

H.J. Res. 1: Mr. HASTINGS of Washington, Mr. JENKINS, Mr. MCCRERY, Mr. WICKER, Mr. CAMP, Mr. HAYES, Mr. BATEMAN, Mr. TAUZIN, Mr. DEMINT, Mr. CLEMENT, Mr. WAMP, Mr. WELLER, Mr. BURR of North Carolina, Mrs. EMERSON, Mr. QUINN, Mr. GOODLATTE, Ms. BIGGERT, Mr. GRAHAM, Mr. DICKEY, and Mr. COOK.

H.J. Res. 2: Mr. HASTINGS of Washington, Mr. CAMP, Mr. FRANK of Massachusetts, Mr. BARCIA of Michigan, Mr. BURR of North Carolina, Mr. CHAMBLISS, and Mr. HORN.

H.J. Res. 7: Mr. DIAZ-BALART.

H.J. Res. 10: Mr. GOODLATTE.

H. Con. Res. 8: Mr. DEFAZIO.

H. Con. Res. 9: Mr. SESSIONS.

H. Con. Res. 12: Mr. LUTHER.

H. Con. Res. 16: Mr. GOSS, Mr. STUMP, Mr. BASS, Mr. METCALF, Mr. OXLEY, Ms. RIVERS, Mr. DINGELL, Mr. BOEHLERT, Mr. GALLEGLY, Mrs. CUBIN, Mr. NEY, Mr. SHOWS, Mr. CUNNINGHAM, Mr. HASTINGS of Washington, Mr. TRAFICANT, Mr. ENGLISH of Pennsylvania, Mr. WOLF, Mr. RAHALL, Mr. HERGER, Mr. LATHAM, Mrs. MYRICK, Mr. GOODE, Mr. HOSTETTLER, and Mr. EHRLICH.

H. Con. Res. 18: Mr. BLILEY, Mr. MCINNIS, Mr. HEFLEY, Mr. BOEHLERT, Mr. TRAFICANT, Mr. SESSIONS, Mr. HERGER, Mr. LATHAM, and Mr. BACHUS.

H. Res. 18: Mr. ROTHMAN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 99

OFFERED BY: MR. SHUSTER

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport Improvement Program Short-Term Extension Act of 1999".

TITLE I—EXTENSION OF FEDERAL AVIATION ADMINISTRATION PROGRAMS

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking "$1,205,000,000" and all that follows through the period at the end and inserting the following: "$2,410,000,000 for fiscal years ending before October 1, 1999.".

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "March 31, 1999" and inserting "September 30, 1999".

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

Section 48101(a) of title 49, United States Code, is amended by adding at the end the following:

"(3) $2,131,000,000 for fiscal year 1999.".

SEC. 103. FAA OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—Section 106(k) of title 49, United States Code, is amended by striking "$5,158,000,000" and all that follows through the period at the end and inserting the following: "$5,632,000,000 for fiscal year 1999.".

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—Section 48104(c) of such title is amended—

(1) in the subsection heading by striking "FISCAL YEARS 1994–1998" and inserting "FISCAL YEARS 1994–2000"; and

(2) in the matter preceding paragraph (1) by striking "through 1998" and inserting "through 2000".

(c) LIMITATION ON OBLIGATING OR EXPENDING AMOUNTS.—Section 48108(c) of such title is amended by striking "1998" and inserting "2000".

SEC. 104. AIP DISCRETIONARY FUND.

Section 47115 of title 49, United States Code, is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

TITLE II—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 201. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1998" and inserting "October 1, 1999", and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: "or the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 or the Airport Improvement Program Short-Term Extension Act of 1999".

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

"(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section.".

EXTENSIONS OF REMARKS

COMBAT VETERANS MEDICAL EQUITY ACT

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. BLILEY. Mr. Speaker, today I rise to reintroduce the Combat Veterans Medical Equity Act. This legislation guarantees eligibility for Veterans Administration (VA) hospital care and medical services based on the award of the Purple Heart Medal. It also sets the enrollment priority for combat injured veterans for medical service at level three—the same level as former prisoners of war and veterans with service-connected disabilities rated between 10 and 20 percent.

Most people are unaware that under current law, the Purple Heart does not qualify a veteran for medical care at VA facilities. This bill would change the law to ensure combat-wounded veterans receive automatic access to treatment at VA facilities.

We as a nation owe a debt of gratitude to all our veterans who have been awarded the Purple Heart for injuries suffered in service to this country. This bill is long overdue and I am proud to sponsor this bill for our Nation's Purple Heart recipients.

This bipartisan legislation has over 100 original cosponsors and has been endorsed by the Military Order of the Purple Heart.

IN MEMORY OF ANTHONY J. CELEBREZZE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a great servant of the people of Ohio, Judge Anthony J. Celebrezze. Celebrezze served Ohioans for over five decades. His recent death at the age of 88, is a sorrowful event for myself and many in my state.

Born in Anzi, Italy, Celebrezze emigrated to Cleveland at the age of two. He was one of 13 children. Like so many immigrants, Anthony Celebrezze grew up with modest means, but what he lacked in advantages he more than made up for in effort and ability. He worked his way through college at John Carroll University and through law school at Ohio Northern.

In 1950, Anthony was elected to the Ohio Senate. Three years later he was elected mayor of Cleveland. He was the first foreign born mayor of Cleveland. For an unprecedented five terms Anthony Celebrezze tirelessly served the people in this position. His leadership of the city brought Cleveland national recognition and respect. In 1962, he was appointed by President John F. Kennedy to be Secretary of the U.S. Department of Health, Education and Welfare. Anthony Celebrezze worked to build Congressional support for Medicare and the Civil Rights Act of 1964, two legislative achievements that reflect the principles of compassion and decency.

In 1965, he was appointed by President Johnson to a federal judgeship. Six years later the Federal Building in Cleveland was renamed the Anthony J. Celebrezze Federal Building. He was in the public eye for five decades, serving Ohio and the nation with honor and dignity. President Johnson said of Celebrezze that "with tolerance and energy with single minded purpose, he presided over the greatest thrust for the future of American education and health that his nation has ever known."

Judge Celebrezze was my role model, a man whose love of family and his community was never ending. I will never forget his warm smile, his friendly greetings, and his sense of decency, honesty and fairness. I am proud to have known him, and I think of him often. I, like many other Ohioans, will miss him terribly.

I ask you to join me in honoring the memory of this great man, Anthony J. Celebrezze. He will be greatly missed.

THE MEDICARE+CHOICE IMPROVEMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. STARK. Mr. Speaker, I rise today with a number of my colleagues to introduce The Medicare+Choice Improvement Act. I don't need to tell you that the large number of Medicare+Choice plan terminations this past year was a real shock to many of our Medicare beneficiaries. In a number of communities, beneficiaries are left with fewer affordable coverage options in Medicare.

We should take immediate steps to make changes to the Medicare+Choice program that will protect beneficiaries when health plans leave the program, and we should make certain improvements that will aid health plans' abilities to project costs and continue as Medicare providers. I disagree with assertions that the only way to do this is to throw more money into the Medicare+Choice program and will oppose efforts of that nature.

History always has had a way of getting distorted and the Medicare+Choice program is a fine example of that happening. Let us remember, the Medicare+Choice program was created as part of the Balanced Budget Act. In other words, the purpose of creating the Medicare+Choice program was to save money in the Medicare program.

We have known for years that our payment system for Medicare managed care plans overcompensated them for the risk of the patients they were insuring. Medicare HMOs have historically insured younger, healthier seniors. Because Medicare's payment to managed care plans was based on the average fee for service payment in the county, the HMO payments were higher than appropriate. We also know that there are a number of other ways in which we are still overcompensating Medicare managed care plans. A chart highlighting these current overpayments is attached.

So, rather than rewrite historical evidence to advocate increased funding of the Medicare+Choice program, I have put together The Medicare+Choice Improvement Act to make important consumer protection improvements in the Medicare+Choice Program. The bill would:

Broaden consumer protections so that beneficiaries can leave health plans that have announced that they are terminating Medicare participation and join another Medicare+Choice plan to purchase a Medigap policy;

Provide new protections for Medicare's disabled and ESRD patients.

Prohibit door-to-door cold-call marketing of Medicare+Choice plans to seniors;

Protect state efforts to provide comprehensive prescription drug benefits to their seniors;

End Medicare+Choice plans' abilities to gerrymander their Medicare service areas in comparison to their commercial business;

Require HCFA to calculate the portion of beneficiaries in a region receiving services through VA or DOD;

Require the NAIC to reconfigure the Medigap policies so that they better meet the needs of today's Medicare beneficiaries.

On the health plan side of the equation, my legislation would take care of one of their most pressing concerns: it would move the ACR submission date (the date that health plans must submit their pricing and benefit data for the following year to HCFA) from the current date of May 1 to July 1. This would give health plans two additional months to compile necessary data for the upcoming year. This might not move the date as far as health plans would like, but there are serious costs to move the date further in the year. As one example, moving the date any later would seriously jeopardize the ability of HCFA to prepare the "Medicare&You" beneficiary handbook which is mailed to seniors each year.

On the topic of risk adjustment, I think that HCFA's proposal to phase-in risk adjustment over the next five years is just too long. We have solid evidence that Medicare managed care plans have been enrolling healthier patients and making more money off of them because of that fact (again, see the attached chart). The hospital-based risk adjustment proposed by HCFA is a first step toward fixing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

this inequity. It would finally put in place a financial incentive to enroll less healthy beneficiaries. We need to be moving forward as quickly as possible with this mechanism. I do concede that a phase-in approach is appropriate, but my legislation would have that phase-in occur over three years rather than five.

We have an opportunity this year to make improvements to the Medicare+Choice program that will protect beneficiaries when health plans make business decisions about whether to continue participating in Medicare. This bill makes those improvements without senselessly increasing Medicare expenditures on a program that already costs more than traditional Medicare. I look forward to working with my colleagues to make these important, reasonable, and necessary fixes to the Medicare+Choice program.

CURRENT MEDICARE OVERPAYMENTS TO MANAGED CARE PLANS

[Prepared by Rep. Pete Stark staff]

Source of overpayment	Cost to medicare	Source of analysis
Overpayments due to BBA change that removed HCFA's ability to recover overpayments when health care inflation is lower than expected.	$800 million in 1997 .. $8.7 billion over 5 years. $31 billion over 10 years.	Congressional Budget Office.
Overpayments due to lack of risk adjustment.	5–6% overpayment to HMOs per beneficiary who is enrolled.	Physician Payment Review Commission (now MedPAC) 1996 Annual Report.
Overpayments due to inflation of Medicare's share of plan administrative costs.	More than $1 billion annually.	HHS Office of Inspector General July 1998.
Overpayments due to inclusion of fraud, waste and abuse dollars from FFS payments. Managed care plans should better "manage" and therefore avoid such fraud, waste and abuse.	7% annual overpayment. Annual savings with a corrected 1997 base year would be:. $5 billion in 2002 ... $10 billion in 2007	HHS Office of Inspector General Sept. 11, 1998.

INTERNATIONAL CUSTOMS DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. CRANE. Mr. Speaker, The World Customs Organization [WCO] designated January 26 as International Customs Day, a time to give recognition to customs services around the world for the role they play in generating revenue and protecting national borders from unauthorized imports.

The U.S. Customs Service represents the United States in the World Customs Organization which, since 1953, has grown into a 142-member international organization. The WCO's purpose is to facilitate international trade, promote cooperation between governments on customs matters, and standardize and simplify customs procedures internationally. It also offers technical assistance in the areas of customs validation, nomenclature, and law enforcement. The organization's objective is to obtain the highest possible level of uniformity among the customs systems of its member countries. The involvement of the U.S. Customs Service in the WCO reflects the recognition that our country and its trading partners benefit when international trade is facilitated by simple, unambiguous customs operations around the world.

I take this opportunity to offer my congratulations to the World Customs Organization on its past accomplishments and wish it well in its ambitious efforts to further harmonize and simplify customs regulations. I also congratulate the U.S. Customs Service for its many years of fine work both domestically and internationally.

THE 509TH BOMB WING—SECOND TO NONE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to the successful leadership of the 509th Bomb Wing at Whiteman Air Force Base, MO. This superb military unit, located in West-Central Missouri and in the heart of my Congressional District, is home to the B–2 Stealth Bombers.

The history of Whiteman AFB is rich in tradition. In 1981, I began my work to make sure Whiteman AFB would have a future in the rapidly changing military arena, insisting on modernizing what was then becoming a run-down missile base. This modernization set the stage for 21 B–2 bombers that will eventually be based at Whiteman.

People living in the proximity of Whiteman AFB have a great opportunity to observe regularly what can be described as the premier United States Air Force Base. Attesting to the top quality of the base's 509th Bomb Wing was a recent mission in which three B–2s were deployed to Guam for a month of training exercises with 250 troops and other Air Force bombers. The returning B–2s were met at Whiteman by an honor guard and their two commanders, Lt. General Ronald C. Marcotte, the commander of the 8th Air Force, and Brig. General Leroy Barnidge, Jr., present commander of the 509th Wing.

Both commanders praised the success of the training exercise which combined a global power mission with precision bombing training on targets in the South Pacific. The praise of the 509th was given for good reason. Their team performed flawlessly and received high praise on every daily report.

Mr. Speaker, the success of the 509th is due to the high caliber leadership at both the 8th Air Force and Whiteman AFB. Lt. General Marcotte and Brig. General Barnidge possess the expertise and high quality leadership that makes our national defense second to none. The U.S. Air Force and other branches of military service merit the support of every American, including all Members of Congress.

HONORING MARTIN L. KING, FIREFIGHTER, CITY OF NEW HAVEN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Ms. DELAURO. Mr. Speaker, on Tuesday, November 17, 1998, family and friends will come together to hold a testimonial dinner to honor Martin L. King, who retired from the New Haven Fire Department after forty-eight years. It is with great pleasure that I salute Marty King and his notable career of service to the New Haven Fire Department.

Marty King's career as a firefighter began in 1953 when he was transferred from his first public service job with the New Haven Police Department. Marty served the police department with distinction for two years, but his heart was with the fire service. In 1954, Marty was assigned to the old Central Fire Station on Court Street. It was from this point that he launched his long career of courage and commitment to his community.

Because of Marty's hard work and strong devotion, he was promoted to lieutenant in 1967 where he was assigned to the Lombard Street Station. Following his duty there, he was transferred to headquarters as a veteran firefighter. For the past ten years, Marty worked as an administrative aide in the fire chief's office.

Marty earned a number of awards during the course of his career. He received many citations and a commendation for his bravery, and was also honored as the Fireman of the Year in 1993. Most notably, Marty was presented with the 35-year award from the Connecticut State Fireman's Association in 1987. His awards serve as a testament to his dedication to fire fighting and to protecting residents of New Haven. In addition to his outstanding record with the Department, Marty proudly served his country by joining the Navy during World War II.

Marty remains a legend to many, being the oldest member of the department in years of service, and the last active fireman who fought the most devastating fire the City had ever witnessed. The incident occurred when the factory on Franklin Street caught fire. Tragically, 15 people lost their lives.

I am very pleased to join Marty's colleagues and friends, his wife Kathryn, his six children, and his grandchildren in congratulating him on his retirement. His departure is a great loss to the Department. His efforts have made this City a better and safer place to live. Indeed, Marty, has left an indelible mark on the City of New Haven. I thank you for a lifetime of extraordinary services to the public, and I wish you much health and happiness in your retirement.

INTRODUCTION OF THE JOSEPH BOYD PRIVATE RELIEF BILL

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Ms. SANCHEZ. Mr. Speaker, it is with great sadness that I must introduce a private relief bill for the Boyd family. This legislation will clarify the status of Joseph Samuel Boyd as a public safety officer for purposes of payment of death benefits by the Bureau of Justice Assistance (BJA). Joseph Boyd, the dedicated and highly decorated Rangemaster for the Santa Ana Police Department (SAPD), tragically died on-duty while testing an illegal firearm.

I wholeheartedly support awarding the Boyd family death benefits under the Public Safety Officers' Benefit Program due to the contributions Rangemaster Boyd made to the Santa Ana Police Department and our community. Joe Boyd was not only a committed husband and father, he was a critical component of the Santa Ana police force.

In 1995, the Bureau of Justice Assistance awarded SAPD a grant under the Firearms Trafficking Program. The Santa Ana firearms program, along with the Santa Ana Weapons Inspection Team (WIT) has developed into one of the nation's premiere firearms trafficking programs as a result of this grant. Joe was an integral part of this Weapons Inspection Team, and as part of his duties, Joe examined and tested firearms to confirm their nomenclature and help prove the elements of a crime.

Joe Boyd was an indispensable resource to the investigators assigned to the Team and he performed exceptionally in his duties. At the time of his death, Joe was assisting the SAPD, in conjunction with the firearms program, in testing a fully automatic MAC–11 weapon. The faulty construction of this weapon led to his untimely death.

As we come upon the one year anniversary of Joe's death, we can recount with pride the innumerable contributions he made to SAPD and the city of Santa Ana. The unusual circumstances surrounding his death call for the Boyd family to be compensated for their tragic loss. While this legislation may not make the loss of Joe Boyd any less painful, it will honor his work and legacy as a man dedicated to the safety of his community and his fellow officers. Thank you Mr. Speaker, and I would like to add the following materials to the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, August 4, 1998.

ASHTON FLEMMINGS,
Public Safety Officers' Benefits Program, Bureau of Justice Assistance, Washington, DC.

Re: Claim for benefits—Joseph Samuel Boyd, File #98–185

DEAR MR. FLEMMINGS: I am writing to you on behalf of the Santa Ana Police Department (SAPD) and the Boyd family. In January of 1998, Rangemaster Joseph Samuel Boyd died while on-duty. Although Joseph Boyd was not a sworn peace officer at the time, he contributed his expertise and dedication to the Santa Ana firearms program. I highly advise and fully support awarding Joseph Boyd's family benefits, under the Bureau of Justice Assistance (BJA) Public Safety Officers' Benefit Program.

It is my understanding that the Santa Ana Police Department has already submitted the Report of Public Safety Officer's Death and a Statement of Circumstances, and the Boyd family has submitted a Claim for Death Benefits. At the time of his death, Joseph Boyd was assisting the Santa Ana Police Department, in conjunction with the firearms program, in testing a fully automatic MAC–11 weapon. The poor construction of this weapon led to his untimely death.

In 1995, the BJA awarded SAPD a grant under the Firearms Trafficking Program. The Santa Ana firearms program has developed into a national success made possible by a grant offered by the Bureau of Justice Assistance. Rangemaster Joseph Boyd, a civilian, was an integral part of SAPD's Weapon Inspection Team (WIT). As part of his duties, he examined and tested the firearms to confirm their nomenclature and help prove the elements of the crime. Joseph Boyd was an indispensable resource to the investigators assigned to WIT and performed exceptionally in his duties.

Joseph Boyd's contributions to the Santa Ana Police Department and the BJA grant enforcement program are innumerable. Therefore, I respectfully request that the BJA award death benefits to the Boyd family. If you have any further questions regarding this matter, please do not hesitate to contact me or Aylin Kuyumcu of my staff. Thank you for your consideration, and I look forward to your response.

Very truly yours,
LORETTA SANCHEZ,
Member of Congress.

CITY OF SANTA ANA,
POLICE DEPARTMENT,
Santa Ana, CA, July 1, 1998.

ASHTON FLEMMINGS,
Public Safety Officers' Benefits Program, Bureau of Justice Assistance, Washington, DC.

Re: Claim for benefits—Joseph Samuel Boyd, File #98–185

DEAR MR. FLEMMINGS: As you know, in January of 1998, the Santa Ana Police Department suffered a great loss with the accidental on-duty death of Rangemaster Joseph Boyd. The Department hereby respectfully submits the Report of Public Safety Officer's Death, and the Boyd Family submits the Claim for Death Benefits. Also attached to the respective applications, please find all of the documents you requested in your letter. Although we acknowledge that Joseph Boyd was not a sworn peace officer at the time of his death, we believe there are extenuating and extraordinary circumstances that will prompt the Bureau of Justice Assistance to award benefits to the family. Please find below a comprehensive Statement of Circumstances as requested. Should you need additional information, please feel free to call me at (714) 245–8003. Thank you for your assistance, and we look forward to hearing from you regarding this matter.

DETAILED STATEMENT OF CIRCUMSTANCES

In 1995, the United States Bureau of Justice Assistance (BJA) awarded the Santa Ana Police Department a grant under the Firearms Trafficking Program. The Department's Weapons Interdiction Team (WIT) has worked closely in joint operations with the Bureau of Alcohol, Tobacco and Firearms (BATF), as well as the Federal Bureau of Investigations (FBI), to combat illegal firearms trafficking. The Santa Ana grant program has proven to be an unqualified success, and one of the most effective firearms programs in the Nation. Rangemaster Joseph Samuel Boyd, a civilian, was an integral part of the WIT Team's effectiveness, as he examined and tested the firearms to confirm their nomenclature and help prove the elements of the crime. Rangemaster Boyd performed these duties above and beyond his customary functions in the Department, and proved to be a critical and indispensable resource to the investigators assigned to the Weapons Interdiction Team.

During an undercover operation in January 1998, investigators from the Santa Ana Police Department's WIT team purchased a purportedly fully automatic MAC–11 type of weapon with a silencer. The firearm was put together from a variety of parts that can be ordered through the mail, and was consequently poorly constructed. As usual, the investigators requested Joe Boyd's assistance in testing the weapon. During that test, one of the investigators reported that the weapon malfunctioned, and Rangemaster Boyd stepped in to try and resolve the problem. Boyd took control of the weapon and was in the process of trying to fire it, when the weapon began firing in fully automatic mode. As is the tendency for these weapons to behave, the muzzle moved upward and one of the rounds struck Joe Boyd in the neck. Despite efforts by the investigators to save his life, Rangemaster Boyd died of his injuries at the scene.

As you can tell from the attached biography, Joseph Samuel Boyd was an extraordinary individual who not only served his Nation with distinction in Vietnam, but also made law enforcement his civilian career. Joe graduated from the full-time San Diego Sheriff's Basic Academy, and worked for the Orange County Sheriff and Marshall's Office as a Rangemaster. His contributions to the Orange County Law Enforcement Community are significant, especially to the Santa Ana Police Department. We believe that the circumstances surrounding his death, which occurred during his active participation in a BJA grant enforcement program, merits the awarding of benefits under the BJA Public Safety Officers' Benefits Program. As I said earlier in this letter, even though Joseph Boyd was not a sworn peace officer, the extraordinary circumstances surrounding his death are worthy of serious consideration under this program.

Sincerely,
PAUL M. WALTERS,
Chief of Police.

IN MEMORIAM OF JOSEPH S. BOYD, SANTA ANA POLICE DEPARTMENT, 1943–1998

It is with great regret that I must report the death of a beloved friend, father, husband, grandfather, brother, co-worker, dedicated instructor and ASLET Member. Joe Boyd, the Rangemaster for the Santa Ana (California) Police department was tragically killed on January 28, 1998 while attempting to make safe an illegally converted machine pistol. During test firing, the weapon had a stoppage, and while attempting to make the weapon safe, the weapon malfunctioned and unexpectedly fired uncontrollably in full-auto.

Joseph Samuel Boyd, one of four children, was born March 26, 1943 in New York City to Patrick and Albina Boyd. He graduated from the New York School of Printing in 1961 and enlisted that same year in the United States Marine Corps. After attending boot camp at Parris Island, South Carolina, Joe served the next ten years primarily in the infantry and included combat duty in Vietnam.

Upon returning to the United States, Joe was assigned as a Drill Instructor at the Marine Corps Recruit Depot in San Diego, California where he was meritoriously promoted to the rank of Gunnery Sergeant and in 1970 was awarded a commission as a 2nd Lieutenant. While having a very busy schedule and family life, Joe was somehow able to also attend the 109th session of the FBI National Academy, not to mention both the San Diego

Community College Police Induction Training Course and the San Diego County Sheriff's Basic Academy, graduating with 560 hours.

In 1972, Joe decided on a career change in the Marine Corps and entered the field of Military Police. He continued his advancement attaining the rank of Major and retiring from the Marine Corps in 1985 with 24 years of honorable service to his country. At the time of Joe's retirement, he was responsible for base security at the Marine Corps Air Station El Toro.

Some of the awards Joe received during his career include the Meritorious Service Medal, Navy Commendation Medal, Vietnamese Cross of Gallantry, Combat Ribbon Citation, Presidential Unit Citation and Good Conduct Medal. He also received numerous awards for his expertise in weapons competition and was a member of the Marine Corps Pistol Team.

As Joe's extensive knowledge and interest of weapons and training grew, he also recognized a strong desire to work with law enforcement officers on weapons proficiency and officer safety. After his retirement, he became a firearms instructor and worked for the Orange County Sheriff's Department at their training academy, the Orange County Shooting and Training Center and Orange County Marshal's Department between 1985 and 1993.

In 1993, Joe was hired by the Santa Ana Police Department as the Rangemaster. He immediately set out to develop a comprehensive training curriculum in firearm proficiency and safety for the department's 400 officers. Joe's number one goal was to insure that each and every officer, regardless of position or rank, was properly equipped and mentally prepared to confront any situation they might encounter.

When involved in training scenarios, he always stressed officer safety and demanded that each and every person practice safe weapons handling. To bring as much realism as possible to the training, he made available to the department a state-of-the-art system he was responsible for designing. The training scenarios simulate real life situations officers encounter daily and require them to rapidly evaluate and assess a set of circumstances in complex "shoot/don't shoot" situations. Joe believed this type of decision-making training was essential for every police officer.

While the new Police Department Administration Building and Jail were being planned, Joe was busy assisting with the design of the range. It was obvious to everyone this was his "love" and he gave totally of himself as the facility was under construction and the range was opened for operation in August 1997.

In recognition of Joe's contributions to the Police Department and City of Santa Ana, he received top honors as the 1997 Exceptional Quality Service Award winner. When not involved in range training, Joe enjoyed shooting, bicycle riding, camping, rock climbing and weightlifting. Perhaps the most enjoyment in Joe's life came from spending time with his twin three-year-old grandsons, Patrick John and Shane Joseph. They were the joy of his life and he never passed up an opportunity to tell you how proud a grandfather he was. In a personal biography Joe wrote to the Department when he was hired, he said the following: "My interests are in police training and my goal is to make a positive contribution to the field of law enforcement." Let there be no doubt that the many contributions Joe Boyd has made to all of law enforcement are appreciated and will never be forgotten.

Joe is survived by this loving wife, Marion, whom he married 34 years ago; his son, Keith, who was recently married to Kim; his daughter, Cynthia Journeay and her husband John; twin grandchildren Patrick John and Shane Joseph Journeay; his sister, Patricia Frankenberg; and brothers Andrew and Robert Boyd.

A Memorial Fund has been established to assist the family. Please send any donations to the Joe Boyd Memorial Fund, c/o Security First Bank, 141 W. Bastanchury Road, Fullerton, CA 92835.

COMMENDING THE TENTH ANNIVERSARY OF SK DESIGN GROUP

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. MOORE. Mr. Speaker, I rise today to take note of the tenth anniversary in business of SK Design Group, Inc., of Overland Park, Kansas.

SK Design Group, Inc., was established in 1989 and since its founding has provided professional engineering services to such clients as the Stowers Institute, the City of Kansas City, Missouri, the Department of Defense, the Blue Valley School District, the University of Missouri, and many more. SK Design provides a full range of civil engineering and construction phase services, including site designs, storm sewers, roadways, sanitary sewers, and water lines.

Mr. Speaker, I join with SK Design Group's employees in congratulating the firm's president, Sassan Mahobian, and its vice president, Katereh Mahobian, for their ten years of successful service in providing civil engineering and professional design services to the Kansas City community. We wish them many more successful years to come.

IN MEMORY OF REVEREND FRANCIS M. BEDNAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Rev. Francis M. Bednar for his many years of service and countless contributions to his community.

Father Bednar, a Cleveland native, graduated from Cathedral Latin School and studied for the priesthood at Borromeo College and St. Mary Seminary. In 1974, after his ordination to the priesthood, he became the associate pastor at the St. Justin Martyr parish in Eastlake, Ohio. Between 1979–1985 he served at the St. Clement Church in Lakewood, Ohio. Since 1989 Rev. Bednar has served as pastor of Sacred Heart of Jesus Church in Cleveland.

In addition to his service with the Church, Father Bednar was diocesan director of the Perpetual Adoration of the Blessed Sacrament. In 1982 he was named spiritual director of the Cleveland Division of the Blue Army of Fatima. In July 1997, he was elected district chairman of the Southeast District.

Rev. Bednar was a wonderful man who was warm, caring, and deeply devoted to the Church. Away from his duties to the Church Rev. Bednar was also deeply devoted to his family. In recent years Rev. Bednar provided care for his parents with the same passion and determination that he pledged to the Church. His dedication was an inspiration to all who knew him. He touched many lives and his passing is a great loss.

Rev. Bednar is survived by his parents, Michael and Agnes; brothers Richard, Philip, Jerome, and Michael; and sisters Mary and Bernadette.

My fellow colleagues, I ask that we remember Rev. Bednar for his service to the Catholic Church and to the Cleveland community.

CONGRATULATIONS TO NARAL ON 30 YEARS OF PRO-CHOICE ADVOCACY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. STARK. Mr. Speaker, as the National Abortion and Reproductive Rights Action League (NARAL) celebrates 30 years of pro-choice advocacy, those of us dedicated to preserving a woman's right to choose know that the need for pro-choice advocacy and activism is greater than ever.

America recently commemorated the 25th anniversary of *Roe* v. *Wade*, the Supreme Court decision that recognized the freedom to choose as a fundamental right, while opponents of choice worked to put the private decision about abortion into the hands of government. The anti-choice Congress has pushed a wave of legislation requiring women to endure increasing obstacles in order to exercise a right that should be non-negotiable. Reproductive choice continues to be debated on the floor of the House on a near-daily basis.

NARAL has long been a fierce defender against infringements on the right to choose. For thirty years, NARAL has worked to increase Title X funding for federal family planning programs, promote contraceptive research and the development of contraceptive options for women and men, to protect the right of Medicaid-eligible women to make choices about their reproductive health, and to ensure that women have safe access to reproductive health facilities by condemning clinic violence and harassment.

Pro-choice Members of Congress have never underestimated the powerful impact of NARAL's message, that we all want to see abortion made less necessary. NARAL tirelessly exposes the irony of the abortion debate—that the strongest opponents of the right to choose also oppose programs promoting comprehensive sex education and birth control, which actually reduce unplanned pregnancies. Instead, anti-choice politicians would make access to family planning options more difficult, more dangerous, more expensive and more humiliating.

We must continue to support legislation to help reduce the number of unplanned pregnancies. Specifically, we must rededicate our efforts to require that health insurance plans provide coverage for contraceptives to the same extent that they provide coverage for other prescription drugs.

Our job in Congress is to move our Nation toward a reproductive health care policy that promises to make abortion less necessary and protects the right of Americans to do what they believe is best for their families. We congratulate you on 30 years of advocacy, and look to NARAL for leadership as the 106th Congress prepares to defend a woman's right to choose.

AFRICAN GROWTH AND OPPORTUNITY ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. CRANE. Mr. Speaker, today I join with 65 of my colleagues in reintroducing bipartisan legislation that the House passed last year to firmly establish sub-Saharan Africa on the U.S. trade and investment policy agenda.

Overall, the African Growth and Opportunity Act represents a trade-centered approach to development that will complement traditional forms of assistance. Increased U.S.-African trade and investment is a win-win proposition, one that can facilitate and strengthen the development of sub-Saharan African countries and create opportunities for U.S. firms and workers. Already, U.S. exports to the sub-Saharan region exceed by 20 percent those of all the former Soviet states combined. Sub-Saharan Africa is a continent with vast opportunities for U.S. companies and many U.S. businesses are poised to increase trade and investment in sub-Saharan Africa.

At the same time, a strong trade and investment relationship between the countries of sub-Saharan Africa and the United States will reduce poverty and expand economic opportunity in Africa. Moreover, a stronger, more stable and prosperous Africa will be a better partner for security and peace in the region and a better ally in our mutual fight against narcotics trafficking, international crime, terrorism, the spread of disease, and environmental degradation.

Some 30 sub-Saharan countries have begun dynamic economic reform programs, including liberalizing exchange rates and prices, privatizing state-owned enterprises, ending costly subsidies, and reducing barriers to trade and investment. The African Growth and Opportunity Act is designed to complement economic reforms such as these which African nations have decided to pursue by creating greater opportunities for partnerships between Americans and Africans.

Specifically, the bill offers increased access to the U.S. market for non-import sensitive goods and increased dialogue with the United States on deepening our trade relationship. The benefits available under the bill provide incentives for the most aggressive reformers to liberalize their markets even further. This legislation would not impose new conditions for maintaining existing trade and aid benefits. However, to qualify for enhanced trade benefits, the African Growth and Opportunity Act requires that countries make continual progress toward achieving the bill's market-based criteria. For countries that choose to follow this course, the bill requires the President to develop a plan to solidify our economic partnership through the creation of a United States-Sub-Saharan African Free Trade Area.

The African Growth and Opportunity Act is strongly supported by political and economic leaders across sub-Saharan Africa. Every African Ambassador in Washington, D.C. has endorsed this bill. Never before have the 48 diverse nations in the region been united in support of such an initiative. In addition, the African Growth and Opportunity Act has a high profile throughout the continent and the response has been clear—Africans want to be trading partners with the United States and the world.

In order to continue to grow, African economies need to have enhanced access to U.S. markets, capital, management expertise, and technology. The bill is the first step toward making that happen and is a long overdue response to change led by Africans themselves across the continent. I urge my colleagues to support this historic legislation when it is considered on the House floor in the coming weeks.

TRIBUTE TO RETIRING MISSOURI FARMERS AND TRADERS BANK PRESIDENT JOE W. SCALLORNS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. SKELTON. Mr. Speaker, It has come to my attention that a distinguished career in the banking industry has come to an end.

Joe W. Scallorns, bank president of Farmers and Traders Bank, retired recently after over 30 years of serving Missouri's banking needs.

Scallorn's distinguished banking career began as a bank collector in Columbia, Missouri while finishing his degree as a student at the University of Missouri. After college, he joined Morgan Guaranty Trust Company of New York as a credit analyst. He returned to Columbia in 1967, eventually rising to the position of Vice President of the First Bank of Commerce and later as President of the First National Bank and Trust Company. He joined Eagle Bank of Highland, Illinois, as its President in 1987. In June 1988, he purchased Farmers and Traders Bank in California, Missouri.

Additionally, Joe is active in professional organizations, chairing the committees on Banking Education, Legislative Affairs, and the Political Action Committee of the Missouri Banking Association, also serving on its Board of Directors. He also served on the Government Relations Council of the American Bankers Association and its National BancPac Committee.

As he prepares for quieter time with his wife, Fran, and his son, Joseph, I know all Members of Congress will join me in paying tribute to my good friend Joe Scallorns and in wishing him the best in the days ahead.

HONORING THE HONORABLE JUDGE AARON MENT FOR HIS DEDICATED SERVICE TO THE STATE OF CONNECTICUT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Ms. DELAURO. Mr. Speaker, on January 4, 1999, the Honorable Judge Aaron Ment of Fairfield, Connecticut, will retire after 14 years of dedicated service as Chief Court Administrator for the State of Connecticut Judicial Branch. I rise today to honor Judge Ment and salute his distinguished career spanning over 20 years serving the people in the State of Connecticut.

Aaron Ment's career as a judge began in 1976 when he was first appointed to the bench. Only eight years later, on September 18, 1984, Judge Aaron Ment was appointed as the Chief Court Administrator for the State of Connecticut Judicial Branch. Here Judge Aaron Ment's vision and leadership helped shape the Connecticut Judicial Branch forever.

Judge Ment's innovative foresight and ambition helped to foster a more positive working relationship between the courts and Connecticut communities. He has been diligent in improving operations and trying to better serve the people of Connecticut. The multiple innovative programs he has helped pioneer have been studied and reproduced all over the United States.

Under Judge Ment's leadership, judges and citizens have benefited from programs such as the one day/one trial jury system, an expanded prebench orientation program, a wellness program for Judges, a centralized infractions bureau and a statewide alternative incarceration program. He has also implemented special sessions of the Superior Court, including drug sessions, truancy dockets, the complex litigation docket and a National Demonstration Program for Domestic Violence.

It is with great pleasure that I join with the friends and family of Judge Aaron Ment in congratulating him on his retirement. The State of Connecticut's Judicial Branch will feel his absence for years to come. I thank you, Aaron, for all that you have accomplished in your very distinguished career. My very best wishes to you for health and happiness in your retirement.

INTRODUCTION OF THE EXPAND & REBUILD AMERICA'S SCHOOLS ACT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Ms. SANCHEZ. Mr. Speaker, I rise today to reintroduce school construction legislation that

I spearheaded in the 105th Congress. The Expand & Rebuild America's Schools Act is a progressive step forward to resolve America's ever-expanding school overcrowding crisis. I was disappointed to see the 105th Congress end without the passage of meaningful school construction legislation. The President, myself, and other members of Congress offered beneficial and positive measures to renovate and improve America's schools, but we were blocked every step of the way by a Republican leadership unwilling to commit needed resources to our education agenda. I hope our new Speaker will use the opportunity of a new Congress to do more, and to prove to the American people that we care about our schools and our children.

School overcrowding remains a tremendous obstacle in my congressional district and, I am positive, all across America. The Secretary of Education annually releases a Baby Boom Echo report which highlights trends in school populations across the country. The dismal scenario we saw in the 1997 report became even more bleak in 1998. This year total public and private school enrollment will rise to a record 52.7 million, and over the next decade public high school enrollment is expected to increase by 11 percent! Twenty states will have at least a 15 percent increase in the number of public high school graduates, with a 78 percent increase projected for Nevada, 39 percent for Hawaii, and 38 percent for Florida. Largely because of the high school enrollment increase, the total number of new teaching positions for public and private high school teachers is expected to rise by 115,000—a 9 percent increase. The Secretary of Education also anticipates that 6,000 schools need to be built in the next ten years to accommodate school population increases. We can no longer ignore these facts. School overcrowding is a national dilemma that needs a nation wide solution.

The Expand & Rebuild America's Schools Act, H.R. 415, is that solution. This bill is focused, effective, and tax-payer friendly. H.R. 415 develops a pilot bond program to help our local schools save money on bond initiatives. Through the creation of a new class of bonds, the Federal Government will provide a tax credit to lenders equal to the amount of the interest that would otherwise be paid by schools. Schools will save millions of dollars in interest costs by having to repay only the principle amount of the bond.

To be eligible for the bond program, local school districts must have rapid growth rates and high student-teacher ratios, a problem facing the majority of suburban schools in this nation. Schools must also seek out partnerships with local businesses and the private sector for donations of equipment or funding, volunteer work, vocational training, or however a school and business sees fit. Encouraging our schools to develop these public/private partnerships will only enhance the impact of the bond initiative. The Expand and Rebuild America's Schools Act aims to reward schools that have high standards and are working hard to solve their overcrowding problems.

This bill is also simple and easy to administer. Schools can apply directly to the Secretary of Education for these bonds, bypassing state bureaucracy and cutting redtape. And, my bill does not create any new government program or agency. This legislation gives local school districts the incentive they need to float and pass local school construction bonds. It provides the stimulus for the private sector to step up and help their local communities.

This is a bill that both Republicans and Democrats can support. Within a week of the bill's introduction, we have gained 27 bipartisan co-sponsors, and the numbers keep growing. My bill is supported by the Administration, and even the President has included $25 billion in school construction bonds in his FY 2000 budget. Organizations such as Cal Fed and the Coalition for Adequate School Housing have endorsed the bill, and I have also held numerous community wide forums and hearings in my Congressional district to highlight the benefits of H.R. 415.

Our schools are waiting for the Federal Government to act. And, we must act in a bipartisan and cooperative manner if we are to truly make a difference. The passage of school construction legislation is possible, but we must work together to achieve this goal. We cannot let the American people down. Help relieve America's bulging classrooms! This public/private partnership is the answer. I encourage my colleagues to cosponsor H.R. 415. Thank you, Mr. Speaker, and I would like to include the following materials into the RECORD.

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 16, 1997.
Hon. LORETTA SANCHEZ,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR LORETTA: I am writing to tell you how pleased I am that you are interested in introducing legislation to expand the education zone bond program that was enacted as part of the Taxpayer Relief Act of 1997. Like you, I believe that program was a needed first step and that we should look for opportunities to expand it.

I hope to have the opportunity to offer an amendment on the Floor to expand that program in connection with the consideration of H.R. 2646. That legislation would permit taxpayers to contribute $2,500 per year per child to an education savings account. Earnings from that account would be tax-exempt if used to pay expenses of primary and secondary education.

I oppose that legislation because I feel that it is a diversion of scarce resources for the benefit of a small group of wealthy families with children in private schools. I believe that those resources should be devoted to the improvement of our public school system. Therefore, I intend to offer a substitute that would expand the education zone bond program. My substitute would increase the size of the program from $400 million per year for the next two years to $4 billion per year for those years. In addition, my substitute would permit the use of those bonds for school construction. My substitute is very similar to your proposed legislation and I hope that you will support my substitute.

Again, I welcome your interest in the education zone bond program and look forward to working with you on this issue in the future.

Sincerely,
CHARLES B. RANGEL,
Ranking Democrat.

U.S. SENATE,
Washington, DC, February 6, 1998.
Hon. ROBERT E. RUBIN,
Secretary of the Treasury, Department of the Treasury, Washington, DC.

DEAR MR. RUBIN: I share your commitment to schools and education and appluad the administration's school construction bond initiative. The tax proposal will provide assistance to schools in California, particularly schools in low income areas. These schools have significant rehabilitation and construction needs, but may be forced to pay the highest bond interest rates to obtain financing, if the bonds can be issued at all.

In preparing the legislation for introduction in Congress, I encourage the Treasury Department to use the proposed tax legislation to address the important issue of alleviating school overcrowding, which will contribute dramatically to improving education. Specifically, I urge the administration to incorporate provisions of H.R. 2695, introduced by Representative Loretta Sanchez, which confers eligibility for the bonds to schools facing significant school overcrowding, projecting significant future growth and has adopted a strategic plan to address overcrowding concerns. California's schools face a major crisis in education:

California faces compelling school infrastructure needs and a school overcrowding challenge that will only grow over time. Today, California's 32 million people are relying on school infrastructure built when the population was 16 million. The problems will only increase as our population increases to close to 50 million over the next 25 years.

School overcrowding directly affects education quality. Educators tell us that elementary schools should be limited to 450 students, yet some California elementary schools serve more than 5,000 students. Average enrollment in K–12 schools is expected to increase by more than 400,000 students by the end of this decade. At this pace, California would have to build nearly a school each day just to keep up with increased enrollment.

To be sure, the nation's education system cannot be fixed with just bricks, mortar and electrical wiring. However, California's schools face major needs, with both the nation's highest student-to-teacher ratio and the lowest share of 18–24-year-olds receiving a high school diploma. Poor education facilities are simply not compatible with meeting the requirements of today's global economy.

Every student deserves access to a quality education. Every parent deserves to know the federal government is committed to supporting the best education for their students. The administration deserves great credit for its school construction tax incentives. However, the tax incentives should acknowledge the critical challenge of school overcrowding and assist states and school districts to meet their building needs. Should you have questions, please do not hesitate to contact me. I look forward to the administration's views.

Sincerely,
DIANNE FEINSTEIN,
U.S. Senator.

[From the Orange County Register, Orange County, CA, Jan. 21, 1999]

JAM-PACKED SCHOOLS

EDUCATION: A PUBLIC FORUM TODAY ADDRESSES THE IMPACT OF OVERCROWDING IN CENTRAL O.C.

(By Dennis Love and Dina Elboghdady)

Lunch time at Edison Elementary School in central Santa Ana. Fourth-grader Azucena Aburca stood at the rear of a 90-kid-deep lunch line that, to her, seemed to stretch to Arizona.

"It takes so long—10 or 15 minutes," she said, straining on tiptoes for a glimpse of the promised land. "And when we get up there, we have to eat fast."

Other symptoms of overcrowding abound at Edison, where 950 children and a staff of 65 jostle about a 3.7-acre campus designed for half that many.

Portable classrooms sit where children once played basketball. Music students practice in a small classroom amid skyscrapers of stacked chairs. In a hallway, seven first-graders squeeze together like paper dolls on an old sofa to be tutored in reading.

Conditions such as these will be the subject of a public forum today at 10 a.m. at Loara Elementary School in Anaheim, where Rep. Loretta Sanchez, D–Garden Grove, and House Minority Leader Richard Gephardt, D–Mo., will be among those listening to testimony from students, parents, teachers, principals, superintendents and others about overcrowding and its impact in central Orange County.

Sanchez arranged the hearing in support of legislation she has proposed that encourages new school and classroom construction through new tax-exempt bonds.

Enrollment in California is growing faster than anywhere else in the nation, and school districts are feeling the pressure. In the Anaheim City School District, for example, the newest school opened 10 years ago.

"The bottom line is always funding," said Mike Vail, senior director of facilities planning and governmental relations for the Santa Ana Unified School District, who will testify at the hearing. "Schools suffer because we just don't have a reliable stream of money to build more classrooms."

The state school-construction program requires school districts to put up matching money, which few districts have. Compounding the dilemma is that any local school-bond measure must be approved by a two-thirds majority of voters rather than a simple majority.

Even if only a simple majority were required, school officials consider that avenue unpromising. In response to a survey conducted by Sanchez, Michael Perez, director of facilities planning for the Anaheim City School District, said, "Orange County is still recovering from the recession, and the likelihood of the community passing a general obligation bond seems very unlikely."

All the while, enrollments are soaring and many school districts are running out of stop-gap measures. The recent move in California to 20-to-1 student-teacher ratios in grades K–3 only intensified the crunch.

For example, Perez estimates that the Anaheim City School District needs a minimum of $80 million over the next five years to build eight new schools. In addition, Perez noted, "Almost all buildings do not meet today's safety and structural requirements for school facilities." Vail said Santa Ana needs $120 million to build a high school and three elementary schools.

Yet these needs often run counter to political realities. Historically, building schools has been a local issue. Congress has resisted paying for school construction for philosophical and economic reasons.

Some lawmakers say local taxpayers will become more dependent on the federal government and less committed to paying property taxes if Uncle Sam helps build schools.

Others say it will cost too much. For instance, building a new school in the Anaheim City School District costs about $15 million, according to Perez. And the General Accounting Office estimates that it would take $112 billion to repair schools nationwide.

"The Republican majority in Congress has tended not to support federal involvement in education," said Sally McConnell, a lobbyist for the National Association of Elementary School Principals. "That mood is still there among lots of members."

To appease deficit hawks and other critics, many lawmakers who want the federal government to pitch in are focusing on tax-oriented rather than spending-based solutions.

Under Sanchez's proposal, the federal government would give investors in school-construction bonds a tax credit.

A tax break, Sanchez said, will entice purchasers of bonds and take some financial burden off the schools without costing the federal government extra money or harming local control of schools.

To get the tax credit, schools must prove that they've tried to alleviate overcrowding by using nontraditional classroom space or holding a year-round schedule. They must work in partnership with a private group or business willing to pay some expenses such as computers.

And they must meet at least two of the following criteria: a 10 percent growth rate during a five-year period; a student-teacher ratio at least 28-to-1; or at least 35 percent of students living below the poverty level.

Sen. Carol Moseley-Braun, D-Ill., wants $1 billion a year in tax credits for companies doing school construction projects so they would charge the local school districts less for the work.

Under Moseley-Braun's plan, $226.7 million in tax credits would go directly to two school districts and six cities in California, including Santa Ana.

President Clinton plans to weigh in. In his State of the Union Speech on Jan. 27, Clinton is expected to propose spending $5 billion on school repairs and construction. A similar plan was shelved last year during the balanced-budget talks, angering many education groups.

If any school-construction bill passes, it will probably borrow from the various pieces of existing legislation, said Michael Briggs, Moseley-Braun's spokesman.

Advocates of federal school-construction money say they're encouraged that some Republican governors are joining them to ask for federal help, including Gov. Pete Wilson, who has floated his own school-construction bond proposal.

About 87 percent of the public schools in California say they need to upgrade or repair buildings, according to a recent study by the GAO.

Enrollment in the state's elementary and secondary schools is expected to reach almost 7 million by 2007 from the current 6 million—a 17 percent increase, making it the state with the highest growth rate in the nation, according to the U.S. Department of Education.

And with many pushing for smaller classes, the space crunch will only get worse. About 6,000 more schools are needed to accommodate the growing enrollment, the education department study says.

"The joke around education circles is that every available trailer was headed to California when that thing passed," said Jewell Gould, research director at the American Federation of Teachers.

To principals like Edison's Ann Leibovitz, it may seem as if all those portables have landed on her campus. "We need more air space," she said, "We need help so that we're not bumping into each other as much."

REMEMBERING THE REVEREND DR. EDWARD ANDERSON FREEMAN

HON. DENNIS MOORE

OF KANSAS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. MOORE. Mr. Speaker, my colleague, Ms. MCCARTHY of Missouri, and I join today in paying tribute to the late Reverend Dr. Edward Anderson ("E.A.") Freeman, who we are saddened to report passed away on January 26, 1999, in Kansas City, Kansas. His funeral was held this morning at the First Baptist Church of Quindaro, where he had been pastor for fifty years before retiring in 1996.

Reverend Freeman was the fifth of seven sons of James and Ollie Watts Freeman, born in Atlanta, Georgia, on June 11, 1914. He was educated in the Atlanta public schools, and received an A.B. from Clark College in Atlanta. After attending U.S. Army Chaplaincy School and Harvard University, he received his bachelor of divinity, master of theology and doctor of theology degrees from Central Baptist Theological in Kansas City, Kansas. His doctoral thesis was published as a book, "Epoch of Negro Baptist and the Foreign Mission Board" in 1953, and remains a standard textbook for teaching religious progress from the earliest beginnings of African-American life in the United States. After his early career as principal of Austell School in Georgia, Reverend Freeman served as pastor of two churches and as a U.S. Army chaplain from 1942–46, attaining the rank of major. After discharge from the Army, he was called to pastor the First Baptist Church in Kansas City, Kansas, where he served our community for fifty years.

Reverend Freeman, simply put, was a leader in local, national, and international communities. He was a visionary who was driven to assist and empower people, fighting as a civil rights activist, community leader, and president of the Kansas City chapter of the National Association for the Advancement of Colored People. Additionally, he served on the Kansas City, Kansas, Planning Commission from 1955 to 1995 (as its chairman for 29 years), and served on the Kansas City, Kansas Crime Prevention Council. He also was a leader in church affairs, serving as: president of the Missionary Baptist State Convention of Kansas; president of the Sunday School and Baptist Training Union Congress of the National Baptist Convention, U.S.A.; first vice president of the Baptist World Alliance for five years in the 1980s; and as adjunct professor and member of the board of directors of Central Baptist Theological Seminary for many years.

In addition, we must note the numerous awards Reverend Freeman won throughout his career which reflect his dedication to dialogue between different faiths, races and cultures, such as the Meeker Award from Ottawa University, which is given to individuals who have demonstrated a life of sacrifice, service to the disadvantaged, profound stewardship of life, unrelenting humanitarian services, and worthiness as a role model; and the Martin Luther King, Jr., Citizenship Award for Community Service, which embraced the philosophy of Dr. King and was presented by the Kansas City Kansas Martin Luther King, Jr., Holiday Celebration Committee.

We join with the many friends, colleagues and community associates of Reverend Freeman in mourning this profound loss. As the *Kansas City Star* noted in its obituary, Reverend Freeman, throughout his career, was known for "interceding in numerous personal, business, and church matters at the request of those involved." He will, of course, be greatly missed by his wife, Ruth Anthony Freeman, and their three children: Edward A. Freeman, Jr.; Constance M. Lindesay; William N. Freeman; their son-in-law, Horace B. Lindesay, Jr.; six grandchildren; and many nieces, nephews, and cousins.

Mr. Speaker, in closing, we add to the RECORD two articles from the *Kansas City Star*, reviewing the life of this remarkable man, which are aptly entitled, "Death claims a role model: Rev. E.A. Freeman was local, national social crusader," and "Commitment was the hallmark of Rev. E.A. Freeman's life."

[From the Kansas City Star, Jan. 29, 1999]

DEATH CLAIMS A ROLE MODEL REV. E.A. FREEMAN WAS LOCAL, NATIONAL SOCIAL CRUSADER

(By: Helen T. Gray)

He was a man of God, and a man of his word. When the Rev. E. A. Freeman put his weight behind a cause, things would happen.

"If he said he would do something, you could count on him to do it," said the Rev. C. L. Bachus, a fellow minister and longtime friend. "Only the Lord could stop him."

Freeman, 84, a longtime religious and civic leader, died Tuesday at the Alzheimer's Center of Kansas City in Kansas City, Kan. He had been pastor of First Baptist Church of Quindaro for 50 years before retiring in 1996.

The Rev. Jesse Jackson, long a friend of Freeman's, will deliver the eulogy at the service Tuesday.

"He was a very well respected member of our community," said Carol Marinovich, mayor of the Unified Government of Wyandotte County/Kansas City, Kan. "He was a gentleman, and a gentle man, very committed to all the people of the community.

"Freeman's influence extended beyond Kansas City. He was first vice president of the Baptist World Alliance, a worldwide organization of Baptist churches, for five years in the 1980s. He worked with people of different races, ethnic backgrounds and cultures around the world.

During the Iranian hostage crisis in 1980, Freeman was among African-American ministers who went to Iran to try to open lines of communication between Islamic and Christian leaders.

"I had a great respect for him," said the Rev. Stacey Hopkins, pastor of First Baptist. "Everybody respected him. He was always willing to help the younger preachers. Many of us tried to pattern ourselves after him. . . . He always wore a shirt, tie and jacket. Always. He was a good example."

The Rev. Nelson Thompson said he worked with Freeman on several projects and admired his longevity.

"He was a mentor for me," said Thompson, president of the Greater Kansas City chapter of the Southern Christian Leadership Conference. "He was a rare individual. Not many people can pastor a church for 50 years."

Freeman was a past president of the Sunday School and Baptist Training Union Congress, the Christian education arm of the National Baptist Convention U.S.A. Inc. He also was a past president of the Missionary Baptist State Convention of Kansas. He had been president of the Kansas City, Kan., chapter of the NAACP; a member of the Kansas City, Kan., Planning Commission from 1955 to 1995, serving as chairman for 29 years; a member of the Kansas Board of Probation and Parole; and a member of the Kansas City, Kansas, Crime Prevention Council.

When Freeman retired, he said his greatest desire had been to help people. He recalled speaking with city officials about problems that minorities faced and riding with police during the riots after the death of the Rev. Martin Luther King Jr., "trying to keep everybody calm."

Alvin Brooks, a former assistant city manager in Kansas City, said that his friend of more than 45 years had few peers, either as preacher or prompter of social change.

"He could really preach a sermon," said Brooks, "But he wasn't just a preacher. He could walk into a room, and he had such a presence. . . . He was a great role model for young African-American men and young men aspiring to be ministers."

The funeral service will be at 11 a.m. Tuesday at First Baptist Church, Fifth Street and Nebraska Avenue, Kansas City, Kan. Visitation will be from 10 a.m. to 8 p.m. Monday and from 9 to 11 a.m. Tuesday at the church.

It was Freeman's wish that Jackson deliver his eulogy. Jackson spoke at First Baptist several times. Religious leaders from throughout the community and various parts of the country are expected to attend the services.

He leaves his wife, Ruth Anthony Freeman; his children, Edward A. Freeman Jr. of San Diego, Calif., Constance M. Lindesay and William N. Freeman, both of Kansas City; a son-in-law, Horace B. Lindesay Jr.; six grandchildren; and a great-grandchild.

[From the Kansas City Star, Feb. 1, 1999]

COMMITMENT WAS THE HALLMARK OF REV. E.A. FREEMAN'S LIFE

[By Steve Paul, Kate Beem and Erica Wood]

The first indication that the Rev. E.A. Freeman could be a persuasive force in his adopted home of Kansas City, Kan., came in the spring of 1946.

Then a 32-year-old Army chaplain and major about to leave the service, Freeman arrived at the invitation of a friend. The First Baptist church, at Fifth Street and Nebraska Avenue, was between preachers. Freeman agreed to give a guest sermon.

He proved quite up to the task. This was, after all, the Edward A. Freeman who at the age of 16 had won an oratorical contest in his hometown of Atlanta.

Well, the short version of the story goes, Freeman so impressed the leaders of First Baptist that they had a little problem. They quickly solved it by withdrawing an offer made to their pastor-to-be and giving the job to Freeman.

It turned out that Freeman was not just taking on a job when he moved his wife, Ruth, and three children from Atlanta that June. He was taking on a way of life.

Over the next 50 years, until his retirement in 1996 and his death a week ago today, Freeman's way of life was commitment. As most people who knew him put it, he embodied the idea of commitment, not only to his God and to his church, but to his community.

Preacher, pastor, minister to those in need. Bridge builder, conciliator, a quiet civic giant. Husband and father. Orator and scholar. Advocate for social and economic justice.

Freeman's accomplishments were many and his influence vast.

The Rev. Jesse Jackson—civil-rights leader, activist and presidential candidate—will deliver the eulogy at Freeman's funeral today. Jackson said that, after Martin Luther King Jr., the most important person in his political life was the Rev. E.A. Freeman of Kansas City, Kan.

"He was a real freedom fighter," Jackson said.

CIVIC, RELIGIOUS PILLAR

Leon Lemons, a retired banker, an old friend and a trustee of First Baptist, noted how important Freeman was to the city when he recalled what H.W. Sewing, a founder and president of Douglass Bank, told him some 40 years ago.

"We should not let Reverend Freeman get out of this city," Sewing told Lemons. "He's a man with vision, a man with integrity. He's a man who can get things done."

By that point, after a little more than 10 years in Kansas City, Kan., Freeman had run for the school board and the state Legislature. Although unsuccessful, those campaigns gave him a public forum to speak up about social welfare and segregation.

But he didn't need a political campaign to raise his voice: In 1949, he excoriated the Wyandotte County chairman of the American Red Cross over a racial affront at a "Victory Dinner," threatening a boycott of the agency's fund drives. The next year, he helped bring pressure on the owner of two local movie theaters, which until then had denied admission to blacks.

In the years to come, he would spearhead housing developments and become involved in many improvements in Kansas City, Kan., as a member of the city's Planning Commission for 40 years and its chairman for 29. There were disappointments, too, and failures amid the long economic decay of his city, but he never stopped fighting for what he believed was right.

In the 1970s and '80s, he helped establish some of the first homeless shelters in the community, said Mary Sue Severance of the United Way of Wyandotte County.

"He seemed to be everywhere in the community," Severance said.

In civic dealings, Freeman's trademark was his tranquil demeanor. He often was a peacemaker. The Rev. Nelson Thompson, president of the Greater Kansas City chapter of the Southern Christian Leadership Conference, used code words for the white and black communities when he said Freeman "had great influence uptown, yet he could work in the northeast and everybody respected him."

In ministerial dealings, his tenure produced Sunday services that usually lasted two hours or more. He was prone to offering two sermons, a spiritual one and a political one. He gave his congregation political advice on issues of the day. Although he never told them how to vote, he gave strong hints, said his daughter, Connie Lindesay.

Freeman had a legendary amount of energy and drive. Arieta Mobiley, a former church deaconess, said it wasn't unusual to drive by and see Freeman's car parked outside the church at 1 or 2 in the morning.

Even after he retired, Mobiley said, Freeman went to the church every day for two years.

"There weren't many people who had the energy he did,"

Lindesay said. "His persistence, his vision, that will, that drive. To him, it was, 'I'm going to get to that goal,' and that goal had to do with the commitment to and investment in the people around."

He was humble about his accomplishments but had the courage essentially to start his own civil-rights movement in Kansas City, Kan., said Kansas City Mayor Emanuel Cleaver.

"When he came along," Cleaver said, "times were really dangerous for a black man who would stand up and declare his somebodyness."

Freeman well knew that the fight for social justice and equality for African-Americans involved not only overcoming racism but also, in the words of his friend and colleague, the Rev. Martin Luther King Jr., "its perennial ally—economic exploitation."

A JACKSON MENTOR

Jackson and Freeman first met in the 1950s. Jackson was a King disciple; Freeman was a leader in the National Baptist Convention. By 1959, however, the convention had become increasingly uncomfortable with King's high-profile activism. A rift developed, but while Freeman actively stuck with the convention, he never lost contact with King or Jackson.

After King's assassination in 1968, Jackson stood alone. Freeman reached out to him, inviting him back and re-introducing him into powerful circles within the National Baptist Convention.

"He took that risk and adopted me in a spiritual sense," Jackson said. "I feel so indebted to him."

Jackson returned to Kansas City several times, and in 1976, at his first revival, he chose Freeman's First Baptist as the location for the week-long spiritual event.

Jackson said his speeches for students from two area high schools helped him form the National Rainbow/PUSH Coalition, his long-running, grass-roots organization promoting social justice.

Thompson said Freeman was a model of a minister who became involved in politics. Along with two other titans of the black community, the Rev. Wallace S. Hartsfield and the Rev. A.L. Johnson, Freeman inspired and mentored a younger generation of political-activist preachers—Thompson and Cleaver among them. To them, he advocated action over political posturing.

"He used to tell me, 'Reverend, talk will kill anything. You've got to just keep it low. Get it put together before you talk about it too much.'

"He really wasn't quiet, but he didn't do a lot of talking about what he was doing until it was done."

Talk is one thing. Public speaking is another. And Freeman was a master at oratory.

He filled his many speeches and sermons with scholarship and poetry. Not only did he make the scripture sing, but he also quoted extensively from Shakespeare and Tennyson, from Keats and Browning and Kipling. "And he didn't just read it," his daughter said of his great capacity for recalling classic poems from memory, "he spoke it as if he himself had written it."

"Once you heard him deliver a sermon," Cleaver said, "you would know quickly that this was no ordinary man. He was touched divinely in ways many can only imagine."

"He was academic and educational, yet he could be right down to earth," Thompson said.

In the late '70s, Thompson heard Freeman deliver a speech on the steps of the Kansas Capitol. His topic was the Exodusters, the black migrants who settled in Kansas after the Civil War. Thompson had been unaware of the depth of Freeman's scholarship or his capacity for research and history. And he was moved.

"It was a profound historical address," Thompson said. "I shall never forget it."

THE POWER OF EDUCATION

Education was extremely important to Freeman and his family. He sacrificed so his children could go to college. He long remembered how difficult it had been to pursue his own education.

In the late 1930s, Freeman desperately wanted to go to college. But his widowed father was struggling to support seven sons.

Freeman interviewed with the president of Clark College in Atlanta and begged to attend classes there. He succeeded, working his way through as a custodian, and eventually graduated with a degree in education.

After his arrival in Kansas City, Kan., he earned advanced degrees, including his doctorate in theology from Central Baptist Theological Seminary in 1953. At the time, the opportunity to earn such a degree was rare for a black minister.

Education remained important throughout his involvement in the National Baptist Convention, USA. Freeman became president of the organization's Congress of Christian Education (as it's now called) in 1968.

His influence was almost immediate. His dynamic leadership and speechmaking helped increase attendance at its annual meeting by the thousands over his 15-year tenure.

"It's his personality," said the Rev. Ellis Robinson, Freeman's successor at First Baptist. "He knew how to get things done."

In his work for the National Baptist Convention and other programs, Freeman traveled extensively—all around the world—often at a moment's notice.

But his first priority was always his church. He always made sure that things would get done in his absence.

"Ministers and clergymen play a lot of different roles," said Thompson. "The pastoral role is one of shepherding, caring for and protecting and watching over the flock. . . . Nobody I know of played that role as well as Rev. Freeman. He was just a rare individual. He could make you feel good when you felt bad; he was very inspirational and uplifting."

There's something else about Freeman that people talk about. He loved to tell jokes. Every time he spoke, people could expect to hear two or three jokes along the way.

Of course, he had two kinds of jokes: those he could use in sermons and those he couldn't.

One of his very popular jokes dated from the days of "streaking," when college kids would dash through public places in the buff. Freeman's joke had to do with some older women in a nursing home. The punch line: One fellow goes, "What was that?" And the other goes, "I don't know, but it sure did need ironing."

Even in his last days, that joke was still able to touch people in unexpected ways. One former church member was visiting just a couple of weeks ago. Sitting at his bedside, this person said, "Reverend Freeman, I'll always remember that old joke about the senior citizens."

And, as his daughter Connie Lindesay tells it: "He just beamed. His eyes just twinkled."

FASTA, THE "FAIR STEEL TRADE ACT"

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. TRAFICANT. Mr. Speaker, our foreign competitors have been dumping steel in America below market value for well over a year. This practice, which has been allowed to continue unencumbered by the Clinton Administration, has had a devastating effect on the U.S. steel industry and U.S. steelworkers. I have taken numerous actions, alone and in conjunction with the Congressional Steel Caucus, to urge the Administration to change its backward trade policy and remedy the current crisis. These pleas have fallen on deaf ears. It is time for a clear and decisive action. Therefore, I am introducing FASTA, the "Fair Steel Trade Act" today to force the Administration to impose swift and severe penalties on those countries that have flagrantly and repeatedly violated our trade laws. Specifically, FASTA will impose a three-month ban on imports of steel and steel products from Japan, Russia, South Korea and Brazil.

Steel dumping in America has become a global event. In the first 11 months of 1998, steel imports are up 167 percent from Japan, 60 percent from Russia, up 112 percent from South Korea, up 68 percent from the Ukraine, up 150 percent from Australia, up 105 percent from South Africa, up 114 percent from Brazil and up a whopping 586 percent from Indonesia.

In January, it was reported that a Congressionally-mandated report on foreign steel dumping would finally be released from the Administration. It was rumored that the report would outline the Administration's plans for helping the U.S. steel industry cope with cheap steel imports, but would not include any new initiatives beyond the Administration's previous efforts. Those efforts have consisted mainly of expediting complaints from U.S. steel companies and negotiating with countries such as Russia and South Korea.

In response to this rumor, I wrote a letter to President Clinton urging him to reverse course and take drastic action to stem the tide of cheap steel imports: "During your two campaigns for the Presidency and throughout your Administration you spoke eloquently about using U.S. trade policy to build a bridge to the 21st century for American workers. That bridge is crumbling under the weight of millions of tons of illegally dumped foreign steel. If your Administration does not take extraordinary and decisive action, hundreds of American communities and thousands of American families will enter the 21st century in poverty." The fact is, the Administration has been reviewing the dumping of foreign steel below cost in our market. It is crystal clear that antidumping statutes have been repeatedly violated. It's time to stop reviewing and start acting. I made it clear to the President in my letter that maintaining his present course of action falls woefully short of the type of decisive action that is warranted by this emergency.

Unfortunately, the rumors about the report proved true. In essence, the report demands that Japan curb its steel shipments to America though "voluntary export restraints." Idle threats and voluntary self-policing restraints do not a trade policy make. What's worse, the report makes no mention of the other six countries that continue to dump steel in our market.

The report also provides for tax relief for steel companies. According to the report, the steel industry will have greater ability than other industries to receive tax refunds to offset its losses. Under current law, companies can receive tax refunds on their losses for the previous two years of taxes paid. The steel industry is now able to obtain refunds for the previous five years. This news, however, was not enough to save Bethlehem Steel. After the report was made public, Bethlehem Steel announced that it will close two stainless steel and strip-metal plants, thereby adding 540 American workers to the unemployment roll.

The tax relief provision is estimated to cost $300 million over five years. While I support relief for the steel industry, I am livid that the President expects the American taxpayer and the steelworkers who have lost their jobs to pay for the illegal actions of our foreign competitors. Perhaps if the Administration enforced our trade laws for a change, and penalized dumping, we would collect enough revenue to pay for tax relief for our domestic steel industry.

It has become obvious to me that this Administration is unwilling to take the type of definitive action necessary to deal with this serious crisis. Voluntary self-policing is like putting a kid in a candy store and asking him not to eat. No disincentives, no repercussions—it's strictly voluntary. Promises won't help the 10,000 steelworkers who have lost well-paying jobs and promises won't stop industry giant Bethlehem Steel from closing the doors on two of its plants.

Despite repeated calls from steelworkers and Members of Congress such as myself, the Administration has elected to pursue a course of limited and meek actions. The time for negotiating, monitoring and litigating are long past. Tax breaks and more retraining programs will not put a single steelworker back to work.

It is now incumbent upon my colleagues in Congress—Democrats and Republicans—to take up the banner and fight to ensure that the steel industry, an industry vital to America's economy and national security, is not decimated by illegal competition. Cosponsor and pass FASTA today.

TRIBUTE TO DICK VOLPERT

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. BERMAN. Mr. Speaker, my colleagues, Mr. WAXMAN and Mr. SHERMAN, and I rise today to pay tribute to our dear friend Dick Volpert, who this year is receiving the Learned Hand Award from the American Jewish Committee. Certainly we can think of nobody more deserving of an award that honors both superior intellect and humanitarianism. Dick is that all-too-rare person who cannot remain aloof when he sees a person or group in need of help. He has a widespread and richly-deserved reputation for getting passionately involved in a range of causes.

Dick and his wife, Marcia, were without question among the most forceful and tireless advocates anywhere in the world on behalf of Soviet Jews in the 1970s and 80s. There is no doubt that their efforts enabled many Jews to emigrate from the Soviet Union at a time when the freedom to practice their religion had been eliminated and in a very real sense their lives were in peril. The Volperts educated the Jewish community of Southern California and beyond about the dire circumstances of Soviet Jews and the absolute necessity of doing whatever all of us could to bring about their release. As far as we're concerned, Dick and Marcia merit at least a chapter in any history of the Soviet Jewry movement in the United States.

While this was going on, Dick also spent countless hours engaged in pursuits relative to the Jewish community of Southern California. And though the cause of Soviet Jewry waned with the fall of the Soviet Union, Dick today remains extraordinarily active in local Jewish affairs. Since 1996, he has been a board member of the Brandeis-Bardin Institute, and he continues as both a member of the Community Relations Committee of the Jewish Federation Council of Los Angeles and the Executive Board of the American Jewish Committee. Dick has also been active with the University of Judaism and Valley Beth Shalom, a large synagogue in the San Fernando Valley.

Dick has other causes that occupy his time, not to mention a thriving practice in real estate law. For example, he is president of the Board of Governors of the Los Angeles County Natural History Museum, a position that allows him to help determine the future of cultural life in Southern California. The Museum is in fact one of the most important places to experience art and culture in the entire region.

We ask our colleagues to join us in saluting Dick Volpert, a man whose dedication to making ours a better world is an inspiration to us all. We are in awe of his accomplishments and proud to be his friend.

HONORING THE FOUR CHAPLAINS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. GILMAN. Mr. Speaker, this month our nation commemorates the 56th anniversary of one of the most tragic, and at the same time inspirational, incidents in our nation's history.

As an avid stamp collector, as well as a Member of Congress who served for many years on the Post Office and Civil Service Committee and who now serves on the Subcommittee on the Postal Service, I have long been aware that federal law prohibits any American being honored on a postage stamp prior to 10 years after his or her death. The only exception made is for Presidents of the United States, who may appear on stamps one year after their death.

However, once and only once in this century was an exception made.

And that was in 1948, fifty-one years ago, when Congress passed special legislation allowing the four chaplains to be honored on a stamp only five years after they sacrificed their lives. It was the night of February 3, 1943, fifty-six years ago this week, when four brave chaplains—George I. Fox and Clark V. Poling, Protestant ministers; Alexander D. Goode, a Rabbi; and John P. Washington, a Roman Catholic Priest—laid down their lives aboard the U.S.A.T. *Dorchester* so that others might live on.

The *Dorchester*, carrying 902 servicemen, merchant seamen, and civilian workers, was traveling across the North Atlantic, toward a U.S. Army base on the coast of Greenland, when it was attacked without provocation by a German submarine. The Germans fired torpedoes toward the *Dorchester* which struck the transport ship below the water line, beyond all hope of repair. As water began to flood through the ship's hull, chaos set in aboard the *Dorchester*, and it was into the ensuing scene of utter hopelessness and despair that the chaplains' legacy was woven.

When it was discovered that the supply of life jackets aboard the *Dorchester* was insufficient, the chaplains—without hesitation—removed their own life jackets and offered them to four frightened young men. The chaplains remained with those injured by the initial blast as the ship slanted down toward the icy water. The four chaplains were last seen clutching hands together, offering prayers to heaven for those around them.

The qualities which those chaplains embodied—self-sacrifice, unity, and faith—are the qualities upon which our nation rests, and it is for this reason that they are rightfully honored as true American heroes.

As we pay homage to the four chaplains today and throughout this month, let us call on all our fellow Americans to reflect for a moment upon the attributes which defined their actions.

Mr. Speaker, today more than ever, it is important that we recall the sacrifice and selflessness which won for us the liberty and freedom which all of us Americans enjoy today.

Today, we sometimes seem to be living in an era when selflessness and sacrifice for others is considered "passe". Today, it sometimes seems that some people are more concerned with coming up with excuses for their actions, and casting themselves as the "victim", no matter what.

Today, more than ever, it is appropriate to remember the four chaplains and their self sacrifice. It is important to recall also the sacrifice of countless other men and women who gave their lives in the name of our country.

Nathaniel Hawthorne once wrote: "A hero cannot be a hero unless in a heroic world."

Mr. Speaker, in memory of the 4 chaplains, let us dedicate ourselves to reconstruct that historic world, a world where ideals and principals reign supreme.

INTRODUCTION OF THE INDIAN HEALTH EQUITY ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. McDERMOTT. Mr. Speaker, today I am introducing legislation that would fix an inequity in the current reimbursement rates for low-income Native Americans who receive health care through the Indian Health Service (IHS).

Under current law, a 100 percent federal medical assistance percentage (FMAP) applies for the cost of services provided to Medicaid beneficiaries by a hospital clinic, or other IHS facility, as long as they are run by the IHS, tribe, or tribal organization. While IHS facilities (usually in rural areas) are eligible to receive the 100 percent FMAP, similar services provided through IHS programs (usually in urban areas) receive only 50–80 percent reimbursement depending on the service.

My legislation would fix this inequity by raising the IHS program FMAP to 100 percent as well.

Equalizing the FMAP for health care received through IHS programs is especially important given that roughly half of the nation's Native Americans now live in urban areas. Furthermore, many urban IHS programs are run through Federally Qualified Health Centers whose state funding have been threatened by repeal of the Boren Amendment.

Passing this legislation would benefit IHS programs in over 35 cities throughout the country and would have little impact on the federal budget. Informal estimates illustrate that equalizing the FMAP for IHS programs would cost $17 million over the next 5 years.

I urge my colleagues to join me in support of the Indian Health Equity Act.

IN MEMORY OF HEDY SOMMERFELT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Hedy Sommerfelt, a prominent figure in the Cleveland Polish Community.

Hedy was a lifelong Slavic Village resident. While in elementary school she began to go to Polish school on Saturdays. There she learned to speak, write, and read the Polish language. Throughout her life she was an advocate of Polish culture. In 1946 Hedy married John F. Sommerfelt. This prompted her to join the Union of Poles in America (UPA), a fraternal insurance organization founded more than 100 years ago. In 1978, Mrs. Sommerfelt began working for the UPA as the financial secretary. Following that, she worked under longtime UPA president Richard Jablonski as the executive vice president. When Jablonski died in 1995, Mrs. Sommerfelt assumed the presidency of the Union of Poles. She was the first woman president of the organization. She also volunteered for many Catholic and Polish causes and was the president of the Immaculate Heart Parent Teachers Unit (PTU) in the 1960's.

Those who worked with Hedy will forever remember the pens given to them which were topped with a tiny gold "guardian angel." One of these pens, her trademark, was even given to President Clinton in 1996. She was a pillar of strength in the community. She had great energy which she used to help the Polish community in every way to further the cultural and spiritual growth of the community. Her influence was felt at every level of government. She was committed to the cause of Poland as well as the Polish Community in Greater Cleveland. She and her husband have been lifelong friends and I consider her passing a personal loss.

Ladies and gentlemen, please join me in honoring the memory of this remarkable woman, Hedy Sommerfelt.

IN MEMORY OF FIREFIGHTER TRACY DOLAN TOOMEY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. STARK. Mr. Speaker, today I wish to pay tribute to Tracey Toomey, a firefighter from San Leandro, California, who died in the line of duty on January 10, 1999. He leaves a wife, Renee, and two children, Daniel and Shannon.

Mr. Toomey died while on voluntary overtime, trying to put out a six-alarm fire which consumed a nightclub in Oakland. He was a dedicated and talented firefighter.

He was born and raised in Oakland, graduating from Castlemont High School in Oakland in 1964, and went on to study at Laney Junior College. He served for two years in the United States Marine Corps, from 1965 to 1967, during which time he served in the Vietnam war.

He became a firefighter in 1972, working in Oakland for several stations, including Station 23 and 6, and was volunteering for a further station at the time of his death.

Toomey was as active in his personal life as he was in his professional life. He could often be found hiking, biking and hunting with his son. He also ran a welding business, and was skilled in the production of detailed pieces. He was a member of the California Artistic Blacksmiths' Association.

He was a committed family man and was weeks from celebrating his twenty-ninth wedding anniversary. All those who had lived and worked with him will miss him greatly. He will be remembered as one whose commitment to his job went far beyond most and for that reason I wish to pay tribute to him today, and send our deepest sympathies to his family.

EMPOWERMENT ZONE REFORM LEGISLATION

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to require the U.S. Department of Housing and Urban Development (HUD), when evaluating future applications for designation as an urban empowerment zone (EZ), to make an applicant's unemployment rate and poverty rate 50 percent of the criteria.

Last month, the Vice President announced 15 new urban empowerment zones. Each zone will receive $10 million a year for ten years in federal grants and $13 million a year for ten years in bonding authority. While many of the new zones went to needy areas, some designations raised serious questions about the designation process. HUD selected zones based on a 100-point scoring system that measured the quality of revitalization plans, poverty and unemployment rates, and private and public sector commitments made to implement the plans. An applicant's poverty and unemployment rate only counted for 25 points under HUD's current scoring system.

The scoring system presented many distressed communities across the country with a Catch-22. In order to put together a competitive application, communities had to secure large commitments from both the public and private sector. Most of the winning applicants had commitments in excess of one billion dollars. But most distressed communities do not have billions in public and private resources to commit to an EZ application. In fact, communities with more than a billion dollars in public and private resources really don't need additional aid in the form of empowerment zone designation. It is those communities that have seen an exodus of manufacturing and other private sector jobs that most need federal assistance. But the way the EZ application scoring system was developed, those communities cannot compete.

For example, last October the cities of Youngstown and Warren in Ohio submitted a joint application for an EZ designation. The Youngstown-Warren area has a poverty rate of 51.42 percent and an unemployment rate of 17.3 percent—almost four times the state and national average. Youngstown-Warren's application was turned down. But Santa Ana, California, with an unemployment rate of only 5.6 percent and a 31 percent poverty rate, got an EZ designation. Youngstown-Warren's unemployment rate was three times higher than Santa Ana's. Youngstown-Warren's poverty rate was 20 percent higher. Yet, Youngstown-Warren's application didn't make the cut. The difference? Santa Ana was able to leverage $2.54 billion in public and private sector commitments. Youngstown-Warren was only able to come up with about $200 million.

The list goes on. Minneapolis, Minnesota, with an unemployment rate three percentage points lower than Youngstown-Warren's, and a poverty rate 11 points lower, received an EZ designation. The difference once again was the fact that Minneapolis was able to come up with $2 billion in public-private sector commitments. In fact, most of the communities awarded EZ designations last month had poverty and unemployment rates significantly lower that Youngstown-Warren's. But they all had very strong public and private sector commitments.

I agree that EZ applicants should demonstrate strong local and private participation. But something is wrong when a community with a poverty rate of more than 50 percent and an unemployment rate of 17.3 percent is turned down, and a community with a poverty rate of 31 percent and an unemployment rate of only 5.6 percent is approved. EZ designations should be reserved for those communities that desperately need to attract private sector jobs.

My legislation will change the scoring system HUD uses in evaluating EZ applications so that, in the future, struggling communities will have a fighting chance to get the federal assistance they so desperately need. The Traficant bill will end the Catch-22 many communities faced in the recent round of EZ awards. The bill would still require communities to put together applications with strong public and private commitments. But it would give an applicant's poverty and unemployment rates equal footing with public and private dollars. That's the way it should be.

This legislation is a common sense fix to ensure that future EZ designations go to the neediest communities.

INTRODUCTION OF TRUCK SAFETY LEGISLATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. WOLF. Mr. Speaker, I am introducing legislation that will improve the safety of our highways for the millions of motorists who use them. Very simply, my legislation moves the Office of Motor Carriers (OMC) from the Federal Highway Administration (FHWA) to the National Highway Traffic Safety Administration (NHTSA).

TRUCKS ARE DANGEROUS

In 1997, 5,355 people died on America's highways in truck related accidents. That was not only more people killed than in the previous year, but more people than any other year in this decade. Regardless of who's at fault, when a tractor-trailer is involved in an accident on our highways, the consequences are too often fatal. I should note that many, if not most, trucks are operated safely and their drivers are concerned first and foremost with safety. Unfortunately, there are always operators on the margins who make the roads unsafe and in 1997, the last year for which figures are available, the number of people killed in truck related accidents has risen to a new high for the decade. The trucking industry dismisses these figures by noting that the per-vehicle-mile death rate has gone down. They're right. But the fact remains that the number of people who died in 1997 from accidents rose.

To put the issue in perspective, compare these figures to the aviation industry. What would our response be if the aviation industry suggested that only 5,355 people died in airline crashes? What if we rationalized that as a percentage of miles traveled, there has been a reduction in fatalities? There would be outrage in America. Last year, the domestic aviation industry's rate of deaths per mile traveled also decreased. But the actual number of aviation related fatalities decreased too, all the way to zero. This must be our goal: a reduction in both the actual and per-vehicle-mile deaths on our highways. We are talking about real people—not just statistics.

CURRENT EFFORTS TO MONITOR THE INDUSTRY ARE LACKING

Federal efforts to monitor the trucking industry for safety are falling short. The Office of Motor Carriers (OMC) which is responsible for the oversight of the trucking industry is a component of the Federal Highway Administration (FHWA), the agency principally tasked with managing over $25 billion in highway and construction dollars. Locating OMC under FHWA has placed a lower priority on truck safety issues and blunted some of the initiatives needed to maintain an effective and forceful monitoring program. In fact, OMC personnel have become too close to some in the trucking industry which I believe has compromised their effectiveness.

Recently, the U.S. Department of Transportation Inspector General (DOT IG) completed a study of OMC and its close ties to the trucking industry. In the attached report summary, the IG found that OMC leadership has engaged in a "strategy . . . devised to solicit the trucking industry and third party communications to Congress in order to generate opposition to the OMC transfer provision in [Congressional legislation]." In short, OMC contacted the industry it is charged with regulating to solicit support to defeat a proposal to move the OMC to the National Highway Traffic Safety Administration (NHTSA). OMC officials have effectively gotten in debt to the very people they are supposed to regulate.

SOLUTION: CONSOLIDATE OMC FUNCTIONS IN ANOTHER SAFETY AGENCY

In my opinion, the rising number of deaths and the poor oversight of the trucking industry by OMC is partially a result of OMC's location at FHWA. FHWA is skilled at building and maintaining roads, but has done a poor job at monitoring the trucking industry. This task has not been high on the priority list. Therefore, I have suggested a reorganization where OMC will become a part of an existing or new managerial structure whose primary mission will be safety. I have suggested NHTSA, and I recognize the possibility that a better structure may exist. The legislation I introduce today, if not the answer, is a good place to start.

The dispatch with which this proposal is implemented becomes critical when we consider that on January 1, 2000, less than a year from now, the North American Free Trade Agreement (NAFTA) will permit trucks crossing the border from Mexico to travel anywhere in the United States. Anywhere. Currently, Mexican trucks are permitted to travel in border commercial zones which range from three to 20 miles. A recent DOT IG report, which is also enclosed, found that of the 3.7 million trucks from Mexico crossing in 1998, only 17,332 were inspected, and of this number, 44 percent were found to be in such disrepair that they were immediately taken out of service. These unsafe trucks could be in your state next year. These trucks could be on every road in America—most uninspected and many grossly unsafe. We need to address this problem now.

Finally, Mr. Speaker, the House Appropriations Subcommittee on Transportation, which I chair, will be holding hearings on this important issue Tuesday, February 23.

HUNTINGDON FIRE COMPANY, NO. 1, 125 YEARS OF EXCELLENCE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the 125th Anniversary of the Huntingdon No. 1 Fire Company located in my District in Huntingdon County, Pennsylvania.

Most people take fire protection for granted, yet don't realize the intensive undertaking involved in training and maintaining a fire department. Huntingdon No. 1 Fire Company has shouldered this responsibility well, as evidenced by their solid record of outstanding service. Created by an ordinance passed in 1801 making bare provisions for the town's fire protection, Huntingdon No. 1 Fire Company has evolved into a sophisticated and flexible department capable of managing a wide variety of emergencies.

Mr. Speaker, please join me in commending each member of the department, past and present, on a job well done. They have helped safeguard Huntingdon for the past 125 years and will continue to do so far into the future. I am indeed very privileged to serve such a distinguished group of individuals in the U.S. House of Representatives, and I wish them the best in their future endeavors.

IN MEMORY OF JUDGE JAMES P. KILBANE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in memory of Judge James "Seamus" P. Kilbane, who dedicated his life to serving the public.

Judge Kilbane graduated from St. Ignatius High School, where he was an avid athlete, in 1941. He then attended John Carroll University before he served in Europe during World War II as a first lieutenant in the infantry. Following his service in the Army Judge Kilbane earned his Bachelor's degree from John Carroll University in 1948, working as a boilermaker and salesman while he was in school.

In 1951 Judge Kilbane received his law degree from Western Reserve University Law School and in 1968 he earned a juris doctorate. While attending Western Reserve University he also served as a patrolman for the Cleveland Police Department. He resigned from that position in 1952 to practice law.

From 1955 until 1962, Judge Kilbane served as a member of the Ohio House of Representatives, and in 1963 and 1964 he served as a member of the Ohio State Senate. As a legislator Judge Kilbane fought for legislation that established state nursing home standards as well as legislation that supported labor and welfare.

In 1972 Judge Kilbane was elected judge of the Cuyahoga County Common Pleas Court, where he served full-time until 1990. Judge Kilbane, however, continued judging cases on a part-time basis after 1990. He was known as a well-prepared, hard working judge who always stuck to his convictions.

Judge Kilbane and his outstanding, life-long commitment to public service will be greatly missed.

IN HONOR OF THE DALE CITY CIVIC ASSOCIATION CITIZEN OF THE YEAR AWARDS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to recognize a group of outstanding citizens from Dale City in Prince William County of the Eleventh Congressional District of Virginia. These remarkable individuals have been selected by the Dale City Civic Association in recognition of their many achievements and their dedication to serving their community. These award-winners are people who have gone above and beyond the call of duty on a daily basis. They are members of the Dale City community who gave of their time in order to serve others and encourage others to be leaders. These citizens will be recognized on January 31, 1999, by the Dale City Civic Association, one of the largest, most active and accomplished Citizens Associations in the Commonwealth of Virginia. I would like to offer my congratulations to these award recipients.

The Dale City Civic Association was created over thirty years ago. Since that time, it has grown into a strong organization that has encouraged its members to volunteer their time and efforts to make their neighborhood a better place to live and work. The Association has an outstanding record of service to the community. Their work includes awarding a number of scholarships to college-bound students from Dale City, as well as monitoring development in the region and serving as a sounding board for citizens and businesses.

Citizen of the Year: David H. Dell, Sr. Mr. Dell, a twenty-two year resident of Dale City, has made a career of giving back to the community. In addition to being a Life Member of the Dale City Civic Association, Mr. Dell is also a long-time member of the Dale City Volunteer Fire Department and volunteer driver for hospital personnel, doctors, nurses and staff to get them to and from work during inclement weather. Not only does Mr. David Dell, Sr. see to the safety needs of Dale City, he is also dedicated to fostering the City's cultural well-being as Staging Director for the Dale City 4th of July Parade for the past three years. Mr. Dell has demonstrated exceptional community spirit over the past twenty-two years and is certainly deserving of the honor bestowed upon him by the Dale City Civic Association.

Young Citizen of the Year: Rachel J. Bryant. Miss Bryant is an extraordinary young citizen who has already become a strong role model to her peers. Rachel is currently a senior at Garfield High School. At Garfield, Rachel is a member and facilitator in the Gifted Education Enrichment Seminar Program for the past four years. Additionally, Miss Bryant is Vice President of her class, a member of the National Honor Society and has attended Virginia's Governor's School for Mathematics, Science and Technology where she was awarded the Macy's Scholar Award for Minorities in Medicine. Rachel is Garfield High School's shining star and demonstrates that our next generation is caring, selfless and dedicated.

Community Service Award: Dorothy Holley. Mrs. Holley is a volunteer who works with the elderly, local service organizations, and the less-fortunate. She spends much of her volunteer time arranging for food donations to be made to the PW Homeless Shelter, Senior Center and the PERTC Thermal Shelter. Throughout the community she is described as always willing and able to lend a hand in her community.

The Kathy Feeney Nurse of the Year: Eileen J. Yetter, RN. Mrs. Yetter has served the Dale City community at Potomac Hospital for the past eight years and is now one of the senior staff members in the Emergency Department. She is clearly dedicated to administering excellent quality care to her patients. In particular, Mrs. Yetter has helped design the state of the art Emergency Care Center at Potomac Hospital. Some of her design innovations have been duplicated in other emergency rooms across the nation. She also has worked to make the senior communities in Dale City more aware of their specific health risks, and how to react if they recognize them. The patients and community at Potomac Hospital have truly benefited from her work.

Police Officers of the Year: Officer Ruben D. Castilla and James C. Virgil. Officers Castilla and Virgil have been instrumental in making Dale City's streets more inviting and safe for community residents. Specifically, Officers Castilla and Virgil were commended by their department for the thorough investigation of the vandalism cases which led to the closure of twenty-one cases and the clearance of an unreported attempted armed robbery. These two officers are also credited with removing two area juveniles who had been harassing residents. Their efforts have provided protection to the residents of Dale City, so they can sleep peacefully at night.

Deputy Sheriff of the Year: Sergeant William O'Connell, Jr. Sergeant O'Connell is an individual who cares deeply about the people he serves. As a member of the Sheriff's Department and resident of Dale City for eleven years, Sergeant O'Connell is credited with developing an innovative Mentoring Program for middle school students in Prince William County and the cities of Manassas and Manassas Park, bringing together a variety of criminal justice agencies. Sergeant O'Connell also serves as the Sheriff's office representative to the Northern Virginia chapter of the Virginia D.A.R.E. Association. Sergeant O'Connell has proven his dedication to making Prince William County safer for all residents.

Firefighter of the Year: Todd Zavash. As a Battalion Captain with the Dale City Volunteer Fire Department he has been instrumental in the personal and professional growth of over eighty firefighters whom he has supervised in two Battalions. His leadership has allowed the residents of Dale City to know that firefighting personnel are ready to respond to all calls for assistance. Captain Zavash is recognized by his peers as an individual who is always willing to lend a helping hand or a sympathetic ear.

Emergency Medical Technician of the Year: John Dooley. Mr. Dooley has served as a volunteer EMT with the Dale City Volunteer Fire Department for the past eight years, and is currently the lead paramedic on Battalion 1. Mr. Dooley being awarded this honor is the culmination of years of dedicated service to the people of Dale City. Mr. Dooley is highly respected for his professionalism and dedication as a senior staff member by his peers and the community. He is truly a remarkable person who has provided excellent medical care to those who call in need.

Elementary School Teacher of the Year: Miss Bella Raphael. Miss Raphael is a Second Grade teacher at Kerrydale Elementary School. In addition to her regular teaching duties, Miss Raphael volunteers in support of a number of school activities. She is well-known for her work with the Special Needs Committee which is a community outreach program to assist families during special holidays and emergency situations. As part of her work with this group she spends the Thanksgiving and Christmas Holidays preparing and delivering baskets of toys and food for families in need. Miss Raphael is also active in the Prince William Alliance of Black School Educators, which is an organization that promotes academic achievements for minority students in Prince William County Schools through a scholarship fund. Through her many varied activities Miss Raphael has certainly made a positive mark in Dale City's educational system.

Middle School Teacher of the Year: Suzanne Johnson. Mrs. Johnson is a seventh grade teacher of language arts at Stuart M. Beville Middle School. At Beville, she is involved in many extra-curricular activities, and was a charter faculty member of the school in 1990. Mrs. Johnson is known among the students and faculty alike as "An energetic and resourceful teacher", always willing to offer that extra help to a student in need. She brings tremendous caring and dedication to her work, and inspires her students to excel.

High School Teacher of the Year: Jeannine Turner. Mrs. Turner has been an AP English teacher at C.D. Hylton Senior High School for the past thirty-three years. She has encouraged her students to excel in their studies using innovative teaching technics and dedicating as much of her own time as necessary. Her work in this area has enabled the students at Hylton to achieve higher academic levels then ever before. Additionally, she volunteers her time to the alternative education program and works with at-risk students through the night school and summer school programs. Mrs. Turner is an individual who is able to unlock each student's desire and motivation to learn and gives completely of herself.

Mr. Speaker, I know my colleagues will join me in congratulating these outstanding citizens for their tireless efforts to make Dale

City, Virginia a better place to live. Through the untiring and selfless efforts to citizens like these, many others across the country are inspired to do likewise. Not only Dale City, but America is enriched by their accomplishments and dedication.

TRIBUTE TO THE LATE GEORGE GOLDT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to my good friend, the late George Goldt, a man known far and wide as "the gentle giant."

As Undersheriff of Ocean County, George met Michael Gillick, a young cancer patient, and took him under his wing, naming Michael "Honorary Sheriff." In fact, when Michael was honored, even standing on a chair, he only reached George's waist. It was his interest in Michael that led to George's wanting to learn more about kids with cancer.

George Goldt and Linda Gillick, Michael's mother, joined forces and began the organization, Ocean of Love, aptly named by George for Ocean County and for the love he felt for the kids. Starting with 12 children, Ocean of Love now helps over 200 afflicted children and their families.

A person who never had to be asked twice, George Goldt worked tirelessly in behalf of the young people he loved and cared so much for. In fact, his last earthly act was trying to obtain food for a needy family, when he was felled by a heart attack at a very young age.

He was instrumental in coordinating fund raisers, and always preferred to remain in the background, never seeking credit for his actions.

The spirit of George Goldt, the gentle giant, will always be a large part of Ocean of Love due to his efforts in behalf of kids in need.

I remember George best during the years he served as President of the Manchester Township Republican Club. During those years George and his wife Bev were among my most avid and energetic supporters. George knew what should be accomplished and made sure it was, and almost always without me even asking. The success of the club and the candidates it supported under his leadership speak volumes about George.

The recipient of this year's Ocean of Love Public Service Award, George Goldt is truly deserving of this posthumous honor, and of the love and gratitude of the community.

THE 125TH ANNIVERSARY OF THE MORRIS CENTER YMCA, COUNTY OF MORRIS, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 125th Anniversary of the Morris Center YMCA, of Morris County, New Jersey.

Since January 2, 1874, the Morris Center YMCA has provided programs essential to the people of Morris County. The 172 founding members first gathered in meeting rooms located in the Old Post Office in Morristown. In 1889, the Board of Directors dedicated a new building which included a gymnasium, classrooms, bowling alleys and a game room. A second building was dedicated in 1912 which included a wing exclusively for women. By 1968, however, it became clear that a new building was needed and plans were made to begin construction.

On March 1, 1981, the grand opening of the newly completed Morris Center YMCA took place. The Center featured a 25 meter swimming pool, gymnasium, track, racquetball courts, weight rooms and a fitness center. Over the years renovations have been made to the building, bringing many more programs to people of all ages in Morris County. In 1985, the Center added an in-house After School Care program. Later, in 1988, the Center added the Y's Owl Care Child Center which provides care to approximately 130 children each day.

The Owl program received national accreditation by the National Association for the Education of Young Children. Building on the reputation of the Y's Owl Child Care Center, the Morris Center YMCA was selected to create and manage the child care center of the Morristown Memorial Hospital, and opened the Children's Corner in the late fall of 1996.

The Center currently has over 400 volunteer members comprising the Board of Directors, all of its committees and program leaders. These volunteers are the heart of the Morris Center YMCA, working in all aspects of the organization. In short, the Center is people caring for people, not just buildings and equipment.

Mr. Speaker, for the past 125 years, the Morris Center YMCA has provided the citizens of Morris County with programs that benefit all those who participate. I ask that you and my colleagues join me in congratulating all past and present members of the Morris Center YMCA on this special anniversary year.

IN RECOGNITION OF GIL IBERG, "BIG BAND MOUTH OF THE SOUTH"

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. McCRERY. Mr. Speaker, I would like to recognize today my constituent, Gil Iberg, known by many as "Big Band Mouth of the South." Gil Iberg has distinguished himself as a true connoisseur of big band music and has amassed an extraordinary collection of roughly 1,000 cassettes and 100 albums, containing the music of over 200 big bands. To make sure he misses no opportunity to add to his collection, Gil keeps a radio/cassette recorder on his bedside table so he can tape big band broadcasts.

Gil learned to play the trumpet when he was young, following the footsteps of his father, who played a bass fiddle in a local band in his hometown of Highland, Illinois. Although he caught big band fever when he was young, he didn't start collecting records and tapes until the 1960s, when the popularity of the music began to wane. Afraid that he might lose access to the music he loved, Gil began to collect his own supply. Gil has also seen many big bands in person, including Glenn Miller's and Artie Shaw's ensembles.

In the words of Gil himself, "I could talk about big bands all day and all night. I live and breathe and eat big band music. I play big band music every day of the week, and I exchange tapes and letters with other big band buffs from all over the country."

Mr. Speaker, please join me in commending Gil Iberg for following his dream and becoming an expert in his chosen hobby. In more of his own words, "Some men fish or hunt. Some men golf. My thing is big bands. For me, there's nothing like it."

IN MEMORY OF ROBERT E. HAGAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in memory of Robert Hagan, an exceptional father, a dedicated public servant, and a brilliant humorist.

Mr. Hagan grew up in Youngstown, OH, one of six children in his family. He served as a Marine Corps flight instructor during World War II. Following the war he worked for his father's steel-erecting business, where he patented a new steel-scaffolding process.

Always aspiring for something new and challenging, Mr. Hagan hosted his own TV variety show in Youngstown. He also appeared occasionally on the Mike Douglas syndicated television show when it was broadcast from Cleveland.

In 1956, Mr. Hagan embarked on his political career by running for Trumbull County commissioner. He lost that election, but ran again in 1962 and won. He served eight years at that position, resigning in 1969 in protest of a local judge's disregard for the commissioners. As a politician Mr. Hagan was a vocal critic of the Vietnam War and an ardent supporter of civil rights and labor unions.

In 1970, while making a bid for the presidency, George McGovern hired Mr. Hagan as a special assistant in charge of one-liners. This offered Mr. Hagan the chance to merge two things he loved and understood best, politics and humor. He explained why this combination worked so well when he said, "the very concept of humor, to me, is a very important one because it communicates ideas in a most pleasant way."

Mr. Hagan was elected to the Ohio State House in 1981, where he served with his son Robert Hagan. After he failed in his bid to win re-election in 1988, Mr. Hagan continued to perform stand-up comedy and contribute editorials and guest columns to area newspapers.

I will always be grateful for the opportunity to have known Robert Hagan. He set an example of how to do a job well, and have fun at it too. I will miss him.

Mr. Hagan was the father of 14 children. His commitment to them, as well as his contributions to politics and humor, will be greatly missed.

THE INTRODUCTION OF THE ORGAN DONOR LEAVE ACT

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. CUMMINGS. Mr. Speaker, during the last 20 years, important medical breakthroughs such as tissue typing and immunosuppresent drugs have allowed for a larger number of successful organ transplants and a longer survival rate for transplant recipients. Certain organs, such as a single kidney, a lobe of a lung, a segment of the liver or a portion of the pancreas, can be transplanted from living donors, making it possible for them to save the lives of family members, coworkers, and friends.

Currently, federal employees may use up to 7 days of leave in each calendar year to serve as an organ or bone marrow donor. Yet, experience has shown that an organ transplant operation and post-operative recovery for living donors may take as long as six to eight weeks. In order to address this disparity, I worked with the Office of Personnel Management (OPM) and the Department of Health and Human Services (HHS) in drafting this legislation to increase the amount of leave that may be used for organ donation to 30 days. The amount of leave that may be used for bone marrow donation will remain at 7 days because that is generally adequate for recovery from bone marrow donations.

Under this legislation, donors will not have to be concerned with using their personal sick or annual leave for these vital medical procedures because the leave granted is in addition to what they routinely earn.

The bill passed the House during the last Congress but the Senate failed to act on it before adjournment. I reintroduced this bill at the beginning of the 106th Congress in the hope that there will be ample time to win its enactment.

The Organ Donor Leave Act has the support of the American Society of Transplantation (AST), the largest professional transplant organization in the United States. In a letter expressing its support, the ASTP stated, ". . . a lack of leave time has served as a significant impediment and disincentive for individuals willing to share the gift-of-life.

Since the first kidney transplant in 1954, hundreds of patients have received successful transplants from living donors. Yet, each day, while 55 people receive an organ transplant, another 10 people on waiting lists die because not enough organs are available. A new name is added to a waiting list every 18 minutes in the United States. In 1997 only 15,000 people donated organs, leaving 35,000 people desperately in need. Currently, over 58,000 are waiting for a life saving organ transplant.

One lung can help another person breathe. One kidney can free someone from dialysis. A portion of a liver could save the life of a patient dying from disease. One's bone marrow could help repair another person's damaged joints.

This legislation will give federal employees who may consider becoming organ donors the assurance that they will be granted an adequate amount of time to recuperate from the life saving process that they voluntarily undertake. It will also serve as a guide and encouragement to other employers, public and private, to provide similar benefits to their employees. I urge all members to give it your support.

TRIBUTE TO MS. KAREN M. PHILLIPS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. HALL of Ohio. Mr. Speaker, I rise today to honor the memory of Karen M. Phillips, a Peace Corps volunteer who was killed late last year near her home in Gabon, West Africa.

Karen Phillips dedicated her life to improving the lives of others. Starting in June, 1998 when she was sworn in as a volunteer in Gabon, she worked to help local farmers market their products. She had also previously worked for five years for the international development organization CARE. According to her peers, she was a well-liked and dedicated volunteer.

In today's world, people often bemoan the lack of positive role models and heroes for our children and ourselves. Karen Phillips proved that this is not necessarily true. We would do very well to follow her example of selfless service.

SOUTH FLORIDA TEEN GIRLS RECEIVE POSITIVE ATTITUDE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to highlight the accomplishments of a woman who has served as a wonderful example for teenage girls in the South Florida area while at the same time rising to excellence within her chosen field as a TV anchor. Jennifer Valoppi conceived, created and founded "Women of Tomorrow" in 1997 and convinced her employer, NBC 6, to sponsor this very successful teen mentoring program.

"Women of Tomorrow" pairs professional women in the area with teenage girls of South Florida in order to improve their self-esteem as well as provide guidance and nurturing in their lives. The program is designed to show young women the endless possibilities ahead of them as they embark on the beginning of their adult lives.

Mentors meet with small groups, no larger than ten girls, to discuss their ambitions, motivations, positive attitudes and the achievement of their dreams in addition to sharing personal stories of triumph and temporary setbacks. Roads to success as well as potential roadblocks are also discussed.

In addition to launching this wonderful organization devoted to teenage girls, Jennifer is a multi-Emmy award winning journalist who has twice been named "Best TV News Anchor."

Mr. Speaker, Jennifer has certainly made a mark on our community and I applaud her example to the community. She inspires all of us with her dedication and drive to improve the world around us.

SKOKIE, ONE OF THE BEST TOWNS AROUND

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Ms. SCHAKOWSKY. Mr. Speaker, I submit the following letter to be included in the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES
Washington, DC, January 14, 1999.

MAYOR JACQUELINE B. GORELL,
Village of Skokie, Skokie IL.

DEAR MAYOR GORELL: What a wonderful job you have done in shaping Skokie into the remarkable place that it is! You should feel very proud and fulfilled as you leave elective office after 22 years of service, ten as Mayor. Now it is your turn to enjoy the wealth of opportunities that you have brought to Skokie.

You have more time to enjoy the world class library for which you were truly the driving force. You can walk the beautiful canal bank along with so many of your villagers who are appreciating the bike path, the sculpture park and the natural beauty which your vision and work made possible. You and Nate can attend even more excellent activities at the Performing Arts Center which is now your legacy. And you can rest assured at all times that you and yours are protected by a police and fire department that achieved a status that few other municipalities have reached while under your watch.

It is no wonder that Chicago Magazine rated Skokie as "one of the best towns around", and Worth Magazine said that "on Wall Street, it is a star." Those of us who have had the pleasure of working with you and observing your leadership are not surprised by these accolades.

Mayor Gorell, thank you for all that you have done for the community. I wish you happiness in your retirement. If I can ever be of help to you, I would be honored if you would call on me.

Sincerely,

JAN SCHAKOWSKY,
Member of Congress.

TRIBUTE TO FLORA WALKER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. BONIOR. Mr. Speaker, I take great pride in rising today to recognize Flora Walker, past President of AFSCME Council 25, who retired on November 16, 1998. Her friends and colleagues will honor her with a reception on January 29, 1999.

Through the years, Flora Walker has been a fighter. Her tireless efforts have improved the lives of the working families throughout Southeastern Michigan. Flora is a woman who has dedicated her life to securing dignity and respect for all people. She has been a champion of civil rights and civil liberties, and has helped create a stronger, more united community. Her strong leadership and vision were recognized by her colleagues and she was chosen to serve in a distinguished list of elected positions.

Flora Walker began her career with the AFSCME Council 25 Executive Board that continued for twenty-four years. Her first elected position was as a representative. She went on to serve as delegate to one special and two regular Council 25 Conventions. Her tenure as president began in 1992 during a time of crisis for the Council. Under her guidance, it has became a strong, united, statewide council continuing the work begun by the Founding Convention in 1978.

During her six years as President, many new innovative programs were implemented. Flora was instrumental in overhauling the entire Council 25 legal operation, providing union members with an unprecedented level of service. The arbitration department was streamlined, initiating a process of audits and increasing the number of advocates. She has also served as an AFSCME International Vice President from Michigan. Flora had a demanding schedule, but she would never hesitate to go to the bargaining table with her members if needed.

Flora is not only an active union leader, but a community leader as well. She has received both the Champion of Hope Award from the National Kidney Foundation and the Dr. Martin Luther King, Jr. Award. She was recognized by the University of Michigan during a Black Labor History Celebration. She has been honored for her active involvement in the community, in the political arena, and in service and charitable projects.

Few people have given to their community with the vision and commitment that Flora Walker has given to hers. She is a person who has inspired the admiration of many. I am sure her colleagues will miss the famous Walker hug. I would like to offer my heartfelt congratulations to Flora on her very distinguished career and I wish her and her family all of the best.

TRIBUTE TO DR. GEORGE VERNON IRONS, SR.

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. BACHUS. Mr. Speaker, I rise today to eulogize and celebrate the life of Dr. George Vernon Irons, Sr., distinguished professor of history and political science at Samford University for 43 years, who passed away July 21, 1998. Dr. Irons taught 17 university presidents—more than any other known educator.

Dr. Irons was also a colonel in the United States Army for 33 years, active and reserve, and received full military honors. Dr. Irons was a member of the prestigious Alabama Sports Hall of Fame for 22 years—its oldest member. He was the only distance star ever inducted into the Alabama Sports Hall of Fame and a true great in Alabama's rich athletic history. As captain of the University of Alabama distance team, he broke the record for the Birmingham Road Race in 1923. His record was never broken or equaled. Dr. Irons also broke the Southern Intercollegiate Athletic Association, now the Southeastern Conference, record for two, three and three and one-half mile races.

Dr. Irons was listed in Who's Who in America, Who's Who in the South and Southwest, Who's Who in American Education and Directory of American Scholars. Dr. Irons was awarded the George Washington Honor Medal from Freedom's Foundation, Valley Forge, Pennsylvania, in 1962.

Mr. Speaker, I ask unanimous consent that articles from the Alabama Sports Hall of Fame and Bama Magazine be included in the CONGRESSIONAL RECORD to share the achievements of this great Alabamian who served Samford University as distinguished educator 43 years, his country as colonel in the U.S. Army 33 years and his alma mater, the University of Alabama, as a record-breaking champion athlete and Phi Beta Kappa honor student.

[From the Alabama Sports Hall of Fame]

IRONS ACCUSTOMED TO SEEING FINISH LINE FIRST

(By Kyle Mooty)

While football was far from its "king," stages the University of Alabama would enjoy in the future, Crimson Tide track star George Irons was keeping the athletic flame burning at the Capstone as its "Knight of the Cinderpath."

Former Alabama Sen. John Sparkman was a classmate of Irons at Alabama and later served in the Army together. And according to Sparkman, if it hadn't been for Irons, athletics would have been pretty boring during that time period at Alabama.

"George Irons was all we had to cheer about," said Sparkman.

Today, Dr. George Vernon Irons is catching another milestone, as he'll turn 91 on Aug. 7.

With the discipline, desire and skill he possessed, Irons would have probably been a standout distance runner anyway. But there were other reasons for perfecting the art of running.

"For the fear of being paddled," Irons said. "When I was a freshman at Alabama the sophomores were always getting after the freshmen. If they caught you, you could do one of two things . . . you could lie or you could run. Don't press me too much on which I did because I did both of them."

Irons also said that running was getting for catching up with the co-eds.

Born in Demopolis as a son of a Presbyterian minister, Irons moved to Fort Valley, Ga., shortly afterwards and eventually took a job as a paper boy. Strangely enough, it was perhaps that job was the start of something that led to him being inducted into the Alabama Sports Hall of Fame in 1978.

"I rode the bicycle a whole lot delivering those papers, so I had strong legs," Irons said.

Later, as a freshman at Alabama, Irons first realized he could run a long distance in a short period of time.

"From where I was living, when I would hear the whistle blow each morning I had about 10 minutes to make it to class," Irons recalled. "And it was a pretty good distance. But I always made it to class on time. I don't think I was ever late. I guess you could say I found out I could run fast by accident."

His trip to class would take him across an open field, a few acres of ground that now is the home of Bryant-Denny Stadium.

Irons also noticed the "college boys" running around the university's campus having what seemed like good times. He laughs now at remembering thinking they were running around in their underwear, when actually it was the track team's shorts.

Irons joined the Alabama track team and would never lose a race to a teammate. In fact, from his sophomore year on, Irons never lost a race to another collegian. But the problem was not fellow collegians. The problems was pros.

The big running events often allowed older, professional runners to compete with the collegians. And one of the best of those that Irons would compete against in events ranging from the 880-yard run to the four-mile run would be a fellow by the name of Ellsworth Richter.

Richter was Irons' biggest nemesis in a Birmingham road race that was held annually for the SIAA (Southern Intercollegiate Athletic Conference) championship.

Irons recalls the race through Birmingham had about seven turns in all, and Richter knew the course well, which gave him an added advantage each year.

As a freshman at Alabama, Irons would place 10th in the event, but would come back and claim second-place finishes both as a sophomore and junior, as only the professional Richter was able to beat him.

Then came Irons' senior year at Alabama, and although Richter was busy having an appendectomy, Irons completely shattered the course record by 20 seconds. And he did so in the rain. It was a record that stood for the final 20 years of the race until its demise.

How could a record be broken by so much, and especially by an amateur, and in the rain? It must have been the shoes.

In fact, Irons wore kangaroo skin shoes. "They stuck to my feet very tight," said Irons. "While the others were sloshing along in their tennis shoes, mine felt just great."

Richter would never beat Irons on other courses such as Atlanta. The two would later become friends before he passed away many years down the road. His son, Ellsworth Richter, Jr., would later be an SEC champion distance runner for Auburn University in the 1980's.

Irons had other ways of getting the edge. While he had no state of the art weight set to work out with, he would simply lift an old shotgun repeatedly for upper body strength. "That improved my endurance, my wind and strength," Irons said.

During the early '20s, college football games had all the excitement a game may have today . . . or at least while the game was actually going on. But halftimes were more of a dead period.

Irons explained, "There were no bands, or girls to watch at halftime. There was not much entertainment. So they'd bring us runners in to run before these big crowds. We'd run for 10 or 15 minues during the half. We'd start inside the stadium and run a couple of laps, then go outside and run a road race. It was usually a three-mile run and we'd finish in front of the grandstand.

"The big game back then was Georgia Tech and Auburn and I guess there would be fifty or sixty thousand at those games even back then at Grant Field. They would bring in 75 runners, and of course the crowd would be really pulling for their school."

Once again, the rules were pretty loose as pros were allowed to compete once again.

"Richter was there, but I would always beat him in Atlanta because he didn't know the course," said Irons.

Irons added that Alabama's big rival in track was Mississippi A&M, which is now known as Mississippi State University.

Irons worked his way through school. Despite his success, he ran for three years on no scholarship. But as a senior he became aggressive off the track, too.

"Yeah, my last year I suggested to them that I could use a scholarship," laughed Irons about something that was certainly no laughing matter at the time.

Irons' coach at Alabama was the late Hank Crisp, who was more widely known for his football and basketball duties. He served as an assistant for five Alabama football coaches, and was the head basketball coach from 1924–42 in Tuscaloosa, but he actually came to Alabama to be the head track coach.

The NCAA rule book was nowhere near as thick as it is today. And with Crisp being what Irons called "a very kind man," his players would never have to worry if they got in a serious bind financially.

"He (Crisp) would loan you money on the side if you really needed it," said Irons.

Irons, like everyone else that came into contact with Crisp, had great respect for the coach.

"He was a four-year letterman at VPI (Virginia Tech) despite having his right arm cut off," said Irons.

Crisp lost his arm when he was 13 cutting corn to fill a silo.

"But man was he tough," said Irons. "And he ran the hurdles, and if you've ever run hurdles before you know how important balance is, but he did it with just one arm. He also played football, basketball and baseball. They said he played outfield and after he would catch the ball, he'd throw the glove up in the air and catch the ball coming out and throw it back to the infield."

Crisp died the night he was inducted into the Alabama Sports Hall of Fame on Jan. 23, 1970.

Irons wouldn't let the university or Crisp down for awarding him the scholarship for his senior season. He finished undefeated in dual matches. And the biggest race in the south during that period was an AAU event run in Atlanta where some of the top eastern runners were also in the field. Irons won that race two years in a row.

Irons path in life took a turn during World War II. He had finished at the university just after World War I, but through his ROTC classes he had made 2nd Lt. He would become a Captain in WWII and eventually a Lt. Col. for four and a half years.

"I had various experiences in the Army," said Irons. "I was in a swamp about 30 miles north of Wilmington, NC. They put us there so when the shrapnel fell it wouldn't hurt nothing but the rattlesnakes."

He would also be stationed in Texas, Mexico and New Jersey before returning home.

He would enter the educational field once back in Alabama at Howard College (known today as Samford University) in 1933.

"Howard was really struggling to keep its head above water at that time," Irons said. "I was lucky to be hired. Jobs were scarce during the Depression. We were accepting a side of beef and 12 dozen eggs for tuition. Those were hard times. Nobody had cash, so we took produce instead."

But Irons knew a banker in Woodlawn, and he feels even today that may have helped him get hired at Howard College.

"Yeah, one of my first jobs was to go down to First National Bank and try to get them to extend the loan for the college. I knew the banker so they thought I'd be a good one to send."

He didn't say whether he got the extension or not, but he got the job, and stayed for 43 years.

During his tenure at Howard College, Irons taught future sports legends Bobby Bowden and Shorty Cooper in the classroom. But he also remembers a young man from Rattlesnake Gulch, Montana named Homestead. "He was a big fella that talked big, but he wasn't too brave at heart," recalled Irons. "But everybody just assumed he was tough because he came from Rattlesnake Gulch, Montana.

As the only University of Alabama track man in the Alabama Sports Hall of Frame, Irons is extremely proud. But perhaps no more than his son, Birmingham attorney Bill Irons.

"Dad is the most disciplined person I've ever known," said Bill Irons. "He goes beyond the doctor's wishes. And he also has a very high threshold of pain."

Bill calls the Alabama Sports Hall of Fame "a galaxy of stars and assembly of greats."

Dr. George Irons is certainly a great star in the Hall of Fame.

"Being inducted into the Alabama Sports Hall of Fame was the most important event of my life," said Irons. "Everybody wants to get to heaven. Well, this may be the nearest I come.

"I've read about all of these guys in the Hall and now I'm in it."

Just a couple of months away from his 91st birthday, Irons still gets in a couple of miles a day, although they're most accomplished by walking. He does jog on occasion.

"It's good to get a little sweat out of you and spend a little time in the sunshine each day," said Irons.

Asked how he's made it, Irons said simply, "All my life I've been doing what seemed the best thing to do at the time."

One of his favorite quotes comes from another Hall of Famer. "Satchel Paige used to say, 'Don't look back, they may be gaining on you.'"

Gain on George Irons? Hardly.

[From the Bama Magazine, May 1984]

HISTORY OF ALABAMA ATHLETICS—IRONS: A TIDE TRACK IRON MAN

(By Tommy Deas)

George Irons had never run in a race before his freshman year at Alabama in 1921. But afterward he was without equal in his four years of running track and cross-country for the Crimson Tide.

Not once did Irons finish behind a teammate in a race, beginning with his first effort as a freshman. And not often did he finish behind an opponent. George Irons was simply a natural.

It wasn't a background in track that led Irons to start running for Alabama—he had no such family ties to the sport. It wasn't the promise of medals and recognition, or the thrill of victory or the roar of the crowds. All that was still unknown to Irons when he began running.

Irons had more practical concerns that led to the discovery of his talents. After building his legs up by delivering newspapers on bicycle, Irons found his leg strength could come in handy.

"I lived in Tuscaloosa on Queen City Avenue," he said. "They blew a whistle in those days to start class. They would take roll 10 minutes after the whistle. I found I could eat my pancakes in time and still get to class for roll call after they blew the whistle.

"Also in those days, the upperclassmen would haze the freshmen. They would wait around Woods Hall—that was the center of campus because that's where the Post Office was—and grab a freshman and carry him upstairs for a paddling. There were two things a freshman could do—lie or run.

"I'd rather not comment on the lying, but that's where I started my running. I found that running was a fun thing to do. I just gradually worked my way up to cross-country."

By the end of his four years at Alabama, Irons had made his name as one of the best, some said the very best, distance runners of his day. Known as "Alabama's Shining Knight of the Cinderpath" (track events were then run on cinder courses), Irons competed all over the South against the best amateur and, occasionally, professional runners around.

"I mostly ran the mile, two miles and three miles. I ran cross-country over hill and dale and streams and meadows. Sometimes they would even throw me in the half-mile to pick up a point in a meet," he said.

After his freshman year, Irons won every cross-country and road race while competing for the Tide. That led to his being named captain of the track and cross-country teams his junior and senior year. In addition, in Southern Intercollegiate Athletic Association competition after his freshman year, Irons never finished worse than second in any race, including shorter-distance races that he ran to help the team score points.

As naturally as the slight 6-footer took to the sport, he did not begin running without some skepticism. "That first race I didn't know that I'd be running so much," he said, "and I asked myself, 'What am I doing this for? This hurts!' So I decided to pick it up and start passing people to get it over with, and I came in first."

And running around town in a track suit in those days attracted more attention than it does today.

"When we'd run down Greensboro Avenue, some of the sweet old ladies would call the police to come arrest these men running down the street in their underwear. The police were understanding, and they asked us to run back another way and not let the ladies see us again," Irons said.

One race that stands out in Irons' memory is his final run in the Birmingham Athletic Club Road Race in 1923. In that race Irons broke the course record by over 20 seconds, and his record has never been broken. And as the three-mile event is no longer run, his record may stand forever.

"I'd been running that race all along," he said, "and I believe I'd won it twice, but for this race I'd bought a pair of kangaroo leather running shoes. All the other runners were wearing tennis shoes, but I had brought these that wrapped around your feet.

"It was raining very hard, and it was a big handicap for them to be wearing tennis shoes, because they kept slipping. It ruined my shoes, and I was never able to wear them again, but I won that race, and the record still stands."

Irons likes to recall the big races that were part of the halftime shows of big football games. The biggest was the one held at halftime of the Auburn-Georgia Tech game every year in Atlanta.

"They'd have the big race over there between the halves," he said. "This was before they had the bands and the 'honey-watching' that they have now, so we were the only halftime entertainment. We'd leave before the half and finish at the middle of the field with everyone standing and cheering us on. I ran three of those, and won two of them."

After coaching at two high schools and earning his doctorate at Duke, Irons went into the teaching profession. Now 82 years old, he retired a few years ago after teaching history for 43 years at Samford (formerly Howard) University in Birmingham.

In 1978, Irons was recognized as one of the state's outstanding athletes by being inducted into the Alabama Sports Hall of Fame. The drive was spearheaded by his son, William Lee Irons, a Birmingham lawyer (George Irons, Jr., Irons' other son, is a doctor in North Carolina).

"It means a great deal to me," Irons said of the induction. "I never expected to get that. In 1978, I never expected to be heard from again as a track man. There's only one track man in the Hall of Fame from Alabama, myself, and I think there will be a great many more in there, because they've got world-class people competing in the state now. I hope maybe I've opened up the door for some of them."

HONORING SYLVIA MARTINEZ

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mrs. CAPPS. Mr. Speaker, I rise today to pay tribute to an extraordinary young person who has recently been named the Junior Carpinterian of the Year: Sylvia Martinez.

As a student attending Carpinteria High School, Sylvia has had many successes. In addition to her class ranking and impressive 3.8 grade-point average, she was the recipient of the Hispanic Chamber of Commerce Scholastic Achievement Award last year, and a recipient of the Golden State Exams Awards in 1995 and again in 1998.

At school, Sylvia is a leader in the Interact Club, the Director of Elections in the Student Body Association, a varsity player in Track and Field, and was voted Most Valuable Player in Basketball last year. She is a strong role model to other Latina students and an inspiration to many.

Most impressive however, is Sylvia's commitment to her community. Before she was ten, Sylvia was a volunteer at Main and Aliso Schools as a teachers aide and was active in numerous summer Migrant Education programs.

One of her advisors has described Sylvia as a "bright, inquisitive, compassionate person who has dedicated her young life to fulfilling a dream of becoming a successful humanitarian." I believe that someday she will be.

Mr. Speaker, I commend Sylvia Martinez for her hard work, vision, and commitment to her community and world.

CONGRATULATIONS TO ANNE WYNNE

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. TURNER. Mr. Speaker, I wish to recognize the dedicated public service and accomplishments of a good friend and great Texan, Ms. Anne Wynne, as she completes her term as a member of the Texas Transportation Commission. As the first woman on the Commission, she has served our State in one of the most demanding of all appointed positions in our State's government. Anne tackled her tasks with more common sense than East Texas has pine trees and a compassionate heart bigger than Big Bend National Park. Her sense of humor became her trademark throughout the Texas Department of Transportation as she visited with employees throughout the State.

During her term, Anne was instrumental in developing a spirit of partnership between the Texas Department of Transportation and the contractors who do much of the actual highway work throughout the State. She encouraged the department to move toward a diversified workforce and she worked with the legislature to create innovative ways to respond to the ever increasing costs of transportation projects. She also continually challenged the department's managers to operate the government agency like they would their own private business.

Those of us fortunate enough to be close to Anne Wynne know that at the core of her philosophy regarding her responsibilities on the Commission has been her great love for the State of Texas. The Commission and TxDOT will miss her deep commitment and dedication to the Texas Department of Transportation's mission.

Mr. Speaker, I know that all of my fellow Texans join me in this expression of thanks to Anne Wynne for her exemplary performance of duty. I urge my colleagues to join me in congratulating her and wishing her all the best in her future endeavors.

IN HONOR OF LECH WALESA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Lech Walesa, 1983 Nobel Peace Prize winner, former President of Solidarity Union and the former President of Poland, on his visit to Cleveland.

Mr. Walesa has been fighting for democracy in Poland since he assumed the leadership of the independent trade union Solidarity in 1980. His rousing speech to striking workers from the top of a bulldozer began a social revolution and prompted talks with the government which resulted in legal recognition of Solidarity. After a military crackdown eighteen months later, which resulted in his spending a year in prison, Mr. Walesa continued his leadership of Solidarity underground. After his release, he returned to his mission of a democratic Poland. He was awarded the 1983 Nobel Peace Prize for his efforts. Mr. Walesa was also named Man Of The Year by Time magazine, The Financial Times, and The London Observer.

In 1990, Mr. Walesa became the first democratically elected President of Poland. His leadership planted the seeds of freedom and democracy in Poland and ended Communist rule. After a term in office in which he set a path to secure Poland's commitment to a free market democracy and set a model for the rest of Eastern Europe to follow, he retired. Mr. Walesa now heads the Lech Walesa Institute whose goal is to advance the ideals of democracy throughout Eastern Europe.

My fellow colleagues, please join me in honoring Mr. Walesa for his long, hard struggle to bring democracy to the people of Poland.

PRESIDENT'S FY2000 BUDGET PROPOSAL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. PACKARD. Mr. Speaker, in his State of the Union address, President Clinton proposed to create or expand 54 government programs. Fifty-four new ways to spend other people's money, but not one major proposal to give back to hard-working American families. While the President continues to champion targeted tax cuts for a select few, the net result for most Americans is plain as day—higher taxes. In case anyone doubted his words that night, President Clinton made sure it was all in black and white yesterday when he delivered his FY2000 budget to Congress.

The President's plan includes more than 80 tax hikes and new fees that would raise the tax burden on the American people by more than $100 billion over 5 years. According to the President's own plan, Americans shouldn't expect to see any income tax relief until sometime after 2015. This is wrong. Washington does not have unlimited rights to spend the hard earned money of American families without accountability.

A surplus is nothing more than an overpayment by taxpayers that should have never made it to Washington in the first place. We should give it back. The Republican agenda will control government spending and provide American families with immediate, across-the-board tax relief. We will continue to dedicate much of the surplus to saving Social Security, eliminate the death tax and the marriage tax penalty. We should never forget that these dollars still belong to the American people, not Washington bureaucrats.

Mr. Speaker, under President Clinton's budget, big government will prosper and working Americans will be forced to work harder. Under our proposal, families could keep substantially more of what they earn. A 10 percent across-the-board tax cut would return $600 to a couple earning a combined income of $40,000. Does anybody really think that this $600 would be better spent here in Washington?

Mr. Speaker, the choice is clear. Either you support the family budget or you support Clinton's Federal budget. I urge my colleagues to resist new spending and higher taxes and to work together to return this surplus to those who earned it, the American people.

HONORING THE FIELDING INSTITUTE

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mrs. CAPPS. Mr. Speaker, I rise to pay tribute to the Fielding Institute.

The Fielding Institute has been a leader in distance learning for mid-career professionals since it was founded in Santa Barbara, California in 1974.

With the development of a revolutionary "Learning Community" concept that provides lifetime learning opportunities for its scholars, the Fielding Institute has maintained its leadership in the field.

The Institute has built an outstanding reputation for its graduate programs, including doctoral programs in Clinical Psychology, Human and Organizational Development and Educational Leadership and Change and a masters program in Organizational Design and Effectiveness.

Their approach offers highly effective, customized, professionally rich and interactive learning processes, along with significant possibilities for learning created by emerging electronic technologies.

In providing a graduate learning experience using technology that is uniquely tailored to the professional and personal needs of adult learners, the Fielding Institute has been at the forefront of the distance learning movement.

And so Mr. Speaker, I would like to commend the Fielding Institute. They have provided 25 years of service and outstanding graduate learning opportunities to the scholars of California, the United States and the world.

TRIBUTE TO DR. MARGARET WALKER-ALEXANDER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. THOMPSON. Mr. Speaker, I stand here today to pay tribute to the late Dr. Margaret Walker-Alexander. Dr. Walker-Alexander was a world renowned author and poet who resided in the Second Congressional District of Mississippi. Dr. Walker-Alexander was best known for "Jubilee," her 1966 novel about slave life. Dr. Walker-Alexander died on November 30th, 1998 in Jackson, Mississippi of cancer at the age of eighty-three.

Apart from "Jubilee," Dr. Walker-Alexander has written more than four volumes of poetry. Among some of her most noted works are: "Prophets For A New Day," "October Journey," "How I Wrote Jubilee," and co-authored with Nikki Giovanni, "Poetic Educations: Conversation Between Nikki Giovanni and Margaret Walker-Alexander."

Dr. Margaret Walker-Alexander was born on July 7, 1915, in Birmingham, Alabama. At the age of fifteen, she published her first poem, "I Want to Write," which appeared in the 1934 edition of Crisis Magazine, then edited by W.E.B. DuBois. After high school, Dr. Walker-Alexander enrolled in Northwestern University and the University of Iowa where she received her M.A. and Ph.D. respectively. In 1943, she married Firnist James Alexander. From this union were born two sons and two daughters.

In 1949, the Alexanders moved to Jackson, Mississippi where she remained until her death. Dr. Walker-Alexander became a positive role model in the community. She taught at Jackson State University where she served as an inspiration to young Mississippians. Throughout her life, Dr. Walker-Alexander received numerous honors and awards for her outstanding literary works which includes the Yale University Award for Younger Poets, 1942; Rosenwald Fellowship, 1944; Ford Fellowship at Yale University, 1953–54; and an honorary doctoral degree in literature from Tougaloo College.

In closing Mr. Speaker, I want to salute Dr. Margaret Walker-Alexander for her outstanding work in our literary world. Her works will remain with us for years to come to pass down to the next generation to enjoy her stories and learn from them.

IN MEMORY OF ANTHONY "TONY" DEMARINIS OF GROTON, CONNECTICUT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. GEJDENSON. Mr. Speaker, I rise with sadness to memorialize Anthony "Tony" DeMarinis of Gorton, Connecticut. Mr. DeMarinis, who passed a way on January 25, was a true American hero—a career Army officer, a public servant and a great human being. He will be sorely missed by his family, friends and citizens from across southeastern Connecticut.

Tony DeMarinis served in the United States Army for 32 years before retiring in 1972 with the rank of Captain. He enlisted in 1940 and served in 14 campaigns during World War II. He was wounded in battle and received a battlefield commission. Tony helped the United States prevail in the greatest test of good versus evil the world has ever known and played a role in freeing my family from the terror of the Holocaust. Tony served in the Korean conflict where he received yet another battlefield commission elevating him to the rank of Captain. In another selfless act on behalf of his country, Tony volunteered to serve with the First Army Division—known as the "Big Red One"—in Vietnam. Throughout his distinguished military career, Tony received many honors and decorations, including the Bronze Star and Purple Heart.

After retiring from the Army, Tony continued to serve the public. He was elected to three terms as City Clerk of Groton in the 1980s. In this position, Tony did much more than merely perform administrative duties. He worked each and every day to build pride in the community. One of his most lasting achievements in this regard was securing a large mural depicting the Battle of Groton Heights, the only major battle of the Revolutionary War fought in Connecticut, for display in City Hall. This engagement occurred in Groton and resulted in the massacre of almost every single soldier at Fort Griswold due to the treachery of Benedict Arnold. Tony DeMarinis was instrumental in ensuring the City of Groton received this important part of its history.

Mr. Speaker, Tony DeMarinis was a public servant of the highest order. He served his country in the Army for three decades. He served the City of Groton as City Clerk. He did so unselfishly and with boundless enthusiasm and pride. Tony DeMarinis embodied all of the best qualities of America—service, patriotism and pride in community. I extend my deepest sympathy to his family and friends.

U.S. AIRLINES REACH SAFETY MILESTONE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. OBERSTAR. Mr. Speaker, in the late summer of 1908, just five years after he and his brother, Wilbur, completed the first successful powered flight at Kitty Hawk, Orville Wright was demonstrating their flying machine for the U.S. Army Signal Corps at Ft. Myer, Virginia, just across the Potomac River from where we now assemble.

After a successful first flight, Orville took off again, this time with a young Signal Corps officer, Lt. Thomas Selfridge, aboard. As they completed their first circuit of the field, Orville heard two strange thumps. He cut the engine and attempted to glide the plane to a safe landing, but the Wright Flyer lost lift and plummeted nose-first to the ground.

Lt. Selfridge died as a result of the crash and became the first person ever to be killed in an airplane accident. Orville Wright survived, but took four months to recover from his injuries.

Now, 90 years after that fatal day at Ft. Myer, air travel has become commonplace. Last year, American air carriers transported 615 million passengers, most of us in this House among them, through the skies. However, for the first time in the 31 years such records have been kept, and possibly the first time in history, U.S. airlines completed their flights without a single fatal accident. Let me repeat that: 615 million passengers carried by U.S. scheduled air carriers, not one single fatality.

For many years now, statistics have shown that travel on America's airlines has been among the safest of all transportation modes. In contrast, 42,000 people died on America's roads, streets and highways in 1997, the latest year for which a total is available.

The airlines are to be congratulated for this remarkable safety record. Congratulations, too, are to be extended to the Federal Aviation

Administration, the National Transportation Safety Board, and the aircraft manufacturers, all of whom can share credit for this remarkable accomplishment.

Mr. Speaker, we indeed have cause to celebrate, but we must also temper our celebration with a dose of realism. Travel, whether by air, rail, highway or sea, is never without some element of risk. We cannot rest on this single year's result.

Worldwide, flights are expected to increase from 16.3 million this year to over 25 million by 2010. The number of passengers on U.S. domestic and international flights is expected to increase to over 900 million by 2006, a 50 percent increase over 10 years. We must be ready to manage this growth.

Secretary of Transportation Rodney Slater and FAA Administrator Jane Garvey, in partnership with the aviation community, have initiated a targeted safety agenda, focusing on issues such as terrain avoidance systems, to help us meet the challenge.

We in Congress must ensure that airports continue to have the resources to make critical capacity and safety investments. The FAA and NTSB must have the safety inspectors, air traffic controllers, airway system specialists and the air traffic control equipment to meet the increased aviation demand. As a matter of fact, from all indications, we can expect to debate a measure on the House floor sometime this year to provide these resources.

Mr. Speaker, I have been a Member of the Transportation and Infrastructure Committee since I was first elected to the House 24 years ago. When I had the privilege to chair the Investigations and Oversight Subcommittee, and later the Aviation Subcommittee, I held many, many hours of hearings which called the airlines, the manufacturers and the FAA to account for practices that threatened to diminish the margins of safety for the traveling public. I feel it is only right that, when the country's air transportation system has achieved such a remarkable safety record, I should also stand to give those responsible the credit they most certainly deserve.

I call upon my colleagues to join me in this commendation.

RECOGNITION OF DELRAY BEACH CHAMBER OF COMMERCE

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. SHAW. Mr. Speaker, I rise today to recognize the Delray Beach Chamber of Commerce's acquisition of its 1,000th member. The membership of Redhead Yacht Charters, owned and operated by Mr. Jerry Janaro, bring the Delray Chamber's membership to 1000, placing the Chamber in an elite group of just 30 Chambers in Florida to have reached this landmark.

The Delray Beach Chamber of Commerce has an 86 year history of serving the South Florida business community boasting over 175 businesses which have been members for 15 years or more, including a select group which is celebrating their 50th anniversary with the Chamber.

Although Mr. Janaro's Redhead Yacht Charters is a new member, Jerry is not new to the Chamber. Jerry joined the Chamber in 1984 and has served on the executive board, holding positions as Vice Chair of area committees as well as Chairman of the Board. Jerry has joined other chambers now that his business takes him up and down the coast, but says, "None can beat the Greater Delray Beach Chamber of Commerce for value, services and friendliness. It's the best chamber around."

The mission of the Chamber is to provide "leadership, promote the economic well being of our total community, preserve our free enterprise system, and promote business growth and development." Mr. Speaker, the Delray Chamber is doing a fine job in promoting their mission and I congratulate them on their milestone 1,000th membership.

HONORING DR. MARY SCOPATZ

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mrs. CAPPS. Mr. Speaker, I rise to honor Dr. Mary Scopatz of Santa Barbara, California as she retires on January 29, 1999 after serving our local schools for 28 years.

Mary began her distinguished career in 1970 as the Department Chair and teacher for the Santa Barbara High School Business Education Department. After only three years, she was named Outstanding Teacher of the Year in 1973. In 1978, she served as the Project Director for Disadvantaged Students, and then became the coordinator for the Youth Employment Training Programs and the Private Sector Involvement Project.

After receiving her Educational Doctorate in 1980, Mary focused her attention on involving local industry with education as the Director of the Santa Barbara Industry Education Council, and providing year round and summer employment opportunities for young people as the Director of the Career and Youth Employment Programs.

Mary has also shown a deep commitment to her community through her involvement in organizations such as the American Vocational Association, the California Business Education Association, as a member of both the Santa Barbara and the Goleta Chambers of Commerce, the Santa Barbara Youth Coalition, and the Children's Resource and Referral program.

Recently, my office had the pleasure of working with Mary on establishing a Job Corps Program on the Central Coast. Her determination and commitment to the success of young people is unquestionable.

Mr. Speaker, I commend Dr. Mary Scopatz for her lifelong work as a committed, innovative educator. Her dedication and vision will be missed but never forgotten.

HONORING MRS. RUTH ANN HALL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. HOYER. Mr. Speaker, I rise today to honor an extraordinary woman, Mrs. Ruth Ann Hall of Waldorf, MD who passed away on January 18, 1999. Her passing is a tremendous loss for her family and all the people who knew her.

Ruth Ann graduated from Charles County Community College and the University of Maryland and was a teacher for the Charles County Public Schools for more than 20 years. She was voted outstanding teacher of the year in the mid-1980s, was a past president of the Education Association of Charles County and was active in many political associations.

Christa McAuliffe, one of our country's best known teachers, used as her credo: "I touch the future, I teach." Ruth Ann touched, indeed she embraced and shaped, the future. Ruth Ann fought tirelessly for children and for their teachers. She advocated public policies that would benefit our students and recognize the critical importance and inestimable worth of those we entrust to expand the minds of our children, our teachers.

Ruth Ann was the embodiment of excellence and enthusiasm. She inspired her students and colleagues. She was what every parent would want for their children—a person with great ability, who loved children and enriched their lives and shaped their future and, in turn, our country's future.

Her love of politics was a joy to behold. She was a leader—by example, by conviction, by courage, and by extraordinary competence.

Ruth Ann Hall was, in sum, one of those very special people who make a difference. She was a good and decent person, whose goals and ideals motivated her actions. I extend my deepest sympathy to Ruth Ann's husband, Bob; her parents George and Anna Collier, her brother George Collier, Jr., her son and daughter-in-law, Bruce and Laura Ann Johnson, and her granddaughters, Kaitlyn and Eryn Johnson. Ruth Ann Hall will be remembered as an outstanding teacher, a loving wife and mother, and a very special friend to all who knew her.

HONORING LEIGH MORRIS

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. ROEMER. Mr. Speaker, there is a common question asked in theoretical science that has also become part of the political lexicon. And I think I have the answer. The question is "What happens when an irresistible force meets an immovable object?" The answer is "Leigh Morris."

I say this because Leigh is both. He has been a tireless worker for our community and a vortex of organized activity to advance health care quality. And he has also been a stoic, standing rock-solid in his insistence on excellence, community participation and vision for the future.

Although we consider Leigh our own in northern Indiana, he is nationally recognized for his expertise and abilities in health care management and planning. I must also add that Leigh is equally well-known for his grace, courtesy and intellect.

Leigh Morris has served in his capacity as President of LaPorte Hospital, which is now known as the LaPorte Hospital Regional Health System, for twenty-one years. His stewardship at the helm has steered through some very rough times, and some very good ones. And he will be leaving at a time of very positive growth and success. We will know in the future that the good health of our hospital system was due in part to Leigh's planning and foresight.

Although his dedication to the LaPorte Hospital is the centerpiece of Leigh's career, he will also be remembered for his leadership at the Indiana Hospital Association and the American Hospital Association. He has brought his unique vision to hospitals, administrators and providers throughout the nation, and I know they are as grateful for his gifts as we Hoosiers are.

Mr. Speaker, Leigh has impacted our community in many ways beyond the health care system. He has been involved in other quality of life issues, fighting for superior education, pulling for economic development, laboring to bring enriching cultural experiences to our citizens, young and old.

Many have expressed concern that we are somehow "losing" Leigh Morris due to his retirement. I think otherwise. Leigh is not leaving us, rather he enters a new chapter in his life. I know that he will find new and interesting ways to bring added life and zest to our community: in health care, in business and in all ways. I am pleased to be able to join his wife Marcia and his family in sharing the pride and admiration I know they must feel at this important time.

Mr. Speaker, some among us are leaders, some are healers, and some are teachers. Leigh Morris is all of these. He has preserved the health of so many, kindled the imagination of more, and inspired everyone. For all he has done, he deserves recognition and reward.

For who he is, his own work was reward enough.

13TH ANNUAL NATIONAL GIRLS AND WOMEN IN SPORTS DAY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor all girls and women who participate in sports by recognizing the 13th annual National Girls and Women in Sports Day, February 4, 1999.

This year's theme, "All Girls Allowed," reminds us we all should have an equal chance to participate in sports regardless of gender. In my youth women were discouraged from team sports and were looked down upon if active in an individual sport. "All Girls Allowed" characterizes how far we've come. But there is more to do. This day grants us a special time to remember past and current achievements, and reflect on the continuing struggle for equality in sports.

In 1987, a Congressional Resolution created National Girls and Women in Sports Day to celebrate the achievements of Olympic volleyball player Flo Hyman and to recognize her work to assure equality for women's sports. Today we take this day to celebrate the achievements of all girls and women in sports. Communities such as mine around the country observe this day with events, luncheons, awards banquets, and parades.

We can all call to mind significant women in sports who have paved the way for others including the high-profile tennis match when Billie Jean King defeated Bobby Riggs, or the recent emergence of the Women's National Basketball Association. Because of the leadership of these women, there are more sports opportunities today than there were 25 years ago. Title IX of the Education Amendments of 1972 prohibits sex discrimination from extracurricular activities—including sports—in federally assisted education programs. One in three girls in high school now participates in athletics. As a former educator, I have seen firsthand the value athletics has played in building self-esteem, establishing confidence and leadership skills in young women.

In the 5th District, the Women's Intersport Network for Kansas City (WIN for KC) is sponsoring a luncheon to honor local girls and women that have achieved significant goals in sports. WIN for KC was established to promote sports participation opportunities and recognition for girls and women in the Greater Kansas City area. Olympic gold medalist in gymnastics Shannon Miller will deliver the keynote address to encourage and support fellow athletes. This year's Kansas City award winners include Heather Burroughs for USA Track and Field, Janet Calandro for Spirit, Peggy Donovan for Senior Sportswoman of the Year, Linda Jones for Coach of the Year, Jean Nearing for Physically Challenged Sportswoman of the Year, Lauren Powers for Courage, and Jennifer Waterman for Mentor of the Year.

Mr. Speaker, please join me in celebrating the 13th annual National Girls and Women in Sports Day, congratulate every individual for their dedication and efforts, and thank them for paving the way for other women.

THE HAWAII FEDERAL MEDICAL ASSISTANCE PERCENTAGE ADJUSTMENT ACT OF 1999

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. ABERCROMBIE. Mr. Speaker, I rise today to re-introduce legislation to adjust the State of Hawaii's Federal medical assistance percentage [FMAP] rate. The intent of this bill is to more fairly reflect the ability of the state to bear its share of Medicaid payments. I am happy to have my colleague, Representative PATSY MINK, as a cosponsor of this measure. I am also pleased that our Hawaii Senators, Senator DANIEL AKAKA and Senator DANIEL INOUYE, have introduced similar legislation in the Senate, S. 264.

The FMAP, or Federal share of the medical assistance expenditures under each state's Medicaid program, is determined annually by a formula that compares a state's average per capita income level with the national income average. States with a higher per capita income level are reimbursed a smaller share of their Medicaid costs. By law, the FMAP cannot be lower than 50 percent nor higher than 83 percent. In 1997, the FMAPs varied from 50 percent to 77.2 percent, with Hawaii receiving the lowest 50 percent rate.

Alaska was another state receiving the lowest FMAP rate in 1997. However, in the Balanced Budget Act of 1997, a provision increasing Alaska's FMAP rate to 59.8 percent for the next 3 years was included. Language in the Balanced Budget Act also mentioned that the same conditions warranting an increase in Alaska's FMAP rate applied to the State of Hawaii. The legislation that I am introducing today would conform Hawaii's rate with Alaska's. This bill would increase Hawaii's FMAP rate from 50 percent to 59.8 percent.

The rationale for the FMAP change is quite simple. Hawaii's high cost of living skews the per capita income determining factor. Based on 1995 United States Census data, the cost of living in Honolulu is 83 percent higher than the average of the metropolitan areas. More recent studies have shown that for the state as a whole, the cost of living is more than one-third higher than the rest of the United States. In fact, Hawaii's Cost of Living Index ranks as the highest in the country. If per capita income is measured in real terms, the State of Hawaii ranks 47th at $19,755 compared to the national average of $24,231 (according to the twenty-first edition of "The Federal Budget and the States," a joint study conducted by the Taubman Center for State and Local Government at Harvard University's John F. Kennedy School of Government and the office of Senator DANIEL PATRICK MOYNIHAN). Thus, Hawaii's 50 percent FMAP rate is understated because cost of living factors are not considered. Per capita income is a poor measure of Hawaii's relative ability to bear the cost of Medicaid services.

Some government programs take the high cost of living in Hawaii into account and funding is adjusted accordingly. These programs include Medicaid prospective payment rates, food stamp allocations, school lunch programs, housing insurance limits, Federal employee salaries, and military living expenses. These examples show a Federal recognition that the higher cost of living in noncontiguous states should be taken into account in fashioning government program policies. It is time for similar recognition of this factor in gauging Hawaii's ability to support its health care programs. It is time to pass my bill increasing Hawaii's FMAP from 50 percent to 59.8 percent.

Setting a higher match rate as was done for Alaska would still leave Hawaii with a lower FMAP rate than a majority of the states. However, the higher rate would better recognize Hawaii's ability to pay its fair share of the costs of the Medicaid program and I am committed to achieving it.

TRIBUTE TO FIRST SERGEANT DANIEL L. JENNINGS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. THOMPSON. Mr. Speaker, I stand here before you today to honor a man who without his efforts, my existence in Congress may not have been a reality. Daniel L. Jennings was born to the late Samuel Rufus and Rosie Lillie Jennings on November 19, 1936 in Claiborne County, Mississippi. He attended school in Memphis, Tennessee, St. Louis, Missouri, and Fort Stilicum Community College. He also attended the University of Puget Sound in the state of Washington and Jackson State University in Jackson, Mississippi.

First Sergeant Jennings served 21 years of active duty in the United States Army where he retired as one of the most decorated soldiers of the Vietnam War. He received the Silver Star, Bronze Star, two Purple Hearts, the Army Commendation Medal and the Cross for Gallantry.

First Sergeant Jennings was indeed a "community concerned citizen." He served as President of the MS Christian Missionary Convention from 1992 until present, past President of the Claiborne County Board of Education, President of the Claiborne County Branch of the NAACP, President of the Claiborne County Democratic Party and County Coordinator for my reelection to Congress Campaign. He also worked at my Alma Mater, Hinds Agricultural High School in Utica, MS as the Junior Reserve Officer Training Corps instructor for 17 years. First Sergeant Jennings died Sunday, January 17, 1999 at his residence in Port Gibson, MS.

Mr. Speaker, First Sergeant Jennings will be sorely missed. It is indeed reassuring to know that he is going to a better place. His efforts and services to the Second Congressional District of Mississippi will be remembered for eternity. There will never be another like him.

TRIBUTE TO EVELYN WATSON

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mrs. Evelyn Watson, an outstanding individual who has dedicated her life to public service and education. She was honored by parents, family, friends, and professionals for her outstanding contributions to the community at a January 29 dinner marking her retirement as Executive Director of East Tremont Head Start.

Mrs. Watson was born on September 10, 1925 in Beckley, West Virginia. She received her certificate in Community Organization in 1972, her AAS from New York University in 1974 and her BSW from the same university in 1975.

She started her career as a Units Clerk at the New York State Employment from 1955-1962. From 1967 to 1969 she worked as a Family Assistant with Head Start. From 1969 to 1974 she was a Lay Associate LCA at Messiah Lutheran Church. In 1976 she joined East Tremont Head Start.

Mr. Speaker, Mrs. Watson has been a pillar of our Bronx Community for more than thirty years. She dedicated almost twenty five years of her life to the Head Start community, working at East Tremont Head Start. Her first position was Family Assistant. She served as Acting Director before ascending to Executive Director. Presently, East Tremont Head Start is comprised of six sites, all operating under Mrs. Watson's diligent and dedicated leadership.

It is a privilege for me to represent the 16th congressional district of New York, where East Tremont Head Start is located. I have witnessed first-hand the exemplary work they are doing for our community, and I am deeply impressed. I am very proud of their accomplishments.

Evelyn Watson retired on January 29 after a fruitful career in public service. Mrs. Watson left us with many lessons learned in community service, leadership in education, and wisdom. A talented leader and educator, Mrs. Watson will continue sharing her knowledge and views with her family, including three children, five grandchildren, and two great grandchildren, and her friends.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Evelyn Watson for her outstanding achievements in education and her enduring commitment to the community.

HONORING BETTY BROWN

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mrs. CAPPS. Mr. Speaker, I rise to pay tribute to an extraordinary wife, mother, and citizen recently named 1998 Carpinterian of the Year: Betty Brown.

Betty began her years of exemplary service in Carpinteria, California as a member and leader of the Eastern Star, a service organization and social group where she assumed the role of Worthy Matron in 1965. In the 1960's, Betty served as a mother advisor for the Rainbow Girls and continued to be a role model for young women. This devotion was seen in her involvement with the Children's Home Society, which helped unwed mothers and orphans with family counseling and adoption services. Betty was actively involved in the Carpinteria auxiliary called Los Chiquitos.

Betty's commitment to advancing the success and happiness of adolescent girls was again evident through her commitment to Girls Incorporated of Carpinteria. She was a critical force in the Girls, Inc. building project, dedicating countless hours to raising funds for the new facility. Betty has also served as a national member of the Board of Trustees for Girls, Inc.

The Carpinteria Community Church, Carpinteria Rotary Club, the Carpinteria Republican Women, the Capinteria Women in Agriculture and the American Heart Association have all benefited from Betty's desire to serve her community.

Mr. Speaker, I commend Betty Brown for her extraordinary service to young women and the Carpinteria community, and honor her as the 1998 Carpinterian of the Year.

KEEP BART-TO-SFO ON TRACK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. LANTOS. Mr. Speaker, I rise today to share a recent editorial that appeared in the San Francisco Chronicle about the Bay Area Rapid Transit (BART) extension to the San Francisco International Airport (SFO), also known as the BART SFO Extension. This editorial strongly endorses the existing program and plans for extension of BART to the airport and Millbrae.

The BART SFO Extension will connect the 95-mile, four county intermodal rail transit system of the Bay Area to the rapidly growing San Francisco International Airport. Four new stations will provide service to the airport and cities on the Peninsula offering millions of travelers fast and convenient connections to and from the airport and the greater metropolitan San Francisco Bay Area. The BART SFO Extension will improve mobility, productivity and economic opportunity, while alleviating traffic congestion and air pollution throughout the Bay Area.

Mr. Speaker, I think it is important to point out that 70 percent, or $2 billion, of the overall BART Extension program, which includes three extensions in the East Bay and the BART SFO Extension, is funded by state and local sources. All of the operating costs on each extension, including the BART SFO Extension, are being funded 100 percent locally. Only the BART SFO Extension is a recipient of federal capital funds. The project is an excellent model for federal, state and local cooperation.

Mr. Speaker, the San Francisco International Airport is one of the country's fastest growing airports and has undertaken a locally funded $2.4 billion expansion program which includes a new international terminal and will double the size of the existing terminal. By the year 2006, SFO is projected to increase air passenger travel by 70 percent, or 51 million total travelers a year. Without the BART SFO Extension the impact on traffic congestion and air pollution along adjacent Bay Area freeways would be staggering.

The BART SFO Extension is a long-awaited regional project and is taking shape after more than two decades of painstaking planning, consensus-building, and the tireless efforts of a remarkable partnership forged among local, regional, state and federal officials and funding entities. In the past year, significant progress has been made on the BART SFO Extension. As a longtime supporter of the BART SFO Extension, I am pleased to report that construction is well underway and progressing rapidly.

Mr. Speaker, the recent editorial in the Chronicle notes that after many years of planning, analysis, public input and consensus-building, the scope of the project is well established and construction is in high gear. Naturally, cashflow needs are substantial during the construction phase. In order to keep costs within budget and avoid expensive increases in financing costs and construction delays, it is imperative that BART secure federal appropriations consistent with levels identified in the Full Funding Grant Agreement (FFGA) funding schedule and as requested by the President in his budget submitted to the Congress yesterday.

Mr. Speaker, it is time that we, as federal partners in this project speak with one voice and commit the resources promised to deliver this project. The BART SFO Extension is a sound investment in our nation's future transportation infrastructure and I encourage my colleagues to join me in supporting appropriations that meet the FFGA targets.

KEEP BART-TO-SFO ON TRACK

[From the San Francisco Chronicle, Jan. 11, 1999]

A small group of Peninsula activists continues to try to stymie BART's plans to run train service to San Francisco International Airport.

Its latest argument is that the $1 billion project, now under construction, should be scaled back because it is running over budget and federal funding is coming in slower than expected. Specifically, the Coalition for a One-Stop Terminal (COST) has suggested that BART should scrap the portion that would extend service south of the airport, to a Millbrae station.

Given the importance of this project, we recently invited representatives of BART and COST if for an Editorial Board meeting to debate the issues.

While it was clear that BART does have some serious budget problems with the project, it was equally apparent that elimination of the Millbrae station would not make any sense from either an economic or transportation-planning standpoint.

For starters, scaling back the project would be inviting Congress to reduce the funding even further. And a perception of controversy on this project would make it easier for lawmakers to justify shifting the money to projects in other regions.

Also, the airlines have agreed to put $113 million into the project. A major revision of the plans, such as eliminating the Millbrae extension, would require renegotiation of that hard-won pact—with the possibility of a smaller airline contribution.

Moreover, the purpose of this project is to get air travelers to take mass transit to SFO. It would seem imperative to have at least one stop south of the airport. Also, the Millbrae station would have a convenient cross-platfom connection with Caltrain.

The debate about the best way to bring BART to the airport has been settled. It is time to stop the obstructionist tactics and make a strong, unified regional pitch for full congressional funding.

The region's leaders should be striving to keep this project on budget and on schedule for its December 2001 completion.

ENDANGERED SPECIES REFORM NOW

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. THOMAS. Mr. Speaker, when Congress begins anew this month, I will reintroduce three bills to reform the Endangered Species Act, an act that has miserably failed to safeguard species while imposing an enormous burden on American landowners. Republicans have held the House for four years now but have yet managed to pass legislation to break the grip of the so-called environmentalists and the U.S. Fish and Wildlife Service. The reason is that oversized and comprehensive bills, while entirely justified, can not garner the support needed for passage especially in light of an antagonistic Administration. Let's face it. The Administration has us in stalemate.

The strategy behind my bills is simple. We need to shake up the debate, take the negotiating victories we have won so far, introduce some new ideas, and package them in smaller, easier to pass bills. We need rifle-shot bills targeted toward specific and clear abuses by the Federal Government. We can not wait until we can patch together a political coalition to rewrite the entire Endangered Species Act. We need ideas we can win with and give you relief, now. Here are my bills:

The Fair Land Process Reform bill will ensure open and equal access to the decision making process of federal agencies and allow landowners to identify and criticize poor decisions from the onset.

Public access to scientific studies and underlying study data and a right for landowners and commercial interests to join in decision making process through a formal rule-making hearing. No more closed decisions using secret information.

A substantial evidence standard for agency listing decisions and peer review of scientific date. No more tolerance of inadequate science.

The Fair Land Management Reform bill will ensure government pays for obligations it imposes on landowners.

Landowner compensation for significant government takings.

Limit on mitigation requirements imposed by government. No more giving up 30 acres in order to use 1 acre of one's own land.

The Liability Reform bill will stop unfair government penalties against landowners.

No criminal liability for unintended and speculative takings of endangered species. No penalty for modifying so-called habitat in which no endangered species actually exists.

A "Safe harbor" and "No surprises" provision. No more broken promises and the added obligations put on landowners.

The Endangered Species Act needs to be reformed now. These proposals are a fair and balanced response to the tragic failures of the current system. I look forward to presenting my bills at House hearings.

TRIBUTE TO FRED MATTEI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to an outstanding public servant, Mr. Fred Mattei, whose life-long commitment to the City of Petaluma is to be commended. Fred Mattei died last December at the age of 83 in the city that he loved. I wish to join his family, friends and colleagues in celebrating his distinguished life.

Fred Mattei spent most of his life involved in his family business, located in the heart of downtown Petaluma. Opened in 1907, Mattei Bros. became a Petaluma tradition that has been sadly missed since it closed four years ago. Mr. Mattei also served on the City Council and as Mayor of Petaluma for 15 years. During his tenure as a member of the City Council, Mayor Mattei was supportive of the adoption of the landmark growth control ordinance that was eventually upheld by the U.S. Supreme Court.

Fred Mattei's devotion to the community was admirable. In 1996, he was recognized for his long service to the community when he was given the Lifetime Achievement Award at the annual Petaluma Community Recognition Awards Ceremony. He worked tirelessly to support community organizations, including the Petaluma Rotary Club, the Petaluma Chamber of Commerce, and the Petaluma Boys and Girls Club.

Mr. Speaker, it is my distinct honor to pay tribute to Fred Mattei. His dedication to the residents of Petaluma will be greatly missed. I send my very best and my heartfelt sympathy to his family and friends.

STOP ILLEGAL STEEL IMPORTS ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. CARDIN. Mr. Speaker, I'm so glad to see so many people from both sides of the aisle supporting the Stop Illegal Steel Imports Act today.

Bethlehem Steel in my hometown of Baltimore and the other great American steel manufacturers have proven that they can take a punch and come back strong. The American steel industry is the Rocky Balboa of the global market.

None of us will forget those difficult days 15 years ago when American steel was on the ropes. We had become too content with the status quo and our overseas competitors exploited this. But management and unions worked together and American steel was reborn.

We have seen real and significant growth since then. In my district, Beth Steel cranks out 9,000 to 10,000 tons of quality American steel a day!

That's 9,000 to 10,000 tons of quality steel a day when operating under normal conditions. But these days things are anything but normal. Steel producers in our country are decreasing production, laying off workers, and reporting losses.

I understand that there are serious economic problems around the world—problems that are already affecting us. But we must protect our businesses, our employees and our country first.

The American steel industry has done nothing wrong. It shouldn't pay the price for other countries' mistakes.

I'm proud to be here to stand up for steel and my friends who produce it. This is an industry rich in tradition. This is an industry which literally made this country. From the Golden Gate Bridge to the Alaskan oil pipeline—Baltimore's Beth Steel has been there.

This industry has proved it can take a punch. But it shouldn't have to weather a storm of low blows, which is what this foreign dumping amounts to.

This has nothing to do with protectionism. Insisting that our trading partners adhere to international law and play by the rules is not protectionism. I'd call it something much simpler: it's called fairness.

It's not fair that Beth Steel lost $23 million in the last quarter because of these low blows. The bill we're here to introduce today would become the referee in a fair fight.

We want the amount of steel imported into the United States to return to the rates we saw last summer when the global steel industry competed on a level playing field.

This industry is being forced to fight with one arm tied behind its back. It's taking a pummeling. Congress should release the other hand.

Pass this bill, let this industry fight fairly and, believe me, Rocky will win another.

INTRODUCTION OF THE UNIVERSITY OF THE DISTRICT OF COLUMBIA EQUAL EDUCATIONAL STATUS ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Ms. NORTON. Mr. Speaker, today I introduce the University of the District of Columbia Equal Educational Status Act. The University of the District of Columbia (UDC) is the only publicly funded institution of higher education in the District of Columbia. The District, like most large cities, has a large population which requires access to a publicly funded open admissions institution to go to any institution at all.

Under existing law, UDC is, by definition, a Historically Black University that qualifies for Historically Black Colleges and Universities (HBCU) funds because it meets the three salient requirements: (1) UDC was created from colleges established before 1964; (2) it served primarily black people; and (3) it is an accredited institution. Though technically an HBCU, UDC was denied the funding benefits of HBCU status because of a factual error. In the HBCU provision of Title III, UDC is discussed in the same section with Howard University, and it explicitly indicates that the University receives a direct payment from the federal government. This has never been true, and in any case, the District itself no longer receives a federal payment.

The importance of HBCU funding and status is that there is an annual appropriation for HBCUs. I have attempted to get HBCU funding for UDC before. The only reason that UDC has not been included is that no extra funds were available to accompany the request, and the entry of UDC was seen as diminishing the appropriations available for the 103 existing HBCUs. I would remove this impediment by proposing that an amount to be determined from the $17 million in the President's budget for college bound D.C. students be allotted to UDC. The amount in the President's budget is not based on specific underlying assumptions about the available pool of students to go out-of-state. The $17 million is sufficient to allow some funds to go to desperately needed technology and infrastructure at the University. This is now possible to satisfy the needs of all our students—those prepared to go out-of-state as well as the larger number of students who will not be able to take advantage of the scholarship proposal.

I support the proposal of Congressman TOM DAVIS, Chair of the Subcommittee on the District of Columbia who, acting on suggestions from District and area business people, is writing a bill for public and private funds to pay the difference between in-state and out-of-state tuition for D.C. residents outside the District. I am pleased that in addition to federal funds, private business in this area is also raising funds for this effort. Mr. Davis' staff and mine have begun working together on a joint UDC-scholarships approach. I have also discussed this idea with Mayor Tony Williams and have asked and gathered his suggestions about how funding for UDC should be targeted. Mayor Williams also supports the UDC-scholarship approach.

Working with the White House, we have been able to secure funds sufficient not only for the scholarship proposal but also for the needs of the majority of D.C. students who could not possibly take advantage of out-of-state opportunities. A scholarship—only approach would leave the largest number of college bound D.C. students stranded with access only to a university severely injured by the fiscal crisis. I am pleased that with adequate funding, there is no reason to ignore the demographics of D.C.'s typical student population in need of public higher education.

Who is the typical college bound D.C. resident? The profile of UDC tells the story. Two-thirds of UDC students work; many are single parents with obligations to young children; many go to college after years in the workforce; others could not afford living expenses away from D.C.; and many can only attend an open admissions university. The Davis proposal was never meant to be, nor could it substitute for, a public university which serves the residents of this city in this city.

UDC funds would not be used for the operations of UDC but would be carefully targeted to urgently needed infrastructure needs that have no hope of finding the needed priority in the D.C. budget for years. The city is constantly being asked why our young people are not being trained for rapidly growing technological jobs in the region but they are left with antiquated computers and other hopelessly out-of-date technology.

Further, deferred maintenance has produced pitiful results, such as elevators that don't work, that are shameful in a public institution. Part of the reason for UDC's condition is that it took an enormously hard hit during the fiscal crisis. Its budget went from $69,631 million in fiscal year 1994 to $40,148 million this year, not counting huge reductions that began early in the decade. In the one year since February 1, 1998, the number of full-time faculty has plummeted from 375 to 246, not counting enormous cuts to which the University has been subjected throughout this decade.

The University was forced to close for three months in 1996, a calamity that would have destroyed most colleges and universities. Yet, D.C. residents are voting with their feet and returning to UDC. Despite the University's hardships, entering freshmen enrollment rose dramatically by 70% in only one year, from 661 in fall 1997 to 1125 in fall 1998. Today, the University's enrollment of 5,284 represents, an 11% increase in one year.

Some emphasize the undeniable fact that UDC needs money. Others indicate that District youngsters need increased opportunities for higher education, a truism if ever there was one. However, I told UDC students who visited the Capitol yesterday that it is wrong to pit individual justice against institutional justice. I say the same thing to my colleagues—we must do the right thing and assure that we have a win-win for higher education for our young people in this city.

ON THE DEATH OF VIRGINIA GOV. MILLS GODWIN

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. BATEMAN. Mr. Speaker, today in the borough of Chuckatuck, Mills E. Godwin Jr., a former Governor of Virginia, was laid to rest. He was not just a Governor of Virginia, he was in my view and that of many others, the greatest Governor of the Commonwealth in this century.

Mills Godwin served Virginia in the House of Delegates, in the Senate of Virginia, as Lt. Governor and then from 1966–1970, as Governor for his first term as a Democrat. Later, after sitting out a term, he was elected to a second term as Governor, this time as a Republican. Mills Godwin has the distinction of being the only person twice elected Governor of Virginia in this century, and is the only person elected Governor of a state once as a Democrat and once as a Republican.

The first term of Governor Godwin was a magical time in Virginia. For too long, unrealistic fiscal policies prevented Virginia from investing in its future by elevating the level of spending for public education, higher education, mental health facilities, transportation and economic development. All this changed under the inspirational leadership of Governor Godwin. A statewide network of two-year community colleges was created during his first term. He led in the successful effort to comprehensively revise the antiquated 1902 Constitution of Virginia, and in doing so made possible prudent fiscal policies that provided limited, responsible use of long-term financing of vitally needed programs that had been barred by the old Constitution.

It is no wonder that Mills Godwin for so many people epitomized responsible conservatism. His life and his work attest to the fact that dramatic progress can be coupled with sound conservatism.

I was privileged to have served in the Senate of Virginia as a newly elected Democrat member during Mills Godwin's first Administration. We came from different factions of the Democrat Party of the 1960s. I served during his second Administration when he was a Republican and I had become a Republican.

My respect for him as Governor, and our friendship, was never affected by our political party affiliation. He was a person of tremendous natural dignity accompanied by a keen sense of humor, untouched by frivolity. No American in my lifetime has surpassed the eloquence of Mills Godwin. He had a magical gift of the language and the ability to communicate a sense of quiet passion for the ideas and values he expounded.

Virginia has lost a great son. Virginia is and should be proud of him and the legacy he leaves behind.

POPE JOHN PAUL II REJOICES AT CROSS-STRAIT TALKS BETWEEN TAIWAN AND CHINA

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. PAYNE. Mr. Speaker, on January 11, 1999, Pope John Paul II spoke to all the ambassadors accredited to the Holy See and gave his evaluation of world affairs. The pontiff specifically mentioned that the Holy See "should rejoice at the efforts of the great people of China, in a dialogue undertaken with determination and involving the peoples of both sides of the Strait. The international community and the Holy See in particular—follows the felicitous development with great interest, in the hope of significant progress which, without any doubt, would be beneficial to the whole world."

Indeed, I myself am very happy to see that Taiwan has done its very best in attempting to achieve the goal of peace through a mutual understanding with the Chinese mainland. In his 1996 inaugural speech, President Lee Teng-hui of the Republic of China made it very clear that he is a man of peace and that he would like to embark on a journey of peace to the mainland. On numerous occasions President Lee Teng-hui said he would like to see continuing peace and stability in the Taiwan strait. Moreover he fervently prayed that Taiwan and the Chinese mainland agree under the principles of democracy, freedom, and equitable distribution of wealth. In fact, during his January 18, 1999 meeting with some of the members of the International Relations Committee, President Lee reiterated his desire to see rapid progress in the cross-strait relations and extended his welcome to Mr. Wang Daohan, chairman of the Peking-based Association for Relations Across the Taiwan Strait, to visit Taiwan this year.

Mr. Speaker, President Lee Teng-hui ought to be commended for maintaining peace and stability in the Taiwan Strait and for re-starting the cross-strait dialogue between Taiwan and the Chinese mainland. In addition, the pope's speech to the ambassadors on January 11, 1999, especially his reference to Taiwan and the Chinese mainland, was both timely and insightful, fully demonstrating the pontiff's concern for world peace. I submit the text to be printed in the RECORD.

Your Excellencies, Ladies and Gentlemen, I am deeply grateful for the good wishes offered to me on your behalf by your Dean, the Ambassador of the Republic of San Marino, Signor Giovanni Galassi, at the beginning of this final year before the year 2000. They join the many expressions of affection which were sent to me by the Authorities of your countries and by your fellow citizens on the occasion of the twentieth anniversary of my Pontificate and for the New Year. To all, I wish to express once again my profound gratitude.

This yearly ceremony is like a family gathering and for this reason it is particularly dear to me. First, because through you almost all the nations of the world are made present here with their achievements and their hopes, but also with their difficulties. Secondly, because such a meeting affords me the pleasant opportunity to express my fervent and prayerful good wishes for you, your families and your fellow citizens. I ask God to grant each one health, prosperity and peace. You know that you can count on me and my collaborators whenever it is a matter of supporting what each country, with its best efforts, undertakes for the spiritual, moral and cultural uplifting of its citizens and for the advancement of all that contributes to good relations between peoples in justice and peace.

The family of nations, which has recently taken part in the joy of Christmas and with one accord has welcomed the New Year, has without doubt *some grounds for rejoicing.*

In Europe, I think especially of *Ireland* where the agreement signed on Good Friday last has established the basis for a much awaited peace, which must be founded on a stable social life, on mutual trust and the principle of equality before the law for all.

Another reason for satisfaction for all of us is the peace process *in Spain* which for the first time is enabling the peoples of the Basque territories to see the spectre of blind violence retreat and to think seriously of a process of normalization.

The transition to *one currency* and *the enlargement towards the East* will no doubt give Europe the possibility to become more and more a community with a common destiny, a true "European community"—this is in any case our dearest wish. This obviously presupposes that the member countries are able to reconcile their history with the same common project, so that they may all see themselves as equal partners, concerned only for the common good. The spiritual families which have made such a great contribution to the civilization of this continent—I am thinking especially of Christianity—have a role which seems to me to be more and more decisive. In the face of social problems which keep significant sectors of the population in poverty, and of social inequalities which give rise to chronic instability, and before the younger generations seeking points of reference in an often chaotic world, it is important that the Churches should be able to proclaim the tenderness of God and the call to fraternity which the recent feast of Christmas has caused to shine out once again for all humanity.

I would like to draw to your attention, ladies and gentlemen, further grounds for satisfaction in relation to the *American Continent.* I am referring to the *agreement reached* in Brasilia on 26 October last *between Ecuador and Peru.* Thanks to the persevering efforts of the international community—especially on the part of the guarantor countries—two sister nations had the courage to renounce violence, to accept a compromise and to resolve their differences in a peaceful way. This is an example for so many other nations still bogged down in divisions and disagreements. I am firmly convinced that these two nations, thanks particularly to the Christian faith which unites them, will be able to meet the great challenge of fraternity and peace, and thus turn a painful page of their history, which in fact dates from the very beginning of their existence as independent states. I address an urgent and paternal call to the Catholics of Ecuador and Peru to work with conviction for reconciliation through prayer and action, and thus to contribute to ensuring that the peace brought by the treaties enters everyone's heart.

We should also rejoice at the efforts of *the great people of China,* in a dialogue undertaken with determination and involving the people on both sides of the Strait. The international community—and the Holy See in particular—follows this felicitous development with great interest, in the hope of significant progress which, without any doubt, would be beneficial to the whole world.

However, the culture of peace is far from being universal, as the centres of persistent dissension testify.

Not far from us, *the Balkan region* continues to experience a time of great instability. We cannot yet speak of normalization in Bosnia-Hercegovina where the effects of the war are still being felt in inter-ethnic relations, where half the population remains displaced and where social tensions dangerously persist. Again recently, Kosovo has been the scene of deadly confrontations for both ethnic and political reasons which have prevented a peaceful dialogue between the parties and hindered any economic development. Everything must be done to help the people of Kosovo and the Serbs to meet around a table in order to defuse without delay the armed suspicion which paralyses and kills. Albania and Macedonia would be the first to benefit, since in the Balkans all things are closely related. Many other countries, large and small, in *Central and Eastern Europe* are also at the mercy of political and social instability; they are struggling along the road to democracy and have not yet succeeded in living in a market economy capable of giving everyone a legitimate share of well-being and growth.

The peace process undertaken in the Middle East continues to make uneven progress and has not yet brought the local peoples the hope and well-being which they have the right to enjoy. It is not possible to keep people indefinitely between war and peace, without the risk of dangerously increasing tensions and violence. It is not reasonable to put off until later the question of the status of the Holy City of Jerusalem, to which the followers of the three monotheist religions turn their gaze. The parties concerned should face these problems with a keen sense of their responsibilities. The recent crisis in Iraq has shown once more that war does not solve problems. It complicates them, and leaves the civilian population to bear the tragic consequences. Only honest dialogue, a real concern for the good of people and respect for the international order can lead to solutions befitting a region where our religious traditions are rooted. If violence is often contagious, peace can be so too, and I am sure that a stable Middle East would contribute effectively to restoring hope to many peoples. I am thinking for example of the suffering peoples of Algeria and of the island of Cyprus, where the situation is still in deadlock.

Some months ago Sri Lanka celebrated the fiftieth anniversary of independence, but unfortunately it is still today divided by ethnic struggles which have delayed the opening of serious negotiations, which alone are the only way to peace.

Africa remains a continent at risk. Of its fifty-three States, seventeen are experiencing military conflicts, either internally or with other States. I am thinking in particular of Sudan where, in addition a cruel war, a terrible human tragedy is unfolding; Eritrea and Ethiopia which are once again in dispute; and Sierra Leone, where the people are still the victims of merciless struggles. On this great continent there are up to eight million refugees and displaced persons practically abandoned to their fate. The countries of the Great Lakes region still bear open wounds resulting from the excesses of ethnocentrism, and they are struggling amid poverty and insecurity; this is also the case in Rwanda and Burundi, where an embargo is further aggravating the situation. The Democratic Republic of Congo still has far to go in working out its transition and experiencing the stability to which its people legitimately aspire, as the massacres which recently occurred at the very beginning of the year near the town of Uvira testify. Angola remains in search of a peace which cannot be found and in these days is experiencing a development which causes great concern and which has not spared the Catholic Church. The reports regularly coming to me from these tormented regions confirm my conviction that war is always destructive of our humanity, and that peace is undoubtedly the pre-condition for human rights. To all these peoples, who often send me pleas for help, I wish to give the assurance that I am close to them. May they know also that the Holy See is sparing no effort to bring about an end to their sufferings and to find equitable solutions to the existing serious problems, on both the political and humanitarian levels.

The culture of peace is still being thwarted by the *legitimation and use of armed force for political purposes*. The nuclear tests recently carried out in Asia and the efforts of other countries quietly working on establishing their nuclear power could very well lead to a gradual spread of nuclear arms and consequently to a massive re-armament which would greatly hinder the praiseworthy efforts being made on behalf of peace. This would frustrate all policies aimed at preventing conflicts.

There is also *the production of less costly weaponry*, like anti-personnel mines, happily outlawed by the Ottawa Convention of December 1997 (which the Holy See hastened to ratify last year), and small-calibre arms, to which, I believe, political leaders should pay greater attention in order to control their deadly effects. Regional conflicts, in which children are frequently recruited for combat, indoctrinated and incited to kill, call for a serious examination of conscience and a concerted response.

Finally, the risks to peace arising from *social inequalities and artificial economic growth* cannot be underestimated. The financial crisis which has shaken Asia has shown the extent to which economic security is comparable to political and military security, inasmuch as it calls for openness, concerted action and respect for specific ethical principles.

In the face of these problems which are familiar to you, Ladies and Gentlemen, I wish to share with you a conviction which I firmly hold: *during this final year before the year 2000 an awakening of consciences is essential*.

Never before have the members of the international community had at their disposal a body of such precise and complete norms and conventions. What is lacking is the will to respect and apply them. I pointed this out in my Message of 1 January, in speaking of human rights: "When the violation of any fundamental human right is accepted without reaction, all other rights are placed at risk" (No. 12). It seems to me that this truth needs to be seen in relation to all juridic norms. *International law cannot be the law of the stronger*, nor that of a simple majority of States, nor even that of an international organization. It must be the law which is in conformity with the principles of the natural law and of the moral law, which are always binding upon parties in conflict and in the various questions in dispute.

The Catholic Church, as also communities of believers in general, will always be on the side of those who strive to *make the supreme good of law prevail over all other considerations*. It is likewise necessary for believers to be able to make themselves heard and to take part in public dialogue in the societies of which they are full members. This leads me to share with you, as the official representatives of your States, *my painful concern about the all too numerous violations of religious freedom in today's world*.

Just recently, for example, *in Asia*, episodes of violence have caused tragic suffering to the Catholic community: churches have been destroyed, religious personnel have been mistreated and even murdered. Other regrettable events could be mentioned in several African countries. In other regions, *where Islam is the majority religion*, one still has to deplore the grave forms of discrimination of which the followers of other religions are victims. There is even one country where Christian worship is totally forbidden and where possession of a Bible is a crime punishable by law. This is all the more distressing because, in many cases, Christians have made a great contribution to the development of these countries, especially in the area of education and health care. In certain countries in *Western Europe*, one notes an equally disturbing development which, under the influence of a false idea of the principle of separation between the State and the Churches or as a result of a deep-seated agnosticism, tends to confine the Churches within the religious sphere alone and finds it difficult to accept public statements from them. Finally, some countries of *Central and Eastern Europe* have great difficulty in acknowledging the religious pluralism proper to democratic societies and attempt to limit, by means of a restrictive and petty bureaucratic practice, the freedom of conscience and of religion which their Constitutions solemnly proclaim.

As I recall religious persecutions either long past or more recent, I believe that the time has come, at the end of *this* century, to ensure that everywhere in the world the right conditions for effective freedom of religion are guaranteed. This requires, on the one hand, that each believer should recognize in others something of the universal love which God has for his creatures. It requires, on the other hand, that the public authorities also—called by vocation to think in universal terms—should come to accept the religious dimension of their fellow citizens along with its necessary community expression. In order to bring this about, we have before us not only the lessons of history, but also certain valuable juridical instruments which only need to be applied. In a certain sense, *the future of societies depends on the inescapable relationship between God and the Earthly City*, for, as I stated during my visit to the seat of the European Parliament on 11 October 1988: "Wherever man no longer relies on the great reality that transcends him, he risks handing himself over to the uncontrollable power of the arbitrary and to pseudo-absolutes that destroy him" (No. 10).

These are some of the thoughts which have come to my mind and heart as I look at the world of this century which is coming to a close. If God in sending his Son among us took such interest in mankind, let us act in such a way as to correspond to such great love! He, the Father of all, has made with each of us a covenant which nothing can break. By telling us and by showing us that he loves us, he also gives us the hope that we can live in peace; and it is true that only the person who knows love can love in return. It is good that *all people should discover this Love which precedes them and awaits them*. Such is my dearest wish, for each of you and for all the peoples of the earth!

JEREMY AND JULIA'S LAW

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. LAZIO. Mr. Speaker, I rise today because an increasing number of moms and dads have to take their loved ones to day care while they go off to work. The time is right for me to introduce a new bill, Jeremy and Julia's Law. This bill has two parts: (1) A misdemeanor for a person who misrepresents intentionally the credentials of the day care provider or the conditions of the care provided, and; (2) A felony for a person who causes serious physical injury to a child under his care. This bill gives parents the peace of mind knowing that their children are safe and secure while being cared for by responsible, reliable, licensed, professional day care professionals.

Last July in Albany, New York, a couple left their three-month-old daughter, Julia, in the care of a licensed, in-home day care provider. The provider lied about the number of children for whom she cared on a daily basis. Julia had been placed in a swing and left unattended. The baby was not supervised for twenty minutes. During that time, Julia threw up her food and choked on her own vomit. She was rushed to a local hospital, placed on life support, and tragically she was diagnosed as brain dead.

The critical fact in this horrible story is that the day care provider lied. She told Julia's parents that she was caring for four children. An official investigation discovered that eight children were under her care.

I must tell you another tragic story. Last January, three-month-old Jeremy Fiedelholtz was being cared for by a licensed, in-home day care operator. His parents left Jeremy with the professional for two hours. It was a trial run; the parents were deciding if this day care professional was one they could trust.

When the Fiedelholtz' returned, they found Jeremy face down in a crib, in a pool of his own vomit, dead. The state of Florida had licensed this facility to care for six children, but this woman had taken in 13 children that day. On the day that Jeremy died, while the owner ran errands, all 13 children were left at the mercy of a poorly trained staff person who was not CPR certified. The provider had lied to Jeremy's parents.

The circumstances surrounding the deaths of these two infants are frighteningly similar. In both cases, the day care provider misrepresented to parents about the number of children who would be accepted daily, who would be responsible for caring for the child, and the qualifications of the person who would care for the child. Two children died after the day care professional misrepresented the conditions of care being provided. In both cases, the only recourse for the parents was in civil court. No federal or state criminal law applied. Under my bill, a crime will be committed if a day care provider intentionally misrepresents: (1) Credentials, licenses or permits that the provider or the staff possesses; (2) Number of children for whom they care, or; (3) Quality of the day care facilities.

Most states do not have adequate criminal laws in this arena. In many states, there are standards but they are not consistently enforced. Critical gaps that would safeguard the basic health and safety standards for child care exist. For example, many states do not require small, in-home day care providers to apply for a license. Those providers are not inspected. Even when states require in-home providers to be licensed, most of the time there are no inspections.

Today, millions of parents have no choice. They must make ends meet to pay the bills. So, they are forced to place their loved ones in child care while they work. Currently, 77 percent of all women with children under the age of 17 hold a job. Each day, about 13 million children under the age of six spend part of their day in day care. There are six million infants and toddlers who are being cared for by people that parents are hoping they can trust.

Every parent wants to feel secure in knowing their loved ones are receiving quality day care. Quality care means providing a safe and healthy environment where care givers safeguard infants and nurture their development. Quality care means having a maximum number of children for each care giver. The best of all worlds means every child in day care receives as much one-on-one attention as possible. This bill gives moms and dads what they deserve—the peace of mind that goes with knowing their children are safe and secure and in the arms of a day care professional.

Jeremy and Julia's Law is a fair bill. Prosecutors will be allowed to pursue day care providers that deliberately break the law. Parents will see justice done when their child is seriously injured or dies. I urge my colleagues to support this legislation.

WHAT WILL POSTERITY SAY ABOUT THE PETTINESS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. OWENS. Mr. Speaker, first the impeachment debate; and now the trial in the Senate, have provided the American people with graphic examples of government descending into dangerous pettiness. The House Managers or prosecutors have behaved like zealous persecutors. Beyond Kenneth Starr's forty million dollars already spent, they propose to paralyze the nation's decision-making process for an indefinite time period. Issues such as school construction and the minimum wage increase will get scant attention while we drag witnesses in for more Peyton Place depositions. Mice minds have hijacked the government machinery of a great nation. The situation may be summarized in the following RAP poem:

PROFILE OF THE PERSECUTING PROSECUTORS

Mice men gnawing
At the Core of the Nation
History will rate them
The pompous petty generation
Rodents feeding
On the Monica sensation
Eloquent enemies
Of issue liberation
Filibuster babies
Babbling in their bubbles
Mischievous teenie boppers
Making monumental troubles
Nice men guffawing
Mice men gnawing
Franklin's wisdom dies
Madison closes his eyes
Rodents raiding Hamilton
Jumping over Jefferson
Boasting bloody fangs
Pompous petty generation
Bloated on Monica sensation
Perfumed urination
Decorated defecation
Mice men gnawing
On the heart of the nation.

HOUSE OF REPRESENTATIVES—*Wednesday, February 3, 1999*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We are thankful, gracious God, that You give us a vision of a world where justice reigns and where mercy and peace and reconciliation abide. Yet, we know too that You have given us minds with which to think, eyes with which to see, hands with which to work and hearts with which to love. Encourage us and all of Your people, dear God, to use the abilities and gifts that You have given so that while we pray and hear Your word we also go about our communities doing those good works that honor You and serve people in their need. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. GIBBONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE REPUBLICAN AGENDA FOR THE NEW CONGRESS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Republican agenda for the new Congress includes a middle class tax relief package, education improvements, saving Social Security and reforming that worthy cause, and a more effective, more efficient military.

Our agenda includes across the board tax cuts which means that anyone who pays Federal income taxes will get a tax cut. It includes education, legislation which will put more money into the classroom and less money into the pockets of an education bureaucracy here in Washington. It will include bipartisan Social Security reform so that seniors are protected, the soon-to-retire will get the benefits they have been promised and younger workers will have a system there for them when they retire as well.

It will include funding for the construction of a national missile defense system so that America will be safe from rogue nations who apparently are not impressed in the least bit that we have an ABM treaty with the Soviet Union, a country which thanks to Ronald Reagan no longer exists. It is an agenda that benefits all Americans and it is an agenda that rewards hard work, protects seniors, better educates our children and keeps America safe.

SLOBODAN MILOSEVIC MUST NOT SUCCEED

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Madam Speaker, the United States is right to take forceful leadership to stop the systematic destruction of homes and villages and the slaughter of civilians in Kosova that has been ordered by Slobodan Milosevic, the Communist dictator of rump Yugoslavia. But in that process the United States must not be party to one last sellout of the human rights of the people of Kosova in this 20th century.

Milosevic, who supervised the killing of hundreds of thousands of Croats and Bosnians and the creation of at least two million refugees by his attacks on two other United Nations members will now brazenly plead to that very United Nations his right to utterly subjugate or, if not, to kill or drive into exile the two million Kosovars who make up 90 percent of the population of Kosova.

Milosevic must not succeed. The time has come for the United States to forcefully and unequivocally promote the ultimate right of self determination of the people of Kosova so they may live in peace and freedom in the 21st Century.

COMMONSENSE CONSERVATIVES TRUST THE PEOPLE TO INVEST IN THEIR OWN FUTURES

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Madam Speaker, I listened with great interest a few days ago when the President of the United States came to this Chamber and outlined some 80 new programs in the span of 75 minutes, and, Madam Speaker, indeed I believe it comes down to a question of trust, because how interesting was the President's statement in subsequent days in Buffalo, New York?

Quoting the President now, Madam Speaker:

"We could give it," referring to the budget surplus, "We could give it," the budget surplus, "all back to you and hope you spend it right, but . . ."

Madam Speaker, that outlines a clear difference between the two major political parties. It is a question of who do we trust? Do we trust the government more to spend our money given the long history of wasteful Washington spending by this overgrown bureaucracy?

Madam Speaker, the majority party and the common-sense conservatives of this country trust the people. That is why we called for broad-based tax relief, so that all American families can save, spend and invest in their own future. It is a major difference. Indeed, Madam Speaker, it is a question of trust.

INTRODUCTION OF GIVE-FANS-A-CHANCE LEGISLATION

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, one of the tenets of a livable community is control over one's own destiny. Unfortunately, sports franchises have held communities hostage, pitting one city against another as they have left fans in Brooklyn, Hartford, Baltimore, Houston and Cleveland for greener pastures. It does not have to be that way.

Madam Speaker, that is why I am introducing Give-Fans-a-Chance legislation which guarantees due process for

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

relocation and makes it at least possible for any city to do what little Green Bay, Wisconsin, has done: basically own their own team. But the NFL will not let that happen any more.

Any league which does not abide by these rules does not deserve the Federal antitrust broadcast exemption worth billions of dollars.

Madam Speaker, I strongly urge giving fans a chance and making their communities a little more livable by providing them with the opportunity to control their own destiny not subject to the whim of some absentee billionaire.

ECONOMIC HEALTH AND NATIONAL SECURITY TIED TO STABILITY OF OUR DOMESTIC PETROLEUM INDUSTRY

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Madam Speaker, I rise to address the House this morning to bring the attention to a grave matter, an economic crisis in the oil patch of this great Nation. I like for my colleagues to realize if there is not changes made within the next four months to five months, we will lose over 50 percent of our production for marginal wells in the United States of America. Marginal wells produce about 1.3 million barrels a day. How much is that? That is equivalent to what we import from the Arab countries.

But we are about to turn that market over to other foreign sources and put us more dependent, and rest assured, between now and July the 4th, when we have Independence Day, we will be more dependent on foreign governments than ever before in the history of our country. I do not think that is what we want.

Madam Speaker, I call on the Speaker to set up an energy task force, a crisis task force. Also we must have hearings this month, move on this, and also we must establish a national energy policy before our national security is totally at risk.

BRIDGE TO THE 21ST CENTURY MADE OUT OF BANANA PEELS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, our Trade Representative said, and I quote:

"We going to the mat."

The trade rep said they will ask the White House to impose strict tariffs and sanctions on European goods over bananas.

That is right, bananas. Think about it. While Uncle Sam is prepared to wage a trade war over bananas, 10,000 steelworkers, 10,000, are receiving unemployment compensation.

□ 1015

Your workers, my workers, standing in unemployment lines, losing their homes, losing their jobs, and the White House is roaring like a titmouse over bananas.

Beam me up, ladies and gentlemen. What has happened to this country? I yield back all the tanks, submarines, and certainly this new bridge to the 21st Century, that will be made now out of banana peels.

TAX CUTS—THE MAJOR DIFFERENCE BETWEEN REPUBLICANS AND DEMOCRATS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Madam Speaker, it did not take long to find out what the major difference between Democrats and Republicans will be in this Congress: Tax cuts.

Republicans propose a 10 percent across-the-board tax cut, which the legislation of the gentleman from Ohio (Chairman KASICH) will do; and the Democrats, well, you guessed it, general tax relief is nowhere to be found. In fact, the President's budget will contain no middle class tax relief for another 15 years. And we all know what targeted tax cuts are. That is a euphemism for "you won't be getting one."

The current budget surplus, taxpayer overpayment, to be more accurate, should go back to the people that it belongs to in the first place, the taxpayers.

April 15 is not far away, and the tax man cometh. The tax man has been taking too much for too long, and then wasting too much of that for too long. It is time to give the middle class average taxpayers a break. It is time for a tax cut.

STRENGTHENING SOCIAL SECURITY AND MEDICARE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Madam Speaker, the Republicans are beginning the 106th Congress exactly where they left off in the 105th, and that is ignoring the will of the majority of the Americans.

If you recall, the Republican leadership in the House ended the 105th Congress by approving an $80 billion tax break for the wealthiest Americans financed by raiding the Social Security surplus. As a result, the Democrats picked up 5 seats in the November election.

But, believe it or not, the Republicans are still not listening. Instead of directing the surplus to Social Security and Medicare, the Republicans are proposing a 10 percent tax cut which will do virtually nothing for 45 million American families. Under the Republican plan, the average annual tax cut for 60 percent of tax payers would be about $100. Those earning more than $300,000 though would receive an average tax cut of $20,000.

I urge my Republican colleagues to listen to the American people. Read the writing on the wall and stop wasting time with a recycled plan to pay for tax cuts for the wealthy with money that should be used to strengthen Social Security and Medicare.

THE RETURN OF BIG GOVERNMENT

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Madam Speaker, today we gather in this House, we have things pretty good; but sometimes when things are too rosy, we lose track of where we are headed, and maybe what we ought to be looking at.

The surplus is certainly something that we are glad to have, and I think that Members of this body who have supported good policy over the last few years can take credit for that.

But in the President's address, I think something that is so badly needed that was lacking was how are we going to pay off the debt? The President's address should be entitled, "The Return of Big Government." He declared the era of big government over just a couple of years ago, and now he is back with guns blazing: The return of big government.

We need to save Social Security, we need to reduce the debt, and we need to return to the American taxpayers some of the overpayment they are making.

PUTTING SOCIAL SECURITY AND MEDICARE FIRST

(Ms. STABENOW asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. STABENOW. Madam Speaker, I rise today to urge our Republican colleagues to join with us in putting Social Security and Medicare first. We have come together to balance the budget, and we now have an extraordinary opportunity to take the next step in fiscal responsibility and make sure that our children and our grandchildren are protected for the future.

We need to make sure that Social Security and Medicare are protected first, and then we as Democrats will join and in fact lead the fight for tax cuts for middle class families. But, first and foremost, we need to pay down the debt and protect Social Security and Medicare.

We ask our Republican colleagues to join us in this critical, critical issue for the future of our children and our grandchildren.

THE SURPLUS BELONGS TO THE AMERICAN PEOPLE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, I rise in response to the eloquent words of my Democratic colleague to say that yes, we too want very much to put Social Security and Medicare first. In fact, the chairman of our Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER), has made it clear that he shares the goal of seeing that 62 percent figure, which the President called for in his State of the Union message, to shore up and ensure the strength of Social Security. At the same time, we have an overcharge, and the American people deserve a rebate.

Neither the administration nor Republicans in the Congress anticipated the tremendous flow of revenues that have come into the Federal Treasury as a by-product of the tremendous economic growth which has taken place because of the policies of this Congress and, yes, in working with the President.

But the fact is, the money belongs to the American people and we should do everything that we possibly can to ensure that that overcharge is in fact rebated. But we do share that priority of strengthening Social Security and Medicare, ensuring that we improve public education, strengthening our national defense capability, and, of course, reducing that tax burden on working families.

PUT SOCIAL SECURITY FIRST

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Madam Speaker, I rise this morning to talk about the major problem facing American society, and that is how we deal with our aging population. I believe that the American population wants us to deal with the real problems, and that is Social Security and Medicare, and we must put that first. That is what the Democrats are proposing, that we solve the problem of Social Security first.

Now, on the Republican side of the aisle we have a reincarnation of that old TV show, "Tax Relief for the Rich." How can we figure out a way to give more money to the wealthy?

The public should not be fooled. This is not an across-the-board tax break. Look, if you are in the middle class, the average return that you will see is about $100. Sixty percent of Americans will only get a tax return of $100. But if you make over $300,000, you will get $20,000.

Who benefits from this so-called tax relief? The very wealthy. And that is the theme that the Republicans have repeatedly put forth: Tax relief for the wealthy, or as I like to call it, Robin Hood in reverse. We should put Social Security first and deal with the real problems of American society.

PROPOSED DEMOCRATIC BUDGET A SHAM

(Mr. SESSIONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SESSIONS. Madam Speaker, the American public today is once again seeing what I consider to be really a sham and the downside of politics. One year ago, President Clinton said Social Security first, so Republicans matched the President and we said we are going to have a 90/10 plan: Of surplus dollars that would be available, 90 percent to Social Security, 10 percent to tax cuts.

We were beaten up on the floor of this House. "That is not enough. Ten percent to the rich Americans." Now the President, a year later, is saying Social Security now, 62 percent.

We as Republicans and as conservatives are going to match the President. We are trying to work with him. We believe that if that is the figure he is going to select, that is the figure we are going to stick with. And yet what the American public is being told is that Republicans are trying to give tax cuts to the rich. I hope America is listening.

PATIENTS' BILL OF RIGHTS NEEDED

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Madam Speaker, we are hearing a lot about bipartisan efforts this year, and I hope that is true. But last year as chairman of the Republican Health Tax Force in the 105th Congress our Speaker produced a bill that was not bipartisan and did not become law because of that purpose. I hope the effort to work on a bipartisan matter on important issues like HMO reform is not a repeat of last year.

I do join my colleagues on the Democratic side saying we need to save Social Security first, but I want to talk about the general issue of bipartisanship.

This year, with the Republican majority even smaller, in part due to their inaction on HMO reform, the time is now to pass those reforms. This year we need to have a Patients' Bill of Rights that protects patients, eliminating the gag clause, providing timely appeals, guaranteeing access to specialists and emergency rooms, allowing doctors determine what is medically necessary, but also, more importantly, making the decision maker for our health care responsible.

Accountability is what we need. If the doctor is not making that decision, then whoever is making that decision needs to be accountable and they need to have the liability.

Let us see how this bill passes, and, if it does not have that accountability, then it is a sham.

WORKING TOGETHER TO SOLVE IMPORTANT PROBLEMS

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITFIELD. Madam Speaker, many of us were quite excited about the President's State of the Union message. He pointed out many things that all of us need to be concerned about in addressing.

Our side of the aisle wants very much to save Social Security; so does this side of the aisle. Our side of the aisle wants to strengthen national defense, just as the President does. Our side of the aisle wants to solve Medicare for the long term, just as that side of the aisle does.

So I hope as the 106th Congress begins, that we can work together, not for political gain, but to solve the problems facing the American people.

I think we have a unique opportunity in this Congress to do exactly that, because our side of the aisle agrees with many of the things that the President said. I look forward to the 106th Congress, to help solve some of these very important issues.

MAKE EDUCATION THE NUMBER ONE PRIORITY

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Madam Speaker, I rise today to commend the President again for including school construction tax credits in his fiscal year 2000 budget. The bond proposals that he has offered are based on concepts included in the legislation I just introduced.

When our Nation is facing the most rapid student enrollment increases ever in our history, we must ask, are our schools prepared?

I remember education being a top priority for candidates and incumbents in this past election season. Well, let us keep those promises from the election. Let us make education our number one priority.

I have been on this floor a number of times recounting the horror stories from my own district, about teachers working in closets, about 50 kids in every classroom, about those portable classrooms littering our playground blacktops. The stories that I have told just are not happening in Orange County, California; I know they must be happening in your districts also.

So I encourage the Speaker and the leadership and the Democrats to find a solution to this problem. Please, cosponsor H.R. 415 and support school construction tax cuts. Our children need it.

THE BEST SCHOOLS AND MILITARY AGENDA

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, the Republican Party has a very good agenda, it is called BEST Schools and Military: B for balancing the budget, paying down the debt; E for excellence in education; S for saving Social Security; and T for lowering taxes, with the strongest military in the world.

We want to work with the President. I was encouraged with his State of the Union speech. But when the President starts getting obligations to the whacky fringe left, I get scared, because it scares my middle class voting constituency back home.

Yesterday the President said something very curious. He said we could give the budget surplus back to you and hope that you spend it right.

Who is he? Who are we to tell the American people we do not trust you with your money? This is the whacky fringe left at its best.

I believe the American taxpayers, the hard working, middle class moms and dads throughout the country, can spend their money quite well, without a bunch of busybody Washington bureaucrats telling them "We are smarter than you because we are elected and we are going to spend your money."

I disagree with the President. I think the American people can spend their money better than Congress in many cases.

□ 1030

SAVING THE BUDGET SURPLUS FOR SOCIAL SECURITY AND MEDICARE—NOT GOP TAX CUTS

(Mr. SHOWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHOWS. Madam Speaker, I rise today to stress my strong support of using the budget surplus for saving Social Security and Medicare first.

We are not out of the woods yet on protecting Social Security, and to squander money away from the budget surplus to pay for a large indiscriminate tax cut would be irresponsible and would further put our Social Security system at risk.

I support tax cuts, but we have to target them where we need them. Target them for working families. Target them for business and development, and for research and development.

We must not put our Social Security system at risk. Saving Social Security first is my number one priority for the people of Mississippi's 4th District and it should be our number one priority as a Congress for the American people.

GOOD NEWS FOR THE DISTRICT OF COLUMBIA

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Madam Speaker, I have good news about my city and yours. This morning's paper reports that the District of Columbia has a $450 million surplus and a clean audit. Yes, this is the same city that needed a control board three years ago and clearly does not need one now.

The District will not even have to use the authority Congress gave it to borrow and eliminate an operating deficit. The city will pay down that large deficit from its own revenue. The surplus is by no means all a matter of a good economy. Cuts in government redundancy and waste and improved tax collections have had a lot to do with it.

The District has a new mayor and a reinvigorated city council. A quiet revolution is in progress in the city where this House lives, right under our noses. Look for me to come to the floor often to tell my colleagues what they need to know and, I am sure, what they want to hear about a Nation's Capital where all can be proud.

SAVE SOCIAL SECURITY FIRST

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Madam Speaker, there is no better example of the loss of trust in government than our Social Security program. Social Security is one of the great accomplishments of our government in this century and one of the most successful programs in our history.

When Social Security was passed more than 60 years ago, a majority of the elderly lived in poverty, lived in fear of destitution in old age, and it was a fear that was crippling all of society. Today, Social Security benefits not just those who depend on Social Security primarily to put food on their table, but it benefits all of society.

Yet, in my district in New Jersey, and I believe in most of my colleagues' districts, we would be hard put to find anyone who thinks they will get a dime from Social Security for all of the taxes they have paid. That skepticism shows the serious problem of trust we face.

We must restore faith in this fundamental Federal program. That is why we must save Social Security first before we turn to tax cuts.

PROTECT SOCIAL SECURITY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Madam Speaker, in 1992, the Republicans' mantra when I was running for election the first time was deficit and national debt and the harm it was causing to our children and our children's future. Being the realist that I am, I came here and got immediately involved in doing away first with our deficit. The 1993 budget passed with only Democratic votes, and got us on the road to where we are today with a surplus. We did what we were supposed to do. We came up with a surplus. That is our challenge now.

What does the majority party do? What are they proposing? Rather than saving Social Security and in so doing, reducing the national debt, they return to their real mantra of spending our surplus on tax cuts, tax cuts that will give two-thirds of the wealthiest people in this Nation the benefit. It will give the top 10 to 20 percent of the well-off two-thirds of the benefit.

This will not reduce our national debt. It will not protect Social Security.

CONGRATULATIONS TO DENVER BRONCOS

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Madam Speaker, this past Sunday in the Super Bowl, the Denver Broncos defeated the Atlanta Falcons 34 to 19. It was a hard-fought game, and the Atlanta Dirty Birds came up a little short.

Today I rise to say congratulations to the Denver Broncos and to my colleague, the gentlewoman from Colorado (Ms. DEGETTE).

Denver won the Super Bowl and our colleague won our friendly little bet. So this morning I presented to my colleague and her staff a month's supply of Georgia peanuts and Atlanta's own Coca-Cola. Enjoy the Coke and peanuts and the victory, while you can.

Next year the Dirty Birds will be back.

A SWEET VICTORY

(Ms. DEGETTE asked and was given permission to address the House for 1 minute.)

Ms. DEGETTE. Madam Speaker, I am proud to be standing here today with one of the most esteemed Members of Congress, and also one of the best sports in Congress, the gentleman from Atlanta (Mr. LEWIS) to celebrate our Denver Broncos' victory last Sunday. The Dirty Birds made a valiant effort, I say to my colleague, but our mighty Broncos were just too strong.

The victory was sweet. Its spoils are even sweeter. I would like to thank the Congressman from Atlanta and his staff for delivering the month's supply of Coca-Cola and the peanuts to our office. Very sweet indeed.

A sweet win for Mike Shannahan, who has proven once again he knows football better than any other coach in the NFL. A sweet victory for Terrell Davis, who continually racks up consecutive 100 yard games. But this does set a tradition of Super Bowl dominance. We need a three-peat. We need our quarterback, John Elway, to come back for the three-peat next year.

I would like to thank my colleague the gentleman from Atlanta (Mr. LEWIS) for being such a good sport. We are looking forward to seeing the Dirty Birds in the Super Bowl, and when we three-peat, we know the gentleman will be just as good a sport then as he is now.

POLITICALLY POPULAR PROMISES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, one of the main reasons the economy has been so strong over the last few years is that following the 1994 elections, we finally started bringing Federal spending under control. Alice Rivlin, who was the President's budget director, put out a memo in 1993 saying that if we did not make changes, we would have deficits of over $1 trillion a year by the year 2010 and $4 trillion to $5 trillion a year by 2030. If we had allowed that to happen, our economy would have crashed. Now we are actually seeing surpluses.

But it is politically popular and very easy to promise everything to everybody. The National Taxpayers' Union said the President's State of the Union address would require a $288.4 billion increase in spending in the first year alone. Last week Newsweek magazine published a chart showing we would have a shortfall of $2.3 trillion in the next 15 years if we enacted all of these programs.

If we do this, Madam Speaker, we will very quickly be in serious trouble in our economy once again. We must not let it happen.

SAVE SOCIAL SECURITY WITH BUDGET SURPLUS

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Madam Speaker, I rise today in support of the President's plan to use the budget surplus to save Social Security. Our country is experiencing record economic growth; inflation is down; job growth and homeownership are up; and we are experiencing the first budget surplus in over a generation. I support the President's plan to use the budget surplus to ensure the long-term fiscal success of the Social Security program.

In my own district of Queens and the Bronx in New York, tens of thousands of people are able to retire with dignity because of the Social Security system. For all American seniors, Social Security is truly an American success story.

Madam Speaker, we must as a Congress work to ensure that this successful American program continues to be fiscally sound and economically successful in order to provide benefits for the baby boomers of today and the retirees of tomorrow. The President's budget ensures the long-term success of the Social Security system by providing tax cuts for working families. I urge my colleagues to support the use of the surplus to save Social Security.

SPENDING PRIORITIES

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY MILLER of California. We have heard much debate today about saving Social Security and spending 62 percent of the surplus to do it. I agree with that 100 percent. Our Medicare has to be ensured to be there for our generation and the generation to come. The same is true for defense. How can we expect those defending our Nation to feed their family using food stamps? It is deplorable and we need to change that.

But if we listened to the President's State of the Union, it is obvious big government just came roaring back. When do we start trusting the American people? What do we do with the remaining 38 percent of the surplus if we are going to spend 62 percent for Social Security? Let us give the people their money back.

We talk about making sure we are going to better education for the future. When will we start trusting parents? When will we start trusting school boards? When will we start trusting teachers to provide education?

The Federal Government has 790 various programs associated with education. The mandates associated with those programs generally cost more to implement than they receive from the Federal Government. That has to be changed.

Let us start trusting parents; let us start trusting taxpayers; let us start trusting individuals with their rights.

ONE BAD DEAL

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Madam Speaker, a 10 percent across-the-board income tax cut, what could sound more appealing, more simple, more fair?

Hearing those words, hard-working American taxpayers start dreaming about what they could do with the money. Replace that beater with a new car, repair the leaky roof, send their child to college, maybe take that long-awaited second honeymoon. Well, forget it.

The sad truth is that 77 percent of all taxpayers, nearly 35 million people, would receive no tax cut at all. A two-parent family of four with annual income below $25,000 would get nothing.

So who benefits from that trillion-dollar tax cut over the next decade? Citizens for Tax Justice tell us it is the wealthiest Americans.

Here is the deal. Taxpayers earning $38,000 get back $99. Taxpayers earning over $300,000 get a tax cut of $20,000. For most of us, this is one bad deal.

ASSURING AMERICA'S FUTURE

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute.)

Mr. BRADY of Texas. Madam Speaker, let American workers have no doubt who is on their side. Across-the-board tax relief means all taxpayers will get to keep a little more of what they earn, not what Washington earns, what they earn. Unlike the approach offered by the other side whereby only some people get a tax cut while others do not, the Republican approach means that if one pays taxes, if one is giving up one's hard-earned paycheck, one is going to get a little more tax relief.

Our education reforms will cut the Federal bureaucracy and send more money directly down to teachers. Our Social Security reforms will protect seniors who are in the program, the near elderly, the baby boomers like myself, and especially those young people coming into a system they do not believe is ever going to be there when they need it at retirement.

Our proposal to build a long-term 21st century defense system will address new threats to our Nation. That is how Republicans propose to secure America's future.

PROTECT SOCIAL SECURITY

(Mr. BAIRD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAIRD. Madam Speaker, last weekend I was back home in our district for the third time since being sworn in just a month ago, and I attended our senior lobby day and one question was on the lips of every senior there: What are you going to do to protect Social Security, and will you protect it for my children?

The President's budget has answered that question yes. Yes, we will protect Social Security. We will do so in a common sense way. We will set aside the surplus to protect Social Security, to protect Medicare, and to invest in our future. It is the right thing to do, it is the common sense thing to do, and it is what the American people and the people of my district of southwest Washington want us to do.

Madam Speaker, when this debate moves forward on how we will spend that surplus, I urge my colleagues and friends here, do the right thing. Protect Social Security for our current seniors and for our future generations.

□ 1045

REPUBLICANS WANT AMERICANS TO KEEP MORE OF THEIR HARD-EARNED MONEY, DEMOCRATS WANT MORE BIG GOVERNMENT

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Madam Speaker, the issue is very simple. We want, on the Republican side, to allow Americans to keep more of their hard-earned dollars. The Democrats want to increase the size of government.

Let me say that again so the message is clear. On the Republican side, we want the American people to keep more of their hard-earned dollars through tax cuts. On the Democratic side, they want to increase the size of government.

Let me say it again so the message is loud and clear. On the Republican side, we want the American workers to keep more of their hard-earned dollars through tax cuts. The Democrats want to spend more of our money.

Let me say it a fourth time, or do I have to? Who do we trust? Do we trust big government to spend our money, or do we trust yourself to spend more of our money through tax cuts?

THE DEMOCRAT PLAN WILL PROTECT SOCIAL SECURITY AND MEDICARE

(Mrs. NAPOLITANO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. NAPOLITANO. Madam Speaker, we all of us here in Congress must speak out very loudly and very clearly about protecting the very foundations of our Nation's retirement security. Democrats say save the surplus to protect social security and Medicare.

Our Republican colleagues' rhetoric has frightened a whole generation of American people to such an extent that they fear it will not be there when they retire. I am one of them. But the Democratic plan will keep our economic engine running and competitive while maintaining fiscal discipline, and ensuring that social security and Medicare will absolutely be there to protect every American family.

Republicans want to leave over 45 million middle class families out in the cold with their tax cuts for the wealthy, with their tax plan. But the average annual cut for 60 percent of regular American taxpayers would be a measly $100. Compare that to $20,000 for those earning over $300,000 and we will see who will be shortchanged.

The Republican tax cut plan is unfair. Let us use the surplus for everyone.

THE SURPLUS SHOULD BE SPENT IN PAYING DOWN THE NATIONAL DEBT

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Madam Speaker, there is a lot of talk about the surplus. Everybody has ideas on how to spend the surplus. Fortunately, saving social security is high on every list, as well as tax cuts.

There is another necessity, paying down the national debt. We do not hear much about paying down the national debt. It is a lot more fun to spend money. But the interest on the present debt is $300 billion a year. As we pay down the debt, interest payments will decrease, which means more money for the real needs of government.

Let us put paying down the debt high on our priority list.

DEMOCRAT PLAN WILL SAVE SOCIAL SECURITY, MEDICARE, AND PROVIDE TARGETED TAX CUTS TO MIDDLE CLASS AMERICANS

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Madam Speaker, for the first time in three decades the Federal Government has a surplus. The debate: what to do with it. Today Democrats want to use the historic $70 billion surplus to save social security, save Medicare, and to provide targeted tax cuts to middle class families.

Republicans want to give a one-time tax break that mostly benefits the wealthy. The Republican tax plan is unfair and it is ill-advised. A 10 percent tax cut is a plan that is skewed to the wealthy. If Republicans get their way, 60 percent of Americans, the middle class backbone of this country, will get a tax rebate of only $100, while the wealthy, those making over $300,000, will get a $20,000 tax break.

Let us take this opportunity to help people. Let us save social security and Medicare. Let us look at those targeted tax cuts, like a tax cut for long-term health care, school modernization, child care, for stay-at-home parents, those that directly benefit working middle class families. Let us not squander this once-in-a-lifetime opportunity.

LET US KEEP OUR SENIOR CITIZENS FROM POVERTY AND SUPPORT SOCIAL SECURITY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, before the implementation of social security, so many of our senior citizens in America simply died in poverty. Let me make myself perfectly clear. Before we had social security, so many of our senior citizens died in poverty. Yet, our Republican friends choose to give away tax dollars, if you will, without realizing the importance of saving social security as the most successful anti-poverty legislation ever passed into law by Congress.

Social security is not broken. For millions of Americans, it is the only means of sustenance that is available to them. For millions of others, it is a necessary supplement to their pension plans and retirement funds. Without social security, I have no doubt that the life of older Americans and the disabled will be stark and unforgiving.

That is why we must reinvest our budget surplus into social security, to make sure they will be there for our future. Under the President's budget for the next fiscal year, we will take 62 percent of our budget surplus and put it back into social security, helping extend the life of the program decades beyond 2032.

Madam Speaker, let us take our senior citizens out of poverty and support the continuation of social security.

THE PRESIDENT CANNOT HAVE IT BOTH WAYS

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Madam Speaker, last year in the President's proposed budget, he proposed saving all surpluses in the future for social security. Then he went on in his proposal and had enough new spending to eliminate all surpluses.

The President cannot have it both ways. This year he is proposing 62 percent of future surpluses for social security, and everybody is applauding that; 15 percent of surpluses to save Medicare, and many are applauding that. Then he went on with a spending plan that would take 75 to 80 percent of proposed surpluses and spend them.

When we add that up, that is 150 to 160 percent. The President cannot have it both ways. If he is serious about saving social security and Medicare, he cannot have all of these new spending programs that will eliminate all surpluses that will allow us to fix social security and Medicare.

APPOINTMENT OF MEMBER TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, and pursuant to the provisions of 15 U.S.C. 1024(a), the Chair announces the Speaker's appointment of the following Member of the House to the Joint Economic Committee:

Mr. SAXTON of New Jersey.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall vote, if postponed, will be taken later in the day.

EXTENDING THE AVIATION WAR RISK INSURANCE PROGRAM

Mr. SHUSTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 98) to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program, as amended.

The Clerk read as follows:

H.R. 98

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF INSURANCE PROGRAM.

Section 44310 of title 49, United States Code, is amended by striking "March 31, 1999" and inserting "December 31, 2003".

SEC. 2. CENTENNIAL OF FLIGHT COMMISSION.

(a) MEMBERSHIP.—

(1) APPOINTMENT.—Section 4(a)(5) of the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3487) is amended by inserting ", or his designee," after "prominence".

(2) STATUS.—Section 4 of such Act (112 Stat. 3487) is amended by adding at the end the following:

"(g) STATUS.—The members of the Commission described in paragraphs (1), (3), (4), and (5) of subsection (a) shall not be considered to be officers or employees of the United States.".

(b) DUTIES.—Section 5(a)(7) of such Act (112 Stat. 3488) is amended to read as follows:

"(7) as a nonprimary purpose, publish popular and scholarly works related to the history of aviation or the anniversary of the centennial of powered flight.".

(c) CONFLICTS OF INTEREST.—Section 6 of such Act (112 Stat. 3488–3489) is amended by adding at the end the following:

"(e) CONFLICTS OF INTEREST.—At its second business meeting, the Commission shall adopt a policy to protect against possible conflicts of interest involving its members and employees. The Commission shall consult with the Office of Government Ethics in the development of such a policy and shall recognize the status accorded its members under section 4(g).".

(d) EXECUTIVE DIRECTOR.—The first sentence of section 7(a) of such Act (112 Stat. 3489) is amended by striking the period at the end and inserting the following: "or represented on the First Flight Centennial Advisory Board under subparagraphs (A) through (E) of section 12(b)(1).".

(e) EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.—

(1) USE OF FUNDS.—Section 9(d) of such Act (112 Stat. 3490) is amended by striking the period at the end and inserting the following: ", except that the Commission may transfer any portion of such funds that is in excess of the funds necessary to carry out such duties to any Federal agency or the National Air and Space Museum of the Smithsonian Institution to be used for the sole purpose of commemorating the history of aviation or the centennial of powered flight.".

(2) DUTIES TO BE CARRIED OUT BY ADMINISTRATOR OF NASA.—Section 9 of such Act (112 Stat. 3490) is amended by adding at the end the following:

"(f) DUTIES TO BE CARRIED OUT BY ADMINISTRATOR OF NASA.—The duties of the Commission under this section shall be carried out by the Administrator of the National Aeronautics and Space Administration, in consultation with the Commission.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Illinois (Mr. LIPINSKI) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, in the last Congress the war risk insurance program was reauthorized only through March 31 of this year, so we must move quickly to reauthorize a program which has been operating successfully for over 47 years. This bill would reauthorize the war risk insurance program through December 31, 2003.

It is essential that we do this because commercial insurance companies usually will not insure flights into high-risk areas, such as countries at war or on the verge of war. In many cases, the flights into these dangerous situations are required to further United States' foreign policy or national security objectives.

Commercial airlines have been used in such operations as Desert Shield, Desert Storm, and other conflicts to ferry troops and equipment. Without this war risk program, the commercial airlines would not have flown these dangerous military flights.

In addition, the provision has been added that amends the Centennial of Flight Commemoration Act as passed last year. This provision is a technical amendment that corrects deficiencies in the act. The provision cures minor technical deficiencies in the war risk insurance program. It is indeed a very important part of our military support system, and I strongly urge passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 98, a bill to extend the Department of Transportation's aviation war risk insurance program. The war risk insurance program, which was created in 1951, has operated successfully to serve the foreign policy interests of the United States during the difficult times of war.

Commercial insurance companies usually will not insure commercial airline flights to high-risk areas, such as countries at war or on the verge of war. The aviation war risk insurance program provides insurance to commercial airlines for such high-risk flights, which are often needed for national security reasons.

For example, commercial air carriers have transported U.S. troops and supplies during the Vietnam War, the Persian Gulf War, and most recently, the deployment in Bosnia. In fact, since 1975, there have been over 5,000 flights covered by the war risk insurance program.

The bill we are considering today under suspension of the rules, H.R. 98, is a bill to extend the war risk insurance program for 5 years through the year 2003. This is truly a noncontroversial bill. Congress has routinely reauthorized the war risk insurance program in the past.

The Omnibus Appropriations Act for fiscal year 1999 includes a reauthorization of the war risk insurance program, and even modified the program to ensure prompt payment to the airlines in the event of a crash. Unfortunately, the omnibus bill only authorized the war risk insurance program through March 31, 1999.

I strongly urge my colleagues to support this noncontroversial bill to authorize the war risk insurance program through the year 2003. We cannot afford to let this program expire. The war risk insurance program has protected U.S. national security interests by addressing the high-risk insurance needs of commercial airlines.

Without the war risk insurance program in place, commercial airlines will not be able to get insurance for high-risk flights and would be reluctant to fly into high-risk areas, even though it would be in the interests of U.S. foreign policy and national security needs.

H.R. 98 has the bipartisan support of the Committee on Transportation and infrastructure. As an original cosponsor of the bill, I again strongly urge my colleagues to support it. The war risk insurance program has proved its outstanding value and deserves our prompt attention.

Madam Speaker, I reserve the balance of my time.

Mr. SHUSTER. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN), the distinguished chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Madam Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER), our outstanding chairman, for yielding me this time.

As has been explained, this bill, H.R. 98, will reauthorize the war risk insurance program through December of the year 2003. We rarely hear about this important program, Madam Speaker, until a conflict arises such as the Gulf War or Bosnia, or when its authorization expires.

However, the war risk insurance program is essential to the safety and security needs of our Nation. No airline will provide air service if its planes are not insured. Commercial insurance policies contain a provision stating that aircraft will not be covered if the aircraft flies into a war zone.

The war risk insurance program provides insurance for commercial airlines to provide flights to high-risk areas. These flights are usually requested by our government agencies for services such as ferrying troops and supplies. With this insurance, commercial airlines are willing to take on these dangerous missions. Without this insurance, a key piece of our national security program is missing.

The program is due to expire in March of this year. It is essential that we authorize this program to protect our Nation in times of need. This program has covered thousands and thousands of flights into war zones, and it is very, very necessary.

In addition, Madam Speaker, we have a technical provision that has been added to this bill at the request of our friend, the gentleman from North Carolina (Mr. JONES). This technical correction corrects deficiencies in the Centennial of Flight Commemoration Act. This act was passed last Congress to establish a commission to assist in the commemoration of the centennial of powered flight and the achievements of the Wright Brothers. The added provision simply clarifies certain provisions of the bill, such as conflicts of interest, appointment of members, and defines certain nonprimary purposes of the commission.

Due to the nature of this provision and the importance of the war risk insurance program, I strongly support this bill, and urge all my colleagues to do the same.

□ 1100

Mr. LIPINSKI. Madam Speaker, I yield as much time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Madam Speaker, I thank the ranking member for yielding me this time. I also rise in strong support of H.R. 98 to extend the War Risk Insurance Program.

The years when I chaired the Subcommittee on Aviation, and prior to that the Subcommittee on Oversight and Investigations, we held extensive hearings on the subject of war risk insurance and the significance that it played in our national defense effort.

It was clear that those who initiated this unique form of insurance in the early 1950s had a clear vision of what this country needed and how our Nation's air carriers, though small in number comparatively in 1951, could play a significant role in our national defense effort.

Today with a domestic fleet of well over 4,500 commercial aircraft, and probably 1,000 of those or so capable of international service, war risk insurance adds to our national military airlift capability, particularly those aircraft that are outfitted, that are especially adapted for the Civil Reserve Air Fleet Program with internal strengthening that allows those aircraft to carry heavier and more significant payloads of equipment as well as personnel.

What the War Risk Insurance Program has meant for our military operations in far-flown parts of the globe is perhaps best highlighted by Operation Desert Storm in Kuwait and Iraq, when our domestic carriers flew some 5,000 missions into hostile territory.

Without war risk insurance, those carriers would not have undertaken those flights. They would not have provided the service of bringing personnel and equipment faster than we could have done with only the Military Airlift Command of the U.S. military services.

There is another element, though, of this War Risk Insurance Program that is so important. We loaded up U.S. carriers with equipment and especially personnel to fly them into either Saudi Arabia or into Kuwait during the months of Operation Desert Storm. But those aircraft then had to come back empty because they could not fly commercial passengers out of a hostile zone.

Meanwhile, their competitors, other airlines of the Middle East region and European carriers, were flying loads into Europe or into the Middle East and flying passengers back to the United States that our carriers were not able to carry. So our carriers suffered a competitive, in effect, penalty for providing a great national service.

If we did not have war risk insurance, those carriers would not have operated. They would have lost both ways. So I really feel very strongly about continuing this service.

I think there are adjustments that need to be made for the benefit of domestic carriers when they are operating in hostile territory. This is not the bill. This is not the time to do it. But it is something where we need to look longer out into the future and to better serve the interests of U.S. carriers as they serve our national flag in time of national emergency.

Meanwhile, continuation of this program is vital. If we extend it only till March 31 of this year, with continuing hostility in the Persian Gulf, clearly the service of domestic carriers will be needed again.

We cannot allow this program to expire. I think the House should act today. The Senate should act promptly. The President ought to sign the bill into law and allow this program to continue serving the national interest as it has done so well for over 40 years.

Mr. GARY MILLER of California. Madam Speaker, I rise in strong support of H.R. 98, the War Risk Insurance Program Extension;

I wish to express my appreciation for the hard work of Chairman SHUSTER, Ranking Member OBERSTAR, Subcommittee Chairman DUNCAN, and Subcommittee Ranking Member LIPINSKI in crafting this legislation and getting it to the floor in an expeditious manner;

This bill is highly important, especially when U.S. troops are still being deployed to various parts of the world;

Commercial insurance companies usually do not insure commercial airline flights to high risk areas;

To ensure that flights to high risk areas can operate when needed, Chapter 443 of Title 49 of the U.S. Code authorized the Secretary of Transportation to provide insurance and reinsurance to commercial airlines against any risks;

The program has been reauthorized 12 times and is now scheduled to rexpire on March 31, 1999;

This bill is a simple, non-controversial reauthorization for the program through December 2003;

Many members of the U.S. military, both active and reserve, live in California's 41st Congressional District;

When called upon to go overseas, they usually use March Air Reserve Base, located near my district, as a staging point for deployment;

Commercial carriers are sometimes called upon to provide Boeing 747s and other wide bodied jets for such operations;

We saw this clearly happen during Operation Desert Shield and Desert Storm;

Passing the War Risk Insurance Program will allow these high risk flights to operate as needed;

I urge my colleagues to pass H.R. 98 by unanimous consent.

Mr. COSTELLO. Madam Speaker, I am pleased that the authorization of the War Risk Insurance program is one of the first pieces of legislation this Congress will consider. The War Risk Insurance Program is crucial to our aviation transportation system. Just like aircraft insurance is essential to any typical commercial domestic or international carrier, aircraft is also a necessity for flights to high-risk areas. Unfortunately, the private insurance market will often not insure flights to high-risk areas such as to countries at war. As such, in the interest of national security, it is critical the government provide insurance for carriers that must fly to unstable areas.

Since 1975, there have been 5,000 flights covered by the program. During Operation Desert Shield and Desert Storm commercial airlines were needed to ferry troops and equipment to the Middle East. The war risk insurance fund has grown to over $70 million. We must ensure the solvency of this program in times of conflict. I am pleased we are taking swift and appropriate action to authorize this program before it expires on March 31. I urge my colleagues to join me in supporting H.R. 98.

Mr. SHUSTER. Madam Speaker, I have no further requests for time.

Mr. LIPINSKI. Madam Speaker, once again I ask everyone to support this important piece of legislation, and I yield back the balance of my time.

Mr. SHUSTER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 98, as amended.

The question was taken.

Mr. SHUSTER. Madam Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AIRPORT IMPROVEMENT PROGRAM SHORT-TERM EXTENSION ACT OF 1999

Mr. DREIER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 31 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 31

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 99) to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII or section 302(f) or section 303(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Transportation and Infrastructure now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII. Each section of that amendment in the nature of a substitute shall be considered as read. Points of order against the amendment for failure to comply with clause 7 of rule XVI or section 302(f) or section 303(a) of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment: and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER) for 1 hour.

Mr. DREIER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from South Boston, Massachusetts (Mr. MOAKLEY), my very good friend, and say I am very happy to see him here, pending which I yield myself such time as I may consume. During consideration of this resolution, all time that I will be yielding will be for debate purposes only.

Madam Speaker, let me first begin here by commending both the chairman and the ranking minority member of the Committee on Transportation and Infrastructure, as well as the gentleman from Massachusetts (Mr. MOAKLEY), the ranking minority member of the Committee on Rules, for their cooperation in making this first rule of the 106th Congress an open rule that will permit consideration of an important piece of legislation.

Specifically, this resolution makes in order H.R. 99, providing for the temporary extension of Federal Aviation Administration programs under, as I said, an open rule providing for one hour of general debate.

The rule makes in order the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1. The rule also contains several waivers that are necessary for the bill to be considered today.

The waivers of sections 302(f) and 303(a) of the Congressional Budget Act are necessary because Congress did not adopt the fiscal year 1999 budget resolution and, pursuant to House Resolution 5, fiscal year 1999 budget allocations have not been published in the CONGRESSIONAL RECORD.

Also, the waiver of clause 7 of rule XVI is necessary because Title II of the amendment in the nature of a substitute was not part of the introduced bill. Title II is language for the Committee on Ways and Means that allows expenditures from the Aviation Trust Fund.

Finally, the waiver of clause 4(a) of rule XIII is needed because the report on H.R. 99 was not filed by the Committee of Transportation and Infrastructure until yesterday.

Members who preprinted their amendments in the RECORD prior to their consideration will be given priority and recognition. The Chairman of the Committee of the Whole is authorized to postpone votes during consideration of the bill and reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides for one motion to recommit with or without instructions.

Madam Speaker, last year the House passed a very comprehensive FAA reauthorization bill, but there was not enough time to work through a conference with the other body. As a result, the omnibus appropriations bill passed last year contained only a 6-month extension of the FAA's Airport Improvement Program. That short-term extension expires on March 31 of this year.

In order to give the Committee on Transportation and Infrastructure and the full House time to develop a comprehensive FAA reauthorization bill this year, we need to extend the 6-month short-term authorization through the rest of this fiscal year. Without passage of H.R. 99, no new Airport Improvement Program grants can be issued after March 31. AIP grants fund a variety of airport safety and capacity-enhancing projects such as runway extensions, taxiway construction, and noise abatement projects. As more and more people fly every day, it is important to maintain the highest safety standards at our Nation's airports.

I understand that the gentleman from Pennsylvania (Chairman SHUSTER) plans to bring to the House a comprehensive aviation reform bill later this year that will address many very important and complex issues. Those issues may range from whether to increase the number of airport slots at busy airports, to what kind of passenger protection provisions should be included, to how the Aviation Trust Fund should be handled. These complex issues cannot be fully addressed before the current AIP reauthorization expires. Passage of H.R. 99 provides Congress with enough time to produce a comprehensive aviation reform bill.

Therefore, Madam Speaker, I urge my colleagues to pass this very fair, balanced, and open rule and also the bipartisan FAA reauthorization legislation.

Madam Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Madam Speaker, I yield myself such time as I may consume. I thank the gentleman from California (Mr. DREIER), my dear friend, for yielding me the customary half hour.

Madam Speaker, I want to publicly congratulate the gentleman from California (Mr. DREIER), my chairman, my dear friend, for bringing this totally open rule to the floor. May every one of his rules be as open as this, Madam Speaker. It is a great, great start.

Madam Speaker, last year the House passed a bill to improve our airports. Unfortunately, the Senate did not pass a similar bill. If we do not pass this bill, the Federal Aviation Administration will not be able to issue grants after March 31 of this year.

That will mean, Madam Speaker, that the much-needed airport construction that is already under way will have to stop, and the new expansion and improvement of programs will just not get off the ground.

Madam Speaker, according to the Air Transport Association, the United States had 605 million airline passengers in 1997. In 1998 we had about 2 million passengers a day. In the next 10 years, Madam Speaker, that number is expected to increase to 1 billion people flying in and out of our airports each year.

The airline delays in this country's 18,000 airports cost the airline industry about $2.5 billion each and every year. Most of that ends up as ticket costs for consumers.

In 1997 the U.S. airlines placed orders and options for orders for nearly 1,400 new aircraft. That is a lot more planes and a lot more congestion. It is estimated that it will cost about $8 billion a year to pay for our airport development needs caused in part by these new planes.

□ 1115

Madam Speaker, many of our airports are just not equipped to handle the growing crowds. As anyone who has faced a late airplane or an overcrowded airport can tell us, our airports need work. They need a lot of work.

We need to get our airport safety systems up to date. We need to make our airports bigger. We need to update our traffic control systems. This bill will make all that happen.

Madam Speaker, my colleagues tell me that the House will take up the regular FAA improvement bill later this year, but we need to pass this temporary bill today in order to make sure construction proceeds in the interim. Otherwise, Madam Speaker, we will miss the construction season and delay these long overdue improvements even further.

Madam Speaker, there is very little opposition to this bill. It was reported out of committee by a voice vote.

Madam Speaker, I urge my colleagues to support this very, very open rule and the accompanying bill.

Madam Speaker, I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), the very energetic, hardworking and peripatetic chairman of the Committee on the Judiciary who is eager to address this issue.

Mr. HYDE. Madam Speaker, I thank my friend, the powerful chairman of the powerful Committee on Rules, for yielding me this time. I will limit my gratitude until I look up the word "peripatetic." I may or may not amplify that. In any event, it is a pleasure to be here with the gentleman from Massachusetts (Mr. MOAKLEY) who is a longtime friend and a great legislator, and the gentleman from Illinois (Mr. LIPINSKI) who is also a longtime friend and a great legislator.

Madam Speaker, I speak in support of H.R. 99, a bill to extend the authorization for certain Federal Aviation Administration programs for 6 months, through September 30, 1999. However, I want to stress my support for H.R. 99 extends only to the bill as currently drafted.

My concern is that if H.R. 99 passes the House, it might become a vehicle to go to conference on a much broader bill from the other body. If that were to happen, many important aviation issues, including the addition of slots to the four slot-controlled airports, might come back in a conference report without any opportunity for House amendments. I have raised this concern with the Speaker, the majority leader and the majority whip. It is my understanding they will not allow H.R. 99 to become a vehicle for such a broader conference. With that understanding, I am certainly willing to support H.R. 99 so that the FAA's authorization will not expire at the end of March. Let me conclude by saying that I appreciate the cooperation of each of our three leaders in clarifying this matter so this important legislation can move forward.

Mr. MOAKLEY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DREIER. Madam Speaker, I urge support of this rule.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DREIER). Pursuant to House Resolution 31 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 99.

□ 1119

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 99) to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Chairman, I yield myself such time as I may consume. I am pleased to rise in support of this legislation. It is a very simple bill which extends the Airport Improvement Program because it was reauthorized for only 6 months last year. As a result, the FAA's Airport Improvement Program funding is set to expire on March 31. If that were to happen, there would be no funds available for very, very important airport safety and capacity improvement projects, such as runway extensions and taxiway constructions. Already aviation delays cost the industry billions of dollars. In fact, in 1997 delays cost the carriers $2.4 billion which, of course, gets translated into costs that are imposed ultimately upon the traveling public and the aviation passengers. So it is very important that this legislation, this simple extension, be passed.

We indeed do intend to bring to the floor major legislation later in the year. That is not what we have here today. All we have here today is a simple extension. I would point out that the AIP contract authority authorized by this legislation is fully consistent with the CBO baseline for this program as well as the 6-month contract authority established in last year's omnibus appropriations bill. I would strongly urge support for this important legislation.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield myself such time as I may consume. I join the gentleman from Pennsylvania in urging swift passage of H.R. 99, and I want to compliment him for making this the top issue of the committee's agenda in this Congress. He rightly saw at the conclusion of the 105th Congress that, as we dealt so masterfully under his gifted and vigorous leadership with the surface transportation needs of this country, that our next focus had to be the Nation's airways and airports. This simple 6-month extension is, in a sense, a down payment on the committee's commitment at the end of the last session and the beginning of this to address vigorously and in a broad, visionary concept the Nation's aviation requirements.

I compliment the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Illinois (Mr. LIPINSKI) for the leadership and vigor they have put forth in bringing this bill to the floor and on the preparation that has gone into the subsequent legislation that we will consider. While the number 99 is rather fortuitous, just quite by accident the bill carries the number H.R. 99, it is symbolic, and it is, I think, a wonderful gesture that the very first aviation bill we bring to the floor carries the name of the oldest organization of women aviators, the 99s, formed in the late 1920s.

In bringing this bill to the floor, we in this, I think, very special way pay a tribute to women who have contributed so much to the growth of aviation and development of aviation in this country and perhaps suggest to the commercial airlines of the United States that they make as much room in the flight deck for women as general aviation has made room for women in that sector. Perhaps with this bill we can use the encouragement of the committee to advance the cause of careers for women in aviation.

At the close of the last session, it was a disappointment to our committee that we were not able to reach an agreement with the other body on a long-term reauthorization of the Airport Improvement Program and all other aspects of aviation. We had hoped to reach an agreement, but numerous obstacles, including the one cited by the gentleman from Illinois (Mr. HYDE) just moments ago during consideration of the rule proved to be problems. So we bring to the House floor a very simple 6-month extension. But, as I said, it is a downpayment. It ensures, and I urge the other body to act quickly on this legislation, it ensures that after March 31 with signature of this bill into law, the funding for the FAA airport improvement grant program will be able to continue, that the investment plans of the Nation's airports will carry forward. I know the gentleman from Pennsylvania, the gentleman from Illinois and I share this concern representing northern tier States. If we do not provide for the continued funding of the AIP program, surely contracts will be slowed down, airport projects in northern tier States will be slowed down. We cannot afford that. We have a very limited construction season. We need these projects to move ahead as quickly as possible. That is why this legislation is so vitally important.

Furthermore, I think we have to look at the broader picture of aviation and the significant impact of aviation on our national economy. It represents a $600 billion sector of our $7 trillion domestic economy. That is about 8 percent of our domestic economy that is driven directly by aviation. We can get multiples if we took secondary impacts. There are 1.5 million jobs just in the United States alone with a $100 billion payroll. But worldwide, the impact of air transport is in the range of $1.5 trillion. That is growing at a rate of 6 and 7 percent a year in international trade and passengers and cargo. Those economic gains, though, will be slowed down and the potential of aviation economic contribution to the domestic and international economy will be slowed down if we do not have the vision to pass this legislation and the broader bill that the gentleman from Pennsylvania and the committee will bring to the floor in the next few months.

Congestion and weather are the two biggest enemies of efficient air travel. Weather is a factor in over half of the congestion cases that we experience in the course of a year. But inadequate infrastructure is the other contributing factor. Often these two issues converge. If we take an airport like Newark that has only a 950-foot separation between its two main runways, in worst weather conditions they can operate only one runway. If they had full separation of the required minimum mile between the two runways, even in the worst weather conditions they could operate both runways to the maximum possible permitted by their combination of air traffic control equipment and the ability to keep runway surfaces clear in snow and other conditions, icy conditions. But with runways that close together, they have to shut down one of them in worst weather conditions.

There are many other airports across this country that face the same problem. As we extend runways and widen the separation between runways, build more hard air side capacity, we increase the ability of our airports to serve the needs of airlines and air travelers.

In 1987, a year in which I chaired the oversight committee and held hearings on aviation capacity, the FAA estimated to our committee that there were 21 airports with delays of 20,000 hours a year and more. By 10 years later, within a decade, there were 27 such airports with 20 to 50,000 hours of delay a year. What does that mean to the airlines and to air travelers? Well, Delta Airlines cited traffic inefficiencies costing that carrier $360 million a year.

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It adds up to several billions of dollars of cost to the airlines and to air travelers when they cannot reach their destinations in time or they get there and the gates are crowded, the aircraft cannot park at the gate. We have to respond to that situation.

The National Civil Aviation Review Commission found that, quote, although 19 out of 20 of the busiest airports in the world are in the United States, this Nation can no longer claim that it has the world's most modern air traffic control system.

The second aspect of aviation is the technology to increase capacity and make carrier movements more efficient. This legislation continues funding of the air traffic control technology side of aviation to improve capacity at the Nation's airports.

The hard fact is, though, that we are not meeting the on-the-ground requirements of runway extension, runway addition, taxiways and gate capacity at our Nation's airports.

According to GAO, even with the AIP funds included in this bill we are falling short of the airport capacity capital requirements of this country by as much as $3 billion a year. That is why we need to pass this bill now, give ourselves a little time to craft larger, broader legislation that will deal over the next decade with the capacity requirements of our Nation's airports and air travelers.

Madam Chairman, I reserve the balance of my time.

Mr. SHUSTER. Madam Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN), the distinguished chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Madam Chairman, first I want to thank the gentleman from Pennsylvania (Mr. SHUSTER), the chairman, for yielding me this time.

Madam Chairman, last year, as has been pointed out by some of the previous speakers, a comprehensive FAA reauthorization package, H.R. 4057, passed the House and a companion bill was passed in the Senate.

Unfortunately, conference negotiations broke down and only a short-term six-month extension for the airport improvement program was passed as part of the omnibus appropriations bill.

This bill, H.R. 99, would extend the FAA's airport improvement program and fund the FAA's operations and facilities equipment programs through the end of fiscal year 1999. The gentleman from California (Mr. DREIER) has already explained the great importance of these programs, especially at a time of such rapid growth in both commercial passenger traffic and air cargo traffic.

Last year, we carried for the first time in history with not a single fatality, a single commercial air fatality, 615 million passengers. This year, that figure is scheduled to go up to 660 million and, as the gentleman from Massachusetts (Mr. MOAKLEY) pointed out, to over a billion at some point in the very near future, certainly within the next decade.

With the passage of this bill, $10.3 billion for the FAA's program would be authorized for 1999. Also at the request of the House Committee on Ways and Means, we have added a provision to extend the general expenditure authority for the Airport and Airway Trust Fund. We are also planning to introduce a long-term comprehensive reauthorization bill, as the gentleman from Pennsylvania (Mr. SHUSTER) has pointed out, in conjunction with our attempt to take the trust fund off budget in H.R. 111.

In the comprehensive bill, we will attempt to take care of many of the requests we receive each year from Members concerning airport and aviation needs. However, since AIP funding will expire as of March 31st, it is very important to pass H.R. 99 to extend this funding at least through the end of year, and I urge all of my colleagues to support this bill.

Mr. OBERSTAR. Madam Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI), the ranking member on the Subcommittee on Aviation.

Mr. LIPINKSI. Madam Chairman, I thank the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), for yielding this time to me.

Madam Chairman, first of all, I want to say that I am sure that this year will be very interesting, very exciting and very productive for aviation in this Nation. I am sure behind the leadership of the chairman, the gentleman from Pennsylvania (Mr. SHUSTER), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Tennessee (Mr. DUNCAN), that we will solve all the problems of aviation in this Nation and probably solve a few of them that extend beyond our boundaries.

Getting down to the specific legislation, which I rise in strong support of, H.R. 99, the AIP program is vital to airports of all sizes throughout the Nation. The AIP program provides grants to fund needed safety, security, capacity, in noise projects. Without H.R. 99, important airport projects will be disrupted and delayed.

For example, Midway Airport, which is located in my Congressional district, and which I consider to be the number one airport in all of Chicagoland, is beginning a multiyear, $722 million terminal development program, $138 million of which will be provided by the FAA's AIP program.

If the AIP program expires, Midway Airport will have to rely on other sources such as the PFC and rates and charges to fund the current phase of the terminal project which, more than likely, will increase costs for the future users of the terminal. In addition, the City of Chicago's Department of Aviation relies on the AIP program to fund noise mitigation projects. If the AIP program expires, schools around both O'Hare Airport and Midway Airport will have to wait another full year for badly needed sound insulation.

H.R. 99 is also needed to ensure that the AIP program receives the full $1.95 billion provided by the Omnibus Appropriation Act for fiscal year 1999. The omnibus bill provided $1.95 billion for the AIP program for fiscal year 1999. However, it also limited the amount of the AIP program that could actually be spent before March 31, 1999, to $975 million. The AIP program will be entitled to the full appropriated amount of $1.95 billion only if H.R. 99 is passed and the AIP program is authorized through the end of the fiscal year.

With the capital needs of airports estimated to be about $10 billion per year, we cannot afford to cut funding for the AIP program in half. If we do not pass H.R. 99, we will, in effect, cut funding for the AIP program in half for fiscal 1999.

Consequently, once again I rise in strong support along with the chairman, the gentleman from Pennsylvania (Mr. SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Tennessee (Mr. DUNCAN) on behalf of H.R. 99.

Mr. SHUSTER. Madam Chairman, I insert for the RECORD the correspondence between the House Committee on Ways and Means and the House Committee on Transportation and Infrastructure regarding title II of the bill:

COMMITTEE ON WAYS AND MEANS,
Washington, DC, January 28, 1999.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation and Infrastructure, Washington, DC.

DEAR BUD: I understand that on Thursday, January 6, 1999, the Committee on Transportation and Infrastructure approved H.R. 99, a bill providing for a 6-month extension of Federal Aviation Administration programs.

As you know, the Trust Fund Code includes specific provisions within the jurisdiction of the Committee on Ways and Means which govern trust fund expenditure authority and which limit purposes for which trust fund moneys may be spent. Statutorily, the Committee on Ways and Means generally has limited expenditures by cross-referencing provisions of authorizing legislation. Currently, the Trust Fund Code provisions allow expenditures from the Airport and Airway Trust Fund before October 1, 1998. Similarly, the Trust Fund Code approves all expenditures from the Airport and Airway trust fund permitted under previously enacted authorization Acts, most recently the Federal Aviation Reauthorization Act of 1996, as in effect on the date of enactment of the 1996 Act.

I now understand that you are seeking to have H.R. 99 considered by the House as early as the first week in February. In addition, I have been informed that your Committee will seek a Manager's or Committee amendment to the bill which will include language I am supplying (attached) to address the necessary trust fund provisions. The amendment would extend until October 1, 1999, the general expenditure authority for the Airport and Airway Trust Fund, would update the expenditure purposes of the Trust Fund, and would provide that, generally, expenditures from the Airport and Airway Trust Fund may occur only as provided in the Internal Revenue Code.

Based on this understanding, and in order to expedite consideration of this legislation, it will not be necessary for the Committee on Ways and Means to markup this legislation. This is being done with the further understanding that the Committee will be treated without prejudice as to its jurisdictional prerogatives on such or similar provisions in the future, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee on Ways and Means in the future.

Finally, I would appreciate your response to this letter, confirming this understanding with respect to H.R. 99, and would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration of the bill on the Floor. Thank you for your cooperation and assistance on this matter. With best personal regards.

Sincerely,

BILL ARCHER,
Chairman.

Enclosure.

TITLE II—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 201. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1998" and inserting "October 1, 1999", and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: "or the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 or the Airport Improvement Program Short-Term Extension Act of 1999".

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

"(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section.".

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, February 1, 1999.
Hon. BILL ARCHER,
Chairman, House Committee on Ways and Means, Washington, DC.

DEAR BILL, Thank you for your recent letter regarding the bill, H.R. 99, providing for an extension of programs of the Federal Aviation Administration through the end of Fiscal Year 1999. You are correct that we are drafting a Manager's amendment for the House Floor debate. I appreciate your willingness to have us include in this amendment the necessary changes to the Trust Fund Code which governs trust fund expenditure authority. The amendment would extend until October 1, 1999, the general expenditure authority for the Airport and Airway Trust Fund, would update the expenditure purposes of the Trust Fund, and would provide that, generally, expenditures from the Airport and Airway Trust Fund may occur only as provided in the Internal Revenue Code. Attached is the amendment we plan to offer on the House Floor.

To accelerate the consideration of H.R. 99 on the House Floor, I appreciate your willingness to forego marking up this legislation in the Ways and Means Committee. Of course, I understand that your action under these circumstances should not affect the Ways and Means Committee's jurisdictional prerogatives on this or similar provisions in the future.

As you requested, I will be including a copy of your letter, and my reply in the RECORD during consideration of the bill on the Floor. Thank you for your cooperation on this matter.

With warm regards, I remain
Sincerely,
BUD SHUSTER,
Chairman.

AMENDMENT TO H.R. 99, AS REPORTED,
OFFERED BY MR. SHUSTER OF PENNSYLVANIA

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport Improvement Program Short-Term Extension Act of 1999".

TITLE I—EXTENSION OF FEDERAL AVIATION ADMINISTRATION PROGRAMS

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking "$1,205,000,000" and all that follows through the period at the end and inserting the following: "$2,410,000,000 for fiscal years ending before October 1, 1999.".

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "March 31, 1999" and inserting "September 30, 1999".

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

Section 48101(a) of title 49, United States Code, is amended by adding at the end the following:

"(3) $2,131,000,000 for fiscal year 1999.".

SEC. 103. FAA OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—Section 106(k) of title 49, United States Code, is amended by striking "$5,158,000,000" and all that follows through the period at the end and inserting the following: "$5,632,000,000 for fiscal year 1999.".

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—Section 48104(c) of such title is amended—

(1) in the subsection heading by striking "FISCAL YEARS 1994–1998" and inserting "FISCAL YEARS 1994–2000"; and

(2) in the matter preceding paragraph (1) by striking "through 1998" and inserting "through 2000".

(c) LIMITATION ON OBLIGATING OR EXPENDING AMOUNTS.—Section 48108(c) of such title is amended by striking "1998" and inserting "2000".

SEC. 104. AIP DISCRETIONARY FUND.

Section 47115 of title 49, United States Code, is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

TITLE II—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 201. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1998" and inserting "October 1, 1999", and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: "or the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 or the Airport Improvement Program Short-Term Extension Act of 1999".

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

"(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section.".

Mr. SHUSTER. Madam Chairman, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. EHLERS), a member of the committee.

Mr. EHLERS. Madam Chairman, this bill is absolutely essential. The first portion, to extend the AIP program, is extremely important to local airports which are in the midst of planning and construction cycles. Since the current authorization expires in less than 60 days, if we do not pass this bill, these airports will be at a loss as to what to do and how to proceed. Airports have received only half of their normal grant money for this year, and if we do not pass this bill, they will not receive the remainder. Furthermore, since airport construction projects are unique and long-term, this shortfall will create serious problems for airport planners who have to schedule these projects in phases.

Beyond that, this bill gives us time to begin a larger debate about making sure that America's airport infrastructure and aviation systems are the best in the world. At this point, although I believe they are very good, they are slipping compared to the rest of the world. The debate about airport funding, safety, security and the aviation industry as a whole needs to start with this legislation.

Let me speak about one area in particular that I am acquainted with, and that is acquiring computers and planning the software and hardware for the new air traffic control system. In a very interesting study several years ago, then-Senator Cohen, who is currently Secretary of Defense, came to the startling realization that the present procurement policies for the Federal Government absolutely guarantee that every computer the Federal Government will buy is obsolete at the time it is purchased.

Now how is this possible? Because in the time it takes to go through the specifications procedure, the actual procurement and purchase procedure and follow all the required Federal guidelines, roughly two years will have elapsed—more likely three years. As everyone knows, according to Moore's law, computer speed doubles every 18 months, and it is generally acknowledged that after three years computers have lost their usefulness in the industrial realm. Although people may continue to use them longer, they are no longer optimizing their investment, and if it takes us three years to decide which computer to buy and then buy it, we are always buying obsolete computers.

We have tried to correct that in the case of the FAA a few years back by giving them more leeway in the procurement process, but it is still not enough. What FAA has done to try to get around this is to keep changing the specifications as they go along to ensure that they will have up-to-date computers and will have the advanced software needed to manage the new air traffic control system, the so-called free-flight system. It is not working very well, it is not working very efficiently, and I do not blame the FAA for this; I blame the requirements that are imposed on this agency, being subject to the requirements that all Federal agencies have to meet.

But we are struggling here with a situation where this is a rapidly evolving field, the airlines are progressing very rapidly, the air traffic control system must evolve as rapidly, and we must develop the best hardware and the best software to handle the complex air traffic control system of the future. We cannot do that under the current authorization, and I hope when we complete the extension of reauthorizing the FAA in this bill, that then we will have a good bill ready that will allow us to address all these handicaps, that will allow us to develop an air traffic control system and an FAA that is second to none in the world, that will indeed match the performance of our airlines and will match the performance that we expect from any agency that is regulating various industries. Then we will be a help and not a hindrance to the airline industry.

Once again I want everyone to understand clearly I am not castigating the current FAA administrator. She is doing a marvelous job. I am not castigating her staff. I am simply saying that we have to change the rules of the game and give them the flexibility they need. We made a great step a few years ago. We have to go further, and I hope, as we rewrite this bill, we will be able to do that.

Mr. OBERSTAR. Madam Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from the State of my birth, Minnesota.

Mr. OBERSTAR. Madam Chairman, the gentleman is making a very important statement, and I hope that Members are paying careful attention to the observations of the gentleman from Michigan (Mr. EHLERS) about the complexities of contracting in the FAA for the requirements of our air traffic control system.

It is an issue that our former colleague, Mr. Clinger, the gentleman from Pennsylvania, and I worked on for many years, and with the gentleman's help, bringing his able scientific physics background to bear on this issue of keeping ahead of the technology, and impeded as we were, as the FAA is, by ancient contracting rules that were devised during the Civil War era for buying mules for the U.S. Army, still in place for acquiring air traffic control computer equipment. As the gentleman has observed, we need to simplify that process. Let us bend every effort as we proceed.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. EHLERS) has expired.

Mr. OBERSTAR. Madam Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. EHLERS).

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We will do this as we proceed with the broader authorization bill to make every effort to address that issue and to help the FAA complete its task of modernization of the air traffic control system. I thank the gentleman for raising this very important subject.

Mr. EHLERS. Madam Chairman, reclaiming my time, I thank the gentleman, and would agree that computers change much more rapidly than mules. We must make sure that we have a top-flight system in operation.

Mr. OBERSTAR. Madam Chairman, I yield five minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Madam Chairman, I want to thank the ranking member for yielding me this time. I am not a member of the committee, but I have been long supportive of the work of the Republican and Democratic leaders of the Committee on Transportation and Infrastructure in assuring a sound transportation infrastructure for our Nation. It is vital, not only to our Nation's present quality of life, but to the quality of life for our children.

I rise today in support of H.R. 99, but I would like to spend my moments here, if I might, talking about aircraft noise.

Aircraft engines make a lot of noise. They are loud, droning, and, in some cases, unbearable to be near. People living in major metropolitan areas where there are often several airports nearby have to live with this oppressive aircraft noise. It has an extremely negative impact on the quality of their lives and on their health.

In an attempt to address this problem, the Airport Noise and Capacity Act of 1990 was enacted. This law requires jet aircraft to be equipped with newer technology, quieter Stage 3 engines by December 31, 1999. It ends the operation of the older, noisier, Stage 2 and Stage 1 aircraft engines.

As a result of that law, major commercial airliners have already phased out most of their Stage 2 and Stage 1 aircraft. But, unfortunately, the law exempted aircraft weighing less than 75,000 pounds.

Planes weighing less than 75,000 pounds are typically general aviation aircraft. However, even though these general aviation aircraft are smaller than commercial airliners, in most cases they are louder than commercial airliners, because most of them are still equipped with the Stage 2 or Stage 1 engines.

Therefore, air noise problems in our most densely populated areas in the United States will not go away unless we have an across-the-board elimination of Stage 2 and Stage 1 aircraft engines, including engines of all general aviation aircraft.

Let me give you an example. At Teterboro Airport, in New Jersey, in my district, Teterboro Airport has roughly 15 percent of the aircraft using Teterboro with the Stage 1 or Stage 2 aircraft, only 15 percent, but that 15 percent of Stage 1 and Stage 2 aircraft account for 90 percent, 90 percent, of all the aircraft noise violations at the airport.

So, the solution: I am introducing the Aircraft Noise Reduction Act of 1999, which will close this loophole and prohibit the operation of all older, louder, Stage 1 and Stage 2 aircraft engines in the 20 largest metropolitan areas with the worst air-noise problems.

In heavy aircraft traffic areas, like New York-Northern New Jersey-Long Island, Los Angeles, Chicago, Washington, San Francisco, Philadelphia, Boston, Detroit, Dallas, Houston, Miami, Seattle, Cleveland, Minneapolis, Phoenix, San Diego, St. Louis, Pittsburgh and Denver, the residents surrounding these airports are being continuously pounded with aircraft noise and they are demanding action. They need relief from aircraft noise now, and we must give them that relief now.

This legislation achieves a balance, the need for the aircraft noise relief for these residents living in our Nation's most congested areas, with the legitimate economic needs of small aircraft operators who need to land in smaller airports away from our Nation's largest cities.

I am hopeful that the leaders of the Committee on Transportation and Infrastructure and the Subcommittee on Aviation will work with me to see that this legislation is included in the FAA's reauthorization bill.

I hope my colleagues will work with me to help provide aircraft noise relief, not only to my constituents, but to the millions of Americans all across this country who presently suffer from aircraft noise.

Mr. SHUSTER. Madam Chairman, I am pleased to yield one minute to the distinguished gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Madam Chairman, I thank the gentleman for yielding me time.

Madam Chairman, I rise in strong support of H.R. 99, the FAA Short Term Extension Act. I wish to congratulate the full committee chairman, the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, the Subcommittee on Aviation chairman, the gentleman from Tennessee (Chairman DUNCAN) and the ranking member of the Subcommittee on Aviation, the gentleman from Illinois (Mr. LIPINSKI) in drafting this together on a bipartisan basis.

This bill is extremely important to Ontario International Airport, located in my district. H.R. 99 reauthorizes funding for the Airport Improvement Program through September 31, 1999, and makes several minor changes to FAA programs. Specifically, the measure authorizes $2.3 billion for the Airport Improvement Program and $7.8 billion for FAA operations, facilities and equipment.

The bill includes funding for airport improvements, air traffic control facilities and equipment, and the salaries and expenses of operating the FAA.

Finally, H.R. 99 includes funds for new radars, computers and navigation equipment that are needed to modernize the air traffic control system and ensure that air travel remains safe.

I ask my colleagues to pass this bill with their strong support.

Mr. OBERSTAR. Madam Chairman, I yield two minutes to the gentlewoman from Florida (Ms. BROWN), a very valuable member of our committee.

Ms. BROWN of Florida. Madam Chairman, as a member of the Subcommittee on Aviation, I rise today to urge my colleagues to support this bill and to work with us to make this, what we are calling on the committee, the year of aviation. Last year was one of the safest years in American aviation history and I think that this administration, as well as this Congress, should be commended for taking part in this.

We have a lot of work to do this year, not only to maintain our safety record, but also in preparing our aviation system for the challenges of the 21st Century.

In my home state of Florida, aviation is a key part of our economy, which is heavily based on trade and tourism. In the next decade, Miami will handle 35 million passengers, Orlando 30 million, and Jacksonville will continue to be a key intermodal location for aviation, rail and shipping traffic. The grants and programs' authorized in this bill, including the airport improvement programs, are critical for the health and safety of aviation in this country.

In addition to supporting this extension, I also support using aviation trust fund dollars for aviation purposes, and I look forward to making this the year of aviation.

Mr. SHUSTER. Madam Chairman, I am pleased to yield two minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Chairman, I thank the gentleman for yielding me time.

Madam Chairman, I rise to commend the Members of the Committee on Transportation and Infrastructure, especially the gentleman from Pennsylvania (Chairman SHUSTER), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the subcommittee chair, the gentleman from Tennessee (Chairman DUNCAN), and the ranking subcommittee member, the gentleman from Illinois (Mr. LIPINSKI), and to express my appreciation and support for H.R. 99.

My appreciation is enhanced, especially because there are no controversial provisions in this bill to add flights to our Nation's high density airports. There are no provisions to change the perimeter rule at Reagan National Airport. This legislation merely extends funding for the programs under the auspices of the Federal Aviation Administration, including the Airport Improvement Program.

In the Washington area, air service is extremely competitive. Consumers have a choice between three fine airports, and no one airline dominates air service in Washington, as is the case in many major cities.

This high level of competition exists in large part because of the slot and perimeter rules that are in effect at Reagan National Airport. Because of the slot and perimeter rules, the Washington area enjoys twice as many daily flights available from domestic destinations and a wider competitive choice than almost any other area in the country.

Changes in these rules would destroy the environmental and economic balance that exists among Reagan National Airport, Washington Dulles, and Baltimore-Washington International Airport.

The vote and perimeter rules were part of the good faith agreement among Federal, local and airport officials which promoted passage of the 1986 legislation that transferred control of National and Dulles from the FAA to a local authority, MWAA. The provisions have the effect of abating noise, and any changes would have a negative impact on the airport's neighbors in Maryland and Virginia.

Madam Chairman, the slot and perimeter rules are essential to the balance of service to the greater Metropolitan Washington region. I am grateful that H.R. 99 does not make any change to these essential flight limitations.

I urge a yes vote on this important legislation.

Mr. OBERSTAR. Madam Chairman, I yield three minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Madam Chairman, I rise today in reluctant support of the measure before us today. While I support the goal of the legislation and compliment the gentleman from Pennsylvania (Chairman SHUSTER) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for their good work in moving expeditiously on this important authorization extension, I fear this measure will undergo substantial and dangerous changes in the other body or during conference.

Madam Chairman, I object to efforts to increase takeoff off and landing slots at existing high density airports, such as La Guardia in my district. As such, I strongly oppose any efforts to add language that would accomplish this goal.

As my colleagues may know, it is an open secret that legislation to increase takeoffs and landings at the Nation's four high density airports will likely be accepted in any conference on the FAA short term extension.

I would strongly encourage the chairman and ranking member not to go outside of the normal legislative process by adding in conference any legislation or proposals that would increase takeoffs and landings at the four high density airports. This is an issue which deserves to be considered separately on its own merits in a full and open debate.

Madam Chairman, increased competition in the airline industry, reduction of fares and expansion of the market to allow small, low fare airlines to compete with larger carriers are all worthy goals that deserve to be fully reviewed. And while I am not opposed to taking steps to increase competition in the airline industry, I cannot support efforts which would do so at the expense of the quality of life of my constituents and others who live and work near high density airports.

My Queens constituency, flanked to the north by La Guardia Airport and to the south by JFK International Airport, live under the most heavily-utilized section of air space in the world. How can this Congress in all good conscience mandate substantial increases in this already heavily burdened area?

Madam Chairman, while my constituents are primarily concerned about the excessive aircraft noise and associated ground traffic at La Guardia that they must deal with each and every day, morning, noon and night, they are also concerned about their safety and that of the traveling public. And in light of a number of near collisions at La Guardia Airport within the past year, it would seem that those concerns are not unwarranted.

Madam Chairman, for Congress to act at this time to mandate the allocation of even more slots at La Guardia and other high density airports would be, I believe, unconscionable. At the very least, the committee should have a full and thorough debate on this issue prior to acting on legislation to increase takeoffs and landings at these airports.

□ 1200

Mr. OBERSTAR. Madam Chairman, I yield myself 30 seconds to acknowledge the concern of the gentleman from New York and our colleague from Illinois who addressed this matter previously during consideration of the rule.

We confronted this issue of slots in the 105th Congress, and we have had extensive discussion about this subject matter, and it is far more complex than appears on its face. The gentleman is right to express his concern that this issue should not be addressed in the context of this short-term extension. I would be vigorously opposed to any attempt to address the matter in the context of this bill, and I hope the gentleman will support the legislation with that understanding.

Certainly the issue of slots at the slot-controlled airports deserves far more extensive consideration than could possibly be given in the context of a short-term extension bill, and I know that the chairman shares that concern. We are not about to let this legislation be sidetracked by an issue of this magnitude, and I urge the gentleman to support our legislation.

Mr. MORAN of Virginia. Madam Chairman, I rise in support of legislation extending Federal Aviation Administration programs an additional six months.

I thank the Chairman and the ranking member for taking quick action to ensure that Federal Aviation Administration programs, and the Airport Improvement Program in particular, will not expire at the end of next month.

I regret, however, that even with enactment of this legislation, two airports that are entitled to receive more than $20 million in Airport Improvement Program grants will still be unable to receive these funds.

In fact, more than $200 million in critical construction projects for National and Dulles Airports, funded in part with passenger facility charges (PFCs), are being held hostage pending resolution of the Aviation Competition Act.

At the center of this debate are the rights of one local authority pitted against some members of Congress who want to direct the operations of Ronald Reagan Washington National Airport.

I was prepared to offer an amendment to release these funds and grant approval of the passenger facility charges, but recognize the desire of the Chairman and Ranking member to pass a "clean" FAA reauthorization bill.

I appreciate the Chairman's willingness to listen to the concerns of the members from this region.

I urge the Chairman and Ranking Member to keep the bill "clean" in conference.

I am deeply concerned about provisions in the Senate bill that take us a step back and bring controversy and invite opposition to this important legislation.

I am, of course, referring to provisions about to be considered by the Senate Commerce Committee that would increase the number of flights to the four slot controlled airports.

In the case of National Airport, the Senate legislation would add an additional 24 slots to this congested airport and lift the perimeter rule permitting half of these slots to fly beyond the current 1250 mile perimeter restriction.

Madam Chairman a change in the perimeter rule would result in a cut back in locations presently served by National within the perimeter and adversely affect the development of the Washington region's three commercial airports.

According to studies based on Washington air travel market data produced by the Washington Airports Task Force, every city with flights to National that generates revenues of less than $20 million would be vulnerable to service reductions.

Over time, short-range service at National would be displaced and the number of transcontinental flights operating out of Dulles would decline.

As those transcontinental flights decline, Dulles would cease to become an attractive destination for international service.

The growth and development plans overseen by Congress and the substantial investment made at both National and Dulles by the taxpayers, the Federal Aviation Administration (FAA) and the aviation community would become substantially devalued.

Madam Chairman, not a day goes by that someone's quality of life is not adversely affected by the constant drum of airplanes taking off and landing at National airport.

For their sake, we should not change the rules they have begrudgingly come to accept.

The balance that has now been struck between the transportation and economic needs of air travelers and the region's environmental concerns was crucial to community acceptance of the redevelopment of National, now nearing completion.

While these communities understand that National is here to stay, they should not be asked to endure additional noise when no compelling public need is served or could be addressed in other ways without altering the slot and perimeter rules.

Congress agreed in 1986 to cede control of National Airport to a regional authority who would have "full power and dominion over, and complete discretion in, operation and development of the Airports."

In return, Virginia, the District of Columbia, and Maryland agreed to accept operational control of the airports and raise the money necessary to modernize National and Dulles airports.

Madam Chairman, the two states, the District and the regions' residents have upheld their part of the bargain.

It is time for Congress to honor its part.

Mr. COSTELLO. Madam Chairman, I rise in strong support of H.R. 99, the short-term extension of the Federal Aviation Administration. It is critical that we move forward with this bill quickly to ensure that the airport improvement program will continue to receive funding and grants to airports will be honored. In this, the Year of Aviation, we have much to consider and much to accomplish to make our skies even safer and air traffic more efficient and accessible. This short-term reauthorization will give this House and the Senate adequate time to more fully consider longer-term aviation authorization and competition issues. I urge my colleagues to support this important legislation.

Mr. SMITH of Washington. Madam Chairman, I would like to take some time to talk about some of my concerns regarding H.R. 99, the FAA reauthorization legislation. I recognize that this bill funds some very important and critical programs, including operation and maintenance of the air traffic control system, safety inspections, and other Federal Aviation Administration (FAA) activities. It does an adequate job ensuring that our airports and airways are safe and efficient.

Madam Chairman, I've had personal experience with the FAA and the Airport Improvement Program (AIP) as a community activist, a state Senator, and now as a Member of Congress. In fact, I grew up about a mile from the Seattle/Tacoma International Airport (SeaTac), so I know how people are affected by airports first hand.

The Port of Seattle has been attempting to expand SeaTac for more than nine years. Over those years, I've had several problems with the way the Port and the FAA have dealt with this proposed expansion project. I feel they have severely underestimated the environmental impacts the new runway would have on local communities, including the potential financial costs of implementation. They have also failed to adequately evaluate other potential problems, including increased traffic that would arise from construction and the increased noise expansion would have on local schools and neighborhoods. Overall, I strongly believe the FAA and the Port have shown a disregard for the concerns of the local citizens who will have to bear the brunt of the negative results of this proposed expansion.

Considering my experience with this program, I believe there are three things that could have been included in the legislation that would have made it better for those that live and work around our countries' airports. First, I have concerns over the current executive branch dealing with pollution from aircraft. The principle agency in the federal government that deals with environmental impact is the Environmental Protection Agency (EPA); however, when it comes to pollution resulting from aircraft it is the FAA. This wasn't always the case. Previously, the Office of Noise Abatement and Control in the EPA was responsible for coordinating federal noise abatement activities, updating and developing new noise standards, and promoting research and education on the impacts of noise pollution. This office was eliminated in 1982. I believed the FAA has a strong disincentive for effectively handling aircraft pollution because their main function is to expand and promote aviation. On the other hand, the EPA is in a much better position to fairly analyze pollution from aircraft and thus effectively implement policy to deal with these impacts, because its chief objective is to protect people against dangerous environmental problems. I feel the bill should have transferred these powers from the FAA to EPA in order to properly study and better protect citizens in my district and others from aviation pollution.

Second, I would like to have seen the bill set aside more funds to directly compensate the public for the damage that it will have on their lives. A study has determined that the impact that the proposed 3rd runway would have on my constituents is around $4 billion, but the plan by the Port includes only $50 million in mitigation costs. This is clearly unfair. The citizens of communities surrounding the airport would have to bear the brunt of mitigating the environmental problems surrounding the proposed project, despite having very little input and decision making authority. I feel that the bill could have authorized more money for the use of directly compensating individuals impacted by new construction for areas like my district.

Third, I'm very concerned about the lack of congressional and local input in the decision making authority for approving FAA discretionary grants for new airport construction. While I understand the meaning of a discretionary program is that the federal agency has the discretion in determining whether to appropriate the funds, I believe the current system so substantially displaces legislative input that it trumps the spirit of the separation of powers of our three branches of government, which is a critical part of our representative democracy. The Port of Seattle and the FAA negotiated a Record of Decision in July of 1997, despite serious objections from myself and my constituents. Our system is designed to have Members of Congress represent the concerns and interests of their home districts and thus executive decisions that impact a certain group of people should only be done with the consideration of the opinions of the Member who represents those people. I do not feel that my concerns have adequately been taken into consideration during this process, and I feel this is wrong.

Overall, I feel that the concerns of local citizens and thus Members of Congress who represent them are not sufficiently taken into consideration under the AIP, and will continue to advocate for changes to this program in the future. Therefore, I urge my colleagues to oppose this legislation.

Mr. SHUSTER. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 shall be considered by sections as an original bill for the purpose of amendment. Pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport Improvement Program Short-Term Extension Act of 1999".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 101.

The text of section 101 is as follows:

TITLE I—EXTENSION OF FEDERAL AVIATION ADMINISTRATION PROGRAMS

SEC. 101. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking "$1,205,000,000" and all that follows through the period at the end and inserting the following: "$2,410,000,000 for fiscal years ending before October 1, 1999.".

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "March 31, 1999" and inserting "September 30, 1999".

The CHAIRMAN. Are there any amendments to section 101?

If not, the Clerk will designate section 102.

The text of section 102 is as follows:

SEC. 102. AIRWAY FACILITIES IMPROVEMENT PROGRAM.

Section 48101(a) of title 49, United States Code, is amended by adding at the end the following:

"(3) $2,131,000,000 for fiscal year 1999.".

The CHAIRMAN. Are there any amendments to section 102?

If not, the Clerk will designate section 103.

The text of section 103 is as follows:

SEC. 103. FAA OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—Section 106(k) of title 49, United States Code, is amended by striking "$5,158,000,000" and all that follows through the period at the end and inserting the following: "$5,632,000,000 for fiscal year 1999.".

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—Section 48104(c) of such title is amended—

(1) in the subsection heading by striking "FISCAL YEARS 1994–1998" and inserting "FISCAL YEARS 1994–2000"; and

(2) in the matter preceding paragraph (1) by striking "through 1998" and inserting "through 2000".

(c) LIMITATIONS ON OBLIGATING OR EXPENDING AMOUNTS.—Section 48108(c) of such title is amended by striking "1998" and inserting "2000".

The CHAIRMAN. Are there any amendments to section 103?

If not, the Clerk will designate section 104.

The text of section 104 is as follows:

SEC. 104. AIP DISCRETIONARY FUND.

Section 47115 of title 49, United States Code, is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

The CHAIRMAN. Are there any amendments to section 104?

If not, the Clerk will designate section 201.

The text of section 201 is as follows:

TITLE II—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

SEC. 201. EXTENSION OF EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1998" and inserting "October 1, 1999", and

(2) by inserting before the semicolon at the end of subparagraph (A) the following: "or the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 or the Airport Improvement Program Short-Term Extension Act of 1999".

(b) LIMITATION ON EXPENDITURE AUTHORITY.—Section 9502 of such Code is amended by adding at the end the following new subsection:

"(f) LIMITATION ON TRANSFERS TO TRUST FUND.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no amount may be appropriated or credited to the Airport and Airway Trust Fund on and after the date of any expenditure from the Airport and Airway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) EXCEPTION FOR PRIOR OBLIGATIONS.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 1999, in accordance with the provisions of this section.".

The CHAIRMAN. Are there any amendments to section 201?

If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mrs. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 99) to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes, pursuant to House Resolution 31, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This vote will be followed by two 5-minute votes.

The vote was taken by electronic device, and there were—yeas 408, nays 3, not voting 22, as follows:

[Roll No. 9]

YEAS—408

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett

Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeMint
Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (TX)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Obey
Paul
Smith (WA)

NOT VOTING—22

Cooksey
Delahunt
DeLay
Deutsch
Dicks
Dingell
Goodling
Graham
Granger
Hall (OH)
Kasich
Lantos
Largent
Livingston
Maloney (NY)
Martinez
Rogan
Rush
Skeen
Smith (NJ)
Spence
Wilson

☐ 1223

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GOODLING. Mr. Speaker, regrettably I was unavoidably detained for rollcall vote 9. Had I been present, I would have voted "yes."

Mr. GRAHAM. Mr. Speaker, had I been present for the vote on H.R. 99, the Federal Aviation Administration Short-Term Extension, I would have voted "aye."

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 98 and H.R. 99.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

EXTENDING AVIATION WAR RISK INSURANCE PROGRAM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 98, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 98, as amended, on which the yeas and nays are ordered.

This will be a five-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 1, not voting 25, as follows:

[Roll No. 10]

YEAS—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeMint
Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)

McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—25

Bryant
Cooksey
Delahunt
DeLay
Deutsch
Dicks
Dingell
Farr
Graham
Granger
Hall (OH)
Jones (OH)
Kasich
Lantos
Livingston
Myrick
Norwood
Pease
Pitts
Rogan
Rush
Skeen
Smith (NJ)
Spence
Sweeney

□ 1233

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program and to amend the Centennial of Flight Commemoration Act to make technical and other corrections.".

A motion to reconsider was laid on the table.

JOURNAL

The Speaker pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 383, noes 18, answered "present" 1, not voting 31, as follows:

[Roll No. 11]

AYES—383

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeMint
Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—18

Crane
Filner
Gibbons
Hefley
Hilliard
Kucinich
LoBiondo
McDermott
Moran (KS)
Oberstar
Olver
Pickett
Ramstad
Sabo
Schaffer
Taylor (MS)
Waters
Weller

ANSWERED "PRESENT"—1

Carson

NOT VOTING—31

Ackerman
Blunt
Burton
Conyers
Cooksey
Delahunt
DeLay
Deutsch
Dicks
Dingell
Ewing
Farr
Frank (MA)
Gejdenson
Gonzalez
Graham
Granger
Gutierrez
Hall (TX)
Kasich
Lewis (CA)
Livingston
Owens
Pickering
Pitts
Radanovich
Rogan
Rush
Skeen
Smith (NJ)
Spence

□ 1241

Mr. LoBIONDO changed his vote from "aye" to "no."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker. I was unavoidably absent from the Chamber on February 3, 1999, during rollcall vote Nos. 9, 10, and 11. Had I been present, I would have voted "yea" on rollcall vote No. 9, "yea" on rollcall vote No. 10, and "aye" on rollcall vote No. 11.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 393

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that any reference to the gentleman from Colorado (Mr. MCINNIS) as a cosponsor of H.R. 393, a bill to amend the Uranium Mill Tailings Radiation Control Act of 1978, to provide for the remediation of the Atlas uranium milling site near Moab, Utah, be deleted from the RECORD. His name was inadvertently included, and he has requested it be removed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. EHLERS. Mr. Speaker, unfortunately, I was detained the last 2 days by a violent abdominal illness and was not able to attend the session yesterday.

Had I been present, I would have voted in the affirmative on H.R. 68 and H.R. 432, rollcalls 7 and 8.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 1999.

Hon. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to advise you that due to my recent appointment to the House International Relations Committee, I regretfully relinquish my membership on the House Science Committee.

Please take appropriate action to effect this change.

Sincerely,

BARBARA LEE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1245

INTRODUCTION OF GIVE FANS A CHANCE LEGISLATION

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, during the 25 years that I have been privileged to work with communities across the country to help make them more livable, nothing has captured the imagination of the ordinary citizen more strongly than suggesting that our communities no longer be held hostage to the whims of billionaire sports team owners. The fact today is that a few dozen of America's richest people can decide for any reason at all that they are not making enough money, or they think they could make more money, or that they do not like the color of the stadium, or that perhaps they could squeeze more from the fans where they are by offering up the possibility that their team will be relocated somewhere else, perhaps to a town that some other owner has abandoned.

The bidding war with threats, implied or explicit, for taxpayers and fans to cough up millions more in subsidies to a franchise is a fact of life for fans in more than half of America's metropolitan areas. It has been a sad spectacle that started in the 1950s when the profitable Brooklyn Dodgers and their compatriots, the New York Giants, both baseball teams, left for greener pastures in California. This has triggered a parade of franchise relocation, many times not because of a lack of fan support or financial support but simply because the owners felt they could get a better deal elsewhere. Witness the recent sad situation of the long-suffering fans in Cleveland, Ohio, who have been in that icebox of a stadium year in and year out to capacity and now the Browns are gone.

The sad fact is that the Federal Government aids and abets this relocation process. It grants an antitrust broadcast exemption that makes franchises worth hundreds of millions of dollars and makes the leagues possible and extraordinarily profitable. The NFL alone in the most recent round of contract negotiations netted $17.5 billion.

Still there is no stability for the American fan, and they continue to pay more for tickets, more for parking, more for taxes, more for seat licenses, more for concessions that make it less affordable, less comfortable for the community and ever more lucrative for the few who profit.

It does not have to be this way. I have introduced the Give Fans a Chance Act which would require that leagues follow their stated rules on relocation and consider the community impact, actually involve the community in the decisionmaking process.

My legislation would give local communities the opportunity, after this analysis takes place, to actually match a bid for a franchise that might otherwise be relocated. And, most important, it would not allow these professional sports leagues to have artificial restraints on who can own a team.

The NFL, for example, has decreed there will be no more Green Bay Packers style community ownership. One has got to be a billionaire. Green Bay, Wisconsin, one thirty-fourth the size of Los Angeles, has one of the most successful franchises in professional sports, and it is owned by 1,950 shareholders. Little Green Bay, Wisconsin, does not have to worry that when they invest millions of dollars in their facilities, that somehow an owner is going to decide to relocate elsewhere, and it has made a profound difference in that community.

The NFL and others argue that Green Bay is an aberration, a special case, that it cannot be replicated anywhere else, that people in other communities are not smart enough to figure this out. I disagree. I do not think Green Bay, as unique as that community is, is an aberration and a special case, and I think we ought to at least give other fans the same chance.

I strongly urge my colleagues to support the Give Fans a Chance legislation. I strongly urge long-suffering sports fans to lend their voice. If the American people are heard, truly we will give the sports fans a chance.

DECENNIAL CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I rise today to address the issue of the upcoming decennial census which is just 13 months away. A year from next month, the forms will be going into the mail, tens of millions of them, all across America to count everyone. We need to do the best job we can, without politics, to get everyone counted.

Sadly, this administration has proposed a historic change. Because for every census since Thomas Jefferson in 1790, we have attempted to count everyone, but this administration has wanted to use polling techniques in order to say, "We don't need to count everyone. Let me just guesstimate at the numbers."

Fortunately last week the Supreme Court finally said, "No, you've got to count." The actual enumeration as stated in the Constitution is the law of the land. We need to count everyone for purposes of apportionment.

Sadly, this administration does not want to listen to the courts. They have got this idea now that they want to have a two-number census. What they are proposing is, we will have a set of numbers provided that the Supreme Court says are the legal numbers, and then the Clinton Administration wants to adjust these numbers and have a Clinton set of numbers. And so for every city and county in this great country we are going to have two sets of numbers, a Supreme Court set of numbers and the Clinton numbers.

We have enough cynicism and doubts in this country, and we need to have trust in our government. We do not need to create the confusion of two sets of numbers. The Census Bureau and the professionals at least in the past have argued against two sets of numbers. Hopefully they will stand by their principles and say two sets of numbers are wrong, because we can only have one set of numbers. It is what is required by law and that is what the Supreme Court has ruled.

To do the census is difficult work. It is hard work. It costs a lot of money. Because we only do it once every 10 years, we need to concentrate all of our efforts into doing the best census possible. Because if we try to do two censuses, we are going to have two failed censuses, and that is wrong for America.

Can my colleagues just imagine every community having the choice of two numbers? This is a lawyer's dream. In fact, Justice Scalia at the oral arguments of the Supreme Court last November said, "Are we going to be creating a whole new area of census law?" That is exactly what could happen with a two-number census.

What we need to do, as I proposed last week to the Conference of Mayors, is a proposal to put all the resources we can and all the actions that this Congress can provide to get the best census possible. Everybody should be counted. I have proposed a series of provisions, from increasing the amount of paid advertising from $100 million to $400 million, from the idea that we will need another 100,000 more enumerators to get the job done right.

Yes, we are proposing to increase the spending on the census in order to get the best census possible that is trusted by the American people. Why not use AmeriCorps? I have doubts that we need AmeriCorps, but a Republican advocating using AmeriCorps for the census I think is rather significant.

Something else that we are proposing is something called the post-census local review. I think almost every mayor and county commissioner in this country will support this. It was used in the 1990 census. What it is is that after the Census Bureau gets their numbers, they are sent back to the local communities to evaluate, to in effect conduct an audit and to see if there is something missing. If there is, they can raise the issue with the Census Bureau and then the Census Bureau will adjust the numbers if those challenges and questions are correctly adjusted.

Why not, to build trust in our census, allow communities a chance to review the numbers before they become official? What are the Census Bureau and the administration afraid of, trusting our local officials like we did in 1990 to have a chance to review it before it becomes official?

I also propose that we work together with the gentlewoman from Florida (Mrs. MEEK) on legislation to make it available, for example, that welfare workers or retired officers have the right without losing their benefits to work temporarily for the Census Bureau. We want to get local people involved in the Census.

I have held hearings of the Subcommittee on Census in Miami, and most recently in Phoenix where we met with American Indians, getting the input and ideas of how do we address the issue. What we have found out over and over is we need local people involved in the process. We need local advertising that targets the local community as best we can.

We can conduct a good census and get the best census ever. But if we are going to play games with this administration and say we are going to have two censuses, which is illegal, we are going to waste our efforts and have two failed censuses. Let us work together and get the best census possible.

WHITHER THE BUDGET SURPLUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, earlier today I spoke on this floor in reference to the many, many promises the President made in his State of the Union speech and in the days just before and just after that speech. As Senator Everett Dirksen said many years ago, "A billion here and a billion there and pretty soon it adds up to some real money." It is probably the easiest thing in the world to spend other people's money.

It is also one of the easiest things in the world to promise government money for everything to everybody. Yet as the National Taxpayers Union pointed out after the State of the Union speech, the promises contained therein would require $288.4 billion in increased spending in the first year alone. The next week, last week, Newsweek magazine published a chart showing that all these new promises would, if enacted, cause a $2.3 trillion shortfall over the next 15 years.

On election day of 1994 when control of the Congress changed parties, the stock market, the Dow Jones average, was at 3800. It has now reached as high as 9600. One of the main reasons our economy has been so strong over these last 4 or 4½ years has been that we finally started bringing Federal spending under control. We are even, temporarily at least, having some surpluses.

But let me point out how big a change this is. A few months after President Clinton took office, Alice Rivlin, his Director of the Office of Management and Budget, put out a shocking memo. She said that if we did not make major changes in spending, we would have yearly deficits of over $1 trillion a year by the year 2010 and between $4 and $5 trillion a year by the year 2030.

If we had allowed that to happen, our entire economy would have crashed. No one would have been able to buy a car or a home. Our children of today would have seen their standard of living not even probably 5 or 10 percent of what it is when they are in the prime of their lives, if we had sat around and let the ridiculous and wasteful Federal spending that was going on continue.

□ 1300

Sometimes it is far more compassionate to not spend money and instead leave more money with the families of America to spend on their children as they see fit. Today taxes and government spending are at all-time highs. There is a misimpression by some that government spending has been cut in recent years. Really all we have done is slow down the great increases that were going on.

When I first came to the Congress, every department or agency was routinely receiving 12 and 15 and 18, even 20 percent increases in spending each year. Everyone knew that we could not continue spending at that rate, everyone knew that that would lead very soon to a major crash of our economy, and so we were able to get things under a little better control and decrease or cut these increases in spending down to about 3 percent a year, something that we have been able to live with.

But today the average person, the average family, spends about 40 percent of his or her income in taxes and at least another 10 percent in government regulatory costs. A Member of the other body, Senator FRED THOMPSON from my State of Tennessee, ran some ads a couple of years ago which were so true. He said today one spouse works to support the government while the other spouse works to support the family. This is why we are talking about tax cuts.

But if we allow all these promises and programs that have been made in recent weeks to be enacted, we will get back into trouble so quick it will make your head swim. We will get back just where we were a few years ago. We will not see these surpluses that are predicted for the years ahead. To enact bills that allow, as Newsweek said, a shortfall of $2.3 trillion over the next 15 years would just be unconscionable.

And I want to place in the RECORD at this point a column on the State of the

Union speech written by nationally syndicated columnist Charley Reese, which I think sums up far better than I have the situation that we will get back into if we are not careful:

[From the Orlando Sentinel, Jan. 28, 1999]

DON'T BUY INTO LIES ON TOP OF LIES ABOUT A NONEXISTENT SURPLUS

(By Charley Reese)

The first thing to keep in mind when evaluating Bill Clinton's laundry list of promises, made in his state of the Union speech, is that Mr. Clinton is a proven liar.

As any misled wife can tell you, the practical problem in dealing with a liar is deciding when, if ever, he is telling the truth and when he is lying. Lying is far more serious than liars would have you believe.

Two main lies underlie his speech.

One is the lie that Social Security needs saving. Well, only from politicians. The current tax brings in more than enough money to keep the Social Security Trust Fund solvent, but Congress and presidents use the surplus to offset deficits in other places in order to promulgate the second lie—that the budget has a surplus.

Both Republicans and Democrats are coconspirators in this con job.

So, starting with two lies, Clinton then proceeds to spend a nonexistent surplus stretching 15 years into the future. Even if this year's surplus were real, there is no way to predict that the surpluses will continue for 15 years into the future. That is pure fantasy.

Clinton's promising this and promising that, all financed by a nonexistent future surplus, is a perfect example of demagoguery. Furthermore, everything Clinton proposed, except spending more on defense (again with the mythical surplus money), is unconstitutional.

Yes, I know that nobody pays any attention to the Constitution except lawyers trying to get around the democratic process. But, nevertheless, if you will just read the document, you will notice that nowhere is the federal government authorized to get involved in local land planning, health care (long- or short-term), child care, urban sprawl, education or discouraging kids from smoking tobacco. (God knows they've done a poor job of discouraging them from smoking dope).

It's dismaying that more people can't see through this thinly disguised con game Washington politicians are playing. They do polls. They find out what folks are worrying about. They promise to fix it. They pretend they can fix it, despite a deplorable record of failure ($5 trillion and the feds lost the War on Poverty; $40 billion and they lost the war on drugs). They pretend they can do it at no cost. This year, they will all be spending the mythical surpluses, which, like psychics, they know will come in the future.

All this amounts to is blatant vote-buying, as corrupt as if they were standing outside the voting booths, stuffing $20 bills into people's pockets. It amounts to robbing Jane to buy the vote of Betsy.

Why should one working mother, who pays for her own child care, be taxed to provide free child care to someone else?

The low-life, unprincipled politicians have turned government in America largely into a racket, and it appears that many Americans have become so corrupt themselves that they don't care as long as they get a piece of the booty.

Well, from the point of view of a paid observer, watching a society collapse is probably more interesting than watching one that is running smoothly, but nevertheless I don't recommend it.

I don't know of any greater civic sin a people can commit then taking this great country, created and preserved at such a great price in blood, sweat and tears, and tossing it away just because Americans have become too damned lazy, timid, greedy and irresponsible to preserve it for posterity.

Despite what you hear, the state of this union isn't very good.

ACCOUNTABILITY IN HELPING STUDENTS MEET HIGH ACADEMIC STANDARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, as we have heard from all of our colleagues, from the President of the United States and from governors across this land, education is the top issue on the public agenda and accountability is the order of the day. Parents and taxpayers want quality schools that show results in helping students meet high academic standards. The President says that he wants us to have world class standards so that students in the United States can compete in a world economy with the students and citizens of any Nation in the world, and I think that that is important.

The Federal Government over the past three decades has spent some $118 billion in funding the Title I education programs, with rather mixed and variable results, and now we are looking to invest many billions more over the next five years. In fact, we will invest something in the neighborhood of $40 billion over the next five years in Title I, a program that is designed to help in the main educationally and economically disadvantaged children. But what is it we are getting for that investment, and how can we ensure that we will in fact get a better return on that investment of $40 billion than we received on the first $118 billion that we invested?

We have been told by the Republican leadership of the House and, I believe, also in the Senate that the expansion of the so-called Ed-Flex bill will be one of the first items of their agenda in meeting some of the educational needs of this country. Currently there are 12 States that receive broad authority to waive many of the Federal laws and regulations with respect to the Elementary and Secondary Education Act.

My question is, I want to know, for the granting of that waiver for the additional flexibility to let school districts use this money in their best judgment for their best purposes, what is it they are telling us they are prepared to do on behalf of America's students and on behalf of the families that are so terribly concerned about the education of their children?

They tell us that States are being held accountable under Ed-Flex for their actions and that they have put in place a procedure of accountability, and yet when we look at the GAO report that has recently been issued on Ed-Flex, we find out that that is not necessarily the case. We find out, according to GAO, that many Ed-Flex States, these 12 States that have been granted this authority, have not established any goals or defined only vague objectives.

One State's plan, in exchange for flexibility in Federal dollars, says that they have a commitment to the identification and implementation of programs that will create an environment in which students actualize their academic potential. For that we are handing them millions of dollars, so that they can create an environment and the implementation of programs so that students will actualize their academic potential. No suggestion of how we would measure that or whether we know that is true.

Yet we find a State like Texas which has said not only will they set out specific numerical criteria that are closely tied to both schools and districts and the specific students affected by the waiver; the Governor of Texas has said what he will do and what the State legislature of Texas has agreed to do and the Department of Education, in exchange for the flexibility under Ed-Flex from rules and regulations of the Federal Government, that he expects that the districts that receive the waivers under this act, that they will make annual gains on the State tests so that 90 percent, 90 percent of his students will pass the State assessment in reading and math.

In addition, the Governor of Texas goes even further than that. He says that the districts must make gains so that at the end of that same five-year period 90 percent of the African American students will pass the State exam, 90 percent of the Hispanic students, 90 percent of the white students and 90 percent of the economically disadvantaged students. For that we have granted them a waiver and access to millions of dollars of Federal moneys for education.

I am asking Members of Congress and the administration, which plan would you rather invest in? Would you rather invest in a plan that gives you numerical goals and standards and achievement for our students in this country, or would you rather invest in a plan that gives you rhetoric about some ephemeral goal that may or may not be achieved and no timetables and no standards as to how they will achieve that?

If we are going to be the venture capitalists in improving education in this country with the limited Federal dollars that we have, that in this one program will provide over $40 billion, I think like any venture capitalist we ought to ask what is the return we are getting on that money, because there are a lot of uses for that $40 billion and every Member of Congress has a different priority.

But we ought to be asking, what are we going to get back? The Governor of Texas has told us what we will get back is a 90 percent passage rate at the end of five years on a high-quality State test that will test their ability to perform in both reading and mathematics. In the other 12 States it is something in between. A lot of it is rhetoric, a lot of it is no goals and no accountability.

The President stood here in the State of the Union and said that he wanted accountability, the parents wanted accountability, and clearly Members of Congress do. When the Ed-Flex bill comes to the floor, we should demand that it have provisions for accountability. We ought to at least demand something as rigorous as the Governor of Texas and the State legislature were prepared to put on the line in the name of education reform.

REPUBLICAN AGENDA FOR THIS YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to talk a little bit about the Republican agenda for this year, and that agenda is called Best Schools and Military and Agriculture, and "BEST" in this case stands for balancing the budget, "E" is for education, "S" is for saving Social Security, "T" is for lowering taxes and, of course, having the best military and agriculture.

We want to balance the budget, but first we believe that Social Security, that part of the surplus needs to be firewalled and protected, not masked in with the rest of the general operating expenses. We believe Social Security should be a freestanding account. That lowers the amount of the surplus, and then that amount of the surplus should be divided out between lowering down the debt and tax reductions.

Now, Mr. Speaker, think about this: If you have a credit card and each month you run up a big deficit, and one month you do not, does that mean you are excused from all the months of debt that you accumulated? Of course not. You have got to go back and pay the debt. And I do not believe the President is being responsible when he does not mention paying down the debt as part of his agenda. We have got to pay down the $5.4 trillion debt.

In education we believe in local control, we believe in sending the dollars back to the teacher in the classroom, not sending more dollars to the Washington bureaucracy so you can have more Washington bureaucrats telling local school boards how to teach Johnny how to read.

On saving the Social Security: Number 1, firewall it. Make sure that that Social Security surplus is designated for its intended purposes and not used for roads and bridges.

And on tax reductions we believe that the middle class is working too hard to earn their money and that we are wasting too much of it. I believe that it is important for us to have a good government present, I believe we have to fund a lot of essential programs, but what the taxpayers who are working 50 and 60 hours a week resent, and rightfully so, is the duplication and waste in government, and we have got to cut down some of the absurdities in our government.

And on the military, we have to have the strongest Army in the world. America has to be the defender of freedom and democracy around the globe. Unfortunately we did say, okay, let us be the policemen of the world; it is just the way it is.

We need to have a military that has modern equipment, we need to have a military that is ready, and we need to have quality of life for our soldiers. We lose lots and lots of soldiers every year because they can get better jobs at higher pay and they do not have to worry about being deployed all over the globe the way this administration seems to deploy people.

This administration's approach to foreign policy is let us deploy American troops and leave them there permanently. If we are going to commit American troops to an area, let us go for an objective, let us have a time frame, let us have a plan for lasting peace and stability once we leave, but let us leave.

And then finally on agriculture, America needs to have support of an abundant and lasting food supply. We have one of the greatest agricultural economies in the world. America has only spent 11 cents of the dollar that they earn on food and on groceries, and yet we forget the American farmer. We need to have crop insurance reform, we need to look at some of the unfair trade practices of our foreign importers, and we need to do everything we can to unshackle the farmer from some of the unnecessary regulations that they are operating under.

Mr. Speaker, I want to yield the floor to my friend and colleague from Tennessee (Mr. DUNCAN) who wants to talk about the surplus.

Mr. DUNCAN. I thank the gentleman for yielding, and just a few minutes ago, Mr. Speaker, I pointed out that Newsweek magazine said a little over a week ago that if we enacted everything that the President has promised in the last few days, we would have a $2.3 trillion shortfall in the next 15 years and totally really wreck our good economy. But I mentioned a column that I want to include in the RECORD by nationally syndicated columnist Charley Reese, and I want to read a portion of that column at this time.

He said after the State of the Union in his column:

> So, starting with two lies, the President then proceeds to spend a nonexistent surplus stretching 15 years into the future. Even if this year's surplus were real, there is no way to predict that the surpluses will continue for 15 years into the future. That is pure fantasy.
>
> The President's promising this and promising that, all financed by a nonexistent future surplus, is a perfect example of demagoguery. Furthermore, everything he proposed, except spending more on defense, is unconstitutional.
>
> Yes, I know that nobody pays any attention to the Constitution except lawyers trying to get around it,

and so forth.

But he continues in this column, Mr. Reese does. He says:

> It's dismaying that more people can't see through this thinly disguised con game Washington politicians are playing. All this amounts to is blatant vote-buying, as corrupt as if they were standing outside the voting booths, stuffing $20 bills into people's pockets. It amounts to robbing Jane to buy the vote of Betsy.

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I tell you, as I said a minute ago, if we do what the children and what the families of this country need, we will hold back on this and not go into all of this ridiculous and wasteful spending, so that our good economic times can continue. But it will be so easy to end these good times if we fall off and go along with all of these high sounding and wonderful promises that have been made over the last few days.

Mr. KINGSTON. Mr. Speaker, reclaiming my time, I think it is very important for us to remember, Mr. Speaker, that that surplus largely comes from Social Security, and what we want to do is protect Social Security, pay down the debt and then look at tax reduction for the middle class, because there is so much waste and duplication of government.

RULES OF THE COMMITTEE ON BANKING AND FINANCIAL SERVICES FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, pursuant to Rule XI clause 2(a)(2) of the Rules of the House of Representatives of the 106th Congress, I am requesting that the new Rules of the Committee on Banking and Financial Services, which were adopted on January 20, 1999, be printed in their entirety in the CONGRESSIONAL RECORD for today.

RULES OF THE COMMITTEE ON BANKING AND FINANCIAL SERVICES, ONE HUNDRED SIXTH CONGRESS, AS ADOPTED ON JANUARY 20, 1999

RULE I—GENERAL PROVISIONS

1. (a) The rules of the House are the rules of the Committee and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in the Committee and subcommittees and shall be decided without debate. A proposed investigative or oversight report shall be considered as read if it has been available to the Members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee of the Committee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

2. The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending at noon on January 3 of such year.

3. The Committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE II—POWERS AND DUTIES

1. The powers and duties of the Committee are all those such as are enumerated or contained in the Rules of the House and the rulings and precedents of the House or the Committee.

2. For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee, or any subcommittee thereof, is authorized—

(a) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings; except as provided in Rule XI, clause 2 of the Rules of the House;

(b) To conduct such investigations and studies as it may consider necessary or appropriate, and (subject to the adoption of expense resolutions as required by clause 6 of Rule X of the Rules of the House) to incur expenses (including travel expenses) in connection therewith. The ranking minority Member of the full Committee or the relevant subcommittee shall be notified in advance at such times as any Committee funds are expended for investigations and studies involving international travel; and

(c) To require, by subpoena or otherwise (subject to clause 3(a)), the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, in whatever form, as it deems necessary. The Chairperson of the Committee, or any Member designated by the Chairperson, may administer oaths to any witness.

Subpoenas

3. (a) A subpoena may be authorized and issued by the Committee or a subcommittee under clause 2(c) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the Members voting, a majority being present. The power to authorize and issue subpoenas under clause 2(c) may be delegated to the Chairperson of the Committee pursuant to such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairperson of the Committee or by any Member designated by the Committee.

(b) Compliance with any subpoena issued by the Committee under clause 2(c) may be enforced only as authorized or directed by the House.

Review of continuing programs

4. The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph, a government agency includes the organizational units of government listed in clause 3(d)(3)(A) of Rule XIII of the Rules of the House.

5. The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

Budget Act reports

6. The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget—

(a) the Committee's views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(b) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within the Committee's jurisdiction which it intends to be effective during that fiscal year.

7. As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate Committee or Committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 or section 602 (in the case of fiscal years 1991 through 1995) of the Congressional Budget Act of 1974.

8. Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget in accordance with the Congressional Budget Act of 1974.

Oversight report

9. Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform, in accordance with the provisions of clause 2(d) of Rule X of the Rules of the House. The Chairperson shall consult with the ranking minority Member on the formulation of the oversight plan, and the Committee may not meet to adopt the plan unless a copy of the plan has been provided to all Members not less than two days in advance of the Committee meeting.

RULE III—MEETINGS

Regular meetings

1. Regular meetings of the Committee shall be held on the first Tuesday of each month while the Congress is in session, and the Chairperson shall provide to each Member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect. Notwithstanding the preceding sentence, when the Chairperson believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other timely business to be transacted at a regular meeting, then no Committee meeting shall be held on that day. In such instances, the Chairperson shall not issue the notice of the regular meeting to the Members and the failure to receive such notice shall be treated by the Members as a cancellation of the regular meeting.

Additional and special meetings

2. (a) The Chairperson may call and convene, as the Chairperson considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the chair.

(b) No bill or joint resolution shall be considered by the Committee unless (i) such measure has been made available to all Members at least two calendar days (three calendar days when the bill or joint resolution has not been ordered reported by the subcommittee of jurisdiction) prior to the meeting, accompanied by a section-by-section analysis of such measure; and (ii) the Chairperson has notified Members of the time and place of the meeting at least two calendar days (three calendar days when the bill or joint resolution has not been ordered reported by the subcommittee of jurisdiction) before the commencement of the meeting. The provisions of this paragraph may be suspended by the Committee by a two-thirds vote or by the Chairperson, with the concurrence of the ranking minority Member of the full Committee.

3. If at least three Members of the Committee desire that a special meeting of the Committee be called by the Chairperson, those Members may file in the offices of the Committee their written request to the Chairperson for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairperson of the filing of the request. If, within three calendar days after the filing of the request, the Chairperson does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the Members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all Members of the Committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

Open meetings

4. (a) Each meeting for the transaction of business, including the markup of legislation, of the Committee or each subcommittee thereof, shall be open to the public including to radio, television and still photography coverage, except when the Committee or subcommittee, in open session and

with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House; provided, however, that no person other than Members of the Committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public.

(b) Each hearing conducted by the Committee or each subcommittee thereof shall be open to the public including to radio, television and still photography coverage except when the Committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would compromise sensitive law enforcement information or would violate any law or rule of the House. Notwithstanding the requirements of the preceding sentence, a majority of those present (there being in attendance the requisite number required under the Rules of the Committee to be present for the purpose of taking testimony—

(1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or would compromise sensitive law enforcement information or violate clause 6(e) of Rule IV; or

(2) may vote to close the hearing, as provided in clause 6 of Rule IV.

No Member may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by a majority vote authorize the Committee or a particular subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this paragraph for closing hearings to the public; provided, however, that the Committee or subcommittee may by the same procedure vote to close on subsequent day of hearings.

Broadcasting of committee meetings

5. Any meeting or hearing of the Committee or a subcommittee that is open to the public shall be open to coverage by television, radio, and still photography, subject to the requirements and limitations of clause 4 of Rule XI of the Rules of the House. The coverage of any meeting or hearing of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the Chairperson of the Committee, the subcommittee Chairperson, or other Member of the Committee presiding at such meeting. The number of television or still cameras shall not be limited to fewer than two representatives from each medium except for legitimate space or safety considerations, in which case pool coverage shall be authorized.

Additional provisions

6. Meetings and hearings of the Committee or subcommittee shall be called to order and presided over by the Chairperson or, in the Chairperson's absence, by the Member designated by the Chairperson as the Vice Chairperson of the Committee or subcommittee, or by the ranking majority Member of the Committee or subcommittee present.

7. No person other than a Member of Congress, Committee staff, or a person from a Member's staff when that Member has an amendment under consideration, may stand in or be seated at the rostrum area of the Committee unless the Chairperson determines otherwise.

RULE IV—HEARING PROCEDURES

1. The Chairperson, in the case of hearings to be conducted by the Committee, and the appropriate subcommittee Chairperson, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter at least one week before the commencement of that hearing. If the Chairperson, with the concurrence of the ranking minority Member, determines there is good cause to begin the hearing sooner, or if the committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairperson shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify all Members of the Committee; the Daily Digest; Chief Clerk; Official Reporters; and the Committee scheduling service of House Information Systems as soon as possible after such announcement is made.

2. (a) Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least 24 hours in advance of his or her appearance, 200 copies of the proposed testimony if the appearance is before the Committee, or 100 copies of the proposed testimony if the appearance is before a subcommittee; provided, however, that this requirement may be modified or waived by the Chairperson of the Committee or appropriate subcommittee, after consultation with the ranking minority Member, when the Chairperson determines it to be in the best interest of the Committee or subcommittee, and furthermore, that this requirement shall not be mandatory if a witness is given less than seven days notice of appearance prior to a hearing.

(b) The Chairperson may require a witness to limit the oral presentation to a summary of the statement.

(c) Each witness in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

3. Upon announcement of a hearing, the clerk and staff director shall cause to be prepared a concise summary of the subject matter (including legislative reports and other materials) under consideration which shall be made available immediately to all Members of the Committee.

Calling and interrogation of witnesses

4. Whenever any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party Members on the Committee shall be entitled, upon request to the Chairperson by a majority of those minority Members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

5. Except when the Committee adopts a motion pursuant to subdivisions (B) and (C) of clause 2(j)(2) of Rule XI of the Rules of the House, Committee Members may question witnesses only when they have been recognized by the Chairperson for that purpose, and only for a 5-minute period until all Members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one Member can be extended only with the unanimous consent of all Members present. The questioning of witnesses in both the full and subcommittee hearings shall be initiated by the Chairperson, followed by the ranking minority party member and all other Members alternating between the majority and minority. In recognizing Members to question witnesses in this fashion, the Chairperson shall take into consideration the ratio of the majority to minority Members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the Members of the majority.

Investigative hearing procedures

6. The following additional rules shall apply to investigative hearings:

(a) The Chairperson, at any investigative hearing, shall announce in an opening statement the subject of the investigation.

(b) A copy of the Committee rules and Rule XI, clause 2 of the Rules of the House shall be made available to each witness.

(c) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(d) The Chairperson may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House for contempt.

(e) Whenever it is asserted that the evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person,

(i) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 4(b) of Rule III, if by a majority of those present, there being in attendance the requisite number required under the Rules of the Committee to be present for the purpose of taking testimony, the Committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(ii) the Committee shall proceed to receive such testimony in open session only if a majority of the Members of the Committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person. In either case the Committee shall afford such person an opportunity voluntarily to appear as a witness; and receive and dispose of requests from such person to subpoena additional witnesses.

(f) Except as provided in paragraph (e), the Chairperson shall receive and the Committee shall dispose of requests to subpoena additional witnesses.

(g) No evidence or testimony taken in executive session may be released or used in public session without the consent of the Committee.

(h) In the discretion of the Committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(i) A witness may obtain a transcript copy of his or her testimony given at a public session, or, if given at an executive session, when authorized by the Committee.

RULE V—REPORTING OF BILLS AND RESOLUTIONS

1. (a) It shall be the duty of the Chairperson of the Committee to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(b) In any event, the report of the Committee on a measure which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the Members of the Committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairperson of the Committee notice of the filing of that request.

2. No measure or recommendation shall be reported from the Committee unless the quorum requirement of clause 1(a) of Rule VI is satisfied.

Committee reports

3. The report of the Committee on a measure which has been approved by the Committee shall include—

(a) a cover page, which must show that supplemental, minority and additional views (if any), the estimate and comparison prepared by the Director of the Congressional Budget Office, and the recommendations of the Committee on Government Reform (whenever submitted), are included in the report;

(b) the amendments adopted by the Committee;

(c) a section-by-section analysis of the bill as reported, whenever possible;

(d) an explanation of the legislation; if the Chairperson decides one is necessary;

(e) with respect to each record vote on a motion to report any measure, and on any amendment offered to the measure, the total number of votes cast for and against, or present not voting and the names of those Members voting for and against, or present not voting;

(f) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the Rules of the House separately set out and clearly identified;

(g) the statement required by section 308(a)(1) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority, new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the program (or programs) to the appropriate levels under current law;

(h) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the Committee;

(i) a summary of the oversight findings and recommendations made by the Committee on Government Reform under clause 4(c)(2) of Rule X of the Rules of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the Committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the Committee's deliberations of the measure;

(j) for a bill or joint resolution of a public character reported by the Committee, a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution;

(k) a statement in accordance with section 5(b) of the Federal Advisory Committee Act;

(l) any supplemental, minority, or additional views, if submitted in accordance with clause 5;

(m) the Ramseyer document required under clause 3 of Rule XIII of the Rules of the House; and

(n) the estimate and comparison of costs incurred in carrying out the bill or resolution, as may be required by clauses 3(d)(2), 3(d)(3), 3(h)(2) and 3(h)(3) of Rule XIII of the Rules of the House.

4. The report of the Committee, when filed with the House, shall be accompanied by three copies of the bill or resolution as introduced and one copy of the bill or resolution as amended.

5. If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental minority, or additional views, that Member shall be entitled to not less than two calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such day) in which to file such views, in writing and signed by that Member, with the clerk of the Committee. All such views so filed by one or more Members of the Committee shall be included within, and shall be part of, the report filed by the Committee with respect to that measure or matter. When time guaranteed by this subparagraph has expired (or if sooner, when all separate views have been received), the Committee may arrange to file its report with the Clerk not later than one hour after the expiration of such time. No report shall be filed until the Chairperson has notified, with opportunity for discussion, the ranking minority Member of the Committee and the Chairperson of the subcommittee from which the legislation emanated or would have emanated. The report of the Committee upon that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(ii) shall bear upon its cover a recital that any such supplemental, minority, or additional views and any material submitted under paragraphs (h) and (i) of clause 3 are included as part of the report.

(b) This clause does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided in paragraph (a); or

(ii) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error or omission in a previous report made by the Committee upon that measure or matter.

(c) After an adjournment of the last regular session of Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a Member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

(d) After an adjournment of the last regular session of a Congress sine die, the Chair of the Committee may file at any time with the Clerk the Committee's activity report for that Congress pursuant to clause 1(d)(1) of Rule XI of the Rules of the House without the approval of the Committee, provided that a copy of the report has been available to each Member of the Committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a Member of the Committee.

Hearing prints

6. If hearings have been held on any such measure or matter so reported, the Committee shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House except as otherwise provided in clause 4 of Rule XIII of the Rules of the House.

RULE VI—QUORUMS

1. (a) A quorum, for the purpose of reporting any bill or resolution, of authorizing a subpoena, or of closing a meeting or hearing pursuant to clause 2(g) of Rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)) shall consist of a majority of the Committee actually present.

(b) a quorum, for the purpose of taking any action other than those specified in clause 1(a) shall consist of one-third of the Members of the Committee.

(c) A quorum, for the purpose of taking testimony and receiving evidence, shall consist of any two Members of the Committee.

Proxies

2. No vote by any Member of the Committee or any of its subcommittees with respect to any measure may be cast by proxy.

RULE VII—SUBCOMMITTEE—JURISDICTION

1. There shall be in the Committee on Banking and Financial Services the following standing subcommittees: Subcommittee on Housing and Community Opportunity; Subcommittee on Financial Institutions and Consumer Credit; Subcommittee on Domestic and International Monetary Policy; Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises; and Subcommittee on General Oversight and Investigations; each of which shall have the jurisdiction and related functions assigned to it by this rule. Subcommittee jurisdictions are as follows:

Subcommittee on Housing and Community Opportunity

(a) The jurisdiction of the Subcommittee on Housing and Community Opportunity extends to and includes:

(i) all matters relating to housing (except programs administered by the Department of Veterans Affairs), including mortgage and loan insurance pursuant to the National Housing Act; rural housing; housing and homeless assistance programs; all activities of the Government National Mortgage Association; private mortgage insurance; housing construction and design and safety standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; housing counseling and technical assistance; regulation of the housing industry (including landlord/tenant relations); real estate lending including regulation of settlement procedures;

(ii) matters relating to community development and community and neighborhood planning, training and research; national urban growth policies; urban/rural research and technologies; and regulation of interstate land sales;

(iii) all matters relating to all government sponsored insurance programs, including those offering protection against crime, fire, flood (and related land use controls), earthquake and other natural hazards; and

(iv) the qualifications for and designation of Empowerment Zones and Enterprise Communities (other than matters relating to tax benefits).

Subcommittee on Financial Institutions and Consumer Credit

(b) The jurisdiction of the Subcommittee on Financial Institutions and Consumer Credit extends to and includes:

(i) all agencies which directly or indirectly exercise supervisory or regulatory authority in connection with, or provide deposit insurance for, financial institutions, and the establishment of interest rate ceilings on deposits;

(ii) all auxiliary matters affecting or arising in connection with the supervisory and regulatory activities of the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System and the Federal Reserve System, the Office of Thrift Supervision, and the National Credit Union Administration, together with those activities and operations of any other agency or department which relate to both domestic or foreign financial institutions;

(iii) with respect to financial institutions and the department and agencies which regulate or supervise them, all activities relating to and arising in connection with the matters of chartering, branching, mergers, acquisitions, consolidations, and conversions;

(iv) with respect to financial institutions and the agencies which regulate them, all activities relating to and arising in connection with the sale or underwriting of insurance and other noninsured instruments by financial institutions and their affiliates other than securities;

(v) all matters relating to consumer credit, including the provision of consumer credit by insurance companies, and further including those matters in the Consumer Credit Protection Act dealing with truth in lending, extortionate credit transactions, restrictions on garnishments, fair credit reporting and the use of credit information by credit bureaus and credit providers, equal credit opportunity, debt collection practices, and electronic funds transfers;

(vi) creditor remedies and debtor defenses, Federal aspects of the Uniform Consumer Credit Code, credit and debit cards and the preemption of State usury laws;

(vii) all matters relating to consumer access to financial services, including the Home Mortgage Disclosure Act and the Community Reinvestment Act;

(viii) the terms and rules of disclosure of financial services, including the advertisement, promotion and pricing of financial services, and availability of government check cashing services;

(ix) issues relating to consumer access to savings accounts and checking accounts in financial institutions, including lifeline banking and other consumer accounts; and

(x) all matters relating to the business of insurance, other than government sponsored insurance programs.

Subcommittee on Domestic and International Monetary Policy

(c) The jurisdiction of the Subcommittee on Domestic and International Monetary Policy extends to and includes:

(i) all matters relating to all multilateral development lending institutions, including activities of the National Advisory Council on International Monetary and Financial Policies as related thereto, and monetary and financial developments as they relate to the activities and objectives of such institutions;

(ii) all matters within the jurisdiction of the Committee relating to international trade, including but not limited to the activities of the Export-Import Bank;

(iii) the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto;

(iv) international investment policies, both as they relate to United States investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States;

(v) all matters relating to financial aid to all sectors and elements within the economy, all matters relating to economic growth and stabilization, and all defense production matters as contained in the Defense Production Act of 1950, as amended, and all related matters thereto;

(vi) all matters relating to domestic monetary policy and agencies which directly or indirectly affect domestic monetary policy, including the effect of such policy and other financial actions on interest rates, the allocation of credit, and the structure and functioning of domestic and foreign financial institutions;

(vii) all matters relating to coins, coinage, currency and medals, including commemorative coins and medals, proof and mint sets and other special coins, the Coinage Act of 1965, gold and silver, including coinage thereof (but not the par value of gold), gold medals, counterfeiting, currency denominations and design, the distribution of coins, and the operations and activities of the Bureau of the Mint and the Bureau of Engraving and Printing; provided, however, that the Subcommittee shall not schedule a hearing on any commemorative medal or commemorative coin legislation unless the legislation is cosponsored by at least two-thirds of the Members of the House and has been recommended by the U.S. Mint's Citizens Commemorative Coin Advisory Committee in the case of a commemorative coin. The Subcommittee shall not report a bill or measure authorizing commemorative coins which does not conform with the mintage restrictions under 31 USC 5112. In considering legislation authorizing Congressional gold medals, the subcommittee shall apply the following standards:

(A) the recipient shall be a natural person;

(B) the recipient shall have performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement;

(C) the recipient shall not have received a medal previously for the same or substantially the same achievement;

(D) the recipient shall be living or, if deceased, shall have been deceased for not less than five years and not more than 25 years; and

(E) the achievements were performed in the recipient's field of endeavor, and represent either a lifetime of continuous superior achievements or a single achievement so significant that the recipient is recognized and acclaimed by others in the same field, as evidenced by the recipient having received the highest honors in the field.

Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises

(d) The jurisdiction of the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises extends to and includes:

(i) all matters relating to depository institution securities activities, including the activities of any affiliates, except for functional regulation under applicable securities laws not involving safety and soundness;

(ii) all matters related to bank capital markets activities;

(iii) all matters related to the activities of financial institutions in financial markets involving futures, forwards, options and other types of derivative instruments;

(iv) all matters relating to secondary market organizations for home mortgages including the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and the Federal Agricultural Mortgage Corporation;

(v) all matters related to the Office of Federal Housing Enterprise Oversight; and

(vi) all matters related to the Federal Housing Finance Board and the supervision and operation of the Federal Home Loan Banks.

Subcommittee on General Oversight and Investigations

(e) The Subcommittee on General Oversight and Investigations shall have the responsibility of reviewing and studying, on a continuing basis:

(i) the application, administration, execution, and effectiveness of the laws within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities which have responsibility for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated;

(ii) any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and present any such recommendations as deemed necessary to the appropriate subcommittee(s) of the Committee;

(iii) forecasting and future oriented research on matters within the jurisdiction of the Committee, and shall study all reports, documents and data pertinent to the jurisdiction of the Committee and make the necessary recommendations or reports thereon to the appropriate subcommittee(s) of the Committee; and

(iv) the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee; provided, however, that the operations of the Subcommittee on General Oversight and Investigations shall in no way limit the responsibility of the other subcommittees of the Committee on Banking and Financial Services from carrying out their oversight duties.

Subcommittees—Referral of legislation

2. Each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee named in this rule referred to or initiated by the full Committee shall on a bimonthly basis be referred by the Chairperson to the subcommittees of appropriate jurisdiction or retained at the full Committee for its consideration unless, by majority vote of the Majority Members of the full Committee, the referral or consideration is to be otherwise. Referral under this clause shall not be effective until each subcommittee Chairperson is notified of the Chairperson's referral decision. A bill, resolution, or other matter referred to a subcommittee in accordance

with this clause may be recalled therefrom at any time for the Committee's direct consideration or for reference to another subcommittee by a majority vote of the Majority Members of the full Committee, or by the Chairperson (unless provided otherwise by a majority vote of the majority Members of the full Committee).

3. In carrying out this rule with respect to any matter, the Chairperson shall designate a subcommittee of primary jurisdiction; but also may refer the matter to one or more additional subcommittees, for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the subcommittee of primary jurisdiction; or may refer portions of the matter to one or more additional subcommittees (reflecting different subjects and jurisdictions) for the consideration only of designated portions; or may refer the matter to a special ad hoc subcommittee appointed by the Chairperson with the approval of the Committee (with members from the subcommittees having jurisdiction) for the specific purpose of considering that matter and reporting to the Committee thereon; or may make such other provisions as may be considered appropriate.

RULE VIII—SUBCOMMITTEES—POWERS AND DUTIES

1. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee Chairpersons shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairperson and other subcommittee Chairpersons and with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

2. Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the Committee, the Chairperson of the subcommittee reporting the bill, resolution, or matter to the full Committee, or any Member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the Committee. It shall be the duty of the Chairperson of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take steps or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

3. No bill or joint resolution approved by a subcommittee shall be considered by the Committee unless such measure, as approved, has been made available to all Members at least two calendar days prior to the meeting, accompanied by a section-by-section analysis of such measure.—The provisions of this paragraph may be suspended by the Committee by a two-thirds vote or by the Chairperson, with the concurrence of the ranking minority Member of the full Committee.

4. All Committee or subcommittee reports printed pursuant to a legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on Banking and Financial Services (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its Members."

5. Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed on the agenda of the Committee as of the time they are reported and shall be considered by the full Committee in the order in which they were reported unless the Chairperson after consultation with the ranking minority Member and appropriate subcommittee Chairperson, otherwise directs; provided, however, that no bill reported by a subcommittee shall be considered by the full Committee unless each Member has been provided with reasonable time prior to the meeting to analyze such bill, together with a comparison with present law and a section-by-section analysis of the proposed change.

6. No bill or joint resolution may be considered by a subcommittee unless such measure has been made available to all Members at least two calendar days prior to the meeting, accompanied by a section-by-section analysis of such measure. The provisions of this paragraph may be waived following consultation with the appropriate ranking minority Member.

7. The Chairperson and ranking minority Member of the Committee shall be *ex officio*, non-voting members of each subcommittee of the Committee.

RULE IX—SUBCOMMITTEES—SIZE AND RATIOS

1. To the extent that the number of subcommittees and their party ratios permit, the size of all subcommittees shall be established so that the majority party Members of the Committee have an equal number of subcommittee assignments; provided, however, that a majority Member may waive his or her right to an equal number of subcommittee assignments on the Committee.

2. The following shall be the sizes and ratios for subcommittees:

(a) Subcommittee on Housing and Community Opportunity: Total 26—Majority 14, Minority 12.

(b) Subcommittee on Financial Institutions and Consumer Credit: Total 28—Majority 15, Minority 13.

(c) Subcommittee on Domestic and International Monetary Policy: Total 26—Majority 14, Minority 12.

(d) Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises: Total 28—Majority 15, Minority 13.

(e) Subcommittee on General Oversight and Investigations: Total 10—Majority 6, Minority 4.

RULE X—BUDGET AND STAFF

1. The Chairperson, in consultation with other Members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigations and other expenses of the Committee and its subcommittees and shall present same to the Committee.

2. (a) Except as provided in paragraph (b), the professional and investigative staff of the Committee shall be appointed, and may be removed, by the Chairperson and shall work under the general supervision and direction of the Chairperson.

(b) All professional and investigative staff provided to the minority party Members of the Committee shall be appointed, and may be removed, by the ranking minority Member of the Committee and shall work under the general supervision and direction of such Member.

3. (a) From funds made available for the appointment of staff, the Chairperson of the Committee shall, pursuant to clause 6(d) of Rule X of the Rules of the House ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the ranking minority Member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

(b) Except as provided in paragraph (c), the Chairperson shall fix the compensation of all professional and investigative staff of the Committee.

(c) The ranking minority Members shall fix the compensation of all professional and investigative staff provided to the minority party Members of the Committee.

4. From the amount provided to the Committee in the primary expense resolution adopted by the House of Representatives, the Chairperson, after consultation with the ranking minority Member, shall designate an amount to be under the direction of the ranking minority Member for the compensation of the minority staff, travel expenses of minority Members and staff, and minority office expenses. All expenses of minority Members and staff shall be paid for out of the amount so set aside.

5. It is intended that the skills and experience of all members of the Committee staff be available to all Members of the Committee.

RULE XI—TRAVEL

1. All travel for any Member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee must be authorized by the Chairperson. Before such authorization is granted, there shall be submitted to the Chairperson in writing the following:

(a) the purpose of the travel;

(b) the dates during which the travel is to occur;

(c) the names of the States or countries to be visited and the length of time to be spent in each; and

(d) the names of Members and staff of the Committee for whom the authorization is sought.

2. In the case of travel outside the United States of Members and staff of the Committee, such Members or staff shall submit a written report to the Chairperson on any such travel including a description of their itinerary, expenses, activities, and pertinent information gained as a result of such travel.

3. Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

RULE XII—RECORDS

1. There shall be kept in writing a record of the proceedings of the Committee and of each subcommittee, including a record of the votes on any question on which a record vote is demanded. The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members absent or present but not voting. A record vote may be demanded by any one Member of the Committee or subcommittee.

2. Access by any Member, officer or employee of the Committee to any information classified under established national security procedures shall be conducted in accordance with clause 13 of Rule XXIV of the Rules of the House.

3. The transcript of any meeting or hearing shall be a substantially verbatim account of

remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

4. All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as Chairperson of the Committee; and such records shall be the property of the House and all Members of the House shall have access thereto.

5. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairperson shall notify the ranking minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of that rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

6. To the maximum extent feasible, the Committee shall make its publications available in electronic form.

KEEPING THE BUDGET BALANCED

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, the Committee on the Budget has been hearing testimony from Jacob Lew, the Office of Management and Budget Director. I think there are some portions of the President's budget that America should be very aware of.

Number one, the budget substantially increases spending and the size of government, and, therefore, the opportunity to control more of our individual lives. The President's budget breaks the budget caps that the budget and this Congress agreed to two years ago this coming spring. In the year ending in 2000, there is a $17 billion expenditure in excess of those discretionary caps that we imposed during the balanced budget resolution.

I am concerned because the discipline of reaching the goal of balancing the budget of the Federal Government and the discipline that that has allowed us, encouraging us individually and collectively to do what was necessary in slowing down the growth of government, has resulted in very strong, good rewards.

We now have a surplus. In 1995, when the majority control changed hands in this body, we were looking at $200 billion deficits every year for the foreseeable future. Last year we had a surplus of about $70 billion. This year we are looking at a surplus that could be $10 billion higher, maybe more.

But, again, we need to remind ourselves that this surplus comes from the extra taxes that workers are paying for Social Security. In other words, we are taking that surplus that is being sent in to support Social Security and using some of that money, some of that surplus, for other spending, but, even so, we still have an overall unified budget surplus.

I think it is interesting that just last week the Congressional Budget Office came out with their economic projections. In their economic projections, they said if we stay with the current caps on spending that we imposed on the balanced budget resolution about two years ago, we would not have to increase the national debt of this country, the debt limit for the national debt of this country.

Let me say that again: Currently the debt that somehow our kids and our grandkids are going to have to pay back, the national debt of this country, is $5.5 trillion. The debt limit, and Congress is responsible to decide how deep we should be going in debt, the current debt limit legislation allows us to go in debt up to $5.95 trillion. I would hope that we do not exceed that. I would hope that we do not obligate our kids and grandkids.

I am also concerned about the President's proposal because it increases taxes $108 billion over five years. Do you remember last year, this side of the aisle, the Republicans, suggested that we have a $10 billion tax cut. There was great anxiety on the part of many, saying that was too much of a tax cut.

But, again, this budget that the President has just sent us increases taxes by $108 billion. I include fee increases as part of that tax increase, because really fees are in effect real taxes. There is $82 billion technically in taxes and $26 billion in fees.

I am concerned that the budget reduces money for research. Look, the rest of the world is gaining on us. They are trying to learn how to produce as efficiently as we are. We have got strong challenges for the future. It means not only should we be frugal in not allowing government to grow, reducing our debt, the overall debt of this country, so interest rates will stay low, so that we can encourage economic development and the strength of our economy, but it also means we have to be on the cutting edge of research. I hope as we move ahead on this budget resolution, we will continue to be frugal in cutting out waste in the Federal Government and also we will be looking at prioritizing existing spending to maximize the chance that we can stay ahead of the rest of the world in terms of productivity and competitiveness and ultimately maintain our standard of living.

NIKITIN TRIAL TO PROCEED IN RUSSIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, I want to acknowledge that the gentleman from Iowa (Mr. GANSKE) is here to begin his hour presentation, I believe, and I want to thank him for his courtesy in allowing me to claim this five minutes. I am sure that he will join with me and the gentleman from Pennsylvania (Mr. WELDON) and others with respect to the very important subject that we wish to devote just a few minutes to today.

Mr. Speaker, surely we can take some time at this particular juncture to devote attention, in this special order, to the difficulties that are now being experienced in what was the former Soviet Union, that is to say, in Russia.

The Supreme Court in a Supreme Court session in Russia is being held on the 4th of February with respect to the Alexander Nikitin case. The case, Mr. Speaker, is important not only to Captain Nikitin and those who are interested in addressing issues of freedom in Russia, but it has profound consequences for all of us on the planet.

Captain Nikitin has been the leading exponent of making clear what is happening with nuclear deterioration with the submarine fleet in the former Soviet Union. The degradation that is taking place in the environment there is something of concern, not only to the Russian people, but to all of us throughout the world. He is now being tried as a result of trying to bring this information forward in a more clear sense than it has been available before.

I want to indicate for those Members and those who may become aware of the special orders today throughout the Nation that they can contact the Bellona Foundation, B-E-L-L-O-N-A, at P.O. Box 11835 in Washington D.C., 20008, and contact the Bellona Foundation if you want to aid and assist Captain Nikitin in Russia, if you want to become more aware of what is taking place with the deterioration of the nuclear submarines in the former Soviet Union.

The Supreme Court is going to hear the appeal, as I indicated, on Thursday, February 4. I expect a verdict will be there the same day.

For those of you who are not familiar with the case and the circumstances, let me give you a little background very quickly. The Council for Criminal Cases in the Supreme Court in Russia takes many former Soviet dissidents back to the times of the KGB. They have a special department there supervised by the KGB. They used to have one responsible for handling crimes against the state.

I want it understood what is being said in Russia today is to express opinions and to discuss information that is otherwise available publicly, in public, in Russia today, is seen as a point of subversion and treason. That is what Captain Nikitin is being tried for.

So what we are asking, Mr. Speaker, is that the Department of State pay particular interest and approach their counterparts in Moscow to indicate that the United States is very, very concerned about this situation, that we are watching it, that they are not going to be able to do this behind closed doors and get away with it. They are not used to public hearings in Russia and they are scared to go public on this.

It is very, very important that Captain Nikitin's case be recognized by our Department of State as something that Members of this Congress are very, very concerned about, and I call on other Members to acquaint themselves with the circumstances.

The gentleman from Pennsylvania (Mr. WELDON) is well aware of it, as I said. He is unable to be with us today to discuss the situation further. But I can assure you, Mr. Speaker, and I assure the other Members, this is not the last time that I will be on this floor, nor that individuals like the gentleman from Pennsylvania (Mr. WELDON) will be here.

Let me conclude by indicating to that on a recent Congressional delegation trip to Russia, the gentleman from Missouri (Mr. SKELTON) as the ranking Democrat on the Committee on Armed Services led a delegation of individuals from the Congress there, and we met with Captain Nikitin.

We can provide you information, Mr. Speaker, on the case in more detail, but we just want to alert you and alert the State Department today that we expect to have this case front and center in the consciences of everyone who is concerned about the environmental degradation taking place in Russia today as a result of the deterioration of the nuclear submarines that are presently being mothballed.

Mr. Speaker, I insert the following for the RECORD:

DR. CARAWAY: As you know the Supreme Court will hear the Nikitin appeal on Thursday. The verdict should be announced the same day. We will see then.

Unfortunately, the hearing will take place behind closed doors, somewhat incomprehensible given that the hearing is not about the secrecy question, but about procedural issues.

Yours,

THOMAS JANDL,
Director, Bellona USA.

NIKITIN SUPREME COURT SESSION BEHIND CLOSED DOORS

The Supreme Court session in the Nikitin case on 4 February will be held behind closed doors. The presiding judge, a member of an officially abolished department within the Supreme Court Council for the Criminal Cases, made the decision in fear that state secrets might be released.

The Nikitin case will be tried by the Council for the Criminal Cases of the Supreme Court. Many former Soviet dissidents associate this particular council with the dark times of KGB rule back in the Soviet past. The Council used to have a special department supervised by the KGB and responsible for the handling of crimes against the state. The special department was officially abolished as the 'wind of democracy' swept across the former Soviet Union, but its membership remained intact.

"The judges in the Council have been sitting there for as long as I can recall," says Yury Schmidt, defender of Aleksandr Nikitin and former Soviet dissident. "They are not used to open hearings, they are scared to go public," adds Schmidt.

The court will not consider the merits of the case, but rather evaluate the legality of the 29 October 1998 St. Petersburg City Court ruling to send the case back for further investigation.

No legal grounds to have closed session.

"The only legal reference they can find to justify the closed door hearings is the fact that the case formally deals with so-called state secrets," says Yury Schmidt. "But the court's task is not to go to the substance of the case, but rather evaluate the legal side of it. What secrets could this constitute," asks Schmidt rhetorically. According to Schmidt, there were quite solid grounds to have the court session behind closed doors in the St. Petersburg City Court as the court was examining the alleged secret material. A substantial part remained open to the public.

"To have the Supreme Court session closed can either be explained by the pressure from the FSB (successor to the KGB) or by the initiative of a KGB-trained judge", says Schmidt.

THE JUDGE'S DECISION

When approached for comments Supreme Court press spokesman Nikolay Gastello said the decision was taken by the presiding judge, Magomed A. Karimov. Gastello could neither comment on the motives of the judge nor say if the judge would change his mind.

"It was not an unexpected decision," says Aleksandr Nikitin, who arrived in Moscow today. "The FSB is there and does whatever it can to win the case."

THE NIKITIN CASE

Aleksandr Nikitin is charged with espionage and disclosure of state secrets while working for the Bellona Foundation. He was arrested by the FSB on 6 February 1996, after writing two chapters of a Bellona report on the risks of radioactive pollution from Russia's Northern Fleet. Jailed for 10 months following his arrest, Nikitin has since been restricted to the city limits of St. Petersburg. His case was then tried in St. Petersburg City Court between October 20 and 29, 1998. The St. Petersburg judge's decision to return the case to further investigation was appealed by both the prosecutor and the defence. Their respective appeals are to be heard in the Supreme Court on 4 February 1999.

Contacts in Moscow: Frederic Hauge and Thomas Nilsen.

Contacts in Oslo: Bellona Main Office.

Contacts in Washington: Thomas Jandl.

More info: http://www.bellona.no/e/russia/nikitin/mailto:info@bellona.no

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COMMUNICATION FROM STAFF MEMBER OF HONORABLE JIM MCCRERY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Sally Asseff, staff member of the Honorable JIM MCCRERY, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 27, 1999.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I received a grand jury subpoena for documents issued by the U.S. District Court for the Western District of Louisiana.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SALLY ASSEFF.

APPOINTMENT OF MEMBERS TO HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 5(b) of Public Law 93–191, the Chair announces the Speaker's appointment of the following Members of the House to the House Commission on Congressional Mailing Standards:

Mr. THOMAS of California, Chairman;
Mr. BOEHNER of Ohio;
Mr. NEY of Ohio;
Mr. HOYER of Maryland;
Mr. CLAY of Missouri; and
Mr. FROST of Texas.

There was no objection.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I want to talk to my colleagues today about managed care reform, an issue that we must take from the drawing board to the signing ceremony this year.

Last year I joined with my friend, the gentleman from Michigan (Mr. DINGELL), and offered the Patients' Bill of Rights as an amendment on the House floor. While I regret that it did not pass, there may have been at least one good thing about that. In the last few weeks, many HMOs have announced double digit premium increases, because, in my opinion they have not done such a great job in cost containment and their premiums have been loss leaders for years. But you can be sure that if the Patients' Bill of Rights had passed last year, they would be blaming us now for their skyrocketing premiums.

□ 1330

And by the way, how many of their CEOs are taking pay cuts from their multimillion dollar salaries as they are raising their premiums this year?

Mr. Speaker, before discussing how I think Congress will deal with this issue this year, it is important to understand why passage of HMO reform legislation is so important. I will bet that every Member of Congress has heard from constituents describing their own HMO horror story.

We have all seen headlines like: "HMO's Cruel Rules Leave Her Dying for the Doc She Needs." Or: "Ex-New Yorker is Told: Get Castrated So We Can Save Dollars." Or how about this headline: "What His Parents Didn't Know About HMOs May Have Killed This Baby."

Consider the 29-year-old cancer patient whose HMO would not pay for his treatments. The HMO case manager told him instead to hold a fund-raiser. A fund-raiser. Well, Mr. Speaker, I certainly hope that campaign finance reform will not stymie this man's efforts to get his cancer treatment.

During congressional hearings two years ago before the Committee on Commerce, we heard testimony from Alan DeMeurers, who lost his wife, Christy, to breast cancer. When a specialist at UCLA recommended that she undergo a bone marrow transplant, her HMO leaned on UCLA to change its medical opinion. Who knows whether Christy would be with her two children today, had her HMO not interfered with her doctor-patient relationship.

Other plans have placed ridiculous burdens on those seeking emergency care. Ask Jacqueline Lee how bad this can be. In the summer of 1996 she was hiking in the Shenandoah mountains when she fell off a 40-foot cliff. She fractured her skull, her arm, her pelvis; she was semicomatose. She was airlifted to the local hospital and treated. Now, my colleagues will not believe this. Her HMO refused to pay for the services because she had failed to get preauthorization.

I want to ask my colleagues, what was she supposed to do, know that she was going to fall off a cliff? Or maybe as she was laying at the base of that 40-foot cliff, semicomatose, with her nonbroken arm she could pull a cellular phone out of her pocket and phone a 1-800 number saying, I need to get to the emergency room?

Colleagues, there are countless other examples. How about the doctor who was treating a drowning victim, a little 6-year-old boy? This physician told me that this little boy had been in the ICU for just a few hours, was hooked up to a ventilator, they were doing everything they could to save his life, but it did not look very promising. As this physician and the little boy's parents were standing around the bedside, just a few hours after admission to the ICU, the phone rings. It is the HMO case manager.

"Well, how is this little boy's condition?" It is pretty critical. "Well, if it is so dismal, have you thought about sending him home on home ventilation?" Think about that. We are fighting to save this little boy's life, and a few hours after admission, the HMO is suggesting, send him home on home ventilation so that we can save a few dollars.

How about the HMOs that refuse to cover cleft lip and cleft palate surgery, saying that these are cosmetic? How about plans that threaten action against doctors who tell their patients about all of their medical options, not just the cheap ones that the plan will provide? How about HMOs manipulating the term "medically necessary" to avoid covering costly procedures?

Because our friends, our neighbors, our fellow workers, or our own families have had these types of experiences, countless polls show that people want Congress to pass managed care reform legislation this year. A recent Kaiser Family Foundation survey found that 78 percent of voters support managed care reform, and a similar percentage support allowing consumers to go to court to sue their health plans if their health plans are guilty of malpractice.

But no public opinion poll can convey the depth of emotion on this issue, except the way movie audiences around the country spontaneously clapped and cheered Helen Hunt's obscenity-laced description of her HMO in the Oscar-winning movie, As Good As It Gets. Audiences across the country responded to her plight because they saw the same things happening to their families, their friends, their fellow workers.

Now, the industry responds, well, these cases that you have talked about, they are all just anecdotes. Well, Mr. Speaker, to paraphrase Shakespeare, "Hath not these anecdotes'" these HMO victims, "Hath not these anecdotes' hands, organs, senses, passions" the same as a HMO apologist? And if you prick these anecdotes, do they not bleed? If you tickle those anecdotes, do they not laugh? And if you cut short their care for profits, might they not die?

Last year I and some others crossed party lines to push for passage of the Patients' Bill of Rights. This is a good bill. It would have done a lot to deal with the end of the constant stream of HMO abuses similar to the ones I have talked about.

It contained, for example, strong language ensuring that health plans pay for emergency care. Think of the plight of James Adams, age 6 months. At 3:30 in the morning his mother, Lamona, found him hot, panting, moaning. His temperature was 104 degrees. Lamona phoned her HMO and was told to take little Jimmy to the Scottish Rite Hospital. Quote: "That is the only hospital I can send you to," said the HMO reviewer. "How do I get there?" Lamona asked. "I don't know," the nurse said. "I'm not good at directions."

Well, about 20 miles into their ride, little Jimmy's parents passed Emory University Hospital, a renowned pediatric center. Then they passed Georgia Baptist and Grady Memorial, but they did not have permission to stop there, and so they drove on. They had 22 more miles to travel to get to Scottish Rite Hospital, and while searching for Scottish Rite, James' heart stopped.

There is a scene in the recent movie, Civil Action, showing a mother and a father in a car on the side of the road administering CPR to their child. Think of little Jimmy Adams when you see that scene.

Well, Lamona eventually got Jimmy to the hospital, but because he had had an arrest, it looked like he was going to die. Jimmy was a tough little guy, though, and despite his cardiac arrest due to the delay in treatment by his HMO, he survived. However, the doctors taking care of little Jimmy had to amputate both his hands and both his feet because of gangrene related to the arrest.

All of this is documented in the book, Health Against Wealth. As the details of baby James' HMO's methods emerged, it became clear that the margins of safety in HMOs can be razor thin. Maybe as thin as the scalpel that amputated Jimmy's hands and feet.

Think of the dilemma an HMO places on a mother struggling to make ends meet. In Lamona's situation, if she takes her child to the nearest emergency room, she could be at risk for hundreds or even thousands of dollars in uncovered charges. Or she could hope that her child's condition will not get worse as they drive past other hospitals that additional 22 miles to get to the nearest ER authorized by that HMO.

A strong HMO reform bill would ensure that consumers do not have to make that type of potentially disastrous choice.

Last year we had support from consumer groups and from a number of nonprofit health plans calling for Federal legislation. These health plans and consumer groups wrote, "Together, we are seeking to address problems that have led to a decline in consumer confidence and trust in health plans. We believe that thoughtfully designed health plan standards will help to restore confidence and ensure needed protection."

And noting that they already made extensive efforts to improve the quality of their care, the chief executive officer of one of these plans said, "We intend to insist on even higher standards of behavior within our own industry, and we are more than willing to see laws enacted to ensure that result."

Let me repeat that. The CEO of one of the country's largest HMOs said, "We are more than willing to see laws enacted to ensure that result."

So in recognition of the problems in managed care, these three managed care plans, along with consumer groups, got together and endorsed nationally enforceable standards. Things like guaranteeing access to appropriate services, providing people with a choice of health plans, ensuring the confidentiality of medical records, protecting the continuity of care, providing consumers with relevant information, covering emergency care, banning gag rules.

Well, I am sad to say that despite strong public support to correct problems like these and the support of many responsible managed care plans, the legislation stalled in Washington last year. That is truly unfortunate, since the problem demands Federal action.

Mr. Speaker, historically State insurance commissioners have done a good job of monitoring the performance of the health plans in their States. But Federal law puts most HMOs beyond the reach of State regulations.

How is this possible? More than two decades ago Congress passed the Employee Retirement Income Security Act, which I will refer to as ERISA, in order to provide some uniformity for pension plans in dealing with different State laws. Health plans were included in ERISA almost as an afterthought. But the result has been a gaping regulatory loophole for self-insured plans under ERISA.

And even more alarming is the fact that this lack of effective regulation is coupled with an immunity from liability for negligent actions.

Now, Mr. Speaker, personal responsibility has been a watchword for this Republican Congress, and this issue should be no different. Health plans that recklessly deny needed medical service should be made to answer for their conduct. Laws that shield them from their responsibility only encourage HMOs to cut corners. Congress created this ERISA loophole, and, Mr. Speaker, Congress should fix it.

Think for a moment about buying a car. Mr. Speaker, I often hear from opponents to this legislation, well, this managed care legislation, this could lead to socialized medicine. But think about buying a car. Federal laws ensure that cars have horns, brakes and headlights. Yet, despite these minimum standards, we do not have a nationalized auto industry. Instead, consumers have lots of choices. But they know that whatever car they buy, that car has to meet certain minimum safety standards. One does not buy safety "a la carte".

The same notion of basic protections and standards should, in my opinion, apply to health plans. Consumer protections will not lead to socialized medicine any more than requiring seat belts has led to a nationalized auto industry.

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In a free market, these minimum standards set a level playing field that allows competition to flourish.

Mr. Speaker, let me share some thoughts on how I think this issue will evolve in the coming months. As we know, we came close to passing the Patients' Bill of Rights last year. Already, however, I see signs that a partisan fight could break out again this year.

While I continue to support the Patients' Bill of Rights and I wish it had passed, I do not want us to get hung up on or let reform die on the alter of partisanship like the opponents to the legislation used last year.

So I decided not to cosponsor the Patients' Bill of Rights this year when the gentleman from Michigan (Mr. DINGELL) introduces it. Instead, I am going to introduce my own bill, probably next week. While my bill will keep the best features of the Patients' Bill of Rights, it will also eliminate some of the provisions that would add regulatory burdens on health plans without really adding much in the way of increased patient safety.

In addition, my bill will have a new formulation on the issue of health plan liability. I continue to believe that health plans which make negligent medical decisions should be accountable for their actions, but Mr. Speaker, winning a lawsuit is little consolation to a family who has lost a loved one.

The best HMO bill will ensure that health care is delivered when it is needed, and to encourage that, the bill which I will drop next week will provide for both an internal and an external appeals process. But unlike last year's Patient Protection Act, the external review will be binding on the plan. It could be requested by either the patient or the health plan. The review would be done by an independent panel of medical experts.

Do external appeals work? A recent review in New York shows that half of all internal appeals are decided in favor of the patient. But that also means that half of the time the HMO's decisions are upheld. The important thing is to get the proper treatment for the patient in a timely way, not necessarily to end the post mortem in a court.

So I will propose that where there is a dispute on denial of care, either the patient or the HMO can take this dispute to an independent peer panel for a binding decision. If the plan follows that decision, there could not be punitive damages against the HMO, since there can be no malice if they bind themselves to the decision of an independent panel of experts.

I suspect that Aetna today wishes they had had an independent peer panel available, even with a binding decision on care, when it denied care to David Goodrich. Last week a California jury handed down a verdict with $116 million in punitive damages to David Goodrich's wife, Teresa. If Aetna or the Goodriches had had the ability to send that denial of care to an external review, they could have avoided the courtroom. But Mr. Speaker, more importantly, David Goodrich might be alive today.

That is why my plan should be attractive to both sides of the aisle. Consumers get a reliable and quick external appeals process which will help them get the care they need. They can go to court to collect economic damages or lost wages, future medical care. But if the plan follows the external review's decision, the patient cannot sue for punitive damages.

HMOs, whose greatest fear is of a $50 or a $100 million punitive damage award, can shield themselves from those astronomic awards, but only if they follow the recommendations of an independent review panel, which is free to make its own decision about what care is medically necessary, as long as there is not a specific exclusion of coverage of a benefit; i.e., a plan says up front to an enrollee, we do not cover liver transplants.

I have shared this approach with a number of my colleagues as well as consumer groups, businesses, health plans. I have been encouraged by the positive responses that I have received. I think this could be the basis for the bipartisan solution to this problem.

In fact, I recently spoke with the CEO of a large Blue Cross plan who confided to me that his organization is already implementing virtually all of the recommendations of the President's Health Care Quality Advisory Commission at little or no cost, probably no premium increase.

But the one part of the health care debate that concerns him is the issue of liability. He indicated that shielding plans from punitive damages when they follow an external review body would strike an appropriate balance.

Mr. Speaker, passage of real patient protection legislation is going to require a lot of hard work, dedication, and seeking a consensus and a compromise. My new bill represents an effort to break through the partisan gridlock that we saw last year, and to move this issue forward and get a solution signed into law.

I hope that my colleagues will sign on as original cosponsors to the Managed Care Reform Act of 1999. If Members have any questions about parts of this bill or if they want to sign on, please give my office a phone call.

INTRODUCTION OF THE DISASTER MITIGATION ACT OF 1999

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from New York (Mr. BOEHLERT) is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, I am pleased to be joined by my colleague, the gentleman from Pennsylvania (Mr.

BORSKI) in introducing the Disaster Mitigation Act of 1999.

This widely-supported bipartisan legislation passed the Committee on Transportation and Infrastructure last year, after months of hearings and review by the Subcommittee on Water Resources and Environment, which I am privileged to chair. Similar legislation moved through the Senate Environment and Public Works Committee. The 106th Congress should give priority consideration to the Disaster Mitigation Act.

The introduced bill, essentially unchanged from the bill the Committee on Transportation and Infrastructure reported last year, H.R. 3869, amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, and to control the Federal cost of disaster assistance.

The two themes of the bill, greater emphasis on mitigation and greater program efficiency, will reduce the cost and suffering natural disasters place on communities and the Nation overall.

Improving our Nation's outdated flood plain maps is a prime example of an area where new technologies can save us millions of dollars. Computerized mapping makes eminent fiscal sense, and may ultimately save thousands of lives. Boy, that is a doubleheader worthy of strong, strong support.

I look forward to working with the Federal Emergency Management Agency and State and local governments and other public and private sector entities and citizens to continue the effort to make disaster mitigation a national priority.

It makes far more sense to take action prior to a disaster to minimize the negative impact of that disaster. That makes so much more sense than to do what we have been doing year after year after year: A disaster comes, there is so much suffering, our hearts are pulled at, and we obviously respond. That is what government needs to do, but far better to minimize the impact before the disaster than to react to the disaster after it has occurred.

I am particularly pleased about the prospects of working with the chairwoman, the gentlewoman from Florida (Mrs. TILLIE FOWLER) and the ranking Democrat, the gentleman from Ohio (Mr. JIM TRAFICANT) on the new Subcommittee on Oversight, Investigations, and Emergency Management, which has jurisdiction over the Federal Emergency Management Agency.

Jurisdiction has been transferred from my subcommittee to the subcommittee of the gentlewoman from Florida (Mrs. FOWLER). I have already had extensive conversations with her. She is very much in support of this effort. I look forward to working with her. I think it is going to be a productive partnership, and it is going to be bipartisan, Mr. Speaker.

My hope is that the legislation reported by the committee last year and reintroduced today by the gentleman from Pennsylvania (Mr. BORSKI) and me will help the subcommittee as it reviews FEMA programs and considers legislation to improve the Nation's approach to disasters.

RESPONSES TO CONSTITUENTS' CONCERNS: THE READING OF THE MAILBAG

The SPEAKER pro tempore (Mr. GANSKE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 60 minutes.

Mr. SHIMKUS. Mr. Speaker, I want to take a little time today to talk to the people back in my home district. My office receives many, many letters from constituents on numerous subjects, and I would like to read a few of them and answer them right here on the floor of the House. Let me begin. I call this the reading of the mailbag.

Mailbag letter number one. My first letter comes from Reinhold Maschhoff of Nashville, Illinois, who wrote to me about low hog prices.

"Dear sir, I am writing you about the low price on hogs. . . . First of all, I'm 80 years of age and doing some work. My wife is very active and does a lot of volunteer work at the hospital and nursing home.

"We used to live on a farm. However, my son farms and has a family. He farms only 300 acres. The rest has to come out of livestock . . . This has made a good living for them. Now since August he has been losing money, $25 to $30 a pig.

"I think of all the work he does, and then to think he is losing money, as much as $2,500 a load. This will lead to bankruptcy. What are you doing about it? Sincerely, Reinhold Maschhoff."

My response is that the recently rock bottom hog prices are a very real problem in Illinois. Literally hundreds of farmers have contacted me about this crisis, including Ruth Rensing of New Douglas, Illinois, and Daniel Matthews of Nokomis, Illinois.

Although no one has a quick and easy solution for these prices, I want to talk about what Congress and the Federal Government is doing right now. I recently held a series of meetings on the hog crisis with family farmers back in the 20th District of Illinois. Local farmers, agricultural leaders, and government officials met together in Springfield, Mt. Vernon, and Pittsfield, Illinois, to discuss their concerns in the hog industry, and to talk about any short- and long-term remedies that were available. I will briefly highlight a few here.

In order to help farmers suffering from low prices, the U.S. Department of Agriculture announced several procedures to stem the hog crisis. The USDA will allow farmers to defer loan payments, and has made available payments to some struggling hog farmers. The agency has also brought $70 million worth of pork for food aid programs.

While I realize this help is really a drop in the bucket compared to what many farmers have lost, I would encourage any farmers wishing to participate to contact either my district office or their local Farm Service Agency office.

Responding to the concerns of many small farmers in central and southern Illinois, I am in strong support of the Department of Justice's review of the agricultural industry, making sure that small- and medium-sized family farmers are not pushed out of the markets by larger companies.

I have also written and signed several letters to key agricultural leaders in Washington, including the chairman of the Committee on Agriculture, the gentleman from Texas (Mr. COMBEST), Agriculture Secretary Glickman, and House leadership, asking each to consider any help that is available for struggling farmers, like the Maschhoff family.

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With the help of dozens of farmers who attended my district hog crisis meetings, we came to the conclusion that although we have no quick and easy answers for low prices, Congress can take action to prevent this from happening in the future. By renewing fast track trade authority, helping farmers find new markets, passing new trade bills and making sure farmers can easily get their products to market, Congress can help our struggling pork producers and hog farmers.

Thank you for the letter, Reinhold.

Letter number two, my next letter comes from Brent Barnes of Beecher City, Illinois. This letter's topic is a fair tax bill.

On January 11th, Mr. Barnes wrote: "Dear Representative SHIMKUS, as a constituent, I urge you to support the fair tax bill legislation that will allow every American the opportunity to save more for education, a home or a better retirement. The fair tax is a national sales tax system that is fair, simple and efficient. It will allow me to keep my whole paycheck, and I will never have to file a tax return again.

"I urge you to support this bill and to please respond in writing to my request for information about your position on the fair tax. Signed Brent Barnes."

Thanks for your letter, Brent. I like the sound of this legislation. I hope you know that when I ran for office and now as your Congressman, I believe strongly that we must reform our Tax Code. Unfortunately, I do not think the

President is as interested in the idea as we are here in Congress.

Nonetheless, I did a little digging on the fair tax on the Internet and found the Americans for Fair Taxation website. This website did a good job of describing this new tax structure, which I would like to take a moment to discuss.

First, all Federal income taxes, including the onerous death tax, are abolished and replaced by a single-rate Federal sales tax collected only once at the point of sale, a Federal sales tax.

The fair tax proposal provides a monthly rebate to all individuals so that no American will pay taxes on the purchase of necessities.

Most importantly, this proposal empowers individuals. Americans can only be taxed when they go to the store and purchase goods. This is fundamentally different than the current Tax Code which taxes Americans just for earning money.

This proposal will also eliminate the Internal Revenue Service. As so many Americans know, our confusing Tax Code has forced the IRS and its agents to issue confusing rulings which only undermines the public's trust in the Federal Tax Code.

The fair tax also makes tax evasion more difficult since retailers will now administer this tax just as they administer State sales taxes. American citizens will no longer need to file for their tax returns.

To Mr. Barnes, back in Fayette County, I would like to say that I have not reached a decision on whether to support a national sales tax or a flat tax at this point. Both systems have merit.

As you know, in the State of Illinois, we have both. We have a flat income tax and a sales tax. But I will continue to study this issue and promote reform on the Tax Code as I serve you in this Congress.

Realistically speaking, I believe fundamental tax reform is at least 2 years off. However, in the near term, the Congress is advancing a simple plan to reduce taxes by 10 percent across the board. After we save Social Security, with the surplus dollars, we can return the leftover funds to the taxpayers. After all, it is your money. Thank you for bringing this legislation to my attention, Brent. I will be sending a follow-up letter within the next few days.

Letter number 3, I recently received another letter from Mr. Robert Devore in Beecher City, Illinois. In his letter regarding the military, he writes: "Dear sir, I know you are a veteran, as I am. I served over 9 years on active duty in the United States Navy, including two trips to Vietnam. My interest concerns how the military is treating their members.

"I have a good friend in St. Elmo, Illinois, whose son enlisted in the Navy a year ago. He went to Great Lakes for 3 weeks' training prior to joining the fleet in a squadron aboard an aircraft carrier in the Persian Gulf. While going through training at Great Lakes, he was required to pay for his meals.

"I have another friend whose son enlisted in the Air Force. His son was required to purchase his own bedding, sheets, et cetera, and pay for his meals. How can the military do this? Sincerely Robert L. Devore."

My response stems from concerns about how the military was treating not only active members but also those who are retired, and were expressed by Odie Farris of Mount Vernon, Connie Mann of Collinsville and Edna Roehl of Staunton.

With poor living conditions, bad pay, lack of access to medical care and disappearing benefits, we are shortchanging the men and women of our armed forces. It is quite ironic that we ask them to put their lives on the line to defend our country, yet we need to provide a food stamp allowance for service members at the lowest pay grades.

Because of continued cuts to our defense budget, recruiting and retention are increasingly difficult, readiness harder to maintain and weapons modernization tougher to fund.

We must properly fund our entire military, from our recent enlistees to those who fought in foreign wars. We should be funding our military more, and I will continue to fight to ensure our military is able to meet our defense needs.

Letter number 4, my final letter this afternoon, is from Rich DuPatz, Sr., from Brighton, Illinois. He writes, "As your constituent, I am writing to urge you to support H.R. 4197, the Citizen's Privacy Protection Act of 1998. This bill would repeal section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which would be a significant step toward establishing a national ID card.

"Section 656 would prohibit Federal agencies from accepting State issued drivers' licenses as valid identification unless the license conforms to a Federal standard, and the State puts the driver's Social Security number on the license or verifies it with the Social Security Administration. As a result, each State would issue ID cards.

"Requiring drivers to turn over their Social Security number is like asking them to provide a virtual pass key to a mountain of private and often sensitive information. A Social Security number is often used by businesses as an identifier. Therefore, it can be used to access a person's medical history, shopping preferences, use of prescription drugs, household income and other financial information just to name a few.

"Help put the Federal Government out of the national ID business. I strongly encourage you to help protect my privacy by supporting H.R. 4197, and I look forward to hearing your thoughts on this legislation. Signed Mr. Rich DuPatz, Sr."

Well, first of all, Richard, I want to thank you for writing me and expressing your concerns with this issue. When I look at people who maintain their Social Security cards that were originally issued, there is an interesting statement at the bottom. This statement identifies that the Social Security number should only be used for the Social Security system and not used for any other identification purpose. How far we have come since the issuing of those first Social Security cards.

I also want to give you a little background behind the issue that you address. As you stated in your letter, Congress passed a tough illegal immigration bill in 1996 to address a serious problem with illegal immigration and voter fraud. I am sure that you would agree that having illegal aliens voting in our elections is not acceptable, as it would reduce the value of your vote.

To address the issue of illegal immigration and voter fraud, Congress authorized the Department of Transportation to establish national requirements for drivers licenses, making them, in effect, national ID cards. Acting on this authorization, the National Highway Traffic Safety Administration, commonly known as NHTSA, proposed a new rule, which would provide the basis for a national ID card. The rule would direct that all Federal agencies may accept, as proof of identity, only a driver's license or identification document that conforms strictly to certain specific and uniform Federal requirements.

Rich, I would have to agree with you on your concerns with NHTSA's proposed rule for it goes far beyond Congressional intent, raising serious privacy and civil liberty questions.

To address your concerns, on October 1998, the House of Representatives voted 333 to 95 in support of the omnibus appropriations conference report for fiscal year 1999. The following day, President Clinton signed it into law. Contained within this appropriation bill was a provision which prohibits NHTSA from issuing a final rule on national identification cards as required under section 656 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act.

In short, Congress blocked implementation of this rule. For now, our civil liberties are protected but rest assured, I will continue to watch for over zealous bureaucrats or misinterpretations of Congressional intent in the future.

I would like to close my remarks for this afternoon, but before I go I want to thank my constituents who wrote my office. I hope that my responses answered their questions fully and to each of my constituents who I mentioned today, you will be receiving a follow-up copy of my remarks in the mail shortly.

Mr. Speaker, I include for the RECORD the following letters.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 17, 1998.

DAN GLICKMAN,
Secretary, U.S. Department of Agriculture (USDA), Washington, DC.

DEAR SECRETARY GLICKMAN: As I am sure you are aware, the prices for hogs moving from farms to the market are at their lowest levels in over 30 years.

I have spoken recently with many farmers in my district in central and southwestern Illinois, and they have shared with me their deep concerns about hog prices that have dropped to as low as 5 cents per pound, from 30 cents per pound less than 1 year ago. Many farmers in my district are losing money on every hog they sell, surrendering thousands of dollars every week, some on the verge of losing their farms altogether.

It is also my understanding that labor circumstances in Canada, and a short supply of space in packing plants across the country have helped to fuel this agriculture crisis.

While in the past many grain and commodity farmers relied on government control of the marketplace, hog farmers have traditionally been free of government intervention. However, I feel the government can not stand idly by, while farmers in my district lose their farms, especially due to circumstances beyond their control.

Today my office was in contact with Mr. Enrique Figueroa of the USDA Agricultural Marketing Service regarding what steps the Department is taking toward helping our farmers out of a very grave crisis. During our meeting, he indicated to me that the $50 million purchase of hogs for food assistance will be accelerated, pork will be included in the upcoming allocation of credit guarantees to support exports to South Korea, a Pork Crisis Task Force will be created, and the FSA and USDA will be involved in restructuring loans and loan practices in order to help pork producers deal with recent losses.

I would respectfully urge you to expedite those actions you have proposed with all due diligence, and to take any other necessary steps to help these struggling farmers in Illinois and across the country.

Hog farmers in Illinois are among the most safe, efficient and reliable producers in the world, and we must allow them the opportunity to survive in what has recently become a very volatile marketplace.

In the coming days and weeks, I will continue to be in close contact with pork producers in my district and with the Department, to ensure that family farmers in my district have every opportunity for a bright and secure future.

Thank you for your prompt action and consideration. Please feel free to contact me, as time is short for many farmers in my district.

Sincerely,

JOHN SHIMKUS,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 8, 1999.

Hon. LARRY COMBEST,
Chairman, House Agriculture Committee, Washington, DC.

DEAR CHAIRMAN COMBEST: As I am sure you are aware, the prices for hogs moving from farms to the market are at their lowest levels in over 30 years.

I have spoken recently with many farmers in my district in central and southwestern Illinois, and they have shared with me their deep concerns about hog prices that have dropped to as low as 5 cents per pound, from 35–40 cents per pound less than 1 year ago. Many farmers in my district are losing money on every hog they sell, surrendering thousands of dollars every week, some on the verge of losing their farms.

It is also my understanding that labor circumstances in Canada, and a short supply of space in packing plants across the country have helped to fuel this agriculture crisis.

While in the past many grain and commodity farmers relied on government control of the marketplace, hog farmers have traditionally been free of government intervention. However, I feel the government can not stand idly by, while farmers in my district lose their farms, especially due to circumstances beyond their control.

I urge you to take action to help our family farmers see their way through this crisis. Hog farmers in Illinois are among the most safe, efficient and reliable producers in the world, and we must allow them the opportunity to survive in what has recently become a very volatile marketplace.

Thank you for your prompt action and consideration. Please feel free to contact me, as time is short for many farmers in my district.

Sincerely,

JOHN SHIMKUS,
Member of Congress.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 15, 1999.

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

Hon. RICHARD GEPHARDT,
Minority Leader, House of Representatives, Washington, DC.

DEAR MESSRS. HASTERT AND GEPHARDT: We are writing to alert you to the severe problems facing family farmers in the pork industry. Pork prices have plunged to their lowest level since the Great Depression, dropping nearly 80% compared with last year, leaving pork producers struggling to hang on to their farms.

On January 8, 1999, a number of Members met with Under Secretary Mike Dunn and several other high-ranking USDA officials to exchange ideas about what can be done to bring relief to our nation's hog farmers. Those present at the meeting agreed that this issue is of utmost importance and needs to be addressed quickly by both the Administration and the Congress.

We are working together to a develop a plan that can be brought to the entire House for passage and implementation. We are willing to discuss any idea that can assist our pork producers, from changing current USDA regulations to providing supplemental appropriations.

It is essential that the Leadership of Congress work in a bipartisan manner to allow Congress to take the necessary steps to address this important issue in an expeditious manner. We believe Congress needs to act as soon as possible, but certainly prior to the beginning of the spring planting season at the end of March.

Thank you in advance for your serious consideration of our request. We look forward to working with you to improve the economic conditions facing America's pork producers.

Sincerely,

Jim Nussle; David Minge; Leonard L. Boswell; Bill Barrett; Ray LaHood; Jerry Weller; John Shimkus; Jerry F. Costello; Jim Leach; Earl Pomeroy; Ron Kind; Thomas Ewing; Marion Berry; Tom Latham; Gil Gutknecht; Lane Evans; Doug Bereuter; David Phelps; Bob Etheridge; David McIntosh; Debbie Stabenow; John Thune.

RECESS

The SPEAKER pro tempore (Mr. WELDON of Florida). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 12 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1503

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 3 o'clock and 3 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 350, MANDATES INFORMATION ACT OF 1999

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–6) on the resolution (H. Res. 36) providing for consideration of the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SKEEN (at the request of Mr. ARMEY) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. JONES of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BLUMENAUER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. ABERCROMBIE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. SCHAFFER, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. LEACH, for 5 minuts, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BOEHLERT, for 5 minutes, today.

ADJOURNMENT

Mr. LINDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Thursday, February 4, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

307. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenpropathrin; Pesticide Tolerances for Emergency Exemptions [OPP–300763; FRL 6047–3] (RIN: 2070–AB78) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

308. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerances for Emergency Exemptions [OPP–300771; FRL 6051–6] (RIN: 2070–AB78) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

309. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Propiconazole; Pesticide Tolerances for Emergency Exemptions [OPP–300770; FRL–6049–8] (RIN: 2070–AB78) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

310. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

311. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standard for Hazardous Air Pollutants; National Emission Standards for Radon Emissions From Phosphogypsum Stacks [FRL–6229–4] (RIN: 2060–AF04) received January 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

312. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to Georgia State Implementation Plan; Vehicle Inspection/Maintenance Program [GA 34–2–9902a; FRL–6227–7] received January 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

313. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Waivers for PM10 Sampling Frequency—received January 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

314. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Plan for PM2.5 NAAQS Review [FRL–5913–4] received January 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

315. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance for Network Design and Optimum Site Exposure for PM2.5 and PM10—received January 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

316. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Implementation Plan—PM2.5 Monitoring Program—received January 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

317. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Interim Implementation of New Source Review Requirements for PM2.5—received January 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

318. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance for Implementing the 1-Hour Ozone and Pre-existing PM10 NAAQS—received January 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

319. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Guidance on Mitigation of Impact to Small Business While Implementing Air Quality Standards and Regulations—received January 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

320. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Early Planning Guidance for the Revised Ozone and Particulate Matter (PM) National Ambient Air Quality Standards (NAAQS)—received January 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

321. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Interim Air Quality Policy on Wildland and Prescribed Fires—received January 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

322. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Collection and Reporting of PM10 Data—received January 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

323. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Guidance on Data Handling Conventions for the 8-Hour National Ambient Air Quality Standards for Ozone—received January 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

324. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—PM2.5 Site Types and Sampling Frequency During CY-99—received January 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

325. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ambient Air Quality Surveillance for Lead [AD–FRL–6221–2] (RIN: 2060–AF71) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

326. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Salt Lake City Carbon Monoxide Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions [UT–001–0002a; FRL–6201–8] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

327. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Antelope Valley Air Pollution Control District [CA 211–0117a; FRL–6213–5] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

328. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Confirmation of Approval and Technical Amendment to Update the EPA Listing of OMB Approval Numbers Under the Paperwork Reduction Act [OPPTS–66009D; FRL–6048–8] (RIN: 2070–AC01) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

329. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—"Consolidated Guidance about Materials Licenses: Program-Specific Guidance About Exempt Distribution Licenses," dated September 1998—received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

330. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Self-Shielded Irradiator Licenses, dated October 1998—received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

331. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—"Consolidated Guidance about Materials Licenses: Program-Specific Guidance about Fixed Gauges Licenses," dated October 1998—received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

332. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Lead Agency Responsibility (RIN: 3206–AI48) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

333. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting a report on the applicability to the legislative branch of federal law relating to terms and conditions of employment and access to public services and accommodations, pursuant to Public Law 104–1, section 102(b)(2) (109 Stat. 6); jointly to the Committees on Education and the Workforce and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 36. Resolution providing for consideration of the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes (Rept. 106–6). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KASICH (for himself, Mr. Armey, Mr. DeLay, Mr. Cox of California, Mr. Bachus, Mr. Baker, Mr. Blunt, Mr. Boehner, Mr. Chabot, Mr. Doolittle, Ms. Dunn of Washington, Mr. Dickey, Mr. Ehrlich, Mr. Ewing, Mr. Foley, Mrs. Fowler, Ms. Granger, Mr. Hastings of Washington, Mr. Hostettler, Mr. Istook, Mr. Kolbe, Mr. Manzullo, Mr. Gary Miller of California, Mrs. Myrick, Mr. Nethercutt, Mr. Packard, Mr. Paul, Mr. Pitts, Mr. Royce, Mr. Salmon, Mr. Sessions, Mr. Sununu, Mr. Talent, Mr. Tancredo, and Mr. Taylor of North Carolina):

H.R. 3. A bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates by 10 percent; to the Committee on Ways and Means.

By Mrs. WILSON (for herself, Mr. Tauzin, Mr. Markey, Mr. Oxley, Ms. Eshoo, Mr. Deal of Georgia, Mr. Wynn, Mrs. Cubin, Mr. Luther, Mr. Rogan, Mr. Sawyer, Mr. Pickering, and Mr. Gillmor):

H.R. 514. A bill to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes; to the Committee on Commerce.

By Ms. CARSON (for herself, Ms. Jackson-Lee of Texas, Mr. Brady of Pennsylvania, Mr. Stark, Mr. Moran of Virginia, Ms. Kilpatrick, Mr. Luther, Mr. Berman, Mr. Sherman, Mr. Wexler, Ms. Christian-Christensen, Mr. Nadler, Mr. Lewis of Georgia, Mr. Ford, Ms. Millender-McDonald, Mr. McGovern, Mr. LaFalce, Mr. Clay, Ms. DeGette, Mrs. Jones of Ohio, Mr. Lantos, Mrs. Clayton, Ms. Pelosi, Mr. Davis of Illinois, Ms. Schakowsky, Mr. George Miller of California, and Mr. Abercrombie):

H.R. 515. A bill to prevent children from injuring themselves with handguns; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. Rogan, Mr. Upton, Mr. Burton of Indiana, Mr. Nethercutt, Mr. Taylor of North Carolina, Mr. Latham, Mr. Young of Alaska, Mr. Skeen, Mr. DeLay, Mr. Campbell, and Mr. Hall of Texas):

H.R. 516. A bill to prohibit the Secretary of the Treasury and the Federal banking agencies from implementing "know your customer" regulations which overburden financial institutions and invade the privacy of United States citizens; to the Committee on Banking and Financial Services.

By Mr. PAUL:

H.R. 517. A bill to amend title 31, United States Code, to require the Financial Crimes Enforcement Network established by the Secretary of the Treasury to allow an individual to obtain a copy of any record maintained by the Network pertaining to such person and to have corrections made to such records, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 518. A bill to sunset the provisions of subchapters II and III of chapter 53 of title 31, United States Code, and chapter 2 of Public Law 91–508; to the Committee on Banking and Financial Services.

By Mr. GILMAN:

H.R. 519. A bill to amend the Social Security Act to remove the limitation on the amount of outside income which a Social Security beneficiary may earn while receiving benefits; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. Campbell, Ms. Eshoo, and Ms. Pelosi):

H.R. 520. A bill relating to the period of availability of certain emergency relief funds allocated under section 125 of title 23, United States Code, for carrying out a project to repair or reconstruct a portion of a Federal-aid primary route in San Mateo County, California; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 521. A bill concerning denial of passports to noncustodial parents subject to State arrest warrents in cases of nonpayment of child support; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 522. A bill to amend the Federal Rules of Evidence to establish a parent-child privilege; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 523. A bill to encourage States to enter into agreements with other States for the establishment of conforming regulations governing the provision of limousine service between the States; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 524. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for any class of covered individuals if the coverage or plans include coverage for diagnostic mammography for such class, and to amend titles XVIII and XIX of the Social Security Act to provide for coverage of annual screening mammography; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. Gephardt, Mr. George Miller of California, Mrs. Lowey, Mr. Markey, Mr. DeFazio, Mr. Farr of California, Mr. Olver, Ms. DeGette, Mr. Serrano, Mr. Meehan, Ms. Woolsey, Ms. Waters, Mr. Wexler, Mr. Sherman, Mr. Ackerman, Mr. Nadler, Mrs. Meek of Florida, Mr. Frank of Massachusetts, Mr. Filner, Mr. Andrews, Mr. Delahunt, Mr. Hinchey, Mr. Barrett of Wisconsin, Ms. Christian-Christensen, Mrs. Tauscher, Ms. Pelosi, Mr. Rush, Ms. Rivers, Mr. Payne, Mrs. Maloney of New York, Mr. Lewis of Georgia, Ms. Norton, Mr. Sanders, Mr. Berman, Mr. Fattah, Mr. Cummings, Mr. Dixon, Ms. Brown of Florida, Mr. Pascrell, Mr. Gejdenson, Ms. DeLauro, Mr. Evans, Ms. Roybal-Allard, Ms. Lofgren, Mr. McGovern, Ms. Eshoo, Mr. Blumenauer, Mr. Kucinich, Ms. Lee, Mr. Ford, Mr. Owens, Mr. Rangel, Mr. Towns, Mr. Stark, Mr. Frost, Mr. Pallone, Mr. Vento, Mr. Tierney, Mr. Bonior, Mr. Kennedy, Ms. Stabenow, Mr. Brown of Ohio, Mr. Conyers, Mrs. Capps, Mr. Crowley, Mr. Brown of California, Mr. Matsui, Ms. Schakowsky, Mr. Gutierrez, Mr. Moore, Ms. Kilpatrick, Mr. Jackson of Illinois, Mr. Borski, Mr. Faleomavaega, Ms. Hooley of Oregon, Mr. Moran of Virginia, Mr. Martinez, Mr. Clay, Mr. Davis of Illinois, Mr. Becerra, Mr. Obey, Mr. Allen, and Mr. Green of Texas):

H.R. 525. A bill to provide for the defense of the environment, and for other purposes; to the Committee on Rules, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 526. A bill to protect the retirement security of Americans; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, Transportation and Infrastructure, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 527. A bill to amend the Davis-Bacon Act to provide that a contractor under that Act who has repeated violations of the Act shall have its contract with the United States canceled and to require the disclosure under freedom of information provisions of Federal law of certain payroll information under contracts subject to the Davis-Bacon Act; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCHER:

H.R. 528. A bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section; to the Committee on Commerce.

By Mr. BARCIA of Michigan:

H.R. 529. A bill to require the United States Fish and Wildlife Service to approve a permit required for importation of certain wildlife items taken in Tajikistan; to the Committee on Resources.

By Mr. BARR of Georgia (for himself, Mr. DELAY, Mr. BAKER, Mr. CHAMBLISS, and Mr. CAMPBELL):

H.R. 530. A bill to provide that the "Know Your Customer" regulations proposed by the Federal banking agencies may not take effect unless such regulations are specifically authorized by a subsequent Act of Congress and to require the Federal banking agencies to conduct a comprehensive study on various economic and privacy issues raised by the proposed regulations and submit a report on such study to the Congress, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BLILEY:

H.R. 531. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation; to the Committee on Ways and Means.

By Mr. BLUMENAUER (for himself, Mr. FARR of California, Mr. GREEN of Texas, Mr. LUTHER, Mr. MATSUI, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. PASCRELL, Mr. QUINN, Mr. SMITH of Washington, and Mr. UNDERWOOD):

H.R. 532. A bill to amend the Act of September 30, 1961, to limit the antitrust exemption applicable to broadcasting agreements made by leagues of professional sports, and for other purposes; to the Committee on the Judiciary.

By Mr. BOEHLERT (for himself and Mr. BORSKI):

H.R. 533. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BONO:

H.R. 534. A bill to amend chapter 1 of title 9 of the United States Code to permit each party to certain contracts to accept or reject arbitration as a means of settling disputes under the contracts; to the Committee on the Judiciary.

By Mr. CASTLE:

H.R. 535. A bill to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Resources.

By Mr. CASTLE:

H.R. 536. A bill to amend the Small Business Act to require the establishment of a regional or branch office of the Small Business Administration in each State; to the Committee on Small Business.

By Mr. CASTLE (for himself, Mr. UPTON, Mr. EHLERS, Mr. HOUGHTON, Mr. GILCHREST, Mr. STENHOLM, Mr. KOLBE, Mr. SHAYS, Mr. GRAHAM, Mr. BOEHLERT, Mrs. MYRICK, Mrs. ROUKEMA, Mr. SENSENBRENNER, Mr. FOLEY, Mr. GILMAN, Mr. LOBIONDO, Mr. GILLMOR, Mr. HALL of Texas, Mr. NETHERCUTT, Mr. LUTHER, Mr. BEREUTER, Mr. MINGE, Mr. ENGLISH of Pennsylvania, Mr. HILLIARD, Mr. PETRI, Mr. MCHUGH, Mr. SMITH of Washington, Mr. HASTINGS of Washington, Mr. COBURN, and Mr. GREENWOOD):

H.R. 537. A bill to amend the Congressional Budget Act of 1974 to provide for budgeting for emergencies through the establishment of a budget reserve account, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLEMENT (for himself, Mr. FRANK of Massachusetts, Mr. PETERSON of Minnesota, Mr. REYES, Mr. KIND of Wisconsin, Mr. TRAFICANT, Mr. SANDLIN, Mrs. THURMAN, Mr. FILNER, Mr. MCGOVERN, Mr. LIPINSKI, Mr. CLYBURN, Mr. ANDREWS, and Mr. GEJDENSON):

H.R. 538. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers who attain age 65 in or after 1982 and to whom applies the 15-year period of transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Ms. DANNER:

H.R. 539. A bill to establish 9–1–1 as the universal emergency assistance number for wireless telecommunications users, and for other purposes; to the Committee on Commerce.

By Mr. DAVIS of Florida (for himself, Mr. BILIRAKIS, Mr. DINGELL, Mr. BROWN of Ohio, Mr. SHAW, Mr. WAXMAN, Mr. FOLEY, Mr. MARKEY, Mr. CANADY of Florida, Mr. DEUTSCH, Mrs. FOWLER, Mr. STUPAK, Mr. MCCOLLUM, Mr. BOUCHER, Mr. LAFALCE, Mr. PALLONE, Mr. LOBIONDO, Mr. LEWIS of Georgia, Mr. GOSS, Mrs. THURMAN, Mr. WEXLER, Mr. RUSH, Mr. SPRATT, Mr. STRICKLAND, Mr. GREEN of Texas, Mrs. MEEK of Florida, Mr. HASTINGS of Florida, Ms. STABENOW, Mr. MORAN of Virginia, Mr. BISHOP, Mr. BENTSEN, Mr. BOYD, Mr. LANTOS, and Ms. BROWN of Florida):

H.R. 540. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program; to the Committee on Commerce.

By Ms. DELAURO (for herself, Mr. GEPHARDT, Ms. NORTON, Mr. COSTELLO, Mr. GEJDENSON, Mrs. MALONEY of New York, Ms. PELOSI, Mrs. LOWEY, Ms. KILPATRICK, Mr. GEORGE MILLER of California, Mr. OLVER, Ms. KAPTUR, Mr. FROST, Mr. BRADY of Pennsylvania, Mr. STARK, Ms. MILLENDER-MCDONALD, Mr. NADLER, Ms. WOOLSEY, Mr. SERRANO, Mr. SANDERS, Mr. MCGOVERN, Mr. MCNULTY, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, and Mrs. TAUSCHER):

H.R. 541. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FOLEY:

H.R. 542. A bill to reduce the number of Trident ballistic missile submarines subject to a statutory limitation on retirement or dismantlement of strategic nuclear delivery systems and to provide that any funds saved by retiring such submarines should be used for national missile defense programs; to the Committee on Armed Services.

By Mr. FRANKS of New Jersey (for himself, Mr. PICKERING, and Mr. OXLEY):

H.R. 543. A bill to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance; to the Committee on Commerce.

By Mr. HAYWORTH (for himself and Mr. LEWIS of Georgia):

H.R. 544. A bill to amend the Internal Revenue Code of 1986 to increase the small issuer exemption from pro rata allocation of interest expense of financial institutions to tax-exempt interest; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself and Mr. CARDIN):

H.R. 545. A bill to combat fraud in, and to improve the administration of, the disability programs under titles II and XVI of the Social Security Act; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 546. A bill to amend title 18, United States Code, to protect the sanctity of religious communications; to the Committee on the Judiciary.

H.R. 547. A bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. FROST, Mr. CLYBURN, Ms. ROYBAL-ALLARD, Mrs. MEEK of Florida, Mr. BLAGOJEVICH, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. BROWN of California, Mr. CONYERS, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. DIXON, Mr. FILNER, Mr. FORD, Mr. HINOJOSA, Mr. HOYER, Ms. JACKSON-LEE of Texas, Ms. LEE, Ms. LOFGREN, Mrs. LOWEY, Mr. MEEHAN, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. PASCRELL, Ms. PELOSI, Mr. RODRIGUEZ, Mr. SAWYER, Mr. SERRANO, Mr. SHOWS, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Ms. WATERS, and Ms. VELÁZQUEZ):

H.R. 548. A bill to amend title 13, United States Code, to provide for a just apportionment of Representatives in Congress for all States; to the Committee on Government Reform.

By Mr. MARKEY (for himself, Mr. Neal of Massachusetts, Mr. Moakley, Mr. Frank of Massachusetts, Mr. Olver, Mr. Meehan, Mr. McGovern, Mr. Tierney, Mr. Delahunt, and Mr. Capuano):

H.R. 549. A bill to provide for the non-preemption of State prescription drug benefit laws in connection with Medicare+Choice plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McKEON (for himself and Mr. Stump):

H.R. 550. A bill to amend title 10, United States Code, to provide that persons who have been convicted of a capital crime may not be awarded the Purple Heart; to the Committee on Armed Services.

By Mr. McNULTY:

H.R. 551. A bill to amend title 10, United States Code, to provide that military reservists who are retained in active status after qualifying for reserve retired pay shall be given credit toward computation of such retired pay for service performed after so qualifying; to the Committee on Armed Services.

By Mr. McNULTY (for himself, Mr. Kennedy, Mr. Bishop, Ms. Kilpatrick, Mr. Ackerman, Mr. Fossella, Mr. Hinchey, Mr. Brady of Pennsylvania, Mr. Borski, Ms. Kaptur, Mr. Coyne, Mr. Saxton, Mr. Kleczka, Mr. Green of Texas, Mr. Shays, Mr. Holden, Mr. King of New York, Mr. Rangel, Mr. Underwood, Mrs. Kelly, Mr. Gilman, Mr. Towns, Mr. Shows, Mr. Clement, Mr. Doyle, Mr. Gutierrez, Mr. Foley, Mr. Romero-Barcelo, Mrs. Johnson of Connecticut, Mr. Gibbons, Mr. LoBiondo, Mr. Cunningham, Mr. Sanford, Mr. Lantos, Mr. Hall of Texas, Mr. Nethercutt, Mr. Allen, Mr. Filner, Mrs. Jones of Ohio, and Mr. Kolbe):

H.R. 552. A bill to provide for award of the Navy Combat Action Ribbon based upon participation in ground or surface combat as a member of the Navy or Marine Corps during the period between July 4, 1943, and March 1, 1961; to the Committee on Armed Services.

By Mr. McNULTY:

H.R. 553. A bill to prohibit discrimination by the States on the basis of nonresidency in the licensing of dental health care professionals, and for other purposes; to the Committee on Commerce.

H.R. 554. A bill to amend the Internal Revenue Code of 1986 to allow roll-over contributions to individual retirement plans from deferred compensation plans maintained by States and local governments and to allow State and local governments to maintain 401(k) plans; to the Committee on Ways and Means.

By Mr. FATTAH (for himself, Mr. Gutierrez, Ms. Kilpatrick, Mr. Brady of Pennsylvania, Ms. Lee, Mr. Martinez, and Mr. Rush):

H.R. 555. A bill to require States to equalize funding for education throughout the State; to the Committee on Education and the Workforce.

By Mr. MICA (for himself and Mr. Pickett):

H.R. 556. A bill to amend titles 5 and 37 of the United States Code to allow members of the armed forces to participate in the Thrift Savings Plan; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself, Mrs. Johnson of Connecticut, Mr. Hobson, Mr. LaTourette, Mr. Brown of Ohio, Mr. Whitfield, Mr. Green of Texas, Mr. Stupak, Mr. McHugh, Mr. Shows, and Mr. Boehlert):

H.R. 557. A bill to amend title XI of the Social Security Act to provide a safe harbor under the anti-kickback statute for hospital restocking of certain ambulance drugs and supplies; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REGULA (for himself and Mr. Rohrabacher):

H.R. 558. A bill to provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROEMER (for himself and Mr. Houghton):

H.R. 559. A bill to provide for the continuation of the United States Advisory Commission on Public Diplomacy; to the Committee on International Relations.

By Mr. ROMERO-BARCELO:

H.R. 560. A bill to designate the Federal building located at 300 Recinto Sur Street in Old San Juan, Puerto Rico, as the "Jose V. Toledo United States Post Office and Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. ROTHMAN:

H.R. 561. A bill to amend title 49, United States Code, to prohibit the operation in certain metropolitan areas of civil subsonic turbojets that fail to comply with stage 3 noise levels; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON:

H.R. 562. A bill to approve and ratify certain transfers of land and natural resources by or on behalf of the Delaware Nation of Indians, and for other purposes; to the Committee on Resources.

By Mr. SMITH of Washington:

H.R. 563. A bill to encourage Members of Congress and the executive branch to be honest with the public about true on-budget circumstances, to exclude the Social Security trust funds from the annual Federal budget baseline, to prohibit Social Security trust funds surpluses to be used as off-sets for tax cuts or spending increases, and to exclude the Social Security trust funds from official budget surplus/deficit pronouncements; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY:

H.R. 564. A bill to repeal the Federal estate and gift taxes; to the Committee on Ways and Means.

H.R. 565. A bill to amend the Internal Revenue Code of 1986 to reduce individual income taxes by increasing the amount of taxable income which is taxed at the lowest income tax rate; to the Committee on Ways and Means.

By Mr. VENTO (for himself, Ms. Danner, Mr. Holden, Mr. Bishop, Ms. Woolsey, Ms. Carson, Mr. Olver, Ms. Rivers, Mr. Underwood, Mr. McNulty, Mr. Hinchey, Mr. Doyle, Mr. Payne, Mr. McDermott, Mr. Rahall, Mrs. Meek of Florida, Mr. Filner, Ms. Lee, Mr. Skelton, Ms. Kilpatrick, Mr. Borski, Mr. Pallone, Ms. Kaptur, Mr. Evans, Ms. Brown of Florida, Ms. Schakowsky, Mr. LaFalce, Mr. English of Pennsylvania, Mr. Rangel, Mr. Metcalf, Mr. Green of Texas, Mr. Kucinich, Mr. Waxman, Mr. Frost, Mr. Moran of Virginia, Mr. George Miller of California, Mr. Martinez, Mr. Shows, Mr. Oberstar, Mr. Lipinski, Mr. Gejdenson, Mr. Faleomavaega, Ms. McCarthy of Missouri, Ms. Lofgren, Mr. Peterson of Minnesota, Mr. Romero-Barcelo, Mr. Allen, Mrs. Jones of Ohio, Mr. Lantos, Mr. Minge, Mr. Stupak, Mr. Davis of Illinois, Mr. Sabo, and Mrs. Capps):

H.R. 566. A bill to authorize the Secretary of Veterans Affairs to conduct Stand Down events and to establish a pilot program that will provide for an annual Stand Down event in each State; to the Committee on Veterans' Affairs.

By Mr. VISCLOSKY:

H.R. 567. A bill to assure that the services of a nonemergency department physician are available to hospital patients 24-hours-a-day, seven days a week in all non-Federal hospitals with at least 100 licensed beds; to the Committee on Commerce.

By Mr. WEXLER (for himself, Mr. Sisisky, Mr. Traficant, Mrs. Thurman, Mr. Rahall, Mr. Green of Texas, Mr. Rothman, Mr. Turner, Mr. Bonior, Mr. Filner, Mr. Campbell, and Mr. Hilliard):

H.R. 568. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER (for himself, Ms. Roybal-Allard, Ms. Pelosi, Mr. Romero-Barcelo, Mr. Olver, Mr. Faleomavaega, Ms. DeLauro, Mrs. Capps, Mr. McDermott, Mr. Sanders, Mr. Owens, Mr. Green of Texas, Mr. Clyburn, Mr. Kucinich, Mr. Pastor, Mr. Rangel, Mr. Frost, Mr. Berman, Ms. Norton, Ms. Kilpatrick, Mr. Menendez, Mrs. Mink of Hawaii, Mr. Brown of California, Mr. Reyes, Mr. Martinez, Mr. Gutierrez, Mrs. Meek of Florida, Mr. Becerra, Mr. Ortiz, Mr. Stark, Mr. Underwood, Ms. Woolsey, Ms. Sanchez, Mr. Hinchey, Mr. Serrano, Ms. Lofgren, Mr. Rodriguez, Mr. Hilliard, Mr. Hinojosa, Mr. Jackson of Illinois, Mr. Davis of Illinois, Mr. Kennedy, Ms. Millender-McDonald, Mr. Gonzalez, Ms. Velázquez, and Mrs. Napolitano):

H.J. Res. 22. A joint resolution to commemorate the birthday of Cesar E. Chavez; to the Committee on Government Reform.

By Mr. ANDREWS (for himself and Mr. Chabot):

H. Con. Res. 22. Concurrent resolution providing that the President should seek a public renunciation by the People's Republic of China of any use of force, or threat to use force, against Taiwan, and that the United States should help Taiwan in case of threats or a military attack by the People's Republic of China; to the Committee on International Relations.

By Mr. McKEON:

H. Con. Res. 23. Concurrent resolution expressing the sense of Congress that during 1999 the Secretaries of the military departments should provide honor guard details for the funerals of veterans in the same manner as is required by law effective January 1, 2000; to the Committee on Armed Services.

By Mr. ANDREWS:

H. Res. 37. A resolution requiring the House of Representatives to take any legislative action necessary to verify the ratification of the Equal Rights Amendment as a part of the Constitution, when the legislatures of an additional 3 States ratify the Equal Rights Amendment; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. Stenholm, Mr. Obey, Mr. Skelton, Mr. LaFalce, Mr. Spratt, Mr. Dingell, Mr. Clay, Mr. Waxman, Mr. Gejdenson, Mr. Conyers, Mr. George Miller of California, Mr. Moakley, Mr. Brown of California, Ms. Velázquez, Mr. Oberstar, Mr. Evans, Mr. Rangel, and Mr. Dixon):

H. Res. 38. A resolution prohibiting the payment of any amount from the reserve fund established for unanticipated expenses of committees without the approval of the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 4 of rule XXII,

Mr. McNULTY introduced a bill (H.R. 569) for the relief of Henry Johnson; which was referred to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. Allen, Mr. Lantos, Mr. Holden, Mr. Diaz-Balart, Mr. McDermott, Mr. Underwood, Mr. Bishop, Ms. Roybal-Allard, Ms. Eshoo, Mr. Gutierrez, Ms. Pelosi, and Mr. Brown of Ohio.

H.R. 53: Mr. Frost, Mr. Combest, Mr. Bonilla, Mr. Barton of Texas, and Mr. Tiahrt.

H.R. 114: Mr. Martinez and Mr. Kucinich.

H.R. 116: Mr. Whitfield, Mr. Kuykendall, and Mr. Ortiz.

H.R. 165: Mr. George Miller of California, Mr. Frost, and Mr. Waxman.

H.R. 179: Mr. Thompson of Mississippi, Mrs. Clayton, and Ms. Stabenow.

H.R. 196: Mr. Tanner.

H.R. 206: Mr. Martinez and Mr. Whitfield.

H.R. 208: Mr. Sessions.

H.R. 239: Mr. Hall of Ohio, Mr. Maloney of Connecticut, Ms. Kilpatrick, Mr. Traficant, Mr. Ford, Mr. Levin, Mr. Skelton, Ms. Roybal-Allard, Mr. Brady of Pennsylvania, Mr. Moakley, Mr. Sherman, Mrs. Thurman, Mr. Kennedy, Mr. Brown of Ohio, Ms. Carson, Mr. Oxley, Mr. Green of Texas, Mr. Portman, Mr. Kucinich, Mr. Frost, Mr. Underwood, Mr. Thompson of Mississippi, Mr. Reyes, Mr. Cramer, Ms. McCarthy of Missouri, Mr. Weygand, Mr. Spratt, Ms. Pelosi, Ms. Norton, and Mr. Gonzalez.

H.R. 253: Mr. Smith of New Jersey.

H.R. 271: Mr. LoBiondo.

H.R. 323: Mr. Fattah, Ms. Norton, Mr. Markey, Mr. LaTourette, Mr. Nethercutt, Mrs. Mink of Hawaii, Mr. Rangel, Mr. Shows, Mr. Olver, Mr. Dingell, Mr. Bereuter, Mr. Walsh, Mr. Brown of California, Mr. Dooley of California, Mr. Waxman, Mr. LaFalce, Mr. Bentsen, Mr. Meehan, Mr. Farr of California, Mr. Foley, Mr. Cardin, Mr. Pomeroy, Mr. Price of North Carolina, Mr. Pastor, Mr. Becerra, Mr. Hostettler, Mr. Kucinich, Mr. Menendez, Mr. Thompson of California, Mr. Hinchey, Mr. Towns, Mr. King of New York, Mr. Hilliard, Mr. Martinez, Ms. Pryce of Ohio, and Mr. Whitfield.

H.R. 324: Mr. Lewis of Georgia.

H.R. 327: Mr. Traficant and Mr. Ney.

H.R. 352: Mr. Burr of North Carolina, Mrs. Wilson, Mr. Hayworth, Mr. Shimkus, Mr. Ramstad, Ms. Millender-McDonald, Mr. Thompson of Mississippi, Mr. Bachus, Mr. Souder, Mr. Bryant, Mr. Bereuter, Mr. McHugh, Mr. Gibbons, Mr. Sessions, Mr. Shows, Mr. Jenkins, Mr. Strickland, Mr. Hilliard, Mr. Hostettler, and Ms. Lofgren.

H.R. 358: Mr. McNulty, Mr. Fattah, Mrs. Meek of Florida, Mr. Hinojosa, Mr. Clyburn, and Mr. Davis of Illinois.

H.R. 360: Mr. Frost, Mr. Manzullo, Ms. DeGette, Mr. Serrano, Mr. McNulty, and Mr. Berman.

H.R. 362: Ms. Woolsey, Mr. Rahall, Mr. Shows, Mr. Capuano, Ms. Carson, Mr. Lantos, and Mr. Stupak.

H.R. 363: Mr. Norwood, Ms. Woolsey, Mr. Gutierrez, Mr. Frank of Massachusetts, Mr. Rahall, Mr. Shows, Mr. Horn, Mr. Capuano, Ms. Carson, Mr. Oberstar, Mr. Lantos, Mr. Stupak, and Mr. Hall of Texas.

H.R. 364: Ms. Woolsey, Mr. Gutierrez, Mr. Rahall, Mr. Shows, Mr. Capuano, Mr. Oberstar, Mr. Lantos, and Mr. Stupak.

H.R. 365: Ms. Woolsey, Mr. Shows, Ms. Carson, Mr. Lantos, and Mr. Stupak.

H.R. 366: Ms. Woolsey, Mr. Gutierrez, Mr. Rahall, Mr. Shows, Mr. Capuano, Ms. Carson, Mr. Oberstar, Mr. Lantos, and Mr. Stupak.

H.R. 368: Mr. Shows and Mr. Oxley.

H.R. 371: Mr. Radanovich.

H.R. 372: Mrs. Morella, Mr. Abercrombie, Mr. Ackerman, Mr. Rahall, Mr. Neal of Massachusetts, and Mr. Gejdenson.

H.R. 373: Mr. Bryant, Mr. Chambliss, Mr. King of New York, and Mr. Whitfield.

H.R. 407: Mr. Goode and Mr. Hostettler.

H.R. 430: Mr. Kolbe, Mr. Olver, and Mr. Franks of New Jersey.

H.R. 434: Mr. Hilliard and Mr. Camp.

H.R. 436: Ms. Danner.

H.R. 438: Mr. Sawyer, Ms. Eshoo, Mr. Deal of Georgia, and Mr. Blunt.

H.R. 439: Mr. LoBiondo, Mr. Sisisky, Mr. Hill of Montana, Mrs. Jones of Ohio, and Mr. English of Pennsylvania.

H.R. 447: Mr. Lazio of New York.

H.R. 488: Mr. Kucinich.

H.R. 489: Mr. Martinez.

H.R. 506: Mr. Martinez, Mr. Dixon, Mr. Boucher, Mr. Barcia of Michigan, Mr. Clay, Mr. Green of Texas, Mr. LoBiondo, Mr. Sawyer, Mr. McNulty, Ms. Brown of Florida, and Mr. Turner.

H.J. Res. 21: Mr. Bryant, Mr. Green of Wisconsin, Mrs. Cubin, Mr. Hilleary, Mr. Burton of Indiana, and Mr. Whitfield.

H. Con. Res. 18: Mr. Knollenberg and Mr. Goode.

H. Con. Res. 21: Mr. Goss.

H. Res. 16: Mr. Cramer, Mr. Oberstar, Mrs. McCarthy of New York, Mr. Frost, Mr. Bilirakis, Mr. Lazio of New York, and Mrs. Kelly.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 393: Mr. McInnis.

SENATE—*Wednesday, February 3, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we echo the prayer of the psalmist, "Show me Your ways, O Lord; teach me Your paths. Lead me in Your truth and teach me, for You are the God of my salvation; on You I wait all the day."—(Psalm 25:4-5. We know from experience that, when we wait on You, we do renew our strength; we are much more creative thinkers; and our relationships are more kind and caring. It is both comforting and challenging to know that You will be with us all day long. You will hear everything that is said and see all that is done. Therefore, we renew our commitment to excellence. In that spirit, we seek Your guidance in the ongoing business of the Senate today and the preparations for the next session of the impeachment trial tomorrow. The Senators need You, dear Lord. Thank You in advance for answering this prayer for Your blessing of each of them according to her or his particular need today and for the unity of the Senate as a whole. You are our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Montana is recognized.

SCHEDULE

Mr. BURNS. Mr. President, on behalf of the majority leader, today the Senate will be in a period of morning business to allow Senators to speak and introduce legislation. There are a number of Senators who have indicated a desire to speak, and therefore Senators should expect the Senate to be in full session until late this afternoon. As previously announced, the Senate will resume consideration of the articles of impeachment beginning at 1 p.m. on Thursday.

I ask unanimous consent that Senator DASCHLE or his designee be in control of the time between the hours of 12 noon today and 1 p.m. and Senator COVERDELL or his designee be in control of the time from 1 to 2 p.m. I further ask unanimous consent that beginning at 2 p.m. Senators be recognized to speak in morning business for up to 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. I thank my colleagues for their attention.

The PRESIDENT pro tempore. The able Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair.

MORNING BUSINESS

Mr. LAUTENBERG. Mr. President, it is my understanding that now we proceed directly to morning business. Is that correct?

The PRESIDING OFFICER (Mr. BURNS). That is correct.

THE CLINTON 2000 BUDGET

Mr. LAUTENBERG. Mr. President, on Monday morning just past, President Clinton submitted his annual budget to the Congress, but unlike prior submissions, this budget is much more than a plan for a single fiscal year; this is a long-term blueprint for the 21st century. It prepares for the impending retirement of the baby boomers. It ensures that younger Americans will enjoy the security of Social Security and Medicare. And it provides a $500 billion tax cut to promote savings by ordinary Americans.

Now, importantly, it achieves these goals while increasing national savings and dramatically reducing our public debt.

Mr. President, the Clinton budget is a historic one. It begins a new era in budget policymaking and promises to shape our Nation's future for years, for even decades, to come.

The Federal Government at long last has put its fiscal house in order. Last year was the first year since 1969 that we ran a budget surplus—a unified budget surplus, I point out. This year that surplus will be even larger. And many analysts see budget surpluses continuing for years to come.

Our Government is the smallest that it has been, on a relative basis, in a quarter century, and we have improved our fiscal condition for 7 years in a row—the best record in U.S. history.

Much of the credit for this success goes to President Clinton and the congressional Democrats, but I hasten to point out that much of the impetus that brought us to the point that we are came because we did this in a bipartisan fashion. And I speak as the ranking member of the Budget Committee. The President lent the considerable force of his office and his persuasion and worked with both Republicans and Democrats to get to this fairly enviable position to produce a balanced budget agreement. So there is plenty of credit to go around for an accomplishment that is well in place. I hope we can resume our work in similarly bipartisan and cooperative ways because there is so much left to be done.

In my view, President Clinton's budget submission provides an excellent roadmap for that work. The heart of the President's plan is its allocation of roughly 90 percent of projected budget surpluses to three key areas: Saving Social Security, strengthening Medicare, and cutting taxes to promote savings for ordinary Americans.

Social Security now is projected to be insolvent by 2032. The President's plan would preserve the program until 2055. The plan also would extend Medicare solvency from the year 2008 to 2020.

In addition, the budget includes a $500 billion tax cut to promote savings among ordinary Americans in new "USA accounts." That is way more than a tax cut; it is a way to help all Americans invest in the private sector and share in the benefits of economic growth.

These priorities—saving Social Security, strengthening Medicare, and cutting taxes for retirement—are all designed to increase savings, and that is essential. After all, while we have a unified surplus today, our public debt—that debt owed outside our Government—is still $3.7 trillion. That is the debt owed to the public. We will also face huge unfunded liabilities when the baby boomers begin to retire.

We need to prepare for that future, and that is why it is important that we pay off our debts, reduce interest costs, and increase private investment. Federal Reserve Board Chairman Alan Greenspan testified that that is the best way to promote long-term economic growth. And it is the only way to ensure that when the baby boomers retire we will be able to meet our obligations.

Beyond devoting most of the budget surpluses for savings, President Clinton's budget also includes some important investments in our future. All are fully offset as required by budget rules and therefore protect the budget caps.

Perhaps most importantly, the budget makes a strong commitment to quality education. It would help modernize our schools, hire more teachers, reduce class size, and improve educational standards. Together these initiatives would help ensure that Americans are equipped to compete in the global economy. Everyone is aware that this century, the 20th century, has

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

been defined as the American century because of the progress that we made. After winning two World Wars and having engaged in other conflicts that ultimately produced peace, American leadership was at the helm of global economic growth.

The budget also calls for a variety of other targeted tax cuts such as new credits to help families support long-term care and child care. It increases our commitment to our men and women in the military. It was made clear in newspapers across the country in the last few days that we are having significant problems recruiting and retaining those people that we would like to have serve us in the military. So it reflects the President's commitment to strengthen that; possibly to encourage young people to spend some time in the military and to encourage those who have experience and longevity to continue to do the job that they are capable of and not be attracted simply by a momentary better opportunity in the private sector.

The budget also reflects the President's commitment to strengthening our communities by hiring more police officers, cleaning up our environment, and fighting sprawl. We cannot go into every detail of the budget here today, but overall I think this is an excellent proposal. It is bold, it is innovative, and it has the right priorities for our future.

Unfortunately, I have been disappointed that the response to the President's budget, like other things that happen in Congress, has so far been too partisan. Some Republicans have accused the President of returning to an era of big government. This claim is so preposterous it is difficult to take it seriously when we look at the amounts of moneys being spent on government and see that, relative to the GDP, it is at the lowest point that it has been since 1974. This budget, after all, would reserve almost 90 percent of the surpluses for debt reduction. It would be hard to get more fiscally responsible.

I respect the views of my Republican colleagues who have honest disagreements with the President. I hope we can work together on this budget issue. However, I do want to express my strong opposition to one element of the Republican's budget plan, and that is their proposal for cuts across the board in tax rates.

I want to emphasize that I strongly support tax relief for ordinary Americans. In particular, I support the $500-plus billion in tax cuts for savings that are included in the President's budget for ordinary Americans. Unfortunately, the Republican position is to spend much of the budget surplus for tax rate cuts that go disproportionately to Americans with the highest incomes.

According to one analysis, the Republican proposal would provide more than $20,000 for those in the top 1 percent of earners who have incomes of more than $800,000. Just look at the chart. It looks like a fairly ridiculous comparison, but the top 1 percent of those earning $833,000—those folks are in the top 1 percent; that is not the entire 1 percent—they would get a tax cut of $20,697, but the person who works hard and is included in the 60 percent of our American wage earners whose incomes are below $38,000 would get a $99 tax cut. Mr. President, $20,000 for the high-income wealthy people, $99 for the average American; it is not fair and I hope that it will be reconsidered by our friends on the Republican side.

Even worse, these tax breaks for the highest income Americans would come at the direct expense of Medicare. Medicare has become such an important program in our society, such a commitment, that it is valued by Americans across the board. We see its effects on the better health and the longevity that our citizens enjoy and the quality of life they experience in those longer lives in their later years. So it would be wrong to sacrifice some addition to the solvency of Medicare for a tax break across the board that gives someone earning over $800,000 in a single year a $20,000-plus tax break.

President Clinton's budget reflects the values and priorities of most Americans, and I hope that many of its proposals will enjoy bipartisan support. The American public loves it when we work in a bipartisan fashion, and I noted that when we got to the balanced budget agreement for fiscal year 1997. We had all kinds of comments—it is a pleasure not to see any bickering, not to see any sharp diatribes, not to see any acerbic discussions; it is a pleasure to see Senators working together on behalf of all Americans.

So this focus for this budget is on the future: saving Social Security, strengthening Medicare, providing tax cuts and promoting savings for ordinary Americans. Together these policies will help ensure a vibrant economy and a secure future for all Americans. So I hope my colleagues will support the President's approach. I look forward to doing what I can to work with them to address the serious fiscal issues facing our Nation and to prepare us for the 21st century, which I think can become the second American century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE NEED FOR PRESCRIPTION DRUG COVERAGE IN MEDICARE

Mr. KENNEDY. Mr. President, senior citizens deserve coverage of prescription drugs under Medicare, and it is time for Congress to see that they get it.

Medicare is a compact between workers and their government that says, "Work hard, pay into the system when you are young, and we will guarantee health security in your retirement." But that commitment is being broken every day, because Medicare does not cover prescription drugs.

Prescription drug bills eat up a disproportionate share of the income of the typical elderly household. Senior citizens spend three times more of their income on health care than persons under 65, and they account for one-third of all prescription drug expenditures. Yet they make-up only 12 percent of the population.

The greatest gap in Medicare—and the greatest anachronism—is its failure to cover prescription drugs.

Because of this gap and other gaps in Medicare coverage, and the growing cost of the Part B premium, Medicare now pays only 50% of the out-of-pocket medical costs of the elderly. On average, senior citizens now spend almost as much of their income on health care as they did before Medicare was enacted.

Prescription drugs are the single largest out-of-pocket cost to the elderly for health services. The average senior citizen fills an average of eighteen prescriptions a year, and takes four to six prescriptions daily. Many elderly Americans face monthly drug bills of $100 or more.

When Medicare was enacted in 1965, coverage of prescription drugs in private insurance policies was rare—and Medicare followed that standard practice. Today, 99 percent of employment-based health insurance policies provide prescription drug coverage—99 percent. But Medicare is caught in a 34-year-old time warp—and senior citizens are suffering as a result.

Too many elderly Americans today face a cruel choice between food on the table and the medicine they need to stay healthy or to treat their illnesses. Too many senior citizens often take only half the pills their doctor prescribes, or don't even fill needed prescriptions—because they can't afford the high cost of the drugs. Too often, they are paying twice as much as they should for their prescription drugs, because they are forced to pay full price when those with private insurance policies get the advantage of negotiated discounts. As a result, many senior citizens end up in the hospital—at excessive cost to Medicare—because they aren't obtaining the drugs they need or are not taking them correctly. As we enter the new century, pharmaceutical products are increasingly the source of miracle cures for many dread diseases—and senior citizens will be left even farther behind if we fail to act.

The 21st century may well be the century of life sciences. With the support of the American people, Congress is on the way to the goal of doubling the budget of the National Institutes of Health over the next five years. This investment is seed money for the additional basic research that will enable scientists to develop new therapies to improve and extend the lives of senior citizens and all citizens.

In 1998 alone, private industry spent more than $21 billion for research on new medicines and to bring them to the public. These miracle drugs save lives—and they save dollars too, by preventing unnecessary hospitalization and expensive surgery. All patients deserve affordable access to these medications. Yet, Medicare, which is the nation's largest insurer, does not cover outpatient prescription drugs, and senior citizens and persons with disabilities pay a heavy daily price for this glaring omission.

America's senior citizens and disabled citizens deserve to benefit from new discoveries in the same way that other families do. Yet, without negotiating power, they receive the brunt of cost-shifting—with often devastating results. In the words of a recent report by Standard & Poor's, "Drugmakers have historically raised prices to private customers to compensate for the discounts they grant to managed care consumers." The so-called "private" customers referred to in this report are largely our nation's mothers, fathers, aunts, uncles, grandmothers, and grandfathers.

Up to 19 million Medicare beneficiaries are forced to fend for themselves when it comes to purchasing these life-saving and life-improving therapies. They have no prescription drug coverage from any source. Other Medicare beneficiaries have some coverage, but too often it is inadequate, unreliable and unaffordable.

About 6 percent of senior citizens have limited coverage through a Medicare HMO. While the majority of Medicare HMO plans offer prescription drug coverage, the benefits vary widely. Some plans cap the benefit at just $300 a year or less. Imagine that, $300 a year or less. In addition, the current trend is for HMOs to cut back on drug coverage or, in extreme cases, leave the Medicare market altogether. We have tried to remedy this problem in Massachusetts, but clearly it is a national problem, and it requires a national solution.

An additional 12 percent of Medicare beneficiaries purchase an independent medigap policy with prescription drug coverage and coverage of other gaps in Medicare. Only three of the ten standard medigap benefit packages even include insurance for prescription drugs. These plans are difficult to obtain, because even the most generous companies refuse to cover all people who walk in the door.

They fear that only those who urgently need the coverage will sign up, so the plans contain escape clauses that exclude applicants with pre-existing conditions. Even if they decide to issue a policy, often there are no limits on what these private companies can charge. As a result, medigap plans with drug coverage are often out of reach for senior citizens. For those fortunate enough to obtain the coverage, the benefits are limited and the costs are high.

Another 10 percent are Medicare beneficiaries are eligible for coverage under Medicaid. This coverage is an important part of the safety net for our poorest elderly and disabled citizens, but it offers no help to the vast majority of senior citizens.

Finally, a third of all Medicare beneficiaries have reasonably comprehensive coverage through a retiree health plan. These plans, which are offered through their former employers, supplement Medicare, and the prescription drug benefits are often generous. But increasingly, retiree health benefits are on the chopping block as companies cut costs by reducing health spending.

Despite Medicare's lack of coverage for prescription drugs, their misuse results in preventable illnesses that cost Medicare as much as $16 billion annually, while imposing vast misery on senior citizens. It is in our best interest, and in the best interest of Medicare, to reform it in ways that encourage proper use and minimize these abuses.

Savings can be achieved when physicians and pharmacists are better educated on the needs of senior citizens and the potential problems they face in obtaining and using their medications.

Savings can also be achieved when senior citizens are assisted in learning how to follow the instructions that are dispensed with their medications. Too often, patients shortchange themselves. They take half doses or try to stretch out their prescription to make it last longer. This is wrong, and it doesn't have to happen. If elderly patients know that the drugs they need will be affordable, compliance will improve, and so will their quality of life.

President Clinton has correctly identified prescription drug coverage as one of the very highest priorities for Medicare reform. I hope we can reach a broad bipartisan consensus in the coming weeks that any Medicare reform worth the name will include coverage of prescription drugs. The health and financial security of millions of senior citizens depend on it, and we owe it to them to act as soon as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPEACHMENT AND THE CONSTITUTION

Mr. DORGAN. Mr. President, I wanted to call the attention of my colleagues to a piece that was written by our distinguished Senator from West Virginia, our colleague, Senator BYRD, that appeared in today's Washington Post entitled "Don't Tinker With Impeachment."

The reason I want to do that is there are discussions occurring now, according to some of my colleagues and accounts in the newspaper and on television, about trying to create a mechanism to require a vote in the Senate during the impeachment trial on the findings of fact prior to a vote on the articles of impeachment themselves.

I was just looking at the Constitution in our Senate manual, and, of course, article III in the Constitution establishes the basis for impeachment, and it is simple, direct and provides nothing of the sort that would lead Senators to believe that they can bifurcate the vote in the Senate in an impeachment trial first to findings of fact and have a majority vote on findings of fact and then to move toward a vote on the two articles of impeachment that are currently in front of the Senate.

But I think the article written by our colleague, Senator BYRD, provides the best description of the difficulty with these findings of fact. Let me read just a few comments, and I ask unanimous consent to have the article printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DORGAN. Mr. President, the article, in part, by Senator BYRD says:

> The notion of trumping the articles of impeachment with even a "broad" findings of fact flies in the face of what the Framers of the Constitution intended. They deliberately set the bar high when it came to the vote on articles of impeachment, first by requiring a supermajority of two-thirds of the Senate to convict, and second, by fusing the penalty—[that is] removal from office [being the penalty]—into the question of guilt.
>
> In voting on articles of impeachment [he goes on to say] senators must answer not one but two questions: Is the president guilty or not guilty of committing high crimes and misdemeanors, and, if he is guilty, do his actions warrant removal from office?

Continuing to quote from Senator BYRD's article:

> This was not a casual coupling on the part of the Framers. Their intent was to force senators to set aside their own passions and prejudices and focus instead on the best interests of the nation. To lift this burden from the shoulders of senators by offering them a way to convict the president without having to accept responsibility for removing him from office would, in effect, bastardize the impeachment process.
>
> Moreover [he says] the aftershocks would be felt long after this impeachment has faded into history. No longer would senators be confined to the articles of impeachment

formulated by the House of Representatives. No longer would senators need a two-thirds majority vote to pronounce a president guilty. From this time forward, they could cite the precedent set by the Senate in the 106th Congress as giving them carte blanche to write, and approve by a simple majority, ersatz articles of impeachment cloaked as "findings of fact."

Senator BYRD, as always, finds the bull's-eye in this debate. This is not some ordinary debate; this is a debate about constitutional requirements and responsibilities and what the provisions of the Constitution mean with respect to impeachment.

The impeachment article provisions of the Constitution require, when impeachment articles are voted by the U.S. House of Representatives and sent to the Senate, that a trial must commence, and the vote on the articles of impeachment would be conducted by the Senate; and two-thirds of the Senate would have to vote guilty on those articles of impeachment in order to remove a President from office.

But it doesn't bifurcate the vote, doesn't call for extra procedures, doesn't call for findings of fact, doesn't allow some Senators to say, "Yes, that's what the Constitution says but we're going to create a new, or pretend there's a new, provision in the Constitution without having the difficulty of debating Madison and Mason and Hamilton and Franklin over our proposal. We'll just pretend it's in the Constitution. And we'll have separate votes on findings of fact. And in fact, doing that, we can have our own little vote and create our own little result with only 51 Members of the Senate voting in favor of our resolution."

That is a terrible idea and, in my judgment, stands this Constitution, and the article of impeachment provisions in this Constitution, on its head. But Senator BYRD says it much better than I do. I will, as I indicated, include his article at the conclusion of my remarks.

This Constitution, written in a room in Philadelphia over 200 years ago, is quite a remarkable document. It established the separation of powers. It established the framework for a new kind of Government that has worked remarkably well. If those who watch these proceedings and become interested in the Constitution would go to that room in Philadelphia, they would see that that room still exists. It is called the Assembly Room in Constitution Hall.

That room, which is smaller than the Senate Chamber, has a chair in the front of the room where George Washington sat as he presided over that Chamber. The same chair sits there today. And you will see where Mason sat, Madison, Franklin, and others who wrote this Constitution. They wrote it on a hot Philadelphia summer with the curtains drawn to keep the heat out of that room, and they created this remarkable document that is printed here in the Senate Manual. And that is the document by which we in the Senate are now conducting an impeachment trial.

I come to the floor today only to say that I think there is great danger in believing there are things written in this Constitution that don't exist in the Constitution. There is danger, in my judgment, in suggesting ways or mechanisms by which some can vote and create majority votes on some extraordinary findings of fact that are not provided for in this Constitution.

In this impeachment trial, there is one of two results, and that is a vote on the two articles of impeachment that have been sent to the U.S. Senate by the House of Representatives. That vote will be a vote cast by each and every Member of this Senate, and the vote will be either a vote to convict or a vote to acquit—guilty or not guilty on the two articles of impeachment. And my hope is that when the Senate reconvenes in the impeachment trial, all Senators will have read this rather remarkable article by the preeminent constitutional scholar in this Chamber and the historian of this U.S. Senate, the esteemed Senator BYRD.

EXHIBIT 1

[From the Washington Post, February 3, 1999]

DON'T TINKER WITH IMPEACHMENT

(By Robert C. Byrd)

While the lawyers are busy deposing witnesses in the Senate impeachment trial of the president, a number of senators are continuing to work quietly behind the scenes to chart a course that will end the trial with a minimum of political carnage. One route currently being investigated is a so-called "findings of fact," an extravagant novelty by which a simple majority of the Senate could condemn the president's behavior within the framework of the impeachment process without being forced to remove him from office.

This convict-but-don't-evict strategy appeals to some senators who have no appetite for prolonging a trial whose outcome is all but certain. At the same time, they are squeamish about the likelihood of an all-but-inevitable acquittal without having some vehicle to first register their condemnation of the president's actions. No doubt their motives are sincere, and I applaud their ingenuity, but this findings-of-fact proposal is not the answer. While the Senate sits in the impeachment trial, it is not in legislative session. The insertion of such a legislative mutant into the impeachment proceedings would subject the process to some very experimental genetic engineering.

The notion of trumping the articles of impeachment with even a "broad" findings of fact flies in the face of what the Framers of the Constitution intended. They deliberately set the bar high when it came to the vote on articles of impeachment, first by requiring a supermajority of two-thirds of the Senate to convict, and second, by fusing the penalty—removal from office—into the question of guilt.

In voting on articles of impeachment, senators must answer not one but two questions: Is the president guilty or not guilty of committing high crimes and misdemeanors, and, if he is guilty, do his actions warrant removal from office?

This was not a casual coupling on the part of the Framers. Their intent was to force senators to set aside their own passions and prejudices and focus instead on the best interests of the nation. To lift this burden from the shoulders of senators by offering them a way to convict the president without having to accept responsibility for removing him from office would, in effect, bastardize the impeachment process.

Moreover, the aftershocks would be felt long after this impeachment has faded into history. No longer would senators be confined to the articles of impeachment formulated by the House of Representatives. No longer would senators need a two thirds majority vote to pronounce a president guilty. From this time forward, they could cite the precedent set by the Senate in the 106th Congress as giving them carte blanche to write, and approve by a simple majority, ersatz articles of impeachment cloaked as "findings of fact."

And why stop at findings of fact? If the Senate can ignore the intent of the Framers to combine a guilty verdict with removal from office in an impeachment trial, maybe senators can find a way around the constitutional prohibition against bills of attainder, or legislative punishments.

The Senate impeachment trial takes place in a quasi-judicial setting, and findings of fact would move the Senate headlong into an area reserved for the judicial system, where the Senate, under the separation of powers principle, dares not go.

Findings of fact would become part of a quasi-judicial record that could not subsequently be amended or overturned. Could such a record of findings of fact be later used by an independent counsel before a federal grand jury in an effort to secure an indictment? If this or any president were to be indicted, could such findings be introduced as evidence in a subsequent trial in an effort to sway a jury and bring about a conviction? Who knows what monsters this rogue gene might spawn in future days?

The impeachment process, as messy and uncomfortable as it may be, is working as designed. This is neither the time nor the place for constitutional improvisation. No matter how sincere the motivation, our nation and our Constitution will not be well served by this sort of seat-of-the-pants tinkering.

A post-trial censure resolution that does not cross the line into legislative punishment is something else. It can and should be considered by the Senate after the court of impeachment has adjourned sine die. Censure is not meaningless, it will not subvert the Constitution, and it will be indelibly seared into the ineffaceable record of history for all future generations to see and to ponder. For those who fear that it can be expunged from the record, be assured that it can never be erased from the history books. Like the mark that was set upon Cain, it will follow even beyond the grave.

Mr. DORGAN. Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may have up to 10 minutes to make a statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair and wish the Presiding Officer a good day.

ENERGY SECURITY

Mr. MURKOWSKI. Mr. President, first of all, I want to raise with my colleagues two issues that revolve around energy security. The first issue is the state of the domestic oil industry and the second issue is the Oil-for-Food Program for Iraq. I think that this marks the first departure from the debate on the impeachment, and I hope the Presiding Officer will find it refreshing.

Last week, the Energy and Natural Resources Committee, which I chair, held a hearing to review the state of the domestic petroleum industry, and to assess the threat to our economic security from our growing dependence on foreign oil. The domestic oil industry in the United States is in serious trouble. Companies are laying off workers in droves. In my State of Alaska, British Petroleum, just announced the layoff of some 600 workers, and another one of our major oil companies lost somewhere in the area of just under $800 million in the last quarter of 1998.

Exploration and drilling budgets are way down. Drilling contractors have been cut to the bone. Marginal and stripper wells are being shut in. These are production capabilities, Mr. President, that, once lost, will unlikely be regained. These, to a large degree, represent an ongoing operating petroleum reserve—one might conclude a strategic petroleum reserve—because while they are small, they are substantial in their numbers and contribute to domestic production.

Now, to quote a recent report by the John S. Herold Company, 1998 was a "catastrophe" for the U.S. oil industry, "nothing short of murderous for investors" in that industry. We are seeing mergers and consolidations, significant implications for the Nation's energy security, and certainly U.S. jobs—30 merged companies alone last year.

This situation in the oil industry is interesting, as we look at the commodities in this country. As the Presiding Officer is well aware, the agricultural industry—production, livestock, hogs, beef—the farmers can hardly raise them anymore. Many aspects of the agricultural industry are under water. This is true of the timber industry. It is true of the steel industry. It is true of the mining industry, and certainly true of the oil and gas industry.

So as we reflect on the prosperity of this country, it is interesting to note the job losses in the commodities industries of this country—and one has to wonder when it is going to catch up with itself. Of course, we enjoy low gasoline prices when we fill our car or boat, low heating oil prices when we warm our home, and low inflation due in large measure to low oil prices. Let's recognize where it is.

But a decimated U.S. oil industry creates a risk to consumers, to the economy, to our national energy security. And we only have to look back at history. Some say we learn from history, and some say not much. Well, we recall the 1973 Arab oil embargo when we were only 36 percent dependent on foreign imported oil. That had a devastating impact on consumers and the economy. We saw oil shortages, and long lines at the gas stations. Many people have forgotten that timeframe—soaring prices, double-digit inflation, and an economy put into recession. What was the prime rate at that time? Well, the prime rate was 20.5 percent in 1980. Inflation was in the area of 11 percent—double-digit.

If it happened today, we could be hit even harder. And we are getting set up for it because we are in worse shape today than we were in 1973. Since 1973, our foreign dependence has grown by leaps and bounds. U.S. crude oil production dropped by one-third. U.S. oil imports—oil imports—soared by two-thirds.

Today, U.S. foreign oil dependence is 56 percent, compared to 36 percent back in 1973. Our excessive foreign oil dependence puts our national energy security interests at stake and hence our national security at stake. We can't forget that the United States went to war in 1991 when Iraq invaded Kuwait and threatened the world oil supplies. Part of that was our supply.

In 1995, President Clinton issued a Presidential finding that imports of oil threatened our national security, and a short time ago the U.S. bombed Iraq because Saddam continues to threaten the stability in the Persian Gulf. Well, it is fair to say, Mr. President, if we do nothing, what will happen: We know things are going to get worse.

The Department of Energy projects in the year 2010 U.S. foreign dependence will hit about 68 percent. That means we will be depending on foreign sources for 68 percent of our oil supply.

I don't think we should put our trust in foreign oil-producing nations that have their interests in mind, not ours. I plan to work closely with the small and independent producers to develop a solution to this crisis. Already I have cosponsored Senate bill 325, a bill introduced by my colleague from Texas, Senator KAY BAILEY HUTCHISON, that would amend the Tax Code to add marginal producers. I will work as a member of the Finance Committee to consider this and see it is adopted.

I also intend, with Senators from producing States, to consider a non-tax means to assist domestic production through regulatory and land access issues.

Second, I want to talk about oil-for-food and our relations with Iraq. This deals with our energy security; that is, our U.S. policy towards Iraq, specifically, the U.N. Oil-for-Food Program. Six weeks have passed since President Clinton ordered America's Armed Forces to strike military and security targets in Iraq. What has Saddam's regime done since then? They have shot at U.S. fighter planes on almost a daily basis. They have challenged Kuwait's right to exist. They have demanded compensation for U.N. crimes against Iraq—isn't that ironic. They have demanded an end to sanctions and no-fly zones. They have reiterated that no weapons inspectors will be allowed to return. That is a pretty bold statement.

Now, what policy initiative has the Clinton administration launched to deal with Saddam's defiance? U.S. officials offered to eliminate the ceiling on the Oil-for-Food Program, a de facto ending of the sanctions on oil exports. My views on the absurdity to this proposal were included in a recent Washington Post op-ed, and I ask unanimous consent that be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 25, 1999]

OUR TOOTHLESS POLICY ON IRAQ

(By Frank H. Murkowski)

On the eve of Operation Desert Fox, President Clinton announced to the nation that "we are delivering a powerful message to Saddam." That message now appears to be that as long as Saddam Hussein refuses to cooperate with inspections, refuses to comply with U.N. resolutions and refuses to stop illegally smuggling out oil, he will be rewarded by the de facto ending of economic sanctions.

At least, that was the message sent by the U.S. Ambassador to the United Nations Peter Burleigh on Jan. 14 when he offered a plan to eliminate the ceiling on how much oil Iraq can sell abroad. This proposal was in reaction to a proposal (made by France and supported by Russia and China) to end the Iraq oil embargo.

Do not be fooled. The distinctions between the U.S. plan and the French plan are meaningless. This is the end of the U.N. sanctions regime. Security Council Resolution 687, passed in 1991 at the end of the Gulf War, requires that international economic sanctions, including an embargo on the sale of oil from Iraq, remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities. This, we know, has not happened.

But the teeth in Resolution 687 have effectively been pulled, one by one, with the introduction and then continued expansion of the so-called oil-for-food exception to the sanctions. Although the humanitarian goals of the oil-for-food program are worthy, Saddam Hussein already has subverted the program to his own benefit by using increased oil capacity to smuggle oil for hard cash and by freeing up resources he might have been forced to use for food and medicine for his own people.

The increase in illegal sales of petroleum products coincided with implementation of the oil-for-food program in 1995. Part of this illegally sold oil is moving by truck across the Turkish-Iraqi border. A more significant amount is moving by sea through the Persian Gulf. Exports of contraband Iraqi oil through the gulf have jumped some 50-fold in the past two years, to nearly half a billion dollars. Further, Iraq has been steadily increasing illegal exports of oil to Jordan and Turkey.

Oil is Saddam Hussein's lifeline; it fuels his ability to finance his factories of death and rebuild his weapons of mass destruction. Revenue from oil exports historically has represented nearly all of Iraq's foreign exchange earnings. In the year preceding Operation Desert Storm, Iraq's export earnings totaled $10.4 billion, with 95 percent attributed to petroleum. Iraq's imports during that same year, 1990, totaled only $6.6 billion.

The United States proposes to lift the ceiling on the only export that matters. In addition, it is prepared to relax the scrutiny applied to contracts for spare parts and other equipment needed to get Iraqi industry working better.

France, China and Russia, of course, did not support Desert Fox, and have wanted to lift the Iraq embargo for some time. They are willing to put economic gain before international security, because these appeasers of Iraq stand to earn billions in a post-sanctions world. In fact, earlier this month, the U.N. released more than $81 million under the expanded oil-for-food program to enable Iraq to buy electrical generating equipment, nearly all of which ($74.9 million) will come from China. Will these new turbines merely guarantee an uninterrupted power supply for Saddam Hussien's poison gas facilities?

Why is the Clinton administration prepared to take this course? Because our Iraq policy is bankrupt. We have relied on Koki Annan and the Iraq appeasers to sign meaningless deals with Saddam Hussein regarding inspections that were useless from the moment they were signed. When we called back our aircraft at the last moment in October, despite the unanimous support of the Security Council for the attack, our Iraq policy suffered a near-fatal collapse. It finally did collapse when we decided to strike at a time when the president's credibility was at its lowest and the approach of Ramadan guaranteed Saddam Hussien easily could outlast our attack. Indeed the absurdity of our policy is reflected in the fact that in December our bombers targeted an oil refinery in Basra and at the end of the attack we pledged support to rebuild Iraq's oil-export capacity.

The inept policies that have brought us to this point must be reversed. As a first step, the administration ought to turn back from its path toward lifting, rather than tightening, the sanctions on Saddam Hussein. Second, when the U.N. reconsiders reauthorizing the oil-for-food program in May, the United States should use its veto to end this program, which has allowed Saddam Hussein to rebuild his political and military support.

We can bring Saddam Hussein to his knees by eliminating his ability to market any of his oil, thereby cutting off his cash flow. Not only should the United States strengthen oil interdiction and inspection operations, the administration should consider adopting a policy similar to the air blockade we enforce in the "no-fly" zone. A strictly enforced "no-oil-export" policy is what is called for.

Only then will Saddam Hussein realize that cooperation with U.N. inspectors is the only way to rebuild his economy. The policy predicated on so-called humanitarian grounds—oil for food—not only has failed but has ensured the survival of Saddam Hussein.

Mr. MURKOWSKI. Mr. President, I don't have time to go into that in depth, but let me remind my colleagues of a few things. One, the United Nations Security Council Resolution 687 passed in 1991 at the end of the Persian Gulf War requires that international economic sanctions, including an embargo on the sale of oil from Iraq, remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities.

But the teeth in Resolution 687 have effectively been pulled out one-by-one with the introduction and then continued expansion of the so-called oil-for-food exception to the sanctions: In 1995, UNSCR 986 allowed Iraq to sell $2 billion worth of oil every 6 months. Iraq produced 1.2 million barrels per day in 1997. In 1997, UNSCR 1153 doubled the offer to $5.2 billion in oil every 6 months. Iraq is now producing 2.5 million barrels of oil. In 1999, United States, France, and Saudi Arabia will offer varying plans on removing the limit on how much oil Iraq can sell and for what purpose.

This means that Iraq's oil production of 2.5 million barrels per day equals—their production now equals—the prewar production levels in the year preceding Desert Storm. Iraq's export earnings total $10.4 billion, with 95 percent attributed to oil, which is Iraq's only significant identifiable cash flow. Iraq's imports that same year were only $6.6 billion.

The President's National Security Advisor, Sandy Berger, takes issue with my characterization of the U.S. proposal. In a Washington Post editorial, he said that under the Oil-for-Food Program:

> We prevent Saddam from spending his nation's most valuable treasure on what he cares about most—rebuilding his military arsenal—and force him to spend it on what he cares about least—the people of Iraq. From Saddam's point of view, that makes the program part of the sanctions regime.

I ask unanimous consent that editorial in the Washington Post be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post]

Oil for Food: The Opposite of Sanctions

(By Samuel R. Berger)

The Post's Jan. 17 editorial "Rewarding Saddam Hussein" endorsed the administration's policy of containing Iraq and our continued readiness to back that policy with force. Unfortunately, it also misconstrued important elements of our approach to sanctions to Iraq. The confusion was compounded by a Jan. 25 op-ed by Sen. Frank Murkowski (R-Alaska). Both took issue with what the editorial referred to—incompletely—as an administration statement offering "to eliminate the ceiling on how much oil Iraq is permitted to sell." The second half of that statement—which the editorial omitted—read: "to finance the purchase of food and medicine for the Iraqi people."

Under the U.S. proposal, Iraq could pump as much oil as is needed to meet humanitarian needs. All the revenue would go directly to a U.N. escrow account, as it does now. From that account, checks could be written—directly to the contractor—to buy food, medicine and other humanitarian supplies, as well as parts for equipment that we know is being used to pump oil for this program. These supplies then would be distributed under U.N. supervision. Saddam would never see a dime.

The Post and Sen. Murkowski also asserted that our proposal to increase the flow of humanitarian aid to Iraq is no different from proposals to lift sanctions. In fact, it is in direct opposition to them.

If sanctions were lifted, the international community no longer could determine how Iraq's oil revenues are spent. The oil-for-food program would have to be disbanded, not expanded. Billions of dollars now reserved for the basic needs of the Iraqi people would become available to Saddam to use as he pleased. The amount of food and medicine flowing into Iraq most likely would decline.

In contrast, under the current program, we prevent Saddam from spending his nation's most valuable treasure on what he cares about most—rebuilding his military arsenal—and force him to spend it on what he cares about least—the people of Iraq. From Saddam's point of view, that makes the program part of the sanctions regime.

Indeed, Saddam already has rejected our initiative to expand it. He knows that every drop of oil sold to feed the Iraqi people is a drop of oil that will never be sold to feed his war machine. Oil for food means no oil for tanks.

Saddam's intent is clear: He is cynically trying to exploit the suffering of his people—for which he is responsible—to gain sympathy for his cause and to create a rift in the international coalition arrayed against him. In this way, he hopes to build support for ending sanctions so that he can resume his effort to acquire weapons of mass destruction.

But he is failing. In recent weeks, opinion has hardened against Saddam in Arab countries. On Sunday, the Arab League called on Iraq to stop provoking its neighbors and to comply with U.N. resolutions. Newspapers in Egypt and Saudi Arabia have called for Saddam's ouster. But there remains strong public sympathy for the Iraqi people.

The effect of our policy is to make clear that the source of hunger and sickness in Iraq is not sanctions but Saddam. After the Gulf War ended, the United States made certain that food and medicine would never be subject to sanctions. Saddam always has been free to import them. When he refused to do so, the United States took the lead in proposing that Iraq be allowed to sell controlled quantities of its oil in order to purchase humanitarian supplies. Remarkably, until 1996, Saddam refused to do even that.

Currently, the United Nations allows Iraq to spend up to $5.2 billion in oil revenue every six months for humanitarian purposes. Saddam is so indifferent to the suffering of his people that he still refuses to make full use of this allowance. But the food supply in Iraq has grown, and soon will provide the average Iraqi with about 2,200 calories per day, which is at the top of the United Nations' recommended range.

To leave no doubt about who is responsible for the suffering of Iraq's people, we are willing to lift the $5.2 billion ceiling to allow

Iraq—under strict supervision—to use as much oil revenue as is necessary to meet humanitarian needs. In the meantime, we will continue to enforce sanctions against Iraq and remain prepared to take action against any oil facilities being used to circumvent them.

Critics of this effort imply we should starve Iraq into submission. They forget that starving Iraq is Saddam's strategy. The oil-for-food program helps us to thwart it.

The program does not reward Saddam; it further restrains him, while relieving the suffering of ordinary Iraqis. It has helped to deepen Saddam's isolation, and it will remain a logical part of our strategy against him and the threat he poses.

Mr. MURKOWSKI. In conclusion, I don't care much about Saddam's point of view, but from the point of view of this Senator from Alaska, what this program does is allow Saddam to use his increased oil capacity to smuggle oil for hard cash and free up resources he can use to finance his weapons of mass destruction. Saddam's cash flow is oil. The smuggling is documented. The displacement issue is harder to track, but Saddam's war machine is still working and his troops are still fit.

Let me take issue with the definition of "humanitarian supplies." The most recent U.N.-approved plan would allow Saddam to spend this oil-for-food money, and I think it is interesting to reflect where is he spending his money. Let's look at it, because I think it counters Sandy Berger's remarks that this is going for "humanitarian" purposes: $300 million for petroleum equipment; $409 million for electricity networks; $126 million for telecommunication systems; $120 million to buy trucks, repair the railway system, and build food warehouses; $180 million for agriculture equipment, including pesticides.

What is the humanitarian goal in guaranteeing an uninterrupted power supply for Saddam's poison gas facilities? What is the humanitarian goal in making sure his elite guards can communicate with each other?

And finally, with a new emphasis on building an effective Iraq opposition, I wonder how an opposition can take root when Saddam is able, through the Oil-for-Food Program, to take care of his citizens' basic needs?

The chairman of the Foreign Relations Committee, Senator HELMS, and I will be holding a joint hearing of the Foreign Relations Committee and the Energy Committee next week to ask the administration these questions. I have asked Sandy Berger to come up and defend his arguments, along with Secretary Richardson and Under Secretary Pickering.

I ask unanimous consent to have printed in the RECORD an excellent analysis of the various proposals for changing the sanctions by Patrick Clawson from the Washington Institute.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[The Washington Institute, January 19, 1999]

ASSESSING PROPOSALS FOR CHANGING U.N. RESTRICTIONS ON IRAQ

(By Patrick Clawson, with Nawaf Obaid)

In the last two weeks, France, the United States, and Saudi Arabia have all proposed changes in UN restrictions on Iraq. While all would have the effect of cutting Saddam some slack, intriguingly, the Saudi plan is about as good as the American.

The French Proposal. The French proposal is soft both on inspections and on sanctions. In the words of Foreign Minister Hubert Vedrine, the French proposal aims at "preventing any *new* [emphasis added] development of weapons of mass destruction [WMD]." Vedrine proposes no action be taken about what he describes as "remaining [WMD] stocks that may have escaped control or destruction"—stocks that include some long-range missiles and biological weapons materials. The French-proposed inspection system would be built on the model of the International Atomic Energy Agency (IAEA), rather than UNSCOM. Since the Gulf War, the IAEA has continued its practice of looking primarily at fissile material rather than at the full scope of activities needed to make a nuclear weapon. Intelligence reports suggest Iraq has produced weapon components from which functioning nuclear weapons could be assembled soon after Iraq acquired fissile material. The French proposal may be the most intrusive regime that Saddam would accept. Yet, France is asking the wrong question; the issue is not what Saddam will accept, but what will accomplish the goal of eliminating the threat of Iraqi WMD. From this perspective, France's plan comes up short.

France has also proposed that Saddam be permitted to use oil export receipts as he wishes, subject only to the restriction that he not import arms or dual-use technologies. The practical effect of this proposal would be to allow Saddam to reduce food and medicine imports to fund his priorities. The French proposal would also eliminate the current system under which all earnings from approved Iraqi oil exports go into an escrow account abroad, and each payment out of the account requires documentation showing for what the funds are being used. The French would instead trust Iraq to keep honest accounts and report accurately to the UN, without diverting any money into clandestine accounts.

The U.S. Proposal. The U.S. government's January 14 proposal to the Security Council focuses not on the inspection system but instead on what can be done to alleviate humanitarian suffering while sustaining sanctions. The first element in the U.S. proposal would be to allow Saddam to export as much oil as he wants. Such a step may be a good way to win a propaganda victory without having any practical effect, because the UN-imposed limit is so far above what Iraq can produce. In the six months to November 1998, Iraq exported $3.04 billion through the oil-for-food program, or less than 60 percent of the UN limit of $5.26 billion. The practical constraint was not the UN limit, but Iraq's production capacity.

The only way Iraq can produce more is if it can import equipment needed to repair and modernize its oil industry. In 1998, the UN approved imports of $134 million worth of oilfield equipment. A team from the Dutch firm Saybolt, hired by the UN, visited Iraq in December 1998 to identify what more is needed. The issue is whether to expedite approval of the $300 million program that team recommended. A sticking point has been Iraqi oil exports outside the oil-for-food program, namely, shipments to Jordan (80,000 barrels a day of crude and 16,000 barrels a day of oil products) and the smuggling of oil products to Turkey and via Iranian waters (the amounts vary from month to month, with the total averaging perhaps 50,000 barrels a day). The United States could adopt a tough approach—for instance, insisting that Iraq not be allowed to import oil equipment while illegal exports continue—but that would run counter to the U.S. desire to expand Iraqi humanitarian imports.

The second element in the U.S. proposal is to expedite humanitarian deliveries and, for this purpose, allow Iraq to borrow in order to import more. Yet, the basic problem with the oil-for-food program is neither a lack of money nor an excess of red tape; instead, the problem is that Saddam does not care about the welfare of Iraqis. To generate more pressure to end the sanctions, Saddam continues to hinder international relief. For instance, the plan Iraq submitted to the UN for the latest six-month relief program would have provided insufficient protein; this caused the UN to delay its approval for two weeks (from November 29 until December 11) until Iraq agreed to an extra $150 million for food. Clear proof that Saddam, not UN restrictions, is responsible for Iraqi suffering can be found in the detailed UN reports about the improving living conditions in the Kurdish areas outside Saddam's control, where the UN administers the oil-for-food program directly rather than through the Iraqi government.

The fact is that Iraq has ample funds for food and medicine. Under current procedures, Iraq will have the resources to import at least $1.8 billion over the next six months, even if prices for its oil stay at $9 per barrel and even after the deductions for the Compensation Fund and UN expenses. But even after the UN modification, Iraq's plan calls for only $1.6 billion for humanitarian goods: $1.446 billion for food, medicine, and water and sanitation equipment, and $165 million for nutrition programs, education needs and, in the Kurdish north, demining and resettling refugees. Any extra money will go for activities that not all would call humanitarian. The UN-approved plan authorizes $1.135 billion for other purposes; $300 million for petroleum equipment; $409 million for the electricity network; $126 million for the telecommunications system; $120 million to buy trucks, repair the railway system, and build food warehouses; and $180 million for agricultural equipment, including pesticides. The telecommunications system repairs are presented as a way to coordinate food and medicine deliveries, but they also allow Saddam to stay in touch with his secret police and military commanders. To date, the United States has used its veto in the Sanctions Committee to block shipments of such dual-use items, even though such items are authorized by the plan approved by the Secretary General. Yet, as the January 14 U.S. proposal focuses on how to increase imports, the United States may consider allowing more questionable items.

The U.S. proposal also suggests letting Iraq raise money by borrowing from the fund to compensate those whose property was destroyed when Iraq occupied Kuwait. Eight years after these people suffered a loss, none has received more than $10,000. The Compensation Commission has approved two more rounds of payments, mostly to recipients who will get only $2,500 per claim, as soon as it has the funds available.

The Saudi Proposal. Saudi Arabia's Crown Prince Abdullah has presented a plan that overlaps the U.S. strategy in key areas, calling for retaining sanctions but abolishing the limit on how much oil Iraq can sell and making other changes to speed humanitarian deliveries. It is also said to call for revamping UNSCOM, with few details on what that means (evidently not much change is proposed). Saudi Arabia has lobbied for the plan vigorously at three meetings of the Gulf Cooperation Council and two other inter-Arab sessions. It is unusual for Saudi Arabia to be so bold at asserting leadership in the region, and even more unusual for Saudi Arabia to pursue the plan so tenaciously in the face of opposition from those in the region who want to distance themselves from the U.S.—British air strikes. Under the direction of the foreign minister, Prince Saud al-Faysal, the Saudis have successfully brought on board Egypt, which was initially skeptical.

The Saudi initiative underscores the convergence of U.S. and Saudi interests on Iraq. Although Riyadh was widely criticized in the United States for its reluctance to participate in the December air campaign. Saudi policy is in fact closely aligned with Washington's. For instance, the political commentator of the official Saudi news agency wrote, "The Iraqi people deserve and need a revolution" against "the tyrant of Baghdad," whereas in Egypt, another Arab country whose ruler Saddam attacked, the government confined itself to saying "the Iraqi leadership is primarily responsible for the Iraqi people's hardships." The reassertion of leadership in the region by Saudi Arabia, if sustained, would on many issues correspond well with U.S. interests.

Although it is unlikely that the Saudis will be able to convince enough Arab states to support their plan for the January 24 meeting of Arab League foreign ministers to endorse it openly, the United States should lend weight to the Saudi diplomatic effort. The Saudi effort focuses Arab attention on the issue most important for U.S. interests—how to relieve the suffering of the Iraqi people—rather than on the question raised by the French proposal, namely, how to water down inspections so as to win Saddam's assent.

Mr. MURKOWSKI. I will ask the administration to take a different tact to tighten, rather than loosen, the Oil-for-Food Program, to veto U.N. plans that allow Saddam to use this money to finance nonhumanitarian purchases, and to strengthen oil interdiction and inspection operations, including adopting something like the "no-fly" zone with a "no-oil" vessel zone. Only by taking these measures can the U.N. finally cripple Saddam's regime and increase energy security for all Americas.

If we cut off Saddam's oil supply, we will bring him to his knees. That is the only way it will happen.

Mr. President, I would like to take a moment to comment on the Department of the Interior's Mineral Management Service proposed oil valuation rule.

Earlier this week, speaking with regard to the Administration's FY 2000 budget, Secretary Babbitt said, "We have met, and talked, and talked, and talked," about the proposed rule. But I submit that the only talking done by MMS has been at industry and at Congress, not with them. Mr. President, the proposed rule by MMS was unfair last year and it remains unfair.

Babbitt has declared that talks are "over" and that MMS is determined to issue its rule in June, when the Congressional moratorium expires.

This is simply unconscionable. The domestic oil industry is on its knees right now. But, again, this action by Interior is symptomatic of Administration attacks on the domestic energy industry.

The Federal Government should work to save marginal producers, not put them out of business. Yet that is just what Interior is doing by issuing an unfair royalty rule at a time when producers can least afford it.

I would ask Secretary Babbitt the following question: How many royalties can a bankrupt industry pay? I would also ask him if this rule is truly about raising revenue, or is it another Administration scheme to drive petroleum producers out of business. After all, 100 percent of zero is zero.

For the record, Mr. President, I will be speaking to MMS and looking into this flawed royalty rule.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. Mr. President, thank you.

THE PRESIDENT'S FY 2000 BUDGET

Mrs. MURRAY. Mr. President, I come here today to talk about our Nation's first investment in the next century: the budget for the year 2000. I want to say how great it is that we are turning our attention to the issues that are important to America's families.

When I first came to Washington, DC, the deficit was $290 billion. We had to make some very tough budget decisions to get the Nation's books back in balance. Now our economy is growing and it is strong. This year, the Office of Management and Budget projects a surplus to be $79 billion. That is the biggest surplus in American history. It hasn't been easy to get to this point and we still have a lot of work to do.

Now we have to use this opportunity to make critical investments in our Nation's senior citizens and in our children. We have an obligation to ensure the dignity of the previous generation and to prepare the next generation for a successful future. The budget we have before the Senate will help us do that.

This budget keeps our commitment to save Social Security first. It will set aside more than 60 percent of the surplus to extend the solvency of the Social Security trust fund until 2055. And it takes important steps to protect older women who depend on Social Security, but must continue to work to supplement their incomes. This budget will increase their survivor's benefits after the deaths of their husbands and eliminate the earnings limitation.

This budget will strengthen Medicare and provide more stability. It also gives assistance to the elderly and disabled who need long-term care in their families by providing a $1,000 tax credit.

We have to also make education a top priority. This budget provides desperately needed funds to fix our Nation's worn out schools and our overcrowded classrooms. It provides tax credits to help States and local school districts build and renovate public schools, and it continues our commitment to hiring 100,000 new and well-trained teachers. In addition, it provides flexibility at the local level for schools to ensure all children receive a quality education, and it calls for tough new accountability measures to hold schools and teachers to high standards.

This budget is by no means perfect. The funding for educating children with special needs is inadequate, and I will work to address this inequity. The Federal Government has made a commitment to meet 40 percent of the cost of educating disabled children, but we have yet to come close. As we work to improve our schools and raise our academic standards, we must not leave disabled children behind.

I know that as we go through the budget process we will have our disagreements, but I am looking forward to an open discussion of the issues and working together to accomplish a bipartisan agreement that serves the American people well.

This budget provides a real framework for action. I applaud the President's pledge to save Social Security and prepare for the challenges of a new century. Now we must move forward. The clock is ticking. It is time for us to work on the issues and the priorities of America's families.

Thank you, Mr. President. I yield the floor.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Maine, Ms. COLLINS, is recognized.

(The remarks of Ms. COLLINS and Mr. LEVIN pertaining to the introduction of S. 335 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the next 60 minutes of morning business be under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S BUDGET

Mr. COVERDELL. Mr. President, the President has now given us his budget -quite a remarkable document.

I remember when the President came to speak to the joint session and said, "The era of big government is over." There was broad applause—not only in the Chamber but around the country. Now we are confronted—it is not nearly as spot oriented or media driven—but it is sort of the statement: "The era of big government is over" is over. He has taken that pronouncement and absolutely quashed it in this new budget—driven it in the ground never to be seen again. It was a 77-minute speech, and it outlined 77 new Government spending proposals that amounted to approximately $5 billion in new Government spending per minute. I am glad the speech wasn't longer.

In the President's budget, according to the New York Times, he proposed 81 separate tax increases totaling $82 billion over the next 5 years. The effect of that would be to nearly nullify the limited tax reduction that the last Congress finally fashioned with this administration for which there was an enormous celebration on the White House lawn. This would virtually eliminate it.

The administration will describe these as "user fees." That is not new. Both parties have used that. But when you look down at what that means, it is quite interesting, Mr. President:

$1.1 billion in airline fees. That means all traveling America is going to get a tax increase, if you ever get on an airplane.

Or $504 million in food inspection fees. Who is going to pay that? Anybody who goes into the grocery store and buys a quarter-pound of ground beef, processed chicken, or milk; in other words, everybody.

Then we have $200 million in new health care fees on providers and plans and doctors—no, not on providers, health plans, and doctors. That goes to patients. Patients will pay that.

So if you are buying food in the grocery store, if you are part of traveling America, if you have to go see your doctor, to a hospital, you are going to be the recipient of this $1.1 billion in new taxes.

Now, he said there is tax relief in his budget. Well, the only way an American taxpayer would see one cent of President Clinton's so-called tax relief is if they agree to buy a solar panel or buy an electric car or engage in some other sanctioned Government behavior—this in the face of $800 billion of non-Social Security surpluses that have been generated by our economy. The direct beneficiary of balanced budgets and financial discipline and disciplined spending has produced a vigorous economy which has produced massive surpluses for the first time in modern history, but this administration could not resist spend, spend, spend and could not find it in any frame to suggest, well, maybe some of this should be returned to the working people of America.

Mr. President, I see that we have been joined by Senator GRAMS of Minnesota to speak on the subject, and I am going to yield up to 10 minutes to Senator GRAMS of Minnesota to continue our presentation on this budget.

Mr. GRAMS. I thank the Senator. I appreciate the Senator from Georgia putting this effort together. I think it gets the information out about what this budget really does and does not entail.

Mr. President, I rise today to make a few observations about the President's millennium budget.

After a brief review, my conclusion is this:

First, in his quest to continue to offer something for everyone, the President's budget offers a lot of smoke and mirrors and a lot of accounting gimmicks.

Secondly, this budget is chock full of new spending, earmarks, and dozens of new ways for Washington to spend the tax dollars earned by working Americans. It is a blueprint for an even bigger Federal Government.

Thirdly, while I agree that the 62 percent of the projected surplus that belongs to Social Security should be reserved for Social Security, I do not agree with what the President seeks to do with the 38 percent of the surplus that represents tax overpayments.

He chooses to spend the vast majority of it and leaves only pennies on the dollar for very minor, tightly targeted tax relief plan that he was offered in the budget.

His plan is basically only token tax cuts that sound big, but the bottom line is it provides little or no tax relief.

Fourth, he proposes new taxes and user fees and takes tobacco settlement money from the States. Can you believe it—in times of surplus, he actually proposes to raise taxes even higher, and his budget spends the Social Security surplus he claims to wall off.

Finally, the President's budget does not save Social Security from bankruptcy.

Let me be a little more specific.

You don't have to look further than the way in which the President's budget deals with spending caps to determine if this is an honest budget.

As you know, President Clinton has repeatedly broken the statutory spending caps in the past to spend more for new and expanded government programs. Last year alone, the President and the Congress spent over $22 billion of the surplus for alleged "emergency spending" in the Omnibus spending legislation.

Nearly $9.3 billion in regular appropriations was shifted into future budgets. In my judgment, both of these efforts broke the caps, and that is why I opposed the Omnibus bill.

Also, I wish that Congress and the President could be as creative in cutting spending and cutting taxes as the President is in finding ways to spend more money for more programs.

According to the CBO, last year's budget—when alleged emergency spending is included—exceeded the spending caps by $45 billion. Even without counting the emergency spending, we still exceeded the spending caps by $29 billion.

Last year's irresponsible spending has made the spending caps even tighter for this year. In order to stay within the caps as required by law, we must cut spending by $28 billion. This would require an approximately 5-percent across-the-board reduction of this year's discretionary spending.

Instead of cutting spending to comply with the law, President Clinton actually proposes significant spending increases to expand many of the existing programs and create many more new programs. These spending increases total over $130 billion. Yet the President claims his budget does not break the spending caps.

How can President Clinton have it both ways? How can he have his cake and eat it, too? It is simple. He does it by budget gimmicks.

The President imposes new user fees and raises existing ones by $21 billion, and then counts these taxes as "negative spending" rather than as revenues.

He also devotes presumed receipts from the state settlements with the tobacco companies and a 55 cents-per-pack federal tax on cigarettes to a variety of programs to avoid the spending caps.

However, it is far from certain these taxes will be accepted by Congress, so what we have is new spending without reasonable offsets.

The President also reclassifies the increased discretionary spending for expanded military retirement benefits, again, as mandatory spending. In addition, President Clinton speeds up the FCC's collection of spectrum auction payments.

Like last year, the President has again shifted some program funding—such as the Northeast multispecies fishery—into so-called "emergency spending" to further bust the budget. And he has severely under-funded some major programs such as Medicare, knowing Congress will restore the funds.

These decisions by the President are troubling. The more I review this budget, the more questions I have about how the President can propose so much new spending and claim that he will not break the budget.

President Clinton proposes to funnel 62 percent of the projected budget surplus which represents the Social Security surplus to the Social Security

Trust Funds, 15 percent to Medicare, 12 percent to the so-called Universal Savings Accounts, and another 11 percent to increase other government spending.

The OMB estimates that we would have a $12 billion on-budget deficit—that is without Social Security excess surpluses—in FY 2000. This means we don't have any on-budget surplus to spend this year. All of the $117 billion unified budget surplus is, in fact, Social Security surplus.

I don't know how I can say this more clearly. Despite the President's promise to save Social Security first, he is proposing to spend all of the Social Security surplus.

Moreover, not only has the President manipulated the numbers, but he has also included enormous increases in existing programs and created many new programs, including entitlement programs.

Without counting government user fees, the actual size of the government has reached $2 trillion, not $1.8 trillion, as the President claimed in his budget. I am sure there is much more hidden spending and hidden taxes in this 2,600 page budget.

With all of these spending and tax increases, President Clinton fails to provide any meaningful tax relief for working Americans. His targeted tax cuts reward only a few, with too few dollars. And again, in times of surplus, the President is proposing to raise taxes.

Now, I would like to just show a little cartoon that I brought with me that I think kind of explains this. As the cartoon suggests, President Clinton doesn't want to give any of the non-Social Security surplus to hard-working, overtaxed Americans because he believes he can spend it better on his own priorities. As the cartoon says: It seems we have grossly overcharged you, so let me explain how we intend to spend the money.

When you go to a restaurant and overpay the bill, you expect to get the change back. Here the taxpayers have overpaid, and I think they can rightfully expect that they should get the change back and the surplus should go to the taxpayers and not to the bureaucracies in Washington.

In fact, satisfying the President's spending appetite would squeeze an additional $80 billion from working Americans as tax increases. So, in times of surpluses, tax increases.

Mr. President, Americans today are taxed at the highest level in history, with nearly 40 percent of a typical family budget going to pay taxes on the Federal, State, and local level.

They tax it when you earn it. Tax it again when you save it. Tax it again when you spend it. Tax it again when you invest it. And tax it yet again when you die.

No wonder Americans feel overtaxed!

But under the President's budget, the Government will collect more taxes from working Americans in the next five years. Total taxes will reach over $10 trillion. Federal tax revenues will grow faster than spending, consuming 20.7 percent of GDP, a historic high since World War II.

This is wrong. More spending and more Government is not the answer. The answer lies in tax cuts that return power to the taxpayers and leave a little more of their own money in their pocket at the end of the day.

That is why I, along with Senator ROTH, introduced S. 3, the Tax Cuts for All Americans Act, the one bill that will do the most to help America's working families. Our plan will cut the personal tax rate for each American by ten percent across the board.

The broad-based tax cut is simple and fair. It is pro-family and pro-growth. If President Clinton wanted to make a strong statement for working Americans, he should have made this broad-based tax cut the centerpiece of his budget.

My last point is that despite his claim to have made Social Security solvent, and despite the fact that he will pour general funds into Social Security, Mr. Clinton's budget does not and will not save it. This budget does nothing to address its long-term unfunded liabilities.

In what Chairman Greenspan has called a very "dangerous" approach, it has the Government invest any surpluses in the stock market for Social Security.

In my home state of Minnesota, taxpayers are already expressing their frustration with the notion that, in the case of retirement security, Washington knows best.

Let me quote one thing here. Patrick Garofalo of Apple Valley wrote the following letter in yesterday's St. Paul Pioneer Press:

> I am a big boy. I no longer live with my parents. The government trusts me to own a gun.
>
> It trusts me to choose my state and congressional elected officials. It trusts me to make decisions about the welfare of both of my children. If it trusts me to make these important decisions, why does it not trust me to decide how I want to save for my retirement?
>
> Please don't tax me to death while you "help" me. Let me keep my money. I will decide where and with whom to invest my nest egg.

I could not have said it better myself.

Mr. President, the Administration's budget will not meet the challenges of a new millennium but rather lead us down the path of fiscal disaster. Congress can and will do better.

We will produce a budget that preserves and protects the Social Security surplus; we will give the non-Social Security surplus back to taxpayers as major tax relief and debt reduction; we will have a blueprint that leads this nation into the 21st century.

I appreciate the Senator from Georgia yielding me this time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I appreciate the remarks of the Senator from Minnesota, and I now yield up to 5 minutes of our time to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague from Georgia. I have just a few brief thoughts on this budget that has been submitted to us. The President's budget says we are going to have about a $4 trillion surplus over the next 15 years. He has said, and we agree, that we should fix Social Security first. We are going to do that. He believes that we ought to set 62 percent of the surplus aside for fixing Social Security. Again, we agree, because that is about what Social Security receipts are provided.

But when we got his budget message and when we heard his State of the Union, we didn't see a fix to Social Security. We saw new gimmicks, financial gimmicks, borrowing more money. And under this plan that he has presented, while we are supposedly running these surpluses that will amount to $4 trillion, we are going to have to raise the debt ceiling within a couple of years because he is issuing more bonds. We are going to borrow our way into solvency for Social Security. Nobody has explained yet how that is going to work. But it is clear that he has not proposed any responsible reform of the Social Security system to make sure it is there. We in Congress are going to have to develop a plan. I believe we will. It is going to take some of the surplus, 62 percent. I think that we must do that because we owe that not only to those who are retired now and those who are about to retire, but to the baby boomers and others coming along who want to see retirement security.

So we have 38 percent. What do we do with the remaining 38 percent of the surplus? I have spent a lot of time. I traveled around the State of Missouri many, many days listening to and talking with people, telling them: We finally got that budget deficit monster slain. What should we do with the surplus we are going to start running? And they had two very strong ideas. They said, No. 1, pay off the debt. We started to pay off the debt. If it hadn't been for the President's having invested some $20-plus billion in spending last year, we would have paid off $20 billion more.

Frankly, around this place there is nothing quite so tempting as an unspent surplus. If you don't return it to the taxpayers, it is going to get spent. We already have a historically high tax rate as part of our gross domestic product, the highest it has been since the end of World War II. And we are continuing to take more and more money. We need to have tax relief.

That is the other thing that the people of Missouri say: We want tax relief; lower, simpler, flatter taxes.

Small businesses spend 5 percent of what they take in just figuring out how much they are going to have to pay in taxes. That is before they pay taxes. It is too complicated. It is too high. It discourages economic activity. Those who made fun of the capital gains tax relief and objected to it now have to admit that reducing capital gains brought more economic activity and brought a tremendous increase in capital gains revenue. If we give families and small businesses the opportunity to keep some of their money, do you know what? They can spend it better than we can in Washington, and that is what I propose we do.

But the President is not content with a $4 trillion surplus. He wants to increase Federal Government revenues by raising taxes. And on top of that, he is going to spend it all, he is going to spend more of it, he is going to spend $100 billion in new spending. He busts the cap. He even raids the tobacco settlements from the States because he has so many good ideas on how to spend it.

Mr. President, I do not believe the people of America want those good ideas. It is unbelievable, $4 trillion in surplus yet every dollar of it spent, then more taxes are added. This is a classic example of the Federal "Father Knows Best," requiring the States, localities, and most of all the families, the working men and women in America, to play "Mother May I?"

Let's take a look at education, something I think is a top priority, and the President says it is a top priority, too. It is about that point where we diverge 180 degrees. The President wants to be your local school superintendent. Do you know, we have over 763 Federal education programs. The system is not working now. We have too much Federal bureaucracy, too much Federal red tape. Yesterday the President told the school board members who were in town from school boards all across the country, he said, "Listen to what they are saying in the schools." I have. Do you know what they are saying? Do you know what educators and the administrators and school board members are saying? "We have too much Federal regulation and dictates. We spend too much time on misplaced Federal priorities."

That is why I want, and I think my colleagues want, to return dollars directly to the classroom. Do not run it through the bureaucracy in Washington, DC. Don't even run it through the State bureaucracies. It is the school districts that have to make the decisions. They are the ones that know the kids' names. They are the ones that know the strengths of the kids. They are the ones that know the challenges they face. Let them make the decisions and take the Federal handcuffs off of local educators.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. BOND. I ask for 1 more minute?

Mr. COVERDELL. I yield 1 more minute to the Senator from Missouri.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. One final item I need to get in. Last year, we worked very hard for a Transportation Equity Act for the 21st century, or TEA 21. I led the fight with Chairman JOHN CHAFEE and Chairman JOHN WARNER to make sure we put the trust back in trust fund; that is, we told the American people that we would send back, for highways, the money in the trust fund as it increased. In this budget he proposes more boutique programs. He wants to go back on the promise we made last year. We have great highway needs and there is absolutely no reason to get more Federal programs when it is the States who need to build the highways. We need to start over again on transportation and education and make some sense out of this budget.

Mr. COVERDELL. Mr. President, I appreciate the remarks of the Senator from Missouri. I now yield up to 5 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Thank you, Mr. President. I thank the Senator from Georgia.

I wish to join my colleagues in expressing our deep concern at this administration's misleading and potentially damaging budget.

Now that we have finally gotten our fiscal house in order, turning huge deficits into significant surpluses, I am troubled, as a lot of our colleagues are, that the administration is seeking to turn the clock back to the bad old days of tax and spend that got us in financial trouble in the first place.

I think the Senator from Missouri very effectively outlined some of the inadequacies of this budget.

This budget includes $1.7 trillion in new Government spending, with the potential of trillions more, despite the President's agreement to set budget caps. And despite the President's frequent calls to save Social Security first, it does nothing to save this crucial program.

Finally, this budget includes no significant tax cut for the hard-working American families who brought us out of the age of deficits and into the present age of surplus. With the $4.5 trillion in anticipated surpluses, this administration could not find—in its budget, or in its heart—the wherewithal to give anything back to the American people, and that, Mr. President, is simply shameful.

I know my colleagues and I will be speaking a great deal in the coming weeks about the need for tax cuts, and I know the Presiding Officer will be one of those speaking often about this topic. But today, I want to focus on one particular aspect of the President's budget that would do great damage to our system of Government and to our States, my State of Michigan in particular.

Last November, 46 States and the tobacco companies reached a settlement in their long-running litigation. The Federal Government neither initiated nor helped the States financially in these suits. Yet now, the Clinton administration wants to divert $18.9 billion of the settlement to its own uses.

The Federal Health Care Financing Administration, HCFA, wants to seize this money under legislation allowing it to recoup Medicaid overpayments. But no Medicaid moneys were allocated under the tobacco settlement. This seizure is a raw exercise of Federal power, dangerous to our liberties and our form of Government.

In addition, the administration's actions promise costly litigation and first hits those least able to fend for themselves: State Medicaid patients whose funding would be seized by HCFA.

Of course, the administration claims that it will use the State's moneys to benefit everybody. Once again, this administration believes it is better able to spend money than are those actually entitled to it; in this case, the States.

A number of States already have acted in reliance on the tobacco settlement, putting forward proposals that will greatly benefit their constituents. For example, in my State of Michigan, Governor John Engler has proposed to endow a merit award trust fund with Michigan's share of the settlement, at least a portion of that settlement.

Under this program, every Michigan high school graduate who masters reading, writing, math, and science will receive a Michigan merit award, a $2,500 scholarship that can be used for further study at a Michigan school of that student's choice. Another $500 would be available for seventh and eighth grade students who pass their State tests, bringing the total available for higher education in Michigan to $3,000 for students who work hard and learn the basic skills needed to move on to higher education.

We need programs like Michigan's to help kids do well in school and get ahead in life. The Federal Government should be learning from these kinds of programs. It should not be taking money out of the pockets of Michigan's young people to put into the pockets of Washington bureaucrats.

We must protect the rights and the people of our States by seeing to it the tobacco settlement money stays where it belongs and where it will do the most good—in the States.

That, Mr. President, is, in my judgment, one of the many inadequacies in the President's budget. I certainly intend to work very hard here in the months ahead to make sure these tobacco settlement dollars go to the States where the priorities can be set that make the most sense to the people of the States. They are the ones who fought this litigation and won it.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senator from Michigan, and I now yield up to 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I thank the Senator from Georgia for his time, and I appreciate his organizing this discussion of the President's budget, because it has some very serious problems, even though we are in superb fiscal times now and it appears the President has put forward a budget which will create for us into the future some fiscal problems of an enormous extent. Many of these relate to his so-called "resolution" of the Social Security issue. Let's talk a few numbers to begin with.

What the President has proposed in Social Security does virtually nothing to address the underlying problem of Social Security. The underlying problem of Social Security, of course, is we have the post-war baby boom generation that begins retiring in the year 2008, and that generation is so large in physical numbers that it overwhelms the capacity of the younger generations to support it. Has the President addressed that? No.

What the President has done is put forward a major accounting gimmick which is, basically, a proposal that has no substantive effect on the underlying problem, but gives them the capacity, through bookkeeping, to claim that they have addressed the problem.

The President has proposed that we take the present surplus, which is projected in the Social Security fund, of about $2.3 trillion and keep that in the Social Security fund. And then the President has proposed a brand new commitment from the general fund to the Social Security fund, a new bookkeeping entry which amounts to new debt of another $2.8 trillion. The practical effect of that, of course, is that nothing happens. But the political effect of it is that the President can claim that by making this bookkeeping entry, he is extending the life of the trust fund for another 8 years or so.

Let me try to explain it through this pie chart, because it is a complicated little shell game. It is not a little shell game, it is the biggest shell game ever played in the history of this country, actually.

This is the spending which is projected relative to the surplus over the next 15 years. There is $2.3 trillion for Social Security in the President's proposal: $700 billion for Medicare, $500 billion for new USA accounts, and $500 billion of new spending items. Notice there is no tax cut in here for Americans. He decided to skip that for the next 15 years, but that is another issue other Members will talk to. Essentially, that is how he spends the $4.4 trillion surplus, which is projected for the next 15 years.

However, in his accounting process, he also spends another $2.8 trillion, which is these new notes that he credits to Social Security. Why does he do that? He does it essentially because he wants to claim he has expanded the size of the Social Security trust fund so he can extend this life expectancy out. But this doesn't exist. This is a bookkeeping event. What it does do is it creates a huge new debt which will have to be paid by later generations to the Social Security trust fund.

The practical effect of that debt is that he will be increasing the tax obligations necessary to support the Social Security trust fund as we move into the later years by huge numbers.

Beginning in the year 2025, it will take an extra $360 billion in order to maintain the trust fund, and this will have to come from the general fund, which means it will have to come through tax increases. This is in order to meet the obligations created by this new $2.8 trillion bookkeeping entry.

In the year 2035, that number jumps to $786 billion. That is just 1 year, coming out of the general fund into the Social Security trust fund. The implications of this are staggering. It moves up to a figure of $2.07 trillion—that is a 1-year number—in the year 2055. The implication is staggering, because it does two things.

First, it creates this huge pressure on the general fund which inevitably leads to a huge tax increase. Secondly, it creates a whole new dynamic for the Social Security system. The Social Security system has never gone into the general fund in order to support the Social Security system. That is not the concept of the Social Security system. The Social Security system has always been a trust fund. This creates the Social Security fund as a fund that has a drain basically on the general fund.

This all comes down to basically, in my opinion, sham accounting. And you don't have to take my word for it. Ironically, in a spurt of honesty and truth in accounting, the President's submission to the Congress of its budget had this language at page 336. I think it is worth reading.

> (The Social Security Trust Fund) balances are available to finance future benefit payments and other trust fund expenditures—but only in a bookkeeping sense. . ..

So somebody at least down at OMB had the integrity to acknowledge what they were actually doing. They were creating a bookkeeping event for the purposes of claiming an extension of the Social Security trust fund.

> They do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes—

Which is the item I pointed out here, the trillion dollars in the year 2045, for example—

> borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the Government's ability to pay benefits.

If I had written a critique of what the President proposed, I could not have done a better job. Somebody on his staff had the integrity to truly write the critique, and by mistake, I suspect, they slipped it into the President's budget submission. I am sure they are upset now that it is in there. But it is an accurate statement of what they have done. This is a bookkeeping entry, the practical effect of which will create huge outyear chaos.

Why is that? Common sense tells you why it is. You can't address the problem of the Social Security issue with mirrors. You can't say that a problem that is created by having a huge generation retire is going to be solved by having a bookkeeping event occur in the budgeting processes of the Federal Government. But that is what this President would like us to believe.

In fact, if you look at the President's proposal on Social Security, as he put it forward, it has absolutely no substantive impact on the underlying problem. He first uses this double-counting event, which does nothing—in fact, it potentially aggravates the problem dramatically in the outyears—and, secondly, suggests we should take the trust fund and invest some portion of it, 15 percent of it, under Federal management in the marketplace, which will create, potentially, havoc, basically a nationalization of our stock market, potentially havoc in our stock portfolios throughout the country, as Chairman Greenspan has correctly pointed out. And then he proposes two specific things to do, both of which cost more money. He proposes we raise the earning limits, which is a good idea; and he proposes we address the problem of elderly women who are at the low-income levels, which is a good idea. But neither of those help the Social Security solvency issue. They actually aggravate the Social Security solvency issue.

So his proposal on Social Security is the largest shell game ever put forward in the history of the world and does absolutely nothing to substantively improve the problems which we have with Social Security as we go into the next 20 to 30 years. And those problems are huge.

A number of us on our side of the aisle—and I notice Senator DOMENICI is here—have put forward proposals which are substantive, which are legitimate, which address the fact that this is a demographic-driven event and which must be addressed. But we can't move forward with our proposals if the President is going to be so irresponsible with his proposal. The fact is his proposal is used primarily for the purposes of pushing another political agenda. Trying to lower the ability of this Congress to address tax cuts is the primary political agenda behind this proposal, in my opinion. It does nothing as a constructive voice on the issue of Social Security and Social Security reform; and thus it is a great disappointment. And I think the White House is going to go back to its drawing board and come back with another idea, another proposal, if it expects the legacy of this President to be a correction of the most significant fiscal policy which faces this country, which is the Social Security crisis in which we are headed.

I thank the Senator from Georgia for his courtesy.

Mr. COVERDELL. Mr. President, I thank my colleague from New Hampshire, not only for his presentation today but for all of his work on this great question before the country embraced in Social Security.

I now yield up to 7 minutes to our distinguished colleague, the Senator from Idaho.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Idaho is recognized for 7 minutes.

Mr. CRAIG. Mr. President, thank you. And let me thank Senator COVERDELL for chairing the special order today to talk about a very important debate which this country is now just beginning to engage in; and that is, the debate over the Federal budget for the next fiscal year and for the near future of the next 10 years.

The reason I say it is an important debate—and I associate myself with the remarks of the Senator from New Hampshire—if not the most important debate we will become involved in in this decade is that it is long term. What we do in this budget sets a trend line, clearly establishes a standard of performance for how Government operates and how taxpayers are treated in our country.

So for the next few moments I am going to dwell on that, because I can't deal with the specifics of this budget yet, not in the detail that the Senator from New Mexico, who is the chairman of the Budget Committee, is going to in a few moments. He is the expert. He teaches me what is in this budget. And I listen very closely.

But let me tell you, there are some fundamentals that I hope the public will come to recognize as this debate goes on, that within the budget surplus there are two surpluses. About 62 percent of that surplus is generated by Social Security tax, Social Security tax revenue. And that 62 percent the President of the United States and the Congress of the United States agree ought to be dedicated to reforming and strengthening the Social Security system. So if you will, that is surplus I.

There is a second surplus, and that is a surplus that is generated by other taxes, including the taxpayers' income tax. And that represents about 38 percent of the Federal budget. It is on that percentage that this Republican Senate at this moment is proposing, amongst other things, a significant tax cut for the taxpayers of the country.

I am very proud to stand on the floor, along with a lot of my colleagues, and say that a decade and a half ago we began an argument to force our Government to balance its budget. We were told at that time, in the early 1980s, that wasn't going to happen, just wasn't going to happen in my lifetime. In fact, I had an elder statesman in the House—I was serving in the House—after I delivered this House speech on balancing the budget on the floor, tap me on the shoulder, and he said, "Kid, you ain't gonna live long enough to see a federally balanced budget." And then he went on to say, "Why would you want to do it? Look what you can do with Government spending to expand the economy, to create all these neat things." And I looked at him and smiled and said, "To reassure your reelection."

Well, that was less than 20 years ago. In fact, that was about 14 years ago when that statement was made. And today the budget is balanced. Today we are now arguing over how to spend the potential trillions of dollars of surplus that will be generated by that budget.

When I was arguing the balanced budget idea in the early 1980s, along with a lot of my colleagues, there were some fundamental reasons why we were doing it: No. 1, to control Government. Because we saw an all-increasingly expanding, powerful Federal Government as a damper on the rights and freedoms of the citizens of our country. More Government, less freedom; more programs, less control, less opportunity on the part of the average citizen. So that was one of the reasons. The other reason was to turn this economy on.

In all fairness, Mr. President, I don't think any of us ever knew how much you could turn the economy of this country on if you did just two things: If you balanced the Federal budget, that is called fiscal policy, and if you kept monetary policy in line with it; and if you rewarded the workers by allowing them to keep more of their own money called taxes.

We have been able to do all of those things in combination. And what happened? We turned this economy on. We fueled it in a way that was really beyond our imagination.

In fact, a lot of us are looking at this strong economy today and saying, how can it last? Why is it so strong even in light of all the things that are going on around us in a world economy that is dragging it down to some extent.

The reason it is strong is because the Federal budget is balanced, because monetary policy is in line with the Federal Reserve. Now the next step is to keep it strong and even stronger and to take overtaxed American taxpayers and make sure that they keep an ever larger part of their hard-earned money. That is the real difference between what the President proposes and what we are talking about.

Oh, yes, we have the fundamental disagreements on Social Security reform that the Senator from New Hampshire, who is now presiding, has just talked about, and those are fundamental differences. But with that 38 percent that is left, the President plans to spend it all in one form or another. In fact, if you listened to his State of the Union in his budget message, he was like somebody handing out gifts in the form of government programs. A little here and a little there, going to benefit this, going to benefit that, going to expand here, and in the end, the world is going to be a happier place, and the President is going to be a more popular guy. Or so it went.

What he didn't say was that he actually was growing the potential of a Federal debt and deficit in combination again and that he was not offering substantive reform in the long term that would really benefit Social Security recipients, and most importantly, the young people of our country.

There is another premise with Social Security: No matter what we do we are going to protect the elderly. But what we have to do is assure that the young people of our country have a good investment in the future because Social Security today for a young person entering the work force is a lousy investment. There is very little returned for their money. So those are some of the dynamics of the debate at hand.

Mr. President, let me close with this thought—and I believe it sincerely, as somebody who has fought for a balanced budget, as somebody who is proud to see a balanced budget gained, and as somebody who has been very surprised over the strength of an economy that can be generated by the balanced budget and good, sound, monetary policy. It is simply this: I believe the President squanders the reward of a balanced budget. I believe the President squanders the hard work that we have done here to assure that the taxpayers of our country can have back even more of their hard-earned money. He not only squanders it in bad ideas, he squanders it by simply creating a greater liability on future earnings of our government or future taxes by our citizens.

We are standing at the threshold of a unique time in our Nation's history, a true opportunity to fix Social Security, to reform it, and to change it into a positive investment for the young people of our country while still continuing to hold safe and reward the elderly of our country for their hard-earned days, but also to assure long-term economic growth in our country that keeps our work forces working, that keeps our taxpayers happy, and that strengthens our country among other nations in the world.

That is an opportunity that can be accomplished with this budget. That is why I think what we are standing for today is the right direction and course for this country to take.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank my colleague from Idaho. I yield up to 10 minutes to the distinguished chairman of the Budget Committee, Senator DOMENICI of New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank Senator COVERDELL very much. I hope I will not use 10 minutes because there are other Senators here.

Let me say to the distinguished occupant of the Chair, Senator GREGG, I was here when he made his remarks. I think the most salient aspect of those remarks—while I agree with almost all of it—the most salient area can be formulated into a question.

My question is this: For at least 10 years we have been struggling in this land with commission after commission, study group after study group trying to tell us how we could repair Social Security so that it will be available in the next millennium, because of the terrible impact on that Social Security fund, of the actual demographics of America, and the baby boomers hitting pension time. Now, does it seem logical that after all of that discussion that essentially we don't have to do anything to save Social Security?

I asked the question so I can answer it because I believe everybody that is working so hard at it would say the answer is, no; you can't fix Social Security by doing nothing for or to or in any way reform or change it.

Now the only thing the President of the United States did in this budget is make a proposal that will never pass the Congress, that a tiny piece of this so-called surplus that belongs to Social Security be invested in the equities market of America by a government-controlled board, who would be subject to all kinds of pressures that would distort the market of America. I don't say that singularly. The Chairman of the Federal Reserve Board has used far stronger words than these: that it won't work, that it will be detrimental. So in a sense, that is the only thing proposed.

Now, I am going to lower my voice and say, on the other hand, the President is going to say that he transfers some of the surplus of America to the Social Security fund and it is there and thereby it extends the life. But the Senator has so adequately stated, What is being transferred? In the end, what is being transferred is going to result in debts that have to be paid by somebody, some time, because we have neither enhanced Social Security by investing a significant portion in the equities market, nor have we, in any way, if one seeks to reform it otherwise, made any changes to it except to add to it.

Frankly, that is a missed opportunity. I think I might say it is a missed opportunity, perhaps, because of the clamor that we are in today politically.

I think last year the President was on the right track. He had meetings and bipartisan seminars and everybody went. They held one in Albuquerque, NM. And forthrightly, the President used to say to people who opposed investing it in the equities market, in as safe a way as possible, Why should the Social Security trust fund yield so much less to the Social Security recipients than investing in other pension plans? He used to ask that question when people were against investing it. What happened, however, as this budget came rolling through under the political turmoil that exists, the President sent us nothing but some words that say we hope we can work together.

I hope we can, too, because I think if we did it would be a far different proposal than what is in this budget, which is borderline nothing with reference to Social Security.

There are so many other things to talk about, but I am only going to talk about three and do it very quickly. Fellow Republicans, conservatives and moderate conservatives in America, this budget presents the best opportunity for those who think conservatively and Republican and moderately conservative, to present a basic issue that disagrees with the President and those who follow him in the Democratic Party.

My friend from Idaho, it is basically this: When you have a very large overpayment by the taxpayers of America, an unexpected tax burden that yields billions of dollars that were unexpected, that we don't need, that are now building up a surplus, what do you do with it? And one approach is to save it. The President says he is being conservative and saving it. But I add to that, saving it so it can be spent. And in some instances, spending it under the President's budget or give it back to the American taxpayers in proportion to how they paid it to us.

That falls simply under the rubric of a tax cut. I have explained it as well as I could as to why the time has arrived. Why is this an opportunity to debate a difference? Because if you don't give it back to the taxpayer, no matter what contortions you go through about transferring it to trust accounts with new IOUs and the like, it is available to be spent, and I am not going to be anymore positive about that, other than to ask another question: Does anyone think that that kind of surplus sitting around is going to really stay sitting around, or is it going to do something else? I submit that the President is on a path to showing us already that it is going to be spent.

My last one—I will do one additional one—is this: Anybody in this Chamber or across this land who has heard the President speak and has heard his budget presented, answer this question for me: Did the President propose spending some of the surplus which he is going to put into Medicare? Did he propose spending it for prescription drugs? Frankly, I surmise that already, among those who are interested, 95 percent would answer that question that he proposed spending it for prescription drugs. But that would be inconsistent with saving it, right? So, as a matter of fact, if you read his speech attentively and listen to two of his witnesses—OMB and Treasury—it is now obvious that he does not propose to spend any of it for prescription drugs.

But isn't it interesting? You put it in the trust fund to make the trust fund more solvent, but then you don't propose that any of it gets spent. That is what is going to happen to the surplus. That is one example—the big surplus, over and above the Social Security surplus. It is going to find niches in this country, special interest groups of all types, small and large, and it is going to be spent.

Now, are we undertaxed? Of course not. We would not have this kind of surplus if we were undertaxed. This surplus indicates what a surplus of this size should indicate, which is that tax receipts are very high. In fact, the total tax receipts of the Federal Government are the highest percentage of the gross domestic product that they have been in 50 years. You can pick pieces of the taxpayers and draw different conclusions for different groups. But essentially it is true that the total tax take is going up as a percentage of our gross domestic product, and that sends a signal: It is time to take a look and make sure you don't spend at that level, because then you move America into a high tax country. Our success is not as a high tax country; our success is as a low tax country. That is why we are succeeding over and above other countries in the world.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank the chairman of the Budget Committee for his presentation this afternoon.

I yield up to 3 minutes to the Senator from Wyoming, Senator THOMAS.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I have been listening with great attention to what we are talking about. Certainly, there is nothing more important before us now than the budget. We have heard all kinds of explanations, and we will hear many more. We will argue about the allocation over time. But it seems to me, as I think about it, that the idea of a budget is where we really set our priorities.

There is more to a budget than simply the question of where we spend every dollar. What we do with the budget is, we put into reality the things we would like to see in our Government. What size Government would you like to have? What do we do with respect to our working with the State and local governments? How does that fit? What do we do about taxes? Is there something we want to do there? I look at it as really an opportunity for us to, philosophically and from an ideal standpoint, look at why we are here and what it is we want to accomplish.

For those who want a simpler and smaller Government, does this budget do that? I don't think so. This is an increase in size. This is more Government. This is larger.

What if your goal was really to move more and more of the choices and more and more of the responsibility closer to people and State and local governments? Does this budget do that? No, I don't think so.

What if you want to really feel strongly about spending caps and say that this is the way you control spending? Does this budget stay with the caps that we argued so much about just 2 years ago? No, it doesn't do that.

If you had an idea that you would really like to take care of paying down this debt on a dependable program over a period of time, a little bit like, I suppose, a mortgage, and you wanted to do that, does this do that? No, it doesn't.

So I hope that as we go through this whole process—and it will be, unfortunately, almost all of the year—I hope we start with the principles that we would like to see enunciated when we are through. We will have different views. Some people want more Government, more spending and more taxes—a legitimate idea, but not one that I share. I think we do much of that in the budget.

So I hope, Mr. President, that we really take a look at measuring this budget in terms of our values, the reason we came here, the reason we have given to our constituents as to why we are here. Much of it will be reflected in this budget.

I yield the floor.

Mr. COVERDELL. Mr. President, that is going to close the discussion on our side on the President's budget. I am going to yield the remainder of our time at this point to the distinguished Senator from Texas on another matter. How much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. COVERDELL. I yield the remainder of our time to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 30 minutes thereafter, and I further ask that following my remarks Senator GORTON be recognized, followed by Senator GRAHAM of Florida and then followed by Senator BROWNBACK.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mrs. HUTCHISON, Mr. GRAHAM, and Mr. GORTON pertaining to the introduction of S. 346 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM. I thank the Chair.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as if in morning business for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has that right.

Mr. BROWNBACK. I thank the Chair.

HUMAN RIGHTS ABUSES IN SUDAN

Mr. BROWNBACK. Mr. President, I want to bring to the Senate's attention something that, when I first saw it, I found it just to be unbelievable, that the type of situation that is going on is happening in the world today, in 1999.

I am speaking of what is taking place and the human rights abuses that are occurring in the Sudan today. The northern Sudanese Government is waging a vicious war in the south against its own people, who are suffering extraordinary human rights abuses on a massive scale. Slavery—slavery—and Government-induced famine not only exist but are increasing. It is unpardonable that slavery continues in the modern world today, that in 1999 we have slavery going on in the world. And it does in the Sudan.

It is even more dismaying that this offense against humanity is officially tolerated, even perpetrated, by a national government against its own people. I believe that America has the moral authority and the duty to protest this outrageous practice.

Joined by other Members of Congress, I will be introducing a resolution which demands the end of slavery in the Sudan. Legislation will also be introduced which challenges the famine-induced practices of the Government. Consider this a modern-day abolitionist movement, inspired by the legacy of some of the great freedom advocates such as Martin Luther King or William Wilberforce who ended the slavery trade in Britain nearly two centuries ago.

Let the facts speak for the victims. There are 1.9 million Sudanese who have died at the hands of their own Government, more people than Bosnia, Rwanda, and Kosovo combined. Over 2 million people have been displaced, driven from their ancient communities—that is nearly 10 percent of the population—and they now wander homeless, without resources, education, or hope for a decent future for their children. This is the largest internally displaced population in Africa. Most alarming, 2.6 million risk starvation this year—this year—because of Government policies deliberately calculated to produce food shortages.

Reportedly, 1998 was the worst famine in 10 years because of the official Government practices of denying food distribution to its own starving people. Experts warn that 1999 will even be worse because of the now weakened condition of the population. How could this happen when so much aid stands waiting for shipment? The answer is because the Government denies humanitarian aid organizations access to famine-stricken areas in the south. They deliberately withhold American-sponsored aid from the starving population to manufacture a famine.

Now, why would a government deliberately starve its own people? They have made starvation a weapon of war to crush those fighting for self-determination and religious freedom. Through this weapon of starvation, they can drive the people into refugee centers, which they cynically call "peace camps," and there break them with humiliating treatment, deprivation, rape, more starvation, and even bombings in peace camps.

The Sudanese people suffer terrible treatment in these so-called peace camps; they are forced to renounce their own deeply held religious beliefs as a condition to being given food. Christians and traditional tribal believers report this is a routine practice.

The U.S. Committee for Refugees issued a report recently which describes the bombing of refugee centers by the Government. The Government bombs these unarmed refugees, the women, the children, the sick, the starving, the elderly, all of whom have taken refuge in these camps as their last resort for food.

Recently, reports on female refugees state that virtually every woman interviewed—virtually every woman interviewed—was raped or nearly raped during induction to the camps. Moreover, young boys in these camps are abducted into the northern cause and used as front-line fodder. These are the so-called peace camps.

Yet the most incredible crime against humanity practiced in the Sudan today is slavery. In 1999, slavery still exists in this world, and it is officially tolerated, even perpetrated, by the National Government against its own people. Tens of thousands of Sudanese presently exist as chattel property, owned by masters who force their captives into hard labor and sexual concubinage. They are branded, beaten, starved, and raped at their master's whim. Forced religious conversion is routine. Christian and tribal traditional believers experience starvation and whippings until they renounce their own personal faiths. All slaves with Christian or African names are given new Arab names by their masters. The girls undergo a terrible practice, lightly referred to as "female circumcision," better described as "female genital mutilation," which is permanently disfiguring, extremely painful, and physically dangerous. Some Moslems also have this act forced upon them.

I asked my personal staff to investigate this situation in September. That trip to the Sudan produced extraordinary photos of children who have been redeemed by John Eibner of Christian Solidarity International.

Mr. Eibner is a modern-day abolitionist, an American who redeems people from slavery for about $50 a person—50 bucks a person to redeem a slave today. He has rescued over 5,000 people from slavery in the Sudan since 1995. These photos from that trip show some of those redeemed slaves. I want to show those photos to the Senate. These are people my staff went and met with, who have been enslaved in the northern part of Sudan. You can see young children here in this picture who were gathered together, beautiful young children who have suffered the bonds of slavery in 1999. Here is the broader group, and a picture of the group they met with who had all been enslaved.

Then I want to show you these next two pictures up close. This is the face of slavery today in the world, in Sudan. This young boy, approximately the age of my son, was a slave in 1999, in this world today in the Sudan. You can see he is holding his arm out here as they were looking at his arm and his slave brand that he had. We have a closer picture of that brand that this young boy suffered that was put on under his slave master's hand—slavery in the world today. It still goes on. It still goes on. And it is going on in the Sudan.

Both victims and experts report that the slave practice has actually even increased since 1996. It appears that the Sudanese Government employs slavery as a deliberate means of demoralizing the civilian population and fragmenting communities. Slavery is also used to reward government soldiers fighting this civil war. These women and children are captured as war booty, as a type of salary for the soldiers. It is repugnant that any country would permit, let alone promote the demeaning cruelties described here. Therefore I invite anyone who is touched by this account of suffering to join me in this cause to end slavery before the next millennium and stop this insane practice of man-made famines in the Sudan.

We have the capacity to do this. We need to do this. And we must do it now.

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I first ask unanimous consent that at the conclusion of my statements the Senator from Illinois, Senator DURBIN, be recognized to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. GRAMS. I thank the Chair.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 347, S. 351, S. 357, and S. 358 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAMS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

THE FEDERAL BUDGET

Mr. DURBIN. Mr. President, I thank you for yielding me this time in morning business to address the issue of the Federal budget. This time of year, as America starts to look forward to spring training in Florida and Arizona for the baseball season, Members of the U.S. Senate and House of Representatives get involved in their own grapefruit league, their own spring training, which starts with our speeches on the Federal budget process. And I am sure that many people who would witness this debate would scratch their heads and say, What can that possibly mean to my family in Chicago, IL, or Springfield, IL? In fact, it has a great deal of importance and not only defines who we are as a nation and what our priorities will be in the coming year, but it also affects a lot of programs and a lot of taxes that directly impact families across America. So this kind of runup to the serious debates on the budget resolution is an important part of the annual ritual in Congress. And I am happy to be part of it today.

I have listened to my Republican colleagues, as they have spoken about their view of the budget, the budget process, and where we are in America, and it is a slightly—well, no, it is a significantly different point of view than I have. Because I take a look at this Nation and I do not see it in somber and serious terms. I don't find it depressing. I am not saddened by it. I really look at the state of government today in Washington, DC, and see so many hopeful signs that I wonder sometimes if my Republican colleagues are looking at the same picture that I am looking at.

There are certain things which I think we ought to accept as a reality. The fact that two out of three Americans today say the Clinton administration is doing a good job suggests to me that most Americans—Democrats, independents and even almost a majority of the moderate Republicans—have come to the conclusion that this country is on the right track, this administration is doing a good job. And there is ample reason for them to reach this conclusion.

Think about where we were 6 years ago when this administration began. The budget deficit stood at nearly $300 billion a year with no relief in sight. At the time, the Congressional Budget Office was projecting that the deficit would reach $350 billion in 1998. At that time, no one—absolutely no one—would have expected, instead of a $350 billion deficit, we would be running a $70 billion surplus.

The first step on our road to recovery and sanity in the budget process was the passage of President Clinton's 1993 Deficit Reduction Act. I remember that vote as if it were yesterday. That vote taken over 5 years ago is imprinted in my memory, because we were told by our Republican critics that if we voted for this Clinton deficit-reduction plan we would drive this economy into a tailspin, we would have even deeper deficits, we would have a wholesale reaction from the American people against this new policy. And as a result of it, we didn't garner a single Republican vote in support of the Clinton deficit-reduction plan. Here in the Senate, before I arrived, when the vote was cast, it was up to Vice President GORE to cast the deciding vote for this deficit-reduction plan.

It turns out the President and the Vice President were correct and the critics of the plan were wrong. Because, as you see, we have now reached the point where that deficit reduction put us on a road toward a balanced budget, which we enjoy today. Giving credit where it is due, there was a second installment on deficit reduction done on a bipartisan basis by Republicans and Democrats which completed this effort. I am glad that we were able to do that on a bipartisan basis. But history records that the first important and most painful step in this process began in 1993 with President Clinton's proposal.

A lot of my friends on the Republican side have argued that we have been able to eliminate the deficit but at the expense of raising taxes on ordinary Americans. I have heard this so often you almost start to believe it. And then you look at the facts. The facts are these: The Treasury Department shows that a median income family of four currently pays less in taxes as a percentage of their income than at any time in the last 20 years. It is also true for families of four at one-half the median income level and a family of four at twice the median income level.

So the Republican claims that the President has balanced the budget on the backs of working people just simply are not true. Nor is it true that the administration has increased the size of government. All of these claims about big government and big taxing just do not wash when you take a look at the facts. According to the Center for Budget and Policy Priorities, spending has declined to its smallest share of our gross domestic product in 25 years. Furthermore, under the President's proposal, spending will continue to decline as a percentage of our gross domestic product to its lowest level in 33 years.

Sound fiscal policy has translated into economic resurgence in America which still baffles even the experts. Here we are enjoying the 95th consecutive month of economic expansion, the longest peacetime expansion in our history; interest rates stable and falling; unemployment rates coming down; welfare rolls coming down; inflation at its lowest combined rate with interest rates and unemployment in a generation.

As the President announced to Congress 2 weeks ago, the state of our Nation is strong. As Vice President GORE often says, everything that we want to go down has gone down. We are talking about the unemployment rate and welfare rolls. And things we want to go up, like family income and housing starts and new businesses, continue to go up. So when I hear these funereal tones from my Republican colleagues about how sad it is that this administration just can't get it, can't get it right, I look around at our economy and I am baffled, I cannot find the evidence for their claim.

Despite these promises of surpluses in our budget as far as the eye can see, we all know that budget projections in the future are a guess, an educated guess but a guess. Four years ago, the Congressional Budget Office forecast the deficit would exceed $300 billion this year and approach $500 billion by the year 2005.

With $5 trillion of Federal debt hanging over our heads, now is not the time to abandon fiscal prudence in favor of tax cuts for the wealthiest Americans, as many of my colleagues have suggested. We should take advantage of the opportunity to redirect and invest our surpluses at this moment in history where they can pay off for America in the long run. We need a responsible fiscal course to begin with. The President's budget wisely preserves 62 percent of the projected surplus for Social Security and I hope both parties can agree to this. Let me say this: If at this moment in time—this year—as we debate the budget, as we envision surpluses for years to come, if we cannot muster the will, on a bipartisan basis, to save Social Security, we never will. It will be less painful now than any time in our future. And we have to accept the responsibility of dedicating the surplus to Social Security.

The President said it last year, and repeated it again this year: "Save Social Security first." And those who want to embark on a different course, so be it. I believe the American people agree with me and the President that this money should go to Social Security, and also to Medicare. The Medicare Program, important to millions of elderly, is a program that is in trouble. There is no doubt about it. As health care costs go up, as the elderly population increases, Medicare faces strains and pressures never envisioned.

The President has suggested taking 15 percent of the surplus and putting it into Medicare to make sure that we have an additional 10 years of a solid Medicare system for senior citizens. That, to me, is eminently sensible. That, again, is an investment of the surplus in something good for the long-term benefits of our Nation, not just for elderly—of course it benefits them directly—but for their children as well.

When senior citizens cannot pay their health care bills, many times they turn to the government but they often turn to their children. Let us relieve that generation from a burden they shouldn't carry, by investing a portion of the surplus in Medicare. Medicare and Social Security are entitlements but they are earned entitlements. Let's put the "security" back in Social Security and put quality health care into Medicare.

When we think about what to do with the surplus, it makes sense to consider the perspective of Alan Greenspan. If there is one man who is credited with leading us through this out-of-the-deficit desert and into the sunshine of surpluses, it is the Chairman of the Federal Reserve, Alan Greenspan. In testimony to the Senate Budget Committee last week, the Chairman said that the single-best use of the surplus is to pay down the national debt. This is exactly what the President is doing by dedicating the surplus to Social Security and Medicare.

There is also a proposal for tax relief. It is perfectly reasonable that once we have taken care of our obligations to save and preserve Social Security and Medicare and thereby reduce the national debt, we also help families in America who need tax relief. The President's proposal is a sensible approach which gives working families more income security, more spending power, and a greater ability to save for the future.

The President's proposal finds $34 billion in tax relief to working families. His budget reserves 12 percent of the projected surplus to provide low- and moderate-income Americans with a tax cut to help fund personal retirement accounts. Millions of Americans and millions of Federal employees, including most of the people who work in this building, have availed themselves of savings opportunities for their retirement, whether it is the Federal Thrift Savings Plan, individual retirement accounts, or Roth IRAs—named after Senator ROTH from Delaware. In order to make certain that low- and middle-income families have that same option, the President suggests that we create these personal retirement accounts that will help them. I think that makes sense.

The President also suggests that we provide tax relief for child care costs for 3 million working families. A couple years ago, I went across Illinois and talked to working families and in particular, working mothers, about their major concerns. Do you know what the number one concern was? It was, what will I do with my kids when I go to work? I can't afford to send them to the very best day care, and I worry myself to death when I am on the job and I am not certain that they are safe. That is a natural human reaction. It is the right reaction from a parent. What the President is saying is that we need to be sensitive to these working families by giving them some tax relief to help pay for day care and child care.

The same thing is true for many of the working families who have elderly parents or parents who are sick or disabled who need help with long-term care. Here again, the President's proposal offers tax relief to millions of Americans who want to provide for loved ones that are in their golden years.

You will also hear a cry for tax cuts from our colleagues on the other side of the aisle. But it is almost as predictable as night following day that when you go beyond the surface appeal of tax cuts proposed by the Republicans, you find the same story year in and year out. Let me give you some graphic examples of what I am talking about.

This chart which we had prepared looks at the proposed 10-percent tax rate cut that the Republicans have brought forward. Of course, we had to analyze it to see what it would mean to most families. This is no surprise if you have followed Republican tax breaks in years gone by. The bottom sixty percent of America's families, based on income, would see an average of a tax break of just $99 a year, roughly $8 and a few cents each month. Then you get to the top 1 percent of incomes, people making over $300,000 a year, and look what their average tax break is under the Republican plan—$20,697. I just can't understand this. I can't understand why low- and middle-income families making below $38,000 a year should get an average annual tax break of a little over $8 a month while we turn around and give $1,600 or $1,700 a month to the wealthiest among us.

If there is to be a tax break, if we are to use the surplus to help American families, should we not dedicate that surplus first and foremost to the low- and middle-income families who absolutely need it the most?

When I take a look at where money can be spent in this Federal budget, I am sometimes troubled that my friends on the Republican side of the aisle suggest that spending on domestic priorities is creating wasteful, new programs. In one particular area I take exception; that is in the area of education and training.

It was only last year that we had the major corporations in Silicon Valley and across the country lobbying Congress to change the immigration laws in America so that these companies could bring in skilled and trained personnel, immigrants from overseas, to fill gaps in their employment. That is a sad commentary on America's educational system. And it really troubles me that we have reached the point these companies cannot find within America the skills that they need to make a profit.

Then we hear from the U.S. Navy that it is suggesting it needs a change in policy. The Navy, an All-Volunteer Navy, relies on those who come forward and those they can recruit, and they have fallen short of their goals. Some 22,000 seaman are needed and not available, particularly 18,000 for service on ships at sea. So the Navy has come to Congress and said we think the answer to this is for Congress to allow us to increase the number of recruits who don't have high school diplomas from 5 percent of the total to 10 percent. Now, that is a troubling admission to say that we have so many young people without a high school education that we need to turn to the Armed Forces to give these young people a basic education.

When the President comes before Congress and says we can do a better job in our schools, I think most American families agree. And money invested there, I think, is money well invested. We have a skills gap in our country which needs to be addressed. We need a commitment to education that includes afterschool and summer school programs. We need 100,000 new teachers. We need to improve teacher skills and hold them accountable to make certain that when they come into the classroom, they are prepared to teach. The vast majority of teachers will meet this threshold requirement without breaking a sweat. But you know as well as I that there are people standing in classrooms across America reading from textbooks on subjects they know little or nothing about.

In my old home town of East St. Louis, last year or so I talked to some of the people on the school board and they say they will literally give a job to anyone who tells us they are prepared to try and teach science and math—"prepared to try and teach." They don't require any degrees, they can't, because they can't attract the people to do the job. We need to increase teacher skills and training to do so.

In addition, I think we need to put more money into school construction, not just because the school-age enrollment is going to mushroom dramatically over the next several decades, but because our current school buildings in America for the most part are not prepared to accept the new technology necessary to educate our children. When President Clinton suggests $25 billion in tax credits for that school construction and renovation, I think he is talking about an issue that most Americans and most families can certainly understand.

This is a time to invest in America, not a time to provide a windfall tax break for the wealthiest people in our country. The President maintains strong fiscal discipline, targets his tax relief to Americans who need it, and makes certain that our highest priority of preserving Social Security and Medicare and reducing national debt is met.

There is also a suggestion that we increase defense spending. As a member of the Defense Appropriations Subcommittee, I am going to watch this carefully. I understand, as most people do, that national defense is one of our highest priorities. I want to make certain that we dedicate our resources, first and foremost, to the men and women in uniform to make certain that they are compensated well and have a fair retirement plan.

It is a personal embarrassment to me, and it should be to every Member of Congress, to learn that so many members of the U.S. military today qualify for food stamps. That shouldn't be the case. We ought to make certain that the amount of money paid to our military personnel is adequate not only to maintain their families, but to attract and retain the very best in uniform across America. We owe our freedom to these men and women. We should compensate them accordingly. Of course, technology is part of that, but let's make sure the technology demands are consistent with the post-cold war world, that it is a technology demand that really envisions America's future role in the world in realistic terms.

I conclude by saying that I think that the President's budget has areas where I might disagree and probably will. It has areas that Congress will certainly address in a different way, but it is a budget based on the right principles, a budget to keep America on a track for prosperity and economic improvement. When we look at the growth in our domestic product each and every quarter, the encouragement it gives us, I think it suggests that we ought to think long and hard before we abandon this course we have been on—a successful course, with 95 consecutive months of economic expansion. Those who want to experiment with another approach, perhaps they can make that case to the American people; but, today, two-thirds of the American people say: Stay on this course, keep us moving forward in the right way, helping working families and preserving the programs that mean so much to America.

I yield the remainder of my time.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from New Hampshire, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

CHILDREN'S SCHOLARSHIP WORKSHOP

Mr. LOTT. Mr. President, I want to take a few moments to turn our attention to an exciting and worthwhile project for America's young people: the Children's Scholarship Fund.

Last June, two great Americans, concerned about the state of education in America, particularly about the way in which children of low-income families are often without educational options, founded the Children's Scholarship Fund with their own substantial private investments. I speak of Ted Forstmann of Forstmann-Little and Company and Gulfstream Aerospace and of John Walton of Wal-Mart Stores. Based on their firm belief that a child should not be denied educational opportunity because of his or her family's financial situation, these two citizens are improving the education of young Americans, and thereby improving the lives of all Americans.

When Mr. Forstmann and Mr. Walton announced the creation of the Children's Scholarship Fund in June 1998, they began with programs in five cities. The demand and enthusiasm with which they were greeted was so overwhelming that scarcely three months later they joined with donors around the country to make scholarships available in forty three cities and three entire states. Now, only eight months after the launch of the Children's Scholarship Fund, low-income children throughout the entire United States are eligible for scholarships. As of today, the Children's Scholarship Fund is nationwide, and will provide approximately 40,000 scholarships worth nearly $170 million. All low-income families throughout this country with children entering kindergarten through eighth grade next fall may now be eligible to receive scholarships.

On April 22nd, the names of the Children's Scholarship Fund scholarship recipients will be selected in a random drawing. Families must have submitted their completed applications no later than March 31st to be eligible. I urge my colleagues to make a note of these important dates.

In the meantime, I commend Ted Forstmann and John Walton and everyone associated with the Children's Scholarship Fund for the invaluable contributions they are making to improve the lives of so many of our young people. They set an example for all of us. The enormous public response to the Children's Scholarship Fund serves as an important reminder to those of us in Congress of the need to creatively expand educational opportunities for all of our citizens.

RETIREMENT OF TREVA TURNER

Mr. THURMOND. Mr. President, I rise to today to recognize the diligent service of Ms. Treva Turner, who is retiring from the Congressional Research Service after 33 years of providing invaluable assistance to Senators, Representatives, and members of their staffs.

It is probably safe to say that the images that most people associate with the United States Congress are those of the Capitol Building or the 535 men and women who serve in the Senate and House Chambers. After all, millions of Americans see us cast votes as they watch C-SPAN and C-SPAN2, or recognize the Capitol from a trip to Washington, DC, or from seeing it used as a backdrop for television news reports or in movies. What most Americans do not realize is that the Congress extends far beyond the Capitol Building, and those that work in these two Chambers are not limited to those of us who hold office.

As each of us knows, we rely on what is literally a small army of men and women to provide us with advice, support, and analysis. Among those organizations which support our work, perhaps the greatest treasure is the Congressional Research Service, commonly known as "CRS". For more than the past three decades, Treva Turner has been a loyal, diligent, and selfless employee of CRS, and her efforts have been of immeasurable help to many of us as we have debated any number of matters before the Senate.

Treva's speciality was education issues, and as each of us places a great priority on providing for the future of America's children, she was kept busy with any number of projects and research requests. Despite her heavy workload, Treva was always pleasant, outgoing, and ready to share her wry sense of humor with her many friends. Furthermore, she was always ready to lend assistance to people, whether they were co-workers in the Congressional Research Service, or staffers who wandered into the Senate Reference Center. Treva's professionalism and expertise assured that she provided prompt and impartial information and analysis to all Members of Congress and their staffs.

As with any professional, Treva's dedication to her job did not end with her assigned duties. Her work as a founding member of the Library of Congress Professional Association, along with her service on the Reference Forum, help to assure that CRS met the needs and expectations of its primary users.

Mr. President, I know that Treva Turner is going to be missed by all those who had the opportunity to work with her. I also know that each of us is grateful for the dedicated service and support she has rendered to the United States Congress and that we wish her health, happiness, and success in the years to come.

RECOGNIZING THE ACHIEVEMENT OF THE DENVER BRONCOS

Mr. CAMPBELL. Mr. President, today I recognize the members of the World Champion Denver Broncos of the National Football League and their stunning Super Bowl victory this past weekend.

For the second consecutive year, the Denver Broncos have proven the value of dedication, preparation and execution as they played through the regular football season, into the playoffs and in the league championship, Super Bowl XXXIII.

I would also like to recognize the Atlanta Falcons for a terrific season. They deserve praise for their efforts and a well fought game. Few gave them a chance to make it as far as they did; but, they proved to everyone that they are a team of the future.

Most folks know how close the Denver Broncos came during the past season to going undefeated. In addition, the Denver Bronco players and the entire organization won more games during the three most recent seasons than any other NFL team. Great teams are measured by sustained success and by any measure, the Denver Broncos rank among the greatest teams in history. For the first time in nearly 20 years the Broncos, an American Football Conference team, won back to back Super Bowls. A total team effort was exemplified by the Denver Broncos this season.

Mr. President, I would also like to recognize several members of the Denver Broncos organization for their outstanding achievements during this past season. Specifically, Owner Pat Bowlen and Head Coach Mike Shanahan for their proven ability to assemble the necessary players and develop game plans that consistently provide victories for this franchise; Quarterback John Elway, Super Bowl XXXIII's Most Valuable Player and a consistent Pro Bowl caliber quarterback who for 16 seasons has been the uncontested leader of the Denver Broncos and a valuable civic leader and role model for young Americans; and running back Terrell Davis, the NFL's Most Valuable Player for the 1998–99 season.

These people are the most recognizable names in the Broncos' organization and are major contributors to the Broncos' success. But, like in my office, the total team effort is what made the Broncos victorious. The entire team worked together and went after and achieved a common goal. Each team member deserves to be recognized and I will mention them in numerical order: Jason Elam, Bubby Brister, Brian Griese, Tom Rouen, Tory James, Darrien Gordon, Vaughn Hebron, Darrius Johnson, Eric Brown, Steve Atwater, Tito Paul, Howard Griffith, Derek Loville, Tyrone Braxton, Anthony Lynn, Ray Crockett, Detron Smith, George Coghill, John Mobley, Bill Romanowski, Nate Wayne, Keith Burns, Glenn Cadrez, K.C. Johns, Dan Neil, David Diaz-Infante, Tom Nalen, Mark Schlereth, Trey Teague, Cyron Brown, Harry Swayne, Tony Jones, Matt Lepsis, Chris Banks, Rod Smith, Marcus Nash, Justin Armour, Shannon Sharpe, Willie Green, Byron Chamberlain, Ed McCaffrey, Dwayne Carswell, Neil Smith, Alfred Williams, Trevor Pryce, Keith Traylor, Marvin Washington, Harald Hasselbach, Mike Lodish, Maa Tanuvasa, Seth Joyner, Steve Russ, Jeff Lewis, Chris Gizzi, Andre Cooper, Tori Noel, Curtis Alexander, Viliami Maumau, Marvin Thomas; and the coaching staff, Frank Bush, Barney Chavous, Rick Dennison, Ed Donatell, George Dyer, Alex Gibbs, Mike Heimerdinger, Gary Kubiak, Pat McPherson, Brian Pariani, Ricky Porter, Greg Robinson, Greg Saporta, Rick Smith, John Teerlinck, Bobby Turner, and Rich Tuten.

Many people also underestimated the strength of the Denver Broncos' defense. When push came to shove, the defense kept the second best running back in the game this season from gaining 100 rushing yards and intercepted three passes from the opposing quarterback in the Super Bowl. Defense wins championships, and Denver's defense proved this to be true.

Mr. President, the offensive line needs to be recognized for an outstanding effort—season after season. The reason the Denver Broncos running and passing attack was so dominant was, in large part, due to the efforts of the offensive line.

The Denver Broncos have come a long way since their introduction into the American Football League in 1960, with their mustard and brown vertical striped socks, to the Denver Broncos of today which have dominated the NFL with two consecutive world championships.

It is a special honor for me to make a Senate floor statement for the second year in a row to congratulate the Denver Broncos. Today I invite my Senate colleagues to join me in a Mile High Salute to the World Champion Denver Broncos.

PRESIDENT CLINTON'S ADMINISTRATION OF JUSTICE BUDGET CUTS

Mr. HATCH. Mr. President, even as the Senate has been weighing historic matters, the important work of the Judiciary Committee has gone forward as well. I am pleased to report that the Judiciary Committee is working to develop an agenda that will continue the Senate's commitment to the American people to make our streets safe from crime, to ensure that the benefits of this great technological and communications age reach all our people unencumbered by artificial legal barriers, and to ensure that we preserve and protect the rule of law. I will have more to say in the coming days about this agenda. Today, however, I would like to focus my comments on what I believe are highly irresponsible cuts to administration of justice programs in the President's budget proposal.

This year, criminal justice issues should and will once again require the attention of the Senate. Many of our communities are not sharing equally in the decline in crime rates. For instance, according to FBI data, while the rate of violent crimes decreased nationally by four percent in 1997, the FBI's Uniform Crime Reports demonstrate that in the Mountain West, the decline was only 2.4 percent, and my state of Utah posted a slight increase. Similarly, property crimes decreased nationally 3.1 percent, but only decreased one-half of one percent in the Mountain West. Again, my state of Utah actually had an increase in property crime. Compared to rates in the Northeast, the violent crime rate is 46.4 percent higher in the West and 52.1 percent higher in the South.

And it is not just crime rates that need further improvement. The youth drug epidemic continues to plague us. According to the National Institute of Drug Abuse's Monitoring the Future surveys, drug use among our youth has grown substantially, and recent marginal improvement cannot hide the fact that more of our young people than ever are ensnared by drugs. From 1991 to 1998, the lifetime use of marijuana—the gateway to harder drugs—has increased among school-age youth. The number of 8th graders reporting to have ever used marijuana has increased by 55 percent from 1991 to 1998, and the number of 8th graders who have used marijuana within the past year has increased by 173 percent in that same time.

Not surprisingly, then, use of harder drugs has also increased. The number of 8th graders who have used cocaine within the past year has increased by 181 percent from 1991 to 1998, and the number of these students who have used heroin within the past year has increased by 86 percent in the same time period. And significantly, 1997 to 1998, lifetime heroin use by 8th and 10th graders has increased by 0.2 percent, meaning that the use of this deadly drug is still on the rise among our youth.

Because we have so far to go in our fight against crime and drugs, I am particularly disturbed by the President's proposed budget for the Department of Justice. The Clinton budget provides only a marginal 1.6 percent increase in DOJ funding for FY 2000. But even this slight increase pales compared to the massive cuts President Clinton is proposing in assistance to state and local law enforcement. Let me alert my colleagues to what the President is proposing.

Undisclosed by the Administration's spin machine and most media reports, President Clinton is proposing more than $1.5 billion in cuts to state and local crime fighting efforts. Among the programs on the President's chopping block is the entire Violent Offender and Truth in Sentencing Incentive Grant program. This program has, by any measure, been a tremendous success, providing critical seed money to states for bricks and mortar prison construction and thus making our streets safer.

Incarceration deters crime. Dramatic and historic reductions in sentence lengths and the expectation of punishment from the 1950s onward fueled steep increases in crime in the Sixties, Seventies, and Eighties. Only after these incarceration trends began to be reversed in this decade, did crime rates start to fall also.

The Violent Offender and Truth in Sentencing Incentive Grant program has been an important component of this effort. In response to federal assistance, states have changed their sentencing laws. As the President's own Justice Department reported just last month, because of this program, 70 percent of prison admissions in 1997 were in states requiring criminals to serve at least 85 percent of their sentence. The average time served by violent criminals has increased 12.2 percent since 1993. With such success, why would the President want to eliminate this program?

And he doesn't stop there. Also eliminated in the President's budget is the highly successful Local Law Enforcement Block Grant program, which since 1995 has provided more than $2 billion in funding for equipment and technology directly to state and local law enforcement. The President wants to cut 20 percent from the Bulletproof Vest Partnership Grant Act, which he signed into law just last year, to provide vests to protect officers whose departments otherwise could not afford this life-saving equipment. The President wants to cut $50 million from the successful and popular Byrne Grant program, which provides funding for numerous state crime-fighting initiatives, and he proposes funding changes that put this program at further risk in future budgets. The President wants to cut by $85 million funding that reimburses states for the costs of incarcerating criminal aliens. He wants to cut $4 million from the Violence Against Women program, and $12.5 million from COPS grants targeting violence against women. And the Clinton budget slashes the entire juvenile accountability block grant, which over the past two years has provided $500 million for states and local government to address the single most ominous crime threat we face—serious and violent juvenile crime.

Mr. President, the recent gains of state and local law enforcement in the fight against violent crime are fragile, and have been based largely on the Congress's endless push to place the interests of the law abiding over the establishment of new social spending programs. Time and again, Congress has had to remind President Clinton that government's first domestic responsibility is to keep our streets and communities free from crime.

From the earliest days of the Clinton Administration, the President proposed severe cuts in law enforcement. For example, in March 1993, the President took the unprecedented step of firing every incumbent United States Attorney, a move the Administrative Office of the U.S. Courts later said contributed to significant declines in federal prosecutions.

In 1994, the President proposed cutting 1,523 Department of Justice law enforcement positions, including 847 in the FBI, 355 in the DEA, and 143 in U.S. Attorney's offices. Congress said no.

In 1996, 1997, and 1998, the President has proposed cuts to state and local law enforcement assistance. Congress has said no.

And ever since 1995, the President has wanted to use badly needed prison construction grants intended for bricks and mortar to fund drug treatment and other social programs not shown to have the same crime deterrent effect. Congress has said no.

Now the President wants to cut the program entirely, and make further cuts in assistance to state and local law enforcement. Let me summarize these cuts:

$50 million in Byrne grants for state and local law enforcement—Cut.

$523 million in Local Law Enforcement Block Grants—Cut.

$645 million in Truth in Sentencing Grants—Cut.

$85 million for criminal alien incarceration—Cut.

$250 million for juvenile crime and accountability grants—Cut.

$4 million in Violence Against Women Grants—Cut.

$12.5 million in COPS grants targeting domestic violence—Cut.

Even the President's own COPS program—$125 million Cut.

And what does the President want to fund? $200 million for a program to turn prosecutors into social workers, who "focus on the offender, rather than the specific offense," and provide punishments such as recreational programs for criminals up to age 22 who commit violent offenses, including weapons offenses, drug distribution, hate crimes, and civil rights violations.

It appears that Congress will have to say no again, and once again remind President Clinton that our government's first domestic duty is to protect the people from crime and violence. I will have more to say in the coming days about the President's budget and the Judiciary Committee's agenda, but suffice it to say, however, that I find President Clinton's budget for Administration of Justice spending is in need of significant attention.

I intend to see that this budget and administration of justice programs get that attention. As Chairman of the Judiciary Committee, I would like to advise my colleagues that a priority of the Committee this year will be the reauthorization of the Department of Justice. Included in this will be efforts to address expiring authorizations from the 1994 crime law, a number of which have been vital to assisting state and local government in reducing crime. I hope and expect that we will consider, on a bipartisan basis, the important funding and policy questions inherent in this effort, so to ensure that the Department can continue into the next century its important mission of upholding the rule of law.

We will hold a series of hearings, both in the newly established Criminal Justice Oversight Subcommittee and at Full Committee, with the goal being to ensure that the Department of Justice is making the most of the precious law enforcement dollars appropriated and that essential law enforcement priorities are being met for the American people.

Mr. President, I appreciate my colleagues' attention. I look forward to working with them on these important matters. I thank the Chair, and yield the floor.

RECORD CORRECTION

Mr. REID. On rollcall vote No. 8, the Senator from Maryland, Ms. MIKULSKI, was necessarily absent because of illness. In the CONGRESSIONAL RECORD of January 28, her vote was erroneously announced as "aye." Her vote on rollcall vote No. 8 should have been announced as "no." I ask unanimous consent that the RECORD be changed to reflect this correction.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the Senator from Delaware (Mr. ROTH) as Chairman of the Senate Delegation to the North Atlantic Assembly during the 106th Congress.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to Public Law 105-83, his appointment of the Senator from Alabama (Mr. SESSIONS) to serve as a member of the National Council on the Arts.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the Senator from Delaware (Mr. BIDEN) as Vice Chairman of the Senate Delegation to the North Atlantic Assembly during the 106th Congress.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the Senator from Connecticut (Mr. DODD) as Vice Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the 106th Congress.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE EMIGRATION LAWS AND POLICIES OF ALBANIA—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 2

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on February 2, 1999, during the adjournment of the Senate, received the message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I am submitting an updated report to the Congress concerning the emigration laws and policies of Albania. The report indicates continued Albanian compliance with the U.S. and international standards in the area of emigration. In fact, Albania has imposed no emigration restrictions, including exit visa requirements, on its population since 1991.

On December 5, 1997, I determined and reported to the Congress that Albania is not in violation of paragraphs (1), (2), or (3) of subsection 402(a) of the Trade Act of 1974, or paragraphs (1), (2), or (3) of subsection 409(a) of that act. That action allowed for the continuation of normal trade relations status for Albania and certain other activities without the requirement of an annual waiver. This semiannual report is submitted as required by law pursuant to the determination of December 5, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 2, 1999.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1133. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12-467, "Cathedral Way Symbolic Designation Act of 1998"; to the Committee on Governmental Affairs.

EC-1134. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12-465, "Department of Human Services and Commission on Mental Health Services Mandatory Employee Drug and Alcohol Testing Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1135. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–461, "Office of the Inspector General Law Enforcement Powers Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1136. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–460, "Closing of a Public Alley in Square 457, S.O. 90–364 Act of 1998"; to the Committee on Governmental Affairs.

EC–1137. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–459, "Mutual Holding Company Mergers and Acquisition Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1138. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–458, "Uniform Prudent Investor Act of 1998"; to the Committee on Governmental Affairs.

EC–1139. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–457, "Metropolitan African Methodist Episcopal Church Equitable Real Property Tax Relief Act of 1998"; to the Committee on Governmental Affairs.

EC–1140. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–456, "Mount Calvary Holy Evangelistic Church Equitable Real Property Tax Relief Act of 1998"; to the Committee on Governmental Affairs.

EC–1141. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–455, "Historic Motor Vehicle Vintage License Plate Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1142. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–454, "Adult Education Designation Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1143. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–434, "Vendor Payment and Drug Abuse, Alcohol Abuse, and Mental Illness Coverage Temporary Act of 1998"; to the Committee on Governmental Affairs.

EC–1144. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–453, "Public School Nurse Assignment Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1145. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–422, "Board of Elections and Ethics Subpoena Authority Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1146. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–426, "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Second Temporary Act of 1998"; to the Committee on Governmental Affairs.

EC–1147. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–399, "Fiscal Year 1999 Budget Support Act of 1998"; to the Committee on Governmental Affairs.

EC–1148. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–418, "Arson Investigators Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1149. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–419, "Office of the Inspector General Law Enforcement Powers Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1150. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–420, "Drug-Related Nuisance Abatement Temporary Act of 1998"; to the Committee on Governmental Affairs.

EC–1151. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–421, "Oyster Elementary School Construction and Revenue Bond Act of 1998"; to the Committee on Governmental Affairs.

EC–1152. A communication from the Deputy Associate Administrator for Acquisition Policy, U.S. General Services Administration, transmitting, pursuant to law, the report of a rule entitled "General Services Administration Acquisition Regulation; Streamlining Administration of Federal Supply Service (FSS) Multiple Award Schedule [MAS) Contracts and Clarifying Marking Requirements" (RIN3090–AG81) received on January 22, 1999; to the Committee on Governmental Affairs.

EC–1153. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the Administration's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1154. A communication from the Chairman of the Armed Forces Retirement Home Board, transmitting, pursuant to law, the Board's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1155. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the Foundation's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1156. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information to the Bureau of the Census" (RIN1545–AV83) received on January 22, 1999; to the Committee on Finance.

EC–1157. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Action on Decision: Murillo v. Commissioner" (Docket 18163–96) received on January 22, 1999; to the Committee on Finance.

EC–1158. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adhesives and Components of Coatings" (Docket 96F–0136) received on January 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1159. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers" (Docket 97F–0421) received on January 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1160. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposal to provide Nonproliferation and Disarmament Fund assistance to support a Nuclear Suppliers Group Seminar; to the Committee on Foreign Relations.

EC–1161. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated January 12, 1999; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Foreign Relations.

EC–1162. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the department's report on a schedule for the development of a prospective payment system for home health services furnished under the Medicare program; to the Committee on Finance.

EC–1163. A communication from the Chief of the Regulations Unit, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Texas Davis Mountains Viticultural Area" (RIN1512–AA07) received on December 8, 1998; to the Committee on Finance.

EC–1164. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds" (No. 1–93) received on January 20, 1999; to the Committee on Finance.

EC–1165. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Nonrecognition of Gain or Loss on Contribution" (Rev. Rul. 99–5) received on January 15, 1999; to the Committee on Finance.

EC–1166. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Continuation of Partnership" (Rev. Rul. 99–6) received on January 15, 1999; to the Committee on Finance.

EC–1167. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property" (Rev. Rul. 99–8) received on January 21, 1999; to the Committee on Finance.

EC–1168. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice and Opportunity for Hearing Upon Filing of Notice of Lien" (RIN1545–AW77) received on January 20, 1999; to the Committee on Finance.

EC–1169. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice and Opportunity for Hearing Before Levy" (RIN1545–AW76) received on January 20, 1999; to the Committee on Finance.

EC–1170. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the Authority's first quarter report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–1171. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a list of additions to and deletions from the Committee's Procurement List dated January 13, 1999; to the Committee on Governmental Affairs.

EC–1172. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports issued or released in December 1998; to the Committee on Governmental Affairs.

EC–1173. A communication from the Chair of the Christopher Columbus Fellowship Foundation, transmitting, pursuant to law, the foundation's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1174. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "The National Family Caregiver Support Act"; to the Committee on Health, Education, Labor, and Pensions.

EC–1175. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's annual report on the Comprehensive Community Mental Health Services for Children and Their Families Program; to the Committee on Health, Education, Labor, and Pensions.

EC–1176. A communication from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Jacob K. Javits Fellowship Program" received on January 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1177. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Establishment Registration and Device Listing for Manufacturers and Distributors of Devices; Confirmation of Effective Date" (Docket 98N–0520) received on January 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1178. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Foods and Drugs; Technical Amendments" received on January 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1179. A communication from the Secretary of the Interior and the Secretary of Commerce, transmitting, pursuant to law, a report on the socio-economic benefits to the United States of the striped bass resources of the Atlantic coast; to the Committee on Commerce, Science, and Transportation.

EC–1180. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's report entitled "Grant-In-Aid for Fisheries; Program Report 1997–1998" received on January 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1181. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers" (Docket No. 94–129) received on January 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1182. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries; Atlantic Bluefin Tuna" (I.D. 122198B) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1183. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 26" (RIN0648–AM14) received on January 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1184. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 9; OMB Control Numbers" (I.D. 082698D) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1185. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska; Vessel Moratorium Program" (I.D. 090998B) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1186. A communication from the Acting Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, the Court's annual report for fiscal year 1998; to the Committee on the Judiciary.

EC–1187. A communication from the Deputy Under Secretary of Defense for Environmental Security, transmitting, pursuant to law, the Department's report on military installations where an integrated natural resources management plan is not appropriate; to the Committee on Armed Services.

EC–1188. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the Department's report on Threatened National Historic Landmarks; to the Committee on Energy and Natural Resources.

EC–1189. A communication from the President of the United States, transmitting, pursuant to law, a report on the Australia Group's controls on items governed under the Chemical Weapons Convention; to the Committee on Foreign Relations.

EC–1190. A communication from the President of the United States, transmitting, pursuant to law, a report on cost-sharing arrangements relative to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction; to the Committee on Foreign Relations.

EC–1191. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on funding expenditures relative to the emergency declared as a result of Hurricane Georges' impact on Mississippi; to the Committee on Environment and Public Works.

EC–1192. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on funding expenditures relative to the emergency declared as a result of Hurricane Georges' impact on Puerto Rico; to the Committee on Environment and Public Works.

EC–1193. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on funding expenditures relative to the emergency declared as a result of Hurricane Georges' impact on the Territory of the United States Virgin Islands; to the Committee on Environment and Public Works.

EC–1194. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on funding expenditures relative to the emergency declared as a result of Hurricane Georges' impact on the State of Florida; to the Committee on Environment and Public Works.

EC–1195. A communication from the Service Federal Register Liaison Officer, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Emergency Rule to List the San Bernardino Kangaroo Rat as Endangered" (RIN1018–AE59) received on January 20, 1999; to the Committee on Environment and Public Works.

EC–1196. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Implementation of Preferred Lender Program and Streamlining of Guaranteed Loan Regulations" (RIN0560–AF38) received on January 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1197. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agency Responsibilities, Organization, and Terminology; Final Rule" (Docket 97–045F) received on January 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1198. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers" (FRL6221–9) received on January 15, 1999; to the Committee on Environment and Public Works.

EC–1199. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning

Purposes; State of Missouri" (FRL6220–1) received on January 15, 1999; to the Committee on Environment and Public Works.

EC–1200. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District" (FRL6220–2) received on January 15, 1999; to the Committee on Environment and Public Works.

EC–1201. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Reasonably Available Control Technology for Emissions of Volatile Organic Compounds" (FRL6207–4) received on January 15, 1999; to the Committee on Environment and Public Works.

EC–1202. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Administrative Amendments" (FRL6222–5) received on January 15, 1999; to the Committee on Environment and Public Works.

EC–1203. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ambient Air Quality Surveillance for Lead" (FRL6221–2) received on January 14, 1999; to the Committee on Environment and Public Works.

EC–1204. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Salt Lake City Carbon Monoxide Redesignation to Attainment, Designation of Areas For Air Quality Planning Purposes, and Approval of Related Revisions" (FRL6201–8) received on January 14, 1999; to the Committee on Environment and Public Works.

EC–1205. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Antelope Valley Air Pollution Control District" (FRL6213–5) received on January 14, 1999; to the Committee on Environment and Public Works.

EC–1206. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Confirmation of Approval and Technical Amendment to Update the EPA Listing of OMB Approval Numbers Under the Paperwork Reduction Act" (FRL6048–8) received on January 14, 1999; to the Committee on Environment and Public Works.

EC–1207. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenpropathrin; Pesticide Tolerances for Emergency Exemptions" (FRL6047–3) received on January 14, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1208. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imidacloprid; Pesticide Tolerances for Emergency Exemptions" (FRL6051–6) received on January 14, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1209. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propiconazole; Pesticide Tolerances for Emergency Exemptions" (FRL6049–8) received on January 14, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1210. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Multiple Air Contaminant Sources or Properties" (FRL6222–1) received on January 22, 1999; to the Committee on Environment and Public Works.

EC–1211. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Section 112(1) Authority for Hazardous Air Pollutants; Perchloroethylene Air Emissions Standards for Dry Cleaning Facilities; State of California; Yolo-Solano Air Quality Management District" (FRL6222–7) received on January 22, 1999; to the Committee on Environment and Public Works.

EC–1212. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diflufenzopyr; Pesticide Tolerance" (FRL6053–8) received on January 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1213. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nevada: Final Authorization of State Hazardous Waste Management Program Revision" (FRL6226–1) received on January 22, 1999; to the Committee on Environment and Public Works.

EC–1214. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Subtitle D Regulated Facilities; State Permit Program Determination of Adequacy; State Implementation Rule—Amendments and Technical Corrections" (FRL6223–8) received on January 22, 1999; to the Committee on Environment and Public Works.

EC–1215. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of Tolerances and Exemptions from the Requirement of a Tolerance for Canceled Pesticide Active Ingredients; Correction" (FRL6044–2) received on January 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1216. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebufenozide; Extension of Tolerance for Emergency Exemptions" (FRL6053–4) received on January 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1217. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC's from the Manufacture of Explosives and Propellant" (FRL6218–2) received on January 21, 1999; to the Committee on Environment and Public Works.

EC–1218. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion" (FRL6223–5) received on January 21, 1999; to the Committee on Environment and Public Works.

EC–1219. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Listing Hexafluoropropylene (HFP) and HFP-Containing Blends as Unacceptable Refrigerants Under EPA's Significant New Alternatives Policy (SNAP) Program" (FRL6224–7) received on January 21, 1999; to the Committee on Environment and Public Works.

EC–1220. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Listing MT–31 as an Unacceptable Refrigerant Under EPA's Significant New Alternatives Policy (SNAP) Program" (FRL6224–6) received on January 21, 1999; to the Committee on Environment and Public Works.

EC–1221. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Fee for Services to Support FEMA's Offsite Radiological Emergency Preparedness Program" (63FR69001) received on January 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1222. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (63FR70036) received on January 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1223. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (63FR67004) received on January 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1224. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (63FR70037) received on January 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1225. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (63FR67001) received on January 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1226. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (63FR67003) received on January 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1227. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglass Model MD–11 Series Airplanes" (Docket 98–NM–348–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1228. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1444SO, SA1543SO, SA1896SO, SA1740SO, or SA1667SO" (Docket 97–NM–81–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1229. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate ST00015AT" (Docket 97–NM–80–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1230. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1767S0, SA1768SO, or SA7447SW" (Docket 97–NM–09–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1231. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1368SO, SA1797SO, or SA1798SO" (Docket 97–NM–79–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1232. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT8B and JT3D Series Turbofan Engines" (Docket 98–ANE–77–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1233. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes" (Docket 98–CE–100–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1234. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes" (Docket 98–CE–99–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1235. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; All Airplane Models of the New Piper Aircraft, Inc. (formerly Piper Aircraft Corporation) That are Equipped with Wing Lift Struts" (Docket 96–CE–72–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1236. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes" (Docket 98–CE–23–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1237. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes" (Docket 98–NM–327–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1238. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Wise, VA" (Docket 98–AEA–39) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1239. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Winchester, VA" (Docket 98–AEA–42) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1240. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Milton, WV" (Docket 98–AEA–41) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1241. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations: Taunton River, MA" (Docket 01–97–098) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1242. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Eighth Coast Guard District Annual Marine Events" (Docket 08–98–018) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1243. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A321 Series Airplanes" (Docket 98–NM–302–AD) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1244. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757 Series Airplanes" (Docket 98–NM–336–AD) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1245. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Limited, Bristol Engines Division and Rolls-Royce (1971) Limited, Bristol Engines Division Viper Series Turbojet Engines" (Docket 98–ANE–06–AD) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1246. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes" (Docket 96–NM–227–AD) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1247. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 757–200 Series Airplanes Powered by Rolls-Royce RB211–535E4/E4B Engines" (Docket 97–NM–311–AD) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1248. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; West Plains, MO" (Docket 98–ACE–37) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1249. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Series Airplanes" (Docket 95–NM–275–AD) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1250. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S–61A, D, E, L, N, NM, R, and V Helicopters" (Docket 96–SW–29–AD) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1251. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of VOR Federal Airway V–485; San Jose, CA" (Docket 95–AWP–6) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1252. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Department of Transportation Acquisition Regulations" (RIN2105–ZZ02) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1253. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC12/45 Airplanes; Correction" (Docket 98–CE–40–AD) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1254. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Twin Commander Aircraft Corporation

500, 680, 690, and 695 Series Airplanes" (Docket 98–CE–54–AD) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1255. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Hugo, OK" (Docket 98–ASW–46) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1256. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Carrizo Springs, Glass Ranch Airport, TX" (Docket 98–ASW–44) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1257. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Oak Grove, LA" (Docket 98–ASW–45) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1258. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6–80C2 Series Turbofan Engines" (Docket 98–ANE–75–AD) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1259. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Uninsured Relative Workshop Inc. Vector Parachute Systems" (Docket 98–CE–101–AD) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1260. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100 and –200 Series Airplanes" (Docket 98–NM–72–AD) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1261. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Meade, KS; Correction" (Docket 98–ACE–43) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1262. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Remove Class D Airspace; Fort Leavenworth, KS" (Docket 98–ACE–44) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1263. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Dubuque, IA" (Docket 98–ACE–58) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1264. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Perry, IA" (Docket 98–ACE–52) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1265. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Fort Madison, IA" (Docket 98–ACE–57) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1266. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schweizer Aircraft Corporation Model 269D Helicopters" (Docket 98–SW–13–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1267. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 430 Helicopters" (Docket 98–SW–68–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1268. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 Series Airplanes" (Docket 98–NM–215–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1269. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0070 Series Airplanes" (Docket 98–NM–279–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1270. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Columbus, NE" (Docket 98–ACE–62) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1271. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330–301, –321, –322, –341, –342, and A340–211, –212, –213, –311, –312, and –313 Series Airplanes" (Docket 98–NM–310–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1272. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Helicopter Systems Model MD–900 Helicopters" (Docket 98–NM–310–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1273. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd., Model 1121, 1121A, 1121B, 1123, 1124, and 1124A Series Airplanes" (Docket 98–NM–108–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1274. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Romulus, NY" (Docket 98–AEA–40) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1275. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Carrolton, GA" (Docket 98–ASO–18) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1276. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29430) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1277. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace, Victorville, Georgia AFB, CA" (Docket 98–AWP–32) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1278. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 407 Helicopters" (Docket 98–SW–43–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1279. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29437) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1280. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29438) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1281. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Fort Dodge, IA" (Docket 98–ACE–61) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1282. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Burlington, IA" (Docket 98–ACE–56) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1283. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Des Moines, IA" (Docket 98–ACE–55) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1284. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Hillsborough Bay, Tampa, Florida" (Docket 07–98–041) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1285. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Temporary Drawbridge Regulation; Illinois Waterway, Illinois" (Docket 08–98–073) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1286. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Explosive Loads and Detonations, Bath Iron Works, Bath, ME" (Docket 01–98–AA97) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1287. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes" (Docket 97–NM–308–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1288. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 Series Airplanes" (Docket 98–NM–08–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1289. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 Series Airplanes" (Docket 98–NM–356–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1290. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 Series Airplanes" (Docket 98–NM–357–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1291. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes" (Docket 97–NM–238–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1292. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell IC–600 Integrated Avionics Computers, as Installed in, but not Limited to, Empresa Brasileria de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes" (Docket 98–NM–142–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1293. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A340–211, –212, –213, –311, –312, and –313 Series Airplanes" (Docket 98–NM–297–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1294. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes" (Docket 98–NM–07–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1295. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Westland Helicopters Ltd. 30 Series 100 and 100–60 Helicopters" (Docket 97–SW–40–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1296. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes" (Docket 97–NM–309–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1297. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes" (Docket 97–NM–360–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1298. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglass Model DC–10 Series Airplanes and KC–10A (Military) Airplanes" (Docket 97–NM–288–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1299. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Rockland, ME" (Docket 98–ANE–95) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1300. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Metropolitan Oakland International Airport, California; Correction" (Docket 98–AWP–22) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1301. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Airspace; Reno, NV" (Docket 98–AWP–23) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1302. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Federal Aviation Regulation No. 36, Development of Major Repair Data" (Docket FAA–1998–4654) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1303. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Crewmember Interference, Portable Electronic Devices, and Other Passenger Related Requirements" (Docket FAA–1998–4954) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1304. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operating Regulation; Lafourche Bayou, LA" (Docket 08–98–064) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1305. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Temporary Drawbridge Regulations; Mississippi River, Iowa and Illinois" (Docket 08–98–079) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1306. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Occupant Crash Protection" (Docket NHTSA–98–4934) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1307. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Incentive Grants for Alcohol-Impaired Driving Prevention Programs" (Docket NHTSA–98–4942) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1308. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Truck Size and Weight; National Network; North Dakota" (Docket 98–3467) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1309. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Temporary Drawbridge Regulations; Mississippi River, Iowa and Illinois" (Docket 08–98–077) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1310. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regattas and Marine Parades" (Docket 95–054) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1311. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Emergency Control Measures for Tank Barges" (Docket 1998–4443) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1312. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: Navigable Waters Within the First Coast Guard District" (Docket 01–98–151) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1313. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes" (Docket 97–CE–153–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1314. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes Equipped with Pratt and Whitney JT9D–7R4 or 4000 Series Airplanes" (Docket 98–NM–358–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1315. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 Series Airplanes, and C–9 (Military) Airplanes" (Docket 97–NM–56–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1316. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B4–600R and A300 F4–600R Series Airplanes" (Docket 98–NM–361–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1317. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Jetstream Model 3201 Airplanes" (Docket 98–CE–75–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1318. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments" (Docket 29418) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1319. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McCauley Propeller Systems Models 2A36C23/84B–0 and 2A36C82/84B–2 Propellers" (Docket 98–ANE–34–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1320. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace (Operations) Limited Model B.121 Series 1, 2, and 3 Airplanes" (Docket 97–CE–122–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1321. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls Royce Limited, Bristol Engines Division, Viper Models Mk.521 and Mk.522 Turbojet Engines" (Docket 98–ANE–01–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1322. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes" (Docket 98–NM–239–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1323. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Mystere-Falcon 20 Series Airplanes, Fan Jet Falcon Series Airplanes, and Fan Jet Falcon Series D, E, and F Series Airplanes" (Docket 98–NM–221–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1324. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC9–10, –20, –30, –40, and –50 Series Airplanes, and C–9 (Military) Airplanes" (Docket 98–NM–06–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1325. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes" (Docket 97–NM–59–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1326. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 200) Series Airplanes" (Docket 98–NM–330–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1327. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328–100 Series Airplanes" (Docket 98–NM–290–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1328. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes" (Docket 97–NM–195–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1329. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and E Airspace, Amendment to Class D and E Airspace; Montgomery, AL" (Docket 98–ASO–12) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1330. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Burnet, TX" (Docket 98–ASW–48) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1331. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Austin, TX" (Docket 98–ASW–49) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1332. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Taylor, TX" (Docket 98–ASW–50) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1333. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Austin, Horseshoe Bay, TX and Revocation of Class E Airspace, Marble Falls, TX" (Docket 98–ASW–51) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1334. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; San Angelo, TX" (Docket 98–ASW–52) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1335. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Roswell, NM" (Docket 98–ASW–53) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1336. A communication from the Administrator of the Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Distribution Programs: FDPIHO - Oklahoma Waiver Authority" (RIN0584–AB56) received on January 20, 1999; to the Committee on Indian Affairs.

EC–1337. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report under the Federal Vacancies Reform Act regarding the position of Assistant Secretary of Transportation for Governmental Affairs; to the Committee on Commerce, Science, and Transportation.

EC–1338. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, an update to the pay-as-you-go section of the November 25, 1998, OMB report on the Omnibus Consolidated and Emergency Supplemental Appropriations Act; to the Committee on the Budget.

EC–1339. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Marine Mammals; Incidental Take During Specified Activities" (RIN1018–AF02) received on January 25, 1999; to the Committee on Environment and Public Works.

EC–1340. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species: Threatened Status for Two ESUs of Steelhead in Washington, Oregon, and California" (I.D. 073097E) received on January 5, 1999; to the Committee on Environment and Public Works.

EC–1341. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Prohibit Certain Alcohol Beverage Containers and Standards of Fill for Distilled Spirits and Wine" (RIN1512–AB889) received on January 22, 1999; to the Committee on Finance.

EC–1342. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Barring Delinquent Debtors from Obtaining Federal Loans or Loan Insurance or Guarantees" (RIN1510–AA71) received on December 2, 1998; to the Committee on Finance.

EC–1343. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the Department's report on exceptions to the prohibition against favored treatment of a government securities broker or dealer for calendar year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1344. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the

Department's report on material violations or suspected material violations of regulations relating to Treasury and other securities auctions for calendar year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1345. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Government Securities Act Regulations: Reports and Audit" (RIN1505–AA74) received on January 12, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1346. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations; Exports and Reexports to Specially Designated Terrorists and Foreign Terrorist Organizations" (RIN0694–AB63) received on January 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1347. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket FEMA–7256) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1348. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report on safety modifications and proposed corrective actions applicable to the Casitas Dam, Ventura River Project, California; to the Committee on Energy and Natural Resources.

EC–1349. A communication from the Assistant Secretary for Employment Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Claims for Compensation under the Federal Employees' Compensation Act; Compensation for Disability and Death of Noncitizen Federal Employees Outside the United States" (RIN1215–AB07) received on December 14, 1998; to the Committee on Governmental Affairs.

EC–1350. A communication from the General Counsel of the office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report under the Federal Vacancies Reform Act relative to the position of Controller of the Office of Management and Budget; to the Committee on Governmental Affairs.

EC–1351. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's annual Surplus Property Report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1352. A communication from the Chief of Staff of the White House, transmitting, pursuant to law, a report on the Executive Office of the President's Drug Free Workplace Plan; to the Committee on Governmental Affairs.

EC–1353. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's report on Russian taxation of nonproliferation funds furnished by the Department of Energy's Initiatives for Proliferation Prevention; to the Committee on Armed Services.

EC–1354. A communication from the Acting Assistant Secretary of Defense for Force Management Policy, transmitting, pursuant to law, the Department's report on the Uniform Resource Demonstration project; to the Committee on Armed Services.

EC–1355. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Drug Labeling; Warning and Direction Statements for Rectal Sodium Phosphates for Over-the-Counter Laxative Use; Final Rule; Stay of Compliance" (RIN0910–AA01) received on December 14, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1356. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Package Size Limitation for Sodium Phosphates Oral Solution and Warning and Direction Statements for Oral and Rectal Sodium Phosphates for Over-the-Counter Laxative Use" (RIN0910–AA01) received on December 14, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1357. A communication from the Assistant Secretary for Employment Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Use and Disclosure of Federal Employees' Compensation Act Claims File Material" (RIN1215–AB18) received on November 6, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1358. A communication from the General Counsel of the Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled "Unfair Labor Practice Proceedings" received on December 2, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1359. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled "Negotiability Proceedings" received on December 2, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1360. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the International Monetary Fund's financing package for Brazil; to the Committee on Foreign Relations.

EC–1361. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report relative to the license review of satellites and related items; to the Committee on Foreign Relations.

EC–1362. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a Presidential Determination on the waiver and certification of statutory provisions regarding the Palestine Liberation Organization (No. 99–5); to the Committee on Foreign Relations.

EC–1363. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (63 FR54373) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1364. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (63 FR64418) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1365. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket FEMA–7273) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1366. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (Docket FEMA–7697) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1367. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (Docket FEMA–7700) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1368. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket FEMA–7698) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1369. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Docket FEMA–7701) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1370. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination" (63 FR54378) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1371. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determination" (63 FR64420) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1372. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance; Redesign of Public Assistance Project Administration" (RIN3067–AC89) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1373. A communication from the President of the United States, transmitting, pursuant to law, the Budget of the United States Government for Fiscal Year 2000; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations and to the Committee on the Budget.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–14. A resolution adopted by the Council of the City of Camden, New Jersey, relative to the impeachment of the President of the United States; ordered to lie on the table.

POM-15. A resolution adopted by the Board of Commissioners of the Humbolt Bay Harbor Recreation and Conservation District, Eureka, California, relative to proposed infrastructure rebuilding legislation; to the Committee on Environment and Public Works.

POM-16. A resolution adopted by the Council of the Town of Grundy, Virginia, relative to steel and coke exports; to the Committee on Finance.

POM-17. A resolution adopted by the General Assembly of the State of New Jersey; ordered to be printed and to lie on the table.

ASSEMBLY RESOLUTION NO. 166

Whereas, the establishment of high occupancy vehicle ("HOV") lane restrictions on Interstate Highway Route No. 287 ("I-287") was intended as a means of promoting car pooling in an effort to improve the State's air quality; and

Whereas, the number of eligible vehicles that use the HOV lanes on I-287 has not come close to meeting the State's expected projections for land usage, which shows that the HOV lane restrictions have not had the effect of encouraging car pooling at satisfactory levels; and

Whereas, because of the HOV lane restrictions on I-287, a much larger number of citizens who use the non-restricted lanes of that highway are subjected to frequent heavy traffic situations, which result in high costs in fuel burned and hourly wages lost, while the overall levels of air pollution and noise increase, all of which represent a severe reduction in the quality of life of those citizens; and

Whereas, since a considerable amount of effort is used by the State Police in enforcing the HOV lane restrictions on I-287, the availability of the State Police in combating other motor vehicle-related crimes on other highways of this State is diminished; and

Whereas, it is appropriate for this House to express this policy to protect the citizens of this State who are adversely affected by excessive automobile, bus and truck traffic as a result of the HOV lane restrictions; and

Whereas, it is altogether fitting and proper that the Legislature memorialize Congress to enact Congresswoman Roukema's amendment to H.R. 4328 which would require the United States Secretary of Transportation to waive repayment of any Federal-aid highway funds expended on the construction of HOV lanes on I-287 if the New Jersey Commissioner of Transportation assures the Secretary that the removal of HOV lane restrictions on I-287 is in the public interest; now, therefore, be it

RESOLVED by the General Assembly of the State of New Jersey:

1. The Congress of the United States is respectfully memorialized to enact Congresswoman Roukema's amendment to H.R. 4328 which would require the United States Secretary of Transportation to waive repayment of any Federal-aid highway funds expended on the construction of high occupancy vehicle ("HOV") lanes on Interstate Highway Route 287 if the New Jersey Commissioner of Transportation assures the Secretary that the removal of HOV lane restrictions on Interstate Route 287 is in the public interest.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the New Jersey Commissioner of Transportation, the United States Secretary of Transportation, and each member of Congress from the State of New Jersey.

POM-18. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on the Judiciary.

ASSEMBLY RESOLUTION NO. 119

Whereas, the U.S. Department of Transportation, pursuant to the 1996 Immigration Reform Act, has proposed regulations requiring states to follow federal guidelines in producing and issuing drivers' licenses; and

Whereas, these regulations would mandate that all states collect and verify the social security numbers of licensed drivers and that these numbers be placed on the licenses of these drivers in a form that is electronically readable, unless the state explicitly prohibits this practice; and

Whereas, these regulations would further allow the federal government to dictate the acceptable evidence and documentation of identity required to obtain a state driver's license; and

Whereas, these regulations would impose a significant cost burden on New Jersey by requiring the reformatting of its driver's license and the establishment of an electronic verification system with the Social Security Administration; and

Whereas, the placement of social security numbers on New Jersey driver's licenses, unless a law expressly prohibiting this practice is enacted, raises serious concerns about the security of the personal information of this State's drivers in an era when "identity theft" and other breaches of privacy are on the increase; and

Whereas, these regulations would impose an unfunded federal mandate on the states that promises to far exceed, in total, the maximum $100 million permitted under the Unfunded Mandate Reform Act of 1994 and, contrary to the provisions of that act, have been put forth without "timely and meaningful input" from state elected officials or their national organizations, according to the National Council of State Legislatures; and

Whereas, by proposing these regulations to implement a provision of the Immigration Reform Act, the U.S. Department of Transportation is, in effect, seeking to federalize the production and issuance of driver's licenses, functions which heretofore have remained in the domain of the states; now, therefore be it

Resolved by the General Assembly of the State of New Jersey:

1. That this House respectfully petitions the Congress of the United States to prevent this costly and unnecessary intrusion on the prerogatives of the states to produce and issue drivers' licenses in keeping with the dictates of their citizens by repealing Section 656(b) of the Immigration Reform Act of 1996, which the proposed Department of Transportation regulations are intended to implement.

2. Duly authenticated copies of this resolution, signed by the Speaker and attested by the Clerk, shall be transmitted to the Vice President of the United States and the Speaker of the House of Representatives and to each member of Congress elected from this State.

REPORTS OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of December 8, 1990, the following reports of committees were submitted on February 2, 1999:

By Mr. WARNER, from the Committee on Armed Services, with an amendment in the nature of a substitute:

S. 4: A bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes (Rept. No. 106-1).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 262: A bill to make miscellaneous and technical changes to various trade laws, and for other purposes (Rept. No. 106-2).

By Mr. SHELBY, from the Committee on Intelligence:

Special Report entitled "Committee Activities of the Select Committee on Intelligence" (Rept. No. 106-3).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself, Mr. Torricelli, Mr. DeWine, Mr. Jeffords, Mr. Kennedy, Mr. Harkin, Ms. Mikulski, Mr. Levin, Mr. Kerry, Mrs. Murray, Mrs. Boxer, and Mr. Sarbanes):

S. 333. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA:

S. 334. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself, Mr. Cochran, Mr. Levin, Mr. Durbin, and Mr. Burns):

S. 335. A bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEVIN (for himself, Mr. Durbin, and Ms. Collins):

S. 336. A bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HUTCHINSON (for himself, Mr. Lott, Mr. Nickles, Mr. Mack, Mr. Craig, Mr. Coverdell, Mr. Warner, Mr. Hatch, Ms. Collins, Mr. Cochran, Mr. Bunning, Mr. Ashcroft, Mr. Helms, Mr. Grassley, Mr. Enzi, Mr. Inhofe, Mr. Bond, Mr. Gorton, Mr. Frist, Mr. Thurmond, Mr. Hagel, Mr. Allard, Mr. Grams, Mr. Kyl, Mr. Roberts, Mr. Sessions, and Mr. Shelby):

S. 337. A bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CAMPBELL:

S. 338. A bill to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in units of the Department of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCAIN (for himself and Mr. Inouye):

S. 339. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. ALLARD:

S. 340. A bill to amend the Cache La Poudre River Corridor Act to make technical corrections, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG:

S. 341. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. McCain, and Mr. Burns):

S. 342. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND (for himself, Mr. Burns, Ms. Snowe, Mr. Enzi, Mr. Coverdell, Mr. Hagel, Mr. Kyl, Mr. Craig, Mr. Inhofe, Mr. Helms, Ms. Collins, Mr. Specter, Mr. Jeffords, Mr. Roberts, and Mr. Hutchinson):

S. 343. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals; to the Committee on Finance.

By Mr. BOND (for himself, Mr. Nickles, Ms. Snowe, Mr. Coverdell, Mr. Bennett, and Mr. Cochran):

S. 344. A bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees; to the Committee on Finance.

By Mr. ALLARD:

S. 345. A bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON (for herself, Mr. Graham, Mr. Voinovich, Mr. Abraham, Mr. McConnell, Mr. McCain, Mr. Lott, Mr. Leahy, Mr. Smith of Oregon, Mr. Gorton, Mrs. Murray, Mr. Allard, Mr. Burns, Mr. Frist, Mr. Cochran, Mr. Craig, Mr. Bunning, Mr. Kyl, Mr. Lugar, Mr. Inhofe, Mr. Hutchinson, Mr. Mack, Mrs. Lincoln, Mr. Torricelli, Mr. Bayh, Mr. Murkowski, Mr. Gramm, and Mr. Thompson):

S. 346. A bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers; to the Committee on Finance.

By Mr. GRAMS:

S. 347. A bill to redesignate the Boundary Waters Canoe Area Wilderness, Minnesota, as the "Hubert H. Humphrey Boundary Waters Canoe Area Wilderness"; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. Torricelli, Mr. Gorton, and Mr. Jeffords):

S. 348. A bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HAGEL (for himself and Mr. Reed):

S. 349. A bill to allow depository institutions to offer negotiable order of withdrawal accounts to all businesses, to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself, Mr. Allard, and Mr. Hagel):

S. 350. A bill to amend title 10, United States Code, to improve the health care benefits under the TRICARE program and otherwise improve that program, and for other purposes; to the Committee on Armed Services.

By Mr. GRAMS (for himself, Mr. Johnson, Mr. Sessions, and Mr. Bennett):

S. 351. A bill to provide that certain Federal property shall be made available to States for State and local organization use before being made available to other entities, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, Mr. Nickles, Mr. Craig, Mr. Helms, Mr. Crapo, Mr. Grams, and Mr. Enzi):

S. 352. A bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with State agencies and county and local governments on environmental impact statements; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mr. Kohl, and Mr. Thurmond):

S. 353. A bill to provide for class action reform, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, Mr. McCain, Mr. Kerry, Mr. Smith of Oregon, and Mr. Robb):

S. 354. A bill to authorize the extension of nondiscriminatory trade status to the products of Mongolia; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. Bingaman):

S. 355. A bill to amend title 13, United States Code, to eliminate the provision that prevents sampling from being used in determining the population for purposes of the apportionment of Representatives in Congress among the several States; to the Committee on Governmental Affairs.

By Mr. KYL (for himself and Mr. McCain):

S. 356. A bill to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAMS:

S. 357. A bill to amend the Federal Crop Insurance Act to establish a pilot program in certain States to provide improved crop insurance options for producers; to the Committee on Agriculture, Nutrition, and Forestry.

S. 358. A bill to freeze Federal discretionary spending at fiscal year 2000 levels, to extend the discretionary budget caps until the year 2010, and to require a two-thirds vote of the Senate to breach caps; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977 with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRAMS (for himself and Mr. Crapo):

S. 359. A bill to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits, to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions, and to provide for the retirement security of current and future retirees through reforms of the Old Age Survivor and Disability Insurance Act; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRAMS:

S. 360. A bill to control emergency spending by limiting such spending to natural disasters; to the Committee on Governmental Affairs.

By Mr. ENZI (for himself and Mr. Thomas):

S. 361. A bill to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest.

By Mr. LAUTENBERG (for himself and Mr. Torricelli):

S. 362. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI:

S. 363. A bill to establish a program for training residents of low-income rural areas for, and employing the residents in, new telecommunications industry jobs located in rural areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself, Mr. Kerry, and Mr. Lieberman):

S. 364. A bill to improve certain loan programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. GORTON (for himself and Mrs. Murray):

S. 365. A bill to amend title XIX of the Social Security Act to allow States to use the funds available under the State children's health insurance program for an enhanced matching rate for coverage of additional children under the medicaid program; to the Committee on Finance.

By Mr. COCHRAN (for himself, Mr. Moynihan, and Mr. Frist):

S.J. Res. 8. A joint resolution providing for the reappointment of Wesley S. Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 9. A joint resolution providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 10. A joint resolution providing for the reappointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAMS:

S. Res. 31. A resolution commending Archbishop Desmond Tutu for being a recipient of the Immortal Chaplains Prize for Humanity; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. TORRICELLI, Mr. DEWINE, Mr. JEFFORDS, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Mr. LEVIN, Mr. KERRY, Mrs. MURRAY, Mrs. BOXER, and Mr. SARBANES):

S. 333. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT AMENDMENTS

Mr. LEAHY. Mr. President, I am pleased to have Senators TORRICELLI, DEWINE, JEFFORDS, KENNEDY, HARKIN, MIKULSKI, LEVIN, KERRY, MURRAY and BOXER join me today to reauthorize a program that has helped hundreds of farmers across the country save their farms and stay in the business of farming. Today, we are introducing a bill to reauthorize the Farmland Protection Program at a funding level of $55 million a year. This new authorization supports the efforts of President Clinton to restart the program with $50 million in Fiscal Year 2000.

Since its creation in the 1996 Farm Bill, the Farmland Protection Program has been instrumental in curbing the loss of some of our nation's most productive farmland to urban sprawl. The Farmland Protection Program help shield farmers from development pressures by providing federal matching grants to state and local conservation organizations to purchase easements on farms.

We have all seen the impact of urban sprawl in our home states, whether it be large, multi-tract housing or mega-malls that bring national superstores and nation-sized parking lots. We are losing farmland across the country at an alarming rate. This bill will step up our efforts to halt this disturbing trend before too many of America's farms are permanently transformed into asphalt jungles.

In Vermont, we are also seeing the impact of development on our farmland. Increasing land prices and development pressure have forced too many Vermont farmers to sell to developers instead of passing on their farms to the next generation. With the former Farms for the Future program and the Farmland Protection Program, farmers now have a fighting chance against development. Since its inception in Vermont, these programs have helped conserve 78,000 acres of land on more than 220 Vermont farms.

The success of the program should not just be measured in acres though. The program also has helped farmers expand and re-invest in farm facilities and equipment. Some of the farm projects have also led to construction of affordable housing and preservation of wildlife habitat. There are now success stories all over Vermont. One is the story of Paul and Marian Connor of Bridport, Vermont. Working with the Vermont Land Trust they were able to conserve their 221-acre farm while continuing their dairy operation, raising seven children and retire their mortgage.

Although Vermont is making great progress, across the nation we continue to lose as much as one million acres of prime farmland annually. This land is critically important to agriculture. For example, nearly three-quarters of America's dairy products, fruits and vegetables are grown in counties affected by urban growth.

For American farmers and ranchers, farmland protection is an issue of the survival of both family farms and agricultural regions. When urban pressure pushes up the value of agricultural land above its agricultural value, it threatens the end of family farms because the next generation simply cannot afford to farm land valued at development prices. As some farmers sell their land for development, it places increasing pressure on their neighbors to sell as well.

The 1996 Farm Bill recognized this problem by directly providing $35 million for farmland protection matching funds that have leveraged million more from local and private programs. The Farmland Protection Program is a model of what new federal conservation programs ought to be, enjoying the unanimous support of the National Governors Association. It preserves the private property rights of farmers.

It offers the Congress a way to demonstrate a realistic and meaningful commitment to the conservation of America's natural heritage without expanding the role of the federal government, and it encourages local communities and states to contribute their own efforts. The program's overwhelming success though has led to increased demand for the program—applicants requested a federal match of more than $130 million.

Our bill will help address some of this demand and encourage more state governments, local communities and private groups to start new matching programs. This modest federal investment will maintain our commitment to the protection of our rural heritage and working landscape.

By Ms. COLLINS (for herself, Mr. COCHRAN, Mr. LEVIN, Mr. DURBIN, and Mr. BURNS):

S. 335. A bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes; to the Committee on Governmental Affairs.

DECEPTIVE MAIL PREVENTION AND ENFORCEMENT IMPROVEMENT ACT

Ms. COLLINS. Mr. President, today, during National Consumer Protection Week, I am introducing the Deceptive Mail Prevention and Enforcement Act, a comprehensive bill designed to stem the rising tide of deceptive mailings that are flooding the mailboxes of the people of Maine and people throughout the country.

I am very pleased to have the cosponsorship of a trio of distinguished Senators in this regard: Senator COCHRAN, the chairman of the subcommittee with legislative jurisdiction over these types of mailings, who has been a leader in the effort to curtail deceptive mailings and sweepstakes fraud; Senator LEVIN, who serves as the ranking minority member of the Permanent Subcommittee on Investigations, and who has played an active role not only in the hearings held last year, but also in introducing his own legislation on this issue, which I am pleased to cosponsor. He has a longstanding interest in curtailing deceptive mailings. I am also pleased to have the support of Senator DURBIN, with whom I have worked very closely on many consumer issues.

Mr. President, several months ago, prompted by complaints that I have received from my constituents in Maine, I initiated an investigation into sweepstakes fraud and deceptive mailings. Over the course of this investigation, I have seen countless examples of mailings that deceptively promise extravagant prizes in order to entice consumers to make unnecessary and unneeded purchases. Unfortunately, this calculated confusion works far too often. In one particularly egregious example, one deceptive mailing prompted some of its victims to fly to Florida, believing that they then would be the first to claim the grand prize promised in a major sweepstakes.

Deceptive mailings take many forms. One such form that I find particularly offensive is "Government look-alike mailings," which appear deceptively like a mailing from a Federal agency or other official entity. An example of such a deceptive mailing was recently sent to me by a woman from Machiasport, ME. The postcard that she received was marked "Urgent Delivery, a Special Notification of Cash Currently Being Held by the U.S. Government is ready for shipment to you." I have blown up a copy of the postcard she received so you can see just how deceptive this mailing was. On the back of the postcard, the consumer was asked to send $9.97 to learn how to receive this cash. Of course, this was not a legitimate mailing from the Federal Government, but simply a ploy used by an unscrupulous individual to trick an unsuspecting consumer into sending money.

Mr. President, millions of Americans have received sweepstakes letters that use deceptive marketing ploys to encourage the purchase of magazines and other products. A common tactic is a "promise" of winning printed in large type, such as this example: "You Were Declared One of Our Latest Sweepstakes Winners and You're About to be Paid $833,337 in Cash." A constituent of mine from Portland, ME, received this mailing, but, of course, he wasn't really a winner. It takes an awfully sharp eye and very careful scrutiny to notice the very fine print that states that the money is won only "if you have and return the grand prize-winning number in time."

Mr. President, thousands of consumers have made very frequent purchases, often of more than $1,000 a year, in response to deceptive sweepstakes mailings. I have heard sad stories from many people who have described personal horror stories caused by these deceptive mailings. Some people have told me of their elderly parents spending $10,000, $20,000, even as much as $60,000 in one case, hoping that their next purchase would result in a large prize. Senior citizens are particularly vulnerable, as they generally trust the statements made by these marketing appeals, particularly if they are pitched by celebrities, or if the mailing appears to be connected or in some way sanctioned by the Federal Government.

To increase consumer protections, and to punish those who use such deceptive mailings to prey on our senior citizens, the bill that I am introducing today, along with Senators COCHRAN, LEVIN and DURBIN, will attack sweepstakes fraud and deceptive mailings on four fronts.

First, the bill will prevent fraud and deception by requiring companies to be more honest with the American people when using sweepstakes and other promotional mailings. My legislation would establish new standards for sweepstakes, including clear disclosure. In addition, my legislation would strengthen the law against mailings that mimic Government documents. Mailings could not use any language or device that gives the appearance that the mailing is connected, approved, or endorsed by the Federal Government.

Second, this bill provides strong new financial penalties for sending mail that does not comply with these and existing standards. Civil penalties include fines ranging from $50,000 to $2 million would be allowed depending on the number of mailings sent.

Third, the bill strengthens Federal law enforcement efforts and makes them more effective by giving the U.S. Postal Inspection Service additional tools to combat these deceptive practices.

Fourth, my legislation would preserve the important role the States play in fighting this type of fraud and deception. Our bill would not preempt States and local laws protecting consumers from fraudulent and deceptive mailings.

Mr. President, hundreds of millions of these promotional materials are sent out each year to consumers across the country. By design, they are meant to confuse their recipients and to trick them into spending money needlessly under the false pretense that doing so will earn them huge rewards.

As the chairman of the Permanent Subcommittee on Investigations, I will shortly be holding hearings on this issue in the coming months to document the nature and extent of the problem and how these deceptive mailings affect Americans, particularly our senior citizens.

I look forward to working with my colleagues, particularly the subcommittee's ranking member, Senator LEVIN, who has been such a leader in this area. It is my hope that Congress will enact the Deceptive Mail Prevention and Enforcement Improvement Act to increase consumer protections, to improve law enforcement efforts, and to provide effective penalties for those who deceive American consumers.

Mr. President, I yield any remaining time to the Senator from Michigan, Senator LEVIN.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank my good friend from Maine for her leadership, her kind words, and for her bill, which I am proud to cosponsor. The bill I am introducing today, with her support and the support of Senator DURBIN, addresses the same kinds of practices. These two bills together, if adopted, would go a long way toward addressing the deceptive mailing practices that we see under the general heading of "sweepstakes."

The bill that I am introducing, with the cosponsorship of Senator COLLINS and Senator DURBIN, will help eliminate the deceptive practices in mailings that use games of chance, like sweepstakes, to induce consumers to purchase a product that they may not need and to play a game that they will not win.

I originally introduced this bill last year. It was not enacted. It was introduced late in the session. I am very hopeful that this bill and Senator COLLINS' bill will be enacted this year following the hearings that she has just described—important hearings which I commend our chairman of the subcommittee for scheduling, for initiating.

The bill that I am introducing—this part of the remedy for the current abuses—will stiffen the penalties for deceptive mailings, will give the Postal Service administrative subpoena power, will restrict the use of misleading language and symbols, and require better disclosure about chances of winning and statements that no purchase is necessary to win.

The elderly are easy prey for the gimmicks used in these kinds of contests, such as a large notice declaring the recipient a winner—oftentimes a "guaranteed" winner or one of two final competitors for a large cash prize—and these gimmicks have proliferated to the point that American consumers are being duped into purchasing products they don't want or need because they think they have won or will win a big prize if they do so. Complaints about these mailings are one of the top ten consumer complaints in the nation. I have received numerous complaints from my constituents in Michigan asking that something be done to provide relief from these very misleading mailings.

In early September 1998, we held a hearing in our Governmental Affairs Committee federal services subcommittee on the problem of deceptive sweepstakes and other mailings involving games of chance. We learned from three of our witnesses, the Florida Attorney General, the Michigan Assistant Attorney General and the Postal Inspection Service, that senior citizens are particular targets of these deceptive solicitations, because they are the most vulnerable. State Attorneys General have taken action against many of the companies that use deceptive mailings. The states have entered into agreements to stop the most egregious practices, but the agreements apply only to the states that enter into the agreements. This allows companies to continue their deceptive practices in other states. That's one reason why federal legislation in this area is needed. The bill I'm introducing today will help eliminate deceptive practices by prohibiting misleading statements, requiring more disclosure, imposing a $10,000 civil penalty for each deceptive mailing, and providing the Postal Service with additional tools to pursue deceptive and fraudulent offenders.

Sweepstakes solicitations are put together by teams of clever marketers who package their sweepstakes offers in such a way so as to get people to purchase a product by implying that the chances of winning are enhanced if the product being offered is purchased.

That is not allowed. You cannot require that a purchase be made in order to win a prize. But these deceptive practices are such and they are so finely honed that, no matter what the fine print says about no purchase being necessary, the recipient of the mailing often is led to believe, by the nature of the mailing, that a purchase indeed will enhance the opportunity to win the prize. Senator COLLINS addresses the sum of those issues in her bill.

Rules and important disclaimers are written in fine print and hidden away in obscure sections of the solicitation or on the back of the envelope that is frequently tossed away. Even when one can find and read the rules, it frequently takes a law degree to understand them.

The bill I am introducing will help to protect consumers from deceptive practices by directing the Postal Service to develop and issue regulations that restrict the use of misleading language and symbols in direct mail game of chance solicitations, including sweepstakes. The bill also requires additional disclosure about chances of winning and the statement that no purchase is necessary. Any mail that is designated by the Postal Service as being deceptive will not be delivered. This will significantly reduce the deceptive practices being used in the direct mail industry to dupe unsuspecting consumers into thinking they are grand prize winners. The direct mail industry also would benefit, in that the adverse publicity recently aimed at the industry because of "You Have Won a Prize" campaigns has maligned the industry as a whole. Cleaning up deceptive advertising could improve the industry's image.

For those entities that continue to use deceptive mailings, my bill imposes a civil penalty of $10,000 for each piece of mail that violates Postal Service regulations. Currently the Postal Service can impose a fine for noncompliance with a Postal Service order. My bill imposes a fine whether or not the order actually has been issued. This has the effect of applying the penalty to the deceptive offense, not for noncompliance with the order.

My bill also allows the Postal Service to quickly respond to changes in deceptive marketing practices by giving the Postal Service the authority to draft regulations that will be effective against the "scheme du jour." A deceptive practice used today, may not be used tomorrow. As soon as the Post Office learns about one scheme, it changes. If legislation is passed that requires a specific notice, it can take just a short time before another deceptive practice pops up to by-pass the legislation. My bill gives the Postal Service the authority to evaluate what regulatory changes will be required to keep pace with the ever changing deceptive practices. This will help weed out deceptive practices in a timely manner.

The bill also gives the Postal Service administrative subpoena power to respond more quickly to deceptive and fraudulent mail schemes. Currently the Postal Service must go through a lengthy administrative procedure before it can get evidence to shut down illegal operations. Currently the $10,000 fine—and civil penalty which exists—can only be imposed for noncompliance with a Postal Service order. There has to be an order issued which is violated before there can even be a civil fine. Our bill would impose a fine for violating the law, a penalty for perpetrating the deceptive offense or practice, and it would not require that there be an order previously entered. By the time the Postal Service gets through all the administrative hoops, the sweepstakes promoter may have folded up operations and disappeared, or has destroyed all the evidence. By granting the Postal Service limited subpoena authority to obtain relevant material records for an investigation, the Postal Service will be able to act more efficiently against illegal activities. Subpoena authority will make the Postal Service more effective and efficient in its pursuit of justice.

The Deceptive Sweepstakes Mailings Elimination Act of 1999 takes a tough approach to dealing with sweepstakes solicitations and other games of chance offerings that are sent through the mail. If you use sweepstakes or a game of chance to promote the sale of a legitimate product, provide adequate disclosure, and abide with Postal Service regulations, then the Postal Service will deliver that solicitation. If deceptive practices are used in a sweepstakes or a game of chance solicitation, the Postal Service will be able to stop the solicitation and impose a significant penalty.

So we are going to take a tough approach, both through Senator COLLINS' bill which I have cosponsored, through my bill which she has cosponsored, along with others, and this tough approach that is absolutely essential if we are going to protect seniors and others from the kind of deceptive practices which cost them so much money by encouraging them, through these practices, to buy items that they really do not want in order to win prizes that truly are unlikely or impossible to win.

By Mr. LEVIN (for himself, Mr. DURBIN, and Ms. COLLINS):

S. 336. A bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes; to the Committee on Governmental Affairs.

DECEPTIVE GAMES OF CHANCE MAILINGS ELIMINATION ACT OF 1999

Mr. DURBIN. Mr. President, I am pleased to join my distinguished colleagues, Senators LEVIN and COLLINS, today in introducing the Deceptive Games of Chance Mailing Elimination Act of 1999.

It's rare that any American household has escaped receipt of a flurry of envelopes boldly proclaiming "You're our next million-dollar winner!" or similar claim of impending good fortune. Most of us recognize these prominent lines as the special language of direct mail sweepstakes. While many companies have used sweepstakes responsibly, others have bilked consumers out of millions of dollars by falsely suggesting a purchase is necessary to qualify for the sweepstakes or to increase the odds of winning a prize. Some of these operators promise fame and fortune, but they deliver fraud and false promises.

As Senator LEVIN has outlined, this bill sharpens the teeth of the current postal statutes by directing the Postal Service to develop and issue rules that restrict the use of misleading language and symbols on direct mail games of chance such as sweepstakes that mislead the recipient into believing they've already won or will win a prize. This rulemaking authority will allow the Postal Service to respond more rapidly to emerging deceptive practices. The bill also requires that additional disclosures be given to recipients of mailed solicitations involving sweepstakes giveaways about their chances of winning and that no purchase is necessary to enter the contest. Furthermore, the bill gives the Postal Service administrative subpoena power so it can react and respond more rapidly to deceptive and fraudulent mail schemes. Under our bill, civil fines can be imposed upon the issuance of an enforcement order, or alternatively, in lieu of an enforcement order, rather than awaiting a violation of that order.

By giving the Postal Service these additional tools and authority, this legislation will help combat the growing problem of consumer fraud in the form of deceptive or misleading mailings that use games of chance or sweepstakes contests to solicit the purchase of a product. Other deceptions have included packaging sweepstakes solicitations to closely resemble government documents and promising recipients that they have already won, even though the fine print reveals minuscule odds of winning.

The elderly are particularly vulnerable to sweepstakes fraud. Some senior citizen sweepstakes recipients have traveled thousands of miles to claim prizes they thought they had been assured of winning. Others spend thousands of dollars on magazines and other merchandise because they are convinced it will boost their chances of winning.

Like Senators LEVIN and COLLINS, I have heard from numerous constituents about how some crafty purveyors prey on the public, often persons on fixed or limited incomes, through these deceptive envelopes and packaging techniques. Recently, one constituent related how her elderly mother has become "hooked" on sweepstakes. She shared with me a bulky stack of envelopes, representing just a sample of the mailings. She remarked how her mother is convinced that the company will think better of her if she orders lots of merchandise, and that buying more products will accord her special consideration and improve her chances to win a lucrative prize. She noted that some companies, by using clever typefaces, sophisticated and official-looking symbols, gimmicky labels, and personalization, lead people to believe the company is writing to them personally, and that the odds of winning are high. Her story is but one example of what we have heard, and why it is so important to ensure that strong laws are enacted to address deceptive practices.

I am pleased that the United States Postal Inspector, the National Fraud Information Center, the Direct Marketing Association, the American Association of Retired Persons, and a special committee of the Association of Attorneys General are among those who are actively seeking ways to ensure that consumers are informed and protected from dishonest marketing ploys.

I look forward to the hearings planned by Senator COLLINS in the Permanent Subcommittee on Investigations to examine the problem of deceptive mailings and legislative solutions. I urge my colleagues to join me in supporting enactment of legislation to promote more honesty by product marketers, clearer disclosure for consumers, tighter penalties for violators, and quicker and more effective enforcement tools for more rapid response to unscrupulous practices.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. CRAIG, Mr. COVERDELL, Mr. WARNER, Mr. HATCH, Ms. COLLINS, Mr. COCHRAN, Mr. BUNNING, Mr. ASHCROFT, Mr. HELMS. Mr. GRASSLEY, Mr. ENZI, Mr. INHOFE, Mr. BOND, Mr. GORTON, Mr. FRIST, Mr. THURMOND, Mr. HAGEL, Mr. ALLARD, Mr. GRAMS, Mr. KYL, Mr. ROBERTS, Mr. SESSIONS, and Mr. SHELBY):

S. 337. A bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act; to the Committee on Health, Education, Labor, and Pensions.

TRUTH IN EMPLOYMENT ACT OF 1999

Mr. HUTCHINSON. Mr. President, I am honored to have the opportunity to introduce today an important piece of legislation which will provide thousands of businesses in my home state of Arkansas and across the nation with a defense against an unscrupulous practice which is literally crippling them. The Truth in Employment will protect these businesses and curtail the destructive abuse of the union tactic known as salting.

"Salting abuse" is the calculated practice of placing trained union professional organizers and agents in the non-union workplace whose sole purpose is to harass or disrupt company operation, apply economic pressure, increase operating and legal costs, and ultimately put a company out of business. The objectives of these union agents are accomplished through filing frivolous and unfair labor practice complaints or discrimination charges against the employer with the National Labor Relations Board (NLRB), the Occupational Safety and Health Administration (OSHA), and the Equal Employment Opportunity Commission (EEOC). Salting campaigns have been used successfully to cause economic harm to construction companies and are quickly expanding into other industries across the country. It can cost employers anywhere from $5,000 to hundreds of thousands of dollars to defend him or herself against this practice.

Salting is not merely a union organizing tool. It has become an instrument of economic destruction aimed at non-union companies. Unions send their agents into non-union workplaces under the guise of seeking employment. Hiding behind the shield of the National Labor Relations Act, these "salts" use its provisions offensively to bring hardship on their employers. They deliberately increase the operating costs of their employers through actions such as sabotage and frivolous discrimination complaints.

In the 1995 Town & Country decision, the U.S. Supreme Court held that paid union organizers are "employees" within the meaning of the National Labor Relations Act. Because of their broad interpretation of this Act, employers who refuse to hire paid union employees or their agents violate the Act if they are shown to have discriminated against the union salts.

This leaves employers in a precarious position. If employers refuse to hire union salts, they will file frivolous charges and accuse the employer of discrimination. Yet, if salts are employed, they will create internal disruption through a pattern of dissension and harassment. They are not there to work—only to disrupt. In a classic example of salting abuse, John Gaylor of Gaylor Electric had to fire one employee after his refusal to wear his hard hat on his head. This employee would strap the hard hat to his knee and then dare Gaylor to fire him because he said the employee manual stated only that he had to wear the hard hat, it didn't state where he had to wear it.

As a result of the salting abuse, whenever many small businesses make hiring decisions, the future of the company, and its very existence, may be at stake. A wrong decision can mean frivolous charges, legal fees, and lost time, which may threaten the very existence of their business.

I have received many accounts from across the nation of how salting abuse is affecting small businesses. The following examples were received as testimony in Congressional hearings. In my home state of Arkansas, Little Rock Electrical Contractors, Inc. incurred in excess of $80,000 in legal fees over the course of one year to fight 72 unfair labor practice charges, of which 20 were dismissed, 45 were set for trial, and 7 were appealed. In Cape Elizabeth, Maine, over a period of four years, Bay Electric incurred $100,000 in legal fees plus lost time to defend itself against 14 unfair labor practices, all of which were dismissed. In Delano, Minnesota, Wright Electric incurred $150,000 in legal fees and lost between $200,000 and $300,000 in lost time to win the dismissal of 14 of 15 unfair labor practices charges. And, in Clearfield, Pennsylvania, R.D. Goss incurred $75,000 battling approximately 20 unfair labor practices; while all but one of the charges were dismissed, the company was forced to close its doors after doing business for thirty-eight years. Finally, in Union, Missouri, it cost the Companies $150,000 to win the dismissal of 47 unfair labor practices charges and to achieve one settlement for $200.

Another common salting abuse is for salts to actually create Occupational Safety and Health Administration (OSHA) violations and then report those violations to OSHA. When the employer terminates these individuals, they file frivolous unfair labor practices against the employer. This results in wasted time and money, as well as bad publicity for the company.

These are just a few of the many examples of how devastating salting abuse can be to small businesses. What makes this practice even more appalling is how organized labor openly advocates its use. According to the group, the "Coalition For Fairness For Small Businesses And Employees," the labor unions are even advocating this practice in their manuals.

The Union Organizing Manual of the International Brotherhood of Electrical Workers explains why salts are used. Their purpose is to gather information that will ". . . shape the strategy the organizer will use later in the campaign to threaten or actually apply the economic pressure necessary to cause the employer to . . . raise his prices to recoup additional costs, scale back his business, leave the union's jurisdiction, go out of business, and so on. . ."

Thomas J. Cook, a former "salt," explained the ultimate goal of salting abuse. Mr. Cook said, "Salting has become a method to stifle competition in the marketplace, steal away employees, and to inflict financial harm on the competition." Mr. Cook concluded by stating that "[i]n a country where free enterprise and independence is so highly valued, I find these activities nothing more than legalized extortion."

The balance of rights must be restored between employers, employees and labor organizations. The Truth in Employment Act seeks to do this by inserting a provision in the National Labor Relations Act establishing that an employer is not required to employ any person who is not a bona fide employee applicant, in that such person is seeking employment for the primary purpose of furthering interests unrelated to those of that employer. Furthermore, this legislation will continue to allow employees to organize and engage in activities designed to be protected by the National Labor Relations Act.

This measure is not intended to undermine those legitimate rights or protections. Employers will gain no ability to discriminate against union membership or activities. This bill only seeks to stop the destructive results of salting abuse. Salting abuse must be curtailed if we are to protect the small business owners and employees of this nation. This legislation will insure these protections are possible.

It is for these reasons that I am introducing the Truth in Employment Act. I ask that my colleagues support this bill and restore fairness to the American workplace.

By Mr. CAMPBELL:

S. 338. A bill to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in units of the Department of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARK SERVICE COMMERCIAL FILMING PERMIT FEE ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce the National Park Service Commercial Filming Permit Fee Act of 1999. This bill gives the National Park Service (NPS) and the National Wildlife Refuge System (NWRS) the authority to require fee-based permits for the use of Park Service and National Wildlife Reserve lands in the production of motion pictures, television programs, advertisements or other similar commercial purposes. This bill is based on legislation which I introduced in the 105th Congress, S. 1614.

Our National Parks are among our nation's most valuable resources. The National Park Service Commercial Filming Permit Fee Act of 1999 would help us to protect them and ensure that future generations will be able to enjoy their beauty by making sure the parks are reimbursed for their commercial use.

The Bureau of Land Management and the Forest Service already have a similar permit and fee system for commercial filming on public lands. It doesn't make sense that our National Parks, which have been deemed to be even more precious by their designation, should be used commercially for free. This is especially important now when taxpayers are facing increased fees to enter the national parks and more people are enjoying our natural wonders every year in record numbers.

My bill allows the National Park Service to collect a fair return fee when the American peoples' parks are used in these commercial media ventures and then devotes those fees to the preservation of our National Parks. Common sense directs us to do this, and I believe this bill is fair for the commercial users of our National Parks, and more importantly, for the American taxpayers.

This bill builds upon progress made through hearings, conferences, and other valuable input received during the 105th Congress. The revised legislative language reflects input from the administration, industry groups—including the Motion Picture Association of America—and public interest groups such as the National Parks and Conservation Association. This bill is similar to legislation that my friend and colleague from Colorado, Congressman HEFLEY, introduced in the 105th and reintroduced in the 106th Congress as H.R. 154.

Mr. President, I have letters from two key interested associations in support of my bill's goals. I ask unanimous consent that these letters of support from the Motion Picture Association of America and the National Parks and Conservation Association and my bill be printed in the RECORD. I urge my colleagues to support passage of this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF LAND; FEE AUTHORITY.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary") may permit the use of land and facilities in units administered by the Secretary for—

(A) motion picture production;

(B) television production;

(C) soundtrack production;

(D) the production of an advertisement using a prop or a model; or

(E) any similar commercial project.

(2) EXCEPTION.—The Secretary shall not permit a use of land or a facility described in paragraph (1) if the Secretary determines that a proposed use—

(A) is not appropriate; or

(B) will impair the value or resources of the land or facility.

(3) BONDING AND INSURANCE.—The Secretary may require a bond, insurance, or such other means as is necessary to protect the interests of the United States in connection with an activity conducted under a permit issued under this Act.

(b) FEES.—

(1) IN GENERAL.—For any use of land or a facility in a unit described in subsection (a), the Secretary shall assess—

(A) a reimbursement fee; and

(B) a special use fee.

(2) REIMBURSEMENT FEE.—

(A) IN GENERAL.—The Secretary shall require the payment of a reimbursement fee in an amount that is not less than the amount of any direct and indirect costs to the Government incurred—

(i) in processing the application for a permit for a use of land or facilities; and

(ii) as a result of the use of land and facilities under the permit, including any necessary costs of cleanup and restoration.

(B) FUNDS COLLECTED.—An amount equal to the amount of a reimbursement fee collected under this subparagraph shall—

(i) be retained by the Secretary; and

(ii) be available for use by the Secretary, without further Act of appropriation, in the unit in which the reimbursement fee is collected.

(3) SPECIAL USE FEE.—

(A) FACTORS IN DETERMINING SPECIAL USE FEE.—To determine the amount of a special use fee, the Secretary shall establish a schedule of rates sufficient to provide a fair return to the Government, based on factors such as—

(i) the number of people on site under a permit;

(ii) the duration of activities under a permit;

(iii) the conduct of activities under a permit in any area designated by a statute or regulation as a special use area, including a wilderness or research natural area;

(iv) the amount of equipment on site under a permit; and

(v) any disruption of normal park function or accessibility, including temporary closure of land or a facility to the public.

(B) FUNDS COLLECTED.—A special use fee under this subparagraph shall be distributed as follows:

(i) 80 percent shall be deposited in a special account in the Treasury, and shall be available, without further Act of appropriation, for use by the supervisors of units where the fee was collected.

(ii) 20 percent shall be deposited in a special account in the Treasury, and shall be available, without further Act of appropriation, for use by supervisors of units in the region where the fee was collected.

(4) EXCEPTIONS.—

(A) FEE WAIVER OR REDUCTION.—The Secretary may waive a special use fee or charge a reduced special use fee if the activity for which the fee is charged provides clear educational or interpretive benefits for the Department of the Interior or the public.

(B) REGULAR VISITOR ENTRANCE FEE.—Nothing in this subsection affects the requirement that, in addition to fees under in subparagraph (A), each individual entering a unit for purposes described in subsection (a) shall pay any regular visitor entrance fee charged to visitors to the unit.

(c) Regulations.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations that establish a schedule of rates for fees collected under subsection (b) based on factors listed in subsection (b)(2)(C)(ii).

(2) Review of regulations.—

(A) Initial review.—Not later than 3 years after the date of enactment of this Act, the Secretary shall review and, as appropriate, revise the regulations promulgated under this subsection.

(B) Continuing review.—After the date of promulgation of regulations under subparagraph (A), the Secretary shall periodically review the regulations and make necessary revisions.

(d) Applicability of Regulations.—

(1) Prohibition on certain fees.—The prohibition on fees set forth in section 5.1(b)(1) of title 43, Code of Federal Regulations, shall cease to apply beginning on the effective date of regulations promulgated under this Act.

(2) Effect on other regulations.—Nothing in this Act, other than paragraph (1), affects the regulations set forth in part 5 of title 43, Code of Federal Regulations.

(e) Civil Penalty.—

(1) In general.—A person that violates any regulation promulgated under this Act, or conducts or attempts to conduct an activity under subsection (a)(1) without obtaining a permit or paying a fee, shall be assessed a civil penalty—

(A) for the first violation, in the amount that is equal to twice the amount of the fees charged (or fees that would have been charged) under subsection (b)(2);

(B) for the second violation, in the amount that is equal to 5 times the amount of the fees charged (or fees that would have been charged) under subsection (b)(2); and

(C) for the third and each subsequent violation, in the amount that is equal to 10 times the amount of the fees charged (or fees that would have been charged) under subsection (b)(2).

(2) Costs.—A person that violates this Act or any regulation promulgated under this Act shall be required to pay all costs of any proceedings instituted to enforce this subsection.

(f) Effective Date.—

(1) In general.—Except as provided in paragraph (2), this Act and the regulations promulgated under this Act take effect 180 days after the date of enactment of this Act.

(2) Exception.—This subsection and the authority of the Secretary to promulgate regulations under subsection (c) take effect on the date of enactment of this Act.

Motion Picture Association
of America, Inc.,
Washington, DC, February 2, 1999.
Hon. Ben Nighthorse Campbell,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Ben: I am writing to you today about your legislation dealing with the filming of motion pictures in national park and public lands. I would like to lend my support for the aim of this bill and pledge to work with you on some areas of concern to our industry.

Right now, the National Parks Service cannot charge fees for filming. Although the parks can be reimbursed for costs of filming, these reimbursements do not provide real financial support to the parks. As a result, park administrators can become indifferent to filming, or even hostile because their efforts to promote movie making in the park don't produce for them any direct return.

Your legislation provides a reasonable solution by setting forth a fee schedule that is predictable. We think the fee schedule approach is an improvement over the "fair market value" approach from previous legislation. The fee schedule provides a more simple, clear and predictable way of collecting fees. Furthermore, we urge you to limit the factors as much as possible to the number of people in the crew and the number of days in the shoot.

As the bill moves through the legislative process, we hope to work with you further. A particular area of concern is the provision related to regular visitor entrance fees.

All in all, I applaud your efforts. I know that you, Senator are one who particularly appreciates the treasure of our national park system and public lands. I am pleased that the American movie, exhibited in over 150 countries, advertises to the world the unduplicatable beauties of our national parks, irreplaceable treasures which belong to the American citizenry.

I look forward to working with you and your staff.

With great affection,

Jack Valenti.

National Parks
and Conservation Association,
Washington, DC, February 2, 1999.
Hon. Ben Nighthorse Campbell,
U.S. Senate, Washington, DC.

Dear Senator Campbell: The National Parks and Conservation Association appreciates your efforts to close the "equity gap" between visitors to the National Park System and those in Hollywood and on Madison Avenue who have profited from their commercial use of the national parks.

For the past five decades, the National Park Service has been prohibited from collecting anything but a nominal permitting fee and a modest amount of cost recovery (associated with monitoring filming activity and any necessary site remediation) from those who undertake commercial filming projects in our national parks. Yet, the individuals and institutions using the parks as a backdrop for their films, commercials, television programs, etc. have profited handsomely.

It is grossly unfair to allow a few businesses to profit from the parks while the visiting public is being asked to pay more in entrance and use fees, and while the parks suffer from a significant and ongoing budgetary shortfall.

We are optimistic that your legislation will help generate the debate necessary to result in the remedying of this inequity. Thank you for taking this first and positive step towards solving this problem.

Sincerely,

William J. Chandler,
Vice President for Conservation Policy.

By Mr. McCAIN (for himself and Mr. Inouye):

S. 339. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

INDIAN GAMING REGULATORY ACT AMENDMENTS OF 1999

Mr. McCAIN. Mr. President, I rise today, along with my distinguished colleague, Senator Inouye, to propose the Indian Gaming Regulatory Act Amendments of 1999. The good Senator and I have sponsored this bill for the past four years because of our continuing belief that we must strengthen the Indian gaming law and protect the authority of tribal governments to engage in gaming activities.

Senator Inouye and I have sat through hundreds of hours of discussions with Indian tribes, the States and interested parties over the expansion of Indian gaming. While the interest grows stronger in amending IGRA, a proposal has not been endorsed by either the Tribes or the States. Our intention in forwarding this bill is to once again set forth a balanced and fair discussion over necessary changes to the Indian gaming law.

The bill we are introducing today will provide for minimum federal standards in the regulation and licensing of class II and III gaming as well as all of the contractors, suppliers, and industries associated with such gaming. This will be accomplished through the Federal Indian Gaming Regulatory Commission which will be funded through assessments on Indian gaming revenues and fees imposed on license applicants.

In addition, this bill is consistent with the 1987 decision of the U.S. Supreme Court in the case of California v. Cabazon Band of Mission Indians in that it neither expands or further restricts the scope of Indian gaming. The laws of each State would continue to be the basis for determining what gaming activities may be available to an Indian tribe located in that State.

Under the Indian Gaming Regulatory Act of 1988, Indian tribes are required to expend the profits from gaming activities to fund tribal government operations or programs and to promote tribal economic development. Profits may only be distributed directly to the members of an Indian tribe under a plan which has been approved by the Secretary of Interior. Virtually all of the proceeds from Indian gaming activities are used to fund the social welfare, education, and health needs of the Indian tribes. Schools, health facilities, roads, and other vital infrastructure are being built by the Indian tribes with the proceeds from Indian gaming.

In the years before the enactment of the Indian Gaming Regulatory Act and in the years since its enactment, we have heard concerns about the possibility for organized criminal elements to penetrate Indian gaming. I believe the Act provides for a very substantial regulatory role and law enforcement role by the States and Indian tribes in class III gaming and by the Federal government in Class II gaming. The record clearly shows that in the few instances of known criminal activity in class III gaming, the Indian tribes have discovered the activity and have sought Federal assistance in law enforcement.

Indian gaming will continue to be scrutinized because of its increasing prominence in our nation's economy and political spectrum. I believe that any proposal to amend the Indian gaming law should respect both the rights of the Indian tribes and the States, while recognizing the benefits of well-regulated gaming to both Indian and non-Indian communities. I look forward to working with my colleagues and all affected entities on a continuing dialogue to protect the integrity of Indian gaming.

I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Sections 1–3 set forth the title, findings and purpose of the Act.

Section 4 amends the Indian Gaming Regulatory Act to revise definitions.

Section 5 establishes (in lieu of the National Indian Gaming Commission) the Federal Indian Gaming Regulatory Commission as an independent U.S. agency. It directs the Commission to establish minimum Federal standards for background investigations, internal control systems, and licensing. The Commission is granted investigatory authority.

Section 6 sets forth the powers of the Chairperson of the Federal Indian Gaming Regulatory Commission.

Section 7 sets forth the powers and authority of the Commission.

Section 8 sets forth the regulatory framework for class II and III gaming.

Section 9 directs the President to establish the Advisory Committee on Minimum Regulatory Requirements and Licensing Standards.

Sections 10, 11, 12, 13 and 14 set forth requirements for: (1) licensing; (2) conduct of class I, II, and III gaming on Indian lands; and (3) contract review.

Sections 15 and 16 set forth civil penalty and judicial review provisions.

Sections 17 and 18 fund the Commission from authorized appropriations and class II and III gaming fees.

Section 19 applies specified tax withholding and bank reporting requirements to Indian gaming operations. Requires the Commission to make certain law enforcement information available to State and tribal authorities.

By Mr. ALLARD:

S. 340. A bill to amend the Cache La Poudre River Corridor Act to make technical corrections, and for other purposes; to the Committee on Energy and Natural Resources.

TECHNICAL CORRECTIONS TO THE CACHE LA POUDRE RIVER CORRIDOR ACT

Mr. ALLARD. Mr. President, today I am introducing a bill to amend the Cache La Poudre River Corridor Act to make technical corrections.

This Act became Public Law on October 19, 1996 thanks to the diligence and hard work of Senator Brown, my predecessor. The purpose of this Act is to designate the Cache La Poudre Corridor with the Cache La Poudre River Basin. The Poudre Corridor provides an educational and inspirational benefit to both present and future generations, as well as unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

It is important that the following technical corrections be made to ensure that this act is interpreted and implemented correctly.

By Mr. FRIST (for himself, Mr. MCCAIN, and Mr. BURNS):

S. 342. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT FOR FY 2000, 2001, AND 2002

Mr. FRIST. Mr. President, I rise to introduce the authorization bill for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002.

NASA's unique mission of exploration, discovery, and innovation has preserved America's role as both a world leader in aviation and the preeminent spacefaring nation. It is NASA's mission to:

Explore, use, and enable the development of space for human enterprise;

Advance scientific knowledge and understanding of the Earth, the Solar System, and the Universe and utilize the environment of space for research; and

Research, develop, verify and transfer advanced aeronautics, space and related technologies.

This bill is essentially the same as reported by the Commerce Committee last year. It contains provisions that had bi-partisan support and would have been included in a manager's amendment had the bill been brought up for discussion on the Senate floor.

The bill, which authorizes $13.4 billion for NASA in FY 2000, $13.8 billion for FY 2001, and $13.9 billion for FY 2002, provides for the continued development of the International Space Station, Space Shuttle operations and safety and performance upgrades, space science, life and micro gravity sciences and applications, the Earth Science program, aeronautics and space transportation technology, mission communications, academic programs, mission support and the Office of the Inspector General.

The FY 2000 levels are consistent with the President's request with the exception of a reduction of $200 million for the International Space Station account. This reduction eliminates the funding requested for the Russian Program Assurance activities. I feel that it is only appropriate to withhold judgement on providing additional funding to assist Russia with their financial problems until NASA provides additional explanation on how these funds will be used. The situation in Russia is changing daily and we must fully understand the impact on the Station schedule and overall cost before committing more funds.

The FY 2001 and FY 2002 levels represent a 3 percent increase over the previous year's amount with the exception of the Space Station. The Space Station has been authorized in accordance with NASA outyear projections for FY 2001 and FY 2002.

The bill contains a price cap on the development costs of the International Space Station. The price cap language provides NASA with additional funding Space Station development and allows for additional Space Shuttle flights by exempting certain activities at the point when research, operating and crew return vehicles activities' costs comprise more than 95 percent of the annual funding for the Station. At this point, the majority of the activities are truly beyond the development phase of the project.

The bill provides for liability cross-waivers for the Space Station. The provision authorizes, but does not require NASA to enter into agreements with any cooperating party participating in the Space Station program, whereby all involved parties agree to take the risk of damage to their own assets, and agrees not to sue other entities. These cross waivers would not apply in the case of sabotage or other deliberate and willful acts.

NASA has indicated that these liability cross-waivers will be needed to fully commercialize the Space Station. I support the commercialization of the Station as a means of achieving a return on investment for the public through the creation of new industries and jobs for the Nation.

I am concerned with the cost and schedule delays in other programs as well. The X–33 test vehicle and the Advanced X-ray Astrophysics Facility programs represents major investments of public funds and therefore should be managed such that program requirements are met in a timely manner.

The balance between manned and unmanned flight, as well as the balance between fundamental science and development activities, is in need of review. I intend to pursue these balances further when the Commerce Committee holds hearings on the NASA budget and associated activities in the upcoming weeks.

Therefore, I, along with my co-sponsors, urge the Members of this body to support this bill and allow NASA to continue its mission of support for all space flight, for technological progress in aeronautics, and for space science.

Mr. MCCAIN. Mr. President, I rise today as a cosponsor of the National

Aeronautics and Space Administration (NASA) authorization bill for fiscal years 2000, 2001, and 2002. As Chairman of the Committee on Commerce, Science, and Transportation, I am able to work closely with NASA and to review the agency's achievements on a continual basis. I am proud of NASA's accomplishments and want to applaud its sustained dominance throughout the world as the premier leader in basic aeronautics and space research.

Yet leadership has a price. All one has to do is open the newspaper to learn about NASA's endless difficulties with the International Space Station, the agency's most comprehensive and complex endeavor to date.

This one-of-a-kind research facility bears a lifetime price tag of approximately $100 billion dollars to the American taxpayers. Although this program is a long-term investment which will bring discoveries unimaginable to scientists today, it is our duty to protect the American people from the repeated inconsistent performance of the participating foreign partners, prime contractor, and program managers.

During the 105th Congress, I offered an important amendment to this legislation that would impose a price cap on the development costs of the International Space Station. The language would ensure maximum program flexibility by providing NASA additional funding for Space Shuttle flights to service the Station, and by exempting specific activities when development costs are 5 percent or less of the Station's annual budget. I will again personally encourage my Congressional colleagues to enact a cost-cap measure this year to impose some semblance of fiscal restraint, however, it is up to NASA to prove that it is a responsible steward of public resources.

The recent political and economic uncertainty in Russia has only exacerbated the development delay of the Russian components. Congress must pledge to work with NASA to bring further accountability to the Space Station if the United States is going to continue its leadership, both financially and managerially.

NASA is not, and should not become a one mission agency. Congress must ensure that the Space Station does not impede progress on NASA's other important programs such as the Reusable Launch Vehicle, commonly referred to as the RLV.

During the past year Congress has expressed its grave concerns about the alleged illegal transfers of U.S. missile technology to China and other nondemocratic nations. Yet, neither the transferring of licensing control from the Commerce Department back to State, nor an embargo on foreign launches will solve the underlying issues which result in American companies choosing foreign launch sites. Additional work is needed to substantially change the current environment for the domestic commercial launch industry.

What the community needs is cheaper access to space including less expensive vehicles, launching costs, and insurance. The X-33, a joint venture between NASA and private industry, and X-34 programs are examples of promising flight demonstrators which will lead the path to stimulating the industry.

Mr. President, we are at a unique juncture in the history of space discovery. I urge my colleagues to support this legislation, and to help restore Congressional confidence in NASA and the Nation's valuable space program.

By Mr. CRAIG:

S. 341. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes; to the Committee on Finance.

HOPE FOR CHILDREN ACT

Mr. CRAIG. Mr. President, I rise to introduce the Hope for Children Act, which is also being introduced today in the House of Representatives by Congressman TOM BLILEY of Virginia.

I think all of us—no matter what party or philosophy—share the hope that every child in the world has a loving, permanent home. The Hope for Children Act is aimed at making that hope a reality for more children, by making it possible for more families to open their homes and hearts to a child through adoption.

In the past few years, Congress has taken a number of steps to promote adoption in this country. I commend my colleagues on both sides of the aisle and in both chambers for their dedication to this effort. As an adoptive father myself, and co-chair of the bipartisan, bicameral Congressional Coalition on Adoption, I've been pleased to see more and more American families formed through adoption, and I sincerely believe the work of Congress has been a contributing factor.

However, we have some unfinished business to take care of, and that's what I'm here to talk about today.

Many of my colleagues will remember back in 1996, we succeeded in enacting a tax credit for adoption expenses. We did so, because we realized that adopting families face extraordinary challenges: not only must they forge a new family unit while navigating a labyrinth of legal or regulatory requirements, but they also have financial challenges above and beyond the usual expenses of caring for and raising children. The cost of adoption can easily push into the tens of thousands of dollars, counting legal fees, travel, medical bills and other expenses. All too often, it is the financial challenge that becomes an insurmountable obstacle to bringing a child who is alone in the world together with a loving family.

We knew the adoption tax credit wouldn't eliminate the expense of adoption outright, but would only allow eligible adoptive families to keep a bit more of their own hard-earned income to devote to those expenses. As a result, adoptive parents may be eligible to receive a tax credit of $5000 to help cover out-of-pocket expenses related to each adoption, or a $6000 tax credit for the adoption of a "special needs" child.

If the comments I've been hearing from families across the nation are any gauge, the credit has helped make adoption a reality for a lot of children. As more individuals explore the adoption option, they are finding the credit a small but significant cushion against the financial impact. Even so, I've received a number of constructive suggestions from families as to how the adoption tax credit could be improved, to make it more effective in promoting adoption in the United States.

Furthermore, back in 1996 when we originally debated this matter, there were political and fiscal considerations that caused Congress to include a sunset provision for the adoption tax credit. Unless we act soon to extend this enormously helpful tool, it will expire.

For all of those reasons, I am introducing the Hope for Children Act. It builds on the work done by our previous Congress, to improve and extend the adoption tax credit.

Specifically, it would make the tax credit permanent, and adjust it for inflation. It would also exclude the credit from calculation of the alternative minimum tax. The full credit would be available for taxpayers with adjusted gross incomes under $150,000; those with adjusted gross incomes between $150,000 and $190,000 would be able to take a reduced credit. No credit would be available to those with adjusted gross incomes of more than $190,000.

I should say at this point that I do not think this bill is the final word on the subject. I intend to work with interested groups and individuals on additional legislation that will promote adoption—perhaps most important, that will do more to promote the adoption of children with special needs.

There are so many children in the United States and the world who can only hope for the loving, permanent home that should be their birthright—I invite all Senators to join me in supporting the Hope for Children Act to help make their dreams a reality.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hope for Children Act".

SEC. 2. ADOPTION EXPENSES.

(a) Increase in Amounts Allowed.—

(1) Dollar amount of allowed expenses.—Paragraph (1) of section 23(b) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended by striking "$5,000" and all that follows and inserting "$10,000.".

(2) Phase-out limitation.—Clause (i) of section 23(b)(2)(A) of such Code (relating to income limitation) is amended by striking "$75,000" and inserting "$150,000".

(b) Repeal of Sunset on Children Without Special Needs.—

(1) In general.—Paragraph (2) of section 23(d) of such Code (relating to definition of eligible child) is amended to read as follows:

"(2) Eligible child.—The term 'eligible child' means any individual who—

"(A) has not attained age 18, or

"(B) is physically or mentally incapable of caring for himself.".

(2) Conforming amendment.—Subsection (d) of section 23 of such Code (relating to definitions) is amended by striking paragraph (3).

(c) Adjustment of Dollar and Income Limitations For Inflation.—Section 23 of such Code is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Adjustments for Inflation.—In the case of a taxable year beginning after December 31, 2000, each of the dollar amounts in paragraphs (1) and (2)(A)(i) of subsection (b) shall be increased by an amount equal to—

"(1) such dollar amount, multiplied by

"(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1999' for 'calendar year 1992' in subparagraph (B) thereof.".

(d) Limitation Based on Amount of Tax.—

(1) In general.—Subsection (c) of section 23 of such Code is amended by striking "the limitation imposed" and all that follows through "1400C)" and inserting "the applicable tax limitation".

(2) Applicable tax limitation.—Subsection (d) of section 23 of such Code (as amended by subsection (b)) is further amended adding at the end the following new paragraph:

"(3) Applicable tax limitation.—The term 'applicable tax limitation' means the sum of—

"(A) the taxpayer's regular tax liability for the taxable year, reduced (but not below zero) by the sum of the credits allowed by sections 21, 22, 24 (other than the amount of the increase under subsection (d) thereof), 25, and 25A, and

"(B) the tax imposed by section 55 for such taxable year.".

(3) Conforming amendments.—

(A) Subsection (a) of section 26 of such Code (relating to limitation based on amount of tax) is amended by inserting "(other than section 23)" after "allowed by this subpart".

(B) Paragraph (1) of section 53(b) of such Code (relating to minimum tax credit) is amended by inserting "reduced by the aggregate amount taken into account under section 23(d)(3)(B) for all such prior taxable years," after "1986,".

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

By Mr. BOND (for himself, Mr. Burns, Ms. Snowe, Mr. Enzi, Mr. Coverdell, Mr. Hagel, Mr. Kyl, Mr. Craig, Mr. Inhofe, Mr. Helms, Ms. Collins, Mr. Specter, Mr. Jeffords, Mr. Roberts, and Mr. Hutchinson):

S. 343. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals; to the Committee on Finance.

SELF-EMPLOYED HEALTH INSURANCE FAIRNESS ACT OF 1999

By Mr. BOND (for himself, Mr. Nickles, Ms. Snowe, Mr. Coverdell, Mr. Bennett, and Mr. Cochran):

S. 344. A bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees; to the Committee on Finance.

INDEPENDENT CONTRACTOR SIMPLIFICATION AND RELIEF ACT OF 1999

Mr. BOND. Mr. President, small businesses today face enormous burdens when it comes to taxes. Each year they pay a growing portion of their revenues on income, employment, and excise taxes. Yet even before they write the tax check, they spend more than 5% of their revenues just to comply with the tax laws. These revenues are spent on accountants, bookkeepers, and lawyers to sort out the countless pages of tax laws, regulations, forms, instructions, rulings, and other guidance published by the IRS. In addition, small business owners must dedicate valuable time and energy on day-to-day recordkeeping and other compliance requirements, all of which keep them from doing what they do best—running their business.

As the Chairman of the Committee on Small Business, I have heard from small business owners in Missouri and across this country that they are more than willing to pay their fair share of taxes. But what they object to is paying high tax bills and vast amounts for professional tax assistance only to end up the victim of an unfair tax code.

Mr. President, I rise today to introduce legislation that will eliminate two major sources of that unfairness and provide a level playing field for the millions of men and women who work exceedingly hard to make their small enterprises a success. These bills are common-sense measures that respond to the calls from small businesses for tax fairness and simplicity.

My first bill, the "Self-Employed Health Insurance Fairness Act of 1999," will end one of the most glaring inequities that has existed in our tax law—the deductibility of health-insurance costs for the self-employed. For nearly five years, I have been working to see that the self-employed receive equal treatment when it comes to the deductibility of health insurance.

During the 105th Congress, we made substantial progress. First, in the Taxpayer Relief Act of 1997, we broke through the long-standing cap on the deduction to provide 100% deductibility. Then, last Fall, we passed legislation that will speed up the date that self-employed persons can fully deduct their health-insurance costs to 2003. We also significantly increased the deductible amounts in the intervening years over the prior law. While I strongly supported these improvements, the self-employed still cannot wait four more years for 100% deductibility when their large corporate competitors have long been able to deduct such costs in full.

With the self-employed able to deduct only 60% of their health-insurance costs today, it comes as no surprise that nearly a quarter of the self-employed still do not have health insurance. In fact, five million Americans live in families headed by a self-employed individual and have no health insurance. And those families include 1.3 million children who lack adequate health-insurance coverage.

Mr. President, it is time to finish the job once and for all in this Congress. My bill will increase the deductibility of health insurance for the self-employed to 100% beginning this year. A full deduction will make health insurance more affordable to the self-employed and help them and their families get the health insurance coverage that they need and deserve.

The "Self-Employed Health Insurance Fairness Act" also corrects another inequity in the tax law affecting the self-employed who try to provide health insurance for themselves, their families, and their employees. Under current law, the self-employed lose all of the health-insurance deduction if they are eligible to participate in another health-insurance plan—whether or not they actually participate.

This provision affects self-employed individuals like Steve Hagan in my hometown of Mexico, Missouri. Mr. Hagan is a financial planner who runs his own small business. Although he has a group medical plan for his employees, Mr. Hagan cannot deduct the cost of covering himself or his family simply because his wife is eligible for health insurance through her employer. The inequity is clear. Why should he be able to deduct the insurance costs for his employees but not for himself and his family? What if the insurance available through his wife's employer does not meet the needs of their family?

Besides being patently unfair, this is also an enormous trap for the unwary. Imagine the small business owner who learns that she can now deduct 60% of her health-insurance costs this year, and with the extra deduction, she can finally afford a group medical plan for herself and her employees. Then later in the year, her husband gets a new job that offers health insurance. Suddenly, her self-employed health-insurance deduction is gone, and she is left with two choices. She can bear the entire cost of her family's coverage, or terminate the insurance coverage for all her employees. The tax code should not force small business owners into this kind of "no win" situation when they try to provide insurance coverage for their employees and themselves.

My bill eliminates this problem by clarifying that the self-employed health-insurance deduction is limited only if the self-employed person actually participates in a subsidized health insurance plan offered by a spouse's employer or through a second job. It's simply a matter of fairness, and a step we need to take now.

The second bill that I introduce today is the "Independent Contractor Simplification and Relief Act of 1999." This bill will provide clear rules and relief for entrepreneurs seeking to be treated as independent contractors and for businesses needing to use independent contractors. As the Chairman of the Small Business Committee, I have heard from countless small business owners who are caught in the environment of fear and confusion that now surrounds the classification of workers. This situation is stifling the entrepreneurial spirit of many small business owners who find that they do not have the flexibility to conduct their businesses in a manner that makes the best economic sense and that serves their personal and family goals.

The root of this problem is found in the IRS' test for determining whether a worker is an independent contractor or an employee. Over the past three decades, the IRS has relied on a 20-factor test based on the common law to make this determination. On first blush, a 20-factor test sounds like a reasonable approach—if a taxpayer demonstrates a majority of the factors, he is an independent contractor. Not surprisingly, the IRS' test is not that simple. It is a complex set of extremely subjective criteria with no clear weight assigned to any of the factors. As a result, small business taxpayers are not able to predict which of the 20 factors will be most important to a particular IRS agent, and finding a certain number of these factors in any given case does not guarantee the outcome.

To make matters worse, the IRS' determination inevitably occurs two or three years after the parties have determined in good faith that they have an independent-contractor relationship. And the consequences can be devastating. The business recipient of the services is forced to reclassify the independent contractor as an employee and must pay the payroll taxes the IRS says should have been collected in the prior years. Interest and penalties are also piled on. The result for many small businesses is a tax bill that bankrupts the company. But that's not the end of the story. The IRS then goes after the service provider, who is now classified as an employee, and disallows a portion of her business expenses—again resulting in additional taxes, interest and penalties.

Mr. President, all of us in this body recognize that the IRS is charged with the duty of collecting Federal revenues and enforcing the tax laws. The problem in this case is that the IRS is using a procedure that is patently unfair and subjective. And the result is that businesses must spend thousands of dollars on lawyers and accountants to try to satisfy the IRS' procedures, but with no certainty that the conclusions will be respected. That's no way for businesses to operate in today's rapidly changing economy.

For its part, the IRS has adopted a worker classification training manual, which according to the agency is an "attempt to identify, simplify, and clarify the relevant facts that should be evaluated in order to accurately determine worker classification * * *." There can be no more compelling reason for immediate action on this issue. The IRS' training manual is more than 150 pages. If it takes that many pages to teach revenue agents how to "simplify and clarify" this small business tax issue, I think we can be sure how simple and clear it is going to seem to taxpayers who try to figure it out on their own.

The "Independent Contractor Simplification and Relief Act" is based on the provisions of my Home-Based Business Fairness Act, which I introduced at the start of the 105th Congress. My bill removes the need for so many pages of instruction on the 20-factor test by establishing clear rules for classifying workers based on objective criteria. Under these criteria, if there is a written agreement between the parties, and if an individual demonstrates economic independence and independence with respect to the workplace, he will be treated as an independent contractor rather than an employee. And the service recipient will not be treated as an employer. In addition, individuals who perform services through their own corporation or limited liability company will also qualify as independent contractors as long as there is a written agreement and the individuals provide for their own benefits.

The safe harbor is simple, straightforward, and final. To take advantage of it, payments above $600 per year to an individual service provider must be reported to the IRS, just as is required under current law. This will help ensure that taxes properly due to the Treasury will continue to be collected.

Mr. President, the IRS contends that there are millions of independent contractors who should be classified as employees, which costs the Federal government billions of dollars a year. This assertion is plainly incorrect. Classification of a worker has no cost to the government. What costs the government are taxpayers who do not pay their taxes. My bill has three requirements that I believe will improve compliance among independent contractors using the new rules I propose. First, there must be a written agreement between the parties—this will put the independent contractor on notice at the beginning that he is responsible for his own tax payments. Second, the new rules will not apply if the service recipient does not comply with the reporting requirements and issue 1099s to individuals who perform services. Third, an independent contractor operating through his own corporation or limited liability company must file all required income and employment tax returns in order to be protected under the bill.

In the last Congress, concerns were raised that permitting individuals who provide their services through their own corporation or limited liability company to qualify as independent contractors would lead to abusive situations at the expense of workers who should be treated as employees. To prevent this option from being abused, I have added language that limits the number of former employees that a service recipient may engage as independent contractors under the incorporation option. This limit will protect against misuse of the incorporation option while still allowing individuals to start their own businesses and have a former employer as one of their initial clients.

Another major concern of many businesses and independent contractors is the issue of reclassification. My bill provides relief to these taxpayers when the IRS determines that a worker was misclassified. Under my bill, if the business and the independent contractor have a written agreement, if the applicable reporting requirements were met, and if there was a reasonable basis for the parties to believe that the worker is an independent contractor, then an IRS reclassification will only apply prospectively. This provision gives important peace of mind to small businesses that act in good faith by removing the unpredictable threat of retroactive reclassification and substantial interest and penalties.

A final provision of this legislation, Mr. President, is the repeal of section 1706 of the 1986 Tax Reform Act. This section affects businesses that engage technical service providers, such as engineers, designers, drafters, computer programmers, and systems analysts. In certain cases, Section 1706 precludes these businesses from applying the reclassification protections under section 530 of the Revenue Act of 1978. When section 1706 was enacted, its proponents argued that technical service workers were less compliant in paying their taxes. Later examination of this issue by the Treasury Department found that technical service workers are in fact more likely to pay their taxes than most other types of independent contractors. This revelation underscores the need to repeal section 1706 and level the playing field for individuals in these professions.

In the last two Congresses, proposals to repeal section 1706 enjoyed wide bipartisan support. The bill I introduce today is designed to level the playing field for individuals in these professions by providing the businesses that engage them with the same protections that businesses using other types of independent contractors have enjoyed for more than 20 years.

Mr. President, the bills I introduce today are common-sense measures that answer small business' urgent plea for fairness and simplicity in the tax law. As we work toward the day when the entire tax law is based on these principles, we can make a difference today by enacting these two bills. Entrepreneurs have waited too long—let's get the job done!

Mr. President, I ask unanimous consent to include in the RECORD a copy of each bill and a description of its provisions.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Self-Employed Health Insurance Fairness Act of 1999".

SEC. 2. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS INCREASED.

(a) IN GENERAL.—Section 162(l)(1) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer's spouse, and dependents."

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows: "Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SELF-EMPLOYED HEALTH INSURANCE FAIRNESS ACT OF 1999—DESCRIPTION OF PROVISIONS

The bill amends section 162(l)(1) of the Internal Revenue Code to increase the deduction for health-insurance costs for self-employed individuals to 100% beginning on January 1, 1999. Currently the self-employed can only deduct 60% percent of these costs. The deduction is not scheduled to reach 100% until 2003, under the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998, which was signed into law in October 1998. The bill is designed to place self-employed individuals on an equal footing with large businesses, which can currently deduct 100% of the health-insurance costs for all of their employees.

The bill also corrects a disparity under current law that bars a self-employed individual from deducting any of his or her health-insurance costs if the individual is eligible to participate in another health-insurance plan. This provision affects self-employed individuals who are eligible for, but do not participate in, a health-insurance plan offered through a second job or through a spouse's employer. That insurance plan may not be adequate for the self-employed business owner, and this provision prevents the self-employed from deducting the costs of insurance policies that do meet the specific needs of their families. In addition, this provision provides a significant disincentive for self-employed business owners to provide group health insurance for their employees. The bill ends this disparity by clarifying that a self-employed person loses the deduction only if he or she actually participates in another health-insurance plan.

S. 344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Contractor Simplification and Relief Act of 1999".

SEC. 2. SAFE HARBOR FOR DETERMINING THAT CERTAIN INDIVIDUALS ARE NOT EMPLOYEES.

(a) IN GENERAL.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by adding after section 3510 the following new section:

"SEC. 3511. SAFE HARBOR FOR DETERMINING THAT CERTAIN INDIVIDUALS ARE NOT EMPLOYEES.

"(a) SAFE HARBOR.—

"(1) IN GENERAL.—For purposes of this title, if the requirements of subsections (b), (c), and (d), or the requirements of subsections (d) and (e), are met with respect to any service performed by any individual, then with respect to such service—

"(A) the service provider shall not be treated as an employee,

"(B) the service recipient shall not be treated as an employer,

"(C) the payor shall not be treated as an employer, and

"(D) compensation paid or received for such service shall not be treated as paid or received with respect to employment.

"(2) AVAILABILITY OF SAFE HARBOR NOT TO LIMIT APPLICATION OF OTHER LAWS.—Nothing in this section shall be construed—

"(A) as limiting the ability of a service provider, service recipient, or payor to apply other provisions of this title, section 530 of the Revenue Act of 1978, or the common law in determining whether an individual is not an employee, or

"(B) as a prerequisite for the application of any provision of law described in subparagraph (A).

"(b) SERVICE PROVIDER REQUIREMENTS WITH REGARD TO THE SERVICE RECIPIENT.—For purposes of subsection (a), the requirements of this subsection are met if the service provider, in connection with performing the service—

"(1) has the ability to realize a profit or loss,

"(2) agrees to perform services for a particular amount of time or to complete a specific result or task, and

"(3) either—

"(A) incurs unreimbursed expenses which are ordinary and necessary to the service provider's industry and which represent an amount equal to at least 2 percent of the service provider's adjusted gross income attributable to services performed pursuant to 1 or more contracts described in subsection (d), or

"(B) has a significant investment in assets.

"(c) ADDITIONAL SERVICE PROVIDER REQUIREMENTS WITH REGARD TO OTHERS.—For the purposes of subsection (a), the requirements of this subsection are met if the service provider—

"(1) has a principal place of business,

"(2) does not primarily provide the service at a single service recipient's facilities,

"(3) pays a fair market rent for use of the service recipient's facilities, or

"(4) operates primarily from equipment not supplied by the service recipient.

"(d) WRITTEN DOCUMENT REQUIREMENTS.—For purposes of subsection (a), the requirements of this subsection are met if the services performed by the service provider are performed pursuant to a written contract between such service provider and the service recipient, or the payor, and such contract provides that the service provider will not be treated as an employee with respect to such services for Federal tax purposes and that the service provider is responsible for the provider's own Federal, State, and local income taxes, including self-employment taxes and any other taxes.

"(e) BUSINESS STRUCTURE AND BENEFITS REQUIREMENTS.—For purposes of subsection (a), the requirements of this subsection are met if the service provider—

"(1) conducts business as a properly constituted corporation or limited liability company under applicable State laws, and

"(2) does not receive from the service recipient or payor any benefits that are provided to employees of the service recipient.

"(f) SPECIAL RULES.—For purposes of this section—

"(1) FAILURE TO MEET REPORTING REQUIREMENTS.—If for any taxable year any service recipient or payor fails to meet the applicable reporting requirements of section 6041(a) or 6041A(a) with respect to a service provider, then, unless the failure is due to reasonable cause and not willful neglect, the safe harbor provided by this section for determining whether individuals are not employees shall not apply to such service recipient or payor with respect to that service provider.

"(2) CORPORATION AND LIMITED LIABILITY COMPANY SERVICE PROVIDERS.—

"(A) RETURNS REQUIRED.—If, for any taxable year, any corporation or limited liability company fails to file all Federal income and employment tax returns required under this title, unless the failure is due to reasonable cause and not willful neglect, subsection (e) shall not apply to such corporation or limited liability company.

"(B) RELIANCE BY SERVICE RECIPIENT OR PAYOR.—If a service recipient or a payor—

"(i) obtains a written statement from a service provider which states that the service provider is a properly constituted corporation or limited liability company, provides the State (or in the case of a foreign entity, the country), and year of, incorporation or formation, provides a mailing address, and includes the service provider's employer identification number, and

"(ii) makes all payments attributable to services performed pursuant to 1 or more contracts described in subsection (d) to such corporation or limited liability company,

then the requirements of subsection (e)(1) shall be deemed to have been satisfied.

"(C) AVAILABILITY OF SAFE HARBOR.—

"(i) IN GENERAL.—For purposes of this section, unless otherwise established to the satisfaction of the Secretary, the number of covered workers which are not treated as employees by reason of subsection (e) for any calendar year shall not exceed the threshold number for the calendar year.

"(ii) THRESHOLD NUMBER.—For purposes of this paragraph, the term 'threshold number' means, for any calendar year, the greater of (I) 10 covered workers, or (II) a number equal to 3 percent of covered workers.

"(iii) COVERED WORKER.—For purposes of this paragraph, the term 'covered worker' means an individual for whom the service recipient or payor paid employment taxes under subtitle C in all 4 quarters of the preceding calendar year.

"(3) BURDEN OF PROOF.—For purposes of subsection (a), if—

"(A) a service provider, service recipient, or payor establishes a prima facie case that it was reasonable not to treat a service provider as an employee for purposes of this section, and

"(B) the service provider, service recipient, or payor has fully cooperated with reasonable requests from the Secretary or his delegate,

then the burden of proof with respect to such treatment shall be on the Secretary.

"(4) RELATED ENTITIES.—If the service provider is performing services through an entity owned in whole or in part by such service provider, the references to service provider in subsections (b) through (e) shall include such entity if the written contract referred to in subsection (d) is with such entity.

"(g) DETERMINATIONS BY THE SECRETARY.—For purposes of this title—

"(1) IN GENERAL.—

"(A) DETERMINATIONS WITH RESPECT TO A SERVICE RECIPIENT OR A PAYOR.—A determination by the Secretary that a service recipient or a payor should have treated a service provider as an employee shall be effective no earlier than the notice date if—

"(i) the service recipient or the payor entered into a written contract satisfying the requirements of subsection (d),

"(ii) the service recipient or the payor satisfied the applicable reporting requirements of section 6041(a) or 6041A(a) for all taxable years covered by the contract described in clause (i), and

"(iii) the service recipient or the payor demonstrates a reasonable basis for determining that the service provider is not an employee and that such determination was made in good faith.

"(B) DETERMINATIONS WITH RESPECT TO A SERVICE PROVIDER.—A determination by the Secretary that a service provider should have been treated as an employee shall be effective no earlier than the notice date if—

"(i) the service provider entered into a contract satisfying the requirements of subsection (d),

"(ii) the service provider satisfied the applicable reporting requirements of sections 6012(a) and 6017 for all taxable years covered by the contract described in clause (i), and

"(iii) the service provider demonstrates a reasonable basis for determining that the service provider is not an employee and that such determination was made in good faith.

"(C) REASONABLE CAUSE EXCEPTION.—The requirements of subparagraph (A)(ii) or (B)(ii) shall be treated as being met if the failure to satisfy the applicable reporting requirements is due to reasonable cause and not willful neglect.

"(2) CONSTRUCTION.—Nothing in this subsection shall be construed as limiting any provision of law that provides an opportunity for administrative or judicial review of a determination by the Secretary.

"(3) NOTICE DATE.—For purposes of this subsection, the notice date is the 30th day after the earlier of—

"(A) the date on which the first letter of proposed deficiency that allows the service provider, the service recipient, or the payor an opportunity for administrative review in the Internal Revenue Service Office of Appeals is sent, or

"(B) the date on which the deficiency notice under section 6212 is sent.

"(h) DEFINITIONS.—For the purposes of this section—

"(1) SERVICE PROVIDER.—The term 'service provider' means any individual who performs a service for another person.

"(2) SERVICE RECIPIENT.—Except as provided in paragraph (4), the term 'service recipient' means the person for whom the service provider performs such service.

"(3) PAYOR.—Except as provided in paragraph (4), the term 'payor' means the person who pays the service provider for the performance of such service in the event that the service recipient does not pay the service provider.

"(4) EXCEPTIONS.—The terms 'service recipient' and 'payor' do not include any entity in which the service provider owns in excess of 5 percent of—

"(A) in the case of a corporation, the total combined voting power of stock in the corporation, or

"(B) in the case of an entity other than a corporation, the profits or beneficial interests in the entity.

"(5) IN CONNECTION WITH PERFORMING THE SERVICE.—The term 'in connection with performing the service' means in connection or related to the operation of the service provider's trade or business.

"(6) PRINCIPAL PLACE OF BUSINESS.—For purposes of subsection (c), the term 'principal place of business' has the same meaning as under section 280A(c)(1) (as in effect for taxable years beginning after December 31, 1998).

"(7) FAIR MARKET RENT.—The term 'fair market rent' means a periodic, fixed minimum rental fee which is based on the fair rental value of the facilities and is established pursuant to a written contract with terms similar to those offered to unrelated persons for facilities of similar type and quality."

(b) REPEAL OF SECTION 530(d) OF THE REVENUE ACT OF 1978.—Section 530(d) of the Revenue Act of 1978 (as added by section 1706 of the Tax Reform Act of 1986) is repealed.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 25 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 3511. Safe harbor for determining that certain individuals are not employees."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to services performed after the date of the enactment of this Act.

(2) DETERMINATIONS BY THE SECRETARY.—Section 3511(g) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to determinations after the date of the enactment of this Act.

(3) SECTION 530(d).—The amendment made by subsection (b) shall apply to periods ending after the date of the enactment of this Act.

INDEPENDENT CONTRACTOR SIMPLIFICATION AND RELIEF ACT OF 1999—DESCRIPTION OF PROVISIONS

The bill addresses the worker-classification issue (e.g., whether a worker is an employee or an independent contractor) by creating a new section 3511 of the Internal Revenue Code. The new section will provide straightforward rules for classifying workers and provide relief from the IRS' reclassification of an independent contractor in certain circumstances. The bill is designed to provide certainty for businesses that enter into independent-contractor relationships and minimize the risk of huge tax bills for back taxes, interest, and penalties if a worker is misclassified after the parties have entered into an independent-contractor relationship in good faith.

CLEAR RULES FOR WORKER CLASSIFICATION

Under the bill's new worker-classification rules, an individual will be treated as an independent contractor and the service recipient will not be treated as an employer if either of two tests is met—the "general test" or the "incorporation test."

General Test: The general test requires that the independent contractor demonstrate economic independence and workplace independence and have a written contract with the service recipient.

Economic independence exists if the independent contractor has the ability to realize a profit or loss and agrees to perform services for a particular amount of time or to complete a specific result or task. In addition, the independent contractor must either incur unreimbursed expenses that are consistent with industry practice and that equal at least 2% of the independent contractor's adjusted gross income from the performance of services during the taxable year, or have a significant investment in the assets of his or her business.

Workplace independence exists if one of the following applies: the independent contractor has a principal place of business (including a "home office" as expanded by the Taxpayer Relief Act of 1997); he or she performs services at more than one service recipient's facilities; he or she pays a fair-market rent for the use of the service recipient's facilities; or the independent contractor uses his or her own equipment.

The written contract between the independent contractor and the service recipient must provide that the independent contractor will not be treated as an employee and is responsible for his or her own taxes.

Incorporation Test: Under this test, an individual will be treated as an independent contractor if he or she conducts business through a corporation or a limited liability company. In addition, the independent contractor must be responsible for his or her own benefits, instead of receiving benefits from the service recipient. The independent contractor must also have a written contract with the service provider stating that the independent contractor will not be treated as an employee and is responsible for his or her own taxes.

To prevent the incorporation test from being abused, the bill limits the number of former employees that a service recipient may engage as independent contractors under this test. The limitation is based on the number of people employed by the service recipient in the preceding year and is equal to the greater of 10 persons or 3% of the service recipient's employees in the preceding year. For example, Business X has 500 employees in 1998. In 1999 up to 15 employees (the greater of 3% of Business X's 1998 employees or 10 individuals) could incorporate their own businesses and still have Business X as one of their initial clients. This limitation would not affect the number of incorporated independent contractors who were not former employees of the service recipient or independent contractors meeting the general test.

Additional Provisions: The new worker-classification rules also apply to three-party situations in which the independent contractor is paid by a third party, such as a payroll company, rather than directly by the service recipient. The new worker-classification rules, however, will not apply to a service recipient or a third-party payor if they do not comply with the existing reporting requirements and file 1099s for individuals who work as independent contractors. A limited exception is provided for cases in which the failure to file a 1099 is due to reasonable cause and not willful neglect.

New Worker-Classification Rules Do Not Replace Other Options: In the event that the new worker-classification rules do not apply, the bill makes clear that the independent contractor or service recipient can still rely on the 20-factor common law test or other provisions of the Internal Revenue Code applicable in determining whether an individual is an independent contractor or employee. In addition, the bill does not limit any relief to which a taxpayer may be entitled under Section 530 of the Revenue Act of 1978. The bill also makes clear that the new rules will not be construed as a prerequisite for these other provisions of the law.

RELIEF FROM RECLASSIFICATION

The bill provides relief from reclassification by the IRS of an independent contractor as an employee. For many service recipients who make a good-faith effort to classify the worker correctly, this event can result in extensive liability for back employment taxes, interest, and penalties.

Relief Under the New Worker-Classification Rules: The bill provides relief for cases in which a worker is treated as an independent contractor under the new worker-classification rules and the IRS later contends that the new rules do not apply. In that case, the burden of proof will fall on the IRS, rather than the taxpayer, to prove that the new worker-classification rules do not apply. To qualify for this relief the taxpayer must demonstrate a credible argument that it was reasonable to treat the service provider as an independent contractor under the new rules, and the taxpayer must fully cooperate with reasonable requests from the IRS.

Protection Against Retroactive Reclassification: If the IRS notifies a service recipient that an independent contractor should have been classified as an employee (under the new or old rules), the bill provides that the IRS' determination can become effective only 30 days after the date that the IRS sends the notification. To qualify for this provision, the service recipient must show that:

there was a written agreement between the parties;

the service recipient satisfied the applicable reporting requirements for all taxable years covered by the contract; and

there was a reasonable basis for determining that the independent contractor was not an employee and the service provider made the determination in good faith.

The bill provides similar protection for independent contractors who are notified by the IRS that they should have been treated as an employee.

The protection against retroactive reclassification is intended to remove some of the uncertainty for businesses contracting with independent contractors, especially those who must use the IRS's 20-factor common law test. While the bill would prevent the IRS from forcing a service recipient to treat an independent contractor as an employee for past years, the bill makes clear that a service recipient or an independent contractor can still challenge the IRS's prospective reclassification of an independent contractor through administrative or judicial proceedings.

REPEAL OF SECTION 1706 OF THE REVENUE ACT OF 1978

The bill repeals section 530(d) of the Revenue Act of 1978, which was added by section 1706 of the Tax Reform Act of 1986. This provision precludes businesses that engage technical service providers (e.g., engineers, designers, drafters, computer programmers, systems analysts, and other similarly qualified individuals) in certain cases from applying the reclassification protections under section 530. The bill is designed to level the playing field for individuals in these professions by providing the businesses that engage them with the same protections that businesses using other types of independent contractors have enjoyed for more than 20 years.

EFFECTIVE DATES

In general, the independent-contractor provisions of the bill, including the new worker-classification rules, will be effective for services performed after the date of enactment of the bill. The protection against retroactive reclassification will be effective for IRS determinations after the date of enactment, and the repeal of section 530(d) will be effective for periods ending after the date of enactment of the bill.

By Mr. ALLARD:

S. 345. A bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful; to the Committee on Agriculture, Nutrition, and Forestry.

AMENDMENT TO ANIMAL WELFARE ACT

Mr. ALLARD. Mr. President, today I am introducing a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds for the purpose of fighting to States in which animal fighting is lawful.

Currently, the Animal Welfare Act makes it unlawful for any person to knowingly sponsor or exhibit an animal in any animal fighting venture to which the animal was moved in interstate or foreign commerce. This means that if an animal crosses state lines and then fights in a state where cockfighting is not legal, that is a crime. However, the law further states, "the activities prohibited by such subsections shall be unlawful with respect to fighting ventures involving live birds only if the fight is to take place in a State where it would be in violation of the laws thereof." This means that the law applies to all animals involved in all types of fighting—except for birds being transported for cockfighting purposes to a state where cockfighting is still legal. Because of the loophole, law enforcement officers have a more difficult time prosecuting under their state cockfighting bans.

As introduced this legislation will close the loophole on cockfighting, and prohibit interstate movement of birds for the purpose of fighting from states where cockfighting is illegal to states where cockfighting is legal. This legislation will clarify that possession of fighting birds in any of the 47 states would then be illegal, as shipping them out for cockfighting purposes would be illegal.

I believe that my colleague from states where cockfighting is illegal will benefit from this change because it will make law enforcement easier. I also believe that my colleagues from states or territories where cockfighting is currently legal should not oppose this change as it merely confines cockfighting to within that state's borders.

By Mrs. HUTCHISON (for herself, Mr. GRAHAM, Mr. VOINOVICH, Mr. ABRAHAM, Mr. MCCONNELL, Mr. MCCAIN, Mr. LOTT, Mr. LEAHY, Mr. SMITH of Oregon, Mr. GORTON, Mrs. MURRAY, Mr. ALLARD, Mr. BURNS, Mr. FRIST, Mr. COCHRAN, Mr. CRAIG, Mr. BUNNING, Mr. KYL, Mr. LUGAR, Mr. INHOFE, Mr. HUTCHINSON, Mr. MACK, Mrs. LINCOLN, Mr. TORRICELLI, Mr. BAYH, Mr. MURKOWSKI, Mr. GRAMM, and Mr. THOMPSON):

S. 346. A bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers; to the Committee on Finance.

STATES RIGHTS PROTECTION ACT OF 1999

Mrs. HUTCHISON. Mr. President, I am pleased to introduce this bill, along with 27 other cosponsors. The prime one is Senator BOB GRAHAM of Florida, who has worked very hard with me over the last year to make sure that the State tobacco settlements which our States have worked so hard to achieve will remain in control of the States because, in fact, the President's budget which was just released this week assumes that it will still seize

$18.9 billion of the State tobacco settlement funds for Medicaid recoupment. Mr. President, that is just not right, and the bill I am introducing with Senator GRAHAM of Florida, Senator GORTON, and 26 others, on a bipartisan basis, will keep that from happening.

The bill is strongly supported by the National Governors' Association, the National Association of Attorneys General, the National Conference of State Legislators, and several other groups.

I ask unanimous consent that letters of support from these groups be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, February 3, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATORS HUTCHISON AND GRAHAM: A major priority for the nation's Governors during the 106th Congress is ensuring that state tobacco settlement funds are protected from unwarranted seizure by the federal government. The Governors believe it is critical that access to full, unencumbered recoupment protection be afforded to all states. We are pleased that you have introduced legislation to accomplish this goal. Your legislation would prohibit the federal government from attempting to recover a staggering 57% of the entire settlement amount.

Our states' Attorneys General carefully crafted the tobacco agreement to reflect only state costs. Medicaid costs were not a major issue in negotiating the settlement. In fact, the final agreement reached by the Attorneys General on November 23, 1998 does not mention Medicaid. Therefore, there is no legitimate federal claim on the settlement.

Without the states' leadership and years of commitment to initiating state lawsuits, the nation would not have achieved one of its major goals—a comprehensive settlement with the tobacco industry. After bearing all of the risks and expenses in the arduous negotiations and litigation necessary to have proceeded with their lawsuit, states are now entitled to all of the funds awarded to them in the tobacco settlement agreement without federal seizure.

We look forward to working with you and other Members of Congress to enact this legislation and prevent federal seizure of state tobacco settlement funds.

Sincerely,

THOMAS R. CARPER.
MICHAEL O. LEAVITT.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, February 1, 1999.

Hon. KAY BAILEY HUTCHISON,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the National Conference of State Legislatures (NCSL), I write in support of bipartisan legislation that Senator Bob Graham and you will soon introduce to ensure that states retain all of their tobacco settlement funds. NCSL has made this legislation its top priority for 1999. NCSL is very appreciative of the leadership you provided on this issue during the 105th Congress. I am grateful for your willingness to lead the way again in 1999. The nation's state legislators will work steadfastly with you and all of your Senate colleagues to ensure that this legislature is enacted.

It is through the sole efforts of states that the historic settlement of November 23, 1998 and four prior individual state settlements were finalized. States initiated the suits that led to the settlements without any assistance from the federal government. States consumed their own resources and accepted all of the risks with their suits. Additionally, the November 23, 1998 agreement makes no mention of Medicaid, which is the program cited by those who want to establish a basis for seizing state tobacco settlement funds. It is clear to me that the federal government has no claim to these funds. I fully appreciate, however, the need for clarification that federal legislation would provide.

As you well know, states are no finalizing the settlement, carrying out the terms of the accord and making final fiscal determinations about how to most responsibly apply settlement funds to public health and other needs. Threats of recoupment and related uncertainties only compromise our ability to progress with finalizing the settlement and working to reduce youth smoking, abating youth access to tobacco products and addressing the economic impact of anticipated reduced demand for tobacco products. Enactment of your federal legislation would eliminate these threats and permit states to move forward.

I look forward to working closely with you to a successful and mutually acceptable resolution of this issue.

Sincerely,

DAN BLUE,
President, North Carolina House of Representatives.

NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
Washington, DC, February 1, 1999.

Hon. KAY BLILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: Your support at the recent press conference for protecting the state tobacco settlements from seizure by the federal government was much appreciated. On behalf of the Association, thank you for your leadership early in the new session on this issue.

Building on the strong bipartisan support evidenced on January 21, we want to continue to work with you and your colleagues on legislation that will ensure that the states retain all of their tobacco settlement funds. We hope this legislation will be enacted as early as possible in the 106th Congress.

Sincerely yours,

CHRISTINE O. GREGOIRE,
Attorney General of Washington.
BETTY MONTGOMERY,
Attorney General of Ohio.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, January 27, 1999.

Hon. KAY BAILEY HUTCHISON,
Russell Building, Washington, DC.

DEAR SENATOR HUTCHISON: I am writing to let you know that the National Association of Counties (NACo) strongly endorses the bill to be introduced by you and Senator Bob Graham (D-FL) that would prevent the federal recoupment of states' tobacco settlement funds. NACo is adamantly opposed to any attempt by the federal government to go after these funds and applauds the introduction of this straightforward, bipartisan legislation.

The $206 billion settlement agreed to on November 23, 1998 by the state Attorneys General and the major United States tobacco companies settles more than 40 pending lawsuits. These lawsuits, which were initiated by state and local governments with no assistance, in any form, from the federal government, were based on a variety of claims, including consumer fraud, antitrust protections, conspiracy, and racketeering. In addition, the state Attorneys General negotiated the settlement to reflect only state costs and damages. Therefore, the federal government's claim that these settlement monies represent Medicaid funds and should be returned to federal coffers is simply not an accurate portrayal of the settlement agreement. The agreement does not claim to or intend to recover Medicaid costs. Attempts by the federal government to claim these funds would likely result in lengthy and costly legal battles between the states and the federal government and would not be a wise use of government resources.

NACo applauds your efforts and those of Senator Graham to protect these funds. We will continue to work to prevent the federal recoupment of the states' tobacco settlement monies, and we support this legislation.

Sincerely,

BETTY LOU WARD,
President.

NATIONAL LEAGUE OF CITIES,
Washington, DC, February 3, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of 135,000 cities and towns, I would like to express the National League of Cities' support for the legislation you are introducing today along with Senator Bob Graham that would prevent the federal government from taking a portion of state tobacco settlement revenues.

If the federal government were able to take a portion of state settlement funds, cities and towns would bear the brunt of this loss. This could mean that local tobacco cessation programs and teenage smoking prevention programs would not be funded and indigent care costs would not be compensated. Cities and towns are often the last means of defense in covering health care costs, particularly indigent care costs.

For example, California's cities and counties stand to receive half of the state's share of the settlement. This money will directly assist cities and towns in helping to pay for health care programs and costs. Other local governments are currently working with their state legislatures to address uncompensated costs related to tobacco illnesses and to address local health care needs with settlement funds.

The National League of Cities adopted a resolution at the December 1998 Congress of Cities in Kansas City, Missouri, that addresses municipal interests in the tobacco settlement. A provision in the resolution states that any revenues received by states or municipalities from any settlement with the tobacco industry should not be required to be paid to the federal government for Medicaid/Medicare or any other program.

We support the legislation introduced today, and your continued effort to protect the interest of our nation's cities and towns.

Sincerely,

CLARENCE E. ANTHONY,
NLC President and Mayor, South Bay, FL.

Mrs. HUTCHISON. Mr. President, 46 States reached a settlement last November which added them to the other States that already had settled with the tobacco companies, making every State in America now in a settlement with the tobacco companies. These States have not just chosen to put the money that is coming in from the tobacco settlement on Medicaid and health care issues. There are myriad State issues that this money is going to be used for. But that is in limbo today because the President has given notice that he is going to seize this money from them. So everything is going to be held in abeyance until we settle this issue once and for all.

That is what our bill will do. There is no reason—no reason whatsoever—that we should take money from the Medicaid funds that go to the States which provide a safety net for the millions of low-income and disabled Americans who depend on Medicaid for their health care needs. We cannot allow that to happen, and we will not.

I intend to work with the cosponsors of this bill to find the first available vehicle to attach it so that we can make sure that this money that our States have worked alone to achieve, with no help from the Federal Government, will remain in their sole jurisdiction; that they will be able to make the choices on what their States need and not have dictated to them by the Federal Government what they will spend this money for.

Many States—I was talking to Senator ABRAHAM from the State of Michigan, and they are going to create scholarship funds for low-income students in Michigan, a very worthy cause. Other States are going to be doing education to try to encourage teenagers not to smoke. We don't want to substitute our judgment for the judgment that the States are making for their best and most important priorities.

So I am pleased to have the 28 cosponsors of this bill. I think we will pass it. I hope that we can do it quickly so that these States will have the freedom to spend this money on the much needed programs in those States.

I am happy to yield to Senator GORTON.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the federal government has done quite enough to impede states efforts to recover damages from and change the practices of tobacco manufacturers. Though they asked, the state Attorneys General received no help from the federal government in their litigation. When, despite this, the states in mid-1997 proposed to settle their claims for almost $400 billion and asked the Administration and Congress to codify the agreement, the federal government instead blew it up by spending the states' money, and then some, on this Administration's pet social projects. It was only through the ingenuity, hard work, and unwavering perseverance of people like Washington state Attorney General Christine Gregoire that states were able to take the tobacco manufacturers back to the table in late 1998 and obtain a settlement agreement for $206 billion.

Though it did none of the work, the Administration now wants to share in the reward. Using an old provision in the Social Security Act, a provision that I understand was intended to permit federal Medicaid recoupment in cases of fraud or over billing, the federal government is now claiming over 50% of the states' settlement money. To exact what it claims is its share, the Administration intends to withhold Medicaid payments, payments that go to the neediest residents of Washington and other states.

This is no idle threat: three days ago, the President sent us a budget in which he spent $16 billion of the states' settlement money in the next five years. The President did indicate, however, that he would relinquish this claim to the money for one year if states agree to spend the money as he and other Washington, D.C. bureaucrats see fit. This is just wrong.

The bill that we are introducing today rights this wrong. It allows states to keep the monies they fought for. No strings attached. The federal government has not earned this money, and does not know better than states how it should be spent. I urge my colleagues to join me and my friends from Texas and Florida in seeing that this bill is passed this session.

Mrs. LINCOLN. Mr. President, I rise to join my colleagues in support of the "States Rights Protection Act of 1999." I believe that states are entitled to retain the tobacco funds that were agreed upon under their settlement agreements.

These funds result from an historic accord reached in November 1998 between 46 states, U.S. Territories and commonwealths, the District of Columbia, and tobacco industry representatives. State Attorneys General worked diligently to initiate and negotiate a settlement with the tobacco industry. States are now in the midst of finalizing the settlement, carrying out the terms of the settlement agreement and making fiscal decisions about how to apply settlement funds to public health and other needs.

Although the U.S. Department of Health and Human Services initially notified states in the fall of 1997 of its intention to recoup the federal match from funds states received through the suits, citing a provision in existing Medicaid law, it has suspended recoupment activities. For this reason, I join my Senate colleagues in introducing this legislation to prohibit the federal government from trying to recoup any funds from state governments recovered from tobacco companies as part of their tobacco settlement or from determining how these funds should be spent.

I strongly believe that each state should have the right to determine where this money is needed and how it is best spent. In my own state of Arkansas, Governor Mike Huckabee has reached an agreement with the Speaker of the Arkansas House of Representatives, Bob Johnson, the President Pro Tempore of the Arkansas Senate, Jay Bradford, and the Arkansas Attorney General, Mark Pryor, regarding the use of this money solely for health-related purposes. Specifically, the settlement funds will be used to prevent smoking by young people, to treat tobacco related illnesses, and to establish a foundation to provide for continued funding of these programs even when the tobacco settlement money expires. I'm proud that my home state of Arkansas will use these funds towards such valuable programs.

I support the Arkansas state government and all other state governments in retaining their tobacco settlement funds and exercising their authority to determine how the funds are spent.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Mr. Matt Barry of our staff be given floor privileges for the remainder of the consideration of this issue during this session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Thank you Mr. President.

Mr. President, I rise today along with Senator HUTCHISON and 21 original cosponsors—Republicans and Democrats—to introduce legislation designed to prevent the federal government from seizing the State settlement proceeds negotiated with the tobacco industry.

Just over 1 year has passed since the State of Florida received an ominous warning from the federal government which said in essence: "Prepare to hand over half of your money or we will be prepared to withhold your Medicaid funds."

This action was a slap in the face to States like Florida—a State which spent countless hours and millions of dollars preparing to wage war against the tobacco industry in court—with no guarantee of success and with no assistance from anyone—including the federal government. The State of Florida specifically asked the Federal Government to assist us, to join in a joint lawsuit. We the States will assume the responsibility of suing the tobacco industry for the Medicaid and other nonspecific medical program costs. The Federal Government will assume the responsibility for Medicare, the Veterans Administration, and other Federal health program costs. What was the response to that request for joint action? "Not interested."

In fact, only after it became clear that States were going to be successful in their lawsuits did the federal government become interested in the State settlements.

And so the Health Care Financing Administration sent collection notices to States based on a twisted reading of an obscure provision in Medicaid law—section 1903(D) of the Social Security Act.

Mr. President, I ask unanimous consent that a copy of a letter dated November 3, 1997, from Ms. Sally K. Richardson, Director, Center for Medicaid and State Operations to the State Medicaid director of each of the 50 States be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, the federal government is attempting to collect almost $19 billion over 5 years, and, presumably almost $100 billion over the 25 year settlement agreement period, based on a little known provision in Medicaid which was never intended to apply to a lawsuit of this magnitude or character.

The regulations interpreting the Statutory language of 1903(D) read as follows:

> Subpart F—Refunding of Federal Share of Medicaid Overpayments to Providers
>
> This Subpart Implements Section 1903(d)(2)(C) and (D) of the Act, which provides that a State has 60 days from discovery of an overpayment for Medicaid services to recover or attempt to recover the overpayment from the provider.

The regulation then goes on to define "overpayment": Overpayment means the amount paid by a Medicaid agency to a provider which is in excess of the amount that is allowable for services furnished under section 1902 of the act.

Mr. President, applying the provisions of this statute which was designed to collect overpayments paid by a Medicaid State agency to a provider, to attempt to apply this provision to the State tobacco lawsuits is absurd. This provision was intended and has been used to apply to billing errors made by providers.

As an example, if a State finds that a provider has overbilled Medicaid, the State collects the overpayment, then remits the commensurate share back to the federal government.

Essentially, the federal government is stating that the revenues from the lawsuits should be interpreted as "overpayments" made to medical providers by state Medicaid agencies—that the services rendered by these providers to Medicaid beneficiaries should not have been rendered under the statute.

This logic is twisted and absurd.

The State lawsuits were not premised on a technical collections process—providers overbilling Medicaid. Rather, they were premised on the fact that the tobacco industry defrauded the taxpayer, violated the State civil racketeering statutes, and subjected the taxpayers to enormous smoking-related illness costs.

Further, as an example, Mr. President, the suit of the State of Iowa, which was premised on Medicaid, was thrown out of court, but Iowa is still 1 of the 46 States which will receive their share of the proceeds under the nationwide settlement.

How could the Federal Government lay any claim to Iowa's proceeds based on the overpayment provision in Medicaid since the court had specifically thrown out its suit based on Medicaid? The answer is, it cannot.

The legislation that Senator HUTCHISON and my colleagues are introducing today is simple. It clarifies that the overpayment provision does not apply to either the comprehensive settlement agreed to in November of 1998, nor does it apply to any of the State settlements agreed to prior to the comprehensive settlement.

Here is what the bill will do. It will prevent the Federal Government from stifling important bipartisan public health initiatives which will be paid for through the settlements.

In my State of Florida, for instance, our former colleague and good friend, Democratic Governor Lawton Chiles, provided health insurance to over 250,000 previously uninsured poor children. Just 2 weeks ago, Florida's new Governor, Republican Jeb Bush, announced the establishment of a $2 billion endowment fund which will be named in honor of Governor Chiles. This fund will assure that the tobacco funds will be used exclusively for children's health, child welfare, and seniors' health programs.

Mr. President, as you know, Florida is not unique. Other States will be just as innovative and be held to just as high standards of accountability by their citizens for the use of these tobacco settlement funds. It is important that States be given the green light to move forward on important public health initiatives and to do so as soon as possible. If we do not pass this legislation, funds that could otherwise be spent on improving America's health will be tied up in litigation between States and the Federal Government for the foreseeable future.

So I urge my colleagues to join us in this effort, to support this legislation, and I urge that it be adopted by this Senate and by the Congress and signed by the President of the United States at the earliest possible date.

EXHIBIT 1

CENTER FOR MEDICAID AND
STATE OPERATIONS,
November 3, 1997.

DEAR STATE MEDICAID DIRECTOR: A number of States have settled suits against one or more tobacco companies to recoup costs incurred in treating tobacco-related illnesses. This letter describes the proper accounting and reporting for Federal Medicaid purposes of amounts received from such settlements that are subject to Section 1903(d) of the Social Security Act.

As described in the statute, States must allocate from the amount of any Medicaid-related expenditure recovery "the pro-rata share to which the United States (Federal government) is equitably entitled." As with any recovery related to a Medicaid expenditure, payments received should be reported on the Quarterly Statement of Expenditures for the Medicaid Assistance Program (HCFA-64) for the quarter in which they are received. Specifically, these receipts should be reported on the Form HCFA-64 Summary Sheet, Line 9E. This line is reserved for special collections. The Federal share should be calculated using the current Federal Medicaid Assistance Percentage. Please note that settlement payments represent a credit applicable to the Medicaid program whether or not the monies are received directly by the State Medicaid agency. States that have previously reported receipts from tobacco litigation settlements must continue to report settlement payments as they are received.

State administrative costs incurred in pursuit of Medicaid cost recoveries from tobacco firms qualify for the normal 50 percent Federal financial participation (FFP). They should be reported on the Form HCFA-64.10, Line 14 (Other Financial Participation).

Only Medicaid-related expenditure recoveries are subject to the Federal share requirement. To the extent that some non-Medicaid expenditures and/or recoveries were also included in the underlying lawsuits, HCFA will accept a justifiable allocation reflecting the Medicaid portion of the recovery, as long as the State provides necessary documentation to support a proposed allocation.

Under current law, tobacco settlement recoveries must be treated like any other Medicaid recoveries. We recognize that Congress will consider the treatment of tobacco settlements in the context of any comprehensive tobacco legislation next year. Given the States' role in initiating tobacco lawsuits and in financing Medicaid programs, States will, of course, have an important voice in the development of such legislation, including the allocation of any resulting revenues. The Administration will work closely with States during this legislative process as these issues are decided.

If you would like to discuss the appropriate reporting of recoveries with HCFA, please call David McNally of my staff at (410) 786-3292 to arrange for a meeting or conversation. We look forward to providing any assistance needed in meeting a State's Medicaid obligation.

Sincerely,

SALLY K. RICHARDSON,
Director.

Mr. MCCONNELL. Mr. President, I rise today to join my esteemed colleagues—Senators HUTCHISON, GRAHAM, VOINOVICH, ABRAHAM, and others—in sponsoring legislation to protect the States' tobacco settlement funds from the Clinton Administration's spurious recoupment claims.

Members of the U.S. Senate will recall quite vividly that this chamber engaged in a lengthy, detailed debate on a national tobacco settlement bill last year. While those discussions proved inconclusive, the States—on their own—achieved much of what Congress and the White House identified as priorities through direct settlement agreements with the tobacco companies.

As part of the comprehensive settlement with 46 states and the prior individual State agreements, the tobacco companies are required to take specific action to address public health concerns regarding teen smoking. First, they must fund a major anti-smoking advertising campaign to prevent youth smoking and to educate consumers about tobacco-related illnesses. Second, they must establish a charitable foundation to support the study of programs to reduce teen smoking and substance abuse. Third, the settlement prohibits tobacco advertising that may target youth, like the commercial use of cartoon characters like "Joe Camel" and outdoor advertising such as billboard, stadium and transit ads as well as tobacco sponsorship of sporting and cultural events. In addition, the States have plans to spend their tobacco settlement funds for advancing the public health and welfare.

Much to the dismay of the nation's governors and state legislators, instead of receiving a commendation from the President for a job well done, they got a multi-billion dollar collection notice. Despite the fact that the States filed lawsuits asserting a number of non-Medicaid claims, the Clinton Administration argues that every state who agreed to the $206 billion settlement should fork over from 50 to 79 percent of their share to the federal government—including states like Kentucky who didn't even file a lawsuit but joined the settlement. As such, the President's FY 2000 budget states that the federal government has the right to withhold at least $16 billion Medicaid dollars from the States over the next five years.

Simply put, Mr. President, this bogus claim will deny Kentucky's most needy citizens over $2.4 billion in Medicaid funds over the term of the settlement agreement. I cannot excuse the fundamental conflict created by an Administration that claims it is fighting for the health of our children while it gobbles up the money specifically designated for them. This effort to hold state Medicaid programs hostage in exchange for federal strings on how the States spend their own money is intolerable and unacceptable.

Unlike the Administration, I believe all wisdom does not reside in Washington. It's clear to me that our state's elected officials are in a better position to determine Kentucky's needs than a federal bureaucrat sitting 600 miles away in Washington. I am proud to serve as an original sponsor to this legislation which makes clear that the federal government has no claim to the tobacco settlement funds attained by the States. I commend my fellow sponsors for their commitment to preserving common-sense in government, and urge my colleagues to approve this legislation expediently and without compromise.

Mr. McCAIN. Mr. President, I am pleased to be a co-sponsor of the States' Rights Protection Act. This bill will ensure that the states retain the use of the settlement proceeds from the tobacco litigation settlement announced in November, 1998, as well as the prior settlements with Mississippi, Texas, Florida, and Minnesota. The bill will entitle the states to keep all of the money from the settlement, without federal recoupment of a Medicaid share.

I believe this is the right thing to do for several reasons. First, and foremost, the settlement was of litigation initiated and pursued by the states. The President announced in his State of the Union address that the Department of Justice will be filing an action on behalf of the United States against the tobacco companies. This is the right way for federal claims to be addressed, rather than taking this hard-fought, negotiated money from the states.

Second, not all of the states raised Medicaid claims in their lawsuits. The courts dismissed the Medicaid claims in other cases. Thus, in some states, the federal government is not truly entitled to share in the settlement proceeds. Allowing recoupment from some of the states, but not all of the states, will lead to disparate and unfair results.

Finally, federal and state governments alike share in the goal of addressing public health needs. It is not necessary that this goal only be accomplished through federally mandated programs. The states' settlement also includes funding for counter-advertising and cessation efforts. These efforts may be complemented by federal programs, but do not need to be duplicated simply to give the federal government an excuse to spend money. In addition, many states have other existing public health programs related to tobacco use or children's health on the books. The federal government does not need to attempt to duplicate those programs through federal mandates. Most importantly, I am confident that the state will spend their settlement money wisely and in the best interests of their citizens. These decisions are best reached through discussion and consensus reached at the state and local levels.

I regret that Congress was unwilling to accept the opportunity presented to us with the 1997 proposed settlement agreement. Comprehensive legislation would have benefited the nation by addressing kids smoking and limiting the excessive attorney's fees paid in these cases. Nevertheless, I applaud the Attorneys General for reaching settlement of their litigation and for the public health advances they have made in the settlement agreement. They have ensured a win for every state, without years of litigation and varied results. They have ensured an end to Joe Camel on billboards throughout the country. They have established a mechanism to police advertising. They have achieved more in this joint settlement than any one state could have achieved alone with a court verdict.

I thank my colleague, Senator HUTCHISON, for introducing this bill, and am pleased to join with so many other distinguished friends in sponsoring this important piece of states' rights legislation.

Mr. LEAHY. Mr. President, I am pleased to join Senator HUTCHISON and Senator GRAHAM and a bipartisan group of my colleagues to introduce legislation to prohibit the Federal government from recouping any part of the multi-state settlement between the tobacco industry and the State Attorneys General.

To the surprise of many state officials, the Health Care Financing Administration has threatened to seek reimbursement for its share of Medicaid costs for treating tobacco-related diseases from the multi-state tobacco settlement. In other words, the Federal government may want to take more than half of the total multi-state settlement based on the federal share of Medicaid, which is approximately 60 percent of total Medicaid costs.

For my home State of Vermont, that means the Federal government may try to take more than $15 million annually out of Vermont's share of the settlement. Vermont Attorney General William Sorrell settled with the tobacco industry for more than $800 million to be distributed over the next 25 years. But now the Federal government may seek more than $400 million of Vermont's tobacco settlement for its own use.

Washington State Attorney General Christine Gregoire, one of the lead attorneys general in the settlement negotiations with the tobacco industry, recently stated: "These lawsuits were brought by the States based on violations by the industry of state laws. The settlement was won by the states without any assistance from Congress or the Administration. As far as we are concerned the States did all the work and are entitled to every dollar of their allocated share to invest in the future health care of their citizens." I could not agree more with General Gregoire.

The States, not the Federal government, deserve the full amount of their settlements because the States and their Attorneys General took the risks in bringing the novel lawsuits against Big Tobacco. Without the willingness of the State Attorneys General acting on behalf of the citizens of their states and taking significant financial and professional risks and pursuing these matters so diligently, we would not have any legal settlements by the tobacco industry. These State Attorneys General deserve our gratitude and our respect for their extraordinary efforts. I commend them all for their diligence on behalf of the public.

When tobacco companies were fighting any and all lawsuits against them, the State Attorneys General pursued their legal challenges against great odds. Men and women whose lives were cut short by cancer and other adverse health consequences from tobacco deserved better treatment than the years of obstruction and denial by the tobacco industry. Only now as the internal documents are being disclosed and the legal tide is beginning to turn have tobacco companies decided to change their strategy and pursue settlements. The tobacco industry did not agreed to these settlements out of some new found sense of public duty. The truth is that giant tobacco corporations came to the bargaining table only after they realized that they might lose in court.

In my home state, General Sorrell took the financial and legal risks in bringing suit against the tobacco industry on behalf of the people of Vermont. General Sorrell and his legal team put together a powerful case in support of the public health of all Vermonters. General Sorrell did this without any assistance from the Federal government. As a result, the people of Vermont deserve the full amount of their tobacco settlement.

If the Federal government wants to recover its costs for tobacco-related diseases, the appropriate avenue to do that is a Federal lawsuit. Indeed, President Clinton announced during the recent State Of The Union Address that the Department of Justice is planning litigation against the tobacco industry. I applaud the President and Attorney General Reno for pursuing legal action against the tobacco industry so that the Federal government may recoup its costs for tobacco-related diseases. That is the proper approach for the Federal government.

The multi-state tobacco settlement provides a historic opportunity to improve the public health in Vermont and across the nation. I believe that the States, not the Federal government, are in the best position to determine their public health needs. Our bipartisan bill grants the States that flexibility by permitting each state to use its settlement payments in whatever way that state deems best.

That is why the National Governors Association, National Association of Attorneys General, National Conference of State Legislatures, National Association of Counties, National League of Cities, and U.S. Conference of Mayors support our bipartisan legislation. In my home state, our bipartisan bill is supported by Governor Dean, Attorney General Sorrell, the Vermont Health Access Oversight Committee, and the Vermont Association of Hospitals and Health Systems.

I want Governor Dean and the Vermont legislature to have the flexibility to use Vermont's settlement funds in whatever way they deem is best for the public health of Vermonters. It is only fair for the other 49 Governors and state legislatures to have that same flexibility to use their settlement funds in whatever way they deem is best for their citizens.

In the final analysis, I trust the people of Vermont and the other 49 States to determine how best to use their tobacco settlement funds. I look forward to working with my colleagues as Congress moves forward on legislation to ensure that the interests of Vermont and the other States are protected in the multi-state tobacco settlement.

Mr. BAYH. Mr. President, I rise today as an original cosponsor of the State tobacco settlement protection bill, a bill to protect state tobacco settlement funds from seizure by the federal government. I want to thank Senators HUTCHISON and GRAHAM for their leadership on this issue. I stand today for fiscal responsibility, local control and fairness. I stand today to protect our children's health, to assist those who have become addicted to tobacco.

This is really about fairness. Is it fair for the federal government, having sat on the sidelines during this uphill battle against Big Tobacco, to come in after the fact and claim a large share of the victory? If nothing else, this proves the old adage that victory has many parents, while defeat is an orphan.

I have said repeatedly that the federal government does not have all the answers. Much of what has gone right in this country in the last several years is a direct result of moving decisions and power out of this city and into small towns and communities. I came to Washington to stand up for what is right, to protect Indiana's values, and to speak up when the federal government oversteps its bounds.

Does the federal government have a right to take more than 60% of Indiana's tobacco settlement to spend on federal priorities? Absolutely not. Indiana's share of the settlement is $4 billion over 25 years, but the federal government's claim could take two and a half billion away. While the President's budget acknowledges the difficulty in collecting this money in the coming fiscal year, I am disappointed they have laid claim to a substantial share of state settlement funds in their budget for use on federal discretionary programs in years to come. The fiscally responsible approach is to ensure this money is spent wisely at the local level, not to allow it to be dumped into the black pit of the federal bureaucracy in Washington.

Indiana began this fight to protect our kids from the dangers of an addictive, life-threatening habit. The State fought a lonely battle, without any federal assistance and invested considerable resources in prosecuting this case.

The Governor of Indiana, Frank O'Bannon, is in the planning stages for using this money to improve public health, promote teen smoking cessation programs and children's health care, the purposes originally outlined in the lawsuit. But with more than 60% of the funds at risk it is hard to sketch out a reliable plan.

The confrontation between states and the federal government that would result from an attempt by the Health Care Financing Administration to take these state settlement funds would only hurt the people in each of our states. It would tie us up in needless court actions over who has the legal right to these funds. That is wasted time. While the courts decide what to do with the funds, we lose the opportunity to cover uninsured children, start anti-smoking campaigns and improve the lives of Hoosiers and the people in all our states.

Mr. President, I hope all my colleagues become a part of this bipartisan coalition. I hope we can all—Democrats and Republicans, States and the federal government—work together to ensure these funds are used in the states to improve health, deter smoking and educate kids about the dangers of this addiction. I look forward to working to pass this very important legislation this year.

By Mr. GRAMS:

S. 347. A bill to redesignate the Boundary Waters Canoe Area Wilderness, Minnesota, as the "Hubert H. Humphrey Boundary Waters Canoe Area Wilderness"; to the Committee on Energy and Natural Resources.

HUBERT H. HUMPHREY BOUNDARY WATERS CANOE AREA WILDERNESS

Mr. GRAMS. Mr. President, I rise today to introduce legislation to rename the Boundary Waters Canoe Area Wilderness (BWCA) in Minnesota and in doing so, salute the father of our Nation's wilderness system, the late Senator from Minnesota and Vice President, Hubert H. Humphrey. My bill would redesignate the BWCA as "The Hubert Humphrey Boundary Waters Canoe Area Wilderness."

Mr. President, my home state is known for a number of things uniquely Minnesotan. If you've seen the movie "Grumpy Old Men" you're aware of our love of ice fishing. If you've flown into

Minneapolis, you've seen the Mall of America. If you watched the national weather maps, you've seen our bonechilling winter temperatures. And our new Governor—well, we are proud to say that he is uniquely Minnesotan as well. But if you've ever visited one of our Nation's wilderness areas, you would not necessarily have realized that its creation was due in large part to another uniquely Minnesotan individual, Senator Hubert H. Humphrey.

In the early 1960s, right here in these halls and in this Chamber, then-Senator Humphrey lead the charge in helping Congress recognize the wisdom of creating a wilderness preservation system in the United States. Senator Humphrey, as a member of the Senate Committee on Agriculture and Forestry, authored the 1964 Wilderness Preservation Act, and by doing so, created the BWCA. Many in our state feel that if it weren't for Senator Humphrey's tireless commitment, there would be no wilderness system and no BWCA. Senator Humphrey worked closely with the people of Northern Minnesota to win their trust and gain their acceptance of a federally designated wilderness area—one that would surely change the way they recreated and the way they lived. In fact, Senator Humphrey's legislation was very controversial and took several years to complete. Last year's passage of legislation to restore two motorized portages in the BWCA was consistent with both Senator Humphrey's vision for the BWCA and his promises to the people of northern Minnesota. Through his dedication and willingness to address the concerns of everyone, we now have a wilderness system that is the envy of the world.

Through Senator Humphrey's hard work and dedication to the National Wilderness Preservation System, Americans today have countless protected wilderness areas throughout this country in which they can experience nature as it was 50, 75, or 100 years ago, knowing with certainty that these precious areas will be left intact for generations to come.

Senator Humphrey's vision endures to this very day, and Minnesotans are proud to claim the BWCA, one of the nation's true national treasures, as our own. Boy Scouts wait every year for their trip into the Boundary Waters. Families know that every summer they can get away from their jobs, their studies, their cars and their phone, and enjoy at least a few days of peace and quiet. And elderly folks know that their favorite fishing hole is still a fishing hole and still accessible for them and their grandchildren.

Like Paul Bunyan, lutefisk, and our State Fair, the Boundary Waters is something uniquely Minnesotan and uniquely identifiable as our own across the country. It is for that reason that I believe it should bear the name of the father of the Wilderness system and be redesignated, "The Hubert H. Humphrey Boundary Waters Canoe Area Wilderness."

By Mr. HAGEL (for himself and Mr. REED):

S. 349. A bill to allow depository institutions to offer negotiable order of withdrawal accounts to all businesses, to repeal the prohibition on the payment of interest on demand deposits, and for other purposes, to the Committee on Banking, Housing, and Urban Affairs.

THE SMALL BUSINESS BANKING ACT OF 1999

Mr. HAGEL. Mr. President, I rise today to introduce the Small Business Banking Act of 1999. I am again joined in the effort by my distinguished colleague Senator REED of Rhode Island, who is the principal cosponsor of this important legislation.

We originally introduced this legislation during the last Congress. This legislation was incorporated into a more comprehensive financial regulatory relief bill that was unanimously reported out of the Senate Committee on Banking, Housing, and Urban Affairs. We fully expect it will be enacted into law during this Congress.

Passage of this bill will remove one of the last vestiges of an obsolete interest rate control system. Abolishing the statutory requirement that prohibits incorporated businesses from owning interest bearing checking accounts will provide America's small business owners, farmers, and farm cooperatives with a funds management tool that is long overdue.

Passage of this bill will ensure America's entrepreneurs can compete effectively with larger businesses. My experience as a businessman has shown me, firsthand, that it's extremely important for anyone trying to maximize profits to be able to invest funds wisely for maximum efficiencies. Let me quote from a December, 1997 letter I received from a constituent, Mary Jo Bousek. Mary Jo owns a commercial property company. She writes:

> I was very pleased to see that you sponsored a bill to allow banks to pay interest on checking accounts for partnerships and corporations. When we changed our rental properties from a sole proprietorship to a Limited Liability Company, we suddenly began losing about $1500 a year in interest on our bank account. This seems totally unreasonable and unfair.

Mary Jo is right. It is unfair.

During President Ronald Reagan's first term, one of his early actions was to abolish many provisions of the antiquated interest rate control system the banking system was required to use. With this change to the laws, Americans were finally able to earn interest on their checking accounts deposited in banks. Unfortunately, one aspect of the old system left untouched by the change in law was not allowing America's businesses to share in the good fortune.

Complicating matters is the growing impact of nonbanking institutions that offer deposit-like money accounts to individuals and corporations alike. Large brokerage firms have long offered interest on deposit accounts they maintain for their customers. This places these firms at an advantage over community banks that can't offer their corporate customers interest on their checking accounts.

While I support business innovation, I don't believe it's fair when any business gains a competitive edge over another due to government interference through overregulation. This is exactly the case we have with banking laws that stifle bankers, especially America's small community bankers, and give an edge to another segment of the financial community. The Small Business Banking Act of 1999 seeks to correct this imbalance and allow community banks to compete fairly with brokerage firms.

I'm pleased to say our bill has the strong support of America's Community Bankers, the National Federation of Independent Businesses, the U.S. Chamber of Commerce, and the American Farm Bureau Federation. This bill has the support of many of the banks, thrifts, and small businesses in my home state of Nebraska. These important organizations represent a cross-current of the type of support Senator REED and I have for our bill. Senator REED and I also have the support of the Federal banking regulators. In their 1996 Joint Report, "Streamlining of Regulatory Requirements", the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision, stated they believe the statutory prohibition against payment of interest on business checking accounts no longer serves a public purpose. I heartily agree.

Mr. President, this is a straightforward bill that will do away with an unnecessary regulation that burdens American business. I urge my colleagues to support it.

Mr. REED. Mr. President, I am pleased to join my colleague Senator HAGEL in introducing the Small Business Banking Act of 1999, legislation that eliminates a Depression era federal law prohibiting banks from paying interest on commercial checking accounts. Last year, I cosponsored a similar bill with Senator HAGEL that was incorporated into a financial institutions regulatory relief bill which passed the Banking Committee.

The prohibition against the payment of interest on commercial accounts was originally part of a broad prohibition on the payment of interest on any deposit account. At the time of enactment in 1933, it was the popular view that payment of interest on deposits created an incentive for rural banks to shift excess deposits to urban money center banks which made loans that fueled speculation. Moreover, it was believed that such transfers created liquidity crises in rural communities. However, a number of changes in the banking system since enactment of the prohibition have called into question its usefulness.

First, with the passage of the Depository Institutions Deregulatory and Monetary Control Act of 1980, Congress allowed financial institutions to offer interest-bearing accounts to individuals—a change which has not adversely affected safety and soundness. Second, many banks have developed complex mechanisms called sweep accounts to circumvent the interest rate prohibition. Because of the costs associated with developing sweep accounts, large banks have become the primary offerors of these accounts. As a result, many smaller banks are at a competitive disadvantage with larger banks which can offer their commercial depositors interest-bearing accounts. Most importantly, the vast majority of small businesses cannot afford to utilize sweep accounts because the cost of opening these accounts is relatively high and most small businesses do not have a large enough deposit base to justify the administrative costs.

In light of these developments, it has become clear that the prohibition on interest-bearing commercial accounts is nothing more than a relic of the Depression era that has effectively disadvantaged small businesses and small banks, and led large banks to dedicate significant resources to circumventing the prohibition. I am, therefore, pleased to cosponsor this legislation that will eliminate this prohibition and level the playing field for small banks and small business.

Mr. President, as we move into a new millennium, I think it appropriate that we eliminate this vestige of the early twentieth century that is no longer useful and is indeed burdensome.

By Mrs. HUTCHISON:

S. 350. A bill to amend title 10, United States Code, to improve the health care benefits under the TRICARE program and otherwise improve that program, and for other purposes; to the Committee on Armed Services.

THE MILITARY HEALTH CARE IMPROVEMENT ACT OF 1999

Mrs. HUTCHISON. Mr. President, today I am introducing the Military Health Care Improvement Act of 1999. This bill is a first step to reform the military health care system known as TRICARE. We are trying to recruit and retain the best people for our Nation's military. To do this, we must pay them better, maintain good retirement benefits and improve the health care we provide them and their families.

Mr. President, there is a growing perception among active duty military, their dependents and military retirees that the military health care benefit is no longer much of a benefit. We have not done a very good job of keeping the promise the Government made to military personnel: That in return for their service and sacrifices, the Government will provide health care to active-duty members and their families even after they retire. In the past 10 years, the military has downsized by over one-third, and the military health care system has downsized by one-third as well. While hospitals have been closed as a result of BRAC or downsized in the past decade, the number of personnel that rely on the military and the military health care system has remained constant. Today, our Armed Forces have more married service members with families than ever before. In addition, those who have served and are now retired were promised quality health care as well.

In place of the promise, these individuals and families have been given, instead, a system called "TRICARE." TRICARE is not health care coverage, but a health care delivery system that provides varying levels of benefits depending largely on where a member of the military or a retiree lives.

Unfortunately, what we find is that the TRICARE program often provides spotty coverage. My offices and those offices of my colleagues in the Senate no doubt have received thousands of complaints regarding access to care, unpaid bills, inadequate providers and difficulties with claims.

For their part, the doctors who participate in TRICARE complain about a host of administrative problems including delayed payments and a very cumbersome claims process. Many doctors have simply left the program, and in some locations, there are simply no providers at all in certain specialties. This is unacceptable.

Mr. President, I am introducing this bill to improve the health care benefits under the TRICARE program by ensuring that the health care and dental coverage available under TRICARE is substantially similar to the health care coverage and dental care coverage available under the Federal Employees Health Benefits program. This bill will:

Raise reimbursement levels for TRICARE, the military health-care delivery system, to attract and retain more participating doctors to the program.

Expedite and reduce the costs of TRICARE claims processing, which has been a thorn in the side of both beneficiaries and providers.

Require portability of benefits between regions. This would make it easier for military personnel and their families to receive health care benefits when they travel to different regions.

Minimize the cumbersome pre-authorization requirements for access to care.

Mr. President. This bill will help break down the bureaucracy that exists in the current system. There is no single solution to this problem, but we must begin now to ensure we honor our commitments. This is a critical issue to recruiting and retaining qualified people in the military—which is critical to the security of our country.

I am pleased to be joined in this effort by Senators ALLARD and HAGEL and look forward to working with my colleagues to keep the promise and improve the military health care system.

By Mr. GRAMS (for himself, Mr. JOHNSON, Mr. SESSIONS, and Mr. BENNETT):

S. 351. A bill to provide that certain Federal property shall be made available to States for State and local organization use before being made available to other entities, and for other purposes; to the Committee on the Judiciary.

TAXPAYER OVERSIGHT OF SURPLUS PROPERTY ACT

Mr. GRAMS. Mr. President, I rise today to introduce the Taxpayer Oversight of Surplus Property Act. I am pleased that Congressman JOHN PETERSON of Pennsylvania will soon introduce companion legislation in the House of Representatives.

Among the many programs administered by hundreds of federal agencies, there are some initiatives that depend upon the active involvement of both the federal government and the states in order to ensure the wisest use of taxpayer dollars and meet the needs of the American people. One such effective partnership involves the distribution of federal surplus personal property to states and local organizations.

In 1976, President Ford signed legislation which established the current system for the fair and equitable donation of federal surplus personal property. Personal property declared "surplus" consists of items other than land or real property, naval vessels, and records of the federal government. This includes office supplies, furniture, medical supplies, hardware, motor vehicles, boats, airplanes, and construction equipment.

Under the federal personal property utilization and donation program, the General Services Administration is responsible for the transfer of federal surplus personal property to the states. Each state agency for surplus property receives the transfer of property and distributes these items to eligible recipients. Property that is not selected by the states is offered for sale to the general public. Importantly, the interests of the American taxpayers guide this entire process.

Mr. President, there are close to 70,000 recipients of federal surplus property located throughout the United

States. Each day, cities, counties, Indian tribes, hospitals, schools, and public safety agencies are among the public and nonprofit organizations that look toward the state agencies for surplus property to help meet their needs.

Last April, I had the opportunity to visit the Minnesota surplus property agency, where I was joined by the lieutenant governor, the executive director of the Minnesota Sheriffs Association, and the commissioner of the state Department of Corrections. While there, I quickly became more familiar with the success of the donation program throughout Minnesota. I am very confident that my Senate colleagues will find that the donation program has achieved a comparable level of success in each of their states.

In fiscal year 1997, the Minnesota surplus property agency donated equipment and supplies with an original federal acquisition cost of $7.7 million to 1,700 eligible recipients, saving precious tax dollars if these items had been purchased new or on the open market. I was impressed to learn that 414 cities, 80 medical institutions, 19 museums, 237 public schools, 110 county entities, 160 State agencies, and 353 townships are among the active participants in the donation program.

Equally impressive is how effectively the state agencies for surplus property and the GSA have worked together to respond quickly and efficiently during times of natural disasters. Together they have successfully identified and transported sandbags, blankets, cots, tools, trucks and other items to disaster sites. I know that Minnesotans who suffered through the 1997 Midwest floods are gratified to have received over $3.7 million worth of federal surplus property to assist flood relief efforts during that horrible time.

Quite simply, the donation program has provided taxpayers with the equipment, supplies and material used to educate our children, maintain roads and streets, keep utility rates reasonable, train the workers of tomorrow, protect families from crime, provide needed relief during natural disasters, and treat the health of our nation's sick and needy. In fact, the original acquisition value of property distributed through the state agencies for surplus property totaled over $1.5 billion between fiscal years 1995 through 1997.

Because of the importance my constituents place upon the availability of this property, I am very concerned about current programs which limit the donation of property to the states. My concern is based in part upon comments expressed to me by constituents such as Mayor Richard Nelson of Warren, Minnesota.

Mayor Nelson recently wrote,

> When we inquired about the shortage of heavy equipment we were told that a large majority of that equipment is shipped overseas to other countries for humanitarian aid. I feel that our taxes paid for this equipment and it seems only fair that we should have the first opportunity to benefit from it. Being the mayor of a community that has suffered from four floods within two years, I believe that we have unmet needs in this country that need to be addressed before we can look at any outside interests.

Mr. President, Mayor Nelson's concerns go to the heart of the legislation that I am introducing today. I believe that the volume of distributed federal surplus property would increase if the intent of Congress when it passed the 1976 reforms was more closely followed.

If Congress continues to allow surplus federal property to go abroad, or not make its way through proper channels to eligible recipients, taxpayers such as those in the community of Warren will stand to lose. As someone who has always worked to ensure the wisest possible use of taxpayer dollars, this gives me great concern. The legislation I am introducing will help to address these concerns through the following provisions.

First, this measure would ensure that when distributing surplus federal personal property, domestic needs are met before we consider foreign interests. It would, however, grant the President the authority to make supplies available for humanitarian relief purposes before going to the states, in the case of emergencies or natural disasters.

Under the Humanitarian Assistance Program (HAP), the Secretary of Defense is permitted to make nonlethal Department of Defense supplies available by the State Department to foreign countries as part of humanitarian relief activities. I was disturbed to learn that over $1 billion worth of excess supplies was made available to the State Department between fiscal years 1987 through 1997 before GSA had been given an opportunity to review the property and make it available for donation to the states.

Mr. President, I understand that some officials may argue that the Humanitarian Assistance Program is an important part of our nation's foreign assistance efforts. Many foreign countries and organizations clearly have benefited from nonlethal Department of Defense excess property finance by American taxpayers. Although I have serious concerns about this initiative, my legislation does not eliminate the Humanitarian Assistance Program.

However, I believe we must prioritize the needs of disaster victims in Minnesota, rural hospitals in Arkansas, police departments in Washington state, school districts in Idaho, homeless assistance providers in Florida, and other communities and organizations which have invested their tax dollars in government property and the donation program. For these reasons, I oppose the continued priority status granted to foreign recipients under programs such as the Humanitarian Assistance Program.

Second, my bill would amend the Foreign Assistance Act of 1961 to prohibit the transfer of Government-owned excess property to foreign countries or international organizations for environmental protection activities in foreign countries unless GSA determined that there is no federal or state use for the property.

Third, this legislation would require GSA to report to Congress on the effectiveness of all statutes relating to the disposal and donation of personal property and recommend any changes that would further improve the Donation Program.

Mr. President, my bill is based on the principle that eligible recipients should be able to maximize their tax dollars through expendable federal property that meets their needs. It takes an important step toward stopping publicly-owned property from being shipped abroad and given to other organizations before it is distributed through each state agency for surplus property.

My legislation will fulfill the public's right to know how and where their tax dollars are being spent. In many ways, it will serve as the second phase of the reforms overwhelmingly passed by Congress in 1976, by preserving the active role of states in the handling and distribution of surplus federal property.

Members of Congress and state and local officials all have an obligation to see that the government distributes this property fairly and equitably, ensuring accountability to the taxpayers. Too often, federal agencies forget that the owners of this property are the American people—the federal government is merely its public custodian.

Mr. President, the best interests of America's taxpayers have always been at the top of my agenda. I look forward to improving Congressional oversight of government property and securing passage of this legislation during the 106th Congress.

By Mr. THOMAS (for himself, Mr. NICKLES, Mr. CRAIG, Mr. HELMS, Mr. CRAPO, Mr. GRAMS, and Mr. ENZI):

S. 352. A bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with State agencies and county and local governments on environmental impact statements; to the Committee on Environment and Public Works.

STATE AND LOCAL GOVERNMENT PARTICIPATION ACT OF 1999

Mr. THOMAS. Mr. President, I rise today, along with Senators NICKLES, CRAIG, HELMS, CRAPO, GRAMS, and ENZI, to introduce the State and Local Government Participation Act of 1999 which would amend the National Environmental Policy Act (NEPA). This bill is designed to guarantee that federal agencies identify state, county and local governments as cooperating agencies when fulfilling their environmental planning responsibilities under NEPA.

NEPA was designed to ensure that the environmental impacts of a proposed federal action are considered and minimized by the federal agency taking that action. It was supposed to provide for adequate public participation in the decision making process on these federal activities and document an agency's final conclusions with respect to the proposed action.

Although this sounds simple and quite reasonable, NEPA has become a real problem in Wyoming and many states throughout the nation. A statute that was supposed to provide for additional public input in the federal land management process has instead become an unworkable and cumbersome law. Instead of clarifying and expediting the public planning process on federal lands, NEPA now serves to delay action and shut-out local governments that depend on the proper use of these federal lands for their existence.

The State and Local Government Participation Act is designed to provide for greater input from state and local governments in the NEPA process. This measure would simply guarantee that state, county and local agencies be identified as cooperating entities when preparing land management plans under NEPA. Although the law already provides for voluntary inclusion of state and local entities in the planning process, too often, the federal agencies choose to ignore local governments when preparing planning documents under NEPA. Unfortunately, many federal agencies have become so engrossed in examining every environmental aspect of a proposed action on federal land, they have forgotten to consult with the folks who actually live near and depend on these areas for their economic survival.

Mr. President, states and local communities must be consulted and included when proposed actions are being taken on federal lands in their state. Too often, federal land managers are more concerned about the comments of environmental organizations located in Washington, D.C. or New York City than the people who actually live in the state where the proposed action will take place. This is wrong. The concerns, comments and input of state and local communities is vital for the proper management of federal lands in the West. The State and Local Government Participation Act of 1999 will begin to address this troubling problem and guarantee that local folks will be involved in proposed decision that will affect their lives.

Mr. CRAIG. Mr. President, I join my colleagues today in introducing the State and Local Government Participation Act.

This legislation would amend the National Environmental Policy Act (NEPA) to provide the opportunity for State, local, and county agencies to participate in land management decisions by identifying them as cooperating agencies in the NEPA process.

NEPA was passed in 1969 to, among other things, "declare a national policy which will encourage harmony between man and his environment." I support the intent of NEPA, to protect our public resources from environmental degradation. However, in the last twenty years, the NEPA process has become a very time consuming and cumbersome public process. In almost every instance, an Environmental Impact Statement or Environmental Assessment must be completed under NEPA before any action can take place on the public lands.

My state, Idaho, is 63 percent federal land, and management of those lands is of vital importance, especially to the communities that are economically dependent on the public lands. In far too many instances, land management decisions are being made without allowing those most affected by a land management decision or in many cases, those most knowledgeable about the resource, to play a meaningful role in the NEPA process.

In the Pacific Northwest, the Forest Service and the Bureau of Land Management are currently working on a comprehensive ecosystem management plan for the Columbia River Basin, the Interior Columbia Basin Ecosystem Management Plan (ICBEMP). This plan, in the form of a draft EIS, has been in the works for four years at an expense of more than $40 million. County governments and state officials in my state feel alienated by the process to date. The situation has gotten so bad that in last year's omnibus appropriations act, I worked to have report language encouraging the administration to include affected state and county governments in this process as cooperating agencies.

I would submit that every western Senator has at least one horror story involving a public land managing agency that ran roughshod over the local government in the NEPA process. Rather than legislating that Federal agencies must work with the local governments on a case-by-case basis, this bill would provide the opportunity to fix a problem that has arisen with the original NEPA legislation.

Mr. GRAMS. Mr. President, I rise today in support of the State and Local Government Participation Act of 1999. I would like to thank Senator THOMAS for introducing this simple, but very important piece of legislation.

As Senator THOMAS said in his introductory remarks, this legislation would make state and county governments "cooperating agencies" in the National Environmental Policy Act process. For example, when the Forest Service decides to undertake a timber sale, it will have to by law consult and obtain the input of state and county governments during the NEPA process. Current law, however, only requires the federal government to consult with other federal agencies.

The underlying concept of this legislation is something most people would assume already takes place. Average Americans assume that the federal government considers state and local governments partners in all land-use and environmental decisions. After all, it is an established fact that local citizens and officials can best meet local problems with local solutions. And in those matters, people expect the federal government to help out where needed and take the lead where appropriate. But average Americans, unfortunately, often aren't aware of the complete picture.

Too often, the federal government adopts its "I know best" philosophy and ignores the input of local officials or even excludes them from the decision making process. One of the first things locally elected officials in the northern part of my state—an area which deals with the National Environmental Policy Act regularly—say to me when we sit down to talk is that the federal government doesn't care about their needs. They feel the federal government, be it the Forest Service, Park Service, or EPA, just doesn't seem to realize that counties are having a tough time making ends meet and providing basic services to its residents in an era of increased land-regulation and decreased logging, mining, and access. And when they show you the numbers and make their case, it is impossible to disagree with them.

There are a number of counties in northern Minnesota which are predominantly federally owned. St. Louis County is 62 percent federally owned, Cook County is 82 percent federally owned, and Lake County is 92 percent federally owned. They are home to the Superior National Forest and the Boundary Waters Canoe Area Wilderness. Not far away is Voyageurs National Park and not far from that is the Chippewa National Forest. Not surprisingly, they are often placed in the middle of many disputes over land-uses. They continue to see their PILT payments funded at barely 50 percent of authorized amounts. They continue to witness more and more restrictions on the use of lands within their counties and the Forest Services declining timber sales. And they continue to see their populations declining as a result of lost economic opportunities. They deserve to be heard when the federal government is going to take actions in their communities.

Mr. President, it is clear that in the last half of this century power has shifted from our nation's cities and states to Washington, DC. No one disputes that. And while many of us would like to see that shift back the other way, it may take some time to get it done. But what we should all be able to agree upon, is that locally elected officials should have a seat at the table and should be treated as equals and as partners by federal agencies. They know what is happening on their land and they know the people who will be impacted by changes in the law. They also know what the impact will be on a county or state budget. But most importantly, Mr. President, county and state officials are closer to the people. Their phone numbers are actually in the phone book and they aren't a long distance call away. They answer their door when someone comes knocking. And they aren't a bureaucrat hidden away in Washington, DC, making one size fits all policy decisions.

As I stated earlier, I think those people deserve a role in the NEPA process and I think the American people would agree. I urge my colleagues to protect their state and local government's right to participate by supporting this important piece of legislation.

By Mr. GRASSLEY (for himself, Mr. KOHL, and Mr. THURMOND):

S. 353. A bill to provide for class action reform, and for other purposes; to the Committee on the Judiciary.

THE CLASS ACTION FAIRNESS ACT OF 1999

Mr. GRASSLEY. Mr. President, I rise today to introduce, along with Senators KOHL and THURMOND, the Class Action Fairness Act of 1999, a bill that will help curb class action lawsuit abuse. Last year, Senator KOHL and I introduced the Class Action Fairness Act of 1998, S. 2083. That bill was marked up in the Administrative Oversight and the Courts Subcommittee on September 10, 1998, and we favorably voted out of subcommittee a substitute amendment to the bill. Unfortunately, this legislation was not considered further by the Senate because of the press of other legislative business scheduled before the full Judiciary Committee.

We are now reintroducing the substitute amendment to last year's class action bill, with minor modifications, as the Class Action Fairness Act of 1999. This modest bill will go a long way toward ending class action lawsuit abuses where the plaintiffs receive very little and their lawyers receive a whole lot. This bill will preserve class action lawsuits as an important tool that brings representation to the unrepresented and result in important discrimination and consumer decisions.

In October 1997, my Judiciary Subcommittee held a hearing on the problem of certain class action lawsuit settlements. I found one example of class action lawsuit abuse to be particularly disturbing. In an antitrust case settled in the Northern District of Illinois in 1993, the plaintiff class alleged that multiple domestic airlines participated in price-fixing, which resulted in plaintiffs paying more for airline tickets than they otherwise would have had to pay.

In the settlement, all of the class plaintiffs were awarded a book of coupons which could be used toward the purchase of future airline tickets. These coupons varied in amount and number, based on how many plane tickets a particular plaintiff had purchased. The catch was that the plaintiff still had to pay for most of any new airline ticket out of his or her own pocket. This meant that only $10 worth of coupons could be used toward the purchase of a $100 ticket; up to $25 worth of coupons for a $250 ticket; up to $50 worth of coupons for a $500 ticket, and so on. In addition, these coupons could not be used on certain blackout dates, which appeared to include all holidays and peak travel times.

Interestingly enough, the attorneys did not get paid with these coupon books. Rather, the attorneys were paid cash—$16 million in cash. Now, if the coupons were good enough for their clients—the people that actually got ripped off—I wonder why those same coupons were not good enough for their lawyers.

Another example of an egregious class action lawsuit settlement was highlighted at the subcommittee hearing. Mrs. Martha Preston was a member of the plaintiff class in the case Hoffman versus Banc Boston, where some plaintiffs received under $10 each in compensation for their injuries, yet were docked from $75 to $90 for attorneys' fees. This means that attorneys who were supposed to be representing these people's best interests, agreed to a settlement that cost some of the plaintiffs more money than they received in compensation for being wronged.

These class action lawsuit abuses happen for a number of reasons. One reasons is that plaintiffs' lawyers negotiate their own fees as part of the settlement. This can result in distracting lawyers from focusing on their client's needs, and settling or refusing to settle based on the amount of their own compensation.

During our hearing, evidence was presented that at least one group of plaintiffs' lawyers meets on a regular basis to discuss initiating class action lawsuits. They scan the Federal Register and other publications to get ideas for lawsuits, and only after they have identified a wrong, do they find clients for their lawsuits. Instead of having clients who complain of harms going to hire attorneys, these attorneys find the harms first and then recruit potential clients with the promise of compensation.

On the other hand, the defendants do not always have clean hands. Plaintiffs' lawyers say that they are approached by lawyers from large corporations who urge them to find a class and sue the corporation. The corporations may use the class action lawsuit as a tool to limit their liability. Once a lawsuit is initiated and settled, no member of the class may sue based on that claim. In other words, if a corporation settle a class action lawsuit by paying all class members $10 as compensation for a faulty product, the plaintiffs can no longer sue for any harm caused by the faulty product. This is one way of buying immunity for liability.

A Rand study on class action litigation stated that,

> It is generally agreed that fees drive plaintiffs' attorney's filing behavior, that defendants' risk aversion in the face of large aggregate exposures drives their settlement behavior. . . . In other words, the problems with class actions flow from incentives that are embedded in the process itself.

The Rand study also found that the number of class actions is rising significantly, with most of the increase concentrated in State courts. State courts often are used in nationwide class actions to the detriment of class members and sometimes defendants. In fact, State courts are more likely to certify class actions without adequately considering whether a class action would be fair to all class members. In addition, class lawyers sometimes manipulate pleadings to avoid removal of the lawsuit to the Federal courts, even to the extent that they minimize their client's potential claims. Class lawyers also sometimes defeat the complete diversity requirement by ensuring that at least one named class member is from the same State as a defendant, even if every other class member is from a different State.

The Class Action Fairness Act of 1999 does a number of things. First, it requires that notice of proposed settlements in all class actions, as well as all class notices, must be in clear, easily understood English and must include all material settlement terms, including the amount and source of attorneys' fees. The notices most plaintiffs receive are written in small print and confusing legal jargon. In fact, a lawyer testified before my subcommittee that even he could not understand the notice he received as a plaintiff in a class action lawsuit. Since plaintiffs are giving up their right to sue, it is imperative that they understand what they are doing and the ramifications of their actions.

Second, our bill requires that State attorneys general be notified of any proposed class settlement that would affect residents of their States. The notice would give a State attorney general the opportunity to object if the settlement terms are unfair.

Third, our bill requires that attorneys' fees in class actions are to be based on a reasonable percentage of damages actually paid to class members, the actual costs of complying with the terms of a settlement agreement, as well as any future financial benefits. In the alternative, the bill provides that, to the extent the law permits, fees may be based on a reasonable hourly (lodestar) rate. This provision would discourage settlements that give attorneys exorbitant fees based on hypothetical overvaluation of coupon settlements, yet allows for reasonable fees in all kinds of cases, including cases that primarily involve injunctive relief.

Fourth, our bill allows more class action lawsuits to be removed from State court to Federal court, either by a defendant or an unnamed class member. A class action would qualify for Federal jurisdiction if the total damages exceed $75,000 and parties include citizens from multiple States. Currently, class lawyers can avoid removal if individual claims are for just less than $75,000—even if hundreds of millions of dollars in total are at stake—or if just one class member is from the same State as a defendant. However, the bill provides that cases remain in State court where the substantial majority of class and primary defendants are from the same State and that State's law would govern, or the primary defendants are States and a Federal court would be unable to order the relief requested.

Fifth, our bill will reduce frivolous lawsuits by requiring that a violation of rule 11 of the Federal rules of civil procedure, which penalizes frivolous lawsuits, will require the imposition of sanctions. However, the nature and extent of sanctions will remain discretionary.

We need class action reform badly. Both plaintiffs and defendants are calling for change in this area. The Class Action Fairness Act of 1999 is not just procedural reform, it is substantive reform of our court system. This bill will remove the conflict of interest that lawyers face in class action lawsuits, and will ensure the fair settlement of these cases. This bill will preserve the process, but put a stop to the more egregious abuses. I urge all my colleagues to join Senators KOHL, THURMOND, and me and support this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Class Action Fairness Act of 1999".

SEC. 2. NOTIFICATION REQUIREMENT OF CLASS ACTION CERTIFICATION OR SETTLEMENT.

(a) IN GENERAL.—Part V of title 28, United States Code, is amended by inserting after chapter 113 the following new chapter:

"CHAPTER 114—CLASS ACTIONS

"Sec.
"1711. Definitions.
"1712. Application.
"1713. Notification of class action certifications and settlements.
"1714. Limitation on attorney's fees in class actions.

"§ 1711. Definitions

"In this chapter the term—

"(1) 'class' means a group of persons that comprise parties to a civil action brought by 1 or more representative persons;

"(2) 'class action' means a civil action filed pursuant to rule 23 of the Federal Rules of Civil Procedure or similar State rules of procedure authorizing an action to be brought by 1 or more representative persons on behalf of a class;

"(3) 'class certification order' means an order issued by a court approving the treatment of a civil action as a class action;

"(4) 'class member' means a person that falls within the definition of the class;

"(5) 'class counsel' means the attorneys representing the class in a class action;

"(6) 'plaintiff class action' means a class action in which class members are plaintiffs; and

"(7) 'proposed settlement' means a settlement agreement between or among the parties in a class action that is subject to court approval before the settlement becomes binding on the parties.

"§ 1712. Application

"This chapter shall apply to—

"(1) all plaintiff class actions filed in Federal court; and

"(2) all plaintiff class actions filed in State court in which—

"(A) any class member resides outside the State in which the action is filed; and

"(B) the transaction or occurrence that gave rise to the class action occurred in more than 1 State.

"§ 1713. Notification of class action certifications and settlements

"(a) Not later than 10 days after a proposed settlement in a class action is filed in court, class counsel shall serve the State attorney general of each State in which a class member resides and the Attorney General of the United States as if such attorneys general and the Department of Justice were parties in the class action with—

"(1) a copy of the complaint and any materials filed with the complaint and any amended complaints (except such materials shall not be required to be served if such materials are made electronically available through the Internet and such service includes notice of how to electronically access such material);

"(2) notice of any scheduled judicial hearing in the class action;

"(3) any proposed or final notification to class members of—

"(A)(i) the members' rights to request exclusion from the class action; or

"(ii) if no right to request exclusion exists, a statement that no such right exists; and

"(B) a proposed settlement of a class action;

"(4) any proposed or final class action settlement;

"(5) any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants;

"(6) any final judgment or notice of dismissal;

"(7)(A) if feasible the names of class members who reside in each State attorney general's respective State and the estimated proportionate claim of such members to the entire settlement; or

"(B) if the provision of information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each attorney general's State and the estimated proportionate claim of such members to the entire settlement; and

"(8) any written judicial opinion relating to the materials described under paragraphs (3) through (6).

"(b) A hearing to consider final approval of a proposed settlement may not be held earlier than 120 days after the date on which the State attorneys general and the Attorney General of the United States are served notice under subsection (a).

"(c) Any court with jurisdiction over a plaintiff class action shall require that—

"(1) any written notice provided to the class through the mail or publication in printed media contain a short summary written in plain, easily understood language, describing—

"(A) the subject matter of the class action;

"(B) the legal consequences of being a member of the class action;

"(C) the ability of a class member to seek removal of the class action to Federal court if—

"(i) the action is filed in a State court; and

"(ii) Federal jurisdiction would apply to such action under section 1332(d);

"(D) if the notice is informing class members of a proposed settlement agreement—

"(i) the benefits that will accrue to the class due to the settlement;

"(ii) the rights that class members will lose or waive through the settlement;

"(iii) obligations that will be imposed on the defendants by the settlement;

"(iv) the dollar amount of any attorney's fee class counsel will be seeking, or if not possible, a good faith estimate of the dollar amount of any attorney's fee class counsel will be seeking; and

"(v) an explanation of how any attorney's fee will be calculated and funded; and

"(E) any other material matter; and

"(2) any notice provided through television or radio to inform the class members of the right of each member to be excluded from a class action or a proposed settlement, if such right exists, shall, in plain, easily understood language—

"(A) describe the persons who may potentially become class members in the class action; and

"(B) explain that the failure of a person falling within the definition of the class to exercise such person's right to be excluded from a class action will result in the person's inclusion in the class action.

"(d) Compliance with this section shall not provide immunity to any party from any legal action under Federal or State law, including actions for malpractice or fraud.

"(e)(1) A class member may refuse to comply with and may choose not to be bound by a settlement agreement or consent decree in a class action if the class member resides in a State where the State attorney general has not been provided notice and materials under subsection (a).

"(2) The rights created by this subsection shall apply only to class members or any person acting on a class member's behalf, and shall not be construed to limit any other rights affecting a class member's participation in the settlement.

"(f) Nothing in this section shall be construed to impose any obligations, duties, or responsibilities upon State attorneys general or the Attorney General of the United States.

"§1714. Limitation on attorney's fees in class actions

"(a) In any class action, the total attorney's fees and expenses awarded by the court to counsel for the plaintiff class may not exceed a reasonable percentage of the amount of—

"(1) any damages and prejudgment interest actually paid to the class;

"(2) any future financial benefits to the class based on the cessation of alleged improper conduct by the defendants; and

"(3) costs actually incurred by all defendants in complying with the terms of an injunctive order or settlement agreement.

"(b) Notwithstanding subsection (a), to the extent that the law permits, the court may award attorney's fees and expenses to counsel for the plaintiff class based on a reasonable lodestar calculation.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V of title 28, United States Code, is amended by inserting after the item relating to chapter 113 the following:

"114. Class Actions .... 1711".

SEC. 3. DIVERSITY JURISDICTION FOR CLASS ACTIONS.

Section 1332 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d)(1) In this subsection, the terms 'class', 'class action', and 'class certification order' have the meanings given such terms under section 1711.

"(2) The district courts shall have original jurisdiction of any civil action where the matter in controversy exceeds the sum or value of $75,000, exclusive of interest and costs, and is a class action in which—

"(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

"(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

"(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

"(3) The district court shall abstain from hearing a civil action described under paragraph (2) if—

"(A)(i) the substantial majority of the members of the proposed plaintiff class are citizens of a single State of which the primary defendants are also citizens; and

"(ii) the claims asserted will be governed primarily by the laws of that State; or

"(B) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief.

"(4) In any class action, the claims of the individual members of any class shall be aggregated to determine whether the matter in controversy exceeds the sum or value of $75,000, exclusive of interest and costs.

"(5) This subsection shall apply to any class action before or after the entry of a class certification order by the court.

"(6)(A) A district court shall dismiss, or, if after removal, strike the class allegations and remand, any civil action if—

"(i) the action is subject to the jurisdiction of the court solely under this subsection; and

"(ii) the court determines the action may not proceed as a class action based on a failure to satisfy the conditions of rule 23 of the Federal Rules of Civil Procedure.

"(B) Nothing in subparagraph (A) shall prohibit plaintiffs from filing an amended class action in Federal or State court.

"(C) Upon dismissal or remand, the period of limitations for any claim that was asserted in an action on behalf of any named or unnamed member of any proposed class shall be deemed tolled to the full extent provided under Federal law.

"(7) Paragraph (2) shall not apply to any class action, regardless of which forum any such action may be filed in, involving any claim relating to—

"(A) the internal affairs or governance of a corporation or other form of entity or business association arising under or by virtue of the statutory, common, or other laws of the State in which such corporation, entity, or business association is incorporated (in the case of a corporation) or organized (in the case of any other entity); or

"(B) the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 or the rules and regulations adopted under such Act).".

SEC. 4. REMOVAL OF CLASS ACTIONS TO FEDERAL COURT.

(a) IN GENERAL.—Chapter 89 of title 28, United States Code, is amended by adding after section 1452 the following:

"§1453. Removal of class actions

"(a) In this section, the terms 'class', 'class action', and 'class member' have the meanings given such terms under section 1711.

"(b) A class action may be removed to a district court of the United States in accordance with this chapter, except that such action may be removed—

"(1) by any defendant without the consent of all defendants; or

"(2) by any plaintiff class member who is not a named or representative class member without the consent of all members of such class.

"(c) This section shall apply to any class action before or after the entry of any order certifying a class.

"(d) The provisions of section 1446 relating to a defendant removing a case shall apply to a plaintiff removing a case under this section, except that in the application of subsection (b) of such section the requirement relating to the 30-day filing period shall be met if a plaintiff class member files notice of removal within 30 days after receipt by such class member, through service or otherwise, of the initial written notice of the class action.

"(e) This section shall not apply to any class action, regardless of which forum any such action may be filed in, involving any claim relating to—

"(1) the internal affairs or governance of a corporation or other form of entity or business association arising under or by virtue of the statutory, common, or other laws of the State in which such corporation, entity, or business association is incorporated (in the case of a corporation) or organized (in the case of any other entity); or

"(2) the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 or the rules and regulations adopted under such Act).".

(b) REMOVAL LIMITATION.—Section 1446(b) of title 28, United States Code, is amended in the second sentence by inserting "(a)" after "section 1332".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 of title 28, United States Code, is amended by adding after the item relating to section 1452 the following:

"1453. Removal of class actions.".

SEC. 5. REPRESENTATIONS AND SANCTIONS UNDER RULE 11 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

Rule 11(c) of the Federal Rules of Civil Procedure is amended—

(1) in the first sentence by striking "may, subject to the conditions stated below," and inserting "shall";

(2) in paragraph (2) by striking the first and second sentences and inserting "A sanction imposed for violation of this rule may consist of reasonable attorneys' fees and other expenses incurred as a result of the violation, directives of a nonmonetary nature, or an order to pay penalty into court or to a party."; and

(3) in paragraph (2)(A) by inserting before the period ", although such sanctions may be awarded against a party's attorneys".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of enactment of this Act.

Mr. KOHL. Mr. President, Senator GRASSLEY and I today introduce the Class Action Fairness Act of 1999. This legislation addresses growing problems in class action litigation, particularly unfair and abusive settlements that shortchange class members while class lawyers line their pockets with high fees.

Let me share with you just a few disturbing examples.

First, one of my constituents, Martha Preston of Baraboo, Wisconsin, was an unnamed member of a class action lawsuit against her mortgage company that ended in a settlement. While at first she got $4 and change in compensation, a few months later her lawyers surreptitiously took $80—twenty times her compensation—from her escrow account to pay their fees. In total, her lawyers managed to pocket over $8 million in fees, but never explained that the class—not the defendant—would pay the attorneys' fees. Naturally outraged, she and others sued the class lawyers. Her lawyers turned around and sued her in Alabama—a state she had never visited—and demanded an unbelievable $25 million. So not only did she lose $75, she was forced to defend herself from a $25 million lawsuit.

Second, class lawyers and defendants often engineer settlements that leave plaintiffs with small discounts or coupons unlikely ever to be used. Meanwhile, class lawyers reap big fees based on unduly optimistic valuations. For example, in a settlement of a class action against major airlines, most plaintiffs received less than $80 in coupons while class attorneys received $14 million in fees based on a projection that the discounts were worth hundreds of millions. In a suit over faulty computer monitors, class members got $13 coupons, while class lawyers pocketed $6 million. And in a class action against Nintendo, plaintiffs received $5 coupons, while attorneys took almost $2 million in fees.

Third, competing federal and state class actions engage in a race to settlement, where the best interests of the class lose out. For example, in one state class action the class lawyers negotiated a small settlement precluding all other suits, and even agreed to settle federal claims that were not at issue in state court. Meanwhile, a federal court found that the federal claims could have been worth more than $1 billion, while accusing the state class lawyers of "hostile representation" that "surpassed inadequacy and sank to the level of subversion" and pursuit of self-interest in "getting a fee" that was "more in line with the interests of [defendants] than those of their clients."

Fourth, class actions are often filed in state courts that are more likely to give inadequate consideration to class certification and class settlements. On several occasions, a state court has certified a class action although federal courts rejected certification of the same case. And in several Alabama state courts, 38 out of 43 classes certified in a three-year period were certified on an ex parte basis, without notice and hearing. One Alabama judge acting ex parte certified 11 class actions in 1997 alone. Comparably, only an estimated 38 class actions were certified in federal court that year (excluding suits against the U.S. and suits brought under federal law). This lack of close scrutiny appears to create a big incentive to file in state court, especially given the recent findings of a Rand study that class actions are increasingly concentrated in state courts.

Fifth, in nationwide class actions filed in state court, class lawyers often manipulate the pleadings to avoid removal to federal court, even by minimizing the potential claims of class members. For example, state class actions often seek just over $74,000 in damages per plaintiff, and forsake punitive damage claims, to avoid the $75,000 floor that qualifies for federal diversity jurisdiction. Or they defeat the federal requirement of complete diversity by naming one class member who is from the same state as a defendant, even if all other class members are from different states.

Finally, out-of-state defendants are often hauled into state court to address nationwide class claims, although federal courts are a more appropriate and more efficient forum. For example, an Alabama court is now considering a class action—and could establish a national policy—in a suit brought against the big three automakers on behalf of every American who bought a dual-equipped air bags over an eight-year period. The defendants failed in their attempt to remove to federal court based on an application of current diversity laws. And, unlike federal courts, states are unable to consolidate multiple class actions that involve the same underlying facts.

These examples show that abuse of the class action system is not only possible, but real. And the incentives and realities of the current system are a big part of the problem.

A class action is a lawsuit in which an attorney not only represents an individual plaintiff, but, in addition, seeks relief for all those individuals who suffered a similar injury. Prospective class members are usually sent notice about the class action, and are presumed to join it, unless they specifically ask to be left out. When these suits are settled, all class members are notified of the terms of the settlement and given the chance to object if they don't think the settlement is fair. A court must ultimately approve a settlement agreement.

The vast majority of these suits are brought and settled fairly and in good faith. Unfortunately, the class action system does not adequately protect class members from the few unscrupulous lawyers who are more interested in big attorneys' fees than compensation for their clients, the victims. The primary problem is that the client in a class action is a diffuse group of thousands of individuals scattered across the country, which is incapable of exercising meaningful control over the litigation. As a result, while in theory the class lawyers must be responsive to their clients, the lawyers control all aspects of the litigation.

Moreover, during a class action settlement, the amount of the attorney fee is negotiated between plaintiffs' lawyers and the defendants, just like other terms of the settlement. But in most cases the fees come at the expense of class members—the only party that does not have a seat at the bargaining table.

In addition, defendants may use class action settlements to advance their own interests. Paying a small settlement generally precludes all future claims by class members. So defendants have ample motivation to give class lawyers the fees they want as the price for settling all future liabilities.

As a result, it is easy to see how class members are left out in the cold. Although the judge is supposed to determine whether the settlement is fair before approving it, class lawyers and defendants "may even put one over on the court, a staged performance. The lawyers support the settlement to get fees; the defendants support it to evade liability; the court can't vindicate the class's rights because the friendly presentation means that it lacks essential information," *Kamilewicz* v. *Bank of Boston Corp.*, 100 F.3d 1348, 1352 (Easterbrook, J., dissenting) (7th Cir. 1996).

Although class members get settlement notices and have the opportunity to object, they rarely do so, especially if they have little at stake. Not only is it expensive to get representation, but also it can be extremely difficult to actually understand what the settlement really does. Settlements are often written in long, finely printed letters with incomprehensible legalese, which even well-trained attorneys are hard pressed to understand. And settlements often omit basic information like how much money will go toward attorneys' fees and where that money will come from. In Martha Preston's case, one prominent federal judge found that "the notice not only didn't alert the absent class members to the pending loss but also pulled the wool over the state judge's eyes," *id.*

We all know that class actions can result in significant and important benefits for class members and society, and that most class lawyers and most state courts are acting responsibly. Class actions have been used to desegregate racially divided schools, to obtain redress for victims of employment discrimination, and to compensate individuals exposed to toxic chemicals or defective products. Class actions increase access to our civil justice system because they enable people to pursuant claims collectively that would otherwise be too expensive to litigate.

The difficulty in any effort to improve a basically good system is weeding out the abuses without causing undue damage. The legislation we propose attempts to do this. It does not limit anyone's ability to file or settle a class action. It seeks to address the problem in several ways. First, it requires that State attorneys general be notified about proposed class action settlements that would affect residents of their states. With notice, the attorneys general can intervene in cases where they think the settlements are unfair.

Second, the legislation requires that class members be notified of a potential settlement in clear, easily understood English—not legal jargon.

Third, it limits class attorneys' fees to a reasonable percentage of the actual damages received by plaintiffs or to reasonable hourly fees. This will deter class lawyers from using inflated values of coupon settlements to reap big fees. Some courts have already embraced this standard, which parallels the recent securities reform law.

Fourth, it permits removal to federal court of certain class actions involving citizens of multiple states, at the request of unnamed class members or defendants. This provision eliminates gaming by class lawyers to keep cases in state court and, through consolidation of related cases in federal court, helps prevent a race to settlement between competing class actions.

Finally, it amends Rule 11 of the Federal Rules of Civil Procedures to require the imposition of sanctions for filing frivolous lawsuits, although the nature and extent of sanctions remains discretionary. This provision will deter the filing of frivolous class actions.

Let me emphasize the limited scope of this legislation. We do not close the courthouse door to any class action. We do not require that State attorneys general do anything with the notice they receive. We do not deny reasonable fees for class lawyers. And we do not mandate that every class action be brought in federal court. Instead, we simply promote closer and fairer scrutiny of class actions and class settlements.

These proposals have earned a broad range of support. Even Judge Paul Niemeyer, the Chair of the Judicial Conference's Advisory Committee on Civil Rules, who has studied class actions closely and testified before Congress on this issue, expressed his support for this "modest" measure, noting in particular that increasing federal jurisdiction over class actions will be a positive "meaningful step." Last year, our bill passed the Judiciary Administrative Oversight and the Courts Subcommittee.

Mr. President, right now, people across the country can be dragged into lawsuits unaware of their rights and unarmed on the legal battlefield. What our bill does is give regular people back their rights and representation. This measure may not stop all abuses, but it moves us forward. It will help ensure that good people like Martha Preston don't get ripped off.

Mr. President, Senator GRASSLEY and I believe this is a moderate approach to correct the worst abuses, while preserving the benefits of class actions. It is both pro-consumer and pro-defendant. We believe it will make a difference.

By Mr. THOMAS (for himself, Mr. MCCAIN, Mr. KERRY, Mr. SMITH of Oregon, and Mr. ROBB):

S. 354. A bill to authorize the extension of nondiscriminatory trade status to the products of Mongolia; to the Committee on Finance.

MONGOLIA MOST-FAVORED-NATION STATUS

Mr. THOMAS. Mr. President, I rise as chairman of the Subcommittee on East Asian and Pacific Affairs to introduce S. 354, a bill to authorize the extension of nondiscriminatory treatment—formerly known as "most-favored nation status"—to the products of Mongolia. I am pleased to be joined by Senator MCCAIN, chairman of the Commerce Committee; Senator KERRY, the ranking minority member of my subcommittee; and Senator ROBB and Senator SMITH or Oregon as original cosponsors.

Mongolia has undergone a series of remarkable and dramatic changes over the last few years. Sandwiched between the former Soviet Union and China, it was one of the first countries in the world to become communist after the Russian Revolution. After 70 years of communist rule, though, the Mongolian people have recently made great progress in establishing a democratic political system and creating a free-market economy. Since that time, there have been successive successful national and regional elections.

Mongolia has demonstrated a strong desire to build a friendly and cooperative relationship with the United States on trade and related matters since its turn towards democracy. We concluded a bilateral trade treaty with that country in 1991, and a bilateral investment treaty in 1994. Mongolia has received nondiscriminatory trading status since 1991, and has been found to be in full compliance with the freedom of emigration requirements of Title IV of the Trade Act of 1974. In additions, it has acceded to the Agreement Establishing of the World Trade Organization.

Mr. President, Mongolia has clearly demonstrated that it is fully deserving of joining the ranks of those countries to which we extend nondiscriminatory trade status. The extension of that status would not only serve to commend the Mongolians on their impressive progress, but would also enable the U.S. to avail itself of all its rights under the WTO with respect to Mongolia.

I have another, more parochial, reason for being interested in MFN status for Mongolia. Mongolia and my home state of Wyoming are sister states; a strong relationship between the two has developed over the last four years. Many of Mongolia's provincial governors have visited the state, and the two governments have established partnerships in education, agriculture, and livestock management. Like Wyoming, Mongolia is a high plateau with mountains on the northwest border, where many of the residents make their living by raising livestock. I am pleased to see the development of this mutually beneficial relationship, and am sure that the extension of nondiscriminatory trade status will serve to strengthen it further.

Mr. President, I introduced an identical bill in the last Congress, but Congress adjourned sine die before the bill could be acted on by both houses. I was very appreciative that last year the distinguished chairman of the Finance Committee, Senator ROTH, indicated his willingness to favorably consider the legislation early in this Congress, and look forward to working with him.

Mr. President, I ask unanimous that the text of S. 354 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Mongolia has received nondiscriminatory trade treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements of title IV of the Trade Act of 1974;

(2) Mongolia has, since ending its nearly 70 years of dependence on the former Union of Soviet Socialist Republics, established a parliamentary democracy and a free-market economic system;

(3) Mongolia concluded a bilateral trade treaty with the United States in 1991 and a bilateral investment treaty in 1994;

(4) Mongolia has acceded to the Agreement Establishing the World Trade Organization;

(5) Mongolia has demonstrated a strong desire to build a friendly and cooperative trade relationship with the United States; and

(6) The extension of nondiscriminatory trade status to the products of Mongolia would enable the United States to avail itself of all the rights available under the World Trade Organization with respect to Mongolia.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO MONGOLIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Mongolia; and

(2) after making a determination under paragraph (1) with respect to Mongolia, proclaim the extension of nondiscriminatory treatment to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Mongolia, title IV of the Trade Act of 1974 shall cease to apply to that country.

Mr. MCCAIN. Mr. President, today I am proud to cosponsor legislation with Senators THOMAS, ROBB, and KERRY to grant nondiscriminatory trade status to Mongolia. Passage of this legislation will play an important role in aiding Mongolia's transition to a democratic government and a market-oriented economy.

There has been a stunning political transformation in Mongolia since it broke away from Communist rule in 1990. In the past seven years, there have been two presidential elections and three parliamentary elections. All of these have been open and democratic, and have not suffered from violence or fraud.

The most important aspect of these elections is that they show the triumph of democracy and democratic forces. In 1996, the Mongolian Social Democratic Party (MSDP) and Mongolian National Democratic Party (MNDP) joined forces to win an unexpected victory in the parliamentary elections. By fulfilling its "Contract with the Mongolian Voter," this coalition is ensuring the establishment of a political system based on our cherished democratic principles. After a few months of uncertainty, the Mongolian government is now back on track and committed to continue its reforms. I am happy to say that the International Republican Institute is continuing to play a major role in showing these political parties how to establish a stable democratic government.

This democratic transformation has established a firm human rights regime. The Mongolian Constitution allows freedom of speech, the press and expression. Separation of Church and state is recognized in this predominantly Buddhist nation as well as the right to worship or not worship. Full freedom of emigration is allowed, and Mongolia now is in full compliance with sections 402 and 409 of the Trade Act of 1974, also known as the Jackson-Vanik Amendment. An independent judiciary has been established to protect these rights from any future violation.

Mongolia is also in the middle of an economic transformation. As part of the "Contract with the Mongolian Voter," the democratic coalition of the MNDP and MSDP ran on promises to establish private property rights and encourage foreign investment. The Mongolian government is now steadily creating a market economy. A program has been set up to allow residents of government-owned high rise apartments to acquire ownership of their residence. In 1997, Mongolia joined the international trading system by joining the World Trade Organization and eliminating all tariffs, except on personal automobiles, alcoholic beverages, and tobacco. On January 1, 1999, the state-run press became privatized. The economic news also continues to be good. The 1997 GDP growth was 3.3%, and the inflation rate has dropped from 53.2% in 1996 to 9.2% in June, 1998. The Mongolian government is now boldly moving to set the nation on a course to privatize large-scale enterprise and reform the state pension system.

When I was in Mongolia in 1997, I saw the effects of this economic transformation firsthand. At a town hall meeting in Kharakhorum, the ancient capital of the Mongol Empire, I met a herdsman and asked him about the economic liberalization. First, I asked him how many sheep he had under Communism. He said none, because the Communists didn't allow private property. Then I asked him how many sheep he owned after privatization. He answered that he had three sheep then, which is not much in a country with 25 million sheep. So I asked him how many sheep he has now. He answered that he now has 90 goats, 60 sheep, 20 cows and 6 horses. I asked him if that was considered successful. He replied that he was successful as were many herdsmen in this new economy. He then told me that he would never want to change the system back to what it was, because "now Mongols have control over their own life and destiny." That is the new culture of a market Mongolian economy.

There are many benefits to supporting Mongolian democracy and economic liberalization. In 1991, Secretary of State James Baker promised Mongolia that the United States would be Mongolia's "third neighbor." We remain committed to that course of action to encourage Mongolia in its endeavors and promote it as an example of how nations can successfully convert from a Communist totalitarian state to a market democracy. The democratic Mongolia has already begun to promote peace and stability among its neighbors by becoming the world's first national nuclear-free zone. Furthermore, the United States will be able to count on the liberalized Mongolian economy as an important market for American goods and services.

I hope that my colleagues here in the Senate will join me in passing this legislation to grant nondiscriminatory trade status to Mongolia to help it continue its successful democratic transformation and transition to a market economy.

By Mr. MOYNIHAN (for himself and Mr. BINGAMAN):

S. 355. A bill to amend title 13, United States Code, to eliminate the provision that prevents sampling from being used in determining the population for purposes of the apportionment of Representatives in Congress among the several States; to the Committee on Government Affairs.

A JUST APPORTIONMENT FOR ALL STATES ACT

Mr. MOYNIHAN. Mr. President, I rise today to introduce, along with my friend and colleague, Senator BINGAMAN, a bill to allow the use of sampling in determining the populations of the states for use in reapportionment. The Supreme Court has ruled that the 1976 amendments to the Census Act do not permit sampling in determining these populations. We believe sampling is vital to achieving the goal of the most accurate census possible, and to a fair and accurate redistricting.

The Bureau of the Census proposes to count each census tract by mail and then by sending out enumerators until they have responses for 90 percent of the addresses. The Bureau proposes to then use sampling to infer who lives at the remaining ten percent of addresses in each tract based on what they know of the 90 percent. This would provide a more accurate census than we get by repeatedly sending enumerators to hard-to-count locations and would save $500 million or more in personnel costs.

The Census plan is supported by the National Academy of Sciences' National Research Council, which was directed by Congress in 1992 to study ways to achieve the most accurate population count possible. The NRC report finds that the Bureau should "make a good faith effort to count everyone, but then truncate physical enumeration after a reasonable effort to reach nonrespondents. The number and character of the remaining nonrespondents should then be estimated through sampling."

Mr. President, the taking of a census goes back centuries. I quote from the King James version of the Bible, chapter two of Luke: "And it came to pass in those days that there went out a decree from Caesar Augustus that all the world should be taxed (or enrolled, according to the footnote) * * * And all went to be taxed, everyone into his own city." The early censuses were taken to enable the rule or ruling government to tax or raise an army.

The first census for more sociological reasons was taken in Nuremberg, in 1449. So it was not a new idea to the Founding Fathers when they wrote it into the Constitution to facilitate fair taxation and accurate apportionment of the House of Representatives, the latter of which was the foundation of the Great Compromise that has served us well ever since.

The Constitution says in Article I, Section 2:

> Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years of the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall direct by law.

Those who cite this as saying the Constitution requires an "actual enumeration" should consider whether the phrase is being taken out of context. The Supreme Court has not yet ruled on the constitutionality of sampling. Rather the Court has ruled on the census laws last amended in 1976.

I also note that we have not taken an "actual enumeration" the way the Founding Fathers envisioned since 1960, after which enumerators going to every door were replaced with mail-in responses. The Constitution provides for a postal system, but did not direct that the census be taken by mail. Yet we do it that way. Why not sample if that is a further improvement?

Sampling would go far toward correcting one of the most serious flaws in the census, the undercount. Statistical work in the 1940's demonstrated that we can estimate how many people the census misses. The estimate for 1940 was 5.4 percent of the population. After decreasing steadily to 1.2 percent in 1980, the 1990 undercount increased to 1.8 percent, or more than four million people.

More significantly, the undercount is not distributed evenly. The differential undercount, as it is known, of minorities was 5.7 percent for Blacks, 5.0 percent for Hispanics, 2.3 percent for Asian-Pacific Islanders, and 4.5 percent for Native Americans, compared with 1.2 percent for non-Hispanic whites. The difference between the black and non-black undercount was the largest since 1940. By disproportionately missing minorities, we deprive them of equal representation in Congress and of proportionate funding from Federal programs based on population. The Census Bureau estimates that the total undercount will reach 1.9 percent in 2000 if the 1990 methods are used instead of sampling.

Mr. President, I have some history with the undercount issue. In 1966 when I became Director of the Joint Center for Urban Studies at MIT and Harvard, I asked Professor David Heer to work with me in planning a conference to publicize the non-white undercount in the 1960 census and to foster concern about the problems of obtaining a full enumeration, especially of the urban poor. I ask unanimous consent that my foreword to the report from that conference be printed in the RECORD, for it is, save for some small numerical changes, disturbingly still relevant. Sampling is the key to the problem and we must proceed with it so that we have one accurate census count for all purposes, all uses. I also ask unanimous consent that the text of the bill be printed in the RECORD and I hope my colleagues will support it.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "A Just Apportionment for All States Act".

SEC. 2. USE OF SAMPLING.

Section 195 of title 13, United States Code, is amended by striking "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the" and inserting "The".

SOCIAL STATISTICS AND THE CITY

(By David M. Heer)

FOREWORD

At one point in the course of the 1950's John Kenneth Galbraith observed that it is the statisticians, as much as any single group, who shape public policy, for the simple reason that societies never really become effectively concerned with social problems until they learn to measure them. An unassuming truth, perhaps, but a mighty one, and one that did more than he may know to sustain morale in a number of Washington bureaucracies (hateful word!) during a period when the relevant cabinet officers had on their own reached very much the same conclusion—and distrusted their charges all the more in consequence. For it is one of the ironies of American government that individuals and groups that have been most resistant to liberal social change have quite accurately perceived that social statistics are all too readily transformed into political dynamite, whilst in a curious way the reform temperament has tended to view the whole statistical process as plodding, overcautious, and somehow a brake on progress. (Why must every statistic be accompanied by detailed notes about the size of the "standard error"?)

The answer, of course, is that this is what must be done if the fact is to be accurately stated, and ultimately accepted. But, given this atmosphere of suspicion on the one hand and impatience on the other, it is something of a wonder that the statistical officers of the federal government have with such fortitude and fairness remained faithful to a high intellectual calling, and an even more demanding public trust.

There is no agency of which this is more true than the Bureau of the Census, the first, still the most important, information-gathering agency of the federal government. For getting on, now, for two centuries, the Census has collected and compiled the essential facts of the American experience. Of late the ten-year cycle has begun to modulate somewhat, and as more and more current reports have been forthcoming, the Census has been quietly transforming itself into a continuously flowing source of information about the American people. In turn, American society has become more and more dependent on it. It would be difficult to find an aspect of public or private life not touched and somehow shaped by Census information. And yet for all this, it is somehow ignored. To declare that the Census is without friends would be absurd. But partisans? When Census appropriations are cut, who bleeds on Capitol Hill or in the Executive Office of the President? The answer is almost everyone in general, and therefore no one in particular. But the result, too often, is the neglect, even the abuse, of an indispensable public institution, which often of late has served better than it has been served.

The papers in this collection, as Professor Heer's introduction explains, were presented at a conference held in June 1976 with the avowed purpose of arousing a measure of public concern about the difficulties encountered by the Census in obtaining a full count of the urban poor, especially perhaps the Negro poor. It became apparent, for example, that in 1960 one fifth of nonwhite males aged 25-29 had in effect disappeared and had been left out of the Census count altogether. Invisible men. Altogether, one tenth of the nonwhite population had been "missed." The ramifications of this fact were considerable, and its implications will suggest themselves immediately. It was hoped that a public airing of the issue might lead to greater public support to ensure that the Census would have the resources in 1970 to do what is, after all, its fundamental job, that of counting all the American people. As the reader will see, the scholarly case for providing this support was made with considerable energy and candor. But perhaps the most compelling argument arose from a chance remark by a conference participant to the effect that if the decennial census were not required by the Constitution, the Bureau would doubtless never have survived the economy drives of the nineteenth century. The thought flashed: the full enumeration of the American population is not simply an optional public service provided by government for the use of sales managers, sociologists, and regional planners. It is, rather, the constitutionally mandated process whereby political representation in the Congress is distributed as between different areas of the nation. It is a matter not of convenience but of the highest seriousness, affecting the very foundations of sovereignty. That being the case, there is no lawful course but to provide the Bureau with whatever resources are necessary to obtain a full enumeration. Inasmuch as Negroes and other "minorities" are concentrated in specific urban locations, to undercount significantly the population in those areas is to deny residents their rights under Article I, Section 3 of the Constitution, as well, no doubt, as under Section 1 of the Fourteenth Amendment. Given the further, more recent practice of distributing federal, state, and local categorical aid on the basis not only of the number but also social and economic characteristics of local populations, the constitutional case for full enumeration would seem to be further strengthened.

A sound legal case? Others will judge; and possibly one day the courts will decide. But of one thing the conference had no doubt: the common-sense case is irrefutable. America needs to count all its people. (And reciprocally, all its people need to make themselves available to be counted.) But if the legal case adds any strength to the common-sense argument, it remains only to add that should either of the arguments bring some improvement in the future, it will be but another instance of the generosity of the Carnegie Corporation, which provided funds for the conference and for this publication.

Mr. BINGAMAN. Mr. President, I am pleased to speak in support of this important legislation being introduced today by my friend from New York, Senator MOYNIHAN. This bill turns into law what we all recognize is the only practical way to count our citizens in the decennial census. There is no question—the science is unequivocal—sampling is the only way to assure an accurate census.

Not only does sampling provide a better census, it costs less than all other alternative methods—as much as $3 billion less. What could be clearer? Sampling gives a better answer at a lower cost. This bill ought to pass the Senate unanimously.

Mr. President, the Constitution says the census shall be conducted in a manner that Congress shall by law direct. The recent Supreme Court case found that under the current law sampling may be used for all aspects of the census except for the decision on how many representatives each state will have. In fact, current law says sampling shall be used for every other purpose of the census.

My state now has three House members and that number isn't going to change after this census one way or the other. However, we now know New Mexico had the second highest undercount rate in the 1990 census—3.1 percent, or nearly 50,000 New Mexicans were simply left out, including 20,000 children. Among New Mexico's native American community, the undercount rate was an astounding 9 percent. This undercount is literally costing New Mexico millions of dollars every year.

In Albuquerque, our largest city, 12,000 men, women, and children were left out. Nationwide, 4 million Americans were not accounted for.

Mr. President, this massive undercount is unacceptable to New Mexico and should be unacceptable to every Senator, especially when the Census Bureau has a solution that is tried, tested, and reliable. I believe every citizen counts, and every citizen should be counted.

Federal funding for education, transportation, crime prevention and other priorities is allocated to states based on population. The majority of people overlooked in the past census are poor, the very citizens we must assure are not being left out. If the existing undercount is repeated in future censuses, New Mexico will again be denied its fair share of critical federal funds.

Under current law we can have a two-number census, one without sampling for apportionment and one with sampling for all other purposes. I can appreciate why some people don't want a two-number census. The country would be better served with only a single-number census as long as it's the best number the Census Bureau can come up with. However, some in Congress would use the appropriations process to stymie the census.

Mr. President, the census is done only once per decade, it is too important to decide this issue as part of the annual appropriation process. This bill will assure that the Census Bureau has available the very best tools for this important task. Science-based sampling is the only way to give America the quality we demand in our census. It is inconceivable to me that anyone would support a second-rate census.

I am pleased to support this bill, and I hope the Senate will take prompt action on it. I also urge the House to move forward quickly to pass this important legislation. I thank Mr. MOYNIHAN for his efforts.

By Mr. KYL (for himself and Mr. McCAIN):

S. 356. A bill to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes; to the Committee on Energy and Natural Resources.

WELLTON-MOHAWK PROJECT TRANSFER

Mr. KYL. Mr. President, I rise today to introduce a bill to transfer title to the Wellton-Mohawk Irrigation and Drainage District in Yuma, Arizona from the Federal government to the project beneficiaries. If you think this sounds like deja vu, you would be correct—it is. In May of 1998, during the 105th Congress, I introduced the same bill. The version I introduce today is the same version that passed the Senate at the end of last Congress. The bill was approved by all the relevant House and Senate Committees, passed by the Senate, included in a package of similar bills in the House, but, for reasons that I have not been able to determine, never managed to get signed into law. And this particular project transfer was one Regional Director Bob Johnson called "low hanging fruit." In a meeting in my office, he assured me that the Wellton-Mohawk project was a "perfect example" of the kind of project that should transfer under the administration's 1995 Framework for Transfer. So this is exactly the kind of project the Department of the Interior should transfer project title from the Department to the project beneficiaries.

Mr. President, I would like to thank Senator JOHN McCAIN for cosponsoring this bill with me and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.—This Act may be referred to as the "Wellton-Mohawk Transfer Act".

SEC. 2. TRANSFER.—The Secretary of the Interior ("Secretary") is authorized to carry out the terms of the Memorandum of Agreement No. 8-AA-34-WAO14 ("Agreement") dated July 10, 1998 between the Secretary and the Wellton-Mohawk Irrigation and Drainage District ("District") providing for the transfer of works, facilities, and lands to the District, including conveyance of Acquired Lands, Public Lands, and Withdrawn Lands, as defined in the Agreement.

SEC. 3. WATER AND POWER CONTRACTS.—Notwithstanding the transfer, the Secretary and the Secretary of Energy shall provide for and deliver Colorado River water and Parker-Davis Project Priority Use Power to the District in accordance with the terms of existing contracts with the District, including any amendments or supplements thereto or extensions thereof and as provided under section 2 of the Agreement.

SEC. 4. SAVINGS.—Nothing in this Act shall affect any obligations under the Colorado River Basin Salinity Control Act (P.L. 93-320, 42 U.S.C. 1571).

SEC. 5. REPORT.—If transfer of works, facilities, and lands pursuant to the Agreement has not occurred by July 1, 2000, the Secretary shall report on the status of the transfer as provided in section 5 of the Agreement.

SEC. 6. AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. GRAMS:

S. 357. A bill to amend the Federal Crop Insurance Act to establish a pilot program in certain States to provide improved crop insurance options for producers; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL CROP INSURANCE REFORM ACT

By Mr. GRAMS:

S. 358. A bill to freeze Federal discretionary spending at fiscal year 2000 levels, to extend the discretionary budget caps until the year 2010, and to require a two-thirds vote of the Senate to breach caps; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977 with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

BUDGET REFORM LEGISLATION

By Mr. GRAMS (for himself and Mr. CRAPO):

S. 359. A bill to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits, to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions, and to provide for the retirement security of current and future retirees through reforms of the Old Age Survivor and Disability Insurance Act; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

TAXPAYER PROTECTION LOCK-BOX LEGISLATION

Mr. GRAMS. Mr. President, I have a number of bills I want to introduce today. I want to start out by talking a little bit about the three bills dealing with budget reform, and then also an important bill leading to crop insurance reform.

Mr. President, I rise today to introduce these bills that would reform the Federal budget process, strengthen fiscal discipline and restore Government accountability to ensure that taxpayers are fully represented in Washington.

I commend Leader LOTT and Chairman DOMENICI for including budget process reform as one of the top five priorities in the 106th Congress. I believe this should be our immediate priority as we prepare to make our budget process work better.

Mr. President, the Federal budget process has become a reckless game in which the team roster is limited to a handful of Washington politicians and technocrats while the taxpayers are relegated to the sidelines.

This has not only weakened the nation's fiscal discipline but also undermined the system of checks and balances established by the Constitution.

The most recent example of this abusive process was the 1998 Omnibus Appropriation legislation. The bill included $520 billion in funding for many essential Government programs, representing 8 out of Congress' 13 annual appropriations bills.

But the entire negotiations were exclusive, arbitrary, and conducted behind closed doors by only a few congressional leaders and White House staff.

Few Members of the Congress had any idea what was in the bill but were asked to approve it, without debate, without adequate review, without amendments, and without roll call votes.

As a result, Washington broke the spending caps mandated in last year's Balanced Budget Act by spending more than $21 billion of the surplus for so-called "emergency" purposes.

Budget negotiators magically invented a new smoke and mirrors budget term—"forward funding" which shifted $9.3 billion into future budgets. Long-criticized "backdoor spending" thrived: for example, lawmakers sneaked $1 billion to fund programs to achieve initiatives under the Kyoto treaty. The White House has not sent up the Treaty and the Congress has many reservations about it.

Without any policy consideration, hundreds of millions of taxpayer dollars went to fund such pork programs as, amazingly, caffeinated chewing gum research.

The budget process is seriously flawed. Twenty-five years ago, Congress tried to change its budget practices and get spending under control by passing the Congressional Budget Act. Yet, over these 25 years, our national debt has grown from $540 billion to $5.6 trillion.

Spending is at an all-time high, and so are taxes. The budget process has become so complicated that most lawmakers have a hard time understanding it. Of course, that hasn't stopped the proliferation of budget gimmicks to circumvent the intent of the Congress.

Before the situation explodes completely, Congress must immediately reform the budget process to ensure the integrity of our budget and appropriations process. We can begin in the 106th Congress by taking a few simple steps.

The first step is to ensure our government's continued operation without any interruption. Last week, I introduced important legislation that would continue funding for the Government at the prior year's level when Congress and the President fail to complete appropriations legislation.

Mr. President, we all still have a fresh memory of the 1995 Federal Government shutdown, the longest one in history, which caused financial damage and inconvenience to millions of Americans when the President refused to support a Balanced Budget Act and tax relief for Americans.

However, the most serious damage done by the 27-day shutdown was that it shook the American people's confidence in their Government and in their elected officials.

I am concerned that President Clinton would use this technique again to force Congress into spending more money. I believe we can do better for the taxpayers and believe my legislation, the Good Government bill, will help to do that.

In May of 1997, I first proposed this as a stand-alone vote in an effort to pass the flood relief bill for Northern Minnesota. The Senate Democratic leader agreed and supported my proposal. I was able to obtain a commitment from the Senate leadership of both parties to pursue the legislation separately in the near future.

Last summer, I sought to offer it as an amendment to an appropriations bill. This amendment, originally sponsored by Senator MCCAIN, would have created an automatic procedure for a CR at the end of each fiscal year. Unfortunately, my efforts were not successful.

If I had succeeded, we would not have had to go through the debacle last year's omnibus spending bill.

Mr. President, we all have different philosophies and policies on budget priorities, and of course we will not always agree.

But there are essential functions and services of the Federal Government we must continue to fund regardless of our differences in budget priorities. Program funding must be based on merits, not on political leverage.

This legislation would continue funding for the Federal Government at 100 percent of the previous year's level when Congress and the President fail to complete appropriations legislation at the end of any fiscal year.

The virtue of this legislation is that it would allow us to debate issues concerning spending policy and the merits of budget priorities while we continue to keep essential Government functions operating. The American taxpayer will no longer be held hostage to a Government shutdown.

Mr. President, there are still plenty of uncertainties involved in our budget and appropriations process, particularly this year. We must ensure that this good-government contingency plan is adopted to keep the Government up and running in the event a budget agreement is not reached.

Another step we must take is to control our emergency spending. Emergency spending is spending over the budget allotment and is supposed to cover true emergencies, such as natural disaster relief.

Instead, Congress and the Administration have used this as an opportunity to bust the budget for a lot of spending that is not emergency related at all. Most of this spending can be planned within our budget limits. Even natural disasters happen regularly—why not put something in our budget to pay for them?

That is why I am introducing the "Emergency Spending Control Act" today as well. This legislation would require the President to submit a line item in his budget for natural disaster relief funding. The funding levels for this line item would be based on the average spending of the last five years on natural disaster relief.

The amount in this line item would not be subject to the current spending caps. The funding of this budget line item must be used exclusively for natural disaster relief—any use for non-natural disasters is strictly prohibited.

Mr. President, as a Senator whose State has been previously devastated by the 1997 flood of the Red and Minnesota Rivers, tornadoes, snow, ice and other natural disasters, I know how important enacting this legislation is not only for Minnesotans, but for all Americans.

Fortunately, city mayors, the State of Minnesota, and the Federal Emergency Management Agency acted quickly in the Red River Valley, and the rebuilding process moved relatively fast.

Local governments continue to work closely with my office and with State and Federal agencies to answer the many questions that still arise as people seek to rebuild their homes, their businesses, and the rest of their lives.

We owe it to these Minnesotans and other Americans who have been faced with a natural disaster to require the President to submit a line item in his budget for natural disaster relief funding.

Local and State officials should not be required to come to Washington and lobby for funding every time that a natural disaster occurs. We should not have to consider and pass separate "emergency" legislation which becomes a magnet for other so-called emergency spending. Disasters occur every year, we should budget for them.

Mr. President, the second to the last bill I am introducing today is a bill to enforce and expand the statutory spending caps. Spending limits are a good tool to control spending—if the President and lawmakers stick to them. But since the establishment of statutory spending limits, Washington has repeatedly broken them.

Washington set forth new spending caps in 1990 after it failed to meet its deficit reduction targets. In 1993, President Clinton broke the statutory spending caps for his new spending increases and created new caps.

But in 1997, the President could not live within his own spending caps, and he broke them again. Last year, President Clinton proposed over $22 billion of so-called "emergency spending" in the omnibus spending legislation and again broke the caps.

Again and again, Washington lowers the fiscal bar and then jumps over it at the expense of the American taxpayers.

This is wrong. Mr. President. If we commit to living within the statutory spending caps, we must stick to it. We must use every tool available to enforce these spending limits.

My legislation will help Congress to enforce its fiscal discipline by creating a new budget point of order to allow Congress to exceed spending limits only if two-thirds of its members vote to do so.

In addition, my bill would extend the limits beyond the year 2000. Doing so will ensure that spending increases won't grow faster than the income growth of working Americans.

There are many other budget process reforms I support as well, promoted by other Senators. One I would like to highlight is the biennial budget, which is proposed by our distinguished colleague, Senator DOMENICI. Biennial budgeting will allow us to examine our fiscal discipline as well as providing valuable time for our oversight responsibilities.

If the Congress adopts each of these changes, it will ensure a budget process that serves the best interests of the nation, allows careful policy and spending deliberation, and strengthens our political institution of government through representation as established by the Constitution.

Mr. President, finally I want to take a few minutes to introduce a bill which takes an important step toward improving the nation's federal crop insurance program—and that is a bill that I have introduced, the "Crop Insurance Reform Act."

Last year, we witnessed devastating circumstances come together to create a crisis atmosphere for many of our nation's farmers. I know that in my own state of Minnesota, multiple years of wet weather and crop disease—especially scab—coupled with rising production costs and plummeting commodity prices have devastated family farms in record numbers.

With the increased opportunities that accompany Freedom to Farm come increased risks. We've seen this first hand.

Freedom to Farm can work, but a necessary component of it, as I have argued repeatedly, is an adequate crop insurance program. This component has been missing so far. One of the promises made during debate of the 1996 Farm Bill was that Congress would address the need for better crop insurance.

We must not let another growing season pass without having instituted a new, effective crop insurance program.

This overhaul is a major undertaking, and instituting a program of comprehensive reform should be and is now a legislative priority.

In fact, the President has included a number of ideas for reforming the federal crop insurance program in his recent budget proposal. Most importantly, the President has suggested increasing the federal subsidies on crop insurance premiums and eliminating disparities in subsidy rates. Essentially, this is similar to legislation I introduced last year and am introducing again today. Unfortunately, while the President claims to support crop insurance reform, he has failed to identify any money in his budget to fund it. However, now that he has recognized the urgency of the situation, I hope we can work together to accomplish meaningful reform.

Furthermore, we must resume the debate now so that we can have the best system in place in time, and that we can do it in time for the year 2000 crops. The bill I am introducing today is a first step. It is the result of months of work from my Minnesota Crop Insurance Work Group.

The Work Group consists of various commodity groups, farm organizations, rural lenders, and agriculture economists. We have also worked closely with USDA's Farm Service and Risk Management Agencies. But it was my primary intention to assemble a committee of farmers and lenders—people who know the situation and have seen the problems firsthand.

The Crop Insurance Reform Act is designed to address the coverage decision a farmer must make at the initial stages of purchasing crop insurance. Producers have been telling us that they need better coverage, but that it is currently too expensive.

My bill will allow more options for producers to choose from when making risk-management decisions. It essentially provides farmers with an enhanced coverage product at a more affordable price.

Currently, producer premium subsidies range from nearly 42 percent at the 100 percent price election for 65 percent coverage, to only 13 percent at the 100 percent price election for 85 percent coverage. Although the Risk Management Agency has recently provided better product options, the relatively low subsidy levels at the higher ends of coverage make them cost prohibitive.

My bill will put in place a flat subsidy level of 31 percent across the 100 percent price election and at all levels of coverage.

This will adjust the producer premiums to make better coverage more affordable, thereby removing the incentive from purchasing lesser-grade coverage. The Crop Insurance Reform Act puts the focus of the coverage decision on what really matters: and that is the type of coverage which would be needed in the event of a disaster or loss, rather than simply making the decision based upon up-front costs.

When farmers are armed with the necessary risk management tools, I believe everybody will save. The government saves in ad hoc disaster payments, arguably the most expensive way to address any kind of financial crisis. But more importantly, the family farmer saves.

This bill is part of a continued effort to reform Federal Crop Insurance.

Over the next few months, I will continue to work with my Crop Insurance Work Group, and my colleagues, Senators LUGAR and ROBERTS, to craft a comprehensive program which directly benefits producers and also will be here to protect the taxpayers.

Mr. GRAMS. Mr. President, the second bill I am introducing with my good friend, Senator CRAPO of Idaho, is lockbox legislation.

Before being elected to the Senate in 1998, MIKE CRAPO led the fight to enact the Lock Box legislation in the House of Representatives. His version of the Lock Box legislation was passed by the House of Representatives on four different occasions, both as a free standing bill and as an amendment. I am pleased to have Senator CRAPO as a partner on this legislation in the Senate.

Mr. President, our short-term fiscal situation has improved greatly due to the continued growth of our economy. It is reported that we may end up with a unified budget surplus of over $80 billion this year and a $4.5 trillion surplus in the next 15 years.

Of course, tax dollars are always considered "free money" by the big spenders here in Washington, and the thought of all that new "free surplus money" is creating a feeding frenzy on Capitol Hill.

If we don't lock away this increased revenue for the taxpayers, the government will spend every penny of it. Despite the rhetoric about reserving it all for Social Security, Washington has already spent $30 billion of last year's budget surplus.

We need a lockbox to dedicate any increased revenue in the future and return it to the taxpayers as tax relief, debt reduction, and Social Security reform.

Since the unexpected revenue has come directly from working Americans, I believe it is only fair to return it to them. The tax burden on the American people is still historically high. It's sound policy to use our non-Social Security surplus to lower the tax burden and allow families to keep a little more of their hard-earned money.

Over the past 30 years, as I mentioned, we have amassed a $5.6 trillion national debt thanks to Washington's culture of spending. A newborn child today will bear over $20,000 of that debt the moment he or she comes into the world. Each year, we sink more than $250 billion into the black hole of interest payments, which could be better spent fighting crime, maintaining roads and bridges, and equipping the military. It's sound policy to use part of any surpluses to begin paying down the national debt and reducing the financial burden on the next generations.

The budget surpluses also give us a great opportunity to address our other long-term financial imbalances. Federal unfunded liabilities could eventually top $20 trillion, bankrupting our government if no real reform occurs.

It's vitally important that we use the entire Social Security surplus exclusively for Social Security, and we should even use a portion of the non-Social Security surplus to finance Social Security reforms.

If we don't lock in the surplus, Washington will spend all of it to expand the government. That's what they are doing now. Last month alone, President Clinton proposed 41 new programs. The spending increases he outlined could reach $300 billion a year, the highest increase proposed by any President in our history.

Mr. President, we must never, never, never repeat the mistake we made in 1997 and 1998, and allow Washington take a huge bite into the taxpayers' money. We must do everything we can to ensure we reserve any increased revenue for Social Security, tax relief and debt reduction.

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. 362. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

LEGISLATION TO REAUTHORIZE THE NEW JERSEY COASTAL HERITAGE TRAIL ROUTE

Mr. LAUTENBERG. Mr. President, today I am introducing legislation to reauthorize the New Jersey Coastal Heritage Trail Route so that we can allow the National Park Service, together with its partners, to complete its work in bringing recognition to New Jersey's rich coastal history. I am pleased to be joined by Senator TORRICELLI in sponsoring this legislation.

The Coastal Heritage Trail Route was first authorized in 1988 through legislation sponsored by former Senator Bill Bradley and myself. This legislation authorized the Secretary of the Interior to design a vehicular route that would enable the public to enjoy the nationally significant natural and cultural sites along the New Jersey coastline. Thanks to the work of the National Park Service, the Coastal Heritage Trail Route will, at completion, have five theme trails to allow for the self-discovery of topics ranging from maritime history to wildlife migration. These five vehicular discovery trails will travel along the coast of New Jersey, through eight different counties, by way of the Garden State Parkway and State Highway 49.

The first theme trail completed is the Maritime History trail. The purpose of this trail is to explore the coastal trade, defense of the nation, and fishing and ship building industries. The second trail is the Coastal Habitats trail. This trail enables visitors to learn about the special natural resources of the New Jersey coast and the plants, animals and especially birds that live there. The recently opened Wildlife Migrations trail, allows individuals to explore the special places that migrating species depend on along New Jersey's coast. A fourth trail is the Historic Settlements trail. When completed, this trail will bring the historic communities whose economies were based on local natural resources to life. The final tour, Relaxation and Inspiration, will depict how people have traditionally used their leisure time, at places such as religious retreats and historic boardwalks.

The project, which was originally conceived and designed to recognize the importance of New Jersey's coastal areas in our nation's history, has grown into a rich partnership between the federal government, state and local governments, and private individuals. This partnership demonstrates a commitment among many levels of government and the private sector to bringing history to life.

Mr. President, the New Jersey Coastal Heritage Trail Route is clearly one of the National Park Service's success stories. Legislation to renew authorization for the trail enacted in 1994 appropriately called upon the Park Service to match 50 percent of its federal funding with non-federal funds. I am pleased to report that the Service has gone well beyond that matching requirement. Since 1994, appropriations for the Trail Route totaled $1.8 million. During that same period, the Park Service has raised $2.8 million in matching funds.

However, the work is not yet finished. Even though the Park Service has been able to meet the funding requirements, at this time, only the first three trails have been completed. The Park Service plans call for completing the two remaining trails, and adding three new visitor centers and interpretive materials to aid school children as they learn about New Jersey's history. Our bill would make this possible by increasing the authorization level for the trail to $4 million, and extend the authorization to the Year 2004, which would give the Park Service the additional time it needs to complete the Trail Route.

The Coastal Heritage Trail Route brings national recognition and stature to many of New Jersey's special places, and helps to contribute to New Jersey's number two industry, tourism. Most importantly, the Trail Route provides residents and visitors with an opportunity to explore New Jersey's natural and cultural history and develop an appreciation for its importance. But what should happen if we don't reauthorize the funds for this program? Among other effects, New Jersey residents and visitors to our state will have lost valuable educational opportunities. Much of the $2 million in grants that the project has successfully generated will have been lost. And there would be a severe impact on tourism if the five themes are not fully developed.

Mr. President, I just wanted to take a moment to commend Senator MURKOWSKI, the Chairman of the Senate Energy and Natural Resources Committee and Senator THOMAS, the Chairman of the Subcommittee on National Parks, Historic Preservation, and Recreation. They and the members of their staff worked hard in the last Congress to mark up this legislation and report it favorably to the full Senate. Although this bill was approved overwhelmingly by my colleagues in the Senate in the last Congress, the House of Representatives did not vote on this legislation prior to adjournment, and thus we must begin again. I have every confidence that this important legislation will pass both houses of Congress in a timely fashion during this session. Just today, the House Resources Committee reported out the House version of this bill, H.R. 171, introduced by Rep. FRANK A. LOBIONDO.

The completion of the Coastal Heritage Trail Route is an important priority for New Jersey. The trail system will provide a sense of history, not solely for the residents of New Jersey, but for its visitors as well. By repealing the sunset provision on the original act, and increasing the authorization, the National Park Service will be allowed to complete the project that deserves to be finished.

I ask unanimous consent that copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking "$1,000,000" and inserting "$4,000,000"; and

(2) in subsection (c), by striking "five" and inserting "10".

By Mr. DOMENICI:

S. 363. A bill to establish a program for training residents of low-income rural areas for, and employing the residents in, new telecommunications industry jobs located in rural areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE RURAL EMPLOYMENT IN TELECOMMUNICATIONS INDUSTRY ACT OF 1999

Mr. DOMENICI. Mr. President, I rise today with great pleasure to introduce "The Rural Employment in Telecommunications Industry Act of 1999."

The introduction of this Bill marks a historic opportunity for rural communities to create jobs within the telecommunications industry. The Bill establishes a program to train residents of low income rural areas for employment in telecommunications industry jobs located in those same rural areas.

As many of my colleagues know, I have an initiative called "rural payday" and I believe this Bill is yet another step in creating jobs for our rural areas. All too often a rural area is characterized by a high number of low income residents and a high unemployment rate.

Moreover, our rural areas are often dependent upon a small number of employers or a single industry for employment opportunities. Consequently, when there is a plant closing, a downturn in the economy, or a slowdown in the area's industry the already present problems are only compounded.

Mr. President, I would also like to take a moment and talk about New Mexico.

While New Mexico may be the 5th largest state by size with its beautiful mountains, desert, and Great Plains and vibrant cities such as Albuquerque, Santa Fe, and Las Cruces it is also a very rural state. The Northwest and Southeast portions of the state are closely tied to the fortunes of the oil and gas industry. Additionally, a community can be dealt a severe blow with the closing or downsizing of an employer or manufacturing plant.

I would also like to mention that communities like Clovis and Roswell are already taking steps to lay the foundation for creating jobs through the Call Center Industry. Just recently in Clovis, over a 1,000 people participated in a Career Expo that focused on attracting Call Center companies to the area.

As I stated before, all too often rural areas do not possess the resources of more metropolitan areas and can be devastated by a single event or downturn in the economy. The Bill I am introducing today will allow communities, like those I just mentioned, to apply for Federal aid to assist them in taking the next step in attracting telecommunications jobs.

The Bill will allow the Secretary of Labor to establish a program to promote rural employment in the telecommunications industry by providing grants to states with low income rural areas. The program will be a win win proposition for all involved because employers choosing to participate in the project by bringing jobs to the rural area will be assured of a highly skilled workforce.

The program will provide residents with intensive services to train them for the new jobs in the telecommunications industry. The intensive services will include customized training and appropriate remedial training, support services and placement of the individual in one of the new jobs created by the program.

And that is what this bill is about, providing people with the tools needed to succeed. With these steps we are embarking on the road of providing our rural areas throughout our nation with a vehicle to create jobs. We are creating opportunities and an environment where our citizens can succeed and our communities can be vibrant.

By Mr. BOND (for himself, Mr. KERRY, and Mr. LIEBERMAN):

S. 364. A bill to improve certain loan programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

SMALL BUSINESS INVESTMENT IMPROVEMENT ACT OF 1999

Mr. BOND. Mr. President, I rise today to introduce the Small Business Investment Improvement Act of 1999. I am pleased to announce that two of my colleagues from the Committee on Small Business, Senator KERRY and Senator LIEBERMAN, have joined as principal cosponsors. This is an important bill for one simple reason: it makes more investment capital available to small businesses that are seeking to grow and hire new employees.

In 1958, Congress created the SBIC Program to assist small business owners obtain investment capital. Forty years later, small businesses continue to experience difficulty in obtaining investment capital from banks and traditional investment sources. Although investment capital is readily available to large businesses from traditional Wall Street investment firms, small businesses seeking investments in the range of $500,000–$2.5 million have to look elsewhere. SBICs are frequently the only sources of investment capital for growing small businesses.

In 1992 and 1996, the Committee on Small Business worked closely with the Small Business Administration to correct earlier deficiencies in the law in order to ensure the future of the program. Today, the SBIC Program is expanding rapidly in an effort to meet the growing demands of small business owners for debt and equity investment capital.

Last year, the Committee on Small Business approved a bill similar to the bill being introduced today. Today's bill includes two technical changes in the SBIC program. The first change removes a requirement that at least 50 percent of the annual program level of the approved participating securities under the SBIC Program be reserved for funding with SBICs having private capital of not more than $20 million. The requirement has become obsolete following SBA's imposition of its leverage commitment process and Congressional approval for SBA to issue five-year commitments for SBIC leverage.

The second technical change requires SBA to issue SBIC guarantees and trust certificates at periodic intervals of not less than 12 months. The current requirement is six months. This change will give maximum flexibility for SBA and the SBIC industry to negotiate the placement of certificates that fund leverage and obtain the lowest possible interest rate.

The Small Business Investment Improvement Act of 1999 clarifies the rules for the determination of an eligible small business or small enterprise that is not required to pay Federal income tax at the corporate level, but that is required to pass income through to its shareholders or partners by using a specified formula to compute its after-tax income. This provision is intended to permit "pass through" enterprises to be treated the same as enterprises that pay Federal taxes for purposes of SBA size standard determinations.

The bill would also make a relatively small change in the operation of the program. This change, however, would help smaller, small businesses to be more attractive to investors. SBICs would be permitted to accept royalty payments contingent on future performance from companies in which they invest as a form of equity return for their investment.

SBA already permits SBICs to receive warrants from small businesses, which give the investing SBIC the right to acquire a portion of the equity of the small business. By pledging royalties or warrants, the small business is able to reduce the interest that would otherwise be payable by the small business to the SBIC. Importantly, the royalty feature provides the smaller, small business with an incentive to attract SBIC investments when the return may otherwise be insufficient to attract venture capital.

Lastly, the bill increases the program authorization levels to fund Participating Securities. In Fiscal Year 1999, the authorization level would increase from $800 million to $1.2 billion; in Fiscal Year 2000, it would increase from $900 million to $1.5 billion. The two increases have become necessary as the demand in the SBIC program was growing at a rapid rate. Higher authorization levels are necessary if the SBIC Program is going to meet the demand for investment capital from the small business community.

Mr. President, this is a sound legislative proposal, which has the support of many of my colleagues on the Committee on Small Business. It is my hope we will be able to conduct a committee markup of this bill in the near future.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Investment Improvement Act of 1999".

SEC. 2. SBIC PROGRAM.

(a) IN GENERAL.—Section 308(i)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 687(i)(2)) is amended by adding at the end the following: "In this paragraph, the term 'interest' includes only the maximum mandatory sum, expressed in dollars or as a percentage rate, that is payable with respect to the business loan amount received by the small business concern, and does not include the value, if any, of contingent obligations, including warrants, royalty, or conversion rights, granting the small business investment company an ownership interest in the equity or increased future revenue of the small business concern receiving the business loan.".

(b) FUNDING LEVELS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (d)(1)(C)(i), by striking "$800,000,000" and inserting "$1,200,000,000"; and

(2) in subsection (e)(1)(C)(i), by striking "$900,000,000" and inserting "$1,500,000,000".

(c) DEFINITIONS.—

(1) SMALL BUSINESS CONCERN.—Section 103(5) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)) is amended—

(A) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), and indenting appropriately;

(B) in clause (iii), as redesignated, by adding "and" at the end;

(C) by striking "purposes of this Act, an investment" and inserting the following: "purposes of this Act—

"(A) an investment"; and

(D) by adding at the end the following:

"(B) in determining whether a business concern satisfies net income standards established pursuant to section 3(a)(2) of the Small Business Act, if the business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the sum of—

"(i) if the business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this subparagraph), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

"(ii) the net income (so determined) less any deduction for State (and local) income taxes calculated under clause (i), multiplied by the marginal Federal income tax rate that would have applied if the business concern were a corporation;".

(2) SMALLER ENTERPRISE.—Section 103(12)(A)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 662(12)(A)(ii)) is amended by inserting before the semicolon at the end the following: "except that, for purposes of this clause, if the business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the sum of—

"(I) if the business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this clause), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

"(II) the net income (so determined) less any deduction for State (and local) income taxes calculated under subclause (I), multiplied by the marginal Federal income tax rate that would have applied if the business concern were a corporation".

(d) TECHNICAL CORRECTIONS.—

(1) REPEAL.—Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by striking paragraph (13).

(2) ISSUANCE OF GUARANTEES AND TRUST CERTIFICATES.—Section 320 of the Small Business Investment Act of 1958 (15 U.S.C. 687m) is amended by striking "6" and inserting "12".

(3) ELIMINATION OF TABLE OF CONTENTS.—Section 101 of the Small Business Investment Act of 1958 (15 U.S.C. 661 note) is amended to read as follows:

"SEC. 101. SHORT TITLE.

"This Act may be cited as the 'Small Business Investment Act of 1958'.".

Mr. KERRY. Mr. President, today I join Chairman BOND in support of the Small Business Investment Company Technical Corrections Act.

The Small Business Investment Company (SBIC) program is vital to our fastest growing small companies that have capital needs exceeding the caps on SBA's loan programs, but are not large enough to be attractive to traditional venture capital investors. The demand is clear: Last year, participating securities in the SBIC program invested $360 million in 495 financings. In Massachusetts, where there is an impressive community of fast-growing companies, particularly in the hi-tech industry, there were 140 SBIC financings, worth $145.4 million.

This legislation sets out to make five technical changes. They range from improving the incentive for SBIC's to loan money to small companies to structuring a fairer formula for determining whether companies of the same revenue size can qualify for SBIC financing. One of the most important changes will increase the authorized levels for participating securities.

The Participating Securities component of the SBIC program invests principally in the equities of new or expanding businesses. To leverage the private capital of participating securities and better serve these fast-growing businesses, I supported Senator LIEBERMAN's amendment to H.R. 3412 during the last Congress, which would have raised the authorization level for participating securities from $800 million to $1 billion in fiscal year 1999 and from $900 million to $1.2 billion in fiscal year 2000. This bill passed the Senate Small Business Committee and the full Senate by unanimous consent, but unfortunately, the House was unable to act on it before the 105th Congress ended.

Since that amendment was introduced, we have seen that the need is even greater than those levels. The Administration anticipates faster growth in the SBIC program because of both its increasing popularity and the increase in additional personnel at the Small Business Administration to its SBIC licensing unit. In fiscal years 1997 and 1998, SBA licensed approximately 30 new SBIC's per year. With more staff devoted to the licensing unit, SBA projects that it will license more than double that amount in fiscal year 1999. Accordingly, Senator BOND's Act would increase the authorization level to $1.2 billion in FY99 and to $1.5 billion in FY2000.

Mr. President, I am pleased to cosponsor this legislation and I applaud the work of my colleagues on the Senate Small Business Committee, Chairman BOND and Senator LIEBERMAN.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 365. A bill to amend title XIX of the Social Security Act, to allow States to use the funds available under the State children's health insurance program for an enhanced matching rate for coverage of additional children under the Medicaid program; to the Committee on Finance.

CHILDREN'S HEALTH EQUITY ACT

Mr. GORTON. Mr. President. In 1997, Congress and the President agreed to provide $48 billion over the next 10 years as an incentive to states to provide health care coverage to uninsured, low-income children. To receive this money, states must expand eligibility levels to children living in families with incomes up to 200% of the federal poverty level.

Washington State has a strong record of ensuring that its low-income kids have access to health care. Five years ago, my state decided to do what Congress and the President have just last year required other states to do. In 1994, Washington expanded its child Medicaid eligibility level to 200% of the federal poverty level (FPL) all the way through to the age of 18.

During the negotiations of the 1997 Balanced Budget Act (BBA), Congress and the Administration recognized that certain states were already undertaking Medicaid expansions up to or above 200 percent of FPL, and that they would be allowed to use the new SCHIP funds. Unfortunately, this provision was limited to those states that enacted expansions on or after March 31, 1997 and disallowed Washington from accessing the $230 million in SCHIP funds it had been allocated through 2002. As a result, Washington State cannot use its SCHIP allotment to cover the 90,000 children currently eligible, but not covered for health care at or below 200 percent of poverty. Exacerbating this inequity is the fact that many states have begun accessing their SCHIP allotments to cover kids at poverty levels far below Washington's current or past eligibility levels.

The bill I am introducing today, along with Senator MURRAY, corrects this technicality and is a top priority for the Washington State delegation in the 106th Congress. Congresswoman DUNN has introduced a companion measure in the House of Representatives that is cosponsored by the entire Washington delegation.

This bipartisan, bicameral initiative represents a thoughtful, carefully-crafted response to the unintended consequences of SCHIP and brings much needed assistance to children currently at risk. Rather than simply changing the effective date included in the BBA, this initiative includes strong maintenance of effort language as well as incentives for our state to find those 90,000 uninsured kids because we feel strongly that they receive the health coverage for which they are eligible.

This bill does not take money from other states nor does it provide additional federal subsidies for children the state is now covering, it simply allows Washington to continue to do the good work they have already started by focusing on new, uninsured children at low income levels first.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 8. A joint resolution providing for the reappointment of Wesley S. Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 9. A joint resolution providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 10. A joint resolution providing for the reappointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION REAPPOINTMENTS

Mr. COCHRAN. Mr. President, today I am introducing three Senate Joint Resolutions reappointing citizen regents of the Board of Regents of the Smithsonian Institution. I am pleased that my fellow Smithsonian Institution Regents, Senators MOYNIHAN and FRIST are cosponsors.

At its meeting on January 25, 1999, the Smithsonian Institution Board of Regents recommended the following distinguished individuals for reappointment to six year terms effective April 12, 1999: Barber B. Conable, Jr. of New York; Dr. Hanna H. Gray of Illinois; and Mr. Wesley S. Williams, Jr. of the District of Columbia.

I ask unanimous consent that copies of their biographies be included in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

WESLEY S. WILLIAMS, JR.

Wesley S. Williams, Jr., of Washington, D.C., has been associated with the law firm of Covington & Burling since 1970 and a partner since 1975. He was previously legal counsel to the Senate Committee on the District of Columbia, a teaching fellow at Columbia University Law School, and Special Counsel to the District of Columbia Council. He is currently active on many corporate and non-profit boards and has participated in the Smithsonian Luncheon Group. He was appointed to the Board of Regents in April 1993, chairs its Investment Policy Committee, and serves on the Regents' Executive Committee, Nominating Committee, Committee on Policy, Programs, and Planning, and ad hoc Committee on Business. He also served on the Regents' Search Committee for a New Secretary, and he is a member of the Commission of the National Museum of American Art.

HANNA HOLBORN GRAY

The Harry Pratt Judson Distinguished Service Professor of History, The University of Chicago

Hanna H. Gray was President of the University of Chicago from July 1, 1978 through June 30, 1993, and is now President Emeritus.

Mrs. Gray is a historian with special interests in the history of humanism, political and historical thought, and politics in the Renaissance and the Reformation. She taught history at the University of Chicago from 1961 to 1972 and is now the Harry Pratt Judson Distinguished Service Professor of History in the University of Chicago's Department of History.

She was born on October 25, 1930, in Heidelberg, Germany. She received her B.A. degree from Bryn Mawr in 1950 and her Ph.D. in history from Harvard University in 1957. From 1950 to 1951, she was a Fulbright Scholar at Oxford University.

She was an instructor at Bryn Mawr College in 1953–54 and taught at Harvard from 1955 to 1960, returning as a Visiting Lecturer in 1963–64. In 1961, she became a member of the University of Chicago's faculty as Assistant Professor of History, becoming Associate Professor in 1964.

Mrs. Gray was appointed Dean of the College of Arts and Sciences and Professor of History at Northwestern University in 1972. In 1974, she was elected Provost of Yale University with an appointment as Professor of History. From 1977 to 1978, she also served as Acting President of Yale.

She has been a Fellow of the Newberry Library, a Fellow of the Center of Behavioral Sciences, a Visiting Scholar at that center, a Visiting Professor at the University of California at Berkeley, and a Visiting Scholar for Phi Beta Kappa. She is also an Honorary Fellow of St. Anne's College, Oxford.

Mrs. Gray is a member of the Renaissance Society of America. She is a fellow of the American Academy of Arts and Sciences and a member of the American Philosophical Society, the National Academy of Education, and the Council on Foreign Relations of New York. She holds honorary degrees from a number of colleges and universities, including Oxford, Yale, Brown, Columbia, Princeton, Duke, Harvard, and the Universities of Michigan and Toronto, and The University of Chicago.

She is chairman of the boards of the Andrew W. Mellon Foundation and the Howard Hughes Medical Institute, serves on the boards of Harvard University and the Marlboro School of Music, and is a Regent of the Smithsonian Institution.

In addition, Mrs. Gray is a member of the boards of directors of J.P. Morgan & Company, the Cummins Engine Company, and Ameritech.

Mrs. Gray was one of twelve distinguished foreign-born Amrericans to receive a Medal of Liberty award from President Reagan at ceremonies marking the rekindling of the Statue of Liberty's lamp in 1986. In 1991, she received the Presidential Medal of Freedom, the nation's highest civilian award, from President Bush. She received the Charles Frankel Prize from the National Endowment of the Humanities and the Jefferson Medal from the American Philosophical Society in 1993. In 1996, Mrs. Gray received the University of Chicago's Quantrell Award for Excellence in Undergraduate Teaching. In 1997, she received the M. Carey Thomas Award from Bryn Mawr College.

Her husband, Charles M. Gray, is Professor Emeritus in the Department of History at the University of Chicago.

BARBER B. CONABLE, JR.

Barber Conable retired on August 31, 1991, from a five-year term as President of The World Bank Group, headquartered in Washington, D.C. The World Bank promotes economic growth and an equitable distribution of the benefits of that growth to improve the quality of life for people in developing countries.

Mr. Conable was a Member of the House of Representatives from 1965–1985. In Congress, he served 18 years on the House Ways and Means Committee, the last eight years as its Ranking Minority Member. He served in various capacities for 14 years in the House Republican Leadership, including Chairman of the Republican Policy Committee and the Republican Research Committee. During his congressional service, he also was a member of the Joint Economic Committee and the House Budget and Ethics committees.

Following Mr. Conable's retirement from Congress, he served on the Boards of four multinational corporations and the Board of the New York Stock Exchange. He also was active in foundation, museum, and nonprofit work, and was a Distinguished Professor at the University of Rochester.

Currently Mr. Conable serves on the Board of Directors of Corning, Inc., Pfizer, Inc., the American International Group, Inc., and the First Empire State Corporation. In addition, he is a Trustee of Cornell University and of the National Museum of the American Indian of the Smithsonian Institution. He has chaired the Museum's development committee since October, 1990 and is a member of its International Founders Council, the volunteer committee for the National Campaign to raise funds for construction of the Museum on the Mall.

Mr. Conable is a native of Warsaw, New York and graduated from Cornell University and Cornell Law School. He was a Marine in World War II and the Korean War.

Mr. and Mrs. Conable are parents of three daughters and a son. They reside in Alexander, New York.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. JEFFORDS, the names of the Senator from Nebraska

(Mr. HAGEL) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2, a bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

S. 4

At the request of Mr. ROBB, his name was added as a cosponsor of S. 4, a bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes.

At the request of Mr. CLELAND, his name was added as a cosponsor of S. 4, supra.

At the request of Mr. WARNER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 4, supra.

S. 6

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 6, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

S. 11

At the request of Mr. ABRAHAM, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 11, a bill for the relief of Wei Jingsheng.

S. 17

At the request of Mr. DODD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 17, a bill to increase the availability, affordability, and quality of child care.

S. 30

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 30, a bill to provide countercylical income loss protection to offset extreme losses resulting from severe economic and weather-related events, and for other purposes.

S. 56

At the request of Mr. KYL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 56, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 101

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 101, a bill to promote trade in United States agricultural commodities, livestock, and value-added products, and to prepare for future bilateral and multilateral trade negotiations.

S. 125

At the request of Mr. FEINGOLD, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 125, a bill to reduce the number of executive branch political appointees.

S. 129

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 129, a bill to terminate the F/A-18E/F aircraft program.

S. 138

At the request of Mr. KYL, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 138, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses of attending elementary and secondary schools and for contributions to charitable organizations which provide scholarships for children to attend such schools.

S. 171

At the request of Mr. MOYNIHAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 227

At the request of Mr. COVERDELL, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 227, a bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

S. 257

At the request of Mr. COCHRAN, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Virginia (Mr. WARNER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. AKAKA), the Senator from New Hampshire (Mr. SMITH), the Senator from Oklahoma (Mr. NICKLES), the Senator from Florida (Mr. MACK), the Senator from Georgia (Mr. COVERDELL), the Senator from Idaho (Mr. CRAIG), the Senator from Kentucky (Mr. MCCONNELL), the Senator from South Carolina (Mr. THURMOND), the Senator from Arizona (Mr. KYL), the Senator from North Carolina (Mr. HELMS), the Senator from Indiana (Mr. LUGAR), the Senator from Tennessee (Mr. THOMPSON), the Senator from Alabama (Mr. SHELBY), the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Mexico (Mr. DOMENICI), the Senator from Missouri (Mr. BOND), the Senator from Delaware (Mr. ROTH), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mr. GRAMM), the Senator from Kansas (Mr. ROBERTS), the Senator from Maine (Ms. SNOWE), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Colorado (Mr. ALLARD), the Senator from Alabama (Mr. SESSIONS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New Hampshire (Mr. GREGG), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Missouri (Mr. ASHCROFT), the Senator from Minnesota (Mr. GRAMS), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. FRIST), the Senator from Wyoming (Mr. THOMAS), the Senator from Michigan (Mr. ABRAHAM), the Senator from Oregon (Mr. SMITH), the Senator from Ohio (Mr. DEWINE), the Senator from Kentucky (Mr. BUNNING), the Senator from Illinois (Mr. FITZGERALD), the Senator from Idaho (Mr. CRAPO), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 257, a bill to state the policy of the United States regarding the deployment of a missille defense capable of defending the territory of the United States against limited ballistic missile attack.

S. 269

At the request of Mr. COCHRAN, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Virginia (Mr. WARNER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. AKAKA), the Senator from New Hampshire (Mr. SMITH), the Senator from Oklahoma (Mr. NICKLES), the Senator from Florida (Mr. MACK), the Senator from Georgia (Mr. COVERDELL), the Senator from Idaho (Mr. CRAIG), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Mexico (Mr. DOMENICI), the Senator from Missouri (Mr. BOND), the Senator from Delaware (Mr. ROTH), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mr. GRAMM), the Senator from Kansas (Mr. ROBERTS), the Senator from Maine (Ms. SNOWE), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Colorado (Mr. ALLARD), the Senator from Alabama (Mr. SESSIONS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New Hampshire (Mr. GREGG), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Missouri (Mr. ASHCROFT), the Senator from Minnesota (Mr. GRAMS), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. FRIST), the Senator from Wyoming (Mr. THOMAS), the Senator from Michigan (Mr. ABRAHAM), the Senator from Oregon (Mr. SMITH), the Senator from Ohio (Mr. DeWine), the Senator from Kentucky (Mr. Bunning), the Senator from Illinois (Mr. Fitzgerald), the Senator from Idaho (Mr. Crapo), and the Senator from Pennsylvania (Mr. Specter) were added as cosponsors of S. 269, a bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

S. 270

At the request of Mr. Warner, the name of the Senator from Alaska (Mr. Murkowski) was added as a cosponsor of S. 270, a bill to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

S. 279

At the request of Mr. McCain, the names of the Senator from Missouri (Mr. Ashcroft), and the Senator from Michigan (Mr. Abraham) were added as cosponsors of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 285

At the request of Mr. McCain, the names of the Senator from California (Mrs. Boxer), the Senator from South Carolina (Mr. Hollings), and the Senator from Missouri (Mr. Bond) were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 298

At the request of Mr. Shelby, the names of the Senator from Alabama (Mr. Sessions) and the Senator from Alaska (Mr. Murkowski) were added as cosponsors of S. 298, a bill to amend the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) to clarify that donations of hard and soft money by foreign nationals are prohibited.

S. 331

At the request of Mr. Jeffords, the names of the Senator from Missouri (Mr. Bond) and the Senator from North Dakota (Mr. Conrad) were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. Hollings, the name of the Senator from South Dakota (Mr. Daschle) was added as a cosponsor of Senate Joint Resolution 6, A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

AMENDMENTS SUBMITTED

SOLDIERS', SAILORS', AIRMENS', AND MARINES' BILL OF RIGHTS ACT OF 1999

CLELAND AMENDMENT NO. 4

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill (S. 4) to improve pay and retirement equity for members of the Armed Forces; and for other purposes; as follows:

At the end of title I, add the following new sections:

SEC. 104. THREE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND SPECIAL PAYS.

(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 1999," and inserting "December 31, 2002,".

(b) Reenlistment Bonus for Active Members.—Section 308(g) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(c) Enlistment Bonuses for Members With Critical Skills.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking "December 31, 1999" and inserting "December 31, 2002".

(d) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(e) Nuclear Career Accession Bonus.—Section 312b(c) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(f) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of title 37, United States Code, is amended by striking "any fiscal year beginning before October 1, 1998, and the 15-month period beginning on that date and ending on December 31, 1999" and inserting "the 15-month period beginning on October 1, 1998, and ending on December 31, 1999, and any year beginning after December 31, 1999, and ending before January 1, 2003".

SEC. 105. THREE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) Special Pay for Health Professionals in Critically Short Wartime Specialties.—Section 302g(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(b) Selected Reserve Reenlistment Bonus.—Section 308b(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(c) Selected Reserve Enlistment Bonus.—Section 308c(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(d) Special Pay for Enlisted Members Assigned to Certain High Priority Units.—Section 308d(c) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(e) Selected Reserve Affiliation Bonus.—Section 308e(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(f) Ready Reserve Enlistment and Reenlistment Bonus.—Section 308h(g) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(g) Prior Service Enlistment Bonus.—Section 308i(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(h) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of title 10, United States Code, is amended by striking "January 1, 2000" and inserting in lieu thereof "January 1, 2003".

SEC. 106. THREE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(b) Accession Bonus for Registered Nurses.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(c) Incentive Special Pay for Nurse Anesthetists.—Section 302e(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting in lieu thereof "December 31, 2002".

• Mr. CLELAND. Mr. President, I intend to offer an amendment to S. 4 when it is debated in the Senate to extend the authority to pay certain bonuses and special pays for three years. These special incentives are critical to recruiting and retention of military personnel. This amendment will be a significant improvement to S. 4 because it is narrowly focused on enlistment and retention incentives.

Although these bonuses and special pays are in effect now, the authority to pay them expires on December 31, 1999.

These bonuses and special pays are proven recruiting and retention incentives. Our Service Personnel Chiefs need to know that they will continue to be available for the long term to address recruiting and retention shortfalls. They should not have to wonder if the authority to pay them will be renewed a year at a time.

By extending the authority to pay these bonuses and special pays for three years, we give the Services valuable tools the Chiefs need to address a very real and complex problem.•

ROBB (AND OTHERS) AMENDMENT NO. 5

(Ordered to lie on the table.)

Mr. ROBB (for himself, Mr. Kennedy, and Cleland) submitted an amendment intended to be proposed by them to the bill, S. 4, supra; as follows:

At the end of title I, add the following new sections:

SEC. 104. INCREASE IN RATE OF DIVING DUTY SPECIAL PAY.

(a) Increase.—Section 304(b) of title 37, United States Code, is amended—

(1) by striking "$200" and inserting "$240"; and

(2) by striking "$300" and inserting "$340".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to special pay paid under section 304 of title 37, United States Code, for months beginning on or after that date.

SEC. 105. INCREASE IN MAXIMUM AMOUNT AUTHORIZED FOR REENLISTMENT BONUS FOR ACTIVE MEMBERS.

(a) Increase in Maximum Amount.—Section 308(a)(2)(B) of title 37, United States Code, is amended by striking "$45,000" and inserting "$60,000".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to reenlistment bonuses paid under section 308 of title 37, United States Code, on or after that date.

SEC. 106. INCREASE IN ENLISTMENT BONUS FOR MEMBERS WITH CRITICAL SKILLS.

(a) Increase.—Section 308a(a) of title 37, United States Code, is amended in the first sentence by striking "$12,000" and inserting "$20,000".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistment bonuses paid under section 308a of title 37, United States Code, on or after that date.

SEC. 107. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.

(a) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(a) of title 37, United States Code, is amended by striking "$15,000" and inserting "$25,000".

(b) Nuclear Career Accession Bonus.—Section 312b(a)(1) of title 37, United States Code, is amended by striking "$10,000" and inserting "$20,000".

(c) Nuclear Career Annual Incentive Bonuses.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking "$12,000" and inserting "$22,000"; and

(2) in subsection (b)(1), by striking "$5,500" and inserting "$10,000".

(d) Effective Date.—(1) The amendments made by this section shall take effect on October 1, 1999.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under section 312(a) and 312b(a), respectively, of title 37, United States Code, on or after October 1, 1999.

SEC. 108. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR FOREIGN LANGUAGE PROFICIENCY PAY.

(a) Increase in Maximum Monthly Rate.—Section 316(b) of title 37, United States Code, is amended by striking "$100" and inserting "$300".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to foreign language proficiency pay paid under section 316 of title 37, United States Code, for months beginning on or after that date.

SEC. 109. CAREER ENLISTED FLYER INCENTIVE PAY.

(a) Incentive Pay Authorized.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section 301f:

"§ 301f. Incentive pay: career enlisted flyers

"(a) Pay Authorized.—An enlisted member described in subsection (b) may be paid career enlisted flyer incentive pay as provided in this section.

"(b) Eligible Members.—(1) Under regulations prescribed by the Secretary concerned, an enlisted member referred to in subsection (a) is an enlisted member of the armed forces who—

"(A) is entitled to basic pay under section 204 of this title or is entitled to compensation under section 206 of this title;

"(B) holds the qualification and designation of an enlisted military occupational specialty or enlisted military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned, or is in training leading to such qualification and designation;

"(C) is qualified for aviation service; and

"(D) remains in aviation service on a career basis as provided in this section.

"(2) Payment of career enlisted flyer incentive pay under this section to a member described in paragraph (1) who is entitled to compensation under section 206 of this title shall be as provided in subsection (g).

"(c) Amount of Incentive Pay.—The amount of monthly incentive pay paid to an enlisted member under this section may not exceed the following:

"Years of aviation service	Monthly rate
4 or less	$150
Over 4	$225
Over 8	$350
Over 14	$400

"(d) Basis of Payment.—(1) Subject to subsections (e) and (f), an enlisted member entitled to career enlisted flyer incentive pay under this section shall be paid such pay on a continuous monthly basis.

"(2) An enlisted member entitled to career enlisted flyer incentive pay under this section who is not paid such pay on a continuous monthly basis by reason of the provisions of this section shall be paid career enlisted flyer incentive pay under this section on a month-to-month basis for the frequent and regular performance of operational flying duty.

"(e) Payment on Continuous Monthly Basis Dependent on Satisfaction of Flying Duty Requirements.—(1) An enlisted member entitled to career enlisted flyer incentive pay under this section shall be entitled to payment of such pay on a continuous monthly basis under subsection (d)(1) only if the enlisted member has performed operational flying duty as follows:

"(A) For 6 years of the first 10 years of aviation service of the member.

"(B) For 9 years of the first 15 years of aviation service of the member.

"(C) For 14 years of the first 20 years of aviation service of the member.

"(2)(A) Subject to subparagraph (B), the Secretary concerned may waive a requirement for years of service of performance of operational flying duty under paragraph (1) as a condition for the payment of career enlisted flyer incentive pay under this section on a continuous monthly basis if the Secretary concerned determines that the waiver is necessary for the needs of the armed force. The Secretary concerned may waive such requirement only on a case-by-case basis.

"(B) The Secretary concerned may waive a requirement under subparagraph (A) only in the case of an enlisted member who has performed operational flying duty as follows:

"(i) For 5 years of the first 10 years of aviation service of the member.

"(ii) For 8 years of the first 15 years of aviation service of the member.

"(iii) For 12 years of the first 20 years of aviation service of the member.

"(C) The Secretary concerned may delegate the authority to waive a requirement under subparagraph (A), but not to an official or officer below the level of service personnel chief.

"(3) An enlisted member whose entitlement to payment of career enlisted flyer incentive pay under this section on a continuous monthly basis is terminated by reason of the member's failure to satisfy a requirement for years of service of performance of operational flying duty under paragraph (1) may be paid such pay on a continuous monthly basis commencing as of the first year after such failure in which the member satisfies a requirement under that paragraph.

"(f) Termination of Payment on Continuous Monthly Basis After 25 Years of Aviation Service.—An enlisted member who completes 25 years of aviation service is not entitled to payment of career enlisted flyer incentive pay under this section on a continuous monthly basis.

"(g) Payment to Members of Reserves Components Performing Inactive Duty Training.—(1) Under regulations prescribed by the Secretary concerned and to the extent provided in appropriations Acts, a member entitled to compensation under section 206 of this title who meets the requirements for entitlement to career enlisted flyer incentive pay under this section may be paid an increase in compensation in an amount equal to 1/30 of the monthly rate of career enlisted flyer incentive pay specified in subsection (c) for an enlisted member of corresponding years of aviation service who is entitled to basic pay.

"(2) An enlisted member described in paragraph (1) may be paid an increase in compensation in accordance with that paragraph for as long as the member is qualified for such increase under this section for—

"(A) each regular period of instruction or period of appropriate duty at which the member is engaged for at least two hours; or

"(B) the performance of such other equivalent training, instruction, duty, or appropriate duties as are prescribed by the Secretary concerned under section 206(a) of this title.

"(h) Nonapplicability to Members Receiving Hazardous Duty Incentive Pay or Special Pay for Diving Duty.—A member receiving incentive pay under section 301(a) of this title or special pay under section 304 of this title may not be paid special pay under this section for the same period of service.

"(i) Definitions.—In this section:

"(1) The term 'aviation service' means service performed, under regulations prescribed by the Secretary concerned, by a designated career enlisted flyer.

"(2) The term 'operational flying duty' means—

"(A) flying performed under competent orders while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned; and

"(B) flying duty performed by members in training that leads to the award of an enlisted aviation rating or military occupational specialty designated as a career enlisted flyer rating or specialty by the Secretary concerned.".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item referring to section 301e the following new item:

“301f. Incentive pay; career enlisted flyers.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

(c) SAVE PAY PROVISION.—In the case of an enlisted member who is an air weapons controller entitled to receive incentive pay under section 301(c)(2)(A) of title 37, United States Code, as of October 1, 1999, the member shall be entitled as of that date to payment of incentive pay at the monthly rate that is the higher of—

(1) the monthly rate of incentive pay authorized by such section 301(c)(2)(A) as of September 30, 1999; or

(2) the monthly rate of incentive pay authorized by section 301f of title 37, United States Code, as added by subsection (a).

SEC. 110. RETENTION BONUS FOR SPECIAL WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301f, as added by section 109(a) of this Act, the following new section:

“§ 301g. Special pay: special warfare officers extending period of active duty

“(a) BONUS AUTHORIZED.—A special warfare officer described in subsection (b) who executes a written agreement to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

“(b) COVERED OFFICERS.—A special warfare officer referred to in subsection (a) is an officer of a uniformed service who—

“(1) is qualified for and serving in a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator;

“(2) is in pay grade O–3 or O–4 and is not on a promotion list to pay grade O–5 at the time the officer applies for an agreement under this section;

“(3) has completed at least 6 but not more than 14 years of active commissioned service; and

“(4) has completed any service commitment incurred through the officer's original commissioning program.

“(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the written agreement.

“(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 14 years of active commissioned service.

“(e) PAYMENT.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid—

“(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary concerned followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

“(2) in graduated annual payments under regulations prescribed by the Secretary concerned with the first payment payable at the time the agreement is accepted by the Secretary concerned and subsequent payments on the anniversary of the acceptance of the agreement.

“(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

“(g) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid the officer under this section.

“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

“(h) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term ‘special warfare service’ for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.”.

(2) The table of section at the beginning of chapter 5 of title 37, United States Code, as amended by section 109(a) of this Act, is amended by inserting after the item relating to section 301f the following new item:

“301g. Special pay: special warfare officers extending period of active duty.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 111. RETENTION BONUS FOR SURFACE WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301g, as added by section 110(a) of this Act, the following new section:

“§ 301h. Special pay: surface warfare officers extending period of active duty

“(a) SPECIAL PAY AUTHORIZED.—(1) A surface warfare officer described in subsection (b) who executes a written agreement described in paragraph (2) may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

“(2) An agreement referred to in paragraph (1) is an agreement in which the officer concerned agrees—

“(A) to remain on active duty for at least two years and through the tenth year of active commissioned service; and

“(B) to complete tours of duty to which the officer may be ordered during the period covered by subparagraph (A) as a department head afloat.

“(b) COVERED OFFICERS.—A surface warfare officer referred to in subsection (a) is an officer of the Regular Navy or Naval Reserve on full-time active duty who—

“(1) is designated and serving as a surface warfare officer;

“(2) is in pay grade O–3 at the time the officer applies for an agreement under this section;

“(3) has been selected for assignment as a department head on a surface ship;

“(4) has completed at least four but not more than eight years of active commissioned service; and

“(5) has completed any service commitment incurred through the officer's original commissioning program.

“(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the written agreement.

“(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 10 years of active commissioned service.

“(e) PAYMENT.—Upon acceptance of a written agreement under subsection (a) by the Secretary of the Navy, the total amount payable pursuant to the agreement becomes fixed and may be paid—

“(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary of the Navy followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

“(2) in equal annual payments with the first payment payable at the time the agreement is accepted by that Secretary and subsequent payments on the anniversary of the acceptance of the agreement.

“(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

“(g) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary of the Navy may require the officer to repay the United States, on a pro rata basis and to the extent that that Secretary determines conditions and circumstances warrant, all sums paid under this section.

“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

“(h) REGULATIONS.—The Secretary of the Navy shall prescribe regulations to carry out this section.”.

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 301g, as added by section 110(a) of this Act, the following new item:

“301h. Special pay: surface warfare officers extending period of active duty.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

• Mr. ROBB. Mr. President, the men and women of the Armed Forces are being asked to do more and more with less and less, to the point where it is becoming difficult to recruit and retain the best and brightest. Looking at just two salient examples, last year the Navy's recruiting efforts fell short by over 7,000 sailors, and last year Air Force first-term aircrew reenlistment was only 61 percent.

To help meet these and other personnel challenges, the Armed Services Committee recently approved S. 4, the Soldiers', Sailors', Airmens' and Marines' Bill of Rights Act of 1999. S. 4 authorizes significant pay raises, improves retirement pay, and enhances GI Bill benefits. This legislation will be brought up soon for consideration by the full Senate. It is an important step—one of several—that the Congress must take this year to help the military pull out of what the Chairman of the Joint Chiefs described as a "nose-dive that might cause irreparable damage to this great force."

But I believe S. 4 missed some excellent opportunities to directly improve recruiting and retention—opportunities recognized by the Administration in their FY 2000 defense budget submission. In particular, certain categories of military service present our most difficult retention challenges because they involve recruiting highly skilled personnel, providing costly training, and retaining these individuals in the face of uniquely difficult and dangerous missions coupled with powerful financial incentives to leave the military for the civilian sector. Examples include aircrews, Navy SEALs, and Navy Surface Warfare Officers.

Only 25 percent of Surface Warfare Officers remain on active duty to their Department Head tour. In the Navy SEAL community, attrition has increased over 15 percent in the past three years. FY 1998 Navy diver manning was below 85 percent. That same year, only about 60 percent of military career linguists met or exceeded the minimum requirements in listening or reading proficiency. A host of retention problems exist for Nuclear-Qualified Officers.

This amendment which I am filing today along with Senator KENNEDY and Senator CLELAND does several things. It provides bonuses for Surface Warfare Officers and Navy SEALs to encourage them to remain in the service. It provides added pay for enlisted aircrews. Several existing bonuses are increased, including those for divers, Nuclear Qualified Officers, linguists and other critical specialties. Finally, the Enlistment Bonus Ceiling is increased. These are critical remedies for critical specialties. The nation simply can't afford to pay so much to recruit and train these talented individuals only to see them leave the service out of frustration over the inadequacies of their pay and benefits.

Mr. President, I look forward to offering this amendment to S. 4 when it is taken up by the Senate. I also want to thank Senators CLELAND and KENNEDY for their help in developing this provision and for their unequivocal commitment to the uniformed personnel who serve our nation so ably.•

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold its Organizational Meeting for the 106th Congress on Friday, February 5, 1999, which will begin at 9 a.m. in room 428A of the Russell Senate Office Building.

Immediately following the organizational meeting, we will turn to official committee business including: (1) marking up and reporting out S. 314, Small Business Year 2000 Readiness Act; (2) marking up and reporting out of the Small Business Investment Company Technical Corrections Act of 1999; and (3) taking up the nomination of Phyllis Fong to be inspector general of the Small Business Administration.

For further information, please contact Emilia DiSanto or Paul Cooksey at 224–5175.

ADDITIONAL STATEMENTS

PATIENTS' BILL OF RIGHTS

• Mr. SARBANES. Mr. President, today I rise to express my support for S. 6, the Patients' Bill of Rights Act, a bill to guarantee all Americans with private health insurance, and particularly those in HMOs or other managed care plans, certain fundamental rights regarding their health care coverage.

Over the past decease, our health care system has changed dramatically. Today, approximately 161 million Americans receive medical coverage through some type of managed care organization. Regrettably, the change has had some unfortunate consequences. Many in managed care plans experience increasing restrictions on their choice of doctors, growing limitations on their access to necessary treatment, and an overriding emphasis on cost cutting at the expense of quality.

This shift to managed care, largely a response to rapidly increasing medical costs, has resulted in a health care system overly driven by the need to secure healthy profit margins. The impact these market forces have on the health care Americans receive must be moderated. Access to quality health care is an essential human need, and in a democratic society, it must be recognized as a fundamental right.

Our bill would guarantee basic patient protections to all consumers of private insurance. It would ensure that patients receive the treatment they have been promised and have paid for. This bill would prevent HMOs and other health plans from arbitrarily interfering with doctors' decisions regarding the treatment their patients require.

Our bill would restore patients' ability to trust that their health care practitioners advice is driven solely by health concerns, not cost concerns. HMOs and other health care plans would be prohibited from restricting which treatment options doctors may discuss with their patients. In addition, our bill would outlaw the use of financial incentives to reward doctors for cutting costs by recommending against potentially necessary treatments.

One of the most critical patient protections that would be provided under our bill is guaranteed access to emergency care. The Patients' Bill of Rights Act would ensure that patients could go to any emergency room during a medical emergency without calling their health plan for permission first. Emergency room doctors could stabilize the patient and focus on providing them the care they need without worrying about payment until after the emergency has subsided.

S. 6 would also ensure that health plans provide their customers with access to specialists when needed because of the complexity and seriousness of the patient's sickness. This provision is extremely important to ensure that persons suffering from serious, ongoing conditions, like cancer, have access to care by oncologists or other specialists.

Many managed care plans provide exemplary coverage for their members, including innovative preventive care benefits, because they recognize that it is more efficient to keep people healthy than to treat them after they become ill. Unfortunately, not all plans are administered with this philosophy. Many Americans, enrolled in poorly run plans, are not obtaining the care they need and are entitled to receive. The improved health of millions of Americans depends on the enactment of this bill. It will establish Federal requirements ensuring that private health care plans provide their members with a minimum level of coverage. I urge my colleagues to join me in strongly supporting, S. 6, the Patients' Bill of Rights.•

TRIBUTE TO MR. TOM NUTTING, 1998 MERRIMACK CHAMBER OF COMMERCE BUSINESS OF THE YEAR RECIPIENT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Tom Nutting, the recipient of the "Business of the Year Award" from the Merrimack Chamber of Commerce.

Tom began an electrical contracting business, Custom Electric, in 1983 with two employees. Today, his company employs fifteen people and continues to grow. He is described by his colleagues as a very enthusiastic, highly motivated businessman.

Tom has served as Director of the Board of the Merrimack Chamber of Commerce since 1993. He is a member of the Merrimack Village District Board of Directors and a member of the Association of Facilities Engineering.

Tom is also very active in the community. His business sponsors a Babe Ruth baseball team and he assists at a vocational/technical college. He helps to put together a yearly Golf Tournament and trade shows for the Chamber of Commerce. Every year, he sets up the holiday decorations in Fraser Square in Merrimack for all to enjoy.

As a former small business owner myself, I understand the hard work and dedication required for success in business. Once again, I wish to congratulate Tom Nutting on Custom Electric being selected as "Business of the Year" by the Merrimack Chamber of Commerce. It is a pleasure to represent him in the United States Senate.●

1998 CONNECTICUT STATE SOCCER CHAMPIONS

● Mr. DODD. Mr. President, I rise today to congratulate the Cromwell High School Boys' Varsity Soccer team for winning the 1998 Connecticut State Soccer Championship. This achievement reflects the proud soccer tradition that has been established at Cromwell High School and the outstanding caliber of its student athletes.

With a first-rate team and a phenomenal level of play, the Cromwell Panthers concluded their season with an impressive record of 20–1. The Panthers became known throughout Connecticut for their strong defensive play and balanced team of players. In soccer, as in so many sports, a blend of smart players and smart decisions results in victories. The Cromwell Panthers proved they have this combination. The strength of this team was demonstrated by their ability to hold their opponents to a total of only 6 goals for the entire season.

The state championship game was played with emotion against an equally talented opponent, the Old Saybrook Rams. Although the Panthers were favored to win, neither the team's coaches nor its athletes took victory for granted. After receiving two yellow cards in the first half and being outshot by their opponents for most of the game, the Panthers entered the second half with a refocused energy. The Panthers' first goal came late when Justin Linehan received a pass from Steve Dworak and sent the ball soaring just out of reach of the Rams' goalie. Steve repeated his superb passing performance when he sent a left cross pass to Mike Flanagan who headed the ball past a diving goalie with only two minutes left in the game. This final goal was a turning point in the game, bringing it to a 2–0 score in the Panther's favor and helping to guarantee their win.

This championship game also took on a more personal meaning for its players and, most especially, its head coach. Sadly, Coach Mike Pitruzzello's father, Manny, passed away a week before the start of the season. In his honor, Coach Pitruzzello dedicated the Panthers' second championship win to his late father. Even during a time of personal hardship, Coach Pitruzzello continued to guide and nurture his team to a near-perfect regular season and a championship win. Nothing better reflects his love for the sport and his players than the dedication Coach Pitruzzello has shown throughout this season. I am sure his father would have not only been proud of his son, but also honored by the sportsmanship exhibited by these talented young men on the field.

Winning a state championship is an exciting and gratifying moment for any young student athlete. In their win over the Old Saybrook Rams, the Cromwell Panthers demonstrated a talent they had perfected throughout their regular season with hard work and the guidance of an experienced and caring coaching staff. Furthermore, as with any team sport, it is not just one player who makes the amazing pass or singlehandedly scores the critical goal, but rather a cooperative effort from each player who offers his own special talent which ultimately adds to the success of the entire team. The Cromwell High School Boys' Varsity Soccer team exemplifies the true spirit of teamwork and tenacity, and it is because of those qualities that they are now the state champions.

At this time I would like to recognize all the members and coaches of the Boys' Varsity Soccer team and, again, congratulate them all on their momentous and well-deserved victory:

Head Coach Mike Pitruzzello, Assistant Coach Bruce Swanson, Freshman Coach John Harder, Paul Dworak, Steve Dworak, Tony Faienza, Mike Fazio, Mike Flanagan, Bryce Gibson, Eric Harrison, Nick Libera, Steve Libera, Justin Linehan, Shawn Maher, Jason Negrini, Mike Simeone, Ryan Steele, Ron Szymanski, Colin Whalen, and Sean Whalen.●

WORK INCENTIVES IMPROVEMENT ACT OF 1999

● Mr. ROTH. Mr. President, the great Leo Tolstoy once confided in his diary that he would be the unhappiest of men if he could not find a purpose for his life. As we all know, Tolstoy did, indeed, find purpose. As a novelist, philosopher, and social reformer, he brought entertainment, meaning, and direction into the lives of millions—his influence continuing even into our day and age.

The need to bring meaning and success into our lives—the need to have a purpose, to be anxiously engaged in a good cause—is, as Tolstoy pointed out, one of the most basic in our nature. With this in mind, it is my pleasure to join Senators MOYNIHAN, JEFFORDS, and KENNEDY to introduce legislation that while simple in purpose will be infinite in application and influence. Our objective? To help people with disabilities go to work.

In 1990, Congress passed the Americans with Disabilities Act. That law made an important statement about this nation's commitment to independence and opportunity for people with disabilities. Since then, barriers that had made some of even the simplest daily tasks difficult or even impossible have been lifted. Millions of Americans have gone back to work or found their daily chores to be more accessible—easier to address and accomplish.

Despite these successes and the progress that has been made in the ensuing eight years, there are still serious obstacles for too many people with disabilities—obstacles that stand in the way of their realizing the most basic and important opportunity of getting a job.

With this legislation, we begin to address some of the remaining impediments to employment for people with disabilities. These include the lack of access to health insurance and fundamental job assistance.

At a hearing held by the Finance Committee last July, witness after witness testified about the importance of health insurance for people with disabilities trying to enter the workforce. Jeff Bangsberg of the Minnesota Consortium for Citizens with Disabilities put it best when he said that "having appropriate, affordable health care is a critical factor in decisions people with disabilities make about working. Many individuals are afraid to work because they can't afford to lose access to continued Medicaid coverage."

The simple fact, Mr. President, is that people with disabilities are often presented with a Catch-22 between working and losing their Medicaid or Medicare. This is a choice they should not have to make. But even modest earnings can result in a loss of eligibility for Medicaid or Medicare. Without health insurance, medical treatment often becomes prohibitively expensive for individuals with disabilities, and without medical treatment it becomes impossible for many to work.

My constituents in Delaware have made it clear that lack of access to health insurance is a real and seemingly insurmountable barrier to employment. Larry Henderson, Chair of

Delaware's Developmental Disabilities Planning Council, supports our bill "because it does not penalize persons with disabilities for working in that it allows for continued access to health care."

Our bill is designed to empower States to break this cycle of uncertainty by making it possible for people with disabilities who choose to work to do so without jeopardizing health insurance access.

We do this by creating two new Medicaid options. The first option builds on a change enacted in the Balanced Budget Act of 1997 (BBA). That law allows States to permit people with disabilities to buy-in to Medicaid who would otherwise be eligible except that they earned too much. The new change would eliminate the income cap on this buy-in option.

The second Medicaid change would make it possible for States to permit a similar Medicaid buy-in option for individuals with a severe, medically determinable impairment who would otherwise lose eligibility because of medical improvement.

Let me also note that both Medicaid expansions would be voluntary on the part of each State.

Under both options, States would be able to set their own cost-sharing requirements for people with disabilities who enroll. States could require individuals buying into the program to pay 100 percent of premium costs in order to participate. The bill also extends Medicare Part A coverage for a ten-year trial period for individuals on SSDI who return to work.

In addition to these health coverage innovations, the bill also provides a user-friendly, public-private approach to job placement. Because of a new, innovative payment system, vocational rehabilitation agencies will be rewarded for helping people remain on the job, not just getting a job.

Mr. President, this combination of health care and job assistance will help disabled Americans succeed in the work place. And our society will be enriched by unleashing the creativity and industry of people with disabilities eager to go to work.

I encourage my colleagues to cosponsor this legislation. And it is my intention to hold a hearing on the bill in the Finance Committee next week and mark it up later this spring.•

BATTLESHIP "MISSOURI" MEMORIAL

• Mr. BOND. Mr. President, I rise today because this is a special day in our nation's history. On this day in 1944, Harry S. Truman, a proud Missourian and U.S. Senator at the time, authorized the christening of the U.S.S. *Missouri*. The *Missouri* is this country's last and most celebrated battleship. Senator Truman's 19-year old daughter, Margaret, christened this great battleship and sent the "Mighty Mo" and her crew on missions for our Armed Forces in World War II, the Korean War, and Operations Desert Storm—a time of service spanning nearly half a century. Today she begins a new era of service as a memorial to educate and remind new generations of Americans about the great sacrifices and even greater victories that have occurred during her military service. She is a symbol of American triumph and spirit as she majestically stands watch over the U.S.S. *Arizona* memorial in Pearl Harbor, Hawaii.

Today, in this unstable world, we should re-commit ourselves to honoring lasting symbols of unity and dedication. The 900-foot Battleship *Missouri* is one such symbol. This era of patriotism, sacrifice, bravery, and duty will not be forgotten, and in fact must be revered, remembered, and taught to our children and grandchildren.

For the United States, World War II began with a surprise attack on the naval base at Pearl Harbor on December 7, 1941. It finally ended on the decks of the "Mighty Mo" on September 2, 1945. On that day, General Douglas MacArthur, Supreme Commander of the Allied Powers, and Chester Nimitz, Fleet Admiral of the U.S. Navy, signed the Instrument of Surrender on behalf of the Allied Powers and the United States. It is a moment that will now forever be immortalized to America and citizens of the world.

Most importantly, we need to remember that the "Mighty Mo" would not have played such an important role without the brave and true service of America's servicemen and their families. These men risked their lives at great personal sacrifice, all in the name of our country. They are the backbone of the great history of the U.S.S. *Missouri*. Many of these veterans are from the State of Missouri, including Seaman John C. Truman, the nephew of our 33rd president.

Today, January 29, 1999, is yet another significant day in the service of the U.S.S. *Missouri*—for today she opens permanently to the public as the Battleship Missouri Memorial. I urge all Missourians and all Americans to go see this great ship and experience her glorious history firsthand. I thank the U.S. Navy and the U.S.S. Missouri Memorial Association for creating such a special memorial for the world to enjoy for generations to come.

Congratulations to all involved for getting this memorial up and running. Congratulations to my friend Senator DANIEL INOUYE, who has been personally involved in this project. Finally, congratulations to the U.S. Navy, the people of Hawaii, the people of Missouri, and all Americans who now have the opportunity to visit and experience a crucial part of our great state's heritage.•

NATIONAL APPRECIATION DAY FOR CATHOLIC SCHOOLS

• Mr. FITZGERALD. Mr. President, today I want to recognize National Appreciation Day for Catholic Schools, a day to acknowledge the important and valuable contributions Catholic schools make to our nation's children, to local communities, and to the nation. Nationally, there are over 7.6 million students in 8,200 Catholic schools. In my home state of Illinois, there are over 215,000 students in 598 Catholic schools. In addition, I am a product of Catholic education, having attended Catholic schools for both elementary and high school.

Last year, 40 Catholic secondary schools were awarded the Excellence in Education Award, the nation's highest honor in education, by the U.S. Department of Education. In my home state, Boyland Catholic High School in Rockford, Illinois, was awarded the Excellence in Education Award for outstanding educational achievement.

Two students from St. Patrick School in Ottawa, Illinois, Justyna and Alexsandra Ratajczak, wrote me about how much they enjoy going to Catholic school. Justyna wrote that St. Patrick School "is like a second home for me and I can not imagine my world without it." This girl's love of school testifies to the fact that Catholic schools are doing something right. Mr. President, I applaud Catholic schools and all their outstanding teachers for their high success rate among students and thank them for their important contribution to educating America's youth.•

TRIBUTE TO MR. BRAD PARKHURST, RECIPIENT OF THE 1998 MERRIMACK CHAMBER OF COMMERCE PRESIDENT'S AWARD

• Mr. SMITH of New Hampshire. Mr. President, I rise today to acknowledge and commend Mr. Brad Parkhurst. Brad was recently awarded the President's Award from the Merrimack Chamber of Commerce.

Brad has worked at Public Service of New Hampshire since 1974. During that time, he has held positions in Generation, Distribution and Marketing. He has worked since 1981 in the Marketing Support Department developing innovative ideas to unique consumer situations.

Brad has illustrious credentials as a member of the Merrimack Chamber of Commerce. He serves on the Board of Directors, is Chairman for the "Swing into Spring" Consumer Expo and has solicited sponsors for Consumer Expos.

Brad is also very involved in professional organizations. He serves as Associate Member Director and Chairman of the Associates Council of the Home Builders and Remodelers Association of New Hampshire. He is a member of the Building and Association Planning

Committees and the Manchester Area Home Builders Association. He received the "Associate of the Year" award from the Home Builders and Remodelers Association in 1994 and 1996. He also serves on the Board of Directors of the National Association of Home Builders located in Washington, D.C.

Along with his professional credentials, Brad is also highly active in the community. He has been the treasurer of four non-profit organizations. He is an active member and Mission Director for the Merrimack Community Christian Church. He is the Director and Treasurer of Love Through Faith Ministries International, an organization that assists the poorest nations in the world. This past spring Brad and his wife Roxanne led a team to Guinea-Bissau to spend two weeks teaching and training the local population.

Once again, I would like to congratulate Brad Parkhurst on receiving the President's Award from the Merrimack Chamber of Commerce. It is an honor to represent him in the United States Senate.•

HARTFORD JOB CORPS CENTER

• Mr. DODD. Mr. President, today I recognize Hartford, Connecticut's selection as a site for a Job Corps Center. The Department of Labor recently announced that Connecticut's capital city was one of four locations selected nationwide. Many years of planning have gone into Hartford's bid and the new Center enjoys the enthusiastic support of leaders in government, business, education and job training. The selection is testimony to the commitment of the Hartford community to our most disadvantaged young people, and that is why I endorsed the city's strong proposal.

In 1995, the Department of Labor had requested proposals for Job Corps Center sites and Hartford's joint application with the city of Bloomfield was regarded highly. Unfortunately, the funding for proposed new Centers was rescinded in the middle of the review process and no new Job Corps Centers were selected. But Hartford, Connecticut residents did not give up and the Department of Labor vowed to honor its commitment to new Centers in the future.

Hartford, Connecticut is a thriving business and cultural center, headquarters to major insurance and financial centers and home to renowned theater and art museums. It is situated on the banks of the historic Connecticut River which was heralded as an American Heritage River last year. Hartford is now embarking on a major waterfront residential, recreational and workplace development plan.

The city's overall unemployment rate is at 2.9 percent, but the unemployment rate for youth ages 16–19 is much higher. Despite Connecticut's economic recovery, too many young people are being left out of a job market that demands high-level skills. Hartford has many of the problems facing other large cities, including abandoned industrial sites, crumbling schools and double-digit highschool dropout rates. At one Hartford high school, the dropout rate was more than 50 percent last year. That statistic is unacceptable and why I support the need for a Job Corp Center in Hartford. It will make a critical difference in the lives of so many at-risk youth.

Job Corps has been providing education and training for disadvantaged youth for more than 34 years. The program is so successful because it is a voluntary year-round program offering education, training and support services, including meals, child care and counseling. It maintains a zero tolerance for drugs and violence.

Hartford is poised to undergo an economic revitalization and the Job Corps Center is a true investment in our most under-served youth. The city of Hartford and the state of Connecticut have committed $4 million toward the total development cost of $11.5 million and the Hartford Housing authority is contributing the site, valued at $420,000. The Center will be located on 12 acres in the Charter Oak Business Park being developed by the Housing Authority on the site of the former Charter Oak Terrace public housing project.

When completed in 2000, the Hartford center will serve more than 200 nonresidential students each year in basic education and vocational training programs and provide on-site child care. Many organizations have pledged resources to ensure the success of the Center and most important of all, employers stand ready to hire young people who complete the Job Corps program.

Mr. President, I congratulate the City of Hartford and I commend the Department of Labor for their selection.•

WORK INCENTIVES IMPROVEMENT ACT OF 1999

• Mr. GRASSLEY. Mr. President, I rise today in support of legislation introduced last week by Senators JEFFORDS, KENNEDY, ROTH, and MOYNIHAN. I commend my colleagues for their dedication to improving the way federal programs serve persons with disabilities. Continuing my support for this effort from last Congress, I am glad to announce that I joined my colleagues as an original co-sponsor this year of S. 331, The Work Incentives Improvement Act of 1999.

This bill addresses one of the great tragedies of our current disability system, a system that forces many people with disabilities to choose between working and maintaining access to necessary health benefits. This was never the intention of these programs. It is critical that we act now to overturn today's policies of disincentives towards work and replace them with thoughtful, targeted incentives that will enable many individuals with disabilities to return to work.

Over the years I have heard from Iowans who have been forced to leave the work force because of a disability. While they remain disabled and still require ongoing health benefits, they are eager to return to work. However, because of the risk of losing critical health benefits covered by Medicare and Medicaid, too many capable individuals are deterred from entering or re-entering the work force.

It is essential that our public disability programs encourage, not discourage, employment. This legislation tackles the risks and uncertainties disabled individuals face when trying to return to work. For individuals eligible for the Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) programs, this legislation provides for continued coverage of critical benefits under the Medicaid program, such as personal assistance and prescription drugs. These services are vital to many people with disabilities. Furthermore, this proposal would provide beneficiaries with unprecedented access to private rehabilitation services. Currently, the Social Security Administration is unable to refer many beneficiaries for rehabilitation. This legislation would create opportunities for beneficiaries of both the SSI and SSDI programs to access rehabilitation services from either the public or private sector, increasing choice, access and quality of these valuable services.

The most encouraging component of this legislative proposal is that which eliminates work disincentives and facilitates self-sufficiency among those with disabilities. This legislation prohibits using work activity as the only basis for triggering a continuing disability review. What's more, the proposal would expedite the process of eligibility determinations for individuals who have been on disability insurance but who lost it because they were working.

The risk of losing health care benefits provided through the Medicare and Medicaid programs is a major disincentive for millions of beneficiaries who want to be a part of our nation's dynamic workforce. The intent of these programs was never to demoralize or dishearten Americans who are ready, willing and able to work. I look forward to the passage of this legislation which will unlock the doors to employment for these invaluable citizens.•

RECOGNITION OF THE MISS USA VOLUNTEERS

• Mr. BOND. Mr. President, as you know, this year the Miss USA Pageant will be held in my home state of Missouri this Friday. I rise today to recognize the hard work and dedication of the nearly 400 volunteers from Branson, Missouri who have donated multiple hours to ensure that this year's pageant runs smoothly.

The volunteer corps is an integral part of the pageant. They operate the entire pageant as well as all of the events leading up to it. It is the tireless effort and the many behind the scenes hours of the volunteers that make this pageant successful year after year. This year will be no different, as the people of Branson have done a wonderful job.

This Friday night, as millions of people across the country and around the world look to Branson for the crowning of the next Miss USA, I encourage all Americans to recognize the effort of the citizens of Branson who won't appear on camera and whose names won't scroll across the screen. Mr. President, I now ask the Senate to join me in recognition of these unsung heroes of the Miss USA Pageant.•

TESTIMONY OF SENATOR SLADE GORTON TO THE SENATE HEALTH, EDUCATION, LABOR AND PENSIONS COMMITTEE

• Mr. GORTON. Mr. President, I ask that my testimony of January 26, 1999, in front of the Senate Health, Education, Labor, and Pensions Committee, regarding education reform be printed in the RECORD.

The testimony follows:

Mr. Chairman, members of the Committee, thank you for the invitation to testify here today. You have a significant task ahead—the reauthorization of the Elementary and Secondary Education Act. Today I will share what I believe is the proper role for the federal government in education policy.

When the original ESEA legislation passed in 1965, it included just over 30 pages. Today it is more than 300 pages long. The federal government has, with the best of intentions, vastly increased its role in the education of our children. What do we have to show for it? Virtually nothing.

The results of the Third International Math and Science Study were reported last year. Our high school's graduating seniors did not fare well. 12th grade students from the United States earned scores below the international average in both science and mathematics. In fact, the United States was outscored by 18 other countries in mathematics, coming in just ahead of Cyprus and South Africa. Verbal and combined SAT scores are lower today than they were in 1970.

For the last 35 years, Washington D.C.'s response to crises in public education has been to create one program after another—systematically increasing the federal role in classrooms across the country. While the exact number of federal education programs is subject to dispute, a report released last year by the House Education and the Workforce Committee found more than 700 such programs.

A review of the "Digest of Education Statistics", compiled by the Department of Education, shows that the federal government funds a multitude of federal education programs spread across 39 departments and agencies. Although the Digest shows that funding for these programs totaled $73.1 billion in 1997, it does not provide a list of the programs included. When asked, the Department was unable to provide a list.

One year ago, Dr. Carlotta Joyner of the General Accounting Office testified before the Senate Budget Committee Education Task Force. She informed us about 127 At-Risk and Delinquent Youth programs administered by 15 departments and agencies; more than 90 Early Childhood programs administered by 11 departments and agencies; and 86 Teacher Training programs administered by 9 departments and agencies.

The failure of these programs has not gone unnoticed. The federal government's largest education program, Title I, was developed as a part of the original ESEA in 1965 to narrow the achievement gap between rich and poor students. Chester Finn, in a recent article for the Weekly Standard, notes that despite pouring $118 billion into Title I over the past three decades, it has been unable to cause any significant improvement in the achievement of these needy children. Furthermore it is difficult to establish, as Dr. Finn also notes in his article, that the Safe and Drug Free Schools program has made schools either safe or drug free; that the Eisenhower professional development program has produced quality math and science teachers; or that Goals 2000 has moved us any closer to the national education goals set a decade earlier.

Such clear and compelling statistics demonstrate that, despite our best intentions, the federal government has failed to create a coherent set of programs that address the varied needs of children around the country. I submit to you that we have failed because we do not and can not possibly know and understand all the challenges faced by school children today.

Who does know best? It's simple. Our children's parents, teachers, principals, superintendents and school board members know much better than we what our school children need in their own communities. Even within my own State, the needs of children in Woodinville, Wenatchee and Walla Walla differ greatly. Those working closely with our children should be allowed to make more of the vital decisions regarding their education.

This is not to say that the federal government should not continue to target resources to needy populations. We can and should hold States and local communities accountable for results. But we must not begin from a point that immediately ties their hands and strangles innovation.

It is time for the federal government to try something new. I'm sure many of you have heard the success stories I have about innovative education practices taking place in the Chicago Public Schools. Paul Vallas, the CEO of the Chicago school system, recently addressed an audience here in Washington, D.C. to discuss the reforms he's instituted that have done so much to turn his school system around. When asked by former Secretary of Education William Bennett what the most important power was that he'd been given, Mr. Vallas replied, "The flexibility to allocate our resources as we see fit."

In 1995, the Illinois legislature gave that flexibility to Mr. Vallas and the Chicago system by combining all state education programs into two grants—one for special education and one for everything else. The legislature allowed Mr. Vallas and the Chicago School Board to decide how to allocate their resources.

A request for similar authority has been made recently by the Seattle School district, in this case to the federal government. Seattle has asked the Department of Education to waive several Title I rules and regulations so it can reform its schools' funding system. It wants to provide a system of open enrollment, in which students can enroll in public schools of their choice. Schools in the district would then be ranked by concentration of poverty. Those with more than a 50% concentration of poverty would receive Title I funds, and could use those funds on a schoolwide basis. Although the funds would be used to address the needs of all children in a school receiving the funds, particular attention would be given to those who require additional support in achieving state learning standards. It is unclear, however, that the U.S. Department of Education will allow the waiver necessary to implement this innovative reform. The point is, Seattle shouldn't have to ask.

I have introduced legislation twice in the past two years that would allow such innovative reforms to take place. Although my amendment passed the Senate on each occasion, it was removed in conference committee discussions under the threat of a veto by President Clinton. I want to let this Committee know that I intend to introduce legislation again that will accomplish my goals of giving states and local communities the ability to implement reforms that they believe will benefit their students and provide them with a quality education. It is, I believe, somewhat more flexible than the similar and meritorious bills introduced by Senators Bond and Hutchinson. To ensure that a quality education is available I believe we need to trust the wisdom of those who spend each day with our children—their parents, teachers, principals, superintendents and school board members.•

TRIBUTE TO TERRIE ARCHAMBAULT, 1998 MERRIMACK CHAMBER OF COMMERCE BUSINESS PERSON OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to recognize and congratulate Terrie Archambault of New Hampshire for being selected by the Merrimack Chamber of Commerce as the "1998 Business Person of the Year."

Terrie began working with Citizens Bank in 1990 as a part-time teller and was quickly promoted through the ranks: first to customer service representative, then to assistant manager, and in 1996 she became manager of the Merrimack branch of Citizens Bank.

Terrie has shown an unwavering dedication to her community. She oversees a program at her branch called "Bank at School." This program allows elementary school students to open new accounts, make deposits and, most importantly, learn the basics of personal banking. She organizes the collection of food and monetary donations for the Nashua Soup Kitchen and

Shelter, and frequently helps serve food at the kitchen. In addition, through Operation Santa Claus at the Merrimack Lioness Club, Terrie helps provide Christmas gifts to families in need in her community.

Furthermore, Terrie's involvement with the Merrimack Chamber of Commerce has strengthened the Chamber's ties with the community. Currently serving as Secretary on the Executive Board, Terrie has secured sponsorships for several of the Chamber's events. Along with her husband Dan of 28 years, as well as her two childen and four grandchilden, Terrie is a positive influence on her community.

As a former small businessman myself, I understand the hard work and dedication required for success in business. Mr. President, I wish to congratulate Terrie Archambault for all of her accomplishments, and especially for being named the "1998 Business Person of the Year." It is an honor to represent her in the United States Senate.•

TRIBUTE TO MILDRED JAMISON

• Mr. BOND. Mr. President, I rise today in recognition of Mildred Jamison for her hard work and dedication at The Faith House in North St. Louis, Missouri. The Faith House is a Child Caring/Placement Agency that is committed to helping children with special needs. Children that have been served by the Faith House include those that have been drug exposed, have HIV/AIDS, have been emotionally or sexually abused, are medically fragile (including transplant recipients and burn victims), physically and mentally challenged children, and those that are developmentally delayed. In the six years that The Faith House has contributed to the community, over 500 young lives have been changed by Ms. Jamison's vision.

I commend Ms. Jamison for her hard work and tireless dedication. I encourage communities across the nation to look to The Faith House as a model and inspiration for similar programs. It is my sincere hope that Ms. Jamison will continue to change young lives and enrich the community of North St. Louis for many years to come.•

NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS HARKIN AND WELLSTONE

In accordance to Rule V of the Standing Rules of the Senate, I (for myself and for Mr. WELLSTONE) hereby give notice in writing that it is my intention to move to suspend the following portions of the Rules of Procedures and Practice in the Senate When Sitting on Impeachment Trials in regard to debate by Senators on a motion during the trial of President William Jefferson Clinton:

(1) The phrase "without debate" in Rule VII;

(2) the following portion of Rule XX: ", unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record"; and

(3) In Rule XXIV, the phrases "without debate", "except when the doors shall be closed for deliberation, and in that case" and ", to be had without debate".

NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS HARKIN AND WELLSTONE

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NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS HARKIN AND WELLSTONE

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NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS HARKIN AND WELLSTONE

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(1) The phrase "without debate" in Rule VII;

(2) the following portion of Rule XX: ", unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record"; and

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NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS WELLSTONE AND HARKIN

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(1) The Phrase "without debate" in Rule VII;

(2) the following portion of Rule XX: ", unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record"; and

(3) In Rule XXIV, the phrases "without debate", "except when the doors shall be closed for deliberation, and in that case" and ", to be had without debate".

NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS WELLSTONE AND HARKIN

In accordance to Rule V of the Standing Rules of the Senate, I (for myself and for Mr. HARKIN) hereby give notice in writing that it is my intention to move to suspend the following portions of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials in regard to debate by Senators on a motion during the trial of President William Jefferson Clinton:

(1) The phrase "without debate" in Rule VII;

(2) the following portion of Rule XX: ", unless the Senate shall direct the doors to be closed while deliberating upon its decisions, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record"; and

(3) In Rule XXIV, the phrase "without debate", "except when the doors shall be closed for deliberation, and in that case" and ", to be had without debate".

NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS WELLSTONE AND HARKIN

In accordance to Rule V of the Standing Rules of the Senate, I (for myself and for Mr. HARKIN) hereby give notice in writing that it is my intention to move to suspend the following portions of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials in regard to debate by Senators on a motion during the trial of President William Jefferson Clinton:

(1) The phrase "without debate" in Rule VII;

(2) the following portion of Rule XX: ", unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record"; and

(3) In Rule XXIV, the phrases "without debate", "except when the doors shall be closed for deliberation, and in that case" and ", to be had without debate".

NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS WELLSTONE AND HARKIN

In accordance to Rule V of the Standing Rules of the Seante, I (for myself and for Mr. HARKIN) hereby give notice in writing that it is my intention to move to suspend the following portions of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials in regard to deliberations by Senators on the article of impeachment during the trial of President William Jefferson Clinton:

(1) The phrase "without debate" in Rule VII;

(2) the following portion of Rule XX: ", unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record"; and

(3) In Rule XXIV, the phrases "without debate", "except when the doors shall be closed for deliberation, and in that case" and ", to be had without debate".

ORDERS FOR THURSDAY, FEBRUARY 4, 1999

Mr. GREGG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Thursday, February 4. I further ask consent that upon reconvening Thursday and immediately following the prayer, the Senate resume consideration of the articles of impeachment. I further ask that when the Senate recesses as a court and resumes legislative session, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GREGG. Mr. President, for the information of all Senators, tomorrow the Senate will resume consideration of the articles of impeachment. All Members are again reminded to please be in the Chamber a few minutes prior to 1 p.m. to receive the Chief Justice.

ADJOURNMENT UNTIL 1 P.M. TOMORROW

Mr. GREGG. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:13 p.m., adjourned until Thursday, February 4, at 1 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate January 29, 1999, under authority of the order of the Senate of January 6, 1999:

DEPARTMENT OF ENERGY

ROBERT WAYNE GEE, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE PATRICIA FRY GODLEY, RESIGNED.

EXECUTIVE NOMINATIONS RECEIVED BY THE SENATE FEBRUARY 3, 1999:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be captain

GEORGE W. MOLESSA, JR., 4511

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER 14 U.S.C., SECTION 271:

To be commander

JAMES W. KELLY, 0020
KURT W. NANCARROW, 8153
DAVID D. SKEWES, 7322
DAVID L. JONES, 0711
WILLIE M. DUPRIEST, 7173
CHAD T. JASPER, 6037
MICHAEL F. RALL, 8016
ERIC M. LINTON, 1954
PETER S. MARSH, 1522
MICHAEL F. FLANAGAN, 8237
KARL R. BALDESSARI, 1322
MATTHEW E. CUTTS, 8993
WILLIAM H. TIMBS, 3981
KIRK E. HILES, 6423
THOMAS D. WADE, 3824
GILBERT E. TEAL, 0530
RICHARD H. SCHLATTER, 2236
JAMES E. RENDON, 1837
JOHN P. PHILBIN, 3266
KARL H. CALVO, 7439
TERRY D. GILBREATH, 4088
JOANNE CAFFREY, 8793
ROBERT M. DIEHL, 7471
RODERICK L. SMITH, 8055
LIAM J. SLEIN, 2675
JOHN J. MACALUSO, 7658
SCOTT P. LAROCHELLE, 5436
MICHAEL A. TEKESKY, 7980
THOMAS M. CULLEN, 1560
GERARD R. DOSTIE, 4058
JAMES A. SWEET, 7663
NICHOLAS J. STAGLIANO, 8090
DAVID J. SWATLAND, 2313
BRIAN J. MARVIN, 1558
SARAH J. SHORES, 7635
JOSEPH C. SINNETT, 7718
KENNETH D. NORRIS, 8814
PAUL J. RODEN, 8264
ERIC D. HULTMARK, 5303
MARK L. PORVAZNIK, 6327
MICHAEL F. LEONARD, 4853
JAMES J. OCONNER, 7653
JAMES B. KIDWELL, 0705
JACQUELINE A. STAGLIANO, 8317
BRYAN J. SEALE, 8486
PETER J. ZOHORSKY, 2423
PAUL F. GUINEE, 3732
DOUGLAS J. SMITH, 6297
ANTHONY J. PALAZZETTI, 2154
THOMAS J. VITULLO, 6163
EDWARD P. NAGLE, 9939
SCOTT W. ROBERT, 5232
CHARLES V. STRANGFELD, 1210
STEVEN L. HUDSON, 3742
ALAN M. MARSILIO, 0912
JENNIFER E. LAY, 4800
EDWARD P. SEEBALD, 7706
ROBERT S. WALTERS, 9794
JEFFREY S. LEE, 9188
KINGSLEY J. KLOSSON, 2413
LAWRENCE E. CORNWELL, 0944
MARK J. FALLER, 4252
KEITH P. STEINHOUSE, 7213
JOHN W. KOSTER, 8217
CHRISTOPHER B. CARTER, 2068
LEONARD W. ALLEN, 4071
JOSEPH R. SHERMAN, 2839
JOHN M. FELKER, 1365
PATRICK G. GERRITY, 6900
STEVEN M. HANEWICH, 8258
SCOTT J. FERGUSON, 0112
MICHAEL D. HARGADON, 3500
THOMAS M. SPARKS, 1127
KEITH D. HERCHENRODER, 7189
ALDA L. SIEBRANDS, 6052
PATRICK MERRIGAN, 6337
DAVID B. SPRACKLEN, 9799
LORNE W. THOMAS, 1774
JAMES M. MICHALOWSKI, 6027
KEVIN L. PETERSON, 4764
PAUL M. GUGG, 9035
MOLLY K. RIORDAN, 7587
TERRENCE J. PROKES, 6740
THOMAS F. TABRAH, 8472
DAVID M. POULSEN, 5390
BRUCE C. JONES, 1449
STEVEN J. DANIELCZYK, 1696
NEIL L. NICKERSON, 5881
MATTHEW J. SISSON, 2270
THOMAS D. HARRISON, 6127
ERIC A. WASHBURN, 0571

JAMES C. BASHELOR, 4182
SAM M. NEILL, 6806
MICHAEL S. KAZEK, 2483
ROBERT P. SHEAVES, 1958
PAUL W. SCHULTE, 6470
JOSEPH E. WAHLIG, 4947
THOMAS W. JONES, 4748
RAYMOND J. PERRY, 4076
SUSAN B. WOODRUFF, 9732
DONALD J. ROSE, 2183
ERIC A. CHAMBERLIN, 4169
MATTHEW R. BARRE, 8285
DANIEL A. RONAN, 3754
BRUCE D. BAFFER, 3475
MICHAEL J. ANDRES, 1395
GORDON K. WEEKS, 6349
JONATHAN H. NICKERSON, 6099
WILLIAM J. RALL, 8017
TIMOTHY A. CHERRY, 6664
BRIAN M. JUDGE, 6382
PATRICK J. DWYER, 9017
ANNE T. EWALT, 1447
GERALD D. DEAN, 3029
PETER B. WEDDINGTON, 8321
JOHN E. TOMKO, 5578
ROBERT M. DEAN, 7978
GEORGE J. STEPHANOS, 8944
SUZANNE E. ENGLEBERT, 6793
DONALD R. TRINER, 3942
STEVEN D. POULIN, 5204
PATRICK W. BRENNAN, 4193
THOMAS P. MARIAN, 5422
CARL J. UCHYTIL, 3939
MICHAEL H. ANDERSON, 5519
MARK S. CARMEL, 7700
CHRISTOPHER J. HALL, 2082
ROBERT E. SMITH, 0391
MICHAEL D. EMERSON, 9023
PAUL S. RATTE, 4737
MARTIN C. OARD, 5310
WILLIAM J. QUIGLEY, 4220
CHRIS G. KMIECIK, 4507
JOHN E. CAMERON, 7155
MICHAEL C. HUSAK, 4447
MICHAEL A. GIGLIO, 1916
DANIEL V. SVENSSON, 4068
BRIAN J. MERRILL, 3306
AARON C. DAVENPORT, 2290
PATRICIA L. MOUNTCASTLE, 3666
CARL T. ALAM, 0918
THOMAS C. PEDAGNO, 4900
BRIAN J. MUSSELMAN, 5076
JOHN R. BINGAMAN, 6128
MARK A. SWANSON, 0371
JEFFREY E. OGDEN, 1478
THOMAS S. BARONE, 4707
ERIC P. BROWN, 2241
CARI B. THOMAS, 1868
STEVEN M. STANCLIFF, 9897
JAMES E. MC CAFFREY, 8794
ALFRED C. FOLSOM, 5807
STEPHEN P. RAUSCH, 0346
VANN J. YOUNG, 1902
JAMES G. MAZZONNA, 2741
KEVIN D. HARKINS, 8616
CRAIG A. GILBERT, 9256
RUSSELL D. CONATSER, 7883
SCOTT A. BUSCHMAN, 8978
THEODORE F. HARROP, 9357
BRIAN D. PERKINS, 6947
DAVID M. HAWES, 1563
GARY W. MERRICK, 0877
RAYMOND W. MARTIN, 8724
MICHAEL B. CERNE, 9548
RICHARD M. KENIN, 6153
DOUGLAS R. MENDERS, 3197
LUANN BARNDT, 1308
DAVID A. MC BRIDE, 7505
JOSEPH W. BILLY, 2021
WILLIAM T. DOUGLAS, 6736
MATTHEW P. REID, 8469
CRAIG A. CORL, 4530
BRAD W. FABLING, 6980
JOHN T. HARDIN, 2500
JOHN J. SANTUCCI, 0085

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER 14 U.S.C., SECTION 271:

To be lieutenant commander

JAMES E. MALENE, 1353
BRIAN J. TETREAULT, 5339
GEORGE E. PELLISSIER, 7672
JOSE A. NEIVES, 4377
ROBERT P. YEREX, 4509
MARK W. ADAMS, 6682
HARRY S. WALKER, 8278
ERIC J. BERNHOLZ, 0599
CALLAN J. BROWN, 9754
WILLIAM L. CHANEY, 5724
SCOTT R. FRECK, 2896
JAYSON L. HELSEL, 8714
WILLIAM J. ANTONAKIS, 6366
SCOTT A. BUDKA, 3068
RICHARD F. RONCONE, 1416
DAVID J. FORD, 1165
FRANK D. WAKEFIELD, 8572
KIRK W. PICKERING, 5888
SAMUEL J. SUMPTER, 0784
EUGENE R. BOLDUC, 4138
DAVID C. HAYNES, 9409
JEFFREY D. GAFKJEN, 2794
DANIEL L. LEBLANC, 0171
MICHAEL P. MC CRAW, 9880
JEROME K. BRADFORD, 3819
ERIC M. GIESE, 0560
JOSEPH S. COST, 4677
JANE C. WONG, 2844
BRUCE C. FISHER, 0118
ROBERT T. SPAULDING, 5002
KARL L. FREY, 5191
MICHAEL G. CALLAHAN, 2106
DAVID J. HAMMEL, 9286
RICHARD L. HINCHION, 5246
PATRICK J. MC GILLVRAY, 4925
ROBERT W. SCRUGGS, 7924
DONALD E. JACCARD, 1459
GUY T. PILLA, 6776
RANDALL C. SCHNEIDER, 2930
RICARDO R. RODRIGUEZ, 8080
THOMAS M. JENKINS, 7883
HAL R. PITTS, 5342
ROBERT P. STUDEBAKER, 4115
THOMAS J. MORIARTY, 8402
SCOTT R. MC FARLAND, 1345
ROBERT D. PERKINS, 4694
CRAIG S. CROSS, 8468
TIMOTHY Y. DEAL, 7739
MARK E. REYNOLDS, 4636
JAMES R. FOGLE, 4639
NEIL E. MEISTER, 6634
STANLEY E. BALINT, 5837
RICHARD M. KEESLER, 0466
RANDALL D. FARMER, 5465
SUSAN J. WORKMAN, 2407
RICHARD A. WILLIAMS, 1570
MICHAEL F. WHITE, 3917
CASEY J. PLAGGE, 4596
STEPHEN H. TORPEY, 6735
DAVID L. NICHOLS, 0526
MONT E. MC MILLEN, 7935
EVA R. KUMMERFELD, 8606
DOUGLAS K. BRUCE, 6818
JAMES D. BAUGH, 1724
GEORGE B. SACKETT, 2502
JEFFREY S. ST CLAIR, 0255
ALLEN W. ECHOLS, 0811
PAUL D. THORNE, 1971
JAMES A. PATRICK, 5084
IRENCO D. VILLANUEVA, 3389
WAYNE F. MACKENZIE, 7979
SHERYL L. DICKINSON, 4649
SANDERS M. MOODY, 2600
MICHELE BOUZIANE, 8668
KATHLEEN MOORE, 1699
RAYMOND A. ENGBLOM, 4472
FRANK R. LEVI, 2050
ELMER O. EMERIC, 1367
ROBERT D. LEFEVERS, 1410
PAUL D. LIMBACHER, 3656
MARK S. MESERVEY, 1726
MATTHEW A. GRIM, 9579
GARRISON L. MOE, 4006
JASON K. CHURCH, 7741
CLAUDIA V. MC KNIGHT, 6863
ROBERT B. MAKOWSKY, 1592
LARRY P. PESEK, 7045
TROY K. DEIERLING, 7410
WILLIAM J. TRAVIS, 6769
THOMAS L. KAYE, 6471
RUSSELL H. ZULLICK, 6568
CARMELO S. BAZZANO, 3022
PATRICK M. GORMAN, 3454
STEPHEN J. BARTLETT, 4384
MICHAEL G. TANNER, 2566
STUART H. EHRENBERG, 5069
PATRICIA A. MC FETRIDGE, 5588
THOMAS C. GETSY, 0764
ROBIN J. KORTUS, 2857
BRIAN T. ELLIS, 7187
JOHN C. OCONNOR, 2128
MARK A. FRANKFORD, 6748
AMY B. KRITZ, 6931
KARL GRAMS, 3815
MELINDA D. MC GURER, 4565
DANIEL P. TAYLOR, 9722
JEFFERY M. PETERS, 7232
ERIC L. BRUNER, 8069
THOMAS A. ROUTHIER, 6332
TY W. RINOSKI, 6062
BRIAN L. NELSON, 6041
ROGER N. WYKLE, 2286
KEVIN R. SAREAULT, 6488
PARTRICK M. MC MILLIN, 3138
MICHAEL A. OBRIEN, 9632
ROBERT S. WILBUR, 9877
THOMAS W. KOWENHOVEN, 7146
JONATHAN D. HELLER, 5209
ERIC J. VOGELBACHER, 4710
PATRICK J. MAGUIRE, 1429
JOHN P. NADEAU, 0070
MARK A. JACKSON, 7297
THOMAS C. MILLER, 2842
BRENDAN C. MC PHERSON, 5668
GREGORY A. BUXA, 0109
JOHN J. DALY, 4706
PAUL G. BACA, 9019
ERIK S. ANDERSON, 0637
WILLIAM G. ROSPARS, 7270
ANDREW J. TIONGSON, 0403
CHRISTOPHER J. PERRONE, 6879
MATTHEW W. SIBLEY, 2027
THOMAS P. WOJAHN, 3650
GERALD A. KIRCHOFF, 4128
MARC F. SANDERS, 4944
GREGORY J. DEPINET, 6815
ANDREA M. MARCILLE, 5006
MATTHEW S. POCOCK, 5993
MATTHEW J. GIMPLE, 4996
RUSSELL A. DAVIDSON, 1621
MARK T. RUCKSTUHL, 7501
PETER J. SISTARE, 0512
ROBERT L. WHITEHOUSE, 9654
RONALD A. LABREC, 9499
RICHARD L. MOUREY, 4907
KEVIN C. KIEFER, 9540
DANIEL E. KENNY, 7920
ROBERT L. GANDOLFO, 3062
DANIEL J. MC LAUGHLIN, 3346
CATHERINE W. TOBIAS, 8480
JOHN F. COMAR, 4833
JERALD L. WOLOSZYNSKI, 0103
ROBERT E. MC KENNA, 9671
DOUGLAS M. FEARS, 7819
CHRISTOPHER S. MYSKOWSKI, 2713
PAUL B. DUTILLE, 7488
JUNG A. LAWRENCE, 5331
DELANO G. ADAMS, 8311
DENNIS S. BAUBY, 6151
GEORGE G. BONNER, 6891
ANTHONY M. DISANTO, 1850
NICHOLAS A. BARTOLOTTA, 4409
GEOFF R. BORREE, 0851
KEITH A. WILLIS, 1079
PAUL E. BOINAY, 4683
LAWRENCE J. ZACHER, 7678
LEONARD R. TUMBARELLO, 1036
SCOTT D. ROGERSON, 9002
DAVID S. FIEDLER, 8218
JOHN E. TYSON, 3789
ELIZABETH D. ALLEMAND, 4846
JAMES D. MC MAHON, 7300
JENNIFER V. LEATHERS, 7217
PETER J. HATCH, 0540
MICHAEL H. SIM, 9791
CRAIG R. HENZEL, 0319
ROBERT K. THOMPSON, 8108
CLAYTON L. DIAMOND, 6829
WILLIAM K. NOFTSKER, 8542
DOUGLAS L. SUBOCZ, 5043
KENNETH D. MARIEN, 0505
MICHAEL J. EAGLE, 0701
SEAN R. MURTAGH, 5826
CAROLYN HARRISS, 1209
JEFFREY P. NOVOTNY, 4992
KEVIN E. RAIMER, 1863
CHARLES M. SIMERICK, 3210
WENDY M. CALDER, 2174
BRIAN S. WILLIS, 4956
KATHERINE F. TIONGSON, 7202
GLENN CILENO, 2195
CHARLES R. AYDLETTE, 7973
JACK P. POLING, 8065
LAWRENCE H. HENDERSON, 6740
JEFFERY P. HAYS, 1416
DANIEL P. KANE, 9069
JEFFREY M. RAMOS, 2593
MICHAEL G. LUPOW, 3024
LARRY W. HEWETT, 3839
ARTHUR J. SNYDER, 3195
KEITH A. LANE, 7849
JOHN K. MERRILL, 0572
RICHARD J. REINEMANN, 3119
JOSEPH J. MAHR, 2720
JEFFREY C. JACKSON, 2132
JAMES E. STAMPER, 1377
GUY L. SNYDER, 4578
JUDY A. PERSALL, 7005
RONALD J. CANTIN, 1620
OSCAR W. STALLINGS, 8457
TIMOTHY J. CIAMPAGLIO, 4645
DONALD R. DYER, 2905
GREGORY D. CASE, 5937
JAMES T. HURLEY, 0746
WILLIAM A. FOX, 4112
DIANE W. DURHAM, 3896
GERARD P. ACHENBACH, 2891
GARY M. MESSMER, 3265
JEFFREY A. OVASKA, 3179
DANIEL E. MADISON, 1501
ROBERT L. WEGMAN, 7551
CHARLES SRIOUDOM, 6808
KENNETH M. ALBEE, 5367
JOSEPH A. BOUDROW, 4270
JAMES MC LAUGHLIN, 1313
MARK S. LENASSI, 6475
JOHN F. BOURGEOIS, 1875
DAVID R. MORGAN, 8078
RICHARD E. LORENZEN, 2143
THOMAS O. MURPHY, 2213
KEITH B. JANSSEN, 3356
JAMES M. KAHRS, 9566
MARK R. HAZEN, 0338
ROBERT K. BREESE, 3701
HARRY M. HALEY, 4804
MICHAEL K. MUSKALLA, 9261
BRIAN P. JORDAN, 0758
ALLEN B. JONES, 4474
BRIAN T. FISHER, 2363
BRAD L. SULTZER, 6380
RICHARD PINEIRO, 2184
STEVEN M. WISCHMANN, 8223

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN R. BAKER, 3934
BRIG. GEN. JOHN D. BECKER, 8234
BRIG. GEN. ROBERT F. BEHLER, 1612
BRIG. GEN. SCOTT C. BERGREN, 1312
BRIG. GEN. PAUL L. BIELOWICZ, 8502
BRIG. GEN. FRANKLIN J. BLAISDELL, 5802
BRIG. GEN. ROBERT P. BONGIOVI, 5760
BRIG. GEN. CARROL H. CHANDLER, 9115
BRIG. GEN. MICHAEL M. DUNN, 3491
BRIG. GEN. THOMAS B. GOSLIN, JR., 2970
BRIG. GEN. LAWRENCE D. JOHNSTON, 1244
BRIG. GEN. MICHAEL S. KUDLACZ, 4038
BRIG. GEN. ARTHUR J. LICHTE, 5483
BRIG. GEN. WILLIAM R. LOONEY III, 5052
BRIG. GEN. STEPHEN R. LORENZ, 2664
BRIG. GEN. T. MICHAEL MOSELEY, 1516
BRIG. GEN. MICHAEL C. MUSHALA, 4529
BRIG. GEN. LARRY W. NORTHINGTON, 0293
BRIG. GEN. EVERETT G. ODGERS, 2279
BRIG. GEN. WILLIAM A. PECK, JR., 3626
BRIG. GEN. TIMOTHY A. PEPPE, 8336
BRIG. GEN. RICHARD V. REYNOLDS, 1156
BRIG. GEN. EARNEST O. ROBBINS II, 3677
BRIG. GEN. RANDALL M. SCHMIDT, 1246
BRIG. GEN. NORTON A. SCHWARTZ, 7542
BRIG. GEN. TODD I. STEWART, 1167
BRIG. GEN. GEORGE N. WILLIAMS, 5397

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be lieutenant colonel

BRUCE R. BURNHAM, 4636
JAMES F. GUZZI, 5469

To be major

MAHENDER DUDANI, 8853

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

MALCOLM M. DEJNOZKA, 6139

To be first lieutenant

GAELLE J. GLICKFIELD, 1538

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 531:

To be lieutenant colonel

*LES R. FOLIO, 1395

To be major

DANIEL J. FEENEY, 9656

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

VINCENT J. SHIBAN, 3882

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

KYMBLE L. MCCOY, 6874

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be colonel

GEORGE L. HANCOCK, JR., 1403
NEAL H. TRENT III, 4026
SIDNEY W. ATKINSON, 2527

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

SAMUEL J. BOONE, 8456
DOUGLAS L. CARVER, 8279
PAUL E. CLARK, 2032
ROBERT W. ELDRIDGE, JR., 9151
PAUL F. HOWE, 8917
JOHN T. LOYA, 5927
LILTON J. MARKS, SR., 0220
RICHARD MINCH, 1590
RICHARD S. ROGERS III, 3068
DONALD L. RUTHERFORD, 5430
ALBERT L. SMITH, 8514
DONNA C. WEDDLE, 4027

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

FREDERIC L. BORCH III, 6618
LEROY C. BRYANT, 8382
JOHN L. CHARVAT, JR., 1940
JAMES M. COYNE, 1756
DONALD G. CURRY, JR., 0634
RICHARD E. GORDON, 1563
MARK W. HARVEY, 7755
DAVID L. HAYDEN, 3663
MICHAEL W. HOADLEY, 5557
JOHN B. HOFFMAN, 3799
RICHARD B. JACKSON, 9974
DANIEL F. MCCALLUM, 4092
ADELE H. ODEGARD, 2665
JAMES L. POHL, 9093
MARK J. ROMANESKI, 6536
STEPHANIE D. WILLSON, 6049

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be colonel

WENDELL C. KING, 0384

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOSE M. GONZALEZ, 1481

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C. SECTIONS 531, 624, AND 628:

To be lieutenant colonel

GEORGE A. AMONETTE, 6935
JOHN R. ARMSTRONG, 4216
*MARK E., CHIPMAN, 2035
BEVERLY I. JONES, 7107
JAN M. KOZLOWSKI, 2516
ESMERALDA PROCTOR, 7065
BRENDA J. SIMMONS, 9717
KENNETH R. STOLWORTHY, 0434

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 628:

To be lieutenant colonel

*CRAIG J. BISHOP, 7777

To be major

DAVID W. NIEBUHR, 7649

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DALE G. NELSON, 6562
FRANK M. SWETT, JR., 1742

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be colonel

DENNIS K. LOCKARD, 1577

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

TERRY G. ROBLING, 1530

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

STUART C. PIKE, 0954
DELANCE E. WIEGELE, 0201

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

FRANKLIN B. WEAVER, 5006

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628, AND 3064:

To be colonel

THOMAS J. SEMARGE, 1737

To be lieutenant colonel

JOHN K. HUTSON, 9170

To be major

*JEFFREY J. FISHER, 6808

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 3064:

To be lieutenant colonel

*WILLIAM J. MILUSZUSKY, 4137

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTION 531, 624, AND 628:

To be major

*DANIEL S. SULLIVAN, 4477

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CHRISTOPHER A. ACKER, 0157
GREGORY A. ADAMS, 1448
JOHN C. ADAMS, 2804
DAVID A. AHRENS, 2872
CHARLES B. ALLEN, 7338
RALPH E. ALLISON, JR., 7994
DANIEL B. ALLYN, 6989
JAMES M. ALTHOUSE III, 7055
CHARLES A. ANDERSON, 4562
RODNEY O. ANDERSON, 3221
STEVEN M. ANDERSON, 2792
WALTER N. ANDERSON, 7164
KURT A. ANDREWS, 1937
JOHN R. ANGEVINE, 2659
JOHN F. ANTAL, 4909
SCOTT L. ARMBRISTER, 8790
KENTON L. ASHWORTH, 1336
STEVEN L. BAILEY, 5386
ROBERT L. BALL, 7553
WILLIAM C. BALL, 9579
THOMAS A. BANASIK, 1760
JAMES O. BARCLAY III, 4493
ROBERT S. BARNES, 4402
HAZEN L. BARON, 1201
ROGER S. BASS II, 2181
FREDERIC M. BATCHELOR, 3267
GERALD BATES, JR., 3113
HOWARD W. BAUM III, 5624
WILLIAM J. BAYLES, 8752
JAMES M. BEAGLES, 0590
RONALD E. BEASLEY, 0965
MICHAEL K. BEASOCK, 7373
ARLENE L. BEATTY, 9738
ROBERT L. BEAVER, JR., 6051
DEBORADH J. BECKWORTH, 8311
THOMAS J. BEGINES, 3681
HIRAM BELL, JR., 6600
JOHN C. BENDYK, 3147
DAVID B. BENNETT, 6831
DIANE L. BERARD, 2192
KEVIN J. BERGNER, 6581
KIRK M. BERGNER, 2304
RONALD L. BERTHA, 4432
CHARLES N. BETACK, 6919
LANCE A. BETROS, 9298
NANCY A. BICKFORD, 2810
ROBERT P. BIRMINGHAM, 6204
JOSEPH P. BITTO, SR., 8707
STEVEN J. BLASKA, 5353
LEONARD C. BLEVINS, 1332
HARRY D. BLOOMER, 6510
ROBERT M. BLUM, 2700
JAMES G. BOATNER, JR., 0033
GORDON C. BONHAM, 6638
CHARLES M. BORG, 1048
RONALD M. BOUCHARD, 7342
MARK S. BOWMAN, 4544
ROBERT G. BRADY, 6201
RICHARD H. BREEN, JR., 7917
WILLIAM J. BREYFOGLE, 9490
PERRY L. BRIDGES, JR., 9439
DAVID R. BROOKS, 1617
STEPHEN W. BROOKS, 4948
STEPHEN E. BROUGHALL, JR., 9312
JERRY P. BROWN, 3795
JOHN V. BROWN, 2216
ROBERT M. BROWN, 0115
ROBERT W. BROWN, 4540
STEVEN P. BUCCI, 0420
RUSSELL A. BUCY, 6791
THOMAS R. BURNETT, 8124
WILLIAM L. BURNHAM, 1573
DONALD J. BURTON, 3703
DANIEL J. BUSBY, 5075
CARLOS A. CALDERON, 5559
JOHN F. CAMPBELL, 0073

WILLIAM B. CARLTON, 5058
DALE A. CARR, 5771
TERRY L. CARRICO, 9185
MARIO A. CARRILLO, 9765
WILLIAM A. CARRINGTON, 8908
JOSEPH T. CATUDAL, 9058
PAUL J. CELOTTO, 8094
ROBERT L. CHADWICK, 9839
JAMES E. CHAMBERS, 2025
HAROLD L. CHAPPELL, 9294
FREDRICK J. CHRONIS, 3036
FREDERICK L. CLAPP, JR., 6264
JULIUS E. CLARK III, 8545
WILLIAM E. CLEGHORN, 6894
STANLEY B. CLEMONS, 1046
VIRGINIA M. CLOSS, 7251
MICHAEL H. CODY, 7902
MICHAEL J. COLEMAN, 6466
MARK E. COLLINS, 2091
JAMES G. CONNELLY, JR., 3595
KEVIN CONNORS, 7790
TIMOTHY P. CONSIDINE, 3656
RICHARD J. CONTE, 7694
JOHNIE R. COOK, 1041
RANDALL D. CORBIN, 0048
CHARLES D. CORNWELL, 9172
CARLA K. COULSON, 7022
CLAUDE E. CRABTREE, 6709
VERNON B. CROCKER, 2762
KRISTI L. CROSBY, 6426
JOHN M. DAMICO, 1266
JESSE E. DANIELS, 6854
JAMES W. DANLEY, 9647
WILLIAM M. DARLEY, 5520
ADDISON D. DAVID IV, 2025
MICHEAL E. DAVIS, 6557
WALTER L. DAVIS, 4135
ROBERT R. DERRICK, 6338
WILLIAM M. DIETRICK, 0500
DENNIS W. DINGLE, 3636
JAMES F. DITTRICH, 9225
ALAN F. DODSON, 8966
JEFFREY L. DOERR, 3613
JEFFREY J. DORKO, 8001
SCOTT D. DORNEY, 9828
JAMES L. DUNN, 9481
MICHAEL L. DURAND, 3220
JOSEPH A. DURSO, 6917
DALE C. EIKMEIER, 2845
CHRISTOPHER L. ELLIS, 6161
GARY A. EMORY, 4669
MATTHREW J. FAIR, 7004
CHARLES J. FIALA, JR., 7434
ARTHUR W. FINEHOUT, JR., 8700
RICHARD P. FINK, 2604
ROBERT P. FITZGERALD, 5379
JACKSON L. FLAKE III, 2695
DAVID B. FLANIGAN, 8393
TIMOTHY A. FONG, 2231
ERNEST T. FORREST, 5701
WILLIAM H. FORRESTER, JR., 6402
SCOTT T. FORSTER, 8028
RONNIE L. FOXX, 2921
THOMAS G. FRANCIS III, 1368
HENRY G. FRANKE III, 6056
MARY FULLER, 6628
JOHN A. GAGNON, 3632
ROBERT T. GAHAGAN, 7221
CHRISTOPHER R. GAYARD, 4361
THOMAS H. GERBLICK II, 6725
JEFFERY A. GIBERT, 1762
MARK R. GILMORE, 6616
MARTIN D. GLASSER, 1438
JOHN L. GOETCHIUS, JR., 6384
MICHAEL E. GOODROE, 9528
RICHARD A. GRABOWSKI, 7585
LUKE S. GREEN, 7795
JAMES K. GREER, JR., 7047
WILLIAM R. GREWE, 3501
JOHN R. GORBMEIER, 6691
JOHN E. HALL, 1256
ROBERT E. HALLAGAN, 8319
REBECCA S. HALSTEAD, 2319
GREGORY A. HARDING, 8036
WILLIAM C. HARLOW, 4770
ANTHONY W. HARRIMAN, 6344
MICHAEL T. HARRISON, SR., 3958
THOMAS B. HAUSER, 0075
ROBERT F. HENDERSON, 1029
PETER A. HENRY, 2775
RONALD R. HEULER, 8335
MARC R. HILDENBRAND, 9937
JOEL G. HIMSL, 9059
STACEY K. HIRATA, 7739
WILLIAM H. HOGAN, 5483
JAMES L. HOLLOWAY, JR., 7485
JEFFREY C. HORNE, 3818
MITCHELL A. HOWELL, 7222
JANICE E. HUDLEY, 4162
WILFRED E. IRISH III, 1376
MICHAEL E. IVY, 3374
DONALD W. JENKINS, 0042
JOHN D. JOHNSON, 8672
KEVIN D. JOHNSON, 0083
MALCOLM D. JOHNSON, JR., 9478
JOHN J. JORDAN, 1707
MARY A. KAURA, 8097
BRIAN A. KELLER, 1957
JACKIE D. KEM, 6624
DONNA L. KENLEY, 8364
KEVIN J. KERNS, 0175
CHARLES A. KING, 7302
MARVIN K. KING, 1351
DANIEL R. KIRBY, 2816
DEBORAH A. KISSEL, 7544
ROBERT O. KISSEL, 8734
MICHAEL E. KRIEGER, 6098
JEFFREY A. KUEFFER, 1601
GREGORY S. KUHR, 3123
BERNARD E. KULIFAY, JR., 8448
GERARD J. LABADIE, 0123
AHMED E. LABAULT, 2566
CARLOS A. LACOSTA, 1144
DAVID B. LACQUEMENT, 3241
GARY F. LAMB, 3171
TIMOTHY J. LAMB, 5519
NEIL C. LANZENDORF, JR., 2118
GEOFFREY S. LAWRENCE, 2319
JOSEPH N. LEBOEUF, JR., 4657
ROBERT B. LEES, JR., 0610
FREDRICK J. LEHMAN, 7638
ALVIN J. LEONARD, 7939
STANLEY H. LILLIE, 3039
JOE M. LINEBERGER, 3210
KAREN D. LLOYD, 5281
THOMAS S. LLOYD, 5911
MICHAEL P. LOCKE, 7218
CURTIS A. LUPO, 7229
JOHN A. MAC DONALD, 0573
MICHAEL T. MADDEN, 6947
TIMOTHY D. MADERE, 1503
WILLIAM H. MAGLIN II, 6230
FRANCIS G. MAHON, 2722
ANDREW R. MANUELE, 0295
CHRISTINE T. MARSH, 4834
CHARLES M. MARTIN, 1097
LEVI R. MARTIN, 8241
JOSEPH E. MARTZ, 5129
RALPH J. MASI, 2920
BRADLEY J. MASON, 9256
RAYMOND V. MASON, 6999
JAMES G. MAY, 9224
JOHN H. MC ARDLE, 1332
JAMES M. MC CARL, JR., 8422
MICHAEL K. MC CHESNEY, 6605
CRAIG P. MC CURDY, 4028
WILLIAM H. MC FARLAND, JR., 4570
MICHAEL L. MC GINNIS, 0768
DONALD C. MC GRAW, JR., 0254
MARK A. MC GUIRE, 9408
TIM R. MC KAIG, 5467
WENDELL B. MC KEOWN, 5328
JOHN R. MC MAHON, 4283
CHARLES F. MC MASTER, 7918
MARVIN K. MC NAMARA, 2480
ROBERT W. MC WETHY, 7947
JERE S. MEDARIS, 6891
KATHLEEN MEEHAN, 7507
RICHARD D. MEGAHAN, 6226
PAUL E. MELODY, 6513
JOHN A. MERKWAN, 3543
LISA M. MERRILL, 4151
JAMES M. MILANO, 1118
DAVID P. MILLER, 1614
DAVID V. MINTUS, 2939
MARK V. MONTESCLAROS, 8518
RICHARD J. MORAN, 9590
EDWIN C. MOREHEAD, 5921
ROMEO H. MORRISEY, 0149
JAMES C. MOUGHON III, 8753
MICHAEL G. MUDD, 1685
PATRICIA MULCAHY, 6444
ROGER H. MUNNS, 9347
KEVIN A. MURPHY, 6005
EDWIN L. MYERS, 2489
JAMES C. NAUDAIN, 4641
JAMES T. NAUGHTON, 0363
RICHARD NAZARIO, 7458
PATRICK L. NEKY, 4673
RONALD J. NELSON, 9382
TOMMIE E. NEWBERRY, 7030
THOMAS J. NEWMAN, 4715
FORREST R. NEWTON, 8586
THEODORE C. NICHOLAS, 4035
JOSEPH P. NIZOLAK, JR., 0055
PHILIP B. NORTH, 6697
MICHAEL A. NORTON, 8755
ROBERT D. NOSSOV, 8362
JOSEPH R. NUNEZ, 2366
SIDNEY G. OAKSMITH, 2771
WILLIAM O. ODOM, 7367
THOMAS J. O DONNELL, 9056
MICHAEL C. OKITA, 5093
PATRICK J. O REILLY, 7262
JOHN M. O SULLIVAN, JR., 6597
CARL D. OWENS, 3473
PATRICK W. OYABE, 2042
PETER J. PALMER, 0270
ANTHONY F. PARKER, 5529
WILLIAM H. PARRY III, 1438
DAVID S. PATE, 9220
GILBERTO R. PEREZ, 8105
JEFFREY J. PERRY, 5746
JOHN W. PESKA, 2161
GREGG E. PETERSEN, 2615
LEO S. PETERSON, 5291
NEAL C. PETREE III, 0023
GARY P. PETROLE, 0568
MARK V. PHELAN, 9507
MICHAEL A. PHILLIPS, 7736
RODNEY A. PHILLIPS, 5985
LUIS A. PINA, 3212
BELINDA PINCKNEY, 5043
JASON D. PLOEN, 8995
PETER F. PORCELLI, 2475
ERNEST E. PORTER, 8660
DANNY P. PRICE, 2529
SUSAN M. PUSKA, 2497
RUSSELL E. QUIRICI, 9258
CLARK K. RAY, JR., 6119
MELANIE R. REEDER, 3137
THOMAS H. RENDALL, 8817
PAUL G. REPCIK, 9339
EUGENE K. RESSLER, 8827
SAMUEL B. RETHERFORD, 7537
MICHAEL B. RHEA, 6338
ROBERT D. RICHARDSON, JR., 0800
SCOTT O. RISSER, 9858
DUANE A. ROBERTS, 1428
TIMOTHY F. ROBERTSON, 5896
RONNIE G. ROGERS, 9940
MARK A. RONCOLI, 7958
JOHN P. ROONEY, 8918
DANE L. ROTA, 7840
STEVEN W. ROTKOFF, 6456
MARIANE F. ROWLAND, 3906
ROBERT C. RUSH, JR., 6846
THEODORE S. RUSSELL, JR., 1447
WILLIAM E. RYAN III, 2698
RICHARD R. RYLES, 1117
DAVID G. SAFFOLD, 0086
GENEVA C. SANDERS, 5721
MARYELIZABETH W. SAWYER, 4911
KEVIN G. SCHERRER, 3385
JOHN H. SCHNIBBEN III, 0709
THOMAS J. SCHOENBECK, 4073
STEVEN C. SCHRUM, 4440
MICHAEL L. SCHULTZ, 1593
HARRY D. SCOTT, JR., 8046
RAYMOND K. SCROCCO, 3122
TODD T. SEMONITE, 8702
BARRY M. SHAPIRO, 2481
JAMES D. SHARPE, JR., 8669
RICHARD W. SHAW, 7081
MARY B. SHIVELY, 3944
EDWARD C. SHORT, 4482
PATRICK W. SHULL, 5191
STEPHEN M. SITTNICK, 3822
MATTHEW L. SMITH, 6540
MARK A. SOLTERO, 7113
VIRGIL K. SPURLOCK, 0372
ARTHUR T. STAFFORD II, 4921
ERIC W. STANHAGEN, 4814
THOMAS R. STAUTZ, 4667
KEITH R. STEDMAN, 4398
BRYAN K. STEPHENS, 0583
MICHAEL J. STINE, 1957
LONNIE L. STITH, 8694
JOHN L. STRONG, 8919
MICHAEL J. SULLIVAN, 3037
KIM L. SUMMERS, 5601
EARL SUTTON II, 5198
MARK A. SWARINGEN, 4304
BRENT M. SWART, 7031
DENNIS J. SZYDLOSKI, 5276
ANTHONY J. TATA, 8746
GREGORY S. TATE, 2456
JOSEPH M. TEDESCO, JR., 7505
KENT D. THEW, 7998
RICHARD G. THRESHER, JR., 0732
GARYJOHN TOCCHET, 2898
ROBERT N. TOWNSEND, 4475
TERRY E. TROUT, 6385
THOMAS H. TRUMPS, 8100
CHRISTOPHER TUCKER, 9233
BLAIR M. TURNER, 5073
ANDREW B. TWOMEY, 6117
JACKIE L. VANCE, 7255
MARK L. VANDRIE, 6535
SHEILA A. VARNADO, 4495
DENNIS L. VIA, 0020
MARK E. VINSON, 6471
MARK VOLK, 9267
ROY C. WAGGONER III, 1645
HAROLD G. WALKER, 8761
JAMES D. WARGO, 7778
MONROE P. WARNER, 8486
DOUGLAS S. WATSON, 5916
LARRY WATSON, 0137
KEVIN J. WEDDLE, 3184
JOHN P. WEINZETTLE, 9473
GORDON M. WELLS, 8764
WAYNE E. WHITEMAN, 0195
THOMAS W. WIECKS, 0730
SCOTT A. WILSON, 9714
DAVID R. WOLF, 8798
ROBERT H. WOODS, JR., 3697
CURTIS L. WRENN, JR., 6567
JAMES C. YARBROUGH, 6424
JOSEPH S. YAVORSKY, 9273
DONALD H. ZEDLER, 1001
X0403
X4808
X1910

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL SERVICE CORPS, ARMY MEDICAL SPECIALIST CORPS, ARMY NURSE CORPS, AND VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

GEORGE L. ADAMS III, 9678
REX ALLEN, 8369
MARGARET A. ANDERSON, 6230

MARGARITA APONTE, 0419
WILLIAM BARRETT, JR., 7555
SHEILA R. BAXTER, 5724
DENNIS R. BEAUDOIN, 0667
DOUGLAS A. BIGGERSTAFF, 0877
LARRY S. BOLTON, 2990
CATHERINE W. BONNEFIL, 8968
MARILYN H. BROOKS, 8756
DALE R. BROWN, 5849
JOHN R. CHAMBERS, 8112
DONNA M. CHAPMAN, 2845
SUZANNE S. CHIANG, 1075
PATRICIA A. CLAY, 6177
GEORGE A. CRAWFORD, JR., 6881
KENNETH R. CROOK, 7365
JEAN M. DAILEY, 7987
KELLY J. DAVIS III, 7304
PATRICIA A. DIMEGLIO, 2622
CAROL S. GILMORE, 4579
JAMES A. HALVORSON, 9729
JOHN A. HAYNIE, 5786
ERIK A. HENCHAL, 1317
AARON J. JACOBS, 5659
GERALD B. JENNINGS, 9638
PATRICIA A. KINDER, 4230
ALLEN J. KRAFT, 6731
ROBERT J. LANDRY, 8673
DEBBIE J. LOMAXFRANKLIN, 7079
REBECCA J. MACKOY, 6997
TED A. MARTINEZ, 5273
MARTIN D. MORRIS, 6589
KENT S. NABARRETE, 3854
ROSEMARY NELSON, 7610
CHARLES E. PIXLEY, 2588
DOUGLAS H. RABREN, 5001
GASTON M. RANDOLPH, JR., 2435
JEFFREY W. RECORD, 0803
STEVEN C. RICHARDS, 5457
LAURA J. RISOLI, 2713
KENNETH D. ROLLINS, 7698
GARY L. SADLON, 9053
ANITA J. SCHMIDT, 5066
CHARLES R. SCOVILLE, 4360
NATALIE M. SHRIVER, 0694
MICHAEL J. SMITH, 7109
RICHARD I. STARK, JR., 0551
DONNA L. TALBOTT, 8505
MICHAEL J. TOPPER, 3097
NEAL H. TRENT III, 4026
NANCY L. VAUSE, 4468
JUANITA H. WINFREE, 7413

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

LISA ANDERSONLLOYD, 8101
SCOTT W. ARNOLD, 0896
LEO E. BOUCHER III, 4835
BRIAN H. BRADY, 9201
NATHANAEL P. CAUSEY, 8219
ELWOOD A. CHANDLER, JR., 1094
JOHN L. CLIFTON IV, 8001
GREGORY B. COE, 6861
ALAN L. COOK, 7534
PETER M. CULLEN, 4881
CHRISTOPHER M. DETORO, 1886
CYNTHIA A. GLEISBERG, 2235
CHARLES L. GREEN, 0723
GREGORY A. GROSS, 2293
MICHAEL E. HOKENSON, 7085
RANDALL L. KEYS, 8193
MICHAEL J. KLAUSNER, 0626
DENISE R. LIND, 3100
SCOTT E. LIND, 1041
JERRY J. LINN, 6677
KEVIN J. LUSTER, 3020
MARK S. MARTINS, 6526
DAVID A. MAYFIELD, 0097
JEFFREY C. MCKITRICK, 4437
MICHAEL W. MEIER, 0499
JOHN W. MILLER II, 7915
RONALD W. MILLER, JR., 3842
WILLIAM D. PALMER, 1909
THOMAS M. RAY, 6221
SHARON E. RILEY, 6602
DAVID S. SHUMAKE, 3102
JEFFREY D. SMITH, 4072
RICHARD J. SPRUNK, 7076
ROBIN N. SWOPE, 9013
SUSAN D. TIGNER, 1347
KEITH C. WELL, 9059
RICHARD M. WHITAKER, 5986
PETER C. ZOLPER, 4882

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARK O. AINSCOUGH, 1756
ROLAND C. ALEXANDER, 7165
THOMAS G. ALLEN, 9133
MARY A. ALLRED, 7509
SUSAN P. ANDERS, 5649
MARTIN F. ANDERSON, 8785
DONALD J. ANDREOTTA, 0645
JOHN F. ANGEL, 8944
MIKEL W. ANTHONY, 7501
ROBERT E. ARMSTRONG, 7762
EDWARD L. ARNTSON, 5208
BRUCE W. ASHMAN, 4931
JONATHAN A. ASWEGAN, 8082
JOHNNIE J. ATKINS, 0649
STEVE P. AUSTIN, 7540
CHARLES W. AYERS, 1137
FRED H. BAKER, 0620
DANNY C. BALDWIN, 8630
MICHAEL D. BARKS, 3230
THOMAS A. BAY, 0527
RICHARD A. BAYLOR, 3612
JERRY G. BECK, JR., 8553
THOMAS W. BEESON, 8747
DONALD R. BEIGHTOL, 0221
JAMES R. BEIRNES, 4303
DANIEL E. BENES, 5680
GARY A. BENFORD, 0306
DAN A. BERKEBILE, 9866
DAVID N. BLACKLEDGE, 1316
MATTHEW P. BLUE, 6677
RICHARD M. BLUNT, 2859
LARRY J. BOCCAROSSA, 7178
DONALD W. BORRMANN, 2128
JAMES J. BOUTIN, 0753
PATRICK F. BOWE, 9513
RICKI F. BOWER, 6036
BRIAN J. BOWERS, 6804
GARY R. BRADDOCK, 5051
GARY D. BRAY, 8305
ROBERT T. BRAY, 7857
GORDON M. BREWER, 8161
DAVID M. BROCKMAN, 3821
WILLIAM M. BROWN, 1280
CHARLES R. BRULE, 7962
JAMES A. BRYANT, 0278
GARY T. BUBLITZ, 0980
KEITH J. BUCKLEW, 8189
ROBERT M. BURDETTE, 3101
PATRICK H. BURKE, 1575
THOMAS J. BURLESON, 0454
DONALD S. CALDWELL, 6403
NELSON J. CANNON, 2178
ANTHONY J. CARLUCCI, 9444
LARRY J. CARNES, 5972
PATRICK M. CARNEY, 5358
PETER A. CAROZZA, 4044
THOMAS H. CARSON, 3352
BRUCE A. CASELLA, 4615
RONALD A. CASSARAS, 5372
EDWIN S. CASTLE, 3201
SCOTT CHAPMAN, 5946
NORMAN CHARLEVILLE, 1029
ALBAN E. CHRISMAN, 5062
CHRISTOPHER T. CLINE, 6278
ROBERT C. CLOUSE, 2774
MICHAEL H. COKER, 6083
MICHAEL B. COLEGROVE, 7621
HARRY R. COLLINS, 6684
RICHARD R. COLSON, 0294
WILLIAM B. COMBS, 0234
CHRISTINE M. COOK, 8604
LARRY D. COPELIN, 9103
JOHNNY CORBETT, 5131
ROBERT L. CORLEW, 7943
APRIL M. CORNIEA, 1870
TERRY K. CORSON, 0746
JAMES E. COUCH, 8780
ARTHUR T. COUMBE, 8653
RAY A. COURTNEY, 8478
DANIEL COUVILLION, 8561
KEVIN J. CROWLEY, 3939
EDWARD DAILY, JR., 8408
DONALD A. DALE, 4888
THEODORE A. DALIGDIG III, 4078
DANIEL W. DANZ, 4002
DAVID E. DAVENPORT, 7171
JAMES E. DAVENPORT, 8964
JAMES M. DAVIS, 1790
JOHN G. DAVIS, 0400
JOHN T. DAVIS, 8129
DAVID M. DEARMOND, 0169
PHILIP M. DEHENNIS, 5071
ROBERT E. DELOACHÉ, 4933
ROBERT W. DERR, 0598
LAWRENCE D. DIETZ, 9830
DENNIS P. DONOVAN, 6190
JOHN P. DORAN, 3308
DAVID T. DORROUGH, 7210
MICHAEL D. DOUBLER, 4007
PATRICK J. DUCHATEAU, 2383
GEORGE M. DUDLEY, 1536
GILFORD C. DUDLEY, 1633
JOHN DWYER, 7116
JOSEPH D. DYESS, 4475
TODD L. EADS, 7168
CHARLES J. EARL, 3884
JOHN W. EASTERLY, 9859
GARY F. EISCHEID, 5955
KEVIN G. ELLSWORTH, 9798
DAVID R. ERDMANN, 9500
ROBERT ERICKSON, 6356
DAVID L. EVANS, 3875
FERGUSON EVANS, 8754
MARGRIT M. FARMER, 0260
SCOTT W. FAUGHT, 3134
SIDNEY F. FELLER, 7655
JOSE A. FERNANDEZRUIZ, 5479
KENNETH L. FIELDS, 0949
ALAN L. FISHER, 7665
EDWIN F. FLINT, 3628
KENNETH A. FORREST, 1551
JOHN S. FOSTER, 8297
DANIEL G. FOUST, 9922
JIMMY E. FOWLER, 8520
JAMES A. FRALEY, JR., 2086
PAUL C. FRANCIK, 5121
BARRY B. GALLAGHER, 7070
JAMES J. GARVEY, 2120
JOHN T. GILLES, 6755
DANIEL P. GILLIGAN, 5057
RICHARD W. GIRARD, 8939
JOHN N. GLOVER, 4176
THOMAS E. GORSKI, 2614
THOMAS V. GRAHAM, 9223
WILBUR E. GRAY, 3393
JAMES L. GREENFIELD, 5397
ALAN E. GRICE, 6369
GUY E. GRIFFIN, 1617
PHILLIP R. GRUBBS, 8517
THOMAS D. HADDAN, 9774
MARK J. HAGAN, 8641
ALBERT HALLE III, 2548
CHRISTOPHER M. HAMLIN, 4834
PAUL F. HAMM, 4818
MARK W. HAMPTON, 2917
MACKEY K. HANCOCK, 4463
BRETT L. HANKE, 7165
JUDY E. HANNA, 4125
JOHN F. HARGRAVES, 8522
HARRY P. HAROLDSON, 4597
JOHN S. HARREL, 1252
DAVID K. HARTIN, 8687
CHARLES A. HARVEY, 4109
KEVIN S. HARVEY, 5800
THOMAS C. HATHAWAY, 2105
WILLIAM C. HECKEL, 4398
PATRICK R. HERON, 4039
JOHN B. HERSHMAN, 9658
JAMES B. HILL, 7321
DAVID V. HINES, 6758
YAROPOLK R. HLADKYJ, 9285
RANDALL S. HLEDIK, 9280
JOHN L. HOCKING, 0759
WILLIAM L. HOEFT, 0321
THOMAS F. HOPKINS, 2011
GARY C. HOWARD, 4178
ROBERT D. HUDNALL, 1624
GERALD E. HUNNICUTT, 5497
JOSEPH M. INGRAM, 5938
GEORGE E. IRVIN, 5367
ALAN K. ITO, 5247
DENNIS E. JACOBSON, 9345
MICHAEL D. JAMESON, 8766
FRANK B. JANOSKI, 7748
RANDALL A. JIPP, 7838
CAROL A. JOHNSON, 1201
MICHAEL J. JOHNSON, 6043
FREDDIE L. JONES, 3212
GARY L. JONES, 7353
JAMES C. JONES, 0686
WILLIE E. JONES, JR., 8898
KEITH K. KALMAN, 4407
WILLIAM J. KAUTT, 6346
ALVIE L. KEASTER, 3308
MICHAEL F. KLAPPHOLZ, 5371
DAVID L. KOCK, 0433
LEONID E. KONDRATIUK, 9852
KENNETH B. KOON, 5511
JAMES A. KOONTZ, 4653
MICHAEL D. KROUSE, 9789
CHARLES B. LADD, 6183
GERALD E. LANG, 9562
KENNETH E. LANKEY, 1313
LON G. LARSON, 4460
DANIEL R. LAVINE, 8974
RICHARD A. LAWSON, 9080
MICHAEL D. LEDBETTER, 1460
ROBERT A. LEE, 6985
JOSEPH LEONELLI, 8629
BRENT R. LESEBERG, 5815
DENNIS M. LESNIAK, 4305
BERNARD P. LEVAN, 1788
DAVID A. LEWIS, 0439
JOHN D. LICK, 1457
RICHARD D. LIGON, 7372
MICHAEL L. LINDSEY, 7353
DANIEL M. LINDSLEY, 0303
RICHARD B. LITTLETON, 4083
JAMES D. LOCKABY, 8617
ROSEMARY R. LOPER, 7572
CHARLES F. LUCE, 4670
DENNIS E. LUTZ, 9078
ERNEST W. LUTZ, 3172
BRADLY S. MACNEALY, 4551
EDWARD T. MAGDZIAK, 3534
WARREN E. MALLEN, 2990
CHRISTOPHER L. MANOS, 6523
HERSCHEL MARSHALL, 9307
EVANS L. MARTIN, 8497
MABRY E. MARTIN, 3339
REID J. MATHERNE, 6720
ERICK T. MATTHYS, 3388
RICHARD T. MAY, 1439
KEVIN R. MCBRIDE, 7136
CHARLES L. MCCARTY, 4600
BLANCHE A. MCCLURE, 7528
JOHN P. MCLAREN, 4730
JOHN F. MCLEAN, 4506
EDWARD C. MCNAMARA, 9720
KENNETH B. MCNEEL, 4450
SCOTT N. MCWILLIAMS, 7849

MICHAEL W. MEANS. 0221
TERRY L. MELTON. 6171
GERALD W. MEYER. 8417
JOHN B. MILLER. 7812
MICHAEL J. MILLER. 8831
RONALD L. MILLER. 7972
SHARON K. MIYASHIRO. 6266
ANTONIO P. MONACO. 5859
ANTHONY P. MONCAYO. 3394
CARL T. MONTGOMERY. 4216
LEWIS W. MOORE. 3077
RUSSELL A. MOORE. 1742
THOMAS P. MOORE. 8768
RICHARD B. MOORHEAD. 6302
DANIEL J. MORGAN. 2267
DAVID R. MORGAN. 0509
JOHN F. MORGAN. 9158
DAVID A. MORRIS. 3823
JONATHAN D. MORROW. 7725
JAMES R. MOYE. 7913
GILLES G. NADEAU. 6850
LOUANN NANNINI. 2791
MURRAY A. NEEPER. 8845
DANIEL J. NELAN. 2853
WILLIE A. NESBIT. 0726
JACK F. NEVIN. 0497
PAUL J. NICOLETTI. 5700
WENDELL P. NIERMAN. 4417
BARRY D. NIGHTINGALE. 4730
GORDON D. NIVA. 8284
CHESTER F. NOLF. 6095
CHARLES L. NORRIS. 0254
DELL H. NUNALEY. 6875
ROBERT D. O'BARR. 7393
JOSEPH F. O'CONNELL. 1146
BRUCE L. OLSON. 5369
FRANK P. OMBRES. 3621
ROBERT J. O'NEILL. 1093
JAMES R. O'ROURKE. 7024
RAYMOND H. ORR. 2523
DARREN G. OWENS. 5600
WILLIAM T. PATULA. 9330
HENRY L. PAYNE. 7589
JAMES E. PAYNE. 1273
HARRY B. PEARL. 2359
KENNETH K. PEINHARDT. 7128
STEVEN K. PETERSON. 4953
MARK A. PFISTERER. 5635
GEORGE F. PHELAN. 1195
JOHN R. PHILLIPS. 0931
ROBERT J. PICKEREL. 0895
MARVIN W. PIERSON. 3373
ROBERT L. PITTS. 4874
LARRY A. PORTER. 2239
NEIL R. PORTER. 1505
JAMES F. PRESTON. 5960
RUSSEL W. RACH. 8547
RONALD J. RANDAZZO. 1097
STEVE M. REED. 7091
STEWART A. REEVE. 3242
JEFFREY C. REYNOLDS. 9781
AARON L. RICHARDSON. 4235
ROBERT J. RIDILLA. 5476
HAROLD H. ROBERTS. 3796
THOMAS P. ROBERTS. 2663
CHARLES G. RODRIGUEZ. 8250
JAIME R. ROMAN. 1611
JOHNNY L. RUSSELL. 0942
MICHAEL H. RUSSELL. 7905
JOSEPH A. RUSSO. 0425
KENNETH T. RYE. 1207
ROBERT A. SALVIANO. 8892
LAWRENCE W. SAUCIER. 2470
GARY L. SAWYER. 4397
JOHN E. SAYERS. 4781
BETTE R. SAYRE. 6348
JOHN J. SCANLAN. 3137
CRAIG L. SCHUETZ. 9632
GREGORY A. SCHUMACHER. 9676
CHARLES J. SCHWARTZMANN. 6854
GREGORY A. SCOTT. 0529
NOEL G. SEEK. 7416
EDGAR C. SEELY. 7233
JACKIE L. SELF. 1085
LLOYD W. SHARPER. 9304
THOMAS S. SHATAVA. 0136
JIM H. SHERMAN III. 5079
TOM L. SHIRLEY. 6526
ROBERT L. SIDES. 2601
WILLIAM O. SIDES IV. 8511
JOHN R. SIMECKA. 6263
ROBERT W. SIMPSON. 9348
KENNETH J. SIMURDIAK. 5808
CHARLES B. SKAGGS. 7815
PAUL W. SKINNER. 8994
EDWARD A. SLAVIN. 8120
MARK J. SLAWINSKI. 8604
LEONETTE W. SLAY. 8179
NEIL F. SLEEVI. 4152
GEORGE J. SMITH. 7542
MILLEDGE R. SMITH. 6153
PERRY J. SMITH. 2766
ROBERT V. SMITH. 9003
ROY C. SMITH. JR., 0997
JOSEPH T. SMOAK. 5173
EDDIE L. SMOOT. 8251
KARL P. SMULLIGAN. 8980
WILLIAM G. SOLLENBERGER. 9756
LARRY R. STALEY. 8979
ANTHONY M. STANICH. 7135
JOHN B. STAVOVY. JR., 9983
MARK STIGAR. 8797
MARCUS C. STILES. 5719
STEPHEN A. STOHLA. 9982
JOHN F. STOLEY. 6587
DONALD C. STORM. 7206
NORMAN W. STORRS. 0883
ROBERT L. STRONG. 1579
RANDOLPH T. SUGAI. 1317
GLENN W. SUTPHIN. 1006
SHERMAN E. TATE. 3621
DANIEL J. TAYLOR. 2050
DAVID P. TEBO. 7868
KENNETH M. TENNO. 9484
CAREY G. THOMPSON. 6879
KENNETH P. THOMPSON. 8617
TOMMY D. THOMPSON. 8249
CHARLES B. THORNELL. 1470
TRAVIS W. TICHENOR. 6502
TIMOTHY B. TILLSON. 8339
JOHN P. TOBEY. 7298
RICHARD TODAS. 9517
WILLIAM P. TROY. 5604
DAVID B. TRUMBULL. 1228
JODI S. TYMESON. 7585
ANGEL A. VALENCIA. 2155
JOSE M. VALLEJO. 0856
JAMES L. VANNAMAN. 7255
RUSSELL P. VAUGHAN. 7290
JEFFRY D. VAUGHN. 1907
GENARO H. VAZQUEZ. 1376
DONALD W. VENN. 5071
ANDREW R. VERRETT. 4139
ANTINIO J. VICENSGONZALEZ. 8687
WILLIAM G. VINCENT. 7765
RICHARD C. VINSON. 5858
MAURENIA D. WADE. 4391
MICHAEL S. WAITE. 1389
FRANKLIN D. WALDRON. 9058
MARGARET WASHBURN. 9021
CARL R. WEBB. 1685
MICHAEL K. WEBB. 9183
LINDELL M. WEEKS. 0290
LESLIE R. WELCH. 8000
NANCY J. WETHERILL. 7974
DAVID J. WHEELER. 8911
EDWARD W. WHITAKER. 4291
CHESTER L. WHITE. 5015
ENNIS C. WHITEHEAD. 9925
TERRY L. WILEY. 0089
DWIGHT S. WILLIAMS. 4706
ROBERT B. WILLIAMS. 7179
JOE D. WILLINGHAM. 9413
BRUCE A. WILSON. 1459
PATRICK D. WILSON. 7162
MILTON H. WINGERT. 7174
JAMES D. WISENBAKER. 4874
RICHARD A. WOJEWODA. 2644
BARRY W. WOODRUFF. 0984
WILLIAM K. WOODS. 5014
FRANK H. WRIGHT. 2990
ROBERT E. WRIGHT. 4642
WALTHER R. WROBLEWSKI. 4600
ARTHUR C. ZULEGER. 5979

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL CORPS OR DENTAL CORPS (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10. U.S.C. SECTIONS 624. 531 AND 3064:

To be colonel

GREGG T. ANDERS. 5526
WILLIAM C. ANDOLSEK. 1496
SAMUEL J. ANGULO. 3604
RANDALL. N. BALL. 7165
LINDA C. BASQUILL. 6201
JAMES M. BAUNCHALK. 1344
ERIC W. BERG III. 1464
WENDY B. BERNSTEIN. 1618
ROBERT W. BLOCK. 9999
GEORGE K. BUMGARDNER. 6377
THOMAS J. BURKE. 4508
DAVID G. BURRIS. 4732
THEODORE J. CIESLAK. 0505
MICHAEL V. CLARK. 6667
JEFFREY B. CLARK. 3390
ANNE M. COMPTON. 7584
*MARSHALL R. COX. 1800
STEPHEN C. CRAIG. 8654
JOHN S. CROWLEY. 5719
RUSSELL J. CZERW. 7676
DON J. DANIELS. 0218
DANIEL R. DAVIDSON. 8758
BERNARD L. DEKONING. 9112
MAX B. DUNCAN. JR., 0981
DIRK M. ELSTON. 7072
RAYMOND J. ENZENAUER. 9877
VINCENT D. EUSTERMAN. 8940
BRIAN D. FITZPATRICK. 5330
DANIEL T. FITZPATRICK. 6018
DONALD W. FOSTER. 0574
MARK S. FOSTER. 1736
KARL K. FURUKAWA. 9366
BETTY G. GALVAN. 4205
DAVID A. GALVAN. 4268
MONROE M. GINSBURG. 3196
GLENN A. GREENE. 7849
PATRICE E. GREENE. 2911
ROBERT M. GUM. 3009
JEFFREY D. GUNZENHAUSER. 4573
TAM S. HAGER. 0506
PRISCILLA H. HAMILTON. 9759
ELIZABETH A. HANSEN. 6536
JOHN W. HELLSTEIN. 9984
KENT C. HOLTZMULLER. 1686
WAYNE T. HONEYCUTT. 1339
THOMAS M. HOWARD. 3058
JEFFREY M. HRUTKAY. 4704
WALTER J. HUBICKEY. 8969
GREGORY A. JACKLEY. 9055
FRANK J. JAHNS. 7509
FREDERIC L. JOHNSTONE. 6902
JAMES G. JOLISSAINT. 2116
LEE W. JORDAN. 9373
CHRISTOPH R. KAUFMANN. 8015
KRAIG K. KENNY. 3902
JAMES J. LEECH. 9565
THOMAS B. LEFLER. 0449
DAWN E. LIGHT. 6120
PAUL B. LITTLE. JR., 7559
ROBERT W. LUTKA. 5902
JEFFREY O. LUZADER. 5454
ROBERT C. LYONS. 8770
ALBERT M. MANGANARO. 4172
ROBERT A. MAZZOLI. 2775
JOHN T. MC BRIDE. JR., 5145
MARKUS F. MC DONALD. 0564
MARK N. MC DONALD. 1118
JAMES A. MORGAN 2739
JUDD W. MOUL. 4005
THEODORE S. NAM. 2975
*JONATHAN NEWMARK. 5026
KATHLEEN M. NORTHWILHELM. 0200
JAMES M. OLSEN. 2540
JOHN R. OLSEN. 2533
FRANK E. ORR. 9647
CAROLE A. ORTENZO. 0427
DANIEL R. OUELLETTE. 7547
MICHAEL A. PASQUARELLA. 9339
*WILLIAM R. PATTON. 7112
JOHN D. PITCHER. JR., 5019
RONALD K. POROPATICH. 1347
JOHN A. POWELL. 9888
MYSORE K. PRASANNA. 4629
DONN R. RICHARDS. 6655
*PAUL S. RUBLE. 5409
LEONORA O. SHAW. 5151
BRION C. SMITH. 5597
BONNIE L. SMOAK. 5761
STEVEN W. SWANN. 5736
LOUIS J. TALOUMIS. 6956
ALLEN B. THACH. 7112
STEVAN H. THOMPSON. 0418
GEORGE E. TOLSON IV. 2220
CHRISTOPHER TROMARA. 1707
CLYDE A. TURNER. 5490
JOHN M. UHORCHAK. 7452
DAVID J. VESELEY. 5432
ANN S. VONGONTEN. 9276
HARRY L. WARREN. 5588
GLENN M. WASSERMAN. 2194
*RAYMOND W. WATTERS. 3975
ROBERT M. WEAVER. 6094
ROBERT J. WILHELM. 5999
CRAIG C. WILLARD. 6456
CRAIG J. WILLIAMS. 0535
CARL C. YODER. 0886

IN THE MARINE CORPS

To be major

MILTON J. STATON. 9810

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10. U.S.C., SECTION 624:

To be major

STEPHEN W. AUSTIN. 5075

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10. U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM S. TATE. 6683

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10. U.S.C., SECTION 624:

To be major

ROBERT S. BARR. 9335

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10. U.S.C., SECTION 624:

To be major

JOHN C. LEX. 1562

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10. U.S.C., SECTION 624:

To be major

LANCE A. MCDANIEL. 6211

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10. U.S.C., SECTION 624:

To be lieutenant colonel

JOSEPH M. PERRY, 3219

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MYRON P. EDWARDS, 9906

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE IN ACCORDANCE WITH SECTION 12203 OF TITLE 10, U.S.C.:

MEDICAL CORPS

To be captain

DOUGLAS L. MAYERS, 6832

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 618 AND 628:

To be commander

ERROL F. BECKER, 0002
EDUARDO R. MORALES, 8999

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 2114:

To be captain

ROBERT S. ANDREWS, 7286
KARYN J. AYERS, 1479
KAREN M. AYOTTE, 1600
RICHARD W. BENTLEY, 7369
SCOTT R. BISHOP, 4075
DENNIS F. BOND, II, 2449
BRETT D. BRIMHALL, 8162
JEFFREY S. BUI, 3244
SCOT E. CAMPBELL, 4337
FRANCIS R. CARANDANG, 9530
GABRIELLA CARDOZAFAVARATO, 0589
THERESA L. CASTROSMITH, 0257
HEATHER M. CURRIER, 8322
JAMISON W. ELDER, 4129
GARY J. FRENCH, 7689
DOUGLAS S. FRENIA, 8539
KELLY D. GAGE, 4435
JAMIE D. GLOVER, 7920
DAVID D. GOVER, 6522
BARRY J. GREER, 1839
DERRICK A. HAMAOKA, 0586
MATTHEW P. HANSON, 7212
HEATHER M. JONES, 7095
TONY S. KIM, 1397
MARK W. KOLASA, 7234
GREGORY D. KOSTUR, 3309
ELLA B. KUNDU, 5027
NIRVANA KUNDU, 1902
JONATHAN V. LAMMERS, 6221
PAULETTE D. LASSITER, 4969
KJERSTI A. MARIUS, 5574
ROBERT A. MAXEY, 7708
JOHN D. MC ARTHUR, 5613
THERESA B. MC FALL, 0643
REINALDO J. MORALES, 6089
ELAINE M. MUNITZ, 0535
BRETT R. NISHIKAWA, 7840
SARAH M. PAGE, 8064
PATRICIA A. PANKEY, 6668
JUDITH E. PECK, 2706
ALYSSA C. PERROY, 1933
BRIAN J. PICKARD, 0922
GEOFFREY T. SASAKI, 1262
STEPHEN E. SCRANTON, 6765
TERESA P. SIMPSON, 5375
ERIKA J. STRUBLE, 5284
GREGORY B. SWEITZER, 5263
WARREN W. THIO, 4565
PATRICK J. THOMPSON, 8647
DANIEL R. WALKER, 7634
MAUREEN N. WILLIAMS, 4626
LEE T. WOLFE, 3441
ROGER A. WOOD, 7739
DAVID J. ZOLLINGER, 2740

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C. SECTIONS 12203 AND 12212:

To be colonel

RICHARD L. AYERS, 3142
JAMES W. BAILEY, 7571
ROBERT E. BATTERMAN, 7119
RONALD L. BENWARD, 4168
ELLIS D. BOLING, 5995
RONALD C. BROWN, 4123
JEAN L. BRUMMER, 5572
BARRY J. BRUNS, 4368
GENE T. BUSHEY, 6000
V. SANDY CAIN, 4062
DANIEL F. CALLAHAN III, 8485
HIGINIO S. CHAVEZ, 2920
CHARLES W. COLLIER, JR., 5754
JILL C. COLLINS, 9156
BARRY K. COLN, 9046
DAVID M. COPE, 3762
JOHN A. CORSARO, JR., 4011
JON J. CRAM, 0064
MICHAEL E. CRIDER, 8754
MARK L. DOOLITTLE, 8365
CHARLES E. ERDMANN II, 4998
ROBERT L. FERGUSON, 7323
GREGORY A. FICK, 0160
MARIE T. FIELD, 9840
EDWARD R. FLORA, 6867
FREDERICK C. GANSKE, 1756
ROBERT J. GLITZ, 4152
ORLANDO R. GONZALEZ, 4688
WILLIAM H. GOODWIN, 9789
RICHARD D. GRAYSON, 5844
JERRY G. GREENE, 2175
JAMES E. GROGAN, 7429
THOMAS F. HAASE, 0174
MICHAEL L. HAPPE, 8852
DAVID K. HARRIS, 6248
GARY N. HARVEY, 4997
DONALD A. HAUGHT, 0924
STEPHEN R. HICKS, 2095
MICHAEL J. HILDER, 0625
HAROLD J. HUDEN, 4243
BILLY M. JAMES, 0404
GEORGE R. JERNIGAN III, 9155
WILLIAM B. JERNIGAN, 8012
CHARLES E. JOHNSON, 4647
STEVEN N. JONES, 6713
JOSEPH J. KAHOE, 8050
MARK L. KALBER, 8666
CHARLES E. KING, 6670
PAULA E. KOUGEAS, 0753
RONALD J. LAMBERT, 3472
MICHAEL A. LARSON, 1287
ULAY W. LITTLETON, JR., 0409
THOMAS G. LOFLIN, 0497
DENNIS R. MALONE, 4302
ROBERT K. MARR, JR., 7897
RONALD H. MARTIN, 5621
JOHN D. MCDONALD, 8201
EDWIN R. MIYAHIRA, 4012
DAVID C. MOREAU, 0803
MATTHEW J. MUSIAL, 7780
NAJ S. NAGENDRAN, 9224
PROINNSIAS OCROININ, 1121
RICHARD G. OELKERS, 6247
ZETTIE D. PAGE, 1953
WILLIAM J. PATTON, 9700
ELLARD J. PEXA, JR., 1130
CARL G. PICCOTTO, 9357
RONALD D. PIENING, 9427
RILEY P. PORTER, 8822
DAVID N. POWELL, 6138
KENNETH S. PRATT, 1184
MARTHA T. RAINVILLE, 6388
RICHARD L. RAYBURN, 0291
MICHAEL D. REDMAN, 1458
PAUL J. RICHTER, 0628
WAYNE A. ROSENTHAL, 6529
CHARLES E. SAVAGE, 4418
WILLIAM M. SCHUESSLER, 4670
WILLIAM W. SHILTON, 8387
WILLIAM J. SINNES, JR., 9961
WILLIAM P. SKAINS, 4798
ROBERT J. STACK, 2044
JOHN M. STEELE, 5866
EDMUND H. STERN, 3016
CLOYD F. VANHOOK, 1071
MIRIAM O. VICTORIAN, 3419
MICHAEL H. WEAVER, 0191
TIMOTHY A. WEAVER, 2223
RAYMOND H. WILLCOCKS, 8452
WILLARD K. WINDSOR, 7433
VICTOR E. WINEGAR II, 7705
GARY A. WINGO, 0228
WILLIAM C. WOOD, 9616

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

PETER C. ANTINOPOULOS, 8999
*RAMON A. ARROYOPADRO, 4344
DAVID P. ASCHER, 4092
JOHN S. BAXTER, 5200
CHARLES W. BEADLING, 0823
*ROBERT N. BERTOLDO, 8219
JOHN R. BETTINESCHI, JR., 4166
*JAMES C. BLOOM, 4043
GARY A. BRAUN, 4835
GREGORY C. BROWNING, 9413
*ROBERT M. BUCHSBAUM, II, 4922
*JAMES E. BURTON, III, 3246
CAREY M. CAPELL, 1355
*WALTER R. CAYCE, 4909
STEVEN L. CHAMBERS, 6546
DAVID G. CHARLTON, 2077
JAMES L. COCKLIN, 9921
CARY J. CUNNINGHAM, 0681
CHARLES F. DEFREEST, 6974
PETER F. DEMITRY, 4179
GLENN E. DICKEY, 9751
*WILLIAM E. DREW, 2345
EDWARD O. ERKES, 7604
STEVEN C. FENZL, 1790
WILLIAM L. FOLEY, 1884
*DOUGLAS C. FULLER, 0511
MARY E. GABRIEL, 7283
*ROBERT A. GARDNER, 4174
ROBERT J. GILLEN, III, 0356
BRENT L. GILLILAND, 7065
SCOTT E. GRAY, 0931
*LINDA J. GRIFFITH, 7860
CHARLES K. HARDIN, 4915
BYRON C. HEPBURN, 5630
WILLIAM G. HUGHES, 5908
*MARK G. JANCZEWSKI, 2573
DANIEL J. JANIK, 6863
GEORGE P. JOHNSON, 2049
ANTHONY A. KAMP, 4845
STEPHEN M. KINNE, 2540
ANDREW R. KIOUS, 9033
DEBORAH A. KRETZSCHMAR, 0639
MAUREEN E. LANG, 9650
*BRECK J. LEBEGUE, 6448
*JANICE L. LEE, 9446
*KARL E. LEE, 3071
JULIAN C. LEVIN, 9370
*MARK F. LUPPINO, 4448
*CHARLES W. MACKETT, 3532
STEPHEN F. MANCHESTER, 5328
HOWARD T. MCDONNELL, 8127
FRANK W. MEISSNER, 7434
MICHAEL C. MERWIN, 8765
ANDREW J. MESAROS, JR., 6458
*GRAIG E. MILLER, 4731
NICHOLAS J. MINIOTIS, 7527
*RANDALL J. MOORE, 5722
ROBERT A. MUNSON, 9204
*MARK T. NADEAU, 0928
GUY M. NEWLAND, 9419
ALAN E. PALMER, 6303
JON R. PEARSE, 6388
WILLIAM F. PIERPONT, 5059
ALTON W. POWELL, III, 1989
RHETT M. QUIST, 8306
MIGUEL A. RAMIREZCOLON, 6888
*BRIAN H. REED, 0251
LAWRENCE M. RIDDLES, 7450
*DOUGLAS J. ROBB, 4098
*ODES B. ROBERTSON, JR., 5552
*JAMES R. RUNDELL, 6644
ROBERT SABATINI, 0127
SCOTT A. SCHWARTZ, 3607
*LEIGH A. SCHWIETZ, 3775
RANDY A. SHAFFER, 5122
PHILIP M. SHUE, 5698
*ANTONIA SILVAHALE, 1762
ALAN T. SMITH, 5188
BRUCE D. SMITH, 9896
OTHA L. SOLOMON, JR., 4845
*TERESA J. SOMMESE, 0256
STANLEY H. STANCIL, 5564
PAUL S. STONER, JR., 6160
*WILLIAM S. SYKORA, 4265
STEVEN J. THOMSON, 2172
ERIK M. TJELMELAND, 3273
*ANTHONY J. VANGOOR, 7234
JOHN H. WAGONER, 6438
GARY M. WALKER, 9049
JANET M. WALKER, 4235
PETER T. WALSH, 3689
*JAMES M. WATSON, 2663
MARSHALL L. WONG, 9395
DANIEL O. WYMAN, 4744

To be lieutenant colonel

*CAMERON D. ANDERSON, 9202
JOSEPH B. ANDERSON, 2249
*ELEANOR E. AVERY, 5261
*JOHN M. BALDAUF, 8209
*STEVEN L. BARTEL, 7364
BRANTLY W. BAYNES, 8942
RICHARD M. BEDINGHAUS, 8298
*WILLIAM BENINATI, 2922
*STEPHEN J. BERCSI, 7288
*EUGENE V. BONVENTRE, 6512
*EDGAR M. BOYD, JR, 8489
*TIMOTHY L. BRAY, 6662
*SIDNEY B. BREVARD, 5504
IRVIN P. BROCK III, 6435
*SUSAN A. BROWN, 3317
*RUDOLPH CACHUELA, 8895
*MATTHEW T. CARPENTER, 5581
*TIMOTHY D. CASSIDY, 7295
*STANLEY E. CHARTOFF, 6556
*JOSEPH P. CHOZINSKI, 9075
JOHN R. CHU, 9321
*MICHAEL J. CLAY, 8818
*KENNETH A. CONNER, 1960
*RICKY D. COOK, 6478
*PAULA A. CORRIGAN, 6981
*LISA D. CURCIO, 4032
RICHARD T. DAHLEN, 7026
*RICHARD DEMME, 1060
*ROBERT C. DESKO, 1854
*HAROLD D. DILLON III, 5222
*MARCEL V. DIONNE, 4603
MICHAEL C. EDWARDS, 8829
THOMAS A. ERCHINGER, 9341
*JAMES A. FIKE, 1212
JOHN R. FISCHER, 8636

*MARCUS S. FISHER. 1174
*LES R. FOLIO. 1395
*VINCENT P. FONSECA. 1816
*ROBERT T. GILSON. 3429
*JEFFERSON H. HARMAN, JR., 4744
*LEE WAYNE HASH. 4587
*PAUL A. HEMMER. 2142
*SANDRA J. HERRINGTON. 3358
STEVEN M. HETRICK. 4945
LEWIS A. HOFMANN. 9034
LAWRENCE H. HOOPER, JR., 1082
*CONSTANCE A. HUFF. 0138
LESTER A. HUFF. 1868
DONALD H. JENKINS. 1878
*JEFFREY P. JESSUP. 4230
ROBERT M. KRUGER. 9716
MICHAEL J. KUCSERA. 4298
*KEVIN A. LANG. 7592
MARY R. LANZA. 7470
PHILIP J. LAVALLEE. 5478
*LINDA L. LAWRENCE. 7890
*KENNETH S. LEFFLER. 0197
*JOHN M. LEIB. 8116
*NICHOLAS G. LEZAMA. 3460
JEROME P. LIMOGE, JR., 4864
SCOTT A. MACKEY. 2272
*SUZANNE M. MALIS. 2412
*CURTIS M. MARSH. 9709
MARK E. MAVITY. 8558
*KIMBERLY P. MAY. 9058
SCOTT A. MAZANEC. 5148
*BRENT S. MC CLENNY. 5605
*JOHN S. MC CULLOUGH. 5765
*CHRISTIANNE M.R. MC GRATH. 2269
JOHN P. MC PHILLIPS. 0455
*PAUL D. MC WHIRTER. 0285
*GREGORY K. MEEKIN. 3011
*PATRICIA A. MEIER. 5686
*KARL L. MEYER. 0095
*MICHAEL G. MILLER. 0691
ROBERT I. MILLER. 4779
JOHN MIRABELLO. 0054
*JON D. MOLIN. 2064
*STEPHAN G. MORAN. 5840
KYLE C. NUNLEY. 2697
*JOHN M. NUSSTEIN. 8726
*KENNETH N. OLIVIER. 3597
*GUILLERMO E. ORRACA. 7226
*MICHAEL B. OSSWALD. 2842
*GREGORY R. OWENS 7925
KERRY B. PATTERSON 1878
*TIMOTHY O. PFEIFFER 5320
*CHRISTOPHER J. PHILLIPS 5745
EDWIG K. PLOTNICK 6436
WAYNE M. PRITT 2325
*JAMES M. QUINN 0198
*JOEL L. RAUTIOLA 3318
*MARK W. RICHARDSON 1731
MATTHEW R. RICKS 8615
JOSEPH L. RUEGEMER 0994
*BRIAN W. RUSS 8955
*SCOTT A. RUSSI 6877
LINDA M. SAKAI 2565
BRIAN P. SCHAFER 4010
CATHY J. SCHOORENS 0415
*STEPHEN M. SCHUTZ 6194
*RAYMOND A. SCHWAB III. 9597
*MICHAEL L. SHAPIRO 4526
*ARVIND M. SHENOY 1740
ROBERT D. SHUTT 6815
*GREGG S. SILBERG 3582
*MARK A. SLABBEKOORN 1722
*DANIEL B. SMITH 4774
DAVID L. SMITH 6792
*MICHAEL R. SNEDECOR 4876
*DAVID G. SORGE 5042
*THERESA B. SPARKMAN 9548
ANDREW J. STASKO 0018
*RAYMOND M. STEFKO 2325
DAVID E. SULLIVAN 1875
DOUGLAS J. SWANK 6958
*WILLIAM S. TANKERSLEY 3987
TAMA R. VANDECAR 3756
WALTER D. VAZQUEZ 3493
JAY L. VIERNES 6780
*LANE L. WALL 9067
LINDA M. WANG 5929
SCOTT A. WEGNER 5031
*JAMES H. WELCH 9388
DAVID L. WELLS 0591
*DELANO D. WILSON 6072
*JOE B. WISEMAN 3640
*ANDREW KI WONG 2224
KONDI WONG 2070
GAVIN S. YOUNG 6213

To be major

NINA J. ABRANSON 2097
SEAN C. ADELMAN 2259
SURESH M. ADVANI 4778
DALE M. AHRENDT 0736
JOHN G. ALBERTINI 8616
CHRISTOPHER S. ALLEN 8773
RICHARD L. ALLEN 7277
JANICE M. ALLISON 4685
MARVIN D. ALMQUIST 9673
ZENAIDA M. ALONSO 8110
MARIA T. ANDERSON 7909
MELVER L. ANDERSON III. 1723
WENDY A. ANGELO 7525
MICHAEL J. ARMSTRONG 0237
RUTH E. ARNOLD 4052
SIMA C. ARTINIAN 2559
LUIS A. ARTURI 6836
DONALD E. ASPENSON 2826
PAUL L. BAKER 8531
KRISTEN D. BARNETTE 4292
BRIAN R. BAXTER 0605
STEVEN L. BAYER 5027
WILLIAM D. BEABER 7153
DOUBLAS P BEALL 3573
SHANNON L. BEARDSLEY 4197
BETH E. BECK 2985
NEAL L. BEIGHTOL 5148
JOHN T. BELD 9760
DAVID J. BELFIE 6999
BARBRA R. BELL 5904
DEBORAH S. BELSKY 8837
ASHLEY B. BENJAMIN 4462
ELAINE B. BEPPEL 5743
TROY W. BISHOP 7218
JOSE M. BISQUERRA 2364
FREDERIC L. BLACK 1627
CATHERINE A. BOBENRIETH 7762
JON F. BODE 2165
MICHAEL W. BOETTCHER 0796
ALBERT H. BONNEMA 1720
MARK E. BOSTON 2066
JOSEPH P. BOUVIER, JR., 4352
RUDY M. BRAZA 7508
ANTHONY J. BROTHERS 2801
KEVIN D. BROWN 6991
PAMELA A. BROWN 1245
TIMOTHY M. BROWN 4915
ANNETTE M. BRUNETTI 1801
DANIEL B. BRUZZINI 3423
KEVIN L. BURNS 2718
VICTOR BYKOV 4397
DANIEL V. CAHOON 2030
HEATHER L. CALLUM 2245
RICHARD J. CARROLL 7182
PAUL CASEY 0123
MEREDITH S. CASSIDY, 8445
SCOTT E. CAULKINS, 2424
MINA CHA, 3015
PETER J. CHANDLER, 3205
EUGENE Y.M. CHANG, 6365
ROBERT C.Y. CHEN, 6064
SEBASTIAN F. CHERIAN, 3565
ERIC M. CHUMBLEY, 1855
MICHAEL H. CLARK, 4387
WILLIAM A. CLINE, 8196
WILLIAM D. CLOUSE, 5386
ROBERT E. CONNELL, 1177
RANDY I. COOPER, 2071
BRIAN C. COYNE, 3261
JOSPEH M. COZZOLINO, 0233
RANDOLPH K. CRIBBS, 6463
TODD S. CROCENZI, 3160
KARRIE A. CUNNINGHAM, 9685
PETER J. CURRAN, 0222
RACHEL L. CURTIS, 3625
ROBERT S. CUTRELL, 8487
LYNN M. CZEKAI, 8481
MARCI L. DABBS, 2592
MICHAEL DAVIS, 6412
ANTHONY S. DEE, 9598
MARK C. DELEON, 7033
PIETRA ANGELO A. DELLA, 5200
RICHARD C. DERBY, 2720
CAROLINE C. DEWITT, 4557
JOHN P. DICE, 6178
DANIEL S. DIETRICH, 4511
DANIEL R. DIRNBERGER, 4065
CAROL C. DOMBRO, 7545
ANTHONY A. DONATO, JR., 6556
CHRISTOPHER J. DORVAULT, 6144
RODNEY J. DUFF, 5304
MICHAEL C. DUMARS, 9310
HOLLY A. DUNN, 4565
MARY BETH DURBIN, 8605
JAMES W. ELLIOTT, 1910
KELCEY D. ELSASS, 0733
WILLIAM P. ELSASS, 8419
ANTONIO J. EPPOLITO, 9969
BRUCE A. ERHART, 5597
BASSAM M. FAKHOURI, 0893
JENNIFER S. FALK, 6824
GERALD F. FARNELL, 7670
JAMES A. FEIG, 0324
EARL E. FERGUSON III, 8064
STEPHEN I. FISHER, 3559
MICHAEL J. FITZPATRICK, 0175
MARC W. FLICKINGER, 0697
CRAIG L. FOLSOM, 6104
MELETIOS J. FOTINOS, 5019
THOMAS G. FRASER, 0723
DIXON L. FREEMAN, 5885
DON A. FROST, 9194
TIMOTHY A. FURSA, 7349
GEOFFREY P. GALGO, 9742
JEFFREY M.B. GALVIN, 7521
DEBORAH M. GARRITY, 7525
K. PAUL GERSTENBERG, 1895
JONATHAN V. GILES, 9417
JAMES M. GLASS, 6927
GITTLE G. GOODMAN, 6694
DAVID S. GREGORY, 4194
MARK D. GREGSTON, 3067
LINDA E.M. GRISMER, 8564
CLIFFORD N. GROSSMAN, 4627
VILLA L. GUILLORY, 0045
PAUL D. GUISLER, 1913
DARLENE R. HACHMEISTER, 8681
WILLIAM L. HAITH, JR., 8277
CHRISTINE L. HALE, 3901
REID B. HALES, 1821
MITCHELL F. HALL, 5416
DAVID B. HAMMER, 4811
DAWN M. HANSEN, 8003
LORNELL E. HANSEN, 5190
ROBERT W. HARRINGTON, 3921
BRADFORD N. HATCH, 4561
CRAIG M. HAUSER, 5669
CODY L. HENDERSON, 0636
JOHN S. HENRY, 5134
ALDEN D. HILTON, 9780
DIRK R. HINES, 1157
ROBERT C. HINKLE, 6521
DAVID W. HIRSHFIELD, 9529
DAVID E. HJERPE, 6420
ROBERT G. HOLCOMB, 1510
YUHOE HONG, 1482
GRACE L. HONLES, 3014
BARRY E. HORNER, 2901
CHRISTINE L. HOROWITZ, 6294
STUART W. HOUGH, 2503
BOBBY C. HOWARD, 6174
THOMAS HUANG, 7062
RICHARD N. HUDON, 1513
MICHAEL L. HUGHES, 1804
RICHARD J. HUGHES, 4605
VICTORIA R. HUGHES, 9459
KEITH W. HUNSAKER, 5938
STEPHEN A. HUSSEY, 6685
LISA R. HYNES, 1155
CANDACE L. IRETON, 4328
BERNARD V. JASMIN, 7490
BRIAN V. JOACHIMS, 0468
CHARLES E. JOHNSON, 6992
STEPHEN B. JONES, 4426
STEPHEN C. JONES, 4317
MICHAEL W. KADRMAS, 4923
DAPHNE J. KAREL, 4168
JAMES A. KEENEY, 0994
MATTHEW P. KELLY, 0654
SAMUEL S. KELLY, 9419
STEVEN M. KELLY, 9916
CAROLINE H. KENNEBECK, 5225
JEFFREY A. KERRLAYTON, 5516
JOHN W. KERSEY, JR., 0533
JILL R. KESTEN, 4350
DAVID H.T. KIM, 1564
CURTIS D. KING, 2790
KAREN A. KLAWITTER, 2791
MOLLY E. KLEIN, 7072
LESLIE A. KNIGHT, 7593
THOMAS J. KNOLMAYER, 5564
ERIK K. KODA, 5486
CLARICE H. KONSHOK, 3604
THOMAS C. KRIVAK, 0008
STEPHANIE J. KRUSZ, 1198
JOHN A. KUTZ, 7603
TERI A. KYROUAC, 6746
LOAN N. LAI, 1581
DAVID M. LAIRD, 4641
CRAIG L. LASTINE, 5294
STEVEN E. LATULIPPE, 8521
MICHAEL S. LAUGHREY, 2945
BRADLEY J. LAWSON, 2702
MOON H. LEE, 0917
STEVE K. LEE, 5021
HENRY T. LEIS, 2846
ROBERT P. LEMMON, 3196
ERNEST C. LEWIS, 2412
MICHAEL C. LILLY, 4164
ALEXANDER J. LIM, 2220
IAN Y.H. LIN, 3673
TODD A. LINCOLN, 2934
PAUL I. LINDNER, 8243
TAMMY J. KINDSAY, 5845
JOHN G. LINK, 2134
JOHN J. LINNETT, 3582
DOUGLAS W. LITTLE, 4956
MARCIA LIU, 0290
WARREN YVETTE M. LOPEZ, 7017
LAURIE P. LOVELY, 4917
PATRICK D. LOWRY, 5358
MARK A. LUFF, 5576
JOHN C. LUNDELL, 9319
IAN T. LYN, 4699
ERIC M. MADREN, 9255
ORLANDO R. MAGALLANES, 6185
MICHAEL J. MAJORS, 1384
SCOTT C. MALTHANER, 8203
JEROME J. MANK, 5639
MICAELA J. MANLEY, 0224
KELLY W. MANNING, 6229
TAJA ANASTASIA MANUSELIS, 5991
SANFORD K. MARCUSON, 1559
DANIEL S. MARTINEAU, 9585
BRUCE S. MATHER, 4821
JEFFREY S. MAYER, 7011
RICHARD J. MAYERS, 5775
TIMOTHY J. MAZZOLA, 7623
THOMAS J. MCBRIDE, 6708
JAMES M. MCCARTHY, 1317
JEFFREY A. MCCRAW, 1446
ARCHIE R. MCGOWAN, 2493
TIMOTHY A. MCGRAW, 3494
DAVID E. MCHORNEY, 9879
STEPHEN H. MEERSMAN, 8738
JAROD, MENDEZ, 8638
JOHN P. METZ, 8801
MAUREEN V. METZGER, 9232
ANTHONY J. MEYER, 9372

DEBORAH A. MILKOWSKI, 3808
CAROLINE R. MILLER, 1708
LORN S. MILLER, 0880
TROY A. MILLICAN, 8941
MATTHEW H. MILLIGAN, 4907
DOUGLAS MILLS, 2875
ANDREW P. MINIGUTTI, 1589
DAVID M. MIRANDA, 8843
DAVID E. MITCHELL, 5166
GARTH G. MOON, 1805
BRIAN A. MOORE, 4318
KENNETH P. MOORE, 6110
SCOTT A. MOORE, 2390
SCOTT W. MOSS, 4476
DIANE M. MRAVA, 6177
TRISTI W. MUIR, 1499
JOHN P. MULLOY, 4933
KEVIN A. MURPHY, 6716
JOHN L. MUSA, 9824
ROBERT NEE, 3070
ALAN R. NEEFE, 9222
JOHN F. NEELY, 7874
DOROTHY DN NGUYEN, 6521
MARK E. NICHOLS, 3018
ROBERT A. NIDEA, 5974
MARY L. NIEDZWIECKI, 6396
PATRICK G. NORTHUP, 4030
STEVEN L. NOVICK, 7098
MARK E. NUNES, 4462
DUANE A. OETMAN, 8681
LISA A. OLSEN, 0700
DEBORAH L. ORNSTEIN, 6700
GLENN L. OSIAS, 1448
ENDER S. OZGUL, 6824
JACOB E. PALMA, 3310
BRETT L. PARRA, 8448
JOEL J. PAULINO, 7827
TRENT L. PAYNE, 2664
CHRISTOPHER S. PEAD, 9049
SALVATORE PELLIGRA, 7625
JOSEPH D. PENDON, 5863
JON PERLSTEIN, 2755
ANTHONY T. PERRIN, 9717
STEVEN E. PFLANZ, 0371
NAMTRAN H. PHAM, 4848
PEERACH P. PHERMSANGNGAM, 9082
DAN E. PHILLIPS, 4060
THADDEUS H. PHILLIPS, III, 3406
ROBERT H. PIERCE, 0998
BRIAN S. PINKSTON, 7592
JULIE A. PLUMBLEY, 5974
AARON C. POHL, 2906
MARK A. POSTLER, 4592
GERALD A. PRICE, 6249
SCOTT C. PRICE, 1867
THOMAS A. PRIVETT, 7963
FRANCES J. PUCHARICH, 5691
PAUL M. PULCINI, 7883
DAN W. PULSIPHER, 0150
IRFAN M. RAHIM, 0192
DAVID P. RAIKEN, 6154
PEAL RAMSER, 9691
DEBORAH RASCOE, 3859
LEROY M. RASI, 2573
KAREN V. RAY, 1198
RICHARD R. REINHOLTZ, 6543
PETER F. RESNICK, 1995
ROCKY R. RESTON, 0902
MATTHEW G. RETZLOFF, 4837
KAREN G. REYNOLDS, 8957
TAMARA D. RICE, 1578
MICHAEL A. RIPLEY, 6903
JULIA RIVERAFIGUEROA, 6570
KIP D. ROBINSON, 9659
GUILLERMO ROBLES, 9233
JACK F. ROCCO, 4582
RITA R. RODRIGUEZ, 2428
BRIAN J. ROGERS, 4173
STEVEN M. ROSS, 1792
LAWRENCE E. ROTH, 4634
KRISTIN M. RYAN, 3622
WANDA L. SALZER, 7085
AMARYLLIS E. SANCHEZWOHLEVER, 2371
DAVID S. SAPERSTEIN, 0212
DAVID A. SARNOW, 2471
CENGIZ P. SATIR, 0123
THOMAS J. SATRE, 9295
AHMET R. SAYAN, 3447
SANDRA M. SAYSON, 9975
GARY V. SCALFANO, 0503
KATHLEEN H. SCARBROUGH, 0431
BRIAN C. SCHAFER, 7809
MARK G. SCHERRER, 0943
ANDRE C. SCHOEFFLER, 0206
CHRISTOPHER D. SCHULTEN, 9540
RACHEL L. SCHWAB, 4325
JEFFREY S. SEAMAN, 4565
RANDELL J. SEHRES, 3481
STACY A. SHACKELFORD, 6614
JONATHAN I. SHEINBERG, 2813
PAUL M. SHERMAN, 6978
KRISTIN M. SHINNICK, 5426
DANIEL A. SHOOR, 4669
FREDERICK W. SHULER, 6225
TODD B. SILVERMAN, 6864
MICHAEL D. SIMMONS, 5178
STEVEN B. SLOAN, 0143
BARRY C. SMITH, 6667
TRACY T. SMITH, 2183
WENDELL R. SMITH, 4463
DENISE MARIE SOJOURNER, 8029
JEFFERY T. SORENSEN, 3928
KENNETH E. SPARR, 6585
SCOTT M. STALLINGS, 5044
LLOYD E. STAMBAUGH, 8257
GREGORY W. STAMNAS, 7236
BRIAN K. STANSELL, 4685
JANETTE MARIE STEPHENSON, 2640
PETER J. STEVENSON, 9726
CHARLES A. STOCK, 2881
ANTHONY C. STONE, 2897
JAMES B. STOWELL, 6185
SCOTT M. STRAYER, 2197
DAVID C. STREITMAN, 4073
MARK E. STURGILL, 6966
GEORGE A. SWANSON, 2557
PAUL B. SWANSON, 4718
BRIAN F. SWEENEY, JR., 1065
CLIFFORD F. SWEET, 7493
SETH H. SWITZER, 4731
HORNE JILL R. TALLEY, 7306
SARADY TAN, 5203
DONOVAN N. TAPPER, 7796
JON C. TAYLOR, 6737
ERIC L. THOMAS, 0608
SHALZ JENNIFER A. THOMPSON, 1207
JAMES C. THRIFFILEY, 1549
EDWARD B. TIENG, 6975
JAMES TING, 4330
BRADLEY M. TURNER, 3640
CHRISTOPHER M. UNTCH, 8736
VLECK MATHEW R. VAN, 9941
PETER J. VANCE, 3865
TIMOTHY E. VANDUZER, 7576
RICHARD N. VANLEEUWEN, 7780
ETHAN S. VANTIL, 0529
TRACY T. VANTO, 1149
GUS G. VARNAVAS, 6285
JOSEPH K. VAUGHAN, JR., 7269
STEVEN G. VENTICINQUE, 0851
KURT M. VONHARTLEBEN, 8604
CHARLES H. VOSSLER, III, 0976
LYNDA K. VU, 1949
MICHAEL H. VU, 6737
THOMAS H. WAGNER, 3527
WILLIAM F. WALTZ, 3663
DAVID C. WEINTRITT, 8367
MATTHEW A. WELCH, 0504
KELLY N. WEST, 4212
JOHANN S. WESTPHALL, 7320
ERIC D. WILLIAMS, 0621
DAMON S. WIRTH, 5962
STEPHEN C. WISSINK, 8780
FREDERICK G. WOLF, 3153
KIMBERLEY A. WOLOSHIN, 3602
WILBUR P. WONG, 8267
RANDY J. WOODS, 6672
MOLLY L.T. YARDLEY, 7271
CLARENCE B. YATES, 2808
MICHAEL W. YOREK, 3343
ILAN J. ZEDEK, 9542
PETER W. ZIMMER, 8909
ROBERT P. ZIMMERMAN, 7965
GEORGE T. ZOLOVICK, 4033

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT V. ADAMSON, 9488
ROGER L. ALLEN, 6019
MARIO H. ALVARADO, 5703
FRED R. BAILOR, 7463
WALTER S. BANE, 0429
MARTIN R. BARNARD, 4677
SANDRA J. BARY, 1005
ALVIN BELTON, 8478
MARCIA J. BENJAMIN, 1505
KATRINA K. BENTLEY, 9573
MELVIN BERGER, 1567
WILLIAM S. BERNFELD, 7121
DAVID R. BLACK, 1382
CATHIE S. BRIEN, 5055
JOHN J. BRUGGER, 3337
MICHAEL D. BUNYARD, 3390
PHYLLIS M. BUTZEN, 9000
MARCUS E. CARR, 9565
DONALD A. CAVALLO, 1625
ROBERT M. COSBY, 4116
JOSEFINA CRUZOTERO, 6218
JOHN D. DAVENPORT, 4988
PANAKKAL DAVID, 9105
MARY G. DENTON, 8455
OSCAR S. DEPRIEST, 1453
JOHN L. DILLON, 5683
PETER J. DIPIETRANTONIO, 5480
RICHARD M. DOUGLAS, 3842
ERLAN C. DUUS, 9289
GUSTAVO A. ESPINOSA, 8472
DAVID T. ESTROFF, 1277
RAYMOND E. FAUGHT, 6287
DANIEL F. FLYNN, 3671
WILLIE L. FRAZIER, 2005
CHARLES L. GARBARINO, 1071
CLAUDIA M. GIBSON, 8893
CHARLES M. GILMAN, 0267
AGUSTIN GOMEZ, 1874
MARY J. GRAP, 1781
ROBERTO GUTIERREZ, 7595
ROBERT D. HALL, 7690
MICHAEL R. HERMANS, 2479
CORDELL R. HONRADO, 9923
TIMOTHY M. HUBALIK, 7348
WILLIAM H. HUGHES, 1698
CAROLYN T. HUNT, 9472
LANCE E. HYLANDER, 1145
BRUCE KLOSTERHOFF, 4361
ALLAN J. KOGAN, 1682
GARY E. KOLB, 9306
DONALD H. LAMBERT, 5876
LAWRENCE E. LANDRUM, 1001
STEVEN W. LINDELL, 8598
EDDIE N. LUMPKIN, 5960
MICHAEL A. MADSEN, 6750
ROY S. MAROKUS, 9742
GLORIA J. MARTIN, 3567
ELISABETH MONTAGUE, 6774
DAVID P. MOSCOVIC, 4045
MICHAEL J. MURRAY, 1355
HECTOR L. NEVAREZ, 5821
DOROTHY A. NOVAK, 7233
KATHLEEN E. PAGE, 0130
JAMES H. PARKER, 6067
PAMELA D. PARKER, 9897
JOHN A. PARROTT, JR., 6542
DONALD L. PATRICK, 0336
HERBERT W. PERCIVAL, 6515
MICHAEL D. PERREN, 5108
DOUGLAS A. PETERSON, 4854
WILLIAM J. PHILLIPSEN, 1109
GERALD POLEY, 7433
PATRICIA E. PREVOSTO, 4256
PHILIP D. RABALAIS, 4107
PAUL L. RAGAINS, 0663
JEFFREY M. REINES, 0364
ANGEL A. ROMAN, 8356
DAVID SABBAR, 1147
JOE R. SCHROEDER, 3769
CALINICA O. SEMENSE, 5704
JOSEPH W. SESSION, 3701
DWIGHT Y. SHEN, 5895
GORDON B. STROM, 7433
CAROL A. SWANSON, 0056
THOMAS P. SWEENEY, 4829
KATHLEEN H. SWITZER, 1913
NORMAN J. TONEY, 7129
JOE E. TREVINO, 2770
ROBIN UMBERG, 3527
MARVIN J. VANEVERY, 0723
HOMI B. VANIA, 0833
LOUIS E. WALKER, 3251
JOHN D. WASSNER, 0919
STANLEY J. WHIDDEN, 6625
BETTY J. WILLIAMS, 2170
JOHN E. WILLIAMS, 8471
WAYNE S. YOUNG, 0050
JEFFREY N. YOUNGGREN, 7577
JACK W. ZIMMERLY, 1537

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DAVID J. ABBOTT, 1276
PAUL D. ADAMS, 5018
RANDOLPH D. ALLES, 0706
MICHAEL C. ANDERSON, 1381
STEVEN F. BARILICH, 0494
JOHN T. BOGGS, JR., 1051
GORDON C. BOURGEOIS, 1576
MARK L. BROIN, 9321
TIMOTHY E. BROOKS, 1364
ROY R. BYRD, 3605
ROBERT S. CHESTER, 6671
EUGENE K. CONTI, 3546
JAMES J. COONEY, 3129
ALLEN COULTER, 5284
JOHN T. CUNNINGS, 5565
CHARLES E. DELAIR, 4460
JOHN D. DEWITT, JR., 2463
GILBERT B. DIAZ, 8661
FRANK J. DIFALCO, 6087
SCOTT A. DOYLE, 3115
JOSEPH F. DUNFORD, JR., 3240
MICHAEL DUVA, 6853
STEVEN T. ELKINS, 3267
JOHN T. ENOCH, JR., 7326
STEPHEN M. FENSTERMACHER, 1780
JOHN S. FLANAGAN II, 4240
MARK FREITAS, 7995
VINCENT C. GIANI, 7214
WILLIAM F. GUILFOYLE, 7523
JOHN D. GUMBEL, 4675
CHARLES M. GURGANUS, 6426
PAUL A. HAND, 4589
JON T. HARDWICK, 4621
RODGER C. HARRIS, 7710
BOYETTE S. HASTY, 5149
LARRY D. HUFFMAN, 3683
STEVEN A. HUMMER, 8472
KENNETH A. INMAN, JR., 7410
GAIL E. JENNINGS, 4769
MICHAEL E. KAMPSEN, 6362
DAVID T. KERRICK, 1808
TERENCE K. KERRIGAN, 9854
ROBERT J. KNAPP, 7689
STUART L. KNOLL, 3317
JOHN E. KRUSE, 7248
PAUL L. LADD, 1495
RICHARD M. LAKE, 5425

JOHN L. LEDOUX, 6104
PAUL E. LEFEBVRE, 3546
ALFREDO LONGORIA, JR., 7998
HARRY E. MCCLAREN, 2249
WILLIAM M. MEADE, 3948
JOSEPH V. MEDINA, 2528
RICHARD MINGO, 1031
PATRICK R. MORIARTY, 2898
CHARLES V. MUGNO, 3651
WILLIAM R. MURRAY, 8877
JOSEPH I. MUSCA, 5458
RODERIC S. NAVARRE, 5273
PHILIP L. NEWMAN, 2554
JAMES D. NICHOLS, 6965
GORDON C. O'NEILL, 1047
JAMES A. PACE, 3879
JEFFREY J. PATTERSON, 3425
DAVID H. PEELER, 6231
EUGENIO G. PINO, 4652
PAUL J. PISANO, 0637
JOHN J. RANKIN, 5366
GEORGE E. RECTOR, JR., 7190
JOHN T. REES, 7897
MICHAEL R. REGNER, 2538
GREGORY C. REUSS, 3641
ANGELA SALINAS, 8578
ARTHUR H. SASS, 5296
RICHARD J. SMITH, 1159
ANA R. SMYTHE, 0273
RICHARD W. SPENCER, 6336
MELVIN G. SPIESE, 2800
TERRY G. STEVENS, 9528
THOMAS F. THALER, 6580
JAMES M. THOMAS, 4857
DENNIS C. THOMPSON, 6826
PETER B. TODSEN II, 8461
JOHN A. TOOLAN, JR., 4023
TOMMY L. TYRRELL, JR., 7114
ANTHONY W. VALENTINO, 9849
KEVIN A. VIETTI, 1854
LAWRENCE G. WALKER, 7267
BRADFORD G. WASHABAUGH, 9834
WALTER V. WHITFIELD, 2788
TERRENCE W. WILCUTT, 4553
DAVID M. WINN, 6749
KEVIN H. WINTERS, 1557

EXTENSIONS OF REMARKS

SUPPORT THE HOPE FOR CHILDREN ACT

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. BLILEY. Mr. Speaker, recently I received a letter from one of my constituents, Mr. Scott Thompson of Richmond, Virginia. Mr. Thompson and his wife are in the process of adopting a child and I was struck by what he was willing to go through to give a child a loving home.

Mr. Thompson writes:

> To give some background, my wife and I have been going through the adoption process for about two years. During that time we have pursued many different paths and options, all unsuccessful, so far. As it stands now we are about six months from getting our child, hopefully. We have invested to date, roughly $6,000. We will surely invest another $10,000 before it is all over . . . It is, however, very sad that two people who wish to provide a loving and stable home to a child must endure . . . outrageous costs as well. In our case we will have to obtain a second mortgage on our home and use all of our savings to make this a reality. These payments will make it more difficult for us to give all that we want to our child. Passage of this bill will cost the Federal Government so little in the grand scheme of things. It will, however, provide much needed help to the searching families and the waiting children.

Mr. Speaker, as Mr. Thompson's letter indicates, the cost of adopting a child continues to go up. Many parents who want to give a child a loving home cannot because of the huge expense of doing so. Adopting a child can cost a family thousands of dollars; more than most families can handle. Today, I reintroduce the Hope for Children Act to help ease the financial burden on those who want to give a child a loving home.

The Hope for Children Act would increase the adopting tax credit for each adoption to $10,000 and make the process more affordable for middle-class families. Present law only provides a $5,000 tax credit per adoption and a $6,000 tax credit for the adoption of special needs children. The current tax credit is far below the actual cost of adopting a child. Furthermore, the Hope for Children Act would index the credit for inflation and increase the earnings limit, expanding eligibility for the tax credit. The Hope for Children Act would also make the adoption tax credit permanent law, repealing the sunset, and exempt the beneficiaries of the credit from the Alternative Minimum Tax. This will ensure that parents receive the full benefit of this credit.

Mr. Speaker, my wife and I are adoptive parents. The Hope for Children Act will allow more families and children to experience the happiness my family has enjoyed. Most important, more children will have someone to call 'Mom and Dad' if the Hope for Children Act becomes law. With the average adoption costing between $8,000–$25,000, we need to do more to promote adoption. The Hope for Children Act will make it possible for more children without homes to join loving families. The Hope for Children Act can make dreams come true for many people.

Today, thousands of children are without permanent families—it is time we all work together to fix this problem. We owe it to those children to put aside political differences and pass pro-adoption legislation this year.

IN HONOR OF THE NATIONAL APPRECIATION DAY FOR CATHOLIC SCHOOLS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the National Appreciation Day For Catholic Schools. As a former Catholic school student, I know first hand the value of a Catholic education. Catholic schools teach students discipline, pride, and respect for learning.

I especially wish to recognize the delegation of students, teachers, and parents that make the National Appreciation Day For Catholic Schools a special day, they also know the value of Catholic schools. Their commitment to ensuring an exceptional Catholic education and maintaining quality Catholic schools means that Catholic students in the future will continue to benefit from outstanding educational opportunities.

I would also like to recognize the National Catholic Educational Association (NCEA) for their efforts to promote educational and catechetical goals. By sponsoring events like the Seton Awards, which recognize individuals who have made outstanding contributions to Catholic education, the NCEA works diligently to insure better education across America.

Providing excellent educational opportunities for all children is one of the most important goals in our society. I am encouraged by the involvement of the students, teachers, and parents who are observing the National Appreciation Day For Catholic Schools.

SOCIAL SECURITY EARNINGS LIMIT ELIMINATION ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. GILMAN. Mr. Speaker, I rise today to introduce H.R. 519, the Social Security Earnings Limit Elimination Act of 1999. I invite my colleagues to join me in supporting this worthwhile piece of legislation.

The objective of this bill, H.R. 519, is simple and straightforward: It would fully remove in the future the limitations on the amount of outside income which working seniors who are receiving Social Security may earn while receiving benefits.

For too many years, those senior citizens, aged 65 to 69, who chose to continue to work have had their Social Security benefits deducted dollar for dollar once their earnings went over $12,500 annually.

The 104th Congress made a much-needed change, raising the outside earnings limit to $30,000 by the year 2002.

I believe that while this is a good step forward, more needs to be done on this issue. The earnings limit only serves to discourage many seniors from working and diminishes their potential impact on society. It is a condescending regulation that conveys the message that seniors have nothing to contribute and discourages them from serving in the work force.

I was pleased to hear the President, in his State of the Union Address, calling for the elimination of the earnings limit.

Accordingly, I invite my colleagues to join in supporting this timely and important legislation.

IN MEMORY OF JUDGE JOSEPH EDWARD STEVENS, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Judge Joseph Edward Stevens of Kansas City, MO. Judge Stevens was an honorable adversary in the courtroom, an outstanding jurist, and a warm and thoughtful friend.

Judge Stevens was born in Kansas City, attended Southwest High School, Yale University and Michigan Law School. He served as a Lieutenant in the Navy from 1952–1955. Before entering the Navy, he was a research assistant to Charles Whitaker. He was an attorney with Lombardi, McLean, Slagle and Bernard and then with Lathrop, Koontz, Righter, Blackwell, Gordon and Parker from 1956–1981. He was appointed by President Reagan in 1981 to the United States District Court for the Western District of Missouri and served actively until his death, presiding over some of the highest-profile cases in recent Kansas City history.

Judge Stevens taught at the Law Schools of the University of Missouri at Columbia and University of Missouri at Kansas City. He served from 1974 to 1982 as a member of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Board of Governors of the Missouri Bar and was president of the Missouri Bar from 1980 to 1981. He was appointed by President Clinton and confirmed by the Senate on April 6, 1995 as a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation, serving as president from 1997 to the present. He was a former member of the House of Delegates of the American Bar Association and of the Advisory Board of the Court Appointed Special Advocates (CASA).

Judge Stevens was awarded the Lon O. Hocker Memorial Trial Lawyer in 1962, and the Spurgeon Smithson Award in 1987 by the Missouri Bar Association. He was also awarded the President's Award in 1995 by the Missouri Bar President, the Charles E. Whitaker Award in 1996 by the Lawyers Association of Kansas City, and the William F. Yates Distinguished Service Medallion in 1998 by William Jewell College.

Judge Stevens was active in the community. He was on the Board of Trustees and sang in the choir at the Central United Methodist Church. He was a member of the Man-of-the-Month Fraternity from 1996 until the present, and of the Missouri Academy of Squires. He was a former member of the Board of Directors and later the Board of Governors of Truman Medical Center, 1981 to 1998, and a former trustee of the Bartsow School. He was on the Board of Directors for the University Club from 1994 until 1997, and was also a member of the Carriage Club, Beta Theta Pi Fraternity, Epsilon Lambda Chapter. He was President of the Vanguard Club in 1993 and the Mercury Club in 1995.

Judge Joseph Edward Stevens will be missed by everyone who had the privilege to know him. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Norma; his two daughters, Jennifer and Rebecca, and his sister and brother.

LEGISLATION TO AUDIT MILITARY PURCHASES TO ENSURE COMPLIANCE WITH THE BUY AMERICAN ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. TRAFICANT. Mr. Speaker, today I introducing legislation to direct the Inspector General of the Department of Defense to conduct an audit of fiscal year 1998 procurements of military clothing by four installations of the Army, Navy, Air Force and Marine Corps (a total of 16 installations). The installations should be in the United States or U.S. possession and territories.

The objective of the audit is to determine whether contracting officers complied with the Buy American Act (41 U.S.C. 10a) and the Berry Amendment (10 U.S.C. 2241 note) when they procured military clothing and related items. The audit should be completed by September 30, 2000 and the results submitted to Congress.

I introduce this legislation in response to the findings of an IG audit conducted last year pursuant to an amendment I had included in the fiscal year 1998 defense authorization bill, Public Law 105–85, directing the Pentagon's IG to audit the procurement of military clothing and related items.

I was deeply troubled by the findings of the audit (Report No. 99–023). The audit found, among other things, that "151 of 256 contracts (59 percent) did not include the appropriate clause to implement the Buy American Act or the Berry Amendment. The noncompliance with the Buy American Act and the Berry Amendment resulted in 43 potential violations of the Antideficiency Act."

The audit only covered 12 military organizations. The likelihood is very high that there had been widespread violations of the Buy American Act throughout the military. The audit noted that procurement officials within the Department of Defense have agreed to issue policy guidance to contracting officers emphasizing the importance of complying with the Buy American Act. However, I am concerned that there will continue to be widespread violations of the Buy American Act unless the Congress exercises continued vigilance in this area.

That is why I am introducing this legislation. My bill will ensure the IG conducts a follow-up audit to determine whether or not the Pentagon has effectively addressed the widespread Buy American Act violations revealed in the original audit. I hope all Members will support this important bill.

HONORING WEST UNIVERSITY PLACE, TEXAS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. BENTSEN. Mr. Speaker, I rise to congratulate West University Place, Texas, on the occasion of its 75th anniversary, which they will celebrate with a series of events throughout 1999. The first event will be the reopening this Saturday, February 6, 1999, of the newly refurbished City Hall, which was built back in 1955.

West University Place was originally developed by former Tennessee Governor Ben Hooper, who wanted to build a community of country homes outside Houston out of an old Spanish land grant that had been surveyed by A.C. Reynolds. In 1912, Governor Hooper bought 750 acres of land that became the city of West University Place because of its proximity to Rice University.

West University Place, known affectionately as "West U," had humble origins. By early 1923, only about 40 families lived in West University Place, an area remembered as a low-lying, poorly drained swamp, that flooded whenever it rained heavily. West University Place incorporated to help its residents accomplish together what they could not do alone. That is, residents needed to build the necessary infrastructure to protect themselves and their property from heavy rain and flooding—streets, drainage systems and water sewers—and provide for schools, police, and fire protection.

In the first step toward incorporation, community leaders filed a plat of their proposed city in October 1923. There were 29 signatories, all of whom had lived in West U for at least six months. The petition to incorporate was filed with Harris County Commissioners Court on December 1, 1923, and signed by County Judge Chester H. Bryan. The Judge ordered an election for incorporation on December 18, 1923. The election drew a total of 30 people, all of whom voted to incorporate. The incorporation papers were signed on January 2, 1924.

In the years since, West U has grown into a thriving community that, together with Houston and the rest of Harris County, is one of the nation's great metropolitan areas. Today, over 13,000 residents live in West U. The City has progressed toward its present position as one of the area's most desirable neighborhoods. Civic-minded citizens and small-town governments, combined with a proximity to major business, educational, cultural, and scientific centers have enriched life for all living in the Houston metropolitan area.

Mr. Speaker, I congratulate West University Place and all of its citizens as they celebrate their 75 anniversary. I wish them continued success as they build on the strong sense of community they have established in West University Place, Texas.

IN MEMORY OF C. SAM THEODUS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of C. Sam Theodus. Sam was a great national labor leader and a great friend to many, particularly in the Greater Cleveland area; I am proud to count myself as having been Sam's friend.

C. Sam Theodus was a key leader in the Teamsters. He was President of Local 407 from 1982 to 1987, and again from 1990–1995. Mr. Theodus was a member of Local 407 for 46 years. He was a man of the people, never placing himself above those he represented. He was dedicated to the advancement of ordinary working men and women, and he dedicated his life to improving the lot of others. This was his life's mission. In addition, Sam was a compassionate leader and loyal colleague.

For anyone who knew Sam, knew that he stood on principle, and was willing to stand up for those beliefs. He fought to introduce rank-and-file elections for national Teamster offices, an idea that was considered impossible at one time. Now, of course, it is the national policy. He also challenged the traditional practice of appointing local leaders; Sam worked to allow all members to determine the leaders. That was the essence of his legacy, fighting for the democratic principles of improving the representation of his fellow Teamsters.

I will always be proud of knowing and working with Sam Theodus. He was always in the trenches with the members, fighting every battle side-by-side with everyone else. Perhaps it was something he learned while serving his country in Korea. Sam's respect and confidence in the rank-and-file was recognized in 1991 when the Teamsters instituted their first rank-and-file election. He was the top vote getter for the position of vice-president in that election. Clearly the national Teamsters recognized what Local 407 had long known—that Sam Theodus was an incredible, compassionate, and dignified leader.

I will miss Sam. To his wife Lillian, and his loving family, I extend my heartfelt sympathies.

God Bless Sam Theodus.

TRIBUTE TO POLICE LEADER ED KIERNAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. GILMAN. Mr. Speaker, I regret to inform the House of the passing of longtime New York City Patrolmen's Benevolent Association President Edward Kiernan, a dedicated leader and advocate for the needs and rights of our law enforcement officials. He made a major impact on their quality of life. Ed Kiernan died suddenly of a stroke on January 23 at his home in Congers, NY, at the age of 78.

A native of Queens, Kiernan was a longtime New York City police officer who worked his way up the leadership ladder in the Police Benevolent Association until he achieved the position of President in 1969. He moved to Rockland County in 1966, soon after successfully lobbying New York State to change its laws to allow New York City law enforcement officers to live outside the city limits.

I had the honor of working closely with Ed Kiernan on police related matters during my three terms in the New York State Assembly, and since coming to the Congress. Ed Kiernan was an outstanding police official and labor leader who made a genuine impact on the quality of life of those he worked so hard to represent.

Upon his retirement from the police department in 1973, Ed subsequently served as president of the International Union of Police Associations (IUPA), which he had founded, serving in that position from 1978 to 1982. At the time Ed founded the IUPA in 1978, it became the first new union accepted into membership in the AFL–CIO in over a decade.

A native of College Point, NY, Ed Kiernan was educated in parochial schools in that community. He served in the pacific Theater of World War II in the Army Air Corps, receiving an honorable discharge in Oct. 1945 after distinguished service in Australia, New Guinea, the Philippines, and Okinawa.

Prior to his military service, Ed Kiernan had been employed by the Triboro Bridge and Tunnel Authority. While he was in the service overseas, he was appointed to the New York City Police Department, and was assigned to the 110th Precinct in Queens in Dec. 1945.

Ed was elected a delegate to the PBA in 1947, a trustee in 1953, second vice president in 1958, first vice president in 1960, and was elected president in June 1969. He served in that capacity until August 1972, 5 months prior to his retirement from the New York City Police Department in January 1973.

Beginning in 1959, Ed Kiernan served as chairman of the New York City PBA Legislative Committee. In that capacity he was chief architect and proponent of many bills enacted by the New York State Legislature of enormous benefit to law enforcement officials and their families.

Among his legislative work was: Reform legislation allowing policemen to accept part time work (the "moonlighting" bill); increases in pension, retirement, and health benefit programs; and elimination of the "death gamble" provisions. Ed considered the adoption of legislation allowing New York City policemen to reside outside the city limits his greatest achievement.

President Nixon appointed Ed to the United Nations Committee on Crime and Its Causes. Ten years later, President Reagan appointed him to the President's Task Force on Private Sector Initiatives. In August 1972, Ed was elected President of the International Conference of Police Associations.

Ed Kiernan also served as Commander of American Legion Post #1103. He was a member of Lodge #877 B.P.O. Elks; of the Emerald Society, and the Brooklyn and Queens Holy Name Society. He was a lifetime member of the New York City Police Benevolent Association, the New York State Conference of Police, and the Metropolitan Conference of Police. He served as President of the Metropolitan Conference of Police Associations and was Director of the Eastern Conference on Health and Welfare Funds.

Ed Kiernan is survived by his wife Alice; his 5 sons, Edward Jr., John, Timothy, Kevin and Keith; his 3 daughters, Kathleen, Carol, and Karen; and his 10 grandchildren, Brian Jr., Paul, Marc, Scott, John, Christiana, Kristen, Anton Jr., Catherine and Zachary. I invite our colleagues to join with me in extending condolences to this great family. Hopefully, the knowledge that many share their grief will be of some comfort to them at this time of their loss.

Mr. Speaker, the passing of Ed Kiernan marks the passing of an era when our law enforcement officials fought successfully for the respect and dignity for those who put their lives on the line for all of us. Ed Kiernan was a general in that successful battle. We all owe him our eternal gratitude. He will long be missed.

IN MEMORY OF COUNCILMAN JIM HAAKE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Councilman James B. Haake of Jefferson City, MO.

A lifelong resident of the Jefferson City area, Councilman Haake graduated from St. Peters High School before serving in the Navy during the Korean war. From 1957 to 1962, he was employed by the Jefferson City Fire Department. He owned and operated Riteway Limousine Service from 1961 to 1990. For the last 9 years he operated Riteway Courier Service and the Big Dipper.

Councilman Haake was an active member in the community, serving the Second Ward on the Jefferson City Council for the past 16 years. He was a member of St. Peters Church, a charter member and past president of the evening Lions Club and a past district governor of the Lions Club International, District 26B. He also received the Melvin Jones Fellowship Award from the Lions Club International.

During Jim's tenure on the Jefferson City Council, he displayed common sense and worked hard for his constituents. He was a nononsense councilman, and he will be truly missed by everyone who had the privilege to know him. I know the Members of the House will join me in extending heartfelt condolences to his wife, Catherine Fiend; his son, Charles; his two daughters, Karen and Christa; his two brothers, and his five grandchildren.

RAPHAEL UNDERWOOD'S REFLECTIONS ON THE 106TH

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. UNDERWOOD. Mr. Speaker, I took my son to the floor to witness the swearing in of his father. He submitted this report to his eighth grade civics class at Hayfield Secondary School:

> My current events is not really an article, but based on a real life experience. On January 6, 1999, the first meeting of the 106th Congress took place. This was a day of finding a new Speaker of the House of Representatives and the Members to take an oath of office. Of the 427 Members present, 220 voted for Representative Hastert and 205 voted for Representative Gephardt, with Representatives Gephardt and Hastert voting "present." Speaker Hastert then swore in the Members to the 106th Congress.
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> I thought today was supposed to be one of joy for Members more than anyone else. What I found out was that today was not very pleasing. I knew that all U.S. Territories were represented by non-voting Delegates. By this I thought they could vote but it would not count. Today after the Roll, where each Member stated their vote for the Speaker's race, all five territories: District of Columbia, American Samoa, Puerto Rico, Virgin Islands and Guam were not allowed to show their support—not even called during roll call. This is when the Delegate from Puerto Rico stood up in protest, demanding that the Territories be heard. The Republicans answered with remarks such as "regular order" and "reread the Constitution." I think it was wrong for the Republican Party to act in this manner.
>
> The clerk then spoke, "Only representatives-elect are able to vote." The Congressman then took his seat. I did not understand. The Delegates were elected the same way every Member on that floor. By voting for the Speaker you elect another voice, but a voice for all of the Representatives. To know that the Delegates don't get a chance to elect the Speaker, just as the people of their

district elected them, does not fully fulfill the meaning of true representation.

I felt angry knowing that my father, who represents the United States Territory of Guam, who does the same work as any other Member on the floor is still denied his right to vote. Just because you live on the mainland it does not mean you are more American than an American living from far away lands.

Just because I was born on an island far away from the mainland does not make me more or less of an American born in New York, Florida, Virginia or Ohio. I may be considered a foreigner to some, but we were all foreigners at one time. We all pledge allegiance to the same flag, have the same government and share a President, yet are still denied to speak our voice—the voice of an American citizen.

H.R. 330, THE ECONOMIC GROWTH AND TAX FREEDOM ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. PACKARD. Mr. Speaker, I rise in support of our nation's families, and against the enormous tax increases imposed by the Clinton administration.

Today I cosponsored Congressman VITO FOSSELLA's (R–NY) bill, H.R. 330, which provides a 30% across the board income tax cut for all Americans. If we can not provide tax relief when we have a $76 billion surplus, when can we? A 30% across the board income tax cut will allow our families to keep more of their money while encouraging our nation's economic growth.

It is time to let the hardworking men and women who generated the surplus keep some of this money for themselves. Too often our nation's families have to do without, so Washington bureaucrats can go on a spending spree. This money belongs to the people and should be spent by the people.

The fact is, if we keep this surplus in Washington, it will be spent. Let's stand up for the hard working men and women in America. I encourage all my colleagues to support a 30% across the board income tax cut.

IN MEMORY OF DEAN GRIFFIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in memory of Dean Griffin, president of the Cleveland chapter of the American Federation of Television and Radio Artists (AFTRA). He was a consummate professional as a broadcaster and a strong proponent of achieving fairness in union representation.

Mr. Griffin was born in East St. Louis, IL and received a bachelor's degree in journalism from the University of Southern Mississippi. He held various radio jobs around the country before he moved to Cleveland and reported the news for WJKW radio and television in the 1960's and 1970's. He was known as an excellent political reporter and covered events such as national political conventions and the space program.

After 11 years at WJKW Mr. Griffin lost his job when the network was sold. I had the pleasure of working with Dean when he served as a liaison between the Cleveland City Council and the mayor's office. At this same time he held positions as secretary of the Fire Department, where he was known to fight for the local labor union on important issues, and as chief of the Burke Lakefront Airport.

In the 1980's, Mr. Griffin returned to radio and television, working for WAKR in Akron. While his daughter, Dawn, marched in the Brunswick High School Band Mr. Griffin announced the pregame, halftime, and competitive shows, continuing to announce the events even after she graduated.

Mr. Griffin spent his life illustrating how to be an outstanding journalist and broadcaster. As long-time president of AFTRA he always worked diligently to better union representation and the lives of workers. He will be greatly missed.

50TH ANNIVERSARY OF STEVE AND ELEANOR ZARUTSKIE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. GILMAN. Mr. Speaker, I wish to take this opportunity to call to the attention of our colleagues two remarkable residents of New York State who are celebrating their fiftieth wedding anniversary this coming weekend.

Steve and Eleanor Zarutskie settled in Newburgh, NY, soon after their marriage in 1949, and have remained there ever since. They are both natives of the anthracite coal mining region of eastern Pennsylvania, both of their fathers having been coal miners. They have known each other since childhood. Eleanor was born in the small community of Frackville, and Steve in the even smaller adjacent community of Gilberton. Steve and Eleanor both graduated from Gilberton (PA) High School on June 6, 1944. Steve was class president, but his oration was interrupted by members of the audience leaving the auditorium to hear the latest radio bulletins on the D–Day invasion of Normandy, which took place earlier that same day.

With World War II in full swing, Steve enlisted in the Navy soon after graduation and asked Eleanor to wait for him. She went to work for the post office in Gilberton while he served in the south Pacific. Finally, upon his return from overseas and his military discharge, they were married in Maizeville, PA, on February 6, 1949.

Having spent their honeymoon visiting relatives in Orange County, New York, they decided they liked the scenic beauty of the mid Hudson valley, the employment opportunities of this crossroads of the northeast, and the friendliness of our New Yorkers enough to move permanently to our region. They settled in Newburgh during the summer of 1949, and soon became Orange County natives. Their family was extended by the birth of two sons, Andrew in 1950 and Stephen in 1954.

Mr. Speaker, in today's climate when commitment seems to have become passe, we can all join in our admiration and respect for Steve and Eleanor Zarutskie who worked as a team to raise their family throughout the trials and tribulations of the second half of the twentieth century.

I invite my colleagues to join in extending our congratulations on this milestone occasion to Steve & Eleanor Zarutskie and with best wishes for health and happiness in the years ahead.

A TRIBUTE TO MR. THOMAS WALSH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. LIPINSKI. Mr. Speaker, I rise to pay my respects and honor a community leader and loyal democrat, Mr. Thomas Walsh. Thomas Walsh passed away last October at the age of fifty-seven.

Thomas Walsh was a devoted public servant and leader in the Chicago, Illinois community of Mt. Greenwood. Thomas Walsh lent his political expertise and strong leadership to numerous democratic candidates across the city, including myself. As a political strategist, Mr. Walsh contributed a working family man's perspective to numerous elected officials. Mr. Walsh was an Army Veteran and a career law enforcement officer, serving on the Chicago Police Department from 1966–1991 and as an Assistant Chief with the Cook County Sheriff's Department from 1991–1998.

An avid athlete, Mr. Walsh also found the time to coach various sports teams, including the Mt. Greenwood Little League and the Mt. Greenwood football program. Mr. Walsh played softball himself in the Chicago Police League from 1966 to 1998.

Mr. Speaker, it is my distinct honor to pay tribute to Mr. Walsh. As a valuable and revered public servant, community leader, political confidante, and coach, he will be greatly missed.

IN RECOGNITION OF PETER BRAUN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. WAXMAN. Mr. Speaker, I rise to recognize an outstanding citizen of Los Angeles, Peter Braun, who for the past 10 years has led a very extraordinary organization, the Los Angeles Alzheimer's Association. Under Peter's creative leadership, the Association is helping more than 150,000 families in Los Angeles who are dealing with the awful challenge of Alzheimer's disease and other dementias. The Association provides direct support and assistance, information, and referral to services for people with the disease and the families who care for them. It has also been instrumental in shaping the health and long term care system to which families turn for help, through training and direct advocacy with care providers and with local and state agencies and legislative bodies.

The following are just a few examples of the work the Los Angeles Alzheimer's Association is doing to shape the delivery of health care to people with dementia.

With initial support from the federal Health Resources and Services Administration and the California Department of Health, the Association has created national models of culturally relevant community services for Latino families in South Central Los Angeles and for African-American families in Inglewood.

Working again with the California Department of Health, the staff of the Association has led development of clinical practice guidelines for Alzheimer care that are being used by physicians throughout the state.

In partnership with Kaiser Permanente in Southern California, the Association is developing a model for managed care for persons with dementia—through clinical practice guidelines for diagnosis and management, physician and staff training, and case management.

Peter has built the Los Angeles program to become the largest of more than 200 chapters in the national network of the Alzheimer's Association. But his commitment to the organization goes beyond his own chapter. He has been a key collaborator with his colleagues in other chapters in helping to shape the direction of the entire Alzheimer movement in this country. And just last week, the President of the Alzheimer's Association appointed Peter to serve on the management committee of the national organization.

On Friday, the people of Los Angeles will celebrate the tenth anniversary of Peter Braun's service to the Alzheimer's Association. It is a personal pleasure for me to join in recognizing his leadership, his commitment, and his dedication to his organization, to his community, to the Alzheimer movement, but most particularly, to the families who turn to the Association for help.

BARB ALBERTSON: A POSITIVE INFLUENCE ON BAY COUNTY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. BARCIA. Mr. Speaker, the toughest and most pleasing position in public service is that of local officials. It is the toughest because no matter where you go, you are always encountering constituents who rightly bring to you problems and concerns. It is the most pleasing because you get to see the effects of your efforts in the satisfied faces of the people you represent. For the past 38 years, the people of Bay County, Michigan, my home county, have had the good fortune to be served by an outstanding woman, Barbara J. Albertson, who retired on January 1st. This week she is being honored for her commitment to Bay County, and those honors are very well deserved, indeed.

Barb was hired in 1960 by former County Clerk Steven Toth. After four years, she was promoted to Chief Deputy Clerk, after the death of Barney Balcer. Since the Clerk's position is an elected one, Barb sought the people's approval in 1984 after Clerk Toth announced he would not run for another term. Barb took up the challenge and scored a decisive victory after going door to door, and from event to event. The lesson she learned in that campaign—it's important to make yourself as visible as possible—was a policy she kept alive as the Bay County Clerk herself.

During her fourteen years as Clerk, Barb Albertson modernized the recordkeeping system of the Clerk's Office, using a portion of a federal grant and a temporary staff of four to put all court documents and vital records dating back to the 1800's on microfilm. Since her initial efforts, all of these records, including births, deaths, and divorces are filmed each year, with the records being accessible by computer for the ease of everyone in the community. She also improved the election process by switching from voting machines to a computerized election system, which saves taxpayers at least $60,000 per election.

Barb readily acknowledges the excellent work done by her staff of four full-time Deputy Clerks plus a Chief Deputy Clerk. Linda Tober, the Chief Deputy Clerk, recognizes the reason that this staff has been so successful when she says, "I feel like I've been trained by the best."

As Barbara Albertson begins her well-deserved retirement, and has the chance to spend more time with her husband, William Silvernale, and plans to fish, golf, and travel, it is only right that we all take a moment to say: Thank you, Barb. Thank you for caring about our community, our neighbors, our heritage and our future.

Mr. Speaker, I urge you and all of our colleagues to join me in recognition of Barbara J. Abertson's outstanding career of public service. May all of our communities have the good fortune to be served by more caring and thoughtful individuals like her.

INTRODUCTION OF THE STAND DOWN AUTHORIZATION ACT OF 1999

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. VENTO. Mr. Speaker, today, I am introducing the Stand Down Authorization Act of 1999. This important legislation will build up and expand the VA's role in providing outreach assistance to homeless veterans.

According to the Department of Veterans Affairs (VA), more than 275,000 veterans are without homes every night and twice as many may be homeless during the course of the year. Based on this statistic, one out of every three individuals who is sleeping in a doorway, alley or box in our cities and rural communities has put on a uniform and served our country. Unfortunately, these numbers are only expected to increase as the military downsizes.

In times of war, exhausted combat units requiring time to rest and recover were removed from the battlefield to a place of safety. This procedure was known as "Stand Down." Today, Stand Downs which help veterans are held across our nation. Stand Downs are grassroots, community-based intervention programs designed to help the estimated 275,000 veterans without homes in our country. Today's battlefield is too often life on the streets for our nation's veterans.

The Stand Down Authorization Act of 1999 will direct the VA to create a pilot program that would establish Stand Down programs in every state. Currently, only 100 Stand Down events take place in a handful of states annually. In addition, my legislation would also authorize the VA to distribute excess supplies and equipment to Stand Downs across the nation.

I have participated in several Stand Down events back in my home state of Minnesota. The Stand Down Authorization Act of 1999 will build upon the success of the Minnesota Stand Down and serve as a national role model for all states to adopt. Furthermore, the Administration allocated $1.5 million in the Presidents Fiscal Year 2000 budget request to Congress. This will allow the VA to formally support Stand Down events for veterans without homes in Minnesota and across the nation. This budget request is only a one year proposal, however, my legislation will establish Stand Downs in each state each year starting in the year 2000.

The first such special Stand Down, held in 1988, was the creation of several Vietnam veterans. The goal of the event was to provide one to three days of hope designed to serve and empower homeless veterans. Since them, Stand Downs have provided a means for thousands of homeless or near-homeless veterans to obtain a broad range of necessities and services including food, clothing, medical care, legal assistance, mental health assessment, job counseling and housing referrals. Most importantly, Stand Downs provide a gathering that offers companionship, camaraderie and mutual support.

Thousands of volunteers and organizations over the past decade have done an outstanding job donating their time, expertise and energy to address the unique needs of homeless or near homeless veterans and their families. Currently, the VA coordinates with local veteran service organizations, the National Guard and Reserve Units, homeless shelter programs, health care providers and other members of the community in organizing the Stand Down events annually. However, much more action is needed to address the persistent and growing number of homeless veterans who have fought honorably to preserve our freedom and now face personal crisis in their lives. The American Legion, Veterans of Foreign Wars (VFW), Disabled American Vets (DAV) and the Vietnam Veterans of America (VVA) have endorsed this legislation. In addition, the Stand Down Authorization Act has the strong support from over 50 Members of Congress.

Veterans in past service unconditionally stood up for America. Now we must speak up and stand up for veterans today. I urge all members to join with me in providing outreach assistance to veterans without homes by cosponsoring the Stand Down Authorization Act of 1999.

IN HONOR OF ERNIE LaMANNA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Ernie LaManna. For 50 years Ernie, 60, has worked in the barber shop on the corner of Lorain and West 65th. When he emigrated to Cleveland from Bari, Italy, in 1948, he worked in his father's barber shop, shining shoes.

Ernie received his barber's license in 1954, a year before he graduated from West High School. Mr. LaManna briefly left the barber shop in 1956 to serve his country in the Armed Forces for two years. For a while in the late 1950's Ernie and his father, Frank, worked side by side. A picture showing Frank, Ernie, and another barber is a treasured keepsake for Ernie. Like many small businessmen, hard work and perseverance have helped the LaManna's barber shop to thrive. Ernie's dedication and commitment to his customers is outstanding. Among Ernie's many loyal customers is Dave Long who has had his hair cut by a LaManna for over 60 years.

After 50 years of work, Ernie LaManna still enjoys what he is doing. He likes the social aspects of his job and is always eager to strike up a conversation with passers-by. His enthusiasm and sense of humor have helped him to maintain a strong and vital business.

Ladies and gentlemen please join me in recognizing Ernie LaManna's 50 years of tireless work.

A TRIBUTE TO ANTHONY VACCO ON RECEIVING THE VILLAGE OF BEDFORD PARK COMMITTEE'S MAN OF THE YEAR

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a truly remarkable public servant, Anthony (Tony) Vacco, who was recently selected to receive the village of Bedford Park, Illinois' 1998 Man of the Year award.

Mr. Vacco was appointed Mayor and Village President of Evergreen Park, Illinois on October of 1968 to fill a vacancy. He was so good at his job, that he was elected in 1969 and has been re-elected for each term ever since, and will again be a candidate for that office this spring.

Mr. Vacco serves his community in every aspect of his life. He supports and/or is a member of numerous local charities, civic, fraternal, service, educational and religious organizations. Among his charitable events is the Evergreen Park Cancer Society "Love Lights A Tree" program at Christmas. Through his efforts, the Evergreen Park Cancer Society unit is the most prosperous fundraising unit in all of Illinois. Mr. Vacco has taken on numerous leadership roles, including serving as President of the Southwest Council of Mayors since 1976.

Mr. Speaker, I congratulate Mr. Vacco on receiving this prestigious award, and extend to him my best wishes for continued service to the community.

ABSALOM JONES DAY CELEBRATION BENEFITS BLACK EPISCOPAL SCHOLARSHIP AND ENDOWMENT FUNDS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Ms. NORTON. Mr. Speaker, I ask the House to join me in a tribute to the legacy and spirit of Absolom Jones, an 18th century slave and join the 1999 Absalom Jones Day Celebration presented by the Washington Chapter of the Union of Black Episcopalians. "Standing Firm in Faith: Accepting the Challenge" is the theme of the celebration.

Mr. Speaker, Absalom Jones, a house slave, was born in 1746 in Delaware. He taught himself to read from the New Testament and other books. At the age of sixteen, he was sold to a store owner in Philadelphia where he attended a night school for Blacks that was operated by the Quakers. At the age of twenty, he married another slave and purchased her freedom with his earnings. Abaslom Jones bought his own freedom in 1784.

At St. George's Methodist Episcopal Church, he served as lay minister for its Black membership. Jones's active evangelism, and that of his friend Richard Allen, greatly increased Black membership at St. George's. The alarmed vestry decided to segregate Blacks into an upstairs gallery without notifying them. During a Sunday service when ushers attempted to remove them, the Black parishioners walked out in a body.

In 1787, Black Christians organized the Free African Society, the first African-American society Absalom Jones and Richard Allen were elected overseers. Members of the Society paid monthly dues for the benefit of those in need, and established communication with similar Black groups in other cities. In 1792, the Society began to build a church which was dedicated on July 17, 1794.

The African Church applied for membership in the Episcopal Diocese of Pennsylvania with the following conditions: 1. That they be received as an organized body; 2. That they have control over their local affairs; and 3. That Absolom Jones be licensed as a layreader and, if qualified, be ordained as minister. In October 1794, it was admitted as St. Thomas African Episcopal Church. Absalom Jones was ordained as a deacon in 1795 and as a priest on September 21, 1802. The Reverend Absalom Jones was the first Black priest in the Episcopal Church.

Reverend Jones was an earnest preacher who denounced slavery. His constant visiting and mild manner made him beloved by his own flock and by the community. St. Thomas Church grew to more than 500 members during its first year. Known as the "Black Bishop of the Episcopal Church", Reverend Jones was an example of persistent faith in God and in the Church as God's instrument.

Mr. Speaker, the Washington Chapter of the Union of Black Episcopalians uses its Absalom Jones Day Celebration in two significant ways. First, the proceeds which are generated will be used for the benefit of the Black Episcopal College scholarship and endowment funds. Scholarship recipients include Saint Augustine's College which was founded in 1867 and is affiliated with the Protestant Episcopal Church. The college is committed to teaching the importance of achievement, leadership and community service. Saint Paul's College was founded in 1888 as Saint Paul's Normal and Industrial School, and became Saint Paul's Polytechnic Institute in 1941. It received authority to offer a four-year degree program in 1941, and the name was changed to St. Paul's College in 1957. Its liberal arts, career-oriented, and teacher education programs prepare graduates for effective participation in various aspects of human endeavor. Voorhees College stands as testimony to the faith and determination of its founder, Elizabeth Evelyn Wright. A former student of Booker T. Washington at Tuskegee, Miss Wright, at 23, dreamed the seemingly impossible dream of starting a school for Black youth in Denmark, South Carolina. From its founding in 1897 as Denmark Industrial School, Voorhees has evolved into a leading four-year, liberal arts college—the first historically Black institution in the state of South Carolina to achieve full accreditation by the Southern Association of Colleges and Schools. Secondly, the celebration will include recognition of a person whose life and work in the church and community exemplifies the legacy and spirit of the Reverend Absalom Jones. Mr. Speaker, I ask this body to join this tribute to the legacy and spirit of Absalom Jones and salute the honoree of the evening.

REINTRODUCTION OF SLUSH FUND ACCOUNTABILITY ACT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. HOYER. Mr. Speaker, in the 105th Congress the Republican majority changed House rules to allow the creation of a nearly $8 million "reserve fund" for unanticipated committee expenses.

With the advent of biennial committee funding, setting aside resources for unforeseeable contingencies makes sense.

No one can know with certainty 2 years in advance what demands House committees may face. If contingencies do not arise, and the funds are not needed, they can be used to reduce the public debt.

But somewhere a good idea went awry. Republican leaders used the reserve not as a rainy-day fund for unforeseen contingencies, but as a slush fund for their partisan projects.

Most of the nearly $8 million was eventually disbursed, not for committee expenses a reasonable person would consider unforeseeable, but instead for political investigations of the administration and the working men and women of organized labor.

And under procedures established by the Republican leadership, these millions were disbursed without any vote of the House. Committees devised their plans for partisan investigations, often without even informing the minority. If Speaker Gingrich approved of a plan, the majority of the House Oversight Committee rubber stamped it in a "ministerial" act, and the money flowed.

There was no floor debate, vote, or accountability to the American people for how millions of dollars were to be spent.

To improve accountability and bring the process into the open, last March I introduced House Resolution 387, to require a House vote before any disbursements could be made from the reserve fund.

Unfortunately, the Rules Committee did not approve this reform. Today, I reintroduce it with the cosponsorship of the ranking Democrat on every legislative committee of this House.

I had hoped that with a new Speaker who spoke so eloquently on opening day about bipartisanship and meeting the Democratic minority half way, reintroducing this resolution might be unnecessary.

But the rules adopted by the majority that same day again permit creation of a slush fund, from which disbursements may be made without a floor vote, thereby signaling the majority's intention to proceed as before.

Until it is clear that the reserve fund will be used solely as a hedge against unforeseen contingencies, rather than as petty cash for political sideshows, then the House should debate and vote on how those funds will be used.

When Democrats controlled this House, the only way committees could get more funds for unanticipated needs was through debate and approval of a supplemental expense resolution on this floor. That is the time-honored, open process that lets the public see what's going on and know whom to hold accountable.

By contrast, under Republican control, committees can get more money through a process essentially hidden from public view and for which most Members are not accountable.

The lack of openness and scrutiny creates an opportunity for partisan mischief, and the majority yielded to temptation in the last Congress.

In this new Congress, let's not repeat our mistake. Let's follow through on the Speaker's promise of bipartisanship and cooperation.

INTRODUCTION OF LEGISLATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. MARKEY. Mr. Speaker, I rise today to introduce a bill to eliminate the preemption of State prescription drug benefit laws in connection with Medicare+Choice plans. I am pleased to be joined in this endeavor by every member of the Massachusetts congressional delegation.

Mr. Speaker, on January 1, 1999 many seniors in Massachusetts lost the unlimited prescription drug benefit available from their Medicare HMO due to a provision in Federal law that was interpreted by a court to override Massachusetts state law. Massachusetts is the only state which had a law of this kind—one which required Medicare+Choice plans doing business in the state to provide an unlimited prescription drug benefit to seniors. Despite the efforts of the entire Massachusetts congressional delegation, the Administration, and the Governor of Massachusetts to find a legislative or administrative fix at the end of last year, which included making it possible for the HMOs to do the right thing and extend the benefit, the HMOs refused to provide the unlimited benefit. This vital benefit must be restored, and the legislation I am filing today will restore the coverage this year.

Mr. Speaker, my Massachusetts colleagues and I believe that Congress did not intend to pre-empt the Massachusetts prescription drug benefit law and force seniors in Massachusetts to choose between prescription drugs and food or other necessities when it passed the Balanced Budget Act of 1997. Congress can clarify its intent by passing the bill we are introducing today, and correct the gross injustice perpetrated upon Massachusetts seniors enrolled in these plans.

INTRODUCTION OF H.R. 520—THE DEVIL'S SLIDE TUNNEL ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. LANTOS. Mr. Speaker, we on the Pacific Coast of our Nation face the periodic wrath of nature when the El Niño storms lash our coast. We faced that last year. We faced a similar series of El Niño winter storms in 1983 which wreaked havoc with our coast. I am sure my colleagues remember the images of Pacifica, California, in my Congressional District of homes sliding down cliffs into the pounding surf below.

One of the most serious concerns along the Pacific Coast 12 miles south of San Francisco is the impact of these periodic storms upon a section of the Coast Highway, Highway 1, which is known locally as Devil's Slide. This part of the highway precariously hugs a cliff high above the pounding surf of the Pacific Ocean 600 feet below.

In 1983, the winter storms forced the closure of Highway 1 at Devil's Slide for six months after a section of the roadway slipped into the ocean. In the winter of 1998 another series of winter storms resulted in the closure of the highway for several weeks.

The closure of the highway at Devil's Slide has left residents and businesses dangerously isolated. Perennial closures of Devil's Slide have had a devastating effect on coastal communities and residents. Residents have endured unbearable commutes; access to emergency medical care and other services have been threatened; businesses have lost thousands of customers; and some businesses have failed as a result of the closure of the highway. For residents and businesses along the San Mateo County coast, it is vital to maintain the integrity of Highway 1 in this area.

Mr. Speaker, 16 years ago, in 1983, heavy winter rains left a 250-foot-long crevice in the road which made the road impassible for 4 months. Then Chairman of the Surface Transportation Subcommittee, Glenn Anderson, held a series of field hearings in Half Moon Bay and Pacifica, CA, and committee members carefully surveyed the unstable roadway which was sliding into the sea at a rate of 3 inches a day. Committee members viewed 8-foot-deep cracks and fissures in the roadbed and determined that this vital transportation link was eligible for emergency Federal funds. At my request, the Congress provided funding for the permanent repair of Highway 1 at Devil's Slide.

The California Department of Transportation [CALTRANS] made temporary repairs to the roadway and proposed building a controversial 4.5 mile long bypass around Devil's Slide as the permanent repair. Many of the residents opposed the bypass on environmental and other grounds, and construction was delayed in the courts for over a decade. More recently, a false sense of security, brought on by 10 years of drought, ended in January 1995, when heavy rains again closed Devil's Slide for extended periods, disrupting the lives and livelihoods of tens of thousands of residents and businesses.

Mr. Speaker, after public debate and lengthy lawsuits, the voters of San Mateo County resolved the conflict in a referendum in which the voters decided overwhelmingly in favor of the construction of a mile-long tunnel at Devil's Slide rather than the earlier proposal for a bypass which would involve extensive cutting and filling of Montara Mountain. The referendum amends the local coastal plan, substituting a tunnel as the preferred permanent repair alternative for Highway 1 at Devil's Slide, and prohibits any other alternative unless approved by the voters. Following the release of a Federal Highway Administration sponsored study which found that the tunnel is environmentally feasible and its costs would not differ significantly from the costs of a bypass, CALTRANS reversed its opposition to a tunnel at Devil's Slide.

Mr. Speaker, today I have introduced H.R. 520, the Devil's Slide Tunnel Act, to ensure that funds already appropriated and obligated for Devil's Slide will remain available to CALTRANS to build the tunnel at Devil's Slide. This legislation will provide greater flexibility to State transportation officials to use Federal funds already appropriated by Congress to fix this vital transportation link.

Joining me as cosponsors of this legislation are bipartisan members of the Bay Area congressional delegation whose constituents are most affected by the Devil's Slide highway problem—my colleagues, TOM CAMPBELL of San Jose, ANNA ESHOO of Atherton, and NANCY PELOSI of San Francisco.

Mr. Speaker, if local and state agencies and the citizens of a region determine that a better transportation alternative exists than the alternative for which funds have been obligated, as was the case for Highway 1 at Devil's Slide, then the Federal Government should provide greater funding flexibility, as long as all other Federal laws are complied with. It is important that we not permit these funds to lapse. The rebuilding of a severely damaged highway in its existing location may no longer be feasible, and in such cases funds already available to a community should continue to be available.

History tells us that Devil's Slide will wash out again—it is only a matter of time. It is my hope that swift enactment of this legislation will ensure a permanent solution to the residents of the San Mateo County Coastside. I urge my colleagues to support the "Devil's Slide Tunnel Act."

TRIBUTE TO MARCY TUBLISKY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Marcy Tublisky, Executive Director of the Hauppauge Industrial Association, who is being honored on February 9, 1999, by the members of the HIA on the occasion of her 10th year of service to them.

Marcy's career is reminiscent of many success stories in the manner of our great American tradition.

Marcy Tublisky began her working life as an Elementary School Teacher in the Bronx, but she did not rest when the school bell rang to end the day. Through her extensive years as a volunteer, she served the PTA as its President, gave her time as Pink Lady at St. John's Hospital, and was appointed to the Small Business Advisory Council. Marcy is an alumna of the Citizens Police Academy, and a member of the Suffolk County Police Reserves. In addition, she has received the Distinguished Business Leaders Award from the March of Dimes.

Since 1989, she embraced the challenge of Executive Director for the Hauppauge Industrial Association. Under her tenacious, caring and committed leadership, the membership has more than doubled.

She has led this organization and its members into partnerships with outside agencies to establish programs that not only have proven beneficial to the HIA membership and their families, but also have enabled them to expand their companies nationally and globally. She is very proud of her membership involvement in HIA's 17 active committees and partnerships with schools, police departments, ambulance corps, and charitable organizations.

Under her watchful eye, the HIA planted the seed for the nation's first intergenerational day care in an industrial park. She embarked on this venture in 1989, and with a handful of volunteers developed and realized her dream. Today, that day-care program has more than 100 participants.

Concentrating on providing the best she could for the membership, she encouraged and convinced the Suffolk County Police Department to place a defibrillator in the Park's police sector car, and to establish a medical emergency police vehicle to provide immediate assistance to the victims of emergency situations in the Industrial Park.

Marcy is a life-long resident of Long Island, where she lives today with Mark, her husband of 35 years. Her pride and joy are her two daughters: Ilyse, a Physical Therapist at South Side Hospital, and Beth, a health-care consultant for Price Waterhouse.

A person is truly judged successful if she is able to bring about positive change that enhances and broadens the lives of others. Clearly, Marcy fulfills this notable standard.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in saluting Marcy Tublisky for her outstanding leadership, creativity and commitment, and to extend our best wishes and congratulations as she is honored by the members of the Hauppauge Industrial Association.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent yesterday, Tuesday, February 2, 1999, and as a result, missed rollcall votes 7 and 8. Had I been present, I would have voted "yes" on rollcall vote 7 and "yes" on rollcall 8.

IN MEMORY OF PAUL A. DeFRANCISCO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a great public servant, Paul A. DeFrancisco. Mr. DeFrancisco served the people of Bedford Heights for nearly three decades.

Mr. DeFrancisco worked for 35 years in radio and television. As an employee Paul was diligent, intelligent, and optimistic. His unfailingly positive nature was infectious, and his technical skill helped "Today in Cleveland" run smoothly.

Mr. Paul DeFrancisco's greatest legacy is that of public service. For 29 years Paul worked on the Bedford Heights City Council. His wit and charm converted former foes into lifelong friends. Political opponents spoke highly of Paul's work. The City of Bedford Heights could not have asked for, nor could have received better representation than the high level of service provided by Mr. DeFrancisco. With graciousness and dignity, Paul served his community with humility and honor.

Following ill health in mid 1998, Mr. DeFrancisco resigned from the city council. After his passing the flags in front of the Bedford Heights City Hall flew at half mast, a symbol of his fellow citizens' respect for his longtime public service. To think of Bedford Heights without Paul DeFrancisco is almost impossible. His work and service to the community will be felt for years to come. To be loved by friends and admired by opponents and to serve both is the goal of all great leaders; it is a goal which Paul admirably attained.

Ladies and gentlemen, please join me in honoring the memory of Paul A. DeFrancisco.

CONTINUE THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. ROEMER. Mr. Speaker, I rise today to focus the attention of the House of Representatives on a short-sighted decision by Congress last year to terminate the United States Advisory Commission on Public Diplomacy, an oversight board of the U.S. Information Agency. The advisory commission expires at the end of this fiscal year as a result of a miscellaneous provision hidden inside the Omnibus Appropriations Act of 1999, which was enacted hastily by the 105th Congress before adjournment. Today, I am introducing legislation with the gentleman from New York (Mr. HOUGHTON) to continue the advisory commission.

The U.S. Advisory Commission on Public Diplomacy is a highly distinguished Presidentially-appointed panel created by Congress to look broadly into the public interest of U.S. government activities intended to inform, understand and influence public groups in foreign countries. The advisory commission is responsible for assessing the public diplomacy policies and related programs of the United States Information Agency, other U.S. foreign affairs organizations, and U.S. missions located overseas. It has an excellent track record for helping the State Department and USIA achieve its foreign policy goals and giving the American people a meaningful return for their tax dollars.

The advisory commission was created by Congress in 1948 and has remained an independent and bipartisan oversight board for more than half a century. The seven commissioners are appointed by the President with the advice and consent of the Senate. They are all private citizens who represent different professional backgrounds and who volunteer their own time as commissioners with the conviction that public diplomacy is indispensable to the national interest and to U.S. foreign policy. The advisory commission reports its findings and recommendations to the President, the Congress, the Secretary of State, the Director of USIA, and the American people. It meets on a monthly basis and has a full-time staff of four with an average annual budget of less than $450,000. Over the last three years, the advisory commission has returned an average of $75,000.

Since its creation, the advisory commission has provided oversight of our international exchange programs, international broadcasting, and publicly-funded activities of foreign nongovernmental organizations. Over the years, it has been chaired by many distinguished members and published several highly acclaimed reports. Recently, the advisory commission has arrived at serious conclusions regarding the training, promotion and spending policies of the State Department and USIA. Accordingly, it has also recommended insightful and intelligent new approaches to guide U.S. diplomats away from current methods that can render them ill-equipped to relate to foreign citizens, foreign news media and the nongovernmental organizations, which are increasingly influential in shaping international policy- and opinion-making. These recommendations are intended to help our diplomats communicate more effectively with people other than just their official counterparts and help them recognize and understand foreign attitudes and thinking.

In 1996, for example, the advisory commission issued a series of recommendations under the publication "A New Diplomacy for the Information Age," which called for the combination of the State Department's expertise in dealing with foreign states and USIA's expertise in dealing with foreign publics to maximize the "edge" we enjoy in information and communications technology. Subsequently, the advisory commission made additional recommendations in the report entitled "Publics and Diplomats in the Global Communications Age," which called for more public diplomacy training for all diplomats and establishing a permanent interagency coordinating body to develop and implement diplomatic communication strategies.

The advisory commission's reports illustrate how the increase in global communications and technology makes foreign publics far more important than ever and why we should use our advanced skills in these areas to inform, understand and influence those foreign publics. Last year's report, for instance, explains how Saddam Hussein used public diplomacy to his advantage when he shifted the focus of the world media from his arsenal of weapons of mass destruction to the tragic suffering of Iraqi children, a campaign that did nothing to help the United States build the same coalition in 1998 as assembled against Saddam's sinister regime in 1991. The advisory commission's report, which can be accessed via USIA's web page, also includes intelligent and thoughtful recommendations on how to deal with such problems in the future. I believe this represents one of the most important advisory functions of the commission, and I encourage my colleagues to read the report.

While the State Department reorganization section of the omnibus appropriations legislation retained the advisory commission to the Arms Control and Disarmament Agency, it eliminated the advisory commission to USIA—a much larger agency. It is important to indicate that there was no provision for the elimination of the advisory commission in the bill as originally passed by the conference committee deliberating the State Department reorganization bill. However, since the omnibus appropriations legislation was not opened for amendments, it was not in order to vote on the advisory commission's continuance. That was not a fair consideration of its future, and it certainly does not represent good public policy concerning our diplomatic and foreign policy goals.

Mr. Speaker, the State Department consolidation is an overdue reinvention of the U.S. foreign policy establishment for the information age. This reorganization can help us take advantage of our edge in information and technology by using public diplomacy. During the transition period involving USIA's merger into the State Department, the advisory commission's role would be significant as the two cultures learn to work with one another. The advisory commission has a proven track record in making recommendations to Congress and the Administration in support of this strategy and making it work. It is simply not enough to train our diplomats about the language and culture of a foreign country. Nor should they be trained as narrowly focused and secretive specialists who fail to grasp the extent to which the world has changed around them. Rather, we must help them take advantage of the ever-increasing breadth of information and technology in order to effectively reach out and express our message and principles concerning democracy, human rights, free markets and American traditional values. The advisory commission should be continued, and for these reasons I urge my colleagues to support this important bipartisan legislation.

THE DUMPING OF CHEAP, ILLEGAL STEEL IN U.S. MARKETS BY JAPAN, BRAZIL, AND RUSSIA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. RAHALL. Mr. Speaker, I rise in strong support of legislation to be introduced by Representative VISCLOSKY, imposing steel import quotas on countries that are dumping steel in our markets, and by Representative TRAFICANT, to impose a short-term ban on steel imports in the foreseeable future. I also support Representative REGULA's bill calling for immediate changes in the Section 201 procedures used to indicate or prove that foreign imports are causing grave injury to industries and workers in the United States.

The jobs of steel workers are at risk: 10,000 have already lost their jobs, and 24 more will be pushed out of the workplace every day the steel dumping continues.

In 1998 alone, 18 million tons of foreign steel poured into the United States—12.4 million in the third quarter alone. This represents 56 percent more than the third quarter in 1997.

By contrast, America exported a mere 5.5 tons of domestic steel in 1998—the same period in which Russia, Brazil, and Japan unloaded the exact same 5.5 tons of hot-rolled steel imports here.

The United States Steel industry adds $70 billion a year to the gross domestic product—and you can put a face on that $70 billion if you think about the thousands of steel workers—their spouses and children—who will suffer even more if we continue to allow illegal steel dumping from foreign markets into ours—for there will be no jobs, no house mortgage or car payment, and no hope for their continued quality of life.

It is time, Mr. Speaker, for the Administration to take care of Americans—and American jobs.

I do not intend to demean the Banana industry—those workers have to be able to earn a living too—but if the President will do for steel what he has done on behalf of bananas, then all will be well.

There have been times in our history when a resource vital to the United States was threatened by foreign producers, and it could happen again. Steel is a vital resource to our national security—our military complex. If we are forced to rely on foreign producers to provide our steel, the entire industry will fold and we could find ourselves held hostage once again.

Mr. Speaker, somebody needs to tell the Administration that it is steel on which our military depends for its weapons and equipment in times of crisis, not bananas, and he must act to stop steel dumping now.

21ST CONGRESSIONAL DISTRICT OF CALIFORNIA ANTI-SMOKING WRITING CONTEST

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. THOMAS. Mr. Speaker, I rise to address an issue of great importantance to my constituents in Kern and Tular counties, and indeed, all Americans: teen smoking. Each year, millions of young people begin smoking and become addicted. The question we have to ask ourselves as lawmakers is "why?" Many schools have anti-smoking programs; the health risks are clearly printed on every pack of cigarettes; it is illegal for anyone under the age of 18 to purchase tobacco products. Why, then, if students are told in school not to smoke, if we all understand that smoking is dangerous and addictive, and if it is against the law for young people to smoke, do more than one million of our children choose to begin smoking each year?

I wanted to get an accurate assessment of which anti-smoking programs are working and which are not, so I invited fifth, sixth, seventh, and eighth grade students in my district to submit their ideas in an essay contest. I asked them to tell me, in their very best writing, the reasons they might choose not to start smoking, ways in which they, their parents, and their schools could discourage other young people from smoking, and finally, I asked them what, if anything, Congress can do on this issue. I read many good ideas from hundreds of students throughout my district on all three points.

Many students proudly took personal responsibility for this decision, saying that the decision not to begin smoking is ultimately left to individuals. Some suggested the creation of new anti-smoking programs in schools, such as one proposed by Eddie Mota, a fifth grader from Panama Elementary School in Bakersfield. Eddie suggested that schools create a program called "Smoking Detour, so that kids won't make the wrong turn." Another idea came from Ashley Cullins, a sixth grader at James Monroe Middle School in Ridgecrest, California, who thinks that communities should create and support anti-smoking clubs.

A lot of students pointed to their parents as the strongest influences in making the decision not to smoke. Britney Lout, a sixth grader at California City Middle School said that it is parents', and not a school's responsibility to tell children the dangers of smoking. Similarly, George Montoya, a seventh grader at Sequoia Middle School in Bakersfield, said that parents should begin teaching their children not to smoke at an early age.

Students presented several interesting, creative ideas as to what Congress could do to eliminate teen smoking. Christopher Duck, an eighth grader at Visalia Christian Academy, proposed stronger penalties for merchants caught selling cigarettes to minors, and creating a limit on the amount of nicotine in cigarettes. And James Margrave, a sixth grade student at Quailwood Elementary School in Bakersfield, wants smoking in movies and television shows to be banned. These are a small sample of the outstanding ideas I heard from students in my district. This is an issue that young people care about very deeply, and I hope that any action we take will consider such options.

I ask unanimous consent to include in the RECORD the full text of the essays submitted by the six students mentioned above.

Smoking causes harm to your body. The tobacco in cigarettes can turn your lungs black. Tobacco can cause you to get cancer and heart disease. Tobacco can make you think unclearly and unable to sleep. Smoking can make you sick and make you die. Kids should be taught about the harmful effects of smoking.

Schools should have a class or programs for students on the bad things smoking can do. The classes should show the students examples of a healthy lung and a black lung. Parents should also teach their kids about smoking at an early age, like eleven years. If one of my friends asked me to smoke, I would say no because I am not a stupid person. I would tell an adult that my friend has cigarettes.

I learned about the awful things smoking can do to your body. I've decided I'd rather live a smoke free life and not die young from lung cancer. I think that Congress should raise the price of cigarettes so that kids could not afford them. Then people would not die from smoking.—George Montoya, seventh grade student, Sequoia Middle School, Bakersfield, California.

Smoking is an option and only one person can make the decision to smoke, and that's you. I personally decided not to begin smoking because I plan on going places with my life and if I start smoking, I won't be able to fulfill my plans. Smoking can become a very bad habit and I don't want to make it a personal habit of mine. My grandmother influenced me not to smoke because I saw how addicted she got and I don't want to be like that.

"Home is where the heart is," and that's where parents should be telling their children how bad smoking can be. No matter the age, from the beginning, children should never want to smoke. Parents can be very skeptical about who their children hang around, but they can't control what their children do when they aren't around so they should be sure to let their children know all they should know. Schools can't search every child every day because it's useless, but every child should have to take health classes to show just how unhealthy smoking is. Friends shouldn't smoke around friends, so that they can't influence others. The only thing Congress can do to stop the use of cigarettes is to stop making cigarettes altogether. People shouldn't be smoking, no matter who they are.—Britney Lout, seventh grade student, California City Middle School, California City, California.

I believe there are many factors which influence a child to smoke. I have decided not to use any tobacco products due, in part to the government, the D.A.R.E. program, teachers, school counselors, parents, and my church. The government's programs supported my decision not to smoke. The D.A.R.E. program taught me about drugs and ways to say "no" to them. Posters and ads showing pictures of a smoker's lung and a healthy lung helped me to realize how harmful tobacco and drugs are. Advertisements on television also showed me some harmful effects of cigarettes and drugs. They showed that tar in cigarettes is the same as on the roads. My school counselors and teachers played a big role in keeping me from smoking. They taught me why tobacco and other drugs are harmful. My parents set a good example by not using tobacco products. I feel I might disappoint them if I started to smoke. My parents and church set good examples for me to follow. They taught by example to resist drugs. We have had family discussions and talked about why I should not smoke.

I have two suggestions the government can adopt to help kids decide not to smoke. First, create mentor programs that pair "at risk" kids with older, smoke-free kids to encourage the younger kids not to smoke. Second, celebrities can talk to children about not smoking. These people are often more listened to than teachers, counselors, and even parents.—Chris Burnett, seventh grade student, Earl Warren Junior High School, Bakersfield, California

I have decided to never begin smoking and I was influenced most by the assemblies at our school during Red Ribbon Week for the last seven years at Quailwood, my school. I want to become a Major League Baseball player and try to catch Mark McGwire and his home run record and I have figured from all of those assemblies that if I want to do that, I can't start smoking, doing drugs, or drinking. I don't know if it was watching the K9 unit come every year to talk to us, but since that first assembly in kindergarten, I've decided to never start smoking.

Even though I've decided not to smoke, some of my friends have not. I don't want them to ruin their lives so there are a couple of things that schools, parents, and I could do to keep my friends from beginning to smoke. There are many things that schools could do to help kids try not to start smoking. When I was in kindergarten, first grade, and second grade, a lady used to come in and show us a pig's lung that had been around a lot of smoke, almost like a person who smoked. It was horrible looking. She said that if we smoked, our lungs would look like that, and no one wants to have their lungs look like that. I think that all schools should do that, and not only in the first three years of school, but throughout elementary school.

Parents could also help their children not start smoking. Parents could talk to their kids more about saying no to smoking. Tell them how bad it is for your body and what it does to your brain. If kids knew those things it might lessen their chance of smoking. All parents should be good role models. My mom and dad don't smoke and I have no desire to smoke either. They probably had an influence on me not to smoke. Kids might think it's O.K. to smoke if their parents do. There are also many things I could do to help my friends not start smoking. I could tell my friends that if they ever started to smoke, they wouldn't be my friends anymore. I also could tell my friends that if they ever thought about smoking to talk to me because I'd always to open to listen to them. I'd do practically anything to stop my friends from starting to smoke.

Those are all things that schools, parents, and I could do to stop kids from starting to smoke, but there are things Congress could do to stop, or at least to reduce the use of tobacco. They could make laws to stop advertising smoking on billboards and in magazines. The tobacco industry tries to make smoking look cool when it's not. Congress could make a law that there shouldn't be smoking on television and in movies. The other day, I saw my favorite actor with a cigarette in his mouth. If I didn't know smoking killed you, I'd probably want to smoke too, because then I could be just like him. The only thing this is doing to kids is influencing us to smoke when we get older. Another law Congress could make to reduce tobacco use is to ban candy cigarettes and gum that look like chewing tobacco. When kids like me see that stuff, it's great; it tastes good, and when we get older, we may want the real thing.—James Margrave, sixth grade student, Quailwood Elementary School, Bakersfield, California

When I was young, I was watching the news with my mother. It was about smoking. The program was about the problems smoking causes. I was watching it closely and I was scared that I was going to have those problems. Although I was scared, I never realized how hard it was going to be to make this decision later on. Here in the sixth grade, I know I will never have to do this.

To help other people make the same decision, small groups from communities need to form clubs for kids aged 11–19 years to have fun and to be safe. In this club there should be no smoking. This group should do things involving kids. It could get money from donations and fundraisers.

I don't think Congress can do too much to reduce smoking. It basically is up to the community and to each person. Some people might disagree and even fight over this matter. Personally I made this decision already, but some kids think it's cool to smoke and they won't stop. Instead of arguing over this, we need to do more educating to show kids that smoking isn't cool.—Ashley Cullins, sixth grade student, James Monroe Middle School, Ridgecrest, California

Tobacco has been a health hazard to America for years, yet, even when they know its dangers, kids still choose to smoke for the chance to be "cool." Somehow, all the programs, clubs, and classes are not getting the message through. Hopefully, the essays being received will give Congress new ideas that will help America become a better place.

There are many influences that have affected my decision not to start smoking. One such influence is the warnings of smoking's dangers. The fact that smoking can cause numerous cancers and can cause a person to stop breathing is a frightening thought. Being brought up in a drug-free environment and then visiting places with a high content of smoke has given me a good picture of the two different worlds —a good enough picture to make me realize which one is the best for me and the people around me.

I believe that there are a few ways that schools and Congress can make a difference. I think the schools would help if they provided a mandatory class to discuss the dangers and consequences of smoking and tobacco. Then there are a couple of ways I feel

Congress can help prevent tobacco use. First, Congress should pass a law that reduces the amount of nicotine put into tobacco products. Second, Congress should raise and enforce penalties on minors who smoke, and on those who sell tobacco to minors. Raising the taxes on tobacco products would only lead to more thievery and, therefore should not take place.

I hope that these essays have given Congress a better view of the tobacco problem, and I hope that they will put into effect some of the ideas these essays offer. May the Lord have His hand on this situation as we all look and pray for a better America.—Christopher Duck, eighth grade student, Visalia Christian Academy, Visalia, California

I see many store advertisements that encourage people to smoke. Thanks to our Congress, there are no gun advertisements, and Congress should be just as tough on cigarette ads. I would say that guns and tobacco are deadly weapons; one kills fast and the other kills slow. I think that Congress can do many things to keep kids from smoking. Congress and schools should make a program called "smoking detour," to keep kids from making the wrong turn. This program would take kids on a hospital tour to visit patients that are dying from cancer caused by tobacco. How sad it would be to see people with tubes stuck in their noses and pictures of rotten lungs. That sure would discourage me from smoking.

My mom and dad are the best advertisements against smoking. They don't smoke. They tell me, "if you smoke, it will kill you and it will hurt those who love you." Even though I live in a free country, where I have the freedom to smoke, I don't have the right to hurt the freedom of life. I love my family, friends, and my life too much to smoke.—Eddie Mota, fifth grade student, Panama Elementary School, Bakersfield, California

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FAIRNESS FOR OUR NATION'S DAIRY FARMERS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Ms. BALDWIN. Mr. Speaker, yesterday I introduced H.R. 444, the "Dairy Promotion Fairness Act," a bill that would create a little more fairness for our Nation's dairy farmers.

We have all enjoyed the recent "Got Milk?" promotions sponsored by the National Dairy Promotion and Research Board. Those commercials remind the public that milk is both good for you, and, frankly, good to have around when you're eating chocolate chip cookies.

All American dairy farmers pay into the Dairy Promotion Program. But there are a group of people who gain from the program, but don't pay for it. Importers of foreign dairy products. Whether it's cheese from France, or non-fat powdered milk from New Zealand, importers receive free advertisements of their products, paid for by our dairy producers. That just isn't fair to our farmers.

Importers of dairy products are the only commodity importers that don't pay into a promotion program. Importers of pork, beef, and cotton are all required to support their respective promotion programs. The Dairy Promotion program should not be treated differently, and our domestic dairy products should not have to subsidize the promotion of foreign dairy products. I urge all members who believe our farmers deserve fairness to support this bill.

IN MEMORY OF ADMIRAL HAROLD E. SHEAR

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. GEJDENSON. Mr. Speaker, I rise with sorrow following the passing of Admiral Harold E. Shear of Groton, Connecticut on February 1, 1999. Admiral Shear served his country in the United States Navy for more than four decades and helped to create the modern ballistic missile submarine force which serves as an indispensable element of our national defense.

At age 10, Harold Shear began his long career at sea by working on his step-father's fishing boat. He entered the U.S. Naval Academy in 1938. His class of midshipmen graduated five months early due to the Japanese attack on Pearl Harbor. After a brief tour aboard a surface ship, Harold Shear joined the submarine service. Over the course of the next twenty five years, he was promoted through the chain of command in the submarine force. He served as commanding officer of the diesel-powered submarine U.S.S. *Becuna* (SS 319) and the nuclear ballistic missile sub U.S.S. *Patrick Henry* (SSBN 599). During the Cuban missile crisis Harold Shear served as ballistic missile submarine officer on the Joint Chiefs of Staff. In this capacity, he ensured that our force was mobilized quickly in order to demonstrate to the Russians that the United States was prepared to take all steps necessary to remove offensive nuclear weapons from the island.

In 1967, Harold Shear was promoted to Rear Admiral. Throughout the early 1970s he served in a series of high-level Naval positions, including commander-in-chief of U.S. Naval Forces in Europe. In 1975, Admiral Shear was appointed Vice Chief of Naval Operations—the second highest ranking Navy officer in the nation. In his final assignment, Admiral Shear served as commander-in-chief of Allied Forces in southern Europe. He retired from the Navy in 1980.

Admiral Harold Shear served his country with honor and distinction in the Navy for more than forty years. However, he continued to serve his community well after retirement. He played a crucial role in an effort joined by many across southeastern Connecticut to revitalize the port of New London. Admiral Shear worked closely with me and others to convince the Navy to transfer State Pier to Connecticut. Then, he pushed the State to rebuild it and convert it into an international commercial center. Thanks to Admiral Shear's dedication, the Pier today is busy with activity as goods from across Connecticut and New England are loaded onto ships bound for destinations across the globe.

Mr. Speaker, Admiral Harold Shear was an American hero. He defended this nation during some of the darkest hours of our history. He was one of the architects and chief strategists of the modern ballistic missile submarine force. He was an advocate for maritime trade. Having been awarded the Silver Star for conspicuous gallantry in action and Navy Distinguished Service Medal with Gold Star along with many other honors, it is entirely fitting that Admiral Shear will be buried with other great Americans in Arlington National Cemetery. The nation says goodbye to a great leader while southeastern Connecticut bids farewell to friend and neighbor.

THE WAGE GAP

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. McNULTY. Mr. Speaker, I call upon this Congress to address a major concern of single mothers, working women and working families. The wage gap in America between men and women has been overlooked for far too long.

While women in America have made great strides in the workplace, on average, they earn only 75 cents to a man's dollar.

This issue goes beyond simply ensuring what is equal and right, and has long-lasting economic impacts on our society. While more and more women have become the primary source of family income, the total amount of wages women lost last year due to pay inequity was over $130 billion.

Single mothers and working families realize the entire family would be better off if women were being paid what they are worth and have rightly earned.

This Congress can continue the commitment to equality by removing the economic barriers which hinder too many women and their families.

That is why I have decided to co-sponsor the "Paycheck Fairness Act", sponsored by Congresswoman Rosa DeLauro. I urge all members of the Congress, and all my fellow Americans to recognize and address this very serious issue.

HONESTY IN BUDGETING ACT

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. SMITH of Washington. Mr. Speaker, I rise today to introduce the "Honesty in Budgeting Act." This is an important bill that I hope my colleagues will join me in supporting.

Right now, the public and elected officials alike are confused about our federal budget. Both President Clinton and the Republican Congressional leadership said we had a budget surplus last year, but the national debt still increased. The public asked, how could we have a surplus but still increase the debt? That is a good question.

The answer is that we didn't really have a surplus last year. We had a $29 billion deficit in the budget, and a $99 billion Social Security trust fund surplus. Politicians who wanted to make the numbers seem better than they were ignored those numbers and focused on the "unified" budget surplus of $70 billion, misleading the American people into thinking that we had extra money in our budget.

The Honesty in Budgeting Act does several things to help remedy that problem. First of all, it simply expresses the sense of the House that all of us in Congress and those in the White House should stop misleading the public and instead talk about the real budget numbers—the on-budget numbers. Second, it reinforces Social Security's off-budget status. Finally, it directs the official budgeting agencies of the government, the Congressional Budget Office and the Office of Management and Budget, to stop including Social Security trust funds in its report to Congress and the American public. This is important because while we have previously taken Social Security off-budget, too many elected officials still talk and act like nothing's changed. Eliminating the trust funds figures from the official reports of the CBO and OMB will force Congress to focus on the real budget numbers and stop masking budget deficits with the Social Security trust fund.

I believe that the Honesty in Budgeting Act is particularly important as we now enter an era of surpluses. Latest economic projections indicate substantial budget surpluses as early as this year. These surpluses are non-Social Security surpluses, which is great news. But as we start talking about how to use those surpluses, whether it is to cut taxes, increase investment in education or defense or to pay down the national debt, we must start the debate with honesty. We must set aside all of the Social Security trust fund surpluses for what it is obligated—Social Security—and then have a national discussion about what we should do with any additional surpluses.

PERSONAL EXPLANATION

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. LUTHER. Mr. Speaker, due to a family commitment I missed rollcall votes Nos. 7 and 8. Please let the RECORD show that on House Vote 7, H.R. 68, the Small Business Investment Company Technical Corrections Act, I would have voted "aye." On House Vote 8, H.R. 432, the Dante B. Fascell North-South Center, I would have voted "aye."

INTRODUCTION OF THE AMERICAN FINANCIAL INSTITUTIONS' PRIVACY ACT OF 1999

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. BARR of Georgia. Mr. Speaker, I rise today to introduce the American Financial Institutions' Privacy Act of 1999.

This legislation delays the "Know Your Customer" regulations proposed by the federal banking agencies until authorized by Congress, thereby protecting the privacy rights of American citizens which would otherwise be infringed by these regulations.

In addition, this bill requires agencies to complete a comprehensive study on various economic and privacy issues, which would be submitted to the United States Congress for its review and consent. Only by congressional authorization, will additional "Know Your Customer" regulations be permitted to go into effect.

America's strength has always derived from economic freedom; yet modern America is replete with proposed laws and regulations designed to make this country anything but free.

One such plan proposed by the federal banking agencies would seek to expand provisions included in the Bank Secrecy Act of 1970, called "Know Your Customer." Under current law, all cash transactions over $10,000, or over $5,000 if "suspicious" activity is suspected, must be reported to the appropriate banking regulator. In addition, the banks must maintain a record of basic information about each customer (Social Security Number, birth date, occupation, and home and work telephone numbers) in which to identify and track each customer's banking activity. These regulations are designed to attack money laundering.

But, alas, this is not enough. The regulators want your bank to have in its database even more intimate and personal information about every banking customer. They want your bank to become "private detective agencies"—creating a profile on each and every customer. In your "new" profile will be information on where you obtained your funds, what the bank considers to be normal and expected transactions for you, and a mechanism by which the banks monitor activity for transactions that differ from this "profile". Any activity that falls outside the parameters of a customer's "profile" would trigger an alert to law enforcement.

The bank regulators want to sell this program to the American people as an initiative to battle the evils of terrorism, drug trafficking, and other criminal activity. But, Mr. Speaker, these proposed "Know Your Customer" regulations are a blatant infringement on American citizen's civil liberties. These proposed regulations are nothing but intrusive, forceful, and unnecessary.

This is another example of the federal government invoking "Big Brother" to reduce American citizen's private and personal lives. Under authority of present law, the government has complied over 177 million currency transaction reports (CTRs) filed in less than ten years. These laws have met with very little success.

It is not the role of these agencies to seize the individual rights of citizens. That is why I have introduced the American Financial Institutions' Privacy Act of 1999, to allow the regulators the opportunity to re-think the ramifications these "Know Your Customer" regulations will have on the economy and the privacy of the American people. This legislation is narrowly crafted, precisely focused, and does not repeal existing tools for identifying true money launderers.

Mr. Speaker, Majority Whip TOM DELAY, Chairman RICHARD BAKER, of the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises, Congressmen SAXBY CHAMBLISS, and TOM CAMPBELL have all decided to be original cosponsors. I urge my colleagues to join me in stopping yet another abuse of power by the Federal Government and simultaneously helping to better understand the loopholes in our current law that allow money launderers to continue their deceptive practices.

I call on my colleagues to support the American Financial Institutions' Privacy Act of 1999.

THE LINCOLN JOURNAL STAR ON THE PRESIDENT'S SHELL GAME

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 3, 1999

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an excellent editorial which appeared in the Lincoln (Nebraska) Journal Star, on February 1, 1999.

[From the Lincoln Journal Star, Feb. 1, 1999]

SHELL GAME DOESN'T BELONG IN WASHINGTON

On the carnival midway, it's called the shell game. A fast-talking barker with quick hands flicks the nutshells around while the rubes try to guess which one hides the money.

Inside the Beltway, they play the shell game with taxpayers' money.

One of the best writers at following the game is Allan Sloan, who writes for Newsweek. In the Feb. 1 issue of the magazine Sloan takes a look at "Washington's Math Problem."

In the article Sloan explains how President Clinton could promise in his State of the Union address to save Social Security, help Medicare AND reduce the national debt.

Sloan's answer is that the president's commitments add up to 151 percent of the federal budget surpluses he's projecting for the next 15 years.

Clinton would spend the surplus between the amount taken in for Social Security and the amount paid out. First Clinton would take the $2.3 trillion already committed to the Social Security Trust Fund and spend it for other purposes. Then Clinton would take $2.8 trillion he allegedly is committing to "save Social Security and Medicare" and spend that for other things.

Sloan carefully notes that the Clinton administration says his characterization of the numbers game is unfair. Clinton economics advisor Gene Sperling says "The president is responsibly advocating 100 percent of the surplus under the rules of the unified budget."

Well, that's the way they talk inside the Beltway.

Out here in the Flyover Zone we call it bogus.

It helps us to think of America's huge national budget the same way we do a family budget.

In our comparison, Uncle Bill just got a new sales job. He's really hauling in the loot. Now he's boasting about how he's paying off credit card debts, AND squirreling away money in the kid's college accounts.

Part of what that rascally Bill is doing is actually good. He really is paying off debts.

But he's just stuffing worthless IOUs in the kid's college accounts.

Uncle Bill's credit card debts are like the $5.5 trillion national debt. President Clinton's plan would pay down $3 trillion of that debt. Uncle Bill's college savings are like Social Security. His IOUs are like the worthless treasury notes that President Clinton would put in the Social Security Trust Fund.

Those treasury notes actually do exist. They are pieces of paper held in a Beltway vault. They even must be repaid with interest. But they are not investments; they are debts. They must be paid with taxes.

The most positive aspect of Clinton's plan is that it would be easier to borrow money for Social Security when Baby Boomers begin retiring in 2010 if the national debt is smaller.

It would be a hilarious charade if so many intelligent and perceptive people didn't believe it. Clinton didn't invent it. It's been played that way for years.

It's time for a change. Taxpayers should insist that the nation's budget figures be presented accurately and straightforwardly.

Anyone who runs their household budget like Uncle Bill is going to have a day of reckoning. So will Uncle Sam, especially if the nation adopts the scheme proposed by President Clinton.

SMALL BUSINESS INVESTMENT COMPANY TECHNICAL CORRECTIONS ACT OF 1999

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Ms. MILLENDER-McDONALD. Mr. Speaker, I am very proud of the legislation the Small Business Committee has brought to the floor today. Through bipartisan efforts, we were able to unanimously pass this bill in the Committee, which will help small business entrepreneurs, particularly in urban communities, obtain the necessary capital to succeed.

As a member of the Committee and an original co-sponsor of H.R. 68, I would like to briefly explain why this bill is so important to small business owners in the 37th district of California and throughout the country. This bill will help give small businesses increased access to capital by streamlining the operation of the Small Business Investment Company program. Access to capital is one of the biggest challenges facing small businesses today. It is particularly difficult for women business owners who have just 2% of all venture capital.

This measure will allow SBICs, which are a critical public-private partnership helping thousands of small businesses, more flexibility in offering loans, a higher amount of available funding, and lower interest rates. SBICs have invested nearly $15 billion in long-term debt and equity capital to over 90,000 small businesses. As a result, companies such as Intel, FedEx, AOL and Staples were able to succeed, causing millions of jobs to be created and billions of dollars contributed to our economy. Most important to me and my district, are the ways in which SBICs have helped small businesses in urban areas access the capital they need to grow.

In 1997, we witnessed several innovative creations as a result of the SBIC program—two women owned SBICs and the first Hispanic owned SBIC. This growth and expansion will be accelerated with the passage of H.R. 68. I urge my colleagues to join me in passing this bill and being a part of our ongoing efforts to provide more opportunities to serve small, minority and women owned businesses and entrepreneurs.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 4, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 5

8:30 a.m.
YEAR 2000 TECHNOLOGY PROBLEM
To hold hearings to examine information technology as it applies to the food sector in the Year 2000.
SD–192

9 a.m.
Small Business
Business meeting to consider pending committee business; S. 314, to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns; the proposed Small Business Investment Company Technical Corrections Act of 1999; and the nomination of Phyllis K. Fong, of Maryland, to be Inspector General, Small Business Administration.
SR–428A

FEBRUARY 9

9:30 a.m.
Budget
To resume hearings on the President's proposed budget request for fiscal year 2000.
SD–608

Health, Education, Labor, and Pensions
To hold hearings on proposed legislation authorizing funds for elementary and secondary education programs.
SD–430

Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, and the future years defense program.
SH–216

Commerce, Science, and Transportation
To hold hearings on the nomination of Wayne O. Burkes, of Mississippi, to be a Member of the Surface Transportation Board, Department of Transportation; to be followed by a hearing on S. 96, to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date.
SR–253

FEBRUARY 10

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Health, Education, Labor, and Pensions
To hold hearings on Department of Labor budget initiatives.
SD–430

Commerce, Science, and Transportation
Business Meeting to markup S. 82, to authorize appropriations for Federal Aviation Administration.
SR–253

FEBRUARY 11

8:30 a.m.
YEAR 2000 TECHNOLOGY PROBLEM
To hold hearings to examine information technology as it applies to the food sector in the Year 2000.
SD–192

9:30 a.m.
Environment and Public Works
To hold hearings to examine the President's proposed budget request for fiscal year 2000 for the Environmental Protection Agency.
SD–406

Banking, Housing, and Urban Affairs
Business Meeting to markup S. 313, to repeal the Public Utility Holding Company Act of 1935, and to enact the Public Utility Holding Company Act of 1999, and the proposed Financial Regulatory Relief and Economic Efficiency Act of 1999.
SD–538

Health, Education, Labor, and Pensions
To hold hearings on the proposed budget request for the Department of Education.
SD–430

Armed Services
To resume hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, and the future years defense program.
SH–216

1 p.m.
Budget
To resume hearings on the President's proposed budget request for fiscal year 2000.
SD–608

FEBRUARY 12

9:30 a.m.
Budget
To hold hearings on national defense budget issues.
SD–608

FEBRUARY 23

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings on Department of Education reform issues.
SD-430

FEBRUARY 24

9:30 a.m.
Armed Services
Readiness Subcommittee
To hold hearings on the National Security ramifications of the Year 2000 computer problem.
SH-216

Health, Education, Labor, and Pensions
Public Health and Safety Subcommittee
To hold hearings on antimicrobial resistance.
SD-430

Health, Education, Labor, and Pensions
Public Health and Safety Subcommittee
To hold hearings on.
SD-430

FEBRUARY 25

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Military Order of the Purple Heart, the Fleet Reserve, the Retired Enlisted Association, the Gold Star Wives of America, and the Air Force Sergeants Association.
345, Cannon Building

Health, Education, Labor, and Pensions
To hold hearings on protecting medical records privacy issues.
SD-430

2 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to review competition and antitrust issues relating to the Telecommunications Act.
SD-226

MARCH 2

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345, Cannon Building

MARCH 4

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I of the USA, Non-Commissioned Officers Association, Paralyzed Veterans of America, Jewish War Veterans, and the Blinded Veterans Association.
345, Cannon Building

MARCH 10

9:30 a.m.
Armed Services
Readiness Subcommittee
To hold hearings on the condition of the service's infrastructure and real property maintenance programs for fiscal year 2000.
SR-236

MARCH 17

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345, Cannon Building

MARCH 24

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.
345, Cannon Building

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345, Cannon Building

POSTPONEMENTS

FEBRUARY 10

8:30 a.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to review competition and antitrust issues relating to the Telecom Act.
SD-226

HOUSE OF REPRESENTATIVES—*Thursday, February 4, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 4, 1999.

I hereby designate the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, Director, Lutheran Social Services of Virginia, Fairfax, Virginia, offered the following prayer:

Almighty God, in this moment of quiet we are acknowledging Your presence in our lives and in our world.

Through the words of Your prophets we are challenged in our deeds, for surely shalom is our greatest need, justice must be our supreme passion, service to our neighbor in need is everyone's responsibility, and gratitude for Your many gifts Your only request.

So we pray, may our actions be molded by Your great love for all people. May our lives be modeled after those heroes and saints who so lived their lives personal that sacrifice was not too great a price to pay. May we commit our actions to the great principles of malice toward none and equality for all. And, may we always be more ready to give mercy than receive it, demonstrate compassion than to be shown it, and offer honor to another than to seek it for ourselves.

Bless, we pray, our day and our deeds. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A $6.5 BILLION HOLE IN THE GROUND

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, do you know that the American taxpayers have spent to date $6.5 billion over the last 15 years?

You may think this money was spent on new schools for our children, a better military or a down payment to save Social Security. Nope. Sorry.

You may hope the money was spent to give tax cuts to hard working men and women of this country or it was spent on needy families to ensure people move from government reliance and to work with self respect. Sorry again.

Mr. Speaker, this money was used for nothing more than to dig a hole in the ground, $6.5 billion dollars, and according to the GAO, the Department of Energy has spent more than $6.5 billion to dig a hole large enough to bury the nuclear industry's high level radioactive garbage. Even more perplexing is that they are over 12 years behind schedule trying to fit a square peg in a round hole.

Americans know that when you find yourself in a hole, the first rule is to put the shovel down and stop digging.

I urge my colleagues to oppose H.R. 45 and let this money be spent on programs that actually benefit this country.

THE CHILDREN'S EDUCATION TAX CREDIT ACT

(Mr. TANCREDO asked and was given permission to address the House for 1 minute.)

Mr. TANCREDO. Mr. Speaker, at a time when the education of our children ranks as a top concern of the American people and as a top priority of the Congress, we need to look at the innovative proposals that empower parents to give their children the best possible education. Rather than creating new Federal programs run by new Federal bureaucrats, we need to put responsibility and resources in the hands of our Nation's parents.

Today the gentleman from California (Mr. ROGAN) and I are introducing the Children's Education Tax Credit Act. It provides American families with over $150 billion in help in meeting the unique educational needs of their children.

Our proposal would create a $1,000 tax credit for elementary and secondary education expenses, including textbooks, tutoring, tuition, and other resources children need to excel in schools.

Too often today parents must make tough choices within the family budget and little extra that can be spent on children's education must instead go to pay the bills. With this tax credit, parents will have the means and the freedom to provide the unique support their children need to learn at their very best.

Mr. Speaker, I urge my colleagues to join the gentleman from California (Mr. ROGAN) and me in making this tax credit for American families a reality.

APPOINTMENT AS DIRECTOR OF CONGRESSIONAL BUDGET OFFICE

The SPEAKER pro tempore. Pursuant to the provisions of section 201(A)(2) of the Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344, the Chair announces that the Speaker and the President pro tempore of the Senate on Wednesday, February 3, 1999, did jointly appoint Mr. Dan L. Crippen as director of the Congressional Budget Office, effective February 3, 1999, for the term of office expiring on January 3, 2003.

MANDATES INFORMATION ACT OF 1999

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 36 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 36

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII or section 306 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with section 306 of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 36 is an open rule providing for consideration of H.R. 350, the Mandates Information Act of 1999, a bill that will expand the prior 1995 Unfunded Mandates Reform Act to improve congressional deliberation and public awareness on proposed private sector mandates.

H. Res. 36 is a wide open rule providing 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. The rule waives points of order against consideration of the bill for failure to comply with section 306 of the Congressional Budget Act prohibiting consideration of legislation within the Committee on the Budget's jurisdiction unless reported by the Committee on the Budget. The bill also waives points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII requiring a 3-day layover of the committee report.

The rule considers the amendment in the nature of a substitute recommended by the Committee on Rules, now printed in the bill, as an original bill for the purpose of amendment which is considered as read. The rule provides, further, that it waives points of order against the amendment in the nature of a substitute for failure to comply with section 306 of the Congressional Budget Act.

H. Res. 36 further allows the chairman of the Committee of the Whole to accord priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration. The rule also allows the chairman of the Committee of the Whole to postpone recorded votes and to reduce to 5 minutes the voting time on any postponed question, provided voting time on the first in any series of questions is not less than 15 minutes.

Finally, the rule provides one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, let me begin by explaining exactly what this bill will do. First, the bill amends the Unfunded Mandates Reform Act to require committee reports to include a statement from the Congressional Budget Office estimating the impact of private sector mandates on consumers, workers and small businesses.

Second, if the CBO cannot prepare an estimate, the bill allows a point of order against consideration of the bill.

Third, if legislation contains a private sector mandate the direct cost of which exceeds $100 million, this bill also allows a point of order against consideration of the legislation. In both cases the point of order triggers a 20-minute debate on the costs and benefits of a legislative measure before the House votes to continue.

The argument has been made that this bill will result in delaying tactics. Mr. Speaker, the current bill has been in effect for over three years and the point of order has been utilized seven times, four times by Republicans and three times by Democrats. That is a pretty good balance.

Nonetheless, H.R. 350 constrains the Chair from recognizing more than one point of order with respect to a private sector mandate for any bill, joint resolution, amendment, motion or conference report. The one vote limit per legislative measure should provide sufficient opportunity for Members to receive the best available information on the cost of a bill.

Mr. Speaker, the intergovernmental mandates legislation was one of the first bills passed by the 104th Congress and signed into law by President Clinton. That law, designed to provide information about mandates on State and local governments, passed the House with 394 votes and has proven to be quite useful in providing accurate information during the course of floor debate.

I chaired a joint hearing of the two Committees on Rules subcommittees on Tuesday in which we examined H.R. 350 and efforts to expand upon the 1995 Unfunded Mandates Reform Act. We have now had 3 full years to observe how that law has worked, and it has worked well. We heard from the acting director of the congressional Committee on the Budget who stated that the 1995 act had been a useful tool in congressional deliberation. The CBO director said he had been doing mandates estimates for years, but no one really paid any attention to the costs until we passed the 1995 mandates bill.

That is all the Unfunded Mandates Reform Act has done, and that is all that this bill will do. It will force Members to review reliable information from the Congressional Budget Office. This information has increased not only Member consciousness of the costs of legislation, but increased public awareness, and that is why we are here today. In an effort to make the original unfunded mandates legislation a more valuable information tool to advise Members on private sector mandates, the Mandates Information Act has been introduced again in this Congress with over 60 bipartisan cosponsors.

H.R. 350 was referred to the Committee on Rules, and Committee on Rules alone, because it is a procedures bill affecting the internal workings of the House and providing information to Members of Congress. By compelling CBO estimates and requiring a question of consideration on the House floor on certain legislation, this legislation should serve as an effective tool in increasing Congressional accountability by requiring Congress to be informed fully of the effects of mandates before enacting them into law.

During our hearing a 32-year-old business owner who started his company when he was 19 years old testified, and I quote: "I know I would sleep a little better at night knowing that Congress was thinking seriously about the cost impact of legislation on small business owners." That was all he was asking, that his elected representatives have some detailed information before they vote.

The average American should be concerned about these mandates as well. The Committee on Rules heard from the gentleman from Ohio (Mr. PORTMAN) in which he discussed his concerns about the hidden e-rate tax that resulted from the FCC's interpretation of the Telecommunications Act. Mandates such as these which are not debated on the House floor continue to represent hidden taxes that consumers are forced to pay through increased prices or wages, reduced job opportunities and more red tape for businesses.

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It is likely that during the 20 minute floor debate on the question of consideration, the costs and impact of a mandate will be highlighted, and an educated decision could be made about whether to pass the costs on to the U.S. consumer.

Mr. Speaker, the bill we have before us today is almost identical to the Condit-Portman Mandates Information Act of 1998, with some technical changes, such as additional findings and some modifications due to recodification. It is essentially the same bipartisan bill that passed the House by a vote of 279 to 132 in the last Congress.

Mr. Speaker, H.R. 350 serves as a speed bump to legislation that allows Members time to debate the costs of a bill. It is not a roadblock. We will have ample time to discuss the merits of the bill during general debate later this morning.

This is a fair rule, and I urge my colleagues to support it so that we may proceed with general debate and consideration of the amendments and the merits of this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, although the idea of an unfunded mandates point of order is somewhat controversial, this open rule will allow Members to make what amendments they will, and this really deserves our full support.

Unfunded mandates can have bad effects and they can have good effects. They can cost private industries millions and millions of dollars, but they can also help ensure the food supply is safe for millions of Americans.

Each time Members of Congress vote to impose a mandate, they should know how much it will cost and how much it will help. For that reason, I support the idea behind this point of order information; this information never hurt anyone. But, Mr. Speaker, my sentiments stop short of creating a point of order, and I look forward to discussing the issue further during the general debate.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the Chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my very good friend from Atlanta, the distinguished Chairman of the Subcommittee on Rules and Organization for yielding me this time. I want to commend him for his tremendous work on this legislation.

As the gentleman from Georgia (Mr. LINDER) noted, the Mandates Information Act was reported by the Committee on Rules last year and overwhelmingly approved in a bipartisan way by this House. It addresses a clear bias against the private sector in the way we consider legislation subject to the Unfunded Mandates Reform Act, legislation that was also reported by the Committee on Rules in 1995, and, as was said, overwhelmingly approved by this House.

I also want to join, Mr. Speaker, in congratulating my colleagues, the gentleman from California (Mr. CONDIT) and the gentleman from Ohio (Mr. PORTMAN), for once again introducing this legislation. I also want to commend them for their bipartisan efforts and their diligence in working with our Committee on Rules to ensure that the best possible bill was reported out by our committee.

I agree with the sponsors that the Unfunded Mandates Reform Act does not go far enough to discourage Congress from imposing costly mandates on the private sector. Such mandates cost businesses, consumers and workers about $700 billion annually, or $7,000 per household. That is more than a third the size of the entire Federal budget.

These mandates are particularly burdensome on families attempting to climb the economic ladder. Over the next five years, Mr. Speaker, 3 million people will move from welfare to private sector payrolls. Small businesses will provide most of those jobs, yet the imposition of new mandates upon existing burdens will reduce the resources available to create these much-needed jobs.

Mr. Speaker, it very important to note that H.R. 350 does nothing, absolutely nothing, to roll back some of the unnecessary mandates that exist, nor does it prevent in any way the imposition of additional mandates.

I would like to read now directly section 2 of the bill, which reads as follows: "The implementation of this Act will enhance the awareness of prospective mandates on the private sector without adversely affecting existing environmental, public health, or safety laws or regulations."

Mr. Speaker, I want to read that again, because I think it is very important to note that as we proceed with debate on this, that section 2 of the bill states, "The implementation of this Act will enhance the awareness of prospective mandates on the private sector without adversely affecting existing environmental, public health, or safety laws or regulations."

Mr. Speaker, in other words, H.R. 350 is a straightforward, common sense, bipartisan bill that will make Congress more accountable by requiring more deliberation and more information when Federal mandates are proposed.

This is important because, in reality, mandates are a hidden tax that consumers are forced to pay through increased prices, reduced job opportunities and more red tape for small businesses.

The procedures in H.R. 350 can in no way be used as a roadblock to legislation. Rather, they are intended to serve as a very small, smooth, speed bump that will allow affected groups to provide input to committees early in the development stage of legislation on more cost effective alternatives.

It is on this point that the Unfunded Mandates Reform Act has been so successful. As Jim Blum of the Congressional Budget Office noted in his testimony before the Committee on Rules, "Before proposed legislation is marked up, committee staffs and individual Members are increasingly requesting our analysis about whether the legislation would create new Federal mandates, and, if so, whether their costs would exceed the thresholds set by the Unfunded Mandates Reform Act. In many instances, the Congressional Budget Office is able to inform the sponsor about the existence of a mandate and provide informal guidance on how the proposal might be restructured to eliminate the mandate or reduce its cost."

He goes on to say, "That use of the Unfunded Mandates Reform Act early in the legislative process may not involve the law's formal procedural hurdles, but it appears to have had an effect on the number and burden of intergovernmental mandates in enacted legislation."

Mr. Speaker, this rule will allow us to fully deliberate H.R. 350, and I am looking forward to engaging in a very thoughtful debate on this legislation. But I want to end with a very simple message that was relayed to the Committee on Rules by Ryan Null, the owner of Tristate Electronic Manufacturing in Hagerstown, Maryland.

He said,

> I only ask that Congress, in its wisdom, please remember that it is hard enough to be an independent business owner. The laws that you pass and the costs associated with them have a profound effect on our bottom line. I know I would sleep a little better at night knowing that Congress was thinking seriously about the cost impact of legislation on small business owners.

Mr. Speaker, with that, I urge adoption of this rule and adoption of the bill.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in support of this rule, but in strong opposition to the underlying bill. I support the rule wholeheartedly because it is an open rule, a rule that will allow full, free and democratic debate; a rule that will allow issues to be aired and all points of view to be heard. That is a way of doing business that all Members can support and that the American people can be proud of.

My complaint about H.R. 350 is that it would end precisely the kind of open process that is governing its own consideration. With H.R. 350, there would never truly be an open rule again on a bill that affects industry.

I am not exaggerating. An open rule means unlimited debate on every amendment. Yet, under H.R. 350, if any private interest opposed a bill, a Member could raise a point of order that could limit debate to a mere 20 minutes, 10 minutes on each side. Raising the point of order requires not a shred of evidence, no evidence at all, just a mere assertion. You can say, "I have got a gut feeling," or "I have got a hunch," and that would trigger a point of order that would severely restrict debate and terminate it after only 10 minutes of argument on each side of the equation, 600 seconds. That is not a very good idea.

The point of order is targeted at shutting down debate on measures that industry opposes, overriding whatever time has been allocated by the Committee on Rules.

I think the Committee on Rules does an outstanding job, and I want to compliment my distinguished colleague, the gentleman from Georgia, and the distinguished new chairman, the gentleman from California (Mr. DREIER). These gentlemen do us proud in that Committee on Rules, and it is a pleasure to come up and testify before you and have the thoughtful deliberative process that goes on up there.

I want that same thoughtful deliberative process here on the floor, not terminating debate after only 10 minutes, 600 seconds, on a wide ranging, sweeping measure that is going to impact a lot of people for a long time.

I will remind my colleagues again of an example that I have used many times of how this could work. In 1995 a substitute was offered to the proposed Clean Water Act, a very important bill for America. The substitute was defeated, but the House had more than a day-and-a-half of spirited debate, debate that helped frame environmental issues for the rest of the year, debate that fully discussed the cost and benefits of clean water legislation, debate that aired every possible point of view. And that is what we should do in the people's House, air every possible point of view. We should encourage additional information, not restrict the input of information.

Under H.R. 350, a Member opposed to the substitute could have raised a point of order that would have carried the day and shut down debate after only 20 minutes, 10 minutes on each side, 600 seconds. Not a very good idea.

Would the American people have been better served by a truncated debate? Would more information have been presented? Would any interested party have had more time to get their point of view across? Of course not.

The stated goal of this bill is to provide Congress with more information on the cost of private mandates, and that is a goal I support. But you cannot provide the House with more information by having less debate. It just does not make sense.

Now, I know the sponsors of the bill will argue that we cannot know for sure that events back in 1995 would have unfolded in just the way I outlined. But I ask them, if the point of order would have not been raised against a substitute in a very visible debate in which industry is investing time and money and has the votes to shut down debate, then when would it be used?

Mr. Speaker, I will save the rest of my comments for general debate. I just want to make one final point: The debate over H.R. 350 is not about whether Congress should pass this or that private mandate. I do not like mandates, and I find particularly distasteful unfunded mandates. But this debate is about whether we will have fair procedures during debates over those mandates.

I think debate on private mandates should be just as free, just as fair, just as full, just as open and just as democratic as the debate we will have on H.R. 350 itself.

I urge support for this well-crafted open rule, and support for the amendment that I will offer to repair H.R. 350.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to House Resolution 36 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 350.

□ 1030

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Georgia (Mr. LINDER) and the gentleman from Massachusetts (Mr. MOAKLEY) each will control 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 350, the Mandates Information Act of 1999, is a procedures bill designed to make Congress more accountable and provide Members with the most factual information possible before voting on legislation. This bill was referred to the Subcommittee on Rules and Organization of the House, and as chairman of that subcommittee, I am pleased to rise in strong support of this important bipartisan reform legislation.

Two of our colleagues, the gentleman from California (Mr. CONDIT) and the gentleman from Ohio (Mr. PORTMAN) were the main proponents four years ago of the intergovernmental mandates legislation that was one of the first bills passed in the 104th Congress with 394 votes from both sides of the aisle. Today, they both deserve great credit for their tireless hard work to amend that act in an effort to provide more accurate information to Members during the course of debate.

The intergovernmental mandates bill provided a point of order for intergovernmental mandates over $50 million. This act has worked incredibly well. My subcommittee heard testimony from the director of the Congressional Budget Committee who said that he had been doing mandate estimates for years, but nobody really paid attention to them and to the costs until the 1995 mandates bill.

Now we have the opportunity to force Members and committees to pay attention to the costs on businesses and consumers. The bipartisan Condit-Portman private mandates bill will simply force Members to review reliable information from the CBO. By compelling CBO estimates and requiring a question of consideration on the House floor on certain legislation, this legislation should serve an effective role in increasing congressional accountability by requiring Congress to be informed fully of the effect of mandates before enacting them into law.

As I stated during the rule debate, the bill we have before us today is almost identical to the bipartisan bill that passed the House by a vote of 279 to 132 in the last Congress. And like the 65 percent of the Members who supported this bill last year, H.R. 350 is supported by the National Governors Association, the Conference of Mayors, the National Conference of State Legislators, the National League of Cities, the National Association of Counties, the National Taxpayers Union, the U.S. Chamber of Commerce, Citizens for a Sound Economy, the National Federation of Independent Business, and the American Farm Bureau. The list goes on and on, a list which I will submit for the RECORD.

SUPPORTERS OF H.R. 350, THE MANDATES INFORMATION ACT

National Governors' Association, National Conference of State Legislatures, National

League of Cities, National Association of Counties, National Taxpayers Union, U.S. Chamber of Commerce, National Federation of Independent Business, American Farm Bureau, Small Business Legislative Council, Citizens for a Sound Economy, National Restaurant Association, National Retail Federation, Small Business Survival Committee, Associated Builders and Contractors, American Subcontractors Association, National Association of the Self-Employed, National Association of Manufacturers, National Association of Wholesaler-Distributors, National Roofing Contractors Association, American Dental Association, American Rental Association, Food Distributors International, National Association of Homebuilders, Conference of Mayors, Council of State Governors and International Managers.

Mr. Chairman, I urge my colleagues to join me in supporting this bipartisan legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may consume.

I want to begin by saying that although I support the idea behind this legislation, I just cannot support the point of order in this bill. Although I agree that full disclosure of unfunded mandates in the private sector is a good idea and can help Members make informed decisions, this point of order is just not the way to do it.

While there are many situations in which Federal mandates protect the public, their monetary costs can be very significant. I agree that Members should know what they are getting into before voting to impose these mandates.

Scripps-Howard Newspapers still carry the wise saying, "Give light and the people will find their own way." Certainly, if we shed light on the impact that our votes will have, the quality of legislation we pass will also benefit. I believe there can be no harm in Members understanding the full impact their votes will have on State and local governments, private companies and even individuals.

That having been said, Mr. Chairman, I have three main reservations to this bill which will prevent me from supporting it.

First, as I have said consistently since the first unfunded mandates bill was passed in the 104th Congress, it is far too easy to abuse the point of order. Informing Members is laudable, but this unusual point of order is too susceptible to abuse. The majority can, and has, used it to silence a motion to recommit, and other legitimate amendments.

Mr. Chairman, under this bill any Member can raise a point of order, get 20 minutes of debate and a vote, regardless of whether there is anything even remotely resembling an unfunded mandate in the bill.

My second objection, Mr. Chairman, is the bill's tilting the playing field against some of our Nation's finest laws, laws to feed the hungry, protect public safety, protect public health, clean up pollution, enforce civil rights, and even compel parents to support their children. These laws have costs, but they also provide enormous benefits.

Both the Waxman and the Boehlert amendments would help restore the balance between providing information about costs while keeping in mind the benefits of the type of legislation.

My last objection, Mr. Chairman, is the somewhat political position this point of order takes on merits of tax cuts and the demerits of spending, regardless of whose taxes are being cut or what is being spent. Mr. Chairman, a bill is not necessarily bad because it requires someone to spend money, and a bill is not necessarily good because it gives someone a tax cut.

For instance, Mr. Chairman, I think requiring polluters to clean up their act and stop dirtying our air and water is a good idea, even if it imposes a burden on some businesses. On the other hand, I think granting a huge tax cut to people making over $300,000 a year is just not a good idea.

Under this point of order, a tax increase is exempt from being considered a mandate as long as it gives someone somewhere a tax cut. Now, I want my colleagues to listen closely to that. Under this point of order, a tax increase is exempt from being considered a mandate as long as it gives someone somewhere a tax cut.

For instance, if a bill imposes a gas tax and uses the money to fix roads, it is subject to a point of order. But if a bill imposes a tax cut and uses the money to give railroads a tax cut, it is exempt.

In closing, Mr. Chairman, this point of order is well-intentioned, but as I said, it could be too easily abused and it takes too strong a stand against bills that have the potential to do this country a great deal of good. I urge my colleagues to closely examine the point of order scheme contained in the bill and vote "no" on the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. LINDER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE), a colleague on the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Chairman, I thank my friend, the gentleman from Georgia (Mr. LINDER) for yielding time to me.

At this time I rise in support of the Mandates Information Act. Mr. Chairman, the State of Ohio has been very active in the fight against unfunded Federal mandates. Both Mayor Lushutka of Columbus and former Ohio Governor, now our colleague in the other body, GEORGE VOINOVICH, fought hard for the passage of the Unfunded Mandates Reform Act of 1995, which is sponsored by yet another Ohioan (Mr. PORTMAN).

I congratulate both the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) for their hard work which has brought us here today to debate the merits of extended protections against unfunded mandates to the private sector.

While Ohio has been a leader in the battle against the tremendous burdens imposed on State and local governments by Federal laws, I know the cries for relief that I have heard from Ohio's elected officials and business owners are not unique to our State. I am sure all of my colleagues have heard the moans and groans of their constituents every time Congress figures out a way to fix a problem, but turns a blind eye to the real world price tag.

We must remember that our actions here have real consequences. When Washington's good ideas are enshrined into law, America's businessmen and women have to spend real time and real money out of their limited resources to comply. And, to ensure that their businesses stay afloat, these companies have to adjust and offset these new costs, which means higher prices for consumers, lower wages for workers, and less time on innovations that make American businesses competitive.

Given these serious consequences, it seems reasonable to ask Congress to pause for just a moment when we are faced with broad-reaching legislation, to focus on the costs and benefits before we move forward with the legislation.

That is what the Mandates Information Act will force us to do. It is really that simple. This bill does not prohibit unfunded mandates on the private sector. It merely gives Congress a mechanism through which we can acquire more information, greater deliberation, and increased accountability before we ask America's consumers and entrepreneurs to pick up the price tag.

Now, some of my colleagues have expressed concern about this bill's impact on environmental legislation. Let us be clear. Nothing in this bill singles out the environment for prejudicial treatment. This bill applies to all mandating legislation across the board, regardless of topic, on an equal basis.

Mr. Chairman, I urge my colleagues to support informed debate and responsive government. We should all stand up for our constituents who are hard at work creating jobs and moving our economy forward by voting "yes" on this important bipartisan legislation, the Mandates Information Act.

Mr. LINDER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. REYNOLDS), a new member of the Committee on Rules.

Mr. REYNOLDS. Mr. Chairman, I rise in support of H.R. 350, the Mandates Information Act of 1999.

Building on a very successful Unfunded Mandates Reform Act of 1995, H.R. 350 extends to small businesses the same protections Congress offers to State and local governments, that if the Federal Government mandates it, the Federal Government should pay for it.

Throughout my career, I have been somewhat of a crusader against unfunded government mandates. As a former county and State legislator, I know too well the hidden and high costs that mandates impose on our Nation's local governments. Small businesses as well have been impacted by mandates that do not just increase the cost of doing business. Consumers pay a price through higher retail prices, hinder production, and reduce job opportunities.

Mr. Chairman, our Nation's small businesses and farmers need this bill. We have heard from the Mom and Pop and Main Street businesses who have pleaded with Congress to relieve them from the burden of unfunded mandates, to give them the opportunity to survive, grow, and create jobs and opportunity for the American people.

Mr. Chairman, I support this bill and urge my colleagues to support our businesses, our workers and our consumers by passing this legislation.

Mr. LINDER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to H.R. 350.

Let me start by affirming that I support the goals of this bill. Those purposes are laid out in section 3 of the bill. They are, and this is from the actual text of the bill, providing more complete information about the effects of private mandates, ensuring focused deliberation on those effects, and distinguishing between mandates that harm consumers, workers and small businesses and mandates that help those groups.

How could one not support those goals? I am being specific about the stated purposes of the bill because I will offer an amendment next week, and that is when we are going to continue deliberations, designed specifically to accomplish those goals. But what I want to focus on today is why H.R. 350 in its current form in many ways is at odds with those goals, and indeed at odds with fundamental notions of fairness that should govern this House.

H.R. 350 would undermine the fairness of House procedures and fail to achieve its goals because it is based on numerous faulty assumptions.

□ 1045

Let me enumerate some of them. The bill assumes that radically reducing the time to debate a bill or amendment will somehow provide Congress with more information. After all, the bill creates a point of order designed to cut off debate before it would end under normal House procedures. I fail to see how short debate will yield more information.

The bill assumes that baseless assertions, gut feelings, hunches, can provide useful information for congressional decision-making. After all, H.R. 350 requires no evidence at all to raise the point of order. A Member could claim that a bill was going to cost industry a lot of money, even if the Congressional Budget Office had determined otherwise.

So we are not going to be dealing with the facts as presented by the Congressional Budget Office if they do not coincide with the opinion of the person raising the point of order, we are going to be dealing with his gut feeling, his hunch; not a very good idea. I fail to see how assertions that are not grounded in evidence will improve debate.

The bill assumes that more informed debate means that Congress should be more concerned with costs than benefits. After all, the only place the bill mentions benefits is in one finding that suggests that Congress has paid too much attention to benefits. I fail to see how favoring one side of the cost-benefit ratio will improve our decisions.

The bill assumes that up to this point, Congress has never fully considered or debated the potential cost of its actions on industry. After all, that is why proponents of H.R. 350 say it is needed. Yet, look at the examples they give, such as minimum wage. Has Congress debated the minimum wage without discussing its potential cost? Of course not. I fail to see why we need to solve a problem that simply does not exist.

The bill assumes that up to this point industry has not been able to get its views heard on Capitol Hill. After all, why else would H.R. 350 provide industry with a legislative tool that would be denied to its consumers, communities, and employees? I fail to see any evidence that industry has not had the commitment and personnel and financial resources to get its point of view heard.

That is as it should be. We should consider industry's point of view, but how about everybody else? What about all those consumers that are impacted by decisions that industry makes?

The bill assumes that it is fair to skew House rules so those on one side of an issue can stifle the voices on the other side. After all, that is the effect of the point of order. Those supporting measures designed to protect the environment, to protect health, to protect safety, could have debate on their proposals short-circuited by this new point of order.

I fail to see why that is either fair or necessary. No bill based on such faulty assumptions should be passed by this House. If we want to provide fuller and more accurate information for congressional debate and ensure that Congress has more focused debate on costs, we can do so without stifling debate, as my amendment will demonstrate.

H.R. 350 in its current form will not lead to more or better informed debate in this House. Rather, it will cripple our ability to fair, full, open, and democratic debate. That is something that should trouble every Member of this body.

Remember, the issue here is not whether to support a particular private mandate, but whether we will have open debate on private mandates. I look forward to presenting my amendment next week, and I urge my colleagues to oppose this bill in its current form.

Mr. MOAKLEY. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN) by way of Massachusetts.

Mr. MORAN of Virginia. Mr. Chairman, I thank the very distinguished leader of the Committee on Rules. As he knows, I am proud of that circuitous route to the Congress.

Mr. Chairman, I rise in support of this legislation, and applaud the gentleman from California (Mr. CONDIT) and the gentleman from Ohio (Mr. PORTMAN) for their work on this issue.

I was just speaking with the gentleman from California about our joint efforts more than 5 years ago to raise the issue of unfunded Federal mandates to the attention of this body. As one of the first acts of the 104th Congress, we passed the Unfunded Mandates Reform Act, which required a point of order on such legislation. But at the time we missed a golden opportunity to address the issue of private sector mandates.

During the debate on the Unfunded Mandate Reform Act, I offered an amendment to include the private sector as part of CBO's cost analysis in the procedural point of order. Unfortunately, as it was not part of the original bill that had the new House leadership's blessing, and was not part of the Republican Contract With America, I think that is the only reason it was not passed when it should have been as part of the larger package of legislation.

I argued at the time that we were creating a double standard between mandates on the public sector and mandates on the private sector. The line between the private and public sector is oftentimes very blurred. Private companies now compete successfully to offer services once provided exclusively by State or local governments. Privatization has been successful in the fields of transportation, environmental services, health services, education, water and electric utilities.

Without today's legislation we would be perpetuating a procedural situation where, under the House rules, we can debate a Clean Air Act amendment or a new medical waste disposal mandate's impact on a municipal power plant or on a public hospital, but ignore its impact on a private utility or privately-owned hospital.

Mr. Chairman, there are more than 1,800 municipal, 900 rural electric cooperatives, and 60 State power plants. Should these power plants be treated differently on a new Clean Air Act requirement than the 220-plus investor-owned electric power companies? That does not make any sense.

Should we craft a Federal policy affecting 16 million working Americans, in other words, the 4½ million that are employed by State governments and the 12 million local employees, without knowing what the impact will be on the 100 million workers employed in the private sector? I do not think so.

With enactment of today's legislation we will be closing this double standard. We all need to be held accountable for legislation we support or oppose, regardless of whether it imposes a cost on the public or the private sector. Today will help give Congress the tools and the accountability it needs to know the potential economic impact of all the legislative proposals on the private sector as well.

I would also want to express my appreciation to the authors of this legislation for including a provision making a technical correction to the original Unfunded Mandate Reform Act. This provision addresses a problem we have encountered with CBO's scoring of State and local mandates.

The correction is necessary because CBO has determined that any new entitlement program mandate is exempt from the Unfunded Mandate Reform Act's point of order procedure if there is sufficient flexibility within the entitlement program to offset the new mandate's new State and local costs.

For example, on June 10 of 1996 CBO ruled that a point of order would not exist for a proposed cap on Federal Medicaid contributions to States and any other mandatory Federal aid programs except food stamps. The effect of this interpretation was to exempt more than two-thirds of all grant-in-aid, the mandatory entitlement programs, from coverage under the Unfunded Mandate Reform Act.

What may appear to be an optional Federal mandate program from CBO's perspective, such as expanding Medicaid coverage to pregnant women and children, is not an optional program from the State's perspective. The States cannot cut back, and we would not want them to cut back, programs for pregnant women and children in order to pay for some other program that we newly mandate under the Medicaid program.

Section 5 of this bill would correct this interpretation problem by adding a few simple words to the Unfunded Mandate Reform Act to clarify that any cut or cap of safety net programs constitutes an intergovernmental mandate, unless State and local governments are given new or additional flexibility and the authority to offset that cut or cap.

This provision has been endorsed by every one of the five major State and local organizations. I am glad it is included. I am glad this legislation is finally coming forth. It is important that we treat the public and the public sectors in a balanced, equitable manner. I urge my colleagues to support this legislation.

Mr. LINDER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. GOSS), a colleague on the Committee on Rules.

Mr. GOSS. Mr. Chairman, I thank my distinguished colleague and friend from Georgia for yielding time to me. I rise in strong support of this effort to expand the accountability of our Federal government, something all Americans are interested in.

H.R. 350, the Mandates Information Act, is based on the very simple yet powerful truth that more information is better than less in a democracy. We have proposed this legislation in the interest of making the public more aware of what we do in this body, specifically in bringing light to the often hidden costs of the laws that we pass.

We took a major step in this direction in 1995 when we implemented the Unfunded Mandates Reform Act, UMRA, as it is known, requiring public disclosure and debate on matters that involve Federal mandates on State and local governments.

At our Committee on Rules joint subcommittee hearing on this bill a few days ago, James Bloom presented the Congressional Budget Office's 1998 report on UMRA, how it was going, replete with information about the types of mandates proposed and considered by this Congress last year and the very real cost consequences of those provisions for State and local governments, and there were some.

In my view, in that compendium of information we got from CBO and in CBO's analysis of our actions, it demonstrates that UMRA is working as intended. In other words, it is a good piece of legislation. We have more information now than ever before, and the public has a benchmark by which to judge what it is we do and how much it costs.

Now we are completing the UMRA process, applying the same type of procedural checklist and sunshine accountability to matters involving mandates on the private sector. This bill is good news for our small businesses and for our entrepreneurs, and it is also good news for consumers. It will help the public and the Congress focus attention on the question of cost, reminding us that for every good idea, there can be, regrettably, unintended and sometimes expensive negative consequences that we should be aware of. It arms all of us with more information about the by-product of the actions we take here in our legislation, and that is good news for a democracy.

While I understand the concerns expressed by my good friend, the gentleman from New York (Mr. BOEHLERT) with regard to this bill, I see this bill as a positive contribution to the legislative process, and I see it from the perspective of the Committee on Rules, where we deal with legislative process.

I believe this is a bill that will not hamper our ability to pass good, thoughtful, and deliberative, responsible legislation. On the contrary, I think it will focus on cost and accountability, which is something we care about.

I commend the bipartisan sponsors of this bill, especially the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT). I urge support of this legislation. I do this in good conscience as a sound environmentalist from southwest Florida.

Mr. MOAKLEY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to take this opportunity to discuss an amendment that I will offer to this legislation next week. The Mandates Information Act that is under consideration would create a new procedural hurdle for Congress when attempting to place any new mandates on the private sector. These new mandates could be increasing the minimum wage, controlling pollution, ensuring workers' safety. These are proposals that would be subject to this procedural step before we enact any of these ideas.

Unfortunately, this legislation is not balanced. It creates procedural protections against new requirements on business, but offers no protections against repealing existing requirements that serve important and popular public interest purposes.

I will offer an amendment which will give the public interest the same procedural protections that are given to industry. I will offer the defense of the environment amendment, which is based on H.R. 525, the Defense of the Environment Act. I introduced H.R. 525 yesterday with the gentleman from Missouri (Mr. DICK GEPHARDT), the gentleman from California (Mr. GEORGE MILLER), and 80 of our colleagues. The Defense of the Environment Act is supported by every major environmental group.

The defense of the environment amendment will simply ensure that the

Mandates Information Act offers the same procedural protections for removing requirements that protect our environment, the public health or safety, as for consideration of new mandates on the private sector. This is common sense, and it addresses not just a theoretical problem but a very real, serious problem with the way the Congress has set environmental policy over the last 4 years.

During the last two Congresses, the democratic process has been circumvented through the use of anti-environmental riders. These riders have been attached to must-pass legislation, and have often been enacted without any serious debate or a separate vote.

□ 1100

There are many examples of these anti-environmental riders. From blocking the regulation of radioactive contaminants in drinking water to delaying our efforts to clean up air pollution in the national parks, riders have touched upon every aspect of the environment.

The Defense of the Environment Amendment will ensure that we can have appropriate debate and a separate vote on these anti-environmental riders.

Let me give an example of why this legislation should be balanced with the addition of my amendment. If this legislation were enacted tomorrow, there would be a new procedural protection to prevent Congress from requiring polluters to tell the public more about pollutants they are emitting into their communities if that were being offered sometime in legislation. However, there would be no protections against repealing the existing right to know requirements.

I can understand why business would support this approach, but it is not fair to the American people. My amendment is designed to help prevent these stealth attacks on our environmental laws. It would not offer protection against every environmental rider, but it is a sensible first step. It would protect our clean air laws, our clean water laws, our toxic waste laws.

This amendment would not prohibit Congress from repealing or amending any environmental law. It places no new burdens on business, State, or individual or Federal agency. It would simply bring an informed debate and accountability to the process.

Mr. Chairman, there is no question that the American people want Congress to protect public health and the environment. The environment is just as important as an unfunded mandate, whether it be an unfunded mandate on another government agency or an unfunded mandate on private business. These issues all ought to have the same focus of attention that will allow us a chance to debate the issue and have a separate vote.

Over the years, we have seen when Congress legislates in a deliberate, collegial, bipartisan fashion, we are able to enact public health and environmental protections that work well and are supported by both environmental groups and by business.

I ask all my colleagues to support this amendment and guarantee that Congress does not unknowingly jeopardize America's public health and environment. They will not do so unknowingly if we at least can have a chance to debate the issue and have a separate vote before we proceed to do something that is going to be anti-environmental without a chance to give a focus of attention on it. That is no different than the opportunity to give a spotlight on an issue that is an unfunded mandate on American business.

I urge support of this amendment when it comes up next week when the bill is considered.

Mr. LINDER. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SWEENEY), a new Member of this body.

Mr. SWEENEY. Mr. Chairman, I thank the gentleman from Georgia for yielding me the time.

Mr. Chairman, I want to express what a great joy it is for me to come to the well of the House for the first time and speak in support of such important legislation, on one that highlights our commitment to keeping Federal mandates off the backs of our hardworking citizens, one that promotes a more open Congress that makes the most informed decisions possible, and one that raises the level of accountability of our elected representatives for the mandates they impose on our business men and women and on our local communities.

For these reasons, I rise in strong support of the Mandates Information Act and commend the bipartisan sponsors of this bill and the Committee on Rules for bringing this legislation to the floor today.

My past experience as a labor commissioner in New York State has taught me the hard lessons and the burdensome costs of regulations on people and on jobs in my State. In 3 years of steadfast work in unraveling the web of State regulations, we were able to alleviate $1.7 billion in compliance costs to New Yorkers, staggering costs to businesses, farmers, and individuals that were never envisioned when the regulations were first enacted and that cost my State hundreds and thousands of jobs.

Mr. Chairman, the same principles apply here today. In the rush to achieve the benefits of society envisioned in all legislation, it is too easy to ignore the cost of such mandates.

Let us not kid ourselves. These regulations are hidden taxes on businesses and individuals. We owe it to the citizens to know in advance the hidden costs to the public of any legislation before this Congress and to have an honest, focused debate on those costs before they are imposed on the American people. This bill ensures that happens.

I am proud to urge my colleagues' support on this common sense bill.

Mr. LINDER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

Mr. DREIER. Mr. Chairman, I would simply like to rise and congratulate the gentleman from California (Mr. CONDIT) and the gentleman from Ohio (Mr. PORTMAN), my friends, once again, as I did during the rules debate, for their very fine work on this important issue.

I, too, like my friend, the gentleman from Sanibel, Florida (Mr. GOSS), the Vice Chairman of the Committee on Rules, consider myself to be an environmentalist, and I believe that we will be able, as we move ahead with this measure, to have a very fair and balanced debate on environmental issues as they come forward. That is the idea.

All we are doing with this measure is we are triggering a process whereby questions can be raised and a debate can take place and then a decision will be made by this institution which will, again, as I said during both the Committee on Rules and during the debate earlier, it will make all of us accountable for whether or not we proceed with the imposition of what could be a very, very costly mandate.

We had some very interesting testimony that took place up in the Committee on Rules, and I would like to share a couple of quotes from the testimony by Ryan Null, who is the owner of Tristate Electronic Manufacturing. I quoted him during the Committee on Rules' debate. I have just a couple of other quotes that I would like to use, and then we are looking forward anxiously to the great words of the movers of this effort, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT).

Mr. Null said in his testimony, "The government requirements that a small business must comply with range from retirement plans and OSHA requirements to ever changing environmental regulations. While these regulations may have originated with good intentions, the costs of implementation for a small business is truly overwhelming. Federal mandates and regulations are a constant hurdle for my business."

Mr. Chairman, he goes on to say "Government mandates not only take away valuable time and resources from my small business, but ironically some government regulations go so far as to provide disincentives for my company to grow. I find it hard to understand how the lawmakers in a country who pride itself on being the land of opportunity and free enterprise pass laws that are anti-growth and anti-business. These government mandates seem to defy common sense. For example, if the Family and Medical Leave Act were to apply for my business, we would be weighed down by an unworkable administrative and financial burden. Legislative proposals in the past have proposed to lower the small business exemption to 25 employees. With the threat of legislation that would expand the Family and Medical Leave Act, I feel as a protective measure I should probably hold off hiring any new employees.''

There is very clear evidence, Mr. Chairman, that the continued imposition of mandates without having this institution be accountable are very costly and, as Mr. Null said, anti-growth and can jeopardize the future of the small business sector of our economy.

So I hope very much that we will see passage of this thoughtful measure and we will look forward again to the consideration of amendments next week.

But I want to congratulate the gentleman from Georgia (Mr. LINDER), my colleagues on the Committee on Rules who have come here, the gentleman from New York (Mr. REYNOLDS) especially, who made his maiden speech on this issue, and the gentleman from Washington (Mr. HASTINGS) and the gentlewoman from Ohio (Ms. PRYCE) and the gentleman from Florida (Mr. GOSS) and others who have come forward to work on behalf of it.

I look forward to seeing this bipartisan measure being one of the first very important items to come out of this historic 106th Congress.

Mr. MOAKLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CONDIT), a cosponsor of this legislation.

Mr. CONDIT. Mr. Chairman, first of all, let me make a comment about the gentleman from Ohio (Mr. PORTMAN) who has been very supportive and a leader in the unfunded mandate issue, and the gentleman from Virginia (Mr. MORAN) who spoke earlier who, from the outset, has been committed to the unfunded mandate issue.

I would also like to thank the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, for his leadership and his patience with us to craft a piece of legislation that is bipartisan and hopefully will pass this House and the other body.

Also to the gentleman from Georgia (Mr. LINDER) who has worked very hard with us to craft this legislation. I would also extend my thanks to the gentleman from Massachusetts (Mr. MOAKLEY) and the gentleman from Ohio (Mr. HALL) on the Committee on Rules on our side of the aisle for allowing us to be here today and for their help and support to allow us to have this debate.

Let me just say from the outset, H.R. 350, the Mandate Information Act of 1999, this bill does not stop legislative mandates. Let me repeat that. The bill does not stop mandates. If this body chooses to pass a mandate on local business, small business, large business, whoever, they can do so.

Let me tell my colleagues what this bill does. It is really simple. All the bill does is allow us to accumulate more information for the Members of this House, for us to ask that we do an analysis by CBO of the cost of the mandate. That is simply what it does. It allows us to have more information so we hopefully can make better decisions on behalf of the people that we represent.

The other thing it does is it requires us to have accountability for that decision. Time and time again, we pass mandates, unfunded mandates sort of in the dead of night. People do not know what they cost, exactly what they do, who they impact, or what the consequences are. We know the cost. Then we have to make the decision whether or not the cost and the benefit match up.

That is what this bill does. It is cost benefit. It states what the cost is. It gives us that information. It gives us time to debate it. Then we have to make the decision and be accountable for whether or not we want to place that mandate in effect, whether we want to pass it legislatively and pass it on to the consumer and to the business that is affected.

So let me say that that is all it does. For someone to get up here and say to you that this stops the Clean Water Act or the Safe Drinking Water Act or the Clean Air Act or any of that stuff, that is just not correct.

As a matter of fact, we passed an unfunded mandate bill in 1996, 1995 that took effect in 1996, on local and State government. We have raised the point of order seven times on this floor. Some of those points of order and some of those issues were quite controversial.

Take the minimum wage. The wisdom of this House was we are going to proceed with the mandate. Every time the point of order has been brought up on this floor, we have proceeded on with the mandate. The House thought in its wisdom that it was worth us continuing.

So for people to say it is going to stop this legislation, that legislation, that is not factually correct. The record does not prove that. The mandate bill in existence today does not prove that.

We have proceeded, after a brief debate and after more information, we have proceeded on. We have gone on and passed the mandate by this House. So that is just not correct.

What the bill does is allow us to make a point of order on a mandate that exceeds $100 million, requires CBO to do the accounting of that. That is basically all this bill does.

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It also puts the private sector on an even footing with local and State government, and I think that is a good thing for this House to do. It encourages the committees to try to figure out a way to mitigate the mandate. I do not know what can be wrong with any of that.

There is an argument that maybe this will delay, be a delaying tactic, a dilatory tactic or what have you. We all know in this House if somebody wants to delay or be dilatory, they can do that. One can move to adjourn, can do a variety of different things. This is not the intent of this bill at all. The intent of this bill is to provide Members more information. More information.

Now, this bill comes out here under an open rule. Next week we will have some amendments to the bill. We should have a good, healthy debate about those amendments. That is the fair and reasonable thing to do. Why should we not have 20 minutes to debate what the cost of an unfunded mandate is on the private sector? Why should we not do that? That provides information to the Members. They can make a better, informed decision on behalf of the people that elect them. I encourage my colleagues, Republicans and Democrats both, to support this bill. If a Member wants to support the mandate after we have had the debate, that is fine, they can do that. This does not stop them from doing that, but they should not be opposed to us finding out what the cost is and the consequences of the mandate as well as all the other impacts that it has and providing more information to themselves.

Mr. Chairman, I rise to ask my colleagues to support this bill. It is a bipartisan piece of legislation. We have worked it through. It is something that did not just come up. We have worked on this for a couple of years. I would encourage all Members to support the bill.

Thank you Mr. Chairman, for the opportunity to be here today. My colleague Rep. ROB PORTMAN and I introduced the Mandate Information Act of 1998 to follow up on the success of the Unfunded Mandate Reform Act of 1995. This act has successfully focused more attention on the fiscal impacts of legislation on the public sector by raising awareness of unfunded mandates on state and local governments.

This atmosphere of awareness has been fostered by the point of order procedure established under the Unfunded Mandate Reform Act. Under this process, the Congressional Budget Office estimates the costs of intergovernmental mandates within a bill. If the costs of the intergovernmental mandates exceed the statutory threshold of $50 million, any member may raise a point of order against the bill by citing the offending provision of the bill.

The Unfunded Mandate Reform act also directed the Congressional Budget Office to estimate the costs to the private sector. Estimated costs to the private sector exceeding the statutory threshold of $100 million were included in a committee's report accompanying a reported bill. The bill before you today, the Mandate Information Act of 1999, would extend a similar point of order procedure to the private sector.

Since the enactment of the Unfunded Mandate Reform Act in January of 1996, a point of order against legislation exceeding the intergovernmental threshold of $50 million has been raised a total of seven times. Please keep this number in mind, when opponents of extending the same point of order procedure to the private sector make claims that dilatory ruin will fall upon the proceedings of the House.

In fact, in response to criticism that the Mandate information Act would open the door to dilatory tactics from both sides of the aisle, last year we agreed to limit the number of points of order allowed to be raised against a bill or amendment to one.

In addition to extending the point of order procedure to the private sector, our bill will also ask the Congressional Budget Office to evaluate a bill's impact on consumer prices, worker wages, worker benefits and employment opportunities. CBO is also directed to assess the effect of the private sector mandates on the profitability of businesses with 100 or fewer employees. This will be important additional analysis for members when the congressional Budget office can make these assessments.

Perhaps former Deputy Director of the Congressional Budget Office, Mr. James Blum, best described the practical impact of the bill when he appeared before the Rules Committee last year. Mr. Blum stated, "From the CBO's vantage point, UMRA has worked quite well. Both the demand for and the supply of information on the costs of federal mandates have increased since the act took effect. Moreover, committee staffs and individual Members are increasingly requesting our opinion before committee markups on whether proposed legislation would create any new federal mandates, and if so, whether their costs would exceed the thresholds set by UMRA. In many instances, CBO is able to inform the sponsor about the existence of a mandate and provide informal guidance on how the proposal might be restructured to either eliminate the mandate or reduce its costs."

Basically, the implication has been an increased consciousness of the costs of intergovernmental mandates and fostered greater collaborations between committees and CBO on how to mitigate those costs. This, ladies and gentlemen, is what the Mandates Information Act is all about. More information is better.

Members, who do not have the luxury of sitting on every committee and subcommittee while legislation is being crafted, will be provided with additional information under the provisions of this bill. Contrary to what some critics claim, the premise of this bill is to get more detailed information into the hands of members and ultimately the voters. This measure will ensure both costs and benefits are weighed before consideration.

Some have claimed the Mandates Information Act is silent on benefits. This is simply untrue. These critics should think back to the enactment of the original Unfunded Mandate Review Act of 1995 (Public Law 104–4). The act specifically directs committees to include in their reports accompanying a bill, "a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment)."

Another important provision of the Mandates Information Act clarifies the interpretation of an intergovernmental mandate when proposals to change large entitlement programs are scored by the Congressional Budget Office. Section five of our bill makes this important change.

I urge my colleagues to support H.R. 350.

Mr. LINDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN), a cosponsor of this bill.

Mr. PORTMAN. Mr. Chairman, I thank the gentleman for yielding me this time and for working with us, for his patience and his good work here today on the floor. I am pleased again to join the gentleman from California (Mr. CONDIT) who is the lead sponsor of this legislation. Last year, by a nearly two-thirds bipartisan majority, this House voted to support H.R. 3534, legislation nearly identical to the bill that we are talking about this morning, H.R. 350. It is based, as the gentleman from California just said, on a very simple concept. That is, that we want to provide more information and more accountability to Congress as it considers unfunded mandates, which are really hidden taxes, this time on the private sector.

About 3½ years ago, 394 Members of this House and 91 Senators voted to pass the Unfunded Mandates Reform Act, also known as UMRA. We have heard about UMRA this morning. That is really the basis upon which we are moving forward today.

UMRA ensured that for the first time ever, before the House voted on legislation, the House would have three things: One, new cost information on the public sector; that is, mandates on State and local government but also on the private sector, on the information side. And then, very importantly, with regard to the public sector mandates; that is, the mandates on State and local government, there would also be a separate debate on whether or not to impose the mandate and a vote. Now, that is the accountability measure in the legislation. It does not mean we never mandate on State and local government. In fact, since that time we have mandated, but after considering it. What it does mean is we get a lot better legislation on the floor, legislation that is more cost effective, legislation that goes through the committee process in a way that takes into account the costs of mandates. Committees end up either funding the mandates or they end up deciding the mandates have to be in the legislation and that the other purposes of the legislation, the benefits outweigh those mandates so it goes to the floor, anyway. In the end again we get more information, we get separate debate and we get accountability.

I think the most important point to make this morning probably is that it has worked. We have an excellent record. I think even those few Members of this body who chose to vote against that bill 3½ years ago would agree, it has worked. We have not had the scenarios played out that we have heard about today that could possibly happen with this new piece of legislation. The practical impact has been to force committees to address the mandate issue long before bills reach the House floor.

Let me give my colleagues one example. The first time it came up was the telecommunications bill. The telco bill was in conference, the conferees were poised to send to the floor a significant new mandate on local government, on our municipalities. The municipalities caught wind of that. They came to the unfunded mandate champions on the floor of the House and there was a decision made to raise the point of order. The conferees then took it upon themselves to work hard to come up with language that solved the problem so that when the legislation came to the floor, there was not more acrimony, there was less, because we had a better bill on the floor. It was good for this House, it was good for the institution, and in the end it was good for the taxpayers and the consumers. The process worked.

In other cases like the minimum wage increase, the point of order was raised on the floor. In fact I think I was the one that raised that point of order, forcing debate over the mandate and the costs that it imposed, significant new costs on the private sector, also the public sector. It was roundly defeated, as I recall. But the point of order, although it failed, did bring out the information that the body needed to hear. The same was true on the Yucca Mountain bill. Some of my colleagues may remember that. The point of order was raised. It was not passed, but again the information was provided to the Members.

UMRA has given State and local governments a very valuable tool, to get mandate information out, to get the issue considered and addressed at the committee level before it reaches the floor, and if that fails, to ultimately force a debate on the floor. But it is also flexible enough to permit Congress, as the gentleman from California just said, to pass legislation that does indeed impose new mandates when the merits of the bill override the negative impact of the mandates.

Unfortunately due to the political realities of passing what was at that time precedent-setting legislation a few years ago, we were not able to offer all the same procedural protections to the private sector. I commend the gentleman from California (Mr. CONDIT) and the Senator from Michigan (Mr. ABRAHAM) who have led the efforts to include the private sector. They have put a lot of hard work into the bill and they have taken what is the next logical step, to offer not all but similar protections to the private sector.

I also want to thank the gentleman from Virginia (Mr. MORAN) who was speaking earlier today. He and the gentleman from Virginia (Mr. DAVIS) have been supportive of perfecting UMRA through this legislation. They have done a great job of coming up with legislation that State and local governments strongly support that makes clear that when those State and local governments are given new or expanded authority to meet the programmatic responsibilities if additional costs were imposed on them through entitlements reform, they could indeed change the way they do business. This is very important to State and local government. We have worked closely with them on that aspect of this legislation and I want to thank them for their support.

The gentleman from Virginia (Mr. MORAN) made a great point earlier today about privatization with regard to the private sector side of this. Again I want to thank him for his support not just of perfecting UMRA but also of this legislation, H.R. 350.

Let me just take a second to review how these procedures work in the House because we have had a lot of debate this morning, but we need to back up and talk about what it actually results in. Just as in the case of UMRA, any Member can upon consideration of legislation raise a point of order if there is an unfunded mandate. That results in a 20-minute debate on the question of whether the House should continue to consider the legislation notwithstanding the unfunded mandate, this time on the private sector. Again, much more importantly, we believe the possibility that this could occur will force the committees to do their best to minimize new mandates, to make legislation more cost effective.

The process of this debate and vote is a far more significant tool as UMRA has already proven with the public sector mandates than simply requiring the committees to include the CBO estimate in the committee report which currently exists under UMRA. In fact, on Tuesday, before the Committee on Rules, CBO testified that since UMRA was enacted, quote, demand and supply for information about the costs of Federal mandates has increased, and in many instances CBO has been able to provide informal guidance on how the proposal might be restructured to eliminate the mandate or to reduce its costs. Again that is the point. Ask CBO, they will tell you, it has worked.

A lot of Members have talked this morning who want to offer amendments to in essence gut this bill and have said that they are supportive of reducing or eliminating mandates on the public sector and reducing them on the private sector. That is what this is all about. We have reached that balance in this legislation over a couple of year period, working with the Committee on Rules, the parliamentarian, working with the committees, working with the Congressional Budget Office. This legislation creates the right incentive; that is, to address mandates even before they reach the floor.

If the rule waives the point of order, then a Member can raise a point of order against the rule. That has been done. The House votes and that is it. The rule can pass and the bill moves forward without the ability to raise the mandates question again with a point of order on the bill. So once they had that vote on the rule, that is all they get, assuming the Committee on Rules does waive the mandates point of order.

There are a few differences between UMRA, again the public sector bill, and this new private sector bill that ought to be focused on, each of these put in place with the encouragement of the Committee on Rules and others to ensure that the bill does not unnecessarily delay or cause other procedural problems on the floor.

First, recognizing that there are likely to be more private sector mandates, the threshold is raised. It is doubled. Under UMRA the threshold is $50 million. Under this legislation it is $100 million.

Secondly, in order to address the concern that the the point of order could be dilatory, it permits only one point of order.

Third, there is a net tax decrease piece of legislation.

Mr. Chairman, let me just conclude by saying that the purpose of this legislation is for us to be able to legislate better and with more accountability. That means accountability to small businesses and consumers who are impacted, but it also means accountability to those back home who care deeply about legislation like the Clean Water Act and others.

It is a good piece of legislation. I urge my colleagues to support it.

Ms. SCHAKOWSKY. Mr. Chairman, I want to express my opposition to H.R. 350. The Mandates Information Act, if approved by Congress would carry with it unwise and dangerous consequences for the people of the United States. The bill before the House threatens the ability of Members of Congress to protect our constituents from otherwise avoidable harm.

This bill would derail our ability to provide for adequate and affordable health care for families, safe work places for working people, and a clean environment for communities.

If passed, the Mandates Information Act would require the Congressional Budget Office to conduct a cost analysis on all legislation affecting the private sector. While most Members of Congress are certainly interested in preventing undue and unfounded costs to businesses and consumers, we should also be certain to evaluate the benefits that legislation will make in improving the lives of the public. As Members of the House of Representatives we have a responsibility to guarantee job safety, fair standards for consumers, health care for families and a quality environment. The Mandates Information Act completely ignores benefits and thus would institutionalize a one-sided tilt of the legislative process against federal mandates, regardless of any good they would achieve.

The ability to protect the environment, health and safety of all Americans is surely of importance to the Members of the House. The Mandates Information Act could cause delays or even stop implementation of federal laws, simply because a point of order is raised against them, based on estimates alone. This is true even if those estimates are questionable, if the cost is minimal given the size of the industry affected, or if the benefits justify the action.

I fear that with passage of H.R. 350 there could be a day when crucial legislation like the Patients' Bill of Rights could be defeated without adequate debate. Issues of importance to our constituents deserve enough time for a fair review and I contend that passage of the Mandates Information Act would prevent just that.

This bill has drawn much concern from my constituents. H.R. 350 has also prompted organizations like OMB Watch, the United Auto Workers and the AFL-CIO to speak out on behalf of the working people and the families they represent.

A bulletin I received from OMB Watch accurately states "The point of order is the heart of the problem. For those wishing to undermine public protections, it allows them to say they do not oppose the subject of the bill, such as clean air or water or worker safety, and still vote to kill it by voting against the mandate that is created. It is a dangerous backdoor."

OMB Watch goes on to say that: "supporters (of H.R. 350) claim they just want Congress to consider the costs of laws they impose. Surely Members of Congress are presented enough information from all sides to adequately consider costs-and-benefits—(which this bill does not address)—when casting a vote."

The United Auto Workers believes that: "The provision creating a point of order against private sector mandates in excess of $100 million is totally one-sided, and would have the effect of establishing a new procedural hurdle that would make it easier to block important protections for workplace health and safety." The UAW makes a valid observation that "H.R. 350 only focuses on cost impact of legislation, while ignoring the cost savings or benefits that may be provided to workers and society as a whole."

The American Federation of Labor and Congress of Industrial Organizations submits that: "H.R. 350 puts at risk laws with substantial benefits to society, while completely ignoring benefits of health and safety or environmental legislation."

Mr. Chairman, I share the concern of the many individuals and organizations who have been moved to contact me in opposition to the Mandates Information Act. I urge Members to consider the risk we would be taking with passage, and that they join in opposing this bill.

Mr. MOAKLEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BEREUTER) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. CONDIT asked and was given permission to address the House for 1 minute.)

Mr. CONDIT. Mr. Speaker, I yield to the majority leader to inquire about next week's schedule.

Mr. ARMEY. I thank the gentleman from California for yielding.

TRIBUTE TO CHARLES "BILLY" MALRY

Mr. ARMEY. Mr. Speaker, before I discuss the schedule, I would like to make a statement on behalf of the House as a tribute to Charles "Billy" Malry, one of our doorkeepers.

Mr. Speaker, the House of Representatives lost a much loved and dedicated employee on Tuesday, January 19, 1999, with the passing of Charles "Billy" Malry, Sr.

Bill, an employee of the House for 33 years, was the Reading Room attendant with the Office of the Clerk. He was working in the Democrat Cloakroom just after the President's State of the Union address when he suffered a heart attack. Bill received immediate treatment from the House physician and others but sadly he never recovered.

From his station in the Speaker's lobby just off the House floor, Bill always greeted Members, staff and pages as they entered the Chamber. He could bring a smile to your face with his warm and glowing personality. His favorite hobbies were music and photography. He was a special man who loved to have a good time and enjoyed entertaining people.

Bill was born in Greer, South Carolina, on May 6, 1936, to Frances Malry Allen and the late Toy Frank Barton. At the age of 10, he began working after school at the "O" Street Market and continued there until he joined the United States Army. He began his employment at the Capitol on November 1, 1966. Few have had so long a career here.

Bill was the proud father of five children and nine grandchildren and leaves behind a host of family and friends. At his Homegoing Service on January 28 at the Temple Church of God and Christ in Washington, D.C., the sanctuary was filled by those who came to say good-bye to their friend. Many stood and spoke from the heart of their love for him and how much he would be missed.

His family wrote a special poem in his memory entitled "We Will Miss You." I commend it to Members' reading. We will indeed miss our friend Bill Malry.

He that dwelleth in the secret place of the most High shall abide under the shadow of the Almighty.—PSALMS 91:1

"WE WILL MISS YOU" CHARLES "BILLY" MALRY

We didn't have a chance to say good-bye to you

When God called your name there was nothing that you could do

There was no time to greet the Senators and Congressmen and call them all by name

No time to shake their hands and share that warm big smile

No time to grab your camcorder to set up for another shot

But you left us with so many memories that we'll keep dear to our hearts

God spared your life just long enough to do what you loved best

To go to work and listen to President Clinton's last *State of the Union Address*

Billy, you've been a blessing to us May you now rest in peace and hear the Heavenly Angels sing

So long—until we meet again
WE WILL MISS YOU!

The Family, January 1999

Mr. Speaker, I would also like to take this time to announce we have concluded legislative business for the week.

The House will next meet on Monday, February 8 at 2 p.m. for a pro forma session. Of course there will be no legislative business and no votes on that day.

On Tuesday, February 9, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Votes are expected after 5 p.m. on Tuesday.

On Tuesday, February 9, we will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices this afternoon.

On Wednesday, February 10 and throughout the balance of the week, the House will meet at 10 a.m. to consider the following legislation:

H.R. 350, the Mandates Information Act;

H.R. 391, the Small Business Paperwork Reduction Act Amendments of 1999;

H.R. 437, a bill to provide for a chief financial officer in the Executive Office of the President; and

H.R. 436, to reduce waste, fraud and error in government programs.

□ 1130

We expect to conclude legislative business for the week by 2 p.m. on Friday, February 12.

Mr. CONDIT. Mr. Speaker, reclaiming my time, I would like to ask the majority leader, looking at this schedule, it appears that it is not necessary to be here next Friday, and I need to clarify whether we will definitely vote this coming Friday or not.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for his inquiry. The gentleman, being from California, of course, is concerned about that. As has been the case so often, we have Members who see this legislation who have a desire to have their opportunity for their amendments to be entertained on the floor, and as has happened on occasions in the past work has gone more expeditious than we thought would be necessary. So we will monitor that as the week goes.

We do believe, in all full consideration of the interest of these Members, we must be prepared to keep that schedule. If, however, we should see evidence that the schedule can be changed or abbreviated, we will let the gentleman and others, the rest of the body, know, as soon as we can early in the week.

Mr. CONDIT. I thank the majority leader.

ADJOURNMENT TO MONDAY, FEBRUARY 8, 1999

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, FEBRUARY 9, 1999

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, February 8, 1999, it adjourn to meet at 12:30 p.m. on Tuesday, February 9, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ARCHER) is recognized for 5 minutes.

Mr. ARCHER. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Ways and Means for the 106th Congress for printing in the RECORD at this point. These rules were adopted by the committee in open session on January 6, 1999.

RULES OF THE COMMITTEE ON WAYS AND MEANS FOR THE 106TH CONGRESS

Rule XI of the Rules of the House of Representatives, provides in part:

* * * 1. (a)(1)(A) Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

(2) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable. * * *

* * * 2. (a)(1) Each standing committee shall adopt written rules governing its procedure.

Such rules—

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House * * *.

In accordance with the foregoing, the Committee on Ways and Means, on January 6, 1999, adopted the following as the Rules of the Committee for the 106th Congress.

A. GENERAL

Rule 1. Application of Rules

Except where the terms "full Committee" and "Subcommittee" are specifically referred to, the following rules shall apply to the Committee on Ways and Means and its Subcommittees as well as to the respective Chairmen.

Rule 2. Meeting Date and Quorums

The regular meeting day of the Committee on Ways and Means shall be on the second Wednesday of each month while the House is in session. However, the Committee shall not meet on the regularly scheduled meeting day if there is no business to be considered.

A majority of the Committee constitutes a quorum for business; provided however, that two Members shall constitute a quorum at any regularly scheduled hearing called for the purpose of taking testimony and receiving evidence. In establishing a quorum for purposes of a public hearing, every effort shall be made to secure the presence of at least one Member each from the majority and the minority.

The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet pursuant to the call of the Chair.

Rule 3. Committee Budget

For each Congress, the Chairman, in consultation with the Majority Members of the Committee, shall prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the Committee. After consultation with the Minority Members, the Chairman shall include an amount budgeted by Minority Members for staff under their direction and supervision. Thereafter, the Chairman shall combine such proposals into a consolidated Committee budget, and shall present the same to the Committee for its approval or other action. The Chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. After said budget shall have been adopted, no substantial change shall be made in such budget unless approved by the Committee.

Rule 4. Publication of Committee Documents

Any Committee or Subcommittee print, document, or similar material prepared for public distribution shall either be approved by the Committee or Subcommittee prior to distribution and opportunity afforded for the inclusion of supplemental, minority or additional views, or such document shall contain on its cover the following disclaimer:

Prepared for the use of Members of the Committee on Ways and Means by members of its staff. This document has not been officially approved by the Committee and may not reflect the views of its Members.

Any such print, document, or other material not officially approved by the Committee or Subcommittee shall not include the names of its Members, other than the name of the full Committee Chairman or Subcommittee Chairman under whose authority the document is released. Any such document shall be made available to the full Committee Chairman and Ranking Minority Member not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) prior to its public release.

The requirements of this rule shall apply only to the publication of policy-oriented, analytical documents, and not to the publication of public hearings, legislative documents, documents which are administrative in nature or reports which are required to be submitted to the Committee under public law. The appropriate characterization of a document subject to this rule shall be determined after consultation with the Minority.

Rule 5. Official Travel

Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of Committee Members and Committee staff. Official travel to be reimbursed from funds set aside for the full Committee for any Member or any committee staff member shall be paid only upon the prior authorization of the Chairman. Official travel may be authorized by the Chairman for any Member and any committee staff member in connection with the attendance of hearings conducted by the Committee, its Subcommittees, or any other Committee or Subcommittee of the Congress on matters relevant to the general jurisdiction of the Committee, and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the Committee. Before such authorization is given, there shall be submitted to the Chairman in writing the following:

(1) The purpose of the official travel;

(2) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(3) The location of the event for which the official travel is to be made; and

(4) The names of Members and Committee staff seeking authorization.

In the case of official travel of Members and staff of a Subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such Subcommittee to be paid for out of funds allocated to such Subcommittee, prior authorization must be obtained from the Subcommittee Chairman and the full Committee Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the applicable Subcommittee Chairman in writing setting forth those items enumerated above.

Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the full Committee Chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

Rule 6. Availability of Committee Records and Publications

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. The Committee shall, to the maximum extent feasible, make its publications available in electronic form.

B. SUBCOMMITTEES

Rule 7. Subcommittee Ratios and Jurisdiction

All matters referred to the Committee on Ways and Means involving revenue measures, except those revenue measures referred to Subcommittees under paragraphs 1, 2, 3, 4, or 5, shall be considered by the full Committee and not in Subcommittee. There shall be five standing Subcommittees as follows: a Subcommittee on Trade; a Subcommittee on Oversight; a Subcommittee on Health; a Subcommittee on Social Security; and a Subcommittee on Human Resources. The ratio of Republicans to Democrats on any Subcommittee of the Committee shall be consistent with the ratio of Republicans to Democrats on the full Committee.

The jurisdiction of each Subcommittee shall be:

1. **The Subcommittee on Trade** shall consist of 15 Members, 9 of whom shall be Republicans and 6 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Trade shall include bills and matters referred to the Committee on Ways and Means which relate to customs and customs administration including tariff and import fee structure, classification, valuation of and special rules applying to imports, and special tariff provisions and procedures which relate to customs operation affecting exports and imports; import trade matters, including import impact, industry relief from injurious imports, adjustment assistance and programs to encourage competitive responses to imports, unfair import practices including antidumping and countervailing duty provisions, and import policy which relates to dependence on foreign sources of supply; commodity agreements and reciprocal trade agreements including multilateral and bilateral trade negotiations and implementation of agreements involving tariff and nontariff trade barriers to and distortions of international trade; international rules, organizations and institutional aspects of international trade agreements; budget authorizations for the U.S. Customs Service, the U.S. International Trade Commission, and the U.S. Trade Representative; and special trade-related problems involving market access, competitive conditions of specific industries, export policy and promotion, access to materials in short supply, bilateral trade relations including trade with developing countries, operations of multinational corporations, and trade with nonmarket economies.

2. **The Subcommittee on Oversight** shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Oversight shall include all matters within the scope of the full Committee's jurisdiction but shall be limited to existing law. Said oversight jurisdiction shall not be exclusive but shall be concurrent with that of the other Subcommittees. With respect to matters involving the Internal Revenue Code and other revenue issues, said concurrent jurisdiction shall be shared with the full Committee. Before undertaking any investigation or hearing, the Chairman of the Subcommittee on Oversight shall confer with the Chairman of the full Committee and the Chairman of any other Subcommittee having jurisdiction.

3. **The Subcommittee on Health** shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Health shall include bills and matters referred to the Committee on Ways and Means which relate to programs providing payments (from any source) for health care, health delivery systems, or health research. More specifically, the jurisdiction of the Subcommittee on Health shall include bills and matters which relate to the health care programs of the Social Security Act (including titles V, XI (Part B), XVIII, and XIX thereof) and, concurrent with the full Committee, tax credit and deduction provisions of the Internal Revenue Code dealing with health insurance premiums and health care costs.

4. **The Subcommittee on Social Security** shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Social Security shall include bills and matters referred to the Committee on Ways and Means which relate to the Federal Old-Age, Survivors' and Disability Insurance System, the Railroad Retirement System, and employment taxes and trust fund operations relating to those systems. More specifically, the jurisdiction of the Subcommittee on Social Security shall include bills and matters involving title II of the Social Security Act and Chapter 22 of the Internal Revenue Code (the Railroad Retirement Tax Act), as well as provisions in title VII and title XI of the Act relating to procedure and administration involving the Old-Age, Survivors' and Disability Insurance System.

5. **The Subcommittee on Human Resources** shall consist of 13 Members, 8 of whom shall be Republicans and 5 of whom shall be Democrats.

The jurisdiction of the Subcommittee on Human Resources shall include bills and matters referred to the Committee on Ways and Means which relate to the public assistance provisions of the Social Security Act including welfare reform, supplemental security income, aid to families with dependent children, social services, child support, eligibility of welfare recipients for food stamps, and low-income energy assistance. More specifically, the jurisdiction of the Subcommittee on Human Resources shall include bills and matters relating to titles I, IV, VI, X, XIV, XVI, XVII, XX and related provisions of titles VII and XI of the Social Security Act.

The jurisdiction of the Subcommittee on Human Resources shall also include bills and matters referred to the Committee on Ways and Means which relate to the Federal-State system of unemployment compensation, and the financing thereof, including the programs for extended and emergency benefits. More specifically, the jurisdiction of the Subcommittee on Human Resources shall also include all bills and matters pertaining to the programs of unemployment compensation under titles III, IX and XII of the Social Security Act, Chapters 23 and 23A of the Internal Revenue Code, the Federal-State Extended Unemployment Compensation Act of 1970, the Emergency Unemployment Compensation Act of 1974, and provisions relating thereto.

Rule 8. Ex-Officio Members of Subcommittees

The Chairman of the full Committee and the Ranking Minority Member may sit as ex-officio Members of all Subcommittees. They may be counted for purposes of assisting in the establishment of a quorum for a Subcommittee. However, their absence shall not count against the establishment of a quorum by the regular Members of the Subcommittee. Ex-officio Members shall neither vote in the Subcommittee nor be taken into consideration for purposes of determining the ratio of the Subcommittee.

Rule 9. Subcommittee Meetings

Insofar as practicable, meetings of the full Committee and its Subcommittees shall not conflict. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman of the full Committee and other Subcommittee Chairmen with a view toward avoiding, wherever possible, simultaneous scheduling of full Committee and Subcommittee meetings or hearings.

Rule 10. Reference of Legislation and Subcommittee Reports

Except for bills or measures retained by the Chairman of the full Committee for full Committee consideration, every bill or other measure referred to the Committee shall be referred by the Chairman of the full Committee to the appropriate Subcommittee in a timely manner. A Subcommittee shall, within 3 legislative days of the referral, acknowledge same to the full Committee.

After a measure has been pending in a Subcommittee for a reasonable period of time, the Chairman of the full Committee may make a request in writing to the Subcommittee that the Subcommittee forthwith report the measure to the full Committee with its recommendations. If within 7 legislative days after the Chairman's written request, the Subcommittee has not so reported the measure, then there shall be in order in the full Committee a motion to discharge the Subcommittee from further consideration of the measure. If such motion is approved by a majority vote of the full Committee, the measure may thereafter be considered only by the full Committee.

No measure reported by a Subcommittee shall be considered by the full Committee unless it has been presented to all Members of the full Committee at least 2 legislative days prior to the full Committee's meeting, together with a comparison with present law, a section-by-section analysis of the proposed change, a section-by-section justification, and a draft statement of the budget effects of the measure that is consistent with the requirements for reported measures under clause 3(d)(2) of Rule XIII of the Rules of the House of Representatives.

Rule 11. Recommendation for Appointment of Conferees

Whenever in the legislative process it becomes necessary to appoint conferees, the Chairman of the full Committee shall recommend to the Speaker as conferees the names of those Committee Members as the Chairman may designate. In making recommendations of Minority Members as conferees, the Chairman shall consult with the Ranking Minority Member of the Committee.

C. HEARINGS

Rule 12. Witnesses

In order to assure the most productive use of the limited time available to question hearing witnesses, a witness who is scheduled to appear before the full Committee or a Subcommittee shall file with the Clerk of the Committee at least 48 hours in advance of his appearance a written statement of his proposed testimony. In addition, all witnesses shall comply with formatting requirements as specified by the Committee and the Rules of the House. Failure to comply with the 48-hour rule may result in a witness being denied the opportunity to testify in person. Failure to comply with the formatting requirements may result in a witness' statement being rejected for inclusion in the published hearing record. In addition to the requirements of clause 2(g)(4) of Rule XI, of the Rules of the House, regarding information required of public witnesses, a witness shall limit his oral presentation to a summary of his position and shall provide sufficient copies of his written statement to the Clerk for distribution to Members, staff and news media.

A witness appearing at a public hearing, or submitting a statement for the record of a public hearing, or submitting written comments in response to a published request for comments by the Committee must include on his statement or submission a list of all clients, persons, or organizations on whose behalf the witness appears. Oral testimony and statements for the record, or written comments in response to a request for comments by the Committee, will be accepted only from citizens of the United States or corporations or associations organized under the laws of one of the 50 States of the United States or the District of Columbia, unless otherwise directed by the Chairman of the full Committee or Subcommittee involved. Written statements from noncitizens may be considered for acceptance in the record if transmitted to the Committee in writing by Members of Congress.

Rule 13. Questioning of Witnesses

Committee Members may question witnesses only when recognized by the Chairman for that purpose. All Members shall be limited to 5 minutes on the initial round of questioning. In questioning witnesses under the 5-minute rule, the Chairman and the Ranking Minority Member shall be recognized first after which Members who are in attendance at the beginning of a hearing will be recognized in the order of their seniority on the Committee. Other Members shall be recognized in the order of their appearance at the hearing. In recognizing Members to question witnesses, the Chairman may take into consideration the ratio of Majority Members to Minority Members and the number of Majority and Minority Members present and shall apportion the recognition for questioning in such a manner as not to disadvantage Members of the majority.

Rule 14. Subpoena Power

The power to authorize and issue subpoenas is delegated to the Chairman of the full Committee, as provided for under clause 2(m)(3)(A)(i) of Rule XI of the Rules of the House of Representatives.

Rule 15. Records of Hearings

An accurate stenographic record shall be kept of all testimony taken at a public hearing. The staff shall transmit to a witness the transcript of his testimony for correction and immediate return to the Committee offices. Only changes in the interest of clarity, accuracy and corrections in transcribing errors will be permitted. Changes which substantially alter the actual testimony will not be permitted. Members shall correct their own testimony and return transcripts as soon as possible after receipt thereof. The Chairman of the full Committee may order the printing of a hearing without the corrections of a witness or Member if he determines that a reasonable time has been afforded to make corrections and that further delay would impede the consideration of the legislation or other measure which is the subject of the hearing.

Rule 16. Broadcasting of Hearings

The provisions of clause 4(f) of Rule XI of the Rules of the House of Representatives are specifically made a part of these rules by reference. In addition, the following policy shall apply to media coverage of any meeting of the full Committee or a Subcommittee:

1. An appropriate area of the Committee's hearing room will be designated for members of the media and their equipment.

2. No interviews will be allowed in the Committee room while the Committee is in session. Individual interviews must take place before the gavel falls for the convening of a meeting or after the gavel falls for adjournment.

3. Day-to-day notification of the next day's electronic coverage shall be provided by the media to the Chairman of the full Committee through the chief counsel or some other appropriate designee.

4. Still photography during a Committee meeting will not be permitted to disrupt the proceedings or block the vision of Committee Members or witnesses.

5. Klieg lights will be permitted to illuminate the hearing room only during the first 15 minutes following the Chairman's initial calling of the Committee to order.

6. Further conditions may be specified by the Chairman.

D. MARKUPS

Rule 17. Reconsideration of Previous Vote

When an amendment or other matter has been disposed of, it shall be in order for any Member of the prevailing side, on the same or next day on which a quorum of the Committee is present, to move the reconsideration thereof, and such motion shall take precedence over all other questions except the consideration of a motion to adjourn.

Rule 18. Previous Question

The Chairman shall not recognize a Member for the purpose of moving the previous question unless the Member has first advised the Chair and the Committee that this is the purpose for which recognition is being sought.

Rule 19. Official Transcripts of Markups and Other Committee Meetings

An official stenographic transcript shall be kept accurately reflecting all markups and other meetings of the full Committee and the Subcommittees, whether they be open or closed to the public. This official transcript, marked as "uncorrected," shall be available for inspection by the public (except for meetings closed pursuant to clause 2(g)(1) of Rule XI of the Rules of the House), by Members of the House, or by Members of the Committee together with their staffs, during normal business hours in the full Committee or Subcommittee office under such controls as the Chairman of the full Committee deems necessary. Official transcripts shall not be removed from the Committee or Subcommittee office. If, however, (1) in the drafting of a Committee or Subcommittee decision, the Office of the House Legislative Counsel or (2) in the preparation of a Committee report, the Chief of Staff of the Joint Committee on Taxation determines (in consultation with appropriate majority and minority committee staff) that it is necessary to review the official transcript of a markup, such transcript may be released upon the signature and to the custody of an appropriate committee staff person. Such transcript shall be returned immediately after its review in the drafting session.

The official transcript of a markup or Committee meeting other than a public hearing shall not be published or distributed to the public in any way except by a majority vote of the Committee. Before any public release of the uncorrected transcript, Members must be given a reasonable opportunity to correct their remarks. In instances in which a stenographic transcript is kept of a conference committee proceeding, all of the requirements of this rule shall likewise be observed.

Rule 20. Publication of Decisions and Legislative Language

A press release describing any tentative or final decision made by the full Committee or a Subcommittee on legislation under consideration shall be made available to each Member of the Committee as soon as possible, but no later than the next day. However, the legislative draft of any tentative or final decision of the full Committee or a Subcommittee shall not be publicly released until such draft is made available to each Member of the Committee.

E. STAFF

Rule 21. Supervision of Committee Staff

The staff of the Committee shall be under the general supervision and direction of the Chairman of the full Committee except as provided in clause 9 of Rule X of the Rules of the House of Representatives concerning Committee expenses and staff.

Pursuant to clause 6(d) of Rule X of the Rules of the House of Representatives, the Chairman of the full Committee, from the funds made available for the appointment of Committee staff pursuant to primary and additional expense resolutions, shall ensure that each Subcommittee receives sufficient staff to carry out its responsibilities under the rules of the Committee, and that the minority party is fairly treated in the appointment of such staff.

Rule 22. Staff Honoraria, Speaking Engagements, and Unofficial Travel

This rule shall apply to all majority and minority staff of the Committee and its Subcommittees.

a. *Honoraria.*—Under no circumstances shall a staff person accept the offer of an honorarium. This prohibition includes the direction of an honorarium to a charity.

b. *Speaking engagements and unofficial travel.*—

(1) *Advance approval required.*—In the case of all speaking engagements, fact-finding trips, and other unofficial travel, a staff person must receive approval by the full Committee Chairman (or, in the case of the minority staff, from the Ranking Minority Member) at least 7 calendar days prior to the event.

(2) *Request for approval.*—A request for approval must be submitted in writing to the full Committee Chairman (or, where appropriate, the Ranking Minority Member) in connection with each speaking engagement, fact-finding trip, or other unofficial travel. Such request must contain the following information:

(a) the name of the sponsoring organization and a general description of such organization (nonprofit organization, trade association, etc.);

(b) the nature of the event, including any relevant information regarding attendees at such event;

(c) in the case of a speaking engagement, the subject of the speech and duration of staff travel, if any; and

(d) in the case of a fact-finding trip or international travel, a description of the proposed itinerary and proposed agenda of substantive issues to be discussed, as well as a justification of the relevance and importance of the fact-finding trip or international travel to the staff member's official duties.

(3) *Reasonable travel and lodging expenses.*—After receipt of the advance approval described in (1) above, a staff person may accept reimbursement by an appropriate sponsoring organization of reasonable travel and lodging expenses associated with a speaking engagement, fact-finding trip, or international travel related to official duties, provided such reimbursement is consistent with the Rules of the House of Representatives. (In lieu of reimbursement after the event, expenses may be paid directly by an appropriate sponsoring organization.) The reasonable travel and lodging expenses of a spouse (but not children) may be reimbursed (or directly paid) by an appropriate sponsoring organization consistent with the Rules of the House of Representatives.

(4) *Trip summary and report.*—In the case of any reimbursement or direct payment associated with a fact-finding trip or international travel, a staff person must submit, within 60 days after such trip, a report summarizing the trip and listing all expenses reimbursed or directly paid by the sponsoring organization. This information shall be submitted to the Chairman (or, in the case of the minority staff, to the Ranking Minority Member).

c. *Waiver.*—The Chairman (or, where appropriate, the Ranking Minority Member) may waive the application of section (b) of this rule upon a showing of good cause.

RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 5 minutes.

Mr. SHUSTER. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House, enclosed are the rules of the Committee on Transportation and Infrastructure for the 106th Congress.

RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

(Adopted January 7, 1999)

RULE I. GENERAL PROVISIONS

(a) Applicability of House Rules.—(1) The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable privileged motions in the Committee and its subcommittees.

(2) Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) Authority to Conduct Investigations.—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule X, clause 6 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(c) Authority to Print.—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid from applicable accounts of the House described in clause 1(h)(1) of Rule X of the Rules of the House.

(d) Activities Report.—(1) The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of Rule X of the Rules of the House, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

(e) Publication of Rules.—The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE II. REGULAR, ADDITIONAL AND SPECIAL MEETINGS

(a) Regular Meetings.—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month. The Chairman shall give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting and the matters to be considered at such meeting. If the Chairman believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration. This paragraph shall not apply to meetings of any subcommittee.

(b) Additional Meetings.—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) Special Meetings.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) Vice Chairman.—The Committee shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

(e) Prohibition on Sitting During Joint Session.—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

(f) Addressing the Committee.—(1) A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration or may question a witness at a hearing—

(A) only when recognized by the Chairman for that purpose; and

(B) subject to subparagraphs (2) and (3), only for five minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee or question the witness. A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this subparagraph.

(2) The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit a specified number of its members to question a witness for longer than five minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(3) The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(4) Nothing in subparagraph (2) or (3) affects the right of a member (other than a member designated under subparagraph (2)) to question a witness for five minutes in accordance with subparagraph (1)(B) after the questioning permitted under subparagraph (2) or (3).

(g) Meetings to Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

RULE III. OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(b) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of Rule XI of the Rules of the House.

RULE IV. RECORDS AND RECORD VOTES

(a) Keeping of Records.—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) a record of the votes on any question on which a record vote is demanded. The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present.

(b) Property of the House.—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) Availability of Archived Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

RULE V. POWER TO SIT AND ACT; SUBPOENA POWER

(a) Authority To Sit and Act.—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (b)(1) of this rule)—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(b) Issuance of Subpoenas.—(1) A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(c) Expenses of Subpoenaed Witnesses.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, DC, the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

RULE VI. QUORUMS

(a) Working Quorum.—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (b) of Committee Rule V, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VIII, and the actions described in paragraphs (b), (c) and (d) of this rule.

(b) Quorum for Reporting.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) Approval of Certain Matters.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 7 of the Public Buildings Act of 1959.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) Quorum for Taking Testimony.—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE VII. HEARING PROCEDURES

(a) Announcement.—The Chairman, in the case of a hearing to be conducted by the Committee, and the appropriate subcommittee chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman or the appropriate subcommittee chairman, as the case may be, with the concurrence of the ranking minority member of the Committee or subcommittee as appropriate, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record and shall promptly enter the appropriate information into the Committee scheduling service of the House Information Resources as soon as possible after such public announcement is made.

(b) Written Statement; Oral Testimony.—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least two working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Summary of Subject Matter.—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) Questioning of Witnesses.—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) Investigative Hearings.—(1) Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for investigative hearings) applies to investigative hearings of the Committee and its subcommittees.

(2) A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

RULE VIII. PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Filing of Reports.—(1) The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) Quorum; Record Votes.—(1) No measure, matter or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) Required Matters.—The report of the Committee on a measure or matter which has been approved by the Committee shall include the items required to be included by clauses 2(c) and 3 of Rule XIII of the Rules of the House.

(d) Additional Views.—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in accordance with clause 2(l) of Rule XI of the Rules of the House.

(e)(1) Approval of Committee Views.—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release and distribution in accordance with paragraph (d) of this rule.

(2) A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

RULE IX. OVERSIGHT

(a) Purpose.—The Committee shall carry out oversight responsibilities as provided in this rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) Oversight Plan.—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) Review of Laws and Programs.—The Committee and the appropriate subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) Review of Tax Policies.—The Committee and the appropriate subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

RULE X. REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) Ensuring Annual Appropriations.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. For the purposes of this paragraph, a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of the Rules of the House.

(b) Review of Multi-Year Appropriations.—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) Views and Estimates.—The Committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) Budget Allocations.—As soon as practicable after a concurrent resolution on the Budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 or section 602 (in the case of fiscal years 1991 through 1995) of the Congressional Budget Act of 1974.

(e) Reconciliation.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE XI. COMMITTEE BUDGETS

(a) Biennial Budget.—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) Additional Expenses.—Authorization for the payment of additional or unforessen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) Travel Requests.—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XIII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) Monthly Reports.—Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

RULE XII. COMMITTEE STAFF

(a) Appointment by Chairman.—The Chairman shall appoint and determine the remuneration of, and may remove, the employees of the Committee not assigned to the minority. The staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) Appointment by Ranking Minority Member.—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the staff assigned to the minority within the budget approved for such purposes. The staff assigned to the monority shall be under the general supervision and direction of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) Intention Regarding Staff.—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

RULE XIII. TRAVEL OF MEMBERS AND STAFF

(a) Approval.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made;

(4) the names of members and staff seeking authorization.

(b) Subcommittee Travel.—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VII.

(c) Travel Outside the United States.—(1) In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel has been authorized pursuant to this rule, each staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) Applicability of Laws, Rules, Policies.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, and by the travel policy of the Committee as set forth in the Committee Travel Manual.

RULE XIV. ESTABLISHMENT OF SUBCOMMITTEES; SIZE AND PARTY RATIOS; CONFERENCE COMMITTEES

(a) Establishment.—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios are:

(1) Subcommittee on Aviation (50 Members: 28 Majority and 22 Minority)

(2) Subcommittee on Coast Guard and Maritime Transportation (9 Members: 5 Majority and 4 Minority)

(3) Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation (10 Members: 6 Majority and 4 Minority)

(4) Subcommittee on Ground Transportation (50 Members: 28 Majority and 22 Minority)

(5) Subcommittee on Oversight, Investigations and Emergency Management (9 Members: 5 Majority and 4 Minority)

(6) Subcommittee on Water Resources and Environment (36 Members: 20 Majority and 16 Minority)

(b) Ex Officio Members.—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) Ratios.—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

(d) Conferees.—The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

RULE XV. POWERS AND DUTIES OF SUBCOMMITTEE

(a) Authority to Sit.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

(b) Disclaimer.—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(c) Consideration by Committee.—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

RULE XVI. REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) General Requirement.—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Rule XIV referred to or initiated by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) Recall from Subcommittee.—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of a majority of the members of the Committee voting, a quorum being present, for the Committee's direct consideration or for reference to another subcommittee.

(c) Multiple Referrals.—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. STUMP) is recognized for 5 minutes.

Mr. STUMP. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House, enclosed are the rules of the Committee on Veterans' Affairs for the 106th Congress.

COMMITTEE RULES OF PROCEDURE FOR THE 106TH CONGRESS

(Adopted February 3, 1999)

RULE 1—APPLICABILITY OF HOUSE RULES

The Rules of the House are the rules of the Committee on Veterans' Affairs and its subcommittees so far as applicable, except that a motion to recess from day to day is a privileged motion in Committees and subcommittees. Each subcommittee of the Committee is a part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable.

RULE 2—COMMITTEE MEETINGS AND HEARINGS

REGULAR AND ADDITIONAL MEETINGS

(a)(1) The regular meeting day for the Committee shall be at 10 a.m. on the second Wednesday of each month in such place as the Chairman may designate. However, the Chairman may dispense with a regular Wednesday meeting of the Committee.

(2)(A) The Chairman of the Committee may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(B) The Chairman shall notify each member of the Committee of the agenda of each regular and additional meeting of the Committee at least 24 hours before the time of the meeting, except under circumstances the Chairman determines to be of an emergency nature. Under such circumstances, the Chairman shall make an effort to consult the ranking minority member, or in such member's absence, the next ranking minority party member of the Committee.

PUBLIC ANNOUNCEMENT

(b)(1) The Chairman, in the case of a hearing to be conducted by the Committee, and the subcommittee Chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee or the subcommittee determines that there is good cause to begin the hearing at an earlier date. In the latter event, the Chairman or the subcommittee Chairman, as the case may be, shall consult with the ranking minority member and make such public announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Clerk of the Congressional Record and the Committee scheduling service of the House Information Resources as soon as possible after such public announcement is made.

(2) Meetings and hearings of the Committee and each of its subcommittees shall be open to the public unless closed in accordance with clause 2(g) of House rule XI.

QUORUM AND ROLLCALLS

(c)(1) A majority of the members of the Committee shall constitute a quorum for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business, except that two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(2) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee was actually present.

(3) There shall be kept in writing a record of the proceedings of the Committee and each of its subcommittees, including a record of the votes on any question on which a recorded vote is demanded. The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(4) A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. With respect to any record vote on any motion to amend or report, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the report of the Committee on the bill or resolution.

(5) No vote by any member of the Committee or a subcommittee with respect to any measure or matter may be cast by proxy.

CALLING AND INTERROGATING WITNESSES

(d)(1) Committee and subcommittee members may question witnesses only when they have been recognized by the Chairman of the Committee or subcommittee for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member may be extended only with the unanimous consent of all members present. The questioning of witnesses in both Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. Except as otherwise announced by the Chairman at the beginning of a hearing, members who are present at the start of the hearing will be recognized before other members who arrive after the hearing has begun. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(2) Notwithstanding the provisions of paragraph (1) regarding the 5-minute rule, the Chairman after consultation with the ranking minority member may designate an equal number of members of the Committee or subcommittee majority and minority party to question a witness for a period not longer than 30 minutes. In no event shall the Chairman allow a member to question a witness for an extended period under this rule until all members present have had the opportunity to ask questions under the 5-minute rule. The Chairman after consultation with the ranking minority member may permit Committee staff for its majority and minority party members to question a witness for equal specified periods of time.

(3) So far as practicable: (A) each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least 48 hours in advance of the appearance of the witness, a written statement of the testimony of the witness and shall limit any oral presentation to a summary of the written statement; and (B) each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contact (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(4) When a hearing is conducted by the Committee or a subcommittee on any measure or matter, the minority party members on the Committee shall be entitled, upon request to the Chairman of a majority of those minority members before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of the hearing thereon.

MEDIA COVERAGE OF PROCEEDINGS

(e) Any meeting of the Committee or its subcommittees that is open to the public shall be open to coverage by radio, television, and still photography in accordance with the provisions of clause 4 of House rule XI.

SUBPOENAS

(f) Pursuant to clause 2(m) of House rule XI, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

RULE 3—GENERAL OVERSIGHT RESPONSIBILITY

(a) In order to assist the House in:

(1) Its analysis, appraisal, evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the Committee and its various subcommittees, consistent with their jurisdiction as set forth in Rule 4, shall have oversight responsibilities as provided in subsection (b).

(b)(1) The Committee and its subcommittees shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee or subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

(2) In addition, the Committee and its subcommittees shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee or subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee or subcommittee.

(3) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform, in accordance with the provisions of clause 2(d) of House rule X.

RULE 4—SUBCOMMITTEES

ESTABLISHMENT AND JURISDICTION OF SUBCOMMITTEES

(a)(1) There shall be three subcommittees of the Committee as follows:

(A) Subcommittee on Health, which shall have legislative, oversight and investigative jurisdiction over veterans' hospitals, medical care, and treatment of veterans.

(B) Subcommittee on Benefits, which shall have legislative, oversight and investigative jurisdiction over compensation, general and special pensions of all the wars of the United States, life insurance issued by the Government on account of service in the Armed Forces, cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior, burial benefits, education of veterans, vocational rehabilitation, veterans' housing programs, readjustment of servicemen to civilian life, and soldiers' and sailors' civil relief.

(C) Subcommittee on Oversight and Investigations, which shall have authority over matters that are referred to the subcommittee by the Chairman of the full Committee for investigation and appropriate recommendations. *Provided, however*, That the operations of the Subcommittee on Oversight and Investigations shall in no way limit the responsibility of the other subcommittees on the Committee on Veterans' Affairs for carrying out their oversight duties. This subcommittee shall not have legislative jurisdiction and no bills or resolutions shall be referred to it.

In addition, each subcommittee shall have responsibility for such other measures or matters as the Chairman refers to it.

(2) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of that subcommittee.

REFERRAL TO SUBCOMMITTEES

(b)(1) The Chairman of the Committee may refer a measure or matter, which is within the general responsibility of more than one of the subcommittees of the Committee, as the Chairman deems appropriate.

(2) In referring any measure or matter to a subcommittee, the Chairman of the Committee may specify a date by which the subcommittee shall report thereon to the Committee.

POWERS AND DUTIES

(c)(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman of the Committee and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

(2) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the Committee, the Chairman of the subcommittee reporting the bill, resolution, or matter to the full Committee, or any member authorized by the subcommittee to do so shall notify the Chairman and the ranking minority party member of the Committee of the Subcommittee's action.

(3) A member of the Committee who is not a member of a particular subcommittee may sit with the subcommittee during any of its meetings and hearings, but shall not have authority to vote, cannot be counted for a quorum, and cannot raise a point of order at the meeting or hearing.

(4) Each subcommittee of the Committee shall provide the Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee as the Chairman of the Committee deems necessary for the Committee to comply with all rules and regulations of the House.

RULE 5—TRANSCRIPTS AND RECORDS

(a)(1) There shall be a transcript made of each regular and additional meeting and hearing of the Committee and its subcommittees. Any such transcript shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

(2) The Committee shall keep a record of all actions of the Committee and each of its subcommittees. The record shall contain all information required by clause 2(e)(1) of House rule XI and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with House rule VII. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

RULES OF THE COMMITTEE ON SMALL BUSINESS FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. TALENT) is recognized for 5 minutes.

Mr. TALENT. Mr. Speaker, pursuant to rule XI, clause 2(a) of the Rules of the House, enclosed are the rules of the Committee on Small Business for the 106th Congress.

RULES AND PROCEDURES OF THE COMMITTEE ON SMALL BUSINESS U.S. HOUSE OF REPRESENTATIVES, 106TH CONGRESS

1. GENERAL PROVISIONS

The Rules of the House of Representatives, and in particular the committee rules enumerated in rule XI, are the rules of the Committee on Small Business to the extent applicable and by this reference are incorporated. Each subcommittee of the Committee on Small Business (hereinafter referred to as the "committee") is a part of the committee and is subject to the authority and direction of the committee, and to its rules to the extent applicable.

2. REFERRAL OF BILLS BY CHAIRMAN

Unless retained for consideration by the full committee, all legislation and other matters referred to the committee shall be referred by the Chairman to the subcommittee of appropriate jurisdiction within 2 weeks. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdictions, the Chairman shall refer the matter as he may deem advisable.

3. DATE OF MEETING

The regular meeting date of the committee shall be the second Thursday of every month when the House is in session. A regular meeting of the committee may be dispensed with if, in the judgment of the Chairman, there is no need for the meeting. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with clause 2(c) of rule XI of the House.

At least 3 days notice of such an additional meeting shall be given unless the Chairman determines that there is good cause to call the meeting on less notice.

The determination of the business to be considered at each meeting shall be made by the Chairman subject to clause 2(c) of rule XI of the House.

A regularly scheduled meeting need not be held if there is no business to be considered or, upon at least 3 days notice, it may be set for a different date.

4. ANNOUNCEMENT OF HEARINGS

Unless the Chairman, with the concurrence of the ranking minority member, or the committee by majority vote, determines that there is good cause to begin a hearing at an earlier date, public announcement shall be made of the date, place and subject matter of any hearing to be conducted by the committee at least 1 week before the commencement of that hearing.

5. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) Meetings

Each meeting of the committee or its subcommittees for the transaction of business, including the markup of legislation, shall be open to the public, including the radio, television and still photography coverage, except as provided by clause 4 of rule XI of the House, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House; Provided, however, that no person other than members of the committee, and such congressional staff and such executive branch representatives as they may authorize, shall be present in any business meeting or markup session which has been closed to the public.

(B) Hearings

Each hearing conducted by the committee or its subcommittees shall be open to the public, including radio, television and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the hearing on that day shall be closed to the public because disclosure of testimony, evidence or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House; Provided, however, that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearings. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, (i) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or violate clause 2(k)(5) of rule XI of the House; or (ii) may vote to close the hearing, as provided in clause 2(k)(5) of rule XI of the House.

No member of the House may be excluded from non-participatory attendance at any hearing of the committee or any subcommittee, unless the House of Representatives shall by majority vote authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearing to members by the same procedures designated for closing hearings to the public.

6. WITNESSES

(A) Statement of Witnesses

Each witness shall file with the committee, 48 hours in advance of his or her appearance, 100 copies of his or her written statement of proposed testimony, and shall limit the oral presentation at such appearance to a brief summary of his or her views.

Each witness shall also submit to the committee on the day of the hearing a copy of his or her final prepared statement on a 3.5" computer diskette in Word or a similar format.

The committee will provide public access to its printed materials, including the proposed testimony of witnesses, in electronic form.

(B) Interrogation of Witnesses

The right to interrogate witnesses before the committee or any of its subcommittees shall alternate between the majority members and the minority members. In recognizing members to question witnesses, the

Chairman may take into consideration the ratio of majority and minority members present.

7. SUBPOENAS

A subpoena may be authorized and issued by the Chairman of the committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witness and the production of such books, records, correspondence, memoranda, papers and documents as he deems necessary. The ranking minority member shall be promptly notified of the issuance of such a subpoena.

Such a subpoena may be authorized and issued by the chairman of a subcommittee with the approval of a majority of the members of the subcommittee and the approval of the Chairman of the committee.

8. QUORUM

No measure or recommendation shall be reported unless a majority of the committee was actually present. For purposes of taking testimony or receiving evidence, two members shall constitute a quorum. For all other purposes, one-third of the members shall constitute a quorum.

9. AMENDMENTS DURING MARK-UP

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the Chairman shall allow an appropriate period for the provision thereof.

10. PROXIES

No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

11. NUMBER AND JURISDICTION OF SUBCOMMITTEES

There will be five subcommittees as follows:

Empowerment (five Republicans and four Democrats)

Government Programs and Oversight (five Republicans and four Democrats)

Regulatory Reform and Paperwork Reduction (five Republicans and four Democrats)

Rural Enterprises, Business Opportunities and Special Small Business Problems (five Republicans and four Democrats)

Tax, Finance and Exports (five Republicans and four Democrats)

During the 106th Congress, the Chairman and ranking minority member shall be *ex officio* members of all subcommittees, without vote, and the full committee shall have the authority to conduct oversight of all areas of the committee's jurisdiction.

In addition to conducting oversight in the area of their respective jurisdiction, each subcommittee shall have the following jurisdiction:

EMPOWERMENT

Promotion of business growth and opportunities in economically depressed areas.

Oversight and investigative authority over regulations and licensing policies that impact small businesses located in high risk communities.

General oversight of programs targeted toward urban relief.

GOVERNMENT PROGRAMS AND OVERSIGHT

Small Business Act, Small Business Investment Act, and related legislation.

Federal Government programs that are designed to assist business generally.

Small Business Innovation Research program.

Participation of small business in Federal procurement and Government contracts.

Opportunities for minority and women-owned businesses, including the SBA's 8(a) program.

Oversight and investigative authority generally.

REGULATORY REFORM AND PAPERWORK REDUCTION

Oversight and investigative authority over the regulatory and paperwork policies of all Federal departments and agencies.

Regulatory Flexibility Act.

Paperwork Reduction Act.

Competition policy generally.

RURAL ENTERPRISES, BUSINESS OPPORTUNITIES AND SPECIAL SMALL BUSINESS PROBLEMS

Promotion of business growth and opportunities in rural areas.

Oversight and investigative authority over agricultural issues that impact small businesses.

General promotion of business opportunities.

Oversight and investigative authority over novel issues of special concern to small business.

TAX, FINANCE AND EXPORTS

Tax policy and its impact on small business.

Access to capital and finance issues generally.

Export opportunities and promotion.

12. COMMITTEE STAFF

(A) Majority Staff

The employees of the committee, except those assigned to the minority as provided below, shall be appointed and assigned, and may be removed by the Chairman. Their remuneration shall be fixed by the Chairman, and they shall be under the general supervision and direction of the Chairman.

(B) Minority Staff

The employees of the committee assigned to the minority shall be appointed and assigned, and their remuneration determined, as the ranking minority member of the committee shall determine.

(C) Subcommittee Staff

The Chairman and ranking minority member of the full committee shall endeavor to ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the committee.

13. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set meeting and hearing dates after consultation with the Chairman of the full committee. Meetings and hearings of subcommittees shall not be scheduled to occur simultaneously with meetings or hearings of the full committee.

14. SUBCOMMITTEE REPORTS

(A) Investigative Hearings

The report of any subcommittee on a matter which was the topic of a study of investigation shall include a statement concerning the subject of the study or investigation, the findings and conclusions, and recommendations for corrective action, if any, together with such other material as the subcommittee deems appropriate.

Such proposed reports shall first be approved by a majority of the subcommittee members. After such approval has been secured, the proposed report shall be sent to each member of the full committee for his or her supplemental, minority, or additional views.

Any such views shall be in writing and signed by the member and filed with the clerk of the full committee within 5 calendar days (excluding Saturdays Sundays, and legal holidays) from the date of the transmittal of the proposed report to the members. Transmittal of the proposed report to members shall be by hand delivery to the members' offices.

After the expiration of such 5 calendar days, the report may be filed as a House report.

(B) End of Congress

Each subcommittee shall submit to the full committee, not later than November 15 of each even-numbered year, a report on the activities of the subcommittee during the Congress.

15. RECORDS

The committee shall keep a complete record of all actions which shall include a record of the votes on any question on which a record vote is demanded. The result of each subcommittee record vote, together with a description of the matter voted upon, shall promptly be made available to the full committee. A record of such votes shall be made available for inspection by the public at reasonable times in the offices of the committee.

The committee shall keep a complete record of all committee and subcommittee activity which, in the case of any meeting or hearing transcript, shall include a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved.

The records of the committee at the National Archives and Records Administration shall be made available in accordance with rule VII of the Rules of the House. The Chairman of the full committee shall notify the ranking minority member of the full committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule VII of the House, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination of the written request of any member of the committee.

16. ACCESS TO CLASSIFIED OR SENSITIVE INFORMATION

Access to classified or sensitive information supplied to the committee and attendance at closed sessions of the committee or its subcommittees shall be limited to members and necessary committee staff and stenographic reporters who have appropriate security clearance when the Chairman determines that such access or attendance is essential to the functioning of the committee.

The procedures to be followed in granting access to those hearings, records, data, charts, and files of the committee which involve classified information or information deemed to be sensitive shall be as follows:

(a) Only Members of the House of Representatives and specifically designated committee staff of the Committee on Small Business may have access to such information.

(b) Members who desire to read materials that are in the possession of the committee should notify the clerk of the committee.

(c) The clerk will maintain an accurate access log which identifies the circumstances surrounding access to the information, without revealing the material examined.

(d) If the material desired to be reviewed is material which the committee or subcommittee deems to be sensitive enough to require special handling, before receiving access to such information, individuals will be required to sign an access information sheet acknowledging such access and that the individual has read and understands the procedures under which access is being granted.

(e) Material provided for review under this rule shall not be removed from a specified room within the committee offices.

(f) Individuals reviewing materials under this rule shall make certain that the materials are returned to the proper custodian.

(g) No reproductions or recordings may be made of any portion of such materials.

(h) The contents of such information shall not be divulged to any person in any way, form, shape, or manner, and shall not be discussed with any person who has not received the information in an authorized manner.

(i) When not being examined in the manner described herein, such information will be kept in secure safes or locked file cabinets in the committee offices.

(j) These procedures only address access to information the committee or a subcommittee deems to be sensitive enough to require special treatment.

(k) If a member of the House of Representatives believes that certain sensitive information should not be restricted as to dissemination or use, the member may petition the committee or subcommittee to so rule. With respect to information and materials provided to the committee by the executive branch, the classification of information and materials as determined by the executive branch shall prevail unless affirmatively changed by the committee or the subcommittee involved, after consultation with the appropriate executive agencies.

(l) Other materials in the possession of the committee are to be handled in accordance with the normal practices and traditions of the committee.

17. OTHER PROCEDURES

The Chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

The committee may not be committed to any expense whatever without the prior approval of the Chairman of the full committee.

18. AMENDMENTS TO COMMITTEE RULES

The rules of the committee may be modified, amended or repealed by a majority of the members, at a meeting specifically called for such purpose, but only if written notice of the proposed change has been provided to each such member at least 3 days before the time of the meeting.

RULES OF THE COMMITTEE ON GOVERNMENT REFORM FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, pursuant to rule XI clause 2(a) of the Rules of the House of Representatives of the 106th Congress, I am requesting that the new Rules of the Committee on Government Reform be printed in their entirety in the CONGRESSIONAL RECORD for today.

I. RULES OF THE COMMITTEE ON GOVERNMENT REFORM

U.S. House of Representatives

106th Congress

Rule XI, clause 1(a)(1)(A) of the House of Representatives provides:

Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

Rule XI, clause 2(a)(1) of the House of Representatives provides, in part:

Each standing committee shall adopt written rules governing its procedures. * * *

In accordance with this, the Committee on Government Reform, on February 3, 1999, adopted the rules of the committee:

Rule 1.—Application of Rules

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Committee on Government Reform and its subcommittees as well as to the respective chairmen.

[See House Rule XI, 1.]

Rule 2.—Meetings

The regular meetings of the full committee shall be held on the second Tuesday of each month at 10 a.m., when the House is in session. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee following the provisions of House Rule XI, clause 2(c)(2). Subcommittees shall meet at the call of the subcommittee chairmen. Every member of the committee or the appropriate subcommittee, unless prevented by unusual circumstances, shall be provided with a memorandum at least three calendar days before each meeting or hearing explaining (1) the purpose of the meeting or hearing; and (2) the names, titles, background and reasons for appearance of any witnesses. The ranking minority member shall be responsible for providing the same information on witnesses whom the minority may request.

[See House Rule XI, 2(b).]

Rule 3.—Quorums

A majority of the members of the committee shall form a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence, and one-third of the members shall form a quorum for taking any action other than the reporting of a measure or recommendation. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

Rule 4.—Committee Reports

Bills and resolutions approved by the committee shall be reported by the chairman following House Rule XIII, clauses 2-4.

A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least three calendar days (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such days) before consideration of such proposed report in subcommittee or full committee. Any report will be considered as read if available to the members at least 24 hours before consideration, excluding Saturdays, Sundays, and legal holidays unless the House is in session on such days. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee before the consideration of the proposed report in such subcommittee or full committee. Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present.

Supplemental, minority, or additional views may be filed following House Rule XI, clause 2(l) and Rule XIII, clause 3(a)(1). The time allowed for filing such views shall be three calendar days, beginning on the day of notice, but excluding Saturdays, Sundays, and legal holidays (unless the House is in session on such a day), unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views.

An investigative or oversight report may be filed after sine die adjournment of the last regular session of Congress, provided that if a member gives timely notice of intention to file supplemental, minority or additional views, that member shall be entitled to not less that seven calendar days in which to submit such views for inclusion with the report.

Only those reports approved by a majority vote of the committee may be ordered printed, unless otherwise required by the Rules of the House of Representatives.

Rule 5.—Proxy Votes

In accordance with the Rules of the House of Representatives, members may not vote by proxy on any measure or matter before the committee or any subcommittee.

[See House Rule XI, 2(f).]

Rule 6.—Record Votes

A record vote of the members may be had upon the request of any member upon approval of a one-fifth vote.

[See House Rule XI, 2(e).]

Rule 7.—Record of Committee Actions

The committee staff shall maintain in the committee offices a complete record of committee actions from the current Congress including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

Rule 8.—Subcommittees; Referrals

There shall be eight subcommittees with appropriate party ratios that shall have fixed jurisdictions. Bills, resolutions, and other matters shall be referred by the chairman to subcommittees within two weeks for consideration or investigation in accordance with their fixed jurisdictions. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdiction, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgement, the subcommittee is not able to complete its work or cannot reach agreement therein. In a subcommittee having an even number of members, if there is a tie vote with all members voting on any measure, the measure shall be placed on the agenda for full committee consideration as if it had been ordered reported by the subcommittee without recommendation. This provision shall not preclude further action on the measure by the subcommittee.

[See House Rule XI, 1(a)(2).]

Rule 9.—Ex Officio Members

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for taking testimony.

Rule 10.—Staff

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees.

Rule 11.—Staff Direction

Except as otherwise provided by House Rule X, clauses 6, 7 and 9, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

Rule 12.—Hearing Dates and Witnesses

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least one week before the commencement of any hearings, unless he determines, with the concurrence of the ranking minority member, or the committee determines by a vote, that there is good cause to begin such hearings sooner. So that the chairman of the full committee may coordinate the committee facilities and hearings plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks before the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall so far as practicable, submit written statements at least 24 hours before their appearance and, when appearing in a non-governmental capacity, provide a curriculum vitae and a listing of any Federal Government grants and contracts received in the previous fiscal year.

[See House Rules XI, 2 (g)(3), (g)(4), (j) and (k).]

Rule 13.—Open Meetings

Meetings for the transaction of business and hearings of the committee shall be open to the public or closed in accordance with Rule XI of the House of Representatives.

[See House Rules XI, 2 (g) and (k).]

Rule 14.—Five-Minute Rule

(1) A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, clause 2(j)(2), each committee member may request up to five minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, so far as practicable, recognize alternately based on seniority of those majority and minority members present at the time the hearing was called to order and others based on their arrival at the hearing. After that, additional time may be extended at the direction of the chairman.

(2) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit an equal number of majority and minority members to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(3) The chairman, with the concurrence of the ranking minority member, or the committee by motion, may permit committee staff of the majority and minority to question a witness for a specified, total period that is equal for each side and not longer than thirty minutes for each side.

(4) Nothing in paragraph (2) or (3) affects the rights of a Member (other than a Member designated under paragraph (2)) to question a witness for 5 minutes in accordance with paragraph (1) after the questioning permitted under paragraph (2) or (3). In any extended questioning permitted under paragraph (2) or (3), the chairman shall determine how to allocate the time permitted for extended questioning by majority members or majority committee staff and the ranking minority member shall determine how to allocate the time permitted for extended questioning by minority members or minority committee staff. The chairman or the ranking minority member, as applicable, may allocate the time for any extended questioning permitted to staff under paragraph (3) to members.

Rule 15.—Investigative Hearing Procedures

Investigative hearings shall be conducted according to the procedures in House Rule XI, clause 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witnesses.

Rule 16.—Stenographic Record

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

Rule 17.—Audio and Visual Coverage of Committee Proceedings

An open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, unless closed subject to the provisions of House Rule XI, clause 4.

Rule 18.—Additional Duties of Chairman

The chairman of the full committee shall:

(a) Make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as required by House Rule X, clause 4(c)(2);

(b) Direct such review and studies on the impact or probable impact of tax policies affecting subjects within the committee's jurisdiction as required by House Rule X, clause 2(c);

(c) Submit to the Committee on the Budget views and estimates required by House Rule X, clause 4(f), and to file reports with the House as required by the Congressional Budget Act;

(d) Authorize and issue subpoenas as provided in House Rule XI, clause 2(m), in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the committee;

(e) Prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities;

(f) Make any necessary technical and conforming changes to legislation reported by the committee upon unanimous consent; and

(g) Will designate a vice chairman from the majority party.

Rule 19.—Commemorative Stamps

The committee has adopted the policy that the determination of the subject matter of commemorative stamps properly is for consideration by the Postmaster General and that the committee will not give consideration to legislative proposals for the issuance of commemorative stamps. It is suggested that recommendations for the issuance of commemorative stamps be submitted to the Postmaster General.

II. SELECTED RULES OF THE HOUSE OF REPRESENTATIVES

A. 1. Powers and Duties of the Committee—Rule X of the House

House Rule X provides for the organization of standing committees. The first paragraph of clause 1 of Rule X and subdivision (h) thereof reads as follows:

ORGANIZATION OF COMMITTEES

Committees and their legislative jurisdictions

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:

* * * * *

(h) **Committee on Government Reform.**

(1) Federal civil service, including intergovernmental personnel; and the status of officers and employees of the United States, including their compensation, classification, and retirement.

(2) Municipal affairs of the District of Columbia in general (other than appropriations).

(3) Federal paperwork reduction.

(4) Government management and accounting measures generally.

(5) Holidays and celebrations.

(6) Overall economy, efficiency, and management of government operations and activities, including Federal procurement.

(7) National archives.

(8) Population and demography generally, including the Census.

(9) Postal service generally, including transportation of the mails.

(10) Public information and records.

(11) Relationship of the Federal Government to the States and municipalities generally.

(12) Reorganizations in the executive branch of the Government.

2. General Oversight Responsibilities—Rule X, Clauses 2 and 3 of the House

Clause 2 of Rule X relates to general oversight responsibilities. Paragraphs (a), (b), (c), (d), and (e) of clause 2 read as follows:

2. (a) The various standing committees shall have general oversight responsibilities as provided in paragraph (b) in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of Federal laws; and

(B) conditions and circumstances that may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of changes in Federal laws, and of such additional legislation as may be necessary or appropriate.

(b)(1) In order to determine whether laws and programs addressing subjects within the jurisdiction of a committee are being implemented and carried out in accordance with the intent of Congress and whether they should be continued, curtailed, or eliminated, each standing committee (other than the Committee on Appropriations) shall review and study on a continuing basis—

(A) the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction;

(B) the organization and operation of Federal agencies and entities having responsibilities for the administration and execution of laws and programs addressing subjects within its jurisdiction;

(C) any conditions or circumstances that may indicate the necessity or desirability of enacting new or additional legislation addressing subjects within its jurisdiction (whether or not a bill or resolution has been introduced with respect thereto); and

(D) future research and forecasting on subjects within its jurisdiction.

(2) Each committee to which subparagraph (1) applies having more than 20 members shall establish an oversight subcommittee, or require its subcommittees to conduct oversight in their respective jurisdictions, to assist in carrying out its responsibilities under this clause. The establishment of an oversight subcommittee does not limit the responsibility of a subcommittee with legislative jurisdiction in carrying out its oversight responsibilities.

(c) Each standing committee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction as described in clauses 1 and 3.

(d)(1) Not later than February 15 of the first session of a Congress, each standing committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plan for that Congress. Such plan shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing its plan each committee shall, to the maximum extent feasible—

(A) consult with other committees that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction with the objective of ensuring maximum coordination and cooperation among committees when conducting reviews of such laws, programs, or agencies and include in its plan an explanation of steps that have been or will be taken to ensure such coordination and cooperation;

(B) give priority consideration to including in its plan the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority; and

(C) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review every 10 years.

(2) Not later than March 31 in the first session of a Congress, after consultation with the Speaker, the Majority Leader, and the Minority Leader, the Committee on Government Reform shall report to the House the oversight plans submitted by committees together with any recommendations that it, or the House leadership group described above, may make to ensure the most effective coordination of oversight plans and otherwise to achieve the objectives of this clause.

(e) The Speaker, with the approval of the House, may appoint special ad hoc oversight committees for the purpose of reviewing specific matters within the jurisdiction of two or more standing committees.

Special oversight functions

Clause 3 of Rule X also relates to oversight functions. Paragraph (e) reads as follows:

* * * * *

(e) The Committee on Government Reform shall review and study on a continuing basis the operation of Government activities at all levels with a view to determining their economy and efficiency.

3. Additional Functions of Committees—Rule X, Clauses 4, 6 and 7 of the House

Clause 4 of Rule X relates to additional functions of committees and committee budgets. Paragraphs (a)(2), (c) and (f) of clause 4 and clauses 6 and 7 read as follows:

4. (a)

* * * * *

(2) Pursuant to section 401(b)(2) of the Congressional Budget Act of 1974, when a committee reports a bill or joint resolution that provides new entitlement authority as defined in section 3(9) of that Act, and enactment of the bill or joint resolution, as reported, would cause a breach of the committee's pertinent allocation of new budget authority under section 302(a) of that Act, the bill or joint resolution may be referred to the Committee on Appropriations with instructions to report it with recommendations (which may include an amendment limiting the total amount of new entitlement authority provided in the bill or joint resolution). If the Committee on Appropriations fails to report a bill or joint resolution so referred within 15 calendar days (not counting any day on which the House is not in session), the committee automatically shall be discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

* * * * *

(c)(1) The Committee on Government Reform shall—

(A) receive and examine reports of the Comptroller General of the United States and submit to the House such recommendations as it considers necessary or desirable in connection with the subject matter of the reports;

(B) evaluate the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(C) study intergovernmental relationships between the United States and the States and municipalities and between the United States and international organizations of which the United States is a member.

(2) In addition to its duties under subparagraph (1), the Committee on Government Reform may at any time conduct investigations of any matter without regard to clause 1, 2, 3, or this clause conferring jurisdiction over the matter to another standing committee. The findings and recommendations of the committee in such an investigation shall be made available to any other standing committee having jurisdiction over the matter involved and shall be included in the report of any such other committee when required by clause 3(c)(4) of rule XIII.

* * * * *

Budget Act responsibilities

(f)(1) Each standing committee shall submit to the Committee on the Budget not later than six weeks after the President submits his budget, or at such time as the Committee on the Budget may request—

(A) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year that are within its jurisdiction or functions; and

(B) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(2) The views and estimates submitted by the Committee on Ways and Means under subparagraph (1) shall include a specific recommendation, made after holding public hearings, as to the appropriate level of the public debt that should be set forth in the concurrent resolution on the budget and serve as the basis for an increase or decrease in the statutory limit on such debt under the procedures provided by rule XXIII.

Expense resolutions

6. (a) Whenever a committee, commission, or other entity (other than the Committee on Appropriations) is granted authorization for the payment of its expenses (including staff salaries) for a Congress, such authorization initially shall be procured by one primary expense resolution reported by the Committee on House Administration. A primary expense resolution may include a reserve fund for unanticipated expenses of committees. An amount from such a reserve fund may be allocated to a committee only by the approval of the Committee on House Administration. A primary expense resolution reported to the House may not be considered in the House unless a printed report thereon was available on the previous calendar day. For the information of the House, such report shall—

(1) state the total amount of the funds to be provided to the committee, commission, or other entity under the primary expense resolution for all anticipated activities and programs of the committee, commission, or other entity; and

(2) to the extent practicable, contain such general statements regarding the estimated foreseeable expenditures for the respective anticipated activities and programs of the committee, commission, or other entity as may be appropriate to provide the House with basic estimates of the expenditures contemplated by the primary expense resolution.

(b) After the date of adoption by the House of a primary expense resolution for a committee, commission, or other entity for a Congress, authorization for the payment of additional expenses (including staff salaries) in that Congress may be procured by one or more supplemental expense resolutions reported by the Committee on House Administration, as necessary. A supplemental expense resolution reported to the House may not be considered in the House unless a printed report thereon was available on the previous calendar day. For the information of the House, such report shall—

(1) state the total amount of additional funds to be provided to the committee, commission, or other entity under the supplemental expense resolution and the purposes for which those additional funds are available; and

(2) state the reasons for the failure to procure the additional funds for the committee, commission, or other entity by means of the primary expense resolution.

(c) The preceding provisions of this clause do not apply to—

(1) a resolution providing for the payment from committee salary and expense accounts of the House of sums necessary to pay compensation for staff services performed for, or to pay other expenses of, a committee, commission, or other entity at any time after the beginning of an odd-numbered year and before the date of adoption by the House of the primary expense resolution described in paragraph (a) for that year; or

(2) a resolution providing each of the standing committees in a Congress additional office equipment, airmail and special-delivery postage stamps, supplies, staff personnel, or any other specific item for the operation of the standing committees, and containing an authorization for the payment from committee salary and expense accounts of the House of the expenses of any of the foregoing items provided by that resolution, subject to and until enactment of the provisions of the resolution as permanent law.

(d) From the funds made available for the appointment of committee staff by a primary or additional expense resolution, the chairman of each committee shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the committee and that the minority party is treated fairly in the appointment of such staff.

(e) Funds authorized for a committee under this clause and clauses 7 and 8 are for expenses incurred in the activities of the committee.

Interim funding

7. (a) For the period beginning at noon on January 3 and ending at midnight on March 31 in each odd-numbered year, such sums as may be necessary shall be paid out of the committee salary and expense accounts of the House for continuance of necessary investigations and studies by—

(1) each standing and select committee established by these rules; and

(2) except as specified in paragraph (b), each select committee established by resolution.

(b) In the case of the first session of a Congress, amounts shall be made available under this paragraph for a select committee established by resolution in the preceding Congress only if—

(1) a resolution proposing to reestablish such select committee is introduced in the present Congress; and

(2) the House has not adopted a resolution of the preceding Congress providing for termination of funding for investigations and studies by such select committee.

(c) Each committee described in paragraph (a) shall be entitled for each month during the period specified in paragraph (a) to 9 percent (or such lesser percentage as may be determined by the Committee on House Administration) of the total annualized amount made available under expense resolutions for such committee in the preceding session of Congress.

(d) Payments under this paragraph shall be made on vouchers authorized by the committee involved, signed by the chairman of the committee, except as provided in paragraph (e), and approved by the Committee on House Administration.

(e) Notwithstanding any provision of law, rule of the House, or other authority, from noon on January 3 of the first session of a Congress until the election by the House of the committee concerned in that Congress, payments under this paragraph shall be made on vouchers signed by—

(1) the member of the committee who served as chairman of the committee at the expiration of the preceding Congress; or

(2) if the chairman is not a Member, Delegate, or Resident Commissioner in the present Congress, then the ranking member of the committee as it was constituted at the expiration of the preceding Congress who is a member of the majority party in the present Congress.

(f)(1) The authority of a committee to incur expenses under this paragraph shall expire upon adoption by the House of a primary expense resolution for the committee.

(2) Amounts made available under this paragraph shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(3) This clause shall be effective only insofar as it is not inconsistent with a resolution reported by the Committee on House Administration and adopted by the House after the adoption of these rules.

Travel

8. (a) Local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States or its territories or possessions. Appropriated funds, including those authorized under this clause and clauses 6 and 8, may not be expended for the purpose of defraying expenses of members of a committee or its employees in a country where local currencies are available for this purpose.

(b) The following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(1) A member or employee of a committee may not receive or expend local currencies for subsistence in a country for a day at a rate in excess of the maximum per diem set forth in applicable Federal law.

(2) A member or employee shall be reimbursed for his expenses for a day at the lesser of—

(A) the per diem set forth in applicable Federal law; or

(B) the actual, unreimbursed expenses (other than for transportation) he incurred during that day.

(3) Each member or employee of a committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and funds expended for any other official purpose and shall summarize in these categories the total foreign currencies or appropriated funds expended. Each report shall be filed with the chairman of the committee not later than 60 days following the completion of travel for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(c)(1) In carrying out the activities of a committee outside the United States in a country where local currencies are unavailable, a member or employee of a committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law.

(2) A member or employee shall be reimbursed for his expenses for a day, at the lesser of—

(A) the per diem set forth in applicable Federal law; or

(B) the actual unreimbursed expenses (other than for transportation) he incurred during that day.

(3) A member or employee of a committee may not receive reimbursement for the cost of any transportation in connection with travel outside the United States unless the member or employee actually paid for the transportation.

(d) The restrictions respecting travel outside the United States set forth in paragraph (c) also shall apply to travel outside the United States by a Member, Delegate, Resident Commissioner, officer, or employee of the House authorized under any standing rule.

Committee staffs

9. (a)(1) Subject to subparagraph (2) and paragraph (f), each standing committee may appoint, by majority vote, not more than 30 professional staff members to be compensated from the funds provided for the appointment of committee staff by primary and additional expense resolutions. Each professional staff member appointed under this subparagraph shall be assigned to the chairman and the ranking minority member of the committee, as the committee considers advisable.

(2) Subject to paragraph (f) whenever a majority of the minority party members of a standing committee (other than the Committee on Standards of Official Conduct or the Permanent Select Committee on Intelligence) so request, not more than 10 persons (or one-third of the total professional committee staff appointed under this clause, whichever is fewer) may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members under subparagraph (1). The committee shall appoint persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of a person so selected are unacceptable, a majority of the minority party members may select another person for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

(b)(1) The professional staff members of each standing committee—

(A) may not engage in any work other than committee business during congressional working hours; and

(B) may not be assigned a duty other than one pertaining to committee business.

(2) Subparagraph (1) does not apply to staff designated by a committee as "associate" or "shared" staff who are not paid exclusively by the committee, provided that the chairman certifies that the compensation paid by the committee for any such staff is commensurate with the work performed for the committee in accordance with clause 8 of rule XXIV.

(3) The use of any "associate" or "shared" staff by a committee shall be subject to the review of, and to any terms, conditions, or limitations established by, the Committee on House Administration in connection with the reporting of any primary or additional expense resolution.

(4) This paragraph does not apply to the Committee on Appropriations.

(c) Each employee on the professional or investigative staff of a standing committee shall be entitled to pay at a single gross per annum rate, to be fixed by the chairman and that does not exceed the maximum rate of pay as in effect from time to time under applicable provisions of law.

(d) Subject to appropriations hereby authorized, the Committee on Appropriations may appoint by majority vote such staff as it determines to be necessary (in addition to the clerk of the committee and assistants for the minority). The staff appointed under this paragraph, other than minority assistants, shall possess such qualifications as the committee may prescribe.

(e) A committee may not appoint to its staff an expert or other personnel detailed or assigned from a department or agency of the Government except with the written permission of the Committee on House Administration.

(f) If a request for the appointment of a minority professional staff member under paragraph (a) is made when no vacancy exists for such an appointment, the committee nevertheless may appoint under paragraph (a) a person selected by the minority and acceptable to the committee. A person so appointed shall serve as an additional member of the professional staff of the committee until such a vacancy occurs (other than a vacancy in the position of head of the professional staff, by whatever title designated), at which time that person is considered as appointed to that vacancy. Such a person shall be paid from the applicable accounts of the House described in clause 1(i)(1) of rule X. If such a vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill the vacancy.

(g) Each staff member appointed pursuant to a request by minority party members under paragraph (a), and each staff member appointed to assist minority members of a committee pursuant to an expense resolution described in paragraph (a) of clause 6, shall be accorded equitable treatment with respect to the fixing of the rate of pay, the assignment of work facilities, and the accessibility of committee records.

(h) Paragraph (a) may not be construed to authorize the appointment of additional professional staff members of a committee pursuant to a request under paragraph (a) by the minority party members of that committee if 10 or more professional staff members provided for in paragraph (a)(1) who are satisfactory to a majority of the minority party members are otherwise assigned to assist the minority party members.

(i) Notwithstanding paragraph (a)(2), a committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, by an affirmative vote of a majority of the members of the majority party and of a majority of the members of the minority party.

B. Procedure for Committees and Unfinished Business—Rule XI of the House

Clauses 1, 2, 4, 5 and 6 of Rule XI are set out below.

In general

1. (a)(1)(A) Except as provided in subdivision (B), the Rules of the House are the rules of its committees and subcommittees so far as applicable.

(B) A motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, each shall be privileged in committees and subcommittees and shall be decided without debate.

(2) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable.

(b)(1) Each committee may conduct at any time such investigations and studies as it considers necessary or appropriate in the exercise of its responsibilities under rule X. Subject to the adoption of expense resolutions as required by clause 6 of rule X, each committee may incur expenses, including travel expenses, in connection with such investigations and studies.

(2) A proposed investigative or oversight report shall be considered as read in committee if it has been available to the members for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).

(3) A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

(4) After an adjournment sine die of the last regular session of a Congress, an investigative or oversight report may be filed with the Clerk at any time, provided that a member who gives timely notice of intention to file supplemental, minority, or additional views shall be entitled to not less than seven calendar days in which to submit such views for inclusion in the report.

(c) Each committee may have printed and bound such testimony and other data as may be presented at hearings held by the committee or its subcommittees. All costs of stenographic services and transcripts in connection with a meeting or hearing of a committee shall be paid from the applicable accounts of the House described in clause 1(i)(1) of rule X.

(d)(1) Each committee shall submit to the House not later than January 2 of each odd-numbered year a report on the activities of that committee under this rule and rule X during the Congress ending at noon on January 3 of such year.

(2) Such report shall include separate sections summarizing the legislative and oversight activities of that committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee under clause 2(d) of rule X, a summary of the actions taken and recommendations made with respect to each such plan, a summary of any additional oversight activities undertaken by that committee, and any recommendations made or actions taken thereon.

(4) After an adjournment sine die of the last regular session of a Congress, the chairman of a committee may file an activities report under subparagraph (1) with the Clerk at any time and without approval of the committee, provided that—

(A) a copy of the report has been available to each member of the committee for at least seven calendar days; and

(B) the report includes any supplemental, minority, or additional views submitted by a member of the committee.

Adoption of written rules

2. (a)(1) Each standing committee shall adopt written rules governing its procedure. Such rules—

(A) shall be adopted in a meeting that is open to the public unless the committee, in open session and with a quorum present, determines by record vote that all or part of the meeting on that day shall be closed to the public;

(B) may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House; and

(C) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

(2) Each committee shall submit its rules for publication in the Congressional Record not later than 30 days after the committee is elected in each odd-numbered year.

Regular meeting days

(b) Each standing committee shall establish regular meeting days for the conduct of its business, which shall be not less frequent than monthly. Each such committee shall meet for the consideration of a bill or resolution pending before the committee or the transaction of other committee business on all regular meeting days fixed by the committee unless otherwise provided by written rule adopted by the committee.

Additional and special meetings

(c)(1) The chairman of each standing committee may call and convene, as he considers necessary, additional and special meetings of the committee for the consideration of a bill or resolution pending before the committee or for the conduct of other committee business, subject to such rules as the committee may adopt. The committee shall meet for such purpose under that call of the chairman.

(2) Three or more members of a standing committee may file in the offices of the committee a written request that the chairman call a special meeting of the committee. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If the chairman does not call the requested special meeting within three calendar days after the filing of the request (to be held within seven calendar days after the filing of the request) a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held. The written notice shall specify the date and hour of the special meeting and the measure or matter to be considered. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be considered at that special meeting.

Temporary absence of chairman

(d) A member of the majority party on each standing committee or subcommittee thereof shall be designated by the chairman of the full committee as the vice chairman of the committee or subcommittee, as the case may be, and shall preside during the absence of the chairman from any meeting. If the chairman and vice chairman of a committee or subcommittee are not present at any meeting of the committee or subcommittee, the ranking majority member who is present shall preside at that meeting.

Committee records

(e)(1)(A) Each committee shall keep a complete record of all committee action which shall include—

(i) in the case of a meeting or hearing transcript, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(ii) a record of the votes on any question on which a record vote is demanded.

(B)(i) Except as provided in subdivision (B)(ii) and subject to paragraph (k)(7), the result of each such record vote shall be made available by the committee for inspection by the public at reasonable times in its offices. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition, the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members of the committee present but not voting.

(ii) The result of any record vote taken in executive session in the Committee on Standards of Official Conduct may not be made available for inspection by the public without an affirmative vote of a majority of the members of the committee.

(2)(A) Except as provided in subdivision (B), all committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as its chairman. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Standards of Official Conduct, may not have access to the records of that committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of that committee.

(3) Each committee shall include in its rules standards for availability of records of the committee delivered to the Archivist of the United States under rule VII. Such standards shall specify procedures for orders of the committee under clause 3(b)(3) and clause 4(b) of rule VII, including a requirement that nonavailability of a record for a period longer than the period otherwise applicable under that rule shall be approved by vote of the committee.

(4) Each committee shall make its publications available in electronic form to the maximum extent feasible.

Prohibition against proxy voting

(f) A vote by a member of a committee or subcommittee with respect to any measure or matter may not be cast by proxy.

Open meetings and hearings

(g)(1) Each meeting for the transaction of business, including the markup of legislation, by a standing committee or subcommittee thereof (other than the Committee on Standards of Official Conduct or its subcommittee) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade, or incriminate any person, or otherwise would violate a law or rule of the House. Persons, other than members of the committee and such noncommittee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as the committee may authorize, may not be present at a business or markup session that is held in executive session. This subparagraph does not apply to open committee hearings, which are governed by clause 4(a)(1) of rule X or by subparagraph (2).

(2)(A) Each hearing conducted by a committee or subcommittee (other than the Committee on Standards of Official Conduct or its subcommittees) shall be open to the public, including to radio, television, and still photography coverage, except when the committee or subcommittee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House.

(B) Notwithstanding the requirements of subdivision (A), in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, a majority of those present may—

(i) agree to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger national security, would compromise sensitive law enforcement information, or would violate clause 2(k)(5); or

(ii) agree to close the hearing as provided in clause 2(k)(5).

(C) A Member, Delegate, or Resident Commissioner may not be excluded from nonparticipatory attendance at a hearing of a committee or subcommittee (other than the Committee on Standards of Official Conduct or its subcommittees) unless the House by majority vote authorizes a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures specified in this subparagraph for closing hearings to the public.

(D) The committee or subcommittee may vote by the same procedure described in this subparagraph to close one subsequent day of hearing, except that the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence, and the subcommittees thereof, may vote by the same procedure to close up to five additional, consecutive days of hearings.

(3) The chairman of each committee (other than the Committee on Rules) shall make public announcement of the date, place, and subject matter of a committee hearing at least one week before the commencement of the hearing. If the chairman of the committee, with the concurrence of the ranking minority member, determines that there is good cause to begin a hearing sooner, or if the committee so determines by majority vote in the presence of the number of members required under the rules of the committee for the transaction of business, the chairman shall make the announcement at the earliest possible date. An announcement made under this subparagraph shall be published promptly in the Daily Digest and made available in electronic form.

(4) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof. In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

(5)(A) Except as provided in subdivision (B), a point of order does not lie with respect to a measure reported by a committee on the ground that hearings on such measure were not conducted in accordance with this clause.

(B) A point of order on the ground described in subdivision (A) may be made by a member of the committee that reported the measure if such point of order was timely made and improperly disposed of in the committee.

(6) This paragraph does not apply to hearings of the Committee on Appropriations under clause 4(a)(1) of rule X.

Quorum requirements

(h)(1) A measure or recommendation may not be reported by a committee unless a majority of the committee is actually present.

(2) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which may not be less than two.

(3) Each committee (other than the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than the reporting of a measure or recommendation, which may not be less than one-third of the members.

Limitation on committee sittings

(i) A committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

Calling and questioning of witnesses

(j)(1) Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2)(A) Subject to subdivisions (B) and (C), each committee shall apply the five-minute rule during the questioning of witnesses in a hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

(B) A committee may adopt a rule or motion permitting a specified number of its members to question a witness for longer than five minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

(C) A committee may adopt a rule or motion permitting committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and the minority party and may not exceed one hour in the aggregate.

Investigative hearing procedures

(k)(1) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and of this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person—

(A) notwithstanding paragraph (g)(2), such testimony or evidence shall be presented in executive session if, in the presence of the number of members required under the rules of the committee for the purpose of taking testimony, the committee determines by vote of a majority of those present that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if the committee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) Evidence or testimony taken in executive session, and proceedings conducted in executive session, may be released or used in public sessions only when authorized by the committee, a majority being present.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinence of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

Supplemental, minority, or additional views

(l) If at the time of approval of a measure or matter by a committee (other than the Committee on Rules) a member of the committee gives notice of intention to file supplemental, minority, or additional views for inclusion in the report to the House thereon, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) to file such views, in writing and signed by that member, with the clerk of the committee.

Power to sit and act; subpoena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and rule X (including any matters referred to it under clause 2 of rule XII), a committee or subcommittee is authorized (subject to subparagraph (2)(A))—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it considers necessary; and

(B) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary.

(2) The chairman of the committee, or a member designated by the chairman, may administer oaths to witnesses.

(3)(A)(i) Except as provided in subdivision (A)(ii), a subpoena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of an investigation or series of investigations or activities only when authorized by the committee or subcommittee, a majority being present. The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chairman of the committee under such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by a member designated by the committee.

(ii) In the case of a subcommittee of the Committee on Standards of Official Conduct, a subpoena may be authorized and issued only by an affirmative vote of a majority of its members.

(B) A subpoena duces tecum may specify terms of return other than at a meeting or hearing of the committee or subcommittee authorizing the subpoena.

(C) Compliance with a subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

* * * * *

Audio and visual coverage of committee proceedings

4. (a) The purpose of this clause is to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings or committee meetings that are open to the public may be covered by audio and visual means—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body, and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution as an institution of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered under authority of this clause by audio or visual means, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or a Member, Delegate, or Resident Commissioner or bring the House, the committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(d) The coverage of committee hearings and meetings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever a hearing or meeting conducted by a committee or subcommittee is open to the public, those proceedings shall be open to coverage by audio and visual means. A committee or subcommittee chairman may not limit the number of television or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(f) Each committee shall adopt written rules to govern its implementation of this clause. Such rules shall contain provisions to the following effect:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the

members of the committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Pay of witnesses

5. Witnesses appearing before the House or any of its committees shall be paid the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, Delegates, the Resident Commissioner, and employees of the House, plus actual expenses of travel to or from the place of examination. Such per diem may not be paid when a witness has been summoned at the place of examination.

C. Filing and Printing of Reports—Rule XIII, Clauses 2, 3 and 4 of the House

2. (a)(1) Except as provided in subparagraph (2), all reports of committees (other than those filed from the floor as privileged) shall be delivered to the Clerk for printing and reference to the proper calendar under the direction of the Speaker in accordance with clause 1. The title or subject of each report shall be entered on the Journal and printed in the Congressional Record.

(2) A bill or resolution reported adversely shall be laid on the table unless a committee to which the bill or resolution was referred requests at the time of the report its referral to an appropriate calendar under clause 1 or unless, within three days thereafter, a Member, Delegate, or Resident Commissioner makes such a request.

(b)(1) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House a measure or matter approved by the committee and to take or cause to be taken steps necessary to bring the measure or matter to a vote.

(2) In any event, the report of a committee on a measure that has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which a written request for the filing of the report, signed by a majority of the members of the committee, has been filed with the clerk of the committee. The clerk of the committee shall immediately notify the chairman of the filing of such a request. This subparagraph does not apply to a report of the Committee on Rules with respect to a rule, joint rule, or order of business of the House, or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(c) All supplemental, minority, or additional views filed under clause 2(l) of rule XI by one or more members of a committee shall be included in, and shall be a part of, the report filed by the committee with respect to a measure or matter. When time guaranteed by clause 2(l) of rule XI has expired (or, if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk not later than one hour after the expiration of such time. This clause and provisions of clause 2(l) of rule XI do not preclude the immediate filing or printing of a committee report in the absence of a timely request for the opportunity to file supplemental, minority, or additional views as provided in clause 2(l) of rule XI.

Content of reports

3. (a)(1) Except as provided in subparagraph (2), the report of a committee on a measure or matter shall be printed in a single volume that—

(A) shall include all supplemental, minority, or additional views that have been submitted by the time of the filing of the report; and

(B) shall bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under paragraph (c)(3) or (4)) are included as part of the report.

(2) A committee may file a supplemental report for the correction of a technical error in its previous report on a measure or matter.

(b) With respect to each record vote on a motion to report a measure or matter of a public nature, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of members voting for and against, shall be included in the committee report. The preceding sentence does not apply to votes taken in executive session by the Committee on Standards of Official Conduct.

(c) The report of a committee on a measure that has been approved by the committee shall include, separately set out and clearly identified, the following:

(1) Oversight findings and recommendations under clause 2(b)(1) of rule X.

(2) The statement required by section 308(a) of the Congressional Budget Act of 1974, except that an estimate of new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant programs to the appropriate levels under current law.

(3) An estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 if timely submitted to the committee before the filing of the report.

(4) A summary of oversight findings and recommendations by the Committee on Government Reform under clause 4(c)(2) of rule X if such findings and recommendations have been submitted to the reporting committee in time to allow it to consider such findings and recommendations during its deliberations on the measure.

(d) Each report of a committee on a public bill or public joint resolution shall contain the following:

(1) A statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(2)(A) An estimate by the committee of the costs that would be incurred in carrying out the bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following that fiscal year (or for the authorized duration of any program authorized by the bill or joint resolution if less than five years);

(B) A comparison of the estimate of costs described in subdivision (A) made by the committee with any estimate of such costs made by a Government agency and submitted to such committee; and

(C) When practicable, a comparison of the total estimated funding level for the relevant programs with the appropriate levels under current law.

(3)(A) In subparagraph (2) the term "Government agency" includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(B) Subparagraph (2) does not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, or the Committee on Standards of Official Conduct, and does not apply when a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been included in the report under paragraph (c)(3).

(e)(1) Whenever a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof, it shall include in its report or in an accompanying document—

(A) the text of a statute or part thereof that is proposed to be repealed; and

(B) a comparative print of any part of the bill or joint resolution proposing to amend the statute and of the statute or part thereof proposed to be amended, showing by appropriate typographical devices the omissions and insertions proposed.

(2) If a committee reports a bill or joint resolution proposing to repeal or amend a statute or part thereof with a recommendation that the bill or joint resolution be amended, the comparative print required by subparagraph (1) shall reflect the changes in existing law proposed to be made by the bill or joint resolution as proposed to be amended.

* * * * *

Availability of reports

4. (a)(1) Except as specified in subparagraph (2), it shall not be in order to consider in the House a measure or matter reported by a committee until the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which each report of a committee on that measure or matter has been available to Members, Delegates, and the Resident Commissioner.

(2) Subparagraph (1) does not apply to—

(A) a resolution providing a rule, joint rule, or order of business reported by the Committee on Rules considered under clause 6;

(B) a resolution providing amounts from the applicable accounts described in clause 1(i)(1) of rule X reported by the Committee on House Administration considered under clause 6 of rule X;

(C) a resolution presenting a question of the privileges of the House reported by any committee;

(D) a measure for the declaration of war, or the declaration of a national emergency, by Congress; and

(E) a measure providing for the disapproval of a decision, determination, or action by a Government agency that would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress. In this subdivision the term "Government agency" includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or of the government of the District of Columbia.

(b) A committee that reports a measure or matter shall make every reasonable effort to have its hearings thereon (if any) printed and available for distribution to Members, Delegates, and the Resident Commissioner before the consideration of the measure or matter in the House.

(c) A general appropriation bill reported by the Committee on Appropriations may not be considered in the House until the third calendar day (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such a day) on which printed hearings of the Committee on Appropriations thereon have been available to Members, Delegates, and the Resident Commissioner.

III. SELECTED MATTERS OF INTEREST

A. 5 U.S.C. Sec. 2954. Information to Committees of Congress on Request

An Executive agency, on request of the Committee on Government Operations of the House of Representatives, or of any seven members thereof, or on request of the Committee on Government Operations of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee.

B. 18 U.S.C. Sec. 1505. Obstruction of Proceedings Before Departments, Agencies, and Committees

Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made under the Antitrust Civil Process Act, willfully withholds, misrepresents, removes from any place, conceals, covers up, destroys, mutilates, alters, or by other means falsifies any documentary material, answers to written interrogatories, or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or

Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power or inquiry under which any inquiry or investigation is being had by either House, or any committee or either House or any joint committee of the Congress—

Shall be fined not more than $5,000 or imprisoned not more than five years, or both.

C. 31 U.S.C. Sec. 712. Investigating the Use of Public Money

The Comptroller General shall—

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(3) analyze expenditures of each executive agency the Comptroller General believes will help Congress decide whether public money has been used and expended economically and efficiently;

(4) make an investigation and report ordered by either House of Congress or a committee of Congress having jurisdiction over revenue, appropriations, or expenditures; and

(5) give a committee of Congress having jurisdiction over revenue, appropriations, or expenditures the help and information the committee requests.

D. 31 U.S.C. Sec. 719. Comptroller General Reports

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(e) The Comptroller General shall report on analyses carried out under section 712(3) of this title to the Committees on Governmental Affairs and Appropriations of the Senate, the Committees on Government Operations and Appropriations of the House, and the committees with jurisdiction over legislation related to the operation of each executive agency.[1]

* * * * * * *

(i) On request of a committee of Congress, the Comptroller General shall explain to discuss with the committee or committee staff a report the Comptroller General makes that would help the committee—

(1) evaluate a program or activity of an agency within the jurisdiction of the committee; or

(2) in its consideration of proposed legislation.

E. 31 U.S.C. Sec. 717. Evaluating Programs and Activities of the United States Government

* * * * * * *

(d)(1) On request of a committee of Congress, the Comptroller General shall help the committee to—

(A) develop a statement of legislative goals and ways to assess and report program performance related to the goals, including recommended ways to assess performance, information to be reported, responsibility for reporting, frequency of reports, and feasibility of pilot testing; and

(B) assess program evaluations prepared by and for an agency.

(2) On request of a member of Congress, the Comptroller General shall give the member a copy of the material the Comptroller General compiles in carrying out this subsection that has been released by the committee for which the material was compiled.

F. 31 U.S.C. Sec. 1113. Congressional Information

(a)(1) When requested by a committee of Congress having jurisdiction over receipts or appropriations, the President shall provide the committee with assistance and information.

(2) When requested by a committee of Congress, additional information related to the amount of an appropriation originally requested by an Office of Inspector General shall be submitted to the committee.

(b) When requested by a committee of Congress, by the Comptroller General, or by the Director of the Congressional Budget Office, the Secretary of the Treasury, the Director of the Office of Management and Budget, and the head of each executive agency shall—

(1) provide information on the location and kind of available fiscal, budget, and program information;

(2) to the extent practicable, prepare summary tables of that fiscal, budget, and program information and related information of the committee, the Comptroller General, or the Director of the Congressional Budget Office considers necessary; and

(3) provide a program evaluation carried out or commissioned by an executive agency.

(c) In cooperation with the Director of the Congressional Budget Office, the Secretary, and the Director of the Office of Management and Budget, the Comptroller General shall—

(1) establish and maintain a current directory of sources of, and information systems for, fiscal, budget, and program information and a brief description of the contents of each source and system;

(2) when requested, provide assistance to committees of Congress and members of Congress in obtaining information from the sources in the directory; and

(3) when requested, provide assistance to committees and the extent practicable, to members of Congress in evaluating the information from the sources in the directory; and

(d) To the extent they consider necessary, the Comptroller General and the Director of the Congressional Budget Office individually or jointly shall establish and maintain a file of information to meet recurring needs of Congress for fiscal, budget, and program information to carry out this section and sections 717 and 1112 of this title. The file shall include information on budget requests, congressional authorizations to obligations and expenditures. The Comptroller General and the Director shall maintain the file and an index so that it is easier for the committees and agencies of Congress to use the file and index through data processing and communications techniques.

(e)(1) The Comptroller General shall—

(A) carry out a continuing program to identify the needs of committees and members of Congress for fiscal budget, and program information to carry out this section and section 1112 of this title;

(B) assist committees of Congress in developing their information needs;

(C) monitor recurring reporting requirements of Congress and committees; and

(D) make recommendations to Congress and committees for changes and improvements in those reporting requirements to meet information needs identified by the Comptroller General, to improve their usefulness to congressional users, and to eliminate unnecessary reporting.

(2) Before September 2 of each year, the Comptroller General shall report to Congress on—

(A) the needs identified under paragraph (1)(A) of this subsection;

(B) the relationship of those needs to existing reporting requirements;

(C) the extent to which reporting by the executive branch of the United States Government currently meets the identified needs;

(D) the changes to standard classifications necessary to meet congressional needs;

(E) activities, progress, and results of the program of the Comptroller General under paragraph (1)(B)-(D) of this subsection; and

(F) progress of the executive branch in the prior year.

(3) Before March 2 of each year, the Director of the Office of Management and Budget and the Secretary shall report to Congress on plans for meeting the needs identified under paragraph (1)(A) of this subsection, including—

(A) plans for carrying out changes to classifications to meet information needs of Congress;

(B) the status of information systems in the prior year; and

(C) the use of standard classifications.

(Public Law 97–258, Sept. 13, 1982, 96 Stat. 914; Public Law 97–452, §1(3), Jan. 12, 1983, 96 Stat. 2467.)

THE CHINA MARKET ACCESS AND EXPORT OPPORTUNITIES ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, last week, U.S. trade negotiators once again met with their Chinese counterparts in an attempt to discuss China's accession to the World Trade Organization, the WTO. Unfortunately, but also predictably, these talks did not produce any significant breakthroughs. The Chinese repeated their same old, unsatisfactory demands while offering only minimal concessions.

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[1] For other requirements which relate to General Accounting Office reports to Congress and which affect the committee, *see* secs. 232 and 236 of the Legislative Reorganization Act of 1970 (Public Law 91–150).

Though the Washington, D.C. rumor mill and so-called conventional wisdom are predicting that the forthcoming Sino-American meeting between President Clinton and Chinese Premier Zhu Rongji will showcase an agreement for China's WTO accession, the United States and China remain so far apart on so many trade issues that this Member is doubtful that a complete and commercially viable agreement can be reached in such a short time frame.

Instead, the President and the Premier will be faced with China continuing to have a huge and growing trade surplus with the United States. The record $60 billion trade deficit with China in 1998 represents a 15.5 percent increase over the 1997 level. Now as the trade deficit with China is averaging more than $1 billion per week, under current trends the projected trade deficit for 1999 could exceed $70 billion. It is also clear that the American exports will continue to face new and growing problems of access to the Chinese markets.

It seems to this Member that the underlying problem remains that China already enjoys, without making any real concessions, the low tariff benefit of normal trade with the United States. From the Chinese perspective, why should they change?

Recognizing that China gets a free ride into U.S. markets without giving U.S. exporters similar, fair treatment, the distinguished gentleman from Illinois (Mr. EWING), the distinguished gentleman from Mississippi (Mr. PICKERING) and this Member have again introduced legislation that gives American trade negotiators the tools needed to pry open China's markets as we did last Congress on May 22, 1997.

This legislation, the China Market Access and Export Opportunities Act, requires that China either make an acceptable offer to join the World Trade Organization or face snap-back tariffs. That is a reasonable approach to negotiations that are stymied and a U.S. trade deficit that is rapidly growing and unsustainable.

The Bereuter-Ewing-Pickering legislation will help induce China's leaders to comply with the world trade rules by eliminating our annual normal trade relations review when China accedes to the WTO. No longer will the President have to waive or certify that China meets Jackson-Vanik requirements. China, under this legislation, will receive normal trade status routinely unless either the Congress or the President use other existing authorities to raise tariffs on China's goods. As a result, this action will eliminate Beijing's contention that China could make all of the structural and trade liberalization changes necessary to join the WTO only to have the U.S. Congress continue its annual and increasingly contentious NTR reviews.

The China Market Access and Export Opportunities Act requires the President to first determine if China is, quote, not according adequate trade benefits, close quote, as defined in existing law to the United States; and second, if China is not taking adequate steps to become a WTO member by January 1, 2001. This is also the date by which the current bilateral U.S. trade agreement must be renewed. If the President makes a negative conclusion on either of these two findings, then the President shall announce the imposition of snap-back tariffs on China within 6 months of that determination. In imposing the snap-back tariffs, the President has wide discretion to determine both the amount of the tariff and on which categories of products the snap-back tariffs will be imposed. However, under no circumstances can the President exceed the legislation's snap-back tariff ceiling which is the pre-Uruguay round MFN tariff rate; in other words, the Column 1 tariff rates in effect on December 31, 1994.

A study by the Congressional Research Service estimates an additional $325 million in tariff revenue would be generated for the U.S. Treasury if the President were to utilize his full snap-back authority, for example, on just the top 25 Chinese exports to the United States. This estimate, based upon 1995 figures, is not adjusted to reflect any downward demand for the products due to the increased tariff.

The President would be required under this legislation to terminate the imposed snap-back tariffs on China on the date China becomes a WTO member or on the date the President determines that China is according adequate trade benefits to the United States and making significant steps to become a WTO member, whichever is earlier. The President also will be able to modify any of the snap-back tariffs upward within the cap or downward in response to Chinese actions or inactions as long as the appropriate congressional committees are notified.

Mr. Speaker, I urge my colleagues to support and cosponsor the Bereuter-Ewing-Pickering legislation.

Because the China Market Access and Export Opportunities Act proposes tariffs averaging from 4% to 7% rather than the average 44% tariff increase which would result if NTR is revoked, our proposal is realistic and enforceable and Beijing will have strong motive to move to WTO membership and reciprocally open their markets. Currently, China's leaders in effect ignore Congress' annual threat to revoke NTR because they know we will not impose such draconian tariffs on U.S. imports. China knows that the impact of such severe import duties on economies of important U.S. partners like Hong Kong and Taiwan would be excessively damaging. By giving the President the flexibility to vary and modify these tariffs within the statutorily imposed level, our "scalpel-like" snap-back mechanism—rather than the "meat axe" approach of the annual NTR process—greatly increases the United States Trade Representative's ability to negotiate acceptable terms for China's accession to the WTO. It is a realistic carrot-and-stick approach.

Mr. Speaker, China's desire to join the World Trade Organization represents a historic opportunity for the United States to level the playing field for U.S. companies, workers and farmers to sell their products in China. However, this opportunity will be lost if the U.S. Congress and the Administration do not agree on a responsible strategy to coax China into that organization after it has met eligibility standards. The China Market Access and Export Opportunities Act is a tough but reasonable way to pressure Beijing to eliminate those trade barriers and structural impediments which currently stand between China and its membership in the WTO. The economic and trade liberalization reforms in China which this legislation promotes will reduce our enormous and ever-growing bilateral trade deficit and benefit American workers and consumers while stimulating the most positive forces of political and social change in China. It is a win-win approach which this Member encourages his colleagues to support by supporting the Bereuter-Ewing-Pickering legislation being introduced today.

LEGISLATION TO AWARD A CONGRESSIONAL GOLD MEDAL TO ROSA PARKS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, I rise today to offer legislation to award a Congressional Gold Medal to Rosa Parks.

Rosa Parks is the Mother of America's Civil Rights movement. Her quiet courage that day in Montgomery, Alabama, touched off a new American revolution that opened new doors of opportunity and brought equality for all Americans close to a reality.

In 1955, Rosa Parks touched off the bus boycott in Montgomery, Alabama, when she was arrested for refusing to yield her seat at the front of the bus to a white man. Bone-weary from a long day at work, Rosa Parks was on her way home. The only seat available on the bus was in the "white" section. Outraged by her arrest, the black community in Montgomery launched a bus boycott demanding racial integration of the bus system.

The bus boycott introduced Dr. Martin Luther King, Jr. to America as a civil rights leader. Led by Dr. King, African-Americans took car-pools to their destinations in Montgomery and pushed the bus system to the brink of financial ruin. After months of running nearly-empty buses, Montgomery relented and agreed to integrate the system. For the first time bus riders, no matter what their color, could sit anywhere they wanted.

The movement sparked in Montgomery culminated in the Civil Rights Act, the Voting Rights Act and a new affirmation of the equal rights promised to all Americans by the Constitution.

The quiet courage of Rosa Parks changed the course of American history and came to symbolize the power of non-violent protest. In the 44 years since that cold winter Montgomery day, the Nation has derived immense benefit from her leadership and that of those she inspired. Rosa Parks continues to dedicate her life to the cause of universal human rights and has become a living icon for freedom in America.

My legislation will authorize the President to award Rosa Parks a gold medal, on behalf of Congress. It will authorize the U.S. Mint to strike and sell duplicates to the public.

Today is Rosa Parks' 86th birthday. It is time for Congress and the entire nation to join me in recognizing Rosa Parks' significant and historic contributions to American society. February is Black History month. This is the time for us to finally give Rosa Parks the recognition she has so long deserved.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CONDIT) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BEREUTER, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. STUMP, for 5 minutes, today.

Mr. ARCHER, for 5 minutes, today.

Mr. TALENT, for 5 minutes, today.

Mr. BURTON for Indiana for 5 minutes today.

ADJOURNMENT

Mr. BEREUTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes a.m.), under its previous order, the House adjourned until Monday, February 8, 1999, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third and fourth quarters of 1998 by Committees of the House of Representatives, as well as consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during third quarter of 1998, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Diane Roark	8/14	8/19	Asia		267.27						267.27
Commercial airfare							1,183.74				1,183.74
Patrick Murray	8/18	8/23	Europe		1,928.00						1,928.00
Commercial airfare							5,251.57				5,251.57
Merrell Morehead	8/18	8/23	Europe		1,928.00						1,928.00
Commercial airfare							5,251.57				5,251.57
William McFarland	8/18	8/23	Europe		1,928.00						1,928.00
Commercial airfare							5,251.57				5,251.57
Catherine Eberwein	8/20	8/31	Europe		2,916.00						2,916.00
Commercial airfare							4,838.86				4,838.86
Elizabeth Larson	8/24	9/4	Europe		3,062.00						3,062.00
Commercial airfare							6,329.15				6,329.15
Committee total					12,029.27		28,106.46				40,135,73

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman, Nov. 12, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB SMITH, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 30, AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Timothy Peterson	10/22	10/26	Canada		422.50						422.50
Commercial airfare							835.15				835.15
James W. Dyer	11/2	11/4	Czech Republic		464.00						464.00
	11/4	11/6	Switzerland		858.00						858.00
Commercial airfare							5,432.86				5,432.86
Valerie L. Baldwin	11/2	11/4	Czech Republic		464.00						464.00
	11/4	11/6	Switzerland		858.00						858.00
	11/6	11/8	Italy		578.00						578.00
Commercial airfare							5,941.86				5,941.86
John Shank	11/2	11/4	United Kingdom		630.00						630.00
	11/4	11/6	Switzerland		572.00						572.00
	11/6	11/10	Italy		1,445.00						1,445.00
Commercial airfare							6,253.50				6,253.50
John J. Ziolkowski	11/7	11/11	Italy		1,017.00						1,017.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 30, AND DEC. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial airfare							5,127.17				5,127.17
James T. Walsh	11/29	12/2	India		867.00						867.00
	12/2	12/7	Nepal		1,344.00						1,344.00
Commercial airfare							2,307.00				2,307.00
Committee total					9,519.50		25,897.54				35,417.04
Committee on Appropriations, Surveys and Investigations Staff:											
T.J. Booth	11/6	11/10	Bahrain		632.50		5,569.84		251.21		6,453.55
	11/10	11/11	United Arab Emirates		228.00						228.00
	11/11	11/14	Saudi Arabia		711.25						711.25
	11/14	11/16	Bahrain		392.00						392.00
N.H. Gardner	12/3	12/5	China		717.50		9,341.54		23.44		10,082.48
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
M.O. Glynn	11/13	11/18	Italy		1,141.25		5,747.02		122.00		7,010.27
	11/18	11/20	Turkey		236.25						236.25
	11/20	11/21	The Netherlands		231.00						231.00
R.D. Green	11/7	11/21	Germany		2,549.75		5,242.89		26.40		7,819.04
C.L. Hauver	12/3	12/5	China		717.50		9,341.54		73.57		10,132.61
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
W.C. Hersman	11/7	11/18	Italy		2,052.00		5,636.97		32.00		7,720.97
	11/18	11/20	Turkey		236.25						236.25
	11/20	11/21	The Netherlands		231.00						231.00
T.E. Hobbs	11/13	11/18	Italy		1,058.75		5,494.74		42.88		6,596.37
R.A. Jaxel	11/7	11/18	Italy		2,052.00		5,636.97		102.95		7,791.92
	11/18	11/20	Turkey		236.25						236.25
	11/20	11/21	The Netherlands		231.00						231.00
D.K. Lutz	11/6	11/10	Bahrain		632.50		5,931.84		218.01		6,782.35
	11/10	11/11	United Arab Emirates		228.00						228.00
	11/11	11/14	Saudi Arabia		711.25						711.25
	11/14	11/16	Bahrain		441.00						441.00
H.P. McDonald	12/3	12/5	China		717.50		9,341.54		130.64		10,189.68
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
R.H. Pearre	11/7	11/15	Italy		1,342.25		5,227.15		132.79		6,702.19
R.J. Reitwiesner	11/6	11/10	Bahrain		632.50		5,569.84		230.21		6,432.55
	11/10	11/11	United Arab Emirates		228.00						228.00
	11/11	11/14	Saudi Arabia		711.25						711.25
	11/14	11/16	Bahrain		392.00						392.00
F.R. Stevens	11/7	11/21	Germany		2,807.50		5,496.84		195.20		8,499.54
R.W. Vandergrift	12/3	12/5	China		717.50		9,341.54		281.06		10,340.10
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
T.P. Wyman	12/3	12/5	China		717.50		9,341.54		247.12		10,306.16
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
Committee total					28,330.00		102,261.80		2,109.48		132,704.28

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL YOUNG, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ellen Kuo	11/29	12/4	Brazil		1,453.00		1,990.00				3,443.00
Committee total					1,453.00		1,990.00				3,443.00

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM LEACH, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN R. KASICH, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT.1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Peter Deutsch	12/11	12/15	Israel				2,648.00				2,648.00
Committee total							2,648.00				2,648.00

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM BLILEY, Chairman, Jan. 19, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL GOODLING, Chairman, Feb. 1, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Feb. 1, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Ukraine and Russia, Nov. 7–13, 1998:											
Mr. David J. Trachtenberg	11/7	11/10	Ukraine		1,140.00						1,140.00
	11/10	11/13	Russia		873.00						873.00
Commercial airfare							5,333.07				5,333.07
Visit to Korea, Nov. 18–21, 1998:											
Hon. Gene Taylor	11/18	11/21	Korea		786.00						786.00
Commercial airfare							3,736.00				3,736.00
Mr. Dudley L. Tademy	11/18	11/21	Korea		786.00						786.00
Commercial airfare							3,736.00				3,736.00
Visit to Nicaragua and Honduras, Nov. 29–Dec. 1, 1998:											
Hon. Solomon P. Ortiz	11/29	12/1	Nicaragua		440.21						440.21
	12/1	12/1	Honduras								
Visit to Germany, Nov. 30–Dec. 5, 1998:											
Ms. Mieke Y. Eoyang	11/30	12/5	Germany		1,250.00						1,250.00
Commercial airfare							3,839.55				3,839.55
Visit to the United Kingdom, Belgium, Russia and Czech Republic, Nov. 30–Dec. 10, 1998:											
Hon. Ike Skelton	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Neil Abercrombie	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Loretta Sanchez	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Adam Smith	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Vic Snyder	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Thomas P. Glakas	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Dudley L. Tademy	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Visit to Panama, Dec. 6–8, 1998:											
Mr. Christain P. Zur	12/6	12/8	Panama		243.00						243.00
Commercial airfare							1,126.50				1,126.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Belgium, Germany, Bosnia and Macedonia, Dec. 10–15, 1998:											
Hon. Ellen O. Tauscher	12/10	12/10	Belgium								
	12/10	12/11	Germany		113.00						113.00
	12/11	12/14	Bosnia		1,053.00						1,053.00
	12/14	12/15	Macedonia		175.00						175.00
Commercial airfare							4,693.93				4,693.93
Mr. William H. Natter	12/10	12/10	Belgium								
	12/10	12/11	Germany		113.00						113.00
	12/11	12/14	Bosnia		1,053.00						1,053.00
	12/14	12/15	Macedonia		175.00						175.00
Commercial airfare							4,693.93				4,693.93
Committee total					30,950.21		27,158.98				58,109.19

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE, Chairman, Jan. 29, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. David Dreier	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Tony P. Hall	11/7	11/15	S. Korea, N Korea, Japan		1,492.00		5,716.00				7,208.00
Committee total					3,131.00		5,716.00				8,847.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JERRY SOLOMON, Chairman, Dec. 31, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Phil Kiko	11/13	11/17	New Zealand		1,070.00		1,936.00				3,006.00
	11/17	11/21	Antarctica								
	11/21	11/22	New Zealand								
William Stiles	11/14	11/17	New Zealand		875.00		2,394.67				3,269.67
	11/17	11/21	Antarctica								
	11/21	12/01	New Zealand								
Steve Eule	11/14	11/17	New Zealand		875.00		2,376.00				3,251.00
	11/17	11/21	Antarctica								
	11/21	11/22	New Zealand								
Hon. George E. Brown, Jr	12/5	12/13	Mexico		1,919.00		515.90				2,434.90
Michael Quear	12/5	12/13	Mexico		1,919.00		551.70				2,470.70
Myndii Gottlieb	12/6	12/12	Mexico		1,422.00		713.94				2,135.94
Committee total					8,080.00		8,488.21				16,568.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, JR., Chairman, Dec. 21, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM TALENT, Chairman, Feb. 2, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Philip Crane	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Wally Herger	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Nancy L. Johnson	12/3	12/7	New Zealand		865.00		(3)				865.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Jennifer Dunn	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Karen Thurman	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Chris Smith	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Meredith Broadbent	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Angela Ellard	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Karen Humbel	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Donna Thiessen	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
CODE expense	12/7	12/12	Australia				8,434.00				8,434.00
	12/7	12/12	Australia						15,414.00		15,414.00
Committee total					16,390.00		8,434.00		15,414.00		40,238.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL ARCHER, Chairman, Jan. 28, 1999.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO THE NORTH ATLANTIC ASSEMBLY AND BRITISH-AMERICAN PARLIAMENTARY GROUP, EXPENDED BETWEEN NOV. 8 AND NOV. 15, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	11/8	11/13	Scotland		1,810.00						
	11/13	11/16	England		1,095.00						2,905.00
Hon. Tim Bliley	11/8	11/13	Scotland		1,810.00						
	11/13	11/15	England		730.00						2,540.00
Hon. Sherwood Boehlert	11/8	11/13	Scotland		1,810.00						
	11/13	11/16	England		1,095.00						2,905.00
Hon. Roy Blunt	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Herb Bateman	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Vernon Ehlers	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Joel Hefley	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Paul Gillmor	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Scott McGinnis	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Owen Pickett	11/10	11/13	Scotland		1,086.00						
	11/13	11/15	England		730.00						1,816.00
Hon. Ralph Regula	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Marge Roukema	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Floyd Spence	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. John Tanner	11/10	11/13	Scotland		1,086.00						
	11/13	11/15	England		730.00						1,816.00
Hon. Robert Wise	11/10	11/13	Scotland		1,086.00						
	11/13	11/15	England		730.00						1,816.00
Susan Olson	11/8	11/13	Scotland		1,810.00						
	11/13	11/16	England		1,095.00						2,905.00
Jo Weber	11/8	11/12	Scotland		1,448.00						
	11/12	11/16	England		1,460.00						2,908.00
Mike Ennis	11/10	11/14	Scotland		1,448.00						1,448.00
Robin Evans	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Linda Pedigo	11/10	11/14	Scotland		1,448.00						1,448.00
David Goldston	11/10	11/13	Scotland		1,086.00						1,086.00
Bob King	11/10	11/14	Scotland		1,448.00						1,448.00
Brent Parker	11/12	11/16	England		1,460.00						1,460.00
Total					48,311.00						48,311.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Jan. 5, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO ARGENTINA, EXPENDED BETWEEN NOV. 1 AND NOV. 16, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Joe Barton	11/10	11/13	Argentina		479.00		1,606.50				2,085.50
Hon. Ken Calvert	11/8	11/13	Argentina		753.00		4,555.50				5,308.50
Hon. John Dingell	11/10	11/12	Argentina		237.00		3,893.50				4,130.50
Hon. Jo Ann Emerson	11/6	11/13	Argentina		753.00		4,124.50				4,877.50
Hon. Ron Klink	11/10	11/13	Argentina		479.00		1,449.50				1,928.50
Hon. Joe Knollenberg	11/8	11/15	Argentina		753.00		4,047.50				4,800.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO ARGENTINA, EXPENDED BETWEEN NOV. 1 AND NOV. 16, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Dennis Kucinich	11/7	11/13	Argentina		890.00		2,292.50				3,182.50
Hon. F. James Sensenbrenner	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Hon. Peter DeFazio	11/10	11/14	Argentina		479.00		5,843.50				6,322.50
Alssondra Campaigne	11/9	11/14	Argentina		616.00		1,605.50				2,221.50
Robert Hood	11/10	11/14	Argentina		479.00		4,319.50				4,798.50
Dennis Fitzgibbons	11/9	11/13	Argentina		616.00		4,367.50				4,983.50
Mark Kirk	11/10	11/14	Argentina		616.00		7,923.50				8,539.50
Kyle Mulhall	11/8	11/13	Argentina		616.00		1,217.50				1,833.50
Todd Schultz	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Catherine VanWay	11/7	11/16	Argentina		890.00		4,124.50				5,014.50
Harlan Watson	11/1	11/14	Argentina		1,986.00		4,367.50				6,353.50
Committee total					12,422.00		64,473.00				76,895.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, Jr., Dec. 10, 1998.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO ARGENTINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 1 AND NOV. 16, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Joe Barton	11/10	11/13	Argentina		479.00		1,606.50				2,085.50
Hon. Ken Calvert	11/8	11/13	Argentina		753.00		4,555.50				5,308.50
Hon. Jo Ann Emerson	11/6	11/13	Argentina		753.00		4,124.50				4,877.50
Hon. Ron Klink	11/10	11/13	Argentina		479.00		1,449.50				1,928.50
Hon. Joe Knollenberg	11/8	11/15	Argentina		753.00		4,047.50				4,800.50
Hon. Dennis Kucinich	11/7	11/13	Argentina		890.00		2,292.50				3,182.50
Hon. F. James Sensenbrenner	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Hon. Peter DeFazio	11/10	11/14	Argentina		479.00		5,843.50				6,322.50
Alssondra Campaigne	11/9	11/14	Argentina		616.00		1,605.00				2,221.00
Robert Hood	11/10	11/14	Argentina		479.00		4,319.50				4,798.50
Dennis Fitzgibbons	11/9	11/13	Argentina		616.00		4,367.50				4,983.50
Mark Kirk	11/10	11/14	Argentina		616.00		7,923.50				8,539.50
Kyle Mulhall	11/8	11/13	Argentina		616.00		1,217.50				1,833.50
Todd Schultz	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Catherine VanWay	11/7	11/16	Argentina		890.00		4,124.50				5,014.50
Harlan Watson	11/1	11/14	Argentina		1,986.00		4,367.50				6,353.50
Committee Total					12,185.00		60,579.50				72,764.50

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, Jr., Dec. 10, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO LEBANON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 21 AND NOV. 25, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Ray LaHood	11/22	11/25	Lebanon		250.00		(3)				250.00
Hon. Nick Rahall	11/22	11/25	Lebanon		250.00		(3)				250.00
Diane Liesman	11/22	11/25	Lebanon		250.00		(3)				250.00
Total					750.00						750.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

RAY LAHOOD, Dec. 16, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SOUTH KOREA, NORTH KOREA, AND JAPAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 5 AND NOV. 15, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Deborah DeYoung	11/6	11/15	South Korea, North Korea, Japan		1,492.00		5,581.00				7,073.00
Total					1,492.00		5,581.00				7,073.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TONY P. HALL, Dec. 18, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 8 AND NOV. 12, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kristan Mack	11/9	11/12	Russia		965.00		135.00				1,100.00
Total					965.00		135.00				1,100.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTAN MACK, Dec. 8, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL TO NICARAGUA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 29 AND DEC. 1, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Solomon Ortiz	11/29	12/1	Nicaragua		187.50						187.50
Committee total					187.50						187.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CASS BALLENGER, Dec. 10, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO KUWAIT, TAIWAN, AND THE PHILIPPINES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 30 AND DEC. 11, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Albert Santoci	11/30	12/2	Kuwait		676.00						676.00
	12/2	12/5	Taiwan		1,180.00						1,180.00
	12/5	12/11	Philippines		804.00						804.00
Committee Total					2,660.00						2,660.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALBERT M. SANTOCI, Jan. 10, 1999.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

334. A letter from the Acting Assistant Secretary, Force Management Policy, Department of Defense, transmitting a report on Department of Defense actions to implement a demonstration project for uniform funding of morale, welfare, and recreation activities; to the Committee on Armed Services.

335. A letter from the Vice Chair, Export-Import Bank, transmitting a statement on the following transaction involving U.S. exports to Ireland; to the Committee on Banking and Financial Services.

336. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Final Rule: Requirements for Child-Resistant Packaging; Minoxidil Preparations With More Than 14 mg of Minoxidil Per Package—received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

337. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Poison Prevention Packaging Requirements; Exemption of Sucraid—received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

338. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Temporary Exemption From Motor Vehicle Safety Standards; Bumper Standard [Docket No. NHTSA-99-4993] (RIN: 2127-AH51) received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

339. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 [CC Docket No. 94-129] received January 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

340. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Custody of Investment Company Assets Outside the United States [Release Nos. IC-23670; IS-1179; File No. S7-23-95] (RIN: 3235-AE98) received January 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

341. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

342. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued or released by the GAO in November 1998, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

343. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received February 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

344. A letter from the Director, Information Agency, transmitting a report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

345. A letter from the Chairman, Board of Governors, United States Postal Service, transmitting the annual report regarding the compliance of the Board of Governors of the United States Postal Service with the Government in the Sunshine Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

346. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Montana Regulatory Program and Abandoned Mine Land Reclamation Plan [SPATS No. MT-017-FOR] received January 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

347. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Montana Regulatory Program and Abandoned Mine Land Reclamation Plan [SPATS No. MT-017-FOR] received January 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

348. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace, Revision of Class D Airspace; Torrance, CA [Airspace Docket No. 98-AWP-34] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

349. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Realignment of Federal Airways and Jet Routes; TX [Airspace Docket No. 98–ASW–30] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

350. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Monroe, LA [Airspace Docket No. 98–ASW–55] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

351. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; San Antonio, TX [Airspace Docket No. 98–ASW–54] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

352. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Maquoketa, IA [Airspace Docket No. 98–ACE–50] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

353. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Belle Plaine, IA [Airspace Docket No. 98–ACE–51] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

354. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 98–NM–276–AD; Amendment 39–11004; AD 99–02–12] (RIN: 2120–AA64) received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

355. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 98–NM–140–AD; Amendment 39–11003; AD 99–02–11] (RIN: 2120–AA64) received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

356. A letter from the Chief, Regulations Branch, Customs Service, transmitting the Service's final rule—Land Border Carrier Initiative Program [T.D. 99–2] (RIN: 1515–AC16) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

357. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice and Opportunity for Hearing upon Filing of Notice of Lien [TD 8810] (RIN: 1545–AW77) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

358. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice and Opportunity for Hearing before Levy [TD 8809] (RIN: 1545–AW76) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

359. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Employee Stock Ownership Plans; Section 411(d)(6) Protected Benefits (Taxpayer Relief Act of 1997); Qualified Retirement Plan Benefits [TD 8806] (RIN: 1545–AV94) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELDON of Pennsylvania (for himself, Mr. SPRATT, Mr. BLILEY, Mr. BARTLETT of Maryland, Mr. HANSEN, Mr. HILLEARY, Mr. HEFLEY, MRS. FOWLER, MS. GRANGER, Mr. SAXTON, Mr. GILMAN, Mr. CRAMER, Mr. SNYDER, Mr. SISISKY, Mr. TOOMEY, Mr. THORNBERRY, Mr. WATTS of Oklahoma, Mr. ARMEY, Mr. TURNER, Mr. MURTHA, Mr. BRADY of Pennsylvania, Mr. HOYER, Mr. RYUN of Kansas, Mr. MEEHAN, Mr. SKELTON, Mr. HUNTER, Mr. TAYLOR of Mississippi, Mr. ANDREWS, Mr. HALL of Texas, Mr. BLAGOJEVICH, Mr. COX of California, Mr. DICKS, Mr. BEREUTER, Mr. DELAY, Mr. JONES of North Carolina, Mr. UNDERWOOD, Mr. HOSTETTLER, Mr. ENGLISH of Pennsylvania, Mr. KNOLLENBERG, Mr. ABERCROMBIE, Mr. EVERETT, Mr. ORTIZ, Mr. BATEMAN, Mr. REYES, Mr. PICKETT, Mr. GIBBONS, Mr. PETERSON of Pennsylvania, Mr. SCHAFFER, Mr. STENHOLM, Mr. CONDIT, Mr. LEWIS of California, Mr. CUNNINGHAM, Mr. EDWARDS, Mr. TANNER, Mr. SPENCE, Mr. MALONEY of Connecticut, Mr. SCOTT, Mr. GOODE, Mr. BERRY, and Mr. HILL of Indiana):

H.R. 4. A bill to declare it to be the policy of the United States to deploy a national missile defense; referred to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT:

H.R. 570. A bill to amend the Internal Revenue Code of 1986 to extend the deadline for contributions to education individual retirement accounts for a taxable year to the due date for filing the return for the taxable year; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 571. A bill to prohibit Federal payments to any business, institution, or organization that engages in human cloning or human cloning techniques; to the Committee on Commerce.

By Mr. KLECZKA:

H.R. 572. A bill to remove any doubt that split-dollar insurance arrangements are an unwarranted tax avoidance scheme and are prohibited under current law; to the Committee on Ways and Means.

By Ms. CARSON (for herself, Mr. HOUGHTON, Mr. CONDIT, Mr. WATTS of Oklahoma, Mr. SHOWS, Mr. HORN, Ms. KILPATRICK, Mr. PORTMAN, Mr. POMEROY, Mr. GIBBONS, Mr. EDWARDS, Mrs. MORELLA, Mr. FATTAH, Mr. DIXON, Mrs. MALONEY of New York, Ms. MCKINNEY, Mr. MCDERMOTT, Ms. RIVERS, Mr. MEEHAN, Mr. FORD, Mr. WEYGAND, Mrs. CLAYTON, Mr. MEEKS of New York, Mr. ROEMER, Mr. VISCLOSKY, Mr. NEAL of Massachusetts, Mr. UNDERWOOD, Ms. LEE, Mr. CUMMINGS, Mr. HILLIARD, Mr. WAXMAN, Ms. NORTON, Mr. SPRATT, Mr. FROST, Mr. GEJDENSON, Mr. WYNN, Mr. SCOTT, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Ms. KAPTUR, Mr. CONYERS, Ms. PELOSI, Mrs. MEEK of Florida, Mr. STARK, Mr. MORAN of Virginia, Mr. BALDACCI, Mr. REYES, Mrs. THURMAN, Mr. LAMPSON, Ms. WATERS, Mr. THOMPSON of Mississippi, Ms. SCHAKOWSKY, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. TIERNEY, Mr. KENNEDY, Mr. GREEN of Texas, Ms. CHRISTIAN-CHRISTENSEN, Mr. HILL of Indiana, Mr. TRAFICANT, Mr. BROWN of Ohio, Mr. MCGOVERN, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Mr. CLAY, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. PAYNE, Mr. WATT of North Carolina, Mr. OLVER, Mr. BARRETT of Wisconsin, Mr. STUPAK, Ms. DELAURO, Mr. BRADY of Pennsylvania, Mr. ENGEL, Mr. VENTO, Mr. ALLEN, Ms. SLAUGHTER, Mr. DELAHUNT, Mr. CLYBURN, Mr. SKELTON, Mrs. MINK of Hawaii, and Mr. SNYDER):

H.R. 573. A bill to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation; to the Committee on Banking and Financial Services.

By Mr. POMBO (for himself, Mr. DOOLITTLE, Mr. NORWOOD, and Mr. COBURN):

H.R. 574. A bill to require peer review of scientific data used in support of Federal regulations, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER:

H.R. 575. A bill to provide that certain regulations proposed by the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation relating to "Know Your Customer" practices of financial institutions shall not take effect; to the Committee on Banking and Financial Services.

By Mr. BENTSEN:

H.R. 576. A bill to amend title 4, United States Code, to add the Martin Luther King, Jr. holiday to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mr. BEREUTER (for himself, Mr. EWING, and Mr. PICKERING):

H.R. 577. A bill to encourage the People's Republic of China to join the World Trade Organization by removing China from title IV of the Trade Act of 1974 upon its accession to the World Trade Organization and to provide a more effective remedy for inadequate trade benefits extended by the People's Republic of China to the United States; to the Committee on Ways and Means.

By Mr. CONDIT:

H.R. 578. A bill to amend the Consolidated Farm and Rural Development Act to provide for the conveyance of real property acquired under such Act to schools and nonprofit organizations involved in teaching young people to be farmers; to the Committee on Agriculture.

By Mr. CONDIT:

H.R. 579. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase and installation of agricultural water conservation systems; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 580. A bill to amend the Internal Revenue Code of 1986 to apply the capital gains tax rates to capital gains earned by designated settlement funds; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 581. A bill to provide for the retention of the name of the geologic formation known as "Devils Tower" at the Devils Tower National Monument in the State of Wyoming; to the Committee on Resources.

By Mr. DAVIS of Virginia (for himself, Mr. Moran of Virginia, Mrs. Morella, and Mr. Hoyer):

H.R. 582. A bill to amend title 5, United States Code, to provide for more equitable policies relating to overtime pay for Federal employees; to the Committee on Government Reform.

By Mr. DAVIS of Virginia:

H.R. 583. A bill to provide that the provisions of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, that apply with respect to law enforcement officers be made applicable with respect to Assistant United States Attorneys; to the Committee on Government Reform.

By Mr. ENGLISH of Pennsylvania:

H.R. 584. A bill to authorize and request the President to award the Medal of Honor posthumously to Brevet Brigadier General Strong Vincent for his actions in the defense of Little Round Top at the Battle of Gettysburg, July 2, 1863; to the Committee on Armed Services.

By Mr. ENGLISH of Pennsylvania:

H.R. 585. A bill to amend the Internal Revenue Code of 1986 to allow the work opportunity credit against the alternative minimum tax; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 586. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers with certain persons requiring custodial care in their households; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 587. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 588. A bill to amend the Internal Revenue Code of 1986 to permit private educational institutions to maintain qualified tuition programs which are comparable to qualified State tuition programs, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania:

H.R. 589. A bill to amend the Internal Revenue Code of 1986 to reduce the special deduction for the living expenses of Members of Congress to $1; to the Committee on Ways and Means.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Largent, Ms. Rivers, Mrs. Emerson, Mr. Hostettler, and Mr. Goode):

H.R. 590. A bill to eliminate automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA (for himself, Mr. Bliley, Mr. Weldon of Pennsylvania, Mr. Kolbe, and Mr. Sweeney):

H.R. 591. A bill to provide funds to States to establish and administer periodic teacher testing and merit pay programs for elementary and secondary school teachers; to the Committee on Education and the Workforce.

By Mr. FOSSELLA:

H.R. 592. A bill to redesignate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills"; to the Committee on Resources.

By Mr. GILCHREST:

H.R. 593. A bill to amend the Federal Election Campaign Act of 1971 to prohibit nonparty multicandidate political committee contributions in elections for Federal office; to the Committee on House Administration.

By Mr. GILCHREST:

H.R. 594. A bill to amend the Federal Election Campaign Act of 1971 to prohibit candidates for election to the House of Representatives from accepting contributions from individuals who do not reside in the district the candidate seeks to represent; to the Committee on House Administration.

By Mr. GUTIERREZ (for himself, Mr. Fattah, Mr. Frank of Massachusetts, Mr. Borski, Mr. Capuano, Mr. Davis of Illinois, Mr. Evans, Ms. Lee, Mr. Lipinski, Mr. Meeks of New York, Mr. Rush, Ms. Schakowsky, Mr. Shows, and Mr. Towns):

H.R. 595. A bill to establish a program to assist homeowners experiencing unavoidable, temporary difficulty making payments on mortgages insured under the National Housing Act; to the Committee on Banking and Financial Services.

By Mr. LAHOOD:

H.R. 596. A bill to amend title 39, United States Code, to prevent certain types of mail matter from being sent by a Member of the House of Representatives as part of a mass mailing; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD (for herself, Mr. Coburn, Mr. LaTourette, Ms. Jackson-Lee of Texas, Mr. Smith of New Jersey, Mr. Serrano, Ms. Kilpatrick, Mrs. Clayton, Ms. Pelosi, Ms. Christian-Christensen, Mr. McDermott, Mr. Ford, Mrs. Mink of Hawaii, Mr. Lantos, Mr. Stark, Mr. Inslee, Mr. English of Pennsylvania, Mr. Frost, Mrs. Jones of Ohio, Mr. Baldacci, Ms. Woolsey, Mr. McNulty, Mr. Green of Texas, Mr. Rangel, Ms. Norton, and Mr. Dixon):

H.R. 597. A bill to allow postal patrons to contribute to funding for AIDS research and education through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Government Reform.

By Mr. OXLEY (for himself, Mr. Stearns, and Mr. Hall of Texas):

H.R. 598. A bill to require the Federal Communications Commission to eliminate from its regulations the restrictions on the cross-ownership of broadcasting stations and newspapers; to the Committee on Commerce.

By Mr. FATTAH:

H.R. 599. A bill to amend the Consumer Credit Protection Act to make it unlawful to require a credit card as a condition for doing business; to the Committee on Banking and Financial Services.

By Mr. ROGAN (for himself, Mr. Tancredo, Mr. Armey, Mr. Watts of Oklahoma, Ms. Dunn of Washington, Mr. Bilirakis, Mr. Norwood, and Mr. Forbes):

H.R. 600. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for education expenses; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. Smith of New Jersey, Mr. Burton of Indiana, Mr. Underwood, Mr. Andrews, Ms. Woolsey, Mr. Filner, Mr. Scarborough, Mr. Tierney, and Mr. Norwood):

H.R. 601. A bill to amend title 10, United States Code, to change the effective date for paid-up coverage under the military Survivor Benefit Plan from October 1, 2008, to October 1, 2003; to the Committee on Armed Services.

By Mr. SCARBOROUGH (for himself and Mr. Mica):

H.R. 602. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance may be obtained by Federal employees and annuitants; to the Committee on Government Reform.

By Mr. SHERWOOD:

H.R. 603. A bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act"to aviation incidents; to the Committee on Transportation and Infrastructure.

By Mr. STUMP (for himself and Mr. Evans):

H.R. 604. A bill to amend the charter of the AMVETS organization; to the Committee on the Judiciary.

By Mr. STUMP (for himself and Mr. Evans):

H.R. 605. A bill to amend title 38, United States Code, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STUMP (for himself and Mr. Evans) (both by request):

H.R. 606. A bill to amend titles 5, 10, and 38, United States Code, to make improvements in benefits and services for members and veterans of the United States Armed Forces recommended by the Congressional Commission on Servicemembers and Veterans Transition Assistance, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. Matsui, Mr. Houghton, Mr. Crane, Mr. Foley, and Mr. McKeon):

H.R. 607. A bill to amend the Internal Revenue Code of 1986 to treat distributions from publicly traded partnerships as qualifying income of regulated investment companies, and for other purposes; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 608. A bill to require the Inspector General of the Department of Defense to conduct an audit of purchases of military clothing and related items during fiscal year 1998 by certain military installations of the Armey, Navy, Air Force, and Marine Corps; to the Committee on Armed Services.

By Mr. WALDEN:

H.R. 609. A bill to amend the Export Apple and Pear Act to limit the applicability of the

Act to apples; to the Committee on Agriculture.

By Mr. WEYGAND:

H.R. 610. A bill to amend title XIX of the Social Security Act to permit the Secretary of Health and Human Services to waive recoupment of Federal government Medicaid claims to tobacco-related State settlements if the State uses the funds only for programs to reduce smoking and for public health purposes; to the Committee on Commerce.

By Mr. WEYGAND (for himself, Mr. Shows, Mr. Paul, Mr. Burton of Indiana, Mr. Underwood, Mr. McCollum, Mr. Gejdenson, Mr. McHugh, Mr. Boucher, Mr. Sanders, and Mr. Abercrombie):

H.R. 611. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct the full cost of their health insurance; to the Committee on Ways and Means.

By Mr. WEYGAND (for himself, Mr. Abercrombie, Mr. Gejdenson, Ms. Kilpatrick, Mr. Romero-Barcelo, Ms. Norton, Mr. Underwood, Mr. LaFalce, Mr. Neal of Massachusetts, Mr. Ford, Mr. Baldacci, Mrs. Thurman, Ms. Jackson-Lee of Texas, Mr. Crowley, Mr. Green of Texas, and Mr. Smith of Washington):

H.R. 612. A bill to protect the public, especially seniors, against telemarketing fraud, including fraud over the Internet, and to authorize an educational campaign to improve senior citizens' ability to protect themselves against telemarketing fraud; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAHOOD (for himself and Mr. Wise):

H.J. Res. 23. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. SALMON (for himself, Mr. Saxton, Mr. DeLay, Mr. Engel, Mr. Lantos, Mr. Rothman, Mr. Forbes, Mr. Sherman, Ms. Berkley, Mr. Lazio of New York, Mr. Lewis of Georgia, Mrs. Kelly, Mr. Brady of Texas, Mr. Horn, Mr. Nadler, Mr. Watts of Oklahoma, Mr. Frost, Mr. Ackerman, Mr. Andrews, Mr. Hayworth, Mr. Wexler, Mr. Tancredo, Mr. Schaffer, Mr. Holden, Ms. Ros-Lehtinen, Mr. Pallone, Mr. Weldon of Florida, Mr. Deutsch, Mr. Crane, Mrs. Lowey, Mr. Talent, Mr. Tierney, Mr. McGovern, Mr. Tiahrt, Mr. Kasich, Mr. Crowley, Mr. Wolf, Mr. Sisisky, Mr. Sessions, Mr. Shows, Mr. LoBiondo, Mr. Hoeffel, Mr. Goodling, Mr. Green of Texas, Mr. Weller, Mr. Gutierrez, Mr. Blunt, Mr. McIntosh, Mr. McNulty, Mr. English of Pennsylvania, Mr. Diaz-Balart, Mr. Kennedy, Mrs. Cubin, Mrs. Morella, Mr. Linder, Mr. Hefley, Mr. Nethercutt, Mr. Franks of New Jersey, Mr. Calvert, Mr. Cook, Mr. Aderholt, Mr. Cunningham, Mr. Doyle, Ms. Granger, Mr. Gibbons, Mr. Knollenberg, Mr. Reynolds, and Ms. Norton):

H. Con. Res. 24. Concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood; to the Committee on International Relations.

By Mr. ENGLISH of Pennsylvania:

H. Con. Res. 25. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued in honor of the United States Masters Swimming program; to the Committee on Government Reform.

By Mr. CONDIT (for himself, Mr. Radanovich, Mr. Doolittle, Mr. Farr of California, Mr. Pombo, Mr. Ewing, Mr. Hastings of Washington, Mr. Herger, and Mr. Matsui):

H. Res. 39. A resolution expressing the sense of the House of Representatives that the canned fruit subsidy regime of the European Union is a bilateral trade concern of high priority, for which prompt corrective action is needed; to the Committee on Ways and Means.

By Mr. LAHOOD:

H. Res. 40. A resolution expressing the sense of the House of Representatives regarding reduction of the public debt; to the Committee on the Budget.

By Mrs. MYRICK:

H. Res. 41. A resolution honoring the women who served the United States in military capacities during World War II and recognizing that these women contributed vitally to the victory of the United States and the Allies in the war; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. Skelton and Mr. John.

H.R. 19: Mr. Hostettler, Mr. McHugh, Mr. Goode, and Ms. McCarthy of Missouri.

H.R. 21: Mr. Diaz-Balart, Mr. LaTourette, Mr. Hastings of Florida, Mr. Foley, Mr. Weldon of Pennsylvania, Ms. Velázquez, Mr. Martinez, Mr. Dickey, and Mr. Radanovich.

H.R. 36: Mr. Rodriguez, Mr. Hinojosa, Mr. Olver, Mr. Hastings of Florida, Mr. Kennedy, Mr. Capuano, Ms. Brown of Florida, Ms. Velázquez, Mr. Gonzalez, Ms. Sanchez, Mr. Rangel, Mr. Moran of Virginia, Mr. Diaz-Balart, Mrs. Mink of Hawaii, Ms. Pelosi, Mr. Payne, and Mr. McDermott.

H.R. 70: Mr. Whitfield, Mr. McKeon, Mr. Foley, Mr. Brown of Ohio, Mr. Spence, Mr. Bateman, Mr. Franks of New Jersey, Mr. Rahall, and Mrs. Emerson.

H.R. 89: Mr. Martinez, Mr. Hayworth, and Mr. Cannon.

H.R. 109: Mrs. Tauscher, Mr. McGovern, Ms. Schakowsky, and Mr. Weygand.

H.R. 116: Mr. Hoeffel and Mr. Taylor of Mississippi.

H.R. 133: Mr. Skeen, Mr. Bishop, Mr. Ramstad, Mr. Shays, Mr. Kleczka, Mr. Walsh, Mr. Frost, Mr. Neal of Massachusetts, Mr. LaTourette, Mr. Bonior, Mr. Rangel, Mr. Shows, Mr. Foley, Mr. Sununu, Mr. Hilliard, and Mr. Hayworth.

H.R. 152: Mr. Kildee, Mr. Kennedy, Mr. Matsui, Mr. Traficant, Mr. Towns, Mr. Brown of California, Mr. English of Pennsylvania, Mr. Young of Alaska, Mr. McDermott, Mr. Peterson of Minnesota, Mr. Nethercutt, Mr. Oberstar, Mr. Metcalf, Ms. Stabenow, Mr. Faleomavaega, and Mr. Rangel.

H.R. 157: Mr. Chambliss, Mr. Ehrlich, Mr. Tancredo, Mr. Largent, Mr. Whitfield, Mrs. Myrick, Mr. Shadegg, Mr. Taylor of North Carolina, and Mr. Pickering.

H.R. 175: Ms. Pryce of Ohio, Mr. Olver, Mr. DeFazio, Mr. Fattah, Mr. Peterson of Minnesota, Ms. McCarthy of Missouri, Mr. Foley, Ms. DeGette, and Mr. Hulshof.

H.R. 192: Mr. Sessions.

H.R. 202: Mr. Hayworth, Mr. Metcalf, Mrs. Kelly, Mr. Portman, Mr. English of Pennsylvania, Mr. Traficant, Mrs. Jones of Ohio, and Mr. Ney.

H.R. 206: Mr. Hoyer and Mr. Snyder.

H.R. 271: Mr. Smith of Washington.

H.R. 330: Mr. Largent, Mr. Doolittle, Mr. Duncan, Mr. Nethercutt, Mr. Skeen, Mr. Packard, Mr. Hostettler, Mr. Cunningham, Mr. Pombo, Mr. Schaffer, Mr. Tancredo, Mr. Sweeney, and Mr. Shadegg.

H.R. 355: Mr. Gibbons, Mr. Maloney of Connecticut, Ms. Pryce of Ohio, Mr. Sisisky, Mr. Hayworth, Mr. Kasich, Ms. Carson, Mrs. Tauscher, Mr. Calvert, and Mrs. Emerson.

H.R. 357: Mr. Rothman, Mr. Clay, Ms. McCarthy of Missouri, and Mr. Gutierrez.

H.R. 382: Mr. Hinojosa, Mr. Underwood, Mr. Pastor, Mr. Thompson of Mississippi, Mr. Menendez, Ms. Roybal-Allard, Ms. Lee, Mr. Capuano, Mr. Gonzalez, Ms. Velázquez, and Ms. Sanchez.

H.R. 392: Ms. Eshoo, Mr. Inslee, Mr. Frost, Mr. Thompson of Mississippi, Mr. Rangel, Ms. Stabenow, Mrs. Clayton, Mr. Hilliard, Mr. Ackerman, and Mr. Rush.

H.R. 417: Mr. DeFazio and Ms. Woolsey.

H.R. 423: Mr. Whitfield.

H.R. 443: Mr. Sabo, Mr. Vento, Mr. McNulty, Mrs. Kelly, and Mr. Sawyer.

H.R. 455: Mr. Martinez, Ms. Schakowsky, Mr. Sawyer, Ms. Eddie Bernice Johnson of Texas, and Mr. Inslee.

H.R. 483: Mr. Hoyer.

H.R. 530: Mr. Lucas of Oklahoma, Mr. Dickey, Mr. Kingston, Mr. Linder, and Mr. Goodling.

H.R. 541: Mr. Luther, Mr. Lantos, Ms. DeGette, Ms. Roybal-Allard, Mr. Allen, Mrs. Thurman, Mr. Maloney of Connecticut, Mr. Kucinich, Mr. Baldacci, and Mr. Weygand.

H.R. 548: Ms. Kilpatrick.

H.J. Res. 9: Mr. Goss, Mr. Ramstad, Mr. Chambliss, Mr. Hall of Texas, Mr. LaHood, Mrs. Myrick, and Mr. Luther.

H. Con. Res. 5: Mrs. Clayton, Mrs. Napolitano, Mr. Brown of Ohio, Mr. Cramer, Mrs. Kelly, Mr. Shows, Mr. Jefferson, Mr. Bentsen, Mrs. Biggert, Mrs. Morella, Mr. George Miller of California, Ms. Eshoo, Ms. Woolsey, Mr. Lantos, and Mr. Kuykendall.

H. Con. Res. 6: Mr. Payne, Ms. Pelosi, Ms. Ros-Lehtinen, Mr. Tancredo, Mr. King of New York, Mr. Wolf, and Mr. Lipinski.

SENATE—*Thursday, February 4, 1999*

The Senate met at 1:03 p.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, these days here in the Senate are filled with crucial issues, differences on solutions, and eventually a vital vote in the impeachment trial. We begin this day's session with the question You asked King Solomon, "Ask! What shall I give You?" We empathize with Solomon's response. He asked for an "understanding heart." We are moved by the more precise translation of the Hebrew words for "understanding heart," meaning "a hearing heart."

Solomon wanted to hear a word from You, Lord, for the perplexities he faced. He longed for the gift of wisdom so he could have answers and direction for his people. We are moved by Your response, "See, I have given you a wise and listening heart."

I pray for nothing less as Your answer for the women and men of this Senate. Help them to listen to Your guidance and grant them wisdom for their decisions. All through our history as a Nation, You have made good men and women great when they humbled themselves, confessed their need for Your wisdom, and listened intently to You. Speak Lord; we need to hear Your voice. We are listening. Amen.

The CHIEF JUSTICE. The Senators will be seated. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

> Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date.

The majority leader is recognized.

Mr. LOTT. Thank you, Mr. Chief Justice.

ORDER OF PROCEDURE

Mr. LOTT. Mr. Chief Justice, if I could take just a moment to outline how the proceedings will go this afternoon, I think that would answer any questions that Senators may have. We will, of course, continue with the consideration of articles of impeachment. I am not aware of any objections made during the depositions which require motions to resolve. Therefore, I believe the House managers are prepared to go forward with a motion that would have three parts. The first would allow for the introduction of the depositions into evidence. The second would call Monica Lewinsky as a witness. And the third part would allow for a presentation period by the parties for not to extend beyond 6 hours. This motion would be debated by the House managers and the White House counsel for not to exceed 2 hours.

In addition, it is my understanding that Senator DASCHLE intends to offer a motion that would provide for going directly to the articles of impeachment for a vote.

Mr. DASCHLE. Mr. Chief Justice, will the majority leader yield?

Mr. LOTT. I am glad to yield to the minority leader, Senator DASCHLE.

Mr. DASCHLE. The motion would allow for closing arguments, final deliberations, and then the motions on the two articles.

Mr. LOTT. Having said that, Mr. Chief Justice, in order for the managers to prepare debate for the motions, I ask unanimous consent that the House managers and the White House counsel be allowed to make reference to oral depositions during this debate on pending motions.

The CHIEF JUSTICE. Is there any objection? In the absence of objection, it is so ordered.

Mr. LOTT. Consequently, four votes, then, would occur in the 4 p.m. timeframe today with respect to these four motions.

We will take at least one break—maybe two—between now and then, and that would determine exactly when that series of votes would occur—once we begin the process of offering and debating the motions. And we will make a determination as to exactly when those provisions would occur.

In addition, if the motion for additional presentation time is agreed to by the Senate, it would be my intention to adjourn the trial after today's deliberations over until Saturday for the parties to make their preparations, then to present their presentations of evidence on Saturday, and the trial would then resume on Monday at 12 noon for the closing arguments of the parties.

Again, I remind all of my colleagues to please remain standing at their desks when the Chief Justice enters the Chamber and leaves the Chamber.

I thank my colleagues for their attention. I believe we are ready to proceed, Mr. Chief Justice.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager McCOLLUM.

MOTION FOR ADMISSION OF EVIDENCE, APPEARANCE OF WITNESSES, AND PRESENTATION OF EVIDENCE

Mr. Manager McCOLLUM. Mr. Chief Justice, I have a motion to deliver to the Senate.

The CHIEF JUSTICE. The clerk will read the motion:

The legislative clerk read as follows:

> MOTION OF THE UNITED STATES HOUSE OF REPRESENTATIVES FOR THE ADMISSION OF EVIDENCE, THE APPEARANCE OF WITNESSES, AND THE PRESENTATION OF EVIDENCE
>
> Now comes the United States House of Representatives, by and through its duly authorized Managers, and respectfully submits to the United States Senate its motion for the admission of evidence, the appearance of witnesses, and the presentation of evidence in connection with the Impeachment Trial of William Jefferson Clinton, President of the United States.
>
> The House moves that the transcriptions and videotapes of the oral depositions taken pursuant to S. Res. 30, from the point that each witness is sworn to testify under oath to the end of any direct response to the last question posed by a party, be admitted into evidence.
>
> The House further moves that the Senate authorize and issue a subpoena for the appearance of Monica S. Lewinsky before the Senate for a period of time not to exceed eight hours, and in connection with the examination of that witness, the House requests that either party be able to examine the witness as if that witness were declared adverse, that counsel for the President and counsel for the House Managers be able to participate in the examination of that witness, and that the House be entitled to reserve a portion of its examination time to reexamine the witness following any examination by the President.
>
> The House further moves that the parties be permitted to present before the Senate, for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the videotapes of the oral depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal admitted into evidence, and that the House be entitled to reserve a portion of its presentation time.

Mr. LOTT addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. I understand that the pending motion is divisible, and as is my right, I ask that the motion be divided in the following manner: The first paragraph be considered division I; the second paragraph be considered division II; and the final paragraph be considered division III.

The CHIEF JUSTICE. It will be divided in the manner indicated by the majority leader.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. LOTT. I thank the Chair.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The CHIEF JUSTICE. Is there any objection? In the absence of objection, it is so ordered.

Mr. LOTT. Mr. Chief Justice, I identified this as the first paragraph to be considered division I. Actually, that should be the second paragraph would be division I, the third paragraph division II, and the fourth paragraph would be division III. I want that clarification.

The CHIEF JUSTICE. That will be the order.

Mr. LOTT. Also, so that both sides will understand, the motion—there is one motion, but we have divided it into three parts so there will only be 2 hours equally divided, one on each side; not 2 hours equally divided on each one of the three divisions. We had one clarification I believe we have cleared up, and I believe now we are ready to hear from the managers, Mr. Chief Justice.

The CHIEF JUSTICE. Very well. The Chair recognizes Mr. Manager McCOLLUM.

Mr. Manager McCOLLUM. Thank you, Mr. Chief Justice.

As the first one up here today, I have to fiddle with the microphone, I guess; it is sort of like testing. I apologize.

Mr. Chief Justice and Members of the Senate, what we have presented to you today is a three-part motion, as Mr. LOTT has described it, and as you have heard read to you. We would like very much, as we always have, to have all the witnesses we want presented here live, as we would normally have in a trial, as the House has always believed that it should have.

We came before you a few days ago recognizing the reality of that and went forward with your procedures to request not 5, not 6, not 12, but 3 witnesses be deposed so that we might be able to, in the discovery process you have allowed us, gain the depositions of those three witnesses. Today we are before you with motions, first, to enter those depositions and the video recordings of those depositions into evidence formally for your consideration because they have now been accomplished; secondly, to request that you provide us with the opportunity to examine Monica Lewinsky live here as a witness on the floor of the Senate, and for you to allow us to present the other two depositions to you in some format; and, if you do not allow us the permission to have Ms. Lewinsky live here to examine as a witness, to allow us to present any or all portions of the depositions of all three of them.

Now, I think that it is eminently fair that we be allowed to present at least one witness live to you, the central witness in the cast of this entire proceeding, and that is Monica Lewinsky. I am not here to argue all of that. My principal discussion with you is going to be on the part dealing with just admitting these into evidence, and then my colleagues, Mr. BRYANT, Mr. HUTCHINSON, and Mr. ROGAN are going to present some complementary discussion about the entire motion as we go through this.

But in the context of all of this I think we have to recognize a couple of things. One is that live witnesses are preferable whether you have depositions or not. These were discovery depositions. We would have liked to have asked for all of them to be live. We were recognizing reality by coming down to one today, and the reasons are fairly straightforward. Some of you have had the privilege, and I am sure you have availed yourself of the opportunity, to look at the videotapes of these depositions, and you see that they are, indeed, what most depositions are. They are discovery. They have long pauses in them. They are not at all like it would be in a trial itself; you don't have the opportunity to fully see or explore with the witness the demeanor, the temperament, the spontaneity, all of those things that you normally get with an exchange. You have the camera simply focused on the witness. You don't get to have the interaction you get in a courtroom.

And remember, again, that we are dealing here first with your determining whether or not the President committed the crimes of perjury and obstruction of justice and then the question of whether or not he should be removed from office. So I believe and we believe as House managers that you should at least let us have Monica Lewinsky here live for both of those reasons.

I also want to make comments specifically about just admitting these into evidence. There are two obvious reasons why, beyond the question of whether a witness should appear live or whether we should use portions of them in whatever fashion to present to you, they certainly should be part of the record. It seems self-evident. It is part of what you gave us as the procedure to do, and it would seem to me that it should be a mere formality for me to ask, but I cannot assume anything—we certainly do not—that we let these depositions into evidence, and there are two reasons why.

One is the historical basis for this. There has to be a record, not only for you but for the public and for history, of the entire proceeding. There is evidence in these depositions that needs to be a part of the official record, and that evidence is not just the cold transcript, but it is also the videotape with all of the limited, albeit not satisfactory, portion of it that you can see and observe. Especially if you were to conclude we weren't going to have any live witness here or were not going to allow us to present these depositions, you certainly should allow the depositions to be part of the record and the videotape part of it. It is evidence. It is to be examined. It seems self-evident.

But the second point is, as you are going to hear more from my colleagues in just a moment, there is new evidence in these depositions. There is new factual record information that needs to be here for you to decide the guilt or innocence question of the perjury and obstruction of justice charge.

One illustration I would give you—and I am sure my colleagues will give you plenty more—one of them deals with the gift question. We have talked about it a lot out here. If you recall with regard to the question of the gifts, the issue is did the President obstruct justice? Did he decide in the Jones case, in the Jones Court, as a part of his course of conduct of trying to keep from the Court the nature of his relationship with Monica Lewinsky to keep the gifts hidden?

There is new information in the deposition relative to what happened on the day those gifts were supposedly exchanged between Monica Lewinsky and Betty Currie, about the telephone call. Again, I am not going into the details of that. I will leave that for my colleagues who took the depositions. They can tell you about it. The point is you could enumerate—and they will—new evidence. There is significant relevant new evidence from the Vernon Jordan deposition and from the Sidney Blumenthal deposition. So just on the record alone, just to put the depositions into the record, there can be nothing complete about this trial if we don't at least do that. At least do that.

And so with that in mind, having said that and urging you to do that, I will yield to Mr. Manager BRYANT at this point in time.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager BRYANT.

Mr. Manager BRYANT. Mr. Chief Justice, distinguished colleagues and Senators, I would encourage each of you to consider calling Monica Lewinsky as the one live witness in this proceeding. Ms. Lewinsky continues to be, in her own way, an impressive witness. As I spoke to you earlier, she does have a story to tell. After all, no one knows more about the majority of the allegations against the President other than, of course, the President himself.

At her deposition, she appeared to be a different Monica Lewinsky than the Monica Lewinsky whom I had met a week earlier. Unlike before, she was not open to discussion or fully responsive to fair inquiry. She didn't volunteer her story. She didn't tell her story. Rather, she was very guarded in each response and almost protective. Her words were carefully chosen and relatively few. At times, the concepts that she discussed had the familiar ring of another key witness to these proceedings, such as "it wasn't a lie" or "wasn't false," it was "misleading or incomplete." "Truth is what one believes it is and may be different for different people." "Truth depends on the circumstances."

As we progressed through her deposition Monday, I felt more and more like one of the characters in the classic movie "Witness For The Prosecution." I was Charles Laughton. Ms. Lewinsky was Marlene Dietrich. And the President was Tyrone Power. If you are familiar with this movie, you will understand, and if you aren't, you should see the movie.

However, there was and there still remains truth in her testimony. Sometimes, though, just like the President, and now Ms. Lewinsky, it is the literal truth only, the most restricted and stretched definition one could reach. And we all know that the law frowns upon manipulations such as this to avoid telling the complete truth. Her testimony is clearly tinted, some might even say tainted, by a mixture of her continued admiration for the President, her desire to protect him, and her own personal views of right and wrong.

And she was well represented in the deposition by some of Washington's finest defense attorneys who had thoroughly prepared her for all questions, as they should have, as well as being present throughout the deposition to assist her. In fact, the Senator in charge of this particular deposition had to warn these counsel not to coach and not to whisper to her while she was attempting to answer the questions.

If you have seen this deposition, you have witnessed an effective effort by a loyal supporter of the President to provide the very minimum of truth in order to be consistent with her own grand jury testimony, which is legally necessary for her to fulfill the terms of her immunity agreement.

On the perjury article of impeachment, she reaffirmed the specific facts which happened between her and the President on more than one occasion, including November 15, 1995, their first encounter, when the President's conduct fit squarely within the four corners of the term "sexual relationship" as defined in the Jones lawsuit, and this is in opposition to the President's own sworn testimony of denial. But this is one of the clearest examples of the President's guilt of this charge of perjury. It is not about this twisted definition the President assigned to the term "sexual relations." Rather, it is his word against her word as to whether this specific conduct occurred. Even under his own reading of this definition, he agrees that that specific conduct, if it occurred, would make him guilty of sexual relations within that definition. But he simply says I did not do that; she says you did do that—a "he said/she said" case.

But this is why it is important for you to be able to see Ms. Lewinsky in person. In the deposition you will observe her as having to affirm her prior testimony. She had to affirm her prior testimony because that was what was in the grand jury, and because of this, she could not back away at all on her testimony. She couldn't bend it here or there, she couldn't shade it in the President's favor. So what you have is a person, who you may well conclude is still wanting to help the President, having to admit to testimony that would do damage to the President, a very difficult situation for her. But, yet, this same difficulty lends this portion of her testimony great credibility.

With respect to the other article of impeachment on obstruction of justice, her credibility is again bolstered by her reluctance to do legal harm to this President. In the end, though, she does admit that he called her early one morning in December of 1997—actually it was 2 o'clock in the morning—and told her that she was on the witness list. And he told her that she might be able to file an affidavit to avoid testifying. And he told her that she could always use the story that she was bringing papers to him, or coming up to see Ms. Currie.

Now, we know that she did not carry papers to him on these visits other than personal, private notes from her to him. And Ms. Lewinsky indicated in the deposition that she didn't carry him official papers, although she did pass along this cover story—of carrying papers—to her attorney, Mr. Carter. She testified also that she discussed the draft affidavit with Mr. Jordan, changes were made, she offered the President the opportunity to review it, he declined, and, according to Ms. Lewinsky, he never suggested any way that she could file a truthful affidavit, sufficient to skirt—avoid having to testify. This, in spite of his answer to this Senate where he told you that he might have had a way for her to file a truthful affidavit and still avoid testifying in the Jones case.

Yes, you can parse the words and you can use legal gymnastics, but you cannot get around the filing of a false affidavit in an effort to avoid appearing in the Jones case and possibly providing damaging testimony against the President.

Ms. Lewinsky confirmed positively that Ms. Currie initiated a telephone call to her on December 28, 1997, stating words—and this is about the gifts—"I understand you have something for me." Then Ms. Currie drove over to Ms. Lewinsky's home and picked up the box of gifts.

Now, remember, this occurred on the heels of Ms. Lewinsky's conversation with the President that very morning about what she might do with the gifts. Now, the only—the only explanation is that the President is directly involved, himself, in the obstruction of justice by telling Ms. Currie, who otherwise knew nothing about this earlier conversation, to retrieve these items from Ms. Lewinsky. Ms. Lewinsky said there was no doubt that Ms. Currie initiated the call to retrieve the gifts.

Also recall that the President's testimony from his side was that this conversation occurred earlier in the day with Ms. Lewinsky but that he had told her she would have to turn over whatever gifts that she had. Now, with that advice from the President, it would be totally illogical for Ms. Lewinsky to have then called Ms. Currie that same day and ask her to come pick up and hold these gifts. By calling Ms. Currie, Ms. Lewinsky would have been going against the direct instruction of the President to surrender any and all gifts. The facts, the logic, and common sense tell us all that the President's version is not true and that he obstructed justice here.

Ms. Lewinsky also testified at the deposition about the job at Revlon and obtaining a job offer within 2 days of signing the affidavit. She also denied that she was a stalker, as the President had described her in a conversation with Mr. Blumenthal in January of 1998. She also denied that she threatened the President or attempted to threaten the President into having an affair. She denied that he rebuffed her on the occasion of their first encounter on November 15, 1995. Again, all false statements that the President made to Mr. Blumenthal about her, with knowledge that Mr. Blumenthal would be testifying in a grand jury, thereby obstructing justice.

Now, the former lawyers and judges among us are familiar with what is called the best evidence rule. Stated simply, the court always prefers the best available evidence to be used. In-person testimony is better than a video deposition, which itself is better than the written transcript of a deposition. When all three forms of testimony are available, as they are in this situation, the court will most often require the witness to testify in person over the video deposition or over the written transcript of the deposition.

In closing, I know we all want to work within the Senate rules and we all want to ensure that these proceedings are concluded in a constitutional fashion by the end of next week. It is with this in mind that we propose that Ms. Lewinsky be called as a live witness, the only person called to testify in person, and, further, that we use the two depositions, the video depositions of Mr. Jordan and Mr. Blumenthal, in lieu of their personal attendance. In the event the Senate does not call Ms. Lewinsky, we also ask that we be permitted to use all or portions of her deposition, just as we would the other two depositions.

And finally, several Senators have sent out a letter to the President inviting him to come here and to provide his testimony, if he so chooses. In the event he should accept, Ms. Lewinsky, likewise, should be afforded the same opportunity. They continue to be the two most important and essential witnesses for you and the American people to hear in order to finally—finally—resolve this matter.

Permit us all to return to our districts, and you to your States, and tell our constituents that we considered the full and complete case, including live witnesses and, in your case, made your vote accordingly.

At this time, I yield to my colleague from Arkansas, Mr. HUTCHINSON.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager HUTCHINSON.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice.

Ladies and gentlemen of the Senate, in an effort to be helpful, I have asked the pages to distribute to you some exhibits that I will be referring to as I consider the testimony that we are presenting to you.

There are two aspects to an impeachment trial. There is the truth-seeking responsibility, which is the trial, in my judgment, and then there is the conclusion, the judgment, the verdict, the conviction or the acquittal. If you look at those two phases of a trial, the latter is totally your responsibility. We leave that completely in your judgment.

But the first responsibility of the factfinding of the truth-seeking endeavor, I feel some responsibility in that regard. Hopefully, our presentation is helpful in seeking the truth. I know, as Mr. BRYANT mentioned, that we all want to bring this matter to a conclusion. We want to see the end of this story. We want to have a final chapter in this national drama. I understand that and agree with that. But let's not, because we are in a hurry to get to the judgment phase, let's not let that detract, let's not let that shortchange, nor diminish the importance of the presentation and consideration of the facts, and that is what I think is very important as we consider this motion that is before us.

It is my responsibility to talk about Mr. Vernon Jordan—and the need for your consideration of his testimony—whom we recently deposed. I deposed Mr. Vernon Jordan, Jr., and I recommend that that be received in evidence as part of the Senate record.

I took this deposition under the able guidance of Senator THOMPSON and Senator DODD. The questioning took place over almost 3 hours with numerous and extraneous objections on behalf of the President's lawyers, most of which were resolved.

I believe that the testimony of Mr. Jordan goes to the key element in the obstruction of justice article, and even though it is just one element that we are dealing with, it is a very important element because it goes to the connection between the job search, the benefit provided to a witness, and the solicited false testimony from that witness.

I believe the testimony of Mr. Jordan is dramatic in that it shows the control and direction of the President of the United States in the effort to obstruct justice. I believe the testimony of Mr. Jordan provides new evidence supporting the charges of obstruction and verifying the credibility of Ms. Lewinsky.

The testimony, in addition, is the most clear discussion of the facts reflecting Mr. Jordan's actions in behalf of the President and the President's direction and control of the activities of Mr. Jordan, and therefore they support the allegations under the articles of impeachment. Let me make the case for you.

If you have the President of the United States personally directing the effort to obtain a job for Ms. Lewinsky, which is a benefit to a witness, and simultaneously Ms. Lewinsky is under subpoena as a witness in the case, and thirdly, in addition, the President is suggesting means to that witness to avoid truthful testimony, as evidenced by the December 17 conversation and the suggestion of the affidavit, the conclusion is that you have a corrupt attempt to impede the administration of justice and the seeking of truth and the facts in the civil rights case.

Now, let me go to the testimony of Mr. Jordan. Has that been distributed now? Good. Let me give a caveat here, particularly to my colleagues, the counselors for the President, that this summary of the portions of the testimony of Mr. Jordan are based upon my handwritten notes. So, please don't blow it up in a chart if there is some discrepancy. I believe this is, in good faith, accurate, but I did not have a copy of the transcript. I was required to go to the Senate Chamber and actually take notes in order to prepare this.

There are a number of areas that I think are relevant and new information and are very important for your consideration. Let me just touch upon five areas.

The first one is the job search and Mr. Jordan being an agent of the President. In the deposition, Mr. Jordan testified that:

> There is no question but that through Betty Currie I was acting on behalf of the President to get Ms. Lewinsky a job.

He goes on to say:

> I interpreted [the request, referring from Betty Currie] it as a request from the President.

Then he testified:

> There was no question that he asked me to help [referring to the President] and that he asked others to help. I think that is clear from everybody's grand jury testimony.

So the question is as to whether the information, the request, came from Betty Currie or whether it came directly from the President, there is no question but that Mr. Jordan was acting at the request of the President of the United States and no one else. In fact, he goes on to say:

> The fact is I was running the job search, not Ms. Lewinsky, and therefore, the companies that she brought or listed were not of interest to me. I knew where I would need to call.

This is very important. There has been a reference, "Well, he was simply getting a job referral, making a referral for routine employment interview by this person, Ms. Lewinsky." But, in fact, it is clear that Mr. Jordan knew whom he wanted to contact. He was running the job search as he testified to.

Then he testified:

> Question: You're acting in behalf of the President when you are trying to get Ms. Lewinsky a job and you were in control of the job search?

The answer is:

> Yes.

So that is one area, and it is important to establish that he was an agent for the President.

Secondly, there was a witness list that came out December 5. The President knew about it, at the latest, on December 6, and yet he had two meetings with Mr. Jordan, on December 7 and December 11. In neither one of those meetings was it disclosed to Mr. Jordan that Monica Lewinsky was a witness. I am referring to the second page of the exhibits I have handed you in which Mr. Jordan testified to that effect:

> Question: And on either of these conversations that I've referenced, that you had with the President after the witness list came out, your conversation on 12/7 and your conversation sometime after the 11th, did the President tell you that Ms. Monica Lewinsky was on the witness list in the Jones case?
>
> Answer: He did not.
>
> Question: Would you have expected the President to tell you if he had any reason to believe that Ms. Lewinsky would be called as a witness in the Paula Jones case?
>
> Answer: That would have been helpful.
>
> Question: So it would have been helpful and it was something you would have expected?
>
> Answer: Yes.

Even though it would have been helpful, he would have expected the President to tell him the information, it was not disclosed to him. The materiality, the relevance, of that is that you have the President controlling a job search, knowing this is a witness in which we are trying to provide a benefit for, and yet the person he is directing to get the job for Ms. Lewinsky, he fails to tell Mr. Jordan the key fact that she is, in fact, a witness, an adverse witness in that case. I think that is an important area of his testimony.

The third area, keeping the President informed—very clear testimony about the development of the job search, the Lewinsky affidavit that was being prepared, and the fact that it was signed. On the third page I have provided to you, Mr. Jordan's testimony:

> I was keeping him [the President] informed about what was going on and so I told him.

He goes on further to say:

> He [referring to the President] was obviously interested in it.

Then the question, I believe, was:

> What did you tell the President when the affidavit was signed?

And his answer:

> Mr. President, she signed the affidavit, she signed the affidavit.

So was there any connection between the job benefit that was provided and the affidavit that was signed in reference to her testimony? Clearly, it was something the President not only directed the job search, but he was clearly interested, obviously concerned, receiving regular reports about the affidavit.

Then the fourth area is the information at the Park Hyatt that was developed. To lay the stage for this—and I will do this very briefly—if you look at page 4, you see the previous testimony of Mr. Jordan before the grand jury in March. At that time, the question was asked of him:

> Did you ever have breakfast or any meal, for that matter, with Monica Lewinsky at the Park Hyatt?

His answer was:

> No.

It was not equivocally, it was indubitably no.

And he was further asked, and he testified:

> I've never had breakfast with Monica Lewinsky.

And then on page 5 he goes on, in the May 28 grand jury testimony:

> Did you at any time have any kind of a meal at the Park Hyatt with Monica Lewinsky?

His answer was:

> No.

So that sets the stage, because in Ms. Lewinsky's testimony, as evidenced by page 6 of your exhibits, she testified in August, after the last time Mr. Jordan testified, very clearly about this meeting on December 31 at the Park Hyatt with Mr. Jordan where they had breakfast. And the discussion was about Linda Tripp. And then the discussion went to the notes from the President, and she said, "No, [it was] notes from me to the President." And Mr. Jordan told her, according to her testimony, "Go home and make sure they're not there." That is Ms. Lewinsky's testimony.

It was important to ask Mr. Jordan about this. And I assumed that we, of course, would get simply a denial, sticking with the previous grand jury testimony, that unequivocally, no, that meeting never happened: we never had breakfast at the Hyatt.

On page 7, you will notice that Ms. Lewinsky, in her testimony, specifically identified even what they had for breakfast. And so the investigation required us to go out and get the receipt at the Park Hyatt, which is page 8. And the receipt showed that there was a charge on December 31 by Mr. Jordan that included every item for breakfast, that corroborated the testimony of Ms. Lewinsky as to her memory; that is, the omelette they had for breakfast.

And so it is tightening here. The evidence is becoming more clear, unequivocally, that this meeting occurred. And so we had to ask this of Mr. Jordan. And this is page 9. And, of course, I presented the Park Hyatt receipt, I presented the testimony of Ms. Lewinsky, and his testimony, which is page 9:

> It is clear, based on the evidence here, that I was at the Park Hyatt on Dec 31st. So I do not deny, despite my testimony before the grand jury, that on [December] 31 that I was there with Ms. Lewinsky, but I did testify before the Grand Jury that I did not remember having a breakfast with her on that date and that was the truth.

But what amazed me was, as you go through the questions with him, all of a sudden he remembered the breakfast but all of a sudden he remembered the conversation in which he before said it never happened at all. And his testimony was, when asked about the notes:

> I am certain that Ms. Lewinsky talked to me about [the] notes.

And so I think there are a number of relevant points here. First of all, you reflect back on the testimony of Ms. Lewinsky in this same deposition in which she was asked the question, getting Mr. Jordan's approval was basically the same as getting the President's approval? Her answer: Yes.

And so that is how Ms. Lewinsky viewed this. And this is what was told to her at this meeting at the Park Hyatt. It goes to credibility, it goes to what happened, it goes to the obstruction of justice. It is extraordinarily relevant. It is new information. It is what was developed because this Senate granted us the opportunity to take this further deposition of Mr. Jordan and the other witnesses.

And there are other, you know—the fifth point is that the testimony goes to the interconnection between the job help and the testimony that was being solicited from Ms. Lewinsky.

So why is the presentation necessary? Some of you might even think, "Well, thank you very much for that explanation you have given to us. Now we have all the facts. Let's go on and vote." Well, I do think there is some merit. First of all, this is not all. There is much more there. I just have a moment to develop a portion of Mr. Jordan's testimony that I believe is helpful, but, secondly, it tells a story that has never been told before.

Now, I went and saw the videotape and I was underwhelmed by my questioning, because it is just not the same. I thought we had a dynamic exchange. But then I saw it on videotape and I am nowhere to be found. You get to look at Mr. Jordan, a distinguished gentleman. But it is still helpful not withstanding the difficulty of a video presentation. I respectfully request this body to develop the facts fully, to hear the testimony of Mr. Jordan, to allow him to explain this that tells the story, start to finish, on this one aspect of obstruction of justice that is critical to your determination. And so I would ask your concurrence in the approval of the motion that has been offered to you, and at this time I yield to Manager ROGAN.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager ROGAN.

Mr. Manager ROGAN. Mr. Chief Justice, Members of the Senate, yesterday, along with Mr. Manager GRAHAM, I had the privilege of conducting the deposition of Sidney Blumenthal, assistant to the President. That deposition was presided over by the senior Senator from Pennsylvania and the junior Senator from North Carolina. And on behalf of the House managers, and I am also sure the White House counsel, we thank them for the able job that they did.

This deposition must be played for Members of the U.S. Senate, and if one Senator has failed to personally sit through this deposition—and every deposition—that Senator is not equipped to render a verdict on the impeachment trial of the President of the United States.

Now, I will address very briefly just a couple of the reasons why I believe Mr. Blumenthal's deposition warrants being played before this body. But to do it, it needs to be put in perspective. Remember what the President of the United States testified to on the day he was sworn in as a witness before the grand jury. He said that in dealing with his aides, he knew there was a potential that they could become witnesses before the grand jury, and that is why he told them the truth. That is the President's own word: the "truth." Mr. Blumenthal's deposition paints a totally different picture and gives a terribly different interpretation of what the President was doing in passing along false stories to his aides.

Now, we have been treated to a number of euphemisms by the distinguished White House counsel during their presentation as to what the President was doing during his grand jury. They described his testimony as "maddening." They have described his testimony as "misleading" and "unfortunate." But the one thing they have never described it as is a lie.

Mr. Blumenthal gave a totally different take on that. Because he testified under oath that, upon reflection, he believes the President was not maddening to him, the President lied to him. And he testified so for a very good reason.

Remember, Sidney Blumenthal testified three times before the grand jury in 1998. He testified in February and twice in June. But that testimony was in a vacuum because each time he testified before the grand jury we were still in a national state of, at least presumptively, believing that the President had told the truth. The President had made an emphatic denial as to the Monica Lewinsky story. There was no physical evidence presented to the FBI lab at the time Mr. Blumenthal testified. And Monica Lewinsky was not cooperating with the grand jury. So we know that certain questions were not asked of him during his grand jury testimony because of the status of the facts as we thought they were. But Mr. Blumenthal shed some incredible new light on the testimony that we received yesterday from him.

He said, first of all: After I was subpoenaed, but before I testified before the grand jury, once in February and twice in June—with the President knowing he was about to become a witness before the grand jury, a criminal grand jury investigation—the President never came to him and said, "Mr. Blumenthal, before you go and provide information in a criminal grand jury investigation, I need to recant the false stories I told you about my relationship with Monica Lewinsky."

And he testified about those false stories. He corroborated his own testimony from earlier proceedings. You will recall from the record that the day the Monica Lewinsky story broke in the national press Mr. Blumenthal was called to the Oval Office by the President. The door was closed. They were alone. And this is what the President told Sidney Blumenthal about the revelations that were breaking that day on the national press wire:

> He said, "Monica Lewinsky came at me and made a sexual demand on me."

The President said he rebuffed her. He said:

> I've gone down that road before, I've caused pain for a lot of people and I'm not going to do that again.

The President said Monica Lewinsky threatened him:

> She said that she would tell people they'd had an affair, that she was known as the stalker among her [colleagues], and that she hated it and if she had an affair or said she had an affair then she wouldn't be the stalker any more.

And the testimony goes on. You are all familiar with it at this point.

The President of the United States allowed his aide to appear three times before a Federal grand jury conducting a criminal investigation, and never once did the President of the United States inform that aide before providing that information to the investigatory body—never once—asked or told the aide that that was false information. Mr. Blumenthal's testimony demonstrates that the President of the United States used a White House aide as a conduit for false information before the grand jury in a criminal investigation.

I just want to make one other brief point before I close this presentation because I think it needs to be said. I am in no position to lecture any of the distinguished Members of this body on what the founders intended in drafting the Constitution. I believe all of us in this room have an abiding respect for that. But there are a couple of points that need to be made. I believe there is a reason the founders drafted a document that allows us the opportunity in every trial proceeding in America to confront and cross-examine live witnesses. It is because that gives the trier of fact the opportunity to gauge the credibility and the demeanor of the witnesses. We have discussed that at length during these proceedings.

But one thing we haven't discussed and one thing that I think is important—not from the House managers' perspective, but from the perspective of history and the history that will be written on the ultimate verdict in this case—and that is the idea of open trials. There is a reason why the founders looked askance on the concept of secret trials and closed trials. There is a reason why in every courtroom across the land trials are open. They are open. It is an open process. The light of truth is allowed to be shown on the courtroom and from the courtroom because we don't trust the credibility of a verdict if it is done in secret. What would be the verdict on this proceeding if the judgment of this body is based upon testimony and witnesses, on videotapes, locked in a room somewhere, available only to the triers of fact without the public being privy to what was made available?

Ladies and gentlemen of the Senate, I would urge you, not for the sake of the managers and not for the sake of the presentation of the case, but for the sake of this body and for the verdict of history that will be written, to please allow this to be a public trial in the real sense. If the witnesses will not be brought here live before the Senate, please allow the doors of the Senate to be open so that the testimony upon which each of you must base your verdict will be made available not only to all 100 Senators, but will be made available to those who will make the ultimate judgment as to the appropriateness of the verdict, the American people.

Mr. Chief Justice, I yield to Mr. Manager GRAHAM.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager GRAHAM.

Mr. Manager GRAHAM. Mr. Chief Justice, how much time?

The CHIEF JUSTICE. Your colleagues have consumed 37 minutes.

Mr. Manager GRAHAM. Ladies and gentlemen of the Senate, not a whole lot to add, but I would like to recognize this thought: That we have learned a great deal in these depositions. Thank you for letting us have them. We didn't get everything we wanted—and I think that is a fair statement—but who does in life? But we do appreciate you giving us the opportunity to explore the testimony of these witnesses because I think it would be helpful in setting the historical record straight.

Mr. Blumenthal, to his credit, said the President of the United States lied to him. The President of the United States did lie to him. The President of the United States, in his grand jury testimony, denied ever lying to me. That should be historically significant and should be legally significant. Mr. Blumenthal, to his credit, said the President of the United States tried to paint himself as a victim to Ms. Lewinsky. That would be legally and historically relevant and it will mean a lot in our arguments and it will be something you should consider.

This has been a good exercise. Thank you very much for letting us depose these witnesses.

I was not at the other two depositions, but I was at Mr. Blumenthal's deposition, and I can assure you we know more now about what the truth is than before we started this process. I hope at the end of the day it is our desire to get to the truth that guides us all. We are asking for one live witness, Ms. Lewinsky.

Let me tell you, I know how difficult it is to want this to go on given where everybody is at in the country. Trust me, I want this to end as much as you do. However, there is a signal we will send if we don't watch it. We will make the independent counsel report the impeachment trial, and I am not so sure that is what the statute was written for.

The key difference between the House and the Senate is that the White House never disputed the facts over in the House. They never disputed the facts. They called 15 witnesses to talk about process and about the interpretations that you would want to put on those facts. In their motion to the Senate, everything is in dispute. It is a totally different ball game here. That is why we need witnesses, ladies and gentlemen, to clarify who said what, who is being honest, who is not, and what really did happen in this sordid tale.

Ms. Lewinsky comes before us because the allegations arise that the President of the United States, with an intern, had an inappropriate workplace sexual relationship that was discovered in a lawsuit where he was a defendant. This was not us or anyone else trying to look into the President's private life for political reasons or any other reason. It was a defendant in a lawsuit asking to look at the behavior of that defendant in the workplace, something that goes on every day in courtrooms throughout the country.

And is it uncomfortable? Yes, it is uncomfortable. If you have ever tried a sexual harassment case, an assault case, or a rape case, it is very much uncomfortable to have to listen to these things. But the reason that people are asked to do what you are asked to do by the House managers is that the folks that are involved represented themselves much better than lawyers talking about what happened. And if you find it uncomfortable listening to Ms. Lewinsky, think how juries feel, think how the victims feel, think how somebody like Ms. Jones must feel not to be able to tell the story of the person they are suing.

That is a signal that is going to be sent here that will be a devastating and bad signal. If we can't stomach it, if we can't stomach listening to inappropriate sexual conduct, why do we put that burden on anyone else?

Give us this witness. We will do it in a professional manner. We will focus on the obstruction. We will try to do it in a way not to demean the Senate. We will try to do it in a way not to demean Ms. Lewinsky. We will try to do it in a way to get to the truth. Please give us a chance to present our case in a persuasive fashion, because unlike the House, everything is in dispute here.

Thank you very much. I reserve the balance of my time.

The CHIEF JUSTICE. The House managers reserve the balance of their time.

The Chair recognizes Counsel CRAIG.

Mr. Counsel CRAIG. Mr. Chief Justice, ladies and gentlemen of the Senate, I have divided my presentation into three parts that fortunately correspond to the three parts of the motion that is before you today.

I would like, first, to argue against admitting videotape evidence into the record of this trial. Secondly, I would like to argue against calling live witnesses to this trial. And thirdly, I would like to argue against the proposed presentation of videotape and deposition testimony for Saturday.

I sound rather negative. I don't mean to be negative. But we don't find much to recommend the three proposals that the House managers have brought before you today.

Let me begin by saying that we support the idea of admitting written transcripts of deposition testimony of these three witnesses into the record of this trial. But we believe that it would be a terrible mistake and wholly redundant to put the videotape testimony into that record as well, particularly if that means releasing any of this videotaped material to the public.

We can only call the Senate's attention to section 206 of Senate Resolution 30, which instructs the Secretary of the Senate "to maintain the videotaped and transcribed records of the deposition as confidential proceedings of the Senate." That was the intention of the Senate when you first passed Resolution 30. If this decision as proposed today will result in overruling that rule, if there is any risk or danger of a wholesale, unconditional, and unlimited release of these videotapes for the public through the national media, just as was done by the House of Representatives when it released all the Starr materials, we think it is a bad idea.

In retrospect, most people believe that it was a mistake for the House to release those materials—and those materials included videotaped grand jury testimony—and we believe it would be a mistake for the Senate, at the request of the House managers, to do the same thing with these videotaped materials now. To release these videotapes generally to the public—which will happen if they are put into the record—inevitably will surely cause consternation among those members of the public, particularly parents who do not choose to spend one more moment, much less hours and even days, thinking about the President's relationship with Monica Lewinsky and explaining it again to the children. Placing these videotapes in the formal record of this trial will be one step closer to releasing the tapes to the public for immediate broadcast. And if that release occurs, it will produce an avalanche of unwelcome deposition testimony into the public domain.

The videotaped testimony of Ms. Lewinsky, Mr. Jordan, and Mr. Blumenthal will be forced, hour after hour, unbidden and uninvited, into the living rooms and family rooms of the Nation. Make no mistake about what would happen; we have seen it before. We can expect to see the networks play these tapes, wall-to-wall, nonstop, and without interruption, over the airwaves. This would be a repeat of what happened when the case first came to the House of Representatives. For the Senate to decide to include the videotapes of this deposition testimony, as opposed to the written transcripts in the formal record of this trial, would have the same effect and could result in this kind of release. The picture, voices, and words on these tapes would flow directly and irreversibly into the life of the Nation. In addition, these videotapes will, no doubt, be edited and excerpted and cut and spliced, and the materials will not only be overused, they will also be inevitably abused.

To take advantage of these witnesses, I submit to you, in this way is wrong—whether in the context of the grand jury proceeding where confidentiality is promised, or whether testifying under subpoena in an impeachment trial in the Senate. It is unfair to the witnesses, unfair to the public, unfair to the Senate and, we submit, unfair to the President as well.

We do not object to release of the written transcripts of this testimony; we support that release. And we believe that that satisfies any reasonable requirement of public access to the information. The public's right to know and understand what is happening in this impeachment trial would be respected. But we should learn a lesson from America's experience in the House of Representatives: More is not always better.

It is not wise or right for the House or the Senate to perform the function of a mere conveyor belt simply and automatically transmitting unfiltered evidence into the public domain. It is not wise or right to suspend judgment and turn over for public viewing the videotaped testimony of private witnesses who are forced to appear and testify under compulsion. It is simply wrong to release videotapes of such testimony for cable news networks or for friends or foes to use as they want. This, I submit, is profoundly unfair to the witnesses.

One can only ask, who really benefits from this kind of practice? Is it really in the public interest for the Senate to issue and serve a subpoena on private individuals like Monica Lewinsky, or Vernon Jordan, to summon these citizens before the Senate to compel their testimony before video cameras and then to take that videotaped testimony, without any consideration or thought about the legitimate personal concerns or interests of those witnesses, and release those videotapes of that testimony for the national media? Is it really in Ms. Lewinsky's interest to do this, or in the interest of her family or her future? Is it fair to Mr. Jordan or to his family to subject him to this kind of treatment? Is it really in the Senate's interest? Is it in the interest of the Constitution, or the Presidency, or of the American people to have a videotape of Monica Lewinsky readily available for all the world to see and to hear?

What about those individuals who are, in fact, truly innocent but who will surely suffer if these videotapes are released to the public for permanent residence in the public domain? What about the members of the President's immediate family? How can the Senate contemplate releasing Ms. Lewinsky's videotaped testimony, discussing her relationship with the President, without giving at least some thought to the impact that this might have on the members of that family? You can be sure that the release of this testimony and of this videotape will only add to their agony, embarrassment, and humiliation.

I only hope that those who purport to be concerned about the moral damage that can be attributed to the President's conduct and example are equally mindful of the hurt that will be inflicted on innocent people by the mere broadcasting of these videotapes and of their existence in perpetuity in the public record and the public domain.

We think it is perfectly appropriate and, no doubt, helpful to many Senators and staffers to be able to watch the deposition testimony of these three witnesses on videotape as part of the Senate's trial proceeding, but that function has now been satisfied. There is no need for these tapes to be broadcast to the public. And the public knows better than anyone. It is for that precise reason that one suspects that three-quarters of those polled, according to a survey reported in yesterday's New York Times, oppose releasing the videotaped testimony of Ms. Lewinsky and Mr. Jordan and Mr. Blumenthal to the public.

I urge you to not vote to place these materials into the record of this trial without giving careful consideration to these interests and to these concerns. These are not just the interests and concerns of the President and the members of his family. They are not just the interests and concerns of these three witnesses and the members of their families. I think they are also the interests and concerns of the American people as well.

The bottom line, ladies and gentlemen of the Senate, is simple: You do not need these videotapes released to do your constitutional duty, and the people we all work for do not want these videotapes released to them. Please draw the line.

As for the issue of witnesses, we believe that there is no useful purpose served by calling live witnesses to testify before the Senate in this trial. Live witnesses will not advance the factual record. We have known the facts for many months. Nor will live witnesses give us new insight into the witnesses themselves. Sidney Blumenthal's fourth appearance, Vernon Jordan's seventh appearance, and Monica Lewinsky's twenty-third appearance told us really very little that was new. I take issue with the presentation of the managers. Why should we expect Mr. Blumenthal's fifth appearance, Mr. Jordan's eighth appearance, and Ms. Lewinsky's twenty-fourth appearance to add anything more? Live witnesses will simply not serve the interests of fairness. They will not serve the interests of the American people, and they will not serve the interests of the Senate. In fact, live testimony from these three individuals—or from Ms. Lewinsky alone—will be worse than an exercise in redundancy and will be an exercise in excess. It will only postpone the end of the trial that nobody wants anymore and that no one wants to prolong any longer. There is every reason, finally and at long last, to bring the trial to a close. And calling live witnesses, I submit, will not be quick, and it will not be easy. It will prevent the Senate from keeping its pledge to bring this trial to a conclusion by February 12.

Because live witnesses are unnecessary for the resolution of this matter, perhaps the most important question for the Senate to consider and resolve itself is whether calling live witnesses might, in fact, tarnish the Senate as an institution. This is a question that only you can resolve, the Members of the Senate. And you certainly need not take instructions from me or from any of us at this table on that subject. But the question is worth asking: Will the public's respect for the Senate and for the Members of this body be enhanced by calling live witnesses? Does the Senate really feel a need or an obligation or some requirement to bring Ms. Lewinsky to sit here and testify in the well of this historic Chamber?

The managers first argued that live witnesses were necessary to resolve conflicts of testimony, that the only way to reconcile disparities and differences in testimony was to bring in live witnesses. Today we know that is not true. You gave the managers an opportunity to resolve those conflicts and find new facts. But most of the critical conflicts that existed a week ago still exist today.

Calling Monica Lewinsky to testify a 24th time is not likely to resolve those conflicts. Then we were told that we must look into the eyes of the witnesses and observe their demeanor to make a judgment as to credibility. But you now have the opportunity to observe almost every major witness as he or she testifies. Precious little is left to the imagination or to guess or to question the credibility, and you certainly have a better chance of observing demeanor through the videotape than you do with a witness here on the floor of the Senate.

We are now given a third reason why live witnesses are absolutely necessary to this trial to go forward; that is to "validate" the testimony of these witnesses.

According to Mr. Manager HYDE, the depositions have been successful, but "what we need now is to validate the record that already exists under oath about obstruction of justice and perjury."

Ladies and gentlemen of the Senate, we on this side of the House have never challenged that record. We have always agreed that the witnesses said what the record says they said, and that record needs no further validation through the live testimony of individual witnesses.

Those of us who have made a career of being lawyers and trying cases probably understand better than anyone else why the House managers are so adamant in their desire to call live witnesses. It keeps the door open if only for a few more days. As Mr. Kendall observed last week, like Mr. Micawber in David Copperfield, they hope against hope that something may turn up.

As an abstract proposition, the importance of live witnesses cannot be disputed. They are important to prosecutors who are trying to make a case. They are important to defense lawyers who are trying to defend a case. Trial lawyers know better than anyone that live witnesses can make all the difference in a trial. There is just no disputing that point.

But that abstract question is not the real live question that the Senate has before it today. The issue before the Senate today is different. It is more specifically whether these three witnesses, each one of whom has testified on multiple occasions under oath before the Federal grand jury, or have been interviewed on multiple occasions by lawyers and law enforcement officers, would have anything whatsoever to add to this trial if they were to appear before you in person. The answer to that question is clearly no.

The answer is no—not because Ms. Lewinsky has already been interviewed so many times and has testified so many times, not because she was just interviewed a few weekends ago, and not because she appeared and answered the House managers' questions under oath for many hours just 4 days ago. The answer is no because if you watch the videotape of her testimony, and if you look at the videotape of the testimony of Mr. Jordan and Mr. Blumenthal, you realize and you know deep in your bones that calling these witnesses to testify personally before you in the Senate in detail would simply be a massive waste of this Senate's time.

You already know the facts. You have already read what they have had to say on many different occasions. And you have already seen and read their most recent testimony under oath. It simply can no longer be credibly argued that you need testimony from these witnesses to "flesh" out the factual record or to resolve conflicts or to fill in the evidentiary gaps or to look the witnesses in the eye and assess their credibility. All that has been done many times before by many lawyers before and by many law enforcement officers many months ago. And then it was done just recently again by House managers as they took their deposition testimony last week.

The Senate has given the managers every opportunity to persuade the Senate and the Nation to see this case the same way they see it. And the managers have run a vigorous and energetic campaign aimed at capturing the Senate and changing American public opinion. How many times do you know of where the prosecutors base their case on a multimillion-dollar criminal investigation involving multiple interrogations of witnesses, producing 60,000 pages of documents, generating 19 boxes of evidence, when the prosecutors are allowed to go back to those witnesses again and again and again in an effort to maybe—somehow maybe—in some way to make their case, covering the same territory, presenting the same evidence, hour after hour? In fact, in our view, the Senate has indulged the managers. And despite the misgivings of many Senators, the Senate has leaned over backwards to accommodate the managers.

We believe it is time for the Senate to say it is time to vote. Given the state of the record compiled by the Office of Independent Counsel, given the discovery that has already been given to the managers, the evidence is as it is, and it is not likely to change in any significant way. The moment of truth can no longer be avoided, and the Senate should move to make the decision.

President Clinton is not guilty of having committed high crimes and misdemeanors. He should not be removed from office. The Senate must act now to end this impeachment trial finally and for all time.

Finally, as to the proposed proceedings for Saturday, Senate Resolution 30 gives the House managers and White House counsel an opportunity to "make a presentation" to the Senate employing all or portions of the videotape of the deposition testimony. And the final portion of the motion involves a request that the parties be permitted to present before the Senate for a period of time not to exceed a total of 6 hours equally divided all or portions of the parts of the videotapes of the oral depositions of Ms. Lewinsky, Mr. Jordan, and Sidney Blumenthal that have been admitted into evidence.

We are convinced that such a presentation would provide no new information to the Senate and would only serve to delay this trial and further burden the service of the Senate.

We also believe that there is a potential for unfairness that lurks in the process of excerpting and presenting portions of individual videotape testimony out of context. We remain committed to the notion that to be fair to all sides, the videotapes, if they are used, must be shown in their entirety or shown not at all. And, above all, we do not believe these videotapes should be released to the public in any form which would of course occur if they were used as part of the presentation on Saturday.

Senators have themselves been reviewing the videotaped deposition testimony of the witnesses at great length and in great detail over the past 4 days. It appears to us that the Senate has been very conscientious in carrying out this assignment. And within a matter of days, Senators will listen to final arguments from each side.

Is there really a need for an intermediate stage involving the playing of videotape testimony of the very same evidence? After conscientiously reviewing the videotape testimony and reading the transcripts of that testimony, should Senators now be required to sit and watch and listen to more of the same? Such an exercise would only be cumulative and causes us to ask what the point would be. We just do not think that additional presentations of the same evidence that Senators have been reviewing over the past few days will be that helpful to the process.

Presumably, the House managers seek to present a collection of snippets—the greatest hits from the deposition testimony of Ms. Lewinsky, Mr. Jordan, and Mr. Blumenthal. This would be unfortunate because it would require a full response from the White House—presumably our own collection of snippets aimed at putting the managers' excerpts into some kind of context. This would be a dual of snippets and excerpts, and presumably each side in the course of the presentation would conduct a guided tour for the Senate through that evidence, although I must say that the language of the motion leaves that open to some doubt.

The language of the motion provides no opportunity for argument, no opportunity for explanation, and simply talks about playing a total of 6 hours equally divided, all or portions of the parts of the videotapes.

Is this the kind of way that your time is best used in this enterprise? We fully understand the House managers' desire—and even share it—to highlight and explain the importance of certain testimony that came out of the depositions over the past few days. But in truth, there are no bombshells in that testimony. There is no dynamite. There are no explosions. We believe that highlighting, explaining, and calling attention to those parts of that testimony that are important can be done with the transcripts, and the transcripts more than satisfy the requirement that we see, or the need to conduct that function, carry out that function. That is what ordinary lawyers do when they are trying cases or arguing in front of a jury.

To the extent that the managers wish to call attention to various aspects of the testimony, we think they will have ample time to do so in the course of their final argument. Traditionally, that is the time to do that, during closing arguments, the time for advocates in a trial to marshal their evidence, to summarize and comment on that evidence; and to allow the managers to go through the deposition testimony first would be tantamount to giving the managers two closing arguments.

In summary, Mr. Chief Justice, I have a point of parliamentary inquiry I would direct to the Chair having to do with the first paragraph, the first section of the proposed motion submitted by the House managers. Is there any way that the Senate can deal first with the question, the first question being bifurcated? Is there any way the Senate can bifurcate this first question and a separate vote be taken first on including the transcripts of the deposition testimony in the record of the trial and, second, whether the videotapes should also be included in the record?

The CHIEF JUSTICE. A preemptive motion to that effect could be made by any Senator.

Mr. Counsel CRAIG. Thank you.

RECESS

The CHIEF JUSTICE. The majority leader.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that we take a 15-minute recess. I think we can address that question during this recess.

There being no objection, at 2:22 p.m. the Senate recessed until 2:44 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I believe that there is time remaining for arguments by the White House counsel, and then at their conclusion, by the House managers. After that, I will make an attempt to explain to the Senate exactly what is in the motions, because there seems to be some degree of question about that. Then we will be prepared to have a series of votes at that time. I still believe we should be able to start that around 4 o'clock. I yield the floor.

The CHIEF JUSTICE. The Chair recognizes Mr. Craig.

Mr. Counsel CRAIG. Mr. Chief Justice, we have completed our presentation. Thank you.

The CHIEF JUSTICE. The House managers have 19 minutes remaining.

The Chair recognizes Mr. Manager BRYANT.

Mr. Manager BRYANT. Mr. Chief Justice, I will respond briefly, to be followed by Mr. Manager MCCOLLUM, who will be followed by Mr. Manager HUTCHINSON.

Let me first talk quickly about Mr. Craig's argument about disagreeing on the admission of the video depositions. He cited the House proceedings, and we want to be clear as to our belief of our position in the House in this process, as the accusatory branch of the Government in this process, and I think that is the case because we vote by a majority vote, we chose to bring forward the case that we felt established the allegations of impeachment.

There was no conflict of evidence brought forward from those House proceedings. This evidence was not challenged until we came to this body, the appropriate body, for resolving the evidence and trying the case, as you will.

That is evidenced by the constitutional requirement that you must vote conviction based on two-thirds of your body. But the actual conflict was not presented until we arrived here in the Senate. By allowing us to have this procedure of taking depositions, we have focused more clearly on resolving those particular conflicts.

I might add also in response to Mr. Craig's statement that the Starr Report was released out to the public and, as a result of that, there may be danger here in releasing these video depositions. But let me tell you about the House vote on the Starr Report. Seventy percent of the Democrats supported the release of those documents; 100 percent of the Democratic leadership in the House supported the release of those documents. So it was not just one party over the other party that threw these out to the public. It was a decision that was a bipartisan decision on the part of the House.

I might add, that is not our interest in doing this with video depositions. We are open to your process, but we must conclude by those who would argue that perhaps you should open your debate to the public, we don't see the consistency in trying to take a very important part of the evidence in this case and not opening that to the public. So we are at your wishes. It is our desire to make the presentation using all or portions of these video depositions and to use those as fully as we would any other evidence.

With that said, I ask Mr. Manager McCOLLUM to follow me.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager McCOLLUM.

Mr. Manager McCOLLUM. Thank you very much, Mr. Chief Justice.

If you listen to the White House counsel, the simple fact is, they don't want a public display in any form of any testimony here in front of the Senate. They don't want the public to have an opportunity to have a public trial.

Now, maybe an impeachment trial is not exactly the same as any other trial, but in the history of the Senate, it has been a basically open process, except for the voting. It has been an opportunity for witnesses to come before you. It has been an opportunity for people to be heard. It has been an opportunity for the public to hear the people who want to speak.

White House counsel didn't just say, "We don't want live witnesses here." They said, "We don't want you to be able to admit even into evidence the videotape that might become public, and we don't want you to be able to show any portion, or all even, of the videotapes of the depositions that have been taken."

If a Republican had gotten up and said that, we would have probably gotten hung on some political petard for that. The reality is, the public has a business here. This is a trial. I suggest and submit to you, we need—you need—the opportunity to hear these witnesses one way or the other—preferably Monica Lewinsky live. We need to bring closure in this matter.

How can the public come to closure? How can those who feel so emotionally, as we know they do, around the country come to closure on this—which we need for them to do as much as you need to resolve and we need to have you resolve the questions before you—how can they come to closure? How can we all come to closure without an opportunity for the public to participate, in one way or another, in seeing the credibility, judging the witnesses, judging the truth of this?

Let me remind you, there is nothing in these depositions that contains any salacious material, so it has been constrained very delicately—nothing at all that would be offensive to anybody.

In addition, think about this for a minute. When it comes to calling Monica Lewinsky live, when it comes to letting the deposition be presented, if you believe that the President did not break the law—not talking about whether he should be removed from office—if you believe he did not break the law, that he did not commit the crimes of perjury and obstruction of justice, that means you must have concluded that Monica Lewinsky was not telling the truth when she said about the false affidavit, "I knew what he meant," when she said about the concealment of the gifts, "Betty called me," when she said about the nature of their relationship, "It began the night we met," and many other things.

You, I would submit, my colleagues in the Senate, have a moral obligation to allow Monica Lewinsky to come here and be judged on her credibility, not just by you but by the public, by all of us, as a live witness. And certainly, barring that, you have an obligation to have the credibility on the issues of guilt or innocence of these crimes be judged by everybody, at the very least, by the presentation of these videos in a public, open format here in the Senate before everybody. And I think it is a powerful question you have to resolve.

And I would submit one last point. For those of you who do believe the President is guilty of these crimes, you have an obligation to let the showing of these depositions, or the presentation preferably of Monica Lewinsky live, so those who maybe don't think the same way you do have an opportunity for that credibility to be judged. Only if the witnesses are present can they be judged that way.

The most remarkable thing about the White House presentation may have been, just a moment ago, the admission that normally in trials this is exactly what happens. And I present to you the suggestion, this is exactly what should happen here today.

I yield to Manager HUTCHINSON.

The CHIEF JUSTICE. The Chair recognizes Manager HUTCHINSON.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice.

Very briefly, I was asked to respond to the last argument by counsel for the President in regard to their objections on the evidentiary presentation of 6 hours under the motion, which would be, I believe, on Saturday. After 6 days of opening statements in this trial, and after 2 days of questions and answers, and then we had, I believe, 2 days of motion arguments, you have heard from all the lawyers more than you ever wanted to hear. And I don't think that it is too much to ask for 6 hours of discussion of the evidentiary record that was developed from the deposition testimony. I think that is reasonable.

It's been argued that, well, you know, it is going to be snippets, it is going to be a battle of snippets.

If this motion is passed, it will be introduced into evidence, and each side will have an opportunity to discuss that evidence, to contrast it with other individuals' testimony, and to present it in a fashion that is most understandable. It is equally divided; therefore, both sides can present their case. That is how it is traditionally done. There is nothing unusual about that. And certainly the White House defense lawyers will be very vigilant in making sure that it is fairly presented.

There was objection that was made—and this is overlapping a little bit—as to the public release of the video. Our motion really goes to introducing into evidence. It is up to you as to how that evidence is handled. Customarily in a trial, when something is entered into evidence, that is released. But there was concern expressed about the witnesses, about Mr. Jordan and the fact that he has testified and now it would be made public. I recall the White House defense lawyers, on this screen over here, put Mr. Jordan's video up there for the world to see. I believe they also brought in other witnesses on video that was put out there for the whole world to see. And so I think it is a little bit late to come in and say that that should not be subject to public discussion.

And so I think that the motion that is presented is reasonable, it is fair. They say there is nothing of dynamite or there is nothing explosive. Then if that is the case, there should not be any objection to the discussion and the fair playing of that evidence. But in fact much of this is due because it was not developed after the President made his grand jury appearance. Many of these witnesses testified early. They were not able to testify again after the President's grand jury testimony. So I think there are new areas that have certainly been developed.

With that, Mr. Chief Justice, I yield back.

The CHIEF JUSTICE. Will the House managers yield back?

Mr. Manager HUTCHINSON. Yes, Mr. Chief Justice.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, then all time has been yielded back on both sides?

The CHIEF JUSTICE. Yes.

Mr. LOTT. We had expected this would take a little bit longer. (Laughter.)

Mr. Chief Justice, I believe it would be of interest to the Senators that we give just a brief explanation of the motions. I believe Senator DASCHLE may have an additional motion that he would like to offer. So that we can make sure he has had the time to prepare that, and how we would go into the voting procedure, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The CHIEF JUSTICE. Without objection, it is so ordered.

Mr. LOTT. Mr. Chief Justice, very briefly, I believe that Senator DASCHLE, or one of his Senators, will have a peremptory motion that they will offer, and it will be read by the clerk; then there will be a vote on that. And then there will be a vote on the 3 divisions that have been identified—the 3 votes on the one motion—and then I believe Senator DASCHLE will also have a motion that will go straight to debate and closing arguments and the vote on the articles of impeachment. Is that a correct recitation?

I yield to Senator DASCHLE.

Mr. DASCHLE. Mr. Chief Justice, I appreciate the Senator yielding. As I understand it, Senator MURRAY's motion will relate to the third motion, which is, as I understand it, the motion that allows for video excerpts to be used. Her motion would restrict both managers to transcripts, written transcripts. I am not sure in which order her motion should be offered, but since it relates to the third one, perhaps it would be in concert with that motion.

The CHIEF JUSTICE. This is the motion to debate and divide the third motion.

Mr. DASCHLE. That's correct.

Mr. LOTT. We would vote on the first paragraph, the second paragraph, and then there would be a motion at that point by Senator MURRAY and a vote on that, and a vote then on the third division, and then a vote on the articles of impeachment itself.

VOTE ON DIVISION I

The CHIEF JUSTICE. The question is on division I. The clerk will read Division I.

The legislative clerk read as follows:

The House moves that the transcriptions and videotapes of the oral depositions taken pursuant to Senate resolution 30 from the point that each witness is sworn to testify under oath to the end of any direct response to the last question posed by a party be admitted into evidence.

The CHIEF JUSTICE. The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 9]

[Subject: Division I of House managers motion regarding admission of evidence]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The CHIEF JUSTICE. On this vote, the yeas are 100, the nays are 0. Division I of the motion is agreed to.

VOTE ON DIVISION II

The CHIEF JUSTICE. The next vote will be on Division II of the motion. The clerk will read Division II of the motion.

The assistant legislative clerk read as follows:

Division II: The House further moves that the Senate authorize and issue a subpoena for the appearance of Monica S. Lewinsky before the Senate for a period of time not to exceed eight hours, and in connection with the examination of that witness, the House requests that either party be able to examine the witness as if the witness were declared adverse, that counsel for the President and counsel for the House Managers be able to participate in the examination of that witness, and that the House be entitled to reserve a portion of its examination time to reexamine the witness following any examination by the President.

The CHIEF JUSTICE. The yeas and nays are automatic. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 30, nays 70, as follow:

[Rollcall Vote No. 10]

[Subject: Division II of House managers motion regarding appearance of witnesses]

YEAS—30

Abraham
Ashcroft
Bond
Bunning
Burns
Cochran
Craig
Crapo
DeWine
Fitzgerald
Frist
Gramm
Grams
Hagel
Hatch
Helms
Hutchinson
Inhofe
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Santorum
Smith (NH)
Specter
Thompson

NAYS—70

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Byrd
Campbell
Chafee
Cleland
Collins
Conrad
Coverdell
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Gorton
Graham
Grassley
Gregg
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Stevens
Thomas
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The CHIEF JUSTICE. The Senate will be in order.

On this vote, the yeas are 30, the nays are 70. Division II of the motion is not agreed to.

The Chair recognizes the Senator from Washington, Mrs. MURRAY.

MURRAY SUBSTITUTE FOR DIVISION III

Mrs. MURRAY. Mr. Chief Justice, I send a substitute for division III to the desk.

The CHIEF JUSTICE. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington, Mrs. MURRAY, moves that the following shall be substituted for division III:

I move that the parties be permitted to present before the Senate, for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the written transcriptions of the depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal.

The CHIEF JUSTICE. Very well.

The Parliamentarian advises me that there are 2 hours of argument on this motion. Who is the proponent?

Mr. DASCHLE. Mr. Chief Justice, I ask unanimous consent that the time be yielded back.

The CHIEF JUSTICE. Without objection, it is so ordered.

I think the clerk should read division III, having read the proposed substitute.

The legislative clerk read as follows:

The House further moves that the parties be permitted to present before the Senate, for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the videotapes of the oral depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal admitted into evidence, and that the House be entitled to reserve a portion of its presentation time.

The CHIEF JUSTICE. Now the clerk will read the substitute again.

The legislative clerk read as follows:

> I move that the parties be permitted to present before the Senate for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the written transcriptions of the depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal.

The CHIEF JUSTICE. The yeas and nays are automatic. The question is on the substitute. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 27, nays 73, as follows:

[Rollcall Vote No. 11]

[Subject: Murray motion to substitute division III of the House motion]

YEAS—27

Akaka
Biden
Bingaman
Boxer
Campbell
Conrad
Daschle
Dodd
Dorgan
Harkin
Inouye
Johnson
Kennedy
Kerrey
Landrieu
Lautenberg
Levin
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Torricelli

NAYS—73

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Chafee
Cleland
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kerry
Kohl
Kyl
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Roberts
Roth
Santorum
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

The CHIEF JUSTICE. On this vote the yeas are 27, the nays are 73, and the motion is not agreed to.

VOTE ON DIVISION III

The CHIEF JUSTICE. The vote is now on the division III of the motion. The clerk will read division III.

The assistant legislative clerk read as follows:

> Division III. The House further moves that the parties be permitted to present before the Senate, for a period of time not to exceed a total of six hours, equally divided, all or portions of the parts of the videotapes of the oral depositions of Monica S. Lewinsky, Vernon E. Jordan, Jr., and Sidney Blumenthal admitted into evidence, and that the House be entitled to reserve a portion of its presentation time.

The CHIEF JUSTICE. The yeas and nays are automatic. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 62, nays 38, as follows:

[Rollcall Vote No. 12]

[Subject: Division III of the House managers motion regarding presentation of evidence]

YEAS—62

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NAYS—38

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Torricelli

The CHIEF JUSTICE. On this vote, the yeas are 62, the nays are 38. Division III of the motion is agreed to.

The CHIEF JUSTICE. The Chair recognizes the minority leader.

MOTION TO PROCEED TO CLOSING ARGUMENTS

Mr. DASCHLE. I send a motion to the desk.

The CHIEF JUSTICE. The clerk will report the motion.

The legislative clerk read as follows:

> The Senator from South Dakota [Mr. DASCHLE] moves that the Senate now proceed to closing arguments; that there be 2 hours for the White House Counsel followed by 2 hours for the House Managers; and that at the conclusion of this time the Senate proceed to vote, on each of the articles, without intervening action, motion or debate, except for deliberations, if so decided by the Senate.

The CHIEF JUSTICE. The minority leader.

Mr. DASCHLE. I ask unanimous consent that all time be yielded back.

The CHIEF JUSTICE. In the absence of objection, it is so ordered. The yeas and nays are automatic. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 44, nays 56, as follows:

[Rollcall Vote No. 13]

[Subject: Daschle motion to proceed to closing arguments]

YEAS—44

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—56

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The CHIEF JUSTICE. On this vote the yeas are 44, the nays are 56, and the motion is not agreed to.

The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I believe that was the last of the motions that had been offered.

I am ready to go to the closing script unless there is some other motion pending or to be offered.

Mr. Counsel RUFF. May I ask, Mr. Chief Justice, for indulgence for just a couple minutes to consult with my colleagues?

Mr. LOTT. Mr. Chief Justice, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the order for the quorum call be rescinded.

The CHIEF JUSTICE. Without objection, it is so ordered.

Mr. LOTT. Mr. Chief Justice, I believe that it is in order for White House counsel to offer a motion at this point. If they wish to do so, then I believe they could, then we would vote on that motion.

The CHIEF JUSTICE. The Chair recognizes Mr. White House Counsel Ruff.

Mr. Counsel RUFF. Thank you, Mr. Chief Justice.

MOTION TO PROVIDE WRITTEN NOTICE TO COUNSEL

Mr. Counsel RUFF. Mr. Majority Leader, I want to hand up to the desk a brief motion dealing with the presentation of videotape evidence on Saturday pursuant to the motion that has just been voted on by the Senate. If I may, I hand it up to the clerk.

The CHIEF JUSTICE. The clerk will read the motion.

The legislative clerk read as follows:

> Mr. Ruff moves that no later than 2:00 P.M. on Friday, February 5, 1999, the Managers

shall provide written notice to counsel for the President indicating the precise page and line designations of any video excerpts from the depositions of Monica Lewinsky, Vernon Jordan or Sidney Blumenthal that they plan to use during their three-hour presentation on Saturday, or during their closing argument.

The CHIEF JUSTICE. There are 2 hours equally divided on the motion.

Mr. Counsel RUFF. Mr. Chief Justice, we won't use but a small percentage of that. I will turn the matter over, if I may, to my colleague, Mr. Kendall.

The CHIEF JUSTICE. The Chair recognizes Mr. Counsel Kendall.

Mr. Counsel KENDALL. Thank you, Mr. Chief Justice.

Ladies and gentlemen of the Senate, House managers, I will be brief. This is simply a procedural motion which I think will make for a fairer hearing and a more efficient use of the Senate's time on Saturday.

Fascinating though these depositions are, I don't think there is any need to inflict them on you repeatedly. What we are asking in this motion is simply a procedure that would be normal in a civil trial, and that is by a fair time tomorrow for the House managers to designate the portions of the three depositions that they intend to use. That will allow us not to repeat those portions, and it will give us some fair chance to organize our responsive presentation.

The burden is on the House managers. I think this is not an extensive set of transcripts. I think it can be easily done. You have all, many of you, watched the depositions this week, read the transcripts. So I think if we can simply have this designation by 2 o'clock tomorrow, it will enable Saturday, perhaps, to be a shorter proceeding.

The CHIEF JUSTICE. Counsel for House managers? The Chair recognizes Mr. Manager Rogan.

Mr. Manager ROGAN. Mr. Chief Justice, thank you.

I will imitate my colleague at the bar Mr. Kendall's brevity, if not his eloquence.

I simply suggest this is somewhat a unique opportunity that counsel is inviting the House managers to engage in, to give counsel notice of page and line of transcripts for the presentation of evidence that we are going to make. It is our prerogative to put on our evidence; it is White House counsel's opportunity to put on their evidence. Asking us to choreograph that for them and with them is something that I am unfamiliar with, except for one time.

I remember during my days as a judge in California that a similar request was made for me, and a law clerk pointed out to me language from one of the late great justices of the California Supreme Court, Otto Kaus. Apparently, a similar request was made to Justice Kaus to do the same thing in a case, and Justice Kaus looked at the lawyer making the request and he said, "I believe the appropriate legal response to your request is that it is none of your damn business what the other side is going to put on."

With that, Mr. Chief Justice, we will yield back the balance of our time.

The CHIEF JUSTICE. Mr. Kendall.

Mr. Counsel KENDALL. That philosophy might want to be emulated at some point by the drafters of the Federal Civil Rules, but it is not. In every Federal civil trial, this procedure is followed, the designation, the identifying, and designating of deposition excerpts.

Again, I think it will make for a fairer and more efficient proceeding. I don't think trial by surprise has a place here.

The CHIEF JUSTICE. The vote is on the motion.

The clerk will read the motion.

The legislative clerk read as follows:

> Mr. Ruff moves that no later than 2:00 P.M. on Friday, February 5, 1999, the Managers shall provide written notice to counsel for the President indicating the precise page and line designations of any video excerpts from the depositions of Monica Lewinsky, Vernon Jordan or Sidney Blumenthal that they plan to use during their three-hour presentation on Saturday, or during their closing argument.

Mr. BYRD. Mr. Chief Justice, may we have order.

The CHIEF JUSTICE. I fully agree with the Senator.

Mr. BYRD. Would the clerk read that again.

The CHIEF JUSTICE. Let the Senate remain in order and let the clerk read the motion again.

The legislative clerk read as follows:

> Mr. Ruff moves that no later than 2:00 P.M. on Friday, February 5, 1999, the Managers shall provide written notice to counsel for the President indicating the precise page and line designations of any video excerpts from the depositions of Monica Lewinsky, Vernon Jordan or Sidney Blumenthal that they plan to use during their three-hour presentation on Saturday, or during their closing argument.

The CHIEF JUSTICE. The yeas and nays are automatic. The clerk will call the roll.

The assistant legislative clerk called the roll.

(Disturbance in the Visitors' Galleries.)

The CHIEF JUSTICE. The Sergeant at Arms will restore order to the gallery.

The assistant legislative clerk continued with the call of the roll.

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 14]

[Subject: White House Counsels' motion]

YEAS—46

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The CHIEF JUSTICE. On this vote, the yeas are 46, the nays are 54. The motion is rejected.

ORDERS FOR SATURDAY, FEBRUARY 6 AND MONDAY, FEBRUARY 8, 1999

Mr. LOTT. Mr. Chief Justice, I believe that completes all the motions. Therefore, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Saturday, February 6, and at 10 a.m. on Saturday, immediately following the prayer, the Senate will resume consideration of the articles of impeachment. I further ask consent that on Saturday there be 6 hours equally divided between the House managers and White House counsel for presentations. I further ask that following those presentations on Saturday, the Senate then adjourn until 1 p.m. on Monday, February 8. I finally ask consent that on Monday, immediately following the prayer, the Senate resume consideration of the articles of impeachment, and there then be 6 hours equally divided between the managers and White House counsel for final arguments.

Mr. LEAHY. Mr. Chief Justice, reserving the right to object, and I shall not, I ask the distinguished leader this. We have had exhibits handed out today to be printed in the Congressional Record, referring to depositions which, I understand under rule XXIX, are still confidential. Are those to be printed in the Record?

Mr. LOTT. I will ask consent that the transcripts of the depositions be printed in the Record of today's date.

Mr. LEAHY. The exhibits were handed out today in debate. Were they handed out under rule XXIX?

Mr. LOTT. I believe we got approval that they be used in the oral presentations at the beginning of the session today.

Mr. LEAHY. I withdraw any objection.

Mr. CHIEF JUSTICE. Objection has been heard.

Mr. LEAHY. Mr. Chief Justice, I withdrew any objection.

Mr. KERRY addressed the Chair.

The CHIEF JUSTICE. The Senator from Massachusetts, Mr. KERRY, is recognized.

Mr. KERRY. Mr. Chief Justice, reserving the right to object. I ask the majority leader, is there an assumption that if White House counsel were to want sufficient time on Saturday in order to be able to present video testimony countering whatever surprise video—and there may or may not be a surprise—would they have time to be able to provide that on Saturday—not to carry over, but merely if they choose to, to do that on Saturday?

Mr. LOTT. I am not sure I understand the question, except that we will come in at 10, and we will have 6 hours equally divided. I presume that the House would make a presentation first and then the White House and then close. There would be time during that 6-hour period for the White House to use it as they see fit. Are you asking that there would be some sort of break so they would be able to consider that?

Mr. KERRY. Clearly, the purpose of the trial and the purpose of this effort is to have a fair presentation of evidence. The Senate now having denied notice to White House counsel of what areas may be the subject of video, it might be that the voice of the witnesses themselves is the best response to whatever it is that the House were to present. If they were to decide——

Mr. BROWNBACK. Mr. Chief Justice, I call for the regular order.

The CHIEF JUSTICE. The regular order has been called for. There is a unanimous consent request pending. Is there objection?

Mr. LOTT. Mr. Chief Justice, briefly, if I could say on behalf of my unanimous consent, and in brief response to the question, we have all worked hard and bent over backward trying to be fair. I am sure if there is something that would be needed on Saturday, it would be carefully considered by both sides.

Mr. KERRY. Mr. Chief Justice, I suggest the absence of a quorum.

Mr. GRAMM. A quorum is present.

The CHIEF JUSTICE. The majority leader has the floor.

Mr. LOTT. Mr. Chief Justice, I believe it would be appropriate to go ahead and get this unanimous consent agreement. We will continue to work with both sides to try to make sure there is a fair way to proceed on Saturday. We will have the remainder of today and tomorrow to work on that. So I would like to renew my unanimous consent request.

The CHIEF JUSTICE. Is there objection?

Mr. BOND. Mr. Chief Justice, reserving the right to object. May I inquire of the majority leader if that Saturday time schedule gives both parties adequate time to prepare for the presentation of the evidence? Have both sides agreed that they will be prepared?

Mr. LOTT. Mr. Chief Justice, as best I can respond to that, I just say that hopefully both sides have had more than adequate time allocated on Saturday. One of the reasons we are doing it this way—Saturday instead of tomorrow—is so both sides will have an opportunity to review everything and hopefully communicate with each other. We will do that Friday during the day so that an orderly presentation can be made by both sides on Saturday. I believe we are seeing a problem here where there may not be one.

But if one develops certainly we would take it into consideration.

Mr. Chief Justice, I renew my request.

The CHIEF JUSTICE. Is there objection? In the absence of objection, it is so ordered.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that those parts of the transcripts of the depositions admitted into evidence be printed in the Congressional RECORD of today's date.

I further ask consent that the deposition transcripts of Monica Lewinsky, Vernon Jordan, and Sidney Blumenthal, and the videotapes thereof, be immediately released to the managers on the part of the House and the counsel to the President for the purpose of preparing their presentations, provided, however, that such copies shall remain at all times under the supervision of the Sergeant at Arms to ensure compliance with the confidentiality provisions of S. Res. 30.

The CHIEF JUSTICE. In the absence of objection, it is so ordered.

The material follows:

IN THE SENATE OF THE UNITED STATES SITTING FOR THE TRIAL OF THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

EXCERPTS OF VIDEO DEPOSITION OF MONICA S. LEWINSKY

(Monday, February 1, 1999, Washington, D.C.)

SENATOR DEWINE: If not, I will now swear the witness.

Ms. Lewinsky, will you raise your right hand, please?

Whereupon, MONICA S. LEWINSKY was called as a witness and, after having been first duly sworn by Senator DeWine, was examined and testified as follows:

SENATOR DEWINE: The House Managers may now begin your questioning.

MR. BRYANT: Thank you, Senator.

Good morning to all present.

EXAMINATION BY HOUSE MANAGERS

BY MR. BRYANT:

Q. Ms. Lewinsky, welcome back to Washington, and I wanted to just gather a few of our friends here to have this deposition now. We do have quite a number of people present, but we—in spite of the numbers, we do want you to feel as comfortable as possible because I think we—everyone present today has an interest in getting to the truth of this matter, and so as best as you can, we would appreciate your answers in a—in a truthful and a fashion that you can recall. I know it's been a long time since some of these events have occurred.

But for the record, would you state your name once again, your full name?

A. Yes. Monica Samille Lewinsky.

Q. And you're a—are you a resident of California?

A. I'm—I'm not sure exactly where I'm a resident now, but I—that's where I'm living right now.

Q. Okay. You—did you grow up there in California?

A. Yes.

Q. I'm not going to go into all that, but I thought just a little bit of background here. You went to college where?

A. Lewis and Clark, in Portland, Oregon.

Q. And you majored in—majored in?

A. Psychology.

Q. Tell me about your work history, briefly, from the time you left college until, let's say, you started as an intern at the White House.

A. Uh, I wasn't working from the time I—

Q. Okay. Did you—

A. I graduated college in May of '95.

Q. Did you work part time there in—in Oregon with a—with a District Attorney—

A. Uh—

Q. —in his office somewhere?

A. During—I had an internship or a practicum when I was in school. I had two practicums, and one was at the public defender's office and the other was at the Southeast Mental Health Network.

Q. And those were in Portland?

A. Yes.

Q. Okay. What—you received a bachelor of science in psychology?

A. Correct.

Q. Okay. As a part of your duties at the Southeast Health Network, what did you—what did you do in terms of working? Did you have direct contact with people there, patients?

A. Yes, I did. Um, they referred to them as clients there and I worked in what was called the Phoenix Club, which was a socialization area for the clients to—really to just hang out and, um, sort of work on their social skills. So I—

Q. Okay. After your work there, you obviously had occasion to come to work at the White House. How did—how did you come to decide you wanted to come to Washington, and in particular work at the White House?

A. There were a few different factors. My mom's side of the family had moved to Washington during my senior year of college and I wanted—I wasn't ready to go to graduate school yet. So I wanted to get out of Portland, and a friend of our family's had a grandson who had had an internship at the White House and had thought it might be something I'd enjoy doing.

Q. Had you ever worked around—in politics and campaigns or been very active?

A. No.

Q. You had to go through the normal application process of submitting a written application, references, and so forth to—to the White House?

A. Yes.

Q. Did you do that while you were still in Oregon, or were you already in D.C.?

A. No. The application process was while I was a senior in college in Oregon.

Q. Had you ever been to Washington before?

A. Yes.

Q. Obviously, you were accepted, and you started work when?

A. July 10th, 1995.

Q. Where—where were you assigned?

A. The Chief—

Q. Physically, where were you located?

A. Oh, physically?

Q. Yes.

A. Room 93 of the Old Executive Office Building.

Q. Were you designated in any particular manner in terms of—were all interns the same, I guess would be my question?

A. Yes and no. We were all interns, but there were a select group of interns who had blue passes who worked in the White House proper, and most of us worked in the Old Executive Office Building with a pink intern pass.

Q. Now, can you explain to me the significance of a pink pass versus a blue pass?

A. Sure.

Q. Okay. Is it—is it access?

A. Yes.

Q. To what?

A. A blue pass gives you access to anywhere in the White House and a pink intern pass gives you access to the Old Executive Office Building.

Q. Did interns have blue passes?

A. Yes, some.

Q. Some did, and some had pink passes?

A. Correct.

Q. And you had the pink?

A. Correct.

Q. How long was your internship?

A. It was from July 'til the end of August, and then I stayed on for a little while until the 2nd.

Q. Are most interns for the summertime—you do part of the summer or the entire summer?

A. I believe there are interns all year-round at the White House.

Q. Now, you as an intern, you are unpaid.

A. Correct.

Q. And tell—tell me how you came to, uh, through your decisionmaking process, to seek a paid position and stay in Washington.

A. Uh, there were several factors. One is I came to enjoy being at the White House, and I found it to be interesting. I was studying to take the GREs, the entrance exam for graduate school, and needed to get a job. So I—since I had enjoyed my internship, my supervisor at the time, Tracy Beckett, helped me try and secure a position.

Q. Now, you mentioned the pink pass that you had. So you were able to—I don't want to presume—you were able to get into the White House on occasion even with a pink pass?

A. The—do you mean the White House proper, or—

Q. Yes, the White House—

A. —the complex?

Q. Yes. Let me be clear. When I—I tend to say "White House"—I mean the actual building itself. And I know perhaps you think of the whole complex in terms of the whole—

A. I'm sorry. Just to be clear—

Q. Yes.

A. —do you mean the West Wing and the residence and—

Q. Right.

A. —the East Wing when you say the White House?

Q. Right. The White House where the President lives, and works, I guess, right.

A. I'm sorry. Can you repeat the question?

Q. Yes, yes. I mean that White House. As an intern, you had a pink pass that did allow you to have access to that White House where the President was on occasion?

A. No.

Q. Did not. Did you have—did you ever get in there as an intern?

A. Yes.

Q. And under—under what circumstances?

A. It—

Q. Did you have to be accompanied by someone, or—

A. Exactly; someone with a blue pass.

Q. So how did you—once you decided you wanted to stay in Washington and find a paying job, you sought out some help from friends there, people you knew, contacts, and you were—you did—you were successful?

A. Correct.

Q. And you were hired where—where in the White House?

A. In Legislative Affairs.

Q. Now, again, to educate me on this, in that group, in that section, department, you would have worked where, physically?

A. Physically, in the East Wing.

Q. Okay, and as an intern before, you worked in the Old Executive Office Building?

A. Correct.

Q. But you moved about and occasionally would go into the White House, if escorted?

A. Correct.

Q. It takes a while, but I'll get there with you; I'll catch up.

When did you actually—what was your first day on the job with the Legislative Affairs, uh, group?

A. Um, first day on the job was sometime after the furlough. I was hired right before the furlough, but the paperwork hadn't gone through, so first day on the job was some point after the furlough. I don't remember the exact date.

Q. So you remained, uh, on as an intern during the furlough—

A. Correct.

Q. —the Government shutdown period.

A. Correct.

Q. And that was in November of 1995, some date during that?

A. Yes.

Q. Okay. Um, tell me how you, um, began—I guess the—the—we're going to talk about a relationship with the President. Uh, when you first, uh, I guess, saw him, I think there was some indication that you didn't speak to him maybe the first few times you saw him, but you had some eye contact or sort of smiles or—

A. I—I believe I've testified to that in the grand jury pretty extensively.

Q. Uh-huh.

A. Is—is there something more specific?

Q. Well, again, I'm wanting to know times, you know, how soon that occurred and sort of what happened, you know, if you can—you know, there are going to be occasions where you—obviously, you testified extensively in the grand jury, so you're going to obviously repeat things today. We're doing the deposition for the Senators to view, we believe, so it's—

MR. CACHERIS: May I note an objection. The Senators have the complete record, as you know, Mr. Bryant, and she is standing on her testimony that she has given on the occasions that Mr. Stein alluded to at the introduction of this deposition.

MR. BRYANT: Well, I appreciate that, but, uh, if this is going to be the case, we don't even need the deposition, because we're limited to the record and everything is in the record. So I think, uh, to be fair, we're—we're obviously going to have to talk about, uh, some things for 8 hours here, or else we can go home.

THE WITNESS: Sounds good to me.

[Laughter.]

MR. BRYANT: I think we probably all would like to do that.

SENATOR DEWINE: Counsel, are you objecting to the question?

MR. CACHERIS: Yes. I'm objecting to him asking specific questions that are already in the record that—he has said they are limited to the record, and so we accept his, his designation. We're limited to the record.

SENATOR DEWINE: We're going to go off the record for just a moment.

THE VIDEOGRAPHER: We're going off the record at 9:37 a.m.

[Recess.]

THE VIDEOGRAPHER: We are going back on the record at 9:45 a.m.

SENATOR DEWINE: We are now back on the record.

The objection is noted, but it's overruled, and the witness is instructed to answer the question.

Senator Leahy?

SENATOR LEAHY: And I had noted during the break that obviously, the witness has 48 hours to correct her deposition, and would also note that when somebody has testified to some of these things 20 or more times that it is not unusual to have some nuances different, and that could also be reflected in time to correct her testimony.

And I had also noted when we were off the record Mr. Manager Bryant's comment on January 26th, page S992 in the Congressional Record, in which he said: "If our motion is granted, I want to make this very, very clear. At no point will we ask any questions of Monica Lewinsky about her explicit sexual relationship with the President, either in deposition or, if we are permitted on the floor of the Senate, they will not be asked."

And I should add also, to be fair to Mr. Bryant, another sentence in that: "That, of course, assumes that White House Counsel does not enter into that discussion, and we doubt that they would." Period, close quote.

SENATOR DEWINE: Let me just add something that I stated to counsel and to Ms. Lewinsky off the record, and I think I will briefly repeat it, and that is that counsel is entitled to an answer to the question, but Ms. Lewinsky certainly can reference previous testimony if she wishes to do that. But counsel is entitled to a new explanation of—of what occurred.

Counsel, you may—why don't you re-ask the question, and we will proceed.

MR. BRYANT: May I, before I do that, ask a procedural question in terms of timekeeping?

SENATOR DEWINE: The time is not counted—any of the time that you have—once there is an objection, none of the time is counted until we rule on the objection and until you then have the opportunity to ask the question again. So the time will start now.

MR. BRYANT: Very good.

BY MR. BRYANT:

Q. Ms. Lewinsky, again, let me—I know this is difficult, but let me apologize that, uh, that it is going to be necessary that I ask you these questions because we're limited to the record and if we—we can't ask you any new questions outside that record, so I have to talk about what's in the record. And I realize you've answered all these questions several times before, but it's, uh—I'm sincere that we really wouldn't need to take your deposition if we couldn't ask you those kinds of questions. So it's not motivated to cause you uncomfort or to make you sit here in Washington when you'd rather be in California. We'll try to get through this as quickly as we can.

But we were talking about when you were first assigned there at the White House and those initial contacts, and I mean, again, when you were—you would see the President.

I think you've mentioned you would—there was some mild flirting going on; you would smile or you would make eye contact. It was something of this nature?

A. Yes.

Q. And the first—was the first time you actually spoke to the President or he spoke to you, other than perhaps a hello in the hallway, was that on November the 15th, 1995?

A. Yes.

Q. And that was—that was the day, uh, of the first so-called salacious encounter, the same day?

A. Yes.

Q. Now, when the President gave a statement testifying before the grand jury, he—he described that relationship as what I considered sort of an evolving one. He says: "I regret that what began as a friendship came to include this conduct." And he goes on to take full responsibility for his actions. But that almost sounds as if this was an evolving—something from a friendship evolving over time to a sexual relationship. That was not the case, was it?

A. I—I can't really comment on how he perceived it. My perception was different.

Q. Okay—

A. But I—I—I mean, I don't feel comfortable saying that he didn't, that he didn't see it that way, or that's wrong; that's how he saw it. I—

Q. But you saw it a different way?

A. Yes.

Q. Now, on November the 15th, had you already accepted this job with Legislative Affairs?

A. Yes.

Q. And, uh, was—that was during the shutdown, so you had no job to go to because the Government was shut down.

A. No. I accepted it on the Friday before the furlough.

Q. And that—

A. But the paperwork hadn't gone through.

Q. Okay. Did, uh—when you first met with the President on November the 15th, did he say anything to you that would indicate that he knew you were an intern?

A. No.

Q. Did he make a comment about your, your pink security badge?

A. Can I ask my counsel a question real quickly, please?

[Witness conferring with counsel.]

MR. CACHERIS: Okay, Mr Bryant.

THE WITNESS: Sorry. It was—that occurred in the second encounter of that evening.

BY MR. BRYANT:

Q. Okay. On November—

A. So, not the first encounter.

Q. On November the 15th, 1995?

A. Correct.

Q. What—do you recall what he said or what he did in regard to the intern pass?

A. He tugged on my pass and said: "This is going to be a problem."

Q. And what did, uh—did he say anything else about what he meant by "problem"?

A. No.

Q. Tell me about your job at Legislative Affairs. Did that involve going into the White House itself?

A. Yes. My job was in the White House.

Q. You were in one wing, but did that involve going—did it give you access—

A. Yes.

Q. —pretty well throughout the White House?

A. Yes.

Q. What did you do primarily?

A. I worked under Jocelyn Jolly, who supervised the letters that came from the Hill; so the opening of those letters and reading them and vetting them and preparing responses for the President's signature—responding.

Q. Now, you've indicated through counsel at the beginning that you are willing to affirm, otherwise adopt, your sworn testimony of August the 6th and August the 20th, I think, which would be grand jury, and the deposition of August the 26th, 1998.

A. Correct.

Q. So you're saying that that information is accurate, and it is truthful?

A. Yes.

Q. Well, thank you. That—that will save us a little bit of time, but certainly we will ask you some of that information also.

At some point, you were transferred to the Pentagon, to the Department of Defense. When did that occur?

A. I found out I was being transferred on April 5th, 1996.

Q. Did you want to go—

A. No.

Q. —to the Department of Defense? Did you have a discussion with the President about this?

A. Yes.

Q. What was your reaction to being transferred?

A. I started to cry.

Q. Did you talk to anyone else at the White House other than the President about the transfer at that time?

A. Yes.

Q. And who—who was that?

A. I spoke with several people. I—I can't—I know I—I spoke with, uh, Jocelyn about it. I spoke with people with whom I was friendly at the White House. I spoke to Betty, Nancy Hernreich, several people.

Q. Did you—did you find out why you were being transferred?

A. Uh, I was told why I was being transferred by Mr. Keating on Friday, the 5th of April.

Q. And that was why?

A. Uh, he said that the—the Office of Administration, I think it was, was not pleased with the way the correspondence was being handled, and they were, quote-unquote, "blowing up" the Correspondence Office, and that I was being transferred and it had nothing to do with my work.

Q. Did you have any understanding that it might have been other reasons that you were being moved?

A. Not at that point.

Q. Did the—what did the President say about your transfer at that point?

A. He thought it had something to do with our relationship.

Q. What else did he say about—about your transfer, if anything? Did he give you any assurances that you might be back, or—

A. Yes.

Q. Back after what time period?

A. He promised me he'd bring me back after the election.

Q. So this was, again, in early 19—April of 1996, and he was up for reelection—

A. Yes.

Q. —in November of 1996.

A. Yes.

Q. Did you attach any significance to being transferred away before the election and then him assuring you he would bring you back after the election? Did you attach any significance to the election and your having to leave?

A. Emotional significance, yes.

Q. Your emotion? I'm—I'm not sure I follow you. You were—

A. Well, yes, I attached significance to it.

Q. And that was emotional—

A. But that was emotional.

Q. But the reason you both felt—again, I'm not trying to put words in your mouth, but you both felt you were leaving until after the election was because of your relationship and perhaps people finding out?

A. No. I—I—first, I can only speak for myself. I mean, I, uh, my understanding initially was that it was, um, for work-related issues, but not my work, and I came to understand later that it was having to do with my relationship with the President.

Q. Okay. Did, uh, you have a conversation—and it may be the same one with the President on April the 12th—which determined that Ms. Lieberman maybe spearheaded your transfer because you were paying too much attention—you were all—you were both paying too much attention to each other and she was worried that it was close to election time? And I think you've testified to that, haven't you?

A. Yes.

Q. Okay, good. You started, uh, with the Department of Defense at the Pentagon in mid-April, April the 17th, 1996?

A. Yes.

Q. What did you do there?

A. I was the confidential assistant to Mr. Bacon, who is the Assistant Secretary of Defense for Public Affairs.

Q. Did, uh—after the 1996 election, did you still want to go back to the White House?

A. Yes.

Q. You had not fallen in love with the job at the Pentagon that much?

A. No.

Q. Was that, in fact, a frustrating period of time?

A. Yes. No offense to Mr. Bacon, of course.

Q. I understand; I'm sure he would take none.

I would like—I don't think it's been mentioned, but you helped in preparing a chart which we have listed as one of our exhibits, ML Number 2, which I assume might have a different number for now, but it's a chart of contacts—

A. Right.

Q. —that you had with the President. And do you have a copy of that chart? It—

[Witness conferring with counsel.]

MR. BRYANT: In the—yes, in the record, it's at page 1251.

MR. BURTON: May we have an extra copy for counsel, please?

BY MR. BRYANT:

Q. Have you had occasion to review this document?

A. Yes.

Q. And very—very simply, I would like for you to, uh, if you can, to affirm that document as an accurate representation and a truthful representation of all the contacts that you had with the President from approximately August 9th, 1995 until January of 1998. It includes in-person contacts, telephone calls, gifts and notes exchanged, I think are the categories.

A. Yes. I believe there might have been one or two changes that were made and noted in the grand jury or my deposition, and I adopt those as well.

MR. BRYANT: Okay, good.

I am not going to at this point make her—the information she adopts and affirms exhibits to this deposition. I don't want to clutter it any more unless someone wants to make this an exhibit in terms of your deposition testimony, your grand jury testimony, and now the charts that you have affirmed, so I just want you to specifically affirm it but not make it an exhibit, because it's already a part of the record.

MR. CACHERIS: We defer to the White House.

MS. SELIGMAN: I just wanted to make clear on the record, then, what the app. or sub-cite is of anything we're adopting so that we all know what particular pages it is.

MR. BRYANT: Okay. And that, again, was, I think, page 1251 of—right, of the record.

SENATOR LEAHY: I don't—I don't understand.

MS. MILLS: Can you cite the ending page?

SENATOR DEWINE: Counsel, is that where this appears?

MR. BRYANT: It appears in the record, uh—

SENATOR DEWINE: You need to designate also if you're talking about the Senate record or—I think at this point we'll go off the record.

THE VIDEOGRAPHER: We're going off the record at 10:01 a.m.

[Recess.]

THE VIDEOGRAPHER: We are going back on the record at 10:11 a.m.

SENATOR DEWINE: Let me—we're now back on the record.

Let me advise counsel, the Managers, that they have used 25 minutes so far.

You may resume questioning, and if you could begin by identifying the exhibit for the record, please.

MR. BRYANT: Tom, let me also for clarification purposes—Tom, on the referral to the Senate record, you're saying that the appendices are numbered 3, but the numbers are the same. The page numbers are the same.

MR. GRIFFITH: Yes.

MR. BRYANT: And the supplemental materials are your Volume IV, but, again, the pages are the same.

MR. GRIFFITH: That's our understanding.

MR. BRYANT: Okay. For the record, then, using the Senate volumes, if this is an appendices, Volume III, and the chart that we just alluded to before the break is—appears at pages 116 through 126 of the Senate record, Volume III.

BY MR. BRYANT:

Q. Ms. Lewinsky, did you tell a number of people in varying details about your relationship with the President?

A. Yes.

Q. Can you tell us who did you tell?

A. Catherine Allday Davis, Neysa Deman Erbland, Natalie Ungvari, Ashley Raines, Linda Tripp, Dr. Kathy Estep, Dr. Irene Kassorla, Andy Bleiler, my mom, my aunt. Who else has been subpoenaed?

Q. Okay. Let me suggest Dale—did you mention Dale Young?

A. Dale Young. I'm sorry.

Q. Thank you.

Now, in the floor presentation, Mr. Craig, who was one of—is one of the counsel for the President, adopted an argument that had been raised in some of the previous hearings, uh, and he adopted this argument in the Senate that—that you have—have or had, I think, both past and present, the incentive to not tell the truth about how the President—this relationship with him because you wanted to avoid—and again, I use the quote from Mr. Craig's argument—the demeaning nature of providing wholly un-reciprocated sex.

Did, uh—did you lie before the grand jury and to your friends about the nature of that relationship with the President—

A. No.

Q. —so as to avoid what Mr. Craig says? Okay, and I'll break it down.

SENATOR DEWINE: Counsel, do you want to just—just rephrase the question?

MR. BRYANT: Okay. We'll break it down into two questions.

BY MR. BRYANT:

Q. Did you not tell the truth before the grand jury as to how the President touched you because of what Mr. Craig alleges as the demeaning nature of the wholly un-reciprocated sex?

MR. CACHERIS: Well, that—may I register an objection, gentlemen? This witness is not here to comment on what some lawyer said on the floor of the Senate. He can ask her direct questions. She will answer them, but what Mr. Craig said or didn't say would have happened after her grand jury testimony. So it's totally inappropriate that he's—

SENATOR DEWINE: Mr. Bryant, why don't you—

MR. CACHERIS: —marrying those two concepts. We object.

SENATOR DEWINE: Mr. Bryant, why don't you just rephrase the question?

MR. BRYANT: Well, we—we have had presented on behalf of the President a defense, an incentive, a reason why she would not tell the truth, and I think she should have the opportunity to respond to that—that allegation.

MR. CACHERIS: We—we don't, uh—

SENATOR LEAHY: Ask her a direct question.

MR. CACHERIS: We welcome you asking her if her testimony was truthful, and she will tell you that it is truthful. We don't have any problem with that. We don't have any brief with what the White House did or didn't do through their counsel. That's their business. We don't represent the White House.

MS. SELIGMAN: So, for the record, I'd like to object to the characterization of what Mr. Craig says, which obviously speaks for itself, but I certainly don't want my silence to be construed as accepting the Manager's characterization of it.

SENATOR DEWINE: Mr. Bryant, why don't you—why don't you ask the question?

MR. BRYANT: Okay.

SENATOR DEWINE: Go ahead and ask your question.

BY MR. BRYANT:

Q. In regard to your testimony at the grand jury about your—your relationship and the physical contact that you have said occurred in some of these, uh, visits with the President, it has been characterized in a way that would give you an excuse not to tell the truth. Did you tell the truth in the grand jury about what actually happened and how the President touched—the President touched you?

A. Yes.

Q. And did you likewise tell the truth to your friends in connection with the same matters?

A. Yes.

Q. Did your relationship with the President involve giving gifts, exchanging gifts?

A. Yes.

Q. And you mentioned earlier that in reference to this chart that it was, uh, subject to certain corrections you've made in later testimony. It was an accurate representation or an accurate compilation of the gifts that, uh, you gave the President and the President gave you. Is that correct?

A. Yes.

Q. Approximately how many gifts did you give the President?

A. I believe I've testified to that number. I don't recall right now.

Q. About 30? Would that be—

A. If that's what I testified to, then I accept that.

Q. That's the number I have, and do you recall how many gifts approximately the President gave you?

A. It would be the same situation.

Q. Okay, and you've previously testified in your grand jury that he gave you about 18 gifts.

A. I accept that.

Q. Okay, good. What types of gifts did you give the President?

A. They varied. I think they're listed on this chart, and I've testified to them.

Q. Okay, and—

MR. CACHERIS: Do you want her to read the list that's on this chart?

MR. BRYANT: No. I was just, again, looking for just a—I think maybe a little broader category, but that's—that's okay. That's an acceptable answer there.

BY MR. BRYANT:

Q. After leaving the White House and going to the Pentagon, did you continue to visit the President?

A. Yes.

Q. How would you—how would you be transported from the Pentagon over to the White House? How did you get there?

A. I drove or took a taxi.

Q. Do you have your own car?

A. No.

Q. Whose—whose car would you drive?

A. Either my mom's or my brother's.

Q. So you did have access to a vehicle?

A. Correct.

Q. Okay. How were these meetings arranged when you would want to go from the Pentagon to the White House? How did—how did these—how were they set up? Did you get an appointment?

[The witness conferring with counsel.]

SENATOR DEWINE: Counsel—if you have to ask counsel, you can stop and ask us—

THE WITNESS: Okay.

SENATOR DEWINE: —to do that.

BY MR. BRYANT:

Q. How were these meetings arranged?

A. Through Ms. Currie.

Q. Would—would you call her and set the meeting up, or would she call you on behalf of the President and set the meeting up?

A. It varied.

Q. Both—both situations occurred?

A. Correct.

Q. Now, Ms. Currie is the President's—that's Betty Currie, we're talking about, the President's secretary?

A. Yes.

Q. Why was this done? Why was that procedure used?

A. It was my understanding that Ms. Currie took care of the President's guests who were coming to see him, making those arrangements.

Q. Was, uh—was this—were these visits done sort of off the record, so to speak, so it wouldn't necessarily be a record?

A. I believe so.

Q. In other words, you wouldn't be shown on Betty Currie's calendar or schedule book for the President?

A. I don't know.

Q. Did—who suggested this type of arrangement for setting up meetings?

A. I believe the President did.

Q. During this time that you were at the Department of Defense at the Pentagon, uh, how—how was it working out about you being transferred back to the White House? How was the job situation coming?

A. Well, I waited until after the election and then spoke with the President about it on several occasions.

Q. And what would he say in response?

A. Various things; "I'm working on it," usually.

Q. In July, uh, particularly around the—the 3rd and 4th of July, there—there—you wrote the President a letter, I think.

A. Which year?

Q. July of '90—it would have been '97 that you wrote the President a letter expressing some frustrations about the job situation in terms of—is that, uh—can you tell us about that?

A. Yes. I had had a—well, I guess I was—I know I've testified about this, I mean, in the grand jury, but I was feeling at that point that I was getting the runaround on being brought back to the White House. So I sent a letter to the President that was probably the harshest I had sent.

Q. Did you get a response?

A. Sort of.

Q. Would you explain?

A. Um, Betty called me and told me to come to the White House the next morning, on July 4th, at 9:00 a.m.

Q. And what happened when you—I assume you went to the White House on July the 4th. What happened?

A. I know I—I—do you have a specific question? I know I testified, I mean, extensively about this whole day, that whole—

Q. Well, in regards to—let's start with the job.

A. Well, I started crying. We were in the back office and, um—and when the subject matter came up, the President was upset with me and then I began to cry. So—

Q. Did he encourage you about you coming back? Did he make a promise or commitment to you that he would make sure you came back to work at the White House?

A. I don't know that he reaffirmed his promise or commitment. I remember leaving that day thinking that, as usual, he was going to work on it and had a renewed sense of hope.

Q. Did he comment on your letter, the tone of your letter?

A. Yes.

Q. What did he say?

A. He was upset with me and told me it was illegal to threaten the President of the United States.

Q. Did you intend the letter to be interpreted that way?

A. No.

Q. Did you explain why you wrote the letter to him about reminding him that you were a good girl and you left the White House? Did you have that type of conversation?

A. Yes. That's what made me start to cry.

Q. Did you, uh—did you ever explain to him that you didn't intend to threaten him?

A. I believe so.

Q. What was the intent of the letter?

A. First, I felt the letter was going to him as a man and not as President of the United States. Um, second, I think I could see how he could interpret it as a threat, but my intention was to sort of remind him that I had been waiting patiently and what I considered was being a good girl, about having been transferred.

Q. And the threat we're talking about here would not have been interpreted as a threat to do physical injury or bodily injury to him. It was to expose your relationship to the—to your parents—

A. Correct.

Q. —explain to them why you were not going back to the White House—

A. Correct.

Q. —after the election?

And certainly the President did not encourage you to expose that relationship, did he?

A. I don't believe he made any comment about it at that point.

Q. His only comment about the so-called threat was that it's a—it's—you can't do that, it's against the law to threaten the President?

A. Exactly.

Q. That meeting turned into—I guess you've testified that that meeting did turn into a more positive meeting toward the end. It was not all emotional and accusations being made?

A. Correct.

Q. At some point, uh—well, let me—let me back up and ask this. There was a subsequent meeting on July the 14th, and I believe the President had been out of town and this was the follow-up meeting to the July 4th meeting where you had originally discussed the possibility of a newspaper reporter or a magazine writer, I believe, writing a story about Ms. Willey?

A. Correct.

Q. And you, uh—did you have any instructions from the President, from either of these meetings, about doing something for the President, specifically about having Ms. Tripp call White House counsel—

A. I don't know—

Q. —Mr. Lindsey?

A. —that I'd call them instructions.

Q. Okay. What did he tell you? I don't want to mischaracterize.

A. He asked me if I would try to have Ms. Tripp contact Mr. Lindsey.

Q. Okay, and if you were to be successful in doing that, what were you supposed to do? Were you supposed to contact Ms. Currie, his secretary?

A. Yes.

Q. And what were you supposed to tell her?

A. In an innocuous way that I had been able to convey that to Ms. Tripp or get her to do that.

Q. Now, in—at some point in October of that year, 1997, did your job focus change?

A. Yes.

Q. And how was that? What were you doing?

A. Uh, it really changed on October 6th, 1997, as a result of a conversation with Linda Tripp.

Q. Uh, in that, as I understand, you sort of got secondhand information that you were probably never going back to work at the White House.

A. Correct.

Q. Did you understand what that meant? Did you accept that? And I guess why would you accept it at that point? Why would you give up on the White House?

MR. CACHERIS: Those are three questions, Mr. Bryant. Will you—would you break it down, please?

MR. BRYANT: Well, yeah, it's true.

BY MR. BRYANT:

Q. Do you understand? I guess I'm trying to clarify.

A. Not really. I'm sorry.

Q. Why would you accept at that point in October that you were never going back to the White House?

A. I don't really remember, I mean, what—what—what was going through my mind at that point as to—to answer that question. Is that—

Q. Okay.

A. I'm sorry.

Q. Certainly, if you don't remember, that's a—that's a good answer.

A. Okay.

Q. So you don't recall anything had really changed other than you had heard secondhand that you weren't going to go back. You have no independent recollection of anything else other than what somebody told you that would have changed—

A. My recollection is—

Q. —changed your focus?

A. —that it was this—it was this conversation, what Linda Tripp told me from whom this information was coming, the way it was relayed to me that—that shifted everything that day.

Q. And you didn't feel it was necessary to go back to the President and perhaps confront the President and say, "why am I not coming back, I want to come back?"

A. I mean, I had a discussion with the President, but I had made a decision from that based on that information, and I guess my—my experience of it coming up on a year from the election, having not been brought back, that it probably wasn't going to happen.

Q. But you—you did call the President about that time and then—but the focus had been changed toward perhaps a job in another location.

A. Yes and no. I didn't call him, but I, um—

Q. You called Betty—

A. —but we did have a discussion about that.

Q. You called Betty Currie, his secretary.

A. Yes.

Q. Okay, and then through her, he contacted you and you had a discussion?

A. Yes.

Q. And what did you tell him at that time about the job?

A. I believe I testified to that, so that my testimony is probably more accurate. The gist of it was, um, that I wanted to move to New York and that I was accepting I wasn't going to be able to come back to the White House, and I asked for his help.

Q. Did you bring up Vernon Jordan's name as perhaps somebody that could help you?

A. It's possible it was in that conversation.

Q. What was the President's comments back to you about your deciding to go to New York?

A. I don't remember his exact comments. He was accepting of the concept.

Q. In regards to your—your, uh, decision to search for a job in New York, in your comments to the President, did he ever tell you that that was good, that perhaps the Jones lawyers could not easily find you in New York?

A. I'm sorry. I don't—I—I—

MR. CACHERIS: Excuse me again, Mr. Bryant. That's a compound question. He could—she could answer it was good, and then she could answer maybe the Jones lawyer couldn't get her, but I think you'd want an answer to each question.

BY MR. BRYANT:

Q. Okay. Let me ask it this way. There has been some reference to that fact throughout the proceedings, and I recall seeing something somewhere in your—your testimony that you said it or he said it. Do you recall anything being said about you going to Washington—to New York and that the effect of that might be that you would be more difficult to find?

A. I believe that might have been mentioned briefly on the 28th of December, but not as a reason to go to New York, but as a possible outcome of being there. Does that—does that make sense?

Q. It does.

A. Okay.

Q. What, uh—what would have been the context of that? And we're jumping ahead to December the 28th, but what would have been the context of that particular conversation about the New York and being perhaps—the result being it might be difficult to find you, or more difficult? What was the context?

A. Um, I—I—if I remember correctly, it came sort of at the tail-end of a very short discussion we had about the Jones case.

Q. At this November the 11th meeting, did the President ask you to prepare a list, sort of a wish list for jobs?

A. I'm sorry. Which—

Q. I'm sorry. Did I say October? We're back to the October the 11th meeting. Did the President ask you to prepare a wish list?

A. Okay. We haven't gone to the October 11th meeting yet. I—I haven't said anything about that meeting yet.

Q. Okay.

A. The phone call was on the 9th.

Q. Okay, and you subsequently had a meeting, then, with the President on the 11th?

A. Correct.

Q. Face—face-to-face meeting?

A. Correct.

Q. And at that meeting, did he suggest you give him a wish list or Betty Currie a wish list?

A. Yes.

Q. Again, I asked a compound question there.

Who did he suggest you give the wish list to?

MR. CACHERIS: We're getting used to that.

MR. BRYANT: I'm getting good. I'm making my own objections now.

[Laughter.]

THE WITNESS: Um, we sustain those. No, I'm sorry.

[Laughter.]

MR. BRYANT: I can do that, too. I'll be doing that in a minute. Overruled. Okay.

THE WITNESS: Um, I—I believe he—he said I should get him a list, and the implication was through Betty.

BY MR. BRYANT:

Q. And obviously you prepared a list of—

A. Correct.

Q. —the people you'd like to work for in New York City.

A. Correct.

Q. And you sent that list—

A. Yes.

Q. —to Betty Currie or to the President?

A. I sent it to Ms. Currie.

Q. And also during this time—and I'm probably going to speed this up a little bit, but, uh, you did interview for the job at the United Nations?

A. Yes.

Q. And, uh—and through a process of several months there, or weeks at least, you did—made an offer to take a job at the United Nations and eventually declined it. Is that correct?

A. Correct.

Q. Did you in early November have the occasion to meet with Vernon Jordan about the job situation?

A. Yes.

Q. And how did you learn about that meeting?

A. I believe I asked Ms. Currie to check on the status of—I guess of finding out if I could have this meeting, and then she let me—she let me know to call Mr. Jordan's secretary?

Q. And you set up an appointment with Mr. Jordan, or did she, Ms. Currie, do that?

A. No. I set up an appointment. I think that was after a phone—well, I guess I don't—I don't know that, so sorry.

Q. But that appointment was November the 5th?

A. Yes.

Q. Prior to going to the meeting with Vernon Jordan, did you tell the President that you had a meeting with Mr. Jordan?

A. I don't think so. I don't remember.

Q. Did you carry any documents or any papers with you to the meeting with Mr. Jordan?

A. Yes.

Q. What were those?

A. My resume and a list of public relations firms in New York.

Q. Did Mr. Jordan ask you why you were there?

A. Yes.

Q. And what did you say?

A. I was hoping to move to New York and that he could assist me in securing a job there.

Q. Did he ask you why you wanted to leave Washington?

A. Yes.

Q. And what was your answer?

A. I gave him the vanilla story of, um, that I—I think I—I don't remember exactly what I said. I—I believe I've testified to this. I think it was something about wanting to get out of Washington.

Q. The vanilla story. You mean sort of an innocuous set of reasons, not really the true reasons you wanted to leave?

A. Yes.

Q. And what were the true reasons you wanted to leave?

A. Because I couldn't go back to the White House.

Q. Did—did you think Mr. Jordan accepted—did you think he would accept that vanilla story, or did you feel like he understood the real story?

A. No, I felt he accepted it.

Q. Did Mr. Jordan tell you during this meeting that he had already spoken with the President?

A. It was—I believe so.

Q. And that you had come highly recommended, I think?

A. Yes.

Q. Did he, Mr. Jordan, review your list of job preferences and suggest anything?

A. Yes.

Q. And what did he suggest?

A. He said the names of the—he looked at the list of public relations firms and I think sort of said, "oh, I've heard of them, I haven't heard of these people, have you heard of so and so," that I hadn't heard of.

Q. Your meeting lasted about 20 minutes?

A. If that's what I've testified to, then I accept that.

Q. It is, or close to it. I know this is an approximation, but thereabouts. You weren't there all day.

A. I had—well, I don't—I don't remember how long it was right now. I know I've testified to that. So if I said 20 minutes, then—

Q. Did you have a conversation with the President on—about a week later on November the 12th and by telephone?

A. Yes.

Q. And did you indicate there you had spoken with Mr. Jordan about a job?

A. Yes.

Q. After you met with Mr. Jordan, did you—did you have an impression that you would get, uh—get a job, get favorable results in your job search?

A. Yes.

Q. Did anything favorable happen to—in your job search from that November the 5th, 1997, meeting until Thanksgiving?

A. No, but I believe Mr. Jordan was out of town for a week or two.

Q. During the weeks after this November the 5th interview, did you try to contact Mr. Jordan?

A. Yes.

Q. How?

A. First, I sent him a thank-you note for the initial meeting, and I believe I placed some phone calls right before Thanksgiving—maybe a phone call. I don't remember if it was more than one.

Q. What—what happened with respect to the job search, uh, through there, through Thanksgiving? Was there anything? I mean, I know he—you said he was out of down, but did anything, to your knowledge, occur? Could you see any results up to Thanksgiving?

A. From my meeting with Mr. Jordan?

Q. Yes.

A. No.

Q. Did you contact Betty Currie after you received no response from Mr. Jordan?

A. Yes.

Q. And did she page you? I think you were in Los Angeles at the time.

A. Correct.

Q. Okay. What—what did she tell you as a result of that telephone call?

A. She asked me to place a call to Mr. Jordan, which I did.

Q. And this would have been, again, around November the 26th, shortly—well, around Thanksgiving?

A. It was before Thanksgiving.

Q. And I assume you found Mr. Jordan.

A. Yes.

Q. And what did he tell you?

A. That he was working on it.

Q. Did he tell you to call him back?

A. Yes.

Q. Did you indeed call him back

A. I didn't actually get ahold of him; he was out-of-town that day. I think it was December 5th.

Q. Did you try to meet with the President during this time?

A. Yes.

Q. How did you do that?

A. I was a pest. I sent a note to Ms. Currie and asked her to pass it along to the President, requesting that I meet with him.

Q. Were you successful in having a meeting as a result of those efforts?

A. I don't know if it was a result of those efforts, but yes, I ended up having a meeting with the President.

Q. And when would that have been; what day?

A. On the 6th of December 1997.

Q. Again you are going through Betty Currie; is that, again, the standard procedure at that time?

A. Yes.

Q. Did you go—I think you spoke also perhaps to Betty Currie on December the 5th, the day before the meeting—

A. Yes.

Q. —and this was something about attending the President's speech. Was that when that occurred—or the radio address, or something? Does that ring any bells?

A. No.

Q. Did—you did attend the Christmas party that day—

A. Yes.

Q. —and the White House. And you saw the President?

A. Yes.

Q. Just socially, speak to him, and that's it?

A. Yes.

Q. Picture, handshaking, and that?

A. [Nodding head.]

Q. Okay. That's a yes?

A. Yes. Sorry.

Q. Prior to December 6th, 1997, had you purchased a Christmas gift for the President?

A. Yes.

Q. Which was?

A. An antique standing cigar holder.

Q. And had you purchased any other additional gifts for him?

A. Yes.

Q. And what were those?

A. Uh, a Starbucks mug that said "Santa Monica"; a necktie that I got in London; a little box—I call it a "chochki"—from, uh—and an antique book on Theodore Roosevelt.

Q. Was it your intention to, to carry those Christmas presents to the President home that Saturday, December the 6th?

A. If I were to have a meeting with him, yes.

Q. Did you attempt to have a meeting?

A. Yes.

Q. Did you go through Betty Currie?

A. Yes. I sent her the letter to, to give to the President.

Q. And when you went to the White House that day, you also attempted to, to have the meeting through calling Betty Currie and telephoning her; I believe you had to go to—

A. Which day? I'm sorry.

Q. On the 6th.

A. No.

Q. The Saturday.

A. [No response.]

Q. No?

A. I—I attempted to give the presents to Betty, but I didn't call and attempt to have a meeting there—well, I guess I called in the morning, so that's not true—I'm sorry. Yes, I called Ms. Currie in the morning trying to see if I could see the President and apologize.

Q. And—were you—did you see the President, then, on the 6th?

A. Yes, I did.

Q. Tell us about that meeting—that was a long—was that, uh—did you have a telephone conversation with him that day also?

A. Yes.

Q. And that was the long telephone conversation?

A. It—it was.

Q. Okay. I think there has been some indication it may have been 56 minutes, something approximating an hour-long conversation; does that sound right?

A. Right. That would—that might include some conversation time with Ms. Currie as well.

Q. Okay. Was he interrupted by Ms. Currie—could you tell—did he have to take a break from the telephone call to talk to Ms. Currie, or do you recall any, any—

A. I don't recall that.

Q. —do you recall any breaks to talk to anybody else?

A. I don't recall that. Doesn't mean it didn't happen; I just don't remember it.

Q. What else did you—did you arrange in that telephone conversation, or did he invite you in that telephone conversation to come to the White House that day?

A. Yes, he did.

Q. What happened during, during that conversation in terms of—I understand that it was again an emotional day, some sort of a word fight; is that right?

A. Yes.

Q. Could you tell me—he was, uh—again, to perhaps save some time—he was angry about an earlier incident, and, uh, he felt like you were intruding on his lawyer time?

A. Uh, he was upset that I hadn't accepted that he just couldn't see me that day.

Q. And what was your response to that?

A. Probably not positive. Uh, that's why it was a fight.

Q. Again, I want to be careful that I don't put words in your mouth, but you were dealing with this relationship from an emotional standpoint of wanting to spend time with him—

A. Yes.

Q. —not as President, but as a man?

A. Correct.

Q. And this was at a point when you didn't feel like you were spending enough time with him?

A. Correct.

Q. And he obviously felt he had to do other things, too, talk to lawyers and do those kinds of things—be the President—is that right?

A. Yes.

Q. Okay. Now, was some of this discussion that we term "the fight," was that over the telephone?

A. Yes. It was all over the telephone.

Q. So by the time you arrived and had the face-to-face meeting with him, that was over?

A. Correct.

Q. Was that during the time that you exchanged—exchanged some of the Christmas presents with him?

A. In—in the meeting?

Q. Yes.

A. Yes. I gave him my Christmas presents.

Q. Did you discuss the job search with him also at that time?

A. I believe I mentioned it.

Q. Did you tell him that, uh, your job search with Mr. Jordan was not going well?

A. I don't know if I used those words. I don't, I don't remember exactly—

Q. If your grand jury testimony said yes—I mean, words to that effect—that would—you could have used those words if they're in your grand jury—

A. If my grand jury testimony says that—if that's what I said in my grand jury testimony, then I accept that.

Q. I'm not trying to—I'm not trying to trick you.

A. Okay.

Q. Did he make any comment to you about what he might do to aid in your job search at that time, if you recall?

A. I think he—I think he said, oh, let me see about it, let me see what I can do—his usual.

Q. Did, uh, did the President say anything to you at that time about your name appearing on a witness list in the Paula Jones case?

A. No.

Q. Did you later learn that your name had appeared on such a list?

A. Yes.

Q. And did you later learn that that witness list had been faxed to the White House—to the President's lawyers on December the 5th?

A. Much later, as in last year.

Q. Okay. Yes—that's what I mean—later.

A. I, I mean—

Q. Yes.

A. —post this investigation.

Q. Okay. All right. Let's go forward another week or so to December the 11th and a lunch that you had with Vernon Jordan, I believe, in his office.

A. Yes.

Q. How did—how was that meeting set up.

A. Through his secretary.

Q. Did you instigate that, or did he call through his secretary?

A. I don't remember.

Q. What was the purpose of that meeting?

A. Uh, it was to discuss my job situation.

Q. And what, what—how was that discussed?

A. Uh, Mr. Jordan gave me a list of three names and suggested that I contact these people in a letter that I should cc him on, and that's what I did.

Q. Did he ask you to copy him on the letters that you sent out?

A. Yes.

Q. During this meeting, did he make any comments about your status as a friend of the President?

A. Yes.

Q. What—what did he say?

A. In one of his remarks, he said something about me being a friend of the President.

Q. And did you respond?

A. Yes.

Q. How?

A. I said that I didn't, uh—I think I—my grand jury testimony, I know I talked about this, so it's probably more accurate. My memory right now is I said something about, uh, seeing him more as, uh, a man than as a President, and I treated him accordingly.

Q. Did you express your frustration to Mr. Jordan with, uh, with the President?

A. I expressed that sometimes I had frustrations with him, yes.

Q. And what was his response to you about, uh—after you talked about the President?

A. Uh, he sort of jokingly said to me, You know what your problem is, and don't deny it—you're in love with him. But it was a sort of light-hearted nature.

Q. Did you—did you have a response to that?

A. I probably blushed or giggled or something.

Q. Do you still have feelings for the President?

A. I have mixed feelings.

Q. What, uh—maybe you could tell us a little bit more about what those mixed feelings are.

A. I think what you need to know is that my grand jury testimony is truthful irrespective of whatever those mixed feelings are in my testimony today.

Q. I know in your grand jury you mentioned some of your feelings that you felt after he spoke publicly about the relationship, but let me ask you more about the positive—you said there were mixed feelings. What about—do you still, uh, respect the President, still admire the President?

A. Yes.

Q. Do you still appreciate what he is doing for this country as the President?

A. Yes.

Q. Sometime back in December of 1997, in the morning of December the 17th, did you receive a call from the President?

A. Yes.

Q. What was the purpose of that call? What did you talk about?

A. It was threefold—first, to tell me that Ms. Currie's brother had been killed in a car accident; second, to tell me that my name was on a witness list for the Paula Jones case; and thirdly, he mentioned the Christmas present he had for me.

Q. This telephone call was somewhere in the early morning hours of 2 o'clock to 2:30.

A. Correct.

Q. Did it surprise you that he called you so late?

A. No.

Q. Was this your first notice of your name being on the Paula Jones witness list?

A. Yes.

Q. I realize he, he commented about some other things, but I do want to focus on the witness list.

A. Okay.

Q. Did he say anything to you about how he felt concerning this witness list?

A. He said it broke his heart that, well, that my name was on the witness list.

Can I take a break, please? I'm sorry.

SENATOR DEWINE: Sure, sure. We'll take a 5-minute break at this point.

THE VIDEOGRAPHER: This marks the end of Videotape Number 1 in the deposition of Monica S. Lewinsky. We are going off the record at 10:56 a.m.

[Recess.]

THE VIDEOGRAPHER: This marks the beginning of Videotape Number 2 in the deposition of Monica S. Lewinsky. The time is 11:10 a.m.

SENATOR DEWINE: We are now back on the record.

I will advise the House Managers that they have used one hour and 8 minutes.

Mr. Bryant, you may proceed.

MR. BRYANT: Thank you.

By MR. BRYANT:

Q. Did—did we get your response? We were talking about the discussion you were having with the President over the telephone, early morning of the December 17th phone call, and he had, uh, mentioned that it broke his heart that you were on that list.

A. Correct.

Q. And I think you were about to comment on that further, and then you need a break.

A. No.

Q. No.

A. I just wanted to be able to focus—I know this is an important date, so I felt I need a few moments to be able to focus on it.

Q. And you're comfortable now with that, with your—you are ready to talk about that?

A. Comfortable, I don't know, but I'm ready to talk about.

Q. Well, I mean comfortable that you can focus on it.

A. Yes, sir.

Q. Good. Now, with this discussion of the fact that your name appeared as a witness, had you—had you been asleep that night when the phone rang?

A. Yes.

Q. So were you wide awake by this point? It's the President calling you, so I guess you're—you wake up.

A. I wouldn't say wide awake.

Q. He expressed to you that your name—you know, again, you talked about some other things—but he told you your name was on the list.

A. Correct.

Q. What was your reaction to that?

A. I was scared.

Q. What other discussion did you have in regard to the fact that your name was on the list? You were scared; he was disappointed, or it broke his heart. What other discussion did you have?

A. Uh, I believe he said that, uh—and these are not necessarily direct quotes, but to the best of my memory, that he said something about that, uh, just because my name was on the list didn't necessarily mean I'd be subpoenaed; and at some point, I asked him what I should do if I received a subpoena. He said I should, uh, I should let Ms. Currie know. Uh—

Q. Did he say anything about an affidavit?

A. Yes.

Q. What did he say?

A. He said that, uh, that I could possibly file an affidavit if I—if I were subpoenaed, that I could possibly file an affidavit maybe to avoid being deposed.

Q. How did he tell you you would avoid being deposed by filing an affidavit?

A. I don't think he did.

Q. You just accepted that statement?

A. [Nodding head.]

Q. Yes?

A. Yes, yes. Sorry.

Q. Are you, uh—strike that. Did he make any representation to you about what you could say in that affidavit or—

A. No.

Q. What did you understand you would be saying in that affidavit to avoid testifying?

A. Uh, I believe I've testified to this in the grand jury. To the best of my recollection, it was, uh—to my mind came—it was a range of things. I mean, it could either be, uh, something innocuous or could go as far as having to deny the relationship. Not being a lawyer nor having gone to law school, I thought it could be anything.

Q. Did he at that point suggest one version or the other version?

A. No. I didn't even mention that, so there, there wasn't a further discussion—there was no discussion of what would be in an affidavit.

Q. When you say, uh, it would be—it could have been something where the relationship was denied, what was your thinking at that point?

A. I—I—I think I don't understand what you're asking me. I'm sorry.

Q. Well, based on prior relations with the President, the concocted stories and those things like that, did this come to mind? Was there some discussion about that, or did it come to your mind about these stories—the cover stories?

A. Not in connection with the—not in connection with the affidavit.

Q. How would—was there any discussion of how you would accomplish preparing or filing an affidavit at that point?

A. No.

Q. Why—why didn't you want to testify? Why would not you—why would you have wanted to avoid testifying?

A. First of all, I thought it was nobody's business. Second of all, I didn't want to have anything to do with Paula Jones or her case. And—I guess those two reasons.

Q. You—you have already mentioned that you were not a lawyer and you had not been to law school, those kinds of things. Did, uh, did you understand when you—the potential legal problems that you could have caused yourself by allowing a false affidavit to be filed with the court, in a court proceeding?

A. During what time—I mean—I—can you be—I'm sorry—

Q. At this point, I may ask it again at later points, but the night of the telephone—

A. Are you—are you still referring to December 17th?

Q. The night of the phone call, he's suggesting you could file an affidavit. Did you appreciate the implications of filing a false affidavit with the court?

A. I don't think I necessarily thought at that point it would have to be false, so, no, probably not. I don't—I don't remember having any thoughts like that, so I imagine I would remember something like that, and I don't, but—

Q. Did you know what an affidavit was?

A. Sort of.

Q. Of course, you're talking at that time by telephone to the President, and he's—and he is a lawyer, and he taught law school—I don't know—did you know that? Did you know he was a lawyer?

A. I—I think I knew it, but it wasn't something that was present in my, in my thoughts, as in he's a lawyer, he's telling me, you know, something.

Q. Did the, did the President ever tell you, caution you, that you had to tell the truth in an affidavit?

A. Not that I recall.

Q. It would have been against his interest in that lawsuit for you to have told the truth, would it not?

A. I'm not really comfortable—I mean, I can tell you what would have been in my best interest, but I—

Q. But you didn't file the affidavit for your best interest, did you?

A. Uh, actually, I did.

Q. To avoid testifying.

A. Yes.

Q. But had you testified truthfully, you would have had no—certainly, no legal implications—it may have been embarrassing, but you would have not had any legal problems, would you?

A. That's true.

Q. Did you discuss anything else that night in terms of—I would draw your attention to the cover stories. I have alluded to that earlier, but, uh, did you talk about cover story that night?

A. Yes, sir.

Q. And what was said?

A. Uh, I believe that, uh, the President said something—you can always say you were coming to see Betty or bringing me papers.

Q. I think you've testified that you're sure he said that that night. You are sure he said that that night?

A. Yes.

Q. Now, was that in connection with the affidavit?

A. I don't believe so, no.

Q. Why would he have told you you could always say that?

A. I don't know.

Mr. BURTON: Objection. You're asking her to speculate on someone else's testimony.

MR. BRYANT: Let me make a point here. I've been very patient in trying to get along, but as I alluded to earlier, and I said I am not going to hold a hard line to this, but I don't think the President's—the witness' lawyers ought to be objecting to this testimony. If there's an objection here, it should come from the White House side, nor should they be—

SENATOR DEWINE: Counsel, why don't you rephrase the question?

MR. BRYANT: Do we have a clear ruling on whether they can object?

SENATOR DEWINE: We'll go off the record for a moment.

THE VIDEOGRAPHER: We're going off the record at 11:20 a.m.

[Recess.]

THE VIDEOGRAPHER: We are going back on the record at 11:30 a.m.

SENATOR DEWINE: We are now back on the record.

It's our opinion that counsel for Ms. Lewinsky do have the right to make objections. We would ask them to be as short and concise as humanly possible. So we will now proceed.

Mr. Bryant?

MR. BRYANT: Thank you, Senator.

BY MR. BRYANT:

Q. Let's kind of bring this back together again, and I'll try to ask sharper questions and avoid these objections.

We're at that point that we've got a telephone conversation in the morning with you and the President, and he has among other things mentioned to you that your name is on the Jones witness list. He has also mentioned to you that perhaps you could file an affidavit to avoid possible testifying in that case. Is that right?

A. Correct.

Q. And he has also, I think, now at the point that we were in our questioning, referenced the cover story that you and he had had, that perhaps you could say that you were coming to my office to deliver papers or to see Betty Currie; is that right?

A. Correct. It was from the entire relationship, that story.

Q. Now, when he alluded to that cover story, was that instantly familiar to you?

A. Yes.

Q. You knew what he was talking about?

A. Yes.

Q. And why was this familiar to you?

A. Because it was part of the pattern of the relationship.

Q. Had you actually had to use elements of this cover story in the past?

A. I think so, yes.

Q. Did the President ever tell you what to say if anyone asked you about telephone conversations that you had had with him?

A. Are we—are we still focused on December 17th?

Q. No, no.

A. Okay.

Q. It did not have to be that night. Did he ever?

A. If I could just—I—I'm pretty date-oriented, so if you could just be more specific with the date. If we're staying on a date or leaving that date, it would just help me. I'm sorry.

Q. Well, my question was phrased did he ever do that, but—

A. Okay.

Q. Well, I—I'm sorry. I'm playing guessing games with you. Was there a conversation on March 29th of 1997 when the President told you he thought perhaps his telephone conversations were being tapped or taped—either way, or both—by a foreign embassy?

A. Yes.

Q. And was there some reference to some sort of cover story there in the event that his line was tapped?

A. Yes.

Q. And what was that?

A. That—I think, if I remember it correctly, it was that we—that he knew that we were sort of engaging in those types of conversations, uh, knowing that someone was listening, so that it was not for the purposes that it might have seemed.

Q. Did you find it a little strange that he would express concern about possible eavesdropping and still persist in these calls to you?

A. I don't think phone calls of that nature occurred and happened right after, or soon after that discussion. I think it was quite a few months until that resumed.

Q. I think my question was more did you not find it a little strange that he felt that perhaps his phone was being tapped and conversations taped by a foreign embassy, and he—

A. I—I thought it was strange, but if—I mean, I wasn't going to question what he was saying to me.

Q. But that he also continued to make the calls—you're saying he didn't make any calls after that?

A. No. My understanding was it was referencing a certain type of phone call, certain nature of phone call, uh, and those—

Q. Let me direct your attention back to a point I did not mention a couple—a few days before the December—early December telephone call, the lengthy telephone call from the President. We had talked about how that was a heated conversation.

A. Correct.

Q. At—did at some point during that telephone conversation—did the tone—did the President's tone change to a more receptive, friendly conversation?

A. Yes.

Q. Do you know why that happened?

A. No, nor do I remember whose tone changed first. I mean, we made up, so—

Q. Okay. Now let me go back again to the December 11th date—I'm sorry—the 17th. This is the conversation in the morning. What else—was there anything else you talked about in terms of—other than your name being on the list and the affidavit and the cover story?

A. Yes. I had—I had had my own thoughts on why and how he should settle the case, and I expressed those thoughts to him. And at some point, he mentioned that he still had this Christmas present for me and that maybe he would ask Mrs. Currie to come in that weekend, and I said not to because she was obviously going to be in mourning because of her brother.

Q. In—in that—in that relationship with the President, I think you have expressed in your testimony somewhere that you weren't necessarily jealous of those types of people like Kathleen Willey or Paula Jones, and perhaps you didn't even believe those stories occurred as—as they alleged.

A. That's correct. I don't—I don't know, jealous or not jealous. I don't think I've testified to my feelings of jealousy, but the latter half of the question is true.

Q. I—I saw it. I mean, it's not a major point. I thought I saw that in your testimony, that particular word.

A. Okay. If I said that, then I—I don't.

Q. Was it your belief that the Paula Jones case was not a valid lawsuit? Was that part of that discussion that night, or your strategy?

A. Uh, can I separate that—that into two questions?

Q. Any way, any way you want to.

A. Okay. I don't believe it was a valid lawsuit, and I don't think whether I believed it was a valid lawsuit or not was the topic of the conversation.

Q. Okay, that's a fair answer.

You believe the President's version of the Paula Jones incident?

A. Is that relevant to—

Q. I—I just asked you the question.

A. I don't believe Paula Jones' version of the story.

Q. Okay, good. That's a fair answer.

You have testified previously that you tried to maintain secrecy regarding this relationship—and we're talking about obviously with the President. Is that true?

A. Yes.

Q. And to preserve the secrecy and I guess advance this cover story, you would bring papers to the President and always use Betty Currie for the excuse for you to be WAVE'd in. Is that right?

A. Papers when I was working at the White House and Mrs. Currie after I left the White House. So Mrs. Currie wasn't involved when I was working at the White House.

Q. Were these papers you carried in to the President—were they—were they business documents, or were they more personal papers from you to him?

A. They—they weren't business documents.

Q. So, officially, you were not carrying in official papers?

A. Correct.

Q. You were carrying in personal papers that would not have entitled you ordinarily to go see the President?

A. Correct.

Q. When—in this procedure where Betty Currie was always the one that WAVE'd you in to the White House—and I—I don't know if the people who may be watching this deposition, the Senators, understand that the WAVES process is just the—to give the guards the okay for you to come in. Is that a short synopsis?

A. I'm not really versed on—

Q. I'm not either. You know more than I do, probably, since you worked there, but—

A. Well, I know you had to go, you had to type in a thing in at WAVES, and now you have to give a Social Security, birth date, have to show ID.

Q. Is there a record kept of that?

A. I believe so.

Q. Was it always Betty Currie that WAVE'd you in to the—access to the White House? I'm talking about now after you left and went to work at the Pentagon.

A. No.

Q. Other people did that?

A. There were other reasons that I came to the White House at times.

Q. Did you ever ask the President if he would WAVE you in?

A. Yes.

Q. Did he ever do that?

A. No, not to my—not to my knowledge.

Q. Was there a reason? Did he express anything to you why he would or would not?

A. Yes. He said that, uh—I believe he said something about that there's a specific list made of people that he requests to come in and—and there are people who have access to that list.

Q. So, obviously, he didn't want your name being on that list?

A. Correct.

Q. Now, some of those people—

A. I think—well, that's my understanding.

Q. Would some of those people be the people that worked outside his office, Ms. Lieberman and those—those folks?

A. I—I believe so, but I'm not really sure.

Q. Did you not want those people to know that you were inside the White House?

A. I didn't.

Q. Why is that?

A. Because they didn't like me.

Q. Would they have objected, do you think—if you know.

A. I don't know.

Q. Did you work with Betty Currie on occasions to—to get in to see the President, perhaps bypass some of these people?

A. Yes.

Q. And that would be another way that you would conceal the meeting with the President, by using Betty Currie to get you in?

A. I—I think, yes, be cautious of it.

Q. Did—well, I think we've covered that, about some papers, and I think we've covered that after you left your job inside the White House with Legislative Affairs and went to the Pentagon, you developed a story, a cover story to the effect that you were going to see Betty, that's how you would come in officially?

A. Correct.

Q. And during that time that you were at the Pentagon, you would more likely visit him on weekends or during the week? Which would—which would—

A. Weekends.

Q. Weekends. And why—why the weekends?

A. First, I think he had less work, and second of all, there were—I believe there were less people around.

Q. Now, whose idea was it for you to come on weekends?

A. I believe it was the President's.

Q. When you—when the President was in his office, was your purpose to go there and see him? If he was in the office, you would go see him?

A. What—I'm sorry.

Q. No—that's not clear. I'll withdraw that question.

Was Ms. Currie, the President's secretary—was she in the loop, so to speak, in keeping this relationship and how you got in and out of the White House, keeping that quiet?

A. I think I actually remember reading part of my grand jury testimony about this and that it was more specific in that she was in the loop about my friendship with the President, but I just want to not necessarily—there was a clarification, I believe, in that about knowledge of the complete relationship or not. So—

Q. She would help with the gifts and notes and things like that—the passing?

A. Yes.

Q. Would you agree that these cover stories that you've just testified to, if they were told to the attorneys for Paula Jones, that they would be misleading to them and not be the whole story, the whole truth?

A. They would—yes, I guess misleading. They were literally true, but they would be misleading, so incomplete.

Q. As I understand your testimony, too, the cover stories were reiterated to you by the President that night on the telephone—

A. Correct.

Q. —and after he told you you would be a witness—or your name was on the witness list, I should say?

A. Correct.

Q. And did you understand that since your name was on the witness list that there would be a possibility that you could be subpoenaed to testify in the Paula Jones case?

A. I think I understood that I could be subpoenaed, and there was a possibility of testifying. I don't know if I necessarily thought it was a subpoena to testify, but—

Q. Were you in fact subpoenaed to testify?

A. Yes.

Q. And that was what—

A. December 19th, 1997.

Q. December 19th.

Now, you have testified in the grand jury. I think your closing comments was that no one ever asked you to lie, but yet in that very conversation of December the 17th, 1997 when the President told you that you were on the witness list, he also suggested that you could sign an affidavit and use misleading cover stories. Isn't that correct?

A. Uh—well, I—I guess in my mind, I separate necessarily signing affidavit and using misleading cover stories. So, does—

Q. Well, those two—

A. Those three events occurred, but they don't—they weren't linked for me.

Q. But they were in the same conversation, were they not?

A. Yes, they were.

Q. Did you understand in the context of the conversation that you would deny the—the President and your relationship to the Jones lawyers?

A. Do you mean from what was said to me or—

Q. In the context of that—in the context of that conversation, December the 17th—

A. I—I don't—I didn't—

Q. Okay. Let me ask it. Did you understand in the context of the telephone conversation with the President that early morning of December the 17th—did you understand that you would deny your relationship with the President to the Jones lawyers through use of these cover stories?

A. From what I learned in that—oh, through those cover stories, I don't know, but from what I learned in that conversation, I thought to myself I knew I would deny the relationship.

Q. And you would deny the relationship to the Jones lawyers?

A. Yes, correct.

Q. Good.

A. If—if that's what it came to.

Q. And in fact you did deny the relationship to the Jones lawyers in the affidavit that you signed under penalty of perjury; is that right?

A. I denied a sexual relationship.

Q. The President did not in that conversation on December the 17th of 1997 or any other conversation, for that matter, instruct you to tell the truth; is that correct?

A. That's correct.

Q. And prior to being on the witness list, you—you both spoke—

A. Well, I guess any conversation in relation to the Paula Jones case. I can't say that any conversation from the—the entire relationship that he didn't ever say, you know, "Are you mad? Tell me the truth." So—

Q. And prior to being on the witness list, you both spoke about denying this relationship if asked?

A. Yes. That was discussed.

Q. He would say something to the effect that—or you would say that—you—you would deny anything if it ever came up, and he would nod or say that's good, something to that effect; is that right?

A. Yes, I believe I testified to that.

Q. Let me shift gears just a minute and ask you about—and I'm going to be delicate about this because I'm conscious of people here in the room and my—my own personal concerns—but I want to refer you to the first so-called salacious occasion, and I'm not going to get into the details. I'm not—

A. Can—can we—can you call it something else?

Q. Okay.

A. I mean, this is—this is my relationship—

Q. What would you like to call it?

A. —so, I mean, is—

Q. This is the—or this was—

A. It was my first encounter with the President, so I don't really see it as my first salacious—that's not what this was.

Q. Well, that's kind of been the word that's been picked up all around. So—

A. Right.

Q. —let's stay on this first—

A. Encounter, maybe?

Q. Encounter, okay.

A. Okay.

Q. So we all know what we're talking about. You had several of these encounters, perhaps 10 or 11 of these encounters; is that right?

A. Yes.

Q. Okay. Now, with regard to the first one on November the 15th, 1995, you have testified to a set of facts where the President actually touched you in certain areas—is that right—and that's—that's where I want to go. That's as far as I want to go with that question.

MR. CACHERIS: If that's as far as it goes, we will not object—

MR. BRYANT: Okay.

MR. CACHERIS: —and if it goes any further, we will object.

MR. BRYANT: Okay.

BY MR. BRYANT:

Q. You have testified to that?

A. Yes.

Q. And I have the excerpts out, and I don't—but they've been adopted and affirmed as true. So I'm not going to get—get you looking at—have you read those excerpts.

A. I appreciate that.

Q. Now, in the—in later testimony before the grand jury, you were given a definition, and in fact it was the same definition that was used in the Paula Jones lawsuit, of "sexual relations." Do you recall the—

A. So I've read.

Q. Yes.

A. I was not shown that definition.

Q. But you were asked a question that incorporated that definition.

A. Not prior to this whole—not prior to the Independent Counsel getting involved.

Q. But—no—it was the Independent Counsels themselves who asked you this question.

A. Right. Oh, so you're—you're saying in the grand jury, I was shown a definition of—

Q. Right.

A. Yes, that's correct.

Q. And you admitted in that answer to that question that the conduct that you were involved in, the encounter of November the 15th, 1995, fit within that definition of "sexual relations"?

A. The second encounter of that evening did.

Q. Right.

And were there other similar encounters later on with the President, not that day, but other occasions that would have likewise fit into that definition of "sexual relations" in the Paula Jones case?

A. Yes. And—yes.

Q. There was more than one occasion where that occurred?

A. Correct.

Q. So, if the President testifies that he did not—he was not guilty of having a sexual relationship under the Paula Jones definition even, then that testimony is not truthful, is it?

MR. CACHERIS: Objection. She should not be called upon to testify what was in the mind of another person. She's testifying to the facts, and she has given the facts.

MR. BRYANT: I would ask that she answer the question.

SENATOR DEWINE: Go ahead.

SENATOR LEAHY: The objection is noted for the record.

SENATOR DEWINE: The objection is noted. She may answer the question.

THE WITNESS: I—I really—

SENATOR LEAHY: If she can.

THE WITNESS: —don't feel comfortable characterizing whether what he said was truthful or not truthful. I know I've testified to what I believe is true.

BY MR. BRYANT:

Q. Well, truth is not a wandering standard.

A. Well—

Q. I would hope not. But you have testified, as I've told you, that what you and he did together on November the 15th, 1995 fit that definition of the Paula Jones, and you've indicated that there were other occasions that likewise—

A. Yes, sir.

Q. —that that occurred.

But now the President has indicated as a part of his specific defense—he has filed an answer with this Senate denying that this occurred, that he did these actions.

A. I know. I'm not trying to be difficult, but there is a portion of that definition that says, you know, with intent, and I don't feel comfortable characterizing what someone else's intent was.

I can tell you that I—my memory of this relationship and what I remember happened fell within that definition.

If you want to—I don't know if there's another way to phrase that, but I'm just not comfortable commenting on someone else's intent or state of mind or what they thought.

Q. Let's move forward to December the 19th, 1997, at that point you made reference to earlier.

A. I'm sorry. Can you repeat the date again? I'm sorry.

Q. Yes. December the 19th, 1997.

A. Okay, sorry.

Q. At that point where you testified that you received a subpoena in the Paula Jones case, and that was, of course, on December the 19th, 1997.

Do you recall the specific time of day and where you were when you were served with the subpoena?

A. I was actually handed the subpoena at the Metro entrance of the Pentagon—at the Pentagon, and the time—I think it was around 4:30—4—I—I—if I've testified to something different, then, I accept whatever I testified to, closer to the date. Sometime in the late afternoon.

Q. Did they call you, and you had to come out of your office and go outside—

A. Correct.

Q. —and do that?

Okay. And what did you do after you accepted service of the subpoena?

A. I started crying.

Q. Did he just give it to you and walk away, or did he give you any kind of explanation?

A. I think I made a stink. I think I was trying to hope that he would convey to the Paula Jones attorneys that I didn't know why they were doing this, and this is ridiculous, and he said something or another, there is a check here for witness fee. And I said I don't want their stinking money, and so—

Q. What did you do after, after you got through the emotional part?

A. I went to a pay phone, and I called Mr. Jordan.

Q. Any reason you went to a pay phone, and why did you call Mr. Jordan? Two questions, please.

A. First is because my office in the Pentagon was probably a room this size and has—let's see, one, two, three, four—four other people in it, and there wasn't much privacy. So that I think that's obvious why I wouldn't want to discuss it there.

And the second question was why Mr. Jordan—

Q. Why did you call Mr. Jordan; yes.

A. Because I couldn't call Mrs. Currie because it was—I hadn't expected to be subpoenaed that soon. So she was grieving with her brother's passing away, and I didn't know who else to turn to. So—

Q. And what—what occurred with that conversation with Mr. Jordan?

A. Well, I remember that—that he couldn't understand me because I was crying. So he kept saying: "I don't understand what you're saying. I don't understand what you're saying."

And I just was crying and crying and crying. And so all I remember him saying was: "Oh, just come here at 5 o'clock."

So I did.

Q. You went to see Mr. Jordan, and you were inside his office after 5 o'clock, and you did—is that correct?

A. Yes.

Q. Were—were you interrupted, in the office?

A. Yes. He received a phone call.

Q. And you testified that you didn't know who that was that called?

A. Correct.

Q. Did you excuse yourself?

A. Yes.

Q. What—after you came back in, what—what occurred? Did he tell you who he had been talking to?

A. No.

Q. Okay. What happened next?

A. I know I've testified about this—

Q. Yes.

A. —so I stand by that testimony, and my recollection right now is when I came back in the room, I think shortly after he had placed a phone call to—to Mr. Carter's office, and told me to come to his office at 10:30 Monday morning.

Q. Did you know who Mr. Carter was?

A. No.

Q. Did Mr. Jordan tell you who he was?

A. No—I don't remember.

Q. Did you understand he was going to be your attorney?

A. Yes.

Q. Did you express any concerns about the—the subpoena?

A. I think that happened before the phone call came.

Q. Okay, but did you express concerns about the subpoena?

A. Yes, yes.

Q. And what were those concerns?

A. In general, I think I was just concerned about being dragged into this, and I was concerned because the subpoena had called for a hatpin, that I turn over a hatpin, and that was an alarm to me.

Q. How—in what sense was it—in what sense was it an alarm to you?

A. The hatpin being on the subpoena was evidence to me that someone had given that information to the Paula Jones people.

Q. What did Mr. Jordan say about the subpoena?

A. That it was standard.

Q. Did he have any—did he have any comment about the specificity of the hatpin?

A. No.

Q. And did you—

A. He just kept telling me to calm down.

Q. Did you raise that concern with Mr. Jordan?

A. I don't remember if—if I've testified to it, then yes. If—I don't remember right now.

Q. Did—would you have remembered then if he made any comment or answer about the hatpin?

A. I mean, I think I would.

Q. And you don't remember?

A. I—I remember him saying something that it was—you know, calm down, it's a standard subpoena or vanilla subpoena, something like that.

Q. Did you ask Mr. Jordan to call the President and advise him of the subpoena?

A. I think so, yes. I asked him to inform the President. I don't know if it was through telephone or not.

Q. And you did that because the President had asked you to make sure you let Betty know that?

A. Well, sure. With Betty not being in the office, I couldn't—there wasn't anyone else that I could call to get through to him.

Q. Did Mr. Jordan say to you when he might see the President next?

A. I believe he said he would see him that evening at a holiday reception.

Q. Did Mr. Jordan during that meeting make an inquiry about the nature of the relationship between you and the President?

A. Yes, he did.

Q. What was that inquiry?

A. I don't remember the exact wording of the questions, but there were two questions, and I think they were something like did you have sex with the President or did he—and if—or did he ask for it or some—something like that.

Q. Did you—what did you suspect at that point with these questions from Mr. Jordan in terms of did he know or not know about this?

A. Well, I wasn't really sure. I mean, two things. I think there is—I know I've testified to this, that there was another component to all of this being Linda Tripp and her—what she might have led me to believe or led me to think and how that might have characterized how I was perceiving the situation.

I—I sort of felt that I didn't know if he was asking me as what are you going to say because I—I don't know these answer to these questions, or he was asking me as I know the answer to these questions and what are you going to say. So, either way, for me, the answer was no and no.

Q. And that's just what I wanted to ask you—you did answer no to both of those, but—

A. Yes.

Q. —as you explained—you didn't mention this directly, but you mentioned in some of your earlier testimony about it, that this was kind of a wink and—you thought this might be a wink-and-nod conversation, where he really knew what was going on, but—

A. Well, I think that's what I just said.

Q. —he was testing you to see what you would say?

A. —that I wasn't—I—that was one of the—that was one of the things that went through my mind. I mean, it was not—I think that's what I just testified to, didn't I?

Q. You didn't use the term "wink-and-nod," though.

A. Oh.

Q. Did you have any conversation with Mr. Jordan during that meeting about the specifics of an affidavit?

A. No.

Q. Do you know if the subject of an affidavit even came up?

A. I don't think so.

Q. What happened next? Is that when he made the call to Mr. Carter, after this conversation?

A. No. He made the call to Mr.—I think—well, I think he made the call to Mr. Carter, uh, shortly after I came back into the room, but I could be wrong.

Q. And then the meeting concluded after that—after the appointment was set up with Mr. Carter, the meeting concluded?

A. Yes.

SENATOR DEWINE: Mr. Bryant, we're going to need to break sometime in the next 5 minutes. Is this a good time, or do you want to complete—

MR. BRYANT: This is a good time.

SENATOR DEWINE: Okay. We'll take a 5-minute break.

THE VIDEOGRAPHER: We're going off the record at 12:04 p.m.

[Recess.]

THE VIDEOGRAPHER: We are going back on the record at 12:16 p.m.

SENATOR DEWINE: We are back on the record.

Let me advise House Managers that they have consumed one hour and 54 minutes.

Mr. Bryant, you may proceed.

MR. BRYANT: Thank you, sir.

BY MR. BRYANT:

Q. Ms. Lewinsky, let me just cover a couple of quick points, and then I'll move on to another area, at least the next meeting with Mr. Jordan and eventual meeting with Mr. Carter.

Back when issues of—we were discussing the issues of cover stories, uh, would you tell me about the, uh, code name with Betty Currie, the President's secretary and how that worked in terms of the use—I guess the word "Kay," the name "Kay," and were there other code names, and when did this start?

A. Sure. First, let me say there's—from my experience with working with Independent

Counsel on this subject area, there—my initial memory of things and then what I came to learn from, from other evidence, I think, are sort of two different things. So I initially hadn't remembered when that had happened or what had happened.

The name "Kay" was used because Betty and I first came to know each other and know—or, I guess I came to know of Mrs. Currie through Walter Kaye, who was a family friend, and I think that that—I don't remember when we started using it, but I know that by January at some point—by let's just say January, I think, 12th or 13th, we were doing that. So I know I was beyond paranoid at this point.

Q. Was "Kay" your code name, so to speak?

A. I believe—yes, yes. So she was "Kay" and I was "Kay."

Q. So any time, uh—not any time—so you used the "Kay" name interchangeably between the two—just between the two of you?

A. Just for paging messages.

Q. And, uh, when we're talking about that Ms. Currie would WAVE you into the White House, would that occur when the President was there? I mean, you went in—

A. There—there were times that I went to see Mrs. Currie when the President wasn't there.

Q. Right. And she would WAVE you in.

A. Correct.

Q. And there were times other people WAVE'd you in when the President wasn't there?

A. Correct.

Q. But when the President was there, and you were going to see the President, Ms. Currie was the one that always WAVE'd you in?

A. Yes, and I think, unless—maybe on the occasions of the radio address or it was an official function.

Q. Now, I think we talked a little bit about this. During your December the 19th meeting with Mr. Jordan, uh, he did schedule you a time to meet, uh, and introduce you to Mr. Carter?

A. Correct.

Q. And that—when was that meeting with Mr. Carter scheduled?

A. Uh, I believe for—it was Monday morning. I think it was 11 o'clock, around—sometime around that time.

Q. And my notes say that would have been December the 22nd, 1997.

A. Correct.

Q. Did you, uh, call to meet him earlier, and if so, why?

A. Yes. I had—I had had some concerns over the weekend that I didn't know if—if Mr. Jordan knew about the relationship or didn't know about the relationship. I was concerned about—I'm sure you can understand that I was dealing with a set of facts that were very different from what the President knew about being pulled into this case in that I had, in fact, disclosed information. So I was very paranoid, and, uh, I, uh, I—I was trying to—trying to see what Mr. Jordan knew was—was trying to inform him, was trying to just get a better grasp of what was going on.

Is that—is that clear? No?

Q. You were—you were worried that Mr. Jordan didn't have a—did not have a grasp of what was really going on?

A. Correct.

Q. And that would be in terms of actually knowing the real relationship between you and the President?

A. Correct.

Q. So how did you attempt to correct that?

A. Well, I—I sort of—I think the way it came up was I said, uh—I think I said to Mr. Jordan—I know I've testified to this, uh, that—something about what about if someone overheard the phone calls that I had with him. And Mr. Jordan, I believe, said something like: So what? The President's allowed to call people.

And then—well.

Q. Now, was this at a meeting on December the 22nd, before you went to see Mr. Carter?

A. Correct.

Q. I assume you—you went to Mr. Jordan's office first, and then he was going to escort you over and turn you over to Mr. Carter?

A. Correct.

Q. And it was at that meeting that you brought up the possibility of someone overhearing a conversation with the President and you—between the two of you?

A. Yes.

Q. What else was said at that meeting with Mr. Jordan?

A. I think it covered a topic that I thought we weren't discussing here.

Q. Uh, okay. All right. I'm not sure.

A. Okay. Well, I—I know I've testified to this in my—I think in all three, if not both of my grand jury appearances, and I'm very happy to stand by that testimony.

Q. All right. I'm going to go around this a little bit without getting into details. You had a conversation with Mr. Jordan to detail—to give him more specific details of your relationship with the President.

A. Uh, to give him more details of some of the types of phone calls that we had.

Q. Okay. Uh, did you ask Mr. Jordan had he spoken with the President during that conversation?

A. Yes, I believe so.

Q. And why was this—why did you need to know that, or why was it important that you know that?

A. I wanted the President to know I'd been subpoenaed.

Q. Did, uh—in your, uh, proffer, you say that you made it clear to Mr. Jordan that you would deny the sexual relationship. Do you recall saying that in your proffer?

A. Uh, I know—I know that was written in my proffer.

Q. Okay. Well, I guess the better question is did you—did you in fact make that clear to Mr. Jordan that you would deny a sexual relationship with the President?

A. I—I'm not really sure. I—this is sort of an area that, uh, has been difficult for me. I think, as I might have discussed in the grand jury, that when I originally wrote this proffer, it was to be a road map and, really, something to help me to get immunity and not necessarily—it's not perfect.

Uh, so, I think that was my intention—I know that was my intention of—or at least what I thought I was doing—but I never really thought that this would become the be-all and end-all, my proffer.

Q. Did, uh, did you bring with you to the meeting with Mr. Jordan, and for the purpose of carrying it, I guess, to Mr. Carter, items in response to this request for production?

A. Yes.

Q. Did you discuss those items with Mr. Jordan?

A. I think I showed them to him, but I'm not 100 percent sure. If I've testified that I did, then I'd stand by that.

Q. Okay. How did you select those items?

A. Uh, actually, kind of in an obnoxious way, I guess. I—I felt that it was important to take the stand with Mr. Carter and then, I guess, to the Jones people that this was ridiculous, that they were—they were looking at the wrong person to be involved in this. And, in fact, that was true. I know and knew nothing of sexual harassment. So I think I brought the, uh, Christmas cards, that I'm sure everyone in this room has probably gotten from the President and First Lady, and considered that correspondence, and some innocuous pictures and—they were innocuous.

Q. Were they the kind of items that typically, an intern would receive or, like you said, any one of us might receive?

A. I think so.

Q. In other words, it wouldn't give away any kind of special relationship?

A. Exactly.

Q. And was that your intent?

A. Yes.

Q. Did you discuss how you selected those items with anybody?

A. I don't believe so.

Q. Did Mr. Jordan make any comment about those items?

A. No.

Q. Were any of these items eventually turned over to Mr. Carter?

A. Yes.

Q. And did you tell Mr. Jordan at that meeting that morning that these were not all of the gifts?

A. I think I—I know I sort of alluded to that in my proffer, and I don't, uh—it's possible. I don't have a specific recollection of that.

Q. And do you have a recollection of any response he may have made if you said that?

A. No.

Q. That—did you tell Mr. Jordan that day that the, uh, President gave you a hatpin and that the hatpin was mentioned in the subpoena?

A. No.

Q. Did you discuss the hatpin with Mr. Jordan?

A. On the 22nd?

Q. Yes.

A. No.

Q. Any other time?

A. Yes.

Q. When was that?

A. On the 19th.

Q. Okay, and what was—I think I may have missed that, going through that. Tell me about it.

A. Actually, I think we—we went through it.

Q. You just maybe mentioned it.

A. I mentioned it when I first mentioned to him the subpoena that the hatpin had concerned me.

Q. What was the significance of that hatpin to you? That seems to stand out. Was that—was that a—

A. Right. I think, as I mentioned before, it was an alarm to me because it was a specific item—

Q. Right.

A. —in this list of generalities—I don't know generalities, but of general things—you sort of go—hatpin?

Q. Right. I recall that, but I—I think my question was, was it of any special significance to you.

A. Sure.

Q. Was it, like, the first gift or something, that it really stood out above the others?

A. Yes. It—it was—it was the first gift he gave me. It was a thoughtful gift. It was beautiful.

Q. And was the hatpin in that list, that group of items that you carried to surrender to Mr. Carter?

A. No.

Q. And the hatpin was not in that list of items that you showed Mr. Jordan?

A. I—I didn't show Mr. Jordan a list of items.

Q. No—I thought you said you showed him the items.

A. Correct.

Q. And the hatpin was not in that group—I may have "list"—

A. Oh.

Q. —but the hatpin was not in that group of items—

A. No, it was not.

Q. —that you showed Mr. Jordan. Okay.

Tell us, if you would, how you arrived at Mr. Carter's. I know you rode in a car, but Mr. Jordan was with you—

A. Yes.

Q. —you went in—and tell us what happened.

A. Uh, in the car, we spoke about job things. I know he mentioned something about, I think, getting in touch with Howard Pastor, and I mentioned to Mr. Jordan that Mr. Bacon knew Mr. Pastor and had already gotten in touch with him, and so he should—I just wanted Mr. Jordan to be aware of that.

Uh, we talked about—it was really all about the job stuff because Mr. Jordan—the man driving the car—I didn't want to discuss anything with the case.

Q. But once you arrived, and Mr. Jordan made the introduction—

A. Correct.

Q. —between the two of you. And did he explain to Mr. Carter your situation, or did he go beyond just the perfunctory introduction?

A. No.

Q. Did he leave?

A. Yes.

Q. Did you, uh—I guess, generally, what did you discuss with Mr. Carter?

A. The same vanilla story I had kind of—well, actually, not even that. I discussed with Mr. Carter the, uh, that this was ridiculous, that I was angry, I didn't want to be involved with this, I didn't want to be associated with Paula Jones, with this case.

Q. Did you, uh—

A. I asked if I could sue Paula Jones. [Laughing.]

Q. Did you discuss an affidavit?

A. Yes, I believe I mentioned an affidavit.

Q. Did you mention, uh, the, uh—well, was there discussion about how you could sign an affidavit that might be—allow you to skirt being called as a witness?

A. Mr. Carter said that was a possibility but that there were other things that we should try first; that he, uh, thought—well, actually, can I ask my attorneys a question for a moment?

MR. BRYANT: Uh, sure.

[Witness conferring with counsel.]

SENATOR DEWINE: Counsel, Ms. Lewinsky's mike is carrying; it's picking up, so we don't want to—

THE WITNESS: Sorry. I was only saying nice things about you all.

SENATOR DEWINE: Thank you.

[Laughter.]

MR. CACHERIS: So that you'll know what we're discussing here, as you know, Ms. Lewinsky is not required to give up her lawyer-client privileges, and the question we don't know the answer to and would like to address after lunch is whether in fact Mr. Carter has testified to this conversation.

Therefore, perhaps—

SENATOR DEWINE: All right. Maybe counsel at this point could—could you rephrase—rephrase the question or ask another question, and after lunch, we can come back—

MR. CACHERIS: Or come back.

SENATOR DEWINE: Well, I don't want—I don't think he has to move off the general area if he can—I'll leave that up to counsel.

MR. BRYANT: There may be some misunderstanding or—

SENATOR DEWINE: Why don't you rephrase the question, and we'll see where we are.

MR. BRYANT: —on this issue of—well, on this issue of the attorney-client privilege. It is our understanding that she is able to testify. But again, I don't know, uh, if we're going to resolve that right now.

SENATOR DEWINE: Why don't we try to resolve that issue over lunch, and—

MR. BRYANT: Because I do have other questions that would relate to this area.

SENATOR DEWINE: —you can stay in this general area.

MR. BRYANT: Well, I'm not sure I can stay in this area too far without other questions that might arguably be involved in that privilege. I can ask them, and you can object if you think they're within that range.

MR. CACHERIS: Well, as I said, it's our understanding that under her agreement with the Independent Counsel, she has not been required to waive her lawyer-client privilege, and we don't want to do so here. That's that simple. And, Mr. Bryant, I want to check to see if Mr. Carter has testified about this. If he has, then we might be objecting—

MR. BRYANT: Well, she has already, I think, waived that privilege through talking with the FBI and those folks. I mean, we have statements that concern those conversations—

SENATOR DEWINE: Well, let's, instead of

MR. BRYANT: And the 302's.

SENATOR DEWINE: Counsel, let me just—if I could interrupt both of you, to keep moving here, Mr. Bryant, you have a choice. You can continue on this line of questioning, and we will have to deal with that, or you can move off of it, and in 20 minutes we'll be at a lunch break and then we can try to resolve that.

MR. BRYANT: To be clear and fair, let's just—let me postpone the rest of this—

SENATOR DEWINE: That will be fine.

MR. BRYANT: —exam, and we'll move over to December 28th, and we'll come back if it's appropriate.

SENATOR DEWINE: That will be fine.

THE WITNESS: I'm sorry. I'm not trying to be difficult. I'm sorry.

MR. BRYANT: No. That's a valid concern; it really is.

Let's talk a minute—I just don't want to forget to do this; unless I make notes, I forget.

SENATOR LEAHY: You've got enough people here making notes; I don't think it'll be—I don't think it'll be forgotten.

BY MR. BRYANT:

Q. We're going to move in the direction of the December 28th, 1997 meeting, and I'm going to ask you at some point did you meet with the President later in December.

A. Yes.

Q. Okay, and what date was that?

A. December 28th, 1997.

Q. Thank you. How did the meeting come about?

A. Uh, I contacted Mrs. Currie after Christmas and asked her to find out if the President still wanted to give me his Christmas present, or my Christmas present.

Q. Did Ms. Currie get back to you?

A. Yes, she did.

Q. And what was her response?

A. To come to the White House at 8:30 a.m. on the 28th.

Q. And that would have been Sunday?

A. Yes.

Q. Did you in fact go to the White House on that date?

A. Yes.

Q. And how did you get in?

A. I believe the Southwest Gate.

Q. Did Ms. Currie WAVE you in?

A. I think so.

Q. You've testified to that previously.

A. Okay, then I accept that.

Q. This, uh, meeting on the 28th was a Sunday, and Ms. Currie—again, according to your prior testimony—WAVE'd you in. This was all consistent with what the President had told you to do about, number one, coming on weekends; is that correct?

A. I—I—I don't think me coming in on that Sunday had—I mean, for me, my memory of it was that it was a holiday time, so it could have been any day. It's pretty quiet around the White House from Christmas to New Year's.

Q. And it would have been consistent with her WAVEing you in when she was there at work on Sunday?

A. Yes.

Q. That was unusual, though, for her to be in on Sunday, wasn't it?

A. I—I—I—I think so, but I mean, that's her—I think that's something you'd have to ask her.

MR. BRYANT: I'm concerned about the time. I'm going to go ahead and continue with this, and we'll just stop wherever we have a—whenever you tell us to stop. This will take a little bit longer than another 15 minutes or so; but it's appropriate, I think, for us to continue.

SENATOR DEWINE: Well, frankly, it's up to you.

MR. BRYANT: Okay.

SENATOR DEWINE: Do you have a problem in breaking it?

MR. BRYANT: No; no, I don't think so.

SENATOR DEWINE: I mean, if you do, we can take lunch now. I'll leave that up to you.

MR. BRYANT: Uh, why don't we take the lunch now—

SENATOR DEWINE: All right. No one has any objection to that, we will do that.

THE WITNESS: I never object to food.

SENATOR DEWINE: Let me just announce to counsel you have used 2 hours and 14 minutes. It is now 20 minutes until 1. We'll come back here at 20 minutes until 2. And we need during this break also to see counsel and try to resolve the other issue prior to going back in. This is the privilege issue.

SENATOR LEAHY: Did counsel for Ms. Lewinsky have to make a couple phone calls first, before we have that discussion? I think—

SENATOR DEWINE: My suggestion would be we do that at the last 15 minutes of the break.

SENATOR LEAHY: I think he said he wanted to call Mr. Carter; that's why—

MR. CACHERIS: Meet you back up here?

SENATOR DEWINE: Yes. I would also—the sergeant-at-arms has asked me to announce that the food is on this floor, and since we have a very limited period of time, we suggest you try to stay on the floor.

MS. HOFFMANN: We were planning to go back—

SENATOR DEWINE: Except—I understand. I know that you're—

MR. CACHERIS: We have our own arrangements.

SENATOR DEWINE: I know that you have your room, and you've made your own arrangements, and that's fine.

So we will start back in one hour.

THE VIDEOGRAPHER: We are going off the record at 12:39 p.m.

[Whereupon, at 12:39 p.m., the deposition was recessed, to reconvene at 1:39 p.m. this same day.]

AFTERNOON SESSION

THE VIDEOGRAPHER: We are going back on the record at 13:43 hours.

SENATOR DEWINE: We are now back on the record.

As we broke for lunch, there was an objection that had been made by Ms. Lewinsky's counsel. Let me call on them at this point for statements.

MR. CACHERIS: Yes. We have examined the record during the course of the break, and while we know that the immunity agreement does provide for Ms. Lewinsky to maintain her lawyer-client privilege, we think in this instance, the matter has been testified so fully that it has been waived. So the objection that we lodged is withdrawn.

SENATOR DEWINE: Thank you very much.

Mr. Bryant, you may proceed.

MR. BRYANT: Thank you, Mr. Senator.

BY MR. BRYANT:

Q. We've got you to the point where Mr. Jordan has escorted you to Mr. Carter's office and has departed, and you and Mr. Carter have conversations.

Generally, what did you discuss with Mr. Carter?

A. I guess the—the reasons why I didn't think I should be called in this matter.

Q. Did he ask you questions?

A. Yes.

Q. What type of questions did he ask you?

A. Um, they ranged from where I lived and where I was working to did I have a relationship with the President, did—everything in between.

Q. When he—when he asked you about the relationship, did you understand he meant a sexual-type relationship?

A. He asked me questions that—that indicated he was being specific.

Q. And did—did you deny such a relationship?

A. Yes, I did.

Q. Did he ask you questions about if you were ever alone with the President?

A. Yes, he did.

Q. And did you deny that?

A. I think I mentioned that I might have brought the President papers on occasion, may have had an occasion to be alone with him, but not—not anything I considered significant.

Q. But that was not true either, was it?

A. No.

Q. And in fact, that—the fact that you brought him papers, that was part of the cover-up story?

A. Correct.

Q. I'm unclear on a point I want to ask you. Also, did Mr. Carter ask you about how you perhaps were pulled into this case, and you gave some answer about knowing Betty Currie and—and Mr. Kaye? Does that ring bells? You gave that testimony in your deposition.

A. That that's how I got pulled into the case?

Q. Right. Did—

A. May I see that, please?

Q. It's about your denying the relationship with the President, and you think maybe you got pulled into the case. It's—certainly, it's—it's in your grand jury—okay. It's—it's in the August 1 interview, page 9. This was a 302 exam from the FBI.

A. Um—

MR. BRYANT: Let me give that to her. Let me just give it to her to refresh her memory. I'm not going to put it in evidence, although it's—it should be there.

[Handing document.]

[Witness perusing document.]

THE WITNESS: I don't think that's an accurate representation of what I might have said in this interview.

BY MR. BRYANT:

Q. Okay. Would you—how would you have related Walter Kaye in that interview? How would his name have come up?

A. In this interview or with Mr. Carter?

Q. Well, in the interview with Mr. Carter that I assume was sort of summarized in that—

A. Right.

Q. —302, but, yes, with Mr. Carter.

A. Uh, I think I mentioned that I was friendly with Betty Currie, the President's secretary.

Q. And how would Mr. Kaye's name have come up in the conversation?

A. Because of how I met Ms. Currie was through—that's how I came to know of Ms. Currie and—and first introduced myself to her. Excuse me.

Q. Let's go back now and resume where we were before the lunch break. We were talking about the December visit to the White House and the conversation with the President. You had discussed—well, I think we're to the point where perhaps you—or I'll ask you to bring up your discussion with the President about the subpoena and the request for production.

A. Um, part way into my meeting with the President, I brought up the concern I had as to how I would have been put—how I might have been alerted or—not alerted, but how I was put on the witness list and how I might have been alerted to the Paula Jones' attorneys, and that that was—I was sort of concerned about that. So I discussed that a little, and then I said, um, that I was concerned about the hatpin. And to the best of my memory, he said that that had concerned him as well, and—

Q. Could he have said that bothered him?

A. He—he could have. I—I mean, I don't—I know that sometimes in the—in my grand jury testimony, they've put quotations around things when I'm attributing statements to other people, and I didn't necessarily mean that those were direct quotes. That was the gist of what I remembered him saying. So, concern, bothered, it doesn't—

Q. Was—was there a discussion at that point as to how someone might have—may have discovered the—the hatpin and why?

A. Well, he asked me if I had told anybody about it, and I said no.

Q. But the two of you reached no conclusion as to how that hatpin came—

A. No.

Q. —to appear on the motion?

A. No.

Q. Did he appear at all, I think, probably surprised that—that you had received a request for production of documents or the—the hatpin was on that document?

A. I didn't discuss—we didn't discuss documents, request for documents, but with regard to the hatpin, um, I don't remember him being surprised.

Q. Mm-hmm. How long did the discussion last about the—this request for production of—of the items?

A. The topic of the Paula Jones case, maybe 5 minutes. Not very much.

Q. What else was said about that?

A. About the case?

Q. Yes.

A. There was—then, at some point in this discussion—I think it was after the hatpin stuff—I had said to him that I was concerned about the gifts and maybe I should put them away or possibly give them to Betty, and as I've testified numerously, his response was either ranging from no response to "I don't know" or "let me think about it."

Q. Did the conversation about the—the gifts that you just mentioned, did that immediately follow and tie into, if you will, the conversation about the request for production of items, the hatpin and so forth? Did one lead to the other?

A. I don't remember. I know the gift conversation was subsequent to the hatpin comment, but I—I don't remember if one led to the other.

Q. What else happened after that?

A. Hmm, I think we went back to sort of—we left that topic, kind of went back to the visit.

Q. Did—which included exchanging the Christmas gifts?

A. Correct.

Q. Okay.

A. I had already—he had already given me my presents at this point.

Q. Okay. Did—he gave you some gifts that day, and my question to you is what went through your mind when he did that, when you knew all along that you had just received a subpoena to produce gifts. Did that not concern you?

A. No, it didn't. I was happy to get them.

Q. All right. Why did it—beyond your happiness in receiving them, why did the subpoena aspect of it not concern you?

A. I think at that moment—I mean, you asked me when he gave me those gifts. So, at that moment, when I was there, I was happy to be with him. I was happy to get these Christmas presents. So I was nervous about the case, but I had made a decision that I wasn't going to get into it too much—

Q. Well—

A. —with a discussion.

Q. —have you in regards to that—you've testified in the past that from everything that the President had told you about things like this, there was never any question that you were going to keep everything quiet, and turning over all the gifts would prompt the Jones attorneys to question you. So you had no doubt in your mind, did you not, that you weren't going to turn these gifts over that he had just given you?

A. Uh, I—I think the latter half of your statement is correct. I don't know if you're reading from my direct testimony, but—because you said—your first statement was from everything the President had told you. So I don't know if that was—if those were my words or not, but I—no, I was—I—it—I was concerned about the gifts. I was worried someone might break into my house or concerned that they actually existed, but I wasn't concerned about turning them over because I knew I wasn't going to, for the reason that you stated.

Q. But the pattern that you had had with the President to conceal this relationship, it was never a question that, for instance, that given day that he gave you gifts that you were not going to surrender those to the Jones attorneys because that would—

A. In my mind, there was never a question, no.

Q. I'm just actually looking at your deposition on page—no, I'm sorry—your grand jury proceedings of August the 6th, just to be clear, since you raised that question.

1004 in the book, appendices.

You indicate that in response to a question, "What do you think the President is thinking when he is giving you gifts when there is a subpoena covering gifts. I mean, does he think in any way, shape or form that you're going to be turning these gifts over?" And your answer is, "You know, I can't answer what he was thinking, but, to me, it was—there was never a question in my mind, and I—from everything he said to me, I never questioned him that we were ever going to do anything but keep this private. So that meant deny it, and that meant do whatever appropriate—take whatever appropriate steps needed to be taken, you know, for that to happen, meaning that if—if I had to turn over every gift—if I had turned over every gift he had given me—first of all, the point of the affidavit and the point of everything was to try to avoid a deposition. So where I'd have to sort of—you know, I wouldn't have to lie as much as I would necessarily in an affidavit how I saw it," and you continue on, just one short paragraph.

A. Right.

Q. "So, by turning over all of these gifts, it would at best prompt him to want to question me about what kind of friendship I had with the President, and they would want to speculate and they'd leak it, and my name would be trashed and he would be in trouble."

So you recall giving that testimony?

A. Yes. I accept—I accept what's said here.

Q. Okay.

A. It's a little different from what you said, but very close.

Q. Thank you.

Did the President ever tell you to turn over the gifts?

A. Not that I remember.

Q. Now, is that—does that bring us to the end of this conversation with the President, or did other things occur?

A. I think that the aspect of where this case is related, yes.

Q. Okay. And then you left, and where did you go when you left the White House?

A. I think I went home.

Q. This is at—at your apartment?

A. My mother's apartment.

Q. Mother's apartment.

Did you later that day receive a call from Betty Currie?

A. Yes, I did.

Q. Tell us about that.

A. I received a call from—from Betty, and to the best of my memory, she said something like I understand you have something for me or I know—I know I've testified to saying that—that I remember her saying either I know you have something for me or the President said you have something for me. And to me, it's a—she said—I mean, this is not a direct quote, but the gist of the conversation was that she was going to go visit her mom in the hospital and she'd stop by and get whatever it was.

Q. Did you question Ms. Currie or ask her, what are you talking about or what do you mean?

A. No.

Q. Why didn't you?

A. Because I assumed that it meant the gifts.

Q. Did—did you have other telephone calls with her that day?

A. Yes.

Q. Okay. What was the purpose of those conversations?

A. I believe I spoke with her a little later to find out when she was coming, and I think that I might have spoken with her again when she was either leaving her house or outside or right there, to let me know to come out.

Q. Do—at that time, did you have the caller identification—

A. Yes, I did.

Q. —on your telephone?

A. Yes.

Q. And did you at least on one occasion see her cell phone number on your caller-ID that day?

A. Yes, I did.

Q. Now, Ms. Currie has given different versions of what happened there, but I recall one that she mentioned about Michael Isikoff, that you had called her and said Michael Isikoff is calling around or called me—

A. Mm-hmm.

Q. —about some gifts.

Did Mr. Isikoff ever call you about the gifts?

A. No.

Q. Okay. Would there have been—would there have been any reason for you not to have carried the gifts to Ms. Currie had you wanted her—had you called her, would you have had her come over to get them from you, or does that—

A. Probably not.

Q. I mean, is there—is there any doubt in your mind that she called you to come pick up the gifts?

A. I don't think there is any doubt in my mind.

Q. Okay. Let me ask was—I think you did something special for her, as I recall, too, or her mother. Did you prepare a plant or something for her to pick up?

A. Um, no. I just—

Q. To take to her mother?

A. I bought a small plant and a balloon.

Q. Okay. What was your understanding about her mother, and was—

A. Oh, I—I knew her mom was in—was in the hospital and was sick, and I think this was her second trip to the hospital in several months, and it had been a tough year.

Q. And was she—was Mrs. Currie coming by your place on her way to visit her mother in the hospital? Do you know that?

A. That's what I remember her saying.

Q. So you prepared—and you bought a gift for her mother?

A. Correct.

Q. Okay. Do you know what kind of time frame this covered? First of all, it was the same day, December the 28th, 1997?

A. Seven, yes.

Q. Do you know what kind of time frame it covered?

A. I think it was afternoon. I know I've testified to around 2 o'clock.

Q. Could it have been later?

A. Sure.

Q. So, when Betty Currie came, what—what did you have prepared for her?

A. I had a box from the Gap with some of the presents the President had given me, taped up in it.

Q. What happened when she arrived?

A. Uh, I think I walked out to the car and asked her to hold onto this, and I think we talked about her mom for a few minutes. Um—

Q. Did she call you right before she arrived, or did you just go wait for her in the building?

A. I think she called me right before she—at some point, I think, before she—either when she was leaving or she was outside.

Q. Do you know—did you have any indication from Ms. Currie what she was going to do with that box of gifts?

A. Um, I know I've testified to this. I don't—I don't remember. I think maybe she said something about putting it in a closet, but whatever I—I stand by whatever I've said in my testimony about it.

Q. But she was supposed to keep these for you?

A. Well, I had asked her to.

Q. Okay. Did Ms. Currie ask you at any time about what was in the box?

A. No, or not that I recall, I guess I should say.

Q. What was the—in your mind, what was the purpose of having Ms. Currie retain these gifts as opposed to another friend of yours?

A. Hmm, I know I've testified to this, and I can't—can I look at my grand jury—I mean, I don't really remember sitting here right now, but if I could look at my grand jury testimony, I—or I'd just stand by it.

Q. We will pass that to you.

A. Okay. Thank you.

[Witness handed documents.]

BY MR. BRYANT:

Q. The answer I'm looking for is—if this refreshes your recollection is that turning these over was a reassurance to the President that everything was okay. Is that—

A. Can I read it in context, please?

Q. Sure, sure.

A. Thank you.

[Witness perusing document.]

THE WITNESS: I—I—I stand by this testimony. I mean, I'd just note that it—what I'm saying here about giving it to the President or the assurance to the President is how I saw it at that point, not necessarily how I felt then. So I think you asked me what—why I didn't at that point, and I'm just—that's what's a little more clear there, just to be precise. I'm sorry.

BY MR. BRYANT:

Q. Okay. Did you have any later conversations with either Ms. Currie or the President about these gifts in the box?

A. No.

Q. Let me direct your attention to your meeting with Vernon Jordan on December the 31st of 1997. Was that to go back and talk about the job again?

A. Little bit, but the—the—for me, the point of that meeting was I had gotten to a point where Linda Tripp wasn't returning my phone calls, and so I felt that I needed to devise some way, that somehow—to kind of cushion the shock of what would happen if Linda Tripp testified all the facts about my relationship, since I had never disclosed that to the President. So that was sort of my intention in meeting with Mr. Jordan, was hoping that I could give a little information and that would get passed on.

Q. This was at a meeting for breakfast at the Park Hyatt Hotel?

A. Yes.

Q. Were just the two of you present?

A. Yes.

Q. Did you discuss other things, other than Linda Tripp and your job search?

A. I think we talked about what each of us were doing New Year's Eve.

Q. Specifically about some notes that you had at your apartment?

A. Oh, yes. I'm sorry.

Um, well, I mean, that really was in relation to discussing Linda Tripp. So—

Q. And the Jones lawyers, too. Was that right?

A. Um, I—I don't know that I discussed the Jones lawyers. If I've testified that I discussed the Jones lawyers, then I did, but—

Q. Okay. Well, tell us about the notes.

A. Well, the—sort of the—I don't know what to call it, but the story that I gave to Mr. Jordan was that I was trying to sort of alert to him that, gee, maybe Linda Tripp might be saying these things about me having a relationship with the President, and right now, I'm explaining this to you. These aren't the words that I used or how I said it to him, and that, you know, maybe she had seen drafts of notes, trying to obviously give an excuse as to how Linda Tripp could possibly know about my relationship with the President without me having been the one to have told her. So that's what I said to him.

Q. And what was his response?

A. I think it was something like go home and make sure—oh, something about a—I think he asked me if they were notes from the President to me, and I said no. I know I've testified to this. I stand by that testimony, and I'm just recalling it, that I said no, they were draft notes or notes that I sent to the President, and then I believe he said something like, well, go home and make sure they're not there.

Q. And what did you do when you went home?

A. I went home and I searched through some of my papers, and—and the drafts of notes I found, I sort of—I got rid of some of the notes that day.

Q. So you threw them away?

A. Mm-hmm.

THE REPORTER: Is that a "yes"?

THE WITNESS: Yes. Sorry.

BY MR. BRYANT:

Q. On your way home, you were with Mr. Jordan? I mean, he carried—did he carry you someplace or take you home, drop you off?

A. Yes, he dropped me off.

Q. Okay. On the way home—

A. It wasn't on the way to my home, but—

Q. Okay. Did he—did you tell him that you had had an affair with the President?

A. Yes.

Q. What was his response?

A. No response.

Q. When was the next time—well, let me direct your attention to Monday, January the 5th, 1998. You had an occasion to meet with your lawyer, Mr. Carter, about your case, possible depositions, and so forth.

Did you have some concern at that point about those depositions and how you might answer questions in the Paula Jones case?

A. Yes.

Q. Did you reach any sort of determination or resolution of those concerns by talking to Mr. Carter?

A. No.

Q. What's the status of the affidavit at this point? Is there one?

A. No.

Q. Do you recall any other concerns or questions that either you or Mr. Carter may have presented to each other during that meeting?

A. I think I—I think it was in that meeting I brought up the notion of having my family present, if I had to do a deposition, and he went through what—I believe we discussed—at this point, I think I probably knew at this point I was going to sign an affidavit, but it wasn't created yet, and I believe we discussed what—if the affidavit wasn't, I guess, successful—I don't know how you'd say legally—say that legally—but what a deposition would be like, sitting at a table.

Q. I'll bet he never told you it would be like this, did he?

A. No.

Q. Did you try to contact the President after you left the meeting with Mr. Carter?

A. Yes.

Q. And you reached Betty Currie?

A. Yes.

Q. And you told her to pass along to the President that you wanted—it was important to talk with him?

A. Yes.

Q. You may have mentioned to her something about signing something?

A. Right; I might have.

Q. What response did you get from that telephone call?

A. Uh, Betty called me back, maybe an hour or two later, and put the President through.

Q. And what was that conversation?

A. I know I've testified to this, and it was sort of two-fold. On the one hand, I was, uh, upset, so I was sort of in a pissy mood and a little bit contentious. Uh, but more related to the case, uh, I had concerns that from questions Mr. Carter had asked me about how I got my job at the Pentagon and transferred and, and, uh, I was concerned as to how to answer those questions because those questions involved naming other people who I thought didn't like me at the White House, and I was worried that those people might try and—just to get me in trouble because they didn't like me—so that if they were then—I mean, I had no concept of what exactly happens in these legal proceedings, and I thought, well, maybe if I say Joe Schmo helped me get my job, then they'd go interview Joe Schmo, and so, if Joe Schmo said, "No, that's not true," because he didn't like me, then I didn't want to get in trouble. So—

Q. Did there appear to be a question possibly about how you—how you got the job at the Pentagon? Did you fear for some questions there?

A. Yes. I think I tend to be sort of a detail-oriented person, and so I think it was, uh, my focusing on the details and thinking everything had to be a very detailed answer and not being able to kind of step back and look at how I could say it more generally. So that's what concerned me.

Q. Mm-hmm. This—

A. Because clearly, I mean, I would have had to say, "Gee, I was transferred from the Pentagon because I had this relationship that I'm not telling you about with the President." So there was—there was that concern for me there.

Q. And what did the President tell you that you could say instead of saying something like that?

A. That the people in Legislative Affairs helped me get the job—and that was true.

Q. Okay, but it was also true, to be complete, that they moved you out into the Pentagon because of the relationship with the President?

A. Right.

Q. Did—did the subject of the affidavit come up with the President?

A. Yes, towards the end of the conversation.

Q. And how did—tell us how that occurred.

A. I believe I asked him if he wanted to see a copy of it, and he said no.

Q. Well, I mean, how did you introduce that into the subject—into the conversation?

A. I don't really remember.

Q. Did he ask you, well, how's the affidavit coming or—

A. No, I don't think so.

Q. But you told him that you had one being prepared, or something?

A. I think I said—I think I said, you know, I'm going to sign an affidavit, or something like that.

Q. Did he ask you what are you going to say?

A. No.

Q. And this is the time when he said something about 15 other affidavits?

A. Correct.

Q. And tell us as best as you can recall what—how that—how that part of the conversation went.

A. I think that was the—sort of the other half of his sentence as, No, you know, I don't want to see it. I don't need to—or, I've seen 15 others.

It was a little flippant.

Q. In his answer to this proceeding in the Senate, he has indicated that he thought he had—might have had a way that he could have you—get you to file a—basically a true affidavit, but yet still skirt these issues enough that you wouldn't be called as a witness.

Did he offer you any of these suggestions at this time?

A. He didn't discuss the content of my affidavit with me at all, ever.

Q. But, I mean, he didn't make an offer that, you know, here's what you can do, or let me send you over something that can maybe keep you from committing perjury?

A. No. We never discussed perjury.

Q. On—well, how did that conversation end? Did you talk about anything else?

A. I said goodbye very abruptly.

Q. The next day—well, on January the 6th—I'm not sure exactly what day we are—1998, did you pick up a draft of the affidavit from Mr. Carter?

A. Yes, I did.

Q. What did you do with that draft?

A. I read it and went through it.

Q. How did it look?

A. I don't really remember my reaction to it. I know I had some changes. I know there's a copy of this draft affidavit that's part of the record, but—

Q. Were portions of it false?

A. Incomplete and misleading.

Q. Did you take that affidavit to Mr. Jordan?

A. I dropped off a copy in his office.

Q. Did you have any conversation with him at that point or some later point about that affidavit?

A. Yes, I did.

Q. And tell us about that.

A. I had gone through and had, I think, as it's marked—can I maybe see? Isn't there a copy of the draft?

[Witness handed document.]

[Witness perusing document.]

The WITNESS: Thank you.

SENATOR DEWINE: Mr. Bryant, can you reference for the record at this point?

MR. BRYANT: Okay.

SENATOR DEWINE: If you can.

MR. BRYANT: It would be—

MR. SCHIPPERS: 1229.

SENATOR DEWINE: 1229?

MR. SCHIPPERS: Yes.

SENATOR DEWINE: All right. Thank you.

BY MR. BRYANT:

Q. Okay. Have you had an opportunity to review the draft of your affidavit?

A. I—yes.

Q. Okay. What—do you have any comment or response?

A. I received it. I made the suggested changes, and I believe I spoke with Mr. Jordan about the changes I wanted to make.

Q. Did he have any comment on your proposed changes?

A. I think he said the part about Lewis & Clark College was irrelevant. I'd have to see the—I don't believe it's in the final copy in the affidavit, so—but I could be mistaken.

Q. At this point, of course, you had a lawyer, Mr. Carter, who was representing your interest. Mr. Jordan was—I'm not sure if he—how you would characterize him, but would it—would it be that you view Mr. Jordan as, in many ways, Mr.—the President—if Mr. Jordan knew it, the President knew it, or something of that nature?

A. I think I testified to something similar to that. I felt that, I guess, that Mr. Jordan might have had the President's best interest at heart and my best interest at heart, so that that was sort of maybe a—some sort of a blessing.

Q. I think, to some extent, what you—what you had said was getting Mr. Jordan's approval was basically the same thing as getting the President's approval. Would you agree with that?

A. Yeah. I believe that—yes, I believe that's how I testified to it.

Q. The fact that you assume that Mr. Jordan was in contact with the President—and I believe the evidence would support that through his own testimony that he had talked to the President about the signed affidavit and that he had kept the President updated on the subpoena issue and the job search—

A. Sir, I'm not sure that I knew he was having contact with the President about this. I—I think what I said was that I felt that it was getting his approval. It didn't necessarily mean that I felt he was going to get a direct approval from the President.

I'm sorry to interrupt you.

Q. Oh, that's fine. At any time you need to clarify a point, please—please feel free to do so.

Did—did—did you have any indication from Mr. Jordan that he—when he discussed the signed affidavit with the President, they were discussing some of the contents of the affidavit? Did you have—

A. Before I signed it or—

Q. No; during the drafting stage.

A. No, absolutely not—either/or. I didn't. No, I did not.

Q. Now, the changes that you had proposed, did Mr. Jordan agree to those changes?

A. I believe so.

Q. And then you somehow reported those changes back to Mr. Carter or to someone else?

A. No. I believe I spoke with Mr. Carter the next morning, before I went in to see him, and that's when I—I believe that's—I dictated the changes.

Q. Okay. Mr. Jordan did not relay the changes to Mr. Carter—you did?

A. I know I relayed the changes, these changes to Mr. Carter.

Q. Specifically, the concerns that you had about—about the draft, what did they include, the changes?

A. I think one of the—I think what concerned me—and I believe I've testified to this—was—was in Number 6. Even just mentioning that I might have been alone with the President, I was concerned that that would give the Jones people enough ammunition to want to talk to me, to think, oh, well, maybe if she was alone with him that—that he propositioned me or something like that, because I hadn't—of course, I mean, you remember that at this point, I had no idea the amount of knowledge they had about the relationship. So—

Q. Did—Mr. Carter, I assume, made those changes, and then you subsequently signed the affidavit?

A. We worked on it in his office, and then, yes, I signed the affidavit.

Q. Is this the same day—

A. Yes.

Q. —at this point?

A. This was the 7th?

Q. Yes.

A. Correct.

Q. Did—did you take the signed—or a copy of the signed affidavit, I should say—did you take a copy—did you keep a copy?

A. Yes, I did.

Q. Did you give it to anyone or give anyone else a copy?

A. No.

Q. Now, did you, the next day on the 8th, go to New York for some interviews for jobs?

A. It was—it—I either went later on the 7th or on the 8th, but around that time, yes.

Q. Was this a place that you had already interviewed?

A. Yes.

Q. And I assume this was at McAndrews and Forbes?

A. Yes.

Q. How did you feel that the interview went?

A. I—I know I characterized it in my grand jury testimony as having not gone very well.

Q. Okay. I think you also mentioned it went very poorly, too. Does that sound—does that ring a bell?

A. Sure.

Q. Why? Why would you so characterize it?

A. Well, as I've had a lot of people tell me, I'm a pessimist, but also I—I wasn't prepared. I was in a waiting room downstairs at McAndrews and Forbes, and—or at least, I thought it was a waiting room—and Mr. Durnan walked into the room unannounced, and the interview began. So I felt that I started on the wrong foot, and I just didn't feel that I was as articulate as I could have been.

Q. Did you call Mr. Jordan after that?

A. Yes, I did.

Q. Did you express those same concerns?

A. Yes, I did.

Q. What did he say?

A. And this is a little fuzzy for me. I know that I had a few phone calls with him in that day. I think in this call, he said, you know, "Don't worry about it." I—my testimony is probably more complete on this. I'm sorry.

Q. What—what other phone calls did you have with him that day?

A. I remember talking to—I know that at some point, he said something about that he'd call the chairman, and then I think he said just at some point not to worry. He was always telling me not to worry because I always—I overreact a little bit.

Q. All total, how many calls did you have with him that day—your best guess?

A. I have no idea.

Q. More than two?

A. I—I don't know.

Q. Can you think of any other subjects the two of you would have talked about?

A. I don't think so.

Q. Did he, Mr. Jordan, tell you that he had talked to the chairman, or Mr. Perelman, whatever his title is?

A. I'm sorry. I know I've testified to this. I don't—I think so.

Q. And you had—did you have additional interviews at this company or a subsidiary?

A. Yes, I—well, I had with the sort of, I guess, daughter—daughter company, Revlon. I had an interview with Revlon the next day.

Q. And you were offered a job?

A. Yes, I was.

Q. About the 9th or so? That would have been 2 days after the affidavit?

A. Oh. Actually, no. I think I was offered a position, whatever that Friday was. Oh, yes, the 9th. I'm sorry. You're right.

Oh, wait. It was either the 9th or the 13th—or the 12th—the 9th or the 12th.

Q. Okay. Now, I'm—I was looking away. I'm confused.

A. That's okay. I—my interview was on the 9th, and I don't remember right now—I know I've testified to this—whether I found out that afternoon or it was on Monday that I got the informal offer.

Q. Mm-hmm.

A. So, if you want to tell me what I said in my grand jury testimony, I'll be happy to affirm that.

Q. I think we may be talking about perhaps an informal offer. Does that—on the 9th?

A. Yes. I know it was—okay. Was it on the—I don't—

Q. Yes.

A. —remember if it was the 9th or the 13th—

A. Okay.

Q. —but I know Ms. Sideman called me to extend an informal offer, and I accepted.

Q. Okay. Now, in regard to the affidavit—do you still have your draft in front of you?

A. Yes, sir.

Q. In paragraph number 3, you say: "I can not fathom any reason—fathom any reason why—that the plaintiff would seek information from me for her case."

A. Yes, sir.

Q. Did Mr. Carter at all go into the gist of the Paula Jones lawsuit, the sexual harassment part of it, and tell you what it was about?

A. I think I knew what it was about.

Q. All right. And then you indicated that you didn't like the part about the doors, being behind closed doors, but on the sexual relationship, paragraph 8, the first sentence, "I've never had a sexual relationship with the President"—

A. Mm-hmm.

Q. —that's not true, is it?

A. No. I haven't had intercourse with the President, but—

Q. Was that the distinction you made when you signed that affidavit, in your own mind?

A. That was the justification I made to myself, yes.

Q. Let me send you the final affidavit. It might be a little easier to work from—

A. Okay.

Q. —than the—than the original.

MR. BRYANT: Do we have all the—1235.

[Witness handed document.]

SENATOR DEWINE: Congressman?

MR. BRYANT: Yes.

SENATOR DEWINE: We're down to 3 minutes on the tape. Would now be a good time to have him switch tapes and then we'll go right back in?

MR. BRYANT: Okay, that would be fine.

SENATOR DEWINE: I think we'll hold right at the table, and we'll get the tapes switched.

THE VIDEOGRAPHER: Okay, we will do that now.

This marks the end of Videotape Number 2 in the deposition of Monica S. Lewinsky.

We are going off the record at 14:31 hours.

[Recess.]

THE VIDEOGRAPHER: This marks the beginning of Videotape Number 3 in the deposition of Monica S. Lewinsky. The time is 14:44 hours.

SENATOR DEWINE: We are back on the record.

Let me advise counsel that you have used 3 hours and 2 minutes.

Congressman Bryant, you may continue.

MR. BRYANT: Thank you, sir.

BY MR. BRYANT:

Q. Ms. Lewinsky, let me just follow up on some points here, and then I'll move toward the conclusion of my direct examination very, very quickly, I hope.

In regard to the affidavit—I think you still have it in front of you—the final copy of the affidavit—I wanted to revisit your answer about paragraph 8—

A. Yes, sir.

Q. —and also refer you to your grand jury testimony of August the 6th. This begins on—actually, it is on page 1013 of the—it should be the Senate record, in the appendices, but it's your August 6th, 1998, grand jury testimony.

And it's similar to the—my question about paragraph 8 about the sexual relationship—and I notice you—you now carve out an exception to that by saying you didn't have intercourse, but I would direct your attention to a previous answer and ask if you can recall being asked this question in your grand jury testimony and ask—giving the answer—the question is: "All right. Let me ask you a straightforward question. Paragraph 8, at the start, says, quote, 'I have never had a sexual relationship with the President,' unquote. Is that true?," and your answer is, "No."

Now, do you have any comment about why your answer still would not be no, that that is not a true statement in paragraph 8?

A. I think I was asked a different question.

Q. Okay.

A. My recollection, sir, was that you asked me if that was a lie, if paragraph 8 was—I—I'm not trying to—

Q. Okay. Well, if—if I ask you today the same question that was asked in your grand jury, is your statement, quote, "I have never had a sexual relationship with the President," unquote, is that a true statement?

A. No.

Q. Okay, that's good.

Now, also in paragraph 8, you mention that there were occasions after you left—I think it looks like the—the last sentence in paragraph 8, "The occasions that I saw the President after I left my employment at the White House in April 1996 were official receptions, formal functions, or events related to the United States Department of Defense, where I was working at the time," period—actually the last sentence, "There were other people present on those occasions." Now, that also is not a truthful statement; is that correct?

A. It—I think I testified that this was misleading. It's incomplete—

Q. Okay. It's not a truthful statement?

A. —and therefore, misleading.

Well, it—it is true; it's not complete.

Q. Okay. All right. Now, I will accept that.

A. Okay. Thank you.

Q. Thank you.

Going back to the gift retrieval of December the 28th, I want to be clear that we're on the same sheet of music on this one. As I understand, there's no doubt in your mind that Betty Currie called you, initiated the call to you to pick up the gifts? She—

A. That's how I remember this event.

Q. And you went through that process, and at the very end, you were sitting out in the car with her, with a box of gifts, and it was only at that time that you asked her to keep these gifts for you?

A. I don't think I said "gifts." I don't—

Q. Or keep this package?

A. I think I said—gosh, was it in the car that I said that or on the phone? I think it was in the car. I—I'm—I don't know if that makes a difference.

Q. But this was at the end of a process that Betty Currie had initiated by telephone earlier that day to come pick up something that you have for her?

A. Yes.

Q. Okay. Now, were you ever under the impression from anything that the President said that you should turn over all the gifts to the Jones lawyers?

A. No, but where this is a little tricky—and I think I might have even mentioned this last weekend—was that I had an occasion in an interview with one of the—with the OIC—where I was asked a series of statements, if the President had made those, and there was one statement that Agent Phalen said to me—I—there were—other people, they asked me these statements—this is after the President testified and they asked me some statements, did you say this, did you say this, and I said, no, no, no. And Agent Phalen said something, and I think it was, "Well, you have to turn over whatever you have." And I said to you, "You know, that sounds a little bit familiar to me."

So that's what I can tell you on that.

Q. That's in the 302 exam?

A. I don't know if it's in the 302 or not, but that's what happened.

Q. Uh-huh.

A. Or, that's how I remember what happened.

Q. Okay. And your response to the question in the deposition that I just asked you—were you ever under the impression from anything the President said that you should have—that you should turn over all the gifts to the Jones lawyers—your answer in that deposition was no.

A. And which date was that, please?

Q. The deposition was August the 26th.

A. Oh, the 26th.

Q. Yes.

A. It might have been after that, or maybe it was—I don't—

Q. Okay. I wanted to ask you, too, about a couple of other things in terms of your testimony. Regarding the affidavit—and this appears to be, again, grand jury testimony—

A. Sir, do you have a copy that I could look at if you're going to—

Q. Sure. August, the August 6th—233—it's the—it's this page here.

While we're looking at that, let me ask you a couple other things here. I wanted to ask you—I talked to you a little bit about the President today and your feelings today that persist that you think he's a good President, and I assume you think he's a very intelligent man?

A. I think he's an intelligent President.

[Laughter.]

MR. BRYANT: Okay. Thank goodness, this is confidential; otherwise, that might be the quote of the day. I know we won't see that in the paper, will we?

BY MR. BRYANT:

Q. Referring to January the 18th, 1998, the President had a conversation with Betty Currie, and he made five statements to her. One was that "I was never really alone with Monica; right?" That's one. That's not true, is it, that "I was never alone with"—

A. Sir, I was not present for that conversation. I don't feel comfortable—

Q. Let me ask you, though—I realize none of us were there—but that statement, "I was never really alone with Monica; right?"—that was not—he was alone with you on many occasions, was he not?

A. I—I'm not trying to be difficult, but I feel very uncomfortable making judgments on what someone else's statement when they're defining things however they want to define it. So if you—if you ask me, Monica, were you alone with the President, I will say yes, but I'm not comfortable characterizing what someone else says—

Q. Okay.

A. —passing judgment on it. I'm sorry.

Q. Were you—was Betty Currie always with you when the President was with you?

A. Betty Currie was always at the White House when I went to see the President at the White House after I left working at the White House.

Q. But was—at all times when you were alone with the President, was Betty Currie always there with you?

A. Not there in the room.

Q. Okay. Did—did—did you come on to the President, and did he never touch you physically?

A. I guess those are two separate questions, right?

Q. Yes, they are.

A. Did I come on to him? Maybe on some occasions.

Q. Okay.

A. Not initially.

Q. Okay. Not initially.

A. I—

Q. Did he ever—did he ever touch you?

A. Yes.

Q. Okay. Could Betty Currie see and hear everything that went on between the two of you all the time?

A. I can't answer that. I'm sorry.

Q. As far as you know, could she see and hear everything that went on between the two of you?

A. Well, if I was in the room, I couldn't—I—I couldn't be in the room and being able to see if Betty Currie could see and hear what was—

Q. I think I—

MR. STEIN: Wouldn't it be a little speedier—if I may make this observation, you have her testimony; you have the evidence of—

SENATOR DEWINE: Counsel, is this an objection?

MR. STEIN: I just would ask him to draw whatever inferences there were to speed this up.

SENATOR DEWINE: I'll ask him to rephrase the question.

MR. BRYANT: I would just stop at that point. I think, uh, that's enough of that.

BY MR. BRYANT:

Q. The President also had conversations with Mr. Blumenthal on January the 21st, 1998, and indicated that you came on to the President and made a sexual demand. At the initial part of this, did you come on to the President and make a sexual demand on the President?

A. No.

Q. At the initial meeting on November the 15th, 1995, did he ever rebuff you from these advances, or from any kind of—

A. On November 15th?

Q. November 15th. Did he rebuff you?

A. No.

Q. Did you threaten him on November 15th, 1995?

A. No.

Q. On January 23rd, 1998, the President told John Podesta that—many things. I'll—I'll withdraw that. Let me go—kind of wind this down. I'd like to save some time for redirect.

You've indicated that with regard to the affidavit and telling the truth, there is some testimony I'd like to read you from your deposition that we started out—August the 6th—I'm sorry—the grand jury, August 6th, 1998—

MS. MILLS: What internal page number?

MR. SCHIPPERS: 1021 internal, 233.

MR. BRYANT: Okay, we need to get her a copy.

MR. SCHIPPERS: Do you have the August 6th still over there?

THE WITNESS: I can share with Sydney—if you don't mind.

[Witness perusing document.]

BY MR. BRYANT:

Q. Beginning—do you have page 233—

A. Uh-huh.

Q. —okay—beginning at line 6—

A. Okay.

Q. —it reads—would you prefer to read that? Why don't you read—

A. Out loud?

Q. Would you read it out loud?

A. Okay.

Q. Through line 16—6 through 16. This is your answer.

A. "Sure. Gosh. I think to me that if—if the President had not said the Betty and letters cover, let's just say, if we refer to that, which I'm talking about in paragraph 4, page 4, I would have known to use that. So to me, encouraging or asking me to lie would have—you know, if the President had said, Now, listen, you'd better not say anything about this relationship, you'd better not tell them the truth, you'd better not—for me, the best way to explain how I feel what happened was, you know, no one asked or encouraged me to lie, but no one discouraged me, either."

Q. Okay. That—that statement, is that consistent in your view with what you've testified to today?

A. Yes.

Q. Okay. Look at page 234, which is right below there.

A. Okay. [Perusing document.]

Q. Beginning with the—your answer on line 4, and read down, if you could, to line 14—4 through 14.

A. "Yes and no. I mean, I think I also said that Monday that it wasn't as if the President called me and said, You know, Monica, you're on the witness list. This is going to be really hard for us. We're going to have to tell the truth and be humiliated in front of the entire world about what we've done, which I would have fought him on, probably. That was different. And by him not calling me and saying that, you know, I knew what that meant. So I, I don't see any disconnect between paragraph 10 and paragraph 4 on the page. Does that answer your question?"

Q. Okay. Now, has that—has your testimony today been consistent with that provision?

A. I—I think so.

Q. Okay.

A. I've intended for my testimony to be consistent with my grand jury testimony.

Q. Okay. And one final read just below that, line 16 through 24.

A. "Did you understand all along that he would deny the relationship also?"

"Mm-hmm, yes."

Q. And 19 through 24—the rest of that.

A. Oh, sorry.

"And when you say you understood what it meant when he didn't say, Oh, you know you must tell the truth, what did you understand that to mean?"

"That, that, as we had on every other occasion and in every other instance of this relationship, we would deny it."

MR. BRYANT: Okay.

Could we have just—go off the record here a minute?

SENATOR DEWINE: Sure. Let's go off the record at this point.

THE VIDEOGRAPHER: We're going off the record at 1459 hours.

[Recess.]

THE VIDEOGRAPHER: We're going back on the record at 1504 hours.

SENATOR DEWINE: Manager Bryant, you may proceed.

MR. BRYANT: Thank you, Senator.

BY MR. BRYANT:

Q. Ms. Lewinsky, I have just a few more questions here.

With regard to the false affidavit, you do admit that you filed an untruthful affidavit with the court in the Jones case; is that correct?

A. I think I—I—yes—I mean, it was incomplete and misleading, and—

Q. Okay. With regard to the cover stories, on December the 6th, you and the President went over cover stories, and in the same conversation he encouraged you to file an affidavit in the Jones case; is that correct?

A. No.

MS. SELIGMAN: I think that misstates the record.

BY MR. BRYANT:

Q. All right. On December the 17th. Let's try December 17; all right?

A. Okay.

Q. You and the President went over cover stories—that's the telephone conversation—

A. Okay—I'm sorry—can you repeat the question?

Q. Okay. On December 17th, you and the President went over cover stories in a telephone conversation.

A. Correct.

Q. And in that same telephone conversation, he encouraged you to file an affidavit in the Jones case?

A. He suggested I could file an affidavit.

Q. Okay. With regard to the job, between your meeting with Mr. Jordan in early November and December the 5th when you met with Mr. Jordan again, you did not feel that Mr. Jordan was doing much to help you get a job; is that correct?

MS. SELIGMAN: Objection. Misstates the record.

BY MR. BRYANT:

Q. Okay. You can answer that.

A. It—

Q. Let me repeat it. Between your meeting with Mr. Jordan in early November and December the 5th when you met with Mr. Jordan again, you did not feel that Mr. Jordan was doing much to help you get a job; is that correct?

MS. SELIGMAN: Same objection.

THE WITNESS: Do you mean when I met with him again on December 11th? I don't—

MR. BRYANT: The—

THE WITNESS: —I didn't meet with Mr. Jordan on December 5th. I'm sorry—

MR. BRYANT: Okay.

THE WITNESS: —am I misunderstanding something?

MR. BRYANT: We're getting our numbers wrong here.

THE WITNESS: Okay.

BY MR. BRYANT:

Q. Between your meeting with Mr. Jordan in early November and December the 11th when you met with Mr. Jordan again, you did not feel that Mr. Jordan was doing much to help you get a job; is that correct?

A. I hadn't seen any progress.

Q. Okay. After you met with Mr. Jordan in early December, you began to interview in New York and were much more active in your job search; correct?

A. Yes.

Q. In early January, you received a job offer from Revlon with the help of Vernon Jordan; is that correct?

A. Yes.

Q. Okay. With regard to gifts, regarding the gifts that were subpoenaed in the Jones case, you are certain that Ms. Currie called you and that she understood you had something to give her; is that correct?

A. That's my recollection.

Q. You never told Ms. Currie to come pick up the gifts or that Michael Isikoff had called about them; is that correct?

A. I don't recall that.

Q. Regarding stalking, you never stalked the President; is that correct?

A. I—I don't believe so.

Q. Okay. You and the President had an emotional relationship as well as a physical one; is that right?

A. That's how I'd characterize it.

Q. Okay. He never rebuffed you?

A. I—I think that gets into some of the intimate details of—no, then, that's not true. There were occasions when he did.

Q. Uh-huh. Okay. But he never rebuffed you initially on that first day, November the 15th, 1995?

A. No, sir.

Law Offices of
Plato Cacheris,
Washington, DC, February 2, 1999.

Re February 1, 1999, Monica S. Lewinsky deposition transcript.

DEAR MS. JARDIM AND MR. BITSKO: Upon our review of the videotape and transcript of Monica S. Lewinsky's deposition transcript, we have noted the following errors or omissions:

Page	Line	Corrections
19	14	The oath and affirmation are not transcribed.
24	9	"second . . ." should replace "2d"
44	6	Comments by counsel are not transcribed.
61	11–13	Delete quotation marks. These are not direct quotes in this instance.
62	23	"town" should replace "down"
63	17	"called" should replace "found"
63	23	"after Thanksgiving" should follow "back."
63	24	Insert following line 23: A: Yes I did. Q: What did he tell you then?
65	21	"tchotchke" should replace "chochki"
65	24	"on" should replace "home"
66	20	The line should read: "see if I could see the President. I apologize." not "see if I could see the President and apologize."
75	1	"needed" should replace "need"
90	5	"the" should replace "some"
116	16	"said" should precede "list"
128	9	"that's" should replace "of"
154	5	Delete quotation marks.
156	6	"Seidman" should replace "Sideman"
161	15	"Fallon" should replace "Phalen"

Provided these changes are made, we will waive signature on behalf of Ms. Lewinsky.

We understand from Senate Legal Counsel that copies of this letter will be made available to the parties and Senate.

Thank you for your assistance.

Sincerely,

Plato Cacheris.
Preston Burton.
Sydney Hoffmann.

IN THE SENATE OF THE UNITED STATES SITTING FOR THE TRIAL OF THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

EXCERPTS OF VIDEO DEPOSITION OF VERNON E. JORDAN, JR.

(Tuesday, February 2, 1999, Washington, D.C.)

SENATOR THOMPSON: All right. If there are no further questions from the parties or counsel for the witness, I'll now swear in the witness. Mr. Jordan, will you please raise your right hand?

Do you, Vernon E. Jordan, Jr., swear that the evidence you shall give in this case now pending between the United States and William Jefferson Clinton, President of the United States, shall be the truth, the whole truth, and nothing but the truth, so help you, God?

THE WITNESS: I do.

Whereupon, VERNON E. JORDAN, JR., was called as a witness and, after having been first duly sworn by Senator Fred Thompson, was examined and testified as follows:

SENATOR THOMPSON: All right. The House Managers may begin their questioning of the witness.

MR. HUTCHINSON: Thank you, Senator Thompson and Senator Dodd.

EXAMINATION BY HOUSE MANAGERS

BY MR. HUTCHINSON:

Q. Good morning, Mr. Jordan. For the record, would you state your name, please?

A. Good morning, Congressman. My name is Vernon E. Jordan, Jr.

Q. And, Mr. Jordan, we have not had the opportunity to meet previously, is that correct?

A. That is correct.

Q. And I do appreciate—I have met your counsel, Mr. Hundley, in his office, and so

I've looked forward to this opportunity to meet you. Now, you have—

A. I can't say that the feeling is mutual. [Laughter.]

BY MR. HUTCHINSON:

Q. I certainly understand.

You have testified, I believe, five times previously before the Federal grand jury?

A. That is correct.

Q. And so I know that probably about every question that could be asked has been asked, but there are a number of reasons I want to go over additional questions with you, and some of them will be repetitious of what's been asked before.

Prior to coming in today, though, have you had the opportunity to review your prior testimony in those five appearances before the grand jury?

A. I have done some preparation, Congressman.

Q. And let me start with the fact that the oath that you took today is the same as the oath that you took before the Federal grand jury?

A. I believe that's correct.

Q. And, Mr. Jordan, what is your profession?

A. I am a lawyer.

Q. And where do you practice your profession?

A. I am a senior partner at the law firm of Akin, Gump, Strauss, Hauer & Feld, here in Washington, D.C., with offices in Texas, California, Pennsylvania and New York, three offices in Europe, London, Brussels and Moscow.

Q. And how long have you been a senior partner?

A. I have been a senior partner—well, I didn't start out as a senior partner. I started out as a partner, and at some point—I don't know when, but not long thereafter I was elevated to this position of senior partner.

Q. And what type of law do you practice?

A. I am a corporate international generalist at Akin, Gump.

Q. And does Akin, Gump have about 800 lawyers?

A. We have about 800 lawyers, yes.

Q. Which is an incredible number for lawyers from someone who practiced law in Arkansas.

How do all of those lawyers—

A. We have some members of our law firm who are from Arkansas, so it's not unusual for them.

Q. And how is it that you are able to obtain enough business for 800 lawyers?

A. I don't think that's my entire responsibility. I'm just one of 800 lawyers, and that is what I do in part, but I'm not alone in that process of making rain.

Q. When you say "making rain," that's the terminology of being a rainmaker?

A. I think even in Arkansas, you understand what rainmaking is.

Q. We've read Grisham books.

And so, when you say making rain or being a rainmaker, that is to bring in business so that you can keep the lawyers busy practicing law?

A. Well, that is—that is part and parcel of the practice of law.

Q. And do you bill by the hour?

A. I do not.

Q. And I understand you used to, but you do not anymore?

A. I graduated.

Q. A fortunate graduation.

And when the—when you did bill by the hour, what was your billable rate the last time you had to do that?

A. I believe my billable rate at the last time was somewhere between 450 and 500 an hour.

Q. Now, would you describe—

A. Not bad for a Georgia boy. I'm from Georgia. You've heard of that State, I'm sure.

Q. It's probably not bad from Washington standards.

Would you describe the nature of your relationship with President Clinton?

A. President Clinton has been a friend of mine since approximately 1973, when I came to your State, Arkansas, to make a speech as president of the National Urban League about race and equal opportunity in our Nation, and we met then and there, and our friendship has grown and developed and matured and he is my friend and will continue to be my friend.

Q. And just to further elaborate on that friendship, it's my understanding that he and his—and the First Lady has had Christmas Eve dinner with you and your family for a number of years?

A. Every year since his Presidency, the Jordan family has been privileged to entertain the Clinton family on Christmas Eve.

Q. And has there been any exceptions in recent years to that?

A. Every year that he has been President, he has had, he and his family, Christmas Eve with my family.

Q. And have you vacationed together with the Clinton family?

A. Yes. I think you have seen reels of us playing golf and having fun at Martha's Vineyard.

Q. And so you vacation together, you play golf together on a semi-regular basis?

A. Whenever we can. We've not been doing it recently, for reasons that I think are probably very obvious to you, Counsel.

Q. Well, explain that to me.

A. Just what I said, for a time, I was going before the grand jury, and under the advice of counsel and I'm sure under advice of the President's counsel, it was thought best that we not play golf together.

So, from the time that I first went to the grand jury, I don't think—we have not played golf this year, unfortunately, together.

Q. Since you—I think your first appearance at the grand jury was March 3 of '98. Then you went March 5, and then in May, I believe you were two times before the grand jury and then one in June of '98.

Since your last testimony before the grand jury in June of '98, have you been in contact with the President of the United States?

A. Yes, I have.

Q. And are these social occasions or for business purposes?

A. Social occasions. I was invited to the Korean State Dinner. I forget when that was. I think that was the first time I was in the White House since Martin Luther King Day of last year.

I saw the President at Martha's Vineyard. I was there when he got off Air Force One to greet him and welcome him to—to the Vineyard, and I was at the White House for one of the performances about music. The Morgan State Choir sang, and so I've been to the White House only for social occasions in the last year since Martin Luther King's birthday, I believe.

Q. Have you had any private conversations with the President?

A. Yes, I have, as a matter of fact.

Q. And has this been on the telephone or in person?

A. I've talked to him on the telephone, and I talked to him at the Vineyard. He was at my house on Christmas Eve. There were a lot of people around, but, yes, I've talked to the President.

Q. And did you discuss your testimony before the grand jury or his testimony before the grand jury?

A. I did not.

Q. There was one reference that he made in his Federal grand jury testimony, and I'll refer counsel, if they would like. It was on page 77 of the President's testimony in his appearance before the grand jury on August 17th.

And he referenced discussions with you, and he said, "I think I may have been confused in my memory because I've also talked to him on the phone about what he said, about whether he had talked to her or met with her. That's all I can tell you," and I believe the "her" is a reference to Ms. Lewinsky.

And it appeared to me from reading that, that there might have been some conversations with you by the President, perhaps in reference to your grand jury testimony or your knowledge of when and how you talked to Ms. Lewinsky.

A. If I understand your question about whether or not the President of the United States and I talked about my testimony before the grand jury or his testimony before the grand jury, I can say to you unequivocally that the President of the United States and I have not discussed our testimony. I was advised by my counsel, Mr. Hundley, not to discuss that testimony, and I have learned in this process, Mr. Hutchinson, to—to take the advice of counsel.

Q. I would certainly agree that that is good counsel to take, but going back to the question—and I will try to rephrase it because it was a very wordy question that I asked you—and it's clear from your testimony that you have not discussed your grand jury testimony—

A. That is correct.

Q. —but did you, subsequent to your last testimony before the grand jury, talk to the President in which you discussed conversation that you have had with Monica Lewinsky?

A. I have not discussed a conversation that I have had with Monica Lewinsky with the President of the United States.

Q. And have you had any discussions about Monica Lewinsky with the President of the United States since your last testimony before the grand jury?

A. I have not.

Q. Now, going back to your relationship with the President, you have been described as a friend and advisor to the President. Is that a fair terminology?

A. I think that's fair.

Q. And in the advisor capacity, had you served as co-chairman of the Clinton-Gore transition team in 1992?

A. I believe I was chairman.

Q. That is an important distinction.

And have you served in any other official or semi-official capacities for this administration?

A. I have not, except that I was asked by the President to lead the American delegation to the inauguration of President Li in Taiwan, and that was about as official as you can get, but beyond that, I have not—not had any official capacity.

For a very brief moment, very early in the administration, I was appointed to the Foreign Intelligence Advisory Committee, and I went to one meeting and stayed half that meeting, went across the street and told Bruce Lindsey that that was not for me.

Q. Now, let's move on. After we've established to a certain degree your relationship with the President, let's move on to January

20th of 1998, and just to put that in clearer terms, this is a Tuesday after the January 17 deposition of President Clinton in the Paula Jones civil rights case. Do you recall that time frame?

A. [Nodding head up and down.]

Q. This is in the afternoon of January 20th, again, after the President's deposition. You contacted Mr. Howard Gittis, who I believe is General Counsel of McAndrews & Forbes Holdings?

A. Howard Gittis is Vice Chairman of McAndrews, Forbes, and he is not the General Counsel. He is a lawyer, but he is not the General Counsel.

Q. And what was the purpose of you contacting Mr. Howard Gittis on January 20th?

A. If I talked to Howard Gittis on the 20th, I don't recall exactly what my conversation with Howard Gittis was about. I think it was a telephone call, maybe.

Q. And that's difficult. Let me see if I can't help you in that regard.

A. Right.

Q. Was the purpose of that call with Mr. Gittis to arrange breakfast the next morning on January 21st?

A. Yeah. I was in New York, and I did call Mr. Gittis and say—and as I remember, I had breakfast with him on the 21st, I believe. Yes, I did.

Q. And this is a breakfast that you had set up?

A. Yes.

Q. And what was the reason you made the decision to request a breakfast meeting with Mr. Gittis?

A. Yes. As I remember, I had gotten a telephone call from David Bloom at 1 o'clock in the morning at the St. Regis Hotel about the matter that was about to break having to do with the entire Lewinsky matter, and I had not at any time discussed the Lewinsky matter with—with Howard Gittis. And so I had breakfast with him to tell him that reporters were calling, that this would obviously involve Revlon, which had responded to my—my efforts to find Ms. Lewinsky employment, and so Howard Gittis is a friend of mine. Howard Gittis is a fellow board member with me at Revlon. He is the Vice Chairman of McAndrews & Forbes, and I thought it—I thought I had—it was incumbent upon me to stop and say, "Listen, there's trouble a-brewing."

Q. And just—you've mentioned McAndrews & Forbes and Revlon. McAndrews & Forbes, am I correct, is the parent company of—

A. It's the holding company.

Q. The holding company of Revlon and presumably other companies.

And you sit on the board of McAndrews & Forbes?

A. I do not. I sit on the board of Revlon.

Q. All right. And that is a position that brings you an annual salary—

A. There is a director's fee.

Q. You receive a director's fee, and in addition, your law firm receives—from business from—

A. We do—

Q. —Revlon?

A. We do. We do business. We've represented Revlon, and we represented Revlon before I was elected a director.

Q. And you mention that things were breaking that you felt like you needed to advise Mr. Gittis concerning. At the time that you made the arrangements for the breakfast on January 21st, had you become aware of the Drudge Report?

A. Yes, I had.

Q. And you had had lunch with Bruce Lindsey on January 20th?

A. No. I don't think it was on January—it was on Sunday. No, that was not the 20th.

Q. And during that luncheon, did you become aware of the Drudge Report—

A. That is correct.

Q. —and receive a copy of it?

A. That is correct.

Q. And that was from Bruce Lindsey?

A. That is correct.

Q. And that Drudge Report, did it mention your name?

A. I don't think so, but I don't remember.

Q. Was there some news stories that had mentioned your name in reference to Ms. Lewinsky and the President?

A. I believe that my name has been an integral part of this process from the beginning.

Q. And did you in fact have the breakfast meeting with Mr. Gittis?

A. Yes, I did.

Q. And what information did you convey to Mr. Gittis concerning Ms. Lewinsky at that breakfast meeting?

A. I just simply said that the press was calling about Ms. Lewinsky; that while I had not dealt with him, I had dealt with Richard Halperin, I had dealt with Ronald Perelman. I had not dealt with him, but that he ought to know and that I was sorry about this.

And I also said that it would probably be even more complicated because early on I had referred Webb Hubbell to them to be hired as counsel.

Q. And I want to get to that in just a moment, but you indicated that you said you were sorry. Were you referring to the problems that this might create for the company?

A. Well, I was obviously concerned. I am a director. I am their counsel. They're my friends. And publicity was breaking. I thought I had some responsibility to them to give them a heads-up as to what was going on.

Q. Now, is it true that your efforts to find a job for Ms. Lewinsky that you referenced in that meeting with Mr. Gittis—were your efforts carried out at the request of the President of the United States?

A. There is no question but that through Betty Currie, I was acting on behalf of the President to get Ms. Lewinsky a job. I think that's clear from my grand jury testimony.

Q. Okay. And I just want to make sure that that's firmly established. And in reference to your previous grand jury testimony, you indicated, I believe, on May 28th, 1998, at page 61, that "She"—referring to Betty Currie—"was the one that called me at the behest of the President."

A. That is correct, and I think, Congressman, if in fact the President of the United States' secretary calls and asks for a request that you try to do the best you can to make it happen.

Q. And you received that request as a request coming from the President?

A. I—I interpreted it as a request from the President.

Q. And then, later on in June of '98 in the grand jury testimony at page 45, did you not reference or testify that "The President asked me to get Monica Lewinsky a job"?

A. There was no—there was no question but that he asked me to help and that he asked others to help. I think that is clear from everybody's grand jury testimony.

Q. And just one more point in that regard. In the same grand jury testimony, is it correct that you testified that "He"—referring to the President—"was the source of it coming to my attention in the first place"?

A. I may—if that is—if you—if it's in the—

Q. It's at page 58 of the grand jury—

A. I stand on my grand jury testimony.

Q. All right. Now, during your efforts to secure a job for Ms. Lewinsky, I think you mentioned that you talked to Mr. Richard Halperin.

A. Yes.

Q. And he is with McAndrews & Forbes?

A. Yes.

Q. And you also at one point talked to Mr. Ron Perelman; is that correct?

A. I made a call to Mr. Perelman, I believe, on the 8th of January.

Q. And he is the—

A. He is the chairman/CEO of McAndrews Forbes. He is a majority shareholder in McAndrews Forbes. This is his business.

Q. Now, at the time that you requested assistance in obtaining Ms. Lewinsky a job, did you advise Mr. Perelman or Mr. Halperin of the fact that the request was being carried out at the request of the President of the United States?

A. I don't think so. I may have.

Q. Well, the first answer you gave was "I don't think so." Now, in fact, you did not advise either Mr. Perelman or Mr. Halperin of that fact because am I correct that Mr. Perelman—or, excuse me, Mr. Gittis—expressed some concern that Revlon was never advised of that fact?

A. Then, uh, I cannot say, I guess, precisely that I told that "I am doing this for the President of the United States."

I do believe, on the other hand, that given the fact that she was in the White House, given the fact that she had been a White House intern, I would not be surprised if that was their understanding.

Q. Well, in your conversation with Mr. Halperin.

A. Yes—I'm certain I did not say that to Richard Halperin.

Q. Okay. So there's no question that you did not tell Mr. Halperin that you were acting at the request of the President?

A. I'm fairly certain I did not.

Q. And in your conversation with Mr. Perelman, did you indicate to him that you were calling—or you were seeking—employment for Ms. Lewinsky at the request of the President?

A. Yes—I don't think that I, that I made that explicit in my conversation with Mr. Perelman, and I'm not sure I thought it necessary to say "This is for the President of the United States."

By the same token, I would have had no hesitance in doing that.

Q. Now, at the time that you had called Mr. Perelman, which I believe you testified was in January of '98—

A. That's right.

Q. —I think you said January 8th—

A. Right.

Q. —you were aware at that time, were you not, that Ms. Lewinsky had received a subpoena to give a deposition in the Jones versus Clinton case?

A. That is correct.

Q. At the time that you talked to Mr. Perelman requesting his assistance for Monica Lewinsky, did you advise Mr. Perelman of the fact that Ms. Lewinsky was under subpoena in the Jones case?

A. I did not.

Q. And when you—did Mr. Perelman, Mr. Gittis or Mr. Halperin ever express to you disappointment that they were not told of two facts—either of these two facts—one, that Ms. Lewinsky was being helped at the request of the President; and secondly, that she was known by you and the President to be under subpoena in that case?

A. No.

Q. Now, you are on the board of directors of Revlon.

A. I am.

Q. And how long have you been on the board of Revlon?

A. I forget. Ten years, maybe.

Q. And as a member of the board of directors, do you not have a fiduciary responsibility to the company?

A. I do.

Q. And how would you define a fiduciary responsibility?

A. I define my fiduciary responsibility to the company about company matters.

Q. And how would you define fiduciary responsibility in reference to company matters?

A. Anything that has to do with the company, that I believe in the interest of the company, I have some fiduciary responsibility to protect the company, to help the company in any way that I—that is possible.

Q. And is fiduciary responsibility sometimes considered a trust relationship in which you owe a degree of trust and responsibility to someone else?

A. I think—I think that "trust" and "fiduciary" are probably synonymous.

Q. Okay. Do you believe that you were acting in the company's interest or the President's interest when you were trying to secure a job for Ms. Lewinsky?

A. Well, what I knew was that the company would take care of its own interest. This is not the first time that I referred somebody, and what I know is, is that if a person being referred does not meet the standards required for that company, I have no question but that that person will not be hired. And so the referral is an easy thing to do; the judgment about employment is not a judgment as a person referring that I make. But I do have confidence in all of the companies on whose boards that I sit that, regardless of my reference, that as to their needs and as to their expectations for their employees that they will make the right decisions, as happened in the American Express situation.

American Express called and said: We will not hire Ms. Lewinsky. I did not question it, I did not challenge it, because they understood their needs and their needs in comparison to her qualifications. They made a judgment. Revlon, on the other hand, made another judgment.

I am not the employer, I am the referrer, and there is a major difference.

Q. Now, going back to what you knew as far as information and what you conveyed to Revlon, you indicated that you did not tell Mr. Halperin that you were making this request or referral at the request of the President of the United States.

A. Yes, and I didn't see any need to do that.

Q. And then, when you talked to Mr.—

A. Nor do I believe not saying that, Counselor, was a breach of some fiduciary relationship.

Q. And when you had your conversation with Mr. Perelman—

A. Right.

Q. —at a later time—

A. Right.

Q. —you do not remember whether you told him—you do not believe you told him you were calling for the President—

A. I believe that I did not tell him.

Q. —but you assumed that he knew?

A. No. I did not make any assumptions, let me say. I said: Ronald, here is a young lady who has been interviewed. She thinks the interview has not gone well. See what you can do to make sure that she is properly interviewed and evaluated—in essence.

Q. And did you reference her as a former White House intern?

A. Probably. I do not have a recollection of whether I described her as a White House intern, whether I described her as a person who had worked for the Pentagon. I said this is a person that I have referred.

I think, Mr. Hutchinson, that I have sufficient, uh, influence, shall we say, sufficient character, shall we say, that people have been throughout my career able to take my word at face value.

Q. And so you didn't need to reference the President. The fact that you were calling Mr. Perelman—

A. That was sufficient.

Q. —and asking for a second interview for Ms. Lewinsky, that that should be sufficient?

A. I thought it was sufficient, and obviously, Mr. Perelman thought it was sufficient.

Q. And so there is no reason, based on what you told him, for him to think that you were calling at the request of the President of the United States?

A. I think that's about right.

Q. And so, at least with the conversation with Mr. Halperin and Mr. Perelman, you did not reference that you were acting in behalf of the President of the United States. Was there anyone else that you talked to at Revlon in which they might have acquired that information?

A. The only persons that I talked to in this process, as I explained to you, was Mr. Halperin and Mr. Perelman about this process. And it was Mr. Halperin who put the—who got the process started.

Q. So those are the only two you talked about, and you made no reference that you were acting in behalf of the President?

A. Right.

Q. Now, the second piece of information was the fact that you knew and the President knew that Ms. Lewinsky was under subpoena in the Jones case, and that information was not provided to either Mr. Halperin or to Mr. Perelman; is that correct?

A. That's correct.

Q. Now, I wanted to read you a question and answer of Mr. Howard Gittis in his grand jury testimony of April 23, 1998.

The question was: "Now, you had mentioned before that one of the responsibilities of director is to have a fiduciary duty to the company. If it was the case that Ms. Lewinsky had been noticed as a witness in the Paula Jones case, and Vernon Jordan had known that, is that something that you believe as a person who works for McAndrews & Forbes, is that something that you believe that Mr. Jordan should have told you, or someone in the company, not necessarily you, but someone in the company, when you referred her for employment?"

His answer was "Yes."

Do you disagree with Mr. Gittis" conclusion that that was important information for McAndrews & Forbes?

A. I obviously didn't think it was important at the time, and I didn't do it.

Q. Now, in your previous answers, you reference the fact that you——

A. I think, on the other hand, that had she been a defendant in a murder case and I knew that, then I probably wouldn't have referenced her. But her being a witness in a civil case I did not think important.

Q. Despite the fact that you were acting at the request of the President, and this witness was potentially adverse to the President's interest in that case?

A. I didn't know that. I mean, I don't—I don't know what her position was or whether it was adverse or not.

Q. All right. Mr. Jordan, prior to you answering that, did you get an answer from your attorney?

A. My attorney mumbled something in my ear, but I didn't hear him.

MR. HUNDLEY: It was a spontaneous remark. I'll try to refrain.

MR. HUTCHINSON: I know that—

THE WITNESS: He does have a right to mumble in my ear, I think.

MR. HUNDLEY: I mumble too loud because I don't hear too well myself.

BY MR. HUTCHINSON:

Q. Now, going back to a complicating factor in your conversation with Mr. Gittis and this embarrassing situation of the Lewinsky job, the complicating fact was that you had also helped Webb Hubbell get a job or consulting contracts with the same company; is that—

A. Yes. You use the word "complicated." I did not view it as a complication. I viewed it as a, as another something that happened, and that that caused some embarrassment to the company, and here again, we were back for another embarrassment for the company, and I thought I had a responsibility to say that.

Q. Would you explain how you helped Webb Hubbell secure a job or a contract with Revlon?

A. Yes. Webb Hubbell came to me after his resignation from the Justice Department. Webb and I got to be friends during the transition, and Webb came to me and he said, "I'm leaving the Justice Department," or "I've left the Justice Department"—I'm not sure which—and he said, "I really need work."

And I said, "Webb, I will do what I can to help you."

I called New York, made arrangements. I took Webb Hubbell to New York. We had lunch. I took him the headquarters of McAndrews & Forbes at 62nd Street. I introduced him to Howard Gittis, Ronald Perelman, and I left.

Q. And did, subsequently, Mr. Hubbell obtain consulting contracts with Revlon?

A. Subsequently, Mr. Hubbell was hired, as I understand it, as outside counsel to McAndrews & Forbes, or Revlon, or some entity within the Perelman empire.

Q. And was that consulting contracts of about $100,000 a year?

A. I—I think so, I think so.

Q. And did you make other contacts with other companies in which you had friends for assistance for Webb Hubbell?

A. I did not.

Q. And was the effort to assist Mr. Webb Hubbell during this time—was it after he left the Department of Justice and prior to the time that he pled guilty to criminal charges?

A. That is correct.

Q. And at the time you assisted Webb Hubbell by securing a job with Revlon for him, was he a potential adverse witness to the President in the ongoing investigation by the Independent Counsel?

A. I don't know whether he was an adverse witness or not. What he was was my friend who had just resigned from the Justice Department, and he was out of work, and he asked for help, and I happily helped him.

Q. And did you know at the time that he was a potential witness in the investigation by the OIC?

A. I don't know whether I knew whether he was a potential witness or not. I simply responded to Webb Hubbell who was a friend in trouble and needing work.

Q. Now, let's backtrack to the time when you first had any contact with Ms. Lewinsky. We've talked about this January 20-21st meeting with Mr. Gittis and covered a little bit of the tail end of this entire episode. Now I would like to go back in time to your first meetings with Ms. Lewinsky.

Now, when was the first time that you recall that you met with Monica Lewinsky?

A. If you've read my grand jury testimony—

Q. I have.

A. —and I'm sure that you have—there is testimony in the grant jury that she came to see me on or about the 5th of November. I have no recollection of that. It was not on my calendar, and I just have no recollection of her visit. There is a letter here that you have in evidence, and I have to assume that in fact that happened. But as I said in my grand jury testimony, I'm not aware of it, I don't remember it—but I do not deny that it happened.

Q. And Ms. Lewinsky has made reference to a meeting that occurred in your office on November 5, and that's the meeting that you have no recollection of?

A. That is correct. We have no record of it in my office, and I just have no recollection of it.

Q. And in your first grand jury appearance, you were firm, shall I say, that the first time you met with Ms. Lewinsky, that it was on December 11th?

A. Yes. It was firm based on what my calendar told me, and subsequently to that, there has been a refreshing of my recollection, and I do not deny that it happened. By the same token, I will tell you, as I said in my grand jury testimony, that I did not remember that I had met with her.

Q. And in fact today, the fact that you do not dispute that that meeting occurred is not based upon your recollection but is simply based upon you've seen the records, and it appears that that meeting occurred?

A. That is correct.

Q. Okay. And you've made reference to my first exhibit there, which is front of you, and I would refer you to this at this time, which is Exhibit 86.

Now, this is captioned as a "Letter from Ms. Lewinsky to Mr. Vernon Jordan dated November 6, 1997," and it appears that this letter thanks you for meeting with her in reference to her job search. And do you recall this—

MR. KENDALL: Mr. Hutchinson, excuse me. May I ask—this is an unsigned copy. Do you have a signed copy of this letter?

MR. HUTCHINSON: Let me go through my questions if I might.

BY MR. HUTCHINSON:

Q. Do you recall receiving this letter?

A. I do not.

Q. Do you ever recall seeing this letter before?

A. The first time I saw this letter was when I was before the grand jury.

Q. And am I correct that it's your testimony that the first time you ever recall hearing the name "Monica Lewinsky" was in early December of '97?

A. That's correct. I—I may have heard the name before, but the first time I remember seeing her and having her in my presence was then.

Q. Well, regardless of whether you met with her in November or not, the fact is you did not do anything in November to secure a job for Ms. Lewinsky until your activities on December 11 of '97?

A. I think that's correct.

Q. And on December 11, I think you made some calls for Ms. Lewinsky on that particular day?

A. I believe I did. I have some—it's all right for me to refresh my recollection?

Q. Certainly.

A. Thank you. [Perusing documents.] I did make calls for her on the 11th, yes.

Q. And may I just ask what you're referring to?

A. I'm referring here to telephone logs prepared by counsel here for me to refresh my recollection about calls.

MR. HUNDLEY: You are welcome to have a copy of that.

THE WITNESS: You are welcome to see it.

MR. HUTCHINSON: Do you have an extra copy?

THE WITNESS: Yes—in anticipation.

MR. HUNDLEY: There are a few calls.

SENATOR THOMPSON: Might this be a good time to take a 5-minute break?

MR. HUTCHINSON: Certainly.

SENATOR THOMPSON: All right. Let's adjourn for 5 minutes.

THE VIDEOGRAPHER: We are going off the record at 10:03 a.m.

[Recess.]

THE VIDEOGRAPHER: We're going back on the record at 10:16 a.m.

SENATOR THOMPSON: All right. Counsel has consumed 38 minutes.

Counsel, would you proceed?

MR. HUTCHINSON: Thank you, Senator Thompson.

At this time, I would offer as Jordan Deposition Exhibit 86, if you don't mind me going by that numerology—

SENATOR THOMPSON: Would it be better to do that or make it Jordan Exhibit Number 1? Does counsel have any preference on that—is that—

MR. HUTCHINSON: One is fine.

SENATOR THOMPSON: Let's do it that way. It will be made a part of the record, Jordan Deposition Number 1.

[Jordan Deposition Exhibit No. 1 marked for identification.]

BY MR. HUTCHINSON:

Q. Mr. Jordan, let me go back to that meeting on December 11th. I believe we were discussing that. My question would be: How did the meeting on December 11 of 1997 with Ms. Lewinsky come about?

A. Ms. Lewinsky called my office and asked if she could come to see me.

Q. And was that preceded by a call from Betty Currie?

A. At some point in time, Betty Currie had called me, and Ms. Lewinsky followed up on that call, and she came to my office, and we had a visit.

Q. Ms. Lewinsky called, set up a meeting, and at some point sent you a resume, I believe.

A. I believe so.

Q. And did you receive that prior to the meeting on December 11th?

A. I—I have to assume that I did, but I—I do not know whether she brought it with her or whether—it was at some point that she brought with her or sent to me—somehow it came into my possession—a list of various companies in New York with which she had—which were here preferences, by the way—most of which I did not know well enough to make any calls for.

Q. All right. And I want to come back to that, but I believe—would you dispute if the record shows that you received the resume of Ms. Lewinsky on December 8th?

A. I would not.

Q. And presumably, the meeting on December 11th was set up somewhere around December 8th by the call from Ms. Lewinsky?

A. I—I would not dispute that, sir.

Q. All right. Now, you mentioned that she had sent you a—I guess some people refer to it—a wish list, or a list of jobs that she—

A. Not jobs—companies.

Q. —companies that she would be interested in seeking employment with.

A. That's correct.

Q. And you looked at that, and you determined that you wanted to go with your own list of friends and companies that you had better contacts with.

A. I'm sure, Congressman, that you too have been in this business, and you do know that you can only call people that you know or feel comfortable in calling.

Q. Absolutely. No question about it. And let me just comment and ask you response to this, but many times I will be listed as a reference, and they can take that to any company. You might be listed as a reference and the name "Vernon Jordan" would be a good reference anywhere, would it not?

A. I would hope so.

Q. And so, even though it was a company that you might not have the best contact with, you could have been helpful in that regard?

A. Well, the fact is I was running the job search, not Ms. Lewinsky, and therefore, the companies that she brought or listed were not of interest to me. I knew where I would need to call.

Q. And that is exactly the point, that you looked at getting Ms. Lewinsky a job as an assignment rather than just something that you were going to be a reference for.

A. I don't know whether I looked upon it as an assignment. Getting jobs for people is not unusual for me, so I don't view it as an assignment. I just view it as something that is part of what I do.

Q. You're acting in behalf of the President when you are trying to get Ms. Lewinsky a job, and you were in control of the job search?

A. Yes.

Q. Now, going back—going to your meeting that we're talking about on December 11th, prior to the meeting did you make any calls to prospective employers in behalf of Ms. Lewinsky?

A. I don't think so. I think not. I think I wanted to see her before I made any calls.

Q. And so if they were not before, after you met with her, you made some calls on December 11th?

A. I—I believe that's correct.

Q. And you called Mr. Richard Halperin of McAndrews & Forbes?

A. That's right.

Q. You called Mr. Peter—

A. Georgescu.

Q. —Georgescu. And he is with what company?

A. He is chairman and chief executive officer of Young & Rubicam, a leading advertising agency on Madison Avenue.

Q. And did you make one other call?

A. Yes. I called Ursie Fairbairn, who runs Human Resources at American Express, at the American Express Company, where I am the senior director.

Q. All right. And so you made three calls on December 11th. You believe that they were after you met with Ms. Lewinsky—

A. I doubt very seriously if I would have made the calls in advance of meeting her.

Q. And why is that?

A. You sort of have to know what you're talking about, who you're talking about.

Q. And what did you basically communicate to each of these officials in behalf of Ms. Lewinsky?

A. I essentially said that you're going to hear from Ms. Lewinsky, and I hope that you will afford her an opportunity to come in and be interviewed and look favorably upon her if she meets your qualifications and your needs for work.

Q. Okay. And at what level did you try to communicate this information?

A. By—what do you mean by "what level"?

Q. In the company that you were calling, did you call the chairman of human resources, did you call the CEO—who did you call, or what level were you seeking to talk to?

A. Richard Halperin is sort of the utility man; he does everything at McAndrews & Forbes. He is very close to the chairman, he is very close to Mr. Gittis. And so at McAndrews & Forbes, I called Halperin.

As I said to you, and as my grand jury testimony shows, I called Young & Rubicam, Peter Georgescu as its chairman and CEO. I have had a long-term relationship with Young & Rubicam going back to three of its CEOs, the first being Edward Ney, who was chairman of Young & Rubicam when I was head of the United Negro College Fund, and it was during that time that we developed the great theme, "A mind is a terrible thing to waste." So I have had a long-term relationship with Young & Rubicam and with Peter Georgescu, so I called the chairman in that instance.

At American Express, I called Ms. Ursie Fairbairn who is, as I said before, in charge of Human Resources.

So that is the level—in one instance, the chairman; in one instance a utilitarian person; and in another instance, the head of the Human Resources Department.

Q. And the utilitarian connection, Mr. Richard Halperin, was sort of an assistant to Mr. Ron Perelman?

A. That's correct. He's a lawyer.

Q. Now, going to your meeting on December 11th with Ms. Lewinsky, about how long of a meeting was that?

A. I don't—I don't remember. You have a record of it, Congressman.

Q. And actually, I think you've testified it was about 15 to 20 minutes, but don't hold me to that, either.

During the course of the meeting with Ms. Lewinsky, what did you learn about her?

A. Uh, enthusiastic, quite taken with herself and her experience, uh, bubbly, effervescent, bouncy, confident, uh—actually, I sort of had the same impression that you House Managers had of her when you met with her. You came out and said she was impressive, and so we come out about the same place.

Q. And did she relate to you the fact that she liked being an intern because it put her close to the President?

A. I have never seen a White House intern who did not like being a White House intern, and so her enthusiasm for being a White House intern was about like the enthusiasm of White House interns—they liked it.

She was not happy about not being there anymore—she did not like being at the Defense Department—and I think she actually had some desire to go back. But when she actually talked to me, she wanted to go to New York for a job in the private sector, and she thought that I could be helpful in that process.

Q. Did she make reference to someone in the White House being uncomfortable when she was an intern, and she thought that people did not want her there?

A. She felt unwanted—there is no question about that. As to who did not want her there and why they did not want her there, that was not my business.

Q. And she related that—

A. She talked about it.

Q. —experience or feeling to you?

A. Yes.

Q. Now, your meeting with Ms. Lewinsky was on December 11th, and I believe that Ms. Lewinsky has testified that she met with the President on December 5—excuse me, on December 6—at the White House and complained that her job search was not going anywhere, and the President then talked to Mr. Jordan.

Do you recall the President talking to you about that after that meeting?

A. I do not have a specific recollection of the President saying to me anything about having met with Ms. Lewinsky. The President has never told me that he met with Ms. Lewinsky, as best as I can recollect. I—I am aware that she was in a state of anxiety about going to work. She was in a state of anxiety in addition because her lease at Watergate, at the Watergate, was to expire December 31st. And there was a part of Ms. Lewinsky, I think, that thought that because she was coming to me, that she could come today and that she would have a job tomorrow. That is not an unusual misapprehension, and it's not limited to White House interns.

Q. I mentioned her meeting with the President on the same day, December 6th. I believe the record shows the President met with his lawyers and learned that Ms. Lewinsky was on the Jones witness list. Now, did you subsequently meet with the President on the next day, December 7th?

A. I may have met with the President. I'd have to—I mean, I'd have to look. I'd have to look. I don't know whether I did or not.

Q. If you would like to confer—I believe the record shows that, but I'd like to establish that through your testimony.

MS. WALDEN: Yes.

THE WITNESS: Yes.

BY MR. HUTCHINSON:

Q. All right. So you met with the President on December 7th. And was it the next day after that, December 8th, that Ms. Lewinsky called to set up the job meeting with you on December 11th?

A. I believe that is correct.

Q. And sometime after your meeting on December 11th with Ms. Lewinsky, did you have another conversation with the President?

A. Uh, you do understand that conversations between me and the President, uh, was not an unusual circumstance.

Q. And I understand that—

A. All right.

Q. —and so let me be more specific. I believe your previous testimony has been that sometime after the 11th, you spoke with the President about Ms. Lewinsky.

A. I stand on that testimony.

Q. All right. And so there's two conversations after the witness list came out—one that you had with the President on December 7th, and then a subsequent conversation with him after you met with Ms. Lewinsky on the 11th.

Now, in your subsequent conversation after the 11th, did you discuss with the President of the United States Monica Lewinsky, and if so, can you tell us what that discussion was?

A. If there was a discussion subsequent to Monica Lewinsky's visit to me on December the 11th with the President of the United States, it was about the job search.

Q. All right. And during that, did he indicate that he knew about the fact that she had lost her job in the White House, and she wanted to get a job in New York?

A. He was aware that—he was obviously aware that she had lost her job in the White House, because she was working at the Pentagon. He was also aware that she wanted to work in New York, in the private sector, and understood that that is why she was having conversations with me. There is no doubt about that.

Q. And he thanked you for helping her?

A. There's no question about that, either.

Q. And on either of these conversations that I've referenced that you had with the President after the witness list came out, your conversation on December 7th, and your conversation sometime after the 11th, did the President tell you that Ms. Monica Lewinsky was on the witness list in the Jones case?

A. He did not.

Q. And did you consider this information to be important in your efforts to be helpful to Ms. Lewinsky?

A. I never thought about it.

Q. Was there a time that you became aware that Ms. Lewinsky had been subpoenaed to give a deposition in the Jones versus Clinton case?

A. On December 19th when she came to my office with the subpoena—I think it's the 19th.

Q. That's right. Now, you indicated you never thought about it, because of course, at that point, you didn't know that she was on the witness list, according to your testimony.

A. [Nodding head up and down.]

Q. Now, you said that she came to see you on December 19th—I'm sorry. I've been informed you didn't respond out loud, so—

A. Well, if you'd ask the question, I'd be happy to respond.

Q. I was afraid you would ask me to ask the question again.

Well, let's go to the December 19th meeting.

A. Fine.

Q. How did it come about that you met with Ms. Lewinsky on December 19th?

A. Ms. Lewinsky called me in a rather high emotional state and said that she needed to see me, and she came to see me.

Q. And she called you on the telephone on December 19th, in which she indicated she had received a subpoena?

A. That's right, and was emotional about it and asked, and so I said come over.

Q. And what was your reaction to her having received a subpoena in the Jones case?

A. Surprise, number one; number two, quite taken with her emotional state.

Q. And did you see that she had a problem?

A. She obviously had a problem—she thought—

THE VIDEOGRAPHER: We have to go off the record.

SENATOR THOMPSON: Off the record.

[Recess due to power failure.]

THE VIDEOGRAPHER: We're going back on the record at 10:49 a.m.

SENATOR THOMPSON: All right, let the record reflect that we've been down for 20 to 25 minutes due to a power failure, but we are ready to proceed now, counsel.

MR. HUTCHINSON: Thank you, Senator Thompson.

And Mr. Jordan, before we go back to my line of questioning, I have been informed that we have that question in which we did not get an audible response, and so I'm going to ask the court reporter to read that question back.

[The court reporter read back the requested portion of the record.]

THE WITNESS: I did not know that she was on the witness list, Congressman. And let me say parenthetically here that our side had nothing to do with the power outage.

[Laughter.]

THE WITNESS: As desirable as that may have been.

[Laughter.]

BY MR. HUTCHINSON:

Q. Thank you, Mr. Jordan. And again, we're talking about the fact you never thought about the President not telling you that Ms. Lewinsky was on the witness list because you didn't know it at the time.

A. I—I did not know it.

Q. All right. Now, before we go back to December 19th, I've also been informed that I've been neglectful, and sometimes you will give a nod of the head, and I've not asked you to give an audible response. So I'm going to try to be mindful of that, but at the same time, Mr. Jordan, if you can try to give an audible response to a question rather than what we sometimes do in private conversation, which is a nod of the head. Fair enough?

A. I'm happy to comply.

Q. Now, we're talking about December 19th, that you had received a call from Monica Lewinsky; she had been subpoenaed in the Jones case. She was upset. You said, Come to my office.

Now, when she got to the office, I asked you, actually, before that, what was your reaction to her having this subpoena, and she had a problem because of the subpoena.

A. Yes.

Q. And I believe you previously indicated that any time a witness gets a subpoena, they've got a problem that they would likely need legal assistance.

A. That's been my experience.

Q. And in fact she did subsequently come to see you at the office on that December 19th, is that correct?

A. That's correct.

Q. And what happened at that meeting in your office with Ms. Lewinsky on the 19th?

A. She, uh, as I said, was quite emotional. She was—she was disturbed about the subpoena. She was disturbed about not having, in her words, heard from the President or talked to the President.

It was also in that meeting that it became clear to me that the—that her eyes were wide and that she, uh, that—let me—for lack of a better way to put it, that she had a "thing" for the President.

Q. And how long was that meeting?

A. I don't know, uh, but it's in the record.

MR. HUNDLEY: You testified 45 minutes.

THE WITNESS: Forty-five minutes. Thank you.

MR. HUTCHINSON: Thank you.

MR. HUNDLEY: Is that okay if I—

MR. HUTCHINSON: That's all right, and that's helpful, Mr. Hundley.

MR. HUNDLEY: Thank you. I'm trying to be helpful.

BY MR. HUTCHINSON:

Q. And during this meeting, did she in fact show you the subpoena that she had received in the Jones litigation?

A. I'm sure she showed me the subpoena.

Q. And the subpoena that was presented to you asked her to give a deposition, is that correct?

A. As I recollect.

Q. But did it also ask Ms. Lewinsky or direct her to produce certain documents and tangible objects?

A. I think, if I'm correct in my recollection, it asked that she produce gifts.

Q. Gifts, and some of those gifts were specifically enumerated.

A. I don't remember that. I do remember gifts.

Q. And did you discuss any of the items requested under the subpoena?

A. I did not. What I said to her was that she needed counsel.

Q. Now, just to help you in reference to your previous grand jury testimony of March 3, '98—and if you would like to refer to that, page 121, but I believe it was your testimony that you asked her if there had been any gifts after you looked at the subpoena.

A. I may have done that, and if I—if that's in my testimony, I stand by it.

Q. And did she—from your conversation with her, did you determine that in your opinion, there was a fascination on her part with the President?

A. No question about that.

Q. And I think you previously described it that she had a "thing" for the President?

A. "Thing," yes.

Q. And did you make any specific inquiry as to the nature of the relationship that she had with the President?

A. Yes. At some point during that conversation, I asked her directly if she had had sexual relationships with the President.

Q. And is this not an extraordinary question to ask a 24-year-old intern, whether she had sexual relations with the President of the United States?

A. Not if you see—not if you had witnessed her emotional state and this "thing," as I say. It was not.

Q. And her emotional state and what she expressed to you about her feelings for the President is what prompted you to ask that question?

A. That, plus the question of whether or not the President at the end of his term would leave the First Lady; and that was alarming and stunning to me.

Q. And she related that question to you in that meeting on December 19th?

A. That's correct.

Q. Now, going back to the question in which you asked her if she had had a sexual relationship with the President, what was her response?

A. No.

Q. And I'm sure that that was not an idle question on your part, and I presume that you needed to know the answer for some purpose.

A. I wanted to know the answer based on what I had seen in her expression; obviously, based on the fact that this was a subpoena about her relationship with the President.

Q. And so you felt like you needed to know the answer to that question to determine how you were going to handle the situation?

A. No. I thought it was a factual data that I needed to know, and I asked the question.

Q. And why did you need to know the answer to that question?

A. I am referring this lady, Ms. Lewinsky, to various companies for jobs, and it seemed to me that it was important for me to know in that process whether or not there had been something going on with the President based on what I saw and based on what I heard.

Q. And also based upon your years of experience—I mean your—

A. I don't understand that question.

Q. Well, you have children?

A. I have four children; six grandchildren.

Q. And you've raised kids, you've had a lot of experiences in life, and do you not apply that knowledge and experience and wisdom to circumstances such as this?

A. Yes. I've been around, and I've seen young people, both men and women, overly excited about older, mature, successful individuals, yes.

Q. Now, let me just go back as to what signals that you might have had at this particular point that there was a sexual relationship between Ms. Lewinsky and the President. Was one of those the fact that she indicated that she had a fascination with the President?

A. Yes.

Q. And did she relate that "He doesn't call me enough"?

A. Yes.

Q. And was the fact that there was an exchange of gifts a factor in your consideration?

A. Well, I was not aware that there had been an exchange of gifts. I thought it a tad unusual that there would be an exchange of gifts, uh, but it was just clear that there was a fixation by this young woman on the President of the United States.

Q. And was it also a factor that she had been issued a subpoena in a case that was rooted in sexual harassment?

A. Well, it certainly helped.

Q. And that was an ingredient that you factored in and decided this is a question that needed to be asked?

A. There's no question about that.

Q. Now, heretofore, the questions or the discussions with Ms. Lewinsky had simply been about a job?

A. Had been about a job.

Q. And I think you indicated that you didn't have to be an Einstein to know that this was a question that needed to be asked after what you learned on this meeting?

A. Yes, based on my own judgment, that is correct.

Q. Now, at this point, you're assisting the President in obtaining a job for a former intern, Monica Lewinsky?

A. Right.

Q. It comes to your attention from Ms. Lewinsky that she has a subpoena in a civil rights case against the President. And did this make you consider whether it was appropriate for you to continue seeking a job for Ms. Lewinsky?

A. Never gave it a thought.

Q. Despite the fact that you were seeking the job for Ms. Lewinsky at the request of the President when she is under subpoena in a case adverse to the President?

A. I—I did not give it a thought. I had committed that I was going to help her, and I was going to—and I kept my commitment.

Q. And so, however she would have answered that question, you would have still prevailed upon your friends in industry to get a job for her?

A. Congressman, that is a hypothetical question, and I'm not going to answer a hypothetical question.

Q. Well, I thought you had answered it before, but if—so you don't know whether it would have made a difference or not, then?

A. I asked her whether or not she had had sexual relationships with the President. Ms. Lewinsky told me no.

MR. HUNDLEY: I'd just like to interject. My recollection, Congressman, is that in the grand jury, he gave basically the same answer, that it was a hypothetical question, and that he really didn't know what he would have done had the answer been different. You could double-check it if you want, but I'm sure I'm right.

BY MR. HUTCHINSON:

Q. Okay, I'm not asking you a hypothetical question. I want to ask it in this phrase, in this way. Did her answer make you consider whether it was appropriate for you to continue seeking a job for Ms. Lewinsky at the request of the President?

A. I did not see any reason why I should not continue to help her in her job search.

Q. Now, was the fact that she was under subpoena important information to you?

A. It was additional information, certainly.

Q. If you were trying to get Ms. Lewinsky a job, did you expect her to tell you if she had any reason to believe she might be a witness in the Jones case?

A. She did in fact tell me by showing me the subpoena. I had no expectations one way or the other.

Q. Well, I refer you to your grand jury testimony of March 3, '98 at page 96. Do you recall the answer: "I just think that as a matter of openness and full disclosure that she would have done that."

A. And she did.

Q. Precisely. She disclosed to you, of course, when she received the subpoena, and that's information that you expected to know and to be disclosed to you?

A. Fine.

Q. Is—

A. Yes. Fine.

Q. And in fact, if Ms. Currie—I'm talking about Betty Currie—if she had known that Ms. Lewinsky was under subpoena, you would have expected her to tell you that information as well since you were seeking employment for Ms. Lewinsky?

A. Well, it would have been fine had she told me. I do make a distinction between being a witness on the one hand and being a defendant in some sort of criminal action on the other. She was a witness in the civil case, and I don't believe witnesses in civil cases don't have a right for—to employment.

Q. Okay. I refer you to page 95 of your grand jury testimony, in which you said: "I believe that had Ms. Currie known, that she would have told me."

And the next question: "Let me ask the question again, though. Would you have expected her to tell you if she knew?"

And do you recall your answer?

A. I don't.

Q. "Yes, sure."

A. I stand by that answer.

Q. And so it's your testimony that if Ms. Currie had known that Ms. Lewinsky was under subpoena, you would have expected her to tell you that information?

A. It would have been helpful.

Q. And likewise, would you have expected the President to tell you if he had any reason to believe that Ms. Lewinsky would be called as a witness in the Paula Jones case?

A. That would have been helpful, too.

Q. And that was your expectation, that he would have done that in your conversations?

A. It—it would certainly have been helpful, but it would not have changed my mind.

Q. Well, being helpful and that being your expectation is a little bit different, and so I want to go back again to your testimony on March 3, page 95, when the question is asked to you—question: "If the President had any reason to believe that Ms. Lewinsky could be called a witness in the Paula Jones case, would you have expected him to tell you that when you spoke with him between the 11th and the 19th about her?"

And your answer: "And I think he would have."

A. My answer was yes in the grand jury testimony, and my answer is yes today.

Q. All right. So it would have been helpful, and it was something you would have expected?

A. Yes.

Q. And yet, according to your testimony, the President did not so advise you of that fact in the conversations that he had with you on December 7th and December 11th after he learned that Ms. Lewinsky was on the witness list?

A. As I testified—

MR. KENDALL: Objection. Misstates the record with regard to December 11th.

MR. HUTCHINSON: I—I will restate the question. I believe it accurately reflects the record, and I'll ask the question.

BY MR. HUTCHINSON:

Q. And yet, according to your testimony, the President did not so advise you of the fact that Ms. Lewinsky was on the witness list despite the fact that he had conversations with you on two occasions, on December 7th and December 11th?

A. I have no recollection of the President telling me about the witness list.

Q. And during this meeting with Ms. Lewinsky on the 11th, did you take some action as a result of what she told you?

A. On the 11th or the 18th?

Q. Excuse me. I'm sorry. Let me go to the 19th.

A. Nineteenth.

Q. Thank you for that correction.

Did you refer her to an attorney?

A. Yes, I did.

Q. Okay, and who was the attorney that you referred her to?

A. Frank Carter, a very able local attorney here.

Q. And did you give her two or three attorneys to select from, or did you just give her one recommendation?

A. I made a recommendation of Frank Carter. That was the only recommendation.

Q. Now, let me go to I believe it's the next three exhibits that are in front of you, if you'd just turn that first page, and I believe they are marked 29, 31, 32 and 33. And these are, I believe, exhibits that you have seen before and are summaries and documents relating to telephone conversations on this particular day of December 19th.

[Witness perusing documents.]

SENATOR DODD: How are these going to be marked—as Jordan Deposition Exhibits—

MR. HUTCHINSON: These should be marked as Exhibits 2, 3, and 4.

SENATOR DODD: Okay.

MR. KENDALL: Excuse me, Mr. Manager. Are you offering these in evidence?

MR. HUTCHINSON: Not at this time.

I guess it's 2, 3, 4 and 5.

SENATOR THOMPSON: Are we referring to the next four exhibits in the package here?

MR. HUTCHINSON: Yes, sir.

SENATOR THOMPSON: Well, we'll just—identify them one at a time, and we'll—

MR. HUTCHINSON: All right.

BY MR. HUTCHINSON:

Q. Let's go to Exhibit 29 as it's marked, but for our purpose, we're going to refer to it as Deposition Exhibit 2.

SENATOR THOMPSON: All right. For identification for right now, we'll call that Jordan Exhibit Number 2 for identification, which is marked as, I assume, Grand Jury Exhibit Number 29.

[Jordan Deposition Exhibit No. 2 marked for identification.]

BY MR. HUTCHINSON:

Q. And from this record, would you agree that you received a call from Ms. Lewinsky at 1:47 p.m.?

A. For 11 seconds.

Q. All right. And subsequent to that, you placed a call to talk to the President at 3:51 p.m. and talked to Deborah Schiff?

A. Yes.

Q. And what was the purpose of that call to Deborah Schiff?

A. I—I'm certain that I did not call Deborah Schiff. I had no reason to call Deborah Schiff. My suspicion was that if I in fact called 1414, that somehow Deborah Schiff was answering the telephone.

Q. Were you trying to get hold of the President?

A. I think maybe I was.

Q. All right. And then, subsequent to that, Ms. Lewinsky arrived in your office at 4:47 p.m.—and I believe that would be reflected on Exhibit 3—excuse me—Exhibit 4.

MR. HUNDLEY: Four.

THE WITNESS: Yes.

BY MR. HUTCHINSON:

Q. And does it also reflect, going back to the call records, that you talked to the President during the course of your meeting with Ms. Lewinsky at approximately 5:01 p.m.?

A. I beg your pardon?

MR. HUTCHINSON: This would be Exhibit 5.

SENATOR THOMPSON: All right. Let's mark these for identification purposes.

We have already identified Deposition Exhibit Number 29 as Exhibit Number 2 for identification in Mr. Jordan's deposition.

The next one would be Grand Jury Exhibit Number 31, and we will mark that as Exhibit Number 3 for identification purposes. Following that will be Grand Jury Exhibit Number 32, that we will identify as Exhibit Number 4 to Mr. Jordan's deposition for identification purposes; and Grand Jury Exhibit Number 33 will be Exhibit Number 5 to Mr. Jordan's deposition for identification purposes.

Now, do we need to go any further at this time?

MR. HUTCHINSON: No. Thank you.

SENATOR THOMPSON: All right.

[Jordan Deposition Exhibit Nos. 3, 4 and 5 marked for identification.]

BY MR. HUTCHINSON:

Q. Mr. Jordan—

A. Yes.

Q. —under Exhibit—

A. Yes.

Q. —according to these records, specifically Exhibit 5, does it reflect that you talked to the President during the course of your meeting with Ms. Lewinsky at approximately 5:01 p.m.?

MR. KENDALL: Object to the form of the question.

MR. HUTCHINSON: You may answer.

THE WITNESS: I'm confused.

MR. HUTCHINSON: There's an objection as to the form of the question.

THE WITNESS: Oh.

SENATOR THOMPSON: We can resolve it.

MR. KENDALL: The question was do these records indicate this. If he offers Number 2, I'm going to object to it. It's not the best evidence. It's a chart. I don't know who prepared it—

SENATOR THOMPSON: He's referring to 5 now, I believe, isn't he?

MR. HUTCHINSON: Yes.

SENATOR THOMPSON: I believe this had to do with 5.

MR. HUTCHINSON: All right.

THE WITNESS: Would you ask your question?

BY MR. HUTCHINSON:

Q. Mr. Jordan, I'm simply trying to establish, and using Exhibit 5 to refresh your recollection—

MR. KENDALL: I withdraw the objection, I withdraw the objection.

SENATOR THOMPSON: All right, sir; very fine.

MR. HUTCHINSON: Thank you.

BY MR. HUTCHINSON:

Q. —that this record, Exhibit 5, reflects that you talked to the President during the course of your meeting with Ms. Lewinsky at approximately 5:01 p.m.

A. Yes. I—I have never had a conversation with the President while Ms. Lewinsky was present. The wave-in sheet from my office said that she came in at 5:47—

Q. Four forty-seven.

A. —4:47. She may have been in the reception area, or she may have been outside my office, but Ms. Lewinsky was not in my office during the time that I had a conversation with the President.

Q. And the other alternative would be that she came into your office, and then you excused her while you received a call from the President?

A. That's a possibility, too—

Q. All right.

A. —but she was not present in my office proper during the time that I was having a conversation with the President.

Q. Absolutely, and that is clear.

Now, because we got a little bogged down in the records, let me just go back for a moment. Is it your understanding, based upon the records and recollection, that you received a call from Ms. Lewinsky about 1:47; you talked to Deborah Schiff trying to get hold of the President about 3:51 that afternoon; Ms. Lewinsky arrived at about 4:47 p.m.

A. Yes.

Q. Am I correct so far?

A. Yes.

Q. And then you received a call from the President at about 5:01 p.m.?

A. That's correct.

MR. HUTCHINSON: I want to say "Your Honor"—I've wanting to do this all day, Senator—I would offer these Exhibits 2, 3, 4 and 5 at this time.

MR. KENDALL: I would object to the admission of Exhibit Number 2.

SENATOR THOMPSON: Mr. Hutchinson, could you identify what this exhibit is from?

MR. HUTCHINSON: Well, this exhibit is a summary exhibited based upon the original records that establish this. Now, we've established it clearly through the testimony, so it's not of earth-shattering significance whether this is in the record or not, because the witness has established it.

SENATOR THOMPSON: All right. But this is a compilation of what you contend—

MR. HUTCHINSON: Yes.

SENATOR THOMPSON: —is otherwise in the record?

MR. HUTCHINSON: Yes.

SENATOR THOMPSON: Counsel, do we really have a problem with that?

MR. KENDALL: Senator Thompson, I don't know who prepared this or what records it's based on. I have not objected to any of the original records, and I'll continue my objection.

SENATOR THOMPSON: I think in light of that we will sustain it, if Mr. Hutchinson thinks it's otherwise in the record anyway, and not make an issue out of that.

So we will, then, make as a part of the record Exhibits Numbers 3, 4 and 5 that have previously been introduced for identification purposes; they will now be made a part of the record.

MR. HUTCHINSON: Thank you, Senator.

[Jordan Deposition Exhibit Nos. 3, 4 and 5 received in evidence.]

BY MR. HUTCHINSON:

Q. Now, Mr. Jordan, you indicated you had this conversation with the President at about 5:01 p.m. out of the presence of Ms. Lewinsky. Now, during this conversation with the President, what did you tell the President in that conversation?

A. That Lewinsky—I'm sure I told him that Ms. Lewinsky was in my office, in the reception area, that she had a subpoena and that I was going to visit with her.

Q. And did you advise the President as well that you were going to recommend Frank Carter as an attorney?

A. I may have.

Q. And why was it necessary to tell the President these facts?

A. I don't know why it was not unnecessary to tell him these facts. I was keeping him informed about what was going on, and so I told him.

Q. Why did you make the judgment that you should call the President and advise him of these facts?

A. I just thought he ought to know. He was interested it—he was obviously interested in it—and I felt some responsibility to tell him, and I did.

Q. All right. And what was the President's response?

A. He said thank you.

Q. Subsequent to your conversation with the President about Monica Lewinsky, did you advise Ms. Lewinsky of this conversation with the President?

A. I doubt it.

Q. And if she indicates that she was not aware of that conversation, would you dispute her testimony in that regard?

A. I would not.

Q. And you say that you doubt it. Was there a reason that you would not disclose to her the fact that you talked to the President when she was the subject of that conversation?

A. No. I—I didn't feel any particular obligation to tell her or not to tell her, but I did not tell her.

Q. Now, we have discussed to a limited extent the gifts that were mentioned in the subpoena in this discussion that you had with Ms. Lewinsky. Did she in fact tell you about the gifts she had received from the President?

A. I think she told me that she had received gifts from the President.

Q. Did she also indicate that there had been an exchange of gifts?

A. She did.

Q. And did you think that it was somewhat unusual that there had been an exchange of gifts?

A. Uh, a tad unusual, I thought.

Q. These—

A. Which again occasioned the question.

Q. Pardon?

A. Which again occasioned the ultimate question.

Q. On—on whether there was a sexual relationship?

A. That is correct.

Q. And so that was a significant fact in determining whether that question should be asked?

A. It was an additional fact.

Q. Now, the subpoena also references "documents constituting or containing communications between you"—which would have been Ms. Lewinsky under the subpoena—"and the Defendant Clinton, including letters, cards, notes, et cetera."

Did you ask Ms. Lewinsky at all whether there were any kinds of cards or communications between them?

A. Uh, I did not, but she may have volunteered that.

Q. And did she tell you about telephone conversations with the President?

A. She did tell me that she and the President talked on the telephone.

Q. And did she express it in a way that it was frustrating because the President didn't call her sufficiently?

A. Well, that—that is correct, and she was disappointed, uh, and disapproving of the fact that she was not hearing from the President of the United States on a regular basis.

Q. During this conversation with Ms. Lewinsky, she also made reference to the First Lady?

A. Yes.

Q. And that was another question of concern when she asked if you thought that the President would leave the First Lady at the end of his term?

A. That is correct.

Q. And what was your reaction to this statement?

A. My reaction to the statement after I got over it was that—no way.

Q. Did it send off alarm bells in your mind as to her relationship with the President?

A. I think it's safe to say that she was not happy.

Q. You're speaking of Ms. Lewinsky?

A. That's the only person we're talking about, Congressman.

Q. Now, based upon all of this, was it your conclusion the subpoena meant trouble?

A. Beg your pardon?

Q. Based upon all of these facts and your conversation with Ms. Lewinsky, was it your conclusion that the subpoena meant trouble?

A. Well, I always, based on my experience with the grand jury, believe that subpoenas are trouble.

Q. I think you've used the language, "ipso facto" meant trouble?

A. Yes, yes, right.

Q. Now, subsequent to your meeting with Ms. Lewinsky on this occasion, did you in fact set up an appointment with Mr. Frank Carter?

A. Yes—for the 22nd, I believe.

Q. Which I believe would have been the first part of the next week?

A. That's right.

Q. And still on December 19th, after your meeting with Ms. Lewinsky, did you subsequently see the President of the United States later that evening?

A. I did.

Q. And is this when you went to the White House and saw the President?

A. Yes.

Q. At the time that Ms. Lewinsky came to see you on December 19th, did you have any plans to attend any social function at the White House that evening?

A. I did not.

Q. And in fact there was a social invitation that you had at the White House that you declined?

A. I had—I had declined it; that's right.

Q. And subsequent to Ms. Lewinsky visiting you, did you change your mind and go see the President that evening?

A. After the—a social engagement that Mrs. Jordan and I had, we went to the White House for two reasons. We went to the White House to see some friends who were there, two of whom were staying in the White House; and secondly, I wanted to have a conversation with the President.

Q. And this conversation that you wanted to have with the President was one that you wanted to have with him alone?

A. That is correct.

Q. And did you let him know in advance that you were coming and wanted to talk to him?

A. I told him I would see him sometime that night after dinner.

Q. Did you tell him why you wanted to see him?

A. No.

Q. Now, was this—once you told him that you wanted to see him, did it occur the same time that you talked to him while Ms. Lewinsky was waiting outside?

A. It could be. I made it clear that I would come by after dinner, and he said fine.

Q. Now, let me backtrack for just a moment, because whenever you talked to the President, Ms. Lewinsky was not inside the room—

A. That's correct.

Q. —and therefore, you did not know the details about her questions on the President might leave the First Lady and those questions that set off all of these alarm bells.

A. [Nodding head up and down.]

Q. And so you were having—is the answer yes?

A. That's correct.

Q. And so you were having this discussion with the President not knowing the extent of Ms. Lewinsky's fixation?

A. Uh—

Q. Is that correct?

A. Correct.

Q. And, regardless, you wanted to see the President that night, and so you went to see him. And was he expecting you?

A. I believe he was.

Q. And did you have a conversation with him alone?

A. I did.

Q. No one else around?

A. No one else around.

Q. And I know that's a redundant question.

A. It's okay.

Q. Now, would you describe your conversation with the President?

A. We were upstairs, uh, in the White House. Mrs. Jordan—we came in by way of the Southwest Gate into the Diplomatic Entrance—we left the car there. I took the elevator up to the residence, and Mrs. Jordan went and visited at the party. And the President was already upstairs—I had ascertained that from the usher—and I went up, and I raised with him the whole question of Monica Lewinsky and asked him directly if he had had sexual relations with Monica Lewinsky, and the President said, "No, never."

Q. All right. Now, during that conversation, did you tell the President again that Monica Lewinsky had been subpoenaed?

A. Well, we had established that.

Q. All right. And did you tell him that you were concerned about her fascination?

A. I did.

Q. And did you describe her as being emotional in your meeting that day?

A. I did.

Q. And did you relate to the President that Ms. Lewinsky asked about whether he was going to leave the First Lady at the end of the term?

A. I did.

Q. And as—and then, you concluded that with the question as to whether he had had sexual relations with Ms. Lewinsky?

A. And he said he had not, and I was satisfied—end of conversation.

Q. Now, once again, just as I asked the question in reference to Ms. Lewinsky, it appears to me that this is an extraordinary question to ask the President of the United States. What led you to ask this question to the President?

A. Well, first of all, I'm asking the question of my friend who happens to be the President of the United States.

Q. And did you expect your friend, the President of the United States, to give you a truthful answer?

A. I did.

Q. Did you rely upon the President's answer in your decision to continue your efforts to seek Ms. Lewinsky a job?

A. I believed him, and I continued to do what I had been asked to do.

Q. Well, my question was more did you rely upon the President's answer in your decision to continue your efforts to seek Ms. Lewinsky a job.

A. I did not rely on his answer. I was going to pursue the job in any event. But I got the answer to the question that I had asked Ms. Lewinsky earlier from her, and I got the answer from him that night as to the sexual relationships, and he said no.

Q. It would appear to me that there's two options. One, you asked the question in terms of idle conversation, and that does not seem logical in view of the fact that you made a point to go and visit the President about this alone.

A. Yes. I never said that—I never talked about options. I told you I went to ask him that question.

Q. Well, was it idle conversation, or was there a purpose in you asking him that question?

A. It obviously, Congressman, was not idle conversation.

Q. All right.

A. For him nor for me.

Q. There was a purpose in it—and would you describe it as being important, the question that you asked to him?

A. I wanted to satisfy myself, based on my visit with her, that there had been no sexual relationships, and he said no, as she had said no.

Q. And why was it important to you to satisfy yourself on that particular point?

A. I had seen this young lady, and I had seen her reaction, uh, and it raised a presumption, uh, and I wanted to satisfy myself, as I had done with her, that there had been no sexual relationship between them.

Q. If you had—

A. And I did satisfy myself.

Q. And if you had—well, let me rephrase it. If you believed the presumption, or if you had evidence that Ms. Lewinsky did have sexual relations with the President, would this have affected your decision to act in the President's interest in locating her a job when she had been subpoenaed in a case adverse to the President?

A. I do not think it would have affected my decision.

Q. Now, you mentioned that you set up an appointment for Ms. Lewinsky at the office of Frank Carter for December 22nd.

A. Right.

Q. Prior to that appointment with Mr. Carter, did Ms. Lewinsky come to see you in your office?

A. I took Ms. Lewinsky from my office, in my Akin Gump, chauffeur-driven car, to Frank Carter's office.

Q. And when she arrived at your office, did you have a discussion with her?

A. I think I got my coat, she got her—she had on her coat—and we left.

Q. While in your office before going to see Mr. Carter, did Ms. Lewinsky ask about her job?

A. Every conversation that I had with Ms. Lewinsky had at some point to do with pending employment.

Q. And I take that as a "yes" answer, but I would also refer you to page 184 of your previous testimony in which that answer was "yes."

A. Yes.

Q. And so prior to going to see Mr. Carter, you met with Ms. Lewinsky and—where she asked about her job?

A. Well, as I'm putting on my coat, I mean, we did not sit down and have a conference. We had an appointment.

Q. Now, you last testified before the grand jury in June of 1998, and you have not had the opportunity to address some issues that Ms. Lewinsky raised when she testified before the grand jury in August of 1998, and I would like to—there will be a number of questions as we go through this today relating to some things that she testified to, because it's important that we hear your responses to it, and so I'd like to ask you about a couple of these particular areas.

During this meeting—and you say it was a short meeting, that you really didn't sit down—but during this time, did Ms. Lewinsky ask if you had told the President that she had been subpoenaed in the Jones case?

A. She may have, and—and if she did, I answered yes.

Q. Even though you did not tell her about the conversation on December 19th that you had with the President in which you told the President she had been subpoenaed?

A. If she had asked, I would have told her. If she asked me on the 22nd, I answered yes.

Q. And did Ms. Lewinsky show you any gifts that she was bringing to Mr. Frank Carter?

A. Yeah—I'm not aware that Ms. Lewinsky showed me any gifts. I have no—I have no recollection of her having shown me gifts given her by the President. And my best recollection is that she came to my office, I got myself together, and that we left. I have no recollection of her showing me gifts given her by the President.

Q. Would you dispute if she in fact had gifts with her on that occasion?

A. I don't know whether she had gifts with her or not. I do have—I have no recollection of her showing me, saying, "This is a gift given me by the President of the United States."

Q. And if she testifies that she showed you the gifts she was bringing Mr. Carter, you would dispute that testimony?

A. I have not any recollection of her showing me any gifts.

Q. And I take that as not denying it—

MR. KENDALL: Objection to form.

BY MR. HUTCHINSON:

Q. —but that you have no recollection.

A. Uh, I don't know how else to say it to you, Mr. Congressman.

Q. Well—

A. I have no recollection of Ms. Lewinsky coming to my office and showing me gifts given her by the President of the United States.

Q. Let me go on. Did Ms. Lewinsky tell you that she and the President had had phone sex?

A. I think Ms.—I know Ms. Lewinsky told me about, uh, telephone conversations with the President. If Ms. Lewinsky had told me something about phone sex, I think I would have remembered that.

Q. And therefore, if she testifies that she told you that Ms. Lewinsky and the President had phone sex, then you'd simply deny her testimony in that regard?

A. I—

MR. KENDALL: Object to the form.

THE WITNESS: I have no recollection, Congressman, of Ms. Lewinsky telling me about phone sex—but given my age, I would probably have been interested in what that was all about.

SENATOR THOMPSON: We'll overrule the objection. It's a leading question, but I think that it will be permissible for these purposes.

MR. HUTCHINSON: It's my understanding, Senator, that under the Senate rule, that the witness would be considered an adverse witness.

SENATOR THOMPSON: That's correct.

BY MR. HUTCHINSON:

Q. Well, I don't mean to engage in disputes over fine points, but I guess—

A. Well, you obviously, Congressman, have Ms. Lewinsky saying one thing and me saying another. I stand by what I said.

Q. Which is that you have no recollection of that discussion taking place.

A. But I do think that I would have remembered it had it happened.

Q. All right. Now, after your brief encounter or meeting with Ms. Lewinsky in your office, did you take Ms. Lewinsky in your vehicle to Mr. Carter's office?

A. Yes.

Q. And when you arrived at Mr. Carter's office, did you meet with Mr. Carter in advance, while Ms. Lewinsky waited outside?

A. I said a brief hello to him. We talked about lunch. I never took off my coat. I did take off my hat, because it was inside. And I left them, and I got a piece of his candy.

Q. Now, I was looking at the testimony of Mr. Carter. Now, do you recall a meeting with Mr. Carter in his office while Ms. Lewinsky waited outside, even if it might have been a brief meeting?

A. Yes, I think maybe I went in. I just don't know—I was there for a very short time.

Q. Did you explain to Mr. Carter that you were seeking Ms. Lewinsky a job at the request of the President?

A. No, I did not, but I think he knew that.

Q. And why do you think he knew that?

A. I must have told him.

Q. So at some point, you believe that you told Mr. Carter that you were seeking Ms. Lewinsky a job at the request of the President?

A. I think I may have done that.

Q. Now, you have referred other clients to Mr. Carter during your course of practice here in Washington, D.C.?

A. Yes, I have.

Q. About how many have you referred to him?

A. Oh, I don't know. Maggie Williams is one client that I—I remember very definitely.

I like Frank Carter a lot. He's a very able young lawyer. He's a first-class person, a first-class lawyer, and he's one of my new acquaintances amongst lawyers in town, and I like being around him. We have lunch, and he's a friend.

Q. And is it true, though, that when you've referred other clients to Mr. Carter that you never personally delivered and presented that client to him in his office?

A. But I delivered Maggie Williams to him in my office. I had Maggie Williams to come to my office, and it was in my office that I introduced, uh, Maggie Williams to Mr. Carter, and she chose other counsel. I would have happily taken Maggie Williams to his office.

Q. But this is the only occasion that you took your Akin, Gump-chauffeured vehicle and delivered the client to Mr. Carter in his office?

A. It was.

Q. Now, we're not going to go through, probably to your relief, each day's phone calls, but is it safe to say that Ms. Lewinsky called you regularly, both keeping you posted on her interviews and contacts, but also asking you what you knew about her job desires?

A. That is correct.

Q. And it is also true that during this process, you kept the President informed?

A. That, too, is correct.

Q. And did the President ever give you any other instruction other than to find Ms. Lewinsky a job in New York?

A. I do not view the President as giving me instructions. The President is a friend of mine, and I don't believe friends instruct friends. Our friendship is one of parity and equality.

Q. Let me rephrase it, and that's—

A. Thank you.

Q. That's a fair comment that you certainly made.

Did you ever receive any other request from the President in reference to your dealing with Monica Lewinsky other than the request to find her a job in New York?

A. That is correct.

MR. HUTCHINSON: I've been informed that there's a few minutes left on the tape. Do you want to break?

THE VIDEOGRAPHER: Yes.

SENATOR THOMPSON: All right. Let's take a 5-minute break at this point.

Also, if it's not objectionable to anyone, let's move a little closer to 1 o'clock, after all, for lunch, if that's okay. We have a conference that that will coincide with a little better, but for right now, let's take a 5-minute break.

SENATOR DODD: Just before we do, just to make it—and the admonition about these—these—this matter being in—confidential.

SENATOR THOMPSON: Right.

SENATOR DODD: And I'm going to restate that over and over again today, so that people understand the rules under which we're operating here, and this is confidential and no one is to reveal anything they hear, except to the people that was listed in Senator Thompson's opening remarks.

SENATOR THOMPSON: Absolutely.

We'll be in recess.

THE VIDEOGRAPHER: This marks the end of Videotape Number 1 in the deposition of Vernon E. Jordan, Jr. We are going off the record at 11:35 a.m.

[Recess.]

THE VIDEOGRAPHER: This marks the beginning of Videotape Number 2 in the deposition of Vernon E. Jordan, Jr. We are going back on the record at 11:49 a.m.

SENATOR THOMPSON: All right, Mr. Hutchinson, and you have consumed an hour and 40 minutes.

MR. HUTCHINSON: Thank you, Senator Thompson.

BY MR. HUTCHINSON:

Q. Mr. Jordan, I was reminded that the last question I asked you received an answer that I didn't, at least, understand, so I'm going to reask that question, and the question that I had asked, I believe, was: Did you ever receive any other request from the President in reference to your dealings with Ms. Lewinsky other than the request to find her a job in New York? And I think your answer was: That's correct. And that confuses me a little bit, so let me rephrase the question.

Did you ever receive—not rephrase it, but restate the question. Did you ever receive any other request from the President in reference to your dealings with Monica Lewinsky other than the request to find her a job in New York?

A. I did not.

Q. Now, let me go to December 31, 1997, in reference to another issue that Ms. Lewinsky has testified about in her August grand jury appearance and in which you have not had the opportunity to discuss in detail.

Ms. Lewinsky has testified that she met you for breakfast at the Park Hyatt—

MR. HUNDLEY: Excuse me. I think you misspoke yourself. You said '97.

MR. HUTCHINSON: This is '97, right?

MR. HUNDLEY: It is? I apologize.

MR. HUTCHINSON: Okay. Thank you, Mr. Hundley. The years are confusing, but I believe this is December 31, 1997.

BY MR. HUTCHINSON:

Q. And Ms. Lewinsky has testified that she met you for breakfast at the Park Hyatt, and even specifically as to what she had for breakfast on that particular occasion when she met with you and as to the conversation that she had.

And I want to show you, in order to hopefully refresh your recollection, an exhibit which I'm going to mark as the next exhibit number, which will be 6, I believe?

SENATOR THOMPSON: Yes. What—

MR. HUTCHINSON: And it's in the binder as Exhibit 42. It is not there, but it is in the binder as Exhibit 42.

SENATOR THOMPSON: Let's take a moment so everyone can refer to that.

BY MR. HUTCHINSON:

Q. Have you located that, Mr. Jordan?

A. [Nodding head up and down.]

Q. And this receipt, is this a receipt for a charge that you had at the Park Hyatt on December 31st?

A. That's an American Express receipt for breakfast.

Q. And is the date December 31st?

A. That is correct.

Q. And does it reflect the items that were consumed at that breakfast?

A. It reflects the items that were paid for at that breakfast.

[Laughter.]

BY MR. HUTCHINSON:

Q. Does it appear to you that this is a breakfast for two people?

A. The price suggests that it was a breakfast for two people.

Q. All right. And the fact that there's two coffees, there is one omelet, one English muffin, one hot cereal, and can you identify from that what you ordinarily eat at breakfast?

A. What I ordinarily eat at breakfast varies. This morning, it was fish and grits.

Q. All right. Now, Ms. Lewinsky in her testimony, I think, referenced as to what she ate, which I believe would be confirmed in this record.

Do you recall a meeting with Ms. Lewinsky at the Park Hyatt on December 31st of—

A. If you—

Q. —1997?

A. If you would refer to my testimony before the grand jury when asked about a breakfast with Ms. Lewinsky on December 31st, I testified that I did not have breakfast with Ms. Lewinsky on December 31st because I did not remember having had breakfast with Ms. Lewinsky on December 31st. It was not on my calendar. It was New Year's Eve. I have breakfast at the Park Hyatt Hotel three or four times a week if I am in town, and so I really did not remember having breakfast with Ms. Lewinsky. And that's an honest statement, I did not remember, and I told that to the grand jury.

It is clear, based on the evidence here, that I was at the Park Hyatt on December 31st. So I do not deny, despite my testimony before the grand jury, that on December 31st that I was there with Ms. Lewinsky, but I did testify before the grand jury that I did not remember having a breakfast with her on that date, and that was the truth.

My recollection has subsequently been refreshed, and—and so it is—it is undeniable that there was a breakfast in my usual breakfast place, in the corner at the Park Hyatt. I'm there all the time.

Q. All right. And so—and that would be with Ms. Lewinsky?

A. Yes.

Q. And so the—so your memory has been refreshed, and I appreciate the statement that you just made.

Let me go to that meeting with her and ask whether during this occasion that you met her for breakfast that there was a discussion about Ms. Linda Tripp and Ms. Lewinsky's relationship with her and conversations with her.

A. I also testified in my grand jury testimony that I never heard the name "Linda Tripp" until such time that I saw the Drudge Report. I did not have a conversation with Ms. Lewinsky at the breakfast at the Park Hyatt Hotel on December 31st about Linda Tripp. I never heard the name "Linda Tripp," knew nothing about Linda Tripp until I read the Drudge Report.

Q. All right. And do you recall a discussion with Ms. Lewinsky at the Park Hyatt on this occasion in which there were notes discussed that she had written to the President?

A. I am certain that Ms. Lewinsky talked to me about notes.

Q. On this occasion?

A. Yes.

Q. And would these have been notes that she would have sent to the President?

A. I think that there was—these notes had to do with correspondence between Ms. Lewinsky and the President.

Q. And would have she mentioned the retention or copies of some of that correspondence on her computer in her apartment?

A. She may have done that.

Q. And did you ask her a question, were these notes from the President to you?

A. I understood from our conversation that she and the President had correspondence that went back and forth.

Q. And did you make a statement to her, "Go home and make sure they're not there"?

A. Mr. Hutchinson, I'm a lawyer and I'm a loyal friend, but I'm not a fool, and the notion that I would suggest to anybody that they destroy anything just defies anything that I know about myself. So the notion that I said to her go home and destroy notes is ridiculous.

Q. Well, I appreciate that reminder of ethical responsibilities. It was—

A. No, it had nothing to do with ethics, as much as it's just good common sense, mother wit. You remember that in the South.

Q. And so—and let me read a statement that she made to the grand jury on August 6th, 1998. This is the testimony of Ms. Lewinsky, referring to a conversation with you at the Park Hyatt that, "She," referring to Linda Tripp, "was my friend. I didn't really trust her. I used to trust her, but I didn't trust her anymore, and I was a little bit concerned because she had spent the night at my home a few times, and I thought—I told Mr. Jordan. I said, 'Well, maybe she's heard some'—you know, I mean, maybe she saw some notes lying around, and Mr. Jordan said, 'Notes from the President to you?,' and I said, 'No. Notes from me to the President,' and he said, 'Go home and make sure they're not there.'"

A. And, Mr. Hutchinson, I'm saying to you that I never heard the name "Linda Tripp" until I read the Judge—Drudge Report.

Secondly, let me say to you that I, too, have read Ms. Lewinsky's testimony about that breakfast, and I can say to you, without fear of contradiction on my part, maybe on her part, that the notion that I told her to go home and destroy notes is just out of the question.

Q. And so this is not a matter of you not recalling whether that occurred or not—

A. I am telling you—

Q. Well, let me—

A. —emphatically—

Q. Mr. Jordan, let me finish the question.

A. Okay, all right.

Q. Please, sir.

A. Okay.

Q. It's sort of important for the record.

This is a statement by Ms. Lewinsky that you flatly and categorically deny?

A. Absolutely.

Q. Now, you talked about "mother wit," I think it was; that you knew at the time that you had this discussion with Ms. Lewinsky that these notes would have been covered by the subpoena based upon your discussion of that on December 19th?

A. Ask that question again.

Q. All right. This is a meeting on December 31st at the Park Hyatt.

A. Right.

Q. A discussion about the notes, correspondence between Ms. Lewinsky and the President.

A. Right.

Q. You are aware, based upon your discussion of the subpoena on December 19th, that these were covered under the subpoena?

A. Yes.

Q. And did you tell Ms. Lewinsky that you need to make sure you tell your attorney, Mr. Carter, and that these are turned over under the subpoena?

A. What I did not tell her was to destroy the notes. Whether I told her to give them to Mr. Carter or not, I have no recollection of that.

Q. But you knew at the time that these notes were a matter of evidence?

A. I think that's a valid assumption.

Q. But you knew that?

A. It's a valid assumption.

Q. Now, during this meeting at the Park Hyatt, did Ms. Lewinsky also make it clear to you that she was in love with the President?

A. That, I had already concluded.

Q. And if Ms.—now, was there anything else at the Park Hyatt at this meeting on December 31st that you recall discussing with Ms. Lewinsky?

A. Job, work, in New York, in the private sector.

Q. And that was the—was this a meeting that was set up at her request or your request?

A. I'm certain it was at her request. I am fairly certain that I did not call Ms. Lewinsky and say will you join me at the Park Hyatt for breakfast on December 31st, on New Year's Eve.

Q. All right. And did you also talk about her situation under the subpoena and the fact that she was going to have to give testimony, it looked like?

A. I am not Ms. Lewinsky's lawyer, and I did not view it as my responsibility to give Ms. Lewinsky advice and counsel.

I had found her very able, competent counsel.

Q. Respectfully, I am simply asking whether that was discussed.

A. And I am simply saying to you, I did not provide her legal counsel.

Q. Okay. Was it discussed in—not in terms of legal representation, but in terms of Mr. Jordan to Monica Lewinsky about any emotional concerns she might have about pending testimony?

A. I have no recollection of talking to her about pending testimony.

Q. Fair enough. Now, let's go back to Mr. Carter's representation of Ms. Lewinsky that you referred to. Were you aware that Mr. Carter was preparing an affidavit for Ms. Lewinsky to sign in the Jones case?

A. Yes.

Q. And on or about the 6th or 7th of January, did you become aware that she in fact had signed the affidavit and that Mr. Carter had filed a motion to quash her subpoena in the case?

A. She told me that she had signed the affidavit.

Q. And did in fact Mr. Carter also relate to you that that had occurred?

A. Yes.

Q. And I think you made a statement in your March grand jury testimony that there was no reason for accountability, that he reassured me that he had things under control?

A. That is correct. I stand by that testimony.

Q. And now, if you would, look at the next exhibit, which is in that stapled bunch of exhibits that have been provided to you.

MR. HUTCHINSON: This will be Exhibit No. 7, we'll mark for your deposition.

And, Senator, did we put Exhibit No. 6 in?

SENATOR THOMPSON: No, we didn't.

MR. HUTCHINSON: I would like to offer that as an exhibit to this deposition.

SENATOR THOMPSON: It will be made a part of the record.

[Jordan Deposition Exhibit Nos. 6 and 7 marked for identification.]

[Witness perusing document.]

SENATOR DODD: That is Number 6?

MR. HUTCHINSON: Six. That's the Park Hyatt.

SENATOR DODD: Oh, that is going to be Number 6, the Park Hyatt, not the—

MR. HUTCHINSON: Yes.

SENATOR THOMPSON: Now, what is 7?

MR. HUTCHINSON: Now, 7 is the affidavit of Jane Doe Number 6, which in the—I think everybody has found that in the book.

SENATOR THOMPSON: What is the grand jury number?

MR. HUTCHINSON: It's 85, the grand jury number.

This will be Deposition Exhibit Number 7.

BY MR. HUTCHINSON:

Q. Now, Mr. Jordan, I think you're reviewing that.

This affidavit bears the signature on the last page of Monica S. Lewinsky, is that correct?

A. Yes.

Q. And have you ever seen this signed affidavit before?

A. I don't think so.

Q. Do you not recall that Ms. Lewinsky brought this in and showed it to you?

A. She may have.

Q. And I'd be glad to refresh you. I know that some of this—

A. Yeah, if it's in the testimony, Congressman.

Q. Page 192 of your previous grand jury testimony. Is it your recollection that she showed this to you in a meeting in your office after she had signed it?

A. I stand by that testimony.

Q. And so the date of that signature of Ms. Lewinsky, is that January 7?

A. January 7th, 1998.

Q. All right. Now, whenever she presented this signed affidavit to you, did you read it sufficiently to know that it stated that Ms. Lewinsky did not have a sexual relationship with the President?

A. I was aware that that was in the affidavit.

Q. And I believe you previously testified that you're a quick reader and you skimmed it and familiarized yourself with it?

A. Skimmed it.

Q. And prior to seeing the signed affidavit that she brought to you, the day after it was signed, was there a time that Ms. Lewinsky called you concerning the affidavit and said that she had some questions about the draft of the affidavit?

A. Yes. I do recollect her calling me and asking me about the affidavit, and I said to her that she should talk to the—talk to Frank Carter, her counsel, about the affidavit and not to me.

Q. And if I could go into, again, some areas that had not been previously asked to you, and since Ms. Lewinsky testified to the grand jury on August 6th.

Ms. Lewinsky has testified that she dropped a copy of the affidavit to you, and that you—and that you and she had a telephone conversation in which you discussed changes to the affidavit. Does this refresh your recollection, and do you agree with Ms. Lewinsky's recollection of a discussion on changes in the affidavit?

A. I do agree with the assumption—I mean, I do agree with the statement that Ms. Lewinsky dropped the affidavit off and called me up about the affidavit and was quite verbose about it, and I sort of listened and said to her, "You need to talk to Frank Carter."

She was not satisfied with that, and so she kept talking and I kept doodling and listening as she went on in sort of a, for lack of a better word, babble about this—about this thing, but it was not my job to advise her about an affidavit. I don't do affidavits.

Q. Now, if I may show you, which would be Exhibit—

MR. HUTCHINSON: First, let me go ahead and offer 7.

SENATOR THOMPSON: It's made a part of the record.

[Jordan Deposition Exhibit No. 7 received in evidence.]

MR. HUTCHINSON: It's part of the record.

And then go to Exhibit 8, which was marked as Exhibit 39 as your previous grand jury testimony.

[Jordan Deposition Exhibit No. 8 marked for identification.]

[Witness perusing document.]

BY MR. HUTCHINSON:

Q. Now, Exhibit 8 is a summary of telephone calls on January 6th, which would be the day before the affidavit was signed by Ms. Lewinsky on the 7th.

Now, you can reflect on that for a moment, but in reviewing these calls, it appears that Mr. Carter was paging Ms. Lewinsky early on in the day, 11:32 a.m., and then at 3:26, you had a telephone call with Mr. Carter for 6 minutes and 42 seconds.

And then there was—call number 6 was to Ms. Lewinsky, which was obviously a 24-second short call, and then a subsequent call for almost 6 minutes at 3:49 p.m. to Ms. Lewinsky.

Was this last call for 5 minutes to Ms. Lewinsky the call that you just referenced in which the draft affidavit was discussed?

A. I think that is correct. The 24-second call, I think, was voice mail.

Q. Was—was—pardon?

A. Voice mail.

Q. Certainly.

And subsequent to your conversation with Ms. Lewinsky for 5 minutes and 54 seconds, did you have two calls to Mr. Carter, which would be No. 9 and 10?

[Witness perusing document.]

THE WITNESS: Yes.

BY MR. HUTCHINSON:

Q. Do you know why you would have been calling Mr. Carter on three occasions, the day before the affidavit was signed?

A. Yeah. I—my recollection is—is that I was exchanging or sharing with Mr. Carter what had gone on, what she had asked me to do, what I refused to do, reaffirming to him that he was the lawyer and I was not the lawyer. I mean, it would be so presumptuous of me to try to advise Frank Carter as to how to practice law.

Q. Would you have been relating to Mr. Carter your conversations with Ms. Lewinsky?

A. I may have.

Q. And if Ms. Lewinsky expressed to you any concerns about the affidavit, would you have relayed those to Mr. Carter?

A. Yes.

Q. And if Mr. Carter was a good attorney that was concerned about the economics of law practice, he would have likely billed Ms. Lewinsky for some of those telephone calls?

A. You have to talk to Mr. Carter about his billing.

Q. It wouldn't surprise you if his billing did reflect a—a charge for a telephone conversation with Mr. Jordan?

A. Keep in mind that Mr. Carter spent most of his time in being a legal services lawyer. I think his concentration is primarily on service, rather than billing.

Q. But, again, based upon the conversations you had with him, which sounds like conversations of substance in reference to the affidavit, that it would be consistent with the practice of law if he charged for those conversations?

A. That's a question you'd have to ask Mr. Carter.

Q. They were conversations of substance with Mr. Carter concerning the affidavit?

A. And they were likely conversations about more than Ms. Lewinsky.

Q. But the answer was yes, that they were conversations of substance in reference to the affidavit?

A. Or at least a portion of them.

Q. In other words, other things might have been discussed?

A. Yes.

Q. In your conversation with Ms. Lewinsky prior to the affidavit being signed, did you in fact talk to her about both the job and her concerns about parts of the affidavit?

A. I have never in any conversation with Ms. Lewinsky talked to her about the job, on one hand, or job being interrelated with the conversation about the affidavit. The affidavit was over here. The job was over here.

Q. But the—in the same conversations, both her interest in a job and her discussions about the affidavit were contained in the same conversation?

A. As I said to you before, Counselor, she was always interested in the job.

Q. Okay. And she was always interested in the job, and so, if she brought up the affidavit, very likely it was in the same conversation?

A. No doubt.

Q. And that would be consistent with your previous grand jury testimony when you expressed that you talked to her both about the job and her concerns about parts of the affidavit?

A. That is correct.

Q. Now, on January 7th, the affidavit was signed. Subsequent to this, did you notify anyone in the White House that the affidavit in the Jones case had been signed by Ms. Lewinsky?

A. Yeah. I'm certain I told Betty Currie, and I'm fairly certain that I told the President.

Q. And why did you tell Betty Currie?

A. I'm—I kept them informed about everybody else that was—everything else. There was no reason not to tell them about that she had signed the affidavit.

Q. And why did you tell the President?

A. The President was obviously interested in her job search. We had talked about the affidavit. He knew that she had a lawyer. It was in the due course of a conversation. I would say, "Mr. President, she signed the affidavit. She signed the affidavit."

Q. And what was his response when you informed him that she had signed the affidavit?

A. "Thank you very much."

Q. All right. And would you also have been giving him a report on the status of the job search at the same time?

A. He may have asked about that, and—and part of her problem was that, you know, she was—there was a great deal of anxiety about the job. She wanted the job. She was unemployed, and she wanted to work.

Q. Now, I think you indicated that he was obviously concerned about—was it her representation and the affidavit?

A. I told him that I had found counsel for her, and I told him that she had signed the affidavit.

Q. Okay. You indicated that he was concerned, obviously, about something. What was he obviously concerned about in your conversations with him?

A. Throughout, he had been concerned about her getting employment in New York, period.

Q. And he was also concerned about the affidavit?

A. I don't know that that was concern. I did tell him that the affidavit was signed. He knew that she had counsel, and he knew that I had arranged the counsel.

Q. Do you know whether or not the President of the United States ever talked to her counsel, Mr. Carter?

A. I have—I have no knowledge of that.

Q. Did you ever relate to Mr. Carter that you were having discussions with the President concerning his representation of Ms. Lewinsky and whether she had signed the affidavit?

A. I don't know whether I told him that she had—he had—I don't know whether I told Mr. Carter that I told the President he had signed the affidavit. It is—it is not beyond reasonableness.

Q. Now let's go on. After the affidavit was signed, were you ultimately successful in obtaining Ms. Lewinsky a job?

A. Yes.

Q. And in fact, the day after Ms. Lewinsky signed the affidavit, you placed a personal call to Mr. Ron Perelman of Revlon, encouraging him to take a second look at Ms. Lewinsky?

A. That is correct, based on the fact that Ms. Lewinsky thought that her interview had not gone well, when in fact it had gone well.

Q. Okay. And in fact, Ms. Lewinsky had called you on a couple of occasions after the interview and finally got a hold of you and told you she thought the interview went poorly?

A. That's correct.

Q. And as a response to that information, you did not call Mr. Halperin back, who you had previously talked to about the issue, but you called Mr. Perelman?

A. That's right.

Q. Was there a reason that you called Mr. Perelman in contrast to Mr. Halperin?

A. Well, the same reason I would have called you about a committee if you were chairman of it, as opposed to calling to a member of the committee.

Q. All right. You wanted to go to the top?

A. When it's necessary.

Q. And I remember a phrase you used. I might not have it exactly right, but you don't get any richer or more powerful than Mr. Perelman?

A. Certainly not much richer.

Q. Okay. And—and so you had a conversation with Mr. Perelman, and did you tell him something like, make it happen if it can happen?

A. I said, "This young lady"—I mean, I think I said, "This young lady has been interviewed. She thinks it did not go well. Would you look into it?"

Q. And what was his response?

A. That he would look into it.

Q. Now I'd like to show you the next exhibit, and before I do that, I would go back and offer Number 7.

SENATOR THOMPSON: Seven is the last. This would be Number 8 that you—that you have been discussing. The compilation of the telephone call record?

MR. HUTCHINSON: Yes.

MR. KENDALL: I object. Same ground as before. It's not best evidence. We don't know who compiled these. These are not primary records.

SENATOR THOMPSON: Mr. Jordan has verified several of these items, but I do notice there are some items here that do not have to do with Mr. Jordan, that we could not expect him to be able to verify.

So I would ask counsel, if he needs to identify any more of these conversations and use this to reflect Mr. Jordan's memory, he's free to do so, but as an exhibit, I think the objection is probably well taken.

MR. HUTCHINSON: Let me just state, Senator, that this is a compilation of calls based upon the records that have been in the Senate record, and this has been—this compilation has been in there some time.

Now, I, quite frankly, understand the objection, and it might have meritorious if this was being introduced into evidence in the actual trial, and so I would suggest perhaps, since he's identified most of the calls already, that this could be referenced as a deposition exhibit because he's referred to it and that's helpful, without—obviously, there might in a more—it might not be entered into evidence as such.

SENATOR THOMPSON: Could I ask you if it's been in the record as a compilation?

MR. HUTCHINSON: Yes, it has.

SENATOR THOMPSON: In this form? I notice that it has a grand jury—

MR. HUTCHINSON: It's—Senator, it's Volume III of the Senate record, page 161, and so it's all in there, anyway.

SENATOR THOMPSON: I notice in the record here, counsel is informing me that it is in the record, but there are several redactions. Is that correct?

MR. HUTCHINSON: That is correct, and for that reason—in fact, a number of these summaries are not redacted in our form and they're redacted in the record, and we'd like to have the opportunity to redact it in the form of taking out the personal telephone numbers.

MR. KENDALL: Senator Thompson, if I may be heard, my objection is—to this is a summary. We don't know who did it. We don't know what it's based on.

The witness has testified, and his testimony is in the record, so far as his recollection is refreshed.

I have no objection to original phone records, but I do object to the summary.

SENATOR THOMPSON: Counsel, could I suggest that maybe you just make a reference specifically to where it is in the existing record? I think it would serve your same purpose and to keep you from having—

MR. HUTCHINSON: Sure.

SENATOR THOMPSON: —to go through and redact everything. Would that be satisfactory?

MR. HUTCHINSON: I think that would be satisfactory, and what I can do is that I can withdraw this exhibit and reference in the transcript of this deposition that the exhibit is found in Table 35 of Senate record, Volume III, at page 161.

SENATOR DODD: Let me just ask the House Manager, if I can as well. Are these from the Senate record? I'm told that some of these are not from the Senate record, and we're kind of confined to the Senate record, as I understand it.

MR. HUTCHINSON: Well, other than the redactions, this summary itself is in the Senate record.

SENATOR THOMPSON: Yes.

Counsel informs me, it's already in. It refers to evidentiary record Volume IV.

MS. BOGART: Is it IV or III?

SENATOR THOMPSON: It says IV here, Part 2 of—Part 2 of 3.

So, for the record, this would be pages 1884 and 1885 of the evidentiary record, Volume IV, Part 2 of 3, all right?

MR. HUTCHINSON: Thank you.

SENATOR THOMPSON: All right. So the record will be—the objection will be sustained, and reference has been made.

SENATOR DODD: And can we just—because I presume you may have more of these coming along, and it seems to me you might want to have staff or others begin to work so we don't go through this every time, particularly with the unredacted material that may be included in here, which is not part of the Senate record.

The unredacted information comes out of the House record, as I understand, and that is a distinction.

MR. HUNDLEY: I would just add that Mr. Jordan—the last 3 days of his grand jury testimony, they asked him about every phone call, and if you want to use those, you know, go to his grand jury testimony, you know, I think it would move things along.

There isn't a phone call. We produced like a telephone book of phone calls that Mr. Jordan made, and they called them all out, after they got through asking about who's that, who's that and who's the—you've got a pretty good record of calls that might have some relevance in this.

SENATOR THOMPSON: All right, sir. All right.

SENATOR DODD: Let me also just suggest on the earlier—Senator Thompson, in the earlier objection raised by Counsel Kendall, sustained the objection, but had made reference to the fact that since this material had been brought into the record that those—if any documentation is included there, that we—we do use the Senate documents with the redacted information, rather than the House records for the purposes of this deposition.

SENATOR THOMPSON: All right, sir.

MR. HUTCHINSON: Thank you.

SENATOR THOMPSON: Proceed.

BY MR. HUTCHINSON:

Q. And I will handle it this way, Mr. Jordan, and let me say that I was sort of constructing my questioning, so as not to get bogged down in an extraordinary number of telephone calls, but let me go to the chart in front of you which is Grand Jury Exhibit 44, which is marked for our purposes as Exhibit 9 for identification purposes.

[Jordan Deposition Exhibit No. 9 marked for identification.]

[Witness perusing document.]

BY MR. HUTCHINSON:

Q. And I'm going to—I'd like for you to refer that—refer you to that for purposes of putting this particular day, January 8th, in context and asking you some questions about some of those telephone calls.

SENATOR THOMPSON: I'm sorry. What was the question? Are you making reference for identification purposes?

MR. HUTCHINSON: Yes. This is Exhibit 9, which is Grand Jury Exhibit 44.

SENATOR THOMPSON: All right, for identification purposes.

MR. HUTCHINSON: Yes.

SENATOR THOMPSON: All right.

BY MR. HUTCHINSON:

Q. Now, this is the day, January 8th, which is the day that Ms. Lewinsky felt like she had a poor job interview. Does this reflect calls from the Peter Strauss residence to your office?

A. I see a call number 3, 11:50 a.m., Peter Strauss residence. The number is here to my office.

Q. All right.

A. And it says length of call, one minute.

Q. All right. And, in fact, calls 3, 4 and 5 and 9 are calls from the Peter Strauss residence to your office?

A. That is correct.

Q. And Peter Strauss is the residence in which Ms. Lewinsky was staying while in New York?

A. I just know that Peter Strauss, my old friend, is Monica Lewinsky's stepfather.

MR. HUNDLEY: But he wasn't there.

THE WITNESS: You know, where she was and all of that, I don't know. I'm just—

BY MR. HUTCHINSON:

Q. You received calls from Ms. Lewinsky on this particular day?

A. From this number, according to this piece of paper.

Q. And does this time reference coincide with your recollection as to when you received calls from Ms. Lewinsky on this particular day?

A. Yes.

Q. And during these calls is when she related the difficulty of the job interview; is that correct?

A. I believe so—that it had not gone well.

Q. All right. And then, subsequently, you put in a call to Mr. Perelman at Revlon?

A. Yes.

Q. And that was to encourage him to take a second look. Is that call number 6 on this summary?

A. Call number 6; it lasted one minute and 42 seconds.

Q. And is that the call that you placed to Mr. Perelman?

A. I believe that is correct.

Q. And this was subsequent to the calls that you received from Ms. Lewinsky?

A. That is correct.

Q. And then you let Ms. Lewinsky know that you had called Mr. Perelman; and do you recall what you would have told her at that time?

A. I think I told her that I had spoken with, uh—with, uh, Mr. Perelman, the chairman, and that I was hopeful that things would work out.

Q. All right. And, in fact, they did work out because the next day you were informed that a temporary job—or a preliminary job offer had been made to Ms. Lewinsky?

A. That's right.

Q. So she was able to secure the job based upon your call to Mr. Perelman?

A. Based upon my call, from the time that I called Halperin through to Mr. Perelman.

Q. All right.

A. I take credit for that.

Q. All right. Now, in fact, you've used terms like "the Jordan magic worked"?

A. It—it has from time to time.

Q. And it did on this occasion?

A. I believe so.

Q. And then, you also informed Ms. Betty Currie that the mission was accomplished?

A. Yes.

Q. And after securing the job for Ms. Lewinsky, you did inform Betty Currie of that fact?

A. And the President.

Q. All right. And was the purpose of letting Betty Currie know so that she could tell the President?

A. She saw the President much more often that I did.

Q. And—but you wanted to inform the President personally that you were successful in getting Ms. Lewinsky a job?

A. Yes.

Q. And you did that, uh—was it on the—what, the day after she secured the job or the day—the day that she secured the job?

A. I don't know the answer to that.

Q. Well, shortly thereafter is it fair to say that you informed the President personally?

A. I certainly told him.

Q. All right. Now, at this point, you had successfully obtained a job for Ms. Lewinsky at the request of the President, and you had been successful in obtaining an attorney for Ms. Lewinsky. Did you see your responsibilities in regard to Ms. Lewinsky as continuing or completed?

A. I don't know, uh, that I saw them as, uh, necessary completed. There is—as you know from your own experience in helping young people with work, there tends to be some sense of responsibility to follow through, that they get to work on time, that they work hard, and that they succeed. So I don't think that I felt that my responsibility had terminated. I felt like I had a continuing responsibility to just make sure that it happened and that she—that it worked out all right. But I don't think I acted on that responsibility.

Q. Well, this is—the job was completed—I believe it was January 8th when she secured the job?

A. That was the day that I called Ronald Perelman.

Q. Okay, so it would have been the 9th that she would have been informed that she had the job.

A. That's right.

Q. So this is the 9th of January, and that mission had been accomplished. Now, I want you to recall your testimony of May 28th before the grand jury in which the question was asked to you—and this is at page 81; the question begins at the bottom of page 80.

Question: "When you introduced Monica Lewinsky to Frank Carter on December 22, 1997, what further involvement did you expect to have with Monica Lewinsky and Frank Carter?"

Answer: "Beyond getting her the job, I thought it was finished, done"—and what's that last word you used?

A. "Fini."

Q. "Fini." And so that was the basis on the question, was your previous testimony that after you got Ms. Lewinsky a job and after you secured her attorney, there was really no other need for involvement or continued meetings with her?

A. That is correct. That does not mean, on the other hand, that, uh, if you go to a meeting at the board, that you don't stop in and see how—how people are doing. In this circumstance, that process was short-circuited very quickly.

Q. I'm sorry?

A. She never ended up working there. You—you—you do remember that.

Q. Now, but you had described your frequent telephone calls from Ms. Lewinsky as being bordering on annoyance, I think. Is that a fair characterization?

A. That's a fair characterization.

Q. And you're a busy man. You stopped billing at $450 an hour. You're having calls from Ms. Lewinsky. Were you glad at this point to have this "bordering on annoyance" situation completed?

A. "Glad" is probably the wrong word. "Relieved" is maybe a better word.

Q. All right. Now, during the time that you were helping Ms. Lewinsky secure a job, this was widely known at the White House, is that correct?

A. I—I don't know the extent to which it was widely known. I dealt with Ms. Currie and with the President.

Q. In fact, Ms. Cheryl Mills, sitting here at counsel table, knew that you were helping Ms. Lewinsky?

A. I believe that's true.

Q. And Betty Currie knew that you were helping Ms. Lewinsky?

A. Yes.

Q. The President knew it?

A. Yes.

Q. And you presumed that Bruce Lindsey knew it?

A. I presumed that. That's a very small number, given the number of people who work at the White House.

Q. Now, after that December 19 meeting—and I'm backtracking a little bit—the meeting that you had with Ms. Lewinsky in which she covered with you the fact that she had been subpoenaed, after that, you had numerous conversations with Ms. Betty Currie; is that correct?

A. I'm not sure I had numerous conversations with Ms. Betty Currie, but I have always during this administration been in touch with Ms. Currie.

Q. And during those conversations with Ms. Betty Currie, did you let her know that Ms. Lewinsky had been subpoenaed?

A. I think I've testified to that.

Q. All right, and so would that have been fairly shortly after the meeting on December 19th with Ms. Lewinsky that you notified Betty Currie that Ms. Lewinsky had in fact been subpoenaed?

A. I—I think that's safe to say, Counselor.

MR. HUTCHINSON: Senator, I—this would be a good time for a break, if that would meet with your approval, for lunch.

SENATOR THOMPSON: All right, sir.

MR. HUTCHINSON: And I'm—it's hard to estimate, and you probably don't trust lawyers when they tell you how long it's going to take after lunch, but—

SENATOR THOMPSON: Try your best. Do you want to make an estimate, or you'd rather not?

MR. HUTCHINSON: Oh, I think it would be less than an hour that I would have remaining, and most likely much shorter than that.

SENATOR THOMPSON: All right, sir.

THE WITNESS: May I make a suggestion? It's 25 minutes to 1. Do you want to go to 1 o'clock?

MR. HUTCHINSON: I think a break would be helpful.

THE WITNESS: To you or to me?

[Laughter.]

SENATOR THOMPSON: I think some of us have some scheduling issues, and I do understand that, so I'm open to any suggestions, Senator Dodd or anyone else, as to how long we want to take. Yesterday, they took an hour. I'm not—we have a conference and I could use a little extra time, I suppose, in addition to the hour, but it's not of major concern to me.

I assume you want to get back as soon as possible.

THE WITNESS: I'm prepared to forgo lunch and stay here as long as need be so we can finish. And we don't have to have lunch; we can just keep going, if it's all right with counsel.

SENATOR THOMPSON: Well, we've got some scheduling issues that we are going to have to take care of. So let's just make it—let's just make it—

SENATOR DODD: That clock is a little fast, I think.

SENATOR THOMPSON: Is it?

SENATOR DODD: Is that right? It's about 12:30?

THE VIDEOGRAPHER: It's 12:35.

SENATOR DODD: So an hour and 15 minutes. Is that—

SENATOR THOMPSON: What about—what about—let's come back at 1:45. That will be about, what—that's an hour and 10 minutes, isn't it, or 8 minutes, something like that?

All right. Without objection, then—

SERGEANT-AT-ARMS: Senator, we have lunch outside here. It's sandwiches—

SENATOR DODD: Can we go off the record?

SENATOR THOMPSON: Are we off the record? Let's go off the record.

THE VIDEOGRAPHER: We're going off the record now at 12:33 p.m.

[Whereupon, at 12:33 p.m., a luncheon recess was taken.]

AFTERNOON SESSION

THE VIDEOGRAPHER: We are going back on the record at 1349 hours.

SENATOR THOMPSON: All right. Mr. Hutchinson?

MR. HUTCHINSON: Thank you, Senators.

DIRECT EXAMINATION BY HOUSE MANAGERS—RESUMED

BY MR. HUTCHINSON:

Q. Mr. Jordan, good afternoon.

A. Good afternoon.

Q. You testified very clearly earlier today that you were a close friend of the President. Would you also describe yourself as a friend of Mr. Kendall, sitting to my left, one of the attorneys for the President?

A. Not only is Mr. Kendall my friend, Mr. Kendall has, unfortunately, the distinction of graduating from Wabash College, a little, small town in Indiana, and I'm a graduate of DePauw University, and we have a 100-year rivalry. And Mr. Kendall and I bet.

Mr. Hutchinson, I am pleased to tell you that Mr. Kendall is in debt to me for 2 years because DePauw—

MR. KENDALL: May I object?

[Laughter.]

THE WITNESS: —because DePauw University has defeated Wabash College two times in succession. And so, yes, we are very good friends. I have great respect for him as a person, as a lawyer, and despite his undergraduate degree from Wabash, I respect his intellect.

BY MR. HUTCHINSON:

Q. May I assume from that answer that the answer to my question is yes?

A. The answer—the answer to your question is, indubitably, yes.

Q. Now I am going to ask another question in similar vein. You can answer yes or no. Do you consider yourself a friend of Cheryl Mills?

A. That requires more than just a "yes" answer.

Q. I do not want to shortchange her, but I know that—in fact, I think you might have, to a certain extent, mentored her. Is that a fair description?

A. And vice versa.

Q. All right. And Bruce Lindsey, is he also a friend of yours?

A. Yes.

Q. Now—so when was the last time that you met with any member of the President's defense team?

A. I have not had a meeting with a member of the President's defense team. They were right nextdoor to me just a few minutes ago, and we said hello, but we have not had a meeting. And maybe if you'd tell me about what, I can be more specific.

Q. Well—and that's a good point. Certainly, we're lawyers, and we have casual conversations, and we visit and we exchange pleasantries, and that's the way life should be.

I guess I was more specifically going to the question as to whether you have discussed with the President's defense team any matter of substance relating to the present proceedings in the United States Senate.

A. Any matter of substance relating to these proceedings here in the United States Senate have been handled very ably by my lawyer, Mr. William Hundley.

Q. And I understand that, but my question is—despite your able representation by Mr. Hundley—my question is—is whether you had any meetings or discussions with the President's defense team in regard to these proceedings.

A. The answer is no.

Q. Thank you.

And has anyone briefed you other than your attorney, Mr. Hundley, on yesterday's deposition of Ms. Lewinsky?

A. The answer is no.

Q. Now, you know Greg Craig?

A. I do know Greg Craig.

Q. And he's a member of the President's defense team as well?

A. Yes.

Q. And you have not had any meetings of substance with him in regard to the present proceedings?

A. I have not.

Q. And have you had any meetings with any of the President's defense team in regard to not just the present proceedings, but prior proceedings related to your testimony before the grand jury or the investigation by the OIC?

A. I have had conversations with the President's lawyer, Mr. Bennett, and a conversation or two with Mr. Kendall on the issue of settlement of the Paula Jones case, and I believe I testified to that before the grand jury.

Q. All right. Thank you, Mr. Jordan, and now let me move to another area.

Do you recall an occasion in which Ms. Betty Currie came to see you in your office a few days before the President's deposition in the Jones case on January 17th?

A. Yes, I do.

Q. And I believe you have previously indicated that it was on a Thursday or Friday, which would have been around the 15th or 16th?

A. Yeah. I've testified to that specifically as to the date in my grand jury testimony, and I stand on that testimony.

Q. Certainly. But in general fashion, it would have been a couple of days before the President's testimony on January 17th?

A. I believe that is correct, sir.

Q. And did—was this meeting with Betty Currie originated by a telephone call with Ms. Betty Currie?

A. Ms. Currie called me.

Q. And did she explain to you why she needed to see you?

A. Yes, she did.

Q. And was that that she had a call from Michael Isikoff of Newsweek magazine?

A. That is correct.

Q. And what did she say about that that caused her to call you?

A. She had said that Mr. Isikoff had called her and wanted to interview her, having something to do with Monica Lewinsky, and I said to her, why don't you come to see me.

Q. And why did you ask her to come see you, rather than just talking to her about it over the telephone?

A. I felt more comfortable doing that, and I think she felt comfortable or more comfortable doing that, rather than doing it on the telephone. And so I asked her to come to my office, and she did.

Q. Did you consider—or did she seem upset at the time that she called?

A. I think she was concerned.

Q. And as—you did in fact meet with her in your office?

A. I did.

Q. And what did she relate to you in your office?

A. That Michael Isikoff was a friend of hers, and that Michael Isikoff had called to—pursuant to a story that he was about to write having to do with Ms. Lewinsky, and she—she was concerned about what to do. And I suggested to her that she talk to Bruce Lindsey and to Mike McCurry as to what she should do, Bruce Lindsey on the legal side and Mike McCurry on the communications side.

Q. Did she explain to you what it was specifically that Mr. Isikoff was inquiring about in reference to Ms. Lewinsky?

A. No. I don't remember the exact nature of Isikoff's inquiry. What I do remember is that Isikoff, a Newsweek magazine reporter, had called and was making these inquiries, and she was at a loss as to where to turn or to what to do, and I think that stemmed from the fact of some White House policy saying that before you talk to anybody in the media, you check it out.

Q. And did she explain to you that she had already seen Bruce Lindsey about it before she came to see you?

A. She did not.

Q. And so you were basically telling her to see Bruce Lindsey, and if she had already seen that, then that might have not been that helpful?

A. I don't know whether I was being helpful or not. I responded to her, and I gave her the advice to call Bruce Lindsey and to call Mike McCurry.

Q. Let me refer you to the testimony of Ms. Betty Currie, and perhaps that will help refresh you, and if not, perhaps you can respond to it.

A. Sure.

Q. And for reference purposes, I'm referring to the grand jury testimony of Ms. Betty Currie on May 6th, 1998, at page 122.

MR. HUTCHINSON: Is there a way I—

MR. HUNDLEY: We don't have that. If you want to—if you want us to read along or just—

THE WITNESS: Wait a minute. I might have it right here. What page?

MR. HUTCHINSON: What's the exhibit number?

MR. HUNDLEY: How long is it, Mr. Hutchinson?

MR. HUTCHINSON: This would just be some short question-and-answers.

MR. HUNDLEY: Why don't you just read it? We don't—go ahead.

THE WITNESS: Oh, fine.

BY MR. HUTCHINSON:

Q. I'm going to read it, and if there's—it's at page 122, but this just puts it in context.

The question: "Ms. Currie, if I'm not mistaken, if I could ask you a couple of questions. When you found out Mr. Isikoff was curious about the courier receipts, you were concerned enough to go visit Vernon Jordan?"

The answer is: "Correct."

And I'm skipping on down. I'm trying to point to a couple of things that are of interest.

And question: "And you went to Bruce Lindsey because you said you knew that he was working on the matter?"

And question: "What did Bruce tell you after you told him this?"

And answer: "He told me not to call him back, referring to Mr. Isikoff, make him work for the story. I remember that."

And then she refers to going to see Mr. Jordan.

Why did you tell him, or, "Why did you call Mr. Jordan?"

Answer: "Because I had a comfort level with Vernon, and I wanted to see what he had to say about it."

MR. KENDALL: Counsel, excuse me. I object to your reading of that, but my understanding that the conversation with Bruce Lindsey occurred later. Are you representing that it occurred before the visit to Mr. Jordan? I don't have the transcript in front of me.

MR. HUTCHINSON: Well, I'm—I'm not making a representation one way or the other. I'm just representing what Ms. Currie testified to, and that is the context of it, that the visit to Mr. Lindsey was prior to going to see Mr. Jordan. And that is at page 122 through 130 of Betty Currie's transcript of May 6th, 1998.

BY MR. HUTCHINSON:

Q. But the first question, Mr. Jordan, is that she refers to courier receipts. I believe that was referring to courier records of gifts from Ms. Lewinsky to the President.

Did Ms. Currie come to you and say specifically that Mr. Isikoff was inquiring about courier records on gifts from Ms. Lewinsky to the President?

A. I have no recollection of her telling me about the specific inquiry that Isikoff was making. The issue for her was whether or not she should see him, and I said to her, before she made any decision about that, that she should talk to these two particular people on the White House staff.

Q. Well, again, if Ms. Currie refers to the courier receipts on gifts, would that be in conflict in any way with your recollection as to what Mr. Isikoff was inquiring about, what Ms. Currie told you?

A. I stand on what I've just said to you.

Q. Now, you followed this case, and, of course—

SENATOR THOMPSON: While we're on that subject, does counsel need any additional time to look over that? I don't want to leave an objection on the record. If you feel like you need to press it—

SENATOR DODD: Do you have a copy of the document?

MR. KENDALL: Senator Thompson, we don't have the full copy of the Currie transcript. This was not—

SENATOR THOMPSON: Why don't we reserve this, then, and you can be looking at it, and then we'll—we'll take it up a little later.

MR. KENDALL: We're still actually missing some pages of the transcript. I don't know if somebody has that.

SENATOR DODD: Why don't you see if you can't get them for them?

SENATOR THOMPSON: Okay.

SENATOR DODD: All right?

SENATOR THOMPSON: We'll let them be doing that, if that's okay with everyone and—

SENATOR DODD: And you'll withdraw your objection as of right now, or—

MR. KENDALL: Yes. I'll withdraw it until I can scrutinize the pages, but I may then renew it.

SENATOR THOMPSON: All right, sir.

BY MR. HUTCHINSON:

Q. On—there's been some testimony in this case by Ms. Lewinsky that on December 28th, there was a gift exchange with the President; that subsequent to that, Ms. Currie went out and picked up gifts from Ms. Lewinsky, and she put those gifts under Ms. Currie's bed. Are you familiar with that basic scenario?

A. I read about it and heard about it. I do not know that because that was told to me by Ms. Lewinsky or by Ms. Currie.

Q. Certainly, and I'm just setting that forth as a backdrop for my questioning.

Now, you know, I guess it's—it might be difficult to understand a great deal of concern about a news media call, but if that news media call was about gifts or evidence that was in fact under Ms. Currie's bed or involved in that exchange, then that would be a little heightened concern.

A. Yes.

Q. Would that seem fair?

A. I do not, as I've said to you, know specifically the nature of Mr. Isikoff's inquiry to Ms. Currie, and I know nothing at that particular time about Mr. Isikoff making an inquiry about gifts under the bed.

Q. All right. I refer you to your grand jury testimony of March 5, 1998, at page 73, when the question was asked of you about Ms. Currie's visit to you, "What exactly did she tell you?" and your answer: "She told me that she had a call from Isikoff from Newsweek magazine, who was calling to make inquiries about Monica Lewinsky and some taped conversations, and I said you have to talk to Mike McCurry and you have to talk to Bruce Lindsey."

And so, despite your statement today that you have no recollection as to what she told you, going back to your March testimony, you referred to her relating Isikoff inquiring about taped conversations.

A. And that's what it says, "taped conversations," and I stand by that.

What was taped, I don't know.

Q. Well, I don't think you previously today mentioned taped conversations.

MR. HUNDLEY: Well, I don't really think your question would have called for that response, but I'm not going to object.

MR. HUTCHINSON: Thank you, Mr. Hundley.

BY MR. HUTCHINSON:

Q. I'm trying to get to the heart of the matter. Ms. Currie is concerned enough that she leaves the White House and goes to see Mr. Vernon Jordan, and she raises an issue with you and, according to your testimony, you told her simply, you need to go see Mike McCurry or Bruce Lindsey.

A. That is correct.

Q. And it's your testimony that she never raised with you any issue concerning the—Mr. Isikoff inquiring about gifts and records of gifts by Ms. Lewinsky?

A. I stand by what I—what you just read to me about—from my testimony about tapes conversations. I have no recollection about gifts or gifts under the bed.

Q. Okay. Are you saying it did not happen, or you have no recollection?

A. I certainly have no recollection of it.

Q. Well, do you have a specific recollection that it did not happen, that she never raised the issue of gifts with you?

A. It is my judgment that it did not happen.

Q. Did she seem satisfied with your advice to go see Mr. Bruce Lindsey, who she presumably had already seen?

A. I assumed that she took my advice.

Q. Did she discuss in any way with you the incident on December 28th when she retrieved the gifts—

A. She did not.

Q. —from Ms. Lewinsky?

A. She did not.

Q. Now, a few days later, the President of the United States testified before the grand jury in the—excuse me—testified in his deposition in the Jones case.

After the President's deposition, did he have a conversation with you on that day?

A. Yes. I'm sure we talked.

Q. And then, on the next day, and without getting into the entire record of telephone calls, there was, is it fair to say, a flurry of telephone calls in which everyone was trying to locate Ms. Monica Lewinsky?

A. The next day being which day?

Q. The next day would have been—well, January 18th.

A. That's Sunday.

Q. Correct.

MR. HUNDLEY: I think it's the 19th.

THE WITNESS: I think it's the 19th when there was a flurry of calls.

MR. HUTCHINSON: I think you're absolutely correct.

THE WITNESS: We'll be glad to be helpful to you in any way we can.

MR. HUNDLEY: We're even now. I was wrong on one. You were wrong.

MR. HUTCHINSON: That's fair enough, fair enough.

BY MR. HUTCHINSON:

Q. And on the 19th—of course, the 18th is in the record where the President visited with Ms. Betty Currie at the White House—on the 19th, which would have been Monday, was there on that day a flurry of activity in which there were numerous telephone calls, trying to locate Monica Lewinsky?

A. Yes. And you have a record of those telephone calls, and those telephone calls, Congressman, were driven by two events—first, the Drudge Report; and later in the afternoon, driven by the fact that, uh, I had been informed by Frank Carter, counsel to Ms. Lewinsky, that he had been relieved of his responsibilities as her counsel. And that is the basis for these numerous telephone calls.

Q. And you yourself were engaged in some of those telephone calls trying to locate Ms. Lewinsky?

A. Oh, yes, to ask her—I mean, I had just found out that she had been involved in these conversations with this person called Linda Tripp, and that was of some curiosity and concern to me.

Q. And you had heard Ms. Tripp's name previously on December 31st at the Park Hyatt?

A. I've testified already that I never heard the name "Linda Tripp" until I saw the Drudge Report. I did not testify that I heard the name "Linda Tripp" on December 31st.

Q. So the first time you heard Ms. Tripp's name was on January 19th when the Drudge Report came out?

A. That is correct.

Q. And you had already secured a—

A. The 18th, I believe it was.

MR. HUNDLEY: Eighteenth.

THE WITNESS: Not the 19th.

BY MR. HUTCHINSON:

Q. Thank you.

You had already secured a job for Ms. Lewinsky?

A. That is correct.

Q. And you—

A. Found a lawyer.

Q. And a lawyer. And, as you had said at one point, job finished—fini. Why is it that you felt like you needed to join in the search for Ms. Lewinsky?

A. If you had been sitting where I was, and all of a sudden you found out, after getting her a job and after getting her a lawyer, that there's a report that says that she's been—she's been taped by some person named Linda Tripp, I think just, mother wit, common sense, judgment, would have suggested that you would be interested in what that was about.

Q. And were you trying to provide assistance to the President of the United States in trying to locate Ms. Lewinsky?

A. I was not trying to help the President of the United States. At that point, I was trying to satisfy myself as to what had gone on with this person for whom I had gotten both a job and a lawyer.

Q. Now, subsequent to this, you felt it necessary to make a public statement on January 22 in front of the Park Hyatt Hotel?

A. I did make a public statement on January 22nd at the Park Hyatt Hotel.

Q. And what was the reason that you gave this public statement?

A. I gave the public statement because I was being rebuked and scorned and talked about, sure as you're born, and I felt some need to explain to the public what had happened.

MR. HUTCHINSON: All right. And I have a copy of that public statement that is marked as Grand Jury Exhibit 87, but we will mark it as Exhibit—

SENATOR THOMPSON: Seven, I believe.

SENATOR DODD: We've gone through 9, haven't we? You're marking it. If you're only marking it, I think we—

SENATOR THOMPSON: We have six exhibits, didn't we?

SENATOR DODD: We've done more than that, haven't we?

MR. HUTCHINSON: I have nine.

SENATOR DODD: Nine. Did you enter 9, or did you just note it?

SENATOR THOMPSON: Six were entered, two were sustained, I think.

MS. MILLS: I have seven.

SENATOR DODD: Nine, you have here, but we didn't—I don't know if you—you don't have 9 as an exhibit, or just noted?

MR. GRIFFITH: Nine was Grand Jury 44.

MR. HUTCHINSON: We just noted it, I believe.

SENATOR DODD: You didn't ask that it be entered in the record?

MR. HUTCHINSON: I believe that's correct.

SENATOR DODD: Yes.

SENATOR THOMPSON: How about those we sustained objections to? That doesn't count.

SENATOR DODD: Well, they're still marked.

SENATOR THOMPSON: They were marked?

SENATOR DODD: So which one should this be? Ten?

SENATOR THOMPSON: This will be 10?

SENATOR DODD: This is 10, then.

MR. HUTCHINSON: All right, Number 10.

[Jordan Deposition Exhibit No. 10 marked for identification.]

BY MR. HUTCHINSON:

Q. Do you have a copy of that, Mr. Jordan?

A. I have a copy of it. Thank you.

Q. Thank you. Now, prior to making this public statement, did you consult with the President's attorney, Mr. Bob Bennett?

A. I did not, not about this statement.

Q. Did you consult with the President's attorney, Mr. Bob Bennett?

A. I did not consult with him. Mr. Bennett came to my office and met with me and my attorney, Mr. Hundley, in my office.

Q. All right. And that was sometime prior to making this statement?

A. That is correct.

Q. And it would be—and it would have been between the 19th and the 22nd?

A. That is correct.

Q. It would have been after all of the public issues—

A. It was after—

Q. —came up?

A. —I returned from Washington, and it may have been—from New York—and it may have been, I think, Wednesday afternoon.

Q. Now, in this statement, you indicated that you referred Ms. Lewinsky for interviews at American Express and at Revlon.

A. That is correct, and Young & Rubicam.

Q. And in fact, as your testimony today indicates, you did more than refer her for interviews, did you not?

A. Explain what you mean, and I'll be happy to answer.

Q. Well, in fact, when the interview went poorly, according to Ms. Lewinsky, you made calls to get her a second interview and to make it happen.

A. That is safe to say.

Q. All right. And I think you've also described your involvement in the job search as running the job search?

A. Yes.

Q. And so it was a little bit more than simply referring her for interviews. Is that a fair statement?

A. That's a fair statement.

Q. And then, in this statement, you also indicate that "Ms. Lewinsky was referred to me by Ms. Betty Currie"——

A. Yes.

Q. —is that correct?

A. That is correct.

Q. And in fact, you were acting, as you stated, at the behest of the President?

A. Through Ms. Currie. I'm satisfied with this statement as correct.

Q. So—but you were acting in the job search at the behest of the President, as you have previously testified?

A. I've testified to that.

MR. HUTCHINSON: Now, we would offer this as Exhibit No. 10.

SENATOR THOMPSON: Without objection, it will be made a part of the record.

[Jordan Deposition Exhibit No. 10 received in evidence.]

MR. HUNDLEY: The only problem with this line of questioning is I think I wrote that thing.

[Laughter.]

BY MR. HUTCHINSON:

Q. After you—after you last testified before the grand jury in June of '98, since then, the President testified before the grand jury in August, and prior to his testimony before the grand jury in August, he made his statement to the Nation in which he—I believe the language was admitted to "an inappropriate relationship with Ms. Lewinsky."

Now, at the time that you testified in June of '98, you did not have this information, did you?

A. He had not made that statement on the 17th of August, that's for sure.

Q. And was he in fact, to your knowledge, still denying the existence of that relationship?

A. I think, as I remember the statement, he said he misled the American people.

Q. And subsequent to this admission, did you talk to your friend, the President of the United States, about his false statements to you?

A. I have not spoken to him about any false statements, one way or the other.

Q. Now, you have testified that you in the job search were acting at the behest of the President of the United States; is that correct?

A. I stand on that.

Q. And there is no question but that Ms. Monica Lewinsky understood that?

A. I have to assume that she understood that.

Q. Okay. And in the law, there is the rule of agency and apparent authority. Is it safe to assume that Ms. Lewinsky believed that you had apparent authority on behalf of the President of the United States?

A. I think I know enough about the law to say that the law of agency is not applicable in this situation where there was a potential romance and not a work situation. I think the law of agency has to do with a work situation and an employment situation and not having to do with some sort of romance. I think that's right.

Q. Well, let me take it out of the legal realm.

A. You raised it—I didn't.

Q. And let's put it in the realm of mother wit. Ms. Lewinsky is looking to you as a friend of the President of the United States, knowing that you're acting at the behest of the President of the United States. Is it not reasonable to assume that when she communicates something to you or she hears something from you, that it's as if she is talking to someone who is acting for the President?

A. No. When she's talking to me, she's talking to me, and I can only speak for me and act for me.

MR. HUTCHINSON: Could I have just a moment?

SENATOR THOMPSON: Yes.

MR. HUTCHINSON: At this time, Your Honors, the House Managers would reserve the balance of its time.

SENATOR THOMPSON: Counsel?

MR. HUNDLEY: Fine.

SENATOR THOMPSON: All right.

MR. HUTCHINSON: Thank you, Mr. Jordan.

THE WITNESS: Thank you, Mr. Hutchinson.

SENATOR THOMPSON: Mr. Kendall?

EXAMINATION BY COUNSEL FOR THE PRESIDENT BY MR. KENDALL

Q. Mr. Jordan, is there anything you think it appropriate to add to the record?

A. Mr. Hutchinson, I'd just like to——

MR. HUTCHINSON: I'm going to object to the form of that question. I think that even though—and that's not even a leading question; that's an open-ended question that calls for a narrative response. And I think in fairness to the record that that is just simply too broad for this deposition purpose.

SENATOR THOMPSON: Mr. Kendall, is there any chance of perhaps your rephrasing the question somewhat?

MR. KENDALL: Certainly.

BY MR. KENDALL:

Q. Mr. Jordan, you were asked questions about job assistance. Would you describe the job assistance you have over your career given to people who have come to you requesting help finding a job or finding employment?

A. Well, I've known about job assistance and have for a very long time. I learned about it dramatically when I finished at Howard University Law School, 1960, to return home to Atlanta, Georgia to look for work. In the process of my—during my senior year, it was very clear to me that no law firm in Atlanta would hire me. It was very clear to me that, uh, I could not get a job as a black lawyer in the city government, the county government, the State government or the Federal Government.

And thanks to my high school bandmaster, Mr. Kenneth Days, who called his fraternity brother, Donald L. Hollowell, a civil rights lawyer, and said, "That Jordan boy is a fine boy, and you ought to consider him for a job at your law firm," that's when I learned about job referral, and that job referral by Kenneth Days, now going to Don Hollowell, got me a job as a civil rights lawyer working for Don Hollowell for $35 a week.

I have never forgotten Kenneth Days' generosity. And given the fact that all of the other doors for employment as a black lawyer graduating from Howard University were open to me, that's always—that's always been etched in my heart and my mind, and as a result, because I stand on Mr. Days' shoulders and Don Hollowell's shoulders, I felt some responsibility to the extent that I could be helpful or got in a position to be helpful, that I would do that.

And there is I think ample evidence, both in the media and by individuals across this country, that at such times that I have been presented with that opportunity that I have taken advantage of that opportunity, and I think that I have been successful at it.

Q. Was your assistance to Ms. Lewinsky which you have described in any way dependent upon her doing anything whatsoever in the Paula Jones case?

A. No.

IN THE SENATE OF THE UNITED STATES SITTING FOR THE TRIAL OF THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

EXCERPTS OF VIDEO DEPOSITION OF SIDNEY BLUMENTHAL

(Wednesday, February 3, 1999, Washington, D.C.)

SENATOR SPECTER: If none, I will swear the witness.

Mr. Blumenthal, will you please stand up and raise your right hand?

You, Sidney Blumenthal, do swear that the evidence you shall give in this case now pending between the United States and William Jefferson Clinton, President of the United States, shall be the truth, the whole truth, and nothing but the truth, so help you, God?

MR. BLUMENTHAL: I do.

Whereupon, SIDNEY BLUMENTHAL was called as a witness and, after having been first duly sworn by Senator Specter, was examined and testified as follows:

SENATOR SPECTER: Thank you.

THE WITNESS: Thank you.

SENATOR SPECTER: The House Managers may begin their questioning.

MR. ROGAN: Thank you, Senator.

EXAMINATION BY HOUSE MANAGERS

BY MR. ROGAN:

Q. Mr. Blumenthal, first, good morning.

A. Good morning to you.

Q. My name is Jim Rogan. As you know, I am one of the House Managers and will be conducting this deposition pursuant to authority from the United States Senate.

First, as a preliminary matter, we have never had the pleasure of meeting or speaking until this morning, correct?

A. That's correct.

Q. If any question I ask is unclear or is in any way ambiguous, if you would please call that to my attention, I will be happy to try to restate it or rephrase the question.

A. Thank you.

Q. Mr. Blumenthal, where are you currently employed?

A. At the White House.

Q. Is that in the Executive Office of the President?

A. It is.

Q. What is your current title?

A. My title is Assistant to the President.

Q. Was that your title on January 21st, 1998?

A. It was.

Q. For the record, that is the date that The Washington Post story appeared that essentially broke the Monica Lewinsky story?

A. Yes.

Q. On that date, were you the Assistant to the President as to any specific subject matter?

A. I dealt with a variety of areas.

Q. Did your duties entail any specific matter, or were you essentially a jack-of-all-trades at the White House for the President?

A. Well, I was hired to help the President develop his ideas and themes about the new consensus for the country, and I was hired to deal with problems like the impact of globalization, democracy internationally and domestically, the future of civil society, and the Anglo-American Project; and I also was hired to work on major speeches.

Q. You testified previously that your duties are such as the President and Chief of Staff shall decide. Would that be a fair characterization?

A. Oh, yes.

Q. How long have you been employed in this capacity?

A. Since August 11th, 1997.

Q. And in the course of your duties, do you personally advise the President as to the matters that you just shared with us?

A. Yes.

Q. How often do you meet with the President personally to advise him?

A. It varies. Sometimes several times a week; sometimes I go without seeing him for a number of weeks at a time.

Q. Is dealing with the media part of your—your job?

A. Yes. It's part of my job and part of the job of most people in the White House.

Q. Was that also one of your responsibilities on January 21st, 1998, when the Monica Lewinsky story broke?

A. Yes.

Q. You previously testified that you had a role in the Monica Lewinsky matter after the story broke in The Washington Post on that date, at least in reference to your White House duties; is that correct?

A. I'm unclear on what you mean by "a role."

Q. Specifically, you testified that you attended meetings in the White House in the Office of Legal Counsel in the morning and in the evening almost every day once the story broke?

A. Yes.

Q. And what times did those meetings occur after the story broke, these regular meetings?

A. The morning meetings occurred around 8:30, after the morning message meeting, and the evening meetings occurred around 6:45.

Q. Are those meetings still ongoing?

A. No.

Q. Can you tell me when those meetings ended?

A. Oh, I'd say about the time that the impeachment trial started.

Q. That would be about a month or—about a month ago?

A. Yeah, something like that.

Q. Thank you.

A. I don't recall exactly.

Q. Sure. But up until that point, were these essentially regularly scheduled meetings, twice a day, 8:30 in the morning and 6:45 in the evening?

A. Right.

Q. Did you generally attend those meetings?

A. Generally.

Q. Now, initially, when you testified before the grand jury on February 26th, 1998, your first grand jury appearance, you stated that these twice-daily meetings dealt exclusively with the Monica Lewinsky matter, correct?

A. They dealt with our press reaction, how we would respond to press reports dealing with it. This was a huge story, and we were being inundated with hundreds of calls.

Q. Right.

A. So—

Q. What I'm—what I'm trying to decipher is that at least initially, at the time of your first grand jury appearance, which was about a month after the story broke—

A. Right.

Q. —the meetings were exclusively related to Monica Lewinsky. Is that correct?

A. Pretty much.

Q. And then, 4 months later, when you testified before the grand jury in June, you said these meetings were still ongoing, and you referenced them at that time as discussing the policy, political, legal and media impact of scandals and how to deal with them. Do you remember that testimony?

A. If I could see it.

Q. Certainly. I'm happy to invite your attention to your grand jury testimony of June 4th, 1998, page 25, lines 1 through 5.

MR. ROGAN: And that would be, for the Senators' and counsel's benefit—I believe that's in Tab 4 of the materials provided.

[Witness perusing document.]

THE WITNESS: Right. I see it.

BY MR. ROGAN:

Q. You've had a chance to review that, Mr. Blumenthal?

A. I have.

Q. And that—that's correct testimony?

A. Yes.

Q. Thank you.

At the time you spoke of—you used the word "scandals" in the plural, and you were asked on June 4th what other scandals were discussed and you said they range from the Paula Jones trial to our China policy. Is that a fair statement?

A. Oh, yes, yes. I do.

Q. Who typically attended those meetings?

A. As I recall, there were about a dozen or so people, sometimes more, sometimes less.

Q. Do you remember the names of the people?

A. I'll try to.

Q. Would it be helpful if I directed your attention to a couple of passages in the grand jury testimony?

A. Sure, if you'd like.

MR. ROGAN: Inviting the Senate and counsel's attention to the February 26th grand jury testimony, page 11, lines 2 through 16.

[Witness perusing document.]

THE WITNESS: Sure. Yeah.

BY MR. ROGAN:

Q. That would be Tab Number 1.

A. Right, I see that.

What it says here is that the names listed are Charles Ruff, Lanny Breuer, who is right over here, Cheryl Mills, Bruce Lindsey, John Podesta, Rahm Emanuel, Paul Begala, Jim Kennedy, Mike McCurry, Joe Lockhart, Ann Lewis, Adam Goldberg, Don Goldberg, and that's—those are the names that I—that I recall.

Q. Thank you.

And just for my benefit, Mr. Ruff, Mr. Breuer, Ms. Mills, and Mr. Lindsey, those are all White House counsel?

A. Yes.

Q. Could you just briefly identify for the record the other individuals that are—that are listed in your testimony?

A. Sure. John Podesta was Deputy Chief of Staff. Rahm Emanuel was a Senior Advisor. Paul Begala had the title of Counselor. Jim Kennedy was in the Legal Counsel Office. Mike McCurry was Press Secretary. Joe Lockhart at that time was Deputy Press Secretary. Ann Lewis was Director of Communications, still is. Adam Goldberg worked as a—as an Assistant in the Legal Counsel Office, and Don Goldberg worked in Legislative Affairs.

Q. Thank you.

Mr. Blumenthal, specifically inviting your attention to January 21st, 1998, you testified before the grand jury that on that date, you personally spoke to the President regarding the Monica Lewinsky matter, correct?

A. Yes.

Q. When you spoke to the President, did you discuss The Washington Post story about Ms. Lewinsky that appeared that morning?

A. I don't recall if we talked about that article specifically.

Q. Do you recall on June 25th testifying before the grand jury, and I'm quoting, "We were speaking about the story that appeared that morning"?

A. Right. We were—we were speaking about that story, but I don't know if we referred to The Post.

Q. Thank you.

You are familiar with The Washington Post story that broke that day?

A. I am.

Q. That story essentially stated that the Office of Independent Counsel was investigating whether the President made false statements about his relationship with Ms. Lewinsky in the Jones case, correct, to the best of your recollection?

A. If you could repeat that?

Q. Sure. The story stated that the Office of Independent Counsel was investigating whether the President made false statements about his relationship with Ms. Lewinsky in the Jones case.

A. Right.

Q. And also that the Office of Independent Counsel was investigating whether the President obstructed justice in the Jones case. Is that your best recollection of what that story was about?

A. Yes.

Q. How did you end up speaking to the President on that specific date?

A. I don't remember exactly whether he had summoned me or whether I had asked to speak him—to him.

Q. And I realize, by the way, I—just so you know, I'm not trying to trick you or anything. I realize this is a year later—

A. Right.

Q. —and your testimony was many months ago, and so if I invite your attention to previous grand jury testimony to refresh your recollection, I don't want you to feel that in any way I'm trying to imply that you're not being candid in your testimony.

With that, if I may invite your—your attention to the June 4th grand jury testimony on page 47, lines 5 through 6.

[Witness perusing document.]

BY MR. ROGAN:

Q. Let me see if this helps to refresh your recollection. You said, "It was about a week before the State of the Union speech."

A. I see.

Q. "I was in my office, and the President asked me to come to his office."

Does that help to refresh your recollection?

A. Yes.

Q. And so you now remember that the President asked to speak with you?

A. Yes.

Q. Did you go to the Oval Office?

A. Yes.

Q. During that conversation, were you alone with the President?

A. I was.

Q. Do you remember if the door was closed?

A. It was.

Q. When you met with the President, did you relate to him a conversation you had with the First Lady earlier that day?

A. I did.

Q. What did you tell the President the First Lady told you earlier that day?

A. I believe that I told him that the First Lady had called me earlier in the day, and in the light of the story in The Post had told me that the President had helped troubled people in the past and that he had done it many times and that he was a compassionate person and that he helped people also out of his religious conviction and that this was part of—part of his nature.

Q. And did she also tell you that one of the other reasons he helped people was out of his personal temperament?

A. Yes. That's what I mean by that.

Q. And the First Lady also at least shared with you her opinion that he was being attacked for political motives?

MR. McDANIEL: Can I get a clarification, Senator—Senator Specter? The earlier question, I thought, had been what Mr. Blumenthal had relayed to the President had been said by the First Lady.

MR. ROGAN: That's correct.

MR. McDANIEL: And now the questions are back—it seems to me have moved to another topic—

MR. ROGAN: No. That's—

MR. McDANIEL: —which is what—

MR. ROGAN: I'm—

MR. McDANIEL: —did the First Lady say.

MR. ROGAN: And I thank—I thank the gentleman for that clarification. I'm specifically asking what the witness relayed to the President respecting his conversation with—his earlier conversation with the First Lady.

MR. McDANIEL: Thank you.

Do you understand that, what he said?

THE WITNESS: I understand the distinction, and I don't—

BY MR. ROGAN:

Q. I'll restate the question, if that would help.

A. Please.

Q. Do you remember telling the President that the First Lady said to you that she felt that with—in reference to this story that he was being attacked for political motives?

A. I remember her saying that to me, yes.

Q. And you relayed that to the President?

A. I'm not sure I relayed that to the President. I may have just relayed the gist of the conversation to him. I don't—I'm not sure whether I relayed the entire conversation.

MR. ROGAN: Inviting the Senators' and counsel's attention to the June 4th, 1998, testimony of Mr. Blumenthal, page 47, beginning at line 5.

BY MR. ROGAN:

Q. Mr. Blumenthal, let me just read a passage to you and tell me if this helps to refresh your memory.

A. Mm-hmm.

MR. ROGAN: Do you have that, Lanny?

MR. BREUER: Yes, I do. Thank you.

BY MR. ROGAN:

Q. Reading at line—at line 5, "I was in my office, and the President asked me to come to the Oval Office. I was seeing him frequently in this period about the State of the Union and Blair's visit"—and I—that was Prime Minister Tony Blair, as an aside, correct?

A. That's right.

Q. Thank you.

And then again, reading at line 7, "So I went up to the Oval Office and I began the discussion, and I said that I had received—that I had spoken to the First Lady that day in the afternoon about the story that had broke in the morning, and I related to the President my conversation with the First Lady and the conversation went as follows. The First Lady said that she was distressed that the President was being attacked, in her view, for political motives for his ministry of a troubled person. She said that the President ministers to troubled people all the time," and then it goes on to—

A. Right.

Q. —relate the substance of the answer you just gave.

Does that help to refresh your recollection with respect to what you told the President, the First Lady had said earlier?

A. Yes.

Q. Thank you.

And do you now remember that the First Lady had indicated to you that she felt the President was being attacked for political motives?

A. Well, I remember she said that to me.

Q. And just getting us back on track, a few moments ago, I think you—you shared with us that the First Lady said that the President helped troubled people and he had done it many times in the past.

A. Yes.

Q. Do you remember testifying before the grand jury on that subject, saying that the First Lady said he has done this dozens, if not hundreds, of times with people—

A. Yes.

Q. —with troubled people?

A. I recall that.

Q. After you related the conversation that you had with the First Lady to the President, what do you remember saying to the President next about the subject of Monica Lewinsky?

A. Well, I recall telling him that I understood he felt that way, and that he did help people, but that he should stop trying to help troubled people personally; that troubled people are troubled and that they can get you in a lot of messes and that you had to cut yourself off from it and you just had to do it. That's what I recall saying to him.

Q. Do you also remember in that conversation saying to him, "You really need to not do that at this point, that you can't get near anybody who is even remotely crazy. You're President"?

A. Yes. I think that was a little later in the conversation, but I do recall saying that.

Q. When you told the President that he should avoid contact with troubled people, what did the President say to you in response?

A. I'm trying to remember the sequence of it. He—he said that was very difficult for him. He said he—he felt a need to help troubled people, and it was hard for him to—to cut himself off from doing that.

Q. Do you remember him saying specifically, "It's very difficult for me to do that, given how I am. I want to help people"?

A. I recall—I recall that.

Q. And when the President referred to trying to help people, did you understand him in that conversation to be referring to Monica Lewinsky?

A. I think it included Monica Lewinsky, but also many others.

Q. Right, but it was your understanding that he was all—he was specifically referring to Monica Lewinsky in that list of people that he tried to help?

A. I believe that—that was implied.

Q. Do you remember being asked that question before the grand jury and giving the answer, "I understood that"?

A. If you could point it out to me, I'd be happy to see it.

Q. Certainly.

MR. ROGAN: Inviting the Senators' and counsel's attention to the June 25th, 1998, grand jury, page 5, I believe it's at lines 6 through 8.

[Witness perusing document.]

THE WITNESS: Yes, I see that. Thank you.

By MR. ROGAN:

Q. You recall that now?

A. Yes.

Q. Thank you.

Mr. Blumenthal, did the President then relate a conversation he had with Dick Morris to you?

A. He did.

Q. What was the substance of that conversation, as the President related it to you?

A. He said that he had spoken to Dick Morris earlier that day, and that Dick Morris had told him that if Nixon, Richard Nixon, had given a nationally televised speech at the beginning of the Watergate affair, acknowledging everything he had done wrong, he may well have survived it, and that was the conversation that Dick Morris—that's what Dick Morris said to the President.

Q. Did it sound to you like the President was suggesting perhaps he would go on television and give a national speech?

A. Well, I don't know. I didn't know.

Q. And when the President related the substance of his conversation with Dick Morris to you, how did you respond to that?

A. I said to the President, "Well, what have you done wrong?"

Q. Did he reply?

A. He did.

Q. What did he say?

A. He said, "I haven't done anything wrong."

Q. And what did you say to that response?

A. Well, I said, as I recall, "That's one of the stupidest ideas I ever heard. If you haven't done anything wrong, why would you do that?"

Q. Did the President then give you his account of what happened between him and Monica Lewinsky?

A. As I recall, he did.

Q. What did the President tell you?

A. He, uh—he spoke, uh, fairly rapidly, as I recall, at that point and said that she had come on to him and made a demand for sex, that he had rebuffed her, turned her down, and that she, uh, threatened him. And, uh, he said that she said to him, uh, that she was called "the stalker" by her peers and that she hated the term, and that she would claim that they had had an affair whether they had or they hadn't, and that she would tell people.

Q. Do you remember him also saying that the reason Monica Lewinsky would tell people that is because then she wouldn't be known by her peers as "the stalker" anymore?

A. Yes, that's right.

Q. Do you remember the President also saying that—and I'm quoting—"I've gone down that road before. I've caused pain for a lot of people. I'm not going to do that again"?

A. Yes. He told me that.

Q. And that was in the same conversation that you had with the President?

A. Right, in—in that sequence.

Q. Can you describe for us the President's demeanor when he shared this information with you?

A. Yes. He was, uh, very upset. I thought he was, a man in anguish.

Q. And at that point, did you repeat your earlier admonition to him as far as not trying to help troubled people?

A. I did. I—I think that's when I told him that you can't get near crazy people, uh, or troubled people. Uh, you're President; you just have to separate yourself from this.

Q. And I'm not sure, based on your testimony, if you gave that admonition to him once or twice. Let me—let me clarify for you why my questioning suggested it was twice. In your grand jury testimony on June the 4th, at page 49, beginning at line 25, you began the sentence by saying, and I quote, "And I repeated to the President"—

A. Right.

Q. —"that he really needed never to be near people who were"—

A. Right.

Q. —"troubled like this," and so forth. Do you remember now if you—if that was correct? Did you find yourself in that conversation having to repeat the admonition to him that you'd given earlier?

A. I'm sure I did. Uh, I felt—I felt that pretty strongly. He shouldn't be involved with troubled people.

Q. Do you remember the President also saying something about being like a character in a novel?

A. I do.

Q. What did he say?

A. Uh, he said to me, uh, that, uh, he felt like a character in a novel. Uh, he felt like somebody, uh, surrounded by, uh, an oppressive environment that was creating a lie about him. He said he felt like, uh, the character in the novel *Darkness at Noon*.

Q. Did he also say he felt like he can't get the truth out?

A. Yes, I—I believe he said that.

Q. Politicians are always loathe to confess their ignorance, particularly on videotape. I will do so. I'm unfamiliar with the novel *Darkness at Noon*. Did you—do you have any familiarity with that, or did you understand what the President meant by that?

A. I—I understood what he meant. I—I was familiar with the book.

Q. What—what did he mean by that, per your understanding?

A. Uh, the book is by Arthur Koestler, who was somebody who had been a communist and had become disillusioned with communism. And it's an anti-communist novel. It's about, uh, uh, the Stalinist purge trials and somebody who was a loyal communist who then is put in one of Stalin's prisons and held on trial and executed, uh, and it's about his trial.

Q. Did you understand what the President was trying to communicate when he related his situation to the character in that novel?

A. I think he felt that the world was against him.

Q. I thought only Members of Congress felt that way.

Mr. Blumenthal, did you ever ask the President if he was ever alone with Monica Lewinsky?

A. I did.

Q. What was his response?

A. I asked him a number of questions that appeared in the press that day. I asked him, uh, if he were alone, and he said that, uh, he was within eyesight or earshot of someone when he was with her.

Q. What other questions do you remember asking him?

A. Uh, there was a story in the paper that, uh, there were recorded messages, uh, left by him on her voice-mail and I asked him if that were true.

Q. What did he say?

A. He said, uh, that it was, that, uh, he had called her.

Q. You had asked him about a press account that said there were potentially a number of telephone messages left by the President for Monica Lewinsky. And he relayed to you that he called her. Did he tell you how many times he called her?

A. He—he did. He said he called once. He said he called when, uh, Betty Currie's brother had died, to tell her that.

Q. And other than that one time that he shared that information with you, he shared no other information respecting additional calls?

A. No.

Q. He never indicated to you that there were over 50 telephone conversations between himself and Monica Lewinsky?

A. No.

Q. Based on your conversation with the President at that time, would it have surprised you to know that there were over 50—there were records of over 50 telephone conversations with Monica Lewinsky and the President?

A. Would I have been surprised at that time?

Q. Yes.

A. Uh, I—to see those records and if he—I don't fully grasp the question here. Could you—would I have been surprised?

Q. Based on the President's response to your question at that time, would it have surprised you to have been told or to have later learned that there were over 50 recorded—50 conversations between the President and Ms. Lewinsky?

A. I did later learn that, uh, as the whole country did, uh, and I was surprised.

Q. When the President told you that Monica Lewinsky threatened him, did you ever feel compelled to report that information to the Secret Service?

A. No.

Q. The FBI or any other law enforcement organization?

A. No.

Q. I'm assuming that a threat to the President from somebody in the White House would normally send off alarm bells among staff.

A. It wouldn't—

MR. McDANIEL: Well, I'd like to object to the question, Senator. There's no testimony that Mr. Blumenthal learned of a threat contemporaneously with it being made by someone in the White House. This is a threat that was relayed to him sometime afterwards by someone who was no longer employed in the White House. So I think the question doesn't relate to the testimony of this witness.

MR. ROGAN: Respectfully, I'm not sure what the legal basis of the objection is. The evidence before us is that the President told the witness that Monica Lewinsky threatened him.

[Senators Specter and Edwards conferring.]

SENATOR SPECTER: We've conferred and overrule the objection on the ground that it calls for an answer; that, however the witness chooses to answer it, was not a contemporaneous threat, or he thought it was stale, or whatever he thinks. But the objection is overruled.

MR. ROGAN: Thank you.

BY MR. ROGAN:

Q. Let me—let me restate the question, if I may. Mr. Blumenthal, would a threat—

SENATOR SPECTER: We withdraw the ruling.

[Laughter.]

MR. McDANIEL: I withdraw my objection, then.

[Laughter.]

MR. ROGAN: Senator Specter, the ruling is just fine by my light. I'm just going to try to simplify the question for the witness' benefit.

SENATOR SPECTER: We'll hold in abeyance a decision on whether to reinstate the ruling.

MR. ROGAN: Thank you. Maybe I should just quit while I'm ahead and have the question read back.

BY MR. ROGAN:

Q. Basically, Mr. Blumenthal, what I'm asking is, I mean, normally, would a threat from somebody against the President in the White House typically require some sort of report being made to a law enforcement agency?

A. Uh, in the abstract, yes.

Q. This conversation that you had with the President on January the 21st, 1998, how did that conversation conclude?

A. Uh, I believe we, uh—well, I believe after that, I said to the President that, uh—who was—seemed to me to be upset, that you needed to find some sure footing and to be confident. And, uh, we went on, I believe, to discuss the State of the Union.

Q. You went on to other business?

A. Yes, we went on to talk about public policy.

Q. When this conversation with the President concluded as it related to Monica Lewinsky, what were your feelings toward the President's statement?

A. Uh, well, they were complex. Uh, I believed him, uh, but I was also, uh—I thought he was very upset. That troubled me. And I also was troubled by his association with troubled people and thought this was not a good story and thought he shouldn't be doing this.

Q. Do you remember also testifying before the grand jury that you felt that the President's story was a very heartfelt story and that "he was pouring out his heart, and I believed him"?

A. Yes, that's what I told the grand jury, I believe; right.

Q. That was—that was how you interpreted the President's story?

A. Yes, I did. He was, uh—he seemed—he seemed emotional.

Q. When the President told you he was helping Monica Lewinsky, did he ever describe to you how he might be helping or ministering to her?

A. No.

Q. Did he ever describe how many times he may have tried to help or minister to her?

A. No.

Q. Did he tell you how many times he visited with Monica Lewinsky?

A. No.

Q. Did he tell you how many times Monica Lewinsky visited him in the Oval Office complex?

A. No.

Q. Did he tell you how many times he was alone with Monica Lewinsky?

A. No.

Q. He never described to you any intimate physical activity he may have had with Monica Lewinsky?

A. Oh, no.

Q. Did the President ever tell you that he gave any gifts to Monica Lewinsky?

A. No.

Q. Did he tell you that Monica Lewinsky gave him any gifts?

A. No.

Q. Based on the President's story as he related on January 21st, would it have surprised you to know at that time that there was a repeated gift exchange between Monica Lewinsky and the President?

A. Well, I learned later about that, and I was surprised.

Q. The President never told you that he engaged in occasional sexual banter with her on the telephone?

A. No.

Q. He never told you about any cover stories that he and Monica Lewinsky may have developed to disguise a relationship?

A. No.

Q. He never suggested to you that there might be some physical evidence pointing to a physical relationship between he—between himself and Monica Lewinsky?

A. No.

Q. Did the President ever discuss his grand jury—or strike that.

Did the President ever discuss his deposition testimony with you in the Paula Jones case on that date?

A. Oh, no.

Q. Did he ever tell you that he denied under oath in his Paula Jones deposition that he had an affair with Monica Lewinsky?

A. No.

Q. Did the President ever tell you that he ministered to anyone else who then made a sexual advance toward him?

A. No.

Q. Mr. Blumenthal, after you testified before the grand jury, did you ever communicate to the President the questions that you were asked?

A. No.

Q. After you testified before the grand jury, did you ever communicate to the President the answers which you gave to those questions?

A. No.

Q. After you were subpoenaed to testify but before you testified before the Federal grand jury, did the President ever recant his earlier statements to you about Monica Lewinsky?

A. No.

Q. After you were subpoenaed but before you testified before the federal grand jury, did the President ever say that he did not want you to mislead the grand jury with a false statement?

A. No. We didn't have any subsequent conversation about this matter.

Q. So it would be fair also to say that after you were subpoenaed but before you testified before the Federal grand jury, the President never told you that he was not being truthful with you in that January 21st conversation about Monica Lewinsky?

A. Uh, he never spoke to me about that at all.

Q. The President never instructed you before your testimony before the grand jury not to relay his false account of his relationship with Monica Lewinsky?

A. We—we didn't speak about anything.

Q. And as to your testimony on all three appearances before the grand jury on February 26th, June 4th and June 25th, 1998—as an aside, by the way, let me just say I think this question has been asked of all the witnesses, so this is not peculiar to you—but as to those three grand jury appearances, do you adopt as truth your testimony on all three of those occasions?

A. Oh, yes.

MR. ROGAN: If I may have a moment?

SENATOR SPECTER: Of course. Would you like a short break?

MR. ROGAN: That might be convenient, Senator.

SENATOR SPECTER: All right. It's a little past 10. We'll take a 5-minute recess.

THE VIDEOGRAPHER: We're going off the record at 10 o'clock a.m.

[Recess.]

THE VIDEOGRAPHER: We're going back on the record at 10:12 a.m.

SENATOR SPECTER: We shall proceed; Mr. Graham questioning for the House Managers.

MR. GRAHAM: Thank you, Senator.

BY MR. GRAHAM:

Q. Again, Mr. Blumenthal, if I ask you something that's confusing, just slow me down and straighten me out here.

A. Thank you.

Q. Okay. I'm going to ask as direct, to-the-point questions as I can so we all can go home.

June 4th, 1998, when you testified to the grand jury, on page 49—I guess it's page 185 on tab 4.

MR. McDANIEL: Page 49?

MR. GRAHAM: Yes, sir.

MR. McDANIEL: Thank you.

BY MR. GRAHAM:

Q. That's where you start talking about the story that the President told you. Knowing what you know now, do you believe the President lied to you about his relationship with Ms. Lewinsky?

A. I do.

Q. I appreciate your honesty. You had raised executive privilege at some time in the past, I believe.

MR. McDANIEL: I object, Senator. Mr. Blumenthal was a passive vessel for the raising of executive privilege by the President. It's not his privilege to assert, so the question, I think, is misleading.

BY MR. GRAHAM:

Q. At any time—I'm sorry.

[Senators Specter and Edwards conferring.]

SENATOR SPECTER: Senator Edwards and I have conferred and believe that he can answer the question if he did not raise the privilege, so we will overrule the objection.

SENATOR EDWARDS: Either he asserted it or it was asserted on his behalf.

THE WITNESS: If you could repeat it, please.

BY MR. GRAHAM:

Q. I believe early on in your testimony and throughout your testimony to the grand jury, the idea of executive privilege covering your testimony or conversations with the President was raised. Is that correct?

A. It was.

Q. Do you believe the White House knew that this privilege would be asserted in your testimony? That was no surprise to them?

A. Uh—

MR. BREUER: I'm going to object. It's the White House's privilege to assert it could not have been surprised. It's a mischaracterization of the facts.

[Senators Specter and Edwards conferring.]

SENATOR SPECTER: Senator Edwards and I believe the objection is well-founded on the ground that he cannot testify as to what someone else knew. So would you rephrase the question? The objection will be sustained.

BY MR. GRAHAM:

Q. When executive privilege was asserted, do you know how it came about? Do you have any knowledge of how it came about?

A. What I recall is that I—in my first appearance before the grand jury, I was asked questions about my conversations with the President. And I went out into the hall, asked if I could go out in the hall, and I spoke with the White House legal counsel who was there, Cheryl Mills, and said, "What do I say?"

Q. And she said?

A. And I was advised to assert privilege.

Q. So the executive privilege assertion came about from advice to you by White House counsel?

A. Yes.

Q. Now, you've stated, I think, very honestly, and I appreciate, that you were lied to by the President. Is it a fair statement, given your previous testimony concerning your 30-minute conversation, that the President was trying to portray himself as a victim of a relationship with Monica Lewinsky?

A. I think that's the import of his whole story.

Q. During this period of time, the Paula Jones lawsuit, other allegations about relationships with the President and other women were being made and found their way in the press. Is that correct?

A. Yes.

Q. Now, when you have these morning meetings and evening meetings about press strategy, I believe your previous testimony goes along the lines that any time a press report came out about a story between the President and a woman, that you would sit down and strategize about what to do. Is that correct?

A. Well, we would, uh, talk about what the White House spokesman would say about it.

Q. Does the name "Kathleen Willey" mean anything to you in that regard?

MR. BREUER: I'm going to object. It's beyond the scope of this deposition. In the proffer from the Managers, they explicitly state the areas that they want to go into, and they explicitly state that they want to speak to Mr. Blumenthal about his January 21, 1998, conversation with the President about Monica Lewinsky. And any aspects as to Kathleen Willey are—have nothing to do with the Articles of Impeachment, nor do they have anything to do with the proffer made by the Managers, and it's beyond the scope of this deposition.

SENATOR SPECTER: Just wait one second.

[Senators Specter and Edwards conferring.]

SENATOR SPECTER: Mr. Graham, as you know, the scope of the examination of Mr. Blumenthal is limited by the subject matters reflected in the Senate record. Are you able to substantiate the Senate record as a basis for asking the question?

MR. GRAHAM: I'm assuming, yes, Senator, that the grand jury testimony of Mr. Blumenthal is part of the Senate record. And on June 25th, 1998, on page 21, there's a discussion between Mr. Blumenthal and the Independent Counsel's Office about strategy meetings and other women, and in that testimony, he mentions that "we discussed Paula Jones, Kathleen Willey, in our strategy meeting."

And I think the question will not be as ominous as some may think it sounds. I think I can get right to the point pretty quickly about what I'm trying to do with—

SENATOR SPECTER: Well, would you make an offer of proof so that we can see what the scope is that you have in mind?

MR. GRAHAM: Basically, his testimony is that when a press report came about concerning Ms. Jones or Kathleen Willey or a relationship between the President and another woman, they sat down and strategized about how to respond to those press accounts, what to do and what to say—at least that's what his testimony indicates. And I just want to ask him, once the January 21st story about Ms. Lewinsky came out, how they discussed her in relationship to other strategy meetings.

SENATOR SPECTER: Mr. Breuer, how would you respond to Congressman Graham's statement that as he refers to a reference to Ms. Willey in the record?

MR. BREUER: Senator, I haven't seen the one reference, but I may—I would acknowledge that there may be one passing reference to Ms. Willey in the voluminous materials that are before us here in the grand jury, Senator. But it's clearly not germane to this deposition. It's clearly not germane to the proffer made by the Managers about why Mr. Sidney Blumenthal was a witness. It is clearly not germane to the Articles of Impeachment.

And, indeed, in Mr. Lindsey Graham's proffer just now, he said that he wants to go back and ask about the January 21 conversation. It's my view that Kathleen Willey is tangential, at best, and is not germane to this deposition and ought not to be inquired into.

SENATOR EDWARDS: And, Senator Specter, I would ask that we go off the record for this discussion, given the question of whether this is within the scope of the Senate record.

SENATOR SPECTER: We shall go off the record.

THE VIDEOGRAPHER: We're going off the record at 10:20 a.m.

[Discussion off the record.]

THE VIDEOGRAPHER: We're going back on the record at 10:48 a.m.

SENATOR SPECTER: Congressman Lindsey, you may proceed.

MR. GRAHAM: Thank you, sir.

BY MR. GRAHAM:

Q. Thank you for your patience, Mr. Blumenthal. I appreciate it.

A. Thank you.

Q. Let's get back to the—we'll approach this topic another way and we'll try to tie it up at the end here.

The January 21st article breaks, and I think it's in The Washington Post, is that correct, the January 21st article about Ms. Lewinsky being on tape, talking about her relationship with the President? Are you familiar with that article?

A. I'm familiar with an article on January 21st in The Washington Post.

Q. And what—what was the essence of that article, as you remember it?

A. If you have it there, I'd be happy to look at it.

Q. Yeah. Let's see if we can find it, what tab that is. Tab 7.

[Witness perusing document.]

THE WITNESS: Well—

BY MR. GRAHAM:

Q. If you'd like a chance to read it over, just take your time.

A. Yes. Thank you.

[Witness perusing document.]

THE WITNESS: It's a long article.

BY MR. GRAHAM:

Q. Yes, sir, it is, and just—

A. Yeah.

Q. —just take your time. I'm not going to give you a test on the article. I just wanted—

A. No. I just wanted to read it.

Q. —to refresh your memory. Absolutely, you take your time.

A. I hope you don't mind if I took the time here.

Q. No, sir. Are you—you're okay now?

A. I am.

Q. Okay. In essence, what this article is—is alleging is what we now know, the allegations that Ms. Lewinsky had a relationship with the President, that Mr. Jordan was trying to help her secure counsel, to file an affidavit saying they had no relationship, and the relationship on January 21st was being exposed through some tape recordings, supposedly, the Independent Counsel had access to between Ms. Lewinsky and Ms. Tripp. Is that correct?

A. Well, there are a lot of questions in there.

Q. Okay, yeah, and I'm sorry.

This article seems to suggest that Ms. Lewinsky is telling a friend—

A. Mm-hmm.

Q. —that she has a relationship with the President, a sexual relationship with the President.

A. Mm-hmm.

Q. You understand that from the article?

A. Yes.

Q. This article also alleges that an affidavit was filed by Ms. Lewinsky denying that relationship, and Mr. Jordan sought an attorney for her, a friend of the President. Is that correct?

A. It says she filed an affidavit, and I'm just looking for where it says that Jordan had secured the attorney.

Q. The very first paragraph, let me read it. "The Independent Counsel Kenneth Starr has expanded his investigation of President Clinton to examine whether Clinton and his close friend, Vernon Jordan, encouraged a 24-year-old"—

A. Right.

Q. —"former White House intern to lie to lawyers for Paula Jones about whether the intern had an affair with the President, sources close to the investigation said yesterday."

A. Right.

Q. So I guess that first paragraph kind of sums up the accusation.

A. I think—

Q. What type reaction did the White House have when this—as you recall—when this article came to light?

A. I—I think the White House was overwhelmed with press inquiries.

Q. Was there a sense of alarm that this was a bad story?

A. Yes.

Q. And wasn't there a sense of reassurance by the President himself that this was an untrue story?

A. The President did make a public statement that afternoon.

Q. And I believe White House officials on his behalf denied the essence of this story; is that correct?

A. Yes.

Q. And basically, you were passing along what somebody you trust and admire told you to be the case, and from the White House point of view, that was the response to this story, that we deny these allegations.

MR. McDANIEL: Senator, I really object to the question where we mix "you" and "we" and the "White House." I'd like, if possible, for the question—if they want to know what Mr. Blumenthal did, to ask him what he did, and questions about what the White House did and what we and you did.

MR. GRAHAM: That's fair enough.

MR. McDANIEL: Okay, we thank you.

SENATOR SPECTER: We think that's well-founded.

MR. GRAHAM: Yes, and I agree. I agree that is well-founded.

BY MR. GRAHAM:

Q. Did you have any discussions with White House press people about the nature of this relationship after this article broke?

A. No.

Q. Did you have any discussions with White House lawyers after this article broke about the nature of the relationship?

A. No.

Q. After you had the conversation with the President, sometime the week of the 21st—I believe that's your testimony—shortly after the news story broke, this 30-minute conversation where he tells you about—

A. There's not a question.

Q. Okay. Is that correct? When did you have this conversation with the President? Do you recall?

A. Yes. It was in the early evening of January 21st.

Q. Early evening of January 21st?

A. Yes.

Q. The same day the story was reported?

A. Yes.

Q. Okay. So, from your point of view, this was something that needed to be addressed?

MR. McDANIEL: Your Honor, I—Senator, I object to the question about "this" is something that needs to be addressed. I don't understand what the "this" is, exactly, that the question refers to. Does it refer to the story? Does it refer to the President's statement to Mr. Blumenthal?

SENATOR SPECTER: Well, we think—Senator Edwards and I concur that the witness can answer the question. If he does not understand it, he can say so and then can have the question rephrased.

BY MR. GRAHAM:

Q. You have a conversation with the President on the same day the article comes out, and the conversation includes a discussion about the relationship between him and Ms. Lewinsky. Is that correct?

A. Yes.

Q. Okay. So it was certainly on people's minds, including the President, is that correct, the essence of this story?

MR. McDANIEL: I object to the question about whether it's on people's minds. I think he can answer about what he knew or about what he learned from people who spoke to him, but the question goes far beyond that.

BY MR. GRAHAM:

Q. Well, let me ask you this. We know it was on the President's mind.

SENATOR SPECTER: Senator Edwards and I think that, technically, that's correct, and perhaps you can avoid it by just pinpointing it just a little more.

MR. GRAHAM: Yes. We'll try to be laser-like in these questions.

BY MR. GRAHAM:

Q. You had a conversation with the President of the United States about his relationship with Ms. Lewinsky on the same day The Washington Post article came out. That's correct? Yes or no?

A. That—I—I—that's right.

Q. Okay. During that period of time, that day or any day thereafter, were you involved in any meeting with White House lawyers or press people where the conversation—or where the topic of Ms. Lewinsky's allegations or the—Ken Starr's allegations about Ms. Lewinsky came up?

A. I'm confused about which allegations you're talking about.

Q. That she had a relationship with the President, and they were trying to get her to file a false affidavit. Did that topic ever come up in your presence with the Press Secretary, White House press people or lawyers for the White House?

A. I think the whole story was discussed by senior staff in the White House.

Q. When did that begin to occur?

A. I'm sure we were discussing it on January 21st.

Q. Do you recall that every—

A. Every—everyone in the country was talking about it.

Q. Well, do you recall the tenor of that conversation? Do you recall the flavor of it? Can you describe it the best you can, about—was there a sense of alarm, shock? How would you describe it?

A. I think we felt overwhelmed by the crisis atmosphere.

Q. Did anybody ever suggest who is Monica Lewinsky, go find out about who she is and what she does?

A. No.

Q. So is it your testimony that this accusation comes out on January 21st, and the accusation being that a White House intern has an inappropriate relationship with the President, filed a false affidavit on his behalf, and nobody at this meeting suggested let's find out who Monica Lewinsky is and what's going on here?

A. Well, I wasn't referring to any meeting, but in any of my discussions with members of the White House staff, nobody discussed Monica Lewinsky's personal life or decided that we had to find out who she was.

Q. Could I turn you now to Tab 15, please? Okay.

MR. McDANIEL: Would you like him to read this?

MR. GRAHAM: Yes. Yes, please. Just take your time. And I am now referring to an AP story by Karen G-u-l-l-o. I don't want to mispronounce her name.

[Witness perusing document.]

THE WITNESS: I'm ready, Congressman.

BY MR. GRAHAM:

Q. Thank you.

And this article—do you know this reporter, by any chance?

A. I do know this reporter, but I did not know this reporter on January 30th.

Q. All right. Do you subsequently know—

A. Some months later, I met this reporter.

Q. And the basic essence of my question, Mr. Blumenthal, will be this report indicates some derogatory information about Ms. Lewinsky, and it also has some statements by White House Press Secretary and Ms. Lewis. And I want to ask how those two statements go together.

This report indicates that a White House aide called this reporter to suggest that Ms. Lewinsky's past included weight problems, and she was called "The Stalker." And it says that "Junior staff members, speaking on condition that they not be identified, said she was known as a flirt, wore her skirts too short, was "'a little bit weird'." And the next paragraph says: "Little by little, ever since the allegations of an affair between President Clinton and Ms. Lewinsky surfaced 10 days ago, White House sources have waged a behind-the-scenes campaign to portray her as an untrustworthy climber obsessed with the President."

Do you have any direct knowledge or indirect knowledge that such a campaign by White House aides or junior staff members ever existed?

A. No.

Q. Okay. Do you ever remember hearing Ms. Lewis or Mr. McCurry admonishing anyone in the White House about "watch what you say about Ms. Lewinsky"?

A. No. I don't recall those incidents described in this article, but I do note that among senior advisors at one of the meetings that we held—it could have been in the morning or late afternoon—we felt very firmly that nobody should ever be a source to a reporter about a story about Monica Lewinsky's personal life, and I strongly agreed with that and that's what we decided.

Q. When did that meeting occur?

A. I'd say within a week of the story breaking.

Q. Who was at that meeting?

A. I don't recall exactly, but I would say that the list of names that I mentioned before.

Q. And that would be?

A. I may not get them all, but I would say Chuck Ruff, Cheryl Mills, Bruce Lindsey, Lanny Breuer, Jim Kennedy, Mike McCurry, Joe Lockhart, Adam Goldberg, Don Goldberg, Ann Lewis, Paul Begala, Rahm Emanuel, myself.

Q. And this occurred about a week after the January 21st article?

A. I don't recall the exact date.

Q. At least 7 days?

A. Within a week—

Q. Okay.

A. —I believe.

Q. Would it be fair to say that you were sitting there during this conversation and that you had previously been told by the President that he was in essence a victim of Ms. Lewinsky's sexual demands, and you said nothing to anyone?

MR. McDANIEL: Is the question, "You said"—

THE WITNESS: I don't—

MR. McDANIEL: Is the question, "You said nothing to anyone about what the President told you?"?

MR. GRAHAM: Right.

THE WITNESS: I never told any of my colleagues about what the President told me.

BY MR. GRAHAM:

Q. And this is after the President recants his story—recounts his story—to you, where he's visibly upset, feels like he's a victim, that he associates himself with a character who's being lied about, and you at no time suggested to your colleagues that there is something going on here with the President and Ms. Lewinsky you need to know about. Is that your testimony?

A. I never mentioned my conversation. I regarded that conversation as a private conversation in confidence, and I didn't mention it to my colleagues, I didn't mention it to my friends, I didn't mention it to my family, besides my wife.

Q. Did you mention it to any White House lawyers?

A. I mentioned it many months later to Lanny Breuer in preparation for one of my grand jury appearances, when I knew I would be questioned about it. And I certainly never mentioned it to any reporter.

Q. Do you know how, over a period of weeks, stories about Ms. Lewinsky being called a stalker, a fantasizer, obsessed with the President, called the name "Elvira"—do you know how that got into the press?

A. Which—which—which question are you asking me? Which part of that?

Q. Okay. Do you have any idea how White House sources are associated with statements such as "She's known as 'Elvira'," "She's obsessed with the President," "She's known as a flirt," "She's the product of a troubled home, divorced parents," "She's known as 'The Stalker'"? Do you have any idea how that got in the press?

MR. BREUER: I'm going to object. The document speaks for itself, but it's not clear that the terms that Mr. Lindsey has used are necessarily—any or all of them—are from a White House source. I object to the form and the characterization of the question.

MR. GRAHAM: The ones that I have indicated are associated with the White House as being the source of those statements and—

SENATOR SPECTER: Senator Edwards and I think that question is appropriate, and the objection is overruled.

THE WITNESS: I have no idea how anything came to be attributed to a White House source.

BY MR. GRAHAM:

Q. Do you know a Mr. Terry Lenzner?

A. I—I met him once.

Q. When did you meet him?

A. I met him outside the grand jury room.

Q. And who is he?

A. He's a private investigator.

Q. And who does he work for?

A. He works for many clients, including the President.

Q. Okay. Mr. Blumenthal, I appreciate your candor here.

Do you know Mr. Harry Evans?

A. Harold Evans?

Q. Yes, sir.

A. Yes, I do.

Q. Who is Mr. Harold Evans?

A. Harold Evans is—I don't know his exact title right now. He works for Mort Zuckerman, involving his publications, and he's the husband of my former editor, Tina Brown.

Q. Has he ever worked for the New York Daily News?

MR. BREUER: I'm going to object to this line of questioning. It seems well beyond the scope of this deposition. I have never heard of Mr. Harold Evans, and it's not clear to me that's anywhere in this voluminous record or any of these issues.

SENATOR SPECTER: Senator Edwards and I think it would be appropriate to have an offer of proof on this, Congressman Graham.

MR. GRAHAM: I'm going to ask Mr. Blumenthal if he has ever at any time passed on to Mr. Evans or anyone else raw notes, notes, work products from a Mr. Terry Lenzner about subjects of White House investigations to members of the press, to include Ms. Lewinsky.

SENATOR SPECTER: Relating to Monica Lewinsky?

MR. GRAHAM: Yes, and anyone else.

MR. McDANIEL: That's a good question. I think we don't have any objection to that question.

SENATOR SPECTER: Well, we still have to rule on it. Overruled. The objection is overruled.

MR. GRAHAM: All right. Now I think I know the answer.

[Laughter.]

BY MR. GRAHAM:

Q. So let's phrase it very clearly for the record here. You know Mr. Evans; correct?

A. I do.

Q. Have you at any time received any notes, work product from a Mr. Terry Lenzner about anybody?

A. No.

Q. Okay. So, therefore, you had nothing to pass on?

A. Right.

Q. Fair enough. Do you know a Mr. Gene Lyons?

A. Yes, I do.

Q. Who is Mr. Gene Lyons?

A. He is a columnist for the Arkansas Democrat Gazette.

Q. Are you familiar with his appearance on "Meet the Press" where he suggests in an article he wrote later that maybe the President is a victim similar to David Letterman in terms of somebody following him around, obsessed with him?

A. Is this one of the exhibits?

Q. Yes, sir.

A. I wonder if you could refer me to it.

Q. Sure. I can't read my writing.

BY MR. GRAHAM:

Q. Well, while we are looking for the exhibit, let me ask you this. Do you have any independent knowledge of him making such a statement?

A. Well, I'd like to see the exhibit so—

Q. Okay.

A. —so I could know exactly what he said.

Q. Okay.

MR. MCDANIEL: If I might—Congressman, I don't know whether the one you're thinking of is—I note in Exhibit 20, there are—well, it's not a story by Mr. Lyons—

MR. GRAHAM: And that's it.

MR. MCDANIEL: There are references to him in—in that story.

MR. GRAHAM: That's it. Thank you very much.

MR. MCDANIEL: You're welcome.

MR. GRAHAM: I appreciate it.

THE WITNESS: This is 20?

BY MR. GRAHAM:

Q. Yes, sir.

A. Thank you.

Do you mind if I just read through it?

Q. Yes, sir. Take your time.

A. Thank you. [Witness perusing document.] I've read this.

Q. My question is that this article is a Boston Globe article, Saturday, February the 21st, and it references an appearance on "Meet the Press" by Mr. Gene Lyons. And I believe you know who Mr. Gene Lyons is; is that correct?

A. I do.

Q. Did you know who he was in January of 1998?

A. I did.

Q. And in this press appearance, it refers to it being the Sunday before the Saturday, February 21st, sometime in the middle of February.

He indicates on the show, at least this article recounts that he indicates, that the President could be in fact in "a totally innocent relationship in which the President was, in a sense, the victim of someone, rather like the woman who followed David Letterman around."

Do you know how Mr. Lyons would come to that conclusion? I know word travels fast, but how would he know that? Do you have any independent knowledge of how he would know that?

A. What exactly is the question?

Q. Well, the question is Mr. Lyons is indicating in the middle of February that the truth of the matter may very well be that the President is in an "innocent relationship in which the President was, in a sense, the victim of someone, rather like the woman who followed David Letterman around," and the question is that scenario of the President being a victim of someone obsessed seems rather like the conversation you had with the President on January the 21st. Do you know how Mr. Lyons would have had that take on things?

MR. MCDANIEL: Well, I object to a question that sort of loads up premises, Senators. That question sort of, you know, says, well, this conversation is a lot like the one you had with the President, and then asks the question. And the danger to the witness is that he'll—by answering the question accepts the premise.

And I ask that if you want to ask him whether it's like the conversation with the President, that's a fair question, he'll answer it, but it ought to be broken out of there.

[Senators Specter and Edwards conferring.]

SENATOR SPECTER: Senator Edwards and I disagree on the ruling, so we're going to take Senator Edwards and ask you to rephrase the question since it—

[Laughter.]

MR. GRAHAM: Fair enough.

BY MR. GRAHAM:

Q. The characterization embodied here indicates this could be a totally innocent relationship in which the President was in a sense the victim of someone. Is it fair to say, Mr. Blumenthal, that is very much like the scenario the President painted to you when you talked with him on January the 21st?

A. It could be like that.

Q. Okay. And it goes on further: "rather like the woman who followed David Letterman around." Is that very much like the characterization the President indicated to you between him and Ms. Lewinsky?

A. Could be.

Q. Did you ever at any time talk with Mr. Gene Lyons about Ms. Lewinsky or any other person that was the subject of a relationship with the President?

A. I did talk to Gene Lyons about Monica Lewinsky.

Q. Could you tell us what you told him?

A. He asked me my views, and I told him, in no uncertain terms, that I wouldn't talk about her personally. I talked about Monica Lewinsky with all sorts of people, my mother, my friends, about what was in the news stories every day, just like everyone else, but when it came to talking about her personally, I drew a line.

Q. So, when you talk to your mother and your friends and Mr. Lyons about Ms. Lewinsky, are you telling us that you have these conversations, and you know what the President has told you and you're not tempted to tell somebody the President is a victim of this lady, out of his own mouth?

A. Not only am I not tempted, I did not.

Q. You don't know how all this information came out? You have no knowledge of it at all?

MR. MCDANIEL: I don't understand the question about—

MR. GRAHAM: About her being a stalker, her being obsessed with the President, the President being like David Letterman in relationship to her.

BY MR. GRAHAM:

Q. You had no knowledge of how that all happened in the press?

A. I have an idea how it started in the press.

Q. Well, please share that with us.

A. I believe it started on January 21st with the publication of an article in Newsweek by Michael Isikoff that was posted on the World Wide Web and faxed around to everyone in the news media, in Washington, New York, everywhere, and in the White House. And in that article, Michael Isikoff reported the contents of what became known as the talking points.

And there was a mystery at the time about who wrote the talking points. We know subsequently that Monica Lewinsky wrote the talking points. And in that document, the author of the talking points advises Linda Tripp that she might refer to someone who was stalking the "P", meaning the President, and after that story appeared, I believe there were a flood of stories and discussions about this, starting on "Nightline" that very night and "Nightline" the next night and so on. And that's my understanding from observing the media of how this started.

Q. How long have you been involved in the media yourself?

A. Before I joined the White House staff, I was a journalist for 27 years.

Q. Is it your testimony that the Isikoff article on the 21st explains how White House sources contact reporters in late January and mid-February trying to explain that the President is a victim of a stalker, an obsessed young lady, who is the product of a broken home? Is that your testimony?

A. No.

MR. BREUER: I'm going to object to the form of the question. There is no evidence that White House officials, both in January and in February, if at any time, contacted sources, press sources.

MR. GRAHAM: I will introduce these articles. The articles are dated with White House sources, unsolicited, calling about this event, saying these things in January and February.

MR. BREUER: Well—

SENATOR SPECTER: Senator Edwards and I agree that the question may be asked and answered. Overruled.

THE WITNESS: If you could restate it, please?

BY MR. GRAHAM:

Q. Is it your testimony that the White House sources that are being referred to by the press are a result of the 21st of January Isikoff article? That's not what you're saying, is it?

A. No.

MR. MCDANIEL: Well—

MR. GRAHAM: Thank you.

MR. MCDANIEL: —I don't think that there ought to be argument with Mr. Blumenthal. I think he ought to be asked a question and given an opportunity to answer it, and that's an argumentative question and followed up by, "That's not what you're saying, is it?"

I also think the questions are remarkably imprecise, in that they do not specify what information it is this questioner is seeking to get Mr. Blumenthal to talk about, and in that regard, I think the questions are both irrelevant and unfair.

SENATOR EDWARDS: Are you objecting to a question that's already been asked and answered?

MR. MCDANIEL: I might be, Senator, and I had that feeling when I heard Mr. Blumenthal say something, that I might be doing that.

MR. GRAHAM: That would be my reply. He understood what I asked, and he answered, and I'll accept his answer and we'll move on.

SENATOR SPECTER: Well, I think the objection is mooted at this point.

MR. GRAHAM: Okay.

SENATOR SPECTER: I do—I do think that to the extent you can be more precise, because these articles do contain—

MR. GRAHAM: Yes, sir.

SENATOR SPECTER: —a lot of information. We're still looking for that laser.

MR. GRAHAM: Yes, sir.

BY MR. GRAHAM:

Q. And these—and the reason this comes up, Mr. Isikoff—excuse me—Mr. Blumenthal, is you've referenced the Isikoff article on the 21st, and my question goes to White House sources indicating that Ms. Lewinsky is a stalker, the January 30th article, that she's obsessed with the President, that she wears tight skirts.

What I'm trying to say is that you—you are not saying—it is not your testimony—that those White House sources are picking up on the 21st article, are you?

A. I don't know about any White House sources on these stories.

Q. When you talked to Mr. Lyons, you never mentioned what time at all that Ms. Lewinsky was making demands on the President and he had to rebuff her?

A. Absolutely not.

Q. You never at one time told Mr. Lyons or anyone else that the President felt like that he was a victim much like the person in the novel, *Darkness at Noon*?

MR. McDANIEL: Well, I object to that question. This witness has testified that he told his wife and that he told White House counsel at a later date, and the question included anyone else. So I think it—

MR. GRAHAM: Yes. Strike that.

BY MR. GRAHAM:

Q. Excluding those two people?

A. Well, I believe I've asked—I've been asked, and answered that, and I haven't told anyone else.

Q. Was there—

A. I didn't tell anyone else.

Q. Was there ever an investigation at the White House about how these stories came out, supposedly?

A. No.

Q. Was anybody ever fired?

A. No.

MR. GRAHAM: Thank you, Mr. Blumenthal.

THE WITNESS: I thank you.

MR. ROGAN: No further questions.

MR. BREUER: Could we take a 5-minute break, Senator?

SENATOR SPECTER: We can. We will recess for 5 minutes.

THE VIDEOGRAPHER: We are going off the record at 11:24 a.m.

[Recess.]

THE VIDEOGRAPHER: We're going on the record at 11:40 a.m.

SENATOR SPECTER: Turn to White House counsel, Mr. Lanny Breuer.

MR. BREUER: Senators, the White House has no questions for Mr. Blumenthal.

SENATOR SPECTER: We had deferred one line of questions which had been subject objection and considerable conference, and we put it at the end of the transcript so it could be excised. Do you wish to—

MR. GRAHAM: Yes.

SENATOR SPECTER: —proceed further?

MR. BREUER: May we approach off the record, Senators?

SENATOR SPECTER: Off the record.

THE VIDEOGRAPHER: We're going off the record at 11:41 a.m.

[Discussion off the record.]

THE VIDEOGRAPHER: We are going back on the record at 12:10 p.m.

SENATOR SPECTER: The Senators have considered the matter, and in light of the references, albeit abbreviated, in the record and the generalization that answers—questions and answers would be permitted, reserving the final judgment to the full Senate, we will permit Congressman Graham to question on pattern and practice with respect to Ms. Willey.

MR. GRAHAM: Okay. Thank you.

FURTHER EXAMINATION BY HOUSE MANAGERS

BY MR. GRAHAM:

Q. Mr. Blumenthal, we're really close to the end here. If you could turn to Tab 5, page 193.

A. We have it.

Q. Okay, thank you.

And page 20, the last question, it's in the right-hand corner. I'll read the question, and we'll kind of follow the testimony. "Have you ever had a discussion with people in the White House or been present during any meeting where the allegation has come up that other women are fabricating an affair with the President?"

Now, could you read the answer for me, please?

A. Sure. My—my answer in the grand jury is this: "We've discussed news stories that arose out of the Jones case, which was dismissed by the judge as having no basis, in which there were allegations made against the President, and these were stories that were in the press."

Q. "And you"—"And did you discuss those with the President?"

You said, "No."

And the next question is: "So what form did you discuss those news stories in?"

And your answer was?

A. "In strategy meetings."

Q. Okay. "And that would include the daily meetings, the morning and the evening meetings?"

A. Yes.

Q. And your answer was "Yes."

Now, within that context, I want to walk through a bit how those strategy meetings came about and the purpose of the strategy meetings.

The next question goes as follows: "And there were names of the women that you discussed in that context that there had been news stories about and public allegations of an affair with the President?"

And your answer was?

A. "As I recall, we discussed Paula Jones, Kathleen Willey, we've discussed"—and the rest is redacted.

Q. Redacted—and that's fine, that's fine.

And the question later on, on line 24: "When you say that that was a complete and utter fraudulent allegation—", the answer is: "In my view, yes." Right?

A. Well—

Q. About a woman?

MR. McDANIEL: Senator, I must object to this, because I believe that question, clearly from the context, refers to redacted material—

MR. GRAHAM: Right.

MR. McDANIEL: —which has been preserved as secret by the grand jury, and I think it's somewhat misleading to talk about a fraudulent allegation that the grand jury heard that Mr. Blumenthal testified about, which is clearly not in the record before the Senate.

SENATOR SPECTER: Well, it is unclear on the face of the record. So, Congressman Graham, if you could—

MR. GRAHAM: The point I'm trying—

SENATOR SPECTER: —excuse me, let me just finish—

MR. GRAHAM: Yes.

SENATOR SPECTER: —if you could specify on what is on the record that you've put in up to now.

MR. GRAHAM: Okay. What I'm reading from, Senator, is—is a question and answer and a redacted name, and the point I'm trying to make is over who that person was, the allegation was considered to be fraudulent based on your prior testimony.

THE WITNESS: That was—that was my testimony, that it was my view.

BY MR. GRAHAM:

Q. And that leads to this question. Was there ever a discussion in these strategy meetings where there was an admission that the allegation was believed to be true against the President in terms of relationship with other women?

MR. BREUER: I'm going to object to the form of the question in that it's referring to other women. Even based on the discussion that went off the record, I think that what Mr. Graham is doing now is certainly beyond any record in this case.

SENATOR SPECTER: Senator Edwards would like to hear the question repeated.

MR. GRAHAM: The strategy meetings—

SENATOR SPECTER: Good idea?

MR. GRAHAM: Yes, sir.

BY MR. GRAHAM:

Q. The strategy meetings involved press accounts of allegations between the President and other women. The question is very simple. At any of those meetings, was it ever conceded that the President did have in fact a relationship?

MR. BREUER: Object. I object to the question for the reasons I just previously stated.

SENATOR SPECTER: Senator Edwards raises the concern that I think he's correct on, that we have limited it to Willey, Ms. Willey. So, if you would—if you would focus—

MR. GRAHAM: Absolutely.

SENATOR SPECTER: —there—

MR. GRAHAM: Absolutely.

SENATOR SPECTER: —it would be within your proffer and what we have permitted.

MR. GRAHAM: Yes, sir. Very well.

BY MR. GRAHAM:

Q. In regards to Ms. Willey, is it fair to say that the consensus of the group was that these allegations were not true?

A. I don't know.

Q. Do you recall Ms. Willey giving a "60 Minutes" interview?

A. Yes.

Q. Do you recall any discussions after the interview at a strategy meeting about Ms. Willey?

MR. BREUER: I want the record to be clear that the White House has a continuing objection as to this line of inquiry.

SENATOR SPECTER: The record will so note.

THE WITNESS: If you could repeat the question, please.

MR. GRAHAM: Yes.

THE WITNESS: Sorry.

BY MR. GRAHAM:

Q. After the "60 Minutes" interview, was there ever a strategy meeting about what she said?

A. At one of the morning or evening meetings, we discussed the "60 Minutes" interview.

Q. And can you—I—I know it's hard because these meetings go on a lot. How—do you know who was there on that occasion, who would be the players that would be there?

A. They would be the same as before. I'd be happy to enumerate them for you, if you want me to.

Q. But the same as you previously testified to?

A. Yes.

Q. Okay, that's fine.

Do you recall what the discussions were about in terms of how to respond to the "60 Minutes" story?

A. Yes.

Q. Could you tell us?

A. They were what our official spokes-people would say.

Q. Did they include anything else?

A. Yes.

Q. Could you please tell us?

A. There was a considerable complaining about how, in the "60 Minutes" broadcast, Bob Bennett was not given adequate time to speak and present his case, and how he was, as I recall, poorly lighted.

Q. Was there any discussion about what Ms. Willey said herself and how that should be responded to?

A. I don't recall exactly. We just spoke about what our official spokespeople should respond to.

Q. Did anybody ever discuss the fact that Ms. Willey may have had a checkered past?

A. No, absolutely not. We never discussed the personal lives of any woman in those meetings.

Q. Did it ever come up as to, well, here's what we know about Kathleen Willey and the President, or let's go see what we can find out about Kathleen Willey and the President?

A. No.

Q. Who had the letters that Kathleen Willey wrote to the President?

A. I don't know exactly. The White House had them.

Q. Isn't it fair to say that somebody found those letters, kept those letters, and was ready to respond with those letters, if needed to be?

MR. BREUER: I'm going to object to the form of the question that it's outside the proffer of the Manager.

[Senators Specter and Edwards conferring.]

MR. McDANIEL: Yes. I object to the compound nature of the question, and—

SENATOR SPECTER: Could you rephrase the question, Congressman Lindsey—

MR. GRAHAM: Yes, sir.

SENATOR SPECTER: —or, Graham?

MR. GRAHAM: Yes, sir.

SENATOR SPECTER: I think that would solve your problem.

BY MR. GRAHAM:

Q. There were letters written to Ms. Willey to the President that were released to the media. Is that correct?

A. Yes.

Q. Do you know who gathered those letters up and how they were gathered up?

MR. BREUER: Objection.

SENATOR SPECTER: Senator Edwards and I agree that the Congressman may ask the question. Overruled.

THE WITNESS: No.

BY MR. GRAHAM:

Q. Would it be fair to say, using common sense, that somebody was planning to answer Ms. Willey by having those letters to offer to the press?

MR. BREUER: Objection.

MR. McDANIEL: It's argumentative.

MR. BREUER: It certainly is.

SENATOR SPECTER: Would you repeat that question?

BY MR. GRAHAM:

Q. The question is: Mr. Blumenthal, do you believe it's a fair assumption to make that somebody in the White House made a conscious effort to go seek out the letters between the President and Ms. Willey and use in response to her allegations?

[Senators Specter and Edwards conferring.]

THE WITNESS: Well, that's an opin—

MS. MARSH: Wait, wait, wait.

MR. McDANIEL: Please, Mr. Blumenthal.

THE WITNESS: Yes.

SENATOR SPECTER: Senator Edwards says, and I agree with him, that you ought to direct it to somebody with specific knowledge so you don't—

BY MR. GRAHAM:

Q. Do you have any knowledge—

SENATOR SPECTER: —deal totally with speculation.

BY MR. GRAHAM:

Q. Do you have any specific knowledge of that event occurring, somebody gathering the letters up, having them ready to be able to respond to Ms. Willey if she ever said anything?

A. No.

Q. You have no knowledge whatsoever of how those letters came into the possession of the White House to be released to the press?

A. No, I don't. I don't know—

MR. GRAHAM: Thank you. I—

THE WITNESS: —who had them—

MR. GRAHAM: —don't have any—

THE WITNESS: —in the White House.

MR. GRAHAM: —further questions.

PROGRAM

Mr. LOTT. Under the order just granted, the Senate will meet again as the Court of Impeachment on Saturday. On Saturday, the Senate will hear presentations from the House managers and the White House counsel for not to exceed 6 hours. After those presentations, the Senate will resume its business on Monday for 6 hours, beginning at 1 p.m.

ADJOURNMENT UNTIL 10 A.M., SATURDAY, FEBRUARY 6, 1999

Mr. LOTT. Mr. Chief Justice, I now ask the Senate stand in adjournment under the previous order, and ask that all Senators remain at their desks until the Chief Justice departs the Chamber.

There being no objection, at 4:31 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Saturday, February 6, 1999, at 10 a.m.

(Pursuant to an order of January 26, 1999, the following material was submitted at the desk during today's session:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee on Agriculture, Nutrition, and Forestry.

(The nomination received today is printed at the end of the Senate proceedings.)

1998 ANNUAL REPORT OF THE COUNCIL OF ECONOMIC ADVISERS—MESSAGE FROM THE PRESIDENT—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee.

ECONOMIC REPORT OF THE PRESIDENT

To the Congress of the United States:

I am pleased to report that the American economy today is healthy and strong. Our Nation is enjoying the longest peacetime economic expansion in its history, with almost 18 million new jobs since 1993, wages rising at twice the rate of inflation, the highest home ownership ever, the smallest welfare rolls in 30 years, and unemployment and inflation at their lowest levels in three decades.

This expansion, unlike recent previous ones, is both wide and deep. All income groups, from the richest to the poorest, have seen their incomes rise since 1993. The typical family income is up more than $3,500, adjusted for inflation. African-American and Hispanic households, who were left behind during the last expansion, have also seen substantial increases in income.

Our Nation's budget is balanced, for the first time in a generation, and we are entering the second year of an era of surpluses: our projections show that we will close out the 1999 fiscal year with a surplus of $79 billion, the largest in the history of the United States. We are on course for budget surpluses for many years to come.

These eeconomic successes are not accidental. They are the result of an economic strategy that we have pursued since 1993. It is a strategy that rests on three pillars: fiscal discipline, investments in education and technology, and expanding exports to the growing world market. Continuing with this proven strategy is the best way to maintain our prosperity and meet the challenges of the 21st century.

THE ADMINISTRATION'S ECONOMIC AGENDA

Our new economic strategy was rooted first and foremost in fiscal discipline. We made hard fiscal choices in 1993, sending signals to the market that we were serious about dealing with the budget deficits we had inherited. The market responded by lowering long-term interest rates. Lower interest rates in turn helped more people buy homes and borrow for college, helped more entrepreneurs to start businesses, and helped more existing businesses to invest in new technology and equipment. America's economic success has been fueled by the biggest boom in private sector investment in decades—more than $1 trillion in capital was freed for private sector investment. In past expansions, government bought more and spent more to drive the economy. During this expansion, government spending as a share of the economy has fallen.

The second part of our strategy has been to invest in our people. A global economy driven by information and fast-paced technological change creates ever greater demand for skilled workers. That is why, even as we balanced the budget, we substantially increased our annual investment in education and training. We have opened the doors of college to all Americans, with tax credits and more affordable student loans, with more work-study grants and more Pell grants, with education IRAs and the new HOPE Scholarship tax credit that more than 5 million Americans will receive this year. Even as we closed the budget gap, we have expanded the earned income tax credit for almost 20 million low-income working families, giving them hope and helping lift them out of poverty. Even as we cut government spending, we have raised investments in a welfare-to-work jobs initiative and invested $24 billion in our children's health initiative.

Third, to build the American economy, we have focused on opening foreign markets and expanding exports to our trading partners around the world. Until recently, fully one-third of the strong economic growth America has enjoyed in the 1990s has come from exports. That trade has been aided by 270 trade agreements we have signed in the past 6 years.

ADDRESSING OUR NATION'S ECONOMIC CHALLENGES

We have created a strong, healthy, and truly global economy—an economy that is a leader for growth in the world. But common sense, experience, and the example of our competitors abroad show us that we cannot afford to be complacent. Now, at this moment of great plenty, is precisely the time to face the challenges of the next century.

We must maintain our fiscal discipline by saving Social Security for the 21st century—thereby laying the foundations for future economic growth.

By 2030, the number of elderly Americans will double. This is a seismic demographic shift with great consequences for our Nation. We must keep Social Security a rock-solid guarantee. That is why I proposed in my State of the Union address that we invest the surplus to save Social Security. I proposed that we commit 62 percent of the budget surplus for the next 15 years to Social Security. I also proposed investing a small portion in the private sector. This will allow the trust fund to earn a higher return and keep Social Security sound until 2055.

But we must aim higher. We should put Social Security on a sound footing for the next 75 years. We should reduce poverty among elderly women, who are nearly twice as likely to be poor as other seniors. And we should eliminate the limits on what seniors on Social Security can earn. These changes will require difficult but fully achievable choices over and above the dedication of the surplus.

Once we have saved Social Security, we must fulfill our obligation to save and improve Medicare and invest in long-term health care. That is why I have called for broader, bipartisan reforms that keep Medicare secure until 2020 through additional savings and modernizing the program with market-oriented purchasing tools, while also providing a long-overdue prescription drug benefit.

By saving the money we will need to save Social Security and Medicare, over the next 15 years we will achieve the lowest ratio of publicly held debt to gross domestic product since 1917. This debt reduction will help keep future interest rates low or drive them even lower, fueling economic growth well into the 21st century.

To spur future growth, we must also encourage private retirement saving. In my State of the Union address I proposed that we use about 12 percent of the surplus to establish new Universal Savings Accounts—USA accounts. These will ensure that all Americans have the means to save. Americans could receive a flat tax credit to contribute to their USA accounts and additional tax credits to match a portion of their savings—with more help for lower income Americans. This is the right way to provide tax relief to the American people.

Education is also key to our Nation's future prosperity. That is why I proposed in my State of the Union address a plan to create 21st-century schools through greater investment and more accountability. Under my plan, States and school districts that accept Federal resources will be required to end social promotion, turn around or close failing schools, support high-quality teachers, and promote innovation, competition, and discipline. My plan also proposes increasing Federal investments to help States and school districts take responsibility for failing schools, to recruit and train new teachers, to expand after school and summer school programs, and to build or fix 5,000 schools.

At this time of continued turmoil in the international economy, we must do more to help create stability and open markets around the world. We must press forward with open trade. It would be a terrible mistake, at this time of economic fragility in so many regions, for the United States to build new walls of protectionism that could set off a chain reaction around the world, imperiling the growth upon which we depend. At the same time, we must do more to make sure that working people are lifted up by trade. We must do more to ensure that spirited economic competition among nations never becomes a race to the bottom in the area of environmental protections or labor standards.

Strengthening the foundations of trade means strengthening the architecture of international finance. The United States must continue to lead in stabilizing the world financial system. When nations around the world descend into economic disruption, consigning populations to poverty, it hurts them and it hurts us. These nations are our trading partners; they buy our products and can ship low-cost products to American consumers.

The U.S. proposal for containing financial contagion has been taken up around the world: interest rates are being cut here and abroad, America is meeting its obligations to the International Monetary Fund, and a new facility has been created at the World Bank to strengthen the social safety net in Asia. And agreement has been reached to establish a new precautionary line of credit, so nations with strong economic policies can quickly get the help they need before financial problems mushroom from concerns to crises.

We must do more to renew our cities and distressed rural areas. My Administration has pursued a new strategy, based on empowerment and investment, and we have seen its success. With the critical assistance of Empowerment Zones, unemployment rates in cities across the country have dropped dramatically. But we have more work to do to bring the spark of private enterprise to neighborhoods that have too long been without hope. That is why my budget includes an innovative "New Markets" initiative to spur $15 billion in new private sector capital investment in businesses in underserved areas through a package of tax credits and guarantees.

GOING FORWARD TOGETHER IN THE 21ST CENTURY

Now, on the verge of another American Century, our economy is at the pinnacle of power and success, but challenges remain. Technology and trade and the spread of information have transformed our economy, offering great opportunities but also posing great challenges. All Americans must be equipped with the skills to succeed and prosper in the new economy. America must have the courage to move forward and renew its ideas and institutions to meet new challenges. There are no limits to the world we can create, together, in the century to come.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 4, 1999.*

MESSAGES FROM THE HOUSE

At 1:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 68. An act to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act.

H.R. 98. An act to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program and to amend the Centennial of Flight Commemoration Act to make technical and other corrections.

H.R. 99. An act to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

H.R. 432. An act to designate the North/South Center as the Dante B. Fascell North-South Center.

The message also announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 19. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message further announced that pursuant to section 8002 of the Internal Revenue code of 1986, the Committee on Ways and Means designated the following Members of the House to serve on the Joint Committee on Taxation for the 106th Congress: Mr. ARCHER, Mr. CRANE, Mr. THOMAS, Mr. RANGEL, and Mr. STARK.

The message also announced that pursuant to the provisions of 15 U.S.C. 1024(a), the Speaker appoints the following Member of the House of the Joint Economic Committee: Mr. SAXTON of New Jersey.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1374. A communication from the President of the United States, transmitting, pursuant to law, a report on three rescissions of budget authority dated February 1, 1999; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Energy and Natural Resources, and to the Committee on Foreign Relations.

EC–1375. A communication from the Director of the Defense Security Cooperation Agency, transmitting, pursuant to law, a report on loans and guarantees issued under the Arms Export Control Act as of September 30, 1998; to the Committee on Foreign Relations.

EC–1376. A communication from the Register of Copyrights, United States Copyright Office, Library of Congress, transmitting, pursuant to law, a schedule of proposed new copyright fees; to the Committee on the Judiciary.

EC–1377. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, notice of a cost comparison of the Base Operating Support functions at Lockland Air Force Base, Texas; to the Committee on Armed Services.

EC–1378. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Coverage of Ambulance Services and Vehicle and Staff Requirements" (RIN0938–AH13) received on January 26, 1999; to the Committee on Finance.

EC–1379. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 99–7) received on January 25, 1999; to the Committee on Finance.

EC–1380. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Insurance Contributions Act (FICA) Taxation of Amounts Under Employee Benefit Plans" (RIN1545–AT27) received on January 28, 1999; to the Committee on Finance.

EC–1381. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Unemployment Tax Act (FUTA) Taxation of Amounts Under Employee Benefit Plans" (RIN1545–AT99) received on January 28, 1999; to the Committee on Finance.

EC–1382. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Acceptance of Bonds Secured By Government Obligations in Lieu of Bonds with Sureties" (RIN1510–AA36) received on January 27, 1999; to the Committee on Finance.

EC–1383. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 1999–2000 Marketing Year" (Docket FV–99–985–1 FR) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1384. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxystrobin; Pesticide Tolerances for Emergency Exemptions" (RIN2070–AB78) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1385. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of Tolerances for Canceled Food Uses; Correction" (FRL6043–7) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1386. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lambda-cyhalothrin; Pesticide Tolerances for Emergency Exemptions" (FRL6056–2) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1387. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenbuconazole; Pesticide Tolerances for Emergency Exemptions" (FRL6054–3) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1388. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rescission of Cryolite Tolerance Revocations; Final Rule, Delay of Effective Date" (FRL6058–7) received on January 26, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1389. A communication from the President of the United States, transmitting, pursuant to law, notice of the continuation of the national emergency with respect to grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process is to continue in effect beyond January 23, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1390. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Bureau of Export Administration's report entitled "Annual Report for Fiscal Year 1999" and the "1999 Report to Congress on Foreign Policy Export Controls"; to the Committee on Banking, Housing, and Urban Affairs.

EC–1391. A communication from the Vice Chair of the Import-Export Bank of the United States, transmitting, pursuant to law, notice of a financial guarantee to support the sale of certain Boeing aircraft to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC–1392. A communication from the President and Chairman of the Import-Export Bank of the United States, transmitting, pursuant to law, the Bank's report on Sub-Saharan Africa and the Export-Import Bank of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EC–1393. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents for foreign governments, and security documents for State governments and their political subdivisions; to the Committee on Banking, Housing, and Urban Affairs.

EC–1394. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports of High Performance Computers; Post-shipment Verification Reporting Procedures" (RIN0694–AB78) received on November 4, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1395. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule regarding the procedure for requests for removal from the list of blocked persons, groups, and vessels received on January 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1396. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Office's Sequestration Preview Report for Fiscal Year 2000; transmitted jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget and to the Committee on Governmental Affairs.

EC–1397. A communication from the President of the United States, transmitting, pursuant to law, notice of an Agreement to extend the Mutual Fisheries Agreement to December 31, 2003; transmitted jointly, pursuant to 16 U.S.C. 1823(b), P.L. 94–265, to the

Committee on Commerce, Science, and Transportation and to the Committee on Foreign Relations.

EC–1398. A communication from the Deputy Assistant Secretary for Policy, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Interim Rules for Group Health Plans and Health Insurance Issuers Under the Newborns' and Mothers' Health Protection Act" (RIN1210–AA63) received on November 4, 1998; to the Committee on Finance.

EC–1399. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the San Francisco Bay Viticulture Area and the Realignment of the Boundary of the Central Coast Viticultural Area" (RIN1512–AA07) received on January 27, 1999; to the Committee on Finance.

EC–1400. A communication from the President of the United States Institute of Peace, transmitting, pursuant to law, a report on the Institute's activities during the four year period following the end of the Cold War (1994–1997); to the Committee on Health, Education, Labor, and Pensions.

EC–1401. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's report under the Freedom of Information Act for fiscal year 1997; to the Committee on the Judiciary.

EC–1402. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Department's report entitled "Attacking Financial Institution Fraud: Fiscal Year 1996 (Second Quarterly Report)"; to the Committee on the Judiciary.

EC–1403. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Addition to Quarantined Areas" (Docket 95–086–2) received on January 27, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1404. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Performance Standards for the Production of Certain Meat and Poultry Products" (Docket 95–033F) received on January 28, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1405. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Increased Assessment Rate" (Docket FV99–993–1 FR) received on January 28, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1406. A communication from the Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Two-Part Documents for Commodity Pools" received on November 4, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1407. A communication from the President of the United States, transmitting, pursuant to law, a 6-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process (Executive Order 12947) dated January 27, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1408. A communication from the Secretary of the United States Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Custody of Investment Company Assets Outside the United States" (RIN3235–AE98) received on January 29, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1409. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a list of international agreements other than treaties entered into by the United States (99–5 to 99–7); to the Committee on Foreign Relations.

EC–1410. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report on the extent and disposition of U.S. contributions to international organizations for fiscal year 1997; to the Committee on Foreign Relations.

EC–1411. A communication from the Director of the Defense Security Cooperation Agency, transmitting, pursuant to law, the Agency's report on full-time USG employees who are performing services for which reimbursement is provided under the Arms Export Control Act; to the Committee on Foreign Relations.

EC–1412. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued or released by the General Accounting Office in September 1998; to the Committee on Governmental Affairs.

EC–1413. A communication from the Chair of the U.S. Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the Board's consolidated annual report under the Inspector General Act and the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1414. A communication from the Executive Director of the President's Committee on the Arts and the Humanities, transmitting, pursuant to law, a report on the Committee's recommendations to the President; to the Committee on Governmental Affairs.

EC–1415. A communication from the Secretary of Defense, transmitting, pursuant to law, the Department's report under the Inspector General Act for the period from April 1, 1998 through September 30, 1998; to the Committee on Governmental Affairs.

EC–1416. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–494, "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1417. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–495, "Office of Citizen Complaint Review Establishment Act of 1998"; to the Committee on Governmental Affairs.

EC–1418. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–487, "Summary of Abatement of Life-or-Health Threatening Conditions Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1419. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–488, "Alcoholic Beverage Control DC Arena Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1420. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–490, "Retired Police Officer Redeployment Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1421. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–491, "Criminal Background Investigation for the Protection of Children Temporary Act of 1998"; to the Committee on Governmental Affairs.

EC–1422. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–492, "Metropolitan Police Department Civilianization Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1423. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–493, "Open Alcoholic Beverage Containers Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1424. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–468, "Prohibition on Abandoned Vehicles Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1425. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–469, "Closing of a Public Alley in Square 198, S.O. 90–260, Act of 1998"; to the Committee on Governmental Affairs.

EC–1426. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–471, "ARCH Training Center Real Property Tax Exemption and Equitable Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1998"; to the Committee on Governmental Affairs.

EC–1427. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–473, "Salvation Army Equitable Real Property Tax Relief Act of 1998"; to the Committee on Governmental Affairs.

EC–1428. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–475, "Extension of Time to Dispose of District Owned Surplus Real Property Revised Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1429. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–481, "Regional Airports Authority Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1430. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–486, "Special Events Fee Adjustment Waiver Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1431. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–485, "Drug Prevention and Children at Risk Tax Check-off Temporary Act of 1998"; to the Committee on Governmental Affairs.

EC–1432. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12-470, "Drug-Related Nuisance Abatement Act of 1998"; to the Committee on Governmental Affairs.

EC-1433. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12-474, "Sex Offender Registration Risk Assessment Clarification and Convention Center Marketing Service Contracts Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC-1434. A communication from the Chairman of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's consolidated annual report under the Inspector General Act and the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC-1435. A communication from the Director of the Information Security Oversight Office, National Archives and Records Administration, transmitting, a copy of the Office's "Report to the President" for 1997; to the Committee on Governmental Affairs.

EC-1436. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12-489, "Holy Comforter-St. Cyprian Roman Catholic Church Equitable Real Property Tax Relief Act of 1998"; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 366. A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Energy.

By Mr. BINGAMAN (for himself and Mr. DASCHLE):

S. 367. A bill to amend the Radiation Exposure Compensation Act to provide for partial restitution to individuals who worked in uranium mines, mills, or transport which provided uranium for the use and benefit of the United States Government, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 368. A bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CLELAND:

S. 369. A bill to provide States with the authority to permit certain employers of domestic workers to make annual wage reports; to the Committee on Finance.

By Mr. GRAHAM:

S. 370. A bill to designate the North/South Center as the Dante B. Fascell North-South Center; to the Committee on Foreign Relations.

By Mr. GRAHAM (for himself, Mr. DEWINE, Mr. COVERDELL, Mr. DOMENICI, Ms. LANDRIEU, Mr. DODD, Mr. HATCH, Mr. FRIST, Mr. MACK, and Mr. HAGEL):

S. 371. A bill to provide assistance to the countries in Central America and the Caribbean affected by Hurricane Mitch and Hurricane Georges, to provide additional trade benefits to certain beneficiary countries in the Caribbean, and for other purposes; to the Committee on Finance.

By Mr. BIDEN:

S. 372. A bill to make available funds under the Freedom Support Act to expand existing educational and professional exchanges with the Russian Federation to promote and strengthen democratic government and civil society in that country, and to make available funds under that Act to conduct a study of the feasibility of creating a new foundation toward that end; to the Committee on Foreign Relations.

By Mr. HARKIN:

S. 373. A bill to prohibit the acquisition of products produced by forced or indentured child labor; to the Committee on Governmental Affairs.

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. SPECTER, Mr. BAUCUS, Mr. ROBB, and Mr. BAYH):

S. 374. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. MURKOWSKI, and Mr. AKAKA):

S. 375. A bill to create a rural business lending pilot program within the U.S. Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. BURNS (for himself, Mr. MCCAIN, Mr. DORGAN, Mr. BRYAN, Mr. BROWNBACK, and Mr. CLELAND):

S. 376. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI:

S. 377. A bill to eliminate the special reserve funds created for the Savings Association Insurance Fund and the Deposit Insurance Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 378. A bill to provide for the non-preemption of State prescription drug benefit laws in connection with Medicare+Choice plans; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. DORGAN, Mr. WYDEN, Mr. HARKIN, and Mr. BINGAMAN):

S. 379. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to implement a pilot program to improve access to the national transportation system for small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself, Mr. BAUCUS, Mr. CRAPO, Mr. FRIST, Mr. ASHCROFT, Mr. THOMPSON, Mr. BURNS, Mr. BROWNBACK, Mr. INHOFE, Mr. HELMS, Mr. COCHRAN, Mr. ENZI, Mr. LOTT, Mr. THOMAS, Mr. GREGG, Mr. SESSIONS, and Mr. MURKOWSKI):

S. 380. A bill to reauthorize the Congressional Award Act; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 381. A bill to allow certain individuals who provided service to the Armed Forces of the United States in the Philippines during World War II to receive a reduced SSI benefit after moving back to the Philippines; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. 382. A bill to establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE:

S. Res. 32. A resolution to express the sense of the Senate reaffirming the cargo preference policy of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWNBACK (for himself, Mr. WYDEN, Mr. MACK, Mr. SMITH of Oregon, Mr. HATCH, Mr. KERREY, Mr. FITZGERALD, Mr. HELMS, Mr. ASHCROFT, Mr. SCHUMER, Mr. TORRICELLI, Mr. GRAMS, and Mr. LAUTENBERG):

S. Con. Res. 5. A concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 366. A bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Energy and Natural Resources.

CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL

• Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail. Senator DOMENICI is once again a cosponsor of this legislation which enjoyed bipartisan support in both the Senate and in the House in the last Congress. I want to thank Senator DOMENICI for his continued support of this bill.

While we passed this bill last year in the Senate, it appeared that there just wasn t enough time for the House to go through its process on the bill at the end of the 105th Congress. My hope is that we will be able to move this bill through the Senate quickly this year and that the House will pass it as well.

While this legislation is important to my home state of New Mexico, it also contributes to the national dialogue on the history of this country and who we are as a people. In history classes across the country, children learn about the establishment of European settlements on the East Coast, and the east to west migration which occurred under the banner of Manifest Destiny. However, the story of the northward exploration and settlement of this country by the Spanish is often overlooked. This legislation recognizes this important chapter in American history.

In the 16th century, building upon a network of trade routes used by the indigenous Pueblos along the Rio Grande, Spanish explorers established a migration route into the interior of the continent which they called "El Camino Real de Tierra Adentro", the Royal Road of the Interior. In 1598, almost a decade before the first English colonists landed at Jamestown, Virginia, Don Juan de Onate led a Spanish expedition which established the northern portion of El Camino Real which became the main route for communication and trade between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros, San Gabriel and then Santa Fe, New Mexico.

For the next 223 years, until 1821, El Camino Real facilitated the exploration, conquest, colonization, settlement, religious conversion, and military occupation of the Spanish colonial borderlands. In the 17th century, caravans of wagons and livestock struggled for months to cross the desert and bring supplies up El Camino Real to missions, mining towns and settlements in New Mexico. As with later Anglo settlers who travelled from St. Louis to California during the 1800s, the Spanish settlers faced very harsh conditions moving into what would become the American Southwest. On one section known as the Jornada del Muerto, or Journey of Death, they traveled for 90 miles without water, shelter, or firewood.

The Spanish influence from those persevering colonists can still be seen today in the ethnic and cultural traditions of the southwestern United States.

As we enter the 21st century, it's essential that we embrace the diversity of people and cultures that make up our country. It is the source of our dynamism and strength. The inclusion of this trail into the National Historic Trail system is an important step towards advancing our understanding of our rich cultural history.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real de Tierra Adentro National Historic Trail Act."

SEC. 2. FINDINGS.

The Congress finds the following:

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and then Santa Fe (1610–1821).

(2) The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) In 1598, Juan de Oñate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) During the Mexican National Period and part of the U.S. Territorial Period, El Camino Real de Tierra Adentro facilitated the emigration of people to New Mexico and other areas that would become the United States;

(7) The exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderlands was made possible by this route, whose historical period extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderlands. These travelers promoted cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans;

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5 (a) of the National Trails System Act (16 U.S.C. 1244 (a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

"(21) EL CAMINO REAL DE TIERRA ADENTRO.—

"(A) El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to present San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States Route: El Camino Real de Tierra Adentro', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico', dated March 1997.

"(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of Interior.

"(C) ADMINISTRATION.—The Trail shall be administered by the Secretary of the Interior.

"(D) LAND ACQUISITION.—No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for El Camino Real de Tierra Adentro except with the consent of the owner thereof.

"(E) VOLUNTEER GROUPS; CONSULTATION.—The Secretary of the Interior shall—

"(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

"(ii) consult with other affected Federal, State, and tribal agencies in the administration of the trail.

"(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.".●

By Mr. BINGAMAN (for himself and Mr. DASCHLE):

S. 367. A bill to amend the Radiation Exposure Compensation Act to provide for partial restitution to individuals who worked in uranium mines, mills, or transport which provided uranium for the use and benefit of the United States Government, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE RADIATION EXPOSURE COMPENSATION IMPROVEMENT ACT

● Mr. BINGAMAN. Mr. President, I rise today with my colleague, Senator DASCHLE, to introduce the Radiation Exposure Compensation Improvement Act of 1999.

Mr. President, the Radiation Exposure Compensation Act, or RECA, was originally enacted in 1990 as a means of compensating the individuals who suffered from exposure to radiation as a result of the U.S. government's nuclear testing program and federal uranium mining activities. While the government can never fully compensate for the loss of a life or a reduction in the quality of life, RECA serves as a cornerstone for the national apology Congress extended to those adversely affected by the various radiation tragedies. In keeping with the spirit of that apology, the legislation I introduce today will further correct existing injustices and provide compassionate compensation for those whose lives and health were sacrificed as part of our nation's effort to win the cold war.

During the period of 1947 to 1961, the Federal Government controlled all aspects of the production of nuclear fuel. One such aspect was the mining of uranium in New Mexico, Colorado, Arizona, and Utah. Even though the Federal Government had adequate knowledge of the hazards involved in uranium mining, these miners, many of whom were Native Americans, were sent into inadequately ventilated mines with virtually no instruction regarding the dangers of ionizing radiation. These miners had no idea of those dangers. Consequently, they inhaled radon particles that eventually yielded high doses of ionizing radiation. As a result, these miners have a substantially elevated cancer rate and incidence of incapacitating respiratory disease. The health effects of uranium mining in the fifties and sixties remain the single greatest concern of many former uranium miners and millers and their families and friends.

In 1990, I was pleased to co-sponsor the original RECA legislation here in the Senate to provide compassionate compensation to uranium miners. I was very optimistic that after years of waiting, some degree of redress would be given to the thousands of miners in my state of New Mexico. Subsequently, I chaired the Senate oversight hearing on this issue in Shiprock, N.M. for the Senate Labor and Human Resources Committee in 1993 and began to learn that while our efforts in 1990 were well intentioned they were not proving to be as effective as hoped. I additionally heard from many of my constituents that the program was not working as intended and that changes were necessary. To that end, I worked to facilitate changes in the regulatory and administrative areas.

Unfortunately, I have continued to hear from many of my constituents that the program still does not work as intended. I have received compelling letters of need from constituents telling of the many barriers in the current statute that lead to denial of compensation. Letters come from widows unable to access the current compensation. Miners tied to oxygen tanks, in respiratory distress or dying from cancer write to tell me how they have been denied compensation under the current act. Additionally, family members write of the pain of fathers who worked in uranium processing mills. They recount how their fathers came home covered in the "yellow cake" or uranium oxide that was floating in the air of the mills. The story of their fathers' cancers and painful breathing are vivid in these letters but the current act does not address their needs.

Their points are backed by others as well. In fact, my legislation incorporates findings by the Committee on the Biological Effects of Ionizing Radiation (BEIR) which has, since 1990, enlarged scientific evidence about radiogenic cancers and the health effects of radiation exposure. In other words, because of their good work, we know more now than we did in 1990 and we need to make sure the compensation we provide keeps pace with our medical knowledge. The government has the responsibility to compensate all those adversely affected and who have suffered health problems because they were not adequately informed of the risks they faced while mining, milling, and transporting uranium ore.

Mr. President, the legislation I am introducing today is a starting point for amending the current Act designed with specific elements to better serve the individuals who apply for compensation under the Act. The legislation is designed to simplify RECA and broaden the scope of individuals who are eligible for compensation.

Mr. President, I would like to cite several of the key provisions in the Radiation Exposure Compensation Improvement Act of 1999. Currently RECA covers those exposed to radiation released in underground uranium mines that were providing uranium for the primary use and benefit of the nuclear weapons program of the U.S. government. The legislation would make all uranium workers eligible for compensation including above ground miners, millers, and transport workers. I am very concerned about the need to expand compensation to the categories of workers not covered by the current law, specifically those in above ground, open pit mines, mill workers, and those employed to transport uranium ore. There is overwhelming evidence that these workers have developed cancer and other diseases as a result of their exposure to uranium. While attempts have been made to get the scientific data necessary to substantiate the link between their work situation and their health problems, barriers have been encountered and I am told that data will not be readily available. I believe that it is necessary to move forward in this area and not deny further compensation awaiting study results that in the end may not be deemed to be statistically valid because of the difficulty in obtaining access to records and the millers themselves.

RECA currently covers individuals termed "downwinders" who were in the areas of Nevada, Utah, and Arizona affected by atmospheric nuclear testing in the 1950's. This bill expands the geographical area eligible for compensation to include the Navajo Reservation because, based on a recent report of the National Cancer Institute, Navajo children during the 1950's received extremely high Iodine-131 thyroid doses during the period of heaviest fallout from the Nevada Test site. In addition, the bill expands the compensable diseases for the downwind population by adding salivary gland, urinary bladder, brain, colon, and ovarian cancers.

Currently, the law has disproportionately high levels of radiation exposure requirements for miners to qualify for compensation as compared to the "downwinders." My legislation would set a standard of proof for uranium workers that is more realistic given the availability of mining and mill data. The bill also removes the provision that only permits a claim for respiratory disease if the uranium mining occurred on a reservation. Thus, the bill will allow for further filing of a claim by those miners, millers, and transport workers who did not have a work history on a reservation. In addition, the bill would change the current law so that requirements for written medical documentation is updated to allow for use of high resolution CAT scans and allow for written diagnoses by physicians in either the Department of Veterans Affairs or the Indian Health Service to be considered conclusive.

In 1990, we joined together in a bipartisan, bicameral effort and assured passage of the Radiation Exposure Compensation Act (RECA). Now we put forward this comprehensive amendment to RECA to correct omission, make RECA consistent with current medical knowledge, and to address what have become administrative borrow stories for the claimants. I look forward to the debate in the Senate on this issue and hope that we can move to amend the current statute to ensure our original intent—fair and rapid compensation to those who served their country so well.

Mr. President, I ask unanimous consent to have the text of the Radiation Improvement Compensation Act printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "Radiation Exposure Compensation Improvement Act of 1999.".

(b) FINDINGS.—Congress finds the following:

(1) The intent of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), enacted in 1990, was to apologize to victims of the weapons program of the Federal Government, but uranium workers who have applied for compensation under the Act have faced a disturbing number of challenges.

(2) The congressional oversight hearing conducted by the Committee on Labor and Human Resources of the Senate has shown that since passage of the Radiation Exposure Compensation Act, former uranium workers and their families have not received prompt and efficient compensation.

(3) There is no plausible justification for the Federal Government's failure to warn and protect the lives and health of uranium workers.

(4) Progress on implementing the Radiation Exposure Compensation Act has been impeded by criteria for compensation that is far more stringent than for other groups for which compensation is provided.

(5) The President's Advisory Committee on Human Radiation Experiments recommended that amendments to the Radiation Exposure Compensation should be made.

(6) Uranium millers, aboveground miners, and individuals who transported uranium ore should be provided compensation that is similar to that provided for underground uranium miners in cases in which those individuals suffered disease or resultant death as a result of the failure of the Federal Government to warn of health hazards.

SEC. 2. TRUST FUND.

Section 3(d) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking "of this Act" and inserting "of the Radiation Exposure Compensation Improvement Act of 1999.".

SEC. 3. AFFECTED AREA; CLAIMS RELATING TO SPECIFIED DISEASES.

(a) Affected Area.—Section 4(b)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by striking "and" at the end of subparagraph (B); and

(2) by adding at the end the following:

"(D) those parts of Arizona, Utah, and New Mexico comprising the Navajo Nation Reservation that were subjected to fallout from nuclear weapons testing conducted in Nevada; and".

(b) Claims Relating to Specified Diseases.—Section 4(b)(2) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by striking "the onset of the disease was between 2 and 30 years of first exposure," and inserting "the onset of the disease was at least 2 years after first exposure, lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam),";

(2) by striking "(provided initial exposure occurred by the age of 20)" after "thyroid";

(3) by inserting "male or" before "female breast";

(4) by striking "(provided initial exposure occurred prior to age 40)" after "female breast";

(5) by striking "(provided low alcohol consumption and not a heavy smoker)" after "esophagus";

(6) by striking "(provided initial exposure occurred before age 30)" after "stomach";

(7) by striking "(provided not a heavy smoker)" after "pharynx";

(8) by striking "(provided not a heavy smoker and low coffee consumption)" after "pancreas";

(9) by inserting "salivary gland, urinary bladder, brain, colon, ovary," after "gall bladder,"; and

(10) by inserting before the period at the end the following: ", and chronic lymphocytic leukemia".

SEC. 4. URANIUM MINING AND MILLING AND TRANSPORT.

(a) Amendment to Heading.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by striking the section heading and inserting the following:

"SEC. 5. CLAIMS RELATING TO URANIUM MINING OR MILLING OR TRANSPORT.".

(b) Milling.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by striking "Any" and inserting "Any individual who was employed to transport or handle uranium ore or any"; and

(2) by inserting "or in any other State in which uranium was mined, milled, or transported" after "Utah".

(c) Mines.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as amended by subsection (a) of this section, is amended by striking "a uranium mine" and inserting "a uranium mine (including a mine located aboveground or an open pit mine in which uranium miners worked, or a uranium mill)".

(d) Dates.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as amended by subsections (b) and (c) of this section, is amended by striking "January 1, 1947, and ending on December 31, 1971" and inserting "January 1, 1942, and ending on December 31, 1990".

(e) Amendment of Period of Exposure; Expansion of Coverage; Increase in Compensation Awards; and Removal of Smoking Distinction.—Section 5(a) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as amended by subsections (b) through (d) of this section, is amended—

(1) by striking paragraph (1) and all that follows through the end of the subsection and inserting the following:

"(2) Compensation.—Any individual shall receive $200,000 for a claim made under this Act if—

"(A) that individual—

"(i) was exposed to 40 or more working level months of radiation and submits written medical documentation that the individual, after exposure developed—

"(I) lung cancer,

"(II) a nonmalignant respiratory disease, or

"(III) any other medical condition associated with uranium mining or milling, or

"(ii) worked in uranium mining, milling, or transport for a period of at least 1 year and submits written medical documentation that the individual, after exposure, developed—

"(I) lung cancer,

"(II) a nonmalignant respiratory disease, or

"(III) any other medical condition associated with uranium mining, milling, or transport,

"(B) the claim for that payment is filed with the Attorney General by or on behalf of that individual, and

"(C) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.".

(2) by striking "(a) Eligibility of Individuals.—Any" and inserting the following: "(a) Eligibility.—

"(1) In general.—Any"; and

(3) in paragraph (1), as so designated, by striking the dash at the end and inserting a period.

(f) Claims Related to Human Radiation Experimentation and Death Resulting From Cause Other Than Radiation.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by inserting after subsection (a) the following:

"(b) Claims Relating to Human Use Research and Death Resulting From Nonradiological Causes.—

"(1) In general.—

"(A) Payment.—Any individual described in subparagraph (B) shall receive $50,000 if—

"(i) a claim for that payment is filed with the Attorney General by or on behalf of that individual; and

"(ii) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

"(B) Description of individuals.—An individual described in this subparagraph is an individual who—

"(i) was employed in a uranium mining, milling, or transport within any State referred to in subsection (a) at any time during the period referred to in that subsection, and

"(ii)(I) in the course of that employment, without the individual's knowledge or informed consent, was intentionally exposed to radiation for purposes of testing, research, study, or experimentation by the Federal Government (including any agency of the Federal Government) to determine the effects of that exposure on the human body; or

"(II) in the course of or arising out of the individual's employment, suffered death, that, because the individual or the estate of the individual was barred from pursuing recovery under a worker's compensation system or civil action available to similarly situated employees of mines or mills that are not uranium mines or mills, is not otherwise—

"(aa) compensable under subsection (a); or

"(bb) redressable.

"(2) Payments.—Payments under this subsection may be made only in accordance with section 6.".

(g) Other Injury or Disability.—Section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as amended by subsection (f) of this section, is amended by adding after subsection (b) the following:

"(c) Other Injury or Disability.—

"(1) In general.—

"(A) Payment.—Any individual described in subparagraph (B) shall receive $20,000 if—

"(i) a claim for that payment is filed with the Attorney General by or on behalf of that individual; and

"(ii) the Attorney General determines, in accordance with section 6, that the claim meets the requirements of this Act.

"(B) Description of individuals.—An individual described in this subparagraph is an individual who—

"(i) was employed in a uranium mine or mill or transported uranium ore within any State referred to in subsection (a) at any time during the period referred to in that subsection; and

"(ii) submits written medical documentation that individual suffered injury or disability, arising out of or in the course of the individual's employment that, because the individual or the estate of the individual was barred from pursuing recovery under a worker's compensation system or civil action available to similarly situated employees of mines or mills that are not uranium mines or mills, is not otherwise—

"(I) compensable under subsection (a); or

"(II) redressable.

"(2) Payments.—Payments under this subsection may be made only in accordance with section 6.".

(h) Definitions.—Subsection (d) of section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), as redesignated by subsection (f) of this section, is amended—

(1) in paragraph (1)—

(A) by striking "radiation exposure" and inserting "exposure to radon and radon progeny"; and

(B) by inserting "based on a 6-day workweek," after "every work day for a month,";

(2) by striking paragraph (2) and inserting the following:

"(2) the term 'affected Indian tribe' means any Indian tribe, band, nation, pueblo, or other organized group or community, that is recognized as eligible for special programs and services provided by the United States to Indian tribes because of their status as Native Americans, whose people engaged in uranium mining or milling or were employed where uranium mining or milling was conducted;";

(3) by striking paragraphs (3) and (4); and

(4) by adding at the end the following:

"(3) the term 'course of employment' means—

"(A) any period of employment in a uranium mine or uranium mill before or after December 31, 1971, or

"(B) the cumulative period of employment in both a uranium mine and uranium mill in any case in which an individual was employed in both a uranium mine and a uranium mill;

"(4) the term 'lung cancer' means any physiological condition of the lung, trachea, and bronchus that is recognized under that name or nomenclature by the National Cancer Institute, including any in situ cancer;

"(5) the term 'nonmalignant respiratory disease' means fibrosis of the lung, pulmonary fibrosis, corpulmonale related to pulmonary fibrosis, or moderate or severe silicosis or pneumoconiosis;

"(6) the term 'other medical condition associated with uranium mining, milling, or uranium transport' means any medical condition associated with exposure to radiation, heavy metals, chemicals, or other toxic substances to which miners and millers are exposed in the mining and milling of uranium;

"(7) the term 'uranium mill' includes milling operations involving the processing of uranium ore or vanadium-uranium ore, including carbonate and acid leach plants;

"(8) the term 'uranium transport' means human physical contact involved in moving uranium ore from 1 site to another, including mechanical conveyance, physical shoveling, or driving a vehicle;

"(9) the term 'uranium mine' means any underground excavation, including dog holes, open pit, strip, rim, surface, or other aboveground mines, where uranium ore or vanadium-uranium ore was mined or otherwise extracted;

"(10) the term 'working level' means the concentration of the short half-life daughters (known as 'progeny') of radon that will release (1.3 x 10^5) million electron volts of alpha energy per liter of air; and

"(11) the term 'written medical documentation' for purposes of proving a nonmalignant respiratory disease means, in any case in which the claimant is living—

"(A) a chest x-ray administered in accordance with standard techniques and the interpretive reports thereof by 2 certified 'B' readers classifying the existence of the nonmalignant respiratory disease of category 1/0 or higher according to a 1989 report of the International Labour Office (known as the 'ILO'), or subsequent revisions;

"(B) a high resolution computed tomography scan (commonly known as an 'HCRT scan') and any interpretive report for that scan;

"(C) a pathology report of a tissue biopsy;

"(D) a pulmonary function test indicating restrictive lung function (as defined by the American Thoracic Society); or

"(E) an arterial blood gas study.".

SEC. 5. DETERMINATION AND PAYMENT OF CLAIMS.

(a) Determination and Payment of Claims, Generally.—Section 6 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: "All reasonable doubt with regard to whether a claim meets the requirements of this Act shall be resolved in favor of the claimant.";

(B) by redesignating paragraph (2) as paragraph (5); and

(C) by inserting after paragraph (1) the following:

"(2) Evidence.—In support of a claim for compensation under section 5, the Attorney General shall permit the introduction of, and a claimant may use and rely upon, affidavits and other documentary evidence, including medical evidence, to the same extent as permitted by the Federal Rules of Evidence.

"(3) Interpretation of chest x-rays.—For purposes of this Act, a chest x-ray and the accompanying interpretive report required in support of a claim under section 5(a), shall—

"(A) be considered to be conclusive, and

"(B) be subject to a fair and random audit procedure established by the Attorney General.

"(4) Certain written diagnoses.—

"(A) In general.—For purposes of this Act, in any case in which a written diagnosis is made by a physician described in subparagraph (B) of a nonmalignant pulmonary disease or lung cancer of a claimant that is accompanied by written medical documentation that meets the definition of that term under subsection (b)(11), that written diagnosis shall be considered to be conclusive evidence of that disease.

"(B) Description of physicians.—A physician described in this subparagraph is a physician who—

"(i) is employed by—

"(I) the Indian Health Service of the Department of Health and Human Services, or

"(II) the Department of Veterans Affairs, and

"(ii) is responsible for examining or treating the claimant involved.";

(2) in subsection (c)(2)—

(A) in subparagraph (A)(ii), by striking "in a uranium mine" and inserting "in uranium mining, milling, or transport"; and

(B) in subparagraph (B)(ii), by striking "by the Federal Government" and inserting "through the Department of Veterans Affairs";

(3) in subsection (d)—

(A) by striking "(d) Action on Claims.—The Attorney General" and inserting the following:

"(d) Action on Claims.—

"(1) In general.—The Attorney General"; and

(B) by adding at the end the following:

"(2) Determination of period.—For purposes of determining the tolling of the 12-month period under paragraph (1), a claim under this Act shall be considered to have been filed as of the date of the receipt of that claim by the Attorney General.

"(3) Administrative review.—If the Attorney General denies a claim referred to in paragraph (1), the claimant shall be permitted a reasonable period of time in which to seek administrative review of the denial by the Attorney General.

"(4) Final determination.—The Attorney General shall make a final determination with respect to any administrative review conducted under paragraph (3) not later than 90 days after the receipt of the claimant's request for that review.

"(5) Effect of failure to render a determination.—If the Attorney General fails to render a determination during the 12-month period under paragraph (1), the claim shall be deemed awarded as a matter of law and paid.";

(4) in subsection (e), by striking "in a uranium mine" and inserting "uranium mining, milling, or transport";

(5) in subsection (k), by adding at the end the following: "With respect to any amendment made to this Act after the date of enactment of this Act, the Attorney General shall issue revised regulations, guidelines, and procedures to carry out that amendment not later than 180 days after the date of enactment of that amendment."; and

(6) in subsection (*l*)—

(A) by striking "(l) Judicial Review.—An individual" and inserting the following:

"(l) Judicial Review.—

"(1) In general.—An individual"; and

(B) by adding at the end the following:

"(2) Attorney's fees.—If the court that conducts a review under paragraph (1) sets aside a denial of a claim under this Act as unlawful, the court shall award claimant reasonable attorney's fees and costs incurred with respect to the court's review.

"(3) Interest.—If, after a claimant is denied a claim under this Act, the claimant subsequently prevails upon remand of that claim, the claimant shall be awarded interest on the claim at a rate equal to 8 percent, calculated from the date of the initial denial of the claim.

"(4) Treatment of attorney's fees, costs, and interest.—Any attorney's fees, costs, and interest awarded under this section shall—

"(A) be considered to be costs incurred by the Attorney General, and

"(B) not be paid from the Fund, or set off against, or otherwise deducted from, any payment to a claimant under this section.".

(b) Furtherance of Special Trust Responsibility to Affected Indian Tribes; Self-Determination Program Election.—In furtherance of, and consistent with, the trust responsibility of the United States to Native American uranium workers recognized by Congress in enacting the Radiation Exposure Compensation Act (42 U.S.C. 2210 note), section 6 of that Act, as amended by subsection (a) of this section, is amended—

(1) in subsection (a), by adding at the end the following: "In establishing any such procedure, the Attorney General shall take into consideration and incorporate, to the fullest extent feasible, Native American law, tradition, and custom with respect to the submission and processing of claims by Native Americans.";

(2) in subsection (b), by inserting after paragraph (3) the following:

"(4) Pulmonary function standards.—In determining the pulmonary impairment of a claimant, the Attorney General shall evaluate the degree of impairment based on ethnic-specific pulmonary function standards.";

(3) in subsection (b)(5)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by inserting after subparagraph (C) the following:

"(D) in consultation with any affected Indian tribe, establish guidelines for the determination of claims filed by Native American uranium miners, millers, and transport workers pursuant to section 5.";

(4) in subsection (b), by adding after paragraph (5) the following:

"(6) Self-determination program election.—

"(A) In general.—The Attorney General on the request of any affected Indian tribe by tribal resolution, may enter into 1 or more self-determination contracts with a tribal organization of that Indian tribe pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to plan, conduct, and administer the disposition and award of claims under this Act to the extent that members of the affected Indian tribe are concerned.

"(B) Approval.—(i) On the request of an affected Indian tribe to enter into a self-determination contract referred to in subparagraph (A), the Attorney General shall approve or reject the request in a manner consistent with section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f).

"(ii) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall apply to the approval and subsequent implementation of a self-determination contract entered into under clause (i) or any rejection of such a contract, if that contract is rejected.

"(C) USE OF FUNDS.—Notwithstanding any other provision of law, funds authorized for use by the Attorney General to carry out the functions of the Attorney General under subsection (i) may be used for the planning, training, implementation, and administration of any self-determination contract that the Attorney General enters into with an affected Indian tribe under this section."; and

(5) in subsection (c)(4), by adding at the end the following:

"(D) APPLICATION OF NATIVE AMERICAN LAW.—In determining the eligibility of individuals to receive compensation under this Act by reason of marriage, relationship, or survivorship, the Attorney General shall take into consideration and give effect to established law, tradition, and custom of affected Indian tribes.".

SEC. 6. CHOICE OF REMEDIES.

Section 7(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"(b) CHOICE OF REMEDIES.—

"(1) IN GENERAL.—Except as provided in paragraph (1), the payment of an award under any provision of this Act does not preclude the payment of an award under any other provision of this Act.

"(2) LIMITATION.—No individual may receive more than 1 award payment for any compensable cancer or other compensable disease.".

SEC. 7. LIMITATION ON CLAIMS; RETROACTIVE APPLICATION OF AMENDMENTS.

Section 8 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended to read as follows:

"SEC. 8. LIMITATION ON CLAIMS.

"(a) BAR.—After the date that is 20 years after the date of enactment of the Radiation Exposure Compensation Improvement Act no claim may be filed under this Act.

"(b) APPLICABILITY OF AMENDMENTS.—The amendments made to this Act by the Radiation Exposure Compensation Improvement Act shall apply to any claim under this Act that is pending or commenced on or after October 5, 1990, without regard to whether payment for that claim could have been awarded before the date of enactment of the Radiation Exposure Compensation Improvement Act as the result of previous filing and prior payment under this Act.".

SEC. 8. REPORT.

Section 12 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended—

(1) by striking the section heading and inserting the following:

"**SEC. 12. REPORTS.**";

and

(2) by adding at the end the following:

"(c) URANIUM MILL AND MINE REPORT.—Not later than January 1, 2001, the Secretary of Health and Human Services in consultation with the Secretary of Energy shall prepare and submit to Congress a report that—

"(1) summarizes medical knowledge concerning adverse health effects sustained by residents of communities who reside adjacent to—

"(A) uranium mills or mill tailings,

"(B) aboveground uranium mines, or

"(C) open pit uranium mines; and

"(2) summarizes available information concerning the availability and accessibility of medical care that incorporates the best available standards of practice for individuals with malignancies and other compensable diseases relating to exposure to uranium as a result of uranium mining and milling activities;

"(3) summarizes the reclamation efforts with respect to uranium mines, mills, and mill tailings in Colorado, New Mexico, Arizona, Wyoming, and Utah; and

"(4) makes recommendations for further actions to ensure health and safety relating to the efforts referred to in paragraph (3).".●

● Mr. DASCHLE. Mr. President, 9 years ago Congress took the landmark step of extending benefits through the Radiation Exposure Compensation Act of 1990 (RECA) to thousands of American victims of the Cold War who were unknowingly and wrongly exposed to life-threatening levels of radiation and other harmful materials as part of our nation's nuclear weapons program.

This law was long overdue, and was an important step by Congress to acknowledge the federal government's responsibility for its failure to warn or take adequate steps to protect victims of radioactive fallout from weapons testing and underground uranium miners who breathed harmful levels of radon as they worked to supply our nuclear weapons program. The law makes individuals who have developed cancer or other health problems as a result of their exposure to radiation eligible for up to $100,000 in compensation from the government.

In the 9 years since the passage of that bill, we have had time to reflect upon its strengths and its shortcomings. During that time, it has become overwhelmingly clear that we have not fully met our obligation to victims of our nuclear program. Most seriously, we have arbitrarily and unfairly limited compensation for underground miners to those in only 5 states, despite the fact that underground miners in other states such as South Dakota faced exactly the same risk to their health. This fact alone requires us to amend RECA so that we can right this wrong.

However, we have also excluded other groups of workers, and their surviving families, from compensation for serious health problems and, in some cases, deaths, that have resulted from their work to help defend our nation. Many of those who worked in uranium mills, for example, have developed serious respiratory problems as a result of exposure to uranium dusts and silica. Concerns have been raised about aboveground miners and uranium transportation workers as well.

It is the obligation of the 106th Congress to continue the work of the 101st. Not only is it incumbent upon us to extend the law to compensate underground miners unfairly left out of the original legislation, we need to extend the law to cover new groups of workers who face similar risks to their health. It is for that reason that I am joining with Senator BINGAMAN today to sponsor the Radiation Exposure Compensation Improvement Act of 1999. This legislation will expand RECA to cover underground miners in all states, as well as surface miners, transportation workers and uranium mill workers who have had health problems as a result of their work with uranium. I hope my colleagues will join us to pass this legislation quickly.

I also feel an obligation to correct the historical record. During my review of the scientific literature on the uranium industry and of testimony before Congress, I was concerned to see that South Dakota's former uranium industry has gone virtually unnoticed by the rest of the nation despite the fact that South Dakotans who worked in the industry appear to be suffering exactly the same long-term health consequences as residents of other states. For that reason, I would like to take a moment to outline the history of uranium mining and processing in my state.

Uranium was first discovered in South Dakota in the summer of 1951, along the fringe of the Black Hills where grasslands uplift into pine forest. As you know, 1951 was a difficult time in American history. The Cold War with the Soviet Union was deepening, and the United States was rapidly expanding its arsenal of nuclear weapons. To supply this new weapons program, the United States adopted a program of government price supports to create a domestic uranium industry under the jurisdiction of the Atomic Energy Commission (AEC).

Almost immediately, South Dakota became one of the AEC's suppliers. After uranium was discovered in South Dakota, the AEC established an office in Hot Springs to conduct airborne radiometric surveys, and small-scale prospecting began. South Dakota's first uranium ore was shipped by rail to Colorado for processing, until an ore-buying station was established by the AEC in the town of Edgemont in December of 1952. A uranium mill was constructed in Edgemont shortly afterwards.

Uranium mining and milling continued for nearly two decades in my state. According to the South Dakota School of Mines and Technology, there were over 100 uranium mines in the vicinity of Edgemont, of which at least 22 were underground. In their 20 years of operation between 1953 and 1973, these mines produced nearly 1 million short tons of ore and just over 3 million pounds of processed uranium.

Ore from South Dakota's mines was processed at the mill in Edgemont. According to a document provided to me by the Tennessee Valley Authority, which later acquired the mill and the responsibility for its cleanup, "From 1956 through 1972 (when the uranium circuit was shut down and the mill stopped producing uranium concentrates), approximately 2,500,000 tons of mill tailings were produced onsite. Of this total, approximately 2,050,000 tons—82 percent—were produced under contract with the AEC for defense purposes. In fact, all of the uranium concentrates produced through December 31, 1966, and a portion of those produced until 1968 were sold to the AEC. The remaining 450,000 tons of mill tailings—18 percent—were produced under contracts for commercial sales."

Mr. President, much of this information was difficult to come by, and to ensure that all those who need it in the future have full access to it.

As these records make clear, for over 20 years South Dakota played a significant role in supplying uranium for our nation's nuclear weapons program. Yet rarely will you find South Dakota mentioned in any of the debate over the long-term consequences of that program. I am determined to change that fact, and to ensure that all South Dakotans, and other individuals across the country, who are suffering from poor health, or who are surviving relatives of uranium workers who have died as a result of their work, are fairly compensated by the federal government for their losses.

As my colleagues know, in RECA Congress officially recognized that "the lives and health of uranium miners and of individuals who were exposed to radiation were subjected to increased risk of injury and disease to serve the national security interests of the United States." However, the law only makes this determination for fallout victims and for underground uranium miners in 5 states. I believe it must be broadened to include underground uranium miners in all states. This is a matter of simple fairness. I can find no reasonable explanation for the failure of the law to include South Dakota and other states that had underground uranium mines whose workers would have been exposed to unsafe levels of radon. In addition, the law should be broadened to include uranium mill workers, surface miners and transportation workers to ensure that all those who may be suffering from health problems as a result of exposure to uranium dust or other harmful materials are compensated fairly. While there are strong grounds on which to expand the act to include all of these groups of workers, it is helpful to examine closely the evidence supporting the inclusion of one of these groups—mill workers—to better understand our reasons for seeking this change.

The grounds for expanding the act to include mill workers are largely the same as those which led Congress to pass RECA 9 years ago. The United States government, which created the domestic uranium industry through price supports in order to supply its nuclear weapons program, failed to adequately warn mill workers of potential risks to their health, to take reasonable measures to create a safe working environment, or to act on initial warnings and conduct long-term studies of mill workers to determine whether their health was being affected by their work.

The federal government recognized the potential risks of uranium production from the onset of our nuclear program, and in 1949 the Public Health Service (PHS) initiated a study of both underground miners and millers to determine whether they were suffering from any adverse health effects. Troublingly, a decision was also made by the federal government not to inform workers that their health could be at risk. As Senior District Judge Copple noted in his decision in Begay v. United States, "In order to proceed with the epidemiological study, it was necessary to obtain the consent and voluntary cooperation of all mine operators. To do this, it was decided by PHS under the Surgeon General that the individual miners would not be told of possible potential hazards from radiation in the mines for fear that many miners would quit and others would be difficult to secure because of fear of cancer. This would seriously interrupt badly needed production of uranium." While the court's decision does not make clear whether that same decision applied to uranium millers, subsequent research has shown that over 80 percent of former mill workers felt they were not informed about the hazards of radiation during their employment.

The early results of this study, as described in a May 1952 report entitled, "An Interim Report of a Health Study of the Uranium Mines and Mills," are disturbing. It notes that, "In 1950, 13.8 percent of the white miners and 26.5 percent of the white millers showed more than the usual pulmonary fibrosis, as compared to 7.5 percent in a control group. In the same year, 20 percent of the Indian millers and 13.2 percent of the Indian miners showed more than the usual pulmonary fibrosis, as against none in the controls. Such a finding would indicate a tendency on the part of these individuals to develop silicosis from their exposure." Given these and other findings, the study notes the "need for repeating the medical studies at frequent intervals."

It is inexplicable to me that these critical follow-up studies which were so strongly recommended by the Public Health Service took place only for underground uranium miners. No long-term, follow-up studies of uranium millers were conducted. This decision was made despite the fact that it was well established that uranium millers were being exposed to uranium dusts and silica, which increase the risk of nonmalignant lung disease.

One of the reasons the health problems of mill workers appear to have been so neglected is that most officials assumed that risks could be controlled by adopting standards to prevent workers from breathing or swallowing dust produced by yellowcake or uranium ore. As the 1952 PHS study states, "In general, it may be said that there are no health hazards in the mills which cannot be controlled by accepted industrial hygiene methods." Noting poor dust control in the mills, the PHS study concluded, "Until adequate dust control has been established at this operation, the workers should be required to wear approved dust respirators. Daily baths and frequent changes of clothing by the workers in this area are also indicated."

These recommendations appear to have been largely ignored. Recent studies of former uranium mill workers by Gary Madsen, Susan Dawson and Bryan Spykerman of the University of Utah paint a devastating picture of workplace conditions in uranium mills prior to the enforcement of stringent safety standards in the 1970's. Eighty percent of former mill workers interviewed by the researchers for one study said they were never informed about possible effects of radiation. Of workers who reported working in dusty conditions, 35 percent did not wear respirators, and 20 percent wore them infrequently or said they were not always available. Sixty-eight percent reported moderate to heavy amounts of dust on their clothing at work, and virtually all workers reported bringing their dust-covered clothes home to be washed. One respondent noted, "We washed the clothes once a week. It was messy. We were expecting our first child. I had to shake my clothes outside. There was yellow sand left at the bottom of the washer. All of the clothes were washed together. Nobody told us the uranium was dangerous—a problem. My wife would get yellowcake on her. I would remove my coveralls in the kitchen. Put them in with the rest of the [family's] laundry." Others reported regularly seeing workers outside the mills with yellowcake under their fingernails or in their ears.

Mr. President, the dangerous conditions revealed by these studies show an inexcusable failure on the part of the federal government to ensure safe working conditions in an industry it created and controlled. And despite failing to enforce these standards or to even inform workers of the risk to their health, the government nonetheless decided to end long-term studies monitoring the health of mill workers. As a result, only a few studies have been conducted of the health impacts that uranium milling has had on workers. Dr. Larry Fine, Director of the Division of Surveillance, Hazard Evaluations and Field Studies of the National Institute for Occupational Safety and Health, summarized the results of these studies in recent testimony before Congress:

"Health concerns for uranium millers center on their exposures to uranium dusts and silica. Exposure to silica and relatively insoluble uranium compounds may increase the millers' risk of non-malignant respiratory disease, while exposure to relatively soluble forms of uranium may increase their risk of kidney disease. The two mortality studies of uranium millers have not had adequate population size or adequate time since exposure to detect even a moderate risk of lung cancer if present; neither study reported an elevated risk of lung cancer. One of the two completed mortality studies of millers found an increased risk for cancer of the lymphatic and hematopoietic organs (excluding leukemia), and the other found an increased risk for non-malignant respiratory disease and accidents. A non-significant excess in deaths from chronic kidney disease was also observed in the second study. There have been two medical studies of uranium millers, one of which found evidence for pulmonary fibrosis (possibly due to previous mining) and the other of which found evidence for kidney damage."

I am deeply concerned by our failure to study uranium mill workers more thoroughly and by the indications given by the evidence we do have that these workers are suffering long-term health consequences as a result of their work on behalf of our country. Unfortunately, it may now be too late to gather more conclusive evidence. These workers are growing older and some are now dying. Their numbers have grown so small that it may no longer be possible to conduct the type of conclusive study that should have been done years ago. We owe these mill workers the benefit of the doubt and should make them or their surviving families eligible for the same compensation that underground miners receive.

Indeed, I have heard from many South Dakotans who have waited long enough for compensation. They tell me of former miners and mill workers who have died of cancer or who suffer from respiratory disease they believe is directly related to their exposure to harmful materials in their workplace.

One of the most tragic stories I have heard was written to me in a letter from Sharon Kane, a widow in Sturgis, South Dakota. After working for 11 years in Edgemont's uranium mill, her husband, Joe, developed severe respiratory problems and was forced to leave his work at the mill. Unfortunately, his health problems continued. Joe died of bone cancer in 1987.

It is difficult for me to understand why or how our country let this happen. However, it is now up to us to ensure that all those who have suffered as a result of our nation's actions are fairly compensated. We must expand RECA to include uranium mill workers and other groups of workers who are suffering as a result of their exposure to uranium dust or other materials. We also must ensure the law is expanded to include underground uranium miners in all states. By doing so we can make good on our debt to workers who have sacrificed their health—and sometimes their lives—during the height of the Cold War in order to protect their country.

I hope my colleagues will join me in the effort to meet these goals.

Mr. President, I ask unanimous consent that a document entitled, "Brief History of Uranium Mining in South Dakota, 1951–1973," produced by the Mine Safety and Health Administration and a letter from Sharon Kane be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BRIEF HISTORY OF URANIUM MINING IN SOUTH DAKOTA, 1951–1973

Carnotite deposits were discovered in 1951 near Edgemont, South Dakota, in the Lakota member of the Dakota sandstone formation. Under the Atomic Energy Commission Raw Materials Program, all phases of exploration, development, metallurgy, and research were extended on an accelerated basis in 1952. Airborne and ground exploration disclosed several new uranium ore deposits east and west of the original Craven Canyon discovery in South Dakota. In addition, Northwest of Edgemont in the Powder River Basin of Wyoming, the Geological Survey located several small but high-grade deposits. Intensive exploration efforts were also conducted by private interests, including Homestead Mining Company in the Black Hills and adjacent area in Wyoming.

In 1953 administration contracts for defense minerals exploration were awarded to Mining Research Corp., C. G. Ortmayer, and Oxide Metals Corp. in Fall River County. Contracts were also given to Vroua Company and C. E. Weir for exploring in Custer County,

Homestake Mining Company began mining uranium ore near Carlile, Crook County, Wyoming in January 1953. This mining product was trucked to Edgemont, South Dakota, where the Atomic Energy Commission had a buying station.

During 1955 the Office of Defense Mobilization issued a Certificate of Necessity for an uranium-ore processing plant project to Mines Development Company, Inc. This plant was in Edgemont, South Dakota. Although appreciable quantities of uranium were recognized in South Dakota lignites, only a small amount was mined. This was due to the lack of acceptable uranium-recovery processes for uranium extraction from coal bearing materials.

Uranium Research and Development Company was granted a contract in 1956 in Fall River County by the Defense Minerals Exploration Administration.

Mines Development, Inc. had their uranium mill in operation by 1956. The initial capacity was rated as 300 tons of ore per day.

Two groups, Anderson, Wesley, and Others in Harding County and McAlester Fuel Co. in Fall River County were given contracts involving uranium in 1957. South Dakota produced 69,632 tons of ore, valued at $804,946. The average grade percent in terms of U_3O_8 was 0.17 which was the lowest of any uranium producing state. The average grade percent increased to 0.20 in 1958. The rating of the Edgemont Plant was increased to 400 tons of ore per day.

Uranium-ore production in the United States reached a new high in 1959 with South Dakota being the ninth producing state and in 1960 became eighth state producer. The Atomic Energy Commission negotiated for new mills for the South Dakota lignite area but interested firms couldn't reach an agreement.

In 1960, the Atomic Energy Commission revised its regulations for the protection of employees in atomic energy industries and the general public against hazards arising from the possession or use of AEC-licensed radioactive materials. The revisions are embodied in amendments to Title 10, Chapter 1, Part 20, of the Code of Federal Regulations entitled "Standards for Protection Against Radiation". The amendments became effective on January 1, 1961.

The highest year for production of uranium ore for the United States was in 1961 but the total production dropped by 1962. Based on the amount of ore shipped, South Dakota became the seventh state producer. The state maintained this rating in 1963 but was the sixth state producer for 1964 and 1965.

Around 1967, mining of uraniferous lignite in Harding County, South Dakota, ceased as the operation was no longer profitable. Mining of sandstone ores also declined, and Mines Development, Inc., a subsidiary of Susquehanna Corp., conducted extensive exploration in the Dakotas and Wyoming in an effort to find additional ore for their mill.

The uranium mine and mill production for South Dakota in 1968 and 1969 placed the state as the seventh largest producing state. The year 1971 was the first full year that the U_3O_8 market was entirely private. The Atomic Energy Commission (AEC) terminated its U_3O_8 purchasing program at year end 1970 after acquiring U_3O_8 valued at nearly $3 billion since the program's inception in 1948, including a large stock pile.

By 1973, the mining of uranium in South Dakota ceased to be profitable and production stopped.

SEPTEMBER 8, 1998.

Senator TOM DASCHLE,
Rapid City, SD.

DEAR SIR: This letter is to urge you to vote in favor of the "Radiation Workers Justice Act of 1998", HR 3539.

My story is very likely similar to many others recited in order to initiate this bill and R.E.C.A. of 1990, however, to me the issues are deeply personal and intimate.

My late husband Kasper Jerome Kane (known to friends and family as Joe), was employed at the uranium milling operation at Edgemont, S.D. from 1959 to 1970. After several years in the mill, Joe began experiencing upper respiratory problems, especially while on duty at the mill. A detailed medical examination revealed pulmonary changes and enlargement of the heart due to the stress of the pulmonary condition. Our physician advised Joe to find a new line of work and to leave the mill as soon as possible, which he did. When Joe left his job, he cited his health as the reason. Administration of the mill at that time did not receive this information favorably (of course) and denied any accountability.

Joe chose to work at the mill out of his sense of responsibility to provide for a wife and two children in the best manner he could. His tenacity for life alone allowed him to leave the mill and begin his own business. Joe was active in his community and well loved by his neighbors and friends.

Even though his quality of life may have been compromised by his respiratory problems, Joe remained active in the lives of his teenage children and his community at large, until he was diagnosed with multiple myeloma (cancer of the bone marrow) in 1987. There is no way to prepare a family for the heart wrenching events about to face my children, their father and me.

Over the next three years, we lost our business, our home, ranch, and finally my best friend, my husband. Economic loss can be measured and sometimes compensated.

When Joe finally succumbed to cancer in 1990 at age 53, after rituals of chemotherapy and radiation, his valiant battle was over.

I have moved on with life, but there is not a day that I do not miss him and each time I hug a grandchild, I know what they have missed. Joe Kane was a fighter and a family man. Dependable and lived the values he preached.

I hope the bill presented will offer solace to those affected by radiogenic conditions and hope to those yet to need it.

Thank you for listening to my story.

Sincerely,

SHARON D. KANE,
Sturgis, SD.●

By Mr. CLELAND:

S. 369. A bill to provide States with the authority to permit certain employers of domestic workers to make annual wage reports; to the Committee on Finance.

TAX LEGISLATION

● Mr. CLELAND. Mr. President, today I am proud to introduce legislation to remove a tax reporting burden currently imposed on employers of domestic workers. This bill authorizes states to permit certain employers of domestic workers to make annual wage reports. I am pleased to report that this provision is also included as Section 405 of S. 331, the Work Incentives Improvement Act of 1999.

In 1994, Congress approved important legislation reforming the imposition of Social Security and Medicare taxes on domestic employees (the so-called "nanny tax"). These new rules introduced more rationality into the tax system, and reduced the reporting requirements of domestic employers. Unfortunately, the legislation did not go as far as many had intended. To this end, I am asking you to co-sponsor my legislation which will help relieve households of certain filing requirements.

The Social Security Domestic Employment Reform Act of 1994 (P.L. 103-387) aimed to ease reporting requirements. Under the Act, domestic employers no longer need to file quarterly returns regarding Social Security and Medicare taxes nor the annual federal unemployment tax (FUTA) return. Rather, all federal reporting is now consolidated on an annual Schedule H filed at the same time as the employer's personal income tax return.

Nevertheless, the goal of the 1994 Act—to substantially reduce reporting requirements for domestic employers—has not been fully accomplished for employers who endeavor to comply with all aspects of the law. Under federal law, a state labor commissioner still may not authorize annual rather than quarterly filing of state employment taxes. The Deficit Reduction Act of 1984 compels employers to report wages quarterly to the state. This Act requires quarterly reporting in order to make information more accessible to state agencies that investigate unemployment claims. However, the burden of this provision far outweighs its benefit. The number of household employer tax filings is relatively minuscule. Representatives from the Georgia Department of Labor and their counterparts in several other states are confident that the investigation of unemployment claims will not be hindered by annual rather than quarterly reporting requirements.

Under FUTA, employers make quarterly reports and payments to state unemployment agencies, then pay an additional sum of federal tax (now once a year, as part of Schedule H). While the liability of employers for domestic employees was changed for Social Security and Medicare purposes, to exclude workers under the age of 18 and workers earning less than $1,000 per year, the employers' responsibility under FUTA was not changed. More importantly, the 1994 Act did not eliminate the requirement that employers must report employee wages quarterly to the states.

Congress was not unmindful of the relationship of FUTA to Social Security taxes at the time it passed the 1994 Act. Besides eliminating the FUTA return for domestic employers, the Act also contained language, which authorizes the Secretary of the Treasury to enter agreements with the states to permit the federal government to collect unemployment taxes on behalf of the states, along with all other domestic employee taxes, once a year. That statute, if used, would eliminate the need for domestic employers to report to state unemployment agencies. To date, no state has entered such an agreement. This is because the Social Security Act did not alter the quarterly reporting requirement.

In short, the federal requirement of quarterly state employment tax reports for purely domestic employers should be eliminated. To ease the reporting burden on domestic employers, my legislation proposes that states be allowed to provide for annual filing of household employment taxes. Please join me in the effort to finish the job of rationalizing the taxpayer obligations for domestic employment taxes. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by inserting before the semicolon the following: ", and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such service on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to wage reports required to be submitted on and after the date of enactment of this Act.●

By Mr. GRAHAM (for himself, Mr. DEWINE, Mr. COVERDELL, Mr. DOMENICI, Ms. LANDRIEU, Mr. DODD, Mr. HATCH, Mr. FRIST, Mr. MACK, and Mr. HAGEL):

S. 371. A bill to provide assistance to the countries in Central America and the Caribbean affected by Hurricane Mitch and Hurricane Georges, to provide additional trade benefits to certain beneficiary countries in the Caribbean, and for other purposes; to the Committee on Finance.

THE CENTRAL AMERICAN AND CARIBBEAN RELIEF ACT OF 1999

● Mr. GRAHAM. Mr. President, I rise today to introduce the Central American and Caribbean Relief Act of 1999. I am joined in this by my colleagues Senators DEWINE, COVERDELL, DOMENICI, LANDRIEU, DODD, HATCH, FRIST, MACK, and HAGEL. This bill is a comprehensive disaster relief package that will help our Caribbean and Central American neighbors recover from the devastation caused by Hurricane Georges and Hurricane Mitch.

This past fall, two hurricanes ravaged our neighbors in Central America and the Caribbean, causing death and destruction that has not been seen in this hemisphere in over 200 years. First, Hurricane Georges hit Puerto Rico, the Dominican Republic, Haiti, the Florida Keys, and the Gulf Coast of the United States in September of 1998, with a ferocity that resulted in 250 deaths and more than $1 billion in damage. Only a month later, Hurricane Mitch attacked Central America, killing more than 10,000 people and leaving 3 million homeless. Hurricane Mitch unleashed a series of destructive forces—floods, mudslides, disease—that have affected the lives of 3.2 million residents in five nations. In Honduras alone, over 30 percent of the population was displaced by Mitch. To put this in perspective, had the U.S. suffered comparable levels of damage, 80 million of our citizens would have been displaced. The scale of this disaster is truly astounding.

I had the opportunity to see this destruction for myself when I visited the region in January. I witnessed whole villages that were completely washed away, families crammed into open-air shelters, and children playing among the concrete remanents of bridges and buildings. I saw field after field destroyed by the heavy rains. The losses in the agricultural sector were staggering. In Honduras alone, an estimated 70% of the crops were destroyed, including 90% of the country's banana and grain crops. Because agriculture employs approximately half of the regional workforce, these losses have resulted in tremendous economic disruption.

The Central American and Caribbean Relief Act is a comprehensive plan that will help these struggling nations get back on their feet and rebuild their economies. First, the bill will expand the current trade benefits provided under the Caribbean Basin Initiative. During my recent visit to the region their was unanimous agreement, from the Presidents of the countries to members of the private sector, the CBI enhancement is the number one priority of their economic recovery plan. History shows that expanding trade with the Caribbean Basin helps our own economy, expanding U.S. exports to the region at the same time that we build important trading relations with our closest neighbors. Any disaster relief package that does not include CBI enhancement falls far short of the mark.

The second part of this package will continue and expand current humanitarian and disaster assistance activities in the region. This will help to rehabilitate agricultural production, rebuild bridges and roads, provide much needed housing, clear landmines, restore safe water and health care, and help prevent similar disasters in the future. This is a continuation of the heroic efforts that the U.S. Government has already undertaken in response to these hurricanes. U.S. forces have been there since the day the disaster struck, rescuing hundreds from certain death, moving 30 million pounds of relief supplies, and helping rebuild the regions critical infrastructure.

By working to improve economic development of the region, we will help prevent needless environmental damage, strengthen the development of democracy in the region, and protect against the proliferation of narcotics trafficking. An investment in the long-term recovery of the region, which is so important to the United States both economically and politically, will produce benefits for the entire Western Hemisphere.

The bill includes the following initiatives:

$600 million to expand funding for humanitarian efforts to meet needs for health, water/sanitation, road reconstruction, agricultural restoration, agricultural microcredit, food, shelter, disaster mitigation and other emergency relief;

Enhancement of the Caribbean Basin Initiative (CBI) to give the nations of Central America and the Caribbean the opportunity to quickly expand their economies and expand the manufacturing sector while they rebuild their agricultural base;

$16 million for bilateral debt forgiveness for Honduras;

A micro-credit initiative targeted at reviving agricultural production in the region;

$150 million to replenish Defense Department funds depleted in the immediate aftermath of the disaster, including the humanitarian relief fund that supports landmine detection and removal;

$70 million to expand New Horizons, a Department of defense program in the region that builds housing and roads, provides medical care, health services, and clean water to affected areas;

Authorization of an OPIC direct equity pilot program to assist U.S. businesses in the region, develop low income housing, and rebuild damaged infrastructure; and

$25 million for the Central American Emergency Trust Fund to be applied against multilateral debt and provide external financing needs.

As we move forward to address the devastation of this event, the choice facing the United States is clear: we can continue to provide emergency assistance to the region for the foreseeable future and prepare for waves of refugees, or we can act to implement a comprehensive disaster recovery program that will rebuild the economies of the affected nations, allowing them to provide for themselves. The choice is simple, because helping these nations recovery is in our own interest. Failure to act will hurt ourselves and our neighbors. The Central American and Caribbean Relief Act is an important opportunity for the United States to lend a hand to neighbors in need and help them get back on their feet.●

● Mr. DEWINE. Mr. President, today, the Senator from Florida, Mr. GRAHAM and I are introducing The Central American and Caribbean Relief Act of 1999. We are joined in this effort by the following original co-sponsors: Mr. COVERDELL, Mr. DOMENICI, Ms. LANDRIEU, Mr. DODD, Mr. HATCH, Mr. MACK, Mr. FRIST, and Mr. HAGEL. This important legislation is both timely and vital. I urge my colleagues to join us as co-sponsors and to work with us to pass it as soon as possible.

Last year, several of our neighboring countries suffered serious catastrophic natural disasters. First, Hurricane Georges struck Puerto Rico, the Dominican Republic and Haiti resulting in hundreds dead and billions of dollars in damage. These countries were just starting to recover when Hurricane Mitch rolled through various countries in Central America.

Hurricane Mitch left unspeakable devastation with over 9,000 dead, another 9,000 still missing, and millions homeless. The physical devastation will take decades to repair in Honduras and Nicaragua. And these countries are not alone: Guatemala, El Salvador, and Belize have suffered as well.

Mr. President, many senior officials in our government have visited these devastated regions—and I applaud their interest and exhaustive efforts. I have visited this region numerous times within the past year and I plan to go back.

I applaud the extraordinary displays of teamwork, compassion, and generosity exhibited by the citizens of Ohio, as well as all Americans, in their effort to help the victims of Hurricane Mitch. Their unselfish donations to organizations such as the Northeast Ohio Salvation Army and the Ohio Hurricane Relief for Central America as well as the many other national and local relief agencies serve as an inspirational reminder of the global human community spirit we Americans so often display. And we certainly do not want to forget the quick response provided by our men in uniform, including Ohio's own 445th Air Reserve Wing, in saving lives and tackling the daunting task of helping to rebuild that region's infrastructure.

My concern, however, is that once Hurricane Mitch fades out of the headlines, there's a risk that this vitally important region itself will also disappear off America's sometimes limited radar screen of foreign policy attention. The time has come not to address the devastation that has passed, but to begin the development that is important to our hemisphere's future.

That is why the Central America and Caribbean Relief Act is so important. This act would provide (1) trade opportunities to help the region restore itself economically; (2) emergency assistance—feeding programs, and important and necessary infrastructure improvements; and (3) limited bilateral and multilateral debt reduction.

Mr. President, let me take a moment to comment on the highlights of this bill. First, this bill would provide several trade and investment initiatives. It will afford current beneficiaries of the Caribbean Basin Initiative similar treatment already afforded Mexican products under the North American Free Trade Agreement. It is important that these countries become more fully integrated into the international trading system, which also would benefit the U.S. through expanded export opportunities. The bill also would authorize additional funding for the Overseas Private Investment Corporation to enhance the ability of private enterprise to make its full contribution to the region's rebuilding and development process.

Second, this bill would provide bilateral assistance. I fully support the replenishment of funds exhausted by the

Department of Defense in their humanitarian relief efforts. It is very important that our military's efforts in this area continue and that they maintain sufficient resources to effectively deploy against future natural disasters. We also included language based on the innovative "Africa Seeds of Hope" law, which I wrote and Congress passed last year. This language would authorize a micro-credit initiative targeted at reviving agricultural production in the region. This means that financial tools and resources would go directly to farmers and small businesses and bypass Government middlemen.

Finally, this bill would provide much needed debt relief. This debt relief clearly makes sense especially when keeping in mind that in many cases, the infrastructure these countries are paying for is precisely what has been destroyed by Hurricane Mitch—they are paying for what no longer exists.

Mr. President, let me explain why America should take the lead on this relief. Before the hurricanes, the people of Central America were emerging from a decade of civil war. Democracy has finally taken hold, but is not yet irreversible. The United States invested billions in the 1980s to expel communism from Central America. We succeeded. That investment—that partnership for democracy in Central America now hangs in the balance.

In the 1980s, it was fundamentally important to the entire hemisphere that Central America be a seedbed of reliable trading partners—not revolutionaries or brutal autocrats. The President's National Bipartisan Commission on Central America, chaired by Henry Kissinger, released a detailed report in 1984 that expressed our basic challenge. We needed then, and still need today, a comprehensive Central America policy—one that responds not to fleeting crises but to the basic needs of the region and the United States.

These needs do not change. They are the same three principles that formed the core of the philosophy of the Kissinger report: "Democratic self-determination * * * encouragement of economic and social development that fairly benefits all * * * (and) cooperation in meeting threats to the security of the region." This report recognized how free markets and free societies work to strengthen each other.

U.S. policy has made excellent progress on all of these counts, but Hurricane Mitch provides a pointed reminder of how fragile—and reversible—the progress can be. History offers us a sober reminder that from misery, despair, and joblessness springs oppression. We must not forget that the seeds of the 1979 Sandinista Revolution in Nicaragua sprouted from the wreckage of the 1972 Managua earthquake. Indeed, it is only now that the old city center is being rebuilt where mangled, vacant buildings still stand as witness to Somoza's failed dictatorship.

Mr. President, today Nicaragua faces a new natural disaster—greater than that of 1972. The infrastructure in the northern provinces, the locus of revolutions throughout this century, is washed away. In Honduras, the government is confronted with thousands of miles of roads where not one bridge is left undamaged or undestroyed. At the devastated banana plantations of Honduras, 12,000 jobs hang in the balance. The tax base is non-existent because the businesses that provided the jobs are destroyed. The task facing these governments is enormous, and the resources to address these problems are meager.

People who cannot feed their families will turn to any source for assistance. Unless we partner with the people of Central America in the name of progress, the alternatives are clear. The pressure to emigrate to the United States could increase. Colombia's drug traffickers could oblige by putting dollars into their hands. And anti-democratic elements could use the devastation to serve their self-interests.

A peasant who has seen his home blown away and his employment gone will look for work wherever it is available. We saw a massive upsurge in migration during the tumultuous 1980's. The same is beginning to happen now. The number of Central Americans detained and expelled at Mexico's southern border has doubled recently. Mexican officials worry that this increase could be the beginning of a prolonged, large scale migration of Central Americans through Mexico to the United States.

Furthermore, a farmer who has seen his crop destroyed, and the only road to his markets washed away, will be liable to support revolutionary demagogues who vow convincingly that they can repair it. If the current elected governments are unable to repair the roads and give temporary assistance, that same farmer could become part of the next popular insurgency.

Central America is full of former revolutionaries who are capable of exploiting Mitch's misery to rebuild new insurgencies that will tax the resources of the current governments. Promises easily made by fast-talking demagogues can lead to future problems of the kind that we addressed and resolved in the 1980s.

Mr. President, the challenge we face in Central America remains the same as that posed by the Kissinger report: Do we want Central America to be our partner in building up a prosperous hemisphere—or a hotbed of revolutionary unrest? The choice is not entirely our own, but we can—and should—have a huge influence on behalf of freedom, prosperity, and stability. We must send an unmistakable signal to our Southern neighbors that our regional commitment is not tentative or fleeting. The U.S. has to seize the initiative over the long-term future of Central America—because if we don't, events will.

Mr. President, the Central American and Caribbean Relief Act is in our economic and national security interests. We must act and we must act now.•

• Mr. DOMENICI. Mr. President, just weeks after the calamity hit Central America last year, Senate Majority Leader LOTT asked me to lead to bipartisan fact-finding mission to the region. The objective of our trip was to assess Mitch's impact on the region's economy, priorities for U.S. aid, and the potential ramifications of this disaster on future trade with the region.

Senator FRIST joined me on this trip. His knowledge of health care and medicinal needs was a valuable addition to the trip. We were fortunate also to be joined by three individuals form the Administration: Secretary Andrew Cuomo, the Honorable Harriet Babbitt, Deputy Administrator at USAID, and the Honorable Josh Gotbaum, Office of Management and Budget.

I believe this tour was invaluable to all who participated. First, because of what we learned about the region and the devastation caused by Mitch. Second, because it expressed the spirit of bipartisanship that I hope will carry through in our efforts to help Central Americans rebuild and flourish as democratic neighbors.

As unlikely as it might sound, the ravages of Hurricane Mitch in Central America may have a silver lining. But the United States and other countries must act quickly and decisively. This is the message we heard form Central Americans themselves, as well as relief workers and American government officials, when we visited that storm-torn region in December. That's also the message I would like to convey to my Senate colleagues.

This relative optimism is remarkable. More than 10,000 lives were lost to the storm; 40 percent of the GDP in Nicaragua and Honduras was swept away; 3 million persons in the region now live in temporary shelters or without shelter at all. And, that's in a region with fewer people than the state of California!

Yet, even those 1,000 persons we saw crowded into a single small school, those 104 jammed in a cemetery chapel, agreed that a golden moment now exists to move forward in this historically troubled region.

The response from the United States already has been both effective and generous, with the first 30 days of the relief efforts exceeding the Berlin airlift. Our 6,000 military personnel have performed heroically, in a relatively unheralded but extraordinary operation. The military and other agencies delivered two thirds of the world's donations already in-region and have helped avoid the disease and starvation that usually takes root within a few weeks following such a calamity.

The response from Central American governments has been heartening, too. Don't forget that the United States has worked for more than a quarter of a century to help develop democratic movements in this region. If we fail to move quickly now, elements that oppose democracy could gain a foothold, rendering the sacrifices of money and arms of the past 25 years useless. Thus, we were gratified to hear all important government agencies and relief groups emphasize over and over again, "We want your help, not forever, but so we can begin to help ourselves and continue building stable and democratic societies."

As the initial relief phase of the effort comes to a close, and a period of reconstruction and rebuilding begins, the United States faces some tougher decisions about the nature of our assistance. These decisions are not simply whether we help our friends rebuild the bridges, houses, roads and towns they lost. We must also decide how we assist them in rebuilding the young and fragile institutions which are the products of the region's remarkable shift to democracy and functioning, growing economies.

Our policy must first offer debt relief under which these governments struggle. Nicaragua's government spends $220 million a year to pay its creditors and Honduras pays $341. Freeing up those resources, even temporarily, is more valuable to them than a simple infusion of cash.

Second, we must expeditiously pursue a reasonable option to allow these countries to strength mutually beneficial trade relationships. Relief and reconstruction are meaningless without an expectation of sustaining their benefits through the growth such trade will undoubtedly foster.

Third, we must push the European Union to uphold their promise to aid these countries by ending their discrimination against Central American bananas and other agricultural exports in favor to those from their former colonies.

Fourth, Central American governments must continue creating incentives for new investment and broader credit availability to the people through their own domestic legislation and regulation. The began on such a path before Mitch, and we must push and assist them in redoubling those efforts.

Finally, the need to rebuild the devastated infrastructure of the region cannot be underemphasized. Over 70 percent of the roads in Honduras were washed away. Crops cannot be harvested without roads to carry the produce. Poor water sanitation has brought about a public health nightmare. In addition to the direct assistance, we can offer the technology, financing and expertise at a level which these countries simply do not have at their disposal.

In pursuit of these goals, we commend the Administration for acting quickly and for using their authority to reprogram already enacted funds for the relief efforts. However, we must remember that the work is not done when the news cameras move to the next story, and a sustained, bipartisan effort with Congress will be required. This bill builds on the bipartisan necessary to formulate effective assistance to our neighbors in Central America and the Caribbean.

Carinal Obando y Bravo of Nicaragua best summed up for us the hope of the Central American people. Over 30 years they lived through natural disasters, wars, totalitarian governments, and now Mitch. Like before, he said the people will "rise like a phoenix form the ashes." If we are committed and resourceful in that shared goal, we can help guarantee that the mythical image is not simply a myth.●

By Mr. BIDEN:

S. 372. A bill to make available funds under the Freedom Support Act to expand existing educational and professional exchanges with the Russian Federation to promote and strengthen democratic government and civil society in that country, and to make available funds under that Act to conduct a study of the feasibility of creating a new foundation toward that end; to the Committee on Foreign Relations.

RUSSIAN DEMOCRATIZATION ASSISTANCE ACT OF 1999

● Mr. BIDEN. Mr. President, today I introduce legislation designed to assist the transition to democracy, a free-market economy, and civil society in the Russian Federation.

Mr. President, the Russian Federation, which is currently undergoing severe political and economic crises, continues to possess thousands of nuclear warheads and the means to deliver them. If for no other reason, therefore, maintaining stability in Russia remains a vital national security concern of the United States.

I have stated in detail on earlier occasions my belief that for the foreseeable future the time has passed for massive infusions of economic assistance to Russia. Since the collapse of Soviet communism, the capitalist world has injected into Russia more than one hundred billion dollars in grants, loans, and credits. Ultimately, however, the Russians themselves must take responsibility for putting their own economic house in order.

With few exceptions, future American economic assistance to Russia should be predicated upon a systematic reform of its economic, tax, and criminal justice systems, and in greatly reducing the corruption that plagues nearly every facet of Russian life.

The one exception I mentioned last summer was emergency food assistance to forestall starvation during the brutal Russian winter. I am happy that the Administration under the lead of Secretary of Agriculture Glickman has embarked upon just such a rescue program.

But, Mr. President, in the absence of basic, large-scale economic aid, we must search for other means to assist Russia in its painful transition to democracy and free-enterprise capitalism.

We are often mesmerized by current problems. So it is important to remember that since the collapse of the Soviet Union at the end of 1991, the Russian Federation has, in fact, made significant progress in democratizing its government and society.

Building upon that progress, the continued development of democratic institutions and practice can, Mr. President, help to foster the stability in the Russian Federation that is squarely in America's national interest.

Educational and professional exchanges with the Russian Federation have proven to be an effective, and remarkably low-cost, mechanism for enhancing democratization in that country. Moreover, these exchanges hold the promise of long-term, lasting payoffs as the exchange participants move into positions of responsibility in public and private life.

With that in mind, Mr. President, I am introducing the Russian Democratization Assistance Act of 1999.

Recognizing that maintaining stability in the Russian Federation is a vital national security concern of the United States, this legislation authorizes the expansion of selected, already existing educational and professional exchanges with that country and authorizes a study of the feasibility of a Russia-based, internationally funded Foundation for Democracy.

Specifically, the legislation increases authorization for each of fiscal year 2000 and fiscal year 2001 for several programs with the Russian Federation that have a proven track-record of excellence. My colleagues will note the unusually low amounts of funding involved in each of these programs.

The annual authorization for the Russian portion of the Future Leaders Exchange Program, popularly known as the Bradley Scholarships after former Senator Bradley of New Jersey who sponsored the original legislation creating the program under the Freedom Support Act, will be increased to four million dollars from its current level of just over two million dollars. I am proud to have co-sponsored this program at its inception.

Under the Future Leaders Exchange Program, high school students from the former Soviet Union are selected in national, merit-based, open competitions to live for one academic year in the United States with a host family and to study at an American high school.

The United States Information Agency, now to be merged with the Department of State, works with two nonprofit organizations—the American Council of Teachers of Russian and Youth for Understanding—on the recruitment, selection, orientation, and travel of the foreign students, and with twelve youth exchange organizations around our country in their placement and monitoring. Alumni are encouraged to join organizations when they return home and to participate in follow-on activities coordinated by these two American organizations.

Mr. President, the Future Leaders Exchange is universally recognized as a huge success. And what an investment.

Annual authorized funding for the Russian portion of the Freedom Support Act Undergraduate Program would be increased to three million dollars from its current one-and-a-third million. In this program, foreign undergraduates are selected for one year of non-degree study in American universities, colleges, or community colleges in a variety of fields, including agriculture, business administration, communications and journalism, computer science, criminal justice studies, economics, education, environmental management, government, library and information sciences, public policy, and sociology.

The American Council of Teachers of Russian, and Youth for Understanding administer this program for the United States Government.

Another outstanding, highly relevant, program within the Freedom Support Act whose scope this legislation would increase is the Community Connections Program. The annual authorized funding for its Russian component would rise to fifteen million dollars from its current level of seven million.

In the Community Connections Program, entrepreneurs, local government officials, education officials, legal professionals, and non-governmental organization leaders are offered three-to-five week practical training opportunities in the United States. Forty local communities across this country host the participants, thereby creating grass-roots linkages between the United States and regions of Russia, which may enhance opportunities for exchanges to be sustained beyond the life of the assistance program.

A very small but highly topical program that my legislation would expand is the Freedom Support Act Fellowships in Contemporary Issues. The Russian component of this program currently receives only $370,000. This act would nearly triple that annual authorization to one million dollars.

Under the Contemporary Issues Program, government officials, leaders of non-governmental organizations, and private sector professionals from Russia receive three-month fellowships in the United States for research in several strategic areas. These include sustainable growth and development of economies in transition; democracy, human rights, and the rule of law; and the communications revolution and intellectual property rights.

This program is administered through a grant awarded to the International Research and Exchanges Board, an organization with decades of experience in exchanges with Eastern Europe and the former Soviet Union.

Finally, my legislation would greatly strengthen the Edmund S. Muskie Fellowship Program, named after our esteemed former colleague from Maine who later served the nation as Secretary of State. Annual authorized funding for the Russian portion of this program would rise to seven million dollars from its current level of nearly three-and-three-quarter million dollars.

Muskie Fellows receive fellowships for one-to-two years of graduate study at American universities in business administration, economics, law, or public administation. The program is administered by the American Council of Teachers of Russian and the American Council for Collaboration in Education and Language Study.

The Muskie Fellowship Program is particularly important, since it gives the next generation of Russian professors on-site exposure to American scholarship and American society. The so-called "multiplier effect" that these professors will have upon their students will last for decades.

Mr. President, the sum total authorization for these five innovative and highly successful exchange programs is only thirty million dollars per fiscal year. The benefits in enhancing democratization in Russia and in promoting Russian-American relations are significant. It is an investment in the future that we should make.

Mr. President, the second part of this legislation concerns a grant of fifty thousand dollars to conduct a feasibility study of a Russia-based, internationally funded foundation for democracy.

The assassination last November in St. Petersburg of Galina Starovoitova, a former Member of the State Duma and Russia's most prominent female politician, was universally perceived as a defining moment. Starovoitova's murder, as yet unsolved, is seen as symptomatic of the growing power of organized crime and nationalist and communist extremists to undermine the foundations of the fragile Russian democracy.

The shock of the assassination had not yet worn off when friends and admirers of Starovoitova around the world spontaneously began to consider ways to create something positive from the horror. Several individuals including Carl Gershman, President of the U.S. National Endowment for Democracy, and Michael McFaul, a Stanford professor who worked in Moscow for the Carnegie Endowment, have proposed creating a Russian democracy foundation in Starovoitova's name.

This Starovoitova foundation would be a non-governmental, non-partisan, strictly Russian but internationally funded center for the study and promotion of democratic practices. Its work would involve public education in a country where democracy increasingly is equated with crime, insider privatization, and mass poverty. The Starovoitova foundation could also train democratic activists for governmental and non-governmental service. Moreover, it might serve, in Professor McFaul's words, as a "kind of Russian Civil Liberties Union," helping citizens defend their constitutional rights.

I have reason to believe that the Starovoitova foundation would find broad support within Russia and be able to attract funding from several other democratic countries around the world.

In a well-known phrase, Weimar Germany failed not because it had too many enemies, but because there were too few democrats. Weimar's tragic end need not be repeated in Russia. Galina Starovoitova's murder already has motivated record numbers of voters to turn out for municipal elections in St. Petersburg with strong support for the democratic parties. The Starovoitova Foundation for Democracy could maintain this momentum, even as it memorializes a courageous politician.

The planning grant I am proposing would authorize the United States Government to engage an organization specializing in the study of Russia to investigate the depth and breadth of support for such an institution and, if there is the requisite support, the best way to proceed with organizing the foundation.

Mr. President, the Russian Democratization Assistance Act of 1999 is a targeted response to assist the Russian Federation as it struggles to move away from the legacy of seven decades of communist tyranny and misrule. It recognizes that Russia's problems are too large and too complex to be amenable to instant solutions. But by significantly expanding educational and professional exchanges with Russia, and by taking the first steps toward the creation of a foundation for democracy there, this legislation can make an important long-term contribution to democracy and stability.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Russian Democratization Assistance Act of 1999".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Russian Federation, which is currently undergoing severe political and economic crises, continues to possess thousands of nuclear warheads and the means to deliver them.

(2) Maintaining stability in Russia is a vital national security concern of the United States.

(3) Since the collapse of the Soviet Union at the end of 1991, the Russian Federation has made significant progress in democratizing its government and society.

(4) The continued development of democratic institutions and practice will foster stability in the Russian Federation.

(5) Educational and professional exchanges with the Russian Federation have proven to be an effective mechanism for enhancing democratization in that country.

SEC. 3. POLICY OF THE UNITED STATES.

It shall be the policy of the United States toward the Russian Federation—

(1) to promote and strengthen democratic government and civil society;

(2) to expand already existing educational and professional exchanges toward those ends; and

(3) to consider the feasibility of a Russia-based, internationally funded Foundation for Democracy to further democratic government and civil society.

SEC. 4. ALLOCATION OF FUNDS FOR INTERNATIONAL INFORMATIONAL AND EDUCATIONAL EXCHANGES WITH THE RUSSIAN FEDERATION.

Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to support for the independent states of the former Soviet Union) for each of the fiscal years 2000 and 2001, the following amounts are authorized to be available for the following programs with the Russian Federation:

(1) For the "Future Leaders Exchange", $4,000,000.

(2) For the "Freedom Support Act Undergraduate Program", $3,000,000.

(3) For the "Community Connections Program", $15,000,000.

(4) For the "Freedom Support Act Fellowships in Contemporary Issues", $1,000,000.

SEC. 5. STUDY FOR ESTABLISHMENT OF RUSSIAN DEMOCRACY FOUNDATION.

(a) In General.—The President is authorized to conduct a study of the feasibility of establishing a foundation for the promotion of democratic institutions in the Russian Federation.

(b) Foundation Title.—It is the sense of Congress that any foundation established pursuant to subsection (a) should be known as the Starovoitova Foundation for Russian Democracy, in honor of Galina Starovoitova, a former member of the State Duma and Russia's leading female politician who was assassinated in St. Petersburg in November 1998.

(c) Allocation of Funds.—Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to support for the independent states of the former Soviet Union) for fiscal year 2000, $50,000 is authorized to be available to carry out this section.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR MUSKIE FELLOWSHIPS WITH THE RUSSIAN FEDERATION.

(a) In General.—There is authorized to be appropriated to the President $7,000,000 for each of the fiscal years 2000 and 2001 to carry out the Edmund S. Muskie Fellowship Program under section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) with the Russian Federation.

(b) Availability of Funds.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.●

By Mr. HARKIN:

S. 373. A bill to prohibit the acquisition of products produced by forced or indentured child labor; to the Committee on Governmental Affairs.

THE INDENTURED CHILD LABOR PREVENTION ACT

● Mr. HARKIN. Mr. President, I ask unanimous consent that a copy of S. 373, the Forced and Indentured Child Labor Prevention Act, be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 373

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forced and Indentured Child Labor Prevention Act".

SEC. 2. PROHIBITION OF ACQUISITION OF PRODUCTS PRODUCED BY FORCED OR INDENTURED CHILD LABOR.

(a) Prohibition.—The head of an executive agency (as defined in section 105 of title 5, United States Code) may not acquire an item that appears on a list published under subsection (b) unless the source of the item certifies to the head of the executive agency that forced or indentured child labor was not used to mine, produce, or manufacture the item.

(b) Publication of List of Prohibited Items.—

(1) In general.—The Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of State, shall publish in the Federal Register every other year a list of items that such officials have identified that might have been mined, produced, or manufactured by forced or indentured child labor.

(2) Date of publication.—The first list shall be published under paragraph (1) not later than 120 days after the date of the enactment of this Act.

(c) Required Contract Clauses.—

(1) In general.—The head of an executive agency shall include in each solicitation of offers for a contract for the procurement of an item included on a list published under subsection (b) the following clauses:

(A) A clause that requires the contractor to certify to the contracting officer that the contractor or, in the case of an incorporated contractor, a responsible official of the contractor has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any item furnished under the contract and that, on the basis of those efforts, the contractor is unaware of any such use of child labor.

(B) A clause that obligates the contractor to cooperate fully to provide access for the head of the executive agency or the inspector general of the executive agency to the contractor's records, documents, persons, or premises if requested by the official for the purpose of determining whether forced or indentured child labor was used to mine, produce, or manufacture any item furnished under the contract.

(2) Application of subsection.—This subsection shall apply with respect to acquisitions for a total amount in excess of the micro-purchase threshold (as defined in section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f)), including acquisitions of commercial items for such an amount notwithstanding section 34 of the Office of Federal Procurement Act (41 U.S.C. 430).

(d) Investigations.—Whenever a contracting officer of an executive agency has reason to believe that a contractor has submitted a false certification under subsection (a) or (c)(1)(A) or has failed to provide cooperation in accordance with the obligation imposed pursuant to subsection (c)(1)(B), the head of the executive agency shall refer the matter, for investigation, to the Inspector General of the executive agency and, as the head of the executive agency determines appropriate, to the Attorney General and the Secretary of the Treasury.

(e) Remedies.—

(1) In general.—The head of an executive agency may impose remedies as provided in this subsection in the case of a contractor under a contract of the executive agency if the head of the executive agency finds that the contractor—

(A) has furnished under the contract items that have been mined, produced, or manufactured by forced or indentured child labor or uses forced or indentured child labor in mining, production, or manufacturing operations of the contractor;

(B) has submitted a false certification under subparagraph (A) of subsection (c)(1); or

(C) has failed to provide cooperation in accordance with the obligation imposed pursuant to subparagraph (B) of such subsection.

(2) Termination of contracts.—The head of the executive agency, in the sole discretion of the head of the executive agency, may terminate a contract on the basis of any finding described in paragraph (1).

(3) Debarment or suspension.—The head of an executive agency may debar or suspend a contractor from eligibility for Federal contracts on the basis of a finding that the contractor has engaged in an act described in paragraph (1)(A). The period of the debarment or suspension may not exceed 3 years.

(4) Inclusion on list.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs (maintained by the Administrator as described in the Federal Acquisition Regulation) each person that is debarred, suspended, proposed for debarment or suspension, or declared ineligible by the head of an executive agency or the Comptroller General on the basis that the person uses forced or indentured child labor to mine, produce, or manufacture any item.

(5) Other remedies.—This subsection shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a finding described in paragraph (1).

(f) Report.—Each year, the Administrator of General Services, with the assistance of the heads of other executive agencies, shall review the actions taken under this section and submit to Congress a report on those actions.

(g) Implementation in the Federal Acquisition Regulation.—

(1) IN GENERAL.—The Federal Acquisition Regulation shall be revised within 180 days after the date of enactment of this Act—

(A) to provide for the implementation of this section; and

(B) to include the use of forced or indentured child labor in mining, production, or manufacturing as a cause on the lists of causes for debarment and suspension from contracting with executive agencies that are set forth in the regulation.

(2) PUBLICATION.—The revisions of the Federal Acquisition Regulation shall be published in the Federal Register promptly after the final revisions are issued.

(h) EXCEPTION.—

(1) IN GENERAL.—This section shall not apply to a contract that is for the procurement of any product, or any article, material, or supply contained in a product, that is mined, produced, or manufactured in any foreign country or instrumentality, if—

(A) the foreign country or instrumentality is—

(i) a party to the Agreement on Government Procurement annexed to the WTO Agreement; or

(ii) a party to the North American Free Trade Agreement; and

(B) the contract is of a value that is equal to or greater than the United States threshold specified in the Agreement on Government Procurement annexed to the WTO Agreement or the North American Free Trade Agreement, whichever is applicable.

(2) WTO AGREEMENT.—For purposes of this subsection, the term "WTO Agreement" means the Agreement Establishing the World Trade Organization, entered into on April 15, 1994.

(i) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in subsection (c)(2), the requirements of this section apply on and after the date determined under paragraph (2) to any solicitation that is issued, any unsolicited proposal that is received, and any contract that is entered into by an executive agency pursuant to such a solicitation or proposal on or after such date.

(2) DATE.—The date referred to is paragraph (1) is the date that is 30 days after the date of the publication of the revisions of the Federal Acquisition Regulation under subsection (g)(2).●

By Mr. CHAFEE (for himself, Mr. GRAHAM, Mr. LIEBERMAN, Mr. SPECTER, Mr. BAUCUS, Mr. ROBB, and Mr. BAYH):

S. 374. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Health, Education, Labor, and Pensions.

THE PROMOTING RESPONSIBLE MANAGED CARE ACT OF 1999

● Mr. CHAFEE. Mr. President. I am pleased to be joined this morning by Senators GRAHAM, LIEBERMAN, SPECTER, BAUCUS, ROBB and BAYH in introducing the "Promoting Responsible Managed Care Act of 1999." In introducing our bill from last year, we are especially pleased to have Senators ROBB and BAYH join us as original cosponsors.

As you know, the Senate was unable to consider this important issue before the close of the 105th Congress. Nonetheless, each party developed and introduced legislation, and the House actually passed a bill proposed by the Republican majority. To encourage discussion across the aisle, this group of Senators introduced a bipartisan reform bill—the only one thus far.

In crafting our legislation, we omitted or modified those provisions which were anathema to either side. Thus, for example, we excluded Medical Savings Accounts, a feature of the Senate Republican Task Force bill, because this provision is a non-starter with Democrats. Likewise, we proposed allowing injured parties to seek redress in federal court as an alternative to the state court provision in the Democratic bill because that is a non-starter with Republicans.

Well, here it is, the 106th Congress. Why have the prospects brightened for legislation to improve the quality of managed care? First, voters sent a clear message on election day: they want action, not gridlock. Second, the Democrats gained five more seats in the House—the very margin by which that body rejected the "Patient Bill of Rights" last year. Third, both Speaker HASTERT and Senate Majority Leader LOTT have instructed their respective committees of jurisdiction to get down to work. Fourth, the President is anxious to begin a bipartisan dialogue.

Perhaps more important than any of these developments, though, is the fact that consumers want assurances they will actually get the medical care they need, when they need it. Regrettably, many have learned this is not always the case.

The opponents of reform have had a field day mischaracterizing what the managed care quality debate is about. It is not, as they allege, about erasing the gains managed care has made in bringing down costs and coordinating patient services. It is not about forcing plans to cover unnecessary, outmoded or harmful practices. Nor is it about forcing plans to pay for any service or treatment which is not a covered benefit. And, it is certainly not about giving doctors a blank check.

In fact, this debate is about making sure patients get what they pay for. It's about ensuring that patients receive medically necessary care; that an objective standard and credible medical evidence are used to guide physicians and insurers in making treatment and coverage determinations; that patients' medical records and the judgments of their physicians are given due consideration; and, that managed care plans do not base their medical decisions on practice guidelines developed by industry actuaries, but rather credible, independent, scientific bodies.

On a more tangible level, this legislation is about making sure that the infant suffering from chronic ear infections is fitted with drainage tubes—rather than being prescribed yet another round of ineffective antibiotics—to ameliorate the condition and prevent hearing loss. It is about making sure that the patient with a broken hip is not relegated to a wheelchair in perpetuity, but rather given the hip replacement surgery and physical therapy that prudent medical practice dictates.

Make no mistake about it: Without provisions to ensure that plans are held to the objective, time-tested standard of professional medical practice, federal legislation giving patients access to an external appeals process will be nothing more than a false promise.

The "Promoting Responsible Managed Care Act" would restore needed balance to our managed care system while preserving its benefits. Moreover, it would do so using the very same framework established by Congress with the enactment of the so-called Kassebaum-Kennedy law in 1996. That statute—which extends portability and guaranteed issue protections to patients—has two very important benefits. First, it applies to all privately insured Americans—not just those 48 million enrolled in self-funded ERISA plans. Second, it preserves states' rights to occupy the field if they so choose.

Thus, our bill would establish a minimum floor of federal patient protections for all 161 million privately insured Americans. Yet, it would also protect state authority to go beyond this federal floor, and would preserve the good work states have already undertaken in this area. It would also encourage states which have taken little or no action to do the right thing. Despite the flurry of activity, only 15 states have adopted the most basic patient protection—an external review procedure.

As the process moves ahead, we look forward to working with the Finance Committee and the Health, Education, Labor, and Pensions Committee to formulate legislation which will help to restore consumer confidence in managed care, and to ensure that patients receive all medically necessary and appropriate care.

Mr. President, I ask unanimous consent that the following documents be printed in the RECORD: a summary of the bill, a one-page description of our enforcement provisions, a three-page document on what national health organizations say about our bill, and a white paper entitled, "Medical Necessity: The Real Issue in the Quality Debate."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PROMOTING RESPONSIBLE MANAGED CARE ACT OF 1999

PRINCIPLES

Today, a majority of the U.S. population is enrolled in some form of managed care—a system which has enabled employers, insurers and taxpayers to achieve significant savings in the delivery of health care services. However, there is growing anxiety among many Americans that insurance health plan accountants—not doctors—are determining what services and treatments they receive. Congress has an opportunity to enact legislation this year which will ensure that patients receive the benefits and services to which they are entitled, without compromising the savings and coordination of care that can be achieved through managed care. However, to ensure the most effective result, legislation must embody the following principles:

It must be bipartisan and balanced.

It must offer all 161 million privately insured Americans—not just those in self-funded ERISA plans—a floor of basic federal patient protections.

It must include an objective standard of what constitutes medically necessary or appropriate care to ensure a meaningful external appeals process. Furthermore, that standard must be informed by valid and reliable evidence to support the treatment and coverage determinations made by providers and plans.

It must establish credible federal enforcement remedies to ensure that managed care plans play by the rules and that individuals harmed by such entities are justly compensated.

It should encourage managed care plans to compete on the basis of quality—not just price. "Report card" information will provide consumers with the information they need to make informed choices based on plan performance.

SUMMARY

The "Promoting Responsible Managed Care Act of 1999" blends the best features of both the Democratic and Republican plans. The legislation would restore public confidence in managed care through a comprehensive set of policy changes that would apply to all private health plans in the country. These include strengthened federal enforcement to ensure managed care plans play by the rules; compensation for individuals harmed by the decisions of managed care plans; an independent external system for processing complaints and appealing adverse decisions; information requirements to allow competition based on quality; and, a reasonable set of patient protection standards to ensure patients have access to appropriate medical care.

Scope of protection

Basic protections for all privately insured Americans. All private insurance plans would be required to meet basic federal patient protections regardless of whether they are regulated at the state or federal level. This approach follows the blueprint established with the enactment of the Health Insurance Portability and Accountability Act of 1996, which allows states to build upon a basic framework of federal protections.

Enforcement and compensation

Strengthened federal enforcement to ensure managed care plans play by the rules. To ensure compliance with the bill's provisions, current federal law would be strengthened by giving the Secretaries of Labor and Health & Human Services enhanced authorities to enjoin managed care plans from denying medically necessary care and to levy fines (up to $50,000 for individual cases and up to $250,000 for a pattern of wrongful conduct). This provision would ensure that enforcement of federal law is not dependent upon individuals bringing court cases to enforce plan compliance. Rather, it provides for real federal enforcement of new federal protections.

Compensation for individuals harmed by the decisions of managed care plans. All privately insured individuals would have access to federal courts for economic loss resulting from injury caused by the improper denial of care by managed care plans. Economic loss would be defined as any pecuniary loss caused by the decision of the managed care plan, and would include lost earnings or other benefits related to employment, medical expenses, and business or employment opportunities. Awards for economic loss would be uncapped and attorneys fees could be awarded at the discretion of the court.

Coverage determination, grievance and appeals

Coverage determinations. Plans would be required to make decisions as to whether to provide benefits, or payments for benefits, in a timely manner. The plan must have a process for making expedited determinations in cases in which the standard deadlines could seriously jeopardize the patient's life, health, ability to regain or maintain maximum function or (in the case of a child under the age of 6) development

Internal appeals. Patients would be assured the right to appeal the following: failure to cover emergency services, the denial, reduction or termination of benefits, or any decision regarding the clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings. The plan would be required to have a timely internal review system, using health care professionals independent of the case at hand, and procedures for expediting decisions in cases in which the standard timeline could seriously jeopardize the covered individual's life, health, ability to regain or maintain maximum function, or (in the case of a child under the age of 6) development.

External appeals. Individuals would be assured access to an external, independent appeals process for cases of sufficient seriousness or which exceed a certain monetary threshold that were not resolved to the patient's satisfaction through the internal appeals process. The external appeal entity, not the plan, would have the authority to decide whether a particular plan decision is in fact externally appealable. In addition to the patient's medical record and the treating physician's proposed treatment, the range of evidence that is permissible in an external review would include valid and reliable research, studies and other evidence from impartial experts in the relevant field—the same types of evidence typically used by the courts in adjudicating health care quality cases. The external appeal process would require a fair, "de novo" determination, the plan would pay the costs of the process, and any decision would be binding on the plan.

Consumer information

Comparative information. Consumers would be given uniform comparative information on quality measures in order to make informed choices. Data would include: patient satisfaction, delivery of health care services such as immunizations, and resulting changes in beneficiary health. Variations would be allowed based on plan type.

Plan information. Patients would be provided with information on benefits, cost-sharing, access to services, grievance and appeals, etc. A grant program would be authorized to provide enrollees with information about their coverage options, and with grievance and appeals processes.

Confidentiality of enrollee records. Plans would be required to have procedures to safeguard the privacy of individually identifiable information.

Quality assurance. Plans would be required to establish an internal quality assurance program. Accredited plans would be deemed to have met this requirement, and variations would be allowed based on plan type.

Patient protection standards

Emergency services. Coverage of emergency services would be based upon the "prudent layperson" standard, and, importantly, would include reimbursement for post-stabilization and maintenance care. Prior authorization of services would be prohibited.

Enrollee choice of health professionals and providers. Patients would be assured that plans would: Allow women to obtain obstetrical/gynecological services without a referral from a primary care provider; allow plan enrollees to choose pediatricians as the primary care provider for their children; have a sufficient number, distribution and variety of providers; allow enrollees to choose any provider within the plan's network, who is available to accept such individual (unless the plan informs enrollee of limitations on choice); provide access to specialists, pursuant to a treatment plan; and in the case of a contract termination, allow continuation of care for a set period of time for chronic and terminal illnesses, pregnancies, and institutional care.

Access to approved services. Plans would be required to cover routine patient costs incurred through participation in an approved clinical trial. In addition, they would be required to use plan physicians and pharmacists in development of formularies, disclose formulary restrictions, and provide an exception process for non-formulary treatments when medically necessary.

Nondiscrimination in delivery of services. Discrimination on the basis of race, religion, sex, disability and other characteristics would be prohibited.

Prohibition of interference with certain medical communications. Plans would be prohibited from using "gag rules" to restrict physicians from discussing health status and legal treatment options with patients.

Provider incentive plans. Plans would be barred from using financial incentives as an inducement to physicians for reducing or limiting the provision of medically necessary services.

Provider participation. Plans would be required to provide a written description of their physician and provider selection procedures. This process would include a verification of a health care provider's license, and plans would be barred from discriminating against providers based on race, religion and other characteristics.

Appropriate standards of care for mastectomy patients. Plans would be required to cover the length of hospital stay for a mastectomy, lumpectomy or lymph node dissection that is determined by the physician to be appropriate for the patient and consistent with generally accepted principles of professional medical practice.

Professional standard of medical necessity. Health plans would be prohibited from arbitrarily interfering with the decision of the treating physician if the services are medically necessary and a covered benefit. Medically necessary services are defined to be those which are consistent with generally accepted principles of professional medical practice. This professional standard of medical necessity has been a well-settled standard in our legal system for over two centuries, and is necessary to ensure a meaningful external appeals process. Treatment and coverage decisions would be measured against the same standard of medical necessity, and providers and insurers would both be guided by the same evidentiary requirements (described under external appeals).

Promoting Responsible Managed Care Act of 1999—Enforcement and Compensation Mechanisms

Strengthened federal enforcement to ensure managed care plans play by the rules. To ensure compliance with the bill's provisions, current federal law would be strengthened by giving the Secretaries of Labor and Health & Human Services enhanced authorities to enjoin managed care plans from denying medically necessary care.

In addition, the Secretaries of Labor and Health & Human Services would be given new authority to levy substantial monetary penalties on managed care plans for wrongful conduct. Fines could be awarded as follows:

For failures on the part of plans that result in an unreasonable denial or delay in benefits that seriously jeopardize the individual's life, health, or ability to regain or maintain maximum function (or in the case of a child under the age of 6) development: Up to $50,000 for each individual involved in the case of a failure that does not reflect a pattern or practice of wrongful conduct and up to $250,000 if the failure reflects a pattern or practice of wrongful conduct.

For failures on the part of plans not described above: Up to $10,000 for each individual involved in the case of a failure that does not reflect a pattern or practice of wrongful conduct and up to $50,000 if the failure reflects a pattern or practice of wrongful conduct.

In the case of failures not corrected within the first week, the maximum amount of the penalties in all cases would be increased by $10,000 for each full succeeding week in which the failure is not corrected.

These provisions would ensure that enforcement of federal law is not dependent upon individuals bringing court cases to enforce plan compliance. Rather, it provides for real federal enforcement of new federal protections.

Compensation for individuals harmed by the decisions of managed care plans. All privately insured individuals would have access to federal courts for economic loss resulting from injury caused by the improper denial of care by managed care plans. Economic loss would be defined as any pecuniary loss caused by the decision of the managed care plan, and would include the loss of earnings or other benefits related to employment, medical expenses, and business or employment opportunities. Awards for economic loss would be uncapped and attorneys' fees could be awarded at the discretion of the court.

What Organizations Are Saying About the Promoting Responsible Managed Care Act of 1999

National Association of Children's Hospitals, Inc: "The National Association of Children's Hospitals, which represents more than 100 children's hospitals across the country, strongly supports your legislation—and its provisions that ensure children's unique health care needs are protected as families seek access to appropriate pediatric health care in their health plans."

National Mental Health Association: "On behalf of the National Mental Health Association and its 330 affiliates nationwide, I am writing to express strong support for the Promoting Responsible Managed Care Act of 1999. . . . NMHA was particularly gratified to learn that you included language in your important compromise legislation which guarantees access to psychotropic medications. . . . Finally—alone among all the managed care bills introduced in this session of Congress—your legislation prohibits the involuntary disenrollment of adults with severe and persistent mental illnesses and children with serious mental and emotional disturbances."

National Alliance for the Mentally Ill: "On behalf of the 185,000 members and 1,140 affiliates of the National Alliance for the Mentally Ill, I am writing to express our strong support for the bipartisan managed care consumer protection legislation you . . . are developing. . . . Thank you for your efforts on behalf of people with severe mental illnesses. Your bipartisan approach to this difficult issue is an important step forward in placing the interests of consumers and families ahead of politics. NAMI looks forward to working with you to ensure passage of meaningful managed care consumer protection legislation in the 106th Congress."

American Protestant Health Alliance: "Your proposal strikes a balance which is most appropriate. As each of us is aware, often we have missed the opportunity to enact health policy changes, only to return later and achieve fewer gains than we might have earlier. It would be tragic if we allowed this year's opportunity to escape our grasp. We are pleased to stand with you in support of your proposal."

American Academy of Pediatrics: "As experts in the care of children, we believe that [your] legislation makes important strides toward ensuring that children get the medical attention they need and deserve. . . . Children are not little adults. Their care should be provided by physician specialists who are appropriately educated in the unique physical and developmental issues surrounding the care of infants, children, adolescents, and young adults. We are particularly pleased that you recognize this and have included access to appropriate pediatric specialists, as well as other protections for children, as key provisions of your legislation."

American Cancer Society: ". . . I commend you on your bipartisan effort to craft patient protection legislation that meets the needs of cancer patients under managed care. . . . Your legislation grants patients access to specialists, ensures continuity of care . . . and permits for specialists to serve as the primary care physician for a patient who is undergoing treatment for a serious or life-threatening illness. Most importantly, your bill promotes access to clinical trials for patients for whom satisfactory treatment is not available or standard therapy has not proven most effective. . . . We appreciate that your bill addresses all four of ACS' priorities in a way that will help assure that individuals affected or potentially affected by cancer will be assured improved access to quality care."

American College of Physicians/American Society of Internal Medicine: "We believe your bill contains necessary patient protections, as well as provisions designed to foster quality improvement, and therefore has the potential to improve the quality of care patients receive. The College is particularly pleased that your proposal covers all Americans, rather than only those individuals who are insured by large employers under ERISA. . . . We also appreciate that you have taken steps to address the concerns about making all health plans . . . accountable in a court of law for medical decisions that may result in death or injury to a patient."

National Association of Chain Drug Stores: ". . . we applaud your efforts . . . in crafting a bipartisan managed care proposal. . . . Your bill, 'Promoting Responsible Managed Care Act' takes a realistic step in improving the health care system for all Americans."

Council of Jewish Federations: "Your provisions on continuity of care also provide landmark protections for consumers in our community and in the broader community as well. Overall, your legislation provides important safeguards for consumers and providers that are involved in managed care."

Families USA: "We are pleased that your bill . . . would establish many protections important to consumers, such as access to specialists, prescription drugs and consumer assistance. In addition, your external appeals language addresses many consumer concerns in this area."

Catholic Health Association: "The Catholic Health Association of the United States (CHA) applauds your bipartisan leadership in Congress to help enact legislation this year protecting consumers who receive health care through managed care plans. The Chafee-Graham-Lieberman bill is a sound piece of legislation."

National Association of Community Health Centers: "We appreciate the bipartisan efforts you have undertaken to correct the deficiencies in the managed care system. . . . We applaud your inclusion of standards for the determination of medical necessity (Section 102) that are based on generally accepted principles of medical practice. . . . We also appreciate your inclusion of federally qualified health centers (FQHCs) as providers that may be included in the network."

American College of Emergency Physicians: "The American College of Emergency Physicians . . . is pleased to support your bill, the 'Promoting Responsible Managed Care Act of 1999.' We . . . are particularly pleased that your legislation would apply to all private insurance plans. . . . We also commend your leadership in proposing a bipartisan solution. . . . We strongly support provisions in the bill that would prevent health plans from denying patients coverage for legitimate emergency services."

National Association of Public Hospitals & Health Systems: "This legislation provides consumers with the information to make informed decisions about their managed care plans, offers consumers protections from disincentives to provide care, and provides consumers with meaningful claims review, appeals and grievance procedures. We applaud your leadership in this area and we look forward to working with you to shape final legislation. We note that many of the patient protections contained in your legislation are already applicable to [Medicaid and Medicare], and we believe that a nationwide level playing field is desirable for all patients and all payers. For these reasons . . . we believe that many of the consumer protections in your legislation are necessary to prevent abuses and improve quality in managed care."

Mental Health Liaison Group (14 national organizations): ". . . we are writing to commend you for the introduction of [your legislation]. [It] takes a significant step forward in protecting children and adults with mental disorders who are now served by managed care health plans. . . . By establishing a clear grievance and appeals process, assuring access to mental health specialists, and assuring the availability of emergency services, your bill begins to establish the consumer protections necessary for the delivery of quality mental health care to every American."

MEDICAL NECESSITY: THE REAL ISSUE IN THE QUALITY DEBATE[1]

ISSUE

Without an objective standard of what constitutes medically necessary or appropriate care, federal legislation to ensure that patients receive the care for which they have paid will not be effective. For example, absent such a standard, what measures would an external appeals body use in determining whether a treatment or coverage decision was appropriate?

Thus, federal legislation should incorporate the professional standard of medical necessity. This has been a well-settled standard in our legal system for over two centuries, and is commonly defined as "a service or benefit consistent with generally accepted principles of professional medical practice." In fact, many insurance contracts in force today include some version of this standard (see attached table).

BACKGROUND

The advent of managed care has blurred the lines between coverage and treatment decisions, since for all but the wealthiest Americans, an insurer's decision regarding coverage effectively determines whether the individual will receive care.

As a consequence, the quality of coverage decisions, that is to say—the standard used to decide a coverage question and the evidence considered in deciding whether the care that is sought meets the standard—becomes the central issue in the managed care debate.

As insurers began to move significantly into the coverage decision-making arena in the 1970s, they adopted the same standard used by the courts in adjudicating health care quality cases—the professional standard of medical necessity.

TRENDS IN THE MARKETPLACE

A review of recent cases (see attached table) suggests that while most insurers use this professional standard, some are beginning to write other standards into their contracts. Courts must abide by these standards unless they conflict with other statutes.

There are also indications that some insurers may be seeking, by contract, to limit the evidence they will consider in making their coverage determinations, instead relying only on the results of generalized studies (some of which may be of questionable value) that have some, but not conclusive, bearing on a given patient's case.

The cases also indicate that some insurers are attempting to make their decisions unreviewable by using terms such as, "as determined by us."

The result of these trends is arbitrary decision-making (based either on bad evidence, or no evidence at all) which, by failing to take into account individual patient needs, diminishes health care quality, and does not constitute good professional practice.

It is not possible for consumers to see these contracts under normal circumstances. However, when individuals challenge denials of coverage or treatment, contract clauses affecting millions of persons become public as part of the court decision.

A close examination of the contract provisions in the attached cases reveals, in some instances, the use of extraordinary standards that pose a significant departure from the professional standard of practice:

In *Fuja*, *Bedrick*, *Heasley*, and *McGraw*, all of the contracts underlying these cases omit coverage for "conditions." Prudent medical professionals would not deny care for conditions, nor is it likely that there are any scientific studies which indicate that treatment of children and adults with "conditions" such as cerebal palsy, multiple sclerosis, or a developmental or congenital health problem, is not "medically necessary."

In *Metrahealth*, the contract requires a showing that care be "absolutely essential and indispensable" prior to its coverage. This verges on an emergency coverage definition and is at odds with the approach taken by prudent medical professionals.

In *Dowden*, use of the term "essential" achieves a similar result.

In *Dahl-Elmers*, the contract requires a showing that the care "could not have been omitted without adversely affecting the insured person's condition or the quality of medical care." It is doubtful there are any scientific studies that demonstrate how much care can be withheld before a patient deteriorates. In fact, such a study would be unethical even to undertake. Thus, there is virtually no scientific evidence to support denial of coverage under this standard.

The standards employed in these contracts are in complete conflict with prudent medical practice by health professionals who rely on solid evidence of effectiveness. No reasonable physician would withhold treatment until a patient's condition satisfied any one of these standards.

These cases deal implicitly with the issue made explicit in *Harris* v. *Mutual of Omaha*, which is discussed in the New England Journal of Medicine article from which this paper was adapted. Specifically, because such contracts do not contain any evidentiary standards to inform purchasers of what constitutes reasonable medical practice, insurers are effectively free to use or disregard the evidence of their choosing. This freedom to ignore relevant evidence, such as the opinion of treating physicians, goes to the heart of *Harris*.

RECOMMENDATIONS

Because coverage standards and evidence are absolutely central, albeit poorly understood concepts, protecting against the diminution of quality of care should not be left to the marketplace. Neither consumers, nor employee benefit managers, have the expertise to recognize the implications of the language which appears in these contracts.

In light of these trends and their impact on health care quality, federal legislation should incorporate the professional standard of medical necessity as the framework against which a patient's medical care will be decided.

In addition, the legislation should specify the types of evidence that will be considered in determining whether the professional standard has been met in treatment and coverage decisions. In addition to the patient's medical record and the treating physician's proposed treatment, the courts have typically relied upon valid and reliable research, studies and other evidence from impartial experts in the relevant field.

Thus, enacting the professional standard of medical necessity into federal law would balance the interests of patients, providers and insurers. Treatment and coverage decisions would be measured against the same standard of medical necessity, and providers and insurers would both be guided by the same evidentiary requirements.

EXAMPLES OF MEDICAL NECESSITY CLAUSES IN EMPLOYEE HEALTH BENEFIT CONTRACTS

Case name	Contractual definition of medical necessity
Friends Hospital v. *MetraHealth Service Corp.*, 9 F. Supp.2d 528 (E.D. Penn. 1998).	"A health care facility admission, level of care, procedure, service or supply is medically necessary if it is absolutely essential and indispensable for assuring the health and safety of the patient as determined by the * * * plan * * * with review and advice of competent medical professionals."
McGraw v. *Prudential Ins. Co. of America*, 137 F.3d 1253 (10th Cir. 1998)	"To be considered 'needed', a service or supply must be determined by Prudential to meet all of these tests: (a) It is ordered by a Doctor (b) It is recognized throughout the Doctor's profession as safe and effective, is required for the diagnosis or treatment of the particular sickness or Injury, and is employed appropriately in a manner and setting consistent with generally accepted United States medical standards. (c) It is neither Educational nor Experimental nor Investigational in nature."
Gates v. *King & Blue Cross & Blue Shield of Virginia*, Inc., 129 F.3d 1259 (4th Cir. 1997).	"The Plan defines medically necessary as: Services, drugs, supplies, or equipment provided by a hospital or covered provider of health care services that the carrier determines: (a) are appropriate to diagnose or treat the patient's condition, illness or injury; (b) are consistent with standards of good medical practice in the U.S. (c) are not primarily for the personal comfort or convenience of the patient, the family, or the provider
Dowden v. *Blue Cross & Blue Shield of Texas, Inc.*, 126 F.3d 641 (5th Cir. 1997).	Services that are "essential to, consistent with and provided for the diagnosis or the direct care and treatment of the condition, sickness, disease, injury, or bodily malfunction," and treatments "consistent with accepted standards of medical practice."
Bedrick v. *Travelers Ins. Co.*, 93 F.3d 149 (4th Cir. 1996)	1. Services that are appropriate and required for the diagnosis or treatment of the accidental injury or sickness; 2. It is safe and effective according to accepted clinical evidence reported by generally recognized medical professionals and publications; There is not a less intrusive or more appropriate diagnostic or treatment alternative that could have been used in lieu of the service or supply given.
Florence Nightingale Nursing Svc., Inc. v. *Blue Cross/Blue Shield of Alabama*, 41 F.3d 1476 (11th Cir. 1995).	The services and supplies furnished must "be appropriate and necessary for the symptoms, diagnosis, or treatment of the Member's condition, disease, ailment, or injury; and be provided for the diagnosis or direct care of Member's medical condition; and be in accordance with standards of good medical practice accepted by the organized medical community * * * *
Trustees of the NW Laundry and Dry Cleaners Health & Welfare Trust Fund v. *Burzynski*, 27 F.3d 153 (5th Cir. 1994).	1. The treatment must be "appropriate and consistent with the diagnosis (in accord with accepted standards of community practice)." 2. Treatments "could not be omitted without adversely affecting the covered person's condition or the quality of medical care."

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[1] This paper was adapted from two sources. The first is an article which appeared in the New England Journal of Medicine, January 21, 1999, titled, "Who Should Determine When Health Care Is Medically Necessary?" authored by Sara Rosenbaum, J.D., George Washington University School of Public Health and Health Services, David M. Frankford, J.D., Rutgers University School of Law, Brad Moore, M.D., M.P.H., and Phyllis Borzi, J.D., George Washington University Medical Center. The second source is a special analysis of recent ERISA coverage decisions prepared by professor Rosenbaum.

EXAMPLES OF MEDICAL NECESSITY CLAUSES IN EMPLOYEE HEALTH BENEFIT CONTRACTS—Continued

Case name	Contractual definition of medical necessity
Fuja v. Benefit Trust Life Ins. Co., 18 F.3d 1405 (7th Cir. 1994)	Services that are "required and appropriate for care of the Sickness or the Injury; and that are given in accordance with generally accepted principles of medical practices in the U.S. at the time furnished; and are not deemed to be experimental, educational or investigational. . .
Lee v. Blue Cross/Blue Shield of Alabama, 10 F.3d 1547 (10th Cir. 1994)	"Appropriate and necessary for treatment of the insured's condition, provided for the diagnosis or care of the insured's condition, in accordance with standards of good medical practice, and not solely for the insured's convenience."
Heil v. Nationwide Life Inc. Co., 9 F.3d 107 (6th Cir. 1993)	Services for which there is "general acceptance by the medical profession as appropriate for a covered condition and [that] are determined safe, effective, and non-investigational by professional standards."
Heasely v. Belden & Blake Corp., 2 F.3d 1249 (3rd Cir. 1993)	Services and procedures "considered necessary to the amelioration of sickness or injury by generally accepted standards of medical practice in the local community."
Dahl-Eimers v. Mutual of Omaha Life Inc. Co., 986 F.2d 1379 (11th Cir. 1993)	(a) "Appropriate and consistent with the diagnosis in accord with accepted standards of community practice; (b) Not considered experimental; and (c) Could not have been omitted without adversely affecting the injured person's condition or the quality of medical care."•

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. MURKOWSKI, and Mr. AKAKA):

S. 375. A bill to create a rural business lending pilot program within the U.S. Small Business Administration, and for other purposes; to the Committee on Small Business.

RURAL BUSINESS LENDING ACT

• Mr. STEVENS. Mr. President, I have in the past brought to the attention of the Senate one of the most significant economic problems facing Alaska—the underdevelopment of the business sector in the rural areas of Alaska. Today I am introducing the Rural Business Lending Act to help fix this problem in my state and in Hawaii. Senators INOUYE, MURKOWSKI, and AKAKA join me as cosponsors.

Many of my colleagues have heard me speak of Alaska's vast size, of our lack of a highway system, and of the problems faced by small Alaska communities because of their remoteness and because they are islands surrounded by a sea of federal land. Our economic problems are in some ways more like the problems of third-world countries than the problems of towns in the contiguous 48 states. More than 130 Alaska villages and communities have populations under 3,000, and almost 80 percent of these communities are not connected to any road or highway system. They can be reached only by small plane or boat. Many do not have a bank branch office or any other lending source.

The nearest banks—which, even within Alaska are likely to be hundreds of miles away—often cannot make loans in rural communities due to the cost of servicing the loans, the cost of transportation, higher credit risks and other unknown risks, the seasonality of the economy, and the collateral limitations inherent to remote real estate. Most Alaska villages have few, if any, privately- or independently-owned small businesses.

The Rural Business Lending Act would attempt to help with these problems. The bill would create a pilot loan guarantee program in Alaska and Hawaii administered by the U.S. Small Business Administration (SBA). The pilot program is modeled after the SBA 7(a) program that was in effect prior to changes made in 1995. These changes dramatically reduced small business lending by banks and other financial institutions in Alaska. Among other things, the changes: (1) decreased the portion of a loan that SBA could guarantee under the 7(a) Program, from 90 percent of the loan amount down to a sliding scale of only up to 80 percent; and (2) increased the guarantee fee for 7(a) loans from 2 percent of the loan amount up to a sliding scale of between 2 percent and 3.875 percent. Another change was that the SBA discontinued servicing loans that have gone into default. This change is particularly detrimental in Alaska and Hawaii, because of the transportation costs involved in servicing a loan, and in small Alaska communities because it is difficult for the employee of a bank branch to take action against his neighbor on a loan.

Before these changes went into effect, the SBA 7(a) lending program provided much of the critical financing for rural Alaska businesses. For instance, the SBA guaranteed 315 loans totaling $29 million with fiscal year 1995 funds—170 of which went to businesses in what we consider rural areas of Alaska (generally not on the road system). By comparison, the SBA guaranteed only 88 loans in Alaska—and only 48 in rural areas—with fiscal year 1998 funds, after the changes had gone into effect. The total amount of the loans between fiscal year 1995 and fiscal year 1998 decreased by over 60 percent, from $29 million down to $10 million. It appears this downward trend is continuing during the Fiscal Year 1999 cycle.

Prior to the changes, the National Bank of Alaska was one of SBA's biggest 7(a) lending program participants, having made over 91 loans totaling more than $15 million during the fiscal year 1995 cycle. Three years later, during the fiscal year 1998 cycle, the National Bank of Alaska made no loans under the 7(a) program. There is no question that the changes have negatively affected the availability of loan funds and credit in rural Alaska and other rural areas.

The bill I am introducing today is intended to make the 7(a) program more viable in the rural parts of Alaska and Hawaii. The Rural Business Lending Act would create a 3-year "Rural Business Lending Program" in the 49th and 50th states that would be similar to 7(a) Program before the 1995 changes. It would allow up to 90 percent of loan amounts to be guaranteed, cap the guarantee fee at 1 percent, require the SBA to service loans on which it honors a guarantee, and allow the SBA to waive annual loan fees (one-half of one percent of the outstanding loan balance under existing law) if necessary to increase lending. Loans under the "Rural Business Lending Program" would be available only in communities with a population of 9,000 or fewer. The program would be required to be administered from the SBA's Alaska and Hawaii offices, where the unique characteristics and needs of rural small businesses are more likely to be understood. The SBA would be required to report to Congress after two years on the effectiveness of the program so that consideration could be given to making it permanent or expanding it to other areas.

This legislation will ensure that small businesses in rural Alaska and Hawaii have similar access to the national 7(a) Program that other small businesses have. The national 7(a) program should not provide opportunities only to businesses in urban settings. The changes in the Act are intended to revive the SBA 7(a) Program in rural parts of Alaska and Hawaii, creating a model that perhaps can be applied more broadly in the future. I look forward to working with other Senators on the enactment of this legislation that is so critical to small businesses in Alaska and Hawaii, and ultimately perhaps, to small businesses in rural areas throughout the United States.•

By Mr. BURNS (for himself, Mr. MCCAIN, Mr. DORGAN, Mr. BRYAN, Mr. BROWNBACK, and Mr. CLELAND):

S. 376. A bill to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

OPEN-MARKET REORGANIZATION FOR THE BETTERMENT OF INTERNATIONAL TELECOMMUNICATIONS (ORBIT) ACT

• Mr. BURNS. Mr. President, I rise today to introduce the "Open-market Reorganization for the Betterment of International Telecommunications (ORBIT)" bill, an important piece of legislation that will modernize our nation's laws and policies regarding the provision of international satellite communications services. I also thank the help and hard work of my colleagues who are original cosponsors of this bill, including the Chairman of the Commerce Committee, Senator McCAIN, and Senator BROWNBACK, Senator BRYAN, Senator DORGAN and Senator CLELAND.

Dramatic technological and marketplace changes have reshaped global satellite communications in the thirty-six years since enactment of the Communications Satellite Act of 1962. These changes necessitate that we update our nation's satellite laws to establish a new policy framework for vibrant international satellite communications in the 21st century.

The bill I introduce today reflects a reasoned and balanced approach that will enable more private companies, as opposed to government entities, to bring advanced satellite communications service to every corner of the globe—including poor, remote and lesser developed countries. This bill puts the full weight of the United States squarely behind the privatization of INTELSAT, an intergovernmental organization embracing 142 countries, which, in turn, will transform the international satellite communications marketplace into a more robust and genuinely competitive arena. The beneficiaries of this legislation will be American companies and their workers who will have new opportunities to offer satellite communications services worldwide and consumers who will be able to enjoy a choice among multiple service providers of ever more advanced communications services at lower cost.

When the Soviet Union launched Sputnik in 1957, the United States responded immediately and aggressively to recapture the lead in the advancement of satellite technology. Our nation understood the tremendous potential of satellite technology, but at the same time recognized that because of the cost, risk and uncertainty, no individual company would develop it alone. Therefore, the U.S. enacted the Communications Satellite Act of 1962 which created COMSAT, a private company, to develop by itself, or presumably with the assistance of other foreign entities, a commercial worldwide satellite communications system. Subsequently, the international treaty organization, INTELSAT, was created to provide mainly telephone and data services around the world. COMSAT and INTELSAT have worked together over the last three decades to introduce satellite communications services here and abroad.

The INTELSAT/COMSAT experiment has been a magnificent success. INTELSAT has grown to include 142 member countries, utilizing a network of 24 satellites that offer voice, data and video services around the world. In the last fifteen years, technological advances, improved large-scale financing options, and enriched market conditions have created a favorable climate for new companies to provide services that only INTELSAT had previously been able to offer. However, while the success of INTELSAT has spurred multiple private commercial companies to penetrate the global satellite market, these private companies have expressed serious concern about the existence of INTELSAT, in its present form, and the unlevel playing field upon which they must compete with INTELSAT. My legislation addresses their concerns.

This legislation prods INTELSAT to transform itself from a multi-governmentally owned and controlled monopoly to a fully privatized company. The legislation articulates the new United States policy that INTELSAT must privatize as soon as possible, but no later than January 1, 2002 and it creates a process to encourage and verify that this privatization effort occurs in a pro-competitive manner.

This legislation puts clear and specific restrictions on INTELSAT's ability to expand its service offerings into new areas, such as direct broadcast satellite services and Ka-band communications, pending privatization. At the same time, it preserves INTELSAT's ability to provide its customers services they currently enjoy. INTELSAT customers are not artificially denied services to which they already have access.

INTELSAT also is offered incentives to privatize. One of INTELSAT's most important business objectives is to obtain direct access to the lucrative U.S. domestic market. My legislation does not hand this over to INTELSAT and the other 141 member countries without commercial reform. Rather, it withholds this desired benefit until privatization is complete. I should add that with the introduction of this legislation, I call on the FCC to halt its pending rulemaking to allow Intelsat to directly access the U.S. market before privatization. This rulemaking undermines a central tenet of this bill, and would exceed the agency's authority in any event. I urge the FCC to let Congress resolve this issue through the legislative process.

This legislation provides the President of the United States with the authority to certify that INTELSAT has privatized in a sufficiently pro-competitive manner that it will not harm competition in the U.S. satellite marketplace. The President is required to consider a whole array of criteria such as the owner structure of INTELSAT, its independence from the intergovernmental organization, and its relinquishment of privileges and immunities. These criteria will ensure that INTELSAT is transformed into a commercially competitive company without any unfair advantages. If the privatization does not occur within the time frame provided in my legislation, January 1, 2002, the President is required to withdraw the U.S. from INTELSAT.

I believe that the House and the Senate, working constructively together, can enact international satellite competition legislation this year. In particular, I want to commend the Chairman of the House Commerce Committee, Representative BLILEY, for all the good work he did last Congress in passing H.R. 1872 through the House. I am confident that our shared objectives will enable us to resolve differences on a number of specific issues and obtain the broad, bipartisan support needed to move this legislation quickly. I especially look forward to working with my colleagues on both sides of the aisle in the Senate to reaching swift agreement on this bill which will enhance America's competitive position as we enter the 21st century.●

By Mr. ENZI:

S. 377. A bill to eliminate the special reserve funds created for the Savings Association Insurance Fund and the Deposit Insurance Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SAIF SPECIAL RESERVE ELIMINATION BILL

● Mr. ENZI. Mr. President, I rise to introduce legislation on behalf of myself and the Senator from South Dakota, Senator JOHNSON. This legislation would eliminate the Savings Association Insurance Fund (SAIF) special reserve. The Federal Deposit Insurance Corporation (FDIC) has indicated that this is one of their top priorities. We feel this legislation is important because capitalization of the special reserve could potentially destabilize the SAIF.

The Special Reserve of the Savings Association Insurance Fund (SAIF) was established on January 1, 1999. It was created by the Deposit Insurance Act of 1996 to provide a backup to the SAIF and further protect the taxpayers from another costly bailout of failed financial institutions. The law stipulated that the amount in the SAIF special reserve should equal the amount by which the SAIF reserve ratio exceeded the designated reserve ratio on January 1, 1999. The designated reserve ratio is 1.25 percent of estimated insured deposits. As a result, on January first of this year, about $1 billion was transferred from the SAIF to the special reserve of the SAIF. Now the SAIF, because it does not include the amount set aside in the special reserve, is capitalized at 1.25 percent of insured deposits.

The problem with this newly established special reserve is that it has the potential to destabilize the SAIF. Since $1 billion was transferred into the special reserve, thereby reducing the SAIF to the minimum required reserve level of 1.25 percent, the chances that the reserve ratio could drop below that level due to adverse circumstances has increased significantly. If this ever occurs, the FDIC may assess new insurance premiums since the 1996 amendments do not allow the special reserve funds to be used in the calculation of the SAIF. And new premium on thrifts resulting from the special reserve would be unfair and discriminatory.

In addition, the special reserve funds cannot be used unless the SAIF reachers a dangerously low level. Current law does not allow the FDIC to access the funds in the special reserve until the reserve ratio reaches 0.625 percent of the designated ratio, and the FDIC expects the ratio to remain at or below that level for each of the next four quarters. This does not allow the FDIC to properly manage the SAIF.

The Enzi/Johnson bill also makes conforming and technical amendments requested by the FDIC. These changes would delete provisions of the Deposit Insurance Act of 1996 relating to the merger of the two deposit insurance funds. The Bank Insurance Fund (BIF) and the SAIF were not merged by the target date of January 1, 1999, because savings associations are still in existence. Therefore, these provisions are unnecessary.

In conclusion, I urge my colleagues to pass this vitally important legislation before a change in the SAIF would create a budgetary impact. It represents an appropriate solution to what could be a major deposit insurance problem.•

By Mr. ROCKEFELLER (for himself, Mr. DORGAN, Mr. WYDEN, Mr. HARKIN, and Mr. BINGAMAN):

S. 379. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to implement a pilot program to improve access to the national transportation system for small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE AIR SERVICE RESTORATION ACT OF 1999

• Mr. ROCKEFELLER. Mr. President, today I am pleased to introduce the Air Service Restoration Act of 1999, together with my colleagues Senators DORGAN, WYDEN, HARKIN and BINGAMAN.

In the past several years there has been a growing debate in the Congress and across the nation about the state of our aviation industry. The primary concerns heard again and again are that a decline in air service to small and rural communities and increasing consolidation among airlines and in certain essential markets are hurting consumers and stifling economic development.

I know these concerns well from the experience of my home State of West Virginia. By virtually any measure West Virginia is the State that has been hardest hit by air service declines in the twenty years since deregulation. With the notable exception of a few important upgrades and new opportunities in the last year, West Virginia's air service has been far inferior to that provided other communities—the planes are uncomfortable, the prices are high, and the schedules are thin and subject to frequent cancellations. As a result, at a time when the rest of the nation has experienced a 75 percent increase in air traffic, passenger enplanements statewide in West Virginia have declined by nearly 40 percent.

The real tragedy of poor air service isn't passenger inconvenience or frustration, however, it's the negative impact on economic development. In today's global marketplace air service has become the single most important mode of transportation. When it comes to economic growth, there is no substitute for good air service, and the lack of quality, affordable service can and does hold us back, stunting economic growth in West Virginia just as it does in small and rural communities across the country. We must act now to stem this tide—to restore and promote air service to under-served areas—or we will never be able to close the gap in a meaningful and sustained way.

This legislation is designed not only to build on the successes of airline deregulation but also to take responsibility for its failures. It contains four major provisions:

First, the centerpiece of the bill is a five-year $100 million pilot program for up to 40 small and under-served communities, with grants of up to $500,000 to each community for local initiatives to attract and promote service.

Second, the Department of Transportation would have the authority to facilitate links between pilot communities and major airports by requiring joint fares and interline agreements between dominant airlines at hub airports and new service providers at under-served airports.

Third, to address a key infrastructure concern of small and rural airports, the bill establishes a pilot program allowing communities facing the loss of an air traffic control tower to instead share the cost of funding the tower, on a contract basis, in proportion to the cost-benefit ratio of the tower.

Fourth, the bill calls on the Department of Transportation to review airline industry marketing practices—practices which many believe are exacerbating the decline in air service to small communities—and, if necessary, promulgate regulations to curb abuses.

The legislation we introduce today should begin to afford small and rural community air service the priority they deserve in our national transportation policy. It is similar to a bill I and my colleagues introduced last year, many provisions of which were adopted by the full Senate in the failed FAA and AIP reauthorization bill of 1998. Variations on some of these provisions have also been included in the 1999 reauthorization bill introduced last month by Senators MCCAIN, HOLLINGS, GORTON and myself. I am hopeful that we will successfully enact this legislation, to protect and restore small community air service, this year.

Admittedly, airline deregulation has been a real success story in much of the nation, with lower fares, better service, and more choices for many passengers, as well as tremendous financial success and stability for commercial airlines. But as I have said in the past, airline deregulation has handed out the benefits of air travel unevenly, and we face today an ever-widening gap between the air transportation "haves" and "have-nots". We in the Congress have a responsibility to foster and maintain a truly national air transportation system, and we fail our small and rural communities when we leave them with the choice between high-cost, poor-quality service or no service at all.

This legislation and this year offer a real opportunity to re-double our efforts to connect small and rural communities to our air transportation system in a meaningful way. I commend the efforts of Senators DORGAN, WYDEN, HARKIN and BINGAMAN to solve this daunting national problem, and I hope our colleagues will join us in the endeavor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Air Service Restoration Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) a national transportation system providing safe, high quality service to all areas of the United States is essential to interstate commerce and the economic well-being of cities and towns throughout the United States;

(2) taxpayers throughout the United States have supported and helped to fund the United States aviation infrastructure and have a right to expect that aviation services will be provided in an equitable and fair manner to every region of the country;

(3) some communities have not benefited from airline deregulation and access to essential airports and air services has been limited;

(4) air service to a number of small communities has suffered since deregulation;

(5) studies by the Department of Transportation have documented that, since the airline industry was deregulated in 1978—

(A) 34 small communities have lost service and many small communities have had jet aircraft service replaced by turboprop aircraft service;

(B) out of a total of 320 small communities, the number of small communities being served by major air carriers declined from 213 in 1978 to 33 in 1995;

(C) the number of small communities receiving service to only one major hub airport increased from 79 in 1978 to 134 in 1995; and

(D) the number of small communities receiving multiple-carrier service decreased from 136 in 1978 to 122 in 1995; and

(6) improving air service to small- and medium-sized communities that have not benefited from fare reductions and improved service since deregulation will likely entail a range of Federal, State, regional, local, and private sector initiatives.

SEC. 3. PURPOSE.

The purpose of this Act is to facilitate, through a pilot program, incentives and projects that will help communities to improve their access to the essential airport facilities of the national air transportation system through public-private partnerships and to identify and establish ways to overcome the unique policy, economic, geographic, and marketplace factors that may inhibit the availability of quality, affordable air service to small communities.

SEC. 4. ESTABLISHMENT OF SMALL COMMUNITY AVIATION DEVELOPMENT PROGRAM

Section 102 is amended by adding at the end thereof the following:

“(g) Small Community Air Service Development Program.—

“(1) Establishment.—The Secretary shall establish a 5-year pilot aviation development program to be administered by a program director designated by the Secretary.

“(2) Functions.—The program director shall—

“(A) function as a facilitator between small communities and air carriers;

“(B) carry out section 41743 of this title;

“(C) carry out the airline service restoration program under sections 41744, 41745, and 41746 of this title;

“(D) ensure that the Bureau of Transportation Statistics collects data on passenger information to assess the service needs of small communities;

“(E) work with and coordinate efforts with other Federal, State, and local agencies to increase the viability of service to small communities and the creation of aviation development zones; and

“(F) provide policy recommendations to the Secretary and the Congress that will ensure that small communities have access to quality, affordable air transportation services.

“(3) Reports.—The program director shall provide an annual report to the Secretary and the Congress beginning in 2000 that—

“(A) analyzes the availability of air transportation services in small communities, including, but not limited to, an assessment of the air fares charged for air transportation services in small communities compared to air fares charged for air transportation services in larger metropolitan areas and an assessment of the levels of service, measured by types of aircraft used, the availability of seats, and scheduling of flights, provided to small communities.

“(B) identifies the policy, economic, geographic and marketplace factors that inhibit the availability of quality, affordable air transportation services to small communities; and

“(C) provides policy recommendations to address the policy, economic, geographic and marketplace factors inhibiting the availability of quality, affordable air transportation services to small communities.”.

SEC. 5. COMMUNITY-CARRIER AIR SERVICE PROGRAM.

(a) In General.—Subchapter II of chapter 417 is amended by adding at the end thereof the following:

“§ 41743. Air service program for small communities

“(a) Communities Program.—Under advisory guidelines prescribed by the Secretary of Transportation, a small community or a consortia of small communities or a State may develop an assessment of its air service requirements, in such form as the program director designated by the Secretary under section 102(g) may require, and submit the assessment and service proposal to the program director.

“(b) Selection of Participants.—In selecting community programs for participation in the communities program under subsection (a), the program director shall apply criteria, including geographical diversity and the presentation of unique circumstances, that will demonstrate the feasibility of the program. For purposes of this subsection, the application of geographical diversity criteria means criteria that—

“(1) will promote the development of a national air transportation system; and

“(2) will involve the participation of communities in all regions of the country.

“(c) Carriers Program.—The program director shall invite part 121 air carriers and regional/commuter carriers (as such terms are defined in section 41715(d) of this title) to offer service proposals in response to, or in conjunction with, community aircraft service assessments submitted to the office under subsection (a). A service proposal under this paragraph shall include—

“(1) an assessment of potential daily passenger traffic, revenues, and costs necessary for the carrier to offer the service;

“(2) a forecast of the minimum percentage of that traffic the carrier would require the community to garner in order for the carrier to start up and maintain the service; and

“(3) the costs and benefits of providing jet service by regional or other jet aircraft.

“(d) Program Support Function.—The program director shall work with small communities and air carriers, taking into account their proposals and needs, to facilitate the initiation of service. The program director—

“(1) may work with communities to develop innovative means and incentives for the initiation of service;

“(2) may obligate funds authorized under section 6 of the Air Service Restoration Act to carry out this section;

“(3) shall continue to work with both the carriers and the communities to develop a combination of community incentives and carrier service levels that—

“(A) are acceptable to communities and carriers; and

“(B) do not conflict with other Federal or State programs to facilitate air transportation to the communities;

“(4) designate an airport in the program as an Air Service Development Zone and work with the community on means to attract business to the area surrounding the airport, to develop land use options for the area, and provide data, working with the Department of Commerce and other agencies;

“(5) take such other action under this chapter as may be appropriate.

“(e) Limitations.—

“(1) Community support.—The program director may not provide financial assistance under subsection (c)(2) to any community unless the program director determines that—

“(A) a public-private partnership exists at the community level to carry out the community's proposal;

“(B) the community will make a substantial financial contribution that is appropriate for that community's resources, but of not less than 25 percent of the cost of the project in any event;

“(C) the community has established an open process for soliciting air service proposals; and

“(D) the community will accord similar benefits to air carriers that are similarly situated.

“(2) Amount.—The program director may not obligate more than $100,000,000 of the amounts authorized under section 6 of the Air Service Restoration Act over the 5 years of the program.

“(3) Number of participants.—The program established under subsection (a) shall not involve more than 40 communities or consortia of communities.

“(f) Report.—The program director shall report through the Secretary to the Congress annually on the progress made under this section during the preceding year in expanding commercial aviation service to smaller communities.

“§ 41744. Pilot program project authority

“(a) In General.—The program director designated by the Secretary of Transportation under section 102(g)(1) shall establish a 5-year pilot program—

“(1) to assist communities and States with inadequate access to the national transportation system to improve their access to that system; and

“(2) to facilitate better air service link-ups to support the improved access.

“(b) Project Authority.—Under the pilot program established pursuant to subsection (a), the program director may—

“(1) out of amounts authorized under section 6 of the Air Service Restoration Act, provide financial assistance by way of grants to small communities or consortia of small communities under section 41743 of up to $500,000 per year; and

“(2) take such other action as may be appropriate.

“(c) Other Action.—Under the pilot program established pursuant to subsection (a), the program director may facilitate service by—

“(1) working with airports and air carriers to ensure that appropriate facilities are made available at essential airports;

“(2) collecting data on air carrier service to small communities; and

“(3) providing policy recommendations to the Secretary to stimulate air service and competition to small communities.

“(d) Additional Action.—Under the pilot program established pursuant to subsection (a), the Secretary shall work with air carriers providing service to participating communities and major air carriers serving large hub airports (as defined in section 41731(a)(3)) to facilitate joint fare arrangements consistent with normal industry practice.

“§ 41745. Assistance to communities for service

“(a) In General.—Financial assistance provided under section 41743 during any fiscal year as part of the pilot program established under section 41744(a) shall be implement for not more than—

“(1) 4 communities within any State at any given time; and

“(2) 40 communities in the entire program at any time.

For purposes of this subsection, a consortium of communities shall be treated as a single community.

"(b) ELIGIBILITY.—In order to participate in a pilot project under this subchapter, a State, community, or group of communities shall apply to the Secretary in such form and at such time, and shall supply such information, as the Secretary may require, and shall demonstrate to the satisfaction of the Secretary that—

"(1) the applicant has an identifiable need for access, or improved access, to the national air transportation system that would benefit the public;

"(2) the pilot project will provide material benefits to a broad section of the travelling public, businesses, educational institutions, and other enterprises whose access to the national air transportation system is limited;

"(3) the pilot project will not impede competition; and

(4) the applicant has established, or will establish, public-private partnerships in connection with the pilot project to facilitate service to the public.

"(c) COORDINATION WITH OTHER PROVISIONS OF SUBCHAPTER.—The Secretary shall carry out the 5-year pilot program authorized by this subchapter in such a manner as to complement action taken under the other provisions of this subchapter. To the extent the Secretary determines to be appropriate, the Secretary may adopt criteria for implementation of the 5-year pilot program that are the same as, or similar to, the criteria developed under the preceding sections of this subchapter for determining which airports are eligible under those sections. The Secretary shall also, to the extent possible, provide incentives where no direct, viable, and feasible alternative service exists, taking into account geographical diversity and appropriate market definitions.

"(d) MAXIMIZATION OF PARTICIPATION.—The Secretary shall structure the program established pursuant to section 41744(a) in a way designed to—

"(1) permit the participation of the maximum feasible number of communities and States over a 5-year period by limiting the number of years of participation or otherwise; and

"(2) obtain the greatest possible leverage from the financial resources available to the Secretary and the applicant by—

"(A) progressively decreasing, on a project-by-project basis, any Federal financial incentives provided under this chapter over the 5-year period; and

"(B) terminating as early as feasible Federal financial incentives for any project determined by the Secretary after its implementation to be—

"(i) viable without further support under this subchapter; or

"(ii) failing to meet the purposes of this chapter or criteria established by the Secretary under the pilot program.

"(e) SUCCESS BONUS.—If Federal financial incentives to a community are terminated under subsection (d)(2)(B) because of the success of the program in that community, then that community may receive a one-time incentive grant to ensure the continued success of that program.

"(f) PROGRAM TO TERMINATE IN 5 YEARS.—No new financial assistance may be provided under this subchapter for any fiscal year beginning more than 5 years after the date of enactment of the Air Service Restoration Act.

"§41746. Additional authority

"In carrying out this chapter, the Secretary—

"(1) may provide assistance to States and communities in the design and application phase of any project under this chapter, and oversee the implementation of any such project;

"(2) may assist States and communities in putting together projects under this chapter to utilize private sector resources, other Federal resources, or a combination of public and private resources;

"(3) may accord priority to service by jet aircraft;

"(4) take such action as may be necessary to ensure that financial resources, facilities, and administrative arrangements made under this chapter are used to carry out the purposes of the Air Service Restoration Act; and

"(5) shall work with the Federal Aviation Administration on airport and air traffic control needs of communities in the program.

"§41747. Air traffic control services pilot program

"(a) IN GENERAL.—To further facilitate the use of, and improve the safety at, small airports, the Administrator of the Federal Aviation Administration shall establish a pilot program to contract for Level I air traffic control services at 20 facilities not eligible for participation in the Federal Contract Tower Program.

"(b) PROGRAM COMPONENTS.—In carrying out the pilot program established under subsection (a), the Administrator may—

"(1) utilize current, actual, site-specific data, forecast estimates, or airport system plan data provided by a facility owner or operator;

"(2) take into consideration unique aviation safety, weather, strategic national interest, disaster relief, medical and other emergency management relief services, status of regional airline service, and related factors at the facility;

"(3) approve for participation any facility willing to fund a pro rata share of the operating costs used by the Federal Aviation Administration to calculate, and, as necessary, a 1:1 benefit-to-cost ration, as required for eligibility under the Federal Contract Tower Program; and

"(4) approve for participation no more than 3 facilities willing to fund a pro rata share of construction costs for an air traffic control tower so as to achieve, at a minimum, a 1:1 benefit-to-cost ratio, as required for eligibility under the Federal Contract Tower Program, and for each of such facilities the Federal share of construction costs does not exceed $1,000,000.

"(c) REPORT.—One year before the pilot program established under subsection (a) terminates, the Administrator shall report to the Congress on the effectiveness of the program, with particular emphasis on the safety and economic benefits provided to program participants and the national air transportation system.".

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter II of chapter 417 is amended by inserting after the item relating to section 41742 the following:

"41743. Air service program for small communities.
"41744. Pilot program project authority.
"41745. Assistance to communities for service.
"41746. Additional authority.
"41747. Air traffic control services pilot program.".

(c) WAIVER OF LOCAL CONTRIBUTION.—Section 41736(b) is amended by inserting after paragraph (4) the following:

"Paragraph (4) does not apply to any community approved for service under this section during the period beginning October 1, 1991, and ending December 31, 1997.".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out section 41747 of title 49, United States Code.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

To carry out sections 41743 through 41746 of title 49, United States Code, for the 4 fiscal-year period beginning with fiscal year 2000 there are authorized to be appropriated to the Secretary of Transportation not more than $100,000,000.

SEC. 7. MARKETING PRACTICES.

Section 41712 is amended by—

(1) inserting "(a) IN GENERAL.—" before "On"; and

(2) adding at the end thereof the following:

"(b) MARKETING PRACTICES THAT ADVERSELY AFFECT SERVICE TO SMALL OR MEDIUM COMMUNITIES.—Within 180 days after the date of enactment of the Air Service Restoration Act, the Secretary shall review the marketing practices of air carriers that may inhibit the availability of quality, affordable air transportation services to small and medium-sized communities, including—

"(1) marketing arrangements between airlines and travel agents;

"(2) code-sharing partnerships;

"(3) computer reservation system displays;

"(4) gate arrangements at airports;

"(5) exclusive dealing arrangements; and

"(6) any other marketing practice that may have the same effect.

"(c) REGULATIONS.—If the Secretary finds, after conducting the review required by subsection (b), that marketing practices inhibit the availability of such service to such communities, then, after public notice and an opportunity for comment, the Secretary shall promulgate regulations that address the problem.".

SEC. 8. NONDISCRIMINATORY INTERLINE INTERCONNECTION REQUIREMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

"§41717. Interline agreements for domestic transportation

"(a) NONDISCRIMINATORY REQUIREMENTS.—If a major air carrier that provides air service to an essential airport facility has any agreement involving ticketing, baggage and ground handling, and terminal and gate access with another carrier, it shall provide the same services to any requesting air carrier that offers service to a community selected for participation in the program under section 41743 under similar terms and conditions and on a nondiscriminatory basis within 30 days after receiving the request, as long as the requesting air carrier meets such safety, service, financial, and maintenance requirements, if any, as the Secretary may by regulation establish consistent with public convenience and necessity. The Secretary must review any proposed agreement to determine if the requesting carrier meets operational requirements consistent with the rules, procedures, and policies of the major carrier. This agreement may be terminated by either party in the event of failure to meet the standards and conditions outlined in the agreement.

"(b) DEFINITIONS.—In this section the term 'essential airport facility' means a large hub airport (as defined in section 41731(a)(3)) in the contiguous 48 States in which one carrier has more than 50 percent of such airport's total annual enplanements.".

(b) CLERICAL AMENDMENT.—The chapter analysis for subchapter I of chapter 417 is amended by adding at the end thereof the following:

"41717. Interline agreements for domestic transportation.".●

● Mr. DORGAN. Mr. President, I am pleased to introduce legislation today, along with other colleagues, that is designed to inject more airline competition and improve air service to small communities. Since the deregulation of the airline industry two decades ago, hundreds of small communities have experienced service degradation and many have lost service altogether. Vast geographic regions of our country have suffered unacceptable geographic isolation as the airlines have withdrawn service in smaller communities. This trend needs the serious attention of the Congress and the Department of Transportation.

Included in this legislation are several provisions designed to promote airline competition and develop air service to the many rural areas of the country that have suffered the consequences of laissez-faire deregulation. The consequence can be summed up in one phrase: "unregulated monopolies."

Unregulated monopolies result in a number of effects: (1) higher prices and fewer choices for consumers and (2) the elimination of competition and the establishment of entry barriers that make competition a nearly impossible task.

While deregulation has been a wonderful success for the people who travel between the major metropolitan areas of the country, it has been an unmitigated disaster for most rural areas and smaller communities. Transportation Department studies have documented that 167 communities have lost air service in the past two decades and hundreds have suffered service degradation manifested by loss of jet service or loss of access to a major hub airport.

In a report by the General Accounting Office issued in October, 1997 entitled, "Airline Deregulation: Barriers to Entry Continue to Limit Competition in Several Key Domestic Markets" [GAO/RCED-97-4], operating limitations and marketing practices of large, dominate carriers restrict entry and competition to an extent not anticipated by Congress when it deregulated the airline industry. The GAO identified a number of entry barriers and anti-competitive practices which are stifling competition and contributing to higher fares. The GAO issued a similar report in 1990 and the 1996 report said that not only has the situation not improved for new entrants, but things have gotten worse.

These mega carriers have created thiefdoms, securing dominate market shares at regional hubs. Since deregulation, all major airlines have created hub-and-spoke systems where they funnel arrivals and departures though hub airports where they dominate traffic. Today, all but 3 hubs are dominated by a single airline where the carrier has between 60 and 90 percent of all the arrivals, departures, and passengers at the hub.

The fact is that deregulation has lead to greater concentration and stifling competition. The legislative history of the Civil Aeronautics Act of 1938 shows that Congress was as deeply concerned about destructive competition as it was with the monopolization of air transportation services. Thus, the CAA sought to ensure that a competitive economic environment existed. As we can see, deregulation is realizing the fears anticipated by the Congress in 1938. Competition has not become the general rule. Rather, competition is the exception in an unregulated market controlled largely by regional monopolies.

Deregulation has also resulted in disproportionate air fares. It has been demonstrated that hub concentration has translated into higher fares and rural communities that are dependent upon concentrated hubs have seen higher fares.

Studies from DOT and the GAO have demonstrated that in the 15 out of 18 hubs in which a single carrier controls more than 50% of the traffic, passengers are paying more than the industry norm. The GAO studied 1988 fares at 15 concentrated airports and compared those with fares at 38 competitive hub airports. The GAO found that fares at the concentrated hubs were 27% higher.

The difference between regulation and deregulation is not a change from monopoly control to free market competition. Rather, the change is from having regulated monopolies serving 93% of the market to deregulated monopolies serving 85% of the market, according to Dempsey. Today, nearly two-thirds of our nation's city-pairs are unregulated monopolies where a monopoly carrier can charge whatever they wish in 2 out of 3 city-pairs in the domestic market.

A January 1991 GAO Report on Fares and Concentration at Small-City Airports found that passengers flying from small-city airports on average paid 34 percent more when they flew to a major airport dominated by one or two airlines than when they flew to a major airport that was not concentrated. The report also found that when both the small airport and the major hub were concentrated, fares were 42 percent higher than if there was competition at both ends.

A July 1993 GAO Report on Airline Competition concluded that airline passengers generally pay higher fares at 14 concentrated airports than at airports with more competition. The report found that fares at concentrated airports were about 22 percent higher than fares at 35 less concentrated airports. The same report found that the number of destinations served directly by only one airline rose 56 percent to 64 percent from 1985 to 1992, while the number of destinations served by 3 or more airlines fell from 19% to 11% during that same period. This report confirmed similar conclusion reached in previous GAO studies conducted in 1989 and 1990.

The fact is that deregulation, while paving the road to concentration and consolidation, has allowed regional monopolies to control prices in noncompetitive markets. While the entrance of low cost carriers has introduced competition in dense markets, the main difference between today and pre-deregulation is that the monopolies are unregulated.

Concentration, not competition, is the current trend in the airline industry. In 1938, when the Federal Government began to regulate air transportation services, there were 16 carriers who accounted for all the total traffic in the U.S. domestic market. By 1978 (the year Congress passed deregulation legislation) the same 16 carriers (reduced to 11 through mergers) still accounted for 94% of the total traffic.

Today, those same 11 carriers (now reduced to 7 through mergers and bankruptcies) account for over 80% of the total traffic [measured in terms of revenue passenger miles]. When these 7 carriers (American; Continental; Delta; Northwest; United; and US Air) are combined with their code-share partner, they account for more than 95% of the total air traffics in the domestic U.S.

One expert estimated in 1992 that since deregulation, over 120 new airlines appeared. However, more than 200 have gone bankrupt or been acquired in mergers.

Between 1970 and 1988, there were 51 airline mergers and acquisitions—20 of those were approved by the Department of Transportation after 1985, when it assumed all jurisdiction over merger and acquisition requests. In fact, DOT approved every airline merger submitted to it after it assumed jurisdiction over mergers from the Civil Aeronautics Board in 1984. Fifteen independent airlines operating at the beginning of 1986 had been merged into six mega carriers by the end of 1987. And, these six carriers increased their market share from 71.3% in 1978 to 80.5% in 1990.

At a hearing last year in the Senate Commerce Committee, Alfred Kahn, the father of airline deregulation, testified and offered some interesting reflections on the results of airline deregulation. I recounted for him the unprecedented concentration in the market that was fostered by the deregulation he helped create and asked him if he foresaw this and if the competition he expected to merge has been realized. He responded with great disappointment saying that the industry concentration has perverted the purpose of deregulation and he pinned much of the blame for this result on the mergers. He said: "While I do not want to mention anyone by name, but one of the problems is that there was one Secretary of Transportation who never met a merger she did not like."

These mega carriers have created competition free zones, securing dominate market shares at regional hubs. Since deregulation, all major airlines have created hub-and-spoke systems where they funnel arrivals and departures through hub airports where they dominate traffic. Today, all but 3 hubs are dominated by a single airline where the carrier has between 60 and 90 percent of all the arrivals, departures, and passengers at the hub.

The non-aggression pacts between the major airline carriers are also being manifested in code-share partnerships—which are virtual mergers—where they pledge not to compete but to combine their route systems to further solidify their control over their regional monopolies.

Northwest has announced a deal with Continental; while United and Delta are teaming up; and American and US Air are establishing a partnership. While code-share partnerships are not mergers, but the impact on market concentration may be the same.

The proposed partnerships between the major carriers (and their code-share partners) will have the following shares of the U.S. domestic market:

Delta/United: 35 percent; American/US Air: 26 percent; and Northwest/Continental: 21 percent for a total of 82 percent.

In contrast, the rest of the carriers share less than 20% combined—the largest share of which is Southwest Airlines at 6.4%.

This legislation would establish the Small Community Air Service Development Program which could go a long way to address the small community air service problems. Earlier this year, Senator MCCAIN and others introduced S. 82, the "Air Transportation Improvement Act," which contains provisions establishing this program. However, the authorization level proposed in that legislation does not provide adequate enough resources for this demonstration program to make much of a difference. Thus, this bill would establish a 5-year pilot program, authorized at $20 million per year—which is half the amount currently provided annually to the Essential Air Service Program. In contrast, S. 82 provides only $30 million total over a 4-year period. At that level, very few communities will be able to participate and their air service deficiencies will unfortunately continue.

In addition, the bill requires the Department of Transportation to review the marketing practices of the major airlines and to take action to rectify problems that impede air service to small and medium sized communities. Numerous GAO reports have highlighted the anti-competitive nature of some airline policies toward travel agents; bias in computer reservation systems; and certain gate arrangements at some airports. These barriers to entry need to be addressed and this legislation would address those problems.

This measure also includes a provision to facilitate air service to underserved communities and encourage airline competition through non-discriminatory interconnection requirements between air carriers. This provision simply imposes a nondiscrimination requirement on air carriers with market dominance at large hub airports—which are the bottleneck access points to the national air transportation system—with respect to interline agreements in order to allow competitors to interconnect into the large hub airports. Interline arrangements will allow passengers to move more efficiently between carriers when transferring between while maintaining the independent identities of competing carriers.

Barriers to competition in the airline industry have grown more insurmountable under the hub and spoke system where the major carriers dominate the large hubs, granting them regional monopolies. These dominate carriers are selective with their cooperation with other carriers; limiting their interline and joint fare agreements only to carriers that will not directly compete with them. In a circumstance where a major airline dominates access to the large hub airports, carriers not afforded the cooperation of the major airlines face an insurmountable barrier to entry.

The principle of this amendment is simple: if an air carrier has market dominance at a large hub airport, then that carrier cannot discriminate amongst carriers with whom it provides cooperation to allow passengers to transfer between each carrier's network at the dominate hub. This amendment would not impose any code-sharing or other business agreements on marketing or promotion. Rather, it requires cooperation and prevents anti-competitive discrimination with respect to interline agreements between carriers.

The principle underlying this provision is similar to the fundamental principle driving local competition in telecommunications markets. When Congress de-regulated the telecommunications industry three years ago, the fundamental element to promote competition in that legislation was the requirement that the incumbent carriers would be required, by law, to allow their competitors to interconnect into their network. In a situation where the incumbent dominates or controls the local bottleneck (in phone service it is the local loop and in aviation it is the large hub airports through which most all air traffic flows) the only way to permit competition is to require interconnection. If the incumbent carriers are permitted to exclude passengers from competing airlines to flow between their system and that of their competitors, the major carriers that dominate the hubs will ensure that there is no possibility of successful competition.

The interline provision is similar to the interconnection requirements imposed upon local phone monopolies. In order to develop competition in the local market, we had to impose, by law, the requirement that the monopoly must allow its competitors to interconnect into their networks. The interline provision is the aviation equivalent of that requirement (except that under this provision, the only requirement is that dominant carriers who control access to the air service bottlenecks cannot discriminate amongst the carriers it provides cooperation to permit passengers to transfer between networks). In light of what has been required of other industries under the goal of promoting competition (e.g., telecommunications), a non-discriminatory interline requirement makes sense if one wants to see a competitive industry.

This provision is not about re-regulation—it is about fulfilling the goal of deregulation by encouraging competition and allowing competition to be the regulator. Fostering competition is a mandate of the Airline Deregulation Act. This amendment is consistent with the mandate under current law that the Secretary foster competition. Under the Airline Deregulation Act, Section 40101 of Title 49, U.S.C., the Department of Transportation is directed to: avoid unreasonable industry concentration [Sec. 40101(a)(10)]; encourage, develop, and maintain an air transportation system relying on actual and potential competition [Sec. 40101(a)(12)]; and encourage entry into air transportation markets by new and existing carriers [Sec. 40101(a)(13)].

The interline provision will strengthen the economic viability of air service to small rural communities and enhance the ability of regional commuters and new entrants to provide essential air service. It also will prevent the major airlines from engaging in the anti-competitive behavior of excluding smaller and new entrants from the national air transportation network.

When the Congress eliminated the old Civil Aeronautics Board (CAB) in 1984, there was concern, at that time, about the abuses employed by the major airlines to selectively use interline agreements as an unfair competitive practice. During the debate on the Conference Report on the CAB Sunset Act, Congressman Norman Mineta said:

> In recent months there have also been concerns that the larger carriers in the industry

might use the right to interline with them as a device to restrict competition. This could be accomplished by selective refusals to interline or by selective refusals on reasonable terms, based on competitive considerations. Under section 411 of the Federal Aviation Act, the CAB has authority to act against unfair competitive practices arising from agreements to interline. The conference bill transfers this authority to the Department of Transportation and we expect the Department to carefully monitor interlining practices to be sure that there are no abuses. This will help preserve the system of interlining and the major benefits it brings to consumers.

The only way to allow for competition in this environment is to impose conditions on the major carriers to cooperate with their competitors. Interline and joint fares are necessary to ensure that the dominant carriers will not kill potential competitors by denying them access to the essential facilities of the air transportation industry: the major hubs. These facilities have been built with public funds and all carriers should have access to those facilities. Interline and joint fares will help create that access.

This legislation is not a silver bullet that will alleviate all the air service problems facing certain parts of the country. However, it does carefully target certain known problems that impede airline competition and it establishes a badly needed program to assist small communities in improving their air service. I hope my colleagues will support this legislation.●

By Mr. CRAIG (for himself, Mr. BAUCUS, Mr. CRAPO, Mr. FRIST, Mr. ASHCROFT, Mr. THOMPSON, Mr. BURNS, Mr. BROWNBACK, Mr. INHOFE, Mr. HELMS, Mr. COCHRAN, Mr. ENZI, Mr. LOTT, Mr. THOMAS, Mr. GREGG, Mr. SESSIONS, and Mr. MURKOWSKI):

S. 380. A bill to reauthorize the Congressional Award Act; to the Committee on Governmental Affairs.

THE CONGRESSIONAL AWARD REAUTHORIZATION ACT OF 1999

● Mr. CRAIG. Mr. President, I join my colleague from Montana, Mr. BAUCUS, today to introduce the Congressional Award Reauthorization Act of 1999—a bill to reauthorize the Congressional Award program for another five years.

The Congressional Award program was first authorized and signed into law in 1979. Since then it has received the support of Congress and Presidents Carter, Reagan, Bush, and Clinton for one very simple reason—it helps encourage and recognize excellence among America's young people.

The program is non-competitive; participants challenge only themselves. Young people from all walks of life and levels of ability can work to earn a Congressional Award. Participants range from the academically and physically gifted, to those with severe physical, mental, and socio-economic challenges.

The Congressional Award is an earned award; young people are not selected for it. Participants strive for either a Bronze, Silver, or Gold Award. At each level, 50% of the required minimum hours to earn the Award are in Volunteer Service (a minimum of 100 hours for Bronze, 200 for Silver, and 400 for Gold). Since the inception of the program, the minimum number of volunteer hours for recipients has exceeded one million hours. All of this time was spent improving individual's lives and each of our communities.

Congressional Award recipients receive no material reward through the program for their efforts except for the medal and certificate which are presented to them in recognition of, and thanks for, what they have done.

There are currently around 2000 young people from across the country pursing the award, with more entering the program each day. Each of these young people exemplify the qualities of commitment to service and citizenship that our country embodies, and which we promote through our own service in Congress. We believe the least we can do for them is encourage them in their efforts and recognize their achievements through the Congressional Award program.

The program is one of the best investments Congress can make. It requires no annual appropriation—all of its funding is raised from private sources—yet it does so much for so many people.

The authorization for the Congressional Award program expires this year. The bill I introduce today will reauthorize the program for five years and make two minor changes in the way the program is administered. I encourage each one of my colleagues to show their support for every young person who has received or is working on a Congressional Award by supporting this legislation.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL AWARD ACT AMENDMENTS OF 1999.

(a) CHANGE OF ANNUAL REPORTING DATE.—Section 3(e) of the Congressional Award Act (2 U.S.C. 802(e)) is amended in the first sentence by striking "April 1" and inserting "June 1".

(b) MEMBERSHIP REQUIREMENTS.—Section 4(a)(1) of the Congressional Award Act (2 U.S.C. 803(a)(1)) is amended—

(1) in subparagraphs (A) and (D), by striking "Member of the Congressional Award Association" and inserting "recipient of the Congressional Award"; and

(2) in subparagraphs (B) and (C), by striking "representative of a local Congressional Award Council" and inserting "a local Congressional Award program volunteer".

(c) EXTENSION OF REQUIREMENTS REGARDING FINANCIAL OPERATIONS OF CONGRESSIONAL AWARD PROGRAM; NONCOMPLIANCE WITH REQUIREMENTS.—Section 5(c)(2)(A) of the Congressional Award Act (2 U.S.C. 804(c)(2)(A)) is amended by striking "and 1998" and inserting "1998, 1999, 2000, 2001, 2002, 2003, and 2004".

(d) TERMINATION.—Section 9 of the Congressional Award Act (2 U.S.C. 808) is amended by striking "October 1, 1999" and inserting October 1, 2004".●

By Mr. INOUYE:

S. 381. A bill to allow certain individuals who provided service to the Armed Forces of the United States in the Philippines during World War II to receive a reduced SSI benefit after moving back to the Philippines.

VETERANS LEGISLATION

● Mr. INOUYE. Mr. President, I rise to introduce a bill that would allow Filipino World War II veterans to receive 75 percent of their Supplemental Security Income (SSI) benefits after moving back to the Philippines. The reduced benefits reflect the lower cost of living and per capita income in the Philippines. In order to be eligible, Filipino veterans must be receiving SSI benefits as of the date of enactment of this legislation, and must have served in the Philippine Commonwealth Army and recognized guerilla units during World War II before December 31, 1946. Under current law, individuals who receive SSI benefits must relinquish those benefits should they choose to reside outside the United States.

There are approximately 25,000 Filipino veterans who became naturalized citizens under the Immigration Act of 1990. Due to their age, the 1990 Act was subsequently amended to allow these veterans to be naturalized in the Philippines. It is unclear how many Filipino veterans reside in the United States as a result of the 1990 Act. However, some veterans came with the expectation of receiving pension benefits and a recognition of their military service. Instead, many are on welfare, living in poverty-stricken areas, and financially unable to petition their families to immigrate to the United States. Passage of this measure would help provide for these veterans upon return to their families in the Philippines.

As some of my colleagues know, I am an advocate for the Filipino veterans of World War II. I have sponsored several measures on their behalf to correct an injustice and seek equal treatment for their valiant military service in our Armed Forces. Members of the Philippine Commonwealth Army were called into the service of the United States Forces of the Far East, and under the command of General Douglas MacArthur joined our American soldiers in fighting some of the fiercest battles of World War II. Regretfully, the Congress betrayed our Filipino allies by enacting the Rescission Act of 1946. The 1946 Act, now codified as 38 U.S.C. 107 deems the military service of Filipino veterans as not active service for purposes of any law of the United States conferring rights, privileges or benefits. The measure I introduce today will not diminish my efforts to correct this injustice. As long as it takes, I will continue to seek equal treatment on behalf of the Filipino veterans of World War II.

Mr. President, I ask unanimous consent that the bill text be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF REDUCED SSI BENEFIT TO CERTAIN INDIVIDUALS WHO PROVIDED SERVICE TO THE ARMED FORCES OF THE UNITED STATES IN THE PHILIPPINES DURING WORLD WAR II AFTER THEY MOVE BACK TO THE PHILIPPINES.

(a) IN GENERAL.—Notwithstanding sections 1611(b), 1611(f)(1), and 1614(a)(1)(B)(i) of the Social Security Act (42 U.S.C. 1382(b), (f)(1), 1382c(a)(1)(B)(i))—

(1) the eligibility of a qualified individual for benefits under the supplemental security income program under title XVI of such Act (42 U.S.C. 1381 et seq.) shall not terminate by reason of a change in the place of residence of the individual to the Philippines; and

(2) the benefits payable to the individual under such program shall be reduced by 25 percent for so long as the place of residence of the individual is in the Philippines.

(b) QUALIFIED INDIVIDUAL DEFINED.—In subsection (a), the term "qualified individual" means an individual who—

(1) as of the date of enactment of this Act, is receiving benefits under the supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.); and

(2) before December 31, 1946, served in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent military authority in the Army of the United States.•

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. GRAMS, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from New Hampshire (Mr. SMITH), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3, a bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates by 10 percent.

S. 5

At the request of Mr. DEWINE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 5, a bill to reduce the transportation and distribution of illegal drugs and to strengthen domestic demand reduction, and for other purposes.

S. 7

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 7, a bill to modernize public schools for the 21st century.

S. 10

At the request of Mr. DASCHLE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 10, a bill to provide health protection and needed assistance for older Americans, including access to health insurance for 55 to 65 year olds, assistance for individuals with long-term care needs, and social services for older Americans.

S. 13

At the request of Mr. SESSIONS, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 14

At the request of Mr. COVERDELL, the names of the Senator from Idaho (Mr. CRAIG), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 33

At the request of Mr. THURMOND, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 33, a bill to amend title II of the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973 to exclude prisoners from the requirements of that title and section.

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 98

At the request of Mr. MCCAIN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Nebraska (Mr. HAGEL), and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 147

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 147, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 170

At the request of Mr. SMITH, the names of the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 170, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 185

At the request of Mr. ASHCROFT, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from North Dakota (Mr. CONRAD), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.

S. 211

At the request of Mr. MOYNIHAN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Nebraska (Mr. KERREY), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 211, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 247

At the request of Mr. HATCH, the names of the Senator from Vermont (Mr. JEFFORDS), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 258

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 258, a bill to authorize additional rounds of base closures and realignments under the Defense Base Closure and Realignment Act of 1990 in 2001 and 2003, and for other purposes.

S. 314

At the request of Mr. BOND, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 314, a bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

S. 315

At the request of Mr. ASHCROFT, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Idaho (Mr. CRAPO), the Senator from Kansas (Mr. BROWNBACK), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 315, a bill to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Minnesota (Mr. GRAMS), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oregon (Mr. SMITH), the Senator from Nebraska (Mr. KERREY), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 327

At the request of Mr. HAGEL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 344

At the request of Mr. BOND, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 344, A bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 346

At the request of Mrs. HUTCHISON, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

SENATE CONCURRENT RESOLUTION 5—EXPRESSING CONGRESSIONAL OPPOSITION TO THE UNILATERAL DECLARATION OF A PALESTINIAN STATE AND URGING THE PRESIDENT TO ASSERT CLEARLY UNITED STATES OPPOSITION TO SUCH A UNILATERAL DECLARATION OF STATEHOOD

Mr. MURKOWSKI (for himself, Mr. WYDEN, Mr. MACK, Mr. SMITH of Oregon, Mr. HATCH, Mr. KERREY of Nebraska, Mr. FITZGERALD, Mr. HELMS, Mr. ASHCROFT, Mr. SCHUMER, Mr. TORRICELLI, Mr. GRAMS, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 5

Whereas at the heart of the Oslo peace process lies the basic, irrevocable commitment made by Palestinian Chairman Yasir Arafat that, in his words, "all outstanding issues relating to permanent status will be resolved through negotiations";

Whereas resolving the political status of the territory controlled by the Palestinian Authority while ensuring Israel's security is one of the central issues of the Israeli-Palestinian conflict;

Whereas a declaration of statehood by the Palestinians outside the framework of negotiations would, therefore, constitute a most fundamental violation of the Oslo process;

Whereas Yasir Arafat and other Palestinian leaders have repeatedly threatened to declare unilaterally the establishment of a Palestinian state;

Whereas the unilateral declaration of a Palestinian state would introduce a dramatically destabilizing element into the Middle East, risking Israeli countermeasures, a quick descent into violence, and an end to the entire peace process; and

Whereas in light of continuing statements by Palestinian leaders, United States opposition to any unilateral Palestinian declaration of statehood should be made clear and unambiguous: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the final political status of the territory controlled by the Palestinian Authority can only be determined through negotiations and agreement between Israel and the Palestinian Authority;

(2) any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition; and

(3) the President should unequivocally assert United States opposition to the unilateral declaration of a Palestinian State, making clear that such a declaration would be a grievous violation of the Oslo accords and that a declared state would not be recognized by the United States.

SENATE RESOLUTION 32—TO EXPRESS THE SENSE OF THE SENATE REAFFIRMING THE CARGO PREFERENCE POLICY OF THE UNITED STATES

Mr. INOUYE submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 32

Resolved,

Whereas the maritime policy of the United States expressly provides that the United States have a merchant marine sufficient to carry a substantial portion of the international waterborne commerce of the United States;

Whereas the maritime policy of the United States expressly provides that the United States have a merchant marine sufficient to serve as a fourth arm of defense in time of war and national emergency;

Whereas the Federal Government has expressly recognized the vital role of the United States merchant marine during Operation Desert Shield and Operation Desert Storm;

Whereas cargo reservation programs of Federal agencies are intended to support the privately owned and operated United States-flag merchant marine by requiring a certain percentage of government-impelled cargo to be carried on United States-flag vessels;

Whereas when Congress enacted Federal cargo reservation laws Congress contemplated that Federal agencies would incur higher program costs to use the United States-flag vessels required under such laws;

Whereas section 2631 of title 10, United States Code, requires that all United States military cargo be carried on United States-flag vessels;

Whereas Federal law requires that cargo purchased with loan funds and guarantees from the Export-Import Bank of the United States established under section 635 of title 12, United States Code, be carried on United States-flag vessels;

Whereas section 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241f) requires that 75 percent of the gross tonnage of certain agricultural exports that are the subject of an export activity of the Commodity Credit Corporation or the Secretary of Agriculture be carried on United States-flag vessels;

Whereas section 901(b) of such Act (46 U.S.C. App. 1241(b)) requires that at least 50 percent of the gross tonnage of other ocean borne cargo generated directly or indirectly by the Federal Government be carried on United States-flag vessels;

Whereas cargo reservation programs are very important for the shipowners of the United States who require compensation for maintaining a United States-flag fleet;

Whereas the United States-flag vessels that carry reserved cargo provide quality jobs for seafarers of the United States;

Whereas, according to the most recent statistics from the Maritime Administration, in 1997, cargo reservation programs generated $900,000,000 in revenue to the United States fleet and accounted for one-third of all revenue from United States-flag foreign trade cargo;

Whereas the Maritime Administration has indicated that the total volume of cargoes moving under the programs subject to Federal cargo reservation laws is declining and will continue to decline;

Whereas, in 1970 Congress found that the degree of compliance by Federal agencies with the requirements of the cargo reservation laws was chaotic, uneven, and varied from agency to agency;

Whereas, to ensure maximum compliance by all agencies with Federal cargo reservation laws, Congress enacted the Merchant Marine Act of 1970 (Public Law 91–469) to centralize monitoring and compliance authority for all cargo reservation programs to the Maritime Administration;

Whereas, notwithstanding section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)), and the purpose and policy of the Federal cargo reservation programs, compliance by Federal agencies with Federal cargo reservation laws continues to be inadequate;

Whereas the Maritime Administrator cited the limited enforcement powers of the Maritime Administration with respect to Federal agencies that fail to comply with section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b)) and other Federal cargo reservation laws; and

Whereas the Maritime Administrator recommended that Congress grant the Maritime

Administration the authority to settle any cargo reservation disputes that may arise between a ship operator and a Federal agency: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) each Federal agency shall administer programs of the Federal agency that are subject to Federal cargo reservation laws (including regulations of the Maritime Administration) to ensure that such programs are in compliance with the intent and purpose of such cargo reservation laws; and

(2) the Maritime Administration shall closely and strictly monitor any cargo that is subject to such cargo reservation laws and shall provide directions and decisions to such Federal agencies as will ensure maximum compliance with the cargo preference laws.

• Mr. INOUYE. Mr. President, the law of the land, specifically section (1) of the Merchant Marine Act of 1936, declares that the United States shall have a merchant marine sufficient to, among other things, carry a substantial portion of our international waterborne commerce and to serve as a fourth arm of defense in time of war and national emergency.

The importance of these requirements has been dramatically illustrated by the vital role of our merchant marine in World War II, Korea, Vietnam, during operations Desert Shield and Desert Storm, and most recently in Haiti, Somalia, and Bosnia.

While the privately owned and operated U.S.-flag merchant marine has performed so magnificently and effectively in times of crisis, it has also made extraordinary efforts to ensure that a substantial portion of commercial cargo bound to and from the United States moves on U.S. vessels. Given the chronic overtonnaging in international shipping, cut-throat competition, and the competitive edge our trading partners give their national flags, this has not been easy. In addition to competition with subsidized foreign carriers, U.S.-flag carriers are forced to compete with flag of convenience carriers. Over two-thirds of the international vessels operating in commerce are operating under flags of convenience. Flag of convenience registries include such major maritime powers as Panama, Liberia, the Marshall Islands, and Vanuatu. These registries only require their vessel owners to pay registration fees. Shipowners are not required to pay tax on revenues earned and employees do not have to pay income tax. Further, the shipowner has little or no obligation to comply with the law of the nation of registry.

Nevertheless, if our commercial fleet is to continue to be an effective auxiliary in times of war or national emergency, it must first be commercially viable in times of peace. Otherwise, there will be no merchant fleet when the need arises.

I think we all would agree that there is a substantial national interest in promoting our merchant fleet. I think, also, that we would all agree that U.S. national security and economic security interests should not be held hostage by insufficient U.S.-controlled sealift assets. Given the diminution of the flag fleets of our NATO allies it will be more important in the future to sustain a viable U.S.-flag presence. Indeed, several laws of our land recognize that national interest and spell out specifically how the U.S. government is to go about promoting it. Federal laws require that U.S. military cargo, cargo purchased with loan funds and guarantees from the Export-Import Bank, 75 percent of concessionary agricultural cargo, and at least 50 percent of all other international ocean borne cargo generated directly or indirectly by the federal government be carried on U.S.-flag vessels. The alarming news is that according to the Maritime Administration (MARAD) the total volume of cargo moving under these programs is declining and will continue to do so.

According to a report by Nathan Associates, Inc., the 1992 economic impact of cargo preference for the United States was 40,000 direct, indirect and induced jobs; $2.2 billion in direct, indirect and induced household earnings; $354 million in direct, indirect and induced federal personal and business income tax revenues—$1.20 for every dollar of government outlay on cargo preference; and $1.2 billion in foreign exchange.

It is, therefore, imperative that U.S.-flag vessels carry every ton of cargo which these programs and the law intend, and in fact require, them to carry. This brings me to the reason for the resolution I am submitting today. These are two substantial problems which threaten the viability of these programs and, therefore, the viability of our merchant fleet.

Several agencies administering cargo reservation programs continue to evade the spirit and letter of the reservation laws by finding the law inapplicable to a particular program or employing other loopholes.

This problem of evasion and uneven confidence led the Congress to amend the Merchant Marine Act of 1970 to centralize monitoring and compliance authority for all cargo reservation programs in the MARAD. Nevertheless, the problem remains. Critics of the MARAD maintain the agency is too timid, and does not discharge its obligation aggressively. The MARAD, on the other hand, says it has limited enforcement powers over those government agencies which are not in compliance.

Recently, the United States District Court for the District of Columbia entered an unopposed order upon consideration of the joint motion of the parties in Farrell Lines Incorporated versus United States Department of Agriculture (USDA) and Sea-Land Service, Inc. The order affirms the appropriate roles of the MARAD in administering the cargo preference laws with respect to Food for Progress and Section 416(b) programs, and the USDA in complying with those laws and the MARAD's policies and regulations implementing them.

Mr. President, the resolution I am submitting today expresses the sense of the Senate that all of these federal agencies must fully comply with both the intent and purpose of existing cargo reservation laws, and that the MARAD should provide directions and decisions to these agencies to ensure maximum compliance with these laws.•

ADDITIONAL STATEMENTS

STATES' RIGHTS PROTECTION ACT OF 1999

• Mr. ABRAHAM. Mr. President, I rise as an original cosponsor of the "States' Rights Protection Act of 1999." This legislation will prevent a grave injustice that could do significant damage to our states, and to our federal system.

Several years ago, Mr. President, a number of states commenced lawsuits against American tobacco companies. The states sought damages on the basis of a number of claims, including violation of consumer fraud and other State consumer protection laws, antitrust violations and unjust enrichment. Some suits included claims for tobacco-related health care costs incurred by the states, and some did not.

Eventually all 50 states became parties in one way or another to anti-tobacco lawsuits. Last November a major settlement was reached, involving 46 states. That settlement included no funds of any kind to be allocated for State medicaid costs.

The federal government in Washington did not initiate these suits. The federal government in Washington provided no financial assistance to the states in furtherance of their suits. Yet now, after the states and the tobacco companies have agreed on a financial settlement, the Clinton Administration is seeking to divert a significant portion of that settlement to its own use.

The federal Health Care Financing Administration (HCFA) has stated that it wants to "recoup" some of the states' settlement funds. They claim to have a right to these funds under a Medicaid law which the federal government has traditionally used to recover its share of "overpayments." These overpayments typically arise when providers overbill Medicaid.

Mr. President, HCFA's claims cannot stand. The law to which they refer was intended to prevent fraud and other forms of overbilling. It was not intended to allow the federal government to seize huge amounts of money to which it has no proper title. States have obtained a legal right to this money. They gained this right through a properly constructed and affirmed legal settlement of lawsuits filed against product manufacturers, on behalf of all their residents, asserting a consumer protection and various other causes of action.

There is no federal medical claim involved. Thus HCFA has no right to these monies, and neither does any agency of the federal government.

The Administration's pursuit of monies from this settlement amounts to nothing more or less than a raw assertion of federal power. We must oppose it for the good of our states and for the good of our form of limited, federal government.

Ours is a limited government, Mr. President. It is limited in that the Constitution delegates only certain powers to the federal branches and their officials. Our Constitution includes a number of what James Madison called "auxiliary precautions" to keep federal officials within their proper bounds, thereby protecting our liberties. But Madison recognized that the primary check on those who would overstep their proper bounds must be the determination of elected officials to see that the Constitution's terms are respected.

A federal government that simply steps in to take money from the states is not respecting our Constitution. That federal government is taking us far down a dangerous path toward unrestrained central power. We must see that this does not happen.

In addition, Mr. President, as a practical matter it would be a mistake to allow the federal government to commandeer these funds. To begin with, were the federal government in Washington to take these funds from the states under the weak legal pretense put forward by the HCFA, the result would be long, wasteful litigation. That litigation will benefit no one, instead it will poison intergovernmental relations for years to come.

Indeed, if the HCFA begins to seize state settlement funds, it will do so by cutting federal Medicaid payments to the states. This will make it much more difficult for states to provide health care for children from low and moderate income families, the disabled and millions of others who depend on Medicaid. The real victims of this money grab will be the weakest members of our society, those least able to take care of themselves.

Of course, the Administration claims that it will use the states' money to benefit everyone. It seeks to take $18.9 billion of the states' money over the next five years. No doubt the Administration will find attractive programs on which to spend this money. But the federal government already consumes more than 20 percent of our national income. We do not need yet another federal tax and spend policy.

As a nation what we need is more innovative policy making at the state and local level. And that is what these monies will produce, if only we will leave them in their proper place.

A number of states already have acted in reliance on the tobacco settlement, putting forward proposals and new programs that will greatly benefit their people.

For example, in my state of Michigan, Governor John Engler in his state of the state address a few short weeks ago proposed to endow a Michigan Merit Award Trust Fund with Michigan's share of the tobacco settlement.

Under this program, every Michigan high school graduate who masters reading, writing, math and science will receive a Michigan Merit Award—a $2,500 scholarship that can be used for further study at a Michigan school of that student's choice.

In addition, all Michigan students who pass the 7th and 8th grade tests in reading, writing, math and science administered by the state will be awarded $500. That means, Mr. President, that any Michigan student successfully completing secondary schooling will receive $3,000 for further education.

The young people of Michigan will benefit tremendously from this program, Mr. President. Their motivation to do well in school will be significantly increased, as will their ability to afford and succeed in higher education.

We need programs like Michigan's to help kids do well in school and get ahead in life. The federal government should be learning from these kinds of programs and working to show other states how well they can work. It should not be taking money out of the pockets of Michigan's young people to put into the pockets of Washington bureaucrats.

We must protect the rights and the people of our states by seeing to it that tobacco settlement money stays where it belongs, and where it will do the most good—in the states.

I urge my colleagues to support this bipartisan legislation.•

THE PUBLIC SCHOOL MODERNIZATION ACT

• Mr. LAUTENBERG. Mr. President, I rise today to update my colleagues on the status of the Public School Modernization Act, which I introduced on January 19 as S. 223. The bill already has 15 cosponsors and I expect the list to continue to grow.

Mr. President, I was very pleased to see that the President's Budget for Fiscal Year 2000 will call for $25 billion in nationwide bond authority through the Public School Modernization Act. This is a higher total than first contemplated in my bill, S. 223, but I want to make it clear to my colleagues that my cosponsors and I will gladly update the numbers when my bill reaches the Senate floor as an amendment or a stand alone measure.

The President's FY 2000 Budget illustrates why the Public School Modernization Act is a great return on our Federal investment. The five year cost of this program will be $3.7 billion, but it will create nearly $25 billion in new bond authority for school districts all over the country. Of this authority, $22.4 billion will be through the School Modernization Bond Program and $2.4 billion will come through the Qualified Zone Academy Bond Program. In addition, $400 million of bond authority will go to Native American tribes or tribal organizations for BIA funded schools.

Mr. President, I urge the Senate to support this effort to invest in our children's future. I ask all of my collegues to join me in cosponsoring S. 223, the Public School Modernization Act of 1999.•

HUTCHISON/GRAHAM STATE TOBACCO SETTLEMENT

• Mr. MACK. Mr. President, I rise today in support of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by states from one or more tobacco manufacturers. Starting in 1989, several states filed lawsuits against tobacco companies to recover the costs of smoking related illnesses borne by states. The lawsuits led to final settlements between each state and the tobacco industry.

Now, after providing no assistance to states in their legal battles, the Administration, through the Health Care Financing Administration, is attempting to claim a portion of this money. It is my opinion that this money belongs to the individual states, and should be spent as each state sees fit. This legislation accomplishes exactly that goal.

The Health Care Financing Administration's pursuit of these monies also could jeopardize state programs all over the country. In Florida, Governor Jeb Bush announced an endowment, funded by tobacco monies, to insure the financial health of vital programs for children and seniors. The endowment fund is named in honor of the late Governor Lawton Chiles, who played a key role in obtaining the tobacco settlement for the people of Florida. Other programs, funded by the settlement, have already been put in place in Florida, and would be jeopardized if the funds were suddenly not available.

Additionally, the Health Care Financing Administration's plan to obtain these funds by witholding federal Medicaid payments to the states could very well affect the states' ability to provide much needed care for the millions of Americans who depend on Medicaid.

The Administration's attempt to dictate how the money should be spent demonstrates a disregard for state budgeting process. I hope that my colleagues will support this bi-partisan bill that protects state tobacco settlements from federal recoupment.•

REMARKS ON HUMAN RIGHTS SITUATION IN PERU

• Mr. WELLSTONE. Mr. President, I rise today to express my deep concern over the apparent disregard for international standards of fairness and openness in the legal process in Peru. President Fujimori is visiting Washington today and is being congratulated by the President on resolving Peru's border dispute with Ecuador. During his visit, I think it is important to point out that under his rule democratic principles have been threatened in Peru and the basic civil rights of the Peruvian people have not been properly respected.

In his inaugural speech in July of 1990, President Fujimori stated that "the unrestricted respect and promotion of human rights" would be a priority of his government. His promises, though, quickly proved suspect as he solidified his control over what has been described as "an authoritarian civilian military government".

In April of 1992 he annulled Peru's constitution, dissolved the Legislature and purged most of the judiciary, most forcefully and notably those courts responsible for ensuring the civil rights of its citizens. Since this time independent monitoring groups like Amnesty International have documented numerous extrajudicial executions of peasant men, women and children, perpetrated by Peru's military and police forces who later attempted to conceal their actions. These executions have been determined by respected independent human rights organizations to have been orchestrated from the highest levels of the current Peruvian government, including two of President Fujimori's top advisors.

Human rights workers and journalists in Peru have been subjected to intimidation, death threats, abductions, and torturous interrogation and imprisonment by the Peruvian government in response to their attempts to hold responsible those who committed these atrocities.

President Fujimori's systematic dismantling of Peru's legislative and judicial systems has resulted in impunity for those who commit these acts of aggression. To investigate and determine accountability in these cases, the military has often served both as prosecutor and judge, keeping their identities secret and under direct control of the executive branch. These "faceless judges" have also punished, without proper recourse or due process, and in direct violation of international law, those who challenge or call attention to their actions. According to the State Department's most recent human rights report the Peruvian government has eliminated the use of faceless tribunals, but much damage has already been done and many condemned by the faceless judges remain incarcerated.

I am especially concerned about the failure to respect due process in one case in particular. One individual who has directly suffered from the transgressions of Fujimori's authoritarian government is American journalist Lori Berenson. Her journalistic coverage of Peru's economically and politically disaffected was not popular with the Peruvian government. While working in Peru in January of 1996 she was arrested and charged with involvement with terrorist organizations. According to human rights groups, she was tried without due process, little evidence, and without being allowed a defense. She was convicted of "treason against the fatherland" and sentenced to imprisonment for life.

The handling of this case has drawn widespread condemnation from human rights groups, the U.S. State Department, and even high ranking Peruvian officials. Many have pointed out that, by depriving Ms. Berenson of her right to defend herself in a fair trial by an impartial jury, the Peruvian government was in direct violation of numerous international treaties guaranteeing the legal rights of prisoners. The Commission of International Jurists, the Inter-American Court of Human Rights and the United Nations Human Rights Committee are among the many respected organizations who have condemned Peru's actions and have urged that immediate measures be taken to abolish these practices which undermine internationally recognized fair trial standards.

Today, Lori Berenson remains incarcerated in a country with notoriously harsh prison conditions where she has been held in the total isolation of solitary confinement since October 7 of last year. According to her father she is suffering serious health problems. Amnesty International charges that the conditions under which she is imprisoned contravene the U.N. Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, a Convention to which Peru is a party.

I wanted to take this opportunity to urge President Fujimori to grant Lori Berenson a fair, open, and just trial as prescribed under international conventions. And I call on him to honor his pledge to all the Peruvian people to make the respect of basic legal, civil, and human rights a priority in his government.•

1998 KANSAS WHEAT MAN OF THE YEAR

• Mr. BROWNBACK. Mr. President, today, I rise to recognize the 1998 Kansas Wheat Man of the Year, Dr. Rollie Sears. Dr. Sears is a world-renowned wheat breeder and a Professor in the Department of Agronomy at Kansas State University. His colleagues describe him as much more than a college professor.

Throughout the wheat industry, Mr. Sears is known for his many contributions to the development of new wheat varieties. Dr. Sears was again in the spotlight in 1998 when he released two new varieties of hard white wheat along with the indication that shortly there was more to come.

Mr. President, today I join with the Kansas Wheat Association in honoring a man who works to develop, and improve the wheat industry. I congratulate Dr. Sears for his outstanding contributions to wheat growers and I wish him continued success.•

TRIBUTE TO MONSIGNOR JOHN QUINN OF MANCHESTER, NH

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Monsignor John P. Quinn of Manchester, New Hampshire, on his retirement from Catholic Charities. Monsignor Quinn has been Dioceasan Director of New Hampshire Catholic Charities since 1976.

Monsignor Quinn was ordained on May 18, 1969 and has served many functions in the Diocese. He first served as Associate Pastor at St. Anne's Parish in Manchester. Most recently he served as Secretary to the Bishop in charge of Community Service and Director of New Hampshire Catholic Charities. He leaves these posts to occupy the position of Secretary to the Bishop in charge of Finance and Real Estate and to become the Finance Officer of the Diocese.

Furthermore, Monsignor Quinn has continuously exhibited his unselfish dedication to the community. Having volunteered in various organizations such as the Trinity High School Board, the Manchester Police Department and the New Hampshire Social Welfare Council, Monsignor Quinn is an exemplary model for community service.

As a lifelong Catholic, I would like to congratulate Monsignor Quinn on all of his accomplishments and thank him for his service to Catholic Charities and his continued service to the Diocese. I wish him well in all of his future endeavors. I am honored to represent him in the United States Senate.•

EDUCATION FLEXIBILITY ACT OF 1999

• Mr. JEFFORDS. Mr. President, on January 27th, the Committee on

Health, Education, Labor, and Pensions approved S. 280, the Education Flexibility Partnership Act of 1999. Given the conflicts presented by meetings related to the impeachment trial, our Democratic colleagues were unable to attend the executive session.

When this legislation was considered in the last Congress, it was adopted on a 17–1 vote with Senator WELLSTONE in opposition. Senator WELLSTONE remains opposed to this legislation, and provided the committee with a proxy so that he could be so recorded again this year. However, due to a misunderstanding and the absence of the Ranking Democratic Member, I did not exercise his proxy. I do want the record to indicate that Senator WELLSTONE remains opposed to this legislation.●

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

● Mr. CAMPBELL. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On January 6, 1999, the Committee on Indian Affairs held a business meeting during which the members of the Committee unanimously adopted rules to govern the procedures of the Committee. Consistent with Standing Rule XXVI, today I am submitting for printing in the CONGRESSIONAL RECORD a copy of the Rules of the Senate Committee on Indian Affairs.

The rules follow:

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

COMMITTEE RULES

Rule 1. The Standing Rules of the Senate, Senate Resolution 4, and the provisions of the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, to the extent the provisions of such Act are applicable to the Committee on Indian Affairs and supplemented by these rules, are adopted as the rules of the Committee.

MEETINGS OF THE COMMITTEE

Rule 2. The Committee shall meet on the first Tuesday of each month while the Congress is in session for the purpose of conducting business, unless for the convenience of the Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

OPEN HEARINGS AND MEETINGS

Rule 3. Hearings and business meetings of the Committee shall be open to the public except when the Chairman by a majority vote orders a closed hearing or meeting.

HEARING PROCEDURE

Rule 4(a). Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee at least one week in advance of such hearing unless the Chairman of the Committee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

(b). Each witness who is to appear before the Committee shall file with the Committee, at least 72 hours in advance of the hearing, an original and 75 printed copies of his or her written testimony. In addition, each witness shall provide an electronic copy of the testimony on a computer disk formatted and suitable for use by the Committee.

(c). Each member shall be limited to five (5) minutes in questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness unless the Committee shall decide otherwise.

(d). The Chairman and Vice Chairman or the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such time as the Chairman and Vice Chairman or the Ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5(a). A legislative measure or subject shall be included in the agenda of the next following business meeting of the Committee if a written request by a Member for such inclusion has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include legislative measures or subject on the Committee agenda in the absence of such request.

(b). Notice of, and the agenda for, any business meeting of the Committee shall be provided to each Member and made available to the public at least two days prior to such meeting, and no new items may be added after the agenda is published except by the approval of a majority of the Members of the Committee. The Clerk shall promptly notify absent Members of any action taken by the Committee on matters not included in the published agenda.

QUORUM

Rule 6(a). Except as provided in subsections (b) and (c), eight (8) Members shall constitute a quorum for the conduct of business of the Committee. Consistent with Senate rules, a quorum is presumed to be present unless the absence of a quorum is noted by a Member.

(b). A measure may be ordered reported from the Committee unless an objection is made by a Member, in which case a recorded vote of the Members shall be required.

(c). One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the Committee.

VOTING

Rule 7(a). A recorded vote of the Members shall be taken upon the request of any Member.

(b). Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only for the date for which it is given and upon the terms published in the agenda for that date.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 8. Witnesses in Committee hearings may be required to give testimony under oath whenever the Chairman or Vice Chairman of the Committee deems it to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee, and at the request of any Member, any other witness, shall be under oath. Every nominee shall submit a financial statement, on forms to be perfected by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. All such statements shall be made public by the Committee unless the Committee, in executive session, determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.

CONFIDENTIAL TESTIMONY

Rule 9. No confidential testimony taken by, or confidential material presented to the Committee or any report of the proceedings of a closed Committee hearing or business meeting shall be made public in whole or in part by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 10. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee hearing tends to defame him or her or otherwise adversely affect his or her reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony of evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 11. Any meeting or hearing by the Committee which is open to the public may be covered in whole or in part by television, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the sight, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 12. These rules may be amended only by a vote of a majority of all the Members of the Committee in a business meeting of the Committee; Provided, that no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least seven (7) days in advance of such meeting.●

NOMINATIONS

Executive nominations received by the Secretary of the Senate on February 3, 1999:

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628, AND 3064:

To be lieutenant colonel

TIM O. REUTTER, 8547
JOHN R. SWANSON, 7198

To be major

*DAVID A. ERICKSON, 0184
*JOHN M. GRIFFIN, 7372

EXECUTIVE NOMINATION RECEIVED BY THE SECRETARY OF THE SENATE FEBRUARY 4, 1999, UNDER AUTHORITY OF THE ORDER OF THE SENATE OF JANUARY 6, 1999:

COMMODITY FUTURES TRADING COMMISSION

THOMAS J. ERICKSON, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2003, VICE JOHN E. TULL, JR., TERM EXPIRED.

EXTENSIONS OF REMARKS

THE AIRLINE DISASTER RELIEF ACT

HON. DON SHERWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SHERWOOD. Mr. Speaker, I rise to introduce the Airline Disaster Relief Act, a measure which clarifies the legal rights of airline disaster victim's families. This bill is about fairness. It's about providing justice in our legal system to families who suffer the loss of a loved one in an aviation accident over the ocean. This same Act was passed overwhelmingly by the House of Representatives during the 105th Congress.

On July 17, 1996, 230 people lost their lives in the tragic crash of TWA Flight 800. Among the victims were 21 people from Montoursville, Pennsylvania, a small community in my district. The people of Montoursville were brutally impacted by the sudden loss of 16 high school students and five chaperones who were flying to France to enrich their educational experience. For the families of the victims aboard Flight 800, this tragedy has been made worse by the Supreme Court's application of an antiquated maritime law, known as the Death on the High Seas Act of 1920.

The Supreme Court decided in *Zicherman* v. *Korean Airlines,* that the Death on the High Seas Act applies to lawsuits that arise when an aircraft has crashed in the ocean more than a marine league from land. This interpretation would prevent the families of the TWA 800 victims from receiving the just compensation they are entitled to under state law. This decision treats families differently depending on whether their relative died in an aircraft that crashed into the ocean or one that crashed into land. If the plane crashes into the ocean, the Death on the High Seas Act applies and the family is entitled only to seek pecuniary damages before a U.S. District Court Judge with no jury. However, if a plane crashes into the land or within 3 miles of land, the applicable State tort law would apply. State tort laws generally allow compensation for loss of companionship, loss to society, pain and suffering in addition to lost income.

Today, however, when state tort law has progressed to a point where value is placed on human life, the application of this skewed statute is viewed as inequitable, unfair and inhumane. This is particularly true in the death of children since children are generally not economic providers for their families. Thus, family members would receive minimal compensation for the loss of a loved one who was not a wage earner or "bread winner." Because of this arbitrary line, legislatively drawn in the ocean, the surviving family members in this case are being dealt a cruel blow. No parent should be told by our nation's legal system that longitude and latitude will determine the value of their child or determine their rights in a court of law. Many family members of TWA 800 victims feel that the application of the Death on the High Seas Act makes the life of their child or loved one appear worthless in the eyes of the law.

For this reason, I introduced this measure which will negate the application of the Death on the High Seas Act to air disaster cases. My bill would amend the Federal Aviation Act so that airline disasters at sea are treated the same as incidents on land. The gross injustice of the Death on the High Seas Act must be changed. Where a plane crashed should not dictate our rights in a court of law.

Both the Supreme Court and The White House Commission on Aviation Safety and Security recommend that Congress correct these inequities. Additionally, the Congressional Budget Office estimates that there will be no costs associated with the implementation of this Act. It is time to bring justice to the application of federal laws which regulate airline disaster claims. Passage of the Airline Disaster Relief Act will be an important step in achieving this objective. I urge my colleagues to overwhelmingly approve this bill.

IN MEMORY OF FREDERICK A. JONES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in memory of Frederick A. Jones, a gentleman who was an outstanding member of the Olmsted Falls community.

Over the years Mr. Jones worked in a variety of ways to make Olmsted Falls a better place. He umpired Summer League baseball games, led a Boy Scout group, and served as the presiding chairman of the city's Civil Service Commission.

After moving to Olmsted Falls in 1941 Mr. Jones worked as a volunteer fireman for 30 years, spending much of that time as a captain. During his tenure he helped connect the Fire and Police departments via a ham radio system.

Mr. Jones also served in the U.S. Army Infantry during World War II, participating in the Rhineland offensive. After his service in World War II Mr. Jones returned to Olmsted Falls and worked for Bell Telephone until 1981.

Mr. Jones was also a member of the committee that planned and oversaw the construction of a football field and track for Olmsted Falls High School. He and his wife, Betty, served as co-chairs of the Athletic Boosters Club for nine years. Mr. and Mrs. Jones also acted as the co-chairs of the Olmsted Falls local antique show at the Olmsted Community Church.

He will be greatly missed.

WHY I INTRODUCED THE BALANCED BUDGET AMENDMENT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SCHAFFER. Mr. Speaker, when I ran for the United States Congress, I campaigned on virtually one single issue—balancing the budget.

Whenever I speak on the matter, I think of my friend Delmar Burhenn. His family works hard to make ends meet on their Baca Country farm located in the extreme southeast corner of Colorado.

I savor every chance I get to speak with Delmar. He has opinions about everything—retirement, the reliability of farm equipment, saving for a vacation, and so on.

During my first term in Congress, we balanced the budget, reduced taxes and improved education. During the 106th Congress, we want to build on these achievements by preserving Social Security, giving families like Delmar's more tax relief, and permanently balancing the budget.

Of these, the most pressing issue is balancing the federal budget permanently. That's why I introduced H.J. Res. 1, the Balanced Budget Amendment Resolution of 1999, on the first day of the 106th Congress. Even while the Republican-led Congress exercises fiscal discipline in Washington, I believe the only way to protect families like Delmar's is by making it a requirement federal books remain balanced forever.

Some are unaware Congress balanced the federal budget last year. We did. In fact, we delivered the first balanced budget since 1969, a big step in the right direction. But that was simply a temporary victory that can be lost with the political winds. The Balanced Budget Amendment I propose guarantees the federal budget will be balanced each year to come.

Under my proposal, the only time the budget could be broken is by an affirmative vote of a three-fifths super majority in both the House and the Senate. This super majority would be too high a hurdle for frivolous, spur-of-the-moment impulse spending. Congress would only be able to spend more than income warrants during times of real need like national emergencies and war.

The Balanced Budget Amendment would also help us accomplish one of my top priorities for the 106th Congress, preserving and protecting Social Security for future generations. Right now the federal government "borrows" from the Social Security surplus in order to pay for other numerous federal programs such as education, Medicare, and transportation. Even by conservative estimates, without an end to this "borrowing," we can count

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

on Social Security running deficits by 2012, and headed toward bankruptcy in the early 2020's.

With a permanently balanced budget, the federal government will be forced to prioritize money for these programs and others important to Coloradans. By reducing the amount we borrow to meet today's federal debt obligations, we pay less interest on the national debt each year.

Even with all of these incentives to pass the Balanced Budget Amendment, it won't be easy. There are still too many big spenders in Washington who are adept at creating new, expensive programs for every problem. Under the Balanced Budget Amendment, liberals won't be able to continue their free spending ways without considering the long-term consequences to Colorado families like Delmar's.

It's time to stop runaway government spending. Coloradans balance their checkbooks every day, knowing they can't spend money they don't have. I don't think there's any reason to expect less of the federal government.

By passing the Balanced Budget Amendment, Delmar will be assured bureaucrats in Washington will have to worry about making ends meet, just like he does.

TRIBUTE TO MRS. BETTY WELLS AND MR. ERNIE McCOLLUM UPON THEIR RETIREMENTS

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. PHELPS. Mr. Speaker, I rise today to pay tribute to two of my constituents on the occasion of their retirement from the Board of Trustees of the Rend Lake Conservancy District. Rend Lake is a major southern Illinois reservoir whose construction was prompted by a severe regional drought in the 1950s. The Rend Lake Conservancy District operates a water treatment plant which serves 300,000 people in over 60 communities, as well as the Lake's enormously popular recreational facilities, which boast a golf course and resort, as well as hunting, fishing, camping, and boating.

Needless to say, the work of the Conservancy District is immensely important to the people of southern Illinois, and to the entire state, and it would not be possible without the leadership of a dedicated and capable Board of Trustees. Sadly, two esteemed members of this Board have recently announced their retirement and I am here today to express my deep appreciation for the service of Mrs. Betty Wells of Jefferson County and Mr. Ernie McCollum of Franklin County. These two remarkable people have contributed outstanding service to the people of southern Illinois through their excellent stewardship. I know their presence on the Board will be missed but their accomplishments will surely be long remembered. Mr. Speaker, I hope you will join me in wishing Mrs. Wells and Mr. McCollum the very best in whatever the future may hold for them.

EMPLOYEE OWNERSHIP ENHANCEMENT ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. TRAFICANT. Mr. Speaker, if our economy is so great, then why are American workers losing their jobs? If our economy is so great, then why are American workers going bankrupt in record numbers? If our economy is so great, who do many families need three jobs just to pay their bills? And Mr. Speaker, if our economy is so great, why are so many manufacturing plants going out of business?

On May 31, 1997, something happened in my congressional district that deeply affected 70 of my constituents and their families. The Camcar Textron Brainard Rivet plant in Girard, Ohio closed its doors and told its workers to go home. The workers at this plant, scared for their futures and the futures of their families, wanted to work with the parent company of Camcar, Textron to negotiate an employee buyout through an Employee Stock Ownership Plan (ESOP). Unfortunately, Textron did not feel that selling the plant to the employees through an ESOP would be in the best interests of the company. I was particularly concerned over the fact that Textron has referred 50 former Brainard Rivet customers to another non-Textron company. These customers could have been the base for an employee-owned company.

Mr. Speaker, Congress needs to do all it can to encourage ESOPs. That is why today I am introducing legislation, the "Employee Ownership Enhancement Act," to require that an employer closing a manufacturing plant to offer the employees an opportunity to purchase the business through an ESOP. This legislation would exempt companies that are planning to continue using the assets and/or capital from a closed plant at another location or the companies that close a plant but still are manufacturing the same product at another plant.

The current economy presents many challenges for both workers and employers. Congress needs to put in place reasonable laws to enable hard working Americans a chance to own and operate manufacturing plants if the owners don't want to anymore. My bill would apply to only a handful of plant closings a year, but would provide hope and opportunity to thousands of workers and their families. It is that simple.

I urge all my colleagues to support this very important piece of legislation.

IN HONOR OF THE EARNEST MACHINE PRODUCTS COMPANY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the Earnest Machine Products Company as they celebrate their fiftieth year in business. Earnest Machine Products Company has proven itself as an outstanding family-owned business that adheres to simple principles of exceptional customer service, customer loyalty, and close employee relations.

In 1947 Paul and Victor Zehnder started the Zehnder Engineering and Machine Company in Cleveland. The company manufactured and sold various industrial supplies until 1948, when Paul began selling surplus track shoe bolts. The bolts were in high demand at the time, and they enabled Paul to begin a long career of distributing nuts and bolts. In 1951 the company name was officially changed to the Earnest Machine Products Company. By 1967 the company's sales had tripled and Earnest Machine Products Company kept introducing new industrial products, such as enamel paints and roller bearings. Eventually, business expanded to include distributors in all 50 states.

Quality products and hard work are important components to the success of Earnest Machine Products Company, but strong customer service and loyal employees are the backbone of the company's history of success. From the very beginning Zehnder promoted outstanding customer service by accepting collect calls before toll free numbers were introduced. The employees are treated like family. That sentiment, and steady growth over 50 years has enabled Earnest to establish and maintain a base of loyal employees. In fact, over 70 percent of the work force has been with the company for 15 years or more.

In 1998 Earnest received ISO 9002 certification, which recognizes that the company is a quality supplier of industrial fasteners by American and European Quality Assurance agencies. Earnest has also maintained an accredited lab to test and insure the quality of their product. Today, Earnest Machine Products Company distributes over 30,000 different fastener types and sizes.

The Earnest Machine Products Company has proven that adherence to employees, customer service, and quality can produce a successful business.

TRIBUTE TO AMOS W. ALLARD

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay humble tribute to the life and legacy of Amos W. Allard, who died Monday, February 1, 1999 in Ft. Collins, Colorado. Mr. Allard was born on a ranch near Walden, Colorado on May 14, 1920 to Arthur Allard and Pearl Wade Allard. He is the Great Grandson of James O. Pinkham, the first permanent settler in North Park.

Amos Allard attended schools in Denver, Walden and Fort Collins. He graduated from Fort Collins High School in 1937. Later he attended Colorado A.&M., now know as Colorado State University, and the University of Missouri, where he received his Bachelor of Sciences degree.

On July 18, 1941, he married Jean Stewart. After he served his country in the United States Navy during World War II, Amos and

Jean moved to ranch in the Walden area where they ranched for more than 20 years. The couple have two sons: WAYNE ALLARD, currently serving as a United States Senator and wife Joan, and Kermit Allard, a Fort Collins C.P.A. and wife Judy.

Amos Allard demonstrated a history of service and commitment both to his family and to the community. While ranching in the Walden area, Amos was actively involved in the Colorado Cattlemen's Association, the North Park Stockgrowers Association, and the IOOF Lodge where he served as Grand Master for the State of Colorado.

After the family moved to Loveland, Colorado, Mr. Allard became a real estate broker and proceeded to develop a 297 acre farm into housing units known as Lock-Lon. Mr. Allard served as President of the Loveland Chamber of Commerce, President of the Loveland Board of Realtors and served for many years on the County Extension Advisory Committee. He also served as Chairman of the 4th Congressional District in Colorado.

He was preceded in death by his parents and his brother, Martin. Amos Allard is survived by his wife, Jean and their two sons, Wayne and Kermit; a brother, George: five grandchildren: Christi (Steve) Johnson, Karen (Colin) Campbell, Cheryl (Eric) Smith, Jana and Sam; four great grandsons and numerous nieces and nephews.

Amos Allard will be sorely missed and warmly remembered. May we be thankful for his eternal peace and happiness. Amos was always there for me with sound advice or a kind word. I'll always remember his keen insight and wisdom. I found Mr. Allard to be a man of honesty, integrity and humility who touched many souls and raised many spirits. A devoted husband, father and a great American, he set a fine example for us all. To those Mr. Allard left behind, Washington Irving deemed, "The love which survives the tomb is one of the noblest attributes of the soul."

TRIBUTE TO EDWIN J. TANGNEY, JR. UPON HIS RETIREMENT

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. PHELPS. Mr. Speaker, I rise today to express my deep thanks and appreciation for the service of my constituent, Edwin J. Tangney, Jr., on the occasion of his retirement. For 37 years, Mr. Tangney served the people of Macon County, Illinois, with diligence and professionalism, beginning with eight years as Harristown Township Auditor and four years as Macon County's first Code Enforcement Officer. In 1976, Edwin began serving as Macon County Recorder of Deeds, and was re-elected as Recorder of Deeds, and then as County Recorder, on five subsequent occasions. Under his leadership, the Macon County Recorder's Office has become one of the most efficient, accessible and accurate official records offices in the entire state of Illinois. Edwin has consistently ensured that his Office was both technologically up to date and, even more importantly, friendly and courteous to the public it serves.

Edwin Tangney retires leaving the Office of the Macon County Recorder well positioned to enter the new millennium, and I know the citizens of Macon County share my profound appreciation for his many years of dedication and leadership. Mr. Speaker, I hope you will join me in wishing Edwin the very best as he enters his well-deserved retirement from public service. He will indeed be missed, and his accomplishments will be remembered far into the future.

TRIBUTE TO A COMMUNITY LEADER: LEO SMITH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to a dedicated volunteer and advocate, Leo Smith.

Mr. Smith, a tireless defender of social justice, died Wednesday, January 13th at the age of 80 after a lifetime of standing up for what he believed in.

Remembered by many as conscientous, Mr. Smith belonged to many church and public service groups including several that looked out for the rights of seniors. Working with a Southern Maryland group that aimed to improve housing conditions and eliminate open-air drug markets, he was often a mentor and a leader.

Mr. Smith was a founding member of the local chapter of the AARP (American Association of Retired Persons) and was the La Plata Richard R. Clark Senior Center's representative in 1994. It was in that year that the AARP, Sheriff's office, State Police and La Plata police signed an agreement to form TRIAD to both reduce crime and help seniors become more aware of protecting themselves.

Occasionally described as controversial because he went all out for what he believed, Mr. Smith was described by one of his coworkers as "a selfless community servant". The seniors of Charles County and the citizens of Southern Maryland will sorely miss his enthusiastic spirit and informed voice.

Leo Smith was born in Washington, DC and served in WWII in the U.S. Navy. He worked for 30 years for the U.S. Government in Greenbelt at NASA. He is survived by his wife Mary, five sons and six daughters.

IN MEMORY OF JACK AND RUTH CORDES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mr. Jack Cordes, 75 and his wife Mrs. Ruth Cordes, 72 of Cleveland. After 53 years of marriage the couple died a day apart.

Mr. and Mrs. Cordes grew up together and were inseparable. Jack Cordes served in the U.S. Navy during World War II. Following the war both Jack and Ruth Cordes worked, Jack as a plumber and Ruth as a counter clerk for a bakery. Together, the couple lived through both joy and sorrow.

Jack Cordes battled several types of cancer before falling ill with lung cancer on November 18th. During this struggle Ruth never left his side, providing comfort and support. She stayed with him even though she was in great pain. She suffered a heart attack from watching as her beloved husband grew ill. Ruth suffered a second heart attack on Sunday the 22nd and died later that afternoon. Jack died just a day later.

Their lives were so interconnected; their true love was so interdependent; their commitment to each other was so evident. By living their lives as a true partnership, Jack and Ruth's passing reflects the true meaning of "till death do us part."

Ladies and gentlemen, the Cordes' lives and deaths are testaments to the strength of love. Please join me in remembering this extraordinary couple.

EXECUTIVE ORDER 13107 IMPLEMENTING HUMAN RIGHTS TREATIES

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SCHAFFER. Mr. Speaker, I submit to the RECORD the following thoughts of John and Carol Loeffler, on President Clinton's Executive Order (EO) 13107.

Date: 12/15/98

Assertion: Last week, President Clinton signed an Executive Order setting up a new bureaucracy to implement international human rights treaties. This is yet another end run around Senate approval of controversial UN treaties.

Factoids: The Executive Order 13107, entitled "Implementation of Human Rights Treaties," at first glance appears to be an administrative tool to carry out the implementation of international treaties within the U.S. governmental agencies. However, there are some phrases within the order that should raise a red flag to anyone who is concerned that our national sovereignty and constitutional rights could be eroded by various UN treaties.

For example, the introductory paragraph specifically cites the implementation of three treaties which have already been ratified by the Senate; that is, the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Elimination of All Forms of Racial Discrimination. There are provisions in these treaties that have been argued to undermine our own Bill or Rights, but this is only the tip of the iceberg.

The order goes even further by including "other relevant treaties concerned with the protection and promotion of human rights to which the United States is now or may become a party in the future." This sweeping statement seems to indicate that the administration intends to enforce human rights treaties that have not yet been ratified by the Senate.

If so, there are a number of controversial UN treaties that have not been ratified because they also could potentially nullify rights granted to us under the Constitution. Treaties such as the UN Covenant on the Rights of the Child, which offically designates the state as the guardian of children's best interest, insuring that the state knows better than parents what materials are appropriate and what associations are beneficial. It is also responsible for protecting the child when parental beliefs conflict with the rights of the child. Politically incorrect beliefs such as spanking or religious indoctrination could be grounds for placing children into foster care.

Another controversial treaty is the Convention of the Elimination of All Forms of Discrimination Against Women. This treaty has been criticized in part because it forces countries which sign it to allow abortion rights to women, whether or not there is national legislation prohibiting abortion.

It doesn't take much imagination to project what agencies like the Department of Education or the Department of Health and Human Services could do with directives such as these.

The agency Clinton has set up with the issue of this Executive Order has been directed to monitor agencies, coordinate responses to human rights complaints, review proposed legislation for violations, and monitor the actions of states, commonwealths, and territories of the United States, as well as Native American tribes. It would appear that no local governments will escape the scrutiny of this new political bureaucracy.

INTERCOUNTRY ADOPTION SERVICES PROVIDER REGISTRATION ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. TRAFICANT. Mr. Speaker, I have re-introduced legislation to provide a resource to people seeking reputable agencies and facilitators that process intercountry adoptions. The bill, entitled the "Intercountry Adoption Services Provider Registration Act," requires people licensed to process intercountry adoptions or involved with intercountry adoptions to register with the U.S. State Department's Office of Children's Issues. The agencies are required to disclose all addresses, employees and sources. If any agency fails to comply, it may suffer financial penalties or a loss of its operating license.

When I became a member of this body, I vowed to give a voice to those with no voice and to protect people from being victimized. Accordingly, when a constituent from my 17th district told me about her horrible experience with an intercountry adoption, I was compelled to take action.

My constituent and her husband had tried for many years to have a second child. When circumstances beyond their control would not let them have another child, they decided to adopt a foreign-born child. They researched the international adoption process and adoption agencies. They contacted the State Department and national adoption networks to gather information before proceeding with their adoption. Finally, they settled on what they thought to be a reputable agency from New Mexico. The adoption process was underway. The New Mexico intercountry adoption facilitator asked for and received prepayment, followed by several installments to cover costs. The couple understood that an intercountry adoption was an expensive process, but knew that the cost would not matter when they had a child in their arms.

After a few months, a photograph of a three-year-old Russian girl was sent to the couple. They were told she was eligible for adoption. In order to prevent the child from being adopted by someone else, the couple was told to send additional monies to secure the adoption. The facilitator explained that the final adoption would take six to eight months to process. The couple gladly sent the money. What they weren't told was that Russia had placed a moratorium on all foreign adoptions. The moratorium took effect even before they were sent the photo of the child. The child was never placed in their home and they lost more than $12,000 to a foreign adoption con artist. When the adoption facilitator was confronted with the moratorium information, he changed the name of his organization and moved to another state. After several months of searching for the agency, the couple is suing for a refund. The case is pending in a New Mexico court.

While completing research for this bill, I discovered many other couples who have similar horror stories of intercountry adoptions. Fraud, deceit and lots of money were involved in each of the tales. The House of Representatives must provide some consumer protection for persons who wish to adopt a foreign-child.

The Hague Intercountry Adoption Convention, a convention convened to protect children and co-operation in respect to intercountry adoptions, has yet to be signed by the United States. Among other matters, this treaty addresses the fraudulent and unscrupulous practices of a minority of agencies that participate in selling children, bribing parents and government officials, deceiving adoptive parents and failing to ensure that each and every adoption is in the best interests of the children concerned. However, the Hague Convention gives no specific legal protection to any person or provide a resource regarding the adoption process. Each individual country must protect its citizens. The Intercountry Adoption Services Provider Registration Act will provide a much needed source of information and protection for prospective adoptive parents.

THE REINTRODUCTION OF A CONSTITUTIONAL AMENDMENT TO ABOLISH THE ELECTORAL COLLEGE

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. LAHOOD. Mr. Speaker, today I am proud to reintroduce, along with Congressman WISE from West Virginia, a constitutional amendment that seeks to end the arcane and obsolete institution known as the Electoral College.

It is no accident that this bill is being introduced today, the day that the electoral ballots are opened and counted in the presence of the House and Senate. I hope that the timing of this bill's introduction will only underscore the fact that the time has come to put an end to this archaic practice that we must endure every four years.

Only the President and the Vice President of the United States are currently elected indirectly by the Electoral College—and not by the voting citizens of this country. All other elected officials, from the local officeholder up to United States Senator, are elected directly by the people.

Our bill will replace the complicated electoral college system with the simple method of using the popular vote to decide the winner of a presidential election. By switching to a direct voting system, we can avoid the result of electing a President who failed to win the popular vote. This outcome has, in fact, occurred three times in our history and resulted in the elections of John Quincy Adams (1824), Rutherford B. Hayes (1876), and Benjamin Harrison (1888).

In addition to the problem of electing a President who failed to receive the popular vote, the Electoral College system also allows for the peculiar possibility of having Congress decide the outcome should a presidential ticket fail to receive a majority of the Electoral College votes. Should this happen, the 12th Amendment requires the House of Representatives to elect a President and the Senate to elect a Vice President. Such an occurrence would clearly not be in the best interest of the people, for they would be denied the ability to directly elect those who serve in our highest offices.

This bill will put to rest the Electoral College and its potential for creating contrary and singular election results. And, it is introduced not without historical precedent. In 1969, the House of Representatives overwhelmingly passed a bill calling for the abolition of the Electoral College and putting a system of direct election in its place. Despite passing the House by a vote of 338–70, the bill got bogged down in the Senate where a filibuster blocked its progress.

So, it is in the spirit of this previous action that we introduce legislation to end the Electoral College. I am hopeful that our fellow members on both sides of the aisle will stand with us by cosponsoring this important piece of legislation.

IN MEMORY OF PADDY CLANCY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a music legend, Paddy Clancy of The Clancy Brothers and Tommy Makem. The Clancy Brothers were one of the first Irish musical groups to achieve international notoriety. The Clancy Brothers and Tommy Makem created numerous hit songs in the 1960's.

Paddy Clancy was born in Carrick-on-Suir in Tipperary county to a family of nine, all of whom were musically inclined. In the 1950's he and his brother Tommy emigrated to New York to pursue acting careers. It seemed the brothers were destined however, to make their mark not as thespians but as musicians. Later, their brother Liam was to join Paddy and Tom, with Tommy Makem they created The Clancy Brothers and Tommy Makem. The Clancy Brothers were known for their incredible harmonies and their energetic concerts. These talents were quickly recognized, and they built a loyal fan base, playing folk clubs in Greenwich Village.

In 1961 they gained national notoriety following an incredible 16-minute set on The Ed Sullivan Show. Their music defied definition. It was both beautiful and raucous at once. They blended American folk music with traditional Irish forms. Paddy was equally capable of singing an Irish drinking song or an elegant ballad. Paddy and the Clancies also performed with Bob Dylan and Barbra Streisand. The Clancies were able to expose Americans to the glorious music of Ireland and still incorporate American folk into their music.

Ladies and gentlemen, the contributions made by Paddy Clancy to music were incredible. I ask you to join me today in remembering this fine musician.

FRANCIS FRANCOIS, A DEDICATED PUBLIC SERVANT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. HOYER. Mr. Speaker, I rise today to acknowledge the retirement of Francis B. Francois; Executive Director of the American Association of State Highway and Transportation Officials (AASHTO).

Mr. Francois will retire in February after 19 years with AASHTO. In addition, during his tenure he also served on the Executive Committee of the Transportation Research Board.

Francis Francois was born and raised on an Iowa farm and earned an engineering degree at Iowa State University and then went on to earn a law degree at the George Washington University. A registered patent attorney, Mr. Francois resides in Bowie, MD with his wife Eileen where they have raised five children.

Known as a skilled parliamentarian, Mr. Francois served 18 years as an elected official in Prince George's County including nine as a County Councilman. While serving the County, Mr. Francois was a member of many boards and associations including the National Association of Counties and the Board of Directors of the Metropolitan Washington Area Transit Authority. Having the vision for a regional approach to solving problems, he earned the reputation of being "Mr. Goodwrench" and "Mr. Fixit."

Mr. Speaker, Mr. Francois is a person dedicated to solving problems, serving people and setting plans in motion. In 1973, Mr. Francois was named "Washingtonian of the Year" by the Washingtonian magazine. He is also well published on such topics as the important role of counties in state government, urban water resources and the responsibility of regional decisionmaking.

Mr. Francois will be missed by AASHTO as well as the people of Prince George's County. Mr. Francois has the vision of an all-purpose reformer. I know my colleagues will join with me in congratulating Francis Francois and his family on his retirement and wishing them all the best as Mr. Francois enters what we all hope will be his most exciting adventures to date.

EDUCATION STANDARDS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SCHAFFER. Mr. Speaker, the November elections and impeachment trial have overshadowed a little-known victory for Colorado schools. Congress succeeded in blocking the President's efforts to consolidate national education standards and testing for local schools under the authority of the federal government.

Many parents and educators have been concerned about federalizing education measurements, content, and curriculum since the inception of Goals 2000 in 1994. While the need for standards and accountability is clear, concerns arise when one considers who will set the standards.

Under Goals 2000 legislation, unelected Washington bureaucrats set the standards. Although we hope the government will come up with reasonable and fair education benchmarks, in reality, there are big differences between what Washington experts prescribe and what parents want their kids to be taught.

This dilemma is no better illustrated than in the case of the National History Standards already developed under Goals 2000. Initial standards for American history did not mention some of the most prominent figures of American history including Paul Revere, the Wright Brothers, or George Washington's presidency. They did, however, encourage the study of Mansa Musa, a West African king in the 14th Century.

Not surprisingly, the standards were unduly critical of capitalism and our European founders. Even members of the Clinton administration and the press found the standards objectionable. The standards have subsequently been revised.

Placing government in charge of standards is certain to include not only content requirements—the who, what, where, why, and how of history, science, math and so on—but also subjective standards such as "students must demonstrate high order thinking or appreciate diversity." Suppose students are held to a standard which defies lessons their parents have taught them? What if teachers are forced to teach what they know to be false or counterproductive? Will government curricula replace that which locally elected school boards have chosen?

If adopted, national education priorities will reflect not the community nor parental values, but those of Washington. Given the atmosphere of political and pervasive corruption in Washington, can we afford such influence in our classrooms?

Clearly, standards of behavior and content must be established and enforced at the state and local level by those who are directly elected and accountable to parents and the community. Federal cooption must give way to increased parental authority. Parents must insist lessons and reading materials state facts and relate values they know to be true. They should vote for school board members who hold their convictions and parents should attend board meetings to stay connected to the process.

The authority of parents to direct their children's education remains threatened however, at least until zeal for federalization is extinguished. The 105th Congress voted to keep education standards in hands of parents and the community last year. Congress must continue to stand up for the freedom of local teachers to teach, and the liberty of our children to learn.

SYRACUSE SERVED BY INTRODUCTION OF "NEW NEWSPAPER" 100 YEARS AGO

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. WALSH. Mr. Speaker, one century ago, on January 1, 1899, Central New Yorkers were treated to a new newspaper, The Post-Standard. That paper, one of a half-dozen at the time, remains today. Now it is one of two papers, and the only morning newspaper. I want to ask my colleagues to join me in congratulating the management and staff at this important milestone.

In particular, I would like to congratulate the top management, Mr. Stephen Rogers and Mr. Stephen A. Rogers, the President and Publisher respectively, for their well-known civic leadership and faithful adherence to the best of principles of journalism in the United States.

With the stewardship of a newspaper comes an important and historic responsibility. In the attached editorial, it is mentioned that a newspaper must be profitable to survive. But the newspaper must be sensitive to its special status in our nation's history. It is protected mightily by the First Amendment, and its right to print news and opinion without fear of retribution from any governmental quarter is unique in the world.

Though we in this body are often at odds with newspapers, we know their value and we know they represent a fundamental tenet of freedom. I have included the attached editorial, which appeared January 1 this year, commemorating the centennial recognition of The Post-Standard.

"CENTENNIAL POST: Your morning paper is 100 today, still pursuing much the same mission. 'A legitimate primary aim of the newspaper is to make money.'

Thus read the editorial that appeared in the inaugural edition of The Post-Standard 100 years ago today. The principle remains true today. As the editorial noted, quoting an editor-senator from Rhode Island: "A paper that cannot support itself cannot be any service . . . to spend money upon it is like wasting fuel in an attempt to kindle a store."

The Post-Standard boasts a tradition that extends back more than a century—to The Post, which traces its origins to 1894, and The Standard, dating to 1829, decades before the founding of the City of Syracuse. The consolidation of the two newspapers was described as a victory over 'factionalism' in Onondaga County and the ascendancy of 'a Republican newspaper, dedicated to the public weal along Republican lines, and representing a united Republicanism.'

That partisan bias reflects an earlier era in newspaper publishing when journals were closely allied with parties and candidates. Most newspapers, including The Post-Standard, have long since declared their independence from rigid party orthodoxy, endorsing candidates based on their qualifications, performance and prospects rather than political affiliation. Of course, The Post-Standard continues to represent a region long known as a bastion of Republican fervor.

Although the mission of The Post-Standard through the years has included some hard truth-telling, its editorial page since the beginning has attempted to build and strengthen the community. 'The Post-Standard deems the blessings of life and of work too precious to be frittered away in perpetual contention and fault-finding,' wrote the editor in 1899. 'To prove itself a cheery presence, seeking to say good of men and things always when it can, and consenting to say ill only when it must, shall be this newspaper's consistent aim.'

Hewing to that aim is no easier today than in 1899. There never seems to be a shortage of rascals, ludicrous schemes and conspiracies afoot, no less in the Age of McKinley than the Age of Bill and Monica.

Yet there is something uplifting and inspiring in the long-ago editoralist's aspiration for his paper to 'preach the gospel of right living and bright living without being suspected of preaching.' He concludes: 'If it can help to lift men or in any degree make better or cheerier or more wholesome the community with which its lot is cast, it will be glad and grateful for its opportunity.'

We remain grateful for that opportunity today."

TRIBUTE TO ALEXANDER KOULAKOVSKY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to Mr. Alexander Koulakovsky and his company "Nafta Sib" which has undertaken an exciting new project in Russia. In September of 1998 at the beginning of the new school year, a traditional Christian School opened in Moscow. This school, which was built in one year, was funded by the company "Nafta Sib," which also engages in several charities and projects aimed at restoring old churches, and preserving icons and religious artifacts. Mr. Koulakovsky is currently in the process of putting together a Board of Trustees for the Christian School which will provide financial support and assist in maintaining high standards of education.

This new Christian School is the first since the communist revolution in 1917. Prior to the opening in September, the school would provide occasional lessons in a rented apartment. Two hundred and sixty students are now enrolled in the school, and the erection of the new building will provide the opportunity for one hundred and twenty more students to enroll in this outstanding educational program.

The school has received all of the educational licenses required, and is permitted to conduct lessons in accordance with the state school programs. For the past two years, many graduates were accepted by the most prominent Russian universities. The students are also receiving religious instructions as part of their curriculum. The school has an in-house church which is named after martyr St. Pytor, the archbishop of the Russian Orthodox Church and close advisor to the Russian Patriarch in the 1930s and was killed during the Stalin regime. Regular religious services are conducted for the students. This church is also the first one to be named after a martyr of this century and be recognized by the Russian Orthodox Church.

I traveled to Russia last September, and visited this school on its opening day. I was impressed with the school's curriculum, and with the quality of the students who attended it. As a former school teacher and the father of five, I know that education is the key to the future. For Russia's democracy to succeed, they must look to tomorrow and educate a new generation of Russians in the tenets of freedom. I applaud Alexander Koulakovsky for schooling Russia's leaders of tomorrow and for taking steps to bring quality education and religious freedom to the children of Moscow.

TRIBUTE TO RETIRING CENTRAL MISSOURI STATE UNIVERSITY PRESIDENT, DR. ED ELLIOTT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to Dr. Ed Elliott, who is retiring from his post as President of Central Missouri State University (CMSU), Warrensburg, MO, after serving there for nearly fourteen years.

During Dr. Elliott's tenure at CMSU, the University has seen tremendous growth in enrollment due to Ed's insightful university policies. There has been an expansion of the school's international and distance learning programs, increased admissions standards, a new general studies program, an emphasis in strategic planning and collegial governance, and an integration of a new teaching-learning-assessment model known as Continuous Process Improvement. In addition, numerous building renovations and new construction projects, including the James C. Kirkpatrick Library that will be dedicated in March, have added to student interest in CMSU.

Under Ed's leadership, the University has received dramatically increased state and alumni funding. He has also set academic priorities to develop all curriculum around a strong, liberal arts core, verifying quality through assessment and program-specific accreditation. In addition, he integrated technology into the curriculum and emphasized teacher education. Recently, Central has been named the state's lead institution in professional technology.

Dr. Elliott became Central Missouri State's 12th president on July 1, 1985, after serving for three years as president of Wayne State College in Wayne, NE. He came to Wayne State in 1971 as director of graduate studies and had also served as a dean and vice president before being named president there.

A native of Grain Valley, MO, Ed is a 1960 graduate of William Jewell College and started his teaching career in Harrisonville that same year. He earned his master's degree from Columbia University in 1964, and his doctor of education degree from the University of Northern Colorado in 1969.

Mr. Speaker, Dr. Ed Elliott has had an outstanding career in education, and he will surely be missed by everyone at Central Missouri State University. I wish him and his wife, Sandra, all the best in the days ahead. I am certain that the Members of the House will join me in playing tribute to this fine Missourian.

IN HONOR OF FATHER BENJAMIN H. SKYLES

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. BENTSEN. Mr. Speaker, I rise to honor Father Benjamin H. Skyles for his outstanding contributions to the community and citizens of Pasadena, Texas.

Father Skyles has served the community of Pasadena through his ministry as Rector of St. Peter's Episcopal Church for 34 years. His social conscience is second to none. Throughout those 34 years, Father Skyles has been a tremendous asset to the Pasadena community. He has worked to protect the environment, care for and educate children and the elderly, train workers, and give a helping hand to those who are ill or living in poverty. He is also a dedicated husband and father.

His ministry has enhanced the lives of thousands of Pasadena citizens from birth to old-age. St. Peter's Day School has nurtured and educated children for over 30 years. Its After School Program has been a safe-haven for latchkey children for over 25 years. For the elderly, St. Peter's offers low-cost housing. Additionally, St. Peter's has programs to confront social ills, such as alcholism and hunger. St. Peter's also offers English as a second language program, Scouting Programs, and year round GED classes.

In the 1960s and 1970s, Father Skyles began his crusade to protect the environment. He became the first vice-president of the Channel Area Subsidiary Chapter for Help Eliminate Pollution. As Chairman of the Preservation of the Armand Bayou in 1972, he led the way in a complicated battle to save a beautiful natural resource so that it could be enjoyed by future generations. He chaired the Southeast Harris Country Clinic Task Force in 1976 and 1977, which established the Strawberry Clinic and vital health services to the area.

In 1984, Father Skyles learned to speak and read Spanish to reach out to the Hispanic Community. Today, Father Skyles leads four services, including one in Spanish, each Sunday.

Father Skyles founded the North Pasadena Community Outreach Organization. In association with the Episcopal Health Charities and support from St. Peter's parishioners, the Community Outreach Center will house after school programs, a free community clinic, and a state of the art computer clubhouse. The Center, opened in January 1999, is a $1 million investment in the well-being of Pasadena and is among the first church-school-community collaborations in this area.

Father Skyles was recognized as Pasadena's Citizen of the Year in 1973, awarded the Religious Service Award for the Greater Houston area, and appointed as Dean of the East Harris County Convocation of the Episcopal Diocese of Texas in 1993. He has also been a member of the National Conference of Christians and Jews since 1982.

Mr. Speaker, I congratulate Father Benjamin Skyles for his service to the Pasadena community. He is truly a man of social action. His deeds and contributions will not be forgotten.

INTRODUCTION OF A BILL TO STOP FRANKING ABUSE

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. LAHOOD. Mr. Speaker, last year I introduced H.R. 642, a bill that ends the most pervasive abuse of the frank—sending out unsolicited, self-promotional mass mailings. Today, I am reintroducing this bill. My bill specifically targets franking abuse by cracking down on the use of mass mailings.

Title 39 of the U.S. Code defines the types of mailings that are frankable. Included in this definition are the "usual and customary" congressional newsletter, press release or questionnaire. The legislation I am reintroducing would simply strike mailings of this type from the code, thereby disallowing future use of the frank for these purposes.

Other franking reform proposals have centered around dangerous numbers games that leave open the possibility of abuse. Rather than try to settle on some arbitrary formula, my legislation will get to the heart of the problem. Reducing the definition of "mass" from 500 to 100, or debating whether the franking allowance should be reduced by 50% or 33% misses the mark. The problem that needs to be addressed is the use of the frank as a campaign tool whose real "informational" purpose is to make constituents aware of how deserving we are of reelection.

I urge all members who are interested in real campaign finance reform to carefully consider cosponsoring this bill.

COMMEMORATING THE 51ST ANNIVERSARY OF SRI LANKA'S INDEPENDENCE FEBRUARY 4, 1999

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. PALLONE. Mr. Speaker, I would like to extend my warmest congratulations to the Honorable Chandrika Bandaranaike Kumaratunga (President of Sri Lanka), her government, and the people of the Democratic Socialist Republic of Sri Lanka, on the occasion of the 51st anniversary of Sri Lanka's independence.

Sri Lanka is a free, independent, and sovereign nation. This unique country has an extensive and rich history, dating back to its flourishing civilization of the 2nd century B.C. Throughout the years, Sri Lanka has developed its economy based on its agriculture, cultivation of semi-precious stones, and manufacturing industries.

Although Sri Lanka experienced invasions and rule by the Portuguese, Dutch, and British, Sri Lanka regained independence through a peaceful and constitutional process in 1948. After 51 years of independence, Sri Lanka has emerged as a key South Asian country committed to democracy, free market economics, and sound social and development policy.

Bi-lateral relations between the U.S. and Sri Lanka have always been strong. To date, Sri Lanka exports nearly $1.5 billion worth of goods to the U.S. and the U.S. exports nearly $370 million worth of goods to Sri Lanka. Trade and investment between the U.S. and Sri Lanka continue to grow, with some of the largest business links with Sri Lanka including companies such as Coca-Cola, Motorola, IBM and Hilton, to name a few.

The formation and development of the Congressional Caucus on Sri Lanka and Sri Lankan-Americans will lead to increased constructive and educated dialogue between the U.S. and Sri Lanka. This will ensure progress between the two countries and the opportunity for Congress to gain greater knowledge and education about Sri Lanka.

As Sri Lanka celebrates 51 years of freedom, this is a wonderful opportunity for us to pay tribute to all of her national heroes and freedom fighters who fought for independence. I am also happy to extend my congratulations to the approximately 100,000 Sri Lankans in the U.S., whose communities have made economic and social impacts throughout various cities across the U.S.

Sri Lanka's rich history of over 2500 years, and its tremendous progress as a nation in 51 years alone, proves Sri Lanka's strength and tremendous potential for the 21st century and years to come. Again. I join in commemoration of Sri Lanka's 51st year of independence and I look forward to working with the Congressional Caucus on Sri Lanka and Sri Lankan Americans, the Sri Lankan community in the U.S., and the government of Sri Lanka.

CONGRATULATIONS TO GOVERNOR MEL CARNAHAN OF MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that Governor Mel Carnahan of Missouri is one of five public leaders nationwide to receive an Americans for the Arts' Government Leadership in the Arts award.

Governor Carnahan received the 1999 Americans for the Arts and The United States Conference of Mayors Award for State Arts Leadership. Governor Carnahan was recognized for his outstanding leadership in forging overwhelming bipartisan support of the arts, resulting in unprecedented cultural policy within the state of Missouri. He spearheaded and signed into law a provision designating 100 percent of an existing tax on non-resident athletes and entertainers to build a $100 million state Cultural Trust over the next ten years. A portion of this designated revenue stream will also provide annual state budget increases for the arts. A number of other exemplary initiatives also characterize Governor Carnahan's leadership in the arts. Since taking office in 1993, Governor Carnahan steadily increased the annual appropriations for the arts in the state, ranking Missouri seventh nationally in per capita state funding for the arts. He established the Missouri Fine Arts Academy at Springfield, MO, providing 200 high school students each year the opportunity to participate in a three-week residence program to sharpen their artistic talents. His efforts also led to the statewide public school adoption of arts education as a part of their core curriculum.

Nominated by the Missouri Arts Council and Missouri Citizens for the Arts, Governor Carnahan was honored at the Mayor's Arts Gala at Washington, D.C., on January 28, 1999. The event was held in conjunction with the Conference of Mayor's Annual Meeting and the Urban Arts Foundation meeting, a gathering of more than 700 mayors and arts leaders from across the nation.

Governor Carnahan shares this honor with many key national figures including, Senator EDWARD KENNEDY, of Massachusetts; Representative MICHAEL CASTLE, of Delaware, Mayor Joseph Riley, of Charleston, S.C.; and Jane Alexander, former NEA Chairperson.

Mr. Speaker, I know my colleagues will join me in congratulating Governor Carnahan, and join the Americans for the Arts in commending his good work.

IN HONOR OF MR. FRANK AGUIRRE

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. BECERRA. Mr. Speaker, it is with the utmost pleasure and privilege that I rise today to recognize a wonderful American, Mr. Frank Aguirre, for his inspiration as a dedicated father, a hard-working professional, and a model citizen of our great nation. Frank Aguirre is a fitting example of someone living "the American dream."

Born and raised in Sonora, Mexico, Frank came to the United States in 1949 on a student visa. His interest was Engineering, and he attended Los Angeles Trade-Technical College. Later, at East Los Angeles College and California State University, Los Angeles, his major changed to Accounting.

Recognizing the value of hard work and the opportunities it opens in the United States, Frank became a naturalized citizen in 1956. While at East Los Angeles College, he met Rosie Padilla, and they wed in March 1957. They have four children: Victor, Cindy, Becky and Haydee and six grandsons: Alex, Ryan, Austin, Victor, Kellen and Brett.

After attending East Los Angeles College, Frank started as a stock boy in a wall paper hanging company. He worked hard, and his industry was noticed. Frank soon earned a promotion to the accounting department. Anxious to provide for his new family, Frank went on to work as an accountant at Global Van and Storage and opened an income tax business at home.

His dreams were big, and he worked diligently to offer his growing family more than he had ever had growing up. He accepted positions at Pacific Van and Storage, again at Global Van Lines and finally plunged into the moving business himself. Owning his own business had been his goal, but his Sun Moving & Storage company struggled through adversity for a year and a half before closing its doors. Several years later, he was joined by two partners and formed Merit United Moving and Storage. This business brought Frank prosperity, not to mention, high blood pressure.

Perhaps what is most notable about Frank is his love for his family. He worked hard, yet he always had time for his children. They have fond memories of impromptu Saturday mountain day trips, miniature golf games, road trips to Mexico and lots of family get-togethers. Frank is the most fortunate of men—he is deeply loved and respected by his family and peers.

Mr. Speaker, on Saturday, February 6, 1999, family and friends—and I am privileged to count myself among them—will gather at a special dinner to pay tribute and celebrate Frank Aguirre's accomplishments as a father, businessman, and model American citizen. It is with great pride that I ask my colleagues to join me today in saluting this exceptional human being.

INTRODUCTION OF LEGISLATION

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mrs. CUBIN. Mr. Speaker, today I am introducing legislation to ensure that the name of Devils Tower National Monument remain unchanged. I introduced this bill during the 104th Congress, the 105th Congress, and rise now to introduce the same bill at the beginning of the 106th Congress. Since the time that this bill was first introduced, I have received numerous positive comments and support from constituents from around the Devils Tower area. In fact, my office has received a petition with an estimated 2,000 names from not only those in and around the Monument, but from all over the country of those concerned with changing the name of this beloved landmark.

For more than 100 years the name "Devils Tower" has applied to the geologic formation in my state and has since appeared as such on maps in Wyoming and nationwide. The name was given to the Monument by a scientific team, directed by General George Custer and escorted by Col. Richard Dodge in 1875, and is universally recognized as an important landmark that distinguishes the northeastern part of Wyoming. The Monument has brought a vital tourist industry to that portion of the state due to its unique character and structure.

According to a recent memo, released by the United States Board on Geographic Names, the National Park Service has advised the board that several Native American groups intend to submit a proposal, if one has not already been submitted, to change the name of the Monument. On September 4–6, 1996, former Superintendent of Devils Tower, Deborah Liggett, gave a presentation at the Western States Geographic Names Conference in Salt Lake City, Utah, giving the Native American perspective.

The legislation that I am introducing today on behalf of the state of Wyoming will ensure that the name of the geological formation, historically known as Devils Tower, remain unchanged.

It is my belief and the belief of hundreds of people from around the region that a name change will only bring economic hardship to the tourist industry in the area. I cannot and will not stand idly by and allow that to happen. I commend this bill to my colleagues and ask for their support.

REMEMBER PAOLI!

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to the students of the outstanding schools in my Congressional District—Sugartown Elementary School, KD Markley Elementary School, Charlestown Elementary School, and East Goshen Elementary School. The fine students of these schools have contacted me to inform me of an issue which is important to them, to their schools, to their community and to our nation—they are fighting to save the Paoli Battlefield.

The Paoli Battlefield, which is located in my Congressional District, remains one of the only historic sites from the Revolutionary War left untouched since 1777. This land was the site of the "Paoli Massacre" in which British troops led by Major General Grey attacked the American Army of Pennsylvania Regiments on the wooded hillside and two fields between what is now Sugartown Road and Warren Avenue. The ensuing battle resulted in at least 52 American deaths and 7 British fatalities. The British night-time bayonet charge was aided by the fact that Americans were silhouetted against the light of their campfires. Some American troops panicked and fled and general disorder spread throughout the American line. British dragoons, arriving on the field, shattered the American column and pursued retreating Americans as far as Sugartown Road. Only the more disciplined American soldiers escaped the original onslaught unscathed, but a following British assault completed the rout.

The Paoli Massacre was part of the Revolutionary War's Philadelphia Campaign, a chapter of the war that witnessed the occupation of Philadelphia and the famed American encampment at Valley Forge in the winter of 1777–78. The first two American attempts to stop the British invasion that Fall were the Battle of Brandywine, September 11, 1777, and the unsuccessful Battle of the Clouds, September 16, 1777. The Paoli Massacre was part of the third effort to contain British General William Howe's advance on Philadelphia.

In an effort to save the Paoli Battlefield, I will be introducing the P.A.T.R.I.O.T. Act—Preserve America's Treasures of the Revolution for Independence for Our Tomorrow. Passage of this legislation will forever insure that the sacrifice made by our nation's first veterans will be remembered. This legislation will also protect the Brandywine Battlefield. The Battle at Brandywine was the most significant battle of the Philadelphia campaign. My bill further memorializes this campaign by authorizing the Superintendent of Valley Forge National Historical Park to enter into an agreement with the Valley Forge Historical Society to build a museum which would house the world's largest collection of Revolutionary War artifacts and memorabilia, including the tent in which General Washington slept at Valley Forge.

And so, Mr. Speaker, it is with great pride that I rise today to recognize the outstanding young patriots of my district who have made their voices heard in the fight to preserve this piece of our nation's history. The students of these schools sent me almost five hundred letters, pictures, and banners with their plea for this body to "Remember Paoli!"—this small piece of land that is so important to their communities. As a former school teacher and a father of five, I am heartened by their dedication and commitment to this cause. The future of America lies with our youth, and with youngsters like these, I am confident that America's future will be bright.

I would like to congratulate these young patriots of my district, and thank them for taking part in this campaign to preserve the history of the Revolutionary War. I would also like to thank their teachers and parents who also sent me letters, and taught these students that their involvement could make a difference. I would like to include the letters of Melissa Clark, who is in the first grade at KDMarkely; Bonnie Hughes-Sobbi, mother of a fourth grader at KDMarkely; Bess McCadden, who is in the fourth grade at Charlestown Elementary; and Catherine Wahl, who is in the fourth grade at the Sugartown School, for the record so that my colleagues can also appreciate them.

JANUARY 6, 1998.

DEAR SIR: I am writing to you to ask you to save the Paoli Battlefield. We need to remember the men who fought to make our country free. Please do not build houses on the Paoli Battlefield.

Sincerely,

MELISSA CLARK.

JANUARY 5, 1999.

DEAR REPRESENTATIVE WELDON: It has come to my attention, through my daughter's fourth grade class, that a part of our local history is being threatened by "progress". The site to which I refer is the Paoli Battlefield, located in Malvern, PA.

Our children are being taught the importance of this site in their local history lessons and are also being taught to respect sites such as this for their intrinsic and irreplaceable value. We should be willing to support our lessons to our children by protecting the Paoli Battlefield from development.

Thank you for your efforts in support of protecting this site, hopefully with permanent registry as an historic landmark. I will be happy to lend any assistance, as I am able, to further this cause.

Very truly yours,

BONNIE HUGHES-SABBI.

DECEMBER 22, 1998.

DEAR REPRESENTATIVE WELDON: People know that it is wrong to build something on historical land. Valley Forge Park is part of our history, so we should also save the site of the Paoli Massacre Battlefield. My classmates and I have been studying it, and I think that building things on historical land is destructive. If General Anthony Wayne were here, he would do all he could to stop people from building something on the ground of our past.

Don't let people build on the site of the Paoli Massacre Battlefield! Please save it!

Sincerely,

BESS MCCADDEN.

DECEMBER 11, 1998.

DEAR MR. WELDON: I think that you should stop this craziness because it should remain a burial ground. Paoli isn't very popular except for the Paoli Battlefield. That puts us in the battlefield book. It is a historical sight [sic]. It's disrespectful to mow down a memorial battlefield. One of my ancestors was buried at that battlefield there so I care very deeply about this battlefield.

CATHERINE WAHL.

DEVOTED EMPLOYEES SAVINGS LIVES

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

G1THURSDAY, FEBRUARY 4, 1999

Mr. WALSH. Mr. Speaker, on Christmas Day, the New York Times ran a wonderful article that tells a story about the careful and thoughtful work of a cadre of employees at the U.S. Consumer Product Safety Commission (CPSC) who test toys to ensure they do not injure or kill children. One CPSC employee, Bob Hundemer, who works in CPSC's engineering laboratory, calls his toy testing work a "labor of love." The article goes on to describe some of the testing methods used to determine if certain toys are risks to children. The article quotes Robert Garrett, acting director of the lab: "I walk out of here every day thinking we're made the world a better place," adding, "I am not sure every government agency can say that."

As the new Chairman of the VA–HUD Independent Agency Appropriations Subcommittee, which has jurisdiction over the CPSC, I am delighted to read about Federal employees who are so devoted to the mission of their agency.

I commend this article to my colleagues.

[From the New York Times, December 25, 1998]

IN PARADISE OF TOYS, THE GAME PLAN IS TO SAVE LIVES

WASHINGTON, Dec. 24.—In the Washington suburb of Gaithersburg, Md., far from the intrigue of the capital and even farther from the North Pole, employees of the Consumer Product Safety Commission test toys of every description for dangers and defects.

Bob Hundemer, an engineering technician, has tested toys at the agency for two decades. He has cultivated a scrupulous and unforgiving eye for potential hazards and quickly detects whether a toy is up to standard—whether it is safe as well as inviting beneath the Christmas tree.

"This is a killer," Mr. Hundemer said, pointing to a fluorescent yellow rattle with an unusually thin stem and tiny ball at the tip. "The end could get jammed in a baby's mouth so easily and cause choking."

Mr. Hundemer's office is a 5-year-old's paradise. A bookcase overflowing with brightly colored tops, dolls, toy cars, and jacks-in-the-box covers the back wall. A sign reading "Caution: Adults at Play" adorns his door.

Robert Garrett, the acting director of the engineering laboratory, said: "After years in the private sector, I realized that I could get a job with the Government doing about the same thing. I thought I'd died and gone to heaven."

At the annual Toy Fair in February, giant manufacturers like Mattel and Hasbro, as well as small toy companies from around the country, gather in New York City to display their wares. Representatives from the commission attend the show and examine all the new toys. They discuss potential problems with the manufacturers and then work with them to insure that potential hazards are eliminated.

"The big retailers don't want to recall their products," said Kathleen P. Begala, the commission's director of public affairs. "With mailings and bad press, it's a very expensive process for them, and so there is an incentive to cooperate with us."

Mindful that injuries kill more children than any illnesses, the agency, which has requested just over $57 million for its 2000 budget, performs four tests on toys it reviews.

One, the template test, examines small parts of a toy that could catch in a child's throat and affect breathing. Mr. Hundemer uses a truncated cylinder that represents an average child's mouth and throat. Any piece of a toy that fits into the cylinder is considered dangerous.

The sharp-edge test uses a special tape to indicate whether any side of an object could cut the skin.

The force test determines how easily parts of the stuffed animals, like eyes and noses, can be removed from the toy. Mr. Hundemer users an instrument that resembles pliers to grasp the eye of a stuffed toy, for example, and applies 15 pounds of pressure, about the strength of a 2-year-old. He tries to rip off the part for about 20 seconds.

In the impact test, a toy is dropped four and a half feet to test durability. "We use something pretty cheap," Mr. Hundemer said. "It's called gravity." If pieces of the toy break off, and the shards of plastic fail the template test, the toy is considered not safe.

The commission officially approves toys that survive the tests.

Like veterans telling war stories, Ms. Begala and Mr. Hundemer recalled some of the most troublesome toys. They remembered the Cabbage Patch doll accused of "eating" a child's hair, the Chinese slap bracelets made with cloth and sharp metal that could cut a child and Woody, the cowboy with plastic spurs that had sharp edges and a small plastic badge.

Mr. Hundemer added that this year's hot toy, the Furby, was safe.

"People shopping for toys need to be sure that toys do not contain parts smaller than their child's fist," Mr. Hundemer said.

Mr. Garrett mused happily on his career.

"I walk out of here every day thinking we've made the world a better place," he said.

Then, pausing, he added, "I am not sure every government agency can say that."

CONGRESSIONAL COMMISSION ON SERVICEMEMBERS AND VETERANS TRANSITION ASSISTANCE

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. EVANS. Mr. Speaker, I am very pleased to be an original cosponsor of the "Servicemembers and Veterans Transition Services Improvement Act of 1999." This measure contains the improvements in benefits and services for America's service members and veterans recommended by the Congressional Commission on Service Members and Veterans Transition Assistance.

By way of background, the Commission was established by Public Law 104–275 and was directed to review the programs and benefits designed to facilitate the transition from military service to civilian life for those who have served in uniform. The Commission was encouraged to be thorough in its analysis of existing programs and to be bold in its recommendations for program changes and improvements. Without question, the Commission has met those challenges and transmitted to Congress a meticulous examination of transition programs in place today and an impressive list of recommendations to improve and enhance those existing programs and benefits.

Many of the Commission's proposals, particularly those related to veterans' education and training, can serve as a blueprint for the 106th Congress. Of particular interest to me is the recommendation to significantly increase and expand educational opportunities under the Montgomery GI Bill. I agree with the Commission's statement that education ". . . is the most valuable benefit our Nation can offer the men and women whose military service preserves our liberty." I know from first hand experience the benefits of these educational benefits and I look forward to discussing this and the Commission's other initiatives in depth during upcoming hearings.

I want to commend Tony Principi, chairman of the Transition Commission, and all of the Commissioners for their excellent service, dedication, and hard work on behalf of America's servicemembers and veterans.

There will be those who will say the recommendations made by the Transition Commission are too costly. If we value a strong defense and believe our Armed Forces and society in general will reap real benefits from the service of our best and brightest in our military, we cannot afford not to improve the transition benefits we offer to those who serve our nation in uniform.

CONGRESSMAN PETE STARK PROFILED IN U.U. WORLD

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. COYNE. Mr. Speaker, I submit the following remarks for the CONGRESSIONAL RECORD. The magazine U.U. World, which is published by the Unitarian Universalist Church, recently published a profile of Congressman PETE STARK, my long-time Ways and Means colleague. The article highlights some of Congressman STARK's concerns about the effects of welfare reform. I believe many of us share those concerns. I commend this article to my colleagues' attention.

[From the U.U. World, Jan./Feb. 1999]

A STARK ASSESSMENT: U.S. REP. PETE STARK SPEAKS OUT ON HEALTH CARE AND WELFARE REFORM

(By David Reich)

When President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, more commonly known as the welfare reform bill, U.S. Rep. Fortney Pete Stark didn't make a secret of his displeasure. "The president sold out children to get reelected. He's no better than the Republicans," fumed Stark, a longtime Unitarian Universalist whose voting record in Congress regularly wins him 100 percent ratings from groups like the AFL–CIO and Americans for Democratic Action.

One of the Congress's resident experts on health and welfare policy, the northern California Democrat has earned a reputation for outspokenness, often showing a talent for colorful invective, not to say name-calling. First elected to the House as an anti-Vietnam War "bomb-thrower" (his term) in 1972, Stark has called Clinton healthcare guru Ira Magaziner "a latter-day Rasputin" and House Speaker Newt Gingrich "a messianic megalomaniac." When the American Medical Association lobbied Congress to raise Medicare payments to physicians, Stark, who chaired the Health Subcommittee of the powerful House Ways and Means Committee, called them "greedy troglodytes," unleashing a $600,000 AMA donation to Stark's next Republican opponent.

"I've gotten in a lot of trouble speaking my mind," the congressman admits with a rueful smile. For all his outspokenness on politics, Stark appears to have a droll sense of himself, and he tends to talk softly, his voice often trailing off at the ends of phrases or sentences.

Back in the 1960s, as a 30-something banker and nominal member of the Berkeley, California, Unitarian Universalist congregation, Stark upped his commitment to the U.U. movement after his minister asked him to give financial advice to Berkeley's Starr King School for the Ministry. "I think I was sandbagged," he theorizes. After a day of poring over Starr King's books ("The place was going broke," he says), he was invited by their board chair to serve as the seminary's treasurer. "I said, 'Okay,'" Stark recalls. "He said, 'Then you have to join the board,' 'I said, I don't know, I guess I could.'"

The UUing of Pete Stark culminated at his first board meeting, when the long-serving board chair announced his resignation, and Stark, to his astonishment, found himself elected to take the old chair's place. "There I was," he reminisces, his long, slim body curled up in a wing chair in a corner of his Capitol Hill office. "And I presided over a change in leadership and then spent a lot of time raising a lot of money for it and actually in the process had a lot of fun and met a lot of terrific people."

The World spoke with Stark in early October, as rumors of the possible impeachment of a president swirled around the capital. But aside from a few pro forma remarks about the presidential woes ("His behavior is despicable, but nothing in it rises to the level of impeachment"), our conversation mainly stuck to healthcare and welfare the areas where Stark has made his mark in government.

World: You have strong feelings about the welfare reform bill. Do the specifics of the bill imply a particular theory of poverty?

PS: They imply that if you're poor, it's your fault, and if I'm not poor, it's because I belong to the right religion or have the right genes. That the poor are poor by choice, and we ought not to have to worry about them. It's akin to how people felt about lepers early in this century.

World: Does the welfare reform law also imply any thinking about women and their role in the world?

PS: Ronald Reagan for years defined welfare cheat as a black woman in a white ermine cape driving a white El Dorado convertible and commonly seen in food checkout lines using food stamps to buy caviar and filet mignon and champagne and then getting in her car and driving on to the next supermarket to load up again. And I want to tell you she was sighted by no less than 150 of my constituents in various supermarkets back in my district. They were all nuts. They were hallucinating. But they believed this garbage.

And then you've got the myth that, as one of my Republican neighbors put it, "these welfare woman are nothing but breeders"—a different class of humanity.

World: You raised the idea of belonging to "the right religion." Do these views of poor people, and poor women in particular, come out of people's religious training?

PS: No, my sense of what makes a reactionary is that it's a person younger than me, a 40- or 50-year-old man who comes to realize he isn't going to become vice president of his firm. His kids aren't going to get into Stanford or Harvard or make the crew team. His wife is not very attractive-looking. His sex life is gone, and he's run to flab and alcohol.

World: So it's disappointment.

PS: Yes. And when the expectations you've been brought up with are not within your grasp, you look around for a scapegoat. "It's these big-spending congressmen" or "It's these women who have children just to get my tax dollar. The reason I'm not rich is that I pay so much in taxes, the reason my children don't respect me is that the moral fabric has been torn apart by schools that fail to teach religion."

And then there's a group that I've learned to call the modern-day Pharisees, people from the right wing of the Republican party who have decided the laws of the temple are the laws of the land.

World: Then religion figures into it, after all.

PS: Oh, yeah, but to me that's a religion of convenience. In my book those are people with little intellect who listen to the Bible on the radio when they're driving the tractor or whatever. But I do credit them with being seven-day-a-week activists, unlike so many other Christians.

World: Going back to the welfare reform bill itself, how does it comport with the values implied by the UU Principles, especially the principle about equity and compassion in social relations?

PS: If you assume we have some obligation to help those who can't help themselves, if that's a role of society, then supporters of the welfare reform bill trample on those values. "I'm not sure that's the government's job," they would say. "It's the church's job, or it's your job. Just don't take my money. I give my cleaning lady food scraps for her family and my castaway clothes to dress her children. I put money in the poor box. What more do you want?"

The bill we reported out, the president's bill, was motivated by the belief that paying money to people on public assistance was, one-squandering public funds and, two preventing us from lowering the taxes on the overtaxed rich. I used to try and hammer at some of my colleagues, and occasionally, when I could show them they were harming children, they would relent a little, or at least they would blush.

World: Did you shame anyone into changing his or her vote or making some concessions on the language of the bill?

PS: We got a few concessions but not many. Allowing a young woman to complete high school before she had to look for a job because she'd be more productive with a high school education—you could maybe shame them into technicalities like that. But beyond that they were convinced that if you just got off the dole and went to work, you would grow into—a Republican, I suppose.

World: It's been pointed out often that many people who supported the bill believe, as a matter of religious conviction, that women should be at home raising kids, yet the bill doesn't apply this standard to poor women. Can the bill's supporters resolve that apparent contradiction?

PS: Yes. I hate to lay out for you what you're obviously missing. The bill's supporters would say that if a woman had been married and the family has stayed together as God intended, with a father around to bring home the bacon, then the mother could stay home and do the household chores and raise the children. They miss the fact that they haven't divided the economic pie in such a manner that the father can make enough money to support mother and child.

Now, I do think young children benefit grandly, beyond belief, by having a mother in full-time attendance for at least the first four years of life. But given the reality that a single mother has to work, you have to move to the idea of reasonable care for that mother's child. And by reasonable care I do not mean a day care worker on minimum wage who's had four hours of instruction and doesn't know enough to wash his or her hands after changing diapers and before feeding the kid. Or who's been hired without a criminal check to screen out pediphiles. Because it's that bad.

World: Did the welfare system as it existed before the 1996 bill need reform?

PS: Sure. The Stark theory—which I used to peddle a thousand years ago, when I chaired the House Public Assistance Committee—is that people have to be allowed to fail and try again and again—and again. We can't let people starve, but they've got to learn to budget money and not spend it all on frivolous things. So I'd have cashed out many of the benefits. For instance, instead of giving you food stamps worth 50 bucks, why don't I give you the 50 bucks? The theory behind food stamps was that you'd be so irresponsible you'd buy caviar and wine and beer and cigarettes and not have any money left for tuna fish and rice. And that kind of voucher doesn't give you the chance to learn.

We did a study, good Lord, in the 1960s in Contra Costa County, California. Our church was involved, along with the United Crusade charity, and some federal money went into it, too. We identified in the community some people who had never held a regular job—other women who had done day work or men who were nominally, say, real estate brokers but hadn't sold a house in years. And in this study we took maybe 20 of them and made them community organizers—without much to do but with a office and a job title. All this was to study what happened to those people when they had regular hours and a regular paycheck, having come from a neighborhood where people didn't necessarily leave for the office every morning at 7:30.

And we found that these people suddenly became leaders, that people in the neighborhood came to them for advice. They even talked about going into politics, just because of the fact that they fit into the structure and what that did for their self-image and their neighbors image of them.

Another part of that program: in the poorest parts of our community people were given loans to start new stores—wig shops and fingernail parlors and liquor stores and sub shops and soul food places and barbecue pits. The stores had little economic value but lots of social value. They were places where children of the families who owned them went after school, and people didn't sleep or piss in the doorways or leave their bottles there because the street with these shops became a community that had some cohesion—though when the funds were cut back, it reverted to boarded-up shops.

World: Are you suggesting that this kind of program night work for current welfare recipients?

PS: Absolutely. I don't believe for a minute that 99 percent of people, given the opportunity, wouldn't work. They see you and me and whoever—the cop on the beat, the school teacher, the factory worker, the sales clerk—going to work. People want to be part of that. It's just like kids won't stay home from school for very long. That's where the other kids are, that's where they talk about their social lives. That's where the athletics are. And so it is with adults: they want to be part of the fun, of the action.

Inefficient as some people's labor may be, as a last resort, bring them to work in the government. It would be so much more efficient than having to pay caseworkers and making sure they're spending their welfare checks the right way. Give them a living wage, damn it. They'll learn. And given time, their efficiency as economic engines will improve.

World: Do you have a clear sense of how the changes in the system are affecting welfare clients so far?

PS: No, and I'm having a major fight with our own administration over it. Olivia Golden, who until recently headed up the family, youth, and children office in the Health and Human Services Department, sat there blithely and told me, "Welfare reform is working!" I said, "Olivia, what do you mean it's working?" "Well, people all over the country have told me—" "How many?" "Maybe 12." I said, "Are you kidding? You've talked to maybe 12 people?"

They won't give us the statistics. They say, "The states don't want to give them to us." All we know—the only figures we have—is how many people are being ticked off the rolls. What's happened to the people who leave the rolls? What's happened to the kids? The number of children in poverty is starting to go up—substantially, even when their family has gotten off welfare and is working.

World: One of the arguments in favor of the welfare bill involved "devolution." Do you accept the general proposition that states can provide welfare better than the federal government?

PS: Well, the states were always doing it, under federal guidelines. Now we've taken away the guidelines and given the states money with some broad limitations.

I have no problem with local communities running public assistance programs. They're much closer to the people and much more concerned, and somebody from Brooklyn doesn't know squat about what's needed in Monroe County, Wyoming, where an Indian reservation may be the sole source of your poverty population. But I want some standards—minimum standards for day care, minimum standards for job training. I'm talking about support standards, not punishment standards.

World: And the current bill has only punishment standards?

PS: Basically. It's a threat, it's a time limit, it's a plank to walk.

World: What about the idea that welfare reform would save the government money? How much money has been saved?

PS: I can get the budget figures for you, but I suspect we haven't saved one cent. I mean, do homeless people cost us? What is the cost in increased crime? We're building jails like they're going out of style. Does the welfare bill have anything to do with that? I don't know, but I wouldn't make the case that they're unrelated.

So if you take the societal costs—are we saving? And it's such a minuscule part of the budget anyway. It's like foreign aid. I could get standing applause in my district by saying, "I don't like foreign aid." And if I ask people what we're spending on it, they say, "Billions, billions!" We spend diddly on foreign aid. The same is true for welfare. Any one of the Defense Department's bomber programs far exceeds the total cost of welfare.

World: Is there any hope of improving the country's welfare system in the short or medium term, given that the 1996 bill did have bipartisan support?

PS: It had precious little bipartisan support, but it had the president. No, I don't think we're apt to make changes. And what's fascinating is that with the turn in global events our economy may have peaked out. We may be heading down. And while this welfare reform may have worked in a booming economy, when the economy turns down, those grants to the states won't begin to cover what we'll need.

World: If Congress isn't likely to do anything, what can people in religious communities do to make sure the system is humane?

PS: They can get active at the state and local level. Various states may do better things or have better programs or more humane programs. And the lower the level of jurisdiction, the easier it is to make the change, whether it's in local schools or local social service delivery programs.

The other thing is to take the lead in going to court. It's the courts that have saved us time after time—in education, women's rights, abortion rights. We need to look for those occasions where a welfare agency does something illegal—and there will be some—and take up the cause of children whose civil rights are being violated.

World: Let's shift over to healthcare. In the 1992 presidential campaign, the idea of a universal healthcare plan was seen as very popular with the voters. Why did the Clinton health plan fail?

PS: I'd like to blame it on Ira Magaziner and all the monkey business that went on at the White House—the secret meetings and this hundred-person panel that ignored the legislative process. Their proposal became discredited before it ever got to Congress. We paid no attention to it. My subcommittee wrote our own bill, which accomplished what the president said he wanted. It provided universal coverage, it was budget-neutral, and it was paid for on a progressive basis.

World: And it did that by expanding Medicare?

PS: Basically it required every employer to pay, in effect, an increase in the minimum wage, to provide either a payment of so much an hour or add insurance. And if they couldn't buy private insurance at a price equivalent to the minimum wage increase, they could buy into Medicare—at no cost to the government on a budget-neutral basis. But the bill allowed private insurance to continue, with the government as insurer of last resort.

We got it out of committee by a vote or two, but then on the House floor, we couldn't get any Republican votes. They unified against it, so we never had the votes to bring it up.

The Harry and Louise ads beat us badly. People were convinced that government regulation was bad, per se. It was just the beginning of the free market in medical care, which we're seeing the culmination of now in the for-profit HMOs and the Medicare choice plans that are collapsing like houses of cards all over the country. But back in 1993 the idea was "Let the free market decide HMOs will be created. They'll make a profit, they'll give people what they want. People will vote with their feet and the free market will apply its wonderful choice."

World: Did that bill's defeat doom universal healthcare for a long time to come?

PS: It certainly doomed it for this decade, and things are only getting worse. We now have a couple of million more people uninsured. We're up to about 43.5 million uninsured, and we were talking about 41 million back in 1993. And people on employer-paid health plans are either paying higher copays or getting more and more restricted benefits. Plus early retirement benefits are disappearing, so that if people retire before 65, they often can't get affordable insurance. It will have to get just a little worse before we'll have a popular rebellion. We're seeing in the managed care bill of rights issue where people are today. To me, that the most potent force out there in the public.

World: In both areas we've been discussing assistance to the poor and health insurance, the US government is taking less responsibility than virtually all the other industrial democracies.

PS: Why take just democracies? Even in the fascist countries, everybody's got healthcare. We are the only nation extant that doesn't offer healthcare to everybody.

Take our neighbor Canada. There is no more conservative government on this continent, north or south. I've heard the wealthiest right-wing Canadian government minister say, "I went to private prep schools, but it never would it occur to us Canadians to jump the queue, go to the head of the line in healthcare. We believe healthcare is universal. Now, we fight about spending levels, we fight about the bureaucracy, and we fight about how we're working the payment system." But they don't question it.

World: In the US we do question it—the right to healthcare, that is, Why?

PS: It's connected with this idea of independence. Where do we get the militas from, and those yahoos who run around in soldier suits and shoot paint guns at each other?

World: The frontier ethos?

PS: Maybe, maybe. And the American Medical Association is not exactly exempt from blame. The physicians are the most antigovernment group of all. They're the highest paid profession in America by far, and so they are protecting their economic interests. Though the government now looks a little better to them than the insurance industry because they have more control over government than over the insurance companies.

Look, the country was barely ready for Medicare when that went through. It just made it through Congress by a few votes. There are some of us who would have liked to see it include nursing home or long-term convalescent care. That can only be done through social insurance, but people won't admit it. They say, "There's got to be a better way." It's a mantra. On healthcare: "There's got to be a better way." Education: "There's got to be a better way."

They've yet to say it for defense though. I'm waiting for them to privatize the Defense Department and turn it over to Pinkerton. Although in a way they have. There's a bunch of retired generals right outside the Beltway making millions of dollars of government money training the armed forces in Bosnia. I was there and what a bunch of crackpots! They've got these former drill sergeants over there, including people out to try to start wars on our ticket.

World: A few more short questions. Have the culture and atmosphere of the House changed in the years since you arrived here?

PS: Yes, though I spent 22 years in the majority and now four in the minority, so I may just be remembering good old days that weren't so good. Back when I was trying to end the Vietnam War, I was in just as much of a minority as I am now, and I didn't have a subcommittee chair to give me any power or leverage.

On the other hand, look at the country now. Look at tv talk shows—they argue and shout and scream, and then they call it journalism. Maybe we're just following in their footsteps.

World: Is it a spiritual challenge for you to have to work with, or at least alongside, people with whom you disagree, sometimes violently?

PS: Yes, and I don't do a very good job. My wife says, "When you retire, why don't you become an ambassador?" And I say, "Diplomacy doesn't run deep in these genes." But it's tough if you internalize your politics and believe in them.

Still, I like legislating—to make it all work to take all the pieces that are pushing on you, to make the legislation fit, to accommodate and accomplish a goal. It really makes the job kind of fascinating. I once reformed the part of the income tax bill that applies to life insurance, and that's one of the most arcane and complex parts of the tax bill. It was fun—bringing people together and getting something like that. And actually, writing that health bill was fun.

But not now. We don't have any committee hearings or meetings anymore. It's all done in back rooms. Under the Democratic leadership we used to go into the back room, but there were a lot of us in the room. Now they write bills in the speaker's office and avoid the committee system. I mean, it's done deals. We're not doing any legislating, or not very much.

World: Do you think about quitting?

PS: No, I don't think about quitting. I'd consider doing something else, but I don't know what that is. Secretary of health and human services? Sure, but don't hold your breath until I'm offered the job. Even in the minority, being in the Congress is fascinating, and as long as my health and facilities hold out. . . . I mean, I'm not much interested in shuffleboard or model airplanes.

IN TRIBUTE TO BILL SEREGI

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. GILMAN. Mr. Speaker, it is my sad responsibility to advise our colleagues of the recent passing of an outstanding American, a remarkable individual, and a tremendous philanthropist.

Bill Seregi was born in Budapest, Hungary in 1903. Although as a youth he aspired to a career in engineering, he found this avenue closed to him by the blatant anti-Semitism which permeated that part of Europe at that time. Instead, Bill went into the jewelry trade at a young age, and soon was considered a master of that trade in his home nation.

In 1928, he married the lovely Lily and thus began a marriage which lasted seventy years. The union between Bill and Lily is an inspiration to all of us.

By 1939, Bill and Lily were considered leading citizens of Budapest. That year, World War II struck Europe like a dreaded thunderstorm, and no life was left untouched. As devout Jews, Bill and Lily found themselves targeted by the oncoming Nazi hordes. Bill was sentenced to a concentration camp. Torn from his family, Bill was forced to toil at slave labor in the Nazi labor camps. It was only his hope of reuniting with his family which kept Bill alive during the horrible years of the Holocaust.

After the defeat of Nazi Germany, Bill was reunited with Lily and they brought together the survivors of their family. Bill and Lily spent the post-war years trying to rebuild their shattered lives. But the respite was short-lived. Hungary was soon taken over by Soviet dictators and, in many ways, life was no better than under Nazi domination. In 1951, Bill and Lily emigrated to the United States to start a new life, for themselves and their family.

Once he had emigrated to the U.S., Bill found the peace and freedom which he so vainly sought all of his life. No freedom did he cherish more than his right to worship according to his own beliefs and the beliefs of his faith. Bill learned very soon after arriving in America about B'nai Zion, the brotherhood organization of people desiring a homeland for Jews in Palestine. Bill soon threw most of his energies into the many philanthropic works of B'nai Zion. He became President of one of the local chapters of B'nai Zion, the Theodore Herzl Lodge.

Bill Seregi devoted a great part of his life to the B'nai Zion Foundation, as well as to various fund raising efforts for the State of Israel. Bill earned a name for himself throughout the greater New York region, and became highly respected as a superb spokesperson. He was active in the America Israel Friendship League, which cemented a good relationship between our nations. Bill also established a "Gift of Giving Scholarship" award presented to students of New York City high schools.

In presenting the scholarship to the worthy students, Bill Seregi summed up his philosophy of life to them:

"a. Help those in need
b. Fight against intolerance
c. Study more than you want to
d. Be grateful to those who teach you; and
e. Knowledge is your fortune."

A few years ago, Bill Seregi was the recipient of the Dr. Harris J. Levine Award, the highest honor possible from the B'nai Zion organization. At that time, Norman G. Levine, the son of the philanthropist for whom the award was named, stated: "There could not possibly be any better candidate or anyone more dedicated to the same principles as my father than Bill."

Bill left us on Dec. 16th, 1998, at his golden age of 95. He leaves behind his widow Lily, to whom he had been married for more than 70 years. He also leaves his children, Ann and Larry, his grandchildren Ellie and Lewis, and many loving nieces and nephews and their families.

By fleeing the tyranny of Communism in 1951, Bill Seregi demonstrated that it is never too late for any individual to seek freedom, liberty and justice for themselves and their families. By continuing his career as a master of the art of jewelry as well as his advocation of Zionist and philanthropic causes, Bill underscores the old adage that if you want something done, ask a busy person. No one will ever fully know the suffering Bill and Lily experienced under both Nazism and Communism, and no one will ever know how many lives they touched and how many people were positively impacted by their decision to help others rather than curse their own misfortune.

Mr. Speaker, our condolences are extended to the many loved ones Bill leaves behind, and the countless individuals who were inspired by this outstanding human being.

IN RECOGNITION OF MR. JAMES CALVIN PIGG

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. COMBEST. Mr. Speaker, it is my distinct privilege to rise today to honor one of

Texas' finest agricultural journalists, Mr. James Calvin Pigg, editor of the Southwest Farm Press magazine in Dallas, Texas. Calvin has served as editor since the magazine's founding in 1974, faithfully reporting agricultural news for Southwest Farm Press for 25 years. A native Texan, Calvin has practiced his craft on radio, television, and print coverage of agriculture in the Southwest since 1955. After more than 40 years on the Texas and Oklahoma agricultural scene, his hands-on reporting style keeps stories fresh and interesting. Reporting the dynamic and ever-changing events within the agriculture industry is an important duty since farmers and ranchers across the Southwest depend on this information.

In addition to his Farm Press duties, he has served as a member of the Dean's Advisory Committee for Texas Tech University's College of Agricultural Sciences and Natural Resources and has received the college's prestigious Gerald W. Thomas Outstanding Agriculturists Award in 1985. His unsurpassed dedication and genuine concern for the South Plains agricultural industry is legendary. He also was honored for his distinguished service to Texas agriculture by the Professional Agricultural Workers of Texas in 1980. Calvin was the president of the Dallas Agricultural Club in 1989, and his active involvement in various professional and honor societies proves he truly is a friend of agriculturists.

It is with great honor that I recognize Mr. James Calvin Pigg on his commitment to the agricultural industry and his tireless dedication and service to Southwest Farm Press.

LEGISLATION TO BENEFIT THE AGRICULTURE COMMUNITY NATIONWIDE

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. CONDIT. Mr. Speaker, today, I have introduced several pieces of legislation that I believe should be considered during the 106th Congress. These bills represent a broad array of policy initiatives that will benefit the agriculture community nationwide.

AGRICULTURAL WATER CONSERVATION ACT

Over the past few years I have read countless articles on the need to conserve water and the role federal government has with this mission. While discussing water conservation methods with farmers in my district, I found cost was their overriding concern. The outlays required to implement water conservation systems, (i.e., drip irrigation, sprinkler systems, ditch lining) are a tremendous burden on the agriculture industry. While I firmly believe most agriculture interests are genuinely concerned about conserving water, cost has crippled the ability to implement conservation methods on farms.

The Agricultural Water Conservation Act is not a mandate for expensive water conservation systems, it is a tool and an option for farmers. Specifically, it will allow farmers to receive up to a 30% tax credit for the cost of developing and implementing water conservation plans on their farm land with a cap of $500 per acre. The tax credit could be used primarily for the cost of materials and equipment. This legislation would not require them to change their irrigation practices. However, it would allow those farmers who want to move toward a more conservation approach of irrigation but cannot afford to do it during these tough economic times.

CANNED PEACH RESOLUTION

For almost two decades, the European Union (EU) has been heavily subsidizing its canned fruit industry to the detriment of California cling peach producers and processors. Despite a Section 301 investigation, a favorable GATT ruling against the EU, and a subsequent US/EU agreement intended to contain the problem, the EU canned fruit regime has in fact grown considerably more disruptive over time. In recent years, EU canned fruit subsidies have greatly increased (now totaling between $160–$213 million annually), as has injury to the California industry in every one of its markets.

The resolution I introduced today details the problem, identifies it to be of priority concern, and calls for corrective action. I hope by introducing this resolution we can highlight this dispute as a trade priority, underscore that relief is long-overdue and convey a message to the EU that its canned fruit subsidy excesses must be discounted.

LAND FOR YOUNG FARMERS AND RANCHERS

We are well aware of the migration away from rural areas in part due to the difficulty young people encounter to stay in farming. I believe providing young farmers the opportunity to discover, first-hand, the changing technologies agriculture presents and to keep them interested in agriculture is a vital role for Congress. This legislation will help advance young people's interest in farming much like the USDA's Beginning Farmer Program.

Specifically, this bill will allow education institutions and non-profit organizations that are involved in teaching farming to young people the ability to acquire land held by USDA. Currently this ability is available, however, these specific groups are put at the bottom of the list of people who are eligible to bid for the land. Under current law, these groups are bidding against interested parties such as real estate investors, land speculators, and business groups, all of which could easily increase the price of the land making it financially impossible for organizations interested in keeping the land in farming. My legislation will provide these nonprofits and educational institutions the same purchasing rights to USDA land as beginning farmers. Under the bill, these groups must be involved in teaching young people farming practices they can use to start their own farming practice. Given the current age of our farm and ranch population, I believe the ability for young people to start a farming or ranching operations remains a top priority of the agriculture community. This bill will continue to advance that priority.

INTRODUCTION OF THE UNITED STATES FEDERAL GOVERNMENT PRESERVATION ACT OF 1999

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. BARR of Georgia. Mr. Speaker, I rise today in support of the United States Federal Government Preservation Act. On the first day of the 106th Congress, I introduced H.R. 62 and H.R. 63. Both of these bills concern Executive Order 13107, which President Bill Clinton signed on December 10, 1998. Today I am introducing a redrafted version of this legislation. The two bills I am reintroducing today take the necessary steps to nullify the provisions of Executive Order 13107 and prevents the Federal Government from spending any money to implement this Executive Order.

Executive Order 13107 directs the Federal Government to take numerous steps to require our nation to comply with the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment (CAT), and the Convention on the Elimination of all Forms of Racial Discrimination (CERD). In my legislation, I discussed the fact that these treaties were never given the advice and consent of the Senate. In clarification, these treaties did in fact pass the Senate by voice vote.

Our Constitution provides in Article II, section 2, clause 2, that "He [the President] shall have the Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur." Because these treaties were accepted by voice vote, we cannot be certain where each individual Senator stands on the particular treaties involved. I believe these concerns warrant a debate, and an individual vote in the Senate. Committing the American people to United Nations treaties is an endeavor that should be carefully scrutinized.

President Clinton claims this Executive Order was written to promote this Administration's human rights record. In actuality, it acts as a vehicle to commit the United States to a definition of human rights that is vastly different from the one contained in our Constitution. The United Nations defines human rights in The Universal Declaration of Human Rights, which addresses the freedom of thought, conscience, religion, opinion, and expression. Article 29 of this document states that "These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations."

The founding documents of the United States make it clear that basic human rights are inalienable, meaning they descend from the ultimate Sovereign, the Creator, God. Therefore, no human authority, no government, no criminal, no individual can abrogate or abridge those rights. The United Nations has frequently shown only contempt for biblical values, American sovereignty, and the U.S. Constitution. If the government can bestow upon a people certain rights, it can just as easily take those rights away. On December 10, 1998, with the signing of this Executive Order, President Clinton accepted on behalf of all Americans a definition of human rights that descends from government authority. Due to this action, every American has lost some of their basic freedoms.

Executive Orders are supposed to be a presidential tool for running the Federal Government. President Clinton, however, has used Executive Orders to bypass the legislative branch, and make policy affecting other branches of government, states, and individuals. For example, Executive Order 13107 requires the Federal government to establish the Interagency Working Group on Human Rights Treaties to provide guidance, oversight, and coordination concerning adherence to and implementation of U.S. human rights obligations and related matters. This not only expands the President's regulatory authority, but also bypasses Congress's legislative powers and the Senate's treaty power. If President Clinton believes this is an important objective of his Administration he should send legislation to Capitol Hill and allow Congress the ability to debate and vote on this proposal. It is clear this Executive Order contains alarming provisions that diminish basic rights provided for in our Constitution.

This is a clear example of the President abusing the power entrusted to him by the American people. As Paul Begala, an aid to Clinton, has stated "The President has a very strong sense of powers of the presidency, and is willing to use all of them." I believe Congress should recognize its power and vote on the United States Federal Government Preservation Act of 1999 in order to stop the implementation of Executive Order 13107. Executive Orders have long been recognized as a presidential prerogative. However, they are not a blank check to rewrite the Constitution or to assume powers that belong to the states, or other branches of government. This Congress needs to take immediate steps to ensure Executive Orders are used for their intended purpose, and not to take rights away from American citizens.

TRIBUTE TO GORDON GRAVES

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. WELLER. Mr. Speaker, I rise today to honor and recognize the life of Gordon Graves, who died on September 16, 1998 at the age of 80. Gordon Graves was a great man and true hero in his efforts to save the Kankakee River.

Gordon Graves was born along the banks of the Kankakee River and thus knew and understood the river. He had been known to describe himself as a "river rat" and was a lifelong hunter, fisherman, and conservationist who spent most of his life protecting the Kankakee River. Gordon was one of the first voices of concern for the Kankakee River. According to Gordon, people took whatever they could get from the river, and the next day, they took it again. The problem is that they took more than the river had to give.

At the age of 45, Gordon Graves retired early to work full time to protect the Kankakee River. He is one of the founding fathers of the Northern Illinois Angler's Association, and of the Alliance to Restore the Kankakee River. Throughout his life, Gordon Graves served on many Illinois State Conservation Advisory Boards and Commissions. The highest honor Gordon Graves received was the Pride of America Award, presented to him by President Ronald Reagan.

Gordon Graves is survived by his wife, Marion Graves. As one newspaper article pointed out, Gordon Graves has passed on a legacy of spirit, of vision and of organization that will see his work continue.

Gordon Graves' commitment and impact on his community is not only deserving of congressional recognition, but should serve as a model for others to follow.

At a time when our nation's leaders are asking the people of this country to make serving their community a core value of citizenship, honoring Gordon Graves is very appropriate.

I urge this body to identify and recognize others in their congressional districts whose actions have so greatly benefited and enlightened America's communities.

HELPING PARENTS TEACH THEIR KIDS: THE CHILDREN'S EDUCATION TAX CREDIT

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. ROGAN. Mr. Speaker, as the father of two beautiful twin daughters, Dana and Claire, I am firmly committed to providing our nation's children an education which will prepare them for the future. Congress must empower parents to do more for their children so that our nation's next generation can truly thrive.

That's why I am introducing the Children's Education Tax Credit Act today. This bill provides a $1,000 tax credit per child for education expenses. The tax credit will be given to families who devote their hard-earned money to purchase textbooks, supplies, educational computer software, tuition, and other resources their children need to excel in school.

Today, an average American family spends about $720 per year on each child's learning. Sadly, too many Americans are forced to choose between spending a little extra on their kid's learning or paying the rent. With the Children's Education Tax Credit, parents can better afford to make the best education choices for their children. It is vital that we reward investment in a child's education and encourage families to control more of their own money.

By letting parents decide how best their education dollars can be spent, we begin deferring to local communities and families the crucial decisions on how to educate a child. For the sake of our children, I urge that Members join me in fighting for sound education for our nation's children by supporting the Children's Education Tax Credit Act.

RESOLUTION OPPOSING THE UNILATERAL DECLARATION OF A PALESTINIAN STATE

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. SALMON. Mr. Speaker, the Resolution I have introduced today expresses bipartisan, bicameral congressional opposition to the unilateral declaration of a Palestinian state and urges the President to do the same and promise that such a declaration would not be recognized by the United States. Before I discuss the merits of the bill, I would like to thank Majority Whip DELAY, as well as Representatives SAXTON and ENGEL for all of their work in crafting the resolution. I would also like to thank Senators BROWNBACK and WYDEN for introducing the companion resolution in the other chamber.

The United States owes Chairman Arafat no favors. At least eleven American citizens have been killed in Israel by Palestinian terrorists since the signing of the Oslo Accords in 1993. Of the 15 Palestinians identified by Israel as participants in these attacks, most are free men, and four are reportedly serving in the PA police force. The Palestinian Authority harbors more terrorists who have murdered Americans than Libya.

The introduction of the resolution could not be more timely. Today, President Clinton is expected to meet with Chairman Arafat at the congressional prayer breakfast. His conversation with Chairman Arafat should make at least one point clear: The United States will NEVER recognize a unilaterally declared Palestinian state—whether the state is declared in this manner on May 4, 1999—the date the Oslo accords expire—January 1, 2000, or any date thereafter. It has been reported that Chairman Arafat may use the issue of statehood at the meeting to leverage the United States to place pressure on Israel to withdraw from additional land. President Clinton must not succumb to these tactics.

As our resolution states, at the heart of the Oslo process lies the basic, irrevocable commitment made by Palestinian Chairman Yasser Arafat that, in his words, "all outstanding issues relating to permanent status will be resolved through negotiations." Resolving the political status of the territory controlled by the Palestinian Authority while ensuring Israel's security is one of the central issues of the Israeli-Palestinian conflict. Therefore, a declaration of statehood outside the framework of negotiations would constitute a fundamental violation of the accords.

In mid-July, Chairman Arafat stated that "there is a transition period of five years and after five years we have the right to declare an independent Palestinian state." On September 24th, Chairman Arafat's cabinet threatened to unilaterally declare a Palestinian state that would encompass a portion of Jerusalem. The cabinet announced that "At the end of the interim period, [the Palestinian Authority] shall declare the establishment of a Palestinian state on all Palestinian land occupied since 1967, with Jerusalem as the eternal capital of the Palestinian state."

Jerusalem is the undivided, eternal capital of Israel, and U.S. law—the Jerusalem Embassy Act—recognizes that this should be U.S. policy. Palestinian threats to declare a state on land they do not have any territorial control over—particularly Jerusalem—at the very least amounts to a renunciation of the Oslo process, and could legitimately be interpreted by Israel as an act of war. The Administration has not effectively dampened the dangerous proclamations issued by the Palestinian Authority on statehood, and as May 4th rapidly approaches, if U.S. policy remains murky, hostilities could occur.

The most recent statements by Palestinian leaders have been confusing and somewhat contradictory. A number of reports indicate that plans for a unilateral declaration of statehood may be delayed—at least until after Israel holds elections on May 17th. However, some of the comments suggest that the Palestinians are still intent on declaring a state on May 4th. On January 24th, a senior Palestinian official told the Voice of Palestine that May 4th "is a day [which has] international legitimacy" and that "the Palestinian leadership can not postpone this date for even an hour in announcing an independent Palestinian state." The day before, another senior official said that May 4th is "a historic and vital day," suggesting that the Palestinians will indeed declare a state on this day.

The Clinton Administration has done little to discourage Palestinian aspirations of having a unilaterally declared state recognized by the United States. On several occasions over the past year, the Clinton administration has refused to express U.S. opposition to the unilateral declaration of an independent Palestinian state, and has left it as an open question as to whether the United States will recognize a unilaterally declared Palestinian state. As a case in point, during President Clinton's visit to Gaza, in December, Chairman Arafat reaffirmed his intention of establishing a Palestinian state with its capital in Jerusalem. Unfortunately, the President might have only encouraged this course when he said: "[T]he Palestinian people and their elected representatives now have a chance to determine their own destiny on their own land."

Recently, however, the President has issued more appropriate comments on the issue of statehood. In an interview for a London-based Saudi newspaper in mid-January, President Clinton said that: "[We] oppose the declaration of a state or any other unilateral action by any party outside the negotiation process in a manner that could pre-empt the negotiations." He also said that, "We are making maximum efforts to strengthen negotiations on the final status (of the Palestinian territories) and believe that those who think they can adopt unilateral measures during the transitory period are opening up a path to catastrophe."

President Clinton's latest remarks on this issue are welcome but do not go far enough. A careful reading of his comments suggests that the United States may oppose a unilaterally declared Palestinian state, but has left open the possibility of recognition. It is critical for the President privately to inform Chairman Arafat and publicly tell the world that a unilateral declaration of statehood is a grievous violation of Oslo and will be firmly opposed, and never recognized by the United States.

I am encouraged that Congress is working in a bipartisan basis to head off this destabilizing threat to peace in the Middle East. It is essential that the United States speak loudly and clearly in advance of May 4th, to prevent a terrible miscalculation by Chairman Arafat.

PROTECTING ISRAEL

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. DeLAY. Mr. Speaker, I worked with Mr. SAXTON, Mr. SALMON and now over 60 cosponsors to introduce a resolution calling on the President to clarify American policy with respect to a unilateral declaration of an independent Palestinian state. I did this because I feel the Administration's policy regarding Israel and the Middle East process has been confusing and misleading not only for the American people, but for the international community at large, and especially for the parties to the peace process itself.

The United States has never endorsed the creation of a Palestinian state. After the signing of the Oslo accords, the U.S. made it clear that all questions of sovereignty and statehood were a matter for negotiations between Israel and the Palestinians. However, First Lady Hillary Clinton's public statement last May that "it will be in the long-term interests of the Middle East for Palestine to be a state . . . and seen on the same footing as any other state" put U.S. policy on this issue in severe and grave doubt.

The First Lady's remarks came almost exactly one year before the scheduled expiration date in May, 1999 for completing the final status talks between Israel and the Palestinians under the Oslo agreement. Any unilateral declaration of statehood will constitute a fundamental violation of the Oslo accords because they were agreed to only after Chairman Arafat made an irrevocable commitment that, in his words, "all outstanding issues relating to permanent status will be resolved through negotiations." Since resolving the political status of the Palestinian people while protecting the security of Israel is one of the central issues of the Palestinian-Israeli conflict, any effort to act unilaterally on the issue will have the effect of destabilizing the current security situation not only in Israel but in the entire region.

So it is of great concern that despite official denials by the United States State Department and numerous other officials in the administration, the First Lady's remarks were interpreted by many around the world, including Palestinian Authority President Yasser Arafat, as "a very important and clear signal" regarding the Administration's position on the issue of Palestinian statehood. Arafat subsequently threatened to unilaterally declare an independent Palestinian state in May of 1999—which is now just three months away.

Last July, subsequent to the First Lady's remarks, the United Nations voted to elevate the Palestinian observer mission at the UN to the status of a full observer mission, a status just short of that accorded an independent state. Then last fall, while speaking before the United Nations, Yasser Arafat called on world leaders to support an independent Palestinian state—though the U.S. State Department scrambled mightily to prevent him from also repeating his threat to declare such a state unilaterally.

Mr. Speaker, what has been missing from this debate over the last year has been a public—and unequivocal—statement from President Clinton himself that the United States will never recognize the unilateral declaration of an independent Palestinian state. No amount of denials, statements, or clarifications by Secretary of State Madeleine Albright and other functionaries down at the State Department can dispel the confusion and uncertainty about U.S. policy occasioned by the First Lady's remarks. Rightly or wrongly, the perception of many around the world and even in this country is that only President Clinton has the clout to override the influence of the First Lady within his Administration on this point.

For the President to pretend otherwise is to hide his head, and America's, in the sand. The need for the President to personally act to clarify the U.S. position was brought home when Yasser Arafat stated last July that "[t]here is a transition period of five years and after five years we have the right to declare an independent Palestine state. We are asking for an accurate implementation, an honest implementation of what has been signed in the White House under the supervision of President Clinton."

Even after the conclusion of the Wye River agreement and the call for new elections in Israel, Chairman Arafat, his cabinet, the Palestinian legislature, and other officials continue to threaten to unilaterally proclaim the establishment of a Palestinian state when the Oslo accords expire on May 4, 1999. On January 24th, senior Palestinian official Saeb Erekat told the Voice of Palestine that May 4th "is a day [which has] international legitimacy" and that "the Palestinian leadership can not postpone this date for even an hour in announcing an independent Palestinian state." The day before the Palestinian Minister of Planning and International Cooperation, Nabil Shaath, said that May 4th is "a historic and vital day" suggesting that the Palestinians will indeed declare a state on this day.

We must remember that Yasser Arafat and the Palestinians demand the whole West Bank and has declared "that there can be no permanent peace as long as the problem of Jerusalem remains unresolved." The Palestinian Cabinet, on Thursday, September 24, stated that "at the end of the interim period, it (the Palestinian government) shall declare the establishment of a Palestinian state on all Palestinian land occupied since 1967, with Jerusalem as the eternal capital of the Palestinian state."

It is way past time for the President to declare that the United States will never recognize a unilateral declaration of an independent Palestinian state, and that Israel, and Israel alone, can determine its security needs. This was made clear back in June, less than a month after the First Lady's remarks, when Palestinian National Council Speaker Salim al-Za'nun announced that, "If following our declaration of state, Israel renews it occupation of

East Jerusalem, the West Bank, and the Gaza strip, the Palestinian people will struggle and resist the occupier with all means possible, including armed struggle." If the President fails to speak and the Palestinians do declare an independent state, what security there is currently prevailing in Israel and the region could dissipate overnight.

This is a common sense resolution that clarifies United States policy toward Israel. We all hope that Israel and the Palestinian people can work out an arrangement that benefits both communities and the region as a whole. But we should never forget in the quest for peace that Israel is a proven friend and ally of the United States.

I urge my colleagues to support this resolution and to expedite its consideration.

A TRIBUTE TO CYNTHIA S. HARRINGTON

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. HOEKSTRA. Mr. Speaker, too often, our staff employees get little or no recognition for the work they do to keep this body functioning. They are the unsung heroes of this institution. Today, I would like to say a few words of thanks to one of those heroes.

A native of Harrisburg, Pennsylvania, and a graduate of Pennsylvania State University, Cynthia S. Harrington has worked for Members of the U.S. House of Representatives since 1973. Cindy began her tenure as Office Manager and Administrative Secretary to Congressman Ronald A. Sarasin of Connecticut, then moved to the office of Congressman Robert Davis of Michigan in 1979. She worked as Congressman Davis' Executive Assistant until 1993, when I had the fortune of hiring her as my Executive Assistant when I joined Congress.

For the last six years, Cindy has been one of the constants in my office—booking my flights, scheduling my meetings in Washington, paying the bills and generally making sure I was where I needed to be at any given point in time.

After 25 years of service to this institution and the American people, Cindy is leaving us and moving to the private sector. She will be working part-time for the CATO Travel Agency and will be spending more time being a mom to her 7-year-old daughter, Jessica, and spending more time at home with her husband, Lee, and Jessica. I expect she will continue to be active in her church and at her daughter's school as a classroom volunteer and on grounds projects, as well as with her daughter's Brownie troop selling cookies.

So, in closing, I just want to say, "Thank you, Cindy." Thank you for helping a newcomer in 1993 become an effective Congressman today. Thank you for helping me get home to my family every weekend. Thank you for making sure we all got paid. Thank you for serving the American people for a quarter-century.

You will be missed.

TRIBUTE TO ANTHONY GOVERNALE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Ms. ESHOO. Mr. Speaker, I rise today to honor Anthony Governale, a former mayor of San Bruno, California and a dedicated community leader of San Mateo County who passed away on December 29, 1998.

Born in Brooklyn in 1929, Anthony Governale became interested in politics at a young age, helping his uncle run for a Brooklyn ward seat. He moved to San Francisco in 1950 where he met his wife who was performing in community theater—his other passion that was equal only to politics.

Mr. Governale was very active in politics, assisting numerous state, local and federal campaigns as well as serving as President of the San Mateo County Democratic Council. He was elected to public office in 1971 when he won election to the San Bruno City Council. He served as Mayor from 1974–75 and remained on the Council until 1978.

Mr. Governale was also active in a broad range of civic groups including serving as Executive Director of the Daly City-Colma Chamber of Commerce, board member of the San Mateo County Fair, and as President of the San Bruno Chamber of Commerce Governing Board up until his death.

Mr. Governale also served on the governing board of Shelter Network of San Mateo County and was the first Chairman of the San Mateo County Health Center Foundation Board. The Foundation's resources directly improve the lives of patients at San Mateo County General Hospital.

Mr. Speaker, Anthony Governale was a very kind and selfless man dedicated to his family, his community and his country. All who knew him sought his wisdom and advice on issues and life in general. He lives on through his three children and two grandchildren, through his devoted wife Helen, and through all of us who were blessed to be part of his life.

Mr. Speaker, I ask my colleagues to join me in paying tribute to a wonderful man who lived a life of purpose and to extend our deepest sympathy to Helen Governale and the entire Governale family.

TRIBUTE TO THE LATE MILLS E. GODWIN, JR.

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. BLILEY. Mr. Speaker, on February 2, 1999, Virginia buried a man in the loamy soil of Southeast Virginia. This was no ordinary man—his name was Mills E. Godwin, Jr. He will be remembered as one of the greatest political figures of the 20th Century in Virginia.

Mills was born on November 19, 1914 in Chuckatuck, Virginia. Mills' lifelong interest in politics began at the age of 11. He later earned a bachelor's degree from William and Mary in 1934 and a law degree from the University of Virginia in 1938. While attending law school, Mills met Katherine Beale. They were married October 26, 1940. This beautiful marriage lasted for fifty-eight years until Mills passed away on January 30, 1999.

At the outbreak of World War II, he worked for the Federal Bureau of Investigation with distinction. He began his political career in 1947 by winning election to the Virginia House of Delegates. In 1951, Mills won election to the state Senate where he served for ten years until his election as Lieutenant Governor in 1961. In 1965, Mills became the Democratic nominee for Governor and was elected to the first of his two terms as Governor of the Commonwealth of Virginia.

During his first term of office, Mills created the community college system in Virginia while using state bonds to sponsor huge increases in funds for public education. Under Mills Godwin's leadership, policies were enacted improving educational opportunities for students from kindergarten to graduate school while improving teacher's pay.

Today, national leaders spend a lot of time touting their education programs. Yet, Mills was leading the way thirty years ago. Mills Godwin's vision for education in the 1960's still holds true as a model for the 1990's. Governor Godwin laid the cornerstone for today's educational system and our leaders should emulate his policies while remembering that a Virginian showed the way to improving education thirty years ago.

He left office because he was term-limited after one term but he would run again for Governor in 1973 as a Republican. He won the election and became the only two-term Governor of Virginia this century. During his second term, Mills established the Department of Corrections, reinstated the death penalty for violent offenders while increasing spending on our state's education and health systems and its sprawling infrastructure needs.

Mills is long remembered for revising the state Constitution and his lengthy term of service to the people of Virginia. However, I will remember him for his help to me when I was mayor of Richmond in the seventies and his leadership in and out of office. He unfailingly reached across party-lines to accomplish the greater good for all Virginians. After all, he remarked, there was "no higher honor" than to be Governor of Virginia.

In Virginia, we have many statesmen and Mills is one for the 20th Century. When it was the right thing to do, he acted with strong leadership because he was not permanently bound to a rigid devotion to history. He knew it was imperative we learn from our past mistakes—and this was his attitude for success.

He now joins his daughter Becky in heaven but he left a huge impact on our lives. May God Bless Mills, his wife Katherine, his sister, Leah Keith, and his family and friends.

THE CHARITABLE INTEGRITY RESTORATION ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 4, 1999

Mr. KLECZKA. Mr. Speaker, today I am introducing the Charitable Integrity Restoration Act. This legislation addresses most of the sophisticated and shameful tax schemes that I have seen. Recently, The Wall Street Journal has run a series of articles on the so-called charitable split-dollar insurance plans where wealthy individuals are taking improper tax deductions in an effort to avoid paying their fair share of taxes.

The legislation would prohibit the use of charitable split-dollar insurance plans where wealthy individuals give a substantial "gift" to the charity and subsequently take a tax deduction for that contribution. The charity, in turn, invests a portion of that money in a life insurance policy for the heirs of the donor or in an annuity contract in the name of the donor. The charity retains the right to a small portion of the policy's proceeds. In other words, the donors get the benefit of purchasing a life insurance or annuity policy using the charitable contribution deduction—something all other taxpayers would pay for directly out of their own pocket.

I would like to point out there is no provision in the Tax Code that gives investors even the remote impression that charitable split-dollar investment policies are legal. Instead, this is a mythical creation of those who are trying to find ways for their clients to avoid paying their fair share of taxes.

This scheme also violates the principle of charitable giving. Charitable contributions are tax deductible because they are supposed to benefit an organization dedicated to a worthy cause. Under this abuse, the charities simply become a conduit for a tax avoidance scheme.

The Charitable Integrity Restoration Act would end the abuse of charitable split-dollar investment policies. The donors face the prospect of having their investment returned to them and losing their tax deduction for the so-called charitable contribution.

Furthermore, any charitable organization engaging in split-dollar insurance plans would lose their tax-exempt status. Anticipating such action, the National Committee on Planned Giving, a professional association based in Indianapolis, has called the scheme "a high-risk venture" exposing participating charities to considerable financial risk, which "may endanger the tax-exempt status of charities that participate."

Mr. Speaker, it is my hope that the House will pass the Charitable Integrity Restoration Act and put an end to this abusive tax practice and restore charitable contributions to their original intent—helping people in need

SENATE—*Saturday, February 6, 1999*

The Senate met at 10:05 a.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following:

Mr. Chief Justice, it is with profound sadness that we express our grief over the loss of our legislative clerk, R. Scott Bates, who, along with his wife, Ricki Ellison Bates, last evening was struck by a car while walking across Lee Highway in Arlington. Mrs. Bates remains in serious condition and needs our prayers throughout this day.

Let us pray.

O eternal God, our heavenly Father, who loves us with an everlasting love and transforms the darkness of the Valley of the Shadow of Death into bright hope, the Senate family of Members and staff call on You for strength, comfort, and courage. Tragic death has taken from us a beloved friend, an admired fellow worker, a faithful Senate employee for over 30 years.

In the quietness we can hear his voice call the roll, read proposed legislation and, most of all, express his caring friendship to us all.

Thank You for Scott's commitment to excellence and his dedication to the work of the Senate regardless of long sessions or arduous debate. We intercede now for his wife, for her complete healing and recovery. Hold his wonderful children in Your loving arms: Lisa, Lori, and Paul. We remember with gratitude Lisa and Lori's outstanding service as pages in the Senate. Help them and their brother, Paul, to know that their dad, whom they loved so deeply, is with You. He trusted You in this life and now lives with You forever. Traumatic as was his physical death, it was but a transition in his eternal life.

Now, Lord, bless the Senate as it turns to the work of this day, cognizant of the shortness of time and the length of eternity for all of us. In the sure hope of the resurrection and eternal life. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

The CHIEF JUSTICE. The majority leader is recognized.

R. SCOTT BATES, LEGISLATIVE CLERK

Mr. LOTT. Mr. Chief Justice, our Senate family grieves today and our hearts are heavy as a result of the tragic loss of Scott Bates. Senators come and Senators go, but Scott has been a fixture in this great Chamber for 30 years and the last 8 years as our legislative clerk. His familiar voice was a pillar of our continuity and tradition. He was not just a coworker; he was a friend, really a great guy. Even as we conduct our business today, we will be grieving, but those who knew him well know that that is exactly what he would want us to do, to continue with the work of the Senate to which he devoted his life. He was an example of public service at its finest, never claiming the spotlight, never seeking a headline, but always working for the good of this institution and for the country we are here to serve.

We pray for the recovery of his wife, Ricki. We ask that the Lord keep her and their three children always in His care. Before I ask for a moment of silence by the Senate, I yield to Senator DASCHLE for his comments.

The CHIEF JUSTICE. The minority leader is recognized.

Mr. DASCHLE. I thank the majority leader. I thank our Chaplain for his gracious prayer.

The presence of Scott Bates in that chair and in our lives is something most of us have counted on each and every day. As the majority leader so eloquently said, he, Scott, served the Senate, our country, and each of us so admirably for the last 30 years. Who can forget that resonant voice? Who can forget the call of the roll? Who can forget the authority with which he articulated each of our names? The answer is—no one.

When Scott began his service, Senator Mansfield was the majority leader and Senator Hugh Scott the minority leader. Ever since that time, Scott was an integral part of the history created in this Chamber and certainly an integral part of our Senate family. He grew up with small town values, active in his church and Boy Scouts. He loved politics and school and served as a page in both the House and the Senate in the Arkansas Legislature. Scott's love of politics came naturally for him. His father actually served as a member of the Arkansas State Legislature. In 1970 he came here as a summer intern for Senator John McClellan, in the bill clerk's office, and began his work for us in 1973.

Today, we send our thoughts and our prayers to his wife, Ricki, who remains in the hospital, and to their three children, Lisa, Lori, and Paul, and his family in Arkansas, who are now dealing with this tragic loss.

Mr. LOTT. Mr. Chief Justice, I now ask that all Senators rise and let's observe a moment of silence for our friend, Scott Bates.

(Moment of silence, Senators rising.)

Thank you, Mr. Chief Justice.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

Mr. LOTT. Mr. Chief Justice, under the order for today there will be a 6-hour presentation equally divided between the House managers and the White House counsel. It would be our intention to have a break around noon so we will have an opportunity for lunch, and also it may be necessary to have one break, a brief break, before that time.

Following today's presentation, the Senate will adjourn over until 1 p.m. on Monday.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of the proceedings of the trial are approved to date.

ORDER OF PROCEDURE

The CHIEF JUSTICE. Pursuant to the order of February 1, 1999, the managers on the part of the House of Representatives and the counsel for the President each have 3 hours to make their presentation. The Chair recognizes Mr. Manager ROGAN to begin the presentation on the part of the House of Representatives.

Mr. Manager ROGAN. Mr. Chief Justice, distinguished counsel for the President, Members of the United States Senate, this is the first and only chance you will have in this historic impeachment trial to consider the evidence from a few of the actual witnesses. After weeks of proceedings, the day has finally arrived when the U.S. Senate will listen, not just to lawyers talk about the evidence, but to witnesses with direct knowledge of the unlawful conduct of the President of the United States.

Today in particular, you will have your only opportunity to hear from the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

one person whose testimony invariably leads to the conclusion that the President of the United States committed perjury and obstructed justice in a Federal civil rights action. That person is Monica Lewinsky, a bright lady whose life has forever been marked by the most powerful man on the Earth.

If her testimony is truthful, then the President committed the offenses alleged in the articles of impeachment. Many different opinions have been formed about her over the last year. Nearly all of this has been fueled by spin and by propaganda rather than by truth. Today, the analysis and the speculation ends. There is only one judgment the Senate must make for history about Monica Lewinsky: Do you believe her?

(Text of videotape presentation:)

SENATOR DeWINE. Do you, Monica S. Lewinsky, swear or affirm that the evidence you shall give in the case now pending between the United States and William Jefferson Clinton, President of the United States, shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS. I do.

SENATOR DeWINE. The House managers may now begin your questioning.

Mr. Manager ROGAN. Who is this former intern who swore under oath to tell the truth, the whole truth, and nothing but the truth? Monica Lewinsky is an intelligent, articulate young woman who, until recently, held untarnished hope for tomorrow, like any other recent college graduate. That hope was drastically altered when she was subpoenaed in a lawsuit against the President of the United States.

(Text of videotape presentation:)

But for the record, would you state your name once again, your full name?

A. Yes. Monica Samille Lewinsky.

Q. And you're a—are you a resident of California?

A. I'm—I'm not sure exactly where I'm a resident now, but I—that's where I'm living right now.

Q. Okay. You—did you grow up there in California?

A. Yes.

Q. I'm not going to go into all that, but I thought just a little bit of background here. You went to college where?

A. Lewis and Clark, in Portland, Oregon.

Q. And you majored in—majored in?

A. Psychology.

Q. Tell me about your work history, briefly, from the time you left college until, let's say, you started as an intern at the White House.

A. Uh, I wasn't working from the time I—

Q. Okay. Did you—

A. I graduated college in May of '95.

Q. Did you work part time there in—in Oregon with a—with a District Attorney—

A. Uh—

Q. —in his office somewhere?

A. During—I had an internship or a practicum when I was in school. I had two practicums, and one was at the public defender's office and the other was at the Southeast Mental Health Network.

Q. And those were in Portland?

A. Yes.

Q. Okay. What—you received a bachelor of science in psychology?

A. Correct.

Q. Okay. As a part of your duties at the Southeast Health Network, what did you—what did you do in terms of working? Did you have direct contact with people there, patients?

A. Yes, I did. Um, they referred to them as clients there and I worked in what was called the Phoenix Club, which was a socialization area for the clients to—really to just hang out and, um, sort of work on their social skills. So I—

Q. Okay. After your work there, you obviously had occasion to come to work at the White House. How did—how did you come to decide you wanted to come to Washington, and in particular work at the White House?

A. There were a few different factors. My mom's side of the family had moved to Washington during my senior year of college and I wanted—I wasn't ready to go to graduate school yet. So I wanted to get out of Portland, and a friend of our family's had a grandson who had had an internship at the White House and had thought it might be something I'd enjoy doing.

Q. Had you ever worked around—in politics and campaigns or been very active?

A. No.

Q. You had to go through the normal application process of submitting a written application, references, and so forth to—to the White House?

A. Yes.

Q. Did you do that while you were still in Oregon, or were you already in D.C.?

A. No. The application process was while I was a senior in college in Oregon.

Q. Had you ever been to Washington before?

A. Yes.

Q. Obviously, you were accepted, and you started work when?

A. July 10th, 1995.

That image, the image of a young woman, very much like a family member or a friend that we might know, is an image that the President did not want America to see when his indiscretions with her became public. When that happened, the President painted Monica Lewinsky in a very different and callous light.

(Text of videotape presentation:)

WILLIAM JEFFERSON CLINTON: But I want to say one thing to the American people. I want you to listen to me. I'm going to say this again. I did not have sexual relations with that woman, Ms. Lewinsky. I never told anybody to lie, not a single time, never. These allegations are false, and I need to go back to work for the American people. Thank you.

"That woman" with that subtle description, the President invited a waiting America to adopt a totally false impression of Monica Lewinsky. That was not fair. Yet, with his close aides, aides that he later testified he knew would be witnesses before the grand jury, he went much further than a subtle sneer. Hear the words of Sidney Blumenthal, assistant to the President, recount how the President painted this vulnerable young intern who made the tragic mistake of becoming involved with him.

(Text of videotape presentation:)

Q. Did the President then give you his account of what happened between him and Monica Lewinsky?

A. As I recall, he did.

Q. What did the President tell you?

A. He, uh—he spoke, uh, fairly rapidly, as I recall, at that point and said that she had come on to him and made a demand for sex, that he had rebuffed her, turned her down, and that she, uh, threatened him. And, uh, he said that she said to him, uh, that she was called "the stalker" by her peers and that she hated the term, and that she would claim that they had had an affair whether they had or they hadn't, and that she would tell people.

Q. Do you remember him also saying that the reason Monica Lewinsky would tell people that is because then she wouldn't be known by her peers as "the stalker" anymore?

A. Yes, that's right.

Q. Do you remember the President also saying that—and I'm quoting—"I've gone down that road before. I've caused pain for a lot of people. I'm not going to do that again"?

A. Yes. He told me that.

Q. And that was in the same conversation that you had with the President?

A. Right, in—in that sequence.

Q. Can you describe for us the President's demeanor when he shared this information with you?

A. Yes. He was, uh, very upset. I thought he was, a man in anguish.

He was a man in anguish. This was more than rakish behavior. When the President used his aides as a conduit to impart false information to a Federal grand jury in a criminal investigation, his behavior graduated from the unconscionable to the illegal.

Members of the Senate, your task is to determine who is telling the truth and who is lying. As you weigh that option, consider Mr. Blumenthal's conclusion drawn on the very subject.

(Text of videotape presentation:)

Q. That's where you start talking about the story that the President told you. Knowing what you know now, do you believe the President lied to you about his relationship with Ms. Lewinsky?

A. I do.

To justify a vote of not guilty for the President, you certainly have the right to reject Monica Lewinsky's testimony as untruthful. However, I trust your sense of fairness will dictate that you will listen to all of her testimony before you dismiss it outright. If you believe her, you will see this morning how the President wove the web of perjury and obstruction of justice. You will see why he was impeached by the House of Representatives, and you will see why a just and proper verdict in this body would be to replace him as President with Vice President Al Gore.

Consider, for example, Ms. Lewinsky's testimony regarding witness tampering, one element of the obstruction of justice charge against the President. The President stands charged with illegally encouraging a witness in a Federal civil rights suit brought against him to give perjured testimony in that proceeding. Did he do this? Listen to Monica Lewinsky.

(Text of videotape presentation:)

Q. We're at that point that we've got a telephone conversation in the morning with you and the President, and he has among other things mentioned to you that your name is on the Jones witness list. He has also mentioned to you that perhaps you could file an affidavit to avoid possible testifying in that case. Is that right?

A. Correct.

Q. And he has also, I think, now at the point that we were in our questioning, referenced the cover story that you and he had had, that perhaps you could say that you were coming to my office to deliver papers or to see Betty Currie; is that right?

A. Correct. It was from the entire relationship, that story.

Q. Now, when he alluded to that cover story, was that instantly familiar to you?

A. Yes.

Q. You knew what he was talking about?

A. Yes.

Q. And why was this familiar to you?

A. Because it was part of the pattern of the relationship.

It was part of the pattern of the relationship. During Ms. Lewinsky's testimony earlier this week under oath pursuant to a Senate deposition order, she further elaborated on this critical piece of evidence.

(Text of videotape presentation:)

Q. Did you discuss anything else that night in terms of—I would draw your attention to the cover stories. I have alluded to that earlier, but, uh, did you talk about cover story that night?

A. Yes, sir.

Q. And what was said?

A. Uh, I believe that, uh, the President said something—you can always say you were coming to see Betty or bringing me papers.

Q. I think you've testified that you're sure he said that that night. You are sure he said that that night?

A. Yes.

Consider also Ms. Lewinsky's testimony regarding concealing subpoenaed evidence; namely, the gifts he gave her. This is yet another element in the obstruction of justice allegation against the President. The President stands charged with corruptly engaging in a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him. Did he do this? Remember, on the morning of December 28, 1997, a few days after Ms. Lewinsky received a subpoena directing her to turn over any gifts she had received from the President, the President met with Ms. Lewinsky. She suggested to him that she could give the gifts he gave her to Betty Currie, the President's personal secretary. The President said that he would think about it. Listen to what Monica Lewinsky said happened next.

(Text of videotape presentation:)

Q. Did you later that day receive a call from Betty Currie?

A. Yes, I did.

Q. Tell us about that.

A. I received a call from—Betty, and to the best of my memory, she said something like I understand you have something for me or I know—I know I've testified to saying that—that I remember her saying either I know you have something for me or the President said you have something for me. And to me, it's a—she said—I mean, this is not a direct quote, but the gist of the conversation was that she was going to go visit her mom in the hospital and she'd stop by and get whatever it was.

Q. Did you question Ms. Currie or ask her, what are you talking about or what do you mean?

A. No.

Q. Why didn't you?

A. Because I assumed that it meant the gifts.

As you can see, the only way Betty Currie would have known to come and get the gifts would have been for the President to tell her to do so.

Finally, consider Ms. Lewinsky's testimony regarding the President's help in securing a New York job for her to encourage her silence, which is another element of the obstruction of justice charge against him. The President is charged with chasing a job for her in order to prevent her truthful testimony. Did he do this? Remember that the President learned on December 6, 1997, that Ms. Lewinsky was on the Paula Jones witness list.

Listen to Monica Lewinsky.

(Text of videotape presentation:)

Q. Okay. Between your meeting with Mr. Jordan in early November, and December the 11th when you met with Mr. Jordan again, you did not feel that Mr. Jordan was doing much to help you get a job; is that correct?

A. I hadn't seen any progress.

Q. Okay. After you met with Mr. Jordan in early December, you began to interview in New York and were much more active in your job search; correct?

A. Yes.

Q. In early January, you received a job offer from Revlon with the help of Vernon Jordan; is that correct?

A. Yes.

Members of the Senate, these are but a few highlights of a broad tapestry of corruption that Mr. Manager HUTCHINSON and I will develop for you this morning through videotape testimony and through other evidence.

Before we proceed to that, it is worth briefly recounting the circumstances that elevated the President's initial indiscretions to the level of impeachable offenses. The lesson is not complex. It is quite elementary.

In all the things we do in life, life is about making choices. Parents teach children that bad choices bring sorrow and consequences. We do that because the failure to impose meaningful consequences for bad choices brings about more bad choices. That simple primer on life encapsulates the political and personal legacy of Bill Clinton, his continuing pattern of indulging all choices and accepting no consequences. This is demonstrated by the actions he took leading to his impeachment and trial before the Senate.

In May 1991, an incident allegedly occurred that led the President to make a bad choice. According to Paula Jones, a subordinate government employee, then-Governor Clinton made a crude and unwelcome sexual advance on her. She later filed a legal claim for sexual harassment against him.

In November 1995, the President made another bad choice. He began a physical relationship with a 22-year-old White House intern. He chose to begin a physical relationship with her. This was not, as he told the grand jury, a relationship that began as a friendship only to later blossom into intimacy. The President impulsively began using her for his gratification the very day he first spoke with her. Later, he made the bad choice of continuing the relationship after Monica became a paid Government employee.

An important note. As regrettable as his choice was here, any accountability for the private aspect of this should not be determined by the Congress of the United States. It should be determined by his family. Had the President's bad choice simply ended with this indiscretion, we would not be here today. Adultery may be a lot of things, but it is not an impeachable offense.

Unfortunately, the President's bad choices only grew worse. In December 1997, the President made a bad choice. In order to avoid any possible legal accountability to Paula Jones, he chose to destroy her lawful right to proceed with her case. And this is how he did it: During the so-called discovery portion of the Paula Jones case, Federal Judge Susan Wright ordered the President to answer questions under oath about any intimate relationship he may have had with subordinate female government employees while he was Governor or President.

Why did Judge Susan Wright order him to answer these questions? She did it because sexual harassers in the workplace usually do not commit their offenses in the open. Typically they get their victims alone and isolated. Predators know if they can do this, one of two things generally will happen. Out of fear and intimidation the victim will submit, or out of fear and intimidation the victim will not submit but the victim will not tell anybody about it.

There usually is no other way for a sexual harassment victim to learn if there is evidence of a pattern of similar conduct by a predator without being able to ask these kinds of questions in a sexual harassment case. Without this information, a harassment victim in the workplace generally would not be able to prove her case. This is why courts routinely order defendants to answer these kinds of questions in almost every sexual harassment case in the country.

Now, President Clinton vigorously pursued legal arguments and motions to avoid answering these questions about his sexual relations with subordinate government employees. Yet, after hearing his arguments, Judge Susan Wright ordered the President to answer under oath these routine questions. And by the way, Paula Jones also was required to provide truthful answers under oath as part of the trial of the discovery process. Had Paula Jones lied in providing such answers, she would have been liable for criminal prosecution.

It was while the Paula Jones case was proceeding in the summer of 1995, that a 22-year-old named Monica Lewinsky went to work as an intern at the White House. Shortly thereafter, in November 1995, the President began his physical relationship with Monica Lewinsky. And this continued from 1995 until the early part of 1997.

In order to shield him, Monica Lewinsky promised the President that she would always deny the sexual nature of their relationship. She said she would always protect him. The President spoke words of approval and encouragement to this pledge of secrecy. Monica and the President even agreed to cover stories to disguise the true nature of their relationship.

In April 1996, Monica was transferred, against her will, from the White House job to a job at the Pentagon. After she left employment at the White House, she frequently returned there to continue her secret relationship with the President under the guise of visiting Betty Currie, the President's personal secretary.

After working at the Pentagon for over a year, Monica became disheartened. Despite the President's promises to the contrary, Monica was not returned to work at the White House. In July 1997, she began looking for a job in New York. She wasn't having any luck, despite the President's promise to help her with this, too. By early November 1997, Monica became frustrated with the lack of assistance.

Finally, Betty Currie arranged a meeting for Monica with Vernon Jordan, one of the President's closest friends. They sought to enlist his help in her New York job search. On November 5, 1997, Monica met for 20 minutes with Mr. Jordan in his office. No job referrals followed, no job interviews were arranged, and there were no contacts from Mr. Jordan. In short, Mr. Jordan made no effort to find Monica a job. Indeed, getting her a job was so unimportant to him that Mr. Jordan later testified that he didn't even remember meeting her on November 5.

Nothing happened on her job search through the month of November, because Mr. Jordan was either gone or he simply wasn't returning Monica's phone calls. All that changed on December 5, 1997. That was the day Monica Lewinsky's name appeared on the Paula Jones witness list.

Members of the Senate, this is how the whole thing started. A lone woman in Arkansas felt that she had been wronged by the President of the United States. The law said that she had a right to have her claim heard in a court of law. At each stage the President could have chosen to uphold the law. Instead, he chose to obstruct justice and to commit perjury.

In his presentation, Mr. Manager HUTCHINSON will show you, through videotape words of the key witnesses, how the President used his position to obstruct justice as set forth in the articles of impeachment. I will then return to make the same showing respecting the allegations of perjury in the articles. Throughout all of this, throughout this presentation, it is important to keep in mind that we seek no congressional punishment for a man who chose to cheat on his wife. However, we have a legal obligation to expect constitutional accountability for a President who chooses to cheat the law.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager HUTCHINSON.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice.

Ladies and gentlemen of the Senate, I want to continue the presentation that was commenced this morning by Mr. Rogan. Let me continue with the path of obstruction. The obstruction, for our purposes, began on December 5, 1997, when the witness list came out in the civil rights case. It was faxed to the President's lawyers. It was later given to the President.

At that point, the administration of justice became a threat to the President of the United States. He determined that the truth would be harmful to the case that he was trying to defend, and the President made a decision to take whatever steps were necessary to suppress the truth rather than to uphold the law. The acts of obstruction included attempts to improperly influence the testimony of witnesses in the case against him, the procurement of a false affidavit in the case, the willful concealment of evidence that was under subpoena, and efforts to illegally influence the testimony of witnesses before the Federal grand jury.

You have heard these areas of obstruction presented to you before by managers on behalf of the House. Today it is important that you hear this case from those who have testified by deposition at your direction. And as you hear their testimony, you will see that the President may have been the only individual who had the complete picture. He had all the facts, and he did not always share those facts with others. He did not share those facts with Mr. Vernon Jordan, nor did he share all the facts with Ms. Monica Lewinsky, until he determined the time was right to do so.

For example, he knows that Ms. Lewinsky is a witness but does not tell Ms. Lewinsky that fact until the time is right and whenever the job search is proceeding. He asks Mr. Jordan to help Ms. Lewinsky to get a job, but he does not tell Mr. Jordan the essential facts, first of all, that Ms. Lewinsky is a witness and, secondly, that there is a dangerous relationship between them in which, if she testified, her testimony would be harmful.

The President was obviously concerned about the truth of the testimony of Ms. Lewinsky. It would have been harmful to his interests in the case. As a result, the President personally obstructed and directed the efforts of Mr. Jordan to secure Ms. Lewinsky a job and urge the filing of the affidavit. Now, what is the President's defense to this charge? Let's listen.

(Text of videotape presentation:)

Q. Was your assistance to Ms. Lewinsky which you have described in any way dependent upon her doing anything whatsoever in the Paula Jones case?

A. No.

Now, you have heard that before. As you can see, Mr. Jordan defends his actions and, by implication, defends the actions of the President. You can weigh his intentions, but his intentions are not the issue, because regardless of your view of Mr. Jordan and his motivations, they are irrelevant. His view as to whether there is a connection between the job and the testimony is not an issue. It is not an issue as to whether Ms. Lewinsky thought there was a connection between the job and the testimony. It is not an issue as to whether Revlon thought there was a connection between the job and the testimony.

There is only one issue, and that is whether the President viewed that there was a connection between those two. And it is the President who, under the law, had to have the corrupt intent, and that is the question that you have to answer. And I believe that the evidence will show that regardless of what anyone else believed, he knew the direct connection.

Now, after each of you hears the testimony of Ms. Lewinsky and Mr. Jordan, some of you will conclude that surely he had to know that there was an inappropriate relationship between the President and Ms. Lewinsky. And why do I say that? Well, Ms. Lewinsky will testify that he made it clear—that she made it clear to Mr. Jordan that there was that type of relationship. At first, she sort of is careful about it, but then she just ultimately tells him, as you will see from her testimony. But Mr. Jordan also, for those who have listened to his testimony, refers to mother wit, and his oft relied upon mother wit would have told him as well, under the circumstances, that there is something more going on.

If he knew about the relationship, he had to know that all was not as it should be in what the President was asking him to do. The President requested a job for Ms. Lewinsky at the same time he was monitoring the filing of a false affidavit and knowing she was a witness in a case against him: All indicated that the job was not a favor for a young friend but it was a favor for someone in high office that had to be accomplished in order to assure the cooperation of a dangerous witness. That evidence will show that it is the President who suggested the assistance from Ms. Lewinsky and it is the President who suggested the false affidavit.

Now, let's listen to the testimony, step by step, through the job search, through the signing of the false affidavit, to the encouragement to file the false affidavit on December 17, to the discussion of the gifts on December 28, through the tampering with the testimony of Betty Currie on two occasions, and then with the President's aide when they were called before the Federal grand jury, or prior to that.

First, let's go to the job benefit to Ms. Lewinsky. How involved was the President in this activity? Let's first listen to the President as to what he said when he testified under oath in his deposition.

(Text of videotape presentation:)

Q. Do you know a man named Vernon Jordan?

A. I know him well.

Q. You have known him for a long time?

A. A long time.

Q. Has it ever been reported to you that he met with Monica Lewinsky and talked about this case?

A. I knew that he met with her. I think Betty suggested he met with her and she may have met with her. I thought that he talked with her about something else. I thought he had given her some advice about her move to New York. It seems like that is what Betty said.

Rather vague. Attributes all of his knowledge about Vernon Jordan, in reference to Ms. Lewinsky, to Betty, to Betty.

Let's go on and hear more of what the President has to say in this connection.

(Text of videotape presentation:)

Q. Have you ever had a conversation with Vernon Jordan in which Monica Lewinsky was mentioned?

A. I have. He told me that he thought he mentioned in passing to me that he had talked to her and she had come to him for advice about moving to New York.

Q. She had come to him for advice.

A. She had come to him for advice about moving to New York. She had called him and asked if she could come see him, and Betty, I think, maybe had said something to him about talking to him and he had given her some advice about moving to New York.

That's all I know about that.

That is all I know about that—diminished knowledge, diminished responsibility.

But let's see what his good friend and confidant, Mr. Jordan, says about what the President knew, when he knew it, and to what extent he controlled this effort.

(Text of videotape presentation:)

Q. Now, is it true that your efforts to find a job for Ms. Lewinsky that you referenced in that meeting with Mr. Gittis—were your efforts carried out at the request of the President of the United States?

A. There is no question but that through Betty Currie, I was acting on behalf of the President to get Ms. Lewinsky a job. I think that's clear from my grand jury testimony.

Q. Okay. And I just want to make sure that that's firmly established. And in reference to your previous grand jury testimony, you indicated, I believe, on May 28th, 1998, at page 61, that "She"—referring to Betty Currie—"was the one that called me at the behest of the President."

A. That is correct, and I think, Congressman, if in fact the President of the United States' secretary calls and asks for a request that you try to do the best you can to make it happen.

Q. And you received that request as a request coming from the President?

A. I—I interpreted it as a request from the President.

Q. And then, later on in June of '98 in the grand jury testimony at page 45, did you not reference or testify that "The President asked me to get Monica Lewinsky a job"?

A. There was no—there was no question but that he asked me to help and that he asked others to help. I think that is clear from everybody's grand jury testimony.

Q. And just one more point in that regard. In the same grand jury testimony, is it correct that you testified that "He"—referring to the President—"was the source of it coming to my attention in the first place"?

A. I may—if that is—if you—if it's in the—

Q. It's at page 58 of the grand jury—

A. I stand on my grand jury testimony.

As Mr. Jordan testified, the President was a source of it coming to his attention in the first place. Mr. Jordan, the President's friend, testified that this was not a casual matter for the President. He was interested, he was directing the show and, as will be clear, he was consumed with preventing the truth from coming out in the civil rights case.

But let's start back, for a moment, at the beginning. In the packet provided to you, there is a time line, and you can see again that there was the witness list that came out on December 5. That triggered the action in this case. But as we know, there was a meeting on November 5 between Ms. Lewinsky and Mr. Jordan in Mr. Jordan's office. Ms. Lewinsky wanted a job before the witness list came out, but not a whole lot was happening in that regard.

Let's look at the testimony of Mr. Jordan in regard to this November 5 meeting that he was first asked about, which he had no recollection about. When the records were reproduced for him, he had a recollection.

(Text of videotape presentation:)

Q. Well, regardless of whether you met with her in November or not, the fact is you did not do anything in November to secure a job for Ms. Lewinsky until your activities on December 11 of '97?

A. I think that's correct.

Q. And on December 11, I think you made some calls for Ms. Lewinsky on that particular day?

A. I believe I did.

There will be a pattern developing, as you can see. Mr. Jordan had no recollection of the November 5 meeting when he originally testified before the grand jury. He had no recollection whatsoever of that meeting. Basically, he said it didn't happen.

The second time he testified before the grand jury, the record was produced and it was substantiated. He recalls that. The second thing you can see from this was the meeting was of absolutely no consequence to him because this was not a priority issue to him. He was not going to do anything. It started happening, of course, when the witness list came out. The President met with the attorneys with the witness list, and on December 7 the President and Mr. Jordan meet. On December 8, a meeting is set up by Ms. Lewinsky with Mr. Jordan for the 11th, and it was on the 11th when they met that things started moving and calls were being made. Of course, that was done at the direction of the President.

Look at Ms. Lewinsky's recollection of that same November 5 meeting.

(Text of videotape presentation:)

Q. . . . you did not feel that Mr. Jordan was doing much to help you get a job; is that correct?

A. I hadn't seen any progress.

Q. Okay. After you met with Mr. Jordan in early December, you began to interview in New York and were much more active in your job search; correct?

A. Yes.

Q. In early January, you received a job offer from Revlon with the help of Vernon Jordan; is that correct?

A. Yes.

Ms. Lewinsky, at this point, is at their mercy. She doesn't know what the communication is, she doesn't know what the President knows. The witness list has come in, and she hoped things were moving, but she doesn't know it. Finally, they start moving after the witness list comes in. On December 11, she has the meeting at which things start moving.

Was this a typical referral? Each of you in this body have had occasions where friends and acquaintances, at different levels, or previous employees come to you and say: I am going to be applying for a job with such and such a company. Will you be a reference for me?

Sometimes they ask you to make a call to that company that they are applying for a job. This is not a typical referral, as you will see from the testimony. A few days prior to the December 11 meeting, Ms. Lewinsky sends up a wish list of the companies she wanted to apply. Mr. Jordan quickly said, "I'm not concerned about your wish list. I have the people I want to deal with." He took control of the job search.

Let's listen to the testimony of Mr. Jordan as he emphasizes that point.

(Text of videotape presentation:)

Q. Now, you mentioned that she had sent you a—I guess some people refer to it—a wish list, or a list of jobs that she—

A. Not jobs—companies.

Q. —companies that she would be interested in seeking employment with.

A. That's correct.

Q. And you looked at that, and you determined that you wanted to go with your own list of friends and companies that you had better contacts with.

A. I'm sure, Congressman, that you too have been in this business, and you do know that you can only call people that you know or feel comfortable in calling.

Q. Absolutely. No question about it. And let me just comment and ask your response to this, but many times I will be listed as a reference, and they can take that to any company. You might be listed as a reference and the name "Vernon Jordan" would be a good reference anywhere, would it not?

A. I would hope so.

Q. And so, even though it was a company that you might not have the best contact with, you could have been helpful in that regard?

A. Well, the fact is I was running the job search, not Ms. Lewinsky, and therefore, the companies that she brought or listed were not of interest to me. I knew where I would need to call.

Q. And that is exactly the point, that you looked at getting Ms. Lewinsky a job as an assignment rather than just something that you were going to be a reference for.

A. I don't know whether I looked upon it as an assignment. Getting jobs for people is not unusual for me, so I don't view it as an assignment. I just view it as something that is part of what I do.

Q. You're acting in behalf of the President when you are trying to get Ms. Lewinsky a job, and you were in control of the job search?

A. Yes.

The testimony is very clear as to Mr. Jordan running the job search—in essence, a job placement on behalf of the President.

Let's go again to that meeting of December 11 at which Ms. Lewinsky goes, for the first time Mr. Jordan remembers, for that meeting about the jobs. Ms. Lewinsky's view of this meeting—again, Jordan's list—he was the one controlling the job search. Also, you will see that Mr. Jordan acquires some knowledge from Ms. Lewinsky as to the relationship.

(Text of videotape presentation:)

Q. Let's go forward another week or so to December the 11th and a lunch that you had with Vernon Jordan, I believe, in his office.

A. Yes.

Q. How did—how was that meeting set up.

A. Through his secretary.

Q. Did you instigate that, or did he call through his secretary?

A. I don't remember.

Q. What was the purpose of that meeting?

A. Uh, it was to discuss my job situation.

Q. And what, what—how was that discussed?

A. Uh, Mr. Jordan gave me a list of three names and suggested that I contact these people in a letter that I should cc him on, and that's what I did.

Q. Did he ask you to copy him on the letters that you sent out?

A. Yes.

Q. During this meeting, did he make any comments about your status as a friend of the President?

A. Yes.

Q. What—what did he say?

A. In one of his remarks, he said something about me being a friend of the President.

Q. And did you respond?

A. Yes.

Q. How?

A. I said that I didn't, uh—I think I—my grand jury testimony, I know I talked about this, so it's probably more accurate. My memory right now is I said something about, uh, seeing him more as, uh, a man than as a President, and I treated him accordingly.

Q. Did you express your frustration to Mr. Jordan with, uh, with the President?

A. I expressed that sometimes I had frustrations with him, yes.

Q. And what was his response to you about, uh—after you talked about the President?

A. Uh, he sort of jokingly said to me, You know what your problem is, and don't deny it—you're in love with him. But it was a sort of light-hearted nature.

Q. Did you—did you have a response to that?

A. I probably blushed or giggled or something.

That was on December 11. And I am sure Mr. Jordan and others were starting to kick in, at this point, understanding that there was something a little bit more involved in the relationship between Ms. Lewinsky and the President.

But let's go to another aspect of the relationship on the job search. Let's look how information is controlled. Mr. Jordan learns ultimately on December 19 clearly that Ms. Lewinsky is on the witness list because she presents a subpoena to him. But whenever he pursues the jobs later on and maybe the call to Mr. Perelman, he does not pass that information along to the company. Does that make a difference to Revlon? You will hear some reference to Mr. Halperin, who is one of the executives at MacAndrews & Forbes, the parent company of Revlon, and Mr. Perelman, who is the CEO of MacAndrews and Forbes as well.

Let's listen to the testimony of Mr. Jordan on how information is controlled.

(Text of videotape presentation:)

Q. Now, the second piece of information was the fact that you knew and the President knew that Ms. Lewinsky was under subpoena in the Jones case, and that information was not provided to either Mr. Halperin or to Mr. Perelman; is that correct?

A. That's correct.

Q. Now, I wanted to read you a question and answer of Mr. Howard Gittis in his grand jury testimony of April 23, 1998.

The question was: "Now, you had mentioned before that one of the responsibilities of director is to have a fiduciary duty to the company. If it was the case that Ms. Lewinsky had been noticed as a witness in the Paula Jones case, and Vernon Jordan had known that, is that something that you believe as a person who works for MacAndrews & Forbes, is that something that you believe that Mr. Jordan should have told you, or someone in the company, not necessarily you, but someone in the company, when you referred her for employment?"

His answer was "Yes."

Do you disagree with Mr. Gittis' conclusion that that was important information for MacAndrews & Forbes?

A. I obviously didn't think it was important at the time, and I didn't do it.

Why would Revlon want to know that Ms. Lewinsky was on a witness list and under subpoena in a case that was adverse to the President and the fact the President was really the one that was wanting the job placement for Ms. Lewinsky? I think everyone understands the extraordinary conflict, extraordinary impropriety of that circumstance. As Mr. Jordan himself testified previously, that whenever the subpoena was issued, it changed the circumstances, and, yet, that information was not provided to Revlon, and Mr. Gittis certainly would have thought that it should have been.

So Revlon wanted to know for the same reason, really, that Mr. Jordan would have liked to have had that information. But when the President learned that Ms. Lewinsky was on the witness list, he did not share that information with Mr. Jordan himself.

So it is explosive information that the President did not make available to him until the right time.

Let's listen to Mr. Jordan.

(Text of videotape presentation:)

Q. All right. And so there's two conversations after the witness list came out—one that you had with the President on December 7th, and then a subsequent conversation with him after you met with Ms. Lewinsky on the 11th.

Now, in your subsequent conversation after the 11th, did you discuss with the President of the United States Monica Lewinsky, and if so, can you tell us what that discussion was?

A. If there was a discussion subsequent to Monica Lewinsky's visit to me on December the 11th with the President of the United States, it was about the job search.

Q. All right. And during that, did he indicate that he knew about the fact that she had lost her job in the White House, and she wanted to get a job in New York?

A. He was aware that—he was obviously aware that she had lost her job in the White House, because she was working at the Pentagon. He was also aware that she wanted to work in New York, in the private sector, and understood that that is why she was having conversations with me. There is no doubt about that.

Q. And he thanked you for helping her?

A. There's no question about that, either.

Q. And on either of these conversations that I've referenced that you had with the President after the witness list came out, your conversation on December 7th, and your conversation sometime after the 11th, did the President tell you that Ms. Monica Lewinsky was on the witness list in the Jones case?

A. He did not.

The President knew it was not disclosed to Mr. Jordan, according to his testimony. Mr. Jordan has to be reminded as to how important this information was because, he previously testified, that he expected to be told. It was significant enough information that if Ms. Betty Currie knew that Ms. Lewinsky was under subpoena that Betty Currie should tell him. He expected the President to tell him. That was his expectation, for natural reasons—that this is an extraordinary conflict whenever the President knows there is a relationship. She is an adverse witness. She is under subpoena, and provided a job benefit. But he kept some of those details to himself without disclosing.

Let's listen again to Mr. Jordan.

(Text of videotape presentation:)

Q. Precisely. She disclosed to you, of course, when she received the subpoena, and that's information that you expected to know and to be disclosed to you?

A. Fine.

Q. Is—

A. Yes. Fine.

Q. And in fact, if Ms. Currie—I'm talking about Betty Currie—if she had known that Ms. Lewinsky was under subpoena, you would have expected her to tell you that information as well since you were seeking employment for Ms. Lewinsky?

A. Well, it would have been fine had she told me. I do make a distinction between being a witness on the one hand and being a defendant in some sort of criminal action on the other. She was a witness in the civil case, and I don't believe witnesses in civil cases don't have a right for—to employment.

Q. Okay. I refer you to page 95 of your grand jury testimony, in which you said: "I believe that had Ms. Currie known, that she would have told me."

And the next question: "Let me ask the question again, though. Would you have expected her to tell you if she knew?"

And do you recall your answer?

A I don't.

Q. "Yes, sure."

A. I stand by that answer.

Q. And so it's your testimony that if Ms. Currie had known that Ms. Lewinsky was under subpoena, you would have expected her to tell you that information?

A. It would have been helpful.

Q. And likewise, would you have expected the President to tell you if he had any reason to believe that Ms. Lewinsky would be called as a witness in the Paula Jones case?

A. That would have been helpful, too.

Q. And that was your expectation, that he would have done that in your conversations?

A. It—it would certainly have been helpful, but it would not have changed my mind.

Q. Well, being helpful and that being your expectation is a little bit different, and so I want to go back again to your testimony on March 3, page 95, when the question is asked to you—question: "If the President had any reason to believe that Ms. Lewinsky could be called a witness in the Paula Jones case, would you have expected him to tell you that when you spoke with him between the 11th and the 19th about her?"

And your answer: "And I think he would have."

A. My answer was yes in the grand jury testimony, and my answer is yes today.

Q. All right. So it would have been helpful, and it was something you would have expected?

A. Yes.

Q. And yet, according to your testimony, the President did not so advise you of that fact in the conversations that he had with you on December 7th and December 11th after he learned that Ms. Lewinsky was on the witness list?

A. As I testified—

MR. KENDALL: Objection. Misstates the record with regard to December 11th.

MR. HUTCHINSON: I—I will restate the question. I believe it accurately reflects the record, and I'll ask the question.

BY MR. HUTCHINSON:

Q. And yet, according to your testimony, the President did not so advise you of the fact that Ms. Lewinsky was on the witness list despite the fact that he had conversations with you on two occasions, on December 7th and December 11th?

A. I have no recollection of the President telling me about the witness list.

Now, I am providing some long snippets because I want you to see the testimony of the witnesses. I think it is very important as you piece it together. You might say, well, there is nothing explosive here. Whenever you are talking about obstruction of justice, it ties together, it fits together. Information is controlled and that is what we see in this particular case.

Clearly, Mr. Jordan expected information because he knew that something that the President should have shared, it was not shared, according to Mr. Jordan's testimony. And for natural reasons.

If you look at the exhibit that I passed out, on the time line we have talked about when the witness list came out, on the 7th, and on the 11th, or sometime thereafter, the President and Mr. Jordan meet, and that information is not disclosed, despite the fact that the President knows she is on the witness list.

And now, let's go to the 17th, because now the President is ready to share some additional information with Ms. Lewinsky. Now that he has got the job search moving, perhaps she is in a more receptive mood so that she can handle the news that she is on the witness list. So let's listen to Ms. Lewinsky's testimony as to this December 17, 2 a.m., telephone conversation from the President of the United States.

(Text of videotape presentation:)

Q Sometime back in December of 1997, in the morning of December the 17th, did you receive a call from the President?

A. Yes.

Q. What was the purpose of that call? What did you talk about?

A. It was threefold—first, to tell me that Ms. Currie's brother had been killed in a car accident; second, to tell me that my name was on a witness list for the Paula Jones case; and thirdly, he mentioned the Christmas present he had for me.

Q. This telephone call was somewhere in the early morning hours of 2 o'clock to 2:30.

A. Correct.

Q. Did it surprise you that he called you so late?

A. No.

Q. Was this your first notice of your name being on the Paula Jones witness list?

A. Yes.

Q. I will try to ask sharper questions to avoid these objections. At that point we got a telephone conversation in the morning with you and the President. And he has, among other things, mentioned to you that your name is on the Jones witness list. He has also mentioned to you that perhaps you could file an affidavit to avoid possible testifying in that case. Is that right.

A. Correct.

Q. And he's also, I think, now at the point that we were in our questioning in reference to the cover story that you and he had, that perhaps you could say that you were coming to my office to deliver papers or to see Betty Currie. Is that right.

A. Correct. It was from the entire relationship. That's correct.

Q. Now, when he alluded to that cover story, was that instantly familiar to you.

A. Yes.

Q. You knew what he was talking about.

A. Yes.

Q. And why was this familiar to you.

A. Because it was part of the pattern of the relationship.

* * *

Q. As I understand your testimony, too, the cover stories were reiterated to you by the President that night on the telephone—

A. Correct.

Q. —and after he told you you would be a witness—or your name was on the witness list, I should say?

A. Correct.

Q. And did you understand that since your name was on the witness list that there would be a possibility that you could be subpoenaed to testify in the Paula Jones case?

A. I think I understood that I could be subpoenaed, and there was a possibility of testifying. I don't know if I necessarily thought it was a subpoena to testify, but—

Q. Were you in fact subpoenaed to testify?

A. Yes.

Q. And that was what—

* * *

Q. Okay. Let me ask it. Did you understand in the context of the telephone conversation with the President that early morning of December the 17th—did you understand that you would deny your relationship with the President to the Jones lawyers through use of these cover stories?

A. From what I learned in that—oh, through those cover stories, I don't know, but from what I learned in that conversation, I thought to myself I knew I would deny the relationship.

Q. And you would deny the relationship to the Jones lawyers?

A. Yes, correct.

Q. Good.

Do you believe Monica Lewinsky? I believe her testimony is credible. She is not trying to hammer the President. She is trying to tell the truth as to her recollection of this 2 a.m. call to her by the President of the United States on December 17.

The news is broken to her that she is on the witness list. It puts it in a legal context. This is a 24-year-old ex-intern. She might not have the legal sophistication of the President, but the President certainly knows the legal consequences as to his actions. What he is telling a witness in a case that is adverse to him is that: You do not have to tell the truth. You can use the cover stories that we used before. And that might have been in a nonlegal context, but now we are in a different arena and he says: Continue the same lies, even though you are in a court of law. Continue the same pattern.

Ladies and gentlemen of the Senate, in my book that is illegal, and I hate to say it, but that is obstruction of justice by the President of the United States. And, if you believe Ms. Lewinsky, then you have to accept that fact. Otherwise, we are saying that it is all right for someone to take a witness who is against them and say: Don't tell the truth, don't worry about that, use the cover stories. You can file an affidavit. You can avoid telling the truth.

Ladies and gentlemen, this is significant. It is important. Do not diminish this, the impact of what happened on December 17, with the obstruction of justice on that occasion.

And, now, let's move on. That is December 17. We can move on to December 19, and this is when the subpoena is actually delivered to Ms. Lewinsky. She calls Vernon Jordan. She is in tears. She is upset. Vernon Jordan says, "Come over to my office," and they have the discussion. And you are going to hear Mr. Jordan's version of what happens on December 19. You are going to hear Ms. Lewinsky's testimony as to what happens in that office on December 19 as well.

Let's hear from Mr. Jordan.

(Text of videotape presentation:)

Q. And during this meeting, did she in fact show you the subpoena that she had received in the Jones litigation?

A. I'm sure she showed me the subpoena.

Q. And the subpoena that was presented to you asked her to give a deposition, is that correct?

A. As I recollect.

Q. But did it also ask Ms. Lewinsky or direct her to produce certain documents and tangible objects?

A. I think, if I'm correct in my recollection, it asked that she produce gifts.

Q. Gifts, and some of those gifts were specifically enumerated.

A. I don't remember that. I do remember gifts.

Q. And did you discuss any of the items requested under the subpoena?

A. I did not. What I said to her was that she needed counsel.

Q. Now, just to help you in reference to your previous grand jury testimony of March 3, '98—and if you would like to refer to that, page 121, but I believe it was your testimony that you asked her if there had been any gifts after you looked at the subpoena.

A. I may have done that, and if I—if that's in my testimony, I stand by it.

Q. And did she—from your conversation with her, did you determine that in your opinion, there was a fascination on her part with the President?

A. No question about that.

Q. And I think you previously described it that she had a "thing" for the President?

A. "Thing," yes.

Q. And did you make any specific inquiry as to the nature of the relationship that she had with the President?

A. Yes. At some point during that conversation, I asked her directly if she had had sexual relationships with the President.

Q. And is this not an extraordinary question to ask a 24-year-old intern, whether she had sexual relations with the President of the United States?

A. Not if you see—not if you had witnessed her emotional state and this "thing," as I say. It was not.

Q. And her emotional state and what she expressed to you about her feelings for the President is what prompted you to ask that question?

A. That, plus the question of whether or not the President at the end of his term would leave the First Lady; and that was alarming and stunning to me.

Q. And she related that question to you in that meeting on December 19th?

A. That's correct.

Q. Now, going back to the question in which you asked her if she had had a sexual relationship with the President, what was her response?

A. No.

Q. And I'm sure that that was not an idle question on your part, and I presume that you needed to know the answer for some purpose.

A. I wanted to know the answer based on what I had seen in her expression; obviously, based on the fact that this was a subpoena about her relationship with the President.

Q. And so you felt like you needed to know the answer to that question to determine how you were going to handle the situation?

A. No. I thought it was a factual data that I needed to know, and I asked the question.

Q. And why did you need to know the answer to that question?

A. I am referring this lady, Ms. Lewinsky, to various companies for jobs, and it seemed to me that it was important for me to know in that process whether or not there had been something going on with the President based on what I saw and based on what I heard.

Why was it important? Why was it important for Mr. Jordan to know whether she was under subpoena? Why was it important for Mr. Jordan to know whether there was a sexual relationship? Why was it important? Because those would be incredible, explosive ingredients in a circumstance that is fraught with danger and impropriety, and he knows that and he asked the right questions. But he doesn't listen to the right answer, nor does he take the right steps, because he is acting at the direction of the President.

As you will see, during his meeting on December 19, he was keeping the President very closely informed. You will see in your packet of materials that the call—as soon as he was notified, Mr. Jordan was notified Ms. Lewinsky was under subpoena, he tried to get ahold of the President, exhibit H-25, a 3:51 call to the President. He didn't make contact at that point. Ms. Lewinsky came into his office about 4:47. It was at 5:01 that he received a call from the President. So the President actually called him at the same time Ms. Lewinsky was in the office.

Let's look at Ms. Lewinsky's testimony as to her recollection of that December 19 meeting with Mr. Jordan.

(Text of videotape presentation:)

Q. You went to see Mr. Jordan, and you were inside his office after 5 o'clock, and you did—is that correct?

A. Yes.

Q. Were—were you interrupted, in the office?

A. Yes. He received a phone call.

Q. And you testified that you didn't know who that was that called?

A. Correct.

Q. Did you excuse yourself?

A. Yes.

Q. What—after you came back in, what—what occurred? Did he tell you who he had been talking to?

A. No.

Q. Okay. What happened next?

A. I know I've testified about this—

Q. Yes.

A. —so I stand by that testimony, and my recollection right now is when I came back in the room, I think shortly after he had placed a phone call to—to Mr. Carter's office, and told me to come to his office at 10:30 Monday morning.

Q. Did you know who Mr. Carter was?

A. No.

Q. Did Mr. Jordan tell you who he was?

A. No—I don't remember.

Q. Did you understand he was going to be your attorney?

A. Yes.

Q. Did you express any concerns about the—the subpoena?

A. I think that happened before the phone call came.

Q. Okay, but did you express concerns about the subpoena?

A. Yes, yes.

Q. And what were those concerns?

A. In general, I think I was just concerned about being dragged into this, and I was concerned because the subpoena had called for a hatpin, that I turn over a hatpin, and that was an alarm to me.

Q. How—in what sense was it—in what sense was it an alarm to you?

A. The hatpin being on the subpoena was evidence to me that someone had given that information to the Paula Jones people.

Q. What did Mr. Jordan say about the subpoena?

A. That it was standard.

Q. Did he have any—did he have any comment about the specificity of the hatpin?

A. No.

Q. And did you—

A. He just kept telling me to calm down.

Q. Did you raise that concern with Mr. Jordan?

A. I don't remember if—if I've testified to it, then yes. If—I don't remember right now.

Q. Did—would you have remembered then if he made any comment or answer about the hatpin?

A. I mean, I think I would.

Q. And you don't remember?

A. I—I remember him saying something that it was—you know, calm down, it's a standard subpoena or vanilla subpoena, something like that.

What we see here is another example of compartmentalization of information. During this meeting with Ms. Lewinsky, Mr. Jordan receives a call from the President, presumably in response to a call he had placed to the President, to tell him Ms. Lewinsky had been subpoenaed. When the President calls, Mr. Jordan takes that call in private. It is about Ms. Lewinsky, it is about the subpoena, and that information is not shared with Ms. Lewinsky. It is of interest to her.

Let's go on and hear some more about Ms. Lewinsky's version of that conversation on December 19.

(Text of videotape presentation:)

Q. Did Mr. Jordan during that meeting make an inquiry about the nature of the relationship between you and the President?

A. Yes, he did.

Q. What was that inquiry?

A. I don't remember the exact wording of the questions, but there were two questions, and I think they were something like did you have sex with the President or did he—and if—or did he ask for it or some—something like that.

At this point, Ms. Lewinsky denies the relationship. She thinks this is some type of a test. She is not sure the reason for the question. She thinks he knows there is a little confusion on that. Clearly, Mr. Jordan is not satisfied with the answer. Mother wit is still around, as he indicated. But he feels so concerned about it that that night he goes to see the President, that we will later see, and asks that same question of the President.

Now, let's talk to President Clinton and see what he testifies about when this information was reported to him on the subpoena. Let's listen to the testimony of President Clinton.

(Text of videotape presentation:)

Q. Did anyone other than your attorneys ever tell you that Monica Lewinsky had been served with subpoena in this case?

A. I don't think so.

Q. Did you ever talk with Monica Lewinsky about the possibility that she might be asked to testify in this case?

A. Bruce Lindsey, I think Bruce Lindsey told me that she was, I think maybe that's the first person told me she was. I want to be as accurate as I can.

Mr. KERREY addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the Senator from Nebraska.

Mr. KERREY. Can I ask the manager to identify which deposition this is?

Mr. Manager HUTCHINSON. This is the January deposition.

Mr. KERREY. Mr. Chief Justice, will the manager answer the question and then show that again? This is the second time he has shown a tape of the President without indicating which deposition it was.

The CHIEF JUSTICE. Yes, I think it would be a good idea for the manager if he will indicate what deposition it was, if you are showing a deposition video of the President.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice, and I thank the Senator for the question. It is a very fair question, and I will try to be more clear in the identification of that. This is the testimony of William Jefferson Clinton before the deposition in the Jones case in January, January 17. I believe—can we replay that? We are not going to replay that. Let me go on.

The testimony that he gave at that time was, "Did anyone other than your attorneys ever tell you that Monica Lewinsky had been served with a subpoena in that case," and the answer was, "I don't think so." Clearly, Mr. Jordan was keeping close contact with the President, telling him every step of the way, when the subpoena, the call, he is placing a call back—the information is there, but, of course, the President tries to diminish that.

Let's go on with some more testimony of Ms. Lewinsky.

(Text of videotape presentation:)

Q. Did you ask Mr. Jordan to call the President and advise him of the subpoena?

A. I think so, yes. I asked him to inform the President. I don't know if it was through telephone or not.

Q. And you did that because the President had asked you to make sure you let Betty know that?

A. Well, sure. With Betty not being in the office, I couldn't—there wasn't anyone else that I could call to get through to him.

Q. Did Mr. Jordan say to you when he might see the President next?

A. I believe he said he would see him that evening at a holiday reception.

Mr. LOTT. Mr. Chief Justice, could I inquire, was the manager thinking in terms of concluding this portion in 15 minutes, or do you want to take a break now?

Mr. Manager HUTCHINSON. This would be a good time for a break.

RECESS

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that we take a 15-minute break at this time.

There being no objection, at 11:30 a.m., the Senate recessed until 11:53 a.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager HUTCHINSON.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice. I was going to take the opportunity to replay the videotape—in fact, I will now—that I did not properly explain before. This is the videotape of President Clinton and his testimony before the civil deposition in the Jones case in January of 1997.

The CHIEF JUSTICE. When you say "before," you actually mean "during," don't you? It is not before the deposition; his testimony was during the deposition.

Mr. Manager HUTCHINSON. Mr. Chief Justice, you are absolutely correct. Excuse me. Thank you.

(Text of videotape presentation:)

Q. Did anyone other than your attorneys ever tell you that Monica Lewinsky had been served with subpoena in this case?

A. I don't think so.

Q. Did you ever talk with Monica Lewinsky about the possibility that she might be asked to testify in this case?

A. Bruce Lindsey, I think Bruce Lindsey told me that she was, I think maybe that's the first person told me she was. I want to be as accurate as I can.

And now let's go to what Mr. Jordan has to say in reference to his contacts with the President when he learned of the subpoena on December 19. Let's play that tape.

(Text of videotape presentation:)

Q. Now, Mr. Jordan, you indicated you had this conversation with the President at about 5:01 p.m. out of the presence of Ms. Lewinsky. Now, during this conversation with the President, what did you tell the President in that conversation?

A. That Lewinsky—I'm sure I told him that Ms. Lewinsky was in my office, in the reception area, that she had a subpoena and that I was going to visit with her.

Q. And did you advise the President as well that you were going to recommend Frank Carter as an attorney?

A. I may have.

Q. And why was it necessary to tell the President these facts?

A. I don't know why it was not unnecessary to tell him these facts. I was keeping him informed about what was going on, and so I told him.

Q. Why did you make the judgment that you should call the President and advise him of these facts?

A. I just thought he ought to know. He was interested it—he was obviously interested in it—and I felt some responsibility to tell him, and I did.

Q. All right. And what was the President's response?

A. He said thank you.

Q. Subsequent to your conversation with the President about Monica Lewinsky, did you advise Ms. Lewinsky of this conversation with the President?

A. I doubt it.

Once again, Mr. Jordan testifies that the President was obviously interested in it. This was not a matter of casual interest to him. It was a matter of deep concern that jeopardized what he saw as his position in that lawsuit.

Now, let's go back again to the testimony of President Clinton, this time before the grand jury in August of 1998.

(Playing of videotape.)

Mr. STEVENS. We cannot hear that monitor.

Mr. Manager HUTCHINSON. I will read the answer again:

. . . and Mr. Jordan informed you of that, is that right?

Answer: No, sir.

Now, in fairness to the President, he gives a longer answer than that. I welcome anybody to read it, but it appears rather convoluted. I think that you can see the contrast. There is no question in Mr. Jordan's mind as to the details that he is providing to the President on a regular basis. We are on December 19. The subpoena is issued. He notifies the President. He notifies the President how the job search is going. He notifies the President that they got representation through Mr. Carter. So the details are provided to the President and to contrast that with the President's recollection as to did he have any contact with Mr. Jordan, once again diminishing that.

Let's go back to December 19, back to the chart—to December 19 when the subpoena is issued. Mr. Jordan meets with Monica Lewinsky. He confronts her about the relationship. Now, he goes that evening to see the President at the White House to confront him personally about it to discuss this with him. Let's hear from Mr. Jordan, and this is at the White House.

(Text of videotape presentation:)

Q. Now, would you describe your conversation with the President?

A. We were upstairs, uh, in the White House. Mrs. Jordan—we came in by way of the Southwest Gate into the Diplomatic Entrance—we left the car there. I took the elevator up to the residence, and Mrs. Jordan went and visited at the party. And the President was already upstairs—I had ascertained that from the usher—and I went up, and I raised with him the whole question of Monica Lewinsky and asked him directly if he had had sexual relations with Monica Lewinsky, and the President said, "No, never."

(Text of videotape presentation:)

A. Well, we had established that.

Q. All right. And did you tell him that you were concerned about her fascination?

A. I did.

Q. And did you describe her as being emotional in your meeting that day?

A. I did.

Q. And did you relate to the President that Ms. Lewinsky asked about whether he was going to leave the First Lady at the end of the term?

A. I did.

Q. And as—and then, you concluded that with the question as to whether he had had sexual relations with Ms. Lewinsky?

A. And he said he had not, and I was satisfied—end of conversation.

Q. Now, once again, just as I asked the question in reference to Ms. Lewinsky, it appears to me that this is an extraordinary question to ask the President of the United States. What led you to ask this question to the President?

A. Well, first of all, I'm asking the question of my friend who happens to be the President of the United States.

Q. And did you expect your friend, the President of the United States, to give you a truthful answer?

A. I did.

Q. Did you rely upon the President's answer in your decision to continue your efforts to seek Ms. Lewinsky a job?

A. I believed him, and I continued to do what I had been asked to do.

Q. Well, my question was more did you rely upon the President's answer in your decision to continue your efforts to seek Ms. Lewinsky a job.

A. I did not rely on his answer. I was going to pursue the job in any event. But I got the answer to the question that I had asked Ms. Lewinsky earlier from her, and I got the answer from him that night as to the sexual relationships, and he said no.

You will have to judge for yourselves as to why Mr. Jordan felt compelled to ask the question. He is asking the right questions. It was important information. If the President had said, "Yes; there is," then it would certainly have been inappropriate to continue providing a job benefit for a witness that you are seeking an affidavit from denying a relationship when you know the relationship exists, when that witness would be adverse to the President's interest who is seeking the job.

To some that might be convoluted, and perhaps I didn't explain it as best it can be. But it looks to me like that is why Mr. Jordan is asking the question because he knows it would be inappropriate if that, in fact, did exist. He got an answer "no." I don't know what he thought in his mind. But clearly you see the conversations develop when Ms. Lewinsky made it totally clear to him without any question that there was that relationship. But still the job benefit was provided.

We are not going to have time to go through it all. But sequentially, the next thing that happens is December 2 when Ms. Lewinsky goes to Mr. Jordan's office where Mr. Jordan drives her in the chauffeur-driven government vehicle to Mr. Frank Carter's office where the attorney is that is provided for Ms. Lewinsky. And that is the only time that it happened in the referral that Mr. Jordan took it upon himself to personally deliver a client to Mr. Carter. During that conversation, Ms. Lewinsky tells Mr. Jordan more of the details of their relationship.

But let's go to another element of obstruction—on December 28, a few days after Christmas. You are very familiar with this episode in which Ms. Lewinsky and the President meet. They exchange gifts. The testimony in the Jones case is discussed. There is concern expressed about the gifts. She asks the President in essence, Should I get them out of my house? And you will hear her answer. Her testimony is very clear on this. That is what I would like you to listen to. There is no ambiguity. There are no "what-ifs." It is very clear. And let's move now to the testimony of Ms. Lewinsky.

(Inaudible.)

Mr. LAUTENBERG. I can't hear.

Mr. GRAMM. Can we turn this up?

Mr. Manager HUTCHINSON. I don't think the question is audible.

Well, that is a different—it's not as sophisticated a sound collection system as the U.S. Senate used in the depositions here, so I apologize for the fact that that was inaudible but the question was asked of the President:

Q. After you gave her the gifts on December 28, did you speak with your secretary, Ms. Currie, and ask her to pick up a box of gifts that was some compilation of gifts that Ms. Lewinsky would have?

His answer:

No, sir, I did not do that.

His denial and then the facts presented by Ms. Lewinsky and the circumstantial evidence, the question was asked of Ms. Lewinsky:

Q. Did the President ever tell you to turn over the gifts?

A. Not that I remember.

But when I say that she that testified unequivocally, whenever Ms. Lewinsky was asked "Did you later that day receive a call from Ms. Currie," the answer was, "Yes, I did," and she goes ahead and explains it. There is no hesitation. There is no question. But their memory is clear that the call came from Betty Currie.

Now, how could Betty Currie know to go pick up the gifts? I think you understand there is only one way that could have come about, and that would be through a communication from the President to her.

Now, let's go on down the path. After we see the meeting on December 28, there was a meeting at the Hyatt on December 31. We could play this video—I would like to—with Vernon Jordan and with Ms. Lewinsky. This is a meeting at the Hyatt that Mr. Jordan totally denied ever happened in his first few testimonies before the grand jury. But in his most recent testimony before the Senate, in the deposition, he was confronted with receipts from the Hyatt, and the testimony of Ms. Lewinsky which was clear, and the corroborating facts. And he said yes, in fact, it did happen. And not only did he recall the meeting, but then he recalled what was discussed, that yes, in fact, notes were discussed there.

And Ms. Lewinsky testifies that she raised the issue of other evidence that would be possibly in her apartment, notes to the President. According to her testimony, she was told that: You need to get rid of those.

Now, Mr. Jordan totally denies that. But the point is, there is more evidence at risk for the President. Mr. Jordan, who is doing the work for the President, has this conversation with Ms. Lewinsky that he earlier denied ever happened.

So, I think you look at credibility there. You believe Ms. Lewinsky? If you accept the testimony of Ms. Lewinsky, then you have more evidence that is at issue, and that is being urged to be destroyed and not available for the truth-seeking endeavor in the civil rights case. I think that is significant.

Now, you say that is not the President, that is Mr. Jordan. You have to put this in context. It is Ms. Lewinsky who says that she is talking to the President when she is talking to Mr. Jordan—and I am paraphrasing that, but that is what she was seeing—seeing Mr. Jordan as a conduit to the President.

Then we go on after the meeting in the Hyatt, we go into January, where the job search continues. But it is tied directly to the signing of the affidavit, which is false by its nature.

If we look at the testimony of Mr. Jordan, in the January 5 timeframe where the affidavit is prepared and discussed with Mr. Jordan:

(Text of videotape presentation:)

Q. Do you know why you would have been calling Mr. Carter on 3 occasions the day before the affidavit was signed?

A. Yeah, my recollection is, is that I was exchanging or sharing with Mr. Carter what had gone on, what she asked me to do, what I refused to do, reaffirming to him that he was the lawyer and I was not the lawyer. I mean, it would be so presumptuous of me to try to advise Frank Carter as to how to practice law.

Q. Would you have been relating to Mr. Carter your conversation with Ms. Lewinsky?

A. I may have.

Q. And if Ms. Lewinsky expressed to you any concerns about the affidavit would you have relayed those to Mr. Carter?

A. Yes.

Q. And if Mr. Carter was a good attorney that was concerned about the economics of law practice he would have likely billed Ms. Lewinsky for some of those telephone calls?

A. You have to talk to Mr. Carter about his billing.

So you have Mr. Jordan discussing the affidavit with both Ms. Lewinsky and her attorney, Mr. Carter. And if you look at the testimony of Mr. Carter, he talks about the fact that he did bill some time for his conversations with Mr. Jordan. Certainly they are matters of substance in relation to the affidavit that was being discussed between the three: Ms. Lewinsky, Mr. Jordan, and Mr. Carter.

Now, let's hear what Ms. Lewinsky has to say on the changes that were made in the affidavit:

(Text of videotape presentation:)

Q. OK, have you had an opportunity to review the draft of your affidavit?

A. I—yes.

Q. Do you have any comment or response?

A. I received it. I made the suggested changes. And I believe I spoke with Mr. Jordan about the changes I wanted to make.

Now, because of time, I am not going to be able to go completely through all of their testimony but let me tell you time sequentially what is happening here. This is the second page of the time chart that you have.

January 5 and 6, the affidavit is prepared and discussed with Mr. Jordan and with the President.

On the 7th, the affidavit is signed. You recall Mr. Jordan lets the President know that the affidavit was signed. And he says he was interested, he was obviously interested in this.

On January 8 the job came through, the day after the affidavit was signed. And of course it had to come through, the personal call of Mr. Jordan to Mr. Perelman to "make it happen—if it can happen." Once that job is secured, the President is informed: Mission accomplished.

January 15, there are some inquiries from the news media about the gifts that had been delivered to the White House. This makes Betty Currie nervous enough that she has to go see Mr. Jordan about it.

You go to the 17th; the President gives his deposition in which that false affidavit is presented on behalf of Ms. Lewinsky and the President's attorney.

And then the next day, after that deposition is given, you go to January 18, where he is very concerned because he mentions Betty Currie's name so many times.

We were not able—we did not ask for the deposition of Betty Currie. We wish that we had had that opportunity. We would like to call her here. But that is one of the most critical and important elements of the structure in which the truth is so critically clear, because it happened not just on one day, because it happened on a couple of days.

We see on the 17th, the President is deposed. This is the third chart that you have. The 18th, the President coaches Betty Currie, going through the series of questions. On the 19th, there is this dramatic search for Ms. Lewinsky. On the 20th, the Washington Post story becomes known, because the President's counselors get calls and the OIC investigation becomes known.

On the 21st, at 12:30 a.m., the Post story appears on the Internet. At 12:41, the President calls Bruce Lindsey. At 1:16 a.m, the Post story appears. The President calls Betty Currie for 20 minutes, discusses the Post story. And then, according to Betty Currie, on the 20th or the 21st, it was the second incident of coaching that took place, where the President calls her in and goes through that series of questions: I did nothing wrong; she came on to me; we were never alone. And so that was the second time that it happened. And that, ladies and gentlemen of the Senate, is another example of witness tampering: A known witness clearly going to be testifying, a subordinate employee who is called in and coached.

Now, the President says, "I was trying to gain facts." You determine that. You are the ones who have to defend that question as to whether, under common sense, the President was gaining information on two separate occasions or whether he was actually trying to tamper with the testimony of a witness.

The 21st, she is subpoenaed by the OIC. The 23rd, she is added to the Jones witness list.

Now I want to play the last video clip that I am going to move to on Ms. Lewinsky, some things that she said that are different with regard to the President:

(Text of videotape presentation:)

Q. The President did not in that conversation on December 17 of 1997, or any other conversation for that matter, instruct you to tell the truth; is that correct?

A. That's correct.

* * * * *

Q. But the—the pattern that you had with the President to conceal this relationship, it was never questioned that, for instance, that given day that he gave you gifts you were not going to surrender those to the Jones attorneys because that would—

A. In my mind there is no reflection; no.

We have one more here we would like you to listen to.

(Text of videotape presentation:)

A. Sure, gosh, I think to me that if the President had not said to Betty in letters us—cover—let us just say if we refer to that which I am talking about in paragraph 4 of page 4, I would have known to use that. So, to me, encouraging or asking me to lie would have, you know if the President had said now listen you better not say anything about this relationship, you better not tell them the truth, you better not—for me the best way to explain how I feel what happened was, you know, no one asked or encouraged me to lie, but no one discouraged me either.

It is very important to understand that we want you to know very clearly that Ms. Lewinsky says that the President never told her to lie. There is no question about that. There is no dispute about that, either. I think you have to look at all the context of this. What the President did suggest to her was to use an affidavit to avoid truthful testimony, to stick with the cover stories under legal context.

Is the issue here whether Ms. Lewinsky believed the President was encouraging her to lie, that's what the President was trying to do here? Or is the issue what the President was trying to do? It is your determination. You have to make the decision whether the President, in talking to a 24-year-old ex-employee, whether he is encouraging her to come forward and to tell the truth or, in a legal context, to use the old cover stories, to lie, to use false affidavits, to avoid the truth from coming out.

It is not Ms. Lewinsky's viewpoint that is important. It is what the President intended. What did the President intend by this conversation when he told her on December 17, "Guess what, bad news; you're a witness". Then he proceeded to suggest to her ways to avoid truthful testimony.

I really don't care what is in Ms. Lewinsky's mind at that point. The critical issue is what is in the President's mind at that point as to what he was intending. Was it an innocent conversation, or was it a conversation with corrupt intent?

I believe that if you put all of this in context—from the affidavit to the job search, to the coaching of Ms. Betty Currie, to all of the other conversations with the aides—that it was the President's intent to avoid the workings of the administration of justice, to impede the flow of the truth in the administration of justice for his own benefit, and that is what obstruction of justice is about. That is what people go to jail about, and that is what we are presenting to you as a factual basis for this case.

I now yield to my fellow manager, Mr. ROGAN.

RECESS

Mr. LOTT. Mr. Chief Justice, I think it would be appropriate if we take a break at this time for lunch and return at 1:15, and I so ask unanimous consent.

There being no objection, at 12:22 p.m., the Senate recessed until 1:24 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Thank you, Mr. Chief Justice.

I believe we are ready to resume the presentation by the House managers, and Mr. Manager ROGAN is prepared to speak.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager ROGAN.

Mr. Manager ROGAN. Mr. Chief Justice, Members of the Senate, before the break, you had the opportunity to hear the very able presentation from Mr. Manager HUTCHINSON relating to the article of impeachment alleging obstruction of justice against the President of the United States. I would like to use my portion to discuss very briefly article I of the impeachment resolution that alleges on August 17, 1998, the President committed perjury before a

Federal grand jury conducting a criminal investigation. He did this in a number of ways, embarking on a calculated effort to cover up illegal obstruction of justice.

First, the President lied about statements he made to his top aides regarding his relationship with Monica Lewinsky. This is significant because the President admitted, under oath, that he knew these aides were potential witnesses before a criminal grand jury.

(Text of videotape presentation:)

A. And so I said to them things that were true about this relationship. That I used—in the language I used, I said there was nothing going on between us. That was true. I said I have not had sex with her as I define it. That was true. And did I hope that I never had to be here on this day giving this testimony, of course. But I also didn't want to do anything to complicate this matter further.

So I said things that were true that may have been misleading, and if they were, I have to take responsibility for it, and I am sorry.

Q. It may have been misleading, but you knew, though, after January 21 when the Post article broke and said that Judge Starr was looking into this, you knew they might be witnesses, you knew they might be called into the grand jury?

A. That's right.

Q. And you do you recall denying any sexual relationship with Monica Lewinsky to the following people: Harry Thomasson, Erskine Bowles, Harold Ickes, Mr. Podesta, Mr. Blumenthal, Mr. Jordan, Miss Betty Currie. Do you recall denying any sexual relation—

The question to the President: "You knew they might be called into a grand jury, didn't you?" Answer by the President: "That's right."

The President's testimony that he said things that were misleading but true to his aides was perjury.

Just as the President predicted, several of his top aides later were called to testify before the grand jury as to what the President told them. When they testified before the grand jury, they passed along the President's false account, just as the President intended. The President's former chief of staff, Erskine Bowles, and his current chief of staff, John Podesta, went before the grand jury and testified that the President told them he did not have sexual relations with Monica and he did not ask anybody to lie.

Mr. Podesta had an additional meeting with the President 2 days after the story broke. Mr. Podesta testified that at that meeting with the President the President was extremely explicit in saying he never had sex with her in any way whatever and that he was not alone with her in the Oval Office.

The most glaring example of the President using an aide as a messenger of lies to the grand jury was his manipulation of his Presidential assistant, Mr. Blumenthal. Mr. Blumenthal has been assistant to the President since August of 1997. Mr. Blumenthal testified that dealing with the media was one of his responsibilities on January 21, 1998, the day the Monica Lewinsky story broke. Mr. Blumenthal testified under oath that once the story became public, he attended twice-a-day White House strategy sessions called to deal with the political, legal, and media impact of the Clinton scandals on the White House.

In his deposition testimony taken just this week by authority of the U.S. Senate, Mr. Blumenthal shared in chilling detail the story of how the President responded to the public discovery of his longstanding relationship with a young woman who had shared tearful and emotional descriptions of her love for him. Mr. Clinton responded not in love, not in friendship, not even with a grain of concern for her well-being or emotional stability. Instead, the President took the deep and apparently unrequited emotional attachment Monica Lewinsky had formed for him, and prepared to summarily take her life and throw it on the ash heap.

The date is January 21, 1998. The Lewinsky scandal had just broken in the newspapers that morning. Mr. Blumenthal met initially with the First Lady, Mrs. Clinton, to get her take on the growing political fire storm. Later that day, Mr. Blumenthal is summoned to the Oval Office. Listen as Sidney Blumenthal describes, step by step, the destructive mechanism of the man who twice was elected President under the banner of feeling other people's pain.

(Text of videotape presentation:)

Q. Mr. Blumenthal, specifically inviting your attention to January 21, 1998, you testified before the grand jury that on that date you personally spoke to the President regarding the Monica Lewinsky matter, correct?

A. Yes.

* * * * *

Q. You are familiar with the Washington Post story that broke that day?

A. I am.

* * * * *

Q. The story stated that the Office of Independent Counsel was investigating whether the President made false statements about his relationship with Ms. Lewinsky in the Jones case?

A. Right.

Q. And also that the Office of Independent Counsel was investigating whether the President obstructed justice in the Jones case, is that your best recollection of what that story was about?

A. Yes.

* * * * *

Q. And you now remember that the President asked to speak with you?

A. Yes.

Q. Did you go to the Oval Office?

A. Yes.

Q. During that conversation were you alone with the President?

A. I was.

Q. Do you remember if the door was closed?

A. It was.

Q. When you met with the President, did you relate to him a conversation you had with the First Lady earlier that day?

A. I did.

Q. What did you tell the President the First Lady told you earlier that day?

A. I believe that I told him that the First Lady had called me earlier in the day, and in the light of the story in the Post had told me that the President had helped troubled people in the past and that he had done it many times and that he was a compassionate person and that he helped people also out of his religious conviction and that part it was part of—his nature.

Q. And did she also tell you that one of the other reasons he helped people was out of his personal temperament?

A. Yes. That is what I mean by that.

* * * * *

Q. Do you remember telling the President that the First Lady said to you that she felt that with—in reference to the story that he was being attacked for political motives?

A. I remember her saying that to me, yes.

Q. And you relayed that to the President?

A. I'm not sure I relayed that to the President. I may have just relayed the gist of the conversation to him. I don't —I'm not sure whether I relayed the entire conversation.

Mr. ROGAN: Inviting the Senators and counsel's attention to the June 4th, 1998 testimony of Mr. Blumenthal, page 47, beginning at line 5.

By Mr. ROGAN:

Q. Mr. Blumenthal, let me just read a passage to you and tell me if this helps to refresh your memory?

A. Mm-hmm.

Q. Reading at line 5, "I was in my office, and the President asked me to come to the Oval Office. I was seeing him frequently in this period about the State of the Union and Blair's visit"—that was Prime Minister Tony Blair, as an aside —correct?

A. That's right.

* * * * *

Q. Reading at line 7, "So I went up to the Oval Office and I began a discussion, and I said that I HAD received—that I had spoken to the First Lady that day in the afternoon about the story that had broke in the morning, and I related to the President my conversation with the First Lady and the conversation went as follows. The First Lady said that she was distressed that the President was being attacked, in her view, for political motives for his ministry of a troubled person. She said that the President ministers to troubled people all the time," and then it goes on to—

Does that help refresh your recollection with respect to what you told the President the First Lady had said earlier?

A. Yes.

Q. And do you now remember that the First Lady had indicated to you that she felt the President was being attacked for political motives?

A. Well, I remember she said that to me.

Q. And just getting us back on track, a few moments ago, I think you—you shared with us that the First Lady said that the President helped troubled people and he had done it many times in the past.

A. Yes.

Q. Do you remember testifying before the grand jury on that subject, saying that the First Lady said that he has done this dozens, if not hundreds, of times with people—

A. Yes.

Q. —with troubled people?

A. I recall that.

Q. After you related the conversation that you had with the First Lady to the President, what do you remember saying to the

President next about the subject of Monica Lewinsky?

A. Well, I recall telling him that I understood he felt that way, and that he did help people, but that he should stop trying to help troubled people personally, that troubled people are troubled and that they can get you in a lot of messes and that you had to cut yourself off from it and you just had to do it. That's what I recall saying to him.

Q. Do you also remember in that conversation saying to him, "You really need to not do that at this point, that you can't get near anybody who is even remotely crazy. You're President"?

A. Yes. I think that was a little later in the conversation, but I do recall saying that.

Q. When you told the President that he should avoid contact with troubled people, what did the President say to you in response?

A. I'm trying to remember the sequence of it. He—he said that was very difficult for him. He said he—he felt a need to help troubled people, and it was hard for him to—to cut himself off from doing that.

Q. Do you remember him saying specifically, "It's very difficult for me to do that given how I am. I want to help people"?

A. I recall—I recall that.

Q. And when the President referred to helping people, did you understand him in that conversation to be referring to Monica Lewinsky?

A. I think it included Monica Lewinsky, but also many others.

Q. Right, but it was your understanding that he was all—he was specifically referring to Monica Lewinsky in that list of people that he tried to help?

A. I believe that—that was implied.

Q. Do you remember being asked that question before the grand jury and giving the answer, "I understood that"?

A. If you could point it out to me, I'd be happy to see it.

* * * * *

By Mr. ROGAN: Inviting Senators' and counsels' attention to June 25th, 1998 grand jury, page 5, I believe it's at lines 6 through 8.

The WITNESS: Yes, I see that. Thank you.

By Mr. ROGAN:

Q. You recall that now?

A. Yes.

Following this conversation where Mr. Blumenthal told the President about his conversation with the First Lady that day, the President told Mr. Blumenthal about the President's own conversation he had earlier that day with his pollster, Dick Morris.

(Text of videotape presentation:)

Q. Mr. Blumenthal, did the President then relate a conversation he had with Dick Morris to you?

A. He did.

Q. What was the substance of that conversation, as the President related it to you?

A. He said that he had spoken to Dick Morris earlier that day, and that Dick Morris had told him that if Nixon, Richard Nixon, had given a nationally televised speech at the beginning of the Watergate affair, acknowledging everything he had done wrong, he may well have survived it, and that was the conversation that Dick Morris—that's what Dick Morris said to the President.

Q. Did it sound to you like the President was suggesting perhaps he would go on television and give a national speech?

A. Well, I don't know. I didn't know.

Q. When the President related the substance of his conversation with Dick Morris to you, how did you respond to that?

A. I said to the President, "Well, what have you done wrong?"

Q. Did he reply?

A. He did.

Q. What did he say?

A. He said, "I haven't done anything wrong."

Q. And what did you say to that response?

A Well, I said, as I recall, "That's one of the stupidest ideas I ever heard. If you haven't done anything wrong, why would you do that?"

After denying to Mr. Blumenthal any wrongdoing with Monica Lewinsky, the President then struck the harshest of blows against her. He launched a preemptive strike against her name and her character to an aide who he expected would be, and very shortly became, a witness before a Federal grand jury investigation.

(Text of videotape presentation:)

Q. Did the President then give you his account of what happened between him and Monica Lewinsky?

A. As I recall, he did.

Q. What did the President tell you?

A. He, uh—he spoke, uh, fairly rapidly, as I recall, at that point and said that she had come on to him and made a demand for sex, that he had rebuffed her, turned her down, and that she, uh, threatened him. And, uh, he said that she said to him, uh, that she was called "the stalker" by her peers and that she hated the term, and that she would claim that they had had an affair whether they had or they hadn't, and that she would tell people.

Q. Do you remember him also saying that the reason Monica Lewinsky would tell people that is because then she wouldn't be known by her peers as "the stalker" anymore?

A. Yes, that's right.

Q. Do you remember the President also saying that—and I'm quoting—"I've gone down that road before. I've caused pain for a lot of people. I'm not going to do that again"?

A. Yes. He told me that.

Q. And that was in the same conversation that you had with the President?

A. Right, in—in that sequence.

Q. Can you describe for us the President's demeanor when he shared this information with you?

A. Yes. He was, uh, very upset. I thought he was, a man in anguish.

Q. And at that point, did you repeat your earlier admonition to him as far as not trying to help troubled people?

A. I did. I—I think that's when I told him that you can't get near crazy people, uh, or troubled people. Uh, you're President; you just have to separate yourself from this.

Q. And I'm not sure, based on your testimony, if you gave that admonition to him once or twice. Let me—let me clarify for you why my questioning suggested it was twice. In your grand jury testimony on June the 4th, at page 49, beginning at line 25, you began the sentence by saying, and I quote, "And I repeated to the President"—

A. Right.

Q. —"that he really needed never to be near people who were"—

A Right.

Q. —"troubled like this," and so forth. Do you remember now if you—if that was correct? Did you find yourself in that conversation having to repeat the admonition to him that you'd given earlier?

A. I'm sure I did. Uh, I felt—I felt that pretty strongly. He shouldn't be involved with troubled people.

Q. Do you remember the President also saying something about being like a character in a novel?

A. I do.

Q. What did he say?

A. Uh, he said to me, uh, that, uh, he felt like a character in a novel. Uh, he felt like somebody, uh, surrounded by, uh, an oppressive environment that was creating a lie about him. He said he felt like, uh, the character in the novel Darkness at Noon.

Q. Did he also say he felt like he can't get the truth out?

A. Yes, I—I believe he said that.

Q. Politicians are always loathe to confess their ignorance, particularly on videotape. I will do so. I'm unfamiliar with the novel Darkness at Noon. Did you—do you have any familiarity with that, or did you understand what the President meant by that?

A. I—I understood what he meant. I—I was familiar with the book.

Q. What—what did he mean by that, per your understanding?

A. Uh, the book is by Arthur Koestler, who was somebody who had been a communist and had become disillusioned with communism. And it's an anti-communist novel. It's about, uh, uh, the Stalinist purge trials and somebody who was a loyal communist who then is put in one of Stalin's prisons and held on trial and executed, uh, and it's about his trial.

Q. Did you understand what the President was trying to communicate when he related his situation to the character in that novel?

A. I think he felt that the world was against him.

Q. I thought only Members of Congress felt that way.

The President continued to pass along false information to Mr. Blumenthal with regard to the substance of his relationship with Monica Lewinsky.

(Text of videotape presentation:)

Mr. Blumenthal, did you ever ask the President if he was ever alone with Monica Lewinsky?

A. I did.

Q. What was his response?

A. I asked him a number of questions that appeared in the press that day. I asked him, uh, if he were alone, and he said that, uh, he was within eyesight or earshot of someone when he was with her.

Q. What other questions do you remember asking him?

A. Uh, there was a story in the paper that, uh, there were recorded messages, uh, left by him on her voice-mail and I asked him if that were true.

Q. What did he say?

A. He said, uh, that it was, that, uh, he had called her.

Q. You had asked him about a press account that said there were potentially a number of telephone messages left by the President for Monica Lewinsky. And he relayed to you that he called her. Did he tell you how many times he called her?

A. He—he did. He said he called once. He said he called when, uh, Betty Currie's brother had died, to tell her that.

Q. And other than that one time that he shared that information with you, he shared no other information respecting additional calls?

A. No.

Q. He never indicated to you that there were over 50 telephone conversations between himself and Monica Lewinsky?

A. No.

Q. Based on your conversation with the President at that time, would it have surprised you to know that there were over 50—there were records of over 50 telephone conversations with Monica Lewinsky and the President?

A. Would I have been surprised at that time?

Q. Yes.

A. Uh, I—to see those records and if he—I don't fully grasp the question here. Could you—would I have been surprised?

Q. Based on the President's response to your question at that time, would it have surprised you to have been told or to have later learned that there were over 50 recorded—50 conversations between the President and Ms. Lewinsky?

A. I did later learn that, uh, as the whole country did, uh, and I was surprised.

Q. When the President told you that Monica Lewinsky threatened him, did you ever feel compelled to report that information to the Secret Service?

A. No.

Q. The FBI or any other law enforcement organization?

A. No.

Q. I'm assuming that a threat to the President from somebody in the White House would normally send off alarm bells among staff.

A. It wouldn't—

MR. McDANIEL: Well, I'd like to object to the question, Senator. There's no testimony that Mr. Blumenthal learned of a threat contemporaneously with it being made by someone in the White House. This is a threat that was relayed to him sometime afterwards by someone who was no longer employed in the White House. So I think the question doesn't relate to the testimony of this witness.

MR. ROGAN: Respectfully, I'm not sure what the legal basis of the objection is. The evidence before us is that the President told the witness that Monica Lewinsky threatened him.

[Senators SPECTER and Edwards conferring.]

SENATOR SPECTER: We've conferred and overrule the objection on the ground that it calls for an answer; that, however the witness chooses to answer it, was not a contemporaneous threat, or he thought it was stale, or whatever he thinks. But the objection is overruled.

MR. ROGAN: Thank you.

BY MR. ROGAN:

Q. Let me—let me restate the question, if I may. Mr. Blumenthal, would a threat—

SENATOR SPECTER: We withdraw the ruling.

[Laughter.]

MR. McDANIEL: I withdraw my objection, then.

[Laughter.]

MR. ROGAN: Senator Specter, the ruling is just fine by my light. I'm just going to try to simplify the question for the witness' benefit.

SENATOR SPECTER: We'll hold in abeyance a decision on whether to reinstate the ruling.

MR. ROGAN: Thank you. Maybe I should just quit while I'm ahead and have the question read back.

BY MR. ROGAN:

Q. Basically, Mr. Blumenthal, what I'm asking is, I mean, normally, would a threat from somebody against the President in the White House typically require some sort of report being made to a law enforcement agency?

A. Uh, in the abstract, yes.

Q. This conversation that you had with the President on January the 21st, 1998, how did that conversation conclude?

A. Uh, I believe we, uh—well, I believe after that, I said to the President that, uh—who was—seemed to me to be upset, that you needed to find some sure footing and to be confident. And, uh, we went on, I believe, to discuss the State of the Union.

Q. You went on to other business?

A. Yes, we went on to talk about public policy.

Q. When this conversation with the President concluded as it related to Monica Lewinsky, what were your feelings toward the President's statement?

A. Uh, well, they were complex. Uh, I believed him, uh, but I was also, uh—I thought he was very upset. That troubled me. And I also was troubled by his association with troubled people and thought this was not a good story and thought he shouldn't be doing this.

Q. Do you remember also testifying before the grand jury that you felt that the President's story was a very heartfelt story and that "he was pouring out his heart, and I believed him"?

A. Yes, that's what I told the grand jury, I believe; right.

Q. That was—that was how you interpreted the President's story?

A Yes, I did. He was, uh—he seemed—he seemed emotional.

Q. When the President told you he was helping Monica Lewinsky, did he ever describe to you how he might be helping or ministering to her?

A. No.

Q. Did he ever describe how many times he may have tried to help or minister to her?

.A No.

Q. Did he tell you how many times he visited with Monica Lewinsky?

A. No.

Q. Did he tell you how many times Monica Lewinsky visited him in the Oval Office complex?

A. No.

Q. Did he tell you how many times he was alone with Monica Lewinsky?

A. No.

Q. He never described to you any intimate physical activity he may have had with Monica Lewinsky?

A. Oh, no.

Q. Did the President ever tell you that he gave any gifts to Monica Lewinsky?

A. No.

Q. Did he tell you that Monica Lewinsky gave him any gifts?

A. No.

Q. Based on the President's story as he related on January 21st, would it have surprised you to know at that time that there was a repeated gift exchange between Monica Lewinsky and the President?

A. Well, I learned later about that, and I was surprised.

Q. The President never told you that he engaged in occasional sexual banter with her on the telephone?

A. No.

Q. He never told you about any cover stories that he and Monica Lewinsky may have developed to disguise a relationship?

A. No.

Q. He never suggested to you that there might be some physical evidence pointing to a physical relationship between he—between himself and Monica Lewinsky?

A. No.

Q. Did the President ever discuss his grand jury—or strike that.

Did the President ever discuss his deposition testimony with you in the Paula Jones case on that date?

A. Oh, no.

Q. Did he ever tell you that he denied under oath in his Paula Jones deposition that he had an affair with Monica Lewinsky?

A. No.

Q. Did the President ever tell you that he ministered to anyone else who then made a sexual advance toward him?

A. No.

One of the things that the President's counsel has continuously urged upon this body, as they did over in the House of Representatives, is to look at the President's state of mind in determining whether, in fact, he committed the crime of perjury. We hope that you will do that. Because nowhere is the President's state of mind more evident than it is in the manner in which he dealt with Sidney Blumenthal at this point.

Remember, the date of this conversation that Sidney Blumenthal just related to you was January 21, the day the Monica Lewinsky story broke. About a month later, Sidney Blumenthal was called to testify as a witness before the grand jury. That was the first time.

Five months later or 4 months later Sidney Blumenthal was called back to testify to the grand jury—not once, but two more times. From January 21 until the end of June 1998, the President had almost 6 months in which to tell Sidney Blumenthal, after he was subpoenaed, but before he testified, not to tell the grand jury information that was false. The President had the opportunity to not use his aide as a conduit of false information. Listen to what Sidney Blumenthal said the President failed to tell him.

(Text of videotape presentation:)

Q. After you were subpoenaed to testify but before you testified before the Federal grand jury, did the President ever recant his earlier statements to you about Monica Lewinsky?

A. No.

Q. After you were subpoenaed but before you testified before the federal grand jury, did the President ever say that he did not want you to mislead the grand jury with a false statement?

A. No. We didn't have any subsequent conversation about this matter.

Q. So it would be fair also to say that after you were subpoenaed but before you testified before the Federal grand jury, the President never told you that he was not being truthful with you in that January 21st conversation about Monica Lewinsky?

A. Uh, he never spoke to me about that at all.

Q. The President never instructed you before your testimony before the grand jury not to relay his false account of his relationship with Monica Lewinsky?

A. We—we didn't speak about anything.

The President of the United States used a special assistant, one of his aides, as a conduit to go before a Federal grand jury and present false and misleading information and precluded the grand jury from being able to make an honest determination in their investigation. He obstructed justice when he did it, and when he denied that testimony he committed the offense of perjury.

In response to a question from Mr. Manager GRAHAM, Mr. Blumenthal candidly addressed the President's claim under oath that he was truthful with his aides that he knew would be future grand jury witnesses:

(Text of videotape presentation:)

> Q. . . . Knowing what you know now, do you believe the President lied to you about his relationship with Ms. Lewinsky?
>
> A. I do.
>
> Q. I appreciate your honesty . . . .
>
> * * * * *
>
> Q. . . . Is it a fair statement, given your previous testimony concerning your 30-minute conversation, that the President was trying to portray himself as a victim of a relationship with Monica Lewinsky?
>
> A. I think that's the import of his whole story.

In an earlier presentation, the President's attorney, Mr. Ruff, said that the very same denial the President made to his family and his friends was the same one he made to the American people.

Mr. Ruff said:

> Having made the announcement to the whole country, it is simply absurd, I suggest to you, to believe that he was somehow attempting corruptly to influence his senior staff when he told them virtually the same thing at the same time.

Members of the Senate, Mr. Ruff's conclusion is wrong because his premise is wrong. The President didn't tell the American public and his aides the same thing, nor did he make the very same denial. On the contrary, the President went out of his way with his aides to make explicit denials, coupled with character assassination against Monica Lewinsky. Why the distinction? Because the American public was not destined to be subpoenaed as a witness before the grand jury and the President's aides were.

Members of the Senate, our time draws short. The record is replete with other examples which I have addressed and Mr. Manager HUTCHINSON has addressed dealing with the President's perjuries in other areas, for instance, in the Paula Jones deposition where he emphatically denied having a relationship with Monica Lewinsky that we now know to be true, a relationship that a Federal judge ordered him to discuss with Paula Jones' attorneys because it was relevant information in the sexual civil harassment lawsuit.

The President's perjury is with respect to Betty Currie and using Betty Currie as somebody to be brought into the Oval Office so that he could coach her as a witness and doing everything he could in his own testimony to ensure that the Jones attorney would subpoena her as a witness, to once again use a White House aide as a conduit of false information before the grand jury.

I don't feel the need to have to go over this ground with you any further. In my final couple of minutes, before I reserve time, I do want to raise one last point, because I think it is a valid one and it, perhaps, in the long run, is the most important point that this body should consider in coming to their verdict.

We have heard an awful lot throughout this entire episode about the idea of proportionality of punishment. We have also heard that lying about sex somehow minimizes the perjury because everybody does it. Many people in everyday life under the stress of ordinary relations may well lie about personal matters when confronted with embarrassing situations. But, no, everybody doesn't commit perjury under oath in a court proceeding, having been ordered by a Federal judge to answer questions. And if they did so, they generally don't expect to keep their job or their liberty if they get caught.

The dispensation this President wants for himself is not the same dispensation he grants as head of the executive branch to ordinary Americans when they lie about sex under oath. Bill Clinton wants it both ways. The question before this body is whether you are going to give it to him.

During our committee hearings, we learned the Clinton administration had no shyness in prosecuting other people for lying under oath about consensual sex in civil cases, even when the underlying civil case was dismissed. For instance, Dr. Barbara Battalino was an attorney and a VA doctor when she began a relationship with one of her counseling patients at a VA hospital. On a single occasion, she performed an inappropriate sexual act with him in her office. The patient later sued the Veterans Administration for, among other things, sexual harassment.

During a deposition in this civil lawsuit, Dr. Battalino was asked if anything of a sexual nature took place in her office with the patient. Fearing embarrassment, disgrace and the loss of her job, Dr. Battalino answered, "No." Later, she learned the patient had tape recorded conversations which proved she lied about sex under oath.

Even though the patient's harassment case was eventually dismissed, the Clinton Justice Department prosecuted Dr. Battalino. She lost her medical license. She lost her right to practice law. She was fired from her job. She later agreed to a plea bargain. She was fined $3,500 and sentenced to 6 months of imprisonment under electronic monitoring.

Listen to the words of Dr. Battalino as she testified before the House Judiciary Committee, and then explain to her the theory of proportionality, if you can.

(Text of videotape presentation:)

Dr. Battalino, your case intrigues me.

I want to make sure I understand the factual circumstances. You lied about a one-time act of consensual sex with someone on Federal property; is that correct?

Ms. Battalino. Yes, absolutely, correct.

Mr. Rogan. This act of perjury was in a civil lawsuit, not in a criminal case?

Ms. Battalino. That's also correct.

Mr. Rogan. And, in fact, the civil case eventually was dismissed?

Ms. Battalino. Correct.

Mr. Rogan. Yet despite the dismissal, you were prosecuted by the Clinton Justice Department for this act of perjury; is that correct?

Ms. Battalino. That is correct.

Mr. Rogan. I want to know, Dr. Battalino: During your ordeal, during your prosecution, did anybody from the White House, from the Clinton Justice Department, any Members of Congress, or academics from respected universities every show up at your trial and suggest that you should be treated with leniency because "everybody lies about sex"?

Ms. Battalino. No, sir.

Mr. Rogan. Did anybody ever come forward from the White House or from the Clinton Justice Department and urge leniency for you because your perjury was only in a civil case?

Ms. Battalino. No.

Mr. Rogan. Did they argue for leniency because the civil case in which you committed perjury was ultimately dismissed?

Ms. Battalino. No.

Mr. Rogan. Did anybody from the White House ever say that leniency should be granted to you because you otherwise did your job very well?

Ms. Battalino. No.

Mr. Rogan. Did anybody ever come forward from Congress to suggest that you were the victim of an overzealous or sex-obsessed prosecutor?

Ms. Battalino. No.

Mr. Rogan. Now, according to the New York Times, they report that you lied when your lawyer asked you at a deposition whether "anything of a sexual nature" occurred; is that correct?

Ms. Battalino. Yes, that is correct.

Mr. Rogan. Did anybody from Congress or from the White House come forward to defend you, saying that that phrase was ambiguous or it all depended on what the word "anything" meant?

Ms. Battalino. No, sir. May I just—I am not sure it was my lawyer that asked the question, but that is the exact question that I was asked.

Mr. Rogan. The question that was asked that caused your prosecution for perjury.

Ms. Battalino. That's correct.

Mr. Rogan. No one ever argued that that phrase itself was ambiguous, did they?

Ms. Battalino. No.

Ms. Waters. Will the gentleman yield?

Mr. Rogan. Regrettably, my time is limited and I will not yield for that reason.

Now, Doctor, you lost two licenses. You lost a law license.

Ms. Battalino. Well, I have a law degree. I was not a member of any bar.

Mr. Rogan. Your conviction precludes you from practicing law?

Ms. Battalino. That is correct, sir.

Mr. Rogan. You also had a medical degree and license.

Ms. Battalino. That is correct.

Mr. Rogan. You lost your medical license?

Ms. Battalino. Yes. I am no longer permitted to practice medicine either.

Mr. Rogan. Did anybody from either the White House or from Congress come forward during your prosecution, or during your sentencing, and suggest that rather than you suffer the severe punishment of no longer being able to practice your profession, perhaps you should simply just receive some sort of rebuke or censure?

Ms. Battalino. No one came to my aid or defense, no.

Mr. Rogan. Nobody from the Clinton Justice Department suggested that during your sentencing hearing?

Ms. Battalino. No.

Mr. Rogan. Has anybody come forward from the White House to suggest to you that in light of circumstances, as we now see them unfolding, you should be pardoned for your offense?

Ms. Battalino. Nobody has come no. . . .

That is how the Clinton administration defines proportionality in punishment.

Mr. Chief Justice, we reserve the remainder of our time.

The CHIEF JUSTICE. Very well. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I believe now we are prepared to hear from White House counsel for up to 3 hours. How much time is remaining for the House managers?

The CHIEF JUSTICE. Thirty-one minutes.

Mr. LOTT. Does the Chief Justice suggest we take a brief break here?

The CHIEF JUSTICE. No, let's keep going.

Mr. LOTT. All right, sir.

(Laughter.)

Mr. LOTT. I guess that settles that.

(Laughter.)

The CHIEF JUSTICE. The Chair recognizes Counsel Seligman.

Ms. Counsel SELIGMAN. Mr. Chief Justice, ladies and gentlemen of the Senate, the House managers have suggested to you that the deposition of Ms. Lewinsky helped their case. The opposite is true. Ms. Lewinsky undermined critical aspects of the House managers' obstruction case.

As those of you who watched the entire video are well aware, the managers have cleverly snipped here and there in an effort to present their story even if, as a result, the story they are telling you is not Ms. Lewinsky's story. They have distorted, they have omitted, and they have created a profoundly erroneous impression.

So let's look at the facts.

In her deposition this week, Ms. Lewinsky reaffirmed her previous testimony and provided extremely useful supplements to that testimony. We asked her no questions. Why? Because there was no need. Her testimony exonerated the President. In four areas in particular, what she said demonstrates that the allegations in the articles cannot stand.

First, she refuted the allegations in article II, subpart (1), with respect to alleged efforts to obstruct and influence Ms. Lewinsky's affidavit.

Second, she contradicted the allegations in article II, subpart (2), with respect to alleged efforts to influence Ms. Lewinsky's testimony as distinct from her affidavit.

Third, she undermined the allegations in article II, subpart (3), with respect to alleged efforts to conceal gifts.

And fourth, she rebutted the allegations in article II, subpart (4), with respect to Ms. Lewinsky's job search.

I will discuss each briefly.

Let's begin with the December 17 phone call between the President and Ms. Lewinsky, which is at the heart of article II's first two subparts. The managers have consistently exaggerated the facts, the impact, and the import of this conversation. They have relentlessly argued that you should draw inferences and conclusions that are not supported by the evidence. Ms. Lewinsky's testimony this week should put an end to these inflated claims about that call.

Article II charges, in subpart (1), that the President: "On or about December 17, 1997," "corruptly encouraged a witness in a Federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false and misleading."

"On or about December 17." In other words, the allegation is firmly grounded in the December 17 phone call. That is where the House of Representatives charged the deed was done. That is the single event on which the managers base the first obstruction of justice charge.

Indeed, Mr. Manager McCOLLUM made this point emphatically before the Senate. He claimed:

> In this context, the evidence is compelling that the President committed both the crimes of obstruction of justice and witness tampering right then and there on December 17th.

He went on:

> Now, Monica Lewinsky's testimony is so clear about this that the President's lawyers probably won't spend a lot of time with you on this; they didn't in the Judiciary Committee. I could be wrong, and they probably will just to show me I am wrong.

Well, Mr. McCOLLUM was wrong in one respect. We do plan to spend time on that call. But he was absolutely right in another respect. He was correct that Ms. Lewinsky's testimony is so clear on this issue. It is so clear it exonerates the President.

The managers asked this body to permit the deposition and later the live testimony of Ms. Lewinsky to complete their proof. As Mr. Manager BRYANT stated:

> An appropriate examination—and an appropriate cross-examination, I might add; let's don't limit the White House attorneys here—of Ms. Lewinsky on the factual disputes of the affidavit and their cover story, wouldn't that be nice to hear?

Well, the managers got their examination of Ms. Lewinsky about the December 17 phone call, and it defeated the charge. It showed that she and the President did not discuss the content of an affidavit—never ever. Again, the managers ask you to convict the President and remove him from office for what turns out to be his silence. No discussion of content.

Let's listen to the testimony of Monica Lewinsky about that December 17 phone call. It is critically important. And we are showing it to you unvarnished, not in snippets, because the snippets you have seen are terribly misleading. The tape you will hear establishes beyond doubt that she and the President did not discuss the content of the affidavit in that call, or ever. It establishes beyond doubt that what happened is not obstruction of justice.

(Text of videotape presentation:)

Q. Sometime back in December of 1997, in the morning of December the 17th, did you receive a call from the President?

A. Yes.

Q. What was the purpose of that call? What did you talk about?

A. It was threefold—first, to tell me that Ms. Currie's brother had been killed in a car accident; second, to tell me that my name was on a witness list for the Paula Jones case; and thirdly, he mentioned the Christmas present he had for me.

Q. This telephone call was somewhere in the early morning hours of 2 o'clock to 2:30.

A. Correct.

Q. Did it surprise you that he called you so late?

A. No.

Q. Was this your first notice of your name being on the Paula Jones witness list?

A. Yes.

Q. I realize he, he commented about some other things, but I do want to focus on the witness list.

A. Okay.

Q. Did he say anything to you about how he felt concerning this witness list?

A. He said it broke his heart that, well, that my name was on the witness list.

Can I take a break, please? I'm sorry.

SENATOR DeWINE: Sure, sure.

* * * * * *

BY MR. BRYANT:

Q. Did—did we get your response? We were talking about the discussion you were having with the President over the telephone, early morning of the December 17th phone call, and he had, uh, mentioned that it broke his heart that you were on that list.

A. Correct.

Q. And I think you were about to comment on that further, and then you need a break.

A. No.

Q. No.

A. I just wanted to be able to focus—I know this is an important date, so I felt I need a few moments to be able to focus on it.

Q. And you're comfortable now with that, with your—you are ready to talk about that?

A. Comfortable, I don't know, but I'm ready to talk about.

Q. Well, I mean comfortable that you can focus on it.

A. Yes, sir.

Q. Good. Now, with this discussion of the fact that your name appeared as a witness, had you—had you been asleep that night when the phone rang?

A. Yes.

Q. So were you wide awake by this point? It's the President calling you, so I guess you're—you wake up.

A. I wouldn't say wide awake.

Q. He expressed to you that your name—you know, again, you talked about some other things—but he told you your name was on the list.

A. Correct.

Q. What was your reaction to that?

A. I was scared.

Q. What other discussion did you have in regard to the fact that your name was on the list? You were scared; he was disappointed, or it broke his heart. What other discussion did you have?

A. Uh, I believe he said that, uh—and these are not necessarily direct quotes, but to the best of my memory, that he said something about that, uh, just because my name was on the list didn't necessarily mean I'd be subpoenaed; and at some point, I asked him what I should do if I received a subpoena. He said I should, uh, I should let Ms. Currie know. Uh—

Q. Did he say anything about an affidavit?

A. Yes.

Q. What did he say?

A. He said that, uh, that I could possibly file an affidavit if I—if I were subpoenaed, that I could possibly file an affidavit maybe to avoid being deposed.

Q. How did he tell you you would avoid being deposed by filing an affidavit?

A. I don't think he did.

Q. You just accepted that statement?

A. [Nodding head.]

Q. Yes?

A. Yes, yes. Sorry.

Q. Are you, uh—strike that. Did he make any representation to you about what you could say in that affidavit or—

A. No.

Q. What did you understand you would be saying in that affidavit to avoid testifying?

A. Uh, I believe I've testified to this in the grand jury. To the best of my recollection, it was, uh—to my mind came—it was a range of things. I mean, it could either be, uh, something innocuous or could go as far as having to deny the relationship. Not being a lawyer nor having gone to law school, I thought it could be anything.

Q. Did he at that point suggest one version or the other version?

A. No. I didn't even mention that, so there, there wasn't a further discussion—there was no discussion of what would be in an affidavit.

Q. When you say, uh, it would be—it could have been something where the relationship was denied, what was your thinking at that point?

A. I—I—I think I don't understand what you're asking me. I'm sorry.

Q. Well, based on prior relations with the President, the concocted stories and those things like that, did this come to mind? Was there some discussion about that, or did it come to your mind about these stories—the cover stories?

A. Not in connection with the—not in connection with the affidavit.

Q. How would—was there any discussion of how you would accomplish preparing or filing an affidavit at that point?

A. No.

Q. Why—why didn't you want to testify? Why would not you—why would you have wanted to avoid testifying?

A. First of all, I thought it was nobody's business. Second of all, I didn't want to have anything to do with Paula Jones or her case. And—I guess those two reasons.

Q. You—you have already mentioned that you were not a lawyer and you had not been to law school, those kinds of things. Did, uh, did you understand when you—the potential legal problems that you could have caused yourself by allowing a false affidavit to be filed with the court, in a court proceeding?

A. During what time—I mean—I—can you be—I'm sorry—

Q. At this point, I may ask it again at later points, but the night of the telephone—

A. Are you—are you still referring to December 17th?

Q. The night of the phone call, he's suggesting you could file an affidavit. Did you appreciate the implications of filing a false affidavit with the court?

A. I don't think I necessarily thought at that point it would have to be false, so, no, probably not. I don't—I don't remember having any thoughts like that, so I imagine I would remember something like that, and I don't, but—

Q. Did you know what an affidavit was?

A. Sort of.

Q. Of course, you're talking at that time by telephone to the President, and he's—and he is a lawyer, and he taught law school—I don't know—did you know that? Did you know he was a lawyer?

A. I—I think I knew it, but it wasn't something that was present in my, in my thoughts, as in he's a lawyer, he's telling me, you know, something.

Q. Did the, did the President ever tell you, caution you, that you had to tell the truth in an affidavit?

A. Not that I recall.

Q. It would have been against his interest in that lawsuit for you to have told the truth, would it not?

A. I'm not really comfortable—I mean, I can tell you what would have been in my best interest, but I—

Q. But you didn't file the affidavit for your best interest, did you?

A. Uh, actually, I did.

Q. To avoid testifying.

A. Yes.

Q. But had you testified truthfully, you would have had no—certainly, no legal implications—it may have been embarrassing, but you would have not had any legal problems, would you?

A. That's true.

Q. Did you discuss anything else that night in terms of—I would draw your attention to the cover stories. I have alluded to that earlier, but, uh, did you talk about cover story that night?

A. Yes, sir.

Q. And what was said?

A. Uh, I believe that, uh, the President said something—you can always say you were coming to see Betty or bringing me papers.

Q. I think you've testified that you're sure he said that that night. You are sure he said that that night?

A. Yes.

Q. Now, was that in connection with the affidavit?

A. I don't believe so, no.

Q. Why would he have told you you could always say that?

A. I don't know.

* * * * *

We're at that point that we've got a telephone conversation in the morning with you and the President, and he has among other things mentioned to you that your name is on the Jones witness list. He has also mentioned to you that perhaps you could file an affidavit to avoid possible testifying in that case. Is that right?

A. Correct.

Q. And he has also, I think, now at the point that we were in our questioning, referenced the cover story that you and he had had, that perhaps you could say that you were coming to my office to deliver papers or to see Betty Currie; is that right?

A. Correct. It was from the entire relationship, that story.

Q. Now, when he alluded to that cover story, was that instantly familiar to you?

A. Yes.

Q. You knew what he was talking about?

A. Yes.

Q. And why was this familiar to you?

A. Because it was part of the pattern of the relationship.

Q. Had you actually had to use elements of this cover story in the past?

A. I think so, yes.

* * * * *

Q. Okay. Now let me go back again to the December 11th date—I'm sorry—the 17th. This is the conversation in the morning. What else—was there anything else you talked about in terms of—other than your name being on the list and the affidavit and the cover story?

A. Yes. I had—I had had my own thoughts on why and how he should settle the case, and I expressed those thoughts to him. And at some point, he mentioned that he still had this Christmas present for me and that maybe he would ask Mrs. Currie to come in that weekend, and I said not to because she was obviously going to be in mourning because of her brother.

* * * * *

Q. As I understand your testimony, too, the cover stories were reiterated to you by the President that night on the telephone—

A. Correct.

Q. —and after he told you you would be a witness—or your name was on the witness list, I should say?

A. Correct.

Q. And did you understand that since your name was on the witness list that there would be a possibility that you could be subpoenaed to testify in the Paula Jones case?

A. I think I understood that I could be subpoenaed, and there was a possibility of testifying. I don't know if I necessarily thought it was a subpoena to testify, but—

Q. Were you in fact subpoenaed to testify?

A. Yes.

Q. And that was what—

A. December 19th, 1997.

Q. December 19th.

Now, you have testified in the grand jury. I think your closing comments was that no one ever asked you to lie, but yet in that very conversation of December the 17th, 1997 when the President told you that you were on the witness list, he also suggested that you could sign an affidavit and use misleading cover stories. Isn't that correct?

A. Uh—well, I—I guess in my mind, I separate necessarily signing affidavit and using misleading cover stories. So, does—

Q. Well, those two—

A. Those three events occurred, but they don't—they weren't linked for me.

Q. But they were in the same conversation, were they not?

A. Yes, they were.

Q. Did you understand in the context of the conversation that you would deny the—the President and your relationship to the Jones lawyers?

A. Do you mean from what was said to me or—

Q. In the context of that—in the context of that conversation, December the 17th—

A. I—I don't—I didn't—

Q. Okay. Let me ask it. Did you understand in the context of the telephone conversation with the President that early morning of December the 17th—did you understand that you would deny your relationship with the President to the Jones lawyers through use of these cover stories?

A. From what I learned in that—oh, through those cover stories, I don't know, but from what I learned in that conversation, I thought to myself I knew I would deny the relationship.

Q. And you would deny the relationship to the Jones lawyers?

A. Yes, correct.

Q. Good.

A. If—if that's what it came to.

Q. And in fact you did deny the relationship to the Jones lawyers in the affidavit that you signed under penalty of perjury; is that right?

A. I denied a sexual relationship.

Q. The President did not in that conversation on December the 17th of 1997 or any other conversation, for that matter, instruct you to tell the truth; is that correct?

A. That's correct.

Q. And prior to being on the witness list, you—you both spoke—

A. Well, I guess any conversation in relation to the Paula Jones case. I can't say that any conversation from the—the entire relationship that he didn't ever say, you know, "Are you mad? Tell me the truth." So—

Q. And prior to being on the witness list, you both spoke about denying this relationship if asked?

A. Yes. That was discussed.

Q. He would say something to the effect that—or you would say that—you—you would deny anything if it ever came up, and he would nod or say that's good, something to that effect; is that right?

A. Yes, I believe I testified to that.

Q. In his answer to this proceeding in the Senate, he has indicated that he thought he had—might have had a way that he could have you—get you to file a—basically a true affidavit, but yet still skirt these issues enough that you wouldn't be called as a witness.

Did he offer you any of these suggestions at this time?

A. He didn't discuss the content of my affidavit with me at all, ever.

Now, there is a lot there, but that's the testimony. I would like to go quickly through some parts of it. First, let's be very clear, as you saw, Ms. Lewinsky repeatedly told Mr. Manager BRYANT that she and the President did not discuss the content of the affidavit in that phone call.

Let's listen quickly again:

(Text of videotape presentation:)

Q. Are you, uh—strike that. Did he make any representation to you about what you could say in that affidavit or—

A. No.

Q. What did you understand you would be saying in that affidavit to avoid testifying?

A. Uh, I believe I've testified to this in the grand jury. To the best of my recollection, it was, uh—to my mind came—it was a range of things. I mean, it could either be, uh, something innocuous or could go as far as having to deny the relationship. Not being a lawyer nor having gone to law school, I thought it could be anything.

Q. Did he at that point suggest one version or the other version?

A. No. I didn't even mention that, so there, there wasn't a further discussion—there was no discussion of what would be in an affidavit.

* * * * *

Q. In his answer to this proceeding in the Senate, he has indicated that he thought he had—might have had a way that he could have you—get you to file a—basically a true affidavit, but yet still skirt these issues enough that you wouldn't be called as a witness.

Did he offer you any of these suggestions at this time?

A. He didn't discuss the content of my affidavit with me at all, ever.

Now, ladies and gentlemen, the managers skipped these excerpts. They hid from you this key fact about the call. To borrow a phrase, they "want to win too badly."

In that excerpt, Ms. Lewinsky also made clear that the President only suggested she might be able to file an affidavit that might enable her to avoid testifying.

Let's listen:

(Text of videotape presentation:)

Q. Did he say anything about an affidavit?

A. Yes.

Q. What did he say?

A. He said that, uh, that I could possibly file an affidavit if I—if I were subpoenaed, that I could possibly file an affidavit maybe to avoid being deposed.

Q. How did he tell you you would avoid being deposed by filing an affidavit?

A. I don't think he did.

Q. You just accepted that statement?

A. [Nodding head.]

Q. Yes?

A. Yes, yes. Sorry.

* * * * *

Q. And in that same telephone conversation, he encouraged you to file an affidavit in the Jones case?

A. He suggested I could file an affidavit.

She also made clear that the President was not certain she even would be subpoenaed and have to confront the issue.

(Text of videotape presentation:)

Q. What other discussion did you have in regard to the fact that your name was on the list? You were scared; he was disappointed, or it broke his heart. What other discussion did you have?

A. Uh, I believe he said that, uh—and these are not necessarily direct quotes, but to the best of my memory, that he said something about that, uh, just because my name was on the list didn't necessarily mean I'd be subpoenaed; and at some point, I asked him what I should do if I received a subpoena. He said I should, uh, I should let Ms. Currie know. Uh——

* * * * *

Q. How would—was there any discussion of how you would accomplish preparing or filing an affidavit at that point?

A. No.

Now, where does this leave us? Ms. Lewinsky described a brief conversation in which the President mentioned the possibility that an affidavit might enable her to avoid testifying if the need for it arose, and they left the subject. No discussion of content. No discussion of logistics. No discussion of timing. Virtually no discussion at all. And that very brief exchange is the heart of the case.

Now, the managers contend that because Ms. Lewinsky also recalls a reference to cover stories in that call, it is clear beyond doubt that the President instructed her to file a false affidavit.

But for at least two reasons, this claim fails also. First, Ms. Lewinsky repeatedly told Mr. Manager BRYANT that the mention of cover stories in that call was not connected to the mention of a possible affidavit—a position, I must note, that she had taken with the independent counsel for a very long time.

Second, Ms. Lewinsky has insisted for more than a year that the cover stories were not, in any event, false—a position she reasserted this week in explaining why an affidavit didn't necessarily have to be false.

Let's look quickly at Ms. Lewinsky's testimony, first, with respect to the alleged connection between cover stories and the affidavit.

(Text of videotape presentation:)

Q. Well, based on prior relations with the President, the concocted stories and those things like that, did this come to mind? Was there some discussion about that, or did it come to your mind about these stories—the cover stories?

A. Not in connection with the—not in connection with the affidavit.

* * * * *

Q. Did you discuss anything else that night in terms of—I would draw your attention to the cover stories. I have alluded to that earlier, but, uh, did you talk about cover story that night?

A. Yes, sir.

Q. And what was said?

A. Uh, I believe that, uh, the President said something—you can always say you were coming to see Betty or bringing me papers.

Q. I think you've testified that you're sure he said that that night. You are sure he said that that night?

A. Yes.

Q. Now, was that in connection with the affidavit?

A. I don't believe so, no.

Now, you have testified in the grand jury. I think your closing comments was that no one ever asked you to lie, but yet in that very conversation of December the 17th, 1997 when the President told you that you were on the witness list, he also suggested that you could sign an affidavit and use misleading cover stories. Isn't that correct?

A. Uh—well, I—I guess in my mind, I separate necessarily signing affidavit and using misleading cover stories. So, does—

Q. Well, those two—

A. Those three events occurred, but they don't—they weren't linked for me.

Again, the managers did not play these excerpts for you either. They don't want you to know Ms. Lewinsky's recollection, which is that the cover stories and the affidavit were not connected in that telephone call. And that is the call that is at the heart of that first obstruction charge.

The managers have suggested to you that Ms. Lewinsky for the first time this week offered responses, responses concerning the literal truth, for example, of the cover story designed to help the President. That was a suggestion a few days ago. Concerned then that the testimony might now undermine their case, they suddenly did an about-face and attacked her on Thursday.

Through these proceedings, the managers have consistently told you how credible a witness Ms. Lewinsky is and they have invoked her immunity agreement as the reason that she must be honest, and today they again credit her testimony, but carefully, only in snippets, only when it suits their purposes. The responses Ms. Lewinsky provided about the cover story that were mentioned on Thursday by Mr. Manager BRYANT are not new; they are the same responses Ms. Lewinsky gave to the independent counsel. For example, when asked about the so-called cover story, Ms. Lewinsky testified as follows this week.

(Text of videotape presentation:)

Q. Would you agree that these cover stories that you've just testified to, if they were told to the attorneys for Paula Jones, that they would be misleading to them and not be the whole story, the whole truth?

A. They would—yes, I guess misleading. They were literally true, but they would be misleading, so incomplete.

The managers suggest that this testimony may be new, different, tinted, and tainted, I think they said on Thursday, but they don't tell you that Ms. Lewinsky said the very same things to the independent counsel. She did so repeatedly, and she did so—and this is key—before the President testified. She didn't know what he would say. He didn't know what she had said.

For example, Ms. Lewinsky referred to the two cover stories in her February 1998 proffer, more than a year ago. Remember, one such cover story concerned the reasons for visiting the President before she left the White House. That was to bring papers to him. And the other concerned her reasons for visiting the President after she left the White House, and that was to visit Betty Currie. Ms. Lewinsky was asked and said that neither of these statements was untrue and also that there was truth to both of these statements in her proffer a year ago.

She repeated this testimony in July to the independent counsel, telling an FBI agent that "these statements were not untrue but were misleading" and that "some facts were omitted from this statement." That is what she said this week.

The cover story testimony is consistent and is consistently exculpatory. Of course, it was easy for Mr. Manager BRYANT to stand before you on Thursday reminiscing about the open and forthcoming Ms. Lewinsky he had met during the informal interview. It was easy for Mr. Manager BRYANT to complain that the Ms. Lewinsky of the deposition was, I believe he said, not open to discussion or fully responsive to their inquiry. Let the questions and answers let you be the judge of that. It was easy for him to say that, because the House managers had refused Senator DASCHLE's request that they be allowed to make a transcript of the interview. That absence of a transcript allowed them this unverifiable fallback if their examination was disappointing: Oh, she changed on us. The truth is that she didn't tell the story that the managers wanted to hear. Remember those stubborn facts.

So we know that the managers are disappointed and want to blame their disappointment on Ms. Lewinsky. But when you get to the substance of today's presentation by the House managers, it shows that they have not in fact identified any significant area where Ms. Lewinsky's testimony on Monday differs from her earlier testimony in the grand jury. Her view of the cover story has been consistent from day 1.

Mr. Manager MCCOLLUM has also insisted that in the December 17 call it was clear both to the President and Ms. Lewinsky that the affidavit had to be false. As he put it—and I quote— "Can there be any doubt that the President was suggesting that they file an affidavit that contained lies and falsehoods that might keep her from ever having to testify in the Jones case, and give the President the kind of protection he needed when he testified?" Yes, there surely is doubt.

Ms. Lewinsky herself explains this week that she did not discuss the content of the affidavit with the President—we played those portions already and I will not again—but also that in her mind an affidavit presented a whole range of possibilities that were not necessarily false.

(Text of videotape presentation:)

Q. The night of the phone call, he's suggesting you could file an affidavit. Did you appreciate the implications of filing a false affidavit with the court?

A. I don't think I necessarily thought at that point it would have to be false, so, no, probably not. I don't—I don't remember having any thoughts like that, so I imagine I would remember something like that, and I don't, but—

Thus, as we have seen and heard, Ms. Lewinsky testified that there was no discussion of what would be in the affidavit and also that, to her thinking, the affidavit would not necessarily have been false.

Now that the December 17 call has fallen short, the managers have tried to transform the articles, as drafted, by asserting that the alleged obstruction occurred also on another date, January 5, in a call that took place then, even though the articles pin everything on December 17.

With respect to a January 5 call, Mr. Manager HUTCHINSON made the following claim to you. He asserted, and I quote:

Well, the record demonstrates that Monica Lewinsky's testimony is that she had a conversation with the President on the telephone in which she asked questions about the affidavit. She was concerned about signing that affidavit and according to Ms. Lewinsky, the President said, "Well, you could always say the people in legislative affairs got it for you or helped you get it."

This is still a quote:

And that is in reference to a paragraph in a particular affidavit.

Those were Mr. Manager HUTCHINSON's words. But the record unequivocally demonstrates that Ms. Lewinsky and the President did not ever discuss the content of that affidavit in this January 5 call or otherwise. And I challenge you to find any paragraph in Ms. Lewinsky's affidavit, either her draft or the final, reflecting this conversation. There isn't one. The call wasn't about the affidavit. He didn't tell her what to say in the affidavit. It is just not there.

In fact, Mr. Manager HUTCHINSON repeatedly represented to you that Ms. Lewinsky reviewed the content of her affidavit with the President. He had to say that because he is asking you to remove the President from office for getting her to file a false affidavit. That is a tough sell if they never talked about the content of the affidavit. That is why he told you, and I quote, "On January 6th"—5th or 6th—"she discussed that with the President, signing that affidavit, and the content of the affidavit."

That is why Mr. Manager HUTCHINSON also told you, "She went over the contents of that, even though she might not have had it in hand, with the President."

That is just not true. It is not true. To borrow a phrase, again: It is wanting to win too much. What is clear from Ms. Lewinsky's testimony is that she never went over the contents of the affidavit with the President, on January 5 or at any other time. Let's watch a brief excerpt about this matter.

(Text of videotape presentation:)

Q. Did—did the subject of the affidavit come up with the President?

A. Yes, towards the end of the conversation.

Q. And how did—tell us how that occurred.

A. I believe I asked him if he wanted to see a copy of it, and he said no.

Q. Well, I mean, how did you introduce that into the subject—into the conversation?

A. I don't really remember.

Q. Did he ask you, well, how's the affidavit coming or—

A. No, I don't think so.

Q. But you told him that you had one being prepared, or something?

A. I think I said—I think I said, you know, I'm going to sign an affidavit, or something like that.

Q. Did he ask you what are you going to say?

A. No.

Q. And this is the time when he said something about 15 other affidavits?

A. Correct.

Q. And tell us as best as you can recall what—how that—how that part of the conversation went.

A. I think that was the—sort of the other half of his sentence as, No, you know, I don't want to see it. I don't need to—or, I've seen 15 others.

It was a little flippant.

Q. In his answer to this proceeding in the Senate, he has indicated that he thought he had—might have had a way that he could have you—get you to file a—basically a true affidavit, but yet still skirt these issues enough that you wouldn't be called as a witness.

Did he offer you any of these suggestions at this time?

A. He didn't discuss the content of my affidavit with me at all, ever.

In fact, Ms. Lewinsky made clear she did not have any indication whatsoever that the President learned of the content of the affidavit from Mr. Jordan, either.

(Text of videotape presentation:)

Q. The fact that you assume that Mr. Jordan was in contact with the President—and I believe the evidence would support that through his own testimony that he had talked to the President about the signed affidavit and that he had kept the President updated on the subpoena issue and the job search—

A. Sir, I'm not sure that I knew he was having contact with the President about this. I—I think what I said was that I felt that it was getting his approval. It didn't necessarily mean that I felt he was going to get a direct approval from the President.

* * * * *

Q. Did you have any indication from Mr. Jordan that he—when he discussed the signed affidavit with the President, they were discussing some of the contents of the affidavit? Did you have—

A. Before I signed it or—

Q. No; during the drafting stage.

A. No, absolutely not—either/or. I didn't. No, I did not.

Finally, lacking any direct evidence of any kind that there was a discussion about the content of the affidavit, the managers have argued again and again that the President must have told Ms. Lewinsky to file a false affidavit because it was in his interest, not hers, to avoid her testifying in the Jones case. Mr. Manager BRYANT argued to you at the start of these proceedings, "When everything is said and done, Ms. Lewinsky had no motivation, no reason whatsoever, to want to commit a crime by willfully submitting a false affidavit with a court of law. She really did not need to do this at that point in her life."

Mr. Manager BRYANT also argued that only the President would benefit from a false affidavit, so he must have instructed her to do it. As he put it, "Ms. Lewinsky files a false affidavit in the Jones case. What is the result of filing that false affidavit and who benefited from that?"

But he was wrong. He was wrong, as Ms. Lewinsky made very clear when Mr. Manager BRYANT asked her about this very subject this week. Let's listen to what she said:

(Text of videotape presentation:)

Q. But you didn't file the affidavit for your best interest, did you?

A. Uh, actually, I did.

Q. To avoid testifying.

A. Yes.

* * * * *

Q. Why—why didn't you want to testify? Why would not you—why would you have wanted to avoid testifying?

A. First of all, I thought it was nobody's business. Second of all, I didn't want to have anything to do with Paula Jones or her case. And—I guess those two reasons.

Ms. Lewinsky concedes that she had a reason to act on her own.

Now, we have been discussing subpart (1) of article II, the affidavit allegation. But this testimony also undermined subpart (2) of article II, which alleges that the President obstructed justice in that very same phone call by encouraging Ms. Lewinsky to lie in any testimony that she might give. Ms. Lewinsky previously denied that she and the President ever discussed the content of any deposition testimony in that conversation. That happened before this week. Indeed, she had told the FBI that she and the President never discussed what to say about her visits to the White House in the context of the Paula Jones case. And the managers themselves said, in a press release on January 19 of this year, that the President and Ms. Lewinsky "did not discuss the deposition that evening because Monica had not yet been subpoenaed."

So it is not entirely surprising that the managers did not ask Ms. Lewinsky to confirm that she and the President talked about the testimony in this call, even though that is where the obstruction allegedly occurred. They didn't ask her about that this week because they knew the answer. They knew the answer was "No." They knew there was no discussion about the content of her testimony during that call. And the testimony you have seen today confirms that answer resoundingly. There is no evidence to support the charge in subpart (2) either. The managers did not even try to elicit it.

The President did not obstruct justice. Ms. Lewinsky's testimony explodes these two claims arising out of the December 17 telephone call.

Now let's turn to the allegation in article (2) concerning gifts. Subpart (3) charges that:

> On or about December 28, 1997, [the President] corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him.

Now, the managers have indicated to you that Ms. Lewinsky provided testimony useful to their case with respect to the President's involvement in the transfer of gifts to Ms. Currie. We must have attended a different deposition. In fact, Ms. Lewinsky's testimony provides powerful support for the position that Ms. Lewinsky decided on her own to keep from the Jones lawyers the gifts she had received from the President. It provides powerful support for the position that she had her own reasons and concerns for keeping the gifts from them. And it provides powerful support for the position that she never discussed either the topic of gifts or her own reasons for concern with the President before making her own independent decision on how to handle the gifts.

Perhaps most notably, her testimony also provides corroboration for the President's testimony that he told her she had to turn over to the Jones lawyers what gifts she had. That is new evidence. But it undermines the managers' case, it doesn't help it.

In one of the most extraordinary points in the deposition—and we will get to this in a moment—we learned that the Office of Independent Counsel failed to disclose to the House, to the Senate, to the President, Ms. Lewinsky's exculpatory statement on this point.

Since the OIC evidently had chosen not to share the information with us, with the House or with this body, we owe the managers a small debt of gratitude for allowing us to learn of it here.

Now let's look at the record with respect to the phone calls giving rise to the gift pickup. The managers repeatedly asserted at the outset that they could prove Ms. Currie called Ms. Lewinsky and not the other way around. They claimed they had found a cell phone record documenting that initial call to arrange to pick up the gifts. As Mr. Manager HUTCHINSON said tantalizingly at the start of these proceedings:

> Well, it was not known at the time of the questioning of Monica Lewinsky, but since then, the cell phone record was retrieved. And you don't have it in front of you, but it will be available. The cell phone record was retrieved that showed on Betty Currie's cell phone calls that a call was made at 3:32 p.m. from Betty Currie to Monica Lewinsky and—

Still under quotes—

> this confirms the testimony of Monica Lewinsky that the followup to get the gifts came from Betty Currie.

That is what Mr. Manager HUTCHINSON promised the record would show. But that is not, in the end, what the record now shows. There is no evidence that the cell phone call initiated the process, as the managers claimed, and since there is no evidence that that call from Ms. Currie was the call initiating the process, there is no documentary evidence that Ms. Currie initiated the process. It is that simple. The proof has failed.

What the record does show is that there was a cell phone call that day, a proposition that no one has ever disputed. Ms. Lewinsky testified to the managers that she recalls a cell phone call that day. Let's look at the testimony. This passage that you are about to see addresses the calls between Ms. Lewinsky and Ms. Currie on December 28. Ms. Lewinsky has just described Ms. Currie's call to her about picking something up, and this is what follows.

(Text of videotape presentation:)

Q. Did—did you have other telephone calls with her that day?

A. Yes.

Q. Okay. What was the purpose of those conversations?

A. I believe I spoke with her a little later to find out when she was coming, and I think that I might have spoken with her again when she was either leaving her house or outside or right there, to let me know to come out.

Q. Do—at that time, did you have the caller identification—

A. Yes, I did.

Q. —on your telephone?

A. Yes.

Q. And did you at least on one occasion see her cell phone number on your caller-ID that day?

A. Yes, I did.

Nowhere does Ms. Lewinsky say which call was the cell phone call. In fact, if anything, it is logical to assume that it is the call from Ms. Currie announcing her imminent arrival which, of course, says nothing about how the visit was initially planned, and no one ever has disputed that Ms. Currie picked up the box. The fact that she might have called to say, "I'm downstairs now," is of no additional evidentiary value whatsoever.

Left without a documentary record, the managers assert that there is new testimonial evidence of other calls on December 28 that somehow corroborate their theory of the case. But the new testimony doesn't even establish who made the other calls that day, and the record already had evidence of other calls on that day. Ms. Lewinsky mentioned such calls to the grand jury. Ms. Lewinsky and Ms. Currie spoke often, especially in that time period. There were phone calls.

There is nothing new here. Ms. Currie has one recollection; Ms. Lewinsky has a different recollection. Indeed, when asked by Mr. Manager BRYANT whether there was any doubt in her mind that it was Betty Currie who called her, Ms. Lewinsky stated simply, "That's how I remember this event."

Straining for something beyond this absolutely unresolvable conflict, the managers promised evidence to tip the balance, and they produced none. The much-touted cell phone call utterly fails to establish who initiated the gift pickup by Ms. Currie.

It is, therefore, clear that the deposition testimony does not advance the managers' case with respect to the gifts, but it sure advances the defense case. Remember, Ms. Lewinsky received a subpoena on December 19 requesting gifts she had received from the President. She met with her lawyer, Frank Carter, on December 22, and she did not speak to the President in the interim.

In her deposition this week, Ms. Lewinsky testified at some length about how she decided what to bring her attorney, Frank Carter, in response to that request for gifts. As we will see, she decided on her own that she would bring only innocuous things to produce, things that any intern might have in his or her possession.

Again, this was on December 22, well before the December 28 meeting with the President at which the managers and the articles say the plan to hide the gifts was hatched. Ms. Lewinsky explained to the managers what she did and why she did it. Let's listen.

(Text of videotape presentation:)

Q. Did, uh, did you bring with you to the meeting with Mr. Jordan, and for the purpose of carrying it, I guess, to Mr. Carter, items in response to this request for production?

A. Yes.

Q. Did you discuss those items with Mr. Jordan?

A. I think I showed them to him, but I'm not 100 percent sure. If I've testified that I did, then I'd stand by that.

Q. Okay. How did you select those items?

A. Uh, actually, kind of in an obnoxious way, I guess. I—I felt that it was important to take the stand with Mr. Carter and then, I guess, to the Jones people that this was ridiculous, that they were—they were looking at the wrong person to be involved in this. And, in fact, that was true. I know and knew nothing of sexual harassment. So I think I brought the, uh, Christmas cards, that I'm sure everyone in this room has probably gotten from the President and First Lady, and considered that correspondence, and some innocuous pictures and—they were innocuous.

Q. Were they the kind of items that typically, an intern would receive or, like you said, any one of us might receive?

A. I think so.

Q. In other words, it wouldn't give away any kind of special relationship?

A. Exactly.

Q. And was that your intent?

A. Yes.

Q. Did you discuss how you selected those items with anybody?

A. I don't believe so.

Q. Did Mr. Jordan make any comment about those items?

A. No.

Q. Were any of these items eventually turned over to Mr. Carter?

A. Yes.

As an aside, contrary to the assertion of Mr. Manager ROGAN, it is also clear from that excerpt that Ms. Lewinsky knew nothing of sexual harassment. That is what she said.

So it is clear from this tape that well before December 28 Ms. Lewinsky had made her own decision for her own reasons not to produce the gifts. She remained firm in this decision for her own reasons on December 28 when the President gave her more gifts. Let's watch again.

(Text of videotape presentation:)

Q. Okay. Did—he gave you some gifts that day, and my question to you is what went through your mind when he did that, when you knew all along that you had just received a subpoena to produce gifts. Did that not concern you?

A. No, it didn't. I was happy to get them.

Q. All right. Why did it—beyond your happiness in receiving them, why did the subpoena aspect of it not concern you?

A. I think at that moment—I mean, you asked me when he gave me those gifts. So, at that moment, when I was there, I was happy to be with him. I was happy to get these Christmas presents. So I was nervous about the case, but I had made a decision that I wasn't going to get into it too much—

Q. Well—

A. —with a discussion.

Q. —have you in regards to that—you've testified in the past that from everything that the President had told you about things like this, there was never any question that you were going to keep everything quiet, and turning over all the gifts would prompt the Jones attorneys to question you. So you had no doubt in your mind, did you not, that you weren't going to turn these gifts over that he had just given you?

A. Uh, I—I think the latter half of your statement is correct. I don't know if you're reading from my direct testimony, but—because you said—your first statement was from everything the President had told you. So I don't know if that was—if those were my words or not, but I—no, I was—I—it—I was concerned about the gifts. I was worried someone might break into my house or concerned that they actually existed, but I wasn't concerned about turning them over because I knew I wasn't going to, for the reason that you stated.

Now, when Ms. Lewinsky raised the issue of gifts with the President on December 28, she did not state he even answered. Her recollection of whether he said anything has been murky, as we have heard discussed here. And in her recent deposition she declined to resolve the inconsistencies in favor of the version the managers have advanced.

And then what happened after she left on December 28? As Ms. Lewinsky recounted the subsequent events, Ms. Currie later called and arranged to pick up something. But what? According to Ms. Lewinsky, Ms. Currie never said "gifts" when she called. Ms. Lewinsky assumed that was what she was calling about—that is her testimony—no doubt because they had been on her mind for the reasons we have just heard explained.

Now, the managers attempt to respond to all this by saying over and over, yes, but the President never told Ms. Lewinsky she had to produce the gifts he had given her. They attempt to convert his silence into a failure to perform a legal duty and then to convert that failure to perform a legal duty into a high crime.

But are we really sure that he didn't tell her to produce the gifts? Remember, the President volunteered on his own in the grand jury that Ms. Lewinsky had raised the subject of gifts with him. That was long before he knew she had said it. And remember, he said what his response was: "You have to give them whatever you have."

Now, the managers would have you believe Ms. Lewinsky rejected that recollection wholesale, that she said he never said any such thing. They need that to be the case. But it is not so, we now learn, no thanks to Mr. Starr's agents.

Let's watch.

(Text of videotape presentation:)

Q. Okay. Now, were you ever under the impression from anything that the President said that you should turn over all the gifts to the Jones lawyers?

A. No, but where this is a little tricky—and I think I might have even mentioned this last weekend—was that I had an occasion in an interview with one of the—with the OIC—where I was asked a series of statements, if the President had made those, and there was one statement that Agent Phalen said to me—I—there were—other people, they asked me these statements—this is after the President testified and they asked me some statements, did you say this, did you say this, and I said, no, no, no. And Agent Phalen said something, and I think it was, "Well, you have to turn over whatever you have." And I said to you, "You know, that sounds a little bit familiar to me."

So that's what I can tell you on that.

Q. That's in the 302 exam?

A. I don't know if it's in the 302 or not, but that's what happened.

Q. Uh-huh.

This is extraordinary testimony. Why? Because Ms. Lewinsky apparently corroborated the President. She recognized those words when she heard them. She didn't refute the President. And the OIC never told us that that was what she said. Never told the House. Never told this body. We had no idea about Ms. Lewinsky's recollection until we heard her testimony. We can only wonder—in troubled disbelief—how much more we still don't know. The President did not obstruct justice. Ms. Lewinsky's testimony seriously undermines the gift claim that is before you.

We have reviewed the first three subparts of article II. Now, let's look quickly at the fourth.

Ms. Lewinsky's testimony also confirms what has been clear throughout these proceedings: That her New York job search efforts began in October 1997, well before Ms. Lewinsky was ever named a potential witness in the Jones case; and that Mr. Jordan first became involved in the job search effort in November, early November, also before she became a witness; that Ms. Lewinsky had received a job offer in New York from the United Nations in November also, and also well before there was any indication she would be a witness; and that Mr. Jordan and Ms. Lewinsky had several contacts related to her job search in November, despite the fact that both of them were traveling extensively, including out of the country in that period.

In fact, Ms. Lewinsky makes it clear in this testimony that she and Mr. Jordan began arranging the meeting that took place on December 11 before Thanksgiving, before anyone knew Ms. Lewinsky's name would be on a witness list—all of this, of course, before anyone knew Ms. Lewinsky's name would be on a witness list. If the fact that the assistance to Ms. Lewinsky preceded her appearance on the witness list needed confirmation, it has been confirmed again.

But there is more. What has also been confirmed is Ms. Lewinsky's grand jury testimony that, "No one ever asked me to lie. And I was never promised a job for my silence." We have repeatedly reminded this body of these plain and simple words with their plain, simple and exculpatory meaning.

The House managers repeatedly have tried to suggest that these words must mean something else. But at no time in their hours of questioning Ms. Lewinsky did they question her about this pivotal assertion regarding the job search allegation. They did not ask her to explain it, to amend it, to qualify it. They did not challenge it. They did not confront it. They didn't dare. They knew the answer. They knew there was no quid pro quo. And their failure to elicit a response speaks volumes.

The President did not obstruct justice. Ms. Lewinsky's testimony undermines this job search claim, as well. Plain and simple, the evidence is to the contrary.

Now, Mr. Manager BRYANT remarked on Thursday that after deposing Ms. Lewinsky he felt like the actor Charles Laughton in the film "Witness for the Prosecution." As counsel for the President, I would respectfully submit that another famous role of Charles Laughton might be the more fitting reference. It is that of the dogged, tireless, obsessed Inspector Javert once played by Mr. Laughton in the 1935 movie version of "Les Miserables."

The most recent testimony of Ms. Lewinsky has seriously damaged the managers' case and has confirmed that it is time for this tireless pursuit of the President to come to an end.

I turn now to my partner, Mr. Kendall, who will discuss Mr. Jordan's recent testimony.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

RECESS

Mr. LOTT. I think I see in the Chief Justice's eyes the desire for——

(Laughter.)

Mr. LOTT. —a 15-minute break. Let's return as shortly after 3:30 as is possible.

Thereupon, at 3:18 p.m., the Senate recessed until 3:42 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Thank you, Mr. Chief Justice. I believe the White House counsel has an additional presenter at this time.

The CHIEF JUSTICE. The Chair recognizes White House Counsel Kendall.

Mr. Counsel KENDALL. Mr. Chief Justice, ladies and gentlemen of the Senate, distinguished House Managers, I am going to deal with Vernon Jordan's videotape deposition. That deposition was taken on February 2, this last Tuesday, and it produced nothing at all which was significant and new. Time and again, Mr. Manager HUTCHINSON cited Mr. Jordan's previous grand jury testimony, and time and again Mr. Jordan confirmed and recited his previous grand jury testimony.

The managers had a full and fair opportunity to take Mr. Jordan's testimony, and they, indeed, had time to spare. They used just about 3 hours of their allotted 4-hour time. And they discovered nothing that was not contained in the previous 900 pages of Mr. Jordan's grand jury testimony which has been taken in his March 3, March 5, May 5, May 28, and June 9 appearances before the OIC grand jury. Assertions by counsel is not the same thing as proof. And I think that it is clear when you watch the actual video as we have done today of the three witnesses whose testimony the managers took earlier this week.

For example, with respect to Mr. Jordan, Mr. Manager HUTCHINSON, who did a first-rate job of interrogation as you can see from the video, told you last Thursday that he needed to have in evidence the videotape, and you admitted it into evidence, because—and I quote—"Mr. Jordan's testimony goes to the connection between the job search, the benefit provided to a witness, and the solicited false testimony from that witness."

Mr. Manager HUTCHINSON also asserted more than once last Thursday that Mr. Jordan's testimony will prove that the President was controlling the job search. There is only one problem with these assertions. When you actually look at the videotape and listen to what Mr. Jordan testified to, there is no support for these propositions. There is no direct evidence and there is no circumstantial evidence. It is plain that to help somebody find a job is an acceptable activity. It is only when this is tied, as the second article of impeachment alleges it is tied, to some obstruction in the Paula Jones case that it becomes illegal. And, when fairly considered, Mr. Jordan's testimony provides no evidence whatsoever of that.

Mr. Jordan was a long-time and close personal friend of the President.

(Text of videotape presentation:)

Q. It's probably not bad from Washington standards.

Would you describe the nature of your relationship with President Clinton?

A. President Clinton has been a friend of mine since approximately 1973, when I came to your State, Arkansas, to make a speech as president of the National Urban League about race and equal opportunity in our Nation, and we met then and there, and our friendship has grown and developed and matured and he is my friend and will continue to be my friend.

Q. And just to further elaborate on that friendship, it's my understanding that he and his—and the First Lady has had Christmas Eve dinner with you and your family for a number of years?

A. Every year since his Presidency, the Jordan family has been privileged to entertain the Clinton family on Christmas Eve.

Q. And has there been any exceptions in recent years to that?

A. Every year that he has been President, he has had, he and his family, Christmas Eve with my family.

Q. And have you vacationed together with the Clinton family?

A. Yes. I think you have seen reels of playing golf and having fun at Martha's Vineyard.

Q. And so you vacation together, you play golf together on a semi-regular basis?

A. Whenever we can.

It has been, since the start of this investigation, well known that Mr. Jordan was active in helping Ms. Lewinsky secure employment in New York, and also that he construed this request which came to him through Betty Currie as having come from the President himself. In his May 28 grand jury testimony, for example, Mr. Jordan testified that Betty Currie is the President's secretary. "She was the person who called me at the behest of the President, I believe, to ask me to look into getting Monica Lewinsky the job."

And, again, on June 9, Mr. Jordan testified to the grand jury that, "The President asked me to help get Monica Lewinsky a job."

Mr. Manager HUTCHINSON played an excerpt, which I will not play again, which once more repeats that testimony.

Mr. Jordan, however, made clear that while he recommended Ms. Lewinsky for a job at three New York firms which he had some connection with, the decision to hire her was the company's, and he put no pressure of any kind on these companies to hire Ms. Lewinsky. Indeed, she received an offer at one company, Revlon, and failed to obtain one from American Express or Burson-Marsteller.

(Text of video presentation:)

Q. Okay. Do you believe that you are acting in the company's interest or the President's interest when you were trying to secure a job for Ms. Lewinsky?

A. Well, what I knew was that the company would take care of its own interest. This is not the first time that I referred somebody, and what I know is, is that if a person being referred does not meet the standards required for that company, I have no question but that that person will not be hired. And so the referral is an easy thing to do; the judgment about employment is not a judgment as a person referring that I make. But I do have confidence in all of the companies on whose boards I sit that, regardless of my reference, that as to their needs and as to their expectations for their employees that they will make the right decisions, as happened in the American Express situation. American Express called and said: We will not hire Ms. Lewinsky. I did not question it, I did not challenge it, because they understood their needs and their needs in comparison to her qualifications. They made a judgment. Revlon, on the other hand, made another judgment.

I am not the employer. I am the referrer, and there is a major difference.

Q. Now, going back to what you knew as far as information and what you conveyed to Revlon, you indicated that you did not tell Mr. Halperin that you were making this request or referral at the request of the President of the United States.

A. Yes, and I didn't see any need to do that.

Q. And then, when you talked to Mr.—

A. Nor do I believe not saying that, Counselor, was a breach of some fiduciary relationship.

Q. And when you had your conversation with Mr. Perelman—

A. Right.

Q. —at a later time—

A. Right.

Q. —you do not remember whether you told him—you do not believe you told him you were calling for the President—

A. I believe that I did not tell him.

Q. —but you assumed that he knew?

A. No. I did not make any assumptions, let me say. I said: Ronald, here is a young lady who has been interviewed. She thinks the interview has not gone well. See what you can do to make sure that she is properly interviewed and evaluated—in essence.

Q. And did you reference her as a former White House intern?

A. Probably. I do not have a recollection of whether I described her as a White House intern, whether I described her as a person who had worked for the Pentagon. I said this is a person that I have referred.

I think, Mr. HUTCHINSON, that I have sufficient, uh, influence, shall we say, sufficient character, shall we say, that people have been throughout my career able to take my word at face value.

Q. And so you didn't need to reference the President. The fact that you were calling Mr. Perelman—

A. That was sufficient.

Q. —and asking for a second interview for Ms. Lewinsky, that that should be sufficient?

A. I thought it was sufficient, and obviously, Mr. Perelman thought it was sufficient.

Q. And so there is no reason, based on what you told him, for him to think that you were calling at the request of the President of the United States?

A. I think that's about right.

Q. And so, at least with the conversation with Mr. Halperin and Mr. Perelman, you did not reference that you were acting in behalf of the President of the United States. Was there anyone else that you talked to at Revlon in which they might have acquired that information?

A. The only persons that I talked to in this process, as I explained to you, was Mr. Halperin and Mr. Perelman about this process. And it was Mr. Halperin who put the—who got the process started.

Q. So those are the only two you talked about, and you made no reference that you were acting in behalf of the President?

A. Right.

Q. Now, the second piece of information was the fact that you knew and the President knew that Ms. Lewinsky was under subpoena in the Jones case, and that information was not provided to either Mr. Halperin or to Mr. Perelman; is that correct?

A. That's correct.

The most critical thing about this deposition is it contained no evidence of any kind which supports the central allegation of article II, the obstruction of justice article, that Mr. Jordan's job search assistance was tied to Ms. Lewinsky testifying in a certain way or that the President intended Mr. Jordan's assistance to corruptly influence her testimony. Mr. Jordan was unequivocal about the fact that he had frequently helped other people and that here there was no quid pro quo, no tie-in of any kind. Indeed, he provided direct evidence of this fact.

(Text of videotape presentation:)

Q. Mr. Jordan, you were asked questions about job assistance. Would you describe the job assistance you have over your career given to people who have come to you requesting help finding a job or finding employment?

A. Well, I've known about job assistance and have for a very long time. I learned about it dramatically when I finished at Howard University Law School, 1960, to return home to Atlanta, Georgia to look for work. In the process of my—during my senior year, it was very clear to me that no law firm in Atlanta would hire me. It was very clear to me that, uh, I could not get a job as a black lawyer in the city government, the county government, the State government or the Federal Government.

And thanks to my high school bandmaster, Mr. Kenneth Days, who called his fraternity brother, Donald L. Hollowell, a civil rights lawyer, and said, "That Jordan boy is a fine boy, and you ought to consider him for a job at your law firm," that's when I learned about job referral, and that job referral by Kenneth Days, now going to Don Hollowell, got me a job as a civil rights lawyer working for Don Hollowell for $35 a week.

I have never forgotten Kenneth Days' generosity. And given the fact that all of the other doors for employment as a black lawyer graduating from Howard University were open to me, that's always—that's always been etched in my heart and my mind, and as a result, because I stand on Mr. Days' shoulders and Don Hollowell's shoulders, I felt some responsibility to the extent that I could be helpful or got in a position to be helpful, that I would do that.

And there is I think ample evidence, both in the media and by individuals across this country, that at such times that I have been presented with that opportunity that I have taken advantage of that opportunity, and I think that I have been successful at it.

Q. Was your assistance to Ms. Lewinsky which you have described in any way dependent upon her doing anything whatsoever in the Paula Jones case?

A. No.

That is direct evidence. That is not circumstantial evidence. That is unimpugned direct evidence.

Mr. Manager HUTCHINSON emphasized that Mr. Jordan now admits that he met with Ms. Lewinsky for breakfast on December 31. But Mr. Jordan also conceded in his deposition that, while he has no direct recollection of it, he also met with Ms. Lewinsky on November 5, a date well before any of the many managerial-selected dates for the beginning of the corrupt conspiracy here.

(Text of videotape presentation:)

Q. . . . Now, when was the first time that you recall that you met with Monica Lewinsky?

A. If you've read my grand jury testimony—

Q. I have.

A. —and I'm sure that you have—there is testimony in the grand jury that she came to see me on or about the 5th of November. I have no recollection of that. It was not on my calendar, and I just have no recollection of her visit. There is a letter here that you have in evidence, and I have to assume that in fact that happened. But as I said in my grand jury testimony, I'm not aware of it, I don't remember it—but I do not deny that it happened.

Q. And Ms. Lewinsky has made reference to a meeting that occurred in your office on November 5, and that's the meeting that you have no recollection of?

A. That is correct. We have no record of it in my office, and I just have no recollection of it.

Q. And in your first grand jury appearance, you were firm, shall I say, that the first time you met with Ms. Lewinsky, that it was on December 11th?

A. Yes. It was firm based on what my calendar told me, and subsequently to that, there has been a refreshing of my recollection, and I do not deny that it happened. By the same token, I will tell you, as I said in my grand jury testimony, that I did not remember that I had met with her.

Q. And in fact today, the fact that you do not dispute that that meeting occurred is not based upon your recollection but is simply based upon you've seen the records, and it appears that that meeting occurred?

A. That is correct.

The managers' theory is that it wasn't the original job assistance which constitutes obstruction of justice, it was, rather, the intensification of it which began at a certain point—and that point has varied.

When you boil it all down, when you look at Mr. Jordan's deposition or read his grand jury testimony, you see that he acted for Ms. Lewinsky on two different occasions. On December 11 he made three phone calls for her to New York firms, and then on January 8, when she thought an interview had gone badly, he made another phone call, this time to Mr. Perelman. That is all he did.

Now, you also will recall, I think, that the managers' original theory was that what catalyzed this job search intensification, what really kick-started it, was the entry of an order in the Paula Jones case by Judge Wright on December 11.

Mr. Manager HUTCHINSON told you on January 14 that what triggered—

> Let's look at the chain of events. The judge—the witness list came in, the judge's order came in, that triggered the President into action and the President triggered Vernon Jordan into action. That chain reaction here is what moved the job search along. . . . Remember what else happened on that day, December 11. Again, that was the same day that Judge Wright ruled that the questions about other relationships could be asked by the Jones attorneys.

That was the theory then. This is now. We demonstrated, in our own presentation, of course, that that order was entered late in the day at a time when Mr. Jordan was high over the Atlantic in an airplane on his way to Amsterdam.

Mr. Manager HUTCHINSON's very able examination did not try to resuscitate that theory. He didn't even make the attempt. He didn't ask Mr. Jordan about the December 11 order.

So today we have a different time line. We have a new chart and a new time line. Let's look at this.

This is Mr. Manager HUTCHINSON's chart this morning. What is critical here? Well, we learned today that it is the December 5 date that is critical. That is when the witness list was faxed to the President's counsel, and that is what triggered the succeeding chain of events. Mr. Manager HUTCHINSON remarked, if I heard him correctly, that whenever you are talking about obstruction of justice, it ties together, it all fits together.

Let's look at his chart. We see that December 11 is on here, but Judge Wright's order has dropped off entirely, unless it is there where I don't see it. Judge Wright's order is now not part of the chain of causation.

We look at December 7. We ask ourselves what happened then; this is 2 days after the witness list came in. It must have been something nefarious, because the President and Jordan meet. But Mr. Manager HUTCHINSON did not represent to you that they even talked about the Jones litigation or Ms. Lewinsky because they didn't. The managers told you that in their trial brief, and it has been Mr. Jordan's consistent testimony.

On December 11, Mr. Jordan did have a meeting with Ms. Lewinsky. That was originally set up not on December 8, you will recall, but back in November when Ms. Lewinsky had agreed to call Mr. Jordan when he returned from his travel.

So the chronology here produces no even circumstantial evidence of some linkage between the Paula Jones case and Mr. Jordan's job search.

It is also significant, I think, while the witness list came in on December 5, the President met with his lawyers on December 6, the President doesn't call Ms. Lewinsky until December 17 and Mr. Jordan doesn't learn about the fact that Ms. Lewinsky is on the witness list until December 19. There does not seem to be a lot of urgency here.

Let's review the nefarious conspiracy that we have heard about today to get Ms. Lewinsky a job. We are told today that Vernon Jordan had no corrupt intent, that Ms. Lewinsky had no corrupt intent, and that Revlon had no corrupt intent. Rather, it was the President who somehow spun out this conspiracy. But I ask you, where, in all of the voluminous record, is there any evidence, either direct or circumstantial, that the President somehow tied these things together through Mr. Jordan? It is a shell game, but the game doesn't have any shell in it, and I think this is the loneliest conspiracy in human history, if it was a conspiracy. But it wasn't.

On the subject of quid pro quo, I want to play two excerpts, and part of these I ask your indulgence. They were played in part by Mr. Manager HUTCHINSON, but I think they deserve to be seen in their full context. In one of them you are going to hear Mr. Jordan say that he was running the job search, he was in control of the job search. I think that is true about the Vernon Jordan job search. Ms. Lewinsky's job search had also been proceeding with Mr. Richardson—Mr. Jordan was not involved in any way with that—and through her superior at the Pentagon, Mr. Ken Bacon. Let's listen to the full context and listen for any evidence of a quid pro quo.

(Text of videotape presentation:)

BY MR. HUTCHINSON:

Q. Mr. Jordan, let me go back to that meeting on December 11th. I believe we were discussing that. My question would be: How did the meeting on December 11 of 1997 with Ms. Lewinsky come about?

A. Ms. Lewinsky called my office and asked if she could come to see me.

Q. And was that preceded by a call from Betty Currie?

A. At some point in time, Betty Currie had called me, and Ms. Lewinsky followed up on that call, and she came to my office, and we had a visit.

Q. Ms. Lewinsky called, set up a meeting, and at some point sent you a resume, I believe.

A. I believe so.

Q. And did you receive that prior to the meeting on December 11th?

A. I—I have to assume that I did, but I—I do not know whether she brought it with her or whether—it was at some point that she brought with her or sent to me—somehow it came into my possession—a list of various companies in New York with which she had—which were her preferences, by the way—most of which I did not know well enough to make any calls for.

Q. All right. And I want to come back to that, but I believe—would you dispute if the record shows that you received the resume of Ms. Lewinsky on December 8th?

A. I would not.

Q. And presumably, the meeting on December 11th was set up somewhere around December 8th by the call from Ms. Lewinsky?

A. I—I would not dispute that, sir.

Q. All right. Now, you mentioned that she had sent you a—I guess some people refer to it—a wish list, or a list of jobs that she—

A. Not jobs—companies.

Q. —companies that she would be interested in seeking employment with.

A. That's correct.

Q. And you looked at that, and you determined that you wanted to go with your own list of friends and companies that you had better contacts with.

A. I'm sure, Congressman, that you too have been in this business, and you do know that you can only call people that you know or feel comfortable in calling.

Q. Absolutely. No question about it. And let me just comment and ask your response to this, but many times I will be listed as a reference, and they can take that to any company. You might be listed as a reference and the name "Vernon Jordan" would be a good reference anywhere, would it not?

A. I would hope so.

Q. And so, even though it was a company that you might not have the best contact with, you could have been helpful in that regard?

A. Well, the fact is I was running the job search, not Ms. Lewinsky, and therefore, the companies that she brought or listed were not of interest to me. I knew where I would need to call.

Q. And that is exactly the point, that you looked at getting Ms. Lewinsky a job as an assignment rather than just something that you were going to be a reference for.

A. I don't know whether I looked upon it as an assignment. Getting jobs for people is not unusual for me, so I don't view it as an assignment. I just view it as something that is part of what I do.

Q. You're acting in behalf of the President when you are trying to get Ms. Lewinsky a job, and you were in control of the job search?

A. Yes.

Q. Now, going back—going to your meeting that we're talking about on December 11th, prior to the meeting did you make any calls to prospective employers in behalf of Ms. Lewinsky?

A. I don't think so. I think not. I think I wanted to see her before I made any calls.

Q. And so if they were not before, after you met with her, you made some calls on December 11th?

A. I—I believe that's correct.

Q. And you called Mr. Richard Halperin of McAndrews & Forbes?

A. That's right.

Q. You called Mr. Peter—

A. Georgescu.

Q. —Georgescu. And he is with what company?

A. He is chairman and chief executive officer of Young & Rubicam, a leading advertising agency on Madison Avenue.

Q. And did you make one other call?

A. Yes. I called Ursie Fairbairn, who runs Human Resources at American Express, at the American Express Company, where I am the senior director.

* * * * *

Q. And what did you basically communicate to each of these officials in behalf of Ms. Lewinsky?

A. I essentially said that you're going to hear from Ms. Lewinsky, and I hope that you will afford her an opportunity to come in and be interviewed and look favorably upon her if she meets your qualifications and your needs for work.

Q. Okay. And at what level did you try to communicate this information?

A. By—what do you mean by "what level"?

Q. In the company that you were calling, did you call the chairman of human resources, did you call the CEO—who did you call, or what level were you seeking to talk to?

A. Richard Halperin is sort of the utility man; he does everything at McAndrews & Forbes. He is very close to the chairman, he is very close to Mr. Gittis. And so at McAndrews & Forbes, I called Halperin.

As I said to you, and as my grand jury testimony shows, I called Young & Rubicam, Peter Georgescu as its chairman and CEO. I have had a long-term relationship with Young & Rubicam going back to three of its CEOs, the first being Edward Ney, who was chairman of Young & Rubicam when I was head of the United Negro College Fund, and it was during that time that we developed the great theme, "A mind is a terrible thing to waste." So I have had a long-term relationship with Young & Rubicam and with Peter Georgescu, so I called the chairman in that instance.

At American Express, I called Ms. Ursie Fairbairn who is, as I said before, in charge of Human Resources.

So that is the level—in one instance, the chairman; in one instance a utilitarian person; and in another instance, the head of the Human Resources Department.

Q. And the utilitarian connection, Mr. Richard Halperin, was sort of an assistant to Mr. Ron Perelman?

A. That's correct. He's a lawyer.

Q. Now, going to your meeting on December 11th with Ms. Lewinsky, about how long of a meeting was that?

A. I don't—I don't remember. You have a record of it, Congressman.

Q. And actually, I think you've testified it was about 15 to 20 minutes, but don't hold me to that, either.

During the course of the meeting with Ms. Lewinsky, what did you learn about her?

A. Uh, enthusiastic, quite taken with herself and her experience, uh, bubbly, effervescent, bouncy, confident, uh—actually, I sort of had the same impression that you House Managers had of her when you met with her. You came out and said she was impressive, and so we come out about the same place.

Q. And did she relate to you the fact that she liked being an intern because it put her close to the President?

A. I have never seen a White House intern who did not like being a White House intern, and so her enthusiasm for being a White House intern was about like the enthusiasm of White House interns—they liked it.

She was not happy about not being there anymore—she did not like being at the Defense Department—and I think she actually had some desire to go back. But when she actually talked to me, she wanted to go to New York for a job in the private sector, and she thought that I could be helpful in that process.

Q. Did she make reference to someone in the White House being uncomfortable when she was an intern, and she thought that people did not want her there?

A. She felt unwanted—there is no question about that. As to who did not want her there and why they did not want her there, that was not my business.

Q. And she related that—

A. She talked about it.

Q. —experience or feeling to you?

A. Yes.

Q. Now, your meeting with Ms. Lewinsky was on December 11th, and I believe that Ms. Lewinsky has testified that she met with the President on December 5—excuse me, on December 6—at the White House and complained that her job search was not going anywhere, and the President then talked to Mr. Jordan.

Do you recall the President talking to you about that after that meeting?

A. I do not have a specific recollection of the President saying to me anything about having met with Ms. Lewinsky. The President has never told me that he met with Ms. Lewinsky, as best as I can recollect. I—I am aware that she was in a state of anxiety about going to work. She was in a state of anxiety in addition because her lease at Watergate, at the Watergate, was to expire December 31st. And there was a part of Ms. Lewinsky, I think, that thought that because she was coming to me, that she could come today and that she would have a job tomorrow. That is not an unusual misapprehension, and it's not limited to White House interns.

Q. I mentioned her meeting with the President on the same day, December 6th. I believe the record shows the President met with his lawyers and learned that Ms. Lewinsky was on the Jones witness list. Now, did you subsequently meet with the President on the next day, December 7th?

A. I may have met with the President. I'd have to—I mean, I'd have to look. I'd have to look. I don't know whether I did or not.

Q. If you would like to confer—I believe the record shows that, but I'd like to establish that through your testimony.

MS. WALDEN: Yes.

THE WITNESS: Yes.

BY MR. HUTCHINSON:

Q. All right. So you met with the President on December 7th. And was it the next day after that, December 8th, that Ms. Lewinsky called to set up the job meeting with you on December 11th?

A. I believe that is correct.

Q. And sometime after your meeting on December 11th with Ms. Lewinsky, did you have another conversation with the President?

A. Uh, you do understand that conversations between me and the President, uh, was not an unusual circumstance.

Q. And I understand that—

A. All right.

Q. —and so let me be more specific. I believe your previous testimony has been that sometime after the 11th, you spoke with the President about Ms. Lewinsky.

A. I stand on that testimony.

Q. All right. And so there's two conversations after the witness list came out—one that you had with the President on December 7th, and then a subsequent conversation with him after you met with Ms. Lewinsky on the 11th.

Now, in your subsequent conversation after the 11th, did you discuss with the President of the United States Monica Lewinsky, and if so, can you tell us what that discussion was?

A. If there was a discussion subsequent to Monica Lewinsky's visit to me on December the 11th with the President of the United States, it was about the job search.

Q. All right. And during that, did he indicate that he knew about the fact that she had lost her job in the White House, and she wanted to get a job in New York?

A. He was aware that—he was obviously aware that she had lost her job in the White House, because she was working at the Pentagon. He was also aware that she wanted to work in New York, in the private sector, and understood that that is why she was having conversations with me. There is no doubt about that.

Q. And he thanked you for helping her?

A. There's no question about that, either.

Q. And on either of these conversations that I've referenced that you had with the President after the witness list came out, your conversation on December 7th, and your conversation sometime after the 11th, did the President tell you that Ms. Monica Lewinsky was on the witness list in the Jones case?

A. He did not.

Q. And did you consider this information to be important in your efforts to be helpful to Ms. Lewinsky?

A. I never thought about it.

Mr. Jordan found out about Ms. Lewinsky's subpoena on December 19 when a weeping Ms. Lewinsky telephoned him and came to his office. Mr. Manager HUTCHINSON played that excerpt from the testimony this morning. I won't replay it. Mr. Jordan then did what I think is best called due diligence. He talked to Ms. Lewinsky, got her a lawyer, asked her whether there was any sexual relationship with the President, and was assured that there was not. That same evening, he went to the White House and made a similar inquiry of the President and he received a similar response.

(Text of videotape presentation:)

Q. And still on December 19th, after your meeting with Ms. Lewinsky, did you subsequently see the President of the United States later that evening?

A. I did.

Q. And is this when you went to the White House and saw the President?

A. Yes.

Q. At the time that Ms. Lewinsky came to see you on December 19th, did you have any plans to attend any social function at the White House that evening?

A. I did not.

Q. And in fact there was a social invitation that you had at the White House that you declined?

A. I had—I had declined it; that's right.

Q. And subsequent to Ms. Lewinsky visiting you, did you change your mind and go see the President that evening?

A. After the—a social engagement that Mrs. Jordan and I had, we went to the White House for two reasons. We went to the White House to see some friends who were there, two of whom were staying in the White House; and secondly, I wanted to have a conversation with the President.

Q. And this conversation that you wanted to have with the President was one that you wanted to have with him alone?

A. That is correct.

Q. And did you let him know in advance that you were coming and wanted to talk to him?

A. I told him I would see him sometime that night after dinner.

Q. Did you tell him why you wanted to see him?

A. No.

Q. Now, was this—once you told him that you wanted to see him, did it occur the same time that you talked to him while Ms. Lewinsky was waiting outside?

A. It could be. I made it clear that I would come by after dinner, and he said fine.

Q. Now, let me backtrack for just a moment, because whenever you talked to the President, Ms. Lewinsky was not inside the room—

A. That's correct.

Q. —and therefore, you did not know the details about her questions on the President might leave the First Lady and those questions that set off all of these alarm bells.

A. [Nodding head up and down.]

Q. And so you were having—is the answer yes?

A. That's correct.

Q. And so you were having this discussion with the President not knowing the extent of Ms. Lewinsky's fixation?

A. Uh—

Q. Is that correct?

A. Correct.

Q. And, regardless, you wanted to see the President that night, and so you went to see him. And was he expecting you?

A. I believe he was.

Q. And did you have a conversation with him alone?

A. I did.

Q. No one else around?

A. No one else around.

Q. And I know that's a redundant question.

A. It's okay.

Q. Now, would you describe your conversation with the President?

A. We were upstairs, uh, in the White House. Mrs. Jordan—we came in by way of the Southwest Gate into the Diplomatic Entrance—we left the car there. I took the elevator up to the residence, and Mrs. Jordan went and visited at the party. And the President was already upstairs—I had ascertained that from the usher—and I went up, and I raised with him the whole question of Monica Lewinsky and asked him directly if he had had sexual relations with Monica Lewinsky, and the President said, "No, never."

Q. All right. Now, during that conversation, did you tell the President again that Monica Lewinsky had been subpoenaed?

A. Well, we had established that.

Q. All right. And did you tell him that you were concerned about her fascination?

A. I did.

Q. And did you describe her as being emotional in your meeting that day?

A. I did.

Q. And did you relate to the President that Ms. Lewinsky asked about whether he was going to leave the First Lady at the end of the term?

A. I did.

Q. And as—and then, you concluded that with the question as to whether he had had sexual relations with Ms. Lewinsky?

A. And he said he had not, and I was satisfied—end of conversation.

Q. Now, once again, just as I asked the question in reference to Ms. Lewinsky, it appears to me that this is an extraordinary question to ask the President of the United States. What led you to ask this question to the President?

A. Well, first of all, I'm asking the question of my friend who happens to be the President of the United States.

Q. And did you expect your friend, the President of the United States, to give you a truthful answer?

A. I did.

Q. Did you rely upon the President's answer in your decision to continue your efforts to seek Ms. Lewinsky a job?

A. I believed him, and I continued to do what I had been asked to do.

This morning, a very short portion of the President's grand jury testimony was played. The sound was not very good. It was a very short snippet, but it relates to what happened between Mr. Jordan and the President in that December 19, late-night meeting at the White House. The snippet that was played for you was:

Q. And Mr. Jordan informed you of that, is that correct?

"That" being the subpoena.

A. No, sir.

That leaves the misleading impression in his grand jury testimony the President did not acknowledge this visit with Mr. Jordan. The question right above the one that was quoted, however, was the following:

Q. You were familiar, weren't you, Mr. President, that she had received the subpoena? You have already acknowledged that.

The answer was, "Yes, sir, I was."

And then two pages later, the President was asked by the OIC:

Q. Did you, in fact, have a conversation with Mr. Jordan on the evening of December 19, 1997, in which he talked to you about Monica being in Mr. Jordan's office, having a copy of the subpoena and being upset about being subpoenaed?

And the President's answer was:

I remember that Mr. Jordan was in the White House on December 19 for an event of some kind, that he came up to the residence floor and told me that he had—that Monica had gotten subpoenaed or Monica was going to have to testify and I think he told me he recommended a lawyer for her. I believe that's what happened, but it was a very brief conversation.

So I think it is absolutely clear that there is no conflict between the President's testimony and Mr. Jordan's testimony about this. Mr. Jordan had recommended Ms. Lewinsky and took her to the lawyer's office, to a lawyer, a Mr. Frank Carter, a respected Washington, DC, lawyer, to whom Mr. Jordan had recommended other clients.

(Text of videotape presentation:)

Q. Now, you have referred other clients to Mr. Carter during your course of practice here in Washington, D.C.?

A. Yes, I have.

Q. About how many have you referred to him?

A. Oh, I don't know. Maggie Williams is one client that I—I remember very definitely.

I like Frank Carter a lot. He's a very able young lawyer. He's a first-class person, a first-class lawyer, and he's one of my new acquaintances amongst lawyers in town, and I like being around him. We have lunch, and he's a friend.

Q. And is it true, though, that when you've referred other clients to Mr. Carter that you never personally delivered and presented that client to him in his office?

A. But I delivered Maggie Williams to him in my office. I had Maggie Williams to come to my office, and it was in my office that I introduced, uh, Maggie Williams to Mr. Carter, and she chose other counsel. I would have happily taken Maggie Williams to his office.

Gary, I will skip the next two videotapes 21 and 22. I hear a sigh of relief.

I want to use the next videotape—and I am almost through —to correct the record as to one point that was made by the managers on Thursday. And again, this representation was important because it asserted an interconnection between the job search assistance and testimony in the Jones case.

We were shown a chart on Thursday and it was a chart that was entitled "Interconnection Between Job Help and Testimony."

Managers' version:

Q. [so you] Talk to her both about the job and her concerns about parts of the affidavit.

Answer, according to the managers' version, "That is correct."

When we actually looked at the testimony which we will see in just a second, the question is:

Q. Did you, in fact, talk to her about the job and her concerns about parts of the affidavit?

A. I have never in any conversation with Ms. Lewinsky talked to her about the job, on the one hand, or job being interrelated with the conversation about the affidavit. The affidavit was over here. The job was over here.

I don't suggest any intentional misrepresentation, but I think the record deserves to be corrected.

(Text of videotape presentation:)

Q. Do you know why you would have been calling Mr. Carter on three occasions, the day before the affidavit was signed?

A. Yeah. I—my recollection is—is that I was exchanging or sharing with Mr. Carter what had gone on, what she had asked me to do, what I refused to do, reaffirming to him that he was the lawyer and I was not the lawyer. I mean, it would be so presumptuous of me to try to advise Frank Carter as to how to practice law.

Q. Would you have been relating to Mr. Carter your conversations with Ms. Lewinsky?

A. I may have.

Q. And if Ms. Lewinsky expressed to you any concerns about the affidavit, would you have relayed those to Mr. Carter?

A. Yes.

Q. And if Mr. Carter was a good attorney that was concerned about the economics of law practice, he would have likely billed Ms. Lewinsky for some of those telephone calls?

A. You have to talk to Mr. Carter about his billing.

Q. It wouldn't surprise you if his billing did reflect a—a charge for a telephone conversation with Mr. Jordan?

A. Keep in mind that Mr. Carter spent most of his time in being a legal services lawyer. I think his concentration is primarily on service, rather than billing.

Q. But, again, based upon the conversations you had with him, which sounds like conversations of substance in reference to the affidavit, that it would be consistent with the practice of law if he charged for those conversations?

A. That's a question you'd have to ask Mr. Carter.

Q. They were conversations of substance with Mr. Carter concerning the affidavit?

A. And they were likely conversations about more than Ms. Lewinsky.

Q. But the answer was yes, that they were conversations of substance in reference to the affidavit?

A. Or at least a portion of them.

Q. In other words, other things might have been discussed?

A. Yes.

Q. In your conversation with Ms. Lewinsky prior to the affidavit being signed, did you in fact talk to her about both the job and her concerns about parts of the affidavit?

A. I have never in any conversation with Ms. Lewinsky talked to her about the job, on one hand, or job being interrelated with the conversation about the affidavit. The affidavit was over here. The job was over here.

Q. But the—in the same conversations, both her interest in a job and her discussions about the affidavit were contained in the same conversation?

A. As I said to you before, Counselor, she was always interested in the job.

Q. Okay. And she was always interested in the job, and so, if she brought up the affidavit, very likely it was in the same conversation?

A. No doubt.

Q. And that would be consistent with your previous grand jury testimony when you expressed that you talked to her both about the job and her concerns about parts of the affidavit?

A. That is correct.

Q. Now, on January 7th, the affidavit was signed. Subsequent to this, did you notify anyone in the White House that the affidavit in the Jones case had been signed by Ms. Lewinsky?

A. Yeah. I'm certain I told Betty Currie, and I'm fairly certain that I told the President.

Q. And why did you tell Betty Currie?

A. I'm—I kept them informed about everybody else that was—everything else. There was no reason not to tell them about that she had signed the affidavit.

Q. And why did you tell the President?

A. The President was obviously interested in her job search. We had talked about the affidavit. He knew that she had a lawyer. It was in the due course of a conversation. I would say, "Mr. President, she signed the affidavit. She signed the affidavit."

Q. And what was his response when you informed him that she had signed the affidavit?

A. "Thank you very much."

Q. All right. And would you also have been giving him a report on the status of the job search at the same time?

A. He may have asked about that, and—and part of her problem was that, you know, she was—there was a great deal of anxiety about the job. She wanted the job. She was unemployed, and she wanted to work.

Q. Now, I think you indicated that he was obviously concerned about—was it her representation and the affidavit?

A. I told him that I had found counsel for her, and I told him that she had signed the affidavit.

Q. Okay. You indicated that he was concerned, obviously, about something. What was he obviously concerned about in your conversations with him?

A. Throughout, he had been concerned about her getting employment in New York, period.

Q. And he was also concerned about the affidavit?

A. I don't know that that was concern. I did tell him that the affidavit was signed. He knew that she had counsel, and he knew that I had arranged the counsel.

In his presentation, Mr. Manager HUTCHINSON discussed the breakfast with Ms. Lewinsky, which Mr. Jordan now concedes he had, on December 31. He showed you the restaurant bill. I am not going to dwell long on that because it really is not relevant to article II.

First of all, it is nowhere alleged as a ground of obstruction of justice. Mr. Manager HUTCHINSON referred to the 7 pillars of obstruction in article II. Those are 7 different factual grounds. This alleged obstruction is nowhere in the grounds.

There is plainly a conflict in the testimony between Ms. Lewinsky and Mr. Jordan; although Mr. Jordan, as you will recall, vehemently denies ever giving that instruction, saying in the videotape played this morning: "I'm a lawyer and I'm a loyal friend, but I'm not a fool. That's ridiculous. I never did that."

The second reason why I think this is irrelevant is, it was not presented as a separate ground for impeachment by the independent counsel. It was identified—the fact of the conflicted testimony was identified, but it was not urged as a separate ground, despite the very, very energetic investigation of Mr. Starr. We have heard a lot in this case about "dogs that won't hunt." In my mind, this is like a Sherlock Holmes story about the dog that didn't bark. If the independent counsel didn't raise it, that is significant. Finally, it has nothing whatsoever to do with the President, by anybody's contention.

Mr. Chief Justice, I would like to raise a question now, which arose in the final stage of the Vernon Jordan deposition. Mr. Manager HUTCHINSON had taken the deposition. I had asked a couple of questions in response. After I had concluded, Mr. Jordan made a statement defending his own integrity to which Mr. Manager HUTCHINSON objected. I propose—since the issue has arisen of his integrity and since Mr. Jordan is an honorable man and has had a distinguished career—that I be allowed to play the approximately 2-minute segment of his own statement about his integrity.

The CHIEF JUSTICE. Do the managers object?

Mr. Manager HUTCHINSON. Mr. Chief Justice, it is my understanding that that is not a part of the Senate record, and therefore it would not be appropriate to be played under the rules of the Senate.

The CHIEF JUSTICE. But is it a part of the deposition of him that was taken?

Mr. Manager HUTCHINSON. It is not a part of the deposition that was entered into the Senate record under the Senate rules.

The CHIEF JUSTICE. Well, the Parliamentarian advises me that Division I of the motion on Thursday, which was approved, would prevent the playing of that. So the Chair will rule that that is not acceptable.

Mr. LEAHY addressed the Chair.

The CHIEF JUSTICE. The Senator from Vermont, Mr. LEAHY, is recognized.

Mr. LEAHY. I was one of the Senators at that deposition. I think it would be extremely interesting to hear it. It was taken at the deposition. I ask unanimous consent that it——

Mr. NICKLES. Regular order.

The CHIEF JUSTICE. The Senator from Vermont may appeal the decision of the Chair, which is that it not be played, ask consent for——

Mr. LEAHY. I'm asking unanimous consent, under the circumstances and because it is so short, that the deposition—and it would clarify that part of the deposition Mr. Jordan took, which has been videotaped—be allowed to be shown here on the floor.

The CHIEF JUSTICE. Is there objection?

Mr. NICKLES. Objection.

The CHIEF JUSTICE. Objection is heard.

Counsel may proceed.

Mr. Counsel KENDALL. I would like to recognize my colleague. Well, I think that concludes our presentation.

Mr. Counsel RUFF. We yield back the remainder of our time, Mr. Chief Justice.

The CHIEF JUSTICE. Very well. The managers have 31 minutes remaining.

The Chair recognizes Mr. Manager BRYANT.

Mr. Manager BRYANT. Thank you, Mr. Chief Justice. We will conclude our roughly half hour by responding to as many of the contentions and statements raised by counsel for the White House as we can. I first want to talk, I suppose, about the statement that we heard back a couple of weeks ago, which was repeated today by one of the White House counsels, that "the managers want to win too much."

This is not a game. This is not a game to anyone here. There are extraordinary consequences to what we are doing and what we have been doing and what your decision will be. The stakes are very high. We don't need to take a poll to do what we did. I am reminded of the testimony of the President and Dick Morris taking the poll to determine whether to tell the truth or not, and then after deciding the public would not forgive his perjury, he said, "We will just have to win." But that's not the attitude the House managers have in bringing this case here. The managers fully appreciate the seriousness and the consequences of this. We want to do the right thing. We are not here just to win. We want to help the Senate in this constitutional process do the constitutional thing—not only for the precedent of this Senate but for the precedent of future generations in terms of how the courts now and later will view obstruction of justice and perjury. We believe this is a constitutional effort and not a game.

The question about snippets, that we just put some snippets on the air today—we wanted to call live witnesses. We wanted Ms. Lewinsky to be here and let everybody examine her fully and completely. But we are working with a timeframe, and we brought up those points in her testimony and in Mr. Jordan's testimony and Mr. Blumenthal's testimony that we felt proved our case.

With regard to the issue that Ms. Seligman raised about filing a false affidavit, she ran that testimony many times. I thought we ran the President's earlier in these hearings several times, but I think she beat our record with that testimony. I appreciate that.

But what that is important for is not what Ms. Lewinsky felt was going on that night; but I think it perfectly illustrates what I told you the other day about her testimony. While she was truthful and while she gave us the testimony she had to give us to keep her immunity agreement, where there were some blanks to fill in, or where there was something that could be bent, she did so.

As they pointed out on the question of the linkage between filing an affidavit and this cover story, it was so obvious that they were connected that the OIC did not ask that question, "Did you think about this when you"—and that. It was obvious. But he did not ask that question. She was right; the question was not asked. So when she, Ms. Lewinsky, had an opportunity in these hearings when I asked her, she said, "Well, you know, I really didn't link the two together." Let's not throw away all of our common sense here.

She gets a phone call in the middle of the night with a message that you are on the witness list, and she says three things occurred: You are on the witness list, you can file an affidavit, and you can use a cover story. Why else would the President raise the issue of a cover story at 2:30 in the morning if he didn't intend for her to use that?

But keep in mind, too, it really doesn't matter how she appreciated this. It really matters what the President intended. And he intended to let her know that she was on the list, she could be subpoenaed, she could file an affidavit, and she could use the cover story.

And in fact she did use that cover story. She went to her lawyer, Mr. Carter, and told him that. And it was incorporated into the draft affidavit that she went to take papers to the President to sign, and in those cases she may have been alone. But they didn't like the specter of her being alone. So they struck that provision out of the final affidavit. But they did attempt to use it.

But keep in mind also that it is the President's intent. And his intent was to interfere with justice in the Paula Jones case and to have her give a false affidavit. And that is why he so suggested that.

On the gifts to people, is it really an issue? Is there really an issue here? There is some fabulous lawyering over here. But there is no issue here. Ms. Lewinsky testified that there was no doubt in her mind that Ms. Currie initiated the call. That is all there is to this issue. The fact that there were other calls in the day, the fact that one of the other calls may have been at 3:30, really are moot points. The issue is, if Betty Currie initiated that phone call, the only impetus for her to initiate that call had to come from the President. She was not in that conversation that morning. The President had to tell her, and apparently did so, because she made the call.

At the end of the examination of her testimony, or toward the end—it was shown several times—we asked her, "Did the President ever tell you anything about the gifts?" And she said, "Not that I remember." And then later on in the segment, you also saw she was asked the question again by me: "OK. Were you ever under any impression or the impression from the President that you should turn over all the gifts to the Jones lawyers?" And she said, "No." Then she goes on to say, "This gets a little tricky here, and it could be I heard the statements from agents, or somewhere along the line, or perhaps that it did sound familiar."

I would suggest to you what happened there is that Mr. Carter—it is clearly in the testimony and before all of us in the record—her own lawyer told her she had to turn over all the records. That is where she heard that.

But logic demands that you reject that view, because why would the President, whose intent was to conceal this whole affair, ever think of telling her that, "You have to turn over all those gifts"? If he did tell her that she had to turn over all of those gifts, why would she immediately go out that afternoon and reject that instruction, and just completely say, "Well, I am going to forget what he told me to do, I am going to call his secretary and have her come pick up these gifts and store them for me"?

That is just not logical. Common sense tells us that didn't happen that way, and Ms. Lewinsky was absolutely positive that there was no doubt that Betty Currie initiated the call, and that is that.

Job search: Very quickly, this is not a bribery case. This is not giving her a job, bribing her with a job to get her false testimony. It is not a bribery case. If it was, we wouldn't be arguing about the impeachability of obstruction of justice. It would be clear that bribery is mentioned in the Constitution. It is about attempting to corruptly persuade or influence the behavior of a witness. That is exactly what that is about.

I would also close very quickly by telling you in the beginning that I urged you to look at particularly obstruction of justice charges, the result-benefit analysis. And I do not ever hear anybody talking about that but me. So maybe I am off base here. But I ask you to consider each of these seven pillars of obstruction that Mr. HUTCHINSON raised, and look at the end results of those acts, and look at who benefited from those results. And what I believe you would have found and can still find is that each case resulted in impeding justice in the Paula Jones case in some way that favored the President. And the benefit naturally inured to the President.

I guess if you reject that result-benefit test, and if you accept each and every argument of these extremely fine defense counsel that the President wasn't behind any of this, then I guess you just have to reach the conclusion that the President was the luckiest man in the world, that people would commit crimes by filing false affidavits, by hiding evidence, by going out and possibly trashing the witnesses and giving false testimony in grand jury proceedings, and that—if that is the way you feel about it, so be it; we will abide by your judgment. But I suggest to you that the facts of this case are really not in contest. They have been argued very well by defense counsel for the White House.

I am about to exhaust my time. So I yield at this point to Mr. Manager HUTCHINSON to make some remarks.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager HUTCHINSON.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice. This will be very brief, and then I will yield to Mr. GRAHAM.

Let's recall Ms. Monica Lewinsky to the stand for a brief moment. Let's go to the Park Hyatt Hotel, December 31, 1997, breakfast between Ms. Lewinsky and Mr. Jordan.

(Text of videotape presentation:)

A. Well, the—sort of the—I don't know what to call it, but the story that I gave to Mr. Jordan was that I was trying to sort of alert to him that, gee, maybe Linda Tripp might be saying these things about me having a relationship with the President, and right now, I'm explaining this to you. These aren't the words that I used or how I said it to him, and that, you know, maybe she had seen drafts of notes, trying to obviously give an excuse as to how Linda Tripp could possibly know about my relationship with the President without me having been the one to have told her. So that's what I said to him.

Q. And what was his response?

A. I think it was something like go home and make sure—oh, something about a—I think he asked me if they were notes from the President to me, and I said no. I know I've testified to this. I stand by that testimony, and I'm just recalling it, that I said no, they were draft notes or notes that I sent to the President, and then I believe he said something like, well, go home and make sure they're not there.

Q. And what did you do when you went home?

A. I went home and I searched through some of my papers, and—and the drafts of notes I found, I sort of—I got rid of some of the notes that day.

Q. So you threw them away?

A. Mm-hmm.

THE REPORTER: Is that a "yes"?

THE WITNESS: Yes. Sorry.

Thank you. This goes to the overall pattern of obstruction. It goes to credibility. I believe it is relevant in this case, and I yield to Mr. GRAHAM.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager GRAHAM.

Mr. Manager GRAHAM. Thank you, Mr. Chief Justice. How much time do I have?

The CHIEF JUSTICE. You have 18 minutes and some seconds.

Mr. Manager GRAHAM. I may yield back some of the seconds, I hope.

(Laughter.)

Point of agreement, rebuttal is to refocus, and the law allows that for the person or the party with the burden, and we do have the burden.

Point of agreement, White House counsel says there is much more that we need to know. There is much more we need know.

White House counsel said strongly, when these proceedings opened up, the President is not guilty of obstruction of justice, the President is not guilty of perjury. Refocus: No fair-minded person, in my opinion, could come to any other rational conclusion than that our President obstructed justice, that our President committed perjury in front of a grand jury.

You vote your conscience. I have told you to do so. And if we disagree at the end of the day, that is America at its best. I have never suggested there was any reasonable doubt that this President committed crimes. I will ask you at the conclusion of this case to remove him with a clear conscience. You vote your conscience, and I know it will be clear.

Refocus: The gifts—simply put, if you believe the President of the United States in his grand jury testimony said: I told her, I said, look, the way these things work is when a person gets a subpoena, you have to give them whatever you have. That's the way—that's what the rule—that's what the law is.

If you believe that, we need to congratulate our President because he did, in fact, state the law correctly. He fulfilled his obligation as Chief Executive Officer of the land. He fulfilled his obligation as an honorable person by telling someone, who happened to be Ms. Lewinsky, You are doing a bad thing here even by suggesting we do something with these gifts. You need to turn them over because that is what the law says.

If you believe that, that is the only time he really embraced the law in this case, as I can see. Everything about him, in the way he behaved, was 180 degrees out from that statement. That is the most self-serving statement that flies in the face of every action he took for months. The truth is that a reasonable person should conclude that when Ms. Lewinsky approached him about what to do with the gifts, he said, "I'll have to think about that." And you know what, ladies and gentlemen, he thought about it. And do you know what he did after he thought about it? "Betty, go get those gifts." And they wound up under the bed of the President's secretary. And the people are wondering what the heck happened here? What the heck happened here is you have a man trying to hide his crimes.

Affidavit—where I come from, you call somebody at 2:30 in the morning, you are up to no good.

(Laughter.)

That will be borne out, if you listen to the testimony and use your common sense. He was up to no good. He told her, "My heart is breaking because you are on this witness list and maybe here's a way to get out of it." That is the God's truth. That is what he did and that is wrong and that is a crime.

The rule of law, what does it mean? It means that process and procedure wins out over politics and personality. That means that subpoenas have to be honored by the great and the small. That means when subpoenas come, you can't, as the President, try to defeat them because you are nobody special in the eyes of the law—except that you are the guardian of the law. If you are special, you are special in a more ominous way, not a lesser way.

When you file an affidavit in a court of law, nobody, because of their position in society, has the right to cheat and to get somebody to lie for them, even as the President. That means we are not a nation of men or kings, we are a nation of laws. And that is what this case has always been about to me.

This affidavit was false for a reason—because the President and Ms. Lewinsky wanted it to be false. The job search? "Mission accomplished," says it all. "Mission accomplished."

It went from being no big deal to the biggest deal in the world with a telephone bill—I don't know what the telephone bill was to get this job, but it was huge. "Mission accomplished."

All these are crimes. All these are things that average Americans should not be allowed to do. But I am going to tell you something. At this point in time what is going on is that he is trying to conceal a relationship about the workplace that would be embarrassing and that would be illegal and that would help Ms. Jones and would hurt him. And it is not just about his private life. But you can say this about the President, he was trying to get her a job and he was trying to just get her to file a false affidavit so this would go away. And he was trying to hide the gifts. And that is bad but that is not nearly as bad as what was to come.

Let me tell you what was to come, ladies and gentlemen. After the deposition, when it was clear that Ms. Lewinsky may have been talking, or somebody knew something they weren't supposed to know, the alarm bells went off and concealing the relationship changed to redefining the relationship. That is why he should not be our President. The redefining of the relationship began very quickly after that deposition. It started with the President's secretary, and it goes like this: The President, on two occasions, under the guise of refreshing his memory, makes the following statements to his secretary, "You are always there when she was there, right? We were never really alone? You could see and hear everything? Monica came on to me and I never touched her, right? She wanted to have sex with me and I couldn't do that."

If you believe that is about refreshing your memory, you are not being reasonable. That is about coaching a witness. But here is where it gets to be nasty. Here is where it gets to be mean: "Monica came on to me and I never touched her, right? She wanted to have sex with me and I couldn't do that." He didn't say it once, he said it twice, just to make sure Ms. Currie would get the point.

Now that Ms. Lewinsky may be a problem, let me tell you how the discussion goes. It is not from concealing; now it is redefining.

Conversation with Mr. Morris, after they did the poll about what to do here, and "We just have to win." The President had a followup conversation with Mr. Morris during the evening of January 22, 1998, the day after the story broke, when Mr. Morris was considering holding a press conference to blast Ms. Lewinsky out of the water, the President told Mr. Morris to be careful, to be careful. According to Mr. Morris, the President warned him not to be too hard on Ms. Lewinsky because "there is some slight chance that she may not be cooperating with Mr. Starr and we don't want to alienate her by anything we are going to put out." In other words, don't blast her now, she may not be a problem to us.

During this period of time, it went from concealing to redefining. When he knew he had to win, what did he do? He went to his secretary and he made her a sexual predator and him an innocent victim, and he did it twice. But did he do it to anybody else? Did he redefine his relationship to anybody else?

I now would like to have a clip from Mr. Blumenthal, please.

(Text of videotape presentation:)

Q. You have a conversation with the President on the same day the article comes out, and the conversation includes a discussion about the relationship between him and Ms. Lewinsky, is that correct?

A. Yes.

Next tape:

Q. Now, you stated, I think very honestly, and I appreciate that, you were lied to by the President. Is it a fair statement, given your previous testimony concerning your 30-minute conversation, that the President was trying to portray himself as a victim of a relationship with Monica Lewinsky?

A. I think that's the import of his whole story.

Ladies and gentlemen, that is the import of his whole story. That story was told on the day this broke in the press, and it goes on. That story is very detailed. It makes him the victim of a sexual predator called Ms. Lewinsky. He had to rebuff her. He threatened her—she threatened him, excuse me. And it goes on and on and on. And I have always wondered, how did that story make it to the grand jury and how did it make it into the press? We know how it made it to the grand jury, because Mr. Blumenthal told it and the President told him and they claimed executive privilege and the President never straightened it out. Your President redefined this relationship, and your President let that lie be passed to a grand jury. Your President obstructed justice in a mean way.

Next statement.

(Text of videotape presentation:)

MR. McDANIEL: Page 49?

MR. GRAHAM: Yes, sir.

MR. McDANIEL: Thank you.

BY MR. GRAHAM:

Q That's where you start talking about the story that the President told you. Knowing what you know now, do you believe the President lied to you about his relationship with Ms. Lewinsky?

A I do.

Next statement.

(Text of videotape presentation:)

Q. Okay. Do you have any idea how White House sources are associated with statements such as "She's known as 'Elvira'," "She's obsessed with the President," "She's known as a flirt," "She's the product of a troubled home, divorced parents," "She's known as 'The Stalker'"? Do you have any idea how that got in the press?

MR. BREUER: I'm going to object. The document speaks for itself, but it's not clear that the terms that Mr. Lindsey has used are necessarily—any or all of them—are from a White House source. I object to the form and the characterization of the question.

MR. GRAHAM: The ones that I have indicated are associated with the White House as being the source of those statements and—

SENATOR SPECTER: Senator Edwards and I think that question is appropriate and the objection is overruled.

THE WITNESS: I have no idea how anything came to be attributed to a White House source.

Everybody wants this over so bad you can taste it, including me, but don't let's leave a taste behind that history cannot stand. It was shouted in this Chamber, "For God's sakes, vote."

Let me quietly, if I can, for God's sakes, get to the truth. For God's sakes, figure out what kind of person we have here in the White House. For God's sakes, spend some time to fulfill your constitutional duty so that we can get it right, not just for our political moment but for the future of this Nation.

When the President redefined this relationship, he did so by telling a lie. He told a lie to a key White House aide, who repeated that lie to a Federal grand jury, and in our system, ladies and gentlemen, that is a crime. That lie made it into the public domain. That lie was mean. That lie would have the effect of running this young lady over. You think what you want to think, too, about Ms. Tripp, and I agree she is not going to be in the hall of fame of friends, but let me tell you, the best advice she gave that young lady was to keep that blue dress.

The final thing is that our President, in my opinion, and for you to judge, in August of last year, after being begged not to by many Members of this body and prominent Americans, appeared before a Federal grand jury to answer for the conduct in this case, his conduct. We have alleged that with forewarning and knowledge on his part, that instead of clearing it up and making America a better place, instead of fulfilling his role as the chief law enforcement officer of the land to do honor to the law, instead of taking this burden off all Americans' backs, he told a story that defies common sense, that he played a butchery game with the English language that "is" maybe is not is, and "alone" is not alone, and he told John Podesta, "My relationship with Ms. Lewinsky was not sexual, including oral sex."

He went on and told an elaborate farce to a Federal grand jury that they just didn't ask the right question and really the sexual relationship did include one thing but not another. And he says he never lied to his aide and he says he never lied to the grand jury. Well, God knows he lied to somebody, and he lied to that grand jury, and this whole story is a fraud and a farce. The last people in the United States to straighten it out is the U.S. Senate. God bless you in your endeavors.

Mrs. BOXER addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the Senator from California.

Mrs. BOXER. In light of the negative comments made against Mr. Jordan by Manager HUTCHINSON and Manager GRAHAM, I ask once again unanimous consent that in fairness—

Mr. GREGG. Regular order.

Mr. LOTT. Regular order.

The CHIEF JUSTICE. Regular order of business has been called for.

Mrs. BOXER. I ask unanimous consent that, in fairness, Mr. Jordan's 2-minute testimony regarding his own integrity be shown to the Senate at this time.

The CHIEF JUSTICE. Is there objection?

Mr. GREGG. I object.

The CHIEF JUSTICE. Objection is heard.

Mr. LOTT. Mr. Chief Justice, has all time been used or yielded back?

The CHIEF JUSTICE. All time has been used or yielded back.

NOTICE OF INTENT TO SUSPEND THE RULES

NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS LOTT, DASCHLE, HUTCHISON, HARKIN, COLLINS, SPECTER, WELLSTONE, AND LEAHY

In accordance with Rule V of the Standing Rules of the Senate, I (for myself, Mr. Daschle, Ms. Hutchison, Mr. Harkin, Mr. Wellstone, Ms. Collins, Mr. Specter, and Mr. Leahy) hereby give notice in writing that it is my intention to move to suspend the following portions of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials in regard to any deliberations by Senators on the articles of impeachment during the trial of President William Jefferson Clinton.

(1) The phrase "without debate" in Rule VII;

(2) the following portion of Rule XX: ", unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record"; and

(3) In Rule XXIV, the phrases "without debate", "except when the doors shall be closed for deliberation, and in that case" and ", to be had without debate".

ORDER OF PROCEDURE

Mr. LOTT. That concludes the presentations for today. The Senate will reconvene as a Court of Impeachment on Monday at 1 p.m. At that time, the managers and White House counsel will proceed to closing arguments for not to exceed 3 hours each and further business will resume after that.

ADJOURNMENT UNTIL 1 P.M., MONDAY, FEBRUARY 8, 1999

Mr. LOTT. I ask unanimous consent that the Court of Impeachment stand adjourned under the previous order.

There being no objection, at 5:06 p.m. the Senate, sitting as a Court of Impeachment, adjourned until Monday, February 8, 1999, at 1 p.m.

LEGISLATIVE SESSION

Mr. LOTT. Mr. President, further, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

The majority leader.

Mr. LOTT. Mr. President, I believe we have some routine business to conclude.

REPORT CONCERNING THE ONGOING EFFORTS TO ACHIEVE SUSTAINABLE PEACE IN BOSNIA AND HERZEGOVINA—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 4

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on February 5, 1999, during the adjournment of the Senate received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

Pursuant to section 7 of Public Law 105–174, I am providing this report to inform the Congress of ongoing efforts to achieve sustainable peace in Bosnia and Herzegovina (BiH). This is the first semiannual report that evaluates progress in BiH against the ten benchmarks ("aims") outlined in my certification to the Congress of March 3, 1998. NATO adopted these benchmarks on May 28, 1998, as part of its approval of the Stabilization Force (SFOR) military operations plan (OPLAN 10407). The Steering Board of the Peace Implementation Council (PIC) subsequently adopted corresponding benchmarks in its Luxembourg Declaration of June 9, 1998.

NATO, the Office of the High Representative (OHR) and my Administration have coordinated closely in evaluating progress on Dayton implementation based on these benchmarks. There is general agreement that there has been considerable progress in the past year. The basic institutions of the state, both political and economic, have been established. Key laws regarding foreign investment, privatization, and property are now in place. Freedom of movement across the country has substantially improved. Fundamental reform of the media is underway. Elections have demonstrated a continuing trend towards growing pluralism. Nevertheless, there is still much to be done, in particular on interethnic tolerance and reconciliation, the development of effective common institutions with powers clearly delineated from those of the Entities, and an open and pluralistic political life. The growth of organized crime also represents a serious threat.

With specific reference to SFOR, the Secretaries of State and Defense, in meetings in December 1998 with their NATO counterparts, agreed that SFOR continues to play an essential role in the maintenance of peace and stability and the provision of a secure environment in BiH, thus contributing significantly to progress in rebuilding BiH as a single, democratic, and multiethnic state. At the same time, NATO agreed that we do not intend to maintain SFOR's presence at current levels indefinitely, and in fact agreed on initial reductions, which I will describe later in this report. Below is a benchmark-by-benchmark evaluation of the state-of-play in BiH based on analysis of input from multiple sources.

1. Military Stability. Aim: Maintain Dayton cease-fire. Considerable progress has been made toward military stabilization in BiH. Entity Armed Forces (EAFs) are in compliance with Dayton, and there have been no incidents affecting the cease-fire. EAFs remain substantially divided along ethnic lines. Integration of the Federation Army does not reach down to corps-level units and below. However, progress has been made through the Train and Equip Program to integrate the Ministry of Defense and to provide the Federation with a credible deterrent capability. Although it is unlikely to meet its target of full integration by August 1999, the Federation Ministry of Defense has begun staff planning for integration. The Bosnian Serb Army (VRS) continues its relationship with the Federal Republic of Yugoslavia (FRY) Army. Similarly, the Bosnian Croat element of the Federation Army maintains ties with Croatia. In both cases, however, limited resources impinge on what either Croatia or the FRY can provide financially or materially; the overall trend in support is downward. In some areas, the VRS continues to have certain qualitative and quantitative advantages over the Federation Army, but the Train and Equip Program has helped narrow the gap in some key areas. The arms control regimes established under Articles II (confidence and security-building measures) and IV (arms reduction and limitations) of Annex 1–B of the Dayton Peace Accords are functioning. In October 1997, BiH and the other parties were recognized as being in compliance with the limitations on five major types of armaments (battle tanks, armored combat vehicles, artillery, combat aircraft, and attack helicopters) set forth in the Article IV agreement, which were derived from the Annex 1B 5:2:2 ratios for the FRY, Republic of Croatia, and BiH respectively. The parties have since maintained armament levels consistent with the limitations and are expected to do so in the future. A draft mandate for an Article V agreement (regional stability) has been approved; negotiations are due to begin in early 1999. Military stability remains dependent on SFOR as a deterrent force.

2. Public Security and Law Enforcement. Aim: A restructured and democratic police force in both entities. There has been considerable progress to date on police reform due to sustained joint efforts of the International Police Task Force (IPTF), Office of the High Representative (OHR), and SFOR, which have overcome a number of significant political obstacles. So far, approximately 85 percent of the police in the Federation have received IPTF-approved training, as have approximately 35 percent of the police in the Republika Srbska (RS). All sides continue to lag in the hiring of minority officers and, as the IPTF implements its plans to address this problem, tensions will increase in the short-term. SFOR often must support the IPTF in the face of crime, public disorder, and rogue police. Monoethnic police forces have often failed to facilitate minority returns. In these types of scenarios, SFOR's use of the Multinational Specialized Unit (MSU) has been a force multiplier, requiring fewer, but specially trained troops. At this point, SFOR's essential contribution to maintaining a secure environment, to include backing up IPTF in support of nascent civilian police forces, remains critical to continued progress.

3. Judicial Reform. Aim: An effective judicial reform program. Several key steps forward were taken in 1998, such as the signing of an MOU on Inter-Entity Legal Assistance on May 20, 1998, and establishment of an Inter-Entity Legal Commission on June 4, 1998. The Federation Parliament in July adopted a new criminal code. Nevertheless, the judicial system still requires significant reform. Judges are still influenced by politics, and the system is financially strapped and remains ethnically biased. Execution of judgments, in particular eviction of persons who illegally occupy dwellings, is especially problematic. The progress made in the area of commercial law is encouraging for economic development prospects.

4. Illegal Institutions, Organized Crime, and Corruption. Aim: The dissolution of illegal pre-Dayton institutions. Corruption remains a major challenge to building democratic institutions of government. Structures for

independent monitoring of government financial transactions are still not in place. Shadow institutions still need to be eliminated. The burden of creating institutions to combat fraud and organized crime falls mostly to the international community and in particular to the IPTF. SFOR contributes to the secure environment necessary for the success of other international efforts to counter these illegal activities.

5. Media Reform. Aim: Regulated, democratic, and independent media. Approximately 80 percent television coverage has been achieved in BiH through the international community's support for the Open Broadcasting Network (OBN), which is the first (and so far only) neutral source of news in BiH. Several television and radio networks have been restructured and are led by new management boards. Most are in compliance with Dayton except for some regional broadcasts. The Independent Media Commission assumed responsibility for media monitoring from the OSCE on October 31, 1998. Progress has been significant, but BiH still has far to go to approach international standards. SFOR's past actions in this area are a key deterrent against illegal use of media assets to undermine Dayton implementation.

6. Elections and Democratic Governance. Aim: National democratic institutions and practices. With the exception of the election of a nationalist to the RS presidency, the September 1998 national elections continued the long-term trend away from reliance on ethnically based parties. The two major Serb nationalist parties lost further ground and, once again, will be unable to lead the RS government. Croat and Bosniak nationalist parties retained control, but saw margins eroded significantly. In this regard, SFOR's continued presence will facilitate conduct of the municipal elections scheduled for late 1999 but, as has been the case with every election since Dayton, the trend of increasingly turning over responsibility for elections to the Bosnians themselves will continue.

7. Economic Development. Aim: Free-market reforms. While the process of economic recovery and transformation will take many years, some essential groundwork has been laid. Privatization legislation and enterprise laws have been passed, and banking legislation has been partially passed. Fiscal revenues from taxes and customs have increased significantly. Nevertheless, the fiscal and revenue system is in its infancy. Implementation of privatization legislation is slow and the banking sector is under-funded, but there are signs of development in GDP. There has been a marked increase in freedom of movement, further enhanced by the uniform license plate law. SFOR's continued contribution to a secure environment and facilitating freedom of movement is vital as economic reforms begin to take hold.

8. Displaced Person and Refugee (DPRE) Returns. Aim: A functioning phased and orderly minority return process. While there have been some significant breakthroughs on DPRE returns to minority areas, such as Jajce, Stolac, Kotor Varos, Prijedor, Mostar, and Travnik, the overall numbers have been low. In some areas where minority DPREs have returned, interethnic tensions rose quickly. Some nationalist political parties continue to obstruct the return of minority DPREs to the areas they control. Poor living conditions in some areas present little incentive for DPREs to return. The Entities are using DPREs to resettle regions (opstinas) that are of strategic interest to each ethnic faction. SFOR's contribution to a secure environment remains vital to OHR efforts to facilitate minority returns.

9. Brcko. Aim: A multiethnic administration, DPRE returns, and secure environment. Freedom of movement in Brcko has improved dramatically. Citizens of BiH are increasingly confident in using their right to travel freely throughout the municipality and the region. Police and judicial elements have been installed, but the goal of multiethnicity in these elements still has not been realized. About 1,000 Federation families have returned to the parts of Brcko on the RS side of the Inter-Entity Boundary Line, but few Serb displaced persons have left Brcko to return to their pre-war homes. SFOR support will be a critical deterrent to the outbreak of violence during the period surrounding the Arbitrator's decision on Brcko's status anticipated for early in 1999.

10. Persons Indicted for War Crimes (PIFWCs). Aim: Cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) leading to the transfer of PIFWCs to The Hague for trial. Thanks to action by the Congress, the Secretary of State now has the ability to offer rewards of up to $5 million for information leading to the arrest or conviction of PIFWCs. Of the 81 people indicted publicly by the Tribunal, only 29—36 percent—are still at large. The two highest-profile indictees, Karadzic and Mladic, are among them. Bosniaks are cooperating with the ICTY, but the failure of the RS to support the ICTY is a major obstacle to progress. Bosnian Croats have cooperated with respect to the surrender of all but two public indictees, but have not cooperated fully with respect to the Tribunal's orders that they turn over documents needed for the fair trial of a number of indictees. SFOR continues to provide crucial support in the apprehension of PIFWCs and for ICTY exhumations.

In my report to the Congress dated July 28, 1998, I emphasized the important role that realistic target dates, combined with concerted use of incentives, leverage, and pressure on all parties, should play in maintaining the sense of urgency necessary to move steadily toward an enduring peace.

The December 1998 Peace Implementation Council Declaration and its annex (attached) offer target dates for accomplishment of specific tasks by authorities in BiH. The PIC decisions formed the background against which NATO Defense Ministers reviewed the future of SFOR in their December 17 meeting. Failure by Bosnian authorities to act within the prescribed timeframes would be the point of departure for more forceful action by the OHR and other elements of the international community. Priorities for 1999 will include: accelerating the transition to a sustainable market economy; increasing the momentum on the return of refugees and displaced persons, particularly to minority areas; providing a secure environment through the rule of law, including significant progress on judicial reform and further establishment of multiethnic police; developing and reinforcing the central institutions, including adoption of a permanent election law, and the development of greater confidence and cooperation among the Entity defense establishments with the goal of their eventual unification; and pressing ahead with media reform and education issues.

In accordance with the NATO Defense Ministers' guidance in June 1998, NATO is conducting a series of comprehensive reviews at no more than 6-month intervals. The first of these reviews was completed on November 16, 1998, and recently endorsed by the North Atlantic Council (NAC) Foreign and Defense Ministers. In reviewing the size and shape of SFOR against the benchmarks described above, the United States and its Allies concluded that at present, there be no changes in SFOR's mission. NATO recommended, however, that steps begin immediately to streamline SFOR. The NAC Foreign and Defense Ministers endorsed this recommendation on December 8, 1998, and December 17, 1998, respectively. The Defense Ministers also endorsed a report from the NATO Military Authorities (NMAs) authorizing further adjustments in SFOR force levels—in response to the evolving security situation and support requirements—to be completed by the end of March 1999. While the specifics of these adjustments are still being worked, they could amount to reductions of as much as 10 percent from the 6,900 U.S. troops currently in SFOR. The 6,900 troop level already represents a 20 percent reduction from the 8,500 U.S. troops deployed in June 1998 and is 66 percent less than peak U.S. deployment of 20,000 troops in 1996.

The NATO Defense Ministers on December 17, 1998, further instructed NMAs to examine options for possible longer-term and more substantial adjustments to the future size and structure of SFOR. Their report is due in early 1999 and will give the United States and its Allies the necessary information on which to base decisions on SFOR's future. We will address this issue in the NAC again at that time. Decisions on future reductions will be taken in the light of progress on implementation of the Peace Agreement. Any and all reductions of U.S. forces in the short or long term will be made in accordance with my Administration's policy that such reductions will not jeopardize the safety of U.S. armed forces serving in BiH.

My Administration values the Congress' substantial support for Dayton implementation. I look forward to continuing to work with the Congress in pursuit of U.S. foreign policy goals in Bosnia and Herzegovina.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 4, 1999.*

REPORT ON THE DISTRICT OF COLUMBIA COURTS' FISCAL YEAR BUDGET REQUEST—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 5

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate on February 5, 1999 during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with the District of Columbia Code, as amended, I am transmitting the District of Columbia Courts' FY 2000 Budget request.

The District of Columbia Courts have submitted a FY 2000 Budget request for $131.6 million for its operating expenditures and $17.4 million for courthouse renovation and improvements. My FY 2000 Budget includes recommended funding levels of $128.4 million for operations and $9.0 million for capital improvements for the District Courts. My transmittal of the District of Columbia Courts' budget request does not represent an endorsement of its contents.

I look forward to working with the Congress throughout the FY 2000 appropriation process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 5, 1999.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1437. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Cable Television Service Pleading and Complaint Rules" (Docket 98-54) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1438. A communication from the General Counsel of the Consumer Products Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Requirements for Child-Resistant Packaging of Minoxidil" (RIN3041-AB72) received on January 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1439. A communication from the General Counsel of the Consumer Products Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Exemption of Sucraid From Special Packaging Requirements Under the Poison Prevention Packaging Act" (RIN3041-AB73) received on January 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1440. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska: Pacific Cod and Pollock in the Gulf of Alaska" (I.D. 012099B) received on January 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1441. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Summer Flounder Commercial Quota Transfer from North Carolina to Virginia" (I.D. 010699B) received on January 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1442. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Inshore-Offshore Allocations of Pollock and Pacific Cod Total Allowable Catch; Inshore-Offshore Allocation of 1999 Interim Groundfish Specifications" (I.D. 090898D) received on January 26, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1443. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; List of Fisheries and Gear, and Notification Guidelines" (I.D. 022498F) received on January 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1444. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Season and Area Apportionment of Atka Mackerel Total Allowable Catch" (I.D. 092998A) received on January 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1445. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Steller Sea Lion Protection Measures for the Pollock Fisheries off Alaska" (I.D. 011199A) received on January 28, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1446. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Temporary Exemption From Motor Vehicle Safety Standards; Bumper Standard" (NHTSA-99-4993) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1447. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0700 and 0100 Series Airplanes" (Docket 98-NM-276-AD) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1448. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328-100 Series Airplanes" (Docket 98-NM-140-AD) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1449. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Belle Plaine, IA" (Docket 98-ACE-51) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1450. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Maquoketa, IA" (Docket 98-ACE-50) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1451. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; San Antonio, TX" (Docket 98-ASW-54) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1452. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Monroe, LA" (Docket 98-ASW-55) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1453. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace, Revision of Class D Airspace; Torrance, CA" (Docket 98-AWP-34) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1454. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Federal Airways and Jet Routes; TX" (Docket 98-ASW-30) received on January 25, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1455. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileria de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes" (Docket 98-NM-265-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1456. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Model AS332C,L, and L1 Helicopters" (Docket 97–SW–41–AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1457. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglass Model MD–11 Series Airplanes" (Docket 99–NM–10–AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1458. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schempp-Hirth K.G. Models Standard-Cirrus, Nimbus HS–7 Sailplanes" (Docket 98–CE–52–AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1459. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Emission Standards for Turbine Engine Powered Airplanes" (Docket FAA–1999–5018) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1460. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Flight Rules in the Vicinity of Grand Canyon National Park" (Docket 28537) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1461. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Model A109C and A109K2 Helicopters" (Docket 97–SW–55–AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1462. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Lockheed Model L1011–385–1 Series Airplanes" (Docket 98–NM–241–AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1463. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0100 Series Airplanes" (Docket 98–NM–250–AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1464. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 Series Airplanes" (Docket 96–NM–103–AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1465. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes" (Docket 98–NM–67–AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1466. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–100 and –200 Series Airplanes" (Docket 96–NM–264–AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1467. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727 Series Airplanes" (Docket 96–NM–263–AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1468. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–200, –200C, –300, and –400 Series Airplanes" (Docket 98–NM–291–AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1469. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Robinson Helicopter Company (RHC) Model R22 Helicopters" (Docket 98–SW–79–AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1470. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S–76A, B, and C Helicopters" (Docket 98–SW–37–AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1471. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes" (Docket 98–CE–83–AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1472. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Cincinnati/Northern Kentucky International Airport Class B Airspace Area, and Revocation of the Cincinnati/Northern Kentucky International Class C Airspace Area; KY" (Docket 93–AWA–5) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1473. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class D Airspace and Class E Airspace; Binghamton, NY" (Docket 98–AEA–44) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1474. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29429) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1475. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Laurel, DE" (Docket 98–AEA–43) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1476. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Legal Description of Jet Route J–522 in the Vicinity of Rochester, NY" (Docket 98–AEA–14) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1477. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Concordia, KS" (Docket 98–ACE–46) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1478. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Grinell, IA" (Docket 98–ACE–47) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1479. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Liberal, KS" (Docket 98–ACE–60) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1480. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Garden City, KS" (Docket 98–ACE–59) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1481. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendments to Restricted Areas 6302C, D and E; Fort Hood, TX" (Docket 98–ASW–47) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1482. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Golden Triangle Regional Airport, MS" (Docket 98–ASO–27) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1483. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Rockland, ME" (Docket 98–ANE–95) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1484. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Perryville, MO" (Docket 99–ACE–1) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1485. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Grand Island, NE" (Docket 99–ACE–2) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1486. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class

E Airspace; Riverton, WY" (Docket 99-ANM-15) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1487. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Monroe, MI" (Docket 99-AGL-55) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1488. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Norwalk, OH" (Docket 99-AGL-58) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1489. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fostoria, OH" (Docket 99-AGL-57) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1490. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Sandusky, OH" (Docket 99-AGL-59) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1491. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Bellevue, OH" (Docket 99-AGL-60) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1492. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Models B300 and B300C Airplanes" (Docket 97-CE-16-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1493. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes" (Docket 98-NM-348-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1494. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Federal Aviation Regulation No. 36, Development of Major Repair Data" (Docket FAA-1998-4654) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1495. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 205A-1 and 205B Helicopters" (Docket 98-SW-21-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1496. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B and 214B-1 Helicopters" (Docket 98-SW-28-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1497. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 212 Helicopters" (Docket 98-SW-20-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1498. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes" (Docket 98-CE-78-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1499. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Model 2000 Airplanes" (Docket 98-CE-34-AD) received on February 1, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1500. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Migratory Bird Conservation Commission for fiscal year 1998; to the Committee on Environment and Public Works.

EC-1501. A communication from the Assistant Secretary for Economic Development, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Economic Development Administration Regulations; Revised to Implement Public Law 105-393" (RIN0610-AA56) received on January 26, 1999; to the Committee on Environment and Public Works.

EC-1502. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of the State of Florida's Construction Permitting Program" (FRL6229-9) received on January 29, 1999; to the Committee on Environment and Public Works.

EC-1503. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding general requirements for the storage and transfer of volatile organic compounds (FRL6216-6) received on January 27, 1999; to the Committee on Environment and Public Works.

EC-1504. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Withdrawal of Cryolite Tolerance Revocations" (FRL6058-7) received on January 27, 1999; to the Committee on Environment and Public Works.

EC-1505. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion" (FRL6219-2) received on January 27, 1999; to the Committee on Environment and Public Works.

EC-1506. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting" (FRL6227-5) received on January 26, 1999; to the Committee on Environment and Public Works.

EC-1507. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Whole Effluent Toxicity: Guidelines Establishing Test Procedures for the Analysis of Pollutants; Final Rule, Technical Corrections" (FRL6227-4) received on January 26, 1999; to the Committee on Environment and Public Works.

EC-1508. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Implementation Plan—PM2.5 Monitoring Program" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1509. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; National Emission Standards for Radon Emissions from Phosphogypsum Stacks" (FRL6229-4) received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1510. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation Plans; Georgia: Approval of Revisions to Georgia State Implementation Plan; Vehicle Inspection/Maintenance Program" (FRL6227-7) received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1511. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Waivers for PM10 Sampling Frequency" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1512. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Review of National Ambient Air Quality Standards for Particulate Matter" (FRL5913-4) received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1513. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidance for Network Design and Optimum Site Exposure for PM2.5 and PM10" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1514. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "PM2.5 Site Types and Sampling Frequency During CY-99" received on January 28, 1999; to the Committee on Environment and Public Works.

EC-1515. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Guidance on

Data Handling Conventions for the 8-Hour National Ambient Air Standards for Ozone” received on January 28, 1999; to the Committee on Environment and Public Works.

EC–1516. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Collection and Reporting of PM10 Data” received on January 28, 1999; to the Committee on Environment and Public Works.

EC–1517. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Interim Air Quality Policy on Wildland and Prescribed Fires” received on January 28, 1999; to the Committee on Environment and Public Works.

EC–1518. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Early Planning Guidance for the Revised Ozone and Particulate Matter (PM) National Ambient Air Quality Standards” received on January 28, 1999; to the Committee on Environment and Public Works.

EC–1519. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Guidance on Mitigation of Impacts to Small Business While Implementing Air Quality Standards and Regulations” received on January 28, 1999; to the Committee on Environment and Public Works.

EC–1520. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Guidance for Implementing the 1-Hour Ozone and Pre-existing PM10 NAAQS” received on January 28, 1999; to the Committee on Environment and Public Works.

EC–1521. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Interim Implementation of New Source Review Requirements for PM2.5” received on January 28, 1999; to the Committee on Environment and Public Works.

EC–1522. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Other than Pollock by Catcher/Processors Identified in Section 208(e) (1)–(20) of the American Fisheries Act in the Bering Sea and Aleutian Islands” (I.D. 012199C) received on February 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1523. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska” (I.D. 012799A) received on February 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1524. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program” (I.D. 072898A) received on February 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1525. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Observer and Inseason Management Requirements for Pollock Catcher/Processors” (I.D. 010699A) received on February 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1526. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Atlantic Swordfish Fishery; Management of Driftnet Gear” (I.D. 011598A) received on February 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1527. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea” (I.D. 012599B) received on February 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1528. A communication from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled “Miscellaneous Revisions to the NASA FAR Supplement” received on February 2, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1529. A communication from the Director of the United States Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Pay Administration; Premium Pay” (RIN3206–AG47) received on February 2, 1999; to the Committee on Governmental Affairs.

EC–1530. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report on appeals submitted to the Board for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1531. A communication from the Chair of the Federal Labor Relations Authority, transmitting, pursuant to law, the Authority's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1532. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Corps' annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1533. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, a list of additions to and deletions from the Committee's Procurement List dated January 27, 1999; to the Committee on Governmental Affairs.

EC–1534. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the Board's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1535. A communication from the Chief Counsel of the Foreign Claims Settlement Commission of the United States, Department of Justice, transmitting, pursuant to law, the Commission's annual report under the Government in the Sunshine Act for 1998; to the Committee on Governmental Affairs.

EC–1536. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, the Authority's General Purpose Financial Statements and Independent Auditor's Report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1537. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–517, “Anti-Drunk Driving Amendment Act of 1998”; to the Committee on Governmental Affairs.

EC–1538. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–512, “Fiscal Year 1999 Budget Support Temporary Amendment Act of 1998”; to the Committee on Governmental Affairs.

EC–1539. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–497, “Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998”; to the Committee on Governmental Affairs.

EC–1540. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–496, “Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Motor Vehicle Insurance Act of 1998”; to the Committee on Governmental Affairs.

EC–1541. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–518, “Regulation Enacting the Police Manual for the District of Columbia Temporary Amendment Act of 1998”; to the Committee on Governmental Affairs.

EC–1542. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–548, “Department of Human Services and Commission on Mental Health Services Mandatory Employee Drug and Alcohol Testing and Department of Corrections Conforming Amendment Act of 1998”; to the Committee on Governmental Affairs.

EC–1543. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–538, “Disposal of District Owned Surplus Real Property Temporary Amendment Act of 1998”; to the Committee on Governmental Affairs.

EC–1544. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–542, “Public School Nurse Assignment Amendment Act of 1998”; to the Committee on Governmental Affairs.

EC–1545. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–543, “Regional Airports Authority Amendment Act of 1998”; to the Committee on Governmental Affairs.

EC–1546. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–547, “Mental Health Services

Client Enterprise Establishment Act of 1998''; to the Committee on Governmental Affairs.

EC–1547. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–534, ''Washington Convention Center Authority Second Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1548. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–535, ''Executive Service Residency Requirement Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1549. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–536, ''Insurance Demutualization Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1550. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–537, ''School Proximity Traffic Calming Temporary Act of 1998''; to the Committee on Governmental Affairs.

EC–1551. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–531, ''Day Care Policy Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1552. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–532, ''Cooperative Association Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1553. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–519, ''Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Temporary Act of 1998''; to the Committee on Governmental Affairs.

EC–1554. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–530, ''Child Development Facilities Regulation Act of 1998''; to the Committee on Governmental Affairs.

EC–1555. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–533, ''Comprehensive Plan Land Use Antenna Exemption Temporary Amendment Act of 1998; to the Committee on Governmental Affairs.

EC–1556. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Determination of Threatened Status for the Sacremento Splittail'' (RIN1018–AC26) received on February 4, 1999; to the Committee on Environment and Public Works.

EC–1557. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1558. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule regarding approval of the Air Quality Maintenance Plan, Carbon Monoxide Redesignation Plan and Emissions Inventory for the Connecticut portion of the New York-N. New Jersey-Long Island Area (FRL6225–1) received on February 4, 1999; to the Committee on Environment and Public Works.

EC–1559. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Connecticut; VOC RACT Catch-up'' (FRL6225–4) received on February 4, 1999; to the Committee on Environment and Public Works.

EC–1560. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Iowa, Kansas and Nebraska'' (FRL6223–9) received on February 4, 1999; to the Committee on Environment and Public Works.

EC–1561. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Connecticut; 15 Percent Rate-of-Progress and Contingency Plans'' (FRL6225–2) received on February 4, 1999; to the Committee on Environment and Public Works.

EC–1562. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities; New York'' (FRL6231–7) received on February 4, 1999; to the Committee on Environment and Public Works.

EC–1563. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Removal of the Approval of the Maintenance Plan, Carbon Monoxide Redesignation Plan and Emissions Inventory for the Connecticut Portion of the New York-N. New Jersey-Long Island Area'' (FRL6224–8) received on February 4, 1999; to the Committee on Environment and Public Works.

EC–1564. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills'' (FRL6231–8) received on February 4, 1999; to the Committee on Environment and Public Works.

EC–1565. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Monterey Bay Unified Air Pollution Control District'' (FRL6226–5) received on February 2, 1999; to the Committee on Environment and Public Works.

EC–1566. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; North Coast Unified Air Quality Management District and Northern Sonoma County Air Pollution Control District'' (FRL6229–5) received on February 2, 1999; to the Committee on Environment and Public Works.

EC–1567. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Amador County Air Pollution Control District and Northern Sonoma County Air Pollution Control District'' (FRL6229–7) received on February 2, 1999; to the Committee on Environment and Public Works.

EC–1568. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Minnesota'' (FRL6230–3) received on February 2, 1999; to the Committee on Environment and Public Works.

EC–1569. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems'' (FRL6230–8) received on February 2, 1999; to the Committee on Environment and Public Works.

EC–1570. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs: Comprehensive Assessment and Use of the OASIS as Part of the Conditions of Participation for Home Health Agencies'' (RIN0938–AJ11) received on February 2, 1999; to the Committee on Finance.

EC–1571. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs: Reporting Outcome and Assessment Information Set (OASIS) Data as Part of the Conditions of Participation for Home Health Agencies'' (RIN0938–AJ10) received on February 2, 1999; to the Committee on Finance.

EC–1572. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on additional disclosure requirements for Medicare providers and suppliers required under Section 4313 or the Balanced Budget Act of 1997; to the Committee on Finance.

EC–1573. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rulings and Determination Letters'' (Rev. Proc. 99–15) received on February 1, 1999; to the Committee on Finance.

EC–1574. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Last-in, First-out Inventories'' (Rev. Rul. 99–9) received on February 1, 1999; to the Committee on Finance.

EC–1575. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rulings and Determination Letters'' (Rev. Rul. 99–16) received on February 1, 1999; to the Committee on Finance.

EC–1576. A communication from the Chief of the Regulations Unit, Internal Revenue

Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Residence of Trusts and Estates" (RIN1545–AU74) received on February 1, 1999; to the Committee on Finance.

EC–1577. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Continuation Coverage Requirements Applicable to Group Health Plans" (RIN1545–AI93) received on February 1, 1999; to the Committee on Finance.

EC–1578. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the volume of Small Red Seedless Grapefruit" (Docket FV–98–905–4 FIR) received on February 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1579. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Beef Promotion and Research; Reapportionment" (No. LS–98–002) received on February 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1580. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Modification to Handler Membership on the California Olive Committee" (Docket FV99–932–2 IFR) received on February 2, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1581. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Standards for Animal Food and Food Additives in Standardized Animal Food" (Docket 95N–0313) received on February 2, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1582. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the Foundation's annual report for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1583. A communication from the Chairman of the Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the Foundation's annual report for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1584. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Temporary Protected Status: Amendments to the Requirements for Employment Authorization Fee, and Other Technical Amendments" (RIN1115–AF37) received on February 2, 1999; to the Committee on the Judiciary.

EC–1585. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report on the current Future Years Defense Program; to the Committee on Armed Services.

EC–1586. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Commerce Control List: Changes in Missile Technology Controls" (RIN0694–AB75) received on February 2, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1587. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, a report on the proposed allocation of funds within the levels established in the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1999; to the Committee on Foreign Relations.

EC–1588. A communication from the President of the United States, transmitting, pursuant to law, a report on Presidential Determination 98–36 exempting the United States Air Force's operating location near Groom Lake, Nevada from any hazardous or solid waste laws that might require the disclosure of classified information; to the Committee on Environment and Public Works.

EC–1589. A communication from the Administrator of the General Services Administration, transmitting, a report on a construction prospectus for a stand-alone daycare center for the Social Security Administration's Woodlawn, MD campus; to the Committee on Environment and Public Works.

EC–1590. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "The Reauthorization of Aviation Insurance Act"; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself, Mr. MCCAIN, Ms. SNOWE, and Mr. BRYAN):

S. 383. A bill to establish a national policy of basic consumer fair treatment for airline passengers; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN:

S. 384. A bill to authorize the Secretary of Defense to waive certain domestic source or content requirements in the procurement of items; to the Committee on Armed Services.

By Mr. ENZI:

S. 385. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GORTON (for himself, Mr. KERREY, Mr. JEFFORDS, Mr. HOLLINGS, Mr. THURMOND, Mr. HARKIN, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. JOHNSON, and Mr. WYDEN):

S. 386. A bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Con. Res. 6. A concurrent resolution authorizing flags located in the Senate portion of the Capitol complex to be flown at half-staff in memory of R. Scott Bates, Legislative Clerk of the United States Senate; considered and agreed to.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 99. An act to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. MCCAIN, Ms. SNOWE, and Mr. BRYAN):

S. 383. A bill to establish a national policy of basic consumer fair treatment for airline passengers; to the Committee on Commerce, Science, and Transportation.

AIRLINE PASSENGER FAIRNESS ACT

• Mr. WYDEN. Mr. President, I am pleased to join with Senator MCCAIN, the Chairman of the Senate Commerce Committee, and Senators BRYAN and SNOWE in introducing today the Airline Passenger Fairness Act of 1999. The purpose of our legislation is to assure that consumer protections don't end when a passenger pulls into the airport parking lot. Travelers ought to enjoy the same kinds of rights in the air as they do on the ground. But as airline profits have soared in recent years, passenger rights have been left at the gate.

We are well aware that legislation cannot resolve every problem air travelers may encounter. Our bill does not impose a federal mandate for fluffier pillows or a Constitutional right to a bigger bag of peanuts, just the right to basic information and the ability for consumers to make decisions for themselves.

The Department of Transportation's (DoT) Air Travel Consumer Reports just issued its final tally of consumer complaints for 1998. Consumer complaints about air travel jumped from a total of 7,667 in 1997 to 9,606 last year, an increase of more than 25%. In just three months last year, one airline alone denied boarding to 55,767 passengers. The 10 largest U.S. carriers combined denied boarding to more than 250,300 passengers from July–September 1998. One industry expert estimates that sometimes as many as 130–150% of the seats on a flight are sold. Clearly, all is not well.

The price of an airline ticket is one of the great mysteries of modern life. A ticket costs one price when purchased over the phone and another if purchased online, one if purchased in the morning and another three hours later. It practically defies the law of physics.

With this bill, we are putting the airlines on notice that business as usual is no longer acceptable for American air travelers. No longer can a passenger be bumped, canceled or overbooked with impunity.

Under this bill, consumers will be able to get full information about all the fares on all the flights. Airlines will no longer be able to withhold basic information on air fares, creating confusion and preventing consumers from comparison shopping. It will also make sure that when a consumer pays for a ticket, they can use all or part of it for whatever reason they choose. Airlines will have to inform a ticketed passenger when a flight is overbooked, as well as when the problem is when a flight is canceled, delayed, or diverted.

The legislation will work by building on current rules and regulations. Today, the Department of Transportation can investigate "anti-competitive, unfair or deceptive practices" by an airline. If the Department finds that an airline has engaged in such practices, DoT can issue civil penalties or take other actions to assure compliance. Our legislation will empower consumers to seek DoT action against carriers that fail to respect the common sense consumer protections spelled out in the bill.

To date, DoT has tended to look at this authority primarily on an industry-wide basis, or whether one airline has engaged in an unfair practice against another. Our bill brings this attention down to the consumers' level. It gives the Department the authority to investigate and punish violations of passenger rights. Under our proposal, airlines will no longer be able to deny consumers basic information without paying a price.

This bill will also put market forces to work to bring prices down. Today, a traveler cannot get much basic information. Poor information makes for poor decisions; poor decisions prevent the market from operating smoothly and set the stage for higher prices. Just last year, according to one national media report, there were more than a dozen fare hikes, and in late January, the media reported the major U.S. carriers raised leisure fares four percent and business fares two percent. Informed consumers engaging in real comparison shopping will put pressure on the airlines to make fares as low as possible.

There's been a lot of talk lately about "air rage." In my view there is no excuse for violent or abusive behavior by anyone. But when people are treated like so many pieces of cargo, it's not surprising that some of them will lash out. One pilot at a major U.S. air carrier said recently: "What's happening is the industry's own fault. We've got to treat passengers with respect. We've made air travel a very unpleasant experience."

It's time to make sure air travel works better for everyone. It can if air travelers have the same basic protections as other consumers. The corner grocer cannot sell a customer a product at one price and then sell the next customer in line the same product at a higher price. The neighborhood movie house cannot cancel a show just because only a few people show up. The Airline Passenger Fairness Act will bring similar consumer protections to air travel and ensure that air travelers have the information they need to make informed decisions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airline Passenger Fairness Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The number of airline passengers on United States carriers is expected to grow from about 600 million per year today to about 1 billion by the year 2008.

(2) Since 1978 the number of certified large air carriers has decreased from 30 to 10. In 1998, 6 of the United States' largest air carriers sought to enter into arrangements that would result in 3 large networks comprising approximately 70 percent of the domestic market.

(3) Only ⅔ of all communities in the United States that had scheduled air service in 1978 still have it today, and ½ of those remaining are served by smaller airlines feeding hub airports.

(4) The Department of Transportation's Domestic Airline Fares Consumer Report for the 3rd Quarter of 1997 listed 75 major city pairs where fares increased by 30 percent or more year-over-year, while total traffic in these city pairs decreased by 863,500 passengers, or more than 20 percent.

(5) A 1998 Department of Transportation study found that large United States air carriers charge twice as much at their large hub airports where there is no low fare competition as they charge at a hub airport where a low fare competitor is present. The General Accounting Office found that fares range from 12 percent to 71 percent higher at hubs dominated by one carrier or a consortium.

(6) Complaints filed with the Department of Transportation about airline travel have increased by more than 25 percent over the previous year, and complaints against large United States air carriers have increased from 6,394 in 1997 to 7,994 in 1998.

(7) The 1997 National Civil Aviation Review Commission reported that recent data indicate the problem of delay in flights is getting worse, and that the number of daily aircraft delays of 15 minutes or longer was nearly 20 percent higher in 1996 than in 1995.

(8) The 1997 National Civil Aviation Review Commission forecast that United States domestic and international passenger enplanements are expected to increase 52 percent between 1996 and 2006, and the Federal Aviation Administration forecasts annual growth in revenue passenger miles will average 4.2 percent.

(9) A 1998 Department of Transportation study found that the large United States air carriers charge about 60 percent more to passengers traveling to or from small communities than they charge to passengers traveling between large communities.

(10) The Congress has directed the Secretary of Transportation to prohibit unfair and deceptive practices in the airline industry.

SEC. 3. FAIR PRACTICES FOR AIRLINE PASSENGERS.

Section 41712 of title 49, United States Code, is amended—

(1) by striking "On the initiative" and inserting "(a) DUTY OF THE SECRETARY.—On the initiative"; and

(2) by adding at the end thereof the following:

"(b) SPECIFIC PRACTICES.—For purposes of subsection (a), the terms 'unfair or deceptive practice' and 'unfair method of competition' include, in the case of a certificated air carrier, an air carrier's failure—

"(1) to inform a ticketed passenger, upon request, whether the flight on which the passenger is ticketed is oversold;

"(2) to permit a passenger holding a confirmed reserved space on a flight to use portions of that passenger's ticket for travel, rather than the entire ticket, regardless of the reason any other portion of the ticket is not used;

"(3) to deliver a passenger's checked baggage within 24 hours after arrival of the flight on which the passenger travelled and on which the passenger checked the baggage, except for reasonable delays in delivery of such baggage;

"(4) to provide a consumer full access to all fares for that air carrier, regardless of the technology the consumer uses to access the fares if such information is requested by that consumer;

"(5) to provide notice to each passenger holding a confirmed reserved space on a flight with reasonable prior notice when a scheduled flight will be delayed for any reason (other than reasons of national security);

"(6) to inform passengers accurately and truthfully of the reason for the delay, cancellation, or diversion of a flight;

"(7) to refund the full purchase price of an unused ticket if the passenger requests a refund within 48 hours after the ticket is purchased;

"(8) to disclose to consumers information that would enable them to make informed decisions about the comparative value of frequent flyer programs among airlines, including—

"(A) the number of seats redeemable on each flight; and

"(B) the percentage of successful and failed redemptions on each airline and on each flight.

"(c) REPORT.—The Secretary shall include information about violations of subsection (a) by certificated air carriers in the Department of Transportation's monthly Air Travel Consumer Report.

"(d) CONFIRMED RESERVED SPACE.—The term 'confirmed reserved space' shall mean a space on a specific date and on a specific flight and class of service of a carrier which has been requested by a passenger and which the carrier or its agent has verified, by appropriate notation on the ticket or in any other manner provided by the carrier, as being reserved for the accommodation of the passenger.".●

● Mr. McCAIN. Mr. President, I rise today along with my colleagues, Senator WYDEN, Senator SNOWE, and Senator BRYAN, to introduce the Airline Passenger Fairness Act.

People who travel by air are the airlines' customers. As such, they expect and deserve the same fair treatment that consumers in other areas have come to rely on. The Airline Passenger Fairness Act would ensure that passengers have the information that they need to make informed choices in their travel plans. It also seeks to encourage airlines to provide better customer service by outlining some minimum standards.

Mr. President, I would like to take this opportunity to comment on some of the specific provisions in the bill. The Airline Passenger Fairness Act will enable an airline passenger to:

find out whether the flight on which that passenger is booked has been oversold;

use whatever portions of a ticket he or she chooses to use to get to his or her destination;

receive his or her checked baggage within 24 hours of a flight's arrival, unless additional delays are reasonable;

find out from an airline all of the fares that the airline offers, regardless of the method used to access fares;

receive prior notice when a scheduled flight will be delayed, if reasonable;

receive accurate information about the reasons why a passenger's flight has been delayed, canceled, or diverted to another airport;

obtain a full refund of the purchase price of a ticket if the passenger requests it within 48 hours of purchase; and

receive accurate information about an airline's frequent flyer program, including the number of seats that can be redeemed on each flight, and the percentage of successful and failed frequent flyer redemptions on each flight.

The Department of Transportation already holds the authority to investigate airlines that have been charged with exercising "unfair and deceptive practices," and "unfair methods of competition." Our bill simply specifies that if passengers are denied any of the items of fair treatment that I just listed, that denial constitutes an unfair or deceptive practice on the part of the airline, or an unfair method of competition.

Mr. President, as I said earlier, this legislation is about helping consumers make informed choices among their air travel options. A key component of this bill is a publication requirement. Consumers will be able to review the Department of Transportation's monthly Air Travel Consumer Report to find out what airlines are denying passengers the fair treatment outlined in the bill, and on how many occasions.

Air travel is on the rise. As airport congestion, delays, and fares increase, so have the complaints among airline passengers. The Air Passenger Fairness Act seeks to respond to these complaints in a constructive manner by giving passengers better information on which to judge the service levels offered by the airlines. We expect to hold hearings soon on this bill in the Commerce Committee, and we welcome any input on the initiative.●

By Mr. McCAIN:

S. 384. A bill to authorize the Secretary of Defense to waive certain domestic source or content requirements in the procurement of items.

BUY AMERICA RESTRICTIONS LEGISLATION

● Mr. McCAIN. Mr. President, I rise today to introduce legislation that would authorize the Secretary of Defense to waive "Buy America" restrictions on all items procured for the Department of Defense.

I have spoken of this issue before in this Chamber and the potential impact of our "Buy America" policy on bilateral trade relations with our allies. From a philosophical point of view, I oppose this type of protectionist trade policy, not only because I believe free trade is an important means of improving relations among all nations and a key to major U.S. economic growth, but also because I believe we must reform these practices in order to make our limited defense dollars go further so as to reverse the downward trend in our military readiness.

Mr. President, this is a simple and straightforward bill that promotes U.S. products, not by imposing restrictive barriers on open competition and free trade, but by reinforcing sound and beneficial economic principles.

This bill gives the Secretary of Defense the authority to waive restrictions on the procurement of all items with respect to a foreign country if the Secretary of Defense determines they would impede cooperative programs entered into between a foreign country and the Department of Defense. Additionally, it would waive protectionist practices if it is determined that such practices would impede the reciprocal procurement of items in that foreign country, and that foreign country does not discriminate against items produced in the U.S. to a greater degree than the U.S. discriminates against items produced in that country.

For example, the Secretary of Defense may waive "Buy America" restrictions for contracts and subcontracts for items because of unreasonable delays or costs to the U.S. government in equipping servicemembers with U.S. products; insufficient quantity or unsatisfactory quality of U.S. products; and absence of competition in the U.S., resulting in a monopoly or a sole source contract, and thus, a higher price for the Department of Defense and ultimately the taxpayer.

Let me be clear, I am not against U.S. procurement of American products. The United States, without a doubt, produces the very best products in the world. In fact, a recent Department of State study reported that U.S. defense companies sold more weapons and defense products and claimed a larger share of the world market than was previously realized. This new study shows U.S. exports of defense products increased to nearly $25 billion in 1996, comprising nearly 60 percent of global exports. This number continues to rise steadily.

From a practical standpoint, adherence to "Buy America" restrictions seriously impairs our ability to compete freely in international markets for the best price on needed military equipment and could also result in a loss of existing business from longstanding international trading partners. While I fully understand the arguments made by some that the "Buy America" restrictions help maintain certain critical industrial base capabilities, I find no reason to support domestic source restrictions for products that are widely available from many U.S. companies (e.g., pumps produced by at least 25 U.S. companies). I believe that competition and open markets among our allies on a reciprocal basis would provide the best equipment at the best prices for taxpayers and U.S. and allied militaries alike.

In recent meetings, the Ambassadors and other senior representatives of the United Kingdom, Sweden, Netherlands, Australia and Israel have apprised me of similar situations in their countries. In every meeting, they tell me how difficult it is becoming to persuade their governments to buy American defense products, because of our protectionist policies and the growing "Buy European" sentiment.

Mr. President, we have heard over the last four months of the dire situation of our military forces. We have heard testimony of decreasing readiness, modernization programs that are decades behind schedule, and quality of life deficiencies that are so great we cannot retain, much less recruit, the personnel we need. As a result, there has been a recent groundswell of support in Congress for the Armed Forces, including a number of pay and retirement initiatives and the promise of a significant increase in defense spending.

All of these proposals are excellent starting points to help re-forge our military, but we must not forget that much of them will be in vain if the Department of Defense is obligated to maintain wasteful, protectionist trade policies. When we actually look for the dollars to pay for these initiatives, it would be unconscionable not to examine the potential for savings from modifying the "Buy America" program. Secretary Cohen and the Joint Chiefs of Staff have stated repeatedly that they want more flexibility to reform the military's archaic acquisition practices. We cannot sit idly by and throw money at the problem, without considering this partial solution regarding "Buy America."

Mr. President, the Congress can continue to protect U.S. industry from foreign competition for selfish, special interest reasons, or we can loosen these restrictions to provide the necessary funds to ensure our military can fight and win future wars. Every dollar we spend on archaic procurement policies, like "Buy America," is a dollar we cannot spend on training our troops, keeping personnel quality of life at an appropriate level, maintaining force structure, replacing old weapons systems, and advancing our military technology.

Mr. President, it is my sincere hope that this legislation will end once and for all the anti-competitive, anti-free trade practices that encumber our government, the military, and U.S. industry. I urge my colleagues to join me in support of this critical bill.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO WAIVE DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) AUTHORITY.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410n. Authority to waive domestic source and content requirements

"(a) AUTHORITY.—Subject to subsection (c), the Secretary of Defense may waive any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

"(1) outside the United States or its possessions; or

"(2) in the United States or its possessions from components grown, reprocessed, reused, produced, or manufactured outside the United States or its possessions.

"(b) COVERED REQUIREMENTS.—For purposes of this section:

"(1) A domestic source requirement is any requirement under law that the Department of Defense must satisfy its needs for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States, its possessions, or a part of the national technology and industrial base.

"(2) A domestic content requirement is any requirement under law that the Department must satisfy its needs for an item by procuring an item produced partly or wholly from components grown, reprocessed, reused, produced, or manufactured in the United States or its possessions.

"(c) LIMITATION.—The Secretary may waive a domestic source requirement or domestic content requirement under subsection (a) only if the Secretary determines that one or more of the conditions set forth in section 2534(d) of this title apply with respect to the procurement of the items concerned.

"(d) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding the adding at the end following new item:

"2410n. Authority to waive domestic source or content requirements.".●

By Mr. ENZI:

S. 385. A bill to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SAFETY ADVANCEMENT FOR EMPLOYEES (SAFE) ACT

● Mr. ENZI. Mr. President, I rise to introduce the Safety Advancement for Employees (SAFE) Act of 1999.

Today, as Americans head off to work, 17 of them will die and 18,600 of them will be injured on the job. The fact is that these accidents are occurring not because employers are heartless when it comes to worker safety. On the contrary, even the Department of Labor estimates that 95 percent of employers are striving to create safe workplaces. Nevertheless, America's employers are routinely left to their own devices to comply with thousands of pages of regulations without agency assistance and face steep fines for noncompliance despite their good-faith efforts.

The Clinton Administration has responded to this problem by pledging a "reinvented government" that partners with employers in the effort to improve occupational safety and health. I agree with the strong statements made by Vice President Gore that "OSHA doesn't work well enough," and that OSHA should "hire third parties, such as private inspection companies" to perform inspections. In fact, Vice President Gore's conclusions are at the heart of the OSHA modernization effort that I worked on last Congress. The SAFE Act that I am introducing today embodies a true partnership approach by encouraging employers to voluntarily hire third party consultants to audit their workplaces for compliance with OSHA and safety in general. Those consultants must be qualified by OSHA as legitimate safety consultants. They will work with employers on an ongoing basis to ensure that the employer is in compliance with OSHA regulations. Once the employer is in compliance, the consultant will issue him a certificate of compliance.

Under the SAFE Act, OSHA retains full power to inspect employers who have received such a certificate, full power to find violations of OSHA's regulations and full power to order such employers to abate the violations. The bill also provides that good-faith employers who go to the time and expense of hiring a safety consultant and getting in compliance with OSHA are exempt from civil fines for one year. In other words, the SAFE Act strikes a new and healthier balance for America's workers.

The SAFE Act's third party consultation provision codifies the Vice President's approach. It will result in tens of thousands of employers, perhaps more, getting expert safety consultations. It will allow OSHA to target its enforcement resources where they are most needed, and unlike other OSHA reform bills, it preserves OSHA's power to inspect any workplace and order abatement as it sees fit.

During the 105th Congress, the SAFE Act garnered more support than any OSHA modernization measure in years and successfully passed the Senate Labor and Human Resources Committee within a few months of introduction. I hope to build on that success by strengthening the consultation aspect of the bill in the 106th Congress. One of the most important changes to the SAFE Act in this regard is that the voluntary, third party consultation provision now requires employers to work with trained safety and health consultants to develop work site-specific safety and health programs before they receive a Certificate of Compliance. I have borrowed both the idea for this provision and the language directly from one of OSHA's successful consultation programs, the Safety and Health Achievement Recognition Program, or SHARP. SHARP is a consultation-based program available to businesses who want to work with an OSHA consultant and develop a safety and health program in return for one year free from inspections. The key to this program's success is that it is voluntary, it helps employers achieve compliance by working with a trained safety consultant, and it contains incentives to encourage employers to seek solutions to safety and health hazards.

The outstanding results of the SHARP program will be amplified by its inclusion in the SAFE Act. Due to the limited resources that OSHA dedicates to consultation, very few employers are able to take advantage of the SHARP program. However, under the SAFE Act, the safety benefits of the program will be available to every employer on a voluntary basis.

An important and additional benefit of including OSHA's voluntary, consultation-based SHARP program in the SAFE Act is that it strikes a compromise. For the last several months, OSHA has been moving forward in promulgating a mandatory safety and health program rule applicable to all employers regardless of size or type. The rule is not only mandatory but it is also a "performance-based" rule, the elements of which are almost completely subjective in nature. For example, the rule requires a program "appropriate" to conditions in the workplace, an employer to evaluate the effectiveness of the program "as often as necessary" to ensure program effectiveness, and "where appropriate," to initiate corrective action.

Employers are justifiably concerned because the rule offers no definition of these terms to help them in their compliance efforts. They are also concerned because there is no objectivity to the rule. OSHA is answering these concerns by promising that their inspectors will be fair in their application of the rule and flexible in their interpretations. That does not satisfy employers who have safety and health programs in place or are working to develop such programs in a way that meets with OSHA's approval without the threat of fines.

The SAFE Act combines the need to promote a safety and health program standard that is sanctioned by OSHA with the need of the employer to know specifically how to achieve regulatory compliance. By keeping the SAFE Act consultation-based, employers will have full access to personalized compliance assistance. Neither will there be a threat of subjective enforcement under the SAFE Act because good-faith employers cannot be penalized for good-faith compliance efforts. The SAFE Act is the workable alternative to encourage and implement safety and health programs that work to improve conditions for America's workers.

Another important change to the SAFE Act is that the bill has been streamlined to strengthen the consultation theme by removing provisions that do not relate to consultation. The importance of such streamlining is two-fold. First, by highlighting consultation, the SAFE Act is able to maintain a one-theme message that consultations work and that their availability should be expanded to more employers. Second, by removing other, non-consultation-based programs from the bill will allow for concentrated development of several specific, freestanding OSHA modernization bills in the future.

As I introduce the new SAFE Act today, I am hopeful that we can again begin meaningful discussions about what is involved in achieving safer workplaces. I am hopeful that we can take even greater steps away from the adversarial approach to worker safety that virtually everyone agrees is without benefit or substantive result. And I am hopeful that we can actually pass the SAFE Act to achieve greater worker safety and health. The SAFE Act's proactive approach to achieving safer workplaces is revolutionary because it empowers both OSHA and the employer. By passing the SAFE Act, OSHA's own consultation programs will be extended to all employers who truly seek safety and health solutions. The result will mean vastly improved safety for America's work sites.●

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. COVERDELL, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 271

At the request of Mr. FRIST, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 271, a bill to provide for education flexibility partnerships.

S. 280

At the request of Mr. FRIST, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 280, a bill to provide for education flexibility partnerships.

S. 327

At the request of Mr. HAGEL, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 377

At the request of Mr. ENZI, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 377, a bill to eliminate the special reserve funds created for the Savings Association Insurance Fund and the Deposit Insurance Fund, and for other purposes.

SENATE CONCURRENT RESOLUTION 6—AUTHORIZING FLAGS LOCATED IN THE CAPITOL COMPLEX TO BE FLOWN AT HALF-STAFF IN MEMORY OF R. SCOTT BATES, LEGISLATIVE CLERK OF THE U.S. SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. CON. RES. 6

Resolved by the Senate (the House of Representatives concurring), That, as a mark of respect to the memory of R. Scott Bates, Legislative Clerk of the United States Senate, all flags of the United States located on Capitol Buildings or on the Capitol grounds shall be flown at half-staff on the day of his interment.

ADDITIONAL STATEMENTS

TOWARD A BIPARTISAN SPIRIT

● Mr. HOLLINGS. Mr. President, I believe it would be helpful for all of us to consider the example of bipartisan cooperation and collegiality set by many of our predecessors. Jack Valenti, a former advisor to President Lyndon Johnson and a man many of us know personally, nicely captured that spirit in a recent editorial, published in the Los Angeles Times, urging a return to "political civility."

There was a time, Mr. President, when leaders of both parties, men like President Johnson and Everett Dirksen, knew the importance of maintaining cordial relations and cooperating to further the national interest. As Jack Valenti puts it, "they knew that compromise was not an ignoble word."

In today's atmosphere, I fear that cooperating on anything for the good of the country will prove extremely difficult. In this trying time, we all should consider Jack Valenti's words, as well as the spirit of the bygone era he invokes.

At this time, Mr. President, I ask that Mr. Valenti's editorial be printed in the CONGRESSIONAL RECORD.

The editorial follows:

[From the Los Angeles Times, Jan. 29, 1999]

TWO OLD POLS KNEW THE ART OF A BARGAIN

(By Jack Valenti)

Controversy rages in Washington. But there is one fact in which agreement is universal: Between a majority of the people's representatives and the people's president, there is a continuing antagonism that makes civil communication almost impossible.

But "what if"? What if, frequently, President Clinton put his feet up on the coffee table on the second floor of the mansion with either the speaker of the House (or the majority leader of the Senate) lounging before him, chatting about where the nation ought to be heading. Not that either would change course or declare defeat. But the easy give and take of an informal conversation, some pieces of worthy programs might find daylight.

Looking back is usually not very fruitful, but I remember when it was different than it is now. When I was special assistant to President Johnson, he charged me with "handling" key members of the Senate and the House, which meant they could call me direct with grievances, needs, requests. I was authorized to use my best judgment in responding.

I bore personal witness to long-ago discourses wherein President Johnson and the minority leader of the Senate, Everett Dirksen of Illinois, would sip a drink, field some little joke that poked fun at each other and do the nation's business. Dirksen, the Republican leader, would call me around noon in that voice dipped in cream and ladled out in large velvet spoons, deep, sonorous tones to soothe even the most obsessively discontented. "Jack, would you tell the boss I would like to see him today. Possible?" Without hesitation, "Absolutely, senator. You want to come by around 6 o'clock for a drink with him?"

At 3 o'clock that afternoon, Dirksen would rise on the Senate floor and flail LBJ with a rhetorical whip, comparing him unfavorably to Caligula. Three hours later, the two would gather in the West Hall in the living quarters of the president, with me as observer.

"Dammit, Everett, the way you treated me today made me feel like a cut dog. You ought to be ashamed of yourself," the president would say with a mocking grin. "Well, Mr. President," came The Voice, trying in vain to suppress a chuckle. "I have vowed to speak the truth so I had no choice in the matter." Much laughter. They both knew who they were and why they were leaders. They were two warriors who had fought a hundred battles against each other. They knew the game, how it was played, no quarter given, no quarter asked in the public arena. But when the day was done, they sat around the campfire, as it were, to recount the details of the fight over a flagon of fine refreshment. They both knew that each needed the other, and the country needed them both. If they fumed and fussed, determined to wound and kill the other, no ultimate good would come of it. The land they served would be agitated and stunted by stalemate. They both understood the meaning of "duty" to the nation, and they knew that compromise was not an ignoble word.

The president would say, "Now, Everett, I need three Republican votes on my civil rights bill, and, dammit, you can get them." Dirksen would ponder that somberly, and then pull a sheaf of papers out of his inside pocket. "I have here, Mr. President, some potential nominees to the FCC, the ITC, the SEC" and so on through the catalog of acronyms wherein the nation's regulatory labors get done.

LBJ would sigh, and say, "Jack, take down the names and see if Mr. Hoover (J. Edgar) will certify them." Dirksen would smile broadly, sip his drink. LBJ would do the same. After more intimate joshing between them, Dirksen would depart. There was no mention of a deal. There was no formal commitment. But each knew the pact was struck. Each would redeem the unspoken pledges given. And there was no leakage to the press. Moreover, the warriors' code was intact. Neither gloated in a supposed triumph over the other.

By whatever mutations the gods of politics brew, there has to be a return to political civility, whose end result is to the nation's benefit. Neither LBJ nor Sen. Dirksen lost their honor or abandoned their crusades when they talked. Nor did they lose their bearings. For they knew such damage would diminish them both, and most of all the country, whose people they had by solemn oath sworn to serve, would be the loser. They did their duty.•

TRIBUTE TO THE STUDENTS OF MILFORD HIGH SCHOOL

• Mr. SMITH of New Hampshire. Mr. President, I rise today to recognize students from Milford High School in Milford, New Hampshire for their outstanding performance in the "We the People * * * The Citizen and the Constitution" program.

On May 1–3, 1999, more than 1200 students from across the United States will be in Washington, D.C., to compete in the national finals of the "We the People * * * The Citizen and the Constitution" program. I am proud to announce that the class from Milford High School will represent the state of New Hampshire in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The "We the People * * * The Citizen and the Constitution" program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentation by high school students before a panel of adult judges. The students testify as constitutional experts before a "congressional committee," that is, the panel of judges representing various regions of the country and a variety of appropriate professional fields. The student testimony is followed by a period of questioning during which the judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

Administered by the Center for Civic Education, the "We the People * * * The Citizen and the Constitution" program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

The student team from Milford High School is currently conducting research and preparing for the upcoming national competition in Washington, D.C. As a former history teacher, I recognize the importance and value of this unique educational experience. I wish the students and their teacher, Mr. David Alcox, the best of luck at the "We the People * * * The Citizen and the Constitution" national finals. I look forward to greeting them when they visit Capitol Hill, and I am honored to represent them in the United States Senate.•

ST. PAUL'S EPISCOPAL CHURCH OF LANSING 150TH ANNIVERSARY

• Mr. ABRAHAM. Mr. President, I rise today to pay tribute to St. Paul's Episcopal Church of Lansing, Michigan, and its members who are currently celebrating its 150th Anniversary. The congregation can be proud of the founding members' faith and devotion which brought about the organization of this church in 1849.

Members of St. Paul's Church met in Michigan's Capitol building for a decade until the continued growth of the congregation required that a separate building be constructed. Further growth necessitated the completion of a newer church in 1873, and again in 1914. As our country begins to rediscover the importance of family and personal values, the building of faith by St. Paul's Episcopal Church is of great significance to us all.

I extend my warmest regards and best wishes to all of the members of St. Paul's congregation as they celebrate this great achievement.•

SUPPORT OF MOTION TO DISMISS ARTICLES OF IMPEACHMENT

• Mr. DODD. Mr. President, last week the Senate, sitting as a court of impeachment, voted on Senator BYRD's motion to dismiss the articles of impeachment brought by the Managers from the House of Representatives. I voted in support of this motion, and would like to briefly state my position on this important question.

While the motion failed, it received the support of forty-four senators—eleven more votes than needed to acquit the President of the charges made by the Articles. Therefore, this vote demonstrates to a near certainty that there are insufficient votes to support the Managers' position that the President should be convicted.

This result comes as a surprise to no one—including most if not all of those who support the President's removal. These Articles should never have been presented to the Senate. The President's actions were undoubtedly reprehensible. They deserve condemnation and may warrant prosecution after he leaves office. But they do not warrant removal—a sanction unprecedented in our nation's history, and one that the Framers of our Constitution envisioned would be used in only the rarest of circumstances to protect the country.

The case presented by the Managers is fatally deficient in three respects:

First, the facts presented, even if viewed in the light most favorable to the Managers' case, do not allege conduct that meets the high standard laid out by the framers for the impeachment, conviction, and removal from office of a president.

Second, the articles as drafted are vague and contain multiple allegations—denying the President the fairness and due process that is the right of every American citizen, and depriving senators of the clarity that is essential to discharging their responsibility as triers of fact.

Third, the Managers have failed to present facts that meet their heavy burden of proving the allegations contained in the Articles.

Let me address these points in turn.

The conduct alleged by the Managers to be worthy of conviction arises out of a private, civil lawsuit and a private, consensual, yet improper relationship between the President and Ms. Monica Lewinsky. It is the President's conduct in that lawsuit and in that relationship that are the basis of the charges at issue here. No charges arise from his official conduct as President.

(It is worth noting that, with regard to the Jones matter, the Supreme Court itself considered the conduct alleged therein to be private. The Court ruled that, while the President may delay or avoid until leaving office lawsuits based on his official conduct, he may claim no such immunity in an action based on private conduct unrelated to official duties.)

The Managers claim that what is at issue is not the President's private actions but his actions in connection with efforts to prevent his relationship with Ms. Lewinsky from becoming known to his family and others. These actions, the Managers argue—including his testimony in the grand jury and his statements to staff and others—are official in nature. However, these actions clearly arise out of the President's efforts to keep secret a personal relationship which he admitted to be wrong. Under no reasonable analysis can they be understood to relate to the President's official duties.

It follows, then, that the President's actions certainly do not rise to the level of "treason, bribery or other high crimes and misdemeanors" set forth by the Framers as the standard for removing a president from office. As Alexander Hamilton explained, impeachment is to be reserved as "a remedy for great injuries done to the society itself". The impeachment process is intended to protect the nation from official wrongdoing, not punish a president for personal misconduct.

It is not in my view reasonable to conclude that the President's actions—while by his own admission wrong and offensive—pose a danger to the institutions of our society. The President's past behavior did not—and his continuation in office does not—pose a threat to the stability of those institutions.

Indeed, I submit that convicting and removing the President based on these actions, not the actions themselves, would have a destabilizing effect on our institutions of government. Were this scenario to come to pass, then henceforth any president would have to worry that he or she could be removed on a partisan basis for essentially personal conduct. That standard would weaken the presidency. In the words of Madison, it would in effect make the president's term equivalent to "a tenure during pleasure of the Senate", and upset the careful system of checks and balances established by the Framers to govern relations between the legislative and executive branches.

The Articles also deserve to be dismissed because of the fatally flawed manner in which they are drafted. Those flaws are of two separate kinds.

First, the Articles fail to allege wrongdoing with the kind of specificity required to allow the President—or indeed, any person—to defend himself, and to allow the Senate to fully understand and judge the charges made against him. White House counsel described the articles as an "empty vessel", a "moving target" where neither the President nor the Senate knows with precision what has been alleged. Senators were presented with videotaped testimony of former federal prosecutors who stated that standard prosecutorial practice requires that allegations of perjury and obstruction must be stated with particularity and specificity. The allegations here have not been so stated. That lack of specificity is manifestly unfair to the President. And it is detrimental to the Senate's ability to discharge its responsibility as the trier of fact in this case.

The second fatal structural flaw in the Articles is that the Managers have aggregated multiple allegations of wrongdoing into single Articles. Article I allows the President to be impeached for "one or more" of four enumerated, unspecified categories of alleged misconduct. Similarly, in Article II he is alleged to have obstructed justice in "one or more" of seven ways. This smorgasbord approach to the allegations creates the deeply troubling prospect that the President could be convicted and removed without two-thirds of the Senate agreeing on what precisely he did wrong. For this reason, too, dismissal is appropriate.

Dismissal is, finally, appropriate because the facts undergirding the managers' case do not prove the criminal wrongdoing the managers allege. Manager McCOLLUM told the Senate that it must first find criminal wrongdoing and then determine whether to remove the President from office. While it is left to each Senator to determine the standard of proof he or she will use to judge the evidence, manager McCOLLUM's own analysis suggests that that standard should be beyond a reasonable doubt. After all, that is the standard used in all other criminal cases; why should the President be subjected to any lower standard than that to which all citizens are entitled? Indeed, he should not—not only because he deserves no less fairness than other citizens, but also because this high standard of proof is appropriate to the gravity of the sanction the Senate is being asked to impose.

In my view, the Managers have failed to prove criminal culpability on the part of the President beyond a reasonable doubt. The record is replete with exculpatory, contradictory, and ambiguous facts.

Consider, for example, these:

(1) Ms. Lewinsky—who was questioned some 22 times by investigators, prosecutors, and grand jurors (not to mention twice by the Managers themselves)—said under oath that neither the President nor anyone else ever asked her to lie.

(2) She also said—again, under oath—that no one ever promised her a job for her silence.

(3) Further, she stated without contradiction that the President did not suggest that she return the gifts given her by the President to him or anyone else on his behalf.

(4) Betty Currie, the President's secretary—who was questioned some nine times—likewise testified that the President did not suggest that the gifts to Ms. Lewinsky be returned.

(5) She also said that she never felt pressure to agree with the President when he spoke with her following the Jones deposition, and, indeed, felt free to disagree with his recollection.

(6) Lastly, the Managers argued that a December 11, 1997 ruling by the judge in the Jones case, permitting the calling of witnesses regarding the President's conduct, triggered intensive efforts that very day by the President and Vernon Jordan to help Ms. Lewinsky find a job. We now know that the facts contradict that account of the Managers. A meeting on that date between Mr. Jordan and Ms. Lewinsky was scheduled three days earlier. It was held several hours before the judge's ruling. And at the time of that ruling, Mr. Jordan was on an airplane bound for Holland.

In addition, factual discrepancies between the President and Ms. Lewinsky—about when their relationship began, about the nature of the inappropriate contacts between them, about the number of those contacts, and about the number of inappropriate telephone calls between them—amount to differences in recollection that in no way can be considered criminal on the part of the President. More fundamentally, they cannot be considered material to this proceeding. Not even the Office of Independent Counsel considered these discrepancies relevant or material to the matter at hand. It cannot reasonably be argued, in any event, that the President should be removed from his office because of them.

For all of these reasons—the failure of the Managers to prove beyond a reasonable doubt that the President committed criminal wrongdoing, the structural flaws in the Articles themselves, and the failure of the allegations, even if proven, to warrant the unprecedented action of conviction and removal—these Articles should be dismissed. We have reviewed enough evidence, heard enough arguments, and asked enough questions to know with reasonable certainty that the flaws in the Managers' case cannot be remedied. We know enough to decide this matter now. The national interest is best served not by extending this proceeding needlessly, but by ending it.

I regret that the Senate has failed to do that. But I continue to believe that we must dispose of this matter as soon as possible so we can return to the other important business of the nation.●

OPPOSITION TO MANAGERS' MOTION FOR THE APPEARANCE OF WITNESSES

• Mr. DODD. Mr. President, last week the Senate, sitting as a court of impeachment, voted on a motion by the Managers for the appearance of witnesses and to admit evidence not in the trial record. I opposed this motion, and would like to briefly state my reasons for doing so.

While the motion carried, the fact that it was opposed by forty-four Senators demonstrates that a large number of our colleagues believe that the record of this case is sufficient to allow Senators to decide on the articles of impeachment. Indeed, it is not merely sufficient, it is voluminous. As I will discuss more fully below, neither the Managers nor counsel for the President would in any way be harmed by a requirement that they rely on the record as presently constituted.

Let me concede at the outset that this motion is not an easy one to decide. There is an argument to be made for calling witnesses. Our colleagues who believe there ought to be witnesses are motivated by earnest reasons.

However, the issue for us is not whether there is a case for witnesses. It is this: do we need to hear from witnesses in order to fulfil our responsibility as triers of fact? The answer to that question, in my opinion, is no. We know enough to decide this case, and decide it now.

There may be legitimate reasons for calling witnesses. But the reasons for not calling them are compelling.

There are five reasons, in particular, that strongly argue against the motion.

First, the record is more than sufficient to allow the Senate to decide this case. We are all painfully familiar with the essential details of this matter. Like most Americans, we have been subjected to the blizzard of media attention paid to it from its very start just over a year ago.

This is not 1868, when only a handful of people could witness the last presidential impeachment. One hundred and thirty years later, we can receive an Independent Counsel's voluminous and graphic report over the Internet literally at the moment it is made available to the public. We can witness the proceedings of the House Judiciary Committee live on television. We can observe the televised impeachment proceedings in the House chamber as if we are there.

This trial is now in its fourth week. We have been provided with massive portions of a record that exceeds 67,000 pages in length. We have heard days of arguments. Ninety of us have asked some 105 questions to the House Republican Managers and to counsel for the President.

So I daresay that the facts of this case have been drilled into our consciousness—relentlessly, overwhelmingly, and, it seems endlessly.

I should add one more adverb: repeatedly. And that leads to the second reason for not calling witnesses: they have testified repeatedly and without contradiction on the key facts.

Again and again, the record shows the same questions asked of the same witnesses. Ms. Lewinsky has been questioned a total of twenty-three times, Ms. Currie nine times, Mr. Jordan six times, and Mr. Blumenthal five times. They were asked hundreds upon hundreds of questions—by some of the toughest, shrewdest legal minds in the country. Their testimony fills in excess of two thousand five hundred pages of the trial record.

What is the likelihood that prolonging this trial to hear from these and possibly other witnesses will bring new details to light that could change the outcome of this trial? Regarding at least one witness—Ms. Lewinsky—we know from her interview by the Managers two weekends ago: virtually nil.

A third reason to oppose this motion is that witness testimony will invite the introduction of salacious details onto the Floor of the United States Senate—details with which we are already painfully familiar, and details about which any differences between the President and Ms. Lewinsky are immaterial and irrelevant to the charges contained in the Articles presented by the House Republican Managers.

The Managers tell us that they have no interest in raising any such details. But sexual misconduct is at the core of this case. Manager BRYANT admitted as much when he said on the Floor that the issue in Article I is "perjury about sex". The same could be said about Article II—the issue is obstruction about sex.

Every question about perjury or obstruction, then, necessarily invites testimony about the sexual details of this scandal. Given the massive size of the record, I do not think we need to risk allowing the Senate to become a forum for that kind of speech. It will not bring dignity to this proceeding or credit to this institution.

If we somehow think that we can summon witnesses to appear in this trial and at the same time guarantee that the Senate will not become a kind of burlesque stage for the airing of this case's tawdry factual essence, let me remind my colleagues of the frenzied circus that formed immediately upon the news that Ms. Lewinsky had arrived in Washington, D.C. for questioning by the Managers. Once the door to witnesses is opened, the Senate will be hard-pressed to keep that atmosphere from spilling into this trial and this body.

The fourth reason why we should not call witnesses is that they will prolong this process needlessly and extensively. Senator WARNER made the point well several days ago: it is questionable whether the list of witnesses, and the time required to hear from them, could be strictly limited because to do so might deny the President his right to defend himself.

The point was echoed by one of the attorneys for the President. He stated that he and his associates would be committing "malpractice" if they failed to seek the most aggressive possible discovery process should that course be opened to them.

That discovery process may reasonably be expected to include subpoenas for documents, interviews with corroborating witnesses, depositions, examinations and cross-examinations. As any person familiar with litigation knows, such a process is not easily restricted in time and scope. It could take weeks, or longer, to conclude. During that time, Senators would not necessarily be free from the burdens of serving as triers of fact in the court of impeachment. They could well be called upon to make any number of evidentiary rulings. They could be called upon to comment publicly on matters raised during depositions—including on salacious matters that deserve no comment. In short, this process could drag on and on.

Fifth, and finally, let me say that I remain unconvinced by the argument of the Managers that witnesses are so critical here. They have failed convincingly to explain why witnesses are so indispensable in this trial if they were so dispensable during the impeachment proceedings in the other body.

During those proceedings, Mr. Manager HYDE said that "the most relevant witnesses have already testified at length about the matters in issue. And in the interest of finishing our expeditious inquiry, we will not require most of them to come before us to repeat their testimony." Regarding Monica Lewinsky and Linda Tripp, he added that they "have already testified under oath. We have their testimony. We don't need to reinvent the wheel."

Likewise, Mr. Manager GEKAS stated during the House hearings that "bringing in witnesses to rehash testimony that's already concretely in the record would be a waste of time and serve no purpose at all."

The fervor with which the Managers call for witnesses now is not only inconsistent with their refusal to call them earlier. It is also inconsistent with their underlying assertion that the facts in evidence already prove the President's criminal culpability. If the Managers have any doubt about whether their evidence was sufficient to prove guilt and justify removal, then they had a responsibility to resolve those doubts in the House of Representatives—before they came to this body and had us take an oath to do impartial justice. They should never have put us through this trial.

In conclusion, and at the risk of stating the obvious, we should remember that we, the members of the Senate, are the triers of fact here. We are the ones who control how this trial is to be conducted. Each side deserves to be treated fairly. But neither side deserves an unlimited and open-ended right to put forth their arguments.

I have never known a lawyer arguing a losing case to say he or she couldn't benefit from one more day in court. The proper response to a lengthy trial and a weak case is not more length and more case—it's an end to the case.

Does anyone seriously believe that the outcome of this proceeding will be changed by allowing a parade of witnesses?

Does anyone seriously believe that they will shed new and meaningful light on the key areas of this dispute?

After our historic, bipartisan agreement to begin this trial, after weeks of the trial itself, after the opportunity to read a massive factual record, after the opportunity to ask over 100 questions—after all this, I do not believe that witnesses are now needed to demonstrate the Senate's commitment to conduct this trial in a fair and thorough manner. The dignity of this proceeding and the decorum of this institution are not likely to be enhanced—and could well be damaged—by taking such a step.

In my view, the Managers' motion to call witnesses is the expression of an increasingly desperate desire to breathe life into a case that—as the vote on the motion to dismiss demonstrated—has failed to convince anywhere close to two-thirds of the Senate as to its merit. They are eager for something, anything, to rescue the sinking ship that their impeachment has become.

Their motion, furthermore, is an expression of the partisan process that they began in the House and now seek to perpetuate in the Senate. Having lost five seats in the November elections, Republican leaders in the other body, including the Managers, knew that their best chance to impeach the President was during the lame duck session of the 105th Congress. So they eschewed a bipartisan inquiry, decided not to call witnesses, and forbade members from considering a censure resolution in that chamber—all so they could force a vote on articles of impeachment before the start of the 106th Congress. Two of the articles considered failed. Two others passed, but only by exceedingly slim margins: the Article alleging obstruction of justice would have failed if just five Representatives had voted differently; the Article alleging perjury would have failed if just eleven Representatives had cast their vote against impeachment.

Having rushed to judgment in the House, the Managers now rush to delay judgment in the Senate. Why? I think the reason is obvious: because they know that their case is weak. From the moment the Articles were drafted in the House, they have attempted to obscure that inescapable fact.

Each side of this dispute has now had ample opportunity to present its case. The time has come to bring this matter to a close, and return to the other compelling issues that we were elected to address. While I regret that the majority party in the Senate has decided to move forward with the calling of witnesses and gathering of additional information, I remain hopeful that we can conclude this trial at the earliest possible opportunity.●

ADOPTION OF RULES OF PROCEDURE OF THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

● Mr. GRAMM. Mr. President, the Committee on Banking, Housing, and Urban Affairs held its organizational meeting for the 106th Congress on Tuesday, January 19, 1999. At that meeting, the full committee adopted rules of procedure for the committee for the 106th Congress.

In accordance with Rule XXVI of the Standing Rules of the Senate, I am submitting those rules, as adopted, for printing in the CONGRESSIONAL RECORD. I ask that they be printed in the RECORD.

The rules follow:

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, January 28, 1997)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Minority Member have specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Committee.

(e) *Prior notice of markup sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting. It shall be in order, without prior notice, for a Senator to offer a motion to strike a single section of any measure under consideration. Such a motion to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable. This section may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Minority Member. This subsection shall apply only when the conditions of subsection (e)(1) have been met.

(g) *Cordon rule.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee or by a majority vote of the Subcommittee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his or her appearance) 75 copies of his or her statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Ten-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Minority Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Minority Member of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than to report a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 67 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.

2. Control of prices of commodities, rents, and services.

3. Deposit insurance.

4. Economic stabilization and defense production.

5. Export and foreign trade promotion.

6. Export controls.

7. Federal monetary policy, including Federal Reserve System.

8. Financial aid to commerce and industry.

9. Issuance and redemption of notes.

10. Money and credit, including currency and coinage.

11. Nursing home construction.

12. Public and private housing (including veterans' housing).

13. Renegotiation of Government contracts.

14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.●

RICKI BATES

Mr. LOTT. Mr. President, I do want to notify Senators that we have been notified that Scott Bates' wife, Ricki, is undergoing orthopedic surgery. That, to our knowledge, has not been completed, but our prayers are with her. We wish her a speedy recovery.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, the business we have to do is to have a reading of a House bill and to do a resolution in behalf of our friend, Scott Bates.

MEASURE READ FOR THE FIRST TIME—H.R. 99

Mr. LOTT. Mr. President, I understand that H.R. 99 has been received from the House, and I ask it be read for the first time.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

> A bill (H.R. 99) to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

Mr. LOTT. Mr. President, I ask for a second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard.

AUTHORIZING FLAGS LOCATED IN THE CAPITOL COMPLEX TO BE FLOWN AT HALF-STAFF IN MEMORY OF R. SCOTT BATES

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to a Senate concurrent resolution which is at the desk, and I ask that the resolution be read in its entirety.

The PRESIDING OFFICER. The clerk will read the resolution.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 6) authorizing flags located in the Capitol complex to be flown at half-staff in memory of R. Scott Bates, Legislative Clerk of the United States Senate.
>
> *Resolved by the Senate (the House of Representatives concurring)*, That, as a mark of respect to the memory of R. Scott Bates, Legislative Clerk of the United States Senate, all flags of the United States located on Capitol Buildings or on the Capitol grounds shall be flown at half-staff on the day of his interment.

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 6) was agreed to.

ADJOURNMENT UNTIL 1 P.M., MONDAY, FEBRUARY 8, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in adjournment until 1 p.m. on Monday, February 8.

There being no objection, the Senate, at 5:09 p.m., adjourned to reconvene as a Court of Impeachment on Monday, February 8, 1999, at 1 p.m.

HOUSE OF REPRESENTATIVES—*Monday, February 8, 1999*

The House met at 2 p.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Let us pray using words of Psalm 46.

God is our refuge and strength, a very present help in trouble.

Therefore we will not fear though the Earth should change, though the mountains shake in the heart of the sea; though its waters roar and foam, though the mountains tremble with its tumult.

Come behold the works of the Lord, how He has wrought desolations in the Earth.

He makes wars cease to the end of the Earth; He breaks the bow, and shatters the spear; He burns the chariots with fire.

Be still, and know that I am God. I am exalted among the nations. I am exalted in the Earth.

The Lord of hosts is with us; the God of Jacob is our refuge. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan (Mr. KNOLLENBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

> S. Con. Res. 6. Concurrent resolution authorizing flags located in the Capitol complex to be flown at half-staff in memory of R. Scott Bates, Legislative Clerk of the United States Senate.

The message also announced that pursuant to sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Delaware (Mr. BIDEN) as Vice Chairman of the Senate Delegation to the North Atlantic Assembly during the One Hundred Sixth Congress.

The message also announced that pursuant to sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Delaware (Mr. ROTH) as Chairman of the Senate Delegation to the North Atlantic Assembly during the One Hundred Sixth Congress.

The message also announced that pursuant to sections 276h–276k, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Connecticut (Mr. DODD) as Vice Chairman of the Senate Delegation to the Mexico-United States Interparliamentary Group during the One Hundred Sixth Congress.

The message also announced that pursuant to Public Law 105–83, the Chair, on behalf of the Majority Leader, announces the appointment of the Senator from Alabama (Mr. SESSIONS) to serve as a member of the National Council on the Arts.

The message also announced that pursuant to Public Law 105–277, the Chair, on behalf of the Democratic Leader announces the appointment of the following individuals to serve as members of the National Commission on Terrorism:

Richard Kevin Betts, of New Jersey; and

Maurice Sonnenberg, of New York.

The message also announced that pursuant to sections 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Georgia (Mr. COVERDELL) as the Chairman of the Senate Delegation to the Mexico-United States Interparliamentary Group during the One Hundred Sixth Congress.

The message also announced that pursuant to Public Law 105–292, the Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic Leader, appoints The Most Reverend Theodore E. McCarrick, Archbishop of Newark, New Jersey, to the Commission on International Religious Freedom.

The message also announced that pursuant to Public Law 105–277, the Chair, on behalf of the President pro tempore, in consultation with the Ranking Member of the Senate Committee on Finance, appoints the following individuals to the Trade Deficit Review Commission:

Dimitri B. Papadimitriou, of New York;

C. Richard D'Amato, of Maryland; and

Lester C. Thurow, of Massachusetts.

The message also announced that pursuant to Public Law 105–277, the Chair, on behalf of the Majority Leader, announces the appointment of Manuel H. Johnson, of Virginia, to serve as a member of the International Financial Institution Advisory Commission.

The message also announced that pursuant to section 2761 of title 22, United States Code, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the Senator from Alaska (Mr. STEVENS) as Chairman of the Senate Delegation to the British-American Interparliamentary Group during the One Hundred Sixth Congress.

The message also announced that pursuant to Public Law 105–277, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Commission on Online Child Protection:

Arthur Derosier, Jr., of Montana—Representative of academia with expertise in the field of technology;

Albert F. Gainer III, of Tennessee—Representative of a business providing Internet filtering or blocking services or software;

Donna Rice Hughes, of Virginia—Representative of a business making content available over the Internet;

C. Bradley Keirens, of Colorado—Representative of a business providing Internet access services; and

Karen L. Talbert, of Texas—Representative of a business providing labeling or ratings services.

The message also announced that pursuant to Public Law 105–277, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the National Commission on Terrorism:

Wayne A. Downing, of Colorado;

Fred Ikle, of Maryland; and

John F. Lewis, of New York.

The message also announced that pursuant to Public Law 93–415, as amended by Public Law 102–586, the Chair, on behalf of the Majority Leader, after consultation with the Democratic Leader, announces the appointment of William Keith Oubre, of Mississippi, to serve as member of the Coordinating Council on Juvenile Justice and Delinquency Prevention, vice Robert H. Maxwell, of Mississippi.

The message also announced that pursuant to Public Law 105-83, the Chair, on behalf of the Democratic Leader, announces the appointment of the Senator from Illinois (Mr. DURBIN) as a member of the National Council on the Arts.

The message also announced that pursuant to Public Law 105-244, the Chair, on behalf of the Majority Leader announces the appointment of the following individuals to serve as members of the Web-Based Education Commission: Patti S. Abraham, of Mississippi; and George Bailey, of Montana.

The message also announced that pursuant to sections 276d-276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Alaska (Mr. MURKOWSKI) as Chairman of the Senate Delegation to the Canada-United States Interparliamentary Group during the First Session of the One Hundred Sixth Congress.

The message also announced that pursuant to Public Law 105-277, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the International Financial Institution Advisory Commission: Charles W. Calomiris, of New York; and Edwin J. Feulner, Jr., of Virginia.

The message also announced that pursuant to Public Law 105-255, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Commission on the Advancement of Women and Minorities in Science, Engineering and Technology Development: Judy L. Johnson, of Mississippi; and Elaine M. Mendoza, of Texas.

The message also announced that pursuant to Public Law 104-293, as amended by Public Law 105-277, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to serve as members of the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction: M.D.B. Carlisle, of Washington, D.C.; and Henry D. Sokolski, of Virginia.

NORTH KOREA'S LAUNCH OF TAEPO DONG MISSILE A WAKE-UP CALL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last year I and many of my colleagues expressed our concerns over the growing missile threat to the United States.

Chief among those concerns was the administration's lack of resolve to deploy a National Missile Defense system.

Surprisingly, though, the North Korean launch of a Taepo Dong missile in August of last year was a wake-up call for this administration and for America as well, because portions of this missile landed off the coast of Alaska.

Mr. Speaker, the threat is here and it must be countered. I applaud the dedication of $6.6 billion in the administration's budget and the commitment to deploy viable National Missile Defense.

I am proud to be a part of this effort and, based on my own experience in the Gulf War with these terror weapons, I will fight to ensure that no American citizen will ever be confronted with a Taepo Dong missile or any other terror missile.

Mr. Speaker, with all the uncertainties in our world, for our children, for our grandchildren, we must strengthen our national security and protect our precious country.

I encourage all Members to help protect America. Let us pass H.R. 4, because a national missile defense is something we cannot live without.

IT IS TIME FOR AN ACROSS THE BOARD INCOME TAX CUT

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, on January 6, I introduced a bill to cut Federal income taxes by 10 percent across the board.

Taxes are at an all time high. When State and local taxes are added to the Federal tax bite, the average American family ends up paying more in taxes than it spends on housing, food and clothing combined.

I believe that is outrageous. With the Federal Government expected to run a surplus of $4.4 trillion over the next 15 years, there is no excuse for taxing the American people at a higher level than what was needed to win World War II.

Mr. Speaker, it is time to cut taxes for every American. A 10 percent across the board tax cut is the fairest and simplest way to provide the American people with the tax relief that they deserve. Instead of picking winners and losers, this proposal benefits every American who earns a paycheck.

I urge my colleagues on both sides of the aisle to support this common sense tax relief plan.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. NETHERCUTT) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington DC, February 4, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 4, 1999 at 12:30 p.m. and said to contain a message from the President whereby he submits the Economic Report of the President.

With best wishes, I am

Sincerely,

JEFF TRANDAHL.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-2)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Joint Economic Committee and ordered to be printed:

To the Congress of the United States:

I am pleased to report that the American economy today is healthy and strong. Our Nation is enjoying the longest peacetime economic expansion in its history, with almost 18 million new jobs since 1993, wages rising at twice the rate of inflation, the highest home ownership ever, the smallest welfare rolls in 30 years, and unemployment and inflation at their lowest levels in three decades.

This expansion, unlike recent previous ones, is both wide and deep. All income groups, from the richest to the poorest, have seen their incomes rise since 1993. The typical family income is up more than $3,500, adjusted for inflation. African-American and Hispanic households, who were left behind during the last expansion, have also seen substantial increases in income.

Our Nation's budget is balanced, for the first time in a generation, and we are entering the second year of an era of surpluses: our projections show that we will close out the 1999 fiscal year with a surplus of $79 billion, the largest in the history of the United States. We are on course for budget surpluses for many years to come.

These economic successes are not accidental. They are the result of an economic strategy that we have pursued since 1993. It is a strategy that rests on three pillars: fiscal discipline, investments in education and technology, and expanding exports to the growing world market. Continuing with this proven strategy is the best way to maintain our prosperity and meet the challenges of the 21st century.

THE ADMINISTRATION'S ECONOMIC AGENDA

Our new economic strategy was rooted first and foremost in fiscal discipline. We made hard fiscal choices in

1993, sending signals to the market that we were serious about dealing with the budget deficits we had inherited. The market responded by lowering long-term interest rates. Lower interest rates in turn helped more people buy homes and borrow for college, helped more entrepreneurs to start businesses, and helped more existing businesses to invest in new technology and equipment. America's economic success has been fueled by the biggest boom in private sector investment in decades—more than $1 trillion in capital was freed for private sector investment. In past expansions, government bought more and spent more to drive the economy. During this expansion, government spending as a share of the economy has fallen.

The second part of our strategy has been to invest in our people. A global economy driven by information and fast-paced technological change creates ever greater demand for skilled workers. That is why, even as we balanced the budget, we substantially increased our annual investment in education and training. We have opened the doors of college to all Americans, with tax credits and more affordable student loans, with more work-study grants and more Pell grants, with education IRAs and the new HOPE Scholarship tax credit that more than 5 million Americans will receive this year. Even as we closed the budget gap, we have expanded the earned income tax credit for almost 20 million low-income working families, giving them hope and helping lift them out of poverty. Even as we cut government spending, we have raised investments in a welfare-to-work jobs initiative and invested $24 billion in our children's health initiative.

Third, to build the American economy, we have focused on opening foreign markets and expanding exports to our trading partners around the world. Until recently, fully one-third of the strong economic growth America has enjoyed in the 1990s has come from exports. That trade has been aided by 270 trade agreements we have signed in the past 6 years.

ADDRESSING OUR NATION'S ECONOMIC CHALLENGES

We have created a strong, healthy, and truly global economy—an economy that is a leader for growth in the world. But common sense, experience, and the example of our competitors abroad show us that we cannot afford to be complacent. Now, at this moment of great plenty, is precisely the time to face the challenges of the next century.

We must maintain our fiscal discipline by saving Social Security for the 21st century—thereby laying the foundations for future economic growth.

By 2030, the number of elderly Americans will double. This is a seismic demographic shift with great consequences for our Nation. We must keep Social Security a rock-solid guarantee. That is why I proposed in my State of the Union address that we invest the surplus to save Social Security. I proposed that we commit 62 percent of the budget surplus for the next 15 years to Social Security. I also proposed investing a small portion in the private sector. This will allow the trust fund to earn a higher return and keep Social Security sound until 2055.

But we must aim higher. We should put Social Security on a sound footing for the next 75 years. We should reduce poverty among elderly women, who are nearly twice as likely to be poor as other seniors. And we should eliminate the limits on what seniors on Social Security can earn. These changes will require difficult but fully achievable choices over and above the dedication of the surplus.

Once we have saved Social Security, we must fulfill our obligation to save and improve Medicare and invest in long-term health care. That is why I have called for broader, bipartisan reforms that keep Medicare secure until 2020 through additional savings and modernizing the program with market-oriented purchasing tools, while also providing a long-overdue prescription drug benefit.

By saving the money we will need to save Social Security and Medicare, over the next 15 years we will achieve the lowest ratio of publicly held debt to gross domestic product since 1917. This debt reduction will help keep future interest rates low or drive them even lower, fueling economic growth well into the 21st century.

To spur future growth, we must also encourage private retirement saving. In my State of the Union address I proposed that we use about 12 percent of the surplus to establish new Universal Savings Accounts—USA accounts. These will ensure that all Americans have the means to save. Americans could receive a flat tax credit to contribute to their USA accounts and additional tax credits to match a portion of their savings—with more help for lower income Americans. This is the right way to provide tax relief to the American people.

Education is also key to our Nation's future prosperity. That is why I proposed in my State of the Union address a plan to create 21st-century schools through greater investment and more accountability. Under my plan, States and school districts that accept Federal resources will be required to end social promotion, turn around or close failing schools, support high-quality teachers, and promote innovation, competition, and discipline. My plan also proposes increasing Federal investments to help States and school districts take responsibility for failing schools, to recruit and train new teachers, to expand after school and summer school programs, and to build or fix 5,000 schools.

At this time of continued turmoil in the international economy, we must do more to help create stability and open markets around the world. We must press forward with open trade. It would be a terrible mistake, at this time of economic fragility in so many regions, for the United States to build new walls of protectionism that could set off a chain reaction around the world, imperiling the growth upon which we depend. At the same time, we must do more to make sure that working people are lifted up by trade. We must do more to ensure that spirited economic competition among nations never becomes a race to the bottom in the area of environmental protections or labor standards.

Strengthening the foundations of trade means strengthening the architecture of international finance. The United States must continue to lead in stabilizing the world financial system. When nations around the world descend into economic disruption, consigning populations to poverty, it hurts them and it hurts us. These nations are our trading partners; they buy our products and can ship low-cost products to American consumers.

The U.S. proposal for containing financial contagion has been taken up around the world: interest rates are being cut here and abroad, America is meeting its obligations to the International Monetary Fund, and a new facility has been created at the World Bank to strengthen the social safety net in Asia. And agreement has been reached to establish a new precautionary line of credit, so nations with strong economic policies can quickly get the help they need before financial problems mushroom from concerns to crises.

We must do more to renew our cities and distressed rural areas. My Administration has pursued a new strategy, based on empowerment and investment, and we have seen its success. With the critical assistance of Empowerment Zones, unemployment rates in cities across the country have dropped dramatically. But we have more work to do to bring the spark of private enterprise to neighborhoods that have too long been without hope. That is why my budget includes an innovative "New Markets" initiative to spur $15 billion in new private sector capital investment in businesses in underserved areas through a package of tax credits and guarantees.

GOING FORWARD TOGETHER IN THE 21ST CENTURY

Now, on the verge of another American Century, our economy is at the pinnacle of power and success, but challenges remain. Technology and trade and the spread of information have transformed our economy, offering great opportunities but also posing great challenges. All Americans must be equipped with the skills to succeed and prosper in the new economy. America must have the courage to move forward and renew its ideas and institutions to meet new challenges. There are no limits to the world we can create, together, in the century to come.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 4, 1999*.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 5, 1999 at 3:50 p.m. and said to contain a message from the President whereby he submits a report on ongoing efforts to achieve sustainable peace in Bosnia and Herzegovina.

With best wishes, I am

Sincerely,

JEFF TRANDAHL.

REPORT ON EFFORTS TO ACHIEVE SUSTAINABLE PEACE IN BOSNIA AND HERZEGOVINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–17)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 7 of Public Law 105–174, I am providing this report to inform the Congress of ongoing efforts to achieve sustainable peace in Bosnia and Herzegovina (BiH). This is the first semiannual report that evaluates progress in BiH against the ten benchmarks ("aims") outlined in my certification to the Congress of March 3, 1998. NATO adopted these benchmarks on May 28, 1998, as part of its approval of the Stabilization Force (SFOR) military operations plan (OPLAN 10407). The Steering Board of the Peace Implementation Council (PIC) subsequently adopted corresponding benchmarks in its Luxembourg Declaration of June 9, 1998.

NATO, the Office of the High Representative (OHR) and my Administration have coordinated closely in evaluating progress on Dayton implementation based on these benchmarks. There is general agreement that there has been considerable progress in the past year. The basic institutions of the state, both political and economic, have been established. Key laws regarding foreign investment, privatization, and property are now in place. Freedom of movement across the country has substantially improved. Fundamental reform of the media is underway. Elections have demonstrated a continuing trend towards growing pluralism. Nevertheless, there is still much to be done, in particular on interethnic tolerance and reconciliation, the development of effective common institutions with powers clearly delineated from those of the Entities, and an open and pluralistic political life. The growth of organized crime also represents a serious threat.

With specific reference to SFOR, the Secretaries of State and Defense, in meetings in December 1998 with their NATO counterparts, agreed that SFOR continues to play an essential role in the maintenance of peace and stability and the provision of a secure environment in BiH, thus contributing significantly to progress in rebuilding BiH as a single, democratic, and multiethnic state. At the same time, NATO agreed that we do not intend to maintain SFOR's presence at current levels indefinitely, and in fact agreed on initial reductions, which I will describe later in this report. Below is a benchmark-by-benchmark evaluation of the state-of-play in BiH based on analysis of input from multiple sources.

1. *Military Stability.* Aim: Maintain Dayton cease-fire. Considerable progress has been made toward military stabilization in BiH. Entity Armed Forces (EAFs) are in compliance with Dayton, and there have been no incidents affecting the cease-fire. EAFs remain substantially divided along ethnic lines. Integration of the Federation Army does not reach down to corps-level units and below. However, progress has been made through the Train and Equip Program to integrate the Ministry of Defense and to provide the Federation with a credible deterrent capability. Although it is unlikely to meet its target of full integration by August 1999, the Federation Ministry of Defense has begun staff planning for integration. The Bosnian Serb Army (VRS) continues its relationship with the Federal Republic of Yugoslavia (FRY) Army. Similarly, the Bosnian Croat element of the Federation Army maintains ties with Croatia. In both cases, however, limited resources impinge on what either Croatia or the FRY can provide financially or materially; the overall trend in support is downward. In some areas, the VRS continues to have certain qualitative and quantitative advantages over the Federation Army, but the Train and Equip Program has helped narrow the gap in some key areas. The arms control regimes established under Articles II (confidence and security-building measures) and IV (arms reduction and limitations) of Annex 1–B of the Dayton Peace Accords are functioning. In October 1997, BiH and the other parties were recognized as being in compliance with the limitations on five major types of armaments (battle tanks, armored combat vehicles, artillery, combat aircraft, and attack helicopters) set forth in the Article IV agreement, which were derived from the Annex 1B 5:2:2 ratios for the FRY, Republic of Croatia, and BiH respectively. The parties have since maintained armament levels consistent with the limitations and are expected to do so in the future. A draft mandate for an Article V agreement (regional stability) has been approved; negotiations are due to begin in early 1999. Military stability remains dependent on SFOR as a deterrent force.

2. *Public Security and Law Enforcement.* Aim: A restructured and democratic police force in both entities. There has been considerable progress to date on police reform due to sustained joint efforts of the International Police Task Force (IPTF), Office of the High Representative (OHR), and SFOR, which have overcome a number of significant political obstacles. So far, approximately 85 percent of the police in the Federation have received IPTF-approved training, as have approximately 35 percent of the police in the Republika Srbska (RS). All sides continue to lag in the hiring of minority officers and, as the IPTF implements its plans to address this problem, tensions will increase in the short-term. SFOR often must support the IPTF in the face of crime, public disorder, and rogue police. Monoethnic police forces have often failed to facilitate minority returns. In these types of scenarios, SFOR's use of the Multinational Specialized Unit (MSU) has been a force multiplier, requiring fewer, but specially trained troops. At this point, SFOR's essential contribution to maintaining a secure environment, to include backing up IPTF in support of nascent civilian police forces, remains critical to continued progress.

3. *Judicial Reform.* Aim: An effective judicial reform program. Several key steps forward were taken in 1998, such as the signing of an MOU on Inter-Entity Legal Assistance on May 20, 1998, and establishment of an Inter-Entity Legal Commission on June 4, 1998. The Federation Parliament in July adopted a new criminal code. Nevertheless, the judicial system still requires significant reform. Judges are still influenced by politics, and the system is financially strapped and remains ethnically biased. Execution of judgments, in particular eviction of persons who illegally occupy dwellings, is especially problematic. The progress made in the area of commercial law is encouraging for economic development prospects.

4. *Illegal Institutions, Organized Crime, and Corruption.* Aim: The dissolution of illegal pre-Dayton institutions. Corruption remains a major challenge to building democratic institutions of government. Structures for independent monitoring of government financial transactions are still not in place. Shadow institutions still need to be eliminated. The burden of creating institutions to combat fraud and organized crime falls mostly to the international community and in particular to the IPTF. SFOR contributes to the secure environment necessary for the success of other international efforts to counter these illegal activities.

5. *Media Reform.* Aim: Regulated, democratic, and independent media. Approximately 80 percent television coverage has been achieved in BiH through the international community's support for the Open Broadcasting Network (OBN), which is the first (and so far only) neutral source of news in BiH. Several television and radio networks have been restructured and are led by new management boards. Most are in compliance with Dayton except for some regional broadcasts. The Independent Media Commission assumed responsibility for media monitoring from the OSCE on October 31, 1998. Progress has been significant, but BiH still has far to go to approach international standards. SFOR's past actions in this area are a key deterrent against illegal use of media assets to undermine Dayton implementation.

6. *Elections and Democratic Governance.* Aim: National democratic institutions and practices. With the exception of the election of a nationalist to the RS presidency, the September 1998 national elections continued the long-term trend away from reliance on ethnically based parties. The two major Serb nationalist parties lost further ground and, once again, will be unable to lead the RS government. Croat and Bosniak nationalist parties retained control, but saw margins eroded significantly. In this regard, SFOR's continued presence will facilitate conduct of the municipal elections scheduled for late 1999 but, as has been the case with every election since Dayton, the trend of increasingly turning over responsibility for elections to the Bosnians themselves will continue.

7. *Economic Development.* Aim: Free-market reforms. While the process of economic recovery and transformation will take many years, some essential groundwork has been laid. Privatization legislation and enterprise laws have been passed, and banking legislation has been partially passed. Fiscal revenues from taxes and customs have increased significantly. Nevertheless, the fiscal and revenue system is in its infancy. Implementation of privatization legislation is slow and the banking sector is under-funded, but there are signs of development in GDP. There has been a marked increase in freedom of movement, further enhanced by the uniform license plate law. SFOR's continued contribution to a secure environment and facilitating freedom of movement is vital as economic reforms begin to take hold.

8. *Displaced Person and Refugee (DPRE) Returns.* Aim: A functioning phased and orderly minority return process. While there have been some significant breakthroughs on DPRE returns to minority areas, such as Jajce, Stolac, Kotor Varos, Prijedor, Mostar, and Travnik, the overall numbers have been low. In some areas where minority DPREs have returned, interethnic tensions rose quickly. Some nationalist political parties continue to obstruct the return of minority DPREs to the areas they control. Poor living conditions in some areas present little incentive for DPREs to return. The Entities are using DPREs to resettle regions (opstinas) that are of strategic interest to each ethnic faction. SFOR's contribution to a secure environment remains vital to OHR efforts to facilitate minority returns.

9. *Brcko.* Aim: A multiethnic administration, DPRE returns, and secure environment. Freedom of movement in Brcko has improved dramatically. Citizens of BiH are increasingly confident in using their right to travel freely throughout the municipality and the region. Police and judicial elements have been installed, but the goal of multiethnicity in these elements still has not been realized. About 1,000 Federation families have returned to the parts of Brcko on the RS side of the Inter-Entity Boundary Line, but few Serb displaced persons have left Brcko to return to their pre-war homes. SFOR support will be a critical deterrent to the outbreak of violence during the period surrounding the Arbitrator's decision on Brcko's status anticipated for early in 1999.

10. *Persons Indicted for War Crimes (PIFWCs).* Aim: Cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) leading to the transfer of PIFWCs to The Hague for trial. Thanks to action by the Congress, the Secretary of State now has the ability to offer rewards of up to $5 million for information leading to the arrest or conviction of PIFWCs. Of the 81 people indicted publicly by the Tribunal, only 29—36 percent—are still at large. The two highest-profile indictees, Karadzic and Mladic, are among them. Bosnians are cooperating with the ICTY, but the failure of the RS to support the ICTY is a major obstacle to progress. Bosnian Croats have cooperated with respect to the surrender of all but two public indictees, but have not cooperated fully with respect to the Tribunal's orders that they turn over documents needed for the fair trial of a number of indictees. SFOR continues to provide crucial support in the apprehension of PIFWCs and for ICTY exhumations.

In my report to the Congress dated July 28, 1998, I emphasized the important role that realistic target dates, combined with concerted use of incentives, leverage, and pressure on all parties, should play in maintaining the sense of urgency necessary to move steadily toward an enduring peace.

The December 1998 Peace Implementation Council Declaration and its annex (attached) offer target dates for accomplishment of specific tasks by authorities in BiH. The PIC decisions formed the background against which NATO Defense Ministers reviewed the future of SFOR in their December 17 meeting. Failure by Bosnian authorities to act within the prescribed timeframes would be the point of departure for more forceful action by the OHR and other elements of the international community. Priorities for 1999 will include: accelerating the transition to a sustainable market economy; increasing the momentum on the return of refugees and displaced persons, particularly to minority areas; providing a secure environment through the rule of law, including significant progress on judicial reform and further establishment of multiethnic police; developing and reinforcing the central institutions, including adoption of a permanent election law, and the development of greater confidence and cooperation among the Entity defense establishments with the goal of their eventual unification; and pressing ahead with media reform and education issues.

In accordance with the NATO Defense Ministers' guidance in June 1998, NATO is conducting a series of comprehensive reviews at no more than 6-month intervals. The first of these reviews was completed on November 16, 1998, and recently endorsed by the North Atlantic Council (NAC) Foreign and Defense Ministers. In reviewing the size and shape of SFOR against the benchmarks described above, the United States and its allies concluded that at present, there be no changes in SFOR's mission. NATO recommended, however, that steps begin immediately to streamline SFOR. The NAC Foreign and Defense Ministers endorsed this recommendation on December 8, 1998, and December 17, 1998, respectively. The Defense Ministers also endorsed a report from the NATO Military Authorities (NMAs) authorizing further adjustments in SFOR force levels—in response to the evolving security situation and support requirements—to be completed by the end of March 1999. While the specifics of these adjustments are still being worked, they could amount to reductions of as much as 10 percent from the 6,900 U.S. troops currently in SFOR. The 6,900 troop level already represents a 20 percent reduction from the 8,500 troops deployed in June 1998 and is 66 percent less than peak U.S. deployment of 20,000 troops in 1996.

The NATO Defense Ministers on December 17, 1998, further instructed NMAs to examine options for possible longer-term and more substantial adjustments to the future size and structure of SFOR. Their report is due in early 1999 and will give the United States and its Allies the necessary information on which to base decisions on SFOR's future. We will address this issue in the NAC again at that time. Decisions on future reductions will be taken in the light of progress on implementation of the Peace Agreement. Any and all reductions of U.S. forces in the short or long term will be made in accordance with my Administration's policy that such reductions will not jeopardize the safety of U.S. armed forces serving in BiH.

My Administration values the Congress' substantial support for Dayton implementation. I look forward to continuing to work with the Congress in pursuit of U.S. foreign policy goals in Bosnia and Herzegovina.

WILLAM J. CLINTON.

THE WHITE HOUSE, *February 4, 1999.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 8, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 5, 1999 at 3:50 p.m. and said to contain a message from the President whereby he submits a Budget Request for the District of Columbia.

With best wishes, I am
Sincerely,

JEFF TRANDAHL.

DISTRICT OF COLUMBIA COURTS' FISCAL YEAR 2000 BUDGET REQUEST—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–18)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the District of Columbia Code, as amended, I am transmitting the District of Columbia Courts' FY 2000 Budget request.

The District of Columbia Courts have submitted a FY 2000 Budget request for $131.6 million for its operating expenditures and $17.4 million for courthouse renovation and improvements. My FY 2000 Budget includes recommended funding levels of $128.4 million for operations and $9.0 million for capital improvements for the District Courts. My transmittal of the District of Columbia Courts' budget request does not represent an endorsement of its contents.

I look forward to working with the Congress throughout the FY 2000 appropriation process.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 5, 1999.*

RULES OF THE COMMITTEE ON HOUSE ADMINISTRATION FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, I am submitting the attached Committee on House Administration rules for the 106th Congress for publication in the CONGRESSIONAL RECORD pursuant to House Rule XI, Clause 2.(a)(2). These Rules were adopted by the Committee on February 3, 1999.

COMMITTEE ON HOUSE ADMINISTRATION RULES OF PROCEDURE, ONE HUNDRED SIXTH CONGRESS

RULE NO. 1.—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a privileged motion in committees.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under House Rule X and (subject to the adoption of expense resolutions as required by House Rule X, clause 6) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee, and to distribute such information by electronic means. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the appropriate House account.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under House Rules X and XI during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in odd-numbered year.

RULE NO. 2.—REGULAR AND SPECIAL MEETINGS

(a) The regular meeting date of the Committee on House Administration shall be the second Wednesday of every month when the House is in session in accordance with Clause 2(b) of House Rule XI. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with Clause 2(c) of House Rule XI. The determination of the business to be considered at each meeting shall be made by the chairman subject to Clause 2(c) of House Rule XI. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee is not present at any meeting of the committee, or at the discretion of the chairman, the vice chairman of the committee shall preside at the meeting. If the chairman and vice chairman of the committee are not present at any meeting of the committee, the ranking member of the majority party who is present shall preside at the meeting.

RULE NO. 3.—OPEN MEETINGS

As required by Clause 2(g), of House Rule XI, each meeting for the transaction of business, including the markup of legislation, of the committee, shall be open to the public except when the committee, in open session and with a quorum present, determines by record vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House: *Provided*, however, that no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

RULE NO. 4.—RECORDS AND ROLLCALLS

(a) The result of each record vote in any meeting of the committee shall be transmitted for publication in the Congressional Record as soon as possible, but in no case later than two legislative days following such record vote, and shall be made available for inspection by the public at reasonable times at the committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against; and the members present but not voting.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) House records of the committee which are at the National Archives shall be made available pursuant to House Rule VII. The chairman of the committee shall notify the ranking minority party member of any decision to withhold a record pursuant to the rule, and shall present the matter to the committee upon written request of any committee member.

(d) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

(e) All committee resolutions and committee motions (other than procedural motions) adopted by the committee during a Congress shall be numbered consecutively.

RULE NO. 5.—PROXIES

No vote by any member in the committee may be cast by proxy.

RULE NO. 6.—POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House

is in session, has recessed, or has adjourned, and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents; as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths of any witness.

(b)(1) A subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or any member designated by the committee.

(2) Compliance with any subpoena issued by the committee may be enforced only as authorized or directed by the House.

RULE NO. 7.—QUORUMS

No measure or recommendation shall be reported to the House unless a majority of the committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating committee orders, or changing the rules of the committee, the quorum shall be one-third of the members of the committee. For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

RULE NO. 8.—AMENDMENTS

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the Chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9.—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one (1) week before the commencement of that hearing. If the chairman of the committee, with the concurrence of the ranking minority member, determines that there is good cause to begin the hearing sooner, or if the committee so determines by majority vote, a quorum being present for the transaction of business, the chairman shall make the announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of his or her statement.

(c) When any hearing is conducted by the committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority testify with respect to that measure or matter during at least one day of hearings thereon.

(d) Committee members may question a witness only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended as provided by House Rules. The questioning of a witness in committee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(e) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (f)(5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. 10.—PROCEDURES FOR REPORTING MEASURES OR MATTERS

(a)(1) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported to the House unless a majority of the committee was actually present.

(2) With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the committee report on the measure or matter.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to House Rule X, of clause 2(b)(1) separately set out and clearly identified;

(2) the statement required by section 308(a)(1) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Reform under House Rule XIII, clause 3(c) separately set out and clearly identified whenever such findings and recommendations have been submitted to the committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice, commencing on the day on which the measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subparagraphs (c)(3) and (c)(4)) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c); or

(B) the filing of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by the committee upon that measure or matter.

(f) If hearings have been held on any such measure or matter so reported, the committee shall make every reasonable effort to have such hearings published and available to the members of the House prior to the consideration of such measure or matter in the House.

(g) The chairman of the committee may designate any member of the committee to act as "floor manager" of a bill or resolution during its consideration in the House.

RULE NO. 11.—COMMITTEE OVERSIGHT

The committee shall conduct oversight of matters within the jurisdiction of the committee in accordance with House Rule X, clause 2 and clause 4(d)(2). Not later than February 15, of the first session of a Congress, the Committee shall, in a meeting that is open to the public and with a quorum present, adopt its oversight plans for that Congress in accordance with House Rule X, clause 2(d).

RULE NO. 12.—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriation for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 4(e) of Rule X of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, on or before February 25 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocation made to it, the joint explanatory statement accompany the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. 13.—BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Whenever any hearing or meeting conducted by the committee is open to the public, those proceedings shall be open to coverage by television, radio, and still photography, as provided in Clause 4 of House Rule XI, subject to the limitations therein.

RULE NO. 14.—COMMITTEE STAFF

The staff of the Committee on House Administration shall be appointed as follows:

A. The committee staff shall be appointed, except as provided in paragraph (B), and may be removed by the chairman and shall work under the general supervision and direction of the chairman;

B. All staff provided to the minority party members of the committee shall be appointed, and may be removed, by the Ranking Minority Member of the committee, and shall work under the general supervision and direction of such Member.

C. The chairman shall fix the compensation of all staff of the committee, after consultation with the Ranking Minority Member regarding any minority party staff, within the budget approved for such purposes for the committee.

RULE NO. 15.—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel will occur;

(3) The locations to be visited and the length of time to be spent in each;

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee, prior authorization must be obtained from the chairman. Before such authorization is given, there shall be submitted to the chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, members and staff attending meetings or conferences shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. 16.—POWERS AND DUTIES OF SUBUNITS OF THE COMMITTEE

The chairman of the committee is authorized to establish appropriately named subunits, such as task forces, composed of members of the committee, for any purpose, measure or matter; one member of each such subunit shall be designated chairman of the subunit by the chairman of the committee. All such subunits shall be considered ad hoc subcommittees of the committee. The rules of the committee shall be the rules of any subunit of the committee, so far as applicable, or as otherwise directed by the chairman of the committee. Each subunit of the committee is authorized to meet, hold hearings, receive evidence, and to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary, and to report to the full committee on all measures or matters for which it was created. Chairmen of subunits of the committee shall set meeting dates with the approval of the chairman of the full committee, with a view toward avoiding simultaneous scheduling of committee and subunit meetings or hearings wherever possible. It shall be the practice of the committee that meetings of subunits not be scheduled to occur simultaneously with meetings of the full committee. In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the chairman through the clerk of the committee.

RULE NO. 17.—OTHER PROCEDURES AND REGULATIONS

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 18.—DESIGNATION OF CLERK OF THE COMMITTEE

For the purposes of these rules and the Rules of the House of Representatives, the staff director of the committee shall act as the clerk of the committee.

RULES OF THE COMMITTEE ON ARMED SERVICES FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPENCE) is recognized for 5 minutes.

Mr. SPENCE. Mr. Speaker, in accordance with clause 2(a) of Rule XI of the Rules of the House of Representatives, I submit herewith for publication in the CONGRESSIONAL RECORD the rules of the Committee on Armed Services that were adopted by the committee on Wednesday, January 20, 1999.

RULES OF THE COMMITTEE ON ARMED SERVICES—106th CONGRESS

RULES GOVERNING PROCEDURE

RULE 1. APPLICATION OF HOUSE RULES.—The Rules of the House of Representatives are the rules of the Committee on Armed Services (hereafter referred to in these rules as the "Committee") and its subcommittees so far as applicable.

RULE 2. FULL COMMITTEE MEETING DATES.—(a) The Committee shall meet every Tuesday at 10:00 a.m., and at such other times as may be fixed by the chairman of the Committee (hereafter referred to in these rules as the "Chairman"), or by written request of members of the Committee pursuant to clause 2(c) of rule XI of the Rules of the House of Representatives.

(b) A Tuesday meeting of the Committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee.

RULE 3. SUBCOMMITTEE MEETING DATES.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee chairman shall set meetings dates after consultation with the Chairman and the other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

RULE 4. SUBCOMMITTEES.—The Committee shall be organized to consist of five standing subcommittees with the following jurisdictions:

Subcommittee on Military Installations and Facilities: military construction; real estate acquisitions and disposals; housing and support; base closure; and related legislative oversight.

Subcommittee on Military Personnel: military forces and authorized strengths; integration of active and reserve components; military personnel policy; compensation and other benefits; and related legislative oversight.

Subcommittee on Military Procurement: the annual authorization for procurement of military weapon systems and components thereof, including full scale development and systems transition; military application of nuclear energy; and related legislative oversight.

Subcommittee on Military Readiness; the annual authorization for operation and maintenance; the readiness and preparedness requirements of the defense establishment; and related legislative oversight.

Subcommittee on Military Research and Development: the annual authorization for military research and development and related legislative oversight.

RULE 5. COMMITTEE PANELS.—(a) The Chairman may designate a panel of the Committee drawn from members of the Committee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(b) No panel so appointed shall continue in existence of more than six months. A panel so appointed may, upon the expiration of six months, be reappointed by the Chairman.

(c) No panel so appointed shall have legislative jurisdiction.

RULE 6. REFERENCE OF LEGISLATION AND SUBCOMMITTEE REPORT.—(a) The Chairman shall refer legislation and other matters to the appropriate subcommittee or to the full Committee.

(b) Legislation shall be taken up for hearing only when called by the Chairman of the Committee or subcommittee, as appropriate, or by a majority of those present and voting.

(c) The Chairman, with approval of a majority vote of a quorum of the Committee, shall have authority to discharge a subcommittee from consideration of any measure or matter referred thereto and have such measure or matter considered by the Committee.

(d) Reports and recommendations of a subcommittee may not be considered by the Committee until after the intervention of 3 calendar days from the time the report is approved by the subcommittee and available to the members of the Committee, except that this rule may be waived by a majority vote of a quorum of the Committee.

RULE 7. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS.—Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee or of any subcommittee or panel shall make public announcement of the date, place, and subject matter of any committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the Chairman of the Committee or of any subcommittee or panel, with the concurrence of the ranking minority member of the Committee or of any subcommittee or panel, determines that there is good cause to begin the hearing sooner, or if the Committee, subcommittee or panel so determines by majority vote, a quorum being present for the transaction of business, such chairman shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Resources.

RULE 8. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS.—Clause 4 of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC.—(a) Each hearing and meeting for the transaction of business, including the markup of legislation, conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority being present, determines by record vote that all or part of the remainder of that hearing or meeting on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no less than two members of the Committee or subcommittee, may vote to close a hearing or meeting for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. If the decision is to close, the vote must be by record vote and in open session, there being a majority of the Committee or subcommittee present.

(b) Whenever it is asserted that the evidence or testimony at a hearing or meeting may tend to defame, degrade, or incriminate any person, and notwithstanding the requirements of (a) and the provisions of clause 2(g)(2) of rule XI of the Rules of the House of Representatives, such evidence or testimony shall be presented in closed session, if by a majority vote of those present there being in attendance no less than two members of the Committee or subcommittee, the Committee or subcommittee determines that such evidence may tend to defame, degrade or incriminate any person. A majority of those present, there being in attendance no less than two members of the Committee or subcommittee, may also vote to close the hearing or meeting for the sole purpose discussing whether evidence or testimony to be received would tend to defame, degrade or incriminate any person. The Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee or subcommittee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade or incriminate any person.

(c) Notwithstanding the foregoing, and with the approval of the Chairman, each member of the Committee may designate by letter to the Chairman, a member of that member's personal staff with Top Secret security clearance to attend hearings of the Committee, or that member's subcommittee(s) which have been closed under the provisions of rule 9(a) above for national security purposes for the taking of testimony: *Provided*, That such staff member's attendance at such hearings is subject to the approval of the Committee or subcommittee as dictated by national security requirements at the time: *Provided further*, That this paragraph addresses hearings only and not briefings or meetings held under the provisions of paragraph (a) of this rule; *And provided further*, That the attainment of any security clearances involved is the responsibility of individual members.

(d) Pursuant to clause 2(g)(2) of rule XI of the Rules of the House of Representatives, no Member may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedures designated in this rule for closing hearings to the public: *Provided, however*, That the Committee or the subcommittee may by the same procedure vote to close up to 5 additional consecutive days of hearings.

RULE 10. QUORUM.—(a) For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

(b) One-third of the members of the Committee or subcommittee shall constitute a quorum for taking any action, with the following exceptions, in which case a majority of the Committee or subcommittee shall constitute a quorum:

(1) Reporting a measure or recommendation;

(2) Closing committee or subcommittee meetings and hearings to the public; and

(3) Authorizing the issuance of subpoenas.

(c) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

RULE 11. THE FIVE-MINUTE RULE.—(a) The time any one member may address the Committee or subcommittee on any measure or matter under consideration shall not exceed 5-minutes and then only when the member has been recognized by the Committee or subcommittee chairman, as appropriate, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed 5-minutes to address the Committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution. The 5 minute limitation shall not apply to the Chairman and ranking minority member of the Committee or subcommittee.

(b) Members present at a hearing of the Committee or subcommittee when a hearing is originally convened will be recognized by the Committee or subcommittee chairman, as appropriate, in order of seniority. Those members arriving subsequently will be recognized in order of their arrival. Notwithstanding the foregoing, the Chairman and the ranking minority member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

(c) No person other than Members of Congress and committee staff may be seated in or behind the dais area during Committee, subcommittee or panel hearings and meetings.

RULE 12. SUBPOENA AUTHORITY.—(a) For the purpose of carrying out any of its functions and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee is authorized (subject to subparagraph (b)(1) of this paragraph):

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

(2) to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary. The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(b)(1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman, under subparagraph (a)(2) in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman.

(2) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, compliance with any subpoena issued by the Committee or any subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

RULE 13. WITNESS STATEMENTS.—(a) Any prepared statement to be presented by a witness to the Committee or a subcommittee shall be submitted to the Committee or subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the Committee or subcommittee at last 24 hours in advance of presentation. A copy of any such prepared statement shall also be submitted to the Committee in electronic form. If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the Committee rooms to all members of the Committee or subcommittee at least 24 hours in advance of presentation; however, so such statement shall be removed from the Committee offices. The requirement of this rule may be waived by a majority vote of a quorum of the Committee or subcommittee, as appropriate.

(b) The Committee and each subcommittee shall require each witness who is to appear before it to file with the Committee in advance of his or her appearance a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her agreement.

Rule 14. Administering Oaths to Witnesses.—(a) The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(b) Witnesses, when sworn, shall subscribe to the following oath:

Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?

Rule 15. Questioning of Witnesses.—(a) When a witness is before the Committee or a subcommittee, members of the Committee or subcommittee may put questions to the witness only when they have been recognized by the Chairman or subcommittee chairman, as appropriate, for that purpose.

(b) Members of the Committee or subcommittee who so desire shall have not to exceed 5 minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness; thereafter, additional rounds for questioning witnesses by members are discretionary with the Chairman or subcommittee chairman, as appropriate.

(c) Questions put to witnesses before the Committee or subcommittee shall be pertinent to the measure or matter that may be before the Committee or subcommittee for consideration.

Rule 16. Publication of Committee Hearings and Markups.—The transcripts of those hearings and mark-ups conducted by the Committee or a subcommittee which are decided by the Chairman to be officially published will be published in verbatim form, with the material requested for the record inserted at the place requested, or at the end of the record, as appropriate. Any requests to correct any errors, other than those in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TERRY) to revise and extend their remarks and include extraneous material:)

Mr. TANCREDO, for 5 minutes, on February 10.

Mr. PAUL, for 5 minutes, on February 9.

ADJOURNMENT

Mr. TERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 9, 1999, at 12:30 p.m., for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third and fourth quarters of 1998 by Committees of the House of Representatives, as well as consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during third quarter of 1998, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Diane Roark	8/14	8/19	Asia		267.27						267.27
Commercial airfare							1,183.74				1,183.74
Patrick Murray	8/18	8/23	Europe		1,928.00						1,928.00
Commercial airfare							5,251.57				5,251.57
Merrell Morehead	8/18	8/23	Europe		1,928.00						1,928.00
Commercial airfare							5,251.57				5,251.57
William McFarland	8/18	8/23	Europe		1,928.00						1,928.00
Commercial airfare							5,251.57				5,251.57
Catherine Eberwein	8/20	8/31	Europe		2,916.00						2,916.00
Commercial airfare							4,838.86				4,838.86

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Elizabeth Larson	8/24	9/4	Europe		3,062.00						3,062.00
Commercial airfare							6,329.15				6,329.15
Committee total					12,029.27		28,106.46				40,135,73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman, Nov. 12, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES

Please note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB SMITH, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 30, AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Timothy Peterson	10/22	10/26	Canada		422.50						422.50
Commercial airfare							835.15				835.15
James W. Dyer	11/2	11/4	Czech Republic		464.00						464.00
	11/4	11/6	Switzerland		858.00						858.00
Commercial airfare							5,432.86				5,432.86
Valerie L. Baldwin	11/2	11/4	Czech Republic		464.00						464.00
	11/4	11/6	Switzerland		858.00						858.00
	11/6	11/8	Italy		578.00						578.00
Commercial airfare							5,941.86				5,941.86
John Shank	11/2	11/4	United Kingdom		630.00						630.00
	11/4	11/6	Switzerland		572.00						572.00
	11/6	11/10	Italy		1,445.00						1,445.00
Commercial airfare							6,253.50				6,253.50
John J. Ziolkowski	11/7	11/11	Italy		1,017.00						1,017.00
Commercial airfare							5,127.17				5,127.17
James T. Walsh	11/29	12/2	India		867.00						867.00
	12/2	12/7	Nepal		1,344.00						1,344.00
Commercial airfare							2,307.00				2,307.00
Committee total					9,519.50		25,897.54				35,417.04
Committee on Appropriations, Surveys and Investigations Staff:											
T.J. Booth	11/6	11/10	Bahrain		632.50		5,569.84		251.21		6,453.55
	11/10	11/11	United Arab Emirates		228.00						228.00
	11/11	11/14	Saudi Arabia		711.25						711.25
	11/14	11/16	Bahrain		392.00						392.00
N.H. Gardner	12/3	12/5	China		717.50		9,341.54		23.44		10,082.48
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
M.O. Glynn	11/13	11/18	Italy		1,141.25		5,747.02		122.00		7,010.27
	11/18	11/20	Turkey		236.25						236.25
	11/20	11/21	The Netherlands		231.00						231.00
R.D. Green	11/7	11/21	Germany		2,549.75		5,242.89		26.40		7,819.04
C.L. Hauver	12/3	12/5	China		717.50		9,341.54		73.57		10,132.61
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
W.C. Hersman	11/7	11/18	Italy		2,052.00		5,636.97		32.00		7,720.97
	11/18	11/20	Turkey		236.25						236.25
	11/20	11/21	The Netherlands		231.00						231.00
T.E. Hobbs	11/13	11/18	Italy		1,058.75		5,494.74		42.88		6,596.37
R.A. Jaxel	11/7	11/18	Italy		2,052.00		5,636.97		102.95		7,791.92
	11/18	11/20	Turkey		236.25						236.25
	11/20	11/21	The Netherlands		231.00						231.00
D.K. Lutz	11/6	11/10	Bahrain		632.50		5,931.84		218.01		6,782.35
	11/10	11/11	United Arab Emirates		228.00						228.00
	11/11	11/14	Saudi Arabia		711.25						711.25
	11/14	11/16	Bahrain		441.00						441.00
H.P. McDonald	12/3	12/5	China		717.50		9,341.54		130.64		10,189.68
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
R.H. Pearre	11/7	11/15	Italy		1,342.25		5,227.15		132.79		6,702.19
R.J. Reitwiesner	11/6	11/10	Bahrain		632.50		5,569.84		230.21		6,432.55
	11/10	11/11	United Arab Emirates		228.00						228.00
	11/11	11/14	Saudi Arabia		711.25						711.25
	11/14	11/16	Bahrain		392.00						392.00
F.R. Stevens	11/7	11/21	Germany		2,807.50		5,496.84		195.20		8,499.54
R.W. Vandergrift	12/3	12/5	China		717.50		9,341.54		281.06		10,340.10
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
T.P. Wyman	12/3	12/5	China		717.50		9,341.54		247.12		10,306.16
	12/6	12/10	Australia		695.50						695.50
	12/11	12/11	Japan		184.50						184.50
Committee total					28,330.00		102,261.80		2,109.48		132,704.28

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL YOUNG, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Ellen Kuo	11/29	12/4	Brazil		1,453.00		1,990.00				3,443.00
Committee total					1,453.00		1,990.00				3,443.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM LEACH, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN R. KASICH, Chairman, Jan. 28, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Peter Deutsch	12/11	12/15	Israel				2,648.00				2,648.00
Committee total							2,648.00				2,648.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM BLILEY, Chairman, Jan. 19, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL GOODLING, Chairman, Feb. 1, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]

FOR HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Feb. 1, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Visit to Ukraine and Russia, Nov. 7–13, 1998:											
Mr. David J. Trachtenberg	11/7	11/10	Ukraine		1,140.00						1,140.00
	11/10	11/13	Russia		873.00						873.00
Commercial airfare							5,333.07				5,333.07
Visit to Korea, Nov. 18–21, 1998:											
Hon. Gene Taylor	11/18	11/21	Korea		786.00						786.00
Commercial airfare							3,736.00				3,736.00
Mr. Dudley L. Tademy	11/18	11/21	Korea		786.00						786.00
Commercial airfare							3,736.00				3,736.00
Visit to Nicaragua and Honduras, Nov. 29–Dec. 1, 1998:											
Hon. Solomon P. Ortiz	11/29	12/1	Nicaragua		440.21						440.21

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATIONAL SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/1	12/1	Honduras								
Visit to Germany, Nov. 30–Dec. 5, 1998:											
Ms. Mieke Y. Eoyang	11/30	12/5	Germany		1,250.00						1,250.00
Commercial airfare							3,839.55				3,839.55
Visit to the United Kingdom, Belgium, Russia and Czech Republic, Nov. 30–Dec. 10, 1998:											
Hon. Ike Skelton	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Neil Abercrombie	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Loretta Sanchez	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Adam Smith	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Hon. Vic Snyder	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Thomas P. Glakas	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Dudley L. Tademy	11/30	12/2	United Kingdom		730.00						730.00
	12/2	12/4	Belgium		458.00						458.00
	12/4	12/8	Russia		1,498.00						1,498.00
	12/8	12/10	Czech Republic		564.00						564.00
Visit to Panama, Dec. 6–8, 1998:											
Mr. Christain P. Zur	12/6	12/8	Panama		243.00						243.00
Commercial airfare							1,126.50				1,126.50
Visit to Belgium, Germany, Bosnia and Macedonia, Dec. 10–15, 1998:											
Hon. Ellen O. Tauscher	12/10	12/10	Belgium								
	12/10	12/11	Germany		113.00						113.00
	12/11	12/14	Bosnia		1,053.00						1,053.00
	12/14	12/15	Macedonia		175.00						175.00
Commercial airfare							4,693.93				4,693.93
Mr. William H. Natter	12/10	12/10	Belgium								
	12/10	12/11	Germany		113.00						113.00
	12/11	12/14	Bosnia		1,053.00						1,053.00
	12/14	12/15	Macedonia		175.00						175.00
Commercial airfare							4,693.93				4,693.93
Committee total					30,950.21		27,158.98				58,109.19

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD SPENCE, Chairman, Jan. 29, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Dreier	12/3	12/7	New Zealand		865.000		([3])				865.00
	12/7	12/12	Australia		774.00		([3])				774.00
Hon. Tony P. Hall	11/7	11/15	S. Korea, N. Korea, Japan		1,492.00		5,716.00				7,208.00
Committee total					3,131.00		5,716.00				8,847.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JERRY SOLOMON, Chairman, Dec. 31, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Phil Kiko	11/13	11/17	New Zealand		1,070.00		1,936.00				3,006.00
	11/17	11/21	Antarctica								
	11/21	11/22	New Zealand								
William Stiles	11/14	11/17	New Zealand		875.00		2,394.67				3,269.67
	11/17	11/21	Antarctica								
	11/21	12/01	New Zealand								
Steve Eule	11/14	11/17	New Zealand		875.00		2,376.00				3,251.00
	11/17	11/21	Antarctica								
	11/21	11/22	New Zealand								
Hon. George E. Brown, Jr	12/5	12/13	Mexico		1,919.00		515.90				2,434.90
Michael Quear	12/5	12/13	Mexico		1,919.00		551.70				2,470.70
Myndii Gottlieb	12/6	12/12	Mexico		1,422.00		713.94				2,135.94
Committee total					8,080.00		8,488.21				16,568.21

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, JR., Chairman, Dec. 21, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES
Please note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM TALENT, Chairman, Feb. 2, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Philip Crane	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Wally Herger	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Nancy L. Johnson	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Jennifer Dunn	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Karen Thurman	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Hon. Chris Smith	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Meredith Broadbent	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Angela Ellard	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Karen Humbel	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
Donna Thiessen	12/3	12/7	New Zealand		865.00		(3)				865.00
	12/7	12/12	Australia		774.00		(3)				774.00
CODE expense	12/7	12/12	Australia				8,434.00				8,434.00
	12/7	12/12	Australia						15,414.00		15,414.00
Committee total					16,390.00		8,434.00		15,414.00		40,238.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL ARCHER, Chairman, Jan. 28, 1999.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO THE NORTH ATLANTIC ASSEMBLY AND BRITISH-AMERICAN PARLIAMENTARY GROUP, EXPENDED BETWEEN NOV. 8 AND NOV. 15, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	11/8	11/13	Scotland		1,810.00						
	11/13	11/16	England		1,095.00						2,905.00
Hon. Tim Bliley	11/8	11/13	Scotland		1,810.00						
	11/13	11/15	England		730.00						2,540.00
Hon. Sherwood Boehlert	11/8	11/13	Scotland		1,810.00						
	11/13	11/16	England		1,095.00						2,905.00
Hon. Roy Blunt	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Herb Bateman	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Vernon Ehlers	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Joel Hefley	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Paul Gillmor	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Scott McInnis	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Owen Pickett	11/10	11/13	Scotland		1,086.00						
	11/13	11/15	England		730.00						1,816.00
Hon. Ralph Regula	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Marge Roukema	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. Floyd Spence	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Hon. John Tanner	11/10	11/13	Scotland		1,086.00						
	11/13	11/15	England		730.00						1,816.00
Hon. Robert Wise	11/10	11/13	Scotland		1,086.00						
	11/13	11/15	England		730.00						1,816.00
Susan Olson	11/8	11/13	Scotland		1,810.00						
	11/13	11/16	England		1,095.00						2,905.00
Jo Weber	11/8	11/12	Scotland		1,448.00						
	11/12	11/16	England		1,460.00						2,908.00
Mike Ennis	11/10	11/14	Scotland		1,448.00						1,448.00
Robin Evans	11/10	11/13	Scotland		1,086.00						
	11/13	11/16	England		1,095.00						2,181.00
Linda Pedigo	11/10	11/14	Scotland		1,448.00						1,448.00
David Goldston	11/10	11/13	Scotland		1,086.00						1,086.00
Bob King	11/10	11/14	Scotland		1,448.00						1,448.00
Brent Parker	11/12	11/16	England		1,460.00						1,460.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO THE NORTH ATLANTIC ASSEMBLY AND BRITISH-AMERICAN PARLIAMENTARY GROUP, EXPENDED BETWEEN NOV. 8 AND NOV. 15, 1998—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Total					48,311.00						48,311.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Jan. 5, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO ARGENTINA, EXPENDED BETWEEN NOV. 1 AND NOV. 16, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Joe Barton	11/10	11/13	Argentina		479.00		1,606.50				2,085.50
Hon. Ken Calvert	11/8	11/13	Argentina		753.00		4,555.50				5,308.50
Hon. John Dingell	11/10	11/12	Argentina		237.00		3,893.50				4,130.50
Hon. Jo Ann Emerson	11/6	11/13	Argentina		753.00		4,124.50				4,877.50
Hon. Ron Klink	11/10	11/13	Argentina		479.00		1,449.50				1,928.50
Hon. Joe Knollenberg	11/8	11/15	Argentina		753.00		4,047.50				4,800.50
Hon. Dennis Kucinich	11/7	11/13	Argentina		890.00		2,292.50				3,182.50
Hon. F. James Sensenbrenner	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Hon. Peter DeFazio	11/10	11/14	Argentina		479.00		5,843.50				6,322.50
Alssondra Campaigne	11/9	11/14	Argentina		616.00		1,605.50				2,221.50
Robert Hood	11/10	11/14	Argentina		479.00		4,319.50				4,798.50
Dennis Fitzgibbons	11/9	11/13	Argentina		616.00		4,367.50				4,983.50
Mark Kirk	11/10	11/14	Argentina		616.00		7,923.50				8,539.50
Kyle Mulhall	11/8	11/13	Argentina		616.00		1,217.50				1,833.50
Todd Schultz	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Catherine VanWay	11/7	11/16	Argentina		890.00		4,124.50				5,014.50
Harlan Watson	11/1	11/14	Argentina		1,986.00		4,367.50				6,353.50
Total					12,422.00		64,473.00				76,895.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, JR., Dec. 10, 1998.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO ARGENTINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 1 AND NOV. 16, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Joe Barton	11/10	11/13	Argentina		479.00		1,606.50				2,085.50
Hon. Ken Calvert	11/8	11/13	Argentina		753.00		4,555.50				5,308.50
Hon. Jo Ann Emerson	11/6	11/13	Argentina		753.00		4,124.50				4,877.50
Hon. Ron Klink	11/10	11/13	Argentina		479.00		1,449.50				1,928.50
Hon. Joe Knollenberg	11/8	11/15	Argentina		753.00		4,047.50				4,800.50
Hon. Dennis Kucinich	11/7	11/13	Argentina		890.00		2,292.50				3,182.50
Hon. F. James Sensenbrenner	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Hon. Peter DeFazio	11/10	11/14	Argentina		479.00		5,843.50				6,322.50
Alssondra Campaigne	11/9	11/14	Argentina		616.00		1,605.00				2,221.00
Robert Hood	11/10	11/14	Argentina		479.00		4,319.50				4,798.50
Dennis Fitzgibbons	11/9	11/13	Argentina		616.00		4,367.50				4,983.50
Mark Kirk	11/10	11/14	Argentina		616.00		7,923.50				8,539.50
Kyle Mulhall	11/8	11/13	Argentina		616.00		1,217.50				1,833.50
Todd Schultz	11/7	11/13	Argentina		890.00		4,367.50				5,257.50
Catherine VanWay	11/7	11/16	Argentina		890.00		4,124.50				5,014.50
Harlan Watson	11/1	11/14	Argentina		1,986.00		4,367.50				6,353.50
Total					12,185.00		60,579.50				72,764.50

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, JR., Dec. 10, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO LEBANON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 21 AND NOV. 25, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Ray LaHood	11/22	11/25	Lebanon		250.00		(3)				250.00
Hon. Nick Rahall	11/22	11/25	Lebanon		250.00		(3)				250.00
Diane Liesman	11/22	11/25	Lebanon		250.00		(3)				250.00
Total					750.00						750.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

(3) Military air transportation.

RAY LAHOOD, Dec. 16, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SOUTH KOREA, NORTH KOREA, AND JAPAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 5 AND NOV. 15, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Deborah DeYoung	11/6	11/15	South Korea, North Korea, Japan		1,492.00		5,581.00				7,073.00
Total					1,492.00		5,581.00				7,073.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TONY P. HALL, Dec. 18, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO RUSSIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 8 AND NOV. 12, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Kristan Mack	11/9	11/12	Russia		965.00		135.00				1,100.00
Total					965.00		135.00				1,100.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KRISTAN MACK, Dec. 8, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL TO NICARAGUA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 29 AND DEC. 1, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Solomon Ortiz	11/29	12/1	Nicaragua		187.50						187.50
Total					187.50						187.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CASS BALLENGER, Dec. 10, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO KUWAIT, TAIWAN, AND THE PHILIPPINES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 30 AND DEC. 11, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Albert Santoci	11/30	12/2	Kuwait		676.00						676.00
	12/2	12/5	Taiwan		1,180.00						1,180.00
	12/5	12/11	Philippines		804.00						804.00
Total					2,660.00						2,660.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ALBERT M. SANTOCI, Jan. 10, 1999.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

360. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—FOOD DISTRIBUTION PROGRAMS: FDPIHO—Oklahoma Waiver Authority (RIN: 0584–AB56) received January 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

361. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Azoxystrobin; Pesticide Tolerances for Emergency Exemptions [OPP–300772; FRL–6050–6] (RIN: 2070–AB78) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

362. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenbuconazole; Pesticide Tolerances for Emergency Exemptions [OPP–300776; FRL–6054–3] (RIN: 2070–AB78) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

363. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lambda-cyhalothrin; Pesticide Tolerances for Emergency Exemptions [OPP–300780; FRL–6056–2] (RIN: 2070–AB78) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

364. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Rescission of Cryolite Tolerance Revocations; Final Rule, Delay of Effective Date [OPP–300788; FRL–6058–7] (RIN: 2070–AB78) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

365. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revocation of Tolerances for Canceled Food Uses; Correction [OPP–300733A; FRL–6043–7] (RIN: 2070–AB78) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

366. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Partial Withdrawal of Cryolite Tolerance Revocations [OPP–300788; FRL–6058–7] (RIN: 2070–AB78) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

367. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Diflufenzopyr;

Pesticide Tolerance [OPP–300778; FRL 6053–8] (RIN: 2070–AB78) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

368. A communication from the President of the United States, transmitting the District of Columbia Courts' FY 2000 Budget request; (H. Doc. No. 106–17); to the Committee on Appropriations and ordered to be printed.

369. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Jacob K. Javits Fellowship Program—received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

370. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers [IL–64–2–5807; FRL–6221–9] (RIN: 2060–AG44) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

371. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes [MO 043–1043(a); FRL–6220–1] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

372. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Final Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District [CA 102–0120; FRL–6220–2] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

373. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Reasonably Available Control Technology for Emissions of Volatile Organic Compounds (VOC) [TX86–1–7351a; FRL–6207–4] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

374. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW-FRL–6219–2] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

375. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting [AD-FRL–6227–5] (RIN: 2060–AE04) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

376. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revision to Regulation No. 7, Section III, General Requirements for Storage and Transfer of Volatile Organic Compounds [CO–001–0019a; FRL–6216–6] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

377. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Subtitle D Regulated Facilities; State Permit Program Determination of Adequacy; State Implementation Rule—Amendments and Technical Corrections [FRL–6223–8] (RIN: 2050–AD03) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

378. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Nevada: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6226–1] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

379. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Section 112(1) Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards for Dry Cleaning Facilities; State of California; Yolo-Solano Air Quality Management District [FRL–6222–7] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

380. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Multiple Air Contaminant Sources or Properties [TX–71–1–7311a; FRL–6222–1] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

381. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Listing MT–31 as an Unacceptable Refrigerant Under EPA's Significant New Alternatives Policy (SNAP) Program [FRL–6224–6] (RIN: 2060–AG12) received January 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

382. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Listing Hexafluoropropylene (HFP) and HFP-Containing Blends as Unacceptable Refrigerants Under EPA's Significant New Alternatives Policy (SNAP) Program [FRL–6224–7] (RIN: 2060–AG12) received January 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

383. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW-FRL–6223–5] received January 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

384. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOCs from the Manufacture of Explosives and Propellant [MD079–3035a; FRL–6218–2] received January 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

385. A communication from the President of the United States, transmitting a report to Congress of ongoing efforts to achieve sustainable peace in Bosnia and Herzegovina (BiH); (H. Doc. No. 106–18); to the Committee on International Relations and ordered to be printed.

386. A letter from the Director, Defense Security Cooperation Agency, transmitting reports containing the 30 September 1998 status of loans and guarantees issued under the Arms Export Control Act; to the Committee on International Relations.

387. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–458, "Uniform Prudent Investor Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

388. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–457, "Metropolitan African Methodist Episcopal Church Equitable Real Property Tax Relief Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

389. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–467, "Cathedral Way Symbolic Designation Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

390. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–456, "Mount Calvary Holy Evangelistic Church Equitable Real Property Tax Relief Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

391. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–465, "Department of Human Services and Commission on Mental Health Services Mandatory Employee Drug and Alcohol Testing Temporary Amendment Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

392. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–419, "Office of the Inspector General Law Enforcement Powers Temporary Amendment Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

393. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–420, "Drug-Related Nuisance Abatement Temporary Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

394. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–426, "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Second Temporary Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

395. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–422, "Board of Elections and Ethics Subpoena Authority Temporary Amendment Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

396. A letter from the Chairman of the Council, Council of the District of Columbia,

transmitting a copy of D.C. ACT 12-418, "Arson Investigators Amendment Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

397. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-455, "Historic Motor Vehicle Vintage License Plate Amendment Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

398. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-454, "Adult Education Designation Temporary Amendment Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

399. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-434, "Vendor Payment and Drug Abuse, Alcohol Abuse, and Mental Illness Coverage Temporary Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

400. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-453, "Public School Nurse Assignment Temporary Amendment Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

401. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-421, "Oyster Elementary School Construction and Revenue Bond Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

402. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-399, "Fiscal Year 1999 Budget Support Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

403. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-460, "Closing of a Public Alley in Square 457, S.O. 90-364 Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

404. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-459, "Mutual Holding Company Mergers and Acquisition Amendment Act of 1998" received January 27, 1999, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

405. A letter from the Comptroller General, transmitting List of all reports issued or released by the GAO in December 1998, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

406. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-461, "Office of the Inspector General Law Enforcement Powers Amendment Act of 1998" received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

407. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Administrative Amendments [FRL-6222-5] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

408. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Marine Mammals; Incidental Take During Specified Activities (RIN: 1018-AF02) received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

409. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna [I.D. 122198B] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

410. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 98-NM-348-AD; Amendment 39-10937; AD 98-25-11] (RIN: 2120-AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

411. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate ST00015AT [Docket No. 97-NM-80-AD; Amendment 39-10963; AD 98-26-20] (RIN: 2120-AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

412. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1444SO, SA1509SO, SA1543SO, SA1896SO, SA1740SO, or SA1667SO [Docket No. 97-NM-81-AD; Amendment 39-10964; AD 98-26-21] (RIN: 2120-AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

413. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1767SO, SA1768SO, or SA7447SW [Docket No. 97-NM-09-AD; Amendment 39-10961; AD 98-26-18] (RIN: 2120-AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

414. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1368SO, SA1797SO, or SA1798SO [Docket No. 97-NM-79-AD; Amendment 39-10962; AD 98-26-19] (RIN: 2120-AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

415. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Whole Effluent Toxicity: Guidelines Establishing Test Procedures for the Analysis of Pollutants; Final Rule, Technical Corrections [FRL-6227-4] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

416. A communication from the President of the United States, transmitting his economic report, together with the annual report of the Council of Economic Advisers, pursuant to 15 U.S.C. 1022(a); (H. Doc. No. 106—2); to the Committee on the Joint Economic Committee and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on February 5, 1999]

Mr. BURTON: Committee on Government Reform. H.R. 391. A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes (Rept. 106-8 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. H.R. 436. A bill to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes (Rept. 106-9 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

[Filed on February 8, 1999]

Mr. YOUNG of Alaska: Committee on Resources. H.R. 193. A bill to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System (Rept. 106-10). Referred to the Committee of the Whole House on the State of the Union.

Mr. TALENT: Committee on Small Business. H.R. 439. A bill to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies (Rept. 106-11, Pt. 1).

Mr. TALENT: Committee on Small Business. H.R. 440. A bill to make technical corrections to the Microloan Program (Rept. 106-12). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following actions occurred on February 5, 1999]

Pursuant to clause 5 of rule X, the Committee on Small Business discharged from further consideration. H.R. 391 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X, the following action was taken by the Speaker: the Committee on the Judiciary discharged from further consideration. H.R. 436 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X, the Committee on the Budget discharged from further consideration. H.R. 437 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE X

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following actions occurred on February 5, 1999]

H.R. 436. Referral to the Committee on the Judiciary extended for a period ending not later than February 5, 1999.

H.R. 391. Referral to the Committee on Small Business extended for a period ending not later than February 5, 1999.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Filed on February 5, 1999]

Mr. BURTON: Committee on Government Reform. H.R. 437. A bill to provide for a Chief Financial Officer in the Executive Office of the President; referred to the Committee on the Budget for a period ending not later than February 5, 1999, for consideration of such provisions of the bill as fall within their jurisdiction pursuant to clause 1(c), rule X. (Rept. 106–7, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 613. A bill to amend title 9, United States Code, to allow employees the right to accept or reject the use of arbitration to resolve an employment controversy; to the Committee on the Judiciary.

By Mr. ARCHER (for himself, Mr. Lipinski, Mr. Thomas, Mr. Crane, Mr. Hall of Texas, Mr. Cooksey, Mr. Goss, Mr. Armey, Mr. Royce, Mr. Peterson of Pennsylvania, Mr. Brady of Texas, Mr. McCollum, Mr. Portman, Mr. Hilleary, Mr. Hostettler, Mr. Bonilla, Mr. Tancredo, Mr. Stump, Mr. Largent, Mr. Cunningham, Mr. Young of Alaska, Mr. Kolbe, Mrs. Myrick, Mr. Ramstad, Mr. Coburn, Mr. Burton of Indiana, Mr. English, Mr. McCrery, Mr. Hayworth, and Mr. Shadegg):

H.R. 614. A bill to amend the Internal Revenue Code of 1986 to expand the availability of medical savings accounts; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 615. A bill to amend the Internal Revenue Code of 1986 to permit early distributions from employee stock ownership plans for higher education expenses and first-time homebuyer purchases; to the Committee on Ways and Means.

H.R. 616. A bill to amend the Internal Revenue Code of 1986 to permit 401(k) contributions which would otherwise be limited by employer contributions to employee stock ownership plans; to the Committee on Ways and Means.

By Ms. DEGETTE (for herself, Mr. Norwood, Ms. Schakowsky, Mr. Shows, Mr. Underwood, Mr. English, Ms. Rivers, and Mr. Strickland):

H.R. 617. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to ensure full Federal compliance with that Act; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. Evans, and Mr. Cramer):

H.R. 618. A bill to provide for the adjudication of certain claims against the Government of Iraq and to ensure priority for United States veterans filing such claims; to the Committee on International Relations.

By Mr. FRANK of Massachusetts:

H.R. 619. A bill to amend the Civil Rights Act of 1964 to prohibit discrimination on the basis of sex in programs receiving Federal fianancial assistance; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself, Mr. Frelinghuysen, and Mrs. Roukema):

H.R. 620. A bill to direct the Secretary of Transportation to conduct a test to determine the costs and benefits of requiring jet-propelled aircraft taking off from Newark International Airport, New Jersey, to conduct ascents over the ocean, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HILLEARY:

H.R. 621. A bill to provide that certain regulations proposed by the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation relating to practices of financial institutions shall not take effect; to the Committee on Banking and Financial Services.

By Mr. HOUGHTON (for himself, Mr. McNulty, Mr. Towns, Mr. LaFalce, Mr. Frost, Mr. King of New York, Mr. Neal of Massachusetts, Mr. Hayworth, Mr. Hinchey, Mr. Hinojosa, and Mr. Waxman):

H.R. 622. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income rewards received by reason of providing information leading to the conviction of a crime to the extent that the reward is used to compensate victims of crime; to the Committee on Ways and Means.

By Mr. KNOLLENBERG (for himself, Mr. Bachus, Mr. Barton of Texas, Mr. Callahan, Mr. Calvert, Mr. Canady of Florida, Mr. Chambliss, Mr. Cox of California, Ms. Danner, Mr. DeLay, Mr. Doolittle, Mr. Duncan, Mr. English, Mr. Ehrlich, Mr. Hansen, Mr. Hastings of Washington, Mr. Herger, Mr. Hoekstra, Mr. Hutchinson, Mr. John, Mrs. Myrick, Mr. Norwood, Mr. Paul, Mr. Rohrabacher, Mr. Sandlin, Mr. Sessions, Mr. Smith of Michigan, Mr. Souder, Mr. Stump, Mr. Traficant, and Mr. Upton):

H.R. 623. A bill to amend the Energy Policy and Conservation Act to eliminate certain regulation of plumbing supplies; to the Committee on Commerce.

By Mr. KNOLLENBERG:

H.R. 624. A bill to amend section 101 of title 11 of the United States Code to modify the definition of single asset real estate and to make technical corrections; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. Brown of Ohio, Mr. Kasich, Mr. Kucinich, Mr. Portman, Mr. Regula, Mr. Sawyer, and Mrs. Jones of Ohio):

H.R. 625. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between terms if the interval between such periods does not exceed eight weeks; to the Committee on Veterans' Affairs.

By Mr. SANDERS (for himself, Mr. DeFazio, Mr. Rohrabacher, Mr. Campbell, Mr. Allen, Mr. Nadler, Mr. Berry, Mrs. Thurman, Mrs. Jones of Ohio, Mr. Stark, Mr. Olver, Mr. Boucher, Mr. Kucinich, Mr. Luther, Mr. Waxman, Ms. Schakowsky, and Ms. Ros-Lehtinen):

H.R. 626. A bill to require persons who undertake federally funded research and development of drugs to enter into reasonable pricing agreements with the Secretary of Health and Human Services, and for other purposes; to the Committee on Commerce.

By Mr. SANDERS:

H.R. 627. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage and to provide for an increase in such wage based on the cost of living; to the Committee on Education and the Workforce.

By Mr. TRAFICANT (for himself, Mr. Murtha, Mr. Bilbray, and Mr. Rohrabacher):

H.R. 628. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to assign members of the Armed Forces, under certain circumstances and subject to certain conditions, to assist the Immigration and Naturalization Service and the United States Customs Service in the performance of border protection functions; to the Committee on Armed Services.

By Mr. VENTO (for himself and Mrs. Roukema):

H.R. 629. A bill to amend the Community Development Banking and Financial Institutions Act of 1994 to reauthorize the Community Development Financial Institutions Fund and to more efficiently and effectively promote economic revitalization, community development, and community development financial institutions, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. FRANK of Massachusetts:

H.J. Res. 24. A joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second amendment relating to Presidential term limitations; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. Calvert, Mr. Chambliss, Mrs. Cubin, Ms. Dunn of Washington, Mr. Ehrlich, Mr. Forbes, Mr. Goode, Mr. Goodling, Mr. Green of Wisconsin, Mr. Hastings of Washington, Mr. Hayes, Mr. Istook, Mr. Largent, Mr. McKeon, Mr. Packard, and Mr. Skeen.

H.R. 105: Mr. Cooksey and Mr. Forbes.

H.R. 106: Mr. Cooksey, Mr. Forbes, Mr. Hostettler, and Mr. Sam Johnson of Texas.

H.R. 107: Mr. CALVERT, Mr. CHAMBLISS, Mr. COOKSEY, Mr. FORBES, Mr. HOSTETTLER, Mr. SAM JOHNSON of Texas, Mr. LATHAM, and Mr. PAUL.

H.R. 108: Mr. COOKSEY, Mr. FORBES, Mr. HOEKSTRA, and Mr. HOSTETTLER.

H.R. 150: Mr. STUMP, Mr. GIBBONS, Mr. UNDERWOOD, and Mr. MCDERMOTT.

H.R. 151: Mr. CANNON and Mr. MCINNIS.

H.R. 154: Mr. UDALL of Colorado.

H.R. 169: Mr. GANSKE.

H.R. 218: Mr. PICKERING, Ms. GRANGER, Mr. HASTINGS of Washington, Mr. COLLINS, Mr. WICKER, Mr. GILMAN, Mr. SISISKY, Mr. TOOMEY, Mr. HALL of Ohio, Mr. TANCREDO, Mr. METCALF, Mr. BILBRAY, Mr. TURNER, Mr. LINDER, Mr. BARRETT of Nebraska, Mr. HOSTETTLER, Mr. NEY, Mr. GREEN of Wisconsin, Mr. TRAFICANT, Mr. SHOWS, Mr. GOODLATTE, Mr. NORWOOD, Mr. STUMP, Mr. RADANOVICH, Mr. BURTON of Indiana, Mr. CALVERT, Mr. STRICKLAND, and Mrs. THURMAN.

H.R. 271: Mr. RANGEL.

H.R. 316: Mr. NADLER, Mr. COOKSEY, Mr. GOODE, and Mr. SUNUNU.

H.R. 351: Mr. BURTON of Indiana, Mr. COOK, Mr. SHAW, Mr. RUSH, Mr. POMEROY, Mr. DICKEY, Mr. GREEN of Wisconsin, and Mr. RYUN of Kansas.

H.R. 355: Mr. ORTIZ.

H.R. 357: Mr. CARDIN and Mr. MASCARA.

H.R. 373: Mr. PAUL.

H.R. 415: Mr. LANTOS and Mr. MARTINEZ.

H.R. 433: Mr. SCARBOROUGH, Mr. HORN, and Mr. MORAN of Virginia.

H.R. 438: Mrs. WILSON.

H.R. 548: Mrs. CLAYTON, Mrs. MINK of Hawaii, Mr. BISHOP, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WAXMAN, Mr. GEJDENSON, Mr. GONZALEZ, Mr. CUMMINGS, Mr. MEEKS of New York, Ms. NORTON, Mr. OWENS, Mr. SCOTT, Mr. PASTOR, Mr. WYNN, Mrs. CAPPS, Mr. UDALL of New Mexico, and Mrs. THURMAN.

H. Con. Res. 21: Mr. RUSH.

SENATE—*Monday, February 8, 1999*

The Senate met at 1:06 p.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, guide the Senators today as they move closer to the completion of this impeachment trial and confront some of the most difficult decisions of their lives. Give them physical strength and mental fortitude for this day. In anticipation of Your burden-lifting blessing, we place our trust in You.

We renew our prayers for peace in the Middle East. Thank You for the life and leadership of King Hussein of Jordan, that persistent peacemaker and emissary of light in the often dim negotiations for just peace. Now at this time of his untimely death, we pray for the people of Jordan and for his son, King Abdullah, as he assumes the immense challenges of leadership. In Your holy Name. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

> Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. Thank you, Mr. Chief Justice.

ORDER OF PROCEDURE

Mr. LOTT. This afternoon the Senate will resume consideration of the articles of impeachment. Pursuant to S. Res. 30, the Senate will proceed to final arguments for not to exceed 6 hours, equally divided between the House managers and the White House counsel.

At the conclusion of those arguments today, I expect the Senate to adjourn the impeachment trial until tomorrow. We expect tonight, when we go out of the impeachment trial, to have a period for legislative business so we can pass a resolution or consider a resolution with regard to King Hussein.

ORDER FOR TUESDAY, FEBRUARY 9, 1999

Mr. LOTT. I now ask unanimous consent that when the Senate completes its business today, it stand in adjournment, to reconvene as a Court of Impeachment at 1 p.m. on Tuesday, February 9, 1999.

The CHIEF JUSTICE. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the February 5, 1999, affidavit of Mr. Christopher Hitchens and the February 7, 1999, affidavit of Ms. Carol Blue be admitted into evidence in this proceeding.

The CHIEF JUSTICE. Is there objection?

Mr. DASCHLE. At this juncture in the trial, I am compelled to object.

The CHIEF JUSTICE. Objection is heard.

Mr. LOTT. I believe we are ready to proceed, Mr. Chief Justice.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager SENSENBRENNER.

Mr. Manager SENSENBRENNER. Mr. Chief Justice, distinguished counsel for the President, and Senators, I am Congressman JIM SENSENBRENNER. I represent 580,000 people in southeastern Wisconsin in the U.S. House of Representatives. During my entire service in Congress, I have served as a member of the Committee on the Judiciary of the House of Representatives.

We are nearing the end of a long and difficult process. The Senate has considered for the past several weeks the grave constitutional responsibility to determine whether the actions of President Clinton merit his conviction and removal from office. The Senate has been patient, attentive and engaged throughout this unwelcome task, and for this the House managers are grateful. The managers would also like to thank the distinguished Chief Justice for his patience and impartial demeanor throughout this trial.

At the outset of the managers' closing arguments, it is important to distinguish what has caused only the second Presidential impeachment in history from extraneous matters that bear no relation to the verdict the Senate will shortly reach. When this trial began 4 long weeks ago, we said that what was on trial was the truth and the rule of law. That has not changed, despite the lengthy legal arguments you have heard. The truth is still the truth and a lie is still a lie. And the rule of law should apply to everyone no matter what excuses are made by the President's defenders.

The news media characterizes the managers as 13 angry men. They are right in that we are angry, but they are dead wrong about what we are angry about. We have not spent long hours poring through the evidence, sacrificed time with our families and subjected ourselves to intense political criticism to further a political vendetta. We have done so because of our love for this country and respect for the Office of the Presidency, regardless of who may hold it. We have done so because of our devotion to the rule of law and our fear that if the President does not suffer the legal and constitutional consequences of his actions, the impact of allowing the President to stand above the law will be felt for generations to come.

The Almanac of American Politics has called me "a stickler for ethics." To that, I plead guilty as charged because laws not enforced are open invitations for more serious and criminal behavior. This trial was not caused by Kenneth Starr, who only did his duty under a law which President Clinton himself signed. It was not caused by the House Judiciary Committee's review of the independent counsel's mountain of evidence. Nor was it caused by the House of Representatives approving two articles of impeachment, nor by the Senate conducting a trial mandated by the Constitution.

Regardless of what some may say, this constitutional crisis was caused by William Jefferson Clinton and by no one else. President Clinton's actions, and his actions alone, have caused the national agenda for the past year to be almost exclusively concentrated on those actions and what consequences the President, and the President alone, must suffer for them.

This trial is not about the President's affair with Monica Lewinsky. It is about the perjury and obstruction of justice he committed during the course of the civil rights lawsuit filed against him, and the subsequent independent counsel investigation authorized by Attorney General Janet Reno.

The President has repeatedly apologized for his affair, but he has never, never apologized for the consequences of the perjury and obstruction of justice he has committed. Perhaps those decisions were based upon a Dick Morris public opinion poll which told the President that the American people would forgive his adultery but not his perjury. Perhaps it was for another reason. Whatever the White House's motivations were, the fact remains that the President's apologies and the statements of his surrogate contritionists have been carefully crafted for the President to continue to evade and, yes, avoid responsibility for his deceiving the courts to prevent them from administering justice.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Because the President's actions to obstruct justice are so egregious and repeated, many have ignored his grand jury perjury, charges before you in article I. I wish to point out four glaring examples of William Jefferson Clinton's perjurious, false and misleading statements to the grand jury and not at the civil deposition in the Paula Jones case.

First, the President lied under oath to the grand jury when he falsely testified about his attorneys' use of a false affidavit at his deposition. Second, he lied under oath to the grand jury about his conversations with Betty Currie. Third, he lied under oath to the grand jury about what he told his aides about his relationship with Ms. Lewinsky, knowing that those aides would be called to testify to the grand jury. Fourth, he lied under oath to the grand jury when he testified about the nature of his relationship with Ms. Lewinsky.

An ordinary citizen who lies under oath four times to a grand jury is subject to substantial time in a Federal prison. The decision each Senator must make with respect to article I is whether the President is to pay a price for his perjury, just like any citizen must. The President's defenders and spin doctors would have you believe that the President told all of these lies under oath to protect himself and his family from personal embarrassment, and even if he did tell a lie, it was not that bad a lie.

Senators, please remember that the President's grand jury appearance was over 6 months after the news media broke the story about the President's affair with Ms. Lewinsky. By August 17, few people doubted that he had an affair with her. There was little left to hide. And he lied after practically everyone who was asked—including many of you—advised the President to tell the truth to the grand jury. And still he lied.

We have heard a litany of excuses, including the President saying he was not paying a great deal of attention and that he was trying to figure out what the facts were, and that he needed to know whether his recollection was right, and that he had not done anything wrong. And on and on. The President knew what had happened. If Monica Lewinsky came on to him and made a sexual demand upon him and he rebuffed her, as he told Sidney Blumenthal, he would have nothing to apologize for.

Senators, don't be fooled by the President's excuses and spin control. The facts and the evidence clearly show that he knew what he was doing was to deceive everyone, including the grand jury. He and his defenders are still in denial. They will not accept the consequences of his repeated and criminal attempts to defeat the judicial process. His lies to the grand jury were not to protect his family or the dignity of his office but to protect himself from criminal liability for his perjury and obstruction of justice in the Jones case.

Over 9 years ago, the Senate removed Judge Walter Nixon from office for about the same offense—lying under oath to the grand jury. The vote in the Senate was 89–8 in favor of Judge Nixon's removal, with 48 current Senators and Vice President GORE voting guilty. To boot a Federal judge from office while keeping a President in power after the President committed the same offense sets a double standard and lowers the standard of what the American people should expect from the leader of their country. To conclude that the standard of Presidential truthfulness is lower than that of a Federal judge is absurd. To conclude that perjury and obstruction of justice are acceptable if committed by a popular President during times of peace and prosperity sets a dangerous precedent which sets America on the road back to an imperial Presidency above the law.

To justify the President's criminal behavior by demonizing those who seek to hold him accountable ignores the fact that President Clinton's actions, and those actions alone, precipitated the investigations which have brought us here today. To keep a President in office whose gross misconduct and criminal actions are a well-established fact will weaken the authority of the Presidency, undermine the rule of law, and cheapen those words which have made America different from most other nations on the Earth: Equal justice under law.

For the sake of our country and for future generations, please find the President guilty of perjury and obstruction of justice when you cast your votes.

Mr. CANNON.

THE JOURNAL

The CHIEF JUSTICE. The Chair recognizes Mr. Manager CANNON. If you will wait a moment, Mr. Manager CANNON. If there is no objection, the Journal of the proceedings of the trial are approved to date. Please go ahead.

Mr. Manager CANNON. Mr. Chief Justice, counsel to the President, Members of the Senate, my name is CHRISTOPHER B. CANNON, and I represent over 600,000 people in the Third District of Utah.

I want to begin with a couple of thank-you's. First, I thank you Senators for your attention during this series of presentations. I know that you all have deep conflicts over the matter before you. Some of you have made strong and public statements about it. But you have all paid extraordinary attention, and for that I thank you.

I also thank the other members of the management team. It has been a remarkable experience to have been associated with them during the last 5 months—almost as good, I might say, as it would have been to have been home with my wife, children, and our new baby.

If I might, I want to share with you a recent family experience. I have been home just about a little over a day out of the last 3 weeks. It took my 10-month-old baby a little while to warm up to me when I was home last. Later, as I started packing, she realized I was leaving again and she insisted that I hold her. I think she felt that if she held on, I wouldn't disappear. Unfortunately, she fell asleep during the trip to the airport. I know that the other managers have had similar disruptions in their families. For instance, CHARLES CANADY's wife had a baby during the trial.

I, therefore, thank my wife and children, and the wives and children of all of the managers for their forbearance and support during this process. Like us, they believe in the obligation we have to assure good government. I might say that, like us, they are grateful that the managers' role is ending.

For the managers, this process is almost done. I hope that history will judge that we have done our duty well. We have been congratulated and condemned. But we are done.

And while our difficult role is ending, yours is just beginning. While I'm certain that sitting here silently has been difficult, the truly daunting task before you now is to conclude this trial with some sense of legitimacy. For America is deeply divided, and the end result of an impeachment trial was designed by the founding fathers to salve those wounds. Traditionally, after an airing of the facts and a vote by the Senate, either a President is removed or he is vindicated. In this case, it seems, neither of those results may be realized. While the facts are clear that the President committed perjury and obstruction of justice, it is equally clear that this body may not remove him from office. And from this perception, you face the challenge of legitimizing the end result. Your vote will end this matter. It is nonjusticiable. Whatever your decision is, it cannot be undone. The outcome will be right by definition. But how well you do the work of divining that outcome will affect the way we as a nation deal with the divisions among us.

To proceed in a manner that will be trusted, and viewed as legitimate by the American people, you must deal with the differences between this proceeding and prior impeachment trials. You must do this with an obvious commitment to your oath to do justice impartially according to the Constitution and the law. The law includes the rules and precedents of the Senate.

Senate resolution 16 made this process different from all of the preceding 13 Senate trials on impeachment, principally by removing from the managers the right to present our case as we see fit. I suspect that the lewd subject matter and the partisan fight in the House may have influenced your decision.

But there is an integrity to the historic rules and reasons for them. For instance, the Senate by nature will be divided in the impeachment proceedings while the managers are united. It is therefore easier for the managers to decide on how to present their case than for the Senate.

There are other differences in this proceeding from historic impeachment practice before the Senate. May I list the changes for you with the intent to help you focus on the goal of a conclusion that we, the people, will feel is legitimate.

Senate resolution 16 called for a 24 hour presentation or "trial," that mainly consisted of what the public saw as the yammering of lawyers. Time was equally divided rather than sequenced as it is in a trial where opening statements are made and then evidence is put on through witnesses. In a trial, each side typically takes the time necessary to establish its case or undermine the witness through cross examination. After the moving party has made its case, the responding party makes it case. Time is dictated only by what each side feels it needs. Each witness is subject to whatever cross examination is appropriate. The case develops tested piece by tested piece, and ultimately one side prevails.

Here, the managers had to cut very important portions of our limited case. We had a limited number of witnesses, limited to video taped appearances, limited to fit an arbitrary three hour rule. That time was lessened because we had to reserve time for rebuttal.

According to judicial traditions, defendants have to challenge each witness as they appear, not wrap the credibility of all in one wide ranging response. In these proceedings, the Senate has not had the opportunity to assess the credibility of witnesses as the case developed. The White House then used its time with long video portions and small cutting accusations. Who knows what the White House might have done if it had been able, or found it necessary, to challenge witnesses as they testified?

Another diversion from judicial and Senate trial precedent was that the only rebuttal for the managers was what we reserved after our video presentation and, awkwardly, in the questioning period where important, complicated issues were cut off by artificial time limits, while peripheral issues got more time than they deserved. This questioning period had the unfortunate side effect of focusing the public on the partisanship of the Senate.

The problem of the newness of the presentation format was exacerbated by our new media environment. The Internet with its immediate and often unvetted content, and cable television with its perpetual talking heads, gave equal time and equivalency of weight to the managers and the White House, with no witness testimony to constrain them. The process gave rise to the perception that the "fix was in," leaving some to gloat at having scammed the situation, and others angry at being unheard.

And that is the context within which the Senate must now find a legitimate outcome. Given the wide-ranging discussions of options, it is clear this is no easy task. Will it be:

Adjournment with condemnation?

Findings of fact about the President's behavior?

A bifurcated vote to show agreement with the articles of impeachment but not removing the President?

A simple up or down on the articles of impeachment?

Or a vote for acquittal followed by censure?

I don't know which, if any, of these options really makes sense. And I don't know of any other options. I do know that the issue is grave, and that your responsibility is great.

So I am here today to ask you to set aside some natural inclinations for the good of the country.

I would implore you, Senators, both Republican and Democrat, to set aside partisanship, politics, polls, and personalities and exchange them for loftier inclinations—those of "procedure," "policy," and "precedents." These are the only guidelines this body should have.

As the Senate deliberates this case I would ask that a few key facts never be forgotten:

1. That the President committed perjury when he lied under oath.

2. The Senate has historically impeached judges for perjury—even recently by some of you assembled here.

3. Any American watching these proceedings who commits perjury would also be punished by the law.

4. If the Senate follows our Nation's precedents of punishing perjurers, and if the Senate follows its own precedents of convicting perjurers, then there is only one clear conclusion in this matter: conviction.

Senators, we as Americans and legislators have never supported a legal system which has one set of laws for the ruler, and another for the ruled. After all, our very own pledge of allegiance binds us together with the language of "liberty and justice for all." If that is the case, if we intend to live up to the oaths and pledges we take, then our very own President must be subject to the precedents our Nation's judicial system and this Senate body have heretofore set.

Because I love this country and its institutions, I pray for inspiration for each of you as you seek the proper, legitimate outcome. May God bless you in the process.

Thank you.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager Gekas.

Mr. Manager GEKAS. Mr. Chief Justice, colleagues on each side of the podium, Members of the Senate, if I were to take some time to thank the Chief Justice for his patience in all this, would that be counted against my time?

The CHIEF JUSTICE. Yes.

Mr. Manager GEKAS. Then I will send you a note. (Laughter.)

We do offer our thanks to the Chief Justice.

I come from Pennsylvania, and the people in my district, in the entire State, and the people in their 49 brethren States across the Nation recognize that there is really only one issue, with all the fury and the tumult and the shouting and the invective, the language, and just the plain shouting that has occurred across the Halls of Congress and every place else in the country.

It all swoops down the telescope to one issue: Did the President utter falsehoods under oath? Everyone understands that. Everyone comes to the conclusion that that is a serious allegation that has been made through the impeachment, and one which you must judge in the final vote that you will be casting.

But why is it important about whether or not the President uttered the falsehoods under oath? It is important not just to constitute the basis of perjury, as is alleged, and/or obstruction of justice, which is alleged, but even if those two were not proved in all their elements as crimes, you would still have to consider a falsehood under oath as constituting an impeachable offense. I say that advisedly.

It starts—my contention does—with the assertions of our esteemed colleagues who represent the President. Time after time, and in their briefs and in their statements on and off the floor, they have stated you need not have a criminal offense for it to constitute an impeachable offense. They provided examples of that. They said that all you have to demonstrate is that an impeachable offense is one that rocks against the integrity of the system of government. I am paraphrasing, of course.

I submit—and I feel this so strongly that it bothers me that I can't make it clear—that to violate the oath as a witness in a civil case, or a criminal case, in the Jones matter, or in the grand jury, smashes against the integrity of our system of government. There are sundry reasons for that.

In this case, if you follow the logic and the extreme intellectual presentation made by White House counsel that refutes every item that—or attempts to refute, not refutes—attempts to refute every item asserted by the managers, if you believe all of that and are confused or in doubt about the Jones case and whether lies under oath were committed, or at the grand jury, you must think about this. This is, to me, proof positive that the President uttered falsehoods under oath in all of his public stances.

On December 23, the President, under oath, answered interrogatories that were sent to him by the court in the Jones case in which he said, in answer to the question, Have you ever had sexual relations with anyone in a subordinate role while you were Governor of Arkansas, or President of the United States?—this is important. At that time—and the record will disclose all of this—at that time, there was no definition in front of him, no gaggle of attorneys trying to dispute what word meant what, no judge there to interpose the legal standard that should be employed, but rather the boldfaced, naked phrase of "sexual relations" that everyone in the whole world understands to be what it is—and the President answered under oath "None."

I submit to the Members of the Senate, if the answer then, December 23, before ever stepping foot in the deposition of the Paula Jones case, if he never appeared there, or whatever he said there was so clouded you can't draw a conclusion, certainly you can refer back to December 23 and see a starting point of a pattern of conduct on the part of the President that proves beyond all doubt that he committed a pattern and actual falsehoods under oath time and time again.

If that is not enough, on January 15, as the record will disclose, he answered under oath requests for documents in which the question is asked under oath, to which the President responded, Have you ever received any gifts or documents from—and it mentioned among others Monica Lewinsky—and the President under oath said "No" or "None." The record will show for sure exactly what he said. But he denied that any gifts were transferred from, or any documents, or any items of personalty, from Lewinsky to the President.

I submit to you that if you are confused about that, because of the great presentation made by the counsel for the President about the murkiness and cloudiness of the Jones deposition, the maddening consequences of the President's testimony—"maddening," they said—then you can refer back to January 15 before the deposition, and December 23, and find proof positive in the documents already a part of the case that you have to decide that, indeed, a pattern of falsehoods under oath was initiated and conducted by the President of the United States.

That is very important. Those allegations, by the way, have gone completely uncontradicted by the President of the United States.

I think they took great delight—these colleagues of mine on behalf of the President—great delight in saying—at one point they put the marquee in the sky, that in so many different ways when Monica Lewinsky said, "Nobody told me to lie," that was the case for them. What a case they made. "Nobody told me to lie." They won the case right then and there in their minds, because that was exculpatory and that was brandishing in this case once and for all, Monica said, "Nobody told me to lie."

I am going to take some liberties with the Latin that I learned in school, and we all learned in college and law school, "falsum in unum is falsum in toto," meaning if you say something false in one phase of your testimony, more than likely the triors of fact can find that you were false in all of them.

Well, I am going to change that. I think I am right when I say that "veritas in unum is veritas in toto." So when Monica Lewinsky says, "Nobody told me to lie," and that is the indomitable, indestructible truth that the White House counsel say, that is the case, then it also must be "veritas in toto," because when she said that she gave gifts to the President, then you must accept that "veritas in unum is veritas in toto."

That goes on and on and on.

Somebody is waving, "Cut this short." (Laughter.)

It is very tough for me to do that, but I will comply.

I have a witness. I call a witness to bolster my part of this summation. The witness is the American people.

Mr. Craig, in his last appearance on this podium, was delighted to be able to quote a poll that showed that 75 percent of the people of our country felt that there was no need to present videotapes to the Senate in the trial—75 percent, he said with great gusto, of the American people.

Of course the polls of all types were quoted time and time again by the supporters of the President as showing why you should vote to acquit. The polls, the polls, the polls.

I now call the American people's poll on whether or not they believe that the President committed falsehoods under oath—80 percent of the American people—I call them to my side here at the podium to verify to you that the President committed falsehoods under oath.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager CHABOT.

Mr. Manager CHABOT. Thank you. I am STEVE CHABOT. I represent the First District of Ohio, which is Cincinnati.

This week we will likely finally conclude this trial. Has it been difficult? Yes. Would we all have preferred that none of this ever happened? Of course. But the President has put our Nation through a terrible ordeal, and it has been our duty to pursue this case to its conclusion.

Despite the dire warnings, scare tactics and heavy-handed threats by those who would circumvent the solemn constitutional process that we are all engaged in, our great country has survived. We have finished this trial in just a few weeks. The economy continues to be strong, and the Nation's business is getting done.

But, Senators, before you turn out the lights and head home, you must make one final decision. It is a decision that should not be influenced by party affiliation or by politics or by personal ties. It is a decision that should be guided by our Constitution, by our laws, and by your own moral compass.

A few months ago I stood here in your shoes, as did all the colleagues here, and the colleagues in the House, preparing to make what would likely be the most important vote of our careers. Throughout the process, I did my best to be fair, to keep an open mind. I listened carefully to the views of my constituents, the people who sent me to Congress. I reviewed the evidence in excruciating detail. Ultimately, for me, the choice was clear. I came to the conclusion that it was my duty to support impeachment. Now it is your turn to cast what could be the most important vote of your political careers. The question is, Will moral fortitude or political expediency rule the day?

This past weekend, I had the opportunity to spend a couple hours at my college alma mater, William and Mary, not too far from here, down in Williamsburg, VA. As I walked around the campus, I could not help but think back to my college days and what motivated me to seek public office in the first place.

Back in 1972, I was a 19-year-old college student casting my first ballot in a Presidential election. Like a majority of Americans that year, I voted for a Republican, Richard Nixon, for President. Four years later, however, I voted for a Democrat, Jimmy Carter. This decision stemmed from my profound disappointment over Watergate and a strong conviction that President Nixon should not have received immunity for his actions.

Now, just as in college, I find myself extremely troubled by the actions of a President. In fact, as I started to think about what I would say to you today, I wasn't sure how to begin. How exactly do you wrap up in 10 minutes or less everything we have witnessed in the last year? We have seen Bill Clinton's finger-waving denial to the American people. We have seen the President lie before a Federal grand jury. We have seen the President obstruct justice. We have seen the President hold a public celebration immediately following the House impeachment vote. We all know the President's behavior has been reprehensible.

President Clinton, however, refuses to admit what all of us know is true. To this day, he continues to deny and distort; he continues to dispute the undeniable facts that are before the Senate and before the American people. The President's attorneys have done their best to disguise the truth as well.

At the beginning of this trial, I predicted in my presentation that they would use legal smokescreens to mask the law and the facts. To their credit, they produced smoke so thick that it continues to cloud this debate. But if you look through the smoke and the mirrors employed by these very able lawyers, you will see the truth. The truth is that President Clinton lied to a Federal grand jury. He lied about whether or not he had committed perjury in a civil deposition, about the extent of his relationship with a subordinate Federal employee, about his coaching of his secretary, Betty Currie, and about the countless other matters.

In my opening statement before this body, I outlined the four elements of perjury: An oath, intent, falsity, materiality. In this case, all those elements have been met.

President Clinton also obstructed justice and encouraged others to lie in judicial proceedings. He sought to influence the testimony of a potentially adverse witness with job assistance, and he attempted to conceal evidence that was under subpoena.

These truths cannot be ignored, distorted, or swept under the rug. Some of the President's partisan defenders want you to do just that. But it would be wrong. It would be wrong for you to send the message to every American that it is acceptable to lie under oath and obstruct justice. It would be wrong for you to tell America's children that some lies are all right. It would be wrong to show the rest of the world that some of our laws don't really matter.

I must agree with Phyllis and Jack Stanley, constituents of mine who live in my district, who wrote me a letter saying, and I quote:

> We believe that President Bill Clinton should definitely be impeached for the sake of the country. If he is not impeached, will not the rule of law in this country be weakened? We do not feel glee over the prospect of President Clinton's impeachment, however. For the sake of coming generations, acknowledging that integrity, honor and decency matter greatly is very important, especially in the highest office of the land.

Like most of you, I have spent countless hours at grocery stores, shopping malls, in schools, in my church talking to my constituents. I have also read thousands of letters that have been sent to my office, just as we all have. What I have heard and read doesn't surprise me. People in Cincinnati, OH, have a variety of views on what the ultimate verdict should be by this body. Many want the President removed from office. Others want a censure. Still others would just like to see the process end. But regardless of their views, they are honorable people who care about our country and our future.

Now, I know that throughout the process some of the President's more partisan defenders have harshly criticized the managers, the House of Representatives, and anyone who would dare believe the President committed any crimes. These partisan attacks have been unfortunate because I think we all know that these issues are serious and that they deserve serious consideration. I know it, the American people know it, and I think you all know it, too. But despite the partisan rhetoric of the attacks, I believe that once this trial ends, we must work together.

So I would ask everyone here today to make a commitment, a commitment to every American, that regardless of the trial's outcome, we will join together to turn the page on this unfortunate chapter that President Clinton has written into our Nation's history.

The question before you now is: How will this chapter end? Will the final chapter say that the U.S. Senate turned its back on perjury and obstruction of justice by a President of the United States, or will it say that the Senate took a principled stand and told the world that no person, not even the President, stands above the law; that all Americans, no matter how rich, how powerful, or how well connected, are accountable for their actions, even the President.

As the father of two children and a former schoolteacher myself at an inner-city school in Cincinnati, I believe it is very important that we teach our children that honesty, integrity, and the rule of law do matter.

While I am in Cincinnati, I spend a lot of time visiting schools throughout my community. I taught the seventh and eighth grades back in Cincinnati. When I go there, I go to elementary schools, I go to junior highs, I go to high schools; and I have been doing this for a number of years. Do you know what is inevitably one of the questions that the kids will ask me almost every time? It is, "Have you ever met the President of the United States?"

Now, why do kids ask that question? Because our kids understand how important the Office of the Presidency is. The person who occupies that office owes it to the children of this Nation to treat the office with respect. In the past, when those kids asked me that question, they asked me that question out of pride and respect. They looked up to the office. They looked up to everything the office represents. Bill Clinton has let our children down, and that is one of the greatest things that bothers me. It is the effect this will have on the children of this Nation.

Let me conclude with a statement that I received from a student, Juliette Asuncion, who is a student at Mother Mercy High School, who wrote to me recently:

> I am writing to express my feelings on the scandalous situation that has taken over the White House for the past couple of months. First, I would like to state the qualities that should be found in the President of the United States. Since the President is the official representative of the United States, he should uphold the values and ideals held by the people of this country. The President should be honest and a trustworthy person. He should be a good decisionmaker, have good morals and have his priorities straight. He should devote his time to the country and set a good example for the people of this Nation. I feel that President Clinton does not measure up to these standards. He's lied to the American people; he's committed perjury. For someone in his position, this is an unforgivable act, and he should not be allowed to just walk away without a punishment. He has shown that he feels he can go above the law, and I strongly believe the President should be impeached.

I conclude by telling you, when you cast your vote, you remember that by your vote you are determining the lesson that Julia, your children and grandchildren will learn. So how will this chapter end? The decision is yours.

I now yield to the gentleman from Georgia, ROBERT BARR.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager BARR.

Mr. Manager BARR. Thank you, Mr. Chief Justice.

Distinguished and worthy adversarial counsel for the President, including my good friend and former Georgetown law professor, Charles Ruff, gentlemen and ladies of the Senate, my name is BOB BARR. I represent the Seventh District of Georgia, but in a broader sense I represent the country because I have been directed, as every one of the other 12 managers of the House has been directed by the American people, by a majority vote of the House of Representatives, to urge you to review the evidence and issue a verdict of conviction on the two articles of impeachment passed by the House of Representatives.

Two days ago, all of us celebrated the birthday of former President Ronald Reagan. During his first year in office, on May 17, 1981, this president, known for giving voice to America's best and most decent instincts, spoke to the American people from Notre Dame University. Though spoken nearly 18 years ago, and clearly not in contemplation of an impeachment, the former President's words provide guidance for you here today.

It was that date that President Reagan spoke of a certain principle; and in so doing, he quoted another giant of the 20th century, Winston Churchill. Specifically, President Reagan spoke of those who derided simple, straight-forward answers to the problems confronting our country; those who decried clarity and certainty of principle, in favor of vagueness and relativism. He said:

> They say the world has become too complex for simple answers. They are wrong. There are no easy answers, but there are simple answers. We must have the courage to do what is morally right. Winston Churchill said that, "the destiny of man is not measured by material computation. When great forces are on the move in the world, we learn we are spirits—not animals." And he said, "there is something going on in time and space, and beyond time and space, which, whether we like it or not, spells duty."

Duty. A clear, simple concept. A foundational principle.

Your duty is clearly set forth in your oath; your oath to do impartial justice according to the Constitution and the law.

In the past month, you have heard much about the Constitution; and about the law. Probably more than you'd prefer; in a dizzying recitation of the U.S. Criminal Code: 18 U.S.C. 1503. 18 U.S.C. 1505. 18 U.S.C. 1512. 18 U.S.C. 1621. 18 U.S.C. 1623. Tampering. Perjury. Obstruction. That is a lot to digest, but these are real laws and they are applicable to these proceedings and to this President. Evidence and law, you have seen it and you have heard it.

You've also seen and heard about straw men raised up by the White House lawyers, and then stricken down mightily. You've heard them essentially describe the President alternately as victim or saint. You've heard even his staunchest allies describe his conduct as "reprehensible." Even some of you, on the President's side of the aisle, have concluded, "there's no question about his having given false testimony under oath and he did that more than once."

There has also been much smoke churned up by the defense.

Men and women of the Senate, Monica Lewinsky is not on trial. Her conduct and her intentions are not at issue here. Vernon Jordan is not on trial and his conduct and his intentions are not at issue here. William Jefferson Clinton is on trial here. His behavior, his intentions, his actions—these and only these are the issues here. When the White House lawyers raise up as a straw man that Vernon Jordan may have had no improper motive in seeking a job for Ms. Lewinsky; or that there was no formal "conspiracy" proved between the President and Vernon Jordan; or that Ms. Lewinsky says she did not draw a direct link between the President's raising the issue of a false affidavit and the cover stories, keep in mind, these are irrelevant issues. When the White House lawyers strike these theories down, even if you were to conclude they did, they are striking down nothing more than irrelevant straw men.

What stands today, as it has throughout these proceedings, are facts—a false affidavit that benefits the President, the coaching of witnesses by the President, the secreting of subpoenaed evidence that would have harmed the President, lies under oath by the President. These reflect President Clinton's behavior; President Clinton's intentions; President Clinton's actions; and President Clinton's benefit. Not through the eyes of false theories; but by the evidence through the lens of common sense.

You've heard tapes, and read volumes of evidence. Not pursuant to the process we as House Managers would have preferred, but much evidence nonetheless, has been presented.

Many are saying, with a degree of certainty that usually comes only from ignorance, that there's nothing I or any of us can say to you today, on the eve of your deliberations, to sway your minds. I beg to differ with them. Moreover, we have been directed by the people of this country, by a majority vote of the House of Representatives, to fulfill and reaffirm a constitutional process, and to present evidence to you, and argue to you.

There is much, in urging a vote for conviction, that can be gained by turning to, and keeping in mind, President Reagan's words to America, to do duty: Duty unclouded by relativism, unmarred by artificiality. Duty that lives on after your vote—just as America will live on and prosper after a vote to convict. Duty untainted by polls. The country's fascination with polls has wormed its way even into these proceedings when, just a few days ago, we heard one of the White House lawyers cite polls as a reason not to release the videotapes.

Polls played no role in the great decisions, decisive decisions that make America a nation and kept it a free and strong nation. Polls likewise played no role in the great trials of our nation's history that opened schools equally to all of America's children, or that provided due process and equal protection of the laws for all Americans, regardless of economic might or political power.

Yet, it is in many respects polls that threaten to become the currency of political discourse and even of judicial process as we near to enter the 21st century.

Your duty, which I know you recognize today, is and must be based not on polls or politics, but on law and the Constitution. In other words, principle.

What you decide in this case, the case now before you, will tell America and the world what it is we have, as a foundation for our Nation, not just today, but for ages to come. It will tell us and this Nation weather these seats here today will continue to be filled by true statesmen. Whether these seats will continue to echo with the booming principles, eloquence and sense of duty of Daniel Webster, John Calhound, Everett Dirksen, ROBERT BYRD. I would add to that list of statesmen my fellow Georgians and your former colleague, Sam Nunn, whose concern for duty and our Nation's security caused him recently on CNN to raise grave concerns over our Nation's security because of the reckless conduct of this President. Will the principles embodied in our Constitution and our laws be reaffirmed; wrested from the pallid hands of pollsters and pundits, and from the swarm of theorists surrounding these proceedings? Will they be taken up by you, and placed squarely and firmly back in the hands of Thomas Jefferson, Alexander Hamilton, James Madison, George Washington, Abraham Lincoln, Martin Luther King, Jr., and so many other true statesmen of America's heritage? Principles that have stricken down bigotry, tyrants, and demagogues; principles that, through open and fair trials, have saved the innocent from the hangman's noose; and likewise have sent the guilty, clothed in due process, to then ether regions.

It is principle, found and nurtured in our Constitution and our laws, that you are now called on to both use and reaffirm.

Not only America is watching, the world is, too. And, for those who say people from foreign lands look down on this process and deride this process, I say, "not so."

Let me speak briefly of a man not born in this country, but a man who has made this his country. A man born not in Atlanta, Georgia, though Atlanta is now his home. A man born many thousands of miles away, in Eritrea. A man to who President Reagan surely was in a sense speaking, both in 1981 when he spoke of America's eternal sense of duty, and in January 1985, when he spoke of the "American sound" that echoes still through the ages and the continents.

The man whose words I quote is a man who watches this process through the eyes of an immigrant, Mr. Seyoum Tesfaye. I have never met Mr. Tesfaye, but I have read his works. He wrote, in the Atlanta Journal and Constitution, just 3 days ago, on February 5th, that this impeachment process "is an example of America at its best . . . a core constitutional principle that profoundly distinguishes America from almost all other nations." He noted without hyperbole, that this process, far from being the sorry spectacle that many of the President's defenders have tried to make it, truly "is a hallmark of representative democracy," reaffirming the principle that "no man is above the law—not even the President."

These are not the words of the House Managers; though they echo ours.

These are not the words of a partisan.

These are the words of an immigrant. A man who came to America to study, and has stayed to work and pay taxes just as millions of us do every day.

Men and women of the United States Senate, you must, by affirming your duty to render impartial justice based on the Constitution and the law, reaffirm those same laws and that very same Constitution, which drew Mr. Tesfaye and countless millions of other immigrants to our shores over the ages. This is not a comfortable task for any of us. But, as Martin Luther King, Jr., correctly noted, in words that hangs on my office wall, and perhaps on some of yours, it is not in "times of comfort and convenience" that we find the measure of a man's character, but in times of "conflict and controversy." This is such a defining time.

Obstruction of justice and perjury must not be allowed to stand. Perjury and obstruction cannot stand alongside the law and the Constitution.

By your oath, you must, like it or not, choose one over the other, up or down, guilt or acquittal. I respectfully submit on behalf of the House of Representatives and on behalf of my constituents in the Seventh District of Georgia that the evidence clearly establishes guilt and that the Constitution and laws of this land demand it.

I thank the Members of the Senate and yield to Mr. Manager BUYER.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager BUYER.

Mr. Manager BUYER. Thank you, Mr. Chief Justice.

Mr. Chief Justice, distinguished counsel and Senators, my name is STEVE BUYER, House manager, from Monticello, IN. I represent 20 counties between South Bend and Indianapolis. I will not try to claim the cornerstone of Hoosier common sense. Mr. Kendall would wrestle me for that cornerstone. But as a former criminal defense attorney, I want to take a moment and compliment the White House counsel and Mr. Kendall for doing your best to defend your client in the face of overwhelming facts and compelling evidence. (Laughter.)

Your role here—a side comment here—your role here is much easier, though, in a Court of Impeachment as opposed to a criminal court of law.

As a former Federal prosecutor, I compliment Chairman HENRY HYDE and my colleagues, the House managers, who have embraced and given life meaning of the rule of law and presented this case to the Senate in a professional, thorough, and dignified manner.

I assure you, the House managers would not have prosecuted the articles of impeachment before the bar of the Senate had we not had the highest degree of faith, belief and confidence that, based on the evidence, the President committed high crimes and misdemeanors which warrant his removal from office.

As you come to judgment, I recommend you square yourself with your duty first.

On January 7, I witnessed as the Chief Justice administered your oath to do impartial justice according to the Constitution and the laws. You should follow this prescription: Find the truth, define the facts, apply the law, give reverence to the Senate precedents while defending the Constitution. But I submit, it is the integrity of your oath in which you must regulate to uphold the principle of equal justice under the law.

During the question-and-answer phase with the Chief Justice on Saturday, January 23, I stood in the well of the Senate and recommended that you vote on findings of fact. I want to clear the record of my intent of the recommendation. It has been grossly distorted.

It is not to establish the guilt, as some have alleged. A finding of fact is not a finding of fiction. On the contrary, it is to prevent decisions by triers of fact from basing their judgment on fiction or chance or politics. The Chief Justice ruled that you are triers of fact, and since this constitutional proceeding of impeachment is more like a civil proceeding than a criminal trial, I bring to your attention rule 52 of the Federal Rules of Civil Procedure that provides, in pertinent part, that when a judge sits alone as a trier of fact, he or she is required to set down in precise words the facts as he or she finds them. This requirement is mandatory and cannot be waived by the parties of Federal practice.

A memorandum of findings of fact is not a radical concept to American jurisprudence. It is customary and habitually used in State and Federal courts all across this land. Since you sit collectively as a Court of Impeachment, as the triers of fact, I recommended the findings of fact to guarantee that you have carefully reviewed the evidence and have a rational basis for your final judgment.

To claim that findings of fact is unconstitutional is false. The Supreme Court has consistently permitted the Senate to shape the contours and the due process of an impeachment trial.

The Senate owes the American people and history an accounting of the stubborn facts.

I would like to comment on some statements.

I have heard some Senators state publicly that they are using the standard of beyond a reasonable doubt. But the Senate has held consistently that the criminal standard of proof is inappropriate for impeachment trials. The result of conviction in an impeachment trial is removal from office; it is not meant to punish. You are to be guided by your own conscience, not by the criminal standard of proof of beyond a reasonable doubt.

I have also heard some Senators from both sides of the aisle state publicly, "I think these offenses rise to the level of high crimes and misdemeanors." To state publicly that you believe that high crimes and misdemeanors have occurred, but for some reason you have this desire not to remove the President, that desire, though, does not square with the law, the Constitution, and the Senate's precedents for removing Federal judges for similar offenses.

So long as William Jefferson Clinton is President, the only mechanism to hold him accountable for his high crimes and misdemeanors is the power of impeachment and removal. The Constitution is very clear. You cannot vindicate the rule of law by stating high crimes and misdemeanors have occurred, but leave the President in office subject to future prosecution after his term is expired.

Without respect for the law, the foundation of our Constitution is not secure. Without respect for the law, our freedom is at risk.

The President is answerable for his alleged crimes to the Senate here and now.

Moreover, if criminal prosecution and not impeachment is the way to vindicate the rule of law, then the Senate would never have removed other civil officers such as Federal judges, who are not insulated from criminal prosecution while holding office.

Thus, in providing for criminal punishment after conviction and removal from office, it was the Framers who insured that the rule of law would be vindicated both in cleansing the office and in punishing the individual for the criminal act.

I have asked myself many times how allowing a President to remain in office while having committed perjury and obstruction of justice is fair to those across the country who are sitting in jail for having committed the same crimes. I have had the fairness argument thrown into my face consistently.

Fairness is important. Fairness is something that is simple in its nature and is powerful in the statement that it makes. A statement which you send carries us into tomorrow and becomes our future legacy.

If you vote to acquit, think for a moment about what you would say to those who have been convicted of the same crimes as the President.

What would you say to the 182 Americans who were sentenced in Federal court in 1997 for committing perjury?

What would you say to the 144 Americans who were sentenced in Federal court in 1997 for obstruction of justice and witness tampering?

Would you attempt to trivialize the evidence and say, "This case was only about lying about sex"?

I want to cite the testimony before the House Judiciary Committee of one woman who experienced the judicial system in the most personal sense, and that is the testimony of Dr. Barbara Battalino. I think it is compelling.

She held degrees in medicine and law, and Manager ROGAN showed some of the testimony just the other day. You see, she was prosecuted by the Clinton Justice Department and convicted for obstruction of justice because of her lie under oath about one act of consensual oral sex with a patient on VA premises. Her untruthful response was made in a civil suit which was later dismissed. In a legal proceeding, Dr. Battalino was asked under oath: "Did anything of a sexual nature take place in your office on June 27, 1991?"

Her one word reply, "No," convicted her and forever changed her life.

Her punishment? She was convicted of a felony, forced to wear an electronic monitoring device, and is presently on probation. She lost her license to practice medicine and her ability to practice law.

Our prisons hold many who are truly contrite, they are sorry, they feel pain for their criminal offenses, and some whose victims have even forgiven them, others who were very popular citizens and had many friends and apologized profusely, but they were still held accountable under the law.

Just like the President is acclaimed to be doing a good job, many in prison today were doing a good job in their chosen professions. None of our laws provides for good job performance, contrition, forgiveness, or popularity polls as a remedy for criminal conduct.

These were the closing lines of Dr. Battalino's opening statement before the House Judiciary Committee:

> We all make mistakes in life. But, common frailty does not relieve us from our responsibility to uphold the Rule of Law. Regardless, this nation must never let any person or people undermine the Rule of Law. . . . If liberty and justice for all does not reign, we—like great civilizations before us—will surely perish from the face of the earth.

What you would say to Dr. Battalino and others similarly situated is very important because fairness is important.

Alexander Hamilton, writing not long after the Constitution was adopted, well expressed the harm that would come to our Republic from those who, by example, undermine respect for the law. In a statement that bears repeating, Hamilton wrote:

> If it were to be asked, What is the most sacred duty and the greatest source of security in a Republic? The answer would be, an inviolable respect for the Constitution and Laws—the first growing out of the last. . . . Those, therefore, who . . . set examples, which undermine or subvert the authority of the laws, lead us from freedom to slavery; they incapacitate us from a government of laws. . . .

President Clinton, by his persistent and calculated misconduct and illegal acts, has set a pernicious example of lawlessness, an example which, by its very nature, subverts respect for the law. His perverse example inevitably undermines the integrity of both the office of the President and the judicial process.

You see, ladies and gentlemen, without choice we were all born free, and we inherited a legacy of liberty at great sacrifice by many who have come before us. We cannot collectively as a free people enjoy the liberties without measured personal restraint. And that is the purpose of the rule of law. It is the function of the courts to uphold the dignity of that prescription and the God-given liberties of all of us. That is how we are able to carry this Nation forward in the future generations.

So in light of the historic principles regarding impeachment, the overwhelming evidence to the offenses alleged, and the application of the Senate precedents, I believe it makes it very clear that our President—who has shown such contempt for the law, the dignity and the integrity of the office of the Presidency that was untrusted to him—must be held to account; and it can only be by his removal from office.

The House managers reserve the remainder of our time.

The CHIEF JUSTICE. Very well.

The Chair recognizes the White House counsel.

Mr. Counsel RUFF. Mr. Chief Justice, thank you.

I wonder, Mr. Majority Leader, whether we might take a brief break because there is going to need to be some rearrangement of furniture here.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

Mr. LOTT. I was hesitant to suggest it too early today, Mr. Chief Justice. (Laughter.)

RECESS

Mr. LOTT. But on the request of counsel, I ask unanimous consent we take a 10-minute recess. And please return quickly to the Chamber so we can get back to business.

There being no objection, at 2:12 p.m. the Senate recessed until 2:35 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Chair recognizes Mr. White House Counsel Ruff.

Mr. Counsel RUFF. Thank you, Mr. Chief Justice. Mr. Chief Justice, managers of the House, ladies and gentlemen of the Senate, I can't resist beginning, following the lead of my colleagues across the well here, by telling you that my name is Charles Ruff and I am from the District of Columbia, and we don't have a vote in the Congress of the United States. (Laughter.)

I truly did not intend to begin quite this way, but I must. I don't think there is a court in the land where a prosecutor would be able to stand up for one-third of his allotted time, speak in general terms about what the people are entitled to and what the rule of law stands for—as important as all of that may be—and sit down and turn to the defense counsel and ask that defense counsel go forward, reserving 2 hours for rebuttal. I recognize that procedural niceties have not necessarily characterized the way this trial has gone forward. But I do believe—and this is the only time today I will say this, I promise—that kind of prosecutorial gambit is symptomatic of what we have seen before in these last weeks—wanting to win too much.

Now, that said, let me begin where I intended to begin. We are taking the last steps along a path that, for most of us, has seemed to be unending. Indeed, some of us may have a sense that we have gone well beyond "Yogi Berra land" to deja vu all over again and all over again and all over again. I thought long and hard as I thought about what I was going to say today, and how I could be of most help to you as you make this momentous decision that will soon be entrusted to you. I momentarily considered whether the answer to that question was simply to yield back my time, but I weighed that against the special pleasure of stretching out our last hours with you. (Laughter.)

Or as Ernie Banks would have said, "It's such a nice day, let's play two." (Laughter.)

But cursed as I am with lawyerly instincts, I decided to compromise. I promise you as much brevity as I can manage, even if not much wit, while making a few final points that I think you need to carry with you as you go into your deliberations.

Now, you have heard the managers' vision—or at least some part of it—of the process we have been engaged in and the lessons we have learned and what it will look like at the end of our journey. I respect them as elected Representatives of their people and as worthy adversaries. But I believe their vision could be too dark, a vision too little attuned to the needs of the people, too little sensitive to the needs of our democracy. I believe it to be a vision more focused on retribution, more designed to achieve partisan ends, more uncaring about the future we face together.

Our vision, I think, is quite different, but it is not naive. We know the pain the President has caused our society and his family and his friends. But we know, too, how much the President has done for this country. And more importantly, we know that our primary obligation, the duty we all have, is to preserve that which the founders gave us, and we can best fulfill that duty by carefully traveling the path that they laid out for us.

Now, you have heard many speeches over the past few weeks about high crimes and misdemeanors. As I look back on the arguments and the counterarguments, it seems to me that really very little can be gained by repeating them; for when all is said and done, what they mean is this: The Framers chose stability. They made impeachment and removal constitutional recourses of last resort. The question that the managers appear to have asked—and I am unable to tell you what they will ask today—is whether perjury or obstruction of justice in the abstract are impeachable offenses. That is not the question you must answer.

Nor must you assume, as the managers appear to, that because judges are removed for having committed perjury, a President must be removed as well. That is not what the rule of law requires. The rule of law and even-handed justice is something more than a simple syllogism. You must decide whether on these facts arising out of these circumstances this President has so endangered the state that we can no longer countenance his remaining in office.

I think in their hearts the managers do not truly disagree. Whatever they have been able to glean from the historical record or more modern scholarship, they cannot in the end avoid the conclusion that removal of the President is not something that the Framers took lightly. Indeed, two of their own witnesses in the Judiciary Committee, Professor Van Alstyne and Judge Wiggins, tried to make it clear to them that even if they were to find that the offenses described in the independent counsel's referral as being committed, another decision had to be made. That decision was whether in the interest of society the President should be impeached. As Professor Van Alstyne put it, in words, that I admit are unflattering to my client but nonetheless makes the point: "In my own opinion," he said, "I regard what the President did, that which the Special Counsel report declared, are crimes of such a low order that it would unduly flatter the President by submitting him to trial in the Senate, I would not bother to do it."

I read that statement to you, not obviously because the professor and I are on the same side of the political divide or have the same view of the President's conduct, but because it is important, I think, to understand, as I fear the managers do not, that the Framers full well understood what they were doing when they drafted the impeachment provision of the Constitution. They consciously chose not to make all misconduct by the President a basis for removal; they chose instead only that conduct that they viewed as most serious, as most dangerous, to our system of government.

As I said, I think in their hearts the managers recognize the force of it. But they have argued to you that perjury and obstruction really should be treated as the equivalent of treason and bribery and the danger that they pose to our society. They have offered on this much rhetoric and a few substantive arguments. And I want to look at just a few of these arguments as they were advanced in the managers' opening and not really addressed instead.

First, a historical item, that Blackstone in his commentary listed bribery and perjury and obstruction of justice under the same heading of "offenses against public justice"; second, a modern statutory equivalent of that argument that under the sentencing guidelines we actually treat perjury more severely than we do bribery; and, third—this is a theme you have heard throughout these proceedings, what I will call the "system of justice argument"—that the President's conduct, if he is not removed, will somehow subvert enforcement of our civil rights laws.

But all of these arguments are mere subterfuge, offered because the managers knew that to make any plausible case for removal they must bring these articles within the very small circle of offenses that the Framers believed were truly dangerous to the state.

First, Blackstone: It is true that the commentaries rate perjury as among 21 offenses against public justice. Notably, however, Blackstone ranks the 21 in order of seriousness, or, as he puts it, "malignity." No. 1 on the list, a most malignant offense, is a felony that I have to admit is unknown to me—that of vacating records. No. 6 is returning from transportation, also an offense rarely seen in our modern society. Nos. 10 and 12 are barratry, maintenance and champerty, especially dear to me because they involve my profession, but rarely viewed these days, I think you will agree. And, at No. 15 is perjury.

If, as Madison told us, Blackstone was in the hands of every man, what does that tell us about why the Framers chose treason and bribery and other high crimes and misdemeanors as the grounds of impeachment? It tells us that they fully understood that comparative gravity of offenses against public justice, and, nonetheless, chose only those that truly pose that danger to the state—treason, for obvious reasons, and bribery because to them the risk that the executive would sell himself to a foreign country, for example, was much more than mere speculation. And then other high crimes of similar severity.

As to the lesson to be learned from the more modern day, the sentencing guidelines, Manager MCCOLLUM argued to you a few weeks ago that those to whom you have given the responsibility to assess the comparative severity of crimes have concluded that perjury is at least as serious a crime as bribery. That decision, he told you, is evidenced by the commission's decision to assign perjury an offense level of 12, or approximately 1 year in prison, and to bribery an offense level slightly below that. But even to the extent that such an argument were to be weighed in the constitutional balance, Manager MCCOLLUM was simply not being candid with you, for he failed to explain that under these same guidelines a bribe of, let's say, $75,000 taken by an elected official, or a judge for that matter, automatically carries an offense level of 24, or twice that of perjury, and a prison sentence four to five times longer.

The drafters of our guidelines, to the extent that Mr. MCCOLLUM asked you to look at them, full well understand the special gravity of bribes taken by the country's leaders, and to distinguish that offense from the offenses, even at best, that are before you now.

Lastly is this system of justice argument—the notion that somehow President Clinton has undermined our civil rights laws. Well, whatever I might say could not match the eloquence of my colleague, Ms. Mills, and, therefore, I will not attempt fate by venturing further into that territory.

I really do not want to become further immersed in the minutia here. On this. I do agree with the managers. We cannot lose sight of the constitutional forest for some of the analytical trees.

There is only one question before you, albeit a difficult one, one that is a question of fact, and of law and constitutional theory. Would it put at risk the liberty of the people to retain the President in office? Putting aside partisan animus, if you can honestly say that it would not, that those liberties are safely in his hands, then you must vote to acquit.

Each of you has a sense of this in your mind and your heart better than anything I can convey, or I suspect anything better than my colleagues could convey to you. And I will not undertake to instruct you further on this issue.

Just as we ultimately leave that question in your hands, we leave to the conscience of each Member the question of what standard of proof you apply. Despite Congressman BUYER's exhortation to the contrary, this body has never decided for any of you what standard is appropriate or what standard is inappropriate. Each Senator is left to his or her own best judgment.

I suggested to you when I last spoke to you that I believe you must apply a standard sufficiently stringent to enable you to make this most important decision with certainty and in a manner that will ensure that the American people understand that it has been made with that certainty.

This is not an issue as to which we as a people and we as a Republic can be in doubt.

Let me move to the articles. Just as you have listened patiently to our debate about the meaning of "high crimes and misdemeanors," you have, as well, heard seemingly endless discourse about the specific details of the various matters that the managers allege constitute grounds for removal. I will strive, therefore, not to be unduly repetitive more than is at least absolutely necessary.

My colleagues, last Saturday and in their earlier presentations, have done my work for me, but I want to focus for just a little while on those aspects of the managers' presentation that merit your special attention or those that have been particularly elucidated or, for that matter, beclouded by the testimony you heard and watched on Saturday.

As we start this discussion, let me offer you a phrase that I hope you will remember as I move through the articles with you. That phrase is "moving targets and empty pots." "Moving targets," ever-shifting theories, each one advanced to replace the last as it has fallen, fallen victim to the facts. "Empty pots," attractive containers, but when you take the lid off you find nothing to sustain them.

Now, I used the term, "empty vessels," in my opening presentation, but it since struck me that that was much too flattering and might even suggest that they had the capacity to float, which they don't.

Article I, the first moving target. Now, as we have said repeatedly, we have been more than a little puzzled as to the exact nature of the charges advanced by the managers under the rubric of article I, and our puzzlement has only increased, I must tell you, since this trial began.

We have argued, I think with indisputable force, that both articles are so deficient that they would not survive a motion to dismiss in any court in the land. Now, we are not insensitive to the claim that we are advancing some lawyer's argument, and we are seeking some technical escape, but I urge you not to treat this issue so lightly. As you look to article I, for example, ask yourselves whether you can at this late moment in the trial identify for yourselves with any remote sense of certainty the statements that the managers claim were perjurious.

I suspect you will hear a lot about that in the 2 hours following my presentation, but I will try to look ahead just a bit.

Ask yourselves whether you are comfortable in this gravest of proceedings that when you retire to your deliberations you could ever know that the constitutionally required two-thirds vote is present on any one charge.

Now, we have been making this argument for some time and with some frequency, and so you would think that at least once the trial began the managers would have fixed on some definable set of charges. But, no. Indeed, it struck me even earlier this afternoon that when Manager SENSENBRENNER rose to speak to you, he was prepared to give you four examples of perjury. We have heard a lot of examples. We haven't heard much certainty.

Now, just to give you an example of how rapidly the target can move, you will recall that in describing the incidents of perjury allegedly committed by the President, the managers made much of the preliminary statement he read to the grand jury, including the use of the words "occasionally," and "on certain occasions" to describe the frequency of certain conduct and made the general allegation that the statement was itself part of a scheme to deceive the grand jury.

Yet, strangely, when Mr. Manager ROGAN was asked about these very charges as late as January 20, he quite clearly abandoned them.

I direct your attention to the exhibits before you and to the charts. Appearing on television on January 20, with Chris Matthews, this is what transpired:

> MATTHEWS. . . . now defend these—these elements—one, that the president lied when he said he had had these relationships with her on certain occasions. Is that the language?
>
> Rep. ROGAN. That is the . . .
>
> MATTHEWS. And—and why is that perjurious—perjurious?
>
> Rep. ROGAN. In fact, I'm not—I don't think it's necessarily perjurious. That is—that's one little piece of this answer that he gave at the grand jury. . . .
>
> * * * * *
>
> MATTHEWS. Well, another time he used a phrase with regard to this ridiculous thing called phone sex, he referred to it as occasionally or on occasion. Why do you add them in as part of the perjury indictment?
>
> Rep. ROGAN. That's not added in as part of the perjury indictment in Article I. I simply raised that issue when I was addressing the Senate.
>
> * * * * *
>
> MATTHEWS. You better get to those senators because I think they made the mistake I did of thinking that was one of the elements in the perjury charge.

And similarly over here, although I have reversed the order a bit:

> MATTHEWS. . . . Go through what you think are the main elements in your perjury indictment of the president, impeachment. . . .
>
> Rep. ROGAN. One of the things they were focusing on is a point, I think, I made last week when I was presenting the case for perjury dealing with that preliminary statement that the president read that just really gave the grand jury a misperception of what the president's relationship was with Monica Lewinsky. Now I never said that was the basis for the perjury charge. In fact, that's not even one of the four areas that's alleged, but they're trying to pick these little dots out of the matrix and try to hang their hat on that. . . .

I have to tell you, as did Mr. Matthews, I made the same mistake. I heard Manager ROGAN say:

> This prepared statement he read to the grand jury on August 17th, 1998, was the linchpin in his plan to "win."

I heard him say:

> It is obvious that the reference in the President's prepared statement to the grand jury that this relationship began in 1996 was intentionally false.

I heard him say:

> The President's statement was intentionally misleading when he described being alone with Ms. Lewinsky only on certain occasions.

And I heard him say:

> The President's statement was intentionally misleading when he described his telephone conversations with Monica Lewinsky as occasional.

That is what I heard when Manager ROGAN spoke to you a few weeks ago.

Now, I know it is unusual to be given a bill of particulars on television, but maybe that is part of the modern litigation age.

And so as to article I's charge, now that this is off the books, that the President perjured himself concerning his relationship with Ms. Lewinsky, we are once again left with the claim that he lied about touching, about his denial that he engaged in conduct that fell within his subjective understanding of the definition used in the Jones deposition—this in the course of testimony, Members of the Senate, in which the President had already made the single most devastating admission that any of us can conceive of. It defies common sense. And as any experienced prosecutor—and five experienced prosecutors said this to the Judiciary Committee—will tell you, it defies real world experience to charge anyone, President or not, with perjury on the grounds that you disbelieve his testimony about his own subjective belief in the definition of a term used in a civil deposition.

Nothing in the evidentiary record has changed since the OIC referred this matter to the House 6 months ago. Indeed, it is impossible to conceive what could change in the evidentiary record. And the managers have offered this charge and persist in it for reasons not entirely clear to me, but some blind faith that they must go forward, facts or no.

Now, there are three other elements of article I. First, the allegation that the President lied when he claimed he did not perjure himself in the Jones deposition. The President, of course, made no such representation in the grand jury.

And the managers cannot, no matter how they try, resurrect the charges of the article, then, article II, that was so clearly rejected by the House of Representatives. Yet, if you listen to their presentations over the past weeks, it becomes evident that, whether intentionally or unintentionally, they themselves have come to the point where the President's testimony on January 17 in the Jones deposition and August 17 in the grand jury are treated as though they were one and the same.

Now, just a few minutes ago you heard Manager GEKAS talk to you about perjury, and probably 90 percent of what he talked to you about was perjury in the Jones case—in the Jones case. It doesn't exist anymore. The House of Representatives determined that that was not an impeachable offense. It appears to make no difference, though, that the House rejected this charge, for the managers do continue to dwell on it as though somehow they could show the House from which they came that they made a mistake.

Only last Saturday, Manager GRAHAM could be heard decrying the President's claim that he had never been alone with Monica Lewinsky, something that comes not out of the grand jury but out of the Jones deposition, at the same time he was taking him to task for his disquisition on the word "is," something that is in the grand jury but is entirely irrelevant to these perjury charges. You could even see it in their videotape presentation last Saturday when snippets from January 17, then August 17, were played without any definition and without any sense that there was any distinction between the two events.

There is literally nothing in the President's grand jury testimony that purports to adopt wholesale his testimony in the Jones deposition. If anything, it is evident that he is explaining at length and clarifying and adding to his deposition testimony. Indeed, even if the original article II had survived, the President's belief that he had "worked through the minefield of the Jones deposition without violating the law"—which is a quote from his grand jury testimony—could not allow the managers, somehow, to establish that that statement was independently perjurious, and they surely cannot do so now that the original article II has disappeared.

Now, as to the second and third remaining elements of article I, that the President lied about Mr. Bennett's statement to Judge Wright at the time of the Jones deposition, and that he lied about his own statements to his staff, I will deal with them in my discussion of the obstruction charges in article II. Suffice it to say that nothing in the record as it came to you in January could support conviction on article I, and nothing added to the record since then has changed that result.

Let me move to article II. Manager HUTCHINSON told you in his original presentation that article II rested on—his words —"seven pillars of obstruction." I had suggested in my opening statement of a few weeks ago that it would be more accurate to call them seven shifting sand castles of speculation, but Manager HUTCHINSON has not proved willing to accept my description and so I will accept his. Let's remove one pillar right at the start.

Article II charges that the President engaged in a scheme to obstruct the Jones case—the Jones case—and alleges as one element of this scheme that in the days following January 21 the President lied to his staff about his relationship with Ms. Lewinsky, conduct that could not possibly have had anything to do with the Jones litigation.

I will get to the merits of that charge standing alone in a little while, but I bring up the more—forgive me—technical argument here, to highlight once more the extent to which the House simply ignored the most basic legal principles in bringing these charges to you. I have yet to hear from the managers a single plausible explanation for the inclusion of this charge as part of a scheme to obstruct the Jones litigation, and I can think of none. I am sure that in the 120 minutes remaining to them, some portion of that time will be spent explaining just this point. And, so, one pillar gone; a slight list observed.

Next: Ms. Lewinsky's affidavit and the first of the empty pots. The managers charge that the President corruptly encouraged a witness to execute a sworn affidavit that he knew to be perjurious, false, and misleading, and similarly encouraged Ms. Lewinsky to lie if she were ever called as a witness. In my opening statement, and in Mr. Kendall's more detailed discussion, we made two points: First, that Ms. Lewinsky had repeatedly denied that she had ever been asked or encouraged to lie; and, second, that there was simply no direct or circumstantial evidence that the President had ever done such a thing.

Now, it is not in dispute that the President called Ms. Lewinsky in the early morning of December 17 to tell her about the death of Betty Currie's brother, and in the same call that he told her that she was now listed on the Jones witness list. The managers have from the beginning relied on one fact and on one baseless hypothesis stemming from this call which, in the managers' minds, was the beginning and the middle and the end of the scheme to encourage the filing of a false affidavit. There is literally no other event or statement on which they can rely.

The one fact to which the managers point is Ms. Lewinsky's testimony that the President said that if she were actually subpoenaed, she possibly could file an affidavit to avoid having to testify, and at some point in the call mentioned one of the so-called cover stories that they had used when she was still working at the White House—that is, bringing papers to him. And it is on this shaky foundation, a very slim pillar indeed, that the managers build the hypothesis.

In the face of the seemingly insurmountable hurdle of Ms. Lewinsky's repeated denials that anyone ever asked or encouraged her to lie, the managers have persisted in arguing, and continue to do so, that the President did somehow encourage her to lie, even if she didn't know it. Now you have heard that theme sounded really for the first time on Saturday, and then a little bit today—even if she didn't know it, because both really understood that any affidavit Ms. Lewinsky would file would have to be false if it were to result in her avoiding her deposition. But neither the fact on which they rely nor their hypothesis was of much help to the managers before Ms. Lewinsky's deposition and neither, surely, has any force after her deposition.

After you saw Ms. Lewinsky's testimony, there can be nothing left of what was, at best, only conjecture. Even before her deposition, Ms. Lewinsky had testified, as had the President in the grand jury, that given the claims being made in the Jones case, a truthful albeit limited affidavit might—might—establish that Ms. Lewinsky had nothing relevant to offer in the way of testimony in the Jones case.

Faced with this record, the managers asked you to authorize Ms. Lewinsky's deposition, representing that she would—and I quote, and this is from the managers' proffer—"rebut the following inferences drawn by White House counsel on key issues, among others that President Clinton did not encourage Ms. Lewinsky to file a false affidavit and that President Clinton did not have an understanding with Ms. Lewinsky that the two would lie under oath."

Unhappily for the managers—and perhaps their unhappiness was best reflected in the tone of Manager BRYANT's discussion on this subject—Ms. Lewinsky's testimony, as you saw yourself on Saturday, did just the opposite.

In an extended colloquy with Mr. Manager BRYANT on the subject of the affidavit, Ms. Lewinsky made clear, beyond any doubt, first, that the President had never discussed the contents of the affidavit with her; second, that there was no connection between the suggestion that she might file an affidavit and the reference to any cover story; third, that she believed it possible to file a truthful affidavit.

You saw much of this portion of Ms. Lewinsky's deposition on Saturday, and I am not going to impose too much on your patience, but I do want to play just a very few segments of that videotape.

First, two segments dealing with the content of the affidavit.

(Text of videotape presentation:)

Q. Are you, uh—strike that. Did he make any representation to you about what you could say in that affidavit or—

A. No.

Q. What did you understand you would be saying in that affidavit to avoid testifying?

A. Uh, I believe I've testified to this in the grand jury. To the best of my recollection, it was, uh—to my mind came—it was a range of things. I mean, it could either be, uh, something innocuous or could go as far as having to deny the relationship. Not being a lawyer nor having gone to law school, I thought it could be anything.

Q. Did he at that point suggest one version or the other version?

A. No. I didn't even mention that, so there, there wasn't a further discussion—there was no discussion of what would be in an affidavit.

* * * * * *

Q. In his answer to this proceeding in the Senate, he has indicated that he thought he had—might have had a way that he could have you—get you to file a—basically a true affidavit, but yet still skirt these issues enough that you wouldn't be called as a witness.

Did he offer you any of these suggestions at this time?

A. He didn't discuss the content of my affidavit with me at all, ever.

Next, a couple of brief segments on the issue of the cover stories.

(Text of videotape presentation:)

Q. Well, based on prior relations with the President, the concocted stories and those things like that, did this come to mind? Was there some discussion about that, or did it come to your mind about these stories—the cover stories?

A. Not in connection with the—not in connection with the affidavit.

* * * * * *

Q. Did you discuss anything else that night in terms of—I would draw your attention to the cover stories. I have alluded to that earlier, but, uh, did you talk about cover story that night?

A. Yes, sir.

Q. And what was said?

A. Uh, I believe that, uh, the President said something—you can always say you were coming to see Betty or bringing me papers.

Q. I think you've testified that you're sure he said that that night. You are sure he said that that night?

A. Yes.

Q. Now, was that in connection with the affidavit?

A. I don't believe so, no.

* * * * * *

Now, you have testified in the grand jury. I think your closing comments was that no one ever asked you to lie, but yet in that very conversation of December the 17th, 1997 when the President told you that you were on the witness list, he also suggested that you could sign an affidavit and use misleading cover stories. Isn't that correct?

A. Uh—well, I—I guess in my mind, I separate necessarily signing affidavit and using misleading cover stories. So, does—

Q. Well, those two—

A. Those three events occurred, but they don't—they weren't linked for me.

And third, a brief segment on the supposed falsity of any affidavit that might be filed.

(Text of videotape presentation:)

Q. The night of the phone call, he's suggesting you could file an affidavit. Did you appreciate the implications of filing a false affidavit with the court?

A. I don't think I necessarily thought at that point it would have to be false, so, no, probably not. I don't—I don't remember having any thoughts like that, so I imagine I would remember something like that, and I don't, but—

And last, if we might, a brief segment on the question of whose best interests were being served.

(Text of videotape presentation:)

Q. But you didn't file the affidavit for your best interest, did you?

A. Uh, actually, I did.

Q. To avoid testifying.

A. Yes.

Brief, put pointed, I think, and I am sure you remember them from Saturday, and I am sure you will take those excerpts with you as you move into your deliberations.

There was another issue that surfaced early on, although perhaps it has dissipated, and that is whether the President ever saw a draft of Ms. Lewinsky's affidavit, something that the managers alleged early on but, indeed, as we now know from that testimony, not only did nobody ever see a draft of the affidavit, the President and Ms. Lewinsky never even discussed the content of her affidavit. "Not ever," as she put it, either on December 17 or on January 5 or on any other date. According to Ms. Lewinsky, the President told her he didn't need to see a draft because he had seen other affidavits.

Early on, Manager MCCOLLUM speculated for you—speculated for you—that when the President told Ms. Lewinsky that he didn't need to see her affidavit because he had seen other affidavits, he really must have meant that he had seen previous drafts of hers, and this is what he said:

> I doubt seriously the President was talking about 15 other affidavits of somebody else and didn't like looking at affidavits anymore. I suspect, and I would suggest to you, that he was talking about 15 other drafts of this proposed affidavit, since it had been around the horn a lot of rounds.

That is what Manager MCCOLLUM told you. Now we know that those drafts didn't exist. They never existed. How do we know? Somewhat belatedly, the managers got around to telling us that. In describing the testimony they would expect to receive from Ms. Lewinsky when they moved for the right to take her deposition, they wrote in their motion:

> That same day, January 5, she called President Clinton to ask if the President would like to review her affidavit before it was signed. He declined, saying he had already seen about 15 others. She understood that to mean that he had seen 15 other affidavits rather than 15 prior drafts of her affidavit (which did not exist).

In sum, one, the only reference to an affidavit in the December 17 call was the suggestion of the President that filing one might possibly enable Ms. Lewinsky to avoid being deposed, itself an entirely legitimate and proper suggestion.

Two, the President and Ms. Lewinsky never discussed the content of her affidavit on or after December 17.

Three, the President never saw or read any draft of the affidavit before it was signed.

Four, the President believed that she could file a true affidavit.

Five, Ms. Lewinsky believed that she could file a true affidavit.

Six, there is not one single document or piece of testimony that suggests that the President encouraged her to file a false affidavit.

If there is no proof the President encouraged Ms. Lewinsky to file a false affidavit, surely there must be some proof on the other charge that encouraged her to give perjurious testimony if she were ever called to testify. Well, there isn't.

Let's begin by noting something that should help you assess the President's actions during this period—both the charge that he encouraged the filing of a false affidavit and the charge that he encouraged Ms. Lewinsky to testify falsely.

The conversation that the managers allege gave rise to both offenses is that call of the early morning of December 17. The managers suggest that the President, in essence, used the subterfuge of a call to inform Ms. Lewinsky about the death of Ms. Currie's brother to discuss her status as a witness in the Jones case. Subterfuge? Come on. A tragedy had befallen a woman who was Ms. Lewinsky's friend and the President's secretary.

But let's put this in the managers' own context. On December 6, the President learned that Ms. Lewinsky was on the Jones witness list. According to the managers, that was a source of grave concern and spurred intensified efforts to find her a job—efforts that were still further intensified when, on December 11, Judge Wright issued her order allowing lawyers to inquire into the President's relationships with other women. Yet, I have not heard any explanation as to why the President, now theoretically so distraught that he was urging Mr. Jordan to keep Ms. Lewinsky happy by finding her a job, as Manager HUTCHINSON would have it, waited until December 17—11 days after he learned Ms. Lewinsky was on the witness list and 6 days after the supposedly critical events of December 11—to call and launch his scheme to suborn perjury.

Now, as to the charge of subornation, the managers do concede, as they must, that the President and Ms. Lewinsky did not even discuss her deposition on the 17th, logically, I suppose, since she wasn't actually subpoenaed until 2 days later.

Now, one might think that this would dispose of the matter, since they do not identify a single other moment in time when there was any discussion of Ms. Lewinsky's potential testimony. But once again, having lifted the lid and seen that their pot was empty, they would ask you to find that the same signal that we now know did not encourage the filing of an affidavit was a signal to Ms. Lewinsky to lie if she was ever called to testify. But of course we have long known that there was no such signal. And the grand jury—as was so often the case, one of the jurors took it upon him or herself to ask that which the independent counsel chose not to. And you have this before you. And you have seen it before.

> A JUROR: It is possible that you also had these discussions [about denying the relationship] after you learned that you were a witness in the Paula Jones case?
>
> [MS. LEWINSKY]: I don't believe so. No.
>
> A JUROR: Can you exclude that possibility?
>
> [MS. LEWINSKY]: I pretty much can. I really don't remember it. I mean, it would be very surprising for me to be confronted with something that would show me different, but I—it was 2:30 in the—I mean, the conversation I'm thinking of mainly would have been December 17th, which was—
>
> A JUROR: The telephone call.
>
> [MS. LEWINSKY]: Right. And it was—you know, 2:00, 2:30 in the morning. I remember the gist of it and I—I really don't think so.
>
> A JUROR: Thank you.

But all of this is not enough to dissuade the managers.

Now that they know that the only two participants in the relevant conversation denied that there was any discussion of either the affidavit or the testimony, they have created still another theory. As Manager BRYANT told you last week—and in essence it was repeated today—"I don't care what was in Ms. Lewinsky's mind."

Well, that is quite extraordinary. The only witness, the supposed victim of the obstruction, the person whose testimony is being influenced, says that it didn't happen. And the managers nonetheless want you to conclude, I assume, that some subliminal message was being conveyed that resulted in the filing of a false affidavit without the affiant knowing that she was being controlled by some unseen and unheard force. I won't comment further. Two more pillars lie in the dust.

Next, the gifts. On this charge, the record is largely, but in critical respects not entirely, as the record has been from the beginning. Here is what it shows.

On the morning of December 28, the President gave Ms. Lewinsky Christmas presents in token of her impending departure for New York. Ms. Lewinsky testified that she raised the subject of her subpoena and said something about getting the gifts out of her apartment, to which she herself has now told you the President either made no response or said something like, "Let me think about it."

Betty Currie testified consistently that Ms. Lewinsky called her to ask her to pick up a box and hold them for her. Ms. Lewinsky has testified equally consistently, and testified again in her deposition, that it was her recollection that Ms. Currie called her and said that she understood she "had something for her" or perhaps even the President said, "You have something for me." The President denies that he ever spoke to Betty Currie about picking up gifts from Monica Lewinsky. Betty Currie denies that the President ever asked her to pick up gifts from Monica Lewinsky.

Now, Ms. Lewinsky has stated on three occasions before her most recent deposition that Ms. Currie picked up the gifts at 2 o'clock in the afternoon on the 28th. Having been shown the infamous 3:32 cell phone call, which had previously been trumpeted by the managers as absolute proof that it was Ms. Currie who called Ms. Lewinsky, who initiated the process, Ms. Lewinsky testified on Monday that Ms. Currie came to pick up the gifts sometime during the afternoon and that there had been other calls earlier in the day.

But we learned at least a couple of interesting new things from Ms. Lewinsky on this subject.

First, when she received her subpoena on December 19, 9 days —9 days—before she spoke to the President about them, Ms. Lewinsky was frightened at the prospect that the Jones lawyers would search her apartment, and she began to think about concealing the gifts that she cared most about that would suggest some special relationship with the President. And as she told you, she herself decided then that she would turn over only what she described as the most innocuous gifts, and it was those gifts that she took with her to see her lawyer, Mr. Carter, on December 22.

Thus, when she arrived to pick up her Christmas gifts from the President on December 28, she had already decided that she would not turn over all the gifts called for by the subpoena and had already segregated out the ones she intended to withhold. But she didn't tell the President about that. Instead, as she testified, she broached the question of what to do with the gifts and the possibility of giving them to Betty Currie, again without describing what had already occurred, to which the President either made no reply or said something like, "I'll think about it."

This testimony sheds light on one of the issues that has troubled everyone who has tried to make sense out of what happened on that day. Why would the President, if he were really worried about Ms. Lewinsky's turning over gifts pursuant to the subpoena, give her more gifts? From our perspective, the answer has always been an easy one. He wouldn't have been concerned. He's testified that he's not concerned about gifts, that he gives them all the time to all sorts of people, and he wasn't worried about it.

Now, we know that from Ms. Lewinsky's perspective, as she explained in her deposition, it also made no difference that the President was giving her additional gifts, because she had already decided, having had the subpoena in hand for 9 days, that she would not turn them over.

Now, a second ray of light also shines on two aspects of the managers' case from Ms. Lewinsky's deposition.

You may remember that as part of article I in their trial brief, the managers allege that the President lied to the grand jury—this is one of the never-ending list of possible perjuries—that he recalled saying to Ms. Lewinsky on December 28 that she would have to "turn over whatever she had" when she raised the gift issue with him.

Well, the managers sought to obtain from Ms. Lewinsky testimony that would support that charge of perjury as well as the concealment charge under article II, but she turned that world upside down on both the perjury charge and the obstruction charge.

When asked whether the President had ever said to her, "You will have to give them whatever you have," or something like that, Ms. Lewinsky testified that FBI Agent Fallon of the OIC had interviewed her after the President's grand jury testimony, after they already knew what the President had said under oath, and asked her whether she recalled the President saying anything like that to her. I am sure somewhat to the surprise of Manager BRYANt, she testified that she told Agent Fallon, "That sounds familiar."

Now aside from the not so minor point that Ms. Lewinsky's testimony corroborates the President's recollection of his response and undermines the charge in both article I and article II, a couple of other things are worth noting. As my colleague, Ms. Seligman, pointed out to you on Saturday, this was the first time after all Ms. Lewinsky's recorded versions of the events of December 28, that we had ever heard that the President's version sounded familiar to her. And second, there is not a single piece of paper—at least that we are aware of—in the entire universe turned over by the independent counsel, by the House, and thence to us that reflects the FBI's interview of Ms. Lewinsky. If she hadn't been honest enough to tell Manager BRYANT about it, we and you would never have known.

Senators, what else is there in the vaults of the independent counsel or in the memory of his agents that we don't know about?

Another pillar down.

The job search. It may have become tiresome to hear it, but any discussion of the job search must begin with Ms. Lewinsky's testimony oft repeated that no one promised her a job to influence her testimony. Remember my two themes: Moving targets, empty pots. They come together here. What the managers have presented to you in a series of different speculative theories, as each one is shown to be what it is, they move on to the next in the hope they will find one, someday, that actually has a connection to reality. But they cannot find that elusive theory; for the stubborn facts will not budge, nor will the stubborn denials by every participant in their mythical plot.

Now we know that Monica Lewinsky's job search began in the summer of 1997, well in advance of her being involved in the Jones case. In October, she interviewed with U.N. Ambassador Richardson, was offered a job. She had her first meeting with Mr. Jordan early in November, well before she appeared in the Jones case. The next contact was actually before Thanksgiving when she made an effort to set up another meeting with Mr. Jordan and was told to call back after the holiday. She did, on December 8, and set up a meeting on December 11—again, before either she or Mr. Jordan knew that she was involved in the Jones case.

Now, on that date of December 11 which we have heard so much about, Mr. Jordan did open doors for Ms. Lewinsky in New York, but there was no inappropriate pressure. At American Express and Young and Rubicam she failed on her own, and at Revlon she succeeded on her own. As Mr. Jordan told the grand jury when asked whether there was any connection between his assistance to her and the Jones case, his answer was "unequivocally, indubitably no."

In search of some evidence that Mr. Jordan's efforts were, indeed, triggering Ms. Lewinsky's status as a witness and therefore inappropriate, the managers focused on his January 8 call to Mr. Perelman, the CEO of MacAndrews & Forbes, admittedly a date known to Ms. Lewinsky, to Mr. Jordan, and to the President. Ms. Lewinsky had reported that her original interview had not gone well, although we know it actually had, and that her resume had already been sent over from MacAndrews & Forbes to Revlon where she ultimately was offered a job.

Mr. Jordan was candid stating he went to the top because he wanted to get action if action could be had, but the record is clear that the woman involved at Revlon who interviewed Ms. Lewinsky had already made a decision to hire her. No one put any pressure on her. There was no special urgency. There was no fix. In fact, if you want it known what happens when Mr. Jordan calls the CEO of a company to get action, look at his call to the CEO of Young and Rubicam: No job; no job. They made an independent decision whether or not to hire Ms. Lewinsky.

Now, other than the managers, there are only two people, as far as I can tell, who ever tried to create a link between the job search and the affidavit: Linda Tripp and Kenneth Starr. No one—not Ms. Lewinsky, not Mr. Jordan, not the President, no one—ever said anything to so much as suggest the existence of such a linkage, and the managers can find no proof; which is not to say they didn't try.

Manager HUTCHINSON, you will recall, originally asked you to look at the events of January 5 when he said Ms. Lewinsky had met with her attorney, Mr. Carter, and then, according to the managers' account, Mr. Carter began drafting the affidavit and Ms. Lewinsky was so concerned that she called the President and he returned her call. The problem with that version, as my colleague, Mr. Kendall, showed you, was the affidavit wasn't drafted until January 6. Mr. Carter has so testified.

Now, the managers would also have you believe that Mr. Jordan was involved in drafting the affidavit and that he was involved in the deletion of language from the draft that suggested that she had been alone with the President. Ms. Lewinsky's and Mr. Jordan's testimony is essentially the same. They talked, Mr. Jordan listened—you recall him saying, "Yes, she was talking, I was doodling,"—he called Mr. Carter, he transmitted to Mr. Carter some of her concerns, but he made it very clear to Ms. Lewinsky he wasn't her lawyer. And in words that will resonate forever, at least among the legal community, Mr. Jordan said, "I don't do affidavits." And, of course, Mr. Carter himself testified it was his idea to delete the language about being alone.

Now, the very best that the managers can do on this issue is to establish that Ms. Lewinsky talked to Mr. Jordan in the same conversation about the job search and about her affidavit. But as Mr. Jordan told you, Ms. Lewinsky was always talking about the job search, and he made it very clear to you that there was no linkage between the two.

If we can play just a very brief section of Mr. Jordan's deposition.

(Text of videotape presentation:)

Q. In your conversation with Ms. Lewinsky prior to the affidavit being signed, did you in fact talk to her about both the job and her concerns about parts of the affidavit?

A. I have never in any conversation with Ms. Lewinsky talked to her about the job, on one hand, or job being interrelated with the conversation about the affidavit. The affidavit was over here. The job was over here.

And of course we have already dispensed with the notion to the extent that the managers continue to assert that the President never discussed the contents of the affidavit with Ms. Lewinsky or even ever saw a draft.

Now, recognizing that they would never be able to show that the inception of the job search was linked in any way to the affidavit, the managers developed a theory which they have advanced to you that the President committed obstruction of justice when the job search assistance became, in their words, "totally interconnected, intertwined, interrelated," with the filing of Ms. Lewinsky's affidavit.

The problem the managers have had, however, is that they have not been able to figure out when this occurred, why it occurred, or how it occurred. Think back on how many versions of their theory you have heard just in the last few weeks. First, it all started on December 11 when Judge Wright issued her order permitting Jones lawyers to take depositions to prove that the President had relations with other women. That was what galvanized the President and Mr. Jordan to make real efforts to find Ms. Lewinsky a job.

Woops, didn't quite fit the facts.

Mr. Jordan met with Ms. Lewinsky and made calls to prospective employers before the order was issued. Let's try this. Second, well, it wasn't really the 11th, it was the 5th when the witness list came out. But they had already told you in a trial brief quite explicitly, and in the majority report of the committee to the Congress, that there was "no urgency." Those were their words; there was "no urgency" after December 5. I am a city boy, but that dog went back to sleep.

Third, as Manager HUTCHINSON told you on Saturday, what really happened was that by December 17 the President had "got the job search moving" and thought "maybe she is now more receptive," and that is why he called Ms. Lewinsky on the 17th and told her she was on the witness list.

Nice try. No facts.

Now, I don't know whether this chart, which Manager HUTCHINSON used, was intended to speak for itself or to be elucidated by his own comments, but let's look at it. "December 5th, witness list—Lewinsky," exclamation point. Her name is on it. "December 6: President meets with attorneys on witness list."

True.

"December 7th: President and Jordan meet."

Well, that is also true, but we know they didn't talk about Monica Lewinsky. I am not quite sure why it is there.

"December 8th: Lewinsky sets up a meeting with Jordan for the 11th."

True. At that point, she doesn't know she is on the list and Mr. Jordan doesn't know she is on the list.

"December 11th: Lewinsky job meeting with Jordan."

Yes, true. But as we know, well before Judge Wright's order came out, the two of them still don't know that her name is on the witness list.

December 17th was the calls.

True. They are on the list.

On December 19, the subpoena was served.

True.

"December 28: President and Lewinsky meet; evidence (gifts) concealed."

Now, true, but I am not sure what that means in this context.

Last, interestingly, was breakfast at the Park Hyatt. "More evidence at risk."

Now, it is clear that if you string all of these events together and you have a theory that will link them all together, you have made some progress.

There is only one problem: Other than what we know to be true on this list, there is nothing other than surmise that links them together in any fashion that one could consider improper or certainly illegal. But that is, in essence, where the managers have brought us in their theorizing, for their fourth theory is that the pressure did not really begin to build until Ms. Lewinsky was actually subpoenaed and began to prepare an affidavit.

On this theory, a call to Mr. Perelman was the final step—going right to the top of MacAndrews & Forbes to make absolutely sure that Ms. Lewinsky stayed on the team. But here there are other facts to deal with. For example, look what happened—or more importantly, didn't happen—on December 19. On that day, Monica Lewinsky came, weeping, to Mr. Jordan's office carrying with her the dreaded subpoena. Mr. Jordan called the President and visited with him that evening. And you will recall that they talked in very candid terms to the President about their relationship. Wouldn't one think that if the President was, in fact, engaged in some scheme to use a job in New York to influence Ms. Lewinsky's testimony, this would be the critical moment, that some immediate steps would be taken to be absolutely sure that there was a job for her? But what do we find? Mr. Jordan takes no further action on the job front until January 8.

Now, there was never so much as a passing reference concerning any connection between the job search and the affidavit among any of the three participants—any of them—because there was not one conversation that anyone could conclude was designed to implement this nefarious scheme that the managers would have you find. So now we have an entirely new theory—the "one-man conspiracy," a beast unknown, I think, to Anglo-American jurisprudence.

Now, the fact that Ms. Lewinsky—this is on the managers' theory—didn't know she was on the witness list until December 17, and Mr. Jordan didn't know about it until she was subpoenaed on the 19th, and Mr. Perelman never knew it, all are "proof positive" that the President himself was the "mastermind" pulling on unseen strings and influencing the participants in this drama, without their even knowing that they were being influenced. Under this theory—the latest in a long line—Ms. Lewinsky's denial that she ever discussed the contents of her affidavit with the President, her denial that there was any connection between the job and her testimony, Mr. Jordan's denial that there was ever a connection between his efforts to find her a job and the affidavit, and the fact that Mr. Jordan never discussed any such connection with the President, are simply evidence of the fact that there must have been such a connection; that unbeknownst to Ms. Lewinsky, she was being corruptly encouraged to file a false affidavit. With all due respect, somebody has been watching too many reruns of "The X-Files."

Confronted with this problem, the managers now offer you one last theory. With ever-increasing directness, they now accuse Mr. Jordan himself of obstructing justice by urging Ms. Lewinsky to destroy her notes. Seemingly, they ask you to find—even in the face of Mr. Jordan's forceful denials—that one who would forget a breakfast at the Park Hyatt until reminded of it by being shown the receipt, and who then admitted his recollection was refreshed and would admit that he remembered a discussion of the notes, must have obstructed justice himself. And, of course, he must have been engaged all along with an effort to influence Ms. Lewinsky's testimony on behalf of the President.

Nonsense. Nonsense. And so this pillar returns to the dust from which it came.

Next, the events surrounding Mr. Bennett's statement to Judge Wright during the Jones deposition formed the basis for two charges: First, that the President obstructed justice in the Jones case; second, that he committed perjury by telling the grand jury that he really wasn't paying attention at the critical moment.

Both charges depend on the managers' ability to prove that, indeed, the President had been paying attention. To do that, they always rely on the videotape of the deposition in which it can be seen that the President was looking in the direction of his lawyer while Mr. Bennett was talking.

But 2 weeks ago, they came to you and they produced, with a modest flourish, a new bit of evidence—an affidavit from Mr. Barry Ward, clerk to Judge Wright, trumpeted, in their words, as "lending even greater credence to their crime." Now, in their memorandum in support of their request to expand the record by including Mr. Ward's affidavit, the managers told you the following, and this is the managers' own language:

> From his seat at the conference table next to the judge, he saw President Clinton listening attentively to Mr. Bennett's remarks, while the exchange between Mr. Bennett and the judge occurred.

Then they said:

> Mr. Ward's declaration would lend even greater credence to the argument that President Clinton lied on this point during his grand jury testimony and obstructed justice by allowing his attorney to utilize a false affidavit in order to cut off a legitimate line of questioning. Mr. Ward's declaration proves that Mr. Ward saw President Clinton listening attentively while the exchange between Mr. Bennett and the presiding judge concurred.

But this is what Mr. Ward's affidavit actually says. The affidavit was attached to the very motion the language of which I just read to you. I direct your attention only to the last sentence, because this is the only one of any moment: "From my position at the conference table, I observed President Clinton looking directly at Mr. Bennett while this statement was being made."

Search if you will for any evidence relating to whether the President was looking attentively or not. There is not one iota of evidence added by the videotape. You were misled. Indeed, Mr. Ward said to the Legal Times on February 1, 1999, "I have no idea if he was paying attention. He could have been thinking about policy initiatives, for all I know." You were misled.

The record before the affidavit is the record after the affidavit. The managers ask that you remove the President of the United States on the basis of the videotape showing that he was looking in the direction of his lawyer.

Well, it was not much of a pillar to start with.

There is no dispute of the conversation of January 18 between the President and Ms. Currie. There is no dispute that President Clinton called Ms. Currie into the White House on Sunday, January 18, the day after his deposition, and asked her certain questions and made certain statements about his relationship with Ms. Lewinsky. The only dispute is whether, in doing so, the President intended to tamper with a witness. The managers contend that he was corruptly attempting to influence Ms. Currie's testimony. The President denies it.

Since we know that Ms. Currie was not on the Jones witness list at the time of the President's deposition, or at the time of either of the conversations with Ms. Currie, and we know that discovery was about to end, the managers have argued that the President's own references to her in the Jones deposition constituted an invitation to the Jones lawyers to subpoena her. They argue that proof of that invitation can be found in the witness list signed by the Jones lawyers on January 22, which listed Ms. Currie and other potential witnesses.

When I spoke to you on January 19, I told you that Ms. Currie had never been placed on the witness list. I was wrong. Manager HUTCHINSON has quite properly taken me to task for it. But I fear that he became so caught up in this information that he has lost sight of its true significance, or rather a lack thereof.

In order to convince you that Betty Currie was going to be called by the Jones lawyer when the President spoke to her on January 18, the managers, somewhat like Diogenes, lit their lantern and sought out the most reliable witness they could find, a witness whose credibility was beyond question, who had no ulterior motive, no bias—

Paula Jones' lawyer. They brought it to you in a form that they hoped would allow his motive and bias to go untested.

Remember how the managers told you that it is important to look a witness in the eye to test his demeanor. I doubt that you need to do that to understand what might color Mr. Holmes' view of the world. Let's look at what he had to say. You have in the exhibits before you an unredacted witness list attached to Mr. Holmes' affidavit. I have put up on the easels the redacted list as it was originally used by the managers a few weeks ago because I really see no purpose in unduly exposing the names of the people who are on that witness list. But let me direct you to these words just to highlight it: "Under Seal."

You will remember that the President has been criticized for violating a gag order when he spoke to his own secretary about his deposition. What then do we say when the managers produce a document from a lawyer for one of the parties that is still under seal, not yet released by the court, and reveals the names of individuals who are no part of these proceedings? Surely the managers could have made their point just as well without such a revelation.

Mr. Holmes states that the Jones lawyers had two reasons for putting Ms. Currie's name on the witness list: One, because of President Clinton's deposition testimony; and, two, because they had "received what they considered to be reliable information that Ms. Currie was instrumental in facilitating Monica Lewinsky's meetings with Mr. Clinton and that Ms. Currie was central to the cover story Mr. Clinton and Ms. Lewinsky had developed to use in the event their affair was discovered." They don't tell us where he got this reliable information. But of course we know.

Let's figure out whether in fact Betty Currie really made it on the list because of the President's testimony. If you look at the number of times she is mentioned in the deposition, it becomes conventional wisdom that the President inserted her name into his testimony so frequently and so gratuitously that he did in fact invite the Jones lawyers to call her and, thus, must have known that she was going to be a witness when he spoke to her on January 18. But if you look at the deposition, you will find that the first time her name is mentioned, the President is simply responding to a question about his earlier meetings with Ms. Lewinsky and stated that Betty was present.

The lawyers for the plaintiff then asked 13 questions, give or take a few, about Ms. Currie. And we know there is no secret here. They got their information from Linda Tripp. And Linda Tripp surely told them about Ms. Lewinsky's relationship with Ms. Currie. It was only in response to a couple of their questions about whether letters had ever been delivered to Ms. Currie and whether she stated at some extraordinarily late hour that the President said, "You'll have to ask her." He didn't invite. He did not suggest to them that they call Ms. Currie. They knew whatever they needed to know about Ms. Currie to put her on their witness list.

To judge further whether Ms. Currie made it on the list because of the President's invitation, or because they already knew about witnesses from Ms. Tripp, let me direct your attention—if you look at the exhibit in front of you rather than the redacted version here, the first listed on the witness list is No. 165. Her name does not come up at all in the deposition. But we know that she was in fact the subject of conversation surreptitiously recorded between Ms. Tripp and Ms. Lewinsky. And note that the name of Vernon Jordan is not on the list. They are the ones, the Jones lawyers are the ones, who first bring them up. And we know, of course, that they knew from Ms. Tripp that he was already involved in this scenario.

Thus, neither the January 22 witness list nor Mr. Holmes' affidavit supported the managers' theory. The President did not know that Ms. Currie would be a witness when he spoke to her after her deposition, and he could not, therefore, have tampered with the witness.

Well beyond their statement about how they got this information, Mr. Holmes volunteers that they didn't get it from the Washington Post, or perhaps not. But it is clear that in the days after the Post article, we know that some of the names on the list came from the press reports, we know that Jones lawyers began tracking the newly public activities of the independent counsel, which was issuing its own subpoenas in the hours and days following the lawyers' release. And for some insight into what they believe the independent counsel thought was going on, look at the pleading they filed with Judge Wright on Wednesday, January 28, to prevent the Jones lawyers from continuing to use their investigation as an aid—that is, the independent counsel's investigation—as an aid to civil discovery.

The pleading said, "As recently as this afternoon, plaintiff's counsel caused process to be served on Betty Currie who appeared before the grand jury in Washington yesterday. Such deliberate and calculated shadowing of the grand jury's investigation will necessarily pierce the veil of grand jury secrecy."

The managers have criticized us for ignoring the second conversation between the President and Ms. Currie, suggesting that I suppose it takes on an even more sinister cast than the first. But there is simply nothing of any substance to take from this second conversation that adds to the events of January 18. It is clear that the conversation occurred on Tuesday, January 20, before the Starr investigation became public. The managers disingenuously have suggested in their exhibit, the one they distributed on Saturday, that this conversation occurred after the Post story appeared. If you look at the exhibit that was used on Saturday, you will see: January 20, Post story is known. Of course, that's late at night. January 21, Post story was on the Internet. The President calls Betty for 20 minutes. And then sort of sneaking it in down here, January 20 or 21, President coaches Currie for the second time.

But the record shows this: Ms. Currie has said that the conversation occurred "whenever the President was next in the White House." That is after the Sunday conversation. And that was Tuesday, the 20th, the day after the Martin Luther King holiday. Thus, the second conversation is of no greater legal significance than the first since the President knew no more about Ms. Currie's status as a witness on Tuesday than he did on Sunday.

In sum, the managers have tried to convince you that the President knew or must have known that Betty Currie would be a witness in the Jones case. If anything, we now know that the reason she was put on the January 22 list, along with many others, had more to do with Linda Tripp than anything else.

But putting this aside for the moment; that is, putting aside the question whether the President could have had any reason to believe that Ms. Currie would be a witness, look at whether Ms. Currie herself believed that she was being corruptly influenced on January 18. In response to continuing efforts by the prosecutors to get her to admit that she felt some untoward pressure from the President, she testified—and you have seen this before as well:

> . . . did you feel pressured when he told you those statements?
>
> A. None whatsoever.
>
> Q. What did you think, or what was going through your mind about what he was doing?
>
> A. At the time I felt that he was—I want to use the word shocked or surprised that this was an issue, and he was just talking.
>
> * * * * *
>
> Q. That was your impression, that he wanted you to say—because he would end each of the statements with "Rights?," with a question.
>
> A. I do not remember that he wanted me to say "Right." He would say, "Right?" and I could have said, "Wrong."
>
> Q. But he would end each of those questions with a "Right?" and you could either say whether it was true or not true.
>
> A. Correct.
>
> Q. Did you feel any pressure to agree with your boss?
>
> A. None.

And so on a human level, a human level, we have the President, who has just seen his worst nightmare come true, and who knows that he is about to face a press tidal wave that will wash over him and his family and the country, and we have his secretary who knows of, indeed, has been a part of, his relationship with Monica Lewinsky but knows nothing about the long-since ended improper aspects of that relationship—we have a conversation that was the product of the emotions that were churning through the President's very soul on that day. What we do not have is an attempt to corruptly influence the testimony of the witness.

Only one pillar left. The managers ask the Senate to find that the President's conversations with Mr. Blumenthal and other aides was an effort to influence their testimony before the grand jury. Their theory, much as was true of some of their other theories, flounders on shoals that they don't account for. As they would have it, in the days immediately following the Lewinsky story, the President spoke with a few members of his senior staff, as they would allege, knowing that they would probably be grand jury witnesses and misled them about his relationship with Ms. Lewinsky, so that they would convey that misinformation to the grand jury when they were called.

Now, just so that you can see for yourself what the President testified to in the grand jury on the subject, I want to play about 3 or 4 minutes of that testimony for you.

(Text of videotape presentation:)

Q. If they testified that you denied sexual relations or relationship with Monica Lewinsky, or if they told us that you denied that, do you have any reason to doubt them, in the days after the story broke; do you have any reason to doubt them?

PRESIDENT CLINTON. No. The—let me say this. It's no secret to anybody that I hoped that this relationship would never become public. It's a matter of fact that it had been many, many months since there had been anything improper about it, in terms of improper contact. I—

Q. Did you deny it to them or not, Mr. President?

PRESIDENT CLINTON. Let me finish. So, what—I did not want to misled my friends, but I wanted find language where I could say that. I also, frankly, did not want to turn any of them into witnesses, because I—and, sure enough, they all became witnesses.

Q. Well, you knew they might be——

PRESIDENT CLINTON. And so——

Q.—witnesses, didn't you?

PRESIDENT CLINTON. And so I said to them things that were true about this relationship. That I used—in the language I used, I said, there's nothing going on between us. That was true. I said, I have not had sex with her as I defined it. That was true. And did I hope that I would never have to be here on this day giving this testimony? Of course. But I also didn't want to do anything to complicate this matter further. So, I said things that were true. They may have been misleading, and if they were I have to take responsibility for it and I'm sorry.

Q. It may have been misleading, sir, and you knew though, after January 21st when the Post article broke and said that Judge Starr was looking into this, you knew that they might be witnesses. You knew that they might be called into a grand jury, didn't you?

PRESIDENT CLINTON. That's right. I think I was quite careful what I said after that. I may have said something to all these people to that effect, but I'll also—whenever anybody asked me any details, I said, look, I don't want you to be a witness or I turn you into a witness or give you information that could get you in trouble. I just wouldn't talk. I, by and large, didn't talk to people about this.

Q. If all of these people—let's leave out Mrs. Currie for a minute. Vernon Jordan, Sid Blumenthal, John Podesta, Harold Ickes, Erskine Bowles, Harry Thomasson, after the story broke, after Judge Starr's involvement was known on January 21st, have said that you denied a sexual relationship with them. Are you denying that?

PRESIDENT CLINTON. No.

Q. And you've told us that you——

PRESIDENT CLINTON. I'm just telling you what I meant by it. I told you what I meant by it when they started this deposition.

Q. You've told us now that you were being careful, but that it might have been misleading. Is that correct?

PRESIDENT CLINTON. It might have been. Since we have seen this four-year, $40-million-investigation come own to parsing the definition of sex, I think it might have been. I don't think at the time that I thought that's what this was going to be about. In fact, if you remember the headlines at the time, even you mentioned the Post story. All the headlines were—and all the talking, people who talked about this, including a lot who have been quite sympathetic to your operation, said, well, this is not really a story about sex, or this is a story about subornation of perjury and these talking points, and all this other stuff. So, what I was trying to do was to give them something they could—that would be true, even if misleading in the context of this deposition, and keep them out of trouble, and let's deal—and deal with what I thought was the almost ludicrous suggestion that I had urged someone to lie or tried to suborn perjury, in other words.

Now, it is clear from that excerpt, I think, that in the hours and days immediately following the release of the Post story, the President was struggling with two competing concerns: How to give some explanation to the men and women he worked with every day, and worked with most closely, without putting them in a position of being grand jury witnesses. But he was not in any sense seeking to tamper with them or to obstruct the grand jury's investigation.

Putting aside for the moment our strenuous disagreement both with the factual underpinning of and the legal conclusions that flow from the managers' analysis of these events, I find it difficult to figure out how it is that they believe the President intended that his statement to Mr. Blumenthal or his statement to Mr. Podesta would involve their conveying false information to the grand jury, or that he sought in some fashion to send that message to the grand jury when, at the very moment that those aides were first subpoenaed, he asserted executive privilege to prevent them from testifying before the grand jury. For someone who wanted Mr. Blumenthal to serve, as the managers would have it, as his messenger of lies, that is strange behavior indeed.

Now, there is an issue here that I don't really want to get into at length, and I, not having heard the last 2 hours of the managers' presentation, don't know whether they are going to get into, and that is Manager GRAHAM's favorite issue, the question of whether there was some scheme to smear Monica Lewinsky—early, middle, or late. Other than to say that no such plan ever existed, I just want to ask the managers this. Although I must admit that for the first time in my life I have heard Marlene Dietrich's name used as a pejorative—what was Manager BRYANT saying about Ms. Lewinsky? That she was lying? That she misled the managers? That because her testimony helped the President, they were now going to attack her character and her integrity? I don't know how many of you have seen "Witness For The Prosecution," either before or after Mr. BRYANT used that example, but ask yourselves: What was he saying? What was he doing?

Ladies and gentlemen of the Senate, I don't know whether there is a market for used pillars, but they are all lying in the dust.

It is difficult for me as a lawyer, as an advocate for my client, to speak to this body about lofty constitutional principles without seeming merely to engage in empty rhetoric. But I would like to think, I guess, that if there were ever a forum in which I could venture into that realm, be excused for doing so, could be heard without the intervening filter of skepticism that I fear too often lies between lawyer and listener, this is the time and this is the moment. Only once before in our Nation's history has any lawyer had the opportunity to make a closing argument on behalf of the President of the United States and only once before has the Senate ever had to sit in judgment on the head of the executive branch.

We all must cast an eye to the past, looking over our shoulders to be sure that we have learned the right lessons from those who have sat in this Chamber before us. But we also must look to the future, to be sure that we leave the right lessons to those who come after us. We hope that no one will ever have need of them, but if they should, we owe them not only the proper judgment for today but the proper judgment for all time.

Now, you have heard the managers tell you very early on in these meetings that we have advanced a, quote, "so what" defense; that we are saying that the President's conduct is really nothing to be concerned about; that we should all simply go home and ignore what he has done. And that, of course, to choose a word that would have been familiar to the Framers themselves, is balderdash.

If you want to see "so what" in action, look elsewhere. "So what" if the Framers reserved impeachment and removal for only those offenses that threaten the state? "So what" if the House Judiciary Committee didn't quite do their constitutional job, if they took the independent counsel's referral and added a few frills and then washed their hands of it? "So what" if the House approved articles that wouldn't pass muster in any court in the land? "So what" if the managers have been creating their own theories of impeachment as they go long? And "so what," and "so what," and "so what?"

By contrast, what we offer is not "so what," but this: Ask what the Framers handed down to us as the standard for removing a President. Ask what impeachment and removal would mean to our system of government in years to come. Ask what you always ask in this Chamber: What is best for the country? No, the President wouldn't allow any of us to say "so what," to so much as suggest that what he has done can simply be forgotten. He has asked for forgiveness from his family and from the American people, and he has asked for the opportunity to earn back their trust.

In his opening remarks, Manager HYDE questioned whether this President can represent the interests of our country in the world. Go to Ireland and ask that question. Go to Israel and Gaza and ask that question. If you doubt whether he should, here at home, continue in office, ask the parent whose child walks safer streets or the men and women who go off to work in the morning to good jobs.

We are together, I think, weavers of a constitutional fabric in which all of us now are clothed and generations will be clothed for millennia to come. We cannot leave even the smallest flaw in that fabric, for if we do, one day someone will come along and pull a thread and the flaw will grow and it will eat away at the fabric around it and soon the entire cloth will begin to unravel. We must be as close to perfect in what we do here today as women and men are capable of being. If there is doubt about our course, surely we must take special care, as we hold the fabric of democracy in our hands, to leave it as we found it, tightly woven and strong.

Now, before today I wrote down the following: "The rules say that the managers will have the last word." Well, the rules today say the managers will have the last paragraphs. But that truly isn't so, because even when they are finished, theirs will not be the last voices you hear. Yes, one or more of them will now rise and come to the podium and tell you that they have the right of it and we the wrong, that our sense of what the Constitution demands is not theirs and should not be yours. That is their privilege.

But as each of them does come before you for the final time, and as you listen to them, I know that you will hear not their eloquence, as grand as it may be; not the pointed jibes of Manager HUTCHINSON nor the stentorian tones of Manager ROGAN nor the homespun homilies of Manager GRAHAM nor the grave exhortations of Manager HYDE, but voices of greater eloquence than any of us can muster, the voices of Madison and Hamilton and the others who met in Philadelphia 212 years ago, and the voices of the generations since, and the voices of the American people now, and the voices of generations to come. These, not the voices of mere advocates, must be your guide.

It has been an honor for all of us to appear before you in these last weeks on behalf of the President. And now our last words to you, which are the words I began with: William Jefferson Clinton is not guilty of the charges that have been brought against him. He did not commit perjury. He did not commit obstruction of justice. He must not be removed from office.

Thank you very much.

Mr. LOTT addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent we take a 15-minute recess.

There being no objection, at 4:19 p.m. the Senate recessed until 4:41 p.m.; whereupon, the Senate reassembled when called to order by the Chief Justice.

The CHIEF JUSTICE. The Senate will be in order. The Chair recognizes the majority leader.

Mr. LOTT. Mr. Chief Justice, I believe now we are ready to proceed with the managers from the House. I understand that they do have a 2-hour presentation. I will look for guidance from the Chief Justice about whether we should take a break for the last 45 minutes—that would be after Mr. Manager ROGAN—if at all.

The CHIEF JUSTICE. Very well.

The Chair recognizes Mr. Manager McCOLLUM.

Mr. Manager McCOLLUM. Thank you, Mr. Chief Justice and Members of the Senate.

At the outset of my closing remarks, I would like to lay the record straight on a couple of matters. With all due deference to White House counsel, the suggestion that Mr. Ruff made at the beginning of his closing, that we were somehow being unfair to him on the timing today of the rebuttal, seems to me to be a little strained. "Methinks thou doth protest too much," was a remark I used earlier, a quote from Shakespeare, and I think it is appropriate here, too, because if you recall, we had no rebuttal at all as you normally would have in the end of our case, to begin with. Secondly, we thought we ought to have live witnesses here. We haven't had those. The list could go on. I really don't think we are being unfair.

Secondly, I would like to make one correction and make a clear point. I am sure it was not intended, but in your remarks, I believe, Mr. Ruff, you indicated there was no history with regard to "beyond a reasonable doubt" standard. Maybe I misunderstood that, but I want the record to be clear that in the Claiborne case there was, in fact, a vote that took place here in the case of Judge Claiborne, 75–17, saying that that standard did not apply to impeachment cases.

Now, having said that, I would like to move on to my own thoughts. Notwithstanding the clever and resourceful arguments that White House counsel have made to you today, and in the past few weeks, I suspect that most of you—probably more than two-thirds—believe that the President did, indeed, commit most, if not all, of the crimes he is charged with under these articles of impeachment. I suspect that a great many of you share my view that these are high crimes and misdemeanors.

But nonetheless, it is my understanding that some of you who share these views are not prepared to vote to convict the President and remove him from office. That instead, you are of the mind at the moment—subject to our persuading you otherwise —in your own debate, to acquit him.

Ultimately, the choice is yours, not ours. But I would like to spend a few moments with you reviewing just a few of the facts—not many—and suggesting to you what I believe we managers would believe would be some very significant negative consequences of failing to remove this President.

Having heard all of the evidence over the past few days and weeks, there should be little doubt that beginning in December 1997 William Jefferson Clinton set out on a course of conduct designed to keep from the Jones court the true nature of his relationship with Monica Lewinsky. Once he knew he would have to testify, he knew he was going to lie in his deposition. And he knew he was going to have to lie, not only himself but get Monica Lewinsky to lie—if he was going to be successful—and he was going to have to get his personal secretary to lie about his relationship, and have his aides and others help cover them up if he would be successful in lying in the Jones court deposition.

He did all of these things. And then he chose to lie to the grand jury again, because if he did not, he would have not been able to protect himself from the crimes he had already committed.

No amount of arguments by White House counsel can erase one simple fact: If you believe Monica Lewinsky, you cannot believe the President. If you believe Monica Lewinsky, the President committed most of the crimes with which he is charged in these arguments today.

For example, while the President did not directly tell her to lie, he never advised her what to put in her affidavit, she knew from the December 17 telephone conversation with the President that he meant for her to lie about the relationship and file a false affidavit, and he would lie as well.

I want to refresh your recollection. These charts we put up some time before—you have them in front of you. This is a direct quote from her. We showed this on television Saturday, where she was reading from her grand jury deposition and confirming, this is, indeed, what she said and what she—her interpretation of that affidavit, phone conversation, despite everything else you heard.

She said:

> For me, the best way to explain how I feel what happened was, you know, no one asked me or encouraged me to lie, but no one discouraged me either. . . .
>
> . . . It wasn't as if the President called me and said, "You know, Monica you're on the witness list, this is going to be really hard for us, we're going to have to tell the truth and be humiliated in front of the entire world about what we've done," which I would have fought him on probably. That was different. And by him not calling me and saying that, you know, I knew what that meant. . . .

"I knew what that meant."

She lied in that affidavit. The President, clearly, intended to influence her by suggesting the affidavit and all the other things that went on in that conversation, and all of the circumstances that were there.

Monica Lewinsky was equally clear in her testimony to you Saturday that Betty Currie called her about the gifts, not the other way around. And surely nobody believes that Betty Currie would have called Monica Lewinsky about the gifts on December 28 unless the President had asked her to do so.

And then the day after the President's deposition in the Jones case, the President clearly committed the crimes of witness tampering and obstruction of justice when, in logical anticipation of Betty Currie being called as a witness, he said to Betty Currie, "You were always there when she was there, right? We were never really alone. You could see and hear everything. Monica came on to me and I never touched her, right? She wanted to have sex with me and I can't do that."

I am not going to rehash all of the evidence in this case again, but it is my understanding that some of you may be prepared to vote to convict the President on obstruction of justice and not on perjury. I don't know how you can do that. I honestly don't know how anybody can do that. If you believe Sidney Blumenthal's testimony that the President told him that Monica Lewinsky came at him and made a sexual demand and that he rebuffed her and that she threatened him and said she would tell people they had had an affair, and that she was known as a stalker among her peers, surely you must conclude that the President committed perjury when he told the grand jury that he told his aides, including Blumenthal, nothing but the truth, even if misleading.

The exact quotes, people are worried about the exact quotes. What are the words?

> And so I said to them things that were true about this relationship . . . so, I said things that were true. They may have been misleading . . . so, what I was trying to do was to give them something that could—that would be true, even if misleading. . . .

That was played on television in the White House presentation a few minutes ago. That was perjury. What he told Sidney Blumenthal was not true. It wasn't just misleading, it was not true. And he knew it was not true and it was perjury in front of the grand jury.

If you believe the President committed the crimes of witness tampering and obstruction of justice when he called Betty Currie to his office the day after his deposition and told her, "You were always there when she was, right"—the ones I just read to you, and the other statements to coach her—surely you must also conclude that the President committed perjury before the grand jury when he told the grand jurors his purpose in making these statements.

These are his exact words to the grand jurors:

> I was trying to figure out what the facts were. I was trying to remember. I was trying to remember every time I had seen Ms. Lewinsky.

That is not true. He knew that was not true. That is not what he was doing. No one can rationally reason that that is what he was trying to do when he made the coaching statements to Ms. Currie. That was perjury in front of the grand jury.

And then we have heard a lot of talk about the civil deposition. Nobody is trying to prove up that deposition or is lying in here today. Nobody is trying to use that as a duplication or anything else of the sort. But the President said before the grand jurors:

> My goal—

Talking about the Jones case deposition—

> in this deposition was to be truthful . . . .

That is the lie. That is the perjury. That is as simple as the second count of the perjury article is. Does anybody believe, after hearing all of this, that the goal of the President in the Jones deposition was to be truthful? He lied to the grand jury and committed perjury.

Last but not least, if you believe Monica Lewinsky about the acts of a sexual nature that they engaged in, how can you not conclude the President committed perjury when he specifically denied those acts? Those were very explicit. Mr. Ruff suggested that maybe this is a subjective question. Maybe about the interpretation of the definition you might call it subjective. We are not going to go over it again today, but he used specific words that he confirmed were in that definition and said, "I did not do those things. I did not touch those parts." Monica Lewinsky, if you believe her, testified that he did do those things—many times.

He committed perjury when he said he didn't do those things, if you believe Monica Lewinsky. If you are going to vote to convict the President on the articles of impeachment regarding obstruction of justice, I urge you in the strongest way to also vote to convict him on the perjury article as well. I think you would be doing a disservice not to do that, and it would be sending a terrible message about perjury and the seriousness of it for history and to the American people.

As you have seen in the Federal Sentencing Guidelines, which Mr. Ruff talked about a while ago, perjury and obstruction of justice do have, under the baseline guidelines, a higher amount of sentencing than simple, plain "vanilla" bribery does. That is where they start. He is right, you can get enhancements for aggravating circumstances for bribery in certain cases, and you can get a greater sentence. But so can you get a greater sentence for perjury if there was a significant effort to wrongfully influence the administration of justice, for example; and you can get a significantly enhanced sentence for perjury if you committed perjury, and so on.

We didn't choose to bring up a litany and show all the enhancements. Of course, you can do that. But for the pure base, there is no question about it.

The other significant thing that you will recall I brought up—some of us did—a couple of weeks ago is witness bribery. Bribing a witness is treated more severely under sentencing guidelines for base sentencing than ordinary bribery is. Clearly, all three are high crimes and misdemeanors.

What are the consequences of failing to remove this President from office if you believe he committed the crimes of perjury and obstruction of justice? What are the consequences of failing to do that? What is the downside?

First, at the very least, you will leave a precedent of doubt as to whether perjury and obstruction of justice are high crimes and misdemeanors in impeaching the President. In fact, your vote to acquit under these circumstances may well mean that no President in the future will ever be impeached or removed for perjury or obstruction of justice. Is that the record that you want?

Second, you will be establishing the precedent that the standard for impeachment and removal of a President is different from that of impeaching or removing a judge or any other official while, arguably—although it never happened—a Federal judge could be removed for the lesser standard under the good behavior clause of the Constitution. Such a removal would have to be by a separate tribunal, by a procedure set by statute, because under the impeachment provisions of the Constitution which all judges have been removed under previously, the same single standard exists for removing the President as for removing a judge. That standard is that you have to have treason, bribery, or other high crimes and misdemeanors.

So while the Constitution on its face does not make a distinction for removing a President or removing a judge, if you vote to acquit, believing that the President committed perjury and obstruction of justice, for all times you are going to set a precedent that there is such a distinction.

Third, if you believe the President committed the crimes of perjury and obstruction of justice and that they are high crimes and misdemeanors, but you do not believe a President should be removed when economic times are good and it is strongly against the popular will to do so, by voting to acquit you will be setting a precedent for future impeachment trials.

Can you imagine how damaging that could be to our constitutional form of government, to set the precedent that no President will be removed from office for high crimes and misdemeanors unless the polls show that the public wants that to happen? Would our Founding Fathers have ever envisioned that? Of course not. Our Constitution was structured to avoid this very situation.

Fourth: Then there is what happens to the rule of law if you vote to acquit. What damage is done for future generations by a vote to acquit? Will more witnesses be inclined to commit perjury in trials? Will more jurors decide that perjury and obstruction of justice should not be crimes for which they convict? No military officer, no Cabinet official, no judge, no CEO of a major corporation, no president of a university, no principal of a public school in this Nation would remain in office, no matter how popular they were, if they committed perjury and obstruction of justice as charged here.

To vote to acquit puts the President on a pedestal which says that, as long as he is popular, we are going to treat him differently with regard to keeping his job than any other person in any other position of public trust in the United States of America. The President is the Commander in Chief; he is the chief law enforcement officer; he is the man who appoints the Cabinet; he appoints the judges.

Are you going to put on the record books the precedent that all who serve under the President and whom he has appointed will be held to a higher standard than the President? What legacy to history is this? What mischief have you wrought to our Constitution, to our system of government, to the values and principles cherished by future generations of Americans? All this because—I guess this is the argument—Clinton was elected and is popular with the people? All this, when it is clear that a vote to convict would amount to nothing more than the peaceful, orderly, and immediate transition of government of the Presidency to the Vice President?

William Jefferson Clinton is not a king; he is our President. You have the power and the duty to remove him from office for high crimes and misdemeanors. I implore you to muster the courage of your convictions, to muster the courage the Founding Fathers believed that the Senate would always have in times like these. William Jefferson Clinton has committed high crimes and misdemeanors. Convict him and remove him.

I yield to Mr. CANADY.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager CANADY.

Mr. Manager CANADY. Thank you, Mr. Chief Justice.

Members of the Senate, during the next few minutes I would like to address the constitutional issue you are called on to decide in this case: Are the crimes charged against the President offenses for which he may be removed from office? Are these crimes high crimes and misdemeanors? Are these crimes that proceed, as Alexander Hamilton said, "from the abuse or violation of some public trust"?

The President's lawyers have argued vigorously that even if all the charges against the President are true, the Constitution forbids the removal of this President. They contend that this isn't even a close case, that the crimes charged against the President are far removed from the constitutional category of high crimes and misdemeanors—a category of offenses they have sought to restrict narrowly to misconduct causing ruinous harm to the system of government.

While the President's lawyers have been consistent in urging a narrow and restricted understanding of the impeachment and removal power, they have not been—and I repeat—they have not been consistent in describing the standard used to determine if high crimes and misdemeanors have been committed.

In their submission to the House of Representatives they stated unequivocally that "the Constitution requires proof of official misconduct for impeachment." Those are their words. I quote them again. "The Constitution requires proof of official misconduct for impeachment." Indeed, that statement was the primary heading for their whole argument on constitutional standards. And likewise, in their trial memorandum submitted to the Senate, they argue that impeachment should not be used to punish private misconduct.

Subsequently they have apparently abandoned this position, recognizing that it would lead to the absurd result of maintaining in office Presidents who were undoubtedly unfit to serve. They now begrudgingly concede that a President is not necessarily impeached and removed simply because these crimes did not involve the abuse of powers of his office. They have been driven to concede there are at least some circumstances in which a President may be removed for crimes not involving what they call "official misconduct." But, of course, they contend that the circumstances in this case don't even justify consideration of removal.

In the proceedings in the House and in their trial memorandum submitted to the Senate, the President's lawyers made much of the argument that tax fraud by a President of the United States would not be sufficiently serious to justify impeachment and removal. I had mentioned this before in these proceedings. And I mention it again now because it vividly demonstrates the low standard of integrity, the pathetically low standard of integrity that would be established for the Presidency if the arguments of the President's lawyers are accepted by the Senate.

Perhaps I missed something. But I do not recall any mention of the tax fraud issue by the President's lawyers in the course of their various presentations to the Senate. Could it be that the President's lawyers have come to understand that the argument that tax fraud is not an impeachable offense does not strengthen their case, but on the contrary highlights the weakness of their case? Tax fraud by a President, like lying under oath and obstruction of justice by a President in this case, would of course be wrong. It would be shameful, indefensible, unforgivable, but—this is the big "but"—it would not be impeachable, they say; not even a close case. Bad? Yes. But clearly not impeachable. And why that? Why would it not be impeachable? Why is it clearly, unquestionably unimpeachable? This is the answer. This is the heart and soul of the President's defense. Tax fraud and a host of undefined other crimes, like lying under oath and obstruction of justice in this case, are just not serious enough for impeachment and removal. That is the answer. That is the defense. It is just not serious enough. All the grand legal argument, all the fine legal distinctions come down to the simple, this marvelously simple proposition. It is just not serious enough.

Let me refer you once again to a statement from the 1974 Report on Constitutional Grounds for Presidential Impeachment prepared by the staff of the Nixon impeachment inquiry. I want to cite a portion of that report that I have previously cited to you. The President's lawyers have also cited this very same statement in both their trial memorandum and their argument during these proceedings.

This is what the report says:

> Because impeachment of a President is a grave step for the Nation it is to be predicated only upon conduct seriously incompatible with either constitutional form and principles of our government or the proper performance of constitutional duties of the Presidential office. For our purposes now, impeachment is to be predicated only upon conduct seriously incompatible, or the proper performance of constitutional duties of the Presidential office.

That is a standard the managers accept. That is a standard the President's lawyers apparently also accept, and that is a standard I hope all 100 Members of the U.S. Senate could accept. I believe we can reach agreement on this standard. The problem comes, of course, in applying the standard. There is the rub. A wide gulf separates us on how this standard should be applied. The President's lawyers say that under this standard the case against the President isn't even worth considering. The managers argue on the contrary, that a conscientious application of the standard leads to the firm conclusion that the President should be convicted and removed.

Our fundamental difference goes to the issue of seriousness. It all goes back to the claim of the President's lawyers that his offenses just are not serious enough to justify removal.

I think we have agreement that obstruction of justice and lying under oath are incompatible with the proper performance of the constitutional duties of the Presidential office. A President who has lied under oath and obstructed justice has by definition breached his constitutional duty to take care that the laws be faithfully executed.

Such conduct is directly and unambiguously at odds with the duties of this office. So far so good. But here is the real question. Is that conduct seriously incompatible with the President's constitutional duties?

That is the question you all must answer. If you say yes, it is seriously incompatible, you must vote to convict and remove the President. If you say no, you must vote to acquit.

The President's defenders have not offered a clear guide to determining what is serious enough to justify removal. Instead, they have simply sought to minimize the significance of the particular offenses charged against the President.

Today we heard and attempt to minimize the significance of perjury. I was somewhat amazed to hear that. There was no mention made of what the first Chief Justice of the United States, Justice Jay, had to say about perjury, being of all crimes the most pernicious to society. That was omitted from the President's analysis.

But let me say this: I believe that we should focus on any mitigating circumstances. We should also focus on the aggravating circumstances that relate to the particular facts of a given case. I would like to briefly review the factors advanced at mitigating the seriousness of the President's crimes.

We all know what the leading mitigating factor is. We have all heard this 1,000 times. It goes like this: The offenses are not sufficiently serious because it is all about sex. This is directly linked to the claim that the President was simply trying to avoid personal embarrassment in committing these crimes. The problem with this argument is that it proves too much.

It is very common for people to lie under oath and obstruct justice to do so at least in part to avoid personal embarrassment. People engage in such conduct in their efforts to extricate themselves from difficulty and embarrassing situations. To a large extent, the offenses of President Nixon could be attributed to his desire to avoid embarrassing revelations. Did that reduce his culpability? Did that lessen the seriousness of his misconduct? The answer is obvious. It did not.

The desire to avoid embarrassment is not a mitigating factor. Likewise, the nature of the precipitating misconduct of a sexual affair does not mitigate the seriousness of the President's crimes. If you accept the argument that it is just about sex, you will render the law of sexual harassment virtually meaningless. Any defendant guilty of sexual harassment would obviously have an incentive to lie about any sexual misconduct that may have occurred. But no one—no one—has the license to lie under oath about sex in a sexual harassment case or a divorce case or any other case.

I would suggest to you that an objective review of all the circumstances of this case—and you need to look at all of the circumstances, all of the facts in context—if you do that, you will be pointed not to mitigating factors, but to aggravating factors.

The conduct of the President was calculated and sustained. His subtle and determined purpose was corrupt. It was corrupt from start to finish. He knew exactly what he was doing. He knew that it was in violation of the criminal law. He knew that people could go to prison for doing such things. He knew that it was contrary to his oath of office. He knew that it was incompatible with his constitutional duty as President. And he most certainly knew that it was a very serious matter. I am sure he believed he could get away with it, but I am equally sure that he knew just how serious it would be if the truth were known and understood.

He knew all these things. In the midst of it all, he showed not the slightest concern for the honor, the dignity, and the integrity of his high office. When he called Ms. Lewinsky at 2:30 in the morning, he was up to no good, just as my colleague, Mr. GRAHAM, noted. He knew exactly what he was doing. When he called Ms. Currie into his office twice and told her lies about his relationship with Ms. Lewinsky, he knew exactly what he was doing.

When he sent Ms. Currie to retrieve the gifts from Ms. Lewinsky—and that is the only way it happened—he knew exactly what he was doing. He was tampering with witnesses and obstructing justice. He was doing everything he could to make sure that Paula Jones did not get the evidence that a Federal district judge had determined and ordered that she was entitled to receive. He was doing everything he could to avoid adverse legal consequences in the Jones case. That is what he planned to do, and that is what he did. And to cap it all off, he went before the Federal grand jury and lied.

Whatever you may think about the President's testimony to the grand jury, one thing is clear. He didn't lie to the grand jury to avoid personal embarrassment. The DNA on the dress had ensured his personal embarrassment. There was no avoiding that. There was no way to explain away the DNA. The stakes were higher before the Federal grand jury. This wasn't about avoiding personal embarrassment. This wasn't about avoiding liability in a sexual harassment case. This was a Federal criminal investigation concerning crimes against the system of justice. This was about lying under oath and obstructing justice in the Jones case.

And what did he do when he testified to the grand jury? He said anything he thought he needed to say to avoid responsibility for his prior crimes. The prosecutors went down to the White House, and William Jefferson Clinton sat there as President of the United States in the White House and he lied to a Federal grand jury. He sat there in the White House and he put on his most sincere face. He swore to God to tell the truth, and then he lied. He planned to lie, and he executed his plan because he believed it was in his personal and political interests to lie. Never mind the oath of office. Never mind the constitutional duty. Never mind that he solemnly swore to God to tell the truth.

Now, ask yourself this simple question: Was this course of conduct seriously incompatible with the President's duty as President? If this doesn't fall within the meaning of the offenses Alexander Hamilton described as "proceeding from the abuse or violation of some public trust," tell me what would. I would respectfully suggest to you that this is exactly the sort of conduct that the Framers had in mind when they provided a remedy for the removal of the Chief Executive who is guilty of misconduct. I believe that they would have rejected the argument that this deliberate, willful, stubborn, corrupt course of criminal conduct just isn't serious enough for the constitutional remedy the Framers established, a remedy that they designed to protect the health and integrity of our institutions.

Those who established our Constitution would have understood the seriousness of the misconduct of William Jefferson Clinton. They would have understood that it was the President who has shown contempt for the Constitution, not the managers from the House of Representatives. They would have understood the seriousness of the example of lawlessness he has set. They would have understood the seriousness of the contempt for the law the President's conduct has caused. They would have understood the seriousness of the damage the President has done to the integrity of his high office. Those wise statesmen who established our form of government would have understood the seriousness of the harm President Clinton has done to the cause of justice and constitutional government. They would have understood that a President who does such things should not remain in office with his crimes.

Ladies and gentlemen of the Senate, for the sake of justice and for the sake of the Constitution, this President should be convicted and removed.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager BRYANT.

Mr. Manager BRYANT. Thank you, Mr. Chief Justice.

Members of the Senate, the distinguished colleagues of the bar representing the President, I want to commend them for an outstanding effort that they have made throughout these proceedings and tell them that I just read a poll from a couple days ago, that something over 80 percent of the American people believe the President is guilty of something here. But I think that moots our entire debate. I don't think there is any need to even talk about the facts any longer because of the poll.

I use that tongue in cheek because that seems to beg the question that we are also going to talk about today, and that is whether the President ought to be removed for his conduct. And one of the arguments I have heard put forward since we have been here is the fact that the polls support this President and that the stability issue would be in play. And that is simply not the case because we all clearly understand that it is this body's function to determine not only the facts of this case, but also apply to it the law, as well as the constitutional law as to the removal and conviction process.

I still remain concerned with opposing counsels' continued reference that the House managers want to win too much. I know I am not that eloquent, but I did try to make that point the other day, and I will make it again. If I have to take an oath to tell the truth, the whole truth, and nothing but the truth, I will do that and tell you we are not trying to win at all costs. This has been a process that I think has been healthy for this country, and regardless of the outcome—it is going to be in your hands very shortly. Regardless of the outcome, this country will benefit not only in the short term but in the long term from this debate.

There are many, many other issues at stake here, and I tried to tell you a few the other day, without this concept that all we want to do is win, as if it is a simple game. We have been over the last 4 weeks, as men and women, as ordinary men and women I might say, involved in an extraordinary process. It is uniquely thorough. And we have tried to blend the facts of this case with the law of the charges, together with the politics and the polls and the media, and we have had to make some tough decisions. We have had to make some difficult decisions—I know we have on our side—as to what witnesses to call, how to treat these witnesses in depositions. I know on this side they have had to make difficult calls, I am sure. There has been some talk about having the President come down or not coming down. And what has in large part made this process distinct from past impeachments—and I am talking about the one last century of the President—and the subsequent judicial impeachments has been just, it seems, the media and the daily grind on all of us, the critiques. It is almost as if we are performing, we are in a play, and every day we get a review. We have been good, bad or indifferent.

What concerns me most about that is that as you move to the very serious issue of deciding whether or not this President should be convicted based on the facts, and whether this President should be removed, I am concerned that people are stretching the trees. And if that is what you see on TV and that is what you read in the paper, you are going to see the trees and not the forest here and miss the big picture.

That is so important. It is not about the personalities of these people or the personalities here or the politics involved or the polls, but it is about the facts. And ladies and gentlemen of the Senate, there are conclusive facts here that support a conviction. The President and his attorneys, as I said the other day, have made a good defense and have tried to paint a picture to the facts I think that simply does not match with logic or common sense.

Take, for instance, the affidavit. Now, we continue to see Ms. Lewinsky testifying on video that she never talked with the President that night or never made—about linking the false story, the concocted story with the affidavit. And Mr. Ruff, I think, challenged people to say, well, what do you think the President meant to do that night when he called her at 2:30 in the morning?

Well, what do you think he intended to do in that call at 2:30 in the morning? Do you think he called her to tell her he had a Christmas present for her, or do you think his intent was to tell her, which he did, that you have been listed on the witness list and you could be subpoenaed. And, you know, you might give an affidavit to avoid testifying. He suggested the affidavit, and then he said in that same conversation, well, you know, you can always use that cover story.

Why would he suggest using a cover story that night? Were they even seeing each other then? It belittles all reasonable judgment to accept this type of defense of this conduct, that it was an innocent phone conversation, the President really meant nothing by it, and the fact that Ms. Lewinsky said, well, I didn't connect the two. But look at what she did. She went to her lawyer and used that concocted story in an affidavit that she filed in the case.

Now, it was in the draft affidavit. They took that out later for other reasons. But she did tell her lawyer that, and they attempted to use it. But, again, it is the President's state of mind that matters and what his intent was on the false affidavit.

And then that same false affidavit was later used in the court, and the President knew it was false. He knew it was false—used in the deposition. And we have seen the deposition testimony, with the President sitting, listening to his lawyer talk about that affidavit when he submitted it. And he obstructed justice by not objecting at that point, not instructing his own lawyer: Don't put that false evidence into this testimony.

People stand up and laugh and say, you know, he was not paying any attention, and they got this silly affidavit from this guy who was there and said he was looking at his lawyer but he couldn't tell what he was thinking. Of course he couldn't tell what he was thinking. Nobody is a mind reader. But this was a critical affidavit at that time which was going to cut off critical testimony in that case, and you can just about guarantee, I would say 100 percent, that the President was indeed listening very carefully, knew that his lawyer was submitting a false affidavit, and did nothing to stop it. That is another count of obstruction of justice.

Tampering with Betty Currie—two occasions. And they say, well, nothing happened between the first time and the second time. I am not so sure legally that matters. It was 2 or 3 days after it happened, 2 or 3—the day following his deposition and 2 or 3 days after that. Initially, remember his defense was: I was simply trying to recall what happened. And then we brought up the fact: Why did you go the second time? Did you have a short memory? Didn't you get it right the first time? And now we hear the defense today that nothing really changed and it is really one issue there, one big tampering rather than two attempts to tamper—still obstruction of justice.

The job situation Mr. HUTCHINSON will talk about later. Mr. Blumenthal, the same thing; I am sure Mr. ROGAN will talk about him in a minute.

But if you will look carefully, you will see that the President is the only thread that goes from each one of these, from the very beginning, from the point when he met Monica Lewinsky and from that point when he looked at that pink pass and said: You know, that's going to be a problem. And you know why that was going to be a problem. Because that limited her access to this President and what he was going to do. But from that point until they terminated the relationship, this President is involved in each one of these issues of the obstruction of justice.

It is always him, by himself, testifying falsely, sitting there letting his lawyers submit a false affidavit, or it is him and one other person—he and Monica Lewinsky talking about filing a false affidavit; he and Monica Lewinsky talking about a concocted story to testify. He and Betty Currie on two occasions: Betty, you remember the testimony was like this.

He and John Podesta, Sidney Blumenthal, the many aides—talking to them individually, giving them a false story. As Mr. HUTCHINSON pointed out so well in his argument the other day, it is always a private issue in terms of no one else knows what is going on. Vernon Jordan didn't know what was happening with the affidavit, necessarily. Betty Currie didn't understand what was happening with the affidavit, or the job search, to the point that they knew what was going on. Look at and analyze each one of these and you will see that there is a compartmentalization going on with this President. And he is at the center of it each time.

Now, what do we do with it? What do you do with it? It is going to be in your hands very shortly, and I want to address just a couple of points on the constitutional issue of the conviction and the removal, because White House counsel very, very well argued the issue of proportionality. And, again, proportionality simply means that the legacy of this Senate and this Congress will be that we have destroyed sexual harassment laws because what we are going to say—when you argue that proportionality, think about what it is.

We have heard this issue about, "Well, back in my hometown, 80 percent of the people who get divorces lie about this issue." Certainly we don't want that to be the legacy of this Congress, that we legitimate lying in divorce cases; nor would we want to have the legitimacy of this Congress being that we did not support the sexual harassment laws, because you know and I know that this is an important part. Going back and getting accurate, truthful testimony is absolutely essential in these types of cases. And if we send a message out on the proportionality theory that it is just about sex and you can lie about it, it will be the wrong thing to do.

The laws, like the facts, are a very stubborn thing. And the fact that the economy is good and people are doing well—if the law has been broken, if perjury has been committed, if obstruction of justice has been committed by this President, it is my belief that the fact that the economy is good should not prevent this Senate from acting and removing the President. Just as if the economy were bad, you wouldn't want to be able to go in there and impeach the President because it is bad, you don't want to not impeach him simply because the economy is good.

It is a difficult task. We have had a difficult task bringing this case over to you. And I thank you. You have been here the 4 weeks in attendance. You paid attention. When it was your turn to ask questions, you asked very good questions. You have been ready to listen and I thank you for that.

You have a difficult task ahead of you. I know when I voted on this I thought, "If this were a Republican President, what would I do?" It is a tough choice. And I said, "But I really think I would have voted the same way I voted even if it were a Republican President." I know. Like Mr. CHABOT, I voted for Mr. Carter in 1976. I voted for Mr. Reagan in 1980, I might add, but I voted for Mr. Carter in 1976 after the 1974 incident.

It is tough. And what has made it awfully hard is that you all have also taken an oath to do impartial justice. I simply ask you, as you consider these facts and do impartial justice, that you set a standard that, if you believe the President indeed did commit either perjury or obstruction of justice or both of those, that you set that standard high for the President, for the next President, for the next generations; you set that standard high for our courts that have to deal with perjury and obstruction every day, with people who are less than the President but yet who are watching, watching very closely what we do up here. But set that standard high for the President. Don't lower our expectation in what we expect of the President. And I think if you do that, if you look high, if you set the standard high, that the right thing will be done.

I have confidence and have trust, and have just been so pleased with the way we have been received here. I know you will do the right thing.

I apologize to you, as I will be talking to you probably for my last time, if I have come across being up here preaching to you. It is not my intent to lecture you. You do not need any lectures from me or anyone else to preach to you. I hope I have had that opportunity to rebut some of the area—the proof in the area that I am in charge of. But I will just simply sit down by telling you there is conclusive proof here, particularly in terms of the obstruction of justice charges, of the hiding of the evidence, of the filing of false affidavit.

I think I did skip over the hiding of the evidence. Let me just quickly say, I am not sure a lot new can be added to what was said in the past. But if Monica is telling the truth, as her lawyers or as the President's lawyers seem to tell you, that is a no-brainer there, because she says, "I know for a fact that Ms. Currie called me, that she initiated the call." And as I told you the other day, from that point forward it seems to me a moot issue, because the initiation of the phone call by Betty Currie began a process to hide that evidence. And the only way that Betty Currie would have known to make that call, to begin that process of hiding evidence, would be to have had a conversation with the President, to have been instructed that way.

For the President, whose intent was to conceal the relationship, it would have been totally inconsistent for him to suggest that she turn the evidence over. It would have been totally consistent for him to ask Betty Currie to go out and hide the evidence, get it from Ms. Lewinsky and hide the evidence.

As I close, let me just tell you, too—on the heels of Mr. CANADY—that there are law professors who testified in our hearing who have the contrary view to the view that was expressed by other law professors that Mr. Ruff referred to, that it is constitutional to impeach a President for conduct that is not clearly official, that might be described as personal, particularly conduct of perjury or obstruction of justice.

Professor Turley says:

> In my view, serious crimes in office, such as lying under oath before a federal grand jury, have always been "malum in se" conduct for a president and sufficient for impeachment.

Professor John McGinnis of Benjamin Cardozo Law School says that obstruction of justice is clearly within the ambit of high crimes and misdemeanors.

If there is any question of this private conduct versus personal conduct, that view is out there. Given the right type of personal misconduct, it is clearly an impeachable offense. With that, I call Mr. Manager HUTCHINSON to follow me.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager HUTCHINSON.

Mr. Manager HUTCHINSON. Thank you, Mr. Chief Justice.

Ladies and gentlemen of the Senate, when I was appointed as a manager, I hoped to present the case before the Senate with my colleagues in a manner that was consistent with the dignity of this great body and also respectful of the constitutional independence of the Senate. I hope that you agree and believe that we have done that as we have come over here.

During the months of this trial process, I have grown to appreciate the institution of the Senate to a greater degree than ever before, but I think of even more importance to me, I have grown to respect the individuals that comprise this body more than ever. Let me say, it has been a privilege to appear before you.

As we come to the close of this case, let's go to the key questions that should be on your mind. First of all, has the obstruction of justice and perjury cases been proven? Have the allegations been proven? My colleagues have touched upon the perjury. Let me talk about article II on the obstruction of justice.

The White House defense team, composed of extraordinarily distinguished and talented attorneys, has tried to diminish the significance of the overwhelming facts on obstruction by using certain phrases such as, "It's all circumstantial," or "The managers ignore those stubborn facts," or "They want to win too badly," or "It's a shell with no shell." And today the latest catch phrase, "moving targets, empty pots."

Those are certainly quotable phrases designed to diminish the factual presentation with dripping sarcasm, but I believe that they ignore the underlying facts, testimony, and evidence that has been presented.

Let me just address a couple of arguments that Mr. Ruff has presented during his presentation.

The first argument that he presented as he described it was a technical argument, that the article II obstruction of justice charge in the articles of impeachment on the lying to the aides was not really in reference to the Federal civil rights case, and that is a true statement. But if you read article II, paragraph 7, it refers to this and says:

> . . .The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury, causing the grand jury to receive false and misleading information.

The article is appropriately drafted, is well stated, and gives them total notice as to what that charge is about.

Some of the other arguments have been handled by my colleagues, but Mr. Ruff also said, Why have the managers never, never explained, if this is such an urgent matter for the President, why did he wait until December 17 to tell Ms. Lewinsky that she was on the list?

I am afraid Mr. Ruff failed to listen to my opening presentation when I went through that timeframe. In that timeframe, the witness list came out on December 5, it continued to accelerate, December 11 was Judge Wright's order. Then it was December 17 that the call was made at 2 a.m. in the morning to let Ms. Lewinsky know she was on the list. Why was it December 17? This is in the President's mind. No one knows why he picked that particular date, but perhaps it was that the job search was well underway then. He felt like she could handle this distressing information and, in fact, on the day after that call, she already had two interviews lined up on that same day, December 18, set up by Mr. Jordan. So perhaps it was an appropriate time to let her know she was on the witness list.

They raised the question about the Christmas gifts. You have the testimony of Betty Currie, you have the testimony of Ms. Lewinsky, and the issue is simply: Do you believe Monica Lewinsky? If you accept her reluctant testimony, yet forceful and clear testimony, that the call came from Betty Currie, then you have no choice but to conclude that the retention of the gifts, the retrieval of the gifts was initiated by the President of the United States.

When you go to the job search, and they point to the testimony, they played the video of Mr. Jordan who said that there was never a conversation in which both the job and the false affidavit were discussed together, they cut it off at that point. You remember I had a "but" in there. If you had heard further beyond that, you would have heard me cross-examining Mr. Jordan, as I did, and reminding him of his previous testimony in which he acknowledged that in every conversation with Ms. Lewinsky, they talked about the job. So he acknowledged that they talked about the job and the affidavit all in the same conversation together.

Mr. Ruff makes the point that the managers got close enough to accuse Mr. Jordan of telling Ms. Lewinsky to destroy the notes, implying that we are making up this. But is this evidence that is coming from the managers? It is my recollection that it is testimony coming from Ms. Monica Lewinsky. We are not concocting this. It is testimony from witnesses that have been brought before this body, whose sworn testimony you have received, whose sworn testimony they defended and rely upon, but when it comes to this, they say, "No, it's the managers."

Then they come to another pillar of obstruction, the one that they avoid at every opportunity, but finally addressed today, and that is the coaching of Betty Currie. I was interested that they finally talked about this, the first coaching incident and then the second one. Mr. Ruff tried to go into that it is clear that it occurred on January 20 rather than 21. In fact, it is her testimony that it occurred on one of those days. But they miss the point.

The legal significance of the second coaching episode is that it totally goes against the defense of the President—that it was there, he was doing this to acquire information, to get facts, to help in media inquiries.

If that is the case, there is absolutely no reason for it to be done on the second occasion and, clearly, she was known to be a witness at that time, and that is the legal significance.

It goes to his intent, his motive, what he is trying to do to a subordinate employee. The fact of this matter is that this is not a case that is based upon circumstantial evidence. On each element of obstruction, there is direct testimony linking the President to a consistent pattern of conduct designed to withhold information, conceal evidence and tamper with witnesses to avoid obedience and directives of a Federal court.

Let's look at the direct proof, not circumstantial evidence, but direct testimony.

What did Vernon Jordan testify as to the President's involvement in the job search?

Question to Mr. Jordan:

> You're acting in behalf of the President when you're trying to get Ms. Lewinsky a job and you were in control of the job search?

His answer:

> Yes.

He was acting at the direction of the President and he was in control.

What did Vernon Jordan testify he told the President when a job was secured for a key witness and the false affidavit was signed?

> Mr. President, she signed the affidavit, she signed the affidavit.

Then the next day, the job is secured and the report to Betty Currie, the report to the President, "Mission accomplished."

Is this circumstantial evidence? This is direct testimony by a friend and confidante of the President, Vernon Jordan.

Who is the one person who clearly knew all of the ingredients to make the job search an obstruction of justice? It was the President who knew he had a dangerous relationship with Ms.

Lewinsky. He knew his friend was securing a job at his direction, and he knew that a false affidavit was being procured at his suggestion. He was the one person who knew all the facts.

Fourthly, Ms. Lewinsky, is this circumstantial evidence or direct testimony when she talked about what the President told her on December 17? She was a witness, and immediately following the fact she was a witness, the suggestion that she could use the cover stories, the suggestion that she could use an affidavit.

Direct testimony, was it direct proof about the President's tampering with the testimony of Betty Currie? It was Betty Currie herself who acknowledged this and testified to it. No, this is not circumstantial evidence, it is direct testimony.

The same with Sidney Blumenthal. Direct testimony after direct testimony painting a picture, setting up the pillars of obstruction.

They want you to believe Monica Lewinsky sometimes, but they don't want you to believe her other times, and you have to weigh her testimony.

I could go on with the facts, but the truth is that our case on obstruction of justice has been established. Some of you might conclude, "Well, I accept five or six of those pillars of obstruction, but there is one I have a reservation about." If you look at the article, if there is one element of obstruction that you accept and believe and you agree upon, then that is sufficient for conviction and, surely, it is sufficient to convict the President, if there was even one element of obstruction.

I remind you that a typical jury instruction on conspiracy for obstruction would be that it takes only one overt act to satisfy the requirements for conviction. The Government doesn't have to prove all the overt acts, just one that was carried out.

Another question some of you might be thinking about is, Is this serious enough to warrant conviction and removal? One of the foundations of our judicial system is that any citizen, regardless of position or power, has access to the court. Can you imagine the shock and outrage of this body if a corporation, in an effort to protect itself from liability, concealed evidence and provided benefits to those witnesses who are cooperative? Outrage; injustice. And those are the allegations against the tobacco companies. Those are the allegations last night on CBS, "60 Minutes," about a major corporation. And there should be outrage by this body. We would rightfully be outraged about that. And we should also be outraged if it happened by the President. It should be no less when it is conducted by the President.

The next argument is: "Well, yes, the President should be held accountable, but he can always be prosecuted later. In fact, I understand a censure resolution is being circulated emphasizing that the President can be held criminally responsible for his actions when he leaves office. This is not too subtle of a suggestion that the independent counsel go ahead and file criminal charges against the President."

I appreciate Judge Starr, but I do not believe that is what the country has in mind when they say they want to get this matter over. I do not believe your vote on the articles of impeachment should be a signal to the independent counsel to initiate criminal proceedings. It appears to me that that is the implication of this censure resolution being discussed.

I would emphasize that it is this body that the founding fathers entrusted with the responsibility to determine whether a President's conduct has breached the public trust. And your decision in this body should conclude this matter. It should not be the initiation of another national drama that will be carried over the next 3 years.

And finally, there are some who consider the politics of this matter. We have proven our case. I entered this body thinking that this was a legal, judicial proceeding and not political. And I have been reminded there are political aspects under the Constitution to a Senate trial. So I concede the point.

We are all familiar with "Profiles in Courage" written by John F. Kennedy. He reminds us of the courageous act of Senator Edmund G. Ross in voting for the acquittal of President Andrew Johnson in his impeachment trial. Senator Ross was a profile in courage because he knew the case against President Johnson was not legally sufficient, even though the politically expedient vote was to vote for conviction. Senator Ross followed the facts and he followed the law, and he voted his conscience. It was to his political detriment, but it reflected his political courage.

Today we have a different circumstance. The question is, Will the Senators of this body have the political courage to follow the facts and the law as did Senator Ross, despite enormous political pressure to ignore the facts and the law and the Constitution? You will make that decision.

I appear before this body as an advocate. I am not paid for this special responsibility. But I am here because I believe the Constitution requires me to make this case. The facts prove overwhelmingly that the President committed obstruction of justice and perjury. Despite this belief, whatever conclusion you reach will not be criticized by me. And I will respect this institution regardless of the outcome.

As the late Federal Judge Orin Harris of Arkansas always said from the bench to the jury when I was trying cases—and I hated his instruction because I was the prosecutor—but he would tell the jury, "Remember, the government never wins or loses a case. The government always wins when justice is done." Well, this is the Congress and this is the Senate. And it is your responsibility to determine the facts and to let justice roll down like mighty waters.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager ROGAN.

Mr. Manager ROGAN. Mr. Chief Justice, distinguished counsel for the President, Members of the U.S. Senate, for me the most poignant part of this entire proceeding was the day, a few weeks ago, when we were addressed by the distinguished former Senator from Arkansas, Dale Bumpers. And probably the thing that touched me most about his presentation is when he talked about the human element of what this impeachment proceeding has meant and how difficult that has been.

It touched me because it made me remember that that difficulty is not limited solely for Democrats in this Chamber. I am one of the House managers. I am a Republican today. But that was not always the case. I used to be a Democrat. And being a House manager in the impeachment of President Clinton has been especially difficult for me. And I would like to tell you why.

Twenty years ago, in December 1978, I was finishing my last semester of college and had just applied to law school. I was waiting for my application to be accepted someplace. And in December of 1978, I was a delegate in Memphis, TN, to the Democratic Midterm Convention.

Now, at that time President Carter was halfway through his term of office. He was not particularly popular among the party faithful. There was a great deal of sentiment that a Member of this body today should challenge him for the nomination. That decision had not yet been made, but among the delegates to that convention there was an overwhelming desire to see Senator TED KENNEDY appear.

The Carter White House froze Senator KENNEDY out of the proceedings. He was not invited to address the convention. His name appeared nowhere in the program. So the delegates did something on their own. There were workshops being held during the day, and a workshop on health care was called. And Senator KENNEDY was invited to fly out that day and address that workshop. He did that in the afternoon, and he left after he addressed it. I had gone to a workshop that morning where President Carter personally appeared, and my recollection is about 200 or 300 people came to that. Senator KENNEDY's workshop had to be transferred to a large auditorium because about 2,000 people appeared to hear him.

The Senator came, he spoke, and he left. I stayed even though most people left with him, because I was fascinated by the young fellow who was moderating the program that day. He was bright, he was in control, he was articulate. He didn't look that much older than me. And I was stunned that this young man was not only the attorney general of his State, but he was the Governor-elect of the State.

Sometime after that workshop I walked up to him and introduced myself. I told him who I was, and he spent about 15 minutes encouraging me to go to law school, to stay active in politics. His name was Bill Clinton. I have never forgotten that day 20 years ago when then-Attorney General Clinton took the time for a young fellow who had an interest in the law and politics. And I have never forgotten in recent days the graciousness he has shown to me, to my wife, and to my children when we have encountered him.

This has been a very difficult proceeding for me and for my colleagues, the House managers. But our presence here isn't out of personal animosity toward our President. It is because we believe that, after reviewing all the evidence, the President of the United States had committed obstruction of justice and perjury, he had violated his oath of office; and in so doing he had sacrificed the principle that no person is above the law. And friendship and personal affection could not control under those circumstances.

Up until now, the idea that no person is above the law has been unquestioned. And yet this standard is not our inheritance automatically. Each generation of Americans ultimately has to make that choice for themselves. Once again, it is a time for choosing. How will we respond? By impeaching the President, the U.S. House of Representatives made that choice. It went on record as saying that our body would not tolerate the most powerful man in the world trampling the constitutional rights of a lone woman, no matter how obscure or humble she might be.

We refused to ignore Presidential misconduct despite its minimization by spin doctors, pundits, and, yes, even the polls. The personal popularity of any President pales when weighed against the fundamental concept that forever distinguishes us from every nation on the planet: No person is above the law.

The House of Representatives jettisoned the spin and the propaganda. We sought, and we have now presented, the unvarnished truth. Now it is your unhappy task to make the final determination, face the truth, and polish the Constitution, or allow this Presidency, in the words of Chairman Henry Hyde, to take one more chip out of the marble.

The Constitution solemnly required President Clinton, as a condition of his becoming President, to swear an oath to preserve, protect and defend the Constitution, and to take care that the laws be faithfully executed.

That oath of obligation required the President to defend our laws that protect women in the workplace, just as it also required him to protect the legal system from perjury, abuse of power, and obstruction of justice. Fidelity to the Presidential oath is not dependent upon any President's personal threshold of comfort or embarrassment. Neither must it be a slave to the latest poll.

How important was this oath to our founders? Did they intend the oath to have primacy over the shifting winds of political opinion? Or did they bequeath to us an ambiguous Constitution that was meant to roll with the punches of the latest polling data and focus groups? The Constitution gives us that answer in article II, section 1. It says:

> Before he enters on the execution of his office, he shall take . . . [an] oath.

And the oath is then prescribed.

The mere fact that a person is elected President does not give him the right to become President, no matter how overwhelming his vote margin. Votes alone do not make a person President of the United States. There is a requirement that precedes obtaining the power and authority of obtaining the Presidency. It is the oath of office. It is swearing to preserve, protect, and defend the Constitution. It is accepting the obligation that the laws are to be faithfully executed.

No oath, no Presidency. It is the oath of office, and not public opinion polls, that gives life and legitimacy to a Presidency. This is true no matter how popular an elected President may be, or how broad his margin of victory.

The founders did not intend the oath to be an afterthought or a technicality. They viewed it as an absolute requirement before the highest office in the land was entrusted to any person. The evidence shows the President repeatedly violated his oath of office. Now the focus shifts to your oath of office. The President hopes that in this Chamber the polls will govern. On behalf of the House of Representatives, we entreat you to require the Constitution reign supreme. For if polls matter more than the oath to uphold the law, then yet another chip out of the marble has been struck.

The cry has also been raised that to remove the President is to create a constitutional crisis by undoing an election. There is no constitutional crisis when the simple process of the Constitution comes into play. Listen to the words of Dr. Larry Arnn of the Claremont Institute:

> [E]lections have no higher standing under our Constitution than the impeachment process. Both stem from provisions of the Constitution. The people elect a president to do a constitutional job. They act under the Constitution when they do it. At the same time they elect a Congress to do a different constitutional job. The president swears an oath to uphold the Constitution, both in elections and in the impeachment process.
>
> If the president is guilty of acts justifying impeachment, then he, not the Congress, will have "overturned the election." He will have acted in ways that betray the purpose of his election. He will have acted not as a constitutional representative, but as a monarch, subversive of, or above, the law.
>
> If the great powers given the president are abused, then to impeach him defends not only the results of elections, but that higher thing which elections are in service, namely, the preeminence of the Constitution[.]

The evidence clearly shows that the President engaged in a repeated and lengthy pattern of felonious conduct—conduct for which ordinary citizens can be and have been jailed and lost their liberty. This simply cannot be wished or censured away.

With his conduct aggravated by a motivation of personal and monetary leverage in the Paula Jones lawsuit, the solemnity of our sacred oath obliges us to do what the President regretfully has failed to do: defend the rule of law, defend the concept that no person is above the law.

On the day the House impeached President Clinton, I said that when they are old enough to appreciate the solemnity of that action, I wanted my little girls to know that when the roll was called, their father served with colleagues who counted it a privilege to risk political fortunes in defense of the Constitution.

Today, I am more resolute in that opinion. From the time I was a little boy, it was my dream to one day serve in the Congress of the United States. My dream was fulfilled 2 years ago. Today, I am a Republican in a district that is heavily Democratic. The pundits keep telling me that my stand on this issue puts my political fortunes in jeopardy. So be it. That revelation produces from me no flinching. There is a simple reason why: I know that in life dreams come and dreams go. But conscience is forever. I can live with the concept of not serving in Congress. I cannot live with the idea of remaining in Congress at the expense of doing what I believe to be right.

I was about 12 years old when a distinguished Member of this body, the late Senator Ralph Yarborough of Texas, gave me this sage advice about elective office:

> Always put principle above politics; put honor above incumbency.

I now return that sentiment to the body from which it came. Hold fast to it, Senators, and in doing so, you will be faithful both to our founders and to our heirs.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager GRAHAM. The managers have 45 minutes remaining.

Mr. Manager GRAHAM. I promise not to take the whole 45 minutes. I have been told that my voice fades, and I will try not to let that happen here.

As we bring the trial to a conclusion, I think it needs to be said from our side of the aisle that our staff has been terrific. You don't know how many hours of sleep have been lost by the young men and women working to put this case together under the procedures that the Senate developed. They have done an absolutely magnificent job. If there is anybody to blame on our side, blame us, because our staff has done a terrific job. That just needs to be said.

Now, let's talk about Mr. ROGAN's district. True, if there is anybody on our side of the aisle that has been at risk it has been JIM. I have made some lifelong friends in this situation, really on both sides of the aisle. This has been tough, tough, tough for our country, but sometimes some good comes from tough situations, and I think some good will come from this before it is all said and done, ladies and gentlemen of the Senate. I know it doesn't look to be so, but it will be so later on.

I come from a district where I am the first Republican in 120 years. They told me they hung the other guy, so I know I am doing better. I am 4 years into this thing. This is my third term.

You can take the national polls and turn them upside down in my district, but I have on occasion said that if the President would reconcile himself to the law, I would be willing to consider something less than impeachment. I can assure you that did not go over well with some people in my district. But I thought that would be good for the country.

The elections come and go and we can get through just about anything and everything in this country, but it does take leadership, and character does still count. Having said that, I am a sinner like the rest of us, and part of the problem with this case is we have to confront our own sins, because who are we to judge others when the things get to be private and personal? I am not asking you to use that standard. I am standing before you as a sinner, and I would never want my President or your President removed because of private sins. Only when it gets to be constitutionally out of bounds. Only when it gets to be so egregious that you can't look your children in the eye and explain what happened here in terms of the law. We can all explain human failings, but we have a real mixed message going on, and it needs to be straightened out for them.

If you could bring the Founding Fathers back, as everybody has suggested, the first debate would be, could we call them as a witness? There would be some people objecting to that. Live or dead, it's been hard to get a witness. [Laughter.]

I guarantee you, I think they would say to us: "What's a poll?" They would be instructive, but we can't summon them back. Do you know what I really think they would tell us? They would tell us that we started this thing, and it's up to you all to carry it on. And it is. They would be right. It is not their job to tell us what to do. It's our job to take the spirit of what they did and build on it.

If you have kept an open mind, you have fulfilled your job. If you have listened to the facts and you vote your conscience, you will have fulfilled your job. I will not trample on your conscience; I have said that before. I started this process with great concern and I leave with a lot of contentment because I believe the facts have withstood the test of every type of scrutiny and demagoguery that have been thrown at them. They stand firm. Do you know what they are going to stand? They're going to stand the test of history. Some people suggest that history may judge you badly if you vote to convict this President. I suggest that that will be the least of your problems.

Our past and this present moment becomes our Nation's future. What are we going to leave to the future generations? What do we do when the next Federal judge is brought before this body having been impeached by the House for cheating on their taxes? Are we going to self-righteously throw that Federal judge out after having listened to this massive case of obstruction of justice and perjury before a grand jury? We may throw that Federal judge out, but we will have to walk out the door backward; we will not walk out boldly. What happens when the next Federal judge is acquitted by a jury of his peers, and you know the result would be just to remove that judge? You did the right thing by not being bound by the acquittal in the case of Judge Hastings. You did the right thing to get to the truth and act accordingly, because for people who sit in judgment of others there needs to be no reasonable doubt about who they are and what they are able to do in that role. The President of the United States is at the top of the legal pyramid. If there is reasonable doubt about his ability to faithfully execute the laws of the land, our future will be better off if that individual is removed.

Let me tell you what it all comes down to for me. If you can go back and explain to your children and your constituents how you can be truthful and misleading at the same time, good luck. That is the legacy that Bill Clinton has left all of us if we keep him in office—the idea that "I was truthful but misleading." That scenario focuses around whether or not one type of sex occurred versus the other type of sex. He is wanting you to buy into this definition that was allowed to exist because the wording wasn't quite right. That is the essence of it—"I was truthful, but I was misleading."

Mr. Podesta asked a little more questions than the other people did and the President denied any type of sexual relationship to him. Was he truthful there? Was he truthful in his grand jury testimony? How can you be both? It is just absolutely impossible.

I want to play two clips for you now.

(Text of videotape presentation:)

Q. Now, you've stated, I think, very honestly, and I appreciate, that you were lied to by the President. Is it a fair statement, given your previous testimony concerning your 30-minute conversation, that the President was trying to portray himself as a victim of a relationship with Monica Lewinsky?

A. I think that's the import of his whole story.

Before you put the other tape in, every Member of this body should need to answer this question: Is that a truthful statement? If you believe that the President of the United States is a victim of Ms. Lewinsky, we all owe him an apology. He is not. He is not.

You ask me why I want this President removed? Not only are they high crimes, not only do they rise to the level of constitutional out-of-bounds behavior, not only are they worse than what you remove judges for, they show a tremendous willingness of a national leader to put himself above anything decent and good. I hope that still matters in America.

The next clip:

(Text of videotape presentation:)

Q. Would it be fair to say that you were sitting there during this conversation and that you had previously been told by the President that he was in essence a victim of Ms. Lewinsky's sexual demands, and you said nothing to anyone?

MR. McDANIEL: Is the question, "You said"——

THE WITNESS: I don't——

MR. McDANIEL: Is the question, "You said nothing to anyone about what the President told you?"——

MR. GRAHAM: Right.

THE WITNESS: I never told any of my colleagues about what the President told me.

BY MR. GRAHAM:

Q. And this is after the President recants his story—recounts his story—to you, where he's visibly upset, feels like he's a victim, that he associates himself with a character who's being lied about, and you at no time suggested to your colleagues that there is something going on here with the President and Ms. Lewinsky you need to know about. Is that your testimony?

A. I never mentioned my conversation. I regarded that conversation as a private conversation in confidence, and I didn't mention it to my colleagues, I didn't mention it to my friends, I didn't mention it to my family, bedsides my wife.

Q. Did you mention it to any White House lawyers?

A. I mentioned it many months later to Lanny Breuer in preparation for one of my grand jury appearances, when I knew I would be questioned about it. And I certainly never mentioned it to any reporter.

Ladies and gentlemen of the Senate, I have asked you several times to vote your conscience, and I will not step on it if you disagree with me; but I have always said let us tell the story about what happened here. I am saying it again. Ladies and gentlemen, we need to get to the truth, nothing but the truth, the whole truth, and let the chips fall where they may.

Let me say this about being truthful but misleading. Can you sit back as the

President, after you told a lie to a key aide, where you portrayed yourself as a victim, and watch the press stories role out along the lines that "she wears her dresses too tight"; "she comes from a broken home"; "she's a stalker"; "she's sex obsessed"; can you sit back and watch all that happen and still be truthful but misleading?

We have laws against that in this country. We have laws in this country that even high Government officials cannot tell a lie to somebody knowing that lie will be repeated to a grand jury. That is exactly what happened here. He portrayed himself as a victim, which is not a misleading statement; it is a lie because if you knew the truth, you wouldn't consider him a victim. And that lie went to the Federal grand jury. And those citizens were trying very hard to get it right, and he was trying very hard to mislead them. At every turn when they tried to get to the truth, he ran the other way, and he took the aura of the White House with him.

If you believe he is a victim, then you ought to acquit him. If you believe he has lied, then he ought not to be our President.

There are two things in this case that are crimes, two aspects of it—before the Paula Jones deposition and after the Paula Jones deposition. I am going to leave this with you for the very last time. The affidavit was an attempt to have a cover story where both of them could lie and go on about their lives. The job search was to take somebody who had been friendly and get them a job so they could go on about their lives someplace else, and get this matter behind them and conceal from a court the truth. Those things are crimes.

These gifts being under the bed of Betty Currie, the President's secretary, is no accident. They didn't walk over there by themselves. They got conveyed by a secretary after she picked them up from his consensual lover. People have figured that part out. It is no accident that happened. That is a crime—when you are subpoenaed to give those gifts.

But it is still about getting her a job and having a cover story so she could go on with her life. But when the article came out on January 21, the whole flavor of this case changed. And I don't know how you are going to explain it to yourself or others. But I want to lay out to you what I think happened based on the evidence.

That January 21 when the story broke that she may have been telling what went on, and the President was faced with the idea that the knowledge of their relationship was out in the public forum, what did he do then? There were no more nice jobs using a good friend. There was no more "Let's see if we can hide the gifts and play hide the ball." Do you know what happened then? He turned on her. Not my favorite part of the case—it is the most disgusting part of the case. It is part of the case that history will judge. The crimes change. They become more ominous, because the character traits became more ominous. The young lady who was the stalker, who was sex-obsessed, who wore her skirts too tight, that young lady was being talked about openly in the public. That young lady was being lied about to the Federal grand jury. And the truth is that young lady fell in love with him. And probably to this day a 24- or 25-year-old young girl doesn't want to believe what was going to come her way. But you all are adults. You all are leaders of this Nation. For you to look at these facts and conclude anything else would be an injustice, because without that threat, ladies and gentlemen, the stories were going to grow in number, and we would have no admissions of "misleading" and "truthful."

The White House is the bully pulpit. But it should never be occupied by a bully. The White House will always be occupied by sinners, including our Founding Fathers, and future occupants.

What we do today will put a burden on the White House and the burden on our future, one way or the other. Is it too much of a burden to say to future Presidents, Don't fabricate stories in front of a grand jury, don't parse words, don't mislead, don't lie when you are begged not to? Is it too much to say to a President, If you are ever sued, play it straight; don't hide the gifts under the bed, don't give people false testimony, don't try to trash people who are witnesses against you? If that is too much of a burden to put on the White House, this Nation is in hopeless decline. It is not too much of a burden, ladies and gentlemen. It is only common decency being applied to the occupant of the White House.

To acquit under these facts will place the burden on the constitutional process of impeachment and how we deal with others, Federal judges and other high public officials. That, I suggest to you, will be almost irreconcilable.

I want my country to go boldly into the next century. I don't want us to limp into the next century. I don't want us to crawl into the next century regardless of rule of law. No matter what you do, we will make it. But the difference between how you vote here, I think, determines whether we go boldly with the rule of law intact, or whether we have to explain it for generations to come.

I leave with you an example that I think says much. General MacArthur was removed by President Truman, a very popular fellow at the time. The reaction to the MacArthur dismissal was even more violent than Truman had expected. And for an entire year the majority of public opinion ranked itself ferociously against him. He said characteristically, as he felt that hostile poll, "I wonder where Moses would have gone if they had taken a poll in Egypt. And what would Jesus Christ have preached if they had taken a poll in the land of Israel? It isn't polls that count. It is right and wrong and leadership of men with fortitude, honesty, and the belief in the right that make epics in the history of the world."

Ladies and gentlemen of the Senate, thank you for listening. If you have any doubts about whether this President has committed high crimes, we need to make sure the Senate itself has told the truth. Don't leave any doubts lingering, because the evidence is overwhelming that these offenses occurred. The crime of perjury and obstruction of justice have traditionally been high crimes under our Constitution. For God's sake, let it remain so. And let it be said that no President can take the Presidency and the bully pulpit of the Presidency and hurt average citizens from it.

Thank you very much. I yield now to our chairman.

The CHIEF JUSTICE. The Chair recognizes Mr. Manager HYDE.

Mr. Manager HYDE. Mr. Chief Justice, learned counsel, and the Senate, we are blessedly coming to the end of this melancholy procedure. But before we gather up our papers and return to the obscurity from whence we came—

(Laughter.)

Permit, please, a few final remarks.

First of all, I thank the Chief Justice not only for his patience and his perseverance but for the aura of dignity that he has lent to these proceedings. And it has been a great thrill for me to be here in his company, as well as in the company of you, distinguished Senators.

Secondly, I want to compliment the President's counsel. They have conducted themselves in the most professional way. They have made the most of a poor case, in my opinion. There is an old Italian saying—and it has nothing to do with the lawyers, but to your case—that "you may dress the shepherd in the silk, he will still smell of the goat." (Laughter.)

But all of you are great lawyers. And it has been an adventure being with you.

You know, the legal profession, like politics, is ridiculed pretty much. And every lawyer feels that and understands the importance of the rule of law, to establish justice, to maintain the rights of mankind, to defend the helpless and the oppressed, to protect innocents, to punish guilt. These are duties which challenge the best powers of man's intellect and the noblest qualities of the human heart. We are here to defend the bulwark of our liberty, the rule of law.

As to the House managers, I want to tell you and our extraordinary staff how proud I am of your service. For myself, I cannot find the words to adequately express how I feel. I must use the inaudible language of the heart. I have gone through it all by your side—the media condemnation, the patronizing editorials, the hate mail, the insults hurled in public, the attempts at intimidation, the death threats, and even the disapproval of our colleagues, which cuts the worst.

You know, all a Congressman ever gets to take with him when he leaves this building is the esteem of his colleagues and his constituents—and we have risked even that for a principle, for our duty, as we have seen it.

In speaking to my managers, of whom I am interminably proud, I can borrow the words of Shakespeare, "Henry V," as he addressed his little army of longbowmen before the Battle of Agincourt. And he said:

> We few, we happy few, we band of brothers
> For he that sheds his blood with me
> Shall be my brother
> And gentlemen in England, now abed
> shall think themselves accursed they
> were not here
> And hold their manhood cheap
> while any speaks
> That fought with us upon St. Chrispen's day

As for the juror judges, you distinguished Senators, it is always a victory for democracy when its elected representatives do their duty, no matter how difficult and unpleasant, and we thank you for it. Please don't misconstrue our fervor for our cause to any lack of respect or appreciation for your high office. But our most formidable opponent has not been opposing counsel nor any political party; it has been the cynicism, the widespread conviction that all politics and all politicians are, by definition, corrupt and venal.

That cynicism is an acid eating away at the vital organs of American public life. It is a clear and present danger, because it blinds us to the nobility and the fragility of being a self-governing people.

One of the several questions that needs answered is whether your vote on conviction lessens or enlarges that cynicism. Nothing begets cynicism like the double standard—one rule for the popular and the powerful and another for the rest of us.

One of the most interesting things in this trial was the testimony of the President's good friend, the former Senator from Arkansas. He did his persuasive best to maintain the confusion that this is all about sex. Of course, it is useful for the defense to misdirect our focus to what everyone concedes are private acts and none of our business. But if you care to read the articles of impeachment, you won't find any complaints about private sexual misconduct. You will find charges of perjury and obstruction of justice which are public acts and Federal crimes, especially when committed by the one person duty bound to faithfully execute the laws. Infidelity is private and noncriminal. Perjury and obstruction are public and criminal. The deliberate focus on what is not at issue here is a defense lawyer's tactic and nothing more. This entire saga has been a theater of distraction and misdirection, time-honored defense tactics when the law and the facts get in the way.

One phrase you have not heard the defense pronounce is the "sanctity of the oath." But this case deeply involves the efficacy, the meaning, and the enforceability of the oath. The President's defenders stay away from the word "lie," preferring "mislead" or "deceive." But they shrink from the phrase "sanctity of the oath," fearing it as one might a rattlesnake.

There is a visibility factor in the President's public acts and those which betray a trust or reveal contempt for the law are hard to sweep under the rug, or under the bed, for that matter. They reverberate, they ricochet all over the land, and provide the worst possible example for our young people. As that third-grader from Chicago wrote to me, "If you can't believe the President, who can you believe?"

Speaking of young people, in 1946 a British playwright, Terrance Rattigan, wrote a play based on a true experience that happened in England in 1910. The play was called "The Winslow Boy." And the story—as I say, a true story—involved a young 13-year-old lad who was kicked out of the Royal Naval College for having forged somebody else's signature on a postal money order. Of course, he claimed he was innocent, but he was summarily dismissed and his family, of very modest means, could not afford legal counsel, and it was a very desperate situation. Sir Edward Carson, the best lawyer of his time—barrister, I suppose—got interested in the case and took it on pro bono and lost all the way through the courts.

Finally, he had no other place to go, but he dug up an ancient remedy in England called "petition of right." You ask the King for relief. And so Carson wrote out five pages of reasons why a petition of right should be granted and, lo and behold, it got past the Attorney General, it got to the King. The King read it, agreed with it, and wrote across the front of the petition, "Let right be done. Edward VII."

I have always been moved by that phrase. I saw the movie; I saw the play; and I have the book. And I am still moved by that phrase, "Let right be done." I hope when you finally vote that will move you, too.

There are some interesting parallels to our cause here today. This Senate Chamber is our version of the House of Lords, and while we managers cannot claim to represent that 13-year-old Winslow boy, we speak for a lot of young people who look to us to set an example.

Ms. Seligman last Saturday said we want to win too badly. This surprised me because none of the managers has committed perjury nor obstructed justice and claimed false privileges, none has hidden evidence under anyone's bed nor encouraged false testimony before the grand jury. That is what you do if you want to win too badly.

I believe it was Saul Bellow who once said, "A great deal of intelligence can be invested in ignorance when the need for illusion is great." And those words characterize the defense in this case. "The need for illusion" is very great.

I doubt there are many people on the planet who doubt the President has repeatedly lied under oath and has obstructed justice. The defense spent a lot of time picking lint. There is a saying in the courts, I believe, that equity will not stoop to pick up pins. But that was their case. So the real issue doesn't concern the facts, the stubborn facts, as the defense is fond of saying, but what to do about them.

I am still dumbfounded about the drafts of the censures that are circulating. We aren't half as tough on the President in our impeachment articles as this draft is that was printed in the New York Times:

> An inappropriate relationship with a subordinate employee in the White House which was shameless, reckless and indefensible.

I have a problem with that. It seems they are talking about private acts of consensual sexual misconduct which are really none of our business. But that is the leadoff.

Then they say:

> The President deliberately misled and deceived the American people and officials in all branches of the U.S. Government.

This is not a Republican document. This is coming from here.

> The President gave false or misleading testimony and impeded discovery of evidence in judicial proceedings.

Isn't that another way of saying obstruction of justice and perjury?

> The President's conduct demeans the Office of the President as well as the President himself and creates disrespect for the laws of the land. Future generations of Americans must know that such behavior is not only unacceptable but bears grave consequences including loss of integrity, trust and respect.

But not loss of job.

> Whereas, William Jefferson Clinton's conduct has brought shame and dishonor to himself and to the Office of the President; whereas, he has violated the trust of the American people—

See Hamilton Federalist No. 65—

> he should be condemned in the strongest terms.

Well, the next to the strongest terms. The strongest terms would remove him from office.

Well, do you really cleanse the office as provided in the Constitution or do you use the Airwick of a censure resolution? Because any censure resolution, to be meaningful, has to punish the President, if only his reputation. And how do you deal with the laws of bill of attainder? How do you deal with the separation of powers? What kind of a precedent are you setting?

We all claim to revere the Constitution, but a censure is something that is a device, a way of avoiding the harsh constitutional option, and it is the only one we have up or down on impeachment. That, of course, is your judgment, and I am offering my views, for what they are worth.

Once in a while I do worry about the future. I wonder if, after this culture war is over, this one we are engaged in, an America will survive that is worth fighting for to defend.

People won't risk their lives for the U.N., or over the Dow Jones averages. But I wonder, in future generations, whether there will be enough vitality left in duty, honor and country to excite our children and grandchildren to defend America.

There is no denying the fact that what you decide will have a profound effect on our culture, as well as on our politics. A failure to convict will make a statement that lying under oath, while unpleasant and to be avoided, is not all that serious. Perhaps we can explain this to those currently in prison for perjury. We have reduced lying under oath to a breach of etiquette, but only if you are the President.

Wherever and whenever you avert your eyes from a wrong, from an injustice, you become a part of the problem.

On the subject of civil rights, it is my belief this issue doesn't belong to anyone; it belongs to everyone. It certainly belongs to those who have suffered invidious discrimination, and one would have to be catatonic not to know that the struggle to keep alive equal protection of the law never ends. The mortal enemy of equal justice is the double standard, and if we permit a double standard, even for the President, we do no favor to the cause of human rights. It has been said that America has nothing to fear from this President on the subject of civil rights. I doubt Paula Jones would subscribe to that endorsement.

If you agree that perjury and obstruction of justice have been committed, and yet you vote down the conviction, you are extending and expanding the boundaries of permissible Presidential conduct. You are saying a perjurer and obstructer of justice can be President, in the face of no less than three precedents for conviction of Federal judges for perjury. You shred those precedents and you raise the most serious questions of whether the President is in fact subject to the law or whether we are beginning a restoration of the divine right of kings. The issues we are concerned with have consequences far into the future because the real damage is not to the individuals involved, but to the American system of justice and especially the principle that no one is above the law.

Edward Gibbon wrote his magisterial "Decline and Fall of the Roman Empire" in the late 18th century—in fact the first volume was issued in 1776. In his work, he discusses an emperor named Septimius Severus, who died in 211 A.D. after ruling 18 years. And here is what Gibbon wrote about the emperor:

> Severus promised, only to betray; he flattered only to ruin; and however he might occasionally bind himself by oaths and treaties, his conscience, obsequious to his interest, always released him from the inconvenient obligation.

I guess those who believe history repeats itself are really onto something. Horace Mann said:

> You should be ashamed to die unless you have achieved some victory for humanity.

To the House managers, I say your devotion to duty and the Constitution has set an example that is a victory for humanity. Charles de Gaulle once said that France would not be true to herself unless she was engaged in some great enterprise. That is true of us all. Do we spend our short lives as consumers, space occupiers, clock watchers, as spectators, or in the service of some great enterprise?

I believe, being a Senator, being a Congressman, and struggling with all our might for equal justice for all, is a great enterprise. It is our great enterprise. And to my House managers, your great enterprise was not to speak truth to power, but to shout it. And now let us all take our place in history on the side of honor and, oh, yes: Let right be done.

I yield back my time.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. Chief Justice, I believe that concludes the closing arguments. Therefore, the Senate will reconvene as the Court of Impeachment at 1 p.m. on Tuesday to resume consideration of the articles of impeachment.

NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS DASCHLE, LOTT, HUTCHISON, HARKIN, WELLSTONE, COLLINS, SPECTER, AND LEAHY

In accordance to Rule V of the Standing Rules of the Senate, I (for myself, Mr. LOTT, Mrs. HUTCHISON, Mr. HARKIN, Mr. WELLSTONE, Ms. COLLINS, Mr. SPECTER, and Mr. LEAHY) hereby give notice in writing that it is my intention to move to suspend the following portions of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials in regard to any deliberations by Senators on the articles of impeachment during the trial of President William Jefferson Clinton:

(1) The phrase "without debate" in Rule VII;

(2) the following portion of Rule XX: ", unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record"; and

(3) In Rule XXIV, the phrases "without debate", "except when the doors shall be closed for deliberation, and in that case" and ", to be had without debate".

ADJOURNMENT UNTIL 1 P.M. TOMORROW

Mr. LOTT. I ask the Court of Impeachment stand in adjournment until 1 p.m. tomorrow, and I ask further consent the Senate now resume legislative session. I remind all Senators to stand as the Chief Justice departs the Chamber.

There being no objection, at 6:34 p.m. the Senate, sitting as a Court of Impeachment, adjourned until Tuesday, February 9, 1999, at 1 p.m.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. ENZI). The Senate will come to order.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE 1999 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT—PM 6

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

To the Congress of the United States:

On behalf of the American people, I am pleased to transmit the *1999 National Drug Control Strategy* to the Congress. This *Strategy* renews and advances our efforts to counter the threat of drugs—a threat that continues to cost our Nation over 14,000 lives and billions of dollars each year.

There is some encouraging progress in the struggle against drugs. The *1998 Monitoring the Future* study found that youth drug use has leveled off and in many instances is on the decline—the second straight year of progress after years of steady increases. The study also found a significant strengthening of youth attitudes toward drugs: young people increasingly perceive drug use as a risky and unacceptable behavior. The rate of drug-related murders continues to decline, down from 1,302 in

1992 to 786 in 1997. Overseas, we have witnessed a decline in cocaine production by 325 metric tons in Bolivia and Peru over the last 4 years. Coca cultivation in Peru plunged 56 percent since 1995.

Nevertheless, drugs still exact a tremendous toll on this Nation. In a 10-year period, over 100,000 Americans will die from drug use. The social costs of drug use continue to climb, reaching $110 billion in 1995, a 64 percent increase since 1990. Much of the economic burden of drug abuse falls on those who do not abuse drugs—American families and their communities. Although we have made progress, much remains to be done.

The *1999 National Drug Control Strategy* provides a comprehensive balanced approach to move us closer to a drug-free America. This *Strategy* presents a long-term plan to change American attitudes and behavior with regard to illegal drugs. Among the efforts this *Strategy* focuses on are:

—Educating children: studies demonstrate that when our children understand the dangers of drugs, their rates of drug use drop. Through the National Youth Anti-Drug Media Campaign, the Safe and Drug Free Schools Program and other efforts, we will continue to focus on helping our youth reject drugs.

—Decreasing the addicted population: the addicted make up roughly a quarter of all drug users, but consume two-thirds of all drugs in America. Our strategy for reducing the number of addicts focuses on closing the "treatment gap."

—Breaking the cycle of drugs and crime: numerous studies confirm that the vast majority of prisoners commit their crimes to buy drugs or while under the influence of drugs. To help break this link between crime and drugs, we must promote the Zero Tolerance Drug Supervision initiative to better keep offenders drug- and crime-free. We can do this by helping States and localities to implement tough new systems to drug test, treat, and punish prisoners, parolees, and probationers.

—Securing our borders: the vast majority of drugs consumed in the United States enter this Nation through the Southwest border, Florida, the Gulf States, and other border areas and air and sea ports of entry. The flow of drugs into this Nation violates our sovereignty and brings crime and suffering to our streets and communities. We remain committed to, and will expand, efforts to safeguard our borders from drugs.

—Reducing the supply of drugs: we must reduce the availability of drugs and the ease with which they can be obtained. Our efforts to reduce the supply of drugs must target both domestic and overseas production of these deadly substances.

Our ability to attain these objectives is dependent upon the collective will of the American people and the strength of our leadership. The progress we have made to date is a credit to Americans of all walks of life—State and local leaders, parents, teachers, coaches, doctors, police officers, and clergy. Many have taken a stand against drugs. These gains also result from the leadership and hard work of many, including Attorney General Reno, Secretary of Health and Human Services Shalala, Secretary of Education Riley, Treasury Secretary Rubin, and Drug Policy Director McCaffrey. I also thank the Congress for their past and future support. If we are to make further progress, we must maintain a bipartisan commitment to the goals of the *Strategy*.

As we enter the new millennium, we are reminded of our common obligation to build and leave for coming generations a stronger Nation. Our *National Drug Control Strategy* will help create a safer, healthier future for all Americans.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *February 8, 1999.*

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 99. An act to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1591. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Section 245(g) of the Communications Act of 1934, as Amended" (Docket 96–61) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1592. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's report on a financial guarantee to support the sale of one Boeing 777–200IGW aircraft to Singapore Aircraft Leasing Enterprise Pte. Ltd.; to the Committee on Banking, Housing, and Urban Affairs.

EC–1593. A communication from the Chief of the Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice of Certain Transfers to Foreign Partnerships and Foreign Corporations" (RIN1545–AV70) received on February 5, 1999; to the Committee on Finance.

EC–1594. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tobacco-Importer Assessments" (RIN0560–AF52) received on February 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1595. A communication from the Director of the Office of Regulatory Management and Information, transmitting, pursuant to law, the report of a rule entitled "Tebufenozide; Extension of Tolerance for Emergency Exemptions" (FRL6059–8) received on February 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1596. A communication from the Director of the Office of Regulatory Management and Information, transmitting, pursuant to law, the report of a rule entitled "Propyzamide; Extension of Tolerance for Emergency Exemptions" (FRL6060–3) received on February 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1597. A communication from the Director of the Office of Regulatory Management and Information, transmitting, pursuant to law, the report of a rule entitled "Cymoxanil; Pesticide Tolerance" (FRL6056–4) received on February 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1598. A communication from the Director of the Office of Regulatory Management and Information, transmitting, pursuant to law, the report of a rule entitled "3,7-Dichloro-8-quinoline carboxylic acid; Pesticide Tolerances for Emergency Exemptions" (FRL6055–6) received on February 5, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1599. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (Docket WV–077–FOR) received on February 5, 1999; to the Committee on Energy and Natural Resources.

EC–1600. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Illinois Regulatory Program" (SPATS No. IL–094–FOR) received on February 5, 1999; to the Committee on Energy and Natural Resources.

EC–1601. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; San Joaquin Valley Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District" (FRL6227–2) received on February 5, 1999; to the Committee on Environment and Public Works.

EC–1602. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Emergency Planning and Community Right-to-Know Programs; Amendments to Hazardous Chemical Reporting Thresholds for Gasoline and Diesel Fuel at Retail Gas Stations" (RIN2050–AE58) received on February 5, 1999; to the Committee on Environment and Public Works.

EC–1603. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection

Agency, transmitting, pursuant to law, the report of a rule entitled "Record Keeping and Reporting Burden Reduction" (FRL6300-4) received on February 5, 1999; to the Committee on Environment and Public Works.

EC–1604. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations, Commencement Bay, Tacoma, Washington" (Docket 13-98-034) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1605. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Seattle SeaFair Unlimited Hydroplane Race, Lake Washington, Seattle, WA" (Docket 13-98-022) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1606. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Indiana Governor's Cup Hydroplane Races; Ohio River Mile 557.0–558.0, Madison, IN" (Docket 08-98-050) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1607. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Clifton River Days, Tennessee River Miles 157.0–159.0, Clifton, Tennessee" (Docket 08-98-042) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1608. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; All American Birthday Party Fireworks Display Ohio River, Mile 469.2–470.5, Cincinnati, OH" (Docket 08-98-039) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1609. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Rocketman Triathlon; Tennessee River mile 324.0 to 324.5, Huntsville, AL" (Docket 08-96-057) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1610. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; MY102 Boomsday; Tennessee River Mile 645.0 to 649.0, Knoxville, TN" (Docket 08-96-056) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1611. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Don Q Offshore Cup XIII Race; Bahia de Ponce, Puerto Rico" (Docket 07-98-055) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1612. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; Swimming Across San Juan Harbor, San Juan, Puerto Rico" (Docket 07-98-053) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1613. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; St. Johns River, Jacksonville, Florida" (Docket 07-98-050) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1614. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; City of Charleston, SC" (Docket 07-98-045) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1615. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations; City of Charleston, SC" (Docket 07-98-039) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1616. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Patapsco River, Baltimore, Maryland" (Docket 05-98-064) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1617. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zones, Security Zones, and Special Local Regulations" (RIN2115-AA97) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1618. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Maritime Course Approval Procedures" (RIN2115-AF58) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCONNELL (for himself, Mr. Graham, Mr. Bunning, Mr. Mack, Mr. Breaux, Mr. DeWine, Mr. Smith of Oregon, Mr. Robb, Mr. Lugar, Mr. Cochran, Ms. Landrieu, Mr. Murkowski, Mr. Stevens, Mr. Coverdell, Mr. Warner, Mr. Smith of New Hampshire, Mr. Bayh, Mr. Byrd, Mr. Specter, and Mr. Kerrey):

S. 387. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses; to the Committee on Finance.

By Mr. CLELAND (for himself, Mr. Kerry, Mr. Hollings, Mr. Conrad, Mrs. Boxer, Mr. Daschle, and Mr. Harkin):

S. 388. A bill to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration; to the Committee on Small Business.

By Mr. McCAIN (for himself, Mr. Robb, Mr. Lieberman, Mr. DeWine, Mr. Levin, Mr. Kennedy, Mr. Bingaman, Mr. Cleland, Mrs. Feinstein, Mrs. Hutchison, Mr. Conrad, Mr. Allard, and Mr. Smith of New Hampshire):

S. 389. A bill to amend title 10, United States Code, to improve and transfer the jurisdiction over the Troops to Teachers program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID:

S. 390. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

By Mr. KERREY (for himself, Mr. Bond, Mr. Kennedy, Mr. Gorton, Mr. Graham, Mr. DeWine, Mr. Moynihan, Mr. Durbin, Mr. Inouye, Mr. Mack, and Mrs. Murray):

S. 391. A bill to provide for payments to children's hospitals that operate graduate medical education programs; to the Committee on Finance.

By Mrs. MURRAY (for herself and Mr. Gorton):

S. 392. A bill to designate the Federal building and United States courthouse located at West 920 Riverside Avenue in Spokane, Washington, as the "Thomas S. Foley Federal Building and United States Courthouse," and the plaza at the south entrance of that building and courthouse as the "Walter F. Horan Plaza"; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. Abraham, Mr. Akaka, Mr. Allard, Mr. Ashcroft, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bryan, Mr. Bunning, Mr. Burns, Mr. Byrd, Mr. Campbell, Mr. Chafee, Mr. Cleland, Mr. Cochran, Ms. Collins, Mr. Conrad, Mr. Coverdell, Mr. Craig, Mr. Crapo, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Edwards, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Fitzgerald, Mr. Frist, Mr. Gorton, Mr. Graham, Mr. Gramm, Mr. Grams, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mr. Hollings, Mr. Hutchinson, Mrs. Hutchison, Mr. Inhofe, Mr. Inouye, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerrey, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. McConnell, Ms. Mikulski, Mr. Moynihan, Mr. Murkowski, Mrs. Murray, Mr. Nickles, Mr. Reed, Mr. Reid, Mr. Robb, Mr. Roberts, Mr. Rockefeller, Mr. Roth, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Thurmond, Mr. Torricelli, Mr. Voinovich, Mr. Warner, Mr.

WELLSTONE, Mr. WYDEN, Mr. DASCHLE, Mr. HELMS, and Mr. BIDEN):

S. Con. Res. 7. A concurrent resolution honoring the life and legacy of King Hussein ibn Talal al-Hashem; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself, Mr. GRAHAM, Mr. BUNNING, Mr. MACK, Mr. BREAUX, Mr. DEWINE, Mr. SMITH of Oregon, Mr. ROBB, Mr. LUGAR, Mr. COCHRAN, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. STEVENS, Mr. COVERDELL, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. BAYH, Mr. BYRD, Mr. SPECTER, and Mr. KERREY):

S. 387. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses; to the Committee on Finance.

EDUCATIONAL SAVINGS LEGISLATION

• Mr. MCCONNELL. Mr. President, I come to the floor today to introduce legislation that addresses an important issue facing American families today—the education of their children. It is my long-held belief that we need to make a college education more affordable, and the legislation I am introducing today, the College Savings Act, will do just that by providing tax incentives to families who save for college.

This legislation is a serious effort to reward long-term saving by making savings for education tax-free. It is important that we not forget that compounded interest cuts both ways. By saving, participants can keep pace, or even ahead of, tuition increases while putting a little away at a time. By borrowing, students bear added interest costs that add thousands to the total cost of tuition. Savings will have a positive impact, by reducing the need for students to borrow tens of thousands of dollars in student loans. This will help make need-based grants, which target low-income families, go much further.

Mr. President, anyone with a child in college knows first-hand the expense of higher education. Throughout the 1990's, education costs have continually outstripped the gains in income. Tuition rates have now become the greatest obstacle students face in attending college. In fact, the astronomical increase in college costs has been well documented. According to a study conducted by the College Board, tuition and fees for a four-year public university rose 107 percent from 1980–1997, while median household income rose only 12 percent.

Due to the high cost of education, more and more families have come to rely on financial aid to meet tuition costs. In fact, a majority of all college students utilize some amount of financial assistance. In 1997–98, $60 billion in financial aid was available to students and their families from federal, state, and institutional sources. This was $3 billion higher than the previous year. A majority of this increase in aid was in the form of loans, which now make up the largest portion of the total federal-aid package at 57 percent. Grants, which a decade ago made up 49 percent of assistance, have been reduced to 42 percent. This shift toward loans further burdens students and families with additional interest costs.

We must reverse the dependence on federal assistance and encourage families to save. My legislation would reward savings and allow students and families that are participating in these state-sponsored plans to be exempt from federal income tax when the funds are used for qualified educational purposes. This legislation also recognizes the leadership that states have provided in helping families save for college. In the mid-1980s, states identified the difficulty families had in keeping pace with the rising cost of education. States like Kentucky, Florida, Ohio, and Michigan were the first to start programs in order to help families save for college. Nationwide more than 30 states have established savings programs, and over a dozen states are preparing to implement plans in the near future. Today, there are nearly one million savers who have contributed over $3 billion in education savings. The provision which I authored, which allows tax-free education savings in state-sponsored savings plans for education purposes, provides nearly a $1.5 billion tax break for middle-class savers nationwide. In Kentucky, over 3,720 families have established accounts, which amount to about $7.5 million in savings.

Mr. President, I have worked closely with the state plan administrators over the years seeking both their advice and support. Again this year, I am pleased to have the National Association of State Treasurers and the College Savings Plans Network endorse this legislation. They have worked tirelessly in support of this legislation because they know it is in the best interest of plan participants—the families who care about their children's education.

Mr. President, many Kentuckians are drawn to this program because it offers a low-cost, disciplined approach to savings. In fact, the average monthly contribution in Kentucky is just $52. It is also important to note that 60 percent of the participants earn under $60,000 per year. By exempting all interest earnings from state taxes, my legislation rewards parents who are serious about their children's future and who are committed over the long-term to the education of their children by providing a significant tax break for middle-class savers nationwide. Clearly, this benefits middle-class families.

In 1994, I introduced the first bill to make education savings exempt from taxation. Since then I have won a couple of battles, but still haven't won the war. To win the war, Congress needs to make education savings tax free—from start to finish. The bill I am introducing today will achieve that goal.

In 1996, Congress took the first step in providing tax relief to families investing in these programs. In the Small Business Job Protection Act of 1996, I was able to include a provision that clarified the tax treatment of state-sponsored savings plans and the participants' investment. This measure put an end to the tax uncertainty that has hampered the effectiveness of these state-sponsored programs and helped families who are trying to save for their children's education. Also in 1996, Virginia started its plan and was overwhelmed by the positive response. In its first year, the plan sold 16,111 contracts raising $260 million. This success exceeded all goals for this program.

In 1997, the Taxpayer Relief Act made revisions to provide maximized flexibility to families saving for their children's college education. The most significant reform was to expand the definition of "qualified education costs" to include room and board, thus doubling the amount families could save tax-free. In Kentucky, room and board at a public institution make up half of all college costs. This important legislation also expanded the definition of eligible institutions to include all schools, including certain proprietary schools, and defined the term "member of family" to allow rollover eligibility for cousins and step-siblings in the event that the original beneficiary does not attend college.

Last year, the Senate passed legislation, sponsored by Senator COVERDELL and Senator TORRICELLI, which would have allowed parents to place as much as $2,000 per year, per child, in an education savings account for kindergarten through high school education. Included in this legislation was my proposal to make savings in state-sponsored tuition plans tax-free. Unfortunately, the bill was vetoed by President Clinton.

As a result of our actions over the last several years, more and more state plans have implemented tuition savings and prepaid plans for their residents. It is projected that there will be 43 states with tuition savings plans by the year 2000. I believe that we have a real opportunity to go even further toward making college affordable to American families. It is in our best interest as a nation to maintain a quality and affordable education system for everyone. By passing this legislation, we can help families help themselves by rewarding savings. This will reduce the cost of education and will not unnecessarily burden future generations with thousands of dollars in loans.

Mr. President, I ask unanimous consent that a copy of the bill and letters endorsing my legislation from the Kentucky Higher Education Assistance Authority and the National Association of State Treasurers be printed in the RECORD, along with an article from Time magazine that discusses the popularity of state tuition saving programs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION FROM GROSS INCOME OF EDUCATION DISTRIBUTIONS FROM QUALIFIED STATE TUITION PROGRAMS.

(a) IN GENERAL.—Section 529(c)(3)(B) of the Internal Revenue Code of 1986 (relating to distributions) is amended to read as follows:

"(B) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.—

"(i) IN GENERAL.—No amount shall be includible in gross income under subparagraph (A) if the qualified higher education expenses of the designated beneficiary during the taxable year are not less than the aggregate distributions during the taxable year.

"(ii) DISTRIBUTIONS IN EXCESS OF EXPENSES.—If such aggregate distributions exceed such expenses during the taxable year, the amount otherwise includible in gross income under subparagraph (A) shall be reduced by the amount which bears the same ratio to the amount so includible (without regard to this subparagraph) as such expenses bear to such aggregate distributions.

"(iii) ELECTION TO WAIVE EXCLUSION.—A taxpayer may elect to waive the application of this subparagraph for any taxable year.

"(iv) IN-KIND DISTRIBUTIONS.—Any benefit furnished to a designated beneficiary under a qualified State tuition program shall be treated as a distribution to the beneficiary for purposes of this paragraph.

"(v) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified higher education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph.".

(b) COORDINATION WITH EDUCATION CREDITS.—Section 25A(e)(2) of the Internal Revenue Code of 1986 (relating to coordination with exclusions) is amended—

(1) by inserting "a qualified State tuition program or" before "an education individual retirement account"; and

(2) by striking "section 530(d)(2)" and inserting "section 529(c)(3)(B) or 530(d)(2)".

(c) COORDINATION WITH EDUCATION SAVINGS BONDS.—Subparagraph (B) of section 135(d)(2) of the Internal Revenue Code of 1986 (relating to coordination with other higher education benefits) is amended by striking "section 530(d)(2)" and inserting "section 529(c)(3)(B) or 530(d)(2)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

KENTUCKY HIGHER EDUCATION
ASSISTANCE AUTHORITY,
Frankfort, KY, January 14, 1999.

Hon. MITCH MCCONNELL,
U.S. Senate, Russell Office Building,
Washington, DC.

DEAR SENATOR MCCONNELL: Your tremendous support of the Kentucky Educational Savings Plan Trust (Trust) has led to more favorable federal tax treatment of this program and other qualified state tuition programs (QSTPs) around the country. The success achieved through your work provides Kentucky families a greater opportunity to save for the higher education costs of their children.

I am writing to ask for your continued leadership on this issue by pushing forward to obtain tax-free treatment for amounts distributed from QSTPs to cover qualified higher education expenses. Significant progress has been made in this area during the past three years, and we believe your continued efforts will achieve the final goal of tax-free treatment.

Currently, over 2,800 Kentucky families have saved over $7.5 million through the Trust for their children's higher education. We greatly appreciate your efforts to help Kentucky families save for higher education and look forward to continuing to work with you and your staff on this important initiative.

Sincerely,

PAUL P. BORDEN,
Executive Director.

COLLEGE SAVINGS PLANS NETWORK,
February 4, 1999.

Re college savings legislation.

Hon. MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of the College Savings Plans Network ("CSPN"), which represents the 44 states currently offering and managing colleges savings programs, I am writing to express our strong support for your legislation to provide tax-free treatment for contributions to the qualified state tuition programs. CSPN applauds your leadership on legislation to encourage savings for college. Currently, there are over 849,288 signed college tuition contracts. The estimated fair market value of these contracts is $4.2 billion. The families participating in the programs appreciate your efforts on their behalf.

The College Savings Plans Network embraces and fully supports the intent of the College Savings Act of 1999. The public policy intent of this proposal is to enable and motivate families to save for college by providing clear and easily understood tax treatment of the qualified state tuition plans.

CSPN greatly appreciates and fully supports the legislation and your leadership on this proposal.

Sincerely,

MARSHALL BENNETT,
Chairman, College Savings Plans Network,
and Mississippi State Treasurer.

[From Time, Dec. 7, 1998]

NEW WAY TO SAVE FOR COLLEGE

(Online advice from Time finance columnist Dan Kadlec)

The best college-savings program you never heard about keeps getting better. As you think about year-end tax moves, consider dropping some cash into a state-sponsored plan where money for college grows tax-deferred and may garner a fat state income tax exemption as well. This plan is relatively new and often gets confused with more common prepaid-tuition plans, in which you pay today and attend later—removing worries about higher tuition in the future. Savings plans are vastly different and in most cases superior because they are more flexible.

Prepaid plans offer tax advantages, and some are portable, but many still apply only to public colleges within the taxpayer's state. What if Junior gets accepted to Harvard? You can get your contributions back. But some states refund only principal, beating you out of years' worth of investment gains. And state prepaid plans make it tougher to get student aid because the money is held in the student's name. With savings plans the money is in a parent's name, where it counts less heavily in student-aid formulas—and you can set aside as much as $100,000 for expenses at any U.S. college.

Both the prepaid and the college-savings plans vary from state to state. Check out the website "collegesaving.org" for details. It's a fast-moving area. In the next few months, eight states will join the 15 that already have state college-savings programs. Those are mostly in addition to the 19 that have prepaid-tuition plans. Only Massachusetts will probably offer both.

Most of the newer savings plans make contributions deductible against state taxes. New York, for example, launched its plan two months ago. It permits couples to set aside up to $10,000 a year per student and lets New York residents deduct the full amount from their income on their state return. Missouri will approve a tax-deductible savings plan in December. Minnesota is expected to adopt a plan in which the state matches 5% of your contributions. These college-savings plans are open to everyone, regardless of income—in contract to the Roth IRA and other federal savings plans, in which eligibility begins to phase out for couples earning more than $100,000.

If your state doesn't offer a college-savings plan, you can still participate through an out-of-state plan. You won't get the state tax deduction, but you will get tax-deferred investment growth; and when the money is tapped, it will be taxed at the student's rate (usually 15%). Fidelity Investments (800-544-1722), which runs the New Hampshire savings plan, and TIAA-CREF (877-697-2337; www.nysaves.org), which runs the New York plan, make it easy. If your state later offers a savings plan with a tax deduction, you can transfer your account penalty free.

Both plans invest mostly in stocks in the early years and slowly shift into bonds and money markets as your student nears college age. You get no say in this allocation. The impact of tax deferral is big. TIAA-CREF estimates that someone in the 28% tax bracket saving $5,000 a year and mimicking its investments in a taxable account could expect to accumulate $167,000 in 18 years.

Deferring taxes and then paying them at 15% brings the total to $190,000. The state deduction, for those who qualify, pushes the nest egg to $202,000.

Plan benefits:

Taxes are deferred and then paid at the child's lower rate;

Families are eligible regardless of income or state of residence; and

Tax deductions are increasingly available on state returns.●

● Mr. GRAHAM. Mr. President, I am proud to join Senator MCCONNELL and other colleagues in launching an initiative to increase Americans' access to college education. Today we are introducing the College Savings Act of 1999. This bill would allow states to offer prepaid college tuition and savings programs on a tax exempt basis.

These programs have flourished in the face of spiraling college costs. According to the College Board, between 1980 and 1997, tuition at public colleges increased 107 percent, while the median income increased just 12 percent. The cause of this dramatic increase in tuition is the subject of significant debate. But whether these increases are attributable to increased costs to the universities, reductions in state funding for public universities, or the increased value of a college degree, the fact remains that financing a college education has become increasingly difficult.

Although the federal government has increased its aid to college students over the years, it is the states who have engineered innovative ways to help its families afford college. Michigan implemented the first prepaid tuition plan in 1986. Florida followed in 1988. Today 43 states have either implemented or are in the process of implementing prepaid tuition plans or state savings plans.

Mr. President, prepaid college tuition plans allow parents to pay prospectively for their children's higher education at participating universities. States pool these funds and invest them in a manner that will match or exceed the pace of educational inflation. This "locks in" current tuition prices and guarantees financial access to a future college education.

Prior to 1996, the IRS had indicated that it would treat the state entity that held and invested the funds as a taxable corporation. In addition, the IRS stated its intent to tax families annually on earnings on amounts transferred to a state program. In the Small Business Jobs Protection Act, the 104th Congress did two things: (1) it said that provided the program met certain standards, the state program would be tax exempt. (2) Congress also said that families could not be taxed on earnings on an account until a distribution is made from the state plan to the family or the applicable college. At that point, student beneficiary could be taxed on the earnings.

The following year, in the Taxpayer Relief Act, the 105th Congress clarified that this deferral of taxation applied not only to prepaid tuition but also to prospective payments for room and board.

Senator MCCONNELL and I believe that the 106th Congress must go one step further. Distributions from these accounts should be 100 percent tax free. Students should be able to enroll in college without fear of them having to pay taxes on the money accrued.

We believe that these programs should be tax free for numerous reasons. First, for most families, they have in essence purchased a service to be provided in the future. The accounts are not liquid. The funds are transferred from the state directly to the college or university. Under current policy, the student is required to find other means of generating the funds to pay the tax. Second, Congress should make these programs tax free in order to encourage savings and college attendance. No longer is a student's question "Will I be able to go to college?" but instead "Where will I go to college?" Third, making these accounts tax free is good education fiscal policy. For states that do set up programs where they guarantee a tuition price by selling contracts, the existence of these programs puts downward pressure on education inflation.

Perhaps most importantly, prepaid tuition and savings programs help middle income families afford a college education. Florida's experience shows that it is not higher income families who take most advantage of these plans. It is middle income families who want the discipline of monthly payments. They know that they would have a difficult time coming up with the funds necessary to pay for college if they waited until their child enrolled. In Florida, more than 70 percent of participants in the state tuition program have family incomes of less than $50,000.

I am pleased to have this opportunity to join my colleagues in support of good tax policies which enhance our higher education goals. Prepaid tuition plans deserve our support through enactment of legislation that would make them tax-free for American families and students.•

By Mr. CLELAND (for himself, Mr. KERRY, Mr. HOLLINGS, Mr. CONRAD, Mrs. BOXER, Mr. DASCHLE, and Mr. HARKIN):

S. 388. A bill to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration; to the Committee on Small Business.

DISASTER MITIGATION PILOT PROGRAM LEGISLATION

• Mr. CLELAND. Mr. President, on behalf of my fellow original cosponsors, I am proud to introduce legislation which will provide a valuable protection for America's small businesses.

This initiative would permit the Small Business Administration to use up to $15 million of existing disaster funds to establish a pilot program to provide small businesses with low-interest, long-term disaster loans to finance preventive measures before a disaster hits.

Across the nation, increasing costs and personal devastation associated with disasters continually plague communities. While it may be impossible to prevent disasters, we believe that this legislation makes it possible to limit the number of disaster victims.

In response to the financial and human toll caused by disasters, the administration launched an approach to emergency management that moves away from the current reliance on response and recovery to one that emphasizes preparedness and prevention. The Federal Emergency Management Agency established its Project Impact Program to assist disaster-prone communities in developing strategies to avoid the crippling effects of natural disasters.

Our legislation supports this approach by allowing the SBA to begin a pilot program that would be limited to small businesses within those communities that are eligible to receive disaster loans after a disaster has been declared.

Currently, SBA disaster loans may only be used to repair or replace existing protective devices that are destroyed or damaged by a disaster. The pilot program authorized by our proposal would allow funds to also be used to install new mitigation devices that will prevent future damage. We believe that such a program would address two areas of need for small business—reducing the costs of recovery from a disaster and reducing the costs of future disasters. Furthermore, by cutting those future costs, the program presents an excellent investment for taxpayers by decreasing the Federal and State funding required to meet future disaster relief needs. The ability of a small business to borrow money through the Disaster Loan Program to help make their facility disaster resistant could mean the difference as to whether that small business owner is able to reopen or forced to go out of business altogether after a disaster hits.

On behalf of my fellow cosponsors, I urge my colleagues to support this effort to facilitate disaster prevention measures. Upon passage of this legislation, the costs in terms of property, taxpayer dollars, and lives will be reduced when nature strikes in the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISASTER MITIGATION PILOT PROGRAM.

(a) IN GENERAL.—Section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1)) is amended—

(1) in subparagraph (B), by adding "and" at the end; and

(2) by adding at the end the following:

"(C) during fiscal years 2000 through 2004, to establish a predisaster mitigation program to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis), as the Administrator may determine to be necessary or appropriate, to enable small businesses to use mitigation techniques in support of a formal mitigation program established by the Federal Emergency Management Agency, except that no loan or guarantee may be extended to a small business under this subparagraph unless the Administration finds that the small business is otherwise unable to obtain credit for the purposes described in this subparagraph;".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

"(f) DISASTER MITIGATION PILOT PROGRAM.—The following program levels are authorized for loans under section 7(b)(1)(C):

"(1) $15,000,000 for fiscal year 2000.

"(2) $15,000,000 for fiscal year 2001.

"(3) $15,000,000 for fiscal year 2002.

"(4) $15,000,000 for fiscal year 2003.

"(5) $15,000,000 for fiscal year 2004.".

(c) EVALUATION.—On January 31, 2003, the Administrator of the Small Business Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of the pilot program authorized by section 7(b)(1)(C) of the Small Business Act (15 U.S.C. 636(b)(1)(C)), as added by subsection (a) of this section, which report shall include—

(1) information relating to—

(A) the areas served under the pilot program;

(B) the number and dollar value of loans made under the pilot program; and

(C) the estimated savings to the Federal Government resulting from the pilot program; and

(2) such other information as the Administrator determines to be appropriate for evaluating the pilot program.●

Mr. KERRY. Mr. President, today I join my colleague, Senator MAX CLELAND, in introducing the Disaster Mitigation Coordination Act of 1999, a bill that helps our nation's small businesses save money and prepare for natural disasters.

We can't prevent disasters, but we can take measures to lessen and prevent the destruction that often hurts, and sometimes destroys, small businesses. Aside from avoiding inconveniences and disruptions, we know that there are cost-benefits to making meaningful improvements and changes to facilities before a disaster. According to the Federal Emergency Management Agency, which has a disaster mitigation program for communities, rather than businesses, we know that we save two dollars of disaster relief money for each dollar spent on disaster mitigation.

I see a great need for this type of assistance in the small business community. This bill establishes a five-year pilot program that would make low-interest, long-term loans available to small business owners financing preventive measures to protect their businesses against, and lessen the extent of, future disaster damage. This pilot program is designed to help those small businesses that can't get credit elsewhere and that are located in disaster-prone areas.

The small business pre-disaster mitigation loan pilot program would be run as part of the Small Business Administration's regular disaster loan program, testing the pros and cons of preparedness versus reaction. Up to $15 million will be set aside for this pilot if enacted.

Only a portion of SBA's regular disaster loans, up to 20 percent, are available for mitigation after a recent natural disaster. In contrast, this legislation would allow 100 percent of an SBA disaster loan to be used for mitigation purposes within any area that the Federal Emergency Management Agency has designated as disaster-prone. In Massachusetts, that includes Marshfield and Quincy, two coastal communities that are prone to flooding, rainstorms and Nor'easters.

Nationwide, whether you're a business in Missouri or Massachusetts, this pilot would allow you to take out a loan to make the improvements to your building or office to protect against disasters. For floods it can mean elevating the foundation or relocating. For tornados it can mean installing storm windows and building a stronger roof. For hurricanes it can mean reinforcing walls. And for fires it can mean adding sprinklers and flame-retardant building materials.

The Administration supports this pilot program and included it in Clinton's budget request this fiscal year, and again for fiscal year 2000. The President requests that up to $15 million of the total $358 million proposed for disaster loans be used for disaster mitigation loans.

Senator CLELAND and I introduced this same legislation in the last Congress. And although it passed committee and the full Senate without opposition, the House did not have time to vote on its merits before the 105th Congress ended. I thank my colleagues, Senators HOLLINGS, CONRAD, BOXER, DASCHLE and HARKIN for sharing our concern to meet the needs of our small business owners while also working to find solutions that are smarter, more pro-active and more cost-effective. Mr. President, I am pleased to cosponsor this legislation and am hopeful it will again receive the full support it deserves when it comes before the Senate this Congress.

By Mr. McCAIN (for himself, Mr. ROBB, Mr. LIEBERMAN, Mr. DEWINE, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. CLELAND, Mrs. FEINSTEIN, Mr. HUTCHINSON, Mr. CONRAD, Mr. ALLARD, and Mr. SMITH of New Hampshire):

S. 389. A bill to amend title 10, United States Code, to improve and transfer the jurisdiction over the Troops to Teachers program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

TROOPS TO TEACHERS IMPROVEMENT ACT OF 1999

● Mr. McCAIN. Mr. President, I rise today to introduce the Troops to Teachers Improvement Act of 1999. This legislation would help provide high-quality teachers to our nation's classrooms by assisting and counseling retired military personnel who are interested in beginning a new career as a teacher. I have worked hard with my colleagues, Senators ROBB and LIEBERMAN to develop a bill which strengthens, reforms and reauthorizes the current Troops to Teachers program in a manner which effectively addresses the educational needs of our nation's students.

One of the most important issues facing our nation is the education of our children. Providing a solid, quality education for each and every child in our nation is a critical component in their quest for personal success and fulfillment. A solid education for our children also plays a pivotal role in the success of our nation, economically, intellectually, civically and morally.

Unfortunately, our current education system is failing to provide many students with the academic skills they need. The Third International Math and Science Study (TIMSS) ranked U.S. high school seniors last among 16 countries in physics and next to last in math. These disappointing results underscore the challenge we face in improving our public schools and providing our children with a competitive, world-class education.

A big part of that challenge will be funding, recruiting and retaining quality teachers to make America's children ready for tomorrow, particularly in the area of math and science. The Department of Education estimates that the nation's local school districts will need to hire more than two million teachers over the next decade to meet growing enrollment demands.

It is essential that we work together to develop and support innovative programs which help address this growing need for school teachers. Fortunately, an effective and innovative program for addressing this shortfall already exists, the Troops to Teachers program.

As many of my colleagues know, the Troops to Teachers program was initially created in 1993 to assist military personnel affected by defense downsizing but were interested in utilizing their knowledge, professional skills and expertise by becoming a teacher. Unfortunately, the authorization for this program is set to expire at the end of this fiscal year.

Senators ROBB, LIEBERMAN and I were disconcerted to learn that this successful program would soon be terminated. We joined together to develop a bipartisan bill which not only reauthorizes this program but strengthens and reforms it so that it more effectively meets the academic needs of our students and schools.

Our bill reforms this program so that it operates more efficiently and effectively targets the educational needs of our students. First, our bill transfers responsibility and funding for this program from the Department of Defense to the Department of Education. I and many other members of the Armed Services Committee believe that this is appropriate since it targets an educational need, rather than a military issue in our country and the Defense Department needs to use their limited resources to address a litany of problems impairing the readiness of our armed forces.

Another important concern we address in our bill is eligibility. Under the current program, military personnel are eligible for participation after serving only six years in the military. This eligibility policy is outdated and no longer appropriate while our military is facing a personnel retention crisis. Therefore, we have limited eligibility to military personnel who retire after at least twenty years of service, physically disabled personnel or individuals who have served a minimum of six years and can provide documentation they were affected by military downsizing.

Based on academic scores, particularly the TIMSS report it is evident that a stronger emphasis needs to be placed on the academic preparation of our children in the areas of math and science. This is why we have made math, science, and special education teachers a priority for the Troops to Teachers program.

We also recognize the difficulties which face many of our schools, particularly those with a large proportion of at-risk students who pose a greater challenge to educators. Many schools are confronted with the difficult task of educating children who face a litany of personal obstacles, including poverty, broken homes, language barriers, learning disabilities and physical disabilities. We have attempted to help schools conquer these challenges by providing incentives for individuals who commit to teaching for a minimum of four years at a school with a large proportion of at-risk students and a significant shortage of teachers.

Finally, we have limited the cost of this program to the federal government by eliminating excessive, duplicative or unnecessary expenses. We have also limited administrative costs to operate this program to five percent, to ensure that federal funds being spent on this program are actually benefitting our children and education system, rather than being absorbed by Washington bureaucrats.

"A teacher affects eternity; they can never tell where their influence stops." I share this sentiment of Henry Adams, and hope that each of my colleagues will work with us to continue providing high quality, experienced and effective teachers to our children through the Troops to Teachers program. It is important for our children, for our nation and for our future.●

● Mr. ROBB. Mr. President, I'm pleased to be joined today by several colleagues in introducing legislation that will help with one of the nation's most pressing challenges for the twenty first century—recruiting teachers for our public schools.

The deterioration of our schools is evident. The Third International Math and Science Study (TIMSS) ranked U.S. high school seniors last among 16 countries in physics and next to last in math. We are failing to provide the quality of education that will not only ensure each individual student the skills needed for personal success and fulfillment, but also that the nation can maintain its economic—and intellectual—leadership into the next century.

Clearly there are many measures that must be taken to address this national dilemma. Our school infrastructure is literally crumbling. I was joined recently by Senator LAUTENBERG in introducing the Public School Modernization Act of 1999, which will support building new schools and repair and modernization of old schools to accommodate a growing school population and reduce class size.

Many schools have been left out of the information revolution. I have worked hard to help Virginia schools get "wired" to the Internet—indeed I've helped physically wire several schools across the Commonwealth.

But ultimately, nothing matters more for the education of our youth than quality teachers. The Department of Education estimates that the nation's local school districts must hire more than two million teachers over the next decade to meet growing enrollment demands.

This legislation builds on an existing program—the Troops to Teachers program established originally in 1993—to help bring experienced, well-disciplined role models with proven leadership skills into the public school system. Since its authorization, the Troops to Teachers program has assisted thousands of military personnel who leave the military to become public school teachers. Troops to Teachers offers counseling and assistance to help participants identify employment opportunities and receive teacher certification. It has been a great success, filling school vacancies in 48 states.

These professionals are providing what educators say they need the most: mature role models, most of them male and many minorities, often trained in math and science, highly motivated, and comfortable in tough working environments. In fact, over three quarters are men, compared with about 25 percent in the overall public school system. About half elect to teach in inner city or rural schools. A disproportionate share have science, engineering or technical backgrounds. Retention is much higher than the national average.

The authority for Troops to Teachers expires at the end of this fiscal year. The legislation we are introducing here today reauthorizes the program and makes many refinements to encourage even more of our soldiers, sailors, airmen and marines to enter the noble profession of teaching America's youth. The legislation focuses more resources toward direct financial assistance to cover teacher certification costs for applicants, and creates a bonus for those opting to teach in certain high need schools. Fewer resources are made available for administrative and other overhead costs. The bonus, I believe, will be particularly effective in attracting larger numbers of applicants. A recent offering of a sign-up bonus of $20,000 in Massachusetts public schools led to an explosion in applications from around the country.

Mr. President, I urge other Senators to support this important legislation and I look forward to it being brought forward for final passage this year.●

● Mr. LIEBERMAN. Mr. President, I am pleased to join with Senators McCAIN and ROBB today in introducing legislation to extend and expand the Defense Department's successful Troops to Teachers initiative, which helps to steer former military personnel into classroom teaching jobs.

To date Troops to Teachers has placed more than 3,000 retired or downsized service members in public schools in 48 different states, providing participants with assistance in obtaining the proper certification or licensing and matching them up with prospective employers. In return, these new teachers bring to the classroom what educators say our schools need most: mature and disciplined role models, most of them male and many of them minorities, well-trained in math and science and high tech fields, highly motivated, and highly capable of working in challenging environments.

Our bill, the Troops to Teachers Improvement Act, aims to build on this success by encouraging more military retirees to move into teaching. It would do so by offering those departing troops new incentives to enter the teaching profession, particularly for those who are willing to serve in areas with large concentrations of at-risk children and severe shortages of qualified teaching candidates.

The reality is, Mr. President, that the nation as a whole is facing a serious teacher shortage. The Department of Education is projecting that local school districts will have to hire more than two million new teachers over the next decade due to surging enrollments and the aging of America's teaching force. We were reminded again of this problem just this past Sunday by a front-page in the Washington Post, which described in some detail the challenge facing school systems across the country.

As the Post article pointed out, this is a critical challenge for the nation, because our hopes of raising academic standards and student achievement will hinge in large part on the capabilities and talents of the men and women who fill those two million places in the classroom. Studies show conclusively, and not surprisingly, that teacher quality is one of the greatest determinants of student achievement, and that low-performing students make dramatic gains when they study with the most knowledgeable teachers. The American public is very aware of this crucial link, as evidenced in a survey done last November, in which nine out of 10 people listed raising teacher quality as one of our top educational priorities.

The President began to address this critical challenge with his proposal to hire 100,000 new teachers, a plan I was proud to cosponsor. The Congress gave preliminary approval to this plan last fall through the Omnibus Appropriations bill we passed, which included funding for the first year of the program. I hope we will fully authorized this program this year to give local school districts full confidence that the funding for their efforts will be forthcoming.

But the question remains who is going to fill those new positions, and it is this question that most concerns me. Over the last few years, we have seen some troubling indications about the quality of teaching candidates being produced by the nation's education schools. Most Americans would probably be surprised to learn that college students who choose to go into teaching today tend to fall near the bottom of their peer group academically—a survey of students in 21 different fields of study found that education majors ranked 17th in their performance on the SAT.

And most Americans would probably also be surprised to know that many of those would-be teachers are struggling to pass basic skills tests after graduating from their training programs. In Massachusetts, for example, 59 percent of the 1,800 candidates who took the state's first-ever certification exam flunked a literacy exam that the state board of education chairman rated as at "about the eighth-grade level." In Long Island, to cite another example, only one in four teaching candidates in a pool of 758 could pass an English test normally given to 11th-graders.

These indicators are troubling in their own right, but they are even more so when we consider the pressures local school districts are under to fill holes in their teaching staffs. Many school systems around the country are already feeling the effects of the teacher shortage, and as a result administrators are being forced to grant large numbers of emergency waivers to certification or licensure rules. This is a troubling trend, because while certification is not a guarantee of quality, the fact that so many schools are lowering their standards to fill vacancies only heightens the chance that children in those schools will be stuck with an unqualified instructor.

In light of all of these developments, I think it is imperative that we search for new ways to attract more of the nation's best and brightest to the classroom, and we look beyond our education schools to tap new pools of talent. That is why I am so enthusiastic about the creative approach taken by the Troops to Teachers program. I can't think of a better source of teaching candidates than the smart, disciplined and dedicated men and women who leave the military every year, or a better return on the investment we as taxpayers have made in their training.

A recent evaluation done by the nonpartisan National Center for Education Information reveals that the troops who have participated so far have excelled in their new careers.

> "Our research shows that military people transition extremely well into teaching," said NCEI President Emily Feistritzers. "They are a rich source of teachers in all the areas where we need teachers—geographically and by subject area. There are more males among them than in normal recruiting, and they are very committed; they are going into teaching for all the right reasons."

The NCEI study found that 90 percent of program participants were male, in comparison to the current teaching force, which is three-quarters female; that more than 75 percent of the troops were teaching in inner cities or in small towns and rural areas, often where shortages are most acute and where strong male role models are most needed; and that 85 percent of the troops who started teaching over the last four years are still on the job, a retention rate far higher than for other new educators.

One of the most important needs these troops are filling is in math and science classes. Several surveys have shown that a startling number of the men and women who are teaching math and science in middle and high schools today are not trained in these fields. This problem is especially severe in inner city school districts, where approximately half of all math and science teachers lack a major or minor in their field. The soldiers who are participating in Troops to Teachers often have advanced training in engineering and technology, and are well-equipped to prepare our children for the demands of the Information Age economy.

If there is one place where Troops to Teachers is falling short, it is in the number of participants. According to the Defense Department, less than 2 percent of the military personnel who have been eligible for the program have participated in the past five years. This is due in part, we believe, to the fact that Congress has not appropriated any money for the program in the last four years, and thereby stopped providing any financial support to troops who often incur thousands of dollars in costs for certification and relocations.

The central goal of our legislation—beyond renewing the program's authorization, which expires at the end of this fiscal year—is to boost that participation rate, to persuade more troops to embrace a new way to serve their nation. Our bill would authorize $25 million for each of the next five years, the bulk of which would go toward funding stipends of $5,000 to participants who commit to teach four years, and a special "bonus" stipend of $10,000 to troops who commit to teach in high-needs areas, which we hope will spur more former service members to consider teaching.

I particularly hope our legislation will increase participation in my state of Connecticut. According to the Defense Department, only six troops have been placed in teaching jobs in Connecticut to date, which is disappointing given the significant number of military personnel located in the state. The Connecticut Department of Education believes local school districts could substantially benefit from this untapped resource, and for that reason the department has strongly voiced its support for our legislation.

Even with the new incentives we are creating, which we hope will recruit as many as 3,000 new teachers each year, we recognize that Troops to Teachers will still only make a modest dent in solving the national shortage. But we will, with an extremely modest investment, make a substantial contribution to our common goals of raising teaching standards and helping our children realize their potential. And we may well galvanize support for a recruitment method that, as Education Secretary Richard Riley has suggested, could serve as a model for bringing many more bright, talented people from different professions to serve in our public schools and raise teaching standards there.

The President has already expressed his strong support for our efforts to renew and revitalize Troops to Teachers, including new funding for it in his FY 2000 budget request. I hope my colleagues will join the impressive bipartisan coalition of cosponsors we have already assembled in supporting our legislation. We have a great opportunity here to harness a unique national resource to meet a pressing national need, and I hope we will seize it this year.

Mr. President, I ask unanimous consent that an article from the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 7, 1999]

TEACHER SHORTAGE STYMIES EFFORTS TO CUT CLASS SIZES

(By Amy Argetsinger)

In 1996, California enacted perhaps the most ambitious education initiative of the decade—a $1 billion program to reduce the size of elementary school classes by hiring 20,000 extra teachers.

Parents cheered the plan, and other states—including Maryland and Virginia—have rushed to imitate it. President Clinton joined in, too, promising a national plan to help hire 100,000 teachers in the next several years.

But California's effort instantly posed a question that is likely to be echoed across the country as many schools embark on a historic hiring binge:

Where are all these new teachers supposed to come from?

California found enough teachers—but only by draining its substitute pools, raiding private schools, recruiting from other states and Mexico and hiring thousands without state teaching licenses. Today, about 10 percent of the state's teachers are working with "emergency" credentials.

It's a problem that could appear in many other school districts that are bracing for their worst teacher shortages in years, at the same time they are trying to fulfill the popular education reform goals of raising teacher standards and reducing class sizes.

Already, in Prince George's County, an early collision of these goals suggests that sometimes something has to give. When Gov. Parris N. Glendening (D) promised to hire 1,100 new teachers, he also warned that school districts must have at least 98 percent of their teachers with full state certification by 2002 or risk losing the new funds. But in counties such as Prince George's, which offers mid-range salaries and where only 87 percent of teachers are fully certified, officials complain they cannot possibly improve their numbers that fast.

This week, aides said the governor may consider giving some districts more time to reach the goal.

"It's a very delicate balancing act," warned Lawrence E. Leak, Maryland's assistant superintendent of schools. "Each one of those issues"—shortages, standards and class sizes—"are compelling with respect to wanting quality teachers in the classroom."

Last fall, public school officials throughout the Washington area and across the country found themselves scrambling to fill last-minute teaching vacancies. Most were in science and math classes, where instructors can command much higher salaries in booming high-tech private industries. Many districts also reported shortages of special education teachers.

Yet a more serious and widespread shortage is looming. In the next decade, rising student enrollments and a wave of baby-boomer retirements will require 2 million new teachers, according to the U.S. Department of Education. Meanwhile, teacher colleges in many parts of the country are turning out fewer graduates—a phenomenon attributed to both the low birth rates of the mid-1970s and that generation's reluctance to enter such a demanding but low-paying field.

School districts have responded by cranking up recruitment efforts, setting off early across the country in search of top teacher candidates, forging ties with education schools, and piling on the incentives. Baltimore schools last year started offering job prospects $5,000 toward closing costs on a new home in the city. Some North Carolina districts promise 6.5 percent annual raises. Massachusetts caused a sensation this month by offering top teaching-school graduates the chance to apply for competitive $20,000 signing bonuses.

At the University of Virginia last week, a record 210 recruiters showed up at a job fair to woo a graduating class of only 150 teaching majors—20 of whom were already spoken for.

"It's unheard of," said Gigi Davis-White, a career-planning director at the university's Curry School of Education. "I had recruiters complaining. . . . They'd never really had to work that fast."

The demand is not limited to students with an education degree, she said. "If you have a math, science or foreign language background, they'll provisionally certify you and get you in the classroom."

Deeply concerned about the looming shortages, Maryland legislators are weighing a passel of measures to lure more people into teaching.

Glendening is promoting full scholarships for students who promise to teach in Maryland schools. And although a pitch by state Superintendent of Schools Nancy S. Grasmick to give teachers tax breaks found no sponsor, proposals now before the state General Assembly include $3,000 signing bonuses for top graduates, tax credits to reward graduate studies, stipends for high-performing teachers, and pension protections to encourage retired teachers to return to the classroom. Sen. Gloria G. Lawlah (D-Prince George's) is proposing scholarships for students who promise to teach in Prince George's and property tax breaks for county teachers.

Yet some say such efforts fall short. Karl Pence, president of the Maryland State Teachers Association, said state officials need to focus less on quick fixes and cash bonuses than on making teaching a more desirable and respected profession.

"There are lots of teachers who would accept challenges of working in at-risk schools if they could have reasonable class size, the materials they need, clean and safe buildings, and technology right there in the classroom," he said.

But the best attempts to fight the teacher shortage may be complicated by efforts to reduce class size—which require hiring even more teachers.

It's one of the most politically popular issues of the day: Many parents and politicians insist that with fewer students in a room, a teacher can provide more individual attention to each and thus enrich the learning experience. Clinton's proposal won funding for a first-stage hire of 30,000 teachers who will join the nation's classrooms this fall.

Meanwhile, both Glendening and Virginia Gov. James S. Gilmore III (R) are touting their own class-size reduction plans, now under consideration in their state legislatures. And individual school districts—including Montgomery and Howard counties and Alexandria—are pouring money into similar programs. (D.C. officials have no plan to reduce their relatively small class sizes, although they agree that teachers are always at a premium.)

Most of the class-size reduction plans are aimed at kindergarten through third grade, where researchers believe children are best served by the extra attention. Some plans also would add more teachers in seventh- or ninth-grade math, another critical juncture for students.

Some analysts argue that smaller classes—though increasing the demand for teachers—may help solve the shortages by making teaching more appealing. In California, schools had little trouble finding teachers for the new first- and second-grade slots, which promised no more than 20 students a class.

The catch, however, was that many of them deserted posts in crowded middle school classrooms to take the new jobs—leaving a void in the upper-grade teaching ranks.

At the same time, politicians have increasingly made an issue about the quality of public school teachers. Virginia last year set the highest cutoff score in the nation on the standardized test for aspiring teachers. Maryland, meanwhile, has set several new hurdles for teachers, requiring them to take several more reading courses for certification and linking their license renewal to regular evaluations.

Lately in Maryland, state officials also have raised concerns about the large number of teachers lacking full certification, especially in Prince George's County and Baltimore. Fully certified teachers generally must pass a set of approved education courses, have some student teaching experience and pass a national teacher's exam.

Officials in these districts maintain that just because a teacher is uncertified doesn't mean he or she is a bad teacher—many of the "provisionally" certified teachers are close to completing the requirements for licensure.

But they also complain that their smaller budgets and larger enrollments make it hard to vie for the dwindling pool of qualified applicants. "The competition is intense," said Louise F. Waynant, Prince George's deputy superintendent of schools. "And we do find that school districts with higher teacher salaries have a bit of an advantage."

Gordon Ambach, the executive director of the Council of Chief State School Officers, argues that the teacher shortage will have little effect on affluent suburbs but will hit hard in school systems such as Prince George's and the District, which have greater pockets of poor and immigrant students.

But some education analysts—especially advocates for teaching—see opportunity in the teacher crunch. Linda Darling-Hammond, executive director of the National Commission on Teaching and America's Future, notes that some parts of the country produce more than enough teachers, but that those instructors cannot easily get licensed in other states. She said states should offer more reciprocity in teacher licensing.

She also said the real shortage problem stems from high rates of attrition—almost 30 percent of teachers drop out within five years. "We waste a lot of money and time and effort with the revolving door," Darling-Hammond said, "trying to recruit people, then treating them badly and watching them leave."

David Haselkorn, president of Recruiting New Teachers Inc., said school systems need to offer mentoring programs for struggling new teachers—such a plan has been proposed in the Maryland General Assembly. And he said he hopes the crunch will inspire local officials to consider raising salaries and otherwise improve teachers' working conditions.

"The opportunity is to use this moment in time—when we are going to be doing a substantial amount of hiring—to rethink significantly how we prepare and support teachers for the 21st century."●

By Mr. REID:

S. 390. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

● Mr. REID. Mr. President, I rise today to introduce legislation that would correct a problem that plagues a special group of older Americans. I am speaking on behalf of those affected by the Social Security notch.

For my colleagues who may not be aware, the Social Security notch causes 11 million Americans born between the years 1917–1926 to receive less in Social Security benefits than Americans born outside the notch years due to changes made in the 1977 Social Security benefit formula.

I have felt compelled over the years to speak out about this issue and the injustice it imposes on millions of Americans. The notch issue has been debated and debated, studied and studied, yet to date, no solution to it has been found. Because of this, many older Americans born during this period must scrimp to afford the most basic of necessities.

Mr. President, I am the first to acknowledge that with any projected budget surplus we must save Social Security. In many ways, my legislation does just this. It restores confidence to the many notch victims around the country and will show them that we in Congress will accept responsibility for any error that was made. We should not ask them to accept less as a result of our mistake. While we must save Social Security for the future, we have an obligation to those, who through no fault of their own, receive less than those that were fortunate enough to be born just days before or after the notch period.

I believe we owe a debt to notch babies. Like any American family, we must first pay the bills before we invest in the future. We have the resources to make good on our debt to notch babies. We should come forward and honor our commitment.

Mr. President, the "notch" situation had its origins in 1972, when Congress decided to create automatic cost-of-living adjustments to help Social Security benefits keep pace with inflation. Previously, each adjustment had to await legislation, causing beneficiaries' monthly payments to lag behind inflation. When Congress took this action, it was acting under the best of intentions.

Unfortuately, this new benefit adjustment method was flawed. To function properly, it required that the economy behave in much the same fashion that it had in the 1950s and 1960s, with annual wage increases outpacing prices, and inflation remaining relatively low. As we all know, that did not happen. The rapid inflation and high unemployment of the 1970s generated increases in benefits. In an effort to end this problem, in 1977 Congress revised the way that benefits were computed. In making its revisions, Congress decided that it was not proper to reduce benefits for persons already receiving them; it did, however, decide that benefits for all future retirees should be reduced. As a result, those born after January 1, 1917 would, by design, receive benefits that were, in many cases, far less. In an attempt to ease the transition to the new, lower benefit levels, Congress designed a special 'transitional computation method' for use by beneficiaries born between 1917 and 1921.

Mr. President, we have an obligation to convey to our constituents that Social Security is a fair system. In town hall meetings back home in Nevada, I have a hard time trying to tell that to a notch victim. They feel slighted by their government and if I were in their situation, I would too. Through no fault of their own, they receive less, sometimes as much as $200 less, than their neighbors.

The legislation I am offering today is my proposal to right the wrong. I propose using any projected budget surplus to pay the lump sum benefit to notch babies. While we have a surplus, let's fix the notch problem once and for all and restore the confidence of the ten million notch babies across this land.

Government has an obligation to be fair. I don't think we have been in the case of notch babies. My support of notch babies is longstanding. I introduced the only notch amendment in April 1991 that ever passed in Congress as part of the fiscal year 1992 Budget Resolution. Unfortunately, it did not become the law of the land as it was dropped in Conference with the House of Representatives. I have cosponsored numerous pieces of legislation over the years to address this issue. With this legislation, my effort continues.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Notch Fairness Act of 1999".

SEC. 2. NEW GUARANTEED MINIMUM PRIMARY INSURANCE AMOUNT WHERE ELIGIBILITY ARISES DURING TRANSITIONAL PERIOD.

(a) IN GENERAL.—Section 215(a) of the Social Security Act (42 U.S.C. 415(a)) is amended—

(1) in paragraph (4)(B)—

(A) by inserting "(with or without the application of paragraph (8))" after "would be made"; and

(B) in clause (i), by striking "1984" and inserting "1989"; and

(2) by adding at the end the following:

"(8)(A) In the case of an individual described in paragraph (4)(B) (subject to subparagraphs (F) and (G) of this paragraph), the amount of the individual's primary insurance amount as computed or recomputed under paragraph (1) shall be deemed equal to the sum of—

"(i) such amount, and

"(ii) the applicable transitional increase amount (if any).

"(B) For purposes of subparagraph (A)(ii), the term 'applicable transitional increase amount' means, in the case of any individual, the product derived by multiplying—

"(i) the excess under former law, by

"(ii) the applicable percentage in relation to the year in which the individual becomes eligible for old-age insurance benefits, as determined by the following table:

"If the individual becomes eligible for such benefits in:	**The applicable percentage is:**
1979	55 percent
1980	45 percent
1981	35 percent
1982	32 percent
1983	25 percent
1984	20 percent
1985	16 percent
1986	10 percent
1987	3 percent
1988	5 percent.

"(C) For purposes of subparagraph (B), the term 'excess under former law' means, in the case of any individual, the excess of—

"(i) the applicable former law primary insurance amount, over

"(ii) the amount which would be such individual's primary insurance amount if computed or recomputed under this section without regard to this paragraph and paragraphs (4), (5), and (6).

"(D) For purposes of subparagraph (C)(i), the term 'applicable former law primary insurance amount' means, in the case of any individual, the amount which would be such individual's primary insurance amount if it were—

"(i) computed or recomputed (pursuant to paragraph (4)(B)(i)) under section 215(a) as in effect in December 1978, or

"(ii) computed or recomputed (pursuant to paragraph (4)(B)(ii)) as provided by subsection (d),

(as applicable) and modified as provided by subparagraph (E).

"(E) In determining the amount which would be an individual's primary insurance amount as provided in subparagraph (D)—

"(i) subsection (b)(4) shall not apply;

"(ii) section 215(b) as in effect in December 1978 shall apply, except that section 215(b)(2)(C) (as then in effect) shall be deemed to provide that an individual's 'computation base years' may include only calendar years in the period after 1950 (or 1936 if applicable) and ending with the calendar year in which such individual attains age 61, plus the 3 calendar years after such period for which the total of such individual's wages and self-employment income is the largest; and

"(iii) subdivision (I) in the last sentence of paragraph (4) shall be applied as though the words 'without regard to any increases in that table' in such subdivision read 'including any increases in that table'.

"(F) This paragraph shall apply in the case of any individual only if such application results in a primary insurance amount for such individual that is greater than it would be if computed or recomputed under paragraph (4)(B) without regard to this paragraph.

"(G)(i) This paragraph shall apply in the case of any individual subject to any timely election to receive lump sum payments under this subparagraph.

"(ii) A written election to receive lump sum payments under this subparagraph, in lieu of the application of this paragraph to the computation of the primary insurance amount of an individual described in paragraph (4)(B), may be filed with the Commissioner of Social Security in such form and manner as shall be prescribed in regulations of the Commissioner. Any such election may be filed by such individual or, in the event of such individual's death before any such election is filed by such individual, by any other beneficiary entitled to benefits under section 202 on the basis of such individual's wages and self-employment income. Any such election filed after December 31, 1999, shall be null and void and of no effect.

"(iii) Upon receipt by the Commissioner of a timely election filed by the individual described in paragraph (4)(B) in accordance with clause (ii)—

"(I) the Commissioner shall certify receipt of such election to the Secretary of the Treasury, and the Secretary of the Treasury, after receipt of such certification, shall pay such individual, from amounts in the Federal Old-Age and Survivors Insurance Trust Fund, a total amount equal to $5,000, in 4 annual lump sum installments of $1,250, the first of which shall be made during fiscal year 2000 not later than July 1, 2000, and

"(II) subparagraph (A) shall not apply in determining such individual's primary insurance amount.

"(iv) Upon receipt by the Commissioner as of December 31, 1999, of a timely election filed in accordance with clause (ii) by at least one beneficiary entitled to benefits on the basis of the wages and self-employment income of a deceased individual described in paragraph (4)(B), if such deceased individual has filed no timely election in accordance with clause (ii)—

"(I) the Commissioner shall certify receipt of all such elections received as of such date to the Secretary of the Treasury, and the Secretary of the Treasury, after receipt of such certification, shall pay each beneficiary filing such a timely election, from amounts in the Federal Old-Age and Survivors Insurance Trust Fund, a total amount equal to $5,000 (or, in the case of 2 or more such beneficiaries, such amount distributed evenly among such beneficiaries), in 4 equal annual lump sum installments, the first of which shall be made during fiscal year 2000 not later than July 1, 2000, and

"(II) solely for purposes of determining the amount of such beneficiary's benefits, subparagraph (A) shall be deemed not to apply in determining the deceased individual's primary insurance amount.".

(b) EFFECTIVE DATE AND RELATED RULES.—

(1) APPLICABILITY OF AMENDMENTS.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act shall be effective as though they had been included or reflected in section 201 of the Social Security Amendments of 1977.

(B) APPLICABILITY.—No monthly benefit or primary insurance amount under title II of the Social Security Act shall be increased by reason of such amendments for any month before July 2000. The amendments made this section shall apply with respect to benefits payable in months in any fiscal year after fiscal year 2003 only if the corresponding decrease in adjusted discretionary spending limits for budget authority and outlays under section 3 of this Act for fiscal years prior to fiscal year 2004 is extended by Federal law to such fiscal year after fiscal year 2003.

(2) RECOMPUTATION TO REFLECT BENEFIT INCREASES.—Notwithstanding section 215(f)(1) of the Social Security Act, the Commissioner of Social Security shall recompute the primary insurance amount so as to take into account the amendments made by this Act in any case in which—

(A) an individual is entitled to monthly insurance benefits under title II of such Act for June 2000; and

(B) such benefits are based on a primary insurance amount computed—

(i) under section 215 of such Act as in effect (by reason of the Social Security Amendments of 1977) after December 1978, or

(ii) under section 215 of such Act as in effect prior to January 1979 by reason of subsection (a)(4)(B) of such section (as amended by the Social Security Amendments of 1977).

SEC. 3. OFFSET PROVIDED BY PROJECTED FEDERAL BUDGET SURPLUSES.

Amounts offset by this Act shall not be counted as direct spending for purposes of the budgetary limits provided in the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985.●

By Mr. KERREY (for himself, Mr. BOND, Mr. KENNEDY, Mr. GORTON, Mr. GRAHAM, Mr. DEWINE, Mr. MOYNIHAN, Mr. DURBIN, Mr. INOUYE, Mr. MACK, and Mrs. MURRAY):

S. 391. A bill to provide for payments to children's hospitals that operate graduate medical education programs; to the Committee on Finance.

CHILDREN'S HOSPITALS EDUCATION AND RESEARCH ACT OF 1999

● Mr. KERREY. Mr. President, I am pleased to introduce this proposal to provide critical support to teaching programs at free-standing children's hospitals. I am also honored to be joined by Senators BOND, KENNEDY, DURBIN, DEWINE, MOYNIHAN, GRAHAM, GORTON, INOUYE, MACK, and MURRAY as original cosponsors. And I am gratified to note that the President's budget submission for FY 2000 also includes funding for teaching programs at these hospitals.

Children's hospitals play an important role in our nation's health care system. They combine high-quality clinical care, a vibrant teaching mission and leading pediatric biomedical research within their walls. They provide specialized regional services, including complex care to chronically ill children, and serve as safety-net providers to low-income children.

Teaching is an inherent component of these hospitals' day-to-day operations. These hospitals train twenty-nine percent of the nation's pediatricians, and the majority of America's pediatric specialists. Pediatric residents develop the skills they need to care for our nation's children at these institutions.

In addition, these hospitals effectively combine the joint missions of teaching and research. Scientific discovery depends on the strong academic focus of teaching hospitals. The teaching environment attracts academics devoted to research. It attracts the volume and spectrum of complex cases needed for clinical research. And the teaching mission creates the intellectual environment necessary to test the conventional wisdom of day-to-day health care and foster the questioning that leads to breakthroughs in research. Because these hospitals combine research and teaching in a clinical setting, these breakthroughs can be rapidly translated into patient care.

Children's hospitals have contributed to advances in virtually every aspect of pediatric medicine. Thanks to research efforts at these hospitals, children can survive once-fatal diseases such as polio, grow and thrive with disabilities such as cerebral palsy, and overcome juvenile diabetes to become self-supporting adults.

Through patient care, teaching and research, these hospitals contribute to our communities in many ways. However, their training programs—and their ability to fulfill their critical role in America's health care system—are being gradually undermined by dwindling financial support. Maintaining a vibrant teaching and research program is more expensive than simply providing patient care. The nation's teaching hospitals have historically relied on additional support—support beyond the cost of clinical care itself—in order to finance their teaching programs. Today, competitive market pressures provide little incentive for private payers to contribute towards teaching costs. At the same time, the increased use of managed care plans within the Medicaid program has decreased the availability of teaching dollars through Medicaid. Therefore, Medicare's support for graduate medical education is more important than ever.

Independent children's hospitals, however, serve an extremely small number of Medicare patients. Therefore, they do not receive Medicare graduate medical education payments to support their teaching activities. The most significant source of graduate medical education financing is, in large part, not available to these hospitals.

This proposal will address, for the short-term, this unintended consequence of current public policy. It will provide time-limited support to help children's hospitals train tomorrow's pediatricians, investigate new treatments and pursue pediatric biomedical research. It will establish a four-year fund, which will provide children's hospitals with Federal teaching payments that are based on their per resident costs and the complexity of their patient population. Total spending over four years will be less than a billion dollars.

This proposal does not solve the fundamental dilemma of how to cover the cost of training our nation's doctors. Congress has charged the Bipartisan Commission on the Future of Medicare with developing recommendations on this important question—and Congress has directed the Commission to examine teaching support for children's hospitals within these recommendations. I believe the Commission's recommendation will recognize the need to include children's hospitals within the framework of graduate medical education. But in the meantime, this proposal provides the support these hospitals need until these broader questions are answered and addressed.

All American families have great dreams for their children. These hopes include healthy, active, happy childhoods, so they seek the best possible health care for their children. And when these dreams are threatened by a critical illness, they seek the expertise of highly-trained pediatricians and pediatric specialists, and rely on the research discoveries fostered by children's hospitals. All families deserve a chance at the American dream. Through this legislation, we will help children's hospitals—hospitals such as Children's Hospital in Omaha, Boys' Town, St. Louis Children's Hospital, Children's Hospital in Boston, Children's Hospital in Seattle+ and others—train the doctors and do the research necessary to fulfill this dream. Through this legislation, Congress will be doing its part to help American families work towards a successful future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Hospitals Education and Research Act of 1999".

SEC. 2. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

(a) PAYMENTS.—

(1) IN GENERAL.—The Secretary shall make payments under this section to each children's hospital for each hospital cost reporting period under the medicare program beginning in or after fiscal year 2000 and before fiscal year 2004 for the—

(A) direct expenses associated with operating approved medical residency training programs; and

(B) indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents.

(2) PAYMENT AMOUNTS.—Subject to paragraph (3), the following amounts shall be payable under this section to a children's hospital for a cost reporting period described in paragraph (1):

(A) DIRECT EXPENSES.—The amount determined under subsection (b) for direct expenses described in paragraph (1)(A).

(B) INDIRECT EXPENSES.—The amount determined under subsection (c) for indirect expenses described in paragraph (1)(B).

(3) CAPPED AMOUNT.—

(A) IN GENERAL.—The payments to children's hospitals established in this subsection for cost reporting periods ending in any fiscal year shall not exceed the funds appropriated under subsection (e) for that fiscal year.

(B) PRO RATA REDUCTIONS OF PAYMENTS FOR DIRECT EXPENSES.—If the Secretary determines that the amount of funds appropriated under subsection (e)(1) for cost reporting periods ending in any fiscal year is insufficient to provide the total amount of payments otherwise due for such periods, the Secretary shall reduce each of the amounts payable under this section pursuant to paragraph (2)(A) for such period on a pro rata basis to reflect such shortfall.

(b) AMOUNT OF PAYMENT FOR DIRECT MEDICAL EDUCATION.—

(1) IN GENERAL.—The amount determined under this subsection for payments to a children's hospital for direct expenses relating to approved medical residency training programs for a cost reporting period beginning in or after fiscal year 2000 and before fiscal year 2004 is equal to the product of—

(A) the updated per resident amount for direct medical education, as determined under paragraph (2), for the cost reporting period; and

(B) the number of full-time equivalent residents in the hospital's approved medical residency training programs (as determined under section 1886(h)(4) of the Social Security Act (42 U.S.C. 1395ww(h)(4))) for the cost reporting period.

(2) UPDATED PER RESIDENT AMOUNT FOR DIRECT MEDICAL EDUCATION.—The updated per resident amount for direct medical education for a hospital for a cost reporting period ending in a fiscal year is an amount equal to the per resident amount for cost reporting periods ending during fiscal year 1999 for the hospital involved (as determined by the Secretary using the methodology described in section 1886(h)(2)(E)) of such Act (42 U.S.C. 1395ww(h)(2)(E))) increased by the percentage increase in the Consumer Price Index for All Urban Consumers (United States city average) from fiscal year 1999 through the fiscal year involved.

(c) AMOUNT OF PAYMENT FOR INDIRECT MEDICAL EDUCATION.—

(1) IN GENERAL.—The amount determined under this subsection for payments to a children's hospital for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents for a cost reporting period beginning in or after fiscal year 2000 and before fiscal year 2004 is equal to an amount determined appropriate by the Secretary.

(2) FACTORS.—In determining the amount under paragraph (1), the Secretary shall—

(A) take into account variations in case mix among children's hospitals and the number of full-time equivalent residents in the hospitals' approved medical residency training programs for the cost reporting period; and

(B) assure that the aggregate of the payments for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents under this section in a fiscal year are equal to the amount appropriated for such expenses in such year under subsection (e)(2).

(d) MAKING OF PAYMENTS.—

(1) INTERIM PAYMENTS.—The Secretary shall estimate, before the beginning of each cost reporting period for a hospital for which the payments may be made under this section, the amounts of the payments for such period and shall (subject to paragraph (2)) make the payments of such amounts in 26 equal interim installments during such period.

(2) WITHHOLDING.—The Secretary shall withhold up to 25 percent from each interim installment paid under paragraph (1).

(3) RECONCILIATION.—At the end of each such period, the hospital shall submit to the Secretary such information as the Secretary determines to be necessary to determine the percent (if any) of the total amount withheld under paragraph (2) that is due under this section for the hospital for the period. Based on such determination, the Secretary shall recoup any overpayments made, or pay any balance due. The amount so determined shall be considered a final intermediary determination for purposes of applying section 1878 of the Social Security Act (42 U.S.C. 1395oo) and shall be subject to review under that section in the same manner as the amount of payment under section 1886(d) of such Act (42 U.S.C. 1395ww(d)) is subject to review under such section.

(e) LIMITATION ON EXPENDITURES.—

(1) DIRECT MEDICAL EDUCATION.—

(A) IN GENERAL.—Subject to subparagraph (B), there are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for payments under this section for direct expenses relating to approved medical residency training programs for cost reporting periods beginning in—

(i) fiscal year 2000, $35,000,000;

(ii) fiscal year 2001, $95,000,000;

(iii) fiscal year 2002, $95,000,000; and

(iv) fiscal year 2003, $95,000,000.

(B) CARRYOVER OF EXCESS.—If the amount of payments under this section for cost reporting periods beginning in fiscal year 2000, 2001, or 2002 is less than the amount provided under this paragraph for such payments for such periods, then the amount available under this paragraph for cost reporting periods beginning in the following fiscal year shall be increased by the amount of such difference.

(2) INDIRECT MEDICAL EDUCATION.—There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for payments under this section for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents for cost reporting periods beginning in—

(A) fiscal year 2000, $65,000,000;

(B) fiscal year 2001, $190,000,000;

(C) fiscal year 2002, $190,000,000; and

(D) fiscal year 2003, $190,000,000.

(f) RELATION TO MEDICARE AND MEDICAID PAYMENTS.—Notwithstanding any other provision of law, payments under this section to a hospital for a cost reporting period—

(1) are in lieu of any amounts otherwise payable to the hospital under section 1886(h) or 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(h); 1395ww(d)(5)B)) to the hospital for such cost reporting period, but

(2) shall not affect the amounts otherwise payable to such hospitals under a State medicaid plan under title XIX of such Act (42 U.S.C. 1396 et seq.).

(g) DEFINITIONS.—In this section:

(1) APPROVED MEDICAL RESIDENCY TRAINING PROGRAM.—The term "approved medical residency training program" has the meaning given such term in section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A)).

(2) CHILDREN'S HOSPITAL.—The term "children's hospital" means a hospital described in section 1886(d)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iii)).

(3) DIRECT GRADUATE MEDICAL EDUCATION COSTS.—The term "direct graduate medical education costs" has the meaning given such term in section 1886(h)(5)(C) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(C)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.●

● Mr. KENNEDY. Mr. President, America's children—from the smallest premature baby to the tallest teenager—deserve access to doctors trained specifically in meeting their health needs. I commend Senator KERREY's leadership in this bipartisan legislation introduced today to provide greater support to children's hospitals, so that they can continue to train the kinds of doctors that children need.

In the United States, there are 53 freestanding pediatric hospitals—less than 1% of all the hospitals in the country. Yet they train more than a quarter of all pediatricians and more than half of all pediatric specialists. These hospitals also help train other doctors who need experience in taking care of children—including family doctors, neurologists, and surgeons.

Children's hospitals typically provide care for the sickest children—those whose medical needs are not easily met in the local and community hospitals. Patients in children's hospitals include a higher percentage of our nation's uninsured children and low-income children. These hospitals are the source of many new lifesaving strategies, such as treating childhood cancer and helping premature babies to breathe.

But the ability of children's hospitals to train doctors is in increasing jeopardy. Funds for training residents are declining as changes take place in the ways we pay for our health care. For most hospitals, support for graduate medical education is funded through Medicare. But since freestanding children's hospitals treat almost no Medicare patients, they receive almost no federal support or other support for training their residents.

Democrats and Republicans recognize that qualified children's physicians are needed as much as other types of physicians. Under this bill, the Department of Health and Human Services is authorized to provide support to freestanding children's hospitals for such training. It means that children's hospitals will receive the same level of support that this country gives to other teaching hospitals. Under this legislation funds will be distributed fairly, by using a formula that considers variations across the country in the cost of such training. Safeguards are included to guarantee that the dollars are spent only when residents are actually trained.

President Clinton's budget recognizes this high priority. It includes a $40 million downpayment until this legislation is enacted.

I look forward to working with my colleagues and the administration to assure early passage of this needed legislation. I commend both the President and the First Lady for their strong commitment to children and for their indispensable leadership on this important issue. Action by Congress is needed now. We must work together to make a long-term commitment to enable children's hospitals to train the physicians of the future to care for children.●

By Mrs. MURRAY (for herself and Mr. GORTON):

S. 392. A bill to designate the Federal building and United States courthouse located at West 920 Riverside Avenue in Spokane, Washington, as the "Thomas S. Foley Federal Building and United States Courthouse," and the plaza at the south entrance of that building and courthouse as the "Walter F. Horan Plaza"; to the Committee on Environment and Public Works.

THOMAS S. FOLEY FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mrs. MURRAY. Mr. President, today I have introduced legislation designating the federal building located at West 920 Riverside Avenue, Spokane, Washington, as the "Thomas S. Foley Federal Building and United States Courthouse." The bill also designates the plaza located immediately in front of the building as the "Walter F. Horan Plaza."

Speaker Tom Foley had a long and distinguished career in the United States House of Representatives. He served for 30 years, concluding his service as Speaker of the House in the 103rd Congress. He was also Speaker in the 102nd Congress, and held positions as Majority Leader, Majority Whip, and Chairman of the House Agriculture Committee. Speaker Foley now serves as our nation's Ambassador to Japan.

Tom Foley is a native of Spokane, Washington, and earned his undergraduate and law degree from the University of Washington. His parents were highly respected citizens of Spokane.

Mr. Foley personified the high ideal to which all of us aspire as public servants and Members of Congress. First and foremost he was a gentleman who sought consensus, recognizing the value of maintaining a good working relationship among colleagues. He loved Congress, and believed it to be the best forum for democracy in the world.

Speaker Foley worked tirelessly to promote and strengthen the Northwest's economy. During my first two years as a Senator, I enjoyed working with him and I am proud of our joint efforts to help our constituents, especially in the successful promotion of Washington wheat and apples on both domestic and international markets. Without Mr. Foley, we would likely not be exporting our agricultural products to as many destinations across the globe as we do. Today, he continues to see that our goods are sold in places, such as Japan, that historically have had tightly controlled markets.

Today I also honor another Washington native, Walter F. Horan. He served 22 years, from 1943 to 1965, as the Congressman from eastern Washington. Representative Horan was raised in Wenatchee, served in the Navy during the First World War, graduated from Washington State University in Pullman, and raised apples on his family farm.

As a member of the Appropriations Committee, Representative Horan was an excellent advocate for western interests, especially those of his constituents in eastern Washington. As a farmer himself, he knew the needs of the people he served and urged the Congress to pass laws to ensure their economic prosperity. He died in 1966 and is buried in his beloved hometown of Wenatchee.

It is my honor to sponsor legislation that permanently recognizes the contributions these two Washingtonians have made to my state and our nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF THOMAS S. FOLEY FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) IN GENERAL.—The Federal building and United States courthouse located at West 920 Riverside Avenue in Spokane, Washington, shall be known and designated as the "Thomas S. Foley Federal Building and United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Thomas S. Foley Federal Building and United States Courthouse".

SEC. 2. DESIGNATION OF WALTER F. HORAN PLAZA.

(a) IN GENERAL.—The plaza located at the south entrance of the Federal building and United States courthouse referred to in section 1(a) shall be known and designated as the "Walter F. Horan Plaza".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the plaza referred to in subsection (a) shall be deemed to be a reference to the "Walter F. Horan Plaza".

SEC. 3. EFFECTIVE DATE.

This Act takes effect on March 6, 1999.●

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. SESSIONS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 61

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 135

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 135, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for the health insurance costs of self-employed individuals, and for other purposes.

S. 170

At the request of Mr. SMITH, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 170, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 223

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 223, a bill to help communities modernize public school facilities, and for other purposes.

S. 260

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 260, a bill to make chapter 12 of title 11, United States Code, permanent, and for other purposes.

S. 261

At the request of Mr. SPECTER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 261, a bill to amend the Trade Act of 1974, and for other purposes.

S. 271

At the request of Mr. FRIST, the names of the Senator from Montana (Mr. BURNS) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 271, a bill to provide for education flexibility partnerships.

S. 280

At the request of Mr. FRIST, the names of the Senator from Montana (Mr. BURNS) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 280, a bill to provide for education flexibility partnerships.

S. 322

At the request of Mr. CAMPBELL, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Nevada (Mr. REID), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Nevada (Mr. BRYAN), the Senator from Montana (Mr. BAUCUS), the Senator from Hawaii (Mr. AKAKA), the Senator from New York (Mr. SCHUMER), the Senator from Mississippi (Mr. COCHRAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Dakota (Mr. DORGAN), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 346

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

SENATE JOINT RESOLUTION 2

At the request of Mr. KYL, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of Senate Joint Resolution 2, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Washington (Mr. GORTON) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. JEFFORDS), the Senator from Nebraska (Mr. KERREY), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as "National Correctional Officers and Employees Week."

SENATE CONCURRENT RESOLUTION 7—HONORING THE LIFE AND LEGACY OF KING HUSSEIN IBN TALA AL-HASHEM

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. HELMS, Mr. BIDEN, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. CON. RES. 7

Whereas King Hussein ibn Talal al-Hashem was born in Amman on November 14, 1935;

Whereas he was proclaimed king of Jordan in August of 1952 at the age of 17 following the assassination of his grandfather, King Abdullah and the abdication of his father, Talal;

Whereas King Hussein became the longest serving head of state in the Middle East, working with every U.S. President since Dwight D. Eisenhower;

Whereas under King Hussein, Jordan has instituted wide-ranging democratic reforms;

Whereas throughout his life, King Hussein survived multiple assassination attempts, plots to overthrow his government and attacks on Jordan, invariably meeting such attacks with fierce courage and devotion to his Kingdom and its people;

Whereas despite decades of conflict with the State of Israel, King Hussein invariably maintained a dialogue with the Jewish state, and ultimately signed a full-fledged peace treaty with Israel on October 26, 1994;

Whereas King Hussein has established a model for Arab-Israeli coexistence in Jordan's ties with the State of Israel, including deepening political and cultural relations, growing trade and economic ties and other major accomplishments;

Whereas King Hussein contributed to the cause of peace in the Middle East with tireless energy, rising from his sick bed at the last to assist in the Wye Plantation talks between the State of Israel and the Palestinian Authority;

Whereas King Hussein fought cancer with the same courage he displayed in tirelessly promoting and making invaluable contributions to peace in the Middle East;

Whereas on February 7, 1999, King Hussein succumbed to cancer in Amman, Jordan: Now, therefore, be it

Resolved by the Senate, (The House of Representatives concurring), That the Congress—

(1) extends its deepest sympathy and condolences to the family of King Hussein and to all the people of Jordan in this difficult time;

(2) expresses admiration for King Hussein's enlightened leadership and gratitude for his support for peace throughout the Middle East;

(3) expresses its support and best wishes for the new government of Jordan under King Abdullah;

(4) reaffirms the United States commitment to strengthening the vital relationship between our two governments and peoples;

SEC. 2. The Secretary of the Senate is directed to transmit an enrolled copy of this resolution to the family of the deceased.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Tuesday, February 9, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Department of Education Elementary and Secondary Education Proposals. For further information, please call the committee, 202/224–5357.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Wednesday, February 10, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Labor Department Budget Initiatives. For further information, please call the committee, 202/224–5375.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Thursday, February 11, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Education Budget Proposals. For further information, please call the committee, 202/224–5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Energy and Natural Resources Committee to consider the President's proposed fiscal year 2000 budget.

The committee will hear testimony from the following:

1. The Department of Energy and the Federal Energy Regulatory Commission on Thursday, February 25, 1999, beginning at 9 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

2. The Forest Service on Thursday, February 25, 1999, beginning at 2 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

3. The Department of the Interior on Tuesday, March 2, 1999, beginning at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Betty Nevitt, staff assistant at (202) 224–0765, Amie Brown, staff assistant at (202) 224–6170, or Jo Meuse, staff assistant at (202) 224–4756.

ADDITIONAL STATEMENTS

APPROPRIATIONS COMMITTEE RULES—106TH CONGRESS

• Mr. STEVENS. Mr. President, the Senate Appropriations Committee has unanimously adopted rules governing its procedures for the 106th Congress. Pursuant to Rule XXVI, paragraph 2, of the "Standing Rules of the Senate", I send to the desk a copy of the Committee rules for publication in the CONGRESSIONAL RECORD.

The rules follow:

SENATE APPROPRIATIONS COMMITTEE RULES—106TH CONGRESS

I. Meetings—

The Committee will meet at the call of the Chairman.

II. Quorums—

1. Reporting a bill. A majority of the members must be present for the reporting of a bill.

2. Other business. For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

3. Taking testimony. For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee, one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee, three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee, one member shall constitute a quorum.

III. Proxies—

Except for the reporting of a bill, votes may be cast by proxy when any member so requests.

IV. Attendance of staff members at closed sessions—

Attendance of Staff Members at closed sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

V. Broadcasting and photographing of Committee hearing—

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio. However, if any member of a subcommittee objects to the photographing or broadcasting of an open hearing, the question shall be referred to the Full Committee for its decision.

VI. Availability of subcommittee reports—

To the extent possible, when the bill and report of any subcommittee are available, they shall be furnished to each member of the Committee thirty-six hours prior to the Committee's consideration of said bill and report.

VII. Amendments and report language—

To the extent possible, amendments and report language intended to be proposed by Senators at Full Committee markups shall be provided in writing to the Chairman and Ranking Minority Member and the appropriate Subcommittee Chairman and Ranking Minority Member twenty-four hours prior to such markups.

VIII. Points of order—

Any member of the Committee who is floor manager of an appropriation bill, is hereby authorized to make points of order against any amendment offered in violation of the Senate Rules on the floor of the Senate to such appropriation bill.•

NOTICE OF INTENT TO SUSPEND THE RULES

• Mr. DASCHLE. In accordance with rule V, on behalf of myself and Senator FEINSTEIN, I hereby give notice in writing that it is my intention to move to suspend the following:

Rule VII, paragraph 2 the phrase "upon the calendar"; and

Rule VIII, paragraph 2 the phrase "during the first two hours of a new legislative day."

In order to permit a motion to proceed to a censure resolution, to be introduced on the day of the motion to proceed, notwithstanding the fact that it is not on the calendar of business.•

NOTICE OF INTENT TO SUSPEND THE RULES

• Mrs. FEINSTEIN. In accordance with rule V, on behalf of myself and Senator DASCHLE, I hereby give notice in writing that it is my intention to move to suspend the following:

Rule VII, paragraph 2 the phrase "upon the calendar"; and

Rule VIII, paragraph 2 the phrase "during the first two hours of a new legislative day."

In order to permit a motion to proceed to a censure resolution, to be introduced on the day of the motion to proceed, notwithstanding the fact that it is not on the calendar of business.•

TAX TREATMENT OF TAX-EXEMPT BONDS UNDER ELECTRICITY RESTRUCTURING

• Mr. GORTON. Mr. President, last Saturday, together with my colleagues Senators KERRY, JEFFORDS, HOLLINGS, THURMOND, HARKIN, MURRAY, SMITH of Oregon, JOHNSON, and WYDEN. I introduced "The Bond Fairness and Protection Act of 1999." This is a bi-partisan compromise approach to legislation addressing the tax consequences of electricity restructuring on tax-exempt bonds that are issued by municipally-owned or state-owned utilities (often referred to as "publicly-owned" utilities) for the generation, transmission, and distribution of electricity.

As my colleagues may recall, last Congress I introduced a substantially similar bill, S. 2182, with eleven cosponsors from both sides of the aisle. Unfortunately, the 105th Congress did not have an opportunity to address this or other proposals on electricity restructuring. This year we have worked to simplify and refine last year's legislation in response to thoughtful comments we received last year, and in an effort to facilitate timely consideration of the legislation in this Congress.

Despite the lack of Federal legislation in this policy area, 18 states have already gone forward and begun to allow retail market choice for electricity consumers at the state and local level. The era of retail competition has already started both for publicly-owned and investor-owned utilities operating in these states.

Until recently, publicly-owned utilities have been able to operate under a strict regime of Federal tax rules governing their ability to issue tax-exempt bonds. These rules were enacted in an era when decision makers did not contemplate retail or wholesale electricity competition. These so-called "private use" rules limit the amount of electricity that publicly-owned utilities may sell to private entities through facilities that are financed with tax-exempt bonds. For years, the private use rules were cumbersome but manageable. As states move to restructure the electricity industry however, the private use rules were threatening many public power communities with significant financial penalties as they adjust to the changing marketplace. In effect, the rules are forcing publicly-owned utilities to face the prospects of violating the private use rules, or walling off their customers from competition. In either case, this will raise rates for consumers—the precise opposite of what restructuring is intended to achieve. The consumer can only lose when the marketplace operates in this inefficient manner.

The legislation that I am introducing today would protect all consumers by grandfathering outstanding tax-exempt bonds, but only if the issuing municipality or state utility elects to terminate permanently its ability to issue tax-exempt debt to build new generating facilities. Such an election would not affect transmission and distributions facilities, which generally would still be regulated under most restructuring proposals or frameworks. Publicly-owned utilities that do not make this irrevocable election would continue to operate under a clarified version of existing law, thus remaining subject to the private use rules.

This legislation attempts to balance and be fair to the interests of all stakeholders in electricity restructuring while keeping the interest of the consumer paramount. It strikes a compromise between publicly-owned utilities and investor-owned utilities by providing an option for publicly-owned utilities to address the problem of how to comply with private use restriction in a restructured marketplace, an option that involves significant trade-offs for the publicly-owned utilities that seek to utilize it. For investor-owned utilities, requiring publicly-owned utilities to forego the ability to issue tax-exempt debt for new generation facilities should mitigate any potential or perceived competitive advantage in the new competitive world. At the same time, it honors promises made to bondholders under contract and existing tax law, thereby avoiding the inequitable consequence of applying old rules to the newly-emerging competitive world of electricity.

In addition, for those concerned about the environment, it provides incentives to deliver electricity efficiently through open access and retail competition. Most importantly, for consumers the legislation allows competition to thrive while providing additional local options.

Mr. President, we plan to work with all interested parties, and most importantly American consumers, to ensure that we develop the fairest and most reasonable solution to this complex problem. We want electricity restructuring to be a good deal for everyone involved, especially the American consumer who deserves the lower electric bills that a competitive marketplace should provide. I believe this legislation addresses all of these concerns and promotes fair competition in the electricity industry. I urge my colleagues to join me in co-sponsoring this legislation.

Mr. President, I ask that the text of the bill, and an explanatory memorandum be printed in the RECORD.

The material follows:

S. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bond Fairness and Protection Act of 1999".

SEC. 2. TAX-EXEMPT BOND FINANCING OF CERTAIN ELECTRIC FACILITIES.

(a) PERMITTED OPEN ACCESS TRANSACTIONS NOT A PRIVATE BUSINESS USE.—Section 141(b)(6) of the Internal Revenue Code of 1986 (defining private business use) is amended by adding at the end the following:

"(C) PERMITTED OPEN ACCESS TRANSACTIONS NOT A PRIVATE BUSINESS USE.—

"(I) IN GENERAL.—For purposes of this subsection, the term 'private business use' shall not include a permitted open access transaction.

"(ii) PERMITTED OPEN ACCESS TRANSACTION DEFINED.—For purposes of clause (I), the term 'permitted open access transaction' means any of the following transactions or activities with respect to all electric output facility (as defined in subsection (f)(4)(A)) owned by a governmental unit:

"(I) Providing open access transmission services and ancillary services that meet the reciprocity requirements of Federal Energy Regulatory Commission Order No. 888, or that are ordered by the Federal Energy Regulatory Commission, or that are provided in accordance with a transmission tariff of an independent system operator approved by such Commission, or are consistent with state administered laws, rules or orders providing for open transmission access.

"(II) Participation in an independent system operator agreement (which may include transferring control of transmission facilities to an independent system operator), in a regional transmission group, or in a power exchange agreement approved by such Commission.

"(III) Delivery on an open access basis of electric energy sold by other entities to end-users served by such governmental unit's distribution facilities.

"(IV) If open access service is provided under subclause (I) or (III), the sale of electric output of electric output facilities on terms other than those available to the general public if such sale is to an on-system purchaser or is an existing off-system sale.

"(V) Such other transactions or activities as may be provided in regulations prescribed by the Secretary.

"(iii) DEFINITIONS; SPECIAL RULES.—For purposes of this subparagraph—

"(I) ON-SYSTEM PURCHASER.—The term 'on-system purchaser' means a person who purchases electric energy from a governmental unit and whose electric facilities or equipment are directly connected with transmission or distribution facilities that are owned by such governmental unit.

"(II) OFF-SYSTEM PURCHASER.—The term 'off-system purchaser' means a purchaser of electric energy from a governmental unit other than an on-system purchaser.

"(III) EXISTING OFF-SYSTEM SALE.—The term 'existing off-system sale' means a sale of electric energy to a person that was an off-system purchaser of electric energy in the base year, but not in excess of the kilowatt hours purchased by such person in such year.

"(IV) BASE YEAR.—The term 'base year' means 1998 (or, at the election of such unit, in 1996 or 1997).

"(V) JOINT ACTION AGENCIES.—A member of a joint action agency that is entitled to make a sale described in clause (ii)(IV) in a year may transfer that entitlement to the joint action agency in accordance with rules of the Secretary."

"(VI) GOVERNMENT-OWNED FACILITY.—An electric output facility (as defined in subsection (f)(4)(A)) shall be treated as owned by a governmental unit if it is owned or leased by such governmental unit or if such governmental unit has capacity rights therein acquired before July 9, 1996, for the purposes of serving one or more customers to which such governmental unit had a service obligation on such date under state law or a requirements contract.

(b) ELECTION TO TERMINATE TAX EXEMPT FINANCING.—Section 141 of the Internal Revenue Code of 1986 (relating to private activity bond; qualified bond) is amended by adding at the end the following:

"(f) ELECTION TO TERMINATE TAX-EXEMPT BOND FINANCING FOR CERTAIN ELECTRIC OUTPUT FACILITIES.—

"(1) IN GENERAL.—An issuer may make an irrevocable election under this paragraph to terminate certain tax-exempt financing for electric output facilities. If the issuer makes such election, then—

"(A) except as provided in paragraph (2), no bond the interest on which is exempt from tax under section 103 may be issued on or after the date of such election with respect to an electric output facility; and

"(B) notwithstanding paragraph (1) or (2) of subsection (a) or paragraph (5) of subsection (b), with respect to an electric output facility no bond that was issued before the date of enactment of this subsection, the interest on which was exempt from tax on such date, shall be treated as a private activity bond, for so long as such facility continues to be owned by a governmental unit.

"(2) EXCEPTIONS.—An election under paragraph (1) does not apply to—

"(A) any qualified bond (as defined in subsection (e)).

"(B) any eligible refunding bond, or

"(C) any bond issued to finance a qualifying T&D facility, or

"(D) any bond issued to finance equipment necessary to meet Federal or state environmental requirements applicable to, or repair of, electric output facilities in service on the date of enactment of this subsection. Repairs or equipment may not increase by more than a de minimus degree the capacity of the facility beyond its original design.

"(3) FORM AND EFFECT OF ELECTIONS.—An election under paragraph (1) shall be made in such a manner as the Secretary prescribes and shall be binding on any successor in interest to the electing issuer.

"(4) DEFINITIONS.—for purposes of this subsection.

"(A) ELECTRIC OUTPUT FACILITY.—The term 'electric output facility' means an output facility that is an electric generation, transmission, or distribution facility.

"(B) ELIGIBLE REFUNDING BOND.—The term 'eligible refunding bond' means state or local bonds issued after an election described in paragraph (1) that directly or indirectly refund state or local bonds issued before such election, if the weighted average maturity of the refunding bonds do not exceed the remaining weighted average maturity of the bonds issued before the election.

"(C) QUALIFYING T&D FACILITY.—The term 'qualifying T&D facility' means—

"(I) transmission facilities over which services described in subsection (b)(6)(C)(ii)(I) are provided, or

"(II) distribution facilities over which services described in subsection (b)(6)(C)(ii)(III) are provided."

(c) EFFECTIVE DATE, APPLICABILITY, AND TRANSITION RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act, except that a governmental unit may elect to apply section 141(b)(6)(C) of the Internal Revenue Code of 1986, as added by subsection (a), with respect to permitted open access transactions on or after July 9, 1996.

(2) APPLICABILITY.—References in the Act to sections of the Internal Revenue Code of 1986, as amended, shall be deemed to include references to comparable sections of the Internal Revenue Code of 1954, as amended.

(3) TRANSITION RULES.—

(A) PRIVATE BUSINESS USE.—Any activity that was not a private business use prior to the effective date of the amendment made by subsection (a) shall not be deemed to be a private business use by reason of the enactment of such amendment.

(B) ELECTION.—An issuer making the election under section 141(f) of the Internal Revenue Code of 1986, as added by subsection (b), shall not be liable under any contract in effect on the date of enactment of this Act for any claim arising from having made the election.

EXPLANATION OF S. 386

BACKGROUND

Interest on bonds issued by state and local governments is generally exempt from Federal income taxes. One exception to this general rule relates to bonds that finance output facilities used in a private business. In the case of such facilities, if the contractual arrangements for sale of the output transfer the benefits and burdens of ownership of the facility to private parties, the use is treated as a private business use and the bonds issued to finance the facility may not be tax-exempt. If at the time of issuance the issuer reasonably expected that the private business use rules would be violated or the issuer thereafter on the bonds is retroactively taxable to date of issuance.

There has been significant uncertainty as to how these private business use rules apply to public power systems in the emerging competitive wholesale and retail electricity markets. In particular, questions have been raised as to whether such systems may (1) provide open access transmission services, (2) contractually commit their transmission systems to an Independent System Operator (ISO), (3) open their distribution facilities to retail competition, or (4) lower prices to particular customers to meet competition.

PROPOSED AMENDMENTS

This legislation would amend the Internal Revenue Code of 1986 to make two modifications to the private business use rules as they apply to electric facilities: (1) to clarify the application of the existing private business use rules in the new competitive environment, and (2) to make the private business use rules inapplicable to existing tax-exempt debt issued by any public power system that elects not to issue new tax-exempt debt for electric generation and certain other facilities.

1. Clarification of Existing Private Business Use Rules.—Subsection (a) of section 2 of the bill amends section 141(b)(6) of the Code to make it clear that the following activities (referred to as "permitted open access transactions") do not result in a private business use and will not make otherwise tax-exempt bonds taxable:

(a) Providing open access transmission service consistent with Federal Energy Regulatory Commission (FERC) Order No. 888 or with State open transmission access rules.

(b) Joining a FERC approved ISO, regional transmission group (RTG), power exchange, or providing service in accordance with an ISO, RTG, or power exchange tariff.

(c) Providing open access distribution services to competing retail sellers of electricity.

(d) If open access transmission or distribution services are offered, contracting for sale or power at non-tariff rates with on-system purchasers or existing off-system purchasers.

Treasury by regulation could add to the list of permitted open access transactions.

2. Election to Terminate Issuing Future Tax-Exempt Debt.—Subsection (b) of section 2 amends section 141 of the Code to permit a public power system to elect to terminate issuing new tax-exempt bonds.

(a) Termination Election—Under new Code section 141(f)(1), if a public power system elects to terminate issuance of new tax-exempt bonds, it may then undertake transactions that are not otherwise permissible under the private business use rules (as amended above) without endangering the tax-exempt status of its existing bonds. Specifically, if the issuer makes an irrevocable termination election under this provision, then (subject to the exceptions discussed below) no tax-exempt bond may be issued on or after the date of such election with respect to an electric output facility, and no tax-exempt bond that was issued before the date of enactment will be treated as a private activity bond. This treatment continues for so long as such facility continues to be owned by a governmental unit.

Essentially, making this termination election will eliminate the possibility of a private business use challenge to existing tax-exempt debt. If a utility does not make the election, its existing tax-exempt debt for electric generation facilities would continue to be subject to applicable private business use rules and the marketing constraints thereunder.

(B) Exceptions to Termination.—Under section 141(f)(2) even if a public power system made the suspension or termination election, it could continue to issue tax-exempt bonds for the following purposes: for transmission and distribution facilities used to provide open access transmission and distribution services; for "qualified bonds" as defined in section 141(e) of the Code (which are not currently subject to private business use restrictions); for eligible refunding bonds (bonds that refinance existing bonds but do not extend their average maturity); and for bonds issued to finance repairs of, or environmentally-related equipment for, electrical output facilities, so long as the capacity of the facility is not increased over a de minimis amount.

3. *Effective Dates.*—Subsection (c) makes the provisions of the bill effective on date of enactment, but an issuer may elect to make the private business use rules as clarified by the bill applicable retroactively to 1996 (when FERC issued its Order No. 888). Paragraph (2) of subsection (c) makes it clear that the provisions of the bill apply to bonds issued under the Internal Revenue Code of 1954 as well as the Internal Revenue Code of 1986. This subsection also makes clear that any activity that was not a private business use prior to the enactment of the bill will not be deemed to be a private business use by reason of the bill's enactment. In addition, an issuer making the election under the bill will not be liable under any contract in effect on the date of enactment of the bill for any contract claim arising from having made the election.●

MEASURE PLACED ON THE CALENDAR—H.R. 99

Mr. LOTT. Mr. President, there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will read.

The bill clerk read as follows:

A bill (H.R. 99) to amend title 49, United States Code, to extend Federal Aviation Administration programs through September 30, 1999, and for other purposes.

Mr. LOTT. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. Objection is heard. It will be placed on the calendar.

HONORING THE LIFE AND LEGEND OF KING HUSSEIN OF JORDAN

Mr. LOTT. I now ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 7, which is at the desk.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 7) honoring the life and legacy of King Hussein ibn Talal al-Hashem.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, I rise to offer, together with the distinguished Minority Leader Senator DASCHLE, a resolution recognizing the significant and lasting contributions to peace and security by His Majesty King Hussein of Jordan, who passed away just hours ago.

I was deeply saddened by the news of the death of King Hussein—a true patriot and long-time friend of the United States. His bold leadership and personal courage serve as a model to all of us. I know I speak for my colleagues when I say, our thoughts and prayers are with his family and with the people of Jordan during this difficult time.

It is worth noting that the longstanding ties between our two governments are built upon a solid bedrock of respect and shared values. Even as we consider the profound contribution King Hussein made to peace and security in the Middle East, it is vitally important for both our nations to take concrete steps to strengthen those relations, for the benefit of all our peoples. That is just as King Hussein would have wanted it.

In this regard, I am pleased to note that the resolution before us expresses support and best wishes for the new government in Jordan under King Abdullah. The King has signaled his desire to maintain a high degree of continuity for Jordan, for Middle east peace, for the region, and for U.S.-Jordanian relations. This includes a strong commitment to the Jordan-Israel peace treaty.

I strongly urge my colleagues to support this bipartisan resolution, as it represents a modest but important signal of the degree to which we honor the courageous life and lasting legacy of King Hussein. I thank my colleague from South Dakota for joining me in offering this resolution and I yield the floor.

Mr. DASCHLE. Mr. President, I am proud to cosponsor this resolution honoring one of the towering figures of our time.

Peace-loving people throughout the world feel a deep sadness over the death of Jordan's King Hussein. By the sheer force of his personal and political courage, he changed the world for the better.

None of us will ever forget how he rose from his sickbed at the Mayo Clinic last fall and came to the Wye River peace talks when those talks seemed in danger of collapse. Those who were there say he restored to those talks a sense that peace was not only possible, but worth making great sacrifices for, and taking extraordinary risks for.

His was a clear voice for moderation, tolerance and accommodation as he urged the two sides to work for peace. His admonition that there had been "enough destruction, enough death, enough waste" helped bridge the gap and forge an agreement.

King Hussein himself took a risk for peace in 1994, when he forged the historic peace agreement between Jordan and Israel.

Another image we will perhaps always remember is the picture of King Hussein kneeling not long ago at the feet of an Israeli father whose child had been killed by Jordanian border guards, and apologizing to the man for his loss. He was a noble man and, at the same time, a humble man.

He was also a man of great vision and skill. When he became the King, the Hashemite kingdom enjoyed little of what it has now.

In just a generation and a half, he created in Jordan a system of schools and roads and all the other infrastructure of a modern state.

King Hussein was a true friend of the United States. And, like all friends, we did not always see eye-to-eye on every matter.

In the end, however, it is not our differences with him that we remember. It is how he inspired people to come together despite their differences.

A man small in physical stature, he walked among us like a giant.

The world is diminished by his passing.

We will miss him greatly.

Today, as King Hussein is buried, we offer our prayers and sympathy to his family—especially Queen Noor and each of his children—and to all the people of his beloved Jordan.

We also pledge to work closely with King Abdullah and the Jordanian people to protect King Hussein's legacy. We must continue our efforts to promote peace in the Middle East, including implementing the Wye River Peace Accord, which would not have been possible without his courage.

Finally, I hope we will work expeditiously to approve the aid to Jordan that was agreed to at Wye as a tangible demonstration of our support for King Abdullah and our ongoing commitment to peace in the Middle East.

Our friend is gone, but his spirit lives on in the fragile Middle East peace. Let us nurture it and help it grow, in his name and in his memory.

Mr. HELMS. Mr. President, among the steady stream of foreign heads of state visiting the Senate's Foreign Relations Committee, King Hussein was always given a special welcome. He was instinctively a friend possessing a unique combination of grace and good humor. I therefore view his death as a personal loss.

I recall one occasion when members of our committee were gathered around the large oval table enjoying the King's jovial good humor. Queen Noor was present on that occasion. As His Majesty traded comments with the senators around him, it occurred to me that Queen Noor had perhaps not been properly welcomed. So I asked the King if he could identify the most significant 20th century export to his country. He obviously pondered the question with uncertainty, so we identified the "export"—Queen Noor.

He laughed heartily and replied: "I'm not about to disagree with that!"

This great man, great leader, and faithful friend of the United States presided over his country at a time fraught with peril, beset with almost constant threats both internal and external. Yet throughout his long reign he met the challenges of leadership with grace and courage. Without King Hussein, there would not today be even the limited peace the Middle East now enjoys.

He will be sorely missed, certainly by me. I wish godspeed to his son and successor, Abdullah bin Hussein.

Mr. BIDEN. Mr. President, I am pleased to support the resolution offered by the Majority and Minority Leaders in honor of the life and legacy of King Hussein.

With King Hussein's death, the United States has lost a close, steady friend in a troubled part of the world. My deepest condolences go out to the King's family and the Jordanian people. My best wishes go to King Hussein's designated heir, King Abdullah.

In all of my encounters with King Hussein I was impressed above all else by his optimism and determination in the cause of peace. He never gave up, and in his memory, we must now press forward on the road to peace.

I was also touched by his humanity and personal warmth. He was always gentle and polite, never aloof or imperious.

Though his life ended too soon, his legacy will survive. His rare gift of vision helped guide Jordan through many dark periods. The heroic steps he took to help promote peace and reconciliation between Arabs and Israelis will continue to bear fruit.

His efforts to establish the foundations of democratic government in Jordan remain a worthy example for the region, where democracy is in short supply.

Finally, the partnership between Jordan and the United States, cultivated so carefully by King Hussein over 46 years and nine American Administrations will continue well into the future.

President Clinton has asked us to demonstrate our support for Jordan in a very tangible way—by promptly approving his request for supplemental assistance to Jordan. I hope that we can act on that request quickly to show the Jordanian people that we honor the memory and great achievements of their late King, and that our friendship with their country is enduring.

Mr. FEINGOLD. Mr. President, I am deeply saddened by the death of King Hussein this past weekend. I have had the honor of meeting King Hussein several times, and have always been impressed by his dignity and grace. He was a true statesman.

Mr. President, through almost half a century of war and hope, tragedy and peace, King Hussein shepherded his country through its transition to a stable modern nation and a close U.S. ally. More than the words he has spoken, it is the actions he has taken that have earned him the respect of Israelis, and the trust of the Arab world. Throughout it all, King Hussein never lost sight of our common goal of a just and comprehensive Middle East peace, nor of what that peace would mean. He understood, even when no one else did, that true peace "resides ultimately not in the hands of governments, but in the hands of people."

On a personal note, I remember being moved by the words he shared during the funeral of another great leader, Yitzhak Rabin. There, on the hill above the troubled city of Jerusalem, a city where as a young boy the King had witnessed the assassination of his own grandfather, and in sight of the grave of Theodore Herzl, the founder of Zionism, King Hussein bore witness to his never-ending commitment to peace "for all times to come," and pledged to do his "utmost to ensure that we leave a similar legacy." And he mourned the loss of Rabin as a brother and a friend.

I also recall with deep admiration being in the company of the King as he looked out at the Old City from the King David Hotel at the time of that funeral. It was perhaps the first time in many decades he had visited that place, and it was a moving moment.

King Hussein understood well that the religious and cultural roots of the Jewish and Muslim people are forever intertwined in the fertile and historic soil of the Middle East. His country was created along the Jordan River, after which it is named, following the First World War. Its original borders on the east bank of the river, created by colonial rulers, have been altered by annexation, war, and peace agreement. Two years after Jordan gained its independence from Great Britain, the fledgling State of Israel emerged on the other side of the Jordan River, and many of the Palestinians living in the new state migrated to Jordan.

King Hussein's grandfather, King Abdullah, was the first ruler of an independent Jordan. His decision to annex the Palestinian-held West Bank in 1950, when his grandson was 15 years old, initiated a series of events that would profoundly affect the balance of power in the Middle East and the life of the young prince.

In 1951, King Abdullah was assassinated by a Palestinian nationalist angered by the annexation of the West Bank. The then-Prince Hussein was standing just a few steps away as his grandfather fell. Illness prevented King Abdullah's son, Talal, from ruling, and he abdicated in favor of his own son, Prince Hussein, who formally assumed the throne in May 1953, at the age of 17. King Hussein would go on to rule Jordan for nearly half a century, and was the longest serving ruler in the Middle East at the time of his death.

King Hussein was the only ruler that most Jordanians have known. On a more personal note, he was the King of his country for just about as long as I have been alive. I was about two months old when he formally became King. Over the course of my life and his rule, my views about him and his country have changed dramatically.

I remember the deep animosity that existed between Jews and Jordanians when I was growing up in the 1960s, culminating in the Six Day War in 1967 during which Jordan lost control of the West Bank and East Jerusalem. While I was horrified by the religiously-motivated attacks perpetrated by many Jordanians during this time, I understand and appreciate the religious ties the Arab people feel toward Jerusalem. Two of the holiest sites in Islam, the Dome of the Rock and the Al Aqsa Mosque, where King Hussein's grandfather was assassinated, are located there.

Throughout these last few decades, I have developed an immense respect for King Hussein and for the Jordanian people. As is true for most people, when I was younger it took me some time to realize that the actions of one person or a group of people are not always an accurate representation of the true feelings of a country or a political leader. The ethnic and religious violence that has occurred in the Middle East, and indeed around the world, is largely carried out by fringe groups who believe that violence is the only way to send a message, protest an action, or achieve a political goal.

Even though it was a violent act that propelled him into power at such a young age, King Hussein chose to reject violence and embrace peace. As a result of his moderate views, in 1974 an Arab summit declared that he was no longer the spokesman for the Palestinian people, and proclaimed that the Palestinian Liberation Organization, and its leader, Yasser Arafat, would assume that role. When the PLO began its "intifada" against Israel in 1988, King Hussein formally cut Jordan's ties to the West Bank, but retained a supervisory role over Muslim holy places in East Jerusalem and the West Bank.

In 1994, Jordan became only the second Arab country to sign a peace agreement with Israel. The two countries established diplomatic relations, Israel returned some territory to Jordan, and the countries have begun to work together on common issues such as shared infrastructure and access to potable water. Unfortunately, these courageous moves have sometimes been met with violent acts, particularly from those who felt that peace between Israel and Jordan was premature. The 1997 murder of seven Israeli school girls by a Jordanian soldier was a sobering reminder that not all Jordanians shared their King's support for peace. But, in a testament to his commitment to peace, King Hussein not only condemned this cowardly action, but he also made the effort to travel to Israel to visit with the families of the young victims.

One of the King's biggest strengths was his ability to lead quietly by example. His decision to visit the families of the children murdered by one of his army's soldiers is but one instance of this.

Even as the King was undergoing treatment for cancer at the Mayo Clinic, the welfare of his people and the status of the Middle East peace process was not far from his mind. He displayed a quiet courage and admirable strength by leaving the hospital and traveling to the Wye River peace negotiations last fall in order to encourage a settlement between the Israelis and the Palestinians. Even as his health was deteriorating, King Hussein's commitment to peace never waned. Selfless acts such as that earned him the respect of people around the world and made him one of the linchpins of the negotiations for peace in the Middle East.

Mr. President, this week's Torah portion speaks of the Revelation at Sinai. Moses had been commanded by God to prepare the people for God's descent and visit, and in the wake of dark clouds, thunder and lightning, the sounds of the Shofar, and the trembling of the earth, God spoke to the Israelites and made his commandments known. It is a powerful passage that speaks to the hearts of all of us who believe in God.

Despite a history fraught with pain, violence and death, King Hussein understood the universal meaning of the commandments, which instruct us not to covet the land and property of our neighbors, and, above all, not to kill. Throughout his life, King Hussein maintained a vision of a Middle East free from pain, violence and death, and he hoped he would see that day during his lifetime.

Alas, although significant progress has been made, including the warming of relations between Jordan and Israel, true peace in the Middle East still escapes us. But there is no doubt in my mind that among the many legacies of King Hussein is a true commitment to a just and lasting peace in the Middle East.

In his honor and in his memory, let us join him in committing ourselves to the same goal.

Mr. LOTT. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 7), with its preamble, reads as follows:

S. CON. RES. 7

Whereas King Hussein ibn Talal al-Hashem was born in Amman on November 14, 1935;

Whereas he was proclaimed king of Jordan in August of 1952 at the age of 17 following the assassination of his grandfather, King Abdullah and the abdication of his father, Talal;

Whereas King Hussein became the longest serving head of state in the Middle East, working with every U.S. President since Dwight D. Eisenhower;

Whereas under King Hussein, Jordan has instituted wide-ranging democratic reforms;

Whereas throughout his life, King Hussein survived multiple assassination attempts, plots to overthrow his government and attacks on Jordan, invariably meeting such attacks with fierce courage and devotion to his Kingdom and its people;

Whereas despite decades of conflict with the State of Israel, King Hussein invariably maintained a dialogue with the Jewish state, and ultimately signed a full-fledged peace treaty with Israel on October 26, 1994;

Whereas King Hussein has established a model for Arab-Israeli coexistence in Jordan's ties with the State of Israel, including deepening political and cultural relations, growing trade and economic ties and other major accomplishments;

Whereas, King Hussein contributed to the cause of peace in the Middle East with tireless energy, rising from his sick bed at the last to assist in the Wye Plantation talks between the State of Israel and the Palestinian Authority;

Whereas King Hussein fought cancer with the same courage he displayed in tirelessly promoting and making invaluable contributions to peace in the Middle East;

Whereas on February 7, 1999, King Hussein succumbed to cancer in Amman, Jordan: Now, therefore, be it

Resolved by the Senate, (The House of Representatives concurring), That the Congress—

(1) extends its deepest sympathy and condolences to the family of King Hussein and to all the people of Jordan in this difficult time;

(2) expresses admiration for King Hussein's enlightened leadership and gratitude for his support for peace throughout the Middle East;

(3) expresses its support and best wishes for the new government of Jordan under King Abdullah;

(4) reaffirms the United States commitment to strengthening the vital relationship between our two governments and peoples;

SEC. 2. The Secretary of the Senate is directed to transmit an enrolled copy of this resolution to the family of the deceased.

ADJOURNMENT UNTIL 1 P.M. TOMORROW

Mr. LOTT. Mr. President, I now ask unanimous consent the Senate stand in adjournment under the previous order until 1 p.m. tomorrow.

There being no objection, the Senate, at 6:37 p.m., adjourned to reconvene as a Court of Impeachment on Tuesday, February 9, 1999, at 1 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 8, 1999, under authority of the order of the Senate of January 6, 1999:

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

ANNE JEANNETTE UDALL, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2004. (REAPPOINTMENT)

NATIONAL SCIENCE FOUNDATION

JOSEPH BORDOGNA, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION, VICE ANNE C. PETERSEN, RESIGNED.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND AMENDMENTS ACT OF 1999

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. VENTO. Mr. Speaker, today I am introducing legislation to reauthorize the programs at the Community Development Financial Institutions Fund. A section-by-section analysis of the bill follows this statement.

The activities at the CDFI Fund—the CDFI and the Bank Enterprise Act (BEA) programs—have received high praise over the years as well as intense scrutiny. This legislation, basically a product of our Subcommittee's work from last year, with input from the Oversight Subcommittee of the Banking Committee, draws upon both praise and scrutiny to further the program for the future. The Fund has made numerous Administrative improvements already. With the measures included in this proposed legislation, many of those would be solidified so that problems do not occur in the future and so that everyone can focus on the positive impacts the CDFI programs have had in our communities.

As a strong supporter of local efforts of community development financial groups and financial institutions that focus on undeserved communities, I know that the CDFI programs and related programs that promote microenterprise activities and housing activities are critical to rebuilding and strengthening neighborhoods and their residents. The CDFI intermediaries and institutions that received BEA funds can be the foundation and the building blocks of economic opportunity and employment. They can serve as instigators of change and partners in business, housing and community initiatives.

Mr. Speaker, I am pleased to introduce this reauthorization legislation with the Gentlewoman from New Jersey, Mrs. ROUKEMA, with whom I worked to draft this bill over the course of last year. I hope that we will be able to move this bill early in this session so that we can ultimately enact these improvements into law this year.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND AMENDMENTS ACT OF 1999

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

SECTION 2. CHANGE OF STATUS OF THE FUND; MISCELLANEOUS TECHNICAL CORRECTIONS

This section changes the purpose section of the Community Development Banking and Financial Institutions Act of 1994 (the Act) to add language that clarifies that the purpose of the Act is to promote economic revitalization and community development not only through investment in and assistance to community development financial institutions (CDFIs) but also through enhancing the liquidity of community development financial institutions, and through incentives to insured depository institutions that increase lending and other assistance and investment in both economically distressed communities and CDFIs.

This section also changes the Act to reflect the intent of appropriations provisions that made the CDFI Fund a wholly-owned government corporation within the Treasury Department. Technical amendments to the Act eliminate the concept of a Presidentially appointed Administrator of the Fund, and, as with other Treasury programs, vest all the duties and responsibilities of the CDFI Fund in the Secretary of the Treasury (subject to existing statutory delegation authority). The Secretary may appoint all officers and employees of the CDFI Fund, including a Director.

This section makes technical changes to clarify that the Inspector General of the Treasury Department is the Inspector General of the CDFI Fund.

This section also gives the Secretary the authority to prescribe the necessary regulations and procedures.

SECTION 3. AMENDMENTS TO PROGRAMS ADMINISTERED BY THE FUND AND THE BANK ENTERPRISE ACT OF 1991

This section makes minor changes to the CDFI Awards Program administered by the CDFI Fund. The amendments provide that, for the training and technical assistance programs already authorized by the Act, the Fund may enter into cooperative agreements in addition to the other methods described.

This section amends the Bank Enterprise Act (BEA) Awards Program for insured depository institutions. The subsection provides technical amendments and clarifies that the Fund may provide assessment credits to insured depository institutions for increases in loans and other assistance provided to CDFIs. The provisions clarify the manner in which the Fund may take account of forms of assistance provided by insured depository institutions. In addition, the provisions permit the Fund to use alternative eligibility requirements to determine the definition of a "qualified distressed community." Current criteria are difficult to interpret and may exclude some insured depository institutions, particularly those serving rural areas, from participation in the BEA Program.

SECTION 4. EXTENSION OF AUTHORIZATION

This section authorizes appropriations for fiscal years 2000, 2001, 2002, and 2003 for $95 million, $100 million, $105 million and $110 million, respectively.

SECTION 5. AMENDMENTS TO SMALL BUSINESS CAPITAL ENHANCEMENT PROGRAM

This section removes statutory barriers that currently block the CDFI Fund from administering the SBCE Program. The SBCE program would encourage states to implement small business "capital access programs" with the participation of certain depository institutions. These "capital access programs" expand access to small business loans by creating a loan loss reserve, funded by the depository institution, the borrower, and the state. This reserve fund allows banks to make more difficult small business loans. The Fund, under the SBCE Program, could reimburse participating states for a portion of funds contributed to these loan loss reserve accounts.

This section allows CDIFs to participate in the SBCE Program. It removes the requirement that the SBCE Program receive a threshold appropriation before beginning operations. And, this section will allow the CDIF fund (if the SBCE Program is operating) to reimburse participating states according to criteria established by the CDFI Fund in an amount up to 50% of the amount of contributions by the states, until funds made available for this purpose are expended. This permits the Fund to target reimbursements to states that have not yet established these programs or that have insufficient funds for effective programs.

SECTION 6. ADDITIONAL SAFEGUARDS

This section adds the requirement that the Fund use a scoring system as one of the tools to evaluate the merits of applications. It also requires the use of a multi-person review panel consisting of at least three persons, to apply the scoring system in order to reduce discretion and provide a mix of perspectives in the application review process. At least ⅓ of the members of the panel shall not be officers or employees of any government.

This section adds reporting requirements by the Fund to the Congress in their annual report. The CDFI Fund must include in their annual report its use of outside consultants, including the services provided by the consultants and the fees paid for those services. The report must detail the Fund's compliance with the Federal Manager's Financial Integrity Act (FMFIA). The FMFIA requires Federal programs to have controls in place to ensure that assets are safeguarded from waste, fraud, and abuse. The CDFI fund must also report any material internal control weaknesses identified in its most recent external audit along with corrective actions that will be taken to address such weaknesses. This section requires that the Fund report on the implementation of the objective scoring system in its first annual report following enactment of this legislation.

This section requires the GAO to submit to Congress, within 18-months of enactment, a study evaluating the structure, governance and performance of the CDFI Fund.

This section also requires the CDFI Fund to notify Congress in advance of hiring a contractor under the SBA's Section 8(a) contracting program.

BANKRUPTCY AMENDMENTS OF 1999

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce a bill to address an injustice that exists within Title 11 of the United States Code regarding single asset bankruptcies.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The injustice within Title 11 stems from an 11th hour decision made during the 103rd Congress, which placed an arbitrary $4 million ceiling on the single asset provisions of the bankruptcy reform bill. The effect has been to render investors helpless in foreclosures on single assets valued over $4 million.

To rectify this problem, my bill eliminates the $4 million ceiling, thereby allowing creditors the ability to recover their losses. Under the current law, Chapter 11 of the Bankruptcy Code becomes a legal shield for the debtor. Upon the investor's filing to foreclose, the debtor preemptively files for Chapter 11 protection which postpones foreclosure indefinitely.

While in Chapter 11, the debtor continues to collect the rents on the commercial asset. However, the commercial property is typically left to deteriorate and the property taxes go unpaid. When the investor finally recovers the property through the delayed foreclosure, they owe an enormous amount in back taxes, they receive a commercial property left in deterioration which has a lower rent value and resale value, and meanwhile, the rent for all the months or years they were trying to retain the property went to an uncollectible debtor.

My bill does not leave the debtor without protection. First, the investor brings a foreclosure against a debtor only as a last resort. This usually comes after all other efforts to reconcile delinquent mortgage payments have failed. Second, the debtor has up to ninety days to reorganize under Chapter 11. It should be noted, however, that single asset reorganizations are typically a false hope since the owner of a single asset does not have other properties from which he can recapitalize his business.

Finally, Mr. Speaker, my bill helps all American families by making their investments more secure and more valuable. The hardworking American families who depend on their life insurance policies and who have paid for years into their pensions will save millions in reduced costs. My bill protects the "little guy" from being plagued with years of litigation while a few unscrupulous commercial property owners continue to colllect the rent to line their own pockets.

TRIBUTE TO MARGARET WENTWORTH OWINGS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. FARR of California. Mr. Speaker, I rise to memorialize the passing of a friend, a poet, an artist, and a passionate environmentalist. Margaret Wentworth Owings passed away on January 20, 1999 at her cliffside home in Big Sur California high above her beloved Pacific Ocean.

Born in Berkeley, California in 1913, Margaret Wentworth graduated from Mills College and studied art at Harvard University. In 1953, she married architect Nathaniel Owings. By that time, she had pledged herself to the preservation of the natural endowments of Big Sur, a place she called "the most beautiful spot on the globe."

Margaret began her crusade for environmental protection over fifty years ago when she watched with binoculars as a rifleman killed a Stellar sea lion. She learned that hunters could earn a bounty for killing mountain lions and that sea otters were valued only for their pelts. Margaret co-founded the Friends of the Sea Otter in 1969 and the California Mountain Lion Preservation Foundation in 1987. Through determination, resourcefulness, and unstinting effort, Margaret brought us around to the undeniable conclusion that there is more to gain from saving wildlife than from destroying it. The Big Sur coastline would be a very different place were it not for Margaret's guardianship. She successfully opposed the proposal to straighten the Pacific Coast Highway and widen it to a four freeway. Margaret led efforts to pass Proposition 117 to ban sport hunting of the mountain lions and the setting aside of funds to purchase state parklands.

The appreciation of environmental organizations was expressed by the many awards she received, such as the National Audubon Society Medal and being included in its listing as one of the 100 most influential environmentalists of the century. She was given the Gold Medal Award of the United Nations Environment Program. The United States Department of the Interior conferred the Conservation Service award upon her. And the Sierra Club, in recognition of Margaret's lifelong dedication to the cause of conservation, made her an honorary board member.

Margaret is survived by her daughter, Wendy Millard Benjamin; her stepson Nathaniel Owings; her stepdaughters Natalie Owings Prael, Emily Owings Kapozi, and Jennifer Owings Dewey; her brother, William Wentworth; nine grandchildren and four great-grandchildren.

Margaret's advocacy was accomplished with grace, poise, style and spirit. Her memoir "A Voice From the Sea: Reflections on Wildlife and Wilderness" evokes, through her articulate and persuasive voice, the spirituality she found in her wild surroundings.

There is no conceivable measure for the contributions Margaret made; she has left a permanent legacy. Margaret Owings was our hero. She led us by her example, she taught us through her wisdom, she graced us with her vision, and we learned to treasure all that she valued so deeply.

PAKA OUTREACH PROGRAM

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. UNDERWOOD. Mr. Speaker, last year supertyphoon Paka struck the island of Guam causing nearly $400 million in damages and leaving more than 4,000 families homeless. The speed of this particular recovery is unprecedented in the annals of Guam's typhoon-prone history. In situations such as this, however, the emotional needs of disaster victims and stress levels of workers tasked to restore normalcy are often overlooked as other necessities such as restoration of services, reconstruction of homes and businesses, and procurement of basic supplies receive much of the attention.

It is for this reason that the "Paka Outreach Program" was implemented. A Crisis Counseling Program established to bring attention and support for the emotional aspects of disaster recovery, the outreach program was authorized through a Memorandum of Understanding between the Child and Adolescent Services Division of the Department of Mental Health and Substance Abuse and the College of Agriculture and Life Sciences, Guam Cooperative Extension Program of the University of Guam. Deriving funds from a Regular Service Grant from the Federal Center for Mental Health Services, the program provided counseling as well as resource and service information about improvement of stress coping responses among disaster victims.

Teams of crisis counselors provided outreach services to people and organizations within the Guam Community. This multi-lingual and culturally diverse group visited homes, shelters, schools and Senior Citizen Centers. Since the inception of "Paka outreach," team members have assisted over 2,000 individuals with services such as crisis counseling consultation education and support groups.

One year has passed since Supertyphoon Paka. Debris has been collected, services have been restored, damages have been repaired, and the island of Guam is green and beautiful once again. Conditions have, more or less, returned to normal. As were recognize the countless men and women who have made possible the island's speedy and successful recovery, I would like to take this opportunity to make special note of the contributions of the Paka Outreach Program. On behalf of the people of Guam, I commend the members of this outstanding team and submit their names in special recognition of their outstanding public service.***HD***PAKA OUTREACH

Department of Mental Health and Substance Abuse.—John W. Leon Guerrero, Director; Aurora Cabanero, Deputy Director; Mariles Benavente, State Coordinator.

University of Guam—Dr. Jeff D.T. Barcinas, Dean/Dir., Coll. of Agriculture & Life Sciences; Victor T. Artero, Associate Dean, Guam Cooperative Extension; J. Peter Roberto, Principal Investigator, Paka Outreach.

Paka Outreach Staff—Sr. Stella Manglona, Project Coordinator; Venancia Colet, Mental Health Consultant; Ronnie Babin, Team Leader; Jeanie Perez, Team Leader; Joseph H. Salas, Team Leader; Jose Caluag, Eloisa A. Chan, Filomena Doone, Jenette Muhat, Karmelin Pachkoski, Marie Pereda, Felisa Quitugua, Marchelle Sablan, Misko Shuru, Dirk Taitano, Remedios Taitague, Simona Cushing Viloria.

A RESONSE TO THE PRESIDENT'S PRESENTATION OF THE DEFENSE BUDGET TO CONGRESS

SPEECH OF

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 2, 1999

Mr. PACKARD. Mr. Speaker, I rise today in defense of the men and women who protect our freedom around the world. The military budget proposed by President Clinton is woefully inadequate and we must work together to ensure that Congress corrects its failures and shortcomings.

The increasing instability around the world threatens America's allies as well as American interests. Even as I speak, our sons and daughters who serve are targeted by Iraqi missiles and scores of terrorist forces abroad. Today, the Administration is contemplating further troop deployments in Kosovo.

America's military is now spread further around the world than at any time in our history. Yet the President still fails to provide our soldiers with the resources they need to protect freedom and even to protect themselves. The President's military budget proposal is long on rhetoric and short on correcting the many gaps in readiness that have developed over years of neglect under his administration. While the President's budget hands out billions to government bureacracies and bloated federal agencies, it falls well short of any serious attempt to provide for the safety of our troops.

The truth is, we aren't keeping our promises to those who serve. You can look no further than our military personnel retention rates to see what years of grossly under-funded budgets have done to morale throughout the service. Highly trained men and women are leaving the miltary in record numbers. The Navy's loss of aviators, many of whom are stationed near my district in San Diego, has reached a critical level. In some cases, we no longer even have the necessary personnel to staff our carriers.

Mr. Speaker, our military personnel are the finest in the world. The readiness and safety of those who protect freedom should not be sacrificed for the personal legacy of a self-absorbed President. It's time we provide them with the best equipment and training available. Anything less is unacceptable.

RECOGNIZING 1ST SERGEANT MICHAEL HAYES FOR OUTSTANDING COMMUNITY SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to come before the House today to honor the long and distinguished record of service of Marine First Sergeant Michael Hayes. Whether serving his nation in the Marine Corps or providing for the needy during the holidays here at home, Sergeant Hayes has set a record of achievement that we can all be proud of.

Even while serving the Marine Corps faithfully here in New Haven, Sergeant Hayes went above and beyond the call of duty and worked diligently to involve his staff and Marine cadets with the community. Of all his accomplishments, the most impressive and the most touching has been his work on behalf of numerous "Toys for Tots" campaigns. His commitment has brought more than thirty thousand toys to needy children in the Greater New Haven area, putting a smile on the faces of so many of New Haven's kids on many Christmas mornings.

At the end of this year, Sergeant Hayes will leave the Marine Corps, retiring with the United States Armed Forces Meritorious Service Medal, a honor he most certainly deserves. His generosity and dedication to the needs of New Haven residents will not be forgotten.

ROCSAT–1 LAUNCH FROM SPACEPORT FLORIDA A GREAT SUCCESS

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. WELDON of Florida. Mr. Speaker, I have the distinct privilege of bringing to the Members' attention the fact that Spaceport Florida has successfully launched its second satellite. On Tuesday, January 26, 1999, I was pleased to personally observe as an Athena rocket left Florida's Spaceport to deploy the ROCSAT–1, the first satellite launched by the Republic of China, Taiwan. I am proud of the success of the government of Taiwan, Spaceport Florida, and involved commercial companies in this endeavor.

The launch of ROCSAT–1 was accomplished with the cooperation of Taiwan's National Space Program Office, Lockheed Martin and the Spaceport Florida Authority. This is only the latest example of the Spaceport Authority's ability to successfully launch payloads into space and at a competitive price. I am hopeful that this successful endeavor between the Republic of China and Florida will lead to more exciting and profitable ventures that will benefit both parties. This is a proud moment for Taiwan and Florida.

After personally viewing the historic launch, I can also say that I firmly believe that Florida's first rate launching capabilities are advancing and will strengthen our competitiveness. I am also pleased that Taiwan chose Florida as the place for launching their satellite. Florida has a proven track record of dependable launches and we added to that number on January 26. I hope this will be the first launch of many.

A BILL TO EXCLUDE FROM GROSS INCOME REWARDS RECEIVED BY REASON OF PROVIDING INFORMATION LEADING TO THE CONVICTION OF A CRIME TO THE EXTENT THAT THE REWARD IS USED TO COMPENSATE VICTIMS OF CRIME

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from New York, Mr. MCNULTY, as well as a number of other colleagues, in introducing a new bill to effectively exempt from taxation the proceeds of the Federal government's reward of $1 million paid to Mr. David Kaczynski for information leading to the conviction of the Unabomber.

We introduced a similar bill late last session, which was passed by the Senate but, due to procedural and content changes, was not considered in the House before adjournment. We believe we have addressed the content concerns of the proposal and are reintroducing a more general bill to be considered through the regular legislative process.

As you may remember, in the fall of 1995 Mr. David Kaczynski provided invaluable assistance to the FBI. As a result of Mr. Kaczynski placing the health and safety of American citizens ahead of family loyalty, Federal authorities were able to apprehend his brother Theodore, the infamous Unabomber.

The Federal Government had offered a $1 million reward for information leading to the conviction of the Unabomber. Not wanting to profit personally from the tragedy caused by a deeply troubled member of their family, David Kaczynski and his wife pledged to distribute the net proceeds, after taxes and attorneys' fees, to his brother Theodore's victims and their families. However, because this income was considered taxable they were only able to direct $534,150 to a community based foundation to be used to benefit the victims of violent crime. If this reward had been tax-exempt, David and his wife would have had approximately $200,000 more to distribute.

Accordingly, we are reintroducing the bill today, which would permit the full reward to be tax-exempt and allow the amount, otherwise used to pay taxes, to ultimately benefit the victims and their families. We invite our colleagues to cosponsor this legislation and assist us in closing this chapter of the Unabomber saga and bring some sense of justice to the Unabomber's victims and their families.

PERSONAL EXPLANATION

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. KASICH. Mr. Speaker, on Wednesday, February 3, 1999, I was unavoidably detained and unable to record a vote by electronic device on Roll Number 9. Had I been present, I would have voted "aye" on Roll Number 9.

On Wednesday, February 3, 1999, I was unavoidably detained and unable to record a vote by electronic device on Roll Number 10. Had I been present, I would have voted "aye" on Roll Number 10.

On Wednesday, February 3, 1999, I was unavoidably detained and unable to record a vote by electronic device on Roll Number 11. Had I been present, I would have voted "aye" on Roll Number 11.

INTRODUCTION OF THE KNOW YOUR CUSTOMER PROGRAM ABOLISHMENT ACT

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. HILLEARY. Mr. Speaker, on December 7, 1998, the Comptroller of the Currency, the Office of Thrift Supervision, Federal Reserve Board and the Federal Deposit Insurance Corporation published regulations which cut against the very foundations of individual liberties. Under the title of "Know Your Customer" regulations, the proposed rule intends to prevent money laundering. However, it instead intrudes on the privacy of law-abiding citizens.

Under the proposed rule, all banks and thrifts in our country would be required to (1) identify their customers, (2) determine the source of income of its customers, (3) determine the "normal and expected" transactions of each customer, (4) monitor each customer's account activity to insure it is compatible with historical patterns, and (5) report any "suspicious" transactions.

Thus, if your financial institution, in which you have placed both your finances and trust, feels that you have withdrawn or deposited an amount that could be interpreted as suspicious or outside the "normal and expected" transactions that you make, you could have your name sent to law enforcement authorities. All of us at one time or another have had to deposit or withdraw money that falls outside our "normal" transactional history. Whether putting a downpayment on a house, a car or even a wedding ring, it is not the FDIC, the FBI or our local bank's business on when and why we would want to make such a transaction or even from where we receive our income.

One would think that if the federal government were to order financial institutions to comb over their customer's finances, they would at least take part of the burden off the financial institution. However, this regulation instead puts an onerous mandate on member banks and thrifts. These institutions must compile all the paperwork, put in all the man hours, and ultimately take all the heat for spying on their customers.

I am all in favor of preventing money laundering; however, this regulation violates the basic privacy rights of American citizens. There are surely other ways to catch the drug dealers and other illegal money launderers that do not infringe on the personal liberties of so many innocent and law-biding citizens.

Luckily the federal government's attack on personal freedom has not gone unnoticed. Already the FDIC has received more than 15,000 comments on these new regulations. All but 12 of these comments are negative.

I am hopeful that by filing this bill today will further discourage the FDIC and other federal agencies from following through with this ill-conceived and shoddily designed rule.

CELEBRATING THE 86TH BIRTHDAY OF ROSA PARKS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Ms. LEE. Mr. Speaker, I rise today to recognize the 86th birthday of Rosa Parks, a pivotal force in the struggle for civil rights in America. Ms. Parks touched millions of lives when she refused to give up her seat on a Montgomery, Alabama city bus. Rosa's courageous action served as a catalyst for the legendary bus boycott in Alabama and was one of the critical turning points in the Africa-American civil rights movement. With the support of Dr. Martin Luther King Jr. and other civil rights activists, Rosa Parks' action and the subsequent boycott demonstrated the power of individuals and communities to tear down injustice and bring about social change. Her spark ignited a fire that helped to eradicate legal segregation in the South, raise the consciousness of people around the country, and challenge our democracy to guarantee and secure liberty and justice for all.

Rosa Park's 86th birthday and her legacy are especially important today as we celebrate the fourth day of Black History Month, a history which Rosa Parks helped to create. Because of her labor of love and her continued work in the civil rights movement, our children have opportunities which, for many of our parents, were merely dreams and fantasies.

On this day, the anniversary of her birth, I am pleased to join Congresswoman JULIA CARSON and others in a bipartisan effort to honor Rosa Parks by introducing legislation to present her with a long-overdue Congressional Gold Medal. I hope that Members of Congress and people across our nation will join me in supporting this important legislation.

The American people and I wish you a joyous 86th birthday, and we thank you, Rosa Parks, for your life's work and for your invaluable legacy.

TRIBUTE TO ANDREW E. AUSONIO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. FARR of California. Mr. Speaker, I rise today to mark the passing of Andrew E. Ausonio, who died October 17, 1998, a devoted husband and father an innovative businessman, a leader in his community and a humanitarian both at home and abroad.

Andy was a native of the Salinas Valley, graduating from Salinas High School, and attending Hartnell Junior College. His service in the Armed Forces drew him away for a time, but upon his return Andy applied his attention to developing his business and personal resources. His business capacities took him from Control Operator at the Moss Landing PG&E Electric Generation Plant; to become a founder of numerous property-related firms including Ausonio Construction Company, Inc.; to a position as Director and then Chairman of the Board of the Bank of Salinas; and Director of Artichoke Industries.

Andy committed considerable energy to improve this community as a member of the Elks Lodge; President of Native Sons of the Golden West; President of the Castroville Rotary; Festival Chairman for the Castroville Artichoke Festival; President of the Notre Dame High School Board; Commissioner for the Castroville Fire District; President of the Salinas Valley Builders Exchange; Chapter President of the Associated General Contractors; Finance Commission for the Monterey Finance Commission; Director for the Monterey County Private Industry Council; Director for the Salinas Valley Memorial Hospital Foundation; and as a member of the Advisory Committee for California Assemblyman Peter Frusetta.

Andy had a musical side and was a member of the Watsonville community brass and German bands. He was the major fundraiser in getting the North Monterey County High School band to play at President Bill Clinton's Inaugural Celebration in Washington, D.C.

As a Rotarian, Andy organized a trip to the village of San Antonio Such, Guatemala, to work on a sewage water treatment system that was a threat to the health of the population due to the untreated sewage in the local streams. He returned to determine how the Rotary could best help the local people, and subsequently organized a literacy project. The project used Spanish books from California schools that were distributed in Guatemala. During his tenure, Andy also made improvements to the infrastructures in other areas of South America and Italy.

Andy enriched his own community and communities around the world, with his ability to implement his practical talents through the medium of his larger vision of the world and its values. His work will be lasting, as will the lessons he taught every individual, whom he has inspired. Our deepest sympathies go to his family and those closest to Andy Ausonio.

PLUMBING STANDARDS IMPROVEMENT ACT OF 1999

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce the Plumbing Standards Improvement Act of 1999. This bill would begin to restore common sense to our government by repealing the ridiculous federal mandates on toilet size and showerhead flow, 1.6 gallons per flush and 2.5 gallons per minute, respectively.

In 1992, Congress considered and eventually passed the Energy Policy Act (EPA). At that time, a unique coalition of environmental activist and plumbing manufacturers joined forces to expand the size of our already bloated government and push for a national policy on, of all things, plumbing products. With the help of the U.S. Department of Energy, this coalition claimed it was essential to ban certain types of toilets and showerheads. Instead of allowing individuals to make their own choices, this group claimed the federal government should choose the types of plumbing fixtures Americans can use in their private and public bathrooms.

Since passage of the 1992 EPA, the voices in opposition to this policy have become loud and clear. I first became aware of the problems our national plumbing laws have created when I began to receive complaints from a variety of frustrated individuals. These discontented consumers, plumbers, remodelers, landlords, home builders, and others were upset their new, expensive toilets were repeatedly clogging and consistently required multiple flushes. Obviously, these new products were not saving water and therefore proved counterproductive to the original intent of the legislation.

To date, I have received thousands of calls, letters, and faxes from individuals all across the country, and the political spectrum, who support restoring common sense to our government and reducing the enormous burden placed on them by inefficient and needless government mandates. The message is clear, and often written on toilet paper: "Get the government out my bathroom!"

While support for ending these mandates has steadily grown, the importance of this issue has grown even further, Currently, the Department of Energy is considering a ban on top-loading washing machines as well as certain types of water heaters, fluorescent lamps, central air conditioners, and other common products used by American every day. In addition to providing relief for those suffering under plumbing fixture laws, we must pass this bill to ensure the voice reason is heard before additional mandates are enacted.

The American marketplace works well, but only if consumers are allowed to buy the products they desire. If some consumers want tiny toilets or trickling showerheads, the economy will provide these products without the burden of federal decrees. In addition, if state and local governments wish to establish their own plumbing policies, they are free to do so. Unfortunately, our failed policy on plumbing fixtures has strangled the market, created innumerable headaches, and put us at risk of suffering under further one-size-fits-all mandates. Now is the time to heed the call of suffering Americans, pass the Plumbing Standards Improvement Act of 1999 and restore wisdom to our federal government.

TRIBUTE TO FRANK BALAJADIA MANIBUSAN

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, February 8, 1999

Mr. UNDERWOOD. Mr. Speaker, the island of Guam lost a distinguished veteran on Sunday, January 24, 1999. Frank Balajadia Manibusan, one of the first Chamorros ever to enlist in the United States Navy, passed away at the age of 81 in Union City, California after a long illness.

Born in Santa Cruz, Hagåtña on February 10, 1917, Frank's military career gave him the chance to witness several significant events in our nation's history. The eldest son child of Juan and Soledad Manibusan, Frank joined the Navy in 1939. This enlistment placed him at Pearl Harbor when the Japanese air attack on the Naval Base was launched on December 7, 1941, prompting the involvement of the United States in World War II. As a member of Fleet Admiral Chester W. Nimitz's personal staff, he later witnessed the official end of the war as Japanese representatives signed an unconditional surrender aboard the U.S.S. *Missouri* in 1945. He retired with the rank of Senior Chief Petty Officer (E8) in 1960.

The late Frank Balajadia Manibusan left a legacy of service held with pride by the island of Guam and its people. On behalf of the people of Guam, I offer my condolences and join his widow, Brigida, and their children, Darlene, Frances, Leilani, Frank and Jesse in mourning the loss and celebrating the life of a distinguished son of Guam.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 9, 1999, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 10

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings on Department of Labor budget intiatives.

SD–430

Commerce, Science, and Transportation

Business Meeting to markup S. 82, to authorize appropriations for Federal Aviation Administration.

SR–253

Indian Affairs

To hold hearings on the nomination of Montie R. Deer, of Kansas, to be chairman of the National Indian Gaming Commission.

SR–485

10 a.m.

Finance

To hold hearings on United States Trade Agreements compliance focusing on international dispute settlement and domestic enforcement measures.

SD–215

Judiciary

Business meeting to consider pending calender business.

SD–226

11 a.m.

Foreign Relations

Business meeting to consider committee's rules of procedure for the 106th Congress, and their subcommittee assignments.

S–116, Capitol

FEBRUARY 11

9:30 a.m.

Environment and Public Works

To hold hearings to examine the President's proposed budget request for fiscal year 2000 for the Environmental Protection Agency.

SD–406

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, and the future years defense program.

SH–216

Banking, Housing, and Urban Affairs

Business Meeting to markup S. 313, to repeal the Public Utility Holding Company Act of 1935, and to enact the Public Utility Holding Company Act of 1999, and the proposed Financial Regulatory Relief and Economic Efficiency Act of 1999.

SD–538

Health, Education, Labor, and Pensions

To hold hearings on the proposed budget request for the Department of Education.

SD–430

1 p.m.

Budget

To resume hearings on the President's proposed budget request for fiscal year 2000.

SD–608

FEBRUARY 12

9:30 a.m.

Budget

To hold hearings on national defense budget issues.

SD–608

FEBRUARY 22

1 p.m.

Aging

To hold hearings to examine the impact of certain individual accounts contained in Social Security reform proposals on women's current Social Security benefits.

SD–628

FEBRUARY 23

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings on Department of Education reform issues.

SD–430

FEBRUARY 24

9:30 a.m.
Armed Services
Readiness Subcommittee
To hold hearings on the National Security ramifications of the Year 2000 computer problem.
SH-216

Health, Education, Labor, and Pensions
Public Health and Safety Subcommittee
To hold hearings on antimicrobial resistance.
SD-430

2 p.m.
Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense and for the future years defense program, focusing on recruiting and retention policies within DOD and the Military Services.
SR-222

FEBRUARY 25

9 a.m.
Energy and Natural Resources
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Department of Energy and the Federal Energy Regulatory Commission.
SD-366

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Military Order of the Purple Heart, the Fleet Reserve, the Retired Enlisted Association, the Gold Star Wives of America, and the Air Force Sergeants Association.
345, Cannon Building

Health, Education, Labor, and Pensions
To hold hearings on protecting medical records privacy issues.
SD-430

2 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to review competition and antitrust issues relating to the Telecommunications Act.
SD-226

Energy and Natural Resources
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.
SD-366

MARCH 2

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

Energy and Natural Resources
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Department of the Interior.
SD-366

MARCH 4

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I of the USA, Non-Commissioned Officers Association, Paralyzed Veterans of America, Jewish War Veterans, and the Blinded Veterans Association.
345 Cannon Building

MARCH 10

9:30 a.m.
Armed Services
Readiness Subcommittee
To hold hearings on the condition of the service's infrastructure and real property maintenance programs for fiscal year 2000.
SR-236

MARCH 17

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

MARCH 24

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

FEBRUARY 10

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD-366

FEBRUARY 11

Time to be announced
Energy and Natural Resources
Foreign Relations
To hold joint hearings to examine United States policy toward Iraq, focusing on proposals to expand oil for food.
SD-419

8:30 a.m.
Year 2000 Technology Problem
To hold hearings to examine information technology as it applies to the food sector in the Year 2000.
SD-192

POSTPONEMENTS

FEBRUARY 10

8:30 a.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to review competition and antitrust issues relating to the Telecom Act.
SD-226

SENATE—*Tuesday, February 9, 1999*

The Senate met at 1:05 p.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we renew our trust in You when we realize how much You have entrusted to us. We are stunned by the psalmist's reminder that You have crowned us with glory and honor and given us responsibility over the work of Your hands. We renew our dependence on You as we assume this breathtaking call to courageous leadership.

Help the Senators to claim Your promised glory and honor. Imbue them with Your own attributes and strengthen their desire to do what is right and just. As they humbly cast before You any crowns of position or pride, crown them with Your presence and power. In Your holy Name. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

> Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date.

The Chair recognizes the majority leader.

Mr. LOTT. Thank you, Mr. Chief Justice.

ORDER OF PROCEDURE

Mr. LOTT. This afternoon, the Senate will begin final deliberations on the articles of impeachment. However, pursuant to S. Res. 30, a Senator may at this time offer a motion to suspend the rules to allow the final deliberations to remain open. That motion is not amendable and no motions to that motion may be offered. Therefore, I expect at least one vote to occur shortly. Following that vote, if the motion is defeated, I will move to close deliberations. If that motion should be adopted, the Senate will begin full deliberations, with each Senator allocated 15 minutes to speak. And I note that that will be true whether it is in open or closed session, although Senator DASCHLE and I may have some further comments to make about that later on.

I note that if each Senator uses his or her entire debate time, the proceedings will take 25 hours, not including breaks and recesses. Therefore, I remind all Senators that Lincoln gave his Gettysburg Address in less than 3 minutes and Kennedy's inaugural address was slightly over 7 minutes. But certainly every Senator will have his or her opportunity to speak for up to 15 minutes, if that is their desire, and, of course, we would also need to communicate with the Chief Justice about the time of the proceedings.

I expect that we will try to go until about 6 or 6:30 this afternoon. I want to confer with Senator DASCHLE, but I think maybe we will try to begin earlier tomorrow and go throughout the day into the early evening. Again, we do have to take into consideration the fact that about 7 or 8 hours will be the absolute maximum we will probably be able to do in a single day. We will talk further about that and make an announcement before we conclude today.

I now yield the floor to the Senator from Pennsylvania, Senator SPECTER, for the purpose of propounding a unanimous consent request.

The CHIEF JUSTICE. The Chair recognizes Senator SPECTER.

UNANIMOUS-CONSENT REQUEST

Mr. SPECTER. Mr. Chief Justice, on behalf of the leader, and in my capacity as a copresider for the Senate at the deposition of Mr. Sidney Blumenthal, I ask unanimous consent that the parties be allowed to take additional discovery, including testimony on oral deposition of Mr. Christopher Hitchens, Ms. Carol Blue, Mr. R. Scott Armstrong and Mr. Sidney Blumenthal with regard to possible fraud on the Senate by alleged perjury in the deposition testimony of Mr. Sidney Blumenthal with respect to allegations that he, Mr. Sidney Blumenthal, was involved with the dissemination beyond the White House of information detrimental to the credibility of Ms. Monica Lewinsky, and that pursuant to the authority of title II of Senate Resolution 30, the Chief Justice of the United States, through the Secretary of the Senate, shall issue subpoenas for the taking of such testimony at a time and place to be determined by the majority leader after consultation with the Democratic leader, and, further, that these depositions be conducted pursuant to the procedures set forth in title II of Senate Resolution 30, except that the last four sentences of section 204 shall not apply to these depositions, provided, further, however, that the final sentence of section 204 shall apply to the deposition of Mr. Sidney Blumenthal.

The CHIEF JUSTICE. Is there objection?

Mr. DASCHLE. Mr. Chief Justice, I object.

The CHIEF JUSTICE. Objection is heard.

Mr. LOTT addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the majority leader.

MOTION TO SUSPEND THE RULES

Mr. LOTT. On behalf of myself and Senator DASCHLE, I move to suspend the rules on behalf of Senators HUTCHISON, HARKIN, and others in order to conduct open deliberations.

Mr. WELLSTONE addressed the Chair.

The CHIEF JUSTICE. The Senator from Minnesota.

Mr. WELLSTONE. I ask unanimous consent that there be a 40-minute debate, equally divided, between the leaders or their designees in open session on the motion to suspend the rules.

The CHIEF JUSTICE. Is there objection?

Mr. GREGG. I object.

The CHIEF JUSTICE. Objection is heard.

The question is on the motion to suspend the rules. The yeas and nays are automatic. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 59, nays 41, as follows:

[Rollcall Vote No. 15]

[Subject: Lott motion to suspend the rules]

YEAS—59

Abraham
Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Collins
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Gorton
Graham
Hagel
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stevens
Torricelli
Wellstone
Wyden

NAYS—41

Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Coverdell
Craig
Crapo
Domenici
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg

Hatch
Helms
Hutchinson
Inhofe
Lott
Mack
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thompson
Thurmond
Voinovich
Warner

The CHIEF JUSTICE. On this vote the yeas are 59, the nays are 41. Two-thirds of those Senators voting—a quorum being present—not having voted in the affirmative, the motion is not agreed to.

Mr. LOTT. Mr. Chief Justice, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the order for the quorum call be rescinded.

The CHIEF JUSTICE. In the absence of objection, so ordered.

Mr. LOTT. Mr. Chief Justice, I want to make this reminder: Only those people who are properly authorized to be on the floor of the Senate should be here. The Sergeant at Arms will act accordingly.

Now, Mr. Chief Justice, there is a desire by a number of Senators that it be possible for their statements, even in closed session, to be made a part of the RECORD. Senator DASCHLE and I have talked a great deal about this. We think this is an appropriate way to proceed.

MOTION RELATING TO RECORD OF PROCEEDINGS HELD IN CLOSED SESSION

Mr. LOTT. Therefore, I send this motion to the desk: That the record of the proceedings held in closed session for any Senator to insert their final deliberations on the articles of impeachment shall be published in the CONGRESSIONAL RECORD at the conclusion of the trial.

The CHIEF JUSTICE. The clerk will read the motion.

The legislative clerk read as follows:

> The Senator from Mississippi [Mr. LOTT] for himself and Mr. DASCHLE, moves as follows:
>
> That the record of the proceedings held in closed session for any Senator to insert their final deliberations on the Articles of Impeachment shall be published in the Congressional Record at the conclusion of the trial.

Mr. LOTT. Mr. Chief Justice, so everybody can understand this, may I be recognized?

The CHIEF JUSTICE. The majority leader is recognized.

Mr. LOTT. It is the desire of one and all to have the opportunity for this record to be made. After the trial is concluded, Senators can have their statements in the closed session put into the CONGRESSIONAL RECORD—in the record of the trial. There may be Senators that choose, for whatever reason, not to do it in that way at that time. Senator DASCHLE and I have talked a great deal about this. We think this is the fair way to make that record. We urge that it be adopted.

Mrs. FEINSTEIN. Mr. Chief Justice, point of clarification.

The CHIEF JUSTICE. The Senator from California, Mrs. FEINSTEIN, is recognized.

Mrs. FEINSTEIN. Mr. Leader, can I ask a point of clarification? Does this mean that repartee between Members will not be recorded, but just the statement as the Member submits it?

Mr. LOTT. Mr. Chief Justice, if I could respond to that, I think that would be up to the Senators. That has been one of my points. I hope we won't just have speeches and that, in fact, we will have deliberations. As we have found ourselves in previous closed sessions, almost uncontrollably we wound up discussing and talking with each other. I hope that if we come to that, the Senators involved in the exchange would make that a part of the record and part of history. I believe they would have that right under this proposal.

Mr. DASCHLE. If the leader will yield for the purpose of clarification, I may have misunderstood what the majority leader described here. But our intent would be to allow statements to be inserted into the CONGRESSIONAL RECORD, not into the hearing record.

Mr. LOTT. That is correct. I misstated that.

Mr. DASCHLE. So that people understand, this would actually allow you the opportunity to insert your statement into the CONGRESSIONAL RECORD, succeeding the votes on the two articles.

Mr. WELLSTONE addressed the Chair.

The CHIEF JUSTICE. The Senator from Minnesota, Mr. WELLSTONE, is recognized.

Mr. WELLSTONE. Mr. Chief Justice, I have a question for the majority leader. I might not have heard this the right way. This would allow any Senator who so wishes to have his or her statements made in all of our—not just the final deliberations, but this would cover all of our sessions that have been in closed session; is that correct or not?

Mr. LOTT. Mr. Chief Justice, I believe this would be applicable only to the final deliberations.

Mr. WELLSTONE. Mr. Chief Justice, if I could ask the majority leader whether he might be willing—it seems to me that if this is the principle, I wonder if he would amend his request to any Senator who wants to—and it is up to the Senator—this is far different than having our final deliberations a matter of public record, which is what I think we should do, but what you are saying is any Senator who so wishes can do so. Might that not apply to all of the closed sessions we had? It seems to me that the same principle applies.

Mr. LOTT. That is not what is in this proposal. I would like to think about that and discuss it with the Senator from Minnesota and others. I remember making a passionate speech, but I had no prepared notes; and so I could not put it into the RECORD if I wanted to when we were in one of those closed sessions.

I honestly had not considered that. This was aimed at the closing deliberations. I think we need to give some thought to reaching back now to the other closed sessions before we move in that direction.

Mr. CRAIG addressed the Chair.

The CHIEF JUSTICE. The Senator from Idaho, Mr. CRAIG, is recognized.

Mr. CRAIG. Mr. Chief Justice, will the majority leader yield for a question?

Mr. LOTT. I would be glad to yield, Mr. Chief Justice.

Mr. CRAIG. Is my understanding correct that your motion would keep this session of deliberations closed, except for those Senators who would choose to have their statements become a part of the CONGRESSIONAL RECORD, and that it would be the choice of the individual Senators, and that the deliberations of the closed session would remain closed unless otherwise specified by each individual Senator, specific to their statements; is that a fair understanding?

Mr. LOTT. Mr. Chief Justice, that is an accurate understanding, and that is with the presumption that we will go into closed session, and such a motion will be made in short order.

I want to also clarify that this is made on behalf of Senator DASCHLE and myself. We have consulted a great deal on this and we have both been thinking about doing something like this, but we never put it on paper until a moment ago.

Mr. CRAIG. I thank the leader.

Mr. COVERDELL addressed the Chair.

The CHIEF JUSTICE. The Senator from Georgia, Senator COVERDELL, is recognized.

Mr. COVERDELL. I want to make an inquiry to the leader in response to the question by the Senator from California, who alluded to actual deliberations and statements among Senators. I assume that in order to go into the CONGRESSIONAL RECORD, it would require all of the participants of the colloquy——

The CHIEF JUSTICE. The Parliamentarian tells me that this is all out of order.

Mr. LOTT. Mr. Chief Justice, if I may, in a moment I will make a motion to close the doors for deliberations. However, we have to dispose of this.

The CHIEF JUSTICE. The question is on the motion——

Mr. LEAHY. Mr. Chief Justice, I ask consent to ask the majority leader one follow-up question on his motion.

The CHIEF JUSTICE. Without objection.

Mr. LEAHY. Mr. Chief Justice, I want to make sure I fully understand the distinguished majority leader. Our vote on what we do on the record does not include a vote on closing the session itself, it simply assumes that vote carries?

Mr. LOTT. That is correct. That is my understanding.

Mr. HARKIN addressed the Chair.

The CHIEF JUSTICE. The Chair recognizes the Senator from Iowa, Mr. HARKIN.

Mr. HARKIN. Mr. Chief Justice, again, I ask consent that I be able to ask the majority leader a question regarding the ethics.

The CHIEF JUSTICE. Without objection.

Mr. HARKIN. I have a question regarding the ethics rules. Under this proposed motion, could a Senator give his or her statement in public and then give the same statement in closed session and still not violate the ethics rules? I am concerned about how we might want to follow that.

I yield to the head of the Ethics Committee for clarification.

Mr. SMITH of New Hampshire. If the motion carries, as has been outlined by the majority leader, you have every right to release your statement. That would not violate rule 29.5.

Mr. HARKIN. I could do whatever——

Mr. SMITH of New Hampshire. Your statement, yours, not anybody else's.

Mrs. MURRAY addressed the Chair.

The CHIEF JUSTICE. The Senator from Washington, Mrs. MURRAY, is recognized.

Mrs. MURRAY. Mr. Chief Justice, I ask consent to ask the majority leader a point of clarification.

The CHIEF JUSTICE. Without objection.

Mrs. MURRAY. If we reference another Senator's remarks in our statements, would we have to get that other Senator's consent in order to submit our statement, then, for the RECORD?

Mr. LOTT. I am not chairman of the Ethics Committee, but I am assured by those on the committee that you would have to do so. Are we ready to move forward?

Mr. KERRY addressed the Chair.

The CHIEF JUSTICE. The Senator from Massachusetts, Mr. KERRY, is recognized.

Mr. KERRY. Mr. Chief Justice, I ask consent that I be permitted to ask a point of clarification.

The CHIEF JUSTICE. Without objection.

Mr. KERRY. I ask the majority leader this: He mentioned that he hoped during the deliberations that there would be more than just speeches, that there would be a process of colloquy. I was wondering if he was contemplating how that would work because I think under the rules we are limited to one intervention of a specific time period. Does the majority leader contemplate approaching that difficulty?

Mr. LOTT. Mr. Chief Justice, I have discussed this with the Democratic leader, and there is no ironclad rule. You know, in our other closed session when we sort of got on a roll, we yielded additional time to each other, and then at some point we started to have a round robin. The Chief Justice probably thought it was all completely out of order, but he allowed us to go forward. I think we will have to deal with that when we get there. I think, as has been the case all the way along, we will be understanding of each other and try to make these deliberations genuine deliberations. I think it would benefit us all in the final result.

Before I make a motion to close the doors, I yield to the Senator from Texas, Mrs. HUTCHISON, for a parliamentary inquiry.

The CHIEF JUSTICE. We have a motion, do we not?

Mr. LOTT. I beg your pardon.

The CHIEF JUSTICE. However amorphous it may be. (Laughter.)

The question is on agreeing to the motion.

The motion was agreed to.

Mr. LOTT. Thank you, Mr. Chief Justice, for that amorphous ruling. (Laughter.)

I yield to the Senator from Texas for a parliamentary inquiry.

The CHIEF JUSTICE. The Chair recognizes the Senator from Texas, Senator HUTCHISON.

Mrs. HUTCHISON. Mr. Chief Justice, rule XX says that while the Senate is in session the doors shall remain open unless the Senate directs that the doors be closed.

My inquiry is this: If the Senate, by a majority, voted not to direct the doors to be closed, would it be in order to proceed to deliberations with the doors open?

The CHIEF JUSTICE. The Chair is of the view that it would not be in order for this reason: On the initial reading of rules XX and XXIV of the Senate impeachment rules, it would not appear to mandate that the deliberations and debate occur in closed session, but only to permit it. But it is clear from a review of the history of the rules that the committee that was established in 1868 to create the rules specifically intended to require closed sessions for debate and deliberation. Senator Howard reported the rules for the committee and clearly stated his intention, and Chief Justice Chase, in the Andrew Johnson trial, stated in response to an inquiry, "There can be no deliberation unless the doors are closed. There can be no debate under the rules unless the doors be closed."

I understand from the Parliamentarian that it has been the consistent practice of the Senate for the last 130 years in impeachment trials to require deliberations and debate by the Senate to be held in closed session. Therefore—though there may be some ambiguity between the two rules—my ruling is based partly on deference to the Senate's longstanding practice.

In the opinion of the Chair, there can be no deliberation on any question before the Senate in open session unless the Senate suspends its rules, or consent is granted.

Mrs. HUTCHISON. Thank you.

MOTION TO CLOSE THE DOORS FOR FINAL DELIBERATION

Mr. LOTT. Mr. Chief Justice, with that record now having been made, I now move that the doors for final deliberations be closed, and I ask unanimous consent that the yeas and nays be vitiated.

The CHIEF JUSTICE. Is there objection?

Mr. WELLSTONE addressed the Chair.

The CHIEF JUSTICE. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. Chief Justice, the majority leader is trying to get the floor, but I wonder whether I could not move that any Senator be allowed, if he or she makes it their choice, to have our statements that have been made and passed in closed session left entirely up to us to also be a part of the CONGRESSIONAL RECORD.

Mr. LOTT. Mr. Chief Justice, if I could respond, give us an opportunity to discuss this with you. We will have another opportunity to do that. I think maybe we can work something out. I would like to make sure we thought it through, if that is appropriate, Mr. Chief Justice.

The CHIEF JUSTICE. Is there objection?

Mr. HARKIN. Mr. Chief Justice, I object.

The CHIEF JUSTICE. Objection is heard.

The yeas and nays are automatic. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 16]

[Subject: Motion to close the doors]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Hutchison
Inouye
Johnson
Kennedy
Kerrey
Kerry

Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Specter
Torricelli
Wellstone
Wyden

The motion was agreed to.

CLOSED SESSION

(At 1:52 p.m., the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 6:27 p.m., at which time, the following occurred.)

OPEN SESSION

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the Senate resume open session.

The CHIEF JUSTICE. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the Senate stand adjourned until 10 a.m. tomorrow. I further ask unanimous consent that immediately following the prayer on Wednesday, the Senate resume closed session for further deliberations of the pending articles of impeachment.

The CHIEF JUSTICE. Is there objection? There being no objection, it is so ordered.

Mr. LOTT. All Senators please remain standing at your desk.

Thereupon, at 6:27 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Wednesday, February 10, 1999, at 10 a.m.

(Pursuant to an order of January 26, 1999, the following was submitted at the desk during today's session:)

REPORT CONCERNING THE AGREEMENT FOR COOPERATION WITH THE GOVERNMENT OF ROMANIA ON THE PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT—PM 7

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b) and (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of Romania Concerning Peaceful uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with Romania has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Romania under appropriate conditions and controls reflecting our common commitment to nuclear nonproliferation goals. Cooperation until now has taken place under a series of supply agreements dating back to 1966 pursuant to the agreement for peaceful nuclear cooperation between the United States and the International Atomic Energy Agency (IAEA).

The Government of Romania supports international efforts to prevent the spread of nuclear weapons to additional countries. Romania is a party to the Treaty on the Nonproliferation of Nuclear Weapons (NPT) and has an agreement with the IAEA for the application of full-scope safeguards to its nuclear program. Romania also subscribes to the Nuclear Suppliers Group guidelines, which set forth standards for the responsible export of nuclear commodities for peaceful use, and to the guidelines of the NPT Exporters Committee (Zangger Committee), which oblige members to require the application of IAEA safeguards on nuclear exports to nonnuclear weapon states. In addition, Romania is a party to the Convention on the Physical Protection of Nuclear Material, whereby it agrees to apply international standards of physical protection to the storage and transport of nuclear material under its jurisdiction or control. Finally, Romania was one of the first countries to sign the Comprehensive Test Ban Treaty.

I believe that peaceful nuclear cooperation with Romania under the proposed new agreement will be fully consistent with, and supportive of, our policy of responding positively and constructively to the process of democratization and economic reform in Central Europe. Cooperation under the agreement also will provide opportunities for U.S. business on terms that fully protect vital U.S. national security interests.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 9, 1999.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1619. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations: Passaic River, NJ" Docket 01–97–134) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1620. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Explosive Loads and Detonations Bath Iron Works, Bath, ME" (Docket 01–99–006) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1621. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Sunken Fishing Vessel Cape Fear, Buzzards Bay Entrance" (Docket 01–99–002) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1622. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Coast Guard Child Development Services Programs" (USCG–1998–3821) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1623. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Swift Creek Channel, Freeport, NY" (Docket 01–98–184) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1624. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fremont, OH" (Docket 98–AGL–56) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1625. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Occupant Crash Protection" (Docket NHTSA–98–4980) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1626. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Participation of Disadvantaged Business Enterprises in Department of Transportation Programs" (RIN2105–AB92) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1627. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Allison Engine Company Model AE 3007A and AE 3007A1/1 Turbofan Engines" (Docket 98–ane–14–AD) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1628. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-100, –200, –300, –400, and –500 Series Airplanes" (Docket 98–NM–50–AD) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1629. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Gate Requirements for High-Lift Device Controls" (Docket 28930) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1630. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of San Diego Class B Airspace Area; CA" (Docket 97–AWA–6) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1631. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendments to Restricted Areas 5601D and 5601E; Fort Sill, OK" (Docket 96–ASW–40) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1632. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Buena Vista, CO" (Docket 98–ANM–20) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1633. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Anaktuvuk Pass, AK" (Docket 98–AAL–24) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1634. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Emprsa Brasilier de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes" (Docket 98–NM–386–AD) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1635. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglass Model DC–8 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1802SO" (Docket 98–NM–379–AD) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1636. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Occupant Protection In Interior Impact" (Docket NHTSA–98–5033) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1637. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zones, Security Zones, and Special Local Regulations" (USCG–1998–4895) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1638. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Waters Inside Apra Outer Harbor, Guam" (RIN2115–AA97) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1639. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Vicinity of Naval Anchorage B, Apra Harbor, Guam" (COTP Guam 98–001) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1640. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Clear Lake, Houston, TX" (COTP Houston-Galveston 98–008) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1641. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Kanawha River, mile 83 to 90, West Virginia" (COTP Huntington 98–004) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1642. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Atlantic Ocean, Mayport, FL" (COTP Jacksonville 98–061) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1643. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Lake Pontchartrain, New Orleans, La." (COTP New Orleans, LA Reg. 98–012) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1644. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Lake Pontchartrain, Kenner, La." (COTP New Orleans, LA Reg. 98–013) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1645. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Mile 94.0 to Mile 95.0, Lower Mississippi River, Above Head of Passes" (COTP New Orleans, LA Reg. 98–014) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1646. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Mile 94.0 to Mile 95.0, Lower Mississippi River, Above Head of Passes" (COTP New Orleans, LA Reg. 98–016) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1647. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Mile 94.0 to Mile 95.0, Lower Mississippi River, Above Head of Passes" (COTP New Orleans, LA Reg. 98–017) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1648. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Mile 94.0 to Mile 96.0, Lower Mississippi River, Above Head of Passes" (COTP New Orleans, LA Reg. 98–020) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1649. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; 29–21.36N 89–47.28W, Lake Washington" (COTP New Orleans, LA Reg. 98–022) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1650. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Ohio River Mile 970–974" (COTP Paducah, KY Regulation 98–002) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1651. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Ohio River Mile 901 to 904" (COTP Paducah, KY Regulation 98–003) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1652. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Mississippi River Mile 929 to 931" (COTP Paducah, KY Regulation 98–004) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1653. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Fourth of July Celebration, Neches River, Beaumont, TX" (COTP Port Arthur, TX Regulation 98–009) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1654. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Coast Guard Cutter Sweetbrier (WLB–405) Deployment Exercise of Vessel of Opportunity Skimming System (Voss) in Prince William Sound" (COTP Prince William Sound 98–001) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1655. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone; San Diego Bay, North Pacific Ocean, San Diego, CA" (COTP San Diego Bay 98–017) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1656. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; San Francisco Bay, San Francisco, CA" (COTP San Francisco Bay; 98–020) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1657. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; San Francisco Bay, CA" (COTP San Francisco Bay; 97–007) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1658. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone; San Francisco Bay, San Pablo Bay, Carquinez Straits, and Suisun Bay, CA" (COTP SF Bay; 98–017) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1659. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; San Francisco Bay, San Francisco, CA" (COTP SF Bay; 98–022) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1660. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations: San Juan, Puerto Rico" (COTP San Juan 98–052) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1661. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations: San Juan, Puerto Rico" (COTP San Juan 98–057) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1662. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations: Ports in Puerto Rico and the U.S. Virgin Islands" (COTP San Juan 98–060) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1663. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations: Calibogue Sound, Hilton Head Island, SC" (COTP Savannah 98–040) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1664. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Mississippi River, Mile 179.2 to Mile 182.5" (COTP St. Louis 98–001) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1665. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations: Tampa Bay, Florida" (COTP Tampa 98–063) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1666. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; New York Super Boat Race, New York" (Docket 01–98–002) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1667. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; America's Sail 98 Parade of Tall Ships, Mock Sea Battle, and Fireworks Displays, Western Long Island Sound and Hempstead Harbor, New York" (Docket 01–98–049) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1668. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; 1998 Goodwill Games Fireworks and Triathlon, Hudson River, New York" (Docket 01–98–059) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1669. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Playland Park Fireworks, Western Long Island Sound, Rye, New York" (Docket 01–98–068) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1670. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; North Haven Festival, North Haven, ME" (Docket 01–98–075) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1671. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Briggs Red Carpet Associates Fireworks, New York Harbor, Upper Bay" (Docket 01–98–077) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1672. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; International Salute to the USS Constitution, Boston Harbor, Boston, MA" (Docket 01–98–081) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1673. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Fleet's Albany Riverfest, Hudson River, New York" (Docket 01–98–086) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1674. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Swans Island 4th of July Fireworks, Swans Island, ME" (Docket 01–98–094) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1675. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Rensselaer Fest '98, Hudson River, New York" (Docket 01–98–088) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1676. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Castine Harbor 4th of July Fireworks Display, Castine, ME" (Docket 01–98–095) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1677. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Eastport 4th of July Fireworks Display, Eastport, ME" (Docket 01–98–096) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1678. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Boston Pops Concert Cannon Salute, Boston Harbor, Boston, MA" (Docket 01–98–098) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1679. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Staten Island Fireworks, New York Harbor, Lower Bay" (Docket 01–98–099) received on February 5, 1998; to the Committee on Commerce, Science, and Transportation.

EC–1680. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Booz Allen and Hamilton Fireworks, New York Harbor, Upper Bay" (Docket 01–98–100) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1681. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Tow of the Decommissioned Aircraft Carrier, Saratoga (CV–60), Newport, RI" (Docket 01–98–106) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1682. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Fireworks, Hammersmith Farm, Newport RI" (Docket 01–98–109) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1683. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: USCGC Eagle Arrival/Departure, Force River, Portland, ME" (Docket 01–98–110) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1684. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Empire

Force Events Fireworks, New York Harbor, Upper Bay" (Docket 01–98–111) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1685. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Beverly Lobster Boat Race, Beverly harbor, Beverly, MA" (Docket 01–98–118) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1686. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: New York Yacht Club Fireworks, Bar Harbor, ME" (Docket 01–98–120) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1687. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Fort Knox Power Boat Races, Bucksport, ME" (Docket 01–98–119) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1688. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Zenith Photo Shoot Fireworks, Hudson River, Manhattan, New York" (Docket 01–98–121) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1689. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Opsail Maine Fireworks, Portland, ME" (Docket 01–98–126) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1690. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Emergency Dive Operations, Rockport, ME" (Docket 01–98–132) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1691. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Staten Island Fireworks, New York Harbor, Lower Bay" (Docket 01–98–099) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1692. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: William Morris Agency Fireworks, New York Harbor, Upper Bay" (Docket 01–98–136) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1693. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Fireworks, Falmouth, MA" (Docket 01–98–137) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1694. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Tow of the Decommissioned Aircraft Carrier, Forrestal (CV–59), Newport, RI" (Docket 01–98–142) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1695. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: HM Endeavour Arrival/Departure, Piscataqua River, Portsmouth, NH" (Docket 01–98–143) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1696. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Princess Cruise Lines Fireworks, New York Harbor, Upper Bay" (Docket 01–98–145) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1697. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Tow of the Decommissioned Battleship Iowa, (BB–61), Newport, RI" (Docket 01–98–149) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1698. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: SARCADIA 98 Exercise, Bar Harbor, ME" (Docket 01–98–150) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1699. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Security Zone: Presidential Visit and United Nations General Assembly, East River, New York" (Docket 01–98–153) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1700. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; convergence of the Atlantic Intracoastal Waterway and Cape Fear River Near Southport, North Carolina" (Docket 05–98–052) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN (for himself, Mr. LEAHY, Mr. LOTT, Mr. ABRAHAM, Mr. ROBB, and Mr. ENZI):

S. 393. A bill to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents; to the Committee on Rules and Administration.

By Mr. DORGAN (for himself, Mr. BAUCUS, and Mr. CONRAD):

S. 394. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER (for himself, Mr. SARBANES, Mr. BYRD, and Mr. HOLLINGS):

S. 395. A bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. COVERDELL, Mr. MURKOWSKI, Mr. DEWINE, Mr. ALLARD, Mr. SESSIONS, Mr. ASHCROFT, Mr. INHOFE, Mr. THOMAS, Mr. GRAMS, Mr. BUNNING, Mr. BROWNBACK, Mr. HELMS, and Mr. MCCONNELL):

S. 396. A bill to provide dollars to the classroom; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCAIN (for himself, Mr. WARNER, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. SMITH of New Hampshire, Mr. BINGAMAN, Mr. INHOFE, Mr. CLELAND, Ms. LANDRIEU, and Mr. ALLARD):

S. Res. 33. A resolution designating May 1999 as "National Military Appreciation Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN (for himself, Mr. LEAHY, Mr. LOTT, Mr. ABRAHAM, Mr. ROBB, and Mr. ENZI):

S. 393. A bill to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents; to the Committee on Rules and Administration.

CONGRESSIONAL OPENESS ACT

• Mr. McCAIN. Mr. President, I would like to introduce the Congressional Openess Act, a bill to make selected Congressional Research Service products, lobbyist disclosure reports and Senate gift disclosure forms available over the Internet for the American people. This bipartisan legislation is sponsored by Senators LEAHY, LOTT, ABRAHAM, ROBB, and ENZI.

The Congressional Research Service (CRS) has a well-known reputation for producing high-quality reports and issue briefs that are concise, factual, and unbiased—a rarity for Washington. Many of us have used these CRS products to make decisions on a wide variety of legislative proposals and issues, including Amtrak reform, the Endangered Species Act, the Line-Item veto, and U.S. policy in Zambia. Also, we routinely send these products to our constituents in order to help them understand the important issues of our time.

My colleagues and I believe that it is important that the public be able to use this CRS information. The American public will pay $67.1 million to fund CRS' operations for fiscal year 1999. They should be allowed to see that their money is being well-spent on material that is neither confidential nor classified.

Congress can also serve two important functions by allowing public access to this information. When we give the public access to these CRS products, it will mark an important milestone in opening up the federal government. Our constituents will be able to see the research documents which influence our decisions and understand the factors that we consider before a vote. This will give the public a more accurate view of the Congressional decision-making process to counter the current prevailing cynical view.

Also, CRS reports will serve an important role in informing the public. Members of the public will be able to read these CRS products and receive a concise, accurate summary of the issues that concern them. As elected representatives, we should do what we can to promote an informed, educated public. The educated voter is best able to make decisions and petition us to do the right things here.

It is important to realize that these products are already out on the Internet. "Black market" private vendors can charge $49 for a single report. Other web sites have outdated CRS products on them. It is not fair for the American people to have to pay a third party for out-of-date products for which they have already footed the bill.

Last year my colleagues on the Senate Committee on Rules and Administration proposed that Senators and Committee chairmen be allowed to post CRS products as they see fit on the Internet. I appreciate this gesture, and believe that it was a first step. Today we are proposing the commonsense next step—a centralized web site.

A centralized web site will make it much easier for the public to find CRS information. The public can just go to a web site and look up those products that interest them. That would be much easier than having them go through all of our web sites to find CRS reports.

One concern about the legislation we introduced last year was that it would not protect CRS from more public scrutiny. We would like to ensure you that we do not want to put CRS in a position that would in any way alter its current mission or open it up to liability suits.

Therefore, the bill provides that this centralized web site will be accessible only through Members' and Committees' web sites. This process will preserve CRS' mission by reducing its public visibility. More importantly, it will continue to allow us to inform our constituents about how we are helping them here in Washington.

This bill also includes other safeguards to ensure that CRS will remain protected from public interference. The Director of CRS is empowered to remove any information from these reports that he believes is confidential. He also can remove the names and phone numbers of CRS employees from these products to keep the public from distracting them from doing their jobs. We have also been informed that CRS may not have permission to release copyrighted information over the Internet. While we hope that this situation can be quickly resolved, we have included a provision in this bill to allow the Director to remove unprotected copyrighted information from these reports before they are posted. Finally, we have allowed a 30-day delay between the release of these CRS products to Members of Congress and the public. This delay allows CRS to review their products, consult with us, and revise their products to ensure that only accurate, up-to-date information is available to the public.

It should be pointed out that CRS has been granted none of these protections as part of the current decentralized approach.

This bill also requires the Senate Office of Public Records to place lobbyist disclosure forms and Senate gift disclosure forms on the Internet. We have already voted to make this information available to the public. Unfortunately, the public can only get access to this information through an office in the Hart building. These provisions will give our constituents throughout the country timely access to this information.

This legislation has been endorsed by many groups including the American Association of Engineering Societies, the Congressional Accountability Project, the League of Women Voters of the U.S., and the National Association of Manufacturers.

In conclusion, we would like to urge my colleagues to join us in supporting this legislation. The Internet offers us a unique opportunity to allow the American people to have everyday access to important information about their government. We are sure you agree that a well-informed electorate can best govern our great country.

Mr. President, I ask unanimous consent that these letters of support be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

AMERICAN ASSOCIATION OF
ENGINEERING SOCIETIES,
Washington, DC, February 4, 1999.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Engineers Public Policy Council (EPPC) of the American Association of Engineering Societies, I want to thank you for your leadership on providing public access to Congressional Research Service (CRS) materials. EPPC believes that all citizens of the United States will benefit from being able read these materials and will enable them to better engage in the policy debates of our times.

The EPPC has had the opportunity to review a number of CRS reports that were provided via our member's congressional offices. We believe that they are of the highest quality and deserve to be made widely available.

The members of EPPC and AAES will continue to advocate that their own Senators and Representatives support this important legislation.

Again, thank you for your leadership. If we can ever be of assistance please feel free to contact me or Pete Leon, Director of Public Policy, at (202) 296-2237 x 214.

Sincerely,
DR. THEODORE T. SAITO,
1999 EPPC Chair.

CONGRESSIONAL ACCOUNTABILITY
PROJECT,
Washington, DC, February 9, 1999.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATORS MCCAIN AND LEAHY: We strongly endorse the Congressional Openness Act to place important congressional documents on the Internet, including Congressional Research Service (CRS) Reports and Issue Briefs, CRS Authorization and Appropriations products, lobbyist disclosure reports, and Senate gift disclosure reports.

The Congressional Openness Act recognizes that "it is so often burdensome, difficult and time-consuming for citizens to obtain timely access to public records of the United States Congress," and would help provide taxpayers with easy access to the congressional research and documents that we pay for.

CRS products are some of the finest research prepared by the federal government, on a vast range of topics. But citizens cannot obtain most CRS products directly. At present, many CRS products are available on an internal congressional intranet only for use by Members of Congress and their staffs—not the public. Barriers to obtaining CRS products serve no useful purpose, and damage citizens' ability to participate in the congressional legislative process. Citizens, scholars, journalists, librarians, businesses, and many others have long wanted access to CRS reports via the Internet.

In 1995, Congress passed the Lobbying Disclosure Act to require Washington lobbyists to disclose key information about their activities. Placing lobbyist disclosure reports on the Internet would help citizens to track patterns of influence in Congress, and to discover who is paying whom how much to lobby on what issues.

The Congressional Openness Act contains a sense of the Senate resolution that Senate and Joint Committees "should provide access via the Internet to publicly-available committee information, documents, and proceedings, including bills, reports, and transcripts of committee meetings that are open to the public." Congress owes this to the American people.

In 1822, James Madison aptly described why the public must have reliable information about Congress: "A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."

Your bill falls squarely within the spirit of Madison's honorable words. Thank you for your efforts in making congressional documents available on the Internet.

Sincerely,

American Association of Law Libraries, American Conservative Union, American Society of Newspaper Editors, Common Cause, Computer & Communications Industry Association, Computer Professionals for Social Responsibility, Consumer Project on Technology, Congressional Accountability Project, Electronic Frontier Foundation, Fairness and Accuracy in Reporting (FAIR), Forest Service Employees for Environmental Ethics, League of Women Voters of the U.S., National Association of Manufacturers, National Citizens Communications Lobby, National Newspaper Association, National Taxpayers Union, NetAction, OMB Watch, Project on Government Oversight, Public Citizen, Radio-Television News Directors Association, Reform Party of the United States, Taxpayers for Common Sense, U.S. Public Interest Research Group (USPIRG).•

• Mr. LEAHY. Mr. President, I am pleased to join today with Senator McCAIN to introduce the Congressional Openness Act of 1999. I want to thank Senators ABRAHAM, ENZI, LOTT and ROBB for joining us as original cosponsors.

Our bipartisan legislation makes certain Congressional Research Service products, lobbyist disclosure reports and Senate gift disclosure forms available over the Internet to the American people.

The Congressional Research Service (CRS) has a well-known reputation for producing high-quality reports and information briefs that are unbiased, concise, and accurate. The taxpayers of this country, who pay $65 million a year to fund the CRS, deserve speedy access to these public resources and have a right to see that their money is being spent well.

The goal of our legislation to allow every citizen the same access to the wealth of information at the Congressional Research Service (CRS) as a Member of Congress enjoys today. CRS performs invaluable research and produces first-rate reports on hundreds of topics. American taxpayers have every right to direct access to these wonderful resources.

Online CRS reports will serve an important role in informing the public. Members of the public will be able to read these CRS products and receive a concise, accurate summary of the issues before the Congress. As elected representatives, we should do what we can to promote an informed, educated public. The educated voter is best able to make decisions and petition us to do the right things here in Congress.

Our legislation also ensures that private CRS products will remain protected by giving the CRS Director the authority to hold back any products that are deemed confidential. Moreover, the Director may protect the identity of CRS researchers and any copyrighted material. We can do both—protect confidential material and empower our citizens through electronic access to invaluable CRS products.

In addition, the Congressional Openness Act would provide public online access to lobbyist reports and gift disclosure forms. At present, these public records are available in the Senate Office of Public Records in Room 232 of the Hart Building. As a practical matter, these public records are accessible only to those inside the Beltway.

The Internet offers us a unique opportunity to allow the American people to have everyday access to this public information. Our bipartisan legislation would harness the power of the Information Age to allow average citizens to see these public records of the Senate in their official form, in context and without editorial comment. All Americans would have timely access to the information that we already have voted to give them.

And all of these reports are indeed "public" for those who can afford to hire a lawyer or lobbyist or who can afford to travel to Washington to come to the Office of Public Records in the Hart Building and read them. That is not very public. That does not do very much for the average voter in Vermont or the rest of this country outside of easy reach of Washington. That does not meet the spirit in which we voted to make these materials public, when we voted "disclosure" laws.

We can do better, and this bill does better. Any citizen in any corner of this country with access to a computer at home or the office or at the public library will be able to get on the Internet and for the first time read these public documents and learn the information which we have said must be disclosed.

It also is important that citizens will be able to get the information in its original, official form. At present, the information may be selected by an interested party who can afford to send a lawyer or lobbyist to the Hart Building to cull through the information. Selected information then may—or may not—be given to the press and public with commentary. Our bipartisan legislation allows citizens to get accurate information themselves, the full information in context and without editorial comment. It allows individual citizens to check the facts, to make comparisons, and to make up their own minds.

I want to commend the Senior Senator from Arizona for his leadership on opening public access to Congressional documents. I share his desire for the American people to have electronic access to many more Congressional resources. I look forward to working with him in the days to come on harnessing the power of the information age to open up the halls of Congress to all our citizens.

This is not a partisan issue; it is a good government issue. That is why the Congressional Openness Act is endorsed by such a diverse group of organizations as the Congressional Accountability Project, American Association of Law Libraries, American Conservation Union, American Society of Newspaper Editors, Common Cause, Computer & Communications Industry Association, Computer Professionals for Social Responsibility, Consumer Project on Technology, Electronic Frontier Foundation, Fairness and Accuracy in Reporting, Forest Service Employees for Environmental Ethics, League of Women Voters of the U.S., National Association of Manufacturers, National Citizens Communications Lobby, National Newspaper Association, National Taxpayers Union, NetAction, OMB Watch, Project of Government Oversight, Public Citizen, Radio-Television News Directors Association, Reform Party of the United States, Taxpayers for Common Sense and U.S. Public Interest Research Group. I want to thank each of these organizations for their support.

As Thomas Jefferson wrote, "Information is the currency of democracy." Our democracy is stronger if all citizens have equal access to at least that type of currency, and that is something which Members on both sides of the aisle can celebrate and join in.

The Congressional Openness Act is an important step in informing and empowering American citizens. I urge my colleagues to join us in supporting this legislation to make available useful Congressional information to the American people.•

By Mr. DORGAN (for himself, Mr. BAUCUS, and Mr. CONRAD):

S. 394. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

PESTICIDE HARMONIZATION WITH CANADA

Mr. DORGAN. Mr. President, when the U.S.-Canada Free Trade Agreement came into effect ten years ago, part of the understanding on agriculture was that our two nations were going to move rapidly toward the harmonization of pesticide regulations. It is now a decade later and relatively little actual progress has been in harmonization that is meaningful to our agricultural producers.

Since this trade agreement took effect, the pace of Canadian spring and durum wheat, and barley exports to the United States have grown from a barely noticeable trickle into annual floods of imported grain into our markets. Over the years, I have described many factors that have produced this unfair trade relationship and unlevel playing field between farmers of our two nations. The failure to achieve harmonization in pesticides between the United States and Canada compounds this ongoing trade problem.

Our farmers are concerned that agricultural pesticides that are not available in the United States are being utilized by farmers in Canada to produce wheat, barley, and other agricultural commodities that are subsequently imported and consumed in the United States. They rightfully believe that it is unfair to import commodities produced with agricultural pesticides that are not available to U.S. producers. They believe that it is not in the interests of consumers or producers to allow such imports. However, it is not just a difference of availability of agricultural pesticides between our two countries, but also in the pricing of these chemicals.

In recent times as the cost-price squeeze has escalated, our farmers have also been deeply concerned about pricing discrepancies for agricultural pesticides between our two countries. This past summer a survey of prices by the North Dakota Agricultural Statistics Services verified that there were significant differences in prices being paid for essentially the same pesticide by farmers in our two countries. In fact, among the half-dozen pesticides surveyed, farmers in the United States were paying between 117 percent and 193 percent higher prices than Canadian farmers. This was after adjusting for differences in currency exchange rates at that time.

As a result of the pricing concerns raised by our producers, the recent agricultural agreement between the United States and Canada included a provision for a study by the U.S. Department of Agriculture and Ag Canada into the pricing differentials in agricultural chemicals between our two countries. While such a study is a welcome step forward, our farmers deserve more concrete steps. Harmonization cannot continue to be an illusive goal for the future. We must provide meaningful tools by which we can bring some fairness to our farmers.

Today, I am reintroducing legislation that would take an important step in providing equitable treatment for U.S. farmers in the pricing of agricultural pesticides. This bill would only deal with agricultural chemicals that are identical or substantially similar. It only deals with pesticides that have already undergone rigorous review processes and have been registered and approved for use in both countries by the respective regulatory agencies.

The bill would establish a procedure by which states may apply for and receive an Environmental Protection Agency label for agricultural chemicals sold in Canada that are identical of substantially similar to agricultural chemicals used in the United States. Thus, U.S. producers and suppliers could purchase such chemicals in Canada for use in the United States. The need for this bill is created by pesticide companies which use chemical labeling laws to protect their marketing and pricing structures, rather than the public interest. In their selective labeling of identical or substantially similar products across the border they are able to extract unjustified profits from farmers, and create unlevel pricing fields between our two countries.

This bill is one legislative step in the process of full harmonization of pesticides between our two nations. It is designed to specifically to address the problem of pricing differentials on chemicals that are currently available in both countries. We need to take this step, so that we can start creating a bit more fair competition and level playing fields between farmers of our two countries. This bill would make harmonization a reality for those pesticides in which pricing is the only real difference.

Together with this legislation, I will be working on other fronts to move forward as rapidly as possible toward full harmonization of pesticides. The U.S. Trade Representative, the Environmental Protection Agency, and the U.S. Department of Agriculture have the responsibility to make harmonization a reality. Farmers have been waiting for a decade for such harmonization. We should not make them wait any longer.

Mr. President, I request unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REGISTRATION OF CANADIAN PESTICIDES BY STATES.

(a) IN GENERAL.—Section 24 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136v) is amended by adding at the end the following:

"(d) REGISTRATION OF CANADIAN PESTICIDES BY STATES.—

"(1) DEFINITIONS.—In this subsection:

"(A) CANADIAN PESTICIDE.—The term 'Canadian pesticide' means a pesticide that—

"(i) is registered for use as a pesticide in Canada;

"(ii) is identical or substantially similar in its composition to any pesticide registered under section 3; and

"(iii) is registered by the registrant of a comparable domestic pesticide or an affiliated entity of the registrant.

"(B) COMPARABLE DOMESTIC PESTICIDE.—The term 'comparable domestic pesticide' means a pesticide that—

"(i) is registered under section 3;

"(ii) is not subject to a notice of intent to cancel or suspend or an enforcement action under section 12, based on the labeling or composition of the pesticide;

"(iii) is used as the basis for comparison for the determinations required under paragraph (3); and

"(iv) is labeled for use on the site or crop for which registration is sought under this subsection on the basis of a use that is not the subject of a pending interim administrative review under section 3(c)(8).

"(2) AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

"(A) IN GENERAL.—A State may register a Canadian pesticide for distribution and use in the State if the registration is consistent with this subsection and other provisions of this Act and is approved by the Administrator.

"(B) EFFECT OF REGISTRATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), on approval by the Administrator, the registration of a Canadian pesticide by a State shall be considered a registration of the pesticide under section 3.

"(ii) DISTRIBUTION TO OTHER STATES.—A Canadian pesticide that is registered by a State under this subsection and distributed to a person in that State shall not be transported to, or used by, a person in another State unless the distribution and use is consistent with the registration by the original State.

"(C) REGISTRANT.—A State that registers a Canadian pesticide under this subsection shall be considered the registrant of the Canadian pesticide under this Act.

"(3) STATE REQUIREMENTS FOR REGISTRATION.—To register a Canadian pesticide under this subsection, a State shall—

"(A)(i) determine whether the Canadian pesticide is identical or substantially similar in its composition to a comparable domestic pesticide; and

"(ii) submit the proposed registration to the Administrator only if the State determines that the Canadian pesticide is identical or substantially similar in its composition to a comparable domestic pesticide;

"(B) for each food or feed use authorized by the registration—

"(i) determine whether there exists a tolerance or exemption under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) that permits the residues of the pesticide on the food or feed; and

"(ii) identify the tolerances or exemptions in the submission made under subparagraph (D);

"(C) require that the pesticide bear a label that—

"(i) specifies the information that is required to comply with section 3(c)(5);

"(ii) identifies itself as the only valid label;

"(iii) identifies the State in which the product may be used;

"(iv) identifies the approved use and includes directions for use, use restrictions, and precautions that are identical or substantial similar to the directions for use, use restrictions, and precautions that are on the approved label of the comparable domestic pesticide; and

"(v) includes a statement indicating that it is unlawful to distribute or use the Canadian pesticide in the State in a manner that is inconsistent with the registration of the pesticide by the State; and

"(D) submit to the Administrator a description of the proposed registration of the Canadian pesticide that includes a statement of the determinations made under this paragraph, the proposed labeling for the Canadian pesticide, and related supporting documentation.

"(4) APPROVAL OF REGISTRATION BY ADMINISTRATOR.—

"(A) IN GENERAL.—The Administrator shall approve the proposed registration of a Canadian pesticide by a State submitted under paragraph (3)(D) if the Administrator determines that the proposed registration of the Canadian pesticide by the State is consistent with this subsection and other provisions of this Act.

"(B) NOTICE OF APPROVAL.—No registration of a Canadian pesticide by a State under this subsection shall be considered approved, or be effective, until the Administrator provides notice of approval of the registration in writing to the State.

"(5) LABELING OF CANADIAN PESTICIDES.—

"(A) DISTRIBUTION.—After a notice of the approval of a Canadian pesticide by a State is received by the State, the State shall make labels approved by the State and the Administrator available to persons seeking to distribute the Canadian pesticide in the State.

"(B) USE.—A Canadian pesticide that is registered by a State under this subsection may be used within the State only if the Canadian pesticide bears the approved label for use in the State.

"(C) CONTAINERS.—Each container containing a Canadian pesticide registered by a State shall, before the transportation of the Canadian pesticide into the State and at all times the Canadian pesticide is distributed or used in the State, bear a label that is approved by the State and the Administrator.

"(D) REPORT.—A person seeking to distribute a Canadian pesticide registered by a State shall provide to the State a report that—

"(i) identifies the person that will receive and use the Canadian pesticide in the State; and

"(ii) states the quantity of the Canadian pesticide that will be transported into the State.

"(E) AFFIXING LABELS.—The act of affixing a label to a Canadian pesticide under this subsection shall not be considered production for the purposes of this Act.

"(6) ANNUAL REPORTS.—

"(A) PREPARATION.—A State registering 1 or more Canadian pesticides under this subsection shall prepare an annual report that—

"(i) identifies the Canadian pesticides that are registered by the State;

"(ii) identifies the users of Canadian pesticides used in the State; and

"(iii) states the quantity of Canadian pesticides used in the State.

"(B) AVAILABILITY.—On the request of the Administrator, the State shall provide a copy of the annual report to the Administrator.

"(7) RECALLS.—If the Administrator determines that it is necessary under this Act to terminate the distribution or use of a Canadian pesticide in a State, on the request of the Administrator, the State shall recall the Canadian pesticide.

"(8) SUSPENSION OF STATE AUTHORITY TO REGISTER CANADIAN PESTICIDES.—

"(A) IN GENERAL.—If the Administrator finds that a State that has registered 1 or more Canadian pesticides under this subsection is not capable of exercising adequate controls to ensure that registration under this subsection is consistent with this subsection and other provisions of this Act or has failed to exercise adequate control of 1 or more Canadian pesticides, the Administrator may suspend the authority of the State to register Canadian pesticides under this subsection until such time as the Administrator determines that the State can and will exercise adequate control of the Canadian pesticides.

"(B) NOTICE AND OPPORTUNITY TO RESPOND.—Before suspending the authority of a State to register a Canadian pesticide, the Administrator shall—

"(i) advise the State that the Administrator proposes to suspend the authority and the reasons for the proposed suspension; and

"(ii) provide the State with an opportunity time to respond to the proposal to suspend.

"(9) DISCLOSURE OF INFORMATION BY ADMINISTRATOR TO THE STATE.—The Administrator may disclose to a State that is seeking to register a Canadian pesticide in the State information that is necessary for the State to make the determinations required by paragraph (3) if the State certifies to the Administrator that the State can and will maintain the confidentiality of any trade secrets or commercial or financial information that was marked under section 10(a) provided by the Administrator to the State under this subsection to the same extent as is required under section 10.

"(10) PROVISION OF INFORMATION BY REGISTRANTS OF COMPARABLE DOMESTIC PESTICIDES.—If a State registers a Canadian pesticide, and a registrant of a comparable domestic pesticide that is (directly or through an affiliate) a foreign registrant fails to provide to the State the information possessed by the registrant that is necessary to make the determinations required by paragraph (3), the Administrator may suspend without a hearing all pesticide registrations issued to the registrant under this Act.

"(11) PATENTS.—Title 35, United States Code, shall not apply to a Canadian pesticide registered by a State under this subsection that is transported into the United States or to any person that takes an action with respect to the Canadian pesticide in accordance with this subsection.

"(12) SUBMISSIONS.—A submission by a State under this section shall not be considered an application under section 3(c)(1)(F).".

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by adding at the end of the items relating to section 24 the following:

"(d) Registration of Canadian pesticides by States.

"(1) Definitions.

"(2) Authority to register Canadian pesticides.

"(3) State requirements for registration.

"(4) Approval of registration by Administrator.

"(5) Labeling of Canadian pesticides.

"(6) Annual reports.

"(7) Recalls.

"(8) Suspension of State authority to register Canadian pesticides.

"(9) Disclosure of information by Administrator to the State.

"(10) Provision of information by registrants of comparable domestic pesticides.

"(11) Patents.

"(12) Submissions.".

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 180 days after the date of enactment of this Act.●

By Mr. ROCKEFELLER (for himself, Mr. SARBANES, Mr. BYRD, and Mr. HOLLINGS):

S. 395. A bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997; to the Committee on Finance.

STOP ILLEGAL STEEL TRADE ACT OF 1999

● Mr. ROCKEFELLER. Mr. President, I am taking a major step to force action to help the American steel industry through the current import crisis. Today, I propose that Congress legislate a solution to the problem of illegal steel dumping. I believe that without swift action, the United States' steelworkers will continue to be laid off in near record numbers, and our steelworkers will—not unlike the late 70s and early 80s—permanently lose jobs and that the industry's long term viability will be threatened. The difference between 1998 and what happened a decade or two ago is that this time our steel industry has invested in itself and become the most efficient steel producer in the world. We can take on all comers if we are given a level playing field. Sadly, the strength of our steel industry is now jeopardized, despite its own successful efforts to retool for the next century, because of unfair trade practices and unprecedented levels of imports. I firmly believe the ongoing devastation of our steel industry is unnecessary and a direct result of massive import surges from countries who are seeking to make America the world's importer of last resort. We cannot continue to let our nation's steelworkers bear the brunt of the financial shocks caused by financial mismanagement in Asia or elsewhere in the world.

I am joined in introducing this legislation today by my colleagues, Senators SARBANES, BYRD and HOLLINGS. The bill is the "Stop Illegal Steel Trade Act of 1999." This legislation would place restrictions on steel imports for a period of three years in order to return steel imports to a fairer, 20% share of the United States' market. The bill provides the President with the authority to take the necessary steps to ensure that we return to this pre-crisis level—he can impose quotas, tariff surcharges, negotiate enforceable voluntary export restraint agreements, or choose other means to ensure that steel imports in any given month do not exceed the average of steel imports in the United States for the three years prior to July 1997. The bill would be effective within 60 days of enactment. The Secretary of the Treasury, as the head of the United States' Customs Service, and the Secretary of Commerce are charged with implementing, administering, and enforcing the restraints on steel imports. The Customs Service is explicitly authorized to deny entry into the United States any steel products that exceed the allowable level of imports. Volume will be determined on the basis of tonnage. This bill would apply to the following categories of steel products—semifinished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore and coke. The bill's provisions will expire after 3 years (beginning 60 days from enactment).

Right now, imports comprise roughly 30-35% of all steel sold in the United States. Imports of steel mill products in 1998 are expected to exceed 41 million net tons. Over the last year and a half, steel imports have increased by 47%. That high percentage of imports is unsustainable and without quick action I think they will effectively undermine our steel industry's ability to survive. The industry and its workers have responded to this import surge by filing international trade cases against Japan, Russia, and Brazil. The Department of Commerce found critical circumstances exist with respect to those cases and has expedited their consideration. I commend them for doing so, but the trade case only deals with hot-rolled steel. Import surges have occurred in a wide variety of steel imports and if the hot-rolled problem was adequately addressed I think we would just see a new problem with cold-rolled, or plate.

I think Congress must act to deal comprehensively with this problem. It should make sure that one category of imports isn't controlled only to find we have a new problem with a new category of steel products. Under the legislation we are introducing today, Japan would be forced to reduce its imports to 2.2 million tons per year down from the approximately 6.6 million tons of steel they sent to the United States in 1998. Russia, which sent about 5.2 million tons of steel to the United States in 1998, under this bill would be forced to dramatically reduce the amount of steel it ships to the United States. Stemming the import flood from Russia is especially important because the numbers show that the Russians have steadily and significantly increased their exports to the United States over the last several years. Russia exported 1.4 million tons to the United States in 1995, 1.6 million tons in 1996, and 3.3 million tons in 1997. Japan and Russia are two countries which provide a clear illustration of why we need to limit steel imports. Job losses and unfilled order books of steel companies across the country tell us we need to act to stop the flood of imports. But these numbers, which give you an idea as to how much tonnage has increased, make it clear why the United States must guard against the continued import surges in our market from foreign countries seeking to sell to the United States market. Currently, there is no cost for foreign countries to violate our trade laws other than the threat of suit, but our steelworkers, their families and communities are paying a steep price every day for our failure to step in and effectively address the problem.

I should note to my colleagues that legislation restricting the level of steel imports was introduced last week in the House of Representatives and it has already garnered over a quarter of its membership as cosponsors. Congressman VISCLOSKY is leading this effort in the House of Representatives and I look forward to working with him and all the House cosponsors who are eager to stand up for steel.

Frankly, I have watched and waited for months as this crisis has continued, and as more and more workers have been laid off or placed on short weeks. The number of workers who have been directly affected by this crisis stands at over 10,000 today, but I believe that number could escalate to as many as ten times that figure if we all we continue to do is hope that the crisis will abate on its own. I think it is time to take a leadership role in this crisis and move aggressively to stop the dumping. Under current U.S. law, only the President has the full authority to act immediately to begin the process of an International Trade Commission investigation into this problem of import surges and steel dumping. The ITC's work takes time—anywhere from 120 to 150 days depending on the complexity of the case. I believe what my steelworkers have told me, our industry doesn't have the luxury of time to wait. That's why I have taken this extraordinary step of suggesting that Congress substitute its judgement for Executive action. Effective Executive action could eliminate the need for this Congressional action, but I cannot sit idly by and watch our steel industry take a beating because of unfair foreign competition.

For the record, you all should know that West Virginia has a proud history as one of our nation's foremost steel manufacturers. We are the home of Weirton, Wheeling Pittsburgh, Wheeling Nisshin, and Follansbee Steel. West Virginia and its neighboring states are the birthplace of our modern steel industry—an industry that built an industrialized America and launched our nation's prosperity in the beginning of this great century. They forged the metal that brought us through two world wars, built the American economy's manufacturing base and allowed us to lead the world in the transition to the new economy.

That is why, when Weirton Steel has laid off 20% of its workforce and is facing losses that it cannot sustain over time, I cannot just hope that trade cases will take care of part of the problem caused by some of the worst offenders. Wheeling Pittsburgh, Wheeling Nisshin, and Follansbee, are making it through these hard times, but they would be that much more prosperous if they weren't dealing with unfair competition.

Today I want to share a quote with my colleagues that I believe will provide my colleagues with some important context for this matter and which underscores why I believe that Congress should act:

> So, Mr. President, it is an extremely timely occasion that my colleagues and I rise to address the Senate on this issue. It is also timely, Mr. President, because the American steel industry is in the midst of its most serious crisis in the postwar era.
>
> Yet, at the same time, the steel industry is fundamental to the American economy. It supplies virtually every sector, from automobiles, construction, railroads, shipbuilding, aerospace, defense, oil and gas, agriculture, industrial machinery and equipment, the appliances, utensils and beverage containers. The fortunes of this industry—good or ill—will have a major impact on the rest of the economy.
>
> But the purpose a number of us have in speaking today, Mr. President, is to discuss trade; for it is the major component of the current crisis and may prove to be the factor most difficult to control, inasmuch as it is not totally a domestic issue.
>
> Trade is also not a new problem. Steel import restraints have been proposed in one form or another since the 1960's. The trigger price mechanism was in effect from 1978 to 1980 and then again in 1981. Although these programs achieved some short-term results, mostly in terms of improving price levels, none of them provided long-term solutions to the growing problems of global overcapacity and the failure of noncompetitive steel industries to adjust.
>
> The latter problem has become more and more a factor in the difficulties of the past several years. While we have continued to practice the ethic of the free market system, the Europeans, quite plainly, have not. Subsidies and dumping have increased as European governments attempt to stay in power and forestall social unrest and unemployment by maintaining steel jobs and production at any cost. Hence the tremendous Government subsidies.
>
> In the beginning those were social policy decisions any government is entitled to make for itself. However, it has become apparent in the past few years that maintaining steel production through subsidies require substantial exporting in order to unload the excess supply. The chief victim of that export has been the United States, meaning that the European steel process has been at our expense. And that, Mr. President, is unacceptable.
>
> It is all well and good for European Community governments to say their steel industry is in bad shape—which it is; or to argue they need time for adjustment—which they do. But their adjustment plans have consistently been behind schedule thanks to foot-dragging by member nation governments, while exports here have increased. I have no intention of explaining to the steelworker in Pittsburgh or Youngstown or Gary or East Chicago that has to give up his job in order to help his Belgian, French, or Italian colleague to keep his. My responsibility, the responsibility of the Senate, the responsibility of the administration, is to our own people—to take those actions which will be good for them both in the long term and in the short term.
>
> That responsibility does not preclude compromise, and it does not preclude a recognition that steel is a global industry where multilateral solutions may be necessary and appropriate. In fact, I think there is much to be said for an international steel agreement which would include limits on financing new capacity in third countries, guidelines on adjustment, and, if necessary, global import restraints. But progress in that direction must

> begin with a recognition of where the problems are and whose responsibility it is to begin fixing them. And, as I said in this Chamber last Thursday, the responsibility in this case—both legal and economic—is clear.
>
> European steel subsidies violate both U.S. law and international agreements which the European Community member nations have signed. We went through five years of negotiations to produce those agreements. On our part we made significant, substantive, concessions, like the abolition of the American selling price, the wine-gallon-proof-gallon system, and the acceptance of an injury test in subsidy cases. What we seem to have received in return was a lot of promises. Promises to adhere to the discipline of the codes that had been negotiated. Promises to reduce or eliminate subsidies, dumping, and other unfair trade practices. Promises to open up Government procurement.
>
> We accepted all those promises. Mr. President, because they contained the hope of greater discipline over unfair trade practices and the hope of more markets for American products. And we accepted them because we believe in a free market system that functions according to the prescribed rules that all parties adhere to. Promoting those rules has been the essence of our trade policy ever since, and I for one believe that should continue to be our policy.
>
> But I must say, Mr. President, that in the intervening years since 1979 when we finished negotiating the Tokyo round and enacted the Trade Agreements Act of that year, I have heard a lot from the people in this country injured by the concessions we made in the Tokyo round and very little from anyone who has gained by those agreements. And now, the system we sought to establish at that time faces its most serious test. Simply put, the European Community and its member states do not want to accept the responsibilities they agreed to undertake in 1979. They do not want the rules enforced. They do not want to make the hard economic decisions about their own steel industry that the market requires them to make.
>
> They would rather export their unemployment to the United States. They are screaming very loud about our efforts to hold them not only to their word, but to the letter and spirit of international law. Mr. President, despite the screams, despite the alleged serious consequences to trade relations, this is a test we must meet, because both our own industry and the international trading system, one based on the concept of free and fair trade, are at stake.
>
> I need say no more about the desperate situation in our steel industry. Those of us with steel facilities in our State see it every time we return home. Not to defend our own industry, particularly when it is consistent with our own law and with our international obligations to do so, is to turn an already serious situation into a major disaster. It is also to abandon the people who elected us.
>
> There is an issue here beyond the survival of the American steel industry, Mr. President. That is the survival of a fair and equitable trading system based on mutually acceptable rules of the game. Some people in this country bemoan the revival of the days of the Smoot-Hawley tariff or a return to the "begger-thy-neighbor" policies of years ago every time anyone in Congress starts to talk about imports being a problem.
>
> Mr. President, no one, including me—most specifically me—wants to return to that era of depression, but to avoid it, we must understand the reason for it. That reason, in my judgement, was the failure at that time to develop an international trading system based on free market principles, based on the theory of comparative advantage, based on universally accepted rules for participation in that system.
>
> Mr. President, this country was a great leader during and after World War II. In 1943, our leaders of the free world went to Bretton Woods, N.H., and at Bretton Woods, we developed a system with exactly those goals in mind that I just mentioned. At Bretton Woods, we developed that system and we have maintained it ever since, at least up to now. Now we face problems more intractable, a world more complex, and power more diffused than ever before. The old solutions seem to be losing their attractiveness in favor of even older solutions, a return to the mercantilist policies of the past.
>
> Mr. President, that is what is at stake in this controversy. Not just our steel industry, and not just the European steel industry, important though they both are. It is the survival of a free world trading system that is the issue, because it cannot survive unless nations are willing to accept their responsibilities and their subsidies.
>
> Mr. President, I state this not only to send a message to the European Community, but also to make it clear to others in our own Government that we in Congress hold very strong views on this matter. We in Congress wrote this law. We in Congress made it tough on purpose—precisely to prevent the kind of devastating unfair trade practices and actions that we are experiencing right now in steel.
>
> Today it is steel, tomorrow, it may be some other product, it may be some other set of States, it may be some other industries.
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> I say, Mr. President, that it is terribly important that the law continue to work now against those kinds of unfair trade actions.
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> So far the law is working to stop that action. It is absolutely essential that we let it continue to work and not seek some expedient end to the matter that might make for short-term peace at the bargaining table but will produce long-term chaos in the international trading system.
>
> It is not "protectionist" to take action against such patently unfair practices. In fact, to fail to do so would compromise the principles of free trade which are central to the international trade agreement both we and the Europeans signed.
>
> We must send a strong message to our trading partners that the United States expects fair trade in our markets and the vigorous enforcement of our trade laws, and I urge the Secretary of Commerce to hold to that course.

That quote is from a statement delivered on the Senate floor on July 26, 1982 by the late Senator John Heinz from the great steel state of Pennsylvania. He made it when he introduced legislation to deal with the problems facing the steel industry during the early 1980s. We've heard a lot about Yogi Berra lately, but I think this statement says "the more things change, the more they remain the same." Our trade dilemma remains the same today.

We survived the crises in the late 70s and 80s because our industry, its workers, and their elected representatives acted. The industry needed to streamline and heavily invest in capital improvements. It needed to become leaner, and more efficient. The hard transitions we made as a direct result of action and sacrifice by our steelworkers and their families. Steel technology dramatically improved because the industry invested $50 billion of its own money. Cost of production decreased. The United States' steel industry has the lowest number of man hours per ton of any steel producer in the world. Today, we can make steel better, cheaper, and cleaner than any of our competitors, bar none. But it cost 300,000 steelworkers their jobs. After all that, the one thing we cannot compromise is that we have to have a level playing field on which we can compete. No one can compete when the competition sells below the cost of production and dumps steel in massive amounts onto our market—not even the American steel industry.

Short of a handful of trade cases, and tough talk to trading partners who have shown little intention of caring what our stance will be, little has been done to stop the illegal dumping. If after all that agony of transforming itself into the most efficient steel producer in the world we are still trying to tell our industry that they have to take it on the chin against illegal imports—that our unfair trade laws can't protect their ability to compete on the world market—then many who hope to continue to grow our economy through expanded trade will be sorely surprised by the reaction of an American public that does not see the benefits of trade.

I want the United States to push to continue to open new markets for our exports. I think that only makes good economic sense. I very much want a fair and free international trading system. But I think we have to insist that everyone has to play by the rules. This bill says that if our trading partners won't play by the rules, then Congress will see to it that our industry isn't unduly disadvantaged—to me, that only seems fair.

I urge all my colleagues to join on as cosponsors. We can do this, together.

Mr. President—I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Illegal Steel Trade Act of 1999".

SEC. 2. REDUCTION IN VOLUME OF STEEL IMPORTS.

Notwithstanding any other provision of law, within 60 days after the date of enactment of this Act, the President shall take the necessary steps, by imposing quotas, tariff surcharges, negotiated enforceable voluntary export restraint agreements, or otherwise, to ensure that the volume of steel products imported into the United States during any month does not exceed the average volume of steel products that was imported monthly into the United States during the 36-month period preceding July 1997.

SEC. 3. ENFORCEMENT AUTHORITY.

Within 60 days after the date of enactment of this Act, the Secretary of the Treasury, through the United States Customs Service, and the Secretary of Commerce shall implement a program for administering and enforcing the restraints on imports under section 2. The Customs Service is authorized to refuse entry into the customs territory of the United States of any steel products that exceed the allowable levels of imports of such products.

SEC. 4. APPLICABILITY.

(a) CATEGORIES.—This Act shall apply to the following categories of steel products: semifinished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore, and coke products.

(b) VOLUME.—Volume of steel products for purposes of this Act shall be determined on the basis of tonnage of such products.

SEC. 5. EXPIRATION.

This Act shall expire at the end of the 3-year period beginning 60 days after the date of the enactment of this Act.●

By Mr. HUTCHINSON (for himself, Mr. COVERDELL, Mr. MURKOWSKI, Mr. DEWINE, Mr. ALLARD, Mr. SESSIONS, Mr. ASHCROFT, Mr. INHOFE, Mr. THOMAS, Mr. GRAMS, Mr. BUNNING, Mr. BROWNBACK, Mr. HELMS, and Mr. MCCONNELL):

S. 396. A bill to provide dollars to the classroom; to the Committee on Health, Education, Labor, and Pensions.

THE DOLLARS TO THE CLASSROOM ACT

● Mr. HUTCHINSON. Mr. President, I am honored to have the opportunity to introduce legislation addressing one of the most important issues Americans are concerned about today—education. The Dollars to the Classroom Act will redirect approximately 3.5 billion dollars in funding for elementary and secondary education back to the states and into our classrooms.

This year Congress will be focusing its efforts on the reauthorization of the Elementary and Secondary Education Act. It is time for us to take a good look at the status of education in America and to recognize the lack of improvement we have seen in our elementary and secondary schools. The percentage of 12th grade students who meet standards in reading has actually decreased during this decade. When limited Federal funding is spread so thinly over such a wide area, the result is ineffective programs that fail to provide students with the basic skills they need to succeed.

I am committed to improving educational opportunities for our children, and this can happen best at the local level. Those who best know our children—parents and teachers—should be responsible for deciding what programs are most important, not bureaucrats in Washington. It is time to stop the one-size-fits-all approach, and start letting those at the local level decide what is best for them.

Right now, state and local educational agencies are implementing reforms to better prepare their students for the future. Even the president recently stated in his budget proposal that "we have long known the ingredients for successful schools; the challenge is to give parents and teachers and superintendents the tools to put them in place and stimulate real change right now." Many states have already implemented class-size reduction programs, and nineteen states currently have programs to turn around their poorest-performing school. The problem is not that states and local school districts do not have ideas about how to improve their schools, it is that Washington is telling them how to do it through competitive grants.

Many schools never see these grants, either. Schools in rural areas and that have low funding levels often cannot afford to hire grant writers to apply for the numerous federal programs. These schools should not have to spend money on administration just to receive funding, when they could receive the funding directly and decide what their needs are.

Currently, states have to bear the burden of abiding by federal regulations to receive education dollars. The system we have in place now is inefficient and does not allow the best use of each taxpayer dollar that is spent. According to the Crossroads Project—the Congressional fact-finding education initiative—only 65 percent of Department of Education elementary and secondary dollars reach classrooms. Instead of paying for administration and paperwork, we must give control back to parents and teachers, who can decide what is best for our children. Who do you trust to spend our taxpayer dollars best—bureaucrats, or those involved in our local schools?

That is why I am introducing the Dollars to the Classroom Act. This legislation has been included in S. 277, the Republican education package, and similar legislation will be introduced soon in the House of Representatives. In fact, the House of Representatives passed its version of the Dollars to the Classroom Act last fall. This legislation redirects $3.5 billion of K–12 education dollars to the States, requiring only that 95% of that money actually reach our children's classrooms. This money can be used for whatever the local education officials deem necessary and important to our children's education. School districts may buy new books, hire more teachers, build new schools, or buy new computers.

We must begin to prioritize the way we spend our education dollars, and we must put children first, not bureaucracy. Let those on the State and local levels decide if more books are needed to help our children read, or more teachers are needed to reduce class size. We cannot afford to allow a stagnant system to continue. We owe it to our children to allow schools to address the real needs they are facing today.●

● Mr. ASHCROFT. Mr. President, on two separate occasions this year I have made statements about the importance of education to our Nation and to this Congress. I've talked about what our parents want for their children, how to provide a good education, and how many of our current federal policies have failed to achieve what we want for our children.

Today, as the Senator from Arkansas introduces his "Dollars to the Classroom Act," which incorporates ingredients for educational success into our federal policy, I want to join in cosponsoring his bill as it will empower states and local school districts to spend federal resources in the best way they see fit. I also want to take this opportunity to emphasize the importance of education.

A Pew Research Center poll conducted last fall found that 88% of those surveyed think that improving the quality of public school education is "very important." Now, I am not one to put a lot of emphasis on polls, but I think that this poll indicates what we already know: that making sure kids get a world-class education is a real priority for our nation. Moms and dads want their children to be in settings where they will be challenged to reach high levels of academic achievement, taught by qualified and caring teachers, and provided a safe learning environment.

Obviously, parents want to be sure that schools are using the ingredients of success in education: parental involvement, local control, an emphasis on basic academics, and dollars spent in the classroom, not on distant bureaucracy and ineffective programs. These are the ingredients we must have to elevate educational performance. It is interesting to note that a recent report of the House Committee on Education and the Workforce Subcommittee on Oversight and Investigations found that successful schools and school systems were not the product of federal funding and directives.

Unfortunately, we are continuing to find that many of our current federal education programs, while well-intended, simply do not contain the ingredients of a successful education. Rather than promoting parental involvement, local control, and dollars going to the classroom, many federal programs promote a "Washington-knows-best" policy, in which federal bureaucrats decide exactly what education programs should be developed and exactly how every dollar should be spent. Not only are states, schools, teachers, and parents left without much say in how to educate their children, but they are also drained of time and energy complying with all the federal mandates handed down to them.

Our current federal education laws bog states down in mountains of paperwork every year. Even though the U.S. Department of Education recently attempted to reduce paperwork burdens, the Department still requires over 48.6 million hours worth of paperwork per year—or the equivalent of 25,000 employees working full-time. There are more than 20,000 pages of applications states must fill out to receive federal education funds each year.

While the Department of Education brags that its staff is one of the smallest federal agencies with 4,637 people, state education agencies have to employ nearly 13,400 FTEs (full-time equivalents) with federal dollars to administer the myriad federal programs. Hence, there are nearly three times as many federally funded employees of state education agencies administering federal education programs as there are U.S. Department of Education employees.

It is no wonder that up to 35% of our federal education dollar gets eaten up by bureaucratic and administrative costs. And we should remember this in the context of the fact that only about 7% of all education funding comes from the federal government. As we can see, this small amount of the entire education pie consumes a disproportionate share of the time states and local school districts must spend to administer education programs.

I have also spoken in the past about the Ohio study finding that 52% of the paperwork required of an Ohio school district was related to participation in federal programs, while federal dollars provided less than 5% of its total education funding. And I've also noted that in Florida it takes six times as many state employees to administer federal funds as it does to administer state dollars.

Clearly, federal rules and regulations eat up precious dollars and teacher time. We must find a way to change this.

I have also highlighted that the problem that many of our children and school districts never get to see the federal tax dollars paid by their parents for education because a great deal of federal educational funding is awarded on a competitive basis. Local schools must come to Washington and plead their case to get back the money the parents of their communities sent to the federal treasury. Who suffers the most from this system? Smaller and poorer schools, who don't have the time and money to wade through thick grant applications or hire a grant writer to get their fair share of the federal dollar.

It is also interesting to note that, according to the Department of Education's own estimates, it takes 216 steps and 20 weeks to complete the review process for a federal discretionary education grant. The Department boasts that this is actually a streamlined process, since it used to take 26 weeks and took 487 steps from start to finish!

I have talked about a third problem with many current federal education programs: dollars are earmarked for one and only one purpose, to the exclusion of all other uses. And many times, the distant Washington bureaucrats are designating funds for something that a school district doesn't even need at the time.

I like to use an analogy to explain this problem. If you feel a headache coming on, would you rather be treated by a doctor one mile away from where you live, or a thousand miles away? And if you have to use the doctor a thousand miles away, how good is he or she going to be at prescribing what you need for your headache? It sure would be nicer to see someone close by who could take a look at you in person and make a proper diagnosis.

And what if, when you tell the doctor a thousand miles away that you have a headache, she says to you, "Oh, that's too bad. But today we're running a special on crutches. We are prescribing crutches for people like you all over the country, because we've heard that you may need them." You say, "That's fine, but how is a crutch going to help my headache? Can't I get the money to buy some aspirin?" And the doctor says, "Sorry, but you can only use this money for crutches, not for aspirin, or anything else."

This is exactly what happens with so many of these categorical programs mandated from the federal level. Your local school district has determined that it needs funding for one thing, but the federal government will only release it for another. As a result, schools don't have the flexibility to use their funding for what they know they need to provide the best education possible for their students.

For all the federal programs and dollars committed to education, are we seeing success? I'm afraid not.

I have heard of a recent report from the Organization for Economic Cooperation and Development, which noted that even though the United States dedicates one of the largest shares of gross domestic product to education, it has fallen behind other economic powers in high school graduation rates. Only 72 percent of 18-year-old Americans graduated in 1996, trailing all other developed countries.

Our Congressional Research Service has explained why current federal aid programs may not lead to educational improvement. They note that these programs have generally been focused on specific student population groups with special needs, priority subject areas, or specific educational concepts or techniques. CRS reports:

> While such "categorical" program structures assure that aid is directed to the priority population or purpose, they may not always be effective—instruction may become fragmented and poorly coordinated; the proliferation of programs may be duplicative; each federally assisted program may affect only a marginal portion of each pupil's instructional time that is poorly coordinated with the remainder of her or his instruction; regulations intended to target aid on particular areas of need may unintentionally limit local ability to engage in comprehensive reforms; or the partial segregation of special needs students, while it helps to guarantee that funds can be clearly associated with each program's intended beneficiaries, may also reinforce tendencies toward tracking pupils by achievement level, and unintentionally contribute to a perpetuation of lower expectations for their performance.

I think the Congressional Research Service makes some valid observations about why our current federal education policy is not generally boosting student achievement and making our children competitive with other nations. CRS says that current federal policy hinders an important element of educational success: local control.

Based upon what we know about the state of our current federal education policy, we must explore how to direct our resources in ways that will stimulate academic success and high achievement. States, school districts, school boards, teachers, and of course, parents, are asking for local control and flexibility to spend federal education dollars in ways they know will work. They know how to incorporate the ingredients of success into the education of their children.

Senator HUTCHINSON's "Dollars to the Classroom Act" will give states and local schools the flexibility that they desperately need. His legislation takes nearly $3.5 billion from a number of federal education programs, directs the money to the states based upon student population, and requires that at least 95% of it is spent in our children's classrooms. Local school districts may use the funds in ways they believe will be most effective in elevating student achievement.

Under the "Dollars to Classroom Act," parents, teachers, school boards and administrators will have the freedom to use federal dollars for what they need: whether it be to hire more teachers, raise teacher salaries, strengthen reading programs, buy new computers, or provide more one-on-one tutoring.

The bill ensures that federal bureaucracy will be held at bay by forbidding the Secretary of Education from issuing any regulations regarding the type of classroom activities or services that school districts may choose to provide with the federal dollars. Finally, the "Dollars to Classroom Act" calls for ways to streamline regulations and eliminate bureaucracy within major federal education laws.

Mr. President, we need to ensure that more federal education money is sent to the classroom, and that states, schools, and parents have more flexibility in using those funds in the way that will best help students achieve their fullest potential. We must find ways to encourage states and local schools to be innovative and creative in finding the most successful ways to challenge our students to the highest levels and achievement. Senator HUTCHINSON's "Dollars to the Classroom Act" will help accomplish these goals, and that is why I am pleased to co-sponsor his legislation.

During the coming months, Congress should continue to evaluate our current federal elementary and secondary education programs and make the necessary changes to incorporate the ingredients we know have proven successful in providing the best education possible for our children. We cannot afford to maintain the status quo if it is not working. We owe it to our next generation to provide them what they need to be successful in the 21st Century.●

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. DODD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 17, a bill to increase the availability, affordability, and quality of child care.

S. 136

At the request of Mr. KENNEDY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 136, a bill to provide for teacher excellence and classroom help.

S. 170

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 170, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 311

At the request of Mr. MCCAIN, the names of the Senator from Nevada (Mr. REID) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 323

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 323, a bill to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 33—DESIGNATING MAY 1999 AS NATIONAL MILITARY APPRECIATION MONTH

Mr. MCCAIN (for himself, Mr. WARNER, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. SMITH of New Hampshire, Mr. BINGAMAN, Mr. INHOFE, Mr. CLELAND, Ms. LANDRIEU, and Mr. ALLARD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 33

Whereas the freedom and security that United States citizens enjoy today are results of the vigilant commitment of the United States Armed Forces in preserving the freedom and security;

Whereas it is appropriate to promote national awareness of the sacrifices that members of the United States Armed Forces have made in the past and continue to make every day in order to support the Constitution and to preserve the freedoms and liberties that enrich the Nation;

Whereas it is important to preserve and foster the honor and respect that the United States Armed Forces deserve for vital service on behalf of the United States;

Whereas it is appropriate to emphasize the importance of the United States Armed Forces to all persons in the United States;

Whereas it is important to instill in the youth in the United States the significance of the contributions that members of the United States Armed Forces have made in securing and protecting the freedoms that United States citizens enjoy today;

Whereas it is appropriate to underscore the vital support and encouragement that families of members of the United States Armed Forces lend to the strength and commitment of those members;

Whereas it is important to inspire greater love for the United States and encourage greater support for the role of the United States Armed Forces in maintaining the superiority of the United States as a nation and in contributing to world peace;

Whereas it is appropriate to recognize the importance of maintaining a strong, equipped, well-educated, well-trained military for the United States to safeguard freedoms, humanitarianism, and peacekeeping efforts around the world;

Whereas it is important to give greater recognition for the dedication and sacrifices that individuals who serve in the United States Armed Forces have made and continue to make on behalf of the United States;

Whereas it is appropriate to display the proper honor and pride United States citizens feel towards members of the United States Armed Forces for their service;

Whereas it is important to reflect upon the sacrifices made by members of the United States Armed Forces and to show appreciation for such service;

Whereas it is appropriate to recognize, honor, and encourage the dedication and commitment of members of the United States Armed Forces in serving the United States; and

Whereas it is important to acknowledge the contributions of the many individuals who have served in the United States Armed Forces since inception of the Armed Forces: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1999 as "National Military Appreciation Month"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to recognize and honor the dedication and commitment of the members of the United States Armed Forces and to observe the month with appropriate ceremonies and activities.

● Mr. MCCAIN. Mr. President, I rise today to submit legislation, cosponsored by Senators WARNER and LEVIN and other members of the Armed Services Committee, to designate May 1999 as National Military Appreciation Month. I would like to emphasize at the outset the role of the United Services Organization, the USO, in approaching me to ask that I submit this resolution. I am honored that an organization so central to the quality of the lives of our service personnel for so many decades chose me as the one to carry this legislation forward.

Last week, I joined with a number of my colleagues on the Armed Services Committee to report to the Senate S. 4, the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights of 1999. That legislation addresses areas identified by the Joint Chiefs of Staff as their highest priorities in resolving the growing readiness problems afflicting the Armed Forces. By restoring the retirement system that existed prior to 1986 and taking concrete measures to close the pay gap and remove military families from the rolls of those eligible for food stamps, I am confident that S. 4 will go a long way toward alleviating the retention and recruitment problems that have contributed so much to the recent decline in military readiness.

It is out of concern for the welfare of the men and women who wear the uniform of our nation's armed forces that S. 4 was passed so early in the legislative year by the Armed Services Committee. It is out of a sense of pride in those same men and women that I offer this resolution designating May as National Military Appreciation Month.

During May 1999, we will observe Victory in Europe Day, Military Spouse Day, Armed Forces Day, and, most importantly, Memorial Day. It is appropriate that, with our armed forces currently operating in Bosnia, Macedonia, Haiti, and the Persian Gulf, and conducting routine peacetime activities too numerous to list in support of U.S. foreign policy in virtually every part of the globe, that the nation dedicate that month to remind itself of the contribution these individuals make to the preservation of a way of life increasingly taken for granted.

It has become almost platitudinous to point out the increased burden placed on a smaller military since the dissolution of the Soviet Union and the end of the Cold War. Our military forces are being sent into harm's way more often than during any period since the Vietnam War, with additional deployments contemplated as I speak. Strong economic growth and low unemployment have reduced the incentive on the part of many young people to enlist in the Armed Forces, thereby further diminishing the percentage of Americans exposed to military service. By designating May 1999 as National Military Appreciation Month, it is my hope that the country will be more inclined to reflect on the sacrifices of so many throughout our history and today, and to better understand why we in Congress are acting so hastily to address quality of life issues affecting our service personnel and their families. My good friend, DUNCAN HUNTER, has offered companion legislation in the House of Representatives, and I look forward to speedy passage of this bill in the weeks ahead.•

• Mr. LEVIN. Mr. President, I am pleased to join my friend Senator McCAIN in submitting this resolution designating May 1999 as "National Military Appreciation Month." Senator McCAIN is one of the great champions in the Senate of the men and women who serve in our armed forces. It is a privilege to join him in sponsoring this resolution.

Day after day, our Soldiers, Sailors, Airmen and Marines continue to demonstrate a high degree of excellence and commitment. No matter what we ask of them, they always respond in the most professional manner imaginable. We have asked them to serve in combat operations, in peacekeeping missions, and in humanitarian relief efforts. We have deployed them around the world to stand in the face of aggression. They make tremendous personal sacrifices to serve their nation.

The most recent example of the excellence and professionalism of our forces was Operation Desert Fox. Over 40,000 troops deployed from bases around the world in response to Saddam Hussein's flagrant defiance of UN authorized inspections. Without a single U.S. or British casualty, our troops flew more than 600 aircraft sorties, 300 of them a night. Soldiers, Sailors, Airmen and Marines all participated in this flawless operation. This same excellence has been demonstrated in Bosnia, Korea, Central America, and every other place where our members serve.

Our troops are, quite simply, the best. They are the best trained, best equipped, best disciplined and most highly skilled and motivated military force in the world. They deserve the recognition of a grateful Nation. This resolution calls on all Americans to recognize and honor their dedication and service. It is the least we can do.•

AMENDMENTS SUBMITTED

SOLDIERS', SAILORS', AIRMEN'S, AND MARINES' BILL OF RIGHTS ACT OF 1999

CLELAND AMENDMENT NO. 6

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill (S. 4) to improve pay and retirement equity for members of the Armed Forces; and for other purposes; as follows:

On page 33, line 16, strike "for a period of more than 30 days" and insert "and a member of the Ready Reserve in any pay status".

On page 34, beginning on line 10, strike "**on active duty**" and insert "**: members on active duty; members of the Ready Reserve**".

On page 35, strike lines 3 through 6 and insert the following:

"(c) MAXIMUM CONTRIBUTION.—(1) The amount contributed by a member of the uniformed services for any pay period out of basic pay may not exceed 5 percent of such member's basic pay for such pay period.

"(2)(A) Subject to subparagraph (B), the amount contributed by a member of the Ready Reserve for any pay period for any compensation received under section 206 of title 37 may not exceed 5 percent of such member's compensation for such pay period.

"(B) Notwithstanding any other provision of this subchapter, no contribution may be made under this paragraph for a member of the Ready Reserve for any year to the extent that such contribution, when added to prior contributions for such member for such year under this subchapter, exceeds any limitation under section 415 of the Internal Revenue Code of 1986.

On page 35, line 9, insert ", or out of compensation under section 206 of title 37," after "out of basic pay".

On page 35, line 12, strike "308a, 308f," and insert "308a through 308h,".

On page 36, in the matter following line 15, strike "on active duty" and insert ": members on active duty; members of the Ready Reserve".

• Mr. CLELAND. Mr. President, when S. 4 is debated in the Senate, I intend to offer an amendment to expand the Thrift Savings Plan to allow the participation of members of the Ready Reserve. The 1.5 million members of the Reserve Components make up half of our military forces. They are contributing to our military efforts at home and around the world every day of the year, side-by-side with their active duty counterparts. We are using our Reserve component personnel more often and for a broader range of missions and operations then ever before.

Since the end of the Cold War, members of the Reserve Components have participated at record levels. In fact, over 17,000 Reservists and Guardsmen have answered the Nation's call to bring peace to Bosnia. Nearly 270,000 Reservists and Guardsmen were mobilized during Operations Desert Shield and Desert Storm. Numerous Guard and Reserve units from all corners of the United States responded immediately to requests for assistance in the wake of Hurricane Mitch, delivering over 10 million pounds of humanitarian aid to devastated areas in Central America. Closer to home, Reserve and National Guard personnel answered the cries for help after devastating floods struck in North and South Dakota, Minnesota and Iowa. They braved high winds and water to fill sandbags, provide security, and transport food, fresh water, medical supplies and disaster workers to the affected areas. And the Air Force Reserve's "Hurricane Hunters" are the only Department of Defense organization that routinely flies into tropical storms and hurricanes to collect data to improve forecast accuracy, which dramatically minimizes losses due to the destructive forces of these storms. These are but a few examples of what members of the Guard and Reserve do on a daily basis. What amazes me most is that many take part in these important military operations on a volunteer basis, and have to balance these demands with those of their full-time civilian careers and their families.

In September 1997, Secretary of Defense Cohen wrote a memorandum acknowledging an increased reliance on the Reserve Components. He called upon the Services to remove all remaining barriers to achieving a "seamless Total Force." He has also said that without Reservists, "we can't do it in Bosnia, we can't do it in the Gulf, we can't do it anywhere." The Reserve Components will, without a doubt, play an integral role in our national military strategy of the 21st century.

Allowing members who serve in the Reserve Components to participate in the Thrift Savings Plan would carry on the spirit of Secretary Cohen's Total Force policy at virtually no additional cost. But, most importantly, doing so sends a message to our citizen soldiers, sailors, marines, and airmen that we recognize and appreciate their sacrifices.•

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate

Committee on Indian Affairs will meet during the session of the Senate on Wednesday, February 10, 1999, at 9:30 a.m., to hold a confirmation hearing on the nomination of Montie Deer to be the Chairman of the National Indian Gaming Commission. The hearing will be held in room 485 of the Russell Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 202/224-2251.

ADDITIONAL STATEMENTS

SENATE LEGISLATIVE CLERK SCOTT BATES

• Ms. MIKULSKI. Mr. President, the United States Senate experienced a great and sudden loss on Friday night with the untimely death of our legislative clerk, Scott Bates. Mr. Bates was, in many ways, a symbol of the endurance and integrity of our institution, and his passing is a time of sadness for our Senate family.

For thirty years, Scott Bates was a faithful, dedicated and passionate servant of the United States Senate. He devoted his life to ensuring that our legislative body operated with efficiency, precision and dignity. Neither I nor my colleagues, nor any of our predecessors here will ever forget the clear, powerful voice of Scott Bates—calling the roll, announcing our votes, or just saying "hello."

Scott Bates was a man of honor and humility. He was a mainstay of our sacred institution for three decades. I join my colleagues in mourning his passing and celebrating his life. To his wife, Ricki, who is still recovering in the hospital, we wish you a speedy recovery—please know that you and your three children, Lori, Lisa and Paul, are in our thoughts and prayers. You will remain a cherished part of the Senate family.•

KING HUSSEIN OF JORDAN

• Mr. BROWNBACK. Mr. President, I rise to honor the memory of a great man, King Hussein of Jordan.

Today the world said goodbye to King Hussein and the great outpouring of grief by his people and the presence today in Amman of almost all of the world's leaders, is testament to his greatness and to the real honor and affection in which he was held; it was a testament to the enormous contribution he made to world peace and stability.

King Hussein was very young when he became king 47 years ago, in a tough neighborhood where wits and courage and character are quickly tested—and tested often. During his reign, he dodged at least 12 assassination attempts and 7 plots to overthrow him.

Though he took over a shaky throne, his perseverance, his vision and his great faith carried him through and resulted in a much stronger nation of Jordan and a more stable Middle East. He took his country far down the path of democratic reforms—reforms which he had hoped to continue to improve upon and to broaden.

His rule saw his country acquire stability and make peace with Israel. He modernized Jordan and created a situation in which Jordanians enjoy a degree of political freedom not found in most other Arab nations.

He did all this by living his faith and his ideals: he practiced political tolerance and even reached a peace and pardoned those who had tried to kill him.

He was a true friend and ally of the United States but his true devotion was to his people and to the cause of peace. He took great risks to achieve this peace.

He was a lynchpin in Middle East Peace Process. Only a few months ago, he left his sickbed and came to Wye to help broker the Wye River accord that revived the failing peace process between Israel and the Palestinians. It was his presence and his commitment that brought a successful resolution to this agreement.

He did this at great personal sacrifice when he was near death. He fought illness with grace, courage and faith in the same way he had lived his life.

A stronger Kingdom of Jordan and a more stable Middle East, capable of eventually sustaining a lasting peace will be one of his great legacies.

Mr. President it is vitally important for the United States and Jordan to continue our close ties and to deepen our mutual commitment.

I join my colleagues in expressing my support and best wishes to King Hussein's son and successor, King Abdullah.

I met with King Abdullah this past November. He is very capable, knowledgeable and his is a strong leader. He is now a key to peace in the world and he is up to the task. We all wish him God's speed and great blessings.•

THE NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT

• Mr. LOTT. Mr. President, I want to talk about America's used car buyers. They are looking to this Congress to take prompt action on legislation that will curtail the fraudulent practice of "title washing." A deceptive scheme that costs consumers and the automobile industry over $4 billion annually and places millions of structurally unsafe vehicles back on America's roads and highways.

Last week I brought to your attention a January 8, 1999, Washington Post article entitled "Wrecked Cars, On the Road Again." This is scary—government crash test cars—deliberately destroyed cars—are being rebuilt and sold to unsuspecting consumers as undamaged vehicles. One of these crash cars could have been next to any one of us on the way to work today.

I ask my colleagues to think about how they would feel if their son or daughter unknowingly purchased a NHSTA crash test car. Aside from the significant monetary loss, buyers of these previously totaled cars or trucks are also unwittingly risking life and limb. As well as everyone with whom they share the road.

As my colleagues are well aware, Senator Ford and I coauthored legislation in the 105th Congress with the intent of putting dishonest rebuilders out of business. Our bill would have provided greater disclosure to potential used car buyers by establishing national uniform definitions for salvage, rebuilt salvage, nonrepairable, and flood vehicles. As everyone knows, especially the crooks and charlatans who prey on unsuspecting victims, that it is the lack of uniformity and the inconsistencies in state automobile titling procedures that allows title laundering to flourish unabated.

Mr. President, the provisions of the National Salvage Motor Vehicle Consumer Protection Act mirrored the recommendations of the Motor Vehicle Titling, Registration and Salvage Advisory Committee. This congressionally mandated committee, overseen by the U.S. Department of Transportation, included State motor vehicle officials, motor vehicle manufactures, dealers, recyclers, insurers, salvage yard operators, scrap processors, federal and state law enforcement representatives, and others. While I would like to claim credit for authoring the definitions in the title branding legislation, they were in fact based on the knowledge and experience of the Salvage Committee and the recommendations offered in their final report. So these are not my definitions, they are the expert advisory committee's definitions.

Mr. President, too often Congress lets recommendations from commissions we mandate sit on a shelf gathering dust.

Mr. President, I do not want this to happen here. Title washing is a pervasive problem. The salvage advisory group provided a wealth of information and recommendations to address this national problem. Congress needs to act.

Aside from promoting the use of uniform definitions, the bill requires rebuilt salvage vehicles to undergo a theft inspection in addition to any required state safety inspection. These vehicles would also have a decal permanently affixed to its window and the driver's doorjamb to provide even greater disclosure. Equally important, the vehicle's brand would be carried forward to each state where the vehicle is retitled. And, the Vehicle Identification Numbers (VIN) of irreparably damaged vehicles would be tracked to prevent automobile theft.

Contrary to the misrepresentations about this bill, it allowed states to adopt disclosure standards beyond those provided for in the bill. In fact, states would have had broad latitude to provide almost unlimited disclosure to their citizens. This important legislation merely created a basic minimum national standard while allowing states the flexibility to adopt more stringent regulations. It also did not create a federal mandate on the states as some had proposed. As my colleagues will recall, the Supreme Court held in *New York* v. *United States* [505 U.S. 144 (1992)] that states cannot be forced by Congress to execute programs that should be administered by the U.S. government.

Mr. President, Congress came very close to enacting title branding legislation last year. The original measure received the formal support of 57 of our colleagues in this chamber and a similar bill passed the House of Representatives with a vote of 333 to 72. Throughout the legislative process, a number of significant changes were made to the bill to address the concerns expressed by consumer groups and some state attorneys general. In a good faith effort, the following changes were included in the modified version of the bill.

The percentage threshold for defining a "salvage vehicle" was lowered from 80 percent to 75 percent.

The final bill included a provision allowing states broad latitude in determining which vehicles would be designated as "salvage." The compromise permitted a state to maintain or establish a lower percentage threshold for defining a "salvage vehicle." So if a state set its percentage threshold below the 75 percent level, it would still have been in compliance with the bill. Some consumer groups and state attorneys general advocated that states be able to set their thresholds as low as they desired. This bill would have allowed any state to do just that.

A new provision was added that allowed states to cover any vehicle, regardless of age. This is referred to as "older model salvage vehicle."

Another new provision in the legislation granted state attorneys general the ability to sue on behalf of consumers who are victimized by rebuilt salvage fraud and to recover monetary judgments for damages that citizens may have suffered.

The bill's section on "prohibited acts," replaced the House's "knowingly and willfully" standard with a "knowingly" standard.

Two new prohibited acts were included—one related to failure to make a flood disclosure and the other related to moving a vehicle or title across state lines for the purpose of avoiding the bill's requirements.

In the original bill, conforming states were prohibited from using synonyms of terms defined in the legislation (i.e. reconstructed, unrebuildable, junk) in connection with a vehicle. The modified bill deleted this restrictive language, giving states increased flexibility to provide additional disclosures to their citizens regarding the damage history of vehicles.

The compromise bill added a provision making it clear that nothing in the legislation would affect any private right of action under existing state laws. Let me say again that a citizen's ability to pursue private rights of action would have continued under the legislation.

At the request of Senator SLADE GORTON, the proposed federal criminal penalty provision was removed from the bill. As a former state attorney general, Senator GORTON was concerned that creating new federal penalties would unnecessarily increase the burden on an already stressed federal court system, especially in instances where existing state civil and criminal remedies would adequately address violations of the bill's titling requirements. Senator GORTON's concerns were recently buttressed by Chief Justice Rehnquist who recently complained about Congress' "trend to federalize crimes that traditionally have been handled in state courts." While the proposed criminal penalty was dropped, a provision authorizing civil penalties was retained.

At the request of Sen. ERNEST HOLLINGS, a new provision was added concerning the Secretary of Transportation advising automobile dealers of the prohibition on selling vans as school buses.

Again, these were significant changes aimed at achieving consensus and balancing the need for uniformity with the desire to provide states with reasonable and appropriate flexibility.

It is also important to point out that the final title branding bill that passed the House with a bipartisan majority last October was strongly supported by state motor vehicle administrators. These are the very people responsible for implementing titling rules and procedures. If there is anyone that Congress should listen to on this topic, it is the state DMV directors. They have the most commitment to and significant knowledge and experience dealing with titling matters. Since they are on the front lines, these administrators know what works and what will not. Their only vested interest is to ensure that the people they serve in their states have an effective titling system. To that end, they have been working with the Department of Transportation and the Department of Justice to develop a National Motor Vehicle Title Information System that would provide titling offices around the country with accurate, reliable, and timely registration information.

As I have said repeatedly, title branding legislation would significantly improve disclosure for used car buyers. It would close the many loopholes that exist by establishing uniform definitions. It would create national standards that would protect the safety and well-being of consumers and motorists across America. Enacting this legislation would allow our sons and daughters to buy a used car without fear that they may be purchasing a totaled and subsequently rebuilt vehicle.

For these reasons, I intend on introducing the National Salvage Motor Vehicle Consumer Protection Act as it passed the House last October. I have also solicited technical corrections from a number of interested and affected sources including the U.S. Department of Transportation.

Mr. President, I ask my colleagues from both sides of the aisle to safeguard our friends and families from title fraud by formally supporting this legislation.

With your help, Congress can put thousands of chop-shop owners and con-artists out of business and keep millions of structurally unsafe vehicles off our nation's roads and highways. Let us take quick action to keep our constituents from buying wrecks on wheels.●

TRIBUTE TO REAR ADMIRAL WILLIAM L. STUBBLEFIELD ON THE OCCASION OF HIS RETIREMENT

● Mr. KERRY. Mr. President, I rise today to pay tribute to Rear Admiral Bill Stubblefield on the occasion of his retirement as the Director of the Office of NOAA Corps Operations and the Director of the NOAA Corps, in the Department of Commerce's National Oceanic and Atmospheric Administration. Rear Admiral Stubblefield has given 33 years of dedicated service to the nation.

Bill Stubblefield served as a commissioned officer in the U.S. Navy from 1962 to 1968 aboard a minesweeper and an icebreaker, and then with the U.S. Navy's SOSUS network. In 1968, he resigned his commission from the Navy to further his education and received his Master's degree in Geology from the University of Iowa in 1971.

In July 1971 Admiral Stubblefield joined the NOAA Commissioned Corps as a Lieutenant in his home town of Medina, Tennessee, and attended the 38th NOAA Corps Basic Officer Training Class which was held at the United States Merchant Marine Academy in Kings Point, New York. After his commissioning, he was assigned to serve as a Junior Officer aboard the NOAA Ships *Pathfinder* and *Rainier*, conducting hydrographic surveys in California, Washington, and Alaska. His next assignment was ashore with the Environmental Research Laboratory, Office of Oceanic and Atmospheric Research, in Miami, Florida, as Deputy

Director of the Marine Geology and Geophysics Division. For this work, he received a NOAA Corps Special Achievement Award.

Admiral Stubblefield returned to sea duty in December of 1975 as Operations Officer aboard the NOAA Ship *Researcher*, which conducted oceanographic and atmospheric research in the waters of the Atlantic Ocean.

From January 1978 to May 1979, Admiral Stubblefield attended full-time university training at Texas A&M University receiving his Ph.D. in geological oceanography. He returned to the Environmental Research Laboratory as a research oceanographer until 1981, when he was summoned back to sea as the Executive Officer of the NOAA Ship *Researcher*.

Following his sea assignment Admiral Stubblefield had tours of duty as the Scientific Support Coordinator of the southeastern Atlantic and Gulf coastal areas for the NOAA Office of Marine Pollution Assessment Hazardous Material Program and Technical Specialist for the NOAA Office of Sea Grant in Washington, D.C. Admiral Stubblefield was then assigned to the position of Chief Scientist for the NOAA Undersea Research Program.

He returned to sea in 1988 as Commanding Officer of the NOAA Ship *Surveyor* which conducted oceanic research from the Arctic to the Antarctic, including the north and south Pacific Ocean, Gulf of Alaska, and the Bering Sea. At the time, the *Surveyor* had attained the award of traveling the farthest north and south of any NOAA vessel at its time.

In 1990 he was assigned the position of Coordinator for the Fleet Modernization Study to assess the life expectancy of NOAA's ships and determine how to modernize NOAA's fleet to operate into the 21st century. For this work, he received the Department of Commerce Silver Medal, DOC's second highest award. In late 1990, Admiral Stubblefield became the Executive Director for the Office of Oceanic and Atmospheric Research, where he was responsible for the management and budget functions, international affairs, and administrative duties of this NOAA program office.

In August 1992, he was promoted to the rank of Rear Admiral, Lower Half and assigned as Deputy Director, Office of NOAA Corps Operations where he was responsible for the day-to-day operations of this staff office. In 1995, Admiral Stubblefield was selected for the position of Director, Office of NOAA Corps Operations and Director of the NOAA Commissioned Corps, and promoted to Rear Admiral, Upper Half, the highest position in the NOAA Corps.

Since Admiral Stubblefield became Director, the Office of NOAA Corps Operations has undergone many changes. He re-engineered the office to become more cost-efficient and customer oriented. He decommissioned five older ships, downsized the headquarters office by over 40 percent, both civilian and commissioned personnel, and reduced ship operating costs, while increasing the level of ship support.

Under his command, a new oceanographic ship, the *Ronald H. Brown*, was built and commissioned, and two former Navy ships were converted to conduct fisheries, oceanic, and atmospheric research. He also saw the new Gulfstream IV jet built and brought into operation to study the effects of El Niño last winter off the California coast and conduct hurricane reconnaissance this past hurricane season.

Also under his command, Admiral Stubblefield faced the most challenging task of his career, one that no head of a uniformed service would ever want to face—the decision to disestablish the NOAA Commissioned Corps. The Corps was under a hiring freeze that lasted for 4 years. Yet, Admiral Stubblefield still was able to maintain morale and fill the assignments required to operate the ships and aircraft.

This past October, when it became apparent the NOAA Corps plays a vital role for the country, the decision was made to retain the NOAA Corps. In January 1999, 17 new officers began their basic training at the Merchant Marine Academy in Kings Point, New York.

Admiral Stubblefield is an officer, a scientist, and a gentleman. I commend Bill for his tremendous accomplishments during his career and service to the Nation, especially those over the past three years. Thanks to his efforts, NOAA is stronger, more efficient and will carry out its invaluable mission into the next century.•

TRIBUTE TO CAPTAIN ROBBIE BISHOP

• Mr. COVERDELL. Mr. President, I rise today to pay tribute to Captain Robbie Bishop of the Villa Rica Police Department in Villa Rica, Georgia, who was tragically slain in the line of duty on Wednesday, January 20, 1999, bringing his service which spanned a decade to the people of Georgia to an end. In addition, I would like to honor Captain Bishop's family for the sacrifice that they have made in the name of Freedom. He was a husband and father of two.

Captain Bishop, I understand, was known to have an extraordinary ability to detect drugs during the most routine traffic stops and was considered by some to be the best in the Southeast at highway drug interdiction. He was known to have seized thousands of pounds of illegal drugs and millions of dollars in cash. Police departments around the country solicited Captain Bishop's help to train their officers. In fact, it is believed that it was a routine traffic stop where he had, once again, detected illegal drugs that resulted in the sudden end to his remarkable career.

Once again, Mr. President, the work of law enforcement is an elegant and lofty endeavor but one that is fraught with terrible dangers. Captain Bishop knew of these threats, but still chose to serve on the front line, protecting Georgia citizens. As we discuss ways to continue our fight with the war on drugs, let us remember the lives of those like Captain Robbie Bishop who have fallen fighting this war.•

TRIBUTE TO PAUL MELLON—GIANT OF THE ARTS

• Mr. KENNEDY. Mr. President, America lost one of its greatest citizens and greatest patrons of the arts last week with the death of Paul Mellon. All of us who knew him admired his passion for the arts, his extraordinary taste and insights, and his lifelong dedication to our country and to improving the lives of others.

He was widely known and loved for many different aspects of his philanthropy in many states, including Massachusetts. Perhaps his greatest gift of all to the nation is here in the nation's capital—the National Gallery of Art. The skill and care and support which he devoted to the Gallery for over half a century brilliantly fulfilled his father's gift to the nation. He made the Gallery what it is today—a world-renowned museum containing many of the greatest masterpieces of our time and all time, a fitting and inspiring monument to the special place of the arts in America's history and heritage.

I believe that all Americans and peoples throughout the world who care about the arts are mourning the loss of Paul Mellon. We are proud of his achievements and his enduring legacy to the nation. We will miss him very much.

An appreciation of Paul Mellon by Paul Richard in the Washington Post last week eloquently captured his philosophy of life and his lifelong contributions to our society and culture, and I ask that it be printed in the RECORD.

The material follows:

[From the Washington Post, Feb. 3, 1999]

APPRECIATION—PAUL MELLON'S GREATEST GIFT: THE PHILANTHROPIST LEFT BEHIND A FINE EXAMPLE OF THE ART OF LIVING

(By Paul Richard)

Though it never came to anything, Paul Mellon once considered fitting every windowsill in Harlem with a box for growing flowers.

Mellon understood that Titians were important, that magic was important, that thoroughbreds and long hot baths and kindness were important, that thinking of the stars, and pondering the waves, and looking at the light on the geraniums were all important, too.

In a nation enamored of the lowest common denominators, what intrigued him were the highest. He spent most of his long life, and a vast amount of money, about $1 billion all in all, buying for the rest of us the sorts of private mental pleasures that he had come to value most—not just the big ones of great art, great buildings and great books, but the little ones of quietude, of just sitting in the sand amid the waving dune grass, looking out to sea.

He died Monday night at home at Oak Spring, his house near Upperville, Va. Cancer had weakened him. Mellon was 91.

Twenty-five years ago, while speaking at his daughter's high school graduation, that cheerful, thoughtful, courtly and unusual philanthropist delivered an assertion that could stand for his epitaph:

"What this country needs is a good five-cent reverie.

Mellon's money helped buy us the 28,625-acre Cape Hatteras National Seashore. He gave Virginia its Sky Meadows State Park. In refurbishing Lafayette Square, he put in chess tables, so that there's something to do there other than just stare at the White House. He gave $500,000 for restoring Monticello. He gave Yale University his collection of ancient, arcane volumes of alchemy and magic. He published the I Ching, the Chinese "book of changes," a volume of oracles. And then there is the art.

I am deeply in his debt. You probably are, too.

If you've ever visited the National Gallery of Art, you have felt his hospitality. Its scholarship, its graciousness, its range and installations—all these are Mellonian.

It was Mellon, in the 1930s, who supervised the construction of its West Building, with its fountains and marble stairs and greenhouse for growing the most beautiful fresh flowers. After hiring I.M. Pei to design the East Building, Mellon supervised its construction, and then filled both buildings with art. Mellon gave the gallery 900 works, among them 40 by Degas, 15 by Cezanne, many Winslow Homers and five van Goghs—and this is just a part of his donations. His sporting pictures went to the Virginia Museum of Fine Arts in Richmond, and his British ones to Yale University, where Louis I. Kahn designed the fine museum that holds them.

At home, he hung the art himself. He never used a measuring tape; he didn't need to. He had the most observant eye.

"I have a very strong feeling about seeing things," he said once. "I have, for example, a special feeling about how French pictures ought to be shown, and how English pictures ought to be shown. I think my interest in pictures is a bit the same as my interest in landscape or architecture, in looking at horses or enjoying the country. They all have to do with being pleased with what you see."

He would not have called himself an artist, but I would. It was not just his collecting, or the scholarship he paid for, or the museums that he built, all of which were remarkable. Nobody did more to broadcast to the rest of us the profound rewards of art.

He was fortunate, and knew it. He had comfortable homes in Paris, Antigua, Manhattan and Nantucket, and more money than he needed. His Choate-and-Yale-and-Cambridge education was distinguished. So were his friends. Queen Elizabeth II used to come for lunch. His horses were distinguished. He bred Quadrangle and Arts and Letters and a colt named Sea Hero, who won the Kentucky Derby. "A hundred years from now," said Mellon, "the only place my name will turn up anywhere will be in the studbook, for I was the breeder of Mill Reef." His insistence on high quality might have marked him as elitist, but he was far too sound a character to seem any sort of snob.

His manners were impeccable. Just ask the gallery's older guards, or the guys who groomed his horses. When you met him, his eyes twinkled. He joked impishly and easily. Once, during an interview, he opened his wallet to show me a headline he had clipped from the Daily Telegraph: "Farmer, 84, Dies in Mole Vendetta." He liked the sound of it.

There was an if-it-ain't-broke-don't-fix-it spirit to his luxuries. They were well patinaed. His Mercedes was a '68. His jet wasn't new, and neither were his English suits or his handmade shoes. The martinis he served—half gin, half vodka—were 1920s killers. There was a butler, but he shook them himself. He said he'd always liked the sound of ice cubes against silver.

Nothing in his presence told you that Paul Mellon had been miserable when young.

His childhood might easily have crushed him. His father, Andrew W. Mellon—one of the nation's richest men and the secretary of the Treasury—had been grim and ice-cube cold.

Paul Mellon loved him. It could not have been easy. "I do not know, and I doubt anyone will ever know," he wrote, "why Father was so seemingly devoid of feeling and so tightly contained in his lifeless, hard shell."

His parents had warred quietly. Paul was still a boy when their marriage ended coldly, in a flurry of detectives. His sister, Ailsa, never quite recovered. Paul never quite forgot his own nervousness and nausea and feelings of inadequacy. It seems a stretch to use this term for someone born so wealthy, but Paul Mellon was a self-made man.

Most rich Americans, then as now, saw it as their duty to grow richer. Mellon didn't. When he found his inner compass, and abandoned thoughts of making more money, and said so to his father, he was 29 years old.

First he wrote himself a letter. "The years of habit have encased me in a lump of ice, like the people in my dreams," he wrote. "When I get into any personal conversation with Father, I become congealed and afraid to speak. . . . Business. What does he really expect me to do, or to be? Does he want me to be a great financier . . .? The mass of accumulations, the responsibilities of great financial institutions, appall me. My mind is not attuned to it. . . . I have some very important things to do still in my life, although I am not sure what they are. . . . I want to do in the end things that I enjoy. . . . What does he think life is for? Why is business . . . more important than the acceptance and digestion of ideas? Than the academic life, say, or the artistic? What does it really matter in the end what you do, as long as you are being true to yourself?"

So Mellon changed his life. He gave up banking. He moved to Virginia. He started breeding horses. And then, in 1940, after having spent so many years at Cambridge and at Yale, Mellon went back to school. To St. John's College in Annapolis. To study the Great Books.

(Mellon later gave more than $13 million to St. John's.)

His path had been determined. Though deflected by World War II—he joined the cavalry, then the OSS—Mellon would continue on it for the rest of his long life. As his friend the mythologist Joseph Campbell might have put it (it was Mellon who published Campbell's "The Hero With a Thousand Faces"), Paul Mellon had determined to follow his own bliss.

He was curious about mysticism, so he studied with Carl Jung. He liked deep, expansive books, so he began to publish the best he could discover. Bollingen Series, his book venture, eventually put out 275 well-made volumes, among them the I Ching, Andre Malraux's "Museum Without Walls," Ibn Khaldun's "The Muqadimah," Vladimir Nabokov's translations from Pushkin, and Kenneth Clark's "The Nude."

Because Mellon liked high scholarship, he started giving scholars money. Elias Caetti, who received his Nobel prize for literature in 1981, got his first Bollingen grant in 1985. Others—there were more than 300 in all—went to such thinkers as the sculptor Isamu Noguchi (who was paid to study leisure), the poet Marianne Moore, and the art historian Meyer Schapiro.

Because Mellon liked poetry, he established the Bollingen Prize for poetry. The first went to Ezra Pound, the second to Wallace Stevens.

Mellon loved horses. So he started buying horse pictures. He had had a great time at Cambridge—"I loved," he wrote, "its gray walls, its grassy quadrangles, its busy, narrow streets full of men in black gowns . . . the candlelight, the coal-fire smell, and walking across the Quadrangle in a dressing gown in the rain to take a bath."

Though America's libraries were full of English books, America's museums were not full of English art. It didn't really count. What mattered was French painting and Italian painting. Mellon didn't care. He thought that if you were reading Chaucer or Dickens or Jane Austen, you ought to have a chance to see what England really looked like. Mellon knew. He remembered. He remembered "huge dark trees in rolling parks, herds of small friendly deer . . . soldiers in scarlet and bright metal, drums and bugles, troops of gray horses, laughing ladies in white, and always behind them and behind everything the grass was green, green, green." So Mellon formed (surprisingly inexpensively) and then gave away (characteristically generously) the world's best private collection of depictive English art.

He knew what he was doing. As he knew what he was doing when he took up fox hunting, competitive trail riding and the 20th-century abstract paintings of Mark Rothko and Richard Diebenkorn.

He was following his bliss.

He didn't really plan it that way. He just went for it. "Most of my decisions," he said, "in every department of my life, whether philanthropy, business or human relations, and perhaps even racing and breeding, are the results of intuition. . . . My father once described himself as a 'slow thinker.' It applies to me as well. The hunches or impulses that I act upon, whether good or bad, just seem to rise out of my head like one of those thought balloons in the comic strips."

That wasn't bragging. Mellon wasn't a braggart. He wasn't being falsely modest, either. Mellon knew the value of what it was he'd done.

Mellon was a patriot, a good guy and a gentleman. He had a healthy soul. What he did was this:

With wit and taste and gentleness, with the highest self-indulgence and the highest generosity, he made the lives of all of us a little bit like his.●

NUCLEAR WASTE STORAGE

● Mr. LOTT. Mr. President, I rise today to express my commitment to make the Nuclear Waste Storage Bill an early priority during the 106th Congress. More than 15 years ago, Congress directed the Department of Energy (DOE) to take responsibility for the disposal of nuclear waste created by commercial nuclear power plants and our nation's defense programs.

Today there are more than 100,000 tons of spent nuclear fuel that must be dealt with. One year has now passed since the DOE was absolutely obligated under the NWPA of 1982 to begin accepting spent nuclear fuel from utility sites, and DOE is no closer today in coming up with a solution. This is unacceptable. The law is clear, and DOE must meet its obligation. If the Department of Energy does not live up to its responsibility, Congress will act.

I am encouraged that the House of Representatives has begun to address this issue. A bill introduced by Representatives FRED UPTON and ED TOWNS of the House's Commerce Committee would set up a temporary storage site at Yucca Mountain, Nevada, for this waste until a permanent repository is approved and built. It is good to see bipartisan cosponsors for a safe, practical and workable solution for America's spent fuel storage needs. This solution is certainly more responsible than leaving waste at 105 separate power plants in 34 states across the nation. There are 29 sites which will reach capacity by the end of 1999. All of America's experience in waste management over the last twenty-five years of improving environmental protection has taught Congress that safe, effective waste handling practices entail centralized, permitted, and controlled facilities to gather and manage accumulated waste.

Mr. President, the management of used nuclear fuel should capitalize on this knowledge and experience. Nearly 100 communities have spent fuel sitting in their "backyard," and it needs to be moved. This lack of storage capacity could very possibly cause the closing of several nuclear power plants. These affected plants produce nearly 20% of the United States' electricity. Closing these plants just does not make sense.

Nuclear energy is a significant part of America's energy future, and must remain part of the energy mix. America needs nuclear power to maintain our secure, reliable, and affordable supplies of electricity at the same time the nation addresses increasingly stringent air quality requirements. Nuclear power is one of the best ways America can address those who say global warming is a problem—a subject I'll leave for another day.

Both the House and the Senate passed a bill in the 105th Congress to require the DOE to build this interim storage site in Nevada, but unfortunately this bill never completed the legislative process. I challenge my colleagues in both chambers of the 106th Congress to get this environmental bill done. The citizens, in some 100 communities where fuel is stored today, challenge the Congress to act and get this bill done. This nuclear industry has already committed to the federal government about $15 billion toward building the facility. In fact, the nuclear industry continues to pay about $650 million a year in fees for storage of spent fuel. It is time for the federal government to live up to its commitment. It is time for the federal government to protect those 100 communities.

To ensure that the federal government meets its commitment to states and electricity consumers, the 106th Congress must mandate completion of this program—a program that includes temporary storage, a site for permanent disposal, and a transportation infrastructure to safely move used fuel from plants to the storage facility.

Mr. President, this federal foot dragging is unfortunate and unacceptable, so clearly the only remedy to stopping these continued delays is timely action in the 106th Congress on this legislation.•

RECOGNITION OF NATHAN SCHACHT

• Mr. GORTON. Mr. President, I rise today to commend and congratulate Nathan Schacht of Walla Walla, Washington, who was awarded the rank of Eagle Scout rank, the Boy Scout of America's highest honor, on January 19, 1999.

Nathan is the son of Don and Margaret Schacht and a sophomore at DeSales Catholic High School. He began scouting five years ago with the Eastgate Lions Troop 305 and moved onto the Cub Scout program with Pack 309.

Nathan and I share a common love for the outdoors. During his tenure with the Boy Scouts he logged over 70 miles of hiking and 70 miles of canoeing; earned the 50 Miler Afloat award; camped 63 nights and earned 31 merit badges. He recently completed his term as Senior Patrol Leader for Troop 305. He has been a member of the Order of the Arrow since 1996 and was awarded his Eagle Cap Credentials in 1997.

His Eagle project involved building a recycling center for Assumption Elementary School. He spent over 115 hours planning and carrying out this project which included contacting donors for the materials and working with the volunteers in all phases of the project. He secured over $700 in donated materials and 261 hours of volunteer time.

Nathan also participates in other activities in his school and community. He participates in the football, basketball, and golf programs at DeSales High School, as well as band, drama and National Honor Society. He has served as a page in the Washington State House of Representatives and as an altar server for the past seven years at Assumption Catholic Church.

I am confident that Nathan will continue to be a positive role model among his peers, a leader in his community and a friend to those in need. I extend my sincerest congratulations and best wishes to him. His achievement of Eagle Scout and significant contributions to the Walla Walla community are truly outstanding.•

ON THE MOTIONS TO OPEN TO THE PUBLIC THE FINAL DELIBERATIONS ON THE ARTICLES OF IMPEACHMENT

• Mr. LEAHY. In relation to the earlier vote, I have these thoughts. Accustomed as we and the American people are to having our proceedings in the Senate open to the public and subject to press coverage, the most striking prescription in the "Rules of Procedure and Practice in the Senate when Sitting on Impeachment Trials" has been the closed deliberations required on any question, motion and now on the final vote on the Articles of Impeachment.

The requirement of closed deliberation more than any other rule reflects the age in which the rules were originally adopted in 1868. Even in 1868, however, not everyone favored secrecy. During the trial of President Johnson, the senior Senator from Vermont, George F. Edmunds, moved to have the closed deliberations on the Articles transcribed and officially reported "in order that the world might know, without diminution or exaggeration, the reasons and views upon which we proceed to our judgment." [Cong. Globe Supp'l, Impeachment Trial of President Andrew Johnson, 40th Cong., 2d Sess., vol. 4, p. 424.] The motion was tabled.

In the 130 years that have passed since that time, the Senate has seen the advent of television in the Senate Chamber, instant communication and rapid news cycles, distribution of Senate documents over the Internet, the addition of 46 Senators representing 23 additional States, and the direct election of Senators by the people in our States.

Opening deliberations would help further the dual purposes of our rules to promote fairness and political accountability in the impeachment process. I supported the motion by Senators HARKIN, WELLSTONE and others to suspend this rule requiring closed deliberations and to open our deliberations on Senator BYRD's motion to dismiss and at other points earlier in this trial. We were unsuccessful. Now that we are approaching our final deliberations on the Articles of Impeachment, themselves, I hope that this secrecy rule will be suspended so that the Senate's deliberations are open and the American people can see them. In a matter of this historic importance, the American people should be able to witness their Senators' deliberations.

Some have indicated objection to opening our final deliberations because petit juries in courts of law conduct their deliberations in secret. Analogies to juries in courts of law are misplaced. I was privileged to serve as a prosecutor for eight years before I was elected to the Senate. As a prosecutor, I represented the people of Vermont in court and before juries on numerous occasions. I fully appreciate the traditions and importance of allowing jurors to deliberate and make their decisions privately, without intrusion or pressure from the parties, the judge or the public. The sanctity of the jury deliberation room ensures the integrity and fairness of our judicial system.

The Senate sitting as an impeachment court is unlike any jury in any civil or criminal case. A jury in a court of law is chosen specifically because the jurors have no connection or relation to the parties or their lawyers and no familiarity with the allegations. Keeping the deliberations of regular juries secret ensures that as they reach their final decision, they are free from outside influences or pressure.

As the Chief Justice made clear on the third day of the impeachment trial, the Senate is more than a jury; it is a court. Courts are called upon to explain the reasons for decisions.

Furthermore, to the extent the Senate is called upon to evaluate the evidence as is a jury, we stand in different shoes than any juror in a court of law. We all know many of the people who have been witnesses in this matter; we all know the Republican Managers—indeed, one Senator is a brother of one of the Managers; and we were familiar with the underlying allegations in this case before the Republican Managers ever began their presentation.

Because we are a different sort of jury, we shoulder a heavier burden in explaining the reasons for the decisions we make here. I appreciate why Senators would want to have certain of our deliberations in closed session: to avoid embarrassment to and protect the privacy of persons who may be discussed. Yet, on the critical decisions we are now being called upon to make our votes on the Articles themselves, allowing our deliberations to be open to the public helps assure the American people that the decisions we make are for the right reasons.

In 1974, when the Senate was preparing itself for the anticipated impeachment trial of former President Richard Nixon, the Committee on Rules and Administration discussed the issue of allowing television coverage of the Senate trial. Such coverage did not become routine in the Senate until later in 1986. In urging such coverage of the possible impeachment trial of President Nixon, Senator Metcalf (D-MT), explained:

> Given the fact that the party not in control of the White House is the majority party in the Senate, the need for broadcast media access is even more compelling. Charges of a 'kangaroo court,' or a 'lynch mob proceeding' must not be given an opportunity to gain any credence whatsoever. Americans must be able to see for themselves what is occurring. An impeachment trial must not be perceived by the public as a mysterious process, filtered through the perceptions of third parties. The procedure whereby the individual elected to the most powerful office in the world can be lawfully removed must command the highest possible level of acceptance from the electorate." (Hrg. August 5 and 6, 1974, p. 37).

Opening deliberation will ensure complete and accurate public understanding of the proceedings and the reasons for the decisions we make here. Opening our deliberations on our votes on the Articles would tell the American people why each of us voted the way we did.

The last time this issue was actually taken up and voted on by the Senate was more than a century ago in 1876, during the impeachment trial of Secretary of War William Belknap. Without debate or deliberation, the Senate refused then to open the deliberations of the Senate to the public. That was before Senators were elected directly by the people of their State, that was before the Freedom of Information Act confirmed the right of the people to see how government decisions are made. Keeping closed our deliberations is wholly inconsistent with the progress we have made over the last century to make our government more accountable to the people.

Constitutional scholar Michael Gerhardt noted in his important book, "The Federal Impeachment Process," that "the Senate is ideally suited for balancing the tasks of making policy and finding facts (as required in impeachment trials) with political accountability." Public access to the reasons each Senator gives for his vote on the Articles is vital for the political accountability that is the hallmark of our role.

I likewise urge the Senate to adjust these 130-year-old rules to allow the Senate's votes on the Articles of Impeachment to be recorded for history by news photographers. This is a momentous official and public event in the annals of the Senate and in the history of the nation. This is a moment of history that should be documented for both its contemporary and its lasting significance.

Open deliberation ensures complete accountability to the American people. Charles Black wrote that presidential impeachment "unseats the person the people have deliberately chosen for the office." "Impeachment: A Handbook," at 17. The American people must be able to judge if their elected representatives have chosen for or against conviction for reasons they understand, even if they disagree. To bar the American people from observing the deliberations that result in these important decisions is unfair and undemocratic.

The Senate should have suspended the rules so that our deliberations on the final question of whether to convict the President of these Articles of Impeachment were held in open session.

I ask that following my remarks a copy of the Application of Cable News Network, submitted by Floyd Abrams and others, be printed in the RECORD.

The material follows:

IN THE U.S. SENATE SITTING AS A COURT OF IMPEACHMENT

In re

IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

APPLICATION OF CABLE NEWS NETWORK FOR A DETERMINATION THAT THE CLOSURE OF THESE PROCEEDINGS VIOLATES THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

To: The Honorable William H. Rehnquist and The Honorable Members of the U.S. Senate

Cable News Network ("CNN") respectfully submits this application for a determination that the First Amendment to the United States Constitution requires that the public be permitted to attend and view the debates, deliberations and proceedings of the United States Senate as to the issue of whether President William Jefferson Clinton shall be convicted and as to other related matters.

INTRODUCTION

Under Rules VII, XX and XXIV of the "Rules of Procedure and Practice in the Senate When Sitting On Impeachment Trials," the Senate has determined to sit in closed session during its consideration of various issues that have arisen during these impeachment proceedings. Motions to suspend the rules have failed and the debates among members of the Senate as to a number of significant matters have been closed. As the final debates and deliberations approach at which each member of the Senate will voice his or her views on the issue of whether President Clinton should be convicted or acquitted of the charges made, the need for the closest, most intense public scrutiny of the proceedings in this body increases. By this application, CNN seeks access for the public to observe those debates, as well as other proceedings that bear upon the resolution of the impeachment trial. The basis of this application is the First Amendment to the Constitution of the United States.

We make this application mindful that deliberations upon impeachment were conducted behind "closed doors" at the last impeachment trial of a President, in 1868. We are, as well, mindful of the power of the Senate—consistent with the power conferred upon it in Article I, Section 3 of the Constitution—to exercise full control over the conduct of impeachment proceedings held before it. In so doing, however, the Senate must itself be mindful of its unavoidable responsibility to adopt rules and procedures consistent with the entirety of the Constitution as it is now understood and as the Supreme Court has interpreted it.

Footnotes at end of document.

The commands of the First Amendment, we urge, are at war with closed-door impeachment deliberations. If there is one principle at the core of the First Amendment it is that, as Madison wrote, "the censorial power is in the people over the Government, and not in the Government over the people." 4 Annals of Congress, p. 934 (1794). That proposition in turn is rooted in the expectation that citizens—the people—will have the information that enables them to judge government and those in government. The right and ability of citizens to obtain the information necessary for self-government is indeed at the heart of the Republic itself: "a people who mean to be their own Governors," Madison also wrote, "must arm themselves with the power which knowledge gives." James Madison, Letter to W.T. Barry, in 9 Writings of James Madison 103 (G. Hunt ed., 1910). As Chief Justice Warren Burger observed, writing for the Supreme Court in 1980 in one of its many recent rulings vindicating the principle of open government: "People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing." *Richmond Newspapers, Inc.* v. *Virginia*, 448 U.S. 555, 572 (1980). Those very words could well have been written about the proceedings before the Senate today.

All agree that the impeachment of a President presents the most solemn question of self-government that a free society can ever confront. All should also agree that the public ought to have the most complete information about each decision made by the body responsible for ruling upon that impeachment. Should the Senate vote to convict, a President duly elected twice by the public will be removed from office. Does not a self-governing public have the most powerful interest in being informed about every aspect of that decision and why it was taken? Should the Senate vote to acquit, the President will not be removed in the face of impeachment proceedings in which the majority in the House branded him a criminal. Can it seriously be doubted that the public possesses just as profound a right to know why?

Only recently—and only during this century (and well after the trial of Andrew Johnson)—has our commitment to the principle that debate on public issues should be open become not merely a nationally shared philosophy but an element embedded in constitutional law as well. But deeply-rooted in the law it has become. It is thus no answer to observe that impeachment deliberations in the Senate were closed in the nineteenth century. The Senate has a duty to consider the transformation of First Amendment principles since that time in determining whether it is now constitutionally permissible to close impeachment deliberations on the eve of the twenty-first century. If, as is also true, the Senate, rather than the Supreme Court, was chosen to try impeachments precisely because its members are "the representatives of the nation," Federalist No. 65, and as such possess a greater "degree of credit and authority" than the Supreme Court to carry out the task of determining the fate of a President,[1] that "credit and authority" can only be brought to bear if the process by which judgment is reached is open to the public.

THE OBLIGATION OF CONGRESS TO ACCOUNT FOR AND ABIDE BY THE FIRST AMENDMENT

As we have said, we are mindful of the language of Article I, Section 3, according the Senate the "sole Power to try all Impeachments." *See Nixon* v. *United States*, 506 U.S. 224 (1993) (according the Senate broad discretion to choose impeachment procedures). But this very delegation of authority to the Senate, a delegation that makes most issues concerning impeachment rules "non-justiciable", *see Nixon, supra*, also imposes on this body a very special responsibility to ensure that those rules comply with constitutional mandates.[2] Congress itself—the very entity against which the First Amendment affords the most explicit protection[3]—is bound to abide by the First Amendment. The Constitution is "the supreme Law of the Land," U.S. Const., art. VI, para. 2, and all "Senators and Representatives . . . shall be bound by Oath or Affirmation, to support" it. *Id.* para. 3. The Supreme Court has repeatedly recognized that Congress is itself obligated to interpret the Constitution in exercising its authority. *See, e.g., Rostker* v. *Goldberg*, 453 U.S. 57, 64 (1981) ("Congress is a coequal branch of government whose Members take the same oath we do to uphold the Constitution of the United States."). And in promulgating its rules the Congress must, of course, abide by the Constitution: "The constitution empowers each house to determine its rules and proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights. . . ." *United States* v. *Ballin*, 144 U.S. 1, 5 (1892), quoted in *Consumers Union of United States, Inc.* v. *Periodical Correspondents' Assoc.*, 515 F.2d 1341, 1347 (D.C. Cir. 1975), *cert. denied*, 423 U.S. 1051 (1976); *see Watkins* v. *United States*, 354 U.S. 178, 188 (1957).

THE COMMAND OF THE FIRST AMENDMENT

The architecture of free speech law—and, in particular, that law placed in the context of access to information as to how and why government power is being exercised—could not more strongly favor the broadest dissemination of information about, and comment on, government. The foundation of the First Amendment is, in fact, our republican form of government itself. As the Supreme Court recognized in the landmark free speech decision, *New York Times Co.* v. *Sullivan*, 376 U.S. 254 (1964): ". . . the Constitution created a form of government under which '[t]he people, not the government possess the absolute sovereignty.' The structure of the government dispersed power in reflection of the people's distrust of concentrated power, and of power itself at all levels. This form of government was 'altogether different' from the British form, under which the Crown was sovereign and the people were subjects." *Id.* at 274 (quoting Reporting of the General Assembly of Virginia, 4 Elliot's Debates). In *Sullivan*, a unanimous Court determined that the "altogether different" form of government ratified by the Founders necessitated an altogether "different degree of freedom" as to political debate than had existed in England. *Id.* at 275 (citation omitted). It was in the First Amendment that this unique freedom was enshrined and protected.

For the Court, the "central meaning of the First Amendment," 376 U.S. at 273, was the "right of free public discussion of the stewardship of public officials. . . ." *Id.* at 275. Thus, the First Amendment "was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people." *Roth* v. *United States*, 354 U.S. 476, 484. "The maintenance of the opportunity for free political discussion to the end that government may be responsive to the will of the people and that changes may be obtained by lawful means, an opportunity essential to the security of the Republic, is a fundamental principle of our constitutional system." *Stromberg* v. *California*, 283 U.S. 359, 369. *Id.* at 269.[4]

The decision in *Sullivan* related specifically to libel law. But what made *Sullivan* so transformative—what made it, as the eminent First Amendment scholar Alexander Meiklejohn remarked, cause for "dancing in the streets"[5]—was this: it recognized (in Madison's words) that "[t]he people, not the government, possess the absolute sovereignty." *Sullivan*, 376 U.S. at 274. It emphasized that the First Amendment protected the "citizen-critic" of government. *Id.* at 282. It barred government itself from seeking damages from insults directed at it by its citizens. And it declared that "public discussion is a political duty." *Id.* at 270.

In the decades following *Sullivan*, these notions became embedded in the First Amendment—and thus the rule of law—through dozens of rulings of the Supreme Court. In particular, and following from, the First Amendment protection of public discussion is the right of the public to receive information about government. The First Amendment is not merely a bar on the affirmative suppression of speech; as Chief Justice Rehnquist has observed, "censorship . . . as often as not is exercised not merely by forbidding the printing of information in the possession of a correspondent, but in denying him access to places where he might obtain such information." William H. Rehnquist, "The First Amendment: Freedom, Philosophy, and the Law," 12 Gonz. L. Rev. 1, 17 (1976).

And, indeed, the Supreme Court has repeatedly affirmed Chief Justice Rehnquist's insight. "[T]he First Amendment goes beyond protection of the press and the self-expression of individuals to prohibit government from limiting the stock of information from which members of the public may draw." *First National Bank of Boston* v. *Bellotti*, 435 U.S. 765, 783 (1978); *Accord Kleindienst* v. *Mandel*, 408 U.S. 753, 762 (1972) ("In a variety of contexts this Court has referred to a First Amendment right to 'receive information and ideas.'").

The Supreme Court has thus ruled on four occasions that the First Amendment creates a right for the public to attend and observe criminal trials and related judicial proceedings, absent the most extraordinary of circumstances. *Richmond Newspapers, Inc.* v. *Virginia*, 448 U.S. 555 (1980); *Globe Newspaper Co.* v. *Superior Court*, 457 U.S. 596 (1982); *Press-Enterprise Co.* v. *Superior Court*, 464 U.S. 501 (1984); *Press-Enterprise Co.* v. *Superior Court*, 478 U.S. 1 (1986). The cases are particularly relevant to this application because they—perhaps more clearly than any others—illustrate the core constitutional principle that government may not arbitrarily foreclose the opportunity for citizens to obtain information central to the decisions they make—and the judgments they render—about government itself.

The teaching of this quartet of cases was aptly articulated by another Chief Justice, Warren Burger, writing for the Court in *Richmond Newspapers*, the first of the four decisions. The First Amendment, he wrote, "assur[es] freedom of communication on matters relating to the functioning of government." 448 U.S. at 575. Noting the centrality of the openness in which trials were conducted to that end, *id.* at 575, the Court stated that openness was an "indispensable attribute of an Anglo-American trial." *Id.* at 569. It had assured that proceedings were conducted fairly, and it had "discouraged perjury, the misconduct of participants, and decisions based on secret bias". *Id.* Most significantly, open trials had provided public acceptance of and support for the entire judicial process. It was with respect to this benefit of openness—the legitimacy it provides to the actions of government itself—that Chief Justice Burger (in the passage quoted above), observed that "[p]eople in an open society do not demand infallibility from their institutions, but it is difficult for them at accept what they are prohibited from observing." *Id.* at 562.[6]

To be sure, the Chief Justice in *Richmond Newspapers* rested heavily on the tradition of openness of criminal trials themselves—a difference of potential relevance because impeachment debates and deliberation have historically been conducted in secret. But, taken together, *Richmond Newspapers* and its progeny stand for propositions far broader than the constitutional value of any specific historical practice. The sheer range of proceedings endorsed as open by the Supreme Court suggests the importance under the First Amendment of public observation of the *act* of doing justice. Moreover, Supreme Court precedent itself suggests that the crucial right to see justice done prevails even where the specific kind of proceeding at issue had a history of being closed to the public. In *Globe Newspaper Co.*, the Court ruled that the First Amendment barred government from closing of trials of sexual offenses involving minor victims. It did so despite the "long history of exclusion of the public from trials involving sexual assaults, particularly those against minors." 457 U.S. at 614 (Burger, C.J., dissenting).

New York Times Co. v. *Sullivan* and *Richmond Newspapers* have significance which sweep far beyond their holdings that debate about public figures must be open and robust and that trials must be accessible to the public. Both cases—and all the later cases they have spawned—are about the centrality of openness to the process of self-governance. "[T]he right of access to criminal trials plays a particularly significant role in the functioning of the judicial process and the government as a whole. Public scrutiny of a criminal trial enhances the quality and safeguards the integrity of the fact-finding process, with benefits to both the defendant and to society as a whole. . . . And in the broadest terms, public access to criminal trials permits the public to participate in and serve as a check upon the judicial process—an essential component in our structure of self government." *Globe Newspaper Co.*, 457 U.S. at 606.

The First Amendment principles set forth above lead inexorably to a straightforward conclusion: the Senate should determine as a matter of First Amendment law that the public may attend and observe its debates and deliberations about the impeachment of President Clinton. No issue relates more to self-government. No determinations will have more impact on the public. No judgment of the Senate should be subject to more—and more informed—public scrutiny.

We are well aware that it is sometimes easier to be subjected to less public scrutiny and that some have the perception (which has sometimes proved accurate) that more can be accomplished more quickly in secret than in public. But this is, at its core, an argument against democracy itself, against the notion that it is the public itself which should sit in judgment on the performance of this body. It is nothing less than a rejection of the First Amendment itself. What Justice Brennan said two decades ago in the context of judicial proceedings is just as applicable here: "Secrecy of judicial action can only breed ignorance and distrust of courts and suspicion concerning the competence and impartiality of judges; free and robust reporting, criticism, and debate can contribute to public understanding of the rule of law and to comprehension of the functioning of the entire criminal justice system, as well as improve the quality of that system by subjecting it to the cleansing effects of exposure and public accountability." *Nebraska Press Ass'n* v. *Stuart*, 427 U.S. 539, 587 (1976) (Brennan, J., concurring).

That it is the tradition of this body to conduct impeachment deliberations in closed session is not irrelevant. But neither should it be governing. The Senate has, after all, conducted only one presidential impeachment trial before this one. Our society in 1868—and, more significantly still, our law in 1868—was far different than it is today. As we have demonstrated, First Amendment jurisprudence as we know it—as it governs us and binds the Senate—is essentially a creature of the twentieth century. That jurisprudence assures public scrutiny, not public ignorance.

There are, to be sure, certain limited instances when closure of Senate deliberations may serve useful purposes, such as when they involve disclosure of matters of national security. But no such concerns are present here. And however proper it may be to analogize the Senate in some ways to a jury, none of the considerations that permits juries to deliberate out of the public eye are present here. The identities of the "jurors" here are well known, as, under the Senate rules, will be how each one voted. The Constitution does not offer protection to the "jurors" here from the force of public opinion for their votes for or against the conviction of President Clinton. They will face the full weight of public approval or rejection the next time they seek re-election. The Constitution does require that the reasons they give for their votes and other statements made in the course of debate be made in public so that both the debate and the votes themselves can be assessed by the people—the ultimate "Governors" in this republic.

CONCLUSION

From the time these proceedings commenced in the House of Representatives through the submission of this application, members of the Congress have repeatedly—and undoubtedly correctly—referred to the weighty constitutional obligations imposed upon them by this process. This application focuses on yet another constitutional obligation of the members of the Senate, an obligation reflected in the oath of office itself. It is that of adhering to the First Amendment. We urge the Senate to do so by permitting the public to observe its deliberations.

Dated: New York, NY, January 29, 1999.

Respectfully submitted,
DAVID HOKLER,
Senior Vice President and General Counsel, Cable News Network;
FLOYD ABRAMS,
DEAN RINGEL,
SUSAN BUCKLEY,
JONATHAN SHERMAN,
Cahill Gordon & Reindel; Counsel for Applicant Cable News Network.

FOOTNOTES

[1] Federalist No. 65; *see Nixon* v. *United States*, 506 U.S. 224, 233–34 (1993).

[2] It is precisely because the Senate possesses this power over its own rules that this application is made to the Senate rather than to any court.

[3] "Congress shall make no law . . . abridging the freedom of speech, or of the press . . . ."

[4] *See* Thomas Emerson, The System of Freedom of Expression 7 (1970); John Hart Ely, Democracy and Distrust 93–94 (1980); Robert Bork, Neutral Principles and Some First Amendment Problems, 47 Ind. L.J. 1, 23 (1971); *see generally* Alexander Meiklejohn, Free Speech and Its Relation to Self-Government (1948).

[5] Harry Kalven, *The New York Times Case: A Note on "The Central Meaning of the First Amendment,"* 1964 Supp. Ct. Rev. 191, 211 n. 125.

[6] The right of the public and the press to have access "to news or information concerning the operations and activities of government," a right predicated in part on the principles set forth in cases such as *Richmond Newspapers* and its progeny, has been recognized in a variety of contexts outside the courtroom. *Cable News Network, Inc.* v. *American Broadcasting Companies, Inc.*, 518 F. Supp. 1238, 1243 (N.D. Ga. 1981) (court enjoins Executive's expulsion of television networks from press travel pool covering the President); *see also Sherrill* v. *Knight*, 569 F.2d 124 (D.C. Cir. 1977) (court requires White House to publish standards for denying press accreditation on security grounds).●

IMPEACHMENT TRIAL—FINDINGS OF FACT PROPOSALS

● Mr. FEINGOLD. Mr. President, on January 28, I was the only Democratic senator to cross party lines and oppose the motion to dismiss. I felt it would be unwise to end this trial prior to a more complete presentation of evidence and a final vote on the Articles of Impeachment themselves. Nonetheless, I had no doubt that a motion to dismiss was a constitutional way to end the trial, if a majority of senators had supported the motion.

The Senate must keep in mind at every step in this process that our actions will be scrutinized not just by our constituents today and for the rest of the trial, but also by history. If another impeachment trial should occur 130 years from now, the record of this trial will serve as an important precedent for the Senate as it determines how to proceed. It is our responsibility to abide by the Constitution as closely as possible throughout the remainder of this trial. My votes on House Managers' motions on February 4 were based on the same concerns about prudence and precedent that motivated my earlier votes on the motion to dismiss and calling witnesses.

With the judgment of history awaiting us, I did have serious concerns about the constitutionality of proposals that the Senate should adopt so-called "Findings of Fact" before the Senate votes on the Articles of Impeachment themselves. It now appears that support for such proposals has waned, and the Senate will not be called upon to vote on them. Nonetheless, I want to explain my opposition to such proposals for the record.

Findings of Fact would allow a simple 51 vote majority of the Senate to state the judgment of the Senate on the facts of this case and, in effect, to determine the President's "guilt" of the crimes alleged in the Articles. But the Constitution specifically requires that two-thirds of the Senate must convict the President on the Articles in order to impose any sanction on him. The specific punishment set out by the Constitution if the Senate convicts is removal from office, and possibly disqualification from holding future office.

The supermajority requirement makes the impeachment process difficult, and the Framers intended that it be difficult. They were very careful to avoid making conviction and removal of the President something that could be accomplished for purely partisan purposes. In only 23 out of 105 Congresses and in only six Congresses in this century has one party held more than a ⅔ majority in the Senate. Never in our history has a President faced a Senate controlled by the other party by more than a ⅔ majority. (The Republican party had nearly 80 percent of the seats in the Senate that in 1868 tried Andrew Johnson. Johnson was at that time also a Republican, although he had been a Democrat before being chosen by Abraham Lincoln to be his Vice-President in 1864.) The great difficulty of obtaining a conviction in the Senate on charges that are seen as motivated by partisan politics has discouraged impeachment efforts in the past. Adding Findings of Fact to the process would undercut this salutary effect of the supermajority requirement for conviction.

The Senate must fulfill its constitutional obligation and determine whether the President's acts require conviction and removal. The critical constitutional tool of impeachment should not be available simply to attack or criticize the President. Impeachment is a unique. It is the sole constitutionally sanctioned encroachment on the principle of separation of powers, and it must be used sparingly. If Findings of Fact had been adopted in this trial, it would have set a dangerous precedent that might have led to more frequent efforts to impeach.

The ability of a simple majority of the Senate to determine the President's guilt of the crimes alleged would distort the impeachment process and increase the specter of partisanship. When the Senate is sitting as a court of impeachment, its job is simply to acquit or convict. And that is the only judgment that the Senate should make during an impeachment trial.•

MOTIONS PERTAINING TO WITNESS DEPOSITIONS AND TESTIMONY

• Mr. DODD. Mr. President, on Thursday, February 4th, the Senate, sitting as a court of impeachment, considered several motions pertaining to the depositions and live testimony of witnesses Monica Lewinsky, Vernon Jordan, and Sidney Blumenthal. I wish to speak briefly on the important issues raised by several of these motions.

First, let me say that I am pleased that the Senate, by a bipartisan vote of 30–70, voted not to compel the live testimony of Ms. Lewinsky. In my view, this was a sound decision to support the expeditious conduct of this trial, preserve the decorum of the Senate, and respect the privacy of this particular witness.

Unfortunately, the Senate retreated from these same worthy aims in deciding to permit the videotaped depositions of Ms. Lewinsky, Mr. Jordan, and Mr. Blumenthal to be entered into evidence and broadcast to the public. I believe that this decision was erroneous for three basic reasons:

First, it needlessly prolonged the trial. Prior to February 4th, Senators had an opportunity to view the depositions of each of these witnesses—not once, but repeatedly. Numerous times we could have viewed the content of their testimony, the tone of their answers, and their demeanor while under oath. By requiring that Senators view portions of these depositions again on the Floor, in whole or in part, the Managers' motion unnecessarily required the Senate to convene for an entire day. We learned nothing by viewing excerpts of the depositions on the Floor that we had not already had an opportunity to learn by viewing those depositions previously, either on videotape or, in the case of myself and five other Senators, in person.

Second, allowing the depositions to be publicly aired on the Senate Floor exaggerated their importance. Even Manager HYDE has acknowledged that these depositions broke no material new ground in this case. Allowing their broadcast thus was not only an injudicious use of the Senate's time. It also elevated the significance of this particular testimony over all other sworn testimony taken in this matter—solely by virtue of the fact that it was recently videotaped. Broadcasting these minuscule and marginal portions of the record—while not broadcasting other depositions—does not illuminate the record so much as distort it. The distortion is only compounded by broadcasting selected portions of those depositions rather than the depositions in their entirety. The President's counsel obviously had an opportunity to rebut the Managers' presentation and characterization of those portions. However, that rebuttal only underscores the fact that the Managers' motion to use these videotapes gave the videotapes a prominence and gravity that they do not merit.

Thirdly, under the circumstances, publicly airing portions of these depositions constituted a needless invasion of the privacy of the witnesses whose testimony was videotaped. Let us remember that these individuals are not public figures who have willingly surrendered a portion of their privacy as a consequence of their freely chosen status. They are private citizens, reluctantly drawn into legal proceedings. They have attempted to discharge their obligations in those proceedings. But that obligation does not extend to the public broadcast of their videotaped depositions—particularly given that they have testified repeatedly before, and that their videotaped testimony contains no new material information. The privacy rights of these individuals deserved greater consideration by the Managers and by the Senate. The Managers did not need to force the images of these witnesses into the living rooms and family rooms of America in order to present their case. And the Senate did not need to allow that to happen in order to meet its constitutional responsibility in this matter.

For these reasons, Mr. President, I opposed the Managers' motion to broadcast the deposition videotapes. In my view, the time has come to bring this matter to an end. The record is voluminous, the arguments have been made. We know enough to decide the questions before us. That is why I supported Senator DASCHLE's motion to proceed to final arguments and a vote on each of the Articles of Impeachment. I regret that his motion was not adopted, and that instead the Senate decided to needlessly prolong this matter without sufficient regard for the privacy of the witnesses deposed last week. However, that said, I am pleased that, barring any unforseen developments, this trial will at last conclude later this week. It is time for the Senate to move on to the other important business of the country that we were elected to address.•

HOUSE OF REPRESENTATIVES—*Tuesday, February 9, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. SWEENEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 9, 1999.

I hereby designate the Honorable JOHN E. SWEENEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 7. Concurrent resolution honoring the life and legacy of King Hussein ibn Talal al-Hashem.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

PROMISE NO. 1: NAFTA WOULD CREATE HUNDREDS OF THOUSANDS OF NEW JOBS FOR AMERICAN WORKERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 5 years ago last month the North American Free Trade Agreement, a trade agreement signed by the countries of Canada, Mexico, and the United States, went into effect.

The proponents of NAFTA during the debate earlier that fall, in the fall of 1993, made five central promises: They promised that NAFTA would create hundreds of thousands of new jobs for American workers; they promised that NAFTA would actually improve environmental conditions along the U.S.-Mexican border; they promised that imported foods under NAFTA would benefit American consumers; they promised that NAFTA would not only not hamper our effort, but help our effort to detect and keep out illegal drugs from across the border; and they promised that NAFTA would not reduce the safety of our highways.

Mr. Speaker, on all five counts NAFTA has been an abysmal failure. First of all, on NAFTA's promise to create hundreds of thousands of jobs since NAFTA became effective, became law in 1994, January of 1994, what was a $1.7 billion U.S. trade surplus with Mexico fell into a $14.7 billion trade deficit. At the same time, our trade deficit with Canada increased to $18 billion, which, according to economists' estimates, a $1 billion trade surplus or deficit translates into about 20,000 jobs.

So the $14 billion trade deficit we now have with Mexico, which was a trade surplus prior to the North American Free Trade Agreement going into effect, has meant a loss of at least 300,000 generally good-paying industrial jobs for America's workers. So we have seen, instead of job increases as promised under NAFTA, we have seen hundreds of thousands of job losses.

Secondly, they promised that NAFTA would improve environmental conditions along the U.S.-Mexico border. Since NAFTA's implementation, the maquiladora zone, the region along the Mexican-U.S. border on the Mexican side, has attracted hundreds and hundreds of new businesses, mostly investments by American companies, often by Asian companies and other foreigners going into Mexico. We have seen no progress. In fact, we have seen significantly worse environmental conditions along the American-Mexican border.

Hazardous waste transports and dumping are increasing under NAFTA. We have seen an increase in hazardous waste imports into the United States from Mexico of 50 percent since 1996 alone.

We have also seen corporations, for the first time in what I can find in world trade history, we have actually seen corporations in one country sue a government of another country. American corporations have sued Canada, the Canadian government, to get Canada, successfully, unfortunately, to repeal one of its major clean air environmental laws.

We have seen case after case of corporations in one country suing governments in other countries to weaken food safety, environmental laws, and other laws that protect consumers and protect workers and protect all of us.

On the third promise, that imported foods under NAFTA would benefit American consumers, inspections along the border which used to be pretty regular and pretty frequent have now dropped to 2 percent. We inspect less than 2 percent of all foods coming into the United States from Mexico.

We have seen problems of Michigan schoolchildren coming down with hepatitis A as a result of importing of strawberries from Mexico. We have seen a variety of problems with pesticides. Pesticides that are banned for use in this country still are manufactured here, sold to Central American and Latin American countries, including Mexico. Then they are applied on crops and sold back into the United States, pesticides that we have made illegal because we know they are unhealthy for consumers.

Promise number four was that NAFTA would help us deal with the illegal drug problem. One former drug enforcement official called NAFTA a deal made in narco heaven. In fact, that Customs report where he said that has not been released to the American public. In spite of repeated attempts by me and others to get that report public, they will not release it, in large part because it contains so much bad news about drugs coming across the Mexican-U.S. border. The DEA estimates that the drug trade is bringing in, coming across the border, what amounts to over $10 billion a year.

Lastly, Mr. Speaker, promise five, that NAFTA would not reduce the safety of our highways, again has been an abysmal failure. Fewer than 1 percent of the 3.3 million Mexican trucks coming into the United States each year are inspected. For 5,000 trucks per day across the Texas-Mexican border, only two to five inspectors are on duty during weekdays, fewer on weekends. Governor Bush has not done his job, the U.S. Government has not done its job. Then in the year 2000 those Mexican trucks will be allowed to come into all 48 States.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, NAFTA has been a failure. We should consider repealing or markedly revising that agreement.

TRUTH IN BUDGETING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I have a simple question for my colleagues this morning: How can the budget be in surplus if the debt went up last year by $109 billion? Indeed, how can the budget be in surplus if the debt is projected to go up another $101 billion this year, and another $90 billion the year after that?

Did anyone question these numbers, numbers which were released on January 29 by the Congressional Budget Office? Mr. Speaker, is there a single Member in this body who can deny that the national debt will continue to rise until the year 2005? It is interesting that we have become too careless with our language, or perhaps crafty, that the next few years of budget surplus will result in billions and billions of dollars more in debt over the next 6 years.

The reason for this situation, of course, is the social security trust fund. The temporary surpluses in the social security trust fund are masking the true size of the deficit.

That is why I am introducing "The Honest Balanced Budget Act of 1999." The intent of this legislation is simple: to guarantee honesty in budgeting. The social security trust fund surplus should not be used to fund other programs. It should not be used to mask our Nation's deficit.

Added to that is the irony that this very same fund is scheduled to go bankrupt soon after the baby boomers start to retire, so this trust fund, which will soon go bankrupt, is now in surplus, hiding the true state of the Federal budget.

Rarely has a government program caused so much confusion, misled so many people, and bedeviled so many policymakers. What is the lesson we should draw from this situation? Number one, our budget problems, despite all the talks about surplus, are far from over. Entitlement spending is still on auto pilot, and still growing by leaps and bounds.

Medicare is still projected to go bankrupt not long after that. Social Security is still projected to go bankrupt not long after that, also. The national debt, which is the sum total of all the earlier budget deficits we have been running for so many years, the national debt is still at $5.6 trillion and climbing.

This may be disappointing news to some, politically unwise to bring up to others, but it is the truth, the reality, the actual state of the situation. That is why we should pass legislation to require truth in budgeting, to require Members of Congress to acknowledge these facts and to require the media to point them out.

We have been very zealous in cutting welfare spending and reducing the size of our government's bureaucracy. We should keep up our efforts and continue to cut unnecessary spending. Whatever surplus we may have is the result of lower taxes, controlled government spending and our balanced budget.

What would happen, Mr. Speaker, if the economy should start to falter? How would that affect the budget process if the surplus were to shrink, keeping in mind that the true state of our budget surplus is dubious at best?

That is why I hope my colleagues will join with me by cosponsoring The Honest Balanced Budget Act, so we can bring truth in budgeting finally into the process.

THE DEBT AND AMERICA'S CURRENT BUDGET SITUATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Washington (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, I rise today to talk also about debt and how we can get rid of it, and about our current budget situation.

We are getting better, which is the good news. In 1992 it seemed like we would never have anything but rising yearly deficits contributing to a larger and larger national debt for the rest of our lives and beyond. But we have turned that around.

We have seen the earlier deficits go down steadily since then and we have now even heard talk of actually running a surplus. The gentleman who preceded me is absolutely correct, we are not there yet, because we are still borrowing money from the social security trust fund and counting that as income, but we are getting closer. Even without counting social security, the debt this year was $30 billion, which is a lot less than it was 5 or 6 years ago. If we maintain the path of fiscal discipline we can get to the point where we begin to run surpluses.

What I would like to talk about today is taking that one step further, not just begin to run surpluses, but actually begin to pay down the debt. That debt is pushing towards $6 trillion, and has a devastating effect on our economy. We should get to the point where we can start paying down that debt to do a lot of positive things: to reduce interest rates and also stop the amount of interest we have to pay.

I have a couple of charts to illustrate this point. The first chart talks about how much money we spent on the debt. There are a lot of crushing needs that we have in government: defense, education, infrastructure, Medicare, social security. But this shows that one of the biggest items that every year out of the budget is paid is interest. Two hundred forty-three billion dollars, or 14 percent of our budget, is paid on interest, which does nothing for us. All it does is it meets our obligations on the debt.

To the extent we can reduce that debt, we can reduce the amount of money that we have to spend on interest and free up more money for tax cuts or for spending on other programs that are necessary, like national defense or Medicare. That is a huge blow to our budget. Every $100 million we can spend down on this debt will reduce this crushing figure we have to face and pay every year.

This goes beyond the effect it has on government. Paying down the national debt will have a profound effect on the lives of individual citizens, as the second chart will show. We have achieved a record level of home ownership in this country, and that is great, but it is still only about 60 or 65 percent.

We need to go even higher, and those of us who are homeowners would also like to see the monthly payment reduced. If we can pay down the debt, the government will not be the single largest borrower in this country. We will not be out there gobbling up all the money and driving up interest rates. We can actually reduce interest rates. What this basically means is that we will save in our mortgages.

This chart shows an example of an average home price of $115,000, so actually in today's market that is probably below average in a lot of areas. This shows what you can save on a home mortgage if you have a monthly payment of $844 at the 8 percent interest rate.

If we can reduce that interest rate by just 2 percent we can save as much as $155 a month, which is almost $2,000 a year out of our personal family budget. All that is by reducing the amount of money that the government gobbles up for its own debt. That can help make that money more available for people who want to borrow money for home mortgages, and also for businesses, for farms, for a variety of other interests. We can reduce that debt.

We face a lot of challenges in the next few years, but this is one of the biggest. The economy is strong right now. We have unemployment of 4.3 percent, we have low inflation, we have relatively low interest rates. Now is the time to save the money and pay down the debt, because that economy will not always be this robust.

When the time comes and the economy slows, that is when we might need to help the economy, maybe borrow money to help get the economy back up.

□ 1245

While we are in such a strong economic situation is the wrong time to be running debt the size of our current debt. There needs to be a constituency out there for reducing our Federal debt, help reduce interest rates and recognize the amount of money that the government is borrowing and also pays on interest each year in the budget.

As a Democrat, I want to make this a very important issue. I think for too long Democrats have been accused of not being fiscally responsible. I think we can and should be. And for my part, as a Democrat, I am going to argue we need to save some money, begin paying down that debt to reduce interest rates and reduce the amount of money that government spends on interest every year. It is the fiscally responsible and prudent thing to do when the economy is strong. If we wait, we are in no position to do it when the economy is weak.

Now is the time to step up our fiscal responsibility. We can all be proud. We can finally see someplace in the future where we will have a surplus. But let's take it one step further, let's pay down the debt.

INTRODUCTION OF THRIFT SAVINGS PLAN ENHANCEMENT ACT AND FEDERAL EMPLOYEE CHILD CARE AFFORDABILITY ACT

The SPEAKER pro tempore (Mr. SWEENEY). Under the Speaker's announced policy of January 19, 1999, the gentlewoman from Maryland (Mrs. MORELLA) is recognized during morning hour debates for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I rise today to announce the recent introduction of two important pieces of legislation to enhance the quality of life of Federal employees and to invite my colleagues to join in cosponsoring this legislation.

Federal employees play vital roles in ensuring that the many important services offered by the Federal Government are provided to citizens of the United States when they are needed. All too often, instead of being rewarded for their work on behalf of all Americans, Federal employees find themselves facing many arbitrary barriers restricting their ability to enjoy many of the privileges that other Americans enjoy.

In a recent column in the Washington Post, Mike Causey pointed out the unfair situation under current law prohibiting Federal employees from saving for their retirement in the same manner as private sector employees with 401(k) plans. To address this, and other inequities affecting Federal employees' retirement savings, I have introduced H.R. 483, the Federal Thrift Savings Plan Enhancement Act. This legislation will provide Federal employees with tools essential to ensure that the Thrift Savings Plan meets their retirement needs.

The bill will allow employees to invest up to the IRS limit of $10,000 to the Thrift Savings Plan without changing the government contribution. Currently, FERS employees can put up to 10 percent of their salary into their TSP accounts. CSRS employees can only invest up to 5 percent of their salary into these accounts. This arbitrary percentage limitation works to the clear detriment of Federal employees.

For instance, a FERS employee at a GS–10 level earning $35,498 per year, may only contribute 10 percent, or $3,550 annually, into his or her TSP account. However, someone in the private sector earning the same amount may contribute as much as $10,000 annually into his or her 401(k) account, which is $6,450 more than the similarly situated Federal employee may invest.

My legislation is a sensible way to encourage Federal employees to increase their savings for retirement. At a time when we are encouraging Americans of all age to save and invest more for their retirements, it is absolutely inequitable to arbitrarily restrict the ability of these employees to invest in their retirements in the same manner as private sector employees with 401(k) plans.

In addition to remedying this inequity, my bill will eliminate all waiting periods for employee contributions to the TSP for new hires and rehires, making these employees eligible to contribute their own funds to the TSP immediately. President Clinton declared, during his State of the Union address, that "We must help all Americans from their first day on the job to save, to invest, to create wealth." Well, this bill will enable Federal employees to do just that, to begin investing for their retirement from day one.

Finally, this legislation ensures the portability of retirement savings by authorizing employees to roll in money from a private sector 401(k) to their TSP accounts. That really does make sense. Doing this gives employees entering the Federal work force the ability to continue managing their retirement account and maximize the wealth that these accounts create.

America has one of the lowest savings rates among industrialized countries. It has fallen steadily over the last 20 years, seriously jeopardizing Americans' security during what should be their golden years. While Americans recognize they should be saving more, half of all family heads in their late 50s possess less than $10,000 in net financial assets. With the retirement of America's baby boomers approaching, Congress must encourage Americans to save more, and this legislation is an important tool in empowering Federal employees to do precisely that.

I also want to point out that I am also working on child care needs. Critically important. I have introduced H.R. 206, the Federal Employee Child Care Affordability Act. It is a bipartisan bill. It will allow Federal agencies to use their salary and expense accounts to help executive agency employees pay for child care. Surprisingly enough, under current law, they cannot do that. So they need the authorization which would come from this bill, and the Federal agencies want it.

This bill, developed with the help of OPM, would allow agencies to pay a portion of the providers' operating costs, thus enabling child care centers to reduce the fees charged to lower income Federal employees. And, frankly, Mr. Speaker, it does not require any additional appropriations.

I do hope that all of my colleagues will join in cosponsoring these two important pieces of legislation.

TRIBUTE TO NATION'S LAW ENFORCEMENT OFFICERS AND REQUEST FOR SUPPORT OF 21ST CENTURY POLICING INITIATIVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from California (Ms. SANCHEZ) is recognized during morning hour debates for 5 minutes.

Ms. SANCHEZ. Mr. Speaker, I rise today to pay tribute to our Nation's law enforcement officers; to thank them for risking their lives every single day to keep my family and my community safe.

I have had the fortunate experience of meeting many of my local officers, because they are spending more and more time in our neighborhoods, and it is through the success of Community Oriented Policing that we have helped thousands of local police departments getting their cops out on the beat and away from their desks.

The COPS program has hired, redeployed and retained over 100,000 more police officers who are now more recognized and are active members of their community. But more than that, Community Oriented Policing has proven its effectiveness in the fighting of crime. For example, in my district there is one agency that has seen crime rates drop 58 percent just over the last 5 years. That is more than half of the crime dropping.

Now that the COPS program has reached its goal of placing 100,000 more cops on the beat, it is time to take the next step in crime fighting, and that is through using the most advanced technology to make our police more effective, more efficient and more responsive.

I know a lot of Americans probably watch all of these police officer programs on television and they see all these high-tech types of things going on, computer databasing, et cetera, in which they are able to get the bad guy because of this. But the reality is much different in what is happening across the Nation.

For example, I was in the other day with one of my police departments where they told me it takes them almost a year to check fingerprints because they have no forensic lab right in their own police department. They sent off a pair of fingerprints that used to take 6 to 12 minutes to check, and they called back and were told it would take about a year before they could get the results back. They said, well, this is a very important case. And the woman on the other line said, well, if it is a very important case, we could probably make it faster. He said, well, how about the homicide of a policeman; is that important enough? And she said oh, yes, I think we can do that in two months. Meanwhile, the bad guys keep going on and doing the bad things.

The President has proposed $1.3 billion for the new 21st Century Policing Initiative. Part of that initiative includes giving law enforcement access to the latest crime fighting technologies. This past week I had three or four departments come in and show me some of the prototypes that they have for working with computers with analysis. One of my local police departments, Santa Ana Police Department, is eagerly awaiting to see such a Justice Department program come to fruition. Santa Ana PD has already developed plans for a crime analysis unit which would map and analyze crime patterns. The work of the unit would survey crime trends and patterns to more efficiently allocate police resources and to more quickly apprehend career criminals and predict crime problems.

In the 21st century our greatest tool to fight crime is information. When departments have detailed data on crime statistics or arrest reports they can then achieve a better understanding of each city's crime problems and how to best respond. More importantly, crime analysis contributes to the COPS' philosophy by reducing administration and investigation work for our police officers.

With Santa Ana PD's excellence in community policing, and their foresight in developing a modern advanced technology to fight crime, they can develop a crime analysis unit that departments across the country can use as a model.

Let's work together to make the next step in law enforcement work. I urge my colleagues to support the 21st Century Policing Initiative and to support funding programs like the Santa Ana crime analysis unit.

NATIONAL DEBT IS NOT GOING DOWN UNDER PRESIDENT'S RECENTLY RELEASED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. HERGER) is recognized during morning hour debates for 5 minutes.

Mr. HERGER. Mr. Speaker, the White House would like the American public and this Congress to believe that the national debt is going down under their recently released fiscal year 2000 budget. But let us look at page 389 of the President's very own budget from his Office of Management and Budget. We see that the total national debt not only does not go down but, in fact, is actually going up each year for the next 5 years to the tune of $1.3 trillion.

Just last week I asked the President's Budget Director, Jacob Lew, during a Committee on the Budget hearing, about this, and he was evasive about the fact that the President's own budget calls for $1.3 trillion more in total debt on our children and grandchildren. I then asked Treasury Secretary Robert Rubin, the next day during a Ways and Means hearing, the same question, and Secretary Rubin refused to answer a yes or no question about whether the total debt is actually going up.

Mr. Speaker, President Clinton and his administration are grossly misleading the American people when they say the public debt is going down. They are telling a half truth. The President and his administration are correct in saying the public debt will go down, but what they are not telling us is that the total debt, the debt held by the government for Social Security and other trust funds, is going up at an even faster rate, which makes the total debt go up by, yes, $1.3 trillion over the next 5 years. No matter if the debt is held by the public or in various trust funds, it is still debt that must be paid back at some future point.

The Clinton administration is doing future generations no favors in this budget. More accurately, it is dishonest and disingenuous for the Clinton-Gore administration to tout huge surpluses on one hand when, on the other, their budget places even more debt on the shoulders of our children and grandchildren. And as if forcing $1.3 trillion in more debt on future generations was not enough, the President's budget called for a net tax increase of $45.8 billion, and requests an additional $150 billion in new spending over the next 5 years.

Mr. Speaker, it is the duty of this Congress to stop this assault on our future generations and all taxpayers. I urge my colleagues to amend the President's budget and to live within our means and to begin paying down our $5.5 trillion national debt.

☐ 1300

EXECUTIVE ORDERS

The SPEAKER pro tempore (Mr. SWEENEY). Under the Speaker's announced policy of January 19, 1999, the gentleman from Washington (Mr. METCALF) is recognized during morning hour debates for 5 minutes.

Mr. METCALF. Mr. Speaker, to date, the President has issued 278 executive orders. A number of these have infringed on the powers and duties of Congress as dictated by Article I, Section 8 of the U.S. Constitution. One was even rescinded by Congress last year.

Today, I am introducing a concurrent resolution regarding executive orders. This vital legislation reasserts the role and responsibility of Congress to enact laws and to appropriate federal dollars. My resolution reminds all of us that only Congress has the power to spend Federal monies.

In the first century of our Nation's history, there were no problems with executive orders. They seemed to fit within the legitimate powers of the presidency because they were used mostly to direct Federal employees in carrying out their legitimate functions.

However, early in this century, presidents began issuing executive orders that pushed beyond the prescribed presidential authority. But somehow these orders seemed reasonable. They were accepted with criticism coming only from jurists and scholars who were concerned about the fine points of balance among the three coequal branches of government.

Thus, as always with the usurpation of power and authority, it begins in ways that seem needed, or at least reasonable. My resolution seeks to avoid any confusion or obscurity concerning executive orders by reestablishing congressional authority under Article I, Section 8 of the Constitution. This resolution also expresses the sense of the Congress that any executive order which infringes on congressional powers and duties or which requires the expenditure of Federal funds be advisory only and have neither force nor effect unless enacted into law.

Mr. Speaker, as you know, executive orders are not authorized by the Constitution. We in Congress have taken an oath to uphold the Constitution and protect the balance that was established. I will not violate that oath, and I encourage my fellow Members of Congress to join me in cosponsoring and supporting this resolution.

ADMINISTRATION DECREASES BUDGET FOR VETERANS ADMINISTRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from California (Mr. MCKEON) is recognized during morning hour debates for 2 minutes.

Mr. McKEON. Mr. Speaker, today I rise to bring to the attention of this House a serious problem that is facing our veterans.

While the Clinton administration is discussing, if not formalizing, the decision to send our men and women into Kosovo, they are not planning or formalizing plans on what will occur when they return home. For the third consecutive year, the Clinton administration has produced a budget that cuts veterans' funding. The administration is adding new programs and placing new burdens on the Veterans Administration while decreasing their budget.

The Veterans Administration budget has tremendous shortfalls in general health benefits, research grants for problems unique to our military veterans, and finally in burial benefits. Our veterans today are fortunate to even have a flag at their funeral let alone an honor guard. Over 50 percent of our national cemeteries are full or open only for cremation. Furthermore, only three new cemeteries are planned and with a 10-year window to open one, the problem of where our veterans are buried will only escalate in importance.

How does the Clinton administration plan to solve these problems? By cutting funding for our veterans, by taking researchers out of the lab and into patient care, by refusing to offer a credible short-term, midterm, or even long-term solution to burial issues.

As the Clinton administration continues to consider sending our men and women into harm's way, I call upon them to think about what they will do when they return home. Let's show some appreciation for their dedication and hard work by never again disgracing them with a budget like this.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 5 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 2 p.m.

PRAYER

The Chaplain, Reverend James David FORD, D.D., offered the following prayer:

When we think of people and their needs, we know we can offer our prayers for ourselves and for all people. When we see illness, we pray that You, O God, would give renewed strength and make whole; when we see alienation or estrangement, we know that we can pray for Your gift of reconciliation and understanding; when we see wars or conflict, we pray that hostilities would ease and peace would reign; when we see a lack of spirit so that faith is not there and meaninglessness is widespread, then we pray, O God, give us hearts that are open to Your grace and Your love.

Bless us and all Your people this day we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. PETERSON) come forward and lead the House in the Pledge of Allegiance.

Mr. PETERSON of Minnesota led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

STORAGE OF NUCLEAR WASTE AT EARTHQUAKE HOTBED IS STUPID

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, most of us see earthquakes in real tangible terms: A natural disaster, an unpredictable violent force of nature that mankind has been trying to predict, and outwit, for centuries. We see earthquakes as a cause of billions of dollars worth of structural destruction and the cause of death for untold thousands of people.

It seems now that the scientists over at the Department of Energy are seeing earthquakes in other terms. Now they are just "part of the plan," part of the plan to "hasten the process," I quote, to cover up high level nuclear waste at Yucca Mountain.

Folks, Yucca Mountain is the heart of 32 known earthquake faults, just hundreds of feet from our groundwater levels, and just miles away from the homes of thousands of Nevada residents. Boy, talk about con men and city slickers.

For the better part of a century, DOE has been trying desperately to fit a square peg in a round hole, knowing they are unable to develop structures that can withstand the crushing force of earthquakes. Now they are telling us they are trying to cash in on the destructive power of earthquakes. I guess that means that the mountain, when it collapses, will help coverup the waste. That is unbelievable.

Albert Einstein once said, "There are only two truly infinite things, the universe and stupidity. And I am unsure about the universe."

Mr. Speaker, to store nuclear waste at a hot bed of earthquakes in Nevada is stupidity, and I am doubly sure about that.

SOCIAL SECURITY MUST BE SAVED

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I join with those who maintain that we must save Social Security, we must save it for the 46,481 households in my district back in Illinois who currently receive it, and we must save it for the millions of workers and their families who need the economic security and protection which it provides.

Since its inception, Social Security has provided benefits to more than 160 million workers and their families. Without our Social Security system, half of the Nation's elderly would live in poverty. We must save Social Security for the unmarried and elderly widowed women who rely upon it for more than half of their income. There are over 53,000 female head of households with no husband present in my district alone.

Mr. Speaker, this is not the time to cut and experiment. We know what works, we know how it works, and we know why it works. Let us keep it working for all of the people.

AMERICANS KNOW BEST HOW TO SPEND THEIR OWN MONEY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, as American taxpayers keep a steady eye on April 15, only 65 days away, many will notice that the $500 per child tax credit passed by the Republican Congress in 1997 will make things a little easier this year.

For those with children, the pain of April 15 will be mitigated somewhat because the Republican Congress passed legislation allowing middle class families with children to keep a little bit more of what they earned.

Let us remember a key point that seems to be overlooked by those on the other side of the aisle: Washington did not "give" anything to millions of middle class families with children; Uncle Sam is merely allowing them to keep a little bit more of what already belongs to them.

This legislation was passed because Republicans think the tax burden on the middle class is too high. Revenues to Uncle Sam are at record levels. Taxes paid in Washington have risen steadily higher since the days of Ronald Reagan ended.

The idea that the Federal Government, of all things, can be trusted better to spend our money than the people that earned it, is simply mind-boggling.

FDA MISGUIDED ON PRIORITIES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Food and Drug Administration has approved a new-state-of-the-art antidepressant for dogs. The FDA says "American canines are suffering from anxiety." Think about it, no barking beagles, no more whining weimaraners, no more defecating Dobermans.

Meanwhile, the FDA continues to deny approval for certain cancer-treating drugs to help mom and dad.

Beam me up. It is evident that the FDA has gone to the dogs. What is next, Viagra for felines?

I yield back all the misguided priorities of the Food and Drug Administration.

DOLLARS TO THE CLASSROOM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, when we think of our children's schooling, we think of books, classrooms, computers and things like flash cards, spelling tests and calculators. We do not think of bureaucrats, bureaucratic programs and stacks of paperwork.

As we stand here today, children are sitting in their kindergarten through 12th grade classrooms, learning everything from spelling the word "house" to a method of reaching a calculus derivative. They are learning with a teacher, and with the use of classroom tools.

The very small part that the Federal Government does play in adding value to the elementary and secondary education experience should be to fund classroom activity directly.

Dollars to the Classroom: A simple, but profound, concept. Instead of keeping education dollars here in Washington, let us send our Federal dollars directly to the parents, teachers and principals of our local public schools, local people, who are truly helping our children to learn.

BUDGET SURPLUS BELONGS TO TAXPAYERS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, the President said something recently in Buffalo, New York, that I think perfectly captures the attitude of our some of our friends on the left when it comes to tax cuts.

In Buffalo the President spoke about what should be done with the projected budget surpluses over the next 15 years. He said, "We could give it all back to you and hope that you spend it right, but . . ..."

"Hope that you spend it right?" Excuse me, what exactly does the President mean when he says "hope that you spend it right?" Is the budget surplus something that belongs to the government, or does it belong to the people who earn the money?

Well, it does not belong to Washington, and it does not belong to the politicians. It belongs to the people who sent the money to Washington in the first place. They are called taxpayers, and, yes, some of us believe that they ought to get some of it back.

TEACHER TECHNOLOGY TRAINING ACT

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, today I am introducing legislation that will provide teachers with the technology training that they need to meet the classroom challenges of the 21st Century.

The Teacher Technology Training Act would include technology, teacher training and professional development programs that are authorized under the Elementary and Secondary Schools Act of 1994.

What it would do is it would require states to incorporate technology requirements in teacher training content and performance standards. We certainly do need this. During the 104th Congress, language was included in the Telecommunications Act to provide affordable access to the Internet for our Nation's schools.

Well, with all its possibilities, technology alone cannot improve our system of education. It could be just a useless baby-sitter, providing little educational benefit, without the help of the classroom teacher.

The classroom teacher is the key to success in bringing technology into our schools. All too often, however, teachers are expected to incorporate technology into the classroom, without even being given the training to do so.

So this bill would require that they have it. It costs no money. It would be included, and our classrooms must have teachers who know how to use technology in order for our children to succeed into the next century.

I hope my colleagues will join in cosponsoring this important legislation.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
Washington, DC, February 8, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on February 8, 1999 at 12:35 p.m. and said to contain a message from the President whereby he submits the National Drug Control Strategy for 1999.

With best wishes, I am
Sincerely,
JEFF TRANDAHL.

1999 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary, the Committee on Agriculture, the Committee on Armed Services, the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Education and the Workforce, the Committee on Government Reform, the Committee on International Relations, the Committee on Resources, the Committee on Transportation and Infrastructure, the Committee on Veterans Affairs, and the Committee on Ways and Means:

To the Congress of the United States:

On behalf of the American people, I am pleased to transmit the 1999 National Drug Control Strategy to the Congress. This Strategy renews and advances our efforts to counter the threat of drugs—a threat that continues to cost our Nation over 14,000 lives and billions of dollars each year.

There is some encouraging progress in the struggle against drugs. The 1998 Monitoring the Future study found that youth drug use has leveled off and in many instances is on the decline—the second straight year of progress after years of steady increases. The study also found a significant strengthening of youth attitudes toward drugs: young people increasingly perceive drug use as a risky and unacceptable behavior. The rate of drug-related murders continues to decline, down from 1,302 in 1992 to 786 in 1997. Overseas, we have witnessed a decline in cocaine production by 325 metric tons in Bolivia and Peru over the last 4 years. Coca cultivation in Peru plunged 56 percent since 1995.

Nevertheless, drugs still exact a tremendous toll on this Nation. In a 10-year period, over 100,000 Americans will die from drug use. The social costs of drug use continue to climb, reaching $110 billion in 1995, a 64 percent increase since 1990. Much of the economic burden of drug abuse falls on those who do not abuse drugs—American families and their communities. Although we have made progress, much remains to be done.

The 1999 National Drug Control Strategy provides a comprehensive balanced approach to move us closer to a drug-free America. This Strategy presents a long-term plan to change American attitudes and behavior with regard to illegal drugs. Among the efforts this Strategy focuses on are:

—Educating children: studies demonstrate that when our children understand the dangers of drugs, their rates of drug use drop. Through the National Youth Anti-Drug Media Campaign, the Safe and Drug Free Schools Program and other efforts, we will continue to focus on helping our youth reject drugs.

—Decreasing the addicted population: the addicted make up roughly a quarter of all drug users, but consume two-thirds of all drugs in America. Our strategy for reducing the number of addicts focuses on closing the "treatment gap."

—Breaking the cycle of drugs and crime: numerous studies confirm that the vast majority of prisoners commit their crimes to buy drugs or while under the influence of drugs. To help break this link between crime and drugs, we must promote the Zero Tolerance Drug Supervision initiative to better keep offenders drug- and crime-free. We can do this by helping States and localities to implement tough new systems to drug test, treat, and punish prisoners, parolees, and probationers.

—Securing our borders: the vast majority of drugs consumed in the United States enter this Nation through the Southwest border, Florida, the Gulf States, and other border areas and air and sea ports of entry. The flow of drugs into this Nation violates our sovereignty and brings crime and suffering to our streets and communities. We remain committed to, and will expand, efforts to safeguard our borders from drugs.

—Reducing the supply of drugs: we must reduce the availability of drugs and the ease with which they can be obtained. Our efforts to reduce the supply of drugs must target both domestic and overseas production of these deadly substances.

Our ability to attain these objectives is dependent upon the collective will of the American people and the strength of our leadership. The progress we have made to date is a credit to Americans of all walks of life—State and local leaders, parents, teachers, coaches, doctors, police officers, and clergy. Many have taken a stand against drugs. These gains also result from the leadership and hard work of many, including Attorney General Reno, Secretary of Health and Human Services Shalala, Secretary of Education Riley, Treasury Secretary Rubin, and Drug Policy Director McCaffrey. I also thank the Congress for their past and future support. If we are to make further progress, we must maintain a bipartisan commitment to the goals of the Strategy.

As we enter the new millennium, we are reminded of our common obligation to build and leave for coming generations a stronger Nation. Our National Drug Control Strategy will help create a safer, healthier future for all Americans.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 8, 1999.*

PROPOSED AGREEMENT FOR COOPERATION BETWEEN UNITED STATES AND ROMANIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–13)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b) and (d)), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of Romania Concerning Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with Romania has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Romania under appropriate conditions and controls reflecting our common commitment to nuclear nonproliferation goals. Cooperation until now has taken place under a series of supply agreements dating back to 1966 pursuant to the agreement for peaceful nuclear cooperation between the United States and the International Atomic Energy Agency (IAEA).

The Government of Romania supports international efforts to prevent the spread of nuclear weapons to additional countries. Romania is a party to the Treaty on the Nonproliferation of Nuclear Weapons (NPT) and has an agreement with the IAEA for the application of full-scope safeguards to its nuclear program. Romania also subscribes to the Nuclear Suppliers Group guidelines, which set forth standards for the responsible export of nuclear commodities for peaceful use, and to the guidelines of the NPT Exporters Committee (Zangger Committee), which oblige members to require the application of IAEA safeguards on nuclear exports to nonnuclear weapon states. In addition, Romania is a party to the Convention on the Physical Protection of Nuclear Material, whereby it agrees to apply international standards of physical protection to the storage and transport of nuclear material under its jurisdiction or control. Finally, Romania was one of the first countries to sign the Comprehensive Test Ban Treaty.

I believe that peaceful nuclear cooperation with Romania under the proposed new agreement will be fully consistent with, and supportive of, our policy of responding positively and constructively to the process of democratization and economic reform in Central Europe. Cooperation under the agreement also will provide opportunities for U.S. business on terms that fully protect vital U.S. national security interests.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic

Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123 a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Atomic Energy Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123 b. Upon completion of the 30-day continuous session period provided for in section 123 b., the 60-day continuous session period provided for in section 123 d. shall commence.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 9, 1999*.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

PACKERS AND STOCKYARDS ACT AMENDMENTS

Mr. COMBEST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 169) to amend the Packers and Stockyards Act, 1921, to expand the pilot investigation for the collection of information regarding prices paid for the procurement of cattle and sheep for slaughter and of muscle cuts of beef and lamb to include swine and muscle cuts of swine, as amended.

The Clerk read as follows:

H.R. 169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF MANDATORY DOMESTIC REPORTING PILOT INVESTIGATION UNDER THE PACKERS AND STOCKYARDS ACT, 1921.

(a) INCLUSION OF SWINE; REFERENCE TO FORWARD CONTRACTING.—Section 416 of the Packers and Stockyards Act, 1921 (7 U.S.C. 229a), as added by section 1127 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, (as contained in section 101(a) of division A of Public Law 105-277), is amended in both paragraphs (1) and (2):

(1) by striking "beef, or" and inserting "beef,"; and

(2) by inserting after "lamb," the following: "or domestic or imported swine for immediate slaughter and fresh muscle cuts of swine,".

(b) TECHNICAL CORRECTIONS.—Such section is further amended by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively.

(c) DURATION OF SWINE PILOT INVESTIGATION.—Such section is further amended by adding at the end the following new subsection:

"(d) POSSIBLE EXTENSION OF PILOT INVESTIGATION.—If the pilot investigation required by this section is implemented before the date on which the pilot investigation is expanded to include swine, the Secretary of Agriculture shall continue the pilot investigation beyond the 12-month period referred to in subsection (a) so that price information regarding the procurement of domestic or imported swine for immediate slaughter and fresh muscle cuts of swine is collected under the pilot investigation for 12 months.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. COMBEST) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. COMBEST).

Mr. COMBEST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 169 is a simple bill and would simply add hogs and pork product to the pilot investigation on beef and lamb prices that was authorized last fall as a part of the omnibus appropriation.

I would like to thank and commend my colleague on the Committee on Appropriations and on the Subcommittee on Agriculture who is very instrumental in agriculture policy, the gentleman from Iowa (Mr. LATHAM), for introducing this legislation and for calling for its swift adoption.

☐ 1415

Many of our colleagues are aware that livestock prices, particularly those received by lamb and beef producers, have been distressingly low for some time. The pilot investigation that was included in last year's omnibus appropriations bill is a relatively nonintrusive way to shed some light on the workings of these complex markets.

Last fall, when the omnibus bill was being crafted, the pork producers declined to be included in the USDA pilot investigation. However, recent and drastic declines in live hog prices have led pork producers to reconsider and ultimately reverse that decision. Thus, H.R. 169 will simply include pork in the ongoing pilot investigation.

Tomorrow, the House Committee on Agriculture will conduct a hearing on livestock prices during which we will consider testimony outlining the current market conditions for beef, lamb and pork.

I hope that in this hearing we will be able to illuminate trends, dispel myths and come to a common understanding of how these livestock markets operate so that we can responsibly consider many proposals currently being discussed in the agricultural community. In the same way, I am hopeful that H.R. 169 will aid our deliberation of these issues by providing needed information and insight into the hog market.

I ask that Members support this legislation as a constructive step in this ongoing policy discussion.

Mr. Speaker, I reserve the balance of my time.

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as ranking member of the Subcommittee on Livestock, Dairy, and Poultry and a representative from northwestern Minnesota, I have been acutely aware of the downturn in many sectors of the farm economy. In particular, the U.S. livestock industry has been hard-hit with sustained low prices. Beef and lamb markets have been depressed for several years and, more recently, historically low prices have plagued the pork market.

The economic explanation for low prices is a complicated mix of supply, demand and other factors such as trade. Legislative proposals have been pursued in an effort to return viability to the industry. However, I believe that we must be cautious in our approach. Whatever legislative actions are taken should not impede or wrongly dampen one aspect of the industry to benefit another. We need to ensure that we move carefully toward the combined goal of a stable and viable livestock industry.

To this end, I believe that H.R. 169 is a prudent use of our authority. Building on last fall's effort to initiate a pilot study of comprehensive mandatory price reporting for beef and lamb, the bill simply seeks to add pork to that study. One of the unknown factors in the low price story is the impact of price information. It is unclear whether or not a full and open price reporting system operated through the Federal Government would allow producers to operate more effectively to market their products. A complete study of the impacts of price reporting with a quick turnaround on the results would help direct any future action in this area.

Obviously, the passage of this bill and the resulting study will not cure the ills that are facing the livestock industry at this time. But it is a small piece that can answer an important question: Can greater price information aid livestock producers? The information obtained from the study should help us proceed in a logical and effective manner.

Therefore, I ask that my colleagues join me in support of our livestock producers and support H.R. 169.

Mr. Speaker, I reserve the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM), the author of this proposal, and again, one of the strong advocates of American agriculture.

Mr. LATHAM. Mr. Speaker, first of all, I want to express my thanks to the chairman of the full committee. He has done such a great job working for American agriculture, the gentleman from Texas (Mr. COMBEST) and his cooperation in working out a few technical difficulties we had, but I appreciate it very, very much. Also, I appreciate the comments of the gentleman from Minnesota (Mr. PETERSON), who has worked so hard for all of agriculture.

Mr. Speaker, on January 6, I introduced H.R. 169 in an effort to level the playing field for embattled American pork producers. I think the Speaker is acutely aware of the problems that pork producers have experienced in recent months with the prices dipping down to under $10 per hundred. Currently, they moved back up to close to $28 per hundred, but certainly well below any level of profitability. We have experienced prices well below Depression Era prices, and it is so important that we do as much as possible and as quickly as possible to help our pork producers.

My legislation amends the Packers and Stockyards Act of 1921 to include swine in a 12-month pilot investigation of live cattle and lamb prices that was included in last year's omnibus appropriations bill. This legislation contributes to our efforts to revive a farm economy that is in bad shape. The difficulties associated with low grain prices have been compounded by low livestock prices.

At the very least, America's farmers want to know if they are receiving fair compensation for their very hard work. It is important that accurate information be available to the livestock industry in order for competitive markets to function properly. Without this pricing information, we risk supporting a business environment that gives too much control to too few.

H.R. 169 will assist farmers by examining how we can best preserve the competitive nature of the farm economy. We cannot allow our Nation's farmers to be left without the tools for them to use to make sure they receive the best possible price for their livestock. It is important to consider that the four largest meat packers in this country process 57 percent of all of the hogs. As a result, the industry is looking to Congress to find out if this increase in packer concentration had a direct effect on the recent decline in live hog prices.

If we can find methods in which accurate and timely pricing information can provide producers with the tools needed to make the best possible business decisions for their farm, we will be making a positive contribution to agriculture. It is my hope the results of this investigation will help Congress and the administration formulate additional policies that will be a result of more fair, effective market prices so that we all know what the real price of pork is.

Mr. COMBEST. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), a very valued member of the Committee on Agriculture.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support today of H.R. 169, the Competitive Pork Pricing Act. This is a very modest first step in terms of providing some transparency in terms of the pricing of pork.

Mr. Speaker, 5 years ago, 80 percent of the finished hogs were sold at auction markets, and I know a little bit about the auction business. When people went to the auction ring, they could see what hogs were actually selling for. In fact, 5 years ago, 87 percent of the hogs being purchased by large packers were bought on a spot basis. Today, that situation is reversed, and with the increase of contracting, we now have big pork producers and large packing concerns who have worked out long term contracts for hogs.

Contracts in and of themselves are not necessarily inherently evil, but they have had a profound impact on what is happening to smaller pork producers throughout the United States. What this has done out in farm country is created a tremendous amount of distrust. There is distrust among producers, because we may have one farmer on one side of the road who is being paid one price for his pigs, and another farmer who is paid a different price, and they could be in a situation where neither would know what the other one is actually receiving for their hog. This has caused distrust among producers, but it has caused intense distrust among the producers with the packers, and the packing industry itself has become the villain in this story, and perhaps there is some truth to that.

But as we move inherently towards a much more market-oriented agriculture, it seems to me that we at the Federal level have some responsibility to make certain that those markets are orderly, and that the participants in those markets at least have equal access to information. As I say, this is a very modest step in the right direction in terms of providing some transparency to all producers as far as what prices are actually being paid.

Now, we cannot guarantee here at the Federal level that everyone is going to make a profit, but we must guarantee that every producer gets better and more accurate information.

A good example would be the New York Stock Exchange. We created the Securities and Exchange Commission many years ago, and that is an ongoing auction every day, and one can, on line, literally see every transaction and know what the price of a particular stock is at any moment in time. Such is not the case in the livestock industry. It seems to me we ought to create a system whereby producers have better access to better information.

Mr. Speaker, it has often been said that America's farmers are like the ultimate gamblers; they sit down at the casino every day. I think the best way to think about this particular legislation is it is the first step to making certain that all of the cards in that casino are dealt face-up, and everybody knows that all the cards are on the table.

Mr. COMBEST. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. WATKINS), who has a very intensive interest in agriculture and is always very helpful on agricultural issues.

Mr. WATKINS. Mr. Speaker, I would like to first and foremost extend my special thanks to the gentleman from Texas, the chairman of the Agriculture Authorizing Committee, for bringing forth this legislation and technical amendments.

We know that agriculture is changing in this world, and we truly are in a global competitive world that our vast commodities must compete against. We must do as much in the global marketing area as we have in the production area. I have two degrees in agriculture, and basically when I was taking agriculture at Oklahoma State University, our study centered a lot on production. We had maybe some various electives that we could use in marketing, but marketing must in the 21st century be centered on beating the competition in a global economy. Anything less and we are selling out the farm families of this great United States.

Yes times have changed, and there has to be changes in policies that meets or beats the production and marketing policies of other countries. I will say bringing to light the fact that our beef industry is hurting and our cattlemen and ranchers are having deep problems. Our lamb industries have been involved in this study, and I know adding the swine industry and allowing the pork producers to have a great deal more input into this study, the problems must be addressed before it is too late.

Mr. Speaker, I thank the chairman for his leadership in moving this forward.

Mr. BEREUTER. Mr. Speaker, this Member rises in reluctant opposition to H.R. 169, a bill which expands the pilot investigation into livestock price reporting to include pork.

This Member would like to begin by stating his strong support for meaningful mandatory price reporting legislation. Pork producers throughout Nebraska consistently stress the need to have this vital information. It's time that we ensure that it's provided to them.

Unfortunately, this Member is not convinced that H.R. 169 will accomplish that goal. This Member appreciates the efforts of the distinguished gentleman from Iowa (Mr. LATHAM) in introducing this bill and seeking to assist pork producers. However, the problem is that H.R. 169 simply builds on the watered-down price reporting provisions included in last year's omnibus appropriations bill. Livestock producers see the study as an excuse or cover for the lack of action on imposing mandatory reporting. This Member was very disappointed that mandatory price reporting requirements were eliminated during the conference. In some respects, the provisions which survived were worse than none at all. In passing the flawed one-year pilot study last year, it needlessly delayed confronting the real issue, suppressed timely price reporting and lessened the pressure to take meaningful action.

Although well-intentioned, H.R. 169 does nothing to overcome the underlying defects in the current price reporting pilot study. It offers convincing proof that you can't make a silk purse out of a sow's ear.

A great many of this Member's pork-producing constituents (and cattlemen too) believe that it is time to stop studying this issue and start instituting mandatory price reporting, numerous Nebraska pork producers have expressed concern that this well-intended legislation, in fact, could delay meaningful price reporting.

This Member intends to again support comprehensive and mandatory livestock price reporting legislation in this Congress that will offer transparency and a level playing field for all producers. That legislation should be enacted as soon as possible.

Mr. STENHOLM. Mr. Speaker, the last few years have been very difficult for the U.S. livestock industry. In addition to the recent drought, an epidemic of low prices has further erased producer equity. During these years, producers of beef, lamb, and more recently, pork have all experienced prices that are simply too low to endure.

Livestock products account for more than half the value of all our domestic agricultural production. Consequently, if we are to maintain a viable and stable rural America, we must pay particular attention to the livestock producers who help sustain those rural communities. When livestock producers suffer, their losses spill over to all the small, rural businesses that depend on their patronage.

Reflecting on this economic difficulty, many have questioned whether the prices currently paid to livestock producers reflect the true market-value of their products. As more and more animals are sold in "closed" trades, which are not included in reported average prices, the actual value of those remaining animals sold in open, "cash" markets has been cast into some doubt.

With this in mind, language was added to last year's Omnibus Appropriations bill, requiring a one-year pilot study of comprehensive, mandatory price reporting for beef and lamb. Now, this bill before us, H.R. 169, would simply add pork to that one-year study. Given the recent disastrous drop in pork prices, it is not difficult to understand why pork producers are anxious to have insights into the curious behavior of their markets.

While this pilot study does not begin to solve the problems facing U.S. livestock producers, it is a small step in the right direction. I hope that the information from this study will help us to decide if permanent price reporting would in fact result in more accurate markets for beef, lamb, and pork. It is logical and reasonable to settle that question once and for all, so we can consider whether further action is warranted. I encourage all members to support our livestock producers by voting for H.R. 169.

Mr. PETERSON of Minnesota. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COMBEST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. COMBEST) that the House suspend the rules and pass the bill, H.R. 169, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COMBEST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 391, SMALL BUSINESS PAPERWORK REDUCTION ACT AMENDMENTS OF 1999

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–13) on the resolution (H. Res. 42) providing for consideration of the bill (H.R. 391) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 436, GOVERNMENT WASTE, FRAUD AND ERROR REDUCTION ACT OF 1999

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–14) on the resolution (H. Res. 43) providing for consideration of the bill (H.R. 436) to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 437, PRESIDENTIAL AND EXECUTIVE OFFICE FINANCIAL ACCOUNTABILITY ACT OF 1999

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. (106–15) on the resolution (H. Res. 44) providing for consideration of the bill (H.R. 437) to provide for a Chief Financial Officer in the Executive Office of the President, which was referred to the House Calendar and ordered to be printed.

☐ 1430

MICROLOAN PROGRAM TECHNICAL CORRECTIONS ACT OF 1999

Mr. TALENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 440) to make technical corrections to the Microloan Program, as amended.

The Clerk read as follows:

H.R. 440

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Microloan Program Technical Corrections Act of 1999".

SEC. 2. TECHNICAL CORRECTIONS.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) by amending paragraph (7)(B) to read as follows:

"(B) AVAILABILITY OF FUNDS.—Subject to appropriations, the Administration shall ensure that at least $800,000 of new loan funds are available for each State in any fiscal year. All funds are to be made available subject to approval of the Administration. If, at the beginning of the third quarter of a fiscal year, the Administration determines that the funds necessary to comply with this provision are unlikely to be awarded that year, the Administration may make those funds available to any State or intermediary."; and

(2) in paragraph (8)—

(A) by inserting "and providing funding to intermediaries" after "program applicants"; and

(B) by inserting "and provide funding to" after "shall select".

SEC. 3. LOAN LOSS RESERVE.

Section 7(m)(3)(D) of the Small Business Act (15 U.S.C. 636(m)(3)(D)) is amended to read as follows:

"(D)(i) IN GENERAL.—The Administrator shall, by regulation, require each intermediary to establish a loan loss reserve fund, and to maintain such reserve fund until all obligations owed to the Administration under this subsection are repaid.

"(ii) LEVEL OF LOAN LOSS RESERVE FUND.—

"(I) IN GENERAL.—Subject to subclause (III), the Administrator shall require the loan loss reserve fund of an intermediary to be maintained at a level equal to 15 percent of the outstanding balance of the notes receivable owed to the intermediary.

"(II) REVIEW OF LOAN LOSS RESERVE.—After the initial 5 years of an intermediary's participation in the program authorized by this subsection, the Administrator shall, at the request of the intermediary, conduct a review of the annual loss rate of the intermediary. Any intermediary in operation under this subsection prior to October 1, 1994, that requests a reduction in its loan loss reserve shall be reviewed based on the most recent 5-year period preceding the request.

"(III) REDUCTION OF THE LOAN LOSS RESERVE.—Subject to the requirements of subclause IV, the Administrator may reduce the annual loan loss reserve requirement to reflect the actual average loan loss rate for the intermediary during the preceding 5-year period, except that in no case shall the loan loss reserve be reduced to less than 10 percent of the outstanding balance of the notes receivable owed to the intermediary.

"(IV) REQUIREMENTS.—The Administrator may reduce the annual loan loss reserve requirement of an intermediary only if the intermediary demonstrates to the satisfaction of the Administrator that—

"(aa) the average annual loss rate for the intermediary during the preceding 5-year period is less than 15 percent; and

"(bb) that no other factors exist that may impair the ability of the intermediary to repay all obligations owed to the Administration under this subsection.".

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from Missouri (Mr. TALENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by thanking my colleague, the ranking member on the Committee on Small Business, the gentlewoman from New York (Ms. Velázquez), for her generous support in moving this bill, as well as thanking the gentleman from Illinois (Mr. DAVIS) for co-managing and bringing this bill with me to the House floor.

Mr. Speaker, the microloan program was established as a pilot program in 1991 and was made permanent in 1997. The program provides small loans, under $25,000, to the Nation's smallest entrepreneurs. These loans are made through intermediaries, SBA-certified and approved nonprofit lending and business development organizations.

These intermediaries borrow funds from the SBA and, in turn, lend those funds to small businesses. In order to protect taxpayer assets, the intermediaries are required to maintain a loss reserve based on the amount of microloans they have outstanding.

When the program was made permanent in 1997, changes were also made to modify the loan loss reserve for microloan intermediaries. That legislation specified microloan borrowers were to maintain a loss reserve of 15 percent of their outstanding microloans for the first 5 years of their participation in the program. After that, intermediaries were to maintain a loss reserve equal to 10 percent of their outstanding loans or twice their loss rate, whichever was greater.

Unfortunately, this provision was interpreted by the Small Business Administration to mean an amount equal to twice an intermediary's aggregate losses. That interpretation created an immense burden on microloan intermediaries. We attempted to fix that problem last year with statutory language similar to H.R. 440. Unfortunately, that failed to pass prior to Congress's adjournment.

H.R. 440 is necessary to correct this interpretation and clearly establish that the loss loan reserve will be 15 percent for the first 5 years for all intermediaries, and that intermediaries may apply for a reduction of that reserve to reflect their actual annual average loss rate, but no less than 10 percent.

The loan loss reserve reduction is to be based on the actual annual average loss rate over a 5-year period. We want to make that legislative history absolutely clear. The committee expects that intermediaries will request such reviews no more than annually, and that such reviews will not affect the SBA's ability to conduct further reviews for oversight and management purposes.

H.R. 440 also replaces the cap on the amount of microloan funds that can be made available to intermediaries in any one State. This cap was originally imposed to ensure that microloan funds would not be used disproportionately in those States with more aggressive microloan programs. As the program has matured, however, the restrictions become unnecessary.

Finally, H.R. 440 will establish a floor for the availability of microloan funds for all States. The availability of these funds is subject to appropriations and the approval of the SBA. In addition, the committee expects any reserve established by the SBA will be held for no more than the first half of the fiscal year.

Mr. Speaker, this bill will have a real impact on the very smallest of businesses in this country seeking start-up financing, and at the end of the day, that is one of our most important jobs.

Let me again thank my colleague, the gentlewoman from New York (Ms. Velázquez) and her staff for their assistance in moving the measure before us.

Mr. Speaker, I urge my colleagues to support H.R. 440, and I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 440, the Microloan Program Technical Corrections Act, and I commend the gentleman from Missouri (Chairman TALENT) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for moving quickly to pass this important legislation.

As a matter of fact, I would further note that it is a pleasure to serve on the Committee on Small Business because of the leadership provided by the gentleman from Missouri (Chairman TALENT) and that of the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ).

These changes are important for small entrepreneurs because they will allow lenders to make more loans and increase technical assistance. In my district, the Seventh District of Illinois, there are many small businesses eager to take advantage of these resources which are being made available to them.

Everyone agrees that the challenge facing most entrepreneurs is access to capital. However, it is often far more difficult, if not impossible, for many small and very small businesses to get the financing they need. Microborrowers are either very small, start-up, or growth-phased businesses which are unable to meet a lender's collateral or credit requirements.

For this reason, many private lenders consider these borrowers too risky for loan consideration, thus leaving these businesses without the capital to grow and expand.

To address this problem, the Small Business Administration launched the Microloan Pilot Project in 1992. This program was designed to help underserved, start-up, and existing small business owners that did not have access to financing.

Since its beginning, the microloan program has helped countless businesses to start up and to grow. Today, with over 100 participating intermediaries, the small business microloan program is the largest Federal program of its kind. It has a proven track record of giving small businesses the support they need to succeed.

One of the most important aspects of the microloan program is its ability to reach women and other minority groups. This population may need just a small loan to create or expand a business. Often women and minorities do not have the credit history or necessary capital to get a loan from a bank or other traditional channel. This is where the microloan program steps in and provides the necessary tools to help these business owners achieve the American dream. In fact, the microloan program has become a traditional funding source for women entrepreneurs.

This legislation is straightforward. The first thing the Microloan Program

Technical Corrections Act of 1999 would do is remove the State formula caps. The caps were put in place in order to ensure equitable distribution of funds, but resulted in just the opposite. By removing the cap, we will be ensuring that all States have access to the program.

By allowing lenders with successful loan portfolios to make more loans and to provide additional technical assistance, today's legislation will only help more microenterprises grow. Providing additional technical assistance to businesses will enable entrepreneurs who are on the threshold of moving forward the opportunity to do so.

Finally, the microloan program has proved invaluable in helping America's small businesses to grow. This bill will give those businesses in these communities access to increased resources to help them grow and further expand. I am indeed pleased that we are moving quickly to pass this crucial legislation, and that we are looking for ways to improve this important program.

Mr. Speaker, I think this is indeed a tremendous piece of legislation that has been brought to us very early in this session. Again, I would commend the gentleman from Missouri (Chairman TALENT) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for the expeditious manner in which they have acted.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TALENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will close by saying I appreciate very much the gentleman's kind words. I really should emphasize what he is saying. This program is very important to the smallest of our entrepreneurs, those just getting started. It many cases, these are folks who are moving off of lives in some cases of dependency into lives of entrepreneurship. They are the people who need these small loans.

In order to make this program work we have to correct this misperception, as well as make some other technical corrections. So it is a very important bill. I thank the gentleman for his support, and I urge my colleagues to support H.R. 440.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the bill, H.R. 440, as amended.

The question was taken.

Mr. TALENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PAPERWORK ELIMINATION ACT OF 1999

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 439) to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies.

The Clerk read as follows:

H.R. 439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paperwork Elimination Act of 1999".

SEC. 2. PROMOTION OF USE OF ELECTRONIC INFORMATION TECHNOLOGY.

Section 3504(h) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting "; and", and by adding at the end the following:

"(6) specifically promote the acquisition and use of alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures.".

SEC. 3. ASSIGNMENT OF TASKS AND DEADLINES.

Section 3505(a)(3) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting "; and", and by adding at the end the following:

"(D) a description of progress in providing for the acquisition and use of alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures, including the extent to which such progress accomplishes reduction of burden on small businesses or other persons.".

SEC. 4. FEDERAL AGENCY RESPONSIBILITIES.

(a) PROVIDING FOR USE OF ELECTRONIC INFORMATION MANAGEMENT.—Section 3506(c)(1)(B) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of clause (ii) and by adding at the end the following:

"(iv) provides to persons required to submit information the option to use, where appropriate, electronic submission, maintenance, or disclosure of information; and".

(b) PROMOTION OF ELECTRONIC INFORMATION MANAGEMENT.—Section 3506(c)(3)(C) of title 44, United States Code, is amended by striking "or" after the semicolon at the end of clause (ii), by adding "or" after the semicolon at the end of clause (iii), and by adding at the end the following:

"(iv) the promotion and optional use, where appropriate, of electronic submission, maintenance, or disclosure of information.".

(c) USE OF ALTERNATIVE INFORMATION TECHNOLOGIES.—Section 3506(c)(3)(J) of title 44, United States Code, is amended to read as follows:

"(J) to the maximum extent practicable, uses information technology, including alternative information technologies, that provide for electronic submission, maintenance, or disclosure of information, to reduce burden and improve data quality, agency efficiency, and responsiveness to the public.".

SEC. 5. PUBLIC INFORMATION COLLECTION ACTIVITIES; SUBMISSION TO DIRECTOR; APPROVAL AND DELEGATION.

Section 3507(a)(1)(D)(ii) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of subclause (V), by adding "and" after the semicolon at the end of subclause (VI), and by adding at the end the following:

"(VII) a description of how respondents may, if appropriate, electronically submit, maintain, or disclose information under the collection of information.".

SEC. 6. RESPONSIVENESS TO CONGRESS.

Section 3514(a)(2) of title 44, United States Code, is amended by striking "and" after the semicolon at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting "; and", and by adding at the end the following:

"(E) reduced the collection of information burden on small businesses and other persons through the use of electronic submission, maintenance, or disclosure of information as a substitute for the use of paper, including—

"(i) a description of instances where such substitution has added to burden; and

"(ii) specific identification of such instances relating to the Internal Revenue Service.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers H.R. 439, the Paperwork Elimination Act of 1999. This is legislation that is not new to the House. In both the 104th Congress and the 105th Congress virtually identical legislation was considered and overwhelmingly passed. In the 104th Congress, the House passed this bill by a vote of 418 to zero. In the 105th Congress, the House passed this bill by a vote of 395 to zero. I certainly hope we can continue this trend this afternoon.

Before I take a moment to explain the bill, I would like to thank my colleague, the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business, as well as the rest of my friends on the Democratic side, for their help in moving this legislation forward. The ranking member and her staff have been very cooperative, and deserve much of the credit for bringing this legislation to the floor.

Mr. Speaker, paperwork burdens are literally strangling the productivity of our Nation's economy, particularly small businesses. Consider the fact that in 1996 the government-wide burden hour estimate reached 6.7 billion hours. That means that Americans spent 6.7 billion, that is "billion" with a "B", filling out paperwork required by the Federal Government. That figure is up almost 350 percent from the 1.5 billion burden hour estimate in 1980.

As I said a moment ago, paperwork burdens impact our Nation's small businesses particularly hard. A recent study indicated that for companies with fewer than 20 employees, complying with paperwork requirements cost an average of $2,017 per employee per year. For companies with 20 to 499 employees, our small businesses, that cost was almost as much.

For these companies, complying with paperwork requirements cost an average of $1,931 per employee per year. But for companies with 500 employees or more, the costs were much lower. For these companies, complying with paperwork requirements cost an average of $1,086 per employee per year. Clearly, for the sake of our Nation's small businesses, we need to start reducing the overall burden of complying with federally-mandated paperwork.

One of the ways in which we can do this is to enable the Federal Government to take advantage of the Information Age. The Committee on Small Business has recognized the need to encourage the Federal Government to utilize new information technology to reduce the public costs of meeting the Federal government's information needs. Nowhere is this need more acute than in the small business community.

Because small businesses typically do not have the resources to hire employees whose explicit purpose is to deal with paperwork and regulatory requirements, there is a specific need to allow these small businesses, as well as other taxpayers, with access to computers and modems to use them when dealing with the Federal Government. That is the goal that the Paperwork Elimination Act of 1999 is intended to accomplish.

Let me briefly run down exactly what is contained in this legislation. First, it specifically requires the Director of the Office of Management and Budget, the OMB, to promote the acquisition and use of electronic transmission of information as a substitute for paper when small businesses and individuals are required to comply with the information needs of the Federal Government.

Second, it requires the director of OMB to include in the government-wide resources plan that is already maintained a description of progress in providing for the acquisition and use of alternative technologies that provide for electronic transmission of information.

This report is also to include the extent to which the paperwork burden on small businesses and individuals has been reduced as a result of using this technology.

Third, it clearly states the new responsibilities of each Federal agency. It specifically requires each Federal agency to provide the option of electronically transmitting information when complying with their regulations and other information needs.

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It also requires each Federal agency to certify to the director of OMB that each collection of information it undertakes has reduced paperwork burdens to the greatest extent possible, particularly on small entities, by allowing for the electronic transmission of data.

Fourth, it prohibits each Federal agency from collecting information until it has first published a notice in the Federal Register describing how respondents may, if they choose, submit the required information electronically.

Finally, it requires the director of OMB, when reporting to Congress, to include a report on how paperwork burdens on small businesses and other persons have been reduced by using electronic transmissions of information as a substitute for paper. Furthermore, it requires this report to describe any instances where the use of electronic transmission of information has added to paperwork burdens and specific identifications of instances relating to the Internal Revenue Service.

Mr. Speaker, before I conclude my statement, I do wish to clarify two items. First, I want to stress that any requirements imposed by this legislation fall on the Federal Government. It is the Federal Government that is required to provide the option of using electronic names to transmit information. No small business or individual will be required to use electronic means to transmit information to the government if he or she does not wish to.

The second item I wish to clarify is how H.R. 439 differs from previous versions of the Paperwork Elimination Act. As I indicated earlier, in both the 104th and 105th Congresses, the House passed by unanimous votes virtually identical versions of H.R. 439. The version that we are considering today has been changed only slightly to reflect a small portion of last year's bill that was included in the Omnibus Appropriations Act, Public Law 105–277, and signed into law. What we are doing today is considering the remaining portions of legislation already passed by the House in previous Congresses but which did not get signed into law. This complements the provision enacted last year and strengthens the underlying statute.

In conclusion, Mr. Speaker, H.R. 439 is not controversial legislation. It is virtually identical to legislation that this House has repeatedly and overwhelmingly passed. I would like to thank the gentleman from Missouri (Mr. TALENT) for his tireless work on this legislation. I would also like to thank once again the gentleman from New Jersey (Mr. PASCRELL), the ranking member; the gentlewoman from New York (Ms. VELÁZQUEZ); and the entire Committee on Small Business and their staffs for the bipartisan work on this legislation. I urge all of my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PASCRELL. Mr. Speaker, I yield myself such time as I may consume, and I wish to thank the gentlewoman from New York, our subcommittee chairperson.

Mr. Speaker, as the ranking member on the Subcommittee on Regulatory Reform and Paperwork Reduction of the Committee on Small Business, I rise today to encourage quick passage of the Paperwork Elimination Act of 1999. I believe it is an outstanding piece of legislation that enjoys overwhelming bipartisan support.

During my tenure in the New Jersey legislature, Mr. Speaker, I was on the committee that recommended a reduction in unnecessary regulations, and I think that is one of the reasons why we are here. It is stated in our purpose of being. I believed then, as I do today, that reducing bureaucratic redtape is essential to unlocking the great potential of our small businesses. This will be the third consecutive Congress that this measure was considered. Unfortunately, on the two earlier occasions, the Senate failed to act. I hope as the 106th Congress gets underway, the Senate will join us in passing this legislation and sending it to the President for his signature. It is long overdue, Mr. Speaker.

Small businesses are powerful job creators, both in New Jersey and throughout this great land. Efforts should be made to increase their profitability and productivity, not hinder them, and that is exactly what this common sense measure does.

The importance of small businesses cannot be emphasized enough. The fact is that they are the backbone of our economy. My State of New Jersey is a great example. Of the 213,000 full-time business firms with employees in our State, 98.5 percent are small businesses. The income of small businesses, including sole proprietors and partnerships, rose 4½ percent to $16.4 billion in 1998.

Small businesses in any State are leading our economic growth, particularly in the last 4 or 5 years. Of the over 17 million new jobs created over the past 6 years, close to 80 percent have come not from our Fortune 500 companies, but from those small businesses that we see in our neighborhoods, day in and day out.

Despite this growth, the problem of redtape is clear. It has been estimated, and the gentlewoman from New York pointed out quite succinctly, that the American public spends an amount of time and effort equal to $510 billion, 9 percent of the gross domestic product, in order to meet the Federal Government's information needs. To suit our purposes, what we require in paperwork now amounts to 9 percent of the gross domestic product. I find that to be quite unbelievable, but true.

Small businesses bear a disproportionate share of these costs. To use an extreme example, some small businesses are required to file forms with up to 50 different Federal, State and local agencies. We think we understand what that means, and I think I do, but no one understands it unless they are a small businessperson doing it. That is an incredible fact of life.

That is one of our purposes for being here, is to shrink the arm of government. It is too long, goes into our productivity, and goes into the profits of small businesses. These bureaucratic demands can literally strangle a small business. The small business entrepreneur needs to focus on expansion, customer service and the bottom line, not on filling out paperwork for hours upon hours to keep some other bureaucrat in business.

The aim of this Paperwork Elimination Act is to maximize economic growth by minimizing the burden of Federal paperwork demands. It does this through the use of electronic information technology. The bill before us will reduce this burden by requiring all Federal agencies to provide the option of electronic submission of information to all those who must comply with Federal regulations.

As we approach the 21st century, the technological advances that are now commonplace in the private sector should be an integral part of the way our Federal agencies do business. It is important to remember that the measure will in no way hinder the ability of small businesses and individuals without access to computers or modems to comply with Federal paperwork requirements. The measure merely requires Federal agencies to provide an electronic option to those who desire it. This legislation is not a mandate on small business and there is no requirement that a small business needs to computerize. This is a win-win situation for everyone involved.

Small businesses, Mr. Speaker, play a critical role in our economy and have been an integral part of the economic growth we have enjoyed in recent years. Before us is sound legislation which allows small businesses to focus on job creation, to focus on productivity, and to focus on expansion while bringing the Federal Government into the information age. I strongly urge my colleagues to support this legislation.

I want to commend the chair of our subcommittee, and the overall chair, the gentleman from Missouri (Mr. TALENT).

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all, let me thank the gentleman from New Jersey for yielding this time to me. I would also like to thank the committee for entertaining the idea that resources and technical assistance should be made available to what I call micro businesses, that is small barbershops, beauty parlors, restaurants, and other businesses that may not have the resource on site to file electronically.

Mr. Speaker, I rise today in support of the Paperwork Elimination Act of 1999, introduced by the gentleman from Missouri (Mr. TALENT). Two years ago Congress passed the Paperwork Reduction Act, which mandated fixed percentage cuts in paperwork burden over the next few years. We passed that legislation to unleash our Nation's small businesses from the colossal amounts of paperwork which we know that they face. H.R. 439 intends to lessen some of the burden.

Today, technological advances have improved our travel time to and fro and made trade and money almost effortless. I ask why not apply the same technology to help our Nation's 22 million small businesses? This legislation urges the Federal Government to disseminate and receive information electronically, where appropriate, thereby increasing responsiveness. It will minimize the Federal paperwork burden of individuals, small businesses and State and local governments. It will maximize the usefulness of information collected by the Federal Government, and will minimize the costs carried by the Federal Government of collecting, maintaining, using and distributing information.

Again, I join with those who are in favor of this legislation. I think it is obviously an idea whose time has come, and I am certain, without a doubt, that all of the small businesses in America, especially those who labor spending as much time filling out forms as they do trying to make money, will rise up and say to this Congress, well done.

Mr. PASCRELL. Mr. Speaker, I yield myself such time as I may consume. I want to thank the Speaker for indulging us, and thank the gentlewoman from New York (Mrs. KELLY) and also the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ).

One final point, Mr. Speaker, if I may. We have had three bills from our of the Committee on Small Business, all bipartisan. I think this is an example of the direction we should be going, and if we can do it, everybody else can do it. So I salute the majority party and I salute the chairman and subcommittee chairs for doing this. I think this is very important; significant. Not only the bill itself, Mr. Speaker, but what we are attempting to do in our committee.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. KELLY. Mr. Speaker. I yield myself the balance of my time.

Let me conclude by saying that this legislation is consistent with what the House has passed in previous Congresses. I urge everyone to support this bill, and I am delighted to have those kind words from my colleague from New Jersey.

Mrs. KELLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 439.

The question was taken.

Mrs. KELLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 439 and H.R. 440.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

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MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1999

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 435) to make miscellaneous and technical changes to various trade laws, and for other purposes.

The Clerk read as follows:

H.R. 435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Miscellaneous Trade and Technical Corrections Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.

TITLE I—MISCELLANEOUS TRADE CORRECTIONS

Sec. 1001. Clerical amendments.
Sec. 1002. Obsolete references to GATT.
Sec. 1003. Tariff classification of 13-inch televisions.

TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—REFERENCE

Sec. 2001. Reference.

CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS

Sec. 2101. Diiodomethyl-*p*-tolylsulfone.

Sec. 2102. Racemic dl-menthol.
Sec. 2103. 2,4-Dichloro-5-hydrazinophenol monohydrochloride.
Sec. 2104. TAB.
Sec. 2105. Certain snowboard boots.
Sec. 2106. Ethofumesate singularly or in mixture with application adjuvants.
Sec. 2107. 3-Methoxycarbonylaminophenyl-3′-methylcarbanilate (phenmedipham).
Sec. 2108. 3-Ethoxycarbonylaminophenyl-N-phenylcarbamate (desmedipham).
Sec. 2109. 2-Amino-4-(4-aminobenzoylamino)benzenesulfonic acid, sodium salt.
Sec. 2110. 5-Amino-N-(2-hydroxyethyl)-2,3-xylenesul- fonamide.
Sec. 2111. 3-Amino-2′-(sulfatoethylsulfonyl) ethyl benzamide.
Sec. 2112. 4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt.
Sec. 2113. 2-Amino-5-nitrothiazole.
Sec. 2114. 4-Chloro-3-nitrobenzenesulfonic acid.
Sec. 2115. 6-Amino-1,3-naphthalenedisulfonic acid.
Sec. 2116. 4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt.
Sec. 2117. 2-Methyl-5-nitrobenzenesulfonic acid.
Sec. 2118. 6-Amino-1,3-naphthalenedisulfonic acid, disodium salt.
Sec. 2119. 2-Amino-p-cresol.
Sec. 2120. 6-Bromo-2,4-dinitroaniline.
Sec. 2121. 7-Acetylamino-4-hydroxy-2-naphthalenesulfonic acid, monosodium salt.
Sec. 2122. Tannic acid.
Sec. 2123. 2-Amino-5-nitrobenzenesulfonic acid, monosodium salt.
Sec. 2124. 2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt.
Sec. 2125. 2-Amino-5-nitrobenzenesulfonic acid.
Sec. 2126. 3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulfonic acid.
Sec. 2127. 4-Benzoylamino-5-hydroxy-2,7-naphtha- lenedisulfonic acid.
Sec. 2128. 4-Benzoylamino-5-hydroxy-2,7-naphtha- lenedisulfonic acid, monosodium salt.
Sec. 2129. Pigment Yellow 151.
Sec. 2130. Pigment Yellow 181.
Sec. 2131. Pigment Yellow 154.
Sec. 2132. Pigment Yellow 175.
Sec. 2133. Pigment Yellow 180.
Sec. 2134. Pigment Yellow 191.
Sec. 2135. Pigment Red 187.
Sec. 2136. Pigment Red 247.
Sec. 2137. Pigment Orange 72.
Sec. 2138. Pigment Yellow 16.
Sec. 2139. Pigment Red 185.
Sec. 2140. Pigment Red 208.
Sec. 2141. Pigment Red 188.
Sec. 2142. 2,6-Dimethyl-m-dioxan-4-ol acetate.
Sec. 2143. β-Bromo-β-nitrostyrene.
Sec. 2144. Textile machinery.
Sec. 2145. Deltamethrin.
Sec. 2146. Diclofop-methyl.
Sec. 2147. Resmethrin.
Sec. 2148. N-phenyl-N'-1,2,3-thiadiazol-5-ylurea.
Sec. 2149. (1R,3S)3[(1′RS)(1′,2′,2′,2′,-Tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid, (S)-α-cyano-3-phenoxybenzyl ester.
Sec. 2150. Pigment Yellow 109.
Sec. 2151. Pigment Yellow 110.
Sec. 2152. Pigment Red 177.
Sec. 2153. Textile printing machinery.
Sec. 2154. Substrates of synthetic quartz or synthetic fused silica.
Sec. 2155. 2-Methyl-4,6-bis[(octylthio)methyl]phenol.
Sec. 2156. 2-Methyl-4,6-bis[(octylthio)methyl]phenol; epoxidized triglyceride.
Sec. 2157. 4-[[4,6-Bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol.
Sec. 2158. (2-Benzothiazolylthio)butanedioic acid.
Sec. 2159. Calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate].
Sec. 2160. 4-Methyl-γ-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1).
Sec. 2161. Weaving machines.
Sec. 2162. Certain weaving machines.
Sec. 2163. DEMT.
Sec. 2164. Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl-.
Sec. 2165. 2H–3,1-Benzoxazin-2-one, 6-chloro-4-(cyclopropylethynyl)-1,4-dihydro-4-(trifluoromethyl)-.
Sec. 2166. Tebufenozide.
Sec. 2167. Halofenozide.
Sec. 2168. Certain organic pigments and dyes.
Sec. 2169. 4-Hexylresorcinol.
Sec. 2170. Certain sensitizing dyes.
Sec. 2171. Skating boots for use in the manufacture of in-line roller skates.
Sec. 2172. Dibutylnaphthalenesulfonic acid, sodium salt.
Sec. 2173. O-(6-Chloro-3-phenyl-4-pyridazinyl)-S-octylcarbonothioate.
Sec. 2174. 4-Cyclopropyl-6-methyl-2-phenylaminopyrimidine.
Sec. 2175. O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl]-dithiophosphate.
Sec. 2176. Ethyl [2-(4-phenoxyphenoxy)ethyl]carbamate.
Sec. 2177. [(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-chlorophenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-ylmethyl]-1H-1,2,4-triazole.
Sec. 2178. 2,4-Dichloro-3,5-dinitrobenzotrifluoride.
Sec. 2179. 2-Chloro-N-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine.
Sec. 2180. Chloroacetone.
Sec. 2181. Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester.
Sec. 2182. Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy]-, 2-propynyl ester.
Sec. 2183. Mucochloric acid.
Sec. 2184. Certain rocket engines.
Sec. 2185. Pigment Red 144.
Sec. 2186. Pigment Orange 64.
Sec. 2187. Pigment Yellow 95.
Sec. 2188. Pigment Yellow 93.
Sec. 2189. (S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b] [1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-l-glutamic acid, diethyl ester.
Sec. 2190. 4-Chloropyridine hydrochloride.
Sec. 2191. 4-Phenoxypyridine.
Sec. 2192. (3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid.
Sec. 2193. 2-Amino-5-bromo-6-methyl-4-(1H)-quinazolinone.
Sec. 2194. 2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone.
Sec. 2195. (S)-N-[[5-[2-(2-amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-l-glutamic acid.
Sec. 2196. 2-Amino-6-methyl-5-(4-pyridinylthio)-4-(1H)-quinazolinone dihydrochloride.
Sec. 2197. 3-(Acetyloxy)-2-methylbenzoic acid.
Sec. 2198. [R-(R*,R*)]-1,2,3,4-butanetetrol-1,4-dimeth- anesulfonate.
Sec. 2199. 9-[2- [[Bis[(pivaloyloxy) methoxy]phosphinyl] methoxy] ethyl]adenine (also known as Adefovir Dipivoxil).
Sec. 2200. 9-[2-(R)-[[Bis[(isopropoxycarbonyl)oxymethoxy]-phosphinoyl]methoxy]-propyl]adenine fumarate (1:1).
Sec. 2201. (R)-9-(2-Phosphonomethoxypropyl)adenine.
Sec. 2202. (R)-1,3-Dioxolan-2-one, 4-methyl-.
Sec. 2203. 9-(2-Hydroxyethyl)adenine.
Sec. 2204. (R)-9H-Purine-9-ethanol, 6-amino-**α-methyl-.**
Sec. 2205. Chloromethyl-2-propyl carbonate.
Sec. 2206. (R)-1,2-Propanediol, 3-chloro-.
Sec. 2207. Oxirane, (S)-((triphenylmethoxy)methyl)-.
Sec. 2208. Chloromethyl pivalate.
Sec. 2209. Diethyl (((p-toluenesulfonyl)oxy)methyl)phosphonate.
Sec. 2210. Beta hydroxyalkylamide.
Sec. 2211. Grilamid tr90.
Sec. 2212. IN–W4280.
Sec. 2213. KL540.
Sec. 2214. Methyl thioglycolate.
Sec. 2215. DPX–E6758.
Sec. 2216. Ethylene, tetrafluoro copolymer with ethylene (ETFE).
Sec. 2217. 3-Mercapto-D-valine.
Sec. 2218. p-Ethylphenol.
Sec. 2219. Pantera.
Sec. 2220. p-Nitrobenzoic acid.
Sec. 2221. p-Toluenesulfonamide.
Sec. 2222. Polymers of tetrafluoroethylene, hexafluoropropylene, and vinylidene fluoride.
Sec. 2223. Methyl 2-[[[[[4-(dimethylamino)-6-(2,2,2- trifluoroethoxy)-1,3,5-triazin-2-yl]amino]-carbonyl]amino]sulfonyl]-3-methyl-benzoate (triflusulfuron methyl).
Sec. 2224. Certain manufacturing equipment.
Sec. 2225. Textured rolled glass sheets.
Sec. 2226. Certain HIV drug substances.
Sec. 2227. Rimsulfuron.
Sec. 2228. Carbamic acid (V–9069).
Sec. 2229. DPX–E9260.
Sec. 2230. Ziram.
Sec. 2231. Ferroboron.
Sec. 2232. Acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H,3H-[1,3,4] thiadiazolo[3,4-a]pyridazin-1-ylidene)amino]phenyl]- thio]-, methyl ester.
Sec. 2233. Pentyl[2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate.
Sec. 2234. Bentazon (3-isopropyl)-1H-2,1,3-benzo-thiadiazin-4(3H)-one-2,2-dioxide).
Sec. 2235. Certain high-performance loudspeakers not mounted in their enclosures.

Sec. 2236. Parts for use in the manufacture of certain high-performance loudspeakers.
Sec. 2237. 5-tert-Butyl-isophthalic acid.
Sec. 2238. Certain polymer.
Sec. 2239. 2-(4-Chlorophenyl)-3-ethyl-2, 5-dihydro-5-oxo-4-pyridazine carboxylic acid, potassium salt.

CHAPTER 3—EFFECTIVE DATE

Sec. 2301. Effective date.

Subtitle B—Trade Provisions

Sec. 2401. Extension of United States insular possession program.
Sec. 2402. Tariff treatment for certain components of scientific instruments and apparatus.
Sec. 2403. Liquidation or reliquidation of certain entries.
Sec. 2404. Drawback and refund on packaging material.
Sec. 2405. Inclusion of commercial importation data from foreign-trade zones under the National Customs Automation Program.
Sec. 2406. Large yachts imported for sale at United States boat shows.
Sec. 2407. Review of protests against decisions of Customs Service.
Sec. 2408. Entries of NAFTA-origin goods.
Sec. 2409. Treatment of international travel merchandise held at customs-approved storage rooms.
Sec. 2410. Exception to 5-year reviews of countervailing duty or antidumping duty orders.
Sec. 2411. Water resistant wool trousers.
Sec. 2412. Reimportation of certain goods.
Sec. 2413. Treatment of personal effects of participants in certain world athletic events.
Sec. 2414. Reliquidation of certain entries of thermal transfer multifunction machines.
Sec. 2415. Reliquidation of certain drawback entries and refund of drawback payments.
Sec. 2416. Clarification of additional U.S. note 4 to chapter 91 of the Harmonized Tariff Schedule of the United States.
Sec. 2417. Duty-free sales enterprises.
Sec. 2418. Customs user fees.
Sec. 2419. Duty drawback for methyl tertiary-butyl ether ("MTBE").
Sec. 2420. Substitution of finished petroleum derivatives.
Sec. 2421. Duty on certain importations of mueslix cereals.
Sec. 2422. Expansion of Foreign Trade Zone No. 143.
Sec. 2423. Marking of certain silk products and containers.
Sec. 2424. Extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Mongolia.
Sec. 2425. Enhanced cargo inspection pilot program.
Sec. 2426. Payment of education costs of dependents of certain Customs Service personnel.

TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

Sec. 3001. Property subject to a liability treated in same manner as assumption of liability.

TITLE I—MISCELLANEOUS TRADE CORRECTIONS

SEC. 1001. CLERICAL AMENDMENTS.

(a) TRADE ACT OF 1974.—(1) Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(A) by aligning the text of paragraph (2) that precedes subparagraph (A) with the text of paragraph (1); and

(B) by aligning the text of subparagraphs (A) and (B) of paragraph (2) with the text of subparagraphs (A) and (B) of paragraph (3).

(2) Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended—

(A) in paragraph (3) by striking "LIMITATION ON APPOINTMENTS.—"; and

(B) by aligning the text of paragraph (3) with the text of paragraph (2).

(3) The item relating to section 410 in the table of contents for the Trade Act of 1974 is repealed.

(4) Section 411 of the Trade Act of 1974 (19 U.S.C. 2441), and the item relating to section 411 in the table of contents for that Act, are repealed.

(5) Section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)) is amended by striking "For purposes of" and all that follows through "90-day period" and inserting "For purposes of sections 203(c) and 407(c)(2), the 90-day period".

(6) Section 406(e)(2) of the Trade Act of 1974 (19 U.S.C. 2436(e)(2)) is amended by moving subparagraphs (B) and (C) 2 ems to the left.

(7) Section 503(a)(2)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)(A)(ii)) is amended by striking subclause (II) and inserting the following:

"(II) the direct costs of processing operations performed in such beneficiary developing country or such member countries,

is not less than 35 percent of the appraised value of such article at the time it is entered.".

(8) Section 802(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2492(b)(1)(A)) is amended—

(A) by striking "481(e)" and inserting "489"; and

(B) by inserting "(22 U.S.C. 2291h)" after "1961".

(9) Section 804 of the Trade Act of 1974 (19 U.S.C. 2494) is amended by striking "481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(1))" and inserting "489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h)".

(10) Section 805(2) of the Trade Act of 1974 (19 U.S.C. 2495(2)) is amended by striking "and" after the semicolon.

(11) The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

"TITLE VIII—TARIFF TREATMENT OF PRODUCTS OF, AND OTHER SANCTIONS AGAINST, UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES

"Sec. 801. Short title.
"Sec. 802. Tariff treatment of products of uncooperative major drug producing or drug-transit countries.
"Sec. 803. Sugar quota.
"Sec. 804. Progress reports.
"Sec. 805. Definitions.".

(b) OTHER TRADE LAWS.—(1) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(A) in subsection (e) by aligning the text of paragraph (1) with the text of paragraph (2); and

(B) in subsection (f)(3)—

(i) in subparagraph (A)(ii) by striking "subsection (a)(1) through (a)(8)" and inserting "paragraphs (1) through (8) of subsection (a)"; and

(ii) in subparagraph (C)(ii)(I) by striking "paragraph (A)(i)" and inserting "subparagraph (A)(i)".

(2) Section 3(a) of the Act of June 18, 1934 (commonly referred to as the "Foreign Trade Zones Act") (19 U.S.C. 81c(a)) is amended by striking the second period at the end of the last sentence.

(3) Section 9 of the Act of June 18, 1934 (commonly referred to as the "Foreign Trade Zones Act") (19 U.S.C. 81i) is amended by striking "Post Office Department, the Public Health Service, the Bureau of Immigration" and inserting "United States Postal Service, the Public Health Service, the Immigration and Naturalization Service".

(4) The table of contents for the Trade Agreements Act of 1979 is amended—

(A) in the item relating to section 411 by striking "Special Representative" and inserting "Trade Representative"; and

(B) by inserting after the items relating to subtitle D of title IV the following:

"Subtitle E—Standards and Measures Under the North American Free Trade Agreement

"CHAPTER 1—SANITARY AND PHYTOSANITARY MEASURES

"Sec. 461. General.
"Sec. 462. Inquiry point.
"Sec. 463. Chapter definitions.

"CHAPTER 2—STANDARDS-RELATED MEASURES

"Sec. 471. General.
"Sec. 472. Inquiry point.
"Sec. 473. Chapter definitions.

"CHAPTER 3—SUBTITLE DEFINITIONS

"Sec. 481. Definitions.

"Subtitle F—International Standard-Setting Activities

"Sec. 491. Notice of United States participation in international standard-setting activities.
"Sec. 492. Equivalence determinations.
"Sec. 493. Definitions.".

(5)(A) Section 3(a)(9) of the Miscellaneous Trade and Technical Corrections Act of 1996 is amended by striking "631(a)" and "1631(a)" and inserting "631" and "1631", respectively.

(B) Section 50(c)(2) of such Act is amended by striking "applied to entry" and inserting "applied to such entry".

(6) Section 8 of the Act of August 5, 1935 (19 U.S.C. 1708) is repealed.

(7) Section 584(a) of the Tariff Act of 1930 (19 U.S.C. 1584(a)) is amended—

(A) in the last sentence of paragraph (2), by striking "102(17) and 102(15), respectively, of the Controlled Substances Act" and inserting "102(18) and 102(16), respectively, of the Controlled Substances Act (21 U.S.C. 802(18) and 802(16))"; and

(B) in paragraph (3)—

(i) by striking "or which consists of any spirits," and all that follows through "be not shown,"; and

(ii) by striking ", and, if any manifested merchandise" and all that follows through the end and inserting a period.

(8) Section 621(4)(A) of the North American Free Trade Agreement Implementation Act, as amended by section 21(d)(12) of the Miscellaneous Trade and Technical Amendments Act of 1996, is amended by striking "disclosure within 30 days" and inserting "disclosure, or within 30 days".

(9) Section 558(b) of the Tariff Act of 1930 (19 U.S.C. 1558(b)) is amended by striking "(c)" each place it appears and inserting "(h)".

(10) Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by striking paragraph (6).

(11) General note 3(a)(ii) to the Harmonized Tariff Schedule of the United States is amended by striking "general most-favored-nation (MFN)" and by inserting in lieu

thereof "general or normal trade relations (NTR)".

SEC. 1002. OBSOLETE REFERENCES TO GATT.

(a) Forest Resources Conservation and Shortage Relief Act of 1990.—(1) Section 488(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620(b)) is amended—

(A) in paragraph (3) by striking "General Agreement on Tariffs and Trade" and inserting "GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act)" ; and

(B) in paragraph (5) by striking "General Agreement on Tariffs and Trade" and inserting "WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (9) and (4), respectively, of section 2 of the Uruguay Round Agreements Act)".

(2) Section 491(g) of that Act (16 U.S.C. 620c(g)) is amended by striking "Contracting Parties to the General Agreement on Tariffs and Trade" and inserting "Dispute Settlement Body of the World Trade Organization (as the term 'World Trade Organization' is defined in section 2(8) of the Uruguay Round Agreements Act)".

(b) International Financial Institutions Act.—Section 1403(b) of the International Financial Institutions Act (22 U.S.C. 262n–2(b)) is amended—

(1) in paragraph (1)(A) by striking "General Agreement on Tariffs and Trade or Article 10" and all that follows through "Trade" and inserting "GATT 1994 as defined in section 2(1)(B) of the Uruguay Round Agreements Act, or Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of that Act"; and

(2) in paragraph (2)(B) by striking "Article 6" and all that follows through "Trade" and inserting "Article 15 of the Agreement on Subsidies and Countervailing Measures referred to in subparagraph (A)".

(c) Bretton Woods Agreements Act.—Section 49(a)(3) of the Bretton Woods Agreements Act (22 U.S.C. 286gg(a)(3)) is amended by striking "GATT Secretariat" and inserting "Secretariat of the World Trade Organization (as the term 'World Trade Organization' is defined in section 2(8) of the Uruguay Round Agreements Act)".

(d) Fishermen's Protective Act of 1967.—Section 8(a)(4) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a)(4)) is amended by striking "General Agreement on Tariffs and Trade" and inserting "World Trade Organization (as defined in section 2(8) of the Uruguay Round Agreements Act) or the multilateral trade agreements (as defined in section 2(4) of that Act)".

(e) United States-Hong Kong Policy Act of 1992.—Section 102(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5712(3)) is amended—

(1) by striking "contracting party to the General Agreement on Tariffs and Trade" and inserting "WTO member country (as defined in section 2(10) of the Uruguay Round Agreements Act)"; and

(2) by striking "latter organization" and inserting "World Trade Organization (as defined in section 2(8) of that Act)".

(f) NOAA Fleet Modernization Act.—Section 607(b)(8) of the NOAA Fleet Modernization Act (33 U.S.C. 891e(b)(8)) is amended by striking "Agreement on Interpretation" and all that follows through "trade negotiations" and inserting "Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act, or any other export subsidy prohibited by that agreement".

(g) Energy Policy Act of 1992.—(1) Section 1011(b) of the Energy Policy Act of 1992 (42 U.S.C. 2296b(b)) is amended—

(A) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)"; and

(B) by striking "United States-Canada Free Trade Agreement" and inserting "North American Free Trade Agreement".

(2) Section 1017(c) of such Act (42 U.S.C. 2296b–6(c)) is amended—

(A) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)"; and

(B) by striking "United States-Canada Free Trade Agreement" and inserting "North American Free Trade Agreement".

(h) Energy Policy Conservation Act.—Section 400AA(a)(3) of the Energy Policy Conservation Act (42 U.S.C. 6374(a)(3)) is amended in subparagraphs (F) and (G) by striking "General Agreement on Tariffs and Trade" each place it appears and inserting "multilateral trade agreements as defined in section 2(4) of the Uruguay Round Agreements Act".

(i) Title 49, United States Code.—Section 50103 of title 49, United States Code, is amended in subsections (c)(2) and (e)(2) by striking "General Agreement on Tariffs and Trade" and inserting "multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)".

SEC. 1003. TARIFF CLASSIFICATION OF 13-INCH TELEVISIONS.

(a) In General.—Each of the following subheadings of the Harmonized Tariff Schedule of the United States is amended by striking "33.02 cm" in the article description and inserting "34.29 cm":

(1) Subheading 8528.12.12.
(2) Subheading 8528.12.20.
(3) Subheading 8528.12.62.
(4) Subheading 8528.12.68.
(5) Subheading 8528.12.76.
(6) Subheading 8528.12.84.
(7) Subheading 8528.21.16.
(8) Subheading 8528.21.24.
(9) Subheading 8528.21.55.
(10) Subheading 8528.21.65.
(11) Subheading 8528.21.75.
(12) Subheading 8528.21.85.
(13) Subheading 8528.30.62.
(14) Subheading 8528.30.66.
(15) Subheading 8540.11.24.
(16) Subheading 8540.11.44.

(b) Effective Date.—

(1) In general.—The amendments made by this section apply to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

(2) Retroactive application.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service not later than 180 days after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in a subheading listed in paragraphs (1) through (16) of subsection (a)—

(A) that was made on or after January 1, 1995, and before the date that is 15 days after the date of enactment of this Act,

(B) with respect to which there would have been no duty or a lesser duty if the amendments made by subsection (a) applied to such entry, and

(C) that is—

(i) unliquidated,
(ii) under protest, or
(iii) otherwise not final,

shall be liquidated or reliquidated as though such amendment applied to such entry.

TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—REFERENCE

SEC. 2001. REFERENCE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS

SEC. 2101. DIIODOMETHYL-*P*-TOLYLSULFONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.90	Diiodomethyl-*p*-tolylsulfone (CAS No. 20018–09–1) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2102. RACEMIC dl-MENTHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.06	Racemic dl-menthol (intermediate (E) for use in producing menthol) (CAS No. 15356–70–4) (provided for in subheading 2906.11.00)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2103. 2,4-DICHLORO-5-HYDRAZINOPHENOL MONOHY- DROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.28	2,4-Dichloro-5-hydrazinophenol monohy drochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2104. TAB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.95	Phosphinic acid, [3-(acetyloxy)-3-cyanopropyl]methyl-, butyl ester (CAS No. 167004–78–6) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2105. CERTAIN SNOWBOARD BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.64.04	Snowboard boots with uppers of textile materials (provided for in subheading 6404.11.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2106. ETHOFUMESATE SINGULARLY OR IN MIXTURE WITH APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.12	2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl-methanesulfonate (ethofumesate) singularly or in mixture with application adjuvants (CAS No. 26225–79–6) (provided for in subheading 2932.99.08 or 3808.30.15)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2107. 3-METHOXYCARBONYLAMINOPHENYL-3′-METHYL-CARBANILATE (PHENMEDIPHAM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.13	3-Methoxycarbonylamino-phenyl-3′-methylcarbanilate (phenmedipham) (CAS No. 13684–63–4) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2108. 3-ETHOXYCARBONYLAMINOPHENYL-N-PHENYL-CARBAMATE (DESMEDIPHAM).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.14	3-Ethoxycarbonylamino-phenyl-N-phenylcarbamate (desmedipham) (CAS No. 13684–56–5) (provided for in subheading 2924.29.41)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2109. 2-AMINO-4-(4-AMINOBENZOYLAMINO)BENZENE-SULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.91	2-Amino-4-(4-aminobenzoylamino) benzenesulfonic acid, sodium salt (CAS No. 167614–37–1) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2110. 5-AMINO-N-(2-HYDROXYETHYL)-2,3-XYLENESUL- FONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.31	5-Amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide (CAS No. 25797–78–8) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2111. 3-AMINO-2′-(SULFATOETHYLSULFONYL) ETHYL BENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.90	3-Amino-2′-(sulfatoethylsulfonyl) ethyl benzamide (CAS No. 121315–20–6) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2112. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.92	4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt (CAS No. 6671–49–4) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2113. 2-AMINO-5-NITROTHIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.46	2-Amino-5-nitrothiazole (CAS No. 121–66–4) (provided for in subheading 2934.10.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2114. 4-CHLORO-3-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.04	4-Chloro-3-nitrobenzenesulfonic acid (CAS No. 121–18–6) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2115. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.21	6-Amino-1,3-naphthalenedisulfonic acid (CAS No. 118–33–2) (provided for in subheading 2921.45.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2116. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.24	4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt (CAS No. 17691–19–9) (provided for in subheading 2904.90.40)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2117. 2-METHYL-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.23	2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121–03–9) (provided for in subheading 2904.90.20)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2118. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.45	6-Amino-1,3-naphthalenedisulfonic acid, disodium salt (CAS No. 50976–35–7) (provided for in subheading 2921.45.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2119. 2-AMINO-P-CRESOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.20	2-Amino-p-cresol (CAS No. 95–84–1) (provided for in subheading 2922.29.10)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2120. 6-BROMO-2,4-DINITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.43	6-Bromo-2,4-dinitroaniline (CAS No. 1817–73–8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2121. 7-ACETYLAMINO-4-HYDROXY-2-NAPHTHALENE-SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.29	7-Acetylamino-4-hydroxy-2-naphthalenesulfonic acid, monosodium salt (CAS No. 42360–29–2) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2122. TANNIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.01	Tannic acid (CAS No. 1401–55–4) (provided for in subheading 3201.90.10)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2123. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.53	2-Amino-5-nitrobenzenesulfonic acid, monosodium salt (CAS No. 30693–53–9) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2124. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOAMMONIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.44	2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt (CAS No. 4346–51–4) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2125. 2-AMINO-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.54	2-Amino-5-nitrobenzenesulfonic acid (CAS No. 96–75–3) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2126. 3-(4,5-DIHYDRO-3-METHYL-5-OXO-1H-PYRAZOL-1-YL)BENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.19	3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulfonic acid (CAS No. 119–17–5) (provided for in subheading 2933.19.43)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2127. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHA- LENEDISULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.65	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid (CAS No. 117–46–4) (provided for in subheading 2924.29.75)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2128. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHA- LENEDISULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.72	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt (CAS No. 79873–39–5) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2129. PIGMENT YELLOW 151.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.04	Pigment Yellow 151 (CAS No. 031837–42–0) (provided for in subheading 3204.17.90)	6.4%	No change	No change	On or before 12/31/2001	".

SEC. 2130. PIGMENT YELLOW 181.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.17	Pigment Yellow 181 (CAS No. 074441–05–7) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2131. PIGMENT YELLOW 154.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.18	Pigment Yellow 154 (CAS No. 068134–22–5) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2132. PIGMENT YELLOW 175.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.19	Pigment Yellow 175 (CAS No. 035636–63–6) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2133. PIGMENT YELLOW 180.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.20	Pigment Yellow 180 (CAS No. 77804–81–0) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2134. PIGMENT YELLOW 191.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.21	Pigment Yellow 191 (CAS No. 129423–54–7) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2135. PIGMENT RED 187.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

"	9902.32.22	Pigment Red 187 (CAS No. 59487–23–9) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2136. PIGMENT RED 247.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.23	Pigment Red 247 (CAS No. 43035-18-3) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2137. PIGMENT ORANGE 72.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.24	Pigment Orange 72 (CAS No. 78245–94–0) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2138. PIGMENT YELLOW 16.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.25	Pigment Yellow 16 (CAS No. 5979–28–2) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2139. PIGMENT RED 185.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

"	9902.32.26	Pigment Red 185 (CAS No. 51920–12–8) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2140. PIGMENT RED 208.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.27	Pigment Red 208 (CAS No. 31778–10–6) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2141. PIGMENT RED 188.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.28	Pigment Red 188 (CAS No. 61847–48–1) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2142. 2,6-DIMETHYL-M-DIOXAN-4-OL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.94	2,6-Dimethyl-m-dioxan-4-ol acetate (CAS No. 000828–00–2) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2143. β-BROMO-β-NITROSTYRENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.92	β-Bromo-β-nitrostyrene (CAS No. 7166–19–0) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2144. TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.43	Ink-jet textile printing machinery (provided for in subheading 8443.51.10)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2145. DELTAMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.18	(S)-α-Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate (deltamethrin) in bulk or in forms or packings for retail sale (CAS No. 52918–63–5) (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2146. DICLOFOP-METHYL.

Subchapter II of chapter 99 is amended by striking heading 9902.30.16 and inserting the following:

“	9902.30.16	Methyl 2-[4-(2,4-dichlorophenoxy)phenoxy] propionate (diclofop-methyl) in bulk or in forms or packages for retail sale containing no other pesticide products (CAS No. 51338–27–3) (provided for in subheading 2918.90.20 or 3808.30.15) ...	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2147. RESMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.29	([5-(Phenylmethyl)-3-furanyl] methyl 2,2-dimethyl-3-(2-methyl-1-propenyl) cyclopropanecarboxylate (resmethrin) (CAS No. 10453–86–8) (provided for in subheading 2932.19.10)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2148. N-PHENYL-N′-1,2,3-THIADIAZOL-5-YLUREA.

Subchapter II of chapter 99 is amended by striking heading 9902.30.17 and inserting the following:

“	9902.30.17	N-phenyl-N′-1,2,3-thiadiazol-5-ylurea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707–55–2) (provided for in subheading 2934.90.15 or 3808.30.15)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2149. (1R,3S)3[(1′RS)(1′,2′,2′,2′,-TETRABROMOETHYL)]-2,2-DIMETHYLCYCLOPROPANECARBOXYLIC ACID, (S)-α-CYANO-3-PHENOXYBENZYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.19	(1R,3S)3[(1′RS)(1′,2′,2′,2′,-Tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid, (S)-α-cyano-3-phenoxybenzyl ester in bulk or in forms or packages for retail sale (CAS No. 66841–25–6) (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2150. PIGMENT YELLOW 109.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.00	Pigment Yellow 109 (CAS No. 106276–79–3) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2151. PIGMENT YELLOW 110.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.05	Pigment Yellow 110 (CAS No. 106276–80–6) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2152. PIGMENT RED 177.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.58	Pigment Red 177 (CAS No. 4051–63–2) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2153. TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.20	Textile printing machinery (provided for in subheading 8443.59.10)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2154. SUBSTRATES OF SYNTHETIC QUARTZ OR SYNTHETIC FUSED SILICA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.70.06	Substrates of synthetic quartz or synthetic fused silica imported in bulk or in forms or packages for retail sale (provided for in subheading 7006.00.40)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2155. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.14	2-Methyl-4,6- bis[(octylthio) methyl]phenol (CAS No. 110553–27–0) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2156. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL; EPOXIDIZED TRIGLYCERIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.12	2-Methyl-4,6- bis[(octylthio) methyl]phenol; epoxidized triglyceride (provided for in subheading 3812.30.60)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2157. 4-[[4,6-BIS(OCTYLTHIO)-1,3,5-TRIAZIN-2-YL]AMINO] -2,6-BIS(1,1-DIMETHYLETHYL)PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.30	4-[[4,6-Bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol (CAS No. 991–84–4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2158. (2-BENZOTHIAZOLYLTHIO)BUTANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.31	(2-Benzothiazolylthio)butanedioic acid (CAS No. 95154–01–1) (provided for in subheading 2934.20.40)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2159. CALCIUM BIS[MONOETHYL(3,5-DI-TERT-BUTYL-4-HYDROXYBENZYL) PHOSPHONATE].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.16	Calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate] (CAS No. 65140–91–2) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2160. 4-METHYL-γ-OXO-BENZENEBUTANOIC ACID COMPOUNDED WITH 4-ETHYLMORPHOLINE (2:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.26	4-Methyl-γ-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1) (CAS No. 171054–89–0) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2161. WEAVING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.46	Weaving machines (looms), shuttleless type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m (provided for in subheading 8446.30.50), entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams	3.3%	No change	No change	On or before 12/31/2001	”.

SEC. 2162. CERTAIN WEAVING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.10	Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9m (provided for in subheading 8446.21.50), if entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames or beams	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2163. DEMT.

Subchapter II of chapter 99 is amended by striking heading 9902.32.12 and inserting the following:

“	9902.32.12	N,N-Diethyl-m-toluidine (DEMT) (CAS No. 91–67–8) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2164. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.57	Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl-(CAS No. 80–54–6) (provided for in subheading 2912.29.60)	6%	No change	No change	On or before 12/31/2001	”.

SEC. 2165. 2H-3,1-BENZOXAZIN-2-ONE, 6-CHLORO-4-(CYCLO-PROPYLETHYNYL)-1,4-DIHYDRO-4-(TRIFLUOROMETHYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.56	2H-3,1-Benzoxazin-2-one, 6-chloro-4-(cyclopropylethynyl)-1,4-dihydro-4-(trifluoromethyl)-(CAS No. 154598–52–4) (provided for in subheading 2934.90.30)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2166. TEBUFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.32	N-tert-Butyl-N’-(4-ethylbenzoyl)-3,5-Dimethylbenzoylhydrazide (Tebufenozide) (CAS No. 112410-23-8) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2167. HALOFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.36	Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl) hydrazide (Halofenozide) (CAS No. 112226-61-6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2168. CERTAIN ORGANIC PIGMENTS AND DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.07	Organic luminescent pigments and dyes for security applications excluding daylight fluorescent pigments and dyes (provided for in subheading 3204.90.00)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2169. 4-HEXYLRESORCINOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.07	4-Hexylresorcinol (CAS No. 136–77–6) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2170. CERTAIN SENSITIZING DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.37	Polymethine photo-sensitizing dyes (provided for in subheadings 2933.19.30, 2933.19.90, 2933.90.24, 2934.10.90, 2934.20.40, 2934.90.20, and 2934.90.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2171. SKATING BOOTS FOR USE IN THE MANUFACTURE OF IN-LINE ROLLER SKATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.64.05	Boots for use in the manufacture of in-line roller skates (provided for in subheadings 6402.19.90, 6403.19.40, 6403.19.70, and 6404.11.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2172. DIBUTYLNAPHTHALENESULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.34.02	Surface active preparation containing 30 percent or more by weight of dibutylnaphthalenesulfonic acid, sodium salt (CAS No. 25638–17–9) (provided for in subheading 3402.90.30)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2173. O-(6-CHLORO-3-PHENYL-4-PYRIDAZINYL)-S-OCTYLCARBONOTHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.08	O-(6-Chloro-3-phenyl-4-pyridazinyl)-S-octyl-carbonothioate (CAS No. 55512–33–9) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2174. 4-CYCLOPROPYL-6-METHYL-2-PHENYLAMINOPY-RIMIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.50	4-Cyclopropyl-6-methyl-2-phenylaminopyrimidine (CAS No. 121552–61–2) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2175. O,O-DIMETHYL-S-[5-METHOXY-2-OXO-1,3,4-THIADI-AZOL-3(2H)-YL-METHYL]DITHIOPHOSPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.51	O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl]dithiophosphate (CAS No. 950–37–8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2176. ETHYL [2-(4-PHENOXY-PHENOXY) ETHYL] CARBAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.52	Ethyl [2-(4-phenoxyphenoxy)-ethyl]carbamate (CAS No. 79127–80–3) (provided for in subheading 2924.10.80)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2177. [(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-CHLORO-PHENOXY)-2-CHLOROPHENYL]-4-METHYL-1,3-DIOXOLAN-2-YLMETHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.74	[(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-Chlorophenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-yl- methyl]-1H-1,2,4-triazole (CAS No. 119446-68-3) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2178. 2,4-DICHLORO-3,5-DINITROBENZOTRIFLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.12	2,4-Dichloro-3,5-dinitrobenzotrifluoride (CAS No. 29091–09–6) (provided for in subheading 2910.90.20)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2179. 2-CHLORO-N-[2,6-DINITRO-4-(TRIFLUOROMETHYL) PHENYL]-N-ETHYL-6-FLUOROBENZENEMETHANAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.15	2-Chloro-N-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine (CAS No. 62924–70–3) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2180. CHLOROACETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.11	Chloroacetone (CAS No. 78–95–5) (provided for in subheading 2914.19.00)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2181. ACETIC ACID, [(5-CHLORO-8-QUINOLINYL)OXY]-, 1-METHYLHEXYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.60	Acetic acid, [(5-chloro-8-quinolinyl)oxy]-, 1-methylhexyl ester (CAS No. 99607–70–2) (provided for in subheading 2933.40.30)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2182. PROPANOIC ACID, 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]PHENOXY]-, 2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.19	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy]-, 2-propynyl ester (CAS No. 105512–06–9) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2183. MUCOCHLORIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.18	Mucochloric acid (CAS No. 87–56–9) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2184. CERTAIN ROCKET ENGINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.12	Dual thrust chamber rocket engines each having a maximum static sea level thrust exceeding 3,550 kN and nozzle exit diameter exceeding 127 cm (provided for in subheading 8412.10.00)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2185. PIGMENT RED 144.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.11	Pigment Red 144 (CAS No. 5280–78–4) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2186. PIGMENT ORANGE 64.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.09	Pigment Orange 64 (CAS No. 72102–84–2) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2187. PIGMENT YELLOW 95.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.08	Pigment Yellow 95 (CAS No. 5280–80–8) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2188. PIGMENT YELLOW 93.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.13	Pigment Yellow 93 (CAS No. 5580–57–4) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2189. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B] [1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID, DIETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.33	(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b] [1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid, diethyl ester (CAS No. 177575–19–8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2190. 4-CHLOROPYRIDINE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.34	4-Chloropyridine hydrochloride (CAS No. 7379–35–3) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2191. 4-PHENOXYPYRIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.35	4-Phenoxypyridine (CAS No. 4783–86–2) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2192. (3S)-2,2-DIMETHYL-3-THIOMORPHOLINE CARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.36	(3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid (CAS No. 84915–43–5) (provided for in subheading 2934.90.90)	Free	No Change	No Change	On or before 12/31/2001	”.

SEC. 2193. 2-AMINO-5-BROMO-6-METHYL-4-(1H)-QUINAZOLI-NONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.37	2-Amino-5-bromo-6-methyl-4-(1H)-quinazolinone (CAS No. 147149–89–1) (provided for in subheading 2933.59.70)	Free	No Change	No Change	On or before 12/31/2001	”.

SEC. 2194. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHIO)-4(1H)-QUINAZOLINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.38	2-Amino-6-methyl-5-(4-pyridinylthio)-4(1H)-quinazolinone (CAS No. 147149–76–6) (provided for in subheading 2933.59.70)	Free	No Change	No Change	On or before 12/31/2001	”.

SEC. 2195. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B][1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.39	(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid (CAS No. 177575–17–6) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2196. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHIO)-4-(1H)-QUINAZOLINONE DIHYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.40	2-Amino-6-methyl-5-(4-pyridinylthio)-4-(1H)-quinazolinone dihydrochloride (CAS No. 152946–68–4) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2197. 3-(ACETYLOXY)-2-METHYLBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.41	3-(Acetyloxy)-2-methylbenzoic acid (CAS No. 168899–58–9) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2198. [R-(R*,R*)]-1,2,3,4-BUTANETETROL-1,4-DIMETH- ANESULFONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.42	[R-(R*,R*)]-1,2,3,4-Butanetetrol-1,4-dimethanesulfonate (CAS No. 1947–62–2) (provided for in subheading 2905.49.50)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2199. 9-[2- [[BIS[(PIVALOYLOXY) METHOXY]PHOS- PHINYL]METHOXY] ETHYL]ADENINE (ALSO KNOWN AS ADEFOVIR DIPIVOXIL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.01	9-[2- [[Bis[(pivaloyloxy)-methoxy]phosphinyl]- methoxy] ethyl]adenine (also known as Adefovir Dipivoxil) (CAS No. 142340–99–6) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2200. 9-[2-(R)-[[BIS[(ISOPROPOXYCARBONYL)OXY- METHOXY]-PHOSPHINOYL]METHOXY]-PROPYL]ADENINE FUMARATE (1:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.02	9-[2-(R)-[[Bis[(isopropoxy- carbonyl)oxymethoxy]-phosphinoyl]methoxy]-propyl]adenine fumarate (1:1) (CAS No. 202138-50-9) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2201. (R)-9-(2-PHOSPHONOMETHOXYPROPYL)ADE- NINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.03	(R)-9-(2-Phosphonomethoxypropyl)adenine (CAS No. 147127–20–6) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2202. (R)-1,3-DIOXOLAN-2-ONE, 4-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.04	(R)-1,3-Dioxolan-2-one, 4-methyl- (CAS No. 16606–55–6) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2203. 9-(2-HYDROXYETHYL)ADENINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.05	9-(2-Hydroxyethyl)adenine (CAS No. 707–99–3) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2204. (R)-9H-PURINE-9-ETHANOL, 6-AMINO-α-METHYL-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.06	(R)-9H-Purine-9-ethanol, 6-amino-α-methyl- (CAS No. 14047–28–0) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2205. CHLOROMETHYL-2-PROPYL CARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.07	Chloromethyl-2-propyl carbonate (CAS No. 35180–01–9) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2206. (R)-1,2-PROPANEDIOL, 3-CHLORO-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.08	(R)-1,2-Propanediol, 3-chloro- (CAS No. 57090–45–6) (provided for in subheading 2905.50.60)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2207. OXIRANE, (S)-((TRIPHENYLMETHOXY)METHYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.09	Oxirane, (S)-((triphenylmethoxy)methyl)-(CAS No. 129940–50–7) (provided for in subheading 2910.90.20)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2208. CHLOROMETHYL PIVALATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.10	Chloromethyl pivalate (CAS No. 18997–19–8) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2209. DIETHYL (((P-TOLUENESULFONYL)OXY)- METHYL)PHOSPHONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.11	Diethyl (((p-toluenesulfonyl)oxy)- methyl)phosphonate (CAS No. 31618–90–3) (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2210. BETA HYDROXYALKYLAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.25	N,N,N',N'-Tetrakis-(2-hydroxyethyl)-hexane diamide (beta hydroxyalkylamide) (CAS No. 6334–25–4) (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2211. GRILAMID TR90.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.12	Dodecanedioic acid, polymer with 4,4^{1}-methylenebis (2-methylcyclohexanamine) (CAS No. 163800–66–6) (provided for in subheading 3908.90.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2212. IN–W4280.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.51	2,4-Dichloro-5-hydroxyphenylhydrazine (CAS No. 39807–21–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2213. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.54	Methyl 4-trifluoromethoxyphenyl-N-(chlorocarbonyl) carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2214. METHYL THIOGLYCOLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.32.55	Methyl thioglycolate (CAS No. 2365–48–2) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2215. DPX–E6758.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.59	Phenyl (4,6-dimethoxypyrimidin-2-yl) carbamate (CAS No. 89392-03-0) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2216. ETHYLENE, TETRAFLUORO COPOLYMER WITH ETHYLENE (ETFE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.68	Ethylene-tetrafluoro ethylene copolymer (ETFE) (provided for in subheading 3904.69.50)	3.3%	No change	No change	On or before 12/31/2001	”.

SEC. 2217. 3-MERCAPTO-D-VALINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.66	3-Mercapto-D-valine (CAS No. 52-67-5) (provided for in subheading 2930.90.45)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2218. P-ETHYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.21	p-Ethylphenol (CAS No. 123-07-9) (provided for in subheading 2907.19.20)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2219. PANTERA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.09	(+/−)- Tetrahydrofurfuryl (R)-2[4-(6-chloroquinoxalin-2-yloxy)phenoxy] propanoate (CAS No. 119738-06-6) (provided for in subheading 2909.30.40) and any mixtures containing such compound (provided for in subheading 3808.30)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2220. P-NITROBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.70	p-Nitrobenzoic acid (CAS No. 62-23-7) (provided for in subheading 2916.39.45)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2221. P-TOLUENESULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.95	p-Toluenesulfonamide (CAS No. 70-55-3) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2222. POLYMERS OF TETRAFLUOROETHYLENE, HEXAFLUOROPROPYLENE, AND VINYLIDENE FLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.04	Polymers of tetrafluoroethylene (provided for in subheading 3904.61.00), hexafluoropropylene and vinylidene fluoride (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2223. METHYL 2-[[[[4-(DIMETHYLAMINO)-6-(2,2,2- TRI- FLUOROETHOXY)-1,3,5-TRIAZIN-2-YL]AMINO]- CARBONYL]AMINO]SULFONYL]-3-METHYL- BENZOATE (TRIFLUSULFURON METHYL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.11	Methyl 2-[[[[[4- (dimethylamino)-6-(2,2,2- trifluoroethoxy)- 1,3,5-triazin-2-yl]amino]carbonyl]-amino]sulfonyl]-3-methylbenzoate (triflusulfuron methyl) in mixture with application adjuvants. (CAS No. 126535-15-7) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2001	”.

SEC. 2224. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

" 9902.84.79	Calendaring or other rolling machines for rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8420.10.90, 8420.91.90 or 8420.99.90) and material holding devices or similar attachments thereto	Free	No change	No change	On or before 12/31/2001
9902.84.81	Shearing machines to be used to cut metallic tissue for use in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8462.31.00 or subheading 8466.94.85)	Free	No change	No change	On or before 12/31/2001
9902.84.83	Machine tools for working wire of iron or steel to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8463.30.00 or 8466.94.85)	Free	No change	No change	On or before 12/31/2001
9902.84.85	Extruders to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2001
9902.84.87	Machinery for molding, retreading, or otherwise forming uncured, unvulcanized rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2001
9902.84.89	Sector mold press machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or subheading 8477.90.85)	Free	No change	No change	On or before 12/31/2001

	9902.84.91	Sawing machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8465.91.00 or subheading 8466.92.50)	Free	No change	No change	On or before 12/31/2001 ".

SEC. 2225. TEXTURED ROLLED GLASS SHEETS.

Subchapter II of chapter 99 is amended by striking heading 9902.70.03 and inserting the following:

"	9902.70.03	Rolled glass in sheets, yellow-green in color, not finished or edged-worked, textured on one surface, suitable for incorporation in cooking stoves, ranges, or ovens described in subheadings 8516.60.40 (provided for in subheading 7003.12.00 or 7003.19.00)	Free	No change	No change	On or before 12/31/2001 ".

SEC. 2226. CERTAIN HIV DRUG SUBSTANCES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.32.43	(S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide hydrochloride salt (CAS No. 149057–17–0)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99
	9902.32.44	(S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide sulfate salt (CAS No. 186537–30–4)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99
	9902.32.45	(3S)-1,2,3,4-Tetrahydroisoquinoline-3-carboxylic acid (CAS No. 74163–81–8)(provided for in subheading 2933.40.60)	Free	No change	No change	On or before 6/30/99 ".

SEC. 2227. RIMSULFURON.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.60	N-[[(4,6-Dimethoxy-2-pyrimidinyl)amino] carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 122931–48–0) (provided for in subheading 2935.00.75)	7.3%	No change	No change	On or before 12/31/99 ".

(b) RATE FOR 2000.—Heading 9902.33.60, as added by subsection (a), is amended—

(1) by striking "7.3%" and inserting "Free"; and

(2) by striking "12/31/99" and inserting "12/31/2000".

(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2228. CARBAMIC ACID (V-9069).

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.61	((3-((Dimethylamino)carbonyl)-2-pyridinyl)sulfonyl) carbamic acid, phenyl ester (CAS No. 112006-94–7) (provided for in subheading 2935.00.75)	8.3%	No change	No change	On or before 12/31/99 ".

(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.61, as added by subsection (a), is amended—

(1) by striking "8.3%" and inserting "7.6%"; and

(2) by striking "12/31/99" and inserting "12/31/2000".

(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2229. DPX-E9260.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.63	3-(Ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 117671–01-9) (provided for in subheading 2935.00.75)	6%	No change	No change	On or before 12/31/99 ".

(b) RATE ADJUSTMENT.—Heading 9902.33.63, as added by subsection (a), is amended—

(1) by striking "6%" and inserting "5.3%"; and

(2) by striking "12/31/99" and inserting "12/31/2000".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

(2) ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

SEC. 2230. ZIRAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.38.28	Ziram (provided for in subheading 3808.20.28)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2231. FERROBORON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.72.02	Ferroboron to be used for manufacturing amorphous metal strip (provided for in subheading 7202.99.50)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2232. ACETIC ACID, [[2-CHLORO-4-FLUORO-5-[(TETRA- HYDRO-3-OXO-1H,3H-[1,3,4]THIADIAZOLO[3,4-a]PYRIDAZIN-1-YLIDENE)AMINO]PHENYL]- THIO]-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.66	Acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H,3H-[1,3,4]thiadiazolo- [3,4-a]pyridazin-1-ylidene)amino]phenyl]thio]-, methyl ester (CAS No. 117337-19-6) (provided for in subheading 2934.90.15)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2233. PENTYL[2-CHLORO-5-(CYCLOHEX-1-ENE-1,2-DI- CARBOXIMIDO)-4-FLUOROPHENOXY]ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.66	Pentyl[2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate (CAS No. 87546-18-7) (provided for in subheading 2925.19.40)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2234. BENTAZON (3-ISOPROPYL)-1H-2,1,3-BENZO-THIADIAZIN-4(3H)-ONE-2,2-DIOXIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.29.67	Bentazon (3-Isopropyl)-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide) (CAS No. 50723-80-3) (provided for in subheading 2934.90.11)	5.0%	No change	No change	On or before 12/31/2001	".

SEC. 2235. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS NOT MOUNTED IN THEIR ENCLOSURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.20	Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80), the foregoing which meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands, when such loudspeakers are tested in a reverberant chamber	Free	No change	No change	On or before 12/31/2001	".

SEC. 2236. PARTS FOR USE IN THE MANUFACTURE OF CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.21	Parts for use in the manufacture of loudspeakers of a type described in subheading 9902.85.20 (provided for in subheading 8518.90.80)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2237. 5-TERT-BUTYL-ISOPHTHALIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.12	5-tert-Butyl-iso-phthalic acid (CAS No. 2359–09–3) (provided for in subheading 2917.39.70)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2238. CERTAIN POLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.07	A polymer of the following monomers: 1,4-benzenedicarboxylic acid, dimethyl ester (dimethyl terephthalate) (CAS No. 120-61-6); 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester, sodium salt (sodium dimethyl sulfoisophthalate) (CAS No. 3965-55-7); 1,2-ethanediol (ethylene glycol) (CAS No. 107-21-1); and 1,2-propanediol (propylene glycol) (CAS No. 57-55-6); with terminal units from 2-(2-hydroxyethoxy) ethanesulfonic acid, sodium salt (CAS No. 53211-00-0) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2001	".

SEC. 2239. 2-(4-CHLOROPHENYL)-3-ETHYL-2, 5-DIHYDRO-5-OXO-4-PYRIDAZINE CARBOXYLIC ACID, POTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.33.16	2-(4-Chlorophenyl)-3-ethyl-2, 5-dihydro-5-oxo-4-pyridazine carboxylic acid, potassium salt (CAS No. 82697–71–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2001	".

CHAPTER 3—EFFECTIVE DATE

SEC. 2301. EFFECTIVE DATE.

Except as otherwise provided in this subtitle, the amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of enactment of this Act.

Subtitle B—Other Trade Provisions

SEC. 2401. EXTENSION OF UNITED STATES INSULAR POSSESSION PROGRAM.

(a) IN GENERAL.—The additional U.S. notes to chapter 71 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following new note:

"3.(a) Notwithstanding any provision in additional U.S. note 5 to chapter 91, any article of jewelry provided for in heading 7113 which is the product of the Virgin Islands, Guam, or American Samoa (including any such article which contains any foreign component) shall be eligible for the benefits provided in paragraph (h) of additional U.S. note 5 to chapter 91, subject to the provisions and limitations of that note and of paragraphs (b), (c), and (d) of this note.

"(b) Nothing in this note shall result in an increase or a decrease in the aggregate amount referred to in paragraph (h)(iii) of, or the quantitative limitation otherwise established pursuant to the requirements of, additional U.S. note 5 to chapter 91.

"(c) Nothing in this note shall be construed to permit a reduction in the amount available to watch producers under paragraph (h)(iv) of additional U.S. note 5 to chapter 91.

"(d) The Secretary of Commerce and the Secretary of the Interior shall issue such regulations, not inconsistent with the provisions of this note and additional U.S. note 5 to chapter 91, as the Secretaries determine necessary to carry out their respective duties under this note. Such regulations shall not be inconsistent with substantial transformation requirements but may define the circumstances under which articles of jewelry shall be deemed to be 'units' for purposes of the benefits, provisions, and limitations of additional U.S. note 5 to chapter 91.

"(e) Notwithstanding any other provision of law, during the 2-year period beginning 45 days after the date of the enactment of this note, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule.".

(b) CONFORMING AMENDMENT.—General Note 3(a)(iv)(A) of the Harmonized Tariff Schedule of the United States is amended by inserting "and additional U.S. note 3(e) of chapter 71," after "Tax Reform Act of 1986,".

(c) EFFECTIVE DATE.—The amendments made by this section take effect 45 days after the date of the enactment of this Act.

SEC. 2402. TARIFF TREATMENT FOR CERTAIN COMPONENTS OF SCIENTIFIC INSTRUMENTS AND APPARATUS.

(a) IN GENERAL.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended in subdivision (a) by adding at the end the following new sentence: "The term 'instruments and apparatus' under subheading 9810.00.60 includes separable components of an instrument or apparatus listed in this subdivision that are imported for assembly in the United States in such instrument or apparatus where the instrument or apparatus, due to its size, cannot be feasibly imported in its assembled state.".

(b) APPLICATION OF DOMESTIC EQUIVALENCY TEST TO COMPONENTS.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by redesignating subdivisions (d) through (f) as subdivisions (e) through (g), respectively; and

(2) by inserting after subdivision (c) the following:

"(d)(i) If the Secretary of Commerce determines under this U.S. note that an instrument or apparatus is being manufactured in the United States that is of equivalent scientific value to a foreign-origin instrument or apparatus for which application is made (but which, due to its size, cannot be feasibly imported in its assembled state), the Secretary shall report the findings to the Secretary of the Treasury and to the applicant institution, and all components of such foreign-origin instrument or apparatus shall remain dutiable.

"(ii) If the Secretary of Commerce determines that the instrument or apparatus for which application is made is not being manufactured in the United States, the Secretary is authorized to determine further whether any component of such instrument or apparatus of a type that may be purchased, obtained, or imported separately is being manufactured in the United States and shall report the findings to the Secretary of the Treasury and to the applicant institution, and any component found to be domestically available shall remain dutiable.

"(iii) Any decision by the Secretary of the Treasury which allows for duty-free entry of a component of an instrument or apparatus which, due to its size cannot be feasibly imported in its assembled state, shall be effective for a specified maximum period, to be determined in consultation with the Secretary of Commerce, taking into account both the scientific needs of the importing institution and the potential for development of comparable domestic manufacturing capacity.".

(c) MODIFICATIONS OF REGULATIONS.—The Secretary of the Treasury and the Secretary of Commerce shall make such modifications to their joint regulations as are necessary to carry out the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 120 days after the date of the enactment of this Act.

SEC. 2403. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at Los Angeles, California, and New Orleans, Louisiana, which are listed in subsection (c), in accordance with the final decision of the International Trade Administration of the Department of Commerce for shipments entered between October 1, 1984, and December 14, 1987 (case number A–274–001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
322 00298563	12/11/86	Los Angeles, California
322 00300567	12/11/86	Los Angeles, California
86–2909242	9/2/86	New Orleans, Louisiana
87–05457388	1/9/87	New Orleans, Louisiana

SEC. 2404. DRAWBACK AND REFUND ON PACKAGING MATERIAL.

(a) IN GENERAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)) is further amended—

(1) by striking "Packaging material" and inserting the following:

"(1) IN GENERAL.—Packaging material"; and

(2) by adding at the end the following:

"(2) ADDITIONAL ELIGIBILITY.—Packaging material produced in the United States, which is used by the manufacturer or any other person on or for articles which are exported or destroyed under subsection (a) or (b), shall be eligible under such subsection for refund, as drawback, of 99 percent of any duty, tax, or fee imposed on the importation of such material used to manufacture or produce the packaging material.".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 2405. INCLUSION OF COMMERCIAL IMPORTATION DATA FROM FOREIGN-TRADE ZONES UNDER THE NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

"(c) FOREIGN-TRADE ZONES.—Not later than January 1, 2000, the Secretary shall provide for the inclusion of commercial importation data from foreign-trade zones under the Program.".

SEC. 2406. LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1304 et seq.) is amended by inserting after section 484a the following:

"SEC. 484b. DEFERRAL OF DUTY ON LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, any vessel meeting the definition of a large yacht as provided in subsection (b) and which is otherwise dutiable may be imported without the payment of duty if imported with the intention to offer for sale at a boat show in the United States. Payment of duty shall be deferred, in accordance with this section, until such large yacht is sold.

"(b) DEFINITION.—As used in this section, the term 'large yacht' means a vessel that exceeds 79 feet in length, is used primarily for recreation or pleasure, and has been previously sold by a manufacturer or dealer to a retail consumer.

"(c) DEFERRAL OF DUTY.—At the time of importation of any large yacht, if such large yacht is imported for sale at a boat show in the United States and is otherwise dutiable, duties shall not be assessed and collected if the importer of record—

"(1) certifies to the Customs Service that the large yacht is imported pursuant to this section for sale at a boat show in the United States; and

"(2) posts a bond, which shall have a duration of 6 months after the date of importation, in an amount equal to twice the amount of duty on the large yacht that would otherwise be imposed under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States.

"(d) PROCEDURES UPON SALE.—

"(1) DEPOSIT OF DUTY.—If any large yacht (which has been imported for sale at a boat show in the United States with the deferral of duties as provided in this section) is sold within the 6-month period after importation—

"(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

"(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

"(e) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

"(1) IN GENERAL.—If the large yacht entered with deferral of duties is neither sold nor exported within the 6-month period after importation—

"(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

"(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

"(2) ADDITIONAL REQUIREMENTS.—No extensions of the bond period shall be allowed. Any large yacht exported in compliance with the bond period may not be reentered for purposes of sale at a boat show in the United States (in order to receive duty deferral benefits) for a period of 3 months after such exportation.

"(f) REGULATIONS.—The Secretary of the Treasury is authorized to make such rules and regulations as may be necessary to carry out the provisions of this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any large yacht imported into the United States after the date that is 15 days after the date of the enactment of this Act.

SEC. 2407. REVIEW OF PROTESTS AGAINST DECISIONS OF CUSTOMS SERVICE.

Section 515(a) of the Tariff Act of 1930 (19 U.S.C. 1515(a)) is amended by inserting after the third sentence the following: "Within 30 days from the date an application for further review is filed, the appropriate customs officer shall allow or deny the application and, if allowed, the protest shall be forwarded to the customs officer who will be conducting the further review.".

SEC. 2408. ENTRIES OF NAFTA-ORIGIN GOODS.

(a) REFUND OF MERCHANDISE PROCESSING FEES.—Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1) by inserting "(including any merchandise processing fees)" after "excess duties".

(b) PROTEST AGAINST DECISION OF CUSTOMS SERVICE RELATING TO NAFTA CLAIMS.—Section 514(a)(7) of such Act (19 U.S.C. 1514(a)(7)) is amended by striking "section 520(c)" and inserting "subsection (c) or (d) of section 520".

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

SEC. 2409. TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE HELD AT CUSTOMS-APPROVED STORAGE ROOMS.

Section 557(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1557(a)(1)) is amended in the first sentence by inserting "(including international travel merchandise)" after "Any merchandise subject to duty".

SEC. 2410. EXCEPTION TO 5-YEAR REVIEWS OF COUNTERVAILING DUTY OR ANTIDUMPING DUTY ORDERS.

Section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) is amended by adding at the end the following:

"(7) EXCLUSIONS FROM COMPUTATIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), there shall be excluded from the computation of the 5-year period described in paragraph (1) and the periods described in paragraph (6) any period during which the importation of the subject merchandise is prohibited on account of the imposition, under the International Emergency Economic Powers Act or other provision of law, of sanctions by the United States against the country in which the subject merchandise originates.

"(B) APPLICATION OF EXCLUSION.—Subparagraph (A) shall apply only with respect to subject merchandise which originates in a country that is not a WTO member.".

SEC. 2411. WATER RESISTANT WOOL TROUSERS.

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service within 180 days after the date of enactment of this Act, any entry or withdrawal from warehouse for consumption—

(1) that was made after December 31, 1988, and before January 1, 1995; and

(2) that would have been classifiable under subheading 6203.41.05 or 6204.61.10 of the Harmonized Tariff Schedule of the United States and would have had a lower rate of duty, if such entry or withdrawal had been made on January 1, 1995,

shall be liquidated or reliquidated as if such entry or withdrawal had been made on January 1, 1995.

SEC. 2412. REIMPORTATION OF CERTAIN GOODS.

(a) IN GENERAL.—Subchapter I of chapter 98 is amended by inserting in numerical sequence the following new heading:

“	9801.00.26	Articles, previously imported, with respect to which the duty was paid upon such previous importation, if (1) exported within 3 years after the date of such previous importation, (2) sold for exportation and exported to individuals for personal use, (3) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, (4) reimported as personal returns from those individuals, whether or not consolidated with other personal returns prior to reimportation, and (5) reimported by or for the account of the person who exported them from the United States within 1 year of such exportation	Free		Free	”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods described in heading 9801.00.26 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that are reimported into the United States on or after the date that is 15 days after the date of enactment of this Act.

SEC. 2413. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.98.08	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1999 International Special Olympics, the 1999 Women's World Cup Soccer, the 2001 International Special Olympics, the 2002 Salt Lake City Winter Olympics, and the 2002 Winter Paralympic Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing events by or on behalf of the foregoing persons or the organizing committees of such events; articles to be used in exhibitions depicting the culture of a country participating in any such event; and, if consistent with the foregoing, such other articles as the Secretary of Treasury may allow	Free	No change	Free	On or before 12/31/2002	”.

(b) TAXES AND FEES NOT TO APPLY.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

(c) NO EXEMPTION FROM CUSTOMS INSPECTIONS.—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.

(d) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

SEC. 2414. RELIQUIDATION OF CERTAIN ENTRIES OF THERMAL TRANSFER MULTIFUNCTION MACHINES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.21.00 of the Harmonized Tariff Schedule of the United States (relating to indirect electrostatic copiers) or subheading 9009.12.00 of such Schedule (relating to indirect electrostatic copiers), at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8471.60.65 of the Harmonized Tariff Schedule of the United States (relating to other automated data processing (ADP) thermal transfer printer units) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Liquidation date
01/17/97	112-9638417-3	02/21/97
01/10/97	112-9637684-9	03/07/97
01/03/97	112-9636723-6	04/18/97
01/10/97	112-9637686-4	03/07/97
02/21/97	112-9642157-9	09/12/97
02/14/97	112-9641619-9	06/06/97
02/14/97	112-9641693-4	06/06/97
02/21/97	112-9642156-1	09/12/97
02/28/97	112-9643326-9	09/12/97

Date of entry	Entry number	Liquidation date
03/18/97	112-9645336-6	09/19/97
03/21/97	112-9645682-3	09/19/97
03/21/97	112-9645681-5	09/19/97
03/21/97	112-9645698-9	09/19/97
03/14/97	112-9645041-2	09/19/97
03/20/97	112-9646075-9	09/19/97
04/04/97	112-9647309-1	09/19/97
04/04/97	112-9647312-5	09/19/97
04/04/97	112-9647316-6	09/19/97
04/11/97	112-9300151-5	10/31/97
04/11/97	112-9300287-7	09/26/97
04/11/97	112-9300308-1	02/20/98
04/10/97	112-9300356-0	09/26/97
04/16/97	112-9301387-4	09/26/97
04/22/97	112-9301602-6	09/26/97
04/18/97	112-9301627-3	09/26/97
04/25/97	112-9301615-8	09/26/97
04/25/97	112-9302445-9	10/31/97
04/25/97	112-9302298-2	09/26/97
04/04/97	112-9302371-7	09/26/97
05/30/97	112-9306718-5	09/26/97
05/19/97	112-9304958-9	09/26/97
05/16/97	112-9305030-6	09/26/97
05/09/97	112-9303707-1	09/26/97
05/31/97	112-9306470-3	09/26/97
05/02/97	112-9302717-1	09/19/97
06/20/97	112-9308793-6	09/26/97

SEC. 2415. RELIQUIDATION OF CERTAIN DRAWBACK ENTRIES AND REFUND OF DRAWBACK PAYMENTS.

(a) In General.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 or any other provision of law, the Customs Service shall, not later than 180 days after the date of enactment of this Act, liquidate or reliquidate the entries described in subsection (b) and any amounts owed by the United States pursuant to the liquidation or reliquidation shall be refunded with interest, subject to the provisions of Treasury Decision 86–126(M) and Customs Service Ruling No. 224697, dated November 17, 1994.

(b) Entries Described.—The entries described in this subsection are the following:

Entry number:	Date of entry:
855218319	July 18, 1985
855218429	August 15, 1985
855218649	September 13, 1985
866000134	October 4, 1985
866000257	November 14, 1985
866000299	December 9, 1985
866000451	January 14, 1986
866001052	February 13, 1986
866001133	March 7, 1986
866001269	April 9, 1986
866001366	May 9, 1986
866001463	June 6, 1986
866001573	July 7, 1986
866001586	July 7, 1986
866001599	July 7, 1986
866001913	August 8, 1986
866002255	September 10, 1986
866002297	September 23, 1986
03200000010	October 3, 1986
03200000028	November 13, 1986
03200000036	November 26, 1986.

SEC. 2416. CLARIFICATION OF ADDITIONAL U.S. NOTE 4 TO CHAPTER 91 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

Additional U.S. note 4 of chapter 91 of the Harmonized Tariff Schedule of the United States is amended in the matter preceding subdivision (a), by striking the comma after "stamping" and inserting "(including by means of indelible ink),".

SEC. 2417. DUTY-FREE SALES ENTERPRISES.

Section 555(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(2)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(2) by adding at the end the following new subparagraph:

"(C) a port of entry, as established under section 1 of the Act of August 24, 1912 (37 Stat. 434), or within 25 statute miles of a staffed port of entry if reasonable assurance can be provided that duty-free merchandise sold by the enterprise will be exported by individuals departing from the customs territory through an international airport located within the customs territory.".

SEC. 2418. CUSTOMS USER FEES.

(a) Additional Preclearance Activities.—Section 13031(f)(3)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)(A)(iii)) is amended to read as follows:

"(iii) to the extent funds remain available after making reimbursements under clause (ii), in providing salaries for up to 50 full-time equivalent inspectional positions to provide preclearance services.".

(b) Collection of Fees for Passengers Aboard Commercial Vessels.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(1) in subsection (a), by amending paragraph (5) to read as follows:

"(5)(A) Subject to subparagraph (B), for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States (other than a place referred to in subsection (b)(1)(A)(i) of this section), $5.

"(B) For the arrival of each passenger aboard a commercial vessel from a place referred to in subsection (b)(1)(A)(i) of this section, $1.75"; and

(2) in subsection (b)(1)(A), by striking "(A) No fee" and inserting "(A) Except as provided in subsection (a)(5)(B) of this section, no fee".

(c) Use of Merchandise Processing Fees for Automated Commercial Systems.—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended by adding at the end the following:

"(6) Of the amounts collected in fiscal year 1999 under paragraphs (9) and (10) of subsection (a), $50,000,000 shall be available to the Customs Service, subject to appropriations Acts, for automated commercial systems. Amounts made available under this paragraph shall remain available until expended.".

(d) Advisory Committee.—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

"(k) Advisory Committee.—The Commissioner of Customs shall establish an advisory committee whose membership shall consist of representatives from the airline, cruise ship, and other transportation industries who may be subject to fees under subsection (a). The advisory committee shall not be subject to termination under section 14 of the Federal Advisory Committee Act. The advisory committee shall meet on a periodic basis and shall advise the Commissioner on issues related to the performance of the inspectional services of the United States Customs Service. Such advice shall include, but not be limited to, such issues as the time periods during which such services should be performed, the proper number and deployment of inspection officers, the level of fees, and the appropriateness of any proposed fee. The Commissioner shall give consideration to the views of the advisory committee in the exercise of his or her duties.".

(e) National Customs Automation Test Regarding Reconciliation.—Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by adding at the end the following: "For the period beginning on October 1, 1998, and ending on the date on which the 'Revised National Customs Automation Test Regarding Reconciliation' of the Customs Service is terminated, or October 1, 2000, whichever occurs earlier, the Secretary may prescribe an alternative mid-point interest accounting methodology, which may be employed by the importer, based upon aggregate data in lieu of accounting for such interest from each deposit data provided in this subsection.".

(f) Effective Date.—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

SEC. 2419. DUTY DRAWBACK FOR METHYL TERTIARY-BUTYL ETHER ("MTBE").

(a) In General.—Section 313(p)(3)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is amended by striking "and 2902" and inserting "2902, and 2909.19.14".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act, and shall apply to drawback claims filed on and after such date.

SEC. 2420. SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES.

(a) In General.—Section 313(p)(1) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(1)) is amended in the matter following subparagraph (C) by striking "the amount of the duties paid on, or attributable to, such qualified article shall be refunded as drawback to the drawback claimant." and inserting "drawback shall be allowed as described in paragraph (4).".

(b) Requirements.—Section 313(p)(2) of such Act (19 U.S.C. 1313(p)(2)) is amended—

(1) in subparagraph (A)—

(A) in clauses (i), (ii), and (iii), by striking "the qualified article" each place it appears and inserting "a qualified article"; and

(B) in clause (iv), by striking "an imported' and inserting "a"; and

(2) in subparagraph (G), by inserting "transferor," after "importer,".

(c) Qualified Article Defined, Etc.—Section 313(p)(3) of such Act (19 U.S.C. 1313(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking "liquids, pastes, powders, granules, and flakes" and inserting "the primary forms provided under Note 6 to chapter 39 of the Harmonized Tariff Schedule of the United States"; and

(B) in clause (ii)—

(i) in subclause (I) by striking "or" at the end;

(ii) in subclause (II) by striking the period and inserting ", or"; and

(iii) by adding after subclause (II) the following:

"(III) an article of the same kind and quality as described in subparagraph (B), or any combination thereof, that is transferred, as so certified in a certificate of delivery or certificate of manufacture and delivery in a quantity not greater than the quantity of articles purchased or exchanged.

The transferred merchandise described in subclause (III), regardless of its origin, so designated on the certificate of delivery or certificate of manufacture and delivery shall be the qualified article for purposes of this section. A party who issues a certificate of delivery, or certificate of manufacture and delivery, shall also certify to the Commissioner of Customs that it has not, and will not, issue such certificates for a quantity greater than the amount eligible for drawback and that appropriate records will be maintained to demonstrate that fact.";

(2) in subparagraph (B), by striking "exported article" and inserting "article, including an imported, manufactured, substituted, or exported article,"; and

(3) in the first sentence of subparagraph (C), by striking "such article." and inserting "either the qualified article or the exported article.".

(d) LIMITATION ON DRAWBACK.—Section 313(p)(4)(B) of such Act (19 U.S.C. 1313(p)(4)(B)) is amended by inserting before the period at the end the following: "had the claim qualified for drawback under subsection (j)".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 632(a)(6) of the North American Free Trade Agreement Implementation Act. For purposes of section 632(b) of that Act, the 3-year requirement set forth in section 313(r) of the Tariff Act of 1930 shall not apply to any drawback claim filed within 6 months after the date of the enactment of this Act for which that 3-year period would have expired.

SEC. 2421. DUTY ON CERTAIN IMPORTATIONS OF MUESLIX CEREALS.

(a) BEFORE JANUARY 1, 1996.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1991, and before January 1, 1996, of mueslix cereal, which was classified under the special column rate applicable for Canada in subheading 2008.92.10 of the Harmonized Tariff Schedule of the United States—

(1) shall be liquidated or reliquidated as if the special column rate applicable for Canada in subheading 1904.10.00 of such Schedule applied at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

(b) AFTER DECEMBER 31, 1995.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1995, and before January 1, 1998, of mueslix cereal, which was classified in subheading 1904.20.10 of the Harmonized Tariff Schedule of the United States and to which the column 1 special rate of duty applicable for goods of special column rate applicable for Canada applied—

(1) shall be liquidated or reliquidated as if the column 1 special rate of duty applicable for goods of Canada in subheading 1904.10.00 of such Schedule applied to such mueslix cereal at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

SEC. 2422. EXPANSION OF FOREIGN TRADE ZONE NO. 143.

(a) EXPANSION OF FOREIGN TRADE ZONE.—The Foreign Trade Zones Board shall expand Foreign Trade Zone No. 143 to include areas in the vicinity of the Chico Municipal Airport in accordance with the application submitted by the Sacramento-Yolo Port District of Sacramento, California, to the Board on March 11, 1997.

(b) OTHER REQUIREMENTS NOT AFFECTED.—The expansion of Foreign Trade Zone No. 143 under subsection (a) shall not relieve the Port of Sacramento of any requirement under the Foreign Trade Zones Act, or under regulations of the Foreign Trade Zones Board, relating to such expansion.

SEC. 2423. MARKING OF CERTAIN SILK PRODUCTS AND CONTAINERS.

(a) IN GENERAL.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsections (h), (i), (j), and (k) as subsections (i), (j), (k), and (l), respectively; and

(2) by inserting after subsection (g) the following new subsection:

"(h) MARKING OF CERTAIN SILK PRODUCTS.—The marking requirements of subsections (a) and (b) shall not apply either to—

"(1) articles provided for in subheading 6214.10.10 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1997; or

"(2) articles provided for in heading 5007 of the Harmonized Tariff Schedule of the United States as in effect on January 1, 1997.".

(b) CONFORMING AMENDMENT.—Section 304(j) of such Act, as redesignated by subsection (a)(1) of this section, is amended by striking "subsection (h)" and inserting "subsection (i)".

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.

SEC. 2424. EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF MONGOLIA.

(a) FINDINGS.—The Congress finds that Mongolia—

(1) has received normal trade relations treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974;

(2) has emerged from nearly 70 years of communism and dependence on the former Soviet Union, approving a new constitution in 1992 which has established a modern parliamentary democracy charged with guaranteeing fundamental human rights, freedom of expression, and an independent judiciary;

(3) has held 4 national elections under the new constitution, 2 presidential and 2 parliamentary, thereby solidifying the nation's transition to democracy;

(4) has undertaken significant market-based economic reforms, including privatization, the reduction of government subsidies, the elimination of most price controls and virtually all import tariffs, and the closing of insolvent banks;

(5) has concluded a bilateral trade treaty with the United States in 1991, and a bilateral investment treaty in 1994;

(6) has acceded to the Agreement Establishing the World Trade Organization, and extension of unconditional normal trade relations treatment to the products of Mongolia would enable the United States to avail itself of all rights under the World Trade Organization with respect to Mongolia; and

(7) has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO MONGOLIA.—

(1) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Mongolia; and

(B) after making a determination under subparagraph (A) with respect to Mongolia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Mongolia, title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 2425. ENHANCED CARGO INSPECTION PILOT PROGRAM.

(a) IN GENERAL.—The Commissioner of the Customs Service is authorized to establish a pilot program for fiscal year 1999 to provide 24-hour cargo inspection service on a fee-for-service basis at an international airport described in subsection (b). The Commissioner may extend the pilot program for fiscal years after fiscal year 1999 if the Commissioner determines that the extension is warranted.

(b) AIRPORT DESCRIBED.—The international airport described in this subsection is a multi-modal international airport that—

(1) is located near a seaport; and

(2) serviced more than 185,000 tons of air cargo in 1997.

SEC. 2426. PAYMENT OF EDUCATION COSTS OF DEPENDENTS OF CERTAIN CUSTOMS SERVICE PERSONNEL.

Notwithstanding section 2164 of title 10, United States Code, the Department of Defense shall permit the dependent children of deceased United States Customs Aviation Group Supervisor Pedro J. Rodriquez attending the Antilles Consolidated School System at Ford Buchanan, Puerto Rico, to complete their primary and secondary education at this school system without cost to such children or any parent, relative, or guardian of such children. The United States Customs Service shall reimburse the Department of Defense for reasonable education expenses to cover these costs.

TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

SEC. 3001. PROPERTY SUBJECT TO A LIABILITY TREATED IN SAME MANNER AS ASSUMPTION OF LIABILITY.

(a) REPEAL OF PROPERTY SUBJECT TO A LIABILITY TEST.—

(1) SECTION 357.—Section 357(a)(2) of the Internal Revenue Code of 1986 (relating to assumption of liability) is amended by striking ", or acquires from the taxpayer property subject to a liability".

(2) SECTION 358.—Section 358(d)(1) of such Code (relating to assumption of liability) is amended by striking "or acquired from the taxpayer property subject to a liability".

(3) SECTION 368.—

(A) Section 368(a)(1)(C) of such Code is amended by striking ", or the fact that property acquired is subject to a liability,".

(B) The last sentence of section 368(a)(2)(B) of such Code is amended by striking ", and the amount of any liability to which any property acquired from the acquiring corporation is subject,".

(b) CLARIFICATION OF ASSUMPTION OF LIABILITY.—

(1) IN GENERAL.—Section 357 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) DETERMINATION OF AMOUNT OF LIABILITY ASSUMED.—

"(1) IN GENERAL.—For purposes of this section, section 358(d), section 362(d), section 368(a)(1)(C), and section 368(a)(2)(B), except as provided in regulations—

"(A) a recourse liability (or portion thereof) shall be treated as having been assumed if, as determined on the basis of all facts and circumstances, the transferee has agreed to, and is expected to, satisfy such liability (or portion), whether or not the transferor has been relieved of such liability; and

"(B) except to the extent provided in paragraph (2), a nonrecourse liability shall be treated as having been assumed by the transferee of any asset subject to such liability.

"(2) EXCEPTION FOR NONRECOURSE LIABILITY.—The amount of the nonrecourse liability treated as described in paragraph (1)(B) shall be reduced by the lesser of—

"(A) the amount of such liability which an owner of other assets not transferred to the transferee and also subject to such liability has agreed with the transferee to, and is expected to, satisfy, or

"(B) the fair market value of such other assets (determined without regard to section 7701(g)).

"(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and section 362(d). The Secretary may also prescribe regulations which provide that the manner in which a liability is treated as assumed under this subsection is applied, where appropriate, elsewhere in this title."

(2) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—Section 362 of such Code is amended by adding at the end the following new subsection:

"(d) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—

"(1) IN GENERAL.—In no event shall the basis of any property be increased under subsection (a) or (b) above the fair market value of such property (determined without regard to section 7701(g)) by reason of any gain recognized to the transferor as a result of the assumption of a liability.

"(2) TREATMENT OF GAIN NOT SUBJECT TO TAX.—Except as provided in regulations, if—

"(A) gain is recognized to the transferor as a result of an assumption of a nonrecourse liability by a transferee which is also secured by assets not transferred to such transferee; and

"(B) no person is subject to tax under this title on such gain,

then, for purposes of determining basis under subsections (a) and (b), the amount of gain recognized by the transferor as a result of the assumption of the liability shall be determined as if the liability assumed by the transferee equaled such transferee's ratable portion of such liability determined on the basis of the relative fair market values (determined without regard to section 7701(g)) of all of the assets subject to such liability.".

(c) APPLICATION TO PROVISIONS OTHER THAN SUBCHAPTER C.—

(1) SECTION 584.—Section 584(h)(3) of the Internal Revenue Code of 1986 is amended—

(A) by striking ", and the fact that any property transferred by the common trust fund is subject to a liability," in subparagraph (A); and

(B) by striking clause (ii) of subparagraph (B) and inserting:

"(ii) ASSUMED LIABILITIES.—For purposes of clause (i), the term 'assumed liabilities' means any liability of the common trust fund assumed by any regulated investment company in connection with the transfer referred to in paragraph (1)(A).

"(C) ASSUMPTION.—For purposes of this paragraph, in determining the amount of any liability assumed, the rules of section 357(d) shall apply."

(2) SECTION 1031.—The last sentence of section 1031(d) of such Code is amended—

(A) by striking "assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability" and inserting "assumed (as determined under section 357(d)) a liability of the taxpayer"; and

(B) by striking "or acquisition (in the amount of the liability)".

(d) CONFORMING AMENDMENTS.—

(1) Section 351(h)(1) of the Internal Revenue Code of 1986 is amended by striking ", or acquires property subject to a liability,".

(2) Section 357 of such Code is amended by striking "or acquisition" each place it appears in subsection (a) or (b).

(3) Section 357(b)(1) of such Code is amended by striking "or acquired".

(4) Section 357(c)(1) of such Code is amended by striking ", plus the amount of the liabilities to which the property is subject,".

(5) Section 357(c)(3) of such Code is amended by striking "or to which the property transferred is subject".

(6) Section 358(d)(1) of such Code is amended by striking "or acquisition (in the amount of the liability)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after October 18, 1998.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. MCNULTY) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 435.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I join my colleagues in reintroducing the Miscellaneous Trade and Technical Corrections Act of 1999.

We introduced this legislation on January 19, 1999, as H.R. 326. This legislation is a package of miscellaneous trade provisions and other technical and clerical corrections to the trade laws. This package introduced today contains a revenue provision which was not contained in H.R. 326.

This bill, including the revenue provision, is essentially identical to H.R. 4856 that the House passed in the 105th Congress on October 20, 1998, and which received broad support in both the House and the Senate in the last Congress. Unfortunately, the Senate failed to act on H.R. 4856 on the last day before Congress adjourned because of issues totally unrelated to the substance of the bill.

This bill contains over 140 provisions temporarily suspending or reducing duties on a wide variety of products. A number of the duty suspensions relate to different chemicals to make anti-HIV, anti-AIDS and anti-cancer drugs.

In each instance, there was either no domestic production of the product involved or the domestic producers supported the measure. By suspending or reducing these duties, we can enable U.S. companies that use these products to be more competitive and function more cost efficiently. This would help create jobs for American workers as well as reduce costs for consumers.

This bill also contains a number of technical trade corrections and miscellaneous trade provisions that receive broad bipartisan support. One technical trade provision would correct outdated references in the trade laws. Other provisions would extend trade benefits to jewelry makers in the insular possessions of the United States, provide duty-free treatment to participants and individuals associated with world athletic events, including the 1999 Women's World Cup Soccer, which, incidentally, will be held in our home State of Illinois, Mr. Speaker.

Other provisions refer to a wide variety of trade issues, including Customs preclearance activities and Customs user fees. This package of trade bills had been thoroughly evaluated and commented on by all concerned parties, including the U.S. Customs Service, the Department of Commerce, the International Trade Commission, the United States Trade Representative, and firms which may be affected by a tariff suspension on a product they produce domestically. The provisions that remain in the bill are completely uncontroversial.

Accordingly, I urge my colleagues to support this package and pass this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MCNULTY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Illinois (Mr. CRANE) has very thoroughly explained the provisions of the bill and we have thoroughly reviewed it on our side of the aisle to ensure that it does not adversely affect U.S. consumers or U.S. industry. We support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Speaker, I thank my distinguished chairman, the gentleman from Illinois (Mr. CRANE) for yielding me time.

Mr. Speaker, I rise in strong support of the bill before us today. This critical legislation contains two very important provisions to lower prices for consumers and increase trade to and from Minnesota, as well as the rest of the Nation.

The first provision is based on H.R. 411, which I introduced, to correct an error in the tariff classification code for 13-inch televisions which is driving up costs considerably for consumers. Despite the fact that a reduced tariff rate which was implemented in 1995 was supposed to apply to traditional 13-inch monitors, manufacturers and importers were notified in 1997 that Customs would begin reclassifying them at the higher duty rate for televisions of 19 inches and larger due to a simple error.

As a strong free trader, I thank the gentleman from Illinois (Mr. CRANE) for including this important provision to correct this error and lower prices for consumers by reducing import duties. This means $28 million in savings to consumers, Mr. Speaker.

The second provision, based on legislation the gentleman from Illinois (Mr. CRANE) and I introduced last year, would allow the Customs Service to access funds in the user fee accounts and enhance inspector staffing and equipment at preclearance service locations in foreign countries. This is important because if Customs eliminates these positions, preclearance for passengers to the United States will slow, travel will be disrupted in the tourism industry, and many states will suffer.

Allowing the preclearance services to continue means a great deal to many employers in my district, the Third District of Minnesota, including the Mall of America. By the way, Mr. Speaker, the Mall of America attracts more visitors each year than Disney World, Graceland, and the Grand Canyon combined. Just a little plug, Mr. Speaker.

The Customs Service has said there are insufficient resources in its salaries and expenses account to fund the enhanced preclearance positions. So this bill gives access to that account without any additional cost to taxpayers.

Commissioner Banks testified before the Committee on Ways and Means in support of the bill, and the airline industry supports it as well. So I appreciate strong support of the body on both sides for this important legislation.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to our distinguished colleague from our home State of Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I wish to thank the chairman, the gentleman from Illinois (Mr. CRANE), my friend and the chairman of the Subcommittee on Trade, for the opportunity to address this legislation. I also want to thank the chairman and the ranking member for their leadership in bringing this important legislation before the House today.

Mr. Speaker, this trade bill before us I would like to note includes two important provisions from H.R. 4190 and H.R. 4191, legislation I introduced last year, which suspends duties on the importation of pharmaceuticals which inhibit cancer and the spread of HIV and AIDS. This is compassionate legislation, intended to help reduce the cost of treating AIDS and cancer for thousands of American families.

Every year thousands of American men, women and children fall victim to these deadly diseases. 1997, the last year for which we have national statistics, almost 17,000 new cases of HIV and AIDS were added to the epidemic, making the total number of victims almost 600,000 nationwide.

The average cost of treating someone with HIV or AIDS is approximately $17,500 and lifetime costs of almost $100,000. Additionally, this cost suspends the duties on important cancer inhibitors. We have made great strides in identifying new carcinogens and reducing the number of new cancer victims. However, well over four million new cases are identified every year at an astronomical emotional as well as financial cost to our families as well as our Nation.

The average cost of treating breast cancer alone is $37,000, not to mention the lost cost in emotion as well as wages and lost productivity.

This is compassionate legislation. I very much want to commend my friend, the gentleman from Illinois (Mr. CRANE), for his leadership in including this important legislation to help the victims of HIV and AIDS and cancer. Here in this very simple free trade act we can help the victims of HIV and cancer and lay the groundwork that will help this Nation, particularly the Nation's medical community, stem this insipid tide.

I want to thank the chairman for including this compassionate initiative today. This is an important step forward. I ask for bipartisan support for this measure.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. MCNULTY. Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend my colleague on the other side of the aisle. As I told him before we started our colloquy here, that we have been blessed by enjoying probably the greatest degree of collegiality on trade issues of anything that comes before this floor. So I salute the gentleman from New York (Mr. MCNULTY).

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SHAW), our distinguished colleague on the Committee on Ways and Means.

Mr. SHAW. Mr. Speaker, I thank the chairman, the gentleman from Illinois (Mr. CRANE), for yielding this time to me.

Mr. Speaker, I want to speak briefly on H.R. 435. While it is a bill that is on the floor under suspension of the rules, which simply means that it is not controversial, that does not mean that it is not vitally important to many workers throughout this country.

While H.R. 435 contains many worthy provisions, I am particularly pleased that two sections, which I drafted, were included in this legislation. These two sections concern renewing the Customs user fee and language that would benefit domestic boat shows, respectively. As my colleagues may recall, in 1997, the Customs user fee expired and thereby caused a possible diminution in Customs inspectors at Florida ports where the fee was being collected.

To avoid disruption of the cruise ship industry, Congress passed a bill I introduced, H.R. 3034, which preserved Customs inspections in Florida for fiscal year 1998, but 1998 only. Now that we are well into a new fiscal year, Customs inspectors serving Florida cruise ships are again in jeopardy. Passage of H.R. 435 today will ensure that Customs inspectors at Florida ports are preserved and it will also allow the cruise ship industry to schedule new cruises without being impeded by a shortage of manpower at Customs.

While this legislation is good news for Florida, I am especially pleased that an agreement has been reached to reduce the price of the Customs user fee to $1.75. As my colleagues may recall, at one time the fee was as high as $6.50. At this new level, few can consider the Customs fee burdensome or unreasonable in any respect.

The cruise ship business is an important component of Florida's tourism industry. If Florida were to lose Customs inspectors, it would cause grievous harm to my State's economy. Enactment of the bill under consideration today will preserve job layoffs, disruptions and financial losses in this vital industry.

I am also pleased that the amended text of H.R. 2770, a bill that I introduced in the last Congress, was included in this bill. This legislation would defer the duty on large yachts imported for sale at boat shows in the United States. Boat shows are important generators of economic activities and this legislation will promote greater commerce in the yachting industry.

Mr. Speaker, I would urge all of my colleagues to support H.R. 435.

Mr. CRANE. Mr. Speaker, I reserve the balance of my time.

Mr. MCNULTY. Mr. Speaker, I yield 5 minutes to my dear friend, the gentleman from California (Mr. BECERRA), a fellow member of the Subcommittee on Trade.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding the 5 minutes. I do not believe I will need the full amount of time.

Mr. Speaker, let me begin by first congratulating the chairman, the gentleman from Illinois (Mr. CRANE), and also of course the chairman of the full committee, the gentleman from Texas (Mr. ARCHER), along with both the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr.

LEVIN), the two ranking members, of course, of the full committee and the subcommittee, for H.R. 325.

I, too, rise in support of this bill and urge all of my colleagues to vote for it. I am in support of this bill most specifically for a particular reason, something that a number of us have been concerned about for a number of years, and that is trying to find the best ways to tackle the problems of AIDS and HIV that we have in this country.

There is a provision, or there are several provisions in this bill, which will temporarily suspend duties and lower tariffs from drug compounds manufactured abroad and imported into the United States that are essential to the treatment of HIV and AIDS and, as well, cancer.

In order for these compounds to have made it onto this bill, it had to be shown to an interagency panel that their importation, the importation of these drugs, with these reduced tariffs, or suspended duties, would not adversely affect American companies that also produce some of these same types of chemicals and compounds.

Particularly in the early stages of development, it is vitally important that certain drug compounds are not thwarted by duties which would drive up the overall costs of development and distribution, without providing any industry protective benefit. It is important to remember, we are talking about these early stages of development. It is important that we allow some of these companies to produce, test some of these drugs, which ultimately may have beneficial effects as we now find with regard to HIV and AIDS and also with cancer.

□ 1515

The temporary suspension of these duties on these products will allow for the most cost-effective production of these drugs by keeping testing and development costs low. Remember, it is very expensive to come up with some of these drugs, we often do not know if they will work, and it is difficult to persuade someone to invest time and money in a project like this. If we can help by reducing the tariffs at least temporarily, what we do is provide an incentive to make it possible for some of these drugs to ultimately make it not just past research but into the hands of those who need them most.

In the end, who benefits? It is not just those who are ill with AIDS, or those who are infected with the HIV virus, or those who may actually have cancer. It is all of us. We all get the benefits of lower costs for medical treatment for someone who might otherwise become infected by the HIV virus, we all benefit if we are able to prevent cancer from occurring.

H.R. 326 includes several compounds that are effective in the treatment of AIDS and HIV, of cancer, and we are not even certain that they may not be helpful in other areas as well. So, to allow us to be able to bring these drugs in and to not adversely affect American companies is a benefit for all.

Mr. Speaker, I urge all my colleagues to join me in supporting H.R. 326. We should do everything in our power to assist in the development of new drugs to combat the twin enemies of HIV/AIDS and of cancer and to get those drugs into hands of those who need them the most.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to inject just one thought here from a colleague of ours, the gentleman from Nebraska (Mr. BEREUTER) who was unable to make it over here to make a presentation on behalf of the provision in this bill, and it is the one that extends nondiscriminatory trade treatment, normal trade relations, to Mongolia, and I would simply like to commend him for his position on it.

In addition to that, we have another colleague from Utah (Mr. COOK), who I do not think is here yet. He is trying to run to get here to the floor before we have to yield back our time. But he wanted to come over here and speak very briefly on the provisions in the bill that provide duty free treatment to all participants and individuals associated with the 1999 International Special Olympics. I mentioned earlier the 1999 Women's World Cup Soccer which is going to be held in our home State of Illinois, and also the 2001 International Special Olympics, and the 2002 Salt Lake City Winter Olympics and the 2002 Winter Para-Olympics games.

Mr. Speaker, the gentleman from Utah has arrived.

Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I thank my colleague from Illinois (Mr. CRANE) for yielding this time to me.

Mr. Speaker, I rise in support of the Miscellaneous Trade and Technical Corrections Act. I commend the members of the Committee on Ways and Means for their persistence in working to pass this important legislation. I am grateful that it also includes provisions of my bill, H.R. 103.

In the next few years the U.S. will host several international events, including Women's World Cup Soccer and the International Special Olympics. My State of Utah will welcome thousands of athletes for the 2002 Winter Games and the Para-Olympics. The provision waives custom duties on equipment and personal effects so that athletes can more readily attend. This bill is similar to House passed legislation that, although necessary and noncontroversial, got caught in the end of session's rush last year. It is imperative that action be taken today as the Women's World Cup Soccer events will begin this spring.

Mr. Speaker, I urge my colleagues to support this bill.

Mrs. CHRISTIAN-CHRISTENSEN. Mr. Speaker, I rise today in strong support of H.R. 435 and I want to once again thank Ways & Means Committee Chairman BILL ARCHER, Trade Subcommittee Chairman PHIL CRANE and the gentleman from Michigan, Mr. LEVIN, for bringing this bill to the floor today.

I also want to thank my colleague the Ranking Democrat on the Ways and Means Committee, Mr. RANGEL of New York, and Mr. JEFFERSON of Louisiana for their support, as well.

Mr. Speaker my district is one of those areas of this country that still has not experienced the economic boon that is taking place in many of our rural areas and cities. We have one of the lowest average incomes in the United States, and one of the highest unemployment rates. Our local government is straining under the weight of being the employer of first and last resort.

We must build up our private sector, attract investment, create jobs and alleviate the burden of our public sector, or we will be crawling into the 21st century.

Mr. Speaker, the section of the bill before us today, which would extend preferences for watches to include certain fine jewelry may seem small to you and my other colleagues, but it is a bright ray of hope, and an important shot in the arm of our economy and for us.

My constituents were hopeful and expectant when this House passed a similar bill on the final day of the 105th Congress, but we were to late to get it through the other body.

I ask my colleagues here and across the rotunda to support us, and pass this piece of legislation which is so important to my district and to other constituencies across this Nation.

Mr. BEREUTER. Mr. Speaker, as the Chairman of the Subcommittee on Asia and the Pacific, this Member rises in strong support of H.R. 435, which includes authorization of the extension of nondiscriminatory treatment or normal trade relations to the products of Mongolia.

Indeed, this Member introduced the original legislation authorizing this designation on the very first day of the 105th Congress. While this body passed legislation granting permanent normal trade relations status for Mongolia in the waning days of the 105th Congress, unfortunately it was not taken up by the Senate. This Member is very encouraged that authorizing normal trade relations for Mongolia is one of this body's first actions.

Mr. Speaker, in 1952 the United States denied Mongolia and twenty other communist countries and territories under communist rule normal trade relations. Normal trade relations with Mongolia were restored in November 1991, when the President waived the provisions of the Jackson-Vanik trade legislation. In 1996, the President of the United States made the first determination that Mongolia was in full-compliance with the human rights objectives of the Jackson-Vanik trade legislation and the President has renewed that determination each year since, and most recently on July 1, 1998.

Since 1990, there have been five free and fair elections in Mongolia which have coincided with significant reforms of the government and the economy. Approximately one and a half years ago, the *Economist* magazine heralded Mongolia's dramatic economic reforms of the last several years by calling Mongolians "those free-trading Mongolians." Unfortunately, however, these dramatic economic and political reforms in Mongolia have recently begun to suffer from factional fighting in that country and the emergence of the Mongolian People's Revolutionary Party (MPRP). Most recently, the MPRP has begun to attack the ambitious privatization and private sector development plans of the Democratic coalition in Mongolia and a high level Ministry official was assassinated.

The World Bank estimates that Mongolia must have a 5% growth rate to create new jobs for its entrants into the work force. Yet, with the Asian financial crisis to its east and Russia's collapse on its west, Mongolia will find it very difficult to meet its economic goals and stay on its reform path. The United States can play a fundamental helpful role by granting Mongolia normal trade relations and, therefore, reasonable access to our markets. The United States currently provides a modest amount of aid to Mongolia that will be necessary in the short term. However, by granting Mongolia reasonable access to our markets and promoting trade with our two countries, this legislation is building the foundation so we can hopefully graduate Mongolia from U.S. assistance in the future.

This Member only regrets that this legislation was not approved last Congress. In light of the very difficult political and economic challenges facing the people of Mongolia, passage of this legislation comes at a very critical time. Mongolians who favor a continuation of democracy, a market-oriented economy, and trade liberalization deserve a strong statement of congressional support like permanent normal trade relations for Mongolia. That support and this action is in our mutual best interests.

Mr. BOEHNER. Mr. Speaker, I submit the following letter from the International Electronics Manufacturers and Consumers of America.

INTERNATIONAL ELECTRONICS MANUFACTURERS AND CONSUMERS OF AMERICA,
Washington, DC, February 8, 1999.

Hon. JOHN BOEHNER,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the International Electronics Manufacturers and Consumers of America ("IEMCA"), I am writing to support enactment of legislation to correct the tariff classification of 13-inch televisions and television products. This legislation is contained in H.R. 435.

IEMCA is a trade association founded in 1987 and located in Washington, D.C. IEMCA's principal members are leading manufacturers of consumer electronics, optical, telecommunications, and computer products. IEMCA's associate members are leading electronics retailers. The U.S. investment of IEMCA's members and their direct suppliers exceeds $75 billion, their annual U.S. sales exceed $100 billion, and they employ over 300,000 American workers.

IEMCA believes that enactment of legislation is necessary to correct an error that was made in transposing into the Harmonized Tariff Schedule of the United States ("HTSUS") a tariff concession made by the United States in the Uruguay Round Market Access Trade Negotiations conducted under the auspices of the General Agreement on Tariffs and Trade ("Uruguay Round").

For more than 15 years, the widely-accepted industry definition of "13-inch televisions," and the "13-inch cathode ray tubes" ("CRTs") they use, has referred to receivers and CRTs with a video display diagonal that is between 13 and 13.75 inches. Such CRTs and television receivers incorporating them have been, and continue to be, uniformly invoiced, advertised, sold, and referred to as "13-inch CRTs" and "13-inch televisions." This industry definition of "13-inch televisions" was reflected in subheading 8528.10.6020 of the 1994 HTSUS (in effect at the time of the Uruguay Round), which provided for televisions with a video display diagonal exceeding 33 cm (12.99 inches) but not exceeding 35 cm (13.78 inches). The range set forth in subheading 8528.10.6020 of the 1994 HTSUS is slightly larger than the range of 13 inches to 13.75 inches, in order to account for slight manufacturing variances. (See subheading 8528.10.6020 of the 1996 HTSUS.)

The industry standard has been—and still is—necessary in order to ensure compliance with the "rounding down regulations" of the Federal Trade Commission ("FTC"). (See 16 C.F.R. Section 410.1 (1998).) These regulations provide that a television with a video display diagonal measuring more than a particular number of whole inches, but less than the next highest number of whole inches, can be advertised in the U.S. as having a screen of the lower, but not the higher, number of whole inches.

The FTC's rounding down regulations clearly make it unlawful to assert that a television is a 13-inch television if the video display diagonal is anything less than 13 inches, and consequently, in order to be safe, 13-inch televisions are designed to have video display diagonals of slightly larger than 13 inches. In fact, nearly all "13-inch" televisions produced today have a video display diagonal measuring more than 13 inches (33.02 cm) but less than 13.5 inches (34.29 cm). Accordingly, IEMCA supports H.R. 435, which extends the Uruguay Round tariff concession to televisions and television products which have a video display diagonal within this range.

During the GATT Uruguay Round, the U.S. agreed to phase down duties on all 13-inch television products. By 1999, duties on 13-inch picture tubes were to be cut from 15 to 7.5 percent and on all other 13-inch television products from between 5 and 3.9 to zero percent in response to a request made by members of the Association of the Southeast Asian Nations ("ASEAN"). ASEAN members made this request because as shown in the table below, almost half of U.S. imports of 13-inch televisions come from ASEAN countries:

IMPORT QUANTITIES OF 13-INCH TELEVISION RECEIVERS

[1,000 units]

	1995	1996	Total
Mexico	1,522	1,963	3,485 (48.9%)
ASEAN	1,588	1,473	3,061 (43.0%)
All other	395	182	577 (8.1%)
Total	3,505	3,618	7,123 (100.0%)

Malaysia's Minister of International Trade and Industry (Rafidah Aziz) recently confirmed in a letter to the U.S. Trade Representative, Ambassador Barshefsky, that when they negotiated the tariff concession for 13-inch televisions with the U.S. during the Uruguay Round, Malaysia and the other ASEAN countries used "the widely accepted industry definition of 13-inch televisions to include sets *with screens measuring 13 to 13.5 inches.*"

The U.S. Uruguay Round offer of a 5-year staged reduction in tariffs also used the accepted industry definition of "13 inches." The U.S. offer was memorialized in its submission to the GATT secretariat dated January 13, 1994, as follows:

Color video recording or reproducing apparatus incorporating a television tuner, *13 inches and below.*

Color television monitors *13 inches and below.*

However, when the staged tariff rate reduction agreement for 13-inch television products was implemented, the widely-accepted industry definition of "13 inches" was not used. Instead, the GATT Uruguay Round implementing law converted this range to 33.02 centimeters, or exactly 13 inches. As a result, the use of 33.02 centimeters in the HTSUS is contrary to the intent of the U.S. as reflected in its tariff offer and denies the ASEAN countries the market access tariff concession obtained through the Uruguay Round.

Before enactment of the GATT Uruguay Round implementing law, the Customs Service treated televisions whose video display diagonal was fractionally larger than 13 inches as 13-inch televisions. In early 1997, Customs began to impose pre-Uruguay round duties on the huge volume of 13-inch television products whose diagonal measurement exceeded 33.02 centimeters.

The simplest way to correct the error is to change references to "33.02 cm" appearing in the affected HTSUS subheadings to "34.29 cm," the metric equivalent of 13.5 inches. H.R. 435 would achieve this result.

No 13-inch CRTs are produced in North America and no 13-inch televisions have been assembled in the U.S. in this decade. These facts are confirmed by the USITC. (See Industry & Trade Summary—Television Picture Tubes and Other Cathode-Ray Tubes. USITC Pub. No. 2877 at 4 (1995); Industry & Trade Summary—Television Receivers and Video Monitors, USITC Pub. No. 2445 (ET-1) at 2 (1992).)

There is no known opposition to this legislation.

For the foregoing reasons, IEMCA strongly supports prompt enactment of H.R. 435.

Respectfully submitted,

KEITH SMITH,
Executive Director.

Mr. ARCHER. Mr. Speaker, I would like to provide background for and an explanation of the tax provision contained in H.R. 435.

CLARIFY DEFINITION OF "SUBJECT TO" LIABILITIES UNDER SECTION 357(C)

PRESENT LAW

Present law provides that the transferor of property recognizes no gain or loss if the property is exchanged solely for qualified stock in a controlled corporation (sec. 351). The assumption by the controlled corporation of a liability of the transferor (or the acquisition of property "subject to" a liability) generally will not cause the transferor to recognize gain. However, under section 357(c), the transferor does recognize gain to the extent that the sum of the assumed liabilities, together with the liabilities to which the transferred property is subject, exceeds the transferor's basis in the transferred property. If the transferred property is "subject to" a liability, Treasury regulations indicate that the amount of the liability is included in the calculation regardless of whether the underlying liability is assumed by the controlled corporation. Treas. Reg. sec. 1.357-2(a). Similar rules apply to reorganizations described in section 368(a)(1)(D).

The gain recognition rule of section 357(c) is applied separately to each transferor in a section 351 exchange.

The basis of the property in the hands of the controlled corporation equals the transferor's basis in such property, increased by the amount of gain recognized by the transferor, including section 357(c) gain.

REASONS FOR CHANGE

The tax treatment under present law is unclear in situations involving the transfer of certain liabilities. As a result, the Committee is concerned that some taxpayers may be structuring transactions to take advantage of the uncertainty. For example, where more than one asset secures a single liability, some taxpayers might take the position that, on a transfer of the assets to different subsidiaries, each subsidiary counts the entire liability in determining the basis of the asset. This interpretation arguably might result in the duplication of tax basis or in assets having a tax basis in excess of their value, resulting in excessive depreciation deductions and mismeasurement of income. The provision is intended to eliminate the uncertainty, and to better reflect the underlying economics of these corporate transfers.

EXPLANATION OF PROVISION

Under the provision, the distinction between the assumption of a liability and the acquisition of an asset subject to a liability generally is eliminated. First, except as provided in Treasury regulations, a recourse liability (or any portion thereof) is treated as having been assumed if, as determined on the basis of all facts and circumstances, the transferee has agreed to, and is expected to satisfy the liability or portion thereof (whether or not the transferor has been relieved of the liability). Thus, where more than one person agrees to satisfy a liability or portion thereof, only one would be expected to satisfy such liability or portion thereof. Second, except as provided in Treasury regulations, a nonrecourse liability (or any portion thereof) is treated as having been assumed by the transferee of any asset that is subject to the liability. However, this amount is reduced in cases where an owner of other assets subject to the same nonrecourse liability agrees with the transferee to, and is expected to, satisfy the liability (up to the fair market value of the other assets, determined without regard to section 7701(g)).

In determining whether any person has agreed to and is expected to satisfy a lability, all facts and circumstances are to be considered. In any case where the transferee does agree to satisfy a liability, the transferee also will be expected to satisfy the liability in the absence of facts indicating the contrary.

In determining any increase to the basis of property transferred to the transferee as a result of gain recognized because of the assumption of liabilities under section 357, in no event will the increase cause the basis to exceed the fair market value of the property (determined without regard to sec. 7701(g)).

If gain is recognized to the transferor as the result of an assumption by a corporation of a nonrecourse liability that also is secured by any assets not transferred to the corporation, and if no person is subject to Federal income tax on such gain, then for purposes of determining the basis of assets transferred, the amount of gain treated as recognized as the result of such assumption of liability shall be determined as if the liability assumed by the transferee equaled such transferee's ratable portion of the liability, based on the relative fair market values (determined without regard to sec. 7701(g)) of all assets subject to such nonrecourse liability. In no event will the gain cause the resulting basis to exceed the fair market value of the property (determined without regard to sec. 7701(g)).

The Treasury Department has authority to prescribe such regulations as may be necessary to carry out the purposes of the provision. This authority includes the authority to specify adjustments in the treatment of any subsequent transactions involving the liability, including the treatment of payments actually made with respect to any liability as well as appropriate basis and other adjustments with respect to such payments. Where appropriate, the Treasury Department also may prescribe regulations which provide that the manner in which a liability is treated as assumed under the provision is applied elsewhere in the Code.

EFFECTIVE DATE

The provision is effective for transfers on or after October 19, 1998. No inference regarding the tax treatment under present law is intended.

Mr. McNULTY. Mr. Speaker, I urge support of the bill, I have no further requests for time, and I yield back the balance of my time.

Mr. CRANE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 435.

The question was taken.

Mr. McNULTY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 3 o'clock and 20 minutes p.m.), the House stood in recess until approximately 5 p.m.

☐ 1715

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 5 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 440, by the yeas and nays;

H.R. 439, by the yeas and nays;

H.R. 435, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

MICROLOAN PROGRAM TECHNICAL CORRECTIONS ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 440, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. TALENT) that the House suspend the rules and pass the bill, H.R. 440, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 4, not voting 18, as follows:

[Roll No. 12]

YEAS—411

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)

Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum

McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders

Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—4

Chenoweth
Paul

Royce
Sanford

NOT VOTING—18

Ackerman
Barrett (WI)

Carson
DeFazio

Gephardt
Granger

Jenkins
Lofgren
Maloney (NY)
McIntosh

Miller, George
Nadler
Pallone
Rush

Spratt
Thornberry
Weygand
Wise

☐ 1736

Mr. SANFORD changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

PAPERWORK ELIMINATION ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 439.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and pass the bill, H.R. 439, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 13]

YEAS—413

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley

Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot

Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro

DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)

Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pascrell

Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman

Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky

Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller

Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Ackerman
Barrett (WI)
Carson
DeFazio
Deutsch
Gephardt
Granger

Lofgren
Maloney (NY)
McIntosh
Miller, George
Nadler
Nussle
Pallone

Reynolds
Rush
Spratt
Thornberry
Weygand
Wise

☐ 1746

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. REYNOLDS. Mr. Speaker, on rollcall No. 13, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. PALLONE. Mr. Speaker, during rollcall vote Nos. 12 and 13, I was unavoidably detained. Had I been present, I would have voted "yes" on both.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1999

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question of suspending the rules and passing the bill, H.R. 435.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 435, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 18, as follows:

[Roll No. 14]

YEAS—414

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra

Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski

Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps

Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)

Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney

McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman

Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu

Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez

Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Barr

NOT VOTING—18

Ackerman
Barrett (WI)
Carson
DeFazio
Gephardt
Granger

Lofgren
Maloney (NY)
McIntosh
Miller, George
Nadler
Neal

Rush
Spratt
Thornberry
Weller
Weygand
Wise

☐ 1755

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 7

Mrs. EMERSON. Mr. Speaker, I ask unanimous consent that the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) be removed as a cosponsor of H.J. Res. 7. His name was inadvertently added on February 2.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 41

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 41, the Mass Immigration Reduction Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AUTHORIZING FLAGS LOCATED IN THE CAPITOL COMPLEX TO BE FLOWN AT HALF-STAFF IN MEMORY OF R. SCOTT BATES, LEGISLATIVE CLERK OF THE UNITED STATES SENATE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 6) authorizing flags located in the Capitol complex to be flown at half-staff in memory of R. Scott Bates, Legislative Clerk of the United States Senate, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. The Clerk will report the Senate concurrent resolution.

The Clerk read as follows:

S. CON. RES. 6

Resolved by the Senate (the House of Representatives concurring), That, as a mark of respect to the memory of R. Scott Bates, Legislative Clerk of the United States Senate, all flags of the United States located on Capitol Buildings or on the Capitol grounds shall be flown at half-staff on the day of his interment.

☐ 1800

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. HOYER. Mr. Speaker, reserving my right to object, obviously I will not object, but under my reservation, I am pleased to yield to the gentleman from California (Mr. THOMAS), chairman of the House Committee on Administration.

Mr. THOMAS. Mr. Speaker, I thank the ranking member, the gentleman from Maryland (Mr. HOYER), for yielding.

Obviously, the purpose of the reservation is to let all Members understand that, at the request of the Senate, and quite properly so, Senate Concurrent Resolution 6 requests that we lower to half mast the flags on the Capitol, and it is to recognize the service of Scott Bates to the Senate and, as a matter of fact, to the United States of America.

Mr. Bates, at the time of his tragic death, was struck by an automobile on February 5th. Incidentally, his wife was also seriously injured, but she is expected to recover.

Scott was 50 at the time that he died, and for 30 years he served the United States Senate. The recognition of the service to the Senate over those 30 years is indeed not nearly enough but entirely appropriate that we lower the flags around the Capitol in memory and in recognition of R. Scott Bates.

Mr. HOYER. Mr. Speaker, reclaiming my time under my reservation, I certainly join the chairman, the gentleman from California (Mr. THOMAS), in his remarks.

It is entirely appropriate that the House join the Senate, expressing its regrets to the Senate, expressing its profound regret to the family of Scott Bates, who, as the chairman indicated, served with distinction for over three decades the United States Senate and this country. It is a loss not only for the Senate, not only for the Congress, but for our country as well.

Mr. Speaker, reserving my right to object, I am pleased to yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, the Bateses were constituents of mine. They were dedicated to this institution and, most importantly, what they knew this institution can do for this country. They were terrific people, fully involved in their community. They gave and they did not take.

This is a true tragedy, and I appreciate the fact that it is being recognized by the Senate and now by the House. I will not delay it any further but to say that there are a great many of us who knew Scott Bates and what he stood for and are very proud that he chose to serve this institution.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from California?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA MANAGEMENT RESTORATION ACT OF 1999

Mr. DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 433) to restore the management and personnel authority of the Mayor of the District of Columbia, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Ms. NORTON. Mr. Speaker, reserving the right to object, although I do not intend to object, I yield to the gentleman from Virginia (Mr. DAVIS) for the purpose of explaining the bill.

Mr. DAVIS of Virginia. Let me say, Mr. Speaker, this is a new era in the District of Columbia; and it is my strong belief that the time has come to shift substantial authority from the Control Board back to the city's elected mayor and give the elected mayor the greater flexibility he has sought over top personnel. This bill gives Mayor Williams the tools he needs to do the job.

H.R. 433 does not alter the time period or the conditions for the Control Board to function in an active phase. The bill takes nothing away from the Control Board's ability to intervene if necessary during a control period which still exists, but it does give the mayor direct control over the reporting and the hiring authority of some of his top personnel.

If we want democracy to succeed, we need to allow the elected leadership in the cities to start making decisions, standing behind those decisions, without being second-guessed every step of the way.

My thanks also to the gentlewoman from Maryland (Mrs. MORELLA) for being the original cosponsor in the legislation, along with the gentlewoman from the District of Columbia (Ms. NORTON), and of course to my friend the gentleman from Virginia (Mr. MORAN) and the gentleman from California (Mr. HORN) and the gentleman from Florida (Mr. SCARBOROUGH), who I am requesting be added as sponsors today.

The Congressional Budget Office has certified this bill would not affect the Federal budget. I would urge passage of H.R. 433.

Ms. NORTON. Mr. Speaker, reclaiming my time under my reservation, I would like to say a few words in support of this bill.

Mr. Speaker, my special thanks to the gentleman from Indiana (Mr. BURTON), the chairman, the gentleman from California (Mr. WAXMAN), the ranking member, and the gentleman from Virginia (Mr. DAVIS) for the priority they have each given to H.R. 433.

Our bill returns full legal authority over nine agencies to the Mayor and unfettered authority to confirm the Mayor's appointees to the City Council. Both Mayor Tony Williams and the council will be able to carry out their responsibilities as elected officials without risk of being overruled.

It is important to note that this House was not responsible for withdrawing this authority. A Senator's attachment to the President's all-important revitalization package that was incorporated into the 1997 Balanced Budget Act was responsible.

It is now appropriate for the House to initiate action to devolve democratic control to locally-elected officials, and all indications are that the Senate is prepared to do the same and empower the new Mayor and the revitalized City Council.

The gentleman from Virginia (Mr. DAVIS) deserves credit for carving H.R. 433 out of my D.C. Democracy 2000 Act. H.R. 433 is the first part of that act. The chairman and I are in agreement that the second part of the act to retire the Control Board a year early must await the building of a track record by the new Mayor and council.

I thank the House leadership and the gentleman from Indiana (Mr. BURTON) and the gentleman from Virginia (Mr. DAVIS) for bringing H.R. 433 to the floor as one of the first bills of the 106th Congress. In doing so, the House has shown, as nothing else could, that this body is prepared to build a new relationship with the District of Columbia.

I want to thank Speaker DENNIS HASTERT, Democratic Leader DICK GEPHARDT, and Chairman TOM DAVIS for their leadership in bringing the "District of Columbia Management Restoration Act of 1999" to the House floor today. This bill incorporates key provisions of my bill, H.R. 214, the District of Columbia Democracy 2000 Act (D.C. Democracy 2000), which return to the Office of the Mayor authority over the city's nine largest agencies and the ability to hire and fire senior managers in the government, and return to the City Council full authority to approve mayoral appointees without control board intervention. I am especially grateful to Mr. DAVIS for taking Section 3 of D.C. Democracy 2000, the only section that is ripe for consideration at this time. The bill accomplishes this transfer of power through repeal of the Faircloth attachment to the District of Columbia Revitalization and Self-Government Improvement Act of 1997, which had vested control of the management reform of the city's nine largest agencies with the District of Columbia Financial Responsibility and Management Assistance Authority (Authority).

The purpose of the District of Columbia Management Restoration Act of 1999 is to ensure that the new city administration has sufficient control of the District government to be held accountable in preparation for the expiration of the control period. This bill carries out the purpose of the Authority Act "to ensure the most efficient and effective delivery of services, by the District government during a period of fiscal emergency." P.L. 104–8, Title I §2(b)(2). On January 2nd, Alice Rivlin, for the Authority, signed a memorandum of agreement (MOA) delegating authority to the Mayor to run the District government to the fullest extent allowed by existing law. Viewed from the front lines of the District government's present progress, the Authority's considered judgment was that a transition to Home Rule through the delegation of power to the new Mayor was necessary in advance of the transfer of ultimate power at the end of the control period; a clean line of reporting authority unmistakably identifying the responsible officials was necessary for efficient and effective government operational reform; and Mayor Williams, in his role as Chief Financial Officer, had already demonstrated his capacity to administer complicated operations.

This section amends existing law to complete a transfer of power that the Authority desired but could not make because of the wording of the statute and, in effect, to place in law the MOA. The Authority transferred to the Mayor its jurisdiction over nine operating agencies, but believed it was unable to return the authority to hire and fire department heads. In returning this power, the bill seeks to enhance and facilitate the Mayor's ability to control managers. It eliminates the possibility of an illusion of an appeal to a higher authority beyond the Mayor to acquire or retain a position.

The advantage of having a government that knows that it and it alone will be fully accountable cannot be overestimated in a democracy. Whatever justification some may have found for the denial of self-government has been stripped away by the growing fiscal health of the District government and its prudence in management of its finances and operations. Beyond securing more revenue, city officials have already shown that they know what to do with it. Their decision to use surplus revenues to pay down the city's accumulated deficit demonstrates they can and will make tough financial choices. In the face of the sacrifices that District residents have made and the anticipated surpluses that have been produced, there is no justification for delaying a return to coherent and fully accountable self-government.

I urge my colleagues to support this bill crucial to the continued revitalization of the nation's capital.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Virginia (Mr. MORAN) for a brief statement.

Mr. MORAN of Virginia. Mr. Speaker, this is the culmination really of years of determination and dedication on the part of the delegate and gentlewoman from the District of Columbia (Ms. NORTON) and of the chairman of the D.C. authorizing committee, the gentleman from Virginia (Mr. DAVIS).

This is in no way critical of the D.C. Financial Control Board, but it is the culmination of a vision. It had to start with fiscal responsibility. It had to be bolstered by economic opportunity. But it also had to include responsible stewardship.

We have that responsible stewardship, that leadership, in Mayor Williams. This is a reflection of the fact that those who have worked tirelessly for the District of Columbia truly believe in democracy, truly believe that the citizens of the District of Columbia are capable of governing themselves.

This gives them that opportunity, and if in the future we hope to hold the D.C. government responsible for its actions, we can only do that by giving them the authority to make those decisions. You cannot have one without the other. You cannot hold them responsible without giving them the authority to make decisions on their own. This gives them that authority.

This is the least we can do for the District of Columbia, and, again, this is what it was all about. It happened a lot sooner than many people expected, but I know that it is what the gentlewoman from the District of Columbia (Ms. NORTON) had every confidence would occur, as did the gentleman from Virginia (Mr. DAVIS).

I want to particularly thank them. As I started my remarks thanking them, I conclude my remarks by thanking them and I thank those who have worked along with them to ensure that the District of Columbia will one day be the jewel of our democracy, the true capital city of our great Nation.

Ms. NORTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Management Restoration Act of 1999".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Among the major problems of the District of Columbia government has been the failure to clearly delineate accountability.

(2) The statute establishing the District of Columbia Financial Responsibility and Management Assistance Authority proved necessary to enable the District to regain financial stability and management control.

(3) The District has performed significantly better than the Congress had anticipated at the time of the passage of the Authority statute.

(4) The necessity for a financial authority has resulted in a diffusion of responsibility between the Mayor, the Council, and the Authority pending the time when the District government would assume the home rule status quo ante.

(5) This lack of clear lines of reporting authority, in turn, has led to some redundancy and confusion about accountability and authority.

(6) The Authority statute requires the Authority to "ensure the most efficient and effective delivery of services, including public safety services, by the District government" and to "assist the District government in . . . ensuring the appropriate and efficient delivery of services".

(7) With the coming of a new administration led by Mayor Anthony Williams, the Authority has taken the first step to ensure the accountability that will be necessary at the expiration of the control period by delegating day-to-day operations over city agencies previously under control of the Authority to the Mayor.

(8) The Congress agrees that the best way to ensure clear and unambiguous authority and full accountability is for the Mayor to have full authority over city agencies so that citizens, the Authority, and the Congress can ascertain responsibility.

(9) The transition of authority to the new administration will take nothing from the Authority's power to intervene during a control period.

SEC. 3. RESTORATION OF MANAGEMENT AND PERSONNEL AUTHORITY OF MAYOR OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Subtitle B of title XI of the Balanced Budget Act of 1997 (DC Code, sec. 47-395.1 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—Section 1604(f)(2)(B) of the Taxpayer Relief Act of 1997 (Public Law 105-34; 111 Stat. 1099) is repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PRESIDENTS SHOULD GET AUTHORITY FROM CONGRESS TO SEND TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, since World War II, our presidents have been sending troops overseas without Congressional approval. Prior to World War II, it was traditional and constitutional that all presidents came to the Congress for authority to send troops.

Recently, the President has announced that he will most likely be sending thousands of American troops under NATO command to Kosovo. I think this is wrong. I have introduced legislation today that says that the President cannot send these troops without Congressional approval, merely restating what the Constitution says and how we followed the rules up until World War II.

Three years ago, the President sent troops into Bosnia and said they would be there for 6 months. They have been there now 3 years. We have spent over $20 billion. Nobody even asks hardly at all anymore when these troops will be coming home.

We have been bombing and interfering with the security of Iraq for now over 8 years, and that continues, and we do not give Congressional approval of these acts. My legislation is simple. It just denies funding for sending troops into Kosovo without Congressional approval.

This is not complicated. It is very precise and very clear and very important that we as a Congress restate our constitutional obligation to supervise the sending of troops around the world.

It would be much better for us to spend this money that is being wasted in Bosnia and Iraq on our national defense. We spend less and less money every year on national defense but we spend more and more money on policing the world. I think that policy ought to change and it is the responsibility of the Congress, the body that has control of the purse strings, to do something about this.

If the President is permitted to do this, he does it not because he has constitutional authority but because the Congress has reneged on their responsibility to supervise the spending.

It is a bit ironic now that we are sending or planning to send troops to Kosovo. We have all read about and heard the horrible stories about the Serbian leader Slobodan Milosevic, and yet our troops going to Kosovo are going to be sent with the intention that Kosovo cannot be independent; that they will not be able to separate themselves from Serbia; that they cannot decide under what government they want to live.

It is also interesting that one of the jobs of the troops in NATO, if they go into Kosovo, will be to disarm the Kosovo Liberation Army. That is hardly good sense. First, it is not good sense for us to give the permission or renege on our responsibility, but it does not make good sense to get involved in a war that has been going on for many years, but it certainly does not make good sense for us to go in for the sole purpose of supporting Milosevic. He is the one that has been bombing the Kosovars and here we are, we want to disarm the liberation forces and at the same time prevent Kosovo from becoming independent.

The issue here is money, but there is also a bigger issue and that is the responsibility that we have to decide when troops should be sent. Once troops are sent into a foreign country, it is very difficult for us to bring our troops home.

□ 1815

Troops in Kosovo will not serve the interests of the United States. They will not help our national security. It will drain funds that should be spent on national defense. At the same time it will jeopardize our national security by endangering our troops and raising the possibility of us becoming involved in a war spreading through the Balkans. This should not occur.

So, Mr. Speaker, I am asking my fellow colleagues to join me in cosponsoring this legislation just to say that it is not the prerogative of the President to send troops around the world whenever he pleases. That is the prerogative of the Congress.

I do know that it has not been stated this clearly in the last 40 years, but it is about time we did. And besides, one thing more, the President has admitted, at least it has been in print, that he is likely to place these troops under a foreign commander, under a British general.

Mr. Speaker, we do not need this. We need to restrain the President's ability to send troops.

MAKING THE POSTAL SERVICE A PARTNER IN ASSURING LIVABILITY OF AMERICA'S COMMUNITIES

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, one of the most exciting issues that has arisen in this new year has been that of livable communities. It received prominence in the President's State of the Union address. Just this last week, on Friday, it was the feature article in the National Journal. The Saturday New York Times front page political memo had again an issue about livable communities. It is in large part an expression of how government can be a partner with citizens, with the business community, to try and really achieve what it is that Americans deeply care about because, at heart, Americans care when their children go out the door in the morning that they are safe, they want that family to be economically secure, they want them to be healthy physically and in terms of their environment.

One example of that partnership that can make a difference for livable communities is the impact that the local post office has on small and medium sized communities particularly around the country. The post office is a symbol of how we connect to one another. The mail collection and distribution is vitally important in terms of community dynamic. Time and time again we find that post office on Main Street is an anchor for that Main Street business activity; it is a source of pride for people in the local communities; often it is a historic structure.

Unfortunately, when it comes to the location of that service, historic post offices around the country are being in some cases removed from those historic downtown locations. In some cases they are being, the post office simply has not been the type of neighbor that our communities deserve, and it is sadly not unknown for the postal service to not play by the same rules that the Federal Government imposes on others.

I have a series of examples in my office where these historic outposts have abandoned historic downtown locations to be located in a strip mall at the edge of town, perhaps without any paved sidewalks. Many communities in, for example, Portland, Oregon, where I am from, there is a lot of work to try and plan for the future to be able to promote a more livable community, and in fact the Oregon planning model is heralded by some as the most advanced in the United States. But despite the notoriety, despite the outreach, the Postal Service, for instance, was completely clueless to the work that we have been doing in our community to plan facilities for the next 50 years. It does not have to be that way.

I am introducing legislation this week that would require the Post Office to obey local land use and planning laws, to have them work with the local communities before they make decisions that can have such a wrenching affect on the fabric of community. I find it ironic that in case after case the Post Office gives the public more input into what version of the Elvis stamp it is going to produce than decisions that really can be life and death for small town America.

We also have a provision in this bill that makes some minor technical adjustments over what we had in the previous session of Congress because we have been listening to people in the Postal Service and we want to give them necessary flexibility. We do not want it to be a straightjacket, but we do want it to be a model of how America can and should work.

I would hope that, as we are promoting livable communities around the country, that the Federal Government will lead by example, by acting the way we want other actors and actresses to behave to promote more livable communities. I would earnestly request that my colleagues join me in sponsoring this legislation to make the Postal Service a full partner in assuring the liveability of America's communities.

MY GOAL AS A REPRESENTATIVE: ENSURING FEDERAL POLICIES ARE CONDUCIVE TO PRESERVING UNIQUE WAY OF LIFE IN RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, the Washington Post headlines trumpets good news. The economy outpaces growth forecasts, the stock market is up, unemployment is down and prices from the grocery store to the gas pump are low and stable. The conventional wisdom is that life in America is as good as it gets, and perhaps for some Americans it is. But behind the statistics lies pockets in this country where the economic lives of our citizens are not so good.

I rise today on behalf of the citizens of rural Kansas, the farmers and ranchers, the independent oil producers, senior citizens on fixed income and communities leaders struggling to hold on to essential services. These folks take little comfort in government statistics showing how good the economy is doing. In rural Kansas times are tough. Agriculture, still our economic base, is caught in a vice grip of depressed prices. Even our most diversified operators are struggling as prices for almost everything we produce in Kansas, cattle, corn, wheat, hogs, milo, soybeans, are all at historic lows. The new Census of Agriculture shows Kansas has 1,685 fewer farms this year than just 5 years ago. USDA reports that net farm income will be down for the third year in a row, and exports are reduced as well.

The President's new budget fails to address the difficulties in agriculture. No new money for crop insurance. Farm program spending is reduced, and money for export promotion is cut by 15 percent. Even money for our food donation program such as P.L. 480 is cut by almost a billion dollars from last year's level.

Mr. Speaker, we in Congress must find solutions, and removing agricultural sanctions is a start. The American farmer cannot continue with 52 percent of the world markets threatened by unilateral sanctions. I joined in introducing legislation on the first day of this session to remove agricultural sanctions, and we must continue to press hard on this issue.

The bottom has been knocked out of the domestic oil and gas industry as well. Thirty thousand wells have been shut down in Kansas alone due to declining prices. Employment in Kansas' oil and gas industry is down from a high of 40,000 jobs to under 13,000 today. According to the Kansas Geological Survey, if prices remain at their current levels, oil receipts in Kansas will drop 900 million and our State will lose an additional 5000 jobs.

As a country, we have spent billions, even gone to war to protect foreign petroleum sources. Should we not do something to preserve our domestic industry as well? We now import two-thirds of the oil consumed in this country, and this reliance only continues to grow. Unfortunately, again, the President's budget is little assistance. Energy research and development is cut. No funding is included for additional purchases for the strategic petroleum reserve. With oil prices at this low level, it is an excellent time to replenish this reserve and fill it to full capacity.

Tax relief for the oil and gas industry must be a priority. I support legislation to lower taxes on marginal well production in the United States and to create incentives for inactive wells to be brought back into production. This industry has been taxed excessively when times are good, and we must now provide relief when it is needed.

Compounding our economic struggles in rural America is the misguided Federal policies that threaten the viability of our communities. The 1997 budget bill made significant cuts on Medicare programs that our seniors and hospitals rely upon. The President has proposed in his budget yet another round of Medicare cuts to hospitals. For rural Kansas, hospitals are already hanging on by a string. Rather than another round of hastily crafted cuts we need a long-term plan to ensure the solvency of this critical program and to ensure that rural health care providers and patients are treated fairly. I, along with other Members of the House Rural Health Care Coalition intend to advance legislation packaged to restore fairness to rural areas under the Medicare program. In addition to improving reimbursements we need greater incentives to encourage doctors and other health care professionals to practice in rural areas.

We have a unique way of life in rural America. The rural way of life with all of its benefits is part of our national heritage, and it is one that is worth fighting to preserve. My goal as a representative in 1999 is to ensure that Federal policies recognize our uniqueness and that they are workable, fair and conducive to carrying on our lives in rural America. I look forward to working with my colleagues to accomplish these goals this session.

PAYING TRIBUTE TO PETER McCANN, COMPOSER OF "AMONG THE MISSING"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mr. Peter McCann.

It was through my involvement with the National Center For Missing and Exploited Children and as chairman and founder of the Congressional Caucus on Missing and Exploited Children that I had the privilege of being introduced to Mr. McCann. Missing and exploited children is an issue of great concern to me and one that I hold in the absolute highest regard. As a parent of two children, I cannot even begin to imagine the hurt families of missing children feel as they are left to wait and hope for the return of their son or daughter.

Well, after garnering support from the Caucus and from the National Center to record a song inspired by the plight of these families, I was flattered that Peter McCann would offer his time and talent to compose such a song. Peter performed his duty as a songwriter in superb fashion by composing the heartfelt duet: Among The Missing, and because of his passionate commitment to this project Peter used his connections in Nashville to convince George Massenburg of Seventeen Grand Recording Studios to produce the sound track and to donate the studio time to make this CD. In addition, recording artists Michael McDonald and Kathy Mattea recorded the song to the accompaniment of an 18-piece string section and 35-voice chorus.

Well, Peter is a seasoned veteran of the music industry, and this accomplishment represents only one of his many musical achievements. He originally embarked on his career at Motown Records in 1971, and after releasing two albums of his own he began a lengthy and productive relationship with CBS as a songwriter during which time Peter began advocating the rights of music artists with his involvement in the Songwriters Association. Later, Peter lobbied pro bono on behalf of his colleagues here on Capitol Hill using his organizational leadership skills as the co-chair of the legislative committee for the National Songwriters' Association International. His songs have been recorded by Julio Iglesias, Kenny Rogers, Lee Greenwood, Reba McIntyre, Crystal Gayle, the Oak Ridge Boys, Isaac Hayes, Karen Carpenter, Donnie Osmond, and that is just to list a few among the long list of musical entertainers.

Mr. Speaker, I believe that this most recent recording will provide Peter and the others involved a true sense of pride and a memory of one of their most satisfying accomplishments as songwriters and as musicians. Peter has agreed to donate the publishing royalties and the right to use the song for the National Center for Missing and Exploited Children. Wal-Mart, a longtime partner in the Center's mission to locate missing children is also committed to promoting the song, Among The Missing, in its nearly 3,000 stores nationwide. Additionally, RCA Records, the recorder and distributor of the song, will dedicate a portion of the sales to distributing photographs of missing children nationwide.

Mr. Speaker, I offer my heartfelt thanks to Peter whose efforts and time played a very large part in ensuring that this project come to fruition. If this song raises the awareness about missing children and reunites one child with his or her family, Peter McCann can take credit. He can hold his head high and feel as proud of his work on behalf of our nation's children as we are of him.

□ 1830

Thank you, Peter, and God bless you.

RULES OF PROCEDURE FOR THE COMMITTEE ON SCIENCE FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, in accordance with clause 2, Rule XI of the Rules of the House, I am submitting for printing in the CONGRESSIONAL RECORD a copy of the Rules Governing Procedure for the Committee on Science for the 106th Congress, adopted on February 4, 1999.

RULE 1. GENERAL PROVISIONS

GENERAL STATEMENT

(a) The Rules of the House of Representatives, as applicable, shall govern the committee and its subcommittees, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the committee and its subcommittees and shall be decided without debate. The rules of the committee, as applicable, shall be the rules of its subcommittees. The rules of germaneness shall be enforced by the Chairman. [XI 1(a)]

MEMBERSHIP

(b) A majority of the majority Members of the committee shall determine an appropriate ratio of majority to minority Members of each subcommittee and shall authorize the Chairman to negotiate that ratio with the minority party; Provided, however, that party representation on each subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the Full Committee. Provided, further, that recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority party Members which shall be no less favorable to the majority party than the ratio for the Full Committee.

POWER TO SIT AND ACT; SUBPOENA POWER

(c)(1) Notwithstanding subparagraph (2), a subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary, only when authorized by a majority of the members voting, a majority of the committee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman. [XI 2(m)]

(2) The Chairman of the Full Committee, with the concurrence the Ranking Minority Member of the Full Committee, may authorize and issue such subpoenas as described in paragraph (1), during any period in which the House has adjourned for a period longer than 3 days. [XI 2(m)(3)(A)(i)]

(3) A subpoena duces tecum may specify terms of return other than at a meeting or a hearing of the Committee.

SENSITIVE OR CONFIDENTIAL INFORMATION RECEIVED PURSUANT TO SUBPOENA

(d) Unless otherwise determined by the committee or subcommittee, certain information received by the committee or subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the Full Committee, in his judgment and after consultation with the Ranking Minority Member, deems that in view of all the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

NATIONAL SECURITY INFORMATION

(e) All national security information bearing a classification of secret or higher which has been received by the committee or a subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chairman of the Full Committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the committee. Such procedures shall, however, ensure access to this information by any Member of the committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

OVERSIGHT

(f) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

(g) The Chairman of the Full Committee, or of any subcommittee, shall not undertake any investigation in the name of the committee without formal approval by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

ORDER OF BUSINESS

(h) The order of business and procedure of the committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the committee.

OTHER PROCEDURES AND REGULATIONS

(i) During the consideration of any measure or matter, the Chairman of the Full Committee, or of any Subcommittee, or any Member acting as such, shall suspend further proceedings after a question has been put to the Committee at any time when there is a vote by electronic device occurring in the House of Representatives.

(j) The Chairman of the Full Committee, after consultation with the Ranking Minority Member, may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

USE OF HEARING ROOMS

(k) In consultation with the Ranking Minority Member, the Chairman of the full committee shall establish guidelines for use of committee hearing rooms.

RULE 2. COMMITTEE MEETINGS [AND PROCEDURES]

QUORUM [XI 2(h)(1)]

(a)(1) One-third of the Members of the committee shall constitute a quorum for all purposes except as provided in paragraphs (2) and (3) of this Rule.

(2) A majority of the Members of the committee shall constitute a quorum in order to: (A) report or table any legislation, measure, or matter; (B) close committee meetings or hearings pursuant to Rules 2(c) and 2(d); and (C) authorize the issuance of subpoenas pursuant to Rule 1(c).

(3) Two Members of the committee shall constitute a quorum for taking testimony and receiving evidence, which, unless waived by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee, shall include at least one Member from each of the majority and minority parties.

TIME AND PLACE

(b)(1) Unless dispensed with by the Chairman, the meetings of the committee shall be held on the 2nd and 4th Wednesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate. [XI 2(b)]

(2) The Chairman of the committee may convene as necessary additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business subject to such rules as the committee may adopt. The committee shall meet for such purpose under that call of the chairman. [XI 2(c)]

(3) The Chairman shall make public announcement of the date, time, place and subject matter of any of its hearings, and to the extent practicable, a list of witnesses at least one week before the commencement of the hearing. If the Chairman, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. Any announcement made under this Rule shall be promptly published in the Daily Digest, and promptly made available by electronic form including the committee website. [XI 2(g)(3)]

OPEN MEETINGS [XI 2 (g)]

(c) Each meeting for the transaction of business, including the markup of legislation, of the committee shall be open to the public, including to radio, television, and still photography coverage, except when the committee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House. Persons other than Members of the committee and such noncommittee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as the committee may authorize, may not be present at a business or markup session that is held in executive session. This rule does not apply to open committee hearings which are provided for by Rule 2(d).

(d)(1) Each hearing conducted by the committee shall be open to the public including radio, television, and still photography coverage except when the committee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, and Rule 2(p) a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony:

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information or would violate Rule XI 2(k)(5) of the Rules of the House of Representatives; or

(B) may vote to close the hearing, as provided in Rule XI 2(k)(5) of the Rules of the House of Representatives. No Member, Delegate, or Resident Commissioner may be excluded from non-participatory attendance at any hearing of any committee or subcommittee, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegate and the Resident Commissioner by the same procedures designated in this Rule for closing hearing to the public: Provided, however, that the committee or subcommittee may by the same procedure vote to close one subsequent day of the hearing.

AUDIO AND VISUAL COVERAGE

(e)(A) Whenever a hearing or meeting conducted by the committee is open to the public, these proceedings shall be open to coverage by television, radio, and still photography, except as provided in Rule XI 4(f)(2) of the House of Representatives. The Chairman shall not be able to limit the number of television, or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations in which case pool coverage shall be authorized).[XI 4]

(B)(1) Radio and television tapes, television film, and internet recordings of any committee hearings or meetings that are open to the public may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(2) It is, further, the intent of this rule that the general conduct of each meeting or hearing covered under authority of this rule by audio or visual means, and the personal behavior of the Committee Members and staff, other government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the meeting or hearing, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to:

(i) distort the objects and purposes of the meeting or hearing or the activities of Committee Members in connection with that meeting or hearing or in connection with the general work of the Committee or of the House; or

(ii) cast discredit or dishonor on the House, the Committee, or a Member, Delegate, or Resident Commissioner or bring the House, the Committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(3) The coverage of Committee meetings and hearings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this rule.

(f) The following shall apply to coverage of Committee meetings or hearings by audio or visual means:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the members of the committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

SPECIAL MEETINGS

(g) Rule XI 2(c) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

VICE CHAIRMAN TO PRESIDE IN ABSENCE OF CHAIRMAN

(h) Meetings and hearings of the committee shall be called to order and presided over by the Chairman or, in the Chairman's absence, by the member designated by the Chairman as the Vice Chairman of the committee, or by the ranking majority member of the committee present as Acting Chairman. [XI 2(d)]

OPENING STATEMENTS; 5-MINUTE RULE [XI 2(j)]

(i) Insofar as is practical, the Chairman, after consultation with the Ranking Minority Member, shall limit the total time of opening statements by Members to no more than 10 minutes, the time to be divided equally among Members present desiring to make an opening statement. The time any one Member may address the committee on any bill, motion or other matter under consideration by the committee or the time allowed for the questioning of a witness at hearings before the committee will be limited to five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting.

(j) Notwithstanding Rule 2(i), upon a motion the Chairman, in consultation with the Ranking Minority Member, may designate an equal number of members from each party to question a witness for a period not to exceed one hour in the aggregate or, upon a motion, may designate staff from each party to question a witness for equal specific periods that do not exceed on hour in the aggregate. [XI 2(j)]

PROXIES

(k) No Member may authorize a vote by proxy with respect to any measure or matter before the committee. [XI 2(f)]

WITNESSES

(l)(1) Insofar as is practicable, each witness who is to appear before the committee shall file no later than twenty-four (24) hours in advance of his or her appearance, a written statement of the proposed testimony and curriculum vitae. Each witness shall limit his or her presentation to a five-minute summary, provided that additional time may be granted by the Chairman when appropriate. [XI 2(g)(4)]

(2) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant

thereof) or contract (or subcontract thereof) which is relevant to the subject of his or her testimony and was received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness. [XI 2(g)(4)]

(m) Whenever any hearing is conducted by the committee on any measure or matter, the minority Members of the committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon. [XI 2(j)(1)]

INVESTIGATIVE HEARING PROCEDURES

(n) Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference.

SUBJECT MATTER

(o) Bills and other substantive matters may be taken up for consideration only when called by the Chairman of the committee or by a majority vote of a quorum of the committee, except those matters which are the subject of special-call meetings outlined in Rule 2(g) [XI 2(c)]

(p) No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the committee.

(q)(1) It shall not be in order for the committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the maximum extent practicable, a written copy of the measure or matter to be considered, and to the maximum extent practicable the original text for purposes of markup of the measure to be considered have been available to each Member of the committee for at least 48 hours in advance of consideration, excluding Saturdays, Sundays and legal holidays. To the maximum extent practicable, amendments to the measure or matter to be considered, shall be submitted in writing to the Clerk of the committee at least 24 hours prior to the consideration of the measure or matter. [XXIII 4(a)]

(2) Notwithstanding paragraph (1) of this rule, consideration of any legislative measure or matter by the committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the committee is present.

REQUESTS FOR WRITTEN MOTIONS

(r) Any legislative or non-procedural motion made at a regular or special meeting of the committee and which is entertained by the Chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

REQUESTS FOR RECORD VOTES AT FULL COMMITTEE

(s) A record vote of the Members may be had at the request of three or more Members or, in the apparent absence of a quorum, by any one Member.

AUTOMATIC RECORD VOTE FOR AMENDMENTS WHICH AFFECT THE USE OF FEDERAL RESOURCES

(t)(1) A record vote shall be automatic on any amendment which specifies the use of federal resources in addition to, or more explicitly (inclusively or exclusively) than that specified in the underlying text of the measure being considered.

(2) No legislative report filed by the committee on any measure or matter reported by the committee shall contain language which has the effect of specifying the use of federal resources more explicitly (inclusively or exclusively) than that specified in the measure or matter as ordered reported, unless such language has been approved by the committee during a meeting or otherwise in writing by a majority of the Members.

COMMITTEE RECORDS

(u)(1) The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a record vote is demanded. The result of each record vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting. [XI 2(e)]

(2) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any Member of the committee. [XI 2(e)(3)]

(3) To the maximum extent feasible, the committee shall make its publications available in electronic form, including the committee website. [XI 2(e)(4)]

(4)(A) Except as provided for in subdivision (B), all committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as its chairman. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner, shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Standards of Official Conduct, may not have access to the records of the committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of the Committee.

PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

(v) The transcripts of those hearings conducted by the committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Individuals, including Members of Congress, whose comments are to be published as part of a committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff or witnesses to correct any errors other than errors in transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional committee, and memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript. Transcripts of markups shall be recorded and published in the same manner as hearings before the committee and shall be included as part of the legislative report unless waived by the Chairman.

RULE 3. SUBCOMMITTEE STRUCTURE AND JURISDICTION

(a) The committee shall have the following standing subcommittees with the jurisdiction indicated.

(1) Subcommittee on Basic Research.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to science policy including: Office of Science and Technology Policy; all scientific research, and scientific and engineering resources (including human resources), math, science and engineering education; intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs; international scientific cooperation; National Science Foundation; university research policy, including infrastructure, overhead and partnerships; science scholarships; computer, communications, and information science; earthquake and fire research programs; research and development relating to health, biomedical, and nutritional programs; and to the extent appropriate, agricultural, geological, biological and life sciences research.

(2) Subcommittee on Energy and Environment.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to energy and environmental research, development, and demonstration including: Department of Energy research, development, and demonstration programs, Department of Energy laboratories; energy supply research and development activities; nuclear and other advanced energy technologies; general science and research activities; uranium supply, enrichment, and waste management activities as appropriate; fossil energy research and development; clean coal technology; energy conservation research and development; measures relating to the commercial application of energy technology; science and risk assessment activities of the Federal Government; Environmental Protection Agency research and development programs; and National Oceanic and Atmospheric Administration, including all activities related to weather, weather services, climate, and the atmosphere, and marine fisheries, and oceanic research.

(3) Subcommittee on Space and Aeronautics.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to astronautical and aeronautical research and development including: national space policy, including access to space; sub-orbital access and applications; National Aeronautics and Space Administration and its contractor and government-operated laboratories; space commercialization including the commercial space activities relating to the Department of Transportation and the Department of Commerce; exploration and use of outer space; international space cooperation; National Space Council; space applications, space communications and related matters; and earth remote sensing policy.

(4) Subcommittee on Technology.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to competitiveness including: standards and standardization of measurement; the National Institute of Standards and Technology; the National Technical Information Service; competitiveness, including small business competitiveness; tax,

antitrust, regulatory and other legal and governmental policies as they relate to technological development and commercialization; technology transfer; patent and intellectual property policy; international technology trade; research, development, and demonstration activities of the Department of Transportation; civil aviation research, development, and demonstration; research, development, and demonstration programs of the Federal Aviation Administration; surface and water transportation research, development, and demonstration programs; materials research, development, and demonstration and policy; and biotechnology policy.

REFERRAL OF LEGISLATION

(b) The Chairman shall refer all legislation and other matters referred to the committee to the subcommittee or subcommittees of appropriate jurisdiction within two weeks unless, the Chairman deems consideration is to be by the Full Committee. Subcommittee chairmen may make requests for referral of specific matters to their subcommittee within the two week period if they believe subcommittee jurisdictions so warrant.

EX-OFFICIO MEMBERS

(c) The Chairman and Ranking Minority Member shall serve as ex-officio Members of all subcommittees and shall have the right to vote and be counted as part of the quorum and ratios on all matters before the subcommittee.

PROCEDURES

(d) No subcommittee shall meet for markup or approval when any other subcommittee of the committee or the Full Committee is meeting to consider any measure or matter for markup or approval.

(e) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it. For matters within its jurisdiction, each subcommittee is authorized to conduct legislative, investigative, forecasting, and general oversight hearings; to conduct inquiries into the future; and to undertake budget impact studies. Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

(f) Any Member of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a Member of the subcommittee shall vote on any matter before such subcommittee, except as provided in Rule 3(c).

(g) During any subcommittee proceeding for markup or approval, a record vote may be had at the request of one or more Members of that subcommittee.

RULE 4. REPORTS

SUBSTANCE OF LEGISLATIVE REPORTS

(a) The report of the committee on a measure which has been approved by the committee shall include the following, to be provided by the committee:

(1) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified [Rule XIII, clause 3(c)];

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures as specified in [Rule XIII, clauses 3(c)(2)];

(3) with respect to reports on a bill or joint resolution of a public character, a "Constitutional Authority Statement" citing the specific powers granted to Congress by the Constitution pursuant to which the bill or joint resolution is proposed to be enacted;

(4) with respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the committee report on the measure or matter;

(5) the estimate and comparison prepared by the committee under Rule XIII, clause 3(d)(2) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subparagraph 2 of this Rule has been timely submitted prior to the filing of the report and included in the report [Rule XIII, clause 3(d)(3)(D)];

(6) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended [Rule XIII, clause 3]; and

(7) a transcript of the markup of the measure or matter unless waived under Rule 2(v).

(b)(1) The report of the committee on a measure which has been approved by the committee shall further include the following, to be provided by sources other than the committee:

(A) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the committee [Rule XIII, clause 2–4];

(B) a summary of the oversight findings and recommendations made by the Committee on Government Reform and Oversight under Rule X 2(b) of the Rules of the House of Representatives, separately set out and identified [Rule XIII, clause 2–4]

(2) Notwithstanding paragraph (2) of this Rule, if the committee has not received prior to the filing of the report the material required under paragraph (1) of this Rule, then it shall include a statement to that effect in the report on the measure.

MINORITY AND ADDITIONAL VIEWS [XI 2(l)]

(c) If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two subsequent calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the committee. All such views so filed by one or more Members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views, which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under paragraph (a) of Rule 4(b)(1) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a committee report unless timely requested for the opportunity to file supplemental, minority, or additional views has been made as provided by this Rule or (2) the filing by the committee of any supplemental report upon any measure or matter which maybe required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(d) The Chairman of the committee or subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the committee or subcommittee, as appropriate, decides to extend the time for submission of views the two subsequent calendar days after the day of notice, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

CONSIDERATION OF SUBCOMMITTEE REPORTS

(e) Reports and recommendations of a subcommittee shall not be considered by the Full Committee until after the intervention of 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and made available to full committee membership and printed hearings thereon shall be made available, if feasible, to the Members except that this rule may be waived at the discretion of the Chairman after consultation with the Ranking Minority Member.

TIMING AND FILING OF COMMITTEE REPORTS

[XIII]

(f) It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken the necessary steps to bring the matter to a vote. To the maximum extent practicable, the written report of the committee on such measures shall be made available to the committee membership for review at least 24 hours in advance of filing.

(g) The report of the committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by the majority of the Members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chairman of the committee notice of the filing of that request.

(h)(1) Any document published by the committee as a House Report, other than a report of the committee on a measure which has been approved by the committee, shall be approved by the committee at a meeting, and Members shall have the same opportunity to submit views as provided for in Rule 4(c).

(2) Subject to paragraphs (3) and (4), the Chairman may approve the publication of any document as a committee print which in his discretion he determines to be useful for the information of the committee.

(3) Any document to be published as a committee print which purports to express the

views, findings, conclusions, or recommendations of the committee or any of its subcommittees must be approved by the Full Committee or its subcommittees, as applicable, in a meeting or otherwise in writing by a majority of the Members, and such Members shall have the right to submit supplemental, minority, or additional views for inclusion in the print within at least 48 hours after such approval.

(4) Any document to be published as a committee print other than a document described in paragraph (3) of this Rule: (A) shall include on its cover the following statement: "This document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee;" and (B) shall not be published following the sine die adjournment of a Congress, unless approved by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

(i) A report of an investigation or study conducted jointly by this committee and one or more other committee(s) may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

(j) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than seven calendar days in which to submit such views for inclusion with the report.

(k) After an adjournment sine die of the last regular session of a Congress, the Chairman may file the Committee's Activity Report for that Congress under clause 1(d)(1) of Rule XI of the Rules of the House with the Clerk of the House at anytime and without the approval of the Committee, provided that a copy of the report has been available to each member of the committee for at least seven calendar days and that the report includes any supplemental, minority, or additional views submitted by a member of the committee. [XI 1(d), XI 1(d)(4)]

OVERSIGHT REPORTS

(l) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day). [XI 1(b)(2)]

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE

"Rule X. Organization of Committees.

"Committees and their legislative jurisdictions.

"1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing committees listed in this clause shall be referred to those committees, in accordance with clause 2 of rule XII, as follows:

* * * * *

"(n) Committee on Science.

"(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

"(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

"(3) Civil aviation research and development.

"(4) Environmental research and development.

"(5) Marine research.

"(6) Commercial application of energy technology.

"(7) National Institute of Standards and Technology, standardization of weights and measures and the metric system.

"(8) National Aeronautics and Space Administration.

"(9) National Space Council.

"(10) National Science Foundation.

"(11) National Weather Service.

"(12) Outer space, including exploration and control thereof.

"(13) Science Scholarships.

"(14) Scientific research, development, and demonstration, and projects therefor.

* * * * *

"SPECIAL OVERSIGHT FUNCTIONS

"3.(j) The Committee on Science shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MALONEY of New York (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. THORNBERRY (at the request of Mr. ARMEY) for today, on account of a death in the family.

Ms. CARSON (at the request of Mr. GEPHARDT) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LAMPSON) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. BRADY of Pennsylvania, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. SENSENBRENNER, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. KNOLLENBERG, for 5 minutes, on February 12.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10 a.m. tomorrow.

There was no objection.

Accordingly (at 6 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 10, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

417. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Extension of Tolerance for Emergency Exemptions [OPP-300790; FRL-6059-8] (RIN: 2070-AB78) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

418. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—3,7-Dichloro-8-quinoline carboxylic acid; Pesticide Tolerances for Emergency Exemptions [OPP-300781; FRL-6055-6] (RIN: 2070-AB78) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

419. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cymoxanil; Pesticide Tolerance [OPP-300782; FRL-6056-4] (RIN: 2070-AB78) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

420. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Propyzamide; Extension of Tolerance for Emergency Exemptions [OPP-300791; FRL-6060-3] (RIN: 2070-AB78) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

421. A letter from the Deputy Executive Director, U.S. Commodity Futures Trading Commission, transmitting the Commission's final rule—Voting by Interested Members of Self-Regulatory Organization Governing Boards and Committees—received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

422. A letter from the Deputy Executive Director, U.S. Commodity Futures Trading Commission, transmitting the Commission's final rule—Temporary Licenses for Associated Persons, Floor Brokers, Floor Traders and Guaranteed Introducing Brokers—received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

423. A letter from the Deputy Director for Policy and Programs, Community Development Financial Institutions Fund, Department of the Treasury, transmitting the Department's final rule—Notice of Funds Availability (NOFA) Inviting Applications for the Community Development Financial Institutions Program—Technical Assistance Component [No. 982-0154] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

424. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Singapore, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

425. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

426. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program; Removal of Form (RIN: 3067–AC81) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

427. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA–98–4980; Notice 1] (RIN: 2127–AH25) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

428. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Protection In Interior Impact [Docket No. NHTSA–98–5033] [RIN No. 2127–AG07] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

429. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Exemption for Leachate from Non-Hazardous Waste Landfills; Final Rule (RIN: 2050–AG61) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

430. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emegency Planning and Community Right-To-Know Programs; Amdendments to Hazardous Chemical Reporting Thresholds for Gasoline and Diesel Fuel at Retail Gas Stations [FRL–6300–5] (RIN: 2050–AE58) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

431. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—RECORD Keeping and Reporting Burden Reduction [AD–FRL–6–6300] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

432. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adhesives and Components of Coatings [Docket No. 96F–0136] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

433. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 97F–0421] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

434. A letter from the Secretary of Health and Human Services, transmitting the Service's annual report on progress in achieving the performance goals referenced in the Prescription Drug User Fee Act of 1992; to the Committee on Commerce.

435. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Reporting and Procedures Regulations: Procedure for Requests for Removal from List of Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, Specially Designated Narcotics Traffickers, and Blocked Vessels—received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

436. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Pay Administration; Premium Pay (RIN: 3206–AG47) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

437. A letter from the Deputy Executive Director, U.S. Commodity Future Trading Commission, transmitting the Commission's final rule—Commisssion Records and Information; Open Commission Meetings—received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

438. A letter from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

439. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No. 961204340–7087–02; I.D. 012999A] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

440. A letter from the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Swordfish Fishery; Management of Driftnet Gear [Docket No. 980630163–9010–02; I.D. 011598A] (RIN: 0648–AJ68) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

441. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea [Docket No. 981222313–8320–02; I.D. 012599B] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

442. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Debt Collection (RIN: 3067–AC77) received January 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

443. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Coast Guard Child Development Services Programs [USCG–1998–3821] (RIN: 2115–AF48) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

444. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Maritime Course Approval Procedures [USCG–1998–3824] (RIN: 2115–AF58) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

445. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Passaic River, NJ [CGD01–97–134] (RIN: 2115–AE47) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

446. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE; Explosive Loads and Detonations Bath Iron Works, Bath, ME [CGD1–99–006] (RIN: 2115–AA97) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

447. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE: Sunken Fishing Vessel CAPE FEAR, Buzzards Bay Entrance [CGD01 99–002] (RIN: 2115–AA97) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

448. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE: Swift Creek Channel, Freeport, NY [CGD01–98–184] (RIN: 2115–AA97) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

449. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—SAFETY ZONES, SECURITY ZONES, AND SPECIAL LOCAL REGULATIONS [USCG–1998–4895] (RIN: 2115–AA97) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

450. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Participation by Disadvantaged Business Enterprises in Department of Transportation Programs [Docket No. OST–97–2550; Notice 97–5] (RIN: 2105–AB92) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

451. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company Model AE 3007A and AE 3007A1/1 Turbofan Engines [Docket No. 98–ANE–14–AD; Amendment 39–11017; AD 99–03–03] (RIN: 2120–AA64) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

452. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -300, -400, and -500 Series Airplanes [Docket No. 98–NM–50–AD; Amendment 39–11018; AD 99–03–04] (RIN: 2120–AA64) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

453. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Gate Requirements for High-Lift Device Controls [Docket No. 28930; Amdt. No. 25–98] (RIN: 2120–AF82) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

454. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of the San Diego Class B Airspace Area; CA [Airspace Docket No. 97–AWA–6] (RIN: 2120–AA66) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

455. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendments to Restricted Areas 5601D and 5601E; Fort Sill, OK [Airspace Docket No. 96–ASW–40] (RIN: 2120–AA66) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

456. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fremont, OH [Airspace Docket No. 98–AGL–56] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

457. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Buena Vista, CO [Airspace Docket No. 98–ANM–20] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

458. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Anaktuvuk Pass, AK [Airspace Docket No. 98–AAL–24] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

459. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Docket No. 98–NM–386–AD; Amendment 39–11015; AD 99–01–12] (RIN: 2120–AA64) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

460. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1802SO [Docket No. 98–NM–379–AD; Amendment 39–11016; AD 98–26–51] (RIN: 2120–AA64) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

461. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Revenue Procedure 99–16] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

462. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rulings and determination letters [Revenue Procedure 99–15] received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

463. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice of Certain Transfers to Foreign Partnerships and Foreign Corporations [TD 8817] (RIN: 1545–AV70) received February 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

464. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Eisenberg v. Commissioner [T.C. Docket No. 17267–95] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

465. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Eisenberg v. Commissioner [T.C. Docket No. 17267–95] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

466. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Agency's final rule—Larotonda v. Commissioner—received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

467. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Agency's final rule—Larontonda v. Commissioner—received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

468. A communication from the Assistant to the President and Director for Legislative Affairs, President of the United States, transmitting the President's "Report to Congress on a Comprehensive Plan for Responding to the Increase in Steel Imports"; jointly to the Committees on Ways and Means and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REYNOLDS: Committee on Rules. House Resolution 42. Resolution providing for consideration of the bill (H.R. 391) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes (Rept. 106–13). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 43. Resolution providing for consideration of the bill (H.R. 436) to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes (Rept. 106–14). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 44. Resolution providing for consideration of the bill (H.R. 437) to provide for a Chief Financial Officer in the Executive Office of the President (Rept. 106–15). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARCHER (for himself and Mr. RANGEL):

H.R. 630. A bill to amend the Internal Revenue Code of 1986 to reiterate the denial of the charitable contribution deduction for transfers associated with split-dollar insurance arrangements; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself and Mr. CARDIN):

H.R. 631. A bill to combat fraud in, and to improve the administration of, the disability programs under titles II and XVI of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. WELDON of Florida (for himself, Mr. GREEN of Texas, Mr. STEARNS, Mr. BENTSEN, Mr. EHLERS, Mr. DEFAZIO, Mr. SMITH of Washington, Mr. BRADY of Texas, Mr. HALL of Texas, Mr. MCCOLLUM, Mr. ROTHMAN, Mrs. MYRICK, Mr. PALLONE, and Mr. TALENT):

H.R. 632. A bill to require the Secretary of Health and Human Services to conduct a study on mortality and adverse outcome rates of Medicare patients of providers of anesthesia services, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland:

H.R. 633. A bill to provide for investment in broad-based private equities indices of amounts held in trust for payment of benefits from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, the Department of Defense Military Retirement Fund, the Civil Service Retirement and Disability Fund, and the Railroad Retirement Account, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Armed Services, Government Reform, the Budget, Transportation and Infrastructure, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself, Mr. GILCHREST, and Mr. CUMMINGS):

H.R. 634. A bill to amend title XVIII of the Social Security Act to guarantee that Medicare beneficiaries enrolled in Medicare+Choice plans offering prescription drug coverage have access to a Medigap policy that offers similar presciption drug coverage in the event the Medicare+Choice plan terminates service in the area in which the beneficiary resides; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS:

H.R. 635. A bill to amend part A of title IV of the Social Security Act to permit the use of block grant funds under the Temporary Assistance to Needy Families (TANF) program for classroom construction and hiring of teachers in elementary and secondary public schools; to the Committee on Ways and Means.

By Mr. COOKSEY:

H.R. 636. A bill to amend the Individuals with Disabilities Education Act relating to the placement of children in alternative educational settings under that Act and relating to corrective action against States under part B of that Act; to the Committee on Education and the Workforce.

By Mr. GALLEGLY (for himself, Mr. BALDACCI, Mr. BARRETT of Nebraska, Mr. ETHERIDGE, Mr. DAVIS of Florida, Mr. ACKERMAN, Mr. SHOWS, and Mrs. MORELLA):

H.R. 637. A bill to give gifted and talented students the opportunity to develop their capabilities; to the Committee on Education and the Workforce.

By Mr. GALLEGLY (for himself, Mr. Horn, Mr. Pomeroy, and Mr. Paul):

H.R. 638. A bill to amend the Internal Revenue Code of 1986 to increase the Lifetime Learning Credit for tuition expenses for continuing education for secondary teachers in their fields of teaching; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. Hall of Texas, Mr. Paul, Mr. Pitts, Mr. Bachus, Mr. Burton of Indiana, Mr. Dickey, Mr. Bartlett of Maryland, Mr. Hoekstra, Mr. Hostettler, Mrs. Myrick, Mr. Hansen, Mr. Doolittle, Mr. Barton of Texas, Mrs. Emerson, Mr. Shows, Mr. Lewis of Kentucky, Mr. Smith of New Jersey, Mr. Largent, Mr. Pickering, Mrs. Chenoweth, Mr. Stearns, Mr. Spence, Mr. Packard, Mr. Watts of Oklahoma, Mr. Souder, Mr. Tancredo, Mr. Barcia of Michigan, Mr. Ney, Mr. DeLay, Mr. Petri, Mr. Taylor of Mississippi, Mr. Wamp, and Mr. Terry):

H.R. 639. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person from the moment of fertilization; to the Committee on the Judiciary.

By Mr. LAMPSON (for himself, Ms. Jackson-Lee of Texas, Mr. Foley, Mr. Frost, Ms. Rivers, Mr. Rothman, Mr. Sherman, Mr. Peterson of Minnesota, Mr. Gutknecht, and Mr. Bentsen):

H.R. 640. A bill to authorize appropriations for the United States Customs Cybersmuggling Center; to the Committee on Ways and Means.

By Mr. McNULTY (for himself, Mr. George Miller of California, Mr. Quinn, Mr. Walsh, Mr. Vento, Mr. Leach, Mr. Hinchey, Mr. King of New York, Mr. Kennedy, Mr. Boehlert, Mrs. Lowey, Mr. Rangel, Mr. Frost, Mr. Ackerman, Mr. Bishop, Mr. Nadler, Mr. LaFalce, Ms. Norton, Mrs. Mink of Hawaii, Mr. McHugh, Mrs. Kelly, Mr. Filner, Mrs. McCarthy of New York, Ms. Slaughter, Mr. Brown of Ohio, Mr. Engel, Mr. Towns, Ms. Carson, Mr. Serrano, Mrs. Maloney of New York, Mr. Crowley, Mr. Sanders, Mrs. Jones of Ohio, Mr. Green of Texas, and Mr. Brady of Pennsylvania):

H.R. 641. A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; to the Committee on Resources.

By Ms. MILLENDER-McDONALD (for herself, Mr. Becerra, Ms. Pelosi, Ms. Lee, Mr. George Miller of California, Mr. Sherman, Mr. Berman, Mr. Waxman, Mr. Matsui, Mr. Cunningham, Ms. Lofgren, Mr. Horn, Mr. Rogan, Mr. Martinez, Mr. Calvert, and Mr. Farr of California):

H.R. 642. A bill to redesignate the Federal building located at 701 South Santa Fe Avenue in Compton, California, and known as the Compton Main Post Office, as the "Mervyn Malcolm Dymally Post Office Building"; to the Committee on Government Reform.

H.R. 643. A bill to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the "Augustus F. Hawkins Post Office Building"; to the Committee on Government Reform.

By Mrs. MINK of Hawaii:

H.R. 644. A bill to establish requirements for the cancellation of automobile insurance policies; to the Committee on Commerce.

By Mrs. MORELLA (for herself, Mr. Horn, Mr. Vento, Mr. McCollum, Mr. Sanders, Mr. Bachus, Mrs. Kelly, Mr. Gutierrez, Mrs. Johnson of Connecticut, Mr. Bereuter, Mr. Leach, Ms. Biggert, Mr. Wolf, Mr. Davis of Virginia, Mr. Goodlatte, Mr. Gutknecht, Mr. Pascrell, Mr. Berman, Mr. Boehlert, and Mrs. Tauscher):

H.R. 645. A bill to provide for teacher technology training; to the Committee on Education and the Workforce.

By Mr. PASCRELL:

H.R. 646. A bill to amend title 49, United States Code, to provide that motor carriers safety permits for the transportation of hazardous material be subject to annual renewal; to the Committee on Transportation and Infrastructure.

By Mr. PAUL (for himself, Mrs. Chenoweth, Mr. Rohrabacher, Mr. Hostettler, Mr. Campbell, Mr. Bartlett of Maryland, Mr. Schaffer, Mr. Duncan, Mr. Jones of North Carolina, Mr. Scarborough, Mr. Salmon, Mrs. Cubin, and Mr. Metcalf):

H.R. 647. A bill to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment of United States Armed Forces in Kosovo unless that deployment is specifically authorized by law; to the Committee on Armed Services.

By Mr. PICKETT (for himself, Mr. Taylor of Mississippi, Mr. Weldon of Pennsylvania, Mr. Sisisky, Mr. Kennedy, and Mr. Ortiz):

H.R. 648. A bill to amend title 10, United States Code, to restore military retirement benefits that were reduced by the Military Retirement Reform Act of 1986; to the Committee on Armed Services.

By Ms. RIVERS:

H.R. 649. A bill to amend the Real Estate Settlement Procedures Act of 1974 to prohibit a lender from requiring a borrower in a residential mortgage transaction to provide the lender with unlimited access to the borrower's tax return information; to the Committee on Banking and Financial Services.

By Ms. RIVERS:

H.R. 650. A bill to assess the impact of the North American Free Trade Agreement on domestic job loss and the environment, and for other purposes; to the Committee on Ways and Means.

By Ms. RIVERS:

H.R. 651. A bill to prevent Members of Congress from receiving any automatic pay adjustment which might otherwise take effect in 1999; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS (for himself, Mr. Evans, Mr. Filner, Mr. Green of Texas, Mr. Kleczka, Mr. Kennedy, Mr. Romero-Barcelo, Ms. Norton, Mr. Underwood, and Mr. Ney):

H.R. 652. A bill to amend title 38, United States Code, to increase the allowance for burial and funural expenses of certain veterans; to the Committee on Veterans' Affairs.

By Mr. SAXTON:

H.R. 653. A bill to mandate price stability as the primary goal of the monetary policy of the Board of Governors of the Federal Reserve System and the Federal Open Market Committee; to the Committee on Banking and Financial Services.

By Mr. SHAYS (for himself, Mr. Price of North Carolina, Mr. Boehlert, Mr. Salmon, and Mr. Campbell):

H.R. 654. A bill to make available on the Internet, for purposes of access and retrieval by the public, certain information available through the Congressional Research Service web site; to the Committee on House Administration.

By Mr. STARK (for himself, Mr. Leach, Mr. Towns, Mr. Hinchey, Mr. Bentsen, Mr. Meehan, Mr. Waxman, Ms. Schakowsky, Mr. Frank of Massachusetts, Mr. Weygand, Mr. Rodriguez, Mr. Frost, Mr. Abercrombie, Mr. Ackerman, Mr. Brown of Ohio, Mr. DeFazio, Ms. Kilpatrick, Ms. Rivers, Mr. Sanders, Mr. Bonior, Mr. Thompson of Mississippi, Mr. Capuano, Mr. Strickland, and Mr. George Miller of California):

H.R. 655. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the Medicare skilled nursing facility prospective payment system; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself and Ms. Rivers):

H.R. 656. A bill to guarantee honesty in budgeting; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY (for himself, Mr. McHugh, Mr. Walsh, Mr. Towns, Mr. McNulty, Mr. Lazio of New York, Mr. Nadler, Mr. Hinchey, Mr. LaFalce, Mr. Houghton, Mr. Ackerman, Mrs. Lowey, and Mrs. Maloney of New York):

H.R. 657. A bill to reduce acid deposition under the Clean Air Act, and for other purposes; to the Committee on Commerce.

By Mr. SWEENEY:

H.R. 658. A bill to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System; to the Committee on Resources.

By Mr. WELDON of Pennsylvania (for himself, Mr. Pitts, Mr. English, Mr. Hoeffel, Mr. Mascara, Mr. Gekas, Mr. Greenwood, Mr. Holden, Mr. Shuster, Mr. Brady of Pennsylvania, Mr. Doyle, Mr. Sherwood, Mr. Coyne, Mr. Peterson of Pennsylvania, Mr. Fattah, Mr. Toomey, Mr. Klink, Mr. Andrews, Mr. Kanjorski, Mr. Borski, Mr. Murtha, Mr. Castle, and Mr. Goodling):

H.R. 659. A bill to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley

Forge National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. HUNTER:

H.J. Res. 25. A joint resolution recognizing the sacrifice and dedication of members of the Armed Forces throughout the Nation's history; to the Committee on Armed Services.

By Mr. SAM JOHNSON of Texas (for himself and Mr. REGULA):

H.J. Res. 26. A joint resolution providing for the reappointment of Barber B. Conable, Jr. as a citizen regent of the Board of Regents of the Smithsonian Instiution; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself and Mr. REGULA):

H.J. Res. 27. A joint resolution providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. SAM JOHNSON of Texas (for himself and Mr. REGULA):

H.J. Res. 28. A joint resolution providing for the reappointment of Wesley S. Williams, Jr. as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. METCALF:

H. Con. Res. 26. Concurrent resolution to express the sense of the Congress that any Executive order that infringes on the powers and duties of the Congress under article I, section 8 of the Constitution, or that would require the expenditure of Federal funds not specifically appropriated for the purpose of the Executive order, is advisory only and has no force or effect unless enacted as law; to the Committee on the Judiciary.

By Mr. DREIER (for himself and Mr. MOAKLEY):

H. Res. 45. A resolution providing amounts for the expenses of the Committee on Rules in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. BLUNT (for himself, Mr. CLAY, and Mr. SKELTON):

H. Res. 46. A resolution honoring Future Business Leaders of America-Phi Beta Lambda; to the Committee on Education and the Workforce.

By Ms. RIVERS:

H. Res. 47. A resolution amending the Rules of the House of Representatives to require that the expenses of special-order speeches be paid from the Members Representational Allowance of the Members making such speeches; to the Committee on Rules.

By Mr. RYAN of Wisconsin:

H. Res. 48. A resolution expressing the sense of the House of Representatives that the Congress and the President should undertake the Social Security Guarantee Initiative to strengthen and protect the retirement income security of all Americans through the creation of a fair and modern Social Security Program for the 21st century; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself and Mr. BERMAN):

H. Res. 49. A resolution providing amounts for the expenses of the Committee on Standards of Official Conduct in the One Hundred Sixth Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. MILLENDER-McDONALD introduced a bill (H.R. 660) for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mrs. MYRICK, Mr. BARR of Georgia, Mrs. JOHNSON of Connecticut, Mr. FOSSELLA, Mr. YOUNG of Alaska, Mr. BLUNT, Mr. EHRLICH, Mr. CHAMBLISS, Mr. STUMP, Mr. PITTS, and Mr. FOLEY.

H.R. 15: Mr. FILNER.

H.R. 17: Mr. WATTS of Oklahoma, Mr. HASTINGS of Washington, Ms. DANNER, Mr. CHAMBLISS, and Mr. LEACH.

H.R. 27: Mr. SHADEGG, Mr. FOLEY, Mrs. EMERSON, Mr. HAYES, and Mr. HASTINGS of Washington.

H.R. 38: Mr. SCARBOROUGH, MR. KOLBE, and Mr. HEFLEY.

H.R. 45: Mr. SNYDER, Mr. HAYES, Mr. COSTELLO, Mr. BOYD, Mr. CRAMER, Mr. SCARBOROUGH, Mr. LINDER, Mr. WELDON of Florida, Mr. DEMINT, Mrs. MYRICK, Mr. EHRLICH, Mr. TURNER, Mr. PICKETT, Mr. HASTINGS of Florida, and Mr. BRYANT.

H.R. 50: Mrs. ROUKEMA.

H.R. 51: Mr. NEY, Mr. CALVERT, and Mr. WHITFIELD.

H.R. 64: Mr. POMEROY.

H.R. 70: Mr. COSTELLO, Mr. HOBSON, Mr. BILBRAY, Mr. LATHAM, and Mr. GOODE.

H.R. 72: Mr. RAHALL and Mr. BILBRAY.

H.R. 89: Mr. LATOURETTE, Mr. CLYBURN, Mr. TURNER, Mr. SESSIONS, Mr. REGULA, Mr. BOEHLERT, Mr. DOOLITTLE, and Ms. ESHOO.

H.R. 116: Mrs. NAPOLITANO and Mrs. JONES of Ohio.

H.R. 130: Mr. NADLER, Mrs. KELLY, Mr. RANGEL, Mr. BOEHLERT, Mr. TOWNS, and Mrs. MALONEY of New York.

H.R. 169: Mr. ETHERIDGE.

H.R. 175: Mr. GUTKNECHT, Mr. THOMPSON of California, Mr. BALDACCI, Mr. CLYBURN, Ms. SCHAKOWSKY, Mr. ENGEL, and Mr. SHOWS.

H.R. 194: Mr. ENGLISH.

H.R. 196: Mr. VISCLOSKY.

H.R. 205: Mr. NORWOOD, Ms. WOOLSEY, Mr. SKEEN, and Mr. CONDIT.

H.R. 208: Mr. ENGEL and Mr. WYNN.

H.R. 221: Mr. CASTLE and Mr. BOEHNER.

H.R. 232: Mr. WHITFIELD and Mr. HASTINGS of Washington.

H.R. 235: Mr. SHERMAN, Mr. BALDACCI, Ms. RIVERS, Mr. FRANKS of New Jersey, Mr. GOODE, Mrs. EMERSON, Mr. HOSTETTLER, Mr. SCHAFFER, Mr. DUNCAN, Mr. LARGENT, and Mr. TANCREDO.

H.R. 254: Mr. GOODLING, Mr. MCKEON, Mr. BOUCHER, Mr. SCHAFFER, Mr. GILMAN, Mr. MANZULLO, Mr. TANCREDO, Mr. WATKINS, Mr. MCCOLLUM, Ms. ROS-LEHTINEN, Mr. HOSTETTLER, Mr. PAUL, Mr. PITTS, Mr. HAYES, Mr. SUNUNU, MR. MICA, Mr. CANADY of Florida, Mr. SHOWS, Ms. GRANGER, Mrs. JONES of Ohio, Mr. FOLEY, Mr. POMBO, Mr. RADANOVICH, and Mr. SOUDER.

H.R. 268: Mr. GREENWOOD.

H.R. 274: Mr. FROST, Mr. KING of New York, Ms. KILPATRICK, Mr. TOWNS, Mr. RAHALL, Mr. FOLEY, Mr. SAXTON, Ms. ROS-LEHTINEN, and Mr. SHAYS.

H.R. 275: Mr. COBURN, and Mr. KUYKENDALL.

H.R. 289: Mr. DIAZ-BALART.

H.R. 315: Mrs. MEEK of Florida, Mr. FARR of California, Mr. JACKSON of Illinois, Mr. OLVER, Mr. THOMPSON of Mississippi, and Mrs. CHRISTIAN-CHRISTENSEN.

H.R. 351: Mr. PICKERING, Mr. RODRIGUEZ, and Mr. OBERSTAR.

H.R. 352: Mr. WHITFIELD, Mr. CHAMBLISS, Mr. RADANOVICH, Mr. DOOLITTLE, and Ms. PRYCE of Ohio.

H.R. 357: Mr. ESHOO.

H.R. 371: Mr. DOOLEY of California.

H.R. 372: Mr. HINCHEY, and Mr. KUCINICH.

H.R. 374: Mr. FRANKS of New Jersey, and Mrs. KELLY.

H.R. 380: Mr. GILCHREST, Mr. MEEKS of New York, and Mr. PRYCE of Ohio.

H.R. 396: Mr. BOEHLERT, Mr. KUCINICH, Mr. SABO, Mr. MCKEON, Mr. GARY MILLER of California, Mrs. THURMAN, Mr. STUMP, Mr. HORN, Mr. THOMPSON OF Mississippi, Mr. BONIOR, Mr. BRADY of Pennsylvania, Mr. FOLEY, Mr. HOLDEN, Mr. FALEOMAVAEGA, Mr. DAVIS of Illinois, Mr. OSE, and Mr. TALENT.

H.R. 412: Mr. BOUCHER, Mr. SHUSTER, Mr. EHLERS, Mr. WALSH, Mr. NEY, Mr. NORWOOD, Mr. LEACH, Mr. KUCINICH, Mr. MOLLOHAN, Mr. COSTELLO, and Mr. TRAFICANT.

H.R. 415: Mr. BERMAN.

H.R. 417: Ms. SLAUGHTER and Mr. WEINER.

H.R. 430: Ms. RIVERS, Mr. RANGEL, Mr. GIBBONS, Ms. SLAUGHTER, Mr. ROMERO-BARCELO, Mr. LAMPSON, and Mr. SHOWS.

H.R. 433: Mr. EHRLICH and Mr. SWEENEY.

H.R. 434: Mr. SHAW, Mr. DIXON, Mr. RUSH, and Mr. WEXLER.

H.R. 443: Mr. FOLEY, Mrs. MORELLA, and Mr. BLAGOJEVICH.

H.R. 452: Mr. LEWIS of Georgia, Mr. ACKERMAN, and Mrs. MALONEY of New York.

H.R. 472: Mr. GOSS, Mr. CRANE, Mr. SOUDER, and Mr. LATHAM.

H.R. 483: Mr. WOLF.

H.R. 491: Mr. BALDACCI, Mr. PALLONE, Mr. RANGEL, and Mr. BARRETT of Wisconsin.

H.R. 492: Mr. STUMP, Mr. SHADEGG, Mr. ENGLISH, Mr. NEY, Mr. PICKERING, Mr. GOODE, Mr. BARTLETT of Maryland, and Mr. TALENT.

H.R. 506: Mr. HOEFFEL, Mr. UNDERWOOD, Mr. PASTOR, Mr. WALSH, Mr. BENTSEN, Mr. RANGEL, Mr. HALL of Ohio, Mr. BLUMENAUER, Mr. SANDLIN, and Mr. LANTOS.

H.R. 516: Mr. THUNE, Mr. CLEMENT, Mr. MCINNIS, Mr. SANFORD, Mr. JONES of North Carolina, and Mr. HEFLEY.

H.R. 518: Mr. THUNE.

H.R. 537: Mr. SHADEGG.

H.R. 541: Mr. BROWN of Ohio, Mr. MEEHAN, Ms. ESHOO, Mrs. MINK of Hawaii, Mr. UNDERWOOD, Mr. BONIOR, Mr. SHOWS, Mrs. JONES of Ohio, Mrs. CLAYTON, Mr. KENNEDY, Mr. MCDERMOTT, Mr. BROWN of California, and Ms. MCKINNEY.

H.R. 547: Mrs. MCCARTHY of New York, Mr. LOBIONDO, Mr. SANDERS, and Mrs. KELLY.

H.R. 557: Mr. BARRETT of Wisconsin.

H.R. 566: Mr. BERMAN, Mr. LUTHER, and Mr. GUTKNECHT.

H.R. 568: Mr. GEJDENSON, Mr. PETERSON of Minnesota, and Mr. PALLONE.

H.R. 573: Mr. HOEKSTRA, Mr. RANGEL, Mr. CLEMENT, Mr. COSTELLO, Mrs. KELLY, Mr. TANCREDO, Mr. BOYD, Mr. HOLDEN, and Mr. GUTIERREZ.

H.R. 606: Ms. BROWN of Florida.

H.R. 625: Mr. HOBSON.

H.J. Res. 14: Ms. GRANGER, Mr. COX of California, Mr. BURTON of Indiana, and Mr. GUTKNECHT.

H. Con. Res. 10: Mr. HILL of Montana, Mr. FOLEY, Mr. METCALF, and Mr. CALVERT.

H. Con. Res. 24: Mrs. NORTHUP, Mr. FOLEY, Ms. WOOLSEY, Mr. CLYBURN, Mr. FILNER, Mr. BERMAN, Mr. WEINER, Mr. POMBO, Mr. SMITH of New Jersey, Mr. TAUZIN, Mr. GONZALEZ, Mr. HOLT, Mr. THOMPSON of California, Mr. WAXMAN, Mr. NORWOOD, Mr. GORDON, and Mr. BENTSEN.

H. Res. 15: Ms. Kaptur, Mr. Underwood, Mr. English, and Mr. McHugh.

H. Res. 16: Mr. Luther and Mr. Calvert.

H. Res. 32: Mr. Greenwood.

H. Res. 41: Mr. Bilbray, Mr. Cooksey, and Mr. Shows.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 41: Mr. Rogers.

H.J. Res. 7: Mr. Diaz-Balart.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 350

Offered By: Mr. Boehlert

Amendment No. 1: Page 5, lines 16 and 17, strike “425(a)(1)” each place it appears and insert “425(a)(1)(B)”.

Page 5, after line 20, insert the following new subparagraphs:

(A) inserting in paragraph (1) “intergovernmental” after “Federal”;

(B) inserting in paragraph (1) “(A)” before “any” and by adding at the end the following new subparagraphs:

“(B) any bill or joint resolution that is reported by a committee, unless—

“(i) the committee has published a statement of the Director on the direct costs of Federal private sector mandates in accordance with section 423(f) before such consideration, except that this clause shall not apply to any supplemental statement prepared by the Director under section 424(d); or

“(ii) all debate has been completed under section 427(b)(4); and

“(C) any amendment, motion, or conference report, unless—

“(i) the Director has estimated, in writing, the direct costs of Federal private sector mandates before such consideration; or

“(ii) all debate has been completed under section 427(b)(4); and”.

Page 5, line 21, strike “(A)” and insert “(C)” and on line 24, strike “(B)” and insert “(D)”.

Page 6, line 2, insert “, according to the estimate prepared by the Director under section 424(b)(1),” before “would”.

Page 6, line 10, insert “unless all debate has been completed under section 427(b)(4),” after “exceeded”.

Page 7, line 1, strike “(A)” and strike lines 5 through 8.

Page 7, strike lines 9 through 18.

Page 7, line 19, strike “(7)” and insert “(8)” and after line 18, insert the following new paragraphs:

(6) Technical Changes.—(A) The centerheading of section 426 of the Congressional Budget Act of 1974 is amended by adding before the period the following: “**REGARDING FEDERAL INTERGOVERNMENTAL MANDATES**”.

(B) Section 426 of the Congressional Budget Act of 1974 is amended by inserting “regarding Federal intergovernmental mandates” after “section 425” each place it appears.

(C) The item relating to section 426 in the table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting “regarding Federal intergovernmental mandates” before the period.

(7) Federal Private Sector Mandates.—(A) Part B of title IV of the Congressional Budget Act of 1974 is amended by redesignating sections 427 and 428 as sections 428 and 429, respectively, and by inserting after section 426 the following new section:

“SEC. 427. PROVISIONS RELATING TO THE HOUSE OF REPRESENTATIVES REGARDING FEDERAL PRIVATE SECTOR MANDATES.

“(a) Enforcement in the House of Representatives.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of section 425 regarding Federal private sector mandates. A point of order under this subsection shall be disposed of as if it were a point of order under section 426(a).

“(b) Disposition of Points of Order.—

“(1) Application to the House of Representatives.—This subsection shall apply only to the House of Representatives.

“(2) Threshold Burden.—In order to be cognizable by the Chair, a point of order under section 425 regarding Federal private sector mandates or subsection (a) of this section must specify the precise legislative language on which it is premised.

“(3) Ruling of the Chair.—The Chair shall rule on points of order under section 425 regarding Federal private sector mandates or subsection (a) of this section. The Chair shall sustain the point of order only if the Chair determines that the criteria in section 425(a)(1)(B), 425(a)(1)(C), or 425(a)(2) have been met. Not more than one point of order with respect to the proposition that is the subject of the point of order shall be recognized by the Chair under section 425(a)(1)(B), 425(a)(1)(C), or 425(a)(2) regarding Federal private sector mandates.

“(4) Debate and Intervening Motions.—If the point of order is sustained, the costs and benefits of the measure that is subject to the point of order shall be debatable (in addition to any other debate time provided by the rule providing for consideration of the measure) for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order. Debate shall commence without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

“(5) Effect on Amendment in Order as Original Text.—The disposition of the point of order under this subsection with respect to a bill or joint resolution shall be considered also to determine the disposition of the point of order under this subsection with respect to an amendment made in order as original text.”.

(B) Conforming Amendment.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by redesignating sections 427 and 428 as sections 428 and 429, respectively, and by inserting after the item relating to section 426 the following new item:

“Sec. 427. Provisions relating to the house of representatives regarding federal private sector mandates.”.

Page 7, line 20, strike “Section 427” and insert “Section 428 (as redesignated)”.

Page 9, after line 5, add the following new section:

SEC. 6. CONFORMING AMENDMENT.

Section 425(b) of the Congressional Budget Act of 1974 is amended by striking “subsection(a)(2)(B)(iii)” and inserting “subsection (a)(3)(B)(iii)”.

H.R. 391

Offered By: Mr. Kucinich

Amendment No. 1: Page 3, line 13, strike “Suspension” and insert “Reduction”.

Page 4, strike line 1 and all that follows through page 6, line 24, and insert the following:

“(B) establish a policy or program for eliminating, delaying, and reducing civil fines in appropriate circumstances for first-time violations by small entities (as defined in section 601 of title 5, United States Code) of requirements regarding collection of information. Such policy or program shall take into account—

“(i) the nature and seriousness of the violation, including whether the violation was technical or inadvertent, involved willful or criminal conduct, or has caused or threatens to cause harm to—

“(I) the health and safety of the public;

“(II) consumer, investor, worker, or pension protections; or

“(III) the environment;

“(ii) whether there has been a demonstration of good faith effort by the small entity to comply with applicable laws, and to remedy the violation within the shortest practicable period of time;

“(iii) the previous compliance history of the small entity, including whether the entity, its owner or owners, or its principal officers have been subject to past enforcement actions;

“(iv) whether the small entity has obtained a significant economic benefit from the violation; and

“(v) any other factors considered relevant by the head of the agency;

“(C) not later than 6 months after the date of the enactment of the Small Business Paperwork Reduction Act Amendments of 1999, revise the policies of the agency to implement subparagraph (B); and

“(D) not later than 6 months after the date of the enactment of such Act, submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a report that describes the policy or program implemented under subparagraph (B).

“(2) For purposes of paragraphs (1)(B) through (1)(D), the term ‘agency’ does not include the Internal Revenue Service.”.

EXTENSIONS OF REMARKS

A BILL TO HALT CHARITABLE SPLIT-DOLLAR LIFE INSURANCE

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. ARCHER. Mr. Speaker, today Congressman RANGEL and I are introducing H.R. 630, legislation designed to stop the spread of an abusive scheme referred to as charitable split-dollar life insurance. Under this scheme, taxpayers transfer money to a charity, which the charity then uses to pay premiums for life insurance on the transferor or another person. The beneficiaries under the life insurance contract typically include members of the transferor's family (either directly or through a family trust or family partnership). Having passed the money through a charity, the transferor claims a charitable contribution deduction for money that is actually being used to benefit the transferor and his or her family. If the transferor or the transferor's family paid the premium directly, the payment would not be deductible. Although the charity eventually may get some of the benefit under the life insurance contract, it does not have unfettered use of the transferred funds.

We are concerned that this type of transaction represents an abuse of the charitable contribution deduction. We are also concerned that the charity often gets relatively little benefit from this type of scheme, and serves merely as a conduit or accommodation party, which we do not view as appropriate for an organization with tax-exempt status. While there is no basis under present law for allowing a charitable contribution deduction in these circumstances, we intend that the introduction of this bill stop the marketing of these transactions immediately.

Therefore, our bill clarifies present law by specifically denying a charitable contribution deduction for a transfer to a charity if the charity directly or indirectly pays or paid any premium on a life insurance, annuity or endowment contract in connection with the transfer, and any direct or indirect beneficiary under the contract is the transferor, any member of the transferor's family, or any other noncharitable person chosen by the transferor. In addition, the bill clarifies present law by specifically denying the deduction for a charitable contribution if, in connection with a transfer to the charity, there is an understanding or exception that any person will directly or indirectly pay any premium on any such contract. Further, the bill imposes an excise tax on the charity, equal to the amount of the premiums paid by the charity. Finally, the bill requires a charity to report annually to the Internal Revenue Service the amount of premiums subject to this excise tax and information about the beneficiaries under the contract.

TECHNICAL EXPLANATION

DEDUCTION DENIAL

Specifically, the bill provides that no charitable contribution deduction is allowed for purposes of Federal tax, for a transfer to or for the use of an organization described in section 170(c) of the Internal Revenue Code, if in connection with the transfer (1) the organization directly or indirectly pays, or has previously paid, any premium on any "personal benefit contract" with respect to the transferor, or (2) there is an understanding or expectation that any person will directly or indirectly pay any premium on any "personal benefit contract" with respect to the transferor. It is intended that an organization be considered as indirectly paying premiums if, for example, another person pays premiums on its behalf.

A personal benefit contract with respect to the transferor is any life insurance, annuity, or endowment contract, if any direct or indirect beneficiary under the contract is the transferor, any member of the transferor's family, or any other person (other than a section 170(c) organization) designated by the transferor. For example, such a beneficiary would include a trust having a direct or indirect beneficiary who is the transferor or any member of the transferor's family, and would include an entity that is controlled by the transferor or any member of the transferor's family. It is intended that a beneficiary under the contract include any beneficiary under any side agreement relating to the contract. If a transferor contributes a life insurance contract to a section 170(c) organization and designates one or more section 170(c) organizations as the sole beneficiaries under the contract, generally, it is not intended that the deduction denial rule under the bill apply. If, however, there is an outstanding loan under the contract upon the transfer of the contract, then the transferor is considered as a beneficiary. The fact that a contract also has other direct or indirect beneficiaries (persons who are not the transferor or a family member, or designated by the transferor) does not prevent it from being a personal benefit contract. The bill is not intended to affect situations in which an organization pays premiums under a legitimate fringe benefit plan for employees.

It is intended that a person be considered as an indirect beneficiary under a contract if, for example, the person receives or will receive any economic benefit as a result of amounts paid under or with respect to the contract. For this purpose, an indirect beneficiary is not intended to include a person that benefits exclusively under a bona fide charitable gift annuity (within the meaning of sec. 501(m) (or a bona fide reinsurance arrangement with respect to such a charitable gift annuity)). Because we understand that a charitable gift annuity ordinarily does not involve a contract issued by an insurance company, the bill does not provide for special treatment of charitable gift annuities.

EXCISE TAX

The bill imposes on any organization described in section 170(c) of the Code an excise tax, in the amount of the premiums paid by the organization on any life insurance, annuity, or endowment contract, if the payment of premiums on the contract is in connection with a transfer for which a deduction is not allowable under the deduction denial rule of the provision. The excise tax does not apply if all of the direct and indirect beneficiaries under the contract (including any related side agreement) are organizations described in section 170(c). Under the bill, payments are treated as made by the organization, if they are made by any other person pursuant to an understanding or expectation of payment.

REPORTING

The bill requires that the organization annually report the amount of premiums that is paid during the year and that is subject to the excise tax imposed under the provision, and the name and taxpayer identification number of each beneficiary under the contract to which the premiums relate, as well as other information required by the Secretary of the Treasury. For this purpose, it is intended that a beneficiary include the beneficiary under any side agreement to which the section 170(c) organization is a party (or of which it is otherwise aware). Penalties applicable to returns required under Code section 6033 apply to returns under this reporting requirement. Returns required under this provision are to be furnished at such time and in such manner as the Secretary shall by forms or regulations require.

REGULATIONS

The bill provides for the promulgation of regulations necessary to carry out the purposes of the provisions.

EFFECTIVE DATE

The deduction denial provision of the bill applies to transfers after February 8, 1999. The excise tax provision of the bill applies to premiums paid after the date of enactment. The reporting provision applies to premiums (that would be subject to the excise tax were it then effective) paid after February 8, 1999.

No inference is intended that a charitable contribution deduction is allowed under present law in the circumstances to which this bill applies. The bill does not change the rules with respect to fraud or criminal or civil penalties under present law; thus, actions constituting fraud or that are subject to penalties under present law would still constitute fraud or be subject to the penalties after enactment of the bill.

CONGRATULATING DERAN KOLIGIAN AND JUDITH CASE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Deran Koligian and Judith Case on their election to the Fresno County Board of Supervisors. Supervisor Koligian and Supervisor Case were sworn in on January 11, 1999.

Supervisor Deran Koligian represents the First Supervisorial District on the Fresno County Board of Supervisors. He represents a portion of the urban area of Fresno and a large agricultural region in western Fresno County. Deran Koligian was elected to serve as the 1996 Chairman of the Fresno County Board of Supervisors.

Supervisor Koligian has been an outspoken advocate for agriculture as a member of the Board of Supervisors of Fresno County—the nation's number one producer of agricultural products. In connection with his duties as Supervisor of District One, Koligian has served the community on numerous committees.

Supervisor Judith Case is the Vice-Chairman on the Fresno County Board of Supervisors and represents District Four. Supervisor Case has been mayor of Sanger for the past two years and was recently elected to the Board.

Judy Case has spent the majority of her life serving the community in the health field. She was the Administrative Director and Director for St. Agnes Medical Center, Assistant Vice President of Valley Childrens Hospital, Director of the Selma District Hospital, Senior Health Planner for Central California Health Systems Agency in Visalia, Control Management Intern for Texas Instruments in Dallas, and a Registered Nurse at Fresno Community Hospital and Medical Center.

Mr. Speaker, it is with great pleasure that I congratulate Deran Koligian and Judy Case for their accomplishments and service to the community. They exemplify public service and dedication to their community and jobs. I urge my colleagues to join me in wishing Deran Koligian and Judy Case many more years of continued success.

CRISIS IN THE HORN OF AFRICA

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SAXTON. Mr. Speaker, if permitted to escalate, the mounting crisis in the Horn of Africa will have dire ramifications on the strategic posture of the United States. Presently, there is no end in sight, other than war, in this Ethiopia-Eritrea conflict. The mediation of Assistant Secretary of State Susan Rice and former National Security Advisor Anthony Lake have so far failed to reverse the slide toward war. Vital interests of the United States, Israel and the West are jeopardized, particularly if the Islamist-supported further break-up of Ethiopia is permitted to occur.

A unified Ethiopia is vital to the regional security and economic structure. If Ethiopia were to become fragmented, as Sudanese leaders seek, then Israel's economic and military security, as well as its access to the Red Sea would be jeopardized. Instability in Ethiopia would destabilize Egypt and Saudi Arabia and the vital Red Sea-Suez trade link.

The key to the reversal of the Ethiopia-Eritrea conflict and the ensuing fragmentation of Ethiopia lies in the rejuvenation of Ethiopia's national identity. Toward this end, the U.S. needs to help Ethiopia find the unifying symbols to strengthen the country and ensure its commitment to moderation. Until 1974, Ethiopia, the region and the U.S. benefitted greatly from the statesmanship and friendship of Emperor Haile Selassie. Ethiopia has since declined into ethnic enclaves and divisiveness, and lays open to Eritrean, Sudanese and irridentist attacks.

The Ethiopian Crown today is a Constitutional Monarchy, ready to return home to provide the inspirational symbolism under which elected day-to-day government can emerge and flourish. Moreover, the stature of the Crown throughout the Horn of Africa makes the Crown uniquely capable of mediating an indigenous solution to the building crisis and slide toward a regional and fratricidal war. The President of the Ethiopian Crown Council and grandson of Emperor Haile Selassie is Prince Ermias Sahle-Selassie, who has repeatedly exemplified the capable, unifying symbolism which Ethiopia desperately needs. By encouraging Prince Ermias's use of the prestige of the Crown and Ethiopia's traditional elders and institutions to resolve conflict, we can help heal the rifts which are a legacy of decades of civil strife.

Mr. Speaker, I therefore urge Ethiopia's civil government to allow the Crown's return to help unify and stabilize the State, and thereby help preserve Ethiopian, regional and Western security and economic interests.

TRIBUTE TO MERRILL P. RICHARDSON, JR.

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. HUNTER. Mr. Speaker, I rise today to recognize the outstanding service and dedication Mr. Merrill P. Richardson, Jr. has made to his family, community and country. Merrill has recently retired and I would like to take a moment to commend all his hard work and achievements.

A native of Brewer, Maine, Merrill committed himself to serving our country early on by joining the National Guard at the age of sixteen. One year later, Merrill enlisted in the U.S. Army and began a career that took him all over the U.S. and the world, including South Korea, West Germany, Turkey, Vietnam and England. It was here that Merrill met and married his wife of 40 years, Elizabeth. Merrill served our country faithfully and honorably and upon retirement had earned, among several honors and decorations, the Good Conduct Medal, the Meritorious Service Medal, the RNV Civil Action Medal, the Vietnam Service Medal, the National Defense Service Medal and the Bronze Star.

After being honorably discharged from the service, Merrill began a second career at Kansas State University where he worked for 20 years before retiring. Currently, Merrill is living in St. George, Kansas with Elizabeth and enjoying life with his five children, Linda, Merrill III, Jeffrey, Christina and Steven, nine grandchildren and one great-grandchild.

In a time where the concepts of family and dedication are becoming more and more trivialized, people like Merrill offer hope and assurance to us all. Merrill has shown that the ideals of hard work and patriotism are not old-fashioned, but qualities of strength and character. I would like to join with many others in honoring Merrill for all his remarkable achievements and wishing him great happiness and success in all his future endeavors.

TRIBUTE TO THE 1998 RICHMOND SENIOR HIGH SCHOOL FOOTBALL TEAM ON WINNING THE NORTH CAROLINA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS AAAA FOOTBALL CHAMPIONSHIP

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. HAYES. Mr. Speaker, it is my distinct honor and pleasure to rise today to pay special tribute to an outstanding group of student-athletes from North Carolina's Eighth Congressional District. This past fall, the Richmond Senior High School football team completed a truly memorable season by winning the North Carolina High School Athletic Association Class AAAA Football Championship.

The 1998 Richmond Senior High School Raider football team demonstrated that, with a great deal of hard work, dedication to the task at hand and to each other, and a strong sense of commitment, you can realize your dreams and make them come true.

The Richmond Raider football team successfully defended their 1997 class 4–A title with an impressive 16–0 undefeated season. The Raider football team capped off this perfect season with a win over Garner High School this past December at the championship game held at Kenan Stadium in Chapel Hill, North Carolina.

Led by four Associated Press All-State Players, the Raiders realized their dream through a great deal of hard-fought success. Their willingness to dig deep within themselves to find the extra energy needed to produce a championship is a true testament to the unwavering loyalty that each player has for the team. The unselfish attitude of the Richmond Raiders is certainly a good example of what can be accomplished when people work together for a common goal.

Senor and All-State team member Michael Waddell deserves special congratulations for his state and national records last season by returning seven punts or kickoffs for touchdowns. Waddell is joined on the All-State team by Brian Nelson, Jeremy Barnes and Marcus Ellerbe. The senior members of this team have the distinction of never having lost a high school football game.

Mr. Speaker, I would like to congratulate head coach Daryl Barnes, his assistant coaches and the 1998 North Carolina State 4–A Champions, the Richmond Senior High School Raiders. I would urge all of my colleagues to join me in paying special tribute to an outstanding team.

TRIBUTE TO HENRY B. DAWSON

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SMITH of Michigan. Mr. Speaker, I rise today to honor Henry B. Dawson, a proud native of Battle Creek, Michigan.

Henry will be retiring from the Defense Information Systems Agency after sixteen years of government service, the last four of which he spent away from his home and family. Henry moved to the Washington metro area as a result of workforce reductions at the Defense Logistics Agency in Battle Creek and plans to return to Michigan as soon as possible.

Henry has been described by his colleagues as, "an outstanding employee with the highest moral and ethical standards who represents his agency with a focus always riveted on what is best for the taxpayer." He will be missed.

Henry Dawson, "Hank" to his friends, graduated in June of 1960 from Western Michigan University with a Bachelor of Business Administration. He then began work on his Masters. Henry is a past President of the Battle Creek Big Brothers and Big Sisters and has held officer positions in both the Battle Creek Goodwill industries and the Exchange Club. His civic involvement includes working in an advisory capacity for Collage Community College and the Calhoun Area Vocational Center. I understand he plans on continuing his civic involvement upon returning to Michigan.

I personally admire Henry Dawson for his years of dedicated federal service and his involvement in many civic activities. I am grateful he plans on returning to Battle Creek. This dedication to his hometown is an element of strength and character to be appreciated.

PRICE STABILITY AND INFLATION TARGETING REFORM

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SAXTON. Mr. Speaker, I rise today to introduce the Price Stability Act of 1999 and to outline the reasons it is needed. More detailed information on inflation targeting is available in several studies I released on this topic as JEC Chairman in the 105th Congress.

This legislation would institutionalize the successful informal inflation targeting policy used by the Federal Reserve in the last several years. This bill establishes that the primary and overriding goal of monetary policy is price stability. Price stability means that Federal Reserve policy is geared to preclude significant inflation or deflation.

In the last several years the Federal Reserve has squeezed inflation out of the economic system, reducing inflation, interest rates, and unemployment together. By fostering and sustaining the economic expansion, this policy has led to a strong economy that has flooded the Treasury with tax revenue, erasing the deficit and creating large and growing budget surpluses.

This policy has been an outstanding success, but its basis has not yet been fully explained. Fed Chairman Alan Greenspan confirmed to me in a JEC hearing last year that the Federal Reserve has carried out an informal inflation targeting approach to price stability. Chairman Greenspan also endorsed the idea of institutionalizing this inflation targeting approach in law. However, although inflation targeting is the norm in many countries, its significance in recent Federal Reserve policy often is not completely appreciated. The discussion of this legislation may serve to improve understanding of monetary policy and lock in the hard-won economic gains of the last several years.

This legislation mandates that the Federal Reserve establish an explicit numerical definition of price stability using a broad measure or index of general inflation in the form of inflation targets that is available and accessible to the public. It also mandates that the Federal Reserve disclose any adjustment to inflation targets and specify the time frame for achieving price stability. The Federal Reserve would be required to specify in advance what actions it will take if its goals are not met within the specified time frame.

Chairman Alan Greenspan's monetary policy has successfully reduced inflation and unemployment together, a feat that many economists regarded as unattainable. These successes of inflation targeting should be locked-in so that they are not dependent on the presence of one particular individual as Chairman of the Federal Reserve. This enactment of inflation targeting legislation would be a fitting tribute to Chairman Greenspan and his successful conduct of monetary policy.

TRIBUTE TO JOHN NEWMAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to place into the record a eulogy for my friend John Newman, who's life will be celebrated today in my home town of Mariposa, California.

I cannot be there today to celebrate the life, nor mourn the passing, of my friend John Newman. John was a husband and father, a grape grower, a hard worker, a citizen of the community, and a friend. He was a leader with the Boy Scouts—Troop 94—and in his veterans organizations.

I will never forget the time several years ago when John showed me how to build a Christmas Bon-fire—to stack the wood just so, to build a pyramid, to make it loose enough in the center so that it would burn, but with enough fuel; and how to light it so it burnt evenly. Even more important than the wonderful fire he built was the family spirit as he gathered his family together to lead us in Christmas song.

John was a good man from this community, and those lucky enough to have known him are better off for it. That, Mr. Speaker, is the highest praise one can give.

THE OMAHA WORLD-HERALD ON THE INVESTMENT OF SOCIAL SECURITY FUNDS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an excellent editorial questioning the President's proposal to invest Social Security funds in the stock market which appeared in the Omaha World-Herald, on January 29, 1999.

I'll go further than the World-Herald. Even without detailed study of the issue, it should be clear to most thoughtful Americans that this proposal by President Clinton should be considered "dead on arrival." Chairman Alan Greenspan's opposition is highly appropriate.

[From the Omaha World-Herald, Jan. 29, 1999]

THE GOVERNMENT AS AN INVESTOR: QUESTIONS NEED TO BE ADDRESSED

President Clinton's proposal to invest billions of dollars in Social Security funds in the stock market is the target of a barrage of criticism. Clinton and others who support the idea may have a fight ahead if they are to prove its worth.

The president would allocate 62 percent of the government's budget surpluses over the next 15 years to Social Security to ensure that it can pay promised benefits until 2055. That amounts to about $2.7 trillion.

He has suggested investing more than $40 billion of those Social Security funds a year—nearly $700 billion over 15 years—in the stock market. Another $500 billion would be used to set up individual universal savings accounts for many Americans to bolster the retirement nest-eggs of lower-income people.

The surplus not put into the stock market or individual retirement accounts would be invested just as money collected for Social Security has always been: It would be used to buy Treasury bonds, which are interest-paying federal IOUs.

In the past, Congress and the president have taken the money from Social Security, replaced it with bonds and used the cash like other borrowed income, spending it on programs and services. Clinton, to his credit, has proposed that lawmakers be barred from using future proceeds from those bonds for any purpose other than reducing the national debt.

Alan Greenspan, chairman of the Federal Reserve, has said he highly approves of the national debt provision. Congressional Republicans, on the other hand, criticized the president for failing to earmark any of the surplus for tax cuts.

In addition, many people have specific concerns that will need to be addressed in detail if the plan is to warrant serious bipartisan consideration. Greenspan, in particular, has raised thoughtful questions, most recently on Thursday in front of the Senate Budget Committee.

"I do not believe it is politically feasible to insulate such huge funds," he said. With so much money on the table, he said, Congress or the president might be tempted to influence the selection of companies and industries to benefit from government investments.

There is reason for his concern. Congress routinely passes bills that benefit businesses. Members try to direct spending to their districts. Often they try to take care of specific individuals or companies. How much more could they do if the government became a much larger investor in private securities?

Another issue is the matter of political correctness and the pressure that would materialize to use the money for a social statement. Should the government own stock in companies that make cigarettes? That distribute liquor? That offer abortions? That have operations in repressive nations? That have a bad environmental record? Some members of Congress might try to influence investments on the basis of social conscience instead of market savvy.

Clinton supporters have argued that the problem is solvable, perhaps with an independent board of long-term appointees, similar to the Federal Reserve Board. The board would direct investments, perhaps from a limited list of broad, mutual-fund type stocks.

Other opponents have wondered at the propriety of government ownership of shares in private sector companies. Stockholders have a say in company management, voting for board members and approving mergers and acquisitions. the government could have an effect on the company either way, if it voted the shares it owned and if it didn't.

There are precedents, however. States, cities and some independent federal agencies such as the Federal Reserve System have pension plans invested in stocks. Managers of those funds say they have not created any of the problems that critics are bringing up. On the other hand, those funds are not as large as the potential Social Security investment.

Removing the stock-market investment portion of Clinton's plan would not kill it. Experts suggests that it would mean the proposal would extend the solvency of Social Security only 50 years rather than 55 years.

The plan is a radical departure from current practices. It has some intriguing aspects, but comes with troubling questions such as those raised by Greenspan. The questions need to be answered before the plan can be assessed.

INTRODUCTION OF THE RIGHT TO LIFE ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. HUNTER. Mr. Speaker, I rise today to speak on an issue that is of great concern to many Americans, abortion. Every year, approximately 1.5 million innocent babies are intentionally killed because of abortion. This represents 4,000 times a day that an unborn child is taken from its mother's womb and denied the opportunity to live. In some instances, these babies are killed moments before taking their first breath. Section I of the Fourteenth Amendment to our Constitution clearly states that no State shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." I wholeheartedly believe that these constitutional rights should include our nation's unborn children.

Mr. Speaker, in the landmark case of Roe v. Wade, the Supreme Court refused to determine when human life begins and therefore found nothing to indicate that the unborn are persons protected by the Fourteenth Amendment. In the decision, however, the Court did concede that, "If the suggestion of personhood is established, the appellants' case, of course, collapses, for the fetus' right to life would be guaranteed specifically by the Amendment." Considering Congress has the constitutional authority to uphold the Fourteenth Amendment, coupled by the fact that the Court admitted that if personhood were to be established, the unborn would be protected, it can be concluded that we have the authority to determine when life begins.

It is for this reason that today I am introducing the Right to Life Act. This legislation does what the Supreme Court refused to do in Roe v. Wade and recognizes the personhood of the unborn for the purpose of enforcing four important provisions in the Constitution: (1) Sec. I of the Fourteenth Amendment prohibiting states from depriving any person of life; (2) Sec. 5 of the Fourteenth Amendment providing Congress the power to enforce, by appropriate legislation, the provisions of this amendment; (3) the due process clause of the Fifth Amendment, which concurrently prohibits the federal government from depriving any person of life; and (4) Article I, Section 8, giving Congress the power to make laws necessary and proper to enforce all powers in the Constitution.

The Right to Life Act will protect millions of future children by prohibiting any state or federal law that denies the personhood of the unborn, thereby effectively overturning Roe v. Wade. I urge my colleagues to join me in this very important endeavor.

TRIBUTE TO SHEILA BROCKMAN AND THE STUDENTS OF ST. ANTHONY'S SCHOOL

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. WELLER. Mr. Speaker, I rise today to recognize Ms. Sheila Brockman and her junior high school science class of St. Anthony's School in Streator, Illinois for their remarkable and successful efforts to save Pluto from demotion as a planet.

Earlier this year, the Minor Planet Center, a division of the International Astronomical Union, responsible for monitoring the comets, asteroids and other bodies orbiting the sun, proposed that Pluto be given a number and considered only a minor planet.

Pluto was discovered on February 16, 1930 by Clyde Tombaugh, a native of Streator, Illinois while working at the Lowell Observatory in Flagstaff, Arizona. Mr. Tombaugh was the only American and one of just five people in history to discover a planet orbiting the sun.

Expressing their pride in Mr. Tombaugh's significant achievement, the St. Anthony students, led by Ms. Brockman, quickly began a letter writing campaign to the International Astronomical Union. The protest movement launched by the St. Anthony students drew support from schools around the State of Illinois and national media attention.

As a result of the growing public outrage raised by the leadership of Ms. Brockman and the St. Anthony students, the International Astronomical Union announced from its headquarters in Paris, France that it would be making no proposal to change the status of Pluto as the ninth planet in the solar system.

I wholeheartedly commend Ms. Brockman and the St. Anthony students both for their pride in the City of Streator and its history and also for their realization that in America a small group of citizens taking a strong stand for something in which they believe can make a difference.

TRIBUTE TO ANNE SPEAKE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Anne Speake for her service as president of the Fresno Chamber of Commerce. Anne Speake's leadership and community involvement has had a profound impact on the advancement and quality of life on commerce in the Central San Joaquin Valley.

Anne Speake is the owner and operator of the International English Institute. Anne started this business over 15 years ago, and is a successful business woman not only in the Valley but globally through the International English Institute. Most recently, she was selected to receive the Central California Women in Business Award by the U.S. Small Business Administration.

Anne Speake is a role model for all women owning businesses. Mrs. Speake is deeply committed to our community and actively serves on several state and local organizations. She currently serves on the Executive Committee of the Fresno Business Council, as Vice Chair of the Fresno Revitalization Corporation, and as a member in the Economic Development Corporation.

As Fresno Chamber of Commerce President, Anne Speake is viewed as a consensus builder and a leader. During her term as Chamber President, she sought to improve service to its 2,300 members and increase the internal efficiency within the Chamber. Under her leadership the Fresno Chamber of Commerce has played a central role in the revitalization of downtown Fresno and initiated several community and cultural improvement projects. In addition, she was an advocate of greater community involvement through Leadership Fresno, which graduated 31 students, and the Employment Competency Committee certified 500 students who worked with business people throughout the year.

Mr. Speaker, it is with great honor that I pay tribute to Anne Speake for her service as President of the Fresno Chamber of Commerce. Mrs. Speake is a faithful public servant, who has shown care for small business and dedication to her community. I ask my colleagues to join me in wishing Anne Speake many more years of success.

A TRIBUTE TO DENNIS S. DIMATTEO AND LILLIAN M. ELMORE

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, for just under a quarter century, Dennis S. DiMatteo has worked for the General Division of the Court of Common Pleas, where he now serves as a Supervisor in the Probation Department. Nominated by Administrative and Presiding Judge Richard McMonagle, Dennis oversees other probation officers and is involved specifically in such programs as those involving electronic home detention work release, mentally retarded offenders and intensive special probation.

He was a pioneer probation officer in community service and work release programs and has, with others, created rules and policies for the court in many of these areas.

Married to Patricia and the father of Michael and Carla, Dennis Lives in Lyndhurst. Following his graduation from Ohio State University, he served as an officer in the United States Army prior to entering service with the Court.

An avid Ohio State alumnus and, especially, a fan of its football program, Dennis also enjoys reading science fiction and watching Cleveland Indians baseball.

LILLIAN M. ELMORE

As Deputy Administrator of the Eighth Appellate District of the Court of Appeals of Ohio, Lillian M. Elmore has many duties. She greets the public and answers their questions about the Court's processes, administers the motion docket, supplements files, updates the Court's data base and even acts as a Bailiff in some oral arguments.

Nominated by Chief Judge Patricia Ann Blackmon, Lillian has risen from being a clerk-typist to secretary to administrator in the more than two decades she has worked at the Court of Appeals.

Mother of Ricardo, she volunteers at Bedford High School, where Rico is a student, is a member of Mt. Olive Missionary Baptist Church and is also active in fund raising for many charities, including the United Negro College Fund.

Lil, as her friends know her, prides herself on being willing to go "the extra mile" to help others, and, for herself enjoys walking, aerobics and dancing, among other activities.

POPE RIGHT ON IRAQ—CLINTON POLICY HOLDS LITTLE HOPE FOR PEACE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SCHAFFER. Mr. Speaker, His Holiness Pope John Paul II was right to use the occasion of his St. Louis visit to chastise Bill Clinton's handling of Iraq. A full month having passed since Operation Desert Fox, it remains unclear who stands the victor.

The coincident timing of impeachment-eve air strikes sparked rampant speculation about President Bill Clinton's motives and drew indignant insistence by the White House that U.S. national security was the singular interest. Today the pope finds himself among an ever-growing crowd of Americans unconvinced last month's missile attack was an absolute necessity and with the settling dust comes clarification of the uneasy truth: Saddam Hussein remains in power.

This fact controverts a December 17, 1998 call by Congress to finish the job. On a near unanimous vote, 221 Republicans, 195 Democrats, and one Independent adopted a resolution in support of our troops engaged in Desert Fox.

Congress also included in the measure a bold policy statement, "to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a democratic government to replace that regime." In earnest, federal lawmakers had authorized $110 million for the political liberation of Iraq. The Clinton administration has so far used only $58,000 to host a conference on the topic.

Clinton's own signature on a separate Iraq Liberation Act earlier in 1998 also called for Saddam's removal giving every indication the administration concurred with Congressional intent to finally address the underlying cause of Iraq's belligence—Saddam's ruthless regime.

However, one day into Operation Desert Fox, Defense Secretary Cohen confessed before a closed assembly of the U.S. House our plans did not include undermining Saddam's dictatorship. "The objective of the attack," he admitted, "is to go after those chemical, biological or weapons of mass destruction sites to the extent that we can." A Congressman followed up, "Why not go after his regime if that's what the problem is?"

Cohen replied, "We have set forth our specific targets, and that's what we intend to carry out." Across the Atlantic, British Defense Minister Robertson delivered the consonant line to Members of Parliament, "It's not our objective to remove Saddam Hussein from power."

Coupled with the historic record of Clinton's Iraq policy, his eagerness to launch missiles while neglecting chief U.S. objectives adds plausibility to the pontiff's skepticism. The president's stubbon devotion to the failing policy of "containment" has yielded little more than prolonged hardship for Iraq's 22 million civilians and unneeded strain on precarious international relationships.

The broad international coalition forged and maintained by President Bush during Desert Storm is now badly eroded. The indecision of the United Nations has effectively become the basis for U.S. policy by default.

Last week's proposal by France and Russia, for example, to completely lift sanctions was immediately answered by a counterproposal from the U.S. allowing Baghdad to sell unlimited amounts of oil. This exchange is another strong indication the economic embargo is rapidly disintegrating. Moreover, Iraq's weapons program is continuing to expand in the face of sporadic U.S. military reaction, the timing of which seems controlled as much by Clinton as by Saddam himself.

Periodic air and missile strikes have at best achieved only temporary obstacles for Saddam, but have proven ineffective in dampening the dictator's zeal to develop nuclear, chemical and biological weapons. The pope's statement in St. Louis "military measures don't resolve problems in themselves; rather they aggravate them" hits the mark in Clinton's case.

The president's indecisiveness to maintain a competent inspection regimen, and his abandonment of Iraqi opposition forces have effectively confined U.S. options to cat-and-mouse air strikes as far as the eye can see. For all of his stern lectern-pounding pronouncements about the importance of unimpeded weapons inspections, Clinton's support for the U.N. Special Commission (UNSCOM) mission turned out to be nothing more than rhetorical.

A recently released report by the House Republican Policy Committee details the inexplicable record of the Clinton administration. The report shows beginning in November of 1997, the White House secretly intervened to stop UNSCOM inspectors, directing UNSCOM to rescind orders for surprise searches of Iraqi weapons sites and attempting to fire Scott Ritter, a senior UNSCOM inspector, for carrying out inspectors Saddam found inconvenient. The administration intervened again in December of 1997 and in January of 1998 culminating in the removal of Ritter from Iraq in the middle of a new round of surprise inspections.

In March of 1998, U.S. and Britain withheld essential intelligence support for UNSCOM. In July, the two countries intervened again to call off a new schedule of inspections. Finally in August, Secretary Albright personally intervened once more to cancel one of the most critical and promising rounds of surprise inspections. These actions ultimately resulted in Ritter's resignation citing the Clinton administration's refusal to let UNSCOM do its job.

Clearly the president's precipitous policy in Iraq must be replaced by a serious one designed to legitimately achieve genuine U.S. objectives. We must adopt a proactive strategy to end Saddam's dangerous rule.

Mr. Speaker, America must reach out to a unified Iraqi opposition, expand its leadership among Iraqi citizens, strangle Saddam's economic lifeline, and systematically cripple his tyrannical rule. Absent a tactical plan to remove Saddam, he will succeed in breaking out of the Gulf War peace agreement, acquiring weapons of mass destruction, and assembling the means to deliver them.

Only when Saddam's regime is replaced with one respectful of its neighbors and of its own people will liberty have a chance in the Middle East. Until then, peace doesn't have a prayer, no matter how many times John Paul II comes to America.

SOCIAL SECURITY GUARANTEE INITIATIVE

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. RYAN of Wisconsin. Mr. Speaker, today I have introduced the Social Security Guarantee Initiative. This legislation would express

Congress' commitment to protecting all Social Security benefits to current and soon-to-be retirees.

Last week, Congress received the President's budget request for next year. A major priority for this Congress and for this President is the need to save Social Security for present and future generations. Several proposals have been brought forward and will be debated extensively this session of Congress. The President has proposed investing some of the payroll tax revenues in the stock market. The problem is, the President wants a Washington-based government board to decide which stocks to buy and in which companies the government might take a share.

A better idea would be to allow individuals and families to make those decisions. A government board will inevitably be influenced by politics. Mixing politics with Americans' retirement could have disastrous consequences.

In all of this discussion, however, to reform Social Security, many seniors in Wisconsin and throughout the country have expressed their concerns that any reforms would ultimately end up costing them something. While we must improve the system for working Americans, the benefits today's senior have come to count on cannot and will not be changed in any way. As we move forward to reform Social Security, I believe we must send a bipartisan message to our nation's seniors that, while we must fix Social Security for future generations, current and imminent retirees will be held harmless.

The Social Security Guarantee Initiative would protect all guaranteed benefits for current retirees and those nearing retirement. We have a historic opportunity to preserve the nation's Social Security program. I look forward to working with the senior community in my District and my colleagues in Congress on this important issue.

GIFTED AND TALENTED STUDENTS EDUCATION ACT OF 1999

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. GALLEGLY. Mr. Speaker, all Children deserve to be educated to their fullest potential. It is for this reason I am reintroducing my measure today from last Congress, the Gifted and Talented Students Education Act, along with my colleagues, Representatives BALDACCI, BARRETT (NE), ETHERIDGE, DAVIS (FL), ACKERMAN, SHOWS, and MORELLA.

Currently, the educational needs of our most talented students are not being met. Secretary of Education Richard Riley has even referred to this situation as a "quiet crisis." As a result, these students are not reaching their full potential and not performing at world-class levels. This was clearly demonstrated by the disappointing results of Third International Math and Science Study (TIMSS) where our brightest students scored poorly and were not able to compete with their international counterparts. Our nation must foster excellence in these students who will become leaders in areas such as business, the arts, the sciences, and the legal and medical professions.

The Gifted and Talented Students Education Act would provide incentives, through block grants, to states to identify gifted and talented students from all economic, ethnic and racial backgrounds—including students of limited English proficiency and students with disabilities—and to provide the necessary programs and services to ensure these students receive the challenging education they need. Funding would be based on each state's student population, with each state receiving a minimum of $1 million per year.

I know you are as committed as I am to ensuring our nation's youth have all the tools they need for their future. I encourage all of my colleagues to join me in pursuing this legislation which will ensure our nation's gifted and talented students reach their fullest potential and to ensure we have a new generation of Americans ready to meet the demands of the 21st Century.

HONG KONG TRANSITION—REPORT OF THE SPEAKER'S TASK FORCE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. BEREUTER. Mr. Speaker, this Member rises today to submit the Fifth Quarterly Report of the Speaker's Task Force on the Hong Kong Transition. It has been more than eighteen months since Hong Kong reverted to Chinese sovereignty on July 1, 1997. Prior to that historic event, and at the request of former Speaker Newt Gingrich, this Member formed the House Task Force on Hong Kong's Transition. In addition to myself as Chairman, the Task Force was bipartisanly balanced in its membership during the 105th Congress, including Representative HOWARD BERMAN (D–CA), Representative SHERROD BROWN (D–OH), Representative ENI FALEOMAVAEGA (D–AS), Representative ALCEE HASTINGS (D–FL), Representative Jay Kim (R–CA), Representative DONALD MANZULLO (R–IL), and Representative MATT SALMON (R–AZ).

The Task Force now has completed its Fifth Quarterly Report which assesses how the reversion has affected Hong Kong. The Fifth Report, which I submit today, covers the period of July through September 1998, during which there was no actual visit to Hong Kong by the Task Force. In the next several weeks the Sixth Quarterly Report will be completed and presented to Speaker DENNIS HASTERT and the House.

Mr. Speaker, this Member submits the Task Force Fifth Quarterly Report and asks that it be printed in full in the CONGRESSIONAL RECORD.

THE SPEAKER'S TASK FORCE ON THE HONG KONG TRANSITION, FIFTH REPORT, FEBRUARY 2, 1999

(Presented by the Honorable Doug Bereuter, Chairman)

The following is the fifth quarterly report of the Task Force on the Hong Kong Transition. It follows the first report dated October 1, 1997, the second report dated February 25, 1998, the third report dated May 22, 1998, and the fourth report dated July 23, 1998. This report focuses on events and development relevant to United States interests in Hong Kong between July 1, 1998, and September 30, 1998—the fifth quarter following Hong Kong's reversion to China.

The fifth quarter following Hong Kong's reversion to Chinese sovereignty on July 1, 1997, has been dominated by increasing concern about Hong Kong's economic situation. The good news is that Hong Kong has continued to enjoy substantial political economic autonomy following its reversion to Chinese sovereignty. Hong Kong continues to voice its own views in international economic fora, including the World Trade Organization (WTO) and APEC. On the bad news side, however, Hong Kong's economy has been dragged down by external factors and its strong currency. The driving forces of the slowdown are largely beyond the Hong Kong government's control and are not related to Hong Kong's reversion to Chinese sovereignty.

ECONOMIC DEVELOPMENTS

Hong Kong continued to suffer the negative effects of the Asian Financial Crisis, posting its third consecutive quarter of negative growth, as its first recession in thirteen years showed no sign of coming to a quick end. An early turnaround continues to appear unlikely. Hong Kong's GDP is now projected to shrink by four percent in 1998. (Official figures for the second quarter of 1998 show a GDP drop of 5.2 percent, following the first quarter's decline of 2.8 percent.) This would be the first annual economic contraction on record. Some Hong Kong companies have cut wages by 10 percent. Compared to the same period in 1997, total retail sales from January 1998 to July 1998 decreased by 15 percent in value, reflecting shrinking local consumer demand, reduced tourism, and the fall in asset markets. Hong Kong's stock market has dropped by roughly 50 percent since its peak in August 1997, property prices have fallen by as much as 60 percent, and unemployment has soared to a fifteen year high of five percent.

The budget deficit for fiscal 1998–99 may substantially exceed the current estimate of HK $20 billion (US $2.56 billion), which the government announced in June. (The original government forecast for the fiscal year projected 3.5 percent growth and a budget surplus of about HK $10 billion.) The budget deficit can be expected to retard growth in government expenditures over the next few years. Although the government had been promising a revised medium-range economic forecast since mid-August, it failed to produce one by the end of the quarter, indicating to some an unwillingness on the part of the government to face up to the full consequences of the recession on public spending. The government continues to insist that the currency peg to the U.S. dollar is here to stay, despite serious attacks by speculators. Defending the peg has required the government to keep interest rates high, further depressing economic growth, and was a major motivation for the government's decision to intervene in the stock market in August (see below).

The stock market's Hang Seng Index at one point fell to 6660, 44 percent below its highwater mark for 1998 on March 25. The market remained concerned about Japan's economy, China's commitment to maintaining the value of the *renminbi*, and regional economic woes. On August 14, the government intervened massively in the stock market, spending an estimated US $15 billion (representing over 15 percent of Hong Kong's US $96 billion reserves) to buy stocks, futures, and currency in an effort to keep share prices at levels that would punish speculators betting on a decline. The government later imposed more stringent trading regulations to make illegal trading and speculation more difficult. Even with the government's massive intervention, the market ended September at 7,883 points, down 48 percent since September 1997. Trading volume also plummeted, with the average daily turnover for the first nine months of 1998 standing at just 40 percent of the corresponding figure for 1997. In terms of value, average daily turnover fell 56 percent.

In defending their decision to intervene, senior Hong Kong officials cited fears that unnamed "foreign traders" were improperly manipulating Hong Kong's markets. They maintained it was not their intention to interfere with market forces, only to improve Hong Kong's ability to manage its monetary affairs. The government said the measures were necessary to counter harmful speculative activities and to stabilize interest rates. Some observers have expressed concern that the intervention could mark the beginning of a turn away from the global market. While this seems unlikely given Hong Kong's overwhelming dependence on foreign trade, the August market intervention does pose some worrisome questions. The Hong Kong government's unprecedented ownership of significant amounts of equity, both in Hong Kong-based companies and in PRC-related "Red Chips," has the potential to begin to affect official decision making in ways contrary to Hong Kong's traditions of free markets and transparency.

There is some positive economic news. Inflation is low and falling, with the year-on-year rate of increase in the composite consumer price index standing at 2.7 percent in August, down appreciably from 3.2 percent in July. The August figure was also the lowest monthly figure recorded since Hong Kong began tracking the year-on-year inflation rate in 1981. For the first time in a year, the unemployment rate did not increase in September, holding at the same five percent it reached in August. The tourism market recovered slightly in September, with tourist arrivals and hotel occupancy rates showing small increases over August figures. Hong Kong also still possesses substantial foreign currency reserves, even after the costly market intervention in August. The slump has exposed inherent flaws in Hong Kong's economic fabric, however, particularly its heavy dependence on entrepot trade and the relative lack of growth in sectors with high value-added, such as the high-tech industry. With hope of a swift recovery fading, further pay cuts and layoffs appear certain. Land sales remain suspended until next March—a step intended to reduce downward pressure on the real estate market. Hong Kong's recovery would appear to hinge on a combination of external and internal factors, including improved international financial conditions, a steadying of interest rates, restored stability in the property market and a return of public confidence.

POLITICAL DEVELOPMENTS—ECONOMIC PROBLEMS AFFECT GOVERNMENT'S POPULARITY

One casualty of Hong Kong's continued economic malaise has been Chief Executive Tung Chee-hwa's popularity with significant portions of the public. As Beijing's choice to preside over the Hong Kong government, Tung lacks the popular mandate that can help government leaders push through unpopular measures in difficult economic times. As Hong Kong's economic problems have deepened, Tung has been criticized for timidity and failure to enunciate major initiatives to address the crisis.

The newly elected Legislative Council (LegCo) took its seat on July 2, replacing the provisional legislature that had been appointed upon reversion. Under the executive-led system of governance prescribed by the Basic Law, however, the new LegCo has relatively narrow powers and does not form a government. Rather, like past legislatures, the new LegCo is essentially a monitoring body that can block or amend government legislation and can call on the administration to defend government policy. Legislators have the power to introduce private member bills, but not ones that involve public expenditure, the political structure, or government operations. Troubled relations between the Government and the LegCo is widely seen as a serious problem.

Pro-democracy candidates elected in the May LegCo elections have been pushing for a faster transition to full democracy. On July 15, Democratic Party (DP) legislator Andrew Cheng Kar-foo introduced a motion for the LegCo to endorse direct elections of all members in the year 2000 and direct elections for the office of chief executive in the year 2002. (Note: Although the Basic Law does not guarantee a date when the entire LegCo or the Chief Executive will be directly elected, it sets forth an "ultimate aim" of electing a legislature and a Chief Executive after a transition period of about ten years.) Tung opposed this proposal, however, arguing that the addressing the economic crisis requires stability, and until now has declined to advance the timetable for subjecting the Chief Executive post and the full legislature to direct election. The measure was defeated in both divisions of the LegCo, by a vote of 15–14 among geographical constituency and election committee representatives, and by a 20–5 margin among functional constituency representatives. Voting was split along strict party lines, with members of the DP, the Frontier Party, and the Citizens Party supporting it and legislators from the Democratic Alliance for the Betterment of Hong Kong (DAB), the Hong Kong Progressive Alliance (HKPA) and the Liberal Party opposed.

A government-led effort to reassess the current local government structure is now underway. Scrapping the elected Urban and Regional Councils—the option the government is believed to favor—comes in for strong opposition from many LegCo members. While these councils have been criticized for their incompetence in handling public hygiene and other matters under their purview, abolishing them outright could send a disturbing message about the government's attitude toward democracy and also deprive Hong Kong of a vital training ground for future LegCo members. The ultimate impact of scrapping the councils will depend on the degree to which responsibility and funding for managing issues now handled by those bodies devolve to the elected district boards.

RULE OF LAW—FREEDOM OF EXPRESSION

As we have noted in earlier reports, international confidence in Hong Kong is based on the commitment of Hong Kong's authorities to the rule of law inherited from the British. An integral part of this is the "check" on abuse of authority provided by the free expression of opinion. During this quarter, we find again that the people of Hong Kong largely continue to express themselves without restraint. The Hong Kong government has not denied any application for a demonstration permit since reversion. Beijing authorities continue to bend over backward to avoid the appearance of interference in Hong Kong affairs.

Hong Kong's media also continue to practice their traditional vibrant style of journalism without overt interference from authorities in Hong Kong or Beijing. Nonetheless, concerns regarding self-censorship continue. Chief Executive Tung has stated publicly on a number of occasions that he believes Hong Kong people should not be freely expressing their support for independence for places like Taiwan, Tibet, and Xinjiang. The question of freedom of expression and how it applies to expressions about certain sovereignty issues in China is especially important because under the Basic Law, Hong Kong is required to enact laws on treason, secession, sedition, and subversion. Through the end of the quarter, however, the Hong Kong government had not introduced bills addressing these matters, and the Secretary for Justice stated that there was no rush to pass sedition laws. When they finally are introduced, such bills will be a crucial test of Hong Kong's adherence to freedom of expression, depending on whether they seek to criminalize mere expressions of support for independence for those areas or other expressions of opinion concerning the Chinese government.

A fair and independent judiciary is another critical element of international confidence in Hong Kong. In general, the Hong Kong judiciary continues to operate independently and without taint of political influence. During the past quarter, we noted no instances that would call into question the judiciary's independence or its vulnerability to Chinese influence.

TRADE ISSUES

While the Asian Financial Crisis has seriously jolted and hurt Hong Kong's economy, it has also highlighted Hong Kong's serious and unhealthy dependent on entrepot trade between China and other nations, particularly the U.S. During the quarter, entrepot trade figures turned negative for the first time since the onset of the crisis, with July 1998 re-exports decreasing by 11 percent over the same month in 1997. With exports from domestic manufacturing in Hong Kong dropping by eight percent in the same period, overall exports showed a decrease of 10 percent in July from one year ago.

As noted in our previous quarterly report, Hong Kong's reliance on entrepot trade leaves it vulnerable in the event that continued large trade deficits between the U.S. and China prove politically or economically unsustainable. If the China trade deficit issue is not addressed by increased market access for U.S. firms to China, then Hong Kong could get hit with collateral damage from a frustrated America and U.S. Government—even if it does everything right.

While the Hong Kong Government has taken significant steps to improve its intellectual property rights regime and enhance enforcement efforts, the production and retail sale of pirated movie, audio and software compact discs continues to be the most serious bilateral trade issue between the United States and Hong Kong. Representatives of the recording, film, and software industries generally agree that Hong Kong has made some progress in curbing intellectual property rights violations at the retail level since the Customs service began a campaign of sustained raids in April. Using enforcement tools from the June 1997 Prevention of Copyright Piracy ordinance, Customs officers have been able to substantially increase seizures of pirated goods. In August and September, authorities raided several illicit factories and distribution centers, seizing more than 1.8 million pirated discs. The intensified enforcement generally pushed retail shops selling pirated goods further out of the city core and away from areas frequented by tourists. Despite these improvements, more remains to be done, and an estimated 100 to 150 shops are still selling pirated U.S. products.

On the production side, 60 factories with some 200 production lines have applied or registration under a provision of the Prevention of Copyright Piracy ordinance. On-site inspections by Customs officials determined that another 19 known factories that failed to register and close during the registration period. A twentieth was closed following a raid on September 3. Trade and Customs officials have said they will inspect the registered factories regularly, including after normal working hours. In early August, the Hong Kong Government also successfully prosecuted the first illicit factory case to go to court. Although the penalties imposed by the court were relatively minor, the failure of the defendant's "no knowledge" plea set an important precedent. While there is some evidence that illicit compact disc production has been dropping, it is still too early to judge the ultimate effectiveness of the new copyright ordinance. To date, the drop in illicit production appears attributable to copyright pirates' decision to "wait and see" how strictly the ordinance will be enforced and to stepped up anti-smuggling efforts in the People's Republic of China. All sources agree that the mainland has been the primary market for Hong Kong's producers of illicit discs.

One area in which enforcement has yet to increase is in the illegal use of business software. Responding to requests from the Business Software Alliance, Trade and Industry Bureau officials say they have asked Customs to pursue cases of corporate end-users of unlicensed software and unauthorized hard-disc loading by dealers. To date, however, Customs has failed to act.

Money laundering also remains a very serious concern in U.S. bilateral relations with Hong Kong. As noted in earlier reports, the same favorable factors that make Hong Kong one of Asia's most important financial centers also make it attractive to criminals wishing to conceal the source of their funds through money laundering. It is important that Hong Kong continue to work with the international community to improve its laws and enforcement in this vital area. Hong Kong and the United States continue to make progress toward negotiation of a bilateral investment agreement based on the model text approved by China through the Sino-British Joint Liaison Group.

Another event with implications for trade was the opening of Hong Kong's new airport at Chek Lap Kok in early July. Unfortunately, the government found its self subjected to widespread criticism over the chaotic way in which the opening was handled. Cargo operations, in particular, were seriously disrupted. The problem was so severe that it could shave up to a full point off of GDP in 1998. Chief Executive Tung appointed a commission of inquiry to look into what went wrong. The commission is expected to finish its work in early 1999. The LegCo also has launched its own inquiry into the matter.

SECURITY AND RELATED ISSUES

Regarding the three primary security related issues with Hong Kong—ship visits, People's Liberation Army (PLA) activities, and export controls—the U.S. Navy continues to enjoy an excellent relationship with Hong Kong in terms of ships visit. The relationship with Hong Kong Port authorities since the reversion has been outstanding.

The second security concern is related to the influence of the PLA and the Chinese defense industries in Hong Kong business and the possible surreptitious acquisition by the PLA of militarily sensitive technologies. The PLA garrison includes an estimated 4,700 personnel physically stationed in Hong Kong, and has a total strength of 8,000 (The remainder are based at a headquarters element on PRC territory.) The PLA has continued to keep a low profile during the quarter, raising no concerns about activities with respect to the Hong Kong population. We continue to have no evidence of direct involvement by the estimated 200 PLA-related companies in Hong Kong in acquisition of sensitive technology. Should PLA entities operating in Hong Kong be found to be engaged in arms trading or acquisition of Western technology, however, Hong Kong's relations with the U.S. would be put at risk. Such activity, or the lack thereof, will be an important determinant of congressional attitudes in the future.

Export controls are a third area of security-related concern. Once again, we are pleased to note no new incidents of export control violations to report this quarter. Hong Kong continues to exercise autonomy as a separate customs territory within China and to demonstrate vigorous enforcement of its strict export control regime. United States officials continue to conduct prelicense and post-shipment inspections. In a sign of their continued close cooperation, in July U.S. and Hong Kong customs officials held the second in a series of consultations on licensing, enforcement, and the exchange of information.

MACAO

The Portuguese colony of Macao will revert to Chinese rule on December 20, 1999, after 442 years. Like Hong Kong, this territory of 414,000 people, 95 percent of whom are ethnic Chinese, will become a Special Administrative Region with a "one country, two systems" formula for the next 50 years. As we noted in our previous quarterly report, however, a number of transition issues for Macao are very different from those faced by Hong Kong. Unlike Hong Kong, for instance, the legislature elected under colonial rule will remain in place.

While U.S. interests in Macao are not nearly as large as those in Hong Kong, they nonetheless require our continued attention. These continue to be credible reports of transshipment of textiles through Macao. Primary among our economic concerns, however, is Macao's role as a manufacturing center for pirated goods, particularly pirated compact discs. To date, Macao has yet to develop adequate legislation and enforcement mechanisms and has not dedicated sufficient manpower to tackle this problem. Macao also lacks legislation on money laundering. It is in U.S. interests to press Macao's authorities to move forward expeditiously to correct these shortcomings.

In September, China announced that it would station troops in Macao following its reversion. Macao's Portuguese administrators still have not made adequate arrangements to replace themselves with local Macanese officials and remain well behind where the British were 15 months before the reversion of Hong Kong. They have also been deficient in maintaining law and order. Incidents of gangland killings and attacks on public officials remain all too frequent, negatively affecting Macao's tourism. China and Portugal have at times engaged in mutual recrimination about responsibility for the upsurge in criminal activity. It will be difficult for the territory to complete a smooth transition unless it brings this situation under control.

CONCLUSION

The Hong Kong Transition Task Force has ended our previous four quarterly reports with the assessment "so far, so good." Our fundamental assessment remains the same, although we have a few new concerns, particularly with respect to the economy. While we recognize that the economic crisis now affecting Hong Kong is largely beyond its ability to control, the government's response to that crisis has the potential to alter the current situation, both for good and for ill. In particular, the Hong Kong government's decision to intervene in the stock market in August, while arguably a defensible response in the face of these external economic pressures, poses some worrisome questions about how Hong Kong's economic policy may evolve in the future. We remain encouraged by the demonstration of support for democratic institutions shown in the May election, as described in our previous quarterly report. Looking ahead, we hope to see continued progress toward universal suffrage and the expansion of the number of officials chosen by direct election. Finally, we continue to be satisfied with the restraint shown by the Chinese government in its handling of Hong Kong, at least to the extent visible to outside observers. Undoubtedly, the coming months will pose additional challenges for Hong Kong and the region. It is important that the international community and Congress continue their practice of closely monitoring developments.

A TRIBUTE TO KATHRYN ANN MARIE GEORGE, COURT OF COMMON PLEAS, JUVENILE COURT DIVISION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, Kathryn Ann Marie George has spent almost 27 years as a probation officer for the Juvenile Court, most recently as a senior probation officer at the Court's Near West Field Office. She has worked with juvenile offenders and their families while they are on probation and helps the offenders comply with specific court orders in the hope that these troubled children become productive adults.

She remembers fondly the calls she has received from some families offering their thanks for her help in dealing with the child's problems. And she also numbers her co-workers among her closest friends and believes that they, like she, are "caring, good-hearted, dedicated people".

She stresses the benefit she has had of a warm and loving family, including her parents, Sam and Ann, her brothers, Sam and Mike, and her nephews, Michael and Steven, all of whom have stood by her in both good and bad times, and she hopes that her efforts can help those assigned to her in her profession with the same support she received from her family and friends.

In her spare time, she enjoys time with her family and friends, traveling to Magic Conventions and to Las Vegas, attending craft shows, making crafts, and watching movies, especially old movies, and plays. She also volunteers at her church, has been a volunteer camp counselor during her vacations and has helped other organizations at the May Dugan Center, where her field office is located.

END OUR VULNERABILITY TO LONG-RANGE BALLISTIC MISSILE ATTACK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SCHAFFER. Mr. Speaker, long-range ballistic missiles are the only weapons against which the U.S. government has decided, as a matter of policy, not to field a defense. Few Americans are aware the U.S. military—the most powerful, most technologically-advanced, and most lethal military force ever assembled—could not stop even a single ballistic missile from impacting American soil today.

Just last year, the bipartisan Commission to Assess the Ballistic Missile Threat to the United States, led by former Secretary of Defense Donald Rumsfeld, asserted the United States may have little or no warning before the emergence of specific new ballistic missile threats to our Nation. This, coupled with the fact some 20 Third World countries already have or may be developing both weapons of mass destruction, including nuclear, chemical, and biological weapons, and ballistic missile delivery systems, is cause for serious alarm.

Yet President Clinton and many in Congress have chosen to adopt a posture of purposeful vulnerability to these weapons. Mr. Speaker, the topic of America's national security is regularly and thoughtfully debated before Congress. However, whether our country chooses to field a national ballistic missile defense could very well determine the survival of the United States of America.

Therefore, Mr. Speaker, I hereby submit for the RECORD, the full text of the letter I recently sent to U.S. Defense Secretary Bill Cohen, urging him to join me and other Members of Congress in ending our vulnerability to long range ballistic missiles.

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
January 25, 1999

Hon. BILL COHEN,
Secretary of Defense,
The Pentagon, Washington, DC.

DEAR SENATOR COHEN: Our lack of ballistic missile defense is a serious and growing vulnerability extending an unwelcome invitation to ballistic missile attack from rogue nations such as North Korea. We must build a defense against long range ballistic missiles.

A majority of Americans want a ballistic missile defense, and would want to quickly build a strong defense if they understood our vulnerability. General Charles A. Horner, Air Commander in the 1991 Persian Gulf War and former commander of the U.S. Space Command, noted a majority of Americans, even after finishing a tour of NORAD's warning complex in Colorado Springs, do not know we have no defense against long range ballistic missiles, believing instead we already have such defenses. I have found that to be the case with my constituents.

Our vulnerability to long range ballistic missiles is widely misunderstood even in Washington. A week after General Shelton claimed the Intelligence Community could provide the necessary warning of a rogue nation ICBM threat to the United States, North Korea surprised the Intelligence Community by launching on August 31, 1998 a three-stage ballistic missile with the potential of striking the western United States.

I believe we should end our vulnerability to long range ballistic missiles by vigorously building an effective ballistic missile defense employing space-based defense and accelerating Navy Upper Tier (Navy Theater Wide). Furthermore, the just purpose of saving lives requires us to end our reliance on a treaty against our defense—the ABM Treaty.

The administration's proposal to spend $7 billion for ballistic missile defense over six years period should instead spend $2-3 billion over three years in an accelerated Navy Upper Tier (Navy Theater Wide) program, and $4-5 billion over three years in an accelerated program for space-based defenses, including Space Based Interceptors like *Brilliant Pebbles.*

Other proposals can build other elements of an effective, multiple layer defense. We should pursue the Space Based Laser Readiness Demonstrator, recognizing the Space Based Laser program has successfully completed ground testing of its major components. We are ready to proceed and test the Space Based Laser in space.

Clearly, our best defense against long range ballistic missiles will be in deploying space-based defenses and accelerating Navy Upper Tier (Navy Theater Wide). I urge you to build those defenses. An extensive reliance on ground-based interceptors will neither be effective nor provide the best solution for our defense.

Ground-based interceptors inherently lack the boost phase defense capability we will need to counter bomblets or submunitions carried by long range ballistic missiles. In contrast, space-based defenses offer the potential for a boost phase defense, and will complement theater missile defense programs.

It is well known China is engaged in an aggressive military modernization program including the development of the road-mobile DF-31 and DF-41 long range ballistic missiles. The United States is the likely target of these missiles. Moreover, Russia still has approximately 756 ICBM and 424 SLBMs it can launch against us.

Will you join me and the other members of Congress in the noble endeavor to end our vulnerability to long range ballistic missiles by quickly building an effective defense against long range ballistic missiles? We must defend our freedom.

Very truly yours,

BOB SCHAFFER,
Member of Congress.

Mr. Speaker, there are several other points I ask our colleagues to consider. Congress must be knowledgeable regarding the history of Spaced-Based Ballistic Missile Defenses.

Beginning with Project Defender in the late 1950s and including the Strategic Defense Initiative (SDI) begun by President Reagan and continued by President Bush as GPALS (Global Protection Against Limited Strikes), defense planners have long understood the advantages of deploying ballistic missile defenses in space, using interceptors or directed energy weapons such as high energy lasers.

The advantages from deploying ballistic missile defenses in space accrue from inherent characteristics of orbital platforms in space. These advantages include:

Global Coverage. Constellations of orbital platforms can cover all parts of the earth, providing a defense against ballistic missiles launched by any country.

Continuous Operation. Constellations of orbital platforms provide constant coverage, every day, without the need for additional or special deployments.

Boost Phase Defense Capability. By being higher than a boosting missile rising through the atmosphere, orbital platforms have the opportunity for a boost phase defense.

A boost phase defense capability is critical for an effective ballistic missile defense. The boost phase is the most vulnerable moment of a ballistic missile. A boost phase defense can intercept a missile before it releases any warheads, decoys, or submunitions.

Space-based defenses also offer the opportunity for post boost phase defense and midcourse phase defense. Ground-based interceptors, in contrast, tend to be for terminal defense, or late midcourse phase defense. Navy Upper Tier (Navy Theater Wide) offers an early midcourse phase defense with flexible basing.

Advances in computers and sensors since the 1960s have brought us to the point of deploying space-based ballistic missile defenses. Instead of nuclear weapons, we can rely on precision guided interceptors, and rapidly retargetable high energy lasers. In addition, we can protect space-based ballistic missile defenses against electromagnetic disturbances from nuclear explosions through hardening, the use of infrared sensors, and battle management plans able to function without centralized nodes.

GPALS is the most comprehensive ballistic missile defense architecture recently developed. It featured global protection. GPALS based its capability for global protection on the deployment of Space Based Interceptors (SBIs), and Space Based Lasers (SBLs). A program for deploying an effective ballistic missile defense must include space-based defenses as a critical component.

Long range ballistic missiles are a global problem requiring a global solution.

Mr. Speaker, if we are serious about defending our country we must insist upon Streamlined Acquisition Procedures.

Critical national defense programs have long used streamlined acquisition procedures. The Manhattan Project, combining the scientific talent and person of J. Robert Oppenheimer with the drive of General Leslie Groves, produced the atomic bomb in a few years. Air Force General Bernard Schriever successfully developed the Thor, Atlas, Titan, and Minuteman missile systems in under eight years.

Streamlined acquisition procedures are useful for both programs developing new technology, and for accelerating programs where we already have the technology in hand, but need to apply, test, and produce it. Streamlined acquisition will be important for deploying a ballistic missile defense quickly.

In using streamlined acquisition procedures for ballistic missile defense, we need to remember that we already have the basic technology for deploying effective defenses against long range ballistic missiles. We do not need to be paralyzed by the goal of developing the best technology possible—we already have the technology we need.

We have already tested interceptors, kinetic energy weapons, and high energy lasers. While there is the need for practical field engineering, testing, and production of ballistic missile defense technologies, we have no need to continue basic research before reaching a decision to acquire a ballistic missile defense.

This is not to say, however, that we should not continue basic research. Rather, we can and should continue basic research without delaying other programs to acquire a ballistic missile defense based on research already done.

Accelerated funding and streamlined acquisition procedures are in order for Navy Upper Tier (Navy Theater Wide), and Space Based Interceptors such as Brilliant Pebbles (The Pentagon approved Brilliant Pebbles for acquisition in 1992). These are programs for which funding, not technology, is the primary constraint.

In addition, while the acquisition of Space Based Lasers for ballistic missiles defense will require substantial engineering and design work, we have already developed and tested the primary components for the Space Based Laser. We are ready to proceed with its development and acquisition.

We may expect accelerated funding and streamlined acquisition procedures to shorten timeframes for developing and deploying a ballistic missile defense. Timeframes for initial deployment may be as short as three to five years.

Accelerated funding for programs such as Navy Upper Tier, Space Based Interceptors like Brilliant Pebbles, and Space Based Lasers can bring us closer to quickly deploying a ballistic missile defense.

Finally, Mr. Speaker, we must consider Proposals for an "ABM Treaty Compliant" Ballistic Missile Defense.

Proposals for an "ABM Treaty Compliant" Ballistic Missile Defense constrain themselves to a defense using ground-based radar, and ground-based interceptors deployed at a single site with a maximum of 100 interceptors.

It is time we view proposals for deploying an "ABM Treaty Compliant" Ballistic Missile Defense from the context of providing the best defense possible for the American people.

Thus, we need to compare an "ABM Treaty Compliant" defense with the effectiveness and availability of other ballistic missile defense programs such as Navy Upper Tier (Navy Theater Wide) and Space Based Interceptors.

While an "ABM Treaty Compliant" defense may seem attractive from the viewpoint of being able to recycle Minuteman missiles by equipping them with a Kinetic Kill Vehicle rather than nuclear warheads, such proposals must be kept in their proper context.

First, the most effective defense possible against long range ballistic missiles will be a boost phase defense. A boost phase defense, whether using interceptors or high energy lasers, will intercept a ballistic missile when it presents itself as a large, visible target, and is susceptible to destruction.

In addition, a boost phase defense, will prevent a missile from releasing its warheads, decoys, or submunitions. Yet, an "ABM Treaty Compliant" defense will never be able to offer us a boost phase defense capability, in contrast to programs such as Navy Upper Tier (Navy Theater Wide), Space Based Interceptors, or Space Based Lasers.

Furthermore, an "ABM Treaty Compliant" defense, limited to a single site, will be unable to protect the entire United States. It will put at risk Alaska, Hawaii, and many of our Pacific Island Territories such as Guam.

Moreover, an "ABM Treaty Compliant" defense, by relying solely on ground-based interceptors, leaves itself open to its defeat through the use of decoys, multiple warheads or submunitions.

Our best defenses will be found in putting themselves as close to the point of attack—as close or at the boost phase—rather than waiting for the last moment. Intuitively, this gives the defense the most room for maneuver, and restricts the offense.

Our best defenses against long range ballistic missiles will thus be found in programs such as Navy Upper Tier, Space Based Interceptors, and Space Based Lasers, not in an "ABM Treaty Compliant" defense.

CONGRATULATIONS TO NED MALONE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. CARDIN. Mr. Speaker, I rise today to honor my good friend Ned Malone who has dedicated his life to improving our community and who has had a distinguished career in public service as a member of the Maryland House of Delegates and as Baltimore County Sheriff.

Those who know Ned well, know one thing about him: that he is a fireman at heart. That is why I am so pleased that on Feb. 13 he will be honored for his 45 years of dedicated service to the Arbutus Volunteer Fire Department. During that time, Ned has served as the Fire Department's president, captain, and a member of the Board of Directors.

Ned also has had a distinguished career in Annapolis. From 1967–1978, he was a member of the House of Delegates, serving as Chairman of the Baltimore County delegation and as Vice Chairman of the powerful Economic Matters Committee.

In 1984, Ned was appointed Sheriff of Baltimore County by Gov. Harry Hughes. Serving as Sheriff from 1984–1990, Ned worked hard to ensure the safety and well-being of all Baltimore County residents. Ned is currently with the state's Mass Transit Administration.

Ned was born in Elkridge, MD, in 1927 and has spent much of his life in Arbutus, MD. He was Manager of Personnel Services for the Western Maryland Railway Co., and served with distinction in the U.S. Army from 1950–1952. Ned has been married to the lovely Margaret June Malone for 43 years and together they raised four wonderful children.

I urge my colleagues to join me in congratulating Ned Malone on his 45 years as a dedicated member of the Arbutus Volunteer Fire Department, and on his distinguished career in public service. Ned's passion for helping others and his dedication to improving our community is hard to match. I am honored to call him a friend.

THE MEDICARE SOCIAL WORK EQUITY ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. STARK. Mr. Speaker, I join with Representative LEACH (R–Iowa) and 22 of our colleagues to introduce the Medicare Social Work Equity Act of 1999 to ensure that clinical social workers can continue to receive reimbursement under Part B of Medicare.

Due to changes in the Balanced Budget Act of 1997, clinical social workers can no longer bill Medicare under Part B for counseling and other professional mental health services. Under current law, clinical social workers must now seek reimbursement under the consolidated payment system. Unfortunately, the prospective payment system was not designed to cover ancillary services such as psychotherapy.

If Congress does not amend the laws to allow separate billing for psychotherapy service, clinical social workers will not be able to provide much-needed mental health services to long-term care facility residents. Doing so will needlessly harm seniors because clinical social workers have the professional training and expertise to work with seniors as do psychologists and psychiatrists.

If we fail to fix this problem, Medicare will pay more. The services of psychologists and psychiatrists cost more than the services of a clinical social worker. Currently, clinical social workers receive from Medicare only 75% of what would be paid to a psychologist or psychiatrist. In addition, many skilled nursing facilities operate in communities where psychologists and psychiatrists are not available to treat seniors in skilled nursing facilities.

Our legislation excludes clinical social workers from the prospective payment system. This small fix corrects what we believe to be a serious error created by the Balanced Budget Act. It is time to act quickly and decisively to preserve access to needed counseling services for residents in thousands of our Nation's long-term care facilities.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Social Work Equity Act of 1999".

SEC. 2 EXCLUDING CLINICAL SOCIAL WORKER SERVICES FROM COVERAGE UNDER THE MEDICARE SKILLED NURSING FACILITY PROSPECTIVE PAYMENT SYSTEM AND CONSOLIDATED PAYMENT.

(a) IN GENERAL.—Section 1888(e)(2)(A)(ii) of the Social Security Act (42 U.S.C.

1395yy(e)(2)(A)(ii)) is amended by inserting "clinical social worker services," after "qualified psychologist services,".

(b) CONFORMING AMENDMENTS.—Section 1861(hh)(2) of such Act (42 U.S.C. 1395x(hh)(2)) is amended by striking "and other than services furnished to an inpatient of a skilled nursing facility which the facility is required to provide as a requirement for participation".

(c) EFFECTIVE DATE.—The amendments made by this section apply as if included in the enactment of section 4432(a) of the Balanced Budget Act of 1997.

THE RETIREMENT OF MARGE HOSKIN AS CHAIRMAN OF THE BOARD OF DIRECTORS OF QUINEBAUG-SHETUCKET HERITAGE CORRIDOR, INC.

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to pay tribute of Marge Hoskin of Plainfield, Connecticut upon her retirement as Chairman of the Board of Directors of Quinebaug-Shetucket Heritage Corridor, Inc. Marge is an extraordinary American who has worked for more than two decades to preserve and promote the historic, natural and cultural resources of eastern Connecticut.

I first began working with Marge in the late 1980s. She was one of the leaders of a grassroots group in eastern Connecticut exploring how communities could preserve and promote the history of the region. Marge and the other members of this group had vision of the future. A vision built on the region's rich heritage as a world-wide center for textile production and incredible network of rivers anchored by the Quinebaug in the east and the Shetucket in the west. By the time Marge and her colleagues began developing this vision, the mills which line the rivers from Thompson through Willimantic to Norwich, some of them the largest and most productive in the world in the late Nineteenth and early Twentieth centuries, were silent, ghostly shells deteriorating with each passing day. Many feared these magnificent structures—monuments to the industrial prowess of the United States and the ingenuity and hard work of generations of people from eastern Connecticut—would be lost forever, relegated to the history books and old snapshots.

Marge, and others in this small, but committed group, believed that the mills could be preserved, could be redeveloped and could be transformed into engines of economic growth once again. They envisioned linking communities and citizens across the region using a natural resource which had always brought them together—the rivers. They developed this vision with the knowledge that economic development, historic preservation and environmental protection can go hand-in-hand.

Between 1989 and 1994, Marge Hoskin devoted countless hours to making this vision, embodied in the Quinebaug and Shetucket Rivers National Heritage Corridor, a reality. She traveled from one corner of eastern Connecticut to the other explaining the concept and the goals it was designed to achieve. She came to Washington to testify in support of legislation I introduced to establish the Corridor. Marge also originated an event which has become synonymous with the Quinebaug and Shetucket Heritage Corridor—the Walking Weekend. Walking Weekend, held every year since 1990 during Columbus Day weekend, has educated tens of thousands of people from across eastern Connecticut and New England about the region through a series of walks highlighting our history, natural resources and culture. Marge celebrated with countless other residents of my district when President Clinton signed legislation formally establishing the Corridor in November 1994.

Following enactment of this law, Marge played an active role in creating a non-profit entity—Quinebaug-Shetucket Heritage Corridor, Inc.—designed to coordinate efforts to achieve the goals of the act. Marge has served as Chairman, Vice Chairman and Director of the corporation. In these leadership positions, she has continuously demonstrated an ability to forge consensus from very diverse views. She has led by quiet example constantly striving to do what is best for the region. She has given of herself in so many ways and is unquestionably one of the reasons the Quinebaug and Shetucket National Heritage Corridor is a success today.

Marge has been widely recognized for her service to the community. She was named "Woman of the Year" in 1997 by the Northeastern Connecticut Professional and Business Women's Association. She received the "Civic Achievement Award" in January 1999 from the Northeastern Connecticut Chamber of Commerce. In addition, she has been honored with several awards from the Association of Northeast Connecticut Historical Societies. These awards are a testament to Marge's dedicated service, commitment to the region and penchant for delivering results.

Mr. Speaker, all of us involved with Quinebaug and Shetucket Rivers National Heritage Corridor look forward to working with Marge for many years to come. We remain secure in the knowledge that she will continue to play an important role in an endeavor she has done so much to make successful. I know I speak for many people across eastern Connecticut when I say—thank you Marge.

IN HONOR OF MARY ANN KOSTER CLEVELAND MUNICIPAL COURT

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, Mary Ann Koster is the Director of Scheduling at Cleveland Municipal Court, whose Administrative Judge Larry Jones nominated her in recognition of 25 years' service. Under her supervision, the office schedules all civil and criminal cases on the personal dockets of the Court's judges and collates and reports case statistics for use by the Court internally and for reports by the Court to the Ohio Supreme Court.

Mary Ann takes pride in the title "Public Servant" and strives to do her best for the Court and its personnel, and, especially, for the public served by the Court.

Married to Don Koster for almost 20 years, Mary Ann lives in Columbia Station. She has raised and exhibited roses at all levels of competition. She looks forward to bring the national fall convention of the American Rose Society to Cleveland in the year 2001 and will, in 1999, stand for examination for Consulting Rosarian and Judge.

IN MEMORY OF VICTOR M. GRAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Victor M. Gray of California, Missouri.

Victor Gray was born July 15, 1912, in Hendrick, IL, a son of Homer F. and Anna Burrus Gray. He was a graduate of the University of Missouri, where he earned a bachelor's degree in agriculture in 1937.

Gray's career in public service and agriculture began immediately after his graduation from the University of Missouri. From 1937 to 1948 he worked for the Agricultural Extension Service. After his initial service to the state of Missouri, Gray worked in the private sector, owning and operating a farm machinery company for two years. Victor Gray was a livestock marketing specialist with the Producer's Livestock Marketing Association-National Stockyard, Illinois, and manager of the Farm Bureau Service Co. from 1953 to 1957. He served as director of the Missouri Department of Agriculture's Feed and Seed Division in 1957 and, in 1959, became the Assistant Commissioner of Agriculture's Feed and Seed Division in 1957 and, in 1959, became the Assistant Commissioner of Agriculture until 1963. He was the director of legislative programs for Missouri Farm Bureau from November 1963 until he retired in August 1977.

Victor Gray served as the executive secretary of the Missouri Association of Fairs and was a member of the Board of Governors of the American Royal Livestock Show in Kansas City, Mo. He was the past President of American Lung Association-Western Division; past chairman of the County Soil and Water Conservation Districts; former vice president of the County Farm Bureau; and former chairman of the Missouri Hazardous Waste Committee. He served as district representative of the Missouri Farm Bureau Rural Health and Safety Committee.

Victor Gray was an active member in the community. A member of the Gamma Sigma Delta agricultural fraternity, he received the Award of Merit from the society's Missouri chapter and the State Star Farmer Award from the Missouri FFA. He was a 50-year member of the California Lodge 183, A.F. & A.M., and the Royal Arch Masons Chapter in California. He was a member of the United Methodist Church of California.

Gray was preceded in death by his wife, Anna in 1991. He is survived by his niece, Sandra Gray Dietzel; three great-nieces, two great-great nieces and three great-great nephews. I know that this body joins me in expressing sympathy to the family of this great Missourian.

TEACHER INVESTMENT AND ENHANCEMENT ACT

HON. ELTON GALLEGLY

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 9, 1999

Mr. GALLEGLY. Mr. Speaker, providing a high quality education to our children is my highest priority. The key to achieving this goal is having high quality teachers. It is for this reason I am reintroducing my measure today from last Congress, the Teacher Investment and Enhancement (TIE) Act, along with my colleagues, Representatives HORN, POMEROY and PAUL.

While it is important to know how to teach, it is equally if not more important to know what you are teaching. However, many teachers are teaching "out-of-field" and, therefore, are not sufficiently knowledgeable in their subject area. The TIE Act addresses this problem by providing secondary teachers the incentives to return to college to take courses in the classes they teach. This will be accomplished by doubling the current Lifetime Learning Tax Credit for tuition expenses for the continuing education of secondary teachers in their fields of teaching. This increase would allow such teachers to receive up to a $4,000 tax break for college tuition costs.

It is pivotal to ensure teachers are well-educated. Offering more education opportunities for our teachers is an investment in our children and one we cannot afford not to take. I strongly encourage my colleagues to cosponsor this important piece of legislation and work for its passage.

WHY I INTRODUCED THE BALANCED BUDGET AMENDMENT

HON. BOB SCHAFFER

OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 9, 1999

Mr. SCHAFFER. Mr. Speaker, when I ran for the United States Congress, I campaigned on virtually one single issue—balancing the budget.

Whenever I speak on the matter, I think of my friend Delmar Burhenn. His family works hard to make ends meet on their Baca County farm located in the extreme southeast corner of Colorado.

I savor every chance I get to speak with Delmar. He has opinions about everything—retirement, the reliability of farm equipment, saving for a vacation, and so on.

During my first term in Congress, we balanced the budget, reduced taxes and improved education. During the 106th Congress, we want to build on these achievements by preserving Social Security, giving families like Delmar's more tax relief, and permanently balancing the budget.

Of these, the most pressing issue is balancing the federal budget permanently. That's why I introduced HJR 1, the Balanced Budget Amendment Reduction of 1998, on the first day of session. Even while the Republican-led Congress exercises fiscal discipline in Washington, I believe the only way to protect families like Delmar's is by making it a requirement federal books remain balanced forever.

Some are unaware Congress balanced the federal budget last year. We did. In fact, we delivered the first balanced budget since 1969, a big step in the right direction. But that was simply a temporary victory that can be lost with the political winds. The Balanced Budget Amendment I propose guarantees the federal budget will be balanced each year to come.

Under my proposal, the only time the budget could be broken is by affirmative vote of a three-fifths super majority in both the House and the Senate. This super majority would be too high a hurdle for frivolous, spur-of-the-moment impulse spending. Congress would only be able to spend more than income warrants during times of real need like national emergencies and war.

The Balanced Budget Amendment would also help us accomplish one of my top priorities for the 106th Congress, preserving and protecting Social Security for future generations. Right now the federal government "borrows" from the Social Security surplus in order to pay for other numerous federal programs such as education, Medicare, and transportation. Even by conservative estimates, without an end to this "borrowing," we can count on Social Security running deficits by 2012, and headed toward bankruptcy in the early 2020's.

With a permanently balanced budget, the federal government will be forced to prioritize money for these programs and others important to Coloradans. By reducing the amount we borrow to meet today's federal debt obligation, we pay less interest on the national debt each year.

Even with all of these incentives to pass the Balanced Budget Amendment, it won't be easy. There are still too many big spenders in Washington who are adept at creating new expensive programs for every problem. Under the Balanced Budget Amendment, liberals won't be able to continue their free spending ways without considering the long-term consequences to Colorado families like Delmar's.

It's time to stop runaway government spending. Coloradans balanced their checkbooks every day, knowing they can't spend money they don't have. I don't think there's any reason to expect less of the federal government.

By passing the Balanced Budget Amendment, Delmar will be assured bureaucrats in Washington will have to worry about making ends meet just like he does.

THE THIRD ANNIVERSARY OF THE TELECOMMUNICATIONS ACT

HON. PAUL RYAN

OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 9, 1999

Mr. RYAN of Wisconsin. Mr. Speaker, three years ago, the President signed into law the Telecommunications Act of 1996. I was not a member of Congress then. But I had been, I would have supported the goals of the act to create an environment where new technologies, consumer choices and jobs would flourish.

Today, I am frankly disappointed that those goals have largely not been met. There is local phone competition because local phone companies have opened their markets. However, due to the manner in which the FCC has implemented the act, new local competitors are "cream skimming" and are providing service to predominantly businesses, not residential customers. Due to the FCC's implementation of the act, local phone companies are still tangled in a thicket of FCC regulations and are unable to provide consumers with more choices in long distance service. And advanced telecommunications services, which provide American households benefits including fast internet access, are not reaching millions of consumers. In fact, in one region of the country (which has sadly become known as the "No High Speed Internet Access Zone"), not a single citizen has high-speed internet access.

Mr. Speaker, the act is not the problem, the FCC's implementation is. The Federal Communications Commission has disregarded the intent of Congress, and in my view, consumers are suffering. It's time to designate, and let the marketplace do its job.

INTRODUCTION OF THE MEDIGAP ACCESS PROTECTION FOR SENIORS ACT OF 1999

HON. BENJAMIN L. CARDIN

OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, February 9, 1999

Mr. CARDIN. Mr. Speaker, I rise today to introduce legislation that will restore to thousands of our nation's seniors access to an essential element of comprehensive medical care—prescription drugs.

Prescription drugs are the single largest out-of-pocket medical expense for the elderly, and for many the greatest cause for worry. To secure prescription drug coverage, as well as other benefits not part of the basic Medicare package, many seniors have chosen to join HMOs during the past few years.

But October 2, 1998 signaled a turning point for them. You may recall that was the deadline for HMOs to notify the Health Care Financing Administration whether they would continue to participate in Medicare+Choice in 1999. Well, more than 100 plans nationwide decided to either end their participation with Medicare entirely, or to cut back their service areas. As a result, 440,000 Medicare HMO enrollees in 22 states were abandoned by their Medicare HMO.

More than 300,000 Medicare beneficiaries had a prescription drug benefit and lost it on December 31st. More than 70,000 beneficiaries were left with no Medicare HMO option whatsoever. Not only has the number of plans offering the drug benefit shrunk considerably from last year, it is expected to be even lower when HMOs submit their proposals to HCFA for next year.

Although Congress' stated goal in the Balanced Budget Act was to provide more choices to seniors, it seems that the reverse has happened. BBA did provide some security for seniors whose Medicare HMOs abandon them—they are guaranteed the ability to enroll in four of the ten standardized Medigap plans: A, B, C, or F. But none of those plans offers any prescription drug coverage. They can apply for one of the plans that offers it: H, I, or J, but insurance companies can refuse to enroll them, place pre-existing conditions on those policies, or discriminate in pricing because of the patient's health status, effectively denying them access.

In the closing days of the 105th Congress, I introduced the Medigap Access Protection for Seniors Act. This bill helps beneficiaries maintain their outpatient drug coverage when they are dropped from a Medicare HMO that provided that benefit, by guaranteeing them enrollment in plans supplemental plan H, I, or J.

Today, I am reintroducing this legislation. Seniors across the nation placed their trust in Congress when they selected a Medicare HMO. They did so because of the promise of additional benefits, little or no additional premium costs, and with the belief that these plans would remain accessible to them. In doing so, many gave up their supplemental policies. Now, they can only return to the most limited of Medigap plans, ones with no coverage for prescription drugs.

Mr. Speaker, I am calling upon my colleagues to join me in taking this important step to restore prescription drug benefits for thousands of beneficiaries and I am calling upon this Congress to pass this bill early in the first session and renew seniors' faith in the promise of Medicare.

TRIBUTE TO PATRICIA GRIFFITH

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. KLINK. Mr. Speaker, I rise today to recognize an extraordinary journalist, Patricia Griffith, Washington Bureau Chief for the Toledo Blade and the Pittsburgh Post Gazette for the past 10 years. On Friday, February 12, 1999, Pat will retire after more than 35 years of covering national politics. A native of San Francisco, Pat first came to Washington to serve as press secretary to Mrs. Hubert Humphrey in the Johnson-Humphrey presidential campaign of 1964.

In addition to the Toledo Blade and the Post Gazette, Pat has also worked for the Herald of Monterey, CA, Washington Post and the San Francisco Examiner. Her reporting has given millions of readers insight into the policy and politics that affect their daily lives. Indeed, Pittsburgh has been honored to have a journalist as reliable and distinguished as Pat. I have always admired her as a reporter and respected her as a person for her commitment to impartial news writing and her pleasant demeanor sometimes in the face of seemingly impossible deadlines.

On behalf of the readership of the Toledo Blade and the Pittsburgh Post Gazette, I thank you for your service. You are a journalist of the highest caliber and integrity. Your reporting has always been fair, unbiased and informative and I join your friends and colleagues in wishing you continued success. I wish you good health and best of luck in your retirement and extend to you my heartfelt thanks and congratulations. And so it is with great pleasure that I ask my colleagues to join me in paying tribute to this most dedicated individual.

ON THE ANNIVERSARY OF THE SUPREME COURT DECISION, ROE V. WADE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. STARK. Mr. Speaker, Friday January 22nd 1999 marked the twenty-sixth anniversary of the Supreme Court decision in Roe v. Wade, which ensured the right of all women to make decision concerning their reproductive health. For millions of women, Roe v. Wade has secured the constitutional right to seek access to safe and legal family planning and abortion services. Its impact on the health and safety of the lives of women cannot be overstated.

It is an outrage that despite the Supreme Court's ruling, women still face barriers to seeking abortion without danger. States continue to find ways to restrict access by law, and even more troubling is the recent trend of clinic violence and the harassment of doctors and workers by anti-choice activists. I would like to highlight some cases from this past year of violence and threatening behavior in my home state of California:

In February, a bombing attempt was made on a family planning clinic in Vallejo. The briefcase that contained the alleged bomb was later discovered to be empty.

In April a firebomb was thrown at a Planned Parenthood family planning clinic in San Diego, causing $5,000 in damages.

A door was broken in El Monte when a rock was thrown at the Family Planning Medical Center.

In July, a San Mateo family planning clinic worker was accused of physical assault by three anti-choice protesters. The protestor's injuries were not found by the police to warrant charges.

In San Diego, a clinic was vandalized, the buildings covered with the words "baby killer."

In September the new Planned Parenthood headquarters in Orange County face over thirty chanting anti-choice protesters.

In Fairfield, a physician was harassed by anti-choice protesters as he arrived for work one morning.

These events are mirrored by others across the country, and show that the fight for productive choice did not end with the Roe v. Wade decision. Twenty-six years ago the Supreme Court held up the right to reproductive choice for women, yet it is still debated on the floor of the House of Representatives on a near daily basis. We must keep up the fight for a women's right to choose. I remain committed to do all I can to preserve that choice.

MEMORIAL TO OFFICER JAMES WILLIAMS, JR.

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, it is with great sadness that I rise today and ask my colleagues to join me in mourning the passing of Officer James Williams, Jr. Officer Williams, a member of the Oakland Police Department and resident of Pinole, California, died in the line of duty on Sunday, January 10, 1999. Like all of his colleagues throughout law enforcement, Officer Williams put himself at risk for the sake of us all, and for his sacrifice we are forever indebted. He has earned our sincerest respect and gratitude, I know that I speak for every Member of this Chamber when I express our deepest sympathy and appreciation to his wife, Sabrina, and children, Alexander, Aaron and Arriana.

IN HONOR OF NANCY EMSHOFF MEANY COURT OF COMMON PLEAS, DOMESTIC RELATIONS DIVISION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, for the past 22 years, Nancy Emshoff Meany has been an Investigator for the Domestic Relations Division. Nominated by Administrative Judge Timothy M. Flanagan, Nancy takes pride in having the same job for that period and still enjoying it. She visits the homes of parties in custody disputes to see that the parents provide a decent home, contacts neighbors, references and other agencies having knowledge of the family and does other background research prior to writing a report of her findings for use by the Court's judges and magistrates.

She recalls a number of humorous incidents, but relates that many of them may not be appropriate for a family audience. However, at the beginning of her employment, she recalls one man's getting so upset that his toupee flew off his head; Nancy maintained her composure and did not laugh.

After graduating from American University in Washington, D.C., in three years, she returned to Cleveland prior to beginning employment with the Court. She credits her parents with helping her and her five brothers and sisters to learn to help others, a skill she feels led her to her current position.

She lives in Solon, with her husband Thomas and her 3½ year old son Michael, with whom she spends time walking in the Metro Parks (when she's not chasing Michael). She golfs, swims, reads and enjoys travel.

AGRICULTURE KEY TO OPEN SPACE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SCHAFFER. Mr. Speaker, given Colorado's population boom, it is no surprise ours is among America's most sprawling regions. Ten acres are developed each hour in Colorado. During the next twenty years, the state's population could easily grow by another 1.5 million.

Often, irrigated farmland is consumed to fuel the demands associated with growth. While farmers and ranchers make up only three percent of the state's population, they hold most of the rights to Colorado's most valuable resource—water. This vital link between water, farmland and the nation's food supply cannot be overlooked in our search for solutions to regional growth problems.

Lawsuits and petitions filed by various extremist environmental groups over such rodents as the Preble's meadow jumping mouse and black-tailed prairie dog threaten farmers and ranchers with federal intervention and excessive regulation. However, Washington bureaucrats have proven themselves ill-suited to balance the many competing factors relative to growth in Colorado.

When I asked the U.S. Fish and Wildlife Service about the decision to list the Preble's mouse under the Endangered Species Act, I was told farmers and ranchers could continue to work their land so long as they do it while the mouse hibernates. Farmers and ranchers need not fear the Endangered Species Act, say the agency, if they put up their crops between October and April!

When a member of my staff called the Fish and Wildlife Service for information on the black-tailed prairie dog, he was asked, "is that some kind of hunting dog or something?" These fundamental misunderstandings permeate Washington-based initiatives designed to control the growth and destiny of the West.

Sound policy to offset the effects of Colorado's population boom should focus instead on Colorado's best stewards of the land—its farmers and ranchers. Besides supplying safe and inexpensive food for our tables, farmers and ranchers provide valuable open space and wildlife habitat.

In fact, most of this nation's wildlife survives and thrives on private lands. To preserve these valuable assets we need to protect water and property rights and make it easier for farmers and ranchers to pass their land on to succeeding generations.

We must continue to fight ill-conceived Washington-based programs that threaten Colorado water, like Executive Order 13061 recently initiated by the White House. My fight against this invasive order was victorious for Colorado. Consequently, no Colorado waterways will be subject to subsequent federal control this year, but we must keep a wary eye on the future. Federal reserve water rights and bypass flows continue to threaten Colorado farmers and ranchers. As a state, Colorado must continue to stand committed to protecting our water from further federal usurpations.

Colorado's farmers and ranchers are growing older. Factor in inflated property values, rising costs and low commodity prices and its clear Colorado's farmers and ranchers are fighting for their very survival. That is why I introduced legislation designed to keep family farms and ranches in the family.

The Family Farm Preservation Act blocks the death tax from family farms when they are passed along to the next generation. While the death tax has devastating effects on families (up to 55 percent of the farm's value may have to be paid to the I.R.S.), the amount raised by the tax accounts for less than one percent of federal tax revenues, two-thirds of which are wasted on administration and overhead.

Furthermore, Congress needs to further reduce capital gains taxes so retiring farmers can pass farming operations and equipment on to younger agricultural producers.

While certain anti-property rights groups fight for more regulation and government intervention, Colorado must become an aggressive advocate for agriculture. Preserving farms and ranches is one effective way to mitigate Colorado's booming urbanization.

Let us not look to more litigation or to Washington bureaucrats for the solution to Colorado's problems. Instead, let us pursue sound pro-agriculture and pro-environmental policies that help our neighbors and help ourselves.

CONGRATULATIONS TO TRACK COACH DELBERT BEST

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that Delbert Best, track coach for the last 24 years at Wellington-Napoleon High School, and athletic director for the past 18 years, was inducted into the Missouri Track and Cross Country Coaches Association Hall of Fame.

During his career at Wellington-Napoleon High School, Best's track teams won nine boys and one girls 1–70 Conference championships and six boys District championships. His boys teams placed first at the Missouri state finals in 1985, 1987, and 1991; second at state in 1986 and 1983 and third at state in 1992, and 1996. The girls team were second at the state championships in 1993 and third in 1992.

Best was selected 1A boys Coach of the Year once by his coaching peers. In 1994 he was selected as Region 5 National Coach of the Year.

I wish to extend my congratulations to Coach Best for his most deserved induction into the Missouri Track and Cross Country Coaches Association Hall of Fame.

THE 100TH ANNIVERSARY OF ELECTRIC BOAT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to offer congratulations to Electric Boat of Groton, Connecticut, on the occasion of its 100th anniversary. On February 7, 1899, the Electric Boat Company was incorporated, heralding the beginning of an enterprise that has performed an invaluable service to our nation. As Electric Boat celebrates its centennial, I would like to pay tribute to this national treasure and thank the men and women who have done so much to ensure our national security.

Beginning with the development of the Holland (S–1), the world's first practical submarine, Electric Boat has led the way in submarine innovation. The working men and women of Electric Boat have created an impressive historical record. They delivered the USS Cuttlefish—the first all-welded submarine—to the Navy in 1933. They produced submarines at an incredible pace paving the way to America's victory in the Pacific in World War II. The company's craftsmen and designers ushered in a new era of Naval technology in the mid-1950s with the USS Nautilus (SSN571)—the world's first nuclear-powered submarine. The list of accomplishments goes on and on: development of the first fleet ballistic missile submarine in 1959; design and modular construction of the Trident ballistic missile submarines that provide the undetectable leg of America's strategic nuclear triad; delivery of Seawolf class of submarines, the most capable attack submarine ever built; and continuing innovation with the New Attack Submarine. Simply put, Electric Boat has played the defining role in every innovation in submarine design and construction over the past century.

More impressive than the company's list of accomplishments, however, are the people who work there. I have an incredible sense of pride in these patriots. I wish more of my colleagues had the opportunity to visit them, to talk to them, and to get to know what great Americans they are. That's truly why I rise today. To make sure that the entire House, the collective representatives of his nation, know about the unique contributions of the men and women of Electric Boat. Our submarine force is often referred to as the "Silent Service." Nevertheless, if ever there was a time to set silence and modesty aside, it's to pay tribute to this great group of people on the occasion of the centennial of the company they have built.

Happy 100th Anniversary, Electric Boat!

IN HONOR OF CHARLENE STARR (CUYAHOGA COUNTY PROSECUTOR'S OFFICE)

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, Charlene Starr has, for over 30 years, been an employee of the Cuyahoga County Prosecutor's Office where she now supervises 12 staff personnel in the Tax Foreclosure Department who process between 3,000 and 4,000 tax foreclosure cases each year to ensure either that the appropriate taxes are paid or that the properties proceed to foreclosure sale, an often complex process.

From an early age, Charlene listened to her parents' teachings to develop a good work ethic and to appreciate her good fortune in what she had and to care for those who were less fortunate. She has sought to combine those in performing her job, while retaining a compassionate attitude towards others.

Charlene is also proud of her role in her office's receiving grants from the Ford Foundation and the John F. Kennedy School of Government of Harvard University and in a national award as one of 4 models for "Re-inventing Government".

A Brooklyn resident, Charlene was active for many years with members of the Cleveland Police Department in the "Cops, Kids & Christmas" program providing toys for unfortunate children in orphanages, hospitals and other locations and in gathering toys and contributions throughout the year at public events. She enjoys camping and fishing, cooking, reading and computers, among other activities and is an active member of St. Colman's Church.

RE: AUTOMOBILE INSURANCE, MARCH 11, 1997

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I am introducing a bill to require notice to automobile insurance policy holders before a paid up policy can be either canceled or renewal refused.

Many of my constituents without warning or for insignificant reasons are being cut off of automobile insurance coverage and with little time allowed to find another company.

My bill will require at least 180 days notice before a cancellation or decision not to renew can take effect provided the premiums are fully paid up and there is no court order cancelling the holder's driver's license.

In many places in my district the only means of transportation is one's automobile. To have to drive without insurance coverage is a public hazard. People need to be told well in advance if a company is refusing to renew or plans to discontinue coverage.

This is not interference with the company's right to decide who to cover or not cover. It is only a requirement of due notice. I urge my colleagues to support this bill.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SALES OF AUTOMOBILE INSURANCE POLICIES.

No State shall authorize the sale of automobile insurance policies unless such policies are subject to cancellation in accordance with section 2.

SEC. 2. CANCELLATION OF AUTOMOBILE INSURANCE POLICIES.

A paid-up policy of automobile insurance may be canceled only if—

(1) a written notice of cancellation is mailed or delivered to the last known mailing address of the named insured as shown in the records of the insurer at least 180 days before the effective date of the cancellation;

(2) the insurer shows that the named insured had the insured's driver's license suspended or revoked; or

(3) the insurer shows that the name insured has been convicted of, or forfeited bail for, any action arising out of or in connection with the operation of a motor vehicle that is grounds for suspension or revocation of a driver's license.

SEC. 3. RENEWAL OF AUTOMOBILE INSURANCE POLICIES.

An insurer shall mail or deliver to an insured a written notice of non-renewal of an automobile insurance policy at the last known mailing address of the named insured as shown in the records of the insurer at least 180 days before the expiration of the policy.

SEC. 4. ENFORCEMENT.

(a) INSURER.—An insurer which violates section 1, 2, or 3 shall with respect to the insured involved in such violation—

(1) accept an application or written request for automobile insurance coverage at a rate and on the same terms and conditions as are available to its insureds under the insurer's automobile insurance coverage;

(2) reinstate the automobile insurance coverage for such insured to the end of the applicable policy period.

(b) OTHERS.—Any person who violates section 1, 2, or 3 shall be subject to—

(1) a cease and desist order issued in accordance with section 5 of the Federal Trade Commission Act (15 U.S.C. 45); or

(2) a civil penalty not to exceed $1,000.

RECOGNIZING THE NORWIN AREA CELEBRATION 2000

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. KLINK. Mr. Speaker, as the turn of the century approaches, Americans will become more and more excited about the time in which we are living. A new millennium is an event which we are indeed honored to witness, and such an event is worthy of celebration.

To this end, an organization in my Congressional District, the Fourth District of Pennsylvania, has been hard at work to ensure that the closing years of this century and the first year of the next century are welcomed with enthusiasm. The Norwin Chamber of Commerce, in conjunction with local schools and businesses, has arranged an impressive calendar of events for Celebration 2000, including parades, a business EXPO, and, of course, a First Night 2000.

These events will certainly unite the people, businesses, governments, churches, and other organizations of not only the Norwin Area, but all of Westmoreland County, by providing the community with three years of high visibility events and activities.

Clearly, the time and effort it takes to organize such a gala event is worthy of our recognition here today. I ask that the Members of the United States House of Representatives join me in recognizing these efforts. Through their hard work and dedication, Celebration 2000 will be a project worthy of taking place once in a 1,000 years.

RICHMOND HIGH SCHOOL RESPONDS TO HURRICANE MITCH

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to share with my colleagues the tremendous energy and compassion displayed by a group of students from Richmond High School in Richmond, California. Seeing the devastation of Hurricane Mitch on the nightly news, these students took action and responded. As reported in the following article, their efforts brought together the entire Richmond High community in the spirit of giving, and the people of both Central America and Richmond, California, are better for it.

[From the WC Times, Jan. 13, 1999]

RICHMOND HIGH GIVES LOADS AFTER STORM

(By Mary Reiley)

They collected boxes and boxes of food, clothing and over-the-counter medicines for adults and children who survived Hurricane Mitch, which devastated Honduras and Nicaragua in October.

Students in Richmond High's Alma Latina Club and leadership class collected so many boxes that their large truck could not carry all the donated items to the American Red Cross.

And it wasn't just the club and class members who contributed items and money.

Students attending dances, sports and the annual Harvest Festival got in by bringing canned foods.

Parents brought items on report card night, and staff members loaned their faces so students could pay to throw pies at them.

Students and staff from Helms Middle School and West Contra Costa Adult Education also gave.

"It speaks well of the community that we can come together when there's a need," said Isidora Martinez-McAfee.

She sponsors the Alma Latina Club and is the bilingual U.S. history and government teacher.

Most of the students in her classes and the club are from Mexico or Central America, Martinez-McAfee said, so they felt a connection to the hurricane victims.

When the club decided to send items from its annual canned food drive to Hurricane Mitch survivors, the leadership class rallied the student body to participate, said senior Maria Miranda, 18.

She is a member of the leadership class and the student body's school board representative.

Everyone enrolled in social science classes at the school, grades nine through 12, is required to complete at least 15 hours of community service.

Membership in the leadership class and Alma Latina is not required.

Kia Yancy, 17, and a senior said she would still have become involved if there were no service rule.

"Richmond High did a good deed," Kia said.

"We were looking out for the people in Central America."

The leadership class member said it and the club worked together, collecting, bagging and boxing the goods and loading them on the truck at 7:30 a.m. Friday.

They gathered enough to fill more than half a classroom with items, she said. Everything was delivered to the Red Cross for eventual shipment to Central America.

Martinez-McAfee said the students are happy with the donations, but some are disappointed about reported delays in delivery.

"We hope it gets to where it's supposed to be going," Maria said. "We wanted to help."

The effort was worthwhile for students because it unified and helped show what is outside of school, Maria said.

"It gave them a sense of what's going on in the world, and it's healthy for the mind, too." she said.

Nancy Ivey teaches the leadership class, plus social science and wood shop.

She sees the students' efforts as a demonstration of one more way they set goals and achieve them.

"The students feel the school has a negative and false reputation," Ivey said.

Farm Saephan, 16, junior class treasurer and member of the leadership class said, "We're doing whatever we can to help people in need. It made us feel good about ourselves. The people (in Central America) in need more than we are here."

IN HONOR AND FAITH: RECOGNIZING THE HEROISM OF THE IMMORTAL FOUR CHAPLAINS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. VENTO. Mr. Speaker, I rise today to honor and commend the Immortal Four Chaplains' heroism and legacy that serve as an example to the lives of individuals who have stood up courageously in the face of hatred and prejudice to protect others.

On February 3, 1943, the U.S.A.T. Dorchester was struck by a torpedo from a German U-boat off the shores of Greenland. Nearly 700 people perished in the icy waters of the North Atlantic. Four Army Chaplains showed extraordinary faith and personal sacrifice by calming fears, handing out life jackets, and guiding men to safety. Many of the 230 men who survived owed their lives to these Four Chaplains.

This historic event and circumstances have received recognition in the past with Congressional Resolutions and a postage stamp issuance commemorating the heralded event. At this point, however, memories have understandably faded. This heroic act and example could serve as a focal point today drawing together Americans of varied faiths and ethnic backgrounds positively reflecting upon challenging America's cultural pluralism and diversity. The lesson of mutual respect, tolerance, and sacrifice need to be learned anew by each generation of Americans. The Four Chaplains stand out as an extraordinary human experience, relevant yesterday and today.

Set against the example of the Immortal Four Chaplains, the Immortal Four Chaplains Foundation was formed to provide a platform to tell the stories of those who have risked their lives to save others of a different race or faith. The Minnesota based foundation was founded in 1997 by the nephew and daughter of two of the Chaplains and has drawn the support and participation of former Vice President Walter Mondale, former Senator Bob Dole, Archbishop Desmond Tutu and many other prominent leaders, including survivors of the German U-boat 223 which sank the Dorchester.

On Sunday, February 7th, 1999, in Minnesota, I had the honor of jointly awarding Archbishop Desmond Tutu with the first Immortal Chaplains prize for Humanity. On his first trip to Minnesota, the Archbishop, whose rise to worldwide leadership in defending the rights of the oppressed, first drew attention from his driving voice against Apartheid while Nelson Mandela was imprisoned in South Africa. As the Anglican Archbishop of that country, Tutu received the Nobel Peace Prize in 1984 for his courageous stand against great odds. On his retirement as Archbishop of Cape Town, he was appointed by President Nelson Mandela to chair the Truth and Reconciliation Commission. This commission has performed an historic role and precedent in revealing the truth about atrocities committed in the past and providing the means of peaceful resolutions for the pain and humiliation suffered by that nation. Today, he continues to champion the plight of social justice.

I would like to acknowledge other recipients of the Immortal Chaplains Prize for Humanity that were awarded posthumously, U.S. Coast Guard Stewardsmate Charles W. David, an African-American who lost his life as a result of rescuing survivors of the Dorchester on which the Chaplains and some 700 individuals perished and Amy Biehl, an outstanding young American Fulbright Scholar who was stoned to death in South Africa in 1993, where she had gone to help struggle against Apartheid. A crew member and buddy of Stewardsmate David accepted the award on his behalf and Linda and Peter Biehl accepted this humanitarian award in her spirit and name. Amy's parents have made a point of returning to South Africa to participate in the "Peace and Reconciliation Process" and are incredibly forgiving of their daughter's assailants.

I would like to share with all Members an article in the Pioneer Press on Sunday, February 7, 1999 of relevant importance.

AWARD RECALLS CHAPLAINS' HEROISM AT SEA—ARCHBISHOP TUTU WILL BESTOW TWO HONORS IN SUNDAY CEREMONY

(By Maja Beckstrom)

David Fox knows only the barest details of his uncle's martyrdom at sea.

In the middle of the night on Feb. 3, 1943, a German torpedo blasted a hole in the side of the U.S. Army troopship Dorchester just off Greenland. As the ship sank, the Rev. George Fox stood on the oil-slick deck passing out life jackets to panicked men. After giving away his own preserver, the Methodist minister clasped the arms of the ship's other three chaplains—a rabbi, Catholic priest and Dutch Reformed minister. Survivors saw them standing in prayer as the Dorchester rolled to starboard and slipped under the waves.

They were among the 672 men who died that night in what was one of the United States' greatest maritime losses during World War II.

Now a half century later, their sacrifice on the icy North Atlantic is bringing a modern day hero to Minnesota. Archbishop Desmond Tutu, a leader of South Africa's anti-apartheid movement, will present the first annual award given in the four chaplains' memory at a ceremony Sunday in Minnetonka.

The Immortal Chaplains Prize for Humanity honors someone who has risked his or her life to protect others of a different race or faith. It was created by David Fox of Hopkins, the Rev. George Fox's nephew.

After the war, the chaplains became legends. Their faces graced a 1948 stamp. Memorials were built around the country, including at the Fort Snelling Chapel and the chapel at the V.A. Medical Center in Minneapolis.

"I had grown up with the story and perhaps taken it for granted," said Fox. "Suddenly it occurred to me that it was fast disappearing. Most people I met had never heard of it."

In an effort to save the chaplains' example as an inspiration to future generations, Fox interviewed the ship's survivors, established the Immortal Chaplains Foundation and created curriculum for school children. He even enlisted the support of crew members from the German U-boat that sunk his uncle's ship.

"It's too important a story to let go, because of what it says about the potential for human compassion to cross all boundaries," he said. "Being a hero is about protecting fellow humans, putting your life on the line if necessary to protect them."

THE TRAGEDY

Everyone on board the Dorchester knew they were heading into dangerous waters. U-boats constantly prowled the sea lanes of the North Atlantic, and several ships had already been sunk. The ship sailed from Staten Island on Jan. 22, 1943. After stopping in Newfoundland, it continued with an escort of three U.S. Coast Guard cutters. On board were 902 men, mostly soldiers on their way to work on U.S. Army bases in Greenland.

On Feb. 2, one of the cutters relayed a warning. Sonar had picked up five U-boats.

"The captain said if we made it through the night, we'd have air protection the next morning from Greenland," recalled survivor Ben Epstein of Del Ray Beach, Fla. "He said sleep with everything you have—your clothes, your gloves, your life preserver."

They didn't make it. At 1 a.m., a torpedo ripped a hole in the Dorchester's starboard side, from the deck to below the water line. Survivor James Eardley of Westerlo, N.Y., said the thud sounded "like someone hit their fist against a wall." Men near the explosion died instantly. Panicked survivors scrambled for the upper decks in pitch blackness. The torpedo had taken out power. Eardley pushed his way from the hold up the only unblocked exit, holding a handkerchief over his mouth to avoid ammonia fumes from a refrigeration explosion.

Epstein, who was staying in a stateroom on an upper deck, felt his way along a railing until he came to a hanging rope that marked a lifeboat. He shouted to his best friend Vincent Frucelli to follow him down.

"He said he would," Epstein said. "But that was the last time I saw him. I don't know how he died. In blackness, jumping toward the water, it was a terrible thing."

Epstein was thrown into the sea when his lifeboat capsized. He swam until he was pulled onto another lifeboat. Only two of 14 lifeboats successfully pulled away from the ship. Men bobbed in the icy water, dying or dead from exposure. The red light attached to each life preserver made the ship look like it was "lit up like a Christmas tree," said Epstein.

Eardley also was pulled into a boat, after he climbed down the side of the ship on a cargo net. Both men were rescued hours later by a Coast Guard cutter. Near death, they were stripped and laid out on tables in the galley where men massaged their frozen limbs back to life. The ship sank in 20 minutes, and only 230 men survived.

To this day, Eardley remembers his last glimpse of the Dorchester.

"The keel was up," Eardley said, "And I could see the four chaplains standing on top of the boat, arm in arm."

According to survivors' testimony, the chaplains spent their last minutes calming disoriented and terrified men and urging them to jump into the sea. Each chaplain gave his life preserver away. They were Lt. George Fox, Methodist, Lt. Alexander Goode, Jewish; Lt. John Washington, Roman Catholic; and Lt. Clark Poling, Dutch Reformed.

"To take off your life preserver, it meant you gave up your life," said Epstein, who plans to attend the ceremony. "You would have no chance of surviving. They knew they were finished. But they gave it away. Consider that. Over the years I've asked myself this question a thousand times. Could I do it? No I don't think I could do it. Just consider what an act of heroism they performed."

THE QUEST FOR SURVIVORS

David Fox had always taken his uncle's heroism for granted. Then in the mid-1990s, while he was working to raise money for a veterans hospice, he suddenly realized that when the Dorchester's survivors died, the story would be lost for good. He decided to track down as many as he could and record their memories. His quest soon gained urgency.

"I heard about a survivor in Iowa, by the time I called, he had been dead for six months," Fox said. "I heard about a friend of Rabbi Goode here, in Mendota Heights. I called up and he had died a month ago. I thought, this is crazy. These people are dying, and no one has recorded their stories." Armed with $1,100 in grants from several veterans organizations, Fox rented a video camera and hit the road in 1996 with his young son.

They interviewed 20 of the 28 known Dorchester survivors, traveling to upstate New York, Florida, Massachusetts, California and Illinois. He also contacted the chaplains' family members, including his cousin Wyatt, the son of George Fox, and the widow and daughter of Rabbi Goode. Rosalie Goode Fried, who was three when her father died, enthusiastically supported Fox's idea of starting a foundation that would perpetuate her father's memory.

"If kids could realize that here were four men of different religions who could get along and minister to each other. It sends a message, why can't we just get along?" said Fried, who is flying from New Jersey for the ceremony.

Fox also decided the story would be incomplete without the German perspective. With the help of German relatives, he traced the chief munitions engineer, the chief of operations and a ship's officer from U-boat 223. None had any idea what they had hit that dark night in 1943.

"Imagine having somebody knock on your door 55 years later and say, 'Hi, you killed my uncle.' Well I didn't say it exactly like that. But they couldn't escape it," said Fox. "They had to face what happened and they had really no idea."

The new submarine had been sent out from Kiel, Germany, on Jan. 12, 1943, to hunt Allied vessels in the North Sea. In the wee hours of Feb. 3, the captain spotted the dark hulk of the Dorchester from the tower and ordered a fan of three torpedoes. To avoid detection after the hit, the sub submerged 130 feet, where it stayed for the next six hours. The crew was later captured near Sicily and sent as prisoners to Mississippi.

"When I interviewed the Germans they said, 'You must understand, we were doing our duty,'" said Fox. "They were 18 years old. I almost cried when I saw their photos. They were just kids in hats."

The Germans were touched by the story of the chaplains and quickly offered to support the fledgling Immortal Chaplains Foundation. The effort to establish the foundation hasn't been without some controversy. The Chapel of the Four Chaplains in Philadelphia, which is raising money to build a permanent memorial to the chaplains, has sued Fox's group to block its use of the clerics' image from the stamp and the phrase, the Four Chaplains.

Fox also enlisted the support of Walter Mondale, who serves as the foundation's honorary co-chair. Fox also contacted Archbishop Desmond Tutu in South Africa, who agreed to become the foundation's patron.

"He was immediately taken with it," said Fox.

Tutu will bestow the foundation's first awards on Sunday at Adath Jeshurun Congregation, in what Fox hopes will become an annual event, similar to the awarding of the Nobel Peace Prize. The ceremony itself will be interfaith. The U.S. Army's Muslim chaplain will say a prayer. American Indians from Minnesota will offer Tutu a welcome, and the ceremony will close with prayers from Tibetan Buddhist monks.

One award will be bestowed posthumously on an African-American Coast Guardsman named Charles W. David, who died as a result of rescuing men from the Dorchester. The other award will be accepted by Linda and Peter Biehl of southern California on behalf of their daughter Amy, who was stabbed to death in South Africa. Biehl was a Stanford University student and Fulbright scholar helping to set up a legal education center.

"I want this to become something like the Nobel Peace Prize, except for ordinary people," said Fox. "Every year, I want to reach down and find someone who is making a difference. Maybe it's a Bosnian Serb who saves a Muslim, or vice versa. Or a Palestinian who reaches out to an Israeli. We need to honor these people who have risked everything to help someone different from themselves."

A TRIBUTE TO JULIANNE M. DIULUS, BEREA MUNICIPAL COURT

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, for 21 years, Julianne M. Diulus has worked at the Berea Municipal court, whose Judge, William C. Todia nominated her for this reward. She works as Judge Todia's secretary and also assists the Court's Probation Officer, Josette Lebron. Her duties include typing correspondence, journal entries and court documents, compiling files for each probationer prior to sentencing and all other secretarial duties for these officers.

Coming from a family of caretakers, Julie believes that it is essential to help others and to do the best at whatever she attempts. She has tried to instill these same values in her children and is proud to have watched her three children, Nicole, Mary and Lewis, grow into adults and achieve their goals.

A resident of Brook Park, Julie is active at St. Nicholas Byzantine Catholic Church, attends Cuyahoga Community College and loves to read and collect books, fiction, nonfiction and biographies.

She has no human enemies at the Court, but Julie fights constantly with the copier and other machines. As part of her care-taking, she tries to maintain order in the office, but she notes that once, when Ms. Lebron was on vacation, she cleaned and straightened the Probation Officer's desk, only to be told that the effort was appreciated, but that Ms. Lebron could not find anything for days.

TRIBUTE TO CITIZEN REGENTS ON THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

HON. SAM JOHNSON

OF TEXAS

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, as Congressional members appointed to the Smithsonian Board of Regents, Chairman RALPH REGULA and I are pleased to submit Dr. Hanna H. Gray, Mr. Wesley S. Williams, and the Honorable Barber B. Conable to successive terms as citizen regents on the Board of Regents of the Smithsonian Institution.

Their personal commitment and dedication to the Smithsonian Institution has been an invaluable asset in our drive to keep the Smithsonian a national treasure for all to enjoy. We thank them for all their hard work and look forward to working with them during the 106th Congress.

HANNA HOLBORN GRAY

THE HARRY PRATT JUDSON DISTINGUISHED SERVICE PROFESSOR OF HISTORY, THE UNIVERSITY OF CHICAGO

Hanna H. Gray was President of the University of Chicago from July 1, 1978 through June 30, 1993, and is now President Emeritus.

Mrs. Gray is a historian with special interests in the history of humanism, political and historical thought, and politics in the Renaissance and the Reformation. She taught history at the University of Chicago from 1961 to 1972 and is now the Harry Pratt Judson Distinguished Service Professor of History in the University of Chicago's Department of History.

She was born on October 25, 1930, in Heidelberg, Germany. She received her B.A. degree from Bryn Mawr in 1950 and her Ph.D. in history from Harvard University in 1957. From 1950 to 1951, she was a Fulbright Scholar at Oxford University.

She was an instructor at Bryn Mawr College in 1953–54 and taught at Harvard from 1955 to 1960, returning as a Visiting Lecturer in 1963–64. In 1961, she became a member of the University of Chicago's faculty as Assistant Professor of History, becoming Associate Professor in 1964.

Mrs. Gray was appointed Dean of the College of Arts and Sciences and Professor of History at Northwestern University in 1972. In 1974, she was elected Provost of Yale University with an appointment as Professor of History. From 1977 to 1978, she also served as Acting President of Yale.

She has been a Fellow of the Newberry Library, a Fellow of the Center of Behavioral Sciences, a Visiting Scholar at that center, a Visiting Professor at the University of California at Berkeley, and a Visiting Scholar for Phi Beta Kappa. She is also an Honorary Fellow of St. Anne's College, Oxford.

Mrs. Gray is a member of the Renaissance Society of America. She is a fellow of the American Academy of Arts and Sciences and a member of the American Philosophical Society, the National Academy of Education, and the Council on Foreign Relations of New York. She holds honorary degrees from a number of colleges and universities, including Oxford, Yale, Brown, Columbia, Princeton, Duke, Harvard, and the Universities of Michigan and Toronto, and The University of Chicago.

She is chairman of the boards of the Andrew W. Mellon Foundation and the Howard Hughes Medical Institute, serves on the boards of Harvard University and the Marlboro School of Music, and is a Regent of the Smithsonian Institution.

In addition, Mrs. Gray is a member of the boards of directors of J.P. Morgan & Company, the Cummins Engine Company, and Ameritech.

Mrs. Gray was one of twelve distinguished foreign-born Americans to receive a Medal of Liberty award from President Reagan at ceremonies marking the rekindling of the Statue of Liberty's lamp in 1986. In 1991, she received the Presidential Medal of Freedom, the nation's highest civilian award, from President Bush. She received the Charles Frankel Prize from the National Endowment of the Humanities and the Jefferson Medal from the American Philosophical Society in 1993. In 1996, Mrs. Gray received the University of Chicago's Quantrell Award for Excellence in Undergraduate Teaching. In 1997, she received the M. Carey Thomas Award from Bryn Mawr College.

Her husband, Charles M. Gray, is Professor Emeritus in the Department of History at the University of Chicago.

BIOGRAPHY

Born: October 25, 1930, Heidelberg, Germany.

Married: Charles M. Gray, 1954, A.B. Harvard University 1949, Ph.D. Harvard University 1956.

Education

B.A. Bryn Mawr College 1950
Fulbright Scholar, Oxford University 1950–51
Ph.D. (History) Harvard University 1957

1953–54—Instructor, Bryn Mawr College
1955–57—Teaching Fellow, Harvard University
1957–59—Instructor, Harvard University
1959–60—Assistant Professor, Harvard University; Head Tutor, Committee on Degrees in History and Literature
1961–64—Assistant Professor, University of Chicago
1963–64—Visiting Lecturer, Harvard University
1964–72—Associate Professor, University of Chicago
1970–71—Visiting Professor, University of California at Berkeley
1972–74—Dean of the College of Arts and Sciences and Professor, Northwestern University
1974–78—Provost, Yale University; Professor of History
1977–78—Acting President, Yale University
1978–93—President of the University of Chicago; Professor of History
1993– —Harry Pratt Judson Distinguished Service Professor of History, Department of History, University of Chicago

Fellowships, etc.

1960–61—Fellow, Newberry Library
1966–67—Fellow, Center for Advanced Study in the Behavioral Sciences
1970–71—Visiting Scholar, Center for Advanced Study in the Behavioral Sciences
1971–72—Visiting Scholar, Phi Beta Kappa
1978– —Honorary Fellow, St. Anne's College, Oxford University

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Selected Honors, Awards, etc.

Fellow, American Academy of Arts and Sciences
Member, American Philosophical Society
Member, National Academy of Education
Phi Beta Kappa
Radcliffe Graduate Medal (1976)
Yale Medal (1978)
Medal of Liberty (1986)
Laureate, Lincoln Academy of Illinois (1989)
Grosse Verdienstkreuz, Republic of Germany (1990)
Sara Lee Frontrunner Award (1991)
Presidential Medal of Freedom (1991)
Jefferson Medal, American Philosophical Society (1993)
Charles Frankel Prize, National Endowment for the Humanities (1993)
Centennial Medal, Harvard Graduate School of Arts and Sciences (1994)
Distinguished Service Award in Education, Inst. of International Education (1994)
Quantrell Award for Excellence in Undergraduate Teaching, The University of Chicago (1996)
M. Carey Thomas Award, Bryn Mawr College (1997)

Selected Honorary Degrees

L.L.D., Darmouth College, 1978
L.L.D., Yale University, 1978
L.L.D., Brown University, 1979
D.Litt. Hum., Oxford University, 1979
L.H.D., Rikkyo University, 1979
L.L.D., University of Notre Dame, 1980
L.L.D., University of Southern California, 1980
L.L.D., University of Michigan, 1981
L.H.D., Duke University, 1982
L.L.D., Princeton University, 1982
L.H.D., Brandeis University, 1983
L.L.D., Georgetown University, 1983
D.Litt., Washington University, 1985
L.H.D., City University of New York, 1985
L.H.D., American College of Greece, 1986
L.L.D., Columbia University, 1987
L.H.D., New York University, 1988
L.L.D., University of Toronto, 1991
L.H.D., McGill University, 1993
L.H.D., Indiana University, 1994
L.L.D., Harvard University, 1995
L.H.D., The University of Chicago, 1996

Selected Publications

"Renaissance Humanism: The Pursuit of Rhetoric," *Journal of the History of Ideas*, Vol. XXIV (1963), pp. 497–514.
"Valla's *Encomium of St. Thomas Aquinas* and the Humanist Conception of Christian Antiquity," in *Essays in History and Literature*, ed. H. Bluhm, Chicago, 1965, pp. 37–52.
"Machiavelli: The Art of Politics and the Paradox of Power," in *The Responsibility of Power*, ed., L. Krieger and F. Stern, New York, 1967, pp. 34–53.
"Some Reflections on the Commonwealth of Learning," in *AAAS Science and Technology Yearbook 1992*, American Association for the Advancement of Science, Washington, D.C., 1963.
"The Research University: Public Roles and Public Perceptions," in *Legacies of Woodrow Wilson*, ed. J. M. Morris, Washington, D.C., 1995, pp. 23–44.
"The Leaning Tower of Academe," *Bulletin of the American Academy of Arts and Sciences*, Vol. XLIX (1996), pp. 34–54.
"Aims of Education," in *The Aims of Education*, ed. J. W. Boyer, Chicago, 1997.
"Prospect for the Humanities," in *The American University; National Treasure or Endangered Species*?, ed. R. G. Ehrenberg, Ithaca & London, 1997, pp. 115–127.
"On the History of Giants," in *Universities and their Leadership*, ed. W. G. Bowen and H. T. Shapiro, Princeton, 1998, pp. 101–115.

WESLEY S. WILLIAMS, JR.

Wesley S. Williams, Jr., of Washington, D.C., has been associated with the law firm of Covington & Burling since 1970 and a partner since 1975. He was previously legal counsel to the Senate Committee on the District of Columbia, a teaching fellow at Columbia University Law School, and Special Counsel to the District of Columbia Council. He is currently active on many corporate and nonprofit boards and has participated in the Smithsonian Luncheon Group. He was appointed to the Board of Regents in April 1993, chairs its Investment Policy Committee, and serves on the Regents' Executive Committee, Nominating Committee, Committee on Policy, Programs, and Planning, and ad hoc Committee on Business. He is also serving on the Regents' Search Committee for a New Secretary, and he is a member of the Commission of the National Museum of American Art.

BARBER B. CONABLE, JR.

Barber Conable retired on August 31, 1991, from a five-year term as President of The World Bank Group, headquartered in Washington, D.C. The World Bank promotes economic growth and an equitable distribution of the benefits of that growth to improve the quality of life for people in developing countries.

Mr. Conable was a member of the House of Representatives from 1965–1985. In Congress, he served 18 years on the House Ways and Means Committee, the last eight years as its Ranking Minority Member. He served in various capacities for 14 years in the House Republican Leadership, including Chairman of the Republican Policy Committee and the Republican Research Committee. During his congressional service, he also was a member of the Joint Economic Committee and The House Budget and Ethics Committees.

Following Mr. Conable's retirement from Congress, he served on the Boards of four multinational corporations and the Board of the New York Stock Exchange. He also was active in foundation, museum, and nonprofit work, and was a Distinguished Professor at the University of Rochester.

Currently Mr. Conable serves on the Board of Directors of Corning, Inc., Pfizer, Inc., the American International Group, Inc., and the First Empire State Corporation. In addition, he is a Trustee of Cornell University and of the National Museum of the American Indian of the Smithsonian Institution. He has chaired the Museum's development committee since October, 1990 and is a member of its International Founders Council, the volunteer committee for the National Campaign to raise funds for construction of the Museum on the Mall.

Mr. Conable is a native of Warsaw, New York and graduated from Cornell University and Cornell Law School. He was a Marine in World War II and the Korean War.

Mr. and Mrs. Conable are parents of three daughters and a son. They reside in Alexander, New York.

INTRODUCTION OF LEGISLATION TO RESTRICT FLIGHTS OVER CERTAIN AREAS OF HAWAII'S NATIONAL PARK SYSTEM

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I recently introduced legislation limiting adverse impacts of commercial air tour operations on National Park units in the State of Hawaii. I believe certain parks must be declared flight-free, spared from the intrusive noise, and maintained as calm refuges for the enjoyment of all Americans. My legislation does just that.

Special consideration must be given to the detrimental impacts on parks by commercial air tours, several of which have in the past demonstrated a lack of concern for the needs of park occupants and visitors, even to go so far as to jeopardize the safety of their passengers. These minimum altitudes and standoff distances are equally important to preserve natural habitat for endangered and threatened birds and other species that make their homes in the parks.

Even with the progress recently made between the air tour operators, the environmentalists and the federal government, I continue to receive complaints from hikers and visitors to Hawaii's parks, as well as residents living next to the parks. My bill is necessary to enforce noise controls on these operations.

Main provisions of my bill include prohibitions of flights over Kaloko Honokohau, Pu'u honua o Honaunau, Pu'u kohola Heiau, and Kalaupapa National Historic Parks, as well as sections of Haleakala and Hawaii Volcanoes National Parks. A minimum 1,500 foot altitude restriction is enforced for all other parts of Haleakala and Hawaii Volcanoes National Parks.

Our National Parks are our environmental legacy to our children. Not only must they be allowed to enjoy the beauty of the National Parks, they must also be able to enjoy the serenity and peacefulness that accompanies these important sites. By establishing these flight-free zones, we can ensure that the whole experience of visiting a National Park is maintained.

I strongly urge my colleagues' support of my legislation.

WESTERN MICHIGAN UNIVERSITY AND THE TRIO PROGRAM

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. UPTON. Mr. Speaker, I rise today to remind the House that Saturday, February 27, 1999 is National TRIO Day. That day has been set aside to focus the nation's attention on the needs of disadvantaged young people and adults aspiring to improve their lives through education. We recognize as a nation the importance of supporting our talented but needy citizens today if we are to benefit from their contributions tomorrow. I am sure the House shares my commitment to providing this support.

Title IV of the Higher Education Act of 1965 generated a series of programs to help low-income, first generation, disabled Americans enter college and graduate. Initially, there were just three programs—hence the TRIO title. Today there are five. These include the Educational Opportunity Centers Program, the Ronald E. McNair Post-Baccalaureate Achievement Program, the Student Support Program, the Talent Search Program, and the Upward Bound Program.

TRIO Programs help students overcome class, social, academic, and cultural barriers to higher education and provide a variety of services critical to academic success, such as advising, career exploration, mentoring, and tutoring.

TRIO Programs make a difference. For instance, students in the Upward Bound Program are four times more likely to earn an undergraduate degree than students from similar backgrounds who did not participate in TRIO. Participants in the TRIO Students Support Program are more than twice as likely to remain in college as students from similar backgrounds who did not participate in the program.

Mr. Speaker, an excellent model of a TRIO Program can be found at an institution in my home district. At Western Michigan University in Kalamazoo, participants in the Student Support Program have a remarkable track record of success. Their achievements include the following:

Ninety-five percent of all students who receive program services for two consecutive semesters return to school for a third semester.

More than 75% of undergraduates in the Student Support Program had grade point averages at or above 2.5 during the 1997–98 school year.

More than 98% of Student Support Program students who apply for graduation during their junior year graduate.

Statistics are a useful measure of the Student Support Program's success at Western Michigan University. However, stories of students' personal accomplishments in the face of adversity also testify to the program's impact on individuals lives. Consider, for example, one shy and uncertain young woman who entered the Student Support Program three years ago as a freshman.

Unfamiliar with the academic world and undecided about her direction, she gradually gained confidence in her own potential and ability. Eventually she was inspired to help other students adjust to the demands of college life by becoming a Peer Mentor in the program. She is now knowledgeable and secure enough to offer others the support she once needed herself. Next year she will graduate with a bachelor's degree in Social Work.

Another bright and promising student in the program struggled with a learning disability that affected the way he processed information. In spite of this, he was determined to earn a degree in business. As he battled on through math and accounting, often repeating courses, his Peer Mentor provided unwavering support and encouragement. This young man overcame countless challenges and, in December 1998, realized his dream when he was awarded a bachelor's degree in business.

Mr. Speaker, thanks to the Student Support Program at Western Michigan University, these two students are examples of the thousands of students in a position to make their best contributions to our society.

HONORING THE UNITED STATES NAVAL RESERVE ON ITS 84TH BIRTHDAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. PACKARD. Mr. Speaker, I would like to take this opportunity to congratulate the United States Naval Reserve on their 84 years of dedicated service. Comprised of 94,000 men and women, the Naval Reserve is an integral part of the United States military force.

Authorized on March 3, 1915 by the Naval Appropriations Act, the U.S. Naval Reserve is one of the world's largest and most well trained forces. Originally intended to be comprised of former active duty sailors, the Naval Reserve now consists of former officers, former enlisted men and women and volunteers. This gives them their reputation of being the military force that brings the best "Bang for the Buck."

Mr. Speaker, our Naval Reserve brings tremendous contributions to our Armed Services and our Nation. As a former Naval Reserve Officer, it is with great pride that I extend my most heartfelt thanks for their 84 years of dedication and service.

THE CONGRESSIONAL RESEARCH ACCESSIBILITY ACT

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SHAYS. Mr. Speaker, today, Congressman DAVID PRICE and I are introducing the Congressional Research Accessibility Act to make Congressional Research Service (CRS) products available to the public on the Internet. Senators McCAIN, LEAHY, LOTT, ABRAHAM, ENZI and ROBB are introducing similar legislation in the Senate.

Under this bill, CRS will post Issue Briefs, Reports, and Authorization and Appropriation products to a centralized web site no earlier than 30 days and no later than 40 days after the information is made available to Members of Congress through the CRS web site. Through a link on their own web pages, Members of Congress and Committees may provide the public with access to the information stored on this centralized site. The 30-day delay will ensure that CRS has carried out its primary statutory duty of informing Congress before making the information available for public release. Also, it will allow CRS to verify that its products are accurate and ready for public release.

The bill requires the Director of CRS to make the information available in a practical and reasonable manner that does not permit the submission of comments to CRS from the public. The Director of CRS is responsible for maintaining and updating the information made available on the centralized site and shall have sole discretion to edit that information for the purposes of removing references to employees of CRS, removing information which may cause copyright infringement and ensuring the information is accurate and current. Members of Congress will still be able to make confidential requests which will not be released to the public.

Congress has worked to make itself more open and accessible to the public. The Congressional Research Accessibility Act will enable us to further engage the public in the legislative process and fulfill one of our missions as legislators to better educate our constituents.

A TRIBUTE TO DENNIS BYDASH, CUYAHOGA COUNTY CLERK OF COURTS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, Dennis Bydash is proud to note that he has risen from the very bottom of the office of Gerald E. Fuerst, Clerk of Courts, who nominated him for this award, to the very top. Starting in 1972 as a filing clerk, hired for a 90 day period, he has, in almost 27 years, been given 6 promotions and now serves in a key leadership position as the Office Manager of the Civil Division, where he supervises over 100 employees and acts as the liaison between the Clerk's office and the 57 judges who depend on the Clerk's office and the offices of the County Prosecutor, the County Sheriff and the County Auditor.

To Dennis, the most rewarding aspects of his service in the Clerk's office is to see a smile on the face of an individual or to receive a thank you directly or through a letter to Mr. Fuerst. He recognizes that the Justice Center can be cold and intimidating to the average citizen and works hard to see that the Clerk's office helps that average citizen when it can or that it directs the individual to the appropriate office in the justice system.

Dennis is also active in his local community. He has participated in insuring that the Broadway neighborhood received a new fire station. He has served as President of his Ward's Democratic club for 16 of the last 18 years. He has volunteered in many political campaigns from the Congressional to the local level.

Beyond that, Dennis is an avid photographer and student of railroading, with a large collection of memorabilia, including thousands of his own pictures of railroads, some of which have been published. He is happy also to grow vegetables in his garden and can them.

Dennis recalls fondly a 1977 inquiry on the filing of a divorce from a young lawyer during the midst of accusations by some lawyers that the Clerk's office's employees, in helping the public, was practicing law without a license. Despite his fear that the question might be part of that effort, he helped the lawyer, in his own words "in a somewhat hard way." Just over two years later, he and that lawyer, Michaele Tyner married, and they recently celebrated their 18th anniversary.

COMMEMORATE THE ACHIEVEMENTS OF MARCIA YUGEND

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. VENTO. Mr. Speaker, it is with great sadness that I rise today. Marcia Yugend, a well respected leader in the Twin Cities Jewish community, lost her life February 3, 1999. A native of Little Falls, Minnesota, Yugend was a remarkable community leader who will be missed dearly by many in the Twin Cities' religious communities with whom she worked tirelessly to promote interfaith harmony across the globe.

Yugend founded Feminists in Faith, a group of Jewish, Catholic, Protestant and Muslim women who worked together to promote women's religious issues and interfaith understanding. In 1985, Yugend created the Jewish Women-Palestinian Women Dialogue and later created the Black-Jewish Women's Dialogue. A lifelong student and scholar, Yugend recently received a master's degree in liberal studies from St. Paul's Hamline University. She earned her bachelor's degree from Metropolitan State University.

Yugend was also the first female president of the Jewish Community Relations Council of Minnesota and the Dakotas. It was during her tenure at the Jewish Community Relations Council that I had the good fortune to work with Marcia. At that time, the Soviet government was actively oppressing people of Jewish faith. Marcia and I worked together to secure the emigration of Soviet Jews and the reunification of families in the Twin Cities. Her spirit and dedication to the cause was truly remarkable.

Shortly after Yugend's passing, the Nobel Peace Prize Laureate Archbishop Desmond Tutu made his first trip to the Twin Cities to inaugurate the first Immortal Chaplains Prize for Humanity. The Humanity prize is given as a living memorial to the Immortal Four Chaplains—a Jewish Rabbi, a Catholic Priest and two Protestant Ministers—who courageously rescued an estimated 230 men from drowning in the sinking of the U.S. Army Transport *Dorchester* during World War II. The Archbishop's historic visit to Twin Cities in celebration of those who have fought to protect others of a different race or religion underlined exactly the type of service and dedication Yugend put forth and could be a fitting tribute to her life and her tireless commitment to promoting interfaith understanding. Although her boundless energy cannot be replaced, her spirit will live on through those she inspired.

Yugend is survived by her husband, Jerome Yugend, daughters Dana Yugend-Pepper of Minneapolis and Julie Yugend-Green of Oak Park, Illinois and five grandchildren.

CELEBRATING THE 81ST ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. BONIOR. Mr. Speaker, I rise today to recognize the 81st anniversary of the declaration of Lithuanian independence.

For nearly 55 years, Lithuania was occupied by Soviet military forces. But in the past six years, the people of Lithuania have been able to finally enjoy and celebrate the freedoms and privileges of an independent nation.

The United States and Lithuania have now formed a significant partnership between our leaders, our governments, and our people. We have close trade relations with Lithuania. We are mutually committed to the security of the Baltic region.

I believe we can say with great confidence that Lithuania has become a full partner in the effort to build democracy and promote freedom around the world. I am proud to say that Lithuania has "graduated" from the U.S. program to build democracy in Eastern Europe.

I commend the Lithuanian-American community for their perseverance and hope through the many challenging decades. The 81st anniversary of Lithuanian independence was celebrated by the Lithuanian-American community in Southeast Michigan on Sunday, February 7th, at the Lithuanian Cultural Center in Southfield.

I urge my colleagues to join me in honoring Lithuanian's independence.

TRIBUTE TO GABRIELLA QUIRINO

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. MEEK of Florida. Mr. Speaker, it gives me great pleasure to pay tribute to an outstanding citizen of Florida's 17th Congressional District, Gabriella Quirino, who has helped hundreds of breast cancer victims in Dade County.

Gabriella Quirino was born in Tunisia, North Africa, in 1941. Miami, Florida, became her home during the mid-1950's. In 1960, she graduated from North Miami High School and furthered her education at Miami Dade Community College.

In 1981, Gabriella was diagnosed with breast cancer and underwent successful surgery. A year later, she became a "reach to recover" volunteer for the American Cancer Society. From that time on, she has devoted her life to helping women cope with the trauma of mastectomies or other breast cancer surgeries. She is a true humanitarian.

Through hard work and dedication, Gabriella Quirino became the coordinator of the county service group, "Volunteers". In this position she helped women in the Miami-North Dade area deal with their mastectomies and other breast surgeries. She has also been the coordinator of another community service group called "Getting Mothers To Volunteer," which is based at St. Rose Lima School, and now serves as president of the parent's council at Archbishop Curley High School.

Gabriella has demonstrated a strong character and has devoted countless hours to the American Cancer Society. She has provided comfort to countless women faced with one of the most traumatic experiences of their lives—breast cancer.

I ask that my colleagues please join with me in acknowledging this outstanding individual.

IN HONOR OF BRENDA SESSIONS COURT OF COMMON PLEAS, PROBATE COURT DIVISION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mrs. JONES of Ohio. Mr. Speaker, for over 28 years, couples seeking a license to marry in Cuyahoga County have likely encountered Brenda Sessions, Judge John Donnelly's nominee. Starting as a deputy clerk, Brenda now supervises this important office which, in addition, to issuing marriage licenses, corrects birth records and assists genealogists seeking family documents.

A Cleveland Heights resident and the mother of Myah, she prides herself in following her mother's advice to work hard, be self-sufficient and to help others. She only regrets that her mother failed to teach her how to cook.

Brenda is a life-long member of Morning Star Baptist Church and has been active in many of that church's programs. During her daughter's attendance at Christ the King School, she served on the Parent Executive Board. She enjoys her collection of porcelain elephants (a symbol of good luck), reads, listens to gospel and jazz music, attends movies and theatrical events, plays racquetball and rides.

Among the many, many marriage license applications Brenda has prepared, with both bride and groom present, she remembers, with amusement, two particular instances. In one, a woman admitted to four prior marriages and denied the Court's apparent record of an additional three marriages. Her groom left, and that couple was never seen again. In another, a rather aged groom, accompanied by a young intended bride, denied the existence of a much earlier marriage which the Court's records revealed, but mysteriously knew the last name of the bride in the earlier marriage, when Brenda had only mentioned the first name.

TO PERMANENTLY EXTEND THE EXCEPTION FROM SUBPART F FOR ACTIVE FINANCING INCOME

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. NEAL. Mr. Speaker, I would like to associate myself with the remarks of my colleague, Mr. MCCRERY. Today, Mr. MCCRERY and I are introducing legislation to permanently extend the exception from subpart F for active financing income earned from overseas business. The growing interdependence of world financial markets has highlighted the need to rationalize U.S. tax rules that undermine the ability of our financial services industry—such as banks, insurance companies, insurance brokers, and securities firms—to compete in the international arena.

The provision permits financial services to act like other U.S. industries doing business abroad and defer tax on the earnings from the active operation of their foreign subsidiaries until such earnings are returned to the United States. The permanent extension of this provision takes an important step towards making the U.S. financial services industry more competitive in international markets.

I urge my colleagues to support this legislation and to address this issue prior to the expiration of the temporary provision.

TRIBUTE TO LOS ANGELES SUPERIOR COURT JUDGE ROBERT ROBERSON, JR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to Los Angeles Superior Court Judge Robert Roberson, Jr. On January 3, 1999, Judge Roberson officially retired from the bench capping an illustrious career spanning more than forty years. On Saturday, February 27, 1999, Robby's family, many friends and colleagues will gather to honor this distinguished Los Angelean at a Retirement Reception and Dinner at the Regal Biltmore Hotel in downtown Los Angeles. As a long-time friend of Judge Roberson's, it is a particular pleasure to have this opportunity to publicly acknowledge his exemplary contributions to Los Angeles and the judiciary.

A Cum Laude graduate of Pepperdine University, Judge Roberson received his Juris Doctorate degree from the University of Southern California (USC) Law School in June 1958.

Prior to his February 1979 appointment to the Los Angeles Superior Court, Judge Roberson was a founding member of the law firm of Scarlett & Roberson. During his 20 year tenure on the bench, he served in many different assignments, including appointment to the Court of Appeal and to the Appellate Department of the Los Angeles Superior Court. He sat in both the Criminal and Civil Trial Courts. Judge Roberson authored numerous opinions, five of which were published, including the frequently cited opinion of Younan v. Equifax, Inc.

From 1991 to 1996 Judge Roberson served as Presiding Judge of the Appellate Department of the Los Angeles Superior Court. In recognition of his exemplary contributions to jurisprudence, in 1997 Judge Roberson received the "Justice Bernard S. Jefferson Jurist of the Year Award" presented by the Langston Bar Association, which earlier in his career had honored him with the organization's award for "Outstanding Legal Ability." He is also the recipient of the "Outstanding Alumni Award," presented by the University of Southern California Eubonics Support Group.

During his remarkable career, Judge Roberson also devoted considerable time as President of the John M. Langston Bar Association, Trustee of the Los Angeles County Bar Association, President of the Los Angeles Criminal Courts Bar Association, and as President of USC's Law School Alumni Association. An individual of tremendous character and integrity, and an erudite and seasoned legal scholar, Judge Roberson has lectured on civil procedure at California State University, Los Angeles, and appeared before numerous Bar Associations as a professional panelist and moderator.

Mr. Speaker, it is indeed an honor to pay tribute to Judge Roberson today. I commend him for his outstanding service to the citizens of Los Angeles, and wish him a long, healthy, and prosperous retirement.

INTRODUCTION OF LEGISLATION TO INCREASE VETERANS' BURIAL BENEFITS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SANDERS. Mr. Speaker, today I will introduce legislation to increase the burial benefits for certain veterans from the current allowance of $300 to $600. This will represent the first increase in the burial benefit in 20 years.

Current law allows a funeral benefit of $300 for veterans who were receiving disability pay or pensions, or those who were eligible for pensions but who weren't receiving them. This was intended to help defray the costs of funerals for the surviving families. However, Congress has not seen fit to increase this allowance since 1978, and it is past time to do so.

Just before the end of World War I, Congress created a funeral allowance of up to $100 for some war veterans. After World War II, the maximum allowance was increased to $150, and, in 1978, it was increased to $300—where it is today.

When the House was deliberating an increase in 1958, several members rose to point out that it had been 12 years since the last increase in this modest benefit, and that the benefit level was no longer realistic. They said increasing the benefit for the families of those veterans who were eligible for it was "long overdue," and showed that Congress was aware of the economic realities faced by those families. I think, if those Members where here today, they would be saying the same things.

Everyone understands that because of inflation a proper memorial, either a funeral or a cremation, if far expensive in 1998 that it was in 1958, or 1978. A funeral, today, can run thousands of dollars, creating a burden on a bereaved family at a difficult time. I don't think it is asking too much to increase this small benefit for these veterans, which is why I will introduce legislation to double it, to $600.

When members of Congress created this allowance after World War I, they did so because they believed that every veteran receiving disability pay or a pension had a right to be buried with dignity, and without undue financial hardships for the family. That principle was true then, and it remains true today.

FLEETWOOD HOMES OF TENNESSEE WINS THE 1998 NATIONAL CHAMPIONS OF CUSTOMER SATISFACTION AWARD

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. GORDON. Mr. Speaker, I rise today to recognize Fleetwood Homes of Tennessee, an organization that has achieved distinction for its outstanding work to ensure comfortable living.

I want to offer my personal congratulations on a great job in customer satisfaction again this year. The 1998 National Champions of Customer Satisfaction Award is a distinguished achievement in itself, but this is the fifth year that this organization has been recognized. The continual satisfaction they have provided their customers makes this an even more remarkable accomplishment.

This award is based on customer satisfaction with the quality of their home after a period of six months. Fleetwood has received a 95.3% positive response after this period of time, making this organization the highest rated out of 46 manufacturers across the United States. This is quite an incredible number of people in Tennessee and across the nation that are satisfied with their service from Fleetwood Homes.

I particularly want to recognized the office in Westmoreland, Tennessee that has received the award for their outstanding service in the Sixth District. They have not only achieved this particular award five out of the ten years it has been presented but also have gained recognition by receiving the Division Champion Award. I am very proud to have a company of such high standards in service and quality in my district.

I want to congratulate Fleetwood once again on this accomplishment and thank them for satisfying so many Tennesseans with their efforts. I hope to see this organization continue with its success in the future and encourage them to keep up the great work.

HONORING THE 1999 FAIRFAX COUNTY CHAMBER OF COMMERCE VALOR AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the 1999 Fairfax County Chamber of Commerce Valor Award Winners. On Thursday, February 11, 1999, the Fairfax County Chamber of Commerce will present the Annual Valor Awards at the McLean Hilton.

The Valor Awards honor public service officials who have demonstrated extreme self-sacrifice, personal bravery, and ingenuity in the performance of their duty. There are five categories: The Gold Medal of Valor, The Silver Medal of Valor, The Bronze Medal of Valor, The Certificate of Valor, and The Life Saving Award.

The Valor Award is a project of the Fairfax County Chamber of Commerce, in conjunction with the Fairfax County Board of Supervisors. This is the twenty-first year that these awards have been presented.

The Silver Medal of Valor is awarded in recognition of acts involving great personal risk.

The Silver Medal of Valor Award Winner for 1999 is: Lieutenant Sandra K. Caplo.

The Bronze Medal of Valor is awarded in recognition of acts involving unusual risk beyond that which should be expected while performing the usual responsibilities of the member.

The Bronze Medal of Valor Award Winners for 1999 are: Police Officer First Class Timothy C. Benedict, Police Officer First Class Troy W. Fulk, Police Officer First Class Michael E. Ukele, Second Lieutenant Tony C. Young and Lieutenant Michael I. Runnels.

The Certificate of Valor is awarded for acts that involve personal risk and/or demonstration of judgment, zeal, or ingenuity not normally involved in the performance of duties.

The Certificate of Valor Award Winners for 1999 are: Sergeant John A. Absalon, Police Officer First Class Scott D. Argiro, Police Officer First Class James J. Banachoski, Jr., Police Officer First Class Scott C. Bates, Police Officer First Class Westley Bevan, Assistant Shift Supervisor Sally A. Fitzpatrick, Police Officer First Class Thomas M. Holland, Police Officer First Class Stephen Keeney, Master Police Officer (retired) James M. Kenna, Police Officer First Class Stephen M. Shelby, Police Officer First Class James H. Urie, Jr., Deputy Sheriff Samuel S. Gonsalves, Firefighter Charles J. Epps, Firefighter Ronald S. Hollister, Technician William S. Keller, Technician Michael D. Macario, Technician David W. Walker, Master Technician Claire O. Ducker, Jr. and Deputy Chief John J. Brown, Jr.

The Lifesaving Award is awarded for acts taken in life-threatening situations where an individual's life is in jeopardy, either medically or physically.

The Lifesaving Award winners for 1999 are: Police Officer First Class Timothy C. Benedict, Public Safety Communicator II Dana E. Branten, Public Safety Communicator II Roland F. Bolton, Public Safety Communicator II L. Jean Cahill, Police Officer First Class Robert A. Dalstrom, Auxiliary Police Officer Gary Gaal, Police Officer First Class John M. Harris, Public Safety Communicator III John L. Krivjansky, Sergeant Gunma S. Lee, Public Safety Communicator II Christopher S. Lehn (2 Lifesaving awards), Police Officer First Class Charles K. Owens, Sergeant Walter F. Smallwood III, Police Officer Deborah J. Stout, Deputy Sheriff Kenneth M. Cox, Deputy Sheriff Corporal Brian M. Johnston, Deputy Sheriff Private First Class Kathleen A. Miller, Deputy Sheriff Ronald E. Phillips, Master Deputy Sheriff James K. Pope, Master Deputy Sheriff Swight E. Shobe, Deputy Sheriff Eric S. Yi, Firefighter Walter A. Deihl and Lieutenant Wayne P. Wentzel.

Mr. Speaker, I would like to send my sincere gratitude and heartfelt appreciation to these distinguished public servants who are truly deserving of the title "hero."

TRIBUTE TO ROY WILKINS IN CELEBRATION OF BLACK HISTORY MONTH

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SABO. Mr. Speaker, it is my honor to take part in the celebration of Black History Month this year by recognizing a distinguished civil rights leader from the state of Minnesota—Mr. Roy Wilkins, who led the National Association for the Advancement of Colored People (NAACP) from 1955 to 1977.

Roy Wilkins was born in St. Louis, Missouri, in 1901, but he grew up in St. Paul, Minnesota—raised by an aunt after his mother died when Wilkins was only four years old. He attended Whittier Grade School and graduated from the Mechanic Arts High School. Wilkins attended the University of Minnesota, and graduated from the University in 1923.

After serving as editor of the University of Minnesota's newspaper, the Minnesota Daily, Wilkins started his professional career in Kansas City, where he served as managing editor of the Kansas City Call, an African-American newspaper. He used his role on the newspaper staff to encourage fellow blacks to vote and take advantage of the opportunity to make their political concerns known.

Upon joining the NAACP in 1931, Wilkins set to work identifying and correcting examples of racial injustice. He investigated working conditions for blacks on Mississippi levees, targeting those cases in which blacks were unfairly treated like slaves.

As the years passed, the fruits of Wilkins' labors as a civil rights advocate grew more obvious, and now he is widely recognized as the "Father of Civil Rights." Perhaps his greatest victory in the NAACP included the United States Supreme Court's 1954 decision in Brown vs. the Board of Education, which overturned the "separate-but-equal" doctrine in the South's educational system. Furthermore, Wilkins is extensively credited for his role in helping to pass the Civil Rights Acts of 1957, 1960, and 1964, as well as the 1965 Voting Rights Act.

To recognize Wilkins' pivotal achievements, President Lyndon Johnson presented him with the country's highest civilian honor, the Medal of Freedom, in 1967.

Roy Wilkins served the NAACP for a total of 46 years. Although Wilkins passed away in 1981, his legacy lives on in an extraordinary piece of public artwork in St. Paul, Minnesota—the Roy Wilkins Memorial.

The Roy Wilkins Memorial was unveiled in 1995 on the Capitol Mall of the Minnesota State Capitol. The Memorial, with its intriguing symbolic features, serves as a fine reminder of the life and work of this revered man. The walls of the monument signify the obstacles and barriers created by racial segregation, while the spiral shape of the sculpture represents the cycle of Wilkins' achievements in the form of advancements for minority rights. This spiral extends above and through the walls of the monument to illustrate how racial equality can be met by means of effective legislative actions. Finally, the Memorial's obelisk, decorated with African relics, is a moving tribute to the ancestors of modern-day African Americans.

Mr. Speaker, today I challenge my colleagues—and all Americans—to become active participants in Black History Month and all that it represents. I encourage them to learn more about Roy Wilkins, and, if possible, to visit the Roy Wilkins Memorial in Minnesota and see this fine monument for themselves. This is just one example of the many ways we all can recognize, explore and honor the civil rights leaders who guided our nation toward racial equality and understanding.

1999—A CRITICAL YEAR FOR BELARUS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. SMITH of New Jersey. Mr. Speaker, last month, a Congress of Democratic Forces was held in Minsk, the capital of Belarus. The Congress demonstrated the resolve of the growing democratic opposition to authoritarian President Alyaksandr Lukashenka and the determination by the opposition to have free, democratic elections consistent with the legitimate 1994 constitution. Earlier last month, on January 10, members of the legitimate Belarusian parliament, disbanded by Lukashenka after the illegal 1996 constitutional referendum which extended his term of office by two years to 2001, set a date for the next presidential elections for May 16. According to the 1994 constitution, Lukashenka's term expires in July. Not surprisingly, Lukashenka rejects calls for a presidential election.

Local elections are currently being planned for April, although many of the opposition plan not to participate, arguing that elections should be held only under free, fair and transparent conditions, which do not exist at the present time. Indeed, the law on local elections leaves much to be desired and does not provide for a genuinely free and fair electoral process. The local elections and opposition efforts to hold presidential elections must be viewed against the backdrop of a deteriorating economic situation. One of the resolutions adopted by the Congress of Democratic Forces accuses Lukashenka of driving the country to "social tensions, international isolation and poverty." As an example of the heightening tensions, just last weekend, Andrei Sannikov, the former deputy minister of Belarus and a leader of the Charter '97 human rights group, was brutally assaulted by members of a Russian-based ultranationalist organization. Additionally, Lukashenka's moves to unite with Russia pose a threat to Belarus' very sovereignty. Thus, Mr. Speaker, this year promises to be a critical year for Belarus.

Recently, a staff delegation of the (Helsinki) Commission on Security and Cooperation in Europe, which I chair, traveled to Belarus, raising human rights concerns with high-ranking officials, and meeting with leading members of the opposition, independent media and nongovernmental organizations.

The staff report concludes that the Belarusian Government continues to violate its commitments under the Organization for Security and Cooperation in Europe (OSCE) relating to human rights, democracy and the rule of law, and that at the root of these violations lies the excessive power usurped by President Lukashenka since his election in 1994, especially following the illegitimate 1996 referendum. Although one can point to some limited areas of improvement, such as allowing some opposition demonstrations to occur relatively unhindered, overall OSCE compliance has not improved since the deployment of the OSCE's Advisory and Monitoring Group (AMG) almost one year ago. Freedoms of expression, association and assembly remain curtailed. The government hampers freedom of the media by tightly controlling the use of national TV and radio. Administrative and economic measures are used to cripple the independent media and NGOs. The political opposition has been targeted for repression, including imprisonment, detention, fines and harassment. The independence of the judiciary has been further eroded, and the President alone controls judicial appointments. Legislative power is decidedly concentrated in the executive branch of government.

The Commission staff report makes a number of recommendations, which I would like to share with my colleagues. The United States and OSCE community should continue to call upon the Belarusian Government to live up to its OSCE commitments and, in an effort to reduce the climate of fear which has developed in Belarus, should specifically encourage the Belarusian Government, inter alia, to: (1) Immediately release Alyaksandr Shydlauski (sentenced in 1997 to 18 months imprisonment for allegedly spray painting anti-Lukashenka graffiti) and review the cases of those detained and imprisoned on politically motivated charges, particularly Andrei Klymov and Vladimir Koudinov; (2) cease and desist the harassment of opposition activists, NGOs and the independent media and permit them to function; (3) allow the opposition access to the electronic media and restore the constitutional right of the Belarusian people to free and impartial information; (4) create the conditions for free and fair elections in 1999, including a provision in the election regulations allowing party representation on the central and local election committees; and (5) strengthen the rule of law, beginning with the allowance for an independent judiciary and bar.

With Lukashenka's term in office under the legitimate 1994 Constitution expiring in July 1999, the international community should make clear that the legitimacy of Lukashenka's presidency will be undermined unless free and fair elections are held by July 21. The United States and the international community, specifically the OSCE Parliamentary Assembly, should continue to recognize only the legitimate parliament—the 13th Supreme Soviet—abolished by Lukashenka in 1996, and not the post-referendum, Lukashenka-installed, National Assembly. At the time, the United States—and our European allies and partners—denounced the 1996 referendum as illegitimate and extra-constitutional. The West needs to stand firm on this point, as the 13th Supreme Soviet and the 1994 Constitution are the only legal authorities.

The democratically oriented opposition and NGOs deserve continued and enhanced moral and material assistance from the West. The United States must make support for those committed to genuine democracy a high priority in our civic development and NGO assistance. I applaud and want to encourage such entities as USIS, the Eurasia Foundation, National Endowment for Democracy, International Republican Institute, ABA/CEELI and others in their efforts to encourage the development of a democratic political system, free market economy and the rule of law in Belarus.

The United States and the international community should strongly encourage President Lukashenka and the 13th Supreme Soviet to begin a dialogue which could lead to a resolution of the current constitutional crisis and the holding of democratic elections. The OSCE Advisory and Monitoring Group (AMG) could be a vehicle for facilitating such dialogue.

The Belarusian Government should be encouraged in the strongest possible terms to cooperate with the OSCE AMG. There is a growing perception both within and outside Belarus that the Belarusian Government is disingenuous in its interaction with the AMG. The AMG has been working to promote these important objectives: an active dialogue between the government, the opposition and NGOs; free and fair elections, including a new election law that would provide for political party representation on electoral committees and domestic observers; unhindered opposition access to the state electronic media; a better functioning, independent court system and sound training of judges; and the examination and resolution of cases of politically motivated repression.

Mr. Speaker, there is a growing divide between the government and opposition in Belarus—thanks to President Lukashenka's authoritarian practices, a divide that could produce unanticipated consequences. An already tense political situation is becoming increasingly more so. Furthermore, Lukashenka's efforts at political and economic integration with Russia could have serious potential consequences for neighboring states, especially Ukraine. Therefore, it is vital for the United States and the OSCE to continue to speak out in defense of human rights in Belarus, to promote free and democratic elections this year, and to encourage meaningful dialogue between the government and opposition.

SENATE—*Wednesday, February 10, 1999*

The Senate met at 10:06 a.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, thank You for the good men and women of this Senate. Today we ask what should be done when really good people disagree. You have shown us so clearly what should and should not be done. When the fabric of our human relationships is being frayed, it is time to deepen our relationship with You. Draw each Senator into healing communion with You that will give physical strength and spiritual assurance of Your unqualified love for him or her. Then in the inner heart give Your peace and direction. Give each Senator the courage to speak truth as she or he hears it and knows it. When this trial is finished, may none feel the pangs of unspoken convictions.

Dear God, we also know there is something we dare not do when good people disagree. You do not condone the impugning of other people's characters because they hold different convictions. You do not want us to break our unity or the bond of sacred friendship. Bless these good Senators as they press forward together with love for You, America, and each other. In the unity of Your spirit and the bond of peace. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

> Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial is approved to date.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. LOTT. Mr. Chief Justice, in a few moments, the Senate will resume the closed session in order to allow Members to continue to deliberate the two articles of impeachment. Members are reminded that the motion adopted yesterday allows for a RECORD to be printed on the day of the vote on the articles which could contain Senators' final statements if they choose to have them printed.

Also, Senator DASCHLE was just noting that while Senators have been careful not to comment on the discussion in closed session, we still should use a lot of discretion in going out and talking to the media about the details of what is happening here. I don't think there have been any violations, but use a lot of discretion. I would prefer we not even talk about which Senator spoke or how many spoke. I think we need to be careful in doing that.

I expect the Senate will be in session until approximately 6. We will confer with the Senators, the leadership, and the Chief Justice, and see how the discussions are going, and the speeches, how many are being made. Perhaps we would wrap it up before that. It would just depend on how much endurance we have today.

We will have a break from 12 until about 1:15, one hour and 15 minutes for lunch to allow the Chief Justice some time to return to the Supreme Court and then come back.

I expect the Senate to convene again tomorrow at 10 a.m. in order to try to conclude the debate and vote on the articles if at all possible by 5 o'clock on Thursday. If we are still having speeches, if we can't do it, we would certainly just go over until Friday, but I think we need to talk about that goal of 5 o'clock on Thursday.

Mr. REID. Thursday.

Mr. LOTT. Also, I know some Senators are still on the way here from committee meetings. There are only two or three going on today, but we didn't give them much notice that we were going to begin at 10, but we are notifying everybody now that we will come in at 10 tomorrow, so that they will go ahead and be able to take action this morning to cancel those hearings and be here sharply at 10 o'clock.

Again, we will alternate today, across the aisle, with the speakers going for up to 15 minutes.

Senator INHOFE is scheduled to be our first speaker today.

Mr. COVERDELL addressed the Chair.

Mr. LOTT. I will be glad to yield to Senator COVERDELL.

Mr. COVERDELL. Mr. Chief Justice, I ask unanimous consent to pose a point of clarification to the majority leader.

The CHIEF JUSTICE. Without objection.

Mr. COVERDELL. Mr. Leader, I am still a little confused about this posting of a statement in the RECORD. Is it possible for a Member of the Senate to submit to the closed session their statement rather than speaking? I think that might be desirable on the part of some.

Mr. LOTT. I think the answer to that is yes. You can do that.

Mr. COVERDELL. In other words, if I chose, I could submit the statement in my sequence to the RECORD, and subsequently, at my choice, decide whether it will be made part of the CONGRESSIONAL RECORD subsequent to the close?

Mr. LOTT. I believe that is correct.

Mr. COVERDELL. I thank the Leader.

Mr. REID. Mr. Leader, and I would also say they would all appear the same as if they were spoken or not spoken.

Mr. LOTT. Correct.

Mr. LEAHY. Will the distinguished majority leader yield?

Mr. LOTT. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. Chief Justice, and I appreciate the courtesy of my good friend from Mississippi, I notice, as he has, that there are a lot of empty seats here in the Chamber. I realize at one time we thought we were coming in at noon, to have committee meetings.

If these statements are not made in the RECORD, the only time we are going to have a chance to discuss with each other what our thoughts are is in this closed session, by being here. I also think, in respect to the Chief Justice, we should be doing that.

I am inclined, I would say to my friend from Mississippi, to suggest the absence of a quorum. I am withholding, just for a moment, doing that. But if we are going to be off in committee meetings, I don't think that does service to the intent of this closed door hearing.

I hope that both leaders—and I have discussed this with the distinguished Democratic leader, too—would urge Members to be here. Nothing could be more important than this on our agenda today and tomorrow.

Mr. LOTT. Mr. Chief Justice, I certainly agree with that. We are going to have to have a momentary quorum, just to get the doors closed and then officially go forward. We will call and make sure all the committee hearings are being shut down. Actually, I think Members are coming in steadily, and within a moment we are probably going to have almost all the Senators here. But we will take just a couple of minutes to notify committees to complete their actions and come on the floor.

Mr. LEAHY. If I might complete then, Mr. Chief Justice, out of respect to my friend from Mississippi, and in courtesy to what he said, I will not make that suggestion, knowing that he is going to make a similar suggestion anyway.

Mr. GRAMM. Will the distinguished majority leader yield?

Mr. LOTT. I will be glad to yield.

Mr. GRAMM. Mr. Chief Justice, we are eager to get on with the debate. We have a quorum present. The Senator can make a point of order that a quorum is not present, but it is obvious to the naked eye that a quorum is present.

Mrs. HUTCHISON. Mr. Leader, would you yield?

Mr. LOTT. I will be glad to yield.

Mrs. HUTCHISON. I think it is important, for the record, that it be known there are at least 60 to 70 Members in the Chamber, ready to proceed.

Mr. LOTT. My count is we have about 70 Members here and I'm sure we will have a full complement here momentarily, so we can lock the doors and give a few more Senators a little more time to get here. Would the Senator from Alaska like to speak?

Mr. MURKOWSKI. May I ask for clarification relative to submitting statements in the Record and having them printed? What day would they be printed in the Record, assuming that we finish Thursday? The Friday Record?

Mr. LOTT. The day of the vote, which means it would come out, I guess, the next day. So if we vote on Thursday—if we vote on Friday, then it would be available, I guess, Saturday morning. If we vote Thursday night, it would be available in the Record Friday morning.

Mr. MURKOWSKI. I thank the leader.

Mr. LOTT. If the Senators choose.

Mr. Chief Justice, I suggest the absence of a quorum.

The CHIEF JUSTICE. Would the leader wish we go into closed session before the quorum call?

Mr. LOTT. Yes, Mr. Chief Justice, and then suggest the absence of a quorum.

The CHIEF JUSTICE. The Senate will now resume closed session for final deliberations on the articles of impeachment.

CLOSED SESSION

(At 10:16 a.m., the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 6:21 p.m., at which time the following occurred.)

OPEN SESSION

Mr. LOTT. Mr. Chief Justice, I now ask unanimous consent that the Senate return to open session.

The CHIEF JUSTICE. Without objection, it is so ordered.

ORDERS FOR THURSDAY, FEBRUARY 11, 1999

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Thursday, February 11. I further ask that upon reconvening on Thursday and immediately following the prayer, the majority leader be recognized to make a brief statement with respect to the Senate schedule. I further ask unanimous consent that following the majority leader's comments, the Senate resume final deliberations in closed session on the articles of impeachment.

The CHIEF JUSTICE. In the absence of objection, it is so ordered.

PROGRAM

Mr. LOTT. We will reconvene tomorrow morning at 10 o'clock, and we hope to be able to finish tomorrow afternoon, Mr. Chief Justice, but we have to make a lot better progress than we did today.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. If there is no further business, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, at 6:21 p.m. the Senate, sitting as a Court of Impeachment, adjourned until Thursday, February 11, 1999, at 10 a.m.

(Pursuant to an order of January 26, 1999, the following was submitted at the desk during today's session:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceeding.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1701. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Dewey Point, at the convergence of Greens Creek and Smith Creek near Oriental, North Carolina" (Docket 05–98–054) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1702. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Chesapeake Bay, Hampton Roads, Norfolk Harbor Reach and Vicinity" (Docket 05–98–068) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1703. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth river, VA" (Docket 05–98–070) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1704. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Eastern Branch Elizabeth River, Labor Day Fireworks Display, Harbor Park, Norfolk, VA" (Docket 05–98–078) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1705. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Eastern Branch Elizabeth River, Labor Day Fireworks Display, Harbor Park, Norfolk, VA" (Docket 05–98–077) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1706. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; All Waters within the Captain of the Port Wilmington Zone as Defined by 33 CFR 3.25–20" (Docket 05–98–079) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1707. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Neptune Festival Fireworks Display, Atlantic Ocean, Virginia Beach, VA" (Docket 05–98–087) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1708. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lake Muskegon, Muskegon, Michigan" (Docket 09–98–017) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1709. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lake Michigan" (Docket 09–98–020) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1710. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lake Michigan, Muskegon, Michigan" (Docket 09–98–026) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1711. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lake Michigan, North Beach, Michigan" (Docket 09–98–027) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1712. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lake

Michigan, Michigan City, Indiana" (Docket 09-98-028) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1713. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lake Michigan, Michigan City, Indiana" (Docket 09-98-031) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1714. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; St. Joseph, Michigan" (Docket 09-98-032) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1715. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Chicago, Illinois" (Docket 09-98-033) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1716. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Black river, South Haven, Michigan" (Docket 09-98-034) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1717. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Kalamazoo Lake and River, Saugatuck, Michigan" (Docket 09-98-035) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1718. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; White Lake, Whitehall, Michigan" (Docket 09-98-036) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1719. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; North Pier, South Haven, Michigan" (Docket 09-98-039) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1720. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Grand River, Grand Haven, Michigan" (Docket 09-98-040) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1721. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lake Michigan, Hammond, Indiana" (Docket 09-98-041) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1722. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lake Michigan, New Buffalo, Michigan" (Docket 09-98-044) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1723. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lake Michigan, Chicago, Illinois" (Docket 09-98-045) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1724. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lake Michigan, Michigan City, IN" (Docket 09-98-046) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1725. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lake Michigan, Pentwater, MI" (Docket 09-98-047) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1726. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Navy Pier, Chicago, Illinois" (Docket 09-98-048) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1727. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Lake Michigan, Grand Haven, MI" (Docket 09-98-049) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1728. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Commencement Bay, Tacoma, WA" (Docket 13-98-005) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1729. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Kennewick Old Fashioned Fourth of July Fireworks Display, Columbia River, Kennewick, WA" (Docket 13-98-013) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1730. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Fourth of July Fireworks Display, Columbia River, Astoria, OR" (Docket 13-98-014) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1731. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Fourth of July Fireworks Display, Columbia River, Vancouver, WA" (Docket 13-98-015) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1732. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Rainier Days Fireworks Display, Columbia River, Rainier, OR" (Docket 13-98-016) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1733. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; St. Helens 4th of July Fireworks Display, Columbia River, St. Helens, OR" (Docket 13-98-017) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1734. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Fourth of July Fireworks Display, Grays Harbor, Westport, WA" (Docket 13-98-018) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1735. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Oaks Amusement Park Fireworks Display, Willamette River, Portland, OR" (Docket 13-98-019) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1736. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Oregon Food Bank Blues Festival Fireworks Display, Wilamette River, Portland, OR" (Docket 13-98-020) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1737. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Fourth of July Fireworks Display, Chehalis River, Aberdeen, WA" (Docket 13-98-021) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1738. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Seafair's Blue Angels Air Show, Lake Washington, Seattle, WA" (Docket 13-98-024) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1739. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Astoria Regatta Fireworks Display, Columbia River, Astoria, OR" (Docket 13-98-025) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1740. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Bite of Portland Fireworks Display, Wilamette River, Portland, Oregon" (Docket 13-98-027) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1741. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations; Oregon Symphony Fireworks Display, Willamette River, Portland, Oregon" (Docket 13-98-028) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1742. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Security/Safety Zone Regulation; Columbia River, Portland, OR" (Docket 13-98-029) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1743. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulation; Willamette River, Portland, OR" (Docket 13–98–030) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1744. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Security/Safety Zone Regulation; Willamette River, Portland, OR" (Docket 13–98–031) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1745. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Vice President Gore's Visit to Seattle, Washington" (Docket 13–98–032) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1746. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulations, Commencement Bay, Tacoma, Washington" (Docket 13–98–033) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1747. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Neptune Festival Fireworks Display, Atlantic Ocean, Virginia Beach, VA" (Docket 13–98–086) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs:

Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission for the term of three years.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 397. A bill to authorize the Secretary of Energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 398. A bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 399. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

S. 400. A bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; to the Committee on Indian Affairs.

S. 401. A bill to provide for business development and trade promotion for native Americans, and for other purposes; to the Committee on Indian Affairs.

By Mr. INOUYE:

S. 402. A bill for the relief of Alfredo Tolentino of Honolulu, Hawaii; to the Committee on Governmental Affairs.

By Mr. ALLARD (for himself and Mr. SANTORUM):

S. 403. A bill to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THOMAS (for himself, Mr. ENZI, Mr. HELMS, Mr. MURKOWSKI, Mr. COVERDELL, Mr. HAGEL, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. ROBERTS, Mr. NICKLES, and Mr. SESSIONS):

S. 404. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law; to the Committee on Veterans Affairs.

By Mr. HOLLINGS:

S. 405. A bill to prohibit the operation of civil supersonic transport aircraft to or from airports in the United States under certain circumstances; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (for himself, Mr. LOTT, Mr. BAUCUS, Mr. INHOFE, Mr. COCHRAN, Mr. CAMPBELL, and Mr. INOUYE):

S. 406. A bill to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations; to the Committee on Indian Affairs.

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. ROBB, Mr. SARBANES, Mr. KENNEDY, Mr. KERRY, and Ms. MIKULSKI):

S. 407. A bill to reduce gun trafficking by prohibiting bulk purchases of handguns; to the Committee on the Judiciary.

By Mr. BRYAN:

S. 408. A bill to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. DOMENICI, Mr. REID, Mr. GRASSLEY, Mr. ABRAHAM, Mr. ROBB, Ms. COLLINS, Mrs. BOXER, Mr. SANTORUM, Mr. SARBANES, and Ms. SNOWE):

S. 409. A bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself and Mr. KERREY):

S. Con. Res. 8. A concurrent resolution expressing the sense of Congress that assistance should be provided to pork producers to alleviate economic conditions faced by the producers; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 397. A bill to authorize the Secretary of Energy to establish a multiagency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials; to the Committee on Energy and Natural Resources.

NATIONAL MATERIALS CORRIDOR PARTNERSHIP ACT OF 1999

• Mr. BINGAMAN. Mr. President, today I am pleased to introduce the "National Materials Corridor Partnership Act of 1999." This bill will establish a comprehensive, multiagency program, led by the Department of Energy, to promote energy efficient, environmentally sound economic development along the U.S.-Mexican border through the research, development, and use of new materials technology. I am also pleased to say that I developed this bill with Congressman GEORGE BROWN, the ranking member of the House Science Committee, who will introduce it in the House of Representatives.

As many of you are aware, NAFTA and the globalization of our economy have created a surge of economic growth all along the 2000 mile U.S.-Mexican border. The border region has become a major center for manufacturing and assembly in many industries, such as microelectronics and automobile parts, as well as a center for many materials industries, such as metals and plastics. However, with this economic growth have come serious problems. Pollution, hazardous wastes, and the inefficient use of resources threaten people's health and the prospects for long term economic growth. For example, there are numerous "non-attainment" regions for carbon monoxide and ozone along the border. If you've been down to the El Paso area, where New Mexico, Texas, and Mexico come together, your eyes and nose will tell you something's not as it should be.

However, solutions to some of these problems may lie close at hand—in new materials technologies. There are many research institutions along both sides of the border which have expertise in materials technology. In my state alone, Los Alamos and Sandia National Labs, New Mexico Tech, and the University of New Mexico, among others, are all involved in materials research. The importance of materials technology is often underappreciated, perhaps because it is so ubiquitous. But in many cases it is the very wellspring of technological revolutions. We have named various epochs of our history after new materials—the Stone Age, the Bronze Age, the Iron Age—because of how powerfully they can change our lives. Even today, materials science gave us the transistors and fiber optics lines that created the information age, the age of Silicon Valley. Materials technology can be a very powerful tool for improving people's standard of living.

Of course, the technologies coming out of this program are unlikely to create a new age, but they will be extremely helpful. For example, there are many family operated brick factories along the border which use very dirty fuels, like old tires, to fire their kilns. This fuel is, as you might guess, extremely polluting. In fact, brick factories are the third most significant source of air pollution along the border, after automobiles and road dust. Los Alamos has looked at redesigning the kilns, a materials processing technology, to use much less fuel and have a lower reject rate. This means less pollution and suggests the possibility of maybe even using natural gas to economically fire the kilns. The end result could be a major reduction in one pollution source.

Another well known problem is the solvents the microelectronics industry uses to clean its devices during assembly, which also contribute to smog. Los Alamos has developed a way to substitute supercritical carbon dioxide for these solvents within a closed system. This substitution of materials could reduce energy consumption, processing time, and an important source of industrial pollution.

The idea for a U.S.-Mexican program to promote environmentally sound economic growth along the border via materials technology was originally suggested in 1993 by Hans Mark, then of the University of Texas, now the Director of Defense Research and Engineering. While Mexico's economic crisis of the early 90's stalled things, in 1998 the Mexican government revived the idea, proposing a "Materials Corridor Partnership Initiative" to the U.S.-Mexican Binational Commission, and offering $1 million of funding for it if the United States would do the same. While an informal group with many research organizations, the "Materials Corridor Council," has organized itself in response, the U.S. government has yet to pick up on the Mexican offer. My legislation is meant to kick start the "Materials Corridor Partnership Initiative" inside the federal government.

So, what are the features of the program? It would be an interagency program led by the Department of Energy (DOE). An interagency program is a good way to bring various talents to bear on complex problems. DOE is a good choice to lead this program because its energy efficiency and national security missions, including nuclear cleanup, have led it to develop a large array of materials technologies to improve energy efficiency, reduce pollution, or handle hazardous wastes. In fact, in 1996, DOE was the largest civilian funder of materials research. Under DOE's leadership, the State Department, Environmental Protection Agency, National Science Foundation, and National Institutes of Standards and Technology will bring their complementary capabilities to the program as diplomats, environmental scientists, basic researchers, and standards experts.

The program will focus on materials technology to improve energy efficiency, minimize or eliminate pollution and global climate change gases, and use recycled materials as primary materials through three types of projects. First, there will be applied research projects aimed at showing the feasibility of a materials technology in order to hasten its adoption by industry. These projects will typically be led by companies, and to ensure the firms are really interested in the technology, the federal government will pay no more than 50% of the cost of such a project. Second, there will be basic research projects to discover new knowledge useful in creating these materials technologies; these will typically be led by an academic or other research institutions. Third, there will education and training projects to train border scientists, engineers, and workers in these new technologies. To cover this, the bill authorizes $5 million per year for five years.

Finally, this program will be a cooperative program with Mexico. Our border is, by definition, something we share. We share its opportunities and its problems, so it makes sense to share the solutions. Pollution needs no passport. Now, perhaps we will still be able to pick up Mexico's offer of $1 million for this program, but, in any event, the bill calls upon the Secretary of Energy to encourage Mexican organizations to contribute to it. And, to foster U.S.-Mexican cooperation whenever possible, the bill allows U.S. funds to be used by organizations located in Mexico provided Mexican organizations contribute significant resources to that particular project. Working closely with the Mexicans to solve our common problems will be much more effective than trying to go it alone.

Mr. President, I think the "National Materials Corridor Partnership Act of 1999" is an idea whose time has finally arrived. I hope my colleagues, particularly from the states along the U.S.-Mexican border, will join me in supporting this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows.

S. 397

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Materials Corridor Partnership Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the region adjacent to the 2,000-mile border between the United States and Mexico is an important region for energy-intensive manufacturing and materials industries critical to the economic and social wellbeing of both countries;

(2) there are currently more than 800 multinational firms (including firms known as "maquiladoras") representing United States investments of more than $1,000,000,000 in the San Diego, California, and Tijuana, Baja California, border region and in the El Paso, Texas, and Juarez, Chihuahua, border region;

(3) materials and materials-related industries comprise a major portion of the industries operating on both sides of the border, amounting to more than $6,800,000,000 in annual commerce on the Mexican side alone;

(4) there are a significant number of major institutions in the border States of both countries currently conducting academic and research activities in materials;

(5)(A) the United States Government currently invests approximately $1,000,000,000 annually in materials research, of which, in 1996, the Department of Energy funded the largest proportion of civilian materials research; and

(B) there are also major materials programs at the National Science Foundation, the National Institute of Standards and Technology, and Department of Defense, among other entities;

(6) the United States and Mexico have invested heavily in domestic and binational cooperative programs to address major concerns for the natural resources, environment, and public health of the United States-Mexico border region, expending hundreds of millions of dollars annually in those efforts;

(7)(A) scientific and technical advances in materials and materials processing provide major opportunities for—

(i) significantly improving energy efficiency;

(ii) reducing emissions of global climate change gases;

(iii) using recycled natural resources as primary materials for industrial production; and

(iv) minimizing industrial wastes and pollution; and

(B) such advances will directly benefit both sides of the United States-Mexico border by encouraging energy efficient, environmentally sound economic development that protects the health and natural resources of the border region;

(8)(A) promoting clean materials industries in the border region that are energy efficient has been identified as a high priority issue by the United States-Mexico Foundation for Science Cooperation; and

(B) at the 1998 discussions of the United States-Mexico Binational Commission, Mexico formally proposed joint funding of a "Materials Corridor Partnership Initiative", proposing $1,000,000 to implement the Initiative if matched by the United States;

(9) recognizing the importance of materials and materials processing, academic and research institutions in the border States of both the United States and Mexico, in conjunction with private sector partners of both countries, and with strong endorsement from the Government of Mexico, in 1998 organized the Materials Corridor Council to implement a cooperative program of materials research and development, education and training, and sustainable industrial development as part of the Materials Corridor Partnership Initiative; and

(10) successful implementation of the Materials Corridor Partnership Initiative would advance important United States energy, environmental, and economic goals not only in the United States-Mexico border region but also as a model for similar collaborative materials initiatives in other regions of the world.

SEC. 3. PURPOSE.

The purpose of this Act is to establish a multiagency program in support of the Materials Corridor Partnership Initiative referred to in section 2(8) to promote energy efficient, environmentally sound economic development along the United States-Mexico border through the research, development, and use of new materials technology.

SEC. 4. DEFINITIONS.

In this Act:

(1) PROGRAM.—The term "program" means the program established under section 5(a).

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 5. ESTABLISHMENT AND IMPLEMENTATION OF THE PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a comprehensive program to promote energy efficient, environmentally sound economic development along the United States-Mexico border through the research, development, and use of new materials technology.

(2) CONSIDERATIONS.—In developing the program, the Secretary shall give due consideration to the proposal made to the United States-Mexico Binational Commission for the Materials Corridor Partnership Initiative.

(b) PARTICIPATION OF OTHER FEDERAL AGENCIES.—The Secretary shall organize and conduct the program jointly with—

(1) the Department of State;

(2) the Environmental Protection Agency;

(3) the National Science Foundation;

(4) the National Institute of Standards and Technology; and

(5) any other departments or agencies the participation of which the Secretary considers appropriate.

(c) PARTICIPATION OF THE PRIVATE SECTOR.—When appropriate, funds made available under this Act shall be made available for research and development or education and training activities that are conducted with the participation and support of private sector organizations located in the United States and, subject to section 7(c)(2), Mexico, to promote and accelerate in the United States-Mexico border region the use of energy efficient, environmentally sound technologies and other advances resulting from the program.

(d) MEXICAN RESOURCE CONTRIBUTIONS.—The Secretary shall—

(1) encourage public, private, nonprofit, and academic organizations located in Mexico to contribute significant financial and other resources to the program; and

(2) take any such contributions into account in conducting the program.

(e) TRANSFER OF TECHNOLOGY FROM NATIONAL LABORATORIES.—In conducting the program, the Secretary shall emphasize the transfer and use of materials technology developed by the national laboratories of the Department of Energy before the date of enactment of this Act.

SEC. 6. ACTIVITIES AND MAJOR PROGRAM ELEMENTS.

(a) ACTIVITIES.—Funds made available under this Act shall be made available for research and development and education and training activities that are primarily focused on materials, and the synthesis, processing, and fabrication of materials, that promote—

(1) improvement of energy efficiency;

(2) elimination or minimization of emissions of global climate change gases and contaminants;

(3) minimization of industrial wastes and pollutants; and

(4) use of recycled resources as primary materials for industrial production.

(b) MAJOR PROGRAM ELEMENTS.—

(1) IN GENERAL.—The program shall have the following major elements:

(A) Applied research, focused on maturing and refining materials technologies to demonstrate the feasibility or utility of the materials technologies.

(B) Basic research, focused on the discovery of new knowledge that may eventually prove useful in creating materials technologies to promote energy efficient, environmentally sound manufacturing.

(C) Education and training, focused on educating and training scientists, engineers, and workers in the border region in energy efficient, environmentally sound materials technologies.

(2) APPLIED RESEARCH.—Applied research projects under paragraph (1)(A) should typically involve significant participation from private sector organizations that would use or sell such a technology.

(3) BASIC RESEARCH.—Basic research projects conducted under paragraph (1)(B) should typically be led by an academic or other research institution.

SEC. 7. PARTICIPATION OF DEPARTMENTS AND AGENCIES OTHER THAN THE DEPARTMENT OF ENERGY.

(a) AGREEMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the departments and agencies referred to in section 5(b) on the coordination and implementation of the program.

(b) ACTIONS OF DEPARTMENTS AND AGENCIES.—Any action of a department or agency under an agreement under subsection (a) shall be the responsibility of that department or agency and shall not be subject to approval by the Secretary.

(c) USE OF FUNDS.—

(1) IN GENERAL.—The Secretary and the departments and agencies referred to in section 5(b) may use funds made available for the program for research and development or education and training activities carried out by—

(A) State and local governments and academic, nonprofit, and private organizations located in the United States; and

(B) State and local governments and academic, nonprofit, and private organizations located in Mexico.

(2) CONDITION.—Funds may be made available to a State or local government or organization located in Mexico only if a government or organization located in Mexico (which need not be the recipient of the funds) contributes a significant amount of financial or other resources to the project to be funded.

(d) TRANSFER OF FUNDS.—The Secretary may transfer funds to the departments and agencies referred to in section 5(b) to carry out the responsibilities of the departments and agencies under this Act.

SEC. 8. PROGRAM ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish an advisory committee consisting of representatives of the private, academic, and public sectors.

(2) CONSIDERATIONS.—In establishing the advisory committee, the Secretary shall take into consideration organizations in existence on the date of enactment of this Act, such as the Materials Corridor Council and the Business Council for Sustainable Development-Gulf Mexico.

(b) CONSULTATION AND COORDINATION.—Departments and agencies of the United States to which funds are made available under this Act shall consult and coordinate with the advisory committee in identifying and implementing the appropriate types of projects to be funded under this Act.

SEC. 9. FINANCIAL AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Federal departments and agencies participating in the program may provide financial and technical assistance to other organizations to achieve the purpose of the program.

(b) APPLIED RESEARCH.—

(1) USE OF COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—Federal departments and agencies shall, to the extent practicable, use cooperative agreements to fund applied research activities by organizations outside the Federal Government.

(B) NATIONAL LABORATORIES.—In the case of an applied research activity conducted by a national laboratory, a funding method other than a cooperative agreement may be used if such a funding method would be more administratively convenient.

(2) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal Government shall pay not more than 50 percent of the cost of applied research activities under the program.

(B) QUALIFIED FUNDING AND RESOURCES.—No funds or other resources expended either before the start of a project under the program or outside the scope of work covered by the funding method determined under paragraph (1) shall be credited toward the non-Federal share of the cost of the project.

(c) BASIC RESEARCH AND EDUCATION AND TRAINING.—

(1) IN GENERAL.—Federal departments and agencies shall, to the extent practicable, use grants to fund basic research and education and training activities by organizations outside the Federal Government.

(2) NATIONAL LABORATORIES.—In the case of a basic research or education activity conducted by a national laboratory, a funding method other than a grant may be used if such a funding method would be more administratively convenient.

(3) FEDERAL SHARE.—The Federal Government may fund 100 percent of the cost of the

basic research and education and training activities of the program.

(d) COMPETITIVE SELECTION.—All projects funded under the program shall be competitively selected using such selection criteria as the Secretary, in consultation with the departments and agencies referred to in section 5(b), determines to be appropriate.

(e) ACCOUNTING STANDARDS.—

(1) WAIVER.—To facilitate participation in the program, Federal departments and agencies may waive any requirements for Government accounting standards by organizations that have not established such standards.

(2) GAAP.—Generally accepted accounting principles shall be sufficient for projects under the program.

(f) NO CONSTRUCTION.—No program funds may be used for construction.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $5,000,000 for each of fiscal years 2000 through 2004.●

By Mr. CAMPBELL:

S. 398. A bill to require the Secretary of the Treasury to mint coins in commemoration of Native American history and culture; to the Committee on Banking, Housing, and Urban Affairs.

THE BUFFALO COIN ACT OF 1999

● Mr. CAMPBELL. Mr. President, today I introduce the Buffalo Nickel Coin Act, a bill based on legislation I introduced in the 105th Congress, S. 1112 and Senate Amendment 3013. This bill authorizes the minting of a limited-edition commemorative coin, based on the design of the original Buffalo Nickel, which was in circulation from 1913 to 1938. It also directs the dedication of profits from the sale of the coin to the construction of the Smithsonian's Museum of the Native American. This bill is in compliance with U.S.C. Title 31, the Commemorative Coin Act.

In February 1998, I presented the design of the coin to the Mint and provided testimony regarding the history of the nickel and its design. Former Ambassador to Austria and Colorado buffalo rancher, Swanee Hunt, joined me at this presentation to share her support.

Since then I have been working closely with officials at the Treasury and the Citizens Commemorative Coin Advisory Committee. The recommendation of the Committee is necessary in order to bring the coin into circulation. In their 1998 annual report, the Committee approved the minting of a half-dollar coin, based on the design of the Buffalo Nickel, which will go into circulation in 2001. The Committee's recommendation to put the coin into circulation in 2001 will coincide well with the Museum's scheduled opening date of 2002.

This legislation reflects the goals of all interested parties, and still maintains the original goal of raising funds for the preservation of Native American artifacts in the Museum of the American Indian. I urge my colleagues to support passage of this bill.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Buffalo Coin Act of 1999".

SEC. 2. BUFFALO HALF-DOLLAR.

Section 5112 of title 31, United States Code, is amended by adding at the end the following:

"(n) BUFFALO HALF-DOLLAR.—

"(1) DENOMINATIONS.—Notwithstanding any other provision of law, during the 3-year period beginning on January 1, 2001, the Secretary shall mint and issue each year not more than 500,000 half-dollar coins, minted in accordance with this title.

"(2) DESIGN REQUIREMENTS.—The design of the half-dollar coins minted under this subsection shall be based on the original 5-cent buffalo nickel designed by James Earle Fraser and minted from 1913 to 1938. Each coin shall have on the obverse side a profile representation of a Native American, and on the reverse side a representation of a buffalo.

"(3) SELECTION.—The design for the coins minted under this subsection shall be—

"(A) selected by the Secretary, after consultation with the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Indian Affairs of the Senate, and the Commission of Fine Arts; and

"(B) reviewed by the Citizens Commemorative Coin Advisory Committee.

"(4) QUALITY OF COINS.—Coins minted under this subsection shall be issued in uncirculated and proof qualities.

"(5) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under this subsection from sources that the Secretary deems appropriate, including from stockpiles established under the Strategic and Critical Materials Stockpiling Act.

"(6) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this subsection.

"(7) SALE OF COINS.—

"(A) IN GENERAL.—The coins issued under this subsection shall be sold by the Secretary at a price equal to the sum of—

"(i) the face value of the coins;

"(ii) the surcharge provided in subparagraph (D) with respect to such coins; and

"(iii) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

"(B) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this subsection at a reasonable discount.

"(C) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins minted under this subsection before the issuance of such coins. Sale prices with respect to prepaid orders shall be at a reasonable discount.

"(D) SURCHARGES.—All sales of coins minted under this subsection shall include a surcharge of $3.00 per coin.

"(8) DISTRIBUTION OF SURCHARGES.—

"(A) IN GENERAL.—All surcharges received by the Secretary from the sale of coins issued under this subsection shall be paid promptly by the Secretary to the Numismatic Public Enterprise Fund established under section 5134.

"(B) PROCEEDS.—Proceeds from the sale of coins minted under this subsection shall be made available to the National Museum of the American Indian for the purposes of—

"(i) commemorating the tenth anniversary of the establishment of the Museum; and

"(ii) supplementing the endowment and educational outreach funds of the Museum.".●

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 399. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

INDIAN GAMING REGULATORY IMPROVEMENT ACT OF 1999

● Mr. CAMPBELL. Mr. President, today I introduce the Indian Gaming Regulatory Improvement Act of 1999, co-sponsored by Senator INOUYE, to address two critical elements related to the federal component of Indian gaming regulation.

With any legislation affecting Indian gaming, it is important to keep in mind the aims of the 1988 Indian Gaming Regulatory Act (IGRA): ensuring that gaming continues to be a tool for Indian economic development, and ensuring that the games conducted are kept free from corrupting forces to maintain the integrity of the industry.

First, this bill provides necessary reforms in the area of gaming regulation by requiring that the National Indian Gaming Commission and the gaming tribes themselves, develop and implement a system of minimum internal control, background investigation and licensing standards for all tribes that operate class II and class III gaming.

My intention in proposing these standards is to guarantee that gaming is conducted in a safe and fair manner at every tribal gaming facility in the United States not only to preserve gaming integrity but to provide certainty and security to the consumers of Indian gaming.

Second, this legislation provides that the fees assessed are used only for the regulatory activities of the National Indian Gaming Commission (NIGC) by requiring that all fees be paid into a trust fund, which may only be accessed by the NIGC for purposes approved by Congress.

The existing federal Indian gaming law was passed by Congress more than ten years ago. At that time, gaming was a small industry, consisting mainly of high stakes bingo operations, termed "class II" gaming under the statute.

In 1988, virtually no one contemplated that gaming would become the billion dollar industry that exists today, providing tribes with much needed capital for development and employment opportunities where none previously existed.

Because of gaming, some tribes have been wildly successful, fortunate because of their geographical location. These tribes employ thousands of people, both Indian and non-Indian, and have greatly reduced the welfare rolls in their local area.

Though gaming revenues have exploded in the last ten years, the IGRA has been significantly amended only one time. In 1997, I introduced an amendment that would allow the NIGC to assess fees against casino-style gaming operations, termed "class III" gaming under the statute, and to fund its regulatory efforts in Indian Country.

Mr. President, these additional fees are necessary to ensure meaningful federal involvement in the regulation of class III gaming. As of January 1, 1998, approximately 77% of NIGC-approved management contracts were for class III operations. In 1997, the NIGC processed some 18,000 fingerprint cards and 21,000 investigative reports. The Commission also approved some 241 tribal gaming ordinances and, importantly, took 53 formal enforcement actions. The vast majority of these enforcement actions were issued against class III operations. Most striking, before the 1997 amendment was enacted, the NIGC employed only 7 investigators who were responsible for monitoring the entire Indian gaming industry.

The 1997 amendment has enabled the NIGC to take steps to increase its regulation and enforcement efforts. Additionally, the Commission has been able to hire much-needed field investigators who are personally responsible for monitoring local tribal gaming operations. The Commission should be applauded for these activities.

What these facts and figures do not reveal, however, is the significant amount of tribal and joint tribal-state regulatory activities undertaken at the local level. It should be noted that many Indian tribes, often working with the states where gaming is located, have developed sophisticated regulatory frameworks for their gaming operations.

Many of those tribes have put in place standards regarding rules of play for their games, as well as financial and accounting standards for their operations. They are significant and for many tribes contribute the bulk of regulatory activities under the IGRA.

The amendment I propose today would require the NIGC, prior to assessing any fee against an Indian gaming operation, to determine the nature and level of any such tribal or joint tribal-state regulatory activities and to reduce the fees assessed accordingly.

The goals of this provision are twofold: to provide the NIGC with the resources it needs to carry out its obligations under the IGRA, but to recognize the often significant regulatory activities at the local level.

It is important for us to keep these facts, and the goals of the gaming statute, in mind. Where gaming exists, it provides a great opportunity for tribes to develop other business and development projects. However, it must be our goal, and it is my mission, to assist the tribes in the development of their economies through clean and efficient gaming operations.

I urge my colleagues to support these reasonable and necessary amendments.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Gaming Regulatory Improvement Act of 1999".

SEC. 2. AMENDMENTS TO THE INDIAN GAMING REGULATORY ACT.

The Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) is amended—

(1) by striking the first section and inserting the following:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Indian Gaming Regulatory Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Congressional findings.
"Sec. 3. Purposes.
"Sec. 4. Definitions.
"Sec. 5. National Indian Gaming Commission.
"Sec. 6. Powers of Chairman.
"Sec. 7. Powers of Commission.
"Sec. 8. Commission staffing.
"Sec. 9. Commission—access to information.
"Sec. 10. Minimum standards.
"Sec. 11. Rulemaking.
"Sec. 12. Tribal gaming ordinances.
"Sec. 13. Management contracts.
"Sec. 14. Civil penalties.
"Sec. 15. Judicial review.
"Sec. 16. Subpoena and deposition authority.
"Sec. 17. Investigative powers.
"Sec. 18. Commission funding.
"Sec. 19. Authorization of appropriations.
"Sec. 20. Gaming on lands acquired after October 17, 1988.
"Sec. 21. Dissemination of information.
"Sec. 22. Severability.
"Sec. 23. Criminal penalties.
"Sec. 24. Conforming amendment.";

(2) by striking sections 2 and 3 and inserting the following:

"SEC. 2. CONGRESSIONAL FINDINGS.

"Congress finds that—

"(1) Indian tribes are—

"(A) engaged in the operation of gaming activities on Indian lands as a means of generating tribal governmental revenue; and

"(B) licensing those activities;

"(2) because of the unique political and legal relationship between the United States and Indian tribes, Congress has the responsibility of protecting tribal resources and ensuring the continued viability of Indian gaming activities conducted on Indian lands;

"(3) clear Federal standards and regulations for the conduct of gaming on Indian lands will assist tribal governments in assuring the integrity of gaming activities conducted on Indian lands;

"(4) a principal goal of Federal Indian policy is to promote tribal economic development, tribal self-sufficiency, and strong Indian tribal governments;

"(5) Indian tribes have the exclusive right to regulate gaming activity on Indian lands, if the gaming activity—

"(A) is not specifically prohibited by Federal law; and

"(B) is conducted within a State that does not, as a matter of criminal law and public policy, prohibit that gaming activity;

"(6) Congress has the authority to regulate the privilege of doing business with Indian tribes in Indian country (as defined in section 1151 of title 18, United States Code);

"(7) systems for the regulation of gaming activities on Indian lands should meet or exceed federally established minimum regulatory requirements;

"(8) the operation of gaming activities on Indian lands has had a significant impact on commerce with foreign nations, and among the several States, and with the Indian tribes; and

"(9) the Constitution of the United States vests Congress with the powers to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, and this Act is enacted in the exercise of those powers.

"SEC. 3. PURPOSES.

"The purposes of this Act are as follows:

"(1) To ensure the right of Indian tribes to conduct gaming activities on Indian lands in a manner consistent with—

"(A) the inherent sovereign rights of Indian tribes; and

"(B) the decision of the Supreme Court in California et al. v. Cabazon Band of Mission Indians et al. (480 U.S.C. 202, 107 S. Ct. 1083, 94 L. Ed. 2d 244 (1987)), involving the Cabazon and Morongo bands of Mission Indians.

"(2) To provide a statutory basis for the conduct of gaming activities on Indian lands as a means of promoting tribal economic development, tribal self-sufficiency, and strong Indian tribal governments.

"(3) To provide a statutory basis for the regulation of gaming activities on Indian lands by an Indian tribe that is adequate to shield those activities from organized crime and other corrupting influences, to ensure that an Indian tribal government is the primary beneficiary of the operation of gaming activities, and to ensure that gaming is conducted fairly and honestly by both the operator and players.";

(3) in section 4—

(A) by striking paragraphs (1) through (6) and inserting the following:

"(1) APPLICANT.—The term 'applicant' means any person who applies for a license pursuant to this Act, including any person who applies for a renewal of a license.

"(2) ATTORNEY GENERAL.—The term 'Attorney General' means the Attorney General of the United States.

"(3) CHAIRMAN.—The term 'Chairman' means the Chairman of the Commission.

"(4) CLASS I GAMING.—The term 'class I gaming' means social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.";

(B) by redesignating paragraphs (7) and (8) as paragraphs (5) and (6), respectively;

(C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by striking "(5)(A) The term" and inserting "(5) CLASS II GAMING.—(A) The term";

(D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, by striking "(6) The term" and inserting "(6) CLASS III GAMING.—The term"; and

(E) by adding after paragraph (6), as redesignated by subparagraph (B) of this paragraph, the following:

"(7) COMMISSION.—The term 'Commission' means the National Indian Gaming Commission established under section 5.

"(8) COMPACT.—The term 'compact' means an agreement relating to the operation of class III gaming on Indian lands that is entered into by an Indian tribe and a State and that is approved by the Secretary.

"(9) GAMING OPERATION.—The term 'gaming operation' means an entity that conducts class II or class III gaming on Indian lands.

"(10) INDIAN LANDS.—The term 'Indian lands' means—

"(A) all lands within the limits of any Indian reservation; and

"(B) any lands the title to which is held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.

"(11) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians that—

"(A) is recognized as eligible by the Secretary for the special programs and services provided by the United States to Indians because of their status as Indians; and

"(B) is recognized as possessing powers of self-government.

"(12) MANAGEMENT CONTRACT.—The term 'management contract' means any contract or collateral agreement between an Indian tribe and a contractor, if that contract or agreement provides for the management of all or part of a gaming operation.

"(13) MANAGEMENT CONTRACTOR.—The term 'management contractor' means any person entering into a management contract with an Indian tribe or an agent of the Indian tribe for the management of a gaming operation, including any person with a financial interest in that contract.

"(14) NET REVENUES.—With respect to a gaming activity, net revenues shall constitute—

"(A) the annual amount of money wagered; reduced by

"(B)(i) any amounts paid out during the year involved for prizes awarded;

"(ii) the total operating expenses for the year involved (excluding any management fees) associated with the gaming activity; and

"(iii) an allowance for amortization of capital expenses for structures.

"(15) PERSON.—The term 'person' means—

"(A) an individual; or

"(B) a firm, corporation, association, organization, partnership, trust, consortium, joint venture, or other nongovernmental entity.

"(16) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.";

(4) in section 5(b)(3), by striking "At least two members of the Commission shall be enrolled members of any Indian tribe." and inserting "No fewer than 2 members of the Commission shall be individuals who—

"(A) are each enrolled as a member of an Indian tribe; and

"(B) have extensive experience or expertise in Indian affairs or policy.";

(5) in section 6(a)(4), by striking "provided in sections 11(d)(9) and 12" and inserting "provided in sections 12(d)(9) and 13";

(6) by striking section 13;

(7) by redesignating section 12 as section 13;

(8) by redesignating section 11 as section 12;

(9) by striking section 10 and inserting the following:

"SEC. 10. MINIMUM STANDARDS.

"(a) CLASS II GAMING.—As of the date of enactment of the Indian Gaming Regulatory Improvement Act of 1999, an Indian tribe shall retain the rights of that Indian tribe, with respect to class II gaming and in a manner that meets or exceeds the minimum Federal standards established under section 11, to—

"(1) monitor and regulate that gaming;

"(2) conduct background investigations; and

"(3) establish and regulate internal control systems.

"(b) CLASS III GAMING UNDER A COMPACT.—With respect to class III gaming conducted under a compact entered into under this Act, an Indian tribe or State (or both), as provided in such a compact or a related tribal ordinance or resolution shall, in a manner that meets or exceeds the minimum Federal standards established by the Commission under section 11—

"(1) monitor and regulate that gaming;

"(2) conduct background investigations; and

"(3) establish and regulate internal control systems.";

(10) by inserting after section 10 the following:

"SEC. 11. RULEMAKING.

"(a) IN GENERAL.—Subject to subsection (b), not later than 180 days after the date of enactment of the Indian Gaming Regulatory Improvement Act of 1999, the Commission shall, in accordance with the rulemaking procedures under chapter 5 of title 5, United States Code, promulgate minimum Federal standards relating to background investigations, internal control systems, and licensing standards described in section 10. In promulgating the regulations under this section, the Commission shall consult with the Attorney General, Indian tribes, and appropriate States.

"(b) FACTORS FOR CONSIDERATION.—In promulgating the minimum standards under this section, the Commission may give appropriate consideration to existing industry standards at the time of the development of the standards and, in addition to considering those existing standards, the Commission shall consider—

"(1) the unique nature of tribal gaming as compared to commercial gaming, other governmental gaming, and charitable gaming;

"(2) the broad variations in the nature, scale, and size of tribal gaming activity;

"(3) the inherent sovereign rights of Indian tribes with respect to regulating the affairs of Indian tribes;

"(4) the findings and purposes under sections 2 and 3;

"(5) the effectiveness and efficiency of a national licensing program for vendors or management contractors; and

"(6) any other matter that is consistent with the purposes under section 3.";

(11) in section 12, as redesignated by paragraph (8) of this section—

(A) by striking subsection (a) and inserting the following:

"(a) CLASS I GAMING.—Class I gaming on Indian lands shall be within the exclusive jurisdiction of the Indian tribes and shall not be subject to the provisions of this Act.";

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "and" at the end;

(II) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(III) by striking the flush language following subparagraph (B) and inserting the following:

"(C) such Indian gaming meets or exceeds the requirements of this section and the standards established by the Commission under section 11.";

(ii) in paragraph (2)—

(I) in subparagraph (D), by striking "$25,000" and inserting "$100,000";

(II) in subparagraph (E), by striking "and" at the end; and

(III) in subparagraph (F)—

(aa) by striking subclause (I) of clause (ii) and inserting the following:

"(I) a tribal license for primary management officials and key employees of the gaming enterprise, issued in accordance with the standards established by the Commission under section 11 with prompt notification to the Commission of the issuance of such licenses;"; and

(bb) in subclause (III) of clause (ii), by striking the period and inserting "; and"; and

(ii) by adding at the end the following:

"(G) a separate license will be issued by the Indian tribe for each place, facility, or location on Indian lands at which class II gaming is conducted;";

(C) in subsection (c), by striking paragraph (3) and inserting the following:

"(3) Any Indian tribe that operates, directly or with a management contract, a class III gaming activity may petition the Commission for a fee reduction if the Commission determines that the Indian tribe has—

"(A) continuously conducted that gaming activity for a period of not less than 3 years, including a period of not less than 1 year that begins after the date of enactment of the Indian Gaming Regulatory Improvement Act of 1999;

"(B) implemented standards that meet or exceed minimum Federal standards established under section 11;

"(C) otherwise complied with the provisions of this Act; and

"(D) paid all fees and assessments that the Indian tribe is required to pay to the Commission under this Act."; and

(D) in subsection (d)—

(i) in paragraph (2)(B)(ii), by striking "section 12(e)(1)(D)" and inserting "section 13(e)(1)(D)"; and

(ii) in paragraph (9), by striking "section 12" and inserting "section 13";

(12) in section 13, as redesignated by paragraph (7) of this section, by striking "section 11(b)(1)" and inserting "section 12(b)(1)";

(13) in section 14—

(A) in subsection (a)—

(i) in paragraph (1), by striking "section 11 or 12" and inserting "section 12 or 13";

(ii) in paragraph (3), by striking "section 11 or 12" and inserting "section 12 or 13"; and

(B) in subsection (b)(1), by striking "section 11 or 12" and inserting "section 12 or 13";

(14) in section 15, by striking "sections 11, 12, 13, and 14" and inserting "sections 12, 13, and 14"; and

(15) in section 18—

(A) in subsection (a)—

(i) by striking "(a)(1) The" and all that follows through the end of paragraph (3) and inserting the following:

"(a) IN GENERAL.—

"(1) ESTABLISHMENT OF SCHEDULE OF FEES.—Except as provided in paragraph (2)(C), the Commission shall establish a schedule of fees to be paid to the Commission annually by each gaming operation that conducts a class II or class III gaming activity that is regulated by this Act.

"(2) RATE OF FEES.—

"(A) IN GENERAL.—The rate of fees under the schedule established under paragraph (1) imposed on the gross revenues from each activity regulated under this Act shall be as follows:

"(i) No more than 2.5 percent of the first $1,500,000 of those gross revenues.

"(ii) No more than 5 percent of amounts in excess of the first $1,500,000 of those gross revenues.

"(B) TOTAL AMOUNT.—The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed $8,000,000.

"(C) MISSISSIPPI BAND OF CHOCTAW.—Nothing in this section shall be interpreted to permit the assessment of fees against the Mississippi Band of Choctaw for any portion of the 3-year period beginning on the date that is 2 years before the date of enactment of the Indian Gaming Regulatory Improvement Act of 1999.

"(3) COMMISSION AUTHORIZATION.—By a vote of not less than 2 members of the Commission, the Commission shall adopt the rate of fees authorized by this section. Those fees shall be payable to the Commission on a quarterly basis.

"(A) IN GENERAL.—The aggregate amount of fees assessed under this section shall be reasonably related to the costs of services provided by the Commission to Indian tribes under this Act (including the cost of issuing regulations necessary to carry out this Act). In assessing and collecting fees under this section, the Commission shall take into account the duties of, and services provided by, the Commission under this Act.

"(B) FACTORS FOR CONSIDERATION.—In making a determination of the amount of fees to be assessed for any class II or class III gaming activity, the Commission shall provide for a reduction in the amount of fees that otherwise would be collected on the basis of the following factors:

"(i) The extent of regulation of the gaming activity by a State or Indian tribe (or both).

"(ii) The issuance of a certificate of self-regulation (if any) for that gaming activity.

"(C) CONSULTATION.—In establishing a schedule of fees under this subsection, the Commission shall consult with Indian tribes.";

(ii) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(iii) by inserting after paragraph (3) the following:

"(4) TRUST FUND.—

"(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Indian Gaming Trust Fund (referred to in this paragraph as the 'Trust Fund'), consisting of—

"(i) such amounts as are—

"(I) transferred to the Trust Fund under subparagraph (B)(i); or

"(II) appropriated to the Trust Fund; and

"(ii) any interest earned on the investment of amounts in the Trust Fund under subparagraph (C).

"(B) TRANSFER OF AMOUNTS EQUIVALENT TO FEES.—

"(i) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund an amount equal to the aggregate amount of fees collected under this subsection.

"(ii) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred to the Trust Fund under clause (i) shall be transferred not less frequently than quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(C) INVESTMENTS.—

"(i) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. The Secretary of the Treasury shall invest the amounts deposited under subparagraph (A) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

"(ii) SALE OF OBLIGATIONS.—Any obligation acquired by the Trust Fund, except special obligations issued exclusively to the Trust Fund, may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

"(iii) CREDITS TO TRUST FUND.—The interest on, and proceeds from, the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

"(D) EXPENDITURES FROM TRUST FUND.—

"(i) IN GENERAL.—Amounts in the Trust Fund shall be available to the Commission, as provided in appropriations Acts, for carrying out the duties of the Commission under this Act.

"(ii) WITHDRAWAL AND TRANSFER OF FUNDS.—Upon request of the Commission, the Secretary of the Treasury shall withdraw amounts from the Trust Fund and transfer such amounts to the Commission for use in accordance with clause (i).

"(E) LIMITATION ON TRANSFERS AND WITHDRAWALS.—Except as provided in subparagraph (D)(ii), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subparagraph (A)."; and

(B) in subsection (d), by striking "section 11(d)(3)" and inserting "section 12(d)(3)".

SEC. 3. CONFORMING AMENDMENTS.

(a) TITLE 10.—Section 2323a(e)(1) of title 10, United States Code, is amended by striking "section 4(4) of the Indian Gaming Regulatory Act (102 Stat. 2468; 25 U.S.C. 2703(4))" and inserting "section 4(10) of the Indian Gaming Regulatory Act".

(b) INTERNAL REVENUE CODE OF 1986.—Section 168(j)(4)(A)(iv) of the Internal Revenue Code of 1986 is amended by striking "Indian Regulatory Act" and inserting "Indian Gaming Regulatory Act".

(c) TITLE 28.—Title 28, United States Code, is amended—

(1) in section 3701(2)—

(A) by striking "section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5))" and inserting "section 4(11) of the Indian Gaming Regulatory Act"; and

(B) by striking "section 4(4) of such Act (25 U.S.C. 2703(4))" and inserting "section 4(10) of such Act"; and

(2) in section 3704(b), by striking "section 4(4) of the Indian Gaming Regulatory Act" and inserting "section 4(10) of the Indian Gaming Regulatory Act".●

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 400. A bill to provide technical corrections to the Native American Housing Assistance and Self-Determination Act of 1996, to improve the delivery of housing assistance to Indian tribes in a manner that recognizes the right of tribal self-governance, and for other purposes; to the Committee on Indian Affairs.

NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT AMENDMENTS OF 1999

● Mr. CAMPBELL. Mr. President, in 1996 Congress enacted historic legislation involving the financing, construction, and maintenance of housing for American Indians and Alaska Natives. With this initiative, called the Native American Housing Assistance and Self-Determination Act (NAHASDA), decisions regarding Indian housing are no longer solely a matter for the Department of Housing and Urban Development (HUD).

Consistent with principles of local autonomy and Indian self-determination, NAHASDA enables tribes—for the first time—to develop and implement housing plans that meet their needs, and in a way that is more efficient. The Act requires that funds for Indian housing be provided to Indian tribes in housing block grants with monitoring and oversight provided by HUD.

I am hopeful that the successes achieved by tribes who participate in the Indian Self-Determination and Education Act and the Tribal Self-Governance Act can now be duplicated in the housing arena with the implementation of NAHASDA. With housing as the anchor for community development, we can turn our attention to other initiatives such as banking, business development, and infrastructure construction.

NAHASDA became effective October 1, 1997. In implementing the Act both HUD and the tribes have told us that there are provisions in the statute in need of clarification. I would like to cite two examples.

Prior to the passage of NAHASDA, Indian tribes receiving HOME block grant funds could use those funds to leverage low income housing tax credits. Unlike HOME funds, block grants to tribes under the new NAHASDA are considered "federal funds" and cannot be used to access these tax credits.

Therefore, tribes cannot use designated new block grant funds to access a program which they formerly could is an unintended consequence affecting housing development in Indian country. This bill would restore tribal eligibility for the low income housing tax credit by placing NAHASDA funds on the same footing as HOME funds, with no change to current low income housing tax credit programs.

In addition, there are conflicting provisions in the statute with regard to the authority of the HUD Secretary to enforce the act against non-compliant entities. This bill clarifies that authority and provides clear guidance for the Secretary in such instances.

Tribal leaders, Indian housing experts, and federal officials testified at a hearing of the Senate Committee on Indian Affairs in March 1997 about funding and other anticipated problems, including achieving the appropriate level of oversight and monitoring. The focus of the hearing was constructive and encouraged all parties to work for a better managed and more efficient Indian housing system.

The bill I am introducing today, joined by Senator INOUYE, the Native American Housing Assistance and Self-Determination Act Amendments of 1999, provides the required clarification and changes that will help the tribes and HUD in achieving a smoother transition from the old housing regime to the new framework of NAHASDA.

In the last session, I originally introduced a bill identical to this legislation, S.1280, and I am hopeful that these amendments can be enacted this year.

As Chairman of the Committee on Indian Affairs I am committed to ensuring that funds for Indian housing are used efficiently, properly and within the bounds provided by law. I also want to ensure that, consistent with the federal obligation to Indian tribes, tribal members have safe, decent, and affordable housing. That is the goal of NAHASDA and that is the policy of this Congress.

I am confident that the implementation of NAHASDA has given tribes the ability to better design and implement their own housing plans and in the process provide better housing opportunities to their tribal members. In making the transition from dominating the housing realm to monitoring the activities of the tribes, HUD needs guidance from the Committee as to its proper role and responsibilities under the Act.

The Act, and the amendments I am proposing today, will go a long way in making sure that the management problems that were associated with the old, HUD-dominated housing system will be eliminated, paving the way for more and better housing for American Indians and Alaska Natives.

I urge my colleagues to join me in enacting these reasonable and necessary amendments.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follow:

S. 400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Native American Housing Assistance and Self-Determination Act Amendments of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Restriction on waiver authority.
Sec. 3. Organizational capacity; assistance to families that are not low-income.
Sec. 4. Elimination of waiver authority for small tribes.
Sec. 5. Expanded authority to review Indian housing plans.
Sec. 6. Oversight.
Sec. 7. Allocation formula.
Sec. 8. Hearing requirement.
Sec. 9. Performance agreement time limit.
Sec. 10. Block grants and guarantees not Federal subsidies for low-income housing credit.
Sec. 11. Technical and conforming amendments.

SEC 2. RESTRICTION ON WAIVER AUTHORITY

Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking "if the Secretary" and all that follows before the period at the end and inserting the following: "for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to extreme circumstances beyond the control of the Indian tribe".

SEC. 3. ORGANIZATIONAL CAPACITY; ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.

(a) ORGANIZATIONAL CAPACITY.—Section 102(c)(4) of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4112(c)(4)) is amended—

(1) by redesignating subparagraphs (A) through (K) as subparagraphs (B) through (L), respectively; and

(2) by inserting before subparagraph (B), as redesignated by paragraph (1) of this subsection, the following:

"(A) a description of the entity that is responsible for carrying out the activities under the plan, including a description of—

"(i) the relevant personnel of the entity; and

"(ii) the organizational capacity of the entity, including—

"(I) the management structure of the entity; and

"(II) the financial control mechanisms of the entity;".

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended by adding at the end the following:

"(6) CERTAIN FAMILIES.—With respect to assistance provided by a recipient to Indian families that are not low-income families under section 201(b)(2), evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.".

SEC. 4. ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.

Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

SEC. 5. EXPANDED AUTHORITY TO REVIEW INDIAN HOUSING PLANS.

Section 103(a)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113(a)(1)) is amended—

(1) in the first sentence, by striking "limited"; and

(2) by striking the second sentence.

SEC. 6. OVERSIGHT.

(a) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

"SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

"If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).".

(b) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 1465) is amended to read as follows:

"SEC. 405. REVIEW AND AUDIT BY SECRETARY.

"(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—

"(1) IN GENERAL.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

"(2) PAYMENT OF COSTS.—

"(A) IN GENERAL.—The Secretary may arrange for, and pay the cost of, any audit required under paragraph (1).

"(B) WITHHOLDING OF AMOUNTS.—If the Secretary pays for the cost of an audit under subparagraph (A), the Secretary may withhold, from the assistance otherwise payable under this Act, an amount sufficient to pay for the reasonable costs of conducting an audit that meets the applicable requirements of chapter 75 of title 31, United States Code, including, if appropriate, the reasonable costs of accounting services necessary to ensure that the books and records of the entity referred to in paragraph (1) are in such condition as is necessary to carry out the audit.

"(b) ADDITIONAL REVIEWS AND AUDITS.—

"(1) IN GENERAL.—In addition to any audit under subsection (a)(1), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit of a recipient in order to—

"(A) determine whether the recipient—

"(i) has carried out—

"(I) eligible activities in a timely manner; and

"(II) eligible activities and certification in accordance with this Act and other applicable law;

"(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

"(iii) is in compliance with the Indian housing plan of the recipient; and

"(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

"(2) ONSITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include onsite visits by the appropriate official of the Department of Housing and Human Development.

"(c) REVIEW OF REPORTS.—

"(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

"(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

"(A) may revise the report; and

"(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

"(d) Effect of Reviews.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.".

SEC. 7. ALLOCATION FORMULA.

Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking "The formula," and inserting the following:

"(A) In general.—Except with respect to an Indian tribe described in subparagraph (B), the formula"; and

(2) by adding at the end the following:

"(B) Certain indian tribes.—With respect to fiscal year 2000 and each fiscal year thereafter, with respect to any Indian tribe having an Indian housing authority that owns or operates fewer than 250 public housing units, the formula under subparagraph (A) shall provide that the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437*l*) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.".

SEC. 8. HEARING REQUIREMENT.

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting each such subparagraph 2 ems to the right;

(2) by striking "Except as provided" and inserting the following:

"(1) In general.—Except as provided";

(3) by striking "If the Secretary takes an action under paragraph (1), (2), or (3)" and inserting the following:

"(2) Continuance of actions.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)"; and

(4) by adding at the end the following:

"(3) Exception for certain actions.—

"(A) In general.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

"(B) Procedural requirement.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

"(i) provide notice to the recipient at the time that the Secretary takes that action; and

"(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

"(C) Determination.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.".

SEC. 9. PERFORMANCE AGREEMENT TIME LIMIT.

Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking "If the Secretary" and inserting the following:

"(1) In general.—If the Secretary";

(2) by striking "(1) is not" and inserting the following:

"(A) is not";

(3) by striking "(2) is a result" and inserting the following:

"(B) is a result:

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this section—

(A) by adjusting the margin 2 ems to the right; and

(B) by inserting before the period at the end the following: ", if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement"; and

(5) by adding at the end the following:

"(2) Performance agreement.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

"(3) Review.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

"(4) Effect of review.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

"(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

"(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).".

SEC. 10. BLOCK GRANTS AND GUARANTEES NOT FEDERAL SUBSIDIES FOR LOW-INCOME HOUSING CREDIT.

(a) In General.—Subparagraph (E) of section 42(i)(2) of the Internal Revenue Code of 1986 (relating to determination of whether building is federally subsidized) is amended to read as follows:

"(E) Buildings receiving home assistance or native american housing assistance.—

"(i) In general.—

"(I) Inapplicability.—Assistance provided under the HOME Investment Partnerships Act or the Native American Housing Assistance and Self-Determination Act of 1996 as in effect on the day before the date of enactment of the Native American Housing Assistance and Self-Determination Act Amendments of 1997 with respect to any building shall not be taken into account under subparagraph (D) if 40 percent or more of the residential units in the building are occupied by individuals whose income is 50 percent or less of the area median gross income.

"(II) Applicability of other law.—Subsection (d)(5)(C) does not apply to any building to which subclause (I) applies.

"(ii) Special rule for certain high-cost housing areas.—In the case of a building located in a city described in section 142(d)(6), clause (i) shall be applied by substituting '25 percent' for '40 percent'.".

(b) Applicability.—The amendment made by this section shall apply to determinations made under section 42(i)(2) of the Internal Revenue Code after the date of enactment of this Act.

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Table of Contents.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(1) by striking the item relating to section 206; and

(2) by striking the item relating to section 209 and inserting the following:

"209. Noncompliance with affordable housing requirement.".

(b) Authorization of Appropriations.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended to read as follows:

"SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for each of fiscal years 2000 through 2003—

"(1) to provide assistance under this title for emergencies and disasters, as determined by the Secretary, $10,000,000; and

"(2) such sums as may be necessary to otherwise provide grants under this title.".

(c) Certification of Compliance With Subsidy Layering Requirements.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(d) Terminations.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: "Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter be considered to be a dwelling unit under section 302(b)(1).".●

By Mr. CAMPBELL (for himself and Mr. Inouye):

S. 401. A bill to provide for business development and trade promotion for native Americans, and for other purposes; to the Committee on Indian Affairs.

THE NATIVE AMERICAN BUSINESS DEVELOPMENT TRADE PROMOTION AND TOURISM ACT

● Mr. CAMPBELL. Mr. President, I am introducing a bill to assist Indians and tribal businesses to foster entrepreneurship and healthy reservation economies. I am pleased to be joined by Senator Inouye. As we stand ready to enter the next century, Indian tribes and their members continue to face many challenges—poor health, substandard housing and educational facilities, substance abuse, and a host of other social and economic problems.

A top priority for the Committee on Indian Affairs and me in the next two years will be to help tribal governments build stronger and healthier economies to provide jobs and hope to their members.

The results of centuries of federal domination of Indian affairs and Indian economies is predictable: stagnant reservation economies and the absence of a private sector to create the kind of job opportunities and business-creating activities that Indians so desperately need.

Despite the popular myth that "all Indians are rich" from gambling, the realities of life for the great majority of Native Americans are harsh and have shown little sign of improvement in recent years. In the Great Depression of the 1930s, the national unemployment rate was 25 percent, and it was a national crisis.

In 1999, Indian country has a collective unemployment rate running at 50% and there are few comments made, little urgency heard, and very little being done to address the problem. We sympathize, as we should, with Third World countries torn by strife and lack of economic development. We provide loan guarantees, technical assistance, and aid and trade.

For Indians, the response is usually that "they should just get a job". The fact is there are few if any job opportunities on most Indian lands in this nation.

The requirement that people on federal assistance get and keep a job is the long-term goal of the 1996 welfare reform laws, and frankly, the tribes are behind the curve in preparing for the full implementation of the law. The goal of the legislation I introduce today and other bills this session will be on helping attract capital and value-added activities to Indian lands in such fields as manufacturing, energy, agriculture, livestock and fisheries, high technology and electronic commerce, arts and crafts and a host of service industries.

This bill aims to make best use of existing programs to provide the necessary tools to tribes to attract and retain capital and employment. The model I am encouraging with this bill has proven highly successful in the self governance arena and in the Indian job training program, known as the "477 program".

By providing for an efficient coordination of existing business development programs in the Commerce Department and maximizing resources available to tribes, this bill is a first step toward better cooperation between and within agencies across the federal government.

Building healthy Indian economies will require efforts by the tribal as well as the federal government. The tribes have a responsibility as well. A fundamental principle of Indian self determination requires that the tribes play a greater role in their own affairs. In many areas such as self governance, the tribes are increasingly administering federal services, programs, and activities in lieu of the federal government. This has led to more capable and accountable tribal governments.

A corollary of Indian political self government is a reduction in the dependence on the federal bureaucracy and federal funds, through assuming a greater role in the tribes funding their own government activities. A number of tribes are achieving some success in reaching this stage, and it should be our policy to assist more tribes in achieving this transition from federal to tribal-domination of tribal affairs.

Under this bill, the Native American Business Development Office (NABDO) will coordinate existing programs within the Department of Commerce, including those geared to encouraging American businesses in the fields of international trade and tourism.

I want to be clear: this bill does not create any new programs but will achieve more efficiency in those that already exist, and within existing budget authority. Because the central aim of the legislation is to encourage non-gaming development, the bill also prohibits assistance under the act from being used for gaming on Indian lands.

I urge my colleagues to join me in providing the tools necessary to build strong and diversified Indian economies so that tribal members have the same job opportunities enjoyed by other Americans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Business Development, Trade Promotion, and Tourism Act of 1999".

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) clause 3 of section 8 of article I of the United States Constitution recognizes the special relationship between the United States and Indian tribes;

(2) beginning in 1970, with the inauguration by the Nixon Administration, of the Indian self-determination era of the Federal Government, each President has confirmed the special government-to-government relationship between Indian tribes and the United States;

(3) in 1994, President Clinton issued an Executive memorandum to the heads of departments and agencies that obligated all Federal departments and agencies, particularly those that have an impact on economic development, to evaluate the potential impacts of their actions on Indian tribes;

(4) consistent with the principles of inherent tribal sovereignty and the special relationship between Indian tribes and the United States, Indian tribes retain the right to enter into contracts and agreements to trade freely, and seek enforcement of treaty and trade rights;

(5) Congress has carried out the responsibility of the United States for the protection and preservation of Indian tribes and the resources of Indian tribes through the endorsement of treaties, and the enactment of other laws, including laws that provide for the exercise of administrative authorities;

(6) the United States has an obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency among Indian tribes;

(7) the capacity of Indian tribes to build strong tribal governments and vigorous economies is hindered by the inability of Indian tribes to engage communities that surround Indian lands and outside investors in economic activities on Indian lands;

(8) despite the availability of abundant natural resources on Indian lands and a rich cultural legacy that accords great value to self-determination, self-reliance, and independence, American Indians and Alaska Natives suffer higher rates of unemployment, poverty, poor health, substandard housing, and associated social ills than those of any other group in the United States;

(9) the United States has an obligation to assist Indian tribes with the creation of appropriate economic and political conditions with respect to Indian lands to—

(A) encourage investment from outside sources that do not originate with the tribes; and

(B) facilitate economic ventures with outside entities that are not tribal entities;

(10) the economic success and material well-being of American Indian and Alaska Native communities depends on the combined efforts of the Federal Government, tribal governments, the private sector, and individuals;

(11) the lack of employment and entrepreneurial opportunities in the communities referred to in paragraph (8) has resulted in a multigenerational dependence on Federal assistance that is—

(A) insufficient to address the magnitude of needs; and

(B) unreliable in availability; and

(12) the twin goals of economic self-sufficiency and political self-determination for American Indians and Alaska Natives can best be served by making available to address the challenges faced by those groups—

(A) the resources of the private market;

(B) adequate capital; and

(C) technical expertise.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To revitalize economically and physically distressed Indian reservation economies by—

(A) encouraging the formation of new businesses by eligible entities, the expansion of existing businesses; and

(B) facilitating the movement of goods to and from Indian reservations and the provision of services by Indians.

(2) To promote private investment in the economies of Indian tribes and to encourage the sustainable development of resources of Indian tribes and tribal- and Indian-owned businesses.

(3) To promote the long-range sustained growth of the economies of Indian tribes.

(4) To raise incomes of Indians in order to reduce poverty levels and provide the means for achieving a higher standard of living on Indian reservations.

(5) To encourage intertribal, regional, and international trade and business development in order to assist in increasing productivity and the standard of living of members of Indian tribes and improving the economic self-sufficiency of the governing bodies of Indian tribes.

(6) To promote economic self-sufficiency and political self-determination for Indian tribes and members of Indian tribes.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD.—The term "Board" has the meaning given that term in the first section

of the Act entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry in the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934 (19 U.S.C. 81a).

(2) Director.—The term "Director" means Director of Native American Business Development appointed under section 4(a).

(3) Eligible entity.—The term "eligible entity" means an Indian tribe, tribal organization, Indian arts and crafts organization, tribal enterprise, tribal marketing cooperative, or Indian-owned business.

(4) Federal agency.—The term "Federal agency" means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(5) Foundation.—The term "Foundation" means the Rural Development Foundation.

(6) Indian.—The term "Indian" has the meaning given that term in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(7) Indian arts and crafts organization.—The term "Indian arts and crafts organization" has the meaning given that term under section 2 of the Act of August 27, 1935 (49 Stat. 891, chapter 748; 25 U.S.C. 305a).

(8) Indian goods and services.—The term "Indian goods and services" means—

(A) Indian goods, within the meaning of section 2 of the Act of August 27, 1935 (commonly known as the "Indian Arts and Crafts Act") (49 Stat. 891, chapter 748; 25 U.S.C. 305a);

(B) goods produced or originating within an eligible entity; and

(C) services provided by eligible entities.

(9) Indian lands.—The term "Indian lands" has the meaning given that term in section 4(4) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(4)).

(10) Indian-owned business.—The term "Indian-owned business" means an entity organized for the conduct of trade or commerce with respect to which at least 50 percent of the property interests of the entity are owned by Indians or Indian tribes (or a combination thereof).

(11) Indian tribe.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(12) Office.—The term "Office" means the Office of Native American Business Development established under section 4(a).

(13) Secretary.—The term "Secretary" means the Secretary of Commerce.

(14) Tribal enterprise.—The term "tribal enterprise" means a commercial activity or business managed or controlled by an Indian tribe.

(15) Tribal marketing cooperative.—The term "tribal marketing cooperative" shall have the meaning given that term by the Secretary, in consultation with the Secretary of the Interior.

(16) Tribal organization.—The term "tribal organization" has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

SEC. 4. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.

(a) In General.—

(1) Establishment.—There is established within the Department of Commerce an office known as the Office of Native American Business Development.

(2) Director.—The Office shall be headed by a Director, appointed by the Secretary, whose title shall be the Director of Native American Business Development. The Director shall be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) Duties of the Secretary.—

(1) In general.—The Secretary, acting through the Director, shall ensure the coordination of Federal programs that provide assistance, including financial and technical assistance, to eligible entities for increased business, the expansion of trade by eligible entities, and economic development on Indian lands.

(2) Activities.—In carrying out the duties described in paragraph (1), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(A) Federal programs designed to provide legal, accounting, or financial assistance to eligible entities;

(B) market surveys;

(C) the development of promotional materials;

(D) the financing of business development seminars;

(E) the facilitation of marketing;

(F) the participation of appropriate Federal agencies or eligible entities in trade fairs;

(G) any activity that is not described in subparagraphs (A) through (F) that is related to the development of appropriate markets; and

(H) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(3) Assistance.—In conjunction with the activities described in paragraph (2), the Secretary, acting through the Director, shall provide—

(A) financial assistance, technical assistance, and administrative services to eligible entities to assist those entities with—

(i) identifying and taking advantage of business development opportunities; and

(ii) compliance with appropriate laws and regulatory practices; and

(B) such other assistance as the Secretary, in consultation with the Director, determines to be necessary for the development of business opportunities for eligible entities to enhance the economies of Indian tribes.

(4) Priorities.—In carrying out the duties and activities described in paragraphs (2) and (3), the Secretary, acting through the Director, shall give priority to activities that—

(A) provide the greatest degree of economic benefits to Indians; and

(B) foster long-term stable economies of Indian tribes.

(5) Prohibition.—The Secretary may not provide under this section assistance for any activity related to the operation of a gaming activity on Indian lands pursuant to the Indian Gaming Regulatory Act (25 U.S.C. 2710 et seq.).

SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PROMOTION.

(a) In General.—The Secretary, acting through the Director, shall carry out a Native American export and trade promotion program (referred to in this section as the "program").

(b) Coordination of Federal Programs and Services.—In carrying out the program, the Secretary, acting through the Director, and in cooperation with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services designed to—

(1) develop the economies of Indian tribes; and

(2) stimulate the demand for Indian goods and services that are available to eligible entities.

(c) Activities.—In carrying out the duties described in subsection (b), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(1) Federal programs designed to provide technical or financial assistance to eligible entities;

(2) the development of promotional materials;

(3) the financing of appropriate trade missions;

(4) the marketing of Indian goods and services;

(5) the participation of appropriate Federal agencies or eligible entities in international trade fairs; and

(6) any other activity related to the development of markets for Indian goods and services.

(d) Technical Assistance.—In conjunction with the activities described in subsection (c), the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities with—

(1) the identification of appropriate markets for Indian goods and services;

(2) entering the markets referred to in paragraph (1);

(3) compliance with foreign or domestic laws and practices with respect to financial institutions with respect to the export and import of Indian goods and services; and

(4) entering into financial arrangements to provide for the export and import of Indian goods and services.

(e) Priorities.—In carrying out the duties and activities described in subsections (b) and (c), the Secretary, acting through the Director, shall give priority to activities that—

(1) provide the greatest degree of economic benefits to Indians; and

(2) foster long-term stable international markets for Indian goods and services.

SEC. 6. INTERTRIBAL TOURISM DEMONSTRATION PROJECTS.

(a) In General.—

(1) Demonstration projects.—The Secretary, acting through the Director, shall conduct a Native American tourism program to facilitate the development and conduct of tourism demonstration projects by Indian tribes, on a tribal, intertribal, or regional basis.

(2) Projects.—

(A) In general.—Under the program established under this section, in order to assist in the development and promotion of tourism on and in the vicinity of Indian lands, the Secretary, acting through the Director, shall, in coordination with the Foundation, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) Projects described.—In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and in the vicinity of Indian lands, including projects that provide for—

(i) the development and distribution of educational and promotional materials pertaining to attractions located on and near Indian lands;

(ii) the development of educational resources to assist in private and public tourism development on and in the vicinity of Indian lands; and

(iii) the coordination of tourism-related joint ventures and cooperative efforts between eligible entities and appropriate State and local governments that have jurisdiction over areas in the vicinity of Indian lands.

(3) GRANTS.—To carry out the program under this section, the Secretary, acting through the Director, may award grants or enter into other appropriate arrangements with Indian tribes, tribal organizations, intertribal consortia, or other tribal entities that the Secretary, in consultation with the Director, determines to be appropriate.

(4) LOCATIONS.—In providing for tourism development demonstration projects under the program under this section, the Secretary, acting through the Director, shall provide for a demonstration project to be conducted—

(A) for Indians of the Four Corners area located in the area adjacent to the border between Arizona, Utah, Colorado, and New Mexico;

(B) for Indians of the northwestern area that is commonly known as the Great Northwest (as determined by the Secretary);

(C) for the Oklahoma Indians in Oklahoma; and

(D) for the Indians of the Great Plains area (as determined by the Secretary).

(b) STUDIES.—The Secretary, acting through the Director, shall provide financial assistance, technical assistance, and administrative services to participants that the Secretary, acting through the Director, selects to carry out a tourism development project under this section, with respect to—

(1) feasibility studies conducted as part of that project;

(2) market analyses;

(3) participation in tourism and trade missions; and

(4) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(c) INFRASTRUCTURE DEVELOPMENT.—The demonstration projects conducted under this section shall include provisions to facilitate the development and financing of infrastructure, including the development of Indian reservation roads in a manner consistent with title 23, United States Code.

SEC. 7. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary, in consultation with the Director, shall prepare and submit to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives a report on the operation of the Office.

(b) CONTENTS OF REPORT.—Each report prepared under subsection (a) shall include—

(1) for the period covered by the report, a summary of the activities conducted by the Secretary, acting through the Director, in carrying out sections 4 through 6; and

(2) any recommendations for legislation that the Secretary, in consultation with the Director, determines to be necessary to carry out sections 4 through 6.

SEC. 8. FOREIGN-TRADE ZONE PREFERENCES.

(a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-TRADE ZONES IN INDIAN ENTERPRISE ZONES.—In processing applications for the establishment of foreign-trade zones pursuant to the Act entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", approved June 18, 1934 (19 U.S.C. 81a et seq.), the Board shall consider, on a priority basis, and expedite, to the maximum extent practicable, the processing of any application involving the establishment of a foreign-trade zone on Indian lands, including any Indian lands designated as an empowerment zone or enterprise community pursuant to section 1391 of the Internal Revenue Code of 1986.

(b) APPLICATION PROCEDURE.—In processing applications for the establishment of ports of entry pursuant to the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes", approved August 1, 1914 (19 U.S.C. 2), the Secretary of the Treasury shall, with respect to any application involving the establishment of a port of entry that is necessary to permit the establishment of a foreign-trade zone on Indian lands—

(1) consider on a priority basis; and

(2) expedite, to the maximum extent practicable, the processing of that application.

(c) APPLICATION EVALUATION.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with Indian lands, to the maximum extent practicable and consistent with applicable law, the Board and Secretary of the Treasury shall approve the applications.•

By Mr. ALLARD (for himself and Mr. SANTORUM):

S. 403. A bill to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATION TO PROHIBIT IMPLEMENTATION OF KNOW YOUR CUSTOMER REGULATIONS

• Mr. ALLARD. Mr. President, I rise today to introduce legislation to help protect the financial privacy of Americans. The so-called Know Your Customer regulations proposed by Federal banking agencies threaten the privacy of our financial transactions. My bill would ensure that those regulations are not enacted, and that Americans can be confident in the privacy of their bank account.

Governmental overregulation has invaded nearly every aspect of our lives, often at the cost of our privacy. Technology has the potential to accelerate the invasion of our privacy.

The Know Your Customer regulations have been proposed by the four banking regulators: the Federal Reserve, the FDIC, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision. These regulations may force banks to snoop through customers' bank accounts under the guise of looking for "suspicious activity." Banks would have to know the source of funds for all financial transactions. Specifically, the regulations would require banks to develop standards of normal and expected transactions for all accounts. The bank then would be required to monitor all account activity to see if it fits the normal and expected activity profile. If a financial transaction takes place that doesn't fit the model, the bank could be forced to file a suspicious activity report with a federal law enforcement agency, such as the FBI or DEA.

Imagine that you sell an old car and then go to the bank to deposit the money in your account. You explain that you simply sold your car and this is the money from the sale. However, you are informed that the explanation is insufficient. The deposit does not fit your usual and expected transaction profile, so you might be reported to law enforcement officials. You may now have to prove to the satisfaction of the FBI or other federal agency that you are not a drug dealer or money launderer. These proposed regulations could force you to prove your innocence before you have even been accused of a crime.

Unfortunately, this scenario is one that could be repeated many times over. Anytime someone receives a bonus at work, receives an inheritance, receives a large gift, sells a large item, or withdraws money to make a major purchase it could trigger a suspicious activity report and an investigation by law enforcement. The perverse effect of causing law enforcement officials to investigate so much mundane financial activity merely because it deviates from some profile of "normal" is that resources will be unavailable to combat genuine financial fraud.

Would all this happen? We don't know, but the extremely broad and vague wording of the draft regulations could certainly permit it to happen.

Furthermore, these regulations are unnecessary because banks already partner with law enforcement to fight financial crime without invading the privacy of customers. Banks currently report insider abuse, violations of federal law, and potential money laundering activity. But these are after the fact. Banks are also required to report all cash transactions over $10,000. By contrast, the proposed regulations would force them to snoop through accounts to look for transactions to report, merely because they are deemed "suspicious." Banks are then transformed from an agent monitoring regulatory compliance to an investigator and enforcer for the government. This creates a significant unfunded federal mandate for the banking industry.

Accordingly, the proposed regulations are opposed by major banking groups, including the American Bankers Association and the Independent Bankers Association of America. They fear a loss of privacy for their customers that would negatively impact their industry. In addition, these regulations are very selective-credit unions, securities firms, and insurance firms would not be subject to the proposed regulations.

Obviously, these proposed regulations could be detrimental to the millions of Americans who use a bank for their financial transactions. This legislation would prevent the Federal banking agencies involved from implementing the proposed Know Your Customer regulations. We must protect the financial privacy of Americans, and prevent the proposed regulations from being enacted.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON IMPLEMENTATION.

(a) IN GENERAL.—No regulation or amendment thereto prescribed by the Secretary of the Treasury or any Federal banking agency under subchapter II or III of chapter 53 of title 31, United States Code, chapter 2 of Public Law 91–508, or any other provision of Federal law, that requires a depository institution or any other private entity to obtain information concerning any person in connection with a financial transaction between such person and the depository institution or other private entity (commonly referred to as "know your customer" regulations) may be implemented or otherwise take effect on or after the date of enactment of this Act.

(b) DEFINITIONS.—The terms "Federal banking agency" and "depository institution" have the same meanings as in section 3 of the Federal Deposit Insurance Act.●

By Mr. THOMAS (for himself, Mr. ENZI, Mr. HELMS, Mr. MURKOWSKI, Mr. COVERDELL, Mr. HAGEL, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. ROBERTS, Mr. NICKLES, and Mr. SESSIONS):

S. 404. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law; to the Committee on Veterans' Affairs.

S. 404: THE VETERANS MEMORIAL PHYSICAL INTEGRITY ACT OF 1999

● Mr. THOMAS. Mr. President, I come to the floor today to introduce S. 404, a bill to prohibit the return to a foreign country of any portion of a memorial to American veterans without the express authorization of Congress. The bill is identical to S. 1903 which I introduced at the end of the last Congress.

I would not have thought that a bill like this was necessary, Mr. President. It would never have occurred to me that an Administration would even briefly consider dismantling part of a memorial to American soldiers who died in the line of duty in order to send a piece of that memorial to a foreign country; but a real possibility of just that happening exists in my state of Wyoming involving what are known as the "Bells of Balangiga."

In 1898, the Treaty of Paris brought to a close the Spanish-American War. As part of the treaty, Spain ceded possession of the Philippines to the United States. At about the same time, the Filipino people began an insurrection in their country. In August 1901, as part of the American effort to stem the insurrection, a company of 74 officers and men from the 9th Infantry, Company G, occupied the town of Balangiga on the island of Samar. These men came from Ft. Russell in Cheyenne, Wyoming—today's F.E. Warren Air Force Base.

On September 28 of that year, taking advantage of the preoccupation of the American troops with a church service for the just-assassinated President McKinley, a group of Filipino insurgents infiltrated the town. Only three American sentries were on duty that day. As described in an article in the November 19, 1997 edition of the Wall Street Journal:

> Officers slept in, and enlisted men didn't bother to carry their rifes as they ambled out of their quarters for breakfast. Balangiga had been a boringly peaceful site since the infantry company arrived a month earlier, according to military accounts and soldiers' statements. The quiet ended abrupty when a 23 year old U.S. sentry named Adolph Gamlin walked past the local police chief. In one swift move, the Filipino grabbed the slightly built Iowan's rifle and smashed the butt across [Gamlin's] head. As PFC Gamlin crumpled, the bells of Balangiga began to peal.
>
> With the signal, hundreds of Filipino fighters swarmed out of the surrounding forest, armed with clubs, picks and machete-like bolo knives. Others poured out of the church; they had arrived the night before, disguised as women mourners and carrying coffins filled with bolos. A sergeant was beheaded in the mess tent and dumped into a vat of steaming wash water. A young bugler was cut down in a nearby stream. The company commander was hacked to death after jumping out a window. Besieged infantrymen defended themselves with kitchen forks, mess kits and baseball bats. Others threw rocks and cans of beans.
>
> Though he was also slashed across the back, PFC . . . Gamlin came to and found a rifle. By the time he and the other survivors fought their way to the beach, 38 U.S. soldiers were dead and all but six of the remaining men had been wounded.

The remaining soldiers escaped in five dug-out canoes. Only three boats made it to safety on Leyte. Seven men died of exposure at sea, and another eight died of their wounds; only 20 of the company's 74 members survived.

A detachment of 54 volunteers from 9th infantry units stationed at Leyte returned to Balangiga and recaptured the village. They were reinforced a few days later from Companies K and L of the 11th Infantry Regiment. When the 11th Infantry was relieved on October 18, by Marines, the 9th Infantry took two of the church bells and an old cannon with them back to Wyoming as memorials to the fallen soldiers.

The bells and cannon have been displayed in front of the base flagpole on the central parade grounds since that time. The cannon was restored by local volunteers and placed under a glass display case in 1985 to protect it from the elements. The bells were placed in openings in a large specially constructed masonry wall with a plaque dedicating the memorial to the memory of the fallen soldiers.

Off and on since 1981, there have been some discussions in various circles in Cheyenne, Washington, and Manila about the future of the bells, including the possibility of returning them to the Philippines. Most recently, the Philippine government—having run into broad opposition to their request to have both bells returned to them—has proposed making a copy of both bells, and having both sides keep one copy and one original. Opposition to the proposal from local and national civic and veterans groups has been very strong.

Last year, developments indicated to me that the White House was seriously contemplating returning one or both of the bells to the Philippines. 1998 marked the 100th anniversary of the Treaty of Paris, and a state visit by then-President Fidel Ramos—his last as President—to the United States. The disposition of the bells was high on President Ramos' agenda; he has spoken personally to President Clinton and several members of Congress about it over the last three years, and made it one of only three agenda items the Filipino delegation brought to the table. Since January 1998, the Filipino press has included almost weekly articles on the bells' supposed return, including several in the Manila Times in April and May which reported that a new tower to house the bells was being constructed in Borongon, Samar, to receive them in May. In addition, there have been a variety of reports vilifying me and the veterans in Wyoming for our position on the issue, and others threatening economic boycotts of U.S. products or other unspecified acts of retaliation to force capitulation on the issue.

Moreover, inquiries to me from various agencies of the Administration soliciting the opinion of the Wyoming congressional delegation on the issue increased in frequency in the first four months of 1998. I also learned that the Defense Department, perhaps in conjunction with the Justice Department, prepared a legal memorandum outlining its opinion of who actually controls the disposition of the bells.

In response, the Wyoming congressional delegation wrote a letter to President Clinton on January 9, 1998, to make clear our opposition to removing the bells. In response to that letter, on May 26 I received a letter from Sandy Berger of the National Security Council which I think is perhaps one of the best indicators of the direction the White House was headed on this issue.

To head off any move by the Administration to dispose of the bells, I and Senator ENZI introduced S. 1903 on April 1. The bill had 18 cosponsors, including the distinguished Chairmen of the Committees on Armed Services, Foreign Relations, Finance, Energy and Natural Resources, Rules, Ethics, and Banking; the Chairmen of five Subcommittees of the Foreign Relations Committee; and five members of the Armed Services Committee.

Mr. President, at this point let me dispose of a canard that was forwarded shortly after the time I introduced S. 1903 by those seeking the return of the bells. They asserted that the bill was actually in contravention of the wishes of the people of the State of Wyoming because the Wyoming Legislature, quoting a letter from the Ambassador of the Philippines dated April 3, 1998, "supports the sharing of the bells." That statement, however, glosses over the real facts.

Wyoming's legislature is not a "professional" one—that is, the legislators have other, full-time jobs and the Legislature only sits for forty days at the beginning of each year and twenty days in the fall. When the Legislature meets, it is often to process an entire year's worth of legislation in just a few weeks.

Like Congress, the Wyoming Legislature has a formal process of introducing, considering, and then voting on bills which become law upon the signature of the chief executive—in this case the governor. Also like Congress, the Legislature has a system for expressing its non-binding viewpoint on certain issues through resolutions. But unlike Congress, the Legislature also has an informal resolution process to express the viewpoint of only a given number of legislators, as opposed to the entire legislative body, on a given topic; the vehicle for such a process is called a "joint resolution."

In this process, a legislator circulates the equivalent of a petition among his or her colleagues. Support for the subject matter is signified simply by signing one's name to the petition. Once the sponsor has acquired all the signatures he or she can—or wishes to—acquire, the joint resolution is simply deposited for the record with the Office of the Governor; it is never—I repeat never—voted on in either House of the Legislature, nor is it signed by the governor. As a consequence, it is not considered to be the position of, or the expression of the will of, the Legislature as a whole, but only of those legislators who signed it.

Although the bells are an issue of interest among some circles state-wide, the issue is not well-known all over Wyoming. I have heard from several of the signatories of the joint resolution on the bells that they were not aware of the circumstances surrounding the bells at the time they signed the joint resolution. In this regard, it is important to note that the sponsor of the joint resolution did not enlighten them about the role of the bells in the unprovoked killing of 54 American soldiers in Balangiga before they signed the document. Moreover, that fact was completely and purposefully left out of the wording of the joint resolution itself; the death of these American soldiers was completely glossed over. The closest the joint resolution gets to mentioning the surprise attack and resulting deaths is this, which I quote verbatim:

> Whereas, at a point in the relationship, nearly one hundred (100) years ago following the Spanish-American War, armed conflict occurred between the United States and the Philippines; and
>
> Whereas, a particularly noteworthy incident occurred on the island of Samar in 1901 during the course of that conflict; and
>
> Whereas, that incident involved the ringing of the Church Bells of Balangiga on Samar to signal the outbreak of fighting.

Imagine. The author of the joint resolution reduced the surprise attack and horrible deaths of fifty-four soldiers to a seemingly innocent, benign "noteworthy incident." So while some may rely on the joint resolution as though it were the "voice of Wyoming" in support of their position, an examination of the actual facts surrounding it proves that reliance to be very misplaced.

While time has passed since this issue came to a head last April, Mr. President, my deep concern that the Administration might still dispose of the bells has not. The Administration has not disavowed its earlier intent to seek to return the bells—an intent derailed by the introduction of S. 1903 last year. In addition, despite Article IV, section 3, clause 2 of the Constitution, which states that the "Congress shall have the power to dispose of . . . Property belonging to the United States," the Justice Department has issued an informal memorandum stating that the Bells could possibly be disposed of by the President pursuant to the provisions of 10 U.S.C. §2572.

I continue to be amazed, even in these days of political correctness and revisionist history, that a U.S. President—our Commander-in-Chief—would appear to be ready to ignore the wishes of our veterans and tear down a memorial to U.S. soldiers who died in the line of duty in order to send part of it back to the country in which they were killed. Amazed, that is, until I recall this President's fondness for sweeping apologies and what some might view as flashy P.R. gestures. Consequently, Senator ENZI and I have decided to reintroduce the bill in the 106th Congress.

Mr. President, to the veterans of Wyoming, and the United States as a whole, the bells represent a lasting memorial to those fifty-four American soldiers killed as a result of an unprovoked insurgent attack in Balangiga on September 28, 1901. In their view, which I share, any attempt to remove either or both of the bells—and in doing so actually physically dismantling a war memorial—is a desecration of that memory.

S. 404 will protect the bells and similar veterans memorials from such an ignoble fate. The bill is quite simple; it prohibits the transfer of a veterans memorial or any portion thereof to a foreign country or government unless specifically authorized by law; Representative BARBARA CUBIN is introducing similar legislation this week in the House. I am pleased to be joined by Senators ENZI, HELMS, HAGEL, SMITH of Oregon, MURKOWSKI, SMITH of New Hampshire, ROBERTS, SESSIONS, NICKLES, and COVERDELL as original cosponsors. I trust that my colleagues will support its swift passage.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to a person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

THE AMERICAN LEGION,
Washington, DC, April 8, 1998.

Hon. CRAIG THOMAS,
U.S. Senate,
Washington, DC.

DEAR SENATOR THOMAS: The American Legion supports S. 1903, legislation that would prohibit the return of veterans memorial objects without specific authorization in law by the United States Congress.

Article IV, Section III of the United States Constitution specifically grants Congress the authority to dispose of property belonging to the United States. The Preamble to the Constitution of The American Legion specifically calls for The American Legion to "uphold and defend the Constitution of the United States of America" and "to preserve the memories and incidents of our associations in the Great Wars." The American Legion believes your legislation would help achieve these two important democratic tasks.

Once again. The American Legion supports S. 1903, legislation that would prohibit the return of veterans memorial objects without specific authorization in law by the United States Congress. The American Legion appreciates your continued leadership on issues important to veterans, their families and the United States of America.

Sincerely,

STEVE A. ROBERTSON,
Director, National Legislative Commission.

VETERANS OF FOREIGN WARS OF
THE UNITED STATES,
January 6, 1998.

Re Bells of Balangiga.

Hon. DOUGLAS K. BEREUTER,
Chairman, East Asia Subcommittee, Committee on International Relations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Recently, we learned that Mr. Robert Underwood, U.S. Representative from Guam, has introduced House Resolution 312 urging the President to authorize the transfer of ownership of one of the Bells of Balangiga to the Philippines. In brief, the Bells of Balangiga, which serve as a war memorial to U.S. Army soldiers killed by insurgents in the Philippines in 1901, are located at E.E. Warren Air Force Base in Cheyenne, Wyoming. The proposal of the Philippine Ambassador to return one of the bells to the Philippines is opposed by veterans and the supporting community in Wyoming.

Although the 98th National Convention of the Veterans of Foreign Wars of the United States did not adopt a Resolution on this issue, the VFW does have a position on the Bells of Balangiga. After carefully reviewing the history and background of the issue involving the Bells of Balangiga, the VFW opposes and rejects any compromise or agreement with the government of the Philippines which would result in the return of any of the Bells of Balangiga to the Philippines. The church bells were paid for with American blood in 1901 when they were used to signal an unprovoked attack by insurrectionists against an American Army garrison which resulted in the massacre of 45 American soldiers. The Bells serve is a permanent memorial to the sacrifice of the American soldiers from Fort D.A. Russell (Wyoming) who gave their lives for their country while doing their duty. We do not think any of the bells should be given back to the Philippines. To return the bells sends the wrong message to the world. In addition, local Wyoming veterans and other citizens are opposed to dismantling the sacred monument and returning any part of it to the Philippines.

In the past, several years, the Philippine Government has made several attempts to get the Bells of Balangiga returned to their country. To date, they have not been successful in any of their attempts to get the bells returned. For the past 95 years, two of the bells have been enshrined at Fort Russell/Warren AFB in Wyoming. The third is with the U.S. Army's 9th Infantry in the Republic of Korea.

Recently, Philippine President Fidel Ramos ordered his United States Ambassador, Paul Rabe, to step up his effort on the bells hoping to have them returned in time for next summer's celebration of 100 years of Philippine independence. In October 1997, Ambassador Paul Rabe suggested a compromise solution. He suggested returning one of the bells to the Philippines thereby giving both nations an original and the opportunity to make a replica. In fact, the justification for the latest proposal of the Philippine government is fatally flawed. The Bells of Balangiga played no part at all in Admiral Dewey's defeat of the Spanish Navy at Manila Bay in 1898. Subsequently, that naval defeat forced the Spanish to relinquish control of the Philippine Islands to the U.S. The soldiers killed were from Fort D.A. Russell and were ordered to the Philippine Islands because a savage guerrilla war had broken out after the conclusion of the Spanish-American War of 1896. Therefore, we believe the bells have no significance or connection to the celebration of Philippine independence.

Kenneth Weber, Commander of the VFW Department of Wyoming, expressed the feelings of local Wyoming veterans and supporters when he said, "The members of the Veterans of Foreign Wars of the United States . . . will not stand idle and allow a sacred memorial to those soldiers killed while doing their duty to be dismantled."

We believe the Wyoming veterans are correct on this issue. The bells should stay right where they are—in Wyoming and with the 9th Regiment.

Respectfully,

KENNETH A. STEADMAN,
Executive Director.

THE AMERICAN LEGION,
DEPARTMENT OF WYOMING,
Cheyenne, WY, December 5, 1997.

Hon. WILLIAM CLINTON,
U.S. President, White House, Washington DC.

DEAR PRESIDENT CLINTON: A copy of House Resolution 312 urging our President to transfer one of the Bells of Balingiga from F.E. Warren Air Force Base, Cheyenne, Wyoming, to the Philippines has been received by The American Legion, Department of Wyoming Headquarters. On behalf of the Wyoming Legionnaires and other veterans, I urge you to oppose this resolution. Also attached is a Resolution from The American Legion, Department of Wyoming, strongly advocating the retention of both bells at F.E. Warren AFB in Cheyenne. We still feel strongly that to dismantle a memorial to our fallen comrades—even partially—that is almost a hundred years old is a breach of faith with those who gave the ultimate sacrifice in service to their country. The Preamble to the Constitution of The American Legion states "For God and country, we associate ourselves for the following purposes . . . to preserve the memories and incidents of our association in the great wars: . . ." We have seen some of the emotions of living veterans at such memorials as the Vietnam Wall and the Korean War Memorial in Washington DC. To remove a memorial from the oldest active military installation in our country would send a very adverse message to those who are serving our country at the present time and in the future.

Sincerely,

JOSEPH G. SESTAK,
Department Commander.

UNITED VETERANS COUNCIL
OF WYOMING,
Cheyenne, WY, March 13, 1998.

The President of the United States,
WILLIAM JEFFERSON CLINTON,
Washington, DC.

DEAR PRESIDENT CLINTON: I am writing to you concerning an issue which is of great importance to Wyoming's veterans and other citizens of our great state. The United Veterans Council of Wyoming, Inc. is a coalition of veteran's service organizations located throughout Wyoming. Members of the United Veterans Council include the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars of the United States, and eleven smaller, though no less important, veteran's service organizations.

As you may know, the Philippine government has attempted since 1980 to have the Bells of Balangiga returned. In brief, the bells serve as a permanent war memorial to U.S. Army soldiers sent from Ft. D.A. Russell, Wyoming to the Philippine Islands following the Spanish-American War of 1898. In 1901, soldiers garrisoned in the village of Balangiga to protect the village from Muslim and rebel raids, were killed by insurgents who used the church bells to signal a surprise attack on a quite Sunday morning. The bells now hang from an attractive brick memorial near the parade grounds of Fort Russell, now F.E. Warren AFB, in Cheyenne. Pentagon officials have determined that the United States government has proper title to the bells under international law.

Since his posting to Washington in 1993, Philippine Ambassador Paul Rabe has been quietly negotiating the return of the bells with Wyoming church leaders, civic organizations, local businessmen with economic ties to the Philippines and state law-makers.

However, after several trips to Wyoming, Ambassador Rabe has yet to meet with veterans or veteran's organizations. It is important to know, that for ninety-five years, U.S. military personnel and Wyoming veterans have kept safe, maintained, and preserved the bells. Veterans were instrumental in establishing the permanent memorial as it now stands, dedicated to the sacrifice of fallen comrades. The memorial is adjacent to the base flag pole and part of the daily retreat ceremony.

Philippine President Fidel V. Ramos is visiting Washington in April. I understand he intends to meet with you to discuss, among other things, House Resolution 312 urging the transfer of ownership of one of the bells to the Philippines as a compromise offer. President Ramos is attempting to justify the return of one or more bells for use during a centennial celebration of Philippine independence from Spain.

As the VFW and others have continually pointed out, the Bells of Balangiga played no role in Admiral Dewey's defeat of the Spanish Navy at Manila Bay in 1898, three years before the bells were used to signal the massacre of the U.S. soldiers at Balangiga. Following Admiral Dewey's victory, Spain relinquished control of the islands to the United States. The Philippines were granted their independence in 1946. We believe the bells have no significance or connection to any celebration of Philippine independence from Spain.

The Philippine government even compared the church bells to our Liberty Bell, a comparison which is completely unfounded and quite a stretch. The Liberty Bell was rung on July 8, 1776 following the first public reading of the Declaration of Independence. The Bells of Balangiga, as used in 1901, signaled the brutal massacre by Filipino insurrectionists hiding in the church and in the jungle on unsuspecting and unarmed soldiers of Company C, Ninth U.S. Infantry Regiment garrisoned there. Surprised and outnumbered, the soldiers were nearly wiped out in the first terrible minutes of fighting. Of the company's original compliment of seventy-four soldiers, forty-eight were killed or unaccounted for, twenty-two were wounded, and only four escaped unharmed to the American garrison at Basey.

After a careful review of the history surrounding the bells, the United Veterans Council of Wyoming, Inc. on behalf of our member veteran's organizations and supporting citizens, opposes any compromise offer. The Council does so without malice towards the people of the Philippines. We simply hold dear, the feelings of mutual respect and a shared memory of fallen comrades who paid the ultimate sacrifice while serving their country.

On his last visit to Cheyenne on February 18, 1998, Ambassador Rabe was asked if the bells would be returned to Catholic churches or to be used in a secular setting. The Ambassador replied, "That is something to be discussed." It is an affront to the soldiers who died, and their survivors, to suggest that a permanent memorial be dismantled for no better reasons than are being provided by the Philippine government.

Over the years, the United States government has repeatedly, and for all the right reasons, declined to return the Bells of Balangiga to the Philippine government. The church bells were paid for with American blood in 1901 when they were used to signal an attack on U.S. soldiers. The bells should stay right where they are—in Wyoming.

Sincerely yours,

JIM LLOYD,
President.

THE WHITE HOUSE,
Washington, March 26, 1998.

Hon. CRAIG THOMAS,
U.S. Senate,
Washington, DC.

DEAR SENATOR THOMAS: Thank you for your letter concerning the bells of Balangiga and the proposed compromise solution for addressing this issue. I am writing on behalf of the President to request that you not oppose the compromise solution. We believe it effectively takes into account the interests and sensitivities of both American veterans and the people of the Philippines.

I understand American forces brought the two bells of Balangiga to Wyoming following the Philippine insurrection of 1901, and that they currently are on display at F.E. Warren Air Force Base in Cheyenne. As you may know, Philippine President Fidel Ramos is eager to explore the possibility of returning at least one of the bells during this centennial year of the Philippines' declaration of independence from Spain. President Ramos will be the President's guest at the White House on April 10, 1998. The bells of Balangiga will be one of the principal issues on the discussion agenda.

I appreciate the importance of the bells to Wyoming veterans who consider them to be symbols of the supreme sacrifice American soldiers, sailors and airmen often have had to make far from home. At the same time, Filipinos see the bells as representative of a struggle for national independence lasting more than five centuries.

Our longstanding ties with the Philippines were forged in the intense combat of World War II by tens of thousands of Americans and Filipinos. Growing out of this experience is a relationship, which is closer on a person-to-person level than with any other country in East Asia. The Philippines is a key ally in the Asia Pacific and shares our commitment to democratic and free market principles. Presidential elections in May of this year will re-enforce the democratic traditions and institutions Filipinos have so eagerly embraced.

I believe a compromise solution, by which the United States and the Philippines would each retain custody of one of the original bells, offers a unique opportunity to honor both the American soldiers who gave their lives in the town of Balangiga and the centennial celebration of the Philippines' first step toward democracy. I understand the concerns of those who are worried that any alteration of the existing monument might cause present day Americans to forget the sacrifices of past generations. But the historical significance of Balangiga rests on the fact that today the United States and the Philippines are united in a common cause of promoting stability and prosperity throughout the Asia Pacific region. I urge you and your colleagues from the Wyoming Congressional Delegation to reevaluate the compromise approach to resolving the bells of Balangiga question.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President
for National Security Affairs.•

• Mr. ENZI. Mr. President, I rise to join my colleague, the senior Senator from my state of Wyoming, in the effort to safeguard the integrity of the nation's military memorials from the politically expedient demands of foreign governments—in this case the so-called "Bells of Balangiga" war memorial located in Wyoming's capital city of Cheyenne. Though a similar bill was introduced during the last congress, it was not voted on before adjournment. Unfortunately, the issue this legislation hopes to address is alive and well.

Many people contend that church bells are not a fitting subject for a war memorial. The circumstances surrounding these particular bells, however, are not normal. As the Senior Senator from Wyoming related, those bells were not used by Filipino insurgents to call the faithful to prayer that harrowing morning. They were used instead to signal the massacre of Wyoming troops as they sat down, unarmed, to breakfast. Of the 74 officers and men in the garrison, only twenty survived. Eye witness accounts had some of the attackers disguised as women, their weapons hidden beneath their dresses. Many others smuggled their weapons into the village hidden in the coffins of children. Under those circumstances, one must conclude that the bells in question were used to kill. Consequently I feel their use as the subject for a war memorial is wholly appropriate.

This is especially true in light of the use for the bells originally intended by the Philippine government. As everyone conceded last year, the Philippine government desired the return of these bells in time for their 100th anniversary of independence. Apparently, these bells do not represent a religious symbol for the Philippine government either.

Most significant of all, however, is the purpose they currently serve. Contrary to the assumptions of many, they do not memorialize American foreign policies of the time. Nor do they serve as a tribute to our political system, America's turn of the century notions of race relations, or the performance of the American troops who served there during that conflict. Rather, these bells memorialize one thing and one thing only: The tragic and premature deaths of 54 young men who volunteered to do the bidding of the American people. For this purpose I believe these bells serve as a most fitting memorial indeed and I am opposed to their dismantlement.

It is time to honor our veterans, our war dead, and the principle that in this country, we do not submit to government by Presidential fiat. I ask the support of my colleagues for this legislation.•

By Mr. HOLLINGS:

S. 405. A bill to prohibit the operation of civil supersonic transport aircraft to or from airports in the United States under certain circumstances; to the Committee on Commerce, Science, and Transportation.

COMMERCIAL OPERATION OF SUPERSONIC TRANSPORT LEGISLATION

• Mr. HOLLINGS. Mr. President, today, I introduce legislation to ban the Concorde (flown by British Airways and Air France to the U.S.) from operating in the U.S. A companion bill is being offered in the House by Congressman OBERSTAR. This measure is in direct response to a pending European Union resolution which places arbitrary design-based barriers on the operation of U.S.-registered, huskitted, aircraft meeting the highest U.S. technological noise standards. The EU, under the guise of an environmental regulation, has essentially declared a trade war. Their regulation, a so-called "non-addition rule," is to be voted on by the EU in mid-February to become effective April 1, 1999. After that date, no U.S.-registered, stage 3 compliant aircraft (the quietest standard) can be operated in Europe. This EU regulation not only violates the Chicago Convention (which sets the framework for all bilateral aviation agreements) as it not only refuses to recognize U.S. air carriers' air worthiness certificates issued by our Government, it also holds great economic consequences for U.S. manufacturers and for many airlines. Those which are most vulnerable are small airlines and freight operators, which have fleets and operations based entirely on these aircraft. In essence, this ruling treats domestic and foreign operations differently in violation of the non-discrimination principle. The United States will not suffer such insidious trade practices lightly. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMERCIAL OPERATION OF SUPERSONIC TRANSPORT CATEGORY AIRCRAFT.

The Secretary of Transportation shall prohibit the commercial operation of civil supersonic transport category aircraft to or from an airport in the United States—

(1) if the Secretary determines that the European Union has adopted Common Position (EC) No. 66/98 as a final regulation, unless

(2) the Secretary also determines that such aircraft comply with Stage 3 noise levels.•

By Mr. MURKOWSKI (for himself, Mr. Lott, Mr. Baucus, Mr. Inhofe, Mr. Cochran, Mr. Campbell, and Mr. Inouye):

S. 406. A bill to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

ALASKA NATIVE AND AMERICAN INDIAN DIRECT REIMBURSEMENT ACT OF 1999

• Mr. MURKOWSKI. Mr. President, today I rise on behalf of myself and the Majority Leader Mr. Lott, Senator Baucus, Senator Cochran, Senator Inhofe, Senator Campbell, and Senator Inouye, to introduce legislation to permanently authorize and expand the Medicare and Medicaid direct collections demonstration program under section 405 of the Indian Health Care Improvement Act.

This Act will end much of the red tape and bureauracy for IHS facilities involved with Medicare and Medicaid reimbursement, and will mean more Medicaid and Medicare dollars to Native health facilities to use for improving health care.

Our bill will allow Native hospitals to collect Medicare and Medicaid fund directly from the Health Care Financing Administration instead of having to go through the maze of regulations mandated by IHS.

This bill is an expansion of a current demonstration project that includes Bristol Bay Health Corporation of Dillingham, Alaska: the Southeast Alaska Regional Health Corporation of Sitka, Alaska; the Mississippi Choctaw Health Center of Philadelphia, Mississippi: and the Choctaw Tribe of Durant, Oklahoma. All of the participants in the demonstration program—as well as the Department of Health and Human Service and the Indian Health Services report that the program is a great success. HHS Secretary Donna Shalala stated in a letter to Senator John McCain on July 23, 1996, that the program has:

Dramatically increased collections for Medicare and Medicaid services, which in turn has provided badly-needed revenues for Indian and Alaska Native health care:

Sigificantly reduced the turn-around time between billing and the receipt of payment for Medicare and Medicaid services: and,

Increased the administrative efficiency of the participating health facilities by empowering them to track their own Medicare and Medicaid billings and collections.

In her letter, Secretary Shalala also mentions that the Southeast Alaska Regional Health Corporation has been able to make "great strides in upgrading the health facilities" as a result of increased collections brought on by its participation in the demonstration program.

In 1998, when the demonstration program was about to expire, Congress extended it through FY 2001. This extension has allowed the participants to continue their direct billing and collection efforts and has provided Congress with additional time to consider whether to permanently authorize the program.

It is time to recognize the benefits of the demonstration program by enacting legislation that would permanently authorize it and expand it to other eligible tribal participants.•

By Mr. LAUTENBERG (for himself, Mr. Torricelli, Mr. Schumer, Mrs. Feinstein, Mr. Robb, Mr. Sarbanes, Mr. Kennedy, Mr. Kerry, and Ms. Mikulski):

S. 407. A bill a reduce gun trafficking by prohibiting bulk purchases of handguns; to the Committee on the Judiciary.

THE STOP GUN TRAFFICKING ACT

• Mr. LAUTENBERG. Mr. President, I rise to introduce legislation that will reduce the murder and mayhem on our streets by making it harder for criminals to run guns between states. I am pleased to be joined in this effort by Senators Torricelli, Schumer, Feinstein, Robb, Sarbanes, Kennedy, Kerry, and Mikulski.

Gun traffickers continue to supply an illegal gun market by buying large quantities of guns in states with lax gun laws and then reselling them on the streets—often in cities and states with strict gun laws. If these traffickers cannot legally buy a gun themselves, or if they do not want to have their name turn up if the gun is later found at a crime scene, they find others to make the purchases for them. The trafficker pays a straw purchaser, in money or drugs, to buy 25, 50 or more handguns at a time. The trafficker then resells the guns to those who otherwise could not buy them—such as convicted felons, drug addicts, or children.

The Stop Gun Trafficking Act would prohibit any person from purchasing, and any licensed dealer from selling to an individual, more than one handgun a month. This sensible limit on handgun purchases should substantially reduce gun running, while not creating an unreasonable obstacle to legitimate sportsmen and collectors. Under the law, individuals would still be able to purchase up to twelve handguns per year and hundreds of weapons during a lifetime. It is hard to imagine why anyone would need more handguns.

Last year, I introduced similar legislation. In order to make my colleagues more aware of the deadly problem of gun trafficking, I sponsored a forum on the issue. The testimony I heard at the forum has made me even more determined to pass this legislation and make it more difficult for gun traffickers to obtain and sell their deadly merchandise on our streets.

The witnesses at the forum included: Philadelphia Mayor Ed Rendell, who is also the chair of the Conference of Mayor's Task Force on Gun Violence; James and Sarah Brady; Captain R. Lewis Vass of the Virginia State Police, and Captain Thomas Bowers of the Maryland State Police.

We also heard from a panel of youth from right here in our nation's capital who live with gun violence every day in their communities. And what they had to say was terrifying. Guns were an everyday part of their lives. For these kids, D.C. does not stand for District of Columbia. It stands for Dodge City.

These young people told us that guns are easy to get in their neighborhoods and schools. They call it getting strapped. And if you do not get strapped you might not make it through the day, they said.

One young woman put it eloquently: "It's not fair," she said. "Other kids get to go to college. We get to go to funerals. These people who sell guns are the real predators. They feed off our pain."

We must shut these predators down.

And we can shut these predators down by passing this legislation. We know this approach works because three states—Virginia, Maryland, South Carolina—have passed one-gun-a month laws and the results have been dramatic. Gun-trafficking from these states has plunged.

At the forum, officers from the Virginia State Police testified that after Virginia passed its one-handgun-a-month limit in 1993, the number of crime guns traced back to Virginia from the Northeast dropped by nearly 40 percent. Prior to one-gun-a-month, Virginia had been among the leading suppliers of weapons to the so-called "Iron Pipeline" that feed the arms race on the streets of Northeastern cities. Furthermore, in 1995, the Virginia Crime Commission conducted a comprehensive study of the one-handgun-a-month limit to determine if the law had achieved its purpose. That study found, and I quote, "Virginia's one-gun-a-month statute . . . has had its intended effect of reducing Virginia's status as a source state for gun trafficking."

Maryland and South Carolina witnessed similar results. In South Carolina, according to the same Crime Commission report: "Prior to the passage of the one-gun-a-month law, South Carolina was a leading source state for guns traced to New York City, accounting for 39% of guns recovered in criminal investigations. Following the implementation of the law, South Carolina virtually dropped off of the statistical list of source states for firearms trafficked to the northeast."

Maryland—the most recent state to pass a limit on handgun purchases—passed its law in 1996 and has already seen the benefits. According to testimony from the Maryland State Police: "In 1991 Maryland was nationally ranked second in terms of suppliers of crime guns to the City of New York. By 1997, one year after the passage of Maryland's one gun a month law, Maryland moved out of the top ten suppliers of crime guns to New York City."

So limits on gun sales are working in some regions. But we need a national law to prevent criminals from simply moving their operations from state-to-state.

Poll after poll shows that Americans, including gun-owning Americans, want tougher controls on guns. A 1996 University of Chicago study found that 80 percent of those polled support legislation limiting handgun sales to one a month.

I urge my colleagues to listen to the American people: stop turning a blind eye to the daily destruction caused by guns in America. I urge my colleagues to have the will to do something to help the youth of America live without the sound of gunshots in their lives. I ask my colleagues to support this common sense approach to keep handguns out of the hands of criminals.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Gun Trafficking Act of 1999".

SEC. 2. PROHIBITION AGAINST MULTIPLE HANDGUN SALES OR PURCHASES.

(a) PROHIBITION.—Section 922 of title 18, United States Code, is amended by inserting after subsection (y) the following:

"(z) PROHIBITION AGAINST MULTIPLE HANDGUN SALES OR PURCHASES.—

"(1) IN GENERAL.—It shall be unlawful for any licensed dealer—

"(A) during any 30-day period, to sell 2 or more handguns to an individual who is not licensed under section 923; or

"(B) to sell a handgun to an individual who is not licensed under section 923 and who purchased a handgun during the 30-day period ending on the date of the sale.

"(2) TIME LIMITATION.—It shall be unlawful for any individual who is not licensed under section 923 to purchase 2 or more handguns during any 30-day period.

"(3) EXCHANGES.—Paragraph (1) does not apply to an exchange of 1 handgun for 1 handgun.".

(b) PENALTIES.—Section 924(a)(2) of title 18, United States Code, is amended by striking "or (o)" and inserting "(o), or (z)".

SEC. 3. INCREASED PENALTIES FOR MAKING KNOWINGLY FALSE STATEMENTS IN CONNECTION WITH FIREARMS.

Section 924(a)(3) of title 18, United States Code, is amended by striking "one year" and inserting "5 years".

SEC. 4. DEADLINES FOR DESTRUCTION OF RECORDS RELATED TO CERTAIN FIREARMS TRANSFERS.

(a) HANDGUN TRANSFERS SUBJECT TO THE WAITING PERIOD.—Section 922(s)(6)(B)(i) of title 18, United States Code, is amended by striking "20 business days" and inserting "35 calendar days".

(b) FIREARMS TRANSFERS SUBJECT TO INSTANT CHECK.—Section 922(t)(2)(C) of title 18, United States Code, is amended by inserting "not later than 35 calendar days after the date the system provides the licensee with the number," before "destroy".

SEC. 5. REVISED DEFINITION.

Section 921(a)(21)(C) of title 18, United States Code, is amended by inserting ", except that such term shall include any person who transfers more than 1 handgun in any 30-day period to a person who is not a licensed dealer" before the semicolon.●

By Mr. KENNEDY (for himself, Mr. DOMENICI, Mr. REID, Mr. GRASSLEY, Mr. ABRAHAM, Mr. ROBB, Ms. COLLINS, Mrs. BOXER, Mr. SANTORUM, Mr. SARBANES, and Ms. SNOWE):

S. 409. A bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE PROGRAM FOR INVESTMENT IN MICRO-ENTREPRENUERS "PRIME" ACT OF 1999

● Mr. KENNEDY. Mr. President, it is a privilege to join with Senator DOMENICI in introducing the PRIME Act—the Program for Investment in Micro-Entrepreneurs. This important idea is part of President Clinton's budget for Fiscal Year 2000. It deserves bipartisan support and I look forward to working closely with Senator DOMENICI to achieve its passage early this year.

The nation's entrepreneurial spirit is thriving, fueled by the record-breaking economic growth and prosperity that we currently enjoy. But, many deserving entrepreneurs still face unfair challenges that limit their ability to turn innovative ideas into successful businesses that create new jobs. They need skills and technical training in the business basics needed to take their ideas to the next level—starting their own firms.

The PRIME Act will help entrepreneurs close the gap between worthwhile ideas and successful businesses. It will provide $105 million over the next four years to build skills in record keeping, planning, management, marketing, and computer technology, and other basic business practices.

The Community Development Financial Institutions Fund in the Treasury Department is now the lead federal agency for micro-enterprise activities across the country, and the PRIME Act will enhance these efforts in several specific ways:

It will provide grants for micro-enterprise organizations across the country that assist disadvantaged and low-income entrepreneurs and provide them with essential training and education.

It will encourage the development of new micro-enterprise organizations, and expand existing ones to reach more entrepreneurs.

It will enhance research on innovative and successful ways of encouraging these new businesses and enabling them to succeed.

Under the Act, between $15 and $35 million in grants will be available each year to organizations that work with entrepreneurs. The President's fiscal year 2000 budget proposes $15 million for the program. Local groups will leverage these funds with their own public and private resources to increase the overall assistance that will be available.

Massachusetts and New Mexico are already leaders in this effort. The business communities and local banks in our states have made significant investments in creating loan capital for micro-entrepreneurs to start their own businesses. Non-profit organizations working with micro-entrepreneurs on this effort have worked closely with us on this legislation. We look forward to working with them and with other members of Congress to give micro-entrepreneurs across the country the greater opportunity they deserve to realize their potential.

By investing in micro-entrepreneurs, we will be harnessing the spirit and ideas of large numbers of Americans and creating new opportunities for self-sufficiency. We'll be creating new small businesses that will strengthen local economies in communities across the country. And that in turn will help to keep our national economy strong as well. This is worthwhile legislation, and I urge the Senate to approve it.●

● Mr. DOMENICI. Mr. President, I am pleased today to join with Senator KENNEDY and a group of bipartisan cosponsors to introduce the "Program for Investment in Micro-Entrepreneurs" or "PRIME Act of 1999."

Starting one's own business long has been viewed as a realization of the American dream. Right now, thousands of creative and hardworking men and women across the country believe that they have a solid idea for building a new business. However, starting a small business takes more than a good idea, hard work, and luck to make it work—many of these men and women need help turning their ideas into a viable business enterprise.

These would-be small and micro entrepreneurs face overwhelming obstacles, due in part to the complexity of local, state, and Federal laws, and the difficulty of finding adequate sources of capital. Often, they have no experience dealing with the intricacies of marketing, feasibility studies, and bookkeeping practices. Entrepreneurs usually need basic technical assistance, training, and mentoring to be successful.

Under this bill, grants will be available through the Community Development Financial Institutions Fund, matched at least 50 percent in non-Federal funds, to help experienced nonprofit organizations provide the assistance these new businesses so urgently require. Fifty percent of these grants will be awarded to applicants serving low-income clients and those serving equally both urban and rural areas.

From so many case studies and histories of successful businesses, we know that enthusiastic entrepreneurs can build and sustain their businesses when they have access to critical training and professional technical assistance at the outset of their endeavor.

During the past few years, I have had the pleasure of visiting countless new micro-level businesses in my State of New Mexico. A great majority of these businesses received assistance from the WESST Corp. organization, now located in five different sites throughout our State. This organization provides key technical assistance and training, as well as access to low interest revolving loans. But WESST Corp. also goes a step further in providing guidance and information about sound business practices to ensure that the creative ideas of micro-entrepreneurs become sound business endeavors.

Micro and small businesses are absolutely critical components of our national economic growth. They often embody the ingenuity and innovation central to the American spirit. Investment in the ideas of these enterprising Americans has long been recognized as a worthwhile endeavor. The Small Business Administration, for example, lends excellent support to entrepreneurs. The PRIME Act will establish a complementary program which enables intermediary organizations to serve more micro-level entrepreneurs who need specialized and hands-on assistance.

This is a good investment for the future, and will be rewarded many times over by the creation of businesses that can contribute to the growth of family, local and national economies. We all can recall success stories about business that began with the inspired idea of a single person and eventually grew in to a major global corporation. In every story, the basic tenacity of a businessman, woman, or family allowed the fledgling business overcome initial obstacles and achieve great success. We have no way of knowing how many more such success stories will be told in the future. It is guaranteed, however, that there are thousands of such extraordinary entrepreneurs willing to provide the ideas and hard labor to make it happen, and with a little help, they can realize their dreams.

Senator KENNEDY and I came up with this concept in legislation we introduced during the 105th Congress, and I understand that the President has made room for it in his budget this year. I am pleased to join Senator KENNEDY in cosponsoring the PRIME Act again in this Congress. Owning one's own business remains a vital part of the American dream. Whatever we can do to continue this legacy and assist those who want to be self-reliant and successful entrepreneurs is an investment worth making.●

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. WARNER, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 4, a bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes.

S. 98

At the request of Mr. MCCAIN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 101

At the request of Mr. LUGAR, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 101, a bill to promote trade in United States agricultural commodities, livestock, and value-added products, and to prepare for future bilateral and multilateral trade negotiations.

S. 113

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 113, a bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

S. 170

At the request of Mr. SMITH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 170, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 246

At the request of Mr. HAGEL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 246, a bill to protect private property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts.

S. 247

At the request of Mr. HATCH, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 270

At the request of Mr. WARNER, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 270, a bill to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

S. 331

At the request of Mr. JEFFORDS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 368

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 368, a bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi.

S. 387

At the request of Mr. MCCONNELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for distributions from qualified State tuition programs which are used to pay education expenses.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Nevada (Mr. REID), the Senator from Ohio (Mr. VOINOVICH), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly

United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of Senate Resolution 22, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

SENATE RESOLUTION 33

At the request of Mr. MCCAIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of Senate Resolution 33, a resolution designating May 1999 as "National Military Appreciation Month."

SENATE CONCURRENT RESOLUTION 8—EXPRESSING THE SENSE OF CONGRESS THAT ASSISTANCE SHOULD BE PROVIDED TO PORK PRODUCERS TO ALLEVIATE ECONOMIC CONDITIONS FACED BY THE PRODUCERS

Mr. GRASSLEY (for himself and Mr. KERREY) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. CON. RES. 8

Whereas the price for domestic live hogs has declined by 72 percent since July 1997;

Whereas on December 12, 1998, the price of domestic live hogs decreased to below $10 per hundredweight for the first time since 1955;

Whereas pork producers are losing between $55 and $70 on each hog the producers sell;

Whereas, adjusted for inflation, prices paid to pork producers for live hogs have not been this low since the Great Depression;

Whereas based on estimates made by the Secretary of Agriculture, pork producers are losing approximately $144,000,000 in equity per week and lost more than $2,500,000,000 in equity during 1998;

Whereas low prices for hogs are threatening the livelihood of tens of thousands of farm families and the very existence of suppliers, equipment dealers, and main street businesses in rural communities across the United States;

Whereas the domestic demand for pork increased by up to 7.1 percent during 1998 despite average retail prices for pork remaining roughly the same;

Whereas despite the loss of markets in Asia and Russia, pork exports from the United States during 1998 increased by 28 percent;

Whereas a primary cause of these increased pork exports is increased pork supply intensified by an increase of pork imports from Canada and a reduction in domestic slaughter capacity for hogs;

Whereas the slaughter plant bottleneck for hogs has been exacerbated by approximately 100,000 Canadian hogs being trucked to the United States for slaughter each week; and

Whereas a 37 percent increase in the number of Canadian hogs being exported to the United States for slaughter has caused the number of live hogs to exceed the 383,000 daily slaughter capacity of United States plants, depriving domestic pork producers of all leverage in bargaining for a fair price: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. NEED FOR ASSISTANCE FOR PORK PRODUCERS.

It is the sense of Congress that—

(1) the President and the Secretary of Agriculture are commended on their efforts to assist pork producers in alleviating economic conditions faced by the producers; and

(2) additional assistance needs to be provided to pork producers to alleviate the economic conditions.

SEC. 2. FORMS OF ASSISTANCE FOR PORK PRODUCERS.

To alleviate the economic conditions that are faced by pork producers, it is the sense of Congress that the President should—

(1) immediately request an emergency supplemental appropriation to provide funds for providing—

(A) guarantees of farm ownership loans under subtitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et seq.), and operating loans under subtitle B of that Act (7 U.S.C. 1941 et seq.), made to pork producers; and

(B) assistance to pork producers under the interest rate reduction program established under section 351 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999) and other provisions of that Act that authorize the Secretary of Agriculture to reduce or subsidize the interest rate paid by pork producers;

(2) prepare and submit to Congress a report that analyzes the feasibility and cost of implementing, not later than 30 days after enactment, a program to provide disaster assistance to pork producers, including assistance in the form of—

(A) economic assistance;

(B) an expanded loan and debt restructuring program; and

(C) compensation for lost markets as a result of increased pork imports;

(3) continue to facilitate the donation and distribution of pork and pork products for humanitarian purposes;

(4) work with the Canadian Government to address the many problems that contribute to the increased export of pork and pork products into the United States;

(5) take appropriate steps to encourage increased use and expansion of the domestic slaughter capacity for hogs;

(6) direct the Secretary of Agriculture, the Attorney General, and the Secretary of Commerce to investigate noncompetitive and antitrust practices in the pork industry;

(7) direct the Secretary of Agriculture to improve price reporting in the domestic livestock industry to ensure fair, open, and competitive markets; and

(8) immediately implement the loan guarantee paperwork reduction regulation of the Secretary of Agriculture that will allow pork producers and lenders to use existing lender documents, rather than creating new documents, when applying for loan guarantees under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCESS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee On National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to review the President's proposal fiscal year 2000 Budget for National Park Service programs and operations.

The hearing will take place on Wednesday, February 24, 1999, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Shawn Taylor of the committee staff at (202) 224–6969.

ADDITIONAL STATEMENTS

RURAL HEALTH INFRASTRUCTURE

• Mr. FRIST. Mr. President, the Nation's rural health infrastructure is facing immense pressures. Changes in the private market, Medicare, Medicaid, and costs of new technologies, treatments and education are squeezing many providers out of rural areas. The President's budget shows a surprising lack of sensitivity to the critical realities in these underserved areas.

First, the President would cut reimbursement to hospitals an additional $9 billion over the next five years. This comes before most providers have had time to absorb the full impact of the Balanced Budget Act. Rural hospitals have lower patient volumes than urban hospitals, and they serve populations with a larger proportion of seniors, on average, than urban populations. In addition, nearly 20% of rural individuals don't carry health insurance. The burden this imposes on rural providers is intensified by the President's reduction of bad debt payments to hospitals by 10%.

Congress has begun to address these problems, and late last year, we provided $25 million for state implementation of the Rural Hospital Flexibility Program. This program creates cost-based reimbursement for Critical Access Hospitals. The money will help states develop and implement a rural health plan, develop networks, designate Critical Access Hospitals, and to improve rural emergency medical services.

I must point out that people in rural areas don't have many choices of health providers. Thirty-seven states have less than 1% enrollment in Medicare risk plans. Often one hospital will serve the needs of many communities interspersed through very large regions. We must take great care to support, rather than destroy, the rural health infrastructure. We may need to reexamine the payment rates to hospitals, but let us do so with good data, and an awareness of the special needs of rural safety net providers.

In addition, HCFA has not yet adequately educated beneficiaries or resolved the regulatory payment issues surrounding Medicare private plan opportunities in rural areas. We in Congress must continue to monitor the developments in Medicare+Choice, and make the most of opportunities to increase the quality and choice of health care for rural Americans.

The Administration also ignored calls for an increased investment in important programs such as the National Health Service Corps, and Rural Health and Telehealth—flatlining their funding. The Office of Management and Budget also refused a request from the rural health caucus to appropriate additional demonstration grant funding for the development of emergency medical services networks.

At a time when the U.S. needs to prepare itself for emergency response to public health threats, including bioterrorism and identifying and tracking emerging threats such as antimicrobial resistance, President Clinton proposes to eliminate the health professions education programs intended to increase the number of individuals in the public health workforce. These programs include support for retraining existing public health workers, as well as increasing the supply of new practitioners to address priority public health needs.

As Chairman on the Subcommittee on Public Health, I was especially disturbed to find that the President proposes to eliminate programs directed at training primary care physicians and dentists with an emphasis of practicing in rural areas. The President signed my bill reauthorizing these important programs less than three months ago.

Currently $80 million is spent to assist medical and dental schools in developing programs to train family physicians, general internists, physician assistants, general dentists and pediatric dentists.

There is a demonstrated imbalance between primary care providers and specialists. The key to correcting this imbalance is to provide appropriate incentives at the medical school level to introduce more students to primary care settings during their training. Yet, the President wants to eliminate it.

[Last year's request = $77 million ($80 million appropriated)]

COMMUNITY-BASED LINKAGES:

Today, $54 million is spent to develop and support health professional training programs that link community providers with academic institutions. President Clinton suggests a $17 million (30%) reduction.

This funding supports:

Area Health Education Centers (AHECs)—support health care in underserved rural and urban areas, including recruitment and support to help rural communities retain health professionals.

Education and Training Relating to Geriatrics—Congress established this program to ensure that our health professionals are trained to meet the needs of seniors. With the aging of the baby boom generation, the number of seniors will double over the next 40 years.

Rural Interdisciplinary Training Grants—supports projects to train, recruit and retain health care practitioners in rural areas.

[Last year's request = $51 million, $54 million appropriated, fy'00 request = $37 million]

I'm disappointed that such important rural programs failed to receive adequate funding under the President's budget proposal. It appears that the Administration would do well to reexamine their commitment to a viable rural health infrastructure, and I urge my colleagues to renew their efforts to protect vulnerable Americans in rural areas.•

IN RECOGNITION OF PACZKI DAY

• Mr. LEVIN. Mr. President, I rise today to call my colleagues' attention to one of the most eagerly anticipated holidays each year in my home state of Michigan, Paczki Day.

The day before Lent is known in other parts of the country as Fat Tuesday or Mardi Gras, but in Metro Detroit and in other Michigan communities we celebrate Paczki Day. Paczkis, which are similar to jelly-filled doughnuts, were introduced to Metro Detroit by new immigrants from Poland who settled in the city of Hamtramck, Michigan. Today, thanks to the people of Hamtramck, Michigan is the paczki capital of the United States, with several million dozen paczkis sold every year. The Detroit Free Press reported that in 1993, paczki sales totaled $7 to $8 million, which, as the Free Press reported, was ". . .not bad for a one-day holiday with a three-day selling period."

Paczki Day is a little like St. Patrick's Day. It is said that on St. Patrick's Day, everyone is a little bit Irish no matter what their family's background actually is. Well, on Paczki Day in Hamtramck and throughout Metro Detroit, we are all a little bit Polish. I look forward to celebrating my own "Polish heritage" with the people of Hamtramck on Paczki Day this year.•

100TH BIRTHDAY OF ELISE KIRKLAND YARDLEY

• Mr. THURMOND. Mr. President, I rise today to recognize Mrs. Elise Kirkland Yardley, a daughter of South Carolina, on the occasion of her 100th birthday. I wish her many more happy birthdays.

Mrs. Yardley was born in Camden, South Carolina on February 16, 1899, in the historic Camden home known as Cool Springs. She was one of nine children born of Thomas and Fredricka Kirkland, and she is the last surviving member of her immediate family. The Kirkland family has South Carolina roots that stretch back to before the Revolutionary War, and it has produced many fine public servants and citizens. Notably among them are Lane Kirkland, Mrs. Yardley's nephew and the former President of the AFL–CIO.

After her childhood in Camden, Mrs. Yardley attended Winthrop College in Rock Hill, South Carolina, where she graduated in 1919 with a degree in teaching. She moved back to Camden and met Sherborne Yardley, the man who would become her husband of more than 50 years. The Yardleys eventually settled in Birmingham Alabama, where Mr. Yardley worked for Republic Steel and Mrs. Yardley ran the household. Mr. Yardley passed away in 1978.

The Yardleys have three children: Thomas, an investment banker, John, a clinical pathologist, and Elizabeth, a homemaker. The family has grown to include eight grandchildren and 16 great-grandchildren. I am assured that Mrs. Yardley continues to serve as the presiding officer over the entire brood.

Mrs. Yardley still resides in Birmingham, although she returns regularly to Camden, where her entire family will gather in a few days to celebrate her 100th birthday. When they come together, her family will not only be observing Mrs. Yardley's centennial, but also honoring a lively, beautiful, and determined woman. They have much to celebrate.

As we pause briefly today to celebrate her long life, we do well to look back on what Mrs. Yardley has seen. She grew up in the rural South before that area had electrification. She has seen Halley's Comet pass this planet twice, watching it the first time in 1910, when her father gathered the family on their porch to marvel at the sight. She was alive to witness the invention of the airplane, the automobile, the computer, and space travel. Her husband served in the Navy during the First World War, and her sons served in the military during the Second World War. Her grandfather died in the Civil War. She saw the end of the 19th century, the whole of the 20th century, and will doubtlessly be around to experience the new millennium.

I am pleased to rise today to honor this charming and accomplished woman. It seems fitting that I do so not only as the senior senator from her home state, but also as the one Member of this body who qualifies as Mrs. Yardley's peer. Mrs. Yardley and I both know the many rewards of a long and healthy life. I wish her continued good health and prosperity.•

TRIBUTE TO TURNER BROADCASTING SYSTEM AND MEDIAONE

• Mr. CLELAND. Mr. President, I rise today to commend and congratulate Turner Broadcasting System, Inc. and MediaOne cable company for sponsoring a special educational event for students in the metropolitan Atlanta area commemorating Black History Month.

In recognition of Black History Month, Turner Broadcasting System, Inc., a Time-Warner company, and MediaOne cable company are hosting a special educational event on Wednesday, February 10, 1999 at the "Magic" Johnson Theater in Atlanta, Georgia. This event will serve as a venue to screen Turner Network's Original film, "Passing Glory," and engage students in after-viewing discussion.

Inspired by a true story about two undefeated high school basketball teams in segregation-era Louisiana, "Passing Glory," is a powerful study about the discovery of mutual respect which crosses racial boundaries. Father Joseph Verrett ignites the sparks of the Civil Rights movement in New Orleans when he organizes a game between his own undefeated African American team and an undefeated prep school team from a white community. Along with his star player, he must overcome the fears and prejudices of the city's residents, both black and white, to forever change the established social order.

Turner Broadcasting and MediaOne are sponsoring this local educational event during Black History Month to offer students the opportunity to discuss the themes of the film, such as tolerance, teamwork, diversity, and racism. The forum will provide a venue for students to question civil rights experts and renowned sports figures about the history of segregation and the role that sports has played in bridging the racial divide.

This type of forum will motivate students to explore the history of race relations in this country and encourage dialogue which will foster understanding, the identification of common ground and a genuine commitment to afford equal opportunity and civil rights for people of all races, religions and ethnic origins. It is the human rights of all mankind that underpins the dignity and humanity of all people and a worthy goal to which we must all continue to aspire.

Mr. President, I ask that you join me and our colleagues in recognizing and honoring Turner Broadcasting and MediaOne on many years of worthwhile work and achievements which have culminated with their most recent collaborative educational project on behalf of the many students of the Atlanta area in honor of Black History Month.•

TRIBUTE TO WILLIAM JEWELL COLLEGE ON ITS SESQUICENTENNIAL CELEBRATION

• Mr. BOND. Mr. President, February 27 is the 150th anniversary of the founding of William Jewell College, a small liberal arts college in Liberty, Missouri, and one of the oldest four-year colleges west of the Mississippi River.

William Jewell's reputation is far larger than its size. Because of the quality of its academic programs and facilities, and the breadth of its student and public service activities, Jewell is recognized as a preeminent liberal arts college in the Midwest. Jewell is classified among the nation's top 162 liberal arts colleges by the Carnegie Foundation for the Advancement of Teaching. Jewell has been recognized in the prestigious "National Liberal Arts" category in the "America's Best Colleges" edition of U.S. News & World Report.

Affiliated with the Baptist church since its founding, the college places a strong emphasis on Christian values, character development, and public service. Jewell is listed regularly in the Templeton Foundation's Honor Roll of Character-Building Colleges.

The institution has awarded more than 14,000 baccalaureate degrees since its founding. While most of its students are from Missouri, the school attracts students from nearly half of the 50 states and more than a dozen foreign countries.

Alumni accomplishments at the highest levels of business, industry, government and the professions figure prominently in maintaining Jewell's reputation as a preeminent liberal arts college. And the college is frequently referred to as the "Campus of Achievement" due to the high percentage of Jewell students appearing in annual "Who's Who" directories.

And, on a personal note, Jewell graduates are certainly overrepresented on my Senate staff in terms of their percentage of the Missouri population!

While the school has a right to be proud of its achievements, what sets it apart from other colleges are the opportunities it offers all of its students, and the larger Kansas City community. William Jewell's Fine Arts Program, now in its 34th season, is a regional and national treasure, having presented Luciano Pavarotti's American recital debut in 1973. Each year, the Fine Arts Program brings to Kansas City venues internationally acclaimed orchestras, ensembles, dance troupes, plays, musicals, and individual performers.

International programs in England, Japan, Australia, India and Ecuador give students the opportunity to travel widely and study at some of the world's great centers of learning. The recently endowed Pryor Leadership Studies program is a unique curriculum of course work, activities and lectures which actively promote personal, vocational and civic leadership development. And a Service Learning certificate program, sustained by its own endowment, encourages formal involvement in community service activities, along with national and international outreach, and mission trips.

It is a credit to her faculty, administration, board, alumni, and students that William Jewell has been able to maintain high academic standards through the years, and to serve so well the Kansas City community, the State of Missouri, and the entire nation.

I offer the entire William Jewell community a heartfelt congratulations on their first 150 years!•

MARTIN LUTHER KING, JR., RECOGNITION ACT

• Mr. ABRAHAM. Mr. President, I rise in support of the Dr. Martin Luther King, Jr. Day Recognition Act of 1999. This legislation will correct an unfortunate oversight that has left the federal holiday recognizing our great civil rights leader without the full ceremonial status it deserves. This is an injustice to a great leader and one I hope the Senate will act to correct as soon as possible.

Mr. President, federal holidays celebrating the birthdays of great Americans have traditionally included celebratory signs of respect. In particular, they have been on the list of days on which the American flag should be flown nationwide. Yet, across this country, in the schools and on the streets that bear the name of Martin Luther King, Jr., that flag has not been flown to commemorate his holiday.

Dr. King, minister, civil rights leader, winner of the Nobel Prize for his nonviolent resistance to segregation, has been recognized around the world as a pivotal figure in American history and in the global struggle for civil rights. He was instrumental in putting an end to segregation and to putting issues of racial equality and civil rights into the forefront of American public life.

As a nation we have recognized the importance of Dr. King's efforts and of his achievement by instituting celebration of a federal holiday in his honor.

It is time to complete that recognition by adding Dr. King's holiday to the list of days on which the American flag should be flown nationwide.

I urge my colleagues to support this important legislation.●

RULES OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. MURKOWSKI. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I hereby submit for publication in the CONGRESSIONAL RECORD, the Rules of the Committee on Energy and Natural Resources.

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Business meetings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee meeting or hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent meeting or hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) Hearings and business meetings of the Committee or any Subcommittee shall be open to the public except when the Committee or such Subcommittee by majority vote orders a closed hearing or meeting.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee or any Subcommittee unless a majority of the Committee or Subcommittee involved agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice.

(b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and ranking Minority Member or the ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the ranking Majority and Minority Members present may agree.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure or subject shall be included on the agenda of the next following business meeting of the full Committee or any Subcommittee if a written request for such inclusion has been filed with the Chairman of the Committee or Subcommittee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee or Subcommittee to include legislative measures or subjects on the Committee or Subcommittee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee or any Subcommittee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of the Members of the Committee or Subcommittee. The Staff Director shall promptly notify absent Members of any action taken by the Committee or any Subcommittee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b), (c), and (d), seven Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless eleven Members of the Committee are actually present at the time such action is taken.

(c) Except as provided in subsection (d), one-third of the Subcommittee Members shall constitute a quorum for the conduct of business of any Subcommittee.

(d) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request of any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings and business meetings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

SWORN TESTIMONY AND FINANCIAL STATEMENTS

Rule 9. Witnesses in Committee or Subcommottee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or Subcommittee deems such to be necessary. At any hearing to confirm a Presidential nomination, the testimony of the nominee and at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made public on a form approved by the Committee, unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule. Members of the Committee are urged to make public a statement of their financial interests in the form required in the case of Presidential nominees under this rule.

CONFIDENTIAL TESTIMONY

Rule 10. No confidential testimony taken by or confidential material presented to the Committee or any Subcommittee, or any report of the proceedings of a closed Committee or Subcommittee hearing or business meeting, shall be made public, in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 11. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 12. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 13. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.•

RULES OF THE COMMITTEE ON SMALL BUSINESS

• Mr. BOND. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the Committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 5, 1999, the Committee on Small Business held a business meeting during which the members of the Committee unanimously adopted rules to govern the procedures of the Committee. Consistent with Standing Rule XXVI, today I am submitting for printing in the CONGRESSIONAL RECORD a copy of the Rules of the Senate Committee on Small Business.

The rules follow:

RULES OF THE COMMITTEE ON SMALL BUSINESS

(As adopted in executive session February 5, 1999)

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee.

2. MEETING AND QUORUMS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he deems necessary, on 3 days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, the Ranking Majority Member present shall preside.

(b)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments. 132 Congressional Record §3231 (daily edition March 21, 1986)

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

(d) It shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless thirty written copies of such amendment have been delivered to the office of the Committee at least 24 hours prior to the meeting. This subsection may be waived by the Chairman or by a majority vote of the members of the Committee.

3. HEARINGS

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his authority or upon his approval of a request by any Member of the Committee. Written notice of all hearings shall be given, as far in advance as practicable, to Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting.

(b)(1) Any Member of the Committee shall be empowered to administer the oath of any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chairman or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least two business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Witnesses may be subpoenaed by the Chairman with the agreement of the Ranking Minority Member or by consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting. Subpoenas shall be issued by the Chairman or by any Member of the Committee designated by him. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents and records shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken, or confidential material presented to the Committee, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted voluntarily or pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

4. SUBCOMMITTEES

The Committee shall not have standing subcommittees.

5. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.•

NOMINATIONS

Executive nominations received by the Senate February 10, 1999:

DEPARTMENT OF JUSTICE

CARL SCHNEE, OF DELAWARE, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF DELAWARE FOR THE TERM OF FOUR YEARS VICE GREGORY M. SLEET, RESIGNED.

DEPARTMENT OF STATE

RICHARD HOLBROOKE, OF NEW YORK, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS, VICE BILL RICHARDSON, RESIGNED.

RICHARD HOLBROOKE, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

HOUSE OF REPRESENTATIVES—*Wednesday, February 10, 1999*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Let us pray using the words of Isaac Watts:

O God, our help in ages past,
Our hope for years to come,
Our shelter from the stormy blast,
And our eternal home.
Before the hills in order stood
Or earth received its frame,
From everlasting you are God,
To endless years the same.
O God, our help in ages past,
Our hope for years to come,
Still be our guard while troubles last
And our eternal home! Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INTRODUCING THE VETERANS' TOBACCO TRUST FUND ACT

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the recent State of the Union Address recognizes the Nation's obligation to our men and women in uniform, but the President was silent about the debt we owe them as veterans. Nevertheless, he disclosed a plan in his speech which could affect them. Specifically, he announced an intention to bring suit against tobacco product manufacturers to recover costs incurred by government health care programs.

Members may not be aware that the VA health care system is spending more than $3 billion annually caring for veterans' smoking-related illnesses. The administration is certainly aware of that fact, but it has yet to commit to providing any recoveries from this lawsuit for veterans' health care. Surely any recovery under a suit based at least in part on the veterans' medical system should be used to strengthen that system and improve veterans' care.

For that reason I am introducing the Veterans Tobacco Trust Fund Act of 1999, and I urge all my colleagues to be cosponsors. This bill would set in place a requirement that any tobacco settlement from the lawsuit also include an allocation of funds for veterans' health care. I hope the executive branch will support my bill.

REPUBLICAN BUDGET OUT OF STEP WITH AMERICA'S NEEDS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, once again the Republicans are pushing a budget plan that is out of step with what the American people want. The President's budget calls for using the budget surplus to protect Social Security now that times are good. The Republican budget, on the other hand, includes yet another stale proposal to spend the surplus on tax cuts for the wealthy instead of on Social Security.

The New York Times recently noted, and I quote, "Every poll shows that Americans would rather preserve Social Security and Medicare than enjoy a big new tax cut, as Republican leaders want. It is also questionable how much political support there will be for a tax cut that disproportionately benefits the wealthiest Americans."

The Washington Post made a similar observation of the competing budget plans. "On balance," the Post noted, "the President's budget pushes in the right direction, but," the Post added, "the broad alternative, which is to consume in the form of a tax cut that ought to be saved for Social Security and Medicare and other public purposes, is wrong."

Let us use the surplus in a manner that will benefit all Americans, not just the wealthy. Support the Democrats' plan.

KOSOVO

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, the President's plan calls for spending more money and raising taxes. Do Members remember when President Clinton sent U.S. troops to Bosnia? He promised, he promised they would have a well-defined mission with a clear exit strategy. Three years later and more than $20 billion later, about 6,000 U.S. troops are still in Bosnia. Our own Secretary of State, Madeleine Albright, has called it a mess.

Now the President intends to further scatter U.S. troops into Kosovo as part of another peacekeeping mission. It is absolutely imperative that the President give Congress and the Nation a clear mission and a clear exit strategy before committing our troops. Mr. Speaker, our military forces are ready and willing to defend the interests of this great Nation. We cannot undermine their oaths. We must define the mission, the goal, and an exit strategy before sending our troops into yet another mess.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADY). The Members are reminded to address the Chair and not the President.

GUN SHOWS

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, there is no evidence that Timothy McVeigh and cult leader David Koresh ever actually met. But if they had, it is a good bet it might have been at a gun show.

McVeigh financed some of his terrorist activities by selling at gun shows firearms he stole from an Arkansas gun collector. It was at gun shows that Koresh purchased many of the weapons he later stockpiled at his Branch Davidian compound.

The Brady bill has stopped over a quarter of a million handgun sales to criminals, but there is a gaping loophole. Background checks are not required at gun shows. Last year there were nearly 5,000 gun shows in America where anyone can buy as many firearms as they want with no questions asked. That is how a criminal in Florida with 16 felony convictions purchased firearms and killed four people in a one-day shooting spree.

Last weekend in his national radio address, President Clinton announced a

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

report confirming that gun shows are becoming a buyer's mecca for criminals, with over 56,000 illegal firearms transfers.

Mr. Speaker, it is time for Congress to act. There should not be a place anywhere in America where criminals can buy guns with no questions asked.

CHILD ONLINE PROTECTION ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last year the Child Online Protection Act passed the House and Senate and was enacted into law. Without diminishing free speech, the Act set up a screening process so that children could not access obscene material on the Web. This sent a strong message that Congress is united in protecting our children from pornography over the World Wide Web.

Now, unbelievably, on February 1, a Federal judge in Pennsylvania has blocked enforcement of the Child Online Protection Act. It is appalling that our children can easily access these pornographic sites and pollute their minds with sexually explicit material. In response to the judge's ruling, we must urge the Justice Department to appeal this decision.

Mr. Speaker, I ask all Members of the House to join me in standing with American families to protect our children from pornography. Please contact my office if Members want to sign the letter to Attorney General Janet Reno. We owe this to our children.

JAPAN ILLEGALLY DUMPS STEEL IN AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, after World War II Japanese officials were given tours of our steel mills. They were allowed to take photographs. They were further given blueprints of our machinery and technology. Then America gave Japan loans to build steel mills. When Japan could not repay the loans, they were forgiven from the goodness of our hearts.

Now, if that is not enough to massage your subdural hematoma, check this out. Japan today is illegally, let me say this again, is illegally dumping steel in America, destroying our companies, destroying American jobs. Unbelievable.

Japan has steel mills, we have photographs. Japan has surplus, we have deficits. Beam me up. Free trade is one thing. Illegal trade is illegal trade, Mr. Speaker.

ELIMINATE THE MARRIAGE PENALTY AND BRING TAX EQUITY TO WORKING FAMILIES

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I believe one would have to be totally out of touch to defend the current tax code. No sane individual, if asked to start from scratch, would come up with the current tax code in a million years. The tax code is baffling even to the experts. In short, it is indefensible.

One of the aspects of the tax code that is particularly indefensible is the marriage tax penalty. Many people do not learn about the marriage tax penalty until they get married. Then they discover all of a sudden that the government wants to make sure young couples starting out have a little bit tougher time than they had planned.

Perhaps the most surprising of all is the fact that the marriage tax penalty can be the stiffest for those who can afford it the least, the working poor, who are trying to keep home and family together. This unfairness in the tax code should have been done away with years ago, but the liberals in Congress have fought against any tax relief, even for the working poor.

Mr. Speaker, now is the time to eliminate the marriage tax penalty and bring tax equity for working families.

INTRODUCING LEGISLATION HONORING OUR NATION'S FALLEN POLICE OFFICERS

(Mr. TIERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNEY. Mr. Speaker, I rise today to introduce legislation to honor our Nation's fallen police officers. My bill, Mr. Speaker, would honor police officers who have been killed in the line of duty by lowering to half staff a flag over the Capitol which will then be given to the family of the officer.

The Capitol Police Board would designate the flagpole upon which the United States flag shall be flown at half mast for one day whenever a Federal, State, local, or territorial law enforcement officer is slain in the line of duty.

Currently, the United States flag is flown at half staff to honor police officers one time a year, on Police Officers Memorial Day. This bill provides for an additional and fitting tribute to our Nation's fallen police officers and their families. The legislation was originally sponsored by our former colleague, Thomas Foglietta, currently the Ambassador to Italy, and reintroduced by former Congressman Jay Johnson in the last Congress.

In addition, Mr. Speaker, I am pleased that my colleague, the gentleman from Connecticut (Mr. JOHN LARSON) will be speaking in support of this bill and about a former member of his hometown police force in East Hartford, Connecticut, who was recently killed in the line of duty.

Mr. Speaker, I ask my colleagues to join together with me in honoring our Nation's fallen police officers.

IMPROVING EDUCATION IRA'S

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, education is critically important to the future of our Nation. I venture to say every Democrat and Republican who is in Congress would agree with that statement.

In order to assist parents in financing their children's education, this Congress passed into law education IRAs. In a nutshell, they allow parents to set aside some of their hard-earned money for their kids' education and get some tax relief for doing so.

But a constituent of mine, John Michael, who happens to be a tax accountant, says there is a glitch in the law that needs to be fixed. I agree with him. With most IRAs, the taxpayer has until April 15 to make a contribution for the previous tax year, but under current law the education IRA's contribution must be made by December 31.

I would ask my Democratic and Republican colleagues to support my Education IRA Fairness Act which I introduced last week. It brings the education IRAs into line with all other IRAs, and it will improve education in this country.

HONORING POLICE OFFICERS KILLED IN THE LINE OF DUTY

(Mr. LARSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSON. Mr. Speaker, I rise today to join the gentleman from Massachusetts (Mr. TIERNEY) in the introduction of a bill to honor police officers killed in the line of duty.

On January 23, Brian Aselton of East Hartford's police force gave his life on behalf of his fellow citizens whom he so valiantly protected. The community stood in shock and grief. It was a day dampened by sorrow and chilled by the passing of this young hero. Ten thousand police officers formed an endless sea of blue that marched into the cemetery to pay tribute to Brian's memory.

Nations and communities reveal an awful lot about themselves in the memorials they create, in the people they honor. Flying the flag at half mast will not bring back Brian or the near 150 officers killed in the line of duty each year, but it will serve as a reminder of the ultimate sacrifice that those who wear the badge make on our behalf.

□ 1015

STOP THE MARRIAGE TAX PENALTY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, a lot of people ask me why the government penalizes couples for being married, and the only answer that can I come up with is that the government does some dumb things, and this is one of them.

Who is willing to defend this bizarre monstrosity in the tax code? Who will step forward and explain to the American couples in my district why Uncle Sam thinks they should pay more to the government for being married than if they were shacked up? What kind of cruel genius came up with the idea of penalizing people for being married?

I urge Members on both sides of the aisle to join me in doing away with the marriage tax penalty, a penalty which hits especially hard on those who are just getting by. Enough of this travesty. We have it within our power this year to stop at least one dumb thing this government is doing.

SUPPORT THE PRESCRIPTION FAIRNESS ACT FOR SENIORS

(Ms. STABENOW asked and was given permission to address the House for 1 minute.)

Ms. STABENOW. Mr. Speaker, I rise today first in strong support of the President's proposals to place the majority of the budget surplus into the Social Security Trust Fund and protecting Medicare.

Social Security and Medicare are cornerstones of our trust, our protection of seniors for their future, making sure that they have in their retirement the kind of quality of life that they deserve; and it is important for the future for our children.

Today, also as part of the Medicare benefit for our seniors, I am rising as a cosponsor of a bill we are introducing today, the gentleman from Maine (Mr. ALLEN) and myself and other Members of our caucus, called the Prescription Drug Fairness Act for Seniors. This will allow seniors to purchase prescription drugs at a lower cost than they currently are able to do.

Right now, if the Federal Government bulk purchases prescription drugs and then allows seniors to buy at a lower cost, this will guarantee that seniors are not having to choose between purchasing food or their prescription drugs. I would urge my colleagues to support the bill.

HIGH TAXES AND LOW MORALS

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, high taxes and low morals, that seems to be the winning formula these days for the leader of the free world.

Not long ago, one of the leaders of the Democrat Party said on the House floor, and I quote, that "Democrats are not in favor of tax cuts." I think average middle-class Americans do deserve better. When Uncle Sam takes one-third of a middle-class family's income, it just plain is not fair.

Mr. Speaker, I find it rather absurd for liberals to assert that the government cannot get by on a little less so middle-class families can have a little more. We read almost daily about government programs that do not work, bureaucracies accountable to no one, and misguided social programs that actually make people worse off than if nothing had been done at all.

Government is too big and taxes are too high. It is time to reverse course, change our priorities, and make a moral commitment to reduce the tax burden on middle-class families.

DEMOCRATS FOR TAX CUTS THAT TARGET MIDDLE-CLASS FAMILIES

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, we are faced with an historic opportunity. For the first time in three decades, we have a Federal surplus with which we can save America's twin pillars of retirement security: Social Security and Medicare.

This surplus, and our opportunity to do what is right, is a result of Democratic fiscal discipline and sound economic policy. But instead of acting in the best interest of America's future, Republicans want to use the surplus to give a one-time tax break that benefits mostly the wealthy. It is a bad idea.

Democrats are for tax cuts, tax cuts that are targeted to middle-class families, not the wealthiest 10 percent of Americans.

Let me just tell my colleagues that the Republican tax scheme gives back the average family less than $100. It gives wealthy families earning more than $300,000 a tax break of $20,000. For that kind of money, wealthy folks can buy a brand-new car. With $100, middle-class families cannot even buy a new set of tires.

A FAIR AND SIMPLE PLAN TO CUT TAXES

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, we have heard about the surplus. Over the next 15 years, the Federal Government is projected to run a surplus of $4.4 trillion. As the debate over how to use this money heats up, the protectors of big government will scream bloody murder about any plan to provide the American people with any tax relief.

To them I ask: If we cannot cut taxes when the economy is strong, the Federal Government is in the black, and taxes are at an all-time high, when can we do it?

Mr. Speaker, the American people are sending too much money to Washington, and it is time for Congress to send some of it back home.

I have introduced a fair and simple plan that cuts taxes across the board, 10 percent across the board. It gets into every household of all those who pay taxes. This proposal ends the practice of picking winners and losers among overtaxed Americans and benefits, again, everyone who pays Federal income taxes. I urge my colleagues on both sides of the aisle to support this bill.

RURAL AMERICA DEPENDS ON QUALITY HEALTH CARE

(Mr. McINTYRE asked and was given permission to address the House for 1 minute.)

Mr. McINTYRE. Mr. Speaker, Lord Chesterfield once said that health is the first and greatest of all blessings, and how true it is. This year health care will be a hot topic here in Congress. But the one thing we should not do is forget our roots, that America began from rural areas and that many citizens, from the small coastal communities to the mountain hamlets to country crossroads, depend on quality health care.

How can the administration talk about saving Medicare and, on the other hand, have $9 million in cuts that would be taken away from Medicare. We cannot have this kind of double-talk. I urge my colleagues to consider the citizens of rural America. Do not allow the $9 million in cuts from Medicare. We realize that rural hospitals depend on Medicare and that our citizens' needs will not be met if they are not able to survive.

Now is the time to have the debate on Social Security, but now is also the time to make sure we do right by our citizens in rural America on Medicare.

Let there be no discrimination among any of our citizens. Let us stand up and do right for quality health care for all Americans.

THE MONEY BELONGS TO THE PEOPLE WHO EARNED IT

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, what a surprise. Republican proposals to cut taxes have already been met with speech after speech by my liberal democratic friends denouncing them as tax cuts for the rich.

Well, we will celebrate this April 15th a $400 child tax cut for families, a tax cut for all families and one that the President approved.

Has anyone else noticed that no matter what tax cuts Republicans propose, it will automatically, 100 percent guaranteed, be called tax cuts for the wealthy by the party that not only does everything in its power to discourage wealth creation but apparently feels intense hatred for anyone who has realized the American dream.

Of course, we all remember what the Democrats called rich in the last Congress: Anyone who is middle class. But I will ask that middle class farmer in Illinois if he is rich, and I will ask that security guard trying to earn extra money if eliminating the marriage penalty, or if the $500 tax credit will benefit him, and if he is the wealthy? And of course my liberal friends on the other side, many of whom themselves are quite rich indeed, might never have considered the simple fact that rich or not the money belongs to the people who earned it anyway.

H.R. 350, THE MANDATES INFORMATION ACT

(Mr. SHOWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHOWS. Mr. Speaker, I rise today to express my strong support for the Mandates Information Act, H.R. 350. H.R. 350 would provide Congress the means of assessing proposed programs and their potential impact on jobs and workers before enacting significant Federal mandates on the private sector.

Over the years, a well-intentioned Congress has imposed its will on American business operators, large and small, requiring them to enforce public laws at private expense.

We have achieved a balanced budget in part because we have ended the era of undisciplined legislators working outside the constraints of common sense budgeting. We must remain accountable to the American people by passing the Mandates Information Act.

This is a common sense way to legislation. If we are going to require private business to enforce our laws, we should at least give them the chance to know how much it will cost them to do our work and allow them to plan accordingly. It is only fair.

TAX D-DAY, A DARK DAY FOR REPUBLICANS AND A DAY TO REJOICE FOR DEMOCRATS

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Mr. Speaker, in just 64 days, the dreaded April 15 will be here.

Well, I should clarify that. April 15 is not a dreaded day at all by some Americans. In fact, April 15 is the single most glorious day of the year for our liberal friends in the Democrat Party. The Democrat Party believes in an activist government and believes that if the government just took a little more money out of your paycheck the politicians will make life better for people.

How truly ironic it is that the party of Thomas Jefferson and Andrew Jackson has categorically rejected the vision of those early American heroes who believed in the strength of the common man to manage his own affairs without the interference from Washington, D.C.

It is now the Republican Party that represents the interests of common people, of average middle class families that work hard, play by the rules and who will believe in the right to pursue the American dream without the Federal Government standing in the way.

Sixty-four days until Tax D-day, a dark day for Republicans, a day to rejoice for Democrats.

SOCIAL SECURITY SUMMIT IN THE NINTH CONGRESSIONAL DISTRICT OF TEXAS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise this morning to announce that I will host a Social Security summit in the Ninth District of Texas. Why? Because hundreds of senior citizens and their families have called and written letters to my office concerned about the future of Social Security.

Americans from all walks of life recognize that this sacred contract between the public and their government must be addressed and must be addressed now. I congratulate the President for having the foresight to set aside the vast majority of our budget surplus for this critical issue.

As we look toward the 21st Century, we cannot afford to risk losing this opportunity to save Social Security by allowing ourselves to become mired in partisan rhetoric or by failing to use creative approaches to problem solving.

It has been said that opportunity only knocks once. Mr. Speaker, Congress must answer the door. We owe that to the American people.

A $500 PER CHILD TAX CREDIT, NOT SOME BOONDOGGLE FOR THE RICH

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, so often we hear about tax cuts for the rich, and here is an example of one of the taxes that the opponents said was for the rich, and this is a $400 this year, $500 next year per child tax credit for families that make under $110,000 a year. Seventy-eight percent of the families who will benefit from this tax credit have a household income of less than $75,000 a year.

Take the case of Mr. and Mrs. William Franklin of Brooklyn, Georgia. They just had a new son named Sean. They have to go out and buy a car seat, which the kid will immediately throw up on. They have to go out and buy shoes, which he will immediately lose one of. They have to go out and buy a walker, which he will try to roll down the steps so they will have to put a block in front of that little accordion door. They have to buy a Johnny Jump-Up to develop his legs. They have to go out and buy a blender to smash peas with, or they can pay for the more expensive; just get Gerber to do it for them.

You have to do all of this if you have a child because raising children is very, very expensive. I know. I have four kids. They are wonderful, but it is proper for the government to give a $500 per child tax credit. It was passed by the Republicans last year. It is not some boondoggle for the rich, as the Democrats would have us believe.

FIRESAFE CIGARETTE ACT

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, as many of my colleagues know, last Friday a huge fire broke out in a high-rise apartment in Baltimore, Maryland. Like most fires in the United States, this fire was caused by a carelessly disposed of lighted cigarette.

Mr. Speaker, because of that fire, one woman died and nine people were injured, and the most tragic part of that is that that fire could have been prevented.

That is right, Mr. Speaker, that fire could have been prevented. Each year, cigarette-related fires kill over 1,000 people, and those are not just the smokers. We are talking about that little baby in the crib upstairs. We are talking about that elderly lady next door or that poor fellow downstairs and, yes, Mr. Speaker, even the firemen who go into the fire to save those people.

On March 1, I will introduce the Firesafe Cigarette Act to require cigarette companies to make cigarettes less likely to burn people's houses down. Mr. Speaker, there are cigarettes on the market that will extinguish after 5 minutes and the tobacco companies should use these.

REDUCE TAXES ON HARD-WORKING AMERICANS

(Mr. FOSSELLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, the question before us is faith. Do we place our total faith in the Federal Government or do we place our faith in the American people?

Not too long ago here in Washington we were faced with huge budget deficits. And because of a responsible Republican Congress, we now are on the path to prosperity because of the hard work of the American people. We were told then we could not cut taxes, and we did. And today we are facing a huge budget surplus here in Washington, and if left alone it will be spent here in Washington. Now we are told again today from those same people, we cannot cut taxes.

Well, let us lay down the line right now. If we believe in the American people, if we believe that this is still the country of hope and opportunity and that anybody, given the right set of incentives and hard work and notions of personal responsibility, can go out there and succeed, let us reduce the taxes on the hard-working American people, let them keep more of their hard-earned money, and let us send the promise back to them. Let us promise them that if we give them the tools to succeed, we believe in them, not the people here in Washington, who all they will do is spend that money and too often unwisely.

NATIONAL DEFENSE IS IN CRISIS

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, national defense is in crisis. We are going to be 18,000 sailors short this year in the U.S. Navy. We are going to be 700 pilots short in the Air Force. We are short on basic ammunition in the Army and the Marine Corps. Our equipment is aging. And we have an inadequate budget. We have a budget which is $150 billion less on an annual basis than the Reagan budgets of the mid-1980s.

Now, we do not have to go back up to the Reagan budgets because the Cold War is over, but we do have to add an additional $20 billion this year. The President has only offered $4 billion of that $20 billion that the services request.

Now is the time to rebuild national defense and this is the House to do it.

AMERICANS NEED TAX RELIEF

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute.)

Mr. BRADY of Texas. Mr. Speaker, Americans are not taxed too much? Look at how we spend our day.

We get up in the morning, get our first cup of coffee on which we pay a sales tax. Jump in the shower and we pay a water tax. Get in our car to drive to work and pay a fuel tax. At work we pay an income tax and a payroll tax. Drive home to the house on which we pay a property tax. Flip on the lights and pay an electricity tax. Turn on the TV, pay a cable tax. Pick up the telephone, pay a telephone tax. Kiss our spouse good night and pay a marriage penalty tax. And on and on and on until, at the end of our lives, we pay a death tax.

Well, no wonder families and the elderly in this country have such a tough time making ends meet. They need relief, and the Republican plan provides it.

MANDATES INFORMATION ACT OF 1999

The SPEAKER pro tempore (Mr. KINGSTON). Pursuant to House Resolution 36 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 350.

□ 1035

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, with Mr. BRADY of Texas (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, February 4, 1999, all time for general debate had expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mandates Information Act of 1999".

The CHAIRMAN pro tempore. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Before acting on proposed private sector mandates, the Congress should carefully consider the effects on consumers, workers, and small businesses.

(2) The Congress has often acted without adequate information concerning the costs of private sector mandates, instead focusing only on the benefits.

(3) The implementation of the Unfunded Mandates Reform Act of 1995 has resulted in increased awareness of intergovernmental mandates without impacting existing environmental, public health, or safety laws or regulations.

(4) The implementation of this Act will enhance the awareness of prospective mandates on the private sector without adversely affecting existing environmental, public health, or safety laws or regulations.

(5) The costs of private sector mandates are often borne in part by consumers, in the form of higher prices and reduced availability of goods and services.

(6) The costs of private sector mandates are often borne in part by workers, in the form of lower wages, reduced benefits, and fewer job opportunities.

(7) The costs of private sector mandates are often borne in part by small businesses, in the form of hiring disincentives and stunted growth.

The CHAIRMAN pro tempore. Are there any amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To improve the quality of the Congress' deliberation with respect to proposed mandates on the private sector, by—

(A) providing the Congress with more complete information about the effects of such mandates; and

(B) ensuring that the Congress acts on such mandates only after focused deliberation on the effects.

(2) To enhance the ability of the Congress to distinguish between private sector mandates that harm consumers, workers, and small businesses, and mandates that help those groups.

The CHAIRMAN pro tempore. Are there any amendments to section 3?

If not, the Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. FEDERAL PRIVATE SECTOR MANDATES.

(a) IN GENERAL.—

(1) ESTIMATES.—Section 424(b)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(b)(2)) is amended—

(A) in subparagraph (A) by striking "and" after the semicolon; and

(B) by redesignating subparagraph (B) as subparagraph (C), and inserting after subparagraph (A) the following:

"(B) when applicable, the impact (including any disproportionate impact in particular regions or industries) on consumers, workers, and small businesses, of the Federal private sector mandates in the bill or joint resolution, including—

"(i) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on consumer prices and on the actual supply of goods and services in consumer markets;

"(ii) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on worker wages, worker benefits, and employment opportunities; and

"(iii) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on the hiring practices, expansion, and profitability of businesses with 100 or fewer employees; and".

(2) POINT OF ORDER.—Section 424(b)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(b)(3)) is amended by adding after the period the following: "If such determination is made by the Director, a point of order under this part shall lie only under section 425(a)(1) and as if the requirement of section 425(a)(1) had not been met.".

(3) THRESHOLD AMOUNTS.—Section 425(a) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(a)) is amended by—

(A) striking "and" after the semicolon at the end of paragraph (1) and redesignating paragraph (2) as paragraph (3); and

(B) inserting after paragraph (1) the following new paragraph:

"(2) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal private sector mandates (excluding any direct costs that are attributable to revenue resulting from tax or tariff provisions of any such measure if it does not raise net tax and tariff revenues over the 5-fiscal-year period beginning with the first fiscal year such measure affects such revenues) by an amount that causes the thresholds specified in section 424(b)(1) to be exceeded; and".

(4) APPLICATION RELATING TO APPROPRIATIONS COMMITTEES.—(A) Section 425(c)(1)(A) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(c)(1)(A)) is amended by striking "except".

(B) Section 425(c)(1)(B) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(c)(1)(B)) is amended—

(i) in clause (i) by striking "intergovernmental";

(ii) in clause (ii) by striking "intergovernmental";

(iii) in clause (iii) by striking "intergovernmental"; and

(iv) in clause (iv) by striking "intergovernmental".

(5) THRESHOLD BURDEN.—(A) Section 426(b)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658e(b)(2)) is amended by inserting "legislative" before "language".

(B) Section 426(b)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658e(b)(2)) is amended by striking "section 425 or subsection (a) of this section" and inserting "part B".

(6) QUESTION OF CONSIDERATION.—(A) Section 426(b)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658e(b)(3)) is amended by striking "section 425 or subsection (a) of this section" and inserting "part B".

(B) Section 426(b)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658e(b)(3)) is amended by inserting ", except that not more than one point of order shall be recognized by the Chair under section 425(a)(1) or (a)(2)" before the period.

(7) APPLICATION RELATING TO CONGRESSIONAL BUDGET OFFICE.—Section 427 of the Congressional Budget Act of 1974 (2 U.S.C. 658f) is amended by striking "intergovernmental".

(b) RULES OF THE HOUSE OF REPRESENTATIVES.—Clause 11(b) of rule XVIII of the Rules of the House of Representatives is amended by striking "intergovernmental" and by striking "section 424(a)(1)" and inserting "section 424 (a)(1) or (b)(1)".

(c) EXERCISE OF RULEMAKING POWERS.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of such House, respectively, and shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

The CHAIRMAN pro tempore. Are there any amendments to section 4?

AMENDMENT NUMBERED 1 OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Chair notices that the amendment goes beyond section 4.

Is there objection to consideration of the amendment at this point?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BOEHLERT:

Page 5, lines 16 and 17, strike "425(a)(1)" each place it appears and insert "425(a)(1)(B)".

Page 5, after line 20, insert the following new subparagraphs:

(A) inserting in paragraph (1) "intergovernmental" after "Federal";

(B) inserting in paragraph (1) "(A)" before "any" and by adding at the end the following new subparagraphs:

"(B) any bill or joint resolution that is reported by a committee, unless—

"(i) the committee has published a statement of the Director on the direct costs of Federal private sector mandates in accordance with section 423(f) before such consideration, except that this clause shall not apply to any supplemental statement prepared by the Director under section 424(d); or

"(ii) all debate has been completed under section 427(b)(4); and

"(C) any amendment, motion, or conference report, unless—

"(i) the Director has estimated, in writing, the direct costs of Federal private sector mandates before such consideration; or

"(ii) all debate has been completed under section 427(b)(4); and".

Page 5, line 21, strike "(A)" and insert "(C)" and on line 24, strike "(B)" and insert "(D)".

Page 6, line 2, insert ", according to the estimate prepared by the Director under section 424(b)(1)," before "would".

Page 6, line 10, insert "unless all debate has been completed under section 427(b)(4)," after "exceeded".

Page 7, line 1, strike "(A)" and strike lines 5 through 8.

Page 7, strike lines 9 through 18.

Page 7, line 19, strike "(7)" and insert "(8)" and after line 18, insert the following new paragraphs:

(6) TECHNICAL CHANGES.—(A) The centerheading of section 426 of the Congressional Budget Act of 1974 is amended by adding before the period the following: "**REGARDING FEDERAL INTERGOVERNMENTAL MANDATES**".

(B) Section 426 of the Congressional Budget Act of 1974 is amended by inserting "regarding Federal intergovernmental mandates" after "section 425" each place it appears.

(C) The item relating to section 426 in the table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting "regarding Federal intergovernmental mandates" before the period.

(7) FEDERAL PRIVATE SECTOR MANDATES.—(A) Part B of title IV of the Congressional Budget Act of 1974 is amended by redesignating sections 427 and 428 as sections 428 and 429, respectively, and by inserting after section 426 the following new section:

"SEC. 427. PROVISIONS RELATING TO THE HOUSE OF REPRESENTATIVES REGARDING FEDERAL PRIVATE SECTOR MANDATES.

"(a) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of section 425 regarding Federal private sector mandates. A point of order under this subsection shall be disposed of as if it were a point of order under section 426(a).

"(b) DISPOSITION OF POINTS OF ORDER.—

"(1) APPLICATION TO THE HOUSE OF REPRESENTATIVES.—This subsection shall apply only to the House of Representatives.

"(2) THRESHOLD BURDEN.—In order to be cognizable by the Chair, a point of order under section 425 regarding Federal private sector mandates or subsection (a) of this section must specify the precise legislative language on which it is premised.

"(3) RULING OF THE CHAIR.—The Chair shall rule on points of order under section 425 regarding Federal private sector mandates or subsection (a) of this section. The Chair shall sustain the point of order only if the Chair determines that the criteria in section 425(a)(1)(B), 425(a)(1)(C), or 425(a)(2) have been met. Not more than one point of order with respect to the proposition that is the subject of the point of order shall be recognized by the Chair under section 425(a)(1)(B), 425(a)(1)(C), or 425(a)(2) regarding Federal private sector mandates.

"(4) DEBATE AND INTERVENING MOTIONS.—If the point of order is sustained, the costs and benefits of the measure that is subject to the point of order shall be debatable (in addition to any other debate time provided by the rule providing for consideration of the measure) for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order. Debate shall commence without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

"(5) EFFECT ON AMENDMENT IN ORDER AS ORIGINAL TEXT.—The disposition of the point of order under this subsection with respect to a bill or joint resolution shall be considered also to determine the disposition of the point of order under this subsection with respect to an amendment made in order as original text.".

(B) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control

Act of 1974 is amended by redesignating sections 427 and 428 as sections 428 and 429, respectively, and by inserting after the item relating to section 426 the following new item:

"Sec. 427. Provisions relating to the house of representatives regarding federal private sector mandates.".

Page 7, line 20, strike "Section 427" and insert "Section 428 (as redesignated)".

Page 9, after line 5, add the following new section:

SEC. 6. CONFORMING AMENDMENT.

Section 425(b) of the Congressional Budget Act of 1974 is amended by striking "subsection(a)(2)(B)(iii)" and inserting "subsection (a)(3)(B)(iii)".

Mr. BOEHLERT. Mr. Chairman, let me begin by explaining what this amendment would actually do because I think there has been a lot of confusion.

Under my amendment, Members could still raise a point of order against bills, resolutions, amendments, and conference reports if they would cost the private sector more than $100 million, which is the threshold in current law.

Under my amendment, the Chair would rule on the point of order. Just as with most points of order in the House, there would be an objective ruling. The point of order would be sustained if the Congressional Budget Office had scored the measure as costing more than $100 million or if CBO had not scored the measure.

That eliminates one flaw in the bill, which allows someone to claim that a measure would cost more than $100 million even if CBO has scored it otherwise, because the bill requires no evidence at all to raise the point of order.

Under my amendment, if the point of order is sustained, 20 additional minutes to debate on the bill or amendment themselves is added to whatever debate would have occurred under the rule. This is the crux of the matter.

Under my amendment the point of order is used to provide for additional debate, while under the bill the purpose of the point of order is to cut off debate. I fail to see how having less debate will lead to better-informed decisions.

So again, here is what my amendment would do. First, it would accomplish every stated goal of the bill. Section 3 of the bill says its purposes are to provide Congress with more complete information on mandates, ensure more focused deliberation on mandates, and to help distinguish between helpful and harmful mandates. All are most worthy objectives.

By allowing a point of order that focuses debate on private-sector cost and adds debate time to discuss those costs, my amendment does exactly what the bill and its supporters have been calling for.

But unlike the bill, my amendment does not allow debate to be short-circuited. Unlike the bill, my amendment will not mean the end of truly open rules. Unlike the bill, my amendment does not give industry a procedural trump denied to its consumers, its communities, and its employees. And unlike the bill, my amendment does not change the rules of the House to unfairly favor one side of an argument. Openness and fairness, that is what my amendment is all about.

Now, I already know all too well what kind of arguments we are going to hear in response to this amendment, so let me deal with them one by one.

First, we are going to hear that this amendment would gut the bill. That is an old saw trotted out every time.

Again, the bill still has a point of order against private mandates on all types of measures and it provides for more focused, better-informed debate. Every stated goal of the bill has been addressed. What those who charge us with gutting the bill really mean is that the bill will no longer bias the rules of the House, a goal they have not exactly been trumpeting.

Second, we are going to hear that our amendment somehow does not require the House to be accountable for its actions. This is an odd one.

Under my amendment, we still will vote on each and every bill and amendment that comes before the House, and will do so after having had fuller debate than provided for in H.R. 350.

Look at the bills that are at stake in this debate: Minimum wage. Health protections. Environmental protections. Does any Member feel they have not been accountable for their vote on these issues?

When they make this accountability argument, the proponents are claiming, in effect, that somehow the House has escaped accountability for the past 210 years because we have lacked this new point of order. Does anyone really accept that?

What proponents really mean when they say we have not been accountable is that they do not always like the way the votes have turned out. If Members oppose measures that impose costs on industry, they ought to vote against them. If Members oppose individual provisions in bills, they ought to offer amendments and force votes on those provisions. That is how the Constitution makes us accountable.

What we ought not do is change the rules of the House to favor one side of a debate that has not been able to prevail every time they wanted to under normal procedures. This is also what proponents mean when they say that our amendment does not have any teeth. I always say, when someone tells us their bill has teeth, who are they trying to bite?

The teeth in H.R. 350 are a vote that is designed to do one thing and only one thing, shut down debate on any measure that someone claims will cost industry money.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. BOEHLERT) has expired.

(By unanimous consent, Mr. BOEHLERT was allowed to proceed for 2 additional minutes.)

Mr. BOEHLERT. Mr. Chairman, the teeth in H.R. 350 are a vote that is designed to do one thing and only one thing, and that is to shut down debate on any measure that someone claims will cost industry money, regardless of the evidence on cost, regardless of the benefits, regardless of the public purpose to be served, regardless of whether some companies support the measure.

Our amendment has teeth in the sense that it will accomplish its intended goal: creating more debate, creating more debate on alleged private-sector mandates. But our amendment will not try to injure those who support protections for the environment, for public health and public safety.

Again, I urge Members to read the bill. The vote in the bill is needed because there are no objective criteria for determining the validity of their point of order and because, without the vote, one side will not be able to intimidate the other.

Mr. Chairman, the details of this debate are complex but the basic questions it raises are simple. First, does the House want to have more debate and better-informed debate and better-focused debate on private mandates? If the answer to that is yes, and I think it is, then Members should support the Boehlert amendment because that is exactly what we provide.

□ 1045

Second, does the House want to change the fundamental rules of the House so that in every case there is a presumption that laws to protect the environment, and health, and public safety are a bad idea? I think the answer to that is no, and that is why my amendment is needed. H.R. 350, Mr. Chairman, would quite simply change the rules of the House so that any law that might cost any industry more than $100 million would face extra hurdles to passage and would get less debate regardless of any other consideration.

Finally, H.R. 350 is a bill that biases House procedures to an extent that would even have made gilded age legislators blush. I think the House ought to have free, fair and open debate, and that is what the Boehlert amendment would ensure, and I urge its passage.

Mr. LINDER. Mr. Chairman, I rise reluctantly to oppose the amendment of my friend from New York (Mr. BOEHLERT).

Unfortunately, Mr. Chairman, the Boehlert amendment, by removing the vote which would give this House an opportunity to decide whether it wanted to proceed on a bill, takes all of the enforcement measures out of the bill and returns us to the status quo ante that is anti 1996. In 1996, my colleagues will recall, we passed unfunded mandates on the public sector. We said if we are going to impose costs on other government entities, we ought to know what it was, and if it exceeded $50 million across the country, we would have a debate on that and then vote as to whether to proceed. We did not shut down anything. Since January 1 of 1996 there have been seven times when the point of order has been raised, and all seven times this House listened to both sides determined to move forward with the bill and pass the bill. The language that the gentleman from New York (Mr. BOEHLERT) would like to insist on would leave us right where we are right now. Since 1983, according to the CBO director in testimony before the Committee on Rules, the CBO has been doing analysis on how Federal legislation would affect State and local governments and the private sector. But as they told us in the hearing, nobody paid attention to it because there are no teeth in the measure, and indeed at the CBO these estimates became a low priority because they knew no one was paying attention to it. To argue that this would unfairly bias the debate in favor of one side or the other is also a silly argument, looking back at the seven times when the point of order has been imposed or asserted in the past 3 years.

We will also hear throughout this debate that while we will be discussing the cost to the private sector, which is under the bill if it imposes $100 million in costs on the private sector, it is then amenable to a point of order. We will hear them say we will be discussing the costs, but not the benefits. That presumes arguments occur in vacuums, and this has not happened in this House in the past 3 years. The reason we will have these arguments is because there will be a huge argument on behalf of the benefits, on behalf of the need to move forward, while others will just be saying but be aware of what costs we are imposing on the private sector.

In my view this is only fair. For too many years, for far too many years, this Congress has voted for warm and fuzzy good things and chose not to tax the American people for it, to pass those burdens on to other levels of government or the private sector. We think that it is only fair if we are going to pursue good things, whether they are warm and fuzzy or not, that we ought to know how much it costs. A simple example of this is not the private sector, but it was discussed this morning in a meeting, was that years ago this House decided that we would impose mandates for special education on the local school systems. Good idea, probably necessary idea, but the bill also said that the Federal Government would pay 40 percent of the costs for that. We have never ever funded that. We just passed that on to my colleagues' communities throughout their districts, and their school systems are paying that. We would have had a point of order against that, had it occurred in the last 3 years under the Portman-Condit legislation that we passed. We also think it is fair that we have that same point of order and the opportunity to vote on it if we impose burdens on the private sector.

I am curious to know why the gentleman from New York is so worried about an open discussion and the need to be taking a stand on these issues with respect to a vote to move forward. It has not stopped any other legislation in the past, but it has done a couple of things. Committees now are aware of costs they are imposing and think through the legislation that they are writing. In the past they were not doing that even under the testimony from the Congressional Budget Office director. We think that is good because a lot of things do happen in this town that are unknown in terms of its impact on both the private sector and the public sector. We ought to know that. We ought to discuss it.

All of this, all this bill is going to do, is to say it is just as important not to burden the private sector with our wishes as it is the public sector, and if we are going to burden them, at least know that we are doing it, move to vote to move forward. The Boehlert amendment would eliminate that vote which, of course, he knows is to take away the teeth from the bill, and I urge opposition to the amendment.

Mr. CONDIT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. Mr. BOEHLERT's amendment takes away the very thing that makes this bill successful, and that is accountability. This bill is about accountability, about making the House accountable for the legislation that we pass. The bill is real simple.

Mr. Chairman, if there is an unfunded mandate of $100 million, one can raise a point of order and have a debate, a debate about the mandate. Does not mean that stops the mandate; we have the prerogative to stop it or proceed. But what Mr. BOEHLERT does today is take away the real meat behind this thing, the hammer behind the thing, the thing that makes it work, and that is accountability.

This is about accountability. We, as Members of the House, should not have any fear to have a debate about the cost of a mandate and then have the responsibility to make a decision whether or not the mandate is worthwhile, whether or not we should proceed, and if it is worthy of our vote, Mr. Chairman, then we vote for it, and then we proceed with the bill.

In 1995, we passed the Unfunded Mandate Reform Act of 1995. It has been successful. As the gentleman from Georgia (Mr. LINDER) alluded to, when we had Mr. Blum, the director of CBO, in before us, and Mr. LINDER asked a few questions, Mr. Blum said that the real reason this works is because of the point of order because we have accountability, and let me just encourage the Members to not be fearful of that. The more information that we have, the better decisions we make, and we are all accountable one way or the other so we ought to at least demonstrate that by allowing us to have this point of order and a vote if it is required.

It is a real simple bill, simply lets us have a debate, lets us have accountability for the actions that we take, and I would encourage all Members to oppose this amendment. The gentleman from New York (Mr. BOEHLERT) offered a similar amendment last year, a little different. Last year he did not want to have any debate on amendments. This year he wants to have full open debate, so I am not real sure where he really is on this issue, but I would encourage my colleagues to defeat this amendment so that we can proceed ahead and enact this unfunded mandate legislation.

Mr. PORTMAN. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Boehlert amendment today, and I got to say as one of the co-authors of the bill, this is the gentleman from California (Mr. CONDIT's) legislation, but as one of the co-authors, this amendment is not consistent with the purposes or intent of the legislation, it is just not because the purpose, as Mr. CONDIT just said, is to have true accountability.

Now the author of the amendment talks a lot about the fact that we would still have focused and informed debate, but we need to look at the record. Three and a half years ago this House passed the Unfunded Mandates Relief Act. The gentleman from California (Mr. CONDIT) just talked about it. It puts this same procedure in place, although frankly this one is not as onerous for the House; same procedure in place with regard to having a debate and a vote. That, according to the Congressional Budget Office, according to all the outside observers, many of whom frankly were not in support of the original legislation, has been the necessary teeth; yes, the teeth, in the legislation that forced the committees to do what we are all trying to get at here, which is to send better, more responsible legislation to the floor that takes into account the costs of unfunded mandates. Without having a debate and a vote on the floor of the House, Mr. Chairman, we are simply not going to have the kind of discipline we are looking for and the kind of, again, better informed debate and, in the end, more responsible legislation.

Let me quote from the CBO testimony just a couple of weeks ago before the Committee on Rules. They said that before proposed legislation is marked up, committee staffs and individual Members are increasingly requesting our analysis about whether the legislation would create any new federal mandates and, if so, whether their costs would exceed the thresholds established by the Unfunded Mandates Relief Act. So that is with regard to the public sector. In many instances, I continue, CBO is able to inform the sponsor about the existence of a mandate and provide informal guidance about how the proposal might be restructured to eliminate the mandate or reduce the cost of the mandate. That use of the Unfunded Mandate Relief Act early in the legislative process, early in the legislative process, Mr. Chairman, appears to have had an effect on the number and burden of intergovernmental mandates in enacted legislation.

That is the whole point. Yes, if we take out the debate and the vote, we do take away the teeth that makes this legislation so important in terms of getting to better legislation on the floor of the House in a more informed debate by the Members.

Let me also respond to something else that the sponsor of the legislation, the proposed amendment, said. He said that if the Chair ruled that it was all right, then we would have 20 minutes of debate but no vote and indicated that the Chair, rather than the Members, should make that decision. Again, this is not the intent of the legislation, nor is it consistent with what the parliamentarian, what the Committee on Rules, what others who have on run this place day to day believe is the right way to go. We do not want to put the Chair in that position. We want to put the Members in that position.

Let us recall that in the end after a 20-minute debate it is the will of that House that prevails. If the will of the House is to go ahead, notwithstanding the mandate with the legislation, which has happened seven out of seven times with the Unfunded Mandates Relief Act over the last few years, and again we have a record here, my colleagues, then the House simply proceeds. But let us not put that responsibility, which is a weighty responsibility, with the Chair. Let us keep it with the Members of this houses. All this says in the end is that, yes, the House should have better information on substantial new mandates on the private sector, and, yes, we ought to be held accountable for how we feel about those substantial new mandates. It does not mean we are not going to mandate; we are, and we have, and we even have on the public sector, and we will continue to, I am sure. But we have better legislation on the floor, we have a better, more informed debate on the floor, and we have accountability to our constituents, both those who do not want additional mandates and those who think that the benefits of the legislation outweigh the mandate. That is the point of this legislation; it is good government.

Mr. Chairman, I urge the Members to look carefully at this amendment and the fact that indeed it does gut the legislation, it is not consistent with the intended purpose of the bill, and with all due respect to my good friend from New York who I know is sincere about his interests in making this House work better, it does, in fact, lead us to the point where we would not have the informed debate and we would not have the accountability measure that is so important in this legislation.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, about 25 years ago I read a fascinating book called The Ascent of Man, and the book fundamentally was about the evolution of man's relationship to the advancement of science, and there was the chapter in that book called:

Knowledge or Certainty: Which Do You Strive For; Knowledge or Certainty?

In this floor, in this democratic process that we have here in the U.S. House of Representatives, we have fundamentally in the democratic process an exchange of information with a sense of tolerance for someone else's opinion and then we vote. We do not have an exchange of certainty, and then cut off debate and then we vote. We have an exchange of information.

With the underlying legislation here, with the bill of the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) it is my judgment that we have a very short debate on the mandate, on the cost to the private sector, and then we stop debate on the underlying legislation. We stop debate on that particular issue, and I want to talk about that in just a second.

□ 1100

Under the amendment of the gentleman from New York (Mr. BOEHLERT), we have an opportunity to not only debate the legislation, whether it deals with the important aspects of clean air, clean water, health or a whole range of issues, but we also can talk about the issue of the cost to the private sector. We have both included in the amendment of the gentleman from New York (Mr. BOEHLERT), which I think is vital.

Yes, we do not want to overburden the private sector with excessive, unnecessary costs, but we want to make sure that the private sector is part of the Nation's policy of preserving our economic structure and preserving the Nation's health and safety and the quality of life to its citizens.

The underlying bill of the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) takes the legislation that might deal with clean air and it cuts that legislation off, cuts the debate off on that legislation, and then simply talks about the mandate to the private sector.

What the amendment of the gentleman from New York (Mr. BOEHLERT) does is carry on the debate of the unfunded mandate and the expense to the private sector, but also includes the important debate, the exchange of information, the acquisition of knowledge about the importance of that particular legislation.

Let me give an example, the Chesapeake Bay: Forty percent of the pollution of the Chesapeake Bay is from air deposition. What does that mean? Forty percent of the pollution from the Chesapeake Bay comes from the Midwest and comes from places like Baltimore City, but comes from industry and comes from automobiles.

Now, if you want to clean up the smokestacks to the factories, which we are trying to do with the Clean Air Act, and try to eliminate much of the emissions from automobiles, which we are trying to do with the Clean Air Act, of course, that is expensive, and I would dare say costs the Nation over $100 million.

But what are we going to do about the nutrient overload from the Chesapeake Bay? What do we get from the Chesapeake Bay as far as economic rebound and economic vitality? We get a huge fishing industry, we get a huge recreational industry, we get enormous sums as a result of the clean water in the Chesapeake Bay. That should also be included in the debate.

How about discussions on sewage treatment plants, outflows from all kinds of commercial activities? In 1898, if you compared oyster production in the Chesapeake Bay to 1998, 99 percent of it is gone. Ninety-nine percent of the oyster production in the Chesapeake Bay. We get 1 percent of what we used to get 100 years ago, and much of that is because the oysters are gone, but the most important factor in that statement is that many of the oysters in the Chesapeake Bay cannot be eaten because of the problems from outflows from all kinds of sources.

The amendment of the gentleman from New York (Mr. BOEHLERT) does not cut off debate on the problem of the cost to the private sector. That debate can flourish and continue.

The amendment of gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT) cuts off debate on how we can understand the need to acquire knowledge for us to reduce the pollution to the Chesapeake Bay, for us to make sure about the air we breathe, because of the increasing numbers of people in this country that are coming down with asthma.

I do not want to sound like an alarmist up here or that this is the most important thing that we have to do immediately, but I want to go back to the first statement that I made: The fundamentals of democracy are an exchange of information, the acquisition of knowledge, tolerance for other people's opinions.

I urge an "aye" vote for the amendment offered by the gentleman from New York (Mr. BOEHLERT).

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very interested in the comments of the previous speaker, and I wanted to pursue his thinking on this matter.

As I understand the bill before us, it would provide for an opportunity to debate the question of whether there is a mandate and then have a separate vote on whether we are going to proceed with the issue that would result in the mandate.

Is it the gentleman's concern that forcing a vote on whether to proceed on the mandate would stop the debate on the underlying, let's say, environmental provision that might require private businesses to do something?

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, that is exactly right. That is my concern. I think we can have both. I would like to have a discussion on the cost to the private sector, but certainly on the need for the legislation. That debate should continue as well.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, I appreciate the concern that is being expressed that we do not want to clutter up the legislative process with votes, although I will be offering an amendment shortly, if there is an opportunity for it, that would require another vote if we are going to have an amendment that would weaken existing environmental legislation, so we can give the focus of attention on that issue and understand the consequences and then have a separate vote on it.

I understand what is being said on this question of whether the debate would be cut off. I do not think that was the intention, but I have heard what the gentleman from Maryland has to say and what the gentleman from New York (Mr. BOEHLERT) has to say, and I am really concerned that we end up in that kind of situation where we do not get to the debate of the underlying proposal. It need not work that way. But I think the Boehlert amendment does prevent us from getting into that kind of a situation. I will support the amendment for that reason. I think if it allows a greater debate, that is so important to this body.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from New York.

Mr. BOEHLERT. That is exactly the purpose of my amendment. The base bill would limit debate; my amendment would expand debate. The base bill would terminate discussion; my amendment would continue discussion.

Of course we have to factor in the cost to industry, but we also have to factor in the benefits to public health, to the environment, to all these very important things. That is why organizations like the American Lung Association are so much in support of my amendment, because they want this open discussion on what the implications are of our actions on the public's health. Every family wants to know how it is going to affect that family.

Of course we have to consider the cost to industry, but we also have to consider the benefit to public health for the American families.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, I thank the gentleman for that clarification of what he is trying to accomplish.

Mr. DREIER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to begin by recognizing the very thoughtful and eloquent gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Chairman, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, I rise today to speak on behalf of the small business men and women throughout America. Small businesses are responsible for two out of three new jobs created in America today. The underlying legislation, the Mandates Information Act, among its other attributes, provides additional protection for small businesses of America that have borne the brunt of unreasonable and costly Federal mandates for far too long.

This legislation would simply give Members the right to raise a point of order to any legislation that would result in costs of more than $100 million for private entities, so it is important that we move forward with this legislation to protect small businesses.

Mr. DREIER. Mr. Chairman, reclaiming my time, I thank my friend for his contribution. I would like to begin by expressing my special commendation to my very dear friend, the gentleman from New York (Mr. BOEHLERT), and to thank the gentleman for the fact that over the last several weeks he has worked with us to try and address his needs to this bipartisan measure that is before us. But it saddens me that despite the gentleman's efforts, I am compelled to oppose the amendment as we have discussed.

I do so for two reasons: One, because it attempts to fix a problem that really does not exist; and, two, because, quite frankly, if it is adopted, it would kill a very carefully balanced and, as I said, bipartisan measure. It has been put together really over the last several years through efforts of our colleagues, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from California (Mr. CONDIT).

H.R. 350 is nearly identical to the bipartisan legislation that passed the House of Representatives last year by a vote of 279 to 132. At the core of H.R. 350 are two mutually dependent objectives. The first requires committees and the Congressional Budget Office to provide more complete information about the cost of proposed mandates on the private sector.

The second ensures accountability by permitting a separate debate and vote on the consideration of legislation containing private sector mandates exceeding $100 million annually. Any amendments that weaken one of these objectives effectively undermines the other.

I would say to my friend that one of the important things that needs to be pointed out here is that the amendment does not in any way expand debate time. That is something that we in the Committee on Rules will be doing, and I am sure that when debate needs to be made in order, we in the Committee on Rules want to do everything we can to ensure that Members have a chance to do that.

For example, without permitting a separate debate and vote on a costly mandate, little incentive exists for committees to avoid the point of order by working with the affected groups to develop cost effective alternatives.

This point was made by the Acting Director of the Congressional Budget Office in testimony before our Committee on Rules last week. He said, "Before proposed legislation is marked up, committee staff and individual Members are increasingly requesting our analysis about whether the legislation would create any new Federal mandates, and, if so, whether their costs would exceed the threshold set by the Unfunded Mandates Reform Act. In many instances, CBO is able to inform the sponsor about the existence of a mandate and provide informal guidance on how the proposal might be restructured to eliminate the mandate or reduce its cost. That use of UMRA early in the legislative process appears to have had an effect on the number and burden of intergovernmental mandates in enacted legislation."

I think that states it very clearly, Mr. Chairman. The procedures of the House provide sufficient protection against dilatory efforts to thwart debate on legislation that the majority of Members have agreed to debate by virtue of adopting a special rule.

Moreover, the Committee on Rules spent two years developing, as I said, a bipartisan plan which was adopted as the opening day rules package to streamline and simplify the rules of the House, to make them easier to understand and more user friendly.

The Boehlert amendment will simply recomplicate the rules of the House in a well-meaning attempt to fix, as I said in my opening, a problem that does not exist.

The CHAIRMAN pro tempore (Mr. BRADY of Texas). The time of the gentleman from California (Mr. DREIER) has expired.

(By unanimous consent, Mr. DREIER was allowed to proceed for 1½ additional minutes.)

Mr. DREIER. Mr. Chairman, H.R. 350 is carefully balanced to guarantee that the House is able to work its will, while providing a meaningful way to ensure that we here in the House can work our will while meaningfully providing a way to ensure that Congress acknowledges and fully debates the consequences of new mandates on consumers, workers and small businesses.

Such mandates cost businesses, as has been pointed out, consumers and workers, about $700 billion annually, or about $7,000 per household. That is about a third the size of the entire Federal budget.

It is important to note that H.R. 350 does nothing to roll back existing mandates, nor does it prevent the enactment of additional mandates. As written in section 2 of the bill, "The implementation of this act will enhance the awareness of prospective mandates on the private sector without adversely affecting existing environmental, public health or safety laws or regulations."

Let me say that one more time, as I did during the rules debate. "The implementation of this act will enhance the awareness of prospective mandates on the private sector without adversely affecting existing environmental, public health or safety laws or regulations."

In other words, Mr. Chairman, H.R. 350 is a straightforward, common sense, bipartisan bill that will make Congress more accountable by requiring more deliberation and more information when Federal mandates are proposed.

I urge my colleagues not to undermine this very sound, bipartisan legislation. So I am compelled to urge a "no" vote on the amendment offered by my friend from New York.

Mr. COOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Boehlert amendment to H.R. 350, the Mandates Reform Act. I believe the Boehlert amendment makes a good bill even better. This amendment accomplishes the bill's goals of adding more focused, better informed debate on measures that would cost industry money.

I support free, fair, open and informed debate on the costs and benefits of all legislation. The Boehlert amendment ensures this will happen. It also leaves entirely intact the provisions of concerned states and local governments about unfunded Federal mandates.

□ 1115

If the Chair rules that the CBO has determined that the measure will cost the private sector more than $100 million, we will debate the costs and the benefits. Without this amendment, no evidence of cost is needed to raise a point of order. Anyone who opposes protecting the health of our children could stop legislation with no evidence of the costs.

With the Boehlert amendment, we could continue to protect local government from unfunded Federal mandates by eliminating unnecessary and hidden costs. This will be done by fair and open debate on the issues, and without unduly slowing down the legislative process.

The Boehlert amendment protects taxpayers, the economy, and the environment, and I urge my colleagues to support this amendment.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. COOK. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, the very distinguished chairman of the Committee on Rules just said from the well that this bill will enhance the awareness of the cost of the bill without in any way compromising or adversely affecting environmental, public health or safety considerations.

Let me suggest that I share his goal in enhancing awareness of the cost of the bill, but the bill is sadly deficient in terms of the potential benefits, and that is why every environmental public health and safety organization is strongly endorsing my amendment. They want more debate, not less. They want to continue discussion, not terminate it. That is what this is all about: full, open, and fair debate.

I thank my distinguished colleague for yielding.

Mr. COOK. Mr. Chairman, I thank my colleague from New York for this important amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOEHLERT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 216, not voting 8, as follows:

[Roll No. 15]

AYES—210

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clyburn
Cook
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn

NOES—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dooley

Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOT VOTING—8

Carson
Conyers
Ewing
Lofgren
Maloney (NY)
Mollohan
Rush
Spratt

☐ 1139

Messrs. LIVINGSTON, HANSEN, and REYNOLDS changed their vote from "aye" to "no."

Mr. KLECZKA and Mr. SCARBOROUGH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1145

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAXMAN:

Page 6, line 10, after "exceeded" insert "or that would remove, prevent the imposition of, prohibit the use of appropriated funds to implement, or make less stringent any such mandate established to protect human health, safety, or the environment".

Page 6, after line 10, insert the following new paragraph and renumber the succeeding paragraphs accordingly:

(4) MODIFICATION OR REMOVAL OF CERTAIN MANDATES.—(A) Section 424(b)(1) of such Act is amended by inserting "or if the Director finds the bill or joint resolution removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect human health, safety, or the environment" after "such fiscal year" and by inserting "or identify any provision which removes, prevents the imposition of, prohibits the use of appropriated funds to implement, or makes less stringent any Federal private sector mandate established to protect human health, safety, or the environment" after "the estimate".

Page 6, lines 18, 20, 22, and 24, after "intergovernmental" insert "mandate" and after the closing quotation marks insert "and by inserting 'mandate or removing, preventing the imposition of, prohibiting the use of appropriated funds to implement, or making less stringent any such mandate established to protect human health, safety, or the environment' ".

Page 6, line 23, strike "and".

Page 6, line 25, strike the period and insert "and".

Page 6, after line 25, insert the following:

(v) by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting "and" and by adding the following new clause after clause (iv):

"(v) any provision in a bill or resolution, amendment, conference report, or amendments in disagreement referred to in clause (i), (ii), (iii), or (iv) that prohibits the use of appropriated funds to implement any Federal private sector mandate established to protect human health, safety, or the environment.".

Page 7, line 16, strike "one point" and insert "two points" and on line 18, insert after "(a)(2)" the following: "with only one point of order permitted for provisions which impose new Federal private sector mandates and only one point of order permitted for provisions which remove, prevent imposition of, prohibit the use of appropriated funds to implement, or make less stringent Federal private sector mandates.".

Mr. WAXMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, this bill that we are considering today would set the procedural hurdles in the way of legislation that would mandate requirements on private businesses, what are called unfunded mandates.

The underlying rationale of the legislation is that the Congress ought to be sure of all the impacts of legislation before a vote is taken, especially if we are going to have an unfunded mandate.

The amendment that I am offering in no way changes the underlying legislation. My amendment does not weaken H.R. 350 in any way. I want to repeat that so that there is no confusion about what we are doing in offering what we call the defense of the environment amendment. We do not change any of the procedural provisions in the Condit-Portman bill. We do not affect how the bill would work for any new private-sector mandates.

Instead, what my amendment would do would merely extend the same protections to other issues that are of great importance to the American people, requirements that had been established under existing law to protect the public health, safety, and the environment.

This amendment is based on legislation that is called the Defense of the Environment Act, which is supported by every major environmental group and the AFL-CIO and other outside organizations as well. Because if we are going to consider repealing current environmental or public health protections or safety protections or worker protections, we ought to do so with full information and adequate consideration.

It is the same rationale for the underlying bill. It is just common sense. It addresses a serious problem with the way environmental policy has been determined over the last 4 years.

During the last two Congresses, when we looked at environmental legislation, we did not get a chance to consider it separately, to debate it on its merits, and then to vote on anti-environmental riders. What we had were provisions attached to appropriations bills or other must-pass pieces of legislation.

What resulted often was absolutely no debate or consideration by the committee of jurisdiction. What also happened was that we did not get a chance to have a debate or vote on the House floor.

Just as the authors of this bill do not want us to pass mandates on the private sector without a chance for consideration and a vote, we feel the same procedural assurances ought to be given to those who are concerned about repealing existing laws that affect environment, safety, and public health.

Let me talk about some of the examples that have happened in the last couple of Congresses. We had anti-environmental riders that increased clearcut logging in our national forests. We had riders that would have crippled protection of the endangered species and stall the Superfund program. We had provisions that would have hindered our ability to ensure the groundwater protection from contamination from old nuclear facilities. We have blocked the regulation of radioactive contaminants in drinking water and delayed our efforts to clean up air pollution in the national parks.

The defense of the environment amendment would not prohibit the House from taking any of these steps or passing any of these measures, but it would guarantee that we at least have the option of having an informed debate and a separate vote on these proposals. It would at least give us an opportunity to protect our clean air laws, our clean water laws, our toxic waste laws, and all of our laws that protect health and safety of workers and our families.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. WAXMAN) has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 2 additional minutes.)

Mr. WAXMAN. Mr. Chairman, I was surprised when this amendment was narrowly defeated last year because it would take the same philosophy for unfunded mandates, for economic considerations, and apply it to other equally important values.

I want to emphasize again this amendment would not prohibit Congress from repealing or amending any environmental law. It places no new burdens on any business, State, individual, or federal agency. It would simply bring an informed debate and accountability to the process.

Mr. Chairman, there is no question the American people want Congress to protect public health and environment. The environment and our Nation's public health is just as important to them as unfunded mandates.

Over the years, we have seen that, when Congress legislates in a deliberate, collegial, and bipartisan fashion, we are able to enact public health and environmental protections that work well and are supported by both environmental groups and by business.

I ask all of my colleagues to support this amendment and guarantee that Congress does not unknowingly jeopardize America's public health and the environment. I urge support for this legislation.

Mr. LINDER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the Waxman amendment because it creates a hurdle in this legislation that need not be. He argues that when benefits arise from an action of Congress it does not have the same debate as the cost, and that is simply just not a fair or honest argument, simply because nobody brings a bill to the floor for benefits without making that the base of the entire bill.

The basis of the entire bill for bringing benefits to our constituents or the consumer is the basis of the argument and the debate. All we are saying in this bill is if that benefit one wants to give to the consumers or to the constituents in their district imposes costs on the private sector, that we are unwilling to tax our constituents to pay, that ought to be subject to a point of order for debate. That is all, subjected to a point of order for debate.

We are interested, as the gentleman from California (Mr. WAXMAN) said, in putting hurdles in the way of imposing costs on the private sector; hurdles, not roadblocks, not stoppages but hurdles.

As I said in the debate over the previous amendment, the 1995 legislation that enacted unfunded mandates legislation with respect to $50 million of cost on the private sector went into effect on the 1st of January 1996.

We have had 3 years to see the benefits of that provision. On seven occasions, I think it is four by one party and three by another party, the point of order has been raised. In all seven cases, this House voted. After listening to the debate in terms of the cost imposed on the public sector or local or state governments on the one hand and the benefits of the legislation on the other hand, this House moved on seven occasions to move forward with the debate and voted indeed on those mandates.

An argument has been made that we have imposed burdens and restrictions on environmental issues through riders on bills, but those riders are already subject to a point of order. That is legislating on an appropriations measure.

There is in the rule book of this House a provision that says any legislating in an appropriations bill is subject to a point of order. That has already been handled.

There is no question in some instances there has been a waiver of those points. That is a debate for the Committee on Rules and that debate is carried out between the two parties and between the opposing views in the Committee on Rules before those riders or those points of order are waived.

Lastly, let me just deal with an argument that has come up over and over in both the Committee on Rules hearings and the Committee on Rules debate and on this floor. We are told that this is an effort to repeal current environmental health and safety measures. That is simply not the case.

I am reminded of a comment made by, I believe it was Aldous Huxley, who, in responding to an argument, he said, your argument is not right. It is not even wrong. It is irrelevant.

Those points are simply irrelevant to this bill. What we are only saying is, legislation that is good for the safety, the health or the environment of our constituents will get to this floor. It will have a broad debate on the benefits but if it imposes costs on the private sector, costs that we are unwilling to step up to the plate on this floor and vote for in terms of taxes on our constituents, we ought to have the debate on that, too.

We ought to have an informed debate. We ought to make a vote on the floor of this House to move forward with that debate on the benefits of the bill so that not only this House but the rest of the world will know that we know we are imposing those costs; we think that the benefits outweigh costs and we are willing to move ahead anyway.

Mr. Chairman, I believe that this amendment is an effort to slow down progress; to do for the private sector what we have already done for the public sector. I urge a no vote on the Waxman amendment.

Mr. MOAKLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I said before, I support the idea behind requiring full disclosure of unfunded mandates in the private sector. Giving Members more information about votes they are preparing to cast only can improve our legislative process.

Mr. Chairman, the bill before us is a one-sided bill. It creates a hurdle for bills which impose new requirements on private industry but it does nothing to bills which remove existing requirements.

By doing so, it takes the side of the industry over the American public. For that reason, Mr. Chairman, I urge my colleagues to support the amendment of the gentleman from California (Mr. WAXMAN).

The Waxman amendment gives the same protection to the welfare of the American public as it does to the wallets of American industry. It requires Members to stop and think before eliminating laws that protect health and safety; just as the bill before us requires Members to stop and think before adding laws to protect public health and safety.

Mr. Chairman, if one has to slow down before adding a law, one should have to slow down before removing one.

The idea of the gentleman from California (Mr. WAXMAN) is a very good one, which is supported by the Center of Marine Conservation, the Environmental Defense Fund, the League of Conservation Voters, the National Resource Defense Council, Physicians for Social Responsibility, the Sierra Club, the United States Public Interest Group, the AFL–CIO, AFSCME, United Auto Workers, United Steelworkers of America, Consumers Union, Public Citizens and the American Public Health Association, just to name a few.

My colleagues may wonder how an amendment could have garnered the support of such an impressive list of public interest groups. The answer is very simple. This is a good amendment.

□ 1200

Over the last four years, my Republican colleagues have engaged in a very dangerous policy of attaching what are known as environmental riders to bills that must be passed. And my colleague and my friend from the Committee on Rules said that "Of course, but the rules already stop that," but I can show the Members many Committee on Rules debates where they are replete with waivers of these so-called environmental additions.

These bad pieces of legislation, which normally would die if left to stand alone, hitch a ride on a very important piece of legislation. And by riding on this very important piece of legislation, these bills manage to slip by nearly unnoticed. That is, Mr. Chairman, until it is too late.

Some of the riders which have particularly devastating effects on the people of Massachusetts include riders to stop the regulation of radioactive contaminants in drinking water, riders to stall the Superfund program, riders to lessen energy-efficient standards, and riders to prevent the Environmental Protection Agency from making sure old nuclear facilities do not contaminate groundwater.

In short, Mr. Chairman, these environmental riders are so dangerous to public health and public safety that no American citizen without a personal financial interest in increasing pollution would support them.

The Waxman amendment says Congress should stop and think before dismantling our environmental protections and our workers' protections. His amendment does not create any new burdens on businesses, it does not prevent Congress from repealing any laws, and it does not impose any new costs. If a majority of the Congress still wants to pass bills to lessen requirements on businesses, it can do so. This amendment just gives the American people a fighting chance.

Mr. BOEHLERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a result of the action on the last amendment, which passed by the narrowest of margins, we are now confronted with a bill that will indeed create new points of order. I do not think it is a very good idea. But I strongly believe that if we are going to create new points of order, they should be balanced. It is that fundamental sense of fairness that lies behind the Waxman amendment.

H.R. 350 would make it more difficult to pass laws that protect health and safety and the environment. If we are going to do that, we ought to create an additional point of order that will make it harder to pass bills that would weaken health and safety and environmental protections. The Waxman amendment would accomplish precisely that.

For that reason, I rise in support of the amendment.

Mr. Chairman, I rise in strong support of this amendment.

To be frank, I preferred my approach to remedying this bill. Ideally, the House should not use points of order as a substitute for substantive debate. But my amendment was defeated. And so now we are confronted with a bill that will indeed create new points of order.

And the Waxman amendment would have an additional benefit. The amendment would put an end to the use of riders to weaken environmental protections. Under the Waxman amendment, legislative provisions that weaken existing law would be subject to a vote—even if they were stuck in an appropriations bill or conference report. No longer would anti-environmental riders be used to slip through legislation that could not possibly pass if it were considered as a free-standing bill.

Now, the House in recent years has kept its riders to a minimum, and I know that that restraint will continue under the Speaker HASTERT. But the other body has not always felt so reluctant, and riders have continued to appear in conference reports.

I think the new point of order provided by the Waxman amendment will help leadership achieve its goals of keeping riders off spending bills.

I urge my colleagues to support this "Defense of the Environment" amendment. It will correct the imbalance in H.R. 350. It will end the use of riders to weaken environmental protections. It will ensure that the House has open and thorough debate on measures that would weaken laws and rules that protect the public.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge my colleagues to join me today in supporting the Waxman "Defense of the Environment Act" amendment to H.R. 350. It is about time we pass this amendment. Democrats and moderate Republicans are sick of the stealth attacks on environmental protection that continue to delay consideration of one appropriations bill after another, year in and year out.

The Waxman amendment would begin to reverse these stealth tactics by requiring any bill reported out of committee that might reduce environmental protection to identify and assess these provisions. The amendment will also allow for open debate and votes on legislation that removes or weakens environmental health and safety laws.

Mr. Chairman, in previous years the Republican majority has attempted to quietly attach a number of anti-environmental riders to the annual appropriations bill, often at the last minute. Not only is no one supposed to be able to legislate on an appropriations bill, but such riders prevent an open and honest debate on measures that would have great impacts on environmental natural resources, resources that most people in this country value greatly.

As I am sure we all remember from years past, similar efforts by the majority to gut the environment came to no good, eventually resulting in a governmental shutdown in 1995. Last year, again, so much time was wasted trying to search out these bad riders, bring them to the public's attention, face presidential veto threats, and reexamine these bills that the Congress only finished its business after introducing several continuing resolutions.

But the majority has been found out. Citizens of this country realize that these special-interest riders would never pass as freestanding legislation because the measures would, at best, result in wasteful spending and unnecessary delays in addressing critical environmental problems and, at worst, result in substantial devastation to natural resources by permitting logging in national forests, allowing helicopters to fly over natural wilderness areas, or approving construction of roads through national parks and other delicate ecosystems, just to mention a few.

That is why the Republican majority continues to take a back-door approach to rolling back environmental protections, that is, by trying to sneak in special-interest riders as provisions of other more overarching bills. Last year they tried to insert a record number of over 40 stealth riders, some of which would have had devastating effects on the environment.

We have to stop wasting taxpayer dollars and end these stealth attempts to destroy the environment. Appropriations bills should be addressed in an open, honest debate. The Waxman amendment would force an open debate and an independent vote on every rider that attempts to weaken 25 years of environmental protection in this country. It would not necessarily prevent such riders from passing, but it would ensure that the public was made aware of these issues that otherwise are literally added into multi-billion dollar appropriations packages at the eleventh hour. It also would ensure that the public knew how Members voted on each one of these riders.

Mr. Chairman, we must safeguard our natural resources for ourselves and our children and expose the Republican majority's efforts to derail our appropriations process. We must begin now by voting "yes" on this important amendment before us. I urge my colleagues to join me in supporting the Waxman amendment.

Mr. LINDER. Mr. Chairman, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Chairman, I would like to just point out that the use of riders on an appropriations bill is hardly a new invention of the last four years. The Vietnam War funding was ended by a Democrat rider on an appropriations bill.

Mr. PALLONE. Mr. Chairman, if I could take back my time and point out that now is the time to stop the process, and I think the Waxman amendment will go far towards making sure that there is an open debate on these issues and not having this stealth process continue.

Mr. McCRERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment that is before us really has very little to do with the legislation that is on the floor. In fact, I came and asked staff why this amendment was even germane to the legislation that is before us. And evidently there is a tangential germaneness because of the tie-in to CBO, but that very tie-in is the reason we ought to oppose this amendment, CBO.

The amendment of the gentleman would require the Congressional Budget Office to make a subjective determination of whether a bill or provision in a bill weakens or strengthens any environmental or public health law. Mr. Chairman, the CBO is not equipped to make that kind of subjective determination. That is a matter for debate on this floor, debate in the committees of jurisdiction, not a matter for the CBO to determine and provide some subjective analysis that will be tacked onto a bill that somebody can read on the floor. CBO is there to provide objective economic analysis, which is what the underlying bill asked them to do with respect to any bill that might affect in an economic way the private sector.

So this amendment, while we are not going to object to the germaneness, really has nothing to do with the underlying bill and it ought to be rejected because it asks the CBO to do something that CBO is not designed or equipped to do.

Any debate on whether a bill affects adversely an existing public health policy or piece of legislation concerning the environment ought to be debated among the Members of the House here on the floor and in committee.

So I would ask the Members to reject the Waxman amendment, A, because it has nothing to do with the underlying legislation; B, it adds nothing to the legislation; C, it is bad policy to ask the CBO to do something that they are not supposed to do, they are not designed to do.

So please, Mr. Chairman, allow me to urge our colleagues to come to the floor, vote for common sense, let this underlying legislation pass, and reject the Waxman amendment because it simply has no place on this floor.

Mr. ALLEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the "Defense of the Environment" amendment offered by the gentleman from California (Mr. WAXMAN). I want to begin by responding to the analysis just made by the gentleman on the other side.

His argument is that this analysis, this legislation, this amendment requires an analysis by CBO that is too complex for CBO to undertake. The truth is that the analysis is very simple because all that is required of CBO is to identify, that is the word in the amendment, to "identify" any provision which removes, prevents the imposition of, or prohibits the use of appropriated funds to implement or makes less stringent any Federal private-sector mandate established to protect human health, safety, or the environment.

That is all we are talking about. So that what CBO is being asked to do is simply to identify a provision, and that I suggest is well within its competence.

This amendment, the Waxman amendment, takes common-sense steps to ensure that no legislation to weaken environmental protections can be approved unless it is specifically considered and approved by the House.

Despite a public outcry over the last four years, the majority has tried to roll back environmental regulations. The 105th Congress saw too many harmful riders tacked onto must-pass appropriations bills. These hidden attempts to weaken our environmental laws only work against the public interest.

I would like to cite one example that is very important to my home State of Maine, and that is mercury pollution. Maine suffers some of the worst mercury pollution in the United States, but Maine is not alone. Thirty-nine states have already issued health advisories warning the public about consuming fish containing mercury. In some States, including Maine, every single lake, pond, stream, or river is under a mercury advisory.

Now, why is this important? Last year's VA–HUD appropriations bill contained language to prevent the EPA from taking steps, from taking regulatory action to limit pollution. The EPA had already concluded that there are serious health risks involved with mercury exposure and that contamination is on the rise, but this language handcuffed the agency from curbing harmful emissions.

We voted last year on that amendment, on an amendment that would have removed this particular language. But the vast majority of these anti-environmental riders do not receive adequate debate or a separate vote. All environmentally harmful riders deserve our most careful scrutiny. At the very least, we should ensure that the public knows where this Congress stands on the important environmental issues that affect our nation.

Now, I come from a State where George Mitchell and Ed Muskie helped to write the clean air and clean water laws that now govern this country, and I am not going to stand by and watch an attempt, under cover of procedural laws, to try to unravel those protections. I think that we need to ensure that the debate over environmental policy is open and direct.

I urge Members to support the Waxman amendment.

Mr. McCRERY. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Louisiana.

Mr. McCRERY. Mr. Chairman, I thank the gentleman from Maine (Mr. ALLEN) for yielding.

The gentleman tried to make the case that CBO could make some sort of objective analysis. The gentleman's last phrase in his description of the requirements of the amendment were "less stringent," any provision that makes "less stringent" the environmental or public health laws.

I would submit to the gentleman that that phrase "less stringent" can be in the eyes of the beholder. As testified to, in fact, by CBO in hearings before the Committee on Rules on this amendment, CBO, the witness, said whether the benefits exceed the cost. But in many instances the benefits are in the eye of the beholder and are very difficult to pin down in any kind of a quantitative means.

So CBO has testified that they are not equipped to do this, it is a subjective analysis, and that ought to be left to the Members of the House.

Mr. ALLEN. Mr. Chairman, reclaiming my time, I would simply point out that the matter of identifying the effect of a regulation is a lot easier than determining what the effect of the cost may be, trying to evaluate the cost of particular legislation in the private sector. I still believe this is the kind of relatively simple task that CBO can perform.

Mr. PORTMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a very interesting amendment. And my point is simply, it does not fit here. The gentleman from Maine (Mr. ALLEN) just talked about how CBO could do this. Talk to CBO and they will tell him, what CBO does is objectively look at cost information. They objectively look at economic information. This legislation is all about relying on the Congressional Budget Office to do that so that we can, for the first time, have better information and then have accountability as to how we deal with that information. The Waxman amendment is a whole other topic.

I just want to raise an alternative. When appropriations bills are on the floor of the House and the gentleman from Maine (Mr. Allen) and the gentleman from California (Mr. WAXMAN) and all the speakers who have supported this have said this is really about appropriations bills, they have focused, as I understand them, on the VA–HUD and other agency appropriations bill, which is where EPA is.

Those are always taken up under open rules. There is certainly no history that I am aware of since I have been here where it has not been an open rule. It has never been restricted. We have restricted some appropriations bills, and they have been the legislative branch bill and the foreign ops bill, period. The others are open.

Any Member can offer a motion to strike. If there is an environmental rider, which seems to be the focus of this amendment to legislation that really does not relate to Mr. WAXMAN's concern, then any Member can offer a motion to strike and knock that rider out and have a full debate on it, and we do it regularly.

When we legislate on appropriations bills, even if the point of order is waived, and of course we know there is a point of order on legislating on appropriations bills, but even when it is waived by the rule and even when rule passes, which would be two other opportunities to have that happen, you still have that motion to strike.

□ 1215

That is where we ought to be addressing these problems. We ought not to be doing it in the context of the private sector or the public sector mandates bill. It is an entirely different analysis. CBO will tell us they cannot do it. They will ask these questions:

Okay, who is going to determine whether a mandate is actually weakened?

Is that driven by a reduction in direct or indirect cost to the private sector?

What if the private sector has become more efficient in implementing the mandate? We all want to encourage that; do we not?

What if that has happened? How do we analyze that?

Are those costs netted out from the Congressional Budget Office statement?

Is there some credit given to the private sector for doing that?

Cost reductions always mean benefits to healthy environment are weakened? I thought the goal was to get the greatest benefit for the least cost. That is what we say we encourage we want to do around here.

This process that the gentleman from California (Mr. WAXMAN) sets up indicates a direct relationship always between cost reductions and weakened benefits, and that may or may not exist. It just does not fit with this legislation. There are other ways to deal with it. We do so in the House all the time through appropriation bills by offering a motion to strike.

I would just say that again it is a very interesting debate we are having, it is a topic that is worthy of debate. I know the gentleman is sincere about his concern about riders on appropriation bills. This is not the right place to bring up this legislation. We have worked with CBO over the last 4 or 5 years on the public sector, now the private sector legislation. We have worked with the parliamentarian. We have done the hard work to come up with a balanced product. We have worked with the Committee on Rules. A substantial majority of the Committee on Rules has supported us in our efforts and refined this legislation. To come to the floor with this amendment that changes the whole direction of the bill and takes us off in another direction when it is not even necessary because we can already do it under our rules seems to me to make no sense at all.

Mr. Chairman, I urge the Members of this House to look very carefully at what is being done here and to ask themselves cannot this be done through existing procedures, number one; and, number two, do we really want to add this burden that cannot be done by the Congressional Budget Office to this legislation making the legislation ultimately unworkable?

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Waxman amendment to the Mandates Information Act and echo the sentiments of those who believe that some of the greatest legislative efforts of this Nation, some of our finest moments and hours of promoting social and economic progress, have come from this body and, oftentimes, right off the floor of this House. We have legislated in the public interest cleaner air, cleaner water, enforced civil rights, protected public health and safety. We have come a long way, and obviously we have made some progress in these areas. But we still have a long way to go. It is my hope that during this session of Congress we will debate issues like the Patients' Bill of Rights, an increase in the minimum wage, defense of the environment and other important measures. However this bill, this bill provides a legislative vehicle, a opportunity for Members to maneuver around, kill or delay important health and safety protections without directly voting against them and without a full and fair debate. Mr. Chairman, this bill inappropriately raises expense concerns above health and safety in the public interest.

So I ask my colleagues: At what expense are we talking when we talk about the cost of gambling away the health and safety of our Nation's children, our Nation's workers, our families who rely upon basic protections? We cannot put a cost on improving living and working conditions. How high is high? How low is low?

Finally, this bill concentrates on the hardships placed on businesses, but it completely ignores the benefits of feeding the hungry, or looking after the needs of those who must have their health and safety preserved, or improving the environment and our Nation's precious natural resources, protecting public health and safety and enforcing the rights of all of our citizens. Yes, we need to make sure that we provide opportunity for businesses to grow and develop and thrive, but we also need to make sure that we have the tools to vote on these basic proposals on the basis of merit rather than hiding behind a procedural vote or dealing with the process which oftentimes does not let the public know exactly what it is we have done or what positions we have taken.

Therefore, Mr. Chairman, I would urge support of the Waxman amendment.

Ms. GRANGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my friend, the gentleman from California (Mr. WAXMAN). As a former mayor, I can tell my colleagues that the unfunded mandates law was one of the most important reforms that Congress has ever passed. It was important because it forced Congress to vote on new mandates that would be imposed on our State and our local governments, and by forcing Congress to vote on these mandates Congress would think before it mandated.

Some predicted that the effect of this law would be to undermine health, safety and environmental laws. They were wrong. All that this law did was to make Congress think before it mandates. Today this bipartisan mandate reform legislation does the same thing. It makes Congress stop and think before it imposes private sector mandates. It will not stop us from imposing new laws to protect health, safety or the environment. It will not stop any new laws. But what it will do is require the Congress to vote on new private sector mandates that are imposed on our small businessmen and women.

Like the unfunded mandates law, it requires us to think before we mandate. The Waxman amendment removes the most important part of this legislation, the requirement that Congress thinks before it mandates. It eliminates the accountability provision, and this is wrong.

Mr. Chairman, as a mayor, a small business person and as a mother, I strongly support a safer, healthier America. I will always support laws that keep our air clean and our rivers healthy and our environment safe. But today I stand before my colleagues because I have another role. I am a representative, and I believe that all of us owe it to our constituents to think before we impose new mandates on them.

I urge my colleagues to vote in favor of the Mandate Information Act and against the Waxman amendment, and I will remind my colleagues the following groups are scoring this amendment and this final vote:

The U.S. Chamber of Commerce,

The National Federation of Independent Business,

The American Farm Bureau,

The Small Business Legislative Council,

Citizens for a Sound Economy,

The National Restaurant Association,

The National Retail Federation,

The Associated Builders and Contractors,

The American Subcontractors Association,

The National Association of the Self-employed,

The National Association of Manufacturers,

and the National Roofing Contractors Association.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Waxman amendment. It is an important amendment, and I think it is very consistent with the underlying debate before us concerning unfunded mandates. Congress should be required to pay close attention to the effect of legislation on the environment and on public health just as it should be required to pay close attention to the impacts of its decisions on the private sector or the public sector as required in the previous legislation and the legislation before us today.

This amendment is here because time and again we have seen matters of the environment and public health come before the Congress with little or no debate, in some instances with no underlying hearings. Legislative riders that deal with the fundamental and basic underlying environmental laws of this country are sneaked into the appropriations bill. With no debate at all attempt is made to weaken these laws concerning clean water, clean air, toxic waste, brown fields, forests, safeguards and food safety. Time and again these matters have been brought to the floor with no provisions in their rules for debate. Very often we find that they are hidden away in the report language so we cannot get to them when we debate them on the floor of the House of Representatives and we cannot vote on these matters directly. We very often find that we are limited in the time in which we can discuss them, and they have huge impacts on our natural environment and our public health and on taxpayers.

That is why we need the Waxman amendment, so we will have the opportunity to discuss these critical issues in the light of day.

There are two reasons why these changes in environmental laws are often not brought before the Congress in freestanding bills under the legislative rules that would allow free and open debate on the provisions. One is that the anti-environmental legislation would fail if it stood on its own in the light of day as a freestanding legislation. Yet it is that the majority party does not want to openly be seen as trying to repeal Environmental Health Protection Act, so rather than put up with the debate, put up with that characterization, put up with the facts of the debate, they put this into appropriations bill where the opportunities to debate are sometimes none and sometimes very limited. Instead the majority party tucks these into the largest bill, with the must-pass appropriation bills, into bills at the end of the session, with total disregard for the impact on the environment, and those are colleagues here in the House of Representatives. Very often again these legislative riders are sent over to us in legislation that comes from the Senate where again the opportunity is not debated. We may have debated these riders openly here on the floor of the House, we may have knocked out a number of these riders in the various appropriation bills, and then in the omnibus bill at the end of the year these riders are reinserted into that legislation, we are not given an opportunity to debate them, and the legislation is passed because it is an up-or-down vote.

This is not a contest between unfunded mandates and the environment. In many instances these two situations rise separate of one another. But this is about whether or not, as we do the people's business here, we will have the opportunity to raise these environmental and public health issues and have free and fair debate on those issues. Over the last several years this has simply not been the case. Last year the omnibus appropriation bill was riddled with anti-environmental riders, preventing the tightening of the fuel economy stands, opening the coastal barriers to development, increasing logging and enabling oil and gas industries to escape paying what they owe the government. The Waxman amendment is also critical because many of times in the committee in which I serve, the Committee on Resources, legislation is passed regarding the actions to be taken by the Federal Government or private party, and the committee simply declares that those acts are sufficient under the Endangered Species Act or sufficient under the National Environmental Protection Act. The majority party in that case has made no showing that they are in fact sufficient under either of those acts. They simply declare without any debate, without discussion, without any vote that those actions are sufficient, and that is why we need the Waxman amendment.

Historically, when we have taken these kinds of actions, when we added these kinds of riders, we usually have gone back and had to spend millions of dollars to try to make up for those mistakes and the errors that were caused because those riders were offered with no ability to debate them. The Waxman amendment is an opportunity to give the environment the kind of priority that the American people attach to the subject, to give it the same kind of priority that the proponents of this legislation wish to give to unfunded mandates, another very important consideration when this Congress legislates. These are not inconsistent, they are not at odds with one another. We are simply saying that the same kind of opportunity should be given for this kind of debate. In poll after poll we see that the American people self identify themselves as strong environmentalists deeply concerned about the environment. Even when we pit them against a tradeoff for jobs in a local area, they want the environment protected, they do not want national laws weakened. And yet we see contrary to those actions and those desires by the American people the efforts to slide in riders that are not open to the debate, and that is why I would encourage my colleagues to support the Waxman amendment.

□ 1230

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this body expresses its fundamental values and its priorities in a number of ways. I feel privileged today as a new Member to have an opportunity to speak for the first time on an issue that so clearly gets to the question of what is really important to us, what are the priorities, what is most important?

Without a doubt, the cost to business is an important consideration when we look at legislation, but H.R. 350 raises the cost to business as the most important. It raises it above all other considerations. It makes it a top priority, the only separate hurdle that we create.

I rise to support the defense of the environment amendment offered by the gentleman from California (Mr. WAXMAN) because it establishes that in addition to cost to business, that we as a Nation are concerned about the cost to the safety of the workers in those businesses, the impact on the air that we breathe, the health of our citizens.

The amendment would allow Members the same opportunity to raise a point of order to block legislation that would take away existing public protections. We can demonstrate our balanced view on what is most important to this country, what is most important to our families and to our children, by supporting the Waxman amendment.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HALL of Ohio. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 216, not voting 14, as follows:

[Roll No. 16]

AYES—203

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Castle
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gilchrest
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—216

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson, Sam
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bachus
Berkley
Brady (TX)
Carson
Davis (VA)
Jones (NC)
Jones (OH)
Klink
Lofgren
Maloney (NY)
Pitts
Rush
Spratt
Watts (OK)

□ 1249

Mr. EWING changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. BERKLEY. Mr. Chairman, during rollcall vote No. 16, I was unavoidably detained. Had I been present, I would have voted "aye."

Mrs. JONES of Ohio. Mr. Chairman, during rollcall vote No. 16, I was unavoidably detained. Had I been present, I would have voted "yes."

Stated against:

Mr. WATTS of Oklahoma. Mr. Chairman, on rollcall No. 16, I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIRMAN pro tempore (Mr. LAHOOD). Are there any other amendments?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. FEDERAL INTERGOVERNMENTAL MANDATE.

Section 421(5)(B) of the Congressional Budget Act of 1974 (2 U.S.C. 658(5)(B)) is amended—

(1) by striking "the provision" after "if";

(2) in clause (i)(I) by inserting "the provision" before "would";

(3) in clause (i)(II) by inserting "the provision" before "would"; and

(4) in clause (ii)—

(A) by inserting "that legislation, statute, or regulation does not provide" before "the State"; and

(B) by striking "lack" and inserting "new or expanded".

The CHAIRMAN pro tempore. If there are no other amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. CRAMER. Mr. Chairman, I rise today in support of H.R. 350, the Mandates Information Act of 1999. This legislation is the result of a bipartisan effort between my fellow Blue Dog, Representative GARY CONDIT, and Representative ROB PORTMAN.

In 1995, Congress passed the Unfunded Mandates Reform Act (UMRA). This bill, eventually signed into law, has successfully limited the imposition of unfunded Federal mandates on state and local governments. This legislation was uniformly hailed by elected officials in my District and across the country who, for too long, had to bear the brunt of unfunded mandates.

H.R. 350 builds on the success of UMRA by requiring Congress to deal honestly with Federal mandates imposed on the private sector. The bill directs the Congressional Budget Office and congressional committees to assess the impact of private sector mandates contained in legislation reported to the House and Senate for consideration. For mandates that exceed $100 million, it allows any Member of Congress to force a separate debate and vote specifically on whether to consider legislation to impose such a mandate on the private sector. This legislation ensures that Members of Congress will have the most factual information possible on the effects of private sector mandates.

Opponents of this legislation claim it will undermine important public safety and environmental laws. This is simply not true. This bill will, however, cause this body to carefully review the costs of legislation on employers, employees, and consumers. The intent of this bill is to promote compromise and to mitigate the effects of unintended costs on the private sector, not to undermine our important public safety laws.

I commend my colleague from California and my colleague from Ohio for crafting this important piece of legislation and I look forward to supporting its passage.

Mr. VENTO. Mr. Chairman, H.R. 350 is misguided legislation that could delay and handcuff this Body to prevent the passage of sound policy and laws. H.R. 350 ignores history and dooms Congressional ability to respond to a crisis. Many of my Colleagues have only served during the good economic times of the Clinton recovery and were not here for the tough periods of the Reagan recession. If more of you had been here during those times, perhaps this ill-conceived legislation would not be scheduled to accelerated consideration.

While some tout the virtues of private profits over government regulations, I urge the members to consider the S&L crisis and the impact that this legislation would have had on such matter. As Members may recall, this too was an era that placed profits ahead of sound regulation. In an atmosphere of anything goes, risky investments and profit driven decisions led high flying thrifts across the country to risk everything at the altar of profit. That philosophy led to inveitable failures that cost the American taxpayer over $150 billion to maintain the promise of savings deposit insurance. Only through the passage of the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) was Congress and the banking regulators able to respond and to stem the flow of taxpayer dollars.

FIRREA was controversial and only passed with strong bipartisan support and the active support of the Bush Administration. It was tough medicine for the thrift industry but the remedial steps in this crucial law had to be taken. Only through this legislation were federal regulators given the authority that they needed to bring rogue thrifts under control. However, if H.R. 350 had been the law of the land, the strong FIERRA measure in all probability would not have been enacted into law. Instead of enacting an effective law, Congress would have gotten entwined in a debate on a procedural motion. Accountability of individual members would have been replaced with parliamentary hair splitting, rendering this Congress incapable of action in the face of crisis having the life sucked out through needless procedural votes leaving a hollow shell instead of a tough law and action.

H.R. 350 implies a rigid standard that does not recognize the need for prompt legislative action in times of a fiscal crisis. On such a serious flaw alone this measure should be rejected out of hand. Furthermore no sound critieria are established to serve as a reference of information upon which to base such cost numbers.

Its inherent flaws may still be remedied to bring some semblance of merit and balance to this process. Sound criteria and addressing a real problem in the congressional process. That is why I strongly supported the Boehlert amendment and especially the Waxman amendment. The Waxman amendment's purpose is clear—to extend the procedural safeguards of the Unfunded Mandates Reform Act to preserve the environment and protect the public's health and safety. It is time to bring the focus of debate back to the American people, the people who vote for you and I with the logical expectation to be represented in this chamber, and to reject the interest groups that want to trump public policy and legislative action with a procedural gauntlet. During my tenure in the House, I have become keenly aware of the American public's passion to preserve and protect the environment and welfare of our fellow citizens, and time after time I have helplessly watched anti-environmental riders especially in the past four years quietly slip into important but unrelated spending measures without deliberations, discussion, debate without a vote, or input from those who seek to fulfill their role and promise as representatives of the American people and their will.

The premise behind H.R. 350 is simple, but its consequences will be dire. Any member who believes that a piece of legislation will directly cost the private sector $100 million or more, whether the Congressional Budget Office concurs or not, may raise a point of order, debate this point, and then a simple majority vote could halt any further consideration of this legislation. The Boehlert amendment was intended to rectify this flaw. This is, for all intents and purposes, a simple, yet effective stall tactic—the House's answer to the Senate's filibuster. Now some of this may be changed, but placing the House in a straight jacket of procedures such as this simply frustrates the role of the House to write laws.

H.R. 350 can and will prevent the enactment of very important social and environmental legislation including the Clean Water Act, Clean Air Act, nursing home standards, and transportation projects. It would provide those who continue to fight for the social and environmental welfare of the people and their land another procedural obstacle with which to contend.

The passage of H.R. 350, without Mr. WAXMAN's amendment would leave us powerless to debate anti-environmental riders inserted in appropriations measures. The passage of this amendment is essential. It provides for an informed debate and accountable vote on legislation that repeals private sector mandates that protect the public's health and safety and the environment. In 1998 alone, the League of Conservation Voters reported more than 40 riders that would have weakened public health and public land protection were attached to approriations bills ranging from stalling Superfund reform to increasing the clear cutting of our national forests. No one under current House rules was allowed the opportunity to debate and have a separate vote on these measures. If enacted, Mr. WAXMAN's amendment will allow us to debate and vote on a rider that neither the committee of jurisdiction nor the full House has been allowed to review. It costs no money, burdens no business, and takes no authority or power away from Congress. It simply provides an avenue for members to discuss, debate, and vote on questionable riders. Some opponents argue it would delay action because of the need to have substantive information. In other words, don't look before you jump; this argument flies in the face of the common sense Waxman amendment result.

The Framers of the Constitution realized the necessity of incorporating a system of checks and balances between the three branches of government to allow our Nation to remain balanced, steady, and constant.

We need to restore this balance to the House of Representatives and bring the chance for fair debate back to all of us today, not tomorrow. Don't hide your actions and policy acts in the by-lines of a multi-volume appropriations measure. Stand at the podium and debate your ideas in a fair and democratic way, the way the framers of our constitution envisioned. You can do that by voting in favor of the Waxman amendment and not disabling measures by attempting to catch in a web of process.

This Congress doesn't need more ways to frustrate the writing of law and action on the floor. Rather what should be the order of the day is deliberate action, fair debate, and rules to let the body work its will. But this GOP majority continues down the road dreaming up ways to sidestep issues, avoid facing questions, and voting on the merits of issues all in the name of process. The "majority" in this House is aiding and abetting the special interests. This measure is just another attempt to sidestep a straight vote for fair consideration of a bill. Between the closed rules, riders, and out right obfuscation cementing in place super majorities, one would think the GOP was not just planning to be in the minority, but practicing such a rule today. The public sees through this conduct and hopefully will be happy to accommodate such behavior in the next general polling.

Mr. CASTLE. Mr. Chairman, I rise in support of the Boehlert amendment to H.R. 350. It perfects the important goal of this legislation to require Congress to focus even more closely on the costs that would be imposed on an industry or small business sector if a particular legislative proposal is enacted into law.

I strongly support the goal of H.R. 350 and I applaud Mr. PORTMAN and Mr. CONDIT's hard work on this issue. I voted for the Mandates Information Act in the 105th Congress and I would like to do so again. However, I am not convinced that the bill's provision to allow major legislation to be pulled from the floor after 20 minutes debate on a point of order is needed to protect private industry. I believe the Boehlert amendment would address this problem.

First, the Boehlert amendment will allow 20 minutes of additional debate on the cost issue beyond the time for general debate. This is consistent with the stated purpose of the Mandates Information Act.

Section 3 of the bill states that its purpose is to provide more complete information about the effects of private mandates and ensure focused deliberation on those effects. It seeks to distinguish between mandates that harm consumers, workers, and small businesses, and mandates that help those groups.

Second, there is more accountability with the Boehlert amendment. H.R. 350 would allow any Member to claim the proposed bill would impose $100 million in expense without any independent verification. In contrast, the Boehlert amendment would require CBO, in most cases, to verify that the bill or amendment indeed imposes $100 million in private sector costs. This is something CBO already does and would not gut the bill.

Third, the Boehlert amendment prevents the rules of debate in the people's House from being tilted in one direction or the other. It keeps the playing field level. It keeps the debate going.

I have heard many assert that the private sector needs this bill to level the playing field with the public sector. After all, we have a law which allows a Member to raise a point of order when Congress is debating legislation that would impose a $50 million mandate on the public sector. Why not give the private sector the same privilege when twice that amount will be imposed on them?

Like Mr. PORTMAN and Mr. CONDIT, I was a strong advocate of limiting the Federal Government's ability to pass on unfunded mandates to State and local governments. Congress and the executive branch too often set standards for Federal programs and then simply passed on their implementation to the States, resulting in a distortion of our Federal system of government.

The Federal Government does sometimes place unfair costs on the private sector. This is often done in an effort to correct a problem such as pollution or to protect other aspects of the public's health and safety. The Federal Government can and must do a better job of balancing public health and safety concerns with the costs we impose on business, particularly small business. The Federal Government still finds ways to add multiple layers of bureaucracy and paperwork burdens that no businessman, especially a small businessman, should have to suffer.

However, any Member of Congress who has sat through a committee markup on any important business issue knows that virtually every industry and business sector makes its views known forcefully to Congress. Legislation often stalls, sometimes with good reason, because a particular business sector makes the case it is unfair to them. I am not convinced that we need an automatic vote on the floor after only 20 minutes of debate if a business or industry simply asserts it will cost over $100 million, without any demonstrable proof.

Congress and Federal agencies must focus their attention on reforming these outdated regulatory schemes and replacing them with "market based" regulatory systems—ones that will provide the same public benefit for half the cost.

Rather than limiting the process of debate on laws which impact the private sector, Congress must find ways to change industry incentives from avoiding regulation to rewarding companies that are innovative in their control of waste streams. It should start with reforming one of the most costly, slow, and unnecessarily expensive laws on the books—superfund. Tackling specific problems like superfund is how we can best help give our constituents relief from the unintended consequences of Federal laws, not by forcing legislation to be pulled from the floor after only 20 minutes of debate.

In closing, if you believe in more debate, more accountability, a level playing field of debate vote for the Boehlert amendments and then support H.R. 350.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KOLBE) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes, pursuant to House Resolution 36, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. KOLBE). Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LINDER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 274, noes 149, not voting 11, as follows:

[Roll No. 17]

AYES—274

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOES—149

Abercrombie
Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Berkley
Berman
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Frost
Gejdenson
Gephardt
Gilchrest
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Horn
Hoyer
Inslee
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lowey
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Rahall
Rangel
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Sabo
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Stark
Stupak
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Andrews
Brady (TX)
Carson
Cox
Edwards
Granger
Lofgren
Maloney (NY)
Rush
Smith (MI)
Spratt

□ 1311

Ms. MILLENDER-MCDONALD changed her vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EDWARDS. Mr. Speaker, during rollcall vote No. 17 on H.R. 350, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. COX. Mr. Speaker, on rollcall No. 17, I was inadvertently detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BRADY of Texas. Mr. Speaker, on rollcall Nos. 16 and 17, I was unavoidably detained. Had I been present, I would have voted "no" on rollcall vote No. 16, and "yes" on No. 17, final passage.

GENERAL LEAVE

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 350, the bill just passed.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentleman from Ohio?

There was no objection.

HONORING THE LIFE AND LEGACY OF KING HUSSEIN IBN TALAL AL-HASHEM

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that it be in order to consider Senate Concurrent Resolution 7 in the House, and that the previous question be considered as ordered on the concurrent resolution to final adoption without intervening motion except for 1 hour of debate, equally divided and controlled by myself and by the gentleman from Connecticut (Mr. GEJDENSON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, pursuant to the order of the House of today, I call up the Senate concurrent resolution (S. Con. Res. 7) honoring the life and legacy of King Hussein ibn Talal al-Hashem, and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 7

Whereas King Hussein ibn Talal al-Hashem was born in Amman on November 14, 1935;

Whereas he was proclaimed King of Jordan in August of 1952 at the age of 17 following the assassination of his grandfather, King Abdullah and the abdication of his father, Talal;

Whereas King Hussein became the longest serving head of state in the Middle East, working with every United States President since Dwight D. Eisenhower;

Whereas under King Hussein, Jordan has instituted wide-ranging democratic reforms;

Whereas throughout his life, King Hussein survived multiple assassination attempts, plots to overthrow his government and attacks on Jordan, invariably meeting such attacks with fierce courage and devotion to his Kingdom and its people;

Whereas despite decades of conflict with the State of Israel, King Hussein invariably maintained a dialogue with the Jewish state, and ultimately signed a full-fledged peace treaty with Israel on October 26, 1994;

Whereas King Hussein has established a model for Arab-Israeli coexistence in Jordan's ties with the State of Israel, including deepening political and cultural relations, growing trade and economic ties and other major accomplishments;

Whereas King Hussein contributed to the cause of peace in the Middle East with tireless energy, rising from his sick bed at the last to assist in the Wye Plantation talks between the State of Israel and the Palestinian Authority;

Whereas King Hussein fought cancer with the same courage he displayed in tirelessly promoting and making invaluable contributions to peace in the Middle East;

Whereas on February 7, 1999, King Hussein succumbed to cancer in Amman, Jordan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) extends its deepest sympathy and condolences to the family of King Hussein and to all the people of Jordan in this difficult time;

(2) expresses admiration for King Hussein's enlightened leadership and gratitude for his support for peace throughout the Middle East;

(3) expresses its support and best wishes for the new government of Jordan under King Abdullah;

(4) reaffirms the United States commitment to strengthening the vital relationship between our two governments and peoples.

SEC. 2. The Secretary of the Senate is directed to transmit an enrolled copy of this resolution to the family of the deceased.

□ 1315

The SPEAKER pro tempore (Mr. BURR of North Carolina). Pursuant to the order of the House today, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. Con. Res. 7.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was privileged to accompany President Clinton, former President Bush, former President Ford, and former President Carter to King Hussein's funeral as the Speaker's representative.

World leaders, and there were many who attended the funeral, were all profoundly saddened by the loss on Sunday, February 7 of His Majesty, King Hussein bin Talal al-Hashem of Jordan.

We are today considering S. Con. Res. 7 which honors the life and legacy of King Hussein, extending the deepest sympathies and condolences of the United States Congress to Her Majesty, Queen Noor, King Abdullah, and the entire Hashemite family, and all citizens of Jordan during this most difficult period.

S. Con. Res. 7, sponsored by Majority Leader LOTT, notes King Hussein's illustrious, dedicated service to the people of Jordan, and his commitment to peace throughout the Middle East, expressing our admiration for King Hussein's enlightened leadership in his pursuit of peace.

It also expresses our support for the new government of Jordan under King Abdullah and reaffirms our commitment to strengthening the relationship between our two nations.

Mr. Speaker, King Hussein was proclaimed Jordan's monarch in 1952 at the very young age of 17 following the assassination of his grandfather, King Abdullah, and the medically required abdication of his father, Talal. King Hussein became the longest serving head of state in the Middle East and had a personal relationship with every United States President beginning with President Eisenhower.

In a region rife with political intrigue, King Hussein was a true survivor, displaying pinpoint tactical ability to survive multiple assassination attempts and plots to overthrow his government. He courageously defended his kingdom and its people even when, on occasion, his decisions differed with those of our own government.

King Hussein dedicated his life to bringing peace and stability to Jordan and to the entire Middle East. He succeeded through the sheer force of will, as well as his dedication, his persistence, and his vision for a brighter future.

Under his leadership, Jordan matured from its beginnings as a desert kingdom to one of the leading nations of the Middle East. King Hussein instituted wide-ranging democratic reforms, and a friendship between our Nation and Jordan grew even stronger based on mutual respect and our common interests.

This enduring partnership bodes well for cooperation and development in Jordan as we witness a transition to King Hussein's eldest son and heir, King Abdullah.

Throughout King Hussein's reign, his search for peace was everlasting. Despite decades of conflict with Israel, King Hussein maintained secret contacts with Israeli leaders throughout the years. Under his leadership, a historic peace treaty was signed between Jordan and Israel on October 26, 1994, which King Hussein termed his crowning achievement and which today serves as a model for Arab-Israeli coexistence.

Mr. Speaker, in all probability, the Wye River Memorandum between Israel and the Palestinian Authority last October would not have been signed had it not been for King Hussein who rose from his hospital bed at the Mayo Clinic to travel to the Wye Plantation to inspire its participants.

Throughout his life, King Hussein was renowned as a man of courage, of wisdom, dignity, and strength. All of us recognize the extraordinary impact that King Hussein had on the people of Jordan, on our own Nation, and upon the world. This measure before us assures the citizens of the Hashemite Kingdom of Jordan that the friendship, support, and assistance of our Nation will continue as part of King Hussein's legacy to its people.

Mr. Speaker, one of the noblest men I have had the privilege of knowing is now destined for the ages. When the King addressed Congress after the announcement that peace with Israel had been achieved, he said, and I quote, "The two Semitic peoples, the Arabs and the Jews, have endured bitter trials and tribulations during their journey through history."

"Let us resolve to end this suffering forever and to fulfill our responsibilities as leaders of our peoples, and our duty as human beings toward mankind."

Mr. Speaker, I hope that all of us will take those words to heart and carry on the legacy that King Hussein bequeathed to us and the world. Accordingly, I urge my colleagues to lend their full support to S. Con. Res. 7.

Mr. Speaker, it was my solemn duty and honor to represent this House with my distinguished colleague Mr. BONIOR, the Minority Whip, and Presidents Clinton, Ford, Bush, and Carter, at the funeral on Monday of His Majesty King Hussein of Jordan, a leader of vision and courage and a true friend of the United States.

In the course of that funeral and from all corners of the world, there have been many fitting tributes to the man who ruled Jordan for 47 years and made his country a partner with the United States and with Israel for peace in the Middle East. One of those tributes was issued by the American Jewish Committee, an organization committed to strengthening the U.S.-Jordan relationship in the context of its support for a secure and lasting peace for Israel, containment of radical movements and regimes, and stability in a region vital to U.S. interests.

I wish to call my colleagues' attention to the following statement, issued by the American Jewish Committee upon the death of King Hussein:

American Jewish Committee Mourns King Hussein of Jordan, Hailing His Courageous Embrace of True Peace With Israel,

New York, Feb. 5.—The American Jewish Committee today mourned the death of His Majesty King Hussein of Jordan. The organization's President, Bruce M. Ramer, and Executive Director, David A. Harris, issued the following statement:

"The American Jewish Committee mourns with the subjects of His Majesty King Hussein, and all peace-loving people, the untimely passing of this extraordinary leader, whose statesmanship forever altered the stale dynamic of Arab-Israeli relations.

"In his courageous embrace of real peace with Israel, King Hussein led his nation toward a new Middle East, in which Arab and Jew would not only reconcile but join hands, respecting each other's rights and borders and working together against the ominous forces—hate, violence, greed and poverty—that stalk the region. That his noble vision remains only partly fulfilled is a summons to all of us to redouble our efforts, together, for the cause of peace he so bravely championed.

"In the years since the October 1994 treaty between Jordan and Israel, King Hussein demonstrated in ways both grand and intimate his commitment to true peace—interrupting his medical treatment to help President Clinton, Prime Minister Netanyahu, and Chairman Arafat conclude the Wye River agreement last October; visiting the families of Israeli schoolchildren murdered by a crazed Jordanian soldier two years ago; eulogizing, with majestic eloquence, his 'brother' in the search for peace, Prime Minister Rabin.

"My colleagues and I were privileged to meet with His Majesty from time to time, in our country and his. We will cherish our own memories of his wisdom and compassion as he articulated in these discussions his bold vision of cooperation across the Jordan River and throughout the Middle East. As we mourn this great leader, and as we strive, as Americans and as Jews, for new understanding and an enduring peace between Arabs and Israelis, we look forward to our continuing work with the government and the people of the Hashemite Kingdom of Jordan.

"We express our profound sympathy to His Majesty's family and to all his people at this time of great sadness."

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. CAMPBELL) a member of our committee, and I ask unanimous consent that he be permitted to yield time to other Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, the breadth in this institution of respect for King Hussein is reflected by the Members across the political spectrum who are here.

Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip, for his statement.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Connecticut for yielding me this time.

Mr. Speaker, people all over the world mourn the death of Jordan's King Hussein. He was, as my distinguished colleague, the gentleman from New York (Mr. GILMAN), has just said, a man of honor, a man of wisdom, and beyond everything else, he was a man of peace.

I was deeply honored to help represent this House, along with the gentleman from New York (Chairman GILMAN), at the King's funeral. It was a very sad, sobering, but moving experience to see the leaders of the world, kings and princes and presidents and prime ministers from every continent, small countries, large countries. It was an amazing collection of the most powerful people on our planet.

The funeral procession itself, it was solemn. It was simple. But in its simplicity and its solemnity, it was majestic. It was not just presidents and kings, but it was people from everyday life who had traveled to Amman out of love and respect and out of sadness. Not just friends, but strangers, and, yes, even enemies.

President Asad from Syria was there. And I was told it had been the first time that President Asad had appeared at any meeting where Israelis and Israeli government officials were present. The Israeli government and the Israeli Society sent a broad spectrum of individuals. All their candidates for the prime minister's job were there as well as religious leaders and others who had played an important role in the history between these two countries.

In death, as in life, King Hussein brought people together. He was an extraordinary man. Like all of us, he made mistakes, but he learned from them. He grew as a man and as a leader. It was one of the most interesting and moving parts of his reign to watch him grow from a young man, not a boy, but a young man of 17 who took the thrown and matured in a most amazing way to understand and grasp the meaning and the power of peace. It takes more courage to make peace than war.

Writing of King Hussein and the late Prime Minister Yitzhak Rabin, Tom Friedman of the New York Times wrote, and I quote, "There is something about watching these graybeards standing up, breaking with the past, offering a handshake to a lifelong foe and saying: Enough. I was wrong. This war is stupid. It keeps alive the idea that anything is possible in politics, even in Middle East politics."

King Hussein inspired us all with his courage. Instead of looking backward with bitterness, he chose to look forward with hope and with possibility.

King Hussein's death makes the peace process in the Middle East more challenging than ever. We ask ourselves how can such a man ever be replaced. The gentleman from New York (Mr. GILMAN) I think said it very well.

When the Wye Accords were floundering at the retreat in the eastern shore of the Chesapeake Bay not many months ago, a retreat that was meant to breathe some life into a dying process that could have resulted in catastrophic consequences, not only for the countries involved, but for the broader world, when that process was just about to collapse, the President called King Hussein at the Mayo clinic in Rochester, New York and asked him to come. The King said "Of course I will come if you think it could help." The President's response was "Of course it will help," because he understood and knew how much respect the King had among the players in this ever-flowing and ever-ongoing struggle for peace in this region.

So the King, dying and ill, came and spent time. Of course it was impossible in his presence for those that were participating to have walked out and to deny the work that was necessary to keep the peace together.

So the question of whether or not he can be replaced or not is a good question. Of course he cannot. But he also showed us that one person can make a difference, that each of us, through our work and our lives, can leave the world a better place. He demonstrated that all of us can grow from experience and reach out to those with differences. Each of us must remember the example that King Hussein set and recommit ourselves to peace.

Mr. Speaker, I support this resolution in his honor. I send, again, my condolences to his family, to the Queen who has acquitted herself with so much grace and so much power and who herself has devoted her energies to peace, active in the campaign against land mines and other endeavors.

I extend my condolences to the Queen's mother and father, very lovely people who I had a chance to meet and to talk with on the way over, and of course to the King's children and to the people of Jordan.

□ 1330

I also would like to say that I support President Clinton's call for assisting Jordan by helping to pay down its debt, to improve economic ties, and doing our part to keep the peace process moving forward.

The King's legacy is one of tolerance and friendship and hope for peace. We can best honor his memory by working to make his great vision a reality.

Mr. CAMPBELL. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding. I thank the chairman for bringing this resolution to the floor today.

I rise as a representative of Rochester, Minnesota. And over the last 7 to 10 years, King Hussein probably spent about as much time in my district in Minnesota as anywhere in the United States. And I always knew when he was in town because this big, beautiful airplane that he was so proud of was there at the Rochester Airport. Many people may not know it, but he was very fond of flying that Lockheed L–1011 all the way from Jordan to Rochester, Minnesota. We regret that, in the end, the procedures that were attempted to save his life were not successful.

But I rise today to speak on behalf of my constituents because many of them got a chance to meet King Hussein and his Queen wife and the rest of the royal family and all the people from Jordan who came with him, and they were always impressive. In fact, in the last several years sometimes literally he and his wife would rent a little red Volkswagen Beetle and they would travel around southeastern Minnesota and many people got a chance to meet him, and everyone who did was impressed with his humanity and the way that he dealt with people. All the people who touched King Hussein were impressed by him and his gentleness.

He was in many respects a dichotomy. He was a king and yet he had the common touch. He was trained as a warrior but he spent most of his life fighting for peace. He was a pilot and yet he was down-to-earth. He stood barely five-foot-five inches tall and yet he will be remembered as a giant of this century.

We mourn his loss today. We share the pain of his family and of his people. We must now renew his commitment to humanity and his commitment to peace.

Mr. GEJDENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I certainly thank the very distinguished ranking member of the Committee on Foreign Relations and his staff.

Mr. Speaker, I wanted to speak to this because King Hussein's passing should not go unrecognized by any of us, because he made a difference with his life and he left a legacy that will shine brightly in the history books. He was a kind and gentle man but also a strong and courageous person. He was a leader in a part of the world and at a time that desperately needed strong and good leadership.

It is said that he was very tough, but he was not ruthless. They tell a story of one of his political opponents who worked for years to undermine him, to overthrow his regime. He was jailed and prosecuted, of course. But when he was let out of prison, King Hussein invited him to his home and they sat down and had tea together and discussed their differences. It was that kind of toughness but goodness that sustained his kingdom.

The last time I talked with him I wanted to share with my colleagues for a few moments because I think it spoke so much about the man. We went into a very modest house, stucco house that was in construction, certainly did not look palatial. And he sat down, he did not even have a servant at the time, and he poured his tea. And in the course of the conversation, he invited us to visit the palace but he said, "Make sure you come during the day so you do not wake up the children." Because he and Queen Noor had visited an orphanage, and seeing the condition of the children, they were moved to give over their palace, to turn it into an orphanage.

They did that. And when we drive up the driveway, this palatial driveway, we have to drive real slow because the children are running around in little scooters, playing, having fun. And when we walk in and see the way that each one of those children were being treated, it reflects how he wanted his people treated, with the kindness and gentleness and respect for all human beings that defined his philosophy. That is why he was so important to all of us.

A good friend who lives in Northern Virginia, Najeeb Halaby, was the father-in-law of King Hussein. Mr. Halaby is the father of Queen Noor and the father-in-law of King Hussein. And I know that, given all the conflict and the chaos and the challenge that his daughter has confronted with her partner, that he recognizes that his daughter was married to a great man and that in fact, because of their leadership, because of their legacy, the people of Jordan will spread the message of human rights, respect for all people, particularly women, will in fact move the Middle East into an environment of peace and justice.

That is his legacy. We thank him for it.

Mr. CAMPBELL. Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that for all of us, what is clear here is that this was no ordinary world leader. World leaders who pass on are often mourned in their countries and there is often some reference abroad. But in the case of King Hussein, his personal courage and commitment to his people and the peace process has I think touched people across the globe.

I join my colleagues in offering condolences to his wife, Her Majesty Queen Noor al-Hashem; and our congratulations and pledge of support to His Majesty King Abdullah, the second ibn al-Hashem.

We have a commitment in the Middle East as a country, and our interests and the interest of peace have been furthered by King Hussein's great courage, a young man who saw his grandfather assassinated as he stood next to him. In a Middle East coming out of colonial borders that continued to change and turmoil that left thousands in crisis and often in death, King Hussein continued a steady march, defending his country, trying to make his countrymen's lives better, and always trying to take the boldest steps for peace.

Often I think people misunderstood his own quiet nature and did not understand his great strength. It is clear globally today that he has set an example not just for Jordan and his son who is now king or for the crown prince but for all of us who try to participate in public service.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Connecticut for yielding.

I think it is important that we rise and acknowledge the special place that King Hussein had in this world along with his beloved people. My sympathy goes to Queen Noor and to the wonderful family of children and the family of Jordan, who loved this king.

My remarks are directed to America. For it is important for us to realize the wisdom, the greatness, the history of those who live outside of our boundaries. King Hussein was a special person, small in stature, but took up the leadership role of a great nation in his late teens. This is a remarkable accomplishment and one that our young people should look to for the fact that he was a teenager but yet had the responsibility for leadership of a nation.

The nation grew with the king. The king grew with the nation. And as he fought wars, he also fought for peace. Can we do any less in this country to know that we must protect our nation but yet be warriors for peace?

I think it is important to note that in the times of King Hussein's most painful days, suffering from a very devastating form of cancer, he did not wallow in self-pity, trying to determine how he could find the best way to live, which he was doing, but he had a keen eye on the peace process and he lifted himself, as I see some of my good friends here, lifted himself out of his sickbed and went toward the peace process, the process to bring Israel and the PLO, people of this world, people who may have differences but who he found could have a common bond. This king rose to the occasion.

And so this tribute is to recognize his spirit, his legacy, but it is also a personal commitment in which I hope my colleagues will join me, as well as the administration, as well as the American people, to understand that we must extend ourselves beyond our boundaries, that the world does include our brothers and sisters, as King Hussein reflected in his life and in his legacy.

Long live his good nation, and long live the efforts of peace, and God bless his nation as we work together to keep his legacy ongoing.

Mr. GEJDENSON. Mr. Speaker, I yield back the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I yield myself such time as I may consume.

I would simply conclude the debate on our side by saying that it is my prayer and I think the prayer of every American that the God of Abraham, the God of Israel, the God of Jacob, the God of Ishmael, and the God of the Prophet Muhammad, will welcome into his kingdom and give to him the reward promised to a peacemaker, King Hussein of Jordan.

Mr. ORTIZ. Mr. Speaker, King Hussein was a man who personified the dignity of public service. He will be sorely missed as a world leader and diplomat for world peace. Leading up to several months before his passing King Hussein was still leading the charge to bring peaceful stability to the Middle East. I would like to extend my sincere sympathy to the King's family. I know that his son will carry on his legacy.

Mr. RAHALL. Mr. Speaker, I rise in celebration of the life of a true hero of the Middle East, a true patriot, a beloved leader of his people, friend and ally of the United States, King Hussein Ibn Talal al-Hashem of the Hashemite Kingdom of Jordan.

I believe it was when, at the most tender age of 15, as his grandfather King Abdullah was assassinated before his eyes while visiting the holy site of the Al Aqsa Mosque, that this future King of Jordan had his great strength of character forged in steel.

Over his nearly 50-year reign as Jordan's Monarch, King Hussein met many challenges to his rule as a true patriot, with benevolence toward his own people and peoples throughout the region. He led with bold courage and became a visionary, and was seen often to turn away the wrath of his enemies with a gentle word and with compassionate but firm resolve even in the midst of turmoil while facing grave danger.

There was none before him so steeped in the knowledge of the history, the culture, the religion, or the traditions of all contenders for power in the region, both Jewish and Muslim. King Hussein always understood perfectly that their roots were inextricably intertwined in the fertile and historic soil of the Middle East. He met the challenges presented to him with concern for others, but first and foremost was his deep and abiding allegiance to the sovereignty of the Hashemite Kingdom of Jordan.

The friendship he offered to the United States was founded upon his total respect for us as a Nation who shared his own values.

One of his greatest legacies is the significant contribution he made, right up to his death, to peace and security in the region. We witnessed his enduring personal courage as he left his treatment behind at the Mayo Clinic to hasten to the side of the President at Wye River Plantation to help the United States keep that negotiation of peace between Israel and Palestine on track.

It is for this reason, and so many other instances, that King Hussein would wish that every one of us acknowledge how vitally important it is for us to take immediate steps to strengthen the relations that exist between us in Jordan and throughout the Middle East, so that all our peoples may benefit from them.

King Hussein chose to reject violence, because it was just such violence that propelled him into power. With the world watching, he bravely chose to reject violence and to embrace peace, and in 1994 showed remarkable courage when Jordan became only the second Arab country to sign a peace agreement with Israel.

King Hussein rejected violence and embraced peace. He showed his compassion and deep understanding when another violent act saw the 1997 murder of seven Israeli school girls. He rejected the violence but embraced peace when he traveled to Israel to visit with the families of the young victims and so joined in their mourning.

He led by example to his people and to the world at large, but especially in the Middle East. And even as the mantle of leadership for the Hashemite Kingdom of Jordan was passed from then King Abdullah to King Hussein, so is the mantle now passed to his son, King Abdullah Bin Al-Hussein.

In memory of King Hussein's true commitment to the peace process and to the strong relationship we have forged with Jordan, I extend the hand of conciliation to his son, King Abdullah, and offer him my prayer for God's mercy, my support and my friendship as he strives to ensure that his Father's dream of a just and lasting peace in the Middle East becomes a reality.

His Majesty King Abdullah, the eldest son appointed by King Hussein before his death, received his education in England and in America, and prior to his appointment served as the Commander of the Royal Jordanian Special Forces where he honed his leadership skills.

The Appointment of the Crown Prince to succeed King Hussein will bring a continuity of his vision for Jordan, and for Peace in the Middle East, and I am confident this includes King Abdullah's commitment to the Jordan-Israel treaty of peace.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of this important resolution honoring the life of King Hussein of Jordan.

King Hussein will be remembered as one of the greatest leaders of the late twentieth century. His stature, his courage, and his determination made him an international force that far surpassed the size of his tiny country.

Most of all, King Hussein will be remembered as a peacemaker. Over the four decades he led the Hashemite Kingdom of Jordan, Hussein transformed himself from a teenager given the reins of a country at war with its neighbors, to a seasoned and benevolent statesman who saw the cause of peace as his destiny.

Hussein showed the world that you can live in a dangerous and war-infested neighborhood, and still battle first and foremost for peace. He sought peace with Israel and he facilitated peace between the Israelis and the Palestinians at the same time that he fought off a never-ending string of coup and assassination attempts at home. He saw his good friend, Yitzhak Rabin, cut down by the enemies of peace. Still, he vowed to press on, touching us all with his poignant eulogy to the fallen Prime Minister. His words at the Rabin funeral were a call to action: "Let's not keep silent. Let our voices rise high to speak of our commitment to peace for all times to come, and let us tell those who live in darkness who are the enemies of life, and through faith and religion and the teachings of our one God, this is where we stand."

And he was so committed to peace that he took time from his battle with cancer to help broker the Israeli-Prime peace accords at the Wye River Plantation last fall.

Our thoughts go out today to King Hussein's family and to the people of Jordan. I had the pleasure of meeting King Abdullah last year, and I know that the Jordanian people are in good hands. King Hussein left behind a strong governmental system and an able heir.

King Hussein once said that he wanted to give the people of the Middle East "a life free from fear, a life free from want—a life in peace." He worked tirelessly to achieve that goal, and, with our continued commitment to King Hussein's legacy, we will realize his dream.

Mr. CAMPBELL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Pursuant to the order of the House today, the previous question is ordered.

The question is on the Senate concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAMPBELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 18]

YEAS—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Barton
Carson
Fossella
Gekas
Livingston
Lofgren
Maloney (NY)
Miller, George
Mollohan
Ortiz
Paul
Rush
Taylor (MS)

☐ 1405

So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ORTIZ. Mr. Speaker, this afternoon I was unavoidably detained and was not here for rollcall vote No. 18, S. Con. Res. 7, honoring the life and legacy of King Hussein. I would like to enter for the RECORD, that should I have been present for the floor vote I would have voted "yes" on agreeing to this resolution.

PROVIDING FOR ADJOURNMENT OF HOUSE FROM FEBRUARY 12, 1999, TO FEBRUARY 23, 1999, AND RECESS OR ADJOURNMENT OF SENATE FROM FEBRUARY 11, 1999, FEBRUARY 12, 1999, FEBRUARY 13, 1999, OR FEBRUARY 14, 1999, TO FEBRUARY 22, 1999

Mr. LAZIO. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 27) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 27

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, February 12, 1999, it stand adjourned until 12:30 p.m. on Tuesday, February 23, 1999, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, February 11, 1999, Friday, February 12, 1999, Saturday, February 13, 1999, or Sunday, February 14, 1999, pursuant to a motion made by the Majority Leader, or his designee, pursuant to this concurrent resolution, it stand recessed or adjourned until noon on Monday, February 22, 1999, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. FROST. Mr. Speaker, I offer a resolution (H. Res. 50) and I ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 50

Resolved that the following named Members are hereby elected to serve on standing committees as follows:

Committee on House Administration: Mr. FATTAH, Pennsylvania; and Mr. DAVIS, Florida.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL HISPANIC RECOGNITION PROGRAM

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GARY MILLER of California. Mr. Speaker, I rise today to congratulate 18 outstanding high school seniors in my district who are finalists in the National Hispanic Recognition Program.

These students are among 3,600 high school seniors in the Nation selected by the College Board for this honor. They come from the cities of Chino, Ontario, Pomona, Upland, Brea, Yorba Linda, Anaheim, Rowland Heights, and my home city of Diamond Bar. I know that their families and their respective communities are proud of their academic accomplishments and their hard work.

As a representative of the 41st Congressional District in California, I can say we are also proud of them and wish them the best in their college careers.

Mr. Speaker, I include their names for the RECORD. I am sure this is not the last time we will hear from these bright young students.

The scholar finalists are: Arturo Nuno, Naomi Esquibel, Yolanda Robles, Tony Saucedo, Michelle Rodriguez, Henry Artiga, DeAnn Del Rio, Michelle Allis, Erin Freyermuth, Marissa Guerrero, Maria Sequeira, Meredith Garcia, Natalie Alvarado, Michael Espinoza, and Juan Jauregui.

Honorable mention finalists include: Oscar Teran, Gabriel Bustos, and Nick Yanez.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RULES OF THE COMMITTEE ON AGRICULTURE FOR THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COMBEST) is recognized for 5 minutes

Mr. COMBEST. Mr. Speaker, I am pleased to submit for printing in the CONGRESSIONAL RECORD, pursuant to Rule XI, clause 2(a) of the Rules of the House, a copy of the Rules of the Committee on Agriculture, which were adopted at the organizational meeting of the Committee on this day.

Appendix A of the Committee Rules will include excerpts from the Rules of the House relevant to the operation of the Committee. Appendix B will include relevant excerpts from the Congressional Budget Act of 1974. In the interests of minimizing printing costs, Appendices A and B are omitted from this submission.

RULES OF THE COMMITTEE ON AGRICULTURE

U.S. HOUSE OF REPRESENTATIVES

I. GENERAL PROVISIONS

(a) *Applicability of House Rules.*—(1) The Rules of the House of Representatives shall govern the procedure of the committee and its subcommittees, and the Rules of the Committee on Agriculture so far as applicable shall be interpreted in accordance with the Rules of the House of Representatives, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the committee and its subcommittees. (See Appendix A for the applicable Rules of the House of Representatives.)

(2) As provided in clause 1(a)(2) of House rule XI, each subcommittee is part of the committee and is subject to the authority and direction of the committee and its rules so far as applicable. (See also committee rules III, IV, V, VI, VII and X, infra.)

(b) *Authority to Conduct Investigations.*—The committee and its subcommittees, after consultation with the chairman of the committee, may conduct such investigations and studies as they may consider necessary or appropriate in the exercise of their responsibilities under rule X of the Rules of the House of Representatives and in accordance with clause 2(m) of House rule XI.

(c) *Authority to Print.*—The committee is authorized by the Rules of the House of Representatives to have printed and bound testimony and other data presented at hearings held by the committee and its subcommittees. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee and its subcommittees shall be paid from applicable accounts of the House described in clause (i)(1) of House rule X in accordance with clause 1(c) of House rule XI. (See also paragraphs (d), (e) and (f) of committee rule VIII.)

(d) *Vice Chairman.*—The Member of the majority party on the committee or subcommittee designated by the chairman of the full committee shall be the vice chairman of the committee or subcommittee in accordance with clause 2(d) of House rule XI.

(e) *Presiding Member.*—If the chairman of the committee or subcommittee is not present at any committee or subcommittee meeting or hearing, the vice chairman shall preside. If the chairman and vice chairman of the committee or subcommittee are not present at a committee or subcommittee meeting or hearing the ranking Member of the majority party who is present shall preside in accordance with clause 2(d), House rule XI.

(f) *Activities Report.*—(1) the committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under rules X and XI of the Rules of the House of Representatives during the Congress ending on January 3 of such year. (See also committee rule VIII(h)(2).)

(2) Such report shall include separate sections summarizing the legislative and oversight activities of the committee during that Congress.

(3) The oversight section of such report shall include a summary of the oversight plans submitted by the committee pursuant to clause 2(d) of House rule X, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the committee, and any recommendations made or actions taken with respect thereto.

(g) *Publication of Rules.*—The committee's rules shall be published in the Congressional Record not later than 30 days after the committee is elected in each odd-numbered year as provided in clause 2(a) of House rule XI.

(h) *Joint Committee Reports of Investigation or Study.*—A report of an investigation or study conducted jointly by more than one committee may be filed jointly, provided that each of the committees complies independently with all requirements for approval and filing of the report.

II. COMMITTEE BUSINESS MEETINGS—REGULAR, ADDITIONAL AND SPECIAL

(a) *Regular Meetings.*—(1) Regular meetings of the committee, in accordance with clause 2(b) of House rule XI, shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or Congress is in recess or is adjourned, in which case the chairman shall determine the regular meeting day of the committee, if any, for that month. The chairman shall provide each member of the committee, as far in advance of the day of the regular meeting as practicable, a written agenda of such meeting. Items may be placed on the agenda by the chairman or a majority of the committee. If the chairman believes that there will not be any bill, resolution or other matter considered before the full committee and there is no other business to be transacted at a regular meeting, the meeting may be cancelled or it may be deferred until such time as, in the judgment of the chairman, there may be matters which require the committee's consideration. This paragraph shall not apply to meetings of any subcommittee. (See paragraph (f) of committee rule X for provisions that apply to meetings of subcommittees.)

(b) *Additional Meetings.*—The chairman may call and convene, as he or she considers necessary, after consultation with the ranking minority member of the committee, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. the committee shall meet for such additional meetings pursuant to a notice from the chairman.

(c) *Special Meetings.*—If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for such special meeting. Such request shall specify the measure or matters to be considered. Immediately upon the filing of the request, the majority staff director (serving as the clerk of the committee for such purpose) shall notify the chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measures or matter to be considered at that special meeting in accordance with clause 2(c)(2) of House rule XI. the committee shall meet on that date and hour. Immediately upon the filing of the notice, the majority staff director (serving as the clerk) of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered, and only the measure or matter specified in that notice may be considered at that special meeting.

III. OPEN MEETINGS AND HEARINGS; BROADCASTING

(a) *Open Meetings and Hearings.*—Each meeting for the transaction of business, including the markup of legislation, and each hearing by the committee or a subcommittee shall be open to the public unless closed in accordance with clause 2(g) of House rule XI. (See Appendix A.)

(b) *Broadcasting and Photography.*—Whenever a committee or subcommittee meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of House rule XI. (See Appendix A.) When such radio coverage is conducted in the committee or subcommittee, written notice to that effect shall be placed on the desk of each Member. The chairman of the committee or subcommittee, shall not limit the number of television or still cameras permitted in a hearing or meeting room to fewer than two representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(c) *Closed Meetings—Attendees.*—No person other than members of the committee or subcommittee and such congressional staff and departmental representatives as the committee or subcommittee may authorize shall be present at any business or markup session that has been closed to the public as provided in clause 2(g)(1) of House rule XI.

(d) *Addressing the Committee.*—A committee member may address the committee or a subcommittee on any bill, motion, or other matter under consideration. (See committee rule VII (e) relating to questioning a witness at a hearing.) The time a member may address the committee or subcommittee for any such purpose shall be limited to five minutes, except that this time limit may be waived by unanimous consent. A Member shall also be limited in his or her remarks to the subject matter under consideration, unless the Member receives unanimous consent to extend his or her remarks beyond such subject.

(e) *Meetings to Begin Promptly.*—Subject to the presence of a quorum, each meeting or hearing of the committee and its subcommittees shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(f) *Prohibition on Proxy Voting.*—No vote by any Member of the committee or subcommittee with respect to any measure or matter may be cast by proxy.

(g) *Location of Persons at Meetings.*—No person other than the committee or subcommittee members and committee or subcommittee staff may be seated in the rostrum area during a meeting of the committee or subcommittee unless by unanimous consent of committee or subcommittee.

(h) *Consideration of Amendments and Motions.*—A Member, upon request, shall be recognized by the chairman to address the committee or subcommittee at a meeting for a period limited to five minutes on behalf of an amendment or motion offered by the Member or another Member, or upon any other matter under consideration, unless the Member receives unanimous consent to extend the time limit. Every amendment or motion made in committee or subcommittee shall, upon the demand of any Member present, be reduced to writing, and a copy thereof shall be made available to all Members present. Such amendment or motion shall not be pending before the committee or subcommittee or voted on until the requirements of this paragraph have been met.

(i) *Demanding Record Vote.*—A record vote of the committee or subcommittee on a question or action shall be ordered on a demand by one-fifth of the Members present.

(j) *Submission of Motions or Amendments In Advance of Business Meetings.*—The committee and subcommittee chairman may request and committee and subcommittee members should, insofar as practicable, cooperate in providing copies of proposed amendments or motions to the chairman and the ranking minority member of the committee or the subcommittee 24 hours before a committee or subcommittee business meeting.

(k) *Points of Order.*—No point of order against the hearing or meeting procedures of the committee or subcommittee shall be entertained unless it is made in a timely fashion.

(l) *Limitation on Committee Sittings.*—The committee or subcommittees may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

IV. QUORUMS

(a) *Working Quorum.*—One-third of the members of the committee or a subcommittee shall constitute a quorum for taking any action, other than as noted in paragraphs (b) and (c).

(b) *Majority Quorum.*—A majority of the members of the committee or subcommittee shall constitute a quorum for:

(1) the reporting of a bill, resolution or other measure. (See clause 2(h)(1) of House rule XI, and committee rule VIII);

(2) the closing of a meeting or hearing to the public pursuant to clauses 2(g) and 2(k)(5) of the Rule XI of the Rules of the House of Representatives; and

(3) the authorizing of a subpoena as provided in clause 2(m)(3), of House rule XI. (See also committee rule VI.)

(c) *Quorum for Taking Testimony.*—Two members of the committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(d) *Unanimous Consent Agreement on Voting.*—Whenever a record vote is ordered on a question other than a motion to recess or adjourn and debate has concluded thereon, the committee or subcommittee by unanimous consent may postpone further proceedings on such question to a designated time.

V. RECORDS

(a) *Maintenance of Records.*—The committee shall keep a complete record of all committee and subcommittee action which shall include:

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical and typographical corrections authorized by the person making the remarks involved, and

(2) written minutes shall include a record of all committee and subcommittee action and a record of all votes on any question and a tally on all record votes. The result of each such record vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee and by telephone request. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(b) *Access to and Correction of Records.*—Any public witness, or person authorized by such witness, during committee office hours in the committee offices and within two weeks of the close of hearings, may obtain a transcript copy of that public witness's testimony and make such technical, grammatical and typographical corrections as authorized by the person making the remarks involved as will not alter the nature of testimony given. There shall be prompt return of such corrected copy of the transcript to the committee. Members of the committee or subcommittee shall receive copies of transcripts for their prompt review and correction and prompt return to the committee. the committee or subcommittee may order the printing of a hearing record without the corrections of any Member or witness if it determines that such Member or witness has been afforded a reasonable time in which to make such corrections and further delay would seriously impede the consideration of the legislative action that is subject of the hearing. The record of a hearing shall be closed 10 calendar days after the last oral testimony, unless the committee or subcommittee determines otherwise. Any person requesting to file a statement for the record of a hearing must so request before the hearing concludes and must file the statement before the record is closed unless the committee or subcommittee determines otherwise. The committee or subcommittee may reject any statement in light of its length or its tendency to defame, degrade, or incriminate any person.

(c) *Property of the House.*—All committee and subcommittee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Members serving as chairman and such records shall be the property of the House and all Members of the House shall have access thereto. The majority staff director shall promptly notify the chairman and the ranking minority member of any request for access to such records.

(d) *Availability of Archived Records.*—The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with House rule VII. The chairman shall notify the ranking minority member of the committee of the need for a committee order pursuant to clause 3(b)(3) or clause 4(b) of such House rule, to withhold a record otherwise available.

(e) *Special Rules for Certain Records and Proceedings.*—A stenographic record of a business meeting of the committee or subcommittee shall be kept and thereafter may be published if the chairman of the committee, after consultation with the ranking minority member, determines there is need for such a record. The proceedings of the committee or subcommittee in a closed meeting, evidence or testimony in such meeting, shall not be divulged unless otherwise determined by a majority of the committee or subcommittee.

(f) *Electronic Availability of Committee Publications.*—To the maximum extent feasible, the committee shall make its publications available in electronic form.

VI. POWER TO SIT AND ACT; SUBPOENA POWER.

(a) *Authority to Sit and Act.*—For the purpose of carrying out any of its function and duties under House rules X and XI, the committee and each of its subcommittees is authorized (subject to paragraph (b)(1) of this rule)——

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents, as it deems necessary. The chairman of the committee or subcommittee, or any member designated by the chairman, may administer oaths to any witness.

(b) *Issuance of Subpoenas.*—(1) A subpoena may be authorized and issued by the committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present, as provided in clause 2(m)(3)(A) of House rule XI. Such authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee. As soon as practicable after a subpoena is issued under this rule, the chairman shall notify all members of the committee of such action.

(2) Notice of a meeting to consider a motion to authorize and issue a subpoena should be given to all members of the committee by 5 p.m. of the day preceding such meeting.

(3) Compliance with any subpoena issued by the committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(4) A subpoena *duces tecum* may specify terms of return other than at meeting or hearing of the committee or subcommittee authorizing the subpoena.

(c) *Expenses of Subpoenaed Witnesses.*—Each witness who has been subpoenaed, upon the completion of his or her testimony before the committee or any subcommittee, may report to the offices of the committee, and there sign appropriate vouchers for travel allowances and attendance fees to which he or she is entitled. If hearings are held in cities other than Washington DC, the subpoenaed witness may contact the majority staff director of the committee, or his or her representative, before leaving the hearing room.

VII. HEARING PROCEDURES.

(a) *Power to Hear.*—For the purpose of carrying out any of its functions and duties under House rule X and XI, the committee and its subcommittees are authorized to sit and hold hearings at any time or place within the United States whether the House is in session, has recessed, or has adjourned. (See paragraph (a) of committee rule VI and paragraph (f) of committee rule X for provisions relating to subcommittee hearings and meetings.)

(b) *Announcement.*—The chairman of the committee shall after consultation with the ranking minority member of the committee, make a public announcement of the date, place and subject matter of any committee hearing at least one week before the commencement of the hearing. The chairman of a subcommittee shall schedule a hearing only after consultation with the chairman of the committee and after consultation with the ranking minority member of the subcommittee, and the chairmen of the other subcommittees after such consultation with the committee chairman, and shall request the majority staff director to make a public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the chairman of the committee or the subcommittee, with concurrence of the ranking minority member of the committee or subcommittee, determines there is good cause to begin the hearing sooner, or if the committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the chairman of the committee or subcommittee, as appropriate, shall request the majority staff director to make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record, and shall promptly enter the appropriate information into the committee scheduling service of the House Information Systems as soon as possible after such public announcement is made.

(c) *Scheduling of Witnesses.*—Except as otherwise provided in this rule, the scheduling of witnesses and determination of the time allowed for the presentation of testimony at hearings shall be at the discretion of the chairman of the committee or subcommittee, unless a majority of the committee or subcommittee determines otherwise.

(d) *Written Statement; Oral Testimony.*—(1) Each witness who is to appear before the committee or a subcommittee, shall insofar as practicable file with the majority staff director of the committee, at least 2 working days before day of his or her appearance, a written statement of proposed testimony. Witnesses shall provide sufficient copies of their statement for distribution to committee or subcommittee members, staff, and the news media. Insofar as practicable, the committee or subcommittee staff shall distribute such written statements to all members of the committee or subcommittee as soon as they are received as well as any official reports from departments and agencies on such subject matter. All witnesses may be limited in their oral presentations to brief summaries of their statements within the time allotted to them, at the discretion of the chairman of the committee or subcommittee, in light of the nature of the testimony and the length of time available.

(2) As noted in paragraph (a) of committee rule VI, the chairman of the committee or one of its subcommittees, or any Member designated by the chairman, may administer an oath to any witness.

(3) To the greatest extent practicable, each witness appearing in a non-governmental capacity shall include with the written statement of proposed testimony a curriculum vitae and disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(e) *Questioning of Witnesses.*—Committee or subcommittee members may question witnesses only when they have been recognized by the chairman of the committee or subcommittee for that purpose. Each Member so recognized shall be limited to questioning a witness for 5 minutes until such time as each Member of the committee or subcommittee who so desires has had an opportunity to question the witness for 5 minutes; and thereafter the chairman of the committee or subcommittee may limit the time of a further round of questioning after giving due consideration to the importance of the subject matter and the length of time available. All questions put to witnesses shall be germane to the measure or matter under consideration. Unless a majority of the committee or subcommittee determines otherwise, no person shall interrogate witnesses other than committee and subcommittee members.

(f) *Extended Questioning for Designated Members.*—Notwithstanding paragraph (e), the chairman and ranking minority member may designate an equal number of members from each party to question a witness for a period not longer than 60 minutes.

(g) *Witnesses for the Minority.*—When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee or subcommittee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon as provided in clause 2(j)(1) of House rule XI.

(h) *Summary of Subject Matter.*—Upon announcement of a hearing, to the extent practicable, the committee shall make available immediately to all members of the committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the chairman of the committee or subcommittee shall, to the extent practicable, make available to the members of the committee any official reports from departments and agencies on such matter. (See committee rule X(f).)

(i) *Participation of Committee Members in Subcommittees.*—All members of the committee may attend any subcommittee hearing in accordance with clause 2(g)(2) of House rule XI, but a Member who is not a member of the subcommittee may not vote on any matter before the subcommittee nor offer any amendments or motions and shall not be counted for purposes of establishing a quorum for the subcommittee and may not question witnesses without the unanimous consent of the subcommittee.

(j) *Open Hearings.*—Each hearing conducted by the committee or subcommittee shall be open to the public, including radio, television and still photography coverage, except as provided in clause 4 of House rule XI (see also committee rule III (b).). In any event, no Member of the House may be excluded from nonparticipatory attendance at any hearing unless the House by majority vote shall authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular bill or resolution or on a particular subject of investigation, to close its hearings to Members by means of the above procedure.

(k) *Investigative Hearings and Reports.*—(1)(i) The chairman of the committee or subcommittee at an investigative hearing shall announce in an opening statement the subject of the investigation. A copy of the committee rules (and the applicable provisions of clause 2 of House rule XI, regarding investigative hearing procedures, an excerpt of which appears in Appendix A thereto) shall be made available to each witness. Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The chairman of the committee or subcommittee may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; but only the full committee may cite the offender to the House for contempt.

(ii) Whenever it is asserted that the evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, such testimony or evidence shall be presented in executive session, notwithstanding the provisions of paragraph (j) of this rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee or subcommittee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person. the committee or subcommittee shall afford a person an opportunity voluntarily to appear as a witness; and the committee or subcommittee shall receive and shall dispose of requests from such person to subpoena additional witnesses.

(iii) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee or subcommittee. In the discretion of the committee or subcommittee, witnesses may submit brief and pertinent statements in writing for inclusion in the record. The committee or subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearings. A witness may obtain a transcript copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the committee or subcommittee. (See paragraph (c) of committee rule V.)

(2) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day) in advance of their consideration.

VIII. THE REPORTING OF BILLS AND RESOLUTIONS

(a) *Filing of Reports.*—The chairman shall report or cause to be reported promptly to the House any bill, resolution, or other measure approved by the committee and shall take or cause to be taken all necessary steps to bring such bill, resolution, or other measure to a vote. No bill, resolution, or measure shall be reported from the committee unless a majority of the committee is actually present. A committee report on any bill, resolution, or other measure approved by the committee shall be filed within 7 calendar days (not counting days on which the House is not in session) after the day on which there has been filed with the majority staff director of the committee a written request, signed by a majority of the committee, for the reporting of that bill or resolution. The majority staff director of the committee shall notify the chairman immediately when such a request is filed.

(b) *Content of Reports.*—Each committee report on any bill or resolution approved by the committee shall include as separately identified sections:

(1) a statement of the intent or purpose of the bill or resolution;

(2) a statement describing the need for such bill or resolution;

(3) a statement of committee and subcommittee consideration of the measure including a summary of amendments and motions offered and the actions taken thereon;

(4) the results of the each record vote on any amendment in the committee and subcommittee and on the motion to report the measure or matter, including the names of those Members and the total voting for and the names of those Members and the total voting against such amendment or motion (See clause 3(b) of House rule XIII);

(5) the oversight findings and recommendations of the committee with respect to the subject matter of the bill or resolution as required pursuant to clause 3(c)(1) of House rule XIII and clause 2(b)(1) of House rule X;

(6) the detailed statement described in section 308(a) of the Congressional Budget Act of 1974 if the bill or resolution provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures, except that the estimates with respect to new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law;

(7) the estimate of costs and comparison of such estimates, if any, prepared by the Director of the Congressional Budget Office in connection with such bill or resolution pursuant to section 402 of the Congressional Budget Act of 1974 if submitted in timely fashion to the committee;

(8) any oversight findings and recommendations made by the Committee on Government Reform under clause 4(c)(2) of House rule X to the extent such were available during the committee's deliberations on the bill or resolution;

(9) a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution;

(10) an estimate of the costs that would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and for its authorized duration or for each of the 5 fiscal years following the fiscal year of reporting, whichever period is less (see Rule XIII, clause 3(d)(2), (3) and (h)(2), (3)), together with—

(i) a comparison of these estimates with those made and submitted to the committee by any Government agency when practicable, and

(ii) a comparison of the total estimated funding level for the relevant program (or programs) with appropriate levels under current law (The provisions of this clause do not apply if a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report);

(11) the changes in existing law (if any) shown in accordance with clause 3 of House rule XIII;

(12) the determination required pursuant to section 5(b) of Public Law 92–463, if the legislation reported establishes or authorizes the establishment of an advisory committee; and

(13) the information on Federal and intergovernmental mandates required by section 423(c) and (d) of the Congressional Budget Act of 1974, as added by the Unfunded Mandates Reform Act of 1995 (P.L. 104–4).

(c) *Supplemental, Minority, or Additional Views.*—If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than 2 subsequent calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such date) in which to file such views, in writing and signed by that Member, with the majority staff director of the committee. When time guaranteed by this paragraph has expired (or if sooner, when all separate views have been received), the committee may arrange to file its report with the Clerk of the House not later than 1 hour after the expiration of such time. All such views (in accordance with House rule XI, clause 2(1) and House rule XIII, clause 3(a)(1)), as filed by one or more members of the committee, shall be included within and made a part of the report filed by the committee with respect to that bill or resolution.

(d) *Printing of Reports.*—The report of the committee on the measure or matter noted in paragraph (a) above shall be printed in a single volume, which shall:

(1) include all supplemental, minority or additional views that have been submitted by the time of the filing of the report; and

(2) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under House rule XII, clause 3(a)(1)) are included as part of the report.

(e) *Immediate Printing; Supplemental Reports.*—Nothing in this rule shall preclude—

(1) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by paragraph (c), or

(2) the filing by the committee of any supplemental report on any bill or resolution that may be required for the correction of any technical error in a previous report made by the committee on that bill or resolution.

(f) *Availability of Printed Hearing Records.*—If hearings have been held on any reported bill or resolution, the committee shall make every reasonable effort to have the record of such hearings printed and available for distribution to the Members of the House prior to the consideration of such bill or resolution by the House. Each printed hearing of the committee or any of its subcommittees shall include a record of the attendance of the Members.

(g) *Committee Prints.*—All committee or subcommittee prints or other committee or subcommittee documents, other than reports or prints of bills, that are prepared for public distribution shall be approved by the chairman of the committee or the committee prior to public distribution.

(h) *Post Adjournment Filing of Committee Reports.*—(1) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 7 calendar days in which to submit such views for inclusion with the report.

(2) After an adjournment of the last regular session of a Congress sine die, the chairman of the committee may file at any time with the Clerk the committee's activity report for that Congress pursuant to clause 1(d)(1) of rule XI of the Rules of the House of Representatives without the approval of the committee, provided that a copy of the report has been available to each member of the committee for at least 7 calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

IX. OTHER COMMITTEE ACTIVITIES

(a) *Oversight Plan.*—Not later than February 15 of the first session of a Congress, the chairman shall convene the committee in a meeting that is open to the public and with a quorum present to adopt its oversight plans for that Congress. Such plans shall be submitted simultaneously to the Committee on Government Reform and to the Committee on House Administration. In developing such plans the committee shall, to the maximum extent feasible—

(1) consult with other committees of the House that have jurisdiction over the same or related laws, programs, or agencies within its jurisdiction, with the objective of ensuring that such laws, programs, or agencies are reviewed in the same Congress and that there is a maximum of coordination between such committees in the conduct of such reviews; and such plans shall include an explanation of what steps have been and will be taken to ensure such coordination and cooperation;

(2) give priority consideration to including in its plans the review of those laws, programs, or agencies operating under permanent budget authority or permanent statutory authority;

(3) have a view toward ensuring that all significant laws, programs, or agencies within its jurisdiction are subject to review at least once every 10 years. the committee and its appropriate subcommittees shall review and study, on a continuing basis, the impact or probable impact of tax policies affecting subjects within its jurisdiction as provided in clause 2(d) of House rule X. the committee shall include in the report filed pursuant to clause 1(d) of House rule XI a summary of the oversight plans submitted by the committee under clause 2(d) of House rule X, a summary of actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the committee and any recommendations made or actions taken thereon.

(b) *Annual Appropriations.*—The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved. the committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) *Budget Act Compliance: Views and Estimates (See Appendix B).*—By February 25 each year and after the President submits a budget under section 1105(a) of title 31, United State Code, the committee shall, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year (under section 301 of the Congressional Budget Act of 1974—see Appendix B) that are within its jurisdiction or functions; and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction that it intends to be effective during that fiscal year.

(d) *Budget Act Compliance: Recommended Changes.*—Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974 (See Appendix B).

(e) *Conference Committees.*—Whenever in the legislative process it becomes necessary to appoint conferees, the chairman shall, after consultation with the ranking minority member, determine the number of conferees the chairman deems most suitable and then recommend to the Speaker as conferees, in keeping with the number to be appointed by the Speaker as provided in clause House rule I, clause 11, the names of those members of the committee of not less than a majority who generally supported the House position and who were primarily responsible for the legislation. The chairman shall, to the fullest extent feasible, include those members of the committee who were the principal proponents of the major provisions of the bill as it passed the House and such other committee members of the majority party as the chairman may designate in consultation with the members of the majority party. Such recommendations shall provide a ratio of majority party members to minority party members no less favorable to the majority party than the ratio of majority party members to minority party members on the committee. In making recommendations of minority party members as conferees, the chairman shall consult with the ranking minority member of the committee.

X. SUBCOMMITTEES

(a) *Number and Composition.*—There shall be such subcommittees as specified in paragraph (c) of this rule. Each of such subcommittees shall be composed of the number of members set forth in paragraph (c) of this rule, including *ex officio* members.

The chairman may create additional subcommittees of an *ad hoc* nature as the chairman determines to be appropriate subject to any limitations provided for in the House rules.[1]

(b) *Ratios.*—On each subcommittee, there shall be a ratio of majority party members to minority party members which shall be consistent with the ratio on the full committee. In calculating the ratio of majority party members to minority party members, there shall be included the *ex officio* members of the subcommittees and ratios below reflect that fact.

(c) *Jurisdiction.*—Each subcommittee shall have the following general jurisdiction and number of members:

OPERATIONAL SUBCOMMITTEE

Department Operations, Oversight, Nutrition, and Forestry (21 Members, 11 majority, 10 minority).—Agency oversight, review and analysis, special investigations, pesticide regulation, nutrition, food stamps, hunger, consumer programs, and forestry.

COMMODITY SUBCOMMITTEES

General Farm Commodities, Resource Conservation, and Credit (21 Members, 11 majority, 10 minority).—Program and markets related to cotton, cottonseed, wheat, feed grains, soybeans, oilseeds, rice, dry beans, peas, lentils, the Commodity Credit Corporation, agricultural credit, natural resource conservation, small watershed program, rural development, rural electrification, energy, farm security, and family farming matters.

Livestock and Horticulture (23 Members, 12 majority, 11 minority).—Livestock, dairy, poultry, meat, seafood and seafood products, the inspection of those commodities, aquaculture, animal welfare, fruits and vegetables, marketing orders, and grazing.

Risk Management, Research, and Specialty Crops (34 members, 18 majority, 16 minority).—Commodity futures, crop insurance, peanuts, sugar, tobacco, honey and bees, research and education, and agricultural biotechnology matters.

(d) *Referral of Legislation.*—

(1)(a) In general.—All bills, resolutions, and other matters referred to the committee shall be referred to all subcommittees of appropriate jurisdiction within 2 weeks after being referred to the committee. After consultation with the ranking minority member, the chairman may determine that the committee will consider certain bills, resolutions, or other matters.

(b) Trade Matters.—Unless action is otherwise taken under subparagraph (3), bills, resolutions, and other matters referred to the committee relating to foreign agriculture, foreign food or commodity assistance, and foreign trade and marketing issues will be considered by the committee.

(2) The chairman, by a majority vote of the committee, may discharge a subcommittee from further consideration of any bill, resolution, or other matter referred to the subcommittee and have such bill, resolution or other matter considered by the committee. the committee having referred a bill, resolution, or other matter to a subcommittee in accordance with this rule may discharge such subcommittee from further consideration thereof at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(3) Unless the committee, a quorum being present, decides otherwise by a majority vote, the chairman may refer bills, resolutions, legislation or other matters not specifically within the jurisdiction of a subcommittee, or that is within the jurisdiction of more than one subcommittee, jointly or exclusively as the chairman deems appropriate, including concurrently to the subcommittees with jurisdiction, sequentially to the subcommittees with jurisdiction (subject to any time limits deemed appropriate), divided by subject matter among the subcommittees with jurisdiction, or to an ad hoc subcommittee appointed by the chairman for the purpose of considering the matter and reporting to the committee thereon,

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[1] The chairman and ranking minority member of the committee serve as *ex officio* members of the subcommittees. (See paragraph (e) of this rule).

or make such other provisions deemed appropriate.

(e) *Service on subcommittees.*—(1) The chairman and the ranking minority member shall serve as *ex officio* members of all subcommittees and shall have the right to vote on all matters before the subcommittees. The chairman and the ranking minority member may not be counted for the purpose of establishing a quorum.

(2) Any member of the committee who is not a member of the subcommittee may have the privilege of sitting and nonparticipatory attendance at subcommittee hearings in accordance with clause 2(g)(2) of House rule XI. Such member may not:

(i) vote on any matter;

(ii) be counted for the purpose of a establishing a quorum for any motion, vote, or other subcommittee action;

(iii) participate in questioning a witness under the 5-minute rule, unless permitted to do so by the subcommittee chairman or a majority of the subcommittee a quorum being present;

(iv) raise points of order; or

(v) offer amendments or motions.

(f) *Subcommittee Hearings and Meetings.*—(1) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it or under its jurisdiction after consultation by the subcommittee chairmen with the committee chairman. (See committee rule VII.)

(2) After consultation with the committee chairman, subcommittee chairmen shall set dates for hearings and meetings of their subcommittees and shall request the majority staff director to make any announcement relating thereto. (See committee rule VII(b).) In setting the dates, the committee chairman and subcommittee chairman shall consult with other subcommittee chairmen and relevant committee and subcommittee ranking minority members in an effort to avoid simultaneously scheduling committee and subcommittee meetings or hearings to the extent practicable.

(3) Notice of all subcommittee meetings shall be provided to the chairman and the ranking minority member of the committee by the majority staff director.

(4) Subcommittees may hold meetings or hearings outside of the House if the chairman of the committee and other subcommittee chairmen and the ranking minority member of the subcommittee is consulted in advance to ensure that there is no scheduling problem. However, the majority of the committee may authorize such meeting or hearing.

(5) The provisions regarding notice and the agenda of committee meetings under committee rule II(a) and special or additional meetings under committee rule II(b) shall apply to subcommittee meetings.

(6) If a vacancy occurs in a subcommittee chairmanship, the chairman may set the dates for hearings and meetings of the subcommittee during the period of vacancy. The chairman may also appoint an acting subcommittee chairman until the vacancy is filled.

(g) *Subcommittee Action.*—(1) Any bill, resolution, recommendation, or other matter ordered reported to the committee by a subcommittee shall be promptly reported by the subcommittee chairman or any subcommittee member authorized to do so by the subcommittee.

(2) Upon receipt of such report, the majority staff director of the committee shall promptly advise all members of the committee of the subcommittee action.

(3) The committee shall not consider any matters reported by subcommittees until 2 calendar days have elapsed from the date of reporting, unless the chairman or a majority of the committee determines otherwise.

(h) *Subcommittee Investigations.*—No investigation shall be initiated by a subcommittee without the prior consultation with the chairman of the committee or a majority of the committee.

XI. COMMITTEE BUDGET, STAFF, AND TRAVEL

(a) *Committee Budget.*—The chairman, in consultation with the majority members of the committee, and the minority members of the committee, shall prepare a preliminary budget for each session of the Congress. Such budget shall include necessary amounts for staff personnel, travel, investigation, and other expenses of the committee and subcommittees. After consultation with the ranking minority member, the chairman shall include an amount budgeted to minority members for staff under their direction and supervision. Thereafter, the chairman shall combine such proposals into a consolidated committee budget, and shall take whatever action is necessary to have such budget duly authorized by the House.

(b) *Committee Staff.*—(1) The chairman shall appoint and determine the remuneration of, and may remove, the professional and clerical employees of the committee not assigned to the minority. The professional and clerical staff of the committee not assigned to the minority shall be under the general supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate. (See House rule X, clause 9).

(2) The ranking minority member of the committee shall appoint and determine the remuneration of, and may remove, the professional and clerical staff assigned to the minority within the budget approved for such purposes. The professional and clerical staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the committee who may delegate such authority as he or she determines appropriate.

(3) From the funds made available for the appointment of committee staff pursuant to any primary or additional expense resolution, the chairman shall ensure that each subcommittee is adequately funded and staffed to discharge its responsibilities and that the minority party is fairly treated in the appointment of such staff (See House rule X, clause 6(d)).

(c) *Committee Travel.*—(1) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern official travel of committee members and committee staff regarding domestic and foreign travel (See House rule XI, clause 2(n) and House rule X, clause 8 (reprinted in Appendix A)). Official travel for any member or any committee staff member shall be paid only upon the prior authorization of the chairman. Official travel may be authorized by the chairman for any committee Member and any committee staff member in connection with the attendance of hearings conducted by the committee and its subcommittees and meetings, conferences, facility inspections, and investigations which involve activities or subject matter relevant to the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(i) The purpose of the official travel;

(ii) The dates during which the official travel is to be made and the date or dates of the event for which the official travel is being made;

(iii) The location of the event for which the official travel is to be made; and

(iv) The names of members and committee staff seeking authorization.

(2) In the case of official travel of members and staff of a subcommittee to hearings, meetings, conferences, facility inspections and investigations involving activities or subject matter under the jurisdiction of such subcommittee to be paid for out of funds allocated to the committee, prior authorization must be obtained from the subcommittee chairman and the full committee chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable subcommittee chairman in writing setting forth those items enumerated in clause (1).

(3) Within 60 days of the conclusion of any official travel authorized under this rule, there shall be submitted to the committee chairman a written report covering the information gained as a result of the hearing, meeting, conference, facility inspection or investigation attended pursuant to such official travel.

(4) Local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to their use of such currencies;

(i) No Member or employee of the committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law; and

(ii) Each Member or employee of the committee shall make an itemized report to the chairman within 60 days following the completion of travel showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, and any funds expended for any other official purpose, and shall summarize in these categories the total foreign currencies and appropriated funds expended. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

XII. AMENDMENT OF RULES

These rules may be amended by a majority vote of the committee. A proposed change in these rules shall not be considered by the committee as provided in clause 2 of House rule XI, unless written notice of the proposed change has been provided to each committee Member 2 legislative days in advance of the date on which the matter is to be considered. Any such change in the rules of the committee shall be published in the Congressional Record within 30 calendar days after its approval.

IN SUPPORT OF THE MANDATES INFORMATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, I rise today with encouragement that this House just passed the Mandates Information Act, which will help to safeguard us from making unfunded mandates to the private sector.

Well, I am here today to do just that, to address an unfunded mandate that our constituents pay for every month in their phone bills, the E-rate program, sometimes known as the "Gore Tax," because it has garnered the Vice President's support.

As you know, Mr. Speaker, the intent of the "Gore Tax" is to ensure that every school and library is connected to the Internet. But the FCC pays for this program by getting mandatory contributions from phone companies and others. If you look at your phone bill, you will see that mandatory contribution passed on to you, the consumer, as part of the Universal Service Charge.

Mandatory contributions. Mr. Speaker, let us be honest. If it looks like a tax, it quacks like a tax, it is a tax. We can say that our annual "mandatory contributions" to the government are due on April 15th, but we know different.

I have a chart here that shows how it works. First the FCC forces this mandatory contribution on long distance phone companies and others; second, those companies make their massive contributions to the Universal Service Corporation here. That is currently capped at $2.25 billion each year, this mandatory contribution.

Only here, only in government, only at the Federal Government, could we actually come up with these oxymoronic statements, that this is a mandatory contribution.

But what the Vice President and other E-rate supporters do not want you to know is that this is a hidden tax. Consumers are forced to pay this charge through their monthly phone bills. This is where the hidden tax is found, and I would like to eliminate it.

Mr. Speaker, Americans today are taxed at the highest levels in history. In fact, the Congressional Budget Office recently reported that Federal tax revenues have reached a peacetime record level of 20.5 percent of the Gross Domestic Product.

But, Mr. Speaker, this is not just a hidden tax, it is also an unnecessary tax. I have some statistics here from the Congressional Research Service that came before the "Gore Tax" was created.

Now, remember this tax was put on, it was snuck through essentially in order to provide technological support and technology support for schools, in order to encourage them to get on to the Internet and to put computers in classrooms.

□ 1415

But before this tax was ever passed, according to the Congressional Research Service, the 1997 student-to-computer ratio in this country was 8-to-1. Also in 1997, 78 percent of all schools were connected to the Internet, remember, before this tax ever came into existence.

Mr. Speaker, the President has just asked for another $766 million in his Department of Education's budget for education technology alone. That is three-quarters of $1 billion, and I quote his own budget summary, "as a part of the President's proposal to connect all schools to the Internet and put a computer in every classroom." Mr. Speaker, this is the "Gore Tax," and what is this "Gore Tax" program? Is there not some duplication in a multibillion-dollar effort to put Internet in the schools?

In fact, there are over 20 Federal programs aimed toward this effort, not to mention hundreds of State and local private initiatives.

Last year, the Committee on Appropriations reported that the Department of Education cannot account for the money it now spends in education technology. They cannot explain where this money goes. In fact, the Committee on Appropriations said that it fears millions of dollars might go unspent each year.

Today, I am introducing the E-Rate Termination Act, and I would like to thank the 13 original cosponsors of this bill for recognizing the dire need for change. By eliminating this hidden tax, we can focus on honest and realistic ways to address our schools' and libraries' technological needs, and I ask for my colleagues' support.

PROTECTING AND PRESERVING MEDICARE FOR THE NEXT GENERATION

The SPEAKER pro tempore (Mr. BURR of North Carolina). Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I wanted to talk a little bit about what the Republican agenda is this year. We have been saying BEST military. B for balancing in the budget, paying down the debt, responsible spending; E for excellence in education; S for saving Social Security; T for lowering taxes and having a strong military presence that we need in the world today.

I have with me a distinguished member of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS) who has worked so long on protecting Medicare and working for lowering taxes, and also the gentleman from California (Mr. OSE), one of our distinguished freshman Members, and we were just going to talk about some of the things we hope to accomplish.

Mr. Speaker, I yield to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

One of the focal points obviously at the beginning of this, the 106th Congress, is the Medicare Commission which is scheduled to make its report, if we can get 11 of the 17 members to agree on a plan, in early March. I would tell the gentleman that the things that have taken place recently, primarily on the executive side of Washington, have made it immensely more difficult for us to try to come together.

In the context of trying to get 11 of 17 people who are very knowledgeable, who have been experienced, four of whom were appointed by the President, four by the Speaker of the House, the majority leader of the Senate, two by the minority leader of the Senate and minority leader of the House, to come to agreement is difficult in the best of times. But when the President, in his State of the Union message, pulled like a genie out of the bottle, I am willing to put $700 billion on the table, and by the way, I will bring the drugs in, throwing a party, the difficulty of coming to agreement in the Medicare Commission was blurred. It sounded as though there was more money available than anyone thought, and that it is relatively simple to move prescription drugs into a Medicare solution.

The folks who are the participants in Medicare, the providers, the taxpayers, and the beneficiaries, all had a sigh of relief that the problem has been solved, when in fact, as we are now discovering, as Samuelson's excellent guest editorial in the Washington Post today spelled it out, that there was a lot more smoke and mirrors in the President's budget than anyone anticipated.

Just a couple of examples of the difficulty. When the President said that he was going to put $700 billion on the table, that is not the case. When the President said we should have a prescription drug benefit in Medicare, everyone nods their head yes, and we are in agreement that that should occur. But what is not explained, and what most people do not realize, I would say to the gentleman from Georgia, is that 65 percent of the seniors on Medicare have some sort of prescription drug program. What we need to do is examine the 35 percent who do not and create a program that brings them into a protective structure to shelter them from the full cost of prescription drugs, without driving out those other 65 percent who do have a drug support program in some way.

It just seems to me that for the President to make the statements that he did in January and February, when we are on the verge of having to make an agreement in March, that advertently or inadvertently he has created a far more difficult problem for us than we had prior to what he considered helping statements. That is exactly the wrong kind of approach to solving a very difficult problem in terms of the kind of help the President could give. If the President showed leadership, if he brought ideas to the table, if he empowered his appointees to sit down and work with the Senator from Louisiana, the chairman of the committee, Senator BREAUX, all of those would be positive.

Our hope is that in the remaining weeks of February, the President will engage, he will lead and assist us in reaching a solution that all of us want: a better Medicare for our seniors.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the other gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I realize my time is short. I just would like to emphasize, following the comments from my distinguished colleague from California, the importance of this issue for me personally. I can recall on numerous occasions being visited by residents of the Third District talking about their need for adequate medical care. We are going to work on this, this year. The gentleman from California (Mr. THOMAS) is leading us forward, together with the gentleman from Louisiana. I think we are going to make progress.

Mr. KINGSTON. Mr. Speaker, I just want to say, what we are trying to do is find the balance to protect and preserve Medicare, not for the next election, but on a bipartisan basis for the next generation.

THE BREAST AND CERVICAL CANCER TREATMENT ACT OF 1999

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, this afternoon I would like to highlight an issue that is of great importance to the future of our wonderful country. I want to talk about a rapidly-growing, pervasive disease that is affecting the stability of many families and many homes throughout our land.

Mr. Speaker, I would like to talk about breast and cervical cancer and how it is up to each and every one of us to eradicate this disease, and how each one of us could be faced with the opportunity to help eradicate these diseases by cosponsoring the bill sponsored by the gentleman from New York (Mr. LAZIO), The Breast and Cervical Cancer Treatment Act of 1999.

Breast and cervical cancer do not discriminate. These diseases can affect every mother, daughter, sister, including ours. And although these diseases are not as of yet preventable, they can be stopped in their tracks with treatment if they are detected early in their development.

Congress has gone as far as passing the Centers for Disease Control and Prevention's Breast and Cervical Cancer Early Detection Program, and this provides screening for women who do not have health insurance coverage and who do not qualify for either Medicaid nor Medicare. While this was a great advancement, it became evident that it was only an initial step and that a more viable yet long-term solution was needed. What is needed is funding for treatment services once a woman is diagnosed with breast or cervical cancer.

What happens to the woman who is diagnosed with this through the Federal CDC program and is not able, not financially able to afford treatment? Should she be left to die? Should she be forced to spend her days holding bake sales and car washes to get the funds needed to treat her potentially fatal disease? Should she be forced to let time elapse as she scrambles for money from various health care agencies and dwindling State funds?

Unfortunately, this is the scenario that is occurring in the lives of many women who are diagnosed positively through the CDC program. In my congressional district of Miami, for example, Mr. Speaker, a lady named Yolanda qualified for a free mammogram screening, and after suspicious results, was recommended for a surgical biopsy. This recommendation took place a year ago, yet Yolanda has yet to undergo a biopsy for fear of placing an even bigger financial burden on her husband, who holds only a low-paying job.

Another constituent of my congressional district named Maria was recommended to undergo diagnostic procedures after an abnormal screening in 1996. Although she qualified for free diagnostic procedures, she was told that treatment would not be covered. As a result, Maria has yet to undergo these necessary procedures for fear that she would not be able to pay for treatment if, in fact, the treatment is needed.

The bill of the gentleman from New York (Mr. LAZIO), The Breast and Cervical Cancer Treatment Act, will put an end to the cruel and heartbreaking irony of providing screenings, yet no treatment. His bill will provide States an optional Medicaid benefit to provide coverage for treatment to low-income women screened and diagnosed with breast and cervical cancer through the CDC early detection program.

Fortunately, the number of women who need actual treatment for these cancers are not many. In fact, through the CDC program less than 4,000 women have been diagnosed with breast cancer and less than 350 women have been diagnosed with cervical cancer over a period of 9 years. With little cost to the taxpayer, the legislation of the gentleman from New York (Mr. LAZIO) would positively impact the lives of thousands of women and their families by providing guaranteed access to treatment.

I salute the National Breast Cancer Coalition and especially my constituent, Jane Torres, who is the President of the Florida Breast Cancer Coalition, for bringing this important issue to the forefront of our agenda. Through their many years of hard work and dedication to advocate sufficient funding for research and education, and for ensuring quality in health care for all without fear of discrimination, many of these women have been helped.

Before my colleagues prepare to go back to their districts, I hope that all of us in the Congress will remember the Yolandas and the Marias in their districts as well. I hope that they will acknowledge the many cases that resemble theirs and the many women who are counting on us to do the right thing. I hope that all of us will support The Breast and Cervical Cancer Treatment Act, to give women a fighting chance against this disease and to truly reduce the incidence of death from breast and cervical cancer.

DEALING WITH THE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, throughout the 1980s and into the 1990s, no problem loomed larger in our Nation than the growing, seemingly never-ending Federal debt. Now, we have gotten to the point where that Federal debt is at $5.5 trillion, and in the early 1990s we were adding to it to the tune of almost $300 billion a year and more, and projections showed that going up forever. It looked like it was never going to end and it did not seem like we were ever going to get out of the debt spiral.

I rise today to give a little good news, that we are headed in the right direction finally on the debt issue, but also to emphasize the importance of going the whole way: getting the budget balanced, and perhaps as important, paying down some of that debt.

Since 1992 we have seen reductions in the yearly deficit, to the point where in this past year that deficit is only about $30 billion.

□ 1430

I know Members have heard we have a surplus, but we really do not, because we are still counting the money we borrow from the social security trust fund as income, and it is really not. We have to pay that money back. So within the unified budget we are $30 billion in debt this year, and have a projected surplus for 2001. So we are headed in the right direction, but we need to maintain that fiscal discipline to get there, to get the budget balanced.

To show just how big a problem the debt is, I have brought a chart with me today that shows where the Federal Government spends its money. It spends it in a variety of different areas. The third largest chunk of money going out of the Federal Government right now goes to interest on the debt. Fourteen percent of our budget, or $243 billion a year, is paid on interest on the debt.

What that means is that this money basically is not helping us do anything. It is not helping us cut taxes, it is not helping us cover social security or national defense or health care for seniors. It is simply going to service the debt we ran up over the course of the last 30 years.

If we can reduce this number we can do dramatically positive things for this country, either by reducing taxes or funding necessary programs. It is very important that in the next 10 years we do this, we start to reduce the debt, because the economy is strong now. We have an unemployment rate of 4.3 percent. We have record low inflation. Now is the time to pay down that debt.

A crisis will come. The economy cannot remain in boom times forever. When it does, we are going to need the resources to deal with that crisis. If we do not step up to the problem now, start paying down the debt during good times, we will be in horribly bad shape when the bad times come.

I rise with particular emphasis on this point as a Democrat because I think Democrats need to be for fiscal responsibility and emphasize that that is a cornerstone of our message, is to get the budget balanced, keep it that way, and pay down the debt. I think that is a very important principle for the Democratic Party to stand up for. I as a Democrat I am going to stand up for that. This will have dramatic effects on individual lives, as well.

Speakers who are going to follow me are going to talk a little bit about the positive effects of reducing interest rates on peoples' lives. If the government is not out there sucking up all of the money, that means that others, small businesses, farmers, individuals, people looking for student loans, home mortgages, will have access to that money and to borrow it at a better rate, because the government is not out there grabbing all of it. If the interest rates go down, that improves individual's lives in a wide variety of areas, some of which my colleagues will touch upon in a minute.

The bottom line point here is with the economy strong, with us headed in the right direction, finally, on fiscal responsibility, we need to stay with that discipline and get there, get the budget balanced, start paying down the debt so we can strengthen our entire economy, create more jobs, and create a better future for ourselves and for our children.

I strongly urge my colleagues today to maintain fiscal discipline and pay down the debt. That needs to be one of our number one priorities for the coming decade.

THE NEW DEMOCRATIC COALITION STANDS FOR FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, the new Democratic coalition, several of my colleagues along with myself, have come to the floor to speak in favor of fiscal responsibility. We are faced with a philosophical and fiscal choice this year, and it is a wonderful choice to make. It is a choice on how we deal with a surplus.

I was a member of the Committee on the Budget, and in 1997 we came up with a plan to make sure that we eliminated the Federal deficit by the year 2002. Many scoffed that that plan, although it was adopted by this House, could not possibly achieve the objective by 2002. It is with some pride and some great hope that we are now, not in 2002 but 1999, wondering what to do with the Federal surplus. I believe we should continue the same fiscal policies that got us the surplus.

The choice before us is major across-the-board tax cuts that we cannot afford, or major Federal spending programs of tens of billions of dollars that we cannot afford, or alternatively, modest tax cuts and saving the lion's share of the surplus. It is that latter course, the course of fiscal responsibility, that is better not only for social security and Medicare but also for the business community, for middle-class families, and for the poor.

As a Democrat, many of my years were spent, and I got active in politics relatively early, focused on programs like the Great Society, programs designed to help the poor and the dispossessed, and make sure that we are brought together as one Nation.

But when I got to Congress we all focused on fiscal responsibility, not new government programs, as a way of achieving a great society. We were right to do so, because the greatest possible program for the poor is a national economy that is creating new jobs. What more proof do we need than just 2 days ago the announcement that Hispanic unemployment and African American unemployment reached the lowest levels in the history of those statistics being kept in America?

Lyndon Johnson would be proud, perhaps, that we achieved a goal that was always out of sight for the Great Society, but now is in sight for a fiscally responsible society. The best thing we can do for the poor is not necessarily a new Federal program, but it is keeping this Federal expansion going. Likewise, it is the best thing we can do for the business community and for middle-class families.

Yes, the business community likes and deserves and wants a tax cut. But today's market of, or nearly, a thousand on the Dow was not achieved in the 1980s when we had huge tax cuts, most of them focused on the rich and the business community and the corporate sector.

We have achieved near record levels and record levels on Wall Street not because of the lowest possible taxes, but because of the most responsible Federal government we have seen in modern history. While Europe, each country in Europe, tends to run a deficit of two or three percent of its GDP, we in the United States have shown that democracy can go hand-in-hand with fiscal responsibility.

As for middle-class families, middle-class families deserve and need a tax cut. We voted for one in 1997, and I hope to provide targeted tax cuts for middle-class families and be part of providing that today.

As this chart illustrates, middle-class families will benefit just as much or more from a reduction in interest rates as they will from the tax cuts that are being proposed. This chart demonstrates that even with an average-priced home, and they are twice as expensive in my district, the savings is $1,860 from a fiscally responsible budget.

WITH BIPARTISAN FISCAL RESPONSIBILITY ALL THINGS ARE POSSIBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I must tell the Members that I have been very encouraged by the last two speeches from our Democratic friends talking about the need for fiscal responsibility. I really do believe that despite the fact that the chattering classes on TV every night talk about how this Republican Party is getting brutalized by the polls in the area of public opinion, I have to tell the Members that I am very encouraged, because it appears that we have won the debate. To hear Democrats talking about fiscal responsibility in 1999, talking about the deficit, talking about staying away from tax increases, these are the very things that got me to Washington in 1994.

I remember back in 1993 when the new President, who was elected by promising to reduce the deficit by cutting spending and cutting middle class taxes, came forward and he increased taxes, and actually gave us one of the largest tax increases in the history of this country.

I ran because of that, and I have to tell the Members, when I ran in 1994 I talked about the deficit. I talked about the need of cutting the deficit, cutting spending, reducing the size of Washington, and creating an explosive economy that would lift all boats.

What happened? In 1994 when I came to town we had deficits approaching $300 billion. Now, of course, we are moving towards a true surplus. In 1994 interest rates were about 3 percent higher. The last gentleman who spoke, who I agreed with, the last gentleman who spoke talked about how in 1997 they came up with a budget plan that would balance the budget by the year 2002.

Actually, I remember when we got here in 1994 and we were sworn in. In early 1995 the chairman of the Committee on the Budget, the gentleman from Ohio (Mr. JOHN KASICH) invited the Fed chairman Alan Greenspan to come and testify on Capitol Hill about the long-term effects of balancing the budget, under our plan of balancing it by 2002.

Alan Greenspan looked at the gentleman from Ohio (Chairman KASICH) and said, "If you only have the political courage to move forward and balance the budget by 2002, we will see the fastest peacetime economic expansion since the war."

What was the President's response? The President, who now talks about how he is this great fiscal disciplinarian, the President came out in 1995 and said balancing the budget by 2002 would destroy the economy, would wreck all the economic growth that we were fighting for.

I do not say this to say that the Republicans exclusively are responsible for this strong economy, or the fact that we are now playing surplus politics, because really, there is enough credit to go around.

What I am saying is there is a danger of us sitting here today in 1999 and rewriting history. There is a danger that we forget just how hard we had to fight this President, who was willing to veto every appropriation bill, shut down the government, turn around and blame it on us, because he said our plan to balance the budget by 2002 would destroy the economy.

Let me tell the Members, history has shown that we were right, and that, more importantly, Alan Greenspan's prediction in 1995 was correct. At the same time that the President was saying that balancing the budget in 7 years would destroy the economy, the Fed chairman was saying, "Go ahead. Do it. Damn the political torpedoes. Take that opportunity to balance the budget. The markets will respond."

As the last gentleman said, they have responded. Interest rates continue to fall, the stock market continues to explode, and the great news is that unemployment among minorities is dropping to a record low. Unemployment across the country is dropping to record lows. Again, I see this as a very, very positive sign that all the things that we fought for in 1995 were really worth fighting for.

I have to tell the Members, these past two Members who spoke are people who came after 1995 and 1996, and when they team up with other conservative Democrats to join up with those of us that believe the deficit and the long-term debt really is a drag on the economy, I think that all things are possible as we go into this new century. Again, I am very, very encouraged.

IMPORTANT CHOICES: HOW TO USE EMERGING SURPLUSES IN FEDERAL GOVERNMENT FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Florida. Mr. Speaker, I want to talk today about a very important choice before the Congress and before the United States. It has to do with how we use the surplus that has developed in the social security trust fund, and in the years ahead, the surpluses that will begin to develop elsewhere in the Federal Government if this economy continues to be as healthy as it has been.

I support the President's position that we take the lion's share of this surplus in the social security trust fund and use it to pay down the debt. Those of us who serve on the Committee on the Budget have the job to begin to sort through the fine print on this.

What is becoming clear is what the President has proposed is balanced. What the President has proposed is that as we pay down the debt, we will be protecting social security for the retirement of the baby boomers in the future. We will be protecting Medicare for the future as well.

□ 1445

The position that we should be taking, the balanced position we should be taking is, if we want additional spending as a Democrat or Republican for education or other programs, we find a place to cut the Federal budget to fund that, but do not use the surplus. Let us pay down the debt first.

If we want to cut taxes, which we should do, find a place in the Federal Government to cut spending to support that tax cut, but do not use the surplus. Use the surplus to pay down the debt. This can be done.

We did it in 1997 with the Balanced Budget Act. We enacted tax cuts of over $90 billion by cutting spending elsewhere in the Federal Government, not relying upon the lion's share of the surplus. That should go into paying down the Federal debt.

Let me talk about the very important fact of how this benefits all of us at home. As we begin to pay down the debt, we will continue to enjoy a very healthy economy.

Alan Greenspan who has testified before the House Committee on the Budget has made it clear that, as the Federal Government borrows less and less, as more and more money is available in the private sector, interest rates will go down. Interest rates could go down as much as two additional points if we continue our course of fiscal responsibility and do as the President has advocated, use the lion's share of the surplus in the Social Security Trust Fund to pay down the debt.

What does that mean to us as the consumers? Look at the average mortgage, about $115,000 in many parts of the country. One is paying $844 every month on one's mortgage to keep one's home. If interest rates go down two additional points, that could mean a drop in one's monthly mortgage payment to $689. That is $155 in one's pocket that one did not have beforehand. One did not have to call one's accountant to figure out how to use the tax code to take that savings. It is money in one's pocket every month.

That is what low interest rates are about. That is what it is about when we talk about using the lion's share of the surplus in the Social Security Trust Fund to pay down the debt.

Let me give my colleagues another example. Many children and adults in this country have student loans. As interest rates drop in response to us paying down the Federal debt, it will have a positive impact on people that are working so very desperately to repay their student loans.

In many parts of the country, the average student loan rate is about 8¼ percent and a balance of about $35,000. There are a lot of students and former students in this country that owe a lot of money to the Federal Government. If interest rates continue to decline as we pay down the debt, one can see as much as a $385 drop per month in student loans. That is money in one's pocket. That is better than most of the tax cuts one will hear advocated up here.

We are doing it in a way that is responsible. We are paying down the Federal debt. We are protecting Medicare. We are protecting Social Security by doing the same thing that each of us does at home, which is try to keep our checkbook in order.

So I support the President's position that we use the lion's share of the surplus in the Social Security Trust Fund to pay down the debt. It is the right thing to do. It is good for Social Security. It is good for Medicare. It will help consumers at home. It will lower interest rates.

MAKE 1999 THE YEAR OF THE TROOPS

The SPEAKER pro tempore (Mr. BURR of North Carolina). Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, under the Constitution, the Congress of the United States is responsible for the national security of our country. The first priority for 1999 should be to make this the year of the troops.

The service chiefs several days ago testified before the Committee on Armed Services on which I serve that their troops are the most important part of the military that is in need. Problems are there that must be addressed.

The first problem is that of retention, retaining the capable and bright young people in our military forces, whether it be the Army, Navy, Marines, or Air Force. We are having trouble retaining mid-career officers. We are having trouble retaining noncommissioned officers and those with critical skills, pilots, airplane mechanics, those that are skilled with computers and information systems.

Another problem is that of recruiting, causing young people to want to join the services. All four of the services are having difficulty with recruiting. All of the services, with exception of the Marine Corps are not meeting their goals.

The Army will have a shortfall of some 3,000, maybe even as high as 6,000 people in their recruiting goals. The Navy could be as many as 4,000 short. The Air Force plans to buy television ads for the first time. If retention and recruiting are not improved, the services will be unable to make the end strengths, that is the numbers that are allocated by law, which by the way are already too low.

For example, the Army ended 1998, fiscal year, approximately 4,000 people under strength. All of this leads to a readiness problem, whether the forces are ready to perform their job at the highest level that the American people expect of them. The readiness problem deals with the services, high operations Tempo, and a shortage of spare parts that contribute to the reduction in this readiness.

In addition, the operational Tempo, that is being gone so much, puts a strain on families; and the spare parts shortage adds to job dissatisfaction. Both in turn contribute to the problems of recruiting and retention.

The Department of Defense proposal for military pay retirement is a good first step. I compliment the Secretary of Defense and those that have studied this issue on that initiative.

There is a pay triad that has three aspects that we need to look at regarding paying the young people who serve and those who serve for a career. First is the across-the-board pay increase for all service members, 4.4 percent, effective January 1 of the year 2000, with additional raises programed for the year 2001 and 2005.

The second part of this triad is the pay table reform, additional raises to better reward performance by compensating service members for skills and education and years of experience.

Then there is the reform of the retirement system, a return to the 20-year retirement to 50 percent of the basic pay.

Congress can do these things, but we can and, frankly, we should do more. It was General Hughes Shelton, the chairman of the Joint Chiefs of Staff, who testified several days ago and said, "You can't pay our troops too much, but you can pay them too little."

We should consider a Military Thrift Savings Plan—which many corporations afford their employees. We need to take better care of the families by better family housing and improving their medical care, making sure that TriCare works the way we intend it to work, make sure that they have better barracks for those who are single and do not have families.

We should ensure that the people in the military do not get left behind in the booming economy that we have, or else they tend to leave the military behind.

We have a highly capable military force, I think the finest our Nation has ever had. But the key, of course, is the people, qualified, motivated, intelligent, hardworking people of whom we are so proud.

We need to keep and attract quality people, to train them, and ensure that their morale remains high. It will require a multiyear effort. Mr. Speaker, we should begin that effort now by making the year 1999 the year of the troops.

USE SURPLUS TO PAY DOWN NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DOOLEY) is recognized for 5 minutes.

Mr. DOOLEY of California. Mr. Speaker, this year marked a real turning part in the recent history of our country as this was the first year in over a couple decades that we actually could no longer talk about our country running a deficit but actually talk about our country running a surplus.

When I first was elected to Congress over 8 years ago, we were talking about budget deficits that were approaching $290 billion a year. Today, this year, because of the great leadership of President Clinton and Republicans as well as Democrats in Congress, we have made the tough choices that have put us on the path of greater fiscal responsibility.

This year in Congress, we are once again going to be called upon to make some tough choices about how should we proceed in terms of making decisions to ensure that we maintain a path of fiscal responsibility.

I am here to argue that it is the interest of our families, it is in the interest of our children that we commit ourselves to paying down the national debt, that we support President Clinton's decision to use these surplus dollars that we are going to be generating over the next 15 years to try to pay off the $3.7 trillion in national debt that have accumulated over the last 20 years.

It does not matter if we are a supporter of defense or if we are a supporter of education. It is in all of our interest to pay down the national debt. The reason for that is very simple to understand. When we look at how the government spends every tax dollar that we receive, I think half of us would be surprised when we identify that the third largest expenditure of the Federal Government is on interest on the national debt. Fourteen cents of every tax dollar collected is going to pay interest on the national debt. By comparison, we are only spending $55 billion on education or 3 cents on every dollar.

So the decision by the President and many of us in the Democratic Party to commit ourselves to paying down the national debt, what it means in effect is that we are going to reduce this $243 billion that we are spending every year on interest in order that we can ensure that we will have the ability to meet a lot of other pressing needs, whether it be national defense or whether it be education.

As I said earlier, this is in the interest of all of our families because, by paying down the national debt, we are also going to be alleviating the burden on an average family of four today who is paying, in effect, $3,644 a year to finance that interest.

We had earlier speakers that talked about what it means in terms of mortgage payments. If we paid down the national debt, we are going to see an expected reduction of interest rates of 2 percent, which again means the difference in a monthly mortgage payment of $155 a month.

When people talk about making a tax cut or providing all of our citizens with a tax cut, I can think of no better tax cut than paying down the national debt because we are, in effect, reducing the burden of this interest payment.

I myself, besides being a Member of Congress, am a farmer. As most farmers, we have to borrow money in order to operate our enterprises. An average operating loan of maybe $250,000 a year, that 2 percent reduction in interest rate means $5,000 in the bottom line in profits to a farmer.

When we purchase a new piece of equipment, which are becoming increasingly expensive, an average combine today costing $200,000, again the benefits of paying down our national debt, which will reduce interest rates, will manifest itself in a total savings on interest on the purchase of one combine of over $11,000 a year.

So in this Congress, when there is going to be a debate among those who are supporting a policy that the President is advocating of paying down the national debt in order to try to keep this economy on a sound path, in order to ensure that we can see even lower interest rates than we see today, that is a course we should take.

I think we ought to be very cautious in succumbing to the allure of tax cuts which would pose a great jeopardy to the country if they are not paid for by reductions of spending in other components in our budget, because they have the danger of taking us once again down a path that will lead to increased deficits and increased national debt, which will undermine the solvency of our economy and certainly will continue to obligate our families and future generations the responsibility of continuing to pay the carrying cost of our excess spending of today.

□ 1500

DISCUSSION ON THE SURPLUS

The SPEAKER pro tempore (Mr. BURR of North Carolina). Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, there has been a lot of discussion on the surplus, not just how to spend it but how we got here. Different people can take a different view of both, but I would like to point out some actual facts.

First of all, in 1993, the White House under President Clinton, they had the House, the Senate and the White House. They gave us in 1993 what the Democrats called an economic stimulus package, which raised taxes to the highest level ever on the American people, and they state that that brought us the surplus.

I would claim that that is inaccurate. Because in 1995, when the Republicans took over the House and Senate, we rejected over 90 percent of that economic stimulus package. We are not even operating under that stimulus package.

And what did that stimulus package do? It increased the tax on Social Security. It increased the tax on middle-income working families. I do not use the term "middle-class." I do not think there is any such thing as a middle-class citizen. There are middle-income citizens. And for the first time, in 1995 we decreased the amount of tax on Social Security that the 1993 bill did. And when people fill out their tax forms this April, for the first time, they will receive a $400 deduction per child. Next year that will go to $500 per child.

They can also receive tax credits. But we repealed the 1993 bill to actually give more dollars back to working Americans instead of the Government itself.

Take a look at welfare reform, when the Democrats said they were responsible for the deficit. First of all, the President vetoed the balanced budget. And I think we can all remember he said, well, it will take two years. It will take four years. It will take six. It will take eight. And finally, after the third time, he came around and signed it and gave us the same Medicare program that they put over $100 million in ads demonizing the Republicans for and he signed that. But for 40 years they took money out of the Social Security account and paid for welfare.

The President just said in his State of the Union, look, we have less than one half of the welfare rolls that we did before. Now, instead of government having to pay people on welfare and take out of the budget, now the Welfare to Work program, we have people actually working and contributing to the budget and adding to that. That is more money.

The billions of dollars that we gave to welfare recipients, the average, Mr. Speaker, was 16 years, the average, on welfare. That is wrong. All of those savings and the quality of life for those families and for those children that were on welfare is better.

Are there people that need welfare money? Absolutely. And we do not mind giving our tax dollars to that. But 16 years is too much. But yet many of the progressive caucus would just give more money and more money and more money without managing the program. That is what led a lot to the deficits that we had in the different budgets.

If we take a look at the balanced budget, the balanced budget, according to Alan Greenspan, has lowered interest rates between 2 and 8 percent. Look at what that has done to the markets and the increase in the markets, in the economy. Capital gains reductions paid for itself.

If we take a look at the other tax breaks that we gave to American people so that they spent the dollars, not the government, the surpluses are due because the Republicans gave money back to working people instead of taking it away.

FISCAL DISCIPLINE AND REDUCING NATIONAL DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Ms. HOOLEY) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, Americans now are looking at the longest peacetime expansion of the United States economy since the start of the 20th century. The outlook for our future is rosy. Economic growth is expected to continue to rise, and unemployment is predicted to stay below 5 percent. Inflation is expected to remain low, and it is believed that the interest rates on mortgages and loans will continue to remain attractive.

This booming Federal economy has passed on some benefits to the Federal Government. The most notable are the increased tax revenues and Social Security dollars that result from a fully employed workforce. With this economy, Congress is faced with a new and interesting predicament of deciding what to do with those Social Security surpluses.

If we look only at the short term, we might be tempted to spend those funds on what later generations would call reckless tax cuts. Now, I support cutting taxes and I hope we can find some room this year to do just that. But the American public is more savvy and will not condone irresponsible use of projected budget surpluses.

My constituents, if they retired, would not go out and spend all of their retirement on a new sailboat the day they retired. Well, I think they want us to show that same fiscal restraint and discipline.

While economists are predicting good times ahead, our future also holds a growing number of baby-boomers who will be moving from the work force into retirement. They have paid into Social Security and they should know it will be there for them in the future.

The youngest citizens of our Nation also need to know that we are thinking ahead. If we work to save Social Security and Medicare now and pay down our national debt, we will leave them with a healthy economy and the resources they need to move this nation ahead.

This year, as a member of the Committee on the Budget, I will be looking forward to working on these issues. We know that the part of our national debt "held by public" will be 42 percent of our Gross Domestic Product this year. This is the term we use to describe the money the Federal Government has borrowed from banks and pension funds. With a Federal debt in the area of $5 trillion, we need to focus on paying that down and end the process of borrowing.

The budget proposal sent to Congress by the President does just that. It makes sure that we save and makes sure that Medicare and Social Security are there for the future, as well as it pays down the debt. This is a home run for all of our citizens.

If my colleagues look at this chart, we look at the interest again, 14 percent. If we have the discipline, the fiscal discipline, to make sure we have Social Security there for the future, that we have Medicare there for the future and pay down that debt, we will get that down to about 2 cents per dollar. With that kind of a reduction, I want to tell my colleagues, there will then be real money for tax cuts and real money for investing in a lot of programs that people want.

I am looking forward to working on this agenda that will be healthy for the future economy of the United States.

NEVADA IS TARGET FOR NUCLEAR PAYLOAD

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Nevada (Ms. BERKLEY) is recognized for 10 minutes as the designee of the minority leader.

Ms. BERKLEY. Mr. Speaker, I come before my colleagues to give voice to the well-founded fears and concerns of the citizens of the Las Vegas Valley, which is my home district, and the citizens of the entire State of Nevada.

Over one and a half million Nevadans live within an hour or so drive from the so-called temporary high level nuclear dump proposed in H.R. 45. This bill would dump over 70,000 tons of an incredibly lethal substance at one location in southern Nevada. Those Nevadans, mothers like myself, fathers, sons, daughters and grandparents, deserve the same health and safety protections as every American.

H.R. 45 would deny equal protection under the law to the citizens of Nevada and to future Nevada generations. But I will also discuss how this bill places Americans in all parts of this country at risk.

When one lives in a State that has been singled out as the target for a nuclear payload, he gives close attention to the issue. Nevadans know just how toxic, how dangerous, how menacing high-level nuclear waste really is. To give my colleagues some idea, a person standing next to an unshielded spent nuclear fuel assembly would get a fatal dose of radiation within three minutes.

Under H.R. 45, the concentrated level of deadly radiation in one place in my home State staggers the imagination. H.R. 45 would force all of the Nation's high-level waste on the people of one State, a State where there is not even one nuclear reactor.

For nearly two decades the nuclear industry and the Department of Energy have tried to convince Nevadans that high-level nuclear waste transportation and storage is safe. Their argument basically is, we will just stuff this stuff right into metal cans, screw the lids on tight, and there is nothing to worry about.

Well, what is wrong with this picture? Well, if those cans of nuclear waste are so safe, why do they have to be shipped from all parts of the United States into the State of Nevada? That question has haunted Nevadans for years, and our concerns have intensified with H.R. 45.

This bill would unleash high-level nuclear waste onto the Nation's highways and rail lines. It is this issue, the transportation of high-level nuclear waste, that binds Nevadans with all Americans as potential victims of H.R. 45.

Americans from all parts of the country would be exposed to unacceptable and unnecessary risk because they live near highways and railroads where nuke trucks and trains would roll. Moving nuclear waste to Nevada would require well over 100,000 long-haul shipments. Nuclear waste will be speeding around the clock every day for nearly 30 years on our roads and rails. This should sound a national alarm.

The deadly cargo will intrude on 43 States and hundreds of cities and towns across our nation. Fifty million Americans live within just a mile and a half of shipping routes. The waste will rumble through Birmingham, Alabama; Laramie, Wyoming; Portland, Maine; and the suburbs of Los Angeles; Miami, Florida; Kansas City; and St. Louis, Missouri. In short, nuclear waste will be on the move all over the country all the time for 30 years.

The Department of Transportation counted more than 99,000 incidents in which hazardous materials were released from trucks and trains from 1987 to 1996, causing 356 major injuries and 114 deaths. The Department of Energy has described a plausible crash scenario involving high impact and fire that would contaminate an area of 42 square miles with radioactive debris. It is truly horrifying to picture this happening in a populated area.

We have been repeatedly told that shipping nuclear waste across the country and stashing it at a dump site is safe. But let us take a brief look at the history of how the Federal Government has handled nuclear projects. The lands around nuclear installations at Hanford, Washington, Rocky Flats, Colorado, Oak Ridge, Tennessee, Fernald, Ohio, are contaminated. The GAO concluded that 124 of our 127 nuclear sites have been mismanaged by the DOE.

Nevadans do not buy this "don't worry, be happy" attitude towards radiation, and for good reason. I grew up in Nevada. Nevadans were proud to volunteer for the patriotic chore of playing host to above- and below-ground nuclear weapons testing, but the Federal Government never leveled with us about the risks.

In the 1950s the Government produced films advising that if people just stayed indoors as clouds of fallout drifted through communities, everyone would be safe. As a safety measure, the Government suggested that a quick car wash would eliminate any pesky radioactive contamination.

It seems harmless enough if it were not for the evidence of a disturbing increase in cancer that later traumatized these same communities. Harmless? Perhaps, if above-ground testing did not spread radioactive elements across the country.

Supposedly safe above-ground nuclear tests were stopped when it was proved that radiation was winding up in the bodies of American children through the milk they were drinking. Underground testing was supposed to be the safe answer, or so the Government said. The radioactivity would be trapped underground, never to get out, except that some of the underground shafts burst open, spewing radiation into the air. Now scientists are finding that plutonium thought to be trapped in these test shafts is moving through the groundwater at alarming speed.

□ 1515

So I have a healthy skepticism about Federal nuclear programs. My healthy skepticism persuades me that H.R. 45 is, in fact, a Trojan horse for permanently dumping high level nuclear waste in Nevada.

Make no mistake, there is nothing temporary about H.R. 45. This bill is a political vehicle to get the waste to Nevada, to be conveniently parked next door to Yucca Mountain, the site of a failing effort to justify a permanent dump.

The past year has been marked by a quickening pace of scientific evidence that clearly eliminates Yucca Mountain as a safe place for nuclear waste. Water will saturate the dump. Those who thought Yucca Mountain would be dry for 10,000 years are stunned to discover that water is filtering through at an alarming rate. Yucca Mountain has been, is and always will be jolted by earthquakes. In recent days seismologists described swarms of earthquakes that rocked the area. To visit Yucca Mountain is to feel the earth move.

A growing number of scientists fear that a Yucca Mountain dump intended to isolate deadly radioactivity forever may well explode into an environmental apocalypse of volcanic eruptions. It is not nice to fool Mother Nature. Where earthquakes, water and volcanic activity are permanent dangers, we must not build a high level nuclear dump.

The nuclear power industry should immediately cancel the Yucca Mountain project. The billions of dollars coming from ratepayers would be better spent finding a sensible and safe solution to nuclear disposal. Instead we have H.R. 45. This bill exists because the nuclear power industry sees that the only way to keep the Yucca Mountain project alive is to build a temporary dump next door. With the waste site up at the temporary dump near Yucca Mountain, there would be a powerful motivation to make Yucca Mountain work out somehow.

Under those circumstances I fear that the health and safety of current and future generations would be jeopardized for the sake of expediency. As the Nuclear Waste Technical Review Board has clearly stated, a temporary facility at the Nevada test site could prejudice later decisions about the suitability of Yucca Mountain.

H.R. 45 has its roots in expediency over public health and welfare. H.R. 45 throws out existing radiation safety standards and replaces them with dangerous levels of radiation exposure that would be, quote, acceptable. The temporary dump cannot meet the current standards, so H.R. 45 permits Nevadans to be exposed to four to six times the amount of radiation allowed at any other waste site. H.R. 45 allows exposure 25 times the level set by the Safe Drinking Water Act.

EPA administrator Carol Browner said H.R. 45 would authorize exposures to future generations of Nevadans which are much higher than those allowed for other Americans and citizens of other countries. Congress in 1982 called for nine potential nuclear storage sites to be assessed. By 1987, due to political considerations, not scientific findings, Yucca Mountain alone was targeted for site characterization.

As it became increasingly clear Yucca Mountain is not suitable under stringent and responsible law that Congress passed in 1982, the rules have been repeatedly relaxed in favor of Yucca Mountain and against health and safety. And now comes H.R. 45, a bill which achieves nothing but risks the health and safety of current and future generations of Nevadans.

The Nuclear Waste Technical Review Board advises that there are no compelling reasons to move the nuclear waste in short term. H.R. 45 would be a terrible and needless mistake. If passed, it would be fought in courts by Americans across this country. I would stand with them in court or on the roads and rails if necessary to stop this disastrous policy.

REMEMBER PAOLI

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today in this special order to discuss America's patriots. The patriots of America have been extremely important in the struggle for this great Nation over the past 220 years, to allow us to enjoy the freedoms and the independence that oftentimes we take for granted. My discussion today will focus on the patriots of America of the past and the patriots of America today, those who are defending our country around the world.

Let me start off by discussing a situation I think requires national attention.

Over 220 years ago, Mr. Speaker, this Nation was fighting for its existence. Young patriots, many of whom were undertrained, who were not properly fed, who were ill-equipped, were fighting against the forces of England to allow us to have a free independent Nation. There were some very serious battles in that process. We know those battles from our history books, the battles of Valley Forge, the battles that took place in Brandywine.

But, Mr. Speaker, what we have failed to understand is that one key battle that many historians would argue was the turning point in the morale of our troops to defeat the British was the battle that resulted in the outcry of our troops, "Remember Paoli." It occurred in the spring of 1777 when the British were conducting the Philadelphia campaign to then take over the capital of our Nation because at that time Philadelphia was the capital of the United States. There was a major effort on the part of the British to move to capture Philadelphia, and in the process a series of battles took place.

The first of two American attempts to stop the British invasion that fall was the battle of Brandywine, September 11, 1777, and the unsuccessful Battle of the Clouds, September 16, 1777. There was also a third attempt to contain the British General Sir William Howe's advance on Philadelphia, and each of them were unsuccessful.

But a very important history lesson shows us that in the Battle of Paoli the British troops sought and successfully committed a surprise attack on our troops that were encamped at Paoli at a cornfield, a cornfield that still exists today. The British went to do this in the early morning hours so as to avoid detection, and they did not want to use their guns because they wanted a surprise attack to wipe out the patriots for the fight for our independence.

The battle took place, and the British massacred the American patriots. Their bayonet attacks on the American young men who fought there, many of whom were 16, 17, 18, 19 and 20 years of age, were by all accounts devastating. Fifty-three young Americans were slaughtered, slaughtered by the British. They were slaughtered in such a fierce way that the story of that battle traveled throughout the Revolutionary War troops and the cry of "Remember Paoli" became a rallying cry for the American patriots in all future battles of the revolution which we all know we successfully won.

"Remember Paoli" was about a battle fought on a 40-acre site in Malvern and Chester County in Pennsylvania, not far from Valley Forge and not far from Brandywine. Today there are 53 young American patriots whose bodies lay in rest at that site.

The challenge we have, Mr. Speaker, is that that 40-acre battlefield adjacent to the burial site of these young American patriots is about to be sold. It is about to be developed; perhaps another shopping center, perhaps another housing project, perhaps being paved over by someone who wants to build some new type of development in the area that we call the Main Line coming out of Philadelphia, a very affluent area.

But the owner of the property, a private school right next to the site, has issued a challenge, that America, the State, the county and the local community should undertake an effort to preserve that 40-acre site so that those 53 young American patriots, so that their memory is never forgotten.

Two and a half years ago when the owner of that property came forward, the owner of the school, the board of directors said, "We challenge the community, we challenge the country to protect this site and allow us to move on to other things. But if you do not take up that challenge, we will sell the site to developers."

Mr. Speaker, that sale is imminent, and if in fact the Paoli site is sold, it will be one of the last remaining significant sites that was a part of our Revolutionary War history. It is a site that needs to be protected. It is a site that needs the Federal Government, the State, the county and the local government to come together with the private sector to show those American patriots and all of our war heroes, including those serving the country today, that we will always remember and honor their service, and in this case especially because of the symbolism associated with the battle at Paoli and the massacre that occurred there.

Two and a half years ago a local group led by citizens in Malvern Borough, where Paoli is located, joined together to begin to raise the private money to acquire this site. Now many would argue this site should be protected by the Federal Government. After all, it was a major battle, just as Valley Forge was a battle and Brandywine was a battle and other historical sites were battle grounds. But they decided they would set the tone, so they set out to raise money. To date they have raised over $500,000 in actual money and commitments to help protect this site.

They came to me one year ago, and they said, "Congressman, can you assist us? Because there are patriots of the Revolutionary War who are buried at this site." And I said absolutely unequivocally I would help to have the Federal Government include this site as a part of the history of this great Nation.

Throughout last year we worked on a bipartisan piece of legislation that worked its way out of the Committee on Resources. With the full support of JIM HANSEN and his subcommittee and DON YOUNG on the full committee the bill was passed in the Senate, but because of a difficulty in getting the bill under unanimous consent on the floor on the last day could not be brought up for passage. I have reintroduced that measure in the House this session.

Yesterday I introduced the Patriot Act, Mr. Speaker, which would, in fact, allow us to assist the local folks in protecting the site of the Paoli massacre and the revered site where those 53 young Americans are buried. The bill has the unanimous support of the entire Pennsylvania congressional delegation, our neighbor in Delaware, Congressman CASTLE, our neighbor in south Jersey, ROB ANDREWS, because they understand, as I do, the historical significance of this site.

The legislation, Mr. Speaker, would allow us to authorize up to $2.5 million to show this local school that we want to work with the local folks to acquire this site. This act would require that a study be done by the National Park Service as to whether or not the site of the Paoli massacre should be included as a part of the Valley Forge National Park right down the road. In the meantime, it would allow the Federal Government to an appropriate on a dollar-for-dollar basis one-half of the $2.5 million needed to acquire this site.

Now, Mr. Speaker, the local folks in Chester County have already raised $500,000. What we would do is then move to provide a matching dollar-for-dollar basis up to a cap of $1.25 million, so we would have a combined total of $2.5 million to acquire the 40-acre site.

The Borough of Malvern, where the battlefield is located, has agreed to maintain the site until the Park Service determines whether or not it will take the site as a part of Valley Forge National Park. In the meantime, they will police it, they will oversee it. That site will remain as it was 222 years ago. It will still be the cornfield that it was when those soldiers bravely fought for our independence.

To do anything less than protect that site would in my opinion be a national embarrassment, and I urge my colleagues to sign on, to jointly support and honor those brave patriots who fought for America's independence, to allow us to help protect one of those final sites in our history that is today threatened by developers.

Mr. Speaker, the precedent is clear here. We are not asking for the Federal Government to go out and buy the land itself. The local community is raising the funds. The local community is committed.

As a matter of fact, Mr. Speaker, two days ago I visited one of the elementary schools right near the Paoli site, the Exton Elementary School, where the combined students of the fourth grade class of the Exton elementary school handed me 41,000 and 500 pennies. In their Pennies for Paoli campaign these young students for the past five months collected pennies from throughout their neighborhood because they want to show the Federal, State and county governments that they think it is important that we take the time to protect this sacred site where these 53 American heroes are buried.

□ 1530

They handed me the money and the accompanying check for $415 as a part of their ongoing commitment to help indicate their support and their involvement in saving Paoli.

Other schools in the region have taken similar initiatives to help protect the Paoli site. Mr. Speaker, the Sugartown Elementary School, the KD Markley Elementary School, the Charlestown Elementary School and the Exton Elementary School all have conducted letter writing campaigns.

My office has received thousands of letters from young people, not just in our region, but because this story was the subject of a national news story on Good Morning America on July 4th of last year, thousands of people around America have written to say that we too think America should protect and preserve this final site that is so important to understanding the history of America during our struggle for freedom and independence. I think our students have set the example for us.

Mr. Speaker, I would like to submit some of the letters from these elementary students about what they think about the Paoli site.

From Nick, dated January 4, 1999: "Dear Mr. Weldon, please save the Paoli Battlefield. It is very special to us. It helps us learn about our country's history." He drew pictures of the battle.

I have another letter from Myles Neuman from Sugartown School: "Dear Curt Weldon, the Paoli Battlefield should be preserved as a national park because those graves should honor the brave soldiers that fought for our country. If you were one of the honorable soldiers that fought on this field, would you like builders to develop something or develop it for other uses in Paoli? This would be a great honor for us and the kids that are learning about our history. It would be a wonderful addition to Valley Forge Park." That is from Myles Neuman.

Or Alyssa Jackson, who says: "I am in Mrs. Weigal's fourth grade class. I live in Frazer, PA. I am writing to you to do all that you can to save the Paoli Battlefield. I think the builders are wrong to want to build homes or businesses where over 50 people are buried. I hope you can do something about it."

Finally, from Emily: "Please save the Paoli Battlefield. It is very special to us. It helps us to learn about our country's history. I have seen the Paoli Battlefield. It is very pretty."

Mr. Speaker, these are but a few of the thousands of letters that I have received from young people, not just in my district, but throughout the region and throughout the country, that are asking this Congress to do something very small, very simple, yet very historic, and that is to pass the authorizing legislation that passed the Senate in the last session, that passed the Interior Committee, to allow us to work with the local folks to preserve the Paoli Battlefield. Nothing I think of could be more important for the remembrance of our patriots.

Also in our P.A.T.R.I.O.T. Act, Mr. Speaker, we authorize the continued funding of approximately $6 million for the full definition of the Brandywine Battlefield. The Brandywine Battlefield, where another historic battle was fought between our patriots and the British, has not yet been fully completed in terms of acquiring the space around it.

We are not talking about money to build buildings. We are talking about the easements necessary to keep this battle site as it was 222 years ago.

In the case of Brandywine, again, we are saying that the authorization is for $6 million, but the local folks must raise $3 million, so on a dollar for dollar basis, with state money, with county money, with private dollars, we will match on a dollar for dollar basis the funding necessary to complete the full dimensions of the original site of the Brandywine Battlefield.

Finally, Mr. Speaker, the third provision in my P.A.T.R.I.O.T. Act would allow us to approve an agreement between the National Park Service and the largest collectors of Revolutionary War artifacts in America.

For the past 5 years I have been working with the collectors, those people who have the largest private collections of Revolutionary War materials. Most of these materials are today being housed within their own control or they are loaned to museums when they see fit.

The collectors approached me and said, "Congressman Weldon, we would like to work with you to privately fund a major new display area and museum at the site of Valley Forge. We are not asking for Federal money. We are asking you to work with us in an agreement with the Park Service that will allow us to have a trade of property that is currently owned by the Valley Forge historical society to allow us to raise the money to build this new 21st century learning center about the Revolutionary War."

The collectors that I have been working with, Mr. Speaker, have agreed that they would make their collections available to this site, that they would be permanently on display for all Americans to see, artifacts that Americans otherwise would not have access to, to compliment those artifacts that are already existing at Valley Forge.

All we are asking in this bill is to give the Park Service the approval to finalize that agreement between the private collectors and the National Park Service. We are asking for no authorization of dollars to allow this new museum to go forward.

Mr. Speaker, he thinks these three initiatives are very logical. I think they are the kind of thing that Republicans and Democrats can jointly support. I think there is no better series of actions that we can take in 1999 to remember the Pennsylvania patriots who fought to give us the freedoms and liberties and independence of this great Nation. I urge my colleagues to join with me in supporting the patriots of the Revolutionary War and to cosponsor the P.A.T.R.I.O.T. Act of 1999.

MEETING THE NEEDS OF AMERICA'S PATRIOTS OF TODAY

Mr. WELDON of Pennsylvania. Mr. Speaker, in the second half of my special order I would also like to discuss America's patriots of today, because we have some major problems that need to be addressed in this session of the Congress.

We need to address these, Mr. Speaker, because the patriots of today are finding it extremely difficult to do the job that they voluntarily signed up to do on behalf of our great Nation.

I am ashamed to tell you, Mr. Speaker, today, as a senior member of the Committee on Armed Services, as the chairman of one of our key subcommittees, that we have some of our fighter wings where up to one-third of our airplanes are not flying because they have had to be cannibalized to use the parts from those planes to keep the other two-thirds flying.

I am ashamed to report, Mr. Speaker, that we have ships at sea, our carriers, where we are hundreds of sailors short, going out to complete missions and coming back home without the proper staffing that we have identified as appropriate for these most important vessels of our Navy.

I am embarrassed that we are asking our Marine Corps to fly in CH–46 helicopters that were built during the Vietnam War that we will continue to fly until they are 55 years old. I am embarrassed that we will be flying the B–52 bomber when it is 75 years old.

Mr. Speaker, we have problems in our military that we need to address, and these problems did not happen overnight and these problems need to be addressed in a bipartisan manner.

First of all, Mr. Speaker, we have to understand why we are where we are today. Let me take a few moments to inform our constituents and our colleagues, especially our colleagues who are sitting in their offices or perhaps back in their homes, about the problems that our military is suffering today, because the perception in America is that we have given so much money to our military that they should have the need of no new dollars. In fact, there are some who say we should cut the defense budget even more than we have cut it.

Mr. Speaker, over the past 14 to 15 years, the only area of the Federal budget that we have cut in real terms has been our defense budget. Fourteen consecutive years of real cuts, not inflationary cuts, but real cuts, in the level of defense spending.

Now, some would say, well, that was justified because the Cold War ended. Let me give you a simple comparison, Mr. Speaker. Let me use the time of John Kennedy, not Ronald Reagan.

When John Kennedy was the President in the 1960's, this country was spending 52 cents of every Federal tax dollar on our military, on those brave patriots who serve our country. That was a time of peace. It was after Korea, yet it was before Vietnam. Yet in those years that John Kennedy served, 52 cents of every Federal tax dollar sent to Washington went to support the men and women in the military. Nine percent of our country's gross national product was used on defense.

In this year's budget, Mr. Speaker, we are spending 15 cents of the Federal tax dollar on the military. We are spending approximately 2.8 percent of our country's gross national product on the military. By anyone's calculation, that is a dramatic decline.

Now, some would say that is still enough money. It is more than other nations spend collectively, and we should be able to handle that because, after all, the Cold War has ended.

But, Mr. Speaker, things have changed since the 1960's. Let's go through a few of those changes.

First of all, when John Kennedy was President, we had a draft. We sucked young people out of high school, we paid them next to nothing, they served the country for two years, and then they went on to do their chosen career or their job in the private sector.

We no longer have the draft, Mr. Speaker. Our troops today are well paid. Our troops today have high school educations, many have college degrees, many are married, they have children. Therefore, we have housing costs, health care costs, education costs, travel costs, that they never had when John Kennedy was the President.

Mr. Speaker, even though we have cut defense spending dramatically, the portion of our defense budget that we use for the quality of life for our troops has increased dramatically. This is where the bulk of our money goes today, to educate the young offspring, to take care of health care needs, to provide housing for our troops and families and travel to move them at home and around the world.

But some other things have happened, Mr. Speaker. Back when John Kennedy was the President, we spent no money in the defense budget on the environment. In this year's defense budget, Mr. Speaker, we will spend $12 billion of DOD money on environmental mitigation. Approximately half of that money goes for our nuclear program, to deal with our decommissioned nuclear vessels. The other half goes for a variety of programs, ranging from base cleanups to environmental cooperation with nations and militaries around the world. But that is $12 billion more out of our defense budget that wasn't spent during John Kennedy's era. That is increasing each year.

But perhaps the most dramatic change, Mr. Speaker, since the 1960's, is best reflected by this chart. From World War II until approximately 7 to 8 years ago, the commanders-in-chief of our country, who were both Democrats and Republicans, committed our troops to just 10 deployments at home and abroad. Ten times over 40 years our troops were sent into harm's way. They were sent into Vietnam, they were sent into Grenada, they were sent into Chicago and Detroit and Watts, but only 10 times in 40 years.

Mr. Speaker, in the past 7 years, most of them under the current administration, this commander-in-chief has deployed our troops 32 times. Thirty-two times in 8 years, 10 deployments in 40 years. At a time where the bulk of our money is going for quality of life, at a time where we are spending $12 billion a year on the environment, we have 32 deployments, and the President is talking today about sending 4,000 to 5,000 troops to Kosovo, which would raise this to 33 deployments.

Now, why is that important, Mr. Speaker? Because every time the commander-in-chief commits our troops, he has not identified the dollars to pay for those deployments. He simply commits the troops, and then we are left to pay the price that is required to pay for those deployments around the world.

The deployment to Bosnia, Mr. Speaker, as of today, has cost the American taxpayers $9 billion. Where did that money come from, Mr. Speaker? Because we did not allocate that money in advance, all of that $9 billion had to come out of an ever-decreasing defense budget.

So what did we do? Instead of building replacement helicopters for the CH–46, we slid the replacement program out to some other administration. Instead of building the Army's replacement helicopter for their existing helicopter, we shipped the Comanche out to the out years. Instead of taking care of the replacement parts for those fighter planes, we slipped that out and we have to cannibalize existing planes. And because we cannot recruit new young people to fill the slots for the Navy and the other services, we have had to go to deployments with less than the required slots filled. In fact, Mr. Speaker, our retention rates for pilots in the Navy and the Air Force is the lowest rate since World War II.

□ 1545

Mr. Speaker, these deployments have robbed our modernization and our research for the future. It has caused us, in my opinion, to face the time when we will look back on these eight years as the worst period of time for undermining our national security in the Nation's history.

Now, Mr. Speaker, critics will look at this and say, "Wait a minute, wait a minute, what about President Bush?" Because eight years ago he was the one who sent our troops into Desert Storm, and after all, that was a major war. Mr. Speaker, they would be right. President Bush did send our troops into Desert Storm. He sent 400,000 of our troops over there. But, Mr. Speaker, when Commander in Chief Bush sent our troops into Desert Storm, he went to all of our allies and he said, "You either send troops, or you pay for the cost of Desert Storm."

Desert Storm cost the American taxpayers $52 billion, but unlike this administration, President Bush was able to receive $53 billion in reimbursements. Those allied nations that did not send troops to Desert Storm gave us the dollars to pay for that deployment, so the net cost to us in terms of dollars was zero. And the deployments under this administration, every one of them, have been paid for by the U.S. taxpayer by robbing the DOD budget.

When we sent our troops into Haiti, President Clinton said it was going to be a multinational force, and some would say it is. But what he did not tell us, Mr. Speaker, is that we are paying for the salary and the housing costs and in some cases the food costs for foreign troops to go into Haiti. Bangladesh sent 1,000 troops. It was a good deal for them because American taxpayers are paying for the costs of keeping them in Haiti.

Mr. Speaker, unlike Desert Storm, these most recent 31 deployments or 32 deployments have been paid for by the U.S. taxpayer, taking money out of the defense budget that was already dramatically being decreased. The irony of all of this, Mr. Speaker, is I have to focus on two points.

First of all, by deploying American men and women around the world, this President has created the impression that all of a sudden the world is safe. There are no more wars in Bosnia, there is no more conflict in Haiti, there is no more conflict in Macedonia and there will be no more conflict in Kosovo, because America has our troops around the world. And the irony is that the American people think by perception that therefore we must cut the defense budget because the world is so much safer today, when in fact it is safer because we have troops on standby and on alert around the world that is costing us dearly in terms of dollars necessary to modernize our military.

No wonder, Mr. Speaker, the President got a standing ovation when he went to the U.N. If I were the President and went to the U.N. and all of those nations out there saw America ready to put our troops on the spot around the world and not pay for it, I would get a standing ovation too.

Mr. Speaker, the Pentagon's own numbers show that for these deployments just in this administration, the American taxpayers have spent a total of $19 billion, $9 billion for Bosnia alone. Mr. Speaker, $19 billion, to send our troops to places some of which I support, but which should have had our allies pay the bill.

When many of our colleagues, Mr. Speaker, both Democrats and Republicans, objected to deploying our troops into Bosnia, it was not because we did not think that Bosnia was important or that we did not think we should be part of a multinational force, because we do. What we objected to, Mr. Speaker, was the fact that America was going to send 36,000 troops into Bosnia, both in theater and in the support around Bosnia, when neighbors like France and Germany were only sending in token components. In the case of Germany, 4,000 troops; in the case of the French and the other neighbors of Bosnia, much smaller amounts.

The question we had is, why is the U.S. footing the bill? Why should not these other nations do what George Bush got nations to do in Desert Storm? Why should they not chip in and help to pay for these operations?

That did not happen, Mr. Speaker, and right now we are facing a situation where the President is saying to the American people, we need to send 4,000 to 5,000 troops into Kosovo. That may or may not be justified, but, Mr. Speaker, he is not going to ask for the approval of the Congress. For the 33rd time in 7 years, he will simply send our troops, as he can do as the commander in chief. He is not going to tell us how much it will cost, because we already asked and he said we do not know. And he is not going to tell us how long they are going to stay there. He is going to send our troops and the Congress is going to be left to foot the bill.

The second irony of this whole thing, Mr. Speaker, is as we in this Congress, Republicans and Democrats over the past four years have tried to replenish some of these funds, to reimburse the military for the extra costs of these deployments, we have been criticized for putting more money in the Pentagon's budget than what the service chiefs asked for. In each of the past four years, Democrats and Republicans came together in both the House and the other body and we said, we want to replenish some of these funds because they have been taken away for military operations and the Pentagon was not reimbursed for the cost. Each year that we did that, this White House that sent our troops on these deployments and did not ask for our approval publicly criticized us for putting more money into the defense budget than what the service chiefs had asked for. Amazing, Mr. Speaker.

Mr. Speaker, $19 billion to pay for these deployments. This Congress, in a bipartisan way trying to reimburse the Department of Defense for those deployments, gets criticized because we are putting pork that was not asked for back into defense budget.

Because of these shortcomings, Mr. Speaker, we are facing a crisis today. We have slipped the modernization of our military systems to the next administration. The service chiefs have now publicly come on the record, and in a hearing last week before the House and the week before before the Senate, they said this year they are $19 billion short just to meet their needs.

Now, the President has given some great speeches over the past 30 days. We heard the Secretary of Defense give a speech where he said the White House had now agreed with the Congress that the threat of external missile proliferation is now real and it is here, and therefore they put hundreds of millions of dollars into the outyears budget for missile defense, something we have been saying for the past three years.

The President gave a speech on cyber terrorism. He said we need to put more money in the budget to protect this country from those who would threaten to take out our smart systems, both our weapons systems and our information systems that control our quality of life. He gave another speech where he said we needed to spend more money against terrorism and for detection of use of weapons of mass destruction.

But what he did not tell the American people, Mr. Speaker, is that his budget request for next year actually does not increase funding for any of those areas. The missile defense budget decreases by a significant amount over five years. The budget for antiterrorism does not increase the way it needs to, in spite of this Congress's leadership in that area; and the budget for cyber terrorism and information warfare likewise does not increase. In fact it stagnates and, I would argue, decreases, when the Defense Science Board three years ago told us we should be spending $3 billion more on the issue of information warfare to protect America from a cyber attack.

Mr. Speaker, we are in a very unusual situation. We have an administration that has used our military more than any administration in this century, in this country's history. Mr. Speaker, 32 and soon to be 33 deployments in 7 to 8 years, versus 10 in 40 years. Yet, during that time the administration has continued to decrease the funding for the services, has paid for none of these deployments, has asked to take all of that money out of the backbone of our military budget and then has criticized the Congress for wanting to put more money back in, and goes around the world saying how nice and calm things are.

Mr. Speaker, we need to be real. This is not an argument between Republicans and Democrats. In the House and the Senate, the defense battles have been won by Democrats and Republicans coming together to tell this administration that they have got it all wrong. And in this Congress, the single most important debate we will have is about the future of the support of our patriots.

I started off my talk today by focusing on the patriots of 222 years ago. I end my talk today in talking about the patriots of 1999, young people around the world who are being asked to go from Bosnia to Haiti, from Haiti to Somalia, from Somalia to Macedonia. In the trips I have taken to meet with our young troops they talk about their pride in America and their pride in the service and they are the best in the world, but they also say, "Mr. Congressman, can you please stop sending us from one deployment to the next? We need some time off with our families. We need some time off just to have some rest."

We need to stop being deployed around the world, because while we have not done that for them, our morale has declined. That is why our retention rates are so low. That is why we do not have the staffing needs that we should have for the military. And that is why, Mr. Speaker, I maintain that this period of time is going to go down in history as the worst period of time for undermining our Nation's security in the history of America.

In spite of the presence of our troops all around the world in all of these deployments today, I would argue the world is more unstable than in some cases it was during the Cold War. Russia has many internal problems: economic instability, massive proliferation that is in many cases totally uncontrollable. We have instances where China and North Korea have been caught sending technology to countries like North Korea. We know that Pakistan and India both got their technology from Russia and China. We know that Iran and Iraq have developed missile systems because of cooperation from those nations. And all of this instability is causing us to face increasing threats in the 21st century.

Mr. Speaker, we need to be real with the American people. This administration has not been real with the American people. They have painted a rosy picture. They have had the photo ops of the commander in chief walking down the White House lawn with the troops behind him. They have had the photo opportunity of the commander in chief on the decks of the carrier when it was dedicated. But that is not what supporting our troops is all about. It is about funding them. It is about asking for the dollars to support these deployments. It is about giving them the systems to protect their lives.

Mr. Speaker, another example of an attempt to back-door the defense budget is the administration's backhanded effort to pay for the Wye River Agreement. The Wye River Agreement, which I applaud the administration for achieving, is important for security, and we need to understand the importance of that. But instead of coming to this Congress and asking us openly to support the funding for the Wye River Agreement, the administration has proposed and has informed the Congress that they will take an additional $230 million out of our defense budget for missile defense purposes to fund the Wye River Agreement, which has nothing to do with our defense budget.

Mr. Speaker, how much longer will this continue? How much more will we tolerate the efforts of this administration to undermine the security of this country? Democrats and Republicans alike have been working together in this area to do the job that America needs.

I urge my colleagues in this 106th Congress to pay attention, to work together as we have in the past to convince the administration that this must stop, that we must support our troops, that we must make sure that everyone understands that the reason we have a strong military is not just to deploy our troops around the world but to deter aggression. No Nation has ever been defeated because it was too strong, and we must understand that one of most important responsibilities outlined in the Constitution is the defense of the American people wherever they might be, at home or abroad.

Mr. Speaker, I rise today to pay tribute to the students of the outstanding schools in my Congressional District—Sugartown Elementary School, KD Markley Elementary School, Charlestown Elementary School, and East Goshen Elementary School. The fine students of these schools have contacted me to inform me of an issue which is important to them, to their schools, to their community and to our nation—they are fighting to save the Paoli Battlefield.

The Paoli Battlefield, which is located in my Congressional District, remains one of the only historic sites from the Revolutionary War left untouched since 1777. This land was the site of the "Paoli Massacre" in which British troops led by Major General Grey attacked the American Army of Pennsylvania Regiments on the wooded hillside and two fields between what is now Sugartown Road and Warren Avenue. The ensuing battle resulted in at least 52 American deaths and 7 British fatalities. The British night-time bayonet charge was aided by the fact that Americans were silhouetted against the light of their campfires. Some American troops panicked and fled and general disorder spread throughout the American line. British dragoons, arriving on the field, shattered the American column and pursued retreating Americans as far as Sugartown Road. Only the more disciplined American soldiers escaped the original onslaught unscathed, but a following British assault completed the rout.

The Paoli Massacre was part of the Revolutionary War's Philadelphia Campaign, a chapter of the war that witnessed the occupation of Philadelphia and the famed American encampment at Valley Forge in the winter of 1777–78. The first two American attempts to stop the British invasion that Fall were the Battle of Brandywine, September 11, 1777, and the unsuccessful Battle of the Clouds, September 16, 1777. The Paoli Massacre was part of the third effort to contain British General William Howe's advance on Philadelphia.

In an effort to save the Paoli Battlefield, I will be introducing the P.A.T.R.I.O.T. Act—Preserve America's Treasures of the Revolution for Independence for Our Tomorrow. Passage of this legislation will forever insure that the sacrifice made by our nation's first veterans will be remembered. This legislation will also protect the Brandywine Battlefield. The Battle at Brandywine was the most significant battle of the Philadelphia campaign. My bill further memorializes this campaign by authorizing the Superintendent of Valley Forge National Historical Park to enter into an agreement with the Valley Forge Historical Society to build a museum which would house the world's largest collection of Revolutionary War artifacts and memorabilia, including the tent in which General Washington slept at Valley Forge.

And so Mr. Speaker, it is with great pride that I rise today to recognize the outstanding young patriots of my district who have made their voices heard in the fight to preserve this piece of our nation's history. The students of these schools sent me almost five hundred letters, pictures, and banners with their plea for this body to "Remember Paoli!"—this small piece of land that is so important to their communities. As a former school teacher and a father of five, I am heartened by their dedication and commitment to this cause. The future of America lies with our youth, and with youngsters like these, I am confident that America's future will be bright.

I would like to congratulate these young patriots of my district, and thank them for taking part in this campaign to preserve the history of the Revolutionary War. I would also like to thank their teachers and parents who also sent me letters, and taught these students that their involvement could make a difference. I would like to include the letters of Melissa Clark, who is in the first grade at KDMarkley; Bonnie Hughes-Sobbi, mother of a fourth grader at KDMarkley; Bess McCadden who is in the fourth grade at Charlestown Elementary; and Catherine Wahl who is in the fourth grade at the Sugartown School for the record so that my colleagues can also appreciate them.

JANUARY 6, 1999.

DEAR SIR: I am writing to you to ask you to save the Paoli Battlefield. We need to remember the men who fought to make our country free. Please do not build houses on the Paoli Battlefield.

Sincerely,

MELISSA CLARK.

JANUARY 5, 1999.

DEAR REPRESENTATIVE WELDON: It has come to my attention, through my daughter's fourth grade class, that a part of our local history is being threatened by "progress". The site to which I refer is the Paoli Battlefield, located in Malvern, PA.

Our children are being taught the importance of this site in their local history lessons and are also being taught to respect sites such as this for their intrinsic and irreplaceable value. We should be willing to support our lessons to our children by protecting the Paoli Battlefield from development.

Thank you for your efforts in support of protecting this site, hopefully with permanent registry as an historic landmark. I will be happy to lend any assistance, as I am able, to further this cause.

Very Truly Yours,

BONNIE HUGHES-SABBI.

DECEMBER 22, 1998.

DEAR REPRESENTATIVE WELDON: People know that it is wrong to build something on historical land. Valley Forge Park is part of our history, so we should also save the site of the Paoli Massacre Battlefield. My classmates and I have been studying it, and I think that building things on historical land is destructive. If General Anthony Wayne were here, he would do all he could to stop people from building something on the ground of our past.

Don't let people build on the site of the Paoli Massacre Battlefield! Please save it!

Sincerely,

BESS MCCADDEN.

DECEMBER 11, 1998.

DEAR MR. WELDON: I think that you should stop this craziness because it should remain a burial ground. Paoli isn't very popular except for the Paoli Battlefield. That puts us in the battlefield book. It is a historical sight [sic]. It's disrespectful to knock down a memorial battlefield. One of my ancestors was buried at that battlefield there so I care very deeply about this battlefield.

CATHERINE WAHL.

JANUARY 4, 1999.

DEAR MR. WELDON, please save the Paoli Battlefield! It is very special to us. It helps us learn about our country's history.

SUGARTOWN SCHOOL,
MALVERN, PA,
December 15, 1998.

Hon. CURT WELDON,
Rayburn House Office Building,
Washington, DC.

DEAR HONORABLE CURT WELDON: The Paoli Battlefield should be preserved as a national park because these graves should honor the brave soldiers that fought for our country.

If you were one of the honorable soldiers that fought on this field would you like developers to build something over you? We have enough developments built in Paoli. This would be great for us kids that are learning about history. This would be a wonderful addition to Valley Forge Park.

Sincerely,

MYLES NEWMAN.

P.S. Thank you for reading my letter.

DECEMBER 22, 1998.

DEAR REP. WELDON, I am in Mrs. Weigal's 4th grade class. I live in Frazer, PA.

I'm writing to you to ask you to do all you can to save the Paoli Battlefield. I think that the builders are wrong to want to build houses there when 50 people are buried there. I hope you can do something about it.

Sincerely,

ALYSSA JACKSON.

JANUARY 4, 1999.

DEAR MR. WELDON, please save the Paoli Battlefield! It is very special to us. It helps us to learn about our country's history. I have seen the Paoli Battlefield it is very pretty.

Sincerely,

EMILY.

CHESTER COUNTY, PA,
December 22, 1998.

DEAR REP. WELDON, you should strongly support saving the Paoli Battlefield because many people lost their lives fighting for freedom and if you didn't it would be dishonorable to the soldiers. But really what would you rather have more population or more historical sites? Have a good time in Washington, D.C. with that legislation (I hope it will be positive.)

Sincerely,

TREY MORRIS.

DEAR REP. WELDON, my name is Steven Binstein. I am in fourth grade at Charlestown. I live in Malvern. I would appreciate it if you don't let the developers make houses on the Paoli Battlefield because that is a very nice peace of land. Soldiers fought their and some died and some didn't. The real reason I think the developers shouldn't build houses there is because people were buried there, and they cant just build over them.

That's why I think you shouldn't let the developers build there.

Sincerely,

STEVEN BINSTEIN.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. LOFGREN (at the request of Mr. GEPHARDT) for Tuesday, February 9, and the balance of the week on account of illness.

Ms. CARSON (at the request of Mr. GEPHARDT) for Wednesday, February 10, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FROST) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. BOYD, for 5 minutes, today.

Mr. DOOLEY of California, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Mr. DAVIS of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. OSE) to revise and extend their remarks and include extraneous material:)

Mr. COMBEST, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

Mrs. EMERSON, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SCARBOROUGH, for 5 minutes, today.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Thursday, February 11, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

469. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Addition to Quarantined Areas [Docket No. 95–086–2] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

470. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Illinois Abandoned Mine Land Reclamation Plan [SPATS No. IL–093–FOR] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

471. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup and Black Sea Bass Fisheries: Summer Flounder Commercial Quota Transfer From North Carolina to Virginia [I.D. 121598I] received January 11, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

472. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod and pollock in the Gulf of Alaska [Docket No. 981222314–8321–02; I.D. 012099B] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

473. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Inshore-Offshore Allocations of Pollock and Pacific Cod Total Allowable Catch; Inshore-Offshore Allocation of 1999 Interim Groundfish Specifications [Docket No. 981021263–

9019-02; I.D. 090898D] (RIN: 0648-AK12) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

474. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 99-7] received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

475. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Modifications and Additions to the Unified Partnership Audit Procedures [TD 8808] (RIN: 1545-AW23) received January 25, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WELLER (for himself, Mr. McIntosh, Ms. Danner, Mr. Riley, Mr. Herger, Mr. Aderholt, Mr. Armey, Mr. Bachus, Mr. Baker, Mr. Ballenger, Mr. Barcia of Michigan, Mr. Barr of Georgia, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Barrett of Nebraska, Mr. Bereuter, Ms. Biggert, Mr. Bilirakis, Mr. Bliley, Mr. Blunt, Mr. Boehlert, Mr. Boehner, Mr. Bonilla, Mrs. Bono, Mr. Brady of Texas, Mr. Bryant, Mr. Burton of Indiana, Mr. Burr of North Carolina, Mr. Buyer, Mr. Calvert, Mr. Cannon, Mr. Chabot, Mr. Chambliss, Mrs. Chenoweth, Mr. Clement, Mr. Coble, Mr. Coburn, Mr. Collins, Mr. Cooksey, Mr. Cox of California, Mr. Crane, Mrs. Cubin, Mr. Cunningham, Mr. Davis of Virginia, Mr. Deal of Georgia, Mr. Diaz-Balart, Mr. Dickey, Mr. Doolittle, Mr. Dreier, Mr. Duncan, Ms. Dunn of Washington, Mr. DeMint, Mr. Ehrlich, Mr. English, Mrs. Emerson, Mr. Ewing, Mr. Fletcher, Mr. Foley, Mr. Forbes, Mr. Fosella, Mrs. Fowler, Mr. Gekas, Mr. Gibbons, Mr. Gilchrest, Mr. Gillmor, Mr. Gilman, Mr. Goode, Mr. Goodlatte, Mr. Goodling, Mr. Goss, Ms. Granger, Mr. Green of Wisconsin, Mr. Greenwood, Mr. Gutknecht, Mr. Hall of Texas, Mr. Hastings of Washington, Mr. Hansen, Mr. Hayes, Mr. Hayworth, Mr. Hefley, Mr. Hill of Montana, Mr. Hilleary, Mr. Hoekstra, Mr. Horn, Mr. Hostettler, Mr. Hulshof, Mr. Hunter, Mr. Hutchinson, Mr. Istook, Mr. Jenkins, Mr. Jones of North Carolina, Mr. Sam Johnson of Texas, Mrs. Kelly, Mr. King of New York, Mr. Knollenberg, Mr. Kolbe, Mr. Kuykendall, Mr. Largent, Mr. Latham, Mr. LaTourette, Mr. Lazio of New York, Mr. Leach, Mr. Lewis of Kentucky, Mr. Linder, Mr. Lipinski, Mr. LoBiondo, Mr. Lucas of Oklahoma, Mr. Manzullo, Mr. Metcalf, Mr. Mica, Mr. Miller of Florida, Mrs. Myrick, Mr. McCollum, Mr. McCrery, Mr. McHugh, Mr. McInnis, Mr. McIntyre, Mr. McKeon, Mr. Ney, Mr. Nethercutt, Mr. Norwood, Mr. Nussle, Mr. Ose, Mr. Oxley, Mr. Packard, Mr. Paul, Mr. Pease, Mr. Petri, Mr. Peterson of Pennsylvania, Mr. Pickering, Mr. Pitts, Mr. Pombo, Mr. Porter, Mr. Portman, Ms. Pryce of Ohio, Mr. Radanovich, Mr. Ramstad, Mr. Regula, Mr. Reynolds, Mr. Roemer, Mr. Rohrabacher, Mr. Rogers, Mrs. Roukema, Mr. Royce, Mr. Ryan of Wisconsin, Mr. Ryun of Kansas, Mr. Salmon, Mr. Saxton, Mr. Scarborough, Mr. Schaffer, Mr. Sensenbrenner, Mr. Sessions, Mr. Shays, Mr. Shadegg, Mr. Shaw, Mr. Sherwood, Mr. Shows, Mr. Shuster, Mr. Simpson, Mr. Skeen, Mr. Skelton, Mr. Smith of New Jersey, Mr. Smith of Texas, Mr. Souder, Mr. Spence, Mr. Stearns, Mr. Stump, Mr. Sununu, Mr. Sweeney, Mr. Talent, Mr. Tancredo, Mrs. Tauscher, Mr. Tauzin, Mr. Houghton, Mr. Terry, Mr. Thompson of Mississippi, Mr. Tiahrt, Mr. Thune, Mr. Upton, Mr. Walden, Mr. Wamp, Mr. Watkins, Mr. Watts of Oklahoma, Mr. Weldon of Florida, Mr. Whitfield, Mrs. Wilson, Mr. Wolf, Mr. Young of Alaska, Mr. Callahan, Mr. Graham, Mr. DeLay, Mr. Young of Florida, Mr. Quinn, Mr. Rogan, Ms. Ros-Lehtinen, Mr. Livingston, Mr. Bass, Mr. Canady of Florida, Mr. Cook, Mr. Ehlers, Mr. Everett, Mr. Franks of New Jersey, Mr. Hyde, Mr. Lewis of California, Mrs. Northup, Mr. Bilbray, Mr. Combest, Mr. Gallegly, Mr. Kingston, Mrs. Johnson of Connecticut, Mr. Stupak, Mr. Condit, Ms. Stabenow, Mr. Ford, Mr. Wicker, Mr. Peterson of Minnesota, Mr. Cramer, Mr. Toomey, Mr. Gary Miller of California, Mr. Kasich, Mr. Moran of Virginia, and Mr. Rahall):

H.R. 6. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty by providing that the income tax rate bracket amounts, and the amount of the standard deduction, for joint returns shall be twice the amounts applicable to unmarried individuals; to the Committee on Ways and Means.

By Mr. OBERSTAR (for himself, Mr. Shuster, Mr. Lipinski, Mr. Duncan, and Mr. Horn):

H.R. 661. A bill to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations; to the Committee on Transportation and Infrastructure.

By Mr. BARR of Georgia:

H.R. 662. A bill to prohibit the use of funds to administer or enforce the provisions of Executive Order 13107, relating to the implementation of certain human rights treaties; to the Committee on International Relations.

H.R. 663. A bill to provide that the provisions of Executive Order 13107, relating to the implementation of certain human rights treaties, shall not have any legal effect; to the Committee on International Relations.

By Mr. ALLEN (for himself, Mr. Turner, Mr. Waxman, Mr. Berry, Mr. Stark, Mr. Sanders, Mrs. Capps, Mr. Tierney, Mr. Lampson, Ms. Stabenow, Mr. Davis of Illinois, Mr. Kennedy, Ms. DeLauro, Mr. Wexler, Mr. Frost, Mr. McGovern, Mr. Cummings, Mr. Thompson of Mississippi, Mr. Sandlin, Mr. Ford, Mr. Brown of Ohio, Mr. Weygand, Ms. Kilpatrick, Mr. Pomeroy, Mr. Borski, Mr. Olver, Mrs. Thurman, Mr. Blumenauer, Mr. Serrano, Mr. Baldacci, Mr. Matsui, Mr. Delahunt, Ms. Slaughter, Ms. Hooley of Oregon, Mrs. McCarthy of New York, Mr. Cramer, Mr. Hinchey, Mr. Frank of Massachusetts, Mr. Andrews, Mr. Meehan, Mr. Filner, Mr. Kleczka, Mr. Barrett of Wisconsin, Mr. Stupak, Mr. Abercrombie, Mr. Ackerman, Mr. Luther, Mr. Pallone, Mr. Meeks of New York, Ms. Jackson-Lee of Texas, Mr. Obey, Mr. Maloney of Connecticut, Mr. Kucinich, Mr. Evans, Ms. McKinney, Ms. Sanchez, Mr. Bentsen, Ms. Millender-McDonald, Mr. Bishop, Mr. Shows, and Mr. Boswell):

H.R. 664. A bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LaFALCE (for himself, Mr. Vento, Mr. Baker, Mr. Capuano, and Mr. Ackerman):

H.R. 665. A bill to enhance the finanical services industry by providing a prudential framework for the affiliation of banks, securities firms, and other finanical service providers and ensuring adequate protection for consumers, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of California:

H.R. 666. A bill to authorize the Secretary of Energy to establish a multi-agency program in support of the Materials Corridor Partnership Initiative to promote energy efficient, environmentally sound economic development along the border with Mexico through the research, development, and use of new materials technology; to the Committee on Science.

By Mr. BURR of North Carolina:

H.R. 667. A bill to remove Federal impediments to retail competition in the electric power industry, thereby providing opportunities within electricity restructuring; to the Committee on Commerce.

By Mr. CAMPBELL (for himself and Mr. Lantos):

H.R. 668. A bill to establish a uniform closing time for the operation of polls on the date of the election of the President and Vice President; to the Committee on House Administration.

By Mr. CAMPBELL (for himself, Mr. Gilman, Mr. Gejdenson, Mr. Bereuter, Mr. Bonior, Mr. Porter, Mrs. Lowey, Mr. Greenwood, Mr. Berman, Mr. English, Mr. Menendez, Mr. Payne, Mr. Shays, Mr. Farr of California, Mr. Walsh, Mr. Hall of Ohio, Mr. Petri, Mr. Conyers, Mr. Leach, Mr. McDermott, Mrs. Morella, Mr. Pomeroy, Mr. Houghton, Mr. Lantos, Mr. Hastings of Florida, Mrs. Jones of Ohio, Mr. Smith of Washington, Mr. McNulty, Mr. Thompson of Mississippi, Mr. Gutierrez, Ms. Rivers, Mr. Delahunt, Mr. Tierney, Ms. Lee, and Mr. Martinez):

H.R. 669. A bill to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes; to the Committee on International Relations.

By Mr. BLUMENAUER (for himself, Mr. Houghton, Mr. Borski, Mrs. Kelly, Mr. Fattah, Mr. Pease, Mr. Hinchey, Mr. Bonior, Mr. Doyle, Mr. Spratt, Mr. Deal of Georgia, Mr. Kildee, Mr. Sawyer, Mr. English, Mr. Brady of Pennsylvania, Mr. Lewis of Georgia, Mr. George Miller of California, Mr. Kennedy, Mr. Stark, Ms. Brown of Florida, Mr. Davis of Florida, Mr. Romero-Barcelo, Mr. Strickland, Mr. Farr of California, Ms. DeLauro, Mr. Meehan, Mr. Thompson of Mississippi, Mr. Bishop, Mr. Frank of Massachusetts, Ms. Hooley of Oregon, Mr. Holden, Mr. Weygand, Mr. Sandlin, Mr. Allen, Mrs. Thurman, Mr. Cummings, Mr. Andrews, Mrs. Mink of Hawaii, Mr. Clay, Mr. Baldacci, Ms. Stabenow, Mr. Kleczka, Mr. Underwood, and Mr. Goode):

H.R. 670. A bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, consolidation, or construction of post offices, and for other purposes; to the Committee on Government Reform.

By Mr. CARDIN (for himself, Mr. Stark, Mr. Matsui, Mr. Coyne, and Mr. Jefferson):

H.R. 671. A bill to amend part E of title IV of the Social Security Act to help children aging out of foster care to make the transition to becoming independent adults, to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit to include individuals who were in foster care just before their 18th birthday, and for other purposes; to the Committee on Ways and Means.

By Mr. CRANE (for himself and Mr. Matsui):

H.R. 672. A bill to prohibit the Secretary of the Treasury from issuing regulations dealing with hybrid transactions; to the Committee on Ways and Means.

By Mr. DEUTSCH (for himself and Mr. Shaw):

H.R. 673. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to the Florida Keys Aqueduct Authority and other appropriate agencies for the purpose of improving water quality throughout the marine ecosystem of the Florida Keys; to the Committee on Transportation and Infrastructure.

By Mr. SAM JOHNSON of Texas (for himself, Mr. McCrery, and Mr. Watkins):

H.R. 674. A bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 675. A bill to provide jurisdiction and procedures for affording relief for injuries arising out of exposure to hazards involved in the mining and processing of beryllium; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY:

H.R. 676. A bill to amend the Rhode Island Indian Claims Settlement Act to conform that Act with the judgments of the United States Federal Courts regarding the rights and sovereign status of certain Indian Tribes, including the Narragansett Tribe, and for other purposes; to the Committee on Resources.

H.R. 677. A bill to amend the Internal Revenue Code of 1986 to encourage the construction in the United States of luxury yachts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself, Mr. King of New York, Mr. Shows, Mr. Horn, Mr. Bishop, Mr. LoBiondo, Mr. Gutierrez, Mr. Foley, Mr. Crowley, Mr. Brown of Ohio, Mr. Holden, Mr. Kennedy, Mr. Filner, Ms. Kilpatrick, Mr. Green of Texas, Mr. Traficant, Mr. Romero-Barcelo, Mr. Underwood, Mr. Frost, Ms. Roybal-Allard, Mrs. Thurman, Mr. Sandlin, Mr. Allen, Mr. Lantos, Mr. Stupak, Mr. Baldacci, Mr. Rangel, Mr. John, Mrs. Kelly, Mr. Brady of Pennsylvania, Mr. Frank of Massachusetts, Mr. Lampson, Ms. Rivers, Mr. Vento, Mr. Wynn, and Mrs. McCarthy of New York):

H.R. 678. A bill to amend title 18, United States Code, to prohibit desecration of Veterans' memorials; to the Committee on the Judiciary.

By Mr. LUTHER (for himself, Mr. Ramstad, Ms. Rivers, Mr. LaFalce, Mr. Brown of Ohio, Mr. Hinchey, Mr. Gutierrez, Ms. Slaughter, and Mr. Conyers):

H.R. 679. A bill to limit further production of the Trident II (D–5) missile; to the Committee on Armed Services.

By Mr. LUTHER (for himself, Mr. Gutknecht, Ms. Lofgren, Mr. Hall of Texas, Mr. English, and Mr. Minge):

H.R. 680. A bill to reduce the number of executive branch political appointees; to the Committee on Government Reform.

By Mr. McCRERY (for himself, Mr. Shaw, Mrs. Johnson of Connecticut, Mr. Kleczka, Mr. Ramstad, Mr. Sam Johnson of Texas, Mr. Neal of Massachusetts, Mr. Watkins, Mr. Matsui, Ms. Dunn of Washington, Mr. Crane, Mr. Hulshof, Mr. Foley, Mr. Houghton, and Mr. Weller):

H.R. 681. A bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income; to the Committee on Ways and Means.

By Mr. McINNIS (for himself, Mr. Watkins, Mr. Packard, and Mr. Ehrlich):

H.R. 682. A bill to amend the Internal Revenue Code of 1986 to accelerate the phasein of the $1,000,000 exclusion from the estate and gift taxes; to the Committee on Ways and Means.

By Mrs. MEEK of Florida (for herself and Mr. Miller of Florida):

H.R. 683. A bill to facilitate the recruitment of temporary employees to assist in the conduct of the 2000 decennial census of population; to the Committee on Government Reform.

By Mr. GEORGE MILLER of California (for himself, Ms. Kilpatrick, Mrs. Tauscher, Mr. Pallone, Mr. Stark, Ms. Rivers, and Mr. Meehan):

H.R. 684. A bill to amend the Federal Water Pollution Control Act to control water pollution from concentrated animal feeding operations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MOORE (for himself, Mr. Lucas of Kentucky, Mr. Shows, Mr. Hoeffel, Mr. Capuano, Mr. Bishop, Mr. Boyd, Mr. Ford, and Mr. DeFazio):

H.R. 685. A bill to amend title II of the Social Security Act to ensure that the receipts and disbursements of the Social Security trust funds are not included in a unified Federal budget; to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ:

H.R. 686. A bill to designate a United States courthouse in Brownsville, Texas, as the "Garza-Vela United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mrs. ROUKEMA (for herself and Mr. Vento):

H.R. 687. A bill to abolish the Special Reserve of the Savings Association Insurance Fund and to repeal the provision which would have established the Special Reserve of the Deposit Insurance Fund had section 2704 of the Deposit Insurance Funds Act of 1996 taken effect; to the Committee on Banking and Financial Services.

By Mr. SALMON:

H.R. 688. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in tax on Social Security benefits; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. Matsui, Mr. Crane, Mr. Levin, Mr. Thomas, Mr. Cardin, Mrs. Johnson of Connecticut, Mr. Kleczka, Mr. Houghton, Mr. Lewis of Georgia, Mr. Herger, Mrs. Thurman, Mr. McCrery, Mr. Ramstad, Ms. Dunn of Washington, Mr. Collins, Mr. Portman, Mr. English, Mr. Watkins, Mr. Weller, Mr. McCollum, Ms. Millender-McDonald, Mr. Bereuter, Mr. Peterson of Pennsylvania, Mr. Leach, Mr. Dooley of California, Mr. Stearns, Mr. Manzullo, and Mr. Hall of Texas):

H.R. 689. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself and Mr. Evans):

H.R. 690. A bill to amend title 38, United States Code, to add bronchiolo-alveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans; to the Committee on Veterans' Affairs.

By Mr. STEARNS (for himself, Mr. Stump, Mr. Evans, Mr. Shows, Mr. Rahall, and Mrs. Kelly):

H.R. 691. A bill to amend title 38, United States Code, to provide for a portion of any funds recovered by the United States in any future lawsuit brought by the United States against the tobacco industry to be made available for health care for veterans; to the Committee on Veterans' Affairs.

By Mr. TANCREDO (for himself, Mr. Stump, Mr. Taylor of North Carolina, Mr. Sessions, Mr. Royce, Mr. Saxton, Mr. Ballenger, Mr. Dickey, Mr. Thornberry, Mr. Burton of Indiana, Mr. Radanovich, Mr. Petri, Mr. Hayworth, Mr. Shadegg, and Mr. Doolittle):

H.R. 692. A bill to terminate the e-rate program of the Federal Communications Commission that requires providers of telecommunications and information services to provide such services for schools and libraries at a discounted rate; to the Committee on Commerce.

By Mr. THUNE (for himself, Mr. Minge, Mr. Boswell, Mrs. Emerson, Mr. Pomeroy, Mr. Evans, Mr. Weller, and Mrs. Clayton):

H.R. 693. A bill to amend the Agricultural Marketing Act of 1946 to institute a program of mandatory livestock market reporting for meat packers regarding prices, volume, and the terms of sale for the procurement of domestic and imported livestock and livestock products, to improve the collection of information regarding swine inventories and the slaughtering and measurement of swine, and for other purposes; to the Committee on Agriculture.

By Mr. UDALL of New Mexico (for himself and Mrs. Wilson):

H.R. 694. A bill to direct the Secretary of the Interior to convey an administrative site to the county of Rio Arriba, New Mexico; to the Committee on Resources.

H.R. 695. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to convey an administrative site in San Juan County, New Mexico, to San Juan College; to the Committee on Resources.

By Mr. WATKINS:

H.R. 696. A bill to amend the Federal Election Campaign Act of 1971 to extend the deadline for the submission to the Federal Election Commission of campaign reports covering the first quarter of the calendar year; to the Committee on House Administration.

By Mr. WICKER:

H.R. 697. A bill to amend the Individuals with Disabilities Education Act to provide that any decision relating to the establishment or implementation of policies of discipline of children with disabilities in school be reserved to each State educational agency, or as determined by a State educational agency, to a local educational agency; to the Committee on Education and the Workforce.

H.R. 698. A bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes; to the Committee on the Judiciary.

By Ms. WOOLSEY:

H.R. 699. A bill to reward states that enact welfare policies and support programs that truly lift families out of poverty; to the Committee on Ways and Means.

By Mr. SHUSTER:

H.R. 700. A bill to amend title 49, United States Code, to provide enhanced protections for airline passengers; to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Alaska (for himself, Mr. Dingell, Mr. Tauzin, Mr. John, Mr. Baker, Mr. Rangel, Mr. Chambliss, Mr. Peterson of Minnesota, Mr. Rogers, Mr. Tanner, Mr. Livingston, Mr. Lampson, Mr. McCrery, Mr. Towns, Mr. Goss, Mr. Kildee, Mr. Norwood, Mr. Shows, Mr. Hilliard, Mr. Sessions, Mr. Luther, Mr. Roemer, Ms. McCarthy of Missouri, Mr. Weygand, Mr. Weller, Mr. Watkins, Mr. Jefferson, Ms. Lee, Mr. Cooksey, Mr. Holden, Mr. Bass, and Ms. Eddie Bernice Johnson of Texas):

H.R. 701. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Resources.

By Mr. LAZIO of New York:

H. Con. Res. 27. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. GILMAN (for himself, Mr. Gephardt, Mr. Gejdenson, Mr. Cox of California, Mr. Smith of New Jersey, Ms. Pelosi, Mr. Rohrabacher, Mr. Lantos, Mr. Porter, Mr. Burton of Indiana, Mr. Salmon, Mr. Chabot, and Mr. Tancredo):

H. Con. Res. 28. Concurrent resolution expressing the sense of Congress that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights; to the Committee on International Relations.

By Mrs. FOWLER (for herself, Mr. Spence, Mr. Sam Johnson of Texas, Mr. Young of Alaska, Mr. Stearns, Mrs. Bono, Mr. Wicker, Mr. McCollum, Mr. Scarborough, Mr. Bilirakis, Mrs. Chenoweth, Mr. Hastings of Washington, Mr. Kingston, Mr. Blunt, Mr. Bereuter, Mr. Hansen, Mr. McIntosh, Mr. Cunningham, Mr. Rohrabacher, Mr. Tauzin, Mr. Collins, Mr. Sununu, Mr. Bachus, Mr. Brady of Texas, Mr. Hefley, Mr. Nethercutt, Mr. Hilleary, and Mr. Foley):

H. Con. Res. 29. Concurrent resolution expressing the opposition of Congress to any deployment of United States ground forces in Kosovo, a province in the Republic of Serbia, for peacemaking or peacekeeping purposes; to the Committee on International Relations.

By Mr. METCALF (for himself, Mr. Hyde, Mr. Tancredo, Mr. Istook, Mr. Herger, Mr. Gilman, Mr. Traficant, Mr. English, and Mr. Scarborough):

H. Con. Res. 30. Concurrent resolution to express the sense of the Congress that any Executive order that infringes on the powers and duties of the Congress under article I, section 8 of the Constitution, or that would require the expenditure of Federal funds not specifically appropriated for the purpose of the Executive order, is advisory only and has no force or effect unless enacted as law; to the Committee on the Judiciary.

By Mr. TIERNEY (for himself, Mr. Larson, Mr. Nethercutt, Mr. Saxton, Mr. Meehan, Mr. Underwood, Mr. Brady of Pennsylvania, Mr. Taylor of Mississippi, Mr. Frost, Mr. LaTourette, Mr. McNulty, Mr. Holden, Mr. English, Mr. Bartlett of Maryland, Mr. Borski, and Mr. Ramstad):

H. Con. Res. 31. Concurrent resolution to designate a flag-pole upon which the flag of the United States is to be set at half-staff whenever a law enforcement officer is slain in the line of duty; to the Committee on the Judiciary.

By Mr. FROST:

H. Res. 50. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

By Mrs. LOWEY (for herself and Mr. Engel):

H. Res. 51. A resolution recognizing the suffering and hardship endured by American civilian prisoners of war during World War II; to the Committee on Government Reform.

By Mr. SMITH of Texas (for himself and Mr. Berman):

H. Res. 52. A resolution providing amounts for the expenses of the Committee on Standards of Official Conduct in the One Hundred Sixth Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. KELLY:

H.R. 702. A bill for the relief of Frank Redendo; to the Committee on the Judiciary.

H.R. 703. A bill for the relief of Khalid Khannouchi; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 704. A bill for the relief of Walter Borys; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII sponsors were added to public bills and resolutions as follows:

H.R. 33: Mrs. Fowler.

H.R. 133: Mr. Souder.

H.R. 198: Mr. Schaffer.

H.R. 206: Mr. Davis of Illinois.

H.R. 207: Mr. Frank of Massachusetts.

H.R. 220: Mr. Doolittle.

H.R. 222: Mr. McKeon and Mr. Evans.

H.R. 323: Ms. Rivers, Mr. Weldon of Florida, Mr. Cook, Mr. Pickering, Ms. Eshoo, Mr. Boehlert, Mr. Ehrlich, Ms. Schakowsky, Ms. Woolsey, Mr. Clay, Mr. Knollenberg, Mr. Quinn, and Ms. Kilpatrick.

H.R. 347: Mr. Hall of Texas, Mr. Callahan, Mr. Young of Alaska, Mr. Condit, Mr. Holden, Mr. Hilleary, Mr. Stump, Mr. Calvert, Mr. Nethercutt, Mr. Burr of North Carolina, Mr. Boucher, Mr. Hayworth, Mr. Goode, Mr. Paul, Mr. Barton of Texas, Mr. Hostettler, Mrs. Emerson, Mr. Weldon of Florida, Mrs. Cubin, Mr. Ney, Mr. Brady of Texas, Mr. Burton of Indiana, Mr. Schaffer, Mr. Combest, Mr. Pickering, Mr. Stearns, and Mr. Barcia of Michigan.

H.R. 351: Mr. Sandlin and Mr. Camp.

H.R. 357: Mr. Borski and Mr. Stupak.

H.R. 358: Mr. Lipinski and Mr. Smith of Washington.

H.R. 415: Ms. Jackson-Lee of Texas.

H.R. 506: Mr. Aderholt, Mr. Gekas, Ms. Jackson-Lee of Texas, Mr. Rogers, and Ms. Pelosi.

H.R. 516: Mr. Hostettler and Mr. Moran of Kansas.

H.R. 525: Mr. Weiner, Mr. Udall of Colorado, Mr. Kleczka, Mr. McDermott, Mrs. Jones of Ohio, Mrs. Mink of Hawaii, Mr. Lantos, and Mr. Neal of Massachusetts.

H.R. 530: Mr. Calvert, Mr. Sanford, Mr. Jones of North Carolina, Mr. Stump, Mr. Shays, and Mr. Bachus.

H.R. 540: Mr. Young of Florida, Ms. Ros-Lehtinen, Mr. Upton, Mr. LaTourette, Ms. DeGette, Mr. Sanders, and Mr. McHugh.

H.R. 576: Mr. English, Mrs. Clayton, Mr. Crowley, Mr. Shows, Mr. Ehrlich, Mr. Brady of Pennsylvania, Mr. Hinchey, Mr. Gejdenson, Mr. Wynn, Mr. Lewis of California, Mr. Green of Texas, and Mr. Brown of Ohio.

H.R. 586: Mr. Shows.

H.R. 590: Mr. BALDACCI.

H.R. 614: Mr. SHAW, Mr. FOLEY, Mr. TAYLOR of North Carolina, Mr. SUNUNU, Mr. CHAMBLISS, Mrs. EMERSON, Mr. SOUDER, and Mr. METCALF.

H.J. Res. 9: Mr. MCCRERY, Mr. HERGER, Mr. BACHUS, Mr. KOLBE, and Mr. ROYCE.

H. Res. 19: Mrs. CAPPS, Mrs. CUBIN, Mrs. MALONEY of New York, Mrs. BONO, Mr. WISE, Mrs. MYRICK, Mr. DEFAZIO, Mr. FARR of California, Mr. LOBIONDO, Mr. UNDERWOOD, Mr. SHOWS, Ms. JACKSON-LEE of Texas, Mr. WAXMAN, Ms. KILPATRICK, Mr. TOWNS, Mr. NADLER, Mr. STRICKLAND, Mr. FORD, Mr. MCGOVERN, Mrs. JONES of Ohio, Mr. BALDACCI, Mr. PRICE of North Carolina, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. FOLEY, Ms. NORTON, Mr. ENGLISH, Mrs. MORELLA, Mrs. KELLY, Ms. RIVERS, Mr. GEORGE MILLER of California, and Mr. BOEHLERT.

H. Res. 20: Mr. KOLBE, Mr. GOODE, Mr. ENGLISH, and Mr. HOSTETTLER.

H. Res. 35: Mr. DINGELL, Mr. CONDIT, Mr. HASTINGS of Florida, Mr. LAMPSON, Mr. SHERMAN, Mr. GONZALEZ, Mr. BISHOP, Ms. KILPATRICK, Mr. WYNN, Mr. CUMMINGS, Mrs. CLAYTON, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. JACKSON of Illinois, Mr. WATT of North Carolina, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. MEEHAN, Mr. MARTINEZ, Mr. MEEKS of New York, Mr. ENGEL, Mr. CLAY, Mr. LANTOS, Mr. HINCHEY, Mr. FROST, Mr. WEINER, Mr. RUSH, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Ms. DELAURO, Ms. MCKINNEY, Mr. KILDEE, Mr. MCGOVERN, Mrs. MALONEY of New York, Mr. DIXON, Ms. LOFGREN, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. OLVER, Mrs. THURMAN, Mrs. CHRISTIAN-CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DEUTSCH, Mr. FORBES, and Mr. NEAL of Massachusetts.

EXTENSIONS OF REMARKS

HUMAN RIGHTS ABUSES IN CHINA AND TIBET

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. GILMAN. Mr. Speaker, today I am introducing H. Con. Res. 28, a resolution expressing the sense of the Congress that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights.

In a December 22, 1998 speech commemorating the 20th anniversary of the Third Plenary Session of the 11th Communist Party Central Committee, China's President and Party Secretary Jiang Zemin stated that China needed to "nip those factors that undermine social stability in the bud, no matter where they come from." In the same speech, Jiang emphasized that, "the Western mode of political systems must never be copied." Soon after his remarks more arrests were made of key dissidents.

We should not be surprised by the arrests and lengthy prison terms that have been imposed. The West abandoned the tactic of any serious condemnation of China at the U.N. Commission on Human Rights in Geneva, or elsewhere. It has replaced criticism of or substantive action against Beijing's ruthless representation of human rights with so-called bilateral dialogues on human rights. Accordingly, China's rulers believe that they can act with impunity.

Early last year, the word was out that the Administration would not sponsor or pursue a resolution in Geneva if China signed the International Covenant on Civil and Political Rights. Last summer, President Clinton traveled to China and in October its government signed the Covenant.

"The Democracy Wall" movement in the late 1970s and the "Hundred Flowers Campaign" in the late 1950s were also periods when citizens were first encouraged to express their beliefs and then subsequently they were severely persecuted for their criticism of the Communist Party and their desire for democracy.

Similarly, the period before President Clinton visited China in June also saw an easing of political repression by the authorities—though some of us were concerned that this was only a temporary change, and that the government would—as it has indeed—revert to form.

When viewed as a cyclical historical process or as a method to preserve power, the outcome is always the same—a brutal suppression of the people's thirst for freedom and democracy in China. Regrettably, the policy of this Administration remains unchanged despite this latest wave of repression.

In December, the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China released a report stating that China has been stealing weapons designs from American nuclear laboratories and obtaining sensitive computer missile and satellite technologies. The Select Committee confirmed Pentagon and State Department findings that two American companies not only helped the Chinese space industry and may have helped improve the reliability of China's missiles.

And yet every year billions of dollars of more goods from Chinese labor camps made by imprisoned democracy advocates come into our country and adds to our growing trade deficit with China.

In a few months, China, flush with foreign currency reserves, will receive SS–N–22 "Sunburn" missiles that it bought from Russia. These missiles are designed to be able to destroy our most sophisticated naval ships. If in the future China blockades democratic Taiwan for refusing to reunify, how effective will our Seventh Fleet be?

We question why our assistance to Russia has not been tied to the sale of these missiles and what has the Administration done to prevent the Chinese from purchasing them?

When President Clinton was in China last year, he urged President Jiang to negotiate the future of Tibet with His Holiness the Dalai Lama. His Holiness once again publicly met Beijing's preliminary demands to the beginning of negotiations and stated that he only wants some genuine autonomy for his nation and not independence. His efforts were rebuffed.

On January 11th, Administration officials met with representatives of the People's Republic of China for a dialogue on human rights. We were pleased to learn that Harold Koh, our new Assistant Secretary for Human Rights, strongly pressured the Beijing delegation to end its repression of the democracy movement in China.

In general though, we have a pattern and failure in our China policy that has stretched for many years through many Administrations and has permitted our Nation's security to be weakened and our moral stand to be questioned. Hopefully, the Administration and the Congress will begin to confront this problem and "nip in the bud" this failed policy and those who benefit from it. Our economy and security are at stake. We need no stronger motivation.

This week we received the findings of an Amnesty International Report that was designed to determine whether President Clinton's visit to China last summer to bestow a formal state visit upon the Chinese leadership had resulted in any significant improvement in the human rights situation. According to Amnesty International, "The President gave the Chinese leaders a propaganda coup, and, so far, has virtually nothing to show for it. The fact is that, while there has been minor, and mostly symbolic, progress in a few areas, in most areas the situation has actually gotten worse in the last three months."

Accordingly, I urge my colleagues to support H. Con. Res. 28.

H. CON. RES. 28

Whereas the Government of the People's Republic of China has signed two important United Nations human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights;

Whereas the Government of the People's Republic of China recognizes the United Nations Universal Declaration of Human Rights, which calls for the protection of the rights of freedom of association, press, assembly, religion, and other fundamental rights and freedoms;

Whereas the Government of the People's Republic of China demonstrates a pattern of continuous, serious, and widespread violations of internationally recognized human rights standards, including violations of the rights described in the preceding clause and the following:

(1) restricting nongovernmental political and social organizations;

(2) cracking down on film directors, computer software developers, artists, and the press, including threats of life prison terms;

(3) sentencing poet and writer, Ma Zhe, to seven years in prison on charges of subversion for publishing an independent literary journal;

(4) sentencing three pro-democracy activists, Xu Wenli, Wang Youcai, and Qing Yongmin, to long prison sentences in December 1998 for trying to organize an alternative political party committed to democracy and respect for human rights;

(5) sentencing Zhang Shanguang to prison for ten years for giving Radio Free Asia information about farmer protests in Hunan province;

(6) putting on trial businessman Lin Hai for providing e-mail addresses to a pro-democracy Internet magazine based in the United States;

(7) arresting, harassing, and torturing members of the religious community who worship outside of official Chinese churches;

(8) refusing the United Nations High Commissioner on Human Rights access to the Panchen Lama, Gendun Choekyi Nyima;

(9) continuing to engage in coercive family planning practices, including forced abortion and forced sterilization; and

(10) operating a system of prisons and other detention centers in which gross human rights violations, including torture, slave labor, and the commercial harvesting of human organs from executed prisoners, continue to occur;

Whereas repression in Tibet has increased steadily, resulting in heightened control on religious activity, a denunciation campaign against the Dalai Lama unprecedented since the Cultural Revolution, an increase in political arrests, and suppression of peaceful protests, and the Government of the People's Republic of China refuses direct dialogue

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

with the Dalai Lama or his representatives on a negotiated solution for Tibet;

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human performance;

Whereas during his July 1998 visit to the People's Republic of China, President Clinton correctly affirmed the necessity of addressing human rights in United States-China relations; and

Whereas the United States did not sponsor a resolution on China's human rights record at the 1998 session of the United Nations Commission on Human Rights: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States—

(1) should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights; and

(2) should immediately contact other governments to urge them to cosponsor and support such a resolution.

COLORADANS CARE ABOUT LIFELONG, SATISFYING MARRIAGES AND HAPPY CHILDREN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SCHAFFER. Mr. Speaker, for two years, Coloradans have been bombarded with opinions suggesting it's not about fidelity, commitment, or personal behavior. But now a new survey from the Rocky Mountain Family Council shows what Coloradans really care about are lifelong, satisfying marriages and happy children.

As Members of Congress returned to Washington for the recent impeachment vote, the Rocky Mountain Family Council was unveiling the Marriage Matters: 1998 Colorado Marriage Health Index. The results clearly contradict the values demonstrated by the recent affairs of our President and his apologists.

President Clinton's exploitation of a clever slogan proved decisive in ushering him into office, "It's the economy stupid!" Coloradans, being common sense, caring people, recognize marriage and family last forever. Economic prosperity, however, is often only as secure as the next paycheck.

Sure, some may find solace in this period of relative economic prosperity. Fatter wallets tend to squelch the alarm of cultural decay to a certain degree.

But even the highest heights of consumer confidence cannot achieve the kind of moral indifference upon which political left-wingers are banking in the face of executive scandal and infidelity. On the contrary, Coloradans bristle when politicians betray their marriage vows for extramarital affairs, even when downplayed as "affectionate" or "hugging" relationships.

According to the Family Council, when asked if they could wave a magic wand and guarantee certain life goals for themselves, Coloradans overwhelmingly chose a lifelong, satisfying marriage and happy children over material goods like fancy houses, comfortable retirements, and fulfilling careers. Further underscoring this result is the fact that Coloradans were far more willing to give up houses, retirements and careers if that would ensure a satisfying, lifelong marriage and happy kids.

The question for political leaders becomes one of how government can best help the average citizen achieve these goals. Government should take a page from the Hippocratic Oath: "First, do no harm."

Many well-intentioned government programs designed to strengthen families achieve just the opposite by subsidizing parents spending time away from their spouses and children. Government policies which support marriage and family, like doing away with the marriage tax penalty in the tax code, can go a long way toward ensuring Coloradans realize their family goals and dreams.

Working families struggling under a heavy tax burden may be so crushed by the weight of supporting lofty government programs they can't spend the time with their spouses and children they'd like. Economic prosperity, lower taxes, and freedom can support and strengthen families and marriages if they enable spouses and parents to devote more attention to what really matters.

Fancy houses? Fat retirement accounts? Cushy jobs? These pale in comparison to heartfelt desires for happy marriages and children. As we enter the twenty-first century, elected officials would do well to respond to what Coloradans say is really important to them. Failure to do so will only perpetuate the myth that strong marriages and families are just by-products of a strong economy.

After all, no one ever went to his or her grave saying, "I wish I had worked longer hours." Government can, and should, do all in its power to allow families and marriages to grow strong without interference.

A BILL THAT IS GOOD FOR NEW MEXICO

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today I introduce legislation, which is being cosponsored by my colleague from New Mexico, HEATHER WILSON, that provides for the transfer of an unwanted facility and federal land to the people of Rio Arriba County, NM. Mr. Speaker, this is a companion bill to a bill that has already been reintroduced in the other chamber on January 21, 1999, by Senator DOMENICI and cosponsored by Senator BINGAMAN, both of New Mexico. This bill was originally introduced by Senator DOMENICI as the Rio Arriba, New Mexico Land Conveyance Act of 1998. With the administration's support, the Senate Energy and Natural Resources Committee reported the bill unanimously in May 1998. On July 17, 1998, the Senate passed this legislation as S. 1510. Unfortunately, the bill died in this chamber at the end of the last session.

This legislation provides for a transfer by the Secretary of Interior of real property and improvements at an abandoned and surplus ranger station in the Carson National Forest to Rio Arriba County. This site is known locally as the "Old Coyote Administration Site" and is located near the town of Coyote, NM. The site will continue to be used for public purposes and may be used as a community center, fire substation, storage facilities, or space to repair road maintenance equipment and other county vehicles.

Mr. Speaker, the Forest Service has moved its operations to a new facility and has determined that this site is of no further use. Furthermore, the Forest Service has notified the General Services Administration that improvements to this site are considered surplus and the sites are available for disposal. In addition, the land on which the facility is built, is withdrawn public domain land, and falls under the jurisdiction of the Bureau of Land Management. Since neither the Bureau of Land Management nor the Forest Service have a future plan to utilize this site, the transfer of the land and facilities to Rio Arriba County would create a benefit to a community that would make productive use of it.

In summary, this legislation creates a situation in which the federal government, the State of New Mexico, and the people of Rio Arriba County all benefit. With the bipartisan support of the New Mexico delegation, I am confident that this chamber realizes that this bill is good for New Mexico. For these reasons, I ask immediate consideration and passage of the bill.

IN MEMORY OF BRIG. GEN. (RET) BEN J. MANGINA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SKELTON. Mr. Speaker, let me take this opportunity to say a few words in tribute to the late Brigadier General (Retired) Ben J. Mangina, USAF, of Windsor, Missouri. General Mangina, a loyal and dedicated airman and a good friend of mine through the years, passed away at the age of 78.

General Mangina, a native of Birmingham, Alabama, was born the son of Joseph and Josephine Amari Mangina. He was the commander of several Air Force bases, including Richard-Gebauer Air Force Base. There he commanded the 442nd fighter wing.

General Mangina was also active in the community. He was a member and deacon of First Baptist Church along with many other civic organizations.

General Mangina is survived by his wife, Ethel Mae; his daughter, Rose; his son, Ben; two stepsons, Ken and Don; seven grandchildren and four great-grandchildren.

Mr. Speaker, Ben Mangina was a dedicated airman and a true friend. I am certain that the members of the House will join me in paying tribute to this fine Missourian.

COMMENDATION OF MICHAEL OSTERHOLM, EPIDEMIOLOGIST FOR THE STATE OF MINNESOTA

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. LUTHER. Mr. Speaker, Minnesota's longtime state epidemiologist, Michael Osterholm, has chosen to leave his post at the Minnesota Department of Health after 24 years. I want to take this opportunity to commend Mr. Osterholm for his many years of service, and more importantly, the contribution he has made to our state and the nation in the area of infectious diseases.

He has a long record of successes. In the 1990s alone, Mr. Osterholm found the link between deadly toxic shock syndrome and tampons; traced the source of a salmonella outbreak to trucks that had previously transported contaminated eggs; and tracked the source of Legionnaire's disease that may have killed as many as eight people and hospitalized dozens more to an air conditioning unit. During his tenure he published nearly 180 scientific papers in the New England Journal of Medicine, the Journal of the American Medical Association, and other publications. In addition, he contributes to or helps edit 25 medical journals.

Most recently, Mr. Osterholm has been actively engaged in bringing attention to the threat of bioterrorism. Due in part to his diligence, the President recently announced a significant investment in the federal response to a biological attack on the United States. He highlighted the issue at every turn, and made me and others aware of the sorrowful state of our vaccination supplies for potential biological agents that could be used in an attack.

While Mr. Osterholm's departure is a loss for the state Department of Health, I am pleased that he will continue his efforts through a new enterprise he is embarking on in the private sector, and will remain "on call" to the state in times of need. My thanks and best wishes to Mike Osterholm and his wife Barb Colombo, a former Assistant Commissioner of Health, and their children. Your exemplary service to our state and nation is greatly appreciated.

LEGISLATION TO PROHIBIT THE DEPARTMENT OF THE TREASURY FROM ISSUING ANY REGULATIONS DEALING WITH HYBRID TRANSACTIONS UNDER SUBPART F OF THE INTERNAL REVENUE CODE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. CRANE. Mr. Speaker, joined by my Ways and Means Committee colleague, Mr. MATSUI, I introduced legislation today to prohibit the Department of the Treasury from issuing any regulations dealing with hybrid transactions under Subpart F of the Internal Revenue Code. The bill will further instruct the Secretary of the Treasury to conduct a study of the tax treatment of hybrid transactions and, after receiving input from the public, to submit his findings to the House Committee on Ways and Means and the Senate Committee on Finance.

This legislation is identical to a bill we introduced in the 105th Congress. During the last Congress, most members of the House Ways and Means Committee expressed their concern over the policy changes to Subpart F suggested by Treasury in Notice 98–11. Both Chairman Archer and Ranking Democrat RANGELL wrote Secretary Rubin to express their concerns with both the policy changes pursued by Treasury as well as the means by which Treasury implemented the changes. Mr. MATSUI and I, along with 31 other Committee members, also wrote Treasury asking them to withdraw the regulations in order for Congress to have an opportunity to review the issues. We hoped that Treasury would do this in consultation with members of our Committee.

The provisions of Subpart F of the Code have a direct impact on the competitiveness of U.S. businesses operating in the global marketplace. Congress historically has moved carefully when making changes to those sections of the Code relating to international taxation. Unwarranted or injudicious action in these areas can have a substantial adverse impact on U.S. businesses operating abroad.

Treasury issued Notice 98–11 to restrict the use of hybrid entities. After input from Congress and the business community, Treasury issued Notice 98–35, which withdrew Notice 98–11. However, Notice 98–35 still left Treasury with the option of issuing binding rules regarding hybrid transactions. And, although the rules will not be finalized before January 1, 2000, they will be effective for certain payments made on or after June 19, 1998. I am concerned that Treasury's actions, in effect, legislate in this area. Our bill will protect Congress' Constitutional prerogative.

With regard to the policy, I am concerned that the proposed changes would put U.S. companies at a competitive disadvantage in world markets by subjecting them to more taxation by foreign governments. This raises the question as to why the U.S. Treasury Department is so concerned about helping to generate revenue for the coffers of other countries. Furthermore, Notice 98–35, or similar regulations, is at odds with changes Congress recently made to Subpart F in the Taxpayer Relief Act of 1997.

I look forward to further study and input from Treasury on the issue of modifications to Subpart F. However, we must not allow Treasury to implement regulations in this area until Congress determines the appropriate course of action. The bill we introduce today will allow for that judicious process to go forward and I urge my colleagues to join with us by cosponsoring this bill.

INTRODUCTION OF LEGISLATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. OBERSTAR. Mr. Speaker, the European Community has proposed regulations that would discriminate against U.S. aircraft and airlines by banning certain aircraft for allegedly creating excessive noise, while not banning European aircraft that are noisier. This proposal is particularly aggravating when we recall that we have allowed British Airways and Air France to fly the Concorde into the United States, even though the Concorde does not meet our environmental noise limits.

To counter the unfairness in Europe toward U.S. aviation, I am introducing legislation today with my colleagues Mr. SHUSTER, Mr. LIPINSKI, and Mr. DUNCAN to ban supersonic aircraft, specifically, the Concorde, from operating in the United States if the European Union ("EU") adopts the proposed regulation that will blatantly discriminate against U.S. aviation products.

The EU proposed regulation, which may be considered by the European Parliament this week, would restrict the use, in Europe, of certain aircraft that have had either a new engine, known as a "re-engined" aircraft, or a hushkit installed to meet the highest current noise standards, called Stage 3 or Chapter 3. The European restriction would only apply to U.S. aircraft and engines even though, in some cases, they are quieter than their European counterparts that would continue to be operated. If finalized, the proposed regulation could potentially cost American businesses over $1 billion in spare parts and engine sales; reduce the resale value of over 1600 U.S. aircraft; and cause severe financial losses for hushkit manufacturers, all of which are U.S. companies.

The EU portrays its action as one to promote higher environmental standards. However, this claim has no basis in scientific or technical fact. "Hushkits" have been used for close to 15 years as an appropriate measure to quiet existing aircraft, first to meet the Chapter 2 standards and, since 1989, to meet the International Civil Aviation Organization's ("ICAO") Chapter 3 standards. In addition, the EU regulation would not be applied consistently to re-engined aircraft. The regulation would ban only those engines with a by-pass ratio of less than 3. Engines with a higher by-pass ratio would be allowed, even though an engine's by-pass ratio has no direct correlation to the noise it produces.

As a practical matter, this cut-off would tend to ban the use of U.S. manufactured engines and allow the use of European manufactured engines. A comparison of the cumulative noise between a Boeing 727–200 (re-engined with a Pratt & Whitney JT8D–217C/15) and an Airbus A300B4–200 (equipped with a CF6–50C2 engine) underscores this point. The re-engined B727, with engines having a by-pass ratio of less than 3, has a better cumulative noise performance standard of 288.8 decibels, as compared to the Airbus' 293.3 decibels. Yet the Boeing would be banned and the Airbus would continue to fly.

A further, important consideration: the proposal's adoption would deal a severe, long-term blow to the environment because it would undermine the ability of the international community to agree to, and enforce, new and improved noise standards in the future.

Banning Concorde flights to and from the United States will have positive environmental benefits. According to a preliminary analysis from the FAA, such a prohibition will reduce the noise footprint around New York's John F. Kennedy International Airport by at least 20 percent. The Concorde aircraft has enjoyed a waiver from noise standards for over 20 years even though it does not meet Stage 2 noise standards. We in the U.S. have been very tolerant of and cooperative with the Concorde. I am willing to continue cooperating and allow continuation of this waiver, but only if the EU drops this outrageous proposal.

The Administration has seen through this thinly-veiled attempt to give a competitive advantage to EU aircraft and engine manufacturers. Transportation Secretary Slater, Undersecretary for International Trade Aaron, and U.S. Trade Representative Barshefsky have already tried to persuade to the EU Commission to defer action on this issue, and instead refer it to the proper forum—ICAO. These requests have been rejected. We must now make it clear to the EU that their initiative cannot proceed without severe consequences. Banning the Concorde is only the first step. I am committed to additional actions, including discussing the issue directly with the EU Parliament or Commission, if necessary.

The EU proposal is bad environmental policy and bad for American businesses. If we are to deal seriously with noise and air quality standards in the future, we must ensure that the process is fair and based on scientific and technical evidence. The EU proposal fails on both accounts. By taking a strong stand against the EU action, we will help stop this current policy as well as lay the foundation for future, constructive action on aviation environmental issues. I hope my colleagues will join me in this effort, by cosponsoring this legislation.

THE SITUATION IN KOSOVA

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mrs. KELLY. Mr. Speaker, peace and security for the Kosovan people will never become a reality unless NATO brings military pressure to bear on Serbian strongman Slobodan Milosevic, and unless the ongoing peace negotiations include a guaranteed right to self-determination for the ethnic Albanian majority in Kosova.

The fact is, Mr. Speaker, NATO should have intervened a year ago when widespread violence against the Kosovan people was first initiated by Mr. Milosevic. Thousands are dead, tens of thousands are homeless, and many more have fled the country. Thousands of refugees now live in camps and settlements in neighboring countries, too afraid to return out of fear of reprisals. These countries are bearing the burden of the lack of peace in this region.

Sadly, we have seen this spectacle before. Once again Milosevic carries out a genocidal campaign of ethnic cleansing, once again the international community is slow to react, and once again it is innocent civilians who must pay the terrible price that world indifference imposes.

The renewed violence in Kosova is but the latest example of the manner in which Milosevic attempts to use terror and murder to hold together the republics which made up the former Yugoslavia. His policies of ethnic cleansing in Bosnia, policies which shocked the world and eventually led to international intervention, are now being carried out with renewed vigor in Kosova. Sadly, the very same lack of resolve on the part of the international community which allowed Milosevic to kill thousands in Bosnia is allowing him to carry out a new campaign of terror against the ethnic Albanian majority in Kosova, which makes up 90% of the population.

Perhaps no event better illustrates Milosevic's brutal policies than the recent massacre in the village of Racak, where 45 ethnic Albanians, many of whom were women and children, were found murdered by Serb military and police units. As in the past, it took a tragic event to finally focus the world's attention to the plight of the Kosovan people, and to move governments to act to stop the violence.

Mr. Speaker, unless we wish to see more massacres, more fighting, and more misery in Kosova, the peace negotiations currently underway in France must include a military commitment to enforce the peace. Despots such as Milosevic and Saddam Hussein do not respect international law. They do not respond to impassioned appeals for peace and human rights. They do, however, recognize and respond to the very real threat of overwhelming military force. The world community was slow to learn this fact in Bosnia, and we continue to inch along painfully slow toward understanding this fact in Kosova.

The Kosovan people are running out of time, however. Humanity cannot stand idly by and witness further atrocities such as those committed in Racak. Milosevic enforces his policies from the point of a gun, and I fear that time has long past for NATO to confront him by doing the same.

Finally, Mr. Speaker, any peace settlement must also include an iron-clad commitment that the Kosovan people will have the opportunity that we often take for granted—the right of self-determination. Anything less is a recipe for renewed violence and death in the future.

HONORING THE 100TH BIRTHDAY OF LEOTTA GITTENS HOWELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Ms. Leotta Gittens Howell, who on February 14, 1999 will be 100 years old. She is a woman whose passion filled life serves as an example to us all.

Born on February 13, 1899, Leotta Gittens was the first of four children born to Alberta and Thomas Gittens on the sunny island of Barbados, West Indies. Leotta was educated in Barbados and at an early age showed an affinity to the sewing craft. She created garments for her family, and beautiful and imaginative party dresses and gowns for special occasions.

Leotta Gittens immigrated to the United States in 1922. She met and married Edgar Howell in 1924 and from this union, a daughter Marilyn Alleyne, was born. Leotta exhibited a true entrepreneurial spirit by continuing her seamstress business, while working full time during the day. After the death of her husband, Ms. Howell continued her success as a seamstress. When her daughter, a professional musician, performed she was adorned in her mother's creations.

Ms. Howell retired in 1970 and true to her spirit became active in the Fort Greene Senior Citizens Center. She became and remains an active member today. Mr. Speaker, I would like you and my colleagues from both sides of the aisle to join me in a standing ovation for Ms. Leotta Howell Gittens.

RICHARD GOLDBERG TO RECEIVE COMMUNITY SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to bring the accomplishments of my very good friend, Attorney Richard M. Goldberg, to the attention of my colleagues. This month, Dick will receive the prestigious S.J. Strauss Lodge of the B'nai B'rith Community Service Award at the group's 55th Annual Lincoln Day Dinner. I am pleased and proud to have been asked to participate in this event.

The Community Service Award is presented each year to an outstanding citizen who has made a valuable contribution to the fabric of community life through courageous leadership and dedication to humanity. Dick Goldberg is a shining example of such leadership.

Those of us who know Dick know of his extreme love of country and his pride in having served for thirty years in the United States Army Reserve. Prior to his retirement, Colonel Goldberg was Chief of Staff for the 79th Army Reserve Command at the Willow Grove Air Station in Willow Grove, Pennsylvania. He was awarded the Legion of Merit, Army Achievement Medal, Humanitarian Services Medal, Army Service Ribbon, Pennsylvania Meritorious Service Medal, Pennsylvania Commendation Medal, three Meritorious Service Medals, two Armed Forces Reserve Medals, and five Army Reserve Components Achievement Medals.

Dick Goldberg has had an equally outstanding legal career. A member of the prestigious local law firm of Hourigan, Kluger, and Quinn, Dick has also served as Luzerne County Solicitor since 1984. A native of Wilkes-Barre, Dick received his bachelor of arts degree from Dickinson College and law degrees from the Dickinson, Pennsylvania

State University, and Temple University. He was cited as an Outstanding Young Man of America in 1972 and has been honored with the Valley Forge Freedom Foundation Award twice. He has served as chairman of the Young Lawyers Section of the Pennsylvania Bar Association, membership chairman of the Young Lawyers Section of the American Bar Association, chairman of the Pennsylvania Bar Association Unauthorized Practices Committee, and chairman of the American Bar Association Standing Committee of the Unauthorized Practice of Law. Dick served as president of the Wilkes-Barre Law and Library Association and currently serves on the Board of Governors of the Pennsylvania Bar Association.

Dick Goldberg's dedicated service to his community is well documented by a long list of memberships and board seats. He presently is a member of the Board of Trustees of Wyoming Seminary and is a director of the Jewish Home of Eastern Pennsylvania, the United Way of Wyoming Valley, and Jewish Family Services. An Eagle Scout himself, he is active with the local Boy Scouts of America.

Dick is a past president of Temple Israel and the Jewish Community Center. He chaired the Jewish National Fund, Temple Israel School Board, Luzerne County Heart Fund Drive and the Osterhout Library Society Campaign. He has served as president of the Reserve Officers Association.

Mr. Speaker, throughout my legal career and my tenure in the House of Representatives, I have been privileged to work with Attorney Dick Goldberg many times. I consider him to be a good friend and an outstanding community leader. I am proud to join with his wife, Rosemary, his family, his friends, and the community in congratulating Dick on this prestigious honor. I extend my very best wishes on this momentous occasion and for continued good health and happiness in the years to come.

DOUG BELL AND MARILYN STAPLETON SET EXAMPLES FOR YOUNG ATHLETES

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to two fine people and world class athletes from Greeley, Colorado. Mr. Doug Bell and Ms. Marilyn Stapleton were both ranked third among America's best runners by age group in the Running Times. I commend them for their hard work, commitment and dedication. Year round, despite the elements, fatigue and adversity, these fine athletes constantly train and strive to better themselves. Doug Bell, owner of Bell's Running, and Marilyn Stapleton set fine examples for young athletes, and for everyone seeking to achieve such admirable goals.

INTRODUCTION OF LEGISLATION OF ADD BRONCHIOLO—ALVEOLAR PULMONARY CARCINOMA TO SERVICE-CONNECTED LIST OF CANCERS FOR VETERANS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SMITH of New Jersey. Mr. Speaker, today, I am reintroducing legislation that would add a rare form of cancer, bronchiolo-alveolar pulmonary carcinoma, to the list of cancers that are presumed to be service-connected for veterans who were exposed to radiation, in accordance with the provisions of Public Law 100–321.

The merits of adding bronchiolo-alveolar pulmonary carcinoma to the list of cancers that are presumed to be service-connected for veterans who were exposed to radiation during their military service were pointed out to me in 1986 when I became acquainted with Joan McCarthy, a constituent from New Jersey. Mrs. McCarthy has worked tirelessly for many years to locate other "atomic veterans" and their windows and she founded the New Jersey Association of Atomic Veterans.

Joan's husband, Tom McCarthy, was a participant in Operation Wigwam, a nuclear test in May of 1995 which involved an underwater detonation of a 30-kiloton plutonium bomb in the Pacific Ocean, about 500 miles southwest of San Diego.

Tom served as a navigator on the U.S.S. *McKinley*, one of the ships assigned to observe the Operation Wigwam test. The detonation of the nuclear weapon broke the surface of the water, creating a giant wave and bathing the area with a radioactive mist. Government reports indicate that the entire test area was awash with the airborne products of the detonation. The spray from the explosion was described in the official government reports as an "insidious hazard which turned into an invisible radioactive aerosol." Tom spent 4 days in this environment while serving aboard the U.S.S. *McKinley*.

In April of 1981, at the age of 44, Tom McCarthy died of a rare form of lung cancer, bronchiolo-alveolar pulmonary carcinoma. This illness is a nonsmoking related lung cancer which is remarkable given the fact that nearly 97 percent of all lung cancers are related to smoking. On his deathbed, Tom told Joan, his wife, about his involvement in Operation Wigwam and wondered about the fate of the other men who were also stationed on the U.S.S. *McKinley* and on other ships.

Mr. Speaker, it has been well documented in medical literature that exposure to ionizing radiation can cause this particular type of lethal cancer. The National Research Council cited Department of Energy studies in the BEIR V (Biological Effects of Ionizing Radiation) reports, stating that "Bronchiolo-Alveolar Carcinoma is the most common cause of delayed death from inhaled plutonium 239." The BEIR V report notes that this cancer is caused by the inhalation and deposition of alpha-emitting plutonium particles in the lungs.

Mr. Speaker, the Department of Veterans Affairs has also acknowledged the clear linkage between this ailment and radiation exposure. In May of 1994, Secretary Jesse Brown wrote to then Chairman Sonny Montgomery of the Veterans' Affairs Committee regarding this issue. Secretary Brown stated as follows:

> The Veterans' Advisory Committee on Environmental Hazards considered the issue of the radiogenicity of bronchiolo-alveolar carcinoma and advised me that, in their opinion, this form of lung cancer may be associated with exposure to ionizing radiation. They commented that the association with exposure to ionizing radiation and lung cancer has been strengthened by such evidence as the 1988 report of the United Nations Scientific Committee on the Effects of Atomic Radiation, the 1990 report of the National Academy of Sciences' Committee the Biological Effects of Ionizing Radiation (the BEIR V Report), and the 1991 report of the International Committee on Radiation Protection. The Advisory Committee went on to state that when it had recommended that lung cancer be accepted as a radiogenic cancer, it was intended to include most forms of lung cancer, including bronchiolo-alveolar carcinoma.

Back in 1995, I met with former Secretary Brown and he assured me that the VA would not oppose Congress taking action to add this disease to the presumptive list. Notwithstanding this fact, however, the VA has repeatedly denied Joan McCarthy's claims for survivor's benefits.

The VA has claimed in the past that adjudication on a case-by-case basis is the appropriate means of resolving these claims. Unfortunately, the practical experiences of claimants reveal deep flaws in the process used by the VA.

Mr. Speaker, I believe the widows of our servicemen who participated in these nuclear tests deserve better than this. They should not be required to meet an impossible standard of proof in order to receive DIC benefits, which CBO estimates will cost the government, on average, a mere $10 thousand a year for each affected widow.

As many of my colleagues will remember, this legislation was passed on the floor of the House on October 14, 1998 by a vote of 400 to 0. Unfortunately, our colleagues in the Senate failed to take up this legislation before Congress' adjournment. During the 104th Congress, the House passed H.R. 368, identical legislation to the bill we are considering today. It too added bronchiolo-alveolar pulmonary carcinoma to the list of cancers that are presumed to be service-connected for veterans who were exposed to radiation. H.R. 368 was later included as part of H.R. 3673, an omnibus veterans' package which passed the House on July 16, 1996. Unfortunately, this provision was dropped from the final conference report.

They say that the third time is the charm so I remain hopeful and determined that my introduction of this legislation today will result in its speedy consideration in the House and approval in the Senate. I would also like to thank my colleague, Congressman LANE EVANS from Illinois, the ranking democrat on the House Veterans' Affairs Committee, who is joining me today as an original cosponsor of this legislation. His tireless work on behalf of "atomic veterans," and those who have suffered as a result of exposure to radiation while serving our country is to be commended and I thank him for his support of my legislation.

A TRIBUTE TO THE LABOR MOVEMENT

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the labor movement. As the American trade union movement prepares to move into its second century, it is important to applaud the movement's "century of achievement" that included the historic reuniting of the AFL–CIO in 1955.

American labor has played a central role in the raising of the American standard of living. American workers have had to struggle to achieve the gains they have made during this century. And it has been a struggle! Improvements did not come easily. By organizing, winning the right to representation, utilizing the collective bargaining process, struggling against bias and discrimination, working Americans have built a trade union movement of formidable proportions.

Labor in America has correctly been described as a stabilizing force in the national economy and a bulwark of our democratic society. The gains that unions have achieved have brought benefits directly and indirectly to the American people and have served as a force for our nation's progress.

Labor has reached out to groups in America who strive for their share of the American dream and there is a common bond between the labor movement and African-Americans, Hispanics, and other minorities. In the words of Dr. Martin Luther King: "Our needs are identical with labor's needs—decent wages, fair working conditions, livable housing, old age security, health and welfare measures, conditions in which families can grow, have education for their children and respect in the community."

But today, America's workplace is in transition. The workforce that was once predominantly "blue collar" has now expanded to include "white collar" employees and the significantly increasing "gray collar" workers representing the workers in service industries. Mass production industries have downsized and many have gone out of business. Increasing numbers of the new industries require new skill levels from employees and work once performed in the United States has been moved out of the country.

However, change has not lessened the absolute need for protection and representation for our nation's working men and women. And change has not lessened the resolve of the union movement to represent and protect America's workers.

As the labor movement continues to face the looming challenges, it is important to note that the union movement is on the right track. In 1998, the number of union members rose in more than half the states and union membership grew by more than 100,000 nationwide. In all, the number of union members in the nation rose from 16.1 to 16.2 million. As AFL–CIO President John Sweeney has said, "Our commitment and dedication to organizing, at all levels of the labor movement, is beginning to bear fruit—but we still have a long way to go. We need to stay focused and redouble our efforts."

THE SENIOR CITIZENS INCOME TAX RELIEF ACT

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SALMON. Mr. Speaker, I rise to introduce the Senior Citizens Income Tax Relief Act. This legislation would repeal the Clinton Social Security tax increase of 1993.

Millions of America's senior citizens depend on Social Security as a critical part of their retirement income. Having paid into the program throughout their working lives, retirees count on the government to meet its obligations under the Social Security contract. For many, the security provided by this supplemental pension plan is the difference between a happy and healthy retirement and one marked by uncertainty and apprehension, particularly for the vast majority of seniors on fixed incomes.

As part of his massive 1993 tax hike, President Clinton imposed a tax increase on senior citizens, subjecting to taxation up to 85 percent of the Social Security received by seniors with annual incomes of over $34,000 and couples with over $44,000 in annual income. This represents a 70 percent increase in the marginal tax rate for these seniors. Factor in the government's Social Security Earnings Limitation and a senior's marginal tax rate can reach 88 percent—twice the rate paid by millionaires.

An analysis of government-provided figures on the 1993 Social Security tax increase finds that, at the end of 1998, America's seniors have paid an extra $25 billion because of this tax hike, including $380 million from senior citizens in Arizona alone.

Older Americans are just as willing as the rest of the country to pay their fair share, but the President and other big spenders in Congress should not take that as a license to finance their big government agenda on the backs of Social Security beneficiaries. Our nation's seniors have worked too hard to have their golden years tarnished by the government reneging on its promises. In an era of budget surpluses, surely we can find a way to provide America's seniors with relief from this burdensome tax.

INTRODUCTION OF BILL TO CLARIFY THAT NATURAL GAS GATHERING LINES ARE 7-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I have introduced legislation, H.R. — to provide much needed certainty with respect to the proper depreciation classification of natural gas gathering lines. Natural gas gathering lines play an integral role in the production and processing of natural gas as they are used to carry gas from the wellhead to a gas processing unit or interconnection with a transmission pipeline. In many instances, the gathering network for a single gas field can consist of hundreds of miles and represents a substantial investment for natural gas processors.

The proper depreciation classification for specific assets is determined by reference to the asset guideline class that describes the property. Asset class 13.2 subject to a 7-year cost recovery period, clearly includes "assets used by petroleum and natural gas producers for drilling wells and production of petroleum and natural gas, including gathering pipelines and related production facilities." Not only are gathering lines specifically referenced in asset class 13.2, but gathering lines are integral to the extraction and production process. Nonetheless, it has come to my attention that some Internal Revenue Service auditors now seek to categorize natural gas gathering lines as assets subject to a 15-year cost recovery period under asset class 46.0, titled "Pipeline Transportation."

Over the past several years, I have corresponded and met with officials of the Department of Treasury seeking clarification on Internal Revenue Service policy and the issuance of guidance to taxpayers as to the proper treatment of these assets for depreciation purposes. These efforts have been to no avail. In the meantime, the continued controversy over this issue has imposed significant costs on the gas processing industry on audit and in litigation, and has resulted in a division of authority among the lower courts as to the proper depreciation of these assets. While it is not my intent to interfere with ongoing litigation, I do believe that legislation is needed to clarify the treatment of these assets under the Internal Revenue Code in order to provide certainty to the industry for tax planning purposes, and to avoid costly and protracted audits or litigation.

Accordingly, I have introduced legislation that would amend the Internal Revenue Code to specifically provide that natural gas gathering lines are subject to a 7-year cost recovery period. While I believe that this result should be obvious under existing law, this bill would eliminate any uncertainty surrounding the proper treatment of these assets. The bill also includes a proper definition of "natural gas gathering lines" to distinguish these assets from pipeline transportation for purposes of depreciation.

I urge my colleagues to support this important legislation.

DRUG USE AMONG OUR CHILDREN

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. PACKARD. Mr. Speaker, I rise today to express my concern over the continuing increase in teenage drug abuse. Our nation's children are our future and they must be protected from the evils of illegal drugs.

Despite the Clinton Administration's promises, drug use among our children has increased in the last few years. The statistics speak for themselves, Between 1996 and 1997 illicit drug use by children grew from 9.6 percent to 11.4 percent. The Administration's response to this crisis has been appalling. The international interdiction programs have been reduced by nearly $1 billion, while the present level of staff at the White House Office of Drug Control Policy is now 25, down from 146 employees.

As a father of seven and a grandfather of thirty four, I am very concerned with the ever lowering age of drug use in this country. I am proud to be working with other Members of Congress who are committed to the war on drugs. We have already passed legislation increasing the punishment for dealing in methamphetamines and we have increased spending to stop drugs from entering our borders. It should not stop there. For our children's sake we have to do more. We must increase the punishment for people who continue to deal in drugs, especially when children are concerned.

There is much more to do to stop the rise of drug use. Congress and the Administration must work together and reduce the influence of illegal drugs. I urge my colleagues to address this issue during the 106th Congress and to implore this administration to get tough on drug use among our children.

50TH WEDDING ANNIVERSARY OF MR. AND MRS. JAMES McCLOSKEY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. BORSKI. Mr. Speaker, I rise today to congratulate a truly remarkable couple, Mr. and Mrs. James McCloskey. On January 9, 1999, they celebrated fifty years of marriage—their Golden Anniversary. Together, this exceptional couple has served as a role model for their family and community. I am greatly honored to pay tribute to them.

James J. McCloskey grew up in Philadelphia, PA and graduated from LaSalle University in 1951. For many years to follow, he worked diligently for the Delaware River Port Authority, managing contracts and insurance. He found time to actively participate in numerous organizations dedicated to serving his country and community. He belonged to the American Legion Post #88, Knights of Columbus, the Malvern Retreat League, the Irish Society, and the Association of Government Accountants. He was a past commander and life member of AMVET Post 57. Mr. McCloskey also involved himself in local politics by serving as a Democratic Committeeperson for nearly 30 years.

Anne McClosley is a native Philadelphian who graduated from Mastbaum High School. She shares her husband's interest in the government and has participated in Philadelphia politics for years. Mrs. McCloskey was a Constituent Service Representative for Pennsylvania State Representative Cliff Gray from 1978–1982. She is currently employed as an Administrative Aide for State Senator Vincent J. Fumo and serves with her husband on the Democratic Committee.

Mr. Speaker, it is with great pleasure that I recognize these two outstanding American citizens, James and Anne McCloskey. They have devoted their lives to their four children and six grandchildren while maintaining the vital role as neighborhood leaders. The McCloskeys are an extraordinary couple who possess a love and dedication to each other that is commendable. I wish them many more years of marital bliss.

SEVEN CHEERS FOR MONTGOMERY BLAIR HIGH SCHOOL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to Montgomery Blair High School in Silver Spring, Maryland. This year, Montgomery Blair had six finalists named in the Intel Science Talent Search, formerly known as the Westinghouse Science Talent Search. This group of six students is the largest number from one high school since 1991.

Montgomery Blair is a math, science, and computer science magnet high school drawing students from every corner of Montgomery County, Maryland. When Blair first became a magnet school in 1986, its reputation was declining. The development of an outstanding science and math magnet program has brought the school into the national spotlight.

As a former teacher, I applaud principal Phil Gainous and the teachers at Montgomery Blair High School for inspiring six of the top finalists in the Intel Science Talent Search. The fact that six science all-stars attend the same high school is a testament to the commitment and dedication of the teachers at Montgomery Blair in providing a quality education to a diversity of students.

My heartiest congratulations to: Wei-Li Deng, James Hansen, Grace Lin, Michael Maire, David C. Moore, and Scott Safranek. These students of the math and science magnet program are multi-talented and participate in a wide range of activities at Montgomery Blair and in the Montgomery County community: Wei-Li plays first violin with the Montgomery County Youth Orchestra; James is a drummer in a jazz band, Grace is an accomplished pianist and singer; Michael reads French fluently; David scored a perfect combined score of 1600 on his SATs; and Scott enjoys martial arts, bowling, poker, poetry, philosophy, and listening to music.

I also want to congratulate another Montgomery Blair High School magnet student. Sarah Iams, from Bethesda, Maryland, is a national winner of the Siemens Award for Advanced Placement (AP). This award is given to the most outstanding young science and mathematics students from around the country. In addition to her pursuit of accelerated programs in math and science, Sarah is a member of the debate team, and a serious athlete who practices Tae Kwon Do, plays team soccer and runs cross country and track.

I wish the winning combination of students and teachers at Montgomery Blair High School continued success in achieving excellence in math and science education.

HONORING FIRE CHIEF ALBERT V. WINGO

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of Chief Albert V. Wingo who, after serving the Village of Bradley for 44 years, retired as Bradley Fire Chief on December 29, 1998.

Chief Wingo has a long and distinguished record with the Village of Bradley Fire Department as well as the Village of Bradley itself. During his 44 year career with the Bradley Fire Department, Chief Wingo served as Bradley Fire Chief for 28 years. Chief Wingo's dedication to the Fire Department is also shown through his membership in various fireman associations. Chief Wingo has played an active role in the following associations—member and Past President of the Kankakee Valley Firemen's Association, member of the Kankakee Valley Arson Task Force, member of the Kankakee County 911 Board, member of the Hundred Club, member of the Illinois Association of Fire Chiefs, and a member of the National Fire Protection Association. Chief Wingo also served 21 years as Building Inspector and 21 years as Health Inspector for the Village of Bradley.

Chief Wingo was born on April 28, 1926 in Kenney, Illinois. He proudly served his country during World War II while in the service of the United States Navy from 1944 to 1946. On July 3, 1949, Chief Wingo married Jean Vaughn who passed away in 1993. Chief Wingo is the proud father of three children and the grandfather of six grandchildren.

I know the Village of Bradley will greatly miss Chief Wingo's dedication, knowledge and experience. It is always a great honor for me to be able to proudly acknowledge outstanding citizens, like Chief Wingo, who resides in my 11th Congressional District.

Mr. Speaker, today I recognize this gentleman for his honorable career and uncommon loyalty. I urge this body to identify and recognize others in their own districts whose actions have so greatly benefited and strengthened America's communities.

HONORING SYLVAN DALE RANCH

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize and praise the Sylvan Dale Ranch for obtaining a conservation easement from the Larimer County Commissioners, which will preserve a very scenic stretch of open space at the mouth of the Big Thompson Canyon west of Loveland, CO.

The easement will prevent development on the land, protecting it for the benefit of current and future users. This pro-active, public-private agreement strikes a balance between preserving open space and respecting property rights. I strongly support the ideas underlying this partnership, namely, that ranchers and farmers are the best stewards of the land, and they are crucial to preserving valuable open space amidst Colorado's booming growth. It is my hope other ranches and farms will follow Sylvan Dale's lead and take effective steps to preserve their land heritage through such common-sense, forward-looking arrangements.

Sylvan Dale is a well-known, family owned and operated guest ranch, a viable cattle and horse ranch, and a working farm. Susan Jessup manages Sylvan Dale Ranch, founded in 1946 by her parents Maurice and Mayme Jessup. Building on their commitment to provide one of the best outdoor experiences in Colorado, the Jessup's vision has always been to sustain the natural character of the landscape and provide an authentic Western environment. Accordingly, the Jessup's sought to shield the land from urbanization pressures which lead to the easement protecting 431 acres—about 15 percent of the ranch's land. The family will continue to actively use the land, including grazing horses and cattle, and raising hay.

Clearly, Sylvan Dale Ranch embodies the unrefined characteristics of the Colorado Rocky Mountain foothills and the West, as well as the straightforward, no-nonsense thinking of the earliest pioneers. Highly visible, extremely popular, and easily accessed, the lands owned by Sylvan Dale Ranch are a testament to the wisdom of landowners who know how to best protect and preserve the land.

HONORING JAMES VICTOR STANCIL III

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate Mr. James Victor Stancil III on his achievement of the rank of Eagle Scout. This outstanding young man from Lillington, North Carolina is an active member of the community and Antioch Baptist Church, as well as an exemplary student at Western Harnett High School.

As a member of Troop 2, Victor displays his leadership ability as Patrol Leader, Troop Guide, and Junior Assistant Scout Leader. He has also organized many community service projects, including building a picnic shelter for a local church. In 1995, Victor earned his Order of the Arrow Award and served as the troop chaplain.

Academically, Victor excels in many areas of study. He is President of the Beta Honor Club and of the Future Teachers of America Club, as well as a member of the Future Business Leaders and Future Farmers of America Clubs. He has been awarded best actor for his Drama Club performance of "Mircle on 34th Street" and the "Advanced Biology Project Award" from his Science Club. Victor has also participated in two of North Carolina's prestigious summer programs for academically gifted youth, the North Carolina Governor's School and Summer Ventures in Math and Science. He plans to attend North Carolina State University in my Congressional District in the fall.

As a former Scout leader myself and a recipient of the Boy Scouts' Silver Beaver Award, I know the difference that Scouting can make in young lives. Scouting instills important values in young men that leave a lasting imprint and the experience gained tnrough Scouting will continue to serve Victor well.

I was honored to present Victor with his Eagle Scout Award on January 17, 1999. I congratulate him on this momentous achievement and wish him all the best in his future endeavors.

STRUCTURED SETTLEMENT PROTECTION ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SHAW. Mr. Speaker, on opening day of the 106th Congress, I, along with my colleague Mr. STARK and a broad bipartisan group of our colleagues introduced the Structured Settlement Protection Act, H.R. 263.

This bill would address the serious public policy concerns that are raised by transactions in which so-called factoring companies purchase recoveries under structured settlements from injured victims.

Recently there has been dramatic growth in these transactions in which injured victims are induced by factoring companies to sell off future structured settlement payments intended to cover ongoing living and medical needs in exchange for a sharply-discounted lump sum that then may be dissipated, placing the injured victim in the very predicament the structured settlement was intended to avoid.

As long-time supporters of structured settlements and the congressional policy underlying such settlements, we have grave concerns that these factoring transactions directly undermine the policy of the structured settlement tax rules. The Treasury Department shares these concerns.

Because the purchase of structured settlement payments by factoring companies directly thwarts the congressional policy underlying the structured settlement tax rules and raises such serious concerns for structured settlements and injured victims, it is appropriate to deal with these concerns in the tax context.

Accordingly, H.R. 263 would impose a substantial excise tax on the factoring company that purchases the structured settlement payments from the injured victim. The excise tax would be subject to an exception for genuine court-approved hardship cases to protect the limited instances of true hardship.

Mr. Speaker, too many Americans have been taken advantage of through the purchase of structured settlements by factoring companies. I urge my colleagues to join me to end this abusive practice.

TRANSITION TO ADULTHOOD PROGRAM (TAP) ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. CARDIN. Mr. Speaker, when children leave their families to make it in the world, they often do so in stages. The first step for many is to go away to college while still depending on their parents for tuition and living expenses. Others attempt to work immediately, but they also might rely on their family for financial assistance, not to mention emotional support. However, there is one group of young Americans that are required to become completely self-sufficient on their 18th birthday—kids aging out of foster care. The cruel irony of course is that this population is perhaps the least capable of becoming fully independent at such a young age. These kids have to deal with all the traumas and difficulties associated with being removed from their family because of abuse, neglect or abandonment and then being placed in one, two, three or more foster homes. This is hardly the most solid foundation from which to build the rest of their lives.

Repeated studies have illustrated that a sink-or-swim policy for children aging out of foster care has resulted in many falling beneath the waves of poverty and despair. A national study by Westat, Inc. in 1992 found less than half of former foster children had graduated high school between 2.5 and 4 years after being discharged. The study also found only half of former foster kids were working; one-quarter had spent at least one night homeless; and 40% needed some kind of public aid. More recent studies by the University of Wisconsin-Madison and the University of Illinois also have illustrated the extreme difficulties faced by this population. The authors of these reports and many of the state officials responsible for overseeing our Nation's child welfare system have called for bold changes to help foster children make the transition to independence. For example, Peter Digre, Director of the Department of Children and Families in Los Angeles, and Nicholas Scoppetta, Commissioner of the Administration for Children's Services in New York City, released a joint statement in 1998 on youth aging out of foster care which declared, "It becomes our responsibility as a society to provide these young people, who are proven to be at a heightened risk of homelessness or involvement in the criminal justice system, with the opportunity to succeed, (including) a safe and comfortable place to live—an opportunity to continue education—(and) access to health care."

I am introducing legislation today, along with my Democratic colleagues on the Ways and Means Subcommittee on Human Resources, to ensure that the end of foster care does not mean the beginning of poverty and hopelessness for thousands of young Americans every year. The Transition to Adulthood Program (TAP) Act would provide States with the option of extending assistance to former foster youth up to the age of 21 as long as they are working or enrolled in educational activities and have a plan to become completely self-sufficient. This extension of foster care assistance would provide needed resources for housing, education, health care and employment. In addition, the legislation would: provide tax credits to employers who hire former foster children; allow children in foster care to save more resources for their eventual emancipation; require a collaboration among existing housing, educational and employment programs to help foster kids; and update the formula for the current Independent Living Program. In general, the legislation seeks to send foster children down a ramp to independent and productive lives, rather than off a cliff to destitution and welfare dependency.

Some of my colleagues have said in the past that government programs too often take the role and responsibility of families. However, I would remind them that government is the defacto parent for foster children and therefore has an obligation to do a better job of helping them become self-sufficient. How many other parents tell their children at the age of 18 that they are completely and utterly on their own? Of course, it is true that some foster children make a seamless transition to self-reliance at such a young age, but the statistics show that many ultimately do not.

Mr. Speaker, less than two years ago, Congress passed bipartisan legislation to help promote the adoption of children in foster care. However, adoption is not always possible for many older foster children, and we therefore see our TAP legislation as the next logical step in reforming our foster care system. We offer the bill not so much as the final work on helping foster children, but more as the first step towards building a consensus that Congress must act on this important issue. We stand ready to work with anyone who wants to help former foster youth achieve real independence.

HONORING COLORADO STATE SENATOR TILLMAN BISHOP UPON HIS RETIREMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. McINNIS. Mr. Speaker, I'd like to take a moment to honor an individual who for so many years has exemplified the notion of public service and civic duty and an individual we on the western slope of Colorado will be hard pressed to replace.

Senator Tillman Bishop has represented Colorado's 7th District in the Colorado Senate for 28 years and before that, in the Colorado General Assembly for 4 years. His years of service rank him 5th in the state's history for continuous years of service and he is the longest serving senator from Colorado's western slope.

Senator Bishop, or Tillie, as he is affectionately known, has for decades selflessly given of himself and has always placed the needs of his constituents before his own. I myself served with Tillie when I was a member of the Colorado General Assembly and I consider myself fortunate to have worked with a representative of his caliber.

The number of honors and distinctions that Tillie has earned during his years of outstanding service are too numerous to list, and too few to do justice to his contribution to the state of Colorado.

Senator Bishop will be sorely missed in the halls of the Colorado Capitol, both for his wisdom and knowledge of Colorado, but also for his kind and gentle demeanor which endeared him to all those with whom he came in contact.

1998 marked the end of Senator Bishop's tenure in elected office and the state of Colorado is worse-off because of his absence. There are too few people in elected office today who are prepared to serve in the selfless and diligent manner of Tillman Bishop. He is the embodiment of the citizen-legislator and a model for every official in elected office.

His constituents, of whom I was one, owe him a debt of gratitude and I wish him well in his well-deserved retirement.

INTRODUCTION OF LEGISLATION

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. McCRERY. Mr. Speaker, today I am pleased to introduce on behalf of myself, Mr. NEAL of Massachusetts and several of my other colleagues from the Ways and Means Committee, legislation to permanently extend the exception from Subpart F for active financing income earned on overseas business. U.S.-based finance companies, insurance companies and brokers, banks, securities dealers, and other financial services firms should be permitted to act like other U.S. industries doing business abroad and defer U.S. tax on the earnings from the active operations of their foreign subsidiaries until such earnings are returned to the U.S. parent company. Without this legislation, the current law provision that keeps U.S. financial services industry on an equal footing with foreign-based competitors will expire at the end of this year. Moreover, this legislation will afford America's financial services industry parity with other segments of the U.S. economy.

Due to the international growth of American finance and credit companies, banks and securities firms, and insurance companies and brokers, this legislation is essential in securing the position of the U.S. financial services industry by making this provision a permanent part of the law and ending the potential impairment of these industries because of the "on-again, off-again" system of annual extensions that does not allow for fiscal certainty.

Furthermore, Mr. Speaker, we believe the permanent extension of this provision is particularly important today as the U.S. financial services industry is the global leader and plays a pivotal role in maintaining confidence in the international marketplace. Also, recently concluded trade negotiations have opened new foreign markets for this industry, and it is essential that our tax laws complement this trade effort.

Additionally, Mr. Speaker, while this legislation merely provides for a permanent extension of current law, the highly competitive and global nature of many of the businesses that will benefit from this legislation must continually be reassessed to ensure that U.S. tax policy does not hamper their ability to compete in the international marketplace. One such area to which I hope the Congress and Treasury department will give further attention is the business of reinsurance. This industry is placing more business outside of their home countries, a trend which continues and is accelerating. Many of these decisions are motivated by a variety of business reasons and the highly competitive global nature of the business itself. While some of the changes made last year were included to close down perceived tax avoidance schemes, we, in turn, should not create or perpetuate a restrictive tax regime that penalizes those who are doing legitimate business transactions and have significant business operations in those countries.

In closing, we must not allow the tax code to revert to penalizing U.S.-based companies by allowing to occur the expiration of the temporary provision after this year and hope that this legislation can be given every possible consideration.

MINNESOTA CELEBRATES PEARSON CANDY'S SWEET TREATS FOR 90 YEARS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. VENTO. Mr. Speaker, I submit for the RECORD the following article from the Monday, January 18, 1999, edition of the Minneapolis Star Tribune which recognizes the continued success of the Pearson Candy Co. I want to extend my congratulations to the owners and employees for continuing to produce quality candies for more than 90 years.

This recognition is well-deserved; not only for their production of delicious treats such as Nut Goodies and Salted Nut Rolls, but also for their commitment to the community of St. Paul, Minnesota. In such a competitive industry with the mega companies such as Hershey's, Nestle, and Mars, and a host of foreign imports, it is a superb accomplishment for the Pearson Candy Company of St. Paul, Minnesota to continue in the tradition of a great quality product.

Congratulations and best wishes to the Pearson Candy Co. and their good work force, that have provided the candy treats of my youth yesterday, for our grandchildren today, and hopefully will be doing so long into the new century tomorrow.

[From the Minneapolis Star Tribune, Jan. 18, 1999]

AROUND ST. PAUL: PEARSON CANDY CO. CELEBRATES 90 YEARS

(By Joe Kimball)

Automation handles much of the candymaking these days at the Pearson

Candy Co., but workers at the W. 7th Street plant watch every stage to pluck out broken or misshapen Nut Goodies, mints and Salted Nut Roll.

"If we learned anything from George Pearson, it's that our recipes are great, but the tradition of quality is what sets us apart," said company co-owner Larry Hassler.

The late George Pearson, who died in 1995, ran the company for 20 years, and is remembered as a great boss and great candymaker. The company founded by his father, P. Edward Pearson, turns 90 this year.

Pearson Candy competes in a field largely dominated by three giants—Hershey, Mars and Nestle—Hassler said.

After some rocky years in the 1980s, Pearson Candy now thrives under new management. The company recently added the Bun bar, which comes in maple, caramel and vanilla.

The company has been selling mints and Salted Nut Rolls through Wal-Mart and Target stores, and Hassler says he hopes to build on that national recognition of the Pearson brands.

But not all of the company's candy bar brands have survived over the years: Remember the Denver Sandwich?

It was something like a Twix bar, but a little ahead of its time.

Hassler takes the credit (or blame) for killing the famous Seven Up bar about 20 years ago. He said it took 10 workers to make the bar, which had seven creme and flavored fillings, and the company lost a dime on each bar it sold.

But the Seven Up bar had a special role in building the W. 7th Street plant.

"Pearson owned the name, 'Seven Up,' but so did the 7-Up soda company, so they'd come once a year to George Pearson and ask to buy the name so they could legally protect it, and then they'd lease the name back to us.

"Well, every year George would say no. I think he got a thrill out of telling this big company to just go away. But finally, in the 1950s, they came again and offered him a blank check. This time, he wrote in an amount, some very, very high figure, and they said: 'We've got a deal.'

"Those proceeds built this plant."

COMPANY HISTORY

P. Edward Pearson and four brothers started the company in Minneapolis. With the Nut Goodie, invented in 1913, and the Salted Nut Roll, 1921, it grew to be one of the nation's top 20 candy manufacturers.

When P. Edward died in 1933, his son George quit college and became a partner with his uncles. In 1951, George bought the Trudeau Candy Co. in St. Paul, which made mints and the Seven Up bar.

George became president of the company in 1959 but sold it in 1969 to International Telephone and Telegraph's Continental Baking Co. Ten years later, a Chicago entrepreneur bought the company, and in 1981 Hassler was brought in as a financial officer. Hassler and Judy Johnston bought the company in 1985.

KEEPING THE NUT GOODIE

In the production area, which makes up most of the plant's 130,000 square feet, plant manager Roger Bruce supervises two shifts of workers who mix and blend sugar, corn syrup, chocolate and peanuts. About 175 people work for the company.

The peanuts come from North Carolina in 2,000-pound bags. The plant uses four to eight bags a day.

Hassler said his longtime employees saved him from making a big mistake in the 1980s—dropping the Nut Goodie.

"We were losing a nickel a bar and every time I saw an order for 100 cases, it killed me," he said. They had changed the bar's recipe and wrapper and weren't selling enough to make a profit.

"People in the plant said we've got to make the Nut Goodie the way they used to make it and go back to the old ugly, red-and-green wrapper. We did it and they were 100 percent right." Now, the company sells enough Nut Goodies to make a tidy profit.

Hassler said he has had sweet overtures from neighboring states asking him to move. But he's not chewing on those offers.

"St. Paul has been good for us. If you take St. Paul out of the equation, I'm afraid we'd lose it all," he said.

He's not entertaining buyout offers, either. "If I sold out and made a fortune, I know I'd spend the rest of my life looking for another company just like Pearson Candy," he said.

TRIBUTE TO MYLES TIERNEY

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. NADLER. Mr. Speaker, I rise today to express my condolences to the family of Myles Tierney. Myles Tierney was a journalist with the Associated Press who was tragically killed in a rebel attack while on assignment in Sierra Leone. Known as a vibrant young man who had a passion for traveling and journalism, he was a true journalist in the sense that he reported on news that would educate and inform the public. He was willing to put himself in harm's way to report on a story of significant value.

Mr. Tierney grew up in the SoHo area of New York City. His father, a mathematics professor, and his mother, a performance artist, allowed their son to nurture his creative abilities at an early age. He channeled these interests into journalism, and while attending Rutgers University for a period of time he realized he would rather pursue a career in the field he loved.

Mr. Tierney's career with the Associated Press began when he was hired in 1994 to produce news videos. In 1997, he was assigned to Nairobi. In Africa, he would travel throughout the continent covering stories in war-ravaged countries, often putting his own life in peril. His passion for journalism and love for his job allowed him to look beyond the dangers before him and bring news to the people throughout the world. For Myles Tierney, that was worth the risk.

Along with journalism, Mr. Tierney's other passion was traveling. This made working abroad in the remotest regions of Africa that much more appealing to him. Some journalists might have avoided such a challenge, but Myles Tierney jumped at the opportunity. His friends and colleagues say that he actually liked to travel to the most inhospitable of areas to cover a story. He cared deeply about his role as a journalist, and the real issues that affect the world around us.

Myles Tierney will be remembered by his family and friends as an individual of charm who had a passion for journalism. He did his best to inform others about world events—events that other journalists were reluctant to cover because they were less glamorous or too dangerous. He lived his life-long dream: traveling the globe, informing the world. Myles Tierney was an exceptional young man who will be truly missed.

A TRIBUTE TO THE HONORABLE DR. FREDERICA WILSON, ROLE MODEL OF EXCELLENCE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mrs. MEEK of Florida. Mr. Speaker, I am pleased to have this opportunity to pay tribute to one of south Florida's distinguished daughters, the Honorable Dr. Frederica Wilson, a champion of poor and minority students. After an extended period of distinguished community service in Miami, Dr. Wilson was elected recently to the Florida House of Representatives in Tallahassee.

Prior to her election to the state legislature, Dr. Wilson was a member of the Miami-Dade County School Board and was principal of Skyway Elementary School for twelve years. Dr. Wilson earned her Bachelor's degree in Elementary Education from Fisk University, and her M.A. degree in Supervision and Administration from the University of Miami. Dr. Wilson received an Honorary Doctorate of Humane Letters from Miami's Florida Memorial College.

Dr. Wilson is the founder of the 500 Role Models of Excellence Project, providing role models, training, and workshops for minority boys in the county's public school system. Dr. Wilson has introduced many initiatives to the Miami-Dade County School Board, including the annual "Keep Me Safe" march and vigil, when time is allocated for students and the community to honor children lost due to unsafe environments.

Dr. Wilson's inventiveness knows no bounds when fostering safety for Florida's students. One of the initiatives which she introduced has been "Drug and Alcohol Awareness Fridays." And every Friday is "Say No to Drugs" Day in the public schools of Miami-Dade County.

In 1997, the 500 Role Models Project was cited by President Clinton and General Colin Powell as a leading volunteer teaching model for the nation at the President's Summit for America's Future in Philadelphia, Pennsylvania.

With other Florida leaders, such as Governor Jeb Bush, Dr. Wilson also recently participated in the sixty annual 500 Role Models of Excellence Project's Dr. Martin Luther King, Jr. Unity Scholarship Breakfast on Miami Beach in January, 1999.

While in our nation's capital to attend a White House function with First Lady Hillary Rodham Clinton, Dr. Wilson had the opportunity also to visit the Congress on February 3. I look forward to working with Dr. Wilson towards resolving the challenges facing our home state. Miami indeed is fortunate to have such a capable and devoted public servant among the ranks of its community leaders.

WASHINGTON POST EDITORIAL ON HONG KONG COURT DECISION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. BEREUTER. Mr. Speaker, this Member would ask to submit for the RECORD an important editorial that appeared in the February 10, 1999 Washington Post concerning China's negative reaction to a recent high court decision in Hong Kong. The Members of the Task Force on Hong Kong, created at your request of former Speaker Gingrich to observe and report on conditions in Hong Kong following its reversion to China, are closely monitoring these developments. Indeed, the Task Force submitted its most recent report to be printed in the February 9, 1999 CONGRESSIONAL RECORD.

It is important to note that the decision by the Hong Kong Court of Final Appeals rightly asserts that body's right to interpret Hong Kong law for the people of Hong Kong. However, very sensitive issues must still be resolved, including how to limit the number of individuals seeking permanent entry into Hong Kong and whether it is Hong Kong or Beijing that makes the final determination on that number. Most importantly, however, this Member hopes that the Beijing authorities and the Government of the People's Republic of China will be cognizant of the importance of preserving the principles of autonomy and the rule of law that underlie the prosperity and liberty of Hong Kong and its people.

Mr. Speaker, this Member asks to insert this excellent editorial in the RECORD.

"MAKE OR BREAK" IN HONG KONG

In the 19 months since Hong Kong reverted to China, the worst fears have not come true. Beijing has for the most part kept its hands off the former British colony as promised, allowing Hong Kong to manage its own affairs. Now the two entities may be approaching a crisis that determines whether Hong Kong can maintain substantive independence. It is "make-or-break time," the chairman of Hong Kong's bar association, Ronny Teng, said yesterday.

A decision by Hong Kong's highest court triggered the confrontation. The decision ostensibly concerned the rights of children born in China to at least one Hong Kong parent to settle in Hong Kong. The court said they could, even if born out of wedlock. But the significance of the decision lay elsewhere, in its legal reasoning. For the first time, the court claimed for itself the authority to interpret Hong Kong law for Hong Kong. On most matters, in other words, the final word should not rest with Beijing. And more than that: Hong Kong laws should be interpreted above all with a deference to Hong Kong autonomy and an understanding that rights and freedoms are "the essence of Hong Kong's civil society." The contrast to China's arbitrary one-party dictatorship could not have been sharper.

The decision has not sat well in Beijing. Four "legal experts" were the first to express dismay. Then Zhao Qizheng, a senior cabinet official, called the decision a mistake. Yesterday a Foreign Ministry spokeswoman in Beijing chimed in, saying the government was "closely following" the ruling.

The idea of "one country, two systems" was an experiment from the start. Trying to maintain an island of free enterprise and relative democracy within a Communist state was never going to be easy. But its success is crucial, not only to residents of Hong Kong but to China's credibility in the world and to those nations—such as the United States—that pledged to stand up for Hong Kong's freedom.

Now Beijing officials are threatening that success. Not only Hong Kong's liberty but its prosperity as well is at stake, since local and foreign companies alike will be reluctant to invest in Hong Kong if its rule of law can be compromised and superseded by party apparatchiks in Beijing. The Clinton administration should make clear that it, too, is "closely following" developments.

HONORING JOHN M. ALEXANDER, JR., FOR PUBLIC SERVICE IN THE AREA OF LEADERSHIP

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. ETHERIDGE. Mr. Speaker, I rise to call the attention of the Congress to the work of John M. Alexander, Jr. of Cardinal International Trucks, Inc. in Raleigh, North Carolina, recipient of the ATD/Heavy Duty Trucking Dealer of the Year Award honoring his outstanding leadership within the truck industry and the community. Mr. Alexander's accomplishment is particularly exceptional because his father, John Alexander, Sr., won the NADA/Time Magazine Dealer of the Year Award in 1968.

John Alexander started working sorting parts in his father's dealership when he was twelve years old. During ensuing years, he worked in various departments of the family business, climbing up the company ladder. In 1981, he became the new President and General Manager of Cardinal International Trucks. In addition to running his dealership, he also holds the position of secretary/treasurer of the UD National Dealer Council and serves as a "grassroots lobbyist" for the North Carolina Automobile Dealers Association.

John Alexander, Jr. is not only active in the truck industry, but he is also very active in his community. When Mr. Alexander is not at work he can be found raising funds for schools and local charities. His efforts helped supply Lacy Elementary School with their first computer lab. He has also shown his dedication to maintaining a strong relationship between fathers and schools by co-founding a program called the "Dad's Lunch Bunch," which also allows him time to spend with his daughters, Mary Carroll who is sixteen and Catherine McKnitt who is fourteen.

I commend Mr. Alexander for his hard work in both the Raleigh community and the truck industry. I encourage my colleagues to read the following article announcing his important work and achievement:

1998 DEALER OF THE YEAR JOHN ALEXANDER, JR.

Alexander's first job in his father's dealership was counting parts at age 12. From there he worked his way through virtually every department—service, parts, administration and sales—until becoming president and general manager in 1981.

He has been an active participant in numerous industry activities. He is secretary/treasurer of the UD National Dealer Council, a "grass roots lobbyist" for the North Carolina Automobile Dealers Assn. and serves on the technical training committee of North Carolina Industries for Technical Education.

In his community he's a tireless fund-raiser for charitable organizations and the local schools. Largely due to his efforts, one local elementary school was the first in the county to get a computer lab and computers in each classroom. He co-founded the "Dad's Lunch Bunch," a program aimed at getting fathers more involved in the schools, and is spearheading a drive to update computer technology in a local school.

HONORING THE RETIREMENT OF ROBERT JONES

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. CONDIT. Mr. Speaker, I rise today to honor the hard work and exemplary career of local industrial giant from my district in California's great Central Valley.

Robert Jones recently announced his retirement after an extraordinary career of 47 years with N.I. Industries, Inc. With the exception of only 7 months, Bob's entire career, which began in 1952, has been in manufacturing ammunition metal products. The last 25 years of his career have been in a managerial capacity. Without question, Bob's career significantly contributed to our ability to win the cold war.

Mr. Speaker, I am very proud to take a moment to reflect on Bob's career. He has proven that a young man with a willingness to work who takes responsibility for his actions can succeed and achieve the American dream. His is a story of hard work and success.

Bob ends his career at the highest level of management in his company. During his most recent position as general manager of the Riverbank Army Ammunition Plant, since 1988 he has implemented an ambitious, yet highly successful, environmental program which was recognized last year by the Department of Defense as the Nation's leader in industrial environmental remediation.

He also implemented a highly successful Armament Retooling and Manufacturing program to transform an idle manufacturing facility into inspired reuse— providing for more than a 300-percent increase in the local work force. His efforts have resulted in annual reductions in the operating budget by more than 50 percent.

Finally, Bob was instrumental in the development of the West Coast Deep Drawn Cartridge Case Facility at Riverbank to help continue to meet our Nation's munitions needs. His management skills have proven that we are indeed losing a true industrial giant.

Mr. Speaker, Bob reflects great credit on the dedication to the many men and women at the Riverbank Army Ammunition Plant and the entire 18th Congressional District.

I would like to extend my heartiest congratulations to Bob and his wife, Pat. I wish him health and happiness in his retirement years and hope he gets to enjoy the company of his three children and grandchildren. I ask that my colleagues rise with me in honoring Robert Jones in his retirement.

INTRODUCTION OF THE NATIONAL MATERIALS CORRIDOR PARTNERSHIP ACT OF 1999

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. BROWN of California. Mr. Speaker, today I want to introduce the National Materials Corridor Partnership Act of 1999. I am joined by Mr. BINGAMAN who will be introducing the same legislation in the Senate today as well.

Members of the House are aware of my long-standing interest in improving scientific and technological cooperation between the United States and Mexico. The purpose of this bill is to promote joint research in materials science between research institutions in the border region.

The shared border region between the United States and Mexico has become increasingly important to the economies of both countries. The border region is a center of manufacturing, mining, metal, ceramics, plastics, cement, and petrochemical industries. Materials and materials-related industries are a significant element of the industrial base(s) on both sides of the border, accounting for more than $7 billion in revenue on the Mexican side alone. In addition, there are more than 800 multinational "maquiladora" industries valued at more than $1 billion in the San Diego/Tijuana and El Paso/Juarez regions. These materials-related industries, providing tens of thousands of jobs in both countries, are critical to the economic health of the border region. However, these same industries, in conjunction with continued population growth, have placed severe stress on the environment, natural resources and the public health of the region.

More needs to be done to harness the scientific and technical resources on both sides of the border to address these problems. Scientific and technological advances in the development and application of materials and materials processing provide major opportunities for significant improvements in minimizing industrial wastes and pollutants. Similar opportunities exist to eliminate or minimize emissions of global climate change gases and contaminants, to utilize recycled materials for production, and to allow for the more efficient use of energy. Recognizing these opportunities, academic and research institutions in the border region of both countries, together with private sector partners, recently proposed a Materials Corridor Partnership Initiative. This initiative proposes joint collaborative efforts by more than 40 institutions to develop and promote the usage of clean eco-friendly and energy efficient sustainable materials technology in the border region. Organizations involved in the Material Corridor Partnerships Initiative include pre-eminent universities and national laboratories located on both sides of the border.

While the initiative envisions conducting a strong cooperative program between universities and national labs, private sector participation also will be an integral part of its activities. One model for such participation is the Business Council for Sustainable Development (BCSD). In addition to the BCSD model, special industrial outreach programs would be developed to aid industry in problem solving, especially related to materials limitations, environmental protection and energy efficiency. Another important element of the Materials Corridor proposal is the education and training of the next generation of researchers.

Mexican institutions strongly support this initiative and have committed seed money to implement the program among Mexican institutions. I hope that the U.S. Government will also support this proposal. To this end, I am introducing the "National Materials Corridor Partnership Act of 1999. The bill provides, among other things, authorization of $5 million for each of fiscal year 2000 through 2004 to fund appropriate research and development in support of the Materials Corridor Partnership Initiative. The monies would be used to support joint programs and would leverage support from the private sector in both countries, as well as the Government of Mexico.

I want to commend Senator BINGAMAN for his long-standing interest in improving scientific and technological cooperation between the United States and Mexico. And I look forward to working with him to realize the goals of this legislation.

I urge my colleagues to support this legislation.

INTRODUCTION OF THE FARM SUSTAINABILITY AND ANIMAL FEEDLOT ENFORCEMENT ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, today I introduced legislation to address the most important source of water pollution facing our country—polluted runoff. A major component of polluted runoff in many watersheds is surface and ground water pollution from concentrated animal feeding operations (CAFOs), such as large dairies, cattle feedlots, and hog and poultry farms. Under current Clean Water Act regulations, CAFOs are supposed to have no discharge of pollutants, but as a result of regulatory loopholes and lax enforcement at the state and federal levels, CAFOs are in reality major polluters in many watersheds. My bill, the Farm Sustainability and Animal Feedlot Enforcement (Farm SAFE) Act addresses these deficiencies.

Farm SAFE will require large livestock operations to do their part to reduce water pollution. The bill will lower the size threshold for CAFOs, substantially increasing the number of facilities that will have to contain animal wastes. It will require all CAFOs to obtain and abide by a National Pollution Discharge Elimination System (NPDES) permit. The bill improves water quality monitoring, recordkeeping and reporting so that the public knows which CAFOs are polluting. Farm SAFE addresses loopholes in the current regulatory program by requiring CAFOs to adopt procedures to eliminate both surface and ground water pollution resulting from the storage and disposal of animal waste. The bill directs EPA, working with USDA, to develop binding limits on the amount of animal waste that can be applied to land as fertilizer based on crop nutrient requirements. In addition, the bill makes the owners of animals raised at large facilities liable on a pro rated basis for pollution caused by those facilities.

Water quality in California's San Joaquin Valley has been degraded by unregulated discharges of waste from dairy farms. Contaminants associated with animal waste have also been linked to the outbreak of Pfiesteria in Maryland and the death of more than 100 people from infection by cryptosporidium in Milwaukee. Although considered point sources of pollution under the Clean Water Act, until recently little has been done at the federal or state levels to control water pollution from CAFOs.

In recent years, many family farms have been squeezed out by large, well capitalized factory farms. Even though there are far fewer livestock and poultry farms today than there were twenty years ago, animal production and the wastes that accompany it have increased dramatically during this period. And although farm animals annually produce 130 times more waste than human beings, its disposal goes virtually unregulated.

I am encouraged by recent efforts by the Department of Agriculture and the Environmental Protection Agency to address pollution from animal feedlots. Many of the solutions proposed by these agencies, such as comprehensive nutrient management plans for livestock operations and limiting the amount of animal wastes applied to land as fertilizer are nearly identical to some provisions of Farm SAFE. But the Administration's proposal does not go far enough. It lets too many corporate livestock polluters continue to escape compliance with the Clean Water Act by setting the regulatory threshold too high and by not making the owners of animals raised by contract farmers shoulder an appropriate share of the responsibility for water pollution from these operations.

Farm SAFE is very similar to legislation that I introduced last Congress. Although hearings were held in the Agriculture Committee on the issue of animal feedlots, the House took no action on my legislation, nor did the House take any other action to address pollution from animal feedlots. I hope that this Congress does not continue to ignore this growing national problem. The states are beginning to wake up, smell the waste lagoons, and take action. But they need our help in the form of uniform national standards. Much like when Congress stepped in the early 1970s to set uniform national standards for industrial pollution, similar standards are now needed for large point sources of agricultural pollution. Otherwise, the country will become a mosaic of differing levels of environmental protection, with farmers in some states, like North Carolina, disadvantaged by their states commendable aggressive actions to curb pollution from factory farms.

This legislation will restore confidence that we can swim and fish in our streams and rivers without getting sick. It will do much to address our number one remaining water pollution problem—polluted runoff. I hope the House will join me in the effort to clean up factory farm pollution.

SUBCHAPTER S REVISION ACT OF 1999

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SHAW. Mr. Speaker, today over 2 million businesses pay taxes as S Corporations and the vast majority of these are small businesses. The S Corporation Revision Act of 1999 is targeted to these small businesses by improving their access to capital, preserving family-owned business, and lifting obsolete and burdensome restrictions that unnecessarily impede their growth. It will permit them to grow and compete in the next century.

Even after the relief provided in 1996, S corporations face substantial obstacles and limitations not imposed on other forms of entities. The rules governing S corporations need to be modernized to bring them more on par with partnerships and C corporations. For instance, S corporations are unable to attract the senior equity capital needed for their survival and growth. This bill would remove this obsolete prohibition and also provide that S corporations can attract needed financing through convertible debt.

Additionally, the bill helps preserve family-owned businesses by counting all family members as one shareholder for purposes of S corporation eligibility. Under current law, multi-generational family businesses are threatened by the 75 shareholder limit which counts each family member as one shareholder. Also, nonresident aliens would be permitted to be shareholders under rules like those now applicable to partnerships. The bill would eradicate other outmoded provisions, many of which were enacted in 1958.

The following is a detailed discussion of the bill's provisions.

TITLE I—SUBCHAPTER S EXPANSION

Subtitle A—Eligible Shareholders of an S Corporation

SEC. 101. Members of family treated as one shareholder—All family members within seven generations who own stock could elect to be treated as one shareholder. The election would be made available to only one family per corporation, must be made with the consent of all shareholders of the corporation and would remain in effect until terminated. This provision is intended to keep S corporations within families that might span several generations.

SEC. 102. Nonresident aliens—This section would provide the opportunity for aliens to invest in domestic S corporations and S corporations to operate abroad with a foreign shareholder by allowing nonresident aliens (individuals only) to own S corporation stock. Any effectively-connected U.S. income allocable to the nonresident alien would be subject to the withholding rules that currently apply to foreign partners in a partnership.

Subtitle B—Qualification and Eligibility Requirements of S Corporations

SEC. 111. Issuance of preferred stock permitted—An S corporation would be allowed to issue either convertible or plain vanilla preferred stock. Holders of preferred stock would not be treated as shareholders; thus, ineligible shareholders like corporations or partnerships could own preferred stock interests in S corporations. A payment to owners of the preferred stock would be deemed an expense rather than a dividend by the S corporation and would be taxed as ordinary income to the shareholder. Subchapter S corporations would receive the same recapitalization treatment as family-owned C corporations. This provision would afford S corporations and their shareholders badly needed access to senior equity.

SEC. 112. Safe harbor expanded to include convertible debt—An S corporation is not considered to have more than one class of stock if outstanding debt obligations to shareholders meet the 'straight debt' safe harbor. Currently, the safe harbor provides that straight debt cannot be convertible into stock. The legislation would permit a convertibility provision so long as that provision is substantially the same as one that could have been obtained by a person not related to the S corporation or S corporation shareholders.

SEC. 113. Repeal of excessive passive investment income as a termination event: This provision would repeal the current rule that terminates S corporation status for certain corporations that have both subchapter C earnings and profits and that derive more than 25 percent of their gross receipts from passive sources for three consecutive years.

SEC. 114. Repeal passive income capital gain category—The legislation would retain the rule that imposes a tax on those corporations possessing excess net passive investment income, but, to conform to the general treatment of capital gains, it would exclude capital gains from classification as passive income. Thus, such capital gains would be subject to a maximum 20 percent rate at the shareholder level in keeping with the 1997 tax law change. Excluding capital gains also parallels their treatment under the PHC rules.

SEC. 115. Allowance of charitable contributions of inventory and scientific property—This provision would allow the same deduction for charitable contributions of inventory and scientific property used to care for the ill, needy or infants for subchapter S as for subchapter C corporations. In addition, S corporations would no longer be disqualified from making 'qualified research contributions' (charitable contributions of inventory property to educational institutions or scientific research organizations) for use in research or experimentation. The S corporation's shareholders would also be permitted to increase the basis of their stock by the excess of deductions for charitable contributions over the basis of the property contributed by the S corporation.

SEC. 116. C corporation rules to apply for fringe benefit purposes—The current rule that limits the ability of "more-than-two-percent" S corporation shareholder-employees to exclude certain fringe benefits from wages would be repealed for benefits other than health insurance. Under this bill, fringe benefits such as group-term life insurance would become excludable from wages for these shareholders. However, health care benefits would remain taxable to the extent provided for partners.

Subtitle C—Taxation of S Corporation Shareholders

SEC. 120. Treatment of losses to shareholders—A loss recognized by a shareholder in complete liquidation of an S corporation would be treated as a ordinary loss to the extent the shareholder's adjusted basis in the S corporation stock is attributable to ordinary income that was recognized as a result of the liquidation. Suspended passive activity losses from C corporation years would be allowed as deductions when and to the extent they would be allowed to C corporations.

Subtitle D—Effective Date

SEC. 130. Effective date—Except as otherwise provided, the amendments made by this Act shall apply to taxable years beginning after December 31, 1999.

Mr. Speaker, I urge my fellow members to review and support the S Corporation Revision Act, which will help families pass their businesses from one generation to the next and create a level playing field for small business. I look forward to working with my colleagues on the Ways and Means Committee to enact this bill.

IN MEMORY OF REVEREND DAVID LEE BRENT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Reverend David Lee Brent of Jefferson City, Missouri.

Reverend Brent was born on June 27, 1929, in Forest City, Arkansas, the son of Will B. and Annie Mae Foreman Brent. A 1946 graduate of Benton Harbor High School, he graduated form Moody Bible Institute of Chicago, in 1957. He received his master's degree and a doctor of theology degree from Southern Baptist Theological Seminary in Georgia.

Reverend Brent served on the St. Louis Council on Human Rights, served several churches in Missouri, was co-paster of Second Christian Church, Jefferson City, MO, and was a licensed insurance agent. He was the chief human relations officer for the Missouri Department of Mental Health of 28 years.

Reverend Brent was a leader in the community, in his church, and in the local National Association for the Advancement of Colored People (NAACP). Two years ago, he became the president of the NAACP in Jefferson City. Shortly after taking the helm, he was instrumental in the formation of a city task force to study racial tensions in the public schools. Reverend Brent was the co-founder of Christians United for Racial Equality and the Black Ministerial Alliance. Reverend Brent was also a member of Tony Jenkins American Legion Post 231.

I know the House will join me in extending heartfelt condolences to his family: his wife, Estella; his two sons, five daughters, one brother, three sisters, six grandchildren, and three great-grandchildren.

LAND TRANSFER FOR SAN JUAN COLLEGE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. UDALL of New Mexico. Mr. Speaker, today I introduce legislation, which is being co-sponsored by my colleague from New Mexico, HEATHER WILSON, that will transfer a parcel of federal property to San Juan College. This transfer will benefit the people of San Juan County, New Mexico—specifically the students and faculty of San Juan College. This legislation creates a situation in which all benefit by allowing the transfer of an unwanted federal land to an educational institution which can use it. Mr. Speaker, this is a companion bill to a bill that has already been introduced in the other chamber on January 21, 1999. The other bill was introduced by Senator DOMENICI and is also co-sponsored by Senator BINGAMAN, both of New Mexico.

This legislation provides for the transfer by the Secretary of Agriculture and the Secretary of Interior of real property and improvements at an abandoned and surplus ranger station for the Carson National Forest to San Juan College. This site is located in the Carson National Forest near the town of Gobernador, New Mexico. The site will continue to be used for public purposes, including educational and recreation purposes by San Juan College.

Mr. Speaker, the Forest Service has determined that this site is of no further use because the Forest Service has moved its operations to a new administrative facility in Bloomfield, New Mexico several years ago. Transferring this site to San Juan College would protect it from further deterioration.

In summary, this bill creates a situation in which all benefit: the federal government, the State of New Mexico, the people of San Juan County, and most importantly, the students and faculty of San Juan College. Since this legislation enjoys bipartisan support from the New Mexico delegation, I look forward to prompt consideration and passage of this legislation.

CLEVELAND HOMELESS PROJECT LOSES FUNDS FROM HUD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to expose a great injustice that has been committed by a federal agency against a needy population in the Cleveland metropolitan area. The victims of this injustice are homeless men who are struggling to get back on their feet and put their lives together. And the perpetrator of this injustice is the U.S. Department of Housing and Urban Development (HUD).

I have an increasing interest in the activities of HUD, given my experience with the agency over the past two years. I find dealing with HUD as a Member of Congress to be a most frustrating experience, and I must imagine the frustration felt by our constituents, who do not occupy a seat in Congress, with the agency. Indeed, HUD is a disappointment. It represents why many Americans have lost confidence in their federal government.

Today I enter into the CONGRESSIONAL RECORD a collection of letters and newspaper articles that document the following situation in Cuyahoga County.

The Department of Housing and Urban Development recently refused to provide continued funding to a very worthy program for homeless men in Cleveland because of a "technical" mistake. This decision has been appealed, and HUD has summarily rejected the appeal.

Since 1995, the Salvation Army in Cleveland has operated an innovative program—the PASS Program—that helps homeless men by providing a place for them to live (for up to 12 months) while they put their lives back together. The program provides counseling, job training and transition skills. The program is one component of an entire "continuum of care" services that are coordinated by the Cuyahoga County Office of Homeless Services. The city and the county have developed an excellent system in which government officials and community organizations work together to develop a comprehensive response to the homeless problem in the metropolitan area. The County considers the Salvation Army program as their highest priority for funding.

As an innovative effort, the PASS Program received demonstration project funds from HUD for several years. By the time they applied for another year of funding—a request of $1.5 million to support their program—this particular HUD demonstration program had been terminated. The County and the Salvation Army realized that this had happened, and contacted the appropriate HUD office in Columbus, Ohio to seek guidance.

County staff asked HUD staff whether their program would be considered a "New" program or a "Renewal." According to the County, HUD staff did not respond one way or another. So the applicant assumed that this would be considered a Renewal, and completed the paperwork accordingly. The application was submitted to HUD in Washington, and became one of 2,600 projects that sought funding.

On December 23, 1998, when the President announced homeless grants across the country, Northeast Ohio received $9.4 million for a variety of HUD programs by various community-based organizations. Cleveland officials were shocked to learn that the PASS Program—their top priority—would not be funded. When contacted for an explanation, HUD officials explained that they could not consider the program because the applicant had committed a "technical error" and submitted the wrong form.

When I met personally with top HUD officials, I was told that the reason this program was not funded was because the applicants had submitted the wrong budget form. The wrong budget form! Therefore, HUD could not consider the proposal and could not tell the applicant that this error had been made until after all of the grants had been announced. This is a great injustice, Mr. Speaker, and I urge the Congress to investigate this and other examples of abuses at HUD.

The following documentation includes letters from the Northeast Ohio Coalition for the Homeless and Cuyahoga County Commissioners Tim McCormick, Jane L. Campbell and Jimmy Dimora.

NORTHEAST OHIO COALITION
FOR THE HOMELESS,
Cleveland, OH, December 24, 1998.

Secretary ANDREW CUOMO,
Department of Housing and Urban Development, Washington, DC.

Dear Secretary CUOMO: As a member of the Cleveland/Cuyahoga Continuum of Care process, we once again want to register our strongest dissatisfaction with the federal funding process conducted by the Department of Housing and Urban Development. The Coalition is a collaboration of homeless people, members, and advocates. We spent a great deal of staff time and energy in getting the opinions and "expert" testimony of homeless people to be a part of the process. We staged regular meetings with those on the streets to develop a priority list of gaps in the community, and then compiled that information for the HUD application. The two projects that were skipped by officials in HUD Washington were two important projects for the community.

This is the third year in a row that Cleveland/Cuyahoga County has seen the priorities of the community disregarded by officials in Washington and valuable resources that were intended to get homeless people into stable housing were denied our community. Again, we ask if your agency is being faithful to the Congressional mandate to return control of these funds to the local community? It is disingenuous to champion local control and yet every year discard the priorities of the local Continuum of Care coordinating body. We would have hoped that HUD would have gone to great lengths to fund a project like the Salvation Army's PASS program, which was deemed by the Continuum of Care committee as Cuyahoga County's highest priority for funding of Recovery Resource's project which was our second highest rated new project.

We were unhappy with the process last year, and did not see any relief from the appeal process. This year the situation demands your prompt attention. This year we were denied funding for a program that currently exists in the community which was developed as the foundation for the services to single men. You will see Cleveland/Cuyahoga County back significantly in addressing the needs of homeless men by withdrawing funding from the PASS program. The other program, submitted by Recovery Resources, was an attempt to provide assistance to people coming out of treatment to maintain sobriety by funding a stable living environment. This is critical especially in light of the recent report by the National Coalition for the Homeless which found homeless people, in many cases, leave treatment and are forced to return to the streets and the drug and alcohol culture.

We once again renew our call for some changes in the HUD Continuum of Care process in Washington so that the local coordinating body actually makes the decisions on where Federal funds are disbursed in Cuyahoga County. We ask that the priorities of the local community including homeless people be respected. There needs to be communication between HUD and the applicant before there is a public announcement if one of the projects that the community has deemed to be a high priority is to be skipped. We also believe that there should be a separate application process and deadline for renewal projects that does not overlap with the new or expanding project's applications so that locally, one committee can evaluate the impact of existing projects, and another entity can work on priorities for new or expanded projects.

You said in your press conference that the Continuum of Care has been successful because it brings together non-profit groups, the private sector and local and state government in a partnership to design local programs to help homeless people to become self sufficient. In Cleveland, we have worked tirelessly to put in place this collaboration and expanded it to include homeless people in the process and yet we have repeatedly seen HUD discard our recommendations. We cannot build an effective continuum of care if our priorities are ignored by HUD Washington.

Sincerly,

BRIAN P. DAVIS,
Executive Director.

[From the Cleveland Plain Dealer, Dec. 24, 1998]

FEDERAL FUNDING CUT FOR HOMELESS PROGRAM IN CUYAHOGA COUNTY

(By Stephen Koff)

WASHINGTON.—President Clinton yesterday announced $850 million for groups across the country that help homeless people, including $9.4 million for Northeast Ohio, but the program ranked as most important by Cuyahoga County was cut from federal funding.

Salvation Army's PASS program in Cleveland, which helps homeless men with shelter, counseling, job training and transition skills, will have to close if the Clinton administration does not change its mind, said Bill Bowen, director of professional and community services for Salvation Army of Greater Cleveland.

Neither the Salvation Army nor advocates who sent the application for funding could understand why PASS (which stands for Pickup, Assessment, Shelter and Services) did not get the $1.5 million it requested.

But Sandi Abadinsky, a spokeswoman for the U.S. Department of Housing and Urban Development, said PASS was rejected because it previously was funded as a demonstration, or tryout, program, getting seed money in 1995. Such programs cannot assume their funding will continue when their tryout is over.

"They knew when they were receiving the funding that they were receiving seed money," Abadinsky said.

Brian Davis, executive director of the Northeast Ohio Coalition for the Homeless, who helped coordinate the applications sent by Cuyahoga County, said PASS should have qualified under HUD's Continuum of Care grants.

They reward efforts to stabilize the lives of homeless people through assessment, counseling, training and transition into housing.

Despite HUD's insistence otherwise, Davis said homeless advocates understood from HUD that continuing projects like PASS could still get money by applying under Continuum of Care.

The $1.5 million in the application represented PASS' entire budget, Bowen said. "We'll probably have to close the program" without the grant, he said. "But I'd rather not be gloom and doom about that."

Cuyahoga County homeless advocates plan to appeal the rejection, and Bowen said he would talk to officials this weekend to see about getting the funding.

Groups that got HUD funding in Cuyahoga County are: Transitional Housing, Inc., $360,583; Care Alliance, $1.6 million; Volunteers of America, $629,103; Continue Life, $235,302; Family Transitional Housing, $111,542; YMCA of Greater Cleveland's Y-Haven 1, $244,307; Cuyahoga Metropolitan Housing Authority, $529,714; Mental Health Services Inc., $835,026; EDEN Inc., $244,954; Joseph's Home, $1.029 million; Hitchcock Center for Women, $764,073; Cornerstone Connection, $150,472; Inter-Church Council of Greater Cleveland, $524,194; YWCA of Cleveland, 111,522; and East Side Catholic Shelter, $522,162.

The funding will help Transition Housing with planning for treatment and shelter programs for the 64 women who participate at any given time, said director Kathleen Fant. "It's to help these women get on their feet again, and stay there," she said.

"This is definitely the kind of news I like to hear," said Don See, executive director of East Side Catholic Shelter, who like most of the others had not been notified by HUD of its awards yesterday.

HUD Secretary Andrew Cuomo yesterday said 460 communities submitted applications representing 2,600 programs or projects. Of those, HUD awarded 307 applications with 1,400 projects.

Besides the program grants, HUD announced grants for emergency shelter: $300,000 for Akron, $1.08 million for Cleveland, $91,000 for Lakewood and $115,000 for Cuyahoga County.

[From the Cleveland Plain Dealer, Jan. 11, 1999]

LOSS OF FUNDS JEOPARDIZES SHELTER

(By James F. Sweeney)

A technical mistake in an application for federal funding could lead to the closing of a Cleveland homeless shelter.

"It's heartbreaking," said Sandi Abadinsky, spokeswoman for the U.S. Department of Housing and Urban Development in Washington.

HUD last month rejected a Salvation Army of Greater Cleveland application for $1.5 million to keep its PASS homeless shelter open for three years. The Cleveland/Cuyahoga County Office on Homeless Services, which prepared the application, asked for funding under the wrong program, Abadinsky said.

The shelter, which houses 47 men in a building behind Salvation Army headquarters on E. 22nd St., has been praised in its two years of operation for its innovative approach in breaking the cycle of homelessness.

"This program has seen me through a lot of disturbances in my life," said Clyde Owens, a resident of the PASS program for 16 months. "If they want to shut this down, I feel sorry for the next man."

PASS stands for Pickup, Assessment, Shelter and Services.

Local officials expressed surprise and anger that a technicality could endanger the shelter.

The Office on Homeless Services should have been given the chance to correct the mistake, said Brian P. Davis, executive director of the Northeast Ohio Coalition for the Homeless.

"We'll keep working on it," said William V. Bowen Jr., director of professional and community services for the Salvation Army. "We'll appeal."

Ruth Gillett, director of the homeless services office, could not be reached for comment late Friday.

While city and county officials appeal the decision, Salvation Army directors will meet over the next weeks to decide what to do. Federal funding ran out at the beginning of the month, and the shelter is counting on a promised $133,000 from the city to stay open through March.

The failure to get the grant shocked Salvation Army officials last month. They have suspended a two-year search for a larger building in which to expand the program and are scrambling to save what they have.

PASS is not like other shelters, where the goal is to keep the homeless alive by providing a warm place to sleep and something to eat.

It is home for residents for three months to a year or more, as long as it takes them to get their lives under control, to find jobs and save enough money to rent places of their own.

The residents, many of whom are chronically homeless, are given a range of services.

Those with drug and alcohol problems are sent to detox centers. Counselors and tutors are brought in. The staff helps residents open savings accounts and find jobs and permanent housing.

All the Salvation Army asks is that the men be willing to change.

From its start in October 1997 to Sept. 31, 1998, 117 men were discharged from the program, 60 of whom were placed in permanent housing, according to Salvation Army figures. Thirty-nine of the 60 were still in housing as of last October.

"Those are pretty good numbers, given the population they're working with," said Bill Faith, executive director of the Coalition on Homelessness and Housing in Ohio, a Columbus-based advocacy group.

Some residents volunteer to help on the food and clothing van the Salvation Army sends out nightly to homeless gathering sites. Others staff donation kettles, sometimes to help drive aggressive panhandlers out of a neighborhood.

Faith's high opinion of the program was shared by a local committee that advises HUD on which projects should be funded. Continuing the Salvation Army program was its top recommendation.

HUD awarded a total of $9.4 million for homeless programs in Northeast Ohio.

HUD spokeswoman Abadinsky said the Office on Homeless Services applied for renewal funding under a program that no longer exists. It should have applied as a new program for another source of funding, she said.

"They just didn't do it 100 percent correctly, and that's why they weren't eligible," Abadinsky said.

HUD rules do not allow the agency to notify applicants of mistakes in their applications, she said.

Though the Salvation Army must wait a year before applying for more funding, it could look for money from $1.2 million in emergency shelter funding awarded by HUD to the city and county, Abadinsky said.

Davis, of the Northeast Ohio Coalition for the Homeless, said shifting those funds would hurt other homeless programs.

"If we were to take funding from another source from HUD, that would close another shelter," he said. "Do you want to take money from the domestic violence shelters and keep open PASS?"

County commissioners said they are determined to save the program.

"It appears to me we have heard a bureaucratic reaction rather than a compassionate reaction," said Commissioner Jane Campbell. "This is a time when we need a creative response from HUD."

She and Commissioner Timothy McCormack said they would look for other funding if HUD does not change its mind.

"It is of the utmost importance to me," McCormack said.

Commissioners have sent a letter to HUD Secretary Andrew Cuomo asking him to reconsider and fund PASS.

City officials, who have lobbied for HUD funding for the program, did not return phone calls.

Palmer Mack, 55, joined PASS in mid-October after losing his apartment and his job. Heart disease keeps him attached to an oxygen tank, the tubes running under his nose and over his ears.

Mack said the program had saved his life. Shutting the shelter would be a tragedy, he said.

"This is really like the Rolls-Royce of this kind of program," he said.

CUYAHOGA COUNTY OF OHIO,
January 21, 1999.

Re Appeal of 1998 Supportive Housing Program Decision.

FRED KARNAS,
Assistant Secretary, Department of Housing & Urban Development, Washington, DC.

DEAR MR. KARNAS: Thank you for your communication with us as well as that of others who have contacted you on behalf of Cleveland's homeless population. We write this to respectfully and in a formal manner on appeal HUD's rejection of the Number One ranked project in Cuyahoga County, Ohio 1998 Supportive Housing Program (SHP) application.

Cuyahoga County, Ohio is the Applicant for this project, the Salvation Army of Greater Cleveland is the Project Sponsor and the name of the Project is the PASS Program (Pick-up, Assessment, Services, and Transitional Shelter). Our staff consulted with your Columbus, Ohio office in preparing the 1999 application. We forwarded the application based on this guidance and on communication between Secretary Andrew Cuomo and Mayor Michael White. We were surprised to learn of this vital project's rejection based on a technicality. We now want to work with you to resolve this problem.

We have been advised by staff of your office, that the Project was rejected for the following reason: "The Project was submitted under the wrong component of the application. Specifically, it was submitted as a RENEWAL Project, as opposed to a NEW Project."

The basis of this appeal rests on the argument that our staff preparing the application sought technical assistance from HUD Columbus staff, and were not advised that they were applying under the wrong component.

Cuyahoga County staff, through the Cleveland/Cuyahoga County Office of Homeless Services (OHS), work closely with City of Cleveland, Community Development staff to develop and coordinate a coherent Continuum of Care strategy for homeless services in the community. The OHS is administratively housed within the County governmental structure, however, the City of Cleveland shares the operating costs of the Office.

In the Spring of 1998, Mayor Michael White wrote to Secretary Cuomo stating that the community understood that Innovative Homeless Demonstration Program (IHDP) projects were not eligible for renewal from that source. Mayor White's letter explained the importance of the PASS project to the Continuum of Care strategy for addressing the needs of the chronically homeless male population. Mayor White went on to ask if the upcoming Super NOFA (Notice of Fund Availability) would offer an opportunity for continued HUD support for the PASS Program.

Secretary Cuomo's response, quoted herein, was ". . . unfortunately there are no IHDP funds available to renew your project. However, two other sources are possibilities for funds. First, the Supportive Housing program (SHP) could be a source of funds. . . ." Later in the same paragraph, Secretary Cuomo states, "While SHP grants are commonly for new activities, funds can also replace the loss of nonrenewable funding from private, federal, or other sources not under the control of State or local government."

The letter does not direct the community to apply as a New project. Local interpretation of the information was that while the PASS Program could not be renewed through IHDP funds, eligible program activities could be renewed through the Supportive Housing Program. Given staff awareness of the prohibition against submitting existing projects for New funding through the SHP, that a Renewal was being suggested is the only interpretation staff would have made. Unless the letter had stated clearly that the project should be submitted as NEW, staff would not have pursued that approach. At no time was the community ever informed by the Columbus HUD Office that our approach was incorrect.

The Office of Homeless Services has prepared the application from Cleveland/Cuyahoga County every year since 1994. In 1998, the final application included 18 projects. The process to develop and complete the application included: establishing a representative, Ad Hoc committee to oversee the application process, holding community meetings to identify and rank gaps in services, a community review and ranking, of the existing projects which were seeking renewal, providing technical assistance to agencies submitting renewal or new projects, review and ranking of all new projects, final assembly and submission of the application.

Because the County is the Applicant for the PASS Project, there was further, direct communication with the Columbus HUD Office concerning filling out Sections of Exhibit 2. Again, let us be clear that the County was proceeding with the Exhibit as a RENEWAL. Section D. of Exhibit 2 asks that the applicant indicate the Program Component. Cuyahoga County checked the Renewal box. Section E follows with the parenthetical note ". . . To be completed for new projects only". As a Renewal applicant, the County followed this directive and went on to the next applicable Section.

While filling out Section J. the Renewal Budget, staff called the Columbus HUD Office for assistance. The original IHDP awards were not broken out according to the SHP budget categories of Supportive Services/Operating/etc. Staff specifically asked for direction in formatting the IHDP budget onto the Renewal Budget Form. HUD staff indicated that they didn't know how to do this. They never indicated that the wrong Budget Form was being used.

Without an immediate response from HUD as to the "right" way to do something, and with the application deadline approaching, staff formatted the information according to the understanding staff has as to HUD's definitions of what constitutes Supportive Services and Operating costs. This information was faxed to the HUD Columbus Office with a request for a response. When a response was not received, staff assumed that either the proposed format was acceptable, or that if it was not exactly correct, it could be corrected during the Technical Submission process.

In the course of developing this appeal, it has been suggested that HUD staff are prohibited from providing technical assistance to applicants once the Notice of Fund Availability (NOFA) has been published. Clearly, HUD cannot write applications for agencies. However, advising that an incorrect form is being utilized would seem to fall into a category of "general information". Moreover, there has been a practice by the HUD Columbus staff to assist applicants in clarifying application related questions.

It has been the experience of this community that HUD staff are dedicated professionals, who see their role as facilitating community planning efforts. Regardless of the outcome of this appeal, we will continue to build a partnership with HUD to promote this objective.

We look forward to hearing from you at your earliest convenience.

Sincerely,
TIM MCCORMACK, *President,*
JANE L. CAMPBELL,
JIMMY DIMORA,
Cuyahoga County Board of Commissioners.

WHAT AETNA ISN'T TELLING YOU ABOUT THE GOODRICH CASE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. STARK. Mr. Speaker, in recent weeks, Aetna has sent Members' offices criticisms of a recent California court case in which a jury has awarded $120 million to a widow for the economic loss and pain and suffering caused by the Aetna HMO's treatment of her husband, David Goodrich. Aetna is saying the facts do not support—and argue against—allowing HMO members to sue their HMO.

Ex parte communications about a lawsuit—and Aetna says it is appealing—are always questionable.

Aetna, of course, has a ton of money to lobby Congress. The Goodrich family has no Washington lobbyist. Therefore, I asked the Goodrich attorney to comment on Aetna's mailing to us.

Guess what? There is another side to the story.

Following is a side-by-side prepared by the plaintiffs. Also, I am including in the RECORD a press release from California's Consumers for Quality Care, which makes the excellent point that the CEO of Aetna, who loves to write long editorials about quality, has thrown a temper tantrum, blaming the "not intelligent enough" jurors. It would be far better for him to look within to the quality of his operations. Is this really the kind of CEO we would want as head of the nation's largest health insurance company?

AETNA MISLED CONGRESS ABOUT FACTS OF GOODRICH CASE: INVESTIGATIONS, WITHDRAWAL OF FEDERAL CONTRACTS CALLED FOR

BOARD OF AETNA ALSO ASKED TO FIRE C.E.O. HUBER OVER REMARKS

Consumers For Quality Care, the national health care watchdog group, today called upon Congress to convene hearings and suspend Aetna's government contracts over the HMO's attempts to mislead Congress about the facts of the landmark *Goodrich vs. Aetna* case in order to prevent HMO reform.

Aetna recently sent a statement to Congress distorting the facts of the case, in which a San Bernardino jury issued a $120 million rebuke of the HMO's conduct toward District Attorney David Goodrich. Goodrich died of stomach cancer after a two and one half year ordeal trying to get Aetna to approve cancer treatment recommended by his Aetna doctors.

In a letter to members of the United States House of Representatives and Senate today, Consumers For Quality Care urged action against Aetna because "Aetna's conduct . . . shows a contempt both for the Court, the American justice system and for Congress." A point-by-point refutation of Aetna's statement to Congress about the case, based on the court record, was also released. (Available upon request)

"We intend to make a federal case out of Aetna's misrepresentations and remorseless defiance of the civil jury and their authority," said Jamie Court, director of Consumers For Quality Care, a health care project of the Foundation for Taxpayer and Consumer Rights. "It should be federal case when the nation's largest HMO misleads Congress and thumbs its nose at the civil justice system. Aetna's defiance of civil society's dictates should bolster the case for giving to all patients the right to sue that Mrs. Goodrich has."

The Goodrich case exposed the disparity in federal law between government workers, like the Goodrich family, who can sue their HMO and private sector workers, who are prevented from suing for damages unless Congress changes the Employee Retirement Income Security Act of 1974 or ERISA.

HUBER SHOULD BE FIRED

Consumers For Quality Care also wrote Aetna's Board of Directors asking it to fire Chief Executive Officer Richard Huber over his remarks attacking Goodrich's widow.

Huber responded in the Hartford Court to the verdict. "This is a travesty of justice. You had a skillful ambulance-chasing lawyer, a politically motivated judge and a weeping widow." Later, a Los Angeles Times columnist reported, "he [Huber] expanded his complaints, telling me that juries are customarily not intelligent enough to consider complicated contractual issues and that this one in particular was too ill-informed, as a result of the judge's evidentiary rulings, to render a sound verdict."

"We have been astounded at your Chief Executive Officer's lack of remorse over the handling of David Goodrich's care and ask you to act immediately to remove him," wrote Court. "If Aetna is dedicated to making things better for patients, Mr. Huber does not belong as your C.E.O. The true travesty of justice would be if Mr. Huber remains at the helm of Aetna and company policy continues to be indifference to its dying patients and to juries that condemn such policies."

The Foundation for Taxpayer and Consumer Rights is a tax-exempt, nonprofit, nonpartisan organization dedicated to advancing and protecting the interests of consumers and taxpayers.

THE FOUNDATION FOR TAXPAYER
AND CONSUMER RIGHTS,
Santa Monica, CA, February 9, 1999.

THE TRUE TRAVESTY OF JUSTICE,
AETNA INC.,
Hartford, CT.

DEAR MEMBERS OF THE BOARD OF DIRECTORS: The origin of change is regret. We have been astounded at your Chief Executive Officer's lack of remorse over the handling of David Goodrich's care and ask you to act immediately to remove him.

As you may know, Goodrich, a district attorney who risked his life by prosecuting gang violence, died of stomach cancer after a two and one-half year ordeal trying to get Aetna to approve cancer treatment recommended by his Aetna doctors. A San Bernardino County jury issued a $120 million rebuke of your company's handling of Goodrich's treatment.

Unfortunately, your C.E.O., Richard Huber, responded to the verdict without remorse: "This is a travesty of justice. You had a skillful ambulance-chasing lawyer, a politically motivated judge and a weeping widow." (The Hartford Courant, January 22, 1999)

Does Mr. Huber really deny the right of a widow to weep for her husband?

Later, a Los Angeles Times columnist reported, "he [Huber] expanded his complaints, telling me that juries are customarily not intelligent enough to consider complicated contractual issues and that this one in particular was too ill-informed, as a result of the judge's evidentiary rulings, to render a sound verdict." (Kenneth Reich, "Verdict Against Aetna Is An Omen Of Clash Over HMOs," Los Angeles Times, Thursday, January 28, 1999, p. B5.)

Is Aetna really this contemptful of the civil justice system and its ethic of responsibility, or are these Mr. Huber's own views?

We had hoped that $116 million in punitive damages might be enough to cause Aetna to reconsider how it deals with patients like David Goodrich. The message from the jury was that Aetna must do better. But Mr. Huber's remarks suggests that in the future Aetna's patients will get no better treatment at Aetna than David did.

The Goodrich jury felt that Aetna did not respond quickly when a patient's life hung in the balance and that Aetna ignored its own doctors' recommendations for Mr. Goodrich's care. In one instance, it took Aetna four months to approve high-dose chemotherapy and Goodrich could no longer benefit. Company and industry standards claim a 24 to 48 hour turn-around time.

Is this the appropriate standard of care at Aetna?

When it was clear Mr. Goodrich could wait no longer, Goodrich's doctors ultimately acted without approval. The public servant died believing he had left his wife with $750,000 in medical bills. While Aetna claimed, in a letter for Congress, that the treatment was paid for by "another insurance company," in fact the taxpayers picked up the bill. Mrs. Goodrich was a Yucaipa school teacher and the school district paid $500,000 of David's bills, only under the threat of litigation and with the understanding the cost would be repaid out of any Aetna verdict.

If Aetna is dedicated to making things better for its patients, Mr. Huber does not belong as your C.E.O. The true travesty of justice would be if Mr. Huber remains at the helm of Aetna and company policy continues to be indifference to its dying patients and to juries that condemn such policies.

We urge you to remove Mr. Huber as a signal that pro-patient reforms at Aetna will be forthcoming and that no other family will have to endure what the Goodrich family has.

Sincerely,

JAMIE COURT.

THE FOUNDATION FOR TAXPAYER
AND CONSUMER RIGHTS,
Santa Monica, CA, February 9, 1999.

AETNA HAS MISLEAD CONGRESS & THE PUBLIC

DEAR MEMBER OF CONGRESS: Attempting to stymie HMO reform, Aetna, the nation's largest HMO, has misled you in a recent communique defending its treatment of cancer patient David Goodrich. The San Bernardino County district attorney died after a two and one half year ordeal trying to get Aetna to approve cancer treatment recommended by his Aetna doctors. Goodrich died believing he had left his wife with $750,000 in medical bills. A San Bernardino County jury awarded $120 million in the case—including $116 million in punitive damages for malice and oppression—to the widow.

Attached is a detailed refutation, based on court records, of Aetna's false and misleading statements to you. We urge you to immediately convene hearings regarding Aetna's conduct in this matter, which shows a clear contempt both for the Court, the American justice system and for Congress.

As you know, 125 million Americans with private sector, employer-paid health care cannot sue their HMOs for damages due to the Employee Retirement Income Security Act of 1974 or ERISA. Aetna's remorseless conduct bolsters the case for reforming ERISA and allowing all patients the same right to sue that government workers, like the Goodrich family, now have. Aetna has yet to accept the message that the Goodrich jury sent—that it must respond more quickly to its patients and defer to its doctors' recommendations. Civil remedies for all patients are clearly needed to force Aetna to behave more responsibly.

In his remarks in the Hartford Courant, Aetna's C.E.O. Richard Huber responded to the verdict: "This is a travesty of justice. You had a skillful ambulance-chasing lawyer, a politically motivated judge and a weeping widow." In fact, the judge was a former insurance defense attorney. Aetna's own lawyers' questioning caused Mrs. Goodrich to cry on the stand. The family's attorney was also a long-time friend of Mr. Goodrich who only took the case at the behest of the head San Bernardino District Attorney, who himself could not compel Aetna to pay for Goodrich's treatment.

Later, a Los Angeles Times columnist reported, "he [Huber] expanded his complaints, telling me that juries are customarily not intelligent enough to consider complicated contractual issues and that this one in particular was too ill-formed, as a result of the judge's evidentiary rulings, to render a sound verdict."

Aetna's lack of remorse and the unwillingness to accept responsibility in this case is a symptom of the company's larger defiance of civil society's mandates. Such a company should not be entitled to federal contracts. We urge you to investigate Aetna's handling of this matter and are ready to assist.

Sincerely,

JAMIE COURT.

THE GOODRICH CASE: THE TRUE FACTS THAT AETNA DIDN'T TELL YOU[1]

Aetna's false and misleading statement:	The truth (court records show):
The statements attributed to the plaintiff's attorney in press coverage give an incorrect impression of the facts in the Goodrich case. The pertinent facts are.	The facts given by the plaintiff's attorney in the press coverage were the same facts that the jury heard, the same facts that the judge—who was formerly a partner in an insurance defense firm—allowed the jury to hear after repeated consideration of Aetna's motions regarding the evidence, and the same facts that led the jury to believe that Aetna would not listen unless the punitive damages imposed on it were sufficiently high.
In June 1992, Mr. Goodrich sought emergency medical treatment after collapsing at work. He was admitted to the hospital and treated. Although the hospital was not in his Aetna HMO network, Aetna paid the bills due to the emergency nature of the treatment.	Aetna's statement that it "paid the bills" for David's emergency treatment despite the fact that "the hospital was not in his Aetna HMO network" is a clumsy attempt to make it sound as though Aetna was doing David a favor by paying for his emergency care and, to that extent, is patently misleading: Under both federal and California law, Aetna was required to pay for all emergency treatment received by a member, including David, whether the treatment was provided at a network facility or not. And, notably, Aetna did not approve that payment until September 4, 1992—three months after the charges were incurred.
Mr. Goodrich's primary care physician, Dr. Richard Brown, referred him to a specialist, Dr. Joseph Dotan, who performed surgery on June 25, 1992 to remove a mass from Mr. Goodrich's stomach. This procedure was covered by Aetna. A biopsy revealed Mr. Goodrich had a rare form of stomach cancer.	Again, Aetna's statement implies that it did David a favor by paying for Dr. Dotan's surgery bills. In fact, Dr. Dotan was an in-plan, network provider under contract to Aetna. Aetna was required under Aetna's contract with Primecare Medical Group of Redlands, the medical group David was assigned to to pay for that treatment.
On July 28, Dr. Dotan referred Mr. Goodrich to an out-of-network hospital, City of Hope, for a consultation regarding his cancer. Aetna approved the out-of-network referral, and Mr. Goodrich scheduled an appointment at City of Hope for Sept. 3, 1992.	There are many problems with Aetna's statement on this issue: Dr. Dotan, David's in-plan surgical oncologist told David and his wife, Teresa, that David's form of cancer was very rare and he did not have "vast experience" with it. Dr. Dotan submitted David's case to the Redlands Community Hospital Tumor Board, the Chairman of which was also an Aetna in-plan oncologist. The Chairman of the Tumor Board also concurred that David's cancer was very rare and expressed the opinion that there was not a single doctor in the Redlands medical community who was qualified to treat it. Dr. Dotan and the Tumor Board recommended that David be sent to City of Hope for consultation about how to treat the tumor. But Dr. Dotan could not simply authorize David's referral to City of Hope. Instead he was required to obtain authorization for the referral from Aetna, through the medical group, Primecare. To that end, on July 28, 1992, Dr. Dotan requested a referral for David to see a doctor at the City of Hope. The referral for a consultation was approved on August 5, 1992. David was not told that the consultation had been approved until August 11. At this point, David was more than two months post-collapse and nearly one month post-diagnosis.
On Sept. 3 at City of Hope, Dr. James Raschko met with Mr. Goodrich and told him he might be a candidate for a treatment program combining highdose chemotherapy with a bone marrow transplant that, for his condition, was considered experimental. City of Hope scheduled him to be evaluated on Oct. 2, with the first stages of the bone marrow transplant procedure to begin on Oct. 28.	Dr. Raschko did not tell David that he "might be a candidate" for a bone marrow transplant. As reflected in Dr. Raschko's medical records, Dr. Raschko considered David a "perfect candidate" for the proposed treatment. Whether the bone marrow transplant was considered "experimental" or not is irrelevant. Under California law, every HMO is required to issue an "Evidence of Coverage and Disclosure Form" to each of its members. The "EOC," as it is commonly called, is required to set forth all the benefits provided and must disclose all of the exclusions from coverage and limitations on coverage. Aetna's EOC did not contain an exclusion for experimental procedures. Thus, even if the treatment were considered "experimental," Aetna was required to cover it. If Aetna, Primecare and the plan doctors had sent David to City of Hope earlier, he obviously would have been able to begin the treatment process before the cancer metasticized.
On Oct. 6, 1992, Dr. Raschko informed Mr. Goodrich that a CT scan performed on October 2 showed he was not a candidate for the proposed treatment as his cancer had metastasized to his liver. By the time Aetna received the request for experimental treatment two days later, on Oct. 8, the request for coverage was moot because plans for the treatment had been canceled. Dr. Raschko testified that no time delay had any negative effect on Mr. Goodrich's ability to qualify for the high-dose chemotherapy. Unfortunately, at no time did Mr. Goodrich ever become a candidate for this treatment.	Aetna did not "first" receive the request for the bone marrow transplant on October 8. Under its contract with Aetna, Primecare was obligated to process treatment requests and was therefore Aetna's agent for that purpose. Primecare—and thus Aetna—first received the request for authorization of the treatment no later than September 29. At that point, David's request for treatment was forced through a nightmarish consideration process that would be subsequently repeated later with regard to other treatment requests: David's primary care physician ("PCP") had to refer David to an in-plan oncologist for assessment of whether the treatment was appropriate. The in-plan oncologist supported the use of the bone marrow transplant for David's condition, believed that it made "good therapeutic sense," noted that there was no "standard" therapy available and that bone marrow transplants had been utilized for years and were not experimental. The in-plan oncologist had to refer David back to the PCP. The PCP then had to submit an authorization request to Primecare. Primecare's utilization review nurse was not authorized to approve treatment at an out-of-plan facility and so had to refer the treatment request to Primecare's medical director. Primecare's medical director also was not authorized to approve this treatment at an out-of-plan facility and so was required to refer the request to Aetna's local medical director. Aetna's local medical director was uncertain about approving the treatment request and referred the request to Aetna's home-office medical director in Hartford, Connecticut. Aetna's home-office medical director considered the procedure "experimental"—even though there was no experimental exclusion in David's plan and even though the in-plan oncologist did not consider it experimental. Under Aetna's own internal policies, the home-office medical director was required to send any treatment requests to Aetna's home-office Technology Assessment Department before denying a treatment request on the basis that it was experimental. The treatment request was, therefore, sent to the Technology Assessment Department. The head of Aetna's home-office Technology Assessment Department reviewed the request and, because of his uncertainty as to whether the treatment would provide a medical benefit to David, referred it to the Technology Department's consultant. The consultant opined that the treatment was experimental and not covered—even though there was no experimental exclusion in the EOC. The head of the Technology Assessment Department then sent the treatment request to an outside medical consultant group, Medical Care Ombudsman Program ("MCOP"). The MCOP then sent the treatment request to three oncology consultants for review. The three oncology consultants concluded that the treatment was experimental and sent their recommendation that it not be approved to MCOP. MCOP sent its recommendation that the treatment be denied to Aetna's Technology Assessment Department. The Technology Assessment Department issued a memorandum that it would deny the treatment as being experimental, and then requested that the coverage language of the plan be provided. The Technology Assessment Department sent its denial of the treatment to the Aetna home office medical director. The home office medical director sent the denial to the Aetna local medical director. The local Aetna medical director sent the denial to the Primecare medical director. The Primecare medical director sent the denial to the Primecare utilization review nurse. The Primecare utilization review nurse sent the denial to David Goodrich—on November 18, 1992. This was two and one-half months after David's original consultation at the City of Hope, nearly a month after he was to have started the bone-marrow transplant procedure, and four months after his diagnosis. The denial was based on the fact that the treatment was deemed "experimental"—even though there was no exclusion in the plan precluding coverage for experimental treatments. During this entire period of time, Aetna/Primecare's own standards required a 48-hour turn-around time for these determinations, as did the National Commission for Quality Assurance (NCQA).
Nevertheless, Aetna went forward with the original request and had it reviewed by independent medical experts selected by Grace Powers Monaco, a well-known patient advocate. They found that there was no hope of the experimental procedure benefiting Mr. Goodrich.	It is nonsensical for Aetna to say that despite the fact that David's cancer had metastasized and he could no longer qualify for City of Hope's bone marrow transplantation protocol, it decided to "nevertheless" go forward with the original request for treatment. As evidenced by the above outline of the process, the process had been started before the metastasis was discovered and the cumbersome and snail-like procedure merely lumbered its way along its pre-determined path. Aetna's communications with its own doctors were simply so lacking that it did not know that the proposed treatment was no longer viable.
Between October 1992 and January 1993, Mr. Goodrich chose to pursue conventional chemotherapy treatment with City of Hope—the out-of-network facility—without authorization. City of Hope never charged Mr. Goodrich for this treatment. The same courses of treatment were approved by Aetna for coverage at in-network facilities, but Mr. Goodrich declined to avail himself of that treatment.	It is false to say that David simply "chose" to pursue standard chemotherapy to treat his metastatic cancer. In fact, Aetna broke its specific promises to David by failing to discover any other potential treatments for him. In its marketing materials and in its EOC, Aetna specifically promised David, as well as other plan members, that it was dedicated to keeping David healthy, and helping to cure him when he got sick; Aetna promised "to do more;" it promised that it would provide David with "comprehensive health services" "designed with [his] personal health in mind;" that Aetna and its physicians would "coordinate all necessary medical services. . . . "that they would be "directing and arranging [his] health care services;" that they would "coordinate all [his] health care needs." Even more significantly, Aetna represented to its members in the EOC that the "Primary Care Physician listed on each member's card has accepted the responsibility for that member's health care." Similarly, in defining "Primary Physician," the disclosure form states that the Primary Physician "has overall charge of medical rendered to Members . . . and . . . directs the majority of health care services provided to such Members." Although there was another option for treating David's liver metastasis—cryoablation (freezing) of the liver lesions—neither Aetna nor its doctors ever did anything to find out about that, or any other, alternative. Despite its promises, Aetna did not "direct and arrange" David's care or "coordinate" his health care needs. Aetna abdicated its responsibility for David's care.

THE GOODRICH CASE: THE TRUE FACTS THAT AETNA DIDN'T TELL YOU [1]—Continued

Aetna's false and misleading statement:	The truth (court records show):
	David's treating doctor, Leland Foshag, M.D., who is a nationally renowned specialist in treating cancers that have metastasized to the liver and who eventually performed the cryoablation surgery on David, testified that if David had received the cryoablation surgery six to nine months sooner, David would have lived 15 to 20 months longer than he did. But Aetna stripped him of that chance by not even bothering to find out how to treat David's condition. Aetna's own in-plan oncologist recommended that David receive the standard chemotherapy treatment at City of Hope—in order to assure the continuity of David's care. And under California law, Aetna was required to do just that. But Aetna ignored its own doctor's recommendation and ignored its duty to assure that David had continuity of care and, instead, refused to authorize or pay for that treatment. Since City of Hope—charitably—provided the treatment to David and did not charge David for the treatment, Aetna insisted that the cost of that treatment not be included as any part of the damages in the lawsuit. Thus, the City of Hope could not be reimbursed for the services it provided to David and its good deed was punished by Aetna—and Aetna escaped payment for treatment it actually owed under its contract.
On August 5, 1993, Mr. Goodrich consulted with his primary care physician, Dr. Wang, regarding an experimental procedure called cryosurgery. Dr. Wang referred Mr. Goodrich to an in-plan oncologist, Dr. Jack Schwartz, who recommended approval for the procedure at an out-of-network facility, St. John's Hospital, with Dr. Leland Foshag. A request for approval also was sent to Mr. Goodrich's other insurance company, which indicated it would pay for the procedure. Mr. Goodrich underwent the cryosurgery at St. John's on Sept. 21, 1993. Aetna again had this request for experimental treatment reviewed by independent medical experts selected by Grace Powers Monaco. This time, one specialist thought the cryosurgery might help Mr. Goodrich, so Aetna approved the treatment and paid for it.	Cryoablation was not an experimental treatment, even in 1993. The request for the cryoablation had to go through the nightmarish approval process and took months to do so. "Mr. Goodrich's other insurance company" was a self-funded benefit plan operated by his wife's employer—the Yucaipa-Calimesa Unified School District, under which he was covered as his wife's dependent. In other words, the taxpayer's program. But Aetna was the primary insurer and whether the school district would be willing to cover the procedure was totally irrelevant to Aetna's duty to provide coverage to David in the first instance. Primecare, on behalf of Aetna, actually denied the treatment request for the cryoablation after David had already had the surgery. Aetna finally paid some, but not all, of the bills from the cryoablation six months after the surgery. Aetna never paid for the original consultation with Dr. Foshag.
In October 1993, Mr. Goodrich again began receiving conventional chemotherapy treatment without authorization at an out-of-network facility, this time at St. John's. Mr. Goodrich was notified by Aetna that self-referred, out-of-network treatment that was available in-plan could not be covered. He was offered a nurse case manager whose job would have been to assist him in coordinating his care with the appropriate providers to get the maximum coverage available under his health plan, but he did not respond.	Aetna's primary defense at trial—and its argument to the jury centered on—Aetna's claim that it should not be liable for either the bills or David's premature death because they resulted from David's failure to follow Aetna's "rules." Aetna even insisted that the jury be instructed that it could allocate some or all of the fault to David. On the verdict from, the jury allocated 0% of the fault to David and 100% of the fault to Aetna. Much of the chemotherapy treatment received by David after the cryoablation was not standard chemotherapy. In fact, there were only two places in California that were equipped to provide some of the chemotherapy treatments—USC and UCLA. Since David could not obtain that treatment from "in-plan" facilities, Aetna was required under California law to pay for it at out-of-plan facilities. Requiring David to receive even the standard chemotherapy or to obtain even the lab tests or x-rays through in-plan facilities despite the fact that the treatment was being coordinated by Dr. Foshag and the medical oncologist working with him, Dr. Chawla, breached Aetna's obligation to assure that David had continuity of care as required under California law. Even when David tried to comply with Aetna's demands, Aetna rejected his treatment requests. Many, many times David asked his PCP to submit an authorization request to Primecare and Aetna for approval of a CT scan, blood test or chemotherapy treatment that Dr. Foshag or Dr. Chawla needed to have done and requested that those services be provided at in-plan facilities. The PCP signed those authorization requests and submitted them to Aetna. Aetna routinely denied those requests because they had been requested at the behest of the "out-of-plan" doctors, even though the requests were signed by the plan doctor assigned to David. At one point, Teresa asked David's PCP why Aetna was denying even the requests for treatment to be provided in-plan and the doctor's only response was "HMOs are fine as long as you don't get sick." David did utilize the services of a nurse case manager. Sharon Hopkins, R.N., Primecare's utilization review nurse assigned to David's case, actually spoke with David "for hours" during this time period. She looked forward to David's calls because he was "such a nice man" and was "so interesting" and "so easy to talk to." Even though she had to keep denying his claims, she liked talking to him because he never made their relationship seem adversarial. He explained to her that he simply had to do whatever was necessary to try to stay alive as long as possible. Ms. Hopkins even visited David when he was in the hospital.
This pattern continued throughout 1994, as Mr. Goodrich received out-of-network, unauthorized conventional treatment at St. John's, and he ignored repeated warnings that out-of-network treatment could not be covered. Mr. Goodrich's out-of-network treatment was covered by his wife's health insurance—a fact that was withheld from the jury by a court ruling. Suggestions that he died without knowing these bills would be taken care of are not true. At no time did he take any action to question, protest or appeal any coverage denials by Aetna.	Since David did, in fact, request that the CT scans, x-rays, blood tests and chemotherapy treatments that could be done in-plan be approved, and since Aetna routinely denied those requests, what else was David supposed to do? The trial judge ruled that Aetna could not introduce evidence of the existence of coverage, if any, under the school district's plan because, as the judge put it, whether anyone else agreed to pay the bills was irrelevant to Aetna's responsibility to pay the bills. It is revolting and repugnant that Aetna would try to defend its own wrongful conduct by trying to foist its legal obligations onto a small school district. Aetna delivered its final denial letter to David when he was in intensive care the day after a final surgery in January, 1995. At that point, David did not know whether the school district would pay the bills. He died, still in the hospital, on March 15, 1995—knowing that there were more than a half million dollars in bills still outstanding and that neither, Aetna nor the school district would agree to pay them. Although the school district eventually paid the bills—over a year after David died—the payment of the bills depleted the school district's benefit fund so much that the school district's teachers were not able to receive their full raises the following year—evidence that the jury would have heard if Aetna had been allowed to tell the jury that the school district had paid the bills. The school district has a lien on any recovery by Teresa in the case and will be paid back out of the judgment for all the bills it paid. About the assertion that David never appealed Aetna's denial. The hospital itself repeatedly initiated appeals in response to Aetna's denials. All the appeals were rejected and the denials reaffirmed. The school district even appealed Aetna's denials of the bills. Aetna also rejected that appeal and reaffirmed the denials. After David's death, Teresa, through the PCP, also initiated an appeal. That appeal, too, was rejected and the denials reaffirmed. Aetna demanded that Teresa mediate her claims against Aetna immediately after she filed her complaint in this action. She did so. Aetna never tendered any payment for the bills at issue in the lawsuit. Aetna litigated the lawsuit for three years and never once offered to pay any of the bills. So, what difference would an appeal by David before he died have made?
In January 1995, Mr. Goodrich entered St. John's for surgery that had been precertified and approved by his other insurance company. This was conventional surgery that could have been conducted in-plan, so coverage by Aetna was denied. Mr. Goodrich remained hospitalized until his death on March 15, 1995.	Requiring the surgery to be conducted in-plan would have violated Aetna's obligation under California law to assure the continuity of David's medical care. The surgery was not precertifed and approved by the school district plan. In fact, the hospital did not call the right administrator and the school district's administrator later refused to cover the bills because of that mistake. Aetna had no right to rely on the school district's coverage since Aetna was the primary carrier. Aetna did not deny coverage for the surgery until after it was completed, in violation of the time standards Aetna was supposed to follow.
All of Mr. Goodrich's medical bills were covered by Aetna—when treatment was provided in-plan or authorized in accordance with plan requirements—or by Mr. Goodrich's wife's health insurance, although the jury was not permitted to hear about the secondary coverage. During the course of his treatment, the total out-of-pocket cost to the Goodriches was less than $2,000.	The abject falsity of this statement is evidenced by the facts, set forth above, demonstrating that even when David requested, through his in-plan PCP, that he be provided with in-plan treatment at in-plan facilities, the requests were denied by Aetna. Aetna had no right to foist its contractual obligations off onto the school district, or to force the school district's teachers to forgo their raises in order to provide Aetna with an even greater cost savings and profit margin. Teresa Goodrich—a kindergarten teacher—was faced with over $500,000 in bills for over a year after David died because both Aetna and the school district refused to pay the bills.
At no time did Mr. Goodrich fail to receive any treatment recommended by in-plan or out-of-plan doctors, and all treatment was obtained without delay due to the timing of coverage approvals or denials.	As testified to by Dr. Foshag, Aetna should have discovered and provided David with the cryoablation at least six months earlier and, if it had, David would have lived longer.

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[1] Statements are from Aetna's response of January 29, 1999 to Congress. Attorneys for the Goodrich family, Sharon Arkin and Michael Bidart, prepared the factual response (909-621-4935).

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 11, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 12

9:30 a.m.
Budget
To hold hearings on national defense budget issues.
SD-608

FEBRUARY 22

1 p.m.
Aging
To hold hearings to examine the impact of certain individual accounts contained in Social Security reform proposals on women's current Social Security benefits.
SD-628

FEBRUARY 23

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings on Department of Education reform issues.
SD-430

10 a.m.
Foreign Relations
To hold hearings on the President's proposed budget request for fiscal year 2000 for foreign assistance programs.
SD-419

FEBRUARY 24

9 a.m.
Environment and Public Works
To hold hearings to examine the President's proposed budget request for fiscal year 2000 for the Environmental Protection Agency.
SD-406

9:30 a.m.
Armed Services
Readiness Subcommittee
To hold hearings on the National Security ramifications of the Year 2000 computer problem.
SH-216

Health, Education, Labor, and Pensions
Public Health and Safety Subcommittee
To hold hearings on antimicrobial resistance.
SD-430

2 p.m.
Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense and for the future years defense program, focusing on recruiting and retention policies within DOD and the Military Services.
SR-222

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for National Park Service programs and operations.
SD-366

FEBRUARY 25

9 a.m.
Energy and Natural Resources
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Department of Energy and the Federal Energy Regulatory Commission.
SD-366

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Military Order of the Purple Heart, the Fleet Reserve, the Retired Enlisted Association, the Gold Star Wives of America, and the Air Force Sergeants Association.
345 Cannon Building

Health, Education, Labor, and Pensions
To hold hearings on protecting medical records privacy issues.
SD-430

10 a.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine Asian trade barriers to United States soda ash exports.
SD-419

2 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to review competition and antitrust issues relating to the Telecommunications Act.
SD-226

Energy and Natural Resources
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.
SD-366

MARCH 2

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

Energy and Natural Resources
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Department of the Interior.
SD-366

MARCH 4

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I of the USA, Non-Commissioned Officers Association, Paralyzed Veterans of America, Jewish War Veterans, and the Blinded Veterans Association.
345 Cannon Building

MARCH 10

9:30 a.m.
Armed Services
Readiness Subcommittee
To hold hearings on the condition of the service's infrastructure and real property maintenance programs for fiscal year 2000.
SR-236

MARCH 17

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

MARCH 24

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, February 11, 1999*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

Your word, O God, tells us that we should do the works of justice and that we should love mercy. In the quiet of this prayer we admit our own willfulness can sometimes get in the way of Your loving spirit and our own self-centeredness can hinder generosity and forgiveness. We know that it is in the nature of things that we get so involved in our tasks and our eyes do not always look to the heavens for wisdom and vision and strength, but we pray this day that Your spirit will lift our spirits so that justice and mercy will roll down as waters and righteousness like an everflowing stream. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

THE ISSUE IS SAFETY ON NUCLEAR WASTE STORAGE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, the issue of nuclear waste is simply one of the safety. H.G. Wells once said that human history becomes more and more a race between education and catastrophe. Let me say that nothing in the history of mankind has withstood the test of time and the construction of 10,000 years.

What was state-of-the-art technology and engineered safe as late as 1970 has often been shown and proven to be an unsafe solution today. Americans should never allow short-term safety issues that are as serious as nuclear waste to become long-term problems hundreds of years from now.

I believe that standards based on sound science, along with the protection, the safety and the welfare of this Nation's citizens, should be the fundamental threshold when we address nuclear waste storage. H.R. 45, the Nuclear Waste Policy Act of 1999, will mandate upon the State of Nevada and this Nation the most environmentally egregious and deadly decree, a death sentence that preempts the National Environmental Policy Act, the Safe Drinking Water Act, and any other Federal, State, or local laws that may be inconsistent with this bill.

Vote "no" on H.R. 45.

INCENTIVES

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, today we will be considering H.R. 391, the Small Business Paperwork Reduction Act Amendments. This bill is strongly opposed by the administration, and four department heads will recommend a veto if the bill is passed in its current form.

The concern stems from a provision that bars agencies from assessing civil penalties for most first-time paperwork violations. This provision allows businesses one free violation, even when the violation is intentional. This sets up a bizarre circumstance where bad-faith actors would have little or no incentive to comply with paperwork requirements. They would know that once caught, they could not be fined.

When bad-faith actors do not file paperwork, it is extremely difficult for the government to detect illegal activity. The government would not be able to identify businesses that are putting workers, consumers, and seniors in jeopardy.

I will be offering an amendment that will provide penalty relief for first-time violators without giving an across-the-board waiver to those who intentionally violate the law. If my amendment is adopted, the veto threat will likely be dropped and the bill can become law. I urge Members' support for my amendment to H.R. 391.

TRIBUTE TO SUSAN B. ANTHONY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, this Monday will mark the 179th anniversary of the birth of Susan B. Anthony, a prominent figure in our Nation's history whose influence has been as remarkable as any President of the United States. Susan B. Anthony's lifelong work to ensure equal rights for women and essentially equal rights for all mankind can never be forgotten nor understated.

However, some choose to ignore how her struggle to obtain equal rights also included the rights of the unborn. To Susan B. Anthony, abortion could never be separated from her promotion of women's rights. She could not separate the two causes, because to those early feminists, abortion was nothing less than child murder. She said, "We want prevention, not punishment." For her, such prevention meant promoting dignity and true equality for the born and the unborn.

Every American, and especially every female, owes much to pioneers such as Susan B. Anthony. On this upcoming 179th anniversary of her birth, we should all pay tribute to this great American, to this great leader, to this wonderful right-to-life advocate, Susan B. Anthony.

BAN ILLEGAL TRADE RESTRICTIONS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, the trade rep says, don't worry, Congress, we are going to GATT over steel. Wow.

Check this out. Three years ago Europe blocked American beef. Then Europe blocked American bananas. Uncle Sam went to GATT. GATT ruled in our favor. Europe laughed in their face. GATT says, go to the World Trade Organization. We went to the WTO. The WTO ruled in our favor. Europe laughed in their faces. Then they appealed. Three years later, Uncle Sam is being advised to go back to GATT on bananas and beef.

Beam me up. Rip Van Winkel is faster than GATT. America's sovereignty is not predicated on the WTO, Madam Speaker. When it comes to illegal trade, we should never manage it, we should ban it.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

INDONESIA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise today to express deep concern over the continuing human rights abuses in Indonesia. This week I chaired a Congressional Human Rights Caucus briefing in which expert witnesses from Indonesia showed photographic evidence and reported on the situation facing their people.

Attacks on ethnic and religious minorities, particularly Chinese minorities, are continuing, and in some instances appear to be orchestrated. Ninety-five churches have been burned or destroyed since May of last year. One photograph showed a security officer standing by while a person's decapitated head was paraded around on a stick.

Violence and human rights abuses continue in regions. Rape victims from last year's riots are intimidated. Churches and mosques are burned. Christians and Muslims from rural communities are afraid to return to their destroyed homes.

Madam Speaker, I urge the Indonesian government to immediately take steps to protect the fundamental human rights of all people in Indonesia, promptly bring to justice all individuals violating those rights.

DEMOCRATS WANT TO SAVE SOCIAL SECURITY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, we in the Congress have an historic opportunity to save the twin pillars of retirement security, Social Security and Medicare. We have this opportunity because of a strong economy in this country that has resulted in a Federal surplus for the first time in three decades. At this historic juncture, Democrats propose to do what is right: save Social Security and Medicare while we have the financial ability to do so.

Republicans, on the other hand, want to give a one-time tax break that flies in the face of fiscal responsibility. It is a shortsighted plan. It will not save Social Security and Medicare. It gives a 10 percent tax break to those, most of whom are wealthy in this country. The lion's share of the plan goes to people making more than $300,000 a year. Middle-class families would get back less than $100.

As one of their own said in today's Congress Daily, "A 10 percent cut means nothing for most taxpayers." Democrats are for tax cuts, tax cuts that are targeted to middle-class families. The Democratic plan will save Social Security and Medicare, and give tax relief to the people who need it most.

INTRODUCING LEGISLATION TO PREVENT EXPANSION OF AMERICAN MILITARY INTERVENTION WITHOUT CONGRESSIONAL APPROVAL

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Madam Speaker, we have troops in 144 countries of the world today. President Clinton has announced that he will now send troops to Kosovo. We are bombing in Iraq on a daily basis. We have been in Bosnia now for three years, although we were supposed to be there for six months. We should not go into Kosovo; we should not go there, absolutely, without congressional approval.

I have introduced legislation that will prevent the President from sending troops to further expand our intervention around the world without congressional approval. This is very, very important. We are spending so much money on intervention in so many countries around the world at the same time our national defense is being diminished. Worst of all, the President is planning to put these thousands of troops under a British commander.

It is time we took it upon ourselves to exert our authority to restrain the President in spreading troops around the world.

FEDERAL GOVERNMENT INTERVENTION IN HIGH TECHNOLOGY INDUSTRY MAY BE DETRIMENTAL TO CONSUMERS

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, my district includes Redmond, Washington, the home of Microsoft.

Madam Speaker, the true beneficiaries of the Internet explosion are consumers. They know it. A recent Wirthlin poll found that 81 percent of the public believes that Microsoft has benefited consumers. The reasons are clear. Microsoft is the leader and perhaps the most dynamic, creative, and productive industry in the history of the world. Technology is improving, prices are falling, and more people own a computer today than ever have before. The innovative people in Microsoft are a major reason for this.

The Federal Government should be cautious before it intervenes in this enterprising industry. The American people are reluctant to allow the government to control the industry because it provides cheaper, more useful products every day without government intervention.

We must not forget that the goal of our laws ought to be protecting the consumer, not the competition. If we focus on what is good for the consumer, the industry will continue to harness the genius of American innovation, and Microsoft will continue to serve as an engine of invention, to our mutual benefit.

IT IS TIME TO TAKE SOCIAL SECURITY OFF-BUDGET

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Madam Speaker, it is time we really take social security off-budget. While this Congress has worked hard to balance the budget under the manner we currently count Federal dollars, we have only done so by using the social security trust fund surplus.

Let us now raise the bar and balance the budget by walling off the social security surplus. Why should this Congress be content with a budget that is only balanced because we are borrowing from social security?

Everyone here knows it is morally wrong to use the social security surplus to mask our deficit, and our constituents know it, as well. Let us end this shell game. Madam Speaker, I urge my colleagues to support my legislation, which will wall off social security by removing it from the unified budget calculations.

WHY DO REPUBLICANS WANT TO GIVE TAX CUTS TO THE WEALTHY INSTEAD OF PROTECTING AND EXPANDING MEDICARE WITH THE BALANCE OF THE SURPLUS?

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. SCHAKOWSKY. Madam Speaker, I have been pleased to hear some of my Republican colleagues express a willingness to go along with President Clinton's plan to devote 62 percent of the budget surplus to social security. But what I cannot understand is why they would rather take the rest of the surplus and give a tax break to the wealthy, instead of protecting and even expanding Medicare so that it covers prescription drugs.

☐ 1045

Before I was elected to public office, I served as director of the Illinois Council of Senior Citizens, and I learned a lot about how hard it can be to grow old in America. Making ends meet on Social Security is not easy, even if one is pretty healthy. But if someone has high blood pressure or diabetes or heart disease or cancer, they could be in real trouble. As any senior can tell us, there are many things Medicare does not pay for, including prescription drugs. In fact, seniors today are paying more of their incomes on health care than before Medicare was enacted in 1965.

Social Security and Medicare. They go hand-in-hand. Seniors understand this. The President understands this. Before giving away the surplus to the rich, I hope the Republicans will get it, too, and support our plan to protect Medicare.

CONGRESS SET TO ELIMINATE MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Madam Speaker, I rise to really announce some good news, and that is we are ready to make progress on some unfinished business, and that is the issue of eliminating discrimination against married working couples.

My colleagues, let us ask a few questions. Is it not time we eliminated the marriage tax penalty? Is it right—really, is it right—that under our Tax Code married working couples pay higher taxes just because they are married? Is it fair that 21 million married working couples pay on average $1,400 more just because they are married than an identical couple living together outside of marriage? In Illinois $1,400 is one year's tuition at the local community college.

It is simply wrong we are punishing married working couples. Yesterday, we introduced H.R. 6, the Marriage Tax Elimination Act, legislation that now has 224 cosponsors. Think about that; 224 cosponsors. How often do we have a majority of the House as cosponsors of legislation on its first day? That is good news.

I believe we can work together this year to eliminate the most unfair discrimination in the tax code. Let us work together, let us work in a bipartisan way, let us eliminate the marriage tax penalty.

Madam Speaker, I include for the RECORD a letter from a constituent of mine and a press release from the Speaker of the House on the subject matter of my speech this morning.

JANUARY 6, 1999.

DEAR CONGRESSMAN WELLER: Over the past year or so, my husband Shad and I have read with some surprise and some relief about your efforts to eliminate the "marriage tax penalty." When we set out to marry, no one warned us such a tax even existed on married couples. Our relief, of course, came in knowing that our U.S. Representative is trying to do something to right the wrong.

Shad and I are both teachers in Will County. Shad teaches 11th grade English and I teach junior high reading. Neither of us make a lot of money, but we are dedicated to our jobs and the children we teach. You can imagine our surprise when we realized how the marriage tax affects us. When we followed up with tax preparers and your staff, we learned that our 1997 salaries are facing a $957.00 marriage tax penalty.

We have actually read articles in the paper where scholars have dismissed the marriage tax as inconsequential on a working family's day to day struggle to made ends meet. Instead, they argue that the amount of money lost to the government by eliminating the marriage tax would be a great "tragedy." In fact, during last year's elections, I heard a candidate suggest that if $1,400 plays such a large stake in a couples decision to marry, perhaps they have no business getting married in the first place. Although I am no economic scholar, and Shad and I would be married despite the financial consequences the government places on our marriage, I take offense to that sort of thought process.

Fourteen hundred dollars may not seem like a lot to some, but as we prepare to bring our first child into the world, we will face a penalty of $957. That $957 could buy 3000 diapers or pay for a years worth of tuition for our graduate school education. Aside from the poor message the marrige tax sends to young couples like ourselves, the money it costs—no mater how large or small the amount—could be used on things we need now. It troubles me to know that as Shad and I continue to teach and earn a little more money as time goes by, so too will our "marriage tax" grow.

It appears to me Congressman Weller, eliminating the marriage tax seems to be the right choice. Shad and I will continue to follow your efforts in Washington with great interest (as will our married friends back home). Last year it appeared that Washington was ready to eliminate the marriage tax. What went wrong?

Sincerely,

MICHELLE AND SHAD HALKLAN.

SPEAKER'S STATEMENT ON RESERVING H.R. 6 FOR REPEAL OF MARRIAGE TAX PENALTY

WASHINGTON, D.C.—House Speaker J. Dennis Hastert (R-Ill.) today released the following statement on reserving H.R. 6 for the Marriage Tax Penalty Elimination Act:

"It's ridiculous that our onerous tax code makes it more expensive to be married than to be single. The government should not punish married working couples by taking more of their hard-earned money in taxes than an identical couple living outside of marriage. I am proud to reserve one of this Congress' top bills, H.R. 6, for the Marriage Tax Penalty Elimination Act.

"The Republican-led Congress has a strong commitment to returning more of each American's hard-earned money to his or her own pocket. The government often acts as if it owns the earnings of all Americans, as if each American worked for the government and not the other way around. This is wrong. We believe that all Americans deserve to keep more of their own money—after all, it's your money and you can save and spend it more wisely than Washington can."

J. DENNIS HASTERT,
Speaker of the House.

CONSENSUS IS 62 PERCENT OF BUDGET SHOULD GO TO SAVE SOCIAL SECURITY

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Madam Speaker, there is now reaching a point of consensus that 62 percent of the surplus in the budget should go to save Social Security and preserve it at least to the year 2055. With God's good graces, we will all be here to enjoy that extended life of Social Security.

What the President has also proposed is equally important, perhaps even more so, and that is that 15 percent, almost $700 billion, be put away also to help improve Medicare today, and that includes extending prescription drug benefits to seniors.

As much as we have heard about the proposals for tax cuts, an across-the-board tax cut will not get an average senior even through a single year covering their prescription drug costs. Yet, on the other the other side of the aisle, we hear nothing about improving Medicare for today's seniors. Instead, 37 percent of their plan goes to a tax cut, 1 percent goes to defense, and nothing else goes for things like prescription drugs.

My colleagues, with the cost of living adjustment for seniors this year being only 1.2 percent, we need to recognize that today's seniors, not those a generation from now, need prescription drugs covered.

INTRODUCTION OF H.R. 2, DOLLARS TO THE CLASSROOM

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Madam Speaker, today Republicans in Congress will introduce H.R. 2, Dollars to the Classroom, a bill that is aimed at improving the quality of our public schools.

This bill, we admit, is a threat to those who believe fervently that Washington knows best, no matter how many times it has demonstrated that it does not. This bill will not please those who wish to expand the Federal education bureaucracy. This bill will alarm those professional administrators who hope to increase Federal involvement and intrusion into the decisions made by local school boards, parents and teachers.

Instead, this bill will give local schools the flexibility to spend Federal education dollars as they see fit: higher teacher salaries in some districts, new libraries or classroom construction in others, perhaps a new computer system in another. Those who bear the consequences of the decisions will be the ones making those decisions.

This is an approach which will enrage the liberals, who have done things the old way, the bureaucratic way, so many times in the past. This bill represents common sense. It puts dollars in our classrooms and not more bureaucrats in Washington.

CLOSE THE SCHOOL OF THE AMERICAS ONCE AND FOR ALL

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Madam Speaker, we have a school in the United States which teaches Latin American students torture techniques and commando skills and costs the citizens of the United States $18 million each and every year. The graduates go on to commit some of the worst murders and some of the most horrible atrocities in Latin America.

When I led the team that investigated the Jesuit murders in El Salvador, I was horrified to learn that our School of the Americas had actually trained the killers. Nineteen out of the 26 killers were graduates of the School of the Americas.

That is not an isolated incident, Madam Speaker. Each time we hear of another brutal massacre in Latin America, the School of the Americas graduates are involved. In nearly every instance they planned the killings, covered up the truth, or even pulled the trigger.

Today, Madam Speaker, I will file legislation to close the School of the Americas once and for all.

IS THE ERA OF BIG GOVERNMENT REALLY OVER?

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Madam Speaker, the President in his 1996 State of the Union performance said that "The era of big government is over." Now, I suppose it is possible that he meant it, but one would never know it from looking at his record. The President and his liberal allies in Congress are threatening to shut down the government if Congress does not spend more money to create more bureaucracy in Washington, D.C.

Let us take for example the issue of education spending. Now, Republicans want to spend the money but send it to the classroom. Democrats want to grow the Federal bureaucracy and give the bureaucracy a greater role in managing our local schools.

Republicans think the Federal bureaucrats have done enough damage in education. Democrats want to spend money without setting priorities. Republicans want to send more money to the classroom while also keeping within budget agreement caps, which means there must be spending offsets.

If the era of big government is truly over, then it is time for the President's actions to match his words.

SMALL BUSINESS PAPERWORK REDUCTION ACT AMENDMENTS OF 1999

Mr. REYNOLDS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 42, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 42

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 391) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York (Mr. REYNOLDS) is recognized for one hour.

Mr. REYNOLDS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 42 is an open rule, providing for the consideration of H.R. 391, the Small Business Paperwork Reduction Act Amendments of 1999. The purpose of this legislation is to reduce the burden of Federal paperwork on small businesses.

The rule waives section 303 of the Congressional Budget Act, prohibiting consideration of legislation providing new budget authority or contract authority for a fiscal year until the budget resolution for that fiscal year has been agreed to, against consideration of the bill.

The rule provides for one hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on Government Reform and Oversight.

The rule further provides that the bill shall be considered as read.

The Chair is authorized by the rule to grant priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration.

The rule allows for the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, I believe House Resolution 42 is a fair rule. It is an open rule for the consideration of H.R. 391, the Small Business Paperwork Reduction Act Amendments of 1999.

It is my understanding that some Members may wish to offer germane amendments to this bill and, under this open rule, they will have every opportunity to do so.

H.R. 391 is a step in the right direction in relieving our Nation's small businesses from an overwhelming paperwork burden that threatens to bury them.

Time and money required to keep up with government paperwork prevents small businesses from growing and creating new jobs. H.R. 391 gives small businesses the relief they need from paperwork burdens created by the Federal bureaucracy.

It has been reported that last year it took seven billion man hours to complete government paperwork. Seven billion man hours that could have been spent finding new job markets, expanding business or creating jobs, were instead spent on nothing more than dotting I's and crossing T's in duplicate and triplicate.

Madam Speaker, as a longtime small businessman myself, I know the hurdles that our entrepreneurs face: Strangling red tape, burdensome regulations and mountains of paperwork.

Just a few days ago our Nation marked President Ronald Reagan's 88th birthday, and I am reminded of what President Reagan said in his first inaugural address: that the Federal Government's role is to work with us, not over us; to stand by our side, not ride our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it.

H.R. 391 recognizes the challenging legacy that President Reagan handed us: to make the Federal Government a catalyst for opportunity rather than an obstacle for growth by fostering communication between Federal agencies and small businesses; helping small businesses come into compliance on civil paperwork mistakes; and making sure all information regarding paperwork requirements is readily available to small businesses.

What the bill does not do is create a threat to public safety and health. H.R. 391 specifically suspends fines only for small businesses on first-time paperwork violations; and only, and I repeat, and only when those violations are not covered by several exemptions, including an exemption for violations that result in actual harm, violate Internal Revenue Service laws, and present an imminent threat to public safety and health.

□ 1030

I would like to commend the gentleman from Indiana (Mr. MCINTOSH) and the chairman, the gentleman from Indiana (Mr. BURTON) for their hard work on H.R. 391. I would urge my colleagues to support this open rule and the underlying bill.

In conclusion, Madam Speaker, House Resolution 42 is a fair, completely open rule, and I urge its adoption.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from New York (Mr. REYNOLDS), my next door neighbor, for yielding me the customary 30 minutes.

Madam Speaker, I do not oppose this rule because it allows Members to offer all germane amendments. Like all Members of Congress, I support efforts to reduce unnecessary paperwork requirements on small businesses. I have endorsed both legislative and executive efforts to streamline regulations.

We in Congress have enacted the Paperwork Reduction Act and the Small Business Regulatory Enforcement Fairness Act. Just yesterday, the House passed the Paperwork Elimination Act by a bipartisan vote. The administration, under Vice President Gore, has attacked excessive regulation through its initiative to reinvent government and the implementation of the White House Conference on Small Business recommendations.

In addition, I support many aspects of the underlying bill. H.R. 391 would require Federal agencies to publish paperwork requirements for small businesses so that they can know exactly what is required of them. It would require each Federal agency to establish a liaison for small business paperwork requirements and to help small businesses comply with their legal obligations, and it would establish a task force to consider ways to streamline paperwork requirements even further.

However, it is unfortunate that the Committee on Government Reform has again in this Congress included provisions in this bill that could be dangerous to the health and safety of the American people.

H.R. 391 would prohibit the assessment of civil penalties for most first-time violations of information collection or dissemination requirements if those violations are corrected within six months. The civil penalty provisions in this bill effectively remove agency discretion from regulatory enforcement decisions against the first-time violators. Only if actual serious harm has already occurred or the violation presents "an imminent and substantial danger to the public health and safety" would the agency have any discretion to impose a penalty. This extreme standard will not adequately protect the American public.

Each of us has the responsibility to abide by protections enacted for the safety of the community. Paperwork requirements, such as drivers' licenses, are our way of minimally ensuring that everyone who undertakes a potentially hazardous activity, such as driving, is informed about the potential dangers and knows how to prevent them. If H.R. 391's ban on penalties were applied to drivers' license, there could be no sanction for driving without a license until your driving had already caused actual serious injury or was so dangerous as to pose an imminent substantial danger to others. Such a provision would be outrageous. To protect society, we need the discretion to step in, in a meaningful way, to protect ourselves before the actual harm occurs.

This bill would hamper legitimate agency efforts to protect the American people. For example, its one-size-fits-all prohibition on penalties could endanger both our traveling public and our emergency service personnel by weakening the enforcement of reporting requirements for the transportation of hazardous materials.

New methods to ensure the safety of our meats, shellfish, and poultry depend upon providers keeping adequate records and accurate records of their efforts to prevent contamination. This paperwork is not a frivolous add-on, but it is central to ensuring a wholesome product. Noncompliant companies should not have the option of saving money by skipping the paperwork at the cost of endangering the public. In life and death situations such as food safety, providers should not be given a free pass on the first violation. Such a policy could cause the needless deaths of hundreds of our constituents and the serious illness of many thousands more.

Similarly, paperwork requirements are designed to help nursing homes monitor the patients' health and assure appropriate care. For example, records of fluid intakes and output are key tools in diagnosing conditions such as dehydration and infection that, left untreated, can be life-threatening. We should not take discretion away from regulators trying to protect our Nation's most vulnerable citizens.

This bill could also make our workplaces less safe. Tracking the information disclosure and training requirements for working with dangerous chemicals and machinery is not useless paperwork. It assures that our workers have the knowledge needed to protect themselves from on-the-job hazards. An industrial disaster should not be required before agencies can effectively enforce these lifesaving requirements.

H.R. 391's ban on regulatory discretion sends businesses a very bad message. It says that Congress does not consider violation of these health and safety requirements a serious matter.

Curiously, H.R. 391 also preempts State and local discretion in the performance enforcement of health safety and environmental standards. Normally the majority believes that localities should have the autonomy to set priorities for local implementation of Federal standards. But in this bill, they paternalistically prohibit local governments from making their own enforcement decisions.

In reality, this nonenforcement mandate provides no relief to honest businesses, those doing the best they can to obey the law. It gives an unfair advantage to the small minority of businesses that try to undercut their competition by willfully violating or ignoring the law. If this bill were enacted in its current form, those businesses disinclined to follow the law would have no incentive to obey until they had actually been cited for a violation.

For these reasons, this bill is opposed in its current form by the administration and a wide variety of consumer, labor and health advocacy groups, including the Safe Food Coalition, Public Citizen, the AFL–CIO, Consumer's Union, the National Citizens Coalition for Nursing Home Reform, the American Public Health Association, the Consumer Federation of America, United Auto Workers, the American Lung Association, OMB Watch, USPIRG, and the National Council of Senior Citizens.

Thankfully, the rule we are debating will allow the House to solve many of the problems with this bill. The gentleman from Ohio (Mr. KUCINICH) will offer an amendment that provides for agency discretion in the imposition of civil penalties against first-time violations. The amendment also requires agencies to establish policies to waive or reduce civil penalties for first-time inadvertent violations.

The Kucinich amendment is a common-sense compromise that achieves the goal of not over-penalizing inadvertent, good-faith violations, without risking the health and lives of the public.

Madam Speaker, I support this open rule, and I would urge my colleagues to support the passage of the Kucinich amendment allowed by the rule.

Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield such time as he may consume to my colleague, the gentleman from California (Mr. DREIER), the outstanding and distinguished chairman of the Committee on Rules.

Mr. DREIER. Madam Speaker, I certainly will not in any way argue with the description the gentleman has provided and I thank him for yielding.

Madam Speaker, I rise in very strong support of this rule. But I am here primarily to extend very hearty compliments to the newest member of the Committee on Rules, the gentleman from New York (Mr. REYNOLDS), who is at this point managing his first rule on the floor, and I know it is the first of what will be many outstanding measures that will be reported out of the committee.

The gentleman from New York (Mr. REYNOLDS) has a stellar background of service as minority leader in the State legislature in New York, and he is bringing that expertise not only to the Committee on Rules but down here on the House floor.

I also want to say that he is joined in this effort, I see, by my predecessor's successor in his congressional seat, the gentleman from New York (Mr. SWEENEY) the former labor commissioner in New York, who has a very interesting background in dealing with paperwork reduction for small businesses and he is going to be describing that. And I suspect we will even hear from the veteran member of the Committee on Rules, the gentleman from Washington (Mr. HASTINGS) who does a great job, too.

As has been said very well by both my friend from New York and my other friend from New York, this is an open rule which allows for the consideration of the Kucinich amendment and any other amendment that is germane, and I strongly supported our attempt to make that in order.

The bill itself is actually what we really describe as a one-two punch, if we take what was considered yesterday. The gentleman from Indiana (Mr. MCINTOSH) has done a superb job on this measure, following up on passage of the Mandates Information Act, which we were in a very strong bipartisan way able to report out of this institution yesterday.

We know that the burden that is imposed on small businesses is extraordinary. In fact, in a memo that came from the subcommittee of the gentleman from Indiana (Mr. MCINTOSH), when we look at what this bill actually provides, it would put on the Internet a comprehensive list of all the Federal paperwork requirements for small businesses organized by industry, and it offers small businesses compliance assistance instead of fines on first-time paperwork violations that do not present a threat to public health and safety.

It would establish a paperwork czar in each agency who is the point of contact for small businesses on paperwork requirements. And it would establish a task force, including representatives from the major regulatory agencies, to study how to streamline reporting requirements for small businesses.

Madam Speaker, I happen to believe that this measure is a very, very important environmental initiative. For a number of reasons. First and foremost, because it makes it very clear that nothing that is proposed here would in any way jeopardize environment or safety standards at all.

What it will do is, it will in fact decrease the amount of paper. Now, I come from California. The timber industry is a very, very important industry in our State. But frankly, there are more than a few people who are concerned about the constant pumping out of paper. This is the Paperwork Reduction Act. So I consider it to be a very strong pro-environmental measure.

So I think that this is a great win, as I said, a one-two punch, going for mandates information to the measure that the gentleman from Indiana (Mr. MCINTOSH) will be handling. I would like to congratulate my colleague again, the gentleman from New York (Mr. REYNOLDS), for the great job that he is doing and will be continuing to do on the Committee on Rules.

Ms. SLAUGHTER. Madam Speaker, I yield 10 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding.

Madam Speaker, I rise in support of this open rule. Our Nation's small businesses are the backbone of our economy and deserve relief from the burdens of unnecessary paperwork.

However, H.R. 391, in its current form, could have wide-ranging and serious negative, unintended consequences. That is why the administration opposes it. In fact, four department heads have recommended a veto if the bill is passed in its current form.

Similarly, senior citizens' groups oppose the bill. Environment, labor, public health organizations also oppose it. And several State attorneys general oppose it. This opposition stems from a well-intended but dangerous provision in the bill which would bar agencies from assessing civil penalties for most first-time paperwork violations.

Essentially, this means that businesses would have one get-out-of-jail-free card which they can use even when they have willfully and maliciously violated the law. These provisions could interfere with the war on drugs, endanger our drinking water, jeopardize the care in nursing homes, and threaten our pensions, our environment and our health.

Let me give my colleagues an example of the problem. Self-monitoring and reporting are the foundations of the Clean Water Act and the Safe Drinking Water Act. These reporting requirements are designed to give environmental protection officials knowledge of environmental compliance before any harm occurs.

Now, under H.R. 391, the small businesses who run the drinking water systems would have little incentive to comply with reporting requirements because there would be no threat of a fine. The adequacy of the reports would be seriously jeopardized. The EPA would become even more dependent on inspections and not reports when detecting contamination of our drinking water.

However, as I am sure my colleagues know, the EPA only has enough staff to inspect our 200,000 public water systems once every 40 years. Therefore, contamination of our drinking water may go undetected for extremely long periods of time.

Another example: Reporting on toxic emissions. Under the EPA's toxic release inventory, companies that meet reporting thresholds must report their emissions of toxic pollutants into a community's air or water. The requirement that businesses disclose their toxic emissions has prompted significant voluntary emission reductions.

H.R. 391, however, would effectively waive public reporting requirements until a business is caught for a violation. It would thus cripple an effective, voluntary, nonregulatory method of reducing pollution.

Another example, Madam Speaker: Lead poisoning regulations. The Residential Lead-based Paint Hazard Reduction Act of 1992 requires persons who sell or lease housing to give buyers and renters a pamphlet describing lead-based paint hazards. The entire purpose of the law is to prevent children from becoming lead-poisoned by requiring information about the risks of lead-poisoning be distributed before a family moves into a home.

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Under H.R. 391, however, this law becomes unenforceable. Even a real estate broker or landlord who deliberately failed to distribute this pamphlet, even if that happened, the EPA could not take enforcement action until after the health of a child has been injured or eminently endangered.

A third example which will be of concern to all Americans: firefighter safety. I believe that, as currently constituted, H.R. 391 undermines worker protection laws with respect to firefighters and emergency workers. They depend, they depend on having adequate information to respond safely and effectively to chemical or fire emergencies. If a business does not report its hazardous chemical inventories as required under the Emergency Planning and Community Right To Know Act, firefighters' lives will be endangered if they are called to respond to a fire at the facility.

Under H.R. 391, however, the failure to report hazardous chemical inventories is not enforceable until after a dangerous situation has already developed.

I think our colleague and good friend the gentleman from Maryland (Mr. HOYER) said it well when he said that this legislation, this H.R. 391, could endanger the lives of America's fire and emergency service workers. Under the guise of exempting first-time violators from fines for paperwork violations, H.R. 391 would eliminate the enforcement of fines against businesses who fail to post notices about whether manufacturing and storage facilities contain hazardous chemicals. If firefighters are not informed of the presence of these dangerous materials, their lives could be needlessly jeopardized.

The International Association of Fire Chiefs, the International Association of Firefighters, the National Fire Protection Association, the National Volunteer Fire Council, the Congressional Fire Service Institute, and the International Fire Association of Arson Investigators have all raised serious concerns about the impact of this legislation. According to these experts, removing or relaxing penalties for failure to comply with regulations that require disclosure of the presence of hazardous materials will almost certainly result in a lack of compliance and raises serious safety issues for firefighters. No amount, and I repeat no amount of remedial action, can compensate for the death or injury of a firefighter after the fact.

Madam Speaker, H.R. 391 also preempts State law. The Federal Government has delegated enforcement of numerous environmental worker safety and health laws to the States. H.R. 391 would prevent States from assessing civil penalties from most first-time violations under these laws. The Congressional Budget Office estimates the States will lose about two million dollars a year in revenue.

Madam Speaker, I will be offering an amendment that will address these concerns that is supported by the administration and by many interest groups. In summary it requires agencies to establish policies that would provide civil penalty relief for first-time violations without giving a free pass to businesses who intentionally break the law.

Currently there is a veto threat on this bill. If my amendment is adopted, the bill would have strong bipartisan support and would likely become law. We should seize the opportunity to provide real relief to our Nation's small businesses, and I urge my colleagues' support for my amendment when I offer it under this open rule.

Mr. REYNOLDS. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I would like to point out that a paperwork violation in the area of health and safety would not receive a first-time exemption, and certainly that would apply to firefighter safety as well.

Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Madam Speaker, I thank the gentleman for yielding this time to me, and I thank the gentleman for that brief clarification on this legislation.

Madam Speaker, I rise in support of this open rule and the underlying legislation because this legislation provides some long overdue reforms to address the burden of federally mandated paperwork. As a former small businessman before I got into this life, I know how time consuming these friendly forms can be. Like all working Americans, small business men and women resent these activities that slow down their productivity. Frankly, when a friendly form found its way to my desk when I was in business, I would first look to see if the words "voluntary" or "required" were printed anywhere, and honestly, if I did not have to fill it out, that form would end up in the circular file.

Madam Speaker, that is why Congress needs to pass the Small Business Paperwork Reduction Act and the President needs to sign it into law. This commonsense legislation simply requires that the Internet and the Federal Register list all required paperwork by industry. I know from experience that all of the incoming forms and surveys can be difficult to keep track of especially when we cannot see the relevance or purpose of taking the time to fill out some of these forms. In addition, in the event that a required form ends up in the circular file, this legislation protects that small business owner from unnecessary fines.

The bottom line is that most of the information that the Federal Government collects through forms and surveys is of questionable value to the business community. We do not need alphabet soup agencies and federal bureaucracies involved in market research. That is the responsibility of the private sector. Useless paperwork in my view is one place to start.

Madam Speaker, I would like to thank the author of this bill, the gentleman from Indiana (Mr. MCINTOSH), and I look forward to working with him on other measures to help small businesses succeed.

Ms. SLAUGHTER. Madam Speaker, I yield as much time as he may consume to the gentleman from Ohio (Mr. KUCINICH) to discuss the health and safety issue.

Mr. KUCINICH. Madam Speaker, there are proponents of the bill who are claiming that the current exceptions to the penalty waiver provisions adequately protect the public, and I think it is very important at this moment, Madam Speaker to focus in on why that is not true.

Unfortunately the exceptions to the penalty waiver provisions do not adequately protect the public. They may contain many of the buzz words which imply that the public health and safety is protected, however in reality the benefits of these exceptions are negligible. For instance, one exception permits the assessment of penalties when the violation has already caused actual serious harm. Paperwork requirements are put in place so agencies can prevent an accident before it occurs.

This exception comes too late. It comes into play after the damage has been done.

Furthermore, Madam Speaker, this is an extremely different standard of proof. It is practically impossible to show that a failure to file paperwork, not some intervening event, was the actual cause of the accident.

Another exception allows fines to be assessed when the violation poses a serious and eminent threat to the public health or safety. Again, this is an extremely difficult standard of proof. It is practically impossible to show that the danger posed by a lack of paperwork poses an eminent danger.

For instance, if an employer fails to provide adequate instruction on how to operate dangerous machinery, it would be impossible to prove that this failure created an eminent threat unless the employee has already been injured. That is why this idea about there are current exceptions to the penalty waiver provisions which adequately protect the public is flat out wrong.

Moreover, the exception which allows fines when the failure to fine would impede criminal detection makes little sense. It is the failure to file information, not the failure to fine, that impedes criminal detection.

Mr. REYNOLDS. Madam Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. MCINTOSH) as the sponsor of the legislation.

Mr. MCINTOSH. Madam Speaker, let me commend the gentleman from New York (Mr. REYNOLDS) for this rule and bringing it forward, and it is a pleasure to see him taking up his new duties on the Committee on Rules as a freshman, and I look forward to working with him.

I support this open rule and look forward to the debate on the bill. I think it is a very serious issue that we will be addressing today in this Congress. I would like to note for the record that when the bill is brought forward, there is going to be a manager's amendment that I will offer that I think will go a long way toward addressing some of the concerns about public health and safety by making it clear that it is the potential to cause serious harm to the public interest which would not create an exemption so that if there is that potential, if the agency determines in advance that there is a potential that certain forms not being posted for hazardous materials could cause serious harm to the public interest, then the provisions of the bill would not apply.

I think with that in mind, Madam Speaker, the rest of the provisions of the bill are critically important. This country labors under an enormous paperwork burden coming out of Washington. The total cost is $229 billion. Now $229 billion may not sound a lot to people in Washington who are used to spending a budget of $1½ to $2 trillion, but when we talk to America's small businesses, the men and women who are running grocery stores, who are running a drugstore, who are trying to farm the family farm, the men and women who are operating a doctor's office, who work to provide services in our country, $230 billion is a lot of money, and frankly, they cannot afford to hire hundreds of lawyers, to hire hundreds of accountants in order to keep up with the morass of paperwork that comes from Washington.

It is estimated by the Federal Government that it takes 7 billion man-hours to complete paperwork in 1998, 7 billion man-hours. Oftentimes these reports are contradictory, they are confusing, people make mistakes, and it has been our experience as we held several hearings on this issue and field hearings around the country before that that America's small businesses, the men and women who operate them, on the whole are trying to do their best to complete those requirements. They are good law-abiding citizens who are trying to do a job, they are trying to make their business successful, and they are trying to do what is right in filling out all this government paperwork.

But sometimes they just do not get it right, and then the agencies come in and play gotcha. They come in and say:

"Well, you owe us a thousand dollars here because you didn't fill out this log correctly."

"Oh, you owe us $750 here because you didn't bring the book with you to the job site."

Madam Speaker, that is one of the stories that I tell that relate to people that we heard at our hearings. Those type of penalties where it is very clear that the small businessman or small businesswoman are being harassed are what we want to stop with this bill.

Frankly, we took President Clinton at his word in 1995 when he said, and I will quote:

"We will stop playing gotcha with decent honest business people who want to be good citizens. Compliance, not punishment, should be our objective."

Madam Speaker, we did take the President at his word and introduce this bill. Since then we found he does not always mean things that he tells the American people. But I think what he was saying there was correct. The government should not be playing gotcha with good law-abiding citizens in this country, and so we provided a 6-month period when the agency points out to the small businessman they need to be doing it differently, where they can correct the mistakes. And as long as there is no harm to the public, as long as there is no danger of allowing criminal activity to go forward, then they will have that 6-month period to correct their mistakes.

I look forward to the debate on this bill, and I look forward to discussing these issues with my colleagues, and I look forward to this House once again in a bipartisan fashion passing a bill that will help America's small businesses.

Again let me say thanks to the gentleman from New York (Mr. REYNOLDS) for bringing forward the rule, thanks to the gentleman from Washington (Mr. HASTINGS) and the gentleman from California (Mr. DREIER) for their eloquent talks earlier today, and I also want to thank the gentleman from Ohio (Mr. KUCINICH) for his work. Although he doesn't support the bill as it is currently written, many of his comments have helped us as we crafted this in order to make sure that we do not create any unintended consequences.

Ms. SLAUGHTER. Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. KUCINICH).

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Mr. KUCINICH. Madam Speaker, I want to acknowledge the fact that my good friend the gentleman from Indiana (Mr. MCINTOSH) and I have tried to work together to craft a bill which we could have agreement on. H.R. 391 is not that bill, but it would be nice if it was. I am glad that the gentleman from Indiana (Mr. MCINTOSH) has just indicated in this discussion, where we both favor an open rule, that he will come forward with an amendment to try to make the bill a little bit better.

I would humbly and respectfully suggest to my good friend the gentleman from Indiana (Mr. MCINTOSH), that I have had the chance to look at that amendment, and, while we will be talking about it later, I thought I would mention at this moment, while we have the opportunity, to say that the gentleman is coming along in the right direction, but it is not far enough to protect some of the health and safety and environmental concerns which we are very concerned about.

I would just like the gentleman to think about this, because in the next two hours, maybe this Congress can come to the whole direction and get support for the amendment which I will be offering under the open rule.

As I have understood the amendment which the gentleman from Indiana (Mr. MCINTOSH) will be bringing forward under this open rule, agencies would still be prevented from assessing fines for intentional and malicious violations. As I understand the amendment which will be offered under this open rule, which I support, the amendment of the gentleman from Indiana (Mr. MCINTOSH) would not provide any protections for the environment, and that the amendment, as I read it, would make it still almost impossible to prove that a violation, not an intervening action, would pose a serious harm.

So while I support the open rule, I thought I would comment that while the amendment that the gentleman from Indiana (Mr. MCINTOSH) will be offering is starting to come in the right direction, we still have some major problems here, so we just do not leap over and defeat the purpose of the open rule, which is to give us the opportunity to bring out our amendments and debate our possibilities, because I am sure Madam Speaker and many in the Congress have read the novel Catch-22 by Joseph Heller, and what is being offered to the Congress is a Catch-22, in which you can fine someone if there is a potential to cause harm, but, Madam Speaker, and this is what this is all going to be about in the next few hours, we do not know if there is a potential harm if there is no paperwork being filed.

So I would say to my friend, the gentleman from Indiana (Mr. MCINTOSH), I am sure the next few hours will be interesting as we are able to explore some of these contradictions under this open rule.

Mr. REYNOLDS. Madam Speaker, I yield 5 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Madam Speaker, I want to thank my colleague and friend, the gentleman from New York (Mr. REYNOLDS), for yielding me time.

Madam Speaker, I am pleased to rise in strong support of H.R. 391. As a new Member I sought appointment to the Subcommittee on Regulatory Reform and Paperwork Reduction of the Committee on Small Business in order to pursue this very type of relief for our hard working small business people.

I happen to represent a district in upstate New York where the predominant employers are represented by the small business community, so this is an important measure for my constituents. We know that small businesses are the driving force behind our strong economy, yet they are forced to shoulder nearly two-thirds of the regulatory costs. As has already been stated, total regulatory costs to businesses in 1998 exceeded $700 billion, with paperwork accounting for $229 billion, an astonishing one-third of all costs of regulations.

Madam Speaker, I have real experience in this area. By way of example, I would like to relate to this distinguished body an experience of mine as a former regulator in the State of New York where I served as Labor Commissioner.

As I said, I was a regulator in the state, and, along with the New York State Tax Commissioner, we sat down and compared the forms that the two of us required of the employer community. Laid out in front of the conference room table in my office were 25 forms on which the State Tax Department and the State Labor Department were asking employers to fill out important information.

What we found on those forms is that we had a number of areas of duplication. After laying out those forms on the table and physically highlighting those areas of duplication, we literally found ourselves faced with a sea of yellow. The seemingly simple exercise allowed us to consolidate those 25 forms into just two forms.

I am also proud to say in my tenure as State Labor Commissioner we were able to cut the regulatory burden to the employer community by 50 percent, and yet our worker safety numbers, our safety numbers, were increased because we were able to more smartly apply our resources and dedicate our efforts to ensure safety.

Madam Speaker, think about the time and the productivity saved by this act. Small business owners inherently fear unknown regulations and paperwork, a situation which discourages business start-ups, expansions and job growth.

This bill provides a positive step in changing the punitive manner in which agencies seek regulatory compliance. It provides for a suspension of civil penalties for first-time paperwork violations of small businesses, as long as the violation does not result in harm, impede the detection of criminal activity, or threaten public health or safety. It is called voluntary compliance. It is an effort we used in New York very successfully, and, as I said, and I will repeat, we increased our safety numbers.

Madam Speaker, small business people deserve to work with regulatory agencies in a proactive manner and should not live in fear of the "gotcha" approach of achieving regulatory compliance.

This bill also requires the publication of all Federal paperwork requirements on small businesses and establishes, very importantly so, a single agency point of contact for paperwork information, allowing small business to anticipate the otherwise unknown paperwork hurdles they must clear in launching new business ventures and in turn creating new jobs.

I again praise the work of the bill's sponsors. I thank my friend the gentleman from New York (Mr. REYNOLDS) for affording me this time on behalf of the 22 small businesses, and urge passage of this important bill.

Ms. SLAUGHTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Madam Speaker, this bill just simply helps small business.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 42 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 391.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 391) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes, with Mrs. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Indiana (Mr. MCINTOSH) and the gentleman from Ohio (Mr. KUCINICH) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. MCINTOSH)

Mr. MCINTOSH. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, today the House takes up a bipartisan bill to ease the burden of government paperwork on America's small businesses, H.R. 391, the Small Business Paperwork Reduction Act Amendments of 1999. This bill would give America's small businesses relief from government paperwork and the agencies "gotcha" techniques, to which the President often refers.

Madam Chairman, as you know, the burden of government paperwork is significant. According to the Office of Management and Budget, paperwork counts for one-third of the total regulatory costs in this country, or about $230 billion each year. That is $230 billion that America's small businesses and other businesses pay in order to fill out forms like these that I have brought with me here today. This is the total paperwork that a small businessman or woman would have to fill out in order to operate a new small business in America for one year. Later on in today's record I will testify as to exactly what those forms are. That is the mountain of paperwork that we are trying to reduce.

We are also trying in this bill to give small businesses a break when they go through the paperwork, when they fill it out. As the gentleman who spoke on the rule told of his story in New York, when they have those 26 redundant forms and they miss one of the lines on it, happen to fill it out incorrectly, we are going to give them a break and let them have six months to go back and correct this.

It takes about seven billion employee hours a year to fill out all the Federal paperwork. That is seven billion hours that a small businessman has to pay someone to fill out those forms, or he or she has to do it themselves.

We heard testimony from many small business owners. They cannot afford to hire lawyers or accountants or an employee that will do all of the paperwork, so they stay up late at night, burning that midnight oil, filling out the forms, so they can be law-abiding small businesses in this country.

Now, last year the Congress passed this bill. It passed with a strong bipartisan majority, 267 to 140. Fifty-four of my colleagues on the Democratic side joined virtually every Republican in supporting this bill. Last week the Committee on Government Reform approved the bill by voice vote and sent it to the floor today.

The bill would do four things, and I think it is important that we focus on this because a lot has been said about this bill that, frankly, is not true.

What are the four things that this bill does? First, it would put on the Internet a list of all of these Federal paperwork requirements, one place where the businesses by industry could go and look. If you are a doctor's office, you would see all of the forms that you have to fill out. If you are a sign company, you would see all of the forms that you have to fill out. If you are a machine tool company, you would see all of the forms that you have to fill out. It would be on the Internet, it is widely accessible, so that every small businessman would know exactly what their responsibilities are.

Second, it would offer small businesses compliance assistance instead of fines on a first time paperwork violation, so that, frankly, we would not be playing "gotcha" with America's small businesses. Government would be saying we are on your side. We think it is important that you fill out these forms, and we will help you do it. If you make a mistake, we will give you time to correct it.

There are times when that provision does not apply, and this is what is important. It does not apply when doing so would harm or threaten the public interest, and, as I mentioned in the debate on the rule, I would like to offer an amendment after our hour of general debate that tightens that language and addresses some of the concerns to make it clear that if it has the potential to cause serious harm, that would mean there is no exemption from the fine. It would not apply if it would impede criminal detection or if it would involve one of the Internal Revenue laws.

These exceptions we thought were important, because the agencies made a good case why they needed to be able to go forward with civil penalties.

But I will tell you, it is my firm belief that filling out a form does not stop an environmental spill. Filling out a form does not stop somebody who wants to be crooked. If 99 percent of America's businesses are good, honest, decent people, but there is one rotten egg trying to cheat the government, frankly, we are not going to find out because he does not fill out the form. There is much too much reliance on paperwork to do the hard diligent work it takes to ferret out those bad actors.

What we have preserved in this bill are all of the other remedies, criminal sanctions, if someone commits fraud. Many of the agencies have injunctive relief, where if they find a business is doing something that is illegal, doing something that might harm the public, they can come in and close it down.

FDA has been doing that for years now, where they detect that somebody is producing a product, maybe it is apple juice, maybe some other food product that might be harmful, they do not wait to look at the paperwork. They go in with injunctive relief and shut that business down until the problem is corrected. That remedy is still available after this bill.

So this is an important provision, and one that I think it is important we think about correctly in the debate.

The third thing that the bill does is it would create a paperwork czar in each of the agencies who would contact small businesses on paperwork requirements and help them fill out the forms.

□ 1115

This paperwork czar would be an ombudsman for small businesses within the agency where they could feel they could call up and say, how do I do this? How do I fill out this form? I have gone through half the pile already, but I just do not understand this one. What do I need to do to comply with the law?

The fourth one is that it would establish a multiagency task force to study how we can do even better at streamlining those requirements. I was enormously impressed with our colleague from New York who reported that with some effort as the head of the Labor Department in that State, he was able to reduce all of those 20-some forms down to just 2 or 3. It took hard work I am sure to do that, and that is what we hope this multiagency task force will accomplish for us.

These are 4 important goals, 4 things that this legislation accomplishes that will be good for America's small businesses.

Now, one reason that this bill is needed is that the Federal agencies frankly have not been doing their job under the 1995 Paperwork Reduction Act. In 1995, Congress mandated and the President signed into law a bill that told the agencies they must reduce their paperwork by 25 percent, so that we could take a quarter of this pile of paperwork and throw it out the door, as being redundant, unnecessary, something that was not needed.

Well, the record shows the agencies are not doing their job. In 1996, they were supposed to reduce it by 10 percent. In fact, it was only reduced by 2.6 percent. Then, in 1997, they were supposed to reduce it by another 10 percent, and it actually increased, increased by 2.3 percent. And then in 1998 when they were supposed to finish the job, make that 5 percent reduction, the agencies actually increased their paperwork another 1 percent.

So we have seen a net increase since the Paperwork Reduction Act was enacted in 1995. To me, that screams of the need to make a change to that bill and to create the proper mechanisms to actually reduce unnecessary paperwork.

Now, there is another provision in the law that Congress passed in SBREFA, the Small Business Regulatory Enforcement Fairness Act, that was passed in 1996 that mandated that the agencies on their own adopt a policy that would allow small businesses to be exempt from the civil penalties. Very similar to our provision, but what it did was it gave the agencies the latitude for adopting their own policies. It frankly is very similar to the amendment that my colleague, the gentleman from Ohio (Mr. KUCINICH) will bring later today.

Well, the record is clear, frankly, that the agencies are not obeying SBREFA either. In fact, only 22 of the 77 agencies that assess these civil penalties even submitted a plan, and those that did address the question of relief for small businesses did so in a way that often caused more harm. What they said was, we are still going to impose the fine, but then we will allow you to arbitrate, to come in, hire a lawyer, go through an arbitration process, and maybe we will reduce the fine at the end of the day.

As I tried to emphasize earlier, Madam Chairman, America's small businesses are not large corporations, they do not have hundreds of lawyers on their staff to handle those types of cases. They are trying to each day just get a product out the door, do their services, help the public with what they are providing in the way of their service in their community.

So that policy actually does more harm than good. For that reason, I am not able to support the amendment of the gentleman from Ohio (Mr. KUCINICH), because it really just repeats the same language that SBREFA had that the agencies have indicated they have no intention of following through with.

Now, let me mention a couple of actual examples that our hearings on this bill brought forward. Last spring, our subcommittee held 2 hearings. Several small businesses were represented at those hearings.

One lady, Teresa Gearhart, who owns a small trucking company with her husband in Hope, Indiana, a small town in rural Indiana, told us that her company has enough business to grow and add new employees, that she thinks she could actually add 5 more employees in the coming year. But they have made a conscious decision not to do so. I was puzzled by this, quite frankly, and I said, Teresa, why would you not want to expand? You seem to be successful. You offer a great service to the community. She said, we have looked at the paperwork and if we go over a certain threshold, then the amount of paperwork we have to fill out actually goes up, and it is not worth our time, we cannot hire somebody to fill it out. My husband and I already do all the paperwork as it is, and we cannot take anymore. So they made a conscious decision to not grow their small business, to not offer more opportunities for employment in that community, and to not thrive and perhaps have a chance to compete and become one of America's larger businesses.

A second person who testified was Mr. Gary Roberts. Now, Gary is the owner of a small company that installs pipelines in the town of Sulphur Springs, Indiana. He came and told us about a problem that he had with OSHA. Now, when one mentions OSHA to America's small businessmen, instead of saying yes, they come to help me make sure I have a safe work site, they cringe, because they think OSHA is going to come and find something that they have not filled out right in their paperwork and charge them $750, $2,000, whatever the fine may be.

This happened to Gary Roberts. He was working on a job, his men were on the site, they had complied with all of the safety requirements to excavate and lay the pipeline, but they had left the manual that repeated all of those requirements that they had been trained on and drilled on back at the office. The OSHA inspector came, he did not find anything wrong, it was a perfectly safe work site. One of the workers actually ran back to the main office and brought the manual to show they had one and had been using it, and they were told, you are out of luck. You did not have it here when I arrived; that is a $750 fine.

That type of "gotcha" technique is continuing to go on and it is exactly the type of problem that we need to address with this legislation.

We have heard from farmers as well. Mr. Van Dyke, a muck crop farmer in Michigan, was fined this year for not having the proper employment disclosure paperwork. This was his first violation. He had always filled it out, he did not have it for some reason, and he ended up settling for $17,000. This is a farmer who has workers who help him harvest his crops who had a $17,000 fine this year as a result of a paperwork violation.

Now, this is all the paperwork, as I said, that is required for America's small businesses. We need to do better by them. We need to reduce that. We need to put the agencies on the side of small businesses, and we need to do our job in making sure that the Paperwork Reduction Act is working and helping America's small businesses. Madam Chairman, I look forward to the debate on the amendments.

Madam Chairman, I reserve the balance of my time.

Mr. KUCINICH. Madam Chairman, I yield myself such time as I may consume.

I have my remarks prepared, but there is something that I heard the gentleman from Indiana (Mr. MCINTOSH) say relating to the case involving Mr. Roberts, the owner of a small company which installs pipelines in Indiana.

We have been doing some research on this matter, and I would just like to report the results of our research and see if it is out of variance with the information which the gentleman from Indiana has. The inspections which he mentioned took place in 1987 and 1989, during the administrations of Ronald Reagan and George Bush. According to OSHA records, Mr. Roberts' company was not assessed any fine for any of the 3 paperwork violations uncovered during the inspection. Those violations included "no written hazard communication program," "no hazard warning labels on hazardous chemicals being worked with," and "no material safety data sheets for hazardous chemicals."

Instead, Mr. Roberts was fined after OSHA inspectors found substantive violations during 3 separate inspections, including violations determined to be serious. The first inspection on December 2, 1987 found 10 violations involving, among other things, flammable and combustible liquids and electrical hazards. On May 10, 1989, OSHA found 7 more violations, including actual safety violations. The third inspection on November 9, 1989 found 4 serious violations. It was only then, after the third inspection, that the company was fined. This included a $400 fine for failing to provide sufficient protection for employees from traffic, a $160 fine for operating equipment without appropriate wheel guards, and a $400 fine because the construction site did not have, this is a construction site, did not have the required hand rails, guardrails, or get this, manhole covers. No penalties were assessed for 12 other violations uncovered during that inspection, including the paperwork violation referred to by the gentleman from Indiana (Mr. MCINTOSH).

So much of this debate involves mythologies that need to be challenged. For instance, what is a small business? Well, the image I have of a small business is a mom and pop delicatessen; that is part of my memory growing up in America, but we know there are not many of those left anymore.

Let us look at what a small business, for purposes of this bill, would be identified as. How about a petroleum refining company of up to 1,500 employees. Or, a fire and casualty insurance company with 1,500 employees. Or, a pharmaceutical company with 750 employees. Or, an explosive manufacturer, an explosive manufacturer with 750 employees. That is a small business. They would be exempt from fines, even if they have willfully and intentionally violated the law with respect to reporting requirements. An explosive manufacturer.

Car dealers with $21 million in annual receipts, gas stations with $6.5 million in annual receipts, dry cleaners, banks with $100 million in assets. A small business.

Now, H.R. 391 waives penalties for most first-time violations by "small business concerns." And the bill states that a small business is what is defined by section 3 of the Small Business Act. Just understand when we are speaking of small businesses what we mean and where the impact is on this bill.

The general rule is that a small business has less than 500 employees, but we have to remember that in this case, in this bill and in a number of cases, small business may be even larger.

Now, we all know that small businesses are the backbone of America. They are where the new jobs are being created. However, many small and family-owned businesses spend a great deal of their time and resources learning about and complying with applicable laws. It is good that we are looking at ways to simplify and streamline the resulting paperwork, but we are not looking for ways I hope to give someone a free pass on a willful violation, a get-out-of-jail-free card on a willful violation.

Madam Chairman, I oppose H.R. 391, and I am definitely not alone. The administration strongly opposes it. Four department heads would recommend a veto. A growing number of State attorneys general and labor, environmental, consumer, senior citizens, health and firefighter groups oppose it. The list of opposing groups is daunting, including names like the National Council of Senior Citizens, the AFL–CIO, and the New York State Attorney General's Office.

H.R. 391 contains a number of noncontroversial provisions that will reduce the paperwork burden on small businesses. That is good. However, the provisions that prevent agencies from assessing civil penalties for most first-time violations would create a number of unintended, but serious, negative consequences. These provisions could endanger seniors' pensions, threaten the quality of nursing home care, interfere with the war on drugs, undermine food safety protections. Think about that in an era where pfiesteria has confronted American consumers.

□ 1130

Think about that, in an era where food contamination has become a greater concern. This legislation would also undercut controls on fraud against consumers and investors, and this legislation would threaten the environment and provide a safe harbor for violators, even when the violation is longstanding, intentional, and committed in bad faith.

Of interest to those who are devotees of the Tenth Amendment, this bill would preempt State law. The National Governors Association wrote, and I quote, "States are best able to direct State enforcement policy on the issue, and we believe that Federal preemption of State authority is unjustified."

So I rise not simply as a Member of Congress representing people in the northeast area of the State of Ohio, but I rise on behalf of the State of Ohio in stating that, and of other States who are concerned that a Federal preemption will occur.

Madam Chairman, let me give some examples of the possible pitfalls created by these provisions.

Food safety. In 1996, the FDA implemented the hazardous analysis critical control point, pronounced HACCP, system of seafood inspection. This is a serious inspection program that would prevent the centuries-old what was known as the poke-and-sniff test as the primary method of preventing the sale of seafood contaminated with dangerous pathogens. HACCP, the law, requires seafood companies to identify local food safety hazards, such as toxins, parasites, bacteria, and they have to develop procedures to monitor onsite preventive control measures. Shellfish producers are also required to keep records of the origin of shellfish, in case a recall is necessary. The entire system depends on processing plants to report their own compliance with food safety requirements. It is kind of an honor system.

Under H.R. 391, however, FDA officials will be unable to enforce seafood safety laws because the violations of recordkeeping requirements will be unenforceable. FDA's only alternative, and get this, America, the only alternative that the FDA would have would be to take enforcement action after the consumers have been poisoned.

Opponents of the amendment which I will offer argue that the exception for violations that pose a "serious and imminent danger to the public health or safety" adequately protect the public. This is simply not true. And notwithstanding any other amendment that may be offered, if a business fails to report where it received its oysters, there is no imminent danger. The imminence of the danger only becomes apparent after someone has gotten food poisoning and the agency is attempting a recall of the poisoned foods.

Worker safety. In fact, the exception for imminent and substantial danger offers little protection under any set of facts. For example, if an employer fails to provide a worker with instructions on how to safely operate machinery, this is a paperwork violation. Again, there is no obvious imminent danger until after the worker has been injured.

Madam Chairman, there are so many things wrong with this bill that even an attempt to amend it, to clean it up, is going to be lacking in sufficient import to be able to protect the health, the safety, the environment, of the people of the United States of America.

I believe the gentleman from Indiana may now have the opportunity to respond to the concerns that I expressed about food safety or any other matter that he certainly has information about.

Madam Chairman, I reserve the balance of my time.

Mr. McINTOSH. Madam Chairman, I yield myself 30 seconds.

Madam Chairman, what I would simply like to point out, and I think the gentleman knows this, and I would ask him to amend his remarks to reflect this, the FDA has ample authority to go in and close down an unsafe food production facility before any injury to the public. They have used it often. Perhaps the gentleman was misinformed, or in the heat of the debate overstated the case, but I think if he goes back and checks he will realize that that is the case. There are serious things that can happen and that we need regulations for, and the agencies have the tools to do that under this legislation.

Madam Chairman, I yield 3 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Madam Chairman, I am something unique around here. I actually am a small business person and have run small businesses in the past. I think I have a pretty good understanding of what happens in America.

I am kind of shocked to find out that we are going to have to increase the amount of paperwork that small businesses are obligated to do in order to save America as we know it. I did not know that the minority in the administration are predisposed to the idea that all businessmen are criminals, or that we want to destroy the environment or contaminate America's food supply. I always thought the small businessmen in this country were honest, hardworking men; we try to do the best thing, we get up every morning, we make the payroll, we work hard. We do the things that are necessary to keep this country on track.

Fifty-three percent of the private workforce in this country are represented by the small business people, or are hired by small business people, not just large companies. I would agree with the gentleman that 1,500 employees is a pretty good-sized company, but I did not have that many employees. I had less than 100. I would define that as a small business.

It is tough out there. It is tough to meet all the requirements that are put upon us every single day. So not only am I here to support this gentleman in his legislation, but enthusiastically support it. It amounted to over 7 billion man-hours a year to complete paperwork in 1998, a cost of $229 billion annually to businesses. It accounts for one-third of regulatory costs in America.

What is wrong with trying to have more efficient operations of the United States government? Do we want more government? Do we want more paperwork? Do we want more bureaucracy? I do not think so. This is an opportunity for us to do a small, little bit to cut back on the costs and the burdensome regulations that are placed on businesses every day.

I do not understand why the minority is opposed to this. I guess I do. I guess they want more paperwork and more regulatory costs. But I certainly cannot support that. I am happy to be here to support the gentleman on this good piece of legislation.

Mr. KUCINICH. Madam Chairman, I yield 5 minutes to my good friend, the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Madam Chairman, I had come down here hoping to engage in a high-level debate. I am a little disappointed to see the cynicism and skepticism creep in, and there is some sort of contest here about who is most in love with America's small businesses.

I suspect all of us appreciate and acknowledge the importance of America's small businesses. My colleague who just spoke is not the only Member of Congress who is a small business person, nor is it unique among our colleagues here to have a small business experience in their past before they came to this body. So I would hope we start with the assumption that all of us are here intending to do what is best, not just for small businesses, but for America and for our population, including our consumers, and including all of us who have a concern about the environment and law enforcement, and all of the other agencies that are involved in making our quality of life at a high level, or as high a level as possible.

I rise in opposition to this bill, having been somebody who has a long experience with small business and with their regulatory affairs, having represented numerous small businesses as they dealt with regulations and their application.

But I look at this bill, Madam Chairman, and I see it has some good points and it has some deficiencies. The problem that I see is in the efforts to work with the other side to correct some of these deficiencies, and we are met with sort of a challenge that any correction of the bill in a bipartisan manner will take away the opportunity for somebody to be the champion and somebody not to be the champion. I do not think that is the way we ought to proceed in moving legislation through this body.

There is much in this bill that in fact can be supported. I think that we all agree that businesses should not be burdened or overburdened by overzealous application of the law. The proposal in this bill to publish in the Federal Register an annual list of the requirements that pertain to small business makes sense. We ought to do that.

The establishment of an agency point of contact, a liaison for small businesses to work with, should make compliance easier. That, too, is something everybody should be able to support, as is the proposed task force that would examine how the requirements for information collection can be streamlined.

Everybody here wants to make sure that small business gets a break when it is deserved. We just want to make sure that we do not provide a disincentive for filing reports that protect our health and our safety. I believe we should be able to achieve that goal if we put aside the concept of winners and losers here.

We all agree with my colleague's comments about small business being the backbone of America, creating the majority of new jobs; the fact that small business owners work hard in their communities to help build them, and that we should make sure that everybody in small businesses is encouraged in creating jobs and new jobs. That is something we definitely want to do.

But we know that most small businesses do in fact obey the law. There is no question about that. They are good Americans. We were all good Americans when we were small business people. We salute them, and we are sure Members on both sides of the aisle do.

However, there are problems with this bill, because not all of us are angels, in fact. Some of the small businesses we find in this bill are not in fact small businesses by our normal account of how that word might be defined.

In this bill, I might note, Madam Chairman, there will not be any requirement for the filing of one less piece of paper when this bill passes. Every small business will be filing just as much paper the day after.

As I mentioned, there is nothing actually in this bill that reduces paperwork. If this legislation is enacted, no individual will file one less piece of paper tomorrow or the day after than they would have filed before, but this H.R. 391 would bar agencies from assessing civil fines against those who violate a large variety of laws, even those when the violations were intentional. I do not think that is someplace where small businesses want to go or the American public wants to go.

The administration is strongly opposed to this bill for obvious reasons, as it is currently written. There is a Statement of Administration Policy on the bill which states that if presented to the President in its current form, the Attorney General, the Secretary of Labor, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency would recommend that the President veto this bill.

All of those people, Madam Chairman, cannot be against small business in America. They do, however, see that this bill needs some remedial action, and they are going to suggest that.

I think when we talk to the amendment the gentleman from Ohio (Mr. KUCINICH) is proposing, it takes that action. It allows and requires, in fact, the agencies to look at the nature and seriousness of a violation, the good faith efforts to comply that might be there, and other relevant factors in determining whether or not there should be a waiver.

I think the American people want to lessen the burden of paperwork everywhere, they want to lessen the burden of regulation, but they want it done in a reasonable way, they want it done with common sense, and in a way that still provides for protection of our health and our safety in all counts.

So I would ask, Madam Chairman, that everyone reconsider their hardened positions and their concept that people are going to be better than others or more a champion of small business, and settle in on what is best, not just for small business, but to help small business keep maintaining the health and safety of the American public; simply allowing agencies to waive when appropriate, but to retain the ability to check all different circumstances when it is appropriate and when it is not.

Mr. MCINTOSH. Madam Chairman, I yield myself 30 seconds.

Madam Chairman, I would mention one of the examples. If we would check and examine the paperwork from a dermatologist in Columbus, Indiana, who does his own lab work, fills out his own forms, he is required to fill out on a form a report that he has been trained on how to change the light bulbs in his microscope.

This is a doctor, highly trained, and a medical technician who could be subject to a civil penalty if he did not fill out a form correctly certifying that he has gone through the training in changing a light bulb. That is the type of paperwork that we need to eliminate, and certainly need to say we are not going to play gotcha and fine you $1,000 if you do not fill it out right.

Madam Chairman, I yield 3 minutes to my colleague, the gentleman from Oregon (Mr. GREG WALDEN), a new Member.

(Mr. WALDEN of Oregon asked and was given permission to revise and extend his remarks.)

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Mr. WALDEN of Oregon. Madam Chairman, I want to follow up on the comments of my colleague from Massachusetts that this bill does not reduce one piece of paperwork that has to be filed. Well, I would say this is a good step in the right direction. And if that gentleman would like to work with us, I am sure there is a lot of this sort of unnecessary and burdensome paperwork that maybe we could strike a bipartisan effort to eliminate. That should be our absolute goal.

My wife and I, for nearly 13 years, have owned and operated a small business. We have been on the forefront, right there on the battlefield with our neighbors and friends in a small rural town who are trying to make ends meet and employ people and fill out the forms, and risking the fines and the penalties because we did not do it right.

Now, there are those in big companies who can go down the hall and turn to a legal staff or an implementation staff at some point and they can fill out all the forms for them. But in a small business, in a small town, the owner of that business becomes that legal staff. That owner becomes that personnel department. The owner becomes everything in that business. The owner is trying to make ends meet, he or she is trying to meet a payroll and trying to serve their clients and trying to serve their community.

And then the government comes along with another form or another inspection or another penalty. I am regulated by the Federal Government in the business I am in. I have a one-week window to pay the fees each year to that government. And my colleagues can smile about it. I understand that. But this is serious business, because we have a one-week window to fill out the form and send the fee to the Federal Government. If that form is filled out incorrectly or if that fee arrives late, it is a 25 percent penalty that I may be subject to. I cannot send in that form or fee ahead of time. It has to be done in a 5-day window.

This government of ours, unless an individual is right there on the forefront, they cannot appreciate the number of forms and the number of inspections. And not that they come in, in each case and drop the hammer and issue a fine on first-time offenses, but the threat is always there that they will. And in some cases there may be an overzealous inspector, an overzealous bureaucrat who decides to drop the hammer and do that.

That is what we are trying to say here. Give us a break in small business. Give us a little relief. Give us the benefit of the doubt that what we are doing is trying to follow the rules, trying to follow the government's regulations, and do it honestly and fairly.

I do not believe that most small business people in my town, in my district, are trying to circumvent what the government wants them to do. Indeed, the farmers and ranchers and small businesses are trying to follow the rules. But I tell my colleagues what gets unfair is when a fruit grower has farm housing, and OSHA comes in and fines him $75 because the toilet paper is out in the toilet paper dispenser in the bathroom. There is a roll on the tank behind, but that does not count.

Madam Chairman, we need to pass this measure and pass it today.

Mr. KUCINICH. Madam Chairman, may I ask how much time remains?

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) has 12½ minutes remaining; and the gentleman from Indiana (Mr. MCINTOSH) has 10 minutes remaining.

Mr. KUCINICH. Madam Chairman, I yield myself such time as I may consume.

Some comment was made about some smiling on this side of the aisle. I am totally unaware of what the gentleman was referring to, but I will submit if this bill passes as written, there will be a lot of people smiling who are deliberately and willfully and intentionally failing to fill out paperwork which relates to the public safety, the public health and the environment of the country. That is where the smiles might be coming from. But they are sure not coming from this side.

There is a lot of discussion about the reduction of paperwork we have heard here. Paperwork, paperwork, paperwork, blah, blah, blah, blah, blah. I want to make it very clear that the controversial positions that the administration and I are opposing have nothing to do with reducing paperwork.

The administration strongly opposes H.R. 391 in the statement of administration policy, which says, in part, and I quote, the waiver provision, the waiver provision for first time violators. The bad actors, not the people who want to keep the law, not the good Americans out there who are faithfully doing the right thing, who are filling out the forms, who are running those businesses who we salute, but the bad actors would get off.

This waiver position would seriously hamper an agency's ability to ensure safety, protect the environment, detect criminal activity, criminal activity, not talking about the small businesses of America who are good Americans who do not violate the law. This waiver provision would seriously hamper the detection of criminal activity and the government's ability to carry out a number of other statutory responsibilities.

If H.R. 391 were presented to the President in its current form, the Attorney General, Secretary of Labor, Department of Transportation, and the Administrator of the Environmental Protection Agency would recommend that the President veto it.

Madam Chairman, I reserve the balance of my time.

Mr. McINTOSH. Madam Chairman, I yield myself such time as I may consume to note that my colleague uses the terms "willfully", "intentionally", "deliberately" and "off the hook". These are terms that are used in talking about criminals and crooks.

The difference on this bill is fundamental. We do not think America's small businesses are criminals. On the whole, the vast majority of them are good, decent, honest, hard-working American men and women who deserve to be cut a break when they try to fill out the myriad of paperwork the government asks them to do.

Madam Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EWING).

Mr. EWING. Madam Chairman, I thank the gentleman for yielding me this time and for allowing me to talk about something that is very close to my heart.

This is my fifth term in the Congress. And from the very beginning, I can tell my colleagues that in Illinois, in the part that I represent, that if there is resentment of government, it comes from how we enforce our rules and regulations. And it comes from people who have good intentions, who are not criminals, who are not trying to poison the environment or poison any citizens. They are there doing their job. But they get some pretty heavy fines for pretty insignificant violations.

This bill does not let anyone off who is doing something criminal. This bill merely says to the regulator, work with these people. It should not be an adversarial relationship between the regulated and the regulator. We need to work together.

I think that is what we have been talking about in this new Congress, is working together, trying to find common ground to do things to make America better. But I am afraid, and I say to my colleagues on the other side, if we played back the tape of today's debate, the vitriolic part is coming from over there. The scare tactics that we are going to do all these terrible things hearken back to the Contract days and the same type of attack on just good common sense legislation.

If we go back to the Contract, most of it was signed by the President, most of it became law, and we are all taking credit for it today. I would just like to see us work together. Work together and let us do some things that are good for Americans.

Mr. KUCINICH. Madam Chairman, I yield 7 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Chairman, I thank the gentleman for yielding me this time. And I want to express to the previous speaker that I very much agree with his sentiments. I understand what he is saying.

We want to help small business people who get tangled up in regulatory bureaucracy and find themselves a victim from those who are overzealous. But let us step back and look at the bill before us, not what we would like the bill to be. Because if the bill did what the gentleman said, I would support it, and I hope we can get the bill to reflect that goal.

The first problem we have is that we are voting on a bill that never had a hearing. It never had a hearing in a subcommittee, there was never a hearing in the full committee, so the groups and individuals that wanted to give input into this legislation, particularly those who would be affected, do not know why they were not heard, and we have not been able to get their reactions on the record in the usual legislative process.

This bill is called the Small Business Paperwork Reduction Act. We all want to reduce paperwork, but it is a misnomer. I think a better name for this bill, in the way it is framed now, is the Lawbreakers Immunity Act. It is not about small businesses, since it applies to gun manufacturers with a thousand employees, oil refineries with 1500 workers, and drinking water utilities with millions in annual revenues.

And it is not just a bill about paperwork. What is at stake here is the public's right to know about toxic emissions, an employee's right to know about workplace dangers, and a senior's right to know about safe conditions in nursing homes.

Make no mistake about it, the scope of this bill is far-reaching, with huge effects that deserve a full hearing and deliberation. Over 57 groups have expressed their opposition to this bill. Few issues have attracted such a diverse range of voices in opposition. Groups ranging from the State attorneys general, the labor organizations, the National Breast Cancer Coalition, consumer organizations, religious groups, fire fighters, environmentalists, handgun control advocates, they all oppose this bill.

Now, why are all these groups concerned? They were not given a chance to come before a hearing and express their concern. This bill gives first-time violators of important health, environment and consumer protection laws a free pass, making enforcement of our laws more difficult, if not impossible. By taking a blanket waiver approach, the bill creates a disincentive to comply with the law.

Now, let me give my colleagues some examples of this, and it is important to realize that there are serious consequences to this bill. The National Council of Senior Citizens wrote: "We believe that passage of this legislation will present serious problems in regard to the protection of older persons receiving care in nursing homes. Because inspections of nursing homes and their records are often infrequent, passage of H.R. 391 could cause deliberate violations of required procedures."

Let me elaborate a little on that, because I was the author of the Federal law on nursing home standards. Nursing homes have to submit paperwork to show that they are monitoring drug use by their patients; that they are monitoring the treatment and quality of care given to their patients. If they do not submit the paperwork because they know that in submitting that paperwork they will be found to be poorly treating the patients in that nursing home, and therefore they intentionally do not file that paperwork, knowing that nothing will happen to them for violating law, they will be off scot-free. But the consequences will be a lot of people will be overdrugged in a nursing home and ignored and left to just sit there.

The fire fighters, the International Association of Fire Chiefs joined five other fire service organizations in a letter expressing concern over, and I quote, "Provisions of this legislation that would permit or facilitate the relaxing of regulations designed to warn fire fighters and other emergency personnel of the presence of hazardous materials. The bill raises serious safety issues for fire fighters."

Well, we do not want to do that, and we do not have to do that to give small business people some relief from inadvertent errors in their paperwork obligations.

The Sierra Club, the National Resources Defense Council, they wrote on behalf of their membership stating, and I quote, "Numerous crucial health and environmental programs, including those for tracking hazardous materials, assuring food safety, reporting on hazardous emissions, reporting on drinking water contamination, and giving notice of chemical accidents rely on crucial reporting requirements that would be undercut by this legislation."

□ 1200

The gentleman from Indiana (Mr. MCINTOSH) a few minutes ago told us an anecdote that none of us had ever heard before, about a dermatologist who had to change his light bulb and was fined as a result of that.

Well, we will have to check out whether that was true or not. And the reason we have to check it out is that that gentleman told us last time we had this bill up that OSHA had a regulation, that is the Occupational Health and Safety Administration, which would require that all baby teeth be disposed of as hazardous waste materials rather than given back to the parents.

Well, we were all in dismay over such a regulation. The problem is there was no such regulation. The New York Times investigated this claim and found that it was completely false.

In 1991, under the Bush administration, OSHA issued regulations to protect health workers from blood-borne pathogens. One rule required dental workers to handle extracted teeth safely because they are contaminated with blood. So contrary to this claim, the regulation allowed a gloved dentist or employee to take the tooth, place it in a container, and give it to the parents.

I want to cite the New York Times, February 28, 1995. Too often on the floor of this House Members state things that they just made up, or maybe they heard it from somebody, but it turns out under further examination to be absolutely false. It may fit in with their theory, but if it is not true, it is not very helpful.

This bill has not had hearings. It has not had the airing that it should in the legislative process. It is astounding that not one of these groups had an opportunity to express their views to our committee. This is a bad bill. It makes intentional violations of vital laws unenforceable. We should not want that.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The Chair will advise that the gentleman from Ohio (Mr. KUCINICH) has 3½ minutes remaining and the gentleman from Indiana (Mr. MCINTOSH) has 7½ minutes remaining.

Mr. MCINTOSH. Mr. Chairman, I yield 3 minutes to the honorable gentleman from Texas (Mr. DELAY), our whip, who has been laboring in this vineyard even longer than I have. I appreciate his coming to the floor.

Mr. DELAY. Mr. Chairman, I appreciate all the hard work that the gentleman from Indiana has done in trying to bring some reasonableness to the regulatory policy of this country.

I think it is really interesting that some in this House base all their information and the veracity of that information on the New York Times. I would think that it would be more important to go straight to the agency itself and get the real truths from the agency, as the gentleman from Indiana (Mr. MCINTOSH) does, in supporting the claims that he makes.

But Mr. Chairman, I rise today in very strong support of this very reasonable legislation, in support of what the Clinton administration has claimed all the time in reinventing government, to reach out and create partnerships with the private sector and work with the private sector rather than bring down the regulatory hammer on small business people, and this legislation does that.

But in 1995 we passed a bipartisan Paperwork Reduction Bill that required a decrease in the Federal paperwork of 15 percent over the last three years. Do my colleagues know what the result of that legislation has been? Federal paperwork requirements have increased.

Do we have to reinvent the reinvention of government? What part of "decrease" do the bureaucrats and the regulators and their supporters not understand?

Mr. Chairman, the business of America is business; and over the last decade, American businesses have made huge strides to cut waste and improve the efficiency of their operations. But despite all these efforts, America's small businesses still have to spend too much time and too much money filling out unnecessary government paperwork, which prevents them from growing faster and creating new jobs and does not do anything to improve the health, safety, or the environment that the gentleman from California purports.

Remarkably, one-third of all Federal regulatory cost is the result of paperwork requirements. One-third. That amounts to $229 billion of an albatross roped around the neck of the small business person every year. Over seven billion man-hours are being drowned in this sea of red tape.

Mr. Chairman, Federal regulators need to start complying with the law. And this bill will list Federal paperwork requirements for small business on the Internet. It will assist rather than punish small businesses with their efforts at compliance. And it will create a multi-agency task force and an agency-specific paperwork czar to tackle this problem, and it is a problem.

Above all, it is lenient on first-time offenders when there are no health or safety concerns involved, so the Federal Government does not have to strangle this economy's biggest job creator in red tape and regulations and unnecessary paperwork. This bill takes another step toward lending companies a helping hand with this paperwork morass. I urge that my colleagues support it.

Mr. KUCINICH. Mr. Chairman, I continue to reserve the balance of my time.

Mr. MCINTOSH. Mr. Chairman, I yield 2½ minutes to my colleague, the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank my colleague for yielding.

As part of my work on the Committee on Education and the Workforce, I chair the Subcommittee on Oversight and Investigations, and in 1998 we went to the GAO and we asked them to take a look at paperwork as it affected America's businesses. They came back with a proposal, and they were going to take a look at companies in the State of California, to take a look at the Federal laws and the overlay of State laws that would affect a business within that company. They would take a look at the compliance requirements flowing from the Federal and State laws. They would take a look at the types of assistance that was available to different firms. And then they would take a look at the impact of workplace and tax laws, the impact that they would have on human resource operations.

What did they find? Well, in the State of California they found that there were 26 key Federal statutes that would impact a small- or medium-sized business. Interestingly enough, they also found that there is no single public agency, State or Federal, that would coordinate or provide a single point of contact for these small businesses, no single place to go to to get an understanding of, as a small business person, what do I have to do and how do I comply with the law?

What did these managers tell the GAO? Here are some of the things they said: Rules and regulations from the Federal Government are ambiguous under the law. They are constantly dealing with shifting sands. It means the regulations or the impact or how they are interpreted evolve over time.

What H.R. 391 does is it starts to deal with these kinds of issues. It would put all of the rules or a comprehensive list of all the Federal paperwork requirements on the Internet, a single place to go to to get the information. It would offer small businesses compliance assistance. They go to a small business and say, we are going to help you comply with the regulations. Establish a paperwork czar. A single point of contact for small business so that there would be a place to go to to get an understanding. And finally the most important might be that we would get a process that would outline streamlined requirements for small business.

Mr. KUCINICH. Mr. Chairman, I continue to reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. KUCINICH) has 3½ minutes remaining, and the gentleman from Indiana (Mr. MCINTOSH) has 2 minutes remaining.

Mr. MCINTOSH. Mr. Chairman, I yield 1 minute to our colleague the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman from Indiana for yielding.

I rise in strong support of H.R. 391, because small businesses are the backbone of our economy. Over the last 25 years, two-thirds of the new jobs in our country were created by small businesses, and overall small business employees are more than half of our private workforce, and they desperately need relief from the burdensome requirements of government, of more and more paperwork.

Regulations imposed by government cost a tremendous amount of money for each family, each working family. In fact, they cost a staggering amount. The typical family of four pays approximately $6,875 a year because of excessive government regulations. That would go a long way toward a college education, and it goes instead to regulations.

Families actually spend more on regulations than they do medical expenses, food, transportation, recreation, clothing, and savings. That is startling. Paperwork accounts for one-third of these regulatory costs. The American economy needs this bill and needs the relief it will afford.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, one of the parts of this debate that I think is perhaps confusing to people is the assertion that paperwork is not important.

We certainly want to relieve American small businesses of any paperwork which is unnecessary. But I think most reasonable Americans would agree that there are certain types of paperwork which can become very necessary.

For example, let us suppose that a jet plane which was a cargo plane had a particular type of cargo which had to be labeled "cargo only" and flown from one destination to another to arrive safely, and the cargo they had in some cases were oxygen cannisters; but let us suppose that cargo which happened to be oxygen cannisters was not labeled "cargo only" and ended up on a passenger plane. It is paperwork.

Well, actually this happened, that some oxygen cannisters ended up on a passenger plane instead of a cargo plane because they were not labeled "cargo only." Paperwork. There was an explosion and 110 people were killed on a ValuJet, which I think everyone remembers the crash in the Florida Everglades. The FAA pointed out that the company knowingly failed to package, mark, label, identify, or certify a shipment of 125 unexpended oxygen generators and 10 empty generators aboard the ValuJet.

So we cannot say paperwork is not important. I think that we have to keep having incentives to comply. And the only way we have an incentive to comply is to make sure we do not waive the penalties, because otherwise we end up with the condition where lives are jeopardized. That is what so many people are saying, paperwork can save lives, that there is a reason to have paperwork.

That is why the International Association of Fire Chiefs pointed out that removing or relaxing penalties for failure to comply with regulations that require disclosure of the presence of hazardous materials will almost certainly result in lack of compliance and raise serious safety issues for fire fighters. So there is a reason to have paperwork.

More than that, we need to have compliance; and the only way we have compliance is we do not waive the penalties. This legislation is about waiver of penalties for violators.

The AFL-CIO said that H.R. 391 would make the American workplace more dangerous than it currently is and needlessly remove safeguards currently in place to protect American workers.

Many environmental organizations are opposed to this legislation. The Sierra Club and the Natural Resource Defense Council said, "Numerous crucial health and environmental programs, including those for tracking hazardous materials, assuring food safety, reporting on hazardous emissions, reporting on drinking water contamination, and giving notice of chemical accidents, rely on crucial reporting requirements that would be undercut by this legislation." And there are dozens and dozens of groups who have similar concerns.

We are for small business. We support those small businesses who are trying to do the right thing. We want to lessen their burden. But no one in America wants to remove all paperwork, which would create a circumstance where America's health, safety and environment would be jeopardized.

Mr. MCINTOSH. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in closing the debate on this bill, and then we will move into amendments, let me put into the RECORD all the groups who are supporting the legislation, from the National Federation of Independent Businesses, United States Chamber of Commerce, the National Restaurant Association, the Academy of General Dentistry, and about three dozen other groups who support this bill.

Mr. Chairman, one of the speakers on the other side of the aisle said that they view this bill as the Lawbreakers' Immunity Act, and I think that just about sums up the difference of opinion here. They view small businesses as potential criminals, crooks, people who are looking for ways to get out of their requirements to obey the law.

We view them as decent, honest men and women who are struggling to do a job, provide a service, build a product. And they are confronted every day, every time they hire a new employee, with a mountain of paperwork this high.

□ 1215

We want to give them a break. We want to reduce that paperwork. We want to say to them if they make a mistake or they do not fill out one of the forms right, we will give them a chance to correct it and get their paperwork in order. It is that simple.

So, Mr. Chairman, I would urge my colleagues today to once again show bipartisan support as we did last year in the last Congress for this paperwork reduction bill.

Mr. PACKARD. Madam Chairman, I rise today in support of H.R. 391, the Small Business Paperwork Reduction Act. It is time we cut the red tape of the government and give some long overdue assistance to our nation's small business owners.

The Small Business Paperwork Reduction Act will streamline federal paperwork requirements and waive fines for minor, first-time paperwork violations. Previous legislation has forced small businesses to spend over seven billion hours filling out paperwork. This costs small business owners over $229 billion dollars in expenditures.

Simply stated, H.R. 391 will allow business owners the opportunity to correct minor mistakes without being fined thousands of dollars. It is time we take the fear of federal agencies away from the law-abiding citizens of this nation.

Madam Chairman, this is just common sense. It is time we reduce the burden of frivolous paperwork and the enormous costs associated with it for our nation's small business owners.

Mr. EHRLICH. Madam Chairman, I rise today in support of H.R. 391, the Small Business Paperwork Reduction Act Amendments of 1999, introduced by my colleague, Representative DAVID MCINTOSH.

Small business enterprises are the engine of our national economy. Today, small businesses generate half of all U.S. jobs and sales. Compared to larger businesses, they hire a greater proportion of individuals who might otherwise be unemployed—part-time employees, employees with limited educational background, the young and elderly individuals, and current recipients of public assistance.

Yet, the smallest firms bear the heaviest regulatory burden. Firms under 50 employees spend on average 19 cents out of every revenue dollar on regulatory costs. These businesses desperately need relief from the burden of government paperwork.

These entrepreneurs live in constant fear of fines for an innocent mistake or oversight. The time and money required to keep up with government paperwork prevents small businesses from growing and creating new jobs. Paperwork accounts for one third of total regulatory costs, or $225 billion. In 1996, it required 6.7 billion man hours to complete government paperwork.

This legislation will give small businesses the much needed relief from the burden of paperwork. H.R. 391 will place on the Internet a comprehensive list of all federal paperwork requirements for small businesses, organized by industry, as well as establish a point of contact in each agency for small businesses concerned with paperwork requirements. In this way, the auto parts dealer in Essex, MD, and the corner grocer in Dundalk, MD, will have a government-paid advisor—rather than having to pay a high-priced lawyer.

Further this legislation encourages cooperation and proper compliance by offering small businesses compliance assistance instead of fines on first-time paperwork violations which do not present a threat to public health and safety. Lastly, it will establish a task force to streamline reporting requirements for small businesses.

This legislation is a positive step in addressing the demands for reform from many of my small businessmen and women in the 2nd District of Maryland.

Madam Chairman, please join me in strongly supporting this common-sense paperwork reduction bill for small business.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 391 is as follows:

H.R. 391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Paperwork Reduction Act Amendments of 1999".

SEC. 2. FACILITATION OF COMPLIANCE WITH FEDERAL PAPERWORK REQUIREMENTS.

(a) REQUIREMENTS APPLICABLE TO THE DIRECTOR OF OMB.—Section 3504(c) of chapter 35 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act"), is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(6) publish in the Federal Register on an annual basis a list of the requirements applicable to small-business concerns (within the meaning of section 3 of the Small Business Act (15 U.S.C. 631 et seq.)) with respect to collection of information by agencies, organized by North American Industrial Classification System code and industrial/sector description (as published by the Office of Management and Budget), with the first such publication occurring not later than one year after the date of the enactment of the Small Business Paperwork Reduction Act Amendments of 1999; and

"(7) make available on the Internet, not later than one year after the date of the enactment of such Act, the list of requirements described in paragraph (6).".

(b) ESTABLISHMENT OF AGENCY POINT OF CONTACT; SUSPENSION OF FINES FOR FIRST-TIME PAPERWORK VIOLATIONS.—Section 3506 of such chapter is amended by adding at the end the following new subsection:

"(i)(1) In addition to the requirements described in subsection (c), each agency shall, with respect to the collection of information and the control of paperwork—

"(A) establish one point of contact in the agency to act as a liaison between the agency and small-business concerns (within the meaning of section 3 of the Small Business Act (15 U.S.C. 631 et seq.)); and

"(B) in any case of a first-time violation by a small-business concern of a requirement regarding collection of information by the agency, provide that no civil fine shall be imposed on the small-business concern unless, based on the particular facts and circumstances regarding the violation—

"(i) the head of the agency determines that the violation has caused actual serious harm to the public;

"(ii) the head of the agency determines that failure to impose a civil fine would impede or interfere with the detection of criminal activity;

"(iii) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

"(iv) the violation is not corrected on or before the date that is six months after the date of receipt by the small-business concern of notification of the violation in writing from the agency; or

"(v) except as provided in paragraph (2), the head of the agency determines that the violation presents an imminent and substantial danger to the public health or safety.

"(2)(A) In any case in which the head of an agency determines that a first-time violation by a small-business concern of a requirement regarding the collection of information presents an imminent and substantial danger to the public health or safety, the head of the agency may, notwithstanding paragraph (1)(B)(v), determine that a civil fine should not be imposed on the small-business concern if the violation is corrected within 24 hours of receipt of notice in writing by the small-business concern of the violation.

"(B) In determining whether to provide a small-business concern with 24 hours to correct a violation under subparagraph (A), the head of the agency shall take into account all of the facts and circumstances regarding the violation, including—

"(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

"(ii) whether the small-business concern has made a good faith effort to comply with applicable laws, and to remedy the violation within the shortest practicable period of time;

"(iii) the previous compliance history of the small-business concern, including whether the small-business concern, its owner or owners, or its principal officers have been subject to past enforcement actions; and

"(iv) whether the small-business concern has obtained a significant economic benefit from the violation.

"(3) In any case in which the head of the agency imposes a civil fine on a small-business concern for a first-time violation of a requirement regarding collection of information which the agency head has determined presents an imminent and substantial danger to the public health or safety, and does not provide the small-business concern with 24 hours to correct the violation, the head of the agency shall notify Congress regarding such determination not later than 60 days after the date that the civil fine is imposed by the agency.

"(4) Notwithstanding any other provision of law, no State may impose a civil penalty on a small-business concern, in the case of a first-time violation by the small-business concern of a requirement regarding collection of information under Federal law, in a manner inconsistent with the provisions of this subsection.".

(c) ADDITIONAL REDUCTION OF PAPERWORK FOR CERTAIN SMALL BUSINESSES.—Section 3506(c) of title 44, United States Code, is amended—

(1) in paragraph (2)(B), by striking "; and" and inserting a semicolon;

(2) in paragraph (3)(J), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) in addition to the requirements of this Act regarding the reduction of paperwork for small-business concerns (within the meaning of section 3 of the Small Business Act (15 U.S.C. 631 et seq.)), make efforts to further reduce the paperwork burden for small-business concerns with fewer than 25 employees.".

SEC. 3. ESTABLISHMENT OF TASK FORCE TO STUDY STREAMLINING OF PAPERWORK REQUIREMENTS FOR SMALL-BUSINESS CONCERNS.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is further amended by adding at the end the following new section:

"§ 3521. Establishment of task force on feasibility of streamlining information collection requirements

"(a) There is hereby established a task force to study the feasibility of streamlining requirements with respect to small-business concerns regarding collection of information (in this section referred to as the 'task force').

"(b) The members of the task force shall be appointed by the Director, and shall include the following:

"(1) At least two representatives of the Department of Labor, including one representative of the Bureau of Labor Statistics and one representative of the Occupational Safety and Health Administration.

"(2) At least one representative of the Environmental Protection Agency.

"(3) At least one representative of the Department of Transportation.

"(4) At least one representative of the Office of Advocacy of the Small Business Administration.

"(5) At least one representative of each of two agencies other than the Department of Labor, the Environmental Protection Agency, the Department of Transportation, and the Small Business Administration.

"(c) The task force shall examine the feasibility of requiring each agency to consolidate requirements regarding collections of information with respect to small-business concerns, in order that each small-business concern may submit all information required by the agency—

"(1) to one point of contact in the agency;

"(2) in a single format, or using a single electronic reporting system, with respect to the agency; and

"(3) on the same date.

"(d) Not later than one year after the date of the enactment of the Small Business Paperwork Reduction Act Amendments of 1999, the task force shall submit a report of its findings under subsection (c) to the chairmen and ranking minority members of the Committee on Government Reform and Oversight and the Committee on Small Business of the House of Representatives, and the Committee on Governmental Affairs and the Committee on Small Business of the Senate.

"(e) As used in this section, the term 'small-business concern' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 631 et seq.).".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3521. Establishment of task force on feasibility of streamlining information collection requirements.".

The CHAIRMAN pro tempore. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. MCINTOSH

Mr. McINTOSH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCINTOSH:

Page 4, beginning on line 8, strike "caused actual serious harm to the public" and insert "the potential to cause serious harm to the public interest".

Page 5, beginning on line 1, strike "an imminent and substantial danger" and insert "a danger".

Page 5, line 6, strike "an imminent and substantial danger" and insert "a danger".

Page 6, line 13, strike "an imminent and substantial danger" and insert "a danger".

Page 8, after line 24, insert the following:

"(6) At least two representatives of the Department of Health and Human Services, including one representative of the Health Care Financing Administration.

Mr. McINTOSH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. McINTOSH. Mr. Chairman, let me say very briefly this is an amendment that I think we have broad support for. It is a manager's amendment, frankly to respond to some of the concerns that there may be a potential harm to the public rather than an actual harm that would be addressed by the paperwork. I frankly am confident that the bill will cover that, but working particularly with the gentleman from California (Mr. THOMAS) and his staff on his subcommittee, we have crafted this amendment to make it very clear that where there is a potential to cause serious harm to the public interest or any type of danger to the public interest, that we will allow the agencies to go ahead and impose, in addition to all of their other remedies, a civil fine.

It also provides for two representatives from the Department of Health and Human Services, including one from the HCFA, to serve on the task force that we are creating. I think they will be a very beneficial addition and would welcome this amendment.

Mr. Chairman, I hope that it will receive support by all of my colleagues here, and then I understand the gentleman from Ohio (Mr. KUCINICH) also has an amendment where there will be some differences.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. DAVIS) to address the amendment in the bill.

Mr. DAVIS of Virginia. Mr. Chairman, I thank my colleague for recognizing me on this. Let me just note this ought to take care of a number of concerns that were raised in the preliminary debate on this when we talked about the crashed ValuJet and so on, but language in this amendment when it talks about threats and harms and so on in section 2(b) really makes sure that those kind of paperwork violations are taken care of.

Am I correct in that assumption?

Mr. McINTOSH. Yes, absolutely.

Mr. DAVIS of Virginia. Mr. Chairman, as my colleagues know, I think what we do not want to do is get our small businesses in a "gotcha" situation where they fail to file one of the reams of technical filings and paperwork that we so often require in laws and amendments.

And if my friend would bear with me, Steve Lampges is the owner of Maysville Grain and Fertilizer in Maysville, Oklahoma, employs 13 people. As part of his business, Steve sells chemicals used for fertilizer. Three years ago Steve decided to switch from selling chemicals in 2½ gallon containers to a more environmentally friendly system of selling from bulk storage. His reward for switching to bulk storage of chemicals was a new set of environmental rules and regulations which he acknowledged and complied with. In fact, Steve built a container storage building that was praised by Oklahoma State officials as a model for other agri suppliers.

In Steve's second year of providing fertilizer chemicals from bulk storage he failed to submit the pesticide production report required by the Federal EPA and was fined the maximum allowable penalty of $5,500. He submitted the 2-page form to EPA, but they continued to insist on the fine, and even when the government admitted it was in the public's interest to settle this action, the settlement offered by EPA was $3,300.

Steve recently put up his hands, admitted he can no longer fight with an EPA that seems determined to put him out of business, and he paid the settlement. But he cites this multi-year battle with EPA as the straw that has broken his company's back, and is unsure of the business's future.

This is the kind of horror story we hear from companies doing environmentally friendly things, getting caught in reams of paperwork and having a Federal bureaucracy that will not bend and work with them to help them comply where the public is not endangered in any way, shape or form, and they are not harmed at all. But the "gotcha" mentality that we sometimes find in Federal regulators is putting small businesses like this around the country out of work, and I think this amendment protects the public, but at the same time I think puts the proper emphasis on allowing our small businesses to grow and prosper as we pass reams of more rules and regulations which we force them to comply with.

Would the gentleman agree with that?

Mr. McINTOSH. Mr. Chairman, absolutely, and I appreciate Mr. Davis' example there. We have heard hundreds of those in the various hearings that we have held on regulatory oversight, including the two on this bill that we held last year.

Mr. DAVIS of Virginia. Mr. Chairman, it just seems to me that the health, the safety, the environment does not need to be jeopardized with this amendment. We can in fact protect that. We can give our regulatory agencies the ultimate judgment. But when we get into these technical violations, when a company is late filing some paperwork or a new form comes in that maybe they did not get it when they inquired, or their country attorney went and inquired and did not know about, that instead of saying, "We got you, you owe us, we're going to put you out of business and we're going to make you pay," that we can work with these small companies, help them nurture and grow, help employ people, help tax bases in these small communities across the country and suburban areas as well.

And it is a question, I think as the gentleman noted, do we trust the businesses to do the right thing, or do we think to come after them as if they are somehow crooks to begin with? The vast majority of small businesses are trying to do the right thing by their employees, by their customers and by the Federal rules and regulations, and I think this is a good sound amendment that gets to the crux of a lot of the opposition of this bill, and I congratulate the gentleman and hope that the House will support it.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

The amendment offered by the gentleman from Indiana (Mr. MCINTOSH) is a step forward, but the bill would still preempt State law. It still does not exempt intentional violations. It still provides no environmental protections. It still has inadequate exceptions for the public health because it requires a high burden of proof, and exemption therefore has a potential to cause serious harm. And there is still a Catch 22: We cannot discover violations that threaten the public safety without the paperwork.

So this bill does, even with the amendment, still jeopardize public health, but I would say the amendment is a step forward, and I accept the amendment.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman from Indiana (Mr. MCINTOSH), and I rise today in support of H.R. 391, the Small Business Paperwork Reduction Act Amendments of 1999.

Mr. Chairman, H.R. 391 provides our Nation's small businesses with desperately needed relief from the burden of government paperwork which has continued to grow each year. The number of hours required to complete government paperwork has increased more than 350 percent since 1980. Clearly we should do all we can to help relieve government paperwork demands that this Federal Government places on its citizens, and H.R. 391 helps us in this process.

Specifically, the legislation does the following:

It requires the posting on the Internet of a comprehensive list organized by industry of all Federal paperwork requirements for small businesses, it offers small businesses compliance assistance rather than fines for first time paperwork violations that present no threats to public health and safety, and it establishes a single individual in each agency to be the point of contact for small businesses on questions about paperwork requirements.

Mr. Chairman, these are all common sense provisions that every Member of this House should support.

Let me say also that they are consistent with other actions the House has already taken. Earlier this week the House passed H.R. 439, the Paperwork Elimination Act. This legislation will allow small businesses to take advantage of the information age when responding to government information demands. Both of these bills are designed to help small businesses meet the requirements that the government places on them in an efficient and fair manner.

I also want to address some of the concerns that have been raised by the opponents of this legislation. Some have claimed that H.R. 391 lets small business scofflaws go free, and that it protects drug traffickers, and that it undermines the ability to uncover illegal activity. But when I hear some of these statements, I am reminded of the story of Chicken Little in his warning that the sky is falling in. The fact is that the bill already contains numerous exemptions to ensure that bad actors are not rewarded for negligent or illegal behavior.

In conclusion, Mr. Chairman, let me simply state that I am a former small business owner. I know the frustrations that can be created by having to fill out mountains of paperwork from the Federal Government. This frustration easily turns to outrage when one is fined for a small paperwork violation that they may not even have been aware of. H.R. 391 will remedy this situation.

This legislation simply ensures that small business owners who are honest law-abiding citizens, and this will cover the vast majority of them, are not penalized for a minor first time paperwork violation.

I urge all Members to take a good look at all amendments that are offered and possibly to reject the Kucinich amendment and support H.R. 391.

Mr. MCINTOSH. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. MCINTOSH. Mr. Chairman, I will not use all that time. I just wanted to thank the gentleman from Ohio (Mr. KUCINICH) for accepting this amendment, and we have no other speakers on this portion of it, but we will address his amendment when it comes up. I wanted to thank him for accepting it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. MCINTOSH).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KUCINICH:

Page 4, strike line 1 and all that follows through page 6, line 24, and insert the following:

"(B) establish a policy or program for eliminating, delaying, and reducing civil fines in appropriate circumstances for first-time violations by small entities (as defined in section 601 of title 5, United States Code) of requirements regarding collection of information. Such policy or program shall take into account—

"(i) the nature and seriousness of the violation, including whether the violation was technical or inadvertent, involved willful or criminal conduct, or has caused or threatens to cause harm to—

"(I) the health and safety of the public;

"(II) consumer, investor, worker, or pension protections; or

"(III) the environment;

"(ii) whether there has been a demonstration of good faith effort by the small entity to comply with applicable laws, and to remedy the violation within the shortest practicable period of time;

"(iii) the previous compliance history of the small entity, including whether the entity, its owner or owners, or its principal officers have been subject to past enforcement actions;

"(iv) whether the small entity has obtained a significant economic benefit from the violation; and

(v) any other factors considered relevant by the head of the agency;

"(C) not later than 6 months after the date of the enactment of the Small Business Paperwork Reduction Act Amendments of 1999, revise the policies of the agency to implement subparagraph (B); and

"(D) not later than 6 months after the date of the enactment of such Act, submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a report that describes the policy or program implemented under subparagraph (B).

"(2) For purposes of paragraphs (1)(B) through (1)(D), the term 'agency' does not include the Internal Revenue Service.".

Mr. KUCINICH. Mr. Chairman, this amendment replaces the controversial provisions that would prevent the assessment of civil penalties and preempt State law with language that requires agencies to implement policies for reducing or waiving penalties against first time violators in appropriate circumstances. Again, it replaces the provisions that prevent the assessment of civil penalties and preempt State law with language that requires agencies, we are going to require agencies to implement the policies for reducing or waiving penalties against first time violators in appropriate circumstances. The agencies would be required to implement these policies within six months and report to Congress on those policies six months later. So there is a strong attempt here to make sure that businesses who operate in good faith are rewarded.

This amendment dovetails a provision in the Contract with America. Section 223 of the Small Business and Regulatory Enforcement Act which enjoyed overwhelming bipartisan support in Congress when it was signed into law three years ago, that provision required agencies to implement policies for waiving or reducing penalties under appropriate circumstances. However, SBREFA, as it is called, did not target relief to first-time violators. Some of the SBREFA policies specifically provide relief for first- and second-time violators. However, many agencies did not specifically address the subset of violations. My amendment would require that every agency draft policies providing relief for first-time violations.

This amendment has numerous benefits. It would provide penalty relief to first time violators without giving a "get-out-of-jail-free" card to those who intentionally violate the law. It would provide relief without encouraging businesses to ignore their paperwork objections. It would protect the integrity of our system of regulation, which depends on self reporting instead of relying on surprise inspections.

□ 1230

It would protect the integrity of the laws that protect our seniors, workers and the environment. It would protect our drinking water, nursing homes, pensions, and more.

Mr. Chairman, the political reality is that without my amendment, this bill will doubtfully become law. Many environmental, labor, consumer and health groups, as well as several States Attorney General, have voiced their opposition to the bill. Moreover, the administration strongly opposes it and four agency heads have threatened a veto.

A similar bill did not pass the House with a veto-proof margin this year. It will doubtfully become law if my amendment is not adopted. On the other hand, if my amendment is adopted, the bill, likely, will be non-controversial and likely will gain overwhelming support.

We should seize this opportunity to provide real relief to small businesses who are waiting for Congress to provide them with relief. I urge the support of my amendment.

Mr. McINTOSH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I said before, this bill has enjoyed much bipartisan support, and while there has been controversy swirling around the provision to suspend fines for first time paperwork violations so small businesses can have the chance to correct innocent mistakes, that controversy often has, frankly, overstated the cause.

I appreciate the gentleman from Ohio's efforts to point out legitimate concerns, as we did in the amendment today and the one earlier, in drafting a very clear statement that if there is a potential for actual law breaking or potential for harm to the public, that then those fines would go forward.

But, sadly, I cannot support the gentleman's amendment today, because it does not add anything new to the current law to protect small businesses. This amendment replaces the bill's suspension of fines with a provision that the agencies develop policies on the reduction, elimination and delaying of fines for first-time paperwork violations under appropriate circumstances.

This amendment essentially duplicates existing law. As I stated earlier, under Section 223 of the Small Business Regulatory Enforcement Fairness Act, or SBREFA for short, the agencies are already required to have these policies in place. They were supposed to submit them to Congress by March 31 of 1998, nearly a year ago. But nearly a year later, many of these agencies, including six cabinet departments, have not submitted their plans to Congress. In fact, only 22 of the 77 agencies that assess penalties have sent any policy at all.

This amendment simply reverts back to the status quo. It simply says to America's small businesses, we are going to ask the agencies to submit a policy, but not ask them to change their behavior when they play "gotcha" with innocent men and women who are attempting to run their small businesses.

It is clearly not working. It does not do anything to help the small businesses, and that is why the NFIB, the Chamber of Commerce and the National Restaurant Association have made opposition to this amendment a key vote today.

Last year we did amend the bill, as I stated earlier, in response to some of those concerns. I think the bill is a good bill today with the new amendment we adopted just a few minutes ago. It does make sure that the agencies can protect the environment, can protect health and safety and can protect and enforce the laws. But what it also does is says to the agencies, we want to give America's small business a break. When you have innocent small businessmen, not law breakers, but innocent small businessmen who make a mistake, they deserve to have a chance to correct that mistake.

I do believe that is the fundamental difference in this debate. Last year in the debate one of the members of my committee said that they thought this would be an excuse for small business not to file the paperwork required of them, that a small business person should not be let off the hook.

That view, that America's small businesses are looking for excuses not to comply with the law, simply is not what we found. Most of America's small businesses try to follow the law, they try to fill out the forms, they try to do what is required. Every day it seems they get a new requirement or are confronted with a stack like the one we have here before us when they hire a new employee.

They are working hard to follow those requirements. They are not criminals, they are not crooks, they are not people looking for excuses to not obey the law. They are not people trying to pollute. They are people who are trying to help clean up the environment, doctors trying to help with the public health, small businessmen providing a service in their community.

I think that we have to recognize that, and that in this bill, with the provision we have with the six month leniency that allows them to correct any of those mistakes, we are saying to the American small businessman and woman, we know you are trying to do a good job, and we are going to be on your side; we are going to switch the emphasis towards compliance, and not, I repeat, not assess you with penalties and fines.

Last week I received a letter from the Small Business Administration advocacy, Mr. Glover, who is a member of the Clinton Administration and who does support this legislation. One of the things I would like to do is quote from that letter where he says, "Small businesses generally want to comply with the law, but are inundated with these requirements. In some cases, violations occur not because small businesses are ignoring the law, but simply are unaware that such requirements exist. As always, there are a few out there that will try to take advantage of the law, and I believe section 2(b), which we have in the bill as it currently stands, leaves enough discretion to allow the agencies to punish those bad apples."

Mr. Glover, I think, also would recognize that those bad apples are few and far between, and that is where we need to direct our enforcement, not harassing the vast majority of America's small businesses who are trying to comply with the law.

For that reason, I would ask my colleagues to vote no on the Kucinich amendment, and allow the bill to go forward with the strong bipartisan support as it was drafted and previously amended.

Mr. LEWIS of Georgia. Mr. Chairman, I move to strike the last word.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of Georgia. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the National Governors Association wrote a letter to our leader, the gentleman from Missouri (Mr. GEPHARDT), and I would like to quote from it. "We applaud the goal of reducing paperwork burdens for small businesses and would support the Federal Government taking steps to ensure that information collection and paperwork requirements on small businesses are reasonable. However, we must express concern over the preemption of state authority in section," and they spell out the section of the Small Business Paperwork Reduction Act of 1999.

"As governors, we understand the critical role that small businesses play in our economy. We appreciate the importance of ensuring that Federal reporting requirements on small businesses are sensible and that enforcement of those requirements are reasonable. Clearly the Federal Government can direct its own enforcement policy on this matter. Likewise, states are best able to direct state enforcement policy on this issue, and we believe that Federal preemption of state authority is unjustified. We urge you to take our views into consideration as you move this legislation forward." It is signed by Governor Thomas Carper and Governor Michael Leavitt.

My amendment addresses these concerns and removes the preemption provision.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all let me just say that I have great respect for the gentleman from Ohio (Mr. KUCINICH), a member of our committee, a very hard working member, and I appreciate the input the gentleman gives us on a lot of legislation. The gentleman has helped a great deal. However, I disagree with the gentleman's amendment, and I would like to say why.

First of all, small business people across this country are overburdened by Federal regulations and paperwork, unnecessary paperwork, and, because of that, many of them have had their overhead increased tc such a degree that they have to start letting people off. They have to lay people off. It has an adverse economic impact on them.

This legislation passed the House I think with 54 Democrat votes, it was a bipartisan bill last session. This bill is extremely important for the small businessman, the backbone of the economy of the United States of America.

Now, there have been some misstatements made by some of the special interest groups that want this bill to die. They have said that workers are going to "die on the job" because of this, that the environment is going to be "devastated," senior citizens in nursing homes are going to "perish." Fortunately, none of that is true.

I want my colleagues who are paying attention to this to listen to the safeguards in the bill, and I will not be redundant, because I think the gentleman from Indiana (Mr. MCINTOSH) has done an outstanding job of not only getting this bill to the floor and being the author of it, but also explaining it.

Agencies do not have to suspend fines if the violation causes any actual serious harm. That is in the legislation. They do not have to suspend fines if the violation presents a threat to public health or safety. That would take care of the senior citizens in nursing homes and so forth. They do not have to suspend fines if doing so would impede the detection of criminal activity.

These are very broad exceptions, and the agencies involved, if they detect any violations of the law, they can impose these fines. However, if it is a legitimate mistake that a small businessman has made, he has six months to rectify the situation. If he does not, then the penalties will be imposed.

So I think if an honest mistake is made by a small businessman, he should not be penalized by the agencies of the Federal Government, and, for that reason, I think this legislation is extremely important, and, although I have great respect for the gentleman from Ohio (Mr. KUCINICH), I urge my colleagues to defeat his amendment and pass the McIntosh bill as written.

Mr. BLAGOJEVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, streamlining our Nation's regulatory system and eliminating overhanded regulations in our Nation's small businesses is a good idea. Paperwork reduction is an important part of these reforms, and who could be against reducing paperwork?

But what we are talking about today is far more important than just paperwork reduction. In our eagerness to shred paperwork, it is important that we be careful not to shred basic protections in areas like food safety, nursing home care, the environment and crime control.

These regulations can often mean the difference between life or death. At first glance, this bill sounds like a godsend, but, as the old saying goes, the devil is in the details, and the details here are a one-size-fits-all, blanket waiver for even deliberate violations of Federal law and Federal reporting requirements, that could result in serious and grave consequences to our public safety.

Mr. Chairman, consider the issue of gun sales to criminals. Mr. Chairman, I include for the RECORD a letter from Sarah Brady, the Chairperson of the Board of Handgun Control, detailing how this bill would weaken the reporting requirements of the Brady law.

HANDGUN CONTROL,
Washington, DC, February 11, 1999.

Hon. HENRY A. WAXMAN,
Ranking Minority Member, House of Representatives, Committee on Government Reform, Washington, DC.

DEAR REPRESENTATIVE WAXMAN: As the House prepares to debate H.R. 391, The Small Business Paperwork Reduction Act Amendments of 1999, I am writing to express our concern over a portion of the bill that may allow federally licensed firearms dealers to forego completion of background checks on gun purchasers using the new national criminal instant background check system.

Title 18, Section 922(t)(5) imposes a civil fine of not more than $5,000 on any federally licensed firearms dealer (FFL) who transfers a firearm to a prohibited purchaser if that FFL knowingly fails to check that individual's eligibility through the national criminal instant check system.

Firearms-related violence is one of our country's greatest concerns. In conjunction with state and local law enforcement agencies, the Bureau of Alcohol, Tobacco and Firearms has developed a comprehensive national firearms trafficking strategy aimed at reducing violent crime by investigating and prosecuting those individuals who are illegally supplying firearms to violent criminals.

Failure to comply with the "paperwork requirement" of the Brady Law poses a public safety threat to all Americans. There are over 100,000 federally licensed firearm dealers and most are small businesses. If each received a first time violation waiver, 100,000 dangerous weapons would be on the streets of our country.

We understand that Representative Dennis Kucinich (D-OH) will offer an amendment that will preserve individual agencies' ability to fine deliberate violations of their reporting requirements. I urge all Members to support the Kucinich Amendment.

Sincerely,

SARAH BRADY,
Chair.

Mr. Chairman, the Brady law is a law, I would point out, which has stopped over a quarter of a million handgun sales to felons and fugitives of justice.

Last November, the Bureau of Alcohol, Tobacco and Firearms issued a permanent regulation to implement the Brady Handgun Violence Prevention Act. A key part of these regulations are verification and reporting requirements by gun dealers that are designed to prevent the sale of firearms to a class of restricted individuals that includes convicted felons, fugitives from justice, domestic abusers and others.

Specifically, the Brady act imposes a $5,000 civil fine on gun dealers who fail to perform criminal background checks on prospective buyers. The blanket amnesty provisions of H.R. 391 would remove the incentives for sellers to abide by these reporting requirements.

Under this bill, gun dealers are given a free pass to sell weapons to criminals with impunity. According to Sarah Brady,

> Failure to comply with the paperwork requirement of the Brady law posts a public safety threat to all Americans. There are over 100,000 federally licensed firearm dealers, and most are small businesses. If each received a first time violation waiver, 100,000 dangerous weapons could be on the streets of our country.

Now, the proponents of this bill may argue that the bill includes an exception that would prevent this from happening by giving to an agency head the discretion to oppose a fine if he or she determines it involves criminal activity. But, in reality, the threshold established in this exception as a practical matter virtually is impossible to achieve.

It is extremely difficult to prove that not conducting a particular background check definitely impedes or interferes with detecting criminal activity. Remember, in the mind of an unscrupulous gun dealer, he knows he has a free pass to sell guns to criminals, unless he gets caught.

□ 1245

And a scrupulous dealer has every reason to skirt the regulations because it would help maximize his profits.

But do not take my word or Sarah Brady's word for it. The Justice Department has also raised concerns. In a February 2nd letter from Acting Assistant Attorney General Dennis Burke, the Department of Justice stated that two standards set forth in the bill's exception were "inappropriate." According to the Department of Justice, and I quote, "It may be difficult for an agency to determine that the failure to impose penalties would in a given case interfere with the detection of criminal activity."

Again, the point of the Brady law reporting requirements is principally to prevent criminals from getting guns.

Mr. Chairman, particularly in the area of protection against firearms, agencies should not be hamstrung or have to wait until serious harm occurs before imposing civil penalties. Every bill has unintended consequences. But in this case, although the consequences may be unintended, they are foreseeable and potentially deadly. All it takes is one dealer to pass up a background check for a life to be lost in a shooting.

I strongly urge my colleagues to oppose House Resolution 391 in its current form and to support the Kucinich amendment, which reduces paperwork and injects some common sense reforms into our regulatory system without jeopardizing public safety.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. BLAGOJEVICH. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I pointed out earlier that the bill still preempts State law, and State officials have opposed H.R. 391. The Attorney General of the State of New York has said the most objectionable element of the legislation is the preemption of State enforcement efforts.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wanted to say something. One of the things that bothers me in this debate is the assumption that small business people have an intention to do something dishonest. That is like saying that school teachers have the intention not to teach; that doctors have the intention to commit malpractice. If we continue in this country with the assumption that small businesses' goal is to do everything opposite of what the Federal Government would want them to do, we will not be long in terms of being an economic power.

To say that a gun dealer will blatantly disregard the Brady law if this bill is passed is absurd. There are significant penalties for doing that which will not be abated by this law.

Mr. McINTOSH. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Indiana.

Mr. McINTOSH. Mr. Chairman, I thank the gentleman for yielding me this time.

I appreciate the gentleman's remarks. In fact, it is that fundamental difference in the viewpoint of the good citizens of our country who run our small businesses, whether they are frankly lawbreakers, as they have been called today in the debate, or whether they are good, honest, decent people who are struggling to keep the doors open, struggling to provide a service, struggling to provide a good, and trying to comply with all of the paperwork.

As I mentioned earlier, this is the paperwork that has to be filled out, two huge volumes like this, whenever a small businessman employs a new employee. That is what they have to do. They have to make sure they get it all right. And then there are lots of other paperwork requirements as well.

I mentioned one of the people who testified at our hearing on regulatory problems, Dr. Proetst, who is a dermatologist, who told me he could be fined for failing to report to the government that he has been properly trained on how to change a light bulb in his microscope.

Now, when we have doctors, and the gentleman from Oklahoma (Mr. COBURN) knows this himself, who are having to spend their time filling out the forms rather than treating patients, that is bad enough. But for them to be subject to a several-hundred-dollar or a several-thousand-dollar fine because they have not reported that they know how to change a light bulb, something is drastically wrong.

Mr. COBURN. Mr. Chairman, let me reclaim my time and give a couple of examples.

Under OSHA now, every medical office, every container that might contain anything that would be contaminated, has to be labeled. So even if one has a container behind closed doors under a sink, one still has to have a nice orange label there that totally ruins the decor that somebody might get there. If a child pulls that label off and I fail to report that, that it was not present until I could get another label there, and if I were to be inspected, or caught, that is subject to a fine under OSHA.

If the laboratory in my office, under its approval and certification procedures, makes an error on a testing, but yet we fail somehow, not to fill out the paperwork but if I as the medical director of that laboratory fail to sign that piece of paper, and when we are inspected, if I missed one of them, missed signing one of them, then I lose my CLEA license for failure to comply with a piece of paper that has nothing to do with the quality of care that we give our patients, has nothing to do with the certification and accreditation of that laboratory, but is simply based on a paperwork error that was never intended. It was just a mistake, a misstep, an oversight. Not because it was intended to violate the law, but because there are so many requirements that have so little benefit that are carried to such great extent by the bureaucracy that the penalty of it becomes, the penalty is not the fine, the penalty is that I do not get to practice medicine, I get to spend my time filling out paperwork for the Federal Government.

So with that, let us consider the examples that are very real that we all encounter if we are in any small business, on how the tremendous paperwork burden is affecting and cutting our productivity, eliminating our ability to enhance the wealth of those around us, offer jobs and opportunity to those that do not have it today.

I yield to the gentleman from Indiana (Mr. McINTOSH).

Mr. McINTOSH. Mr. Chairman, let me just say very emphatically, the bottom line, and I do appreciate the earlier work of the gentleman from Ohio (Mr. KUCINICH) with this as we finetuned this bill, but the amendment that he presents today frankly guts this bill and its chief provision of allowing small businesses to a have a chance to really correct the mistakes that are innocent mistakes. It is as basic as that. What it does is revert back to the existing law which is not being complied with by the agencies. So I must ask our colleagues to vote "no" on this amendment.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kucinich amendment. I want to clarify what the disagreements are on this legislation. No one disagrees with the idea, as far as I know, that we ought to reduce the amount of paperwork which burdens small and large businesses. Unnecessary paperwork is inexcusable, and I think a great deal of credit goes to Vice President GORE in his efforts to reinvent government, to try to avoid the requirements that so much paperwork be required from different businesses.

The second thing we do not disagree about is that if a small businessman or woman inadvertently does not do what is required by way of paperwork regulations, we do not want them to be fined or penalized in any way when they do it inadvertently. The Kucinich amendment would make sure that if it is an inadvertent violation, there would be amnesty for the person violating the law.

The difference that we have is that the Kucinich amendment makes clear that if there is a danger to the public safety, if there is danger to the environment or health, and the violation is intentional, that we do not preclude the agency from giving the sanction to fit the offense.

The bill before us assumes that any time a violation occurs, it is innocent, but that is just not true. There are people who do wrong things on purpose, and if we tell them, if they do something wrong on purpose, they do not have to worry about being sanctioned, we are suggesting that they ought to go ahead and violate the requirements of the paperwork regulations. Now, that means that the businessperson who is trying to comply with the regulations is going to be put at a disadvantage with somebody who is not doing what they ought to do to meet the requirements of the law.

Now, this is not some insignificant matter, because there are far-reaching consequences for our Nation's health, environmental, consumer protection laws, that the Kucinich amendment would preserve the integrity of these laws while at the same time providing relief to first-time violators in appropriate circumstances. Not all circumstances, but appropriate ones. And the bill before us would give them a pass for all circumstances.

We have received a number of letters from our colleagues who are experts in certain areas. The gentleman from New York (Mr. TOWNS) is one of Congress's leading fighters against lead poisoning of children, and he described how H.R. 391 would undermine lead hazard disclosure, putting thousands of children at risk. We ought not to give that kind of encouragement for people who violate the law and put children at risk.

Our colleague from the State of Maryland (Mr. HOYER) is one of the cochairs of the Congressional Fire Fighters Caucus, and he has pointed out that H.R. 391 would endanger the lives of fire fighters because this bill gives a first-time free pass to businesses that fail to report the storage of hazardous chemicals on site. This is different than somebody who does not change a light bulb. No one wants to penalize that person. But not to report hazardous chemicals that are stored on site which could hurt fire fighters is just not reasonable.

The gentleman from Massachusetts (Mr. MARKEY) is one of the leading congressional experts on the Securities and Exchange Commission, and he tells us that the bill undermines the SEC's ability to protect investors from fraud.

The gentleman from New Jersey (Mr. PALLONE) is a champion of the right-to-know laws which require polluters to report the level of their toxic emissions, and he says these laws would be unenforceable under this legislation.

The amendment that the gentleman from Indiana (Mr. McINTOSH) offers, he claims would solve the problem, but it does not. We still have the goal of many reporting requirements, which is to prevent the public from being placed in danger, undermined. It defeats the purpose of these reporting requirements, to prevent enforcement until after the public is already in danger. That is locking the barn door after the horse has already gone.

We do not have adequate exceptions to protect the public health. Expert after expert has considered this argument and rejected it. Let me say who some of these experts are.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 2 additional minutes.)

Mr. WAXMAN. Mr. Chairman, the Department of Justice, the Securities and Exchange Commission, the Environmental Protection Agency, the Attorneys General of California and New York, local district attorneys, State enforcement officials all reject this.

Now, why State enforcement officials? Because this bill is so far-reaching that it gives a free pass to violate local laws or laws that are enforced at the State level. My colleagues do not have to take my word for it, just listen to what the experts are saying.

It is amazing to me that Mr. McINTOSH did not try to work out with us on the Democratic side a way to resolve this issue, because what we would all like to see is a bill that would say, if there is an inadvertent violation of some paperwork requirement, that person, that business person should not be fined or sanctioned. But if there is an intentional violation, if there is a violation that affects public health and safety, that person should not get a free pass. That person should not be told in advance, "Go ahead and violate this paperwork requirement, we are going to turn the other way and not even pay attention to it." No one should defend that position.

Now, we hear from the other side of the aisle that they have addressed it, but they have not worked with us to make sure that they have addressed it adequately, and therefore, the Department of Justice, the State attorneys general, these people who work in the field, who were not given a chance to come in and even testify are now writing to us and saying, support the Kucinich amendment and have this problem dealt with adequately, so that we have some discretion with the agency to look at the violation and see if it is appropriate to sanction them under the circumstances at hand.

□ 1300

In fact, what we are being told is not to trust the agency to look at the facts of the case and deal with it in a reasonable manner. We are saying, trust all small business people, no matter what. I think that puts in jeopardy the reasons why we have legitimate requirements for paperwork to be filed.

I go back to nursing homes. We do not know if a patient is being abused in a nursing home unless we can look at some of the paperwork that is required of the nursing home when they inspect their own premises. If they do not have to file that paperwork because they know that even if they are by law supposed to and they are going to be left off the hook, it is an incentive for them to lower their standards.

Support the Kucinich amendment.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Kucinich amendment. I have written a Dear Colleague letter at the request of the fire services of this country, both paid and volunteer. I understand that letter has been quoted from by the gentleman from Ohio (Mr. KUCINICH) and perhaps others. I appreciate the reference of the gentleman from California.

The amendment of the gentleman from Indiana, as I think the gentleman from California has said, has an objective that all of us I think support. The issue is the impact of the legislation if not amended as the gentleman from Ohio (Mr. KUCINICH) proposed. I support the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

As cochair of the Congressional Fire Services Caucus, I want to share with the House what I believe this legislation's impact would be on fire fighters. Despite what this amendment would say, this legislation, absent the Kucinich amendment, might well endanger the lives of the brave men and women in the fire service.

Why? Why? Because I believe this amendment, if it fails to pass, the disclosure of hazardous material will decrease. Disclosure will decrease, and one of these days a fire fighter in the Members' districts or mine will have to respond to a fire or Hazmat incident, and they are not going to know what they are dealing with. That is critically important, that they have a prenotice and knowledge of what the fire may be dealing with, what causes it and what fumes are being presented by the fire, and other matters of critical safety concerns to our fire fighters. They are not going to know what they are dealing with, and someone is going to get hurt or killed.

While some argue that this legislation still allows a regulatory agency to fine the offending small business, that is not the point. I do not think any of us are really interested in fining small businesses. I know I am not. Any fine we can levy after the fact, however, is of little solace to many fire fighters or their surviving families.

Mr. Chairman, I am a strong proponent of small business. It is a critical element in our economy. I, too, want to relieve them from needless and redundant paperwork. In fact, we have done some things to accomplish that objective in years past. I, too, want to relieve them from having to pay onerous fines from accidental or inadvertent paperwork errors.

However, without this Kucinich amendment, I very much fear that the legislation will encourage and result in the failure to notify, consistent with local and national requirements, our local firefighting departments, paid or volunteer, of the hazards they may face in a critical situation where there would be no time to find out or to in fact solve the breach after the fact. So that is why I rise in support of the Kucinich amendment.

Mr. MCINTOSH. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. MCINTOSH. Mr. Chairman, when I saw the gentleman's Dear Colleague, I was concerned about it. It is a question that none of us want to see our brave men and women who are fire fighters put in danger. As I understand it, the concern is that those notices, the Hazmat notices, are needed because without them there could be a potential to cause serious harm to the public; specifically, to the fire fighters who would go in and fight those battles.

Mr. HOYER. That is the concern.

Mr. MCINTOSH. The gentleman from Maryland may not find this sufficient, but we did try to address that in an amendment that was, by voice vote, accepted earlier.

The gentleman from Ohio (Mr. KUCINICH) did not find it enough to satisfy his concerns, but we changed the wording in the bill that said if there is that potential to cause serious harm, we do not have to actually show that harm has been caused, then the agency could decide that the civil penalty would continue to apply in that circumstance.

So as author of the bill and author of that amendment, I would say it is certainly my intention that that type of regulation would continue to be subject to a fine where there is a potential for serious harm to the public, including our fire fighters.

Mr. HOYER. Mr. Chairman, I appreciate two things, I suppose. First of all, I appreciate the fact that the gentleman recognizes that we are raising a legitimate concern, which I think is the import of the gentleman's comments and subsequent actions; and secondly, that he has taken action which he believes will ameliorate the fears that we have, or perhaps not eliminate, but certainly ameliorate.

The problem, I say to my friend, the gentleman from Indiana, is that if we give to businesses, and although we call them small businesses, in this case it is up to 1,500, I believe, employees.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, these can be businesses which do in fact have very significant risk factors attendant to their production or attendant to storage on-site of Hazmat material.

I am still concerned, even in light of the gentleman's amendment, which I think is a step in the right direction, that perhaps we have not gone far enough if they believe that they can nevertheless say that, well, we did not think it was a risk, and therefore we did not meet the letter of the request, either of the local, State, or Federal legislation.

Mr. MCINTOSH. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Indiana.

Mr. MCINTOSH. Mr. Chairman, let me assure the gentleman that in this particular area, we will continue to work to make sure the legislative history is clear that that type of potential serious harm to the public and fire fighters will be taken care of.

Mr. HOYER. I appreciate the gentleman's observation. We will look forward to working with him.

Mr. KLECZKA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the intended purpose of the legislation before us is quite laudable. Although I have yet to hear any real cogent arguments against the amendment pending before the House, we are told by the author of the bill that it is going to gut the bill.

I do not think that is sufficient enough for any of us in this Chamber to not support the amendment before us, which I think is a reasonable correction to the bill, because in its current form I do not think the bill is passable. One can only look to last session, where early on in the session the House passed the legislation, it went over to the Senate, and they did not even take the time to take it up and debate it, even though there was a Senate counterpart also introduced in the Senate.

If in fact the authors of the legislation are serious about getting this bill signed into law, I think it is imperative that they work with not only this side of the aisle but the gentleman from Ohio (Mr. KUCINICH) to see if there is some kind of accommodation that can be had to address some serious flaws in the legislation.

We have heard from the gentleman from Maryland (Mr. HOYER) about a problem that is contained, should this bill become law. We have heard from the gentleman from California (Mr. WAXMAN) about nursing home regulations. We have heard about various other problems that could arise, and know full well that there is a reason this government asks business people, large and small, to submit the various filings.

Let me point out that years back I was a small business person, also. We had between eight and 12 employees in the business. As I look at that stack of paper that is bounced around all the time, I cannot for the life of me figure out what filings the gentleman from Indiana is talking about, because we covered our employees with workmans comp, unemployment comp, we filed the FICA tax, we filed the quarterly Federal income tax, the State, and never did I see all those forms. So unless in the past few years those forms have multiplied like rabbits, I think that stack of paper, at least with this Member, is to be questioned.

Nevertheless, if the gentleman is serious about passing this legislation, let us look seriously at the Kucinich amendment.

The Labor Department requires every employer once a year to file a form 5500. The form itself indicates what the health of the pension plan for the employer is, whether or not there may be actual contributions on behalf of the employee. Under this legislation, an employer would not have to file that, regardless that it is important, in a timely manner.

Nevertheless, the reason for having that filed once a year is to let all the employees know whether or not that employer has submitted those funds into the various pension plans, be they 401(k) or whatever they might be.

We had a situation recently in my district where a company by the name of Louis Allis that subsequently went bankrupt, but prior to that withheld the contributions for the employees for their 401(k) plan, but never submitted them on to the plan managers. The effect of that was that the employees of that particular company have lost out on about $200,000 of contributions the employer should have made.

Again, the reason for the law and for the form to be filed is to let the employees know that those dollars have been deposited in their name in their accounts. So I think all of us have a particular problem that can be cited with the bill as originally introduced.

I think the Kucinich amendment would provide some reasonable relief from those problems ever occurring, yet give the small business people in the country some relief from the paperwork and from forfeitures where basically the error on the employer's part was just an oversight.

Again, I have a story on that side of the equation also, wherein a hotel owner in my district was fined by OSHA because on the closet door he did not post the chemicals that were contained inside, even though the chemicals were basically household chemicals. Under the bill and under the Kucinich amendment, that particular employer, that business owner, would get relief.

So what the bill tries to do in one fell swoop, in one-size-fits-all, which that side always accuses Democrats of attempting to do, but under their one-size-fits-all plan, I think they have some very unintended purposes. Again, if the authors of the legislation really want to see this bill become law, I think we should look at the Kucinich amendment.

I ask the Members on both sides of the aisle to give the amendment support when it comes to a vote.

Mr. McINTOSH. Mr. Chairman, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Indiana.

Mr. McINTOSH. Mr. Chairman, the gentleman asked a very good question, what are some of the forms.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. KLECZKA) has expired.

(By unanimous consent, Mr. KLECZKA was allowed to proceed for 1 additional minute.)

Mr. McINTOSH. Mr. Chairman, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Indiana.

Mr. McINTOSH. Mr. Chairman, I will just briefly list some of these forms: the insurance information for COBRA; EEO form 1, listing race and gender of all of the employees; the EEOC employee evaluation, to document for them on that; the EEOC——

Mr. KLECZKA. Mr. Chairman, let me reclaim my time and ask the gentleman, are all those filings the initial filing upon hiring the employee, or is that the filings an employer would go through after an employee has been with him or her for a period of years?

Mr. McINTOSH. These are for a new employee. Some of them are asking the employee when they join the firm to sign, and then it is basically information when they quit, like the COBRA, health insurance coverage that they would be eligible for. But this is for when you hire a new employee. Mr. Chairman, I will submit the full list for the RECORD.

GROUPS KEY VOTING KUCINCH AMENDMENT

National Federation of Independent Business;
National Restaurant Association;
Small Business Survival Committee: and
United States Chamber of Commerce.

GROUPS SUPPORTING SMALL BUSINESS PAPERWORK REDUCTION ACT

Academy of General Dentistry;
Agricultural Retailers Association;
American Electroplaters and Surface Finishers Society;
American Farm Bureau Federation;
American Feed Industry Association;
American Health Care Association;
Associated Builders and Contractors, Inc.
Chemical Producers & Distributors Association;
Food Marketing Institute;
Institute of Scrap Recycling Industries, Inc.;
IPC—Association Connecting Electronic Industries;
Metal Finishing Suppliers Association;
National Association of Convenience Stores;
National Association of Metal Finishers;
National Association of Plumbing-Heating-Cooling Contractors;
National Association for the Self-Employed;
National Automobile Dealers Association;
National Federation of Independent Business;
National Grange;
National Grain Sorghum Producers;
National Grocers Association;
National Paint and Coatings Association;
National Pest Control Association, Inc.;
National Restaurant Association;
National Retail Federation;
National Roofing Contractors Association;
National Small Business United;
National Tooling and Machining Association;
Painting and Decorating Contractors of America;
Printing Industries of America;
Small Business Coalition for Regulatory Relief;
Small Business Legislative Council;
Society of American Florists;
United Egg Association;
United Egg Producers; and the
U.S. Chamber of Commerce.

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, DC, February 9, 1999.

Hon. DAVID McINTOSH,
Chairman, Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN McINTOSH: This is in reply to your request for the Office of Advocacy's comments on H.R. 391, the "Small Business Paperwork Reduction Act Amendments of 1999." While I have not had an opportunity to review the recently issued committee report in detail, I believe this bill will benefit small businesses nationwide. I understand that the current bill is essentially the same as the one on which I testified last year (H.R. 3310).

In my testimony before the subcommittee on March 5, 1998, I stated that paperwork and reporting requirements remain a major problem for small businesses that are confronted with requirements to complete a myriad of reports mandated by government. Enclosed is a copy of that testimony.

The issues I spoke of then have not gone away. Small businesses remain flooded by a sea of paperwork and reporting requirements. While it is true that there are existing statutes and regulations that address paperwork concerns, these measures are not enough.

This bill ensures that a single agency will be responsible for compiling an inventory of all reporting and record-keeping requirements. This compilation will provide significant insights into paperwork burdens overall. The legislative proposal also creates a task force to study the feasibility of streamlining information collection from small business. The inventory will be an invaluable resource for the task force.

The 1995 White House Conference on Small Business specifically included a recommendation that the Federal government publish an inventory of all small business paperwork requirements. H.R. 391 essentially implements this recommendation and would achieve two purposes. First, small businesses would be able to find, in one place, a compilation of paperwork and reporting requirements. Second, policymakers, both inside and outside the Federal government, would have the opportunity to review this inventory, and make informed decisions about eliminating duplicative and unnecessary mandates. The "gas station" rule that I cited last year, requiring gas stations to report that they do, in fact, store gasoline, probably would not have remained in effect as long as eleven years with a centralized inventory and a task force to examine the need and usefulness of the reports. (A final rule virtually eliminating all gas stations from filing reports was published last week by EPA.) The inventory might also help guide decision makers as to the advisability of imposing new mandates.

Compliance with the Paperwork Reduction Act would be significantly enhanced by the availability of such an inventory. I strongly support this provision of the bill.

The White House Conference also recommended that agencies not assess civil penalties for first time, violators, where the violation is cured within a reasonable time. This bill adopts that approach for paperwork violations that do not involve serious health and safety risks, and where compliance is achieved within a reasonable time. I, too, support this approach.

Small businesses generally want to comply with the law, but are inundated with these requirements. In some cases, violations occur not because small businesses are ignoring the law, but simply are unaware that such requirements exist. As always, there are a few out there that will try to take advantage of the law. I believe section 2(b) leaves enough discretion to allow agencies to punish those "bad apples."

I am pleased to offer my support for the conceptual underpinnings of the proposed legislation, and I look forward to working with you and the Subcommittee.

Sincerely,

JERE W. GLOVER,
Chief Counsel for Advocacy.

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise simply in support of the Kucinich amendment. For the life of me, having listened to this entire debate on the amendment, I have not heard any real justification from the other side as to why they would not try to correct this bill and improve this bill by agreeing to accept the terms of the Kucinich amendment.

I have listened for some time here. What we are talking about on one side is an alleged reduction of paperwork. I repeat what I said earlier in talking about the bill, that the bill would not reduce one single piece of paperwork. The real crux of this addresses the issue that when someone fails to file a piece of paperwork that speaks to the health and safety, what action would be taken.

We all agree there should be some leeway for people who make innocent misfilings or failings to file. That is why the Kucinich amendment talks about the agency being able to look at the nature or seriousness of the alleged violation, whether or not there were good faith efforts to comply and other relevant factors, and in those instances where it is appropriate, to waive it; but not a carte blanche waiver, which in effect is a disincentive for some bad actors to not file papers.

We are talking about a business community that by and large is full of good actors. We all understand that. But regulations are for the bad actors, and to make sure they do not do that, and there is no reason not to put in the Kucinich amendment language so that the bad actors are not encouraged not to file on issues where safety and health are very important.

We have also heard a lot of discussion about the fact that this might be some sort of a partisan effort. I do not think that is the case at all. I think the evidence for that lies in who are the groups that support the Kucinich amendment, and make a point that they are very interested in health and safety.

We talked about the fire fighters. The International Association of Arson Investigators, the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Fire Protection Association, the National Volunteer Fire Council, all under the category of fire fighters, believe that the Kucinich amendment is necessary.

□ 1315

Senior citizens: The National Citizens Coalition for Nursing Home Reform and the National Council of Senior Citizens believe the Kucinich amendment is necessary.

Under the category of health: The Alliance to End Childhood Lead Poisoning, the American Lung Association, the American Public Health Association, the National Breast Cancer Coalition, the Physicians for Social Responsibility all understand that we could have a situation where waivers are made only in the right and proper conditions.

In the consumer category: Coalition for Consumer Rights, Consumers Union, Consumers Federation of America, the Institute for Agricultural and Trade Policy, Safe Food Coalition.

And public interest groups: The Center for Science in the Public Interest, the Government Accountability Project, the League of Women Voters, the National Partnership for Women and Families, OMB Watch, Public Citizen, U.S. PIRG.

Returning to the state attorneys general: The States of California, New York and Vermont.

Other State and local officials, including the California District Attorneys Association.

And environmental interest groups: The American Oceans Campaign, the Environmental Defense Fund, the Friends of the Earth, the League of Conservation Voters, National Environmental Trust, National Resources Defense Council, the Sierra Club, the Wilderness Society.

Mr. Chairman, I suggest all of these groups cannot be wrong; that there has to be some semblance of reasonableness in their position that the Kucinich amendment makes sense. And again I say, I heard no reason why the opposition does not stand up, take this bill off the floor and work with the gentleman from Ohio (Mr. KUCINICH), work with other Members on this side of the aisle and the other side of the aisle who understand the seriousness of giving carte blanche waivers to bad actors and, instead, giving it a process that allows the proper actors to get the waivers they deserve, under the proper criteria being applied, and still insist that the right paperwork for safety and health reasons be filed, and that those that willingly misfile or do not file receive the action they should receive.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. TIERNEY. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Chairman, as a member of the committee, I certainly join with Mr. MCINTOSH and others in echoing what the gentleman from Maryland (Mr. HOYER) and others have said, and certainly the gentleman from Ohio (Mr. KUCINICH), in supporting paperwork reduction and making it possible for businesses to operate in a competitive way without onerous regulations. Nonetheless, I cannot help but wonder how so many organizations could be wrong in their assessment of this legislation, which is why I support the Kucinich amendment so forcefully.

I would just quote from two attorney generals, which was really the turning point for me and I hope for some of my colleagues on the other side. The Attorney General of the State of California, in regards to the McIntosh legislation, says, "In fact, the effect of the legislation would deprive States and local authorities of the ability to regulate matters which present potential harm to the public for violation of local laws, even in situations where the violator may act with the knowledge of and intent to evade local laws and regulations."

I think that my colleague, the gentleman from California (Mr. WAXMAN), said it best when he talked about putting businesses in an unfair advantage, particularly those who seek to comply with the law, in allowing those who know the law to intentionally evade the law knowing they will not be penalized.

I am hopeful we can find some agreement. On a personal note, this committee has certainly been riddled with a lot of divisions along partisan lines. Hopefully, this is one time we can come together and help bring this House together on this important piece of legislation. I would ask for Members to support the Kucinich amendment and do the right thing.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 214, not voting 10, as follows:

[Roll No. 19]

AYES—210

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lazio
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett

Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brady (TX)
Buyer
Gejdenson
Herger
Hyde
Kolbe
Lantos
Lofgren
Maloney (NY)
Rush

□ 1337

Messrs. McHUGH, HEFLEY, EWING, BARRETT of Nebraska and Mrs. CUBIN changed their vote from "aye" to "no."

Mr. BECERRA changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. GUTKNECHT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 391) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes, pursuant to House Resolution 42, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. LAHOOD). Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KUCINICH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 274, noes 151, not voting 8, as follows:

[Roll No. 20]

AYES—274

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Kasich
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NOES—151

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capuano
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Quinn
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Sabo
Sanders
Sawyer
Schakowsky

Scott
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Snyder
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—8

Brady (TX)
Buyer
Hyde
Kolbe
Lantos
Lofgren
Maloney (NY)
Rush

□ 1356

Mr. NEAL of Massachusetts and Mr. STUPAK changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF MONGOLIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100–19)

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

On September 4, 1996, I determined and reported to the Congress that Mongolia was not in violation of the freedom of emigration criteria of sections 402(a) and 409(a) of the Trade Act of 1974, as amended. This action allowed for the continuation of normal trade relations status for Mongolia and certain other activities without the requirement of an annual waiver.

As required by law, I am submitting an updated report to the Congress concerning the emigration laws and policies of Mongolia. The report indicates continued Mongolian compliance with U.S. and international standards in the area of emigration.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *February 11, 1999.*

GENERAL LEAVE

Mr. McINTOSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 391, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PRESIDENTIAL AND EXECUTIVE OFFICE FINANCIAL ACCOUNTABILITY ACT OF 1999

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 44 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 44

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 437) to provide for a Chief Financial Officer in the Executive Office of the President. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1400

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Texas (Mr. SESSIONS) is recognized for one hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 44 is an open rule providing for consideration of H.R. 437, the Presidential and Executive Office Financial Accountability Act of 1999, a bill that will build on the success of the CFO, Chief Financial Officers Act of 1990, by providing a CFO in the Executive Office of the President of the United States.

H. Res. 44 is an open rule, providing one hour of general debate, divided equally between the chairman and ranking minority member of the Committee on Government Reform. The rule provides that the bill will be for consideration as read. Members who have preprinted their amendments in the record prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with House rules.

The rule allows for the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15 minute vote. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this legislation builds on the legislation the House passed just this week, the Mandates Information Act, by making the Federal Government more accountable. Additionally, it is one more example of a common theme in this Republican Congress, making the Federal Government accountable to the American people.

As an original cosponsor and advocate of the identical legislation, H.R. 1962, that passed the House 413 to 3 in the 105th Congress, I am pleased that the Presidential and Executive Financial Accountability Act is before us today. The other body was unable to take up this important legislation in the last Congress.

This legislation brings the agencies of the Executive Office of the President under the requirements of the Chief Financial Officers, or CFO, Act. The CFO Act was inspired by the realization that billions of dollars was lost through waste, fraud and abuse in the Federal Government each year.

As chairman of the Results Caucus, a bipartisan team of Members focused on ridding our Federal Government of its major management problems, I have seen report after report which has focused on insufficient and inefficient financial management systems that fail to produce consistent and reliable data.

In fact, the General Accounting Office in a report issued in January of this year gave details about the Department of Defense's accounting system. It reported that "over $9 billion in known military operating materials and supplies were not reported." That same Defense Department did not have reliable information on important items of inventory, including "the number and location of military equipment items, such as F–4 engines and service craft."

The CFO Act was designed to improve financial management and to coordinate internal controls and financial accounting. Chief Financial Officers oversee all financial management activities in their agencies and report directly to the head of an agency on financial matters. It certainly is clear that such practices are needed in the White House.

This legislation fixes an oversight in the original CFO Act. Unfortunately, the original act never applied to the Executive Office of the President. H.R. 437, the Presidential and Executive Office Accountability Act of 1999, will do so in a way that recognizes that unique circumstances of that office exist. It will establish a chief financial officer in the executive offices of the President, and will review and audit the White House's financial systems and its records. The CFO duties are to comply with those requirements set forth in the CFO Act, but is limited by discretion of the President.

When the annual fiscal report on the Federal Government was recently released, the government accounting office told us that "significant financial system weaknesses, problems with fundamental record keeping, incomplete documentation and weak internal controls, including computer reports, prevent the government from accurately reporting a large portion of its assets, liabilities and costs."

In other words, this administration cannot tell you how much money it receives, how much money it spends and what it spends its money on, what property it owns, where that property goes, or how much that property is worth. There is no evidence that the executive offices at the White House are any different from those reports that have been issued already.

Passage of this bill is another signal to the taxpayers that we will ferret out waste, fraud and abuse wherever it is found. Once again, the White House is not immune to this, and, thus, is no different than any other agency.

Mismanagement is found throughout the Executive Branch also. Investigation after investigation has turned over evidence of waste, fraud and abuse. The White House Travel Office, the White House Communications Agency, the FBI files matter, are all evidence that the White House needs its own watchdog. This legislation puts us on the right track.

I urge my colleagues to pass this fair, open rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 437, the Presidential and Executive Office Financial Accountability Act of 1999, is identical to a bill passed by the House in the 105th Congress under suspension of the rules by a roll call vote of 413 to 3. The Senate failed to act on this legislation in the last Congress, and so the House is again considering this proposal.

Mr. Speaker, H.R. 437 will be considered under an open rule, but, because there was no opposition to the bill when the Committee on Rules held its hearing Tuesday, it is unlikely there will be any substantive amendments offered to it.

The bill requires the President to appoint or designate a chief financial officer in the Executive Office of the President in order that financial management practices in the Office of the President might be brought into conformity with the practices in the 24 cabinet departments or major agencies that have been in place since the passage of the Chief Financial Officers Act of 1990 and the Government Management Reform Act of 1994.

Mr. Speaker, I know of no opposition to this legislation or to this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise in support of the rule for H.R. 437, the Presidential and Executive Office Financial Accountability Act. I commend the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), and the ranking member, the gentleman from Massachusetts (Mr. MOAKLEY), on this fair and open rule. I am pleased that Members have the opportunity to amend the bill at any point, and I urge my colleagues to support this resolution.

As the Vice Chair of the Committee on Government Technology, I am committed to the sound management of our Nation's government. This year the subcommittee has an ambitious agenda of hearings and legislation designed to make government more efficient. As an original cosponsor of the Executive Office Financial Accountability Act, I am pleased that the House has affirmed the importance of the subcommittee's work and that it will consider this act as one of its first orders of business.

Mr. Speaker, every CEO in corporate America, every director of a large not-for profit institution, even the leaders of our Nation's churches and synagogues, rely on one key individual within their organization, the chief financial officer.

Why do all of these leaders rely upon the CFO? It is to protect the resources of their shareholders, their donors, their congregations. It is to guard against mismanagement and inefficiencies, waste, fraud and abuse. It is to ensure that there is in place the sound fiscal management and strict internal controls that allow their organizations to run smoothly and achieve their goals.

Nine years ago this body voted to give the CEOs of our major Executive Branch agencies the same important resource that America's CEOs have enjoyed and relied upon for decades, the chief financial officer. In the nine years since our agencies created these offices, billions of dollars in taxpayer dollars have been saved through more efficient management practices and the ferreting out of waste, fraud and abuse.

Yet, today, some of our Nation's most important government business is handled in offices that lack this key resource, the office of the U.S. Trade Representative, the Office of Drug Control Policy, OMB, the White House Office, National Security Council and seven others.

Mr. Speaker, the nature of the work of these executive offices is no less deserving of these important financial safeguards and efficiencies than our other Executive Branch agencies. In fact, with a budget of more than $246 million this year, the Executive Office of the President would rank among the top 200 companies in the Chicago area.

Let us give to the CEO of our Nation's highest office, the President, the same important resource enjoyed by all the other CEOs in America. Let us ensure that taxpayer dollars are guarded from waste, mismanagement and inefficiencies in all areas, in all offices of government.

I urge my colleagues to support the bill sponsored by the gentleman from California (Mr. HORN), which will extend the CFO act to the Office of the President. In addition, I hope all Members will support this open rule.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to extend congratulations to my friend from Dallas for the very, very hard work he has put into the product that we are seeing here. I say that not because of his work on the Committee on Rules, but because he formerly served as a member of the Committee on Government Reform and Oversight and has been very, very involved in many of these key issues which were designed to increase accountability and ensure that we streamline operations so that we can deal with the taxpayer dollar in the most effective way.

The prospect of establishing a chief financial officer to look at the litany of questions that are there is the right thing to do.

When I think of the beginning that the gentleman from Texas (Mr. SESSIONS) has launched here as a member of the Committee on Rules in managing his first rule on the floor, I know it is an indication of the fine work to come, because it has been evidenced in the work he has done on so many other committees in the past.

□ 1415

So I appreciate his fine leadership here, and I strongly support the rule, and I urge my colleagues to join in a bipartisan way in supporting both the rule and the underlying legislation.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to House Resolution 44 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 437.

□ 1418

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 437) to provide for a Chief Financial Officer in the Executive Office of the President, with Mr. CALVERT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. HORN) and the gentleman from Texas (Mr. TURNER) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Chairman, for purposes of debate, I will be yielding myself and others particular time to speak on this issue, and at this time I yield myself such time as I may consume.

Mr. Chairman, during a speech in Ashland, Kentucky in March of 1829, the distinguished former Speaker of this House, Henry Clay said, "Government is a trust, and the officers of the government are trustees, and both the trust and the trustees are created for the benefit of the people." If the government is created for the benefit of the people, as Clay so eloquently argued, the government must be accountable to the people.

The Constitution of the United States recognizes the need for accountability in its Federal Government. It is in the spirit of this concept that the framers of the Constitution formulated a three-branch, separation of powers form of government, instilled with a system of checks and balances. The nature of oversight, which is to monitor, review, supervise, or investigate executive activities, was implied in the Constitution rather than explicitly enumerated. In "Congress Investigates: 1792-1794," historian Arthur M. Schlesinger, Jr., noted, "expressed authority to conduct investigations and compel testimony was not considered necessary to make an explicit grant of authority, because the power to make the laws implied the power to see whether they were faithfully executed."

Congress oversees the executive branch by reviewing, monitoring and supervising the implementation of public policy. Early Congresses developed their oversight by using techniques such as special investigations, reporting requirements, and resolutions of inquiry. Public laws and congressional rules have enhanced Congress' implied power under the Constitution to conduct such an oversight.

It was not until the Legislative Reorganization Act of 1946, the so-called La Follette-Monroney Act, that oversight was given explicit recognition by statute. That Act required Senate and House committees to exercise "continuous watchfulness" over programs and agencies within their jurisdiction. The House Committee on Government Operations, which grew out of that act, the predecessor of the present Committee on Government Reform and Oversight, was given an explicit oversight mandate in connection with its broad jurisdiction.

The creation of the Committee on Government Reform and Oversight stemmed from the concept that the Federal Government must be financially accountable to the taxpayer by verifying the way in which government spends taxpayers' monies. The Committee on Government Reform and Oversight has existed in many forms since the earliest days of the Republic.

We have had dozens of committees on executive expenditures, and under the Budget and Accounting Act of 1921, it was made very clear that the President at last would have a unified budget to send to the Congress, and an office then known as the Bureau of the Budget to help him design that budget. That office is now the Office of Management and Budget, OMB.

But another interesting thing happened in 1921, and that was the development of the General Accounting Office in the legislative branch, headed by a Comptroller General of the United States with a 15-year term, the emphasis being on the fiscal accounting primarily of the executive branch.

With the 1946 act, the La Follette-Monroney bill, program review also came under the purview of the General Accounting Office. So chief financial officers, in essence the idea has gone back 200 years, that the legislative branch wants to make sure that the leadership of the executive branch have the tools that will help them administer the laws and faithfully see that they are carried out.

It has been stated that the bipartisan Chief Financial Officer Act of 1990 was one of the most important legislative efforts in the last half century, and has gone very far in improving the government's fiduciary accountability. After several years of oversight and legislative hearings, Congress passed and the President signed the bill into law on November 15, 1990. This act sought to improve financial management practices by creating a new leadership structure for Federal financial management.

The Act created, among other things, two new positions within the Office of Management and Budget: a chief financial officer and a deputy chief financial officer of the Federal Government, the executive branch. It also instituted chief financial officers in each of the major cabinet departments and independent agencies. The Act was intended to improve agency accounting and financial management, to assure reliable financial information, and to deter waste, fraud and abuse of government resources.

Since passage of the Chief Financial Officer Act, other congressional initiatives have attempted to bring the major Federal departments and agencies into compliance with existing Federal financial management laws. The Government Management Reform Act of 1994 established a requirement for department and agency heads to submit to the Office of Management and Budget audited financial statements. In addition, the Act established a mandate for the department and agency heads to submit to the President and Congress an audited financial statement covering all Federal executive branch agencies for the preceding year.

That bipartisan legislation gave the executive branch five years in order to give us a balance sheet, and progress is slowly being made. But once we get the systems there, we can use the comptrollership and the financial officer function to assure that deterrence is made to any that would abuse the fiscal resources of the taxpayer as budgeted by Congress to the executive branch.

The Chief Financial Officer Act and those initiatives have incorporated concepts developed over 50 years to improve the Federal Government's financial management. The Federal Government must perform its financial management practices in a more businesslike manner, we all know that, using financial practices that have proved successful in the private sector, in the nonprofit sector, in universities, in any organized human entity. Obtaining better control of government spending will restore public confidence. It will also serve to eliminate the unacceptable costs associated with waste, fraud, abuse and mismanagement that are prevalent in many types of government spending, and with money that would be better used in helping people in programs that have been created by the President and by the Congress.

Those who administer Federal departments and agencies must be accountable to the citizens and taxpayers of the Nation for their financial management. This right and proper notion should be no less true for the executive office of the President. In that spirit today, we are proposing to extend application of the Chief Financial Officer Act of 1990 to the Executive Office of the President.

The Executive Office of the President is a collection of various agencies, most of which seek to advise the President and help him in the management role that he has as the chief executive of the United States in charge of the executive branch of government. Under President Franklin Roosevelt's Executive Order 8248 of September 8, 1939, divisions within the executive office and functions were designed and defined and established by that order. A variety of agencies were transferred to the Executive Office of the President by President Roosevelt's Reorganization Plans I and II of 1939. After that, often by statute or other Presidents.

The executive office currently now consists of the Executive Residence, the White House; the Council of Economic Advisors, which was authorized under President Truman; the Council on Environmental Quality; the National Security Council, another major agency authorized during the Truman administration; as well as the Offices of the Vice President; Office of Administration, to try to bring some order out of the functions within the Executive Office of the President; and of course the very powerful Office of Management and Budget, OMB, the descendent of the Bureau of the Budget that started out in the Treasury in 1921, until President Roosevelt reorganized it and put it in this executive office. Also, the National Drug Control Policy. Then there is the Office of Policy Development, the Science and Technology Policy that goes back to President Eisenhower; and the United States Trade Representative, a key position to coordinate other cabinet officials in terms of America's global economy and trade.

Over the years, in both Democratic and Republican administrations, there have been some egregious examples of financial waste and abuse in the Executive Office of the President due to poor accounting controls. For example, a chief financial officer might have uncovered and corrected the unorthodox accounting practices that prevailed in the White House Travel Office. That was not a partisan situation; that was a bipartisan Travel Office that did not have the kinds of financial safeguards they should have had in many areas. A chief financial officer would have provided the Travel Office managers with the guidance and the expertise that they sorely needed, but they never received.

Similar to the chief financial officers in 24 Federal departments and agencies, a chief financial officer in the Executive Office of the President would enhance accountability and ensure fiscal responsibility throughout the Executive Office of the President. H.R. 347, the Presidential and Executive Office Financial Accountability Act of 1999, will accomplish this goal. Specifically, the bill would ensure that the Executive Office of the President complies with The Chief Financial Officers Act.

H.R. 437 stems from the Presidential and Executive Office Accountability Act of 1996, which passed the House by an overwhelming margin of 410 to 5 in the 104th Congress. The purpose of that act was to apply Federal workplace laws to the Executive Office of the President. Unfortunately, with little time remaining in the 104th Congress, several provisions of the House-approved bill, including the provision to apply the Chief Financial Officer Act to the Executive Office of the President, were removed prior to passage in the Senate.

In the 105th Congress, the Committee on Government Reform and Oversight's Subcommittee on Government Management, Information and Technology held a hearing on the proposal before us on May 1, 1997. The witnesses featured the gentleman from Florida (Mr. Mica), the author of the Presidential and Executive Office Accountability Act of 1996, Edward J. Mazur, and Cornelius E. Tierney. Mr. Mazur was Vice President of Administration and Finance at Virginia State University, former Controller, Office of Federal Financial Management, part of OMB.

□ 1430

He was the first controller to be appointed pursuant to the Chief Financial Officers Act, and oversaw its implementation in executive branch agencies. Mr. Tierney was director, Center for the Public Financial Management, George Washington University School of Business and Public Management. Mr. Tierney was instrumental in drafting the Chief Financial Officers Act and in guiding its subsequent implementation.

The bill before the House today, H.R. 437, is identical to the legislation passed by this House in the 105th Congress, then known as H.R. 1962. The Committee on Government Reform and Oversight completed its consideration of H.R. 1962 on September 30, 1997. The House of Representatives passed the measure by a vote of 413 to 3.

On February 2, 1999, 1½ weeks ago, I introduced the identical legislation, now known as H.R. 437, the Presidential and Executive Office Financial Accountability Act of 1999. The bill was considered by the Committee on Government Reform on February 3, 1999, and subsequently passed unanimously by voice vote.

This measure places the agencies of the Executive Office of the President, to the fullest extent practicable, within the framework of the Chief Financial Officers Act. But in deference to the President, it is designed not simply to establish a position of chief financial officer within the Executive Office of the President, but it also gives the President the power to appoint or designate a chief financial officer who must meet the qualifications stipulated in the act of 1990.

For example, the individual must possess a demonstrated ability and knowledge of general financial management and extensive practical experience in financial management practices at large governmental or business entities.

The bill also provides that the chief financial officer in the Executive Office of the President shall have the same authority and functions that are required of chief financial officers under that act. The President shall grant this authority to the extent the President determines it is appropriate in the interests of the United States.

In recognition of the decentralized structure of the Executive Office of the President and the separation of powers, and the respect for the presidency, since the unique functions that are performed in agencies by CFOs would not necessarily be performed in the Executive Office of the President, H.R. 437 anticipates that some exemptions may be necessary, and the President would have a right to make those exemptions.

In fact, the bill provides considerable discretion for the President to exempt the new chief financial officer from a number of the responsibilities stipulated in the Chief Financial Officers Act.

Notwithstanding such possible exemptions, the bill requires that the chief financial officer in the Executive Office of the President shall perform, to the extent practicable, the general functions and duties established under the CFO Act.

The chief financial officer would oversee financial personnel, would report directly to the head of the agency regarding financial matters, and in extending the CFO Act to the Executive Office of the President the bill provides that the President, at his discretion, may designate an employee as the "head of the agency" for purposes of complying with the reporting provision of the CFO Act.

The chief financial officer would be required to develop and maintain an integrated agency accounting and financial management system, which would include financial reports and strengthened internal controls. The chief financial officer would direct and manage the preparation of audited financial statements and the development of all executive office budgets.

Other responsibilities would include monitoring the financial execution of the budget in relation to the actual expenditures and the submission of timely performance reports. In addition, the chief financial officer must review on a biennial basis fees, royalties, rents, and other charges that might be imposed by an agency for services it provides. When necessary, the chief financial officer is required to make recommendations on revising those charges to reflect the actual costs incurred.

H.R. 437 requires the President to notify Congress of any provision of the

CFO Act that the President deems inapplicable to the chief financial officer in the Executive Office of the President. Within 90 days of enactment, the President is required to communicate to the chairman of the House Committee on Government Reform and the Senate Committee on Governmental Affairs a plan for the implementation of H.R. 437.

Within 180 days of enactment, the President is required to appoint or to designate a chief financial officer under the provisions of the bill. The bill provides that the President may transfer offices, functions, powers, and duties, while promulgating the proposal.

The intent of this legislation is to foster improved systems of accounting and financial management throughout the components of the Executive Office of the President. This should facilitate prevention, or at least early detection, of waste and abuse within the Executive Office of the President. Implementation of these provisions will promote better accountability and proper fiscal management, which will provide greater efficiency and cost reductions.

H.R. 437, the Presidential Executive Office Financial Accountability Act of 1999, is an important step forward toward ensuring confidence in the ability of the Executive Office of the President to conduct its financial affairs in a responsible manner.

I urge all of my colleagues to support the important reform that was adopted last year, as I noted earlier, with only three opposing it. I would hope, if a rollcall is sought, that we would have the same outcome this year.

Mr. Chairman, I reserve the balance of my time.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

First of all, Mr. Chairman, I want to thank the gentleman from California (Mr. HORN) for his hard work on this legislation. As he mentioned, this bill passed this Congress overwhelmingly in a bipartisan fashion last session. I want to say, as the new ranking Democratic member of the Subcommittee on Government Management, Information, and Technology, that it has been a pleasure to work with the gentleman from California (Mr. HORN). He conducts his committee in a bipartisan way, and we have come up here with a piece of legislation that will have overwhelming support from both sides of the aisle. I thank him for that.

H.R. 437 was reported out of our committee just last week, as the gentleman from California (Mr. HORN) mentioned. The White House has been consulted regarding this legislation, and I appreciate the efforts of the gentleman from California (Mr. HORN) in that regard.

This bill is called the Presidential and Executive Office Financial Accountability Act. Its major component is that it requires the appointment of a chief financial officer in the White House. It would mandate that this chief financial officer in the White House comply with all the provisions of the Chief Financial Officers Act that was passed in 1990. But it does give the President significant discretion in implementing the act to meet the unique needs of the executive office.

This bill, as I said, is an expansion of an existing law which was noted to be landmark legislation when it was passed in 1990. I am proud to say it was sponsored by the gentleman from Michigan (Mr. CONYERS), then the chairman of the Committee on Government Operations. This bill was passed in a bipartisan way in 1990, and it brought about needed improvements to the executive branch by requiring for the first time financial audits and sound management practices in all of our executive agencies. This legislation is widely credited with changing the way the Federal Government keeps track of all of its finances.

In addition to this landmark legislation passed in 1990, this Congress passed in 1994 the Government Management and Reform Act, another bipartisan piece of legislation which mandated that major Federal agencies conduct independent annual audits of their financial statements. The Government Management and Reform Act of 1994 grew out of Vice-President AL GORE's National Performance Review initiatives.

I was very pleased to see the Clinton administration and Vice President GORE initiate the National Performance Review because, as a former member of the Texas legislature, our State during that time provided the initial leadership for the idea of reinventing government, making it more accountable to the taxpayers.

In 1993 Vice President GORE was appointed to lead the National Performance Review. That effort has resulted in saving over $137 billion in taxpayer monies. It has reduced the Federal civilian work force by 351,000, creating for us the smallest Federal civilian work force as a percentage of the national work force since 1931. The National Performance Review has placed in our Federal agencies over 350 reinvention labs, where management and labor are working together to try to make government work more efficiently.

In the process of implementing the recommendations of the National Performance Review, we have eliminated over 16,000 pages of Federal regulations and we have rewritten and recodified an additional 31,000. In our Federal agencies we have created organizations, over 500 of them, that are attempting to make the Federal Government and its agencies more customer-friendly.

I am pleased that this legislation to create chief financial officers in all of our Federal Government was part of Vice President GORE's National Performance Review. Again, I commend the gentleman from California (Mr. HORN) for his leadership in expanding that act to cover the office of the President.

When we look at this legislation, what we see is that the Federal Government, in a bipartisan way, is attempting to make the Federal Government and its financial practices accountable to the taxpayers. The presence of a chief financial officer in our Federal agencies and the requirements of that act have dramatically improved the financial management practices throughout government.

We believe that a chief financial officer in the Executive Office of the President will continue that positive trend which has been established in our Federal Government. For this reason, we are pleased to join with the gentleman from California (Mr. HORN) in bipartisan support of H.R. 437.

Mr. Chairman, I reserve the balance of my time.

Mr. HORN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I just want to say that the gentleman from Texas (Mr. TURNER) and two of his predecessors have done an outstanding job on the Subcommittee on Government Management, Information, and Technology. I have been fortunate to have the gentlewoman from New York (Mrs. MALONEY), the gentleman from Ohio (Mr. KUCINICH), and now the gentleman from Texas (Mr. TURNER). We are all working together to try to bring order out of a very complicated executive branch that numerous presidents, regardless of party, regardless of ideology, have had difficulty managing.

What we try to work on and have done historically out of this committee is to get the type of functions and systems that would then provide leadership by whatever administration is in power so that the taxpayers could get the most for their money.

It is much like the creation of the city manager movement back in the 1920s. The question was not was it Democratic garbage or Republican garbage on the sidewalks, it was a matter of cleaning it up and getting the garbage out of the city and getting an efficient type of governance. That is exactly what we are about here, is a results-oriented type of government. The chief financial officers are absolutely integral parts of such a responsible government.

Mr. TURNER. Mr. Chairman, I yield 5 minutes to my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the gentleman from California (Mr. HORN), whose committee I do not serve on, who is promoting this legislation. But we have the pleasure, I hope, of serving on the Committee on Science, and I want to commend him for his overwhelming interest and efficiency, and particularly his interest in technology.

I would like to thank the gentleman from Texas (Mr. TURNER) for his leadership as the ranking member, and rise to support this legislation and offer a few thoughts, if I might, to suggest that Congress does in fact have good ideas. It is very helpful when Congress can work in a bipartisan manner for efficient government, and to provide the government with the right kinds of tools in order for government to be both effective and efficient.

I am glad that the gentleman from California (Chairman HORN) emphasized that the CFO that might find its way into this Administration's White House is not an indictment or comment on the present administration, but in fact this legislation will provide for a chief financial officer for all of the executives to come, and that it is in fact a bipartisan approach, as was the Office of Management and Budget and as is the Congressional Budget Office. It is to make all of us more efficient.

I am reminded of Vice President GORE's leadership on reinventing government. In fact, I can say how proud I was to be part of the first effort to reward government agencies for their efficiency in that the U.S. General Store, located in my district, in the Eighteenth Congressional District, was one of the first to receive the hammer award, hammering out waste, fraud, and abuse.

So we must acknowledge when we are able to present legislation that can hammer out waste, fraud and abuse, and I hope that the chief financial officer, as it did pass overwhelmingly in the House the last time, will be rewarded with such a vote, but that it will be taken as a signal, again not of indictment, but of recognition as an asset and a tool to be more effective.

□ 1445

I cannot go to my seat, then, without acknowledging these waning moments of the impeachment process, and hopefully that this vote will signal that we in Congress, and as the administration has already been doing, are ready to roll up our sleeves and get back to work. So many in America have acknowledged that this very tragic period, delaying period in our history, has taken us away from the real business of efficient and effective government. We have been bogged down with accusations and charges and personal accusations. But now we are able to signal the call for coming together and work in a bipartisan manner.

I think this particular committee that deals with the oversight and technology, offering this legislation on efficiency is a fine signal to suggest to us that we must end this terrible process in our history, and we must cease and desist and move forward to heal this Nation and begin to work on issues dealing with Social Security and education and other vital issues.

For that let me thank the gentleman from California (Mr. HORN) and the ranking member for the time allotted to me. I certainly will be supportive of this efficient tool. I do think it is important that Americans realize that Congress does have good ideas and we can work in a bipartisan way with the hand of friendship extended across the aisle.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

I believe that the gentleman from California (Mr. HORN) said that he had no further speakers, so I will close by simply saying that I appreciate again the gentleman's leadership on this legislation and his efforts to work in a bipartisan way; and I also want to thank the minority members of the committee who worked on this bill, the gentleman from Pennsylvania (Mr. KANJORSKI), the gentleman from New York (Mr. OWENS), the gentlewoman from Hawaii (Mrs. MINK), and the gentlewoman from New York (Mrs. MALONEY) for their efforts. I urge an "aye" vote for this legislation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 437 is as follows:

H.R. 437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential and Executive Office Financial Accountability Act of 1999".

SEC. 2. CHIEF FINANCIAL OFFICER IN THE EXECUTIVE OFFICE OF THE PRESIDENT.

(a) IN GENERAL.—Section 901 of title 31, United States Code, is amended by adding at the end the following:

"(c)(1) There shall be within the Executive Office of the President a Chief Financial Officer, who shall be designated or appointed by the President from among individuals meeting the standards described in subsection (a)(3). The position of Chief Financial Officer established under this paragraph may be so established in any Office (including the Office of Administration) of the Executive Office of the President.

"(2) The Chief Financial Officer designated or appointed under this subsection shall, to the extent that the President determines appropriate and in the interest of the United States, have the same authority and perform the same functions as apply in the case of a Chief Financial Officer of an agency described in subsection (b).

"(3) The President shall submit to Congress notification with respect to any provision of section 902 that the President determines shall not apply to a Chief Financial Officer designated or appointed under this subsection.

"(4) The President may designate an employee of the Executive Office of the President (other than the Chief Financial Officer), who shall be deemed 'the head of the agency' for purposes of carrying out section 902, with respect to the Executive Office of the President.".

(b) PLAN FOR IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the President shall communicate in writing to the Chairman of the Committee on Government Reform of the House of Representatives and the Chairman of the Committee on Governmental Affairs of the Senate a plan for implementation of the provisions of, including the amendments made by, this Act.

(c) DEADLINE FOR APPOINTMENT.—The Chief Financial Officer designated or appointed under section 901(c) of title 31, United States Code (as added by subsection (a)), shall be so designated or appointed not later than 180 days after the date of the enactment of this Act.

(d) PAY.—The Chief Financial Officer designated or appointed under such section shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(e) TRANSFER OF FUNCTIONS.—(1) The President may transfer such offices, functions, powers, or duties thereof, as the President determines are properly related to the functions of the Chief Financial Officer under section 901(c) of title 31, United States Code (as added by subsection (a)).

(2) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office the functions, powers, or duties of which are transferred under paragraph (1) shall also be so transferred.

(f) SEPARATE BUDGET REQUEST.—Section 1105(a) of title 31, United States Code, is amended by inserting after paragraph (30) the following new paragraph:

"(31) a separate statement of the amount of appropriations requested to carry out the provisions of the Presidential and Executive Office Financial Accountability Act of 1999.".

(g) TECHNICAL AND CONFORMING AMENDMENTS.—Section 503(a) of title 31, United States Code, is amended—

(1) in paragraph (7) by striking "respectively." and inserting "respectively (excluding any officer designated or appointed under section 901(c)).''; and

(2) in paragraph (8) by striking "Officers." and inserting "Officers (excluding any officer designated or appointed under section 901(c)).".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SESSIONS) having assumed the Chair, Mr. CALVERT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 437) to provide for a Chief Financial Officer in the Executive Office of the President, pursuant to House Resolution 44, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HORN. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 2, not voting 18, as follows:

[Roll No. 21]

YEAS—413

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Royce

NOT VOTING—18

Ackerman
Bono
Brady (TX)
Buyer
Ehrlich
Engel
Everett
Graham
Kingston
Kolbe
Lantos
Lofgren
Maloney (NY)
Meek (FL)
Mica
Rush
Sanders
Taylor (MS)

☐ 1508

Mr. EDWARDS changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. Bono.

Mr. Ehrlich.

Mr. MICA. Mr. Speaker, on rollcall No. 21, because of my participation in a Florida Anti Drug Summit and meetings with Florida Governor Bush in Tallahassee I was not present. Had I been present, I would have voted "yes."

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 437.

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, may I inquire of the distinguished majority leader the schedule for today, the remainder of the week, and when next we meet?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Mr. Speaker, I am pleased to announce that we have concluded legislative business for the week.

Tomorrow the House will meet at 10:00 a.m. for a pro forma session. As today's Whip Call indicated, there will be no legislative business and no votes tomorrow.

Next week, the House will stand adjourned for the President's Day district work period.

The House will return from the work period on Tuesday, February 23, at 12:30 p.m. for morning hour and at 2:00 p.m. for legislative business. Votes are expected after 2:00 p.m. on Tuesday, February 23.

Mr. Speaker, a Whip notice outlining legislative business for the week of February 23 will be distributed to Members' offices next week. But we do expect to conclude legislative business that week by 6:00 p.m. on Thursday, February 25. Mr. Speaker, there will be no votes on Friday, February 26.

I thank the gentleman for yielding.

Mr. BONIOR. Mr. Speaker, reclaiming my time, if I could inquire from my friend, the gentleman from Texas (Mr. ARMEY), about the schedule for tomorrow.

I thank my colleague for letting us know that there is no session tomorrow. I would just say that, as we know, tomorrow was going to be a legislative voting day on an uncontroversial bill and we had announced to our colleagues on this side of the aisle that it was going to be a voting day. In fact, at our whip meeting this morning I made that same announcement. And then later in the morning, less than 24 hours in advance, we received notice that it had been canceled.

Now, I appreciate the gentleman doing that, and I understand that sometimes it is difficult to get a gauge on whether or not we are going to go forward with the rest of the week. But I would hope that, in the spirit of bipartisanship, that we could get a commitment to these changing schedules at least a day in advance so that we could notify our colleagues about their travel plans.

And so I understand it is a common problem, and we had the same problem when we were in the majority, but to the extent that you can help accommodate us with respect to more advance on this, we would indeed appreciate it.

Mr. ARMEY. Mr. Speaker, if the gentleman would further yield, let me thank the gentleman from Michigan for that observation.

Mr. Speaker, as we know, the Members do have a very difficult time making arrangements, especially in the face for example of a temporary strike by one of the major carriers, and so forth. We did find out this morning that the markup that we were so dependent upon in one of our committees went well and so expeditiously that we could change plans for tomorrow.

I join the gentleman from Michigan in hoping that we can get that kind of information earlier; and I assure him that as soon as I know that we can change any portion of the printed schedule, I will inform him.

That is why I am so delighted to be able to tell him, as I learned just yesterday, that we will be able to afford every individual an opportunity to know now that we will conclude business on the 25th at 6:00 and there will be no votes as previously announced on that Friday the 26th.

If the gentleman and I can work together and with our committees and with the cooperation of key people within the committees, perhaps we can expedite this information and flow it to our Members more quickly, and I certainly look forward to that opportunity.

□ 1515

Mr. BONIOR. Mr. Speaker, I thank my colleague, and one other point: Does the gentleman expect that the week of February 23, those days that we are in any late-evening sessions?

Mr. ARMEY. I thank the gentleman for the inquiry. No, I do not believe so. We do, of course, have a lot of committee work that will be getting done during that week, and we have a good deal of important legislation we will schedule for, but I do not anticipate any late evenings.

Mr. BONIOR. I thank the gentleman from Texas.

TECHNICAL CORRECTIONS REGARDING REPORTS BY POSTMASTER GENERAL ON OFFICIAL MAIL OF HOUSE OF REPRESENTATIVES

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the bill (H.R. 705) to make technical corrections with respect to the monthly reports submitted by the Postmaster General on official mail of the House of Representatives, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentleman from Michigan?

Mr. HOYER. Mr. Speaker, reserving the right to object, and I have no intention of objecting, but I yield to the gentleman from Michigan (Mr. EHLERS) for the purposes of explaining the bill in question.

Mr. EHLERS. Mr. Speaker, H.R. 705 improves the efficiency of mail reporting for Members by removing the requirement that the percentage of the mail allowance expended each month be reported. As our Committee on House Administration has increased the flexibility of Members with regard to the Member's allowance, this percentage report has become unnecessary and also creates inefficient paperwork. The actual amount used for mail each month will be reported, but this will remove the monthly reporting requirement and increase the administrative efficiency of the House.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his explanation.

As this technical amendment was explained to me, Mr. Speaker, current Postal Service reporting requirements are continued with a modification which conforms those reports to the way the House now administers Members' allowances. I understand that there are additional technical amendments to this section which need to be worked out but that this particular amendment is time-sensitive, and that staff will present additional amendments for committee consideration in the next few months.

Is that the gentleman's understanding?

Mr. EHLERS. Mr. Speaker, if the gentleman from Maryland would continue to yield, that is my understanding, and I believe it is a good action that we should take at this point.

Mr. HOYER. Mr. Speaker, further reserving the right to object, I thank the gentleman from Michigan (Mr. EHLERS), and, Mr. Speaker, based upon the gentleman's representation, if that is all this technical amendment does, then I will certainly withdraw my reservation of objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

H.R. 705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS REGARDING REPORTS BY POSTMASTER GENERAL ON OFFICIAL MAIL OF HOUSE OF REPRESENTATIVES.

(a) IN GENERAL.—Section 311(b)(2) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(b)(2)) is amended by striking "any person with an allocation under subsection (a)(2)" and inserting the following: "any person with an allocation under subsection (a)(2)(A) as to the amount that has been used and any person with an allocation under subsection (a)(2)(B)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to January 1999 and each succeeding month.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, February 23, 1999, the Speaker, Majority Leader and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 24, 1999

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 24, 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MAKING IN ORDER APPOINTMENT OF TWO MEMBERS TO REPRESENT THE HOUSE OF REPRESENTATIVES AT CEREMONIES FOR THE OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the Minority Leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Monday, February 22, 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

APPOINTMENT OF MEMBERS TO REPRESENT THE HOUSE OF REPRESENTATIVES AT CEREMONIES FOR THE OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

The SPEAKER pro tempore. Pursuant to the order of the House of today, the Chair announces the Speaker's appointment of the following Members to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Monday, February 22, 1999:

Mr. WOLF of Virginia and,
Mr. MORAN of Virginia.

There was no objection.

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 1928a, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the North Atlantic Assembly:

Mr. BEREUTER of Nebraska, chairman,
Mr. BATEMAN of Virginia,
Mr. BLILEY of Virginia,
Mr. BOEHLERT of New York,
Mr. REGULA of Ohio,
Mrs. ROUKEMA of New Jersey,
Mr. GILLMOR of Ohio,
Mr. GOSS of Florida,
Mr. DEUTSCH of Florida,
Mr. BORSKI of Pennsylvania,
Mr. LANTOS of California and,
Mr. RUSH of Illinois.

There was no objection.

APPOINTMENT OF MEMBER TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276d, the Chair announces the Speaker's appointment of the following Member of the House to the Canada-United States Interparliamentary Group:

Mr. HOUGHTON of New York, chairman.

There was no objection.

APPOINTMENT OF MEMBER TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276h, the Chair announces the Speaker's appointment of the following Member of the House to the Mexico-United States Interparliamentary Group:

Mr. KOLBE of Arizona, chairman.

There was no objection.

APPOINTMENT OF MEMBERS TO THE HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provision of Section 127 of Public Law 97–377, the Chair announces the Speaker's appointment of the following Members of the House to the United States House of Representatives Page Board:

Mrs. KELLY of New York and
Mr. KOLBE of Arizona.

There was no objection.

DESIGNATION OF THE HON. CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 23, 1999

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 11, 1999.

I hereby designate the Honorable Constance A. Morella to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 23, 1999.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic leader of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, February 11, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to subsection 127 of Public Law 97–377 (2. U.S.C. 88b–3), I hereby appoint the following Members to the House of Representatives Page Board: Mr. Kildee, MI.

Yours Very Truly,
RICHARD A. GEPHARDT.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The Speaker pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic leader of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 28, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 3(b) of Public Law 105–341, I hereby appoint the following Member and individuals to the Woman's Progress Commemoration Commission: Ms. Slaughter, NY; Ms. Clayola Brown of New York, NY; and Ms. Barbara Haney of Irvine, NJ.

Yours Very Truly,
RICHARD A. GEPHARDT.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic leader of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 21, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER, Pursuant to section 995(b)(1)(B) of Public Law 105–83, I hereby reappoint the following Member to the National Council on the Arts: Ms. Lowey, NY.

Yours Very Truly,
RICHARD A. GEPHARDT.

COMMUNICATION OF HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic leader of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, February 11, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to subsection (c)(3) of Division A, Public Law 105–277, I hereby appoint the following individuals to the Trade Deficit Review Commission: Mr. George Becker of Pittsburgh, PA; Mr. Kenneth Lewis of Portland, OR; and Mr. Michael Wessel of Falls Church, VA.

Yours Very Truly,
RICHARD A. GEPHARDT.

COMMUNICATION FROM HON. RICHARD A GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic leader of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, January 27, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 852(b) of Public Law 105–244, I hereby appoint the following Member and individual to the Web-Based Education Commission: Mr. Fattah, PA; and Mr. Doug King of St. Louis, MO.

Yours Very Truly,
RICHARD A. GEPHARDT.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3

Mr. EWING. Mr. Speaker, I am a cosponsor on H.R. 3, and I ask unanimous consent to have my name removed as a cosponsor of that legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

KEEPING THE PROMISE TO OUR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to call the attention of the House to five bills I have introduced to address some major concerns of our Nation's service members, military retirees and veterans.

The first is H.R. 363, the Military Survivor's Equity Act. It is hard to believe that we continue to condone a system that penalizes the aging widows of our Nation's veterans, but that is exactly what the Military Survivors Benefits Plan does. When a member of the military retires, he or she may join the Survivors Benefits Plan, known as the SBP. After paying a premium for many, many years, the retiree expects that his or her spouse will receive 55 percent of the retired military pay.

Most of the survivors who receive SBP benefits are military widows. You may not realize that when these widows who are receiving SBP benefits turn 62, a Social Security offset causes their benefits to be reduced from 55 percent to 35 percent of their husband's military retiree pay. This occurs even when the Social Security comes from the wife's employment.

What does this reduction mean to our Nation's military widows? I have received many letters on this subject. Let me just read from one. I am quoting:

"My husband, who served in the Army for 20 years, was on Social Security disability because of heart problems and could no longer work. He died in July, 1995. I was then 61 years old. I received Social Security income plus my SBP. With both of these incomes, I was doing fine paying my monthly bills and having enough left for groceries. When I turned 62, I was notified that my SBP was reduced from $476 to $302. What a shock. This was my grocery money that they took away from me."

It is time to change this misleading, unfair law. We must provide some equity to the surviving spouses of our military retirees. My bill would fix this problem by eliminating the callous and absurd reduction in benefits and give what is expected and what is deserved: 55 percent of the military retired pay. To put it simply, no offset. A simple solution to a difficult problem, an equitable solution to a mean-spirited practice.

The second bill is H.R. 364, the Veterans' Training and Employment Bill of Rights Act. This would ensure that service-disabled veterans and veterans who serve in combat areas will be first in line for federally funded training-related services and programs. Under current law, veterans are often underserved by national programs such as the Job Training Partnership Act because it sometimes mistakenly assumes that the veterans receive the same services from the VA Department. My bill would reinforce our commitment to provide special training assistance for veterans and make it clear that eligible veterans have earned a place at the front of the line.

The bill would also establish the first effective appeals process for veterans who believe their rights have been violated under veterans' employment-related programs. The Secretary of Labor would be required to help veterans who believe that Federal contractors have not met their obligation to hire veterans and to help veterans who believe they were not given preference for enrollment in Federal training programs. This bill would provide the teeth that have been missing from some veterans' training programs and would go a long way toward ensuring that veterans' rights are respected.

A third bill is H.R. 366, the Veterans' Entrepreneurship Promotion Act.

□ 1530

Many veterans have told me that they would like to own a small business, and our national economy would certainly be strengthened if more veterans were able to establish their own companies. This bill is designed to do just that, by establishing a program to help disabled and other eligible veteran-owned small businesses compete for Federal contracts. Also included is a program of training, counseling and management assistance for veterans interested in starting a small business. Veterans who want to pursue self-employment should be supported and encouraged.

H.R. 365 is the Let Our Military Buy a Home Act. Under this plan, the Department of Defense, in cooperation with Veterans Affairs, would be permitted to test a program designed to relieve the military housing crisis. Military personnel stationed in areas where the supply of suitable military housing is adequate, as in my hometown of San Diego, could purchase homes for themselves and their families at reduced interest rates. This practice would reduce the cost of building on-base housing and would expand opportunities for service members to own their own homes.

Initially introduced in the 104th Congress by our good friend and former colleague, the honorable and legendary G.V. Sonny Montgomery, and included in Public Law 104–106, this program was inexplicably not implemented by the Department of Defense. Sonny's idea is a good one and I encourage you to join in pursuing this creative approach to dealing with the military housing program.

Finally, a bill to Extend Commissary and Exchange Store Privileges, H.R. 362. This legislation would allow veterans with service-connected disability to use commissary and exchange stores on the same basis as the members of the Armed Forces entitled to retired pay. I believe that these veterans have earned the right to commissary privileges.

REJECT THE PRESIDENT'S BUDGET

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under a previous order of the House, the gentleman from California (Mr. HERGER) is recognized for 5 minutes.

Mr. HERGER. Mr. Speaker, if one were to believe the White House and all they are saying regarding the debt of our Nation, one would be convinced that the President's recently released FY 2000 budget is good fiscal policy for future generations. Unfortunately, the exact opposite is true.

The White House would like the American people and this Congress to believe that the national debt is going down under their budget, but page 389 of the President's own budget from his Office of Management and Budget shows a very different picture.

Looking at the chart, we see that the total national debt goes up from $5.394 trillion in 1998 to $5.576 trillion in 1999, and to almost $5.8 trillion in the Year 2000, and the red ink continues to rise every year under Clinton's budget.

The truth is, the total Federal debt under the Clinton plan does not go down, as the President would like the American people to believe. In fact, the total Federal debt goes up to the tune of over $1.3 trillion over the next five years.

I asked the President's Budget Director, Jacob Lew, during a recent Committee on the Budget hearing about this discrepancy, and he was evasive about the fact that the President's own budget called for a $1.3 trillion more in debt on our children and grandchildren.

I then asked Treasury Secretary Robert Rubin the next day during a Ways and Means hearing the same question, and Secretary Rubin refused to answer a simple yes or no question about whether the total debt is going up.

Regardless of where the debt is placed, it will still need to be paid, and guess who will pay it? The answer is the American taxpayer. Debt is debt is debt is debt. The Clinton Administration only wants to speak in terms of the publicly held debt going down.

Mr. Speaker, President Clinton and his administration are misleading the American people when they say the public debt is going down. They are telling half a truth. The President and his administration are correct in saying the public debt will go down over the next few years, but what they are not telling you is that the debt held by the Social Security and other trust funds is going up, and that it is going up at a faster rate than the public debt is going down, which means the total debt goes up by, yes, $1.3 trillion over the next five years under President Clinton's budget. No matter if debt is held by the public or in the various trust funds, it is still debt, and must still be paid back at some future point.

The Clinton Administration is doing future generations no favors in this budget. It is dishonest and disingenuous for the Clinton-Gore administration to tout huge surpluses on the one hand, when on the other their budget places even more debt on the shoulders of our children and grandchildren.

Mr. Speaker, this Congress and this President have not achieved true fiscal discipline and responsibility until our total national debt begins to go down.

Furthermore, as if forcing $1.3 trillion in more debt on future generations was not enough, the President's budget called for a net tax increase of $45.8 billion and requests $150 billion in new spending over the next five years.

Mr. Speaker, it is the duty of this Congress to stop this assault on our future generations and all taxpayers. I urge my colleagues to reject the President's budget.

PRESERVING SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I want to spend my time this afternoon talking about Social Security, one of America's great all-American programs. It is in a class by itself, except for Medicare, of course. But, like so many programs, its beneficiaries vary according to race, sex or class, even given the universality of this extremely popular program.

When people say that they think it will not be there for them, they also say that they do not want it changed much because they want it to be there for them.

There are proposals floating around for private accounts where people would invest in equities in the stock market themselves. In considering these proposals, I ask only that this body consider that women are hugely, disproportionately affected by whatever we decide to do to Social Security. Twice as many women who live past 65 are poor as men, and so, in its wisdom, the Congress has structured the Social Security program to reflect this basic reality.

Proposals for private accounts thus far do not take into account two characteristics that are unique to women: One, that they have less earnings over their lifetime, much of it due to discrimination, some of it due to family responsibilities; and, second, that they simply live longer. Personal savings accounts would, therefore, adversely affect them, because they have had less time in the workforce and because they have had lower earnings when they have been there.

So what does Social Security do? Recognizing this feature, instead of giving a benefit that looks the same for everybody, we have created a progressive Social Security benefit structure. The higher benefits go to the lower earnings, and I do not think there is anybody in America who would want that any different.

Let us look at two groups of women so as to make my point, housewives and widows.

Let us take a woman who has spent her life taking care of her family and has not gone near the workforce. She will get 50 percent of her spouse's benefit. She has never had and could never have a personal account in the stock market, no matter what we do for her.

Let us take an older woman whose husband dies. She gets 100 percent of her husband's benefit. Now, the majority has typically shown particular concern for these women, women who have taken care of their families and have not gone in the workforce at all, and older women whose husbands have died and do not have any income. These are the women that must be in our mind's eye if we toy with the Social Security System.

The great majority, 63 percent of women over age 62 have their own income, as to opposed wives and widows who get pensions. Thirty-seven percent have had no earnings history at all, no personal savings account of their own, and cannot control what a husband shall have done with the personal savings account that he may have. They are in our hands, and we have taken that responsibility through the Social Security system.

I ask this body to measure any proposal that comes before it, not by looking at the American population as if they were some big glob, but to look at who is likely to be most affected by whatever we do. Overwhelmingly, those most affected are going to be women. It is women who have the most to lose. It is women who are most vulnerable.

I ask the majority who call to the floor any discussion of changes in Social Security, especially discussion of personal savings account, to call to the floor the women whose lifelong work has been for their families and the women who have only their husband's pensions. Those women are in our hands and are dependent upon our doing the right thing with Social Security, bearing in mind that any personal savings account is not in their lexicon, has not been in their lives, and they need us to remember that salient fact.

FEDERAL FUNDING FOR BIOMEDICAL RESEARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, I rise today to speak to the issue of federal funding for biomedical research. Over the past four years, this Congress has led the effort to double the budget for biomedical research at the National Institutes of Health and other federal agencies which do scientific research to help cure diseases.

This effort has already begun to show results in areas such as Parkinson's disease, cancer, Alzheimer's's disease, and many others. It is a worthwhile undertaking for our federal tax dollars.

Now, while the President wants to take credit for this research effort, unfortunately his budget would severely impede the progress we have made and would jeopardize future advances.

The NIH budget has begun to grow exponentially, because it is the right thing to do for people who are sick with chronic diseases. For the next fiscal year, however, the President has requested an increase of $320 million, or 2.1 percent, for the National Institutes of Health.

Now, by comparison, last year this Congress increased NIH by $1.99 billion, or 15 percent, and that is still inadequate funding when you look at all of the opportunities for research grants that come before the NIH and those which are able to be accepted. There just is not enough money to do all of the good research that needs to be done.

The President was recently reported to have remarked to a member of the other body, a Democrat, the President said, "Don't worry about our budget. The Republicans will increase NIH funding." Well, certainly we will. So much for honesty in the President's budget.

A 2.1 percent growth rate is two-tenths of a percentage point less than the projected rate of inflation. That is a growth rate less than inflation, which is in the President's budget, for attempting to cure our Nation's diseases and improve the lives of millions of Americans who suffer from disease.

What the President does under this budget game is put in a low number for NIH and put a high number for other spending, new federal spending programs that he puts in to satisfy special interests, and then criticizes those of us who say "no" to such excess spending, for budget-busting spending, and then politically the President seems to want to take credit. In reality, the President's budget says to people who seek a cure for cancer, I do not care about you.

□ 1545

For the 16 million diabetics in this country, he says, "I do not care about you." For those with Parkinson's, multiple sclerosis, Alzheimer's, lots of other diseases, he says, "Sorry, I do not care about you."

We can be sure that if this budget were proposed by the majority Congress, the administration would call it a cut in funding, and probably the media would say the same thing, that we do not care about the lives of people who are sick.

Well, in fact, we do. Both Democrats and Republicans in this Congress care deeply for NIH funding and deeply for those who are sick with chronic, debilitating diseases which affect all of us as Americans, regardless of our races or religions or genders. It is a fact of life that the government can help do something about.

So I think there should be outrage today over the President's budget game for biomedical research. Both Democrats and Republicans should rise up and say no. And I urge my colleagues to call on the President, Mr. Speaker, on this game he is playing with biomedical research, and anyone who cares about curing chronic disease in this country should do the same.

BUILDING OPPORTUNITIES BONUS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it has been nearly three years since we passed the Nation's welfare reform law, and most news reports paint a very glowing picture. The welfare rolls are at a 30-year low; more people than ever are working; billions of surplus welfare dollars stack up in government coffers, unspent and unused. The great social experiment, the 1996 welfare reform law, is a great success, right? Right?

But, Mr. Speaker, what about the 14.5 million children still living in poverty, or the 71 percent of welfare recipients who end up in dead-end jobs that pay below the poverty line? What about the many States that get people off welfare by simply turning away people asking for help, or the States that meet their goals by shifting welfare recipients into low-paying jobs with no benefits and no career or salary ladders.

We do not hear much about these families, Mr. Speaker, because we are still thinking about welfare reform in the wrong way. We had it wrong when we set out to end welfare as we know it. Our goal should have been then and should be now to end poverty as we know it.

Mr. Speaker, I know it is not fashionable or popular to talk about making changes in the welfare law these days. But, Mr. Speaker, I would say that today is exactly the right time to be rethinking our Nation's welfare policies. With the economy booming and a surplus growing in Federal welfare accounts, States do not have to content themselves to simply get people off of welfare. States should and could be taking advantage of the opportunity they now have to invest in helping low-income families become truly self-sufficient.

Yesterday, I introduced a new bill: The Building Opportunities Bonus Act, or BOB. It will be easy to remember. BOB provides $1 billion over five years to reward the ten States that do the best job in three key areas, key areas to getting welfare recipients in self-sufficiency. First, child care. Second, job training. And third, assistance for victims of domestic violence.

Services like these will ensure that poor children are not left behind; that welfare recipients can access good jobs, jobs actually that can weather a dip in the economy; and that battered women can get and keep jobs while keeping themselves and their families safe.

Thirty years ago, Mr. Speaker, I was a single mother on welfare. Because I was employed, I was forced to shuffle my kids, ages one, three and five, among 13 different child care providers in a single 12-month period. I was working at the time, using my welfare check to pay for child care and health care for my family, but it was not until I had a consistent, reliable child care situation that I was able to truly grow in my job, and immediately I was able to support my family without the welfare safety net.

Every family on welfare needs quality and accessible child care. Welfare moms also need educational and training opportunities. Americans have long realized that education is the door to success. But our new welfare law has too often told welfare recipients that the only door open to them is the employees' entrance to McDonald's. Without job skills, welfare recipients are shifted into dead-end jobs, entry level jobs that pay below the poverty line. These jobs cannot support a family, and they are the first to go when the economy falters.

Many poor women struggle not just with their economic situation, but also face the harsh reality of domestic violence. Studies show that between 15 and 30 percent of welfare recipients suffer from domestic violence and from abuse. We need to address this issue head-on and make sure women suffering from domestic violence can improve first their home situation, and then their economic situation. And we do not want to trap them in jobs that are dead-end.

The sad truth is that we are nowhere close to providing enough of these services: child care, job training, and help from domestic violence. We need to give States an incentive. That is the only way welfare reform is really going to work for all Americans, so that welfare-to-work equates into true self-sufficiency.

A FAIR AND SIMPLE PLAN TO CUT TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, the American people are overtaxed, and it is time for Congress and the President to let them keep more of their hard-earned money.

This year, Federal taxes will represent 22 percent of the Gross Domestic Product. This means that the Federal tax burden is at an all-time high. With the Federal Government projected to run a budget surplus of $2.6 trillion over the next 10 years, there is no excuse for taxing the American people at a higher rate than was necessary to win World War II.

On the opening day of the 106th Congress, I introduced a bill that cuts Federal income taxes by 10 percent across the board. This proposal is the simplest and the fairest way to provide the American people with the tax relief that they deserve.

Instead of picking winners and losers among overtaxed Americans, this proposal increases the take-home pay of everyone who pays Federal income taxes.

We should not require taxpayers to engage in a government-preferred activity or force them to jump through multiple hoops in order to keep more of their own money. A broad-based tax cut avoids adding further complexity to the Tax Code and gives all American workers the relief that they need.

In recent years, efforts to provide the American people with significant tax relief has been derailed by the contention that cutting taxes would hurt Social Security. This has always been a shaky argument, but it does not even have a leg to stand on today. Here is some arithmetic or numbers to keep in mind.

A 10 percent across-the-board tax cut would cost the Federal Government $743 billion over a 10-year period. This means that more than $1.8 trillion of the $2.6 trillion budget surplus that the Federal Government will run over the same time span would be available to strengthen Social Security.

When looking at these numbers, it becomes clear that cutting taxes and securing the future of Social Security are not mutually exclusive goals. We can do both and still have some money left over to invest in education and strengthen our national defense.

Excessive taxation is making it harder for middle-income families to get ahead. When adding State and local income taxes, or just taxes period to the Federal tax bite, the average American family ends up paying more in taxes than it is paying or spending on housing, food and shelter.

A 10 percent across-the-board income tax cut would save this average family approximately $1,000 per year. This is money that could be saved for a down payment on a home or used to pay for college tuition or put aside for retirement.

A broad tax cut like the across-the-board tax cut that I am promoting today is best for the American economy as a whole. It will increase economic activity across the widest number of individuals, thus creating jobs, greater financial security, and giving every American a bigger piece of the pie. However Americans choose to spend their own money, I am confident that it would be put to better use by the family who earned it than by the Washington bureaucrat who yearns for it.

As the debate over how to use the budget surplus heats up, the protectors of big government will scream bloody murder about any plan to return some of the windfall to the American people. To them I ask simply, if we cannot cut taxes when the economy is strong, the Federal Government is in the black, and taxes are at an all-time high, when can we?

Mr. Speaker, I urge my colleagues to support a 10 percent across-the-board tax cut.

MORE CHOICE FOR AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I rise today to express concern about an article that our friend, George Will, has in Newsweek this week, attacking the administration and Vice President GORE in particular for dealing with livable communities. With all due respect to the journalist, he has it exactly wrong.

There is a national grassroots movement from coast-to-coast where people are now struggling to contend with the forces of growth, sprawl, pollution and congestion to try and have more livable communities. Contrary to the columnist's assertion, it is not about forcing people to do things, it is about giving Americans more choices. Today, too many people have no choice but to be trapped in congestion, soccer moms and dads forced to be out shuttling kids around, forced to burn a gallon of gasoline to buy a gallon of milk.

What the Vice President, what the administration, what Americans across the country who are concerned about livable communities are promoting is the concept of learning from our past mistakes, organizing ourselves to make sure that our plans for the future will make our communities more livable. It is not, as some would suggest, an attack on the automobile. To the contrary, it is simply not surrendering our communities to the cars.

At a time when the Berlin Wall has fallen, when there are capitalist markets in the former Soviet Union, in China, it is time to perhaps end socialism for the car by subsidizing the automobile more than other transportation choices. Planning makes it possible for people to do more with their lives and their time.

In his article Mr. Will attacks Portland, Oregon, my hometown, as a place where we are trying to crowd people, where we are trying to have zoned-out things like big box development, to somehow force people to do things they do not want to do, calling it some sort of planner's paradise. Well, it is ironic that the city Mr. Will is attacking is held up as one of the best models in the country for working with our citizens to promote liveability, to give people more choices.

□ 1600

It is a community where we have, in fact, not sprawled as much as other places around the country, but we have actually dramatically increased the housing stock without spreading out to farm and forest land. We have added 42 percent in population since 1979, but we have only increased the developed area 20 percent.

Some of the most attractive housing, the most valuable housing, is to be found in newly redeveloped areas with loft housing, with townhouses. In fact, they are worth more in terms of actual value than the typical single lot subdivision. It is not about crowding people together.

In Portland, like in most other communities, our neighborhoods are less densely populated today than they were 40 years ago when I was growing up. What has happened is because we have unplanned growth, exclusive reliance on the automobile, we have far more people driving and driving more miles, and as a result, it is the cars that people are upset about, not the citizens.

This has resulted from not turning over industrially-zoned land to big box retail, like a COSCO or a Wal-Mart. We have protected it for industrial jobs. Portland has added 180,000 new jobs since 1990. I would suggest that it is hardly a failure, that there is a reason why people come and look at what we have done.

Government has made many mistakes in the last 40 years that have contributed to the deterioration of the quality of life. It is time for us to take a step back, to learn from our mistakes in both government and the private sector, and plan for a better tomorrow. That is what the Vice President, the President, and not just his administration but people around the country are doing with the new livable communities movement.

I strongly urge that people support these initiatives and what they can represent for a more livable future.

CATHOLIC SCHOOLS: FAITH FOR A BRIGHTER FUTURE

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, I rise today to address the subject of Catholic schools, a great gift to this country.

Catholic Schools: Faith for a Brighter Future, that is the theme for the 25th annual celebration of Catholic Schools Week January 31 through February 6, 1999, in the 10th annual National Appreciation Day for Catholic Schools February 3, 1999.

Catholic Schools Week celebrates the important role Catholic elementary and secondary schools across the country play in providing a values-added education for America's young people.

Catholic schools are proud of their educational network, emphasizing intellectual, spiritual, moral, physical, and social values in their students.

The National Appreciation Day for Catholic Schools was established to encourage supporters nationwide to showcase the great accomplishments and contributions the more than 8,200 catholic schools nationwide make to our country. Celebrated in communities across the U.S. that have Catholic elementary and secondary schools, this day provides opportunities for State governors, big city mayors, and small town councils to join in proclaiming Catholic Schools Week in their localities year after year and arrange special commemorative celebrations.

On February 3 this year a delegation of more than 130 Washington, D.C., Maryland, and Virginia area Catholic school students, teachers, and parents visited Capitol Hill to meet with congressional leaders and promote Catholic schools. They served as ambassadors for the students enrolled in Catholic schools nationwide.

Students met in the Dirksen Senate Office Building for a briefing by a Senator from Tennessee, and held a rally on the steps of the Capitol. Groups of students visited congressional offices, meeting with Members and staff to acquaint themselves with the mission and accomplishments of Catholic Schools, and to discuss issues of importance to Catholic school students.

As part of their activities, they hand-delivered letters from Catholic school superintendents of schools to their congressional and Senate Members, and provided a background package on Catholic schools to every congressional office. Today we congratulate America's Catholic schools, the students, the teachers, and especially the parents, who make many sacrifices to provide their children the education offered in Catholic schools. The outstanding contributions of Catholic schools to our Nation are worthy of celebrating, and I offer heartfelt congratulations to all who participate in the work of Catholic education.

At present Catholic school student enrollment is almost 3 million students. Catholic schools welcome all students whose parents wish their children to attend.

Catholic Schools are proud of the diversity of their student body. Minority students, for example, comprise more than 24 percent of total enrollment, and nonCatholic students are approximately 14 percent of the enrollment nationwide.

Congratulations to the National Catholic Educational Association and the United States Catholic Conference, the national organizations that sponsored the National Appreciation Day event on Capitol Hill. NCEA is the largest private professional education association in the world, representing more than 200,000 educators serving 7.6 million students at all levels of Catholic education.

The United States Catholic Conference is the national public policy organization of bishops in the United States. Congratulations to Catholic Schools, students, teachers, and parents. You are giving this Nation faith for a brighter future.

CONGRATULATIONS TO THE NAACP ON THE CELEBRATION OF ITS 90TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, I rise today to extend congratulations to the National Association for the Advancement of Colored People, sometimes known as the NAACP, as it celebrates its 90th anniversary on this Friday.

The NAACP is the oldest, largest, and strongest civil rights organization in the United States. On February 12, 1909, on the 100th anniversary of Abraham Lincoln's birthday, 60 prominent black and white citizens issued the call for a national conference in New York City to renew the struggle for civil and political liberty.

Participants at the conference agreed to work toward the abolition of forced segregation, promotion of equal education and civil rights under the protection of law, and an end to race violence. In 1911 that organization was incorporated as the National Association for the Advancement of Colored People.

Today the NAACP is a network of more than 2,200 branches covering all 50 States, the District of Columbia, Japan, Germany, and its membership exceeds a half million people. Born in response to racial violence, the association's first major campaign was the effort to get the anti-lynching laws on the books in the United States.

In 1919, to awaken the national conscience, the NAACP published an exhaustive review of lynching records. NAACP leaders, at potential risk to their own lives, conducted firsthand investigations of racially motivated violence that were widely publicized. Though bills succeeded in passing through the House of Representatives several times, they were always defeated in the Senate. Nonetheless, NAACP efforts brought an end to the excesses of mob violence through public exposure and the public pressure it mobilized.

The NAACP has always known how to respond to challenges, and is certainly no stranger to struggle. Through political pressure, marches, demonstrations, and effective lobbying, the NAACP has served as an effective voice, as well as a shield for minority Americans. From educational parity to voter registration, housing, and labor, the NAACP has been at the forefront of efforts aimed at securing civil rights and civil liberties. No longer do we see signs that read "white" and "colored." The voters' booth, the schoolhouse door, now swing open for everyone.

It is important for us to all remember how effective the NAACP efforts have been. While much has been accomplished, much more needs to be done. Mr. Speaker, America still needs the NAACP.

I invite my colleagues to join me in congratulating the national organization and all its local chapters as they celebrate their 90th anniversary on February 12. I wish them continued success as they continue to focus on the protection of civil rights and civil liberties of all Americans.

THE PRESCRIPTION DRUG FAIRNESS FOR SENIORS ACT OF 1999

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Arkansas (Mr. BERRY) is recognized for 45 minutes as the designee of the minority leader.

Mr. BERRY. Mr. Speaker, I rise today in support of the Prescription Drug Fairness for Seniors Act of 1999. I want to thank my colleagues, the gentleman from Maine (Mr. ALLEN), the gentleman from Texas (Mr. TURNER), and the gentleman from California (Mr. WAXMAN), for coming up with this great idea to help correct a tremendous injustice in America today.

Our senior citizens pay over twice as much as citizens in other countries. They pay over twice as much as the preferred customers of the prescription drug manufacturers in this country, and it is simply not fair.

This chart demonstrates the way that our seniors are overcharged and the amount they are overcharged for their prescription medications. They are forced to make a choice between food and medicine, between paying their rent and having medicine, between having utilities, having heat, and medicine. This is simply not right.

The First Congressional District of Arkansas, that I am so fortunate to represent, contains the most senior citizens of any Congressional District in this country that live only on social security. The cost of prescription medication is a tremendous burden for them. Yet, we allow them to continue to be overcharged by 40 and 50 and 60 and 70 percent.

They are overcharged by the most profitable companies in the world. These companies should be profitable. We are in favor of them being profitable. But that profit should not come at the expense of our senior citizens being forced to choose between food and the medicine it takes to keep them alive. When that happens, it becomes a moral issue. It becomes an issue that this Congress should address.

Our bill, the Prescription Drug Fairness for Seniors Act of 1999, will reduce the cost of prescription medication for our seniors approximately 40 percent. Our seniors should not be at a disadvantage because they are citizens of the United States.

The average prescription price for Canadians is 72 percent less than it is for Americans. For Mexican citizens, it is 103 percent less than it is for Americans. This simply does not make any sense. If the prescription drug manufacturers that sell product in this country can sell it at other countries at much reduced rates, if they can sell it to our Federal Government at much reduced rates, these same prices should be available to our seniors. That is what this bill does.

One company last year raised the price of one of their medications 4,000 percent in one day. The Federal Trade Commission looked at this. They decided it was unfair and they filed a $120 million recovery claim against this company. This is an outrageous attempt to make a profit.

The Prescription Drug Fairness for Seniors Act of 1999 will reduce those prices, as I have said, by 40 percent to most of our recipients. It is something we should do. It is the fair and right thing to do. It does not cost the Federal Government any money. This will simply make our seniors part of the largest purchasing pool in the world, and it will give them the ability to be dealt with fairly through their own local pharmacies.

I urge my colleagues to support this bill. It is a good bill, and it is what we should do for our seniors.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my good friend, the gentleman from Arkansas (Mr. BERRY), for his leadership on this issue, and as well, my colleagues, the gentleman from Maine (Mr. TOM ALLEN), the gentleman from Texas (Mr. JIM TURNER), and the gentleman from California (Mr. WAXMAN) for their leadership on a crucial and devastating fact of life for our seniors in America.

It is important to note that those of us who have worked on this issue believe that this is the Congress to get it through. I am delighted that as an original cosponsor of this legislation for this Congress, I again stand up to be counted, as I did in the 105th Congress. I do that for the many constituents that I represent.

In fact, Mr. Speaker, allow me to share the story of a husband and wife from my district in Houston written to me just a few days ago in January. These individuals retired, having worked in our school system educating our young people, and now in their retirement they are pleading for relief because presently they are spending an average of $4,792 annually on drugs, paid by a Texas teacher's retirement income and social security. One-fifth of their income is used to pay for prescription drugs.

□ 1615

I would simply say, Mr. Speaker, this has got to stop. That means that these senior citizens who have worked all of their life, who, in fact, have a commitment to being part of the engine of this economy for many, many years, are now having to sacrifice the meager income that they have and to make choices, as my good colleague indicated, between room and board, and health.

The Prescription Drug Fairness for Seniors Act is not a giveaway. It does not interfere with competitiveness, as my pharmaceutical friends have said. It does not do damage to the marketplace, as they have attacked us so readily.

What it does is it simply tries to emphasize fairness. Pharmacies will now be able to purchase prescription drugs for Medicare beneficiaries at the same low prices available to the Federal Government such as the Federal supply schedule price or the medicaid price.

Since drug prices presently paid by the Federal Government are approximately half the retail prices paid by senior citizens, participating pharmacies will be able to pass on large cost savings to senior citizens.

I know that my good friend, the gentleman from Arkansas (Mr. BERRY) has been in his district and has seen the sincerity expressed by seniors who have said they do not want a handout, but after we have given them the option of Medicare why shouldn't Medicare have the same ability to be able to purchase low priced pharmaceuticals, competitively priced equal to that of the HMOs?

Has anyone ever been in the midst of seniors, maybe those who are a little older, in their seventies and eighties, and heard them plead to us for clarity about these HMOs? Who am I to pick? What are they giving me? The confusion abounds and yet now we have promoted these HMOs over Medicare that has been so helpful in providing good health care for our seniors, and we have given HMOs the upper edge by providing these incentives, and yet sometimes seniors are moved from one HMO to the next. It shuts down and they get letters, and it is confusing.

Oh, yes, I believe that HMOs provide a viable service, but those who are on Medicare should not be deprived the ability to get low-priced prescription drugs and to have a fairness process in place.

So I believe that we are, in fact, providing what the Constitution says we should have, and that is equality. And we are doing it for a population that is now suffering. They suffer because of the way pharmacies are doing business, and many Americans whose retirement plans rely in part on private pension plans are also struggling. This is because many of those plans which were designed decades ago do not contain comprehensive medical plans, and even the ones that do include medical insurance typically do not pay for medication.

In fact, I have talked to senior citizens who have said I am going to get that mail order program because I have heard that if you do mail order, that you can get cheap prescription drugs.

So I think it is important, Mr. Speaker, that this legislation not have one moment of a slow process. It should be expedited. It should go through the committees of jurisdiction with flying colors. We should respond to the tragedy of senior citizens having to make choices between what they will buy, whether they will pay for food for the evening meal or which meal they will escape or not be able to have so that they can get the necessary prescriptions.

I will just simply say, as we work together on this legislation, tears have come to my eyes when I have met with senior citizens who, first of all, are grateful for life, gratified for the medical care that many of them have been able to access, but when they give me the list of prescriptions that they have to take every single day, they do not do it in anger, they just simply say we have got to take it but give us a reprieve, help us not to be have to choose one over the other. So I want to thank the gentleman.

As I close, I want to just make a personal note that from my home district, in addition to these prescription drugs, I am gratified for the medical health system, of which we also need to look at with the Patients' Bill of Rights, access to medical care. I am grateful for the system that is in my community, the public hospital system, now under attack by county government. My commitment to the senior citizens of that community, the children of that community, is to say that I am going to fight for this legislation, the Prescription Drug Fairness for Seniors Act, as well as a patients' bill of rights, as well as fighting for Lois Morris, our health care director in Harris County, and fight against anybody who would move to shut it down or to deprive our citizens of good health care by cutting the budget.

I want to thank my friend, the gentleman from Arkansas (Mr. BERRY). I want to thank my good friends, the gentleman from Maine (Mr. ALLEN), the gentleman from Texas (Mr. TURNER) and the gentleman from California (Mr. WAXMAN), and I see the gentlewoman from California (Mrs. CAPPS) and I know the gentlewoman from Michigan (Ms. STABENOW), and if I begin calling the roll we all can stand up here and be gratified that we are working together for what I know can be bipartisan legislation to see this legislation passed.

I thank the gentleman from Arkansas (Mr. BERRY) for his kindness. Let us roll up our sleeves and get to work.

Thank you Congressmen BERRY, ALLEN and TURNER for giving me the opportunity to speak on this bill, and for allowing me to help you tackle this tremendous problem.

This year, many of us have taken up arms to preserve Social Security and Medicare, so that we can ensure in the future that our Older-Americans have at least the bare minimums needed to live in this society.

However, seeing that Social Security and Medicare, are in some respects, anti-poverty programs, we must supplement the law to protect the interests of senior citizens who rely on them in the later years of their life. One of the ways that we can do that is by guaranteeing that the senior citizens that rely on those programs are subjected to discrimination by the private sector.

This bill does just that, by allowing pharmacies to purchase prescription drugs for Medicare beneficiaries at low prices. The bill uses naturally-occurring market forces to consolidate the purchasing power of our Medicare recipients. And by doing so, it, in affect, puts senior citizens on the same footing as the federal government when it purchases medication—which makes sense, because in a way, the government is paying for these drugs in an indirect manner.

This bill also aims to stop the price discrimination that affects Older-Americans that are unable to purchase their prescription medication through HMOs or other health care providers. As the studies underlying this bill demonstrate, it is a fact that our Medicare recipients' dollars are being used to subsidize the low drug prices that group health care participants are privy to in our current economy. I believe that most of you will agree with me when I say, that is not what our precious few Medicare dollars should be used for!

I would like to add that Medicare recipients are not the only ones who suffer because of the way pharmacies are forced to do business today. Many Americans whose retirement plans rely in part on private pension plans, are also struggling. This is because many of those plans, which were designed decades ago, do not contain comprehensive medical plans. Even the ones that do include medical insurance typically do not pay for medication. That means that most must still stretch their finances to pay for the medication that is required for their continued good health.

This is illustrated by a letter I recently received from a constituent in my district, in support of this bill, that reads: "My wife and myself have supplemental insurance which does not include prescription drug reimbursement. Presently, we are spending an average of $4,792 annually on drugs . . . (which is) one-fifth of our income." One-fifth of their income is a staggering amount Undoubtedly, something must be done to alleviate their problem, and the least we could do is protect them from price discrimination.

This bill is tremendous because it relies on tried and true principles of capitalism, purchasing power and competition, to craft a remedy that will save the federal government, and my constituents from inflated prices—and I will be glad to support it as it makes its way through the House of Representatives.

Mr. BERRY. I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her comments.

Mr. Speaker, I yield to the gentleman from Maine (Mr. ALLEN), the author of this bill.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for yielding.

We should all know that the gentleman from Arkansas (Mr. BERRY) is a registered pharmacist. He is, with the gentleman from Texas (Mr. TURNER) and myself, a co-chair of our prescription drug task force. Really, no one has done more than he has to bring these issues out so the American people can understand that we in Congress are trying to do something about it.

I thought what I would do is take a little time and talk first about our seniors, then review the current status of some of the pharmaceutical companies and then talk about H.R. 664, the Prescription Drug Fairness for Seniors Act that I introduced yesterday with 66 cosponsors.

Let us talk first about our seniors. All across this country, as we speak, seniors are not following their doctors' orders. Some of them have been given prescriptions which they cannot afford to fill. Others have filled prescriptions which they cannot afford to take as directed.

What happens is, because they cannot pay the rent, pay the electrical bills, buy food and take very expensive prescription drugs, they are out there taking one pill out of three, mixing and matching. They are doing things that in the long run really are detrimental to their health.

I know for the gentleman from Arkansas (Mr. BERRY), the gentleman from Texas (Mr. TURNER) and others, we get letters in our Congressional offices, and I want to share some of those letters.

I received a letter last July, and I have had others like this since then, from a woman who said here is a list of the prescription drugs that my husband and I are expected to take, and when you added up the cost it came to $600 a month. Then she said, here is a copy of our two Social Security statements, and when you added up their two Social Security statements, which is all they had on a monthly basis, it was $1,350.

One cannot get there from here. The math does not work. There is no way that couple could afford to take the prescription drugs that their doctors tell them they have to take.

Perhaps the most poignant letters come to me from people who write and say, I do not want my husband to know but I am not taking my drug medication because we cannot afford both his and mine and it is more important that he take his medication than I take mine. So we have women out there, or men, not taking their own drugs so that their spouse can take his or hers. It is not right in this country and it should not continue.

The reason is, the study that we did in my district in Maine, back in July of 1998, which has since been replicated in 19 districts across the country, including the gentleman from Arkansas (Mr. BERRY), the gentleman from Texas (Mr. TURNER) and a variety of other people, and the findings are always the same. The findings show that seniors who have no coverage for prescription drugs walk into their local pharmacy and pay a price for their drugs that is, on average, twice what the drug companies' best customers are paying.

The best customers are big HMOs, the Federal Government, and others, who can buy in bulk and control market share.

It is not right. This degree of cost shifting has a result. This price structure in the pharmaceutical industry right now means that the pharmaceutical industry, in effect, is charging its highest prices to those who are least able to pay; and those least able to pay are a big group. They are 37 percent of all seniors in this country.

When Medicare was created in 1965, there was no prescription drug benefit because, frankly, it was not a big deal then. The drug companies have made enormous progress in developing new drugs. They have helped millions of Americans, old and young, live more productive lives. What we have got now is a degree of cost shifting in the industry that is imposing the highest costs on those seniors who do not have any coverage for their prescription drugs.

Medicare does not cover prescription drugs. Most medigap policies, when they cover prescription drugs, and often they do cover only a portion of the cost, and the result is that, as I said, 37 percent of all seniors have no coverage and others are uninsured.

The drug industry, pharmaceutical industry, is the single most profitable industry in the country. Last year, Fortune Magazine indicated they had the highest return on equity, the highest return on assets of any industry in the country. They are making their profits on the back of uninsured seniors who simply cannot take all the medications that their doctors tell them they have to take.

If I can talk about the bill just for a moment and then defer to others, the bill we introduced yesterday, H.R. 664, the Prescription Drug Fairness for Seniors Act, is probably one of the simplest pieces of legislation we could possibly introduce in this area. We are not creating a big new government program. We are making a suggestion that would involve very little expense to the Federal Government. All we are saying is that the Federal Government should, in effect, be the negotiating agent for Medicare beneficiaries so that they can get the best price that is given to the Federal Government through the Veterans Administration, off the Federal Supply Schedule or through medicaid. That is all we are saying.

They ought to have advantage, those people, Medicare beneficiaries, all of whom are now on a Federal health care program, Medicare, which is saying they ought to be able to get the best price from the drug companies that the Federal Government gets now, and the way that would work is through the Department of Health and Human Services. Participating pharmacists would be able to buy drugs for resale to Medicare beneficiaries at the best price the Federal Government buys those drugs. Simple bill, very simple, as close to a free market solution as you can get. The pharmaceutical industry objects.

I would thank the gentleman from Arkansas (Mr. BERRY) for yielding me this time and would ask to come back later, after others have spoken, to address a few of the arguments that I expect we will see as this debate moves along.

Mr. BERRY. I thank the gentleman from Maine (Mr. ALLEN) and again appreciate his leadership in this effort.

Mr. Speaker, I now yield to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for yielding.

I want first to thank the gentleman from Arkansas (Mr. BERRY) for his leadership in the last Congress and as we begin this Congress; also the gentleman from Maine (Mr. ALLEN), the gentleman from Texas (Mr. TURNER), who has also worked so hard, and the gentlewoman from California (Mrs. CAPPS), who is here today.

This is such an important issue for all of us, and as we make a commitment, and I know on our side of the aisle we have made a commitment, that the majority of the surplus that we have been reaping as a result of a strong, vibrant economy, will go back into paying off the Social Security Trust Fund and keeping Medicare strong, an important part of that is this bill that we are talking about today, the Prescription Drug Fairness for Seniors Act.

□ 1630

I think of my own family, where I have had my aunt, who is having back problems and finding herself now needing to pay $200 to $300 a month for prescriptions; other friends of my mother's who are looking at $500 or $600 a month in prescription drugs in order to be able to live at home and be able to continue to be able to live in the community and be able to move around and be independent, and when I look at those kinds of numbers, it is very clear to see that for too many seniors we are talking about the difference between food for the month and getting their prescription drugs so that they are healthy and pain free and able to stay well, or we are talking about the difference between paying the rent or paying the electric bill. This is basic survival for too many seniors.

When we look at the costs that continue to go up and up, as I know the gentleman from Arkansas (Mr. BERRY) has talked about, the fact that we are seeing these costs go up, and that we have not yet addressed this through the Medicare system or in some other way, I think this is really a tragedy, and that is why I am so excited to be a cosponsor of this legislation.

This legislation, in a very cost effective way, as the gentleman from Maine (Mr. ALLEN) said, has a very simple approach: Let us get the best price; let us let the Federal Government negotiate on behalf of all uninsured seniors that need prescription drug help; let us let them negotiate the best price for our seniors who are on Medicare; and then let the pharmacists be able to receive that best price and pass it along to the seniors. So it makes sense.

It does not involve a lot of new dollars being spent and it addresses one of the critical issues for our seniors as they are growing older: Living longer and wanting to benefit from all these wonderful new discoveries that allow them to live independently; to be able to leave a hospital sooner rather than later after an operation; to be able to avoid a nursing home as long as possible. There are wonderful new opportunities for them through prescription drugs. What a shame, what a shame if they are not able to afford these new opportunities because of the spiraling costs.

So I once again celebrate and really commend the leadership of the people who are here today, who are really fighting on the front lines for our seniors, and I am hopeful that by the end of the year we will see this in place so that we can really lower the costs for seniors and help them to be able to balance that budget of theirs just a little better.

Mr. BERRY. Mr. Speaker, I thank the gentlewoman from Michigan, and I yield 5 minutes to the gentlewoman from California (Mrs. CAPPS).

Mr. CAPPS. Mr. Speaker, I want to thank the gentleman from Arkansas (Mr. BERRY) for organizing this important time for us to speak today, and I am so honored to join my colleagues and the others really who are speaking around the country who are trying to give voice to our seniors as we bring to the attention of the House of Representatives a veritable scandal, I believe, which is occurring in our country today.

I know that seniors on the central coast of California, where I live, and I believe that we are seeing evidence that seniors throughout the country, are paying outrageously high prices for their prescription drugs. Even worse, these inflated costs subsidize the discounts that high-profit HMOs get for these very same drugs. These inflated costs are rising every day, so they are rising at a faster rate even than the cost of living. Seniors are paying more this month than they paid a few months ago for their prescription medications. And this unfair practice has caused many of our older Americans to cut back on their medications, leading some to choose between buying food or filling their prescriptions.

Last September I conducted the first comprehensive study of the impact that these big drug companies' high prices are having on the central coast of California's senior citizens. My office then released a report on the cost of prescription drugs for seniors and, more importantly, a major reason why these costs are so high, and the findings are startling.

Seniors in my district pay, on average, 113 percent more for the 10 most widely prescribed drugs than do the HMOs buying the same drugs. These are critical medications, like Zocor, for reducing cholesterol; Norvase, for reducing high blood pressure; and Relafen, for relief from arthritis. Prescription drug companies give huge discounts to managed care companies for these and other drugs. Other buyers, such as pharmacists, pay substantially more for the same drugs and must pass those higher costs on to their customers, many of whom are seniors.

The average senior fills between 9 and 12 prescriptions a year. This is a far greater number than any other segment of our population. It is estimated that the elderly, who make up approximately 12 percent of the population, use one-third of all the prescription drugs.

Today, in Santa Barbara, in the News-Press, our local newspaper, it was reported that Ticlid, one of the most widely prescribed medications for persons who have had strokes, sells to HMOs for around $34 for 60 tablets. In my district, the average price seniors, who have to pay out-of-pocket for this drug, are being charged an overwhelming $131, nearly a 300 percent markup over the price the HMOs are paying.

This huge difference in prices is not going to the retail pharmacists in Santa Barbara or Santa Maria or Arroyo Grande. According to my study, the local pharmacists on the central coast are paying an average of $100 to $110 for Ticlid.

The final price seniors pay includes only a reasonable markup to the outrageous price that pharmacists are being forced to pay to the drug companies. No, the extra money the seniors are paying goes to the drug company so it can continue giving big discounts to HMOs and managed care companies.

It is a very sad story that seniors are paying more in money for drugs than they should while HMOs are reaping a huge profit based partly on the huge discounts they get from drug companies. But there is an even sadder element. Many seniors simply cannot afford these high prices. They live on fixed incomes, especially as they keep on rising. So, instead, they take half the prescribed dose or they do not buy these lifesaving drugs because they cost too much.

For example, Harriet MacGregor, in Santa Barbara, told my staff that because of the high cost of her five prescriptions she must sometimes skip or reduce her dosage. As a nurse, I am particularly appalled when I hear these stories. This is an intolerable situation. Seniors should not have to be subsidizing the profits of the HMOs, and they should not have to choose between filling their prescriptions or buying food or paying rent.

I want to give credit to the pharmaceutical houses for developing the medications that save seniors' lives and enable them to live quality lives longer. These drugs are keeping our older Americans out of hospitals and out of nursing homes. We want them to take the medications. We have to find a way for them to be able to do this.

Yesterday, I was a proud cosponsor of legislation to address this issue. This Prescription Drug Fairness Act for Seniors, introduced by my good friends and colleagues, the gentleman from Texas (Mr. JIM TURNER), the gentleman from Maine (Mr. TOM ALLEN), and the gentleman from Arkansas (Mr. MARION BERRY), will allow pharmacists an opportunity to receive the same big discounts that HMOs get for the drugs that they dispense to seniors. This cost saving will be passed on to the seniors. This legislation is long overdue and will ensure that seniors pay reasonable prices for the lifesaving drugs they so desperately need. I urge my colleagues to support this legislation.

This important bill brings to mind another related problem: 35 percent of American seniors have no prescription drug coverage. Medicare, this health safety net for millions of elderly and disabled Americans, does not cover outpatient prescription drugs. So many seniors are forced to pay for these spiraling costs with absolutely no assistance.

Mr. Speaker, we must examine ways to improve Medicare. As we do that, I believe we must seriously consider extending prescription drug benefits to the elderly and to the disabled. We should also ensure that seniors are not subject to pharmaceutical price discrimination.

In closing, we can and should do everything we can to safeguard access to these life-extending and life-enhancing prescription medications for our seniors. I thank the gentleman for the opportunity to speak.

Mr. BERRY. Mr. Speaker, I thank the gentlewoman from California, and I yield 5 minutes now to the gentleman from Texas (Mr. TURNER) and congratulate him on his leadership in this matter.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for the leadership that he has given to this issue. And as a pharmacist, the gentleman knows better than any of us the difficulties that the cost of high drug prices are having on our senior citizens.

It is a privilege to have joined the gentleman from Arkansas, and the gentleman from Maine (Mr. ALLEN), the gentlewoman from California (Mrs. CAPPS), and the gentlewoman from Michigan (Ms. STABENOW) yesterday to introduce once again into this Congress the Prescription drug Fairness For Seniors Act, a bill that we introduced at the end of the last session of Congress and that we are reintroducing now, early in this session, because we believe that we will now have the opportunity to see this legislation become law.

When I first became acquainted with this issue it was because of my membership on the Committee on Government Reform and Oversight, where our staff prepared a study of prescription drug costs in my district, as well as in the district of the gentleman from Arkansas (Mr. BERRY) and many others who are with us here today. That study revealed that the big drug companies are heavily discounting prices to their most favored customers and passing on much higher prices to local retail pharmacists, which means that our senior citizens, who have to buy their prescription drugs in their own communities, are paying the highest prices of anyone.

This is not a new phenomenon. Local pharmacists, I understand, have known this for years. In fact, as I traveled across my district talking about this bill, I found that many of our local pharmacists, who have gone out of business in recent years, have done so because they have been unable to compete because of the discriminatory pricing practices that have been carried on for these many years by the big drug companies. And most citizens, for years, have known that if they just fly or drive into Mexico, or across into Canada, they can buy their prescription drugs much cheaper than they can in their local pharmacies here in the United States.

We all understand the big drug companies have made great progress in their research and in providing the best pharmaceutical products the world has ever known. And yet, in the course of the pursuit of that practice and that good research, they have engaged in a discriminatory pricing practice that has resulted in our senior citizens, those who are least able to afford to buy prescription medications, having to pay the highest prices.

One individual that particularly impressed me was a lady that I met in Orange, Texas, when I held a brief press conference talking about this bill toward the end of last year. Her name is Miss Frances Staley, and a story about Miss Staley was recounted in the Houston Chronicle back on November 22nd of last year.

Miss Staley is 84 years old. She has a Social Security check that she has to live off of that totals about $700 every month. She spends over half of that $700 just to pay for the 14 prescription medications she has to take every day. Miss Staley in this article said this: By the time I get through paying for my medicines, I have very little to live off of. She goes on to recount that at one point she began to take a pill and split it in half to stretch out her supply of her prescription, but she was stopped after a stern rebuke from her doctor.

No senior citizen in this country today should have to struggle to be able to pay for their prescription medications. Retirees, such as Miss Staley, who must pay the full cost of their prescription drugs, are the hardest hit of anyone due to the discriminatory pricing practices that have been pursued by the big drug manufacturers.

Let us look at what that discrimination really is. I have here a chart that shows three different prescription drugs that are used by our senior citizens. One of them, right here in the middle, is synthroid. That is a hormone treatment. The big drug companies sell synthroid, a month's supply, to their most favored companies, the big insurance companies, the HMOs, and even the government, for $1.78. People like Miss Staley, in my district in Texas, they would have to pay $25 for that same prescription. That is just not right.

Another drug, micronase, which is a medication for diabetics, the most favored customers, the big insurance companies can buy that from the drug companies for $6.89 for a month's supply. Miss Staley would have to pay a price of $45.60.

Now, those high prices to Miss Staley are not the result of the local pharmacy marking up that drug. The local pharmacies in this country today have a very small margin. In fact, that margin has decreased in recent years. That is why I was mentioning a minute ago that many of them are having to close their doors.

We want to solve this problem, and the way we try to solve it in this legislation is we simply provide that local pharmacies may purchase their prescription drugs that they resell to

Medicare eligible beneficiaries directly from the drug manufacturers at the same prices that they are currently selling to the government, to the big HMOs, and to the hospital chains.

□ 1645

We think that is only fair, that is only right. Our senior citizens deserve to be treated better. I am proud to join with the gentleman from Arkansas (Mr. BERRY) and the gentleman from Maine (Mr. ALLEN) and the others here today in trying to enact this into law.

Mr. BERRY. Mr. Speaker, I thank the gentleman from Texas for his leadership in this matter.

Mr. Speaker, I now yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank my colleague, the gentleman from Arkansas (Mr. BERRY), and I want to say I offer my congratulations to him and to the gentleman from Texas (Mr. TURNER) and the gentleman from Maine (Mr. ALLEN) for introducing this legislation. It really is so critical to what seniors in this country are facing today.

To bring this to the Nation's attention, I think we can really create no better opportunity than to provide some relief to people who we have all heard from, all of us. There are 435 Members of this body; 435 Members have heard that their seniors that they represent are in a difficult spot. Many are just deciding, as has been said on this floor today, between whether or not they are going to have a decent meal or whether or not in fact they are going to be able to take care of their health concerns.

Let me just talk a little bit about my own district, which is the 3rd District of Connecticut. I conducted a study and discovered that seniors in Connecticut's 3rd District pay an average of twice what the pharmaceutical companies' preferred customers pay. And by "preferred customers," so it is clear, and I am sure others have made that clear here today, these are large corporate institutional customers with market power for which they can buy drugs at a discount price. And that is a good thing. That is a good thing.

While HMOs and others get the drugs at a discount, the cost is shifted to seniors and others who shop at their local store or their pharmacy. The bottom line is that we have seniors winding up subsidizing the corporate discounts out of their own pockets, and they live on fixed incomes. It is very difficult for them to make ends meet and to be able to afford prescription drugs.

I will give my colleagues an example. Prilosec, a drug commonly prescribed to seniors, HMOs are able to buy an average dosage for $56.38. Seniors in my district would pay $108.63, almost double. It really is no wonder that some of the seniors that I have talked to spend nearly half of their income each month just on prescription drugs.

On a personal note and a sad note for our family, my father-in-law, Sam Greenberg, passed away about two weeks ago. And something I did not realize when I talked with my mother-in-law is that they were paying up to $800 a month for prescription drugs. I do not know how they did it. I do not know how they did it. And I did not know that. My husband did not know that. But they were trying the best they could to pay $800 a month for prescription drugs.

When I released the study that I did last year, I met with the local pharmacists and I met with seniors in my district who were affected by the problem, and I met the daughter of a woman who had a stroke because she could not afford to take her medications but she was embarrassed to tell anyone about the problem. I met a pharmacist who does all that he can to help his customers afford the prescriptions that they need, sometimes giving them credit until they find money to pay him. I saw people who are struggling to make ends meet on a limited income while buying the medicine they need to stay healthy.

One of those seniors, Irma Yoxall, is a 72-year-old resident of West Haven, Connecticut. Ms. Yoxall suffers from diabetes and high blood pressure and she takes six prescription drugs. Her monthly income is $750. She spends between $300 and $400 a month, almost half of her income, on her prescription drugs.

Until she became eligible for Medicaid, Ms. Yoxall had no insurance coverage at all for her prescription drug needs and at times was forced to skip medications because of the high cost. In fact, she recently suffered a stroke which her daughter believes was brought on because of the skipped medications.

Let me just say, and let me conclude, I want to say thank you to my colleagues. This is such an important piece of legislation. It simply says, let seniors purchase their medications at the same cost that our large corporations, HMOs, can make that purchase, and keep them healthy and keep them in a sense of security that in fact they can weather, weather the storm of a serious illness.

I thank my colleague again for letting me participate with all of my colleagues tonight.

Mr. BERRY. Mr. Speaker, I thank the gentlewoman from Connecticut (Ms. DELAURO) not only for her support in this matter but for her great leadership in the House.

Mr. Speaker, I yield to the gentleman from Maine.

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentlewoman from Connecticut for her support. It means a lot to us to have her come down and be with us in this debate.

I just wanted to say, in closing, one thing. I said earlier that what is happening out there is that the pharmaceutical companies are charging their highest prices to those least able to pay. And by those least able to pay, I mean those Medicare beneficiaries, those seniors who do not qualify for Medicaid but are not wealthy enough to buy and use prescription drug insurance coverage. So they are left on their own, paying out of their own pocket.

The industry is going to say that this bill involves price controls, and my final point is that that is flat out wrong. This bill will allow the Federal Government to act as a negotiating agent to make sure that it gets the best prices for our seniors across the country. It does not involve price controls. It simply puts a big negotiator, a big buyer, into a market where right now seniors or, more accurately, those wholesalers who sell to retail pharmacies really do not control market share and really do not buy in the kind of bulk that is necessary to get big discounts.

H.R. 664, the Prescription Drug Fairness For Seniors Act, is the right bill at the right time at a low cost, a bill that would be effective in lowering the prices for seniors all across this country.

I just want to say in conclusion how much I appreciate the work of the gentleman from Arkansas (Mr. BERRY) on this issue, the work of the gentleman from Texas (Mr. TURNER) on this issue. We are going to make a difference in this Congress and pass this legislation.

Mr. BERRY. Mr. Speaker, I will just conclude by mentioning what a heroic effort our local pharmacies have made in the last few years to try to take care of our seniors and see that they got the medicine they needed at the best possible prices, and the heroic effort that our seniors have made to deal with this very difficult situation.

The drug companies will say, "We need this much profit." What we are saying is, we want them to make a profit but they should not make it all off of our senior citizens. We must level the playing field. We must treat our seniors the way that other preferred customers get treated. And this is the right thing to do. It is the fair thing to do.

I urge my colleagues on both sides of the aisle to support H.R. 664.

TRIBUTE TO THE PEOPLE OF GUAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 15 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, today I am introducing legislation, as I have for each of my four terms here, regarding an issue that is very special to the people of Guam, and that is an issue that goes back to the World War II experience of the people of Guam.

I am often asked what I enjoy most about my service as the elected representative of the people of Guam to the U.S. Congress, and my reply is that I appreciate being able to educate and tell Guam's story to as many people as possible.

Since I have been here, the most compelling story the people of Guam have to offer is their wartime experience. It is a story which begins during a time when the people of Guam were not yet U.S. citizens but were in a sense Americans-in-waiting. The story is filled with horror and heroism, suffering and relief, anticipation and disappointment, captivity and freedom, life and death. These are all the ingredients to a blockbuster movie, including Guam's happy ending of liberation from her captors by primarily U.S. Marines of the Third Division.

Yet as time passes and the story of Guam's occupation is passed from generation to generation on Guam, this is often where the story ends. But like any great Hollywood movie, there is always more to the story that can be told but sometimes simply is not. In many cases the producers are constrained by budget, time, and attention spans of their audiences, and Guam's World War II experience is no different.

It has now been 54 years since the liberation of Guam and, if anything, time has not meant that all is forgotten or forgiven, not until there is some measure of national recognition of what happened to our fellow Americans on Guam and how the Federal Government failed to make them whole and right the wrongs which resulted from the Japanese occupation.

There was a woman by the name of Mrs. Beatrice Flores Emsley, who was the most compelling advocate of this cause, who came and testified several times in front of congressional committees until her death two years ago. At the age of 13 she survived an attempted beheading by Japanese officers.

In the capital city of Agana, she, along with another group of Chamorro people, were rounded up for beheading and mutilation and execution by swords. After being struck in the neck, she fainted, only to awake two days later with maggots all over her neck but thankful to be alive.

She would be haunted by her wartime experience for the rest of her life. And the long scar trailing her neckline, caused by the Japanese sword, was her constant reminder. Yet Mrs. Emsley never had words of bitterness, only that the people of Guam be made whole.

These stories are not meant to simply draw emotional attention to a very difficult time, but the people of Guam suffered enormously as the only American territory which was occupied by an enemy power since the war of 1812, in which hundreds of people died, thousands of people were injured, and thousands of people were subjected to forced marches, forced labor, and internment by the invading Japanese Army.

There have been many opportunities by America to recognize Guam's dramatic experience of World War II. In 1945 Congress passed the Guam Meritorious Claims Act, which is known as Public Law 79–224. This was the legislation which was meant to grant immediate relief to the residents of Guam by the prompt settlement of meritorious claims. That legislation had no forced labor, no forced march provision to it, even though later legislation which covered the same topic for other groups of Americans did allow for it.

While the Guam Meritorious Claims Act became the primary means of settling war claims for the people of Guam, it was clearly inadequate. It was recognized by a number of Federal commissions, including the Hopkins Commission, Secretary of Interior Harold Ickes in 1947 and 1948, that the Guam Meritorious Claims Act, which was in existence for one year, was inadequate to deal with the thousands of claims that had to be submitted and in fact were not submitted.

It was inadequate to deal with the claims of a people who had simply lost all their homes and, instead of concentrating on the claims, they were all trying to find ways to be resettled. As a consequence, thousands of people, the vast majority of people of Guam never submitted claims. And most of the claims that were submitted and adjudicated by the United States Navy, which was the administering authority by congressional action for these claims, basically most of them were property claims.

To give my colleagues an example, one person who was beaten to death for saving a Navy pilot was given by the U.S. Navy, his family was given $665.10 for the sacrifice of their father. A Navy plane had been shot down. He tried to go and help the pilot. The Japanese discovered him. He was subsequently beaten to death. The pilot was also executed. And for this the family received compensation, $665.10.

□ 1700

If you wanted to personally, if you wanted to adjudicate a claim in 1946 dollars of more than $5,000, which was allowed for a death claim, you had to come to Washington, D.C. to personally adjudicate the claim, which was quite an impossibility for a community that was war-torn at the time and did not really recover from World War II until the 1950s.

In asking on Congress to revisit this issue I want to point out a couple of items:

In 1945 there was the Guam Meritorious Claims Act. This was the act designed to deal with the American nationals of Guam for their suffering during World War II.

In 1948 there was similar legislation for Americans and American nationals, that was the term used at the time, to adjudicate their claims as a result of their suffering at the hands of the Japanese and the Germans. This includes people like who were nurses, for example, or American civilians who happened to be caught in the Philippines when the Japanese came. These people, including some people from Guam who happened to be in the Philippines at the time of the Japanese occupation, were allowed to submit claims under the 1948 law, and as a result of the inefficiencies in that law, that later was amended in 1962 to further perfect and finalize the arrangements dealing with the wartime experience.

The people of Guam were not included in the 1948 law, and they were not included in the 1962 law, and I want to explain a brief personal example of how that worked.

My grandfather, James Holland Underwood, was from North Carolina and he was a civilian on Guam when the Japanese landed. He was taken by the Japanese as a civilian internee, put in Japan for four years. While he was in Japan for four years, his wife, my grandmother, his sons, including my father, and their families were subjected to the Japanese occupation under very horrendous conditions. My parents lost three children during the Japanese occupation.

My grandfather was allowed to file a claim with the 1948 law, later revised in 1962, but neither of my parents were ever compensated for any of the experiences that they had, despite the fact that they were the ones who suffered the most. Not to say that my grandfather did not suffer as well, but it was an anomaly of congressional law.

The first question that I am always asked on something like this is why do we not submit these claims to the Japanese Government, since they were the source of this problem to begin with? And the issue is rather simple. The U.S.-Japan peace treaty in 1951 forever closed the door. That is typically part of peace treaties, whereby if you sign a peace treaty with a country, that claims of your own citizens against the other country are inherited by your own government. This was acknowledged by Secretary of State John Foster Dulles when the issue was raised in the 1950s.

So what we have is a case of legislation that has fallen through the cracks, has taken the one single group of Americans in this century who directly experienced foreign occupation and has ignored their sacrifices and has not respected their loyalty.

Yet despite this experience, July 21, which is the day that the Marines landed on Guam, is by far the biggest holiday on Guam. People are eternally and genuinely grateful for the sacrifices of the men of the Third Marine Division, First Marine Provisional Brigade, units of the 77th U.S. Army infantry, the Coast Guard, the Navy, very genuinely grateful for the sacrifices in removing the Japanese from Guam.

Yet the people of Guam have not been treated the same as the people of the Philippines, who were granted $390 million by the U.S. Congress and who in turn, because they became an independent Nation, were allowed to submit separate claims against Japan. The people of Guam were not treated the same as other U.S. nationals and other American citizens and most noticeably sometimes different people, because they were in the same family, were treated differently.

This is an issue which will take some resolution. I am glad to see that there have been several cosponsors for this legislation. I have introduced this legislation today. I hope and I pray that this will be the Congress that will finally put this issue to rest. World War II, the sacrifices of the World War II generation, are no less the men in uniform and the people back on the domestic home front, but certainly for a very small group of people who were considered American nationals at the time, who endured a horrendous occupation by an enemy power, subject to forced marches, forced labor, brutal killings, many injuries and widespread malnutrition which itself caused hundreds of deaths, must not go unnoticed, must not go unrecognized.

And so I hope and I pray that this will be the Congress where we will finally bring an end to this wartime legacy.

Mrs. Beatrice Flores died two years ago. Under this legislation, if she had remained alive, she would be awarded $7,000 for injuries suffered as a result of World War II. Today, even if this legislation passes, nothing would happen. Her family would get nothing because the only legitimate claims that can be made were for those people who actually died during the Japanese occupation.

So, the longer we wait, the more justice is delayed, the more certain people who experience this directly will not get compensated, and so I feel very strongly about this. I feel that the people of Guam finally need for this to come to a conclusion, and I hope that Members of this body will support this piece of legislation.

GOOD FRIDAY AGREEMENT IN PERIL

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. WALSH) is recognized for 60 minutes as the designee of the majority leader.

Mr. WALSH. Mr. Speaker, I would like to acknowledge at this time my good friend and colleague from Massachusetts (Mr. NEAL) who will join me and other Members, including the gentleman from New York (Mr. BEN GILMAN) in a bipartisan discussion concerning the Northern Ireland peace agreement.

Mr. Speaker, the peace process in Northern Ireland is in serious trouble. The Good Friday agreement we cautiously celebrated last spring is now under attack from within. Ulster Party leader David Trimble, who signed the agreement just nine months ago, is now balking and trying to reopen, renegotiate and re-interpret the terms of that hard-fought agreement. Over the past few months we have seen deadlines pass, deals reneged upon and a return to the ugly politics of exclusion.

Let me remind those who support the status quo that the people in Ireland, north and south, voted decisively for change in the referendums last May. History will not be kind to those who fail to deliver.

The next couple of weeks are critical. On Monday the Northern Ireland Assembly will meet to formally approve the creation of the 10-member executive and cross-border bodies. Over the next two weeks the assembly will make preparations for the transfer of powers from the Northern Ireland office on March 10.

David Trimble wishes to lay claim to the title of first Minister of Northern Ireland. If he is ever to fulfill the tremendous responsibilities of serving as the first minister for both communities in Northern Ireland, he needs to move forward to implement the agreement that he is a party to and to appoint ministers to the executive. If he fails to do so, the two governments party to the agreement, namely Ireland, the Republic of Ireland, and Great Britain should reject the Trimble veto, take responsibility into their own hands and implement the agreement. They must support those who are working for peace, who wish to govern and serve in a new Northern Ireland. They should implement the agreement.

Mr. Speaker, why should the people of the United States care? Well, because first of all there are millions and millions of Americans of Irish descent who reside in the United States, some of whom have paid very close attention to this, others who have not but yet understand what all Americans understand, and that is that Northern Ireland must move forward into a pluralistic, democratically-elected government that makes it possible for everyone to live out their lives, and practice their religion, and practice their own philosophy, and raise their family and raise their children in a spirit of equality and under a government that allows for individual freedoms and beliefs.

One of the issues that has really hung this process up is something referred to as decommissioning. Decommissioning is the term that is used by the political parties of the north that in effect would disarm all of the combatants in this process, and I stress the words all of the combatants. As you probably know, there has been for the last 30 years at least a period of strife, civil strife, violence, and it has been a very difficult time. Decommissioning would require under the agreement that all parties to the agreement, all political parties to the agreement, would use their good offices and their political capital to remove all of the guns and all the bullets from Northern Ireland. The agreement provided two years for this to take place and urged that all parties work toward that end, and at the end of the two-year period ideally all the weapons would be removed.

Mr. Trimble has seized upon this issue and has, I think, really backed himself into a corner, because what he is saying now is that in order for him to implement the agreement, the IRA and the political leadership of Sinn Fein must deliver decommissioning prior to the implementation of the government, which is in direct contradiction to the agreement. The agreement says we all work together toward the end of violence and decommissioning, the end of arms, in a two-year period.

Meanwhile we have deadlines that have to be met in order to put this government together, and if Mr. Trimble would stick to the agreement, progress would be being made now, and in fact one of the things that has to occur along the way is to eliminate the root causes for violence. And if those root causes are not eliminated, then regardless of whether the weapons disappear now or later, if the root causes are still there, the violence will return.

So the agreement was hard-fought, every "I" was dotted and "T" was crossed with everyone watching, and words do matter over there. So the agreement needs to be implemented.

I will take another moment and focus on another very important element in this agreement, and then I will yield to my friend from Massachusetts (Mr. NEAL).

The Good Friday agreement calls for a new beginning to policing in Northern Ireland and contains a clear and unmistakable mandate for a new approach in this area, one capable of attracting and maintaining support from the community as a whole. In doing so it acknowledges the major defects in the current policing arrangement and the vital need for change.

☐ 1715

At this critical juncture in the peace process, there is an enormous responsibility on Members of the Patten Commission. It is essential that they submit the kind of innovative proposals which the situation demands. It is no exaggeration to say that many in the Nationalist community will judge the value of the agreement by what the Commission delivers on policing. The terms of reference given to the Patten Commission, which are detailed in the Good Friday Agreement, are comprehensive and far-reaching. I propose today to include them in the record of the House.

They require that the Commission deal with key issues, such as the composition, future police structure, and the whole culture and character of the force. The objective is to provide a police service with which both communities can identify. That is definitely not the case at present.

The overriding problem is that the Nationalist community does not see the RUC, the Royal Ulster constabulary, as their police force. This is hardly surprising, given that 93 percent of the force is drawn from the Unionists, as opposed to the Nationalist community, and for much of its history the force operated as an arm, often an oppressive arm, of the Stormont Unionist administration.

People in Nationalist areas recall in the not too distant past the use of lethal force by police, the use of plastic bullets, the use of physical abuse and torture in interrogation centers. They want to know that these features of policing are gone, and gone forever.

In Northern Ireland, policing has been a major source of division, pushing the two communities farther and farther apart. In these circumstances, the demand for change is not about getting more Catholics into the RUC, it is about completely overhauling how policing operates in Northern Ireland. It is about creating a new police service with which the Nationalist community can fully identify.

The situation cannot be resolved by tinkering with the problem or merely changing the name or the uniforms of the force, however necessary those changes may be. It requires a fundamental reappraisal of policing structures.

The Good Friday Agreement identifies the objective, a police service enjoying the support of both communities. The Patten Commission must work back from that objective. It is its task to devise the kind of policing service which meets that standard. The status quo cannot be the point of departure.

The new agreement must include fundamental changes in the composition, structure, culture and character of the police. The Commission's guidelines stress the need for the police to become accountable to the community that they serve. This means real power over policing at the regional and local level, with input into recruitment and direction of the force.

The issue is not about adjusting simply the sectarian imbalance within the RUC. It is about creating a police service which Nationalists see as their own. They have never had that.

It is no exaggeration to say that getting the policing issue right will have a major bearing on the ultimate success of the agreement. It is vital, therefore, that the Patten Commission's recommendations be acted upon without delay.

We have seen too many examples of the so-called Securicrats, those shadowy bureaucrats who operate behind the scenes and appear to pay little attention to the political leaders, slowing down reforms to fit some alternative agenda. This must not be allowed to happen with policing.

Mr. Speaker, I yield to my friend and colleague from Massachusetts, who has shown great leadership on this issue, Mr. NEAL.

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from New York (Mr. WALSH).

Mr. Speaker, there is high significance to this issue as we confront it here again on the House floor in the sense that in terms of international relations, this issue was inspired by Members of the House. It was the constant vigilance of the Members of the House of Representatives many years ago that played an enormous role in bringing this question to the surface and allowing members of the international community to pass some judgment.

I want to thank Mr. WALSH. Time and again, like many Members of the Republican Party, he and others have been of great assistance on this question over a long period of time.

As one who has been involved in the issue of Ireland for the better part of two decades, in fairness it should be acknowledged this afternoon how far we have come. But the truth is, as we have continued to role the boulder back up the hill time and again in the face of obstacles, some minor and some major, it has been the vigilance of this Congress that has ensured that all voices have rightly been heard.

But let me, if I can, speak for a few moments about the Good Friday Agreement and the issue of decommissioning, as it is commonly known.

The Good Friday Agreement states that all participants reaffirm their commitment to the total disarmament of all paramilitary organizations and to achieve the decommissioning of all paramilitary arms within two years following the endorsement of referendums in the north and the south of Ireland.

What is significant about this occasion, I believe, is that nowhere in the Good Friday Agreement is that issue compromised. It is pointed out time and again in a prescribed timetable that the people in the Republic of Ireland and the north of Ireland simultaneously voted for and endorsed.

So what brings us to this point on the House floor? We are here because, once again, the Nationalist community, the Social Democratic and Labor party, led by John Hume, and the Sinn Fein political party, led by its president, Gerry Adams, have met all of the agreements that were reached on Good Friday under the substantial and able leadership of former Senator and our friend George Mitchell.

And what has been their reward as they have gotten to the goal line? As they have gotten to the goal line, the response has been to move the goal posts back. Sinn Fein and SDLP both have stated emphatically that there are no preconditions that have been offered nor none that were accepted on the issue of decommissioning.

But what do we have as a response from David Trimble and the Ulster Unionist party? They have sought to rewrite and to renegotiate the agreement on the matter of decommissioning.

What is to suggest to the Nationalist community that if they want to subscribe to this precondition, that another precondition might not be offered in the near future, as it has always been done in the far and recent past?

David Trimble in this instance, who, by the way, has won a Nobel Peace Prize, and I held great hopes for just a few weeks ago, has attempted to review the agreement that the people on the island of Ireland have voted for. He and some of his allies have deliberately delivered a crisis in the peace process by refusing to cooperate in the establishment of the new political institutions in the north of Ireland that, once again, the people in those six counties have voted for.

They have repeatedly missed deadlines, and they have used decommissioning as an excuse to try to review the whole topic. What is sorely needed here is the leadership of the First Minister in Waiting to accede to the views of the electorate and to all of the political parties by Monday of next week, or February 15th.

David Trimble and the Unionist party should not be allowed to park, to rewrite, or to renegotiate this agreement that was approved by the vast majority. Ten months after the agreement and nine months after the historic North-South referendums, the Assembly, the Executive and the North-South Council have still not been established. The refusal to establish these new institutions is in fundamental conflict with the letter of the Good Friday Agreement. It is undemocratic and a denial of the rights and wishes of a majority of the people who voted for that agreement on May 22, 1998.

We cannot diminish on this occasion or on this floor how significant this achievement has been. To think that all of the political parties, with the exception of some fringe elements, have come to the bargaining table and hammered out an agreement with the endorsement of Bill Clinton and Tony Blair, who both have done a great job, now to discover as the deadline for the North-South bodies approach that the would-be First Minister has decided to erect a new barrier to the accomplishment of our overall goal, and that is to have a role for Dublin in the day-to-day affairs in the north of Ireland.

It was just a few weeks ago that we saw the process stumble and we saw Prime Minister Blair intercede to help pick it up. In this instance, we hope once again that he would be willing to do precisely that.

We should not underestimate how far this has come. We should time and again remind ourselves that we are now far up the hill as to where we once were. But it needs an extra nudge, and the nudge would be, I believe, to encourage Prime Minister Blair, and if it is the consensus of the political parties in the North, Bill Clinton, to once again intercede.

But if we are to find ourselves each and every step along the way in this process of having a referendum which parties agree to and the parties all endorse, and then to say at the end of the day that is not entirely what was meant, we have to go back and revisit all of these issues that have intervened in recent time, then the agreement will collapse of its own weight, and none of us here who have been party to this solution want to see that happen.

It is time for the development of these bodies, fully in compliance and in agreement with the wishes of the people in the North.

Mr. WALSH. I thank the gentleman.

Mr. Speaker, I yield to the distinguished Chairman of the Committee on International Relations, a real leader on this issue of peace and justice in Ireland, the gentleman from New York (Chairman GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to be able to rise today on this very important issue as the new 106th Congress is taking time to address an ongoing issue of important foreign policy concern to our own Nation. The question of the difficult struggle for lasting peace and justice in the north of Ireland is one of concern to millions of Americans, as well as peace-loving people throughout the world.

I thank the distinguished gentleman from New York (Mr. WALSH) for arranging this special order, enabling us to discuss the status of the Ireland peace process. We welcome his remarks. I want to commend to the gentleman from Massachusetts (Mr. NEAL) for his supporting remarks and for his ongoing concern for peace in Ireland.

Last year, as we know, was an historic one in Irish history. The good Friday accord was signed in April of 1998. The Irish people, both North and South, overwhelmingly endorsed that peace accord in public referendum. The people in the North then elected as part of the accord a new Northern Ireland assembly, an assembly to govern much of their own internal affairs.

Sadly, as so often has been the case over the many years, and as my colleagues have just recited, the issue of arms decommissioning is still a major obstacle to further progress in the effort to bring lasting peace and real concrete change in the north of Ireland.

These are goals we and most of the people on that island accept and want desperately. What is sadly lacking is the political will and leadership on the ground in the North. The arms issue is once again being used as the old Unionist veto, which blocks progress and blocks full implementation of the Good Friday peace accord.

While it is notable that some people have won Nobel Peace Prizes for their leadership up to and signing the Good Friday accord, the real prize should come when the terms of the accord are fully adhered to and agreed upon as negotiated by all the parties.

□ 1730

In particular, the decommissioning issue is being used to block creation of a Northern Ireland cabinet level executive intended to help govern the north, as well as to help implement the new North-South bodies under the Good Friday Accord.

The new cabinet executive must include Sinn Fein who won that legitimate right through the ballot box and a Democratic process to participate and to govern the north, as well as to be able to sit on the new North-South cross border bodies to govern the new Ireland.

Like it or not, the Unionists must acknowledge that Sinn Fein has a legitimate Democratic mandate which, under the terms of the accord, entitles him to two ministerial posts on the new executive cabinet.

The Good Friday Accord never mandated that the issue of IRA decommissioning would be a precondition to Sinn Fein's entry into government and the new institutions it established. It provides only for "best efforts" and the "hopeful completion of the arms decommissioning process" by the year 2000.

The entire and complex Good Friday Accord and peace process will work only if everyone keeps their word and does not seek to renege on those portions of the agreement that they now profess to dislike. That is just how it is, and there can be no unilateral renegotiations, period.

Yet, sadly, the issue is back to being used as a red herring to rewrite and to undo the Good Friday Accord and thwart the will of the Irish people who voted in massive numbers for the accord and for peaceful political change.

It is time to get on with it and put an end to the Unionist veto which, for far too long, has been used to maintain the unsatisfactory status quo which is the north of Ireland today. We all know far too well how political vacuums in the past have been filled in Northern Ireland. No one wants a return to violence on all sides.

Change must come on the ground, and the nationalist community must be treated with equality. They must be given their rightful voice in the future of the new north. Many in the nationalist community have chosen Sinn Fein to represent them in a new government, and no one has a right to undo that election.

We also need to see new and acceptable community policing in the north, and equal opportunity, and a shared economic future. I am pleased to report today that our House Committee on International Relations will be holding hearings on April 22nd on policing in the north. We will be taking testimony from the north and from leading international human rights groups on the RUC question and the compelling need for new and acceptable policing, which is both responsive and accountable as envisioned by the Good Friday Accord. I am convinced that many constructive ideas for meaningful peace reform will emerge from our efforts.

It is important that we all work together to bring about concrete and meaningful change, and bring about reform in the north so that one day soon, the future of Ireland and its warm and generous people will be theirs and theirs alone to make. It is time to get on with it, to end the foot-dragging, and to implement the will of the good and generous Irish people.

I thank the gentleman for arranging this Special Order, and I thank him for yielding time.

Mr. WALSH. Mr. Speaker, I thank the gentleman for his thoughtful comments and his leadership, as always, and I welcome the prospect of hearings in the Committee on International Relations on policing in Northern Ireland. It is a welcome addition to this overall equation, and I am sure it will be very, very helpful to all of us who are interested in this important issue.

Mr. Speaker, I yield at this time to my distinguished friend, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) who has been a good leader on this issue and a faithful friend as well.

At this time, Mr. Speaker, I yield to the distinguished gentleman from Worcester, Massachusetts (Mr. MCGOVERN), who has had a long interest in the issues and affairs of Northern Ireland.

Mr. MCGOVERN. Mr. Speaker, I want to thank my friend, the gentleman from New York (Mr. WALSH), and my dear friend and colleague, the gentleman from Massachusetts (Mr. NEAL) for their long years of leadership and advocacy for a fair, just and lasting peace in Northern Ireland.

Like so many of my colleagues, I have relied on their wisdom and their insights in understanding the complex issues confronting this country as it moves into a new era of peace. I want to thank them again for the opportunity this afternoon for Members to come together and discuss the status of the peace process in Northern Ireland. I would also like to acknowledge and express my appreciation to the gentleman from New York (Mr. GILMAN) for all of his efforts in bringing about a peaceful settlement to the troubles in Ireland.

Mr. Speaker, like the people of Northern Ireland, the Republic of Ireland, and England, the world was deeply moved and experienced a universal feeling of hope when all sectors of the Irish conflict signed the Good Friday Agreement last year and put in motion a process to bring lasting peace to Northern Ireland.

All of us watched the people of Ireland and Northern Ireland vote overwhelmingly in support of the peace agreement, and we watched with great concern as violent parties attempted to destroy or undermine the agreement with acts of violence. But the heart and the soul and the spirit of the Irish people held true to the calling of peace and they rejected these violent provocations.

The peace process has now reached yet another important crossroads. For over the next days and weeks, we will actually witness the transfer of power to the people of Northern Ireland, all the people of Northern Ireland. And we will see the various parties and sectors form a new executive, receive posts and ministries in that executive power, and have the new assembly ratify the North-South Agreement. In March, we will witness the formal transfer of power to this newly established executive.

But there are some who state that the establishment of these new political institutions cannot and should not take place without the disarmament of paramilitary groups, most notably the decommissioning of the Irish Republican Army. But Mr. Speaker, the Good Friday Agreement, as has already been mentioned, requires no such precondition for the initiation of these new political bodies and the transfer of power. Indeed, establishing these new institutions and empowering the various parties and sectors of Northern Ireland will contribute greatly to building the climate of confidence and trust so necessary for the successful disarmament of paramilitary groups.

Another key for successful disarmament will be what happens this summer when the proposals are reforming the police and completing the demilitarization of troops that will be presented. The reorganization of the police so that it is both responsible and responsive to all the communities of Northern Ireland is a critical item of the Good Friday Agreement. So is the withdrawal and the demilitarization of British troops on Irish soil a key element to a lasting peace and the rejection of armed conflict in the future.

According to the framers of the agreement and the British government, the IRA needs to lay down about 1,500 arms or weapons by May 2000. Mr. Speaker, I have been very actively involved in the peace accords that ended the Civil War in El Salvador and that required the guerrilla forces in that country to give up literally tens of thousands of weapons. Believe me, Mr. Speaker, it only needs a matter of days to disarm 1,500 weapons if, and I emphasize if, the political and social institutions called for in the Good Friday Agreement have been established and are allowing all the people of Northern Ireland to participate fully for the first time in determining the future destiny of the country.

Mr. Speaker, it is easy to overlook the tremendous progress that the peace process has brought to Northern Ireland. The British government, to their great credit, is ahead of schedule in the release of political prisoners. Families are being reunited. It is safer for people to walk home on the streets of Belfast and Ulster, and business and local commerce are expanding, and communities are coming together across sectarian lines, many for the first time, to plan a common destiny.

Those of us in the United States and the international community must continue to support the peace process, and we must salute the people of Northern Ireland for remaining firm in their commitment to creating a lasting peace. But we also must, as my colleagues have already said here today, put pressure on those who would seek to undermine or rewrite or amend the process which has already brought us and moved us so far along this goal toward peace.

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to speak, if I could for just a few moments again, about that policing issue. It was touched upon by the gentleman from New York (Mr. WALSH) earlier and the gentleman from New York (Mr. GILMAN) and the gentleman from Massachusetts (Mr. MCGOVERN), but it is a crucial issue in terms of developing some faith in the institutions of governance in the north of the nationalist community that they fundamentally see a change in the identity of the police force. They cannot be seen as occupiers in a land that people see as their own. There have to be changes in the uniform, the name of the force, the emblems and the flag of the new force that will eventually command respect in both communities. We seek not the triumph of one community over the other as much as an agreed upon Northern Ireland.

What we ask for is that North-South policing cooperation reinforce community confidence, and that a permanent international team be sent to the north to monitor the implementation of the agreements and the reforms as proposed. This opportunity must be emphasized in terms of the overall agreements in the north. If we are to have a professional police force, it must be one that is acceptable to both sections of the community and indeed, to both traditions. And while the Good Friday Agreement calls for a new beginning to policing, it has been slow to come about, and we are anxious to see the Patten Commission deliver on the agreement of policing and to see the composition of the police force of the URC in the north be dramatically changed.

Mr. Speaker, I yield to the gentleman from Newark, New Jersey (Mr. PAYNE), an individual who again has been a great friend on this issue.

Mr. PAYNE. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, I would like to add my support to the continuation of the peace process in the north of Ireland. As we all know, the Good Friday Accords were promulgated nearly a year ago this April, with the best intent in mind, to end the authoritarian rule and domination of the Protestant party over the minority Catholics. It gave Catholics a real voice for once by ending 3 decades of conflict in the north of Ireland.

Last marching season, last July 4th weekend I had the opportunity to travel again on my several trips to the north of Ireland, and I was there during that march when the Orange Order came into Drumcree, and the standoff was there. That was a tragic week. Following the standoff in Drumcree, 3 little boys were fire-bombed to death. Very sad and brutal.

People started to think that perhaps enough is enough, to continue to celebrate the victory of William of Orange, in which Irish land was seized and confiscated, is really an insult to the people of Ireland and Catholics everywhere. Sadly, this parade glorifies a part of history and is really provocative in nature. So we felt that with the Good Friday Accords that this would be behind us. So one can imagine the excitement when President Clinton, along with those of us here, went to celebrate the Good Friday Accords.

I believed that the political prisoner release of paramilitary groups on both sides was certainly an issue that was a tough issue. I know that perhaps Tony Blair is receiving pressure to overturn this rule. I think this would set a bad precedent for all involved if this was overturned.

In the same light, I know that the decommissioning issue was one of the last issues discussed before all parties made the last push towards peace. I think we know that disarming the paramilitaries was going to be very difficult, and we know it is a tough, sticky issue in most negotiations, even with the Palestine and Israel negotiations. The tough issues are put last, what should happen to the Holy City. So we are at the tough times.

But let me say that the peace agreement does not explicitly require a start on disarmament, but it seems like politics is dictating this. I would hope that we could work out a solution. We have gone too far, we have suffered too long. We really believe that peace in the north of Ireland is irreversible, but we do need cooperation from all parties.

I would also like to conclude by adding an article that was in today's Washington Post by a Mary McGrory who had an article called the Art of Understanding, and it talked about a dinner that was held Sunday evening at the Irish Embassy, but it was a little bit different. She said the number of blacks and whites were equally divided, and the new mayor of the city was there, and the chairman of the Republican National Committee was also there. They talked about issues of commonality, and the thing that was interesting about this is that the Anacostia area of Washington is an area where Frederick Douglas lived.

□ 1745

He moved into the area, although blacks were restricted, and he even had an integrated marriage. He moved there, anyway.

But there was an Irish patriarch named Daniel O'Connell who Frederick Douglass admired. Frederick Douglass heard him speak in 1845, when Frederick Douglass went to Dublin. The two men often spoke in public. Douglass and O'Connell often complimented each other. This article is extremely interesting.

Please allow me to include in the RECORD this article from today's Washington Post, which talked about two great fighters for freedom in the 1800's, Frederick Douglass, the great African American spokesperson of the time, and Daniel O'Connell, an Irish patriot.

The article referred to is as follows:

(From the Washington Post, Feb. 11, 1999)

THE ART OF UNDERSTANDING

(By Mary McGrory)

It wasn't your usual diplomatic do last Sunday night at the Irish Embassy. The guests, for one thing, were about equally divided between blacks and whites, which doesn't happen much unless African dignitaries are visiting. For another, the city's new mayor, Tony Williams, was there, and so was the chairman of the Republican National Committee, Jim Nicholson.

The company had been invited by the Irish ambassador, Sean O'Huiginn, and his artist wife, Bernadette, to stop by for supper on their way to Union Station, where an exhibit of art in Anacostia, the capital's stepchild ward, was opening. The mayor was there to encourage the "Hope in Our City" initiative as just the kind of rational enterprise he hopes will occur in his administration. And Nicholson was on hand as "spouse of" his artist wife, Suzanne. Her warm, evocative painting of three abandoned buildings on Martin Luther King Avenue so charmed the mayor that he put it on his Christmas card.

Suzanne Nicholson's husband's party may have trouble with African American voters, but she is a heroine in Anacostia. Although it is most known for its high unemployment and low rate of trash collection, she finds it a place of beauty and inspiration. She visits often, and patronizes the Imani Cafe, across the street from the scene of her painting.

The Irish ambassador told the gathering about an old tie between Anacostia's most famous inhabitant Frederick Douglass and the great Irish patriot, Daniel O'Connell. The two mighty champions of the oppressed were friends.

Douglass admired O'Connell's fiery speeches on liberty. He realized his dream of a meeting in 1845, when he went to Dublin. The two spoke often in public, Douglass of a race in chains, O'Connell about a nation deprived of all rights and liberties.

Bernadette O'Huiginn created a sculpture to commemorate the tie between green and black. She found a Celtic cross in the gift shop of the National Cathedral, chains to drape over it at Hechinger's; hunted down a slave's iron collar and bought a shotput ball that she "aged" for the exhibit.

At one side of the drawing room, which throbbed with the good cheer of people of the same town in search of the same thing, Chairman Nicholson talked more about politics than the arts. Guests sought his views on censure—he's against—and the luck of Clinton. "Can you believe," he asked with hands spread wide, "that the pope would come and the king would die all in the month he needed them the most?" He meant, of course, that the pope's visit to St. Louis gave him a chance to place a filial hand under the pope's elbow and King Hussein's death gave him a chance to comfort a queen and be pictured with three ex-presidents.

Impeachment has only widened the gulf between Republicans and African Americans, who see Clinton as a fellow victim of persecution by the authorities.

Across the room, guests crowded around the mayor to wish him well or to give him advice. Williams has just weathered his first big flap—brought on by a career umbragetaker in the city's employ who does not know the meaning of the word "niggardly."

After they had supped on curried lamb and Irish potatoes, the guests went to their cars and headed for Union Station to see a high display of photographs and paintings that were all by or about the people of Anacostia. They were pictured as prophets and angels or just infinitely appealing human beings. It is a vivid, intimate view of a neighborhood that never had much going for it, but that now has the attention of its fellow citizens. The Washington Arts Group, which arranged the show, says it seeks "reconciliation through art." It seemed quite a plausible goal Sunday night.

Once again, I would just like to commend the gentleman from Massachusetts (Mr. NEAL) and the gentleman from New York (Mr. WALSH), and all those involved in wishing the peace process in Northern Ireland to continue. We need to keep the pressure on. It always gets tough when we are right near the end, but the end of the tunnel is in sight. We hope that the politics does not destroy this, whether it is in England, whether it is in Ireland, whether it is in the north of Ireland.

Mr. NEAL. I thank the distinguished gentleman from Newark, New Jersey (Mr. PAYNE).

Mr. Speaker, I yield to the gentleman from Baltimore (Mr. BEN CARDIN), a good friend to the Irish peace process, as well.

Mr. CARDIN. Mr. Speaker, I thank my friend, the gentleman from Massachusetts (Mr. NEAL) for yielding to me. I thank him for his leadership on this issue, and thank the gentleman from New York (Mr. WALSH) for his leadership on this issue.

Mr. Speaker, I have the honor of representing the Third Congressional District of Maryland. It is known as the ethnic district. We have many ethnic communities that are located in my congressional district. We have a proud Irish tradition in Baltimore and in Maryland.

The people of my district strongly support the peace process in Northern Ireland. I take this time to emphasize the importance of us staying the course for peace. I also wish to pay tribute to a young Belfast man named Terry Enright, who was slain a little over a year ago in front of a nightclub where he worked by those who would have hoped his murder would rekindle the smouldering ashes of sectarian strife and the mindless killings in Northern Ireland.

One year later, though talks on the implementation of the historic peace agreements have stalled, the streets of Belfast, Antrim, and Omaugh and all of Northern Ireland are relatively calm and quiet. Terry Enright's murder could not eclipse his life and its message.

You see, Terry was a young youth counselor, a lover of the outdoors, sports, and children, who realized that bringing these things together was part of the solution to the troubles. Terry Enright worked with children from all walks of life, Protestants, Catholics, Unionists, Loyalists alike.

I mention this, Mr. Speaker, because his murder did not prompt the resurgence of violence that his killers had hoped. Rather, it prompted a collective recoiling in horror from people all over the island of Ireland. Following a deep and profound sadness, there was a recommitment from all sides to keep their eyes on the goal line. That is what Terry would have coached.

Seamus Heaney, the Nobel Prize-winning poet from Northern Ireland, tells the story of his aunt, who planted a chestnut in a jam jar the year of his birth. When it began to sprout, she broke the jar and planted it under a hedge in the front of his house. As the chestnut sapling grew, Heaney came to identify his own life with that of the chestnut tree.

Eventually the family moved away, and the new family that moved in cut down the tree. Reflecting on that tree as an adult, Heaney began to think of the space where it had been, or what would have been.

He writes, "The new place was all idea, if you like; it was generated out of my experience of the old place but it was not a topographical location. It was, and remains, an imagined realm, even if it can be located at an earthly spot, a placeless heaven rather than a heavenly place."

Mr. Speaker, let the words of Seamus Heaney and the life of Terry Enright be a reminder to us all, especially Irish leaders, as they steer through the particularly rough shoals of implementing the peace talks. We ask that these men and women be remembered; that we understand and reflect on their lives.

Terry's life has been reflected on by his parents and by his two sad and mystified daughters, who hope all remember Terry in life, just as Heaney remembered his chestnut tree in life. But let us hope that also the imagined realm of peace and equality in Northern Ireland generates "an earthly spot of placeless heaven" for all those in Northern Ireland.

Through the work of President Clinton, Senator George Mitchell, David Trimble, John Hume, and the citizens of Northern Ireland, we can almost glimpse it.

Though the negotiations in Stormont may be stalled, they should not stall the momentum of hope. Let these leaders hear and speak the words of present compromise instead of stumbling over the words of past conceits. Terry's father reminds us it was a similar impasse in the peace talks before the Good Friday agreement that created the political vacuum in which his son was murdered.

Terry Enright's mother, Mary, when asked how she can cope with the rage and frustration over her 28-year-old son's tragic killing, explains: "But if you drive a car looking through the rearview mirror, you'll end up crashing."

Mr. Speaker, the imagined realm of Heaney's fallen chestnut tree and the reality of Terry Enright's work in life ought to direct these leaders in this perilous moment of peace to look up and to look ahead. I know I speak for all Members of this body in urging us to remember the goal of peace in Northern Ireland. It is within our grasp. We must stay the course. I urge us to continue to do so.

Mr. NEAL. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. CARDIN) for calling attention to what happened on the night of January 14, 1998, when Terry Enright, a 28-year-old nationalist, was killed by the Loyalist volunteer forces outside of a Belfast pub. He was the 3,233rd person killed in the 30 years of sectarian conflict in the north of Ireland. His wife, Deidre, is a niece of Gerry Adams.

His funeral was the largest burial service since Bobby Sands in 1981, attracting thousands of people from both the Nationalist and the Unionist communities. They came in such numbers because Terry Enright was a popular social worker and an athlete who worked with disadvantaged youths. He was a role model to both Protestant and Catholic youngsters who participated in his Outward Bound program and admired his message of nonviolence.

Many people said they would remember the funeral, where two bright rainbows appeared when the casket was brought to the church and when it was eventually taken away to the cemetery. On the 1-year anniversary of his death, let us remember the life and spirit of Terry Enright, and let us pay tribute to a brave young man who rose above the conflict and dreamed of an Ireland free of violence and sectarian hate.

This life highlights how difficult this task has been, but at the same time, the acknowledgment demonstrates how far we have all come in this process. We should note the work of not only the friends of Ireland here in this Congress, with the gentleman from New York (Mr. WALSH) and many others on the Ad Hoc Committee on Irish Issues, but also the role that President Clinton, Prime Minister Blair, Mo Mowlam and Bertie Ahern have played, as well as John Hume and Gerry Adams.

We should not be discouraged at this time. We can only hope and pray that the best instincts of all the parties will prevail in the next few weeks as we enter this critical phase once again of Irish history. We hope and conclude in the near future that all the people on the island of Ireland will live in an agreed-upon Ireland. I thank my friend, the gentleman from New York (Mr. JIM WALSH) for organizing this special order.

Mr. Speaker, I include for the RECORD this article from the Online Edition of the Irish News.

The article referred to is as follows:

(From Irish News: Online Edition, Feb. 11, 1999)

SQUARING THE ARMS CIRCLE

The future of Northern Ireland will be decided within weeks. Next week the assembly will decide whether or not to adopt proposals for a 10-member executive and cross-border bodies.

In the next week or two the executive will be established in shadow form, ready to accept powers back from Westminster.

The deadline for that is March 10—though Tony Blair and Mo Mowlam have both said they are prepared to allow some slippage.

Progress depends on reconciling David Trimble's refusal to sit alongside Sinn Fein ministers in the absence of concrete decommissioning with Sinn Fein's refusal to link membership of the executive with the handover of arms.

Nobody knows how this particular circle will be squared. One thing is certain, neither Mr. Trimble nor his Sinn Fein counterpart Gerry Adams seems willing to give way first.

The most likely formula revolves around the status of ministers.

It has been suggested that the appointment of ministers with shadow powers would be a clear signal to republicans of unionist bona fides. This in turn would give republicans space for the beginning of actual decommissioning.

There may be an element of wishful thinking here. But it is difficult to see any other solution which would give both sides the space they need.

Mr. Trimble would be able to tell his electorate that republicans would not bet a hand on the reins of power without movement on weapons. Mr. Adams would be able to say that Sinn Fein ministers had been appointed without decommissioning being given in return.

Both men should take encouragement from the real desire for movement within the community they serve.

That was well articulated yesterday by the G7 group which represents business and the trades unions.

Their interests are at one with the interests of the entire community. They know all too well that political stability will bring enormous economic rewards.

Sir George Quigley put the issue succinctly when he said: "For everybody to wait for somebody else to move before moving themselves is a sure recipe for permanent immobility.

"Northern Ireland has no future of any quality except as a stable, inclusive, fair, prosperous and outward-looking society."

That fact has not been lost on the prime minister. Yesterday Downing Street let it be known that Tony Blair intended to become "much more fully engaged" in the coming weeks.

Mr. Blair has played a crucial role in moving the process forward. He has done so because he has earned the respect of both traditions.

He should know that the vast majority of people on this island, as well as within Northern Ireland, will support efforts to find a way around this problem which recognizes the concerns of both sides and strives for an accommodation.

Mr. WALSH. Mr. Speaker, I thank the gentleman. As always, I am inspired by the thoughts and words of my colleagues. Certainly nothing stirs the blood of an American more than the issues of war and peace and freedom and liberty versus subjugation of philosophy or religion or free speech.

My colleagues who have spoken tonight not only have given their thoughts and words to this, but their time. Many, many of them have traveled back and forth over the Atlantic to lend whatever assistance we can to this very critical process at a very critical time. I am inspired by their actions, and I am comforted by their actions, and I am comforted by the leadership that both parties have provided, that our president has provided. Progress would not have been made without that effort.

I would also like to thank our dedicated staffs who have put so much time, of their time and energy into this, providing us with the background, making the phone calls, staying on top of the issue. It is not just out of the fear that they will not have their job, they are doing it because they believe in it. Their effort is appreciated.

I would also again like to thank my colleagues. There were many who had planned to attend this evening's special order, but with the change in schedule they headed home, people like the gentlemen from New York, Mr. PETER KING, Mr. VITO FOSSELLA, and Mr. JACK QUINN.

For the good of the order, I would like to make my colleagues aware, and the gentleman from Massachusetts (Mr. NEAL) knows that, that the gentleman from Illinois (Mr. HASTERT), the new Speaker of the House, accompanied President Clinton on his first visit to Ireland back in 1995 at the historic beginning of the American role in this peace process under President Clinton's leadership.

This is a critical time. As has been mentioned, there are several critical dates coming up. We will be watching. The price of failure is great. The judgment of history if we fail will be cruel and harsh.

With the receipt of the Nobel Peace Prize, Mr. Trimble, along with Mr. Hume, was recognized. Their efforts were recognized, but the stakes were raised. Surely with the receipt of this prize comes a tremendous responsibility to fulfill the obligation of truly creating peace.

If Mr. Trimble is to be a leader of all of the people of the north of Ireland, certainly he must address the hopes of the vast majority of those people who voted for the agreement, not his interpretation of the agreement.

We have worked together well, Republicans and Democrats, House and Senate, President and Congress. We cannot stop now, we are so close to the end. I am reminded, after we had spent a good 5 or 6 days in Northern Ireland this summer with Speaker Gingrich, full of hope, we returned to the United States, only to be advised on landing that a bomb had exploded in Omaugh, killing little kids and pregnant women and old folks and people with hope and promise and belief that peace is at hand.

Let us not let those lives go for naught. Let us continue this effort. Let us close the deal. Let us bring peace and justice to all of Northern Ireland.

Mr. COYNE. Mr. Speaker, I rise this evening to urge the participants in the Northern Ireland peace process to continue carrying out the agreement that was reached and ratified last year. I also want to thank my esteemed colleague and good friend, RICHARD NEAL, for organizing this evening's special order.

Mr. Speaker, many of the Members of Congress who, like myself, have been actively involved in Irish affairs were greatly pleased when negotiations last year were successful in producing the Good Friday agreement on the future of Northern Ireland, and when the people of Ireland subsequently voted to approve the agreement. This was a major step in resolving this unfortunate, bloody stalemate. I was honored to have been asked to be part of the official U.S. delegation visit to Ireland and Northern Ireland last September.

No one anticipated that there would not be further setbacks and obstacles to peace as the process agreed to last year was implemented. The Omagh bombing in Northern Ireland, the conflicts during last summer's "marching season," and the debate over the scheduled release of IRA prisoners, all threatened last year to derail the peace process that was set in place by the Good Friday peace pact. Now, the peace process has become stalled over disagreement over Sinn Féin's participation in the new executive assembly.

I want to urge the signatories to the Belfast Agreement to abide by the clear terms of the agreement they signed. All of the signatories agreed that the terms that they agreed to were fair to all involved. Moreover, the voters overwhelmingly approved this process. Now is not the time for anyone to back out of their commitments or to renegotiate the parts they don't like. No, Mr. Speaker, the peace process has been clearly laid out and agreed to. The alternative is more violence and terror and stalemate. The people of Northern Ireland deserve peace. Enough blood has been shed. I urge the parties to the Belfast Agreement to carry out their obligations under that document and take the brave steps necessary to achieve a lasting peace in Northern Ireland.

A RESPONSE TO LETTERS FROM CONSTITUENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 60 minutes.

Mr. SHIMKUS. Mr. Speaker, I would like to take this opportunity to respond to letters that were sent to me by many of my constituents. I would also like to thank each of these individuals for notifying me of their concerns. I want to encourage more of my constituents to become proactive in issues that are important to them. Writing letters, sending E-mails, and even picking up the phone and calling my office is a great start.

The first letter that I will read addresses the topic of abortion, and although I have received over 200 letters this year on this topic, I unfortunately only have enough time to read one. The letter that I have chosen to read was written by Tasha Barker, a 17-year-old high school student from Vandalia. This is her letter.

Tasha wrote, "Dear Congressman Shimkus, I am writing you this letter to express my feelings about abortion. I feel that abortion is a horrible thing, and that killing an innocent life is awful. When it comes to making decisions or taking stands about abortion, please remain pro-life. It would be greatly appreciated by many people. Thank you for taking the time to read these letters, Sincerely, Tasha Barker."

Good letter, Tasha. I also received letters from Charles Hake of Nashville, Robert Smith of Quincy, and Mary Black of Springfield, to which I would also like to extend my responses.

Plus I would like to thank the group of young people from Vandalia whose names are Becky Bowerly, Lorin Keck, Marlis and Bob Hayner, Joe Sebright, Kathleen Gale, Amanda Beth Bowerly and Lauren Roberts, who sent letters to me on this issue.

I, too, am very concerned with the lack of regard for human life. Abortion is a sad commentary on our society and a procedure which, once again, should be outlawed. Already since the U.S. Supreme Court's 1973 Roe vs. Wade decision, more than 38 million unborn children have been killed in the womb. Thomas Jefferson said it best: "The protection of human life and happiness, and not their destruction, is the first and only legitimate object of good government."

To fulfill my role as a pro-life leader in Congress, I supported three separate bills in the 105th Congress that were designed to prevent the destruction of human life. The first bill was H.R. 929, the Partial Birth Abortion Ban Act of 1997, which would amend the Federal criminal code to prohibit performing a partial birth abortion in or affecting interstate or foreign commerce unless it is necessary to save the life of the mother and no other medical procedure would suffice.

☐ 1800

This bill passed the House by a veto-proof majority in this body.

The second bill was H.R. 3682, Child Custody Protection Act, which would amend the Federal criminal code to prohibit and set penalties for transporting an individual under the age of 18 across a State line to obtain an abortion and thereby abridging the right of a parent under a law of the State where the individual resides requiring parental involvement in a minor's abortion decision.

However, the bill makes an exception if the abortion was necessary to save the life of the minor.

The third and final bill was H.R. 641, Right to Life Act of 1997, which states that the Congress declares that the right to life guaranteed by the Constitution is vested in each human being at fertilization.

I want you to be assured that I will always vote to protect human life and the rights of the unborn. I plan on cosponsoring the Partial Birth Abortion Ban Act again in this Congress and have recently added my name as a cosponsor to the Right to Life Act of 1999.

For my next letter, I would now like to address an issue that has been brought to my attention by 102 constituents in the form of postcards.

The issue of concern is private contracting for health care. The postcard reads, "Dear Representative John Shimkus: The Balanced Budget Act of 1997 contains a provision (Section 4507) which prevents seniors from privately contracting for certain healthcare services with the doctor of their choice. This new law gives the bureaucracy even more control over seniors' healthcare and prevents them from getting all the care they need or want. I urge you to cosponsor and work for passage of legislation which will repeal this unfair and dangerous law."

I would like to say that I am fully supportive of this position. In fact, I have already cosponsored legislation, H.R. 2497, the Medicare Beneficiary Freedom to Contract Act, in the 105th Congress, that would address your concerns. Unfortunately, H.R. 2497 was not brought up for a vote in the 105th Congress. However, I look forward to supporting this type of legislation once it is introduced in the 106th Congress.

The provision (Section 4507) which prevents seniors from private contracting was added to the Balanced Budget Act of 1997 under pressure from the administration. The President threatened to veto the entire budget agreement if we did not give in to the administration's demands. For example, if a healthcare provider such as a doctor chooses to privately contract with one patient, they could not accept Medicare assignment for any patient. Additionally, the provider must refrain from accepting any other Medicare patients, and submitting bills to Medicare on their behalf for a period of 2 years.

This provision is detrimental not only to providers but to those who want to contribute their own money to receive the services of their personal choice. This is a prime example of the Washington knows best mentality, the kind of thought which I have real problems with. Consumers, not bureaucrats, know best.

H.R. 2497 would have returned the right to individuals to be treated by a physician of their choice outside of Medicare when they are paying for that service entirely out of their own money.

Thank you again for taking the time to contact me regarding this very important issue.

The issue of my third and final letter is taxation of the Internet. I have received over 900 letters, or shall I say e-mails, on this issue, and here is an example of one that was printed out for this period of time. Therefore, I have chosen a letter that I would answer the general premise of each letter.

Debbie Brown-Thompson of Edwardsville, wrote: As a taxpayer in your district, I would like to urge you to vote against paying Internet charges to the phone company in order to use the Internet. It is my understanding that the Internet was designed to make communicating with the rest of the world much easier. If we are forced to pay long distance charges for these local calls, the Internet will no longer be easier than other forms of communication.

There are also many children who use the Internet for school projects, and this may end the educational benefits of using the Internet for them as well. Please vote no on any Internet tax.

Not only would I like to address my response to Debbie, but I would also like to include Gene Ralston of Rushville, Charles Byars of Texico and Kim Lohman of Hillsboro, all of whom wrote similar letters addressing the Internet tax.

I share your concern that the growth and usage of the Internet may be stifled by costly charges, and I will fight any effort which attempts to do so.

Neither I, nor the Republican Congress, have any intention of increasing charges or taxes on the Internet. I serve on the Subcommittee on Telecommunications, Trade, and Consumer Protection which hears about all the exciting new things that are occurring in the technological field, and the thing that we will be fighting very fervently about is to make sure that this great new form of communication commerce will not be obstructed by taxation.

I have heard that news outlets have erroneously reported that Congress was considering charging long distance fees for going on-line.

In fact, the 105th Congress enacted a bill which I cosponsored called the Internet Tax Freedom Act, which established a moratorium on Internet taxation. The Internet Tax Freedom Act will protect against taxes on Internet access, prevent discriminatory taxation of electronic commerce and protect traditional commerce against the imposition of new tax liability if it merely happens to be facilitated over the Internet.

Mr. Speaker, the Federal Communications Commission has created a fact sheet to answer Members' questions regarding this issue. I recommend that they visit their web site at: www.fcc.gov/Bureaus/Common _ Carrier/Factsheets/nominute.html.

As a former teacher, I remember my lesson plans on how to contact Members of Congress, and in that lesson plan we talked about contacting them through the use of letters, and letters are a very great form. Letters can now be used on the Internet, as e-mail, and the thing that makes letters so important and that most members want to see are letters that are personal, are letters that have heart and meaning, soul searching, but also short and sweet and to the point.

So I want to thank my constituents who have been very helpful in making me understand the concerns of the 20th district, and I look forward to sharing their questions and my responses to them at another time throughout this year.

GENERAL LEAVE

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the special order of the gentleman from New York (Mr. WALSH).

The SPEAKER pro tempore (Mr. GARY MILLER of California). Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KOLBE (at the request of Mr. ARMEY) for today and tomorrow on account of attending his brother's funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALLEN) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. FORD, Jr., for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

(The following Members (at the request of Mr. GREEN of Wisconsin) to revise and extend their remarks and include extraneous material:)

Mr. HERGER, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mrs. EMERSON, for 5 minutes, today.

Mr. KNOLLENBERG, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, on February 12.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. SCHAFFER, for 5 minutes, today.

ADJOURNMENT

Mr. SHIMKUS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 9 minutes p.m.), the House adjourned until tomorrow, Friday, February 12, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

[Submitted January 19, 1999]

A communication from the President of the United States transmitting a report on the State of the Union (H. Doc. No. 106–1); referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

[Submitted February 8, 1999]

A communication from the President of the United States transmitting his economic report, together with the annual report of the Council of Economic Advisers (H. Doc. No. 106–2); referred to the Joint Economic Committee and ordered to be printed.

[Submitted February 2, 1999]

A communication from the President of the United States transmitting the budget of the United States Government for fiscal year 2000 (H. Doc. No. 106–3) referred to the Committee on Appropriations and ordered to be printed.

[Submitted February 11, 1999]

476. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–495, "Office of Citizen Complaint Review Establishment Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

477. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–472, "Correctional Treatment Facility Firearms Registration and Health Occupations Licensing Amendment Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

478. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–473, "Salvation Army Equitable Real Property Tax Relief Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

479. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–475, "Extension of Time to Dispose of District Owned Surplus Real Property Revised Temporary Amendment Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

480. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–474, "Sex Offender Registration Risk Assessment Clarification and Convention Center Marketing Service Contracts Temporary Amendment Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

481. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–481, "Regional Airports Authority Temporary Amendment Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

482. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–493, "Opened Alcoholic Beverage Containers Amendment Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

483. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–486, "Special Events Fee Adjustment Waiver Temporary Amendment Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

484. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–485, "Drug Prevention and Children at Risk Tax Check-off Temporary Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

485. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–468, "Prohibition on Abandoned Vehicles Amendment Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

486. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–469, "Closing of a Public Alley in Square 198, S.O. 90–260, Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

487. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–470, "Drug-Related Nuisance Abatement Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

488. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–471, "ARCH Training Center Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 1998" received January 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

489. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98–NM–215–AD; Amendment 39–11001; AD 99–02–10] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

490. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 Series Airplanes [Docket No. 98–NM–279–AD; Amendment 39–10996; AD 99–02–07] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

491. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29437; Amdt. No. 1909] (RIN: 2120–AA65) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

492. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Columbus, NE [Airspace Docket No. 98–ACE–62] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

493. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29438; Amdt. No. 1910] (RIN: 2120–AA65) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

494. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fort Dodge, IA [Airspace Docket No. 98–ACE–61] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

495. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Burlington, IA [Airspace Docket No. 98–ACE–56] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

496. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Des Moines, IA [Airspace Docket No. 98–ACE–55] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

497. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Schweizer Aircraft Corporation Model 269D Helicopters [Docket No. 98–SW–13–AD; Amendment 39–11002; AD 98–26–06] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

498. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 430 Helicopters [Docket No. 98–SW–68–AD; Amendment 39–10998; AD 98–24–31] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

499. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 407 Helicopters [Docket No. 98–SW–43–AD; Amendment 39–10990; AD 98–19–13] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

500. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330–301, –321, –322, –341, –342, and A340–211, –212, –213, –311, –312, and –313 Series Airplanes [Docket No. 98–NM–310–AD; Amendment 39–10997; AD 99–02–08] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

501. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Helicopter Systems Model MD–900 Helicopters [Docket No. 98–SW–24–AD; Amendment 39–10989; AD 98–12–30] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

502. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd., Model 1121, 1121A, 1121B, 1123, 1124, and 1124A Series Airplanes [Docket No. 98–NM–108–AD; Amendment 39–10802; AD 98–20–35] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

503. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Romulus, NY [Airspace Docket No. 98–AEA–40] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

504. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Carrollton, GA [Airspace Docket No. 98–ASO–18] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

505. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29430; Amdt. No. 1903] (RIN: 2120–AA65) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

506. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace, Victorville, George AFB, CA [Airspace Docket No. 98–AWP–32] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

507. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Hillsborough Bay, Tampa, Florida [CGD07 98–041] (RIN: 2115–AE46) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

508. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Temporary Drawbridge Regulation; Illinois Waterway, Illinois [CCGD08–98–073] (RIN: 2115–AE47) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

509. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE; Explosive Loads and Detonations Bath Iron Works, Bath, ME [CGD1–98–183] (RIN: 2115–AA97) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

510. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 97–NM–308–AD; Amendment 39–10982; AD 97–20–01 R1] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

511. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98–NM–08–AD; Amendment 39–10985; AD 99–01–17] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

512. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98–NM–356–AD; Amendment 39–10986; AD 99–01–18] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

513. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 98–NM–357–AD; Amendment 39–10987; AD 99–01–19] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

514. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes [Docket No. 97–NM–238–AD; Amendment 39–10981; AD 99–01–16] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

515. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell IC–600 Integrated Avionics Computers, as Installed in, but not Limited to, Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Docket No. 98–NM–142–AD; Amendment 39–10979; AD 99–01–14] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

516. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A340–211, –212, –213, –311, –312, and –313 Series Airplanes [Docket No. 98–NM–297–AD; Amendment 39–10980; AD 99–01–15] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

517. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 98–NM–07–AD; Amendment 39–10978; AD 99–01–13] (RIN: 2120–AA64) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 171. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes (Rept. 106–16). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GOODLING (for himself, Mr. PITTS, Mr. SMITH of Washington, Mr. GOODE, Mr. CASTLE, Mr. MCKEON, and Ms. PRYCE of Ohio):

H.R. 2. A bill to send more dollars to the classroom and for certain other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS:

H.R. 705. A bill to make technical corrections with respect to the monthly reports submitted by the Postmaster General on official mail of the House of Representatives; to the Committee on House Administration.

By Mr. SMITH of Michigan:

H.R. 706. A bill to extend for 6 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mrs. FOWLER (for herself, Mr. TRAFICANT, Mr. BOEHLERT, and Mr. BORSKI):

H.R. 707. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. EVANS (for himself, Mr. SHOWS, Mr. FILNER, Ms. BROWN of Florida, Ms. CARSON, Mr. RODRIGUEZ, Mr. THOMPSON of California, Mr. KENNEDY of Rhode Island, Mr. FROST, Mr. MCGOVERN, Mr. OLVER, Mr. GREEN of Texas, Ms. DEGETTE, and Mr. UNDERWOOD):

H.R. 708. A bill to amend title 38, United States Code, to provide for reinstatement of certain benefits administered by the Secretary of Veterans Affairs for remarried surviving spouses of veterans upon termination of their remarriage; to the Committee on Veterans' Affairs.

By Ms. HOOLEY of Oregon:

H.R. 709. A bill to provide for various capital investments in technology education in the United States; to the Committee on Education and the Workforce, and in addition to the Committees on Science, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO (for himself, Ms. HOOLEY of Oregon, Mr. NEY, Mr. JONES of North Carolina, Mr. GOODE, Mr. MCINTOSH, Mr. ROEMER, Mr. CALVERT, and Mr. ETHERIDGE):

H.R. 710. A bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced concensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes; to the Committee on Banking and Financial Services.

By Mr. BILIRAKIS:

H.R. 711. A bill to amend title 39, United States Code, to exempt veterans' organizations from regulations prohibiting the solicitation of contributions on postal property; to the Committee on Government Reform.

By Mr. BILIRAKIS:

H.R. 712. A bill to amend the Internal Revenue Code of 1986 to provide to employers a tax credit for compensation paid during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 713. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the value of the service not performed during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. BOSWELL:

H.R. 714. A bill to amend title 46, United States Code, to protect seamen against economic reprisal; to the Committee on Transportation and Infrastructure.

By Mr. CAMPBELL:

H.R. 715. A bill to amend the Federal Election Campaign Act of 1971 to limit the amount of contributions which may be made to a candidate for election to the Senate or House of Representatives by an individual who is not eligible to vote in the State or Congressional district involved, and for other purposes; to the Committee on House Administration.

By Mr. COLLINS (for himself, Mr. Neal of Massachusetts, Mr. Chambliss, Mr. Lewis of Georgia, Mr. Lewis of Kentucky, Mr. Hilleary, Mr. McCrery, Mrs. Thurman, Mr. Kennedy of Rhode Island, Ms. Dunn, Mrs. Johnson of Connecticut, Mr. Boehner, Mr. Kleczka, and Mr. Deal of Georgia):

H.R. 716. A bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself, Mr. Lipinski, and Mr. Oberstar):

H.R. 717. A bill to amend title 49, United States Code, to regulate overflights of national parks, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE (for himself, Mr. McIntyre, Mr. Nussle, Mr. Shows, Mr. Boucher, Ms. Kilpatrick, Mrs. Clayton, Mr. Stupak, Mr. Bishop, Mr. Ehlers, Mr. LoBiondo, Mr. Ortiz, Mr. Paul, Mr. Evans, Mr. Strickland, Mr. Taylor of North Carolina, Mr. DeFazio, Mr. Delahunt, Mr. Clyburn, Mrs. Emerson, Mr. Stenholm, Ms. Hooley of Oregon, Mr. Cramer, Mr. Baldacci, Mr. Spratt, Mr. Rahall, Mr. Olver, Mr. Gilchrest, Mr. Pomeroy, Mr. McHugh, Mr. Frost, Mr. Oberstar, Mr. Hill of Montana, Mr. Deal of Georgia, Mr. Bereuter, Mr. Sandlin, Mr. Burr of North Carolina, Mr. Kind of Wisconsin, Mr. Holden, Mr. Watkins, Mr. Gekas, Mr. Norwood, Mr. Quinn, Mr. Gibbons, Mr. Costello, Mr. Hinchey, and Mr. Ney):

H.R. 718. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds by certain organizations providing rescue and emergency medical services; to the Committee on Ways and Means.

By Mr. GANSKE (for himself, Mrs. Roukema, Mr. Leach, Mr. Wamp, Mr. Forbes, Mr. Petri, Mr. Shays, Mr. Horn, Mr. Frelinghuysen, Mr. Foley, and Mr. Cooksey):

H.R. 719. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS:

H.R. 720. A bill to amend the Coastal Zone Management Act of 1972 to require that a State having an approved coastal zone management program must be provided a copy of an environmental impact statement to enable its review under that Act of any plan for exploration or development of, or production from, any area in the coastal zone of the State; to the Committee on Resources.

By Mr. HAYWORTH (for himself and Mr. Matsui):

H.R. 721. A bill to amend the Internal Revenue Code of 1986 to provide for tax-exempt bond financing of certain electric facilities; to the Committee on Ways and Means.

By Mr. KANJORSKI:

H.R. 722. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to establish a presumption of eligibility for disability benefits in the case of certain coal miners who filed claims under part C of such Act between July 1, 1973, and April 1, 1980; to the Committee on Education and the Workforce.

By Mr. KENNEDY of Rhode Island (for himself, Mr. Campbell, Mr. Allen, and Mr. Sanders):

H.R. 723. A bill to establish a program of pharmacy assistance fee for elderly persons who have no health insurance coverage; to the Committee on Commerce.

By Mr. KENNEDY of Rhode Island (for himself and Mr. Blagojevich):

H.R. 724. A bill to assist State and local governments in conducting community gun buy back programs; to the Committee on the Judiciary.

By Mr. KLECZKA (for himself, Mr. McDermott, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, and Mr. Matsui):

H.R. 725. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty in the standard deduction; to the Committee on Ways and Means.

By Mr. KLECZKA (for himself, Mr. Lewis of Georgia, and Mr. Sensenbrenner):

H.R. 726. A bill to amend the Internal Revenue Code of 1986 to provide that the furnishing of recreational fitness services by tax-exempt hospitals shall be treated as an unrelated trade or business and that tax-exempt bonds may not be used to provide facilities for such services; to the Committee on Ways and Means.

By Mr. KLINK (for himself, Mr. Dickey, Mr. Holden, Mr. Brady of Pennsylvania, Mr. Green of Texas, and Mr. English):

H.R. 727. A bill to amend the Communications Act of 1934 to provide for explicit and stable funding for Federal support of universal telecommunications services through the creation of a Telecommunications Trust Fund; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUCAS of Oklahoma (for himself and Mr. Watkins):

H.R. 728. A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws; to the Committee on Agriculture, and in addition to the Committees on Resources, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. Towns, Mr. Nadler, and Mr. Berman):

H.R. 729. A bill to provide for development and implementation of certain plans to reduce risks to the public health and welfare caused by helicopter operations; to the Committee on Transportation and Infrastructure.

By Mr. GEORGE MILLER of California (for himself, Mr. Spratt, Mr. Rahall, Mr. Vento, Mr. DeFazio, Mr. Abercrombie, Mr. Pallone, Mrs. Christian-Christensen, Mr. Kind of Wisconsin, Mr. Inslee, Mr. Udall of Colorado, Mr. Crowley, Mr. Barrett of Wisconsin, Ms. Kaptur, Ms. DeLauro, Mr. Hinchey, Mr. Frank of Massachusetts, Mr. Stark, Mr. McDermott, Mr. McGovern, Mr. Kucinich, Mr. Olver, Mr. Sanders, Mr. Brown of Ohio, Mr. Ackerman, Mrs. Maloney of New York, Mr. Rush, Mr. Waxman, Mr. Delahunt, Mr. Tierney, Ms. Pelosi, Mr. Matsui, Mr. Clay, Mr. Green of Texas, Mr. Kleczka, Mr. Dingell, Mr. Brady of Pennsylvania, Mr. Lewis of Georgia, Mr. Hastings of Florida, Ms. Slaughter, Mr. Lantos, Mr. Evans, Ms. Woolsey, Mrs. Mink of Hawaii, Mr. Traficant, Mr. Gejdenson, Mrs. Clayton, Ms. Lee, and Ms. Millender-McDonald):

H.R. 730. A bill to provide certain requirements for labeling textile fiber products and for duty-free and quota-free treatment of products of, and to implement minimum wage and immigration requirements in, the Northern Mariana Islands, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 731. A bill to amend the Public Health Service Act to provide for a five-year schedule to double, relative to fiscal year 1999, the amount appropriated for the National Eye Institute; to the Committee on Commerce.

By Mr. MOAKLEY (for himself, Mr. Scarborough, Mr. McGovern, Mr. Campbell, Mr. Vento, Mr. Shays, Mr. Serrano, Mr. Oberstar, Mr. George Miller of California, Mrs. Morella, Ms. Pelosi, Mr. Neal of Massachusetts, Mr. Lewis of Georgia, Mr. Gejdenson, Ms. Rivers, Mr. Sabo, Mr. Frank of Massachusetts, Mr. Weygand, Mr. Olver, Mr. Tierney, and Mr. Forbes):

H.R. 732. A bill to close the United States Army School of the Americas; to the Committee on Armed Services.

By Mr. MORAN of Virginia (for himself and Mr. Dreier):

H.R. 733. A bill to provide for regional skills training alliances, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NETHERCUTT:

H.R. 734. A bill to prohibit the Secretary of Agriculture from discounting loan deficiency payments under the Agricultural Market Transition Act for club wheat and to compensate club wheat producers who received discounted loan deficiency payments as a result of the erroneous decision of the Department of Agriculture to assess a premium adjustment against club wheat; to the Committee on Agriculture.

By Mr. NEY (for himself, Mr. HOLDEN, Mr. SHOWS, Mr. CUNNINGHAM, Mr. OXLEY, Mr. ENGLISH, Mr. BURR of North Carolina, and Mr. WELLER):

H.R. 735. A bill to amend title 18, United States Code, to provide specific penalties for taking a firearm from a Federal law enforcement officer; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 736. A bill to repeal the Davis-Bacon Act and the Copeland Act; to the Committee on Education and the Workforce.

By Mr. TIAHRT (for himself, Mr. RYUN of Kansas, and Mr. MORAN of Kansas):

H.R. 737. A bill to amend the International Air Transportation Competition Act of 1979 to eliminate restrictions on the provision of air transportation to and from Love Field, Texas; to the Committee on Transportation and Infrastructure.

By Mr. PETERSON of Pennsylvania:

H.R. 738. A bill to provide that certain Federal property shall be made available to State and local governments before being made available to other entities, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Armed Services, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY (for himself, Mr. KOLBE, Mr. STENHOLM, Mrs. JOHNSON of Connecticut, Mr. SMITH of Washington, Mr. SHAYS, Ms. DeLAURO, and Mr. GEJDENSON):

H.R. 739. A bill to amend the Internal Revenue Code of 1986 to enhance the portability of retirement benefits, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABO (for himself, Mr. DELAHUNT, Mr. NADLER, Mr. LEWIS of Georgia, Mr. McDERMOTT, Mr. STARK, Mr. HINCHEY, Mr. OLVER, Mr. TIERNEY, Mrs. CHRISTIAN-CHRISTENSEN, Mr. BROWN of Ohio, Mr. SANDERS, Mr. CONYERS, Mr. VENTO, Mr. KUCINICH, Mr. TOWNS, Mr. GEORGE MILLER of California, Mr. MARKEY, Mr. McGOVERN, Mr. WAXMAN, Ms. NORTON, Mr. ENGLISH, Mr. EVANS, Mr. WYNN, Mr. JACKSON of Illinois, and Mr. BROWN of California):

H.R. 740. A bill to amend the Internal Revenue Code of 1986 to deny employers a deduction for payments of excessive compensation; to the Committee on Ways and Means.

By Mr. SALMON (for himself and Mr. HAYWORTH):

H.R. 741. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses of attending elementary and secondary schools and for contributions to such schools and to charitable organizations which provide scholarships for children to attend such schools; to the Committee on Ways and Means.

By Mr. SANDLIN:

H.R. 742. A bill to amend title II of the Social Security Act to eliminate the provision that reduces primary insurance amounts for individuals receiving pensions from noncovered employment; to the Committee on Ways and Means.

By Mr. SCARBOROUGH (for himself and Mrs. THURMAN):

H.R. 743. A bill to provide for certain military retirees and dependents a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. OBEY, Mr. KIND of Wisconsin, Mr. GREEN of Wisconsin, Mr. STUPAK, Mr. RAMSTAD, Mr. OBERSTAR, Mr. VENTO, Mr. MINGE, Ms. BALDWIN, Mr. LUTHER, Mr. BARRETT of Wisconsin, Mr. RYAN of Wisconsin, Mr. POMEROY, Mr. PETRI, Mr. FRANK of Massachusetts, Mr. GOODLATTE, Mr. GUTKNECHT, Mr. KLECZKA, Mr. MANZULLO, and Mr. SESSIONS):

H.R. 744. A bill to rescind the consent of Congress to the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. CARDIN, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. WAXMAN, Mrs. MINK of Hawaii, Mr. BRADY of Texas, Mr. HINCHEY, Mr. BENTSEN, Mr. BALDACCI, Mr. WISE, Mr. FROST, Mr. GEORGE MILLER of California, Mr. ROMERO-BARCELO, Mr. STUPAK, Mr. SHOWS, Mr. HILLIARD, Mrs. CLAYTON, Mr. SANDERS, Ms. DeLAURO, and Mr. KLECZKA):

H.R. 745. A bill to amend title XVIII of the Social Security Act to provide for coverage of substitute adult day care services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 746. A bill to amend title XVIII of the Social Security Act to provide for home health case manager services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP (for himself, Mr. KOLBE, Mr. PASTOR, Mr. HAYWORTH, Mr. SALMON, and Mr. SHADEGG):

H.R. 747. A bill to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; to the Committee on Resources.

By Mr. STUPAK:

H.R. 748. A bill to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Parks Advisory Commission; to the Committee on Resources.

By Mr. TERRY (for himself, Mr. SENSENBRENNER, Mr. LaTOURETTE, Mr. SESSIONS, Mr. TANCREDO, and Mr. BILBRAY):

H.R. 749. A bill to repeal section 8003 of Public Law 105–174; to the Committee on Science, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Ms. DUNN of Washington, Mr. SALMON, Mr. HINCHEY, Mr. RAMSTAD, Mr. MINGE, Mr. MATSUI, Mr. BOYD, Mr. EHLERS, Mr. KLECZKA, Mr. BEREUTER, Mr. POMEROY, Mr. GEORGE MILLER of California, Mr. LEACH, Mr. STUPAK, Mr. HASTINGS of Florida, Mrs. THURMAN, Mr. KUCINICH, Mr. LEVIN, Mr. DEUTSCH, Mr. FOLEY, Mr. DAVIS of Florida, Mr. UDALL of Colorado, Mr. WELLER, Mr. EWING, Mr. BOEHLERT, Mr. LEWIS of Georgia, Mrs. MEEK of Florida, Mr. HOUGHTON, Mr. McDERMOTT, Mr. PALLONE, Mr. FROST, Mrs. BONO, Mr. STEARNS, Mr. DeFAZIO, Mr. ABERCROMBIE, Mr. BALDACCI, Mr. NEAL of Massachusetts, Mr. BROWN of Ohio, Mr. TAUZIN, Mr. PORTMAN, Mr. SHAW, Mr. LATHAM, Mr. OBERSTAR, Mr. GORDON, Mr. CARDIN, Mr. BECERRA, Mr. McCRERY, Mr. WATKINS, Mr. HALL of Texas, Mr. SANDERS, Mr. SHAYS, Mr. SCOTT, Mrs. CAPPS, Ms. RIVERS, Ms. ROS-LEHTINEN, Mr. WEXLER, Ms. WOOLSEY, Mr. EVANS, Mr. SCHAFFER, and Mr. DIAZ-BALART):

H.R. 750. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes; to the Committee on Ways and Means.

By Mr. TOOMEY:

H.R. 751. A bill to designate the Federal building and United States courthouse located at 504 Hamilton Street in Allentown, Pennsylvania, as the "Edward N. Cahn Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS:

H.R. 752. A bill to establish a national policy of basic consumer fair treatment for airline passengers; to the Committee on Transportation and Infrastructure.

By Mr. TOWNS:

H.R. 753. A bill to amend the Internal Revenue Code of 1986 to provide that interest on the tax portion of an underpayment shall be compounded annually, to provide that the amount and timing of payments under an installment agreement may not be modified without the taxpayer's consent, and for other purposes; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 754. A bill to establish a toll free number under the Federal Trade Commission to assist consumers in determining if products are American-made; to the Committee on Commerce.

By Mr. UNDERWOOD (for himself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. KENNEDY of Rhode Island, Mr. ROMERO-BARCELO, Mrs. CHRISTIAN-CHRISTENSEN, Mr. LIPINSKI, Mr. FROST, Mr. HOLDEN, and Mr. ORTIZ):

H.R. 755. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on Resources.

By Mr. WOLF (for himself, Mr. Bryant, Mr. Chambliss, Mr. Hostettler, Mr. King of New York, Mr. Manzullo, Mr. Paul, Ms. Pryce of Ohio, Mr. Shows, and Mr. Weldon of Florida):

H.R. 756. A bill to amend the Internal Revenue Code of 1986 to increase the child tax credit to $1,000 for children under the age of 5 and to allow such credit against the alternative minimum tax; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 757. A bill to prohibit the construction of new facilities and structures within the boundaries of the George Washington Memorial Parkway along the Potomac River in Virginia between the Francis Scott Key Bridge and the Theodore Roosevelt Memorial Bridge; to the Committee on Resources.

By Mr. BLILEY (for himself, Mr. Kolbe, Mr. Goode, Mr. Stump, Mr. Gillmor, Mr. Metcalf, Mr. Shadegg, and Mr. Manzullo):

H.J. Res. 29. A joint resolution proposing an amendment to the Constitution of the United States to provide a procedure by which the States may propose constitutional amendments; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Mr. King of New York, Mr. Olver, Mrs. Kelly, Mr. Moran of Virginia, Mr. Rohrabacher, Mr. McGovern, Mr. Hinchey, Mr. Thompson of Mississippi, Mr. Pascrell, Mr. Hefley, Mrs. Lowey, Mrs. Maloney of New York, Mr. Payne, Mr. Pallone, Mr. Forbes, Mr. George Miller of California, Mr. Serrano, Mr. Maloney of Connecticut, and Mr. Crowley):

H. Con. Res. 32. Concurrent resolution expressing the sense of the Congress with respect to self-determination for the people of Kosova, and for other purposes; to the Committee on International Relations.

By Mr. ENGEL (for himself, Mr. Rangel, Mr. Watts of Oklahoma, Mr. Meeks of New York, Ms. Kilpatrick, Mrs. Christian-Christensen, Mr. Ford, Ms. Lee, Ms. Millender-McDonald, Mr. Rush, Ms. Jackson-Lee of Texas, Mrs. Clayton, Mr. Cummings, Mr. Owens, Mr. Fattah, Ms. Brown of Florida, Mr. Conyers, Ms. Norton, Mr. Thompson of Mississippi, Mr. Hastings of Florida, Mr. Wynn, Mr. Clay, Ms. Eddie Bernice Johnson of Texas, Mr. Davis of Illinois, and Mr. Gonzalez):

H. Con. Res. 33. Concurrent resolution commending and praising the National Association for the Advancement of Colored People on the occasion of its 90th anniversary; to the Committee on the Judiciary.

By Mr. LEACH:

H. Res. 53. A resolution providing amounts for the expenses of the Committee on Banking and Financial Services in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. THOMAS:

H. Res. 54. A resolution providing amounts for the expenses of the Committee on House Administration in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. UPTON (for himself and Mr. LaHood):

H. Res. 55. A resolution providing a sense of the House of Representatives that at least one-third of the budget surplus over the next 10 years should be dedicated to paying down the national debt of the United States; to the Committee on Ways and Means.

By Mr. BLILEY:

H. Res. 56. A resolution providing amounts for the expenses of the Committee on Commerce in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. GILMAN (for himself and Mr. Gejdenson):

H. Res. 57. A resolution expressing concern over interference with freedom of the press and the independence of judicial and electoral institutions in Peru; to the Committee on International Relations.

By Mr. ARCHER:

H. Res. 58. A resolution providing amounts for the expenses of the Committee on Ways and Means in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. BEREUTER (for himself, Mr. Bliley, Mr. Boehlert, and Mr. Lantos):

H. Res. 59. A resolution expressing the sense of the House of Representatives that the United States remains committed to the North Atlantic Treaty Organization (NATO); to the Committee on International Relations.

By Ms. BROWN of Florida (for herself, Mrs. Meek of Florida, Mr. Ford, Ms. Kilpatrick, Mr. Cummings, Ms. Norton, Mr. Jefferson, Ms. Stabenow, Mr. Watt of North Carolina, Mr. Kennedy of Rhode Island, Ms. Millender-McDonald, Mrs. Morella, Ms. Lee, Ms. Carson, Mrs. Christian-Christensen, Mr. Meeks of New York, Mr. Lewis of Georgia, Mr. Rangel, Mr. Bishop, Mr. Clay, Mr. Scott, Mr. Kucinich, Mr. Foley, Mr. Hastings of Florida, Mr. Thompson of Mississippi, Mr. Wynn, and Mr. Conyers):

H. Res. 60. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in honor of Zora Neale Hurston; to the Committee on Government Reform.

By Mr. COMBEST (for himself and Mr. Stenholm):

H. Res. 61. A resolution providing amounts for the expenses of the Committee on Agriculture in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. PAYNE (for himself, Mr. Royce, Mr. Houghton, Mr. Campbell, Mr. Meeks of New York, Ms. Lee, Mr. Hastings of Florida, Mr. Hall of Ohio, Mr. Chabot, Mr. Tancredo, and Mr. Radanovich):

H. Res. 62. A resolution expressing concern over the escalating violence, the gross violations of human rights, and the ongoing attempts to overthrow a democratically elected government in Sierra Leone; to the Committee on International Relations.

By Mr. YOUNG of Alaska:

H. Res. 63. A resolution providing amounts for the expenses of the Committee on Resources in the One Hundred Sixth Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ALLEN:

H.R. 758. A bill for the relief of Nancy B. Wilson; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 759. A bill for the relief of Robert and Verda Shatusky; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. Barton of Texas, Mrs. Biggert, Mrs. Bono, Mr. Calvert, Mr. Chambliss, Mr. Goss, Mr. Green of Wisconsin, Mrs. Northup, Mr. Shadegg, Mr. Watts of Oklahoma, and Mr. DeMint.

H.R. 4: Mr. Scarborough, Mr. Tiahrt, Mr. Rohrabacher, Mr. McKeon, Mr. Hayes, Mr. Talent, and Mr. Graham.

H.R. 11: Mr. Gallegly and Mr. Calvert.

H.R. 17: Mr. Hill of Montana, Mr. Phelps, Mr. Latham, and Mr. Ney.

H.R. 38: Mr. Bateman.

H.R. 44: Mr. Lantos, Mr. Stearns, Mrs. Kelly, Mr. Green of Texas, Mr. Pastor, Mr. Shaw, Mr. Gibbons, Mr. John, Mr. Goode, Mr. Blunt, Mr. Filner, Mr. Latham, Mr. Boehlert, Mr. Evans, Ms. Rivers, Mr. Diaz-Balart, Mr. Underwood, Mr. Scarborough, and Mr. Gordon.

H.R. 65: Mr. Lantos, Mr. Stearns, Mrs. Kelly, Mr. Green of Texas, Mr. Taylor of North Carolina, Mr. Gibbons, Mr. John, Mr. English, Mr. Chambliss, Mr. Blunt, Mr. Filner, Mr. Evans, and Mr. Gordon.

H.R. 66: Mr. Lewis of California.

H.R. 70: Mr. Wynn, Mr. Terry, Mr. Pease, Mr. Weller, Mr. Reyes, Mr. Gordon, Mr. Hutchinson, and Mr. Sensenbrenner.

H.R. 72: Mr. McKeon and Mr. Green of Texas.

H.R. 89: Mr. Sandlin, Mr. Moran of Kansas, Mr. Wolf, and Mr. LoBiondo.

H.R. 90: Mr. Tierney, Mr. Brady of Pennsylvania, Mr. Filner, Ms. Eshoo, Mr. Kucinich, Mr. Coyne, Mr. Blagojevich, Ms. Waters, Mr. Underwood, Mr. Allen, Mr. Nadler, Mr. Frank of Massachusetts, Mr. Stark, Mr. Thompson of Mississippi, Mr. Menendez, Mr. Hilliard, and Mr. Martinez.

H.R. 111: Mr. Bereuter, Mr. Kuykendall, Mr. Simpson, and Mr. Foley.

H.R. 113: Mr. Watts of Oklahoma, Mr. Shows, Mr. Riley, Mr. Jenkins, Mrs. Emerson, Mr. Stupak, Mr. Diaz-Balart, Mr. Boucher, Mr. Whitfield, Mr. English, Mr. Metcalf, Mr. Boehlert, Mr. Cook, Mr. Cooksey, and Mr. Hyde.

H.R. 119: Mr. Weller, Mr. Metcalf, Mr. Moran of Kansas, Mr. Pastor, Mr. Frank of Massachusetts, Mrs. Capps, Mrs. Christian-Christensen, Mr. Walden of Oregon, Mr. Peterson of Pennsylvania, Mr. Diaz-Balart, Ms. Granger, Mr. Goodlatte, and Mr. Hobson.

H.R. 122: Mr. LaTourette.

H.R. 150: Mr. Goodlatte.

H.R. 152: Mr. Pastor, Mr. Jefferson, Mr. Filner, Mrs. Christian-Christensen, Mr. Udall of New Mexico, Mr. Davis of Illinois, Mr. Lazio, Ms. Kilpatrick, Ms. Hooley of Oregon, and Mr. Diaz-Balart.

H.R. 157: Mr. Dickey, Mr. Calvert, Mr. Stearns, Mr. Doolittle, Mr. Souder, and Mr. Goodlatte.

H.R. 179: Mr. Bishop.

H.R. 192: Mr. Ney, Mr. Calvert, and Mr. Green of Wisconsin.

H.R. 205: Mr. Stupak.

H.R. 208: Mr. FORBES.

H.R. 216: Mr. FORD, Mrs. ROUKEMA, Mr. MCGOVERN, Mr. WAMP, Ms. MILLENDER-MCDONALD, Mr. FOLEY, Mrs. CHRISTIAN-CHRISTENSEN, Mr. BACHUS, Mr. KUCINICH, Mr. GIBBONS, Mr. WISE, Mr. COOKSEY, Mr. DEFAZIO, and Mr. FORBES.

H.R. 218: Mr. SCARBOROUGH and Mr. FROST.

H.R. 219: Mr. FORBES and Mr. DEAL of Georgia.

H.R. 222: Mr. SMITH of Texas.

H.R. 229: Ms. LEE, Mr. DAVIS of Illinois, Mr. OLVER, Mr. MCDERMOTT, Ms. CARSON, and Ms. WATERS.

H.R. 230: Mr. DELAHUNT, Mrs. LOWEY, Ms. KILPATRICK, Mrs. MORELLA, Mrs. MALONEY of New York, Mr. OBERSTAR, Mr. ALLEN, Mr. WAXMAN, Mr. STARK, Mr. DAVIS of Illinois, Mr. LUTHER, Mr. BROWN of Ohio, Mr. CLAY, Mr. MEEKS of New York, Mr. OLVER, Mrs. KELLY, Mr. MCNULTY, Mr. SANDERS, Mr. TIERNEY, Mr. SNYDER, Mr. MATSUI, Mr. WYNN, Mr. COYNE, Mr. MCDERMOTT, Mr. BARRETT of Wisconsin, Mr. NEY, Ms. WATERS, and Mr. GREENWOOD.

H.R. 233: Mr. STUMP, Mr. BRADY of Texas, Mr. DELAY, Mr. BENTSEN, Mr. ARCHER, Mr. RODRIGUEZ, Mr. THORNBERRY, Mr. BONILLA, Mr. SKELTON, Mr. SANDLIN, Mr. SERRANO, Mrs. MINK of Hawaii, Mr. GUTIERREZ, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mr. MOAKLEY, Ms. ROYBAL-ALLARD, Mr. LEACH, Mr. LAMPSON, Mr. PASTOR, Mr. FROST, Mr. SMITH of Texas, Ms. BROWN of Florida, Mr. HINOJOSA, Mr. HALL of Texas, Mr. SPENCE, Mr. TURNER, Mr. SISISKY, Mr. DUNCAN, Mr. ROMERO-BARCELO, Mr. DINGELL, Mr. ORTIZ, Ms. ESHOO, Mr. CLAY, Mr. EDWARDS, Mr. STENHOLM, Mr. GREEN of Texas, Mr. SESSIONS, Mr. DOGGETT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EVANS, Mr. MARTINEZ, Mr. SHERMAN, Mr. SCOTT, Mr. ALLEN, Mr. BECERRA, Mr. BLAGOJEVICH, Mr. MINGE, Mr. LEWIS of Georgia, and Mr. MCGOVERN.

H.R. 271: Mr. WEINER.

H.R. 303: Mr. LANTOS, Mr. STEARNS, Mr. ETHERIDGE, Mrs. KELLY, Mr. GREEN of Texas, Mr. TAYLOR of North Carolina, Mr. GIBBONS, Mr. JOHN, Mr. BLUNT, Mr. FILNER, Mr. REYES, Mr. EVANS, and Mr. GORDON.

H.R. 306: Mr. LEWIS of Georgia, Mr. THOMPSON of Mississippi, Mr. CROWLEY, Mrs. JOHNSON of Connecticut, Mr. GALLEGLY, and Mr. BERRY.

H.R. 315: Mr. DELAHUNT.

H.R. 325: Mr. DEFAZIO, Ms. ESHOO, and Mr. WEINER.

H.R. 351: Mr. SABO and Mr. WICKER.

H.R. 352: Mr. KING of New York, Mr. HASTINGS of Washington, Mr. MINGE, and Mr. BALLENGER.

H.R. 357: Mr. WEXLER.

H.R. 373: Mr. TERRY.

H.R. 380: Mrs. ROUKEMA, Mr. SAXTON, Mr. DEUTSCH, Mr. DEAL of Georgia, and Mr. BATEMAN.

H.R. 390: Mr. SESSIONS, Mr. BRADY of Pennsylvania, Mr. SAXTON, Mr. FORBES, Mr. WEXLER, Mr. FOLEY, Mr. FROST, Mr. HOLDEN, Mr. WEINER, and Ms. SCHAKOWSKY.

H.R. 392: Ms. DEGETTE, Mr. ENGEL, and Mr. FARR of California.

H.R. 403: Mr. KENNEDY of Rhode Island, Mr. FROST, Mr. WYNN, Mr. UNDERWOOD, Mr. FILNER, Mr. SPRATT, and Mr. OBERSTAR.

H.R. 405: Mr. MINGE, Mr. ENGLISH, Mr. FATTAH, and Mrs. EMERSON.

H.R. 406: Ms. WOOLSEY.

H.R. 408: Mr. CHAMBLISS, Mr. YOUNG of Alaska, Mr. PICKERING, and Mr. THOMPSON of California.

H.R. 413: Mr. UNDERWOOD, Ms. CARSON, Mr. FILNER, Mr. STARK, and Ms. LEE.

H.R. 417: Mr. GANSKE.

H.R. 423: Mr. TIAHRT.

H.R. 430: Mr. DAVIS of Illinois, Mr. WELLER, Mr. KUCINICH, Mr. DICKEY, and Mr. GORDON.

H.R. 443: Mrs. MINK of Hawaii, Mr. MALONEY of Connecticut, and Mr. PORTER.

H.R. 449: Mr. FATTAH, Mr. HOLDEN, and Mr. ENGLISH.

H.R. 452: Mr. FORBES.

H.R. 455: Mr. DOOLEY of California, Mr. PRICE of North Carolina, Mr. RANGEL, Mrs. MINK of Hawaii, and Ms. WOOLSEY.

H.R. 472: Mr. DOOLITTLE and Mr. FOLEY.

H.R. 489: Mrs. MALONEY of New York, Mr. FARR of California, and Mr. DIXON.

H.R. 492: Mr. DEAL of Georgia, Mr. TIAHRT, and Mr. GOODLATTE.

H.R. 493: Mrs. MYRICK.

H.R. 506: Mr. RILEY, Ms. SLAUGHTER, Mr. COOK, Mr. FORBES, Mr. LUCAS of Kentucky, Mrs. CHENOWETH, Mr. GANSKE, Mr. FORD, Mr. GOODE, Mr. STARK, Mr. HOSTETTLER, Mr. PHELPS, Mr. SISISKY, Mr. BOSWELL, Mr. COBURN, Ms. WOOLSEY, Mr. SKELTON, and Mr. GORDON.

H.R. 514: Mr. BLUNT, Mr. SHIMKUS, Mr. COX of California, and Mr. FOSSELLA.

H.R. 516: Mr. SESSIONS and Mr. METCALF.

H.R. 543: Mr. SHOWS and Mr. RUSH.

H.R. 548: Mr. BERMAN, Mr. LANTOS, Mr. KILDEE, Mr. JACKSON of Illinois, Ms. DEGETTE, and Ms. WOOLSEY.

H.R. 557: Mr. FORBES.

H.R. 564: Mr. PACKARD, Mr. BARTLETT of Maryland, Mr. SESSIONS, Mr. WATTS of Oklahoma, Mr. TIAHRT, and Mr. KNOLLENBERG.

H.R. 568: Mr. FORBES and Mr. STUPAK.

H.R. 576: Ms. JACKSON-LEE of Texas, Mr. LAMPSON, Mr. FROST, Ms. RIVERS, Mr. WAXMAN, Mr. FILNER, Mr. MCDERMOTT, Mr. KNOLLENBERG, and Ms. KILPATRICK.

H.R. 597: Mr. FRANK of Massachusetts, Mrs. MYRICK, Ms. BROWN of Florida, Mr. MATSUI, Mr. LAMPSON, Mr. HINCHEY, Mr. JEFFERSON, Mr. ROMERO-BARCELÓ, Mr. REYES, Mr. BRADY of Pennsylvania, Mr. CROWLEY, Mr. UNDERWOOD, Ms. LEE, Ms. ESHOO, Mrs. KELLY, Mr. BLAGOJEVICH, Mr. HULSHOF, Mr. WYNN, Mr. CONYERS, Mr. DEUTSCH, Mr. BALLENGER, Mr. CLYBURN, Ms. BALDWIN, Mr. BENTSEN, Mr. LEWIS of Georgia, and Mr. CLAY.

H.R. 608: Mr. ROHRABACHER, Mr. SHOWS, Mr. EVANS, Mr. SHUSTER, Mr. REGULA, Mr. GREEN of Texas, Mr. BROWN of Ohio, Mr. OBERSTAR, Mr. LOBIONDO, and Mr. KENNEDY of Rhode Island.

H.R. 610: Mr. GREEN of Texas, Mr. SANDERS, and Mr. LUTHER.

H.R. 611: Mr. FORBES and Mr. NEY.

H.R. 612: Mr. CLYBURN, Mr. BROWN of Ohio, Ms. MILLENDER-MCDONALD, Mr. FILNER, Mr. WEINER, Mrs. MALONEY of New York, Mr. DIXON, Mr. MCGOVERN, Mr. FROST, and Ms. HOOLEY of Oregon.

H.R. 631: Mr. ENGLISH, Mr. LEWIS of Kentucky, Mr. STARK,, Mr. JEFFERSON, Mr. FOLEY, and Mr. MCCRERY.

H.R. 639: Mr. FORBES.

H.R. 645: Ms. NORTON and Ms. SLAUGHTER.

H.R. 664: Mr. JACKSON of Illinois, Mr. HINOJOSA, Mr. RODRIGUEZ, Mr. TANNER, and Mr. PASCRELL.

H.R. 665: Mr. DREIER and Mr. MASCARA.

H.R. 669: Mr. TOWNS, Mr. HYDE, Ms. KILPATRICK, Mr. FALEOMAVAEGA, and Mr. FRANK of Massachusetts.

H.R. 670: Mr. WICKER, Mr. GRAHAM, Mr. NEY, Mr. KUCINICH, Mr. WOLF, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 682: Mr. HAYWORTH, Mr. HILL of Montana, and Mr. KNOLLENBERG.

H.R. 685: Mr. LUTHER.

H.R. 692: Mr. DELAY and Mr. GARY MILLER of California.

H.R. 693: Mr. BLUNT and Mr. BARCIA.

H.R. 700: Mr. EWING, Mr. RAHALL, Mr. FRANKS of New Jersey, Mr. BORSKI, Mr. QUINN, Mr. LIPINSKI, Mr. LATOURETTE Mr. TRAFICANT, Mr. COOK, Mr. DEFAZIO, Mr. SHERWOOD, Mr. CLEMENT, Mr. SWEENEY, Ms. NORTON, Mr. HOLDEN, Mr. BALDACCI, and Mr. FORBES.

H.R. 701: Mr. GILCHREST, Mrs. BONO, and Mr. DUNCAN.

H.J. Res. 1: Mr. PACKARD, Mr. EHLERS, Mr. LARGENT, Mr. SANFORD, Mr. GARY MILLER of California, Mr. BLILEY, Mr. WELDON of Florida, Mr. TERRY, Mr. COMBEST, Ms. PRYCE of Ohio, and Mr. GREEN of Wisconsin.

H.J. Res. 5: Mr. FOLEY.

H. Con. Res. 5: Mr. SNYDER, Mr. FOLEY, Ms. SLAUGHTER, Mrs. CAPPS, Mrs. MALONEY of New York, and Mr. DAVIS of Illinois.

H. Con. Res. 8: Mr. DEUTSCH, Mr. NORWOOD, and Mr. RAHALL.

H. Con. Res. 16: Mr. GIBBONS and Mr. DOOLITTLE.

H. Con. Res. 17: Mr. CAMPBELL, Mrs. MALONEY of New York, and Mr. MCGOVERN.

H. Con. Res. 21: Mr. UPTON and Mr. LIPINSKI.

H. Con. Res. 24: Mr. CANADY of Florida, Mr. FRELINGHUYSEN, Mr. MCINNIS, Mr. YOUNG of Alaska, Mr. COOKSEY, Mr. MEEHAN, Ms. HOOLEY of Oregon, Ms. SANCHEZ, Mr. NUSSLE, Mr. WICKER, Mrs. BONO, Mr. BURTON of Indiana, and Mr. ARCHER.

H. Con. Res. 29: Mr. RYUN of Kansas, Mr. METCALF, Mr. BARTLETT of Maryland, and Mr. MANZULLO.

H. Res. 18: Mr. LUTHER and Mr. NEY.

H. Res. 20: Mr. GOODLING.

H. Res. 35: Mr. MOORE, Mr. MCNULTY, Mr. ACKERMAN, and Mr. HOYER.

H. Res. 41: Mr. FORBES, Mr. FROST, Mr. GREEN of Texas, Mr. GREENWOOD, Mr. WOLF, Mr. DIAZ-BALART, and Mr. UNDERWOOD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3: Mr. EWING.

SENATE—*Thursday, February 11, 1999*

The Senate met at 10:07 a.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Holy God, who allows beginnings and brings an end, a time for healing, a time to mend, we ask You to pour out Your palpable, unifying power on this Senate. Today, may the Senators count on You more than they count votes. This is a time neither for gloating over victory nor for grimness over losing, but rather a period for grief over all that has brought us to this day. We are one Nation under You; we repent as a Nation; we turn from conditional ethics and seek to return to the absolutes of Your Commandments.

Thank You, Lord, for the clarion convictions expressed during this trial by so many Senators of both parties that morals do matter and character does count. May this shared, common commitment unite them as they lead this Nation. Now, as their chaplain, I hold them all before Your grace and mercy; as their friend, I intercede for their spiritual strength and courage. When the final votes are taken, hold them together in the oneness America so desperately needs them to exemplify. Help them to model rectitude and reconciliation. By Your power, the winner will be neither the Republicans nor the Democrats, but the American people. In Your holy Name. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

> Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date.

The majority leader is recognized.

Mr. LOTT. Thank you, Mr. Chief Justice.

ORDER OF PROCEDURE

Mr. LOTT. This morning the Senate will resume final deliberations in closed session. Our best guess, at this time, leaves approximately 37 Senators still intending to speak. It is possible that we could conclude and have the final votes this afternoon or late this evening, but I don't think that is going to be possible at this time. When we do approach that point, I would like to do it in an orderly fashion, that Members and those who are interested will be given notice. We have some business we would have to conclude, also, after all the deliberations have been complete. I will confer throughout the day with Senator DASCHLE to see how it is going, and as soon as we can see clearly when we would want to actually move to the final vote, we will notify all the Senators.

We will also take a lunch break sometime today between 12 and 12:30, and we will have, of course, some breaks throughout the day to take some refreshments.

I yield the floor to allow the Chief Justice to close the session.

The CHIEF JUSTICE. The Senate will now go into closed session for final deliberations on the articles of impeachment. The Sergeant at Arms is directed to clear the galleries and close the doors of the Senate Chamber.

CLOSED SESSION

(At 10:11 a.m., the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 7:00 p.m., at which time the following occurred.)

OPEN SESSION

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the Senate resume open session.

The CHIEF JUSTICE. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. I ask unanimous consent that the Court of Impeachment stand in adjournment until 9:30 tomorrow morning, the Senate then immediately proceed to closed session. I ask unanimous consent the Senate now resume legislative session in order to conduct some housekeeping business.

The CHIEF JUSTICE. Without objection, it is so ordered.

Thereupon, at 7 p.m. the Senate, sitting as a Court of Impeachment, adjourned until Friday, February 12, 1999, at 9:30 a.m.

LEGISLATIVE SESSION

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE TAKING OF PHOTOGRAPHS IN THE CHAMBER OF THE U.S. SENATE

Mr. LOTT. Mr. President, I send a resolution to the desk regarding the taking of pictures in the Senate Chamber during the impeachment vote and ask unanimous consent the resolution be considered agreed to and the motion to reconsider be laid upon the table.

Mr. WELLSTONE. Mr. President, I object. I would like to have a voice vote.

Mrs. BOXER. Just a voice vote.

Mr. LOTT. Mr. President, I move that this resolution be adopted by the Senate.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A resolution (S. Res. 36) authorizing the taking of photographs in the Chamber of the United States Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 36) was agreed to, as follows:

S. RES. 36

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting photographs to be taken on February 11 or 12, 1999, during the roll call vote on the Articles of Impeachment in the impeachment trial of the President of the United States.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Health, Education, Labor, and Pensions.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE EMIGRATION LAWS AND POLICIES OF MONGOLIA—MESSAGE FROM THE PRESIDENT—PM 8

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

On September 4, 1996, I determined and reported to the Congress that Mongolia was not in violation of the freedom of emigration criteria of sections 402(a) and 409(a) of the Trade Act of 1974, as amended. This action allowed for the continuation of normal trade relations status for Mongolia and certain other activities without the requirement of an annual waiver.

As required by law, I am submitting an updated report to the Congress concerning the emigration laws and policies of Mongolia. The report indicates continued Mongolian compliance with U.S. and international standards in the area of emigration.

William J. Clinton.

The White House, *February 11, 1999.*

MESSAGES FROM THE HOUSE

At 10:07 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 169. An act to amend the Packers and Stockyards Act, 1921, to expand the pilot investigation for the collection of information regarding prices paid for the procurement of cattle and sheep for slaughter and of muscle cuts of beef and lamb to include swine and muscle cuts of swine.

H.R. 433. An act to restore the management and personnel authority of the Mayor of the District of Columbia.

H.R. 435. An act to make miscellaneous and technical changes to various trade law, and for other purposes

H.R. 439. An act to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small business, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies.

H.R. 440. An act to make technical corrections to the Microloan Program.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 6. Concurrent resolution authorizing flags located in the Capitol complex to be flown at half-staff in memory of R. Scott Bates, Legislative Clerk of the United States Senate.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation:

William Clyburn, Jr., of South Carolina, to be a Member of the Surface Transportation Board for a term expiring December 31, 2000.

Wayne O. Burkes, of Mississippi, to be a Member of the Surface Transportation Board for a term expiring December 31, 2002.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. McCAIN. Madam President, for the Committee on Commerce, Science, and Transportation, I also report favorably three nomination lists in the Coast Guard which were printed in full in the Record of February 3, 1999, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the Record of February 3, 1999, at the end of the Senate proceedings.)

In the Coast Guard nomination of George W. Molessa, Jr., which was received by the Senate and appeared in the Record of February 3, 1999

In the Coast Guard nominations beginning James W. Kelly, and ending John J. Santucci, which nominations were received by the Senate and appeared in the Record of February 3, 1999

In the Coast Guard nominations beginning James E. Malene, and ending Steve M. Wischmann, which nominations were received by the Senate and appeared in the Record of February 3, 1999

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself, Mr. Grams, Mr. Smith of New Hampshire, Mr. Ashcroft, Mr. Inhofe, Mr. Kyl, Mr. Allard, Mr. Helms, Mr. Sessions, Mr. Abraham, Mr. Nickles, Mr. Santorum, and Mr. Hagel):

S. 410. A bill to provide for offsetting tax cuts whenever there is an elimination of a discretionary spending program; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DeWINE:

S. 411. A bill to provide for a process to authorize the use of clone pagers, and for other purposes; to the Committee on the Judiciary.

S. 412. A bill to reform criminal procedure, and for other purposes; to the Committee on the Judiciary.

S. 413. A bill to amend title 18, United States Code, to insert a general provision for criminal attempt; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. Jeffords, Mr. Conrad, Mr. Leahy, Mr. Murkowski, Mr. Smith of Oregon, Mr. Wellstone, Mr. Chafee, Mr. Breaux, Mr. Graham, Mr. Mack, Mr. Daschle, Mr. Dorgan, and Mr. Burns):

S. 414. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself and Mr. McCain):

S. 415. A bill to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; to the Committee on Energy and Natural Resources.

By Mr. SMITH of Oregon (for himself and Mr. Wyden):

S. 416. A bill to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility; to the Committee on Energy and Natural Resources.

By Mr. MOYNIHAN:

S. 417. A bill to amend title 28 of the United States Code to bar any civil trial involving the President until after the President vacates office, but to allow for sealed discovery during the time the President is in office; to the Committee on the Judiciary.

By Ms. SNOWE (for herself and Ms. Collins):

S. 418. A bill for the relief of Nancy B. Wilson; to the Committee on Finance.

By Ms. SNOWE:

S. 419. A bill to amend title 18, United States Code, to prohibit taking a child hostage in order to evade arrest; to the Committee on the Judiciary.

S. 420. A bill to provide a mandatory minimum sentence for State crimes involving the use of a firearm, impose work requirements for prisoners, and prohibit the provision of luxury items to prisoners; to the Committee on the Judiciary.

By Mr. KYL (by request):

S. 421. A bill to approve a mutual settlement of the Water Rights of the Gila River Indian Community and the United States, on behalf of the Community and the Allottees, and Phelps Dodge Corporation, and for other purposes; to the Committee on Indian Affairs.

By Mr. MURKOWSKI:

S. 422. A bill to provide for Alaska state jurisdiction over small hydroelectric projects; to the Committee on Energy and Natural Resources.

By Mr. McCAIN:

S. 423. A bill to prohibit certain Federal payments for certain methadone maintenance programs, and for other purposes; to the Committee on Finance.

By Mr. COVERDELL (for himself, Mr. Thurmond, Mr. Smith of New Hampshire, Mr. Grassley, and Mr. Helms):

S. 424. A bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ASHCROFT (for himself, Mr. Brownback, Mr. Baucus, and Mr. Kerrey):

S. 425. A bill to require the approval of Congress for the imposition of any new unilateral agricultural sanction, or any new unilateral sanction with respect to medicine, medical supplies, or medical equipment, against a foreign country; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI (for himself, Mr. BAUCUS, Mr. LUGAR, Mr. DURBIN, and Mr. REID):

S. Res. 34. A resolution designating the week beginning April 30, 1999, as "National Youth Fitness Week"; to the Committee on the Judiciary.

By Ms. SNOWE:

S. Res. 35. A resolution relating to the treatment of veterans with Alzheimer's disease; to the Committee on Veterans' Affairs.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. MCCONNELL, and Mr. DODD):

S. Res. 36. A resolution authorizing the taking of photographs in the Chamber of the United States Senate; considered and agreed to.

By Ms. SNOWE (for herself and Ms. MIKULSKI):

S. Con. Res. 9. A concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOULTIONS

By Mr. BROWNBACK (for himself, Mr. GRAMS, Mr. SMITH of New Hampshire, Mr. ASHCROFT, Mr. INHOFE, Mr. KYL, Mr. ALLARD, Mr. HELMS, Mr. SESSIONS, Mr. ABRAHAM, Mr. NICKLES, Mr. SANTORUM, and Mr. HAGEL):

S. 410. A bill to provide for offsetting tax cuts whenever there is an elimination of a discretionary spending program; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

PAYGO REFORM

• Mr. BROWNBACK. Mr. President, today I am introducing a bill, cosponsored by several of my colleagues that would reform the current pay-as-you-go financing mechanism of our federal government.

As a critical step to help reform the federal government, I believe that we need to change Congressional Budget Rules that make it illegal to use cuts in inefficient government spending to pay for tax cuts. Over the past century, our budget rules have been written in a way that favors spending over savings. We must fundamentally reform Pay-as-you-go (PAYGO) financing this year beyond the current law understanding which effectively turns PAYGO off during periods of an on-budget surplus.

Currently, according to PAYGO, Congress cannot make cuts in wasteful, even harmful government discretionary spending programs in order to finance tax cuts. For example, we can't cut the Advanced Technology Program in the Department of Commerce to pay for a capital gains tax cut. Rather, Congress has to make cuts in popular mandatory spending programs like Social Security and Medicare in order to pay for its tax cuts. I believe it is wrong to pit Social Security and Medicare against tax cuts. We need to flip the table on this false tradeoff by pitting tax cuts against wasteful big government spending.

Such a change would amount to a paradigm shift in how government functions and would help limit the size of government while at the same time providing additional resources for meaningful tax relief. The machinery of government is constructed to spend. We need reengineering of government so that the machinery produces savings.

My bill would change budget law in order to allow for tax cuts to be implemented in the amount of program eliminations. In practice, if we are able to eliminate a program during consideration of an appropriations measure, that money would be credited to the PAYGO scorecard and reserved for tax cuts.

Therefore, should my bill be enacted, we could eliminate programs like the Advance Technology Program, the National Endowment for the Arts, the Department of Commerce, and a whole host of other government programs while at the same time giving the taxpayers the tax relief they deserve—and we can do it without making draconian cuts to mandatory spending programs that ultimately do little to save the programs and much to simply prolong the crisis.

Mr. President, I look forward to the coming debate on budget process reforms. I look forward to the bill that is being considered jointly by the Governmental Affairs and Budget Committees, and I look forward to working with the chairmen of each in order to accomplish the type of budget reform that we truly need.•

By Mr. GRASSLEY (for himself, Mr. JEFFORDS, Mr. CONRAD, Mr. LEAHY, Mr. MURKOWSKI, Mr. SMITH of Oregon, Mr. WELLSTONE, Mr. CHAFEE, Mr. BREAUX, Mr. GRAHAM, Mr. MACK, Mr. DASCHLE, Mr. DORGAN, and Mr. BURNS).

S. 414. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes; to the Committee on Finance.

WIND ENERGY TAX CREDIT

• Mr. GRASSLEY. Mr. President, I rise today to introduce important tax legislation for myself and Senators JEFFORDS, CONRAD, MURKOWSKI, LEAHY, WELLSTONE, CHAFEE, SMITH of Oregon, BREAUX, GRAHAM, MACK, DASCHLE, and DORGAN.

Our legislation extends the production tax credit for energy generated by wind. This proposed bill resembles bipartisan legislation introduced in November of 1998 that, unfortunately, was not enacted.

As original author of the Wind Energy Incentives Act of 1993, I strongly believe that the expansion and development of wind energy must be facilitated by this production tax credit.

The Senate has previously supported wind energy production tax credit legislation. I would therefore like to request that Senators again consider this valuable initiative that would help secure this untapped potential for clean power.

Wind, unlike most energy sources, is an efficient and environmentally safe form of energy use. Wind is renewable and does not obligate the United States to rely on unstable foreign states for sources of energy.

This legislation extends the production tax credit through the month of June, 2004. We all know the damaging effects fossil fuels have on our environment. Wind energy, by contrast, is clean, safe, and abundant within the United States.

Every 10,000 megawatts of wind energy can reduce carbon monoxide emissions by 33 million metric tons. Today, the United States produces only 1,700 megawatts of wind energy. However, experts estimate that American wind capacity can produce up to 30,000 megawatts by the year 2010—that is enough energy to meet the demands of over 10 million homes, while reducing pollution in every state.

The production tax credit has brought wind power generation costs almost down to the same as coal and gas energy levels. In order to continue this investment in America's energy future, we must extend the production tax credit.

Currently, my own state of Iowa has 5 new wind power projects ready to go online just this year. These 5 projects, with the megawatt capacity of over 240, join the already existing 6 facilities in Iowa. Even large petroleum producing states like Texas, ranked 2nd in the Nation in wind energy potential, recognize the growing significance of wind power.

Renewing the wind tax credit would allow for greater expansion into the wind energy field. These projects take a long time to develop and assured tax breaks would help facilitate more wind power construction contracts. Withhold the tax credit and investment will surely decline for new wind projects.

This is because it takes as much as 3 years to obtain financing and permitting to build a new facility.

Wind is a domestic natural resource, found abundant in almost every state. Wind is homegrown energy, that cannot be controlled by any foreign state or power. American lives need not be put at risk to protect overseas sources of wind energy.

Wind energy can be harnessed without the detrimental effects of fossil fuel pollution. Wind is a stable and reliable form of power that is renewable and inextinguishable. This legislation ensures that wind energy does not fall by the wayside as a productive alternative energy source. The Senate needs to extend this important legislation and I encourage all my colleagues to join us in this effort.

Mr. President, I ask that the bill be printed in the RECORD.

The bill follows:

S. 414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 5-YEAR EXTENSION OF CREDIT FOR PRODUCING ELECTRICITY FROM WIND.

(a) IN GENERAL.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 (defining qualified facility) is amended to read as follows:

"(3) QUALIFIED FACILITY.—The term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service—

"(A) in the case of a facility using wind to produce electricity, after December 31, 1993, and before July 1, 2004, and

"(B) in the case of a facility using closed-loop biomass to produce electricity, after December 31, 1992, and before July 1, 1999.".

(b) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—Subsection (b) of section 45 of such Code is amended by adding at the end the following new paragraph:

"(4) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—

"(A) IN GENERAL.—The credit determined under subsection (a) shall not apply to electricity—

"(i) produced at a qualified facility placed in service by the taxpayer after June 30, 1999, and

"(ii) sold to a utility pursuant to a contract originally entered into before January 1, 1987 (whether or not amended or restated after that date).

"(B) EXCEPTION.—Subparagraph (A) shall not apply if—

"(i) the prices for energy and capacity from such facility are established pursuant to an amendment to the contract referred to in subparagraph (A)(ii);

"(ii) such amendment provides that the prices set forth in the contract which exceed avoided cost prices determined at the time of delviery shall apply only to annual quantities of electricity (prorated for partial years) which do not exceed the greater of—

"(I) the average annual quantity of electricity sold to the utility under the contract during calendar years 1994, 1995, 1996, 1997, and 1998, or

"(II) the estimate of the annual electricity production set forth in the contract, or, if there is no such estimate, the greatest annual quantity of electricity sold to the utility under the contract in any of the calendar years 1996, 1997, or 1998; and

"(iii) such amendment provides that energy and capacity in excess of the limitation in clause (ii) may be—

"(I) sold to the utility only at prices that do not exceed avoided cost prices determined at the time of delivery, or

"(II) sold to a third party subject to a mutually agreed upon advance notice to the utility.

For purposes of this subparagraph, avoided cost prices shall be determined as provided for in 18 CFR 292.304(d)(1) or any successor regulation.".●

● Mr. BURNS. Mr. President, I stand today with my colleague from Iowa, Senator GRASSLEY and others, as an original co-sponsor of a bill, S. 414, that would provide alternative energy tax credits that will help our Nation become a leader in environmentally sound energy usages.

As a Nation, we consume more energy per capita than any other country in the world. However, because of available technology and efficient use of our resources, we are also a leader in the use of environmentally-friendly practices.

Last year, President Clinton and Vice-President GORE expressed their interest in ratification of the Kyoto Treaty. I am concerned about the implications of applying the Kyoto Treaty to the U.S. economy.

The treaty, negotiated by 160 countries in December 1997, would require the United States to reduce its energy-related emissions 30–40 percent below levels otherwise projected for the years 2008–2012.

To enter into force, at least 55 nations representing 55 percent of the industrial world's 1990 emissions must ratify the agreement. The U.S. plays a pivotal role. If the U.S. does not ratify, neither Japan nor the European Union will do so.

In July 1997, the Senate passed, 95–0, a resolution opposing any agreement that exempts developing countries from emission limits. The Treaty does so exempt such countries. Key developing countries such as China, India, Brazil, Mexico and South Korea have refused to limit their emissions. These countries create a proportionately larger share of emissions than developed countries.

Therefore it would be unfair for the Congress to subject the Treaty on the American taxpayer. I am further concerned that the Clinton Administration led by Vice-President GORE signed the Kyoto Protocol announcing plans to launch new Kyoto-friendly federal energy procurement and transportation initiatives.

If implemented, Kyoto could: Increase gasoline prices up to 53% (up to $1.91/gallon); Increase electricity prices up to 86%; Eliminate up to 16 million U.S. jobs over the next six years.

The Department of Energy's Energy Information Administration concludes that natural gas market share will increase from 14% to 33% by 2020 and coal market share will decrease dramatically.

Mr. President, I am very committed to reducing global emissions but I am also convinced that such actions must not be at the expense of U.S. energy consumers. We have not given proper attention to a largely untapped and unlimited resource—that resource being wind generated power and other alternative energy sources.

If you drive through our State, you will feel the power of our unharnessed wind. Our Northerly wind can at times present a danger along the Rocky Mountain front, and certainly makes it's presence felt just about any time of the year.

The vast majority of wind development has been in California. However, many states have a much greater wind potential than California. Montana has an annual wind energy potential of 1,020 billion kilo Watt hours and little has been done to harness that energy. Such potential deserves exploration and that exploration needs to be fostered.

Congress is also responsible to help foster such growths in other alternative energy sources. Last year, I was very active in efforts to provide for an extension of the "placed-in-service" date of the Section 29 tax credit. Although this tax credit does not expire until 2008, it is important for Congress to allow new entrants to develop their technologies and build their facilities.

I look forward to pursuing this issue again this year. It will be a great addition to current legislation supporting energy tax credits for oil and gas development. I would like to request the attached colloquy from last year regarding Section 29 tax credits between me and twelve of my colleagues be entered into the RECORD.

The colloquy follows:

Mr. BURNS. Mr. President, I would like to clarify the intent of Congress regarding tax incentives for alternative fuels. These incentives are important tools for our Nation's long-term energy policy.

Starting with the energy crisis in the 1970s, Congress has acted on numerous occasions to provide tax credits intended to develop alternative fuels. Prior Congresses took these steps in recognition of the need to encourage the development and use of alternative fuels which promise that we as a Nation will never be dependent on others for our energy resources. For example, Section 29, which expired earlier this year, and Section 45, which is due to expire next June, were both intended to encourage the development of nonconventional fuels.

Today, our Nation not only needs to continue its efforts to develop alternative fuel resources, but given our ever growing energy requirements, we must consider the environmental impact that conventional and nonconventional fuels have on our environment, particularly in light of the Clean Air Act.

In order to maximize the most efficient use of our Nation's resources, Congress needs to commit to the development of clean alternative fuels. We need also to use our Nation's technologies to develop environmentally clean alternative liquid fuels from coal.

In Montana, we have vast coal reserves. There are technologies that can upgrade the coal from these reserves and reduce current difficulties associated with the development of these fields. However, these technologies are not likely to be developed, and therefore these vast natural resources are not likely to be used, unless Congress provides incentives to develop clean alternative fuels.

I am concerned that we have not been able to fully discuss the merits of such incentives in our budget debate this past month. For example, an extension of Section 29 was included in the Senate version of the tax extenders, but that provision was not included in the final package.

I would urge my colleagues to bring this debate to the floor in the 106th Congress to ensure that the issue of encouraging the development of clean alternative fuels is a priority in our Nation's energy policy.

Mr. LOTT. I agree with my colleague from Montana. As our Nation continues to seek ways to improve environmental quality and to reduce the need for imported energy, several new technologies run the risk of not being developed if Congress does not act to provide incentives to develop clean alternative fuels.

These technologies provide two significant benefits to our Nation. First, the use of alternative fuels reduces our reliance on foreign energy sources. Second, the technologies provide cleaner results for our environment.

For these reasons, I want to assure my colleague from Montana that I will make a priority of addressing the need for tax incentives to produce clean alternative fuels.

Mr. GRASSLEY. I agree with my colleagues from Montana and Mississippi about this very important issue. The development and use of alternative fuels are important to this Nation, and we must encourage their use and development.

Wind energy has long been recognized as an abundant potential source of electric power. A detailed analysis by the Department of Energy's Pacific Northwest Laboratory in 1991 estimated the energy potential of the U.S. wind resource at 10.8 trillion kilowatt hours annually, or more than three times total current U.S. electricity consumption. Wind energy is a clean resource that produces electricity with virtually no carbon dioxide emissions. There is nothing limited or controversial about this source of energy. Americans need only to make the necessary investments in order to capture it for power.

The Production Tax Credit, section 45 of the Internal Revenue Code was enacted as part of the Energy Policy Act of 1992. This tax credit is a sound low-cost investment in an emerging sector of the energy industry. I introduced the first bill that contained this tax credit, so you can be sure that I am sincere in my belief in the need to develop this resource. This tax credit currently provides a 1.5 cent per kilowatt hour credit for energy produced from a new facility brought on-line after December 31, 1993 and before July 1, 1999 for the first ten years of the facility's existence. Last Fall, I introduced a bill to extend this tax credit for five years. My legislation, S. 1459, currently has 22 cosponsors, including half of the Finance Committee. The House companion legislation, introduced by Congressman Thomas, currently has 90 cosponsors, including over half of the Ways and Means Committee. These numbers are a strong testament to the importance of the section 45, and renewable fuels in general.

In addition, I plan to work to expand this tax credit to allow use of the closed-loop biomass portion of this tax credit. Switchgrass from my state and other Midwestern states, eucalyptus from the South, and other biomass, can be grown for the exclusive purpose of producting energy. This is a productive use of our land, and will be an important step in our use and development of alternative and renewable fuels.

I was very pleased to see that Congress expressed its understanding of the importance of alternative and renewable fuels by extending the ethanol tax credit in this year's T-2 legislation. These tax credits are a successful way of promoting alternative sources of energy. These tax credits are a cheap investment with high returns for ourselves, our children, our grandchildren and even their grandchildren. Congress needs to again pass this important legislation to ensure that these energy tax credits are extended into the century.

Mr. MURKOWSKI. I concur with my colleagues. Implementation of the 1990 Clean Air Act amendments is creating a real need to develop clean alternative fuels.

For example, of the 64 remaining U.S. coke batteries, 58 are subject to closure as a result of the Clean Air Act. The steel industry can either use limited capital to build new clean coking facilities or they can choose to import coke from China, which uses 50 year old highly pollutant technologies. Restoring the section 29 credit to encourage cleaner coker technologies will greatly reduce emissions and will slow our increasing dependence on foreign coke, at the same time creating jobs in the United States in both the steel and coal mining industries.

In addition, the United States has rich deposits of lignite and sub-bituminous coals. There are new technologies that can upgrade these coals to make them burn efficiently and economically, while at the same time significantly reducing air pollution.

This is proven technology, but to make the development of this technology throughout the nation feasible, the Congress needs to provide tax incentives.

Mr. ENZI. The people of Wyoming have always had very strong ties to our land. That is why the words "Livestock, Oil, Grain and Mines" appear on our state seal. Those words clearly reflect the importance of our natural resources to the people of my state, and our commitment to using our abundant natural resources wisely and for the benefit of current and future generations of Wyomingites and the people of this country.

Congress has determined the need to find newer and cleaner technologies. Wyoming is blessed with an abundance of clean burning coal reserves. It would seem to be a perfect match. We are eager to provide what is needed for our country's present and future fuel needs. But those reserves aren't likely to be developed unless we provide the incentives necessary to make it possible for the coal to be harvested in a safe and environmentally friendly manner.

Mr. ABRAHAM. I concur with my colleagues. The development and production of alternative fuels provides a real opportunity for the country to improve the environment while ensuring a constant, reasonably priced fuel supply. But recent efforts to provide such assurances have been hampered. For example, in the Small Business Job Protection Act of 1996, Congress extended the placed-in-service date for facilities producing synthetic fuels from coal, and gas from biomass for eighteen months.

However, progress in bringing certain facilities up to full production has been hampered by the Administration's 1997 proposal to shorten the placed-in-service date and because, in many cases, the technology used to produce the fuels is new. Such delays have created uncertainty regarding the facilities eligibility under the placed-in-service requirement of section 29.

While it is important that the Congress consider again this issue in the 106th Congress, I would also urge the Secretary to consider the facilities I mentioned qualified under Section 29 if they met the Service's criteria for placed-in-service by June 30, 1998 whether or not such facilities were consistently producing commercial quantities of marketable products on a daily basis.

Mr. CONRAD. I agree with my colleagues. Through the section 29 tax credit for nonconventional fuels, Congress has supported the development of environmentally friendly fuels from domestic biomass and coal resources. There are lignite resources in my state that could compete in the energy marketplace if we can find a reasonable incentive for the investment in the necessary technology. As soon as possible in the 106th Congress, I hope we will give this crucial subject the attention it deserves.

Mr. HATCH. I concur with my colleagues. This is a very important tax credit for alternative fuels. It is an issue of fairness, not one of corporate welfare.

Earlier this year I, along with 18 of my colleagues, introduced a bill that would extend for eight months the placed-in-service date for coal and biomass facilities. The need still exists to extend this date and I am very disappointed that this was not included.

Mr. BAUCUS. Mr. President, I want to join my colleagues in supporting tax incentives for alternative fuels. Our country has assumed a leadership role in the reduction of greenhouse gases because of the global importance of pollution reduction. As my colleagues have also pointed out, promotion of alternative fuels is not just an environmental issue, but an issue important to our domestic economy and independence as well. We cannot afford to slip back toward policies which will leave us dependent upon foreign sources of oil for our economic growth.

With the huge reserves of coal and lignite in the United States and around the world, as well as the tremendous potential for use of biomass, wind energy, and other alternatives, it is particularly important to our economy and the world's environment that new, more environmentally friendly fuels are brought to market here and in developing nations.

But bringing new technologies to market is financially risky. In particular, finding investors to take a new technology from the laboratory to the market is difficult because so many technical problems need full-scale testing and operations to resolve. Few investors are prepared to take on the risks associated with bringing a first-of-a-kind, full-sized alternative energy production facility on-line without some level of security provided by a partnership with the federal government.

Tax incentives represent our government's willingness to work with the private sector as a partner to bring new, clean energy technologies to the market. These incentives demonstrate our country's commitment to the future.

Mr. GRAHAM. There are two principal reasons I support extension of sections 29 and 45.

First, in a period where America is continuing to increase its dependence on foreign oil, we need to develop alternative fuel technologies to prepare for the day when foreign supply of oil is reduced. These tax credits have spurred the production of fuel from sources as diverse as biomass, coal, and wind. America will desperately need fuel from these domestic sources when foreign producers reduce imports. Second, the alternative fuels that earn these tax credits are clean fuels. For example, the capture and reuse of landfill methane prevents the methane from escaping into the atmosphere. I will support my colleagues in an effort next year to extend these provisions.

Mr. THURMOND. I join my colleagues in support of extending the tax credit for Fuel Production from Nonconventional Sources. Through this credit, Congress has emphasized the importance of establishing alternative energy sources, furthering economic development, and protecting the environment. The alternative fuels credit strikes a proper balance between each of these objectives. I support efforts to bring this issue to a satisfactory conclusion, early in the next Congress.

Mr. THOMAS. I strongly agree with my colleagues regarding the importance of the Section 29 tax credit. Wyoming has some of the Nation's largest coal reserves and this tax credit gives producers an incentive to develop new and innovative technologies for the use of coal. I am disappointed that an extension of the Section 29 tax credit was not included in the Omnibus Appropriations package and urge my colleagues to make this matter a top priority during the 106th Congress.

Mr. ROTH. I understand my colleagues' concerns. For some time now I have been studying how to provide targeted incentives to develop clean alternative fuels. It is essential for Congress to develop sound tax policy for alternative energy to help protect our environment. Several weeks ago, I introduced legislation to provide such incentives for facilities that produce energy from poultry waste. I look forward to working with my colleagues on these issues early in the 106th Congress.•

By Mr. KYL (for himself and Mr. MCCAIN):

S. 415. A bill to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds; to the Committee on Energy and Natural Resources.

ARIZONA STATEHOOD AND ENABLING ACT AMENDMENTS

• Mr. KYL. Mr. President, this Sunday, February 14, 1999, marks the eighty-seventh anniversary of the granting of statehood to the great state of Arizona. On this historic occasion, I propose to amend, with the attached bill, the act of Congress which in 1910 set in motion Arizona's entry into the Union. The proposed amendment makes two small but important modifications to the Arizona Enabling Act relating to the administration of state trust funds. These changes have been requested by Governor Hull, the state legislature, and the citizens of Arizona.

Mr. President, the Arizona Enabling Act required the state to establish a permanent fund collecting the proceeds of the sale of trust land and the land's mineral and other natural products. The principal of the fund is not expendable for any purpose. Instead, it is invested in interest-bearing securities, and the interest is used to support the financial needs of the beneficiaries.

Mr. President, Arizona is currently prevented from maximizing the benefits of the permanent fund. The state could improve management, and generate more revenues for the beneficiaries, by gaining authorization to invest part of the fund in stocks, and to reinvest some earnings to offset inflation. This amendment would allow the state treasurer to preserve the real value of the fund by reinvesting an amount equal to the rate of inflation, thereby providing higher payments to beneficiaries over time. This amendment is similar to the change that was granted to New Mexico in 1997. It was approved by Arizona voters on November 3, 1998.

Mr. President, the second modification to the Arizona Enabling Act contained in this bill would allow the state to expend monies from the Miners' Hospital Endowment Fund to benefit the Arizona Pioneers' Home. Current law prohibits the commingling of funds associated with state-trust lands. Insufficient funds exist in the Miners' Hospital Endowment Fund to build and operate a separate hospital for disabled miners, but disabled miners have been cared for at the Arizona Pioneers' Home since 1929. Miners who meet the statutory admission requirements for the Hospital for Disabled Miners will continue to be admitted to the Arizona Pioneers' Home on a priority basis.

Mr. President, I ask that the bill be printed in the RECORD.

The bill follows:

S. 415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arizona Statehood and Enabling Act Amendments of 1999".

SEC. 2. PROTECTION OF TRUST FUNDS OF STATE OF ARIZONA.

(a) IN GENERAL.—Section 28 of the Act of June 20, 1910 (36 Stat. 574, chapter 310) (as amended by section 2 of Public Law 85–180 (71 Stat. 457)) is amended in the first paragraph by adding at the end the following: "The trust funds (including all interest, dividends, other income, and appreciation in the market value of assets of the funds) shall be prudently invested on a total rate of return basis. Distributions from the trust funds shall be made as provided in Article 10, Section 7 of the Constitution of the State of Arizona.".

(b) CONFORMING AMENDMENTS.—

(1) Section 25 of the Act of June 20, 1910 (36 Stat. 573, chapter 310), is amended in the proviso of the second paragraph by striking "the income therefrom only to be used" and inserting "distributions from which shall be made in accordance with the first paragraph of section 28 and shall be used".

(2) Section 27 of the Act of June 20, 1910 (36 Stat. 574, chapter 310), is amended by striking "the interest of which only shall be expended" and inserting "distributions from which shall be made in accordance with the first paragraph of section 28 and shall be expended".

SEC. 3. USE OF MINERS' HOSPITAL ENDOWMENT FUND FOR ARIZONA PIONEERS' HOME.

(a) IN GENERAL.—Section 28 of the Act of June 20, 1910 (36 Stat. 574, chapter 310) (as amended by section 2 of Public Law 85–180 (71 Stat. 457)) is amended in the second paragraph by inserting before the period at the end the following: ", except that amounts in the Miners' Hospital Endowment Fund may be used for the benefit of the Arizona Pioneers' Home".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on June 20, 1910.

SEC. 4. CONSENT OF CONGRESS TO AMENDMENTS TO CONSTITUTION OF STATE OF ARIZONA.

Congress consents to the amendments to the Constitution of the State of Arizona proposed by Senate Concurrent Resolution 1007 of the 43rd Legislature of the State of Arizona, Second Regular Session, 1998, entitled "Senate Concurrent Resolution requesting the Secretary of State to return Senate Concurrent Resolution 1018, Forty-Third Legislature, First Regular Session, to the Legislature and submit the Proposition contained in Sections 3, 4, and 5 of this Resolution of the proposed amendments to Article IX, Section 7, Article X, Section 7, and Article XI, Section 8, Constitution of Arizona, to the voters; relating to investment of State monies", approved by the voters of the State of Arizona on November 3, 1998.•

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 416. A bill to direct the Secretary of Agriculture to convey the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility; to the Committee on Energy and Natural Resources.

A SOLUTION FOR SISTERS

• Mr. SMITH of Oregon. Mr. President, today I am proud to introduce legislation that will enable the city of Sisters, Oregon, to obtain Federal lands for the purpose of constructing a sewage treatment facility. The federal government will benefit directly from this facility, and we have the opportunity to show that we can be good neighbors and help solve local problems. This legislation, and the approach I have taken to provide a funding mechanism to benefit natural resources in the area, has broad support in the local community and the surrounding region.

The city of Sisters, Oregon, is facing both environmental and public health problems due to the lack of a sewer system. Currently, all of the homes and businesses inside the city limits must use septic systems. In the summer, in order to accommodate tourists who often recreate in the surrounding federal lands, the city must place approximately sixty portable toilets throughout the town. Deschutes County has had to develop alternatives to established regulations for septic systems in order to continue use of some properties.

There are ongoing concerns about a possible outbreak of infectious diseases from failed and leaking septic systems, and of groundwater contamination. Obviously, this is a situation that cannot continue.

Fortunately, the city has risen to the challenge. In 1998, the 775 residents of Sisters voted to issue up to seven million dollars in bonds to construct a sewer system and a wastewater treatment facility to service their municipality. This vote was noteworthy because Sisters is the fourth most economically depressed city in Oregon. Sixty-one percent of the town's residents are considered low to moderate income and the average annual income is $17,188.

While the city has put together a financing package of approximately twelve million dollars, this financing package does not include funds for land acquisition. Additional funds to acquire the land for the treatment facility and for the disposition of the treated wastewater are beyond the resident's ability to pay, and pose a huge financial burden. There is a long-standing recognition in federal law, both in the Townsite Act and in the Recreation and Public Purposes Act, that in some instances the transfer of land out of federal ownership to serve community objectives outweighs the goals of maintaining such a tract in federal ownership.

This is definitely one of those cases. The city of Sisters is literally surrounded by land managed by the Forest Service. After examining numerous other non-federal sites in or near the city, it was determined that this parcel is large enough, and has the proper soil conditions for disposing of the treated wastewater.

I am proud to sponsor legislation that will not only resolve the city's public health threat, but will benefit all the parties involved. My bill calls for the Forest Service to convey land for the facilities at no cost to the city of Sisters. The legislation also stipulates that, at the option of the United States, the land would revert to the Forest Service upon termination of the specified uses.

In return, the Forest Service will benefit from the treatment facilities themselves, as well as from improved environmental conditions. The Forest Service currently maintains eleven separate septic systems in the city to serve existing administrative buildings. Since the Forest Service administers seventy-seven acres of land within the city limits, the federal government will benefit from the expected increase in land values directly attributable to the sewer system.

In order to capture some of this enhanced value for the benefit of the environment, the Forest Service will also be required to sell no less than six acres of the unimproved administrative lands within the city limits. The bill stipulates that the sale be at fair market value within three years of the enactment of the Act.

Most of the revenue from this sale will be used for activities which are directly related to improving the long-term conditions in the watershed of Squaw Creek, a tributary of the Deschutes River. The remainder, not to exceed twenty-five percent, may be used for administrative improvements by the Sisters Ranger District.

My legislation makes sense. It is a win-win solution that helps both the community of Sisters and the environment. I urge my colleagues to support its early consideration by the Senate.

Mr. President, I ask that the text of the bill be included in the RECORD.

The bill follows:

S. 416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the city of Sisters, Oregon, faces a public health threat from a major outbreak of infectious diseases due to the lack of a sewer system;

(2) the lack of a sewer system also threatens groundwater and surface water resources in the area;

(3) the city is surrounded by Forest Service land and has no reasonable access to non-Federal parcels of land large enough, and with the proper soil conditions, for the development of a sewage treatment facility;

(4) the Forest Service currently must operate, maintain, and replace 11 separate septic systems to serve existing Forest Service facilities in the city of Sisters; and

(5) the Forest Service currently administers 77 acres of land within the city limits that would increase in value as a result of construction of a sewer system.

SEC. 2. CONVEYANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall convey to the city of Sisters, Oregon, at no cost to the city except the cost of preparation of any documents required by any environmental law in connection with the conveyance, the parcel of land described in subsection (b).

(b) LAND DESCRIPTION.—The land described in this subsection is the parcel of land located in—

(1) the SE quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, and the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, that lies east of Three Creeks Lake Road, but not including the westernmost 500 feet of that portion; and

(2) the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes County, Oregon, lying easterly of Three Creeks Lake Road.

(c) CONDITION.—The conveyance under subsection (a) shall be made on the condition that the city agree to conduct a public process before the final determination is made regarding land use for the disposition of treated effluent.

(d) SPECIAL USE PERMIT.—Not later than 120 days after the date of enactment of this Act, in compliance with applicable environmental laws (including regulations), the Secretary shall issue a special use permit for the land conveyed under subsection (a) that allows the city access to the land for the purpose of commencing construction of the sewage treatment plant.

(e) USE OF LAND.—

(1) IN GENERAL.—The land conveyed under subsection (a) shall be used by the city for a sewage treatment facility and for the disposal of treated effluent.

(2) OPTIONAL REVERTER.—If at any time the land conveyed under subsection (a) ceases to be used for a purpose described in paragraph (1), at the option of the United States, title to the land shall revert to the United States.

SEC. 3. SALE OF ADMINISTRATIVE LAND.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Act, and notwithstanding any other provision of law, the Secretary shall sell, at fair market value, not less than a total of 6 acres of unimproved land in the city that is currently designated for administrative use. There are authorized to be appropriated such sums as are necessary to prepare the sale.

(b) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale under subsection (a) in the fund established by Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(c) USE OF PROCEEDS.—

(1) IN GENERAL.—Funds deposited under subsection (b) shall be available for expenditure, without further Act of appropriation, as follows:

(A) Not more than 25 percent shall be available for administrative improvements at the Sisters Ranger District.

(B) The remainder shall be available for purposes that are directly related to improving the long-term condition of the watershed of Squaw Creek, a tributary of the Deschutes River, Oregon.

(2) METHOD OF EXPENDITURE.—The supervisor of the Deschutes National Forest may expend funds deposited under subsection (b) directly or may provide the funds in the form of grants to local watershed councils, including the Working Group (as defined in section 1025(a) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4226)).●

By Mr. MOYNIHAN:

S. 417. A bill to amend title 28 of the United States Code to bar any civil trial involving the President until after the President vacates office, but to allow for sealed discovery during the time the President is in office; to the Committee on the Judiciary.

LEGISLATION TO LIMIT FUTURE PRESIDENTS' EXPOSURE TO CIVIL LAWSUITS WHILE HOLDING OFFICE

● Mr. MOYNIHAN. Mr. President, today I rise to introduce a bill that is aimed at averting much of what has happened over nearly two months of this year and all of the last by amending Title 28 of the United States Code. Modeled on our existing Soldiers and Sailors Civil Relief Act of 1940 that forbids civil lawsuits being filed by or against our men and women while they are in uniform, my bill seeks to protect future sitting Presidents from the ravages of civil litigation arising from acts taken or deeds done before they assumed office.

I do not do this to insulate our current President but to accept an invitation Justice Stevens and his colleagues extended to us nearly two years ago in the case of Jones versus Clinton when the Supreme Court held that a sitting President could be sued civilly for acts he allegedly committed before assuming office. In that opinion, Justice Stevens wrote that it was up to Congress, not the Supreme Court, to afford a sitting President more protection from civil lawsuits.

But this bill is not about President Clinton. For as Edmund Burke observed when analyzing the causes of the political discontents of the 1760s in England "this system has not arisen soley from the ambitions of Lord Butte . . . we should have been tried with it if the Earl of Butte had never existed."

As Justice Robert Jackson pointed out over forty years ago, the Presidency concentrates this Nation's Executive authority in a single person whose choice the entire Nation has a part, making him the force of public hope and expectations and whose decisions so far overshadow any other that "almost alone he fills the public eye and ear." The Founders fashioned this kind of Presidency because they wanted to focus, not spread, executive responsibility in the hands of a single, constitutionally indispensable, individual. They realized that any interference with a President's ability to carry out his public responsibilities is constitutionally equal to interfering with the ability of the entire Congress or the whole Judiciary to carry out their public obligations.

Moreover, the Presidency is the only office that the Constitution requires to be always functioning. It knows no recesses or terms. Because of this and the singular import of a President's duties, the diversion of his energies by litigation raises unique risks to the effective functioning of our government.

As Thomas Jefferson warned in a June 20, 1807, letter to George Hay in the midst of Aaron Burr's trial in Richmond, unfettered litigation can pull a sitting President from pillar to post and keep him constantly trudging from north to south and east to west, withdrawing him from his constitutional duties.

On the other hand, I do not believe in the ancient prerogatives of the monarchs who asserted "the King can do no wrong." We rejected this when we formed our republic over 200 years ago. Under my bill, a litigant can still file his or her claim and exercise his or her discovery rights. This will preserve the litigant's claims and evidence but stay his or her ability to conduct a full-blown trial. This can be done after a sitting President leaves office. Then, like any other citizen, he will be subject to the full sway of our courts and their processes.

I do not want to truncate anyone's legal rights or privileges, and my bill does not do so. Rather, it aims to balance these rights with our country's vital need for a focused Chief Executive not being dragged from pillar to post.●

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 418. A bill for the relief of Nancy B. Wilson; to the Committee on Finance.

PRIVATE RELIEF BILL

● Ms. COLLINS. Mr. President, I am pleased to join the distinguished senior Senator from the State of Maine, Senator SNOWE, in introducing private relief legislation for Nancy B. Wilson.

By way of background, Al Wilson worked for Liberty Mutual Insurance Company, and he and his wife Edna had two children. In 1945, tragedy struck the family when Edna suffered a severe mental breakdown and was permanently placed in a mental institution, leaving Al to care for the children.

Five years later, Al met Nancy Butler, who immediately began caring for Al's two young children, as well as her son. Nancy took residence with Al and soon began to raise the children as her own. The eldest child has written that Nancy "is the person who brought me up in place of my biological mother, who was institutionalized. I think of Nancy as my real mother."

Al and Nancy wanted to get married, but Al was prohibited from divorcing Edna by a Massachusetts state law. The law barred a divorce for reasons of insanity or institutionalization for insanity. The Congressional Research Service confirmed that a "divorce could not have been granted under Massachusetts law during the 1960's and 1970's solely because one spouse was insane."

On April 12, 1969, Edna Wilson died. Twenty days later, on May 2, 1969, Nancy and Al were married. Al died of cancer seven months later on December 5, 1969. Nancy had lived with Al for 19 years.

Upon turning sixty-four years old on March 21, 1991, Nancy applied to the Social Security Administration for survivor insurance benefits from Al's wage earnings. She was refused benefits based upon the limited term of her legal marriage. According to Social Security regulations, a couple must be married for at least nine months for a spouse to collect survivor benefits.

Nancy has exhausted the available legal remedies, taking full advantage of the administrative appeals process. Nancy filed a request for reconsideration and appeared at a hearing before an administrative law judge. On January 28, 1992, the Social Security Administration issued its final decision denying her claim for benefits.

The private relief bill we are introducing would allow Nancy to receive widow's benefits from her husband's earnings. Nancy Wilson was, for all practical purposes, married to Al Wilson. She cohabited with him for nineteen years prior to their marriage. She raised his children, allowing him to work and accumulate a Social Security benefit. Nancy and Al were legally prevented from marrying by Massachusetts state law, even though his marriage with his first wife had essentially ended.

Mr. President, the unique circumstances of Mrs. Wilson epitomize why Congress has the power to enact private relief legislation. Her situation fulfills the intent of the Social Security Act. Al and Nancy were prohibited from marrying; clearly they would have if the law allowed them to do so. This unique situation is an exception that will not be repeated. Since their marriage, a no-fault divorce statute has been enacted in Massachusetts, which prevents this situation from occurring again. Mrs. Wilson's case is a compelling one which we believe the Senate should alleviate.●

By Ms. SNOWE:

S. 420. A bill to provide a mandatory minimum sentence for State crimes involving the use of a firearm, impose work requirements for prisoners, and prohibit the provision of luxury items to prisoners; to the Committee on the Judiciary.

LEGISLATION TO ESTABLISH MANDATORY MINIMUM SENTENCES FOR STATE CRIMES INVOLVING THE USE OF A FIREARM.

● Ms. SNOWE. Mr. President, I rise today to introduce a bill which will establish a mandatory minimum sentence for State crimes involving the use of a firearm. This bill also imposes work requirements for prisoners and prohibits the government from providing such amenities as televisions, stereos, or other amenities in the cell of any inmate.

As a staunch supporter of the 2nd Amendment, I believe laws are needed to punish criminals, without imposing on a law-abiding person's right to own a firearm. This legislation would not apply to individuals who use a firearm in self-defense. It applies only to criminals who are convicted of committing a crime of violence which is punishable for a year in jail. Because it is not illegal to defend oneself, individuals who use firearms in self-defense are not subject to the provisions of this bill, nor would they be incarcerated for a year or more for properly defending themselves. This bill states clearly that the sentences apply only after a criminal is convicted of a crime. As such, this bill poses absolutely no threat to individuals who use firearms legally, including as a means to defend themselves.

The most important domestic function of the Federal government is the protection of the personal security of individual Americans through the enactment and enforcement of laws against criminal behavior. Tough Federal laws, such as mandatory minimum prison sentences for violent crimes committed with a firearm and truth-in-sentencing, would serve as deterrents to persons who might be disposed to commit violent crimes.

It is also important to keep in mind, the penalties of this bill apply only after a criminal has been convicted, they are not available to a prosecutor until after the state investigation has been completed and the case is closed. Therefore, federal law enforcement agencies are given no role in the state's investigation and no authority in state jurisdictions. This prevents Federal Agencies from imposing itself on the jurisdictions of the states. In addition, my bill clearly states that the bill is not intended to supplant the efforts of states to curtail violent crime and that the Attorney General must give "due deference" to state and local prosecutors in their work.

This legislation is also needed to ensure prisons remain punitive and do not digress further into vacation locations. With passage of this legislation, the Attorney General will implement and enforce regulations mandating prison work for all able-bodied inmates in Federal correctional institutions. These regulations will also prohibit the Federal Government from providing televisions, radios, stereos, and other similar amenities in the cell of any inmate.

I would encourage my colleagues, who are serious about combating crime, to join me as a co-sponsor of this important legislation.●

By Mr. KYL (by request):

S. 421. A bill to approve a mutual settlement of the Water Rights of the Gila River Indian Community and the United States, on behalf of the Community and the Allottees, and Phelps Dodge Corporation, and for other purposes; to the Committee on Indian Affairs.

THE GILA RIVER INDIAN COMMUNITY—PHELPS DODGE CORPORATION WATER RIGHTS SETTLEMENT ACT OF 1999

● Mr. KYL. Mr. President, I rise today to introduce a bill to authorize an Indian water rights settlement agreement that was entered into on May 4, 1998 by the Gila River Indian Community of Arizona and the Phelps Dodge Corporation.

This bill is identical to the legislation I introduced in the last session of Congress. As I said upon introduction last year, this particular settlement is part of a much larger, comprehensive settlement process that will eventually settle all claims of the Gila River Indian Community. I strongly endorse the settlement process and want to encourage all parties to continue their negotiations. Although I am introducing this measure today as free-standing legislation, it is inextricably linked to the outcome of the rest of the negotiations. So while I am encouraged by the settlement process, I am not yet comfortable with pieces of it moving independently.

As I did last session, I put this bill on the table so that all interested parties may have a document around which to gather and continue their conversations. While this particular piece of the settlement may be further along than others, I do not want to see pieces move separately. My preference is that the parties arrive at a comprehensive settlement that fully and finally addresses all aspects of the Gila River Indian Community's claim.

Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This title may be cited as the "Gila River Indian Community-Phelps Dodge Corporation Water Rights Settlement Act of 1999" and is herein referred to as "this Act."

SEC. 2. PURPOSE.

It is the purpose of this Act—

(a) to ratify, approve and confirm the Settlement Agreement among the Gila River Indian Community, Phelps Dodge Corporation, and the United States of America;

(b) to authorize and direct the Secretary of the Interior to execute and perform his duties under the Settlement Agreement and this Act; and

(c) to authorize and direct the Secretary to perform certain actions which will assist in achieving a settlement of the water rights claims of certain Indian tribes in the Little Colorado River Basin in Arizona.

SEC. 3. DEFINITIONS.

As used in this Act, the following terms have the following meaning—

(a) "Allottees" shall mean the owners of beneficial interests in allotted land within the Gila River Indian Reservation.

(b) "Blue Ridge Reservoir" means that Reservoir in Navajo County, Arizona, owned by Phelps Dodge, as more fully described in the Settlement Agreement.

(c) "CAP" shall mean the Central Arizona Project, a reclamation project constructed by the United States pursuant to the Colorado River Basin Project Act of September 30, 1968, 82 Stat. 885, as amended.

(d) "CAWCD" shall mean the Central Arizona Water Conservation District, a political subdivision of the State of Arizona, which has executed a contract to repay to the United States the reimbursable costs of the CAP.

(e) "Community" shall mean the Gila River Indian Community, an Indian community organized under Section 6 of the Indian Reorganization Act of June 18, 1934, 48 Stat. 987, duly recognized by the Secretary, and its members.

(f) "Community's CAP Contract" shall mean that contract between the Gila River Indian Community as the United States, dated October 22, 1992, providing for the delivery to the Gila River Indian Community of up to 173,100 acre-feet per annum of CAP water.

(g) "Globe Equity No. 59" shall mean the decree entered June 29, 1935, in that action styled as The United States of America v. Gila Valley Irrigation District, et al., Globe Equity No. 59 in the District Court of the United States in and for the District of Arizona, as amended and supplemented.

(h) "Hopi Tribe" shall mean the federally recognized Indian tribe of that name.

(i) "Navajo Nation" shall mean the federally recognized Indian tribe of that name.

(j) "Phelps Dodge" shall mean Phelps Dodge Corporation, a New York corporation, its subsidiaries, affiliates, predecessors, successors and assigns.

(k) "Pueblo of Zuni" shall mean the federally recognized Indian tribe of that name.

(l) "Reservation" shall mean the Gila River Indian Reservation, as it existed on the Initial Effective Date of the Settlement Agreement, as shown on the map attached to the Settlement Agreement as Exhibit "B" thereto.

(m) "San Juan Southern Paiute Tribe" shall mean the federally recognized Indian tribe of that name.

(n) "Secretary" shall mean the Secretary of the Interior or his lawful designee.

(o) "Settlement Agreement" shall mean that agreement dated as of May 4, 1998, among Phelps Dodge, the Community and the United States.

(p) "SRP" shall mean the Salt River Project Agricultural Improvement and Power District, a political subdivision of the State of Arizona, and the Salt River Valley Water Users' Association, an Arizona corporation.

(q) "United States" shall mean the United States of America, in its capacity as trustee for the Community and of the Reservation; as trustee for the Allottees and of allotted lands on the Reservation; and, with respect to Section 5.2 of the Settlement Agreement, in all other capacities required in order to execute the agreements and other instruments and to take the actions referred to in Section 5.2 of the Settlement Agreement, including acting for the part of Defense Plant Corporation.

SEC. 4. APPROVAL OF SETTLEMENT AGREEMENT.

The Settlement Agreement is ratified, approved and confirmed. The Secretary shall execute the Settlement Agreement within sixty days of the enactment of this Act and shall perform all of the Secretary's duties thereunder as provided herein and in the Settlement Agreement.

SEC. 5. TRANSFER OF RESERVOIRS.

The Secretary shall take all actions specified in Section 5.0 of the Settlement Agreement necessary on the Secretary's part to obtain title to Blue Ridge Reservoir from Phelps Dodge. The title to Blue Ridge Reservoir, once acquired by the Secretary, shall be held by the Secretary in trust for the benefit of the Navajo Nation. In connection with the Secretary's performance of his obligations under Section 5.0 of the Settlement Agreement, the Navajo Nation, the Hopi Tribe, the San Juan Southern Paiute Tribe, the Pueblo of Zuni, and the United States, on behalf of each of them, are authorized to execute waivers of claims against Phelps Dodge and agreements not to object to certain uses of water by Phelps Dodge in substantially the form of Exhibits "E" and "J" to the Settlement Agreement, which waivers and agreements are hereby ratified, approved and confirmed. The Navajo Nation, and the United States on behalf of the Navajo Nation, is further authorized to enter into an agreement with the Arizona Game & Fish Department confirming a minimum pool of water in Blue Ridge Reservoir and for other purposes in substantially the form of Exhibits "G" and "I" to the Settlement Agreement, which agreements are hereby ratified, approved and confirmed.

SEC. 6. REALLOCATION OF CAP WATER.

Simultaneously with the transfer of Blue Ridge Reservoir to the United States as provided for in Section 5 of this Act, the Secretary shall: (i) reallocate to the Community 12,000 acre-feet of the CAP water available to the Secretary pursuant to Section 406(b) of Title IV of Public Law 101–628, 104 Stat. 4483; (ii) amend the Community's CAP Contract to include the CAP water reallocated to the Community pursuant to this Section 6; and, (iii) amend the Community's CAP Contract to extend the term thereof to 100 years, plus such additional term as may result from the exercise of the option provided for in, or other extension of, the Lease referred to in Section 7 of this Act.

(a) All water service capital charges and other capital charges of any nature associated with the CAP water reallocated to the Community pursuant to this Section 6 shall be non-reimbursable to the United States by the Community.

(b) All water service capital charges and other capital charges of any nature associated with 10,000 acre-feet of that CAP water currently available to the Community under the Community's CAP Contract which shares a priority with 510,000 acre-feet of non-Indian municipal and industrial CAP water shall be non-reimbursable to the United States by the Community.

(c) For purposes of determining the allocation and repayment of costs of the CAP as provided in Article 9.3 of Contract Number 14-0906-09W-09245, Amendment No. 1, between the United States and CAWCD dated December 1, 1988, and any amendment or revision thereof, all of the water service capital charges and other capital charges of any nature associated with the water described in Subsections 6(a) and 5(b) hereof shall be non-reimbursable and shall be excluded from CAWCD's repayment obligation.

(d) The United States shall either:

(1) not charge operation, maintenance, and replacement (OM&R) charges to the Community on the first 8,000 acre-feet of CAP water made available to the Community pursuant to this Act, and shall itself pay any such charges as are associated with such 8,000 acre-feet of CAP water; or

(2) charge the Community only that portion of the OM&R charges associated with electrical energy pumping for the entire 12,000 acre-feet of CAP water made available to the Community pursuant to this Section 6, and shall itself pay all other OM&R charges associated with such 12,000 acre-feet of CAP water.

(e) In the event the CAP water made available to the Community pursuant to this Act is leased to Phelps Dodge as provided for in Section 7 hereof, the charges by the United States to Phelps Dodge for such water when delivered under the Lease shall be as provided in subsections (d)(1) or (d)(2) of this Section 6.

(f) In the event the exchange provided for in Section 8 of this Act is not approved, the Secretary shall reallocate to Phelps Dodge 8,000 acre-feet of the CAP water referred to in subsection 6(b) hereof, shall amend the Community's CAP contract to reflect such reallocation, and shall enter into a contract with Phelps Dodge for permanent service for the delivery of such water to Phelps Dodge through the works of the CAP. The CAP water shall be free of all capital charges as provided in subsections 6(b) and 6(c) of this Act. The United States shall charge Phelps Dodge OM&R charges for such water only as provided in either subsections 6(d)(1) or 6(d)(2) hereof and shall itself pay such portions of the OM&R charges as are not paid by Phelps Dodge.

(g) the provisions of Section 226 of Public Law 97-293, 96 Stat. 1273, 43 U.S.C. §485h(f) shall not apply to actions taken by the Secretary pursuant to Sections 6, 7 or 8 of this Act.

SEC. 7. CAP WATER LEASE.

The Lease referred to in Section 7.0 of the Settlement Agreement and attached thereto as Exhibit "M" is hereby ratified, approved and confirmed. Notwithstanding the preceding sentence, the Lease shall not be effective as to the United States, and the Secretary shall not execute the Lease, until all environmental compliance associated with the Secretary's execution of the Lease has been completed and the exchange referred to in section 8 of this Act has been approved as provided in that Section. In the event the Lease becomes effective, the Secretary and the Community may renew or extend the Lease at the end of the initial term, or any extended term of the Lease provided for in the initial Lease, upon such terms as the Community, the Secretary and Phelps Dodge may agree, provided that any such renewal or extension shall not exceed 100 years in term. Subject to the completion of environmental compliance, CAP water made available pursuant to the Lease may be used in the manner and at the locations provided for therein, including exchange for use in any county in Arizona outside the CAWCD service area.

SEC. 8. EXCHANGE AGREEMENT.

The Secretary and the Community are authorized to enter into an exchange agreement with Phelps Dodge pursuant to which the CAP water leased to Phelps Dodge by the Community under the Lease authorized under Section 7 hereof is delivered by Phelps Dodge to the Community in return for the right to divert water from the Gila River upstream of the Reservation. The term of any such exchange agreement, if approved as required by this Section 8, shall be for 100 years, plus any additional term occasioned by the exercise of the option contained in the Lease or other extension authorized in the Lease or this Act. The Secretary shall commence negotiations with respect to the exchange agreement forthwith upon the enactment of this Act and shall process all environmental compliance associated with the exchange agreement and the Lease in an expeditious manner. The Secretary shall not executive the exchange agreement until all such environmental compliance has been finally concluded as provided in the Settlement Agreement and any necessary order approving the exchange, or any aspect of the exchange, has been obtained from the United States District Court in Globe Equity No. 59 and the order is final and subject to no further appeal.

SEC. 9. APPROVAL OF WAIVERS.

The waivers set forth in Section 9.0 of the Settlement Agreement shall be effective, and shall be binding upon, the Community, and the United States, on behalf of the Community and the Allottees, from and after the date either of the conditions set forth in Section 4(c) of the Settlement Agreement occurs. The United States is authorized and directed to execute the Settlement Agreement on behalf of the Allottees in its capacity as trustee for the Allottees and of allotted lands on the Reservation, and the Settlement Agreement shall be binding upon the Allottees.

SEC. 10. MISCELLANEOUS.

(a) Execution of the Settlement Agreement by the Secretary as required by this Act, and the Secretary's performance of the actions necessary to acquire title to Blue Ridge Reservoir for the benefit of the Navajo Nation pursuant to Section 5.0 of the Settlement Agreement shall not constitute major federal actions under the National Environmental Policy Act (42 U.S.C. §4321 et seq.). The Secretary shall carry out all environmental compliance required by Sections 7 and 8 of this Act. Nothing in this Act shall be construed as exempting the United States from carrying out environmental compliance associated with the use of water from Blue Ridge Reservoir by the United States for the benefit of the Navajo Nation in the Little Colorado River Basin in Arizona.

(b) The Navajo Nation, and the United States on behalf of the Navajo Nation, are authorized to enter into an agreement with the Town of Payson, Arizona, and the unincorporated communities of Pine and Strawberry, Arizona ("the Towns") or any one of them, to subordinate water rights held in Blue Ridge Reservoir by the United States for the benefit of the Navajo Nation to rights to the use of not of exceed a cumulative total of 3,000 acre-feet per annum of water in Blue Ridge Reservoir acquired by the Towns pursuant to the law of the State of Arizona.

(c) The Navajo Nation, and the United States on behalf of the Navajo Nation, are authorized to enter into an agreement with Phelps Dodge to subordinate water rights held in Blue Ridge Reservoir by the United States on behalf of the Navajo Nation to water rights acquired by Phelps Dodge in Blue Ridge Reservoir subsequent to the date of the enactment of this Act pursuant to the law of the State of Arizona for use on land owned by Phelps Dodge around Blue Ridge Reservoir identified in the Settlement Agreement. The term of any such agreement and the consideration to be paid therefor shall be as agreed to among the Navajo Nation and Phelps Dodge.

(d) With regard to the environmental compliance required for the actions contemplated in Sections 7 and 8 of this Act, the Bureau of Reclamation shall be designated as the lead agency, and shall coordinate and cooperate with the other affected federal agencies as required under applicable federal environmental laws.

(e) The Secretary and the Community are authorized to execute any amendments of the Settlement Agreement and to perform any action required by any amendments to the Settlement Agreement which may be mutually agreed upon by the parties.

(f) Except for the waivers authorized by Section 5 of this Act, nothing in this Act or the Settlement Agreement shall be construed to quantify or otherwise affect the water rights, claims or entitlement to water of any Arizona tribe, band or community or of any claimant in the Gila River Adjudication, other than the Community, the United States on behalf of the Community and the Allottees, and Phelps Dodge.

(g) Any party to the Settlement Agreement, and to the Lease and the exchange agreement referred to in Sections 7 and 8 hereof, respectively, if the same are approved, may bring an action or actions exclusively in the United States District Court for the District of Arizona for the interpretation and enforcement of this Act, the Settlement Agreement, the Lease and the exchange agreement, naming the United States and the Community as parties, and in any such action or actions, any claim by the United States or the Community to sovereign immunity from suit is hereby waived.●

By Mr. MURKOWSKI:

S. 422. A bill to provide for Alaska state jurisdiction over small hydroelectric projects; to the Committee on Energy and Natural Resources.

ENERGY LEGISLATION

• Mr. MURKOWSKI. Mr. President, I am today introducing legislation to allow the State of Alaska to take responsibility for regulating small (5 megawatts or less) hydroelectric projects located in Alaska. This legislation is identical to section 1 of S. 439 in the 105th Congress, which was reported unanimously by the Committee on Energy and Natural Resources and was passed unanimously by the Senate. Unfortunately, because the Senate passed the legislation late in the session, the House did not have time to act before Congress adjourned.

Let me describe why this legislation is needed. Simply put, FERC's licensing process is too expensive and too cumbersome for many small hydroelectric projects in Alaska. For a large project costing tens or hundreds of millions of dollars the burden of obtaining a FERC license is large, but relatively small as compared to the total cost. However, for a small project located in a remote region of Alaska, FERC's licensing process is a major problem. All too often, the burden of the licensing process alone dooms an otherwise economically viable and environmentally beneficial project. And those small hydro projects it does not doom, FERC's process increases significantly their cost—which is just passed on to consumers in terms of higher electricity rates.

For other States this may not be very significant, but it is for Alaska. Alaska already has the most expensive electricity in the United States. Alaska's average residential price of electricity is 36 percent higher than the U.S. average, and in some parts of Alaska the residential price reaches a stunning 43 cents per kilowatt hour—5 times the U.S. average. Why so expensive? Primarily because it is produced by diesel generators, which are both relatively inefficient and use expensive fuel. Compared to diesel generators, hydroelectric power is much less expensive.

It is important to note that hydroelectric power is much more environmentally benign as compared to diesel-fired generation: Hydroelectric generation produces no air emissions as does diesel-fired generation. Thus, anything we can do to promote the construction of hydroelectric projects will also help the environment of Alaska.

In this connection, it is also important to note that this legislation does not exempt Alaska's small hydro projects from regulation. Instead, it allows the State of Alaska to regulate in lieu of FERC. I ask: Who is more interested in the environment of Alaska—Alaskans or a distant FERC? Moreover, the legislation allows Alaska to regulate only after FERC has determined that the State has in place a regulatory program which "protects the public interest . . . and the environment to the same extent provided by . . . [the FERC]." Finally, the legislation specifically requires the full application of all "Federal environmental, natural resources, or cultural resources protection laws. . . ." Thus, enactment of this legislation will fully protect the environment and the public interest.

In summary, if enacted this legislation will benefit both Alaska's environment and its economy.•

By Mr. McCAIN:

S. 423. A bill to prohibit certain Federal payments for certain methadone maintenance programs, and for other purposes; to the Committee on finance.

ADDICTION FREE TREATMENT ACT

• Mr. McCAIN. Mr. President, today I am introducing the Addiction Free Treatment Act which reforms our Nation's drug policy regarding the treatment of heroin addiction.

This bill would restrict Medicaid reimbursements and funding through the Substance Abuse and Mental Health Services Administration for methadone and LAM maintenance programs. Maintenance programs would be limited to six months. The bill requires that such programs conduct regular drug testing, report all results, and terminate methadone treatment to any patient testing positive for any illegal drugs. The legislation directs the National Institute of Drug Abuse to study the methods and effectiveness of non-pharmacological, and methadone-to-abstinence heroin rehabilitation programs, and requires the Center for Substance Abuse Treatment to provide an annual report to Congress on the relative effectiveness of heroin treatment programs in achieving freedom from chemical dependency.

Mr. President, few crises represent a more fundamental threat to the basic institutions of our society then substance abuse and addiction, and there are few drugs that do more harm than heroin. Heroin use in the United States continues to rise. Drug use among teenagers is increasing and the number of teenagers using heroin for the first time is higher than at any other point in our history. Between 1992 and 1996, heroin use among college-age students increased an estimated 10 percent. Currently, there are an estimated 810,000 chronic heroin addicts living in the United States with over 115,000 heroin addicts participating in methadone programs.

Drug addiction undermines family, work, friendships, and communities. The drug trade, which feeds the addict, undermines the security and stability of our neighborhoods through violence and other crime-related phenomena.

At its core, drug addiction does violence to the basic humanity of the addict, robbing him or her of the most fundamental element of their existence—their freedom. The addict is enslaved by the need to get a fix; all other needs become secondary to the physical and psychological drive to feed the hunger of addiction. This enslavement goes to the core of the debate surrounding the use of methadone maintenance as a solution to heroin addiction: What have we done to restore the human condition if we have not freed the addict of chemical dependency?

Methadone maintenance programs simply transfer addiction from one narcotic to another. The methadone patient is every bit as dependent on methadone as he or she was with heroin. Patients who attempt to free themselves from their addiction to methadone experience withdrawal symptoms that are as violent, if not more than, those they would experience coming off of heroin. What is more, even the promise of freedom from illegal drug use is an illusion. For many methadone patients regularly test positive for other illegal drugs. And yet, for some 30 years, the only hope that U.S. policy has offered to our citizens addicted to heroin is an Orwellian addiction swap.

In the 105th Congress, I, along with Senator COATS and Senator COVERDELL, introduced a Senate Resolution addressing the topic of methadone treatment. The resolution was a response to an emerging Clinton Administration policy designed to dramatically increase the federal government's activities in the area of methadone treatment. Barry McCaffrey, the so-called Drug Czar, proposed that ONDCP would double the number of heroin addicts in methadone treatment. Mr. President, this sounds less like the policy of a Drug Czar, and more like the policy of a drug bazaar—a bazaar where the federal government trades places with the street dealer, swapping heroin for methadone and feeding the addiction with taxpayer dollars.

This is disgusting and it is immoral. It does serious harm to the humanity of those people who have mustered the courage to walk into a clinic seeking help to free themselves from addiction. It is the ultimate in cruel irony that our government's first response should be to trade the shackles of heroin for the shackles of methadone.

The fundamental flaw of methadone treatment as a national anti-drug policy is that it is not an anti-drug policy at all. As I have said, methadone simply transfers addiction from one drug to another. To say that this is effective, because the symptoms of methadone addiction are more tolerable to society and less dramatic for the addict, is to miss the most fundamental point—that is that addiction enslaves the individual. That slavery is no less onerous to the basic humanity, to the dignity of the addict simply because the drug has been endorsed by the FDA, prescribed by a physician and paid for with taxpayer dollars.

After 30 years of methadone, is there nothing better to offer to the heroin addict? The answer is an emphatic yes. Drug addiction is a complicated condition. It has behavioral, social/environmental, and physical characteristics. If we are to free individuals from heroin addiction, we must adopt policies supporting programs that address, in an intensive and comprehensive way, each of these areas of concern.

Throughout society, in our homes, neighborhoods, communities, and in public policy fora, there has been much debate surrounding the decay of our civil society. A certain consensus has emerged regarding how best to address this crisis. That consensus centers around the need to rebuild the mediating structures of our society—family, neighborhood, church, and volunteer associations.

If we are to free the addict from the slavery of drug addiction—be it heroin or methadone—rebuilding or, in many cases, introducing for the first time these same mediating structures into the life of the addict must play a central role.

There are models for success. Just ask Rev. Sam McPherson. Rev. McPherson has spent his life tending to the needs of drug addicts. He now runs a Ready, Willing, and Able rehabilitation center on Florida Avenue here in Washington. It is an extraordinary and inspiring place.

Founded on a drug-free principle, Ready, Willing, and Able embraces the addict, first demanding detoxification, and then dealing in a sustained and comprehensive way with the bundle of needs that contributed to the participant's drug use and addiction, and that result in recidivism if left unresolved.

Dr. Robert Woodson, in his recent book "The Triumphs of Joseph", describes the many examples of community-based organizations that have succeeded in healing the scourge of drug addiction, lifting people up from the slavery of dependency—people like Freddie and Nina Garcia, who run the Victory Fellowship, based out of San Antonio.

Some thirty years ago, Freddie Garcia and his wife began their operation in a tiny one-bedroom house, at one point moving all their furniture under a make-shift awning outside the house to make room for eleven recovering addicts who slept on their living room floor. Today, the Victory Fellowship has freed more than 13,000 men and women from their addictions and has spread to 65 satellite centers in California, Texas, New Mexico, Peru, Puerto Rico, Columbia and Venezuela.

Dr. Woodson puts it this way: "In contrast with psychiatric therapy and treatment that relies on medication, the goal of grassroots programs is not rehabilitation but transformation. Their end is not to modify behavior but to engender a change in the values and vision of the people they work with which will, in turn affect behavior . . . they do not simply curb deviant behavior but offer something more—a fulfilling life that eclipses the power of temptation."

These community-based institutions possess certain common characteristics that can serve as a model for all who seek to address the challenges of addiction:

(1) Their programs are open to all comers. Often, these programs take the worst cases, the long-term, homeless addicts that the "system" has abandoned as hopeless.

(2) They have the same zip code as the people they serve. They do their work in the same neighborhoods, on the same streets as the addicts they serve. Reverend McPherson points out one of the pleasant benefits of Ready, Willing and Able: When they come into a neighborhood, the drug dealers go away. They leave because there is an unwritten code. If these guys are trying to get off of heroin, the dealers go somewhere else, taking their trade out of sight of the very addicts they have enslaved.

(3) Their approach is flexible to the needs of the individual. The many behavioral, social/environmental, and physical challenges that contribute to drug addiction are unique to each individual. These organizations develop individualized programs for each individual.

(4) They contain a central element of reciprocity. As Dr. Woodson says: "They do not practice blind charity but require something in return from the individuals they serve."

(5) Clear behavioral guidelines and discipline are critical.

(6) These healers fulfill the role of parent, providing authority and structure, but also love and support.

(7) They are committed for the long haul, not just for the duration of funding.

(8) They are on-call 24 hours a day, 7 days a week for as long as the participant needs them.

(9) The healing offers immersion in an environment of care and mutual support with a community of individuals who are trying to accomplish the same changes in their lives.

(10) They are united in their cause, providing mutual support in their struggles, and celebration in their accomplishments.

These concepts are not new. But combined and sustained, they offer hope and success in freeing the addict from a life of chemical dependency. That freedom should be the policy of the United States Government, and the relentlessly pursued goal of everyone concerned with the scourge of heroin addiction.•

By Mr. COVERDELL (for himself, Mr. THURMOND, Mr. SMITH of New Hampshire, Mr. GRASSLEY, and Mr. HELMS):

S. 424. A bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Health, Education, Labor, and Pensions.

THE NATIONAL RIGHT TO WORK ACT OF 1999

• Mr. COVERDELL. Mr. President, I am pleased to introduce along with my distinguished colleagues Senators THURMOND, SMITH of New Hampshire, GRASSLEY, and HELMS the National Right to Work Act of 1999.

This bill does not add a single word to Federal law. Rather, it repeals those sections of the National Labor Relations Act and Railway Labor Act that authorize the imposition of forced-dues contracts on working Americans. I believe that every worker must have the right to join or support a labor union. This bill protects that right. But no worker should ever be forced to join a union.

I am happy to say that my own state of Georgia is among the 21 states that is a "Right to Work" state and has been since 1947. According to U.S. News and World Report, 7 of the strongest 10 state economies in the Nation have Right-to-Work laws. Workers who have the freedom to choose whether or not to join a union have a higher standard of living than their counterparts in non Right-to-Work states. According to Dr. James Bennet, a prominent economist at George Mason University's highly respected economic program, urban families in Right-to-Work states have approximately $2,852 more annual purchasing power than urban families in non-Right to Work states; particularly when the lower taxes, housing and food costs are taken into consideration.

According to a poll by the respected Marketing Research Institute, 77 percent of Americans support Right to Work, and over 50 percent of union households believe that workers should have the right to choose whether or not to join or pay dues to a labor union. That should be no surprise. This is about freedom. The Right to Work expands every working American's personal freedom.

Mr. President, I urge my colleagues to support this legislation. It expands the freedom of hard working Americans and ensures them the choice of whether to accept or reject union representation and union dues without coercion, violence or work-place harassment.•

By Mr. ASHCROFT (for himself, Mr. BROWNBACK, Mr. BAUCUS, and Mr. KERREY):

S. 425. A bill to require the approval of Congress for the imposition of any new unilateral agricultural sanction, or any new unilateral sanction with respect to medicine, medical supplies, or medical equipment, against a foreign country; to the Committee on Foreign Relations.

FOOD AND MEDICINE FOR THE WORLD ACT OF 1999

• Mr. ASHCROFT. Mr. President, today, I am introducing, with Senators Brownback, Baucus, and Kerrey, the Food and Medicine for the World Act of 1999. It's a bill that will help America's farmers, ranchers, and related industries, keep on selling their food and medicine to the world.

For over 200 years, farmers and ranchers have been vital to the growth and economic prosperity of the United States—always responding to the challenges of our competitive free-market system with efficient production methods. The agricultural industry is one of the Nation's largest employers. Missouri is the Nation's second leading state in its number of farms. Clearly, the agricultural industry is a backbone to Missouri's economy, accounting for more than $4 billion annually.

The United States has the best farmers in the world—first class in their production, storage, transportation, processing, and marketing. We can produce more food than any other country, yet the United States only accounts for five percent of the world's consuming population. That leaves 95 percent of the world's consumers outside of our borders. And because of our farmers' efficiency and ability to meet U.S. domestic demand, they rely increasingly on their ability to sell products in foreign markets.

Exports now account for 30 percent of gross cash receipts for America's farmers, and nearly 40 percent of all U.S. agricultural production is exported. Therefore, it is imperative that we ensure that our farmers have ample export opportunities.

Our farmers and ranchers need our help in opening markets abroad and keeping those markets open. Once farmers jump through all the hoops of foreign trade barriers and red tape to establish trusted relationships with foreign buyers, the U.S. government should be extremely cautious about sanctioning their sales and forcing them to lose their markets. Many farmers' livelihood depends on sales overseas. In 1997, more than one-fourth of Missouri's farm marketing came from sales overseas.

We know that sanctions hurt America's farmers and ranchers. And we know that sanctions against agriculture and medicine are detrimental to the world's poor that have to live under the rule of tyrants. That is why I am introducing the Food and Medicine for the World Act. This bill tries to ensure that farmers don't get sanctioned for the bad acts of foreign governments, and the health and welfare of the world's poor are not damaged further by their leader's indiscretions.

Under the Food and Medicine for the World Act, whenever any new unilateral sanction is announced by the President, the sanctions he imposes will not affect agriculture or medicine unless he tells Congress why it is necessary to sanction these products and unless Congress approves the sanction. If the Food and Medicine for the World Act is passed, there will not be any more sanctions against U.S. agricultural exports without agreement between the Administration and Congress and without serious deliberation about the effects on America's farmers and ranchers. Our farms should not be sanctioned without the consent of Congress.

The Food and Medicine for the World Act sends a message to customers overseas that U.S. farmers and ranchers will be reliable. People around the world depend on our farm products and on U.S. produced medical supplies. When tyrants challenge U.S. foreign policy, we must not respond by cutting off the supply of food and medicine to their poor. The health and welfare needs of those abroad will be best served if we ensure that our farmers and producers are a continuous source of food and medical supplies.

The Food and Medicine for the World Act also sends a message to U.S. farmers and ranchers that their livelihood will not be used as a foreign policy tool without due deliberation and involvement of both the President and Congress.

Farmers and ranchers are twice as reliant on foreign trade as the U.S. economy as a whole. It is time for us to enact policy that reflects our support for their efforts to reach their competitive potential internationally.

Mr. President, I ask that the text of the bill be printed in the Record.

The bill follows:

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food and Medicine for the World Act of 1999".

SEC. 2. REQUIREMENT OF CONGRESSIONAL APPROVAL OF ANY NEW UNILATERAL AGRICULTURAL SANCTION.

(a) Definitions.—

(1) Agricultural commodity.—The term "agricultural commodity" has the meaning given the term in section 402 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1732).

(2) Agricultural program.—The term "agricultural program" means—

(A) any program administered through the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480; 7 U.S.C. 1701 et. seq.);

(B) any program administered through section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) any commercial sale of agricultural commodities or agricultural products, including plant nutrient materials; or

(D) any export financing (including credits or credit guarantees) for agricultural commodities or agricultural products.

(3) New unilateral agricultural sanction.—The term "new unilateral agricultural sanction" means any prohibition, restriction, or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States on or after the date of enactment of this Act for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(4) New unilateral sanction with respect to medicine, medical supplies, or medical equipment.—The term "new unilateral sanction with respect to medicine, medical supplies, or medical equipment" means any prohibition, restriction, or condition on trade in, or the provision of assistance consisting of, medicine, medical supplies, or medical equipment with respect to a foreign country or foreign entity that is imposed by the United States on or after the date of enactment of this Act for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(5) Session day of Congress.—The term "session day of Congress" means any day on which a House of Congress is in session.

(b) Restriction.—Notwithstanding any other provision of law and subject to subsection (c), the President may not impose a new unilateral agricultural sanction against a foreign country, or a new unilateral sanction with respect to medicine, medical supplies, or medical equipment against a foreign country, unless—

(1) not less than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(A) describes the activity proposed to be prohibited, restricted, or conditioned; and

(B) describes the actions by the foreign country that justify the sanction; and

(2) Congress enacts a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

(c) Exception.—Notwithstanding subsection (b), the President may impose a sanction described in that subsection—

(1) against a foreign country with respect to which—

(A) Congress has enacted a declaration of war; or

(B) the President has proclaimed a state of national emergency; or

(2) to the extent that the sanction would prohibit, restrict, or condition the provision or use of any commodity, product, medicine, supply, or equipment that is controlled on the United States Munitions List under section 38 of the Arms Export Control Act or the Commerce Control List under the Export Administration Act of 1979.

(d) Congressional Priority Procedures.—

(1) Joint resolution defined.—For the purpose of subsection (b)(2), "joint resolution" means only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under subsection (b)(1) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress approves the report of the President pursuant to section 2(b)(1) of the Food and Medicine for the World Act of 1999, transmitted on   .", with the blank completed with the appropriate date.".

(2) Referral of report.—The report described in subsection (b)(1) shall be referred

to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

(3) REFERRAL OF JOINT RESOLUTION TO COMMITTEE.—A joint resolution introduced in the House of Representatives shall be referred to the Committee on International Relations of the House of Representatives. A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. Such a joint resolution may not be reported before the eighth session day of Congress after its introduction.

(4) DISCHARGE FROM COMMITTEE.—If the committee of either House to which a joint resolution is referred has not reported the joint resolution (or an identical joint resolution) at the end of 30 session days of Congress after its introduction, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar of the House in which it was introduced.

(5) FLOOR CONSIDERATION.—

(A) MOTION TO PROCEED.—When the committee to which a joint resolution is referred has reported, or has been deemed to be discharged (under paragraph (4)) from further consideration of, a joint resolution, notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the respective House until disposed of.

(B) DEBATE ON THE JOINT RESOLUTION.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

(D) APPEALS OF RULINGS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution described in paragraph (1) shall be decided without debate.

(6) TREATMENT OF OTHER HOUSE'S JOINT RESOLUTION.—If, before the passage by one House of Congress of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(A) REFERRAL OF JOINT RESOLUTIONS OF SENDING HOUSE.—The joint resolution of the sending House shall not be referred to a committee in the receiving House.

(B) PROCEDURES IN RECEIVING HOUSE.—With respect to a joint resolution of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the sending House; but

(ii) the vote on final passage shall be on the joint resolution of the sending House.

(C) DISPOSITION OF JOINT RESOLUTIONS OF RECEIVING HOUSE.—Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution originated in the receiving House.

(7) PROCEDURES AFTER ACTION BY BOTH THE HOUSE AND SENATE.—If the House receiving a joint resolution from the other House after the receiving House has disposed of a joint resolution originated in that House, the action of the receiving House with regard to the disposition of the joint resolution originated in that House shall be deemed to be the action of the receiving House with regard to the joint resolution originated in the other House.

(8) STATUS OF PROCEDURES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.●

●Mr. BAUCUS. Mr. President, I rise today to join my colleagues in introducing the Food and Medicine for the World Act.

For years the United States has enacted economic sanctions to punish foreign governments, often without regard for the effects of those sanctions back home. Under a bill that I am introducing jointly with Senators ASHCROFT, BROWNBACK and KERREY, we can make more sense of our confusing sanctions policy. We can put an end to the practice of making our agricultural producers shoulder most of the blame when we impose sanctions.

The exchange of goods and ideas worldwide has never been freer; it is now axiomatic to say that we live in a global economy. It follows that as the rules governing economics have changed, so too should those related to economic sanctions. Unilateral economic action is less effective than it used to be, simply because it's rarely possible for one country or company to corner the market on a good or service.

Moreover, we often hurt ourselves with unilateral actions that disproportionately affect one sector of our economy over another. Our agricultural producers, for example, have long borne the brunt of American unilateral action. It is estimated that 10% of the world wheat market is put out of reach of U.S. producers by economic sanctions.

That's why I became a member of the Senate Sanctions Task Force last year, and it's why I am joining my colleagues in introducing the Food and Medicine for the World Act. Under this legislation, when any new unilateral sanction is announced by the President, the sanctions he imposes will not affect agriculture or medicine unless: the President submits a report to Congress asking that the sanction include agriculture; and Congress approves of his request. The process must be complete within 60 days before the sanctions against agriculture are supposed to go into effect. This bill would not take effect in the event that Congress has declared war or in the case of national emergency.

Mr. President, while I believe sanctions can be a legitimate tool of foreign policy, I don't think that American producers should be punished for the actions of unscrupulous foreign governments. Nor do I think it is fair to put an abrupt end to the supply of medicine based on the behavior of a dictator. We must send a message to the world that our producers are reliable and that those abroad who rely on U.S. products will not be put at risk by a sanction on U.S. food and medicine.

The Food and Medicine for the World Act sends that message, and I urge my colleagues to lend their support to the bill.●

ADDITIONAL COSPONSORS

S. 92

At the request of Mr. DOMENICI, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 148

At the request of Mr. ABRAHAM, the names of the Senator from Virginia (Mr. WARNER), the Senator from Ohio (Mr. DEWINE), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 148, a bill to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

S. 171

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 322

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 327

At the request of Mr. HAGEL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 343

At the request of Mr. BOND, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 380

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 380, a bill to reauthorize the Congressional Award Act.

S. 395

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 395, a bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceeding July 1997.

S. 403

At the request of Mr. ALLARD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 403, a bill to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

S. 407

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 407, a bill to reduce gun trafficking by prohibiting bulk purchases of handguns.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Indiana (Mr. BAYH), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE CONCURRENT RESOLUTION 9—CALLING FOR A UNITED STATES EFFORT TO END RESTRICTIONS ON THE FREEDOMS AND HUMAN RIGHTS OF THE ENCLAVED PEOPLE IN THE OCCUPIED AREA OF CYPRUS

Ms. SNOWE (for herself and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 9

Whereas respect for fundamental freedoms and human rights is a cornerstone of United States foreign policy;

Whereas the enclaved people of Cyprus, those Greek-Cypriots and Maronites living in the Karpas peninsula, are subject to restrictions of freedom and human rights;

Whereas the representatives of the two communities in Cyprus, who met in Vienna in August, 1975, under the auspices of the United Nations Secretary General, reached an agreement known as the Vienna three agreement, which, inter-alia, states that, "Greek-Cypriots in the North of the island (of Cyprus) are free to stay and they will be given every help to lead a normal life, including facilities for education and for the practice of their religion, as well as medical care by their own doctors and freedom of movement in the North . . . (and) the United Nations will have free and normal access to Greek-Cypriot villages and habitations in the North";

Whereas the key elements of this agreement have not been implemented and, in fact, severe restrictions have been placed on the daily lives of the enclaved people of Cyprus;

Whereas the United Nations Secretary General in his December 10, 1995 report on the U.N. operations in Cyprus sets out the recommendations contained in UNFICYP's (the United Nations Forces in Cyprus) humanitarian review, as endorsed by U.N. Security Council Resolution 1032(95), regarding the restrictions on the freedoms and human rights of the enclaved people of Cyprus, that:

(1) "The constant presence of the Turkish-Cypriot police in the daily lives of the Karpas Greek-Cypriots should be ended";

(2) "Karpas Greek-Cypriots and their visitors should be allowed to travel between the Karpas and the buffer zone crossing point in their own vehicles or in regular public transportation without police escort";

(3) "All restrictions on land travel within the northern part of Cyprus should be lifted";

(4) "Unrestricted availability of private telephones should be permitted when they become generally available and the Karpas Greek-Cypriots should be permitted to make private telephone calls from locations in the Karpas other than police stations without the presence of any official or other person";

(5) "Restrictions on hand-carried mail and newspapers should be lifted";

(6) "Secondary schooling for Greek-Cypriots should be facilitated in the Karpas, and teachers and school supplies for the Greek-Cypriots should be allowed to be provided from the south without hinderance";

(7) "All Karpas Greek-Cypriot students attending secondary schools or third-level institutions in the south should be allowed to return to their homes on weekends and holidays";

(8) "Access to and religious use of the monastery at Apostolos Andreas and the church there by the Greek-Cypriots of the Karpas peninsula and their clergy should be unrestricted";

(9) "Provision of funds from outside the northern area should be permitted for the renovation and maintenance of Greek-Cypriot schools and churches in the Karpas area";

(10) "Karpas Greek-Cypriots should be permitted visits by Greek-Cypriot doctors and medical staff";

(11) "There should be no hindrance at any time to children of Karpas Greek-Cypriots returning to their family homes without formality";

(12) "Karpas Greek-Cypriots should be allowed visits from close relatives who normally reside outside the northern part of Cyprus";

(13) "Karpas Greek-Cypriots should be allowed to bequeath fixed property in Karpas to their next of kin and in the event that such beneficiaries normally reside outside the northern part of the island, they should be allowed to visit bequeathed properties without hinderance or formality";

(14) "Restrictions on UNFICYP's freedom of movement to and from as well as within the Karpas area should be lifted";

(15) "Restrictions on the discharge by UNFICYP of its humanitarian and other functions with regard to Karpas Greek-Cypriots should be lifted and liaison posts should be established where the greatest number of Greek-Cypriots live in the north at the villages of Rizokarpaso and Ayias Trias. (The sole remaining permanent UNFICYP presence in the Karpas, a small liaison post, remains confined, with no freedom of movement, in the village of Leonarisso, where only 9 Greek-Cypriots still reside.)"; and

(16) "All restrictions preventing offshore fishing by the Greek-Cypriots of the Karpas should be lifted";

Whereas other restrictions on the freedom and human rights of the enclaved include:

(1) A requirement that enclaved males aged 18 to 50 report once a week to those in control;

(2) Harassment, beating, rape, and murder without investigation; and

(3) Lack of compensation for work performed;

Whereas U.N. Security Council Resolution 1062(96), inter-alia, expressed regret that "the Turkish-Cypriot side has not responded more fully to the recommendations made by UNFICYP and calls upon the Turkish-Cypriot side to respect more fully the basic freedoms of the Greek-Cypriots and Maronites living in the northern part of the island and to intensify its efforts to improve their daily lives";

Whereas on July 31, 1997, Cyprus President Glafcos Clerides and Turkish-Cypriot leader Rauf Denktash agreed to further address this issue along with other humanitarian issues; and

Whereas no substantive progress has since been made on the part of the Turkish side to implement the recommendations arising out of the humanitarian review undertaken by UNFICYP is 1995: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) strongly urges the President to undertake efforts to end restrictions on the freedoms and human rights of the enclaved people of Cyprus; and

(2) shall remain actively interested in the matter until the human rights and fundamental freedoms of the enclaved people of Cyprus are restored, respected and safeguarded.

• Ms. SNOWE. Mr. President, today I am submitting a concurrent resolution which calls for a United States effort to end the restrictions on the freedoms and violations of the human rights of the enclaved people in the occupied portion of Cyprus. I have introduced this legislation in the past, and I regret that these concerns are still with us.

Mr. President, I am aware that developments on Cyprus are not known to most Americans. Yet if I were to tell them that a small nation has had part of its land illegally occupied by a neighboring state for over 23 years, I know they would be both shocked and outraged.

The 23 years since the 1974 Turkish invasion of Cyprus have seen the end of the cold war, the collapse of the USSR, free elections in South Africa and a reunited Germany. Yet while the line through the heart of Berlin is gone, the line through the heart of Cyprus remains.

Over two decades ago, Turkey's brutal invasion drove more than 200,000 Cypriots from their homes. Turkey still controls about one-third of the island of Cyprus and maintains about 30,000 troops there. However, there remains, in northern Cyprus, a small remnant of 497 enclaved Greek-Cypriots. The reason they are referred to as the enclaved of Cyprus is that during the fighting in 1974 they mostly resided in remote enclaves and therefore were not able to flee the fighting and thus were not immediately expelled.

Mr. President, I believe that this resolution is important in serving to bring to the attention of the American people and the world community, the hardships and restrictions endured by these enclaved individuals.

In 1975, representatives of the Greek and Turkish Cypriot communities agreed that the Greek-Cypriots in the northern part of the island were to be given every help to lead a normal life. Twenty-two years later this is still not the case.

The presence of the Turkish-Cypriot police in the lives of the enclaved Greek-Cypriots is constant, and there are restrictions on land travel. Other human rights restrictions and deprivations include: Restrictions on private telephones; Restrictions on hand-carried mail and newspapers; Difficulties in receiving full educational opportunities; Restricted access to and religious use of the monastery at Apostolos Andreas; A requirement that enclaved males aged 18–50 must report once a week to those in control; and A lack of investigation with regard to harassment, beating, rape and murder.

Mr. President, this situation calls out for justice. By bringing these human rights violations to the attention of the American people, it is my hope, that we can bring the plight of these people to the world's attention. My resolution urges the President to undertake efforts to end the restrictions on the freedoms and human rights of the enclaved people. I will remain actively involved in this issue until their rights and freedoms are restored.

This is the least we can do for these people. While this resolution addresses the plight of the enclaved people of Cyprus, work must not cease on efforts to bring about a withdrawal of Turkish forces and a restoration of Cyprus' sovereignty over the entire island with the full respect of the rights of all Cypriots.

Mr. President, I urge my colleagues to join me in supporting this legislation.●

SENATE RESOLUTION 34—DESIGNATING NATIONAL YOUTH FITNESS WEEK

Mr. TORRICELLI (for himself, Mr. BAUCUS, Mr. LUGAR, Mr. DURBIN, and Mr. REID) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 34

Whereas the Nation is witnessing a historic decrease in the health of the youth in the United States, with only 22 percent of the youth being physically active for the recommended 30 minutes each day and nearly 15 percent of the youth being almost completely inactive each day;

Whereas physical education classes are on the decline, with 75 percent of students in the United States not attending daily physical education classes and 25 percent of students not participating in any form of physical education in schools, which is a decrease in participation of almost 20 percent in 4 years;

Whereas more than 60,000,000 people, ⅓ of the population of the United States, are overweight;

Whereas the percentage of overweight youth in the United States has doubled in the last 30 years;

Whereas these serious trends have resulted in a decrease in the self-esteem of, and an increase in the risk of future health problems for, youth in the United States;

Whereas youth in the United States represent the future of the Nation and the decrease in physical fitness of the youth may destroy the future potential of the United States unless the Nation invests in the youth in the United States to increase productivity and stability for tomorrow;

Whereas regular physical activity has been proven to be effective in fighting depression, anxiety, premature death, diabetes, heart disease, high blood pressure, colon cancer, and a variety of weight problems;

Whereas physical fitness campaigns help encourage consideration of the mental and physical health of the youth in the United States; and

Whereas Congress should take steps to reverse a trend which, if not resolved, could destroy future opportunities for millions of today's youth because a healthy child makes a healthy, happy, and productive adult: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning April 30, 1999, as "National Youth Fitness Week";

(2) urges parents, families, caregivers, and teachers to encourage and help youth in the United States to participate in athletic activities and to teach adolescents to engage in healthy lifestyles; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 35—RELATING TO THE TREATMENT OF VETERANS WITH ALZHEIMER'S DISEASE

Ms. SNOWE submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 35

Whereas an estimated 30 percent of the patients in veterans nursing home facilities suffer from Alzheimer's Disease or some other form of dementia;

Whereas only a very small number of facilities exist that are dedicated to treating patients with Alzheimer's disease and to developing improved protocols to treat the disorder;

Whereas the aging of the United States veterans population is expected to hinder the capability of traditional veterans nursing home facilities to care for veterans with Alzheimer's disease; and

Whereas research indicates that the traditional nursing home model may not provide the most effective method of treating patients with Alzheimer's disease: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) in authorizing medical facility projects and leases for the Department of Veterans Affairs, Congress should authorize projects and leases for facilities, in urban and rural locations, that are designed specifically for purposes of treating veterans with Alzheimer's disease and conducting research relating to Alzheimer's disease;

(2) the Secretary of Veterans Affairs should encourage innovation in the methods utilized by Department health care personnel in treating veterans with Alzheimer's disease; and

(3) the Secretary should encourage and facilitate the sharing of information on Alzheimer's disease among Department facilities and personnel.

ALZHEIMER'S DISEASE

● Ms. SNOWE. Mr. President, I rise today to submit a resolution in support of veterans suffering from Alzheimer's disease.

When I first came to Congress 20 years ago, not a single piece of legislation devoted to Alzheimer's disease had even been introduced. We have come a long way since then, as today Alzheimer's is a household word. It is also the most expensive uninsured illness in America. That is why I recently introduced legislation to allow families to deduct the cost of home care and adult day and respite care provided to a family member suffering from Alzheimer's disease.

The resolution I am submitting today is targeted to the challenges faced by veterans suffering from Alzheimer's disease and their families. I worked closely with the Maine Department of the Veterans of Foreign Wars [VFW] of the United States on this approach, after learning of the prevalence of this disorder in the veterans population in Maine and nationwide, and the need to improve treatment regimes.

The resolution expresses the sense of the Senate that in authorizing veterans medical facility projects, such as nursing homes, Congress should authorize projects for facilities in urban and rural areas specifically designed to treat veterans with Alzheimer's disease and conducting research into the disorder.

The resolution also expresses support for innovation in the methods used by VA personnel in treating veterans with Alzheimer's disease, and encourages the sharing of information on Alzheimer's disease among VA facilities and health care personnel.

Facilities authorized under this bill would provide a model for existing VA nursing homes that treat Alzheimer's disease and future homes dedicated exclusively to the treatment of Alzheimer's. These specially designed homes will formulate new protocols for the treatment of this devastating condition.

Currently, veterans homes have an average of 30 percent Alzheimer's patients. Serious questions have been raised concerning whether it is appropriate to treat this disorder in the traditional nursing home setting. Yet, the VA does not operate any facilities exclusively targeted at Alzheimer's disease, and the VA budget for construction funds for veterans nursing homes does not authorize construction of any unique long-term care projects. Authorizing the VA to explore new ways of treating Alzheimer's disease will enable the Department, which administers one of the largest health care networks in the country, to prepare for the future, when the aging of the veterans population is expected to hinder the ability of traditional veterans homes to care for Alzheimer's patients.

One of the most important components of this resolution is that a demonstration facility authorized by Congress will give the VA the freedom to design new and more effective protocols for treating Alzheimer's patients—including new approaches to care, administration, staffing, quality assurance, and other issues. Facilities are currently forced to comply with existing long-term care regulations, laws, building codes, and traditional medical models, which are often not compatible with the unique needs of patients suffering from Alzheimer's disease.

Advances made by facilities designed specifically to treat veterans with Alzheimer's will ultimately benefit all those who suffer with this disorder. Therefore, Mr. President, I strongly urge my colleagues to join me in supporting this legislation.•

SENATE RESOLUTION 36—AUTHORIZING TAKING OF PHOTOGRAPHS IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. McCONNELL, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 36

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting photographs to be taken on February 11 or 12, 1999, during the roll call vote on the Articles of Impeachment in the impeachment trial of the President of the United States.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

ADDITIONAL STATEMENTS

TROOPS TO TEACHERS IMPROVEMENT ACT OF 1999

• Mr. BINGAMAN. Mr. President, the Congress has an important opportunity to provide the youth of America with knowledge and experience that will benefit their future and therefore the future of this country. The Troops-to-Teachers program in the Department of Defense brings the technical talents and experience of retiring military personnel directly to American classrooms to benefit our young people. Former military personnel who enroll in Troops-to-Teachers bring essential mathematical, scientific, and technological expertise that our schools need in order to provide the Nation with the technical talent we will need to face the future. This is a "win-win" program that brings together age and experience with youth and energy. This program rewards those in uniform who have served the Nation by providing them with valuable training assistance needed for the transition to a classroom, and it rewards our young people with service professionals' knowledge and information gained while developing and using the latest technologies.

Congress established Troops-to-Teachers in 1993. Since then, over 3,000 men and women retiring from the military have received training to enable them to enter classrooms as qualified teachers. These men and women bring some very important fresh perspectives to American classrooms. About three quarters of the "Troops" are males, compared with about 25 percent male teachers in the Nation's public school systems. Almost a third of them have science, engineering, and technology backgrounds which are sorely needed in our schools at all levels. About a third of the "Troops" are minorities, compared to less than 10 percent minority instructors in our public schools. Many minority retirees and half of the "Troops" overall elect to teach in inner city or rural schools—the schools that are often most in need of additional teaching expertise.

This bipartisan bill introduced by my esteemed colleague, Senator McCAIN, would provide the critical financial support retiring service personnel need to gain teacher skills and would assist them in obtaining employment as teachers. I am honored to be an original cosponsor of S. 389, the Troops to Teachers Program Improvement Act of 1999. If enacted, this bill will provide a $2,000 stipend to help offset the cost of earning teacher certification. It would also provide grants to school districts for each new teacher they hire, and would set up Troops-to-Teacher Centers to manage the program in various states. Major grants up to $825,000 would be awarded to Institutions of Higher Education located near military installations to establish teacher certification programs tailored to meet the needs of retiring military personnel. Placement and referral assistance would also be available to personnel who enroll in the program.

Mr. President, in 1993 Troops-to-Teachers was an important initiative to help meet the needs of military personnel leaving the military services during the drawdown of our military forces. The drawdown has been completed, but that no longer matters. During the past five years, I believe we now know how valuable this program is regardless of whether our military forces shrink or grow. Retiring military personnel who, by definition, are "public servants" have a valuable combination of skills and commitment to apply their public service in another venue—America's classrooms. America's youth and the Nation's future will be the beneficiaries. I urge my colleagues to vote to enact the Troops-to-Teachers Improvement Act of 1999 and to extend the authority of this program for five more years. It's a great dividend from America's past and an important investment in America's future.•

TRIBUTE TO THE FIRST PRESBYTERIAN CHURCH OF GULFPORT, MISSISSIPPI

• Mr. LOTT. Mr. President, this month is the centennial anniversary of the First Presbyterian Church of Gulfport, Mississippi.

The First Presbyterian Church of Gulfport has a rich history serving the Lord and the Gulfport community. It was organized on February 17, 1899 by the New Orleans Presbytery. On January 30, 1904, the original frame church building was dedicated and a year later, Reverend F.L. McFadden was installed as the church's first Pastor.

Reverend H.A. Jones was installed in December 1909 and served until his death in January 1915. Reverend A.C. Armond ministered to the church until World War I. Dr. Charles Newman followed, faithfully conducting worship for fourteen years. Reverend J.N. Brown served the Presbyterian Church during the Great Depression, World War II, and the Korean Conflict.

Installed in 1954, Dr. Richard L. Summers led the ministry until September 1986. It was during Dr. Summer's thirty-two year tenure that the present church at 1214 24th Avenue was dedicated and a number of important programs were instituted such as a weekday kindergarten.

The congregation joined the Presbyterian Church of America in 1982 and was received in May 1983 by Grace Presbytery, P.C.A, at the First Presbyterian Church of Hattiesburg.

In July 1987, Reverend Danny Levi was installed, serving through December 1991. Reverend William R. Lyle was ordained in January 1991 and served as an Assistant Pastor until December 1992.

The First Presbyterian Church of Gulfport is now blessed to have Reverend Marshall D. Connor, a graduate of the University of South Carolina and the Reformed Theological Seminary, as its current Pastor. The father of seven children and the grandfather of two, Reverend Conner and his wife Linda have served the church since March 1993.

As the First Presbyterian Church reaches this significant milestone, it is appropriate to look back and reflect on the many lives touched by this institution. The thousands of worshipers who have achieved spiritual fulfilment. The children who received a strong religious education based on devotion to faith, family, and freedom and the biblical principles of integrity, conviction, and moral fiber. The sons and daughters who entered into the sacred bond of matrimony. The many devoted followers who regularly attended Sunday service, and who, in the Christian tradition, sought and received redemption. And the friends and family members who prayed for their loved ones and those in need.

The First Presbyterian Church has remained a center for community life and spiritual well-being for a century. This history will serve as a beacon for Gulfport as our Nation moves forward into the next millennium.

For one hundred years, and with nine ministers, this congregation has stood as a strong testament to its glorious teachings. I am proud and honored to commemorate this historic achievement.

I ask my colleagues to join me in recognizing the First Presbyterian Church of Gulfport, Mississippi, and to wish the church and its many followers a joyous centennial anniversary.•

TRIBUTE TO DR. PAUL PHILLIPS

• Mr. SANTORUM. Mr. President, I rise today to pay tribute to Dr. Paul Phillips for his eight years of service representing Upper Providence Township on the Spring-Ford Area School Board in Collegeville, PA.

Dr. Phillips has been active in educational activities for more than 50 years. His extensive experience includes serving as former superintendent in the Morrisville School District in Bucks County and former principal in the Haverford and Lower Merion school districts. Recently, he has served as a president of the Spring-Ford school board and as School Director.

While School Director, Dr. Phillips' goal was to raise Spring-Ford High School SAT scores by 100 points. Not only did Dr. Phillips attain that goal, he exceeded it. During his tenure, Dr. Phillips also saw the construction of two elementary schools and a high school, as well as renovations to the middle school.

Mr. President, I ask my colleagues to join with me in commending Dr. Phillips for his outstanding service on the Spring-Ford School Board, as well as his years of active involvement in educational activities in Pennsylvania.•

IMANI ART MUSEUM

• Mr. COVERDELL. Mr. President, I rise today to commend the goals of the proposed IMANI Art Museum in Dawson, Georgia. I would also like to note the work of Dr. Ron Maxwell for working to make the museum a reality.

The IMANI Art Museum will be dedicated to encouraging diversity and educating the community about contemporary forms of African art and African American art. Such a museum will help preserve the culture and history of African Americans so that future generations may fully appreciate their accomplishments.

Furthering the museum's goals of education, the museum will feature a Children's Center, W.J. Robinson Center for Art Teaching and Learning, and a research library. The Children's Center will strive to increase youth self esteem and self respect through the recognition and acquisition of art skills and historical knowledge. The W.J. Robinson Center will serve as a valuable resource and training tool for the community's teachers in all aspects of diversity issues and educational curriculum. The research library will serve as a valuable resource to students and the community with regards to the African American history and culture.

Once again, Mr. President, I commend the goals of the proposed IMANI Art Museum and the diligent work of Dr. Ron Maxwell. The museum will provide history and cultural richness for the citizens of Southwest Georgia as well as prove to be important to the economic development and tourism industry which is sorely needed in this region. As we continue to look for ways at bringing people together, let us look to intentions of the proposed IMANI Art Museum as a leader in this effort.•

CALVIN COLLEGE NATIONAL TITLE

• Mr. ABRAHAM. Mr. President, I rise today to congratulate a group of very special young women from Calvin College. The Calvin College Women's Cross Country team placed first in the National Championships for Division III. This is the first national championship won by a MIAA (Michigan Intercollegiate Athletic Association) team in cross country.

The following 19 girls who make up the team, have indeed made Calvin College proud: Rashel Bayes, Erinn Boot, Kristi Brown, Lindsay Carrier, Andrea Clark, Allison Cook, Sara Crowe, April DeKorte, Kristie DeYoung, Sarah Gibson, Elisabeth Giessel, Sarah Gritter, Emily Hollender, Elizabeth Kuipers, Kris Lumkes, Amy Mizzone, Lisa Timmer, Candice Vandergriff, and Katherine VanDerSchaaf. I would also like to recognize Nancy Meyer, the coach of the women's cross country team, who was named the national cross country coach of the year.

The Calvin Women's Cross Country team has now earned 16 All-American berths in the history of its program and eight top-10 national team finishes. It is my pleasure, once again, to congratulate the Calvin College Women's Cross Country team. It is very encouraging to see these young women strive for such excellence. This team has made Calvin College and the entire state of Michigan very proud.•

TRIBUTE TO WALTER ADAMS

• Mr. ABRAHAM. Mr. President, I rise today to pay tribute to Walter Adams of East Lansing, Michigan. In the 76 years before his passing, Mr. Adams touched the lives of his family, his students, and his fellow community members with his passion for learning. Mr. Adams is best known for his longtime dedication to Michigan State University as a forty-six-year faculty member, including one year as president of the university.

As a lifelong promoter of education, Mr. Adams touched the lives of students and colleagues alike. He never lost his interest, his enthusiasm, and his total commitment to the ideals of education. His students were fortunate to be under the tutelage of an instructor who was knowledgeable, experienced, and committed to improving the knowledge of those he taught. Even after his retirement in 1993, Mr. Adams remained steadfastly loyal to the university.

As Americans, we owe a great deal to those individuals who choose to prepare future generations to lead this country. Mr. Adams was not only part of this group, he was one of its finest members. He will be remembered fondly by all those he guided and inspired.•

TRIBUTE TO FAYANNE KAUFMAN

• Mr. ABRAHAM. Mr. President, I rise today in remembrance of Fayanne Kaufman of Farmington Hills, Michigan. In the 72 years before her passing, Mrs. Kaufman touched the lives of her family, her students, and her fellow community members with her passion for life and learning.

Mrs. Kaufman responded to life's challenges with strength and optimism. After her husband's untimely death in 1965, she joined the ranks of older Americans pursuing higher education and attained her teaching degree at Wayne State University. In 1968, she began a 30-year career in the Farmington Public Schools, teaching at both the middle and high school levels. A renowned artist in the fields of ceramics and jewelry making, Mrs. Kaufman encouraged her students to develop their talents and helped them receive scholarships at various art and design institutions throughout the United States. In addition, she inspired and worked with troubled students to turn their lives around. Mrs. Kaufman remained active with her alma mater over the years as an alumnus and was honored by the university with the Woman of Wayne State Award. In the past decade, she strengthened her commitment to public service with three bids for the Michigan Board of Education.

Most importantly, Mrs. Kaufman was a devoted mother to her three sons. She raised her children to appreciate the importance of education and community service. As her son Jerry said, "She was amazing and had such a warm sweet spirit." Mrs. Kaufman inspired us all to serve our community to the best of our ability and reassured us that we all can have a positive impact on the world around us. I wish to extend best wishes to the entire Kaufman family.•

RETIREMENT OF MR. WOODROW DAWSON, JR.

• Mr. ABRAHAM. Mr. President, I rise today to pay tribute to Mr. Woodrow Dawson, Jr. of Southfield, Michigan. On December 31, 1998, after 25 years of service, Mr. Dawson retired from Ford Motor Company, Dearborn Glass. His dedication to an industry that is historically and economically significant to our state is highly commendable. It is people like Mr. Dawson who contribute to the great productivity of our Nation.

In addition to his hard work with Ford, Mr. Dawson is a committed member of his community. He is an elder at St. Paul Church of God in Christ in Detroit, which he has attended for 50 years. Even more importantly, he is a devoted husband to his wife of 31 years and father to four children. I extend my warmest wishes and the best of luck for the future to Mr. Dawson and his family.•

APPOINTING A COMMITTEE TO ESCORT THE CHIEF JUSTICE

Mr. LOTT. Mr. President, I ask unanimous consent the Presiding Officer be authorized to appoint a committee of Senators, three upon the recommendation of the majority leader and three upon the recommendation of the minority leader, to escort the Chief Justice out of the Senate Chamber at the conclusion of the Court of Impeachment.

The PRESIDING OFFICER. Without objection, the Chair, on behalf of the majority leader, appoints Mr. THURMOND of South Carolina, Mr. ROTH of Delaware, and Mr. DOMENICI of New Mexico, and, on behalf of the Democratic leader, Mr. SARBANES of Maryland, Mr. MOYNIHAN of New York, and Mrs. LINCOLN from Arkansas.

UNANIMOUS-CONSENT AGREEMENT—CENSURE RESOLUTION

Mr. LOTT. Mr. President, I ask unanimous consent that, if Senator FEINSTEIN offers her motion to suspend the rules in order to attempt to consider a censure resolution, and immediately following the reading of the motion by the clerk, Senator GRAMM of Texas be recognized to offer a motion to postpone the Feinstein motion indefinitely.

I further ask that immediately following the reporting of the Gramm motion by the clerk, the Senate proceed to a vote on the Gramm motion, immediately, all without any intervening debate or action.

I further ask that following the vote, if two-thirds of the Senate fail to defeat the motion to postpone, then the motion to suspend is withdrawn and that no further motions relative to censure be in order prior to this week's adjournment of the Senate.

I finally ask that following that vote there be up to 2 hours of morning business to be equally divided between the two leaders or their designees.

And before the Chair puts the question on the unanimous consent request, I just want to advise my colleagues on both sides, this has been cleared on both sides of the aisle, by the sponsor, Senator FEINSTEIN, and by Senator GRAMM on the other side. I believe this is a fair way, all things considered, to deal with this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Therefore, now I ask unanimous consent the Senate stand in adjournment until the hour of 9:30 a.m. on Friday.

There being no objection, the Senate, at 7:06 p.m., adjourned until Friday, February 12, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 11, 1999, under authority of the order of the Senate of January 6, 1999:

NATIONAL LABOR RELATIONS BOARD

LEONARD R. PAGE, OF MICHIGAN, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE FREDERICK L. FEINSTEIN WHO WAS APPOINTED TO THIS POSITION DURING THE LAST RECESS OF THE SENATE.

JOHN C. TRUESDALE, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2003, VICE WILLIAM B. GOULD IV, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE TECHNOLOGY EDUCATION CAPITAL INVESTMENT ACT OF 1999

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Ms. HOOLEY of Oregon. Mr. Speaker, I rise today to officially introduce an important piece of legislation, The Technology Education Capital Investment Act of 1999. In the 105th Congress, The Technology Education Capital Investment Act of 1997, H.R. 2994, which I introduced, received a great deal of support from colleagues. I hope that my fellow Members will be as supportive of this important piece of legislation in the 106th Congress.

I am introducing this bill because I am more concerned than ever about the shortage of well-trained high-tech workers in our work force today. The Information Technology Association of America released a report in March that documents the shortage of information technology workers across the nation. The report concluded that there are about 190,000 unfilled information-technology (computer and software development) jobs in the United States. Similar shortfalls have emerged in other technology industries as well.

As one of the fastest growing export sectors in the economy, the continued expansion of the high-tech industries is critical to the strength of our nation's financial well being. However, if we do not address the significant shortages of qualified technology workers, including engineers, the growth of this sector will inevitably slow.

Responding to this serious problem, I have drafted legislation that would stimulate technology education and increase the output of engineers and technology workers from United States Colleges and Universities. My bill would increase the authorized spending on some existing programs, provide funding to encourage more students to seek a math and science education, and extend a tax break for companies to help pay for expenses related to the continued education of employees.

Specifically, the legislation creates a scholarship for students, entering math, science, and engineering degree programs. The bill establishes a one-time, start-up grant for university programs that offer "hands-on" internships with high-technology firms to higher-education students, giving priority to those programs that are primarily industry-financed. It also permanently extends the "Section 127" tax exemption for employer-provided educational assistance, and applies the exemption to graduate-level coursework.

Furthermore, this bill increases federal support for National Science Foundation informal science programs that encourage math and science education at the K–12 levels and it augments community-college based programs that promote improvement in technician education, placing emphasis on programs for worker retraining programs. Finally, this legislation establishes a Congressional commission to examine the workforce shortages in technology industries.

I have listened to many people in Oregon and around the country who are adversely affected by the shortage of qualified high-tech workers. I have worked hard to develop this legislation and I believe that, if passed, it could improve our national workforce and products help as we move forward into the 21st century. I hope my colleagues will join with me today in supporting the Technology Education Capital Investment Act of 1999.

TRIBUTE TO BERNARD KAZON

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. ALLEN. Mr. Speaker, I rise to extend my congratulations to Bernard Kazon of Portland, Maine, on the occasion of his 75th birthday on February 27th, and to share with my colleagues Mr. Kazon's recent generosity to the people of Maine.

"Bernie" Kazon and his wife Shirley have resided in Portland, Maine, for the last 33 years, where they raised their two children, Paula and Peter. Mr. Kazon is Executive Vice President of Eastland Shoe Corporation headquartered in Freeport, Maine. Eastland's shoe manufacturing facility has been an important component of the local economy, employing more than 300 people.

While Bernie and Shirley have long been involved in local community affairs, I want to take the opportunity today to share with my colleagues Bernie's long-time interest in history and politics. About ten years ago, he began to collect political biographies, election pamphlets, letters and other materials that reflect the history of political campaigns in the United States dating back to the 18th century. The collection, which began when Shirley gave him several old political biographies, has now grown to more than 700 items and offers a unique perspective on the history of American politics.

Last year, Bernie generously acted to share this wonderful collection with a new generation of students of American history. Bernie has made arrangements to donate his collection to the University of Maine, where it will be housed in a new library that is being built in Portland. The collection will provide an invaluable resource to the students at the University who, like him, share a strong intellectual curiosity in the history of our American political system. The Kazons have generously augmented the collection by endowing a fund that will assist in maintaining the collection for the University, as well as provide for an annual prize for scholarly works based on its material.

Among the materials the Kazons have donated was a bound 1791 edition of Thomas Paine's pamphlet Common Sense. As Paine himself wrote, "Those who expect to reap the blessings of freedom must . . . undergo the fatigue of supporting it." We are fortunate in Maine to have men like Bernie Kazon who recognize that they have reaped the blessings of our free society, and are generous in their efforts to support it and the generations who follow them.

Please join me in extending the best wishes of the people of Maine to this generous and thoughtful man, as his family comes together in celebration of his 75th birthday.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. ANDREWS. Mr. Speaker, on rollcall No. 17, I was unavoidably detained and unable to cast my vote. Had I been present, I would have voted "nay."

A TRIBUTE TO THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the National Association for the Advancement of Colored People. The NAACP, more than any other single organization, reflects the history and aspirations of African Americans in twentieth century American society. As it celebrates its 90th anniversary it is important to reflect on its critical importance, not only to African Americans but to the whole of the nation.

Since its founding in 1909 by a multiracial group of progressive thinkers, the NAACP has waged a continuous fight against racial discrimination and segregation. Its goals have and continue to be to help create a truly democratic society by integrating African Americans into the mainstream of American life, by eliminating racial injustice and intolerance, and by making equality of opportunity for African Americans a reality.

From the ballot box to the classroom, the dedicated workers, organizers, and leaders who forged this vital organization and maintain its status as a champion of social justice, fought long and hard to ensure that the voices of African Americans would be heard. The legacy of pioneers such as W.E.B. DuBois,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Thurgood Marshall and Roy Wilkins and the hundreds of people, including past Philadelphia leaders such as: City Councilman Cecil B. Moore; Pennsylvania State Representative Alphonso Deal and Thornbill Cosby, who worked tirelessly cannot and must not be forgotten.

Born in response to racial violence, the NAACP's first major campaign was to have anti-lynching laws enacted. As the organization grew it investigated mob brutality, staged protests against mass murders, segregation and discrimination and testified before congressional committees on the vicious tactics used to bar African Americans from the ballot box. In the courtroom, pulpit, and lecture hall, the men and women who represent the NAACP have been in the forefront of the fight for justice. In spite of lynchings, church burnings, legal setbacks, congressional filibuster and presidential indifference, the NAACP would not be deterred from its mission.

As Chairman Julian Bond has stated, the NAACP "has made progress throughout this century. No more do signs read 'white' and 'colored'. The voter's booths and the schoolhouse door now swing open for everyone, no longer closed to those whose skin is 'dark' ".

As we prepare to step into the new millennium, the new NAACP will also step boldly into the 21st century to face the formidable challenges that are ahead. Under the national leadership of Chairman Bond and President/CEO Kweisi Mfume, and the local leadership of J.W. Mondesire in the First Congressional District, and armed with a strong network of seasoned members and a growing contingent of young leaders, the organization is united to awaken the conscience of a people, and a nation, with renewed vigor and hope.

MAYODAN, NORTH CAROLINA'S CENTENNIAL CELEBRATION

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. BURR of North Carolina. Mr. Speaker, I rise today to honor and congratulate the town of Mayodan, NC for celebrating its centennial next Tuesday. The town's charter was granted on February 16, 1899 with a population of 225 residents. Mayodan received its name (unique from any town in the world) because of its location near the junction of the Mayo and Dan Rivers in North-central North Carolina in Rockingham County.

The town's history is tied to the growth of the textile industry and the railroad. In order to provide more traffic for the new rail line between Roanoke, VA and my hometown of Winston-Salem, NC, several companies constructed textile mills at different points along the route. One of those mills (Mayo Mills) provided the impetus for the town of Mayodan and was responsible for much of its early growth. It built the houses, provided utilities and health care, and employed the majority of the people. Since these early times, Mayodan has outgrown its complete dependence on the textile industry and now provides its own services and government. Textiles, however, will always be closely linked to the town's history, people, and economic development.

One hundred years later, Mayodan has grown into a town of 2,400 residents. Its recreational, residential, and commercial sectors are alive with activity. With the economic stability provided by the introduction of new textile companies and other industries and the close sense of community that has developed in the town over the past century through the many churches and civic organizations, Mayodan has thrived despite the Great Depression, wars, and, most recently, a disastrous tornado.

Mr. Speaker, after one hundred years, Mayodan exemplifies the best attributes of a small town. It has worked hard to develop its economy and community—all while preserving its heritage and culture. It is a friendly place where people still stroll the sidewalks in the evening and greet friends and strangers with a smile. I am proud to have a town like Mayodan in my district, and I wish them success and happiness for the next hundred years.

THE ACADEMY OF OSSEOINTEGRATION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. CUMMINGS. Mr. Speaker, I rise today to recognize the Academy of Osseointegration, the world's leading dental implant organization, as they bring together dentists, general practitioners, laboratory technicians, and research scientists in Palm Springs for their 14th Annual Meeting on March 4–6. The Academy of Osseointegration operates exclusively for scientific, charitable and educational purposes to advance the art and science of osseointegration, placing titanium cylinders into the jawbone to support replacement teeth.

As a strong supporter of medical research and my own district's work at Johns Hopkins University, I commend this organization and its members, some of whom reside in my district, for their dedication and commitment to finding new medical breakthroughs.

Osseointegration is beneficial in replacing lost teeth, restoring hearing, enhancing reconstructive and cosmetic surgery, and correcting craniofacial problems. Dental implants are an answer to many problems associated with missing teeth and offer a high-tech alternative to other forms of traditional dentistry such as bridges, removable partials and dentures that are difficult for some patients.

Formed in 1982 by a group of dental clinicians, the Academy of Osseointegration has grown to include more than 4200 professionals in almost 70 countries. Professionals from all specialties have united in a learning experience that provides a refreshing opportunity for an interrelated, interdisciplinary approach to move the field of osseointegrated implants forward.

I commend this organization for its dedication to the highest standards in patient care, research and education as professionals ally themselves with the Academy of Osseointegration in approaching the challenges and advances of dental implantation in the 21st century.

VISION 2020

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. DEMINT. Mr. Speaker, I rise today to commend the founding members of the Vision 2020 Initiative and their efforts to eliminate avoidable blindness around the world. These members include Christian Blind Mission International, Inc., located in my Congressional District in South Carolina, Helen Keller International, the International Agency for the Prevention of Blindness, ORBIS International, Sight-Savers International and the World Health Organization.

On February 18, 1999, these founding members, along with other like-minded organizations, will launch Vision 2020 to eradicate avoidable blindness throughout the world by the year 2020. The Initiative will bring together government leaders, charitable organizations, business leaders and volunteers around the world to form a coalition united in a global fight against preventable blindness. Vision 2020 will focus on controlling disease, developing human resources and producing the infrastructure and technology necessary to eliminate avoidable blindness.

The combined effort of every Vision 2020 organization is essential to this unprecedented endeavor. For this reason, I want to also pay tribute to the supporting members of the Vision 2020 Initiative: Al Noor Foundation, Asian Foundation for the Prevention of Blindness, Foundation Dark & Light, The International Eye Foundation, Lighthouse International, Nadi Al Bassar: North African Center for Sight and Visual Science, Operation Eyesight Universal, Organization Pour La Prevention De La Cecite, Perkins School for the Blind, SEVA Foundation, SIMAVI, World Blind Union and The American Academy of Ophthamlology.

Mr. Speaker, I applaud Vision 2020 and the impact it will have on the lives of millions of blind, visually impaired, and disabled people, and I congratulate the Vision 2020 members for the monumental nature of their charitable work.

NATIONAL PARKS AIR TOUR MANAGEMENT ACT OF 1999

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. DUNCAN. Mr. Speaker, I am pleased to introduce the National Parks Air Tour Act of 1999.

This bill is identical to provisions which passed the House by a voice vote during the 105th Congress. It was supported by the Friends of the Smokies, United Air Tour Association, Grand Canyon Airlines, National Air

Transportation Association, and the National Parks and Conservation Association.

The legislation represents an agreement which strikes a balance between air tour and environmental concerns, native American interests and jurisdictional areas between the Federal Aviation Administration and the National Park Service.

It seeks to promote safety and quiet in national parks by establishing a process for developing air tour flight management in and around our national parks.

It also ensures that the FAA has sole authority to control airspace over the United States and that the National Park Service has the responsibility to manage park resources.

These two agencies would work cooperatively in developing air tour management plans for air tour operators and both would share the fundamental responsibility to ensure that air tours over national parks and tribal lands are conducted in a safe, efficient, and unintrusive manner.

Mr. Speaker, during the 105th Congress, there were a number of hearings on this issue both in the House and the Senate. At that time, it appeared that it would be extremely difficult to be able to reach a consensus on how to handle air tours over our national parks.

However, with resolve and determination differences have been worked out, and we crafted legislation acceptable to all concerned.

This is an outstanding bill which will ensure that ground visitors and the elderly, disabled, and time-constrained travelers may continue to enjoy the scenic beauty of our national parks for future generations to come.

COMMEMORATING THE BIRTHDAY OF SUSAN B. ANTHONY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mrs. EMERSON. Mr. Speaker, February 15 marks the 179th birthday of Susan B. Anthony. We all remember Susan B. Anthony as a pioneer in the long struggle for full equality for women. But what many have forgotten, or have chosen to ignore, is that for her, opposition to abortion was an essential part of the cause of women's rights. Far from being the cornerstone of women's rights—as some mistakenly view abortion today—for Anthony, abortion was a great betrayal of all the first feminists' hoped to achieve for women. Anthony was unequivocal in her condemnation of abortion, referring to it as nothing less than "child murder." And she saved her harshest condemnation for those who would lead a woman to abortion, for she correctly viewed this as the greatest exploitation of women.

So today, Mr. Speaker, I rise to commemorate the birthday of this great American and to reclaim her pro-life legacy as a real and essential component of full equality for women.

CONGRATULATIONS TO THE DUNCANVILLE HIGH SCHOOL PANTHERS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. FROST. Mr. Speaker, I rise today to congratulate a great school that I am pleased to represent in Congress. I want to recognize the Duncanville High School Panthers of Duncanville, Texas, for their state championship in Division 1 (5–A) football. The Panthers defeated Converse-Judson High School of San Antonio by a score of 24 to 21 on December 12, 1998 in the Houston Astrodome. This is Duncanville's first football championship.

As anyone from Texas knows, high school football is not just a game for us—it's a way of life. On Friday nights, life comes to halt in many parts of our state when football fans pack high school stadiums to watch their local boys play.

High school football teams in Texas are powerhouses not only in the state, but in the entire country. One such powerhouse was Converse-Judson, which was ranked fourth in the nation when they were upset by Duncanville.

Duncanville upset two other favored teams on their route to the championship. It is a tribute to Jaguar Coach Bob Alpert and his squad of dedicated student-athletes that they never backed down in the face of adversity.

I am proud to represent Duncanville High School in Congress and hope this football state championship is the first of many.

TRIBUTE TO AUBURN, MA, POLICE OFFICERS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. McGOVERN. Mr. Speaker, today I would like to recognize two brave members of the Auburn, MA, Police Department. On a late summer day last September, Officer George Campbell and Officer John Kelleher faced a situation that every officer dreads.

Officer Kelleher was on duty when he observed a vehicle which had earlier been reported as being operated by a suspect—likely armed—in a murder case. Officer Kelleher followed this vehicle into a parking lot and requested back-up. Officer Campbell was one of the officers who arrived on the scene to assist. As they approached the vehicle, they observed the driver reaching into the back seat. As the officers arrived at the car, they witnessed the driver with his hands in a shopping bag. Inside that bag was a gun.

Despite repeated warnings to drop the weapon, the driver continued to turn the gun toward the two officers, forcing Officer Campbell to fire one shot, fatally wounding this individual.

Mr. Speaker, no police officer wants to use his weapon. Every officer would prefer to settle disputes without bloodshed. But there are times when the law enforcement officials who protect our communities are forced to act. This was one of those times. Luckily, these two officers were well-trained, well-equipped and well-protected. We should be thankful that the incident ended without further injury to police personnel or innocent bystanders.

In light of their actions, Officer Campbell received the Auburn Police Department Meritorious Service Medal, and officer Kelleher received the Auburn Police Department Exceptional Duty Medal.

On behalf of the citizens of Auburn, I would like to recognize Officer Campbell and Officer Kelleher for their service to our community. I know the rest of this House joins me in that recognition.

INSIGHTFUL COMMENTS AND OBSERVATIONS ON DIPLOMACY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. HASTINGS of Florida. Mr. Speaker, it gives me great pleasure to enter the remarks of former Congressman Lee H. Hamilton, at the Conference on Preventive Diplomacy and Preventive Disease on January 15, 1999, into the CONGRESSIONAL RECORD. As my colleague in Congress I had great respect for Mr. Hamilton, and I continue to hold him in high regard as the director of the Woodrow Wilson Program. I feel Mr. Hamilton has always offered insightful comments and observations on diplomacy, and it is my wish to share his comments with other Members of Congress.

PREVENTIVE DIPLOMACY/PREVENTIVE DEFENSE—CONFERENCE ON PREVENTIVE DIPLOMACY AND PREVENTIVE DEFENSE JANUARY 15, 1999

(By Hon. Lee H. Hamilton)

I. INTRODUCTION

It is a high privilege for me to participate in this timely and noteworthy conference on Preventive Diplomacy and Preventive Defense. I am especially delighted to join three highly esteemed statesmen—Warren Christopher, David Hamburg, and Bill Perry—at this conference. If I were to name a Hall of Fame of distinguished public officials, based on my 34 years in elective office, I would name each of them to it. Suffice it to say, they are among the preeminent public officials of our generation.

Most of what I say tonight about preventive diplomacy and preventive defense, I have learned from them.

They have made me believe that there are concrete steps we can take to prevent or contain the spread of conflict.

Similarly, the folks associated with the Carnegie Commission on Preventing Deadly Conflict and the Stanford-Harvard Preventive Defense Project merit our gratitude and our praise for their important contributions to the cause of conflict prevention.

I commend their enterprise in arranging and staging this conference. I can tell you what goes on here will have a profound impact on policy makers and policy over time.

II. THE PROBLEM

I speak to you this evening about a great and worthy mission—how to prevent conflict, both within nation-states, and between them.

This issue is important, perhaps even transcendent. Today, there are more than two dozen deadly conflicts underway around the world. These conflicts have caused over 9.3 million casualties since 1990, and increased the number of refugees from 12 to 25 million.

So conflict prevention is critical. No other issue facing the world today more deserves your attention.

What do you want to do for your children and grandchildren? Many things, of course, but I hope among them will be a legacy of having tried in your own way to bequeath to them a less violent world, a world of concord, not conflict. Our task is to try to develop practical steps and a renewed commitment to preventive diplomacy and preventive defense. What more important task engages our attention than this great mission?

Many of us had hoped that the end of the Cold War would mean a more peaceful international order. We had thought that much of the conflict in the world had its origins in the rivalry between the United States and the Soviet Union. With the end of that rivalry, we had believed that the prospects for peace were improved, and that countries could be brought closer together. As it turns out, we were too optimistic.

We find ourselves still residents in a dangerous world. Wherever we turn, there are unstable nations, disgruntled groups, and terrorists. Sadly, warfare and strife have not lessened. Human beings, it turns out, have a virtuoso capacity for violence.

We were, in short, unprepared for the fragmented, disorderly world of the post-Cold War era.

What we need now is a new strategy, a strategy similar to the Marshall Plan after World War II, which sought to prevent the conditions that would lead to another war—and it succeeded.

During the Cold War we succeeded again, with policies of deterrence and containment.

But today we live in a new world. It is a world where the United States exercises an influence far beyond anything it has ever had before. It is a world where we are indeed the indispensable nation. But alas, it is also a world that still has far too much conflict and violence.

In such an era, what do we do? How do we lead? How can we keep these good times of peace and unprecedented influence going? What should our world strategy be? As I understand it, that is what this conference is all about.

All of us recognize that deterrence must not be abandoned. After all, the North Koreans and the Iraqis are not going to magically disappear. Bosnia, Haiti, and other conflicts are still too much with us.

But what about the really big challenges—a Russia on the brink of chaos, possibly losing control of its nuclear arsenal? A China that could grow hostile and uncooperative? A planet overrunning with weapons of mass destruction? A world where terrorism may be the number one threat to our national security?

We continue to need deterrence, and military forces able to deter aggressors, and able to win wars quickly and decisively. But we need more. We need a broad strategy, using all the instruments of national power—political, economic, and military—to prevent conflict, to influence the world away from violence as a means of settling conflict, and to deal with a parade of challenges that threaten our survival and cause great disruption, pain and bloodshed.

And so, we think tonight about preventive diplomacy and preventive defense. What do we really mean by these phrases? How practical are they? What capacities and tools do they require? What are the barriers to effective conflict prevention?

Several features of conflict prevention impress me. We know more about it than you might initially think.

A. SOURCES OF CONFLICT

First, we know what causes conflict.

The sources of the conflicts that have marred the 1990s are diverse.

Weak, internally divided states, in Yugoslavia, Indonesia, Afghanistan, Colombia, Algeria, Tajikistan, Cambodia, the Sudan. Unfortunately, the list goes on and on.

Religious, political, or ethnic fanaticism and intolerance of every stripe—in the Middle East, Northern Ireland, Bosnia, the Indian subcontinent, and throughout Africa.

Repression of racial, ethnic, or religious groups, in areas as diverse as Guatemala, Kosovo, Kashmir, and East Timor.

Other conflicts have economic causes. Gross disparities in living standards, even economic growth and reform, so often the building blocks of stability, can contribute to strife. For example, growth has bypassed indigenous populations in many parts of Latin America, and the resulting inequality has contributed to armed revolt in Mexico and Peru.

Competition for control of or access to resources. Scarce supplies of oil and water continue to be a source of contention—and bloodshed—in the Middle East. Population pressures and the accompanying environmental degradation can create a serious strain on limited resources as well. So can refugees. Most of the world's 15 million refugees today are the result of conflict, but massive refugee movements can also spread instability and strife.

Deep-seated historical animosities, as we see in the Balkans, the Middle East, and elsewhere.

Then there is the human element. We must always expect that a Hitler, a Stalin, a Pol Pot, or some other charismatic, inflammatory leader lurks just off stage, eager to take advantage of the social stresses in society in ways that almost guarantee new conflict.

B. IMPORTANCE OF CONFLICT PREVENTION TO THE UNITED STATES

Second, we know how important conflict prevention is to the United States. We know that if we succeed at it, we will not have to expend blood and treasure tomorrow. We will pay fewer taxes and risk the lives of our offspring less often.

Whenever or whatever a crisis erupts, the international community looks to the United States, as the world's indispensable nation, for help in resolving it.

You and I resist a U.S. role as the world's policeman. We always want to know: What are the alternatives to sending in the Marines?

But unless a better system of conflict prevention is developed, the burden on the United States in the coming years to respond to instability and conflict will be progressively greater, both financially and militarily.

Americans often ask the question: Why should we care? It is a fair question. We should care because sometimes our vital national interests are at stake, as in the Persian Gulf, because we care about human values and human life (as in Somalia, where we could not tolerate those horrible pictures of starving children); and because waiting will only make the cost go up—in terms of death, the scale of relief efforts, and the damage to international standards.

In other words, Preventive action can save money—and lives. It can also promote American interests—political, diplomatic, security, and economic.

C. ROLE OF AMERICAN LEADERSHIP

Third, we know that American leadership is essential to make conflict prevention work.

When we sit on the sidelines, the world is a more dangerous place. No other country can take our place.

Only when the United States acted did the killing stop in Bosnia. U.S. leadership restored political stability in Haiti and economic stability in Mexico. We pushed reform in Russia, and achieved remarkable progress toward peace in the Middle East. U.S. leadership helped broker a permanent extension of the Non-proliferation Treaty, the removal of all nuclear weapons from Ukraine, and a freeze on North Korea's nuclear weapons facilities at Yongbyon.

Leadership is inherent in our power and our values. We have a talent for it. We cannot evade it.

WE CAN PREDICT CONFLICT

Fourth, we can even predict conflict.

Where there is no democracy, where there is alienation of major groups in society, gross economic imbalances, exclusion or discrimination of groups or historical grievances, the risks of conflict are very high. Conflicts occur in states which are undergoing major transition, or they spring from strong perceptions of inequity, uneven distribution of the good things in life, disputes over resources, repression, corruption, or a decline in the legitimacy of government.

RESPONSIBILITY FOR CONFLICT PREVENTION

Fifth, we know that the primary responsibility for conflict prevention within countries lies with the government and the people of that country.

The next responsibility lies with the international community, with the region assuming greater responsibility, and, when necessary, outside groups.

Sovereignty always figures prominently here. Nations do not take lightly to outside intervention. But even here things are changing. Today the international community believes that with sovereignty comes responsibility. When nations cannot manage conflict, or do not show a respect for international standards and commitments, the international community sometimes steps in—as has been the case in Iraq.

PREVENTION OF CONFLICT

Sixth, we even know what must be done to prevent conflict.

1. A CHANGE IN ATTITUDES

First, we must change attitudes.

We must foster the belief that the prevention of conflict is possible. We must not accept the view that violence is inevitable.

Of course, prevention will often fail. We must be realistic. But the knowledge that we will not always succeed in staving off conflict is not an argument for not trying.

There are even reasons for cautious optimism. From time to time the international community has intervened in a timely and decisive fashion either to prevent conflict or to stop it from spreading.

It happened in Bosnia. In Haiti. In Sierra Leone. In the Middle East. Even the UN intervention in Cambodia in the early 1990s, as imperfect as the results have been, almost surely prevented bloodshed and saved lives.

Violence usually results from human decision, not blind fate. Recognizing this reality is a necessary precondition for preventing conflict.

In addition, busy policy makers, even as they are consumed with today's troubles, must learn to take time to look at tomorrow's problems.

A domestic challenge is illustrative. Today we spend one percent of the American health care budget on prevention. And yet the experts are virtually unanimous in their judgment that we could save many lives and much money if we devoted a greater percentage of our total health care costs to prevention. The same is true of conflict prevention.

I do not suggest it is easy to focus on a problem before it becomes a crisis, or to build into the decision making process a set of rewards and inducements that will encourage the harried policy maker to look beyond today's problems.

And so, we need to foster a sense of urgency, a new way of thinking that gives precedence to the prevention, and not simply the management, of conflict, to avoid disaster, rather than dealing with the consequences after it hits.

To do this requires that we get our facts straight, analyze situations objectively, keep an open mind, learn from one another, persist, and respect the importance and the difficulty of the task we have set out for ourselves.

2. DIPLOMACY

We know what tools of diplomacy can work to prevent conflict.

In many cases, the traditional tools of diplomacy—dialogue, mediation, political and economic sticks and carrots, diplomatic pressure from the regional and international communities, sanctions—can, if utilized skillfully, prevent or minimize conflict.

Economic measures, with both inducements and punishments, can be used to prevent conflict. Sustainable growth and the removal of economic inequities in a country can do amazing things toward the prevention of conflict. The absence of growth is an early warning signal of potential violence. Economic aid has to be directed toward achieving growth, and aid should be conditioned on good governance.

If people's basic needs are met, conflict can usually be prevented.

Economic aid can help correct the underlying causes of conflict and provide incentives and hope for improvement. Sanctions can serve as deterrents to unacceptable action.

The promotion of the *rule of law* can help diffuse tensions within a country and reduce the incidence of conflict.

Countries lacking good governance and equitable legal systems will be susceptible to internal violence. If, on the other hand, a country has effective political, economic, and legal mechanisms, tensions can be addressed before violence erupts.

The political conditions needed to prevent conflict are not mysteries. They amount to good governance—managing diversity, building the infrastructure of democratic institutions, a robust civil society, and the active participation of women (who are increasingly playing the role we should expect from them—peacemakers), business leaders, the media (which can inform and highlight and not distort), and religious leaders, who can often play a positive role of reconciliation.

The aim of all this is to put in place a strong system of values, reinforced by international norms. At the heart of conflict prevention must be a strong system of justice, legal systems available to all, that operate fairly and produce a sense of justice.

Dispute resolution mechanisms and the promotion of *confidence-building measures* are other common diplomatic tools that can prevent conflict.

The establishment of confidence building measures in central Europe in the 1970s and 1980s played a key role in convincing the Soviet Union that it could safely call an end to the cold war. CBMs build trust between countries. Openness about military budgets, plans, and policies may be an unusual concept in defense circles, but peace requires transparency and trust.

U.S. training and education programs for foreign military establishments (IMET) bring nations together to learn how military establishments function in a democracy. It is striking to see officers from the former Soviet Union or from Latin American countries learning about the primacy of civilian authority, respect for human rights, the role of law, and the role of a parliament. To watch American military officers teach officers from newly democratic countries about professional military establishments under civilian control is prevention of conflict in action.

It is good American policy to encourage contacts of our military with the militaries of our allies and other nations to help enlarge the community of free market democracies.

Formal treaties and other accords can also help prevent conflicts.

Although it is still very much a work in progress, the Wye River agreement may usher in a new era of reconciliation in the Middle East.

The U.S. must also lead the way for the worldwide acceptance of the Nuclear Nonproliferation Treaty, bring into force the Comprehensive Test Ban Treaty, the implementation of the Chemical Weapons Convention, and the strengthening of the Biological Weapons Convention and the Missile Technology Control Regime.

We know we can reduce the risks of violence and conflict if we prevent proliferation of weapons of mass destruction, not alone by dismantling Cold War nuclear arsenals, but also by reducing danger through arms control treaties.

Arms control treaties of various sorts—from the SALT and START treaties to the biological and chemical weapons conventions to the limitations on conventional weapons in central Europe—have played a major role in reducing the interstate tensions that foment violence.

Do not overlook the potential to prevent conflict by limitations on the transfer of small arms. After all, most violence is inflicted by small, not large, weapons.

Regional organizations—the Organization of American States, the Organization of African Unity, the ASEAN Regional Forum, and others—can play a part in preventing conflict as well.

These organizations should assume more responsibility for economic development and integration, the promotion of good governance, and the prevention of conflict within their specific regions.

The problems within a particular region should be handled by states within that region, if possible. It is better, for example, if Africans deal with African problems, and Latin Americans with Latin American problems.

Regional organizations should support confidence-building measures to increase military transparency, communication, and cooperation. They should develop the capability to apply pressure, offer assistance, and deploy regional forces to prevent conflict.

Multilateral organizations, such as the United Nations, the International Monetary Fund, and the World Bank, can help prevent conflict.

To help these international institutions be effective in preventing conflict, the international community needs to develop a better system of early warning and response. The genocides of Bosnia, Cambodia, and Rwanda caught us unaware and unprepared. Yet conflict seldom arises without warning. Persons knowledgeable about countries are rarely surprised when long-simmering problems escalate into full-scale conflict.

President Clinton recently announced the creation of a Genocide Early Warning Center. This is an initiative to be cheered and encouraged.

But early warning must be followed by timely action. The international community needs a capability for preventive action. This means the ability to deploy civilian personnel—to mediate problems, to provide emergency economic relief, and to address the long-term issues that give rise to conflict.

The United Nations can play a key role here. But this will require that the nations which make up the UN give a higher priority to conflict prevention. And this is unlikely to occur unless the United States takes the lead.

Most fundamentally, the international community, using these and other multilateral institutions, must address the underlying political and economic causes of conflict.

That means the world community must support political reform and the development of responsive and accountable government. Helping to establish and promote institutions of civil society such as political parties, trade unions, independent media, and the rule of law provides important safeguards for protecting human rights, fighting corruption, and fending off political demagoguery.

The United States should work with the international community, especially the international financial institutions, to support long-term development assistance to achieve economic growth and promote economic opportunity and equality. Working through institutions such as the World Bank, the IMF, and the World Trade Organization, the U.S. should support market reform and regional economic integration to bolster growth.

3. MILITARY INTERVENTION

Military intervention is another tool in our prevention arsenal.

We know that traditional diplomacy sometimes fails to prevent conflict, and that military intervention, if skillfully employed, can prevent conflict.

There are, of course, many problems in developing the appropriate mechanisms for an international military capability to intervene in areas of potential or actual conflict. Answers to the difficult questions of "when," "how," "who," "how long," and "for what purposes" are often elusive.

So the international community must improve its ability to respond militarily to conflicts once they reach the crisis stage.

There is no inherent contradiction between the prevention of violence and the use of military force. To the contrary, the use of armed personnel has played a constructive role in Haiti, Bosnia, Macedonia, Western Sahara, Cyprus, and elsewhere.

Military intervention can be either: 1) peacekeeping (after violence occurs and an agreement has been reached by the parties), or 2) preventative—as in Macedonia where American troops and others were introduced to prevent the spread of conflict from Bosnia.

A multinational "fire brigade" is a well-tested idea with a demonstrated record of success. Used with discretion, it can be a highly effective tool for the prevention of conflict.

The UN coordinates efforts by governments to train military forces and set aside necessary resources for future peacekeeping missions. The U.S. should support these efforts, so that the international community can act rapidly and effectively if a military response is required.

I have come to the view that the international community needs some means of responding militarily to deteriorating situations in order to prevent conflicts, some kind of multinational, multi-functional rapid reaction standby capability, probably within the U.N. I do not underestimate the difficulties of this task, but I believe we must begin to explore ways and means to achieve that capacity. If we do not, the U.S. will be called on again and again as the power with the most developed intervention capabilities.

Sometimes the threat of the use of force can be an effective deterrent— though it may be a gamble and must be managed with great skill.

4. PRIVATE SECTOR

The private sector can also play a key role in conflict prevention.

Just think for a moment about the helpful and talented contributions made toward peace and the prevention of violence by private groups from non-governmental organizations such as the Carter Center, or human rights groups around the world. From our religious and moral leaders. From schools. From the scholarly and intellectual communities. From the media. From the business community. And from influential non-governmental opinion leaders such as those here this evening.

In recent years, this so-called Track II diplomacy has flourished. These efforts should be further encouraged.

Unless the private sector engages itself in the business of conflict prevention and resolution, the task of moderating strife and violence will become infinitely more difficult.

III. CONGRESS AND PREVENTIVE DIPLOMACY/DEFENSE

Let me conclude with a few remarks about the role of the U.S. Congress in matters of preventive diplomacy and preventive defense.

I have been struck by how little of the literature—at least that which I have seen—mentions the American Congress. And yet, if the United States is to take a leading part in international efforts at conflict prevention, then the Congress is going to have to be brought in as a full-fledged partner in this effort.

It seems to me that Congress might usefully take action in three areas:

First, Congress must support the infrastructure of preventive action. This means that the Hill must be prepared to provide adequate funding for the State Department and the other agencies that promote American interest overseas. It also requires that Congress be willing to pay for the programs that are most likely to prevent conflict. This means money for economic development, for programs promoting the rule of law, for the creation and nourishment of the political, economic, and legal institution through which tensions can be addressed in ways short of conflict.

Second, Congress must overcome its resistance to participation in multinational organizations, both civilian and military. When military force is called for, the presidents and the secretaries of state and defense who seek to persuade Congress to support preventive defense must emphasize the U.S. national interest that dictates such use of our armed forces.

Members of Congress are above all hard-headed pragmatists. Show them how a military intervention serves the national interest and you are much closer to persuading them of the wisdom of such action.

Third, and perhaps most fundamentally, Members of Congress are going to have to do better in adapting their mindsets to changed circumstances.

There are Members of Congress today who are unable to utter the word "China" without preceding it with the adjective "communist" or "Red." This inability to move beyond old Cold War views that have more to do with Stalinist Russia than with the China of the late 1990s have frequently led to congressional action that makes conflict with China more rather than less likely.

Unless Members of Congress are prepared to look at old problems from a fresh perspective, the legislative branch is unlikely to be of much assistance in fostering a new ethos of preventive action.

And without congressional participation, the United States will not play the leading role in conflict resolution that its strength and position in the global community demands.

IV. CONCLUSION

Where does all this leave us?

We know the odds. We cannot eliminate all war and violence, any more than we can eliminate human folly.

We know the United States cannot and should not be responsible for addressing all the ills of the world.

We know that devoting more resources and greater attention to conflict prevention is a long-term investment that serves the U.S. national interest. Conflict prevention saves lives, saves money, and forestalls the human misery that lead to conflict.

We know that conflict prevention requires the participation of the entire international community. No one leader, no one country, no one institution can carry the load. Conflict prevention responses must be tailored to fit each situation, with a plan, close coordination of the tools of response from among all the actors, internal and external, regional and international, civilian and military, public and private, official and non-official.

The prevention of conflict is a great and worthy challenge.

In our bones we know that it deserves a far higher priority from U.S. policy makers and from international organization, especially the U.N., than it has historically received. The problem is not so much in our lack of knowledge of what to do, but in our political will and commitment to do those things we know can and have prevented conflict.

As I close, let me express my concern that the U.S. leadership needed to strengthen our conflict prevention capabilities is being eroded by budget cuts from the U.S. Congress and a general tendency among the American public to draw back from international responsibilities. It is a situation that demands political leadership of the highest order from the President and the Congress.

Every president, every Cabinet official, every member of Congress should insist that conflict prevention constitute a central component of U.S. diplomatic and defense strategy—and moreover, do a better job of educating the American people about this.

We soon complete the 20th Century. It is a century of wars—the first in which world wars were fought. It is the first century also in which men and women of good will, drawing on the impact of world wars, have wrestled with the idea of conflict prevention and world peace. We have glimpsed that peace is possible because it is necessary. We have not won the day, but we have begun the understanding of what peace and conflict prevention can mean—quite simply it can change the course of history and the life of man more than anything we know or can do.

We may not be able to rid the world of conflict. We *can* make it more livable.

What more important task do you have on your agenda?

Thank you.

INTRODUCING THE DAVIS-BACON REPEAL ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. PAUL. Mr. Speaker, I rise today to introduce the Davis-Bacon Repeal Act of 1999. The Davis-Bacon Act of 1931 forces contractors on all federally-funded contraction projects to pay the "local prevailing wage," defined as "the wage paid to the majority of the laborers or mechanics in the classification on similar projects in the area." In practice, this usually means the wages paid by unionized contractors. For more than sixty years, this congressionally-created monstrosity has penalized taxpayers and the most efficient companies while crushing the dreams of the most willing workers. Mr. Speaker, Congress must act now to repeal this 61-year-old relic of an era during which people actually believed Congress could legislate prosperity. Americans pay a huge price in lost jobs, lost opportunities and tax-boosting cost overruns on federal construction projects every day Congress allows Davis-Bacon to remain on the books.

Davis-Bacon artificially inflates construction costs through a series of costly work rules and requirements. For instance, under Davis-Bacon, workers who perform a variety of tasks must be paid at the highest applicable skilled journeyman rate. Thus, a general laborer who hammers a nail must now be classified as a "carpenter," and paid as much as three times the company's regular rate. As a result of this, unskilled workers can be employed only if the company can afford to pay the government-determined "prevailing wages" and training can be provided only through a highly regulated apprenticeship program. Some experts have estimated the costs of complying with the paperwork imposed on contractors by Davis-Bacon regulations at nearly *$200 million* a year. Of course, this doesn't measure the costs in lost job opportunities because firms could not afford to hire an inexperienced worker.

Most small construction firms cannot afford to operate under Davis-Bacon's rigid job classifications or hire the staff of lawyers and accountants needed to fill out the extensive paperwork required to bid on a federal contract.

Therefore, Davis-Bacon prevents small firms from bidding on federal construction projects, which, unfortunately, constitute 20 percent of all construction projects in the United States.

Because most minority-owned construction firms are small companies, Davis-Bacon keeps minority-owned firms from competing for federal construction contracts. The resulting disparities in employment create a demand for affirmative action, another ill-suited and ill-advised big government program.

The racist effects of Davis-Bacon are no mere coincidence. In fact, many original supporters of Davis-Bacon, such as Representative Clayton Allgood, bragged about supporting Davis-Bacon as a means of keeping "cheap colored labor" out of the construction industry.

In addition to opening up new opportunities in the construction industry for smaller construction firms and their employees, repeal of Davis-Bacon would also return common sense and sound budgeting to federal contracting which is now rife with political favoritism and cronyism. An audit conducted earlier this year by the Labor Department's Office of the Inspector General found that inaccurate data were frequently used in Davis-Bacon wage determination. Although the Inspector General's report found no evidence of deliberate fraud, it did uncover material errors in five states' wage determinations, causing wages or fringe benefits for certain crafts to be overstated by as much as $1.08 per hour!

The most compelling reason to repeal Davis-Bacon is to benefit to the American taxpayer. The Davis-Bacon Act drives up the cost of federal construction costs by as much as 50 percent. In fact, the Congressional Budget Office has reported that repealing Davis-Bacon would save the American taxpayer almost three billion dollars in four years!

Mr. Speaker, it is time to finally end this patently unfair, wildly inefficient and grossly discriminatory system of bidding on federal construction contracts. Repealing the Davis-Bacon Act will save taxpayers billions of dollars on federal construction costs, return common sense and sound budgeting to federal contracting, and open up opportunities in the construction industry to those independent contractors, and their employees, who currently cannot bid on federal projects because they cannot afford the paperwork requirements imposed by this act. I, therefore, urge all my colleagues to join me in supporting the Davis-Bacon Repeal Act of 1999.

STATEMENT ON K-12 EDUCATION EXCELLENCE NOW (KEEN) ACT

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. SALMON. Mr. Speaker, I am reintroducing the K through 12 Education Excellence Now (KEEN) Act, which would offer tax credits to families and businesses of up to $250 annually for qualified K through 12 education expenses or activities. Senator KYL has reintroduced the companion in the Senate, where it has been included in the Coverdell-Lott education reform bill (S. 277).

Over the last 30 years, the Federal Government has steadily increased its monetary commitment to education. Unfortunately, we have not seen a corresponding improvement in the quality of the education our children receive. The results of the Third International Mathematics and Science Study (TIMSS), released last year, revealed that U.S. 12th graders scored next to last in advanced math and dead last in physics. The Department of Education, which promised that the United States would lead the world in math and science by the year 2000, can't even claim bragging rights over war-torn Slovenia. As to reading, which was not measured by TIMSS, 40 percent of fourth graders can't read at the basic level.

The legislation I am introducing addresses the problem of falling education scores by giving families and businesses a tax incentive to provide children with a higher quality education. Specifically, it offers every family or business a tax credit of up to $250 annually for any K through 12 education expense or activity. This tax credit could be applied to home schooling, public schools (including charter schools), or parochial schools. Allowable expenses would include tuition, books, supplies, tutors, and computer equipment.

Further, the tax credit could be given to a "school-tuition organization" for distribution. To qualify as a school-tuition organization, the organization would have to devote at least 90 percent of its income per year to offering grants and scholarships for parents to use to send their children to the school of their choice. How would this work? A group of businesses in any community could join forces to send sums for which they received tax credits to charitable "school-tuition organizations" which would make scholarships and grants available to low-income parents of children in non-functional schools.

Unlike the big government proposals being peddled by President Clinton and Vice-President GORE, KEEN credits would offer families control over the expenditure of these education dollars, not centralized bureaucrats. Moreover, the bill would provide an "emergency blood transfusion" to improve America's schools immediately. In Arizona, where a limited version of this operates, inner-city schools are already profiting from an infusion of contributions from area businesses. I encourage my colleagues to enact the K-12 tax credit proposal as expeditiously as possible.

TRIBUTE TO MATT LANGLEY BELL III

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. SCARBOROUGH. Mr. Speaker, on October 15, 1998, the citizens of Pensacola and the State of Florida lost a man who dedicated his career to the pursuit of excellence in all aspects of life. This gentleman distinguished himself as a community leader, a dedicated philanthropist, and the model of an honest and effective leader. The man that I speak about today is Matt Langley Bell III.

It is natural to remember Matt Langley Bell III for his nearly 22 years of tax collecting, during which he served on the Board of Directors of the Florida Tax Collectors Inc. and the National Association of County Treasurers. I could mention the countless awards he has received for effective leadership, especially the Meritorious Service Award that was presented to him by the President's Committee on Employment of the Handicapped. Or I could applaud his involvement with the March of Dimes and the United Way where he helped raise funds and increase awareness concerning the plight of handicapped citizens. But I am sure that if Matt was with us today he would say that those accomplishments were simply part of his job.

However, in my opinion Mr. Speaker, Matt went above and beyond the call of duty by dedicating his life to helping others. At a time when our nation calls out for principled leadership from public officials, it is fitting that today we honor a professional who always went the extra mile to represent the under-represented and to promote awareness within the community, the State of Florida, and the nation. During his distinguished career, Matt Bell III came to know and respect our rights of justice and he never forgot how important that right is to the American way of life.

Matt's overall attitude and dedication to public service has been a model in the lives of the public servants that he has trained, supervised, and encouraged. His legacy will be a constant reminder that one person can make an extraordinary difference in the lives of many.

As we remember the life of Matt Langley Bell III, we can take pride in knowing that he has influenced so many people in a positive way. As a fellow elected official and as a friend, I appreciate the importance of dedication and devotion to public office. I can't think of a better way to be reminded of that fact than in honoring of life of the late Matt Langley Bell III.

INCOME EQUITY ACT OF 1999

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. SABO. Mr. Speaker, the American economy continues to grow at a remarkable rate and to defy the troubles striking many other parts of the world. Yet despite the strength and prosperity of our economy, the income gap between rich and poor in this country is still on the rise. The benefits of the past 20 years of growth are being shared very unevenly—the richest 20% of households now earn as much as everyone else in America put together. It was not always this way. In the years from the end of World War II through the 1970s, economic growth brought with it greater equality. But in the past two decades this progress has been reversed, and our country now has a more unequal economy than we did in the 1940s.

As the income gap grows, working Americans are finding it harder to make ends meet. The dark secret of the 1990s expansion is that almost half of all American families have not seen their incomes return to the same purchasing power as they had before the 1990 recession. With so many people having stagnant incomes and only a few reaping most of the gains from the economy, we risk splitting our society in two.

Although many forces lie behind the growing inequality of income and wealth in America, it is clear that both government and corporate America have roles to play in narrowing the gap. For this reason, I am introducing the Income Equity Act of 1999. This legislation addresses the problem by encouraging corporate responsibility. For too many years, the trend in corporate America has been to pay top executives lavishly, while thinking of other employees as an expense or not thinking of them at all. My legislation will encourage companies to take a closer look at how they compensate their employees at both ends of the income ladder.

The Income Equity Act would place a new limit on our government's practice of subsidizing excessive executive pay through the tax code. My bill would enhance the current $1,000,000 cap on the tax deduction for executive compensation with a cap set at 25 times the company's lowest full-time salary. For example, if a filing clerk at a firm earns $18,000, then any amount of executive salary over $450,000 would no longer be tax deductible as a business expense. This bill will not restrict the freedom of companies to pay their workers and executives as they please. It will send a strong message, however, that in return for tax deductions, the American taxpayer expects companies to compensate their lowest-paid workers fairly.

Economic inequality is a problem that will, if not addressed, tear apart the fabric of our democratic society. Our government has every reason, and every right, to encourage responsible corporate citizenship. The Income Equity Act is not the ultimate answer to the widening gap between the rich and the poor, but it is an important step toward ensuring that all Americans can share in our nation's prosperity.

IN MEMORY OF GEORGE MONROE ALLEN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. SKELTON. Mr. Speaker, on Wednesday, January 13, 1999, the State of Missouri lost a distinguished citizen. It is with great sadness that I inform the House of the death of George Monroe Allen of Harrisonville, MO.

Mr. Allen worked in the banking industry for 49 years. He served 21 years as president of the Citizens National Bank and then at the Commerce Bank of Harrisonville until his retirement in 1976. After his retirement Mr. Allen was elected State Representative of the 124th District of Missouri and served there until 1986. He also served with the Harrisonville Fire Department for 55 years, including 33 years as fire chief. An Army veteran, Mr. Allen served his country with distinction during World War II, earning the Bronze Star for Valor.

Mr. Allen was an active member of the community. He was a member of the First Baptist Church, member and past commander of both the VFW Post #4409 and the American Legion Post #42, Cass Masonic Lodge #147 A.F.&A.M., past president and member of the Kiwanis Club, Harrisonville Civic Association, and the Harrisonville Area Chamber of Commerce.

I know the Members of the House will join me in extending heartfelt condolences to his wife, Kathleen; his son, Nelson; his daughters, Linda and Trudy; his three grandchildren; and his great-grandson.

HINDU NATIONALISTS CONTINUE TO ATTACK CHRISTIANS IN "SECULAR" INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. TOWNS. Mr. Speaker, I was disturbed by recent reports that there has been renewed violence against Christians in India. First a missionary and his two very young sons were burned to death in their jeep, then another nun was raped. Now the bodies of two more Christians have been found in the state of Orissa. Hindu nationalism is on an out-of-control rampage in India!

The Sunday, February 7 issue of the Washington Times reported that the Archbishop of New Delhi, Alan de Lastic, blamed "mercenaries" for these hate crimes. He called on the government to take strong action to stop these things from occurring. These "mercenaries" are associated with organizations like the Vishwa Hindu Parishad (VHP), a militant Hindu organization that comes under the militant, extremist Rashtria Swayamsevak Sangh (RSS). The Bharatiya Janata Party (BJP), the party that leads the governing coalition, is also part of the RSS.

Several Christian churches, prayer halls, and religious missions were destroyed in the last couple of months by Hindu extremists affiliated with the VHP. How can the Indian government be expected to take strong action against the perpetrators of these vicious acts when the perpetrators are part of their own political network?

The violence forced many Christian congregations to cancel New Year's celebrations for fear of offending the Hindu militants, which could lead to further violence. Is this the secularism that India boasts about? Clearly, there is no religious freedom for these Christians in India.

Unfortunately, these are just the latest incidents of violence against Christians in India. Four nuns were raped last year by a Hindu gang. The VHP described the rapists as "patriotic youth" and called the nuns "antinational elements." To be Christian in secular India is to be an antinational element! At least three priests were killed in 1997 and 1998, and in 1997 police opened fire on a Christian festival that was promoting the theme "Jesus is the Answer."

Apparently, the Hindu Nationalists are afraid that the Dalits, or "Untouchables", the aboriginal people of South Asia who are at the bottom of the caste structure, are switching to other religions, primarily Christianity, thus improving their status. This undermines the caste structure which is the foundation of the Hindu social structure.

The Indian government has killed more than 200,000 Christians since 1947 and the Christians of Nagaland, in the eastern part of India, are involved in one of 17 freedom movements within India's borders. But the Christians are not the only ones oppressed for their religion.

India has murdered more than 250,000 Sikhs since 1984 and over 60,000 Muslims in Kashmir since 1988, as well as many thousands of other people. The holiest shrine in the Sikh religion, the Golden Temple in Amritsar, is still under occupation by plainclothes police, some 14 years after India's brutal military attack on the Golden Temple. The previous Jathedar of the Akal Takht, Gurdev Singh Kaunke, was killed in police custody by being torn in half. The police disposed of his body. He had been tortured before the Indian government decided to kill him.

The Babri mosque, the most sacred Muslim shrine in the state of Uttar Pradesh, was destroyed by the Hindu militants who advocate building a Hindu temple on the site. Yet India proudly boasts that it is a religiously tolerant, secular democracy.

This kind of religious oppression does not deserve American support. We should take tough measures to ensure that India learns to respect basic human rights. All U.S. aid to India should be cut off and we should openly declare U.S. support for self-determination for all the peoples of the subcontinent. By these measures we can help bring religious freedom and basic human rights to Christians, Sikhs, Muslims, and everyone else in South Asia.

Mr. Speaker, I submit an article on the archbishop's statement from the February 7 Washington Times into the RECORD.

[From the Washington Times, February 7, 1999]

MERCENARIES BLAMED FOR ATTACKS IN INDIA

NEW DELHI—A prominent Catholic archbishop yesterday blamed "mercenaries" for a spate of attacks on Christians here and blamed the Indian government for tardy action against the perpetrators.

New Delhi Archbishop Alan de Lastic, in a scathing attack on national and state governments, called for justice for the growing number of Christian victims of murder, rape and battery in India.

A nun was raped Wednesday night in the eastern state of Orissa where Australian missionary Graham Staines and his two young sons were burnt to death in their car by a Hindu mob on January 22.

The rape and the Staines' murders followed a spate of anti-Christian violence in the western state of Gujarat over Christmas.

Radical Hindu groups linked to Prime Minister Atal Behari Vajyapee's ruling BJP party have been blamed for inciting the attacks.

IN HONOR OF THE 25TH WEDDING ANNIVERSARY OF JAMES AND CLARE CLARK

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to acknowledge the 25th wedding anniversary of my life-long friend, James Clark, and his wife, Clare. Jimmy and Clare Clark were married on February 15, 1974.

Jimmy and I grew up together in Marcus Hook, Pennsylvania, and his wife, Clare, grew up just a few blocks away from my wife, Mary, in Wilmington, Delaware.

Jimmy and Clare have devoted many years of their lives to public service. Jimmy and I served together as members of the Viscose Fire Company in Marcus Hook, Pennsylvania. We fought fires together, and established a bond of friendship and trust that can never be broken. He followed in my footsteps, first as a member of the fire company, and later as chief of the company. He later went on to become Chief of the Borough of Marcus Hook Fire Department.

Clare previously worked for the Wilmington, Delaware Bureau of Police, and served the Viscose Fire Company for many years as a member of the Ladies Auxiliary.

Jimmy currently is employed by Epsilon Products Company in Marcus Hook, Pennsylvania, and Clare is employed by Christiana Care in Wilmington, Delaware.

Jimmy and Clare are terrific people, dedicated to their family and concerned for their neighbors and friends. They are leaders in their community. America needs more people like them.

Mr. Speaker, in this era where we seem to have rediscovered the importance of marriage and family, it is all together fitting and proper for us to honor this couple on the achievement of this significant milestone. I am proud to represent the Clarks in the United States Congress, and I ask you and my colleagues to join with me in congratulating them on the 25th wedding anniversary.

CONGRATULATIONS TO PAMELA CRUZ AND MATTHEW COPUS

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mrs. WILSON. Mr. Speaker, I rise today to congratulate Pamela Cruz and Matthew Copus, who have achieved national recognition for exemplary volunteer service in their community. Pamela and Matthew have been named New Mexico's top two student volunteers in the 1999 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

The program that brought these young role models to our attention—The Prudential Spirit of Community Awards—was created by the Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. This program is the nation's largest youth recognition effort based solely on community service, with more than 50,000 young people participating.

I applaud Pamela and Matthew for their initiative in seeking to make their community a better place to live, and for the positive impact they have had on the lives of others. They have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserve our sincere admiration and respect. Their actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

I am proud that these two outstanding young people are from the district which I represent, the first district of New Mexico and encourage them to continue to be leaders involved in the improvement of their community.

STATEMENT ON THE IMPEACHMENT PROCEEDINGS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I don't think I need to say anything about the facts of this case. The thousands of pages from the Independent Counsel say it all, and anyone who still thinks there's enough in there to convict the President on Perjury or Obstruction of Justice charges should read them again. I can't add anything to the case the White House Counsel presented, so I won't try. I'm not going to talk about Constitutional Law, except to say that I don't see how the President can be removed from office in this case even if the charges could be proven. While President Clinton is guilty of bad behavior and lack of moral judgment in this issue, he didn't put the country in jeopardy. Instead, I'll tell you about the political lynching that's been going on, how we got here, and why we can't seem to get back to the issues of the people of America.

Ever since I can remember, I have regarded the United States Congress with a kind of awe. Throughout my political career I've been impressed by the Representatives on both sides of the aisle and held them in very high regard. That is, until I was elected as a Member of the House, walked through it's doors for the first time, and became witness to the most hateful and vicious attack on our Democracy that this country has ever seen, the hijacking of the American Government. The conservative Republicans wanted nothing less than the total destruction of their political enemy, the nationally elected President of our United States. Maybe this sounds partisan, but I'm not here to make friends or win any popularity contests with my fellow Congressmen, I'm here to do what my people asked me to do—represent them. I won't pretend that I am not a staunch Democratic supporter of the President. I'll just give you a little history, tell you what I've seen and, you can be the judge.

It started in 1992, when a Southern, pro-choice, environmentally minded moderate won the Presidency. The Republican minority in Congress was stunned. This Democratic President did not attempt to win their approval by advocating their issues. In fact, he made hard and fast enemies while he picked apart their proposals and vetoed them. They shouldn't have taken it so personally because the reality is, he didn't make friends with the Democrats either! But it was back then that they decided they had to get rid of him.

In 1994, the Republicans succeeded in taking over the Congress with huge amounts of soft money from large corporations, rich special interest groups, and other ultra-conservative organizations. Even with this new Majority in the House, the President continued to win the political fights and continued to gain favor in the hearts and minds of the voters. While the new majority tried to shut down the government, the President stood for issues of national concern such as education and Social Security. In effect, even though they had the House, they still lost. Now, they decided, it was time to make a move for the political assassination of their enemy.

With the right wing organization behind them, the House conservatives tried a variety of tactics, each one unsuccessful. They sought to indict him as a criminal. They proceeded to dredge up and spin allegations of illegal involvement by either President or First Lady, (Whitewater, Travelgate, Filegate, etc. . . .) They knew that with the right amount of pressure and enough fuel, they could get the Attorney General to grant their request for a Special Prosecutor (a Republicans zealot of their choice) to "get him". With the help of the media, (there's no news like bad news involving the President), they succeeded.

Just short of four years and forty million tax dollars later, not a single shred of indictable evidence was uncovered. This is incredible when you consider that EVERY stone had been unturned. This was also a serious problem for the Republicans since they spent all that time and money with nothing to show for it and, in spite of the media storm they produced, the President's job approval rating was still climbing! Then BINGO! They got lucky.

In walks that paragon of American virtue, Ms. Linda Tripp, with juicy tales of her illegally taped conversations with the now famous Monica. Although this wasn't exactly the stuff that "High Crimes and Misdemeanors" are made of, it's still all they had, so they had to make it work. The new leader of the effort to destroy the President, the so-called "independent" counsel, devised a plan to work with the lawyers on the Jones civil case and use the illegally obtained information to set a trap for the President! By now, you know the rest of the story, so I won't get into the details except to say that no other citizen of this country would ever be subject to such an outrageous and illegal bastardization of the American system of justice. It is only the right wing conspiracy, in justification of their destructive pursuit, who would have you believe this is simply "equal justice under the law".

From almost the minute the case was placed in the hands of the Congress it became clear to me that I was no longer part of a "Representative" body. The American people, the people who voted and sent us here, were left completely out of the process. Their "Representatives" decided to pursue their OWN agenda instead and, with the approval of their counterparts in the Senate, used their majority muscle and pushed it through the House. No debate, no opposing arguments considered, no witnesses needed. Don't be fooled by the political theater you saw on C-Span. That was just a show to have you think we were doing our constitutional duty. In fact, leadership even told you at one point that we shouldn't be concerned with the President's "removal from office". He said that's not what impeachment means, and that a vote in favor of the Articles didn't mean that we thought the President should be removed from office. Did you believe that? Well it may be true. They don't have to actually remove him to destroy his presidency, and that IS their primary goal.

To be fair, some of my colleagues on the other side of the aisle were interested in doing the right thing and giving this issue the level of consideration it warranted. You might have heard about this "secret evidence" that was "shown" to those undecided voters that "convinced" them to vote in favor of the Impeachment Articles. We should all question those events.

Into the other well of the body marched the 13 Conservative Managers, with their own special "rule of law" and their own version of "truth and justice", as self proclaimed "Representatives of the People". What people? Certainly not the majority of the American people. They continued to support the President. They don't want him removed from office. They know his character is flawed, and while the scandal is fun to watch on TV, they trust him to do his job because they know he has the best interests in his heart. In spite of the very best efforts to ruin him, the conservative Republicans have failed.

This brings us to our current dilemma. The conservatives have a problem. We need to end this and gain back the respect of the American people but how can THEY get out of this gracefully? How can the conservative Senators save face for their Congressional counterparts? It seems that the Republicans finally have their exit strategy. They will refuse to exit. They will take their chances and keep this going as long as they possibly can with the hope that they will publicly destroy the President and the Democratic party. Even now, knowing that the President will not be removed from office by the required two-thirds margin, they will attempt to use their 55 percent majority to continue beating their dead horse, allowing the House managers to run the show. If this goes on long enough, it doesn't matter if the final vote is not enough to remove Clinton. Before they are finished, they will have gone as far as they can by any means possible (witnesses, furthering the independent investigation into any other areas they can find and lots and lots of press) to publicly destroy and defame Clinton.

The Republicans worked so hard at making war that they forgot how to make peace. They drew their line in the sand and it can't even be washed away by the tide of public outrage. The longer this goes on, the more ground we all lose, and still the President's approval ratings continue to rise. I say, NOW is the time to get over it and get back to doing our jobs. We have wasted too much time already in not representing the interests of our public. We must make peace among the parties and the branches of our government and get back to work on the PEOPLE'S agenda of education, Social Security reform, Medicare, the Patient's Bill of Rights, housing, crime, and other issues that are important to the people who put us here to serve them.

CONGRATULATIONS TO WAXAHACHIE HIGH SCHOOL AND ENNIS HIGH SCHOOL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. FROST. Mr. Speaker, I rise today to congratulate Waxahachie High School in Waxahachie, Texas and Ennis High School in Ennis, Texas. Both of these schools were recently recognized by U.S. News & World Report magazine as two of the top 96 high schools in the entire country. I am pleased to represent these excellent schools in Congress.

Waxahachie and Ennis each met the magazine's rigorous criteria for "outstanding" schools. The magazine found that outstanding schools share several characteristics, including a challenging core curriculum, high expectations of the students, highly qualified teachers, effective training for new teachers, strong academic standards and expectations, strong parental involvement and support, teachers and administrators who know their students well, and high levels of student attendance.

Both of these North Texas high schools represent the best in public education. Congratulations to Waxahachie High School Principal John Aune and Ennis High School Principal Linda Pirtle and the faculty, parents, and students of both schools for attaining this tremendous recognition.

I hope the standard of excellence set by Waxahachie and Ennis High Schools will serve as an example to schools across Texas and across the country. These outstanding schools are proof positive that if we hold our students and educators to high standards, they will achieve academic excellence.

A TRIBUTE TO SAN DIEGO POLICE CHIEF JERRY SANDERS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the career and record of one of San Diego's finest citizens and my friend, Police Chief Jerry Sanders. On April 15, Chief Sanders will leave the San Diego Police Department to become President and CEO of the United Way of San Diego County.

During his tenure, crime rates in San Diego have fallen to 25 year lows. This tremendous achievement has been made possible only through the hard work, dedication to duty and personal sacrifice of the entire San Diego Police Department.

His community policing program is recognized as a model for American police forces, and for safer communities around the world. He will take with him a remarkable ability to integrate local community volunteers into the police force structure to help combat crime. And it is this trait which will ensure his success in his new role at the United Way.

I submit for the record an article from the January 13, 1999, San Diego Union Tribune which further describes Chief Sanders' outstanding achievements.

While Chief Sanders will be sorely missed at our Police Department, all citizens of San Diego should take comfort that he will continue to use his remarkable talents to better our community.

I want to thank Chief Sanders for his service to our fine city, and wish the best of success in meeting his new opportunity to continue serving our community through the United Way.

[From the San Diego Union Tribune, Jan. 13, 1999]

SAN DIEGO POLICE CHIEF WILL BE STEPPING DOWN

HE'LL BECOME LEADER OF UNITED WAY HERE

(By Kelly Thornton)

It was a nagging voice inside Jerry Sanders, telling him he had lost too much time with his young daughters to 75-hour work weeks and phone calls in the middle of the night.

Sanders, San Diego's beloved and nationally renowned police chief for almost six years, announced his retirement yesterday to stunned colleagues during an emotional meeting at police headquarters.

The 48-year-old chief, who joined the department 26 years ago and at 42 became the department's youngest top cop, said he will step down April 15 to become president and chief executive officer of United Way of San Diego County.

"It was by far the most difficult decision of my life, bar none," said a teary-eyed Sanders at a news conference at United Way headquarters. The ever-affable chief, not usually one for formality, prepared remarks and distributed a videotaped message to his troops to avoid an emotional outburst.

"I got a little choked up and it was hard to read," Sanders said. "I think a lot of people are in shock. There was a stunned silence after I told them."

Sanders said his decision was not related to health problems, although he has struggled with digestive ailments and gout.

"I look forward to spending time with my wife and daughters," Sanders said, looking at photos of Jamie, 12, and Lisa, 15, when they were young. "I haven't seen a lot in between."

Sanders' decision was a well-kept secret. He called mayor Susan Golding, City Manager Michael Uberuaga and District Attorney Paul Pfingst early yesterday to inform them. He confided only in his wife and four friends.

Everybody else was in the dark.

Capt. Adolfo Gonzales, who attended Sanders' morning meeting, said it took a moment for the words to sink in. "I was stunned.

When he asked if there were any questions, you could hear a pin drop in the room. . . . We as captains didn't have a clue."

Mayor Golding praised Sanders for bringing the community and police officers closer together. "He's done an unqualifiedly superb job as police chief and I will miss him . . . He is genuinely loved within the community and by members of the police force, and that's rare accomplishment," Golding said.

Sanders will not be able to collect retirement until he turns 50 on July 14, 2000. At that time, he will be eligible to receive 65 percent of his annual $128,004 salary—less than if he had remained with the department until age 50, said Lawrence Griffom, city retirement director.

As head of the United Way, Sanders will receive $165,000 a year.

Sanders was recruited by other police departments before he was approached by Untied Way in October. He interviewed for the job in December and was officially offered the position yesterday. The chance to continue working with the community outside of law enforcement was "an opportunity I couldn't pass up," he said.

City Manager Uberuaga was already preparing yesterday to select a recruiting firm to conduct a national search for Sanders' replacement, though he and Golding said members of the department are encouraged to apply. The city manager will make a recommendation to the City Council, which must confirm the selection.

Among the most likely contenders for the job of overseeing 2,058 sworn officers and more than 1,000 civilians and reserve officers are assistant chiefs George Saldamando and Rulette Armstead, who competed with Sanders for the post in 1993, and David Bejarano, considered by many in the department to be a front-runner.

Bejarano coordinated security for the 1996 Republican National Convention, the 1998 Super Bowl and the recent World Series.

Whoever is chosen will have big shoes to fill.

Under Sanders' tenure, crime rates fell to their lowest levels in 25 years, mirroring a nationwide trend. The ranks of volunteers swelled to unprecedented levels. The entire beat system was restructured so that areas are patrolled as 21 communities, rather than 68 arbitrarily drawn sections.

But Sanders' legacy will be his work as a pioneer of community-oriented policing, the philosophy that pairs residents with officers and other city agencies, such as code enforces, to fight crime.

Because Sanders implemented this strategy so successfully, the department has received millions of dollars in grants and has become an international model.

"Sanders has a national reputation as one of the most progressive, innovative and compassionate leaders in the country," said Chuck Wexler, executive director of the Police Executive Research Forum, a non-profit Washington think tank. Sanders serves as treasurer and board member.

The chief has been popular among officers and community members since taking the helm in 1993, even in the face of a few unpopular decisions.

Sanders, a gregarious leader with an easy smile, once sued the department for declining to promote him 13 times. He began his law enforcement career at 22 in 1973, fulfilling his life's dream to follow in his father's footsteps.

He was promoted through the ranks and served as SWAT commander during the San Ysidro massacre at McDonald's in 1984, when James Huberty methodically executed 21 people.

After his appointment as chief in May 1993, his first speed bump was contending with allegations of institutional racism, but the problem subsided after Sanders met with black leaders. He eventually required all members of the department to attend diversity training.

Perhaps his most unpopular decision was forbidding officers to moonlight as security guards. The Police Officers Association took him to court, and the group won.

Still, his popularity remained constant. The chief endeared himself by occasionally riding with patrol officers, showing up whenever an officer was wounded, addressing his officers by first name, and even trading a coveted indoor parking spot for an outdoor space so he could interact with the ranks.

And Sanders was beloved for reaching out to the community, often attending meetings, serving on boards and even playing Santa Claus for needy children.

Sanders often revealed his soft side, appearing tearful when announcing the recent suicides of two officers or the arrests of two others for on-duty burglaries.

As news of his impending departure spread through the department and across the nation, regret over the loss of a chief known as one of the country's most avant-garde law enforcers was the prevailing reaction.

"What Tony Gwynn means to the Padres is what Jerry Sanders means to law enforcement," said District Attorney Paul Pfingst. "He is the same professional, day in and day out, and he has a great attitude, day in and day out. And if they're not in the lineup, there's a big hole to fill."

Even Councilman George Stevens, who sometimes criticized the department for its interaction with African-Americans, raved about Sanders.

"He put the Police Department out with the people and managed to implement programs that banned alcohol in parks and a 10 p.m. curfew without a lot of reaction from our young people of harassment or illegal search complaints. Not one lawsuit. He get the credit for that," Stevens said.

Sheriff Bill Kolender joined the chorus.

"I believe he is a leader not only within this county and this state, but within the nation when it comes to community involvement, problem-solving and compassion," said Kolender, who served as San Diego policy chief for 15 years.

Sanders said it will be hard for him to leave law enforcement. But his energy was waning and he wanted to move on before burnout set in.

"It's going to be very weird to go to work without a badge and gun," he said. "I think what I feel is a tremendous sense of sadness to leave something I've been doing since I was 22 years old."

TRIBUTE TO A LADY LYDA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. TOWNS. Mr. Speaker, Mrs. Lyda Lee Williams Saunders Whyte or *Lady Lyda,* the title bestowed on her by the pastors of the Brooklyn's Bridge Street A.M.E. Church, is a valiant community and church leader.

Lady Lyda the oldest child of Mr. and Mrs. Henry Williams was born on February 8, 1909, in Emborden VA. Early on her parents instilled in her the importance of obtaining an education. At the age of 10, she and her sister would walk for miles through woods just to attend school. When she was 13, she taught religious education at Mount Sinai Baptist Church and years later she earned her degree from Virginia State College, currently known as Virginia State University.

In 1932 Lady Lee married the late Harry Arthalia Saunders and shortly thereafter they became members of Bridge Street A.M.E. Church. They were blessed to have two daughters, Delores and Walean. In 1973, after the death of her husband, she married Mr. Raymond Edward Whyte and immediately inherited 2 stepdaughters and 15 grandchildren. She now has a total of 21 grandchildren and 3 great-grandchildren.

In her capacity as a church and community leader *Lady Lyda* has served in various capacities: Twenty-four years as the secretary of the Official Board and Church Conference; secretary for the Senior Citizens Club, Lay Leadership, Church Anniversary Commission, and the Virginia Club of Membership and Evangelism. She also extended her reach into politics by running for State Assembly in New York State and has found time to travel extensively in the United States and abroad including; the Holy Land, England, Hawaii, Jamaica, and Canada.

Lady Lyda is very proud of her family and their accomplishments. Her mother was a teaching specialist and her father was a hard worker and good provider. Her brothers and sisters are all educated and involved in church activities. *Lady Lyda*'s daughter serves as an assistant administrator at Cabrini Hospital in New York.

HONORING THE LIFE OF LEON "PAPPY" SELPH

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. GREEN of Texas. Mr. Speaker, I ask all of my colleagues in Congress to join me in paying tribute to an outstanding individual, Leon "Pappy" Selph. Pappy passed away earlier this month after leading a long and distinguished musical career.

Pappy, one of Western swing's first generation, carved out a unique, important niche in country music while maintaining close ties with his hometown of Houston, Texas. In 1933 Pappy formed the Blue Ridge Playboys in a cooperative effort with other local musicians. By the band's second recording session in June 1937, Pappy's innovative fiddle playing had emerged as the driving force of the band. Soon they recorded such smash hits as "It Makes No Difference Now."

In 1940, Pappy was signed by Columbia's Vocalion-Okeh subsidiary and built a tight, inventive lineup of new musicians. Their acclaimed 1940 session truly showcased Pappy's talent in such swinging instrumentals as "Texas Take-Off" and "Polecat Stomp." The band's 1941 recording showcased Pappy's innovative fiddling as he truly came into his own.

The band was stalled in 1942 by World War II when Pappy entered the Navy. He bravely served his country during the war and returned home to work for the Houston Fire Department. Despite this break, Pappy never stopped playing, and when he returned to Houston he continued to play and teach music throughout the community.

With Pappy's passing, we have truly lost a legend of first generation Western swing. Pappy had a profound musical influence on his peers, and his Blue Ridge Players served as a training ground for such important musicians as Floyd Tillman, Moon Mullican, and Ted Daffan. His music will remain a legacy for years to come. Pappy's kind soul and innovative music will be sorely missed.

Mr. Speaker, once again, please join me in paying tribute to the life of Leon "Pappy" Selph. Those of us who were fortunate enough to have known him are truly blessed.

TRIBUTE TO MORRIS B. SCHNAPPER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. LANTOS. Mr. Speaker, I ask my colleagues to join me in paying tribute to the memory of noted publisher and free press advocate Morris B. Schnapper. Mr. Schnapper, who passed away last week at the age of 86, was a distinguished editor and author, a man devoted to providing the American people with more information about their government and its policies. The Public Affairs Press, founded by Schnapper, published more than 1,000 books and 500 pamphlets during his years at its helm. However, his most meaningful legacy rests in his unflinching commitment to providing information to the public, frequently in the face of intense resistance from government officials.

In the 1950's, decades before the cloak of secrecy was lifted from many government actions, Schnapper passionately fought to allow the unrestricted publishing of speeches by government officials. In arguing that these addresses merited wide distribution to a larger audience he used a wealth of methods, from the courts to the newspapers. He affirmed his cause with a determination that originated out of his rise from a New York orphanage to one of Washington's most respected men of letters. Morris Schnapper's commitment to the First Amendment and his recognition of its inherent protections deserve the appreciation and gratitude of all Members of Congress and of all Americans.

Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD the Washington Post's obituary of Mr. Schnapper, published on February 7, 1999.

I ask my colleagues to join me in offering our condolences to Morris Schnapper's family and friends.

[From the Washington Post, Feb. 7, 1999]

BOOK PUBLISHER MORRIS SCHNAPPER DIES AT AGE 86

(BY LOUIE ESTRADA)

Morris B. Schnapper, 86, a longtime Washington book publisher and a tenacious challenger of high-level government officials' practice of copyrighting their public speeches, died of renal failure Feb. 5 at the Carriage Hill Nursing Home in Silver Spring.

He closed his publishing firm, Public Affairs Press, in the mid-1980s but continued until recent years to write articles on government copyright policies. It was a subject he first addressed in the late 1950s, when he sought to publish a series of speeches written and delivered by Navy Vice Admiral Hyman G. Rickover, who had played a major role in the development of the atomic submarine.

Rickover denied permission for Mr. Schnapper to publish two of his speeches, saying that the texts were copyrighted and that he had made printing arrangements with another publisher. Mr. Schnapper filed suit in Federal District Court, arguing that the speeches were an official act and therefore public property. He lost the court case but pressed ahead anyway, once placing an advertisement in The Washington Post attacking government copyright claims as an infringement of constitutional guarantees of free speech and a free press.

Before beginning his campaign against government-copyrighted publications, which earned him a reputation in some circles as a gadfly, Mr. Schnapper had been known primarily as a publisher of books and pamphlets on government affairs and social issues such as race relations.

From a one-room office in a dilapidated town house near Capitol Hill, Mr. Schnapper operated his firm with a small staff that often included university professors who served as editors. He began forming the foundation of his business during his lunch hours and at night while working as a press spokesman for the U.S. Housing Authority in the 1930s.

Born in New York City, he grew up in an orphanage there and later worked as a copy boy for the New York World and the New York Journal-American.

Over the years, Public Affairs Press published more than 1,000 books and 500 pamphlets, including its biggest seller, an autobiography of Indian leader Mohandas K. Gandhi. With the help of his wife, Blanche, who died in 1974, he published his first book, "Rival Unionism," by his friend Walter Gallenson.

Public Affairs Press printed works by sociologist Vannevar Bush, journalist Dorothy Thompson, financier Bernard Baruch and historian Arnold Toynbee. Mr. Schnapper was the author of several books, including "Constraint by Copyright," which he published in 1960, and "American Labor: A Bicentennial History," published in 1975.

Survivors include his companion, Esther Potash of Silver Spring; two children, Eric Schnapper of Bellevue and Amy Schnapper of Ashland, Ore.; and a grandson.

INTRODUCTION OF THE U.S.-CNMI HUMAN DIGNITY ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, today forty seven of our colleagues join Mr. SPRATT and myself in introducing the Insular Fair Wage and Human Rights Act of 1999 which will permit the U.S. territory of the Commonwealth of the Northern Mariana Islands (U.S./CNMI) to be treated more like a state under certain provisions of law.

Along with the privilege of flying the American flag, the CNMI has the responsibility to live within the mores of the United States; and the United States has the responsibility to assist the territory with its growth in becoming a strong member of the American family. The taxpayers of America have supplied the U.S./CNMI with tens of millions of dollars in assistance over the years. The U.S./CNMI has failed to live up to its pledge to create a responsible government and a just society.

The U.S./CNMI has morphed into an offshore sweatshop, wrapping itself in the American flag to circumvent quota restrictions and escape payment of hundreds of millions of dollars in duties on imported garments. The Congress cannot continue to irresponsibly ignore the worsening crisis or the exploitation of tens of thousands of foreign workers on American soil.

The local U.S./CNMI government was granted temporary control over immigration and minimum wage in the 1970s. The U.S./CNMI has exploited this temporary authority to import tens of thousands of low-paid, contracted, destitute, workers from Asian nations to staff garment factories and virtually all other private sector jobs. The contract workers now substantially outnumber the number of local U.S. residents.

These foreign workers pay between $3,000—$7,000 to recruiters in their homelands for promised jobs. They are led to believe they are coming to work at good jobs in "America" only to arrive in the U.S./CNMI to find the jobs are not what they believed and in many cases that the jobs never even existed. Over 90 percent of all private sector jobs are held by foreign contract workers.

The bill I introduce today will crack down on the enormous, mostly foreign-owned garment industry that employ thousands of foreign workers to sew foreign fabric into garments bearing the "Made in USA" label which is then shipped to the U.S. mainland quota and duty free. There is nothing about the U.S./CNMI garments that is made in America yet this year well over $1 billion worth of garments will flood the U.S. market, depriving the U.S. Treasury of $300 million and unfairly competing with stateside garment factories that pay the U.S. minimum wage to workers who work in safe factories under the protections of all U.S. labor and immigration laws.

Numerous reports by journalists and the media, human rights workers, Federal agencies, religious organizations, and the administrations of Presidents Reagan, Bush and Clinton have documented widespread human rights abuses suffered by indentured workers in the U.S./CNMI. After traveling to the U.S./CNMI last year and meeting with local government representatives, federal officials, private business owners, and foreign workers, I issued my own report, Beneath the American Flag, which details systematic exploitation that would be tolerated no where else in this country. That report can be found on the Resource Committee Democrats' web page at www.House.Gov/Resources/105Cong/Democrat/Democrat.htm.

And yet, despite this mountain of evidence, repeated requests to Chairman YOUNG of the

Resources Committee, and over 80 cosponsors, we have been unable to secure even a hearing on my reform legislation, let alone a markup.

No Member of Congress would permit this situation to exist in his or her congressional district for one day. Yet we stand by, year after year, report after report, expose after expose, as the problems persist in the U.S./CNMI.

The legislation I have introduced today will extend Federal immigration and minimum wage laws to the U.S./CNMI as well as require that the integrity and intent of the "Made in USA" label and duty and quota waivers be reinstated. Additionally, this bill will permit U.S. Customs agents the authority to inspect cargo and persons entering the U.S./CNMI for suspected illegal activity.

I am hopeful that the delegation led by Congressman YOUNG, which leaves for the U.S./CNMI and other Pacific destinations tomorrow, will meet with those who have experienced these deplorable conditions and that, upon the Chairman's return, he will finally agree to conduct impartial hearings on my legislation. We owe it to the taxpayers of the United States, to the textile workers of this country who are enduring unfair competition, and to the garment workers and other foreign workers in Saipan who are being forced to experience a distasteful and unrepresentative side of America.

RECOGNIZING THE ENVIRONMENTAL RESEARCH AND EDUCATION FOUNDATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. PETRI. Mr. Speaker, I rise today to recognize the Environmental Research and Education Foundation. This Foundation is dedicated to helping society plan environmental solutions for the future. It was created by visionary leaders in the waste services and equipment industry who recognized the critical importance—now and for future generations—of properly managing our wastes, creating sustainable recyclying markets, conserving resources and protecting the environment. Our Nation has the best waste-management infrastructure that it has ever had, with widespread access to recycling and highly engineered disposal facilities. Nevertheless, the sheer volume of our garbage dictates the need for first-rate research into new and better ways to manage wastes. The Foundation serves this need. it has raised millions of dollars thanks to the generosity of its leaders and other contributors. I expect the fruits of the Foundation's research to have substantial impact on the policies and practices that we evolve over time.

TRIBUTE TO GARY KADOW

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. QUINN. Mr. Speaker, I rise today to honor Mr. Gary Kadow, President of Local 3367 of the American Federation of Government Employees, on the occasion of his retirement.

In 1987, Gary Kadow began his career with the Department of Housing and Urban Development in the Buffalo office as temporary Single-Family Loan Specialist in the Housing Division, and joined the union at that time. He eventually gained a permanent position as a Project Manager, and then Senior Project Manager in the Multi-Family section.

Gary's advocacy on behalf of the working men and women of our community is truly legendary. In recognition of that effort, Gary was elected President of Local 3367 in 1989. He was successfully re-elected every year since, and served nine years, to 1999. His tenure, the longest of any president in Local 3367's history, is one of tremendous accomplishment. On behalf of his membership, Gary Kadow brought in a viable dental plan, set up an effective leadership team including stewards in all the divisions, developed an active Albany Office unit, and organized an operating local Labor-management Participation Council. As a result of that leadership, membership tripled during his presidency.

In addition to his outstanding performance as a local president, Gary was elected a Regional Vice President of the National Council of HUD locals #222, serving in the New York-New Jersey region.

In 1993, The Honorable Henry Cisneros, Secretary of the Department of Housing and Urban Development, selected Gary to serve as a member of his NPR Task Force for the reinvention of HUD. During that year here in our Nation's Capital, Gary became the union contact with the Secretary, bringing his unique labor perspective, advocacy, and dedicated commitment to working men and women to the national forefront. He appeared before Congressional committees, participated in the national Labor-Management Partnership Council, and played a vital role in negotiating labor-management agreements.

In addition to the many awards and citations he has been honored with throughout his career, he was chosen as a founding member of the HUD Training Academy Board of Directors. Further, Gary was elected by the National Council of HUD Locals to Executive Vice President in 1995 and again in 1997.

Mr. Speaker, today I would like to join with the Kadow family, the Department of Housing and Urban Development, the American Federation of Government Employees, the National Council of HUD Locals, Local 3367, the AFL–CIO, and the countless working men and women of our entire Western New York community in tribute to Mr. Gary Kadow.

With retirement come many new opportunities. May Gary meet each new opportunity with the same enthusiasm and vigor in which he demonstrated throughout his brilliant career, and many those opportunities be as fruitful as those in his past.

Thank you, Gary, for your advocacy, tireless effort and personal commitment to our community, and for your friendship.

IN MEMORY OF ELVIS J. STAHR, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that Elvis J. Stahr, Jr., governor emeritus of the Sigma Chi Foundation, scholar, war veteran, attorney, and public servant, passed away on November 11 after a battle with cancer. He was 82.

Stahr earned 4 years of straight A's as an undergraduate at the University of Kentucky (UK), was named a Rhodes Scholar, then studied at Oxford University for three years. He returned to the United States briefly before serving in the U.S. Army infantry in North Africa, India, and China during World War II. After serving in the Army, he practiced law for eight years and served as Grand Praetor for the Eastern province.

After serving as dean of the UK law school and university provost, Stahr was appointed as special assistant to the Secretary of the Army during the Korean war, and in 1956–57, he was executive director of President Eisenhower's committee on education beyond high school.

Stahr became vice chancellor of the University of Pittsburgh in early 1957, and in August 1958 he was named president of West Virginia University. In 1961, President Kennedy appointed him Secretary of the Army, a post in which he served until the summer of 1962 when he resigned to become the 12th president of Indiana University.

In 1968, the Audubon Society named Stahr its president, a position he maintained until 1979. After stepping down from the Audubon presidency, he served on several boards and committees, including those for the Acacia Mutual Life Insurance Company, the Chase Manhattan Bank, the Committee on the Constitutional System, and the Washington Conservation Round Table, of which he also served as chairman. He also continued to practice law in Washington, DC.

Stahr is survived by his wife of 52 years, Dorothy Howland Berkfield Stahr, three children and two grandchildren.

Mr. Speaker, Elvis J. Stahr, Jr's, contributions to his family, his country, and his fraternity make him a role model for young civic leaders. I am certain that the Members of the House will join me in honoring this fine American.

A TRIBUTE TO WILLIAM "BILL" GORTON CREEL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. RADANOVICH. Mr. Speaker, it is with great privilege to rise today to honor an outstanding American, Bill Creel. Bill is a civic leader and pipeliner, who is beloved by his family, friends, and state. He is a man whose devotion to family, friends, church and business of Bartlesville, Oklahoma is legendary. Bill is turning 70 years old on February 19th.

Born in Bartlesville in 1929, Bill has devoted his life to bettering the town he so loves. His untiring work and generosity have earned him countless awards and recognition throughout his city and state.

Bill was a pioneer in oil exploration and pipelining. His career took him from Bartlesville to oil fiends throughout the world including North America, Europe, the Middle East, and Australia. After 29 years of service, Bill retired in 1979 as President of H.C. Price Company International.

Rather than enjoying a much-deserved retirement, Creel began his second career, turning his business and managerial skills toward helping his hometown of Bartlesville. Bill distinguished himself while serving as the President of the Bartlesville Area Chamber of Commerce by providing the necessary leadership to recruit new industries, develop tourism, and pass new sales tax legislation to fund economic development. His efforts on behalf of the Chamber of Commerce, the Girl Scouts, the Public Library, the Oklahoma Mozart Festival, Junior Achievement, the Rotary Club, Jane Phillips Hospital, Woolaroc, and St. Johns Catholic Church as well as several historical sites throughout the area earned him statewide recognition through a dedicated "Bill Creel Day" in the state of Oklahoma. In addition, Bill was awarded the Governor's Art Award, Outstanding Citizen Award, membership in the Piepliner's Hall of Fame, Girl Scouts Green Angel, Boy Scout's Eagle Award, Civitan International Citizen of the Year Award, Junior Achievement Leadership Award, Centennial Award and Historian of the Year.

Bill Creel is a great man, husband, father, friend and proud American. He deserves special recognition for the many contributions he has made to the advancement of civic improvement through the arts and education, commercial and economic development, and for accomplishing his lifelong goal of making the world a better place.

EXTENDING THE PRODUCTION TAX CREDIT FOR HIGH TECHNOLOGY WIND POWER

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. THOMAS. Mr. Speaker, today I am reintroducing legislation to extend the placed in service date for the Production Tax Credit (PTC) for wind power for an additional 5 years. The present credit will expire on June 30, 1999. Wind equipment installed after that date will not qualify for the credit unless we act to extend the PTC now.

My bill will allow new high technology wind turbines installed during an additional five years to qualify for the 1.5 cent per kilowatt-hour PTC created under the bi-partisan Energy Policy Act of 1992.

The wind power industry's potential in the United States is enormous. Wind generating costs have fallen 80% over the past decade and further efficiencies are achievable. States like the Dakotas, Iowa, Maine, Minnesota, Texas and Colorado offer enormous generating potential. Americans are developing new wind technologies that will give us a competitive edge as this market expands.

In addition, wind offers one technology we can promote to achieve reductions in climate-changing emissions. The America Wind Energy Association has estimated that under an extension of the PTC, working in conjunction with a set of policies aimed at further reducing costs, wind energy can achieve 30,000 megawatts of generating capacity in our country by 2010. Doing so would reduce CO_2 emissions by up to 100 million metric tons, contributing 18% of the reduction that the electric industry must achieve to reduce emissions back to 1990 emissions levels while producing new jobs. That is a goal we can support.

MADE IN AMERICA INFORMATION ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to establish a toll-free phone number consumers can call to get information on products made in America. Similar legislation I authored was approved unanimously by the House in the 103d, 104th and 105th Congresses. Unfortunately, in each of the last three Congresses, the other body did not act on the bill.

My bill, the "Made in America Information Act," directs the Federal Trade Commission (FTC) to contract out the program to a private company. The toll-free number will provide consumers with information on products made in this country. The bill uses the same definition for an American-made product that the FTC uses in determining uses of "Made in the USA" labels. Only those products with a sale price of $250 or more would be included in the program. The bill would subject any companies providing false information to federal penalties. One of the key components of my bill is that the program would be self-financed through the imposition of a modest annual registration fee on participating companies.

The bill will not require the FTC to hire more people or create a new unit. The only expense to the commission would be to prepare language for the Federal Register and to prepare bid documents.

Let me reemphasize that the program will be contracted out and run by a private company. Companies would participate in the program on a voluntary basis. The program would not promote or favor one product over another. It would simply provide American consumers with information on what products are made in America.

When making a big purchase, most Americans want to "Buy American." This program will help them make an informed and patriotic decision. Best of all, it won't cost taxpayers a dime. I urge my colleagues to cosponsor the "Made in America Information Act."

JOHN DILLON WAS THE FACE OF LAW ENFORCEMENT IN CENTRAL NEW YORK

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. WALSH. Mr. Speaker, I ask my colleagues to join me today in paying tribute to a man whose passing has left my community, and our nation, with one less hero. Former Onondaga County Sheriff John Dillon died January 14, 1999 and Central New Yorkers will grieve the loss for a long time to come.

The quintessential "Irish cop", John Dillon was known far and wide as a man of great humor, deep compassion and innate fairness. It should also be said that he was tough. Throughout his four-decade career, he was the epitome of the public safety provider. In fact, to many he was the face of law enforcement in Central New York.

John Dillon was a personal friend, so I know his attributes well, among them natural leadership. He was greatly respected by the men and women in uniform.

A devout Catholic and loving family man, John Dillon was fiercely proud of his Irish ancestry. When the Irish Ambassador at the time, Dermot Gallagher, visited Syracuse in 1997, it was John Dillon who regaled the Ambassador with the history of the West End of Syracuse, the home to many immigrant families.

With great pride and his characteristic dry wit, John Dillon recalled the layout of the neighborhood and, using nicknames for the colorful characters of his youth, told a touching story of an entire generation of Irish immigrant families.

He told of the Stonethrowers, the young men who defied city officials by repeatedly breaking the red light over the green on the traffic light at the main intersection of Tipperary Hill on the West End.

Never would the English red sit atop the Irish green, he told Ambassador Gallagher with fervor. And today, he pointed out, the green sits atop the red in one traffic light in America, Tipperary Hill in Syracuse, the birthplace of John Dillon.

The man we came to respect and so deeply admire served 25 years with the Syracuse Police Department before retiring as the First Deputy Police Chief. He was elected Onondaga County Sheriff later that year and held that post until retirement in 1994.

I want to add my sincere condolences to John's wonderful wife Ginny and their children. And I ask my colleagues to join me in this moment of recognition for a public official who served his community well.

PERSONAL EXPLANATION

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. WEYGAND. Mr. Speaker, on Tuesday, February 9, 1999, I was speaking at Columbia University in New York and was not present for rollcall votes 12, 13, and 14. Had I been present, I would have voted "yes" on rollcall vote 12, "yes" on rollcall vote 13, and "yes" on rollcall vote 14.

TRIBUTE TO DR. MICHAEL PLADUS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to pay tribute to a man whose accomplishments in the field of public education are limitless. Dr. Michael Pladus, principal of Interboro High School since only 1994, recently received the 1999 National Principal of the Year Award in the shortest time ever recognized by its sponsors, MetLife and the National Association of Secondary School Principals. Richard Riley, U.S. Secretary of Education, presented Dr. Pladus with the award on January 28, 1999 at the Renaissance Mayflower Hotel in Washington, DC. Dr. Pladus received this honor in recognition of his exceptional role in improving the school's student activities, standardized testing scores, and overall climate of academia.

Before going to Interboro High School four years ago, Dr. Pladus, holding a Masters Degree from both Temple University and the University of Scranton and a doctorate from Columbia University, served as a Middle School Principal in the Upper Merion School District. Since assuming his position at Interboro, he has worked vigorously to install innovative programs which will help our students. Besides establishing closer relations between parents, teachers, students, and administration at Interboro, Dr. Pladus re-designed the academic curriculum and up-graded the math advanced placement program. Moreover, he has implemented a co-teaching pilot program for special education students and developed a proactive strategy to deal with the needs of "at risk" teens. Through his commitment and success, Dr. Pladus helped the school earn "blue ribbon" status from the Commonwealth of Pennsylvania.

In a nation toiling to upgrade educational standards, people like Dr. Pladus yield hope. As a former school teacher, I know well the difficult challenges facing today's educators, and commend those who overcome them. With the innovating ideas and continual resolution of people like Dr. Pladus, our nation and its children will become much closer to the educational system they deserve.

FAMILY FRIENDLY TAX RELIEF ACT OF 1999

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. WOLF. Mr. Speaker, today I am introducing the Family Friendly Tax Relief Act of 1999. This legislation will increase the child tax credit for children under age 5 to $1,000. I believe this is an important step toward easing the tax burden for American families with young children.

Child development experts agree that a child's interest in learning, sense of security, behavior, and curiosity about the world are deeply rooted in the child care that he or she receives between the ages of 0–5. When children get off to a good start in life and have high-quality child care (either at home or in a child care program), they have the best opportunity to flourish and they have all the necessary tools to start school. Children who are cared for well from birth have a distinct advantage over those who are in low-quality, overcrowded, or under-staffed child care programs or those who come from homes where money is scarce and parents are forced to chose between spending time with their children or putting food on the table.

Increasing the tax credit by $500 for children under age 5 will help all parents in providing care for their children. Frequently, parents of young children lack the income and seniority in their careers that parents of older children enjoy, and they often cannot afford high-quality child care. In addition, child care is more expensive for young children than it is for older children and parents of young children are sometimes hit with a double whammy: more expensive child care and less income to contribute toward the care of their children. Unfortunately, many, if not most, working parents have to choose between financial security and spending time with their children during the important development years of age 0–5.

Single parent families and families with a stay-at-home parent also face financial dilemmas and can experience much hardship associated with the fact that they are dependent on one source of income. If the employed parent loses his or her job or has a reduction in salary, the family's financial security can be wiped out in a matter of days. There are also many communities in the United States where cost-of-living is so high that it can be nearly impossible to survive on only one income. Some single parents have to work two jobs just to make ends meet.

In addition, parents who choose to sacrifice income in order to stay home with their children sometimes have to make other sacrifices based on finances that affect their children's living environment, physical well-being, or sense of security. More and more parents are facing time constraints and financial constraints that make it impossible for them to choose the type of child care that they would prefer if given all the options.

By providing an increase in the child tax credit for young children, parents will have the opportunity to keep more of their hard-earned incomes for family needs. Having as little as 500 extra dollars a year per young child may make a significant difference. Parents who work outside the home may use the extra income to enroll their child in a child care program that is better matched to their child's needs. Some working parents may have the ability to reduce their work hours so that they can spend more time with their children. Single parent families or families who choose to get by on one income will also have more income to help make ends meet.

While President Clinton has proposed an increase in the child care tax credit for children under age 1 (by $250 depending on income), I believe that more needs to be done to help parents of young children. My legislation goes beyond President Clinton's proposal and will help all parents who are struggling with raising their children in an increasingly complex, threatening, and busy world. Helping our nation's youngest children is the key to ensuring the future of our country.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Friendly Tax Relief Act of 1999".

SEC. 2. $1,000 CHILD TAX CREDIT FOR CHILDREN UNDER AGE 5.

(a) IN GENERAL.—Section 24 of the Internal Revenue Code of 1986 (relating to child tax credit) is amended by redesignating subsections (e) and (f) as subsections (g) and (h), respectively,. and by inserting after subsection (e) the following new subsection:

"(f) $1,000 CREDIT FOR QUALIFYING CHILDREN UNDER AGE 5.—

"(1) IN GENERAL.—Subsection (a) shall be applied by substituting '$1,000' for '$500' with respect to any qualifying child who has not attained the age of 5 as of the close of the calendar year in which the taxable year of the taxpayer begins.

"(2) COORDINATION WITH DEPENDENT CARE CREDIT.—This subsection shall apply to a taxpayer for a taxable year only if the taxpayer elects not to have section 21 apply for such year."

(b) CONFORMING AMENDMENT.—Subparagraph (I) of section 6213(g)(2) of such Code is amended by striking "section 24(e)" and inserting "section 24(f)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SEC. 3. CHILD TAX CREDIT ALLOWED IN DETERMINING ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 is amended by inserting "(other than the credit allowed by section 24)" after "credits allowed by this subpart".

(b) CONFORMING AMENDMENT.—Section 24 of such Code is amended by inserting after subsection (f) (as added by section 2) the following new subsection:

"(g) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate credit allowed by this section for the taxable year shall not exceed the sum of—

"(1) the taxpayer's regular tax liability for the taxable year reduced by the sum of the credits allowed by sections 21, 22, 23, 25, and 25A, plus

"(2) the tax imposed by section 55 for such taxable year."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

COMPENSATION FOR PRIVATE PROPERTY OWNERS—NOT GOVERNMENT!

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to ask this Congress to restore to our citizens their basic constitutional rights under the 5th Amendment of our United States Constitution and to ask Congress to insure that the rural areas of our country are treated fairly. On Wednesday, February 3, 1999 I chaired a hearing of the Committee on Resources on the impacts of the Minneapolis-St. Paul, Minnesota airport expansion on one of our premier national wildlife refuges, the Minnesota Valley National Wildlife Refuge.

This refuge is home to a broad range of wildlife species which deserve every bit as much protection as do the species that live in other national refuges, including in Alaska refuges such as the Arctic National Wildlife Refuge and the Izembek National Wildlife Refuge. Species living in this refuge include threatened bald eagles, 35 mammal species, 23 reptile and amphibian species, and 97 species of birds including Tundra Swans migrating all the way from Alaska.

The new runway expansion will cause so much noise and disturbance to visitors that most of the facilities under the path of the runway will have to be relocated. In fact, the refuge will be so impacted by the noise, that the FAA has agreed to pay the Fish and Wildlife Service over $20 million to compensate them for the "taking" of their property by virtue of the noise and the impact on visitors to the refuge.

Yet, even with this level of disturbance, the Fish and Wildlife Service and the FAA found that the wildlife would not be disturbed so much that the airport expansion should be stopped. They also found no impact on the threatened bald eagle and no need for the protections of the Endangered Species Act in this case. They found that the wildlife in the refuge would adjust to the noise. They found that there is little scientific evidence that wildlife will be seriously harmed by over 5,000 takeoffs and landings per month at less than 2,000 feet above these important migratory bird breeding, feeding and resting areas. In fact, over 2,000 flights will be at less than 500 feet above ground level.

I am not surprised that the Fish and Wildlife Service found that wildlife habituates to human noise and disturbance. Most of us know that wildlife adjusts to human presence and in some cases actually thrive. The abundant deer, bird, and fox populations in the highly developed northeastern United States can attest to that.

Certainly, I would agree that our airports must be safe and that human life and safety come first. However, how many times have the Members of this Congress been told by the Clinton Administration that important safety projects cannot go forward because it might and I stress, might, impact wildlife? This excuse has been used many times in Alaska to oppose vital public safety and health projects without any scientific justification.

I know that wildlife and humans can coexist. In the coastal plain of Alaska, oil production and caribou have coexisted and the caribou population has increased. I have a picture in my office that illustrates that point beautifully. It shows a large herd of caribou peacefully resting and grazing in the shadow of a large oil drilling rig on Alaska's north slope.

Yet some Members of Congress, including some who have agreed to allow this airport expansion in Minnesota, have introduced legislation that would preclude most human activities in the Arctic National Wildlife Refuge by designating that area as a permanent wilderness. I guess they believe that wildlife in Alaska can't adjust to human activities, but wildlife in Minnesota can.

In addition, the airport commission, by taxing passengers flying through Minneapolis, will pay over $20 million in compensation for the lost use of the refuge lands.

The 5th Amendment of the Constitution protects private property when it must be used by the public. The Clinton Administration has consistently threatened to veto good bills that have been introduced which would have reduced the burden on private property owners when they attempt to seek compensation for their lost property from the U.S. government.

The Clinton Administration and the Clinton Justice Department have made the process so expensive, so time consuming, so lengthy and so difficult that only the wealthiest landowners have any hope of obtaining the compensation guaranteed by the 5th Amendment. Yet, the Fish and Wildlife Service demanded, and received compensation for the impacts on the refuge without having to file a lawsuit or even threatening a lawsuit.

I want to make it clear that I support our refuges. I sponsored the National Wildlife Refuge System Improvement Act in 1997, which is now the law of the land. I want refuges to be places where wildlife can thrive and I want them accessible to the public. I support adequate funding so that our refuges can be open to the public. I agree that refuges and wildlife should not be used to stop needed projects and development in nearby communities.

But let's do away with the double standard—one for the rural west and another for the rest of the country. Let's also insure that private property owners get the same fair treatment that the Fish and Wildlife Service got with respect to the Minneapolis-St. Paul airport. Let's enforce the 5th Amendment and compensate private property owners when the government must use their land for public purposes. What's good for the government is even better for the people.

INTRODUCTION OF THE FAIRNESS IN IRS DEBT PAYMENT ACT OF 1999

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. TOWNS. Mr. Speaker, we have all heard Internal Revenue Service horror stories. Recently, the Washington Post began a series on harrowing encounters between the IRS and the average citizen. You do not have to be a Member of Congress to know that the average American deeply fears an IRS audit. This fear is not because of widespread tax fraud. The average American understands that tax revenue is the gasoline in the engine of our society. They do not balk from paying their fair share of taxes, but they fear that innocent mistakes or misunderstandings of complex laws will result in a large bill from the government. They know that it is not unusual for the penalty and interest payments to be two to three times higher than the actual tax owed. They know that it is not unusual for the agency to compound interest in such a way that the actual interest rate paid by the consumer is 40 percent. And they know that once they start paying they may never stop.

Current IRS reforms have centered on administrative structure instead of agency practices. Taxpayers are more concerned about IRS tax assessment practices than its organizational structure. Inequitable or coercive collection practices not only diminish respect for the government but cause hardship in individual lives. This legislation will bring much needed fairness to IRS collection practices and prevent the unjustifiable financial ruin of so many working American families. After discussing this measure with several of my colleagues, I am truly optimistic about the opportunity for expediting this legislation through the legislative process.

Mr. Speaker, today I am pleased to introduce the Fairness in IRS Debt Payment Act of 1999, which will require the Internal Revenue Service to compound interest annually (instead of daily); apply payments equally, and cap penalty accumulation. Additionally, the bill will prohibit the IRS from re-auditing an account or unilaterally suspending a payment plan. Finally, the bill will require the agency to issue written guidelines on penalty abatement and provide the taxpayer with a written explanation for refusal of a penalty abatement request.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Ms. CARSON. Mr. Speaker, due to official business in my district, I was unavoidably absent on Tuesday, February 9, 1999, and Wednesday, February 10, 1999, and as a result, missed rollcall votes 12–18. Had I been present, I would have voted "yes" on rollcall vote 12, "yes" on rollcall vote 13, "yes" on rollcall vote 14, "yes" on rollcall vote 15, "yes" on rollcall vote 16, "no" on rollcall vote 17, and "yes" on rollcall vote 18.

TRIBUTE TO REVEREND FATHER ARMANDO BALADO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay tribute today to an outstanding citizen and great man of God, the Reverend Father Armando Balado who will celebrate his golden 50th anniversary in the order of priesthood on March 24.

Born in Havana, Cuba, Fr. Balado entered seminary at the young age of eighteen and was ordained by Cardinal Manuel Arteaga Betancourt and performed pastoral responsibilities in a number of Cuban towns for the next 12 years. Fr. Balado was one of thousands of Cubans tormented and persecuted by Fidel Castro and his imposed communist regime. By 1961, he and 100 Brothers of the Order of La Salle became some of the thousands of religious leaders who were forcibly driven to leave Cuba due to their faith.

The U.S. granted Fr. Balado the opportunity of continuing his holy calling to the order of priesthood as he performed duties in Catholic churches of Los Angeles, Puerto Rico and Miami. Fr. Balado soon pastored a variety of churches throughout the state of Florida and assisted in the building of a parochial school in Miami. He remains in Miami as the appointed Pastor of St. Raymond of Penyafort where he has served for 11 years and where he is loved and respected by parishioners and the South Florida community.

TRIBUTE TO "GRANNY D"

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. BROWN of California. Mr. Speaker, last month, I had the distinct pleasure of meeting in my congressional district with Doris Haddock, known nationally now as Granny D, and a former Member of this body and current Secretary of State in West Virginia, Ken Hechler.

Granny D, an 89-year-old youngster from New Hampshire, began a cross-country journey in Los Angeles in January. She is walking across America to bring attention to the need for meaningful campaign finance reform, On January 12, 1999, she visited me in my district office in Colton, California.

Granny D is spritely and passionately opinionated on the issue of campaign-finance reform. So spritely and so passionate, in fact, that she will walk 3,055 miles this year through 210 cities and towns from Pasadena to Washington, DC. I hope that many of my colleagues will have the pleasure of meeting her and listening to her message as she walks through their congressional districts.

Public interest in and support for her cause is swelling. As we stood outside my office in Colton, passersby recognized Granny D and rushed forward to speak with her. In the homes where she stays on her trek, enthusiastic neighbors and community groups gather to hear her message.

Granny D's effort is non-partisan and inclusive. She wants more ordinary citizens to become aware of campaign financing and remedies for soft money intrusions into electoral politics. She supports the Shays-Meehan bill, which I co-sponsored.

I ask my colleagues to join me today in saluting this remarkable woman and in agreeing to at last seriously take up the issue of campaign finance reform in this Congress.

COMMEMORATING THE HONORABLE ROBERT K. PUGLIA

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. DOOLITTLE. Mr. Speaker, I rise today to pay tribute to an outstanding public servant, Justice Robert K. Puglia. Robert K. Puglia, Presiding Justice of the Court of Appeal in the Third Appellate District of California, has brought credit and distinction to himself through his illustrious record of public service, and it is appropriate at this time to commemorate the valuable leadership and dedicated service he has provided to his community and the people of the State of California.

Robert Puglia was born in 1929 in Westerville, OH. He completed his undergraduate work at Ohio State University in 1952. After serving 3 years in the U.S. Army as an infantryman, Bob Puglia enrolled in law school at the University of California at Berkeley and earned his law degree in 1958.

Bob became a member of the California State Bar in 1959, upon passing the bar exam, and began working as a Deputy Attorney General for the State of California. Later that same year he became Deputy District Attorney for the County of Sacramento. While serving in the Sacramento District Attorney's office until 1969, including over 5 years as Chief Deputy, Bob found time to teach law at McGeorge School of Law and government at California State University.

Bob then joined the private law firm of McDonough, Holland & Allen in Sacramento until Governor Ronald Reagan tapped him in 1971 to be judge of the Superior Court, Sacramento County. In 1971, Governor Reagan appointed Justice Puglia to the California Court of Appeal in the Third Appellate District. Later that same year, he was elevated from Associate Justice to Presiding Justice. He has served there ever since.

In recognition of his skills as attorney and judge, and for his service to his community, state, and to the legal profession, Justice Robert Puglia has received honorary doctorates in law from Lincoln Law School and the McGeorge School of Law. Justice Puglia was also active in numerous state and local bar activities, including service on several committees on the California Judges Association as well as serving as its president, and as a member of the California Judicial Council. In 1984 he was President of the American Bar Association.

Outside of his long and distinguished career, Robert Puglia is husband to Ingrid, and father to four children, Susan, Peter, David, and Thomas.

I take great pleasure in commending the Honorable Robert Puglia for his outstanding record of judicial leadership, his long and distinguished record of public service, and his outstanding display of civic leadership. He is indeed a man worth emulating and one who exemplifies the standards those in his chosen profession seek to uphold.

TRIBUTE TO RUBY "ALICE" FINN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. HUNTER. Mr. Speaker, I rise today to recognize the outstanding life of a friend from my district, Mrs. Ruby "Alice" Finn of Campo, California. Alice recently passed away and I would like to take a moment to commend the dedication she had for her family and country.

Alice married John W. Finn in 1933 while he was serving in the U.S. Navy. They were stationed all over the country and world, including San Diego, Alaska, Hawaii, Panama, Japan and China. On December 7, 1941, John was a Chief Aviation Ordnanceman at Kaneohe Bay on the windward side of Oahu, when the Japanese military attacked on their way to Pearl Harbor. During this attack, John was seriously wounded but refused medical treatment and would not leave his position until ordered to do so, earning him the prestigious Congressional Medal of Honor. With Alice by his side, John was given this honor by Admiral Chester Nimitz aboard the *U.S.S. Enterprise*, making her the first woman ever allowed aboard a "U.S. Man of War" during a wartime situation and in a war zone. Alice stayed with John during the remainder of his tour of duty in Hawaii working as a military mail-censor.

Alice and John came to the beautiful backcountry of San Diego in 1958. On their ranch, they raised one son and took the time to help those in need by serving as foster parents to several of the local Native-American Indian children who were alone. When Alice passed away this last December, she was laid to rest in this area amongst the surroundings she helped make beautiful and near the people she loved.

Mr. Speaker, in a time where indifference is often chosen over concern, Alice exemplified the meaning of caring for those around you. Whether it be standing beside her husband during time of war or reaching out to those in need, Alice was a person who put others before herself. Thank you Alice for giving us an example of the type of person we all should strive to be.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. FOSSELLA. Mr. Speaker, during rollcall No. 18, I was unavoidably detained. Had I been present, I would've voted "aye" on S. Con. Res. 7.

* * *

FREEDOMS IN PERU

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. GILMAN. Mr. Speaker, I introduced this resolution in the 105th Congress to express concern over interference with freedom of the press and the independence of judicial and electoral institutions in Peru. I am reintroducing this resolution today because my concerns have not been allayed.

I have been one of Peru's strongest supporters in Congress. Under President Alberto Fujimori's presidency, Peru has also become a good partner in the war against drugs. Now that coca prices in Peru have dropped to historically low levels, there is a real chance to help farmers grow legitimate crops. I have been pleased to encourage our European allies to join us in seizing this opportunity to promote meaningful alternative development in Peru.

Nonetheless, I am concerned that the independence of Peru's legislative, judicial and electoral branches is being increasingly compromised. We must, of course, continue to fully engage Peru in our important bilateral relationship, particularly in our shared fight against drugs and terrorism. However, despite these very positive aspects in our relationship, the United States should not be expected to turn a blind eye to interference with freedom of the press and the independence of judicial and electoral institutions in Peru.

The continuing actions taken by the government of Peru against Baruch Ivcher, the Israeli-born owner of television station Channel 2, have become emblematic of government interference with freedom of expression in Peru. It is chilling that these acts of blatant intimidation were precipitated by Channel 2's exposes of abuses—including alleged torture and murder—by Peru's intelligence service.

Recently, President Fujimori overruled his military-run Interior Ministry and publicly supported a decision to issue a new Peruvian passport to Mr. Ivcher. While the Peruvian government says this is a positive step, Mr. Ivcher and members of his immediate family are still being subjected to arbitrary criminal prosecutions. It is time for President Fujimori to exercise the decisive leadership that is his hallmark and properly resolve this very troubling case.

This resolution resolves that the erosion of the independence of judicial and electoral branches of Peru's government and the intimidation of journalists in Peru are matters for concern by the United States. It would be very unfortunate if these trends were to undermine Peru's hard won stability and progress.

This resolution also calls for an independent investigation and report on threats to press freedom and judicial independence in Peru by the Inter-American Commission on Human Rights of the Organization of American States. I believe that it is most appropriate for the Inter-American community to look into these matters.

I am pleased that the distinguished ranking Democratic member of our Committee, the gentleman from Connecticut, SAM GEJDENSON, has joined me in co-sponsoring this resolution.

I am including for insertion at this point in the CONGRESSIONAL RECORD a recent opinion column by Mr. Baruch Ivcher published on February 4 in the New York Times and an editorial by The Washington Post published on the same day.

[From the New York Times, Feb. 4, 1999]

PERU'S ENDANGERED DISSIDENTS

(By Baruch Ivcher)

On July 13, 1997, the Government of Peru took my Peruvian citizenship away. Now it is asking Interpol to arrest me, my wife and my daughter. What was my crime? Believing in freedom of the press.

When Channel 2 in Lima, of which I was the majority shareholder, broadcast reports on the use of torture by the intelligence service, military involvement in drug trafficking and—this was the piece de resistance—the million-dollar income of the head of the intelligence service, the Government of President Alberto Fujimori apparently decided the station had to be silenced and I had to be punished.

I was a foreign-born Jew, and that seemed to be all the ammunition they needed. I was accused of treason and of selling Israeli arms to Ecuador when it was having border clashes with Peru. Within days, the Government "discovered" that my naturalization 13 years before had been a "fraud." It took my nationality, and with it all my rights in Channel 2 (now a reliable supporter of the regime).

I fled the country and have been sentenced to 12 years in prison in absentia. Peru has issued Interpol warrants for my arrest and—as if that weren't enough—the arrest of my wife and daughter, and the Government is now prosecuting my defense lawyers. The Government is deaf to appeals from Peru's Cardinal and groups like the Inter-American Human Rights Commission.

Why won't President Fujimori listen? Why has the persecution against me and others instead gotten worse?

It is possible that the military and the intelligence service have so much control now that Mr. Fujimori is hamstrung. But it is also true that Mr. Fujimori wants to be elected to an unconstitutional third term next year. When Peru's Constitutional Tribunal ruled in May 1997 that he could not run again, he had the judges who voted against him removed. To win that third term, Mr. Fujimori seems determined to blast away any obstacle.

One method is Government-orchestrated campaigns of harassment and intimidation, like the current one against Angel Paez, an investigative reporter. Jose Arrieta, who was head of Channel 2's investigative unit, suffered the same abuses and has been granted asylum in the United States. Vicious smears and even death threats are common weapons against such journalists.

A key tool Mr. Fujimori uses against his opponents is the intelligence service, which was built up to combat terrorism. Wire-tapping of the President's critics is a specialty. Then there is the use of politically inspired prosecutions, like the trumped-up tax case against Delia Revoredo. She was dean of the Lima Bar Association and a member of the Constitutional Tribunal; her troubles began when she cast her vote there against a third term for Mr. Fujimori. She and her husband lived in exile for a year, until an arrest order against them was dropped. Bogus charges were about to be filed against Mr. Arrieta as well, and have been made in my case and others.

To get away with these types of things, the Government needs to control the entire judicial system. Today two-thirds of Peru's judges have only temporary status, meaning that they hold their positions at the pleasure of the Government and cannot act independently. In addition, the National Magistrates' Council, an autonomous body established in the Constitution to appoint and dismiss judges and prosecutors, has been largely gutted.

Mr. Fujimori is eliminating the checks and balances that make democracy possible. This is a disastrous course, for him and for Peru. Without the rule of law and freedom of expression, democracy in Peru will wither, foreign investors will be scared away, and instability will be guaranteed. True friends of Peru like the United States should be driving that message home to Mr. Fujimori during his visit to Washington this week.

[From the Washington Post, Feb. 4, 1999]

MORE THAN A BORDER TREATY

The presidents of Peru and Ecuador are in town to celebrate the signing of a border treaty that is a lot more than a border treaty. It enables them to ask Americans not just to recognize their diplomacy but also to invest in their growth and stability. The two countries need development as well as friendship. Settling what has been called the oldest and most contentious conflict in South America lets the peacemakers advertise themselves as serious modernizers. The new agreement was designed precisely as an instrument of modernization for both of them.

Border disputes come from more than the lapses of surveyors. This one came from historical and emotional roots deep enough to touch basic sources of identity as well as interest on both sides. The tenacity of nationalistic feelings made it risky but essential for Ecuador's president, Jamil Mahuad, and Peru's Alberto Fujimori to grasp the nettle. This is how an agreement came to be negotiated that marks a border and provides Ecuador a patch of Amazonian land to honor its soldier dead. The agreement also provides a plan to develop and integrate the two economies, especially in the impoverished border region. Initial funding is what the presidents seek in Washington.

For all their psycho-diplomatic exertions, Peru and Ecuador needed help from their friends, Argentina, Brazil, Chile and the United States. The four arbitrated the final settlement that the two had bound themselves to accept. Ecuador and Peru deserve congratulations. Mr. Fujimori could build on the spirit of the occasion by moving all the way to undo his manipulation of the powers of the state against television proprietor Baruch Ivcher, in a case with international resonance. The dispute on that "border" needs to be resolved, too.

1999 CONGRESSIONAL OBSERVANCE OF AFRICAN AMERICAN HISTORY MONTH—FRANCE EXPRESSES GRATITUDE TO UNITED STATES VETERANS OF WORLD WAR I

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. RANGEL. Mr. Speaker, as we celebrate African American History Month, I would like to take this opportunity to offer a particular tribute to two great African American World War I Veterans, who are residents of Harlem. Both served on active duty in France.

Although 80 years later, Mr. Herbert W. Young, now 112 years old, and Mr. Robert Thomas, now 103 years old, will receive the French Legion of Honor Medal on February 22, 1999, during a special ceremony in their honor. The ceremony will be held at the French Consulate in New York. Both men plan to attend. Mr. Young is recognized as the oldest living veteran.

Mr. Young served in the United States Army, Company E, 807th Pioneer Infantry from August 1, 1918 through July 11, 1919, and attained the rank of Corporal. Mr. Thomas served in the United States Army, Company A, 815th Pioneer Infantry from July 11, 1917, through August 7, 1919, and attained the rank of Private.

The French government will mark the upcoming 80th anniversary of the Armistice of World War 1 by conferring the Legion of Honor on Americans, in particular, and other allied veterans of the Great War. The Legion of Honor is France's highest decoration, and is being awarded to veterans who took part in the 1914–1918 war on French soil.

The United States entered World War 1 "to make the world safe for democracy." Although African Americans were denied democratic rights in the United States, they supported the war effort in surprising numbers. W.E.B. Du Bois, editor of The Crisis, called on African Americans to "close ranks" despite segregation, hoping that military participation would earn African American civil rights after the war. Upon demobilization, African Americans returned to their homes to face continued segregation, discrimination and racial violence.

All Americans owe a special debt of gratitude to these two men. Despite segregation, discrimination, and bitter disappointment, they defended American's freedom and democracy with their very lives. We salute them, we honor them, we thank them for the unselfish and extraordinary sacrifices, and contributions they made to the country and the world.

INTRODUCTION OF THE MEDICARE SUBSTITUTE ADULT DAY CARE SERVICES ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. STARK. Mr. Speaker, I am pleased to rise with a number of my colleagues to introduce The Medicare Substitute Adult Day Care Services Act. This bill would improve home health rehabilitation options for Medicare beneficiaries and simultaneously assist family caregivers with the very real difficulties in caring for a homebound family member.

As Congress turns needed attention to modernizing the Medicare program, this bill is an important step in that direction. It would update the Medicare home health benefit by allowing beneficiaries the option of choosing an adult day care setting for the provision of home health benefits rather than confining the provision of those benefits solely to the home.

More specifically, the Medicare Substitute Adult Day Care Services Act would incorporate the adult day care setting into the current Medicare home health benefit. It would do so by allowing beneficiaries to substitute some, or all, of their Medicare home health services in the home for care in an adult day care center (ADC).

To achieve cost-savings, the ADC would be paid a flat rate of 95 percent of the rate that would have been paid for the service had it been delivered in the patient's home. The ADC would be required, with that one payment, to provide a full day care to the patient. That care would include the home health benefit AND transportation, meals and supervised activities.

Above the 95 percent reimbursement limitation there are additional inherent cost savings in the ADC setting. In the home care arena, a skilled nurse, a physical therapist, or any home health provider must travel from home to home providing services to one patient per site. There are significant transportation costs and time costs associated with that method of care. In an ADC, the patients are brought to the providers so that a provider can see a larger number of patients in a shorter period of time. That means that payments per patient for skilled therapies can be reduced in the ADC setting compared to the home health setting.

As an added budget neutrality measure, the bill includes a provision that would allow the Secretary of Health and Human Services to change the percentage of the payment rate for ADC services if growth in those services were to be greater than current projections under the traditional home health program.

This bill is not an expansion of the home health benefit. It would not make any new people eligible for the Medicare home health benefit. Nor would it expand the definition of what qualifies for reimbursement by Medicare for home health services.

In order to qualify for the ADC option, a patient would still need to qualify for Medicare home health benefits just like they do today. They would need to be homebound and they would need to have a certification from a doctor for skilled therapy in the home.

All the bill would do is recognize that ADC's can provide the same services, at lower costs, and include the benefits of social interaction, activities, meals, and a therapeutic environment in which trained professionals can treat, monitor and support Medicare beneficiaries who would otherwise be at home without professional help. All of these things aid the rehabilitation process of patients.

The bill includes important quality and antifraud protections. In order to participate in the Medicare home care program, adult day care centers would be required to meet the same standards that are required of home health agencies. The only exception to this rule is that the ADC's would not be required to be "primarily" involved in the provision skilled nursing services and therapy services. They would have to provide those services, but because ADC's provide services to an array of patients, skilled nursing services and therapy services may not always be their primary activity. Otherwise, all the home health requirements would apply to ADC's.

Here is an example of how the system would work if this bill were law. A patient is prescribed home care by his or her doctor. At that time the patient and his or her family decide how to arrange for the services. They could choose to receive all services through the home, or could choose to substitute some adult day care services. So, if the patient had 3 physical therapy visits and 2 home health aide visits, they could decide to take the home health aide visits at home, but substitute 3 days of ADC services for the physical therapy visits. On those days, the patient would be picked up from home, taken to the ADC, receive the physical therapy, and receive the additional benefits of the ADC setting (group therapy, meals, socialization, and transportation). All of these services would be incorporated into the payment rate of 95 percent of the home setting rate for the physical therapy service. It is a savings for Medicare and an improved benefit to the patient—a winning solution for everyone.

Adult day care centers (ADC's) are proving to be effective, and often preferable, alternatives to complete confinement in the home. States are taking advantage of their services for Medicaid patients today. Homebound people can utilize these centers because they provide door-to-door services for their patients. ADC's send special vehicles and trained personnel to a patient's home and will go so far as to get the patient out of bed and transport them to the ADC site in specially equipped vehicles. Without this transportation component, homebound patients would not be able to utilize such a service.

For certain patients, the ADC setting is far preferable to traditional home health care. The ADC can provide skilled therapy like the home health provider, but also provide therapeutic activities and meals for the patients. These centers provide a social setting within a therapeutic environment to serve patients with a variety of needs. Thus, patients have the opportunity to interact with a broad array of people and to participate in organized group activities that promote better physical and mental health. Rehabilitation can be enhanced in such a setting.

Again, it is important to note that ADC care provides an added benefit to the caregivers for frail seniors or disabled individuals. When a Medicare beneficiary receives home health services in the home, these providers are not in the home all day. They provide the service they are paid for and then leave. Many frail seniors cannot be left alone for long periods of time and this restriction prevents their caregivers from being able to maintain employment outside of the home. If the senior were receiving ADC services, they would receive supervised care for the whole day and the primary caregiver would be able to maintain a job and/or be able to leave the home for longer periods of time.

This is a small step forward for rehabilitation therapy for seniors and disabled individuals. Eligibility for the home health benefit is not changed so it is not an expansion of the benefit. Patients would greatly benefit from the option of an adult daycare setting for the provision of home health services. I look forward to working with my colleagues to enact this incremental, important Medicare improvement.

MR. AMIGO 1998

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. ORTIZ. Mr. Speaker, I rise today to commend the 1998 "Mr. Amigo," Jorge Ortiz de Pinedo, chosen recently by the Mr. Amigo Association of Brownsville, Texas, and Matamoros, Tamaulipas, in Mexico. Each year the Mr. Amigo Association honors a Mexican citizen with the title of "Mr. Amigo," and that person acts as a goodwill ambassador between our two countries.

Brownsville and Matamoros hold an annual Charro Days Festival, a pre-Lenten festival, much like Marti Gras in New Orleans. Charro Days festivities will last for several days; this year they will be February 25–28. There will be parades and appearances by Ortiz, who, incidently, is not related to me, and who is an international actor, producer and director. Charro Days is an opportunity to enjoy the unique border culture of the Rio Grande Valley area.

During Charro Days, South Texas celebrate the food, music, dances and traditions of both the United States and Mexico. The U.S.-Mexican border has a unique, blended history of cowboys, bandits, farmers, fishermen, oil riggers, soldiers, scientists, entrepreneurs, and teachers.

The border has its own language and customs. On both sides of the border, there is a deep sense of history, much of which the border has seen from the front row. We have seen war and peace, we have known prosperity and bad times. Charro Days is a time for all of us to reflect on our rich history, to remember our past and to celebrate our future.

Ortiz, the 1998 Mr. Amigo, is widely known in Mexican-Latin American entertainment circles. He has performed in 75 theater productions, 23 feature films, 24 soap operas, nine comedies, and a host of other theater events and productions. He has directed hundreds of productions for Televista and produced over 35 theater events.

The Mr. Amigo Award was conceived in 1964 as a annual tribute to an outstanding Mexican citizen. Each year, the Mr. Amigo selection highlights a man or woman who has made a lasting contribution to international solidarity and goodwill.

I urge my colleagues to join me in commending Jorge Ortiz de Pinedo, the 1998 Mr. Amigo, as well as the cities of Brownsville and Matamoros, for their dedication to international goodwill between the United States and Mexico.

TRIBUTE TO ST. FRANCES DE SALES SCHOOL

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the St. Francis de Sales School in celebration of its 50th anniversary. In recognition of this occasion, the students, staff, teachers, parents, alumni, administration and clergy members are deserving of the heartiest congratulations and highest commendations.

Since its founding in 1948 by the Archdiocese of Los Angeles, St. Francis de Sales has established a proud tradition of encouraging students to study and live the Catholic tradition of proclaiming gospel values, community involvement, and of giving service to those in need.

The students of St. Francis de Sales should be commended for their contributions to the poor and less fortunate, by organizing regular food and donation drives benefitting needy organizations in the area.

It is because of the awareness and dedication of responsible citizens in our country, exemplified by the students of St. Francis de Sales School, that today's true role models can become more well known.

I take great pleasure in recognizing St. Frances de Sales School upon the occasion of its 50th anniversary, and I commend the students, staff, teachers, parents, administrators, and clergy members for the outstanding contribution they have made to the community over the years.

Please join me, on this monumental day, in saluting the very important contribution to excellence made by St. Frances de Sales School.

HOME TO STAY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. BILIRAKIS. Mr. Speaker, I would like to share a poem with my colleagues that was written by one of my constituents, Stanley Karczeuski. Stanley wrote this poem while he was serving aboard the SS *John Ainsworth* during World War II.

HOME TO STAY

I won't rejoice or boast or brag,
On that eventful day,
I'll just thank God I'm still alive,
And going home to stay.

I've counted days and months and years,
Since I have been away,
But now my counting days are done,
I'm going home to stay.

They wanted us to do a job,
Which was all work, no play,
And now the job is done, and I
Am going home to stay.

There'll be parades for heroes all,
And services to pray,
For both those men returning home,
And those who had to stay.

It's these thoughts while homeward bound,
Upon my mind do prey,
While those who fought and died remain,
I'm going home to stay.

So let us all in silence kneel,
And to our God we pray,
For lasting peace to those who fell,
While we go home to stay.

TAX TREATMENT OF TAX-EXEMPT BONDS UNDER ELECTRICITY DEREGULATION

HON. J.D. HAYWORTH

OF ARIZONA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. HAYWORTH. Mr. Speaker, today my colleague Mr. MATSUI and I are introducing the Bond Fairness and Protection Act of 1999, a bipartisan compromise approach to addressing the tax consequences of electricity deregulation for tax-exempt bonds issued by municipally- or state-owned ("publicly-owned") utilities for the generation, transmission and distribution of electricity.

Despite the lack of federal legislation in the 105th Congress in this area, 18 states have already gone forward and begun to deregulate electricity at the state and local level. The era of competition has already started both for publicly-owned and investor-owned utilities operating in these states. Our home states of Arizona and California have taken significant steps down the road to deregulation. In Arizona, Salt River Project, a Phoenix-based municipal utility, has already opened up its territory to competition. While deregulation faced a setback last month, the Arizona Corporation Commission continues to work on a deregulation plan for all Arizona utilities that will benefit all ratepayers. In California, a statewide deregulation plan is already in operation.

Publicly-owned utilities have operated until now under a strict regime of federal tax rules governing their ability to issue tax-exempt bonds. These rules were enacted in an era that did not contemplate electricity deregulation. These so-called "private use" rules limit the amount of power that publicly-owned utilities may sell to private entities through facilities financed with tax-exempt bonds. For years, the private use rules were cumbersome but manageable. As states deregulate, however, the private use rules are threatening many communities that are served by public power with significant financial penalties as they adjust to the changing marketplace. In effect, the rules are forcing publicly-owned utilities to face the prospect of violating the private use rules, or walling off their customers from competition, and in either case raising rates to consumers—the precise opposite of what deregulation is supposed to achieve. The consumer can only lose when this happens.

The legislation that we are introducing today would protect all consumers by grandfathering outstanding tax-exempt bonds, but only if the issuing municipal or state utility elects to terminate permanently its ability to issue tax-exempt debt to build new generating facilities. Such an election would not affect transmission and distribution facilities, which generally would still be regulated under most deregulation schemes. Publicly-owned utilities that do not make this irrevocable election would continue to operate under a clarified version of existing law, thus remaining subject to the private use rules.

This legislation attempts to balance and be fair to the interests of all stakeholders in electricity deregulation while keeping the interests of the consumer paramount. It strikes a compromise between publicly-owned utilities and investor-owned utilities by providing an option for publicly-owned utilities to address the problem of how to comply with private use restrictions in a deregulated world, an option that involves significant trade-offs for the publicly-owned utilities that seek to utilize it. For investor-owned utilities, requiring publicly-owned utilities to forego the ability to issue tax-exempt debt for new generation facilities should mitigate any potential or perceived competitive advantage in the new deregulated world. At the same time, it honors promises made to bondholders under contract and existing tax law, thereby avoiding the inequitable consequence of applying old rules to the new deregulated world of electricity.

In addition, for those concerned about the environment, it provides incentives to deliver electricity efficiently and encourages the retrofitting of aging facilities. Most importantly, for consumers, it allows competition to thrive while protecting local choice and local control.

We point out to our colleagues that identical legislation, S. 386, has been introduced in the other body by Senators GORTON, KERREY, JEFFORDS, HOLLINGS, THURMOND, HARKIN, MURRAY, SMITH of Oregon, JOHNSON, WYDEN, LEAHY and HAGEL.

Mr. Speaker, we plan to work with all interested parties, and most importantly American consumers, to ensure that we end up with the fairest, most reasonable solution to this complex problem. We want electricity deregulation to be a good deal for everyone involved, especially the American consumer, who certainly deserves the lower electric bills that a competitive marketplace is supposed to provide. We believe this legislation addresses all of these concerns and promotes fair competition in the electricity industry. We urge our colleagues to join us in cosponsoring this legislation.

Mr. Speaker, I submit the text of the bill to be printed in the RECORD.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bond Fairness and Protection Act of 1999".

SEC. 2. TAX-EXEMPT BOND FINANCING OF CERTAIN ELECTRIC FACILITIES.

(a) PERMITTED OPEN ACCESS TRANSACTIONS NOT A PRIVATE BUSINESS USE.—Section 141(b)(6) of the Internal Revenue Code of 1986 (defining private business use) is amended by adding at the end the following:

"(C) PERMITTED OPEN ACCESS TRANSACTIONS NOT A PRIVATE BUSINESS USE.—

"(i) IN GENERAL.—For purposes of this subsection, the term 'private business use' shall not include a permitted open access transaction.

"(ii) PERMITTED OPEN ACCESS TRANSACTION DEFINED.—For purposes of clause (i), the term 'permitted open access transaction' means any of the following transactions or activities with respect to an electric output facility (as defined in subsection (f)(4)(A)) owned by a governmental unit:

"(I) Providing open access transmission services and ancillary services that meet the reciprocity requirements of Federal Energy Regulatory Commission Order No. 888, or that are ordered by the Federal Energy Regulatory Commission, or that are provided in accordance with a transmission tariff of an independent system operator approved by such Commission, or that are consistent with State-administered laws, rules, or orders providing for open transmission access.

"(II) Participation in an independent system operator agreement (which may include transferring control of transmission facilities to an independent system operator), in a regional transmission group, or in a power exchange agreement approved by such Commission.

"(III) Delivery on an open access basis of electric energy sold by other entities to end-users served by such governmental unit's distribution facilities.

"(IV) If open access service is provided under subclause (I) or (III), the sale of electric output of electric output facilities on terms other than those available to the general public if such sale is to an on-system purchaser or is an existing off-system sale.

"(V) Such other transactions or activities as may be provided in regulations prescribed by the Secretary.

"(iii) DEFINITIONS; SPECIAL RULES.—For purposes of this subparagraph—

"(I) ON-SYSTEM PURCHASER.—The term 'on-system purchaser' means a person who purchases electric energy from a governmental unit and whose electric facilities or equipment are directly connected with transmission or distribution facilities that are owned by such governmental unit.

"(II) OFF-SYSTEM PURCHASER.—The term 'off-system purchaser' means a purchaser of electric energy from a governmental unit other than an on-system purchaser.

"(III) EXISTING OFF-SYSTEM SALE.—The term 'existing off-system sale' means a sale of electric energy to a person that was an off-system purchaser of electric energy in the base year, but not in excess of the kilowatt hours purchased by such person in such year.

"(IV) BASE YEAR.—The term 'base year' means 1998 (or, at the election of such unit, 1996 or 1997).

"(V) JOINT ACTION AGENCIES.—A member of a joint action agency that is entitled to make a sale described in clause (ii)(IV) in a year may transfer that entitlement to the joint action agency in accordance with rules of the Secretary.

"(VI) GOVERNMENT-OWNED FACILITY.—An electric output facility (as defined in subsection (f)(4)(A)) shall be treated as owned by a governmental unit if it is owned or leased by such governmental unit or if such governmental unit has capacity rights therein acquired before July 9, 1996, for the purposes of serving one or more customers to which such governmental unit had a service obligation on such date under State law or a requirements contract.".

"(b) ELECTION TO TERMINATE TAX-EXEMPT FINANCING.—Section 141 of the Internal Revenue Code of 1986 (relating to private activity bond; qualified bond) is amended by adding at the end the following:

"(f) ELECTION TO TERMINATE TAX-EXEMPT BOND FINANCING FOR CERTAIN ELECTRIC OUTPUT FACILITIES.—

"(1) IN GENERAL.—An issuer may make an irrevocable election under this paragraph to terminate certain tax-exempt financing for electric output facilities. If the issuer makes such election, then—

"(A) except as provided in paragraph (2), no bond the interest on which is exempt from tax under section 103 may be issued on or after the date of such election with respect to an electric output facility; and

"(B) notwithstanding paragraph (1) or (2) of subsection (a) or paragraph (5) of subsection (b), with respect to an electric output facility no bond that was issued before the date of enactment of this subsection, the interest on which was exempt from tax on such date, shall be treated as a private activity bond, for so long as such facility continues to be owned by a governmental unit.

"(2) EXCEPTIONS.—An election under paragraph (1) does not apply to—

"(A) any qualified bond (as defined in subsection (e)),

"(B) any eligible refunding bond,

"(C) any bond issued to finance a qualifying T&D facility, or

"(D) any bond issued to finance equipment necessary to meet Federal or State environmental requirements applicable to, or repair of, electric output facilities in service on the date of enactment of this subsection. Repairs or equipment may not increase by more than a de minimis degree the capacity of the facility beyond its original design.

"(3) FORM AND EFFECT OF ELECTIONS.—An election under paragraph (1) shall be made in such a manner as the Secretary prescribes and shall be binding on any successor in interest to the electing issuer.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) ELECTRIC OUTPUT FACILITY.—The term 'electric output facility' means an output facility that is an electric generation, transmission, or distribution facility.

"(B) ELIGIBLE REFUNDING BOND.—The term 'eligible refunding bond' means State or local bonds issued after an election described in paragraph (1) that directly or indirectly refund State or local bonds issued before such election, if the weighted average maturity of the refunding bonds do not exceed the remaining weighted average maturity of the bonds issued before the election.

"(C) QUALIFIED T&D FACILITY.—The term 'qualifying T&D facility' means—

"(i) transmission facilities over which services described in subsection (b)(6)(C)(ii)(I) are provided, or

"(ii) distribution facilities over which services described in subsection (b)(6)(C)(ii)(III) are provided.".

(c) EFFECTIVE DATE, APPLICABILITY, AND TRANSITION RULES.—

(1) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act, except that a governmental unit may elect to apply section 141(b)(6)(C) of the Internal Revenue Code of 1986, as added by subsection (a), with respect to permitted open access transactions on or after July 9, 1996.

(2) APPLICABILITY.—References in this Act to sections of the Internal Revenue Code of 1986 shall be deemed to include references to comparable sections of the Internal Revenue Code of 1954.

(3) TRANSITION RULES.—

(A) PRIVATE BUSINESS USE.—Any activity that was not a private business use prior to the effective date of the amendment made by subsection (a) shall not be deemed to be a private business use by reason of the enactment of such amendment.

(B) ELECTION.—An issuer making the election under section 141(f) of the Internal Revenue Code of 1986, as added by subsection (b), shall not be liable under any contract in effect on the date of enactment of this Act for any claim arising from having made the election.

COMMENDING SAUL BENNETT ON THE PUBLICATION OF "NEW FIELDS AND OTHER STONES/ON A CHILD'S DEATH"

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. HINCHEY. Mr. Speaker, on August 31, 1998, the United States Senate adopted Senate Resolution 193 of the 2nd Session of the 105th Congress, as follows:

> "Whereas approximately 79,000 infants, children and young adults die each year in the United States;
>
> "Whereas the death of a child is one of the greatest tragedies suffered by a family; and
>
> "Whereas support and understanding are critical to the healing process of a bereaved family; Now, therefore, be it
>
> *Resolved*, That the Senate—
>
> (1) designates December 13, 1998 as "National Children's Memorial Day," and
>
> (2) requests that the President issue a proclamation designating December 13, 1998 as "National Children's Memorial Day" and calls on the people of the United States to observe the day with appropriate ceremonies and activities in remembrance of infants, children, teenagers and young adults who have died.

Against the backdrop of this Resolution, I would like to commend a constituent of mine, Mr. Saul Bennett, on the publication of his book "New Fields and Other Stones/On a Child's Death." Mr. Bennett is himself a bereaved parent whose daughter Sara Bennett, died suddenly at the age of 24 from a brain aneurysm on July 14, 1994.

"New Fields and Other Stones" is comprised of 50 poems that eloquently and chronologically address life for an American family following the loss of a child. The book already has prompted memorable favorable reviews and laudatory comments by leading bereavement counselors and therapists. In addition, numerous newspaper articles and broadcasters have commented on the book's importance and power. Moreover, on reading these articles, parents who have also lost a child, have contacted the author to express their camaraderie and gratitude.

Mr. Speaker, losing a loved one is certainly one of the most traumatic experiences many of us will face in our lives. The void left behind is often too large to fill and it is usually quite difficult to soothe the pain that we had been afflicted with. Saul Bennett has not only worked diligently to heal his own wounds, he has reached out to help others who have faced such tragedy. I would like to commend Mr. Bennett for his personal strength and compassion and I applaud his efforts to help others deal with a loss of their loved ones.

54TH ANNIVERSARY OF FLAG RAISING ON IWO JIMA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to bring to the attention of our distinguished colleagues that February 23rd will be the 54th anniversary of the raising of our American flag on Iwo Jima. It has often been said that the photograph of the flag raising on Mt. Suribachi is the most widely duplicated and famous photograph ever taken. This may or may not be true, but I do not think anyone can deny it is to this day one of the most inspirational.

It was 54 years ago this month that 70,000 American soldiers stormed the tiny Pacific island of Iwo Jima in an effort to secure a safe place for the emergency landing of American bombers en route to strategic targets in Japan. A small island in the Pacific Ocean, Iwo Jima was a vital strategic point for both the Americans and Japanese due to its location for these bombings.

I am among the Americans who participated in our war effort in the Pacific theater. I fully recall how those of us who flew bombing missions over Japan were grateful, thanks to our courageous Armed Forces, that Iwo Jima had come into our control, although with great sorrow for the tremendous sacrifice that is conquest entailed. Iwo Jima allowed us a reasonable emergency landing base to refuel and to repair our aircraft damages incurred during our missions over Japan.

It is appropriate that all Americans should join in honoring the 6,000 American lives that were sacrificed in that famous battle that helped our nation to achieve victory in the Pacific theater. The photo of the 5 Marines and 1 sailor struggling to raise the stars and strips over Iwo Jima while battling against the brutal Pacific winds has become an enduring image to all Americans of those who gave their lives so that others may live free during that long and horrible war.

Perched high atop Mount Suribachi, our nation's flag served as an instant memorial to the dead and wounded of our great nation reminding us of the expensive price we paid for that victory.

Mr. Speaker, in closing, I invite all of our colleagues to join in remembrance of that historic day and in extending our deepest condolences and gratitude to the families of the fallen soldiers of the battle of Iwo Jima.

ARIZONA STATEHOOD AND ENABLING ACT AMENDMENTS OF 1999

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. STUMP. Mr. Speaker, Sunday, February 14, 1999, marks the eighty-seventh anniversary of statehood for my home state of Arizona. On behalf of my colleagues in the Arizona House delegation, I am pleased to introduce the following piece of legislation to mark this historic event.

Mr. Speaker, the proposed bill amends the 1910 act of Congress that granted the State of Arizona's entry into the Union. The bill makes two minor changes to the Arizona Enabling Act relating to the administration of state trust funds. This bill is supported by the Governor of Arizona, our State Treasurer, the Arizona State Legislature and most importantly the citizens of Arizona through their approval of this change through the ballot process.

Mr. Speaker, on November 3, 1998, Arizona voters passed Proposition 102 to amend the Arizona Enabling Act. The Enabling Act required the State of Arizona to establish a permanent fund for collecting the proceeds from the sale of trust land and the land's mineral and other natural products. The principal of the fund is not expendable, but rather invested in interest-bearing securities. The interest is used to support the financial needs of the beneficiaries. With this change in the Arizona Enabling Act, the State of Arizona will be provided with the opportunity to maximize these funds. In essence, this amendment to the Arizona Enabling Act will allow the State Treasurer to preserve the real value of the fund by reinvesting an amount equal to the rate of inflation, thereby providing higher payments to beneficiaries over time. This would improve management in the State and assist in the generation of more revenues for the beneficiaries by gaining authorization to invest part of the fund in stocks and to invest some earnings to offset inflation.

Mr. Speaker, this legislation will also make a change to the Arizona Enabling Act to allow the state to expend monies from the Miners' Hospital Endowment Fund to benefit the Arizona Pioneers' Home. Inadequate funds exist in the Miners' Hospital Endowment Fund to build and operate a separate hospital for disabled miners. Since 1929, disabled miners have been cared for at the Arizona Pioneers' Home, but current law prohibits the commingling of funds associated with state trust lands. This legislation would allow the Arizona Pioneers' Home to expend monies from the Miners' Hospital Endowment Fund to continue care for miners who meet the statutory admission requirements.

DISTILLED SPIRITS TAX PAYMENT SIMPLIFICATION ACT OF 1999

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. COLLINS. Mr. Speaker, I rise today to introduce the Distilled Spirits Tax Payment Simplification Act of 1999, also known as "All-in-bond" legislation.

This legislation streamlines the way in which the Federal Government collects the Federal excise tax on distilled spirits. Specifically, the legislation would extend the current system of collection now applicable for imported products to domestic products, thereby reducing unnecessary cash-flow costs for U.S. wholesalers of distilled spirits, most of which are family or closely held businesses. In addition, the Federal tax collection process would be simplified by providing that only one Federal agency collect the tax, not two as is currently the case.

Today, wholesalers purchase foreign bottled distilled spirits "in-bond" (tax free), paying the Federal excise tax directly after sale to a retailer. In contrast, when the wholesaler buys domestically bottled spirits (nearly 86 percent of total inventory) the price includes the Federal excise tax, prepaid by the distiller. Carrying costs are increased by 40 percent for U.S. goods. Freeing up working capital for reinvestment will generate more jobs and more tax revenues.

PROCLAMATION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I submit the following proclamation.

Whereas, the emergence of African-American youth, especially in Houston, Texas, who choose the aerospace industries as careers continues to be of high priority; and

Whereas, in an effort to inspire, enhance and embrace information concerning African-Americans in space—NASA, Marshall, Johnson & Torrey/Television, the Boeing Company and PBS/KUHT-TV Houston Public Television have contributed to a television broadcast to educate Houston youth; and

Whereas, the focus of "Journey: The Black Astronaut" is to document and celebrate extraordinary African-American astronauts, both men and women, and their tremendous achievements in the United States Space Program; and,

Whereas, it is appropriate to recognize that Maj. Robert Lawrence, Jr., from Chicago, who was killed in the crash of a F-105 fighter during a training exercise on December 8, 1967, six months after he was named to the Air Force's manned orbiting laboratory program, is duly recognized as the first African-American astronaut and is etched into history on the Space Mirror at the Kennedy Space Center.

Now, therefore, I, Congresswoman Sheila Jackson-Lee, hereby honor the African-American men and women of the United States Space Program and proclaim that Wednesday, February 17, 1999 as Black Astronaut Day, in Houston, Texas and call upon all residents of this great city to join me in supporting the aerospace aims, goals, and dreams of African-American youth all over the United States.

IMF FUNDING

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. MURTHA. Mr. Speaker, I recently received the following statement by the Korea-U.S. Business Councils from U.S. Council members Dave Roderick and Tom Usher. It's encouraging and shows the difference IMF funds can make in the international economic community. I'm pleased to include the statement in the CONGRESSIONAL RECORD.

KOREA-U.S./U.S.-KOREA BUSINESS COUNCILS JOINT STATEMENT, JANUARY 19, 1999

The Korea-U.S. Business Council and the U.S.-Korea Business Council, representing business leaders from their respective countries, had their Twelfth Annual Joint Steering Committee Meeting in Hawaii, January 17–19, 1999.

The U.S. Council Members have a general feeling that the Korean government, under the strong leadership of President Kim Dae-Jung, has adopted a rational and constructive policy to overcome the financial crisis.

Only a year after South Korea had to ask for assistance from the International Monetary Fund:

Interest rates have fallen to single digits after reaching almost 30% during the height of the crisis because of improved liquidity.

Korea's stock market index continues to dramatically rise as a result of active purchasers from domestic and foreign investors; and,

Stabilization to the exchange rate has been achieved.

As a result of the combined vigorous efforts by the Korean government, with the continuing support of the U.S. and the IMF, and the private sector in pursuing financial reform, corporate restructuring and improved corporate governance, the South Korean economy is now beginning to show some signs of recovery.

Korea's foreign exchange reserves have surpassed the $48 billion mark for the first time in the nation's history.

Korea's five largest "chaebols" have agreed to drastically reduce the number of subsidiaries and their debt-to-equity ratios and also complete "Big Deals" that will greatly help to enhance the competitiveness of Korean industries.

Recently, the sovereign rating of won-denominated Korean government bonds has been upgraded and further upgrades are expected in the future.

The Korean government has begun to pay back loans to the IMF instead of exercising the option to roll-over the loans.

Despite the good news, both Councils are greatly concerned about the dramatic increase in unemployment figures in Korea and how this could negatively affect social stability. Existing "safety net" programs should be expanded to ensure continued support for more painful reforms.

Another area of concern for both Councils is the highly unpredictable relationship with North Korea. After being fully updated on the current situation, both sides agreed that stability between the North and the South must be ensured and that a strong united front must be maintained to serve as a deterrent against North Korea.

The Korean Council would like to acknowledge the important role played by the U.S. government and American companies in helping South Korea during the financial crisis. Based on the U.S.'s experience in dealing with their own economic difficulties during the late 1980s, the Korean Council asks the U.S. to offer continued advice and assistance.

This will be a difficult year because many agreements will have to be reached concerning trade issues affecting the U.S. and South Korea. Both Councils would like to offer their support and contributions to ensure that the completion of this process is beneficial and amicable to both nations.

Both Councils noted the progress being made by the two governments toward concluding a Bi-lateral Investment Treaty (BIT) and give their strong endorsement for its rapid implementation. A U.S.-ROK "BIT" can make a significant contribution to the business relationship and help in restoring Korea's economy.

The U.S. side urges that efforts continue to liberalize the economy, further encourage foreign direct investment, increase transparency in financial statements, improve corporate governance, and maintain commitments to open, fair and non-discriminatory trade rules.

Although many positive things have been accomplished in a very short period of time, both Councils are cognizant of the fact that there is still much work left to be done. Accordingly, both councils would like to offer their full support for these efforts and urge all parties to remain diligent to provide the setting for eventual recovery and continued prosperity.

INTRODUCTION OF THE MEDICARE HOME HEALTH CASE MANAGER ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. STARK. Mr. Speaker, I rise today to introduce the Medicare Home Health Case Manager Act of 1999. The Medicare home health benefit has received much attention in recent years. The reason for that attention has been the dramatic growth of home health services over the past decade.

The Balanced Budget Act of 1997 (BBA) made a number of changes to the home health benefit to help stem that growth. However, much more needs to be done.

The Medicare Home Health Case Manager Act is a double winner. It would simultaneously reduce Medicare spending on home health while improving the quality of the benefit. It does this by introducing a new component to the benefit: an independent case manager.

Today, home health care is prescribed by a patient's physician, but then the actual plan of care is executed by the home health agency treating the patient. This creates incentives that have nothing to do with quality or appropriateness of care. Under the cost-based reimbursement system that existed before passage of BBA, the incentive to home health agencies was to over-utilize services for patients because that is how the agency made more money. In the BBA's prospective payment system (PPS) of the future, the incentive will be the opposite and there are real concerns about potential under-utilization of services.

The Medicare Home Health Case Manager Act would ensure that home health care decisions for long-stay patients were being made by an independent case manager who in no way financially benefited by the length or type of home care provided to a patient. They would be paid by a Medicare fee-schedule that would in no way be influenced by the amount or type of care they recommend. The legislation would also provide the Health Care

Financing Administration (HCFA) with the flexibility to investigate the effectiveness of reimbursing home health case managers on a competitively bid basis in certain regions where that would prove appropriate.

The creation of a home health case manager for long-stay patients is endorsed by the Medicare Payment Advisory Commission (MEDPAC), a Commission appointed by Congress to provide expert advice on Medicare and Medicaid policy. In their March 1998 report to Congress they recommended that such a case manager be adopted for the home health benefit.

Their report states: "Such an assessment would help to minimize the provision of services of marginal clinical value, while ensuring that patients receive appropriate care. Requiring case management of long-term home health users could improve outcomes for individuals with long-term home health needs and at the same time slow the growth of Medicare home health expenditures." (Emphasis added).

There is also a new Massachusetts Medical Society study in which two-thirds of the physicians who participated in the study stated that "on occasion, they thought their patients didn't have enough home health coverage," even as 90% of them said that they routinely prescribe home health. They also expressed concern about "the difficulty of getting information about the condition of patients receiving home care," noting that some information does not reach the doctors until "it's well out of date." A home health case manager would remedy those concerns.

In addition, there are real-life examples of case management systems saving money and improving care. For example, Maryland's Medicaid program has a high cost user initiative which in FY 96 saved the state $3.30 for each $1 spent—a savings of 230%. The Health Insurance Association of America also commissioned a study of its member plans and found that rehabilitation/case management programs return an investment of $30 for every $1 spent.

History has shown us that simply throwing more money into home health is not the answer for assuring that patients receive appropriate care. Let's use this opportunity to make a real, tangible improvement in the quality of care obtained by Medicare patients and simultaneously save Medicare spending by reducing inappropriate visits. I look forward to working with my colleagues for passage of this important legislation.

PAYING TRIBUTE TO HENRY KLEIN FOR HIS MANY YEARS OF COMMUNITY INVOLVEMENT

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. HINCHEY. Mr. Speaker, I would like to pay tribute today to a constituent of mine and a dear friend, Henry Klein. I have known Henry for nearly thirty years and relied heavily on his wisdom and guidance throughout my many years in public service.

I am sometimes called upon to pay homage to one of our great national heroes on the day set aside for their remembrance, and it is always a pleasure to retrace their accomplishments, the obstacles they had to overcome, and the dedication they gave to their chosen areas of endeavor. These public heroes, whether they be in the area of military or civic affairs, or the arts or sciences, are a proud part of our democratic heritage.

But what about those unsung heroes, those citizens we meet in our own communities who are also worthy of special recognition for their dedication to the preservation of our democratic heritage? In all the years that I have known him, Henry Klein has been the exemplar of what a public citizen should be—fair and open-minded, and fearless whenever confronted with injustice or the ugliness of mob violence.

Born in Brooklyn, he graduated from City College in New York, earned his masters degree at Columbia University, and then became a member of the armed forces in World War II, serving first as an educational instructor, helping recruits to better understand the demographic principles for which the free world was fighting, and later serving as a sergeant for three years in the European theater. After his return he did not abandon his interest in teaching the social and economic goals which were needed to ensure America's future.

When he moved upstate to the Town of Rochester in the early seventies, he became active with the Concerned Consumers, an organization promoting social and economic issues affecting Ulster County communities.

No one who knows Henry Klein would ever think of him as a member of a political party. He was an uncommon citizen, seeking rational and just solutions. He did not court controversy but neither did he shirk his responsibility to respond when he encountered it. At town meetings, at public forums, in letters-to-the-editor, and on call-in talks shows, when sometimes wild and exaggerated charges were being hurled back and forth between partisan groups and there was much heat but little illumination, it was Henry who would eventually provide the voice of reason and the enlightenment that was needed.

Mr. Speaker, I feel a deep debt of gratitude to Henry Klein for the role he has played in raising the level discourse on public policy issues through the logic and common sense of his augments and his unwavering loyalty to high democratic ideals. Without public citizens like Henry, a healthy democratic society could not long survive.

THE SOCIAL SECURITY BENEFIT RESTORATION ACT

HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. SANDLIN. Mr. Speaker, I rise today to introduce legislation addressing a serious issue for retired teachers and government employees across America. These public servants, after a lifetime of educating our youth and working for the taxpayers of America, find that their reward is a significant reduction in their Social Security benefits. It is time to end this penalty and give these retirees the benefits they are due.

Retirees drawing a benefit from a private pension fund do not have their Social Security benefits reduced. Why should we do this to civil servants? We should be encouraging able and intelligent people to teach our children and work for the government, not discouraging them by slashing their retirement benefits. We must bring equity to the Social Security benefits of private sector and public sector retirees.

This legislation, the Social Security Benefit Restoration Act, will bring this equity to retirement benefits. This bill will simply eliminate the public sector benefit penalty enacted in 1983 and allow all civil servants to draw full Social Security benefits.

I urge my colleagues to join me in cosponsoring this legislation. For every retired government employee and retired teacher in your district experiencing reduced Social Security benefits, I urge your support for this bill.

MANDATES INFORMATION ACT OF 1999

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

Ms. PELOSI. Mr. Chairman, the Waxman amendment to H.R. 350 would provide equal protection under the law.

If we can protect the private sector, surely we can take the same step to protect the public welfare.

H.R. 350 is dejavu all over again—it is the same tired "Contract with America" attempt to lessen the burden of federal mandates on private business. It would provide a procedural advantage to legislation where costs of more than $100 million might be imposed by Congress on the private sector. Under this procedure, a point of order could be raised on any bill the Congressional Budget Office (CBO) determines would cost the private sector more than $100 million a year. The point of order could trigger a 20-minute debate and vote on the cost of the legislation.

Who saves and who pays under this plan?

Protection of public health and safety and the environment would seem the logical answer and, yet, H.R. 350 defies logic. Remember, in this Congress the financial interests of business outweigh protection of the public good.

As an example: what if legislation on environmental compliance for a business cost $100 million or more? The legislation would be subject to a point of order and debate. But, if it were defeated, the public would suffer, in effect repealing federal environmental protection.

Why would we give this type of advantage to business at the expense of the public? Why would Congress put the interests of business over protection of the public good?

The American Lung Association states, "This legislation will create new procedural hurdles on legislation designed to safeguard public health and the environment." The Association cites as examples legislation to regulate tobacco or clean air that might be defeated as a result of this procedural protection.

The Waxman amendment would provide equal footing to legislation that might weaken or repeal mandates on the private sector which protect the public's health and safety, or the environment. It would open the debate and require a vote to provide the balance needed to afford protection of the public interest, along with the protection of business interests. The Waxman amendment would require the CBO to identify whether or not a bill contains any such provisions that might threaten existing environmental law and protection of the public. A point of order could be raised, providing an opportunity for debate and a vote where members would be held accountable for their position.

Over the past four years, we have experienced repeated attempts to attach anti-environment "riders" to critical legislation. There has been a concerted plan by the Majority to weaken or repeal the environmental progress of the past two decades. In most cases, debate has been closed and votes have not resulted on these individual measures which have threatened our forests, drinking water and clean air. The Waxman amendment would provide the same procedural obstacle to anti-environmental legislation as proposed to protect business under H.R. 350. It would give Congress an opportunity to open the debate on issues with health and environmental consequences.

H.R. 350 asks us to think twice about imposing a burden on the private sector and think not once about the consequences for the rest of society.

Think again—support the Waxman amendment—vote "yes" to protect the public health and our environment.

IN HONOR OF LITHUANIA'S INDEPENDENCE DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. KUCINICH. Mr. Speaker, as Co-chair of the Baltic Caucus I am particularly honored to commemorate the 81st anniversary of the restoration of Lithuania's independence together with the 746th anniversary of the establishment of the Lithuanian kingdom.

Lithuania is rich in history. This country has continually been occupied by regimes which exploited its natural resources and its people. However, the seed of democracy continued to grow within the Lithuanian people. In 1990, after four decades of suppression, Lithuania finally achieved freedom and re-established the independent Lithuanian state.

This hard-fought victory for independence and democracy stands as a testament to the courage, endurance and strength of the Lithuanian people. I am honored today as we commemorate not only the original declaration of Lithuanian independence, but the ongoing sacrifices which these people endured to secure their freedom. The Lithuanian struggle stands as a symbol of the need to fight repression and unjust domination throughout the world.

I commend the people of Lithuania for their vigilance through the many difficult years. There is much cause to celebrate in Lithuanian communities everywhere. Lithuanian Independence Day in Cleveland will be celebrated with a ceremony and arts programs at our Lady of Perpetual Help Church.

I urge my colleagues to join me in commemorating the 81st anniversary of Lithuanian Independence.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 1999

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. CASTLE. Mr. Speaker, I rise today to support H.R. 435, the "Miscellaneous Trade and Technical Corrections Act of 1999". This bill is one of the most closely scrutinized pieces of legislation that ever comes to the House floor. Numerous agencies review its provisions to make sure the duty suspensions it contains do not prejudice any domestic producers of a good. This pre-legislative scrutiny is the main reason similar omnibus trade bills pass the Congress and are signed by the President without controversy.

This legislation is intended to reduce consumers' cost of important products. These include cancer-fighting drugs and organic substances that can substitute for other chemicals which are more harmful to the environment. I am the sponsor of several of the duty suspension provisions in this bill, including Resmethrin, used in an environmentally sensitive home and garden pesticide that controls flying and crawling insects. In addition, I sponsored a duty suspension for Diclofop-methyl, a herbicide for wheat and barley. Unlike many other herbicides, Diclofop-methyl does not need to be tilled into the soil, which promotes soil conservation.

Thidiazuron is another useful chemical included in this legislation. It is a defoliant that causes green bolls to drop to the ground enabling cotton pickers to harvest clean whit cotton with a green stain that reduces the value of the crop. It also shed immature bolls which are often the host sites for boll weevil infestation, a major threat to cotton production. Again, it is environmentally superior to other cotton defoliants because it requires less active ingredient than other chemicals to provide the same result. AgrEvo, the Delaware company that manufactures the defoliant, packages it in a water soluble bag in order to reduce exposure of the chemical to the skin of farmers and farm workers who apply it.

Also included in a duty suspension for Deltamethrin, an environmentally safer pesticide used to kill fire ants, fleas, roaches, and ticks. Without these duty suspensions, not only would products cost more, but foreign producers of the product who do not have to pay tariffs on their ingredients would have an advantage over American producers. That means hundreds of fewer jobs for Delawareans and thousands of other U.S. citizens.

In order to make cancer-fighting drugs more affordable, promote a cleaner environment, and protect American jobs, I encourage every Member to support this bill and move it quickly to the Oval office for President Clinton's signature.

RECOGNIZING DALY JOSEPH "CAT" DOUCET

HON. CHRISTOPHER JOHN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. JOHN. Mr. Speaker, I rise today to recognize the late Sheriff Daly Joseph Doucet, affectionately known to those in Louisiana as the "Cat," who was recently inducted into the Louisiana Political Hall of Fame.

First elected Sheriff of St. Landry Parish in 1936, Cat Doucet quickly earned admiration and respect as the top law enforcement officer in the area. He would go on to serve 20 years in this office—the longest in the rich history of this parish. On January 30, 1999, he was recognized for this service with his induction into the Louisiana Political Hall of Fame. A letter from the selection committee would go on to explain this high honor to Mr. Doucet's family in the following manner: "The statewide selection committee bases its selection on the impact that an individual has had on the politics of Louisiana; a distinction for which your Father certainly qualifies for."

Mr. Speaker, in a state where colorful and savvy politicians are probably the highest density per square mile than any where in the land, Cat Doucet will indeed be remembered as a legend. He will long be remembered for his gifted political skills and remarkable zest for campaigning. One story that I would like to briefly share with you I believe illustrates this legendary talent.

Upon one of his re-election bids, Sheriff Doucet came up with the clever idea to place a P.A. speaker on a crop duster and paid a pilot to fly the crop duster around the various farms of St. Landry Parish the weekend before the election. The pilot, yelling "Vote for Cat Doucet for Sheriff," hit almost every farmer that clear day. The following weekend a massive turnout was reported for the election and a young reporter was anxious to know why so many citizens turned out to support the legendary Sheriff. The reporter quickly grabbed a farmer exiting the voting booth and asked him point blank, "Sir, could you explain what appears to be a massive turn out for Sheriff Doucet?" The farmer replied to the reporter: "Well sir, all I can tell you is this. I was working in the sugar cane fields last weekend and all of a sudden I saw the clouds open up and voice from the sky say 'vote for Cat Doucet for Sheriff' and I said to myself, anybody that can get God to come down and campaign for you, has got to be good!" While Cat went on to win this race, he would sometimes lose others. However, his gracious demeanor did not leave him even on these rare occasions. Upon losing one of these elections in 1940, Cat was quoted in the newspapers as stating: "Before the election I was a friend of the newly elected sheriff and I am sure he knows that I'll always be his friend. I hold no malice towards anyone." I share these stories with my colleagues today as they help to describe this extraordinary figure who meant so much to so many in our state.

Most important, Mr. Speaker, his love for public service so often manifested itself through his common acts of human kindness. Whether it was buying needed medicines for the impoverished, chauffeuring the critically ill to charity hospitals, or paying the funeral expenses for the poor, he stood ready to help his fellow man in times of crisis. His recent induction into the Louisiana Political Hall of Fame along with four other deserving public servants: Former Lt. Gov. James Fitzmorris, the late Commissioner of Elections Douglas Fowler Sr., the political pollster Ed Renwick, and Iris Kelso, veteran reporter for the Times-Picayune, stands as a true testament to his dedicated career he loved so dearly. It is a fitting tribute that his inscription eternally reads "for outstanding accomplishments and service to the citizens of the state of Louisiana."

Mr. Speaker, with his death in 1975, Cat Doucet's storied past lives on far beyond the famous bayous of our state. His acts of goodness and great sacrifices have inspired many in St. Landry Parish to serve in the public body. His legacy will now forever survive in their hearts and in the hearts of those who knew him best.

REV. FRANKLIN A. DORMAN'S "TWENTY FAMILIES OF COLOR", PRESERVING THE LEGACY OF AFRICAN-AMERICANS WHO FOUGHT IN THE CIVIL WAR

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Ms. LEE. Mr. Speaker, I rise today to pay special appreciation to an individual who has made a significant contribution to the civil rights movement. Through the recent publication of his book entitled, "Twenty Families of Color", Rev. Franklin A. Dorman continues to ensure that the legacy of all of those African-Americans who generously gave of their time, energy and spirit by serving in the Civil War is acknowledged and preserved in perpetuity.

During his 22-year ministry with the United Church of Christ, the Rev. Franklin A. Dorman, now retired, was greatly concerned with the struggle for civil rights. He participated in hundreds of marches, vigils and nonviolent demonstrations, some of which led to his imprisonment. Dorman has had a longtime interest in history and genealogy. In 1994, after retiring, he published a two-volume book about his family's history. Among other things, he discovered that 36 members of his family fought in the Civil War.

After seeing the movie, "Glory", starring Denzel Washington and Morgan Freeman, about a regiment of black soldiers who also fought in the Civil War, "Something clicked in me," Dorman recalled. "I said, 'Who are these guys?' They didn't just come from nowhere—they had parents and grandparents, wives, children and grandchildren."

That interest, according to the September 1998 issue of "United Church News", led Dorman to write Twenty Families of Color in Massachusetts, published in 1998 by the New England Historic Genealogical Society in Cambridge, MA. Dorman hopes the book will help establish for the record the important roles African-Americans have played in American society during the last 250 years.

Twenty Families of Color traces the ancestors and more than 1,000 descendants of a group of African-American Civil War soldiers and sailors who fought in the Massachusetts 54th and 55th Colored Infantries, the 5th Cavalry, and the Union Navy. The descendants live throughout the United States. Several live in the Oakland, CA area and will attend an event in Oakland on Saturday, February 13, 1999 during which Dorman will speak about his work and his experiences.

The engagement, "Finding Your Roots: African American Family History Research", will take place from 3–5 p.m., at the Interfaith Center of the Oakland Mormon Temple on Temple Hill in Oakland. Dorman will explain how he did the research for his book and how others can research and write their own family histories.

Temple Hill houses a Family History Center, which provides access to the largest genealogical records library in the world. During the program, C. Malcolm Warner, president of the Oakland Mormon Mission, will invite residents of the Oakland area, including African-American residents, to become acquainted with the Center in order to research their family histories. Warner traced his own roots back to Canada, where during the 18th Century, his family provided a stop on the "Underground Railroad" for African Americans who escaped from slavery and made their way to safety across the international border.

"Rarely do compiled genealogies make interesting reading," wrote Henry B. Hoff in the New England Historical and Genealogical Register. Twenty Families of Color, however, "is an exception. . . . Many descendants [of the black Civil War soldiers and sailors] have taken an active role in bettering their communities."

As we enter the 21st Century, African-Americans are still struggling to gain equal opportunity in American life. Yet the individuals portrayed in his book "are not movie stars, presidents or generals. They are the kind of people who made history in a most concrete sense—they built this country, farmed it, gave [it] birth. I call them "real people."

I am proud that many of the subjects of this history live in and around the City of Oakland and the 9th Congressional District of California. On behalf of the citizens of Oakland and my district, I welcome Reverend Dorman to the district and commend him for the significant work he has done.

MANDATES INFORMATION ACT OF 1999

SPEECH OF

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes:

Mr. DELAY. Mr. Chairman, I rise today to voice my support for the Mandates Information Act. We are a government by, for and of the people. This legislation simply informs the America people of the costs of their government.

There are many ways the federal government spends the hard-earned money of American families. The most notorious of course is direct taxation. But just as burdensome are unfunded mandates pushed on businesses and state and local governments—and right now there is no consistent accounting for how much these cost.

Unlike most bills that create and then hide expenses, this one simply satisfies the right to know what the government is forcing others to spend. This bill exposes all the hidden taxes of government. It is purely informational. There is no language in the bill that affects environmental laws, or health and safety standards. In short, it says to each and every Member of Congress: think before you spend.

It has become somewhat unfashionable for congressmen to be spend-crazy. But rather than changing their ways, many simply vote to dump the cost on others. This bill makes congressmen think twice about voting for hidden government costs because it will chronicle those costs.

Everyone likes to say that less control should be wielded by Washington and more work should be done on the private and local level. Even Bill Clinton claimed the era of big government is over. Now we need to do something about it. We need to get the federal government off the backs of businesses and state and local governments. I urge my colleagues to pass the Mandates Information Act without amendment.

HOUSE OF REPRESENTATIVES—*Friday, February 12, 1999*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

APPOINTMENT OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 12, 1999.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Gracious God, as You have created each person and You have breathed into every soul the breath of our humanity, so teach us to live with each other as brothers and sisters who share a common heritage. May self-righteousness not taint our hearts nor undue pride mark our thoughts. As we think of people with whom we live, whether in our families or work or play, may Your words, O God, of faith and hope and love guide and support us all the day long and may Your blessing remain with us always. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. PEASE). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. BALLENGER) come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT TO TUESDAY, FEBRUARY 16, 1999, PENDING ADJOURNMENT MESSAGE FROM THE SENATE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that when the House adjourns on the legislative day of February 12, 1999, it stand adjourned until 2 p.m. on Tuesday, February 16, 1999, unless the House sooner receives a message from the Senate transmitting its concurrence in House Concurrent Resolution 27, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

APPOINTMENT AS MEMBERS OF HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Without objection and pursuant to the provisions of clause 11 of rule X and clause 11 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the Permanent Select Committee on Intelligence:

Ms. PELOSI of California;
Mr. BISHOP of Georgia;
Mr. SISISKY of Virginia;
Mr. CONDIT of California;
Mr. ROEMER of Indiana;
Mr. HASTINGS of Florida.

There was no objection.

HIGH SCHOOL STUDENTS IN NEVADA WILL RECEIVE SCHOLARSHIPS BASED ON SCHOLASTIC ACHIEVEMENT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, we often hear a lot about what Washington bureaucrats want to do about our children's education, but let me tell you what my Governor is doing about education at the State level.

Last month, in his first State of the State Address, Nevada Governor Kenny Guinn announced a bold and innovative plan to improve Nevada's high school dropout rate. In this plan, every Nevada high school student will receive a scholarship to a Nevada college or university based on scholastic achievement of maintaining a B average. The Millennium Scholarship plan will help motivate Nevada's students to seek higher education and better opportunities.

When Governor Guinn visited high schools recently, many students expressed excitement over this proposal, and that is our responsibility, to make these students excited about their education. This scholarship program by our Republican governor will change the landscape for educating Nevada's students by creating opportunities that never before existed.

CUTTING TAXES DOES NOT TAKE MONEY FROM THE POOR TO GIVE TO THE RICH

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, at our gathering we had down in Virginia this past week, I got a great and very interesting fact delivered to me. Most people do not know how much the tax cuts that have been passed by the Republicans in the last several years have helped the poor.

Now this is true: A normal family of four will not pay any Federal income tax until they earn over $40,000 a year. That means a large percentage of our population pay no income tax at all. So therefore when the gentlemen on the other side say over and over again that we are going to cut taxes for the rich and attack the poor, that is not true. If you cut taxes, only people who pay will pay less. Cutting taxes does not take money from the poor to give to the rich.

USING BUDGET SURPLUS FOR SAVING, SOCIAL SECURITY, NOT FOR RECKLESS TAX CUTS

(Mr. SHOWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHOWS. Mr. Speaker, having been a farmer in Mississippi, I know firsthand that you are not always going to have good weather come planting and harvest time. No matter what the forecasters say, sometimes it rains when they are predicting sunshine, and sometimes a simple shower becomes a storm, and before you know it your fields are flooded and your crops are ruined.

Mr. Speaker, one tax cut plan that has been proposed attempts to predict the future of the American economy, but some Members insist on squandering away America's budget surplus today on a poorly planned across-the-board tax cut, when the responsible thing to do is use our budget surplus to save Social Security first and reduce the national debt.

Saving Social Security should be our top priority for today's and tomorrow's

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□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

seniors, and we must reduce the national debt and continue on the path of fiscal discipline because we have no idea what tomorrow will bring. We cannot predict our economic future any better than weather forecasters can predict the weather. We should call their sunshine promises what they really are: A strong chance of thunderstorms that will rain on America's seniors and let the Social Security Trust Fund go down the drain.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GLOBALIZATION THE SINGLE MOST IMPORTANT ISSUE FACING THE WORLD'S ECONOMY TODAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I believe the most important issue, the single most important issue facing our country today and other countries in the world is how we deal with the globalization of the economy. That is a fact. It is a fact spurred by technological change and other matters beyond anyone's control.

I do not believe it is reasonable to talk about stopping globalization because that is not an option we have, but we do have a choice to make as to how we will go forward, and there are at least two competing models. One is the argument that says all we need do is let capital find its highest level, let the owners of capital invest wherever in the world they think they can get the best return, urge every government to facilitate that process by making themselves as attractive as they can be to capital, and the result will be that most people will be better off.

Domestically, we call that the trickle-down theory because what it says is, do not worry about negative effects on income distribution. Do not worry that to attract capital some places will cut their environmental standards and reduce taxes on the wealthy. Do not worry that this will reward the owners of capital disproportionately. In the end, we will all be better off.

There is an alternative conception. It is one that Franklin Roosevelt began in the early thirties in this country and it is one that says let us have for ourselves the benefits of capitalism, let us get the wealth creation that comes from the incentive structure that the free market gives us, but let us then come together and deal with some of the adverse impacts that this system will have.

Indeed, most recently that is a message that has been articulated by his Holiness Pope John Paul, II, who has called not for the abolition of a market system in the world's economy but for a recognition that the market system cannot be the only lodestar by which we make decisions.

I am encouraged that the Clinton administration has been moving in the direction of understanding that what motivated Franklin Roosevelt in the early thirties, the need to preserve the best parts of capitalism while dealing with some of the excesses and inequities that can result, that that must be applied internationally.

No better indication of that came than in the speech by Secretary of the Treasury Rubin at the recent World Economic Conference in Davos. Davos has not been known as a place where people come together to discuss compassion and equity and liberal principles. It has been a place where the free market and free movement of capital has been exalted.

And it is thus particularly significant that in the course of a speech talking about the importance of globalization and going forward with it and creating a structure to contain it, Secretary Rubin, himself a man who messed in the markets, who for years in the private sector before becoming a very successful Secretary of the Treasury, was a leading figure in the financial community, nationally, internationally, it is significant that he included the following statement at his speech at Davos:

> We must do far better in enabling all of our citizens to participate in the growth and economic well-being produced by the global economy. That means not only strengthening social safety nets for those in greatest need and promoting core labor standards around the world, but also greatly increasing investment in education and health care to provide all of our citizens with the requisites for economic success.
>
> The World Bank and other multilateral development banks are deeply engaged in pursuing these objectives and deserve our full support, and here, most significant of all, from a man who is now Secretary of the Treasury of the United States and a former extremely successful leader at Wall Street.

Along these same lines, and I am now quoting Secretary Rubin again, "I do not believe that a market-based economic system and a healthy global economy are sustainable unless we take strong steps to address the tremendous income inequality that is all too evident around the world within nations and between nations."

This is the sort of philosophy which, if it is made concrete, will be the basis on which we can come together and go forward in the areas of trade and promoting international development and promoting international economic activity.

The recognition that capitalism unadorned is not enough but that a combination of the capitalist system and public policies which protect vulnerable people against the excesses that are inherent in that system, that is the basis on which we can come together, and I am delighted to congratulate Secretary Rubin. I do not think this is a message that has often been heard in Davos, and certainly not from someone of the public and private eminence of Secretary Rubin. It is a very promising move towards the policy consensus that we need.

OPTIMISM GETS THE JOB DONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. HULSHOF) is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, I have come to the floor of the United States House of Representatives this morning to talk about some big news in a small town in Missouri's Ninth Congressional district. That small town is Ashland, Missouri, in Southern Boone County.

Now, Ashland is a community of just under 2,000 residents but today, Mr. Speaker, I want to single out 105 residents of that community, the Ashland Optimist Club, who are really making a tremendous impact in the lives of many more mid-Missourians.

The Ashland Optimist Club is big news in my district because of the huge contribution it makes to the community. Now, the Ashland Optimist Club is one of 4,000 Optimist clubs in the United States and Canada, and was chartered in September of 1964 with only 24 members. Today the club has grown in numbers, still has an original charter member, Mr. Labmon Wren. Mr. Wren, who was once president of the club, has seen firsthand how the community of Ashland has really prospered by the dedication of those at the Ashland Optimist Club that he helped to establish.

The motto of the club is, "Friend of Youth." Here are just a few of the noteworthy accomplishments the club has made to give life to that motto. The Ashland Optimist Club has organized the youth basketball and soccer programs. In fact, Mr. Speaker, one of the local soccer teams will be competing in the national playoffs this summer.

The club has built and donated two tennis courts near the city park. It operates a 32-team Little League baseball program. It purchased new band uniforms for the school marching band; owns and operates the Ashland community swimming pool, the only municipal pool in Missouri to utilize solar energy. The club has sponsored Boy Scouts for three decades.

I also want to single out the club, Mr. Speaker, for praise in helping the general population of the community in several other ways. For example, when a local school nurse needed a tympometer to test the hearing of the elementary students and the school district budget did not quite allow for the purchase of one, the Ashland Optimist Club donated the equipment to the school. When the Southern Boone County Volunteer Fire Department needed the "Jaws of Life" to extricate accident victims from their vehicles, the club came to the rescue and purchased one for the department.

□ 1015

There are so many activities, food donations to needy families, scholarships for high school students, that the Ashland Optimist Club has taken on to improve the quality of life.

The members have also done their part to save a life. Without a doubt the most meaningful fund-raising the club has produced were the fund-raisers last year to help two residents win the fight against life-threatening health conditions.

A few months ago Mr. John Johnson, a local resident and club member, desperately needed a kidney transplant. The Ashland Optimist Club established a John Johnson Kidney Fund and raised over $7,000 to help defray medical and travel expenses.

Just a few months ago in August, 4-year-old Tailor Heneisen was diagnosed with a cancerous tumor in her stomach. Without hesitation the Ashland Optimist Club sprang into action and organized an auction in her benefit. The club raised over $22,000 to help pay for her care and travel expenses. I am pleased to report that through the help and effort of the club, little Tailor's cancer is in remission after a long hard battle and several treatments of chemotherapy.

These examples of small miracles performed by the Ashland Optimist Club prove how a small number of individuals in a community can really make a tremendous impact and better not only the lives of those within the community but all of those who live in mid-Missouri.

Finally, Mr. Speaker, I wish to honor the club for its most crowning achievement for this new year. In 1992 the club constructed a 10,000 square foot facility to build a community center on 20 acres in the city. The building has been the site of numerous wedding receptions and high school reunions, Friday night bingos. The facility also provides seniors a place to walk in cold winter months, and is the home court for the local basketball teams. On the grounds surrounding the facility are large soccer fields and the newly constructed rodeo arena that hosts the Missouri High School Rodeo Association rodeo.

The Ashland Optimist Club constructed this facility after borrowing $330,000 for the project. Last month, Mr. Speaker, the club wrote their last check and paid their mortgage off. And on February 28th the club will be having a special community social and will be having a mortgage burning party.

I am pleased to acknowledge that the club has been able to pay off their mortgage 13 years early due to the efforts of Carl and Lena Long and their STAR bingo team. The Longs and the STAR team diligently worked and promoted the club's weekly bingo game, which is the major form of fundraising for the club. Now that the facility is paid in full, the Ashland Optimist Club will have an additional $80,000 to $100,000 annually to continue to spend for the youth and community as a whole.

Mr. Speaker, Carl and Lena Long, the STAR bingo team, and the entire club deserve special recognition for the years of hard work. And on behalf of the entire House of Representatives, I offer my commendation for a job well done.

TRIBUTE TO CHAMPION ENTERPRISES

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from New York (Mr. BOEHLERT) is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, I would like to bring to the attention of this body and to the American people one of the greatest examples of responsible corporate citizenship that I have ever come across in my 17 years serving in this great body.

Champion Enterprises, a builder of manufactured homes with production operations in my district in Sangerfield, New York, lost its factory last month after a devastating fire destroyed the entire facility. Nothing but ruin and ashes. Two hundred plus workers and their families were left wondering about their future, agonizing over what tomorrow would bring.

But in the ultimate act of loyalty to its employees, Champion Enterprises decided not only to rebuild the factory, something that was going to take four or five months, but to continue to pay its employees their full pay plus their benefits until that new facility is built. That means over 200 families do not have to worry about not having enough money to pay their mortgage or make their car payments or feed their children as a result of that devastating fire.

This responsible corporate decision is good for the workers, it is good for their families, it is good for the local economy, and it is good for the company as well. It is an act of compassion and, frankly, it represents good business.

When I called the chief executive officer, Mr. Walter Young, Jr., to tell him how proud all of us were of that responsible action, he said to me something that was very revealing. He said, "Disasters test the character of individuals and organizations." He told me that he was pleased with the character of his organization and he thanked me for noticing, and I told him all of us are pleased and proud of the character of that organization.

The Governor, George Pataki, the Governor of the Empire State, wrote to Jack Ireton-Hewitt, who is the general manager of the Titan Homes Division of Champion, whose plant was destroyed. He said,

> Like so many New Yorkers, I have followed the news accounts detailing the situation of the employees of your Sangerfield plant which was recently destroyed by a devastating fire.
>
> Your admirable actions of the past few weeks not only define the true meanings of corporate citizenship; it refines it, deepens it and amplifies it. Titan Homes' loyalty to its employees in the face of the total destruction of this plant has transformed a tragedy into a reason for celebration.
>
> We realize that your parent company, Champion Enterprises—

the Governor went on to say,

> could have moved this manufacturing operation to any number of its 66 North American plants.

But it did not. And let me add parenthetically here, so often we hear tales about corporate citizenship that does not pass the responsible test. When something like this happens, on occasion corporations have been known to try to bid one community against another, threatening to move out unless they are given more, threatening to take the jobs elsewhere to the highest bidder, but not this company. This company said we have dedicated, committed employees, they have an outstanding work ethic, they produce a fine product, and we are going to be loyal to them. It is refreshing to see that loyalty is a two-way street.

Let me return to the Governor's letter:

> Titan Homes' swift action to rebuild and modernize an expanded Sangerfield facility is an encouraging vote of confidence in the Mohawk Valley economy, and will no doubt have positive ramifications on the Waterville-area economy in the coming months and years.
>
> Titan Homes' actions reflect more than loyalty to its employees—it's a sound investment in the future and has already been returned in the enduring gratitude of the residents of the Mohawk Valley and the utmost respect from the national business community. We are proud that Titan Homes has been a member of New York's corporate family for more than 25 years.

Signed by Governor George Pataki.

Let me say once again to one and all, Champion Enterprises has set an example for others to follow. It is a corporation that is concerned with profits, as it should be. That is why people go into business, to make money. But it is also a corporation that demonstrates, day in and day out, that the most important ingredient in any business enterprise is the dedicated men and women who, day in and day out, work to make a success of that business.

Congratulations to Champion Enterprise. We salute you.

Mr. Speaker, I include for the RECORD the letter from Governor George Pataki to Mr. Ireton-Hewitt.

STATE OF NEW YORK,
February 11, 1999.

Mr. JACK IRETON-HEWITT,
General Manager, Titan Homes Division,
Sangerfield, NY.

DEAR MR. IRETON-HEWITT: Like so many New Yorkers, I have followed the news accounts detailing the situation of the employees of your Sangerfield plant which was recently destroyed by a devastating fire.

Your admirable actions of the past few weeks not only define the true meaning of corporate citizenship; it refines it, deepens it and amplifies it. Titan Homes' loyalty to its employees in the face of the total destruction of this plant has transformed a tragedy into a reason for celebration.

We realize that your parent company, Champion Enterprises, could have moved this manufacturing operation to any number of its 66 North American plants. Titan Homes' swift action to rebuild and modernize an expanded Sangerfield facility is an encouraging vote of confidence in the Mohawk Valley economy, and will no doubt have positive ramifications on the Waterville-area economy in the coming months and years.

Titan Homes' actions reflect more than loyalty to its employees—it's a sound investment in the future and has already been returned in the enduring gratitude of the residents of the Mohawk Valley and the utmost respect from the national business community. We are proud that Titan Homes has been a member of New York's corporate family for more than 25 years.

I thank you for your outstanding commitment to your workforce and wish you every success in your future in the Empire State.

Sincerely,

GEORGE E. PATAKI,
Governor.

MEDIA MISREPRESENTATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, it might surprise a lot of my conservative friends, but one of my joys every day is reading The New York Times, and especially the editorial page of The New York Times. There are a lot of writers there that I do not particularly agree with, but I certainly appreciate their flair and their style and just how they are really some of the best and the brightest writers in the business.

One of the best writers stylistically is also one of the most liberal and somebody that I rarely agree with, and that is Anthony Lewis. A few days ago, on February the 9th, Mr. Lewis wrote an article entitled "Self-Inflicted Wound" regarding the impeachment process, and gave a searing critique of the House managers' performance in that. He talked about his greatest concern being the moral absolutism these House managers took over to the Senate trial. This is what he said:

"Representative LINDSEY GRAHAM's voice trembled as he ended the Republican prosecutors' presentation of evidence. 'For God's sake,' he told the Senate, 'figure out what kind of person we have here in the White House.'

"Why the trembling emotion? Frustration, I think. Mr. GRAHAM and the other Republican managers are true believers.

"If they could only see it, one reason" that Americans don't understand their argument is "their absolute conviction that they are right."

Mr. Lewis goes on to say: "Americans are wise to be uncomfortable with absolutism. Sir Isaiah Berlin, the great British historian-philosopher, showed us that certainty about everything has been the hallmark of totalitarian movements."

Mr. Lewis goes on to say: "The Republican managers did not understand how their zealotry troubled the audience. The Financial Times put it, they were 'blinded by their moral righteousness.'" And he goes on to discuss how such moral absolutism is dangerous for this Republic.

Well, I personally believe that the House managers have done a very good job and been pleased with their performance. But if Mr. Lewis believes that they have been blinded by moral absolutism, then I think that is certainly a message he needs to get out to the American people. But I wish while he was getting that message out to the American people, I wish he would also send a message to the most extreme elements of the left in this House, and in the media, and in Hollywood and across America that moral absolutism from the extreme left is dangerous, just as it would be from the extreme right.

For over a decade the extreme left has practiced the type of moral absolutism of the destructive nature that Mr. Lewis warned of. I remember back in 1987 at the beginning of the nomination of Robert Bork, who has been so villified over the past 11 years it is really hard to recognize that he was one of the most respected voices in the judiciary for years and years. But in 1987 the blind moral absolutism of the extreme left took a vicious, vicious turn during the nomination of Robert Bork.

As Charles Krauthammer wrote in The Washington Post on February the 9th, "The Democrats owe Robert Bork an apology. You remember Bork: the brilliant judge and legal scholar who was so savagely attacked when nominated in 1987 by President Reagan for the Supreme Court that his name became a verb. 'Bork: to attack viciously a candidate or appointee, especially by misrepresentation in the media.'" That is Safire's political dictionary.

"Within hours of Bork's nomination," Krauthammer goes on to write, "Senator EDWARD KENNEDY was on the floor of the Senate charging that, 'Robert Bork's America is a land in which women would be forced into back-alley abortions, among other travesties; blacks would sit at segregated lunch counters, rogue police could break down citizens' doors in midnight raids, schoolchildren could not be taught evolution, et cetera.'".

Now, these arguments were absolutely false. They were proven absolutely false and outrageous. But the extreme left took them and ran with them and savagely attacked Judge Bork simply because he did not agree with them and their view of the Constitution. He believed that the Constitution should be interpreted in much the same way that many today still believe it should be interpreted, and that is looking at the original intent.

□ 1030

But I do not recall in 1987 Mr. Lewis ever talking to the Senator or condemning anybody for this sort of moral absolutism that now supposedly is this great threat to western-style democracy. Sadly, I expect they did not. And sadly, I expect they never will so long as the moral absolutism and the extremism and the vicious attacks come from the left.

We do not hear about it in the media, either. Let me tell my colleagues, I was deeply, deeply offended, I was deeply saddened by a campaign commercial that ran in Missouri, the home State of the minority leader of this House. This is what this Democratic ad in Missouri said in 1998. I am not talking about 11 years ago. I am talking about in 1998. This is what the Democratic ad said right before this past election.

When you don't vote, you let another church explode. When you don't vote, you allow another cross to burn. When you don't vote, you let another assault wound a brother or a sister. When you don't vote, you let the Republicans continue to cut school lunches and Head Start. When you don't vote, you allow the Republicans to give tax breaks to the wealthy while threatening Social Security and Medicare, * * *

a false message that continues to be delivered today on the House floor.

Do vote, and you elect Democrats who want to strengthen Social Security and Medicare.

When you vote, you elect Democrats committed to a Patients Bill of Rights that lets us, not the insurance companies, make choices about our health care.

Voting will change things for the better. On November 3, vote. Vote smart. Vote Democratic for Congress and the U.S. Senate.

Paid for by the Democratic Missouri Party, Donna Knight, Treasurer.

That was an ad that aired on WGNU radio, St. Louis, Missouri, that was targeted toward an African-American audience.

Now, to me this is so shocking. It is demagoguery of the lowest order to suggest that if they vote for me, I am a Republican, then they support churches exploding; if they vote for me because I am a Republican, they are voting to allow another cross to burn; if they vote for me, they let another assault wound a brother and a sister. Because after all, according to these Democratic ads, Republicans support church burnings. According to this Democratic ad, Republicans support crosses burning. According to this Democratic ad, Republicans also support brutalizing African-Americans.

Basically, this is an argument that the Democrats rolled out the last hour, an argument of the first order of closed-mindedness and moral absolutism and extremism. How in the world can somebody in a campaign stoop that low?

I suppose the Democrats can bring up the Willie Horton ad which attacked Michael Dukakis in the 1988 campaign. But did that ad say that every single Democrat was for letting murderers out of prison? Did that ad say that Democrats supported church burnings? Did that ad say they supported cross burnings?

These people do not know about my background. They do not know about every Republican's background. In fact, I would challenge them to find a single Republican that is elected in Congress that supports cross burnings, that supports church bombings, that supports the assault of African-Americans or any American.

This ad says here, "scandalous, insulting and patronizing." But I never, ever heard major media outlets take the Democrats down for engaging in this type of shameless, hateful, mean-spirited, extreme race baiting.

I have never once heard the minority leader, who is from Missouri, come to this floor and attack his State party for suggesting that Republicans support cross burnings. I have never heard the minority leader come to this floor and attack his State party for suggesting that the Republican Party supported cross burnings. I never once heard the minority leader come to this floor and attack his home State party for suggesting that the Republican Party supports the assault of African-Americans. Not once.

In fact, I have not heard any Democrat come forward and say that. And I certainly have not heard the major media types come forward and say that. No, the moral absolutism that they want to attack today is the one that suggests by our House managers that the President committed the crimes of perjury and obstruction of justice. And while they want to quote the polls about how all the people love the President, I have never heard them once quote the poll that 86 percent of Americans, according to a recent CBS/New York Times poll, believes that this President committed the crimes of perjury and obstruction of justice.

But to them, and certainly to Mr. Lewis with the New York Times, that is dangerous moral absolutism, that is extremism. But I guess it is not extreme to suggest that if they are a Republican, if they believe in limited government, if they believe in lower taxes, if they were willing to fight to balance the budget in 1995 when the President said balancing the budget in seven years will destroy the economy, I suppose that that sort of extremism, that sort of race baiting, that sort of moral absolutism is okay. It is certainly the message that we have picked up from the media.

But it does not stop there. Also, our dear friends from Missouri had this to say in a January 26, 1999, Democratic senatorial campaign press release. The headline was, "White Supremacist's Presidential Choice: Senator JOHN ASHCROFT." That is shocking. That is absolutely shocking.

They go on and give a press release and say that the Council for Conservative Citizens had some member that said they would have chosen JOHN ASHCROFT as their presidential nominee if he had run, this one person. And so from that, the Democratic Senatorial Campaign Committee from the home State of the minority leader gives us a headline that calls Senator JOHN ASHCROFT, a great Missouri governor, a great Missouri Senator, just a great man, calls him a white supremacist's presidential choice.

Now, I have got a question to ask, and I certainly hope in the coming days the minority leader of this Senate will step forward with an answer that I think Americans need to hear. Just how desperate is the extreme left to elect people in the State of Missouri and across America to public office? What will they do? What compromises will they make? What slanderous attacks will they participate in? What low grade race-baiting will they engage in? How low in the gutter will they go to win seats?

We certainly know that the minority leader wants to be the Speaker of the House. We know they are five or six seats away from doing that. And if they do that based on issues, then God bless them because that is what this great Republic is all about. It is about the power of ideas. And if the minority leader and the Democrats in Missouri and the Democrats across America have an agenda that Americans want, then I wish them all the luck in getting the six seats that they want and taking over this House. But one has to seriously question the strength of their ideas when we look at the gutter tactics that they engage in to win, saying that because I am a Republican I support cross burnings and because I am a Republican I support church burnings, or saying because I am a Republican I support the deliberate assault of African-Americans. That is shocking and moral absolutism of the first order.

Yet again, I hear absolutely nothing from Mr. Lewis. I hear nothing from other people in the mainstream media. And maybe that is because a lot of the most scandalous attacks have actually come from the media.

I give my colleagues the tirade of Geraldo Rivera on February 2, 1999. Of course, Mr. Rivera has been unabashedly the President's cheerleader, and he followed the lead of many people on the left with their vicious attacks, vicious personal attacks on men and women who did not share their view of the President, who for their own reasons believed, like 86 percent of Americans, that the President committed perjury and obstruction of justice.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). If the Member will suspend, the Chair reminds all Members that they must refrain from discussing allegations and proceedings currently pending against the President.

Mr. SCARBOROUGH. Mr. Speaker, I certainly will not do that. I am simply reflecting the views of the polls.

But certainly Rivera and many other journalists did not for one second see how anybody could be troubled by certain allegations against the President of the United States.

So, on February 2, this is what Mr. Rivera on CNBC said: "I don't want to be a brown racist, substituting for white racism here. But don't you think 13 guys, all of whom, you know, are not noted for any contribution to civil rights, I'm talking about the House managers, all of whom are born-again, all of whom are right-to-lifers, all of whom are, you know, anti-immigration, pro-English only, etc., etc., don't you think that when that face is presented, isn't that one of the reasons the majority, the vast majority of the American people support the President? When they look at the people prosecuting, some say persecuting him, and say, wait a second, those people wouldn't even let me into their home or their neighborhood or to work alongside them?"

Now, this is a classic sort of diatribe, not only from Mr. Rivera but from the extreme left, that has so dominated the media in the past few months. First of all we have reverse race-baiting, and I read the Democratic ads from Missouri, Mr. Speaker, that engaged in extreme race baiting. We have religious intolerance.

If they cannot attack a conservative's position, then just say they are born-again, say they are right-wing extremists. Because make no mistake of it, in 1999, among with the elite in America, among educators, among media types, among Hollywood types, being a born-again Christian is seen as being closed-minded and extreme.

□ 1045

This sort of religious intolerance continues and continues. It is demagoguery of the first order. Now, I know these guys, all 13 of them, and I know they do not share the same religious views or the same views on immigration.

But it is this sort of moral absolutism, "you either believe everything that I believe, or you are evil," that Mr. Lewis supposedly is concerned about when it comes from the right, but certainly not when it comes from the left. You know, it seems that the Christian right has been the favorite whipping boy of media elites and our own far left Democratic peers here who dominate their caucus for some time.

I wonder if Mr. Lewis in being concerned about moral absolutism has ever written about the vicious attacks that constantly take place and are launched against those Christians who are unfortunate enough to be conservative? Because certainly the conservative right, the Christian right, is constantly attacked and demonized in moral absolute terms, but we do not hear such persecution about the Christian left. In fact, Members of the Christian left are able to attack those that disagree with them with personal vicious attacks without any accountability.

Of course, we had a great example just this past week where the Reverend Jesse Jackson did not agree with everything that George Pataki agreed with, so, what does he do? He compares them to racist segregationists governors in the south from the 1960's.

The message is clear: "You either agree with me all the time, or you are evil."

I saw a member, a respected member from the extreme left a few years ago, compare our former Speaker with Bull Connor. Of course, many of you remember Bull Connor. He was the drill sergeant, the police chief, of Birmingham in the 1960's who took care of African Americans who actually wanted the same freedom we have all been able to enjoy for 200 years. He was the police chief that loosened the dogs on them, that allowed dogs to tear African-Americans to pieces just because they wanted to protest to gain the same rights and the same dignity that I have and that my children have and that white Americans have had for almost 200 years. His actions, and the actions of other segregationists, who were willing to attack African Americans for simply pursuing their rights, was evil of the first order.

Now, that is a moral absolutism that I feel comfortable saying and talking about. And yet today, if you disagree with somebody on welfare reform, just do what the Reverend Jesse Jackson did, and compare them to segregationists, racist governors in the 1960's.

I heard other people going throughout the 1998 campaign doing the same thing, calling the former Speaker, Newt Gingrich, and TRENT LOTT, the current majority leader, "the forces of evil."

Talk about dangerous moral absolutism. It does not matter whether you agree with everything that Speaker Gingrich and Majority Leader LOTT support legislatively.

I did not support everything that Speaker Gingrich stood for. I do not support everything minority leader DICK GEPHARDT stands for. I certainly would never say he is a racist or a bigot or hateful or a socialist or somebody who, like his party in Missouri says, supports cross burnings or supports church burnings or supports beating up African Americans.

It is extremism, it is moral absolutism of the first order, and it cannot be tolerated in American politics in 1999.

I look forward to a follow-up column by Mr. Lewis. It does not have to condemn all of these things. He does not have to condemn the Reverend Jesse Jackson saying Mr. Pataki is a bigot. He can choose the Missouri ad that said JOHN ASHCROFT is a white supremacist choice for President, or perhaps he can go ahead and attack the Missouri ad——

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore (Mr. PEASE). The Chair would remind Members that they are to refrain to references to sitting members of the Senate.

Mr. SCARBOROUGH. I thank the gentleman, and I certainly made only positive references to the Senator from Missouri. But in deference to the Speaker's statement, I will refrain from mentioning his name.

But the Senator, who was viciously attacked in these Missouri ads, did not deserve that. It is this moral absolutism that Mr. Lewis is concerned about from the right, but obviously turns a blind eye to when it comes from the left, that is dangerous to democracy in this country.

Other media types have thrown kerosene on the fire. Newsweek's Eleanor Clift said on January 9, "I think there are real questions about separation of powers, and I do not think that the President should go up there and appear before the Senate. Second of all, that herd of managers from the House, I mean, frankly, all they were missing was white sheets."

So here we have a columnist that Newsweek allows to write for them whenever she wishes saying that HENRY HYDE was leading a group of clansmen over to the United States Senate.

Then we have Time Magazine's Jack White on February 1 speaking of White House lawyer Cheryl Mills.

> Her rhetoric wasn't fancy, but it was on target. The GOP is a party, all after, that owes its post-Barry Goldwater resurgence to opposition to civil rights, and while its leaders from time to time proclaim their belief in racial justice, their pledges have been mostly lip service. Oh, they are too gentile for a sheet-wearing bigot like David Duke, but all too willing to embrace bigotry if it is dressed in a suit and a tie.

That is shocking to me, and I guess I have to go back and look at my 1994 campaign literature, because I thought I got elected because I believed in balancing the budget. I thought I got elected because all I talked about was the need for tax relief. I thought I got elected because I talked about the need to have my two children being educated by their teachers and their parents and their local school board members, instead of by bureaucrats in Washington, D.C.

See, I thought I got elected in 1994 because I believed that a smaller, more efficient, more caring government was the wave of the future. But now I find from Time Magazine that actually I owe my seat to opposition of civil rights.

Mr. Speaker, I do not know how many Americans can even begin to understand how offensive such characterizations are, how absolutely offensive, in light of my life, in light of my personal beliefs about civil rights. It is just absolutely offensive.

So, if you are keeping a scorecard, Mr. Speaker, Republicans have a majority because they are bigots, they are afraid to embrace David Duke because he wears a white sheet, but not if a David Duke dresses in a coat and a tie. According to the extreme left, the Democrats in Missouri and across the country, Republicans are "the forces of evil." Republicans support cross burnings. Republicans support church burnings. Republicans support the brutalization of African Americans.

This is the voice of the Democratic Party. This is their explanation. This is their ally in the media's explanation on why we are here.

It is very interesting, we Republicans, at least for the next two years, are the majority party in the House and the Senate. It is very interesting that Geraldo Rivera and all these people that are castigating us and saying we are extremists and racists and bigots, it is amazing they constantly talk about how Americans have the good nature and the good sense not to expel this President from office.

But there seems to be an inconsistency, because those same Americans that supposedly had that good sense, according to these same Democrats, elected Republicans to Congress because we are bigots. It does not go together.

Of course it does not go together, because it is mean-spirited, moral absolutism that Mr. Lewis wrote about. But, again, I suppose again it is only dangerous when it comes from the right, and not from the left.

We had a New York Times article on January 25th talking to a Holocaust survivor. Of course, they found one that would say that Mr. HYDE's work reminded her of what the Nazis did under Hitler in the 1930's and the 1940's.

My gosh, this is the remarkable thing. I was a history major. I have read so many books about World War II and the prewar period. I am just shocked by the cruelness.

There is a new documentary out on the Holocaust survivors in Hungary. I am just absolutely shocked that we have heard time and time again over the past four years the comparison of the Republican party to a movement that slaughtered 6 million human beings, 6 million Jews.

Talk about frightening moral absolutism. Every time they compare the Republican party to Nazis, because we want the school lunch program to grow by 6.4 percent instead of 6.6 percent, and because we want to allow states and localities to distribute these free school lunch programs instead of huge bureaucracies in Washington, D.C., they minimize the horrors and the impact of the Holocaust. They minimize the absolute evilness of Adolf Hitler and the Nazis that he ran.

It is just shocking. About as shocking as John Hockenberry, who has his own show on MSNBC, who refused to simply suggest that the Republican House managers were not "uniquely stupid," but he said instead, "uniquely stupid is not the word I would use to describe this process. The word I would use is Stalinist."

Now, of course, for those history students that know Russian history, it is estimated that Joseph Stalin while running the Soviet Union throughout the 1920's to the 1950's may have been responsible for as many as 40 million deaths in his own country. But according to a man who runs his own show on a major cable network, MSNBC, controlled by NBC and Microsoft, Mr. HYDE is running an operation that compares to the operation of perhaps the greatest murderer in the 20th Century, Joseph Stalin.

But, again, no outcries, no outbursts, no editorials, no op-eds from Anthony Lewis about moral absolutism from the extreme left or absolutism in the media, or absolutism from the extreme elements of the Democratic Party. No, it is just allowed to pass by without a single word of protest.

And who has heard protest about what the President's dear friend and fund-raiser and Hollywood star Alec Baldwin said on December 11, 1998? He shared his views with Connan O'Brien where he said regarding the House vote on possible impeachment of the President, "I come back from Africa, and I am thinking to myself that in other countries they are laughing at us 24 hours a day." And Baldwin goes on to say, "and I am thinking to myself, if we were in other countries, we would all right now, all of us go down together," and at this point he starts to get up and he starts to shout, he said, "we would all go together down to Washington and we would stone HENRY HYDE to death."

□ 1100

"We would stone him to death. Wait, shut up, shut up, no, shut up, I am not finished. We would stone HENRY HYDE to death and we would then go to their homes and we would kill their wives and we would kill their children, and we would kill their families. What is happening in this country? What is happening in this country?"

Mr. Speaker, what is happening in this country?

Now, I think that is a question that could be well posed of Mr. Baldwin. And that is a question that we could pose to NBC for airing that. It is a question we can pose to the mainstream media. My colleagues would be surprised how few Americans know that the President's friend and fundraiser, Alec Baldwin, suggested that Americans come to Washington, stone HENRY HYDE to death and kill him.

Now, he says it was just a joke. Let me tell my colleagues, I have got the clip. It is on my web site. One can click it and download it, Mr. Speaker, and decide whether one thinks he was joking or not. It is absolutely shocking. I think the most shocking thing is not the stupidity of Mr. Baldwin, not the callousness of Mr. Baldwin. To suggest that HENRY HYDE and his wife, who is deceased, and his family be drug out of their homes and murdered.

Now, the biggest shock is that NBC, ABC, CBS, CNN, MSNBC, CNBC, The New York Times, The Washington Post, the Los Angeles Times, and every other major media outlet has covered this up and not talked about it at length, simply because the extremism and the moral absolutism and the hate and the vile, mean-spirited, overreaching came from the left, came from the President's supporters instead of the President's detractors.

What is doubly shocking for me on a personal note is having 2 children in Pensacola, Florida that I am always away from when I am up here in Washington, and putting myself in the position of Chairman HYDE, and I suppose since I am a Republican, he says all Republicans should be beaten and stoned, I am surprised that Mr. Baldwin, who has his own wife and his own family, who is very protective of that family, who in fact has gone after photographers for coming too close to his wife and his child when they were coming home, why he would say such a thing about HENRY HYDE, HENRY HYDE's family, about Republicans and Republicans' families.

When he got angry a few years back because his wife was coming home from the hospital with a child and photographers were pressing in and taking pictures and harassing him, I understood him getting upset. As a father, I understood. So do we not think as fathers, as husbands, he would understand? Apparently not. Apparently a lot of people do not.

Mr. Speaker, this process has been a brutal, brutal process over the past year, past year-and-a-half. And it has, since I suppose Mr. Lewis is correct, that moral absolutism in some cases is dangerous.

Now, of course, we can call right, right and wrong, wrong. We can say safely that segregationists that abused African-Americans in the 1950s and the 1960s who were simply trying to gain the same rights that all Americans enjoyed are evil; and that Adolf Hitler, responsible for the extermination of 6,000,000 Jewish human beings is evil; and Joseph Stalin, who killed 30 million people, at least, in this century is evil; and Mao Tse-tung, responsible for up to 60 million deaths in this century alone, is evil. There are moral absolutes. But suggesting that somebody like HENRY HYDE should be killed, or that HENRY HYDE and the House managers are evil; or to suggest that HENRY HYDE and the House managers are Stalinists, as Mr. Hockenberry on MSNBC did; or to suggest, as Geraldo Rivera on CNBC did, that these House managers are racists and bigots and anti-immigration; to suggest that all Republicans are evil; that as a member in this House suggested that Newt Gingrich and TRENT LOTT represent the forces of evil; or to suggest that I, simply because I switched from being a Democrat to being a Republican, because I believed that the Democratic party veered radically left and became the party of big government and high taxes; to suggest that because I did that that I am evil, that I am a racist, that I support church burnings, cross burnings, the brutalization of African-Americans; to suggest that is demagoguery of the first order and it is wrong.

Mr. Speaker, it is my hope that in the coming weeks and months this process can become more civil, and people can avoid such mean-spirited, hateful personal attacks from not only the extreme left and the Democratic party represented here in the House, but also the extreme left represented on television shows that Americans are exposed to every night.

I have quite a few, maybe less than I had an hour ago, but I have quite a few Democratic friends, in fact I know I have quite a few Democratic friends. It is my hope that they will come forward and condemn the minority leader's home State Democratic party for suggesting that all Republicans support cross burnings or support church burnings. I hope they will step forward and have the courage to say we can move forward, we can win on the issues, we can lose on the issues. We can win on whether we want a bigger government and higher taxes, or whether we want a smaller government and fewer taxes. We can win on the things and engage in the type of debates that Americans expect us to engage in.

I think if that happens, then this horrible exercise of personal destruction that started in 1987 with Judge Bork, continued with Justice Thomas, and continued through this decade with Republicans and Democrats alike, maybe, just maybe, we can go into the next millennium and really talk about the future. Maybe we can talk about the future of education, talk about the future of Social Security and how to save Social Security, how to make Medicare stronger, how to protect ourselves against the dangers that continue to explode across the world.

If we do that, and if Mr. Lewis will step forward and attack the moral absolutism and the extremism that has come from the extreme left over the past year, then I think maybe America has a chance to have a representative government in Washington over the next century that they can once again be proud of.

THE ADMINISTRATION'S COMMITMENT TO INTERNATIONAL RELIGIOUS FREEDOM: ALL TALK AND NO ACTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Virginia (Mr. WOLF) is recognized for 60 minutes.

Mr. WOLF. Mr. Speaker, recently, the Clinton administration submitted its budget proposals for the year 2000 to Congress. The President's budget included many important requests, but one thing it did not include was funding for the Commission on International Religious Freedom created by the International Religious Freedom Act passed overwhelmingly by the Congress last year. Mr. Speaker, I am concerned that the administration may be all talk and no action when it comes to promoting international religious freedom.

A brief lesson is in order. In the closing days of the 105th Congress, the Senate passed the International Religious Freedom Act by a unanimous vote of 98 to nothing. Several days later, the House endorsed the measure by a voice vote. It had already endorsed an earlier version of the bill several months before by a vote of 375-to-41. Republicans and Democrats alike endorsed the International Religious Freedom Act. So did a broad coalition of religious and civic groups representing millions of Americans of all faiths concerned with regard to human rights.

One important part of the act was the International Religious Freedom Commission, a 10-member, independent commission established to monitor persecution around the world and make policy recommendations to the President. The Speaker of the House, the majority leader of the U.S. Senate, and the President were each given 3 appointments to the Commission. To ensure that it remains independent, Congress authorized $3 million for the Commission in fiscal year 1999 and the year 2000.

The bill was passed, thanks to the tireless efforts over a 2-year period by a broad coalition of religious and civic groups dedicated to this issue. The groups in support of the bill included, among many, the U.S. Catholic Bishops Conference, the Anti-Defamation League, the Christian Coalition, the National Association of Evangelicals, the International Campaign for Tibet, the Family Research Council, the Religious Action Center for a Reformed Judaism, the Union of Orthodox Hebrew Congregations, B'nai B'rith, the Episcopal Church, the Southern Baptist Convention, Justice Fellowship, the Lutheran Church, Missouri Synod, and many, many others in support of this bill.

The coalition was diverse, but it was united in its commitment to abolishing the rampant and brutal religious persecution taking place in many countries around the world.

Just 2 weeks ago in China, the Public Security Bureau officials arrested 2 Roman Catholic priests from Hebei province. These are just the 2 latest priests to be arrested. Dozens, if not hundreds, more bishops and priests and lay people are already in prison for practicing their faith.

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We know in the Chinese prisons torture is common. Last month the Vatican reported that authorities tortured one Catholic priest by subjecting him to sexual abuse by prostitutes. They tried videotaping the seduction to further humiliate and crush his spirits. That happened in China, and the Clinton administration knows about it. They quite frankly have not said very much about it. But we know persecution continues.

The Chinese government continues to arrest, harass, and torture leaders of China's Protestant church. Most of the key leaders are on the run for fear of their lives, and are moving from place to place to avoid being thrown into prison.

In Tibet, where I visited last year, the Chinese government has continued its brutal assault on Tibetan Buddhists. A 700-year-old monastery and an 800-year-old nunnery were closed down just 2 weeks ago. I think the administration has been silent on that issue, though. Hundreds have been destroyed since 1959, and those open are controlled by Communist party officials.

When we would go into the monasteries, we would hear from the monks that a Chinese cadre of six or seven Chinese police or military were running the Monasteries. Imagine, in our country, if in every one of our churches and synagogues and temples we had government officials running them. We would know that that would be wrong.

Hundreds of monks and nuns are in jail. In 1998 alone 59 monks last year, 59 monks and nuns were arrested, and 13 died in prison from torture. This administration and this State Department have been silent. The Chinese have launched an official campaign to encourage atheism in Tibet, where loyalty to the Dalai Lama remains strong despite China's brutal attempts to force the Tibetan people to denounce their spiritual leader.

In Sudan, 2 million people have died, the majority of them Christians and animists from southern Sudan. The government of Sudan is seeking to annihilate the population of southern Sudan by engaging in brutal war tactics that include high altitude bombing of civilian targets. I have been in the villages where the bombs have dropped, and saw shrapnel in a woman's head. They just indiscriminately bombed these villages, where there are no military reasons to bomb them whatsoever; high altitude bombing of civilian targets, and the enslavement of Christian women and children.

We know today, and if we watched CBS news last week we saw Dan Rather's two-part reports that in Sudan today women and children are being sold into chattel slavery. Yes, there is slavery in Sudan today, women and children, yet this administration does absolutely nothing about it. They are absolutely silent.

The enslaved are forced to work as concubines and domestic servants and farm hands. Some, the boys, are sent to the front lines to fight for a government they do not support. Millions are starving in Sudan while the government uses food as a weapon, and denies aid flights to the neediest regions, regions inhabited mostly by Christians or Muslims who do not agree with the government. Millions are dying in the country of Sudan. This administration is silent.

In Egypt, the Coptic Christian Church continues to have a very, very difficult time. In Pakistan, the government is actively pushing for passage of a law that would discriminate against and potentially lead to violence against the Pakistan non-Muslim population. Ahmadi Muslims are being persecuted.

In Iran, the Baha'i faith is being persecuted. In India, some 48 incidents of violence against Christians have been reported since Christmas of 1998, and dozens of churches have been burned or destroyed. Nuns have been raped and Christians have been killed in a wave of violence.

Just after Christmas an Australian Christian missionary and his two sons were burned alive in their car by mobs. This missionary had been there for 30 years to minister to those who were impacted by leprosy.

In Indonesia dozens of Christian churches and Moslem mosques have been attacked and burned. People of faith have been attacked and murdered. This goes on and on.

Very briefly, I have this picture here which was taken by a staff member for former congressman, now Senator, SAM BROWNBACK of Kansas. He and his staff person went to Sudan over the Christmas break and took pictures of this young boy who was in slavery, who was marked with a slave brand; slavery, slavery, in 1999, and we hear nothing at all from this administration.

This is a picture taken in Sudan of the famine, and the number of people. You can see the corpse, and the people that have died because they have no food. This was just taken not very, very long ago.

This is a picture taken when I went to Tibet by my staffer, Charlie White, of a young boy outside of a Buddhist temple that had been destroyed. Over 4,000 to 5,000 monasteries in Tibet have been destroyed, and yet the silence of this administration is deafening.

In Tibet, we went by the guard tower of the Drosi prison, where many of the Buddhist monks and nuns are put into the prison. The only basic growth industry in Lhasa is the prisons, the number of people that are being put in, and the Buddhists there ask, why is the United States not speaking out?

In China, here is a picture of young men who are being executed so they can give their organs to people that want to purchase their lungs and kidneys for transplantation. Yes, the Chinese government is making money, up to $35,000 for an organ. Yet, this administration says nothing.

Here is a picture we took when we were in Lhasa. It would be very hard to pick it out, but atop all the buildings there are TV cameras whereby the public security police are monitoring the movement of all the Buddhist monks and nuns and the people.

We see the conditions that have taken place to set the mood as to what I am going to comment on, to see that this persecution of people of faith, Christians, Muslims, Buddhist, Baha'i, and many other denominations of faith, is taking place around the world.

Congress passed the International Religious Freedom Act to ensure that U.S. foreign policy would give priority to combatting religious persecution. I think the record must show that the State Department fought it every step of the way through the legislative process. They did everything they could to stop this bill from passing.

The State Department officials constantly misrepresented the bill's provisions. They sought to kill it through gutting amendments in committee and on the floor. They worked hand in glove with some in the business community to exaggerate the bill's impact on trade, and threatened that its passage would actually harm religious communities abroad.

If they could have only talked to Scharansky and those in the Soviet Union, who said that when the United States spoke out on their behalf, their life got better. But yet the State Department forgot that and worked against this legislation.

Secretary of State Madeleine Albright told an audience at Catholic University that the bill would "* * * create a hierarchy of human rights, and would create an unneeded bureaucracy." She said, of efforts to promote religious freedom abroad, "It is in our interests and it is essential to our identity for Americans to promote religious freedom rights, but if we are to be effective in the values we cherish, we must also take into account the perspective and values of others."

To which values was she referring? The values of the Sudanese government, that are slaughtering Christians in southern Sudan, or the values of the Chinese government, that is imprisoning Catholic bishops and Tibetan Buddhist monks and nuns?

President Clinton told an audience, which included a New York Times reporter, that passing the religious persecution bill would force him "* * * to fudge the facts regarding persecution." But only after the Administration's best efforts to defeat the bill were thwarted, the President then did the right thing and signed the bill. He put himself on the right side of history. He has had nothing but good things to say about the bill ever since.

That is what makes this budget decision, a deletion, meaning they have asked no money for the commission, very, very troublesome. I am beginning to think that it is just words and no action.

I hope the President is not manipulating this issue for his own gain, while the lives of millions of innocent men and women and children in Sudan and China and Egypt and Indonesia and Vietnam and India and Pakistan and other places are at stake. President Clinton talks as if he supports the bill, but when the rubber meets the road, there is no financial support. In the President's budget there is no financial support for the commission.

On November 15 of last year, the President sent a statement to the congregation at the National Presbyterian Church here in Washington, which was holding a special prayer service to commemorate the International Day of Prayer for the persecuted church. About 100,000 different denominations of all faiths had some sort of ceremony this year in remembrance of all people of faith who are being persecuted for their faith.

At that service, the President commended the efforts of those who worked to pass the bill, and pledged to do what he could to ensure it was fully implemented. I was in the congregation, in the back, listening. I felt very good to hear the representative of the President read this letter to say that now they know that they may have been wrong at the outset, but now they are excited about this bill.

But in the days since, is he doing all he can to help? The answer is no. The bill was signed on October 27, 1998. November, December, January, and half of February have gone by, but still the President has not named his appointments to the Commission on International Religious Freedom.

The Republicans in Congress were the first to make theirs, despite a challenge in the Speaker of the House. Four individuals were appointed at the end of December. Senator DASCHLE has found time to name a commissioner. Where is the administration? How many people have died or been tortured for their faith while the administration sits on its hands?

Now it turns out the administration did not even request funding for the Commission on International Religious Freedom in the fiscal year 2000. I checked with the Office of Management and Budget. They did not know where it was in the Federal budget. I checked with the State Department. They cannot find it, either. The Commission on International Religious Freedom did not show up once in the 1,300 pages of budget sent to the Congress.

In his State of the Union Address, it took the President 77 minutes to list a whole range of special initiatives, many of them good, for which he would be requesting funding this year. There was no mention of the commission, despite the fact that it was supported by a large domestic constituency concerned about human rights and the plight of those suffering for their faith.

What was requested? Well, $1.3 million for the Marine Mammal Commission is one example that is in that budget. I personally support the $1.3 million for the Marine Mammal commission. But are not men and women and children who are being persecuted and killed because of their faith just as important as marine mammals?

I was in a village in southern Sudan where a woman named Rebecca came up to me, and was telling me of the hardship and the death of all the people of her family who had died. She said something to me that almost brings this right back. She said, if you in the United States and in the West care about the whales, why don't you care about the people? We have that, where she said that.

Now we find the Ocean Mammal Commission, which is good. I commend the President, I commend NOAA, I commend the Department of State if they put it in, and I commend the Department of Commerce. But why could they not have put some money in for this commission, to help those who are being persecuted in China and killed because of their faith, and in Sudan, and in many of the other countries?

Thankfully, the International Religious Freedom Act has strong bipartisan support in both the House and Senate. This is not a Republican or Democratic issue. There are people of both sides, literally, when we look at it, equally in support of this effort. We had as much support from the Democratic side as from the Republican side.

Now the Congress has a chance to do the right thing and provide the funding for the Commission. I will be working with Senator NICKLES and others who sponsored the legislation in the Senate and my congressional colleagues on this side of the Capitol to be sure the money is appropriated for fiscal year 2000 and in the FY 1999 supplemental appropriations bill.

But the fact that the President did not see the commission as a priority and did not ask Congress to fund it is telling, because they did not ask for the money. But we wonder, if we give them the money, will they even put their efforts behind it and support it? It says that he is all talk and no action; big hat, no cattle; talk about it, get the credit, but do not follow through.

During that period of time, in November and December and January and this month, monasteries have been destroyed, monks and nuns arrested in Tibet, the Catholic Church continues to be persecuted in China, and conditions do not improve for the Coptic Christians in Egypt. Not only is this administration silent, but they do not put the money into the commission that they now claim.

I hope I am wrong. I hope it was an oversight. I hope the President and the Secretary of State will make implementing the provisions in the bill a priority. I hope they will work in good faith. There is still an opportunity to work in good faith with the commission, and name good people to the panel. That will show the American people that their commitment is genuine.

That will show the world thugs that the United States is watching, and will take action against countries that refuse to stop persecuting men and women of faith. The nameless, voiceless victims of China, in Vietnam, in Sudan, in Indonesia, in India and Pakistan, Sri Lanka, and many other places where faith is under attack are waiting, are waiting for a message to show that we care.

A woman I talked to in Tibet said she listened to Radio-Free Asia every day to hear, is the United States interested? They will wait to see if we act on this effort.

Pushing for funding of the Commission on International Religious Freedom and appointing good people will send that message that this administration cares.

Finally, I want to say a word about Dr. Bob Seiple, the person appointed to be the assistant to the Secretary of State for International Religious Freedom. I am pleased that President Clinton appointed him to the job. He is a good man, with a heart for those who are suffering from poverty and injustice.

As president of World Vision for over a decade, he gave his life to helping those in need and now he is seeking to make a difference for those suffering for their faith.

When he was offered the job, he called me on the telephone and asked me what I thought, should he take it. I said, take it. I encouraged him to go for it because I felt that he could make a difference. I felt he would have the opportunity to do things and to get some things moving, but now we see there is no funding for the commission to give them the ability to make that.

The President cannot just appoint Bob Seiple and take credit for having done something for the issue. That would be like Dietrich Bonhoeffer talking about cheap grace. It would be like appointing somebody and putting out a press release and coming to a gathering and speaking to religious leaders to tell them what you have done but there is no follow-through, there is no money, there is no effort because you personally appear to say one thing and do just the other.

The President cannot just appear before the gatherings of religious leaders and mention Bob Seiple's name in order to get the kudos with the audience and then walk away and do nothing. That would be, I believe, immoral, and I believe it would be an affront to those who are suffering and dying for their faith around the world. It would be a betrayal of American values and an example of political opportunism at its best.

I hope the President will instruct the Secretary of State to empower Bob Seiple to make a real difference for the State Department. I hope his office will receive the adequate resources. I hope the President will meet with Dr. Seiple and listen to what he has to say. I hope he will instruct our ambassadors around the world to do the same, and I hope he will do what he can to help this commission carry out its important duties, not to allow the commission of Mr. Seiple to be marginalized within the administration.

That is what will win him real kudos. That is what will help save lives, and that is what will help make the world a safer place for people of faith.

If the administration does not come to the Hill and actively seek funding for this commission, the honorable thing to do would be for Bob Seiple to resign, to step down and show that by standing up and speaking out, he was speaking out for those who do not have the voice. He would be the voice for the voiceless. So if there is no funding for this commission and if President Clinton does not support this commission, and if Secretary Albright does not support this commission, then Bob Seiple should not serve and should do the honorable thing and should resign, so he is not being used by this administration.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. FRANK of Massachusetts, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. BOEHLERT, for 5 minutes, today.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly, the House stands adjourned until 12:30 p.m. on Tuesday, February 23, 1999, for morning hour debate, pursuant to House Concurrent Resolution 27, or, under the previous order of the House until 2 p.m. on Tuesday, February 16, 1999, if not sooner in receipt of a message from the Senate transmitting its concurrence in House Concurrent Resolution 27.

Thereupon (at 11 o'clock and 35 minutes a.m.), pursuant to House Concurrent Resolution 27, the House adjourned under the previous order of the House until 2 p.m. on Tuesday, February 16, 1999, if not sooner in receipt of a message from the Senate transmitting its concurrence in House Concurrent Resolution 27.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

518. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-568, "Fiscal Year 1999 Disability Compensation Administrative Financing Temporary Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

519. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-563, "Lowell School, Inc., Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

520. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-561,

"Drug Prevention and Children at Risk Tax Check-Off, Tax Initiative Delay, and Attorney License Fee Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

521. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-559, "Harris/Hinton Place and Bishop Samuel Kelsey Way Designation Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

522. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-549, "Motor Vehicle Parking Regulation Temporary Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

523. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-553, "Child Abuse and Neglect Prevention Children's Trust Fund Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

524. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-626, "Technical Amendments Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

525. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-625, "Residential Real Property Seller Disclosure, Funeral Services Date Change, and Public Service Commission Independent Procurement Authority Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

526. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-622, "Confirmation Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

527. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-616, "Sex Offender Registration Immunity From Liability Second Temporary Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

528. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-615, "Second Omnibus Regulatory Reform Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

529. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-613, "Metropolitan Police Department Civilianization Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

530. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-567, "Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

531. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-416, "Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

532. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-571, "Workers' Compensation Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

533. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-612, "Legal Service Establishment Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

534. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-611, "Home Purchase Assistance Fund Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

535. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-610, "Home and Community Juvenile Probation Supervision Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

536. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-608, "Criminal Records Check for the Protection of Children Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

537. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. ACT 12-606, "Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

538. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting a copy of D.C. Act 12-603, "Child Development Home Promotion Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 149. A bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996; with an amendment (Rept. 106-17). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 760. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit; to the Committee on Ways and Means.

By Mr. FORBES:

H.R. 761. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Mrs. MEEK of Florida (for herself, Ms. Ros-Lehtinen, Ms. Pelosi, Mr. Cook, Mr. Clay, Mrs. Thurman, Ms. Jackson-Lee of Texas, Mr. Bonior, Mr. Meeks of New York, Mr. Goode, Mr. Pastor, Mr. DeFazio, Mrs. Mink of Hawaii, Mr. Holden, Mr. Quinn, Mr. Shows, Ms. Kilpatrick, Mr. Green of Texas, Mr. Filner, Mr. Blagojevich, Mr. Serrano, Mr. Moran of Kansas, and Mr. Baldacci):

H.R. 762. A bill to amend the Public Health Service Act to provide for research and services with respect to lupus; to the Committee on Commerce.

By Mr. MINGE:

H.R. 763. A bill to make chapter 12 of title 11, United States Code, permanent, and for other purposes; to the Committee on the Judiciary.

By Ms. PRYCE of Ohio (for herself, Mr. Ewing, Mr. Greenwood, Mr. DeLay, and Mrs. Jones of Ohio):

H.R. 764. A bill to reduce the incidence of child abuse and neglect, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON of Mississippi (for himself, Mr. Bishop, and Mr. Shows):

H.R. 765. A bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food; to the Committee on Agriculture.

By Mr. THUNE (for himself, Ms. Dunn, Mr. Weller, Mr. Cooksey, and Mr. Chabot):

H.R. 766. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the personal exemption; to the Committee on Ways and Means.

By Mr. THUNE (for himself, Ms. Dunn, Mr. Cooksey, and Mr. Chabot):

H.R. 767. A bill to amend the Internal Revenue Code of 1986 to reduce individual income taxes by increasing the amount of taxable income which is taxed at the lowest income tax rate; to the Committee on Ways and Means.

By Mr. HOYER (for himself, Mr. Davis of Virginia, Mr. Cummings, Mrs. Morella, Mr. Wynn, and Ms. Norton):

H. Con. Res. 34. Concurrent resolution expressing the sense of the Congress that there should be parity between the compensation of members of the uniformed services and the compensation of civilian employees of the United States; to the Committee on Armed Services, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER:

H. Res. 64. A resolution providing amounts for the expenses of the Committee on Science in the One Hundred and Sixth Congress; to the Committee on House Administration.

By Mr. STUMP (for himself and Mr. Evans):

H. Res. 65. A resolution providing amounts for the expenses of the Committee on Veterans' Affairs in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. SHUSTER:

H. Res. 66. A resolution providing amounts for the expenses of the Committee on Transportation and Infrastructure in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. SPENCE (for himself and Mr. Skelton):

H. Res. 67. A resolution providing amounts for the expenses of the Committee on Armed Services in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. GOSS:

H. Res. 68. A resolution providing amounts for the expenses of the Permanent Select Committee on Intelligence in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. BURTON of Indiana:

H. Res. 69. A resolution providing amounts for the expenses of the Committee on Government Reform in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. GILMAN:

H. Res. 70. A resolution providing amounts for the expenses of the Committee on International Relations in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. GOODLING:

H. Res. 71. A resolution providing amounts for the expenses of the Committee on Education and the Workforce in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. KASICH:

H. Res. 72. A resolution providing amounts for the expenses of the Committee on the Budget in the One Hundred Sixth Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 222: Mr. Sensenbrenner.

H.R. 263: Mr. Ramstad, Mr. Moakley, Mr. Neal of Massachusetts, and Mr. McDermott.

H.R. 264: Mr. Davis of Florida, Mr. Hastings of Florida, Mr. Scarborough, and Mr. Diaz-Balart.

H.R. 265: Mr. Jefferson.

H.R. 327: Mr. Souder.

H.R. 384: Mr. Tanner, Mr. Brady of Pennsylvania, Mr. McIntyre, and Mr. Wynn.

H.R. 385: Mrs. Emerson, Ms. Jackson-Lee of Texas, Mrs. Mink of Hawaii, Mr. Ortiz, and Mr. Rangel.

H.R. 609: Mr. Combest, Mr. Stenholm, Mr. Hastings of Washington, and Mr. Simpson.

H.R. 623: Mr. Bereuter, Mr. Deal of Georgia, Mr. Goodlatte, Mr. Sam Johnson of Texas, Mr. Lewis of Kentucky, Mr. Pickering, Mr. Tiahrt, and Mr. Wicker.

H.R. 654: Mr. Dreier and Ms. Slaughter.

H.R. 693: Mr. Kind of Wisconsin.

H.R. 706: Mr. Minge.

H.R. 718: Mr. Towns.

H.R. 750: Mr. Allen.

H. Con. Res. 8: Mr. Walden of Oregon.

H. Con. Res. 30: Mr. Royce, Mr. Skeen, Mrs. Myrick, Mr. Hefley, and Mr. Coburn.

SENATE—*Friday, February 12, 1999*

The Senate met at 9:36 a.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, whose love for this Nation has been displayed so magnificently through our history, we praise You that Your presence fills this historic Chamber and enters into the minds of the Senators gathered here. Each of them is here by Your divine appointment. Together they claim Your promise, "Call upon Me in the day of trouble: I will deliver you."—Ps.50:15. We call upon You on this day of trouble in America as this impeachment trial comes to a close. You have enabled an honest, open debate of alternative solutions. Soon a vote will be taken. You have established a spirit of unity in the midst of differences. Most important of all, we know that we can trust You with the results. You can use what is decided and continue to accomplish Your plans for America. We entrust to Your care the President and his family. Use whatever is decided today to enable a deeper experience of Your grace in his life and healing in his family. We commit this day to You and thank You for the hope that fills our hearts as we place our complete trust in You. You are our Lord and Saviour. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

> Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial are approved to date.

The majority leader is recognized.

Mr. LOTT. Thank you, Mr. Chief Justice.

ORDER OF PROCEDURE

Mr. LOTT. For the information of all Senators, later on today, the Secretary of the Senate will be putting at each Senator's desk something I think you will enjoy reading later. It is the prayers of the Chaplain during the impeachment trial. Subsequently, we plan to put it in a small pamphlet, because they truly have been magnificent. We thought you each would like to have copies.

The Senate will resume final deliberations now in the closed session. Thank goodness. At this point in the proceedings, there are approximately eight Members who still wish to speak or submit part of their speech into the RECORD.

Following those final speeches, the Senate will resume open session and proceed to the votes on the two articles of impeachment. I estimate that those votes will begin at approximately 11, 11:30. However, the exact time will depend on the length of the remaining speeches, and also we will have to have a few minutes to open the Chamber and the galleries so that our constituents and our families can enter the galleries if they would like to.

Following those votes, all Senators should remain at their desks as the Senate proceeds to several housekeeping items relating to the adjournment of the Court of Impeachment. So again, I emphasize, please, after the votes, don't rush out of the Chamber because we have some very important proceedings to attend to, and I think you will enjoy them if you will stay and participate.

Under the consent agreement reached last night, following those votes, a motion relating to censure may be offered by the Senator from California, Senator FEINSTEIN. If offered, Senator GRAMM will be recognized to offer a motion relative to the Feinstein motion, with a vote to occur on the Gramm motion. Therefore, Senators may anticipate an additional vote or votes following the votes on the articles.

I thank the Senators. And I believe we are ready to proceed to the closed session.

Mrs. BOXER. Will the majority leader yield for a question?

Mr. LOTT. Yes.

Mrs. BOXER. Will there be intervening debate or no debate on any of those votes?

Mr. LOTT. In the UC that was reached last night, I believe we have 2 hours, which will be equally divided, for Senators to submit statements at that point or to make speeches if they would like. So I presume—after the votes, yes.

Mrs. BOXER. That is the question. Yes.

Mr. LOTT. I presume we will go on for a couple hours—2 or 3 o'clock in the afternoon, yes.

UNANIMOUS-CONSENT AGREEMENT—PRINTING OF STATEMENTS IN THE RECORD AND PRINTING OF SENATE DOCUMENT OF IMPEACHMENT PROCEEDINGS

Mr. LOTT. I would like to clarify one other matter. Senators will recall the motion approved February 9, 1999, which permitted each Senator to place in the CONGRESSIONAL RECORD his or her own statements made during final deliberations in closed session.

I ask unanimous consent that public statements made by Senators subsequent to the approval of that motion, with respect to his or her own statements made during the closed session, be deemed to be in compliance with the Senate rules. This would permit a Senator to release to the public his or her statement made during final deliberations in closed session, except that, in doing so, a Senator may not disclose any remarks of the other Senators made during deliberations, without the prior consent, of course, of that Senator.

I further ask unanimous consent that Senators have until Tuesday, February 23, 1999—that would be the Tuesday after we come back—to have printed statements and opinions in the CONGRESSIONAL RECORD, if they choose, explaining their votes.

Finally, I ask unanimous consent that the Secretary be authorized to include these statements, along with the full record of the Senate's proceedings, the filings by the parties, and the supplemental materials admitted into evidence by the Senate, in a Senate document printed under the supervision of the Secretary of the Senate, that will complete the documentation of the Senate's handling of these impeachment proceedings.

Mr. REID. Mr. Leader, point of clarification. I had a couple of Members ask, does it take an affirmative act of a Senator to get their speech placed in the RECORD or does it happen automatically?

Mr. LOTT. I believe it does take an affirmative act. It is not automatic.

Mr. REID. To whom should that be given?

Mr. LOTT. It should be given to the clerks at the desk, or to Marty on your side, or your secretary of the minority, or the secretary of the majority. They will get it into the RECORD at the right place.

So I believe, once again, we are ready to go to our closed session.

Mrs. HUTCHISON. Will the majority leader yield for a question?

Mr. LOTT. Yes.

Mrs. HUTCHISON. It does not require each person to ask unanimous consent to insert their remarks, just giving it?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. LOTT. Yes. That has already been cleared.

I believe we have a unanimous consent request propounded.

The CHIEF JUSTICE. Without objection, it is so ordered.

The Senate will now go into closed session to complete its deliberations on the articles of impeachment. The Sergeant at Arms is directed to clear the galleries and close the doors of the Senate Chamber.

Mr. LOTT. Mr. Chief Justice, I suggest the absence of a quorum.

The CHIEF JUSTICE. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

CLOSED SESSION

(At 9:44 a.m., the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 12:04 p.m., at which time the following occurred.)

OPEN SESSION

Mr. LOTT. Will Senators return to their desks? Managers, thank you for joining us. Would Senators stand, and the gallery, as the Chief Justice enters the Chamber, please.

The CHIEF JUSTICE. The Senate will be in order.

Mr. LOTT. Mr. Chief Justice, Members of the Senate, the Senate has met almost exclusively as a Court of Impeachment since January 7, 1999, to consider the articles of impeachment against the President of the United States. The Senate meets today to conclude this trial by voting on the articles of impeachment, thereby, fulfilling its obligation under the Constitution. I believe we are ready to proceed to the votes on the articles. And I yield the floor.

The CHIEF JUSTICE. The Chair would inform those in attendance in the Senate galleries, that under rule XIX of the Standing Rules of the Senate, demonstrations of approval or disapproval are prohibited, and it is the duty of the Chair to enforce order on its own initiative.

ARTICLE I

The CHIEF JUSTICE. The clerk will now read the first Article of impeachment.

The legislative clerk read as follows:

ARTICLE I

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

On August 17, 1998, William Jefferson Clinton swore to tell the truth, the whole truth, and nothing but the truth before a Federal grand jury of the United States. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning one or more of the following: (1) the nature and details of his relationship with a subordinate Government employee; (2) prior perjurious, false and misleading testimony he gave in a Federal civil rights action brought against him; (3) prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action; and (4) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action.

In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

The CHIEF JUSTICE. The Chair reminds the Senate that each Senator, when his or her name is called, will stand in his or her place and vote "guilty" or "not guilty" as required by rule XXIII of the Senate rules on impeachment.

The Chair also refers to article I, section 3, clause 6, of the Constitution regarding the vote required for conviction on impeachment. Quote: "[N]o Person shall be convicted without the Concurrence of two-thirds of the Members present."

VOTE ON ARTICLE I

The CHIEF JUSTICE. The question is on the first article of impeachment. Senators, how say you? Is the respondent, William Jefferson Clinton, guilty or not guilty? A rollcall vote is required.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. SPECTER (When his name was called). Not proven, therefore not guilty.

The result was announced—guilty 45, not guilty 55, as follows:

[Rollcall Vote No. 17]

[Subject: Article I—Articles of Impeachment Against President William Jefferson Clinton]

GUILTY—45

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Smith (NH)
Smith (OR)
Thomas
Thurmond
Voinovich

NOT GUILTY—55

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Gorton
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Shelby
Snowe
Specter
Stevens
Thompson
Torricelli
Warner
Wellstone
Wyden

The CHIEF JUSTICE. On this article of impeachment, 45 Senators having pronounced William Jefferson Clinton, President of the United States, guilty as charged, 55 Senators having pronounced him not guilty, two-thirds of the Senators present not having pronounced him guilty, the Senate adjudges that the respondent, William Jefferson Clinton, President of the United States, is not guilty as charged in the first article of impeachment.

ARTICLE II

The CHIEF JUSTICE. The clerk will read the second article of impeachment.

The legislative clerk read as follows:

ARTICLE II

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding.

The means used to implement this course of conduct or scheme included one or more of the following acts:

(1) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false and misleading.

(2) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to give perjurious, false and misleading testimony if and when called to testify personally in that proceeding.

(3) On or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him.

(4) Beginning on or about December 7, 1997, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action brought against him in order to corruptly prevent the truthful testimony of that witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him.

(5) On January 17, 1998, at his deposition in a Federal civil rights action brought against

him, William Jefferson Clinton corruptly allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit, in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge.

(6) On or about January 18 and January 20–21, 1998, William Jefferson Clinton related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.

(7) On or about January 21, 23, and 26, 1998, William Jefferson Clinton made false and misleading statements to potential witnesses in a Federal grand jury proceeding in order to corruptly influence the testimony of those witnesses. The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury, causing the grand jury to receive false and misleading information.

In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

VOTE ON ARTICLE II

The CHIEF JUSTICE. The question is on the second article of impeachment. Senators, how say you? Is the respondent, William Jefferson Clinton, guilty or not guilty?

The clerk will call the roll.

The bill clerk called the roll.

Mr. SPECTER (When his name was called). Not proven, therefore not guilty.

The result was announced—guilty 50, not guilty 50, as follows:

[Rollcall Vote No. 18]

[Subject: Article II—Articles of Impeachment against President William Jefferson Clinton]

GUILTY—50

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT GUILTY—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Torricelli
Wellstone
Wyden

The CHIEF JUSTICE. The galleries will be in order.

On this article of impeachment, 50 Senators having pronounced William Jefferson Clinton, President of the United States, guilty as charged, 50 Senators having pronounced him not guilty, two-thirds of the Senators present not having pronounced him guilty, the Senate adjudges that the respondent, William Jefferson Clinton, President of the United States, is not guilty as charged in the second article of impeachment.

The Chair directs judgment to be entered in accordance with the judgment of the Senate as follows:

The Senate, having tried William Jefferson Clinton, President of the United States, upon two articles of impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present not having found him guilty of the charges contained therein: it is, therefore, ordered and adjudged that the said William Jefferson Clinton be, and he is hereby, acquitted of the charges in this said article.

The Chair recognizes the majority leader.

COMMUNICATION TO THE SECRETARY OF STATE AND TO THE HOUSE OF REPRESENTATIVES

Mr. LOTT. Mr. Chief Justice, there is an order at the desk.

The CHIEF JUSTICE. The clerk will read the order.

The legislative clerk read as follows:

Ordered, that the Secretary be directed to communicate to the Secretary of State, as provided by Rule XXIII of the Rules of Procedure and Practice in the Senate when sitting on impeachment trials, and also to the House of Representatives, the judgment of the Senate in the case of William Jefferson Clinton, and transmit a certified copy of the judgment to each.

The CHIEF JUSTICE. Without objection, the order will be entered.

STATEMENT BY THE CHIEF JUSTICE OF THE UNITED STATES ON THE SENATE TRIAL

The CHIEF JUSTICE. The Chair wishes to make a brief statement, without objection on such. (Laughter.)

More than a month ago, I first came here to preside over the Senate sitting as the Court of Impeachment. I was a stranger to the great majority of you. I underwent the sort of culture shock that naturally occurs when one moves from the very structured environment of the Supreme Court to what I shall call, for want of a better phrase, the more free-form environment of the Senate. (Laughter.)

I leave you now a wiser but not a sadder man. I have been impressed by the manner in which the majority leader and the minority leader have agreed on procedural rules in spite of the differences that separate their two parties on matters of substance.

I have been impressed by the quality of the debate in closed session on the entire question of impeachment as provided for under the Constitution. Agreed-upon procedures for airing on substantive divisions must be the hallmark of any great deliberative body.

Our work as a Court of Impeachment is now done. I leave you with the hope that our several paths may cross again under happier circumstances.

The majority leader.

Mr. LOTT. Mr. Chief Justice, we thank you for your comments.

EXPRESSION OF GRATITUDE TO THE CHIEF JUSTICE OF THE UNITED STATES

Mr. LOTT. I send a resolution to the desk.

The CHIEF JUSTICE. The clerk will read the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 37) to express gratitude for the service of the Chief Justice of the United States as Presiding Officer during the impeachment trial.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 37 introduced earlier today by Senator LOTT and Senator DASCHLE.

The CHIEF JUSTICE. Without objection, it is so ordered.

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements that Senators wish to make on this resolution be printed at this point in the RECORD.

The CHIEF JUSTICE. Without objection, it is so ordered.

The resolution (S. Res. 37) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 37

Whereas Article I, section 3, clause 6 of the Constitution of the United States provides that, when the President of the United States is tried on articles of impeachment, the Chief Justice of the United States shall preside over the Senate;

Whereas, pursuant to Rule IV of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, on January 6, 1999, the Senate notified William H. Rehnquist, Chief Justice of the United States, of the time and place fixed for consideration of the articles of impeachment against William Jefferson Clinton, President of the United States, and requested him to attend;

Whereas, in the intervening days since January 7, 1999, Chief Justice Rehnquist has presided over the Senate, when sitting on the trial of the articles of impeachment, for long hours over many days;

Whereas Chief Justice Rehnquist, in presiding over the Senate, has exhibited extraordinary qualities of fairness, patience, equanimity, and wisdom;

Whereas, by his manner of presiding over the Senate, Chief Justice Rehnquist has contributed greatly to the Senate's conduct of fair, impartial, and dignified proceedings in the trial of the articles of impeachment;

Whereas the Senate and the Nation are indebted to Chief Justice Rehnquist for his distinguished and valued service in fulfilling his constitutional duty to preside over the Senate in the trial of the articles of impeachment: Now, therefore, be it

Resolved, That the Senate expresses its profound gratitude to William H. Rehnquist, Chief Justice of the United States, for his distinguished service in presiding over the Senate, while sitting on the trial of the articles of impeachment against William Jefferson Clinton, President of the United States.

SEC. 2. The Secretary shall notify the Chief Justice of the United States of this resolution.

Mr. LOTT. Mr. Chief Justice, on behalf of myself and the entire U.S. Senate, we want to offer you our thanks and the gratitude of the American people for your service to the Nation and throughout this Impeachment Court and to this institution.

As our Presiding Officer during most of the last 5 weeks, you have brought to our proceedings a gentle dignity and an unfailing sense of purpose, and sometimes sense of humor.

The majority leader realized when it was time to take a break and not to take a break when the Chief Justice said let's go forward.

By placing duty above personal convenience and many other considerations, you have taught a lesson in leadership. Your presence in the chair of the President of the Senate, following the directives of our Constitution, gave comity to this Chamber and assurance to the Nation. I would like to close with our traditional Mississippi parting: Y'all come back soon. But I hope that is not taken the wrong way, and not for an occasion like this one.

So instead, as you return to your work on the Court in the great marble temple of the law right across the lawn from this Capitol, we salute you, sir, with renewed appreciation and esteem for a good friend and good neighbor.

PRESENTATION OF THE GOLDEN GAVEL AWARD

Now, Mr. Chief Justice, if the Democratic leader will join me, we have a small token of our appreciation. We have a tradition in the Senate that after you have presided over the Senate for 100 hours, we present you with the Golden Gavel Award. I am not sure it quite reached 100 hours, but it is close enough.

The CHIEF JUSTICE. It seemed like it.

(Applause, Senators rising.)

Mrs. HUTCHISON. Mr. President, I wish to add my thanks to the Chief Justice for his untiring efforts throughout the impeachment trial and to commend him for his dignity, fairness, and humor.

Mr. KYL. I add my expression of appreciation to the Chief Justice and the officers of the court who had a role in this proceeding—the House managers, the counsel for the White House, and Independent Counsel Kenneth Starr—for their honorable service.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that the February 5, 1999, affidavit of Mr. Christopher Hitchens; the February 7, 1999, affidavit of Ms. Carol Blue; and the affidavit of Mr. R. Scott Armstrong be admitted into evidence in this proceeding and the full written transcripts of the depositions taken pursuant to S. Res. 30 be included in the public record of the trial. This matter has been cleared on both sides of the aisle.

The CHIEF JUSTICE. Without objection, it is so ordered.

ADJOURNMENT SINE DIE OF THE COURT OF IMPEACHMENT

Mr. LOTT. Now, Mr. Chief Justice, I move that the Senate, sitting as a Court of Impeachment on the articles exhibited against William Jefferson Clinton, adjourn sine die.

The motion was agreed to, and at 12:43 p.m., the Senate, sitting as a Court of Impeachment, adjourned sine die.

LEGISLATIVE SESSION

ESCORTING OF THE CHIEF JUSTICE

Mr. LOTT. The committee will go to the podium to escort the Chief Justice from the Chamber.

Whereupon, the Committee of Escort: Mr. THURMOND, Mr. ROTH, Mr. DOMENICI, Mr. SARBANES, Mr. MOYNIHAN, and Mrs. LINCOLN, escorted the Chief Justice from the Chamber.

The PRESIDING OFFICER (Mr. ENZI). The Sergeant at Arms will escort the House managers out of the Senate Chamber.

Whereupon, the Sergeant at Arms escorted the House managers from the Chamber.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senate will please come to order. The majority leader.

Mr. LOTT. Mr. President—I almost called you Mr. Chief Justice; I have to get used to this, going back to "Mr. President"—before Senator FEINSTEIN is recognized, I must take just a moment further to recognize a few individuals, and I know Senator DASCHLE would like to do that. In addition to the Chief Justice and his assistants who were here throughout——

Mrs. HUTCHISON. Mr. President, I believe the White House attorneys should have the same privilege of being escorted out.

Mr. LOTT. I think we will ask Senator NICKLES to handle that. (Laughter.)

The PRESIDING OFFICER. The White House counsel will be escorted from the Chamber.

Whereupon, White House counsel were escorted from the Chamber.

THANKING SENATE STAFF

Mr. LOTT. Mr. President, if I could resume, I thank the assistants who came with the Chief Justice from the Supreme Court. I thank the Secretary of the Senate, Gary Sisco; the Sergeant at Arms, Jim Ziglar; and the Deputy Sergeant at Arms, Loretta Symms, who also gave us our instructions—the first time in history, I am sure, that a woman called the Senate to order.

I would like to thank the secretary of the majority, Elizabeth Letchworth; counsel of the Senate, Tom Griffith, and deputy Morgan Frankel, our special impeachment counsel, Mike Wallace; my chief of staff, Dave Hoppe—who has just been tremendous and worked untold hours—and also all of our assistants at the desk—and especially our friend Scott Bates—for their wonderful work. I want the RECORD to reflect how much we appreciate the dedication and the long hours, the patience, and the competence of all these staff members.

I would like to yield to Senator DASCHLE for his comments in this area.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I know I speak for all of my colleagues on this side of the aisle, sharing the expressions of gratitude that Senator LOTT has just articulated for all of our staff. They have done a remarkable job. He mentioned all those who work for all of us. Let me mention a couple of people who work for those of us on this side: Bob Bower, Bill Corr, Pete Rouse, Marty Paone, and so many people who were particularly responsible for the fact that we were able to conduct our work so effectively throughout this very difficult challenge.

So on behalf of the Democratic Caucus, we join with Senator LOTT in expressing our deep sense of gratitude for the great, great job that they have done in these difficult weeks that we have now concluded.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

APPRECIATION TO THE LEADERSHIP

Mr. CHAFEE. I wonder if this isn't an appropriate time to express our appreciation to our two leaders for guiding us through these very difficult times.

(Applause, Senators rising.)

CENSURE RESOLUTION

Mr. ASHCROFT. Mr. President, the debate we will be having in the Senate is on whether to suspend the rules of the Senate to consider a resolution censuring the President's conduct.

A motion will be made to indefinitely postpone the motion to suspend the rules. These votes will occur before Senators have the opportunity to amend the resolution censuring the President's conduct.

I take the floor of the Senate to make clear that I am opposed to a censure resolution of President Clinton.

The Impeachment Trial of President William Jefferson Clinton is over. The Senate has faithfully discharged its constitutional obligation by serving as impartial jurors of the Articles of Impeachment approved by a bipartisan majority of the U.S. House of Representatives.

The Senate has rendered its verdict, and has found the President not guilty as charged. The consequence of this action by the Senate is to keep the President in office where he is to fully and faithfully discharge the constitutional duties of his office.

The trial is over. It is time for the Senate to focus on the national legislative agenda.

On this last point, I chose my words carefully. I did not say it is time for the Senate to turn to the people's business.

Some have said we should not have had the trial or should have adjourned the trial much earlier so that we could turn to the people's business.

I reject that notion. I firmly believe that conducting the trial was doing the people's business.

But the truth is the trial is over. I do not see any place for the pending resolution censuring the President. It is not the business of the Senate to punish President Clinton.

As Senator BYRD has concluded censure, unlike impeachment, is "extra-constitutional." The Constitution empowers the Senate to try a President impeached by the House and remove him if 67 Senators agree.

The Constitution does not empower the Senate to punish a President, in the absence of 67 votes to remove. The impeachment trial is over.

The Senate should move on and leave President Clinton alone.

The Constitution recognizes that if a President cannot be removed through impeachment, he should not be weakened by censure. Although the Senate passes sense of the Senate resolutions on many subjects, censure is different because the Constitution requires a ⅔ vote before the Senate can discipline the President and requires removal upon conviction for impeachable offenses. Censure is an effort to end-run these constitutional requirements.

One final problem is that any censure resolution will have to be weak. Even proponents of censure concede that a censure resolution that actually punished the President would be an unconstitutional bill of attainder. Any censure that is consistent with the Bill of Attainder Clause is too weak to be worth doing.

The highest form of censure the Constitution allows is impeachment by the House. The failure to convict the President will not erase that action by the House. It is time for the Senate to move on.

If the effort to suspend the rules passes, and the text of the censure resolution is before the Senate, and is amendable, I will seek recognition to offer the following substitute, and I quote:

After the word "*Resolved*" strike everything and insert the following:

> "That the United States Senate at the earliest opportunity will consider and have final votes on legislation favorably reported by its committees that—
>
> (1) reduces taxes so that Americans no longer pay record high levels of federal income taxes;
>
> (2) prohibits the financial surplus in the Social Security Trust Funds from financing additional deficit spending in the operating budget of the United States Government;
>
> (3) increases funds and flexibility for programs that local school districts and their parents, teachers and principals believe will enhance teaching and learning;
>
> (4) offers comprehensive responses to juvenile justice needs and criminal drug abuse, including increased penalties for adults who use minors in the commission of crimes, increased penalties for drug trafficking, and greater resources for local law enforcement agencies to stop methamphetamine trafficking.
>
> (5) improves military pay to reduce sharp declines in attracting new and keeping well-qualified solders in the all-volunteer Armed Forces."

This substitute resolution speaks for itself. This resolution sets the Senate on the right course for the Senate to accomplish the legislative priorities of this nation.

These priorities include:

Congress this year should direct the budget surplus to where it belongs, and that is to the people whose hard work produced the surplus.

That means Congress should cut taxes. Americans should no longer pay record high levels of federal income taxes.

The average household paid 25 percent of its income in taxes (federal, state, and local) and 30 percent of every additional dollar earned by a four-person median income household of $55,000 will go to pay taxes.

The typical American family spends more money on taxes than on food, clothing, and shelter combined. Each year Americans work four months and 10 days just to pay their taxes. The tax burden is getting worse, not better. For the past five years, tax payments have grown faster than salaries. Total federal taxes in 1997 were the highest since World War II.

Second, Congress should protect Social Security.

The best action we can take now to protect the economic security of tomorrow's retirees is to protect current surpluses from government raiding.

Using these surpluses to pay down our debt will put our country in the best possible financial position to meet our future obligations.

Third, we should improve education by increasing funds and flexibility for programs that local school districts and their parents, teachers and principals believe will enhance teaching and learning.

The Department of Education requires over 48.6 million hours worth of paperwork to receive federal dollars. This bureaucratic maze takes up to 35% of every federal education dollar.

Local school districts could find far better uses of the $10–$12 billion Washington spends. With direct funding, local schools could deploy resources to areas they deem most crucial for their students, such as hiring new teachers, raising teacher salaries, buying new textbooks or new computers

Fourth, Congress must fight crime and drug abuse.

While in the last few years the violent crime rate has declined, it remains at levels that are far too high. In 1960, 159 violent crimes per 100,000 inhabitants were reported; in 1997, 611 were reported. In short, violent crime has quadrupled since 1960.

Drug abuse, especially use of methamphetamines, is also at dangerous levels. Public health and law enforcement officials believe that meth is more dangerous and addictive than cocaine and heroin. Communities are being devastated and the problem is growing exponentially. In 1994, DEA agents in Missouri seized 14 clandestine meth labs. Last year, they seized 421 labs.

Meth use is dangerous, threatens our children and causes users to commit other crimes. Among 12th graders, the use of ice, a smokeable form of meth, has risen 60 percent since 1992. Meth-related emergency room incidents are up 63 percent over this same period.

Fifth, Congress should improve military pay to reduce sharp declines in attracting new and keeping well-qualified solders in the all-volunteer Armed Forces.

1999 marks the 14th straight year of decline in real dollars spent on our national defense. The number of active duty personnel is down 30% since 1991. Despite these reductions, the military is being asked to do more than it did during the Cold War.

CONCLUSION

In writing these principles, I strived for bipartisan agreement. I believe many, if not all of these, principles have been articulated as priorities on both sides of the aisle.

I did not include my own proposals for accomplishing these objectives. The details of these principles can and should be worked out by the committees of the Senate, and then by the full Senate.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

RESOLUTION OF CENSURE

Mrs. FEINSTEIN. Mr. President, I move to proceed to my censure resolution which is at the desk.

The text of the motion reads as follows:

I move to suspend the following:

Rule VII, paragraph 2 the phrase "upon the calendar", and;

Rule VIII, paragraph 2 the phrase "during the first two hours of a new legislative day".

In order to permit a motion to proceed to a censure resolution, to be introduced on the day of the motion to proceed, notwithstanding the fact that it is not on the calendar of business.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I have to object. This resolution is not on the Calendar. Therefore, it is not in order to present it to the Senate.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, in light of that objection, I move to suspend the rules, the notice of which I printed in the RECORD on Monday, February 8, in order to permit my motion to proceed.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I send a motion to the desk, a motion to indefinitely postpone the consideration of the Feinstein motion.

The PRESIDING OFFICER. The clerk will report the motion.

Mr. GRAMM. Mr. President, I ask that reading of the motion be dispensed with, and I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas, Mr. GRAMM. The yeas and nays have been ordered. The clerk will call the roll.

The yeas and nays resulted—yeas 43, nays 56, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—43

Allard
Ashcroft
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Inhofe
Kyl
Lott
Mack
McCain
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith Bob
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—56

Abraham
Akaka
Bingaman
Boxer
Breaux
Bryan
Chafee
Cleland
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Gorton
Graham
Baucus
Bayh
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Bennett
Biden
McConnell
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Smith Gordon H
Snowe
Torricelli
Wellstone
Wyden

NOT VOTING—1

Domenici

The PRESIDING OFFICER (Mr. INHOFE). On this vote, the yeas are 43, the nays are 56. Two-thirds of the Senators not having voted in the negative, the motion to suspend is withdrawn and the Gramm point of order is sustained. The Feinstein motion to proceed falls.

Mr. SPECTER. Mr. President, between the time I made my statement in the closed Senate deliberations on February 11th and the time I cast my vote on February 12th, I consulted with the Parliamentarian and examined the Senate precedents and found that if I voted simply "not proven," that I would be marked on the voting roles as "present." I also found that a response of "present," and inferentially the equivalent of "present," could be challenged and that I could be forced to cast a vote of "yea" or "nay."

I noted the precedent on June 28, 1951, recorded on pages 7403 and 7404 of the CONGRESSIONAL RECORD, when Senator Benton of Connecticut and Senator Lehman of New York voted "present" during a roll call vote. Senator Hickenlooper of Iowa challenged these votes and argued that a senator must vote either "yea" or "nay" unless the Senate votes to excuse the senator from voting. Senator Hickenlooper's challenge was upheld, and the Senate voted against excusing these Senators from voting by a vote of 39 to 35 in the case of Senator Lehman and a vote of 41 to 34 in the case of Senator Benton.

I also noted the precedent on August 3, 1954, on page 13086 of the CONGRESSIONAL RECORD, when Senator Mansfield of Montana voted "present" during a roll call vote. Senator Cordon of Oregon objected and asked that the Senate vote on whether Senator Mansfield should be excused from voting. By voice vote, the Senate voted against excusing Senator Mansfield from voting.

In order to avoid the possibility that some Senator might challenge my vote, I decided to state on the Senate floor, "not proven, therefore not guilty," when my name was called on the roll call votes on Article I and Article II of the Articles of Impeachment. That avoided the possibility of a challenge and also more accurately recorded my vote as "not guilty" since I did not wish to be recorded as merely "present."

(Under a previous unanimous consent agreement, the following statements pertaining to the impeachment proceedings were ordered printed in the RECORD:)

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

Mr. GORTON. Mr. President, the statement that I am placing in the record is the statement I would have given had I been permitted to speak longer and in open session. During our closed deliberations, I gave a similar, but abridged statement.

For almost two years, the President of the United States was engaged in what he has come to describe as an "inappropriate intimate" relationship with a young woman who came to his attention as a White House intern. He then lied about their relationship, publicly, privately, formally, informally, to the press, to the country, and under oath, for a period of about a year.

This course of conduct requires us to face four distinct questions.

First, we must determine if the material facts alleged in the Articles of Impeachment have been established to our satisfaction.

Second, do the established facts constitute either obstruction of justice or perjury, or both?

Third, are obstruction of justice and perjury high Crimes and Misdemeanors under the Constitution?

And, fourth, even if the acts of the president are high Crimes and Misdemeanors, are they of sufficient gravity to warrant his conviction if it allows of no alternative other than his removal from office?

The first article of impeachment alleges that the President committed perjury while testifying before the Starr grand jury. Although the House Managers assert that his testimony is replete with false statements, it is clear, at the least, that his representations about the nature and details of his relationship with Miss Lewinsky are literally beyond belief.

From November 1995, until March 1997, the President engaged in repeated sexual activities with Monica Lewinsky, who was first a volunteer at and then an employee of the White House and eventually the Pentagon. Though he denies directly few of her descriptions of those activities, he testified under oath that he did not have "sexual relations" with her. His accommodation of this paradox is based on the incredible claim that he did not touch Miss Lewinsky with any intent to arouse or gratify anyone sexually, even though she performed oral sex on him.

It seems to me strange that any rational person would conclude that the

President's description of his relationship with Miss Lewinsky did not constitute perjury.

In addition, while we are not required to reach our decision on these charges beyond a reasonable doubt, I have no reasonable doubt that the President committed perjury on a second such charge when he told the grand jury that the purpose of the five statements he made to Mrs. Currie after his Jones deposition was to refresh his own memory.

The President knew that each statement was a lie. His goal was to get Mrs. Currie to concur in those lies.

The other allegations of perjury are either unproven—particularly those requiring a strict incorporation of the president's Jones deposition testimony into his grand jury testimony—or are more properly considered solely—with those already discussed—as elements of the obstruction of justice charges in Article II.

To determine that the president perjured himself at least twice, however, is not to decide the ultimate question of guilt on Article I. That I will discuss later.

All the material allegations of Article II seem to me to be well founded. Four of them, however, those regarding the president's encouraging Miss Lewinsky to file a false affidavit and then to give false testimony, those regarding the president's failure to correct his attorney's false statements to the Jones court, and those bearing upon the disposal of his gifts to her are not, in my mind, proven beyond a reasonable doubt. Again, I do not believe this standard to be required in impeachment trials, but because I believe that the other three factual allegations of Article II do meet that standard, I adopt it for the purposes of this discussion.

(1) From the time she was transferred to the Pentagon in April, 1996, Miss Lewinsky had pestered the president about returning to work at the White House, and, other than some vague referrals, until October 1, 1997, the President had done nothing to make this happen and little to help her find another job.

On the first of October, 1997, the president was served with interrogatories in the Jones case asking about his sexual relationships with women other than his wife, and during the rest of October the President and his agents stepped up their efforts to find Miss Lewinsky a job. Three weeks later, on October 21, the United States Ambassador to the United Nations, Bill Richardson, called Miss Lewinsky personally to schedule an interview in her apartment complex, though apparently he interviewed no one else. Shortly after this unusual interview, the Ambassador created a new position in New York and offered it to Miss Lewinsky.

What is perhaps most striking about the U.N. job is not even how promptly it materialized, nor that the United States Ambassador was so personally involved in hiring a young woman with precious little job experience, but that Ambassador Richardson held the specially crafted sinecure open for two months while the former intern kept him waiting on her decision.

When Miss Lewinsky decided that she preferred the private sector, the president enlisted the help one of his closest personal friends, one of the most influential men in the United States, Vernon Jordan. Miss Lewinsky met with Mr. Jordan in early November. Mr. Jordan, who was acting at the President's behest, apparently did not fully appreciate how important it was for him to cater to Miss Lewinsky, and took no action for a month.

The President and Mr. Jordan realized, however, on December 5, 1997, the importance of satisfying Miss Lewinsky 's fancy when her name appeared on the Jones witness list. Before that date, the President needed Miss Lewinsky only to commit a lie of omission—simply to refrain from making their relationship public. Her appearance on the witness list now meant that she would have to lie under oath.

Fully appreciative of the higher stakes, the President redoubled his efforts and those of his agents to find Miss Lewinsky a job and keep her in his camp. In the weeks after Miss Lewinsky's name appeared on the witness list, Mr. Jordan kept the President apprised of his efforts to find work for her in the private sector. He called his contacts at American Express, Young & Rubicam, and MacAndrews & Forbes (Revlon's parent corporation). When Miss Lewinsky was subpoenaed on December 19, 1997, to be deposed in the Jones case, Mr. Jordan oversaw the preparation of the affidavit that the President had suggested she file in lieu of testifying. On January 7, 1997, Miss Lewinsky signed the affidavit, which she later admitted was false, denying that she had a "sexual relationship" with the President. On January 8, she interviewed with MacAndrew & Forbes. When she told Mr. Jordan that she had done poorly, he called the Chairman of the Board, Ronald Perelman, to recommend Miss Lewinsky, whom he commended as "this bright young girl, who I think is terrific." As a result of this conversation, Miss Lewinsky was called back for another interview with MacAndrews the following day and given an informal offer. On January 9, she reported this to Mr. Jordan, who called Mrs. Currie with the message, "mission accomplished" and then called the President himself to share his success.

The President's lawyers arranged for Miss Lewinsky's affidavit to be filed on January 14, 1998. After this date, although Miss Lewinsky did not end up with a job in the private sector, neither the President nor Mr. Jordan, who so resolutely pursued their earlier mission, lifted a finger to help the "bright * * * terrific" young woman. Why? Because shortly thereafter the fiction of the president's platonic relationship with Lewinsky had exploded. Monica Lewinsky was the same Monica Lewinsky, but she now could no longer protect the President.

It is impossible to reconcile the President's course of conduct with any purpose other than to preclude Miss Lewinsky's truthful testimony in the Jones case, or, indeed, to prevent her testifying at all. The case for obstruction of justice is clear. Obstruction was the President's only motive.

(2) Next we have the Currie conversation—a set of statements by the President in the nominal form of questions, addressed by the President to Mrs. Currie on the Sunday evening following his Jones deposition when she was called to the White House at an extraordinary time and for apparently a single purpose. We are all familiar now with the questions he posed:

"I was never really alone with Monica, right?"

"You were always there when Monica was there, right?"

"Monica came on to me, and I never touched her, right?"

"You could see and hear everything, right?"

"She wanted to have sex with me, and I cannot do that."

Those five statements have a single common thread: the President knew each and every one of them to have been totally false.

Had Mrs. Currie been willing to confirm the President's suggestions, she would have been a devastatingly effective witness for him.

There is no reasonable explanation of this incident other than it is the President's clear attempt to obstruct justice, both in the Jones case and in the subsequent grand jury investigation.

(3) The false self-serving statements by the President to senior members of his staff, to his cabinet, and to the American people just after his affair became public present a somewhat different face. It is reasonably clear that, at the time at which they were made, the President's goal, at least in part, was to save face with his staff and put a less humiliating spin on the Lewinsky matter. At the same time, coupled with his public statements, the President's assertions to his staff were designed to influence their testimony at some future time and place and to enlist them in disguising his conduct. In fact, they did obstruct the grand jury investigation. The President's manipulation of friendly witnesses to testify falsely, if unknowingly, extended for months until the DNA evidence shattered both his public and private positions.

The President's attempt to derail the Independent Counsel's inquiry—an inquiry the very purpose of which was to discover whether the President gave false testimony and tampered with witnesses—by lying to his colleagues, his cabinet, his confidantes, the media, the American people, and ultimately, the grand jury, is—beyond a reasonable doubt—a wide-ranging and highly public obstruction of justice, deeply damaging to the judicial fabric of the United States.

One final note: to the extent that there are unresolved questions of fact, almost every one of them could be resolved by truthful and complete testimony by the President himself. That is a course of action he spectacularly avoided both in his Jones deposition and before the Starr grand jury. Now, he refuses to answer interrogatories from Senator LOTT and refuses to appear at this trial to testify on his own behalf.

Under the circumstances, is it not appropriate to infer that to tell the truth would be to confirm all of the questionable charges against him? I have not done so for the purposes of this argument, and have considered only those charges proven beyond a reasonable doubt, but the president's silence allows the inference that every one of the factual charges by the House managers is true.

With sufficient material facts alleged in the two Articles of Impeachment either essentially uncontested or established by overwhelming evidence, and with those facts clearly constituting both perjury and obstruction, we arrive at the third question before the Senate. Are perjury and obstruction of justice high Crimes and Misdemeanors under the impeachment clause of the Constitution?

This is the easiest of the four questions to answer. Perjury and crimes less serious than obstruction of justice have always and properly been considered high Crimes and Misdemeanors.

In 1986 Judge Claiborne was convicted by the Senate and removed from office for filing a false income tax return under penalties of perjury. By a vote of 90 to 7, the Senate rejected his argument that he should not be convicted because filing a false return was irrelevant to his performance as a judge. In 1989, Judge Nixon was convicted by the Senate and removed from office for perjury: in fact, for lying under oath to a grand jury. And in that same year, Judge Hastings was convicted of lying under oath and removed by the Senate even though he had already been acquitted in a criminal trial. (It is generally recognized that an act need not be criminal in order to be impeachable.) As these examples illustrate, perjury is and historically has been a sufficient cause for conviction and removal. Although no person has been convicted and removed for obstruction of justice, the nature and gravity of this crime, punished more harshly under our laws than bribery, clearly is also a sufficient cause for conviction and removal.

Most of the Senate's precedents, of course, are based on the impeachment trials of judges. President Clinton argues that those precedents should not apply; that presidents, who hold the highest office in the land, should benefit from a lower standard for removal than the judges they appoint and the military officers they command. This President would have presidents remain in office for acts that have resulted in the dismissal of military officers under his command, in the removal of judges, and for acts that would have resulted in the removal of Senators like Bob Packwood, who, like the President, are popularly elected for a fixed term. As House Manager CANADY has pointed out, the 1974 report by the staff of the Nixon impeachment inquiry concluded that the constitutional provision stating that judges would hold office during "good Behaviour," does not limit the relevance of judges' impeachments with respect to standards for presidential impeachments. The President's argument that he should be held to a lower standard than judges, military officers and Senators has no basis in the Constitution, in precedent, in equity, or in common sense.

The fourth and ultimate question, nevertheless, is considerably more difficult to answer. For me, the proof of material facts supporting some of the allegations is overwhelming, the proposition that the established facts of the President's conduct constitute perjury and obstruction of justice almost impossible to deny, and the conclusion that perjury and obstruction of justice are high Crimes and Misdemeanors a given.

But the inevitable result of a guilty verdict in this trial is the President's removal from office, and I believe that reasonable minds can differ on whether or not that consequence is appropriate. So does at least one of the House Managers. In answering the question of whether removal is too drastic a remedy for these alleged acts of perjury and obstruction of justice, LINDSEY GRAHAM, one of the most thoughtful Managers, stated that great minds may not necessarily agree on the question of whether, for the good of the nation, one should or should not remove this President for these high crimes. Removal, he said, is the equivalent of the political death penalty, and the death penalty is not imposed for every felony. Considerations such as repentance and the impact of removal on society should also be considered. (Mr. GRAHAM's view was not , incidentally, that reasonable minds could differ on any of the first three questions that I have outlined, but only on the ultimate question of removal.)

While removal upon conviction has not always been considered inevitable, I agree that Article II, Section 4 of the Constitution requires a mandatory sentence of removal upon conviction of high Crimes and Misdemeanors. Nevertheless, a number of thoughtful commentators, and at least a few members of this Senate, have already decided that removal is too drastic a sanction. These commentators and members—who are convinced, perhaps, that the President committed perjury and obstruction of justice, which, as classes of crime, are high Crimes and Misdemeanors—may nevertheless vote not to convict because they believe that removal from office is unwarranted for this perjury and this obstruction of justice.

I share that conclusion with respect to Article I, but not Article II.

On Article I I have decided, with some regret, that the instances of perjury I believe were established beyond a reasonable doubt are offenses insufficient for removing the President from office—based on the gravity of the offenses as against the drastic nature of removal. Equally important is the fact that these instances of perjury are also elements of the obstruction of justice charges in Article II. One conviction for the same acts of perjury is enough.

Nevertheless, I am convinced that one other reflection must precede a decision based on the belief that removal is disproportionate to the gravity of the offenses established here, and that is: what are the consequences of a not guilty finding by the Senate? The consequences are, of course, no sanction whatsoever.

It is precisely because the absence of any sanction is so objectionable to those who choke over removal that there has been such a spirited search for a third way. But, fellow Senators, there is no third way. There is no third way.

Article I, Section 3 of the Constitution states: "Judgment in Cases of Impeachment shall extend no further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States * * *."

The drafters did not intend to allow Congress to choose among a range of punishments analogous to those available to the judiciary, and for this reason they specified that the impeached party was to remain subject to judicial process and specifically limited to two—removal and disqualification—the sanctions that Congress could apply.

We must, I believe, by reason of this harsh choice consciously forced on us at the Constitutional Convention in 1787, weigh seriously the effect on the Republic of either of our two possible courses of action. Will the Republic be strengthened, or will it be weakened, by determining that a president shall remain in its most exalted office after perjuring himself and obstructing the pursuit of justice both of a private citizen and of a federal grand jury, in a case occasioned by the president's sexual activities? Will the Republic be strengthened or weakened by removing the President from office by an impeachment conviction for this perjury and this obstruction?

Early in our history an incident involving one of the authors of the Constitution, Alexander Hamilton, shows clearly the bright line between, on the one hand, a private sexual scandal, and on the other, a public obligation—a line the president has intentionally crossed.

In No. 65 of the Federalist Papers, Mr. Hamilton described impeachable offenses as "those offences which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself." The president's defenders place great reliance on this explanation.

Within four years of the composition of this essay, Mr. Hamilton had an opportunity to reflect on his own words. In the summer of 1791, Hamilton, then the Secretary of the Treasury, had an adulterous affair with a Maria Reynolds. Her husband discovered the affair and demanded a job in the Treasury Department. Though Secretary Hamilton turned him down, he did pay blackmail from his personal funds.

A year later, three Congressmen, all politically opposed to Hamilton, learned of the payments, suspected that they might involve Treasury funds, and confronted Hamilton. Despite the tremendous political advantage the story, which eventually leaked, offered them, he immediately and without hesitation told them the truth and nothing but the truth.

The author of Federalist No. 65 knew very well the distinction between a private scandal and the profound embarrassment arising out of its publication—and the violation of a public duty in an attempt to avoid that embarrassment. He chose not to use his Treasury position in a way that would justify an impeachment. The personal cost was immense and he assumed it without blinking.

President Clinton could hardly have chosen a more different course of action. He chose to violate both his oath of office and his oath as a witness, using his office, his staff and his position to try to avoid personal embarrassment. In any event even the personal consequences for him have been far worse than those visited upon Alexander Hamilton. But it is our duty to determine whether he merits a drastic public sanction—or none at all.

Some will say that the President can be charged with crimes related to this affair after his term of office is over.

First, such charges lie outside our jurisdiction or duty.

Second, such charges seem to me to be unlikely if we acquit the President, or in any event.

But third, and most important, let us assume that President Clinton is charged, convicted, and sentenced in 2001. What a devastating judgment on the Senate of the United States that would be! We ourselves would be convicted, by history and forever, of having permitted a felon who abused his office in committing his felonies to remain in office as President of the United States for two long years.

I simply cannot imagine any Senator willing to carry that burden of conscience.

No, we must choose between the sanction of removal and no sanction at all. We know how Alexander Hamilton would vote today on our question. We know how James Madison, one of Hamilton's interrogators and the careful author of the impeachment provision, would have voted. And merely to call up the name of George Washington is to answer the question of how he would vote.

The Republic will not be weakened if we convict. The policies of the presidency will not change. The Administration will not change.

But if we acquit; if we say that some perjuries, some obstructions of justice, some clear and conscious violations of a formal oath are free from our sanction, the Republic and its institutions will be weakened. One exception or excuse will lead to another, the right of the most powerful of our leaders to act outside the law—or in violation of the law—will be established. Our republican institutions will be seriously undermined. They have been undermined already, and the damage accrues to all equally—Republicans, Democrats, liberals, and conservatives.

If there is one thing this President can be relied on to do, it is to put his interests before those of his office and of the Republic. President Clinton has debased the presidency now and, if he is allowed to remain in office, the low level to which he has brought the presidency will continue, and that is not tolerable.

I cannot will to my children and grandchildren the proposition that a president stands above the law and can systematically obstruct justice simply because both his polls and the Dow Jones index are high.

Our duty in this case is as unpleasant as it was unsought. But our duty is clear. It was imposed on us, by history, without equivocation, 212 years ago. It requires us to convict the President of Article II of these Articles of Impeachment. And that is how I vote, with clear conscience and saddened heart.

Mr. FEINGOLD. Mr. Chief Justice, my colleagues, like many others, the day the President wagged his finger at the American people and indicated he had not been involved with Ms. Lewinsky, I had the sense that he wasn't telling the truth and I felt some genuine regret. The President and I began here in Washington in the same month, in 1993. I had high hopes and actually felt very close to what he was trying to accomplish. So all along in this process, I have had to fight an urge to personalize that regret in a way that would affect my ability to do my job in this impeachment trial. And I will tell you that taking that separate oath helped me get into the mindset necessary to do that task.

But let me say that I do regret that the President's public conduct—not his private conduct—has brought us to this day.

But we are here, and I want to take a minute to praise my colleagues on the process. I think it would have been unfortunate had we not had any witness testimony—at least in the form of deposition testimony. I think it would have been an unfortunate historical precedent. I found the video testimony helpful. I didn't enjoy it, but I found it helpful in clarifying some of the things that I was thinking about. So I am glad, on balance, that we did not dismiss the case at the time it was first suggested.

But as we get to the final stage and get immersed in the law and facts of this case, it is too easy to forget the most salient fact about this entire matter, and that is one simple fact that many others have mentioned: In November 1996, 47 million Americans voted to reelect President Clinton. The people hired him. They are the hiring authority. An impeachment is a radical undoing of that authority. The people hire and somehow, under this process, the Congress can fire. So, I caution against, with all due respect to the excellent arguments made, the attempt to analogize this to an employee-employer relationship, or a military situation, or even the situation of judges—those situations are all clearly different. Along with the choice of the Vice President, in no other case, do the American people choose one person, and in no other case can a completely different authority undo that choice.

Having said that, the Presidential conduct in this case, in my view, does come perilously close to justifying that extreme remedy. There really have been three Presidential impeachments in our Nation's history. I see this one as being in the middle. The Andrew Johnson case is usually considered by historians to have been a relatively weak case. President Johnson had a different interpretation of the constitutionality of the statute that he believed allowed him to remove the Secretary of War, Mr. Stanton. He was not convicted, and subsequently the U.S. Supreme Court, I believe, ruled that in fact that was constitutional. I see that as having been a relatively weak case.

The case of Richard Nixon, in my view, was a pretty strong case, involving a 1972 Presidential election and attempts to get involved with the aspects of that election—frankly—an attempt to cover up what happened during that 1972 election. I think that had more to do with core meaning of "high crimes and misdemeanors."

This is a closer case; this is a close case. In that sense, it may be the most important of the three Presidential impeachments, in terms of the law of impeachment, as we go into the future. I agree neither with the House managers who say their evidence is "overwhelming," nor with the President's counsel who says the evidence against the President is "nonexistent." The fact is, this is a hard case, and sometimes they say that hard cases make bad law. But we cannot afford to have this be bad law for the Nation's sake.

So how do we decide? There have been a lot of helpful suggestions, but one thing that has been important to me is the way the House presented their case. That doesn't bind us, but they did suggest that two Federal statutes had been violated. Mr. Manager McCOLLUM said that, "You must first determine if a Federal crime has occurred." Many others have said that. I will reiterate a point. If that is the approach you want to take, then it is clear, in my view as one Senator, that you must prove that beyond a reasonable doubt. Otherwise, you are using the power and the opprobrium of the Federal criminal law as a sword but refusing to let the President and the defense counsel have the shield of the burden of proof that is required in the criminal law.

I do not have time to discuss the perjury count this afternoon, but will do so in a longer presentation for the RECORD. Suffice it to say I do not believe the managers have met their burden of proving perjury beyond a reasonable doubt.

As to obstruction of justice, the President did come perilously close. Three quick observations make me conclude that, in fact, he did not commit obstruction of justice beyond a reasonable doubt. First, I am very concerned about the conversations between the President and Betty Currie concerning the specifics of his relationship with Ms. Lewinsky. But the critical question there is intent. Was his intent about avoiding discovery by his family and the political problems involved? Or was the core issue trying to avoid the Jones proceeding and the consequences of that?

I don't think it has been shown beyond a reasonable doubt that the Jones proceeding was the President's concern. Perhaps Ms. Currie could have shed some light on this. That is why I was extremely puzzled when the House managers didn't call Betty Currie. Let me be the first to say that I don't think in this instance the House managers "wanted to win too badly." I don't think they wanted to win badly enough to take the chance of calling Betty Currie, a crucial witness.

I was very concerned about the false affidavit until I saw Ms. Lewinsky's Senate deposition testimony. I am persuaded that you cannot say beyond a reasonable doubt that she was urged by the President to make a false statement in that affidavit.

Finally, I was very concerned about the hiding of the gifts. And maybe every one will disagree with me on this. But when I watched her testimony, I thought Ms. Lewinsky was the most indefinite about whether or not she had gotten that call from Ms. Currie than any other part of her testimony. I happen to believe that Ms. Lewinsky was the one who was the most concerned about the gifts. And I believe a showing beyond a reasonable doubt has not been made that the President masterminded the hiding of the gifts.

So I cannot deny what Representative GRAHAM said: If you call somebody up at 2:30 in the morning you are probably up to no good. But if you call somebody up at 2:30 in the morning you have not necessarily accomplished the crime of obstruction of justice.

I realize there is a separate question of whether these same acts by the President, apart from the Federal criminal law, constitute high crimes and misdemeanors. I do not. I will discuss that in more detail in a future statement in the RECORD.

But I would like to conclude by just talking a little bit about this impeachment issue in the modern context. When I say that the vote in 1996 is the primary issue, I don't just mean that in terms of the rights of people. I mean it in terms of the goal of the Founding Fathers, and our goal today; that is, political stability in this country. We don't want a parliamentary system. And we don't want an overly partisan system.

I see the 4-year term as a unifying force of our Nation. Yet, this is the second time in my adult lifetime that we have had serious impeachment proceedings, and I am only 45 years old. This only occurred once in the entire 200 years prior to this time. Is this a fluke? Is it that we just happened to have had two "bad men" as Presidents? I doubt it. How will we feel if sometime in the next 10 years a third impeachment proceeding occurs in this country so we will have had three within 40 years?

I see a danger in this in an increasingly diverse country. I see a danger in this in an increasingly divided country. And I see a danger in this when the final argument of the House manager is that this is a chapter in an ongoing "culture war" in this Nation. That troubles me. I hope that is not where we are and hope that is not where we are heading.

It is best not to err at all in this case. But if we must err, let us err on the side of avoiding these divisions, and let us err on the side of respecting the will of the people.

Let me conclude by quoting James W. Grimes, one of the seven Republican Senators who voted not to acquit Andrew Johnson. I discovered this speech, and found out that the Chief Justice had already discovered and quoted him, and said he was one of the three of the ablest of the seven. Grimes said this in his opinion about why he wouldn't convict President Johnson:

> I cannot agree to destroy the harmonious working of the Constitution for the sake of getting rid of an unacceptable President. Whatever may be my opinion of the incumbent, I cannot consent to trifle with the high office he holds. I can do nothing which, by implication, may be construed as an approval of impeachment as a part of future political machinery.

Mrs. HUTCHISON. If a university president, a minister or priest, general or admiral, or a corporate chief executive had engaged in a sexual relationship with an intern under his charge, he would lose his position, with scant attention paid to whether or not such a relationship were "consensual." We place in certain individuals so great a measure of trust that they are seen as acting essentially in loco parentis.

The question before us today is: Should the President of the United States be held to a lower standard?

The answer is: No. To the contrary; we can bestow no higher honor than to select one individual to represent us all as President. In one person we endow the character of our nation, as the head of state and the head of government.

It's with great disappointment, but firm resolve, that I have concluded the President has not lived up to this high standard and that he should be removed from office. The House managers have demonstrated beyond reasonable doubt that, in addition to indefensible behavior with an intern, which was not illegal, the President engaged in the obstruction of justice and, as an element of that obstruction, committed perjury before a federal grand jury, which is.

This case began as an alleged civil rights violation of a young woman who came to the bar seeking justice. The Supreme Court unanimously decided to permit her case against the President to go forward. It was that case which led to the revelations regarding the President's relationship with Monica Lewinsky, the White House intern.

Incredibly, an element of the President's defense is that we should take the long view. We are told by the President's defenders that we should not judge his actions toward one individual, in which he schemed to impede her ability to seek redress, because his overall actions on civil rights are so positive. We are asked not to judge his treatment of one woman, or two women, but to evaluate his policies that affect all women.

Would the President's defenders forgive a school teacher who molests a student, simply because the teacher's classes are popular and his students all go on to college? Should we ignore the police officer who personally enriches himself by accepting graft, so long as his arrest record is high? Would we look away from the corporate executive who illegally profits from insider information, as long as his shareholders are happy with the return on their investment? We would not sustain civil society for long with such moral relativism as our guide.

The President had it solely within his power to keep the country from the course on which it has been for the past year. First, of course, he could have chosen not to engage in the behavior in question. Having behaved as he did, though, and having been discovered, the President could have acknowledged his own actions and accepted the consequences. This could have been an honorable resignation, or an admission, contrition, and a firm resolve to take responsibility; with a request for resolution in a manner short of impeachment and trial.

Instead, the President chose to deny the allegations, and fight them with a coordinated scheme of manipulation and obstruction. He lied outright to the American people, to his close associates, and to his cabinet. An enduring image of this whole tale will be his finger-pointing lie to the American people, even after admonishing us to listen closely, because he didn't want to have to say it again.

Even in view of these actions, the President missed numerous opportunities to right this matter and get it behind him and the country. At virtually every opportunity, though, he chose an action that further prolonged the matter and led directly to his impeachment.

The President chose to impede the pursuit of justice by the Independent Counsel, who was given the authority to investigate this matter by the President's own Attorney General.

The President chose to construct a cover story with Ms. Lewinsky, should their relationship become public.

The President chose to direct his personal staff to retrieve items from Ms. Lewinsky that he knew were under subpoena in a federal investigation.

The President chose to seek the assistance of friends to find a job for Ms. Lewinsky, and to intensify that job search when it became clear that Ms. Lewinsky had become a target of the civil suit against him.

The President chose to lie to his staff about the nature of his relationship with Ms. Lewinsky herself, with the expectation that these lies would become part of the public perception.

And, the President chose to lie before a federal grand jury about his actions with regard to some of the elements of obstruction of justice, including the concealment of the gifts that were likely to become evidence in the civil case against him.

As a result of these choices by the President of the United States, the Senate was left with no choice other than to confront the charges and hear the case pursuant to the President's impeachment in the House of Representatives.

In so doing, the Senate conducted a fair and expeditious trial. We rejected the idea of an early test vote that would have truncated the process. We rejected the motion for an early dismissal. The Senate is fulfilling its Constitutional responsibility to hold a trial with a complete evidentiary record and a final vote on each article of impeachment sent to the Senate by the House of Representatives.

Through skillful use of the written record compiled by the Independent Counsel, videotaped depositions, and hard evidence, the House managers presented a compelling case. The case for perjury was difficult. The President's testimony before the Grand Jury was guarded. He was fully aware of the evidence the prosecutors had with respect to this case. He chose his words carefully. He admitted his relationship with Ms. Lewinsky before the Grand Jury, but did so only after confronted with clinical evidence of its existence.

But he lied to the Grand Jury to deny other key facts. He perjured himself as an element of a broader attempt to obstruct justice. There are two false statements that are the most persuasive. First, when asked if he directed Betty Currie to retrieve gifts from Ms. Lewinsky, he stated unequivocally, "No sir, I did not do that."

The facts are contrary to that allegation. Ms. Lewinsky testified that Betty Currie called her to suggest that Ms. Lewinsky give her the gifts. We have cellular telephone records that indicate a call from Ms. Currie to Ms. Lewinsky at about the time the gifts were picked up. It was clear that Ms. Currie initiated a retrieval of the gifts at the direction of the President, for this was the only source of information she had that there were gifts. The evidence is overwhelming that the President directed Betty Currie to retrieve these gifts. Thus, his statement is false. Not only is this perjury, it is obstruction of justice.

The President also lied before the Grand Jury about his conversations with White House aides regarding Ms. Lewinsky. He testified that "I said to them things that were true about this relationship." We know this to be completely false from the testimony of Sidney Blumenthal, who stated directly and unequivocally that the President had lied to him about the nature of his relationship with Ms. Lewinsky.

The legal standard for perjury is high. Under Section 18 U.S.C. 1623(a), a person is guilty of perjury if he or she knowingly makes a false, material statement under oath in a federal court or Grand Jury. I believe these statements were false, intentional and material in that they attempt to put a false impression on key events in a series of attempts to obstruct justice. In effect, the President knew his relationship with Ms. Lewinsky was shameful, but not necessarily illegal. But he knew his obstruction of justice was illegal—so he lied about it to a Grand Jury.

In many ways, obstruction of justice is even more corrosive than perjury to the machinery of our legal system. As the target of a grand jury and an independent prosecutor, the President has defended himself against charges of perjury by claiming he was caught off guard, was misinterpreted, was attempting to mislead but not lie.

Obstruction of justice, though, is a quite different matter. It is an affirmative act that occurs at the person's own initiative; in this case, the President. It involves actions taken that were not instigated by anyone else.

It has been said in his defense that the President did not initiate his perjury in that he was led to it by the prosecutor. But there is no similar argument regarding Article II, the Obstruction of Justice. Without the affirmative actions of the President, there would have been no Article II.

The President sought out Mr. Blumenthal to tell his misleading story about the nature of his relationship and the character of Ms. Lewinsky.

Separately, the President enlisted his personal secretary to further his obstruction of justice. He asked Ms. Currie to retrieve the gifts. He summoned her to coach her testimony under the guise of "trying to figure out what the facts were." He did so within hours after coming back to the White House on January 17th from his deposition in the civil sexual harassment lawsuit. He required a face-to-face meeting with her the next day, a Sunday. It couldn't be done over the phone, and it couldn't wait until Monday. It was clear he needed her to reaffirm his false testimony. This is obstruction of justice.

The edifice of American jurisprudence rests on the foundation of the due process of law. The mortar in that foundation is the oath. Those who seek to obstruct justice weaken that foundation, and those who violate the oath would tear the whole structure down.

Every day, thousands of citizens in thousands of courtrooms across America are sworn in as jurors, as grand jurors, as witnesses, as defendants. On those oaths rest the due process of law upon which all of our other rights are based.

The oath is how we defend ourselves against those who would subvert our system by breaking our laws. There are Americans in jail today because they violated that oath. Others have prevailed at the bar of justice because of that oath.

What would we be telling Americans—and those worldwide who see in America what they can only hope for in their own countries—if the Senate of the United States were to conclude: The President lied under oath as an element of a scheme to obstruct the due process of law, but we chose to look the other way?

I cannot make that choice. I cannot look away. I vote "Guilty" on Article I, Perjury. I vote "Guilty" on Article II, Obstruction of Justice.

I ask unanimous consent an analysis of the Articles of Impeachment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF THE ARTICLES OF IMPEACHMENT

(By Senator Kay Bailey Hutchison)

"Do you solemnly swear that in all things appertaining to the trial of the impeachment of William Jefferson Clinton, president of the United States, now pending, you will do impartial justice according to the Constitution and laws: So help you God?"

When the Chief Justice of the United States administered this oath and I signed my name to it on January 7, 1999, as one of one hundred triers of fact and law in the Court of Impeachment of the President of the United States, I did so with a heavy heart, but with a clear mind.

That solemn occasion in the well of this Senate, and the weight of the burden imposed on us as "jurors" in only the second such proceeding in the history of our Nation, reminded me with vivid clarity that our Constitution belongs to all of us.

I was reminded as well, however, that the laws of our Country are applicable to us all, including the President, and they must be obeyed. The concept of equal justice under law and the importance of absolute truth in legal proceedings is the foundation of our justice system in the courts.

In this proceeding, I have drawn conclusions about the facts as I see them, and I have applied the law to those facts as I understand that law to be.

UNDERLYING FACTS LEADING TO THIS PROCEEDING

The details of an intimate personal relationship that occurred during the years 1995, 1996, and 1997 between the President of the United States and a 22 year-old female White House Intern who was directly under his command and control have been chronicled throughout the world and are described in thousands of pages of evidence and materials filed with both the House and the Senate in this case and in bookstores across America. They involved intimate sexual relations within the White House, personal gifts, jobs within and outside of government, and "missions accomplished." The underlying details will not be repeated by me here.

While some facts about that relationship and the timing of some events were disputed at the trial in the Senate, their essence has been publicly admitted by the President, by his Counsel, and by the Intern in written or verbal form, including sworn testimony in various forms.

However inappropriate the behavior of the President was, the legal issues in the impeachment trial do not deal with this relationship. All accusations against the President here relate instead to alleged attempts to prevent the disclosure of this relationship in a pending civil rights lawsuit against the President in an Arkansas Federal court and to the public. That is the critical factor that has brought us to this extraordinary moment in our Nation's history when we are considering whether or not to remove from office the President of the United States.

CORE FACTS LEADING TO THE ARTICLES OF IMPEACHMENT

In May, 1994, a female citizen and employee of the State of Arkansas filed a lawsuit in an Arkansas Federal District Court, alleging, in summary, that, in 1991 while President Clinton was Governor of Arkansas, the Governor committed the civil offense of sexual harassment against her by insisting that she perform sexual acts identical or similar to those later performed by the Intern.

In the course of preparing for the trial of the Arkansas case, the plaintiff, with the consent of the presiding Federal Judge, attempted to develop evidence that defendant Clinton had, before and afterward, engaged in patterns of conduct that were similar to the allegations of the plaintiff in the case.

In December, 1997, the Arkansas Judge ordered defendant Clinton to answer a written interrogatory naming every state and federal employee with whom he had had sexual relations since 1986. President Clinton answered: "none."

In an alleged attempt to avoid giving a personal deposition in the case pursuant to a December, 1997, subpoena, the White House Intern, who had since become employed at the Pentagon, on January 7, 1998, signed an affidavit denying any sexual relationship with President Clinton. Six days later, on January 13, the Intern accepted a job offer at a major corporation in New York City. A friend called the President shortly thereafter with the message: "Mission accomplished."

While the President was giving his own deposition in the Arkansas case, his counsel tendered this affidavit to the Arkansas Federal Court, referred to it, and vouched for its accuracy in the presence of the President. The President, knowing the affidavit to be false, sat by and said nothing. The President's counsel subsequently advised the Court that this affidavit was not reliable and should be ignored.

Defendant Clinton was subpoenaed to give the above-mentioned deposition in the case and did so on January 17, 1998. In a rare event, the Arkansas Judge attended for the purpose of supervising the deposition of the President in a Washington lawyer's offices. While there, the Judge and participating counsel for the parties, either knowingly or unknowingly, formulated a definition of the meaning of the words "sexual relations" to exclude certain forms of human contact that in their commonly accepted meaning would be included. But, allegedly upon the basis of this definition, President Clinton denied, under oath, among other things, that he had sexual relations with the Intern.

On January 21, 1998, the existence of an alleged inappropriate relationship between the President and the White House Intern blazed across the Nation from a story first published in the Washington Post carrying the headline: "Clinton Accused of Urging Aid to Lie; Starr Probes Whether President Told Woman to Deny Alleged Affair to (plaintiff's) Lawyers."

Evidence introduced and debated by the House Managers and the President's Counsel in the Senate painted a picture of frantic activities within and without the White House throughout the month before and during the week following this public disclosure, by the President, by his friends, by White House staff and employees, and others. It was alleged, among other things, that the President coached, manipulated, and influenced false testimony of witnesses, including the Intern, engineered the hiding of gifts and evidence that was subject to subpoena, lied to his staff and friends about the facts in order to assure that they would give false testimony in public and legal proceedings, manipulated the Intern into signing the false affidavit in the Arkansas Federal Court, and, after failures to obtain employment for her elsewhere, rewarded the Intern by obtaining for her an out-of-town job in return for her cooperative falsehoods or silence. The sequence and importance of such activities, much of which is not disputed in the evidence, were debated aggressively by the House Managers and the President's Counsel in the Senate, but the essence of those activities was not seriously denied.

After numerous public denials immediately after the public disclosure, and after several days of alleged "damage control" designed to synchronize false stories to be provided by various parties in response to all inquiries, and event of major, historic, and future national importance occurred.

On January 26, 1998, the President addressed the Nation about this issue at a press conference in Washington, since replayed in television broadcasts thousands of times. On that occasion, the President looked sternly into the camera and pointed his finger directly at the American people and stated:

"I want to say one thing to the American people. I want you to listen to me. I'm going to say this again: I did not have sexual relations with that woman, (naming the Intern). I never told anybody to lie, not a single time. Never. These allegations are false."

During the following months, the gist of this representation filled the news media around the World and in every conceivable form, provided by every conceivable spokesman for the President, including government employees, Cabinet officials, lawyers, public relations specialists, political advisors, friends, Members of Congress, and others.

After an immunity agreement was reached between the Independent Counsel (discussed below) and the Intern on July 28, 1998, the Intern delivered a dress to the Independent Counsel that, according to her testimony, had been worn by her on February 28, 1997, during a sexual encounter with the President in the White House. The dress was tested for the President's DNA. The test was positive.

The President of the United States had lied directly to the American people.

THE PRESIDENT'S APPEARANCE BEFORE THE GRAND JURY

After months of negotiation for an appearance by the President, on July 17, 1998, the President was subpoenaed to appear before a Federal grand jury in Washington by the Independent Counsel assigned to investigate multiple issues concerning the President, including issues involving potential perjury by both the President and the Intern in the Arkansas sexual harassment case, issues relating to the President's relationship with the Intern, and issues relating to alleged actions taken to influence the testimony of witnesses in the Arkansas case and before the grand jury, attempts to discredit the Intern by describing her as a "stalker," as "ignorant," and as "stupid," all done in an alleged effort to cover up and conceal the underlying relationship between the President and the Intern, to obstruct the right of the Arkansas plaintiff to pursue her sexual harassment claims in the Arkansas Federal Court, and to obstruct the proceedings of the grand jury itself.

After various losing motions and court proceedings asserting various executive privileges against a Presidential appearance before the grand jury, the President, on August 17, 1998, gave testimony voluntarily to the grand jury by deposition given in the White House and piped live to the grand jury. The prior subpoena was withdrawn by the Independent Counsel.

During and since this appearance, the president has repeatedly acknowledged publicly that he had an inappropriate relationship with the White House Intern but has insisted that he was misleading but truthful in his depositions in the Arkansas case and before the Federal grand jury and did not commit any act that would constitute an obstruction of any legal proceeding or the rights of any party associated with any portion of this historic tale.

IMPEACHMENT OF THE PRESIDENT

The Ethics in Government Act, 28 U.S.C. Section §595(c), directs any Independent Counsel appointed under that law to advise the House of Representatives of any substantial and credible information received during the course of an investigation that may constitute grounds for the impeachment of the President of the United States.

On September 9, 1998, the Office of Independent Counsel submitted its referral to the House of Representatives consisting of thousands of pages of sworn testimony from many parties, recorded telephone conversations, video tapes, interviews, reports, legal briefs, and arguments, including the following partial introduction:

"This Referral presents substantial and credible information that President Clinton criminally obstructed the judicial process, first in a sexual harassment lawsuit in which he was a defendant and then in a grand jury investigation."

The Judiciary Committee of the House, in its report to the full House of Representatives, recommended four Articles of Impeachment of the President. On December 19, 1998, the House of Representatives declined to approve two of the proposed Articles, but did approve the following two Articles, and delivered H. Res. 611 to the Senate for trial in accordance with the provisions of Section 3 of Article I of the Constitution of the United States:

Impeachment Article I, the "perjury" article, accuses the President of violating his constitutional duty to take care that the laws are faithfully executed, of willfully corrupting and manipulating the judicial process, and of impeding the administration of justice for personal gain and exoneration, in that:

While under oath before the Federal grand jury, the President gave perjurious testimony before the grand jury concerning one or more of the following: (i) the nature and details of his relationship with the Intern; (ii) prior perjurious, false, and misleading testimony he gave in the Arkansas case; (iii) prior false and misleading statements he allowed his attorney to make about the Intern's affidavit in the Arkansas case; and (iv) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in the Arkansas case.

Impeachment Article II, the "obstruction of justice" and "witness tampering" article, accuses the President of violating his constitutional duty to take care that the laws are faithfully executed, of preventing, obstructing, and impeding the administration of justice, and, to that end, of engaging personally and through his subordinates and agents in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to the Arkansas Federal sexual harassment case.

In support of the accusation, Article II accuses the President of seven specific acts of obstruction: (i) corruptly encouraging the Intern to execute false affidavit in the Arkansas case, (ii) corruptly encouraging the Intern to give false testimony in the Arkansas case if and when she was called to testify personally in that case, (iii) corruptly engaging in, encouraging, or supporting a scheme to conceal evidence that had been subpoenaed in the Arkansas case, (iv) obtaining a job for the Intern in order to corruptly prevent her truthful testimony in the Arkansas case, (v) corruptly allowing his attorney in the Arkansas case to make false statements to the Federal Judge characterizing the Intern's affidavit in order to prevent questioning deemed relevant by the Judge, (vi) corruptly influencing his personal secretary to give false testimony in the Arkansas case, and (vii) making false and misleading statements to witnesses in the Federal grand jury proceeding, confirmed by the witnesses, in order to corruptly influence the testimony of those witnesses.

THE TRIAL IN THE SENATE

H. Res. 611 was received in the Senate on December 19, 1998. The trial commenced on January 7, 1999. During the trial, we have listened to hours of arguments from the House Managers and Counsel for the President, and have engaged in hours of internal Senate debate, both public and private. We have been provided with access to thousands of pages and other forms of evidence relating to the accusations contained in the two Articles of Impeachment.

Under the Constitution, the power to impeach (or "accuse") a President of an impeachable offense is vested solely in the House of Representatives. As Senators and triers of both the facts and the law, we cannot "accuse," "venture outside the record," or "create and assert new allegations." We are bound to cast our votes of "guilty" or "not guilty" solely on the two Article of Impeachment as presented by the House.

I do not hold to the view of our Constitution that there must be an actual, indictable crime in order for an act of a public officer to be impeachable. It is clear to this Senator that there are, indeed, circumstances, short of a felony criminal offense that would justify the removal of a public officer from office, including the President of the United States. Manifest injury to the Office of the President, to our Nation, and to the American people, and gross abuses of trust and of public office clearly can reach the level of intensity that would justify the impeachment and removal of a leader. One of the Articles of Impeachment presented by the House Judiciary Committee to the full House of Representatives in this case charged the President with precisely such an offense. The House of Representatives did not approve that Article, and such a charge is, therefore, not before us in this proceeding.

The two Articles of Impeachment before the Senate in this proceeding do in fact accuse the President of committing three actual crimes, "perjury before the grand jury," "obstruction of justice," and "witness tampering," that meet the requirements for conviction of an indicted defendant in a criminal case brought under Federal law. The House Managers and Counsel for the President reviewed those laws extensively. Thus, in order to find the President "guilty" under either Article, this Senator must conclude that all of the statutory prerequisites to conviction are present that would be required to convict the President of one or more of those crimes, if this proceeding were, instead, the prosecution of felony criminal indictments in a United States District Court under Federal law.

The President's Counsel did not significantly challenge the underlying facts in the case, but insisted throughout (i) that no crimes have been committed, and (ii) that, even if crimes have been committed, they "do not rise to the level of the high crimes and misdemeanors" contemplated by the Constitution that would permit a conviction in this proceeding, since a finding of "guilty" by 67 Senators under either Article would, under the Constitution, automatically result in the removal of the President from office and prohibit him forever from holding another office of profit or trust under the United States.

PERJURY, OBSTRUCTION OF JUSTICE, AND WITNESS TAMPERING AS IMPEACHABLE OFFENSES

Section 4 of Article II of our Constitution provides:

"The President . . . shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

Because of the uniqueness of this Constitutional process in which "guilt" and "punishment" are combined, each Senator, as a trier of both fact and law, before voting as to the guilt or innocence of the President under either of the Articles must answer the basic question: Do the crimes of perjury, witness tampering, and obstruction of justice as alleged in this proceeding rise to the level of the "high crimes and misdemeanors" included in our Constitution that would justify the automatic removal from office of the President of the United States?

The Supreme Court of the United States has observed that there is an occasional misunderstanding to the effect that the crime of "perjury" is somehow distinct from "obstruction of justice." *United States* v. *Norris*, 300 U.S. 564, 574 (1937). They are not. While different elements make up each crime, each is calculated to prevent a court and the public from discovering the truth and achieving justice in our judicial system. Moreover, it is obvious that "witness tampering" is simply another means employed to obstruct justice.

This Senate on numerous occasions has convicted impeached Federal Judges on allegations of perjury. Moreover, the historical fact is that "high crimes and misdemeanors," as used and applied in English law on which portions of our Constitution were founded, included the crimes of "obstructing the execution of the lawful process" and of "willful and corrupt perjury." Blackstone, Commentaries on the Laws of England, a treatise described by James Madison as "a book which is in every man's hand." See article entitled "The True History of High Crimes and Misdemeanors," by Gary L. McDowell, Director of the Institute of United States Studies at the University of London, appearing in the Wall Street Journal, January 25, 1999.

Some argue that the precedents of the Senate in cases involving Federal Judges are not applicable because Federal Judges are not elected by the people and the President is. This is a shocking analysis to this Senator. That the President is elected should call for a "higher" standard of conduct, not a lower one. The fact is that the standards are set by the Constitution for all officers of the Federal government. They are precisely the same, and we are obligated to apply them evenly.

It is argued by others that this test leaves Presidents at risk of being impeached and convicted for trivial offenses. The two-thirds vote requirement for conviction imposed by the Constitution, itself, is designed to protect public officers from precisely such a result.

The President's Counsel and a number of Senators advance a "felony-plus" interpretation of the Constitutional terms "high crimes and misdemeanors." They seem to agree that the crimes of perjury and obstruction of justice are "high crimes" under the Constitution, but they argue that, even if guilt is admitted, nevertheless, a Senator should vote "not guilty," on any article of impeachment of a President, if the "economy is good," if the underlying facts in the case are "just about sex," or if the Senator simply feels for whatever personal reason that the President ought to stay in office despite having committed felonies while holding it.

To this Senator, this astounding application of the plain language of our Constitution strikes at the very heart of the rule of law in America. It replaces the stability guaranteed by the Constitution with the chaos of uncertainty. Not only does it obliterate the noble ideal that our highest public officer should set high moral standards for our Nation, it says that the officer is free to commit felonies while doing it if the economy is good, if the crime is just about sex, or if, except for the crime, "things are going pretty well right now," or simply that "they can indict and try the President for the crime after leaving office in a couple of years."

I will not demean our Constitution or the office of the Presidency of the United States by endorsing the felony-plus standard.

ELEMENTS REQUIRED FOR CONVICTION OF PERJURY

Lying is a moral wrong. Perjury is a lie told under oath that is legally wrong. To be illegal, the lie must be willfully told, must be believed to be untrue, and must relate to a material matter. Title 18, Section 1621 and 1623, U.S. Code.

If President Washington, as a child, had cut down a cherry tree and lied about it, he would be guilty of "lying," but would not be guilty of "perjury."

If, on the other hand, President Washington, as an adult, had been warned not to cut down a cherry tree, but he cut it down anyway, with the tree falling on a man and severely injuring or killing him, with President Washington stating later under oath that it was not he who cut down the tree, that would be "perjury." Because it was a material fact in determining the circumstances of the man's injury or death.

Some would argue that the President in the second example should not be impeached because the whole thing is about a cherry tree, and lies about cherry trees, even under oath, though despicable, do not rise to the level of impeachable offenses under the Constitution. I disagree.

The perjury committed in the second example was an attempt to impede, frustrate, and obstruct the judicial system in determining how the man was injured or killed, when, and by whose hand, in order to escape personal responsibility under the law, either civil or criminal. Such would be an impeachable offense. To say otherwise would be to severely lower the moral and legal standards of accountability that are imposed on ordinary citizens every day. The same standard should be imposed on our leaders.

Nearly every child in America believes that President Washington, as a child himself, did in fact cut down the cherry tree and admitted to his father that he did it, saying simply: "I cannot tell a lie."

I will not compromise this simple but high moral principle in order to avoid serious consequences to a successor President who may choose to ignore it.

ELEMENTS REQUIRED FOR CONVICTION OF WITNESS TAMPERING AND OBSTRUCTION OF JUSTICE

Whoever knowingly uses intimidation or physical force, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

(i) influence, delay, or prevent the testimony of any person in an official proceeding;

(ii) cause or induce any person to (A) withhold testimony or evidence from an official proceeding, (B) alter or destroy evidence in an official proceeding; (C) evade legal process summoning that person as a witness or produce evidence in an official proceeding to which the person has been summoned;

(iii) harass another person and thereby hinder, delay, prevent, or dissuade any person from attending or testifying in an official proceeding; or

(iv) corruptly influence, obstruct, or impede, or endeavor to influence, obstruct, or impede, the due administration of justice;

is guilty of witness tampering and/or obstruction of justice. Title 18, Sections 1512 and 1503, U.S. Code.

The elements of these crimes are evident from the laws themselves and do not need amplification here.

MY VOTES ON THE ARTICLES OF IMPEACHMENT

Based upon my analysis of the facts of this case and my own conclusions of law, I have concluded:

(i) The President of the United States willfully, and with intent to deceive, gave false and misleading testimony under oath with respect to material matters that were pending before the Federal grand jury on August 17, 1998, as alleged in Article I presented to the Senate. I, therefore, vote "Guilty" on Article I of the Articles of Impeachment of the President in this Proceeding.

(ii) The President of the United States engaged in a pattern of conduct, performed acts of willful deception, and told and disseminated massive falsehoods, including lies told directly to the American people, that were designed and corruptly calculated to impede, obstruct, and prevent the plaintiff in the Arkansas Federal sexual harassment case from seeking and obtaining justice in the Federal court system of the United States, and to further prevent the Federal grand jury from performing its functions and responsibilities under law, I, therefore, vote "Guilty" on Article II of the Articles of Impeachment of the President in this proceeding.

ARTICLE I, PERJURY—EXPLANATION OF VOTE

This Article accuses the President, while giving sworn testimony on August 17, 1998, before the Federal grand jury in Washington, D.C., of willfully corrupting and impeding the judicial process and the administration of justice by giving false and perjurious testimony about his relationship with the White House Intern, about his January 17, 1998, deposition testimony in the Arkansas sexual harrassment case, about his role in developing and tendering to the Federal Judge in the Arkansas case an affidavit that was knowingly false while giving his deposition in the Arkansas case, and about his attempts to influence the testimony of White House employees and other witnesses in the Arkanksas case who were at the time also subject to the jurisdiction of the grand jury.

In reaching my decision with respect to this Article, I have concluded beyond a reasonable doubt that the President gave false and misleading testimony in the Arkansas sexual harrassment case and in his appearance before the Federal grand jury.

At the trial in the Senate, the President's Counsel argued that, even if it were to be admitted that the testimony in both instances were false and misleading, the testimony would, nevertheless, not amount to perjury because it does not reach the level of "materiality" that is required for a lie to rise to the level of a crime under Federal law.

They attempt to trivialize the issues raised by Article I by reference to such questions as "Who touched whom, and where," and to answers to questions by the President such as "It depends on what the meaning of 'is' is."

The false testimony complained of in Article I of the Articles of Impeachment relates to testimony before the grand jury, and only indirectly to the testimony in the Arkansas case. The Federal grand jury was investigating broad issues and many persons at the time the President gave false and misleading testimony before it.

Willful, corrupt, and false sworn testimony before a Federal grand jury is a separate and distinct crime under applicable law and is material and perjurious if it is "capable" of influencing the grand jury in any matter before it, including any collateral matters that it may consider. See, Title 18, Section 1623, U.S. Code, and Federal court cases interpreting that Section.

The President's testimony before the Federal grand jury was fully capable of influencing the grand jury's investigation and was clearly perjurious.

ARTICLE II, OBSTRUCTION OF JUSTICE—EXPLANATION OF VOTE

When, on January 26, 1998, the President of the United States pointed his finger at the American people and represented to them that he was the victim of lies and not their perpetrator, he lied to America. The evidence is overwhelming that he did so because all of his "ducks were in a row."

The White House Intern had executed a false affidavit; subpoenaed gifts had been hidden; his own false deposition had been given; other witnesses had testified falsely based upon his own false representations to them; retribution against the White House Intern had been programmed should she abandon loyalty; and loyalty had been confirmed by the Intern's acceptance of a special new job in New York, that represented, according to a friend of the President, "Mission accomplished."

Then came the dress, the tapes, and the Federal grand jury. The attempt to obstruct and cover-up grew, expanded, and developed a life of its own. It overpowered the underlying offense itself. A new strategy was required, fast: The President was advised: "Admit the sex, but never the lies." Shift the blame; change the subject. Blame it on the plaintiff in the Arkansas case. Blame it on her lawyers. Blame it on the Independent

Counsel. Blame it on partisanship. Blame it on the majority members of the House Judiciary Committee. Blame it on the process.

The blame belongs to the President of the United States. This juror has concluded that the President is guilty of obstructing justice beyond a reasonable doubt, as alleged in Article II of the Articles of Impeachment in this proceeding.

CONCLUDING STATEMENT

This has been a case about civil rights. It has been about the right of the weakest and the strongest among us to have equal access to our system of justice in order to pursue legal and Constitutional rights and to fix responsibility for alleged legal wrongs.

During the last half of this passing century, we have managed to maintain the proposition established over 200 years ago that every American is entitled to equal justice under the law.

In the middle of the century, our Country and our courts began to recognize the inherent evil of discrimination based on race and national origin. In the last two decades, we have begun to address issues of gender. We have enacted sexual harassment laws that have become the symbols of the high moral standards of our Country. They permit half of our citizens to work freely among us without fear of harm and sexual abuse.

It has been said by many, in attempts to demean this proceeding, that this case is, simply, "all about sex." In some ways, it is. It is about the right of an employed female American living in the State of Arkansas to hold a job without being forced to engage in it by the Governor of that State. That is not the question before us, and I express no opinion on that subject. But I do know that the President of the United States willfully and unlawfully obstructed her efforts in the Federal courts of our Land to pursue her cause. We are forced to leave it to history to determine whether her cause was factually just, and to define the message that the conduct of our Country's highest public officer sends into the next century.

If only the President had followed the simple, high moral principle handed to us by our Nation's first leader as a child and had said early in this episode "I cannot tell a lie," we would not be here today. We would not be sitting in judgment of a President. We would not be invoking those provisions of the Constitution that have only been applied once before in our Nation's history.

But we should all be thankful that our Constitution is there, and we should take pride in our right and duty to enforce it. A hundred years from now, when history looks back to this moment, we can hope for a conclusion that our Constitution has been applied fairly and survives, that we have come to principled judgments about matters of national importance, and that the rule of law in American has been sustained.

Mr. CONRAD. Mr. Chief Justice, I have served twelve years in the United States Senate.

I respect this institution and all of you as colleagues. I especially respect the job our leaders have done in this trial. They have performed in the highest tradition of the United States Senate. Most of all, I respect our oath of office: to "preserve, protect, and defend the Constitution of the United States." I know all of us take that oath seriously.

At the end of this proceeding, however, we may reach different conclusions about what the Constitution compels us to do. The simple truth is that this case is not black and white. As Mr. Manager GRAHAM said, reasonable people may come to different conclusions.

There is one thing on which we all agree: The President's conduct was wrong. In fact, it was very wrong. But the question before us is not whether the President's conduct was wrong. The question is whether that conduct meets the Constitutional standard for removing a President from office.

That requires us to make a profound judgment on whether we should overturn the results of a national election. 67 members in this chamber can nullify the votes of the 47 million Americans who voted for President Clinton. That is an awesome power. It must be used with great restraint.

There are three questions we must answer in the affirmative to remove a President: First, did the President commit the crimes he is charged with? Second, are these crimes properly addressed by impeachment, or would they be better left to the criminal justice system? Third, do the charges rise to the level of high crimes and misdemeanors and justify the removal of the President of the United States?

THE SUFFICIENCY OF THE EVIDENCE

Let me start with the first question. The charges against the President are perjury and obstruction of justice.

Five experienced Federal prosecutors representing both Republican and Democratic Administrations concluded that no responsible Federal prosecutor would bring perjury charges based on the facts in this case.

The President in his grand jury testimony acknowledged an intimate and inappropriate relationship with Monica Lewinsky. The details of that relationship are in conflict. But I do not believe relatively minor differences in the details of that relationship would result in a perjury conviction.

On the obstruction charges, again the federal prosecutors told us they would not bring charges based on the facts in this case.

Ms. Lewinsky has testified that no one ever asked her to lie or promised her a job for her silence. Ms. Lewinsky further testified she never discussed the contents of her testimony with the President, ever. Finally, she also testified that she believed she could file a truthful affidavit.

But there are two elements of the obstruction of justice charges that do trouble me.

One is the transfer of gifts from Ms. Lewinsky to Betty Currie. That could constitute concealment of evidence. But Betty Currie has testified five times that Ms. Lewinsky called her to arrange for the transfer of gifts. And both the President and Betty Currie have denied that the President initiated the transfer.

The second troubling charge is the questioning of Betty Currie by the President after his deposition in the Jones case. I find it hard to believe the President was just refreshing his memory when on two occasions he put the same set of questions to Ms. Currie. That could constitute witness tampering.

But at the time of these conversations, Betty Currie was not a witness in any judicial proceeding. And she has testified that she did not feel pressured to agree with the President.

Although I am not certain that there was no wrongdoing, I do conclude that the charges have not been proven beyond a reasonable doubt.

IMPEACHABLE CRIMES

That leads me to the second question: even if these charges were proven, is this a matter for impeachment, or should it be left to the ordinary course of judicial proceeding?

For me, it is a question best answered by the rule of law that governs us all: the Constitution of the United States.

James Madison kept a journal of the Constitutional Convention. In it, he said many of the Founders opposed impeachment altogether. Others believed impeachment was needed to protect against treason, bribery, or other "attempts to subvert the Constitution." So a carefully crafted, very narrow compromise was adopted.

Article II, section 4 originally read: "The President . . . shall be removed from office on impeachment for, and conviction of, Treason, Bribery or other high crimes and misdemeanors against the United States."

James Wilson, a nineteenth century constitutional scholar has written that impeachment was designed for "great and publick [sic] offences by which the Commonwealth was brought into danger."

These charges against the President just do not measure up to that standard. Hiding presents under a bed. Asking a secretary leading questions. These can hardly be the great and public offenses that our Founding Fathers had in mind. These charges, and the facts behind them, simply do not bring our commonwealth into danger.

So is the President above the law? Most emphatically, no.

William Rawles, a contemporary of the Founders and a distinguished commentator on the Constitution wrote: "In general, those offenses which may be committed equally by a private person as a public officer, are not the subject of impeachment . . . [A]ll offenses not immediately connected with office, except the two expressly mentioned, are left to the ordinary course of judicial proceeding."

I do not argue that no private wrongs can rise to the level of impeachable offense, but they must be heinous crimes.

Article I, section 3, of the Constitution says: "Judgment in Cases of Impeachment shall not extend further than to removal from Office . . . but the party convicted shall nevertheless be liable and subject to Indictment, trial, judgment and punishment according to law."

The President is not above the law. He can be prosecuted, indicted, convicted, and sentenced for alleged wrongful acts, just like any other American.

We have our Founding Fathers' own words, distinguishing between public crimes and those that involve the President's conduct as a private individual. We have their deeds to guide us as well. When Vice President Aaron Burr killed Alexander Hamilton in a duel and was indicted for murder, impeachment was not even considered.

Almost two hundred years later, the House Judiciary Committee dismissed a tax evasion charge against President Nixon when an overwhelming majority of the Committee concluded, in the words of Congressman Ray Thornton, "these charges may be reached in due course in the regular process of law."

In the case before us today, the underlying offense is that the President had an extra-marital affair. He is alleged to have lied about that under oath, and to have obstructed justice. These are serious allegations, and we have considered them seriously.

Offensive as they were, the President's actions have nothing to do with his official duties, nor do they constitute the most serious of private crimes. In my judgment, these are matters best left to the criminal justice system.

REMOVAL FROM OFFICE

That brings me to the third and final question: do the charges so fundamentally threaten our democratic system of government that they constitute high crimes and misdemeanors and justify removal of the President from office?

Our Founding Fathers told us two things about impeachment. First, the matter at hand had better be a very significant crime—a "high crime" that threatens our fundamental freedoms. These alleged crimes do not meet that standard. Second, they told us that it better not be partisan. That's why they required a ⅔ vote in the Senate to remove a President.

They feared the passions of what they called a "faction." This is a classic case of just that. This proceeding was partisan in the House. It has become partisan here. I'm not casting aspersions here. I am stating a fact.

Impeachment will fail. And it should. It lacks the fundamental legitimacy only a bipartisan consensus can provide.

My colleagues, the Republic still stands. Our safety as a Nation is not in jeopardy. Our Constitution has not been shaken.

Voting to impeach the President under these circumstances would undermine the core principle that lies at the heart of our system of government: the separation of powers. Our Founding Fathers made it difficult to remove a sitting President by design. They were convinced of the wisdom of having three co-equal branches of government. They did not want the President serving at the pleasure—or being removed at the displeasure—of the legislative branch.

Our Founding Fathers were right. Removing a popularly elected President from office would have implications not only for this President, but for every President to follow, and ultimately for the very system of government who hold so dear. Thomas Jefferson once said, "I know of no safe depository of the ultimate powers of the society but the people themselves."

My colleagues, we are a democracy. In a government "of the people, by the people, and for the people," we cannot ignore the will of the people. Removing the President under these circumstances would be the most fundamental violation of the rule of law. It would overturn the rule of the people as expressed in a free election. It would adopt minority rule, overturning the clear wishes of a majority of the American people.

Our freedom and liberty are not threatened by the wrongful acts of this President. But our freedom and liberty might be threatened if a minority can overturn the will of the majority.

There may yet come a time when we have no choice but to substitute our judgment for the will of the people. I pray I never see that time. I know it has not come in this case.

My colleagues, I will vote against the articles of impeachment in the case of William Jefferson Clinton.

Mr. HUTCHINSON. We are nearing one of the most important votes most of us will ever cast.

As an Arkansan, the impeachment process has been long and difficult. President Clinton is a dominating political influence in Arkansas and still immensely popular in my home state, so I am acutely aware of the political implications of this vote for me.

As an Arkansan, I share pride in one of our own having achieved so much and having attained the highest elective office in the land. Arkansas has produced more than its share of political leaders—the Joe. T. Robinsons, the Hattie Caraways, the John McClellans, and J.W. Fulbrights. But never before has an Arkansan reached the Presidency. I, with all of Arkansas, was proud. We knew William Jefferson Clinton's intellect, his grasp of policy issues. We knew his personality, his charisma. We had seen for years his remarkable political skills, his uncanny ability to connect with people. I believe I'm like most Arkansans—deeply conflicted—pride mixed with embarrassment, and most of all pain.

This trial is not about private conduct. It is not about the President's personal behavior. We are all sinners. We are all flawed human beings. The President's personal life is his personal life. It's his business, not mine. The facts that are relevant are those relating to law.

This trial is not about process. It seems to me that throughout this long drama, many have sought to put Ken Starr on trial or the House managers on trial. Was Ken Starr on a vendetta or was he just doing an unpleasant job? Whichever, we have to deal with the facts and the evidence. Did the House managers, as we have heard from the President's counsel so often, "want to win too much?" Frankly, both sides wanted to win, both sides were fervent in their presentations, and I'm glad we didn't hear half-hearted arguments. A vigorous prosecution and defense is the basis of a successful adversarial system. What we are doing is important. I'm glad they believe in what they are doing, but in the end it's the facts, the evidence, with which we must grapple. The process with all its flaws is secondary. The reality is, we are faced with a body of evidence.

This trial is not about punishment. It's not about getting our pound of flesh from the Democrats. It's not about getting our retribution on the President. It's not political vengeance. It's not about polls. If polls had prevailed, Andrew Johnson would have been removed, and that would have been wrong. To argue that a popular President should not be removed regardless of his actions, merely because he is popular, is to lower our Constitutional Republic to a meaningless level.

To say popularity should be a factor in our decision is to say that bad poll numbers and unpopularity is an argument for removal of a President. How contrary to our constitutional system. The popularity of this President should never have been mentioned, in my opinion. Nor should political consequences of our votes be the basis for our decision of whether to remove this President.

What I had to weigh was the evidence. Voting to remove a President—the very thought sobers and humbles me. But the facts are so inescapable, the evidence so powerful.

I am convinced beyond a reasonable doubt that when the President testified before the federal grand jury and said that he had been truthful to his aides in what he had said about his relationship with Ms. Lewinsky—that he committed perjury and obstructed justice. When he told Sidney Blumenthal that Ms. Lewinsky was a stalker and he was a victim, he was not being truthful. He was trying to destroy her reputation and he would have, had it not been for the dress. He lied, and he lied about his lie to the grand jury.

I am convinced beyond a reasonable doubt that when the President led

Betty Currie through a false rendition of his relationship with Ms. Lewinsky that he was tampering with a witness and obstructing justice. He did this not once, but twice. His explanation that he was refreshing his memory offends all common sense. When he denied this coaching before the grand jury, he obstructed justice and committed perjury. Of course, there is much more to this case, but how much do we need?

If this trial was only about one man's actions, it might be easier. But this trial is about so much more—the office of the Presidency, the precedent of lowering the bar on the importance of our nation's rule of law. It's about the oath Bill Clinton took when he was sworn in as our President, to uphold our nation's laws. And it's about the oath the President took when he swore to tell the truth, the whole truth and nothing but the truth before the grand jury. The sanctity of the oath is the basis of our judicial system. To lessen the significance of violating the oath is in fact an attack on our legal system and the rule of law.

There are men and women across America who languish behind bars today because they committed the crime of perjury, lying under oath. How can we tell America that our President, the highest government official in the land, is treated differently?

While I was growing up in Gravette, Arkansas, life seemed much more simple than it is today. It was a simpler time. But then and now, the bedrock of our society is still truth and justice. This hasn't changed. On August 25, 1825, Daniel Webster said, "Whatever government is not a government of laws, is a despotism, let it be called what it may."

Today is a somber day for our country. This trial has been a sad chapter of American history, and I have a heavy heart. As difficult as these votes will be, I know that I could not serve the people of Arkansas with a clear conscience unless I do what I believe is right and uphold the law. I will vote guilty on both articles of impeachment.

Mrs. MURRAY. Mr. Chief Justice, this past year certainly has been a difficult time for America. I have to say, as a citizen, as a woman, and as a parent, I cannot begin to describe how deeply disappointed and angry I am with the President.

I came to Washington, D.C. in 1992. Over the last 6 years I have worked with Bill Clinton. I trusted him. I thought I knew him. I refused to believe he would demean the presidency in the way that he has. His behavior was appalling and has hurt us all.

But as a Senator, I have an obligation under the Constitution that transcends any sense of personal betrayal I might have. I am sworn to render my judgment based on the evidence presented and the larger question of what the framers of the Constitution meant when they wrote the impeachment clause.

I have listened carefully throughout this debate. I have read and listened to every available article and argument. Like all of you, I have spent more hours on this case that I ever wanted to and have felt the tremendous weight of this decision.

I believe that perjury and obstruction of justice can be considered high crimes. The question is whether the facts in this case support the allegations that the President committed these crimes.

The Republican House managers presented a theory. But after listening carefully to both sides and, most importantly, reviewing the words of the witnesses themselves, they did not prove their theory of perjury and obstruction of justice beyond a reasonable doubt to me. If we are to remove a President for the first time in our Nation's history, none of us should have any doubts.

We must also ask ourselves how it would affect the country to remove this President after such a partisan process. A conversation I had with a constituent not long ago really struck a chord with me. He said to me,

> I am old enough to remember President Nixon's resignation. I know how deeply it affected the psyche of an entire generation. I know it made many of us cynical of politics for a long, long time. Please don't put us all through that turmoil again. This country would be punished and hurt by a presidential removal. This country doesn't deserve to be punished for this President's behavior.

So despite my personal disgust with the President's actions, I intend to vote "not guilty" on both articles of impeachment.

Our founders were wise. They knew the President would be imperfect. They knew he would stumble and fall. While it would be wrong to suggest they approved of such behavior, they were not interested in the individual and his flaws. They sought to protect the nation.

They set a very high standard for the legislative body to meet before overturning the results of an election—the very basis of our democracy. They declared it would only be for the crimes most threatening to our nation. They did not establish the impeachment process to punish a wrongdoer; they established it to protect America.

This President's behavior was reprehensible, but it does not threaten our nation. In the past year, despite the scandal that ran on the front page nearly every day, our country has prospered. Our economy is growing. Our waters and air are cleaner. Our communities are safer. Our education system is stronger. America is not poised on the brink of disaster. Our democracy is safe.

But what of our legacy in this process? What will I tell my daughter, or tell a classroom of young students? Well, it doesn't take a lawyer or a constitutional scholar to tell them that no matter how difficult it is, tell the truth. The lie will hurt you much, much more. It can consume you, your friends, your family, your nation. It can destroy those you love and diminish you forever in their eyes.

This President now knows that. His legacy will be tainted with the anguish he inflicted on the people and country he loves because of his selfish and disgraceful behavior. It is a weight that he alone will bear for the rest of his life.

We have heard a lot of emotions and strong feelings on this floor from both sides. I respect the deep convictions of everyone in this room. I am saddened it has appeared partisan. But it is my hope that we can now turn the page on this sad part of America's history and put an end to the recriminations.

Mr. Chief Justice, point of personal privilege.

It is hard to stand before you without Scott Bates behind me. I knew him as all of you did as a loyal, excellent Senate employee. But I also knew him as a Dad. We stood together as parents on a soccer field cheering on our daughters in victory and hugging them in defeat. He will be missed.

But his absence should serve as a reminder that although we have been totally engrossed in this issue for far too long, there is life outside of these doors. There are friends to be hugged, kids to be educated, parents to take care of.

I hope when this day is over, we will set aside our differences and remember there are a lot more important things each of us needs to be concentrating on, both professionally and personally. It's time to move on.

Mr. McCAIN. Mr. Chief Justice, I intend to vote to convict the President of the United States on both articles of impeachment. To say I do so with regret will sound trite to some, but I mean it sincerely. I deeply regret that this day has come to pass.

I bear no animosity for the President. I take no partisan satisfaction from this matter. I don't lightly dismiss the public's clear opposition to conviction. And I am genuinely concerned that the institution of the Presidency not be harmed, either by the President's conduct, or by Congress' reaction to his conduct.

Indeed, I take no satisfaction at all from this vote, with one exception—and an important exception it is—that by voting to convict I have been spared reproach by my conscience for shirking my duty.

The Senate faces an awful choice, to be sure. But, to my mind, it is a clear choice. I am persuaded that the President has violated his oath of office by committing perjury and by obstructing justice, and that by so doing he has forfeited his office.

As my colleagues across the aisle have so often reminded me, the country does not want the President removed. And, they ask, are we not, first and foremost, servants of the public will? Even if we believe the President to be guilty of the offenses charged, and even if we believe those offenses rise to the level of impeachment, should we risk the national trauma of forcing his removal against the clearly expressed desire of the vast majority of Americans that he should not be removed even if he is guilty of perjury and obstruction of justice?

I considered that question very carefully, and I arrived at an answer by reversing the proposition. If a clear majority of the American people were to demand the conviction of the President, should I vote for his conviction even if I believed the President to be innocent of the offenses he is charged with? Of course not. Neither, then, should I let public opinion restrain me from voting to convict if I determine the President is guilty.

But are these articles of impeachment of sufficient gravity to warrant removal or can we seek their redress by some other means short of removing the President from office? Some of those who argue for a lesser sanction, including the President's able counsel, contend that irrespective of the President's guilt or innocence, neither of the articles charge him with high crimes and misdemeanors. Nothing less than an assault on the integrity of our constitutional government rises to that level. The President's offenses were committed to cover up private not public misconduct. Therefore, if he thwarted justice he did so for the perfectly understandable and forgivable purpose of keeping hidden an embarrassing personal shortcoming that, were it discovered, would harm only his family and his reputation, but would not impair our system of government.

This, too, is an appealing rationalization for acquittal. But it is just that, a rationalization. Nowhere in the Constitution or in the expressed views of our founders are crimes intended to conceal the President's character flaws distinguished from crimes intended to subvert democracy. The President thwarted justice. No matter how unfair he or we may view a process that forces a President to disclose his own failings, we should not excuse or fail to punish in the constitutionally prescribed manner evidence that the President has deliberately thwarted the course of justice.

I do not desire to sit in judgement of the President's private misconduct. It is truly a matter for him and his family to resolve. I sincerely wish circumstances had allowed the President to keep his personal life private. I have done things in my private life that I am not proud of. I suspect many of us have. But we are not asked to judge the President's character flaws. We are asked to judge whether the President, who swore an oath to faithfully execute his office, deliberately subverted—for whatever purpose—the rule of law.

All of my life, I have been instructed never to swear an oath to my country in vain. In my former profession, those who violated their sworn oath were punished severely and considered outcasts from our society. I do not hold the President to the same standard that I hold military officers to. I hold him to a higher standard. Although I may admit to failures in my private life, I have at all times, and to the best of my ability, kept faith with every oath I have ever sworn to this country. I have known some men who kept that faith at the cost of their lives.

I cannot—not in deference to public opinion, or for political considerations, or for the sake of comity and friendship—I cannot agree to expect less from the President.

Most officers of my acquaintance would have resigned their commission had they been discovered violating their oath. The President did not choose that course of action. He has left it to the Senate to determine his fate. And the Senate, as we all know, is going to acquit the President. As much as I would like to, I cannot join in his acquittal.

The House managers have made, and I believe some of my colleagues on the other side of the aisle would agree, a persuasive case that the President is guilty of perjury and obstruction. The circumstances that led to these offenses may be tawdry, trivial to some, and usually of a very private nature. But the President broke the law. Not a tawdry law, not a trivial law, not a private law.

The tortured explanations with which the President's attorneys have tried to defend him against both articles fail to raise reasonable doubts about his guilt. It seems clear to me, and to most Americans, that the President deliberately lied under oath, and that he tried to encourage others to lie under oath on his behalf. Presidents may not be excused from such an abuse no matter how intrusive, how unfair, how distasteful are the judicial proceedings they attempt to subvert.

The President's defenders want to know how can I be certain that the offenses, even if true, warrant removal from office. They are not expressly mentioned in the Constitution as impeachable offenses. Nor did the founders identify perjury or obstruction as high crimes or high misdemeanors. Were an ordinary citizen accused of perjury in a civil proceeding he or she would in all likelihood not be prosecuted or forced out of political necessity into a perjury trap.

No, an ordinary citizen would not be treated as the President has been treated. But ordinary citizens don't enforce the laws for the rest of us. Ordinary citizens don't have the world's mightiest armed forces at their command. Ordinary citizens do not usually have the opportunity to be figures of historical importance.

Presidents are not ordinary citizens. They are extraordinary, in that they are vested with so much more authority and power than the rest of us. We have a right; indeed, we have an obligation, to hold them strictly accountable to the rule of law.

Are perjury and obstruction of justice expressly listed as high crimes and misdemeanors? No. Why? Because they are self-evidently so. Just as the President is self-evidently the nation's chief law enforcement officer, despite his attorneys' quibbling to the contrary. It is self-evident to us all, I hope, that we cannot overlook, dismiss or diminish the obstruction of justice by the very person we charge with taking care that the laws are faithfully executed. It is self-evident to me. And accordingly, regretfully, I must vote to convict the President, and urge my colleagues to do the same.

Mr. JOHNSON. Mr. Chief Justice, the great question now before the Senate is not whether the rule of law will prevail—it surely will—both by the actions of this body and by possible proceedings within the judicial system.

The question before the Senate is whether we should take action against the President beyond that allowed for in our nation's courts. We are, I believe, confronted by two threshold questions which must first be resolved before consideration can or need be given to weighing the evidence presented by the House Managers. First, is whether the Articles of Impeachment have been adequately drawn to allow the accused to know with precision the wrong-doing to which he is accused, and to require that a ⅔ majority vote of the Senate be secured upon a single act of wrong-doing in order to convict. As a second threshold matter, if the Articles are at least adequately drawn, do they, if true, allege wrong-doing of sufficient import to justify for the very first time in our nation's long history, the over-turning of the people's will as expressed in a free, fair and democratic national election? I am troubled by the adequacy of the articles, but even accepting them, the second threshold question of impeachability is simply not met.

Only if these threshold questions are adequately met in the mind of an individual Senator, can that Senator proceed to determine whether the weight of the evidence is sufficient to convict. And even if both threshold questions are ignored, it is impossible for me to say that the circumstantial evidence presented reaches a "beyond a reasonable doubt" standard on either article. Reasonable doubt means that if there are multiple reasonable theories as to what occurred—if one of the reasonable theories is consistent with innocence, then an acquittal must follow. Especially relative to article two—I can understand the belief of some that a plausible scenario of obstruction was established. Some may even believe that the President was more likely than not obstructing justice. But the evidence is clearly not so powerful as to lead anyone to believe that no reasonable and innocent scenario remains.

I am both profoundly honored and humbled to have this historic responsibility to participate with my Senate colleagues, Republican and Democrat, in perhaps the most grave proceeding envisioned by the authors of our national Constitution. I have listened carefully to both sides of this dispute, and I have also carefully reviewed the thoughts of many of our nation's leading scholars of history and constitutional law. It is clear to me that the results of this trial have ramifications which go far beyond the fortunes of William Jefferson Clinton.

The decision made by the Senate this week will have an utterly profound impact on the relationship between the executive and legislative branches of our government for the rest of time. Accordingly, it is essential that the decisions made in this proceeding not be driven by transitory passions of partisan politics, but rather, with an eye toward the long-term stability and integrity of our democracy.

My humble reading of history leads me to believe that the never-failing bipartisan honoring of national presidential elections over these past two centuries has been one of the greatest sources of our national success. While holding a president accountable to all the same civil and criminal laws that apply to the general citizenry is absolutely essential, the writers of our Constitution properly intended for the reversal of fair elections at the hands of Congress to be exceedingly rare and difficult.

The learned opinions of our nation's leading scholars overwhelmingly support the understanding that presidents should not be removed from office by Congress short of some horrific personal misconduct or misconduct which arises from executive authority and threatens the nation—such as treason or bribery. By requiring a ⅔ vote for the over-turning of presidential elections, the founders of our nation also made it crystal clear that such an extraordinary step should not and cannot be taken unless there is an overwhelming bipartisan outcry against the President's actions.

The American public and most Members of Congress, including myself, have criticized President Clinton's personal conduct in harsh terms. But the American public also seems to understand that at stake is not simply Bill Clinton's future, but the integrity of our election system and the long-term freedom of the executive branch from partisan congressional attack—this understanding about the need for stability, for proportionality, for continuity, is a natural and a deeply conservative inclination on the part of our citizenry.

The writers of our Constitution wanted some degree of proportionality between a president's conduct and the penalties applied—otherwise they would have made impeachment applicable to all crimes and misdemeanors. It is certainly conceivable that the will of the people expressed in an election may someday be rightly overturned by Congress. But it is also certain to me that while this president's personal conduct (involving immaterial testimony to a lawsuit dismissed by a federal court as having no merit) is deserving of public condemnation, and even possible prosecution within the judicial system, it simply does not rise to the level of extraordinary danger to the nation that justifies removal from office.

Some will no doubt say that I have set a high standard for overturning presidential elections. I would very much agree. Particularly as a recently former member of the House of Representatives, I have witnessed first hand the depth and the intensity of partisan anger that can occur from time to time in Congress and among portions of the national public. It is a reaction to that open partisanship demonstrated by the House and the Independent Counsel that surely is at the foundation of the American public's overwhelming contempt for this proceeding and the view that this process is politics as usual, an exercise in raw political power and beneath what should be the dignity of Congress.

I have no certain solutions for that sad and angry state of affairs, other than to attempt to conduct my own political life in as thoughtful and moderate a manner as I am capable, but I believe the Constitution provided our nation with a strong bulwark against negative and hateful partisanship by creating an executive branch which is largely shielded from congressional partisanship and which is instead disciplined by law and by the electoral will of the people.

I greatly fear that any lesser standard would result, even without an independent counsel law, in a situation whereby civil actions against standing presidents will be routinely brought as yet another destructive partisan political tactic. These multiple and nefarious actions will then be followed by never-ending legal discovery proceedings, and they in turn followed by impeachment articles or the threat of impeachment each time the House is controlled by a different political party than the Presidency. I fear the wrong decision here will lead our nation into an ever downward spiral where impeachment proceedings will be routine.

It is critically important, in my view, for this United States Senate to say, "Stop! Enough!" We must send an unmistakable message to the House, the nation and the world, that we will not permit the stability and independence of the executive branch of our government to be jeopardized by anything less than heinous crimes or gross threats to the nation.

This leaves, of course, other avenues for Congress and the public to express great displeasure with the President's dishonorable conduct. If illegal activity did in fact take place, that activity would be subject to discipline in the courts. While there are divided opinions on its wisdom, it is possible that some sort of collective censure may be agreed upon by the Senate, and certainly individual Senators are free to place their condemnations of the President's personal behavior in the CONGRESSIONAL RECORD. The House impeachment of the President, the public humiliation of Bill Clinton and his family, as well as the great private fortune this dispute will have consumed will also serve as punishment enough. But, I think it is also important for this Senate to understand that the writers of our Constitution did not create an impeachment process as one more form of punishment, but exclusively to protect the viability of our nation.

Given my sacred oaths as a United States Senator and as a participant in this impeachment trial, and given my abiding commitment to the Constitution and the well-being of our nation, I have no choice but to vote against both Articles of Impeachment. I do not know nor do I care what the political consequences might be of the decision I make here—I am a Democrat elected six consecutive times state-wide from my largely Republican state, and I have long been proud of the bipartisan support extended to me by the good people of South Dakota. In turn, I have long recognized that neither political party has a monopoly on good ideas or bad, good people or bad. But I know this—the issue before me is too grave for politics. At the end of the day, when my service in this body is done, I want my children, my family and myself to view my decisions here as honorable, as an exercise in responsible judgement, and in a small way, as efforts that strengthened the bulwark of democracy that our Constitution represents.

The President dishonorably lied to the American people, however, the two Articles before the Senate fail, first because they do not allege offenses that give rise to removal from office, and secondly, because it cannot be said that the evidence proves guilt of perjury or obstruction of justice beyond all reasonable doubt (to such a degree that no innocent and reasonable explanation exists).

I will vote not guilty on both Article one and Article two.

Mr. LUGAR. Mr. Chief Justice, for the first time in 120 years, and only for the second time in U.S. history, the Senate is about to conclude a Presidential impeachment trial. Our Founding Fathers viewed the power to remove a President as a necessary constitutional safeguard, but they wanted to make certain that the process was sufficiently difficult that the will of the voters would be overturned only for the gravest of reasons. They wrote the words "high crimes and misdemeanors" as a threshold, but left it to us to determine what transgressions met this standard. All of us have endeavored to fulfill this enormous responsibility.

From the beginning of the consideration of impeachment last year, many Members of Congress in both parties have made public statements expressing their opinions that the President lied to a federal grand jury and that he obstructed justice on numerous occasions. These judgments are apparently shared by large majorities of the American people as illustrated in frequent public opinion polls. The same polls have consistently found that a large majority of Americans do not want the President to suffer the Constitutional consequence of these breaches of law, namely, removal from office.

Since the House voted for impeachment, almost all 45 Democrats and some Republicans in the Senate have voiced their skepticism about voting to remove President Clinton from office. Early in the trial, 44 Democrats voted to dismiss the impeachment proceedings outright. Thus, a two-thirds majority vote needed for a guilty verdict has never been a likely outcome of the trial.

In the background, most Senate Democrats and several Republicans have worked on a motion to censure President Clinton. Our distinguished colleague, Senator FEINSTEIN, drafted a censure resolution that attracted substantial bipartisan support and was published in the New York Times of February 6, 1999. It stated:

> Whereas William Jefferson Clinton, President of the United States, engaged in an inappropriate relationship with a subordinate employee in the White House, which was shameless, reckless and indefensible;
>
> Whereas William Jefferson Clinton, President of the United States, deliberately misled and deceived the American people and officials in all branches of the United States Government;
>
> Whereas William Jefferson Clinton, President of the United States, gave false or misleading testimony and impeded discovery of evidence in judicial proceedings;
>
> Whereas William Jefferson Clinton's conduct in this matter is unacceptable for a President of the United States, does demean the Office of the President as well as the President himself, and creates disrespect for the laws of the land;
>
> Whereas President Clinton fully deserves censure for engaging in such behavior;
>
> Whereas future generations of Americans must know that such behavior is not only unacceptable but also bears grave consequences, including loss of integrity, trust and respect;
>
> Whereas William Jefferson Clinton remains subject to criminal and civil actions;
>
> Whereas William Jefferson Clinton's conduct in this matter has brought shame and dishonor to himself and to the Office of the President; and
>
> Whereas William Jefferson Clinton, through his conduct in this matter, has violated the trust of the American people: Now, therefore, be it
>
> *Resolved*, That the United States Senate does hereby censure William Jefferson Clinton, President of the United States, and condemns his conduct in the strongest terms.

Citizens might ask how a Senator could vote for a resolution stating that President Clinton "deliberately misled and deceived the American people and officials in all branches of the United States Government" and "gave false or misleading testimony and impeded discovery of evidence in judicial proceedings" and yet fail to vote "guilty" on articles of impeachment that specifically mention perjury and obstruction of justice. The answer to that question is at the heart of understanding the Senate trial.

With few exceptions, Senators recognize that the Constitution gives only one outcome to a verdict of "guilty," namely, removal from office. At the same time, many Senators are shocked by conduct which they call "shameless, reckless, and indefensible," and they want their constituents to know that they have not been fooled or overwhelmed by Presidential charm. They have taken the initiative to explicitly denounce the bizarre conduct and the extraordinary corruption of this President. Members of both parties have deplored the fact that the President conducted an illicit sustained physical sexual relationship in spaces close to the Oval Office and publicly denied this to his family, his staff, and in televised statements to the world only to see all of the elaborate cover-up collapse after DNA tests on the dress of a young woman.

But the impeachment trial of President Clinton is not about adultery. The impeachment trial involves the President's illegal efforts to deny a fair result in the suit brought by Ms. Paula Jones. I have no doubt that the President worked deliberately to deny justice in this suit. In doing so, he lied to a federal grand jury and worked to induce others to give false testimony, thus obstructing justice.

Ms. Jones has often been described as a small person in our judicial system. In contrast, the President, who at the time of his inaugural takes a solemn oath to preserve and protect equal justice under the law for even the most humble of Americans, is a giant figure. As Senators who also take a solemn oath, we must ask ourselves the fundamental question: "Is any man or woman above the law?"

The legal defense team for the President does not admit that there is adequate proof of either perjury or obstruction of justice. They contend that Senators must embrace a theory of "immaculate obstruction" in which jobs are found, gifts are concealed, false affidavits are filed, and the character of a witness is publicly impugned, all without the knowledge or direction of the President, who is the sole beneficiary of these actions. The President's lawyers further contend that such crimes are, in any event, insufficient to remove the President. The drafters of the Constitution would have rejected these rationalizations for the indefensible Presidential misconduct at issue. They were political men with a profound reverence for the sanctity of the oath and our entire system of justice. They did not suggest that Senators park their common sense and their stewardship for the security of our country at the Senate door as they entered into an impeachment trial.

In fact, we have discovered in this trial that the founding fathers wanted the Senate to act as "triers" of fact and in the roles of both trial court and jury. Most importantly, they wanted us to act as guardians of the Constitution and thus the liberty and the rights under law of each individual American. Liberty itself is directly threatened when a President subverts the very judicial system that secures those rights.

During this trial, I have concluded that the prosecutors made their case. I will vote to remove President Clinton from office not only because he is guilty of both articles of impeachment, but also because I believe the crimes committed here demonstrate that he is capable of lying routinely whenever it is convenient. He is not trustworthy. Simply to be near him in the White House has meant not only tragic heartache for his wife and his daughter but enormous legal bills for staff members and friends who admired him and yearned for his success but who have been caught up in his incessant "war room" strategies to maintain him in office. Senator FEINSTEIN begins her censure resolution with the appropriate word "shameless." The President should have simply resigned and spared his country the ordeal of this impeachment trial and its aftermath.

We have been fortunate that this damaged presidency has occurred during a time of relative peace and prosperity. In times of war or national emergency it is often necessary for the President to call upon the nation to make great economic and personal sacrifices. In these occasions, our President had best be trustworthy—a truth teller whose life of principled leadership and integrity we can count upon.

Some commentators have suggested that with the President having less than two years left in his term of office, the easiest approach is to let the clock expire while hoping that he is sufficiently careful, if not contrite, to avoid reckless and indefensible conduct. But as Senators, we know that the dangers of the world constantly threaten us. Rarely do two years pass without the need for strong Presidential leadership and the exercise of substantial moral authority from the White House.

Of particular concern are the implications of the President's behavior for our national security. As Commander-in-Chief, President Clinton fully understood the risks that he was imposing on the country's security with his secret affair in the White House. Even in this post-Cold War era, foreign intelligence agents constantly look for opportunities for deception, propaganda, and blackmail. No higher targets exist than the President and the White House. The President even acknowledged in a phone call with Ms. Lewinsky that foreign agents could be monitoring their conversations. Yet this knowledge did not dissuade the President from continuing his affair. With premeditation, he chose his own gratification above the security of his country and the success of his presidency. Then he chose to compound the damage by systematically lying about it over the span of many months.

I believe that our country will be stronger and better prepared to meet our challenges with a cleansing of the Presidency. The President of the United States is the most powerful person in the world because we are the strongest country economically and militarily, and in the appeal of our idealism for liberty and freedom of conscience. Our President must be strong because a President personifies the rule of law that he is sworn to uphold and protect. We must believe him and trust him if we are to follow him. His influence on domestic and foreign policies comes from that trust, which a lifetime of words, deeds, and achievements has built.

President Clinton has betrayed that trust. His leadership has been diminished because most Americans have come to the cynical conclusion that they must read between the lines of his statements and try to catch a glimmer of truth amidst the spin. His subordinates have demeaned public life by contending that "everybody does it" as a defense of why the President has erred so grievously. But every President does not lie to a federal grand jury. Every President does not obstruct justice. The last President to do so was President Nixon, and he had sufficient reverence for the office to resign before the House even voted articles of impeachment.

The impeachment trial must come to an end. The Presidency will be strengthened and our ability as Americans to meet important challenges will be strengthened if we begin to restore our faith in the truth and justice that our government must exemplify and preserve. It will not be enough simply to condemn the tragic misdeeds of President Clinton. He must be removed from office as the Constitution prescribes, and we must celebrate the strength of that same Constitution which also provides a path for a new beginning.

Thank you, Mr. Chief Justice. I yield the floor.

Mr. BIDEN. Let me begin by stating what I believe the American people view as the obvious. There are no good guys in this sordid affair. Rightly or wrongly, the public has concluded that the President is an adulterer and liar; that Ken Starr has abused his authority by unfair tactics born out of vindictiveness; that the House Managers have acted in a narrowly partisan way and are now desperately attempting to justify their actions for their own political reputation. Finally, they have concluded that Monica Lewinsky was both used and a user, while Linda Tripp, Lucianne Goldberg, Paula Jones and her official and unofficial legal team are part of a larger political plot to "get the President".

All of that is beyond our ability to effect. Our job is not to dissect the motives or even the tactics of Ken Starr, the trial lawyers, Linda Tripp, and others. Our only job is to determine whether the President of the United States by his conduct committed the specific acts alleged in the two Articles of Impeachment. Not generally, but specifically: Did he do what is alleged? And if he did, do these actions rise to the level of high crimes and misdemeanors necessary to justify the most obviously anti-democratic act the Senate can engage in—overturning an election by convicting the President.

It is very important—both for history's sake and for fairness' sake—that we keep our eye on the ball. When I tried cases, I learned from a man named Sid Balick—he used to say at the outset to the jury:

> Keep your eye on the ball. The issue is not whether my client is a man you would want your daughter to date—a man you would invite home to dinner. The issue is did my client kill Cock Robbin—period.

But if we listen to the oft-times confusing presentation of the House Managers—they would have us think that it is sufficient for us to conclude that we would not trust him with our daughters and not invite him home for dinner in order to convict.

Much more is required. The House set the standard we must repair to in the Articles—did he commit a criminal offense? That is what they allege; that is what they must prove.

The Managers keep saying that this case is about what standards we want our President to meet. We hear Flanders Fields intoned—the honor of our most decorated heroes. How incredibly self-serving and autocratic such a plea is.

The American people are fully capable—without our guidance or advice—to determine what standards they want our President to meet. That is an appropriate question to ask ourselves when we enter the voting booth to vote—it is not when we rise on this floor to vote.

Spare me from those who would tell the American people what standard they must apply when voting for President. Ours is an Impeachment standard and our oath to do justice under that standard.

Impeachment is about what standard to use in deciding whether or not to remove a President duly elected by the people.

These are two very different questions and we must not, we cannot, get them confused. You and I and the American people can apply any standard we want our President to meet when we go to the polls on election day.

Only the Constitution can supply the standards to use in deciding whether or not to remove the President—and—in my view, this case does not meet that standard, for two reasons.

First, the facts do not sustain the House Managers' case. According to the House's own theory, we must find that the President has violated federal criminal statutes—not just that he did bad things. In all good conscience, I just cannot believe that any jury would convict the President of any of the criminal charges on these facts. I also believe that it is our constitutional duty to give the President the benefit of the doubt on the facts. To me, the allegations that the President violated Title 18 were left in a shambles on this floor.

But I do not have time to dwell on the facts. So let me turn to the second reason: the President's actions do not rise to the level required by the Constitution for the removal of a sitting President.

We have heard it argued repeatedly that the Constitution does not create different standards for Judges and the President. But that argument fails to comprehend the organizing principle of our constitutional system—the separation of powers. The framers divided the power of the federal government into three branches in order to safeguard liberty. This innovation—the envy of every nation on earth—can only serve its fundamental purpose if each branch remains strong and independent of the others.

We needed a President who was independent enough to spearhead and sign the Civil Rights Act. We needed a President who was independent enough to lead the nation and the world in the

Persian Gulf War. We still need an independent President.

The constitutional scholarship overwhelmingly recognizes that the fundamental structural commitment to separation of powers requires us to view the President as different than a federal judge. Consider our power to discipline and even expel an individual Senator. In such a case, we do not remove the head of a separate branch and so do not threaten the constitutional balance of powers. To remove a President is to decapitate another branch and to undermine the independence necessary for it to fulfill its constitutional role.

Only a President is chosen by the people in a national election. No Senator, no Representative can make this claim. To remove a duly elected President clashes with democratic principles in a way that simply has no constitutional parallel. By contrast, there is nothing anti-democratic in the Senate removing a judge, who was appointed and not elected by the people.

Another contention we continue to hear is that the Framers clearly thought that obstruction of justice of any kind by a President was a high crime and misdemeanor. For this they cite the colloquy between Colonel George Mason and James Madison, who argued that a President who abused his pardon power could be impeached. That colloquy illustrates that it is not any obstruction that would satisfy the Constitution—rather, that the framers were immediately concerned about abuses of official power, such as the pardon power.

The House Managers have relied repeatedly on Alexander Hamilton's explanation of impeachment found in Federalist No. 65. But careful reading demonstrates that these articles of impeachment are a constitutionally insufficient ground for removing the President from office. Federalist No. 65 states:

> The subjects of [the impeachment court's] jurisdiction are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself.

Hamilton had the word "political" typed in all capital letters to emphasize that this is the central, defining element of any impeachable offense. Having emphasized its meaning, he did not leave its definition to chance. While all crimes by definition harm society, impeachable offenses involve a specific category of offenses. Using Hamilton's terms, these are offenses committed when "public men" who "violat[e] some public trust" cause "injuries done immediately to the society itself." The public trust that resides in, to use Hamilton's hoary phrase, "public men" is what we would call today official power.

What other construction can be given these words? Hamilton did not define an impeachable offense to be any offense committed by public men. He did not define an impeachable offense to be any reprehensible act committed by a bad man. Only those acts that abuse public office and so harm the public directly and politically are impeachable.

While I would like to take credit for this insight into Hamilton's meaning, I actually stand in a line of interpretation that stretches back to the founding era. William Rawle wrote the first distinguished commentary on the Constitution, "A View of the Constitution of the United States of America." In this treatise, he came to precisely the same interpretation I have described. He said, "The causes of impeachment can only have reference to public character and official duty. . . . In general those which may be committed equally by a private person as a public officer are not the subject of impeachment."

Joseph Story was not only a long-serving and important Justice of the Supreme Court of the United States, he was a preeminent constitutional scholar and author of a treatise that remains an important source for understanding the Constitution's meaning. He too emphasized that "it is not every offense that by the constitution is . . . impeachable." Which offenses did he regard to be impeachable? "Such kinds of misdeeds . . . as peculiarly injure the commonwealth by the abuse of high offices of trust." Justice Story tied the definition of impeachable offenses to the purpose that underlies the separation of powers—safeguarding the liberty of the people against abusive exercise of governmental power. He observed that impeachment "is not so much designed to punish an offender as to secure the state against gross official misdemeanors."

There is no question that the Constitution sets the bar for impeachment very high—especially where the President is involved. Federalist 65 bears this out, as do numerous other commentaries.

But Federalist 65 also sounds a warning—again, it is a warning that has been invoked over and over again—that impeachments inevitably risk being hijacked by partisan political forces.

Federalist 65 worried that the "animosities, partialities, influence, and interest on one side or the other" would enable partisans to find a way to interpret words such as high crimes and misdemeanors to match the outcome they otherwise wished to reach—not necessarily out of any malevolence, but simply because of the great capacity that we all have to rationalize.

Here the rationalization is pretty easy—the President is a disgrace to the office, I honor and revere the office of the Presidency, so there must be some way to get this man out of that office. Therefore, his actions must rise to the level of high crimes and misdemeanors.

It is tempting to go down that road—but this is precisely the temptation that the Framers urged us to avoid.

In Federalist 65, Hamilton defended the United States Senate as the only body that could possibly hear a presidential impeachment. "Where else than in the Senate could have been found a tribunal sufficiently dignified, or sufficiently independent? What other body would be likely to feel confidence enough in its own situation to preserve, unawed and uninfluenced the necessary impartiality between an individual accused and . . . his accusers?"

Hamilton was placing the responsibility to be impartial squarely upon us—a responsibility that has become embodied in the oath we took when the trial began.

Charles Black, the renowned constitutional law professor from Yale, boiled down the attitude that we as Senators must adopt in order to achieve an impartiality and independence sufficient to the responsibilities of impeachment. He said we must act with a "principled political neutrality."

That is a tough standard to meet. In the Johnson impeachment, for example, James Blaine originally voted for the impeachment of the President in the House. Years later he admitted his mistake, saying that 'the sober reflection of after years has persuaded many who favored Impeachment that it was not justifiable on the charges made, and that its success would have resulted in greater injury to free institutions than Andrew Johnson in his utmost endeavor was able to inflict."

And in our contemporary situation, former President Ford and our distinguished colleague and former majority leader, Robert Dole, have both urged us not to go down the road to impeachment, but to seek other means to express our displeasure.

Charles Black knew that principled political neutrality was hard to achieve, so he suggested one approach. He suggested that prior to voting, a Senator should ask:

> Would I have answered the same question the same way if it came up with respect to a President towards whom I felt oppositely from the way I feel toward the President threatened with removal?

In reaching a final decision, the question I wish to pose to my colleagues is this: Can you legitimately conclude that you would vote to remove a sitting President if he were a person towards whom you felt oppositely than you do toward Bill Clinton?

Given the essentially anti-democratic nature of impeachment and the great dangers inherent in the too ready exercise of that power, impeachment has no place in our system of constitutional democracy except as an extreme measure—reserved for breaches of the public trust by a President who so violates his official duties, misuses his official powers or places our system of government at such risk that our constitutional government is put in immediate danger by his continuing to serve out the term to which the people of the United States elected him.

In my judgment, trying to assume a perspective of principled political neutrality, the case before us falls far, far short on the facts and on the law.

I ask unanimous consent that the text of a more comprehensive statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR JOSEPH R. BIDEN'S COMPREHENSIVE STATEMENT ON IMPEACHMENT DELIBERATIONS

There are no good guys in this sordid affair. Rightly or wrongly, the public has concluded that the President is an adulterer and liar. Ken Starr has abused his authority by unfair tactics born out of vindictiveness. The House Managers have acted in a narrowly partisan way and are now desperately attempting to justify their actions for their own political reputation and that Monica Lewinsky was both used and a user, while Linda Tripp, Lucianne Goldberg, Paula Jones and her official and unofficial legal team are part of a larger political plot to "get the President".

At this point, all that occurred before this is beyond my ability to affect. My job as a United States Senator hearing an impeachment trial is not to dissect the motives or even the tactics of Ken Starr, the trial lawyers, Linda Tripp and others. My only job is to determine whether the President of the United States, by his conduct committed the acts alleged in the two Articles of Impeachment before us. Not generally, but specifically, did he do what is alleged—and if he did, do these actions rise to the level of high crimes and misdemeanors necessary to justify the most obviously anti-democratic act the Senate can engage in overturning an election.

THE ARTICLES OF IMPEACHMENT

When the Framers designed our elected branches of government, they established a system of separate but equal branches. The independence of the President from the Congress, and vice versa, is constitutionally anchored in the fact that each answers directly to the people through the ballot box. The people determine who will serve in either branch.

As I said in a speech last September at Syracuse Law School and in another on the floor of the United State Senate, the independence of the President from the Congress was no minor detail in the constitutional design. The single major goal and idea that best explains how the Framers constructed the office of the Presidency was to make the presidency as politically independent of the Congress as they could. They believed *his* independence vital to the protection of *our* liberties.

It takes a strong and independent President to sign the Emancipation Proclamation in the face of congressional opposition, as Abraham Lincoln did. It takes a strong and independent President to sign the executive order integrating the Armed Services in the face of congressional resistance, as Harry Truman did. It takes a strong and independent president to veto legislation in the face of strong majorities, as Ronald Reagan, George Bush and all of our Presidents have done.

We can, and we do, disagree about the wisdom of any particular presidential decision, but none of us can doubt that the institution of a strong and independent presidency has enhanced our freedoms and made us a stronger nation.

For us to remove a duly elected president will unavoidably harm our constitutional structure.

Accordingly, for this Senator, the starting point in my thinking about the articles of impeachment must begin with giving the President the benefit of the doubt, and to err on the side of sustaining the independence of that office so vital to the Framers and to the constitutional system they designed. Impeachment must be used against a President only as an extreme measure, when the President has so breached the public trust that our system of government is put in danger by his continuing to serve out the term to which the people of the United States elected him.

Have the House Managers presented a case of sufficient severity, and have they proved it with sufficient clarity, to justify the drastic and awesome, step of convicting a duly elected President?

On January 12, when the House Managers walked across the rotunda to the Senate and presented their case against the President, the country moved from the realm of sound bites and political attacks to a serious and sober consideration of the precise nature of the House's allegations against the President, and of the full extent of the record evidence against him.

The House Managers have told us that in their judgment two dangers to our system of government justify taking this unprecedented and awesome step.

First, they said that failing to remove the President will undermine the rule of law and the administration of justice. Permitting a serial perjurer and obstructor of justice to escape punishment will bring disgrace on the oath "to tell the truth." It will mean that we can no longer with good conscience punish other people who have committed perjury or obstructed justice. The ultimate effects would be felt throughout the judicial system. Like a pebble dropped into a pond, they said, it will send out ripples to all corners of our judicial system.

Second, they said that failing to remove the President will also condone his plot or scheme to deny a specific civil rights plaintiff—Paula Jones—of a full opportunity to litigate her civil rights claims against the President. Regardless of the ripple effects of his actions, the acts themselves were violations of law that amounted to a failure of the President to "take care that the laws be faithfully executed," in violation of his oath of office.

MULTIPLE VIOLATIONS OF THE CRIMINAL LAW NECESSARY

As I have said in earlier speeches on the impeachment power, not all crimes are impeachable, and an impeachable offense does not have to be a crime.

In this case, however, the House Managers have made it quite clear that their case against the President depends entirely on proving that he has committed crimes, and not just a few crimes, but an elaborate scheme that included "lots and lots of perjury" and "many obstructions of justice," to quote Mr. McCollum. The dangers the President supposedly poses flow not from the President's reprehensible conduct, or from the fact that he misled his family, his aides, his cabinet and the nation about that conduct. This impeachment is not about sex, they have insisted.

I asked Mr. Barr about this during the trial, and he said "What brings us here . . . is the belief by the House of Representatives in lawful public vote that this President violated, in numerous respects, his oath of office and the Criminal Code of the United States of America—in particular, that he committed perjury and obstruction of justice." Mr. McCollum made the same point in his opening presentation, when he said, "The first thing you have to determine is whether or not the president committed crimes. It's only if you determine he committed the crimes of perjury, obstruction of justice and witness tampering, that you ever move on to the question of whether he is removed from office. . . . None of us would argue to you that the president should be removed from office unless you conclude he committed the crimes that he is alleged to have committed."

THE BURDEN OF PROOF IN ASSESSING THE HOUSE'S CASE

So the question before the Senate is whether the President is a serial perjurer and a massive obstructor of justice.

What standard of proof should a Senator apply in deciding whether the record supports the accusations contained in the articles of impeachment—the accusations that the President violated the federal criminal law? The House Managers quite correctly pointed out that the Senate has never sought to determine for the entire body what the burden of proof should be in an impeachment. In effect, we have left it to the good judgment of each Senator to decide whether or not they are convinced by the evidence presented to us.

For this Senator, fundamental fairness as well as the nature of the House's case dictate that I ought to be convinced beyond a reasonable doubt that the President violated the laws that the House alleges. Proof beyond a reasonable doubt is the same standard applied in criminal cases—it is the standard that would apply if the President were tried in a criminal court for perjury or obstruction of justice.

It seems to me that fundamental fairness counsels that I apply the same standard as a criminal court precisely because the House asserts that what makes his actions impeachable is that he has violated federal criminal statutes regarding perjury and obstruction of justice. It strikes me as absurd that the Senate would have the arrogance to throw out a duly elected President on these grounds unless it was convinced that he would be convicted of those charges. Otherwise, we would be saying in effect that even though the President would not be convicted on these crimes, we are nevertheless throwing him out of office because he committed those crimes. That would clearly be giving the President less protection than we provide any other citizen when charged with a crime.

Someone else can try to explain the logic of that decision, but not me.

In addition, the standard of proof beyond a reasonable doubt seems to me compelled by the fact that in the House's explanation of the harm to our system of government if the President is not thrown out, their entire explanation rises and falls depending upon whether or not the President would be convicted in a court of law for the crimes alleged. If he could not be convicted in a court of law, then the Senate is not "condoning" perjury or obstruction of justice any more than a criminal court is condoning those crimes when someone is acquitted on such charges. But if the Senate is not condoning those crimes, there is no conceivable basis for concluding that the public will be harmed by the President's remaining in office.

Furthermore, in applying the standard of proof beyond a reasonable doubt, the Senate simply must pay attention to the precise legal definitions of the crimes. What the pundits have condemned as legal hair splitting, and what the public rightly condemns in the president's penchant for evasive answers when responding to questions in a public setting, must now necessarily occupy our attention with regard to the President's answers under oath, such as a deposition or a grand jury proceeding because the claim made by the House is that the President violated specific criminal laws. If your aim is to respect the rule of law, you must also respect the rules of law—the precise legal definitions of the crimes, as found in 18 U.S.C. § 1623, the federal perjury statute, and in 18 U.S.C. §§ 1503 and 1512, the applicable federal obstruction of justice statutes.

I have now studied the record sent to us by the House, listened to the presentations and arguments of the House Managers and the President's counsel, reviewed the videotape testimony of Monica Lewinsky, Vernon Jordan and Sidney Blumenthal, and listened to the views of my colleagues.

On that basis, I have reached the conclusion that the House has not presented evidence that could persuade a criminal jury beyond a reasonable doubt that the President has violated the applicable federal criminal statutes. There are too many holes, too many conclusions reached only by drawing negative inferences against the President, and too much evidence that apparently contradicts or is inconsistent with the House's case.

Now, let me be frank with you. I do not know for sure what actually occurred. Notwithstanding that, I am forced to make a judgment. In order to preserve the constitutional separation of powers, the independence of the presidency and the sovereignty of democratic elections, the President deserves the benefit of the doubt. This record falls well short of the certainty required to remove a President from office.

THE CONSTITUTIONAL BALANCE THE SENATE MUST STRIKE

While I believe that I must apply a standard of proof beyond a reasonable doubt because of the nature of the charges that the House has brought to us, it is also quite true—and I have said as much on prior occasions—that the Senate does not sit as a court of law when it tries an impeachment. As Alexander Hamilton stated in Federalist 65, impeachment is a political process.

"Political" in Hamilton's usage had two meanings as it relates to impeachments. The first I have mentioned already, and I have spoken about in this chamber before: impeachable offenses are offenses against the body politic. In the words of James Wilson, "in the United States . . . impeachments are confined to political characters, to political crimes and misdemeanors, and to political punishments."

The Senate's judgment in an impeachment trial is ultimately political in a second sense, too. It is political in the sense that the Senate has the responsibility to weigh all the consequences to the body politic in making its decision—the consequences that might flow from removing the President as well as the consequences that might flow from failing to remove him.

That is what I mean, and what Hamilton meant, by the ultimate judgment being a political one. As Senator Bumpers reminded us, the consequences of the decision we make will live on long after Bill Clinton has left office and long after each of us has left office. We must hand our constitutional structure on to our children and to future generations with its foundation as solid as it was when it was handed to us. It is our responsibility as Senators to make a judgment as to how best to accomplish that objective.

The obligation to evaluate the competing costs of retention and removal, incidentally, is what clearly distinguishes judicial impeachments and presidential impeachments—very different institutional and long term consequences weigh in the balance in these two cases.

Removing the President from office without compelling evidence would be historically anti-democratic. Never in our history has the Senate overturned the results of an election and removed a President from office. History could not more plainly demonstrate what a dramatic step removing an elected President would be. The founding of our republic was the most dramatic assertion of the sovereignty of the people that the world had ever known. Abraham Lincoln dedicated the battlefield at Gettysburg to this proposition recalling that our union stands for "government of the people, for the people, and by the people."

The sovereignty of the people is exercised through national elections. All citizens, but particularly those of us who have had the honor to stand for election, have an instinctive respect for the will of the people as expressed through national elections. Thomas Jefferson, in his first inaugural address, aptly called this democratic instinct a "sacred principle." Reversing the people's sovereign decision would be in radical conflict with the principle on which our nation is founded as understood and applied throughout our history.

For one branch to remove the head of a coequal branch unavoidably harms our constitutional structure. The framers intentionally chose not to create a parliamentary system of government. They meant for the President and Congress to be independent of and co-equal with one another. Maintaining each of those branches as strong and independent is fundamental to the Constitution's very structure—a structure they designed to safeguard the liberty of the governed against abuses of power by those who govern.

It is true that impeachment is part of this structure. Removing a president from office for sufficient reasons and upon sufficient proof is therefore consistent with that structure. At the same time, the great dangers inherent in the too ready exercise of that power mean that impeachment should be seen as an extreme measure.

The framers were accomplished, practical statesmen. They recognized that impeachment could be misapplied to undermine the primary structural guarantee of liberty—the separation of powers. They worried that Congress would be tempted to use the impeachment power to make the President "less equal." As Charles Pinckney warned his colleagues at the Philadelphia Convention, Congress could hold impeachment "as a rod over the Executive and by that means effectively destroy his independence."

How are we to keep the impeachment power within its constitutional boundaries, so that it stands ready to be used appropriately but does not become a "rod" in the hands of a partisan Congress, threatening the independence of the Presidency, as Charles Pinckney worried during the Constitutional convention?

The solution to this problem must lie in approaching the Senate's ultimate decision from as much of a position of bipartisanship as we can possibly achieve. This is the only way in which we can possibly focus primarily on the institutional consequences of our actions to see them in terms of their long term consequences instead of their short term partisan ones.

Nonpartisan faithfulness to the Constitution's structure, which protects the liberty of the governed must determine our action today.

This was my view of our role in 1974, when I rose on the floor of the United States Senate and made a "plea . . . for restraint on the part of all parties involved in the affair." That was in the case of the possible impeachment of Richard Nixon. And it was my view last year, when I urged restraint and bipartisanship as the attitude I hoped my colleagues would adopt. And it remains my view.

Viewed from that perspective, it is hard for me to see how the harms flowing from keeping Bill Clinton in office outweigh the harms to our constitutional democracy that would result from removing him.

HARMFUL CONSEQUENCES RECONSIDERED

I have listened attentively to the House Managers' case. In all honesty, I can sympathize with their sense of outrage at the President's actions and his unwillingness to be fully accountable for those actions for so many months. Notwithstanding that, from the vantage point of a restrained view, and as nonpartisan a view as I can muster, the dangers they see from keeping President Clinton in office seem less dire than they claim. At the same time the harms to our system of government from removing him seem to me to be quite serious.

The House Managers warn that failure to remove the President would destroy or undermine the sound administration of justice and threaten the rule of law. If true, that would be a big deal.

But we need to step back a moment and cool down the rhetoric. Manager GRAHAM suggested as much when he reminded us all of the resiliency of the American system of government. "So when we talk about the consequences of this case," he said, "no matter what you decide, in my opinion, this country will survive. If you acquit the President, we will survive. If you convict him, it will be traumatic, and if you remove him, it will be traumatic, but we will survive."

That same calmer judgment ought to apply to the administration of justice and the rule of law. The House Managers presented no evidence whatsoever of the dire consequences they predict. And there is no evidence of such dire consequences that they could present—because their evaluation of the consequences is nothing but speculation.

I would submit to you that the consequences of failing to remove the President will most likely be very different from those described by the House. This is one pebble whose ripples will in all likelihood simply wash up harmlessly on the shores and be forgotten forever. I, frankly, do not see how failing to remove the President will alter the conduct of the next prosecutor having to decide whether to bring a perjury indictment, nor do I think that juries will be persuaded by a lawyer's argument that because the President "got away with it" the jury should acquit his client. The fact of the matter is, lots of perjury trials result in acquittals without impacting the ability of the criminal justice system to bring such charges where appropriate.

The House Managers' cry of alarm ignores the fact that we are in an impeachment trial. This is not a criminal proceeding and thus the manner in which the Senate deals with the question has no implications at all for how a court of law would deal with it.

The Constitution is very clear about this. In Article I, §3, cl. 7, the Constitution provides that whether or not a person is removed from office through impeachment that party "shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law." If the evidence is as overwhelming as the Managers say, the President can be prosecuted for perjury and obstruction after he leaves office.

The American people have a very robust understanding that impeachment is a political process—and a particularly clear understanding that *this* impeachment has been thoroughly politicized until it got to the Senate—I don't think anyone is confusing it with a legal process. No one, therefore, will take any solace from the President's acquittal in terms of their ability to commit perjury or obstruct justice and thereby avoid criminal charges.

Now don't misunderstand me—I am not suggesting that letting a guilty person off from a crime he or she has committed is OK. I am saying, first, that the President has not been charged with a crime in a criminal court, so that failing to acquit him is not at all letting him off from a crime, and second, that our decision will not have the kind of "sky is falling" consequences described by the House in any event. In my judgment, the rule of law and the sound administration of justice in this country will be unaffected by the action we take in the Senate, one way or the other.

The House Managers have also warned that failing to remove the President will also condone his plot or scheme to deny a specific civil rights plaintiff—Paula Jones—her day in court, by withholding from her, through acts of perjury and obstruction, full information about the "nature and details" of his relationship with Monica Lewinsky. Just how accurate and complete a description is this one? In order to answer that question, we need a fuller picture of the "nature and details" of the Jones litigation itself.

If you listened just to the House Managers, you would think that the Jones lawsuit was just a run-of-the-mine typical sexual harassment civil rights case.

It was not. From the very beginning, that lawsuit had been politically motivated. All the facts we know about this case, even taking Paula Jones at her word that the incident in the Excelsior Hotel actually occurred, demonstrate that the lawsuit was also without merit. She had never been harmed in any way in her job, and the President had never repeated anything remotely resembling an unwanted sexual advance on her again. She had received merit pay raises in her state employment and she had received good job performance reviews. She was unable to prove that she had been damaged in any way by the President's actions.

Actually, what damages she did assert—what caused her to file the lawsuit, according to her testimony—was the result of the publication of a hatchet-job article against President Clinton run in the *American Spectator*. The article was one salvo in an on going right wing probe into Clinton's life in Arkansas, aimed simply at digging up anything that could be politically damaging to the President. When the *American Spectator* ran a story making an unflattering reference to a "Paula," Jones found a lawyer to file suit in order to "reclaim her good name."

The lawyers Paula Jones eventually found were also underwritten by right wing conservative Republican money. In fact, investigative reporters as recently as this past Sunday continue to reveal more and more details of the tightly knit web of conservative lawyers and conservative financial backers who have hounded this President relentlessly since the day he took the office.

Now the President knew that the lawsuit was without merit—he might have behaved obnoxiously with Paula Jones, but he did not commit sexual harassment. He also knew that the real motivation of the lawsuit, the motivation that funded it and kept it going, was a political assault on him, not a legal assault. The law suit and its powers of discovery were being used to engage in a fishing expedition throughout Arkansas in search of political dirt. Leaks from that discovery appeared regularly in the Washington press.

The President knew something else, as well. He knew that his illicit relationship with Monica Lewinsky *had nothing to do* with the merits of the Jones litigation. On this matter, you do not have to rely on the President's assessment or mine, because the court independently concluded the same thing. In the order denying the plaintiff's discovery into the Lewinsky facts, Judge Wright said that the Lewinsky facts, even if the allegations concerning them were true, had nothing to do with the essential or core elements of Paula Jones lawsuit.

So keeping Lewinsky out of the politically motivated Jones case did not jeopardize Paula Jones' chances of prevailing, which were non-existent in any event. What it did do was to prevent the president's political enemies from using the Jones discovery procedures to pry open that secret relationship and expose it, all to the political damage of the President.

In this context, it is understandable that the President wanted to frustrate the Jones litigation. What is more, the President can hardly be said to have prevented Paula Jones from presenting a case, because there was no meritorious case to present.

That doesn't justify perjury or obstruction, of course, but it does provide an accurate context for appraising the House Managers' second claim. If they are permitted to convert a meritless and politically motivated lawsuit into a presidential conviction for impeachable offenses, the Senate will be rewarding behavior that we ought to condemn. We need to think more than once about rewarding this kind of political witch hunt.

All of what I have just said informs this Senator's judgment concerning the harms to the country that would be caused by failing to convict a President who had committed the acts alleged by the House.

In fact, if the rule of law and the fair administration of justice will not be destroyed—contrary to the House Managers' assertions—and if the American people understand that the President's actions were in the context of a politically-motivated lawsuit and involved concealing an embarrassing improper relationship that was irrelevant to that lawsuit—then it is very hard for this Senator to see how the President's continuing in office poses the sort of grave danger to our system of government that the Framers had in mind when they gave the Congress the awesome power to impeach and remove an elected President.

In weighing the competing consequences of removal and retention in office, we must honor the constitutional obligation we undertook when we swore to do "impartial justice."

To that end, I think we all could benefit from the wisdom on several participants in the impeachment of Andrew Johnson, 131 years ago.

Two of them—Chief Justice Salmon Chase and Congressman James G. Blaine—both of whom historians record as being highly critical of Johnson and initially favoring his removal—were nevertheless able to step back from the partisanship of that moment and weigh the competing harms in the way I have suggested is proper.

Chief Justice Salmon Chase, who himself had political presidential ambitions, wrote to a friend on the day the trial ended, saying, "What possible harm can result in the country from continuance of Andrew Johnson months longer in the presidential chair, compared with that which must arise if impeachment becomes a mere mode of getting rid of an obnoxious President?"

And years later, James G. Blaine, who had voted for impeachment in the House, said, "The sober reflection of after years has persuaded many who favored Impeachment that it was not justifiable on the charges made, and that its success would have resulted in greater injury to free institutions that Andrew Johnson in his utmost endeavor was able to inflict."

And in our contemporary situation, former President Ford and our distinguished colleague and former majority leader, Robert Dole, have both urged us not to go down the road to impeachment, but to seek other means to express our displeasure.

We ought to follow these lessons, and to be attentive to the damage that removing a duly elected President on these charges will inflict on our system of government.

A decision to remove Bill Clinton will not destroy our system of government. But it will stand as a precedent—the very first time the United States Senate has removed any president from office. If we vote to convict and remove the President after a highly partisan impeachment for conduct that appears to be private and non-official, we will create an opportunity for impeachments to become a tool of partisan politics by other means.

CONCLUSION

Engaging in the balance that the Constitution requires, I cannot vote to convict the President. The evidence of proof beyond a reasonable doubt that the President violated federal criminal statutes has not been presented. Even were the evidence stronger, the Constitution demands that we weigh the competing considerations in a nonpartisan manner.

The President deserves our condemnation. He has brought shame to himself.

But we have not reached this point due to his failings alone. It has taken the volatile combination of his blameworthiness and the unalloyed animosity of others toward him that have brought us to the brink of a profound constitutional moment.

Given the essentially anti-democratic nature of impeachment and the great dangers inherent in the too ready exercise of that power, impeachment has no place in our system of constitutional democracy except as an extreme measure—reserved for breaches of the public trust by a President who so violates his official duties, misuses his official powers or places our system of government at such risk that our constitutional government is put in immediate danger by his continuing to serve out the term to which the people of the United States elected him.

I urge my colleagues to remain faithful to the constitutional design and to our obligation to do impartial justice.

Below are significant issues of constitutional law, positive law, or Senate procedure that have *arisen during the impeachment trial of President Clinton. As the impeachment process moved forward in the House to the point where its arriving in the Senate appeared likely, I began an intensive study of the Constitution, the Framers' understanding, and our historical constitutional practices in the Senate to prepare for a possible impeachment trial, which I continued once the Senate assumed jurisdiction over the matter. Over the past several months, I have shared some of my conclusions with my colleagues and the public in speeches and memoranda, portions of which are below. (Bracketed comments are additions to the original text, inserted to assist in comprehension.)*

BIPARTISANSHIP

Mr. President, during the past twenty-six years as a United States Senator, I have been confronted with some of the most significant issues facing our nation. Issues ranging from who sits on the highest court in the land to whether we should go to war. These are weighty issues. But none of these decisions has been more awesome, more daunting, more compelling, than the issue confronting us at the present time.

The issue of whether to impeach a sitting President is a monumental responsibility. A responsibility that no Senator will take lightly.

And as imposing as this undertaking is, I am sad to say that I have had to contemplate this issue twice during my service in the Senate; once during President Nixon's term and now.

And while the circumstances surrounding these two events are starkly different, the consequences are starkly the same. The gravity of removing a sitting President from office is the same today as it was twenty-five years ago. Listen to what I said on the floor of the United States Senate on April 10, 1974 during the Watergate crisis:

"In the case of an impeachment trial, the emotions of the American people would be strummed, as a guitar, with every newscast and each edition of the daily paper in communities throughout the country. The incessant demand for news or rumors of news—whatever its basis of legitimacy—would be overwhelming. The consequential impact on the federal institutions of government would be intense—and not necessarily beneficial. This is why my plea today is for restraint on the part of all parties involved in the affair."

I could have said these same words today. It is uncanny how much things stay the same.

Furthermore, in 1974 I urged my colleagues in the United States Senate to learn from the story of *Alice in Wonderland*. Then I cautioned that we remember Alice's plight when the Queen declared "sentence first, verdict afterwards."

But the need for restraint is even greater today than it was in 1974. In 1974, the impeachment question was not as politically charged as it is today. In 1974 we were willing to hear all the evidence before making a decision. Today, I hope, for our nation's sake, that we do not follow the Queen's directive in *Alice in Wonderland* and that we will make a wise judgment after deliberate consideration.

My legal training combined with more than a quarter century of experience in the United States Senate has taught me several important lessons. Two of these lessons are appropriate now.

First, an ordered society must first care about justice.

Second, all that is constitutionally permissible may not be just or wise.

And it is with these two very important lessons guiding me, that I embark upon a very important decision regarding our country, our Constitution, and our President.

The power to overturn and undo a popular election of the people, for the first time in our nation's history, must be exercised with great care and sober deliberation.

We should not forget that 47.4 million Americans voted for our President in 1996, 8.2 million more than voted for the President's opponent.—[Speech, 10/2/98]

* * * * *

Let me now stand back from the issues of substance and procedure, and look at the impeachment mechanism as it has actually functioned in our country's history. The proof of the framers' design, after all, will be in how the mechanism has worked in practice.

As we have seen, the framers worried that impeaching a sitting president would most likely be highly charged with partisan politics and pre-existing factions, enlisting all the "animosities, partialities, and influence and interest" that inevitably swirl around a sitting president. History shows that they had a right to be worried.

Prior to the case of President Nixon, presidential impeachment had only been used for partisan reasons.

History tells us that John Tyler was an enormously unpopular president, facing a hostile Congress dominated by his arch political enemy, Henry Clay. After several years of continual clashes, numerous presidential vetoes and divisive conflicts with the senate over appointments, a select committee of the House issued a report recommending a formal impeachment inquiry.

President Tyler reached out to his political enemies: he signed an important bill raising tariffs which he had formerly opposed—and he found other means of cooperating with the Congress. In the end, even Henry Clay, speaking from the Senate, urged a slowdown in the impeachment proceedings, suggesting instead the lesser action of a "want of confidence" vote rather than formal impeachment proceedings. In early 1843, the resolution to proceed with an impeachment inquiry was defeated on the House floor, 127 to 83.

In 1868, Andrew Johnson came much closer to conviction on charges of serious misconduct. Although Johnson's impeachment proceedings ostensibly focused on his disregarding the tenure in office act, historians uniformly agree that the true sources of opposition to president Johnson were policy disagreements and personal animosity. [Text note: The conflict this time was between Johnson's moderate post Civil War policies toward the Southern states and the overwhelming Radical Republican majorities in both chambers. One especially volatile division was over whether Southern Senators and Representatives ought to be admitted to Congress prior to the enactment of Constitutional amendments expressly denying the right of state succession. The Republicans feared dilution of their voting strength if the southerners were seated, especially since an effect of President Lincoln's Emancipation Proclamation would be to increase House representation for the Southern states, by virtue of the fact that each freed slave would count as a whole person, instead of the abandoned constitutional formula of three-fifths.

The Tenure in Office Act had been enacted over his veto to restrict his ability to remove the Secretary of War —who was allied with the Radical Republicans—from that office without the Senate's consent. Johnson fired Edwin M. Stanton anyway, claiming that the restriction on his removal authority was unconstitutional.]

The conflict this time was between Johnson's moderate post-Civil War policies toward the southern states and the overwhelming Republican majorities in both chambers. The Republicans feared dilution of their voting strength if the southerners were seated.

Johnson's defenders in the Senate were eventually able to hold on to barely enough votes to prevent his conviction. In professor Raoul Berger's view, "Johnson's trial serves as a frightening reminder that in the hands of a passion-driven congress, the process may bring down the very pillars of our constitutional system."

Yet, if the cases of Tyler and Johnson substantiate the framers' fears, the Nixon situation vindicates the utility of the impeachment procedures. Notice how different the Nixon proceedings were from Tyler's and Johnson's. As the Nixon impeachment process unfolded, there was broad bipartisan consensus each step of the way.

While it would be foolish to believe that Members of Congress did not worry about the partisan political repercussions of their actions, such factional considerations did not dominate decision making.

Political friends and foes of the president agreed that the charges against the president were serious, that they warranted further inquiry and, once there was definitive evidence of serious complicity and wrongdoing, a consensus emerged that impeachment should be invoked. The president resigned after the House Judiciary Committee voted out articles of impeachment by a 28–10 vote.

For me, several lessons stand out from our constitutional understanding of the impeachment process and our historical experience with it. Furthermore, I believe that a consensus has developed on several important points.

While the founders included impeachment powers in the Constitution, they were concerned by the potential partisan abuse. We should be no less aware of the dangers of partisanship. As we have seen, the process functions best when there is a broad bipartisan consensus behind moving ahead. The country is not well served when either policy disagreements or personal animosities drive the process.

Many scholars who have studied the Constitution have concluded that it should be reserved for offenses that are abuses of the public trust or abuses that relate to the public nature of the President's duties. Remember, what is impeachable is not necessarily criminal and what is criminal is not necessarily impeachable.—[Speech, 10/2/98]

* * * * *

I am here today to call for bipartisanship in the impeachment process. It is a concept many will say they agree with. But actions speak louder than words.

The framers of the Constitution knew that the greatest danger associated with impeachment was the presence of partisan factions that could dictate the outcome.

It is clear from the debates and from the commentaries on the Constitutional Convention that the framers were concerned that anything less than bipartisanship could, and would, do great damage to our form of government. They knew that to contemplate an action as profound as undoing a popular election requires at a minimum that members of both parties find that the alleged wrong is grave enough to overturn the will of the majority of the American people.

The framers also understood the sentiment expressed nearly 200 years later by Congresswoman Barbara Jordan during the impeachment proceedings of Richard Nixon.

She said, "it is reason, and not passion, which must guide our deliberations, guide our debate, and guide our decision."

But the current debate is guided by faction, not reason. One example: The House Judiciary Committee this month heard a battery of witnesses address the question of what is an impeachable offense. Democrats called legal experts who testified that the President's acts are not impeachable offenses, and Republicans called witnesses who were just as certain they were. By the end of the hearing, anyone listening would have the overwhelming impression that there was no consensus in the legal community on the issue, that it was an open question.

Yet the vast majority of historians and legal scholars have concluded—and stated publicly—that nothing that President Clinton has been accused of rises to the level of an impeachable offense. The hearing was a political charade. We are told that ultimately, this is a political process. Ultimately, it is. The question is whether it is going to be a fair process. I argue that it can, and must be fair.

In his marvelous book on the impeachment process, published while the country was in the throes of President Nixon's Watergate troubles, Professor Charles Black alerted us to the danger of partisanship.

Because the constitution and its history provide us with more questions about impeachment than answers, he said, "it is always tempting to resolve such questions in favor of the immediate political result that is palatable to us, for one can never definitely be proved wrong, and so one is free to allow one's prejudices to assume the guise of reason."

Black was echoing Alexander Hamilton, who warned in Federalist 65 that impeachments:

"will seldom fail to agitate the passions of the whole community, and to divide it into parties, more or less friendly or inimical, to the accused. In many cases, it will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence and interest on the one side, or on the other; and in such cases there will always be the greatest danger, that the decision will be regulated more by the comparative strength of parties than by the real demonstrations of guilt or innocence."

I don't think I am being partisan myself in warning about the risks of partisan excess. As a 32 year-old Senator, I expressed this same concern about the fate of a Republican President. On April 10, 1974, I rose on the floor of the United States Senate and said:

"In the case of an impeachment trial, the emotions of the American people would be strummed, as a guitar, with every newscast and each edition of the daily paper in communities throughout the country.

The incessant demand for news or rumors of news—whatever its basis of legitimacy—would be overwhelming. The consequential impact on the federal institutions of government would be intense—and not necessarily beneficial. This is why my plea today is for restraint on the part of all parties involved in the affair."

I make the same plea for restraint today. And while the circumstances surrounding these two events are starkly different, the consequences for our Nation are the same. The gravity of removing a sitting president from office is the same today as it was twenty-four years ago.

The American people understand that the consequences of impeaching a sitting President are grave and, thus far, they have shown a remarkable restraint—more than some of the pundits and experts. But I believe they have reached two clear conclusions: Congress should resolve the matter expeditiously and resolve the matter in a fair and non-partisan manner.

These conclusions have great significance to the impeachment process. I believe the American people will ultimately make their judgment about the proceedings and the outcome based in part, on whether the House Judiciary Committee votes along strict party lines and whether the House of Representatives acts in a similar manner.

That may not be fair, but I believe that is how they will judge it. Therefore, it seems clear to me that for history's sake, and with the Committee's legacy in mind, Chairman Hyde and the Republican majority in the House must bend over backwards to demonstrate that they have conducted this proceeding based on principle, not politics.

There is yet another issue where public opinion comes into play. That is the question of whether the President's transgressions warrant impeachment. We know from survey after survey that the American people believe the President's actions do not justify impeaching him.

Should that have any bearing on the outcome? Many of my colleagues say they will ignore public opinion. In most cases, this is a sound position for a member of Congress to take. When we are elected to the House and the Senate, we are sent here to exercise judgment, not simply to be weathervanes that shift with the political winds. The fact that this is an impeachment proceeding doesn't change that—it makes it even more important that we exercise our best judgment.

But I believe it is a serious mistake to take the position that public opinion should have no bearing on how we act and what we do. Let me explain. Many people—and many legal scholars—have said that impeachment should be reserved for grave breaches of the public trust. Surely, if we are trying to decide whether an offense is a breach of the public trust, it is important to know what the public thinks. If the American people think the President's actions do not warrant impeachment, we should listen to their views, and take them seriously.

It would be a serious mistake to ignore public opinion for another, more fundamental reason. This is their President we are talking about. The President of the United States doesn't serve at the pleasure of the legislature, as a prime minister does in a parliamentary system. He is elected directly by the people of the United States.

The election of a President is the only nationwide vote that the American people ever cast. That is a big deal. If the American people don't think they have made a mistake in electing Bill Clinton, we in the Congress had better be very careful before we upset their decision.

This was brought home to me several weeks before the elections at a filling station in Wilmington. The woman working the cash register looked up at me with something of a scowl on her face. I assumed—incorrectly, it turned out—that she had voted against me the last time I ran. She said, "You're Joe Biden, aren't you?" I nodded. She said, "What are you going to do to President Clinton on this Lewinsky thing?" I started to give her a noncommital answer about the process needing to go forward, but she brought me up short. "Don't you or anyone else take my vote away, Joe. He's my President! If you remove him, I will never vote again."

This woman—and the American people—understand the genius of the American system in their bones. They know that the Congress and the President are separate branches of government. They understand that each branch is responsible to them, not to the other branch of government. Just as they know that the Senators from their state are theirs, and the Representative from their district is theirs, they know that the President is theirs, too.

Anyone who wants to impeach Bill Clinton needs to keep in mind what the American people think about it, because he is their President.

Let me be absolutely clear. This does not mean just doing what the opinion polls say. It means proceeding in a manner that the American people understand to be fair. In the case of an impeachment, fair means bipartisan. It means putting aside the disagreements that stem from partisan factions. The time for partisan factions to play a role is in the process of elections, where candidates advance competing policies and platforms and the people vote. Once the election is held, our leaders hold office until the next election. It is simply antithetical to our constitutional democracy to use impeachment to overturn an election on partisan grounds. It violates the independence of the Presidency and it usurps the people's voice.

The Framers saw this danger when they wrote the impeachment power into the Constitution. Hamilton warned that an impeachment would "connect itself with pre-existing factions," just as Black much later saw that impeachment was an occasion for "prejudices to assume the guise of reason."

So those who wish to proceed with impeachment in the face of the public's contrary opinion bear a special obligation and confront a special risk. The obligation they face is that they must proceed in a bipartisan manner, so that we can defend the Congress's actions as fair and consistent with the constitutional framework—so that if impeachment goes forward, those who support it can look my constituent, or their constituent, straight in the eyes and defend the process as fair and just.

Should they fail to do this, the risk they face is the chance that they will inflict more damage on our system of government and induce more cynicism and disgust with politics than anything the President has done so far.

So we must be prudent. Otherwise we will succumb to the danger the Framers warned against. We will subject the President to what amounts to a vote of no confidence. If you disapprove of his presidency and its policies, or if you do not like the man, vote to impeach. If, on the other hand, you support his presidency and his policies, or if you do like the man, vote to acquit. But that is not our system of government.

When Benjamin Netanyahu returned home after signing the Wye accords, he faced a vote of no confidence. If he had lost, he would have been out of office and another government would have to be formed.

That is simply not our system of government. Ours is not a parliamentary system. That is not how impeachment is supposed to operate.

Reflect for just a moment on how different our government is. Here, the President and the Congress are separate branches of government. Each is elected directly by the people. The President and Vice President are the only officials elected by ALL the people. Through the electoral process, they answer to all the people. In such a system, a vote of no confidence, as a means of removing the head of government when the Congress disapproves of his leadership, contradicts the theory of separated powers. It would trample on the choice made by the people through the electoral process.

This is no small matter. It goes to the heart of the constitutional design. As Jack Rakove, the Stanford historian, noted during the recently held House hearings on the standard for impeachment, the prevailing principle that guided the Framers in shaping the institution of the Presidency during the Philadelphia Convention, the one major goal and idea that best explains how that office took shape over the summer of 1787, was their intention on "making the presidency as politically independent of the Congress as they could."

The Framers saw the system of separated powers and checks and balances as a bulwark in support of individual liberty and against government tyranny. The separation of powers prevents government power from being concentrated in any single branch of government. Permit one branch of government to subjugate another to its partisan wishes, and you permit the kind of concentration of power that can lead to tyranny.

So the system the Framers established is utterly incompatible with the idea that sharp partisan divisions could be sufficient to impeach. Preserving our system, with its checks and balances and separation of powers, ought to be part of our consideration as we attempt to resolve the current controversy.

How do we ensure that impeachments do not become the partisan showdowns that the Framers warned about? The answer is both simple and elusive. The only thing that prevents the impeachment power from being abused is the good faith of Members of Congress.

Professor Black proposed a simple test. He said that for the purposes of impeachment, members take off their party's hat—shed their partisan identity—and then try to take on the identity of a member of the other party. In other words, Republicans who favor Clinton's impeachment should try to pretend they are Democrats, and see if they still hold that same conclusion. Democrats who scoff at impeachment in the present instance should try to see it from the Republican's point of view.

It is very difficult to perform this test, especially in the highly charged partisan atmosphere in which we live, but you get the point. Before we undertake such a solemn act as impeachment, we should examine our reasoning very carefully to be sure we are not simply following partisan instincts.

Impeachment can be legitimate if and only if it emanates from a bipartisan conviction that the President has committed high crimes and misdemeanors—when people of opposing viewpoints can come together in agreement over the seriousness of the offense and the appropriateness of the sanction.

Partisanship need not disappear entirely—that would be impossible. It simply must be held in check for a time—a few weeks, perhaps a month—and by a relatively small number of people, so that a bipartisan consensus can take shape.

Look back at the Nixon impeachment. It took on legitimacy when a core of Republicans on the House Judiciary Committee were moved by the nature of President Nixon's offenses to break party ranks and vote for articles of impeachment. In the Senate, it was the stark reality of eroding Republican support that prompted President Nixon to resign. There was bipartisan consensus that what Nixon did was impeachable.

Partisanship did not evaporate entirely during the impeachment trial of Andrew Johnson. In fact, the entire episode was riddled with partisanship, and overall it stands as an excellent example of how not to conduct an impeachment.

Still, seven Republican Senators did vote with the Democrats for acquittal, shedding their partisan preferences, to prevent that impeachment from succeeding. It took only that amount of bipartisanship to save the country from an impeachment that most people—in retrospect—have concluded would have been a terrible mistake. The fact that a conviction in the Senate requires a two-thirds majority guarantees a measure of necessary bipartisanship except in all but the most lopsided Senates.

But bipartisanship should not wait until the matter reaches the Senate chamber. In previous impeachments the votes in both the House and the Senate have been by overwhelming majorities. In the past, except for the Johnson impeachment, the only times articles of impeachment reached the floor were in cases of tremendous bipartisan consensus that the offenses satisfy the constitutional standard and that the officer ought to be removed.

As for the Johnson impeachment itself, according to James Blaine, one of the Republican House members who voted for impeachment, he and others came in time to regret the effort. In private correspondence, Blaine wrote that, "the sober reflection of after years has persuaded many who favored impeachment that it was not justifiable on the charges made, and that its success would have resulted in greater injury to free institutions than Andrew Johnson in his utmost endeavor was able to inflict."

The conclusion I reach is this. The burden is, as it always has been, on those who seek to impeach and convict a President. To overturn a popular election, they must convince the American people and at least some in the President's party that the President's actions meet the high standard for impeachment settled upon by our founders in the Constitution.

This is what I mean by bipartisanship.

The standard is "principled political neutrality."

And one measure of whether a member has met that principle is to ask in Professor Black's words: "Would they have answered the same question the same way if it came up with respect to a president towards whom [they] felt oppositely from the way [they] feel toward the President threatened with removal."

The American people will know whether each member met that test. They will not demand unanimity, but they will demand consensus.

Thus far, the House Judiciary Committee has proceeded without dignity, causing the American people to lose respect for the Committee.

As a result, the burden of demonstrating that they are proceeding with a standard of "principled political neutrality" will be politically difficult to meet.

Ken Starr will make his case, the President should be allowed to make his. Then let them decide if the President's conduct meets the test of what the framers had in mind by "high crimes and misdemeanors."

The choice is not whether the President's self-evidently shameful and possibly criminal conduct must be punished by impeachment or be condoned. The choice is whether the process for dealing with his conduct is removal from office or some other means—censure, or perhaps even a criminal trial after he has left office.

To those who say that failure to bring articles of impeachment against the President would amount to condoning his immoral behavior or overlooking a criminal act, notwithstanding the fact it does not meet the test of an impeachable offense, I say they do not understand our system of government. For the Constitution contemplates and the law provides for such a circumstance—it is called a criminal trial after his term is served. It is a way to punish the President without doing damage to the system of separated powers or overruling the judgment of the American people.

Failure to impeach, even failure to proceed with a criminal action, does not mean that the President has not paid for his immoral behavior—he has already been sentenced to a hundred years of shame in the history books, which is not an insignificant penalty.

So I say to my colleagues in the House, do your duty. Proceed with principled political neutrality. For if you do, history will judge you kindly. And if you do not, it will judge you harshly.

And for those of us who hold high public office and the public trust, history is a judge.—[Speech, 11/18/98]

BURDEN OF PROOF

What is the standard of proof? The Constitution does not set forth an express standard of proof that the evidence must meet in order to allow the Senate to convict the President. Practice has left to each Senator to determine for him or herself what standard to apply.

From the judicial setting there are three major standards from which to choose. Most civil trials require a plaintiff to prove his or her case by a preponderance of the evidence. This means that the plaintiff must prove that it is more likely than not that the plaintiff's assertions are true. Criminal trials require the most exacting degree of proof. The prosecution must prove the defendant's guilt beyond a reasonable doubt. A third, middle course is applied in some cases. This standard, clear and convincing evidence, requires proof that substantially exceeds a mere preponderance but that does not eliminate all reasonable doubt. There must be a very high degree of probability that the evidence proves what the plaintiff asserts, but the proof may fall short of certainty.

Many Senators, analogizing to a criminal trial, have expressed that they would require the House Managers to prove their case "beyond a reasonable doubt." In anticipation of an impeachment trial of President Richard Nixon, Senators Sam Ervin, STROM THURMOND, and John Stennis all declared that they would apply the beyond a reasonable doubt standard. But it is clear that individual Senators may opt for a civil standard.

This issue may not have more than rhetorical significance for the impeachment trial of President Clinton. These standards are meant to guide juries in their fact-finding capacity. Insofar as the trial focuses on the question whether the President's conduct justifies conviction and removal from office, the proceedings will call on the Senate in its judicial character. Resolving that question requires the Senate to exercise its legal and political judgment in order to determine whether the constitutional punishment fits the misconduct. It does not call upon the Senate to make a factual determination about what conduct actually occurred.—[Memorandum, 12/28/98]

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THE BURDEN OF PROOF IN ASSESSING THE HOUSE'S CASE

But can the President rightly be charged with having committed the massive number of crimes that the House Managers allege? As Mr. McCollum said, if we cannot conclude that the President has violated the law, even the House Managers would agree that he should not be removed from office. Even if you accept their recitation of the dire consequences of President Clinton remaining in office, if the President cannot be shown to have been a serial perjurer and a massive obstructor of justice, the Senate should acquit.

What standard of proof should a Senator apply in deciding whether the record supports these charges? Both the House Managers and the President's counsel addressed this significant issue. The House Managers quite correctly pointed out that the Senate has never sought to determine for the entire body what that burden of proof should be in an impeachment. In effect, we have left it to the good judgment of each Senator to decide whether or not they are convinced by the evidence presented to us.

For this Senator, fundamental fairness as well as the nature of the House's case indicate that I ought to be convinced beyond a reasonable doubt that the President violated the laws that the House alleges. Proof beyond a reasonable doubt is the same standard applied in criminal cases—it is the standard that would apply if the President were tried in a criminal court for perjury or obstruction of justice.

It seems to me that fundamental fairness counsels that I apply the same standard a criminal court would apply precisely because the House asserts that what makes his actions impeachable is that he has violated the criminal statutes regarding perjury and obstruction of justice. It strikes me as absurd that the Senate would have the arrogance to throw out a duly elected President on these grounds unless it was convinced that he would be convicted of those charges. Otherwise, we would be saying in effect that even though the President would not be convicted on these crimes, we are nevertheless throwing him out of office because he committed those crimes. Someone else can try to explain the logic of that decision to the voters, but not me.

In addition, the standard of proof beyond a reasonable doubt seems to me compelled by the fact that in the House's explanation of the harm to our system of government if the President is not thrown out, their entire argument rises and falls depending upon whether or not the President would be convicted in a court of law for the crimes alleged. If he could not be convicted in a court of law, then the Senate is not "condoning" perjury or obstruction of justice any more than a criminal court is condoning those crimes when someone is acquitted on such charges. The Senate, like a court, is simply saying, "not proven." But if the Senate is not condoning those crimes, there is no conceivable basis for concluding that the public will be harmed by the President's remaining in office.

[There is another way to look at this: In any impeachment, a Senator must simply be convinced to his or her satisfaction that the defendant committed the acts alleged. That standard never changes. However, when the articles of impeachment allege that offenses rise to an impeachable level because these actions violate the law and have harmful consequences to the country because the defendant has violated the law and would not be punished, in that case a Senator must be convinced that a defendant would in fact be punished by a criminal court. In other words, the Senator must simply be convinced that a court would find that there is proof beyond a reasonable doubt.

In contrast, if the charges were that the President had lied to the American people, the Congress or foreign leaders, and that the harmful consequences flowed from being unable to rely upon his word, then a Senator must simply be convinced that the President lied, relying upon whatever level of proof is sufficient to convince him or her of that fact.]—[Memorandum, 1/21/98]

CENSURE

In recent days, some have suggested that because the Starr report provides prima facie evidence of what are arguably impeachable offenses, the House and the Senate have a constitutional responsibility to see the impeachment process through to its conclusion. In my view, the constitutional history that I have sketched here this evening shows this position to be entirely mistaken. Indeed, if anything, history shows a thoroughly understandable reluctance to have the procedure invoked.

Stopping short of impeachment would not be reaching a solution "outside the Constitution," as some suggest—it would be entirely compatible and consistent with the Constitution.

The 28th Congress [which contemplated but then terminated impeachment proceedings against President Tyler] hardly violated its constitutional duty when the House decided that, all things considered, terminating impeachment proceedings after cooperation between the Congress and the President improved was a better course of action than proceeding with impeachment based on his past actions, even though it apparently did so for reasons no more laudable than those that initiated the process.

Impeachment was and remains an inherently political process, with all the pitfalls and promises that are thus put into play. Nothing in the document precludes the Congress from seeking means to resolve this or any other putative breach of duty short of removing him from office. In fact, the risky and potentially divisive nature of the impeachment process may counsel in favor of utilizing it only as a last resort.

Of course, impeachment ought to be used if the breach of duty is serious enough—what the Congress was prepared to do in the case of Richard Nixon was the correct course of action. However, nothing in the Constitution precludes the congress from resolving this conflict in a manner short of impeachment.

The crucial question—the question with which the country is currently struggling—is whether the President's breaches of conduct—which are now well-known and which have been universally condemned—warrant the ultimate political sanction. Are they serious enough to warrant removal?

In answering that, we need to ask ourselves, what is in the best interest for the country?

And while I have not decided what ultimately should happen, I do want to suggest that it is certainly constitutionally permissible to consider a middle ground as a resolution of this matter. Such an approach might bring together those of the President's detractors who believe there needs to be some sanction, but are willing to stop short of impeachment, as well as those of the President's supporters who reject impeachment, but are willing to concede that some sanction ought to be implemented.

As a country, we have not often faced decisions as stark and potentially momentous as the impeachment of a president. On the other hand, we would be wise not to overstate such claims—surely we have faced some moments just as stark and serious as this one. We have survived those moments, and we will survive this one.

Whatever the outcome of the present situation, I am confident that our form of government and the strength of our country present us not with any constitutional crisis, but rather with the constitutional framework and flexibility to deal responsibly with the decisions we face in the coming months.—[Speech, 10/2/98]

CRIMES AND MISDEMEANORS, HIGH

Let me say at the outset, that what President Clinton did was reprehensible. It was a horrible lapse in judgment and it has brought shame to him personally and to the office of the president. His actions have hurt his family, his friends, his supporters and the country as a whole. President Clinton has said this himself.

Let me also say that I have not made any decision as to what I think should happen. I have not come to any conclusion as to what consequences the President should face for his shameful behavior. I believe the oath I have taken precludes me and other Senators from prejudging, as I may be required to serve as a judge and juror in the trial of the century.

I can only make an assessment after hearing all of the evidence: evidence against the President, and evidence in support of the President.

No one knows how this will turn out. However, I have given the topic some thought and would like to explore some of the issues that surely will confront responsible Members of Congress and all Americans as we enter this difficult period in our history.

The framers of the Constitution who met in Philadelphia in the summer 1787 considered offering the country a constitution that did not include the power to impeach the president. After all, any wrongs against the public could be dealt with by turning the president out in the next election.

One delegate to the constitutional convention, Charles Pinckney of South Carolina, worried that the threat of impeachment would place the president under the thumb of a hostile congress, thereby weakening the independence of the office and threatening the separation of powers. According to James Madison's notes, Pinckney called impeachment a "rod" that congress would hold over the president.

In being reluctant to include an impeachment power, the framers were not trying to create an imperial presidency. In fact, what they were worried about was protecting all American citizens against the tyranny of a select group.

In their view, the separation of powers constituted one of the most powerful means for protecting individual liberty, because it prevented government power from being concentrated in any single branch of government. To make the separation of powers work properly, each branch must be sufficiently strong and independent from the others.

The framers were concerned that any process whereby the legislative branch could sit in judgment of the president would be vulnerable to abuse by partisan factions. Federalist No. 65 begins its defense of the impeachment process by warning of the dangers of abuse. It argues that impeachments:

"Will seldom fail to agitate the passions of the whole community, and to divide them into parties, more or less friendly or inimical, to the accused. In many cases, it will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence and interest on one side, or on the other; and in such cases there will always be the greatest danger, that the decision will be regulated more by the comparative strength of the parties than by the real demonstration of guilt or innocence."

So the framers were fully aware that impeachment proceedings could become partisan attacks on the president—charged with animosities generated by all manner of prior struggles and disagreements, over executive branch decisions, over policy disputes, over resentment at losing the prior election. Federalist No. 65 expresses the view that the use of impeachment to vindicate these animosities would actually be an abuse of that power.

This sentiment is as true today as it was when the constitution was being written. It was also true when Richard Nixon faced impeachment in 1974. In fact, it would have been wrong for Richard Nixon to have been removed from office based upon a purely partisan vote. No president should be removed from office merely because one party enjoys a commanding lead in either house of the Congress.

Yet while the framers knew that impeachment proceedings could become partisan, they needed to deal with strong anti-federalist factions.

The anti-federalists strenuously argued that the federal government would quickly get out of step with the sentiments of the people and become vulnerable to corruption and intrigue, arrogance and tyranny. This charge proved close to fatal as the ratifying conventions in the states took up the proposed constitution.

The framers of the Constitution knew that the Constitution would have been even more vulnerable to charges of establishing a government remote from the people if the president were not subject to removal except at the time of re-election.

James Madison's notes of the Philadelphia constitutional convention record his observations of the debate. He:

"Thought it indispensable that some provision should be made for defending the community against the incapacity, negligence or perfidy of the chief magistrate [that is, the president]. The limitation of the period of his service was not a sufficient security. He might lose his capacity after his appointment. He might pervert his administration into a scheme of speculation or oppression. He might betray his trust to foreign powers."

So in the end, the framers of the Constitution risked the abuse of power by the Congress to gain the advantages of impeachment.

Once the decision to include the power of impeachment had been made, the remainder of debate on the impeachment clauses focused on two issues:

1. What was to constitute an impeachable offense or what were the standards to be?

2. How was impeachment to work or what were the procedures to be?

As we shall see, the framers proved unable to separate these two issues entirely. Understanding how they are intertwined, however, helps us to understand the full implications of the power.

The Constitution provides that "the House of Representatives shall. . . have the power of impeachment." (Article I, Section 2, Clause 5).

The framers decision that the House of Representatives would initiate the charges of impeachment follows the pattern of the English Parliament—where the House of Commons initiates charges of impeachment. Beyond this, the choice must have seemed fairly compelled by two related considerations.

The first, already mentioned, was the need to provide the people as a whole with assurances that the government they were being asked to create would be responsive to the interests and concerns of the people themselves.

The second was the framer's substantive understanding of the impeachment power. It was a power to hold accountable government officers who had, in Hamilton's terms, committed "an abuse or violation of some public trust" thereby committing an injury "done immediately to the society itself."

If the gravamen of an impeachment is the breach of the public's trust, no branch of the federal government could have seemed more appropriate to initiate such a proceeding than the House, which was conceived and defended as the chamber most in tune with the people's sympathies and hence most appropriate to reflect the people's views.

The Constitution further provides that the president shall be "removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." (Article II, Section 4).

This language went through several changes during that summer of 1787. In initial drafts, the grounds for impeachment were restricted to treason and bribery alone. When the matter was brought up on September 8, 1787, George Mason of Virginia inquired as to why the grounds should be restricted to these two provisions.

He argued that "attempts to subvert the constitution may not be treason as above defined." Accordingly, he moved to add "maladministration" as a third ground.

James Madison objected to Mason's motion, contending that to add "so vague a term will be equivalent to a tenure during the pleasure of the senate." Here again, we see the worry that impeachment would be misused by the Congress to reduce the independence of the president, allowing partisan factions to interfere at the expense of the larger public good.

The objection apparently proved effective because mason subsequently withdrew the motion and substituted the phrase "or other high crimes and misdemeanors."

What does the phrase mean? It is clear the framers thought it to be limited in scope. But beyond this, constitutional scholars have been debating the meaning of this phrase from the very early days of the republic.

Yet despite this on-going dialogue, I believe there are two important points of agreement as to the original understanding of the phrase, and a third issue where the weight of history suggests a settled practice.

First, as we have already seen, the framers did not intend that the president could be impeached for "maladministration" alone.

Second, a great deal of evidence from outside the convention shows that both the framers and ratifiers saw "high crimes and misdemeanors" as pointing to offenses that are serious, not petty, and offenses that are public or political, not private or personal.

In 1829, William Rawle authored one of the early commentaries on the Constitution of the United States. In it, Rawle states that "the legitimate causes of impeachment. . . can only have reference to public character and official duty."

He went on to say, "in general, those offences which may be committed equally by a private person as a public officer are not the subjects of impeachment."

In addition, more than one hundred fifty years ago, Joseph Story, in his influential *Commentaries on the Constitution*, stated that impeachment is:

"Ordinarily" a remedy for offenses "of a political character," "growing out of personal misconduct, or gross neglect, or usurpation, or habitual disregard of the public interests, in the discharge of the duties of political office."

The public character of the impeachment offense is further reinforced by the limited nature of the remedy for the offense. In the English tradition, impeachments were punishable by fines, imprisonment and even death. In contrast, the American Constitution completely separates the issue of criminal sanctions from the issue of removal from office.

The Constitution states that "judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States." (Article I, Section 3, Clause 7).

The remedy for violations of the public's trust in the performance of one's official duties, in other words, is limited to removal from that office and disqualification from holding future offices. Remedies that I might add, correspond nicely to the public nature of the offenses in the first instance.

Additional support comes from yet another commentator, James Wilson, a delegate to the convention from Pennsylvania. In his lectures on the Constitution, Wilson wrote that "in the United States and Pennsylvania, impeachments are confined to political characters, to political crimes and misdemeanors, and to political punishments."

All in all, the evidence is quite strong that impeachment was understood as a remedy for abuse of official power, breaches of public trust, or other derelictions of the duties of office.

The third point to make about the scope of the impeachment power is this: to be impeachable, an offense does not have to be a breach of the criminal law.

The renowned constitutional scholar and personal friend and advisor, the late Phillip Kurland, wrote that "at both the convention that framed the constitution and at the conventions that ratified it, the essence of an impeachable offense was thought to be breach of trust and not violation of the criminal law. And this was in keeping with the primary function of impeachment, removal from office."

If you put the notion that an impeachable offense must be a serious breach of an official trust or duty, together with the point that it does not have to be a criminal violation, you reach the conclusion that not all crimes are impeachable, and not every impeachable offense is a crime. [Speech, 10/2/98]

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Reference has been made to an exchange between George Mason and James Madison at the Virginia Ratifying Convention. Mason is reported to have worried that a president might "stop [an] inquiry" into wrongdoing involving the president. Madison is reported to have replied that this concern was not substantial because the House of Representatives could impeach the president if he did so. The exchange, it has been argued, proves that the Framers viewed obstruction of justice as clearly an impeachable offense.

A more extended look at the colloquy shows that Mason's precise concern was that the President would use his pardon power to pardon people whose investigations might reveal presidential involvement in criminal activities. Mason used this concern as the basis for arguing that the pardon power should be placed in the House, and not with the President. To this concern, Madison replied that if the President so abused the pardon power, he could be impeached. So it was an action that abused an official power of the President that Madison thought was impeachable.

Here is a condensed version of the exchange as reported in Eliot's *Debates*.

Mr. GEORGE MASON, animadverting on the magnitude of the powers of the President, was alarmed . . . Now, I conceive that the President ought not to have the power of pardoning, because he may frequently pardon crimes which were advised by himself. It may happen, at some future day, that he will establish a monarchy, and destroy the republic. If he has the power of granting pardons before indictment, or conviction, may he not stop inquiry and prevent detection?

Mr. MADISON, adverting to Mr. Mason's objection to the President's power of pardoning, said it would be extremely improper to vest it in the House of Representatives, and not much less so to place it in the Senate. . . . There is one security in this case to which gentlemen may not have adverted: if the President be connected, in any suspicious manner, with any person, and there be grounds to believe he will shelter him, the House of Representatives can impeach him. . . . This is a great security." [Memorandum, 2/9/99]

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II. THE MEANING OF "HIGH CRIMES AND MISDEMEANORS" UNDER THE CONSTITUTION

The Constitution establishes that the President "shall be removed from Office on Impeachment for and Conviction of Treason, Bribery, or other high Crimes and Misdemeanors." That instrument, by design, does not contain an express definition of the phrase "other high Crimes and Misdemeanors." The framers intended the Constitution to endure for centuries and recognized that they could not provide a more specific definition that would justly serve the nation's interest into an unknowable future. Instead, they wisely entrusted the construction and adaptation of that phrase to the judgment and conscience of the people's chosen representatives in Congress. Thus, the Senate is left to exercise what Alexander Hamilton termed our "awful discretion" to judge whether the President's conduct warrants removing him from office.

While the Constitution calls upon each Senator to bring his or her good faith political judgment to bear on the meaning of the constitutional standard of "other high Crimes and Misdemeanors," it does not abandon us to an ad hoc or partisan exercise of our discretion. Indeed, the framers strongly urged in both the Philadelphia convention and the state ratifying conventions that the constitutional standard is not properly understood to allow impeachment to be used as a tool of partisan punishment. The Constitution itself, the history of its framing and ratification, and the construction given through faithful interpretation and practice since its ratification converge to provide powerful guidance for determining what offenses justify impeachment and conviction. These touchstones of constitutional interpretation reveal that high crimes and misdemeanors are great offenses characterized by two elements: (1) grave harm to the constitutional system of government that (2) results from official misconduct.

A. THE HISTORY OF IMPEACHMENT

The framers met in Philadelphia in 1787 because the government under the Articles of Confederation was so ineffectual as to have brought the fledgling union to "the last stage of national humiliation." They intended to establish a government through which the people could effectively define and pursue the general welfare. To do so, the framers understood that the government whose charter they were about to write would have to be entrusted with broad coercive powers to act directly upon American citizens. At the same time, the framers were practical statesmen who understood that the powers necessary to make a government effective could be misused to make it potentially an instrument of oppression. Madison explained the dilemma:

"If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

To meet this potential threat to liberty, the framers divided the federal government into three co-equal branches and further divided the legislative branch into two houses in order to require the concurrence of the branches before the government's coercive power could be brought to bear on the people. Thus, while Article 1, Section 1 of the Constitution vests the legislative power in Congress, this power is subject to presidential veto and judicial review for constitutionality. Executive action generally requires a legislative basis or appropriations or other legislative support and is subject to judicial review.

Finally, the establishment and jurisdiction of the federal courts generally depends upon legislative authorization, subject again to presidential veto. Within this structure each branch is to be independent and is "armed" to defend itself against encroachments by the others. As Justice Robert Jackson observed, "the Constitution diffuses power the better to secure liberty . . . . It enjoins upon its branches separateness but interdependence, autonomy but reciprocity."

Maintaining the independence of the three branches of government dominated the debates regarding impeachment at the Constitutional Convention. Initially, the framers considered offering the country a constitution that did not include the power to impeach the president. After all, any wrongs against the public could be dealt with by turning the president out in the next election. One delegate to the constitutional convention, Charles Pinckney of South Carolina, worried that the threat of impeachment would place the president under the thumb of a hostile congress, thereby weakening the independence of the office and threatening the separation of powers. According to James Madison's notes, Pinckney called impeachment a "rod" that congress would hold over the president.

In being reluctant to include an impeachment power, the framers were not trying to create an imperial presidency; they were concerned about protecting all American citizens and the nation as a whole. In their view, the separation of powers constituted one of the most powerful means for protecting individual liberty, because it prevented government power from being concentrated in any single branch of government. To make the separation of powers work properly, each branch must be sufficiently strong and independent from the others.

The framers' worry was largely animated by the concern that any process whereby the legislative branch could sit in judgment over the president would be vulnerable to abuse by partisan factions. Federalist No. 65 begins its defense of the impeachment process by warning of its potential for abuse. It argues that impeachments:

"Will seldom fail to agitate the passions of the whole community, and to divide them into parties, more or less friendly or inimical, to the accused. In many cases, it will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence and interest on one side, or on the other; and in such cases there will always be the greatest danger, that the decision will be regulated more by the comparative strength of the parties than by the real demonstration of guilt or innocence."

The framers were fully aware that impeachment proceedings could become partisan attacks on the president charged with animosities generated by all manner of prior struggles and disagreements over executive branch decisions, over policy disputes, over resentment at losing the prior election. Federalist No. 65 expresses the view that the use of impeachment to vindicate these animosities would actually be an abuse of that power.

Although the framers were concerned about impeachment proceedings becoming partisan, they needed to deal with strong anti-federalist factions. They were very aware that the anti-federalists strenuously urged that the federal government would quickly get out of step with the sentiments of the people and would become vulnerable to corruption and intrigue, arrogance and tyranny. This charge proved close to fatal as the ratifying conventions in the states took up the proposed constitution. The framers of the constitution knew that the constitution would have been even more vulnerable to charges of establishing a government remote from the people if the president were not subject to removal at all except at the time of re-election.

James Madison's notes of the Philadelphia Constitutional Convention record his observations of the debate where he:

"Thought it indispensable that some provision should be made for defending the community against the incapacity, negligence or perfidy of the chief magistrate. The limitation of the period of his service was not a sufficient security. He might lose his capacity after his appointment. He might pervert his administration into a scheme of speculation or oppression. He might betray his trust to foreign powers."

So in the end, the framers of the constitution risked the abuse of power by the Congress to gain the advantages of impeachment.

B. THE CONSTITUTION'S TEXT AND STRUCTURE

The Constitution does not define impeachable offenses, yet its text and structure provide clear manifestation that these words refer to official misconduct causing grave harm to our constitutional system of government. The starting point for any analysis of the Constitution's meaning must be its text, which in relevant part reads, "the President . . . shall be removed from Office on Impeachment for and Conviction of Treason, Bribery, or other high Crimes and Misdemeanors."

Here, the text sets forth a list that begins with terms that have definite meaning (treason, which is defined in the Constitution itself, and bribery, whose definition was fixed at common law) and proceeds to relatively indefinite terms, high crimes and misdemeanors. In this setting, two rules of construction, *ejusdem generis* and *noscitur a sociis*, instruct that the meaning of the indefinite terms are to be understood as similar in kind to the definite terms. Application of these canons of construction is bolstered here by the text itself. The indefinite element, "high Crimes and Misdemeanors," is introduced by the term "other." This specifically refers the reader back to the preceding definite terms, treason and bribery, as supplying the context and parameters for the meaning of the indefinite phrase, "high Crimes and Misdemeanors."

Every criminal offense, including such trivial infractions as parking offenses, involves public or societal harm. It is for this reason that criminal cases are titled, "The State versus . . ." or "The Government versus. . . ." Each of the definite impeachable offenses, treason and bribery, are distinct in that they cause grave harm to the public not in some undifferentiated sense but in a way that strikes directly at our system of constitutional government. The Constitution defines treason as "levying War against [the United States] or in adhering to their Enemies, giving them Aid and Comfort," which plainly involves the most serious offense against our system of government. Similarly, bribery inescapably involves a serious subversion of the processes of government. In describing the common characteristics of treason and bribery, Professor Charles Black of Yale Law School explained that each offense "so seriously threaten[s] the order of political society as to make pestilent and dangerous the continuance in power of their perpetrator."

Furthermore, Professor Edwin Corwin quoted with approval the statement of Justice Benjamin Curtis who said in defense of President Andrew Johnson that "treason and bribery . . . these are offenses which strike at the existence of [the] government. 'Other high crimes and misdemeanors.' *Noscitur a sociis*. High crimes and misdemeanors; so high that they belong in this company with treason and bribery."

In this constitutional setting, the terms treason and bribery take on a second distinctive aspect. As used in Article II, Section 4, each term involves official misconduct. Bribery, by definition, occurs only where a public official undertakes an official act in return for payment or some other corrupt consideration. Likewise, treason necessarily involves official misconduct in the impeachment context. To be sure, it is possible for a private citizen to commit treason by giving aid and comfort to the enemies of the United States. It must be remembered that impeachment proceedings may be pursued only against civil officers of the United States. By limiting impeachable treason to civil officers, the Constitution expressly contemplates that treason will provide a grounds for impeachment and conviction only where a civil office is used to adhere to or aid the enemies of the United States.

The textual construction expressed above—that high crimes and misdemeanors refer to grave harms to our constitutional system of government that result from official misconduct—comports with and draws significant support from the Constitution's structure. First, the structure reflects the framers' conscious decision not to adopt a parliamentary system of government, in which the executive power is subordinate to and controlled by the legislature. The structure also reflects the framers' judgment that the executive branch not be accorded primacy; their experience with the tyranny of the British monarchy was too recent to have permitted them to accept executive supremacy. Instead, the Constitution establishes three branches that are independent, strong, and co-equal. Construing the category of high crimes and misdemeanors too broadly would threaten the independence of the executive and judicial branches. This specific concern animated James Madison in the Philadelphia Convention and moved him to object to vague and potentially expansive formulations of the grounds upon which the President could be impeached and removed from office.

The formulation of high crimes and misdemeanors must be understood as consistent with the Constitution's overall structure. In as much as the Constitution's structure specifically rejects the parliamentary form, the power of impeachment and removal must be construed and exercised in a way that respects this fundamental constitutional judgment. Understanding the grounds for impeachment to be limited to cases of official misconduct that cause serious harm to our system of government allows the Congress to protect the public against oppressive official action without undermining the necessary independence of the President or the judiciary.

The Constitution's structure also supports limiting the category of impeachable offenses to those involving official misconduct. The constitutional separation of powers is designed to safeguard liberty against tyrannical or oppressive exercise of the government's power. In advocating the specific governmental structure erected in the Constitution, Madison repeatedly described the motivating concern to be establishing internal mechanisms, specifically the system of checks and balances, to control the federal government's power and minimize threat to the liberty of the people. This supports limiting the scope of impeachable offenses to official misconduct; that is, to conduct in which the civil officer misuses his or her official power. Other sorts of misbehavior by civil officers are simply beyond the concern of the separation of powers, of which the impeachment powers are a significant component. Indeed, the Constitution specifically provides that civil officers, including the President, remain subject to criminal prosecution and punishment for wrongdoing that does not involve official conduct.

C. HISTORY OF THE DEBATES AND RATIFICATION OF THE CONSTITUTION

Moving beyond the text and structure of the Constitution itself, the debates at the Philadelphia Convention of 1787, where the Constitution was drafted, and those in the subsequent state ratifying conventions provide important insight into the meaning of "high Crimes and Misdemeanors." Close examination of these proceedings demonstrates that the framers gave careful consideration to Congress's impeachment powers. This consideration led them to understand the Constitution as setting forth a very narrow category of impeachable offenses.

Through most of the convention, the drafts of the Constitution denominated treason and bribery as the exclusive grounds for impeachment and removal of civil officers. In September 1787, as the convention was drawing to a close, Colonel George Mason and James Madison undertook colloquy that gave this provision its ultimate formulation. Because treason was expressly and narrowly defined in the Constitution itself, Mason was concerned that the impeachment power would not reach "great and dangerous offenses" and that "attempts to subvert the Constitution may not be treason" as defined in Article III of the Constitution. Mason moved to add "maladministration" as a catchall category. Significantly, this offense, which had been an accepted ground for impeachment in British practice, comprises exclusively official misconduct.

Madison objected to this addition, not because it was too restrictive, but because it was too vague and so potentially too expansive. He feared that "so vague a term will be equivalent to a tenure during the pleasure of the Senate." Here again it is clear that the framers were concerned that impeachment would be misused by the Congress to reduce the independence of the President. In response Mason withdrew his own original motion and moved to add "or other high Crimes and Misdemeanors." His motion was quickly approved.

The purpose of Mason's motions was to include all offenses that pose a threat to our system of constitutional government similarly to that posed by treason. Madison expressed the important concern that the expansion not be left so far open as to erode the essential independence of the other branches, and particularly of the President. In responding to Madison's concern, Mason must be understood to have intended to narrow a definition that already applied solely to official misconduct. The colloquy between Mason and Madison, then, strongly supports construing the phrase high crimes and misdemeanors to cover only official misconduct that threatens grievous harm to our governmental system.

Madison was not alone in his concern that Congress might use impeachment as a tool for encroachments upon the executive branch. This concern was raised in various state ratifying conventions as well. For example, in supporting the Constitution at the Pennsylvania Convention, James Wilson repeatedly assured the delegates that only "great injuries" could serve as a basis for invoking impeachment. In his lectures on the Constitution, Wilson went on to say that "in the United States and Pennsylvania, impeachments are confined to political characters, to political crimes and misdemeanors, and to political punishments." In the North Carolina Convention, several defenders of the Constitution, including James Iredell who was a delegate to the Philadelphia Convention and later became a Justice of the Supreme Court, argued that impeachment would "arise from acts of great injury to the community." The debates surrounding ratification in New York produced the Federalist Papers. Alexander Hamilton explained that,

> "[t]he subjects of [the Senate's impeachment] jurisdiction are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which with peculiar propriety may be denominated POLITICAL, as they relate chiefly to injuries done to the society itself."

Like Hamilton, the founding generation understood impeachment to be a political remedy for political offenses. It is important to bear in mind what they meant by "political." They meant that which relates to government and the pursuit of the general welfare; that which involves the system of government or "society in its political character." They specifically did not mean political in the sense of partisan which the framers affirmatively feared. Charles Pinckney, James Wilson, and Alexander Hamilton, for example, each decried construing the impeachment powers in ways that would allow these powers to be put to partisan ends. They lodged the power to try impeachments in the Senate precisely because they thought the Senate would have the necessary independence, stature, and impartiality to prevent the impeachment powers from becoming a tool of factionalism and partisanship. The framers expected that the Senate was, among government institutions, uniquely capable of fidelity to the constitutional limits partisanship that the framers understood to be implicit in the phrase high crimes and misdemeanors.

Leading constitutional scholarship of the founding era reflects the same view of the intended narrow scope of high crimes and misdemeanors. Justice Joseph Story, in his pathbreaking *Commentaries on the Constitution*, looked to British practice to understand the scope of impeachment in the United States Constitution. Recognizing that the U.S. Constitution intended to confine impeachment to a narrower set of offenses than those permitted under British law, he observed that even in Great Britain, "such kinds of misdeeds . . . as peculiarly injure the commonwealth by the abuse of high offices of trust are the most proper and have been the most usual ground for this kind of prosecution in parliament." Story went on to say that impeachment is a remedy for offenses "of a political character," "growing out of personal misconduct, or gross neglect, or usurpation, or habitual disregard of the public interests, in the discharge of the duties of political office."

The public character of the impeachment offense is further reinforced by the limited nature of the remedy for the offense. In the English tradition, impeachments were punishable by fines, imprisonment and even death. In contrast, the American Constitution completely separates the issue of criminal sanctions from the issue of removal from office. The Constitution states that "judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States." The remedy for violations of the public's trust in the performance of one's official duties, in other words, is limited to removal from that office and disqualification from holding future offices.

Therefore, the Constitution contemplates both an impeachment and a criminal action as consequences for Presidents who commit impeachable offenses. This differs from the English model which only provides for criminal punishments after an impeachment conviction. If, however, a President engages in egregious but non-impeachable activity, the Constitution subjects the President to criminal liability. Impeachment therefore, is viewed not as a mechanism to punish a President, but rather a device to protect the populace. As Story said, impeachment proceedings are "not so much designed to punish an offender as to secure the state against gross official misdemeanors."

Impeachment, therefore, is intended to preserve the constitutional form of government by removing from office an official who subverts the Constitution and is not intended to be a remedy for someone who breaks the law in connection with a private matter.

At least one important early treatise writer, William Rawle, concluded that only official misconduct could provide a basis for impeachment. He contended that "the causes of impeachment can only have reference to public character and official duty. . . . In general those which may be committed equally by a private person as a public officer are not the subject of impeachment." Additional support for this proposition comes from the renowned constitutional scholar, Phillip Kurland who wrote that "at both the convention that framed the Constitution and at the conventions that ratified it, the essence of an impeachable offense was thought to be breach of trust and not violation of the criminal law. And this was in keeping with the primary function of impeachment, removal from office." Finally, additional support for this proposition comes from the United States Department of Justice. As a legal memorandum produced by the Justice Department's Office of Legal Counsel during impeachment proceedings against President Nixon observed, "[t]he underlying purpose of impeachment is not to punish the individual, but is to protect the public against gross abuse of power."

D. CONSTITUTIONAL PRACTICE AND PRECEDENT

Another important guide to the meaning of the Constitution is the construction applied throughout our history by those who have been charged with applying its provisions. The significance of constitutional practice is heightened in the absence of applicable judicial interpretation. As Justice Frankfurter stated:

> "The Constitution is a framework for government. Therefore the way the framework has consistently operated fairly establishes that it has operated according to its true nature. Deeply embedded traditional ways of conducting government cannot supplant the Constitution or legislation, but they give meaning to the words of a text or supply them. It is an inadmissibly narrow conception of American constitutional law to confine it to the words of the Constitution and to disregard the gloss which life has written upon them."

In the history of the United States, the Senate has never convicted any President of an impeachable offense. This fact stands out as the sum total of the Senate's practical construction of the Constitution's impeachment provisions as they relate to the President of the United States. It must serve as a chilling call to self-restraint in construing those provisions.

The Senate has convicted other civil officers of impeachable offenses, including high crimes and misdemeanors. There is reason to doubt whether these cases, mostly involving federal judges, provide directly analogous precedent for cases involving the President. First, the Madison-Mason colloquy and the debates in the state ratifying conventions demonstrate the framers' primary concern was with the use of impeachment as a vehicle for encroachments on the President's structurally necessary independence from the legislature. Second, federal judges serve life terms and are not elected. The automatic removal of the President upon conviction of high crimes and misdemeanors has the widely remarked upon consequence of artificially altering the expected result of an election and thus is regarded as in tension with democratic principles. Moreover, because the President serves a limited term of four years, the need for an artificial removal mechanism is less urgent than it is in the case of judges who would otherwise serve an illimitable term.

These caveats aside, an examination of congressional practice in the case of the fifteen officers who have been impeached by the House strongly supports construing high crimes and misdemeanors as aimed primarily at official misconduct that results in grave harm to our constitutional system of government. In every case, the misconduct cited as impeachable involved the misuse of office or the power of office. No case involved impeachment for conduct that did not involve the exercise of the impeached person's office or official power. The closest the Congress has come to impeaching and convicting an officer for conduct not involving abuse of office was the case of Judge Harry Claiborne. Judge Claiborne was impeached, convicted, and removed from office for committing tax evasion. Superficially, this conduct did not itself involve his judicial office in any direct way. The income he was convicted of withholding, however, allegedly came from improper payments to him, which were made because of his judicial office. In their essence, then, the charges against him were charges of serious abuse of office involving what amounted to bribery, though the articles of impeachment did not formally recount the source of the income at the heart of the tax evasion case against Judge Claiborne. [Memorandum, 12/22/98]

EVIDENCE, RULES OF

Are the Federal Rules of Evidence Applicable? Neither the Senate nor its presiding officer, the Chief Justice, is required to follow the Federal Rules of Evidence in ruling on evidentiary objections during an impeachment trial. As a matter of practice these decision makers have relied upon the Federal Rules in considering evidentiary objections, but have not always excluded evidence that the Federal Rules would exclude or admitted evidence that the Federal Rules would allow. The Senate's approach has been to receive all evidence except where doing so would be unfair to one of the parties. In determining what is fair, the Senate has placed great weight on the Federal Rules.

The refusal to adopt the Federal Rules of Evidence is apparently based on the judgment that the Senate is highly sophisticated as a jury examining political crimes and weighing political remedies. Consequently, the Senate does not need the sort of protections that juries commonly require. The concern raised by not adopting the Federal Rules is that, where the only limit on the discretion of individual Senators is their sense of fairness, party-line voting may emerge and the impeachment process could come to be viewed as lacking the necessary impartiality.

While the Senate has never accepted that it is bound by the Federal Rules, it may vote to require their application in a given case. In fact, the Senate did just that on at least one occasion. During the Rule XI committee deliberations in the impeachment trial of Judge Harry Claiborne, Senator Orrin Hatch argued that the committee should accept the Federal Rules as binding. Then-Senator Albert Gore argued against accepting the Federal Rules.

Is the Starr Report Admissible? Either or both parties may seek to introduce the referral and supporting documentation that independent counsel Kenneth Starr submitted to the House Judiciary Committee. Much of this material would not be admissible in a judicial proceeding. The referral itself is not evidence, but a summation of evidence contained in the attachments. The attachments include grand jury testimony where witnesses were not subject to cross-examination and other material could represent hearsay.

There is some precedent for admitting the record and proceedings from a *judicial proceeding* as substantive evidence in an impeachment trial. In the impeachment trial of

Judge Harry Claiborne, one of the House Managers, then-Representative Michael DeWine, argued that the Rule XI committee should accept the record of the criminal trial in which Judge Claiborne was convicted of tax evasion charges. Specifically, Manager DeWine argued that accepting the evidence would establish an important precedent in favor of economy and efficiency in impeachment proceedings. The committee accepted DeWine's argument and received the trial record as substantive evidence.

In Judge Claiborne's case, the committee agreed to receive evidence that had been subject to cross-examination by Judge Claiborne's attorneys. If the President's counsel objects to the Senate receiving the Starr report and supporting materials, he could distinguish the Claiborne precedent on the ground that the President's lawyers had no opportunity to cross examine grand jury witnesses.

Is Evidence of Prosecutorial Misconduct Admissible? The President's counsel may seek to introduce evidence of prosecutorial misconduct. The House Managers or Senators may object on the grounds that such evidence is irrelevant. Either the President committed high crimes or misdemeanors, or he did not; evidence relating to what the independent counsel may have done to investigate the President is beside the point.

The President, however, would have a powerful contrary argument, particularly if the Starr report and supporting documents are admitted as substantive evidence. The report itself represents the conclusions drawn by the independent counsel. The supporting documents represent evidence and testimony collected by the independent counsel without opportunity for supplementation, challenge or cross-examination by the President. Understanding the independent counsel's bias or impartiality is crucial to assessing the weight and credibility of this type of evidence. For example, the independent counsel's office will have chosen to pursue certain lines of questioning with witnesses before the grand jury. If the independent counsel acted from bias, there is a reasonable inference that the roads the prosecutor chose not to follow would have revealed evidence favorable to the President. If, on the other hand, the independent counsel is impartial, one may reasonably infer that he sought to uncover all relevant information whether favorable or unfavorable to the President.

In addition, if officials in the Office of the Independent Counsel threatened witnesses, that fact is relevant to assessing the credibility of the testimony and evidence given by those witnesses.

In one previous case, the Rule XI committee voted to allow the defense to present evidence of prosecutorial misconduct, although it did not allow the defense to pursue elements of its theory that were purely speculative and highly dubious.—[Memorandum, 12/28/98]

FINDINGS OF FACT

Various proposals to have the Senate vote on "findings of fact" prior to a final vote on the articles of impeachment are circulating. The most onerous of these would ask the Senate to "find" that the President had violated federal laws against perjury and obstruction of justice.

Under one presumed scenario, the findings of fact would pass, while the subsequent vote on the articles would fail. Thus, while the President would remain in office, his legacy would be besmirched by an impeachment trial's finding that he was guilty of crimes.

There are several constitutional arguments against this procedure, each based on the fact that it is either equivalent to, or tantamount to, separating a vote on guilt or innocence from a vote on removal.

Very early in the Senate's history, the Senate did in fact separate these two votes, notably in the case of Judge John Pickering. Pickering was charged with drunkenness, among other things, but not with any crimes. The Senate voted separately on whether he was guilty under the articles and then on whether or not he should be removed from office. (They voted to convict and to remove.)

This procedure might signal that the Senate believed that in an impeachment trial a person could be found guilty by the Senate of offenses that did not rise to the level of "treason, bribery, or other high crimes and misdemeanors." Under that interpretation, the second vote would be necessary to establish whether or not the offenses justified removal from office.

However, this possible interpretation of the trial procedure was repudiated in the 1936 impeachment trial of Judge Halstead Ritter, when the chair ruled that removal followed automatically from a finding of guilty, so that a separate vote on removal was not in order. The ruling was based on the text of Article II, Section 4, of the Constitution which provides that "The President [and other civil officers] shall be removed from Office on Impeachment for, and Conviction of, treason, bribery, or other high Crimes and Misdemeanors."

The dominant view of constitutional scholars is that the chair's ruling in the Ritter case was correct. Notice that there are two significant components of the Ritter interpretation: (1) the president, vice president or other civil officers can only be impeached for "treason, bribery, or other high crimes and misdemeanors," and (2) removal then follows by operation of Constitutional law upon conviction.

Against this background, the proposed findings of fact could produce substantial constitutional mischief. Suppose they received a ⅔'s vote. If the offenses outlined in the findings of fact are high crimes and misdemeanors, the President would have been removed from office by operation of Constitutional law.

Suppose, further, that the Senate then took the final vote on the articles and on that vote the yeas were less than ⅔'s. Looking strictly at this vote, the President has been acquitted, and remains in office.

Who, then, is the President of the United States after these two votes have been cast—Bill Clinton or Al Gore? In other words, who decides whether the first vote convicted the President of high crimes and misdemeanors?

Senators might well argue that the very fact that the Senate took the second vote proves that the first vote was not on offenses that justified removal. That would be an ironic position for many Republican Senators to be in, however, as many of them are on record defending the proposition that perjury and obstruction of justice are clearly impeachable offenses.

One argument against the proposed findings of fact, then, is that it could create enormous uncertainty about who occupies the office of President. The impact of that uncertainty on foreign and domestic policy would potentially be quite great, infecting every official action the President might undertake. (Perhaps Bill Clinton and Al Gore could do everything in tandem—co-sign all official documents, co-attend all foreign negotiations, etc. —thereby eliminating the legal ambiguities by creating a true co-presidency.)

The uncertainty would, in all likelihood, result in litigation. Suit could be brought by someone adversely affected by a law "signed" by Bill Clinton that would otherwise have been pocket vetoed due to the adjournment of Congress, claiming that the bill never became law. Or it could be brought by someone seeking the benefits of a law that Bill Clinton had "vetoed," claiming that the veto had no effect because Bill Clinton was not President.

Even if such litigation would eventually lead to a resolution of the uncertainty, the country would suffer during the interim.

There is a real possibility, however, that the Supreme Court would find the question of what constitutes a "high crime and misdemeanor" to be nonjusticiable. In *United States* v. *Nixon*, the Court held that nearly all questions regarding the Senate's power to try impeachments are nonjusticiable, and it might well so find in this instance, as well.

Even if the findings of fact did not garner ⅔'s support, a second argument against the findings of fact can be based on the two-part Ritter interpretation of the impeachment power (i.e., impeachment available only for high crimes and misdemeanors; removal follows automatically from conviction). The contemplated bifurcated vote provides a mechanism for doing exactly what the Ritter interpretation and the prevailing view among scholars say the constitution does not permit: impeaching and convicting a person of lesser offenses than high crimes and misdemeanors.

The consequences of sanctioning impeachment for "low" crimes and misdemeanors in this way are spelled out nicely in a draft oped by Jed Rubenfeld. He argues that if the Senate proceeds with the proposed findings of fact,

"[t]he Senate would then have taken another big step toward transforming impeachment into a tool of partisan politics.

"The Clinton Impeachment would then establish the proposition that it is a legitimate senatorial function in an impeachment proceeding to "find" that the President committed crimes or serious misconduct (but not high crimes). In that case, why shouldn't a majority of the House impeach every President who has engaged in conduct worthy of censure? It would no longer matter whether this conduct rose to the level of high crimes and misdemeanors, for after all, one of the Senate's legitimate and proper functions would be to find that the President had committed "low" or "medium" crimes or other serious misconduct not requiring removal from office.

"If the Senate wants to censure the President, let it. But impeachment is not about finding criminal guilt or innocence, and it is not about censure. It is about removal from office. The Senate must vote, up or down, on conviction and removal. Anything less or inbetween is more partisan mud."

The idea that the House could routinely start up the Senate impeachment trial apparatus on the basis of offenses insufficient to constitute high crimes and misdemeanors because the bifurcated vote procedure supplied the Senate with a way to cope with such charges would probably have been anathema to the Framers, who thought that impeachment ought to be rarely used and reserved for the most serious breaches of public trust.

Judge Bork agrees that the bifurcated approach poses serious separation of powers problems. He wrote in the February 1, edition of the Wall Street Journal:

"That course would also create an unconstitutional political weapon in the permanent struggle between the legislative and executive branches. Had the Isenbergh-Kmiec proposition been accepted during Iran-Contra, is there any doubt that the Democratic House and Senate would have impeached Ronald Reagan and, unable to convict him by a two-thirds vote, adopted findings of fact by a majority vote that effectively condemned him as the perpetrator of high crimes and misdemeanors? This is precisely what the separation of powers does not allow and what anyone who thinks ahead should disavow."

(The Isenbergh-Kmiec proposition mentioned by Judge Bork refers to a law review article by Professor Isenbergh of Chicago Law School arguing that the Ritter interpretation is wrong—that in fact people can be impeached under the Constitution for offenses less than high crimes and misdemeanors, in which case lesser sanctions than removal are also available to the Senate.)

These are powerful arguments. There are responses to them, however, which I believe make the ultimate judgment as to whether or not the bifurcated procedure passes constitutional muster open to reasonable disagreement.

As to the complaint that the procedure unconstitutionally bifurcates a unitary vote, the complaint just misconceives what the findings of fact motion is. It is not a vote on guilt or innocence of impeachable offenses at all because it doesn't by its terms convict the President of anything. It is antecedent to any question of conviction for impeachable offenses or of remedy. It leaves Senators free to vote any way they wish on guilt or innocence and thus does not split up the conviction/remedy questions. If necessary, this could be made crystal clear through careful drafting, such as by phrasing the motion as, "Without prejudice to the final question of guilt or innocence on any of the articles of impeachment, the Senate finds . . ."

This interpretation also responds to the complaint urged by Rubenfeld and echoed by Bork. Because the findings of fact are toothless as regards guilt or innocence, passing such a motion is not equivalent to convicting the President of low crimes and misdemeanors. The Rubenfeld-Bork objection would lie if and only if the Senate purported to convict the President of such offenses, and then sought to avoid removing him by rejecting the articles. But it is not doing that when it makes findings of fact. Because such findings lack any conceivable juridical effect, they are no more offensive to the Constitution than a censure resolution.

One could even imagine a findings of fact motion serving a purpose that would be beneficial to the impeachment process. Findings of fact could help provide a clear historical record as to what this United States Senate believed did not rise to the level of impeachable offenses (or did rise to that level, depending upon the outcome of the vote on conviction). Historically, the Senate has left to each individual Senator the responsibility to make an overall unitary determination as to the facts that have been proven, the requisite burden of proof as to those facts, and the ultimate consequences that flow from those facts, taking into account both the costs of retaining the civil officer in office as well as the costs of removing him or her. It could be argued that our constitutional practices would be just as well served if the basis for the final judgment was expressed in more discrete and articulated collective judgments, first as to the facts proven, and then as to their consequences.

This last point runs counter to the Senate's current rules and practices, of course. Rule XXIII of the rules of impeachment provides that "an article of impeachment shall not be divisible for the purpose of voting thereon at any time during the trial." This provision was adopted in 1986. Some of its legislative history is pertinent:

"The portion of the amendment effectively enjoining the division of an individual article into separate specifications is proposed to permit the most judicious and efficacious handling of the final question both as a general matter and, in particular, with respect to the form of the articles that proposed the impeachment of President Richard Nixon. The latter did not follow the more familiar pattern of embodying an impeachable offense in an individual article but, in respect to the first and second of those articles, set out broadly based charges alleging constitutional improprieties followed by a recital of transactions illustrative or supportive of such charges. The wording of Articles I and II expressly provided that a conviction could be had thereunder if supported by 'one or more of the' enumerated specifications. The general view of the Committee at that time was expressed by Senators BYRD and Allen, both of whom felt that division of the articles in question into potentially 14 separately voted specifications might 'be time consuming and confusing, and a matter which could create great chaos and division, bitterness, and ill will. . . .'"

The rule and its history suggests that the Senate currently operates under a norm of maximum individual Senatorial autonomy in reaching an overall unitary judgment as to guilt or innocence, without the interposition of potentially divisive antecedent motions seeking to clarify exactly what acts the Senate as a body has found the accused to have committed.

It is possible to object to the proposed findings of fact as being inconsistent with Rule XXIII. The rejoinder to that objection, of course, is a version of what has already been stated: the findings need not be construed as "dividing" any article of impeachment, but rather as a motion antecedent to an eventual vote on the articles. Still, the findings do seem inconsistent with the spirit of Rule XXIII and with its evident intention to avoid divisive preliminary votes of this kind.

Putting aside constitutional or rule-based objections to the proposed findings of fact, Rubenfeld-Bork make a very powerful *practical* argument that this bifurcation will have pernicious consequences. We are currently living through proof of how all-consuming an impeachment and trial of a President can be. The country loses time and attention that could be devoted to constructive matters of public interest, trust in the ability of elected officials to work together by placing the nation's business first is eroded, and the Presidency is placed under a cloud of uncertainty during the pendency of the proceedings. Lowering the impeachment bar through the use of this bifurcated procedure would be unwise and, as suggested earlier, would most likely be viewed with alarm by the Framers who drafted the impeachment power into the Constitution.

There is, finally, an argument that such findings would amount to an unconstitutional Bill of Attainder. The risk that such findings would be found to be an unconstitutional "trial by legislature" is enhanced (a) by the fact that under some of the proposals, the finding would be that the President had violated the law; (b) by the fact that the findings would occur in the context of a Senate trial.

Such Senate action could well have an adverse effect on President Clinton's bar membership. Bar rules disqualify individuals who have been convicted of perjury or obstructed justice. If those consequences followed from the Senate action, they could be construed as punishment, thus bringing the findings of fact within the constitutional prohibition on bills of attainder.—[Memorandum, 2/2/99]

IMPEACHMENT RULES, CHANGES TO

The existing Senate Rules establish the basic contours of how an impeachment trial will proceed. Many questions remain open, however—just as in civil cases, the federal rules of civil procedure provide the basic contours, but the actual route traveled by any trial depends upon the particular facts and law of each case, the motions that parties choose to bring, and, in general, the manner in which the parties choose to litigate the matter.

This section highlights the major questions that deserve examination before the trial begins. It also discusses the available mechanisms for resolving outstanding procedural issues.

Should any of the existing rules be modified? The existing Rules were last amended in 1986. Should the Senate wish to revise any of them, motions to do so would be in order on the first day and would be fully debatable. Once actual the trial begins motions are not debatable, and a motion to suspend, modify, or amend the rules would require unanimous consent. Before the trial begins (the period between the exhibition of the articles of impeachment and the presentation of opening statements by the parties), Senate precedent supports allowing debate on preliminary motions that relate to how the Senate will organize itself to conduct the trial. It appears that such motions are subject to the Standing Rules of the Senate, and not the limitations on debate contained in the Impeachment Rules. Thus, they could be filibustered during the pre-trial stage. As a motion to suspend, modify, or amend the rules, any such motion would be subject to a heightened cloture requirement. Standing Rule XXII requires a two-thirds vote to invoke cloture and end debate on a motion to suspend, modify, or amend the rules.

The impeachment rules provide for the proceedings to be "double-tracked" (with legislative business conducted in the morning session and the impeachment trial conducted in the afternoon). Even after the trial has commenced, then, a motion to suspend, modify, or amend could be made in a morning legislative session, but would be subject to filibuster with a two-thirds cloture requirement.—[Memorandum, 12/28/98]

OBSTRUCTION OF JUSTICE

The House relies on two different federal obstruction of justice statutes. The first, 18 U.S.C. §1503, is the general obstruction of justice statute. The second, 18 U.S.C. §1512(b), addresses witness tampering.

A. Elements of the General Obstruction of Justice Statute

To establish a violation of the general obstruction of justice statute (§ 1503), the government must prove each of the following:

(1) that there was a pending judicial proceeding;

(2) that the defendant knew this proceeding was pending; and

(3) that the defendant corruptly influenced, obstructed, or impeded the due administration of justice or endeavored to corruptly influence, obstruct, or impede the due administration of justice.

The first two elements are straightforward. The third element is more complex. In general:

"Corruptly" means to engage in an act voluntarily and deliberately for the purpose of improperly influencing, obstructing, or interfering with the administration of justice.

"Endeavor" means that the defendant also knowingly and deliberately acted or made an effort which had a reasonable tendency to bring about the desired result of interfering with the administration of justice.

The defendant must engage in misconduct that has the "natural and probable effect" of interfering with the due administration of justice. He need only "endeavor" to obstruct justice; he need not succeed.

B. Elements of the Witness Tampering Statute

To establish a violation of the witness tampering statute (§ 1512(b)), the government must establish that the defendant:

(1) knowingly

(2) corruptly persuaded another person or attempted to do so, or engaged in misleading conduct toward another person

(3) with the intent

to influence, delay, or prevent a witness's testimony from being presented at official federal proceedings,

to cause or induce any person to withhold testimony or physical evidence from an official federal proceeding; or

to prevent a witness from reporting evidence of a crime to federal authorities.

Unlike the general obstruction of justice statute, the witness tampering statute does not require that the defendant's misconduct be committed during the pendency of federal proceedings. Thus, the defendant need not be aware of any pending or contemplated federal proceedings or investigations at the time he engages in his obstructive conduct. Nonetheless, it must be proved that the defendant intended by his prohibited conduct to obstruct a federal proceeding or the reporting of a federal crime.

There is no judicial consensus as to the meaning of "corrupt persuasion," but several courts have defined the term to mean that the defendant's attempts to persuade "were motivated by an improper purpose."

The term "misleading conduct" is defined in 18 U.S.C. § 1515 to include (A) knowingly making a false statement; (B) intentionally omitting information from a statement and thereby causing a portion of such statement to be misleading, or intentionally concealing a material fact, and thereby creating a false impression by such statement; (C) with intent to mislead, knowingly submitting or inviting reliance on a writing or recording that is false, forged, altered, or otherwise lacking in authenticity.

At least one court has held that a defendant violates the witness tampering statute when he tells a potential witness a false story as if the story were true, intending that the witness believe the story and testify to it before the grand jury.—[Memorandum, 1/15/99]

PERJURY

Under federal law, a witness commits grand jury perjury if shown, when under oath before a federal grand jury, to have made a: knowingly false declaration that is of a material matter that the grand jury has the power to investigate. Proof only of an intent to mislead is not sufficient for a perjury conviction.

"Knowingly false declarations" can be proved by evidence that the individual did not believe a declaration to be true at the time it was made.

Only unambiguous questions can form the basis of perjury convictions. If a question can reasonably be interpreted in multiple ways, perjury can not be based only on the questioner's intended meaning and there must be evidence of what the person answering understood when responding.

Grand jury perjury can not be based on an answer that was literally true even if misleading and nonresponsive to the question asked. The burden is on the questioner to identify evasive answers and press for clarity at the time rather than let it pass and charge perjury later.

Grand jury perjury convictions can be based on the testimony of a single uncorroborated witness. And, even if no single statement can be shown to be knowingly false, perjury can be shown if the individual knowingly made multiple material declarations under oath that are "inconsistent to the degree that one of them is necessarily false."

A "material matter" for perjury convictions under federal law must have had some bearing on the substantive elements of the issues that the grand jury was convened to investigate and would have some bearing on influencing or impeding that investigation, regardless of whether the statement actually was misleading on a particular point.

The Minority Views in the House Report argue that because the judge in the Jones sexual harassment case ruled in January 1998 that evidence relating to Monica Lewinsky was not "essential to the core issues in that case," Jones' lawyers could not have introduced evidence about her relationship with the President in order to attack his credibility in that suit, so that his statements on the subject are not material under perjury law.—[Memorandum, 12/30/98]

PRESIDENT, INDICTMENT OF

The New York Times recently reported that Ken Starr and his staff have recently concluded that the Constitution does not prohibit them from indicting and prosecuting President Clinton while he is still in office. The independent counsel has a legitimate reason for seeking an indictment before the end of President Clinton's term. The grand jury that is currently impaneled and that has heard all the evidence will expire by August. If the Independent Counsel waits until the President leaves office, he will have to impanel a new grand jury and present evidence all over again.

This memorandum reviews the constitutional issues that would be raised if a prosecutor were to attempt to indict and prosecute a sitting President. It concludes that the Constitution permits a prosecutor to indict a sitting President, but does not allow the prosecutor to proceed to prosecute the indictment until the President's term has expired. Although the Constitution does not forbid indictment of a sitting President, there are significant prudential arguments counseling against such a move. Moreover, there may be a statutory impediment to indicting the President.

I. TEXT

Until recently, numerous commentators interpreted the Constitution's text to prohibit criminal prosecution of any officer before the officer was impeached and removed. The only provision on point states, "Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law." Article I, section 3. This interpretation reads the phrase "the party convicted shall nevertheless . . ." to mean that only parties who have been convicted are subject to judicial process. In other words, impeachment and conviction is a prerequisite to judicial process.

The better reading has always been that the Constitution's text is ambiguous. It can just as easily be understood to mean that impeachment and conviction, if that should occur first, are not a bar to judicial process. This interpretation has been vindicated by recent practice. The three judges impeached and convicted in the late 1980s were all indicted and prosecuted criminally first. In addition, Vice President Spiro Agnew was indicted while in office, as was sitting Vice President Aaron Burr in 1804. The provision cited does not distinguish between the President and other officers subject to impeachment. Thus, if the President is to be treated differently than other impeachable officers, it must be on some basis other than the Constitution's text.

II. STRUCTURE

Even the most originalist minded cosntitutional scholars do not limit their arguments to those based on language alone. They also argue based on the structure of the document taken as a whole. Shifting the focus from text to structure, there is strong reason to conclude that the Constitution does not forbid indictment of a sitting President but that it does prohibit taking the further step of prosecuting him criminally.

The Constitution structures the federal government by dividing it into three branches. In order to safeguard liberty, each of these branches must be fully functioning at all times. Anything that significantly impairs the President's ability to act as a check on the other branches may violate the Constitution's structural safeguards. By contrast, there are hundreds of district court judges. A criminal proceeding against one of them has only remote ramifications for the constitutional role of the judiciary as an collective institution.

The constitutional status of the President is unique, and materially distinguishable from that of other impeachable officers, such as district court judges or even the Vice President. First, the President, of course, is the head of one of the three constitutional branches of government. The other branches have collective heads. The legislative branch is headed by the entire Congress, while the judiciary is headed by the Supreme Court. To indict and prosecute the President is in this sense the constitutional equivalent of indicting and prosecuting the entire Congress or the entire Supreme Court.

Second, the presidency is a uniquely consuming office. Its occupant is perpetually on duty. Nearly every President from George Washington through George Bush has expressed just how consuming the office is. For example, Lyndon Johnson related that "Of the 1,885 nights I was President there were not many when I got to sleep before 1 or 2 a.m. and there were few mornings when I didn't wake up by 6 or 6:30." The Twenty-Fifth Amendment to the Constitution, which provides for presidential succession in the case of disability, recognizes not only how consuming the office is, but how critical it is that the office be filled at all times.

Third, the President acts as the embodiment of the nation on the international stage and even in domestic matters. As Justice Robert Jackson reminded us, the presidential office locates the executive power "in a single head in whose choice the whole nation has a part, making him the focus of public hopes and expectations. In drama, magnitude and finality his decisions so far overshadow any others that almost alone he fills the public eye and ear."

Against this structural argument stand rule of law considerations. The continuing vitality of the rule of law as a fundamental principle requires that the President be subject to law as are all citizens. This commitment is voiced in the President's constitutional duty to "take care that the laws be faithfully executed." The primary purpose of this provision is to make it clear that the President, unlike the King of England, has no "dispensing power," that is, no power to declare a law inapplicable to himself or anyone else. Similarly, the courts have placed great weight on the integrity of the criminal justice system. In a variety of executive privilege cases, the courts have placed a great premium on according prosecutors access to evidence and on preserving evidence.

Determining whether the Constitution permits either indictment or prosecution of a sitting President requires balancing these considerations.

PUNISHMENTS UPON CONVICTION OF HIGH CRIMES AND MISDEMEANORS

If the Senate convicts the President of high crimes and misdemeanors, the Constitution requires that he be removed from office. "The President—shall be removed from office upon impeachment for and conviction of—high crimes and misdemeanors." The Constitution allows the Senate to impose an additional punishment upon convicting the President; it may disqualify the President from holding any office of honor, trust or profit. Odd as it sounds, this disqualification probably does not apply to membership in the House of Representatives of the Senate. This is because the text of the Constitution, in several clauses, makes it clear that members of Congress are not "officers." The very first impeachment trial proceeded against Senator Blount. Senator Blount was acquitted and many Senators refused to convict on the basis of their constitutional interpretation that a senator is not an officer and so is not subject to impeachment.—[Memorandum, 12/28/98]

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Very early in the Senate's history, the Senate did in fact separate these two votes, notably in the case of Judge John Pickering. Pickering was charged with drunkenness, among other things, but not with any crimes. The Senate voted separately on whether he was guilty under the articles and then on whether or not he should be removed from office. (They voted to convict and to remove.)

This procedure might signal that the Senate believed that in an impeachment trial a person could be found guilty by the Senate of offenses that did not rise to the level of "treason, bribery, or other high crimes and misdemeanors." Under that interpretation, the second vote would be necessary to establish whether or not the offenses justified removal from office. However, this possible interpretation of the trial procedure was repudiated in the 1936 impeachment trial of Judge Halstead Ritter, when the chair ruled that removal followed automatically from a finding of guilty, so that a separate vote on removal was not in order. The ruling was based on the text of Article II, Section 4, of the Constitution which provides that "The President [and other civil officers] shall be removed from Office on Impeachment for, and Conviction of, treason, bribery, or other high Crimes and Misdemeanors."

The dominant view of constitutional scholars is that the chair's ruling in the Ritter case was correct. Notice that there are two significant components of the Ritter interpretation: (1) the president, vice president or other civil officers can only be impeached for "treason, bribery, or other high crimes and misdemeanors," and (2) removal then follows by operation of Constitutional law upon conviction.—[Memorandum, 2/2/99]

ROLE OF CHIEF JUSTICE

The Chief Justice of the United States is the Presiding Officer over the Senate's deliberations when the President has been impeached. His role is loosely analogous to that of a trial judge, but with less ultimate authority. He directs preparations for the trial, as well as the trial proceedings themselves. Under the precedent of the Johnson trial, the Chief Justice can make rulings on all evidentiary and procedural motions and objections, although he can also refer them directly to the Senate for its determination (this was in fact Chief Justice Chase's practice on evidentiary motions made during the Johnson trial). His rulings can be overruled by majority vote of the Senators present and voting.

The Constitution dictates that the Chief Justice acts as the presiding officer during an impeachment trial of the President. The extent and content of his role is subject to determination by the Senate. There could be sentiment to expand his powers, such as by making him the chair of a Rule XI committee, on the theory that the Chief Justice will be non-partisan and impartial. Other powers that might be granted to the Chief could include authority to conduct pre-trial proceedings or to oversee settlement negotiations. If the Chief Justice is perceived as impartial, his rulings on evidence and other motions will carry great weight and place a heavy burden on anyone seeking to overrule them. On the other hand, a determined majority can substantially minimize the effect of the Chief Justice on the proceedings by reversing his rulings and refusing to grant him powers beyond the inherent powers of the presiding officer.—[Memorandum, 12/28/98]

ROLE OF HOUSE MANAGERS

The House of Representatives appoints a delegation of its own members to serve as prosecutors of the impeachment. These managers exhibit the articles of impeachment and perform all functions normally performed by a prosecutor. They make an opening and closing statement on the case, decide what evidence to present and what witnesses to call, subject to the Senate's decision to issue a subpoena to compel attendance of involuntary witnesses. The managers lead examination of witnesses they offer and cross-examine witnesses called by the President's counsel. They may also make procedural, evidentiary, and other motions.—[Memorandum, 12/28/98]

ROLE OF PRESIDENT'S COUNSEL

The President may choose an attorney or agent to present his defense. These attorneys perform the same functions in defense of the President as the house Managers perform in behalf of the impeachment. Neither the President's Counsel nor the House Managers may appeal a ruling of the Chief Justice. Only a member of the Senate may do that.—[Memorandum, 12/28/98]

ROLE OF THE SENATE

[The constitutional text, the Framer's understanding, and our constitutional practices] Provide important anchors for any impeachment inquiry, but they do not resolve all questions of scope that may arise. Much remains to be worked out—and only to be worked out—in the context of particular circumstances and allegations.

As Hamilton explained in the Federalist No. 65, impeachment "can never be tied down by . . . strict rules, either in the delineation of the offence by the prosecutors, or in the construction of it by the judges. . . ."

After all of the legal research, we are still left with the realization that the power to convict for impeachment constitutes an "awful discretion."

This brings us directly to the Senate's role. To state it bluntly: I believe the role of the Senate is to resolve all the remaining questions. Let me elaborate.

The Senate's role as final interpreter of impeachments was recognized from the beginning of the republic. For example, to refer again to Joseph Story, after he devoted almost fifty sections of his commentaries to various disputed questions about the impeachment power, he concluded that the final decision on the unresolved issues "may be reasonably left to the high tribunal, constituting the court of impeachment."

The court of impeachment he refers to is the United States Senate. Similarly, the Federalist papers refer to Senators as the judges of impeachment.

Speaking of the Senate as the jury in impeachment trials is perhaps a more common analogy these days, but the judge analogy is more accurate.

In impeachment trials, the Senate certainly does sit as a finder of fact, as would a jury. But it also sits as a definer of the applicable standards, as would a judge.

The Senate, in other words, determines not only whether the accused has performed the acts that form the basis for the House's Articles of Impeachment, but also whether those actions justify removal from office.

Once again we find support for this view from the country's history. In 2 of the first 3 impeachments brought forward from the House to the Senate, the Senate acquitted the accused.

In each of the two acquittals, however, the Senate did not disagree with the House on the facts. One case involved a senator, William Blount, the other an Associate Justice of the Supreme Court, Samuel Chase. In neither one was there any question that the individuals had done the deeds that formed the basis of the House's Articles of Impeachment.

In each case, however, the Senate concluded that the deeds were not sufficient to constitute valid grounds for impeachment and so they acquitted.

Eventually, then, if the current impeachment proceeds, it will fall to the Senate to decide not only the facts, but the law, and to evaluate whether or not the specific actions of the president are sufficiently serious to warrant impeachment.

The framers intended that the senate have as its objective doing that what was best for the country, taking context and circumstance fully into account.

I should try to be as clear as I can be about this point, because the media discussion has come close to missing it. It seems to be widely assumed that if the President committed perjury, then he must be impeached and convicted.

Conversely, you may think that unless it can be proven that the President committed perjury or violated other laws, impeachment cannot occur.

Both statements are wrong. Not all crimes are impeachable, and not every impeachable offense is a crime.

The Senate could decline to convict even if the President has committed perjury, if it concluded that under the circumstances, *this* perjury did not constitute a sufficiently serious breach of duty to warrant removal of this President. On the other hand, the Senate could convict the President of an impeachable offense even if it were not a violation of the criminal law. For instance, if the Senate concluded that the President had committed abuses of power sufficiently grave, it need not find any action to amount to a violation of some criminal statute.—[Speech, 10/2/98]

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The Senators have a multifaceted role that defies a simple label. They act in part as a jury, which considers evidence and makes the ultimate determination of whether to convict or acquit the President. This role explains the limitations that the rules impose on the ability of Senators to debate or discuss motions and evidence in open session.

Senators also act as judges, with authority to decide whether a ruling by the Chief Justice should stand. This law interpreting role is also a component of the ultimate decision on conviction or acquittal. Senators must determine not only whether the factual allegations against the President are true, they must also determine whether the facts alleged, if true, represent a high crime and misdemeanor.

Senators may also take actions that resemble those typically undertaken by counsel for the parties. They may propound questions (though only in writing) of witnesses or of counsel; they may make objections to questions by counsel or to evidence sought to be introduced; and they make any motion that a party may make.

The Senate has the power to compel the attendance of witnesses by instructing the Chief Justice to issue subpoenas and to enforce obedience to its orders. The Senate also has authority to punish summarily contempts of and disobedience to its orders, although the rules of impeachment do not specify the penalties it may impose. Under the Standing Rules of the Senate, the Senate can also refer a contempt citation to the United States Attorney for the District of Columbia for prosecution pursuant to 2 U.S.C. §§191–194 for criminal prosecution.—[Memorandum, 12/28/98]

TRIAL, NATURE OF

The Constitution assigns the Senate the sole power to try all impeachments. This power imposes upon the Senate a duty to adjudicate every case in which the House of Representatives impeaches a civil officer of the United States. The framers were deeply concerned that impeachment could become a partisan tool used to gain control and influence over civil officers, and the President in particular. They entrusted to the Senate the role of adjudicating impeachments because the Senate's structurally conferred capacity for deliberation, independence, and impartiality would allow it to act as a check against partisanship. The Constitution fortifies the Senate in this role by providing that conviction requires a vote of two-thirds of the members present.

The Constitution, however, does not define the Senate's power to "try" impeachments and appears to leave broad discretion for the Senate to interpret it as allowing whatever method of inquiry and examination is best suited to a given case. Justice White declared emphatically that "the Senate has very wide discretion in specifying impeachment trial procedures. . . ." The constitutional power, and corresponding duty, to try impeachments does not absolutely require the full Senate or a committee to take live witness testimony subject to cross examination. The Senate has routinely entertained and voted on motions for summary adjudication. Indeed, it is difficult to imagine that the Senate would be constitutionally required to hold live evidentiary proceedings in every conceivable impeachment case. If, for example, the House were to impeach an official who is not a civil officer, it would be absurd to construe the Constitution to require the Senate to go forward with an evidentiary proceeding. Similarly, if the House were to impeach a civil officer on the grounds of misconduct that is not properly considered a high crime or misdemeanor, no constitutional purpose is served by an evidentiary hearing.

Even if an impeachment meets all of the constitutional criteria to invoke a Senate trial, evidentiary proceedings may be unnecessary. It is well-established that the House managers charged with prosecuting the impeachment may introduce the record of other proceedings as substantive evidence in the Senate trial. The House managers have independent discretion over their prosecution of the case, and may decide to rest their case on the documentary record. In addition, the impeached defendant may choose to present no affirmative evidence in his defense. Where the parties have decided that the documentary record is sufficiently encompassing to allow adjudication, the Constitution does not require the Senate to ferret out additional evidence.

Strong support for summary adjudication as a faithful discharge of the Senate's constitutional duty to try impeachments can also be found in the operation of the federal judiciary. The constitution guarantees "the right of trial by jury" in "suits at common law." There is a tension between the right to trial by jury and summary adjudication by the court. Where a federal court grants summary judgment or dismisses a lawsuit, for example because it fails to state a claim, there is no trial at all, let alone a trial by jury. Nevertheless, the Supreme Court has upheld the authority of the federal courts to grant motions to dismiss and motions for summary judgment. There would seem to be even less concern regarding summary adjudication in the context of a Senate impeachment trial. This is because the Senate acts as both judge (finder of law) and juror (finder of fact) so there is no concern about the proper allocation of the adjudicative function between judge and jury.

The Constitution imposes upon the Senate a duty to try impeachments so that the Senate can act as a check against partisan abuse of the impeachment process. Fidelity to the Constitution requires the Senate carefully to interpret the law of impeachment as set forth in the Constitution and to apply that law to the facts and circumstances of every impeachment approved by the House of Representatives. As with the federal judiciary, this adjudicative duty, however, does not require the Senate to discover new evidence or to hold evidentiary proceedings where the record does not warrant.—[Memorandum, 12/22/98]

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I. THE HISTORY OF PRESIDENTIAL IMPEACHMENT TRIALS

We have had exactly one impeachment trial of a President, Andrew Johnson, in 1868. This resulted in his acquittal by a single vote. In 1974, the House Judiciary Committee voted to send articles of impeachment with respect to President Richard Nixon to the House floor, but President Nixon resigned shortly thereafter, and the articles were never voted on by the full House.

However, fourteen other impeachment trials have been held in the Senate over the country's history. In preparation for these trials, almost all of which involved federal judges, the Senate has developed a set of standing Rules of Procedure and Practice for such trials, as well as a body of precedent concerning questions of procedure that have arisen and been answered in previous trials. These rules and precedent provide a good basic outline to how the trial of President Clinton will proceed in the Senate, unless they are altered or amended prior to the beginning of President Clinton's trial.

II. CURRENT SENATE RULES OF PROCEDURE AND PRACTICE

Senate procedures while hearing an impeachment are strikingly different from those that operate during normal legislative and executive business. Senators are combinations of judges and jurors. Senators take an oath to do "impartial justice." They cannot debate or discuss matters in open session. They are expected to commit questions to writing and send them to the Presiding Officer. The Senate when sitting to consider impeachment is a very different body than the Senate we are used to seeing on C–SPAN.

Major points to bear in mind:

The trial and its rules take precedence over normal business. Once the trial begins, the rules set forth a schedule for continuing the trial until conclusion. The fundamental provisions are Rule III, stating that the Senate shall continue in session from day to day (Sundays excepted) until the trial is concluded, and Rule XIII, stating that the trial proceedings shall begin at 12 noon each day, unless otherwise provided by the Senate.

Majority rules. Motions and objections during the proceedings are governed by majority vote.

There are few opportunities to filibuster. Unlike the normal Senate, almost all trial motions, decisions, and orders are resolved under strict time limits—although these time limits would not prevent a determined effort to prolong the trial through repeated motions, whether by counsel or by a group of Senators. In fact, during the trial itself, motions, objections or challenges to rulings by the chair raised by Senators (which must be submitted in writing to the Presiding Officer) are voted on without debate at all, unless the Senate elects to go into closed session. In that case, each Senator is entitled to speak once for no more than 10 minutes.

Where the impeachment Rules are silent, the Standing Rules of the Senate apply. Precedents extending back at least to the Johnson impeachment support this.

III. HOW MIGHT THE MATTER BE RESOLVED WITHOUT A FORMAL TRIAL?

A. The Senate's duty to try the impeachment. The Constitution provides that "the Senate shall have sole power to try all impeachments." Some consider this provision to impose a duty upon the Senate to try or adjudicate all impeachments. Even if the Constitution imposes such a duty, the Senate has not understood this duty to adjudicate as necessarily requiring a formal trial. There is precedent for the Senate considering dispositive motions that would allow the Senate to render a judgment without holding a trial. (In the impeachment proceedings against Judges Ritter, Claiborne, and Nixon, the Senate entertained motions to strike articles of impeachment or to summarily adjudicate the matter.) Although such a motion is not specifically discussed in the impeachment rules, the Senate has not viewed dispositive motions as seeking to suspend, modify, or amend the rules. As a result, dispositive motions are ordinary trial motions subject to the limits on debate set forth in the impeachment rules and governed by simple majority vote.

An additional method available to resolve the matter is adjournment sine die. In the case of Andrew Johnson, the Senate voted on three articles of impeachment, acquitting on each. Rather than vote on the remaining eight articles, the Senate simply adjourned the impeachment proceedings sine die. The impeachment rules allow for a vote to adjourn sine die. Adjournment sine die does not specifically pass judgment on the articles of impeachment and so may not be satisfactory to those who consider the Senate duty-bound to try the impeachment.

B. Different motions to adjudicate the matter without an evidentiary trial. Several different motions would seem possible, some drawing on analogies to judicial proceedings.

1. A *motion to dismiss* would assert that the articles of impeachment fail as a matter of law to state actions upon which a conviction may constitutionally be based. Such an assertion could be based upon the claim that the articles do not state "high crimes and misdemeanors." Because the articles accuse President Clinton of committing perjury before a grand jury and of obstructing justice (among other things), a "motion to dismiss" would assert that such actions can never support conviction for high crimes or misdemeanors. Additionally, a "motion to dismiss" could be a vehicle for the President to raise the contention that the articles of impeachment lapsed when the 105th Congress adjourned sine die.

While there are no Senate rules governing the timing of motions, analogy to the Federal Rules of Civil Procedure would require a motion to dismiss to be made before the President submits his answer to the summons, or along with his answer to the summons.

2. In contrast to the motion to dismiss, a *motion for summary judgment* asserts (1) that the parties agree on all material facts and (2) that those facts compel judgment for the moving party. A party submitting a motion for summary judgment is agreeing to have the dispute finally adjudicated on the basis of the facts asserted in his moving papers. The opposing party has the option of filing a cross motion for summary judgment or of objecting that the parties are not in agreement as to all material facts and that a trial is required on the disputed facts. If the opposing party chooses the first course of action (and this could be done by prior agreement between the parties), then the Senate could enter judgment in the case without holding any evidentiary trial.

On a motion for summary judgment, the Senate by majority vote could issue a judgment for the President if it concluded that the undisputed facts fail to establish the existence of a high crime or misdemeanor warranting the President's removal from office. Because this motion rests on a view of the undisputed facts in the specific case, granting the President's motion for summary judgment would mean only that the specific perjury and obstructions charged in these articles of impeachment do not warrant conviction and removal from office (or that the facts failed to establish that these offenses had actually been committed). It would not imply that perjury or obstruction of justice could never serve as grounds adequate to impeach, convict, and remove a President from office.

3. The trial might also be ended by a *motion for a directed verdict*. Such a motion in civil litigation is brought after the plaintiff has concluded his case, and before the defendant mounts a defense. The motion asserts that the plaintiff's evidence is insufficient to sustain the claim, and that no reasonable fact finder would disagree. Were the House Managers to decide to submit the impeachment to the Senate based solely on evidence already gathered by Starr, the President could bring a "motion for a directed verdict" prior to an evidentiary trial involving any live witness testimony.

4. Finally, the Senate's own precedents supply the possibility of a fourth option, a *motion for summary disposition*. Such a motion might be entertained as an alternative to any of the motions just discussed, in order to avoid contending with the technicalities of such motions.

In the impeachment trial of Judge Harry Claiborne, for example, the House Managers introduced a motion for summary disposition. Both sides argued this motion without invoking the federal rules of civil procedure or judicial opinions relating to summary dispositions. The parties disputed only whether the facts warranted further evidentiary proceedings in the Senate or if the matter could be decided solely on the basis of Judge Claiborne's conviction for tax evasion. The Senate considered the motion without reference to judicial standards.

This approach is consistent with the Senate's position that it is not bound by the federal rules of civil procedure. Removing the motion from the technical categories and requirements under those rules allows each Senator the discretion to consider whether additional evidentiary proceedings, including live testimony, will serve the public interest.

C. Should the Senate appoint a committee? If the matter is not resolved on a summary basis, Rule XI provides that the Senate can appoint a committee to "receive evidence and take testimony" rather than having the Senate as a whole do so. This procedure has been employed in the case of trials of federal judges, and has been sustained by the Supreme Court. Such a committee would not and could not decide the case, but it could assemble the evidence submitted, prepare a transcript of all testimony and submit it to the Senate. The committee meetings could be televised so that noncommittee Senators would be able to watch them as they occurred, and videotapes could also be prepared for subsequent review. A number of the early proponents of what is now Senate Rule XI option are on record stating their view that such a committee should *not* be used for a presidential trial.

Composition of a Rule XI committee would be very important. Traditionally, these committees have been composed of twelve members, six from each party with the committee chair chosen from the committee members in the majority party. The Chair exercises the same role within the committee that the Chief Justice fulfills in the full Senate. This is significant because the decisions of the chair may be reversed only by a majority vote. If the votes in committee are on straight party lines, the ruling of the chair will be upheld in every instance. A complicating factor in a presidential impeachment is the requirement that the Chief Justice preside. This may require that the Chief Justice serve as the chair of a Rule XI committee if one is appointed. In this event, the rulings of the Chief Justice would be upheld on any party-line vote.—[Memorandum, 12/28/98]

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House Managers have asserted repeatedly that live witness testimony will resolve discrepancies between the testimony of witnesses, and therefore they ought to be called. There are several points to be made against this point of view.

Demeanor evidence is notoriously unreliable. Recall, for example, Alger Hiss/Whittaker Chambers. Some people were convinced by one side, some people by the other.

Demeanor evidence is not necessarily dispositive, in any event. Both witnesses can come across as reliable, honest and trustworthy. Witnesses often give credible performances while dissembling.

The House Managers are poorly situated to claim the necessity of hearing from live witnesses in order to resolve credibility issues. The House Judiciary Committee heard from no live witnesses, except Ken Starr, and yet the managers have had no difficulty in deciding *all* credibility disputes against the President or anyone giving testimony favorable to his story.

Any gains from live witnesses need to be assessed against the costs. The costs will come when the Senate chamber descends into the facts of the case with the specificity that will come from live testimony.

For example, one prominent disagreement that the House Managers have cited is that between President Clinton and Ms. Lewinsky regarding whether the President ever touched Ms. Lewinsky's breasts or genitalia. If both witnesses are called and reiterate their prior testimony, the Senate will certainly get the opportunity to observe their demeanor. This might shed some additional light on the question, but it probably won't. The possibility of securing the additional credibility data must be weighed against the serious negative ramifications such proceedings would likely have.

A. INDICTMENT

The Supreme Court engaged in a similar balancing exercise in deciding *Clinton* v. *Jones*. In that case, the court held that requiring the President to submit to judicial process in a civil case and go through an entire civil trial would not so damage the presidency as to justify interfering with the ordinary judicial process that vindicates the rule of law. Considering only indictment, as distinct from prosecution of a criminal trial, seems to impose less of a burden on the President. Indictment alone imposes no demands on the President's time.

An attempt to distinguish indictment could proceed on two bases. First, the President is apt to be more concerned about being criminally convicted than found civilly liable. Thus, an indictment could be a greater distraction from the President's duties than is a civil suit. Second, criminal indictment, unlike filing a civil complaint, stigmatizes the President.

Each of these distinctions is subject to dispute. As the Paula Jones suit itself demonstrates, a civil case can be extremely distracting. If a criminal indictment is more distracting, it seems doubtful that it is so much more distracting as to be constitutionally significant. A distinction based on stigma seems particularly weak in this case.

President Clinton has been impeached. Correctly or not, the House of Representatives has construed this impeachment as analogous to a grand jury indictment. It is thus not obvious that an actual criminal indictment would add materially to the stigma the President has already suffered.

Even accepting these grounds of distinction, the independent counsel may seek a sealed indictment. A sealed indictment would not be made known either publically or to the President. If an indictment remains sealed until the President leaves office, it is difficult to see how it could either distract the President or stigmatize him.

B. PROSECUTION

Prosecution presents a different matter. Unlike an indictment with nothing more, proceeding to an actual prosecution would place significant physical and temporal burdens on the President. Preparing for trial and then actually presenting a defense would consume the President's time and attention over a lengthy period. During the pendency of criminal proceedings, the President would repeatedly face a choice between spending the time necessary to mount a meaningful defense and devoting time to fulfilling his constitutional and statutory duties. Even if the President were to choose to spend no time on his defense, it is difficult to imagine that his mind could be fully focused on his official duties.

To so stigmatize and distract the President would seriously undermine his ability to act as a check on the legislative branch. It would also impose significant costs in terms of the nation's standing internationally.

The Supreme Court's decision in *Clinton* v. *Jones* could be taken to support subjecting the President to criminal prosecution while in office. In that case, the President had argued that the civil lawsuit should be stayed until the President's term in office expired. He based this position on concerns that the demands of defending a civil lawsuit would impermissibly interfere with his ability to discharge his official duties. Admittedly, it is unlikely that defending against a criminal prosecution is any more time consuming than defending a civil lawsuit.

There are, however, several crucial distinctions between a civil and a criminal lawsuit. In the *Jones* case, the Supreme Court emphasized that the burden imposed on the President could be minimized through proper case management by the trial judge. A court does not have the same broad array of options available in a criminal proceedings. Perhaps most significantly, the options for settling the suit without a trial are quite different. President Clinton settled the Paula Jones case by making a cash payment with no admission of wrongdoing. The rough equivalent of settlement in a criminal proceeding is a plea bargain. Such a "settlement," however, requires the defendant to admit to some criminality. As such, there is far greater pressure on the president to proceed to trial in a criminal prosecution as opposed to a civil prosecution. Moreover, the President's attendance at a civil trial is not nearly so crucial as is his attendance at a criminal prosecution. The Sixth Amendment expresses the constitutional commitment to allowing a criminal defendant's presence at trial. Finally, consider what follows a judgment in a criminal trial as opposed to a civil trial.

The Paula Jones suit threatened the President with nothing more than an assessment of monetary compensation. An adverse verdict at a criminal trial threatens imprisonment. It is clear that the Constitution does not allow the judiciary to order the imprisonment of the President. Thus, at the very least, sentencing would have to be stayed until the President leaves office.

Extending the holding in *Clinton* v. *Jones* to cover criminal prosecutions is subject to an additional objection. The course of events since the Court rendered that decision casts significant doubt upon the conclusions the Court drew in that case. In *Clinton* v. *Jones*, the Supreme Court doubted that the civil lawsuit would consume much time or attention of the President. It could not be plainer that this prediction was wrong. While there is no reason to believe that the Court is considering overruling *Clinton* v. *Jones*, there is very powerful reason to apply the practical lessons we have learned since that decision to any claim for extending the *Clinton* v. *Jones* holding to criminal prosecutions. In light of all that has occurred since that ruling, it is wildly implausible to contend that a criminal proceeding against the President would not significantly disrupt his ability to fulfill his constitutional and statutory duties.

Against this significant disruption is concern for the rule of law. As a practical matter, it is critical to recall that sentencing would be stayed until the President leaves office. Given this, it is doubtful that staying the trial as well would add significant concern from the standpoint of the rule of law. It is important to bear in mind what the rule of law requires. It demands that similarly situated citizens be treated similarly. In light of the President's unique constitutional role, it is error to contend that the President must be treated identically to a private citizen. The rule of law must encompass the fundamental law of the Constitution, and account for the peculiar role of the President within the constitutional structure. Accommodating that role by staying criminal proceedings until the President is out of office respects the rule of law as long as the President is subject to criminal prosecution once out of office. Under these circumstances, the President is subject liability in the same way as any citizen.

The *New York Times* reports that these conclusions accord with the view of most scholars. According to the *Times*, most scholars accept that the President may be indicted while in office, but that he may not be prosecuted. This assessment of the state of scholarship is probably accurate, but there is significant dissent as to each conclusion. In other words, the scholarship does not betray a consensus.

III. PRACTICE

There is very little practical experience dealing with the question of indicting or prosecuting a sitting President. The only precedent is the investigation of President Richard Nixon. The biographer to special counsel Archibald Cox reports that Cox had concluded that the separation of powers forbids indicting a sitting President. Cox's successor, Leon Jaworski, decided against seeking to indict President Nixon, although his decision was based on prudential considerations and he did not reach a certain constitutional interpretation.

In 1972, Vice President Spiro Agnew argued to the Supreme Court that a sitting Vice President could not be indicted. Then-Solicitor General Robert Bork submitted an amicus brief on behalf of the United States in which he argued that a sitting Vice President could be impeached, but a sitting President could not be. Judge Bork repeated this position yesterday in an op-ed published in the *New York Times*.

IV. HISTORY

A number of framers made statements that appear to assume that the President may not be indicted while in office. In *The Federalist* Alexander Hamilton claimed that the President would be "liable to be impeached, tried, and removed from office; and would afterwards be liable to prosecution and punishment in the ordinary course of law." In two other numbers of *The Federalist* Hamilton repeated this sequence and that criminal process comes "after" impeachment and conviction. In none of these passages, however, is Hamilton addressing the specific question of whether the President could be subject to criminal process while in office. It may represent no more than Hamilton's assumption as to what the ordinary sequence would in fact be.

Another framer, Gouverneur Morris, explained that the Constitution vests the power to try impeachments in the Senate rather than the judiciary because the judiciary would "try the President after the trial of impeachment." In the First Congress, Vice President John Adams and Senator (later Justice) Oliver Ellsworth expressed the view that "the President personally is not . . . subject to any [judicial] process whatever." But their view was disputed, for example by Senator William Maclay.

The Supreme Court reviewed this historical record in *Clinton* v. *Jones*. They concluded that history provides no answer to this question. These comments reflect the view of only a few, albeit influential, individuals and either were not made in the context of whether a sitting President could be indicted or were disputed.

V. PRUDENTIAL CONSIDERATIONS

Even if the Constitution does not prohibit indictment, that does not mean there are not powerful prudential arguments against indictment. Brett Kavanaugh, who was Associate Independent Counsel in Ken Starr's office for three years, put this argument most succinctly in a recent article he published in the *Georgetown Law Journal:*

> The President is not simply another individual. He is unique. He is the embodiment of the federal government and the head of a political party. If he is to be removed, the entire government likely would suffer, [and] the military or economic consequences to the nation could be severe. . . . Those repercussions, if they are to occur, should not result from the judgment of a single prosecutor—whether it be the Attorney General or special counsel—and a single jury. Prosecution or nonprosecution of a President is, in short, inevitably and unavoidably a political act.

Thus, as the Constitution suggests, the decision about the President while he is in office should be made where all great national political judgments in our country should be made—in the Congress of the United States.

There is an additional, closely related, consideration—protecting Congress's constitutional impeachment power. If an independent counsel can indict a sitting President, this act alone tends to force Congress's hand with respect to impeachment. The mere fact of an indictment is an additional factor that generates some pressure to impeach and convict a sitting President. That pressure is even more coercive in the context of a prosecution and verdict than of indictment alone.

VI. DEPARTMENT OF JUSTICE POLICY

Professor David Strauss recently argued that there is no need to address the constitutional issues because the independent counsel is statutorily barred from indicting a sitting President. The United States Code instructs that the independent counsel "shall except where not possible comply with the written or other established policies of the Department of Justice respecting enforcement of the criminal laws." 28 U.S.C. 594(f). Professor Strauss argues Judge Bork's Supreme Court brief in the Spiro Agnew case established the Department's policy on indicting a sitting President and that this policy is confirmed in the practice of special counsels Cox and Jaworski.

This is a strong argument, but there is a response: the brief in the Agnew case represents not a policy but an interpretation of the Constitution. That interpretation, the response would continue, has been demonstrated to be in error by the subsequent decision in *Clinton* v. *Jones*. An article published by Ken Starr's advisor on constitutional law, Professor Ronald Rotunda, argues that *Clinton* v. *Jones* makes clear what had previously been obscure—namely that a sitting President may be indicted and prosecuted.—[Memcrandum, 2/4/99]

Mr. ABRAHAM. In light of our time constraints, I would like to focus my remarks today primarily on the one issue—more than any other—that has arisen during our deliberations: namely, whether the President should be convicted if we find he committed the acts alleged in the Articles.

I believe this issue is not only central to the case at hand, it is also central to all future evaluations and applications of what we do here.

In arguing for the President, White House lawyers have asserted that the threshold for Presidential removal must be very high—and I agree. At the same time, however, we must remember that there is an inverse relationship between the level at which we set the removal bar and the degree of Presidential misconduct we will accept.

So, then, where do we set the bar?

As we know, the Constitution says: The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Now it has been suggested by some that a "high Crime" must be a truly heinous crime. But that interpretation is obviously wrong. Treason is certainly among the most heinous crimes. But bribery is not.

Taking a bribe, like treason, is however, a uniquely serious act of misconduct by a public official. That suggests a different meaning for "high Crime," one that is linked somehow to the fact that the person committing it holds public office.

Alexander Hamilton's comment about the impeachment power, quoted by so many of us here, provides the clue. In Federalist 65, Hamilton says: "The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or, in other words, from the violation of some public trust."

The President's lawyers invoked this line, but in my view they misread it. They argued that what it means is that a President's conduct must involve misuse of official power if he is to be removed from office.

But that is not what the Constitution demands, or what Hamilton's comment, fairly read, suggests. Otherwise, as has been noted, we would have to leave in office a President or a federal judge who committed murder, so long as they did not use any powers of their office in doing so.

Rather, as Hamilton's language connotes, and our own precedents in the judicial impeachment cases confirm, the connection the Constitution requires between an official's actions and functions is a more practical one: the official's conduct must demonstrate that he or she cannot be trusted with the powers of the office in question.

This rule certainly encompasses official acts demonstrating unfitness for the office in question—but it also reaches beyond such acts.

In my view, we need not determine the outer limits of this principle to decide the question before us today: whether the President's actions, as alleged in these Articles, constitute a violation of a "public trust" as Hamilton uses the term.

The answer to that question is plain when we consider the President's conduct in relation to his responsibilities.

The President's role and status in our system of government are unique. The Constitution vests the executive power in the President, and in the President alone. That means he is the officer chiefly charged with carrying out our laws. Therefore, far more than any federal judge, he holds the scales of justice in his own hands.

In the wrong hands, that power can easily be transformed from the power to carry out the laws, into the power to bend them to one's own ends.

The very nature of the Presidency guarantees that its occupant will face daily temptations to twist the laws for personal gain, for party benefit or for the advantage of friends.

To combat these temptations, the Constitution spells out—in no uncertain terms—that the President shall "take care that the laws be faithfully executed," and the President's oath of office requires him to swear that he will do so.

If he obstructed justice and tampered with witnesses in the Jones case, a federal civil rights case in which he was the defendant, the President violated his oath and failed to perform the bedrock duty of his office. He did not faithfully execute the laws.

A President who commits these acts thereby makes clear that he cannot be trusted to exercise the executive power lawfully in the future, to handle impartially such specific Presidential responsibilities as serving as the final arbiter on bringing federal civil or criminal cases or determining the content of federal regulations—especially if, as will often be the case, he has a personal or a political interest in the outcome.

Surely retaining a President in office under these circumstances constitutes exactly the type of threat to our government and its institutions so many have said must exist for conviction.

That brings the President's alleged conduct squarely within the purview of our impeachment power, whose purpose, as described by Hamilton, is to deal with "the violation of some public trust."

Furthermore, if the Articles' allegations are true, how can we leave the executive power in the hands of a President who, through his false grand jury testimony, even attempted to obstruct and subvert the impeachment process itself?

For this particular grand jury before which the President testified was not only conducting a criminal investigation; it was also charged, under Congressional statute, with advising the House of Representatives as to whether it had received any substantial and credible information that might constitute grounds for impeachment.

The framers placed the impeachment power in our Constitution as the ultimate safeguard to address misuse of the executive power.

A President who commits perjury, intending to thwart an investigation that might otherwise lead to his impeachment, has, I believe, committed a quintessential "high Crime."

Such conduct of necessity impedes, and could even preclude, Congress from fulfilling its constitutional duty to prevent the President from usurping power and engaging in unlawful conduct.

To permit such behavior would set an unacceptable precedent, because it could, in the future, allow nullification of the impeachment process itself, rendering it meaningless.

Hence, a President who acts to subvert what the Framers viewed as the ultimate Constitutional check on abuse of executive power, most certainly violates the public trust as defined by Hamilton.

Throughout this discussion I have analyzed this case as though one or more of the underlying counts in each impeachment Article were established. I recognize that not everyone has reached this conclusion—and I confess that I have spent countless hours attempting to make this determination of guilt or innocence on each Article.

However, after listening to and studying the evidence, I have concluded beyond any reasonable doubt that the President committed one or more of the acts alleged under each Article. Time does not permit me to fully explain the basis for my conclusions. But, in my view, that is where the evidence inescapably points.

In my opinion, there is no way that the President could have testified as he did in his Jones deposition concerning his relationship with Monica Lewinsky, unless he believed Ms. Lewinsky would validate his false statements if called as a witness.

The President may not have explicitly told her to lie, but when he called her on December 17, he did say "You can always say you were coming to see Betty or that you were bringing me letters."

To whom did he intend her to say this? They'd already agreed on the use of these cover stories in non-legal contexts. The only new audience was, clearly, the Jones court, and the President's comments that night were surely aimed at influencing Ms. Lewinsky's potential testimony before that court, if she were to be subpoenaed.

That this was the President's intent, is confirmed by his own testimony in the Jones case. What did he say when asked if Ms. Lewinsky had come to see him? He said that Ms. Lewinsky had come to visit Betty Currie and perhaps deliver him papers.

In my opinion, there is also no way you can refresh your memory by making assertions you know to be false to another person—as the President twice did to Betty Currie after that deposition. No, the purpose of those statements was to cause her to validate the false testimony he had just given, if she were to be subpoenaed.

And finally, if you believe that was the President's intention, then you must conclude he committed material perjury later, in his grand jury testimony, when in response to the question: "You are saying that your only interest in speaking with Ms. Currie in the days after your deposition was to refresh your own recollection?" he answered with one word: "Yes."

And there is more.

Fellow Senators, none of us asked for this task, but we must live with the consequences of our actions, not just on this administration, but on our nation for generations to come.

That responsibility cannot be shirked. It has led me to a difficult but inexorable decision.

I deeply regret that it is necessary for me to conclude that President William Jefferson Clinton committed obstruction of justice and grand jury perjury as charged in the Articles of Impeachment brought by the House, that these are "High Crimes and Misdemeanors" under our Constitution, and that therefore I must vote to convict him on these charges.

OPINION

The President has been impeached on the grounds that he obstructed justice and tampered with witnesses in connection with a federal civil rights suit in which he was the defendant, and that he committed perjury before a grand jury charged with investigating whether his previous conduct warranted prosecution or possible impeachment. It is our duty to determine whether the President did what the Articles of Impeachment charge and, if so, whether his actions were "high Crimes and Misdemeanors" that under our Constitution should bar him from further service in his office.

In considering these questions, I have done my best to imagine that I was deciding them, not about a President of the opposing political party, with whom I disagree on many issues, but about a President of my own party. I have tried to imagine what I would do if confronted with the same evidence concerning a popular Republican President whose policies I strongly supported. I have tried to decide the case before me just as I would the case of such a President.

Let me start with the facts.

After a great deal of listening, research and contemplation, I am compelled by the evidence to conclude that the President did engage in the conduct charged in both Articles. In reaching this conclusion, I rely exclusively on those elements of the case that I believe have been proven beyond a reasonable doubt. Because I believe these dictate my conclusion, I do not decide whether in an impeachment trial, the Constitution requires application of this highest of evidentiary standards, which governs in ordinary criminal cases, or whether it would also be proper for me to rely on any of the other conduct charged by the House, much of which I might well find proven under either of the lower civil law standards.

Let me briefly outline the basis for my conclusions. I will start with the second Article, because the conduct giving rise to it actually occurred first.

In my view the evidence shows beyond a reasonable doubt that, for over eleven months, from December 6, 1997 to November 13, 1998, when the President agreed to pay Paula Jones $850,000 to withdraw her sexual harassment lawsuit, the President engaged in a systematic course of obstructing justice and tampering with witnesses in Ms. Jones's case. There is no room for reasonable doubt that as part of this course of conduct the President made statements to Ms. Monica Lewinsky and Ms. Betty Currie that were intended to cause them to validate, through testimony he thought they could well be called upon to give, the false story he was planning to tell or had already told in his own deposition. These statements to Ms. Lewinsky and Ms. Currie constitute the second and sixth Acts of obstruction and witness tampering charged by the House. There is also no room for reasonable doubt that the President supported efforts to conceal gifts he had given to Ms. Lewinsky after those gifts had been subpoenaed as evidence in that case. That constitutes the third act of obstruction charged by the House.

As to the first Article: I am convinced that the House has shown beyond a reasonable doubt that the President perjured himself before the grand jury in two instances. First, he stated that his only purpose in talking to Ms. Currie in the days following his Jones deposition was to refresh his own recollection, thereby falsely claiming to the grand jury that he did not intend to tamper with her potential testimony if she were called as a witness in the Jones case. Second, he reaffirmed the veracity of his Jones deposition denial of "sexual relations" with Ms. Lewinsky, under the definition of that term approved by the court in that case. This was not merely a "lie about sex" to protect his family. By the time of his grand jury appearance, the President had already acknowledged to his family his improper relationship with Ms. Lewinsky. Before the grand jury, the President falsely asserted the truth of his earlier sworn statements for the sole purpose of protecting himself from possible prosecution or impeachment.

In light of these conclusions, the final overriding issue is whether the President's actions constitute "high Crimes and Misdemeanors" requiring his removal from office under Article II, section 4 of the Constitution. As has been acknowledged on both sides, reasonable people can differ on this question. And indeed it is only on this issue, whether the President must be removed, that Americans are consequentially divided. A decided majority of Americans agree that the President committed the crimes alleged in at least one of the Articles. And in their hearts I believe a significant majority of my colleagues do as well.

The public, like us, is in disagreement over what the consequences should be. A clear majority oppose removal, but for a variety of reasons—ranging from a feeling that the President does not deserve to be removed, to a concern not to endanger current economic conditions, to a preference for the President over the Vice President, to the belief that, because the President has less than two years remaining in this term, removing his is not worth the disruption it would cause.

These considerations would legitimately play a role in our decision if we were functioning as a legislative body in a parliamentary system deciding whether to retain the current government. But that is not our role here. The Constitution requires the Senate to sit not in an ordinary legislative capacity on this matter, but as a court of impeachment. That is why, at the beginning of a trial on Articles of Impeachment, Article I, section 3 of the Constitution states that Senators must take a special oath to do impartial justice. Accordingly, it is my view that our decision cannot be based on other considerations, but instead must be based on what the Constitution dictates, and taken with a view toward the precedent we will establish regarding what is acceptable Presidential behavior.

In arguing for the President, White House lawyers have asserted that the threshold for Presidential removal must be very high—and I agree. At the same time, however, we must remember that there is an inverse relationship between the level at which we set the removal bar and the degree of Presidential misconduct we will accept.

So, then, where do we set the bar? What does the Constitution dictate? What precedent should we set for the ages?

Let us start with the text of the Constitution, which states simply: "The President, Vice President and all civil Officers of the United States shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

The first interpretation that has been suggested is that a "high Crime" must be a truly heinous crime. But that is obviously wrong. Treason is certainly among the most heinous crimes. But bribery is not.

Taking a bribe, like treason, is however uniquely serious misconduct by a public official. That suggests a different meaning for "high Crime," one that is linked somehow to the fact that the person committing it holds public office.

A comment by Alexander Hamilton in Federalist 65 provides the clue.

In Federalist 65, speaking of impeachment, Hamilton says: "The subjects of its jurisdiction are those offenses which proceed from the misconduct of public men, or, in other words, from the violation of some public trust."

The President's lawyers invoke this line, but they misread it. They argue that what it means is that to require removal, a President's conduct must involve misuse of official power.

But that is not what the Constitution demands, or what Hamilton's comment fairly read suggests. Otherwise we would have to leave in office a President or a federal judge who committed murder, so long as they did not use any powers of their office in doing so. Rather, as Hamilton's language connotes, and our own precedents confirm, the connection the Constitution requires between the official's actions and functions is a more practical one: the official's conduct must demonstrate that he or she cannot be trusted with the powers of the office in question. This rule encompasses official acts demonstrating unfitness for the office in question, but it also reaches beyond such acts.

We need not determine the outer limits of its principle to decide the question before us today: whether the President's actions here constitute a violation of a "public trust" as Hamilton uses the term. The answer to that question is plain when we consider his conduct in relation to his responsibilities.

The President's role and status in our system of government are unique. The Constitution vests the executive power in the President, and in the President alone. That means he is the officer chiefly charged with carrying out our laws. Therefore, far more than any federal judge, he holds the scales of justice in his own hands.

In the wrong hands, that power can easily be transformed from the power to carry out the laws into the power to bend them to one's own ends. The very nature of the Presidency guarantees that its occupant will face daily temptations to twist the laws for personal gain, for party benefit or for the advantage of friends in or out of power. To combat these temptations, the Constitution spells out in no uncertain terms that the President shall "take care that the laws be faithfully executed," and his oath of office requires him to swear that he will do so.

By obstructing justice and tampering with witnesses in the Jones case, a federal civil rights case in which he was the defendant, the President violated his oath and failed to perform the bedrock duty of his office. He did not faithfully execute the laws. He thereby made clear that he cannot be trusted to exercise the executive power lawfully in the future, to handle impartially such specific Presidential responsibilities as serving as the final arbiter on bringing federal civil or criminal cases or determining the content of federal regulations—especially if, as will often be the case, he has a personal or political interest in the outcome.

Surely retaining a President in office under these circumstances constitutes the type of threat to our government and its institutions so many have said must exist for conviction. That brings his conduct squarely within the purview of our impeachment power, whose purpose, as described by Hamilton, is to deal with "the violation of some public trust."

Obstruction of justice, witness tampering, and grand jury perjury are serious federal crimes. How do we explain to others who commit them, many out of motives surely as understandable as the President's, that while the President stays in the White House, his Department of Justice is trying to send them to prison? How can we expect ordinary citizens to accept that the President can remain in office after lying repeatedly under oath in court proceedings, but that it is still their duty to tell the truth?

Finally, how can we leave the executive power in the hands of a President who, through his false grand jury testimony, has even attempted to obstruct and subvert the impeachment process itself? For the particular grand jury before which the President testified falsely was not only conducting a criminal investigation; it was also charged, under Congressional statute, with advising the House of Representatives whether it had received any substantial and credible information that might constitute grounds for impeachment.

The framers placed the impeachment power in our Constitution as the ultimate safeguard to address misuse of the executive power. A President who commits perjury, intending to thwart an investigation that might otherwise lead to his impeachment, has committed a quintessential "high Crime." This crime impeded, and could have even precluded, Congress from fulfilling its duty to prevent the President from usurping power and engaging in unlawful conduct. To permit such behavior could, in effect, allow nullification of the impeachment process itself, rendering it meaningless. Hence, a President who acts to subvert what the Framers viewed as the ultimate Constitutional check on abuse of executive power, most certainly violates the public trust as defined by Hamilton.

To allow a President to continue in office after committing these acts would place the Presidency above the law and grant the President powers close to those of a monarch. This, in turn, presents a clear and present danger to the rule of law, the birthright of all Americans. Indeed, we Americans take the rule of law so thoroughly for granted that while it has been much invoked in these proceedings, there has been little discussion of what it means or why it matters. Simply put, the rule of law is the guarantee our system makes to all of us that our rights and those of our countrymen will be determined according to rules established in advance. It is the guarantee that there will be no special rules, treatment, and outcomes for some, but that the same rules will be applied, in the same way, to everyone.

If America's most powerful citizen may bend the law in his own favor with impunity, we have come dangerously close to trading in the rule of law for the rule of men. That in turn jeopardizes the freedoms we hold dear, for our equality before the law is central to their protection.

We are a great nation because, in America, no man—no man—is above the law. Americans broke from Great Britain because the mother country claimed it had a right to rule its colonies without restraint, as it saw fit. Our tradition of chartered rights—rights laid down in laws, which no king, Parliament or other official could breach—culminated in our Constitution. That Constitution, which is itself only a higher law, protects us from tyranny. Once the law becomes an object of convenience rather than awe, that Constitution becomes a dead letter, and with it our freedoms and our way of life.

Mr. Chief Justice, my grandparents did not come to this country seeking merely a more convenient, profitable life. They came here seeking the freedoms that were given birth on Bunker Hill and in the Convention at Philadelphia.

I know some people mock as self-righteous or feckless the piety many Americans have toward their heritage and toward the Constitution that guards their freedom. But I will never forget that it is not the powerful or those favored by the powerful who need the law's protection.

If we set a precedent that allows the President—the chief magistrate and the most powerful man in the world—to render the judicial process subordinate to his own interests, we tell ordinary citizens, like my grandparents, that Americans are no longer really equal in the eyes of the law. We tell them that they may be denied justice. And we thereby forfeit our own heritage of constitutional freedoms.

None of us asked for this task, but we must live with the consequences of our actions, not just on this administration, but on our nation for generations to come. That responsibility cannot be shirked. It has led me to a difficult but inexorable decision. I deeply regret that it is necessary for me to conclude that President William Jefferson Clinton committed obstruction of justice and grand jury perjury as charged in the Articles of Impeachment brought by the House, that these are "high Crimes and Misdemeanors" under our Constitution, and that therefore I must vote to convict him on these charges.

Ms. MIKULSKI. Mr. Chief Justice, I will vote against the articles of impeachment accusing the President of the United States of perjury before a grand jury and obstruction of justice.

The Republican House Managers have asked the Senate to remove the President from office, overturning a free and fair election in which 100 million Americans cast their vote. Short of voting on whether or not to send our sons and daughters to war, I can envision no more profound decision.

I have taken this responsibility as seriously as anything I have done in my life. A little over a month ago, I escorted the Chief Justice into this chamber and stood with my colleagues when we took a collective oath, as an institution, to render impartial justice in this trial. Then, we individually signed our names and pledged our honor to faithfully fulfill our oath. That was an indelible and profound moment.

I have sought to fulfill both responsibilities—to be impartial and to render justice. I have sought to be impartial, which I view as a test of character and will. And I have sought to pursue justice, which to me includes the responsibility to perform the homework—do the reading, review the evidence and weigh the facts.

I have listened carefully, and with an open mind, to the presentations of the Republican House Managers and the President's Counsel. I have reviewed the evidence. I have read all of the key witnesses' testimony before the grand jury. I have intensely studied the law pertaining to perjury and obstruction of justice, discussed the issue with respected lawyers, developed an appropriate standard of proof, and reviewed the House testimony of Republican and Democratic former prosecutors for their views on the charges. Finally, I have read what our nation's founders wrote about impeachment during those months in 1787 when the Constitution was formed, and considered the writings of many of today's finest scholars.

As I reviewed the historical underpinnings of impeachment, I have reflected on the intentions of the Founding Fathers who developed our famed system of "checks and balances"—our Constitution. That system, designed with the precision of Swiss watchmakers and the concern of loving parents, has served our nation very well over the last 200 years and served as a guidepost for nations around the world as they struggled to establish democracies.

I wondered what the Framers of the Constitution would think of this trial—how they would counsel us. In fact, we can use their rationale and their framework to guide us as we reach conclusions about the evidence and as we determine whether that evidence merits removing a president from office.

Using all this as my guide, I have concluded that the evidence presented by the House Managers does not meet a sufficient standard of proof that President Clinton engaged in the criminal actions charged by the House. I conclude that the President should not be removed from office.

In coming to that conclusion, I have used the highest legal standard of proof—"beyond a reasonable doubt," which is required in federal and state criminal trials. I believe that removing a president is so serious, and such an undeniably tumultuous precedent to set in our nation's history, that we should act only when the evidence meets that highest standard. The United States Senate must not make the decision to remove a President based on a hunch that the charges may be true. The strength of our Constitution and the strength of our nation dictate that we be sure—beyond a reasonable doubt.

The House Managers' case is thin and circumstantial. It doesn't meet the standard of "beyond a reasonable doubt."

The first article of impeachment, charging the president perjured himself before the grand jury, has not been proven beyond a reasonable doubt.

For instance, the House Managers claim that President Clinton committed perjury when he used the term "on certain occasions" to define the number of times he had inappropriate contact with Ms. Lewinsky. The Managers believed the term "on certain occasions" meant fewer than the 11 times that were counted by Federal investigators and they labeled it "a direct lie."

But there is no clear numeric or legal definition of "certain occasions." To disagree about the definition of "certain occasions" is not perjury. And it is not material whether it was 11 times or "on certain occasions." President Clinton admitted the relationship, which was the material point.

The Republican House Managers also claimed President Clinton committed perjury by not recalling the exact date, time, or place of events that occurred two years before. This was because other witnesses recalled things slightly differently. I do not believe this is or can be perjury because well-established court standards state that "the mere fact that recollections differ does not mean that one party is committing perjury."

Overall, the House Manager's assertions rest on Mr. Clinton's vague and unhelpful responses to the Independent Counsel's questions. While those responses may be frustrating to the Independent Counsel, the Republican House Managers, and, perhaps the American public, they are not perjurious as defined by law.

Similarly, the case presented by the Republican House Managers has not presented sufficient direct evidence to prove beyond a reasonable doubt that the President obstructed justice. Instead, the House Managers relied on extensive conjecture about what the President may have been thinking. In fact, there is direct and credible testimony by multiple witnesses that is directly contrary to the House Managers conjecture, leaving ample room for doubt.

The Republican House Managers also did not prove beyond a reasonable doubt that there was a causal connection between Ms. Lewinsky's job search and the affidavit she gave in the Jones lawsuit. Ms. Lewinsky testified clearly and repeatedly that she was never promised a job for her silence. That testimony is not challenged by any other witness. In fact, other witnesses support that testimony and her most recent deposition by the House Managers confirms it.

From the outset of this trial, I established that I would use a two-tier analysis for my deliberations. First, I would determine whether the evidence proved beyond a reasonable doubt that the President was guilty of the charges. Second, I would then determine whether or not those charges rose to the level of "high crimes and misdemeanors"—the standard required by the Constitution for conviction and removal of a President.

Since my analysis of the charges brought by the Republican House Managers determined that they had not been proven beyond a reasonable doubt, the question of determining high crimes and misdemeanors is, I believe, moot. I will say, however, that I am again taken by the wisdom and prescience of the Founding Fathers in addressing this point. I, like many, have read and re-read the work of Alexander Hamilton with particular interest. On March 7, 1788, he wrote "Federalist 65," outlining the reasons for, and consequences of, an impeachment trial in the Senate. In that writing, Mr. Hamilton asserted that the proper subject of an impeachment trial would be "the abuse or violation of some public trust . . . as they relate to injuries done immediately to the society itself."

I believe it is clear from those words, and the words of others who drafted the Constitution, that impeachment was not intended to be used for an act that did not meet that standard. It was not meant to be used for punishment of the President. I believe that the Framers intended the last resort of impeachment to be used when a presidential action was a clear offense against the institutions of government. I do not believe that President Clinton's conduct, as wrong as it was, rises to that level.

I wish to choose my words judiciously for I believe the behavior of the President was wrong, reckless and immoral. President Clinton has acknowledged that his behavior has harmed his family and the nation, and that his behavior, in the end, is what brought us to this day. Mr. Clinton engaged in an illicit, inappropriate relationship and tried to hide it out of shame and the fear of disgrace. Those actions are clearly deplorable and should be condemned in the most unequivocal terms. But the evidence simply and profoundly does not prove criminal wrongdoing.

Certainly, the impeachment process has been a difficult period in our nation's history. It has challenged the strength of our institutions and the strength of our nation. But, Mr. Chief Justice, I still find reason for tremendous hope.

First, I find hope in the unflagging commitment of the United States Senate to do the right thing for the right reason. I am proud to be a part of this Senate that was ably led by Mr. LOTT and Mr. DASCHLE and conducted this trial in a serious, bipartisan, reflective, and cooperative spirit.

I am reassured that Alexander Hamilton and other constitutional Framers saw fit to charge the Senate with the responsibility to try such a case. I hope and believe that we have fulfilled their expectations to be a sufficiently dignified and independent tribunal, one that could preserve "unawed and uninfluenced, the necessary impartiality" between the parties in this trial. I would like to thank my colleagues on both sides of the aisle for meeting their responsibilities with such commitment, honor, professionalism, and concern for this body and the judgment of history. I will modestly presume that history will say we discharged our duty well.

I will never forget one of our finest hours—when, early in the process, we convened in the old Senate Chamber to deliberate. I had the honor to preside, with my Republican colleague Mr. MACK, over that colloquy in which we established a process that would maintain the dignity of the Senate and provide a framework for conducting the trial. That precedent set an important tone for the proceedings that followed and I believe that the good will generated in that historic meeting held throughout our deliberations.

Finally, I also find tremendous hope in the growing national consensus that we must move forward together to address pressing problems in our neighborhoods, communities and cities. Over the last month, the nation has cried out for a focus on education, preserving Social Security and Medicare, investing in our economy, and providing global leadership.

We should now heed those calls. I will not say that now we must "return to the nation's business." In fact, as difficult and time consuming as this process has been, I believe fulfilling our duty to "render impartial justice" has been the nation's business. I am hopeful that with the conclusion of this trial, we may all return to the work of making our nation more prosperous, our families stronger, our children better educated, our communities more cohesive, and our world safer at home and abroad. I believe we will move on knowing that we have fulfilled our constitutional responsibilities with diligence and honor.

Thank you.

Mr. GRAMS. Despite the handicaps placed upon the House managers, I feel they did an excellent job in presenting their case in support of the articles of impeachment and laying out the facts. I listened to them carefully, as I listened to the White House Counsel and the President's lawyers in their vigorous defense of William Jefferson Clinton.

I have heard some of my colleagues say that it was one particular fact or incident that led them to their conclusion. That was not the case with me. I needed to listen to all the facts throughout the trial, before I truly could decide how I would vote.

But after carefully weighing all the evidence, all of the facts, and all the arguments, I have come to the conclusion—the same conclusion reached by 84% of the American public—that President Clinton committed perjury and wove a cloth of obstruction of justice.

Lead presidential counsel Charles Ruff said in testimony before the House Judiciary Committee, and here during the Senate trial, that fair-minded people could draw different conclusions on the charges.

I disagree in one aspect, but agree in another. I personally feel there is no room to disagree on whether the President is guilty of the charges in both Article One and Article Two; he committed perjury and he clearly obstructed justice. But I agree we will differ on whether these charges rise to the level of high crimes which dictate conviction. Again, I believe they do and have voted yes, on both articles.

The President was invited by letter to come and testify before the Senate. As the central figure in this trial, he alone knows what happened, and if truthful, he could have addressed the compelling evidence against him. He refused.

It has been said that many have risked their political futures during this process. Perhaps—yet I will not hesitate telling constituents in my state how and why I voted the way I did. With a clear conscience, I will stand in their judgment and I will live with and respect whatever their decision on my political future may be.

But remember, those who vote to acquit—that is, to not remove this President—will have the rest of their political lifetimes to explain their votes. They also will be judged.

Collectively too, we will have to await what history will say about this trial and how it was handled. Will this Senate be judged as having followed the rule of law; that is, deciding this case on the facts, or will we be remembered as the rule-making body who deferred to public sentiment? The polls say this President is too popular to remove. If we base our decision on his popularity rather than the rule of law, we would be condoning a society where a majority could impose injustice on a minority group, only because it has a larger voice. A rule of law is followed so that justice is done and our Constitution is respected, regardless of popularity polls.

The foundation of our legal system, I believe, is at risk, if the Senate ignores these charges. The constitutional language of impeachment for judges is the same as for the President. Judges are removed from the bench for committing perjury, and also face criminal charges, as do ordinary citizens. We must not accept double standards.

The prospect of such a double standard was raised countless times by the House Managers. Consider the irony created by a two-tiered standard for perjury. A President commits perjury, yet remains in office. But would a cabinet member who committed perjury be allowed to keep his or her job? Would a military officer who committed perjury be allowed to continue to serve? Would a judge who committed perjury remain on the bench? They would not, and yet our President, the nation's chief law enforcement officer, is allowed to keep his office after having committed the same offense.

Again, in my view, this is a double standard and is completely unacceptable for a nation that prides itself on a legal system which provides equal justice under the law.

As to our final duty, the final vote, I believe the so-called "so what" defense has controlled the outcome. "He did it, but so what" we have heard it a thousand times from a hundred talking heads. We have heard it from our colleagues, too, in both chambers. Well, for this Senator, "so what" stops at perjury and obstruction of justice. I will cast my vote with sorrow for the President, his family, and for the toll this trial has taken on the nation, but with certainty that it is the only choice my conscience and the Constitution permits me to make.

Mr. BREAUX. Mr. Chief Justice and my colleagues. Thank you very much, Mr. Chief Justice, as so many people have said before, for serving with your patience and your fairness. If you care to extend your time with us, I would invite you to help preside over my Medicare commission—if you would like to help out in that regard.

I also want to acknowledge and thank our two leaders for the fairness and the patience that they both have exhibited to all of us and the good job they have done keeping this body together, which I happen to think is extremely important as well.

I think it is always very difficult for us to sit in judgment of another human being, and particularly is that very difficult when it involves moral behavior, or moral misbehavior as this case essentially is all about. I was always taught that there was a higher authority that made those types of decisions, but here we are, and that is part of our task.

I think it is also especially difficult to make those kinds of decisions when they involve someone you know and someone you actually deal with in a relatively close relationship, almost on a day-to-day basis. It is difficult when it is someone that you can in private kid with or that you in private can joke with, as is the case for many of us with this accused whom we now sit in judgment of.

I know this President and he is someone I have admired for his political accomplishments and I have admired for what he has been able to do for this country, but also quite well recognize the human frailties that he has, as all of us have. If this were a normal trial, many of us wouldn't even be here; we would have been excused a long time ago; we would never have been selected to sit in judgment of this President. We would have been excused because of friendship, we would have been excused because we know him, we would have been excused because we campaigned for him and with him, or we would have been excused for the opposite reasons—because he is a political adversary that we have campaigned against, that we have given speeches against, that we disagree with publicly on just about everything he stands for. None of us would find ourselves sitting in judgment of this individual if it were a normal trial. But, then again, it is not a normal trial, and these certainly are not normal times.

For many of us, this is the first time we have ever had a President who has sort of been a contemporary—certainly for me, and many of my colleagues are in that same category. I was here, as were many of you in my generation, when President Johnson was here, and served throughout the time of President Johnson all the way through President Bush. I have met them all and knew them all to various degrees but never in the same way that I and many of us know this particular President, because he really is in the same generation as we are. I think we have that feeling, when we talk with him. I mean, many times I feel he knows what I am going to say before I say it and he understands what I am trying to convey to him before I even have said anything about the subject matter.

I think that many of us have had, with him, the same type of life experiences, and that our lives have been shaped by similar events because we really are of the same generation. So it is very difficult, coming from that position and now sitting in judgment of a person for his moral behavior. So I think we have to be extremely careful, those of us who come from this side with that personal friendship and relationship, as well as those who come from the opposite side, as a political adversary. It is very difficult to set those emotions aside and say I am going to be fair in judging someone I just cannot stand politically, that I don't agree with on anything, and I wish he wasn't my President; in fact, I supported someone else. So, it is very difficult for all of us to try to set that aside and come to an honest and fair and decent conclusion.

I think the American people have been able to do that. I think they have had a good understanding of what this case is about from the very beginning. They understood what it was about before the trial ever started, they understood what it was about during the trial, and I think they understand what it is all about after the trial. I think they understand what happened. I think they know when it happened, they know where it happened, and they know what was said about it. I think that they were correct from the very beginning.

What we really have is a middle-aged man, who happens to be President of the United States, who has a sexual affair with someone in his office, and that when people started finding out about it, he lied about it, tried to cover it up, tried to mislead people about what happened. I would daresay that this is not the first time in the history of the world that this has ever happened. I daresay it probably will not be the last time that it will happen. It is probably not the first time it has happened in this city.

All of that does not make it right; it does not make it acceptable. It does not make it excusable. It cannot be condoned and it cannot be overlooked. Actions that are wrong have consequences, and now the consequences must be determined by the Senate.

The question here is not really whether anything wrong was done. For heaven's sakes, everybody knows that what was done was clearly wrong. It was unacceptable. It was embarrassing. It was indefensible and any other adjective you can possibly think of to really describe it. But that is not really the question before us, and we can all agree on that. I think the question is not even whether this was perjury or whether it was obstruction of justice under the terms of the Constitution.

I think the only question before us is whether what happened rises to the highest constitutional standards of high crimes and misdemeanors under the Constitution, justifying automatic removal of this President from the office of President.

I have concluded that the Constitution was designed very carefully to remove the President of the United States for wrongful actions as President of the United States in his capacity as President of the United States and in carrying out his duties as President of the United States. For wrongful acts that are not connected with the official capacity and duties of the President of the United States, there are other ways to handle it. There is the judicial system. There is the court system. There are the U.S. attorneys out there waiting. There may even be the Office of Independent Counsel, which will still be there after all of this is finished.

But we here cannot expand the Constitution in this area. I think history supports my position. I will cite you just a quick two examples. Senator SLADE GORTON earlier spoke about the situation with the Secretary of the Treasury, Alexander Hamilton. As Secretary, he was having an affair with a woman here in this city and they found out about it. He was paying off the husband of the wife that he was having an affair with. He was trying to get her to burn the evidence, which were letters that he had sent, to try to cover it up—

criminal acts. But the Congress that was investigating him, came to the conclusion that the behavior was private. It was wrong, it was terrible, it was criminal, but it was private behavior and he was not impeached. Not because, I think, as SLADE tried to say, that he wasn't impeached because he admitted it, he only admitted it when he got caught. But he was not impeached because they decided that it was essentially private behavior. That was in 1792, and Adams and the Founding Fathers were here at that time and they came to that conclusion.

More recently, the situation with President Richard Nixon, I think, is a clear example of what we are struggling with here, to find this connection between official duties and what he did. One of the articles that they accused President Nixon with was that he had, not once, but four times filed fraudulent income tax returns under the criminal penalty of perjury—that he deducted things that he should not have deducted and that he didn't report income that should have been reported. By a 26-to-12 vote, the House Judiciary Committee said, among other things, that "the conduct must be seriously incompatible with either the constitutional form and principles of our Government or the proper performance of the constitutional duties of the President's office." They said that it did not demonstrate public misconduct, but rather private misconduct that had become public. I think the situation today is very similar.

These are clear examples both in the beginning of our country's history and very recently about the need for this nexus or connection between the illegal acts and the duties of the office of the President.

Let me conclude by saying I am voting not to convict and remove. But that is not a vote on the innocence of this President. He is not innocent. And by not voting to convict we can't somehow establish his innocence. If the standard of removal was bad behavior, he would be gone. I mean there would probably be no disagreement about that. But that is not the standard.

I urge a "no" vote on conviction and removal and ask our colleagues to join in a bipartisan, strong, clear censure resolution and spell out what happened and where it happened and when it happened and what was said about what happened so that history will be able to, forever, look at that censure resolution and study it and learn from what we do today. That, my colleagues, I think is an appropriate and a proper remedy.

Thank you.

Mr. DOMENICI. I have listened carefully to the arguments of the House Managers and the counter-arguments by the White House counsel during this impeachment trial. I have taken seriously my oath to render impartial justice.

While the legal nuances offered by both sides were interesting and essential, I kept thinking as I sat listening that the most obvious and important but unstated question was: What standard of conduct should we insist our President live up to?

Only by taking into account this question do I believe that we in the Senate can properly interpret our Founding Fathers' impeachment criteria comprised of "bribery, treason or other high crimes and misdemeanors." Clearly, the Constitution recognizes that a President may be impeached not only for bribery and treason, but also for other actions that destroy the underlying integrity of the Presidency or the "equal justice for all" guarantee of the Judiciary.

All reasonable observers admit that the President lied under oath and undertook a substantial and purposeful effort to hide his behavior from others in order to obstruct justice in a legal proceeding. My good friends and Democratic colleagues, Senators JOE LIEBERMAN, DANIEL PATRICK MOYNIHAN, BOB KERREY, DIANE FEINSTEIN, and ROBERT BYRD, among others, have bluntly acknowledged publically that the President lied, misled, obstructed, and attempted in many ways to thwart justice's impartial course in a civil rights case. The sticking point has been: Does this misbehavior rise to the level of impeachable offenses?

I have concluded that President Clinton's actions do, indeed, rise to the level of impeachable offenses that the Founding Fathers envisioned.

I am not a Constitutional scholar, as I have told you before. But, more than 200 years ago, Chief Justice of the Supreme Court John Jay summed up my feelings about lying under oath and its subversion of the administration of justice and honest government:

> Independent of the abominable insult which Perjury offers to the divine Being, There is no Crime more pernicious to Society. It discolours and poisons the Streams of Justice, and by substituting Falsehood for Truth, saps the Foundations of personal and public rights. . . . Testimony is given under solemn obligations which an appeal to the God of Truth impose; and if oaths should cease to be held sacred, our dearest and most valuable Rights would become insecure.

Lying under oath is an "insult to the divine Being . . . It discolours and poisons the Streams of Justice . . . and . . . saps the Foundations of personal and public Rights."

How can anyone, after conceding that the President lied under oath and obstructed justice, listen to this quotation and not conclude that this President has committed acts which are clearly serious, which corrupt or subvert the political and government process, and which are plainly wrong to any honorable person or to a good citizen?

We must start by saying that this trial has never been about the President's private sex acts, as tawdry as they may have been.

This trial has been about his failure to properly discharge his public responsibility. The President had a choice to make during this entire, lamentable episode. At a number of critical junctures, he had a choice either to tell the truth or to lie, first in the civil rights case, before the grand jury and on national television. Each time he chose to lie. He made that fateful choice.

Truthfulness is the first pillar of good character in the Character Counts program of which I have been part of establishing in New Mexico. Many of you in this chamber have joined me in declaring the annual "Character Counts Weeks." This program teaches grade school youngsters throughout America about six pillars of good character. Public and private schools in every corner of my state teach children that character counts; character makes a difference; indeed, character makes all the difference.

Guess which one of these pillars comes first? Trustworthiness. Trustworthiness.

So what do I say to the children in my state when they ask, "Didn't the President lie? Doesn't that mean he isn't trustworthy? Then, Senator, why didn't the Senate punish him?"

Let me quote one of the most critical passages from Charles L. Black, Jr., and his handbook on impeachment, one of the seminal works on the impeachment process. He ponders this question: what kinds of non-criminal acts by a President are clearly impeachable? He concludes that "high crimes and misdemeanors" are those kinds of offenses which fall into three categories: "(1) which are extremely serious, (2) which in some way corrupt or subvert the political and governmental process, and (3) which are plainly wrong in themselves to a person of honor, or to a good citizen, regardless of words on the statute books."

Well, there you have it in my judgment. The President lied under oath in a civil rights case, he lied before a grand jury and he lied on national television to the American people.

Regarding Article II, obstruction of justice the House Managers proved to my satisfaction the following facts:

(1) The President encouraged Monica Lewinsky to prepare and submit a false affidavit; (2) He encouraged her to tell false and misleading cover stories if she were called to testify in a civil rights lawsuit; (3) He engaged in, encouraged or supported a scheme to conceal his gifts to Monica Lewinsky that had been subpoenaed in the civil rights lawsuit; (4) He intensified and succeeded in an effort to find Monica Lewinsky a job so that she would not testify truthfully in the civil rights lawsuit; (5) He gave a false account of his relationship with Monica Lewinsky to Betty Currie in order to influence

Ms. Currie's expected testimony in the civil rights lawsuit; (6) At his deposition in a Federal civil rights action against him, William Jefferson Clinton allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit, in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently called to the attention of the judge by his attorney; (7) He lied to John Podesta, Sidney Blumenthal, Erskine Bowles and other White House aides regarding his relationship with Monica Lewinsky to influence their expected testimony before the Federal grand jury.

In this day and age of public yearning for heroes, we criticize basketball, football and baseball players, and actors and singers who commit crimes or otherwise fail to be "good role models." One of those celebrities said a few years ago that he was only a basketball player, not a role model. He said in essence: "Want a role model, look to the President."

Do not underestimate, my friends, the corrupting and cynical signal we will send if we fail to enforce the highest standards of conduct on the most powerful man in the nation.

Finally, I want to address a question that my good friend, Senator BYRD, raised over the weekend in a television show. After declaring that the President had lied and obstructed justice, and after concluding these acts were impeachable offenses, Senator BYRD, for whom I have great respect, noted that it was very hard, in his judgment, to impeach a president who enjoyed the public popularity that this President enjoys.

Let me respond to that. Popularity is not a defense in an impeachment trial. Indeed, one of our Founding Fathers addressed this issue of popularity directly in the oft-quoted Federalist Papers: "It takes more than talents of low intrigue and the little arts of popularity" to be President. And, popularity isn't a pillar of Character Counts.

What if a President committed the same acts as those alleged in this trial but he was presiding over a weak economy, a stock market at a three-year low, 12 percent unemployment, 16 percent inflation and a nation worried about their job security and families? I wonder if this would be a straight party line vote. I just wonder.

Conversely, I wonder if you had a President who committed one of the impeachable crimes enumerated in the Constitution—bribery or treason. And the facts were obvious and clear: he gave a job to someone in exchange for a $5,000 bribe and the entire episode was on video tape. In this hypothetical, what if this bribery-perpetrating President was very popular but the House, nonetheless, impeached him. It would be the Senate's responsibility to hold a trial. In this example, economy is strong, the country is at peace, everyone's stock market investments are soaring. Would we then interpret the Constitution to provide a popularity defense? Would we create a "booming economy exception" to the conviction and removal clause of the Constitution? I doubt it. I doubt it very much. Let me repeat, temporary popularity of a President cannot be a legitimate defense against impeachment.

The President has committed high crimes and misdemeanors, in violation of his oath of office. He lied under oath. He obstructed justice. His behavior was unworthy of the Presidency of the United States.

Thus, I sadly conclude that the President is guilty of the charges made against him by the House of Representatives and I will vote to convict him on both counts before the Senate.

Thank you, Mr. President.

Mr. SARBANES. Mr. Chief Justice and colleagues, in his award-winning book "The Making of the President, 1960," Theodore H. White refers to an American Presidential election as "the most awesome transfer of power in the world."

He notes that:

> No people has succeeded at it better or over a longer period of time than the Americans. Yet as the transfer of this power takes place, there is nothing to be seen except an occasional line outside a church or school or file of people fidgeting in the rain, waiting to enter the voting booths. No bands play on election day, no troops march, no guns are readied, no conspirators gather in secret headquarters.

And later in that opening chapter White observes:

> Good or bad, whatever the decision, America will accept the decision and cut down any man who goes against it, even though for millions the decision runs contrary to their own votes. The general vote is an expression of national will, the only substitute for violence and blood.

I begin with those quotes to underscore the critical significance of a Presidential election in the structure of our national politics. Many learned commentators have observed that one of the original contributions to the art of government made by the Constitutional Convention was to develop a Presidential, as opposed to a parliamentary, system of government, wherein the executive is chosen by the electorate and is not dependent upon the confidence of the legislature for his office. As former Attorney General Katzenbach observed:

> It is a serious matter for the Congress to remove a President who has been elected in a democratic process for a term of four years, raising fundamental concerns about the separation of powers.

He goes on to note that if the removal power is not limited, as it clearly is, impeachment could be converted into a parliamentary vote of no confidence which, whatever its merits, is not our constitutional system. The separation of powers embraced in our Constitution and the fixed term of the President have been credited by many observers with providing stability to our political system.

It is important therefore to recognize that in considering the matter before us we do so in the context of a Presidential election, wherein the people have chosen the single leader of the executive branch of our Government—the President.

Since the Framers put the impeachment remedy in the Constitution, it is obvious they recognized that there may be circumstances which require the Congress to remove a duly elected President. However, in my judgment, as the Framers indicated, we need to be very careful, very cautious, very prudent, in undertaking that remedy lest we introduce a dangerous instability in the workings of our political institutions.

Viscount Bryce, whose bust is at the foot of the steps in the hallway below, was a distinguished commentator about the American political system. He wrote in "The American Commonwealth" in discussing the impeachment of a President:

> Impeachment is the heaviest piece of artillery in the congressional arsenal, but because it is so heavy, it is unfit for ordinary use. It is like a 100-ton gun which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at. Or to vary this simile, impeachment is what physicians call a heroic medicine, an extreme remedy proper to be applied against an official guilty of political crimes.

Let me turn next to the argument which seeks to draw an analogy between the impeachment of a President and the impeachment of judges, an argument that cites three recent cases in which judges have been removed from office. In my view, this analogy misses the mark.

Two of the judges that the Senate convicted and thus removed from office had been accused in a criminal case, tried before a jury, found guilty beyond a reasonable doubt, and were in jail. Until we removed them they were still drawing their salary. In the third case, the defendant had been acquitted of bribery, but a judicial inquiry found that he had perjured himself to cover up the bribery misdeeds. Difference No. 1: Judges can be criminally prosecuted while in office; the President cannot. (At least that has been the theory up to this point.)

Secondly, elected versus appointed. Judges are appointed to the bench for life. They can only be removed by impeachment. The President is elected by the people for a 4-year term and can only hold two such terms. As President Ford, when he was a Congressman, stated:

> I think it is fair to come to one conclusion, however, from our history of impeachments.

> A higher standard is expected of Federal judges than of any other civil officers of the United States. The President and the Vice President and all persons holding office at the pleasure can be thrown out of office by the voters at least every 4 years.

Thirdly, one needs to consider the injury to the branch of Government which would result from the removal of the officer. The removal of one judge out of hundreds and hundreds of judges does not significantly affect the operation of the judicial branch of our Government. The removal of the President, the single head of the executive branch, obviously is in an entirely different category. The President, under our system, holds the executive power. In the end, executive branch decisions are his decisions.

In the minority report in the House Watergate proceedings, Republican Members stated:

> The removal of a President from office would obviously have a far greater impact upon the equilibrium of our system of Government than removal of a single Federal judge.

The House Judiciary Committee majority report accompanying the article of impeachment against Judge Walter Nixon in 1989 similarly stated as follows:

> Judges must be held to a higher standard of conduct than other officials. As noted by the House Judiciary Committee in 1970, Congress has recognized that Federal judges must be held to a different standard of conduct than other civil officers because of the nature of their position and the tenure of their office.

In putting on their case, the House Republican managers sought to portray a simple logical progression—first that the material which they brought before the Senate showed violations of provisions of the Federal Criminal Code, i.e., perjury and obstruction of justice. Then they argued that if you find such crimes, you have high crimes and misdemeanors and, ergo, removal from office. But let us look at this supposed logical progression which I view as flawed at each step.

First, I do not believe the House managers carried the burden of proof with respect to the commission of crimes. Since they relied on the Federal Criminal Code—charging crimes—in making their case, it is appropriate that they be held to the burden of proof of beyond a reasonable doubt—the standard used in criminal cases.

In the House Judiciary Committee a panel of distinguished former Federal prosecutors testified that a responsible Federal prosecutor would not have brought a criminal prosecution on the basis of the case set out in the Starr Report on which the House Judiciary Committee relied. One of them, Thomas P. Sullivan, a veteran of 40 years of practice in Federal criminal cases, and U.S. Attorney for the Northern District of Illinois from 1977 to 1981, stated the following:

> If the President were not involved, if an ordinary citizen were the subject of the inquiry, no serious consideration would be given to a criminal prosecution arising from alleged misconduct in discovery in the Jones civil case having to do with an alleged cover-up of a private sexual affair with another woman or the follow-on testimony before the grand jury. The case simply would not be given serious consideration for prosecution.

Now, let me move beyond this question of proving the case and address the next step in the managers' ostensible logical progression, namely that the crimes that they were trying to prove are high crimes and misdemeanors and, therefore, a vote for conviction and removal must follow.

Actually, in considering this issue we must bear in mind the ultimate question: Does the conduct warrant removal from office? The House logic seems to be that any perjury, any obstruction of justice, warrants removal. As serious as those charges are, not all such conduct in all instances may rise to the level of an impeachable offense. In considering this matter, it is important to understand that the House articles included within them not only the charges but also the penalty. In the ordinary criminal case, there is a two-step judgment—guilt and then sentence. In an impeachment case, the finding of guilty carries with it removal from office—the remedy provided by the Constitution.

There is an important precedent for the view that in certain circumstances offenses of the sort alleged here may not rise to the level of a high crime and misdemeanor. That precedent is found in the tax article of impeachment of Richard Nixon which was before the House Judiciary Committee in 1974. That article charged President Nixon with knowingly filing tax returns which fraudulently claimed that he had donated pre-Presidential papers before the date Congress had set for eliminating such a charitable tax deduction. (It was worth $576,000 in deductions.) This deduction was claimed in tax returns that contained the following assertion just above the taxpayer's signature:

> Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and, to the best of my knowledge and belief, it is true, correct and complete.

The House Judiciary Committee voted down that article of impeachment by a vote of 12 for, 26 against. As one of nine Democrats who joined the Republicans in voting against this article of impeachment in the Nixon case, I did not believe that in the circumstances of that case it rose to the level of a high crime and misdemeanor, I did not believe it was conduct against which the Founding Fathers intended the Congress to invoke the impeachment remedy.

Let me turn briefly to the procedure followed in this impeachment matter, since good procedure enhances the chances of good results while bad procedure does the opposite. I am prompted to do so by various comments made by House managers criticizing the Senate for the procedure we have followed. I think the Senate has handled this matter well under very difficult circumstances. Given that the House managers questioned our procedure, let us look at the procedure on the House side.

The House, which brought in no "fact" witnesses, came to the Senate and said to us, "In order to evaluate testimony that is in the record, you must bring witnesses in and look them in the eye in order to assess their credibility." Obviously, one must ask, how did the House managers assess the credibility of witnesses when they brought none before them and yet voted to bring articles of impeachment recommending the President's removal to the Senate?

Secondly, the other day, in response to a reasonable request by the President's lawyers on how the House planned to proceed in using deposition excerpts, a House manager said, "I believe the appropriate legal response to your request is that it is none of your damn business what the other side is going to put on." This same attitude marked the treatment of President Clinton's lawyers before the House Judiciary Committee.

Contrast this with the House Judiciary Committee's conduct in the matter of President Nixon's impeachment when the President's lawyers sat in with the committee in its closed sessions when committee staff presented findings of fact. The President's lawyers were able to challenge material, to ask questions, to supplement all presentations. Fact witnesses were called in and were subjected to questions by all. There was an understanding of the gravity of the matter for the Nation and the absolute imperative of having a fair process.

In this matter the House Judiciary Committee took only a few weeks to report impeachment articles. In the Nixon case the committee took 6 months. In the Judge Hastings case, the House Judiciary Committee received an 841-page report from the Judicial Conference as to why Hastings should be removed. Nevertheless, the committee undertook its own examination of the evidence. It heard 12 fact witnesses, deposed or interviewed 60 others, and held 7 days of hearings.

In closing, it is very important to keep in mind the distinction between the person who is President and the Office of President of the United States provided for in our Constitution.

President Clinton has engaged in disgraceful and reprehensible conduct which has severely sullied and demeaned his tenure as President. Because of his shameful and reckless behavior he has brought dishonor upon himself, deeply hurt his family, and grievously diminished his reputation and standing now, and in history.

But the diminishing of Bill Clinton must not lead us to diminish the Presidency for his successors as our Nation moves into the new millennium. There is a danger to the Nation in deposing a political leader chosen directly by the people and we must be wary of the instability it would bring to our political system.

In the report of the staff of the impeachment inquiry in 1974 on the constitutional grounds for Presidential impeachment, the conclusion states:

> Not all presidential misconduct is sufficient to constitute grounds for impeachment. There is a further requirement—substantiality. In deciding whether this further requirement has been met, the facts must be considered as a whole in the context of the office, not in terms of separate or isolated events. Because impeachment of a President is a grave step for the nation, it is to be predicated only upon conduct seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of the presidential office.

I do not believe the conduct examined here meets this test.

I will vote against removing the President.

Mr. CAMPBELL. Mr. Chief Justice and colleagues, my friends, I am not going to try to dazzle you with my knowledge of the law which is minimal, or the forty hand-written pages I've taken during these proceedings. But, I signed the same oath you did with a pen that should have had on it "United States Senate," but did not. It said, "Untied States Senate."

We were asked to turn the pens back in. I heard they are going to be valuable collectors' items, and I am not turning mine in. I want to see what it's worth.

And there you have it. An imperfect Senator being asked to judge an imperfect President.

One of our colleagues noted yesterday that we all come from different backgrounds. It's true and, perhaps, I am living proof of the greatness of this nation because I could be here at all.

The same body where someone named Daniel Webster, John F. Kennedy and Harry Truman once served also welcomed a mixed blood kid from the wrong side of the tracks. The offspring of an alcoholic father and a tubercular mother; in and out of orphanages; a law breaker and high school drop out who lied, cheated, stole and did many other shameful things make me a poor judge indeed of someone else who used poor judgment.

I would rather take a beating than to judge someone else for their indiscretions. But, as one of our colleagues said yesterday, "We didn't ask for this."

Still, with all my own human failings, I, like you, must try to separate them from the rule of law. I wish I had the historical knowledge of Senator BYRD or the legal knowledge of ORRIN HATCH or the government experience of JOHN WARNER. But, I don't—I must use common sense.

I want to tell you an anecdote—about a conversation I had with the President right after he made his rather startling confession before this nation and a group of reverends which I watched from my Denver office as millions of others were also watching at the same time.

I was so moved by his statement that I wrote him a personal note telling him how sorry I was for what his family was going through. I told him I would not be one to pile on; that I would make no statements to the press; nor would I be a party to the impeachment process going on in the other body.

As I look around this room, I see several others who subscribed to that same conduct as this proceeding moved to the Senate and took on soap opera proportions, and members of both parties ran pell mell to the cameras at each recess.

I sit right there in the back row fifteen feet from the cloakroom. But, at each recess by the time I walk to the cloakroom and glance at the TV, some of my colleagues have already sprinted somewhere else to be in front of the cameras. As you know, I used to be on the U.S. Olympic Team, and I tell my speedy friends—you could have made the team.

About three days after I wrote to the President, he called me to thank me for my note and we spoke for about 15 minutes. I asked him how his family was dealing with it and he told me they were having good days and bad, but it was hardest on his daughter, Chelsea, because she was away at college without the family unit to console her. He told me he would keep my note always. I felt badly then, and I do now.

As I look around this room in which so many great people in our history have spoken and I read their names written in the desk drawers along with those who no one remembers, I tell you that I like this President.

He came through a difficult childhood as I did, and I genuinely like him and feel sorry for both him and his family. But after agonizing as many of my Senate friends have, I remember the first question my then nine-year-old son, Colin, asked me 17 years ago when I told him I was going to run for public office. He asked, "Dad, are you going to lie and stuff?"

I told him, "No." I don't have to learn how to lie—I still remembered how to lie from my delinquent days. I'm still trying to forget it.

I told him, human frailties not withstanding, elected officials should not "lie and stuff."

Every one of us knows that when we step into the public arena, we are judged by a different standard. Being honest and truthful becomes more important because we must set the examples.

As a senator, if I ever forget it, this body will not have to throw me out because I will have brought it on myself, and I'll save this body the time and expense and resign.

I would not fear being thrown out. When I was young and not yet housebroken, I was thrown out of a lot of places. I swore a lot of oaths—not when I went in, but when I came out.

There is a difference: one is about anger in private—the other is about honor in public. If we are not going to honor our oath, why don't we get rid of it and have an every-man-for-himself kind of elected official?

Better yet, let's change it. Mr. Chief Justice, you could say: "Senators-elect. Raise your right hand and repeat after me: 'On my honor, I'll do my best, to help myself and lie like the rest.'"

I took a solemn oath—perhaps it is the only thing in common I share with John F. Kennedy, Harry Truman and Daniel Webster as well as the founders of this nation—and that is why honoring it is all the more important to me.

Simply speaking, the President did, too. And, so even though I like him personally, I find I can only vote one way. And that is guilty on both articles.

Thank you, Mr. Chief Justice. I yield the floor.

Mr. KERREY. Mr. President, in the impeachment case of President Clinton I have read the depositions, reviewed the massive volume of evidence and carefully followed the detailed presentations of both the House managers and the President's counsel. The instructions for my decision come from two places: the oath I took to do impartial justice and the Constitution of the United States.

Nebraskans, including me, are angry about the President's behavior. We find it deplorable on every level. It has permanently and deservedly marred his place in history. But impeachment is not about punishing an individual; it is about protecting the country. We punish a President who behaves immorally, lies and otherwise lacks the character we demand in public office with our votes. Presidents are also subject to criminal prosecution when they leave office.

Impeachment must be reserved for extreme situations involving crimes against the state. Why? Because the founders of our country and the framers of our Constitution correctly placed stability of the republic as their paramount concern. They did not want Congress to be able to easily remove a popularly elected President. They made clear they intended a decision to impeach to be used to protect the nation against only the highest of crimes.

On December 19, 1998, the House of Representatives, on an almost straight party-line vote, approved and delivered to the Senate two articles of impeachment. The Constitution permits me to judge and decide upon only these articles, not to wander through all of the President's conduct looking for any reason for removal.

Some Nebraskans have told me the President should be removed from office by the Congress because he is no longer trusted, has lost the respect of many, and has displayed reprehensible behavior. As strong as those feelings are, the Constitution does not provide for overturning an election even if all of these things are true.

Three recent letters to the editor in the Omaha World-Herald help make the point. The first, from a man in Kearney, says that by voting to dismiss the trial, I "voted to support sexual harassment," among other things. A second, from Honey Creek, Iowa, raises allegations regarding the President and China, says he is "dangerous" and urges Senator HAGEL and I to "oust him now." The third, from Omaha, reminds readers of an often quoted comment I once made about the President's credibility and asks how, in light of that, I could vote to leave him in office.

However, the House did not charge the President with these offenses. Impeachment is not a judgment of a President's character, all his actions, or even his general fitness for office. We make those decisions every four years at the ballot box. Our job in contemplating the extraordinary step of overturning an election is to judge only those charges the House actually brought.

Because the premium on Constitutional stability is so high, I decided to judge the case against the strictest possible standard: proof beyond a reasonable doubt. In other words, the President can be convicted only if there is no reasonable interpretation of the facts other than an intent to commit perjury and obstruction of justice. The following is a summary of my analysis of this case:

Article One accuses the President of perjury in his August 17, 1998, testimony to a Federal grand jury, during which he waived his rights against self incrimination. Most important in determining guilt or innocence is the rule of law governing perjury, which makes it clear that a person has not committed perjury just because they misled or even lied. Perjury occurs when a false statement is made under oath with willful intent to mislead in a material matter. Lying is immoral; perjury is illegal. I should not accuse the President of ignoring the rule of law and then ignore it myself in making a judgment.

After reading and watching the President's grand jury testimony, listening to the arguments of the House managers and the President's lawyers, discussing this case with prosecutors and reviewing the impeachment trial of U.S. District Judge ALCEE HASTINGS, I have concluded the President did not commit the crime of perjury beyond a reasonable doubt. I frequently found the President's testimony maddening and misleading, but I did not find it material to a criminal act.

Article Two accuses the President of obstructing justice in seven instances. The House managers relied on circumstantial evidence, saying that common sense provides only one conclusion about why the President acted the way he did. However, the direct evidence, including the testimony of Monica Lewinsky herself, rebutted the circumstantial evidence. Second, while the House managers were correct in saying that common sense could lead to a conclusion that the President intended to obstruct justice, common sense could also lead to other reasonable conclusions about the reasons for his actions. Third, with respect to the allegations of obstructing justice in the civil case, Paula Jones' lawsuit was thrown out, then eventually settled. In the end, justice was done.

As reprehensible as I find the President's behavior to be, I do not believe that high crimes and misdemeanors as defined by the Framers have been proved beyond a reasonable doubt. Accordingly, I will vote to acquit on both Articles. My vote to acquit is not a vote to exonerate. While there is plenty of blame to go around in this case, the person most responsible for it going this far is the President of the United States. He behaved immorally, recklessly and reprehensibly. These were his choices. In the final analysis, they do not merit removal, but they do merit condemnation.

While I am confident this vote is the right one—not just for this case, but as a precedent for future Congresses and Presidents too—I understand that reasonable people could reach the opposite conclusion. The bitterness in America on both sides of this debate has saddened me. I hope and pray that with this vote behind us the people's Congress can return without rancor to the important work of our country.

Mr. VOINOVICH. We are not here today because the President had a relationship that he himself has described as inappropriate and wrong. As House Manager JAMES ROGAN appropriately noted, "Had the President's bad choice simply ended with this indiscretion, we would not be here today. Adultery may be a lot of things, but it is not an impeachable offense. Unfortunately, the President's bad choices only grew worse." It is not the President's inappropriate relationship, but his deliberate and willful attempts to conceal and mislead that bring us to this point.

The very foundation of this nation is the rule of law not of men. The framers of our Constitution specifically provided Article II, Section 4 of the Constitution which states, "The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

On January 7, 1999, as one of my first official duties as a United States Senator, I took an oath to consider the evidence and arguments in the impeachment case against the President. We answered in the affirmative when the Chief Justice of the Supreme Court administered the following oath:

> Do you solemnly swear that in all things appertaining to the trial of the impeachment of William Jefferson Clinton, President of the United States, now pending, you will do impartial justice according to the Constitution and laws, so help you God?

I understood that the private inappropriate conduct of the President alone did not then and does not now rise to a level necessitating his removal from office. My responsibility is to fulfill the oath I took to determine impartially based on the facts, evidence and testimony whether the President committed high Crimes and Misdemeanors as outlined in the Constitution.

During my 33 years in public office, I have had to make some very difficult decisions. As governor, I had to make determinations on hundreds of requests for commutations and pardons. To my recollection, in no case have I labored more than I have over the Articles of Impeachment of our President.

After an exhaustive study, which included reading volumes of transcripts, watching the taped testimony and listening to the able arguments made by the House Managers, the White House counsel and my colleagues in the Senate, I have reached the conclusion that, beyond a reasonable doubt, the President committed both perjury and obstruction of justice as outlined in Articles I and II in the Articles of Impeachment.

I also have concluded that the President's obstruction of justice was premeditated and undertaken over a long period of time beginning when he learned that Monica Lewinsky was placed on the witness list in the Jones case.

It is particularly disturbing that he used his brilliant mind and superb interpersonal skills to sweep other people into his scheme, thereby impairing their credibility, all to extricate himself from taking responsibility for his conduct. But for a conclusive DNA analysis, he may have succeeded in that scheme.

By committing perjury and obstructing justice, the President is guilty of high Crimes and Misdemeanors. As constitutional scholar Charles Cooper said, "The crimes of perjury and obstruction of justice, like the crimes of treason and bribery, are quintessentially offenses against our system of government, visiting injury immediately on society itself."

He violated his oath of office and failed to fulfill his responsibility under the Constitution, which provides that the President "shall take Care that the Laws be faithfully executed." Judge Griffin Bell has correctly noted, "A president cannot faithfully execute the laws if he himself is breaking them." The President has undermined the fundamental principle that we are a nation ruled by laws and not by men. There is no way in good conscience that we as a nation can have a lawbreaker remain as President of the United States when his conduct in office has included the very same acts that have resulted in the impeachment of Federal judges and have sent hundreds of people to prison. Ours is a nation of equal justice under the law.

I believe the framers of the Constitution had a President like Bill Clinton in mind when they drafted the impeachment provisions in Article II, Section 4—a very popular, brilliant communicator with extraordinary interpersonal skills who abuses his power, violates his oath of office, and evades responsibility for his actions because he believes he is above the law.

One who has committed high Crimes and Misdemeanors disqualifies himself from serving as President, Commander-in-Chief, and chief law enforcement officer. The President also represents much more than these titles and responsibilities. He is a symbol of the greatness of the American people. Presidential scholar Clinton Rossiter observed that the president of the United States is "the one-man distillation of the American people." And, President William Howard Taft described the president as "the personal embodiment and representative of their dignity and majesty."

By virtue of his own conduct, William Jefferson Clinton has forfeited his elected right to hold the office of president. I sincerely believe that this country can survive the removal of a popular president who has forfeited public trust. But, our country cannot survive the abandonment of trust itself.

Mr. LAUTENBERG. Mr. Chief Justice, the Senate must now fulfill a weighty and solemn duty. For only the second time in the more than two hundred years since our founding fathers established the Constitution, we must vote on Articles of Impeachment against a President.

When considering this issue, which goes to our core constitutional responsibilities as Senators, each of us must come to a conclusion based on his or her conscience. Guided by the Constitution, we must bring all of our moral beliefs, our education, our careers, and our experiences as public servants to the question. And we must try to reach a decision that will serve the best interests of the nation for generations to come.

As I reflect on the impeachment proceedings, I think first of the range of emotions I have felt. From the moment I realized that the President had engaged in this shameful relationship, I have struggled with my thoughts.

I was angry, of course. I was ashamed for the President, a talented man—someone I consider a friend. How could he risk so much with his disgraceful behavior?

And I was saddened. I do not know how the President will reconcile himself to his family. I could imagine the embarrassment and the humiliation of the First Lady and his daughter Chelsea. I pitied them as they felt the searing glow of the public spotlight.

I am sure that colleagues, on both sides of the aisle, have empathized with similar emotions.

But now we must put those feelings aside. We have a very specific charge under the Constitution. That hallowed document delineates our duty. Under Article II, Section 4, we must determine whether the President has committed "high Crimes or Misdemeanors" requiring his removal from office.

In my view, our founding fathers meant to set a very high standard for impeachment. Clearly, the phrase "high Crimes or Misdemeanors" does not include all crimes. But what are the crimes that meet that standard? I find the words of George Mason to be compelling. He understood the phrase to mean "great and dangerous offenses" or "attempts to subvert the Constitution."

When applying this standard, we must also consider the national interest. The founding fathers vested the impeachment power in the Senate, and not the judiciary, precisely because this body would be accountable to the people.

In the words of Alexander Hamilton, only the Senate would "possess the degree of credit and authority" required to act on the weighty issue of whether to remove a federal official. In my view, this means that we must look not just at the facts and the law, but we must also try to determine what is in the best interests of the nation.

But we should not read the polls, or some other temporary gauge of the public temperament. Instead, we must look back through history, and toward the future, to reach a decision that will reflect well on the Senate and the nation for generations to come.

In my view, this case does not involve efforts to subvert the Constitution, and the national interest will not be served by removing the President from office.

Before turning to the evidence, I want to express my concern with the way in which the Articles of Impeachment are written.

They do not specify which statements and actions by the President are unlawful. Instead, they make general allegations. With this approach, we cannot fulfill our duty to the American people. The American people must know specifically what Presidential conduct justifies overturning an election.

While the Articles could have been more clearly written, there is a more fundamental problem. There is simply insufficient evidence for a vote to convict. Whether you apply the standard of beyond a reasonable doubt, or even the lower standard of clear and convincing evidence, the House Managers have not proved their case.

With regard to Article I, the evidence does not support a charge of perjury. The President may have been uncooperative and evasive. He certainly was misleading. But he never committed perjury as that term is defined in the law. Consequently, the President should be acquitted on Article I.

There is also insufficient evidence to convict the President on Article II, which charges him with obstruction of justice. The main problem with this Article is that testimony from the principal witnesses do not support the allegations. Monica Lewinsky, Betty Currie, and Vernon Jordan testified that the President did not tamper with witnesses, conceal evidence, or take any other actions that would constitute obstruction of justice. All of the witnesses support the President's version of events.

I realize that some of you may view the evidence differently. But I think we must still consider whether this is an appropriate case for the Senate to use the awesome power of impeachment to overturn a national election.

I further ask you to consider the precedent we would set with a conviction of this President. We risk making the impeachment power another political weapon to be wielded in partisan battles.

Our founding fathers warned against this. In the Federalist Papers, Number 65, Alexander Hamilton noted that the prosecution of impeachable offenses would "connect itself with the pre-existing factions." And that this would create "the greatest danger, that the decision will be regulated more by the comparitive strength of parties than by the real demonstrations of innocence or guilt."

Prior to the present case, the House of Representatives had seriously considered Articles of Impeachment against only two Presidents—Andrew Johnson and Richard Nixon. In the more than two hundred years since the Constitution was established, the House set the impeachment machinery in motion in only two occasions.

Today, no one doubts that the serious abuses of our constitutional system by the Nixon Administration warranted impeachment proceedings. And the bipartisan approach of Congress solidified President Nixon's decision to resign.

But history has not been kind to those who pushed the impeachment of President Johnson upon the nation. Scholars agree that the charges were baseless—a purely partisan campaign. Indeed, Chief Justice Rehnquist, who has presided so effectively in this case, wrote in his book on impeachment that if the Senate had convicted President Johnson "a long shadow would have been cast over the independence" of the presidency.

So for most of our history, the fears of our founding fathers have not been realized. Congress has not resorted to impeachment even when previous administrations faced far-ranging scandals—the Whiskey Ring scandal during the tenure of President Grant; the Teapot Dome scandal in the Harding administration.

And more recently allegations that Presidents Reagan and Bush were not truthful regarding the Iran-Contra scandal.

Historically, Congress has held its hand when circumstances might have warranted a pull of the impeachment lever. But contrast that history with the circumstances surrounding this case.

President Clinton was a defendant in a civil lawsuit. In determining whether that lawsuit should be allowed to go forward while the President was in office, the Supreme Court of the United States noted that the case involved "unofficial conduct." That case was eventually dismissed, and the plaintiff reached a settlement with the President.

But with that lawsuit in place, the plaintiff's attorneys had license to probe into the President's personal life. The private lives of many people were paraded through the press.

And then the Independent Counsel joined the hunt. Although he was originally appointed to investigate a real estate transaction in Arkansas, and even though he eventually cleared the President of any wrongdoing in that matter and other reckless accusations, the Independent Counsel turned his attention to a private affair.

I think this background cautions against the use of the awesome and irrevocable power of impeachment. Think for a minute about how future partisans might proceed. We have a readily accessible legal system. Anyone with the filing fee can bring a lawsuit. And our laws provide great leeway in the discovery process.

If we take the wrong path now, we can expect to see future Presidents hauled into court. They will be questioned repeatedly, and it will not be hard for skilled attorneys to hurl charges of perjury and obstruction of justice. We cannot allow the Presidency to be weakened in this way.

Once again, we find the wisdom of our founding fathers providing guidance.

James Wilson, who participated in the Philadelphia Convention at which the Constitution was drafted, observed that the President is "amenable to [the law] in his private character as a citizen, and in his public character by impeachment."

In other words, the legal system, our civil and criminal laws provide the proper venue for a President who has failed in his private character.

And in this case, the legal system can and will continue to address the President's personal transgressions.

The Paula Jones lawsuit has been settled. When he leaves office, the President could be subject to further prosecution. But there is simply no injury to our constitutional system, no aspect of what James Wilson called the President's public character, which must be remedied through a Senate conviction under the impeachment power. Of course, I understand the great pain inflicted by the President's private character. As I said earlier, his behavior was reprehensible. He has shamed himself, his family, and the nation.

And I understand the desire to punish the President for his conduct. But we must remember the many ways in which the President has already been punished. He has suffered enormous embarrassment and humiliation. Beyond that personal pain, he has also been subject to public condemnation. Every Member of Congress is on the record rebuking his behavior.

Of course, this may not satisfy some. They may want more punishment. But please remember—the purpose of the impeachment power is not to punish. Instead, impeachment serves to protect the nation from corrupt officials.

So, to render a proper verdict, we must put aside the powerful desire to punish. And I submit that to impeach the President in this case would be a terrible use of the impeachment power, lacking proportionality and perspective.

Now, we must step back from the partisan precipice. We must not weaken the Presidency for future generations. We must reject these Articles of Impeachment and help restore the balance of power between the branches of the government. ●

Let us put this matter behind, heal the wounds inflicted by partisanship, and rededicate ourselves to the challenges facing our nation.

Mr. BOND. On Friday, February 12, 1999, I voted to convict President William Jefferson Clinton on both counts of the Impeachment Articles brought by the United States House of Representatives charging that he committed perjury and obstruction of justice. My reasons follow.

BACKGROUND

On January 16, 1998, at the request of the United States Attorney General Janet Reno, the three judges of the United States Court of Appeals for the District of Columbia Circuit expanded the previously entered Order authorizing the Office of Independent Counsel Kenneth W. Starr to look into certain matters relating to a lawsuit brought against President William Jefferson Clinton by former Arkansas state employee Paula Jones alleging sexual harassment. Pursuant to that Order, Ms. Jones' attorneys issued subpoenas for evidence and deposed Mr. Clinton and others seeking information on a pattern of conduct that might be relevant to the issues in the Jones case.

The President denied in a deposition in the Jones case and in a forceful statement to the American public that he had sexual relations with "that woman," referring to Monica Lewinsky. Subsequently, however, Ms. Lewinsky turned over a stained blue dress that she had worn in an encounter with the President; a scientific examination revealed that the DNA on the dress was President Clinton's DNA.

The Office of Independent Counsel convened a federal grand jury to look into the matter and deposed Mr. Clinton in The White House on August 17, 1998, about his participation in the Jones lawsuit.

The Office of Independent Counsel then referred the matters developed in the investigation to the United States House of Representatives, which on December 19, 1998, voted two Articles of Impeachment against Mr. Clinton alleging that he committed perjury before the federal grand jury in four instances and that on seven occasions he had obstructed justice by tampering with witnesses and evidence in the Jones case proceedings.

For the sake of brevity, I shall only cover several of the allegations and evaluate the evidence supporting them.

ALLEGATIONS

Counsel for the President has admitted that there was an inappropriate relationship between the President and Ms. Lewinsky and that they had concocted a cover story to conceal their relationship and activities. On December 17, 1997, at approximately 2 a.m., Mr. Clinton telephoned Ms. Lewinsky after he learned that she had been summoned for a deposition in the Jones case. According to this testimony he called to tell her of the death of the brother of Mr. Clinton's secretary. Ms. Lewinsky states that he told her about the death of the brother, but that he also reminded her of their cover story and notified her that she was included on the witness list in the Jones case.

According to Ms. Lewinsky's testimony, Mr. Clinton further stated that they might be able to avoid her testimony if she executed an affidavit. Although Mr. Clinton had also reminded

Ms. Lewinsky of her cover story, the White House Counsel made much of the fact that Ms. Lewinsky said that the President did not tell her to file a false affidavit and did not link the cover story to the need to file an affidavit.

I do not believe it is at all inconsistent with a scheme or out of the ordinary to note that the President would not make such a connection. As an experienced attorney, the President would know he would be in grave danger if he ever explicitly asked anyone to file a false affidavit or to lie under oath. To paraphrase a statement made during the trial by Vernon Jordan, "He is no fool." He would have known that such a statement could be revealed by subsequent judicial inquiry.

Mr. Clinton did not have to tell Ms. Lewinsky expressly to execute a false affidavit. She knew that in the absence of contrary instructions she was to continue to follow their story. She was referred by the President's best-friend Vernon Jordan to an attorney who drafted the affidavit for her. The President, through Mr. Jordan, was kept advised of the progress of the affidavit.

During the time that Mr. Jordan was serving as liaison between the attorney and the President in the procuring of the affidavit, he was also pursuing a job search for Ms. Lewinsky, which he admitted was under his control.

The President's lawyer was presented the affidavit and offered it into the evidence when the President was summoned before federal Judge Susan Webber Wright to participate in the deposition on January 17, 1998, by the Jones attorneys. The President's attorney, Mr. Bennett, referred to the deposition in evidence and stated that it showed that there "is absolutely no sex of any kind in any manner, shape or form" with Mr. Clinton. Mr. Bennett further stated, "In preparation of the witness for this deposition, the witness (Mr. Clinton) is fully aware of Ms. Lewinsky's affidavit, for I have not told him a single thing he doesn't know * * * " (Clinton deposition transcript, Evidentiary Record, Vol. XIV, at p. 23.) Although the videotape of the deposition showed the President looking in the direction of the attorney when the affidavit was presented, Mr. Clinton subsequently stated that he was not paying attention and had no knowledge of the representations made by his attorney about the affidavit.

I believe that to be totally incredible.

The President had known that Ms. Lewinsky would be a prime subject of the deposition and he had asked Ms. Lewinsky to file an affidavit and took steps to be kept advised of the progress of that affidavit. Subsequent events showed that his attorney, Mr. Bennett did not at the time know the falsity of the affidavit and that Mr. Clinton was apparently the only one at the deposition who was fully aware of the fraud that was being perpetrated on the court.

When Mr. Bennett later learned the falsity of the affidavit, he did what any attorney hates to do and that is to advise the court that he provided false information. He asked that the affidavit and his characterization of it be disregarded.

I believe Mr. Clinton encouraged the execution of a false affidavit, secured job assistance to help prevent truthful testimony, and allowed his attorney to make false statements as alleged in Article II, paragraphs 1, 4, and 5.

When Mr. Clinton testified before the federal grand jury on August 17, 1998, he was asked:

> A. If he misled Judge Wright in some way then you would have corrected the record and said, excuse me Mr. Bennett, I think the judge is getting a mis-impression by what you are saying?
>
> A. . . . I wasn't even paying much attention to this conversation.
>
> Q. Do you believe, Mr. President, that you have an obligation to make sure that the presiding federal judge was on board and had the correct facts?
>
> A. I don't believe I ever even focused on what Mr. Bennett said in the exact words he did until I started reading this transcript carefully for this deposition.—(Deposition of President Clinton, page 30, lines 2–5.)

I therefore believe he provided perjurious, false and misleading testimony to the Federal grand jury concerning statements he allowed his attorney to make to a federal judge as alleged in Article I, paragraph 3.

On December 28, 1997, the President met in his White House office with Ms. Lewinsky and exchanged gifts. During the course of the conversation Ms. Lewinsky raised the question of what to do with other gifts he had provided her and which had been subpoenaed by the attorneys for Paula Jones. According to Ms. Lewinsky, he made no definitive statement about the gifts.

Very shortly thereafter, according to Ms. Lewinsky's testimony, Mr. Clinton's personal secretary Bettie Currie initiated a series of telephone conversations, in which in effect Ms. Currie communicated to Ms. Lewinsky that she understood from the President that Ms. Lewinsky had something for her. Pursuant to those telephone calls Ms. Currie picked up gifts from Ms. Lewinsky and took them back to Ms. Currie's apartment where she stored them under her bed.

During the course of proceedings in the Senate, Ms. Lewinsky was asked in a deposition about these telephone calls and expanded upon her testimony about them. A prior statement by Ms. Currie that Ms. Lewinsky had actually initiated the call was recanted by Ms. Currie, and I believe the testimony of Ms. Lewinsky is credible. By hiding the gifts rather than presenting them to the Jones attorneys pursuant to the subpoena Ms. Lewinsky committed a felonious act and, if Ms. Currie had knowledge of the subpoena, she also committed a felonious act of concealing materials covered by a valid subpoena. Mr. Clinton, by orchestrating, facilitating, and encouraging the suppression of evidence under subpoena, also committed a felonious act. I, therefore, believe that the charge in Article II, paragraph 3, of the Impeachment Articles is proven.

During the course of his deposition by the Jones attorneys, President Clinton continued to rely on his cover story and on the perjurious affidavit submitted by Ms. Lewinsky. During that deposition he referred repeatedly to Ms. Currie as one who would corroborate the cover story which he and Ms. Lewinsky had devised. Immediately after his testimony on Saturday, January 17, 1998, he called Ms. Currie and summoned her to come into his office on a Sunday, January 18, 1998. There he stated five rhetorical questions to Ms. Currie: (1) "I was never really alone with her . . . right?"; (2) "You were always there when Monica was there . . . right?"; (3) Monica came to see me and I never touched her right . . . right?"; (4) "She wanted to have sex with me and I can't do that . . . ?"; (5) "You could see and hear everything . . . right?"

Each of these statements supported the position taken by the President in the *Jones* deposition, but each one of these statements was false. The President was transmitting to Ms. Currie what he wanted her to say should she be called as a witness in this case. For good measure, he even went back to her a couple of days later and walked her through the statements again. It is uncontroverted that he made those statements, but he attempted to justify them on the basis that he was trying to refresh his memory.

His statements to Ms. Currie on January 18, 1998, and several days later constituted relating a false and misleading account of relevant events to influence corruptly the testimony of a witness in a federal civil rights action as alleged in Article II, paragraph 6, of the Impeachment proceedings.

Subsequently, he also made statements to his subordinates including Sidney Blumenthal, John Podesta, and Erskine Bowles. The statements he made to them were also known by him to be false and were designed to provide misleading information through them which could be and subsequently was transmitted under oath in the judicial proceedings by the subordinates.

His statements to his subordinates on January 21, 23, and 26, 1998, were false and misleading statements to potential witnesses in a federal grand jury proceeding to influence corruptly the testimony of those witnesses as alleged in Article II, section 7, of the Articles of Impeachment.

At his federal grand jury testimony on August 17, 1998, Mr. Clinton falsely and corruptly denied he had attempted to influence the testimony of witnesses and impede the discovery of evidence in civil rights actions as set out in the analysis above. Thus, the committed the acts as charged in Article I, paragraph 4, the count charging perjury. (See Clinton grand jury transcript at 107–08, *Evidentiary Record*, Vol. III, Part 1 of 2, pp. 559–60.)

I believe that the evidence presented on the above charges was clear and convincing that the President engaged in a continuing scheme to fabricate and establish in federal court proceedings a false story about his relationship with Ms. Lewinsky and that through circumstantial evidence, the direct testimony of Ms. Lewinsky, Ms. Currie, Mr. Blumenthal, and others, plus the corroborating evidence, he was shown to have committed the acts charged.

The totality of his actions can be judged in the success with which he maintained his cover story. Had it not been for the DNA on the stained dress, there is little likelihood that the false cover story would have been exposed for the lie that it was. In perpetrating that false and misleading story Mr. Clinton tampered with witnesses, obstructing justice in the civil rights lawsuit brought against him by Paula Jones. He also falsely misrepresented these acts in testimony before the grand jury August 17, 1998.

HIGH CRIMES AND MISDEMEANORS

Having resolved in my mind the question that clear and convincing evidence shows that William Jefferson Clinton obstructed justice and committed perjury before a grand jury, the next issue is whether these activities rise to the level of offenses for which removal from office is the appropriate remedy. Defenders of the President have said that no one would press charges in a case like this, that it was not grave enough to merit a criminal proceeding, and that it certainly was not sufficient to warrant removing the President from office.

With respect to the seriousness of the offense, it is worthy of note that during the year 1997, 182 people were sentenced by federal judges for perjury and another 144 were sentenced for obstruction and witness tampering. These prosecutions were brought by Clinton Administration appointees and in many instances in front of Clinton-appointed judges.

The case of Dr. Barbara Battaglia is particularly compelling. In a law suit brought by a patient of a Veterans Administration hospital alleging sexual harassment, Dr. Battaglia was asked in a deposition if she had had consensual sex with the plaintiff. Her answer to that question was a simple, "No." When that denial was shown to be a lie, she was convicted of a felony and sentenced to house arrest with an electronic monitoring device. She has lost her ability to practice medicine and also her ability to utilize her law degree to practice law.

The serious nature of these offenses is particularly clear when considered in the context of the proceedings. The United States Supreme Court had ruled unanimously that Mr. Clinton, as President, had to answer the lawsuit filed by Paula Jones. A federal judge was assigned to the suit and presided over the deposition in which Mr. Clinton testified and at which time he and his lawyer presented the false affidavit.

It is totally inconsistent within the context of this case and the sound functioning of the judicial system to say that the Supreme Court meant that Mr. Clinton should respond to these charges but he was not bound to respond truthfully. His actions in procuring and using false affidavits, causing the hiding of subpoenaed evidence, and tampering with a potential witness by giving false information to use in any testimony effectively denied the plaintiff the civil rights the Supreme Court ruled she had. To say that the acts are not grave, not high-crimes, and not a threat to the judicial system, is untenable. No lawyer could make such a statement in open court and not be subjected to the loss of a license to practice law.

Likewise, his lies to a grand jury from his White House office were a serious challenge to the administration of justice.

Moreover, the debates of the authors of the Constitution showed that they considered obstructing justice would warrant the President's impeachment and conviction. George Mason asked if the President could advise someone to commit a crime and then before an indictment or conviction use the power of a pardon to stop inquiry and prevent detection. James Madison responded that, "If the President be connected, in any suspicious manner, with any person, and there be grounds to believe he will shelter him, the House of Representatives can impeach him." (See Elliott, *Debates on the Adoption of the Federal Constitution*, at 498.)

Another argument has also been made by the White House counsel and supporters of the President that to remove the President from office on impeachment would be to nullify the election. This argument suggests that impeachment is never an appropriate remedy, provided the President is popular and the country is enjoying good times. The Office of the President is not so brittle that it would be gravely damaged by removing the current President or any other President. The Founding Fathers certainly did not envision that impeachment could only apply to an unpopular President or one who was leading the country in hard-times.

At the height of a Cold War with United States forces engaged in Vietnam, impeachment proceedings against President Richard M. Nixon forced him to leave office. The country was not wounded, it did not lose its way; Vice President Gerald Ford assumed the Presidency and continued the course of government. In this case, Vice President AL GORE would assume office and would be expected to continue the policies of the Clinton Administration.

The United States Senate in recent years did not shirk from driving from office a colleague accused of obstructing justice in a sexual harassment case. No one objected that we had "nullified" the votes of the citizens of his state.

Some of my colleagues have argued that the President has been so strong and forceful in foreign policy and conducted such wise relations with other nations that we could not afford to lose him. That argument, too, smacks of a referendum on the President's conduct of office, not a judgment on his wrongful acts. If we were to judge impeachment on the basis of the policies of the President, then impeachment could always be expected to be purely a partisan matter turning on the approval or disapproval of formulation or implementation of policy by the President. The framers rightfully dismissed any option that the proper or improper administration of the regular powers of the President would be involved in a decision on impeachment, either positively or negatively.

In addition, we have the precedents set by the removal by the Senate of judges who have been found to have committed perjury. During my tenure in the Senate we have twice removed judges for committing perjury because of the serious adverse impact perjury has on our judicial system. If a judge is removable for committing the significant act of perjury, can the one who appoints the judge be held to a lower standard?

The President not only appoints the judges, he appoints the Attorney General, the United States Attorneys, and the Supreme Court Justices. Certainly we should impose no lower standard on the person with the ultimate responsibility for the proper administration of justice than on those he appoints.

CONCLUSION

It is precisely in good times, with the President high in the polls, that it is incumbent upon the Senate to exercise very thoroughly and carefully the responsibility under the Constitution to make the difficult decision on whether the President has committed high-crimes and misdemeanors warranting his removal from office. If we are to have a government of laws and not of men and not of public opinion polls, then we must judge the President on the evidence presented to us. I believe that the acts that he committed constitute high-crimes and misdemeanors warranting his conviction.

I should note that the Senate made a serious mistake in beginning the proceedings by limiting the ability of the House Managers to call witnesses. The absence of witnesses to testify to the acts alleged as the basis of impeachment charges significantly impeded the progress toward resolving the allegations against the President. I trust that the Senate will not make the same mistake in future impeachment proceedings.

Mr. ROBB. Mr. Chief Justice, colleagues, sitting in judgment of the President of the United States is not easy for any of us. It is particularly difficult for me because of the personal and political relationship I have had with this President over the last 20 years. We served together as Governors in the early eighties, as several of you did. We traveled together on foreign trade missions. We shared similar priorities for our States. At my urging, he joined the fledgling Democratic Leadership Council, which would later become an intellectual and organizational resource for his Presidential campaign.

From our earliest meetings, I recognized in him, as many of you have recognized, gifts of head and heart and a truly extraordinary range of political and communication skills that marked him with a potential for greatness. It was not as a friend, however, but as a U.S. Senator that I took an oath to render impartial justice under the Constitution in this impeachment trial. I was fully prepared to convict and remove the President from office if I concluded that the articles charged met the test of high crimes and misdemeanors as envisioned by the framers of our Constitution, and if the evidence convinced me of his guilt beyond any reasonable doubt. That is the standard I would require to remove this President or any President from office.

As we wrestle with the decisions before us today, I believe that it is incumbent upon us to reflect on the consequence of these decisions tomorrow; for while this trial is about this President, it is also about the future of this Republic. We simply cannot escape the fact that what we do today will affect the strength and stability of our Nation because the actions we take, the precedent we set, directly affects the separation of powers and the independence of the Presidency as an institution.

The writings of the framers and the overwhelming consensus of the scholarship that has followed demonstrate that the mechanism for removing a President was central to maintaining the delicate balance of power among the three branches of Government. The Founding Fathers struggled to resolve the tension between making it too difficult to remove a President, thereby creating a king, and making it too easy, thereby creating a weak Chief Executive who would serve at the pleasure of the legislature. As more than 400 scholars concluded last November, the lower the threshold for impeachment, the weaker the President.

The resolution of this dilemma—where to set the standard for removal—occupied the brilliant minds of several Virginians who took part in our constitutional debates two centuries ago. When George Mason offered specific language to define an impeachment standard, James Madison worried about making the standard too low. In worrying, he replied that so vague a term would be equivalent to a tenure at the pleasure of the Senate. After much deliberation, our founders finally agreed that the President should be removed only for committing treason, bribery, or other high crimes and misdemeanors against the United States. Thereafter, as we all know, a Committee on Style, which had no authority to make substantive changes, dropped the last four words, considering them redundant.

Alexander Hamilton defined impeachable activities as those that relate chiefly to the injuries done immediately to society itself. During the debate, Edmund Randolph, a Virginia Governor, reflected concerns. He stated that the Executive will have great opportunities of abusing his power, particularly in time of war when the military force and, in some respects, the public's money will be in his hands. Clearly, our founders created impeachment not to punish the President, but to protect the Republic. They had lived under a king and they didn't want another.

History and common sense tell us, therefore, that the threshold for impeachment should be high—very high. It should be difficult, not easy, to impeach a President of the United States because impeachment is the ultimate sanction for protecting the Republic. It is a weapon to be respected and feared, but wielded only under the most compelling circumstances. Similarly, history and common sense tell us that removing a President is not the same as removing a Federal judge. In James Madison's records of the debate at the Federal Constitution, he wrote, "The judiciary hold their places not for a limited time, but during good behavior." The Executive was to hold his place for a limited term, like the members of the legislature.

Like them—particularly the Senate, whose Members would continue in appointment in the same term of 6 years—he would periodically be tried for his behavior by his electors, who would continue or discontinue him in trust, according to the manner in which he had discharged it. Likewise, removing a President is not the same as removing a member of the Armed Forces for violating the military code of conduct. The Uniform Code of Military Justice is required to maintain the good order and discipline for waging war and securing peace. And all of us who have served in the Armed Forces understood that we swore an oath to obey a code not required of any civilian, even those with the power to send us into harm's way—a civilian Commander in Chief, our Secretary of Defense, and Members of Congress.

Finally, removing a President is not the same as punishing a citizen in a court of law. Like any citizen, a President can be fully punished in court after he leaves office, and the failure to convict him in an impeachment trial in no way precludes a subsequent criminal prosecution.

If a President is subject to the law, then he is clearly not above it, as some have claimed.

Some also argued that since the President's oath requires him to faithfully execute the laws, any violation of those laws should thereby warrant his removal from office. While that argument may be appealing, it simply was not the standard adopted by the framers. Their standard was narrowly confined to treason, bribery, or other high crimes or misdemeanors. And it is against this standard that we are called upon to judge the conduct of this President.

I believe the President lied. When he came before the television cameras and addressed the American people, wagging his finger and denying that he had sexual relations with a subordinate employee, he lied. This offensive public conduct, which has caused me the greatest personal anguish, is an act that will be forever seared into our Nation's memory. His deception was calculated, politically motivated, and directed at each and every one of us.

Though clearly reprehensible, this lie did not violate any law and was not the subject of any article of impeachment. So, while I am convinced that the President lied to us, I am not convinced beyond a reasonable doubt that he lied to the grand jury, which is the sole basis for the first of the two impeachment articles.

Despite the apparent strength of the evidence, the House of Representatives defeated an article alleging perjury in the President's civil deposition. They voted to impeach the President for perjury based solely on his testimony before the grand jury. Article I alleges that the President willfully provided perjurious, false, and misleading testimony to the grand jury.

I listened intently to the arguments presented by both sides, and I have read the President's grand jury testimony carefully. In my judgment, the President's grand jury testimony ultimately boiled down to a few irreconcilable discrepancies, and while often slippery, hair-splitting, legalistic, and, in the words of the President's counsel, "maddening," was not perjurious beyond a reasonable doubt.

On article I, therefore, I will vote not guilty.

Article II alleges obstruction of justice, a crime difficult to prove because it requires a determination beyond a reasonable doubt about what a person intended by his words or deeds.

In this case, it is extremely difficult to determine whether the President's intentions were to obstruct justice in a civil or a criminal proceeding, or whether his intention was to mislead his family and the Nation about an embarrassing personal relationship. While his intent is difficult to prove, the unconstitutional bundling of charges contained in article II is clear to me.

Article I, section 3, of the Constitution clearly requires that in an impeachment trial no person shall be convicted without the concurrence of two-thirds of the Members present. The rule of law requires concurrence by two-thirds.

While article I, in my judgment, violates this constitutional requirement, at least it focuses on a single event. Article II is flagrantly worse. Drafted in the disjunctive and containing 7 subparts each alleging a separate act of obstruction of justice, the bundling of these allegations would allow removal of the President if only 10 Senators agreed on each of the 7 separate subparts. If, for example, 10 Senators voted to convict based solely on subpart 1 and a different group of 10 Senators voted to convict based on subpart 2, and so on, it would be possible to reach a total of 70 votes for conviction. But that total would not have been reached with a two-thirds concurrence on any individual subpart.

Such a pleading is not allowed under the Federal Rules of Criminal Procedure and would be thrown out by every Federal court in the land. Surely the founders did not envision removing a President from office if no more than 10 Senators could agree on a given allegation.

Trying to justify this unconstitutional bundling by citing a similar approach in the Richard Nixon case is weak because the Nixon charges were not presented to the Senate. Trying to justify this unconstitutional bundling by citing the Senate impeachment rules is no more compelling since our rules cannot conflict with the Constitution. We simply cannot remove a President from office with an article of impeachment that so clearly violates constitutional standards that we are required by law to follow.

On article II, therefore, I will vote not guilty.

Thus, I will vote not to convict on both articles because the factual, legal, and constitutional standard for removal was not met.

I am not prepared to say, however, that perjury and obstruction of justice are not impeachable offenses, because I believe it would be a mistake to attempt to do that which the founders chose not to do—to define what is impeachable with specificity.

For impeachment to remain what our forefathers intended it to be—a deterrent to misconduct and a means to protect the Republic—future generations should be free in each case to examine the facts, apply the law, and follow the Constitution and to render impartial justice. That is the impeachment process we have inherited from those who came before us, and that is the precedent we bequeath to the ongoing chronicles of American history.

The legacy of this trial, I believe, is not what becomes of one man. This trial is larger than one man. The legacy of this trial is that the Senate, sitting as a Court of Impeachment, proved worthy of the faith of our founders to render justice.

No matter what judgment is rendered, however, this trial cannot exonerate the President. A vote against conviction is not a vote to condone his lying to the American people, nor does it suggest that any Member of the U.S. Senate believes that perjury or obstruction of justice charges are anything but serious. They are very serious charges.

Sadly, the vote we are poised to take on these charges has divided our Nation. In the eyes of too many of our citizens, this vote will represent either a nonmilitary coup attempt against a duly elected President or a victory for those bent on accelerating the moral decline of the Nation. In truth, this vote represents neither. A vote for acquittal indicates nothing more and nothing less than what it says. The case to remove the President from office was not proven.

We sit in judgment today not because we are free from human failings—I certainly have my share—but because our forefathers bestowed upon the Senate the responsibility of protecting the Republic by judging the President when articles of impeachment are exhibited by the House of Representatives. In doing so, they carefully and deliberately limited the scope of our judgment.

We are judging the President in his capacity as President, and we are called upon to decide only one issue—whether he should be removed from office. The Senate does not have the duty nor the capacity to rule on the broader character of the President. In our limited role, we are not called upon to judge him as husband and father, for that is the province of his family. We are not called upon to judge him as accused citizen, for that is the province of the courts. We are not called upon to judge him as sinner, for that is the province of God. And we are not called upon to judge his legacy, for that is the province of history.

Mrs. BOXER. Mr. Chief Justice, thank you for your dignity. And to both our leaders, thank you for your patience.

Colleagues, I will vote to acquit the President, and it is not because his poll numbers are high or because the economy is good. And it is not because Bill Clinton is a Democrat.

When I was in the House of Representatives, an impeachment resolution was filed against Republican President Ronald Reagan—an impeachment resolution because of Iran-Contra, which involved selling arms to a terrorist nation with the proceeds going to the Nicaraguan contras. This was against the law of the United States of America—against the law—against the rule of law.

I voted for that law, but I never went on that impeachment resolution against Ronald Reagan because I felt it would have hurt the country and because there was no bipartisan support for it.

I think the same should be said of this impeachment. There is no bipartisan support for it and the President's removal would hurt the country.

One more preface: It has been said that what the President did in this case was worse than what Senator Packwood did.

In this case, we have a consensual affair, wanted by both parties. It was irresponsible and indefensible: a young woman, a relationship wrong in every way, a president trying desperately to hide the affair.

The young woman was secretly tape recorded and forced to testify. Her mother was forced to testify.

The more than 20 women who complained about Senator Packwood alleged forced sexual misconduct against them. One victim was 17 years old. They wanted to tell their stories.

So each of us can decide for himself or herself the relationship of one case to the other. But surely that is not the issue before us.

Neither is the Paula Jones case, which was thrown out of court by a Republican female judge who ruled that there was no sexual harassment by the President. Testimony about a consensual sexual affair was immaterial.

Yes, the case was later settled, but that doesn't change its history: no sexual harassment, determined by a Republican female judge.

So, Senator Packwood is not before us, nor is Paula Jones. What is before us is the sanctity of the Constitution.

Let me now offer an apology to my constituents for voting in favor of the Independent Counsel Law in its current form—a law that has given one person an unlimited budget, unlimited scope, unlimited time and an unlimited ability to hurt people, and to hurt them badly.

The Senate is now sitting as a court of impeachment, primarily because, for over four years, we had an Independent Counsel spending more than $42 million searching for an impeachable offense.

And while I condemn the President's behavior, it was no excuse for the Ken Starr witchhunt, which went from a real estate deal, to several other fruitless investigations, to a sex deal built around illegally recorded phone conversations with someone named Linda Tripp. Linda Tripp, who says she's like all of us. Heaven help us if all of us act like Linda Tripp, secretly recording our dear friends. What a country this would be!

I also want to comment on one other matter which is personal to me, and that is my daughter's family connection to the First Lady.

While none of my Senate colleagues questioned the propriety of my participation in the impeachment matter—for which I thank you all—I was the target of a barrage or questions by the media and others outside this body.

I just want to say that yes, my daughter is married to the First Lady's brother, a brother who loves and admires his sister and doesn't want to see her hurt. So, I am far from being a defender of the President's behavior.

But I am a fierce defender of our Constitution.

That is why I have joined a small number of senators, led by the distinguished senator from West Virginia, in fighting amendments to that precious document.

Believe me, being against the line-item veto and the balanced budget amendment were not popular positions in my state; my positions made my reelection tougher. But I have never doubted that defending the Constitution is worth risking my Senate seat, which I cherish so much.

And it is because of my deep reverence for the Constitution that I believe we must reject the articles of impeachment before us today.

Why? Because the high crimes and misdemeanors constitutional requirement for removal has not been met—not even close.

The Constitution does not say remove the President if he fails to be a role model for our children. It does not say remove the President if he violates the military code of conduct, or the Senate Ethics Code. It does not say remove the President if he brings pain to his family.

It says very clearly that the President shall be impeached and removed from office only for committing treason, bribery or other high crimes and misdemeanors.

In his Commentaries on the Constitution, Justice Joseph Story endorsed the view that "those offenses which may be committed equally by a private person as a public officer are not the subject of impeachment." This means that presidential impeachable offenses are, generally, acts which could not be done by anyone other than the president.

Impeachment and removal from office was not meant to be a punishment of the President, but rather a protection of the country from a tyrant who would use his or her power against the people and the Constitution.

This President is not a tyrant who is threatening our democracy and freedom or the delicate balance of powers set up by our Constitution. So the "high crimes and misdemeanors" standard established by the Constitution has not been met in my view.

We must also reject these articles because there is every reason to doubt the House managers' case on perjury and obstruction of justice. They have presented not one shred of direct evidence for their claims, and the details of their circumstantial case have been decimated in many respects. As one manager said on national television, he couldn't win the case in a court of law as it was presented in the House.

I don't see how the case was strengthened in the Senate. In fact, I believe that it was weakened in the Senate.

When you have clear statements by Monica Lewinsky that the President never, ever told her to hide gifts and never discussed the contents of her affidavit—when you have Betty Currie saying she never felt intimated by the President and Vernon Jordan saying the job search was never connected to anything else—it seems to me there is substantial doubt on both counts.

That leads to another point. Rejecting these articles of impeachment does not place this President above the law. As the Constitution clearly says, he remains subject to the laws of the land just like any other citizen of the United States.

As Article I, Section 3 of the Constitution says, the President "shall . . . be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law." So it should be a comfort to those who believe the President committed crimes surrounding his affair that the President, indeed, is subject to the rule of law—our Founders made that certain.

At this point, I want to thank Senator TOM HARKIN for his challenge to the House Managers that the Senate is not a jury. In so ruling, Chief Justice Rehnquist, in my view, gave us the charge to look at the big picture, and that is very important.

Part of that picture is how the House of Representatives acted in this matter. I served in the House for ten years, and I never saw the minority party denied a vote on an alternative of their choosing in an important matter. Yet Democrats and moderate Republicans were denied a vote on censure, and I believe this was a disaster for democracy in that body.

Listen to what a Republican House Member who voted against impeachment wrote to a constituent:

> I regret that Congressional Republicans were so blinded by their opposition to President Clinton that they voted to impeach him rather than stand by the traditional principles of their Party. I also regret that threats were made against me by the Republican leadership in an attempt to keep me from voting my conscience.

Those are the words of one of the five brave Republicans who voted against impeachment in the House. To me that speaks volumes about the kind of illegitimate process that got us here, and I believe in my heart that history will judge the House proceedings very harshly.

But I believe that the Senate, if it rejects the articles in a bipartisan way, will be viewed in a better light, and history will say that in 1999 the Senate decided that impeachment should not be used by one party to overturn the results of a presidential election that it did not like.

As Chief Justice Rehnquist wrote of the Senate acquittal of President Andrew Johnson in 1868:

> The importance of the acquittal can hardly be overstated. With respect to the chief executive, it has meant that as to the policies he sought to pursue, he would be answerable only to the country as a whole in the quadrennial presidential elections, and not to Congress through the process of impeachment.

If I may, Mr. Chief Justice, I understand from your wise words that the President does not and should not serve at the pleasure of the House and Senate.

The Senate did the right thing in 1868—and by its decision not to remove the President, it brought stability to our nation. We should do no less now.

Voting against the articles of impeachment is the right thing to do to keep faith with our Constitution and to keep faith with our democracy for generations to come.

Mr. MACK. Mr. Chief Justice, today the Senate finds itself at an unlikely crossroads in American history. We have assembled as a court of impeachment to sit in judgement of our President, William Jefferson Clinton, on the charges of perjury and obstruction of justice. We have worked our will in this matter according to a process rooted in English common law, written by our Founders into the Constitution, and exercised against the Chief Executive only once before in American history.

This is not a task to be taken lightly, and we have not arrived easily at our decision. The Senate today is engaged in weighty struggles that go to the very heart of our private and public lives. We are at an unlikely juncture between principle and public opinion, repentance and the rule of law, perception and punishment, forgiveness and findings of fact. These are difficult issues, Mr. Chief Justice. We approach our task fully aware that our decisions today will reverberate across this great land and throughout the length and breadth of history.

There has been much discussion about how we got here. And while the answer to that question may be varied in all its permutations, then amplified in the echo-chamber that is our modern public debate, it can be said with assurance that this whole unseemly business began when the President, caught in an improper private act, took deliberate steps to conceal it. And for all the other parties blamed for our presence here today—the media, the independent counsel, the political factions opposed to the President, the House of Representatives—it must be clearly understood that this process began with the deliberate and wilful acts of the President of the United States to lie in a Supreme Court sanctioned civil rights inquiry and obstruct the due course of justice. It all started with the high-handed disregard for the law exhibited by the nation's Chief Executive. It ends today.

Mr. Chief Justice, when the sound and fury of the moment has passed, and this episode can be observed with the objectivity that comes with the passage of time, I believe it will be self-evident that we have followed the Constitution to the best of our abilities. In a free, democratic society such as ours, the foundation of freedom is an independent judiciary, the rule of law, and most importantly the Constitution. Our Constitution is the framework for American society, and I have been constantly reminded throughout these proceedings of the importance of our duty to honor the dignity of this document.

The magnitude of this undertaking deserves no less than a sincerity of purpose and an absolute confidence in the wisdom of our Founders. The American people should not be swayed by those who argue the prominence of this case—in all its tawdry and unseemly detail—has made unnecessary a thorough process of determining the truth. We stand in judgement of the President. Our decisions will be remembered throughout history. Our precedent may be followed by future Senates. Yet, still we have heard throughout this exercise the unfortunate call to end these proceedings, save a few weeks, and inject the politics of expediency into a monumental Constitutional undertaking. I find these arguments display a remarkable lack of confidence in the sound and just system outlined by our Founders to address very serious charges levied against the President of the United States.

I am grateful the Senate rejected those calls and put in place a responsible mechanism for the thorough airing of fact and argument. I am confident our process during this trial, though far from perfect, was appropriate. We allowed time for detailed presentations on the part of the House of Representatives and the President. We held an extensive question-and-answer session to review and clarify matters presented by both sides. And we have allowed for the appropriate and necessary deposition of key witnesses. Unfortunately, the simple fact is that the outcome of this matter was, in many minds, predetermined. In spite of this, the integrity of the process was, time and again, fought for and protected. Now—today— it only remains for us to cast our votes.

BACKGROUND

I wish to address my remarks not so much to the people listening in this room today, but rather to those future generations who will look back at the record and transcripts for guidance, direction, and a more thorough understanding of the process that played out in this chamber during the first two months of 1999. I mentioned earlier the significance of the Constitution. I cannot stress enough the essential role that this historical document has played in the trial of William Jefferson Clinton. This document laid the framework for what has taken place. Be it understood, the Senate tried the President because the Constitution requires that we do so. There is no exception for popular Presidents, such as William Jefferson Clinton. The Constitution provides for this process to be applied to everyone evenhandedly.

Although the trial of this President was not a trial in the traditional sense, it is important to note that if the impeachment of a President presents itself again, there is nothing restricting a more traditional trial from occurring. In fact, I would encourage future Senates to utilize a judicial proceeding more closely aligned to a typical courtroom trial. Every impeachment trial will have its own dynamic environment, determined by the political and social context in which it occurs. The trial of William Jefferson Clinton occurred in a prosperous time. The citizens of this nation are largely satisfied, the President enjoys consistently high approval ratings, and the economy is outstanding. Impeaching and then trying the President has not engendered popular public support. I make these observations for future generations who reflect on this process simply to explain the mood of our nation and the political environment in which this proceeding occurred. As a result, we should not deceive ourselves into believing that public opinion did not impact this process. I would like to believe, however, that the competing demands of expediting the process versus honoring our Constitutional duties created a struggle that produced the most fair trial possible under the circumstances. Accordingly, the process we followed and the rules complied with may not be appropriate for the next trial. The decisions made in this environment should not be considered to set precedent that is inflexible. In fact, the precedent we set deserves thoughtful consideration and reasoned critique when reflected upon in the years and decades to come.

In that light, our official duties in this matter began on December 19, 1998, when the United States House of Representatives impeached the President, William Jefferson Clinton. After listening to the evidence, reading the trial memorandums and the record, and carefully considering the arguments presented by both the House Managers and White House counsel, I believe the President is guilty of both articles.

Before I address the merits of the case against the President, I think it is necessary to discuss whether the crimes of perjury and obstruction of justice constitute high crimes and misdemeanors as contemplated by the Framers of our Constitution. This topic has been the subject of much controversy in the past months.

It is true that private acts are the genesis of the matter before us. Had the acts stayed private, we would not be here today. The President, however, brought these private acts under our public purview and created a matter of public concern when he used his position and his power to deny and obstruct the civil rights of Paula Jones.

Contrary to what has been asserted, this is not just a case about a sexual encounter between the President and a young White House intern. This instead is a case about depriving Paula Jones, an individual who sought and was granted the right to file a civil rights action against the President, of her constitutional right to a day in court, a right which nine justices of the Supreme Court unanimously decided that she deserved. And—almost unbelievably—on the heels of this Supreme Court mandate, the President seemed to strengthen his efforts to deny Paula Jones' civil rights. Once these acts moved into the public arena, forming the basis for charges as serious as perjury and obstruction of justice, it is my opinion these acts became high crimes and misdemeanors as envisioned by our Founders. While our only precedent involves the impeachments of federal judges, I am satisfied the standards used in these cases also apply to the charges levied against the President.

The President of the United States is the head of the Executive Branch and the Chief Law Enforcement Officer of this nation. When the Founding Fathers established our tripartite system of government, it was decided that the three branches of government would operate as checks and balances on one another. As a result, no branch would be more powerful than the other. This structure is at the very core of our success as a Republic.

By obstructing justice and lying under oath, William Jefferson Clinton violated his duty as Chief Law Enforcement Officer, disrespected the Judicial Branch of the government, and undermined the foundations of our judicial system's truth-seeking process. If I were to determine that the President's actions did not constitute high crimes and misdemeanors, I would be asserting that the Executive Branch and the Office of the Presidency are more important than the Judicial Branch, and that the President of the United States is not obligated to abide by the rule of law. As a citizen and as a Senator, I cannot, in good faith, ignore the separation of powers argument. In my view, the President's conduct was in violation of the rule of law and his actions have betrayed the trust of the people of the United States. It is my firm belief that the serious offenses committed by William Jefferson Clinton are high crimes and misdemeanors and warrant impeachment, conviction, and removal from office.

Amazingly, we continue to hear the argument that although the President's actions rise to the level of high crimes and misdemeanors, he should not be removed from office. The Constitution provides if a President is found guilty of high crimes, then he is automatically removed from office. Our Constitution does not allow for finding the President guilty of high crimes and misdemeanors, and then permitting him to stay in office. Only an amendment to the Constitution would make such a step permissible.

There were several points during the trial of the President when I had a visceral reaction to certain charges raised by the House Managers. This reaction occurred, each time, at precisely the point when the Managers discussed the President's strategy to attack the character of Monica Lewinsky, Kathleen Willey and others. The callous disregard for the soul of another human being and the unsympathetic wounding of the character of another carried out by the President using the apparatus of the Presidency is chilling and deserves condemnation by those who cherish freedom.

Before I proceed to my view of the specific articles, it may help to explain that I approach this process unencumbered by a law degree. While that in no way gives me license to disregard the legal aspects of the matter before me, it does permit me to translate legal concepts into layman's terms. As I worked my way through the voluminous record and sat through days of the trial, I found it easiest to understand this case if I approached it in chronological order. Given that, I will discuss the Obstruction of Justice count first, because in the course of this tragic series of events, I believe the President started down this slippery slope by the actions he took, as opposed to the words he spoke. Sadly, the words, uttered under an oath to tell the truth, came later.

OBSTRUCTION OF JUSTICE

I view obstruction of justice, in its most simple terms, as actions that somehow interfere with the fact-finding or truth-seeking mission of a lawsuit. The record before us is replete with examples which, in my opinion, prove that the President of the United States intended to, and did in fact, obstruct justice. Specifically, I believe the President obstructed justice by corruptly engaging in, encouraging, and supporting a scheme to conceal evidence that had been subpoenaed in the Jones case; by encouraging Ms. Lewinsky to file a false affidavit in the Jones case; by allowing his attorney to make false and misleading statements to a federal court judge; by relating false and misleading statements to Ms. Currie and presidential aides in order to influence their testimony; and by intensifying and succeeding in an effort to secure job assistance for Ms. Lewinsky in order to encourage her to testify favorably toward the President in the Jones case.

I believe the first example of obstruction occurred when the President was issued a subpoena in the Paula Jones case. This case was a federal civil rights action in which the President was sued for sexual harassment, hostile work environment harassment, and intentional infliction of emotional distress. As part of the discovery process in the Jones case, subpoenas were issued to several former state and federal employees suspected of having sexual relations with the President. Included in these was a subpoena which requested the President to produce the gifts he had received from Monica Lewinsky. This request was denied by the President on five different occasions, as ultimately five separate subpoenas were issued. As a last resort, Judge Wright granted Paula Jones' motion to compel the President to produce gifts. The President, however, still did not turn over the gifts and instead replied that he had none. The President's unwillingness to comply is ironic given that later—in his grand jury testimony—he stated that he receives and gives hundreds of gifts a year, and that the whole gift-giving concept is inconsequential to him. The President's behavior belies his testimony.

The gift concealment continued beyond the President refusing to turn over the presents Ms. Lewinsky gave him. Ms. Lewinsky was also subpoenaed in the Jones case and was asked to turn over gifts the President had given to her. According to Ms. Lewinsky, when she suggested to the President that the gifts be hidden, he responded that he would have to "think about it." I am aware that the record does not reflect a specific directive by the President to Ms. Lewinsky to hide the gifts. My reading of the record and my interpretation of the evidence, however, leads me to the inescapable conclusion that the Chief Law Enforcement Officer of the country, and a well-educated lawyer to boot, did not fulfill his duty to turn gifts over himself and did not abide by his duty again when Ms. Lewinsky asked him what she should do with her gifts.

There is some confusion over exactly how the President's secretary, Ms. Currie, came to be in possession of the gifts that the President gave Ms. Lewinsky. I find it compelling, however, that when the President and Ms. Lewinsky met on the morning of December 28, Ms. Lewinsky suggested that the gifts the President had given to her should be hidden. A few hours later phone calls were made from Ms. Currie to Ms. Lewinsky. On that same afternoon, Ms. Currie arrived at Ms. Lewinsky's residence to pick up the gifts, and ultimately, the gifts were found under Ms. Currie's bed. In my view, this is sufficient evidence to connect the President's involvement with the gift concealment. I find it hard to believe that Ms. Currie would on her own, without influence from the President, decide to hide Ms. Lewinsky's gifts.

As an aside, I feel compelled to point out a pattern that seems to have evolved during this administration. The hiding of evidence in a personal residence harks back to the mysterious reappearance of the Whitewater billing records in the White House residence several years ago. There seems, in my mind, a proclivity on the part of the President to cause the disappearance of key evidence whenever wrongdoing is alleged. Hence, gifts under the bed equate to billing records in the White House residence.

In view of the President's actions up to this point, I am convinced the President was involved in Ms. Currie's receipt of the gifts. The simple truth is that, in spite of repeated requests, the gifts the President received were never produced and only some of the gifts given to Ms. Lewinsky were produced. In my view, it was no accident that gifts which were not handed over were instead hidden beneath the President's secretary's bed.

As the Jones case progressed, so did the President's determination to obstruct justice. As fate would have it, Monica Lewinsky was named as a witness in the civil rights action. Upset and scared, the President suggested to Ms. Lewinsky that if she were subpoenaed she could file an affidavit in an effort to avoid testifying in a deposition. Ms. Lewinsky did in fact file an affidavit. The affidavit was claimed by the President to be truthful because of what Ms. Lewinsky understood "sexual relations" to mean at that time.

While the President maintains the truth of the affidavit even until this day, Ms. Lewinsky testified before the grand jury that, in fact, it was not a truthful affidavit. Specifically, she testified before the grand jury that she was willing to submit a false affidavit under the penalty of perjury because she did not think that her affair with the President was anyone's business. I assume that we would still not have Ms. Lewinsky's admission that the affidavit was false, but for the fact that she was in fear of being prosecuted for perjury herself.

I think the President's behavior in regard to the affidavit of Ms. Lewinsky fits squarely in the definition of obstruction of justice. I am not impressed with the President's argument that this conduct became "irrelevant" when Judge Wright later determined that the Lewinsky matter was not essential to the Jones lawsuit.

On the contrary, I am compelled by the fact that when the President was weaving this contorted web, it was his clear intent to conceal his relationship with Ms. Lewinsky. At the time the Lewinsky affidavit was prepared, the President could not have known Judge Wright would later determine that the Lewinsky matter was unrelated to the Jones lawsuit due to the consensual nature of the President and Ms. Lewinsky's relationship. Rather, the President was making every effort to see that nothing about his relationship with Ms. Lewinsky was disclosed.

The next crucial event arrived on the day of the President's deposition in the Jones case. At the deposition, the President's attorney, Bob Bennett, stated that Ms. Lewinsky's affidavit was true. Specifically, Mr. Bennett stated that "there is no sex of any kind, shape, or form." The President claims, not surprisingly, that he was not paying attention when his attorney made these statements, and in addition, that the Lewinsky affidavit was technically true because the word "is" means "at this time."

My review of the President's videotaped testimony leads me to believe the President was paying attention to Mr. Bennett. When watching the videotape, it is apparent to me the President's attention is riveted on every person who speaks. He is attentive and his eyes track the speakers as they engage in dialogue. I believe the President purposely allowed Mr. Bennett to mislead the court. Part of the record before us includes a letter from Mr. Bennett asking the trial court not to rely on the affidavit or his comments regarding the document. Thus, it appears Mr. Bennett also believed that the President allowed him to mislead the court.

Moreover, I am not persuaded by the President's argument that the affidavit was technically true because "is" means "at this time." I am offended by the President's lack of respect for the truth-seeking process our justice system is designed to foster and protect. Indeed, I am disturbed that the President would attempt to manipulate each and every word. To take the President's interpretation of "is" to its logical conclusion that nothing was occurring at that very minute is ridiculous.

Clearly, things did not go well at the Jones deposition. In fact, the President admitted later in his grand jury testimony that he was surprised by the depth of the inquiry regarding Monica Lewinsky. This probing questioning made the President increasingly desperate. On Saturday, after the President's deposition, he called his secretary, Ms. Currie, and asked her to come to the White House the following day. Both the President and Ms. Currie testified that such a Sunday meeting was out of the ordinary. When Ms. Currie arrived, the President called her into the Oval Office and made several statements, which he later described as questions, regarding Monica Lewinsky. Ms. Currie testified before the grand jury, that the President said the following to her:

> I was never really alone with Monica, right?
>
> You were always there when Monica was there, right?
>
> Monica came on to me, and I never touched her, right?
>
> You could see and hear everything, right?
>
> She wanted to have sex with me, and I cannot do that.

This conversation was repeated between the President and Ms. Currie again two days later. Though Ms. Currie testified that on both occasions she felt "no real pressure" to agree with the President, she did nonetheless think he wanted her to agree with him. And, agree she did.

Lawyers for the President have defended his actions by stating that the President was refreshing his memory with Betty Currie because he was aware that the media frenzy regarding Monica Lewinsky was about to break loose. I find this explanation unconvincing for numerous reasons. The first, and perhaps most obvious reason is that a person does not typically refresh his recollection with statements he knows to be false. It is beyond belief that the President could assert such a defense. He knew he was alone with Ms. Lewinsky, and even he testified he would have been an "exhibitionist" if he had conducted these acts in public view. In fact, when asked during the grand jury proceedings if Ms. Currie was nearby when he and Ms. Lewinsky had intimate contact, the President responded: "I never—I didn't try to involve Betty in that in any way." Further, the President's statements to Ms. Currie implying that she was always present, and that she could see and hear everything, defy logic by indicating that Ms. Currie was always with the President and Ms. Lewinsky. The President clearly knew that was not the case.

The sum of this evidence convinces me the President was not only obstructing justice by tampering with a potential future witness, but also violating the gag order that had been put into effect by Judge Wright in the Jones case. The irony here is that one reason Ms. Currie became a potential witness was due to the President's own urging. Throughout the Jones deposition the President repeatedly offered "you should ask Betty." Then, on the very next day following these remarks, he summoned Ms. Currie to the White House and asked and answered his own leading questions. Importantly, the following week, Ms. Currie was subpoenaed to testify in the Jones matter.

I have also concluded the President's conversations with his aides concerning his relationship with Ms. Lewinsky constitute witness tampering. The President told his aides, John Podesta, Sidney Blumenthal, and Erskine Bowles, misleading and untrue statements about his relationship with Monica Lewinsky. In fact, Mr. Podesta testified in the grand jury proceedings that the President was extremely explicit in his comments about denying any physical relationship and any sexual contact with Ms. Lewinsky.

Although the President's approach to this group of potential witnesses differed from his approach to Ms. Currie in that he did not ask this group to agree with his statements, I find these conversations equally disturbing. To mislead his key aides, who he admitted might be called to testify before the grand jury, demonstrates that there are no bounds on the President's attempts to protect himself. He was willing to mislead any person who might have blocked his intricate obstruction plan.

In addition, I believe that the President obstructed justice by intensifying and succeeding in an effort to secure job assistance for Ms. Lewinsky in order corruptly to prevent her from truthfully testifying in the Jones case. Although the President promised Ms. Lewinsky assistance with her New York job search prior to her name appearing on a witness list in the Jones case, it seems odd and much too coincidental that the President's assistance intensified after he learned that Ms. Lewinsky was on the witness list.

In October, Ms. Lewinsky expressed her interest to the President in moving to New York and finding a job. In early November, Ms. Lewinsky had a meeting with Vernon Jordan to discuss potential jobs in New York City. Ms. Lewinsky testified before the grand jury that this meeting resulted in no activity taking place. However, unbeknownst to Ms. Lewinsky, her job search would take a 360 degree turn in December. Possibly the most important day was December 6, 1997, when the President learned that Ms. Lewinsky's name had appeared on a list of potential witnesses in the Jones case. A little over a month later, Ms.

Lewinsky was offered and accepted a job with Revlon in New York City.

Because I feel the sequence of events that took place in December is extremely telling; I will lay these events out. On December 6, the President learned Ms. Lewinsky was a potential witness in the Jones case. On December 7, the President and Mr. Jordan met at the White House. According to both parties, however, Ms. Lewinsky was never discussed. On December 8, Mr. Jordan received Ms. Lewinsky's resume by courier. On December 11, Mr. Jordan met with Ms. Lewinsky and made phone calls to various New York companies on her behalf. On December 17, after a job in New York seemed like a much more likely prospect for Ms. Lewinsky, the President telephoned Ms. Lewinsky at 2:00 a.m. to inform her that her name was on a witness list in the Jones case. On December 19, Ms. Lewinsky was served a subpoena in the Jones case. On December 31, Ms. Lewinsky and Mr. Jordan ate breakfast together at the Park Hyatt Hotel. On January 7, Ms. Lewinsky signed an affidavit to be filed in the Jones case in which she denied having sexual relations with the President. On January 8, Ms. Lewinsky interviewed in New York with MacAndrews and Forbes, a company recommended by Mr. Jordan. On that same day, Ms. Lewinsky informed Mr. Jordan that the interview did not go well. Mr. Jordan made a call to the Chairman of the Board and Chief Executive Officer at MacAndrews and Forbes. On the morning of January 9, Ms. Lewinsky was given a second interview. On that same morning, Ms. Lewinsky was given an informal job offer, which she accepted. On January 13, 1998, Ms. Lewinsky received a formalized job offer.

It is apparent from the above time line that the President's efforts in finding Ms. Lewinsky a job in New York intensified at an excessive rate once it was discovered that Ms. Lewinsky was going to be a witness in the Jones case. The President was well aware of the fact that Ms. Lewinsky's testimony could be harmful to him, and thus, it was in his best interest to get Ms. Lewinsky a job in New York as soon as possible. It seems to be no coincidence that the President did not tell Ms. Lewinsky that she was a potential witness until eleven days after he learned of this news. Rather, it appears the President was using these eleven days to ensure that Ms. Lewinsky understood the President was her friend and was trying to assist her in her New York job hunt. Interestingly, Ms. Lewinsky was not informed of her witness status until after interviews in New York had been scheduled for her by Vernon Jordan.

PERJURY BEFORE THE GRAND JURY

The President is also charged with making perjurious, false, and misleading testimony to a Federal grand jury concerning his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in the Jones civil rights action. My review of this charge, and the evidence offered, leads me to conclude that the President engaged in several separate acts of perjury. Specifically, the President lied under oath regarding the nature and details of his relationship with Ms. Lewinsky; lied regarding his conversation with Ms. Currie on the day following his Jones deposition; lied regarding his knowledge of Ms. Lewinsky's affidavit in the Jones case; lied regarding statements made to aides about his relationship with Ms. Lewinsky; lied regarding prior false and misleading statements he allowed his attorney Bob Bennett to make to a federal judge in the Jones case; and lied when he denied engaging in a plan to hide gifts that had been subpoenaed in the Jones case.

After the Jones deposition, on January 26, 1998, the President went on national television and declared: "I did not have sexual relations with that woman, Miss Lewinsky." In addition, he denied that he urged her to lie about the affair. Over the next seven months, the President continued to deny the relationship. In the face of mounting evidence to the contrary, the Office of the Independent Counsel sought and received permission from the Attorney General to expand its investigation to include whether the President lied under oath in his Jones deposition.

Seven months later, on August 17, 1998, the President appeared before a grand jury to answer questions regarding his Jones deposition and his alleged affair with Ms. Lewinsky. Prior to his testimony, the President took a solemn oath to tell the truth. Specifically, when asked during the grand jury proceedings what this oath meant to him, the President stated: "I have sworn on an oath to tell the grand jury the truth, and that's what I intend to do." Moreover, the President stated: "I will try to answer, to the best of my ability, other questions including questions about my relationship with Ms. Lewinsky; questions about my understanding of the term "sexual relations," as I understood it to be defined at my January 17, 1998 deposition; and questions concerning alleged subornation of perjury, obstruction of justice, and intimidation of witnesses."

In my opinion, however, the President violated his stated intention to answer questions honestly and to the best of his ability. Perjury is defined by the United States Code as "whoever under oath in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false declaration." See 18 U.S.C. §1623. I believe that the President's statements fall within the above definition because his statements were both false and material to the proper inquiry of the grand jury.

First, the President gave false and misleading testimony during the grand jury proceedings concerning the nature and details of his relationship with Monica Lewinsky. On August 17, 1998, the President read a prepared statement to the grand jury as a response to the question of whether he was physically intimate with Monica Lewinsky. The prepared statement said:

> When I was alone with Ms. Lewinsky on certain occasions in early 1996 and once in early 1997, I engaged in conduct that was wrong. These encounters did not consist of sexual intercourse. They did not constitute sexual relations as I understood that term to be defined at my January 17, 1998, deposition. But they did involve inappropriate intimate contact.
>
> These inappropriate encounters ended, at my insistence, in early 1997. I also had occasional telephone conversations with Ms. Lewinsky that included inappropriate sexual banter.
>
> I regret that what began as a friendship came to include this conduct, and I will take full responsibility for my actions.

During Ms. Lewinsky's grand jury testimony, she stated that the President had contact with various parts of her body. Even under the limited interpretation that the President has given the Jones definition of "sexual relations," the contact between the President and Ms. Lewinsky, as testified to by Ms. Lewinsky, constituted sexual relations on the part of both parties.

Before the grand jury, the President referred to his prepared response nineteen times in order to avoid providing honest and complete answers to the questions posed. By referring to his prepared statement, the President asserted that his encounters with Ms. Lewinsky did not constitute "sexual relations." The fact is that the evidence overwhelmingly affirms that the President had sexual contact with Ms. Lewinsky and his attempts at legal hairsplitting to maneuver around the truth failed.

To address part of the perjury charge creates the need to resolve the credibility conflict between the President and Ms. Lewinsky. By finding that the President committed perjury in regard to testimony concerning the nature and details of his relationship with Ms. Lewinsky, it is clear that I find the testimony of Ms. Lewinsky to be more honest and forthright. Some may question why I believe the testimony of Ms. Lewinsky over the testimony of the President. First and foremost, I believe Ms. Lewinsky had no motive to lie, whereas the President had every motive to conceal the details of this intimate relationship. Not only was his Presidency on the line, but his credibility with his staff would be destroyed if the truth were exposed. Even more importantly, the President's credibility is questionable because he had to fear that discovery of the truth would cause his family immense devastation.

Furthermore, I believe Ms. Lewinsky is more credible because her statement is corroborated. Ms. Lewinsky told the intimate details of her relationship to her therapists, her friends, Linda Tripp, her mother, and her aunt. Thus, it is not difficult to find that Ms. Lewinsky is a more credible witness than the President.

I further believe the President made perjurious and misleading statements before the grand jury when he disclosed his version of his conversations with Betty Currie. As stated earlier, I believe that the rhetorical questions the President asked Ms. Currie on two separate occasions were an effort to coach a potential witness in the Jones case. During his grand jury testimony, the President testified that he questioned Ms. Currie because he thought the story would break in the press, he needed to get the facts down, and he was trying to refresh his memory. The reality is the President was never trying to refresh his memory. Ms. Currie even acknowledged in the grand jury proceedings that based on the way the President stated the questions and his demeanor, she believed he wished for her to agree with his statements.

In addition, according to the President's own grand jury testimony, he told no one of his relationship with Monica Lewinsky. Specifically, during grand jury questioning, the President was asked with regard to his relationship with Ms. Lewinsky: "Had you told anyone?" The President answered: "Absolutely not." Question: "Had you tried, in fact, not to let anyone else know about this relationship?" Answer: "Well, of course." Question: "What did you do?" Answer: "Well I never said anything about it, for one thing. And I did what people do when they do the wrong thing. I tried to do it where nobody else was looking at it."

Thus, if the President was hiding his intimate encounters with Ms. Lewinsky, how would Ms. Currie have been capable of refreshing his memory on details of his secret relationship? The truth is that the President was fully aware of the fact he touched Ms. Lewinsky. Likewise, the President was fully aware that there had been instances when he was alone with Ms. Lewinsky. The only reason the President asked Ms. Currie those five infamous rhetorical questions was to provide a false and misleading account of the events to Ms. Currie in the hope Ms. Currie would substantiate the false testimony he gave in his deposition. The President's grand jury testimony that he was trying to refresh his memory was simply a story concocted to cover up the fact that he obstructed justice. Thus, his grand jury testimony was perjurious.

In addition to making false statements with regard to the potential testimony of Betty Currie, the President also made false statements with regard to tampering with the potential testimony of his aides. The President testified to the grand jury that he said to his aides things that were true about his relationship with Ms. Lewinsky. "I said, I have not had sex with her as I defined it." This statement is, however, patently untrue, as White House Deputy Chief of Staff John Podesta's testimony indicates. Mr. Podesta testified that the President was explicit in stating that no sexual contact of any kind occurred between the two parties.

Furthermore, during the grand jury proceedings, the President testified that when he was asking Ms. Currie about the times he was alone with Ms. Lewinsky, he was referring to 1997. The President stated: "Keep in mind, sir, I just want to make it—I was talking about 1997. I was never, ever trying to get Betty Currie to claim that on the occasions when Monica Lewinsky was there when she wasn't anywhere around, that she was. I would never have done that to her, and I don't think she thought about that. I don't think she thought I was referring to that." The President was then asked: "Did you put a date restriction? Did you make it clear to Ms. Currie that you were only asking her whether you were never alone with her after 1997?" The President responded: "Well, I don't recall whether I did or not, but I assumed—if I didn't, I assumed she knew what I was talking about, because it was the point at which Ms. Lewinsky was out of the White House and had to have someone wave her in, in order to get in the White House." In my view, this is just one more example of the President creating a false story to cover up the fact that his conversation with Betty Currie constituted witness tampering.

The President also provided perjurious, false, and misleading testimony to a Federal grand jury regarding his knowledge that the contents of an affidavit executed by Ms. Lewinsky were untrue. Attorneys for Paula Jones were seeking evidence of sexual relationships the President may have had with other state or federal employees. In this process, Ms. Lewinsky was subpoenaed as a witness. The President suggested that Ms. Lewinsky should file an affidavit to avoid having to testify. If the truth had been told in this affidavit, and if Ms. Lewinsky had been honest about the nature of her relationship with the President, Ms. Lewinsky indisputably would have been an important witness.

The President stated before the grand jury, when asked about the Lewinsky affidavit: "Did I hope [Monica Lewinsky would] be able to get out of testifying on an affidavit? Absolutely. . . Did I want her to execute a false affidavit? No, I did not." The President's testimony is not credible and is misleading in light of the fact that it was virtually impossible for Ms. Lewinsky to file a truthful affidavit that would have permitted the President to achieve his objective of not having Ms. Lewinsky testify. This is just one more instance were the President lied, misled, and violated his solemn oath to tell the truth.

In addition, the President gave perjurious testimony in regard to false and misleading statements he allowed his attorney Bob Bennett to make to a federal judge in the Jones case. When asked during his grand jury testimony how he could have lawfully sat silent while his attorney made a false statement, the President explained that he was not paying "a great deal of attention." As I stated earlier, from reviewing the President's videotaped deposition numerous times, I believe that it is apparent that the President was indeed paying attention when his attorney made these false statements.

Finally, in his grand jury testimony, the President stated he told Ms. Lewinsky that if the attorneys for Paula Jones asked for the gifts, she had to provide them. In light of the fact that all of the gifts the President gave Ms. Lewinsky were never produced and some of the gifts were found under Ms. Currie's bed, I do not believe that the President's grand jury testimony regarding his conversation with Ms. Lewinsky was truthful.

Accordingly, after considering all of the evidence, I believe that the President is guilty of both Article I and Article II.

CONCLUSION

Mr. Chief Justice, the President of the United States has put the Senate in a difficult position. His actions have caused all of us to examine the uncomfortable details surrounding his reckless affair with a young White House intern. But it was not his unfortunate actions with the White House intern that brought us to this moment. Rather, it was his wilful and deliberate attempt to cover it up in a judicial proceeding and then lie under oath to a Federal grand jury. We are not here because we disagree with the President's politics. In fact, I happen to consider the President a very capable man, who has, by his own actions, destroyed his place in history. For me to watch someone strategically dismantle all they have worked for is disturbing, to say the least. However, in spite of the human side of this tragedy, there is no escaping that we are here simply because of the President's intentionally deceptive behavior and his unwillingness to abide by the law.

We were handed very serious charges against the President by the House of Representatives. In disposing of this matter, we have followed the only template we have: the Constitution and the precedent of previous Senates. We have followed the Founders to the best of our abilities. Despite cries all around to end the trial and ignore our Constitutional mandate, the Senate allowed for a process rooted in the search for truth. All sides had an opportunity to make their case, question witnesses, and answer inquiries posed by individual Senators.

Although this journey was less than perfect, we did not fail in this endeavor. We did not fail our Founders, we did not fail the House of Representatives or the President, and we did not fail the American people. I attended the meetings of the Senate, reviewed the material in the record, asked questions of the House Managers and White House counsel, and reviewed the depositions of witnesses. I am satisfied that our proceedings over the past month allowed me sufficient information to arrive at my decision.

I am convinced beyond a reasonable doubt that William Jefferson Clinton is guilty of the charges levied by the House of Representatives and should be removed from office. By employing that standard I do not wish to influence others who find a different standard to be more appropriate.

I am proud of the United States Senate and how it conducted itself during this process. Despite extraordinary difficulty, we did our job according to the Constitution and to the best of our ability. I am hopeful that through this process we have provided future generations with enough information to make an informed judgement of this President's actions. In the end, however, history will be the final arbiter.

Thank you, Mr. Chief Justice. I yield the floor.

Mr. FITZGERALD. As a freshman Senator, I am saddened that the first issue I confront in my service to the people of Illinois is the impeachment of a President of the United States. It is difficult to imagine a task less welcome and more awesome to me. As a newly elected Senator, I have barely begun to know the Senate, my colleagues, our rules and procedures, our precedents, or, finally, even our duty. I have watched you all so carefully—looking for examples, and guidance—and wondering at the gravity of these days.

On a personal note, before I begin, I want to thank those on both sides of the aisle—Senators who, in difficult days, have been so gracious to a newcomer. Thank you for taking the time, and making the effort, to welcome the newest among you. Through these hours, I have developed a deep respect for my new colleagues, for the Senate as an institution, and for the Constitution that has anchored our Republic for over two hundred years. I thank God for the wisdom of the Framers, and their ability to construct enduring institutions that allow us to confront, peacefully, the question of whether our President should be removed from office. We now come to the conclusion of this Constitutional process, itself an extraordinary example of the rule of law that makes our nation the envy of the world.

The people of Illinois have entrusted me with the duty to uphold the Constitution, a duty I share with all of you. In addition, we share the responsibility of abiding by the separate oath which we took in this proceeding to "do impartial justice according to the Constitution and the laws."

As a trier of fact and law, I find that the President has committed perjury and obstruction of justice as charged in the two Articles of Impeachment, and that those offenses constitute "high crimes and misdemeanors." I will vote for conviction on both counts.

I reach this decision after detailed examination of the evidence presented, the arguments of counsel, Senate precedents, and the impeachment clause of the Constitution.

THE STANDARD OF PROOF

The initial decision I made was to determine the appropriate burden of proof. Failure to impose a burden of proof on the House Managers would severely weaken the Presidency, a result the Founders feared and sought to avoid. The precedents of the Senate make it clear that there is no single standard that each of us must apply.

The President has argued that we should apply the criminal standard of "proof beyond a reasonable doubt." In recent impeachment trials of federal judges, a number of Senators also argued that conviction was only appropriate if the proof met this standard. Some commentators have suggested that Senators could use the preponderance-of-the-evidence standard typically applied in civil cases, or some standard in between.

I have concluded that, to support a conviction, allegations must be proven by "clear and convincing" evidence. The criminal standard is not warranted, because the relief in this instance, i.e., the removal of the President, is not punitive, but remedial. In contrast, the civil standard would place the Presidency at too great a risk. The "clear and convincing" evidence standard strikes a prudent balance, providing sufficient protection for the authority of the Presidency and the expression of popular will represented by the President's election, while avoiding the risk of a President remaining in office despite clear and convincing evidence of impeachable offenses.

ARTICLE I: PERJURY BEFORE A FEDERAL GRAND JURY

The House has presented clear and convincing evidence that the President committed perjury when he testified before a Federal grand jury on August 17, 1998.

On January 17, 1998, President Clinton testified in a civil deposition in the *Jones* v. *Clinton* lawsuit, after the Supreme Court had ruled unanimously that a civil suit against a sitting President could proceed. After the deposition, the Independent Counsel secured the approval of the Attorney General, and the three-judge Federal court which superintends the Independent Counsel law, to expand his jurisdiction to inquire into whether the President testified truthfully in his deposition. On August 17, 1998, the President, as the target of the investigation testified by video to a Federal grand jury in Washington, D.C.

The President's deposition testimony in the *Jones* case was false in numerous respects, and his grand jury statements that he had sought to be completely truthful in his deposition testimony cannot be accurate. [Grand Jury Testimony of President Clinton, 8/17/98, H. Doc. 105–311, pp. 458–59] The falsehoods are of such a quantity and kind that a reasonable reading of the evidence suggests the President had to know at the time he gave his deposition in the Jones case that he was not being truthful. His testimony to the grand jury that he intended to be truthful at his deposition is false.

Example: the President had testified in his deposition that he believed that, in the preceding two weeks, no one had reported to him any conversations with Ms. Lewinsky about the *Jones* suit. [Jones Deposition of President Clinton, 1/17/98, S. Doc. 106–3, Vol. 22, p. 22] In testifying to the grand jury that he was truthful in his deposition, the President reaffirmed this portion of his deposition testimony. [Grand Jury Testimony of President Clinton, 8/17/98, H. Doc. 105–311, p. 458] We know, however, that Vernon Jordan had, within the two weeks prior to the President's deposition, told the President that Ms. Lewinsky had signed her affidavit. [Deposition Testimony of Vernon Jordan, 2/2/99, 145 CONGRESSIONAL RECORD S1241 (daily ed. Feb. 4, 1999)] The President's grand jury testimony was material to the issue of whether the President had sought to influence the content of Ms. Lewinsky's affidavit and thereby obstruct justice.

The President again committed perjury before the Federal grand jury when he tried to explain why he made a series of false statements to his secretary, Betty Currie, on two separate occasions. At his deposition, the President was questioned about Ms. Lewinsky. The President attempted to employ Ms. Currie as an alibi witness. In the wake of the deposition, the President asked Ms. Currie to come to the office on a Sunday. Once there, the President asked Ms. Currie a series of leading questions concerning her recollection of events regarding Ms. Lewinsky. [Grand Jury Testimony of Betty Currie, 1/7/98, H. Doc. 105-316, pp.

559-60] A few days later, the President again queried Ms. Currie with leading questions. [Id. at p. 561]

When questioned during his grand jury testimony about the series of leading questions he had directed to Ms. Currie, the President responded: "I was trying to figure out what the facts were. I was trying to remember." [Grand Jury Testimony of President Clinton, 8/17/98, H. Doc. 105-311, p. 591] He also claimed that he was only trying to "ascertain what the facts were, trying to ascertain what Betty's perception was." [Id. at p. 593]

While Ms. Currie would not say she felt pressured by the President, she did testify that she believed that the President was seeking her agreement with those statements. [Grand Jury Testimony of Betty Currie, 1/7/98, H. Doc. 105-316, p. 559] It is unreasonable to conclude that the President was trying to refresh his recollection by making patently false statements to Ms. Currie, in the days immediately following his deposition for the *Jones* case. Ms. Curry could not possibly have known the answers to some of the President's "questions," and the President clearly already knew the answers to others.

We took an oath to do impartial justice. We did not take an oath to check our common sense at the door of this Chamber. The President's proffered explanation of the questions he directed to Ms. Currie defies common sense. I believe he sought, instead, to influence Ms. Currie's anticipated testimony by imparting to Ms. Currie his preferred version of the events. His false explanation was material to the grand jury's inquiry and constitutes perjury.

The President also committed perjury when he testified and then reiterated before the Federal grand jury, in answer to a question about false accounts he gave to his aides regarding Ms. Lewinsky, that "I said to them things that were true." [Grand Jury Testimony of President Clinton, 8/17/98, p. 106, H. Doc. 105-311, pp. 557-58]

In fact, the President said to his aides things that were false. Presidential aide Sidney Blumenthal testified in his Senate deposition that the President had told him that Ms. Lewinsky had threatened him, and that she was called "the stalker." [Deposition Testimony of Sidney Blumenthal, 2/3/99, 145 CONGRESSIONAL RECORD S1301 (daily ed. Feb. 6, 1999)] Mr. Blumenthal testified he now knows that the President lied to him. [Id. at S1302] The President knew what he said to Mr. Blumenthal was false because the President knew the facts. The one fact the President did not know was that Ms. Lewinsky would produce DNA evidence that would provide incontrovertible physical evidence to contradict him.

The President's statements before a Federal grand jury regarding accounts he gave to his aides of Ms. Lewinsky were false, and the falsehoods were material to the grand jury's investigation into whether the President had testified falsely in the *Jones* deposition.

ARTICLE II: OBSTRUCTION OF JUSTICE

The House has presented clear and convincing evidence that President Clinton obstructed justice by engaging in a course of conduct designed to impede, cover up, and conceal evidence and testimony related to the Federal civil rights action brought against him.

The evidence shows that the President improperly influenced Ms. Lewinsky to file a false affidavit in the *Jones* suit. I believe that the only version of the evidence that makes sense is that offered by the House. Thus, I conclude that the President influenced the entire process that led to the filing of the false affidavit, from its inception to its conclusion. He did so through direct conversations with Ms. Lewinsky, and through his close friend, Mr. Jordan, who was able to monitor the process through an attorney that he, Mr. Jordan, procured for Ms. Lewinsky.

Ms. Lewinsky admitted that on December 17, 1997, the President informed her by telephone at 2 a.m. that she was on the witness list in the *Jones* case, and suggested that she might avoid testifying by filing an affidavit. [Deposition Testimony of Monica Lewinsky, 2/1/99, 145 CONGRESSIONAL RECORD S1218 (daily ed. Feb. 4, 1999)] And the President told Ms. Lewinsky to call Betty Currie if she was subpoenaed. [Id.]

The President's assertion that he thought Ms. Lewinsky could have avoided testifying by filing a truthful affidavit is unbelievable. I believe that the President knew that a truthful affidavit by Ms. Lewinsky would have ensured that she would have been called as a deposition witness, and that her subsequent truthful testimony would have been legally damaging to the President. In fact, in the very conversation in which the President suggested that Ms. Lewinsky file an affidavit, they discussed the cover stories they could use to avoid public knowledge of the truth. [Id. at S1219]

Vernon Jordan testified in his Senate deposition that he "was acting on behalf of the President to get Ms. Lewinsky a job." [Deposition Testimony of Vernon Jordan, 2/2/99, 145 CONGRESSIONAL RECORD S1293 (daily ed. Feb. 6, 1999)] Mr. Jordan confirmed in the deposition that "The President was obviously interested in her job search." [Id. at S1314] It was Mr. Jordan —one of the President's closest friends—whom Ms. Lewinsky called when she was subpoenaed. Mr. Jordan met with Ms. Lewinsky and arranged a lawyer for her. [Deposition Testimony of Vernon Jordan, 2/2/99, 145 CONGRESSIONAL RECORD S1234-36 (daily ed. Feb. 4, 1999)] Mr. Jordan delivered Ms. Lewinsky to her lawyer's office. [Id. at S1238] Mr. Jordan monitored the drafting and content of Ms. Lewinsky's affidavit. [Grand Jury Testimony of Monica Lewinsky, 8/6/98, H. Doc. 105-311, p. 920] Ms. Lewinsky herself delivered a copy of her first signed affidavit to Mr. Jordan's office. Ms. Lewinsky testified that she and Mr. Jordan conferred about the contents of the affidavit and agreed to delete one portion inserted by her lawyer and make other changes. [Id. at pp. 921-22, 1229-30 (Exhibit 3)]

Mr. Jordan kept the President informed throughout the affidavit-drafting process. He personally notified the President that Ms. Lewinsky had signed the false affidavit. [Deposition Testimony of Vernon Jordan, 2/2/99, 145 CONGRESSIONAL RECORD S1241 (daily ed. Feb. 4, 1999)]

The evidence also clearly and convincingly demonstrates that after Ms. Lewinsky's name appeared on the witness list in the *Jones* case, the President, through Mr. Jordan, provided intensified assistance to Ms. Lewinsky in finding a job in order to encourage her to file the false affidavit. Mr. Jordan accepted responsibility for the job search and has admitted that he and Ms. Lewinsky discussed both the job search and her affidavit in most conversations. [*Id.*] Mr. Jordan attempted to separate each aspect of his work with Ms. Lewinsky. He testified that "[t]he affidavit was over here. The job was over here." [*Id.*] Whatever Mr. Jordan's belief, it cannot have been lost on Ms. Lewinsky that she had a very prominent and powerful lawyer soliciting job offers for her at the same time she was being asked to help that lawyer's friend, the President, who had first suggested that she file an affidavit.

On the day after Ms. Lewinsky signed the false affidavit, Mr. Jordan personally called the CEO of a Fortune 500 company to secure a job for her, a job she was offered on the subsequent day. [*Id.* at S1241-42] On the day that Ms. Lewinsky received the job offer, Mr. Jordan called the President, through Ms. Currie, and left the message "mission accomplished." [Grand Jury Testimony of Vernon Jordan, 5/28/98, S. Doc. 106-3, p. 1898] The President's own testimony in his deposition for the *Jones* case followed exactly the false claims of Ms. Lewinsky's false affidavit. While the President's lawyers encouraged the perception that this convergence was a coincidence, I do not buy it.

The evidence is clear and convincing that the President continued to involve Ms. Currie in his lies and obfuscation. Ms. Lewinsky testified that on December 28, 1997, she met with President Clinton and informed him that she had been subpoenaed, and that the subpoena required her to produce all gifts she had received from the President. She testified that the subpoena specifically requested a hat pin, which alarmed her. [Grand Jury Testimony of Monica Lewinsky, 8/6/98, H. Doc. 105-311, p. 852] The President responded that the subpoena "concerned" him. [*Id.* at p. 872] When Ms. Lewinsky asked him what she should do in response to the subpoena for the gifts, the President answered, "I don't know," or "Let me think about that." [*Id.*] He never gave the only appropriate answer, which was to comply.

Ms. Lewinsky testified that later that same day, Ms. Currie telephoned her, saying, "I understand that you have something for me," or "the President said that you have something to give me." [*Id.* at pp. 874-75] Ms. Currie had an unclear memory about this incident, but said that "the best [she] remembered," Ms. Lewinsky called her. [Grand Jury Testimony of Betty Currie, 5/6/98, H. Doc. 105-316, p. 581]

Ms. Lewinsky's testimony that Ms. Currie instigated the retrieval of the gifts is credible and convincing. In contrast, Ms. Currie's testimony that Ms. Lewinsky instigated the retrieval is not persuasive. I do not believe that the President's personal secretary would have acted upon a request from Ms. Lewinsky to retrieve the gifts without asking the reason for such an exchange or informing the President of the request. It is too bizarre that she would simply pick up a box of gifts and deposit them under her bed. It defies a common-sense reading of the evidence and the evidentiary narrative.

The evidence is also clear and convincing that the President obstructed justice by coaching Ms. Currie, a potential witness in the *Jones* case, to provide false testimony in the *Jones* case, and by arranging for the concealment of gifts subpoenaed by the *Jones* lawyers.

On Saturday, January 17, 1998, a few hours after completing his own deposition in the *Jones* case, the President called Ms. Currie and asked her to come to the White House on Sunday, January 18, 1998. [*Id.* at p. 558] The President's assertions and leading questions to Ms. Currie on January 18 and January 20 or 21, 1998, were indisputably false. The President knew that Ms. Currie was a potential witness when he made these false statements to her. In his deposition in the *Jones* case, the President brought Ms. Currie's name up, without prompting, in at least sixteen different answers to questions, clearly anticipating and inviting the *Jones* attorneys to subpoena her to back up his account.

I am unable to conclude that the President was attempting to "refresh his recollections" by calling Ms. Currie and requesting her to come to the White House on a weekend and making false statements to her. Simple common sense tells us that he was letting her know what he had said in his deposition and that he was hoping that she would later corroborate his false account.

HIGH CRIMES AND MISDEMEANORS

Although I have determined that the House has proven the acts alleged in both Articles of Impeachment by clear and convincing evidence, the inquiry does not end here. I must also consider whether the acts constitute "high crimes and misdemeanors," as required by the Constitution. This has been a singularly difficult question for this body, but I conclude that the President's offenses rise to the level of "high crimes and misdemeanors" within the meaning of the Constitution.

The Framers of our Constitution provide that the Senate can only convict a President for "treason, bribery, or other high crimes and misdemeanors." The Framers relied, in part, on William Blackstone for their understanding of the common law they inherited from England. In the fourth book of his *Commentaries on the Laws of England*, Blackstone addressed the criminal law. He distinguished between crimes that "more directly infringe the rights of the public or commonwealth, taken in its collective capacity," and "those which in a more peculiar manner injure individuals or private subjects." [IV William Blackstone, *Commentaries on the Laws of England* 74, 176 (special ed., 1983)]

Within the latter category, Blackstone included crimes such as murder, burglary, and arson. The former category of "public" crimes included offenses that were counted as "offenses against the public justice." Blackstone included within this category the crimes of perjury and bribery side-by-side. [*Id.* at 127, 136-39] Blackstone's formulation equating perjury and bribery as "public" offenses suggests that, within the definition of the Constitution, perjury may also be a high crime and misdemeanor.

Because perjury, at its core, involves an effort to obstruct justice, other acts that obstruct justice may very well be considered "public" offenses as the Framers would have understood them. Indeed, Blackstone writes that "impediments of justice" are "high misprisions" and "contempts" of the King's courts. [*Id.* at 126-28]

The intent of the Framers and subsequent interpretation of this clause show that impeachment and conviction of the President is a Constitutional remedy for serious offenses against our system of government. Alexander Hamilton, in *Federalist No. 65*, explained that impeachable offenses, "relate chiefly to injuries done immediately to the society itself," and arise "from the abuse or violation of some public trust."

Certainly, perjury before a grand jury and obstruction of justice are offenses against the American system of government, as they strike at the rule of law itself. These acts subvert the truth-seeking process that is the very essence and foundation of the judicial branch. These acts, when committed by a President, are a repudiation of our judicial system by the Chief Executive of the country, undermining the checks and balances and disturbing the delicate balance between the branches of the Federal government that is at the heart of our Constitutional form of government.

The President's counsel attempted to diminish the severity of the crimes of perjury before a Federal grand jury and obstruction of justice. But the Founding Fathers understood that these crimes are offenses against the public trust. Perjury was among the few offenses outlawed by statute by the First Congress, in 1790. And today, perjury is punishable by up to five years imprisonment in a federal penitentiary. [18 U.S.C. §§1621-1623] The Supreme Court, in a 1976 plurality opinion, wrote, "[p]erjured testimony is an obvious and flagrant affront to the basic concepts of judicial proceedings." [*United States* v. *Mandujano*, 425 U.S. 564, 576]

We do not need to decide whether the President's perjury before the grand jury would have risen to the level of a "high crime and misdemeanor" had the target of the grand jury been someone other than the President, nor do we need to decide whether a President's perjury in a civil trial in and of itself rises to the level of an impeachable offense. I have reservations about considering such acts "high crimes" or "high misdemeanors." But where, as here, the President committed perjury in a Federal grand jury investigation of which he was the target, I am convinced that his acts fall into the category that warrants removal from office.

Further support for this conclusion comes from Senate precedent in the impeachment, conviction, and removal from office of two Federal judges in the 1980s—Walter Nixon and Alcee Hastings. Judge Nixon was impeached and convicted for lying to a grand jury that was investigating him, and Judge Hastings was impeached and convicted for making numerous false statements under oath in testimony in his own criminal trial.

Obstruction of justice is particularly serious. Two federal criminal statutes, Sections 1503 and 1512 of Title 18 of the U.S. Code, specifically prohibit corruptly influencing or obstructing the due administration of justice or the testimony of a person in an official proceeding.

Federal appellate courts have applied these statutes to individuals who provide misleading stories to a potential witness without explicitly asking the witness to lie. For example, in 1988, a Federal appellate court upheld the conviction of an individual for attempting to influence a witness even though that witness was not scheduled to testify before the grand jury nor ever appeared before a grand jury. The court held that a conviction under Section 1503 is appropriate so long as there is a possibility that the target of the defendant's activities will be called upon to testify in an official proceeding. [*United States* v. *Shannon* 836 F. 2d 1125, 1127 (8th Cir. 1988)]

The Supreme Court has called the President's responsibility to enforce the laws, "the Chief Executive's most important Constitutional duty." [*Lujan* v. *Defenders of Wildlife*, 504 U.S. 555, 577 (1992)] A President who obstructs the very laws he is called upon to enforce has committed high crimes and misdemeanors as set out in the impeachment clause of the United States Constitution.

IMPARTIAL JUSTICE

Some argue that the Senate, sitting as a court of impeachment, should allow public opinion polls to influence its judgment, claiming that these proceedings are not judicial, but political in nature. I believe the Constitution, the intent of the Framers, and the Senate's own impeachment procedures show that when the Senate convenes to fulfill its obligation to "try all impeachments," as Article I of the Constitution prescribes, it takes on a judicial role quite distinct from its normal legislative proceedings. The Constitution also states, in Article III, that "the trial of all Crimes, except in Cases of Impeachment, shall be by Jury. . .," implying that an impeachment trial is a trial similar to all others. When a President stands accused, the Constitution requires the Chief Justice of the Supreme Court to preside, explicitly introducing the judicial branch into the trial by the Senate. And Alexander Hamilton, in *Federalist No. 65*, discusses "the judicial character of the Senate" when it meets as "a court for the trial of impeachments."

We are required to take a special oath for impeachments, above and beyond our oath of office, to "do impartial justice according to the Constitution and the laws." What can this oath mean if it does not place on us a special, judicial burden, unique among our Senatorial duties, to apply rules of impartiality and independence in pursuit of a verdict that is just? If an innocent President can be convicted, or a guilty President can be acquitted, even in part because of the polls that purport to reflect the will of the moment, then we violate our Constitutional duty and assault the very foundations of our system of justice.

Carved into the West Pediment of the U.S. Supreme Court building in Washington are four simple words: "Equal Justice Under Law." Standing watch in front of that building is a statue of Justice, blindfolded because justice must be blind. Even the President must respect the laws of the land. To the extent that we allow the popularity or unpopularity of a particular President to inform our votes for either conviction or acquittal, we undermine the principle of "Equal Justice Under Law," and we chip away at the blindfold that covers the eyes of Justice.

CONCLUSION

As a trier of fact and law, I find that the President has committed perjury and obstructed justice as charged in the two Articles of Impeachment, and that those offenses constitute "high crimes and misdemeanors." I will vote to convict on both counts.

For me, this is not an easy verdict to reach, and comes after great deliberation. I am 38 years old. Today is my 38th day as a Senator. Those 38 days feel like they have lasted my entire life. As a freshman, I have had to confront, very suddenly, difficult truths that at the very least have challenged the idealism that propelled me here in the first place. But through the din of argument and counter-argument, it has occurred to me that the President's acts, however serious, are not nearly as consequential as our response. I have listened to those who assert that perjury before a grand jury and obstruction of justice are not removable offenses—or that if they are, removal of a President, in this time, is too disruptive to contemplate.

And truly, the call to do nothing is seductive. I hear it, too. We are so comfortable—so prosperous—that it is difficult to be bothered with unpleasantness. But as the youngest member of this body, I believe we must hold firm to the oldest truths. The material blessings of peace and prosperity are but the fruit of liberty that does not come without a price —a liberty sustained, only and finally, by the rule of law, and those willing to defend it. Our commitment to impartial justice, now and forever, is an abstraction more profound and precious than a soaring Dow and a plummeting deficit. I vote as I do because I will not stand for the proposition that a President can, with premeditation and deliberation, obstruct justice and commit perjury before a grand jury. It cannot be.

Mr. ROTH. Mr. Chief Justice, the House of Representatives presented to the Senate two Articles of Impeachment alleging that the President of the United States committed "high crimes and misdemeanors" in the form of perjury and obstruction of justice. These are serious offenses, not unlike those which in the past have been sufficient to remove other federal officials from office.

In deciding how to vote on the Articles of Impeachment, each Senator had to undertake a two-step analysis: first, to determine the facts—the conduct in which the accused engaged; and second, to determine whether that conduct constituted "treason, bribery, or other high crimes and misdemeanors", which, under the Constitution, require removal from office. This second step calls for the Senate to determine the facts and evaluate the effect of the conduct on the office and on the operations of government.

Having listened to the presentations made to the Senate by the House Managers and by Counsel for the President, it is my opinion that the President committed perjury and obstructed justice, and that this misconduct—based on constitutional definitions and historical precedents—meets the standard for convicting an official of an impeachable offense.

As the impeachment process is not a criminal proceeding, it is not necessary that the evidence shows that the accused is guilty of a criminal offense under the United States Code. The Framers wrote the Constitution before Congress wrote, and then amended, the criminal code. Nor is it required that relevant facts be established to the same standard as in a criminal trial, as Congress cannot punish the President, other than to remove him from office. Simply put, the Framers' objective was to provide a remedy to protect the American people and their institutions of government from an unfit officeholder. In view of this, I believe that such remedy is to be available if there is clear and convincing evidence to establish the underlying facts which demonstrate that an officeholder is unfit to serve.

In determining whether alleged conduct is a "high crime and misdemeanor", Senators must examine each case individually. They must consider the officeholder's position in government and look at the effect of the officeholder's conduct in light of the particular position he or she holds. The fact that the Senate has convicted and removed federal judges for committing perjury does not necessarily mean that it should automatically remove a President who commits perjury. The precedents regarding federal judges are instructive, but they are not conclusive.

The 1974 House Judiciary Committee Staff Report during the Nixon Impeachment Inquiry, drawing on two centuries of precedents, explains this concept in connection with a presidential impeachment. The report states that the impeachment of the President should be "predicated only upon conduct seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of the presidential office." In other words, Congress must determine whether the particular misconduct in which President Clinton engaged is serious enough to warrant removal from that particular office. This is what I call the "incompatibility" test.

The "incompatibility" test requires Senators to exercise their expertise in, and knowledge of, government and to use their best judgment, focusing on the offenses committed and the effect of those offenses on the office and on the operation of government. It is this kind of threat to the republic which we must evaluate in applying the "incompatibility" test. Accordingly, under this test we should focus on the unique nature of the Presidency and the offenses the President committed.

The Constitution created three separate branches of government in order to limit the powers of government and to enhance the liberty of the American people. Each branch is supreme in its own area but must respect and defer to the others, when they are operating in their assigned areas. Reduced to the simplest characterization, the legislature makes the laws, the executive executes the laws, and the judiciary interprets the laws and dispenses justice. As the head of the executive branch, the President stands alone as the official responsible for executing the laws of our country.

The duty of a branch to respect the other branches is a duty that can only be carried out by federal officeholders. It cannot be borne by private citizens. And it is fundamental to the operations of the federal government. Our government could not function if the branches did not respect one another. I believe President Clinton violated this fundamental duty to respect the judicial branch by subverting its function.

When a private citizen sued President Clinton under our civil rights statutes, the President took the position that he was unique in our system of law and could not be sued while President. When the Supreme Court ruled 9–0 that the President could be sued, the President decided to frustrate the judicial process while appearing outwardly to comply with the requirement of our constitutional plan. As a practical matter, he sought to veto this Supreme Court decision.

The evidence shows that he undertook a deliberate and multifaceted plan to thwart the Supreme Court ruling. That plan included the commission of perjury and obstruction of justice, which are very serious and fundamental wrongs. Even worse is that his conduct was conscious and calculated. It was not a mistake of the moment. Rather he deliberated and chose to commit perjury. He deliberated and chose to obstruct justice. In making these conscious and calculated choices, he placed his personal and political interests above his presidential duty to respect the judicial branch.

This is what concerns me greatly. If the President is willing to place his personal and political interests above his duties as President, he is not fit for the office he holds.

The President has, as one branch of the federal government, a duty to respect the requirements of the judicial branch and its proceedings. The President has, as the chief executive, an express duty to take care that the laws be faithfully executed. In committing perjury and in obstructing justice, he exhibited an attitude dangerous to the operation of government—an attitude where he viewed himself as more important than the rule of law, where his personal and political interests took precedence over the public interest in administering equal justice under law.

Ours is a nation ruled by law, not by men, and not by personalities. The judgment that we render here will set a precedent for the ages. If Congress concludes that the office of the Presidency should remain occupied by one who has sullied it with premeditated criminal conduct in violation of constitutional and legal duty, then it will have diminished America's right of self-defense against unfit officeholders, something that the Framers specifically provided for in the Constitution.

A President who commits perjury before a federal grand jury and obstructs justice poisons the well from which justice is administered. As far as I know, this President has the dubious distinction of being the first and only President in the history of the United States to lie directly to a federal grand jury. After taking an oath to tell the truth, the whole truth, and nothing but the truth, he deliberately violated that oath. The first Chief Justice of the United States, John Jay, accurately stated that there is no crime more extensively pernicious to society than perjury. If the President commits perjury and we conclude that nevertheless he may remain in office, by what authority does any judge ask any litigant to swear under oath?

As far as I am concerned, this is not just an empty question that has no relevance in today's society. Every day, in courtrooms and grand jury rooms across the country, witnesses are asked to hold up their right hand and take an oath to tell the truth. The judicial process in the United States depends on the sanctity of that oath. The prosecutorial function of the United States depends on the sanctity of that oath. It is the cornerstone of our system of justice. We simply cannot allow people across the country to look at the conduct of our President and raise legitimate questions about whether they need to comply with their solemn oaths.

Moreover, how can judges refer violations of perjury or obstruction of justice to the executive branch for prosecution, when the chief executive himself has committed these offenses? On prior occasions, the Senate has removed judges for perjury because it was "incompatible" to ask litigants not to commit perjury in a courtroom presided over by someone who had himself committed perjury. A similar "incompatibility" exists where the sanction for perjury or obstruction of justice must be applied by the executive branch presided over by someone who has likewise committed these violations.

The President must be removed before the corrosive effect of his conduct eats away at the rule of law and undermines the legal system. To imagine this President remaining in office brings to mind Alexander Pope's troubling question: "If gold should rust, what will iron do?" If our President commits perjury and obstruction of justice, what can we expect of our citizens?

The Senate should seek to protect the legal system from that threat. And that is why I voted to convict and remove William Jefferson Clinton from office.

Mr. BURNS. Mr. Chief Justice and my Senate colleagues, we now close one of the most serious chapters in the history of this Senate. While some may not agree with the outcome, and others may not like the way I voted, I'm satisfied the Constitution has been followed. We must now accept this verdict and try to work together without talk of revenge or gloating.

In reaching my conclusions, I asked myself two questions: Were the articles of impeachment proven, and if so, should the president be removed from office?

I believe the president perjured himself before a grand jury. He put the protection of his presidency ahead of the protection of the institution of the presidency. He gave false testimony about his efforts to keep other witnesses from telling the truth. We have already learned in our history that lies lead to more lies, and the pattern in this case led to perjury.

I also feel strongly that a case for obstruction of justice was proven conclusively. The Senate heard the many actions and motives of the president, and it was easy to connect the dots. Those dots reveal a clear and convincing case against the president.

I believe the president tampered with the testimony of witnesses against him; that he allowed his lawyers to present false evidence on his behalf; that he directed a job search for a witness in exchange for false testimony; and that he directed the recovery and hiding of evidence under subpoena.

Does this warrant the president's removal from office? I agree with my respected colleague, Senator BYRD, that this reaches the level of high crimes and misdemeanors, for a number of reasons: The president's actions crossed the line between private and public behavior when those actions legally became the subject of a civil rights lawsuit against him, and when he tried to undermine that lawsuit. His actions were an attack on the separation of powers between the executive and judicial branches when he abused his power in an effort to obstruct justice. Remember, he impeded a lawsuit the highest court in our land allowed to proceed on a 9–0 vote.

It's clear even to some of the president's supporters that he committed many of the offenses he has been charged with. But given this outcome, I hope for our system of justice and for our character as a nation that these votes are never seen as treating actions such as perjury and obstruction of justice lightly, whether by a president or by any citizen.

Our new world of communications has made more information available to us than ever before. But it also contributed to the media overkill that jaded the American people to this process long ago. When the Lewinsky story became public, the president conducted a poll in which he learned that Americans would tolerate a private affair, but not perjury or obstruction of justice. His goal from that point on to was to poison the well of public opinion. Once the focus shifted away from the facts and toward opinion, once the clatter and clutter echoed on 24-hour talk television, the president's goal was reached. But the facts remain, and they are not in dispute.

Montanans didn't send me to the Senate to be a weathervane, shifting in the wind, but to be a compass. It may be common to say the president's offenses don't "rise to the level of high crimes and misdemeanors," but I believe that would ignore our history and what we stand for as a nation.

That's why I also oppose censuring the president. The Constitution gives us one way to deal with impeachable offenses: a yes or no vote on guilt. Anything else would be like amending the Constitution on the fly and infringing on the separation of powers between the branches of government.

As we accept this outcome and move forward, we have plenty of time left ahead to help out Montana's farm and ranch communities, which is my top priority. We have time to save Social Security in a way that fixes the program without raising taxes. We have time to give control of education back to parents and teachers, and to give federal funds to classrooms, not bureaucrats. We have time to cut the record burden of taxation on Montanans, many of whom are forced to take more than one job to make ends meet.

We should all roll up our sleeves and get to work.

Mr. INHOFE. Mr. Chief Justice, in the absence of hearing something that I haven't heard or seeing something that is unforeseen up to now, it is my plan to vote for conviction on the two Articles of Impeachment.

I think this is probably the most important vote I will cast during the course of my lifetime. I say it very sincerely. I believe we are going to rise to the occasion.

I had an experience back in 1975, 24 years ago. I was a member of the State Senate in Oklahoma. I can remember being called for jury duty, and I was very happy to find myself assigned to a murder case about which I had already expressed a definite opinion. I said I believed this defendant was surely guilty, and besides, I was the author of the capital punishment bill in the state legislature. So I thought for sure I wasn't going to be qualified as a juror.

Well, I went through the qualification procedure and somehow they qualified me. Five days later, I was the foreman of the jury that acquitted that accused murderer. This can happen. It is an experience that taught me a lot about our judicial system.

I sometimes say one of the few qualifications I have for the U.S. Senate is I am not a lawyer. So that when I read the Constitution, I know what it says; when I read the oath of office, I know what it says; when I read the law, I know what it says. I don't have to clutter up my mind with what the definition of "is" is. So it makes it a little easier for me.

From a nonlawyer perspective let me share a couple of observations.

First, insofar as perjury is concerned—lying under oath—I might be wrong, but I don't think there is a Senator in this Chamber who doesn't believe the President lied under oath.

I quote from the White House counsel, Charles Ruff, himself who said: "Reasonable people can believe the President lied under oath."

I quote from Senator CHUCK SCHUMER who said: "He lied under oath both in the Paula Jones deposition and what he said in the grand jury."

I quote from Representative ROBERT WEXLER, a strong supporter of the President, who serves on the House Judiciary Committee, who said: "The President did not tell the truth. He lied under oath."

I quote from former U.S. Senator Paul Simon, one of my favorite Democrat colleagues, who appeared with me on a television program before the trial, who said: "You have to be an extreme Clinton zealot to believe perjury was not committed."

Second, as a non-attorney, I have a hard time reconciling the idea that there might be certain permissible exceptions to telling the truth under oath. Maybe you who are attorneys, and have a different background than mine, see it differently. But how can you reconcile this idea that under some conditions—if the subject matter is sex or something else—you can lie under oath? I really have a hard time with this.

I know that morality is not supposed to be the issue here. We are supposed to concentrate on the two specific Articles of Impeachment. However, I don't think anyone can completely compartmentalize himself and totally disregard other things going on.

All of us get many, many letters from young children, parents, teachers, and others who are deeply distressed about the President's behavior and its impact on the moral health of the Nation. I think I am very fortunate because my kids are all in their upper thirties and my eight grandchildren (make that nine—I count them when they are conceived) are all under 6, so I don't get those embarrassing questions. But I know many parents are struggling with this.

The other thing that concerns me is the reprehensible, consistent attitude this president has displayed over the years against women. Take Paula Jones as just one example. She may not win a popularity poll, but her civil rights have just as much standing as anyone else's, do they not? Is not our country based on the principle that even the least among us is entitled to equal treatment under the law?

It amazes me how these feminist organizations continue to hold this President in such high regard—groups such as the National Organization of Women. I went back and read their bylaws. They claim to want to protect women with regard to "equal rights and responsibilities in all aspects of citizenship, public service, employment . . . including freedom from discrimination."

And here we have a president who not only misused his power to seduce a college-age intern, but who has also engaged in extensive similar misconduct outside of his marriage. It is not just Monica Lewinsky. There is Gennifer Flowers, Elizabeth Ward Gracen, Paula Jones, Kathleen Willey, Dolly KYLe Browning, Beth Coulson, Susan McDougal, Cristy Zercher—the list goes on and on.

This President has a consistent pattern of using and abusing women. You know that. I imagine most of you watched the Monica Lewinsky tapes as I did. I don't know why the House managers didn't pick this up—somehow they let it slip through—about when she told this story concerning the two security badges. She came here to Washington, this wide-eyed kid, and there is a blue badge that lets you get into the White House proper and a pink badge that lets you only into the Old Executive Office Building. And she wanted to be in there—in the West Wing—where she could see what was going on.

She had the pink badge so she had to be escorted to the West Wing by someone else. So the very first day she meets and talks to the President in person, he begins the relationship we're talking about. He didn't even know her name. And then he reached across and grabbed her pink badge, yanked it down, and said, "This is going to be a problem." I don't think there is anyone in the room who doesn't know what he was referring to. He was preparing to use this girl and abuse her and discard her like an old shirt. But I know that these are not things the lawyers expect us to consider.

I do want to give another observation, though. I thought the playing field would be very uneven when this trial started. The members of the Judiciary Committee who are the House managers are all lawyers. But mostly, they are Congressmen first. Many of these Congressmen-lawyers had not been in a courtroom for literally years. And here they were taking on the most prestigious, the most prominent, the most skilled, the most experienced, the highest priced lawyers anywhere in America. And yet when they finished with their opening statements, there was no doubt the House managers had risen superbly to the occasion, and I believe they have done a great job throughout.

The White House lawyers are very skilled, very persuasive people. I would make this observation—again, a nonlawyer observation: I felt that three or four of them should have quit their opening remarks about 5 minutes sooner than they did. They had a tendency to close their presentations with arguments that undermined their credibility.

Cheryl Mills, for example, was really doing well, and she was very persuasive until she started at the very last talking about the President's record on civil rights, as if the civil rights of a person his associates had dubbed as "trailer park trash" were not significant, or the dignity of the intern he had branded "a stalker" was not significant. I really think she destroyed her otherwise very persuasive presentation.

I think the same thing was true with Gregory Craig. He ended by talking about how conviction in this case would somehow "destroy a fundamental underpinning of democracy" by overturning the results of an election, as if Bob Dole would come in if that were to happen.

Even our good friend, Dale Bumpers—I knew Dale Bumpers long before I came here to the U.S. Senate—did a great job. But I think he should have quit early, too, because at the very last it sounded like he was predicating the innocence of this President on his foreign policy. And as I just look at Iraq and what is going on over there, I think if that had been the test for this, I could have made up my mind a lot earlier.

Another perspective I bring to this is as chairman of the Armed Services Subcommittee on Readiness. Having been in the service myself, and knowing how important discipline is, I am very disturbed that we have so many cases where severe punishment is dealt to individuals who have engaged in conduct far less serious than that of the President. Consider:

Captain Derrick Robinson, an Army officer, was caught up in the Aberdeen sex misconduct case and is serving time in Leavenworth for admitting to consensual sex with an enlisted person who was not his wife.

Delmar Simpson is serving 25 years in a military prison because a court-martial found that, even though his relationship with a female recruit was consensual, the power granted him by his rank made such consensual sex with a subordinate unacceptable. Think of the power granted this President by his rank.

Remember Kelly Flinn. She is not flying B-52s anymore. She was forced out the Air Force for lying about an adulterous affair.

Sergeant Major Gene McKinney, the Army's top enlisted man, was tried for perjury, adultery, and obstruction of justice—all concerning sexual misconduct. He was convicted of obstruction, but not before his attorney asserted at the trial how people in uniform rightly ask: "How can you hold an enlisted man to a higher standard than the President of the United States, the Commander in Chief?"

So I have looked at this and studied it. I think anyone who votes to acquit has to say that we are going to hold this President to a lower standard of conduct and behavior than we hold other people. I do not understand how they can come to any other conclusion.

My wife and I have been married 40 years. I have a thing called the wife test. You go home and when you want to get an opinion that is totally apolitical, you ask your wife. So I went home and I presented the case—as explained so eloquently by the White House lawyers and others—on why we could have a lower standard of conduct for a President than we have for a judge. And I know the argument. And I expressed the argument to my wife in the kitchen. I said, there are a thousand judges, only one President. I went through the whole thing. Then she looked up and said, "I thought the President appointed the judges." You know, my wife is so dumb, she is always asking me questions I can't answer.

But I really believe that in this case we are getting at the truth. I really believe that the President of the United States should be held to the very highest of standards.

You know, Winston Churchill said: "Truth is incontrovertible. Ignorance may deride it, panic may resent it, malice may destroy it, but there it is."

I think we have seen the truth. And I think the final truth is that this President should be held to the very highest of standards.

Sometimes when I am not really sure I am right, I consult my best friend. His name is Jesus. And I asked that question. Now I will quote to you the response that is found in Luke: "From one who has been entrusted with more, much more will be asked."

Mr. Chief Justice, I think Jesus is right.

Mr. CLELAND. Mr. Chief Justice, inasmuch as the impeachment trial of the President has focused on the importance of oaths, I have begun to reflect on the oaths I have taken in my life. In terms of affirming my allegiance to this nation and the United States Constitution, I have taken an oath four times. I have followed up each oath with my signature.

The first such oath I took was when I was 21 years old. I was sworn in to the United States Army as a young Second Lieutenant. Later I followed my flag and my Commander-in-Chief in being a part of the armed military forces in the Vietnam War.

After the war, I took another oath. This time I was sworn in as head of the Veterans' Administration under President Carter. I still remember that turbulent time after the Vietnam War when so many of my fellow veterans were returning from that conflict. The words from Abraham Lincoln's second inaugural address seemed to constantly echo in my mind: ". . .to care for him who has borne the battle and for his widow and his orphan." Having been wounded in Vietnam myself I felt a grave responsibility to carry out my oath on behalf of my fellow veterans.

The next time I took an oath it was January, 1997. It was on the occasion of being sworn into the United States Senate. As Vice President AL GORE swore the new Senators in, I placed my right elbow on my Bible and raised my left hand in an oath to defend the Constitution against "all enemies, foreign and domestic." Once in the Senate, I was fortunate to have been selected to follow distinguished former Georgia Senators Richard B. Russell and Sam Nunn in service on the Senate Armed Services Committee. I fully expected that any threat to our Constitution, our electoral process, or our delicately-honed system of checks and balances would come from outside our country, not from within.

I was wrong.

This leads me to my most recent oath to do "impartial justice" in the Senate in the impeachment trial of the President of the United States. In my personal view, this final oath, sealed with my signature in a book which will become part of the archives of American history, is a culmination of the other three oaths I have taken.

I have sworn to defend this country.

I have sworn to take care of its defenders.

I have sworn to uphold the Constitution for which my fellow defenders have suffered and died.

How can I now turn my back and ignore the challenge to that Constitution posed by this precedent-setting, first-time ever impeachment of an elected President of the United States?

I cannot.

When my name is called in regular order for my vote on the articles of impeachment, I will vote "not guilty."

I have reached my decision after much effort. I have tried to keep an open mind and an open heart. I have attempted to search the depths of American history and the lore of our English forebearers for insight and guidance. I have counseled privately with experts on American history and constitutional law. I have met with knowledgeable sources inside and outside the government. I have personally listened to constituents in my state and throughout the nation. I have talked to them on the phone, read their letters and scanned their e-mail. I have tried to weave an appropriate course through the barrage of media talk and the system of political reporters doing their duty.

I have given it my best shot.

I understand now what Alexander Hamilton meant when he predicted 212 years ago that individual Senators faced with an impeachment trial had the "awful discretion" of removing a President. Yet, I believe Hamilton was correct when long ago he advocated placing his faith in the Senators, where he hoped to find, "dignity and independence." I believe that under the circumstances the Senate has conducted itself appropriately, and has complied with Hamilton's standards of conducting an impeachment trial with "dignity and independence." I also believe the Senate should continue to follow the standards set by our Founding Fathers regarding the use of impeachment power. According to the Founders as articulated in the Constitution, the impeachment clearly should be reserved for "bribery, treason or other high crimes and misdemeanors." This language did not just turn up in the Constitution overnight. The language grew and evolved over a period of months in Philadelphia in 1787.

One of the Founding Fathers who especially impressed me is George Mason. Mason had an interesting background. Like many of our country's early statesmen, he was from Virginia. For me, Mason is a bridge of insight into what the impeachment clause in the Constitution is all about.

Mason was a soldier. Indeed, he was an officer, a colonel. He, too, understood the grave responsibility of military leadership, of leading men in combat and in caring for them afterwards. He certainly knew about the gravity of his own personal oath. It was Mason, then, who articulated during the Constitutional Convention that the phrase in the Constitution regarding impeachment must be more fully fleshed out and should more appropriately read ". . . and other high crimes and misdemeanors against the state."

Here was a soldier of the American Revolution. Here was an officer in that Revolution working with his fellow statesmen charting out a course for the Nation's future. Here was a brother of the bond from Northern Virginia who wanted to make sure the actual Constitutional language was clear that any impeachment must rise to a high level. According to the thrust of Mason's argument, for an impeachment of the President to be legitimate, the impeachable offenses must pose a threat to the nation itself. The Committee which reviewed the language believed that the phrase "against the state" was redundant, and, in effect, assumed.

President Clinton has committed serious offenses. His personal conduct in this matter was, as I have said before, wrongful, reprehensible and indefensible. He has admitted to personal offenses, and will be appropriately judged for his misconduct elsewhere. In my judgement, under all the others I have taken under the United States Constitution, his offenses do not rise to the required level for impeachable offenses under the United States Constitution.

I will be voting against conviction and removal from office of the President on both articles because I do not believe that these particular charges reach the high standard for impeachment which I believe that George Mason and the other Founders intended: that such an offense must be conduct which threatens grievous harm to our entire system. I provided more detail about the reasons for these conclusions in an earlier statement I submitted for the RECORD, and I ask unanimous consent that those remarks be inserted following this statement.

As the Senate concludes this trial, I am reminded of other words from Abraham Lincoln's second Inaugural Address: "with malice toward none, with clarity for all, let us bind up the nation's wounds . . ." If Lincoln can say that as the nation was concluding the most divisive time in our history, which ultimately resulted in the first impeachment trial of an American President, surely we can say that to each other and to our nation as we conclude this historical second impeachment trial.

It is time to end this trial.

It is time to let the President conclude the term he was elected to by the American people.

It is time to put an end to partisan bickering about the motives and conduct of all of those who have become involved in this sad episode.

It is time for us all to bind up the nation's wounds.

It is time to get on with the business of the American people we were elected to conduct.

I ask that a supplement of my statement be printed in the RECORD.

Thank you.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE IMPEACHMENT OF PRESIDENT WILLIAM JEFFERSON CLINTON

Mr. CLELAND. Mr. President, let me begin by saying that the reason we are here today, the reason the United States Senate is being asked to exercise what Alexander Hamilton termed the "awful discretion" of impeachment, is because of the wrongful, reprehensible, indefensible conduct of one person, the President of the United States, William Jefferson Clinton. Indeed, I believe it is conduct deserving of the censure of the Senate, and I will support such a resolution when it comes before us.

The question before the Senate, however, is not whether the President's conduct was wrong, or immoral, or even censurable. We must decide solely as to whether or not he should be convicted of the allegations contained in the Articles of Impeachment and thus removed from office. In my opinion, the case for removal, presented in great detail in the massive 60,000 page report submitted by the House, in many hours of very capable but often repetitive presentations to the Senate by the House Managers and the President's defense team, and in many additional hours of Senators' questioning of the two sides, fails to meet the very high standards which we must demand with respect to Presidential impeachments. Therefore, I will vote to dismiss the impeachment case against William Jefferson Clinton, and to vote for the Senate resuming other necessary work for the American people.

To this very point, I have reserved my judgment on this question because of my Constitutional responsibility and Oath to "render impartial justice" in this case. Most of the same record presented in great detail to Senators in the course of the last several weeks has long been before the public, and indeed most of that public, including editorial boards, talk show hosts, and so forth, long ago reached their own conclusions as to the impeachment of President Clinton. But I have now heard enough to make my decision. With respect to the witnesses the House Managers apparently now wish to depose and call before the Senate, the existing record represents multiple interrogations by the Office of the Independent Counsel and its Grand Jury, with not only no cross-examinations by the President's counsel but, with the exception of the President's testimony, without even the presence of the witnesses own counsel. It is difficult for me to see how that record would possibly be improved from the prosecution's standpoint. Thus, I will not support motions to depose or call witnesses.

In reaching my decision on impeachment, there are a number of factors which have been discussed or speculated about in the news media which were not a part of my calculations.

First of all, while as political creatures neither the Senate nor the House can or should be immune from public opinion, we have a very precise Constitutionally-prescribed responsibility in this matter, and popular opinion must not be controlling consideration. I believe Republican Senator William Pitt Fessenden of Maine said it best during the only previous Presidential Impeachment Trial in 1868:

"To the suggestion that popular opinion demands the conviction of the President on these charges, I reply that he is not now on trial before the people, but before the Senate . . . The people have not heard the evidence as we have heard it. The responsibility is not on them, but upon us. They have not taken an oath to 'do impartial justice according to the Constitution and the laws.' I have taken that oath. I cannot render judgment upon their convictions, nor can they transfer to themselves my punishment if I violate my own. And I should consider myself undeserving of the confidence of that just and intelligent people who imposed upon me this great responsibility, and unworthy of a place among honorable men, if for any fear of public reprobation, and for the sake of securing popular favor, I should disregard the convictions of my judgment and my conscience."

Nor was my decision premised on the notion, suggested by some, that the stability of our government would be severely jeopardized by the impeachment of President Clinton. I have full faith in the strength of our government and its leaders and, more importantly, faith in the American people to cope successfully with whatever the Senate decides. There can be no doubt that the impeachment of a President would not be easy for the country but just in this Century, about to end, we have endured great depressions and world wars. Today, the U.S. economy is strong, the will of the people to move beyond this national nightmare is great, and we have an experienced and able Vice President who is more than capable of stepping up and assuming the role of the President.

Third, although we have heard much argument that the precedents of judicial impeachments should be controlling in this case, I have not been convinced and did not rely on such testimony in making my decision. After review of the record, historical precedents, and consideration of the different roles of Presidents and federal judges, I have concluded that there is indeed a different legal standard for impeachment of Presidents and federal judges. Article II, Section 4 of the Constitution provides that "the President, Vice President, and all civil officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." Article III, Section I of the Constitution indicates that judges "shall hold their Offices during good Behavior." Presidents are elected by the people and serve for a fixed term of years, while federal judges are appointed without public approval to serve a life tenure without any accountability to the public. Therefore, under our system, impeachment is the only way to remove a federal judge from office while Presidents serve for a specified term and face accountability to the pubic through elections. With respect to the differing impeachment standards themselves, Chief Justice Rehnquist once wrote, "the terms 'treason, bribery and other high crimes and misdemeanors' are narrower than the malfeasance in office and failure to perform the duties of the office, which maybe grounds for forfeiture of office held during good behavior."

And my conclusions with respect to impeachment were not based upon consideration of the proper punishment of President Clinton for his misdeeds. During the impeachment of President Nixon, the Report by the Staff of the Impeachment Inquiry concluded that "impeachment is the first step in a remedial process—removal from office and possible disqualification from holding future office. The purpose of impeachment is not personal punishment; its function is primarily to maintain constitutional government." Regardless of the outcome of the Senate impeachment trial, President Clinton remains subject to censure by the House and Senate, and criminal prosecution for any crimes he may have committed. Whatever punishment President Clinton deserves for his misdeeds will be provided elsewhere.

Finally, I do not believe that perjury or obstruction of justice could never rise to the level of threatening grievous harm to the Republic, and thus represent adequate grounds for removal of a President. However, we must approach such a determination with the greatest of care. Impeachment of a President is, perhaps with the power to declare War, the gravest of Constitutional responsibilities bestowed upon the Congress. During the history of the United States, the Senate has only held impeachment trials for two Presidents, the 1868 trial of President Johnson, who had not been elected to that office, and now President Clinton. Although the Senate can look to impeachment trials of other public officials, primarily judicial, as I have already said, I do not believe that those precedents are or should be controlling in impeachment trials of Presidents, or indeed of other elected officials.

My decision was based on one overriding concern: the impact of this precedent-setting case on the future of the Presidency, and indeed of the Congress itself. It is not Bill Clinton who should occupy our only attention. He already stands rebuked by the House impeachment votes, and by the words of virtually every member of Congress of both political parties. And even if we do not remove him from office, he still stands liable to future criminal prosecution for his actions, as well as to the verdict of history. No, it is Mr. Clinton's successors, Republican, Democrat or any other Party, who should be our concern.

The Republican Senator, Edmund G. Ross of Kansas, who "looked down into my open grave" of political oblivion when he cast one of the decisive votes in acquitting Andrew Johnson in spite of his personal dislike of the President, explained his motivation this way:

"In a large sense, the independence of the executive office as a coordinate branch of the government was on trial . . . If . . . the President must step down . . . upon insufficient proofs and from partisan considerations, the office of President would be degraded, cease to be a coordinate branch of government, and ever after subordinated to the legislative will. It would practically have revolutionized our splendid political fabric into a partisan Congressional autocracy."

While our government is certainly on a stronger foundation now than in the aftermath of the Civil War, the basic point remains valid. If anything, in today's world of rapidly emerging events and threats, we need an effective, independent Presidency even more than did mid-19th Century Americans.

While in the history of the United States the U.S. Senate has never before considered impeachment articles against a sitting elected official, we do have numerous cases of each House exercising its Constitutional right to, "punish its Members for disorderly behavior, and, with the concurrence of two-thirds expel a Member." However, since the Civil War, while a variety of cases involving personal and private misconduct have been considered, the Senate has never voted to expel a member, choosing to censure instead on seven occasions, and the House has rarely chosen the ultimate sanction. Should the removal of a President be subject to greater punishment with lesser standards of evidence than the Congress has applied to itself when the Constitution appears to call for the reverse in limiting impeachment to cases of "treason, bribery and other high crimes or misdemeanors?" In my view, the answer must be NO.

Thus, for me, as one United States Senator, the bar for impeachment and removal from office of a President must be a high one, and I want the record to reflect that my vote to dismiss is based upon a standard of evidence equivalent to that used in criminal proceedings—that is, that guilt must be proven "beyond a reasonable doubt"—and a standard of impeachable offense which, in my view, conforms to the Founders' intentions that such an offense must be one which represents official misconduct threatening grievous harm to our whole system of government. To quote Federalist No. 65, Hamilton defined as impeachable, "those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself." As I have said before, I can conceive of instances in which both perjury and obstruction of justice would meet this test, and I certainly believe that most, if not all, capital crimes, including murder, would qualify for impeachment and removal from office. However, in my judgment, the current case does not reach the necessary high standard.

In the words of John F. Kennedy, "with a good conscience our only sure reward, with history the final judge of our deeds," I believe that dismissal of the impeachment case against William Jefferson Clinton is the appropriate action for the U.S. Senate. It is the action which will best preserve the system of government which has served us so well for over two hundred years, a system of checks and balances, with a strong and independent chief executive.

In closing, I wish to address those in the Senate and House, and among the American public, who have reached a different conclusion than have I in this case. I do not question the sincerity or legitimacy of your viewpoint. The process itself pushes us to make absolute judgments—yes or no to conviction and removal from office—and the nature of debate yields portraits of complex issues in stark black-and-white terms, but I believe it is possible for reasonable people to reach different conclusions on this matter. Indeed, I recognize that, while my decision seeks to avoid the dangers of setting the impeachment bar too low, setting that bar too high is not without risks. I believe the House Managers spoke eloquently about the need to preserve respect for the rule of law, including the critical principle that no one, not even the President of the United States, is above that rule. However, I have concluded that the threat to our system of a weakened Presidency, made in some ways subordinate to the will of the legislative branch, outweighs the potential harm to the rule of law, because that latter risk is mitigated by: an intact, independent criminal justice system, which indeed will retain the ability to render final, legal judgment on the President's conduct; a vigorous, independent press corps which remains perfectly capable of exposing such conduct, and of extracting a personal, professional and political price; and an independent Congress which will presumably continue to have the will and means to oppose Presidents who threaten our system of government.

By the very nature of this situation, where I sit in judgment of a Democratic President as a Democratic Senator, I realize that my decision cannot convey the non-partisanship which is essential to achieve closure on this matter, one way or the other. Indeed, in words which could have been written today, the chief proponent among the Founding Fathers of a vigorous Chief Executive, Alexander Hamilton, wrote in 1788, in No. 65 of The Federalist Papers, that impeachments "will seldom fail to agitate the passions of the whole community, and to divide them into parties, more or less friendly or inimical, to the accused. In many cases, it will connect itself with the pre-existing factions, and will enlist all their animosities, partialities, influence and interest on side, or on the other; and in such cases there will always be the greatest danger, that the decision will be regulated more by the comparative strength of the parties than by real demonstration of guilt or innocence."

I have, however, in making my decision laid out for you the standards which I believe to be appropriate whenever the Congress considers the removal from office of an elected official, whether Executive Branch, or Legislative Branch. I will do my best to stand by those standards in all such cases to come before me while I have the privilege of representing the people of Georgia in the United States Senate, regardless of the party affiliation of the accused. I only hope and pray that no future President, of either Party, will ever again engage in conduct which provides any basis, including the basis of the current case, for the Congress to consider the grave question of impeachment.

Mr. FRIST. I rise to explain my decision to convict President William Jefferson Clinton on two Articles of Impeachment charging him with High Crimes and Misdemeanors. I have heard from thousands of fellow Tennesseeans during this trial, and their opinions were deeply split. While I looked to the people of Tennessee for guidance, responsibility for my final vote ultimately turned on my own conscience. I am sure that this will be one of the most important votes I cast as a United States Senator, and I am honored to explain fully my vote.

INTRODUCTION AND THE BURDEN OF PROOF

I sought throughout President Clinton's trial to be true to my oath to do "impartial justice according to the Constitution and laws of the United States." When I raised my right hand and swore that oath on January 7, I accepted a solemn responsibility. I did not approach this trial with some preordained outcome in mind; I carefully listened during the five weeks of this trial to the evidence and the arguments, and sought to do justice.

In considering the allegations against President Clinton, I believed that I should apply a "beyond a reasonable doubt" burden of proof—even though the Constitution does not specify a particular burden of proof in impeachment trials. The Constitution entrusts the decision to convict an impeached officer to the individual judgment of each Senator; however, I wanted to give the President the benefit of the same high standard of proof applied in criminal trials. I would remove a President from office only if the House Managers met this rigorous burden of proof.

The jury instructions used in federal courts explain what must be established to meet this burden of proof:

> Proof beyond a reasonable doubt does not mean proof beyond all possible doubt. Possible doubts or doubts based purely on speculation are not reasonable doubts. A reasonable doubt is based on reason and common sense. It may arise from evidence, the lack of evidence, or the nature of the evidence.
>
> Proof beyond a reasonable doubt means proof which is so convincing that you would not hesitate to rely and act on it in making the most important decisions in your own lives.

In the end, I concluded beyond a reasonable doubt that President Clinton repeatedly lied under oath before a federal grand jury. I also concluded beyond a reasonable doubt that he engaged in a calculated, premeditated campaign to obstruct justice. I now wish to address each of those articles of impeachment in turn.

GRAND JURY PERJURY

The circumstantial and direct evidence demonstrates beyond a reasonable doubt that President Clinton committed perjury during his grand jury appearance. The criminal law of the United States forbids perjury before a grand jury. To prove a case of grand jury perjury, a prosecutor must demonstrate: (1) that the defendant testified under oath before a grand jury; (2) that the testimony so given was false in one or more respects; (3) the false testimony concerned material matters; and (4) the false testimony was knowingly given. There are three instances during the President's August 17, 1998 grand jury testimony in which these four elements were established.

First, he lied when he denied that he had "sexual relations" with Ms. Lewinsky, even under his own interpretation of the definition of that term. Quite simply, Ms. Lewinsky offered a detailed account of numerous times when they did engage in such relations, even under President Clinton's interpretation of that term. Her testimony is corroborated by contemporaneous accounts she offered to a number of friends and professional counselors. President Clinton conjured up a tortured definition of the term "sexual relations" to explain the blue dress (and its physical evidence corroborating sexual relations) to the grand jury—while still asserting the truthfulness of his earlier denial of "sexual relations" in his deposition in the Paula Jones sexual harassment suit. This attempt to have it both ways, in turn, forced him to lie before the grand jury about the details and nature of his relationship with Ms. Lewinsky. There is no doubt in my mind that President Clinton lied about this matter. Moreover, this lie was material; that is, it had the tendency to affect the grand jury's investigation. That investigation focused on President Clinton's possible perjury and obstruction of justice in the Jones case. Lying to the grand jury to attempt to deny the earlier perjury in the Jones deposition was clearly material to that investigation.

Second, President Clinton lied to the grand jury about his attempt to coach Ms. Currie immediately following the deposition. This coaching, which I will discuss in more detail later, was explicitly denied by the President before the grand jury. His testimony that he made a series of false statements to Ms. Currie and sought her agreement with them merely in an attempt "to refresh [his] memory about what the facts were" and that he was "trying to get as much information as quickly as [he] could" is false. He did not ask her what she recalled; he made false declarations and sought her agreement with them. One cannot refresh one's recollection by making knowingly false statements to another. This is a classic example of why courts instruct juries to use their common sense in resolving factual disputes. Moreover, President Clinton coached her twice in the exact same manner: Once on January 18, 1998, and again on January 20 or January 21. He had just finished lying in his civil deposition on January 17, and he wanted to enlist her support for his lies if she was called by Paula Jones' lawyers—as she was on January 22. Again, this issue was plainly material to an investigation into President Clinton's possible obstruction of justice.

Third, President Clinton lied to the grand jury about attempting to influence the testimony of his aides whom he knew would be called before the grand jury. These allegations are discussed later. For now, it is only important to note that he testified that he "said to them things that were true about this relationship. . . . So, I said things that were true. They may have been misleading. . . ." In fact, he lied to his aides, as even Sidney Blumenthal stated in his videotaped deposition testimony. It is understandable that President Clinton would not admit to the grand jury that he lied to these aides, because to do so would admit that he obstructed justice. He could have asserted his fifth amendment right against self-incrimination; however, he chose to lie. He denied that he had lied to these aides. The Supreme Court has addressed just this sort of a lie, stating: "A citizen may decline to answer the question, or answer it honestly, but he cannot with impunity knowingly and willfully answer with a falsehood."

OBSTRUCTION OF JUSTICE

The evidence establishes beyond a reasonable doubt that President Clinton obstructed justice. He suggested that Ms. Lewinsky submit a false affidavit in a civil case. He coached a potential witness (Ms. Currie) in the civil case and the grand jury investigation by repeating a series of assertions to her that he knew to be false in the hope that she would adopt those assertions as her own. Last, he made false statements to his top advisors, knowing that they would then repeat those statements to a federal grand jury.

The United States criminal code makes it illegal for one to obstruct justice. The precise wording of the general obstruction of justice statute—Title 18, section 1503 of the United States Code—provides: "Whoever . . . corruptly . . . influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be punished. . . ." Courts have interpreted the word "corruptly" to mean that the defendant had an intent to obstruct, impair, or impede the due administration of justice. In other words, one need not use threats of force or intimidation to obstruct justice. Thus, one who merely proposes to a potential witness that the witness lie in a judicial proceeding is guilty of obstructing justice.

Also, an additional federal statute, section 1512 of Title 18, deals specifically with witness tampering. It provides: "Whoever . . . corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person with intent to . . . influence, delay, or prevent the testimony of any person in an official proceeding . . . shall be fined under this title or imprisoned. . . ." Unlike section 1503, section 1512 has been interpreted as applying to more than just "pending" judicial proceedings; courts have found it adequate that a defendant "feared" that such a proceeding might begin and sought to influence the testimony of those who may be witnesses in such a proceeding.

With this statutory backdrop in mind, I turn first to the allegation that President Clinton urged Ms. Lewinsky to submit a false affidavit and deny their sexual relationship. The evidence establishes that he telephoned her between 2:00 and 2:30 a.m. on December 17, 1997. According to Ms. Lewinsky, President Clinton informed her that she was on the witness list in the Paula Jones sexual harassment lawsuit. He then suggested that, if she were subpoenaed to give a deposition, "she could sign an affidavit to try to satisfy [Ms. Jones's] inquiry and not be deposed." As has been pointed out, a truthful affidavit about their relationship would not have prevented her deposition; in fact, a truthful affidavit would have encouraged the deposition. Notwithstanding this obvious fact, President Clinton's lawyers vigorously asserted at trial that a "limited but truthful" affidavit could have misled the Jones lawyers sufficiently to avoid her being deposed.

The problem with this defense is that President Clinton on December 17, in the very same telephone conversation in which he suggested the affidavit, also encouraged Ms. Lewinsky to continue with the "cover stories" they had used to hide their relationship. According to Ms. Lewinsky, he told her that she "should say she visited [the White House] to see Ms. Currie and, on occasion when working at [the White House] she brought him letters when no one else was around." Of course, Ms. Lewinsky was going to the White House to see President Clinton, and the only time she "brought him letters" was to cover their illicit rendezvous. These cover stories, hatched as explanations to prevent co-workers from discovering their sexual relationship, amounted to obstruction of justice when the President suggested their use in judicial proceedings. These cover stories ultimately found their way into drafts of Ms. Lewinsky's affidavit. The evidence establishes beyond a reasonable doubt that President Clinton was urging Ms. Lewinsky to file a false and misleading affidavit in the Jones case.

As one court has observed, conduct amounting to less than an explicit command to lie can nonetheless form the basis for an obstruction conviction: "The statute prohibits elliptical suggestions as much as it does direct commands." There is no reasonable doubt that President Clinton was suggesting that Ms. Lewinsky file an affidavit consistent with their previously-agreed upon cover stories. Ms. Lewinsky testified that she understood after that conversation that she would deny their relationship to Paula Jones' lawyers.

The evidence also establishes beyond a reasonable doubt that President Clinton sought to tamper with the testimony of his secretary, Ms. Currie. Within a few hours of completing his deposition in the Jones case on Saturday, January 17, 1998, President Clinton called Betty Currie and made an unusual request: She should come to work to meet with him the following day, Sunday. Sunday afternoon, she met with him at her desk outside the Oval Office. Ms. Currie testified that he seemed "concerned." He told her that he had been asked questions the previous day about Ms. Lewinsky. According to Ms. Currie, he then said, "'There are several things you may want to know.'" After that, he made a series of statements:

> "You were always there when she was there, right?"
>
> "We were never really alone."
>
> "Monica came on to me, and I never touched her, right?"
>
> "You can see and hear everything, right?"
>
> "Monica wanted to have sex with me, but I told her I couldn't do that."

Ms. Currie further testified that, although President Clinton did not "pressure" her, she observed from his demeanor and the way he said these statements that he wanted her to agree with those statements. She did agree with each statement, though she knew them to be false or beyond her knowledge.

There is no reasonable doubt that this meeting was an attempt by President Clinton to coach Ms. Currie's probable testimony. In fact, during the previous day's deposition, President Clinton invoked Ms. Currie's name in relation to Ms. Lewinsky on at least six different occasions, even going so far as to tell Ms. Jones' lawyers that they would have to "ask Betty" whether he was ever alone with Ms. Lewinsky between midnight and 6:00 a.m. Simply put, he made her a potential witness in the Jones case. One who attempts to corruptly influence the testimony of a prospective witness has obstructed justice. (In fact, the Jones lawyers issued a subpoena for Ms. Currie a few days after President Clinton's deposition.)

President Clinton's assertion that he posed these statements to Ms. Currie merely to refresh his recollection and test her own memory of the events is undercut by his repetition of the coaching exercise a few days later. According to Ms. Currie, either two or three days later he called her in again, presented the same statements (with which she again agreed), and had the same "tone and demeanor" as he had during the Sunday coaching session. This amounted to egregious witness tampering.

Last, the unrefuted evidence establishes beyond a reasonable doubt that President Clinton obstructed justice by giving a false account of his relationship with Ms. Lewinsky to aides that, by his own admission, he knew might be called by the grand jury. John Podesta, then-Deputy Chief of Staff to President Clinton, testified before the grand jury about a conversation with President Clinton on January 23, 1998:

> [H]e said to me he had never had sex with her [Ms. Lewinsky], and that—and that he never asked—you know, he repeated the denial, but he was extremely explicit in saying he never had sex with her.
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> * * * * *
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> Well, I think he said—he said that—there was some spate of, you know, what sex acts were counted, and he said that he had never had sex with her in any way whatsoever—that they had not had oral sex.

This, as we now know, was false. Yet, according to Mr. Podesta, President Clinton "was very forceful. I believed what he was saying."

More important, on January 21, 1998, President Clinton told aide Sidney Blumenthal the following utterly false story:

> He said, "Monica Lewinsky came at me and made a sexual demand on me." He rebuffed her. He said, "I've gone down that road before, I've caused pain for a lot of people and I'm not going to do that again."
>
> She threatened him. She said that she would tell people they'd had an affair, that she was known as the stalker among her peers, and that she hated it and if she had an affair or said she had an affair then she wouldn't be a stalker any more.

This story is eerily reminiscent of President Clinton's coaching of Betty Currie ("Monica wanted to have sex with me, but I told her I couldn't do that."). President Clinton sought to portray himself as a victim of Ms. Lewinsky. At the time, Mr. Blumenthal "certainly believed his story. It was a very heartfelt story, he was pouring out his heart, and I believed him." Mr. Blumenthal admitted to the Senate that he now knows the President's story was a lie.

President Clinton does not deny the testimony of either Mr. Podesta or Mr. Blumenthal. Their testimony establishes a clear-cut case of obstruction. The President admitted knowing that both were likely to be called to testify before the grand jury. According to their testimony, he provided them with a false account of his relationship with Ms. Lewinsky—and President Clinton does not deny their version of events. The unrefuted evidence establishes obstruction of justice. As the Second Circuit Court of Appeals has stated: "The most obvious example of a section 1512 [witness tampering] violation may be the situation where a defendant tells a potential witness a false story as if the story were true, intending that the witness believe the story and testify to it before the grand jury."

I did not vote to convict President Clinton on every ground presented by the House Managers. For example, though I was concerned that the intensification of efforts to secure Ms. Lewinsky a private sector job were undertaken to influence her testimony (and secure a false affidavit from her), I had reasonable doubt that there was a sufficiently direct nexus between the two to justify finding against President Clinton on that basis. The videotaped testimony of Vernon Jordan nearly made the case, but fell just short. Accordingly, I did not consider that element of the obstruction of justice case to be grounds for removing President Clinton.

Another serious allegation of obstruction of justice concerned the mysterious fact that subpoenaed gifts from President Clinton to Ms. Lewinsky were found underneath Ms. Currie's bed. The evidence tends to establish that President Clinton directed Ms. Currie to get gifts from Ms. Lewinsky; however, I cannot say that the proof establishes beyond a reasonable doubt that this occurred. In the absence of hearing directly from Ms. Currie as a witness on this issue and having the chance to look her in the eye and gauge her credibility, I cannot resolve beyond a reasonable doubt the testimonial conflict between Ms. Lewinsky and Ms. Currie on who initiated the return of the gifts. The weight of the evidence suggests that Ms. Currie initiated the return on instructions from President Clinton; however, without Ms. Currie's testimony, I cannot say that case has been proven "beyond a reasonable doubt."

For this reason, I am disappointed that the Senate chose to cut itself off from hearing from whatever fact witnesses either side wished to call. I voted to allow live testimony, but the motion was unsuccessful. Although there was ample evidence upon which to convict for many allegations, some allegations remain in doubt. Rather than have a traditional trial, we listened to lawyers argue, then argue some more, and then a bit more. The only time we actually had a chance to see witnesses was when we were allowed to see the videotapes of Ms. Lewinsky, Mr. Jordan, and Mr. Blumenthal. I learned from those tapes. The presence of live witnesses in accord with Senate precedent would have been helpful. I regret that the Senate chose not to allow live witnesses and that we did not see their cross-examination. We did not use the most powerful weapons in our truth-seeking arsenal. This truncated "trial" may have been politically expedient, but I doubt history will judge it kindly.

HIGH CRIMES AND MISDEMEANORS

Having found that President Clinton committed the crimes of perjury and obstruction of justice, my duty to uphold the Constitution of the United States made it clear that these offenses were high crimes and misdemeanors requiring his removal from office. There is no serious question that perjury and obstruction of justice are high crimes and misdemeanors. Blackstone's famous Commentaries—widely read by the framers of the Constitution—put perjury on equal footing with bribery as a crime against the state. Perjury was understood to be as serious as bribery, which is specifically mentioned in the Constitution as a ground for impeachment. Today, we punish perjury and obstruction of justice at least as severely as we punish bribery. Apparently, the seriousness of perjury and obstruction of justice has not diminished over time.

Indeed, our own Senate precedent establishes that perjury is a high crime and misdemeanor. The Senate has removed seven federal judges from office. During the 1980s, three judges were convicted for the high crime and misdemeanor of perjury. Federal judges are removed under the exact same Constitutional provision—Article II, section 4—upon which we remove presidents. To not remove President Clinton for grand jury perjury lowers uniquely the Constitution's removal standard, and thus requires less of the man who appoints all federal judges than we require of those judges themselves.

I will have no part in the creation of a constitutional double-standard to benefit the President. He is not above the law. If an ordinary citizen committed these crimes, he would go to jail. Many senators have voted to remove federal judges guilty of perjury, and I have no doubt that the Senate would do so again. Those who by their votes today confer immunity on the President for the same crimes do violence to the core principle that we are all entitled to equal justice under law.

Moreover, I agree with the view of Judge Griffin Bell, President Jimmy Carter's Attorney General and a former Judge of the United States Court of Appeals, Fifth Circuit. Judge Bell has stated: "A President cannot faithfully execute the laws if he himself is breaking them." These offenses—perjury and obstruction of justice—are not trivial; they represent an assault on the judicial process. Again, Judge Bell's words are instructive:

> Truth and fairness are the two essential elements in a judicial system, and all of these statutes I mentioned, perjury, tampering with a witness, obstruction of justice, all [are] in the interest of truth. If we don't have truth in the judicial process and in the court system in our country, we don't have anything. So, this is serious business.

I agree. The crimes of perjury and obstruction of justice are public crimes threatening the administration of justice. They therefore fit Alexander Hamilton's famous description of impeachable offenses in *Federalist No. 65:* "[O]ffences which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust." The electorate entrusted President Clinton to enforce the laws, yet he chose to engage in a pattern of public crime against our system of justice. We must not countenance the commission of such serious crimes by the chief executive of our nation.

The President broke his oath to tell the truth, the whole truth, and nothing but the truth, so help him God. He likewise broke his oaths to take care that the laws be faithfully executed.

Just how important are oaths? We take oaths to substantiate the sanctity of some of our highest callings. Years ago, I took the Hippocratic Oath to become a physician. In January 1995, I took an oath of office as a United States Senator to preserve, protect, and defend the Constitution of the United States. Then, just last month, I had to take a special oath of impartial justice for this impeachment trial. Raising your right hand and swearing before God is meant to be serious business. Swearing falsely is equally serious. I recall the conclusion of the Hippocratic Oath:

> If I fulfill this oath and do not violate it, may it be granted to me to enjoy life and art, being honored with fame among all men for all time to come; if I transgress it and swear falsely, may the opposite of all this be my lot.

President Clinton broke his oaths; the opposite of honor and fame should be his lot.

Many of my colleagues have publicly expressed their belief that President Clinton broke his oaths and committed the crimes of perjury and obstruction of justice. Some have gone further and said that these are high crimes and misdemeanors. Yet they flinched from removing President Clinton from office, hoping that we could just move on, put this behind us, and "heal" the Nation.

Although our acquittal of President Clinton may bring initial relief at the end of this ordeal, it will also leave unfortunate, lasting lessons for the American people: Integrity is a second-class value; the hard job of being truthful is to be left to others; and virtue is for the credulous. Though we do not know how these lessons will manifest themselves over time in our society, they will not be lost. Thus, I do not believe the acquittal of President Clinton will heal the wounds of this ordeal; rather, acquittal regrettably will inject a slow-acting moral poison into the American consciousness.

CONCLUDING THOUGHTS

There is one aspect of the case that made me uncomfortable: The perjury and obstruction of justice arose out of an illicit sexual relationship between President Clinton and a young White House intern. President Clinton no doubt sought to shield the knowledge of that relationship from his family and staff, and that impulse is understandable. However reprehensible his affair might be, both it and his efforts to hide it were originally of no concern to the public or the Senate. None of us can claim to be free from sin.

What began as an attempt to keep an affair secret from family and co-workers, however, escalated into illegal activity when keeping that affair secret trumped the civil rights of Paula Jones to seek redress in court, and, in turn, thwarted the investigation of a federal grand jury. President Clinton chose to cheat. Cheating the judicial process, whether to keep an ordinary citizen from having her day in court or to avoid criminal indictment, is wrong.

Dr. William Osler was a late 19th century physician and is regarded as the father of modern surgery. In a lecture to his medical students about the pursuit of truth, he said:

> Start with the conviction that absolute truth is hard to reach in matters relating to our fellow creatures, healthy or diseased, that slips in observation are inevitable even with the best trained faculties, that errors in judgment must occur in the practice of an art which consists largely in balancing probabilities.
>
> Start, I say, with this attitude of mind, and mistakes will be acknowledged and regretted; but instead of a slow process of self-deception, with ever-increasing inability to recognize truth, you will draw from your errors the very lessons which may enable you to avoid their repetition.

President Clinton's repetition of wrong, often illegal choices most disturbs me. He faced a series of choices about his affair once our system of justice became concerned with it. He could have come clean in the civil deposition and urged Ms. Lewinsky to do the same. He did not. When the story became public, he could have then come clean to the American public and revised his deposition testimony. Instead, he took a poll. Having learned that the American people would forgive him for adultery, but not for perjury or obstruction of justice, he declared that he would just have to "win." He then wagged his finger at us on national TV and chided us for believing what has since proven true. He embarked on a quiet smear campaign against Ms. Lewinsky, calling her a "stalker" and sending aides into the grand jury to repeat that mean-spirited falsehood. Above all else, he could have come clean when he went before the grand jury. Indeed, the discovery of the infamous blue dress served as a powerful reminder to tell the truth. But he continued to lie.

The pattern of behavior is disturbing. That pattern is driven by President Clinton's choice, on every occasion in this saga, to put his self-interest above the the public interest. Indeed, President Clinton is well down the dangerous road Dr. Osler described to his students: "A slow process of self-deception."

To me, his perjury before the grand jury was defining. Some of my fellow senators urged him not to lie in that grand jury, lest he be impeached. He had a chance to try to set matters right by the American people and by our system of justice. Instead, he lied. It has been said, "Character is what we know about ourselves. Reputation is what others know about us." What we now know about President Clinton's conduct before the bar of justice illuminates his integrity: We learned that he always cheated and put himself above the law. We can pray that God forgive President Clinton for his sins, but we cannot ignore the consequences of his behavior to our society.

We in the Senate faced the difficult choice of deciding whether to remove President Clinton. To find him "not guilty" of perjury and obstruction of justice and leave him in office would corrode the respect we all have for the Office of President. More troubling, the example to our youth would be destructive. I have three sons, 15, 13, and 11 years old. As anyone with children knows, President Clinton's conduct has undermined all our efforts to instill in our children two essential virtues: truthfulness and responsibility. If we allow a known perjurer and obstructor of justice to continue in the Office of President and lead us into the 21st Century, we set a sad example for future generations.

In a recent sermon on the topic, "What Do I Tell My Children about the Crisis in Washington?" a minister quoted from Michael Novak's book The Experience of Nothingness:

> The young have a right to learn a way of discriminating right from wrong, the posed from the authentic, the excellent from the mediocre, the brilliant from the philistine, the shoddy from the workmanlike. When no one with experience bothers to insist—to insist—on such discrimination, they rightly get the idea that discernment is not important, that no one cares either about such things—or about them.

President Clinton committed perjury and obstructed justice. In so doing, he broke his oath of office and his oath to tell the truth. He broke the public trust. I took an oath to do impartial justice by the Constitution and laws of our country. I had a duty to the Constitution and laws of this nation to convict President Clinton, so I voted to remove him from office and restore the trust of the American people in the high Office of President. Prosperity is never an excuse to keep a President who has committed High Crimes and Misdemeanors.

Though many of my colleagues agreed with these conclusions, two-thirds of the Senate did not. I am concerned about the message this acquittal will send to our youth. So, I am convinced that you and I now have a shared duty: Rather than give in to easy cynicism, we should work toward integrity and responsibility in all that we do. We must remind our children that telling the truth and accepting responsibility for wrongdoing are virtues with currency. Our nation's future depends on how earnestly we fulfill that shared duty.

Mr. BUNNING. This is my first speech on the floor of the U.S. Senate. I had hoped my opening speech would be about Social Security. This year, in my opinion, we have a golden window of opportunity to reform and strengthen this vital program and I had hoped to use my first comments on the Senate floor to help open the debate on real Social Security reform.

Unfortunately, it didn't turn out that way. Of necessity, my opening speech in this body is about the Articles of Impeachment against President Clinton. It was not my choice!

In fact, none of us have much choice in this matter. Here in the U.S. Senate, we have been charged with the responsibility of looking at the facts as presented by the managers from the House of Representatives. Each of us took an oath to do impartial justice.

And the Constitution doesn't give us much wiggle room when it comes to choices. The Framers were pretty explicit about our options. If we determine that the President is guilty of the charges as outlined in the two Articles of Impeachment, the penalty is removal from office. We have no other choice.

Because we are all political animals, I think it is natural that the legitimacy of this process and the outcome of this debate will be clouded to some degree by the perception that it is a partisan exercise.

Many of the President's defenders and many of our friends in the media, in fact, have insisted all along that the whole process has been driven by partisan Republicans who are intent to removing a Democrat President they do not like from office.

The difficulty you run into when you start throwing around the term "partisan" politics is that is seldom a one-way street.

Is it any more "partisan" to blindly support the impeachment of a President of the other party than it is to blindly support a President of your own regardless of the facts? Of course not. Just as each of us, in keeping with our oath to do impartial justice, must strive to avoid a partisan, knee-jerk solution to the process, we must also not let ourselves be deterred from doing what we feel is right simply to avoid charges of partisanship.

So, hiding behind the charge that the process has been tainted by political partisanship gives us no relief from our responsibility to look at the facts nor does it expand our choices.

So, it is the facts that matter. And each of us must weigh them individually. We are not talking about public opinion polls. They should have no bearing on the case at this point. It is a question of facts pure and simple.

Each of us must weigh those facts individually. We might reach different conclusions. But if I determine that the president is guilty, and if you determine that the president is guilty, based on those facts we don't have any options. We must vote to convict and to remove the President from office.

I am personally convinced that the President is guilty under both of the Articles of Impeachment presented to us by the House Managers.

The managers from the House have presented a strong case that President Clinton committed perjury. The circumstantial and supporting evidence is overwhelming that Bill Clinton did lie under oath to the grand jury when he testified about his attorney's use of a false affidavit at his deposition. He lied under oath to the grand jury when he testified about the nature of his relationship with Miss Lewinsky. He lied under oath to the grand jury about his conversations with Betty Currie.

That is perjury. That is a felony. We cannot uphold our reverence for the rule of law and ignore it.

The circumstantial and supporting evidence is also overwhelming that the President did willfully obstruct justice when he encouraged Miss Lewinsky to file a affidavit in the Jones case; when he coached Betty Currie on how to respond to questions about his relationship with Miss Lewinsky.

When he lied to aides whom he knew would be called as grand jury witnesses, when he promoted a job search for Miss Lewinsky, and when he encouraged Miss Lewinsky to return the gifts he had given her, he was attempting to obstruct justice.

After listening to the facts and the evidence, and after listening to the President's defense team try to refute the charges, I have determined that he is guilty as charged.

I have tried to the best of my ability to reach this determination impartially without being biased by my political affiliation. Have I been successful? I believe so.

I am encouraged in the belief that I have reached the proper conclusion for the proper reasons by the harsh wording of the resolution being circulated by some of the defenders of the President, senators who oppose impeachment but support a censure resolution.

The most recent version of a censure resolution that I have seen admits that the President engaged in shameless, reckless and indefensible conduct. It goes on to say that the President of the United States deliberately misled and deceived the American people and officials of the United States government.

It also says that the President gave false or misleading testimony, and impeded discovery of evidence in judicial proceedings and that, as a result, he deserves censure.

These are the people who are opposed to the Articles of Impeachment.

The Constitution doesn't really give us that kind of choice. If the President is guilty of these charges, he must be convicted and he must be removed from office. Censure is not an option.

I would rather be speaking about Social Security but I wasn't given a choice in the matter.

I would prefer not to vote to convict any President of Articles of Impeachment. But I don't have a choice in that matter either.

If he is guilty, he must be convicted. And I believe he is guilty as charged.

There is one central, elemental ingredient that is necessary to the success of our ability, as a nation, to govern ourselves. That is trust.

Before a President takes office, he swears a solemn oath, to "preserve, protect and defend the Constitution of the United States."

We accept his word on that.

When the Vice President, United States Senators and members of the House of Representatives take office, they are required to take an oath "to support and defend the Constitution of the United States against all enemies, foreign and domestic."

We trust that they will live up to that oath.

We administer these oaths and we accept them as binding because government, at least in this nation, is, above all else, a matter of trust. Trust is the glue that holds it all together. If that trust is destroyed or tarnished, it seriously undermines the basic foundations of our government.

The President's defenders try to excuse him by saying that if he did lie under oath and obstruct justice, he did it to protect himself and his family from personal embarrassment about sexual indiscretions, and somehow this makes the lies all right.

It doesn't. When he lied and when he tried to hide his lies from the grand jury, he broke trust with the nation's justice system. He broke faith with the American people.

Not only did he break the law, he also violated the sacred trust of the office of the President. And in so doing, he violated his oath of office.

And that raises the two Articles of Impeachment to a level that definitely justifies his removal from office.

It is a matter of trust. And it leaves us no choice but to vote for conviction.

Mr. DURBIN. From the opening statement to the closing argument, Chairman HENRY HYDE and the House managers stated repeatedly that what is at stake in this trial is the rule of law.

In a compelling reference to the life of Sir Thomas More, Mr. HYDE quoted from "A Man for All Seasons" by Robert Bolt to remind us that More was prepared to die rather than swear a false oath of loyalty to the King and his church.

But Mr. HYDE did not read my favorite passage from that work. Let me share it with you and tell you why I think it is important to us in this deliberation.

> MORE. The law, Roper, the law. I know what's legal not what's right. And I'll stick to what's legal.
>
> ROPER. Then you set Man's law above God's!
>
> MORE. No far below; but let me draw your attention to a fact—I'm not God. The currents and eddies of right and wrong, which you find such plain-sailing, I can't navigate, I'm no voyager. But in the thickets of the law, oh there I'm a forester. I doubt if there's a man alive who could follow me there, thank God.
>
> ALICE. While you talk, he's gone!
>
> MORE. And go he should if he was the devil himself until he broke the law!
>
> ROPER. So now you'd give the Devil benefit of law!
>
> MORE. Yes. What would you do? Cut a great road through the law to get after the Devil?
>
> ROPER. I'd cut down every law in England to do that!
>
> MORE. Oh? And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast—Man's laws, not God's—and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.

Sir Thomas More's words remind us the law must be followed not only by the accused but also by the accusers.

And every day in America many who are accused of crimes are released because this government has violated their constitutional rights—denied them due process—forsaken the rule of law.

How American of us—we are prepared to release an accused because the accuser has not played by the rules * * * the rules of law.

The House managers built their case on one key question: Did the President respect the rule of law?

But the same managers who exalted the rule of law from their opening words would have us ignore the process which brought us to this moment:

An independent counsel in name only whose conduct before the House Judiciary Committee led Sam Dash, former Watergate counsel and Mr. Starr's ethics advisor, to resign in protest.

Listen to Dash's words to Kenneth Starr in his letter of resignation concerning Starr's appearance and testimony:

> In doing this you have violated your obligation under the Independent Counsel Statute and have unlawfully intruded on the power of impeachment, which the Constitution gives solely to the House. . .. By your willingness to serve in this improper role (advocating for impeachment) you have seriously harmed the public confidence in the independence and objectivity of your office.

Much has been made about the so-called pep rally which some House Democrats held for President Clinton at the White House after the impeachment vote. If you wonder how those members could act in such an apparently partisan manner after the historic vote on December 19, 1998, I hope you will recall that the Republican members of the House Judiciary Committee gave Mr. Starr nothing less than a standing ovation when he completed testimony which Mr. Dash characterized as "unlawful" and "improper".

Is it any wonder why the American people think this whole impeachment process reeks of partisanship and the excesses of the Independent Counsel have created a bipartisan sentiment to amend if not abolish that statute?

Did Mr. Starr respect the rule of law?

And the House Judiciary Committee—so anxious to complete its work in a lame-duck session that it would vote for impeachment without calling a single material witness. Then those same managers came to the Senate and argued justice cannot be served without live witnesses on the Senate floor.

When I listen to PAUL SARBANES recount the painstaking efforts to avoid partisanship during the impeachment hearing on President Nixon, it is a stark contrast to the committee process which voted these articles of impeachment against President Clinton.

Did the House Judiciary Committee respect the rule of law?

And the House of Representatives, an institution which I was proud to serve in for 14 years, was so hellbent on impeachment that it bent the rules, denied the regular order of business and refused the House a vote to censure this President so the Majority would have a better chance to visit the disgrace of impeachment on his record.

Did the House of Representatives respect the rule of law?

But it would be too facile to dismiss this case simply because the process which brought us to this point is so suspect—too easy to discard the fruit of this poisoned tree.

Justice and history will not give us this easy exit. We must ignore the birthing of this impeachment and judge it on its merits.

First, let me stipulate the obvious. The personal conduct of this President has been disgraceful and dishonorable. He has brought shame on himself and his Presidency. No one—not any Senator in this Chamber nor any person in this country—will look at this President in the same way again.

I have known Bill Clinton for 35 years. I remember him as a popular student when we both attended Georgetown. And I know despite all of the talk about "compartmentalization" that this man has suffered the greatest humiliation of any President in our history. I hope his marriage and his family can survive it.

But our job is not to judge Bill Clinton as a person, a husband, a father. Our responsibility under the Constitution is to judge Bill Clinton as a President, not whether he should be an object of scorn but whether he should be removed from office.

Did William Jefferson Clinton commit perjury or obstruct justice, and for these acts should he be removed from office?

When this trial began I believed that President Clinton's only refuge was in a strict reading of "high crimes and misdemeanors"—that James Madison, George Mason and Alexander Hamilton would have to serve as his defense team and save this President from removal.

The managers' case was compelling, but as the defense team rebutted their evidence I saw the charges of perjury crack, obstruction of justice crumble and impeachment collapse.

The managers failed in Article I on perjury to meet the most basic requirement of the law: specificity. In the Andrew Johnson impeachment trial, Senator William Fessenden of Maine pointed out the unfairness of failing to name specific charges:

> It would be contrary to every principle of justice to the clearest dictates of right, to try and condemn any man, however guilty he may be thought, for an offense not charged, of which no notice has been given to him, and against which he has had no opportunity to defend himself.

Senator Fessenden understood the rule of law.

And by what standard should the President be judged?

When the House managers discussed the gravity of the case for impeachment, they said repeatedly: "These are crimes." But when asked why they failed to meet the most basic criminal procedural requirements of pleading and proof, Mr. Canady said: "This proceeding is not a criminal trial."

And what is the difference between charging a crime and proving something less than a crime? The difference is known as the rule of law—a rule which requires fair notice and due process whether the accused is President or penniless.

How many times have we seen the House managers run into the brick wall of sworn testimony contradicting their charges. On gifts—Monica Lewinsky said hiding them was Betty Currie's idea—Betty Currie claimed it was Lewinsky's idea—neither of them claimed it was the President's idea. On the affidavit issue—the House Managers could not produce one witness—not Lewinsky, not Jordan and not the President to support their charge of obstruction.

Time and again the House managers failed to prove their case—failed to produce testimony or evidence and at best played to a draw. I don't need to remind my colleagues in the Senate that playing to a draw on this field comes down in favor of the President.

The House managers failed to meet their burden of proof.

And let me say a word about witnesses.

We have spent a lot of time on this issue. I do not know who came up with the limitation of three witnesses for the managers. But is there anyone in this chamber who believes that Sidney Blumenthal was a more valuable witness to this case than Betty Currie?

Surely my colleagues in the Senate remember that the House managers spent three solid days building their obstruction of justice case on concealing gifts and tampering with witnesses. And Betty Currie was critical to the most credible charges against the President.

Then when the House managers were given a chance to call this key witness, they refused.

And what can we conclude from this tactical decision? Let me read Rule 14.15 from Instructions for Federal Criminal Cases.

> If it is peculiarly within the power of either the government or the defense to produce a witness who could give relevant testimony on an issue in the case, failure to call that witness may give rise to an inference that this testimony would have been unfavorable to that party. No such conclusion should be drawn by you, however, with regard to a witness who is equally available to both parties or where the testimony of that witness would be merely cumulative.
>
> The jury must always bear in mind that the law never imposes on a defendant in a criminal case the burden or duty of calling any witnesses or producing any evidence.

Betty Currie was no help to the House managers in her deposition and they clearly concluded she was more likely to hurt than help their case if called as a witness. The key witness in the obstruction of justice charge never materialized and neither did the proof the House managers needed.

How will history judge this chapter in our history?

The House managers and many of my colleagues believe an acquittal will violate the basic American principle of equal justice under the law—they argue that acquitting the President will cheapen the Presidency—and imperil our nation and its values.

I have heard my colleagues stand in disbelief that the American people could still want a man they find so lacking in character to continue as their President. William Bennett and his pharisaical followers have profited from books and lectures decrying the lack of moral outrage in our nation against Bill Clinton.

I hope my colleagues will pause and reflect on this conclusion that the American people have somehow lost their moral compass—that the polls demonstrate our people have lost their soul—and that we, their elected leaders, have to impeach this President to remind the American people of the values—the integrity—the honor which is so important to our nation.

May I respectfully suggest that those who appoint themselves as the guardians of moral order in America risk the vices of pride and arrogance themselves. Before we don the armor and choose our side in what Manager HYDE calls a "cultural war," let us not give up on the wisdom and judgement of the people we represent.

Like Abraham Lincoln, I am a firm believer in the American people. If given the truth they can be depended upon to meet any national crisis.

And the American people have this right. The President's personal conduct was clearly wrong. He has endured embarrassment and will spend the rest of his natural life and forever in the annals of history branded by this experience. The American people clearly believe that the process which brings him before us in this trial was too partisan, too unfair, too suspect.

What has occurred here is a personal and family tragedy—it is not a national tragedy which should result in the removal of this President from office.

In 1798, THOMAS Jefferson wrote to James Madison: "History shows that in England, impeachment has been an engine more of passion than justice."

Jefferson feared that even our process for impeachment could be a formidable partisan weapon. He feared that a determined faction in Congress would use it ". . .for getting rid of any man whom they consider as dangerous to their views, and I do not know that we could count on one-third in an emergency."

In 1868, with the suffering and death of our Civil War still fresh in everyone's mind, this Senate came within one vote of impeaching a President who was viewed as too sympathetic to the vanquished South.

In 1999, after six years and millions of tax dollars spent in investigation of this President, I believe the Senate will once again cool the political passions, preserve the Presidency, protect the Constitution, and prove to Thomas Jefferson that his trust in this body and that great document was not misplaced.

I will vote to acquit William Jefferson Clinton on both Articles of Impeachment and support a strong resolution of censure to bring this sad chapter in American politics to a close.

Mr. KYL. This case is about the rule of law—specifically, whether actions and statements of President Clinton in federal court proceedings have done such harm to the rule of law that he should be removed from office. I conclude in the affirmative, and reluctantly vote to convict on both Articles of Impeachment.

Chairman HENRY HYDE observed that the House of Representatives had come to the Senate "as advocates for the rule of law, for equal justice under law, and for the sanctity of the oath." (145 Cong. Rec. S221 (January 14, 1999).)

These are not just grand words.

The rule of law refers to our judicial process, which is governed by uniform standards and procedures that we say will always be guaranteed and applied fairly and equally. We are willing to submit ourselves to this process because we have worked hard for 210 years to ensure that it produces impartial justice for all.

Equal justice means that each of us, including the least among us, has rights that the state is bound to protect; and it surely includes the requirement that those who make the laws (including the President) must live under them like anybody else.

And oaths are essential to the rule of law because the judicial process is about seeking the truth; and that requires that we be able to trust what is said. The oath formalizes the commitment to tell the truth, and the whole truth—a commitment so important that its violation is itself a crime.

I believe there are two questions to be answered.

The first is whether the President impermissibly took the law into his own hands in a federal civil rights case and seven months later before a federal grand jury in order to suppress the truth. The second question is whether, if the President did engage in the impeachable conduct, it is a breach serious enough to warrant removal from office.

The Constitution permits only one vote: to acquit or convict. This leaves some in the anomalous position of determining guilt on an impeachable offense, but having to vote to acquit because they deem the offense insufficiently serious to warrant removal. While the fact that the offense is impeachable should itself resolve the issue of "proportionality," I would not consider it impermissible to reach a contrary conclusion, as some will do in this case.

For my part, I answer both questions in the affirmative. The President "wilfully provided perjurious, false, and misleading testimony" under oath to a grand jury and he "prevented, obstructed, and impeded the administration of justice." (H. Res. 611).

While the House of Representatives asserted that the President's actions were criminal, violations of specific criminal statutes are not essential for wrongful conduct to constitute the "high crimes and misdemeanors" that demonstrate unfitness to continue as Chief Executive. Most authorities agree a President cannot be prosecuted while in office for crimes allegedly committed during his term. So, for example, whether a lie under oath would necessarily later result in a criminal perjury conviction cannot be known with certainty, and an impeachment trial is not an effective forum for establishing criminal guilt. It is conduct, not a proven crime, that is the basis for impeachment.

This is one of the reasons why it is clear that each Senator may apply his or her standard of proof—it need not be the criminal standard "beyond a reasonable doubt." (See Senate Proceedings in the Impeachment Trial of Judge Claiborne, S. Doc. No. 99-48, at 150.) Moreover, because the Senate constrained the House of Representatives as it did—by limiting the number of witnesses that could be deposed, by effectively foreclosing other discovery, and by precluding "live" testimony—it would be unfair to impose a "beyond reasonable doubt" standard.

The President's counsel argued that the Senate should not consider Article I because the House of Representatives defeated a perjury count relating to the Jones civil action. But Article I also included allegations of "perjurious, false, and misleading" statements in the Jones case; so the argument is meritless. Moreover, the President's falsehoods in the Jones civil suit also formed part of his strategy to obstruct justice.

What is striking about this case is the President's persistent, sustained, carefully calculated, deliberate, and callous manipulation of the judicial process for over a year.

Without attempting to summarize all of the evidence, I conclude that the President lied before the federal grand jury about (1) the nature of details of his relationship with Ms. Lewinsky; (2) his assertion that he told the truth in the Jones deposition; (3) the false and misleading statements that he allowed his lawyer to make to a federal judge in the Paula Jones civil case; and (4) his corrupt efforts to influence the testimony of his aides who were potential grand jury witnesses.

And it seems clear to me that the President obstructed justice—that he corruptly: (1) encouraged Ms. Lewinsky to execute a false affidavit; (2) encouraged Ms. Lewinsky to lie if called as a witness; (3) encouraged Ms. Lewinsky to conceal gifts; (4) encouraged cooperation of Ms. Lewinsky through job assistance; (5) allowed his attorney to make false and misleading statements about the affidavit; (6) attempted to influence the testimony of his secretary, Ms. Currie; and (7) attempted to influence the testimony of other aides.

The final question is whether the President should be removed for his actions.

As a preliminary matter, there can be no doubt that perjurious, false, and misleading statements made under oath in federal court proceedings are indeed impeachable offenses. The fact that the House of Representatives reached this conclusion, of course, establishes the precedent as to the kind of conduct in this case. But, it is also confirmed by the impeachment and conviction of federal judges—of Judge Harry Claiborne, removed in 1986 for filing a false income tax return under penalty of perjury, of Judge Walter Nixon, removed in 1989 for perjury before a grand jury, and of Judge Alcee Hastings, removed in 1989 for perjury related to financial misconduct. I cannot agree with those colleagues who assert that there is a different standard for a President—that it would require a more egregious kind of perjury to remove a President than a judge. Nothing in the Constitution suggests such a double standard.

John Jay, the first Chief Justice of the United States, said "there is no crime more extensively pernicious to society" than perjury, precisely because it "discolors and poisons the streams of justice." (Grand Jury Charge (C.C.D.N.Y. (Apr. 5, 1792)) (Jay, C.J.), in 2 The Documentary History of the Supreme Court of the United States, 1789–1800: The Justices on Circuit: 1790–1794, at 253, 255 (Maeva Marcus ed., 1988).)

As to obstruction of justice, on which there is no other direct precedent, Chief Justice Rehnquist, our presiding officer, in his history of impeachment, Grand Inquests, wrote that "the counts relating to the obstruction of justice and to the unlawful use of executive power [by President Nixon] were of the kind that would surely have justified removal from office."

The House managers pointed out, accurately, that even though perjury and obstruction of justice are not specifically listed as impeachable offenses in the Constitution, the Federal Sentencing Guidelines treat these offenses more seriously than they do the crime of bribery—one of two specifically enumerated impeachable offenses. Significantly, where bribery is committed in connection with a judicial proceeding (such as bribing a witness in a case), its seriousness under the Guidelines rises to that of perjury and obstruction. When misdeeds, in other words, take place in connection with a judicial process, to try to affect or control that process, they get extra attention in our legal system. They are not simply brushed aside. Far from it. Perjury and obstruction are like bribery; they are "other high crimes" by any reasonable construction.

The President's counsel argued that the President's conduct could not be impeachable because he did not abuse the power of his office in conducting "matters of state," and did not violate the public trust. But impeachable offenses are not limited to the President's conduct of "matters of state." If this were so, Richard Nixon could never have been impeached. If this were so, a twenty dollar bribe for a Senator to vote for a bill would be impeachable, while a million dollar bribe to cover up political dirty tricks would not be.

It simply cannot be, as some have argued, that the only impeachable offenses are those that can only be committed by the President. If a President commits murder, can he not be removed? Must we wait until his term is over to deal with his crime? It is clear that seriously wrongful official conduct is impeachable. But it is just as clear that impeachment cannot be limited to that.

It is not only the exercise of presidential power but also the violation of a public duty that can constitute impeachable conduct. As the head of the Executive Branch, the President has the duty under Article II of the Constitution to "take Care that the Laws be faithfully executed." The 1974 House Judiciary report on the "Constitutional Grounds for Presidential Impeachment" summarized that impeachment of a President can "be predicated only upon conduct seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of the presidential office." (Staff of House Comm. on the Judiciary, 93rd Cong., 2d Sess. (Comm. Print 1974), Constitutional Grounds for Presidential Impeachment, at 27.) Surely the violation of constitutional obligations can constitute high crimes or misdemeanors for which the President may be impeached. And surely, such violation would constitute an abuse of trust by the Chief Executive.

By his oath of office and Article II responsibilities, President Clinton is supposed to see that the sexual discrimination laws are faithfully executed. But he thought the Jones case was illegitimate, so he took the law into his own hands. His conduct in this case clearly violated his public duties, his oath, and the public trust. And it interfered with the proper functioning of another branch of the government.

The same is true for his deliberate efforts to impede legitimate discovery efforts in federal court proceedings. Such action "is incompatible with . . . the constitutional form and principles of our government," as the 1974 House Judiciary report said. It simply cannot be that a President who wrongfully interferes with the proper functioning of another branch of our government by attempting to subvert justice in federal court proceedings cannot be impeached because he did not do it as President, but, rather, as a citizen.

That the underlying conduct covered up is sexual, is, if anything, an aggravating not a mitigating factor. In sex-discrimination litigation, where there is frequently no corroboration for the plaintiff, a defendant who lies can easily subvert justice. Had the blue dress not been found, with its incontrovertible tangible evidence, I doubt Paula Jones would have gotten a dime in settlement.

Judgements about the severity of the impeachable conduct in this case will lead different Senators to reach different conclusions. That is why some of us are willing to say reasonable people can differ. For those who fear the long-term consequences to the rule of law, however, I believe there can be only one result. Anyone who so willfully, callously, and persistently connived to deny the federal court and grand jury the truth, and who used and abused the highest office in the land to advance his personal cover-up is not only no longer worthy of trust—which all agree is essential to the conduct of his office—but also must be removed to avoid the perpetuation of a legal double standard. If federal judges (such as Judges Claiborne, Nixon, and Hastings) are removed for similar conduct; if average Americans are imprisoned for it, can the rule of law long survive "special exceptions" for powerful people we like, or who are doing a good job, or who hold elective office? None of these rationalizations are defenses to illegal or impeachable conduct.

As I said, sexual harassment cases are precisely the kind of judicial proceedings that demand the maximum cooperation of and truth-telling by the defendant, because of the lack of third-party witnesses or corroborating evidence. In these cases, justice is denied if obstruction, witness tampering, or perjury prevent the truth from coming out. Can anyone say this is not serious? To what standard of seriousness does it not rise? How many plaintiffs will have to lose their sexual harassment, domestic violence, or sexual assault cases because defendants lie and obstruct justice (and there is no blue dress to keep them honest) before it becomes serious?

An acquittal in this case will make it harder to deal properly with similar conduct in the future. We will be hard pressed to perpetuate a double standard, so the lowest common denominator of conduct will be established as the permissible norm. And this cannot help but weaken the ability of courts to enforce truth-telling and prevent obstruction of justice.

The precedent set by this case may not change the law overnight, but this unforgettable episode is now part of the institutional life of our country. The chief magistrate perverted justice and remained in power. The lesson is corrosive. Like water dripping on a rock, it eventually makes a deep hollow in the American justice system.

It is true the President could be sent to jail later. How does that validate his right to appoint judges and be head of U.S. law enforcement now? How does that square with his leadership of the armed forces right now, as our Commander-in-Chief? Should the standard for the President not be at least as high as for those he appoints and leads?

In the end, my colleagues who would censure rather than convict the President are right about one thing: the President's conduct is "unacceptable." But, if conduct is unacceptable, we cannot accept it—meaning, we have to do something about it that does not leave it stand. And under our Constitution that means removal of the President through conviction on the Articles of Impeachment.

HENRY HYDE closed the House case by warning that public cynicism is the greatest threat we face. Our failure to remove the President will only fuel the cynicism of Americans such as Louie Valenzuela of Glendale, Arizona. He was quoted recently in a man-on-the-street interview about this case. "They talk about justice," he told the Arizona Republic. "They talk about doing the right thing," said Mr. Valenzuela. "But they always look the other way when someone rich, famous or powerful does something wrong. Look at O.J. Simpson. Clinton will be next. Asi es. (That's just the way it is.)"

That is not the way it has to be. But how it is, is up to us.

Mr. SPECTER. Mr. Chief Justice, colleagues, a great deal has been spoken in the Chamber about separation of powers and tomes have been written on it. And in reading the Constitution, Article I, creating the Congress; and Article II, the Executive branch; and Article III, the Judiciary, we have seen the wisdom of limiting power through the separation of power among the three branches of the Federal government.

The one provision of the Constitution—the impeachment provision—reaches across that divide. It is my thinking that before the Congress can exercise the power of removal, especially of an American President, there has to be a very, very heavy burden of proof.

I had occasion, fairly recently, to go very deeply into the issue of separation of powers when I argued the Base Closing Commission case regarding the Philadelphia Navy Yard case, which was unfairly closed—a subject that I will not amplify on—and I had an opportunity to appear before the Supreme Court.

In my two earlier speeches during the closed session on the motion to dismiss and the issue of depositions, I did end within the allotted time. But I will say that the Chief Justice is a good deal more tolerant here than in the Supreme Court. In the Supreme Court when I argued the Base Closing case, I was cut off in mid-syllable. I didn't know that was possible. But with the forcefulness of the Presiding Officer, he was able to limit the speakers to the precise time allotted. I did not do well in the outcome of that case in the Supreme Court. I had done better on my previous appearances in the Supreme Court when I was representing the district attorney's office on law and order.

But that sojourn into that case brought me into 200 years of reflection and analysis on case law on separation of powers, something that is not often done by practicing lawyers, and certainly not Senators. It instilled in me a very, very deep appreciation of separation of power.

So when I approached this case—and it has been the toughest case I have ever seen, and I think it has been a very, very intense drain on this body and all of us individually—the focus I had was: what is the burden that you ought to have to show if the Senate is going to remove a President? As I reviewed the evidence, I am not satisfied, at all that that burden was met.

Perjury is a very tough offense to prove under the standards established by the Supreme Court of the United States in the famous Bronston case. Bronston was giving testimony in a bankruptcy proceeding in New York and was asked about bank accounts in Zurich, and said, "My company had a bank account for about 6 months," leading to the implication that he did not have a personal bank account when in fact he did. His conviction in the District Court was upheld by the Second Circuit, but reversed by a unanimous Supreme Court because the interrogator, the prosecutor, has to go further. You have to ask the last questions to prove perjury.

The President was very artful, very careful and full of guile as he wound his way through the grand jury proceedings. We heard the testimony again and again. The President said he told his aides "things that were true." Well, he didn't comment about the things that he told them that were false. But nobody said, "Did you tell them things that were false as well?" to set the stage for a perjury prosecution.

When asked about Monica Lewinsky—was he alone with her?, on a series of rambling answers he said he wasn't alone with her in the hallway. But that is not the end of the question. He wasn't alone with her in the hallway. But nobody followed up, and said, "Were you alone with her somewhere else?" which he was not asked. Had he been asked whether he was alone with her somewhere else and denied that, there may have been a record to establish perjury. On this record, he did not commit perjury under the Bronston case.

The testimony of Betty Currie we heard again and again and again. In late January 1998, Betty Currie testified that when the President gave her that series of questions, she thought the President was trying to lead her, to mold her testimony. Then when she came back to testify in July, she said, well, it was different on that occasion. She testified that the President gave her the option of either agreeing or disagreeing.

Betty Currie was not a witness in this proceeding. Her deposition was not even taken because of very, very restrictive rules which the U.S. Senate established for what the House managers could do. The House managers were on very, very sharp notice that if they asked for too many depositions, they might get none at all. They made their selection of witnesses and they left off Betty Currie.

But had House managers been able to present their case in the normal course of events, I dare say the proceeding would have been even faster. We heard some 12 days of speeches, 6 days of opening speeches; 3 and 3 on each side. We could have done that in 2 hours. We then spent 2 days propounding questions through the Chief Justice where we learned very, very little. We heard arguments on the motion to dismiss, and on depositions, and arguments on what to do about the witnesses on those videotapes. Again and again, we heard legal arguments, but we did not hear from witnesses.

We are bound by this record. It is my view that, on this record, the burden of proof has not been met, the kind of a burden that would have to be sustained, in my judgment, for the Senate to remove an American President.

Ms. SNOWE. Mr. Chief Justice, distinguished colleagues, let me begin by expressing my appreciation to the Chief Justice for his wisdom, for his infinite patience, and for conferring upon this body the judicial temperament envisioned by the Framers.

I would also like to commend both the Senate majority and minority leaders for upholding the dignity of this body, by preserving judiciousness and fairness, and maintaining bipartisanship and civility.

Colleagues, we have arrived at a juncture in our public lives that will largely define our place before the judgment of history, and I think it will be said that justice and the Constitution were well served.

Indeed, the consequences of our decision are manifest in the words of Alexander Hamilton, who wrote of "the awful discretion which a court of impeachment must necessarily have, to doom to honor or to infamy the most confidential and the most distinguished characters of the community."

Those words should weigh heavily upon us. But while the gravity of our task is humbling, the genius of our Constitution is ennobling; for we deliberate not under the imposing shadow cast by the exceptional men who framed this Nation, but in the illuminating light of their wisdom.

Impeachment was designed by the Framers to be a circuitbreaker to protect the Republic, when "checks and balances" would not contain the darker vagaries of human nature. Impeachment empowers the Senate—under the most extraordinary of circumstances—to step outside its legislative role, reach into the executive branch, and remove a popularly elected President.

Impeachment was not, however, devised as an adjunct or independent arm of prosecution. It is not for the U.S. Senate to find solely whether the President committed statutory violations.

Rather, we have a larger question—whether there is evidence that persuades us, in my view beyond a reasonable doubt, that the President's offenses constitute high crimes and misdemeanors that require his removal.

Here is the precise point of our challenge—to give particular meaning to the elusive phrase, "high crimes and misdemeanors." This task is critical, because impeachment is not so much a definition, as it is a judgment in a particular case—a judgment based not upon an exact or universal moral standard—but upon a contemporary and historical assessment of interest and need.

"High crimes and misdemeanors" speak to offenses that go to the heart of matters of governance, social authority, and institutional power—offenses that, in Hamilton's words, "relate chiefly to injuries done immediately to the society itself."

And these crimes must be of such magnitude that the American people need protection, not by the traditional means of civil or criminal law—but by the extraordinary act of removing their duly elected President.

For removal is not intended simply to be a remedy; it is intended to be the remedy. The only remedy by which the people—whose core interests are meaningfully threatened by the President's conduct—can be effectively protected.

This, to me, is what President Woodrow Wilson meant when he referred to "nothing short of the grossest offenses against the plain law of the land." This, to me, is what Framer George Mason meant when he emphasized "great and dangerous offenses."

So in determining whether this President has committed a "great and dangerous offense" requiring removal, we must first weigh all of the credible evidence to identify which acts were actually committed. Then, we must assess the gravity or degree of the misconduct. This process requires that we review the acts from their origin, and the circumstances in their totality.

The allegations in article I do not paint a pretty picture. Indeed, we are all struggling with having to reconcile the President's lowly conduct with the Constitution's high standards. And we should all be concerned with the minimal threshold that he has set, and the poor example he has created for leadership in this country.

The President himself admits he gave evasive and incomplete testimony. He admits he worked hard to evade the truth. He admits he misled advisers, Congress, and the Nation. And he looked all of America in the eye—wagging his finger in mock moral indignation when he did it.

The fact is, the truth is not our servant. The truth does not exist to be summoned only when expedient. And I find his attempts to contort the truth profoundly disturbing. A President should inspire our most noble aspirations. Unfortunately, he has fueled our darkest cynicisms.

And I resent the ordeal he has put this country through—and we should make no mistake about it—whatever else may be said, we are here today because of the President's actions. I resent the shadow he has cast on what should be—and I feel still is—an honorable profession; public service. And I think all of us who take our oaths to heart should resent it.

Finally, as a woman who has fought long and hard for sexual harassment laws, I resent that the President has undermined our progress. No matter how consensual this relationship was, it involved a man in a position of tremendous power, with authority over a 21-year-old female subordinate, in the workplace—and not just any workplace. He has shaken the principles of these laws to their core and it saddens me deeply.

But as I work my way through my distaste, my dismay, and my disappointment, I return to the discipline that the Constitution imposes upon us as triers of fact. My job here is to review the evidence, and to measure that evidence against my standard of proof, and the constitutional standard of high crimes and misdemeanors.

So let's look at the evidence. Article I does not go to perjury about the underlying relationship—that charge was dismissed by the House. Instead, the article before us alleges perjury based on statements about statements about conduct. Unfortunately, what this comes down to is a case of "perjury once removed"—an inherently tenuous charge.

As triers of fact, we are asked under article I not to find whether the President lied, but whether he committed the specifically defined act of perjury. Here, the law is clear that there must be proof that an untruth was told; that it was told willfully; and that it was told about a subject matter material to the case. These are the hard rules of the statute.

In this instance, article I alleges perjury in statements the President made explaining the nature and details of the relationship. Significantly, the underlying subject matter of most of these statements was ruled irrelevant and inadmissable in the underlying civil case that was itself dismissed and settled. To me, these facts undermine the materiality of these statements.

Article I also alleges perjury in the President's statements explaining his concealment of that relationship. Here, I find insufficient evidence of the requisite untruth and the requisite intent. Given, again, that we are talking here about "perjury once removed," I cannot conclude that the President is guilty on article I.

As I look at article II, I have similar concerns and conflicts. Are there any among us who can look at the disturbing pattern that has been laid out for us and not be deeply troubled?

Just look at the allegations. The President may have influenced the filing of an affidavit. The President may have initiated the concealment of potential evidence. And the President may have accelerated a job search, in hopes of influencing a witness.

But for all of this, there is only circumstantial evidence. Despite a 64,000 page record and countless hours of argument and testimony, there is no direct evidence supporting any of these allegations.

To the contrary, where there is direct evidence, the testimony is against the allegations. Indeed, not one witness with firsthand knowledge has come forward since the beginning of this matter to corroborate the charges. So, while I can draw inferences from the evidence, I cannot draw conclusions beyond a reasonable doubt.

The Framers clearly prescribed caution when measuring high crimes, and such caution is all the more important when a case rests on purely circumstantial evidence. Mindful of this caution, I still find that one allegation stands out from the rest; the President's attempt to influence the potential testimony of his personal assistant.

Let's look at the facts. In the President's civil deposition, the President suggested, at least three times, that the attorneys should ask questions of his personal assistant. At the end of the deposition, the judge reminded him of the confidentiality order not to discuss the testimony with others.

Within 2½ hours, the President called his personal assistant to arrange a rare Sunday meeting. At that meeting, the President disclosed to her the contents of his deposition. In a manner that all but reveals the President's motives, he included in his discussion with her false statements about the circumstances of his relationship. Indeed, she would later testify that she believed the President sought her agreement with those statements he was posing.

Consider this critical exchange in the testimony of the President's assistant:

She was asked, "Would it be fair to say then—based on the way he stated it and the demeanor he was using at the time he stated it to you—that he wished you to agree to that statement?" The President's assistant nodded. She was then asked, "And you're nodding your head yes, is that correct?" And she answered, "That's correct."

And he again violated the gag order when he revisited these statements with her several days later.

As an experienced lawyer, the President knew that, by the force of his own testimony, he made his assistant a potential witness.

As a former State attorney general, the President knew he was violating the confidentiality order when he spoke with her.

As a defendant who repeatedly named his assistant, the President knew that his assistant would be subpoenaed.

And she was subpoenaed just 3 days later. But even if she hadn't, the President did not need absolute or direct knowledge that his assistant would testify. Under the law of obstruction, which, unlike perjury, does not expressly require materiality, he only had to know that she could offer relevant facts.

Make no mistake about it, I find the President's behavior deplorable and indefensible.

If I were a supporter, I would abandon him. If I were a newspaper editor, I would denounce him. If I were an historian, I would condemn him. If I were a criminal prosecutor, I would charge him. If I were a grand juror, I would indict him. And if I were a juror in a standard criminal case, I would convict him of attempting to unlawfully influence a potential witness under title 18 of the United States Code.

However, I stand here today as a U.S. Senator, in an impeachment trial, with but one decision—does the President's misconduct, even if deplorable, represent such an egregious and immediate threat to the very structure of our Government that the Constitution requires his removal?

To answer this broad question, we need to ask several finer questions.

Do the people believe that their liberties are so threatened that he should not serve his remaining 23 months? Is the President's violation on par with treason and bribery? What are the inescapable and unprecedented effects of removing a duly elected President? And can the President's wrongdoing be more effectively remedied by criminal prosecution, in a standard court of law, after he leaves office?

These are the questions which drive our consideration of the "gravity" and "degree" of the President's conduct. To this end, I return to the words of another Maine Senator, William Pitt Fessenden, who during the Andrew Johnson trial said that removal must "be exercised with extreme caution" and in "extreme cases." It must, he said, "address itself to the country and the civilized world as a measure justly called for by the gravity of the crime . . ."

In this case, I understand how reasonable minds could differ, for I have struggled long and hard with my own decision.

But the Constitution tempers our passion and measures our judgment. And the Constitution requires each of us to determine not just whether the President violated a statute. For had the Framers intended the offenses charged in this case to require removal in any and all circumstances, they would have specifically included them in the impeachment provisions of the Constitution.

Because they did not, we are compelled to ask ourselves whether the nature and circumstances of his conduct are such that we have no choice but to inflict upon him what one of the House managers called "the political equivalent of the death penalty."

If I could conclude that this President's conduct is of that nature, I would vote to remove him. Because if there is one thing I've learned throughout my 25 years in elective office, it is that the really tough decisions leave us with but one choice—doing what we know to be right and true.

In this instance, among the seven allegations charged in article II, I have only been persuaded beyond a reasonable doubt that the President committed one of them. After due consideration of all the factual circumstances relating to this one finding, and the constitutional dictates and implications of this matter as a whole, I am persuaded that the President's wrongdoing can and should be effectively addressed by the additional remedy expressly provided by the Framers in the Constitution—namely, trial before a standard criminal court. And I am further persuaded that future Presidents, and future generations can be effectively deterred from such wrongdoing by this impeachment and a potential prosecution.

The President's behavior has damaged the Office of the Presidency, the Nation, and everyone involved in this matter. There are only two potential victims left—the Senate and the Constitution—and I am firmly resolved to allow neither to join the ranks of the aggrieved.

From the day I swore my oath of impartiality, I determined that the only way I could approach this case was to ask myself one question, "if I were the deciding vote in this case, could I remove this President under these circumstances?" The answer, I have concluded, is "no"—and therefore, I will vote against both articles of impeachment.

Mr. Chief Justice, I came to this process with an open notebook and an open mind, determined to honor my oath to do impartial justice and serve the best interests of the Presidency, the American people, and the Nation. I stand confident that in doing so, my manner has been impartial, and my judgment has been measured. Therefore, in my mind and in my heart, I believe to a moral certainty that my verdict is just.

As men and women of honor, that is the highest expectation to which we can aspire. For we are writing history with indelible ink, but imperfect pens.

In the end, when future generations dust off the record of what we have done here, may they say we validated the Framers' faith in the Senate. May they say we reached within ourselves to discover our most noble intentions. And may they say we achieved a conclusion worthy not just of our time, but of all time.

One comment about mindset. The Senate really approached this matter as if it were a waste of time from the outset. There was an early effort to structure a vote to show that more than one-third of the Senators would not be for conviction and, therefore, to end it. Then when we had the vote on the motion to dismiss and 44 Senators voted to dismiss. It confirmed what we all knew; and that is that there would not be a two-thirds vote. I think that put a mindset in this body really not to conduct a trial.

The Constitution calls for a trial. The proceeding we had does not measure up in any way, shape or form to a trial. It is true that there are some few cases submitted on a record where judges are going to decide it. But a trial customarily requires witnesses. Had witnesses appeared on the floor of the U.S. Senate with examination and cross-examination, you would have gotten a feel for what happened here. If Betty Currie had appeared on the floor of the U.S. Senate, or even if her deposition had been taken, there could have been a clarification of inconsistencies in her two lines of questioning.

A word for the future: It would be my hope that if, as, and when the Senate has to revisit impeachment that it would be done differently. Senator

LIEBERMAN made a suggestion on a December 20 television show that there ought not to be party caucuses, that there only ought to be joint caucuses. I have passed that recommendation on. I realized that given the history of the Senate and our party caucuses, that would be a very, very abrupt change.

But I came out of some of our party caucuses and walked over and talked to my friends on the other side of the aisle. The people that I had agreed with on many, many, many issues. We were just irreconcilably opposed, just totally opposed. My only conclusion was that it was the kind of argument and the kind of discussion on what happened in the caucuses—really choosing sides and having teams—as opposed to trying to make an analytical, judicial decision as to what was involved here.

So it is my hope that if we ever have to undertake this again we will do it differently.

My position in the matter is that the case has not been proved. I have gone back to Scottish law where there are three verdicts: guilty, not guilty, and not proved. I am not prepared to say on this record that President Clinton is not guilty. But I am certainly not prepared to say that he is guilty. There are precedents for a Senator voting present. I hope that I will be accorded the opportunity to vote "not proved" in this case.

We really end up, colleagues, very much, in my judgment, where at least I started on the matter. I had thought at the outset that this was not an appropriate case for impeachment because the requisite two-thirds would not be present, and had hoped that impeachment would be bypassed, but instead we would allow the President to finish his term of office, which I thought an inevitability, just as it has worked out that way, and that the criminal process would do whatever was appropriate after his term was finished; if indicted, if convicted, whatever a judge would have to say as to sentencing. I am still hopeful that the rule of law will be vindicated in that process.

We obviously have learned much from this proceeding. It is my hope that we will leave a mark to guide future Senates if we ever have to repeat this very, very trying sort of an experience.

Mr. Chief Justice, I ask unanimous consent that a full text and exhibits A, B, and C be included in the RECORD as if read on the Senate floor.

The removal of an American president through impeachment carries a high burden of proof and persuasion. For conviction in the criminal courts on charges of perjury and obstruction of justice, the proof must be beyond a reasonable doubt. An extra measure of certainty is necessary to persuade the Senate that the national interest mandates invoking the extraordinary remedy of removing the President.

THE CONSTITUTIONAL STANDARD FOR REMOVAL

The starting point is Article II, Section 4 of the Constitution:

> The President . . . shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other High Crimes and Misdemeanors.

From that language, there is reason to interpret "other High Crimes and Misdemeanors" as relating back to specific categories of offenses earlier enumerated, such as "Treason and Bribery"; but I think that is too limited. Nor do I agree with the simplistic definition that perjury and obstruction of justice, being felonies and therefore more serious than misdemeanors in the criminal law, are automatically impeachable offenses.

The Framers did not foresee the circumstances before us. The omission of "perjury" and "obstruction of justice" from the enumerated offenses probably reflected the Framers' thought that it would be unlikely that a President would be testifying under oath or be a participant in a judicial proceeding. Yet, it is equally clear that perjury and obstruction of justice are serious crimes. For the President to commit either, he would be placing his own interest above his public duty and the people's interest in due process.

In 1970, then-Congressman Gerald R. Ford offered this definition:

> . . . an impeachable offense is whatever a majority of the House of Representatives considers to be at a given moment in history . . .

While that may state the raw power of Congress, it is too subjective to provide any real guidance. Instead, I look to the Framers at the Constitutional Convention, the Federalist papers, and the English and United States impeachment cases.

Commenting on impeachment at the Constitutional Convention James Wilson said:

> . . . far from being above the laws, he (the President) is amenable to them in his private character as a citizen, and in his public character by impeachment

The President's attorneys have argued that the charges arise from private conduct unrelated to his official duties. The issue then arises whether his conduct is "in his public character" by virtue of his Constitutional duty:

> . . . he (the President) shall take care that the Laws be faithfully executed . . . Article II, Section 3—

Such a public duty may be insufficient for impeachment under Alexander Hamilton's definition of impeachment in Federalist No. 65:

> . . . those offences (sic) which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself.

From Hamilton's statement, the conventional wisdom has evolved that impeachment is essentially a political question. The Framers, cases and commentaries have not articulated a handy definition of "high crimes and misdemeanors."

Whether to impeach and convict transcends the facts and law to what is in the national interest at a specific time in the nation's history on the totality of the circumstances.

Consideration of the national interest may include whether there is a clear and present danger to the integrity or stability of the national government; or whether the conduct is so vile or reprehensible as to establish unfitness for office; or whether the electorate has lost confidence in the President to the extent that he cannot govern.

The precedents and commentaries leave substantial latitude for Senators to establish their own standards. The ultimate definition may be analogous to Supreme Court Justice Potter Stewart's struggle to define obscenity when he concluded: " . . . perhaps I could never succeed in intelligibly doing so. But I know it when I see it."

PARTISANSHIP IN THE HOUSE

The extreme partisanship of the impeachment proceeding in the House prejudiced the matter before it came to the Senate. While it takes two to tango or be partisan, somehow the House Republicans bore the brunt of the public disdain on the partisan charge. It was more than the party line votes. The whole process was filled with rancor, acrimony and bitterness which contributed significantly to the public view that it was all politics without real substances.

It has been widely noted that there must be significant bi-partisan support to remove a president. President Nixon's forced resignation occurred only when Republican elders like Senators Goldwater and Scott joined Democrats in urging his resignation.

In an early Sunday TV talk show on December 20, 1998, the day after the House sent the Articles to the Senate, Senator JOSEPH LIEBERMAN and I appeared together on "Face the Nation" where he urged that there be no party caucuses but only joint caucuses. I recommended that to Senator LOTT in my memorandum of December 29 and urged that policy to colleagues on both sides of the aisle. Perhaps, it was too much to expect or even hope that would be done given the Senate's history and practice of party caucuses.

As noted in this floor statement, the Senate struggled to achieve bi-partisanship, mostly without success, but we did avoid the rancor and bitterness which prevailed on the House side.

THE IMPROBABILITY OF TWO-THIRDS FOR CONVICTION OVERSHADOWED THE PROCESS

From the outset, the conventional wisdom was there would not be two-thirds of the Senate in favor of conviction. That pervasive view has cast a long shadow over the impeachment proceedings. When the Senate convened on January 6th, there was immediate informal consideration on taking a test vote to determine if there were 34 Senators opposed to conviction which would end the matter. There appeared to be even more than that number so opposed who based their judgments on news media accounts. That trial balloon was abandoned when many Senators objected on the ground that the Constitution called for a trial and the Senate owed the House the Constitutional deference to give the House Managers a chance to prove their case.

In mid-November, I wrote in a New York Times "op ed" article that impeachment should be bypassed and the President should be held accountable through the criminal process after his term ended. When the House of Representatives returned Articles of Impeachment in mid-December, I felt at that stage the Senate had a constitutional duty to proceed to a trial.

THE CONSTITUTIONAL REQUIREMENT FOR A TRIAL

The Constitution explicitly provides for a trial:

> The Senate shall have the sole Power to try all impeachments (emphasis added). Article I, Section 3, Clause 6

The same clause refers to being convicted and the next clause refers to judgment, so the constitutional mandate for a trial is plain. Senate Impeachment Rules 6 and 17 deal with witnesses.

The Senate was schizophrenic in wanting to avoid what many considered to be a pointless trial. Others considered it to be our Constitutional duty to hold a trial and give appropriate deference to the House's action on the Articles. In a series of halting half-steps, the Senate stumbled through a "pseudo-trial", a "sham trial"—really no trial at all. In the end, it would have taken less time to let the House Managers put on their case with a full White House defense than the helter-skelter procedures adopted by the Senate.

THE ADVERSE PUBLIC REACTION

From the time the Senate reconvened on January 6, 1999, the public pressure to conclude the trial promptly was palpable. The improbability of a two-thirds vote for conviction was only one factor although the totality of the other factors contributed to that improbability.

The adverse public reaction was reflected in consistent polling data and the feel on the streets in our various states. Notwithstanding the serious charges of perjury and obstruction of justice, Democratic Senators argued and many people agreed that a private sexual liaison should not have caused a multi-year, multi-million dollar investigation. If the Independent Counsel, they argued, could establish no wrongdoing in Whitewater, Travelgate and Filegate, why elevate a charge based on sex to an impeachable offense?

I think it is a significant distinction that President Clinton, unlike President Nixon, was not charged with covering up an underlying crime. President Clinton had the option of not answering deposition questions and/or simply not defending the Paula Jones lawsuit. At worst that would have resulted in a default judgment being entered against him with an assessment of damages. As it worked out, a non-defense might still have led to dismissal of the case as a matter of law and on the eventual settlement. In any event, the President would have avoided his present predicament by not responding.

Once the President undertook his course of action, then he must answer to the serious charges of perjury and obstruction of justice even though he was not covering up criminal activity.

Attorney General Reno made a major mistake in acting to expand Judge Kenneth Starr's jurisdiction to include the Lewinsky matter. In mid-January 1998, contemporaneously with the Attorney General's action, I commented that the public would suspect a vendetta on the part of Judge Starr because there had been so many apparently unproductive investigations going on for so long. This was not a criticism of Judge Starr, but an inevitable public reaction. The public's suspicion of Judge Starr carried over to impeachment.

When I challenged Attorney General Reno in the Judiciary Committee oversight hearing on July 15, 1998 about why she acted to expand Judge Starr's authority, she refused to answer the question saying only:

> The application speaks for itself, Senator.

THE WITNESS WAR

The failure of the House to call witnesses during their hearings injected a Trojan Horse into the Articles. The House had good reason not to call witnesses because of its concern to finish its work before the 106th Congress convened to take up the nation's important pending business. But, that set the stage for the witness issue to haunt the Senate from the outset.

Early in January, there was a strenuous effort for bi-partisanship on witnesses and procedures. At a joint caucus on January 8th, by almost spontaneous combustion, agreement was reached 100–0 on preliminary procedures leaving depositions and witnesses until later.

Immediately thereafter, bi-partisanship broke down. While this may seem self-serving from the Republican point of view, Republicans had more to gain from bi-partisanship than Democrats to avoid the rancor of the House proceedings and give legitimacy to impeachment. Many Democrats openly said the President would be helped by party line votes making the Senate look like the House.

The Democrats then lined up solidly behind the President with a number of Republicans, sometimes more than six, teetering on joining the Democrats. There are obviously limits to what elected officials will do to vote a straight party line if it puts their seats in jeopardy. The Senate Democrats had the effective cover of a popular President and their party line votes followed while a significant number of Republicans faced constituents opposed to impeachment in their election cycles.

The sequence of partisan maneuvering on witnesses is important to understanding how the House Managers were precluded from presenting their case in a fair way. Appendix A describes those events in some detail. The ultimate result was a sharply limited number of deposition witnesses, three, with videotaped depositions only and no live witness at trial.

In my Senate tenure, I have not seen a more contentious issue than the calling of witnesses either live or videotaped. It goes beyond the public pressure to terminate or at least abbreviate the Senate proceeding. The argument that the well of the Senate should not be the stage for lewd and lascivious testimony was answered by the commitment of the House Managers to avoid such testimony. The argument that Monica Lewinsky should not appear on the Senate floor once occupied by Daniel Webster and John F. Kennedy has to give way to the Senate's duty to try this President. The Senate did not choose the President's consorts and potential witnesses, but the Senate is duty bound to "try" the case as mandated by the Constitution and do "impartial justice" as the Senators' oath specified.

THE LIVE WITNESSES

I was one of three Senator presiders/observers designated by Senator LOTT, the Majority Leader, for the depositions of Monica Lewinsky, Vernon Jordan and Sidney Blumenthal. Observing these live witnesses confirmed my thinking that the full Senate should have seen and heard their testimony in the tradition of trial practice. While a videotape is very informative, there is no substitute for the more precise evaluation of demeanor and its many nuances which comes across fully only through live testimony.

When the videotapes were played in the Senate chamber, the contrast was stark with the same live testimony I saw and heard. On a number of occasions, the sound was inaudible and the tape could not be rewound. There was a far superior opportunity in person to observe the witnesses' facial responses, their reactions and their general demeanor. In addition, only a portion of their videos was played. Although Senators had a chance for full private viewings, it is inevitable that many Senator-jurors did not utilize that opportunity to observe all the videos.

Ms. Monica Lewinsky was a very impressive witness: poised, articulate, well-prepared. Seeing her testify in person, I understand why the President's counsel had fought so strenuously to keep her away from the well of the Senate. Had she told her whole story in the well of the Senate, a rapt national TV audience would have been watching and the dynamics of the proceeding might have been dramatically changed.

LAWYERS' ARGUMENTS INSTEAD OF TESTIMONY

Instead of hearing testimony from live witnesses, the Senate listened to twelve days of lawyer's arguments. Six days were consumed with opening statements which should have taken a few hours. For two days, Senators submitted questions through the Chief Justice for responses from attorneys which added little illumination to what was already on the record. Two more days were spent arguing the motion to dismiss and the resolution on depositions where the lawyers essentially repeated earlier arguments with an additional day for votes on those issues.

Finally, limited evidence was presented with three videotaped depositions—Monica Lewinsky, Vernon Jordan and Sidney Blumenthal. Another day was consumed on votes rejecting live witnesses and permitting use of the videotapes. On the day designated for presentation of those depositions, only snippets were shown with most of the time consumed by lawyers' arguments. A final day for closing arguments was held with lawyers again presenting arguments which had been repeated on eleven prior days.

So, in place of a traditional trial with live witnesses such as Monica Lewinsky, Betty Currie, Vernon Jordan, Erskine Bowles, John Podesta, Sidney Blumenthal, possibly Kathleen Willey or whomever the House Managers chose to call, the Senate heard days of repetitious lawyers' argument from a grand jury record.

THE PERJURY ARTICLE

The President's version was limited to his deposition in the Paula Jones case on January 17, 1998 and his grand jury testimony on August 17, 1998. In their totality, those two cameo appearances raised more questions by far than they answered. As expected, the President was exceptionally well prepared on the law and exceptionally adroit and manipulative on the facts or, more accurately, on evading the facts.

The law on perjury is set forth in the case of *Bronston* versus *United States*, 409 U.S. 342 (1973), where the Supreme Court of the United States established a rigorous standard for proving perjury. Bronston, under oath in a 1966 bankruptcy hearing, was asked whether he ever had bank accounts in Swiss banks and he replied: "the company had an account there for about six months, in Zurich."

His answer that the company had an account there for about six months was accurate. It was not accurate that it was the only account the company had. The Supreme Court exonerated Bronston on the charge of perjury because the questioner did not press further to get a specific answer on whether the company had an account in addition to the one responded to by Bronston.

Utilizing the holding in Bronston to the utmost, the President couched his answers with great care relying on the questioner not to pursue the unanswered issues. For example, the President did not deny lying to his aides, but rather evaded the question and there was no follow-up. John Podesta, President Clinton's Deputy Chief of Staff at the time, testified that on January 23, 1998:

> He [President Clinton] said to me he had never had sex with her [Monica Lewinsky], and that—and that he never asked—you know, he repeated that denial, but he was extremely explicit in saying he never had sex with her—[H]e [President Clinton] said that he never had sex with her [Monica Lewinsky] in any way whatsoever—that they had not had oral sex.

In a Senate deposition, Sidney Blumenthal, an assistant to the President, testified that the President lied to him. In testimony before the grand jury, Mr. Blumenthal testified that the President told him that he had "rebuffed" Ms. Lewinsky's advances. Mr. Blumenthal further testified that the President told him the following:

> She [Monica Lewinsky] threatened him. She said that she would tell people they'd had an affair, that she was known as the stalker among her peers, and that she hated it and if she had an affair or said she had an affair then she wouldn't be the stalker any more.
>
> He [President Clinton] told me that she [Monica Lewinsky] came on to him and that he had told her he couldn't have sexual relations with her and that she threatened him. That is what he told me.

In his testimony before the grand jury, President Clinton stated,

> I told them [his aides] things that were true about this relationship. They [things the President said to his aides] may have been misleading, and if they were I have to take responsibility for it, and I'm sorry.

Note that the President does not deny lying but only that:

> I told them things that were true about this relationship.

The President did say some things which were true. The questioner did not then pursue the line of interrogation by asking if, in addition to saying some things which were true, the President told his aides other things which were lies. On that clever, ambiguous record, the President escapes the perjury net.

Similarly, President Clinton dodged the perjury charges on his testimony on being alone with Monica Lewinsky. She testified they were alone when they had eleven sexual encounters either in the President's personal office or the adjacent hallway. In his January 17th deposition, the President was asked if he was ever alone with Monica Lewinsky in any room of the White House. The President responded,

> I have no specific recollection, but it seems to me that she was on duty on a couple of occasions working for the legislative affairs office and brought me some things to sign, something on the weekend.

Further, when the President was asked if he was ever alone with Ms. Lewinsky in the hallway between the Oval Office and the kitchen area, the President responded,

> I don't believe so, unless we were walking back to the back dining room with the pizza. I just, I don't remember. I don't believe we were alone in the hallway, no.

The President again gets away with vague, unresponsive replies. When the President says "I don't believe we were alone in the hallway, no", there is then no pursuit as to whether they were alone in other places. He succeeds in avoiding and misleading, but does not make the unequivocal false statement required by *Bronston* to constitute perjury.

The President was treated differently than other witnesses before a grand jury when he was permitted to read from a prepared statement:

> I engaged in conduct that was wrong. These encounters did not consist of sexual intercourse. They did not constitute sexual relations as I understood that term to be defined at my January 17th, 1998 deposition. But they did involve inappropriate intimate contact.

The President then declined to respond to Monica Lewinsky's specific charges and was not pressed for answers. He made a blanket denial of having sex with Monica Lewinsky relying on a tortured interpretation of Judge Wright's definition of sexual relations:

> I thought the definition included any activity by the person being deposed, where the person was the actor and came in contact with those parts of the bodies with the purpose or intent of gratification, and excluded any other activity. For example, kissing is not covered by that, I don't think.

He further stated that:

> My understanding was, what I was giving to you, was that what was covered in those first two lines was any direct contact by the person being deposed with those body parts of another person's body, if the contact was done with an intent to arouse or gratify. That's what I believe it means today.

The question was not pursued whether there was a sexual relationship where Ms. Lewinsky was the actor who made contact with the President's body with an intent to arouse or gratify. When asked specifically about oral sex, the President responded,

> . . . (Y)ou asked me did I believe that oral sex performed on the person being deposed was covered by that definition, and I said no. I don't believe it's covered by the definition.

And there is the curious contention by the President on what the meaning of the word "is" is. A videotape of his deposition shows the President sitting quietly and listening to his attorney, Robert Bennett's arguments to Judge Wright based on Ms. Lewinsky's affidavit which the President knew to be perjurious.

In his grand jury testimony, the President defended his silence during this statement:

> I was not paying a great deal of attention to this exchange. I was focusing on my own testimony.

The President also told the grand jury that Mr. Bennett's statement that there "is" no sex of any kind was not necessarily false, but rather:

> It depends on what the meaning of the word "is" is. If the—if he—if "is" means is and never has been, that is not—that is one thing. If it means there is none, that was a completely true statement.

On this state of the record, the Senate should have pressed the President for responses to so many important unanswered questions. Since the President was, in effect, asking the Senate to leave him in office, why was the Senate not justified in, at least, insisting on answers to key questions. When Senators submitted interrogatories to the Chief Justice for responses from the attorneys, I submitted the following question:

> Would the President honor a request by the Senate to testify? If not, why not? If he declined to testify either on his own initiative or a Senate invitation, would the Senate be justified in drawing an adverse inference from his failure to testify?

With so many other questions submitted, this one was not asked. During the trial, White House Counsel said the President would respond to written questions, but that offer was rescinded. On January 25th the President refused to answer ten written questions submitted by Republican Senators.

On February 3rd, twenty-six Republican Senators sent the President a letter requesting a deposition. As expected, he declined. In a context where the Senate voted against live witnesses and permitted only three deposition witnesses, it was not surprising that there was no political will to press the President for his testimony. I believe that was a serious mistake. In the context where the Senate could not even consider exercising the political will to ask, let alone compel, the President to leave the Oval Office for a day or a few days to testify at his impeachment trial or even to give a deposition, how could the Senate be expected to exercise the much greater political will to remove the President from office?

In her civil lawsuit, Paula Jones had been able to compel the President to give a deposition. In the grand jury proceeding, the Independent Counsel, in effect, compelled the President to testify. Why, then, shouldn't the Senate exercise the commensurate power in an impeachment proceeding to obtain the President's testimony when there were so many open questions.

In my legal judgment, the Senate has the power to subpoena the President. (My memorandum to Senator LOTT dated December 10, 1998, attached as Appendix B, discusses the Senate's legal authority to subpoena the President at pages 8 through 11. My memorandum to Senator LOTT dated December 29, 1998, attached as Appendix C, discusses possible testimony by the President at pages 12 and 13.) Senate Impeachment Rule 6 gives the Senate the subpoena power. The Supreme Court of the United States held President Nixon was subject to subpoena to turn over the famous tapes under the established principle "That the public * * * has a right to every man's evidence." President Nixon's case, although not dealing with impeachment, is further instructive in the Supreme Court's sweeping language on the need for all the facts even where the President is subject to subpoena:

> The need to develop all relevant facts in the adversary system is both fundamental and comprehensive. The ends of criminal justice would be defeated if judgments were to be founded on a partial or speculative presentation of the facts. The very integrity of the judicial system and public confidence in the system depend on full disclosure of all the facts, within the framework of the rule of evidence. To ensure that justice is done, it is imperative to the function of the courts that compulsory process be available for the production of evidence needed either by the prosecution or the defense.

THE ARTICLE ON OBSTRUCTION OF JUSTICE

Following President Clinton's deposition in the Paula Jones case on January 17, 1998, the President called his personal secretary, Betty Currie, at home and asked her to come into the office on the following day. On Sunday, January 18, President Clinton met with Ms. Currie and, according to Ms. Currie, made the following statements to her, one right after the other:

> You were always there when she was, right?
>
> We were never really alone.
>
> Monica came on to me, and I never touched her, right?
>
> You can see and hear everything, right?

Ms. Currie testified at first (1/27/98) that, based on his demeanor and the way he made the statements, the President wanted her to agree with them.

Six months later (7/22/98) when she testified for the second time, Ms. Currie said that although the President stated "right?" at the end of the statements, she understood that she could agree or disagree with them.

I find the testimony of Betty Currie on January 27, 1998 most troubling. Why would the President ask a series of questions when he knew the answers unless he sought to influence her testimony? But then, Ms. Currie undercut her January 27th testimony when she testified on July 22, 1998 that she understood from the President that she could disagree with him on those questions.

In order to make a finding on an important issue like this which could lead to the removal of the President, the Senate should have heard Ms. Currie in person to clarify her testimony. In the absence of such clarification on this state of the record, there is at least a reasonable doubt on this issue.

Monica Lewinsky testified that she met with the President in the Oval Office on December 28, 1997 and that the President gave her several Christmas presents at this meeting. Ms. Lewinsky further testified that at some point in the conversation, she said to the President, "Maybe I should put the gifts away outside my house somewhere or give them to someone, maybe Betty." Ms. Lewinsky recalled that the President responded either, "I don't know" or "Let me think about that."

The President testified that he has no distinct recollection of discussing the gifts with Ms. Lewinsky on December 28. He told the grand jury that:

> My memory is that on some day in December, and I'm sorry I don't remember when it was, she said, well, what if they ask me about the gifts you have given me. And I said, well, if you get a request to produce them, you have to give them whatever you have.

In the afternoon of December 28, 1997, Betty Currie drove to Ms. Lewinsky's Watergate apartment and collected a box containing most of the President's gifts. Ms. Currie then drove home and placed this box under her bed. According to Ms. Lewinsky, the transfer originated in a phone call from Ms. Currie in which Ms. Currie stated, "I understand you have something to give me," or, "The President said you have something to give me."

Betty Currie testified that it was Ms. Lewinsky who first raised the idea of the gift transfer, either in person or over the telephone. Ms. Currie testified that she did not remember the President ever telling her to call Ms. Lewinsky or to pick something up from Ms. Lewinsky.

Monica Lewinsky testified that Ms. Currie came over to pick up the gifts at "around 2:00 pm or so". Cellular phone records reveal that Ms. Currie phoned Monica Lewinsky's home at 3:32 on December 28th and had a conversation of one minute or less.

The evidence against the President on the gifts issue is equivocal where the idea returning the gifts in the conversation between the President and Monica Lewinsky originates with Ms. Lewinsky; Ms. Currie says she does not remember the President telling her to call or pick up something from Ms. Lewinsky; the time of the call as shown on the cell phone records conflicts (3:32 pm) with Ms. Lewinsky's version of the sequence of events and the President gave Monica Lewinsky more gifts on December 28, 1997, the same day that efforts were made for the return of some of the gifts.

In December, 1997 and January, 1998, the President's close friend, Washington attorney Vernon Jordan, helped find Monica Lewinsky a job in New York City. On Friday, December 5, 1997, the President's attorneys received a witness list for the Paula Jones case. Monica Lewinsky was included on this list.

On December 11, 1997, Judge Susan Webber Wright issued an order which stated that Paula Jones was entitled to "information regarding any individuals with whom the President had sexual relations or proposed or sought to have sexual relations and who were during the relevant time frame state or federal employees." This order made it clear that Ms. Jones would be able to subpoena Monica Lewinsky.

On December 11, 1997 Mr. Jordan and Ms. Lewinsky met and Mr. Jordan took concrete actions to help Ms. Lewinsky find a job. Mr. Jordan placed calls on her behalf to three business contacts. Mr. Jordan also told her to send letters to three additional business contacts that he provided to her. This meeting and the phone calls took place prior to the issuance of Judge Wright's order of the same day.

On January 7th, Ms. Lewinsky signed an affidavit denying a sexual relationship with the President. On January 8th, Ms. Lewinsky had an interview with McAndrews and Forbes in New York. Afterwards, she phoned Vernon Jordan to report that the interview had gone poorly. Vernon Jordan immediately phoned Mr. Ron Perelman, the CEO of McAndrews and Forbes, and asked for his help. The next day, Ms. Lewinsky was given another interview and was extended an offer to work for Revlon, a subsidiary of McAndrews and Forbes.

Vernon Jordan defended his efforts to help Monica Lewinsky get a job as a payback for help he secured as a young lawyer in getting a job when he was a victim of racial discrimination. Jordan testified that he told no one at Revlon that Monica Lewinsky was a witness in a case involving the President and that Revlon offered Monica Lewinsky a job because she was qualified.

If the Revlon job offer was part of a plan or conspiracy to obstruct justice, then Vernon Jordan would have had to be part of that. The House Managers raise no such contention.

An important piece of evidence on this issue was the uncontradicted testimony of Monica Lewinsky that she intended to deny her relationship with the President from the outset before she was subpoenaed or the President coached her or Vernon Jordan helped her get a job.

LIMITATIONS ON THE HOUSE MANAGERS

The signals to the House Managers from the Senate were unmistakable that the Senate was unlikely to approve depositions if the list was too long. Responding to that advance notice, the House Managers submitted only three names for depositions necessarily leaving off potentially important witnesses like Ms. Currie. Given the absence of live witnesses and limitations on depositions, the House Managers have been compelled to rely on transcripts from questioning by the Independent Counsel in grand jury proceedings. Those transcripts have left many key issues unresolved.

TV AND THE TRIAL

The Senate proceeding posed a curious dichotomy with one hundred sitting silent Senators in the Chamber and non-stop Senators' interviews in the corridors and media galleries. The case was really not being tried in the Senate Chamber, but in a sense was being tried in the Senate corridors, on the evening TV interview shows and on the Sunday talk shows.

I declined TV interviews after the day the trial began on the ground that my oath to do "impartial justice" was in jeopardy by interviews on the day's proceedings which might conflict with my juror's functions. Again, oddly, on the occasions when Senators were permitted to speak on the Senate floor on the motion to dismiss and the resolution on depositions, the sessions were closed so that the public could not hear our debate.

Efforts to open the Senate proceeding during final deliberations also failed to get the two-thirds vote to overturn the Senate rule closing the Chamber. I thought the public and posterity should know the reasons for our votes as a guide for today and the future. The informal, seat-of-the pants, corridor comments may be found in the CNN or MSNBC files, but there will be no Senate videotape to record what could be important Senators' views.

CONCLUSION

Each Senator individually and the Senate collectively took an oath to do "impartial justice".

The Senate has done only "partial justice", a double entendre, both (1) in the sense of not doing "impartial justice" to the House Managers by unduly restricting them in the presentation of their case; and, (2) "partial justice" in the sense of hearing only part of the evidence.

When the Senate prohibited live witnesses and permitted only three videotaped depositions, the House Managers had one hand tied behind their back. There has been no "trial" but only a "pseudo-trial" or a "sham trial". The best the House Managers could do was to cut, paste and glue together transcripts from the Independent Counsel's grand jury proceedings. Ms. Lewinsky testified briefly on videotape and the President gave two vague, evasive depositions.

The House Managers could not meet the heavy burden of proof beyond a reasonable doubt. That is the only appropriate statement where the underlying charges are the crimes of perjury and obstruction of justice.

Had the House Managers sustained that burden under these Articles, there was a further burden of persuasion, as I see it, to establish that the national interest warranted removal from office.

Perjury and obstruction of justice are serious offenses which must not be tolerated by anyone in our society. However, I remain unconvinced that impeachment is the best course to vindicate the rule of law on this offensive conduct. President Clinton may still be prosecuted in the Federal criminal courts when his term ends. His lawyers have, in effect, invited that prosecution by citing it as the preferable remedy to impeachment.

A criminal trial for the President after his term ends may yet be the best vindicator for the rule of law.

If the full weight of the evidence with live witnesses had been presented to the Senate instead of bits and pieces of cold transcript, it is possible that the Senate and the American people would have demanded the President's appearance in the well of the Senate. Under firm examination, the President might have displayed the egregious character described harshly by his defenders in their proposed censure petitions. That sequence might have led to his removal.

But on this record, the proofs are not present. Juries in criminal cases under the laws of Scotland have three possible verdicts: guilty, not guilty, not proven. Given the option in this trial, I suspect that many Senators would choose "not proven" instead of "not guilty".

That is my verdict: not proven. The President has dodged perjury by calculated evasion and poor interrogation. Obstruction of justice fails by gaps in the proofs.

Many Senators have sought to express their gross displeasure by findings of fact or censure. I reject both. The Constitution says judgment in cases of impeachment shall not extend beyond removal and disqualification from future office. Under the crucial doctrine of separation of powers, the Congress is not and should not be in the business of censuring any President. We are properly in the business of examining our own conduct as Senators. On that score, on the record of this "pseudo-trial", it is my view that the Senate failed to fulfill the Constitutional mandate to "try" this case.

I ask unanimous consent that Appendices A, B and C be printed in the RECORD.

There being no objection, the appendices were ordered to be printed in the RECORD, as follows:

APPENDIX A

When the Republican and Democratic caucuses could not agree on the preliminary procedures and witness issue, including depositions, a vote was set for late afternoon on January 7th. That vote was canceled in an effort to achieve a bi-partisan compromise. A joint caucus was then held in the Old Senate chamber at 9:30 am on January 8th where the outline of a procedural agreement was reached for the first stage without resolving the witness or deposition issues, but deferring them until we knew more about the opposing parties' cases.

While a resolution of agreement was being drafted in the early afternoon fleshing out the compromise, Senator LOTT asked Senator KYL, Senator SESSIONS and me to explore the case to determine what witnesses, if any, the Senate should hear to make its decision. In mid afternoon, Senators KYL and SESSIONS and I met with Chairman HENRY HYDE and some of the House Managers to inform them of the joint discussions, to get a preliminary idea of their thinking on witnesses and to set up a meeting for the afternoon of January 11 to get their specification on what witnesses they believed necessary for the Senate trial. Later on the afternoon of January 8th, Resolution 16 was agreed to 100 to 0.

In an effort to carry out a bi-partisan approach, I called Senator LIEBERMAN on the morning of January 11th to invite him and/or other Senate Democrats to an afternoon meeting with House Managers. He said he would check with Senator DASCHLE and then called back to decline. Senators KYL, SESSIONS and I met with the House Managers that afternoon to review their witness list. We advised them that the Democrats were opposed to witnesses and there was opposition among Republican Senators to a lengthy trial with many witnesses. We said their best opportunity for witnesses would be to show conflicts in the record testimony which could establish the need for seeing and hearing the witnesses to evaluate their demeanor. They responded they needed witnesses beyond conflicts to show the tone and tenor of their case. We said they might consider using their 24 hours of opening statements to develop the need, as they saw it, for specific witnesses.

I called White House Counsel Charles Ruff on January 12th advising him of the meeting with House Managers stating that Senators KYL, SESSIONS and I were interested in meeting with the President's attorneys. Mr. Ruff called back on January 13th declining the invitation.

On January 25th, in advance of consideration of Senator BYRD's motion to dismiss and Senator LOTT's resolution on taking depositions, Senator LOTT requested Senator KYL and me to talk again to House Managers to determine how many witnesses they would need and for what purpose. Senator LOTT had extended an invitation to join in those discussions to Senator DASCHLE who declined. Before that meeting was held on January 25th, I advised Senator LIEBERMAN of the scheduled meeting and told him Senator DASCHLE declined Senator LOTT's invitation.

Between our January 11 and January 25th meetings with House Managers, there had been numerous public comment by Republican Senators opposing many witnesses even for depositions with some expressing possible opposition to any deposition witnesses. When Senator KYL and I met with House Managers on January 25th, we said it was problematic whether there would be 51 or more votes for a lengthy witness list.

In arguments before the full Senate, House Managers complained about the limitations on deposition witnesses and expressed their interest in calling live witnesses with latitude to develop their cases as they saw fit in accordance with regular trial practice.

Late in the evening on January 26th after closed door Senate debate on calling witnesses for depositions, Senator CARL LEVIN and I discussed a bi-partisan compromise. We continued that discussion early the next morning and presented our views to our respective caucuses on January 27th. While Senator LEVIN and I did not agree on all points, we were closer together than our caucuses. At mid-day on January 27th on an almost straight party line vote, the Senate decided to take depositions of only three witnesses.

For the balance of the afternoon of January 27th and all day on the 28th, there were strenuous efforts to agree on deposition procedures. Democrats were adamant that the depositions should not be videotaped; or, if videotaped, on the commitment that they could be viewed only by Senators and limited staff. Republicans insisted that the depositions should be videotaped deferring the decision on whether they would be used as a substitute for live witnesses. Late in the afternoon Senator LOTT's resolution was adopted to videotape the depositions without specifying their use after defeating Senator DASCHLE's amendment to limit the depositions to a typed transcript without videotapes.

After those depositions were taken, on February 4, 1999, the Senate voted to exclude live witnesses and to see the videotapes of the three deposed witnesses after the defeat of Senator DASCHLE's amendment to limit the depositions to the typed transcript only without videotapes.

APPENDIX B

DECEMBER 10, 1998.

To: Senator TRENT LOTT, Majority Leader.
From: Senator ARLEN SPECTER.

As a follow up to our recent meeting, this memorandum sets forth my thinking on how to handle the impeachment proceeding if it reaches the Senate and my analysis on some of the legal issues as follows:

1. May the Senate consider in the next Congress articles of impeachment passed by the House in this Congress?
2. Must the Senate trial begin the day following the House presentment?
3. Is censure authorized in an impeachment proceeding?
4. Must/should the Senate hear testimony from live witnesses?
5. How long will the Senate impeachment trial take?
6. Possibility of conviction
7. Concluding observations

MAY THE SENATE IN THE 106TH CONGRESS CONSIDER ARTICLES OF IMPEACHMENT PASSED BY THE HOUSE OF REPRESENTATIVES IN THE 105TH CONGRESS?

Yes. Precedents hold that the Senate may carry an impeachment over into a subsequent Congress. As noted in the addenda to the Rules on Senate Impeachment Proceedings:

"Articles of impeachment against Harold Louderback, a United States district judge for the northern district of California were exhibited on March 3, 1933, at the end of the second session of the 72d Congress, and the trial occurred during the first session of the 73d Congress, . . .

"At the end of the 100th Congress, the Senate adopted a resolution to continue into the 101st Congress the proceedings in the impeachment of Alcee L. Hastings, a United State judge for the southern district of Florida".

Notwithstanding a contrary opinion given at the House proceeding, it is my judgment that these practical precedents would virtually certainly be upheld if any judicial challenge was attempted because of the decision of the United States Supreme Court in the case involving Judge Nixon where the Court held the Senate had the authority to establish procedures under the impeachment clause.

MUST RULE III ON SENATE IMPEACHMENT PROCEDURE BE READ LITERALLY TO REQUIRE CONTINUOUS CONSIDERATION BY THE SENATE THE DAY FOLLOWING HOUSE PRESENTATION OF ARTICLES OF IMPEACHMENT?

No. While Rule III appears to impose such a rigid requirement on its face, the Rules taken on the whole and prior practice show the Senate may establish a more flexible schedule.

The specific language of Rule III provides: "Upon such articles of impeachment being presented to the Senate, the Senate shall, at 1 o'clock afternoon of the day (Sunday excepted) following such presentation, or sooner if ordered by the Senate, proceed to the consideration of such articles, and shall continue in session from day to day (Sundays excepted) after the trial shall commence (unless otherwise ordered by the Senate) until final judgment shall be rendered."

Other Rules provide for intervening action between the time the articles are presented by the House to the Senate and subsequent proceedings before the Senate. For example, Rule 8 provides for a writ of summons to be issued to the person impeached with a date to appear before the Senate.

The impeached party is given a date to answer the Articles and the House is then given a date to reply.

For example, in the trial of President Andrew Johnson, the President was given 17 days to prepare his answer (his counsel had requested 47 days to prepare). The House managers took one day to file their brief reply to the President's answer. In the 1989 trial of Judge Walter Nixon, the Judge was given 29 days to prepare his answer, and the House was given 12 days to file its response.

These rules and that prior practice demonstrate that there is a necessary time lapse between the presentation of the Articles to the Senate and the commencement of further Senate hearings or proceedings.

IS CENSURE AN AUTHORIZED CONSEQUENCE OR REMEDY IN AN IMPEACHMENT PROCEEDING?

No. The specific language in the Constitution Article 1, Section 3, Clause 7 contains the clear implication that judgment in an impeachment proceeding shall not include censure or any consequence or remedy other than that specified in the Constitution: "Judgment in Cases of Impeachment shall not extend further that to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States." The language "shall not extend further" than the enumerated consequences or remedies precludes any judgment beyond "removal from office" and "disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States".

Further support for the conclusion that impeachment does not contemplate penalties like censure is contained in the historical references. Of the fifteen individuals impeached by the House of Representatives, all seven convicted by trial in the Senate were removed from office.

Contrasted to censure, impeachment and removal from office are not intended to be a punishment. In his "Commentaries on the Constitution of the United States," Justice Joseph Story notes that impeachment "is not so much designed to punish an offender as to secure the state against gross political misdemeanors. It touches neither his person nor property but simply divests him of his political capacity."

Consequently, the impeachment process does not contemplate Congress imposing any penalty, including censure, as part of an impeachment proceeding. Once the impeachment proceeding is concluded, it is a different issue as to whether Congress can pass a resolution of censure in the same manner Congress enacts resolutions generally.

WOULD THE CONSTITUTIONAL REQUIREMENTS OF THE SENATE IMPEACHMENT PROCEEDING BE SATISFIED BY THE FACTUAL RECITATIONS IN THE STARR REPORT OR IS THE SENATE OBLIGATED TO HEAR TESTIMONY FROM LIVE WITNESSES?

While the Constitution provides no explicit answer, inferences from the Constitution, the Senate Rules on Impeachment and the prior practice strongly suggest that live witnesses were contemplated by the framers instead of merely a hearsay report.

The Constitution explicitly provides for a trial in the provision of Article 1, Section 3, Clause 6: "The Senate shall have the sole Power to *try* all impeachments" (Emphasis added). The seriousness and magnitude of removal of a Federal official, especially the President, suggests that the jury (senators) should have the best evidence and that would require something more than a hearsay document no matter how extensive and explicit the Starr Report may be.

That clause further provides: "and no person shall be *convicted* without the concurrence of two-thirds of the Members present" (Emphasis added). The use of the word "convicted" again refers to a phase or the consequence of trial and the analogy to a criminal proceeding. While the Senate is not bound by traditional rules of evidence so that we might consider matters not admissible in a court of law, it would seem questionable or appear unseemly to base our judgment exclusively on hearsay on such an important proceeding.

The provisions of Article 1, Section 3, Clause 7 carry forward the analogy of trial referring to the ultimate "judgment": "*Judgment* in cases of impeachment shall not extend further . . ." (Emphasis added).

The Senate Rules on Impeachment further contemplate, although do not necessarily mandate, a proceeding with live witnesses and opportunities for the examination and cross-examination of such witnesses. For instance, Rule 6 provides that: "The Senate shall have power to compel the attendance of witnesses. . . ." Rule 17 provides that: "Witnesses shall be examined by one person on behalf of the party producing them, and then cross-examined by one person on the other side."

Although the Rules never explicitly give the parties the right to call witnesses, the language "on behalf of the party producing them" in Rule 17 implies that the parties do have such a right. The practice of the Senate confirms this implication that the parties have the right to call witnesses. For example, in the trial of Andrew Johnson, witnesses for the President were called and heard over a period of one week. In the trial of Alcee Hastings, both sides were allowed to call a total of 55 witnesses.

The foregoing analysis does not conclusively rule out the propriety of proceeding on the Starr Report.

The House of Representatives relied upon the Starr Report for the facts even though the practice of the House in prior impeachment hearings has been to take testimony from witnesses. "Hinds' Precedents of the House of Representatives" notes that witnesses were called during the House impeachment hearings on Senator Blount and Judge Perry. More recently, during the House deliberations on the impeachments of President Nixon, Judge Claiborne, Judge Hastings and Judge Nixon, numerous witnesses were called to lay a factual basis for the impeachment charges. In the case of Judge Nixon alone, witnesses provided testimony to the House committee for over a month.

As a practical matter, it is obvious the House did not take the time to hear witnesses because the House proceedings were structured to finish in the abbreviated time frame between the election of November 3rd and the end of the year. Starting in mid-November and seeking to finish shortly after mid-December, that time frame was even further constricted.

HOW LONG WILL THE SENATE IMPEACHMENT TRIAL TAKE?

It depends entirely on what the Senate seeks to do and what parameters are established.

If the Senate peremptorily chooses to dismiss the House articles without consideration, there is authority that could be accomplished at the outset by a majority vote on a motion to adjourn. Since there is no specific Rule relating to the adjournment of an impeachment trial, the general rules of the Senate would apply. A motion to adjourn the Senate requires only a majority vote and is not subject to debate. The Senate impeachment proceeding could be concluded by adjournment with, in effect, a dismissal which would be the equivalent of a nol pros in a criminal case. That is the equivalent of a judgment of acquittal. The Senate would then resume its normal business.

There is historical precedent to concluding the Senate impeachment proceeding by passing a motion to adjourn. In the impeachment trial of Andrew Johnson, the Senate voted on three of the eleven articles of impeachment. After failing to secure a conviction on these three articles, Senator Williams moved that the Senate sitting as a court of implement adjourn sine die. The motion carried and the trial of Andrew Johnson ended prior to a vote on the remaining eight articles.

If the Senate chose to accept the facts of the Starr Report, the entire trial could be relatively brief if the President did not put on a factual defense.

An adequate Senate trial need not necessarily be long. The key witnesses would be Monica Lewinsky, Betty Currie and Vernon Jordan and possibly Kathleen Willey. There may be a few other peripheral witnesses such as Judge Susan Webber Wright. It is hard to calculate but it will probably be a matter of weeks, not months. That estimate would be expanded if President Clinton testifies and/or if he puts on a factual defense.

POSSIBILITY OF CONVICTION

This matter has had unprecedented and unpredictable turns of events. The President's August 17th short speech was a bomb. The House's release of the President's grand jury deposition reversed the tide. The President's answers to the House questions reversed the reversal.

It is entirely conceivable that a Senate trial could defy conventional wisdom and find the two-third votes for conviction if the evidence is properly presented focusing on abuse of power and obstruction of justice instead of lying about sex. While impossible to quantify with precision, it may be that there are now about fifty votes for conviction, perhaps a half dozen open minds and maybe another dozen senators might be persuadable if they think there is insufficient political cover to acquit.

Monica Lewinsky has the potential to be a strong witness because her recollection is so extraordinary. She was able to pinpoint with precision the two dates when, as she put it, the President received telephone calls from a congressman with a nickname and a sugar grower in Florida with a name something like "Fanuli". It was later confirmed that the President had talked on those two dates to Congressman Sonny Montgomery and a Florida sugar grower named Alfonso Fanjul.

Although Betty Currie's testimony was watered down as the investigation proceeded, questioning her from her first statement might provide highly incriminating testimony on the obstruction charge. Vernon Jordan's testimony has substantial potential on the abuse of power issue. Jordan testified he reported to the President "mission accomplished" after Monica Lewinsky's perjurious affidavit was obtained and Jordan secured a job for Ms. Lewinsky with Revlon. When her initial interview went badly, Jordan called Ronald Perelman, head of Revlon's holding company, and Ms. Lewinsky was recalled the next day for another interview and given a job on the spot.

The case is also reportedly strong on the perjury charge against the President on the incident involving Kathleen Willey. Judge Susan Webber Wright's testimony, in observing the President's attentiveness at this deposition in the Jones' case, could undercut the President's contention that he wasn't paying attention when his lawyer strenuously argued for the President's innocence at his deposition based on the Lewinsky affidavit. At that time, the President conclusively knew it was perjurious.

CONCLUDING OBSERVATIONS

As you know, my own initial preference was for both Houses to abandon impeachment proceedings and to then hold the President accountable through the judicial criminal process once his term was over leaving the Congress free to attend to the nation's other business: social security, health, education, etc.

My view on waiting to hold the President accountable after he leaves office was based on the blunt proposition that it was more trouble to get rid of him than to keep him. It may well be that the public opposition to impeachment had the same basis. Once we get to the Senate trial, my view may change if it is no more trouble to get rid of him than to keep him. Perhaps the public will have a similar change of heart.

If the House returns Articles of Impeachment, the Senate should proceed with a dignified trial with the calling of witnesses because the seriousness of the issue and the historical impact call for an unhurried, deliberative trial. To the maximum extent possible, we should make the proceeding nonpartisan. Concessions to the minority on some procedural matter would be worthwhile. As the majority party in charge, we should take the lead on non-partisanship. We should avoid the House bickering at all reasonable costs.

The Senate prides itself on being the world's greatest deliberative body. This trial will be by far the highest visibility for the Senate in its history to date and for the foreseeable future. While the President will be on trial, the Senate will also be on trial.

APPENDIX C

DECEMBER 29, 1998.

To: Senator TRENT LOTT, Majority Leader.
From: Senator ARLEN SPECTER.

Supplementing my memorandum of December 10 and our telephone conversation of December 22, this memo suggests procedures to deal with the Senate trial in light of the public dissatisfaction with the House proceedings, public impatience with impeachment generally and ways to achieve a judicious, non-partisan Senate trial. Since this memorandum was written while I have been traveling, the rules and case citations could be checked only by long-distance telephone.

CAN PROCEDURES BE STRUCTURED TO SHORTEN THE LENGTH OF THE TRIAL?

Yes. While it is impossible to say with certainty the duration of any trial, procedures can be put into place to abbreviate the trial with a reasonable likelihood of reaching a verdict within a few weeks (perhaps even three weeks as earlier predicted by you—Senator Lott) as contrasted with some assessments that the trial would take months or the better part of a year.

The Senate already is under pressure and will probably be under greater pressure to finish at an early date which accounts for the call for short-circuiting the trial through a plea-bargained censure. It is obviously in the national interest to end the trial as soon as possible without rushing to judgment and it would doubtless meet with public approval to announce at the outset a plan to accomplish that.

Several steps could be taken to abbreviate the trial time:

(1) Require submission of pre-trial memoranda by the parties followed by a pre-trial conference with the Chief Justice to establish the parameters of the trial;

(2) Organize the House Managers' case, with input from the Senate, to focus on only the key witnesses and indispensable lines of questions; and

(3) Establish long trial days and Saturday sessions.

Without management and limitations, the lawyers could take a long, indeterminate time. By analogy to Federal court litigation, this trial could be managed by having the parties submit pre-trial memoranda which would identify any pre-trial motions, list prospective witnesses and lines of questions, etc., and approximate the time involved at each stage.

The Chief Justice would then meet with the parties and issue a pre-trial order establishing the trial parameters just as the presiding judge does in Federal court trials.

AN ACTIVIST, BIPARTISAN SENATE

In an impeachment trial, Senators function in a very unusual way in that we are both jurors and judges. A majority of Senators may overrule the Chief Justice's rulings. We decide individually for ourselves what is the burden of proof and what evidence on what conduct is sufficient for a guilty verdict.

The Senate will be proceeding without precedent on most issues. The Senate has broad latitude as noted by the Supreme Court of the United States in the case of Judge Nixon where the Court held the Senate had authority to establish its procedures under the Impeachment Clause.

This case and these times call for a more activist approach by the Senate than prior impeachment trials. While it was not inconvenient or problemsome to allow the House managers to set the pace for the Hastings, Nixon or Claiborne trials, this is obviously a very different matter. The impeachment trials of President Johnson and those which occurred earlier offer little guidance on how the Senate should proceed today.

The existing Senate rules on impeachment are a starting point. They can be changed by a majority vote unless there is disagreement in which case proposed changes are debatable and subject to a two-thirds vote.

It is only through bipartisanship that the Senate can succeed in having a judicious, non-partisan trial which can gain public acceptance. So, all significant procedures must have the concurrence of most Senators from both parties.

In my judgment, it would be appropriate and practical to structure the presentation of the evidence by having a small bipartisan Senate committee work with the House managers and President's lawyers on what the Senate wants presented in a tightly focused case, taking into consideration any differences with the House managers which could then be worked out.

Arguments in appellate courts customarily take the form of the appeals judges focusing on the questions they want addressed by counsel as opposed to having the lawyers decide how to use their allotted time. It would be analogous to such appellate proceedings to have the Senate direct, or work out collaboratively with the House the evidence the Senate wants to hear.

I suggest that a small committee, perhaps five Senators with three Republicans and two Democrats, work up a trial format and trial brief. It will be helpful for the Senators to have prosecution or criminal defense experience. This Senate committee, or perhaps one Republican and one Democrat, should participate in preparation of the pre-trial memorandum and pre-trial conference.

LONG TRIAL SESSIONS

Substantial evidence could be presented with trial days from 9:30 am to 5 pm or even 9 am to 6 pm with Saturday sessions. The Philadelphia criminal courts had the minimum trial day established from 9:30 am to 5 pm. Senate Impeachment Rule 3 provides for Saturday sessions in impeachment trials.

I recommend against the so-called double track with the Senate sitting half days on the trial and half on other Senate business. There is too much legitimate public concern to have the trial proceed expeditiously and end as soon as possible. Even with the trial ending at 5 pm or 6 pm, some Senate business could be conducted in the evenings on confirmations or other business which can be handled by unanimous consent.

We might consider canceling our February and March recesses for the trial, which would likely produce significant public approval.

THE IMPORTANCE OF LIVE WITNESSES

I strongly recommend live witnesses on the key issues although there is no prohibition against use of hearsay such as the Starr Report. Prior impeachment cases establish the precedent for live witnesses and the Senate rules provide procedures for live witnesses. Live witnesses have customarily testified in House impeachment proceedings. In the Senate, for example, live witnesses testified in cases involving President Johnson and in the most recent impeachment case on Judge Alcee Hastings. Senate Rules 6 and 17 establish procedures for dealing with witnesses.

The dignity, tenor and stature of the Senate Trial call for live witnesses on an impeachment of this magnitude. Everything the Senate does will be subjected to a microscope both contemporaneously and historically. While it is a sweeping generalization, I think it is fair and accurate to say that no trial in history to date has been or will be so closely watched.

We have some gauge as to how closely this trial will be scrutinized from the work of the Warren Commission which has been the most closely dissected investigation in history. Notwithstanding constant pressure from Chief Justice Warren, who wanted the inquiry concluded at an early date, the staff lawyers insisted on extended tests and extensive interrogation knowing the record would be closely examined. At that time, we couldn't conceive of the extent of the scrutiny, but we had some inkling of what was coming. At this time, the Senate should be on notice to cross every "t" and dot every "i" twice.

It may be sufficient to use the Starr Report to establish some of the lesser proofs for the record.

Without attempting to be dispositive on who are all the key witnesses and what are all the indispensable lines of questioning, a suggested focused strategy would be to call:

(1) Monica Lewinsky to testify on the perjury issue by covering the numerous times she and the President were alone (he claimed they were never alone) and the specifics of their conduct on the issue as to whether they had sex.

It may be wise to have her testify in a closed session on the details of their sexual relationship. In retrospect, the Judiciary Committee might have been wise to hear some of the testimony by Prof. Hill and Justice Thomas in a closed session. In the confirmation hearing of Justice Breyer, testimony was taken in a closed session on his finances.

Even though most, if not all, of Ms. Lewinsky's testimony has already been made public, it would be less offensive to public taste and arguably less prejudicial or more considerate of the President to avoid the spectacle of television on the specifics of their sex. Any objection to the closed or secret hearing could be largely answered by releasing a transcript to the public at the end of each daily session.

If the President testifies, consideration should also be given to a closed session on the specifics of their sexual activities. It is arguably, and perhaps realistically, different to have a closed session with the President, but these questions will have to be thrashed out at the time depending on the feel of the case if, as and when they arise.

In order to have a closed session, there would have to be a modification of Rule 20 which requires the Senate doors to be open except during deliberation.

(2) Vernon Jordan to testify about contacts with the President including his telephone call where he reported "mission accomplished" after arranging with another lawyer to get Ms. Lewinsky's perjurious affidavit and getting her a job with Revlon.

(3) Betty Currie to testify on the President's efforts to alter and mold her version of what happened. Even though Ms. Currie gave several statements, the essential elements of her testimony could be put on the record at trial by going through her first statement to the FBI.

The President's possible testimony is considered later in this memorandum.

SHOULD THE SENATE TRIAL BE TERMINATED BY AN ARRANGED DISPOSITION FOR CENSURE?

No, for several reasons:

(1) The Constitution specifies the two remedies or consequences in cases of impeachment which necessarily excludes censure: "Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States"—Article 1, Section 3, Clause 7. The language "shall not extend further" specifically precludes censure or any other remedy not enumerated in the Constitution.

The argument is now being strenuously advanced by many, including some Senators, that the impeachment trial should be ended at an early stage by a motion to adjourn the Senate and then, by pre-arrangement, taking up a Resolution of Censure to be approved by the Senate and House. In my judgment, that would be a perversion of and at variance with the Constitution or, simply stated, unconstitutional.

(2) Censure would be meaningless for this President—not worth a "tinker's dam."

(3) Censure would be a bad precedent which could be used whenever the Congress of one party wanted to express displeasure or embarrass the President of the other party. Simply stated, the Congress is not in the business of censuring the President under our Constitutional separation of powers.

(4) Censure would prejudice a possible later criminal prosecution of the President after he leaves office. There will be an inevitable sense that censure will constitute a form of punishment or final judgment, although not technically double jeopardy, which would preclude a later prosecution, as a practical matter.

The prospects for censure have been dampened by Vice President Gore's statement that the President would not accept censure conditioned on the President's admitting to lying under oath even if that admission could not to be used against him in any criminal proceeding. Even if the President would admit to lying under oath, he would most certainly object to the procedures necessary to rule out use of that admission in a criminal prosecution.

Only a court, not the Senate or Congress, can grant immunity from future criminal prosecution. The Senate can take steps to have immunity granted by the Court. But that action can be taken only after the President or any witness asserts the privilege against self-incrimination under the Fifth Amendment. The Court then grants immunity and the testimony cannot be later used against that person in a criminal prosecution.

Since the President has announced his unwillingness to admit to lying under oath, it is fruitless to suggest the Fifth Amendment course.

PRESIDENT CLINTON'S POSSIBLE TESTIMONY

For the Senate to have all the facts—or all versions of the facts from which Senator-jurors must determine what the facts are, the Senate should hear from the President. It may be that the President will choose to testify; and as a matter of comity, the Senate should await the President's decision.

If the President elects not to testify, the Senate will be faced with a difficult legal question and perhaps an even more difficult political question. On its face, Impeachment Rule 6 gives the Senate the authority to compel the President to testify:

"The Senate shall have the power to compel the attendance of witnesses" and "to enforce obedience to its orders, mandates, writs, precepts and judgments."

Notwithstanding that express language, some doubt has arisen as to whether the President is subject to compulsory process (subpoena) because of Rule 8 which provides:

"A writ of summons shall issue to the person impeached reciting said articles and notifying him to appear before the Senate upon a day and at a place to be fixed by the Senate . . . and file his answer to said articles of impeachment. . .

"If the person impeached, after service, shall fail to appear, either in person or by attorney, on the day so fixed therefore as aforesaid, or appearing, shall fail to file his answer to such articles of impeachment, the trial shall proceed, nevertheless, as upon a plea of not guilty."

Some have cited President Johnson's refusal to appear at the Senate trial as authority for the proposition that the President cannot be compelled to attend and testify. That inference is unsound because Rule 8 refers to responding to the summons and filing an answer "either in person or by attorney." So the attorney's action satisfies the rule without the appearance or other action by the President. Accordingly, the impeached party complied with the Senate rules in President Johnson's case which did not raise the issue of the Senate's power to compel the President to testify.

There is no precedent for a case where the impeached official declined to testify and the Senate attempted to compel his testimony. The other impeachment cases offer no close analogy where, as here, critical facts are known to only two people, one of whom is the impeached official.

Analogies from other, although dissimilar, trials suggest the President would be subject to being subpoenaed. The Supreme Court of the United States held President Nixon was subject to compulsory process to turn over the famous tapes under the established principle: "That the public . . . has a right to every man's evidence."

President Nixon's case, although not dealing with impeachment, is further instructive in the Supreme Court's sweeping language on the need for all the facts:

"The need to develop all relevant facts in the adversary system is both fundamental and comprehensive. The ends of criminal justice would be defeated if judgments were to be founded on a partial or speculative presentation of the facts. The very integrity of the judicial system and public confidence in the system depend on full disclosure of all the facts, within the framework of the rules of evidence. To ensure that justice is done, it is imperative to the function of the courts that compulsory process be available for the production of evidence needed either by the prosecutions or the defense."

Since this is not a criminal trial, there would be no rule that a defendant has the right not to testify. Although not a controlling analogy, a party in a civil case may be called involuntarily to the witness stand by his/her opponent "as on cross" which means he/she may be cross-examined.

In my legal judgment, President Clinton could be compelled to testify based on Senate Rule 6, analogies to compulsory process in President Nixon's case and civil litigation and the fact that President Clinton was subject to compulsory process in the Paula Jones case and Starr grand jury. Consideration of enforcing such a subpoena can be left to a later day if, as and when the issue arises.

If the President did testify, it could have a profound effect on the public's view of the case and on the Senator-jurors. The President's lawyers could not shield him from cross-examination and he could not avoid the specifics on his contacts with Ms. Lewinsky as he did in his abbreviated grand jury testimony.

If the President sticks to his story that he did not have sex with Ms. Lewinsky and did not lie under oath at his deposition in the Paula Jones case, his credibility could be severely impugned by pointed cross-examination and he could be viewed very negatively by the public and the Senator-jurors. Or, it may be that the public and many Senator-jurors would not be any more adversely affected by his Senate trial testimony than they were by the videotapes of his grand jury testimony.

At this moment, it is impossible to judge what the feel or tenor of the trial would be on subpoenaing the President if, as and when he declined to testify after serious incriminating evidence was presented against him. If subpoena sentiments formed along party lines, it would be the most severe test of acting only with a bipartisan consensus.

Over several centuries, litigation experience has demonstrated the unpredictability of trials. That is why they are called trials. A two-thirds majority may not appear out of thin air, as noted by Congressman DELAY, but it could appear from forceful presentation of the key evidence including cross-examination of the President. If the trial turned heavily against the President, it is conceivable, although highly unlikely at this point, that a plea bargain could be structured with the Independent Counsel's concurrence that the President would resign with his pension, his law license and immunity from prosecution.

Once a trial starts, the genie is out of the bottle and anything can happen. Emotions in all directions are at an all-time high with Republicans, the President, Democrats or anybody else in the line of fire at risk for the ultimate public scorn. And the public's other business would not be attended to forever how long the trial took.

That is why I continue personally to favor putting off holding the President accountable until after his term ends through the criminal process. That accommodates the public's short-term desires for the Congress, the President and the Supreme Court to focus on the nation's business and the long-term national interest to later hold the President accountable for the serious charges through indictment if the grand jury so decides, and to sentencing by a judge if a jury convicts.

THE PUBLIC REACTION

Prospects are reasonably good that the public would not react unfavorably to a non-partisan, judicious, focused, relatively brief Senate trial. In addition, the public would likely understand the Senate has an explicit Constitutional duty to hold a trial after Articles of Impeachment are passed by the House. There has already been a bipartisan recognition of this duty by Senators who are Democrats.

Public reaction, as gauged by the polls, was adverse to the House proceedings, at least in part, because of their highly partisan, strident tenor; and because the House never zeroed in or highlighted the highly incriminating evidence. There may even be some grudging public approval that Congress is willing to take action on a significant matter contrary to the polls.

A favorable public reaction will depend largely if not exclusively on the public's feeling that the proceedings are bipartisan, so the Senate must take extreme care to make the trial bipartisan. As the majority party, we Republicans should bend over backwards to avoid even the appearance of seeking partisan advantage which marred the House proceedings.

I strongly support the suggestion that there should be no separate party caucuses on impeachment issues. It would be useful to convene all Senators at an early date, such as January 8, 1999, when we will all be in town, to discuss ideas on how to proceed. I recollect one such meeting of all Senators from both parties a couple of years ago on appropriations or budget issues near the end of the session.

CONCLUSON

History will cast a long shadow on what the Senate does in this impeachment proceeding.

The Senate should not, in effect, sweep the matter under the rug by relying on the hearsay Starr Report for the key facts. Some say the Starr Report is a sufficient factual basis for Senate action because the facts are not in dispute. That is not true. A close reading of the President's grand jury testimony and his famous 82 answers to interrogatories demonstrate that he has not conceded the accuracy of the key incriminating evidence.

As detailed above, the Senate can leave it to the criminal courts to put the facts on the historical record and have the indicting grand jury, trial jury and presiding judge hold the President accountable to whatever extent warranted after his term ends.

A rush-to-judgment censure plea bargain would complete the trifecta of inappropriate action by the Senate as well as the House and President.

Mr. **LEVIN.** Mr. Chief Justice, colleagues, first a personal note to our leaders: How proud I am of them, and we all are of you, for holding us together during this very, very difficult time. We will all be closer for having come through this, regardless of what this vote is or how we individually vote.

The burden of proof on the House that the President has committed high crimes and misdemeanors and should be removed from office is a heavy burden, because the effect is so dire in a democracy that depends upon the election of the President. In my judgment, the House of Representatives has not carried that burden of proof as to the specific allegations against the President. The House repeatedly relies on inferences while ignoring direct testimony to the contrary. There is nothing unusual about the reliance on inferences. It happens in trials all the time. What is unusual here is that the House's case relies on inferences from the testimony of people whose direct testimony contradicts the inference. Let me just cite some examples in the obstruction of justice article.

First, the House managers in their report, in their brief, made the following statements: "As evidenced by the testimony of Monica Lewinsky, the President encouraged her to lie." That is the words of the House brief. Second, "The testimony of Monica Lewinsky leads to the conclusion that it was the President who initiated the retrieval of the gifts and the concealment of the evidence." Third, "The President needed the signature of Monica Lewinsky on the false affidavit and that was assured by the efforts to secure her a job."

Those are all direct quotes. Each one of those relies on inferences. Each one of them is contradicted by the explicit testimony of people from whom those inferences are drawn.

Let's just take them one by one. The House managers' inference that the President "encouraged"—that is their word—Monica Lewinsky to lie was contradicted by Monica Lewinsky's proffer, which was then incorporated into her grand jury testimony, that the President "never" encouraged her to lie. That is her word. They say by inference the President encouraged her to lie. She says, "The President never encouraged me to lie."

The House managers' inference that it was, "President Clinton who initiated the retrieval of the gifts and the concealment of the evidence on December the 28th," was contradicted by Monica Lewinsky's direct testimony that she initiated the concealment of the gifts. It is uncontested that on December 22 she took some of the gifts and concealed the rest—some of the gifts to her lawyer's office. She decided on her own that she would not turn over the gifts in response to that subpoena because they would embarrass her, or they would, in her words, disclose that there was a special relationship. So on the 22nd she decided on her own to withhold some of the gifts. And yet we are told by the managers by inference that somehow or other it is the President who initiated the withholding and the concealment of the gifts.

And then on the 28th, when they met at the White House, it was Monica Lewinsky who said, "Maybe I should get some of the gifts to Betty." She initiated the issue. And then the President said either nothing or, "Let me think about it." And then the question came up: Well, who then made the phone call relative to the pickup of the gifts? Was it Monica Lewinsky calling Betty Currie or was it Betty Currie calling Monica Lewinsky?

And here is where another inference is drawn, that if in fact it was Betty Currie who initiated the call, then the inference is that the President told Betty Currie to call Monica Lewinsky. There is a conflict there between Betty Currie and Monica Lewinsky.

But one of the most intriguing issues in this whole matter, one that I have really given a lot of thought to, is the question: Why would the President give Monica Lewinsky gifts on December 28 if he was concerned about it and wanted to withhold and hide the gifts? It is one of the questions that didn't get a lot of focus up here, by the way.

The President gave Monica Lewinsky at least three things that day: That bear carving that Dale Bumpers referred to that came from Vancouver, a small blanket, and a stuffed animal.

Now, here is the way the House addressed that issue. They asked themselves in their brief the question: Why would the President give Ms. Lewinsky gifts at the same time he was asking her to conceal others that he had already given her? Answer from the House in their brief: The only logical inference—only logical inference—is that the gifts, including the bear, symbolizing strength, were a tacit reminder to Ms. Lewinsky that they would deny the relationship even in the face of a Federal subpoena. That is the inference that they say is the only logical inference from giving three gifts to Monica Lewinsky, including a bear.

Now, there is a real problem with that. First of all, that bear was obtained by the President in Vancouver weeks before there was a witness list. We are not even offered speculation as to how the President could foresee that Monica Lewinsky would be on a witness list and pick up a symbol of strength while in Vancouver so that he could give it to her as a reminder to deny their relationship in the face of some future, unforeseen Federal subpoena.

But even more to the point, Monica Lewinsky was asked directly at the grand jury—directly—this question as to whether or not she interpreted the gift of that bear as a signal to her to "be strong in your decision to conceal the relationship." Her direct, one-word answer was "No." And yet the managers come here saying the only logical inference that can be drawn from three gifts being given from the President on the 28th is that the President was signaling to her to be strong in the face of a Federal subpoena. That is the kind of inference we are asked to draw.

Now, I was raised on the burden of proof, both as a prosecutor in civil rights cases and as a defense lawyer. The House cannot carry the burden of proof on the critical allegations of criminal misconduct that they have made when they depend on those kinds of inferences, a pile of inferences that run directly contrary to direct testimony on critical points. Impeachment and removal should be based on sturdier foundations than that kind of a heap of inferences. They would have us overlook the forest of direct testimony while getting lost in the trees of their multiple inferences.

The December 11 issue has been discussed here. It was extraordinary to me, listening here as both factfinder and judge, that it could be represented to us that on December 11 the first activity calculated to actually help Monica Lewinsky get a job occurred. That is what they alleged on the floor of the Senate. The first activity—these are their words—calculated to help Ms. Lewinsky actually get a job took place on December 11, and that something happened on that day to trigger Vernon Jordan's meeting and real activity. Something happened that day. What was it? Judge Wright's order.

In their House brief, it is said that that order came in the morning, which was wrong, and in the presentation here in the opening arguments Manager HUTCHINSON said the following: "The witness list came in, the judge's order came in. That triggered the President to action. And the President triggered Vernon Jordan into action. That chain reaction here is what moved the job search along."

Wrong. It disintegrated here. Vernon Jordan's meeting was before the judge's order. And yet that is what we are asked to base the removal of a President on. And then the thinking shifts to another theory. Removal of an elected President from office has got to be made of sturdier stuff than those kinds of inferences.

Finally, on the double standard issue—and I think we all must be concerned about that—a former prosecutor who appeared in front of the House said the following. And Senator SARBANES quoted one line of this, and I want to repeat that, because it is so important, and then add one other thing that they said. "In conversations with many current and former Federal prosecutors in whose judgment I have great faith, virtually all concur that if the President were not involved, if an ordinary citizen were the subject of the inquiry, no serious consideration would be given to a criminal prosecution arising from alleged misconduct in discovery in the Jones civil case having to do with an alleged coverup of a private sexual affair with another woman or the follow-on testimony before the grand jury. I believe the President should be treated in the criminal justice system in the same way as any other United States citizen.

"If that were the case here," these former prosecutors said, "it is my view that the alleged obstruction of justice and perjury would not be prosecuted by a responsible U.S. attorney."

I know this is not a criminal case, this is an impeachment trial, but I would think that our standards should be at least as high as would be in a criminal case, and that if this President would not be prosecuted, much less convicted for these specific charges—and these were criminal charges that were very specifically made by the managers against the President—if that prosecution and conviction would not take place in a criminal case, we should be loathe, I believe, and very, very cautious and careful before we remove an elected President from office.

I learned about the burden of proof and presumption of innocence as a young boy, long before law school, when my father, who was a lawyer, taught me that American justice is dependent on these principles. As I grew up and became a lawyer myself, I experienced firsthand the significance of these bedrock principles and learned that it applies to all Americans accused of crimes, including the President. These principles of the burden of proof and the presumption of innocence help guide me now as we exercise our constitutional duty to judge the specific accusations of criminal behavior lodged against the President of the United States.

The burden of proof on the House of Representatives that the President has committed serious crimes and should be removed from office is a heavy one, because overturning an election in a democracy is a drastic and dire action. The House has not carried that burden of proof as to the specific accusations against the President.

The arguments of the House Managers in support of the Articles suffer from fundamental weaknesses. They repeatedly rely on inferences while ignoring direct testimony to the contrary; they omit key materials which contradict their charges; and they contain serious misstatements of key facts. In a matter of such consequence as the removal of an elected President from office, such a case should not lead to conviction.

Let me cite some key examples from Article II, the allegation of obstruction of justice. First, the House Managers in their report, brief, and arguments to the Senate repeatedly rely on inferences to prove key points and ignore direct testimony to the contrary. In opening arguments, House Manager HUTCHINSON made the following claims:

> As evidenced by the testimony of Monica Lewinsky, [the President] encouraged her to lie.
>
> . . . (T)he testimony of Monica Lewinsky . . . leads to the conclusion that it was the President who initiated the retrieval of the gifts and the concealment of the evidence.
>
> . . . The President needed the signature of Monica Lewinsky on the false affidavit, and that was assured by the efforts to secure her a job.

Mr. Chief Justice, as we close this chapter in the Senate's life and prepare our records for the annals of history, there are several points which I wish to highlight in a series of appendices.

I ask unanimous consent that the appendices be printed in the RECORD.

There being no objection, the appendices were ordered to be printed in the RECORD, as follows:

APPENDIX A

The indisputable, underlying reality of the impeachment case was that Monica Lewinsky's denial of a sexual relationship with the President was part of a long-term understanding and pattern, long before the subpoena in the Paula Jones case.

"Q: Had you talked with him earlier about these false explanations about what you were doing visiting him on several occasions?

A: Several occasions throughout the relationship. Yes. It was a pattern of the relationship to sort of conceal it."—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 844.

"A Juror: Did you ever discuss with the President whether you should deny the relationship if you were asked about it?

A: I think I always offered that."—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 1077.

"A: And she [Linda Tripp] told me that I should put it in a safe deposit box because it could be evidence one day. And I said that was ludicrous because I would never—I would never disclose that I had a relationship with the President. I would never need it."—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 1107.

"A Juror: And what about the next sentence also? Something to the effect that if two people who are involved say it didn't happen, it didn't happen. Do you recall him saying that to you?

A: Sitting here today, very vaguely . . . And this was—I mean, this was early—obviously not something we discussed too often, I think, because it was—it's a somewhat unpleasant thought of having to deny it, having it even come to that point.

A Juror: Is it possible that you also had these discussions after you learned that you were a witness in the Paula Jones case?

A: I don't believe so. No.

A Juror: Can you exclude the possibility?

A: I pretty much can."—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 1119.

APPENDIX B

Did Ms. Lewinsky think her affidavit in the Paula Jones case was false when she signed it?

"Ms. L had a physically intimate relationship with the President. Neither the Pres. nor Mr. Jordan (or anyone on their behalf) asked or encouraged Ms. L to lie. Ms. L was comfortable signing the affidavit with regard to the 'sexual relationship' because she could justify to herself that she and the Pres. did not have sexual intercourse."—Proffer of Monica Lewinsky to the Independent Counsel.

"Q: When he said that you might sign an affidavit, what did you understand it to mean at that time?

A: I thought that signing an affidavit could range from anywhere between maybe just somehow mentioning, you know, innocuous things or going as far as maybe having to deny any kind of relationship."—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 844.

"Q: You were trying to be truthful throughout [the proffer]?

A: Exactly."—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 1142.

"A: But I did some justifying in signing the affidavit, so—

Q: Justifying—does the word 'rationalizing' apply as well?

A: Rationalize, yes."—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 925.

APPENDIX C

House Managers implied that when the President allegedly told John Podesta Ms. Lewinsky threatened him, the President was lying. But Monica Lewinsky did write a threatening letter to President Clinton.

"If you believe the aides testified truthfully to the grand jury about what the President told them about his relationship, the President told them many falsehoods, absolute falsehoods. So when the President described them under oath to the grand jury as truths, he lied and committed the crime of perjury. One example of this comes from Deputy Chief John Podesta. . . [a]nother is Sidney Blumenthal. His testimony was that on January 23 the President told him that. . . Lewinsky threatened him and said that she would tell people that they had had an affair. . ."—House Manager McCollum, Congressional Record, January 15, 1999, Page S266.

"Q: You mentioned that in that July 3rd letter that you sent to the President through Betty you made a reference to the fact that you might have to explain things to your parents. What did you mean by that?. . . Were you meaning to threaten the President that you were going to tell, for example, your father about the sexual relationship with the President?

A: Yes and no."—Grand Jury Testimony of Monica Lewinsky, Part One; Independent Counsel Appendices, Page 807.

APPENDIX D

There was much debate about the consequences of calling live witnesses. The President's lawyers argued that calling witnesses would require them to engage in extensive discovery and would significantly stretch-out the trial. It is relevant in evaluating that claim to look at the impeachments of Judge Nixon and Judge Alcee Hastings. In both of those cases, the Judges' attorneys were given extensive discovery, including Justice Department files, to prepare their defense. See letter of Senator Wyche Fowler, Chairman of the Senate Impeachment Trial Committee, and letter of Professor Terence Anderson, University of Miami School of Law, below:

U.S. SENATE,
Washington, DC, July 18, 1989.

JOHN C. KEENEY,
Deputy Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC.

DEAR MR. KEENEY: As Chairman of the Senate Impeachment Trial Committee on the Articles of Impeachment against Judge Nixon, I write to request the Department's assistance in the Committee's efforts to assure that Judge Nixon receives a fair trial in the Senate. The Committee has determined that it would make a useful contribution to the trial process if the Department were willing to permit the Committee, through its staff, to review the documents (excluding grand jury materials governed by Rule 6(e)) in the possession of the Department, including those possessed by the Federal Bureau of Investigation, that were requested by Judge Nixon in his June 1, 1989 letter to the Attorney General, which was the subject of your response on June 21, 1989.

The review would be consistent with that conducted in the case of the Hastings impeachment matter. That is, the focus of the review would be to determine if there is evidence that the investigations were conducted in a manner intended to mislead a court or trier of fact as to Judge Nixon's guilt or innocence. In the event that it is determined that particular documents should properly be made part of the pending impeachment proceedings, and accordingly made available to the parties for use at trial, the committee would hear from the Department prior to disclosing any documents that you believe contain particularly sensitive matters, so that we may address any continuing concerns that you have. No documents or portions of documents would be made available to the parties without the consent of the Department.

Your expeditious response to this request would be most helpful to the committee in attempting to complete discovery by July 31st.

Sincerely,

WYCHE FOWLER, Jr.

THE UNIVERSITY OF MIAMI SCHOOL OF LAW,
Coral Gables, FL, January 28, 1999.

Hon. CARL LEVIN,
U.S. Senate.

DISCOVERY PRECEDENTS FROM HASTINGS

DEAR SENATOR LEVIN: Ms. Linda Gustitus asked that I describe the process by which and the materials to which I was given access as counsel for then Judge Hastings during the impeachment trial proceedings before the United States Senate. After the matter was referred to an Impeachment Trial Committee, I submitted requests for production of documents to the House, to the Investigating Committee of the Judicial Council of the Eleventh Circuit, to the Federal Bureau of Investigation, and the Justice Department. Over the initial objections of the House Managers, at the "request" of the Impeachment Trial Committee I received documents from all but the Justice Department. In lieu of direct production, the Impeachment Trial Committee examined the sensitive Justice Department materials to determine what should be supplied. I was also permitted to take at least three discovery depositions. The proceedings that resulted in this production are reported in Report of the Senate Impeachment Trial Committee on the Articles of Impeachment Against Judge Alcee L. Hastings, S. Hrg. 101-194, Pt. I (Pretrial Matters).

By way of illustrations I enclose an appendix to a memorandum that I submitted to the Impeachment Trial Committee. That appendix describes in some detail the materials that I received from the FBI and my estimate that in the aggregate the production amounted to about 16,000. The enclosed copy was reproduced from S. Hrg. 101-194, Pt. I at 433-436. Please let me know if I can be of further assistance.

Sincerely,

TERENCE J. ANDERSON.
Professor of Law.

APPENDIX E

Many of us in the Senate thought the House of Representatives failed to meet its responsibilities by not calling witnesses before the House Judiciary Committee. A review of impeachments shows that in every impeachment but the one (where the subject of the impeachment was mentally incompetent and the House relied on the record of his decisions as a judge), the House called fact witnesses. According to information obtained by my staff from the Congressional Research Service, there have been 16 impeachments by the House. 14 of those impeachments have resulted in trials in the Senate; two did not because the impeached officials resigned.

15 of those impeachments had fact witnesses in the House; one didn't. That was the case of Judge Pickering. He was impeached for being mentally incapacitated. There were charges of drunkenness and "ungentlemanly language" in the courtroom. The articles against him, however, all dealt with his rulings and decisions that "proved" he was mentally incompetent. During the House inquiry, a number of affidavits were presented.

APPENDIX F

Independent counsel Kenneth Starr intervened in the Senate impeachment trial by obtaining a court order addressed to Monica Lewinsky requiring her to meet privately with House Managers, based on a motion and ex parte hearing with no notice to the Senate counsel or White House counsel. The independent counsel then mischaracterized his own action in seeking that order, describing it as seeking an "interpretation" rather than an "order".

See the letters to Kenneth Starr, Robert Bittman, Jacob Stein, & Robert Bittman; the Emergency Motion on Immunity Agreement; the letter to Congressman Henry Hyde; the letter to Sen. Daschle; Congressman Hyde's press release; the order of Judge Norma Holloway Johnson and the transcript of Mr. Starr's remarks as follow:

WASHINGTON, DC,
January 21, 1999.

Hon. KENNETH W. STARR,
Office of Independent Counsel,
Washington, DC.

Re: Interview of Monica Lewinsky.

DEAR INDEPENDENT COUNSEL STARR: I am writing to you as the Lead Manager of the Managers of the Impeachment Trial of William Jefferson Clinton, currently underway in the United States Senate. We are in the process of selecting witnesses for testimony in these proceedings. The attorneys for Monica Lewinsky have declined to make her available for an interview.

We have reviewed a copy of Ms. Lewinsky's Immunity Agreement. Pursuant to paragraph 1(c) of that Agreement, it would appear that she is required to submit to interviews and debriefings if so requested by the Office of Independent Counsel.

We would like to arrange an interview with Ms. Lewinsky prior to any such testimony. We would be happy to accommodate her wishes as to the precise time and location of that interview. However, it is important that this interview be scheduled to take place on the earliest possible date, specifically Friday, Saturday, or Sunday. Your assistance with this interview will be appreciated.

Thank you for your prompt attention.

Sincerely,

HENRY H. HYDE,
On Behalf of the Managers on the Part of the House.

LAW OFFICES OF PLATO CACHERIS,
Washington, DC, January 21, 1999.

ROBERT J. BITTMAN, Esquire
Deputy Independent Counsel, Office of the Independent Counsel, Washington, DC.

DEAR BOB: In your call today you mentioned that the managers requested Ms. Lewinsky's cooperation by way of an interview. As I told you, we believe it is inappropriate for Ms. Lewinsky to be placed in the position of a partisan—meeting with one side and not the other—in this unique proceeding. Therefore, we have recommended against interviews with either side.

Sincerely,

JACOB A. STEIN.
PLATO CACHERIS.

INDEPENDENT COUNSEL,
Washington, DC, January 21, 1999.

JACOB A. STEIN, Esq.
Stein, Mitchell & Mezines,
Washington, DC.
PLATO CACHERIS, Esq.
Law Offices of Plato Cacheris,
Washington, DC.

DEAR JAKE AND PLATO: Pursuant to her Immunity Agreement with this Office, we hereby request that Monica Lewinsky meet for an interview with the House of Representatives' Impeachment Managers this Friday, Saturday, or Sunday, January 22, 23, or 24, 1999.

As you will recall, both parties contemplated congressional proceedings at the time we entered into the Immunity Agreement. The Agreement specifically requires Ms. Lewinsky to "testify truthfully . . . in any . . . congressional proceedings." It further requires Ms. Lewinsky to "make herself available for any interviews upon reasonable request," and stipulates that these interviews may include "representatives of any other institutions as the OIC may require."

While I understand Ms. Lewinsky's misgivings, I must disagree with one statement in your letter to me today: your assertion that submitting to an interview would make Ms. Lewinsky into a partisan. The Managers are acting on behalf of the House of Representatives as a whole, not on behalf of a political party. There task is constitutional in nature.

Please feel free to call me if you have any questions.

Sincerely,

ROBERT J. BITTMAN,
Deputy Independent Counsel.

STEIN, MITCHELL & MEZINES,
Washington, DC, January 22, 1999.

ROBERT J. BITTMAN, Esquire
Office of the Independent Counsel
Washington, DC.

DEAR BOB:

1. We have your January 21, 1999 letter.

2. The Agreement does not require Ms. Lewinsky to be interviewed by the House Managers or any Congressional body.

3. Paragraph 1.C. of the Agreement states: "Ms. Lewinsky will be fully debriefed concerning her knowledge of and participation in any activities within the OIC's jurisdiction. This debriefing will be conducted by the OIC, including attorneys, law enforcement agents, and representatives of any other institutions as the OIC may require. Ms. Lewinsky will make herself available for any interviews upon reasonable requests."

4. This paragraph deals with OIC debriefings, not OIC's acting as an agent for others.

5. The Senate itself has provided its own rules for witness interviews. As we understand them, there first must be a deposition with equal access. As of now the Senate has not voted for depositions.

6. Ms. Lewinsky will, of course, respond to a subpoena to appear and testify before the Senate. Yesterday, we raised with you the issue of immunity for any proposed congressional testimony. You opined that your office could grant such immunity in conformance with Title 18 U.S.C. §§6002, 6005. It is our understanding that only the Senate by majority vote can do that. We would appreciate your supplying your legal authority for your position.

Sincerely,

JABOB A. STEIN.
PLATO CACHERIS.

[In the United District Court for the District of Columbia, Misc. No. 99- (NHJ)]

IN RE GRAND JURY PROCEEDINGS

EMERGENCY MOTION OF THE UNITED STATES OF AMERICA FOR ENFORCEMENT OF IMMUNITY AGREEMENT

The United States of America, by Kenneth W. Starr, Independent Counsel, respectfully submits this motion for an order requiring Ms. Lewinsky to comply with the terms of her Immunity Agreement (the "Agreement") with the Office of the Independent Counsel ("OIC"). Ms. Lewinsky has refused an OIC request that she be debriefed by the House of Representatives, as required by the Agreement. The United States respectfully requests that this Court orders Ms. Lewinsky to comply with the Agreement by allowing herself to be debriefed.

I. Factual background

As this Court is no doubt aware, the United States Senate is currently conducting an Impeachment Trial of the President of the United States. According to public reports, it is expected that the House will be required to submit to the Senate its motion to call witnesses as early as Monday, January 25. Again according to public reports, some potential witnesses have spoken with the House Managers as the Managers attempt to determine which witnesses should be mentioned in their motion to the Senate.

On January 21, 1999, House Judiciary Committee Chairman Henry J. Hyde, on behalf of the House of Representatives, as represented by its duly-appointed Managers, asked for the OIC's assistance in having Ms. Lewinsky debriefed by the House. See Letter from Henry J. Hyde to Kenneth W. Starr (Jan. 21, 1999) (Attachment A). The House stressed that it needs this debriefing to occur no later than Sunday, January 24.

That same day, the OIC sent a letter to Ms. Lewinsky's counsel requesting that Ms. Lewinsky allow herself to be debriefed by the House Managers. See Letter from Robert J. Bittman, Deputy Independent Counsel, to Jacob A. Stein, Esq. and Plato Cacheris, Esq. (Jan. 21, 1999) (Attachment C). At approximately 1:20 p.m. this afternoon, Ms. Lewinsky informed the OIC that she does not intend to comply with this request. See Letter from Jacob A. Stein and Plato Cacheris to Robert J. Bittman (Jan. 22, 1999) (Attachment D).

II. The immunity agreement plainly requires Ms. Lewinsky to be debriefed by any institution that the OIC specifies

Ordinary contract law principles govern immunity agreements. See *In re Federal Grand Jury Proceedings*, Misc. No. 98-59 (NHJ), slip op. at 12 (D.D.C. May 1, 1998) (under seal) ("Courts generally interpret immunity and proffer agreements, like plea agreements, under principles of contract law."), appeal dismissed sub nom. *In re Sealed Case*, 144 F.3d 74 (D.C. Cir. 1998) (per curiam); accord *United States* v. *Black*, 776 F.2d 1321, 1326 (6th Cir. 1985) ("Like a plea agreement, an immunity agreement is contractual in nature and may be interpreted according to contract law principles."); *United States* v. *Irvine*, 756 F.2d 708, 710 (9th Cir. 1985) (per curiam) ("Generally speaking, a cooperation-immunity agreement is contractual) in nature and subject to contract law standards."); *United States* v. *Hembree*, 754 F.2d 314, 317 (10th Cir. 1985) (characterizing an immunity agreement as "simply a contract").

Under contract law, an agreement is interpreted according to its plain terms. See *Nicholson* v. *United States*, 29 Fed. Cl. 180, 191 (1993). The operative portion of the Immunity Agreement states: "C. Ms. Lewinsky will be fully debriefed concerning her knowledge of and participation in any activities within the OIC's jurisdiction. This debriefing will be conducted by the OIC, including attorneys, law enforcement agents, and *representatives of any other institutions as the OIC may require*. Ms. Lewinsky will make herself available for any interviews upon reasonable request." Immunity Agreement ¶1.C (emphasis added) (Attachment E). This provision follows paragraph 1.B, which expressly requires Ms. Lewinsky to "testify truthfully . . . in . . . congressional proceedings."

By the plain terms of the Agreement, Ms. Lewinsky has agreed to be debriefed by representatives of any institution, when so required by the OIC. She is also required to "make herself available for any interviews upon reasonable request." The duly-appointed House Managers represent the House of Representatives, which plainly is an institution. The OIC has unambiguously requested that Ms. Lewinsky submit to each debriefing. Accordingly, Ms. Lewinsky must allow herself to be debriefed by the House Managers or she will have violated the Agreement.

To be sure, Ms. Lewinsky has the right to have her "debriefing . . . conducted by the OIC." The OIC, of course, is fully willing to conduct these debriefings, if Ms. Lewinsky so desires. The suggestion in her counsel's letter that this provision is void if the OIC is "acting as an agent for other," Attachment D at ¶4, is contrary to the Agreement, as there is no such limitation on Ms. Lewinsky's duties. A party to an agreement may not invent clauses to a contract that are not contained therein.

In any event, the OIC is not acting as an agent for the House Managers. The OIC has its own, continuing duty to provide the House with information relating to impeachment. See 28 U.S.C. §595(c).

Ms. Lewinsky's counsel's other suggestion—that a debriefing would be contrary to Senate Rules, see Attachment D at ¶5—is equally without merit. Senate Resolution 16 (106th Cong.) states, in relevant part: "If the Senate agrees to allow either the House or the President to call witnesses, the witnesses shall first be deposed and the Senate shall decide after deposition which witnesses shall testify, pursuant to the impeachment rules." Although it is plain that depositions may not be conducted absent a vote of the Senate, nothing in this resolution restricts the ability of the House to debrief witnesses in a non-deposition setting. Indeed, it would be strange for the Senate to prohibit the House and the President from doing the investigation necessary to determine whether they wish to call witnesses and which witnesses to list in their motions.

III. This court should grant an order requiring Ms. Lewinsky to comply with the immunity agreement or forfeit its protection

Under the Agreement, this Court has the authority to determine whether Ms. Lewinsky has "violated any provision of this Agreement." Immunity Agreement ¶30. "[A] declaratory judgment will ordinarily be granted only when it will either serve a useful purpose in clarifying the legal relations in issue or terminate and afford relief from the uncertainty, insecurity, and controversy giving right to the proceeding." *Tierney* v. *Schweiker*, 718 F.2d 456 (D.C. Cir. 1983) (internal quotation marks omitted). In this case, a declaratory judgment will resolve the uncertainty arising from this controversy between the OIC and Ms. Lewinsky by settling whether she has the right to refuse to be debriefed without forfeiting the protections of the Agreement.

Indeed, declaratory judgment is a common remedy when a party to a contract intends conduct that may be a breach: "'(A) party to a contract is not compelled to wait until he has committed an act which the other party asserts will constitute a breach, but may seek relief by declaratory judgment and have the controversy adjudicated in order that he may avoid the risk of damages or other untoward consequence.'" (*Application of President & Directors of Georgetown College, Inc.*) 331 F.2d 1000, 1002 n.6 (D.C. Cir. 1964) (quoting *Keener Oil & Gas* v. *Consolidated Gas Utilities Corp.*, 190 F.2d 985, 989 (10th Cir. 1951)); see *Gilbert, Segall & Young* v. *Bank of Montreal*, 785 F. Supp. 453. 462 (S.D.N.Y. 1992); *Fine* v. *Property Damage Appraisers, Inc.*, 393 F. Supp. 1304, 1309–10 (E.D. La. 1975). Accordingly, this Court has the power to issue a declaratory judgment before Ms. Lewinsky's actions become irreversible.

IV. Conclusion

The Immunity Agreement plainly requires that Ms. Lewinsky allow herself to be debriefed by any institution at the request of the OIC. Ms. Lewinsky has the right to insist that the OIC conduct the debriefing, but she must comply with the plain terms of the Immunity Agreement. Accordingly, the United States respectfully requests that this Court enter an order requiring Ms. Lewinsky to submit to debriefing by the House.

The Senate's schedule requires the House to submit its motion to call witnesses as early as Monday, and the House has stressed its need to debrief Ms. Lewinsky this weekend. Accordingly, the United States respectfully requests that this Court act on this motion as an emergency matter. Specifically, we request a hearing on this matter today.

Respectfully submitted,

KENNETH W. STARR,
Independent Counsel.
ROBERT J. BITTMAN,
Deputy Independent Counsel.
JOSEPH M. DITKOFF,
Associate Independent Counsel.
RICHARD C. KILLOUGH,
Assistant Independent Counsel.

WASHINGTON, DC,
January 23, 1999.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR MR. MANAGER HYDE: We understand that the Office of Independent Counsel, on behalf of the House Managers, sought a court order to compel Ms. Lewinsky to submit to an interview with the Managers in preparation for her possible testimony. We further understand that Chief Judge Norma Holloway Johnson has granted the order sought by the Independent Counsel.

As you know, Senate Resolution 16, which was passed by a 100–0 vote just over two weeks ago, expressly deferred any consideration or action related to additional witness testimony until after opening presentations, a question-and-answer period and an affirmative vote to compel such testimony. These actions by the Managers, undertaken without notice to the Senate or the President's Counsel, raise profound questions of fundamental fairness and undermine the ability of this body to control the discovery procedures that will take place under the imprimatur of its authority.

In light of these concerns, we ask that you withdraw any and all requests to Mr. Starr that he assist your efforts to interview Ms. Lewinsky. The Senate, in a matter of days, will have an opportunity to formally address this issue pursuant to the procedures established by Senate Resolution 16. Moreover, we insist that you take no action related to the proposed interview of any witness until such time as the Senate has given you the authority to do so.

Sincerely,

HARRY REID.

[Also signed by 43 Senators.]

WASHINGTON, DC,
January 23, 1999.

Hon. TOM DASCHLE,
Democratic Leader, U.S. Senate,
Washington, DC.

DEAR MR. DEMOCRATIC LEADER: I am in receipt of your letter of today expressing your concern with the House of Representatives' request to interview Monica Lewinsky.

It has always been the position of the House Managers that a full trial with the benefit of relevant witnesses is in the best interest of the Senate and the American people. Representatives of President Clinton and many Senators have publicly stated that they want the Senate to preclude the testimony of witnesses. Many other Senators have made it clear that they prefer the witness lists for both sides to be sharply focused and limited to only the most relevant witnesses. The Managers have been mindful of these Senators' concerns.

It is clear that the two most important witnesses in this trial are President Clinton and Ms. Lewinsky. Yesterday, I wrote to Majority Leader Lott and you to express the Managers' willingness to participate in the fair examination of the President if the Senate chooses to invite him to testify. The presentation of the President's counsel ended just two days ago. We are in the process of evaluating that presentation and determining what witnesses we will request the Senate to call. We believe that interviewing Ms. Lewinsky will help us make this determination. Counsel for the President may have already interviewed witnesses or may wish to interview witnesses they will propose to the Senate. That is their prerogative. The Senate has required us to submit a proffer of anticipated testimony of any proposed witnesses. Interviews of potential witnesses will assist the parties in providing the Senate with informative proffers.

The House of Representatives has not violated S. Res. 16. When the House passed H. Res. 10 appointing the Mangers, it authorized that the Managers may "in connection with the preparation and the conduct of the trial, exhibit the articles of impeachment to the Senate and take all other actions necessary, which may include * * * sending for persons and papers . . . ." Implicit in this authority is the ability to conduct interviews and gather additional information relevant to the articles of impeachment.

The Managers, who represent the House of Representatives, retain powers separate and apart from the Senate. The Managers are not, just as the President's Counsel are not, an office or subset of the Senate. The Managers, like the President's Counsel, may conduct activities, such as further investigation and legal research, that are not specifically authorized by the Senate.

Senate Resolution 16 does not prohibit the Managers from conducting further investigation or interviews of witnesses. If the resolution was intended to restrict the Managers in this way, we believe that it would violate principles of bicameralism, the ability of each House to establish its own rules of procedure, and would therefore be an unconstitutional infringement on the prerogatives of the House.

Implicit in the right of the Managers to report to the House amendments to articles of impeachment, is the right of the Managers to receive and evaluate additional information. For example, if the Managers received additional exculpatory or inculpatory information, they could file amendments to the articles of impeachment in the House.

Senate Resolution 16 set a schedule for deciding whether to depose witnesses. The decision to depose witnesses is subject to a request from the House Managers. The House Managers have decided that they need to talk with Ms. Lewinsky before making a recommendation to the Senate to depose her. The action of the House Managers is not unusual. It is not unfair, and it is not contrary to the rules of the Senate.

With all due respect to the Senate, the rules and the constitutional principles of bicameralism do not require that the House obtain the permission of the Senate merely to conduct an interview of a potential witness. A decision to merely interview a witness as opposed to conducting a deposition, does not interfere with the Senate's ability to control the procedures set forth under S. Res. 16.

Sincerely,

HENRY J. HYDE,
On behalf of the Managers on the Part of the House of Representatives.

[From the U.S. House of Representatives, Committee on the Judiciary, Henry J. Hyde, Chairman]

MANAGERS' RESPONSE TO JUDGE'S RULING

(Washington, D.C.)—Paul McNulty, chief spokesman for the House Managers, made the following statement today following Judge Johnson's ruling that Monica Lewinsky must cooperate with the managers' request for an interview, in keeping with her immunity agreement:

"Monica Lewinsky received extraordinary protection in exchange for her truthful testimony. Judge Johnson ruled that she has an obligation to cooperate in the search for truth.

"Ms. Lewinsky's testimony has never been more important than it is now. In the last four days, the White House has challenged the reliability of her testimony in a number of key instances relating to her conversations with the President and Ms. Currie.

"Ms. Lewinsky can resolve some of these crucial conflicts, and House Managers have a responsibility to interview her before deciding to call her as a witness. This is Lawyering 101—any good lawyer would talk to a witness before deciding to put her on the witness stand. When the House of Representatives appointed the Managers, it also granted them the investigative authority necessary to find the truth.

"The White House's protests are psuedo-objections designed to divert attention from the President's behavior."

[In the United States District Court for the District of Columbia, Misc. No. 99-32 (NHJ)]

IN RE GRAND JURY PROCEEDINGS

ORDER

Upon consideration of the Emergency Motion of the United States of America for Enforcement of Immunity Agreement, it is hereby ordered that the Motion is granted. It is further ordered that Monica S. Lewinsky allow herself to be debriefed by the House Managers, to be conducted by the Office of the Independent Counsel if she so requests, or forfeit her protections under the Immunity Agreement between Ms. Lewinsky and the OIC.

January 23, 1999.

NORMA HOLLOWAY JOHNSON,
Chief Judge.

EXCERPT FROM CBS RADIO TRANSCRIPT, JANUARY 24, 1999

KENNETH STARR DELIVERS REMARKS CONCERNING THE UPCOMING INTERVIEW WITH MONICA LEWINSKY; WASHINGTON, D.C.

QUESTION: Sir, people are saying on the Capitol Hill that you're trying to influence the trial by bringing back Monica, before they had a chance to vote.

What do you say about that?

STARR: Well, as I indicated, we had a request from the Lead Manager, Chairman Hyde, it was a formal request. And we responded as I felt that we were obligated to do to that request. And we then took what I felt was the appropriate action and we went to court.

I want to make it very clear that Chief Judge Johnson has only interpreted the agreement between Ms. Lewinsky, who's advised by her very able lawyers, and our office. She did not direct an order in any sense other than to interpret the meaning of the agreement, which we asked her to interpret. So, I want it to be very, very clear that the judge was simply acting at our request to interpret the terms of the agreement, which we believe are quite clear.

QUESTION: Senator Harkin said yesterday that Judge Johnson may not have acted on, you know, constitutionally. Do you have any comment on that?

STARR: Well we think that we have taken the appropriate action in going to the court and the court acted appropriately in interpreting the agreement, which is all that she did. So if there is an issue, the issue has to be one that's entrusted to the wisdom of the Senate. And their relationship with the House managers.

But from our standpoint, the agreement we felt was clear, we asked the judge to determine whether our interpretation of the agreement was clear. And she has issued her ruling.

APPENDIX G

Although the House Managers argued strenuously about the need to call witnesses in the Senate trial, their position in the House of Representatives on the same subject was the opposite.

"Well, they've already testified . . . I don't think we need to reinvent the wheel. To keep calling people to reiterate what they've already said under oath."—Rep. Henry Hyde, CNN, October 10, 1998.

"I don't really believe that we need more live testimony from those type of witnesses. We have sworn testimony from Monica Lewinsky, from Betty Currie, from all the principal players. We also have sworn testimony from corroborating witnesses to their testimony . . . And—and . . . I don't think we need any former witnesses. I don't think we need to bring any in."—Rep. Bill McCollum, NBC "Saturday Today", November 28, 1998.

"Bringing in witnesses to rehash testimony that's already concretely in the record would be a waste of time and serve no purpose at all."—Rep. George Gekas, New York Times, November 6, 1998.

APPENDIX H

Although the House Managers argued strenuously about the need to call witnesses in the Senate trial, they also claimed that the record conclusively proved the President's guilt.

"A reasonable and impartial review of the record as it presently exists demands nothing less than a guilty verdict."—House Manager Bryant, Congressional Record, January 14, 1999, Page S232.

"Finally, before turning to that merger of the law and the facts, which I believe will illustrate conclusively that this President has committed and ought to be convicted on perjury and obstruction of justice . . .".—House Manager Barr, Congressional Record, January 15, 1999, Page S274.

"[L]adies and gentlemen of the Senate, there are conclusive facts here that support a conviction."—House Manager Bryant, Congressional Record, February 8, 1999, Page S1358.

APPENDIX I

At times, the House Managers took different and oft-time conflicting positions on the need to call witnesses in the Senate trial.

"I submit that the state of the evidence is such that unless and until the President has the opportunity to confront and cross-examine witnesses like Ms. Lewinsky, and himself, to testify if he desires, there could not be any doubt of his guilt on the facts."—House Manager Bryant, Congressional Record, January 14, 1999, Page S232.

"[I]f we had Mr. Jordan on the witness stand—which I hope to be able to call Mr. Jordan—you would need to probe where his loyalties lie, listen to the tone of his voice, look into his eyes and determine the truthfulness of his statements. You must decide whether he is telling the truth or withholding information."—House Manager Hutchinson, Congressional Record, January 14, 1999, Page S234.

"The case against the President rests to a great extent on whether or not you believe Monica Lewinsky. But it is also based on the sworn testimony of Vernon Jordan, Betty Currie, Sidney Blumenthal, John Podesta and corroborating witnesses. Time and again, the President says one thing and they say something entirely different . . . . But if you have serious doubts about the truthfulness of any of these witnesses, I, again, as all my colleagues do, encourage you to bring them in here."—House Manager McCollum, Congressional Record, January 15, 1999, Page S266.

"[O]n the record, the weight of the evidence, taken from what we have given you today, what you can read in all these books back here . . . I don't know what the witnesses will say, but, I assume if they are consistent, they'll say the same that's in here."—House Manager McCollum, Congressional Record, January 15, 1999, Page S266-S267.

"[N]o one in this Chamber at this juncture does not know all the facts that are pertinent to this case. That is a magnificent accomplishment on the part of the managers."—House Manager Gekas, Congressional Record, January 15, 1999, Page S267.

APPENDIX J

The House of Representatives articles were intended to charge President Clinton with specific crimes.

"[T]his honorable Senate must do the right thing. It must listen to the evidence; it must determine whether William Jefferson Clinton repeatedly broke our criminal laws and thus broke his trust with the people."—House Manager Sensenbrenner, Congressional Record, January 14, 1999, Page S227.

"Moreover, in engaging in this course of conduct, referring here to the words of the obstruction statute found at section 1503 of the Criminal Code, the President's actions constituted an endeavor to influence or impede the due administration of justice in that he was attempting to prevent the plaintiff in the Jones case from having a 'free and fair opportunity to learn what she may learn concerning the material facts surrounding her claim'. These acts by the President also constituted an endeavor to 'corruptly persuade another person with the intent to influence the testimony they might give in an official proceeding'. Such are the elements of tampering with witnesses found at section 1512 of the Federal Criminal Code."—House Manager Barr, Congressional Record, January 15, 1999, Page S274–S275.

"Under both sections of the Federal Criminal Code, that is, 1503, obstruction, and 1512, obstruction in the form of witness tampering, the President's conduct constituted a Federal crime and satisfies the elements of those statutes.—House Manager Barr, Congressional Record, January 15, 1999, Page S275.

"The evidence, however, clearly establishes that the President's statement constitutes perjury, in violation of section 1623 of the U.S. Federal Criminal Code for the simple reason the only realistic way Ms. Lewinsky could get out of having to testify based on her affidavit. There was no other way it could have happened. The President knew this. Ms. Lewinsky knew this. And the President's testimony on this point is perjury within the clear meaning of the Federal perjury statute. It was willful, it was knowing, it was material, and it was false.—House Manager Barr, Congressional Record, January 15, 1999, Page S275.

"Please keep in mind also, it is not required that the target of the defendant's actions actually testify falsely. In fact, the witness tampering statute can be violated even when there is no proceeding pending at the time the defendant acted in suggesting testimony. As the cases discussed by Manager Cannon demonstrate, for a conviction under either section 1503, obstruction, or 1512, obstruction by witness tampering, it is necessary only to show it was possible the target of the defendant's actions might be called as a witness. That element has been more than met under the facts of this case.—House Manager Barr, Congressional Record, January 15, 1999, Page S276.

"In my opening statement before this body, I outlined the four elements of perjury: An oath, intent, falsity, materiality. In this case, all those elements have been met."—House Manager Chabot, Congressional Record, February 8, 1999, Page S1341.

"In the past month, you have heard much about the Constitution; and about the law. Probably more than you'd prefer; in a dizzying recitation of the U.S. Criminal Code: 18 U.S.C. 1503. 18 U.S.C. 1505. 18 U.S.C. 1512. 18 U.S.C. 1621. 18 U.S.C. 1623. Tampering. Perjury. Obstruction. That is a lot to digest, but these are real laws and they are applicable to these proceedings and to this President."—House Manager Barr, Congressional Record, February 8, 1999, Page S1342.

APPENDIX K

Though written in his diary almost 200 hundred years ago, John Quincy Adams' thoughts on the impeachment of Justice Samuel P. Chase, who was acquitted, are relevant to the impeachment of President Clinton.

On the day that Justice Chase was acquitted in 1805, John Quincy Adams wrote the following:

". . . This was a party prosecution, and is issued in the unexpected and total disappointment of those by whom it was brought forward. It has exhibited the Senate of the United States fulfilling the most important purpose of its institution. . . It has proved that a sense of justice is yet strong enough to overpower the furies of factions; but it has, at the same time, shown the wisdom and necessity of that provision in the Constitution which requires the concurrence of two-thirds for conviction upon impeachments."

APPENDIX L

ADDITIONAL STATEMENT OF SENATOR CARL LEVIN REGARDING THE INDEPENDENT COUNSEL

Mr. President, four and one half years ago, the Special Court under the independent counsel law appointed Kenneth Starr to investigate certain specific and credible allegations concerning President Clinton's involvement in the Madison Guaranty Savings and Loan Association of Little Rock, Arkansas. Three and half years later—and after what appears to be the most thorough criminal investigation of a sitting President, Mr. Starr was unable to find any criminal wrongdoing on the part of the President in what came to be known as "Whitewater." A similar conclusion was reached by Mr. Starr with respect to additional investigations assigned to Mr. Starr along the way—namely, allegations with respect to the White House use of FBI files and the discharge of White House employees from the White House Travel Office.

A year ago Mr. Starr's investigation was coming to an end. That's when Linda Tripp walked through Mr. Starr's door with promises of taped phone conversations between Ms. Tripp and Monica Lewinsky about Ms. Lewinsky's sexual relationship with President Clinton. And what was the alleged crime? That President Clinton and Ms. Lewinsky were about to lie about their relationship—if they were asked about it by the attorneys for Paula Jones in her sexual harassment case against President Clinton. Mr. Starr had to know that the relationship between President Clinton and Monica Lewinsky had been a consensual one. Mr. Starr had to know that, because Ms. Tripp was informed by Ms. Lewinsky of every aspect of her relationship with President Clinton. And at this point—January 12, 1998—neither Monica Lewinsky nor President Clinton had been deposed.

I am convinced that no ordinary federal prosecutor, if confronted with the same situation involving a private citizen, would have pursued this case. But Mr. Starr was no ordinary federal prosecutor. Without jurisdiction with respect to these matters, he immediately gave Ms. Tripp immunity in exchange for access to her tapes, and he wired her to tape a private luncheon conversation with Ms. Lewinsky. Shortly after Mr. Starr wired Ms. Tripp, he confronted Ms. Lewinsky and, according to her, threatened her with 27 years in prison and the prosecution of her mother in order to get her cooperation and to tape Betty Currie, the President, and/or Vernon Jordan. Mr. Starr brought his enormous criminal investigative resources to bear on testimony yet to be given in a civil lawsuit involving a consensual, sexual relationship.

At the time Ms. Lewinsky was threatened by Mr. Starr, her affidavit in the Jones case had not been filed. She was still in a position to retrieve it or amend it. Also, President Clinton had not been deposed. He had not given his testimony in the Paula Jones suit. In effect, Mr. Starr and his agents lay in wait—waiting for the President to be surprised at the Jones deposition with information about Monica Lewinsky. And how did that information about Monica Lewinsky get in the hands of the Jones attorneys? Ms. Tripp gave them the information. And she was able to do that even though she was under an immunity arrangement with Mr. Starr, because—as Mr. Starr acknowledged to the House Judiciary Committee under questioning—Mr. Starr's agents never directed Ms. Tripp to keep her information confidential, even though Mr. Starr had a major concern that the Lewinsky matter would leak to the press. Mr. Starr's agents did not tell Ms. Tripp not to talk to the Jones attorneys or anyone else in order to ensure that the story would not leak to the press.

So the enormous criminal investigative resources of the federal government were brought to bear on the President of the United States to catch him by surprise in a future deposition in a civil proceeding on a matter peripheral to the lawsuit, prior to any of the suspected unlawful conduct.

Once the President testified in that civil suit, Mr. Starr convened a grand jury to investigate the truthfulness of Mr. Clinton's testimony. Again, using the virtually unlimited resources of the federal government with respect to a criminal investigation, Mr. Starr called countless witnesses before the grand jury—recalling numerous witnesses multiple times. Betty Currie testified on 5 different occasions; so did Vernon Jordan. Monica Lewinsky testified 3 times and was interviewed over 20 separate times. I don't believe any regular prosecutor would have invested the time and money and resources in the kind of investigation that Kenneth Starr did.

At the end, Mr. Starr wrote a report arguing for impeachment to the House of Representatives. He didn't just impartially forward evidence he thought may demonstrate possible impeachable offenses.

The Starr report spared nothing. Lacking good judgment and balance, the Starr report contained a large amount of salacious detail, and skipped over or dismissed important exculpatory evidence, such as Monica Lewinsky's statement that no one asked her to lie and no one promised her a job for her silence. Mr. Starr violated the standards enunciated by Judge Sirica when he addressed the status of the grand jury report in the Watergate matter. In that case, Judge Sirica wrote in granting Leon Jaworski, the Watergate prosecutor, the right to forward grand jury information to the House of Representatives:

"It draws no accusatory conclusions. . . It contains no recommendations, advice or statements that infringe on the prerogatives of other branches of government. . . It renders no moral or social judgments. The Report is a simple and straightforward compilation of information gathered by the Grand Jury, and no more. . . The Grand Jury has obviously taken care to assure that its Report contains no objectionable features, and has throughout acted in the interests of fairness. The Grand Jury having thus respected its own limitations and the rights of others, the Court ought to respect the Jury's exercise of its prerogatives." (*In re Report and Recommendation of June 5, 1972, Grand Jury Concerning Transmission of Evidence to the House of Representatives*, U.S. District Court, District of Columbia, March 18, 1974.)

What a far cry the Watergate grand jury report was from Mr. Starr's. The Starr Report violates almost every one of the standards laid out by Judge Sirica in the Watergate case.

The House of Representatives the Judiciary Committee then almost immediately released the Starr report and the thousands of pages of evidence to the public.

Because of that release—enormous damage had been done to the public's sense of decorum and to appropriate limits between public and private life.

Mr. LEVIN. Mr. HUTCHINSON's arguments rely on inferences. Relying on inferences is not unique to proving a case. What is unique is that in this case, the House Managers use inferences primarily from bits and pieces of testimony of people who explicitly deny those inferences in their direct testimony. The House Managers' inference that the President encouraged Monica Lewinsky to lie was contradicted by Monica Lewinsky's direct testimony that the President never "encouraged" her to lie.

The House Managers' inference that "it was President Clinton who initiated the retrieval of the gifts and the concealment of the evidence on December 28, 1997," was contradicted by Monica Lewinsky's direct testimony that she initiated the concealment of gifts. Not only is it an uncontested fact based on direct testimony that it was Monica Lewinsky who on December 22, 1997, following the receipt of a subpoena for gifts and having decided on her own to withhold gifts which would "give away any kind of special relationship," brought to her attorney only those gifts that were "innocuous" and typical of the kind of gifts an intern might receive. It is also an uncontested fact based on direct testimony that it was Monica Lewinsky who, on December 28, 1997, expressed her interest in wanting to hide the gifts when she said to the President that maybe she should transfer the gifts to Betty Currie. Ms. Lewinsky testified that the President either didn't respond to her comment or said he'd think about it.

But what makes the Managers' inference even more speculative is the fact that at the December 28th visit, the President gave Ms. Lewinsky even more gifts, including a bear carving from Vancouver, a small blanket and a stuffed animal. Why would the President give Ms. Lewinsky gifts at the same time he is asking her to conceal others he had already given her? I was struck by the House's answer. "The only logical inference," according to the House Managers, "is that the gifts—including the bear symbolizing strength—were a tacit reminder to Ms. Lewinsky that they would deny the relationship—even in the face of a federal subpoena."

That inference, called "the only logical inference," is not only the rankest form of speculation, it is also contrary to the direct evidence.

The undisputed grand jury testimony was that the bear carving was brought back by the President from Vancouver, a trip which occurred weeks before Monica Lewinsky's name appeared on any witness list. We're not even offered speculation as to how the President could foresee that Monica Lewinsky would be on a witness list, and pick up a symbol of strength while in Vancouver so that he could give it to her as a reminder to deny their relationship in the face of some future, unforseen federal subpoena. But even more to the point, when Ms. Lewinsky was asked the direct question at the grand jury whether she interpreted the gift of the Vancouver bear carving as a signal to her to "be strong in your decision to continue to conceal the relationship," her direct, one-word answer was "no."

The Managers' reliance on inferences from testimony of persons whose direct testimony contradicts the inferences was a recurring pattern during this trial. The Managers alleged that the signing of the affidavit and the obtaining of the job for Ms. Lewinsky were linked, based on inference from bits and pieces of testimony of Monica Lewinsky and Vernon Jordan. But Vernon Jordan and Monica Lewinsky explicitly denied any such linkage. Ms. Lewinsky said, "There was no agreement with the President, Jordan, or anyone else that [I] had to sign the Jones affidavit before getting a job in New York." Mr. Jordan told the grand jury in answer to the question whether the job search and affidavit signing were linked, "unequivocally, indubitably, no."

Impeachment and removal should be based on sturdier foundations than the heap of inferences that have been placed before us, when those inferences are pieced together from bits of testimony of witnesses whose direct, explicit testimony contradicts the inferences. The House Managers would have us overlook the forest of direct testimony while getting lost in the trees of their multiple inferences.

The House Managers' case also omitted directly relevant, contradictory material and misstated key facts. For instance, the House Managers argued in their brief that relative to the job search assistance for Ms. Lewinsky, "nothing happened in November of 1997." But, in fact, our Ambassador to the United Nations, at the request of the Deputy Chief of Staff of the White House, offered Ms. Lewinsky a U.N. job on November 3rd.

The House Managers' report explicitly represented that "(t)he first activity calculated to help Ms. Lewinsky actually get a job took place on December 11," and that "(s)omething happened that changed the priority assigned to the job search." What happened, the Managers argued, was a court order "on the morning of December 11" by Judge Wright requiring President Clinton to provide information about prior relationships involving state and federal employees. The Senate was told by the House Managers that "(s)uddenly, Mr. Jordan and President Clinton were now very interested in helping Ms. Lewinsky find a good job in New York" and that Vernon Jordan got active on the afternoon of December 11 when he and Ms. Lewinsky met.

Manager HUTCHINSON said in his argument to the Senate:

> The witness list came in. The judge's order came in. That triggered the President to action. And the President triggered Vernon Jordan into action. That chain reaction here is what moved the job search along.

But that key argument disintegrated before our eyes when it turned out that Judge Wright's December 11 order came late in the day, well after the meeting between Vernon Jordan and Monica Lewinsky, and in addition, the meeting had been scheduled many days before.

With respect to the perjury article, the House Managers failed to meet their burden as well. The President admitted to the grand jury that he did have "inappropriate intimate contact" with Monica Lewinsky when he was alone with her, and the House Managers failed to identify specific statements that would meet the requirements of a perjury charge.

The lack of substantive evidence supporting the charges explains why a panel of five highly regarded former Democratic and Republican federal prosecutors, who appeared before the House Judiciary Committee, testified that this case against the President would not have been pursued by a responsible federal prosecutor. Thomas Sullivan, who served for four years as U.S. Attorney for the Northern District of Illinois, and whom Chairman HYDE described as having "extraordinarily high" qualifications had this to say:

> . . . (I)n conversations with many current and former Federal prosecutors in whose judgment I have great faith, virtually all concur that if the President were not involved—if an ordinary citizen were the subject of the inquiry—no serious consideration would be given to a criminal prosecution arising from alleged misconduct in discovery in the Jones civil case, having to do with an alleged coverup of a private sexual affair with another woman or the follow-on testimony before the grand jury . . . I believe the President should be treated in the criminal justice system in the same way as any other United States citizen. If that were the case here, it is my view that the alleged obstruction of justice and perjury would not be prosecuted by a responsible United States Attorney.

Finally, I have had a deep concern about the impeachment process which formed the basis of this trial. While my decision to reject the articles is based on the inadequate proof of the crimes alleged, the process which brought this matter to trial was deeply flawed.

The articles of impeachment before us are based on materials, the so-called Starr Report, compiled by an outside prosecutor, not by the legislative branch itself, which has under the Constitution the "sole" responsibility for impeachment. Instead of doing an independent investigation, the House of Representatives unwisely delegated, in my judgment, the critically important investigative function to an outside prosecutorial foe of the President and an actual advocate of his impeachment. The House took that prosecutor's record and his testimony and made them the basis of articles of impeachment presented to us.

The contrast to the Watergate investigation and the impeachment of President Nixon is stark. In the Watergate investigation, the Senate convened a select committee in February 1973 to investigate the Watergate break-in and other campaign irregularities in the 1972 election. That committee took testimony for a year. In February 1974, the House voted to direct the House Judiciary Committee to conduct an inquiry into impeachment. The Committee conducted its own investigation, including subpoenaing the White House tapes and calling numerous fact witnesses. The Committee also obtained the report of the grand jury meeting under the authority of Leon Jaworski, the Watergate prosecutor. In deciding to allow the grand jury report to be forwarded to the House Judiciary Committee, Judge Sirica found that the report:

> "draws no accusatory conclusions. . . contains no recommendations, advice or statements that infringe on the prerogatives of other branches of government. . . . (and) renders no moral or social judgments. The Report is a simple and straightforward compilation of information gathered by the Grand Jury, and no more. . . ." (In re Report

and Recommendation of June 5, 1972, Grand Jury Concerning Transmission of Evidence to the House of Representatives, U.S. District Court, District of Columbia, March 18, 1974.)

The report sent to the House of Representatives in the matter before us violated almost every standard followed by Judge Sirica. The Starr Report didn't present the evidence in an impartial manner as contemplated in the independent counsel law. It drew a host of "accusatory conclusions" and rendered judgments. The report contained a large volume of needlessly salacious detail and omitted or dismissed important exculpatory evidence. The impeachment process has suffered as a result.

Moreover, the House made a significant and irreparable mistake in the actual drafting of the articles. Each article alleges multiple acts of wrongdoing. Thus, it would be impossible to determine after a vote on the articles whether a two-thirds majority of the Senate actually agreed on a particular allegation. Article I, for example, charges that President Clinton committed one or more of the 4 possible acts of perjury; Article II charges that President Clinton committed one or more of 7 possible acts of obstruction. Without separate votes on each of the alleged acts, it would be impossible to determine whether two-thirds of the Senate agreed that the President had committed any of the actions alleged. Since the Constitution requires conviction upon a vote of two-thirds of the Senate, the articles as drafted do not allow us to guarantee to the American people that we are complying with the requirements of the U.S. Constitution. This is a flaw that cannot be fixed, because the Senate does not have authority to amend the articles.

Alexander Hamilton in the Federalist Papers asked this question, "Where else than in the Senate could have been found a tribunal . . . [which] . . . would be likely to feel confidence enough in its own situation to preserve, unawed and uninfluenced, the necessary impartiality between an individual accused and . . . his accusers ?"

Each of us, however we vote, will soon answer that question, as we stand between the accuser and the accused, weighing the evidence. The issue before us is not whether the President's conduct was reprehensible; that is clear beyond any reasonable doubt. The issue is whether the President committed the alleged crimes for which he should be removed from office, a proposition which places on his accusers a heavy burden of proof. It is a burden the House Managers have not met, and I will, therefore, vote against the articles of impeachment.

I would like to add my thoughts on censure as well, since this may be the only appropriate opportunity to do so. I support the censure resolution authored by Senator FEINSTEIN, and I commend her for her openness, diligence and hard work in bringing to fruitition a bipartisan product. The President should know, the American people should know, and history should know that by voting to acquit on impeachment, we did not vote to acquit the President for his egregious conduct. I know of no Senator who is not deeply troubled by the President's conduct. While I do not believe the President's conduct in his private, consensual sexual relationship should have become the business of the American public, it did in fact become so, and when it did the President had the duty to tell the truth. And no matter how wrong or improper that disclosure of the President's private life was, it does not justify the lies the President told to the American people, his family and his staff.

I hope that our votes today on impeachment will conclude this unfortunate chapter in our political history and that the President, through a forthright acknowledgment of the wrongfulness of his behavior, will lead the nation toward healing the wounds these events have opened. I believe the American people want an end to this matter more than anything, and that any further criminal investigation of the President with respect to the matters under Mr. Starr's jurisdiction should be immediately concluded. While Senator FEINSTEIN's censure resolution states that President Clinton remains subject to criminal indictment, that is in the resolution as a statement of fact and not as a statement of encouragement. Indictment after this impeachment trial would not be appropriate nor would it be in the public interest. Today's votes should bring this tragic episode to an end.

Ms. SNOWE. Mr. Chief Justice, distinguished colleagues, let me begin by expressing my appreciation to the Chief Justice for his wisdom, for his infinite patience, and for conferring upon this body the judicial temperament envisioned by the Framers.

I would also like to commend both the Senate majority and minority leaders for upholding the dignity of this body, by preserving judiciousness and fairness, and maintaining bipartisanship and civility.

Colleagues, we have arrived at a juncture in our public lives that will largely define our place before the judgment of history, and I think it will be said that justice and the Constitution were well served.

Indeed, the consequences of our decision are manifest in the words of Alexander Hamilton, who wrote of "the awful discretion which a court of impeachment must necessarily have, to doom to honor or to infamy the most confidential and the most distinguished characters of the community."

Those words should weigh heavily upon us. But while the gravity of our task is humbling, the genius of our Constitution is ennobling; for we deliberate not under the imposing shadow cast by the exceptional men who framed this Nation, but in the illuminating light of their wisdom.

Impeachment was designed by the Framers to be a circuitbreaker to protect the Republic, when "checks and balances" would not contain the darker vagaries of human nature. Impeachment empowers the Senate—under the most extraordinary of circumstances—to step outside its legislative role, reach into the executive branch, and remove a popularly elected President.

Impeachment was not, however, devised as an adjunct or independent arm of prosecution. It is not for the U.S. Senate to find solely whether the President committed statutory violations.

Rather, we have a larger question—whether there is evidence that persuades us, in my view beyond a reasonable doubt, that the President's offenses constitute high crimes and misdemeanors that require his removal.

Here is the precise point of our challenge—to give particular meaning to the elusive phrase, "high crimes and misdemeanors." This task is critical, because impeachment is not so much a definition, as it is a judgment in a particular case—a judgment based not upon an exact or universal moral standard—but upon a contemporary and historical assessment of interest and need.

"High crimes and misdemeanors" speak to offenses that go to the heart of matters of governance, social authority, and institutional power—offenses that, in Hamilton's words, "relate chiefly to injuries done immediately to the society itself."

And these crimes must be of such magnitude that the American people need protection, not by the traditional means of civil or criminal law—but by the extraordinary act of removing their duly elected President.

For removal is not intended simply to be a remedy; it is intended to be the remedy. The only remedy by which the people—whose core interests are meaningfully threatened by the President's conduct—can be effectively protected.

This, to me, is what President Woodrow Wilson meant when he referred to "nothing short of the grossest offenses against the plain law of the land." This, to me, is what Framer George Mason meant when he emphasized "great and dangerous offenses."

So in determining whether this President has committed a "great and dangerous offense" requiring removal, we must first weigh all of the credible evidence to identify which acts were actually committed. Then, we must assess the gravity or degree of the misconduct. This process requires that we review the acts from their origin, and the circumstances in their totality.

The allegations in article I do not paint a pretty picture. Indeed, we are all struggling with having to reconcile the President's lowly conduct with the Constitution's high standards. And we should all be concerned with the minimal threshold that he has set, and the poor example he has created for leadership in this country.

The President himself admits he gave evasive and incomplete testimony. He admits he worked hard to evade the truth. He admits he misled advisers, Congress, and the Nation. And he looked all of America in the eye—wagging his finger in mock moral indignation when he did it.

The fact is, the truth is not our servant. The truth does not exist to be summoned only when expedient. And I find his attempts to contort the truth profoundly disturbing. A President should inspire our most noble aspirations. Unfortunately, he has fueled our darkest cynicisms.

And I resent the ordeal he has put this country through—and we should make no mistake about it—whatever else may be said, we are here today because of the President's actions. I resent the shadow he has cast on what should be—and I feel still is—an honorable profession; public service. And I think all of us who take our oaths to heart should resent it.

Finally, as a woman who has fought long and hard for sexual harassment laws, I resent that the President has undermined our progress. No matter how consensual this relationship was, it involved a man in a position of tremendous power, with authority over a 21-year-old female subordinate, in the workplace—and not just any workplace. He has shaken the principles of these laws to their core and it saddens me deeply.

But as I work my way through my distaste, my dismay, and my disappointment, I return to the discipline that the Constitution imposes upon us as triers of fact. My job here is to review the evidence, and to measure that evidence against my standard of proof, and the constitutional standard of high crimes and misdemeanors.

So let's look at the evidence. Article I does not go to perjury about the underlying relationship—that charge was dismissed by the House. Instead, the article before us alleges perjury based on statements about statements about conduct. Unfortunately, what this comes down to is a case of "perjury once removed"—an inherently tenuous charge.

As triers of fact, we are asked under article I not to find whether the President lied, but whether he committed the specifically defined act of perjury. Here, the law is clear that there must be proof that an untruth was told; that it was told willfully; and that it was told about a subject matter material to the case. These are the hard rules of the statute.

In this instance, article I alleges perjury in statements the President made explaining the nature and details of the relationship. Significantly, the underlying subject matter of most of these statements was ruled irrelevant and inadmissable in the underlying civil case that was itself dismissed and settled. To me, these facts undermine the materiality of these statements.

Article I also alleges perjury in the President's statements explaining his concealment of that relationship. Here, I find insufficient evidence of the requisite untruth and the requisite intent. Given, again, that we are talking here about "perjury once removed," I cannot conclude that the President is guilty on article I.

As I look at article II, I have similar concerns and conflicts. Are there any among us who can look at the disturbing pattern that has been laid out for us and not be deeply troubled?

Just look at the allegations. The President may have influenced the filing of an affidavit. The President may have initiated the concealment of potential evidence. And the President may have accelerated a job search, in hopes of influencing a witness.

But for all of this, there is only circumstantial evidence. Despite a 64,000 page record and countless hours of argument and testimony, there is no direct evidence supporting any of these allegations.

To the contrary, where there is direct evidence, the testimony is against the allegations. Indeed, not one witness with firsthand knowledge has come forward since the beginning of this matter to corroborate the charges. So, while I can draw inferences from the evidence, I cannot draw conclusions beyond a reasonable doubt.

The Framers clearly prescribed caution when measuring high crimes, and such caution is all the more important when a case rests on purely circumstantial evidence. Mindful of this caution, I still find that one allegation stands out from the rest; the President's attempt to influence the potential testimony of his personal assistant.

Let's look at the facts. In the President's civil deposition, the President suggested, at least three times, that the attorneys should ask questions of his personal assistant. At the end of the deposition, the judge reminded him of the confidentiality order not to discuss the testimony with others.

Within 2½ hours, the President called his personal assistant to arrange a rare Sunday meeting. At that meeting, the President disclosed to her the contents of his deposition. In a manner that all but reveals the President's motives, he included in his discussion with her false statements about the circumstances of his relationship. Indeed, she would later testify that she believed the President sought her agreement with those statements he was posing.

Consider this critical exchange in the testimony of the President's assistant:

She was asked, "Would it be fair to say then—based on the way he stated it and the demeanor he was using at the time he stated it to you—that he wished you to agree to that statement?" The President's assistant nodded. She was then asked, "And you're nodding your head yes, is that correct?" And she answered, "That's correct."

And he again violated the gag order when he revisited these statements with her several days later.

As an experienced lawyer, the President knew that, by the force of his own testimony, he made his assistant a potential witness.

As a former State attorney general, the President knew he was violating the confidentiality order when he spoke with her.

As a defendant who repeatedly named his assistant, the President knew that his assistant would be subpoenaed.

And she was subpoenaed just 3 days later. But even if she hadn't, the President did not need absolute or direct knowledge that his assistant would testify. Under the law of obstruction, which, unlike perjury, does not expressly require materiality, he only had to know that she could offer relevant facts.

Make no mistake about it, I find the President's behavior deplorable and indefensible.

If I were a supporter, I would abandon him. If I were a newspaper editor, I would denounce him. If I were an historian, I would condemn him. If I were a criminal prosecutor, I would charge him. If I were a grand juror, I would indict him. And if I were a juror in a standard criminal case, I would convict him of attempting to unlawfully influence a potential witness under title 18 of the United States Code.

However, I stand here today as a U.S. Senator, in an impeachment trial, with but one decision—does the President's misconduct, even if deplorable, represent such an egregious and immediate threat to the very structure of our Government that the Constitution requires his removal?

To answer this broad question, we need to ask several finer questions.

Do the people believe that their liberties are so threatened that he should not serve his remaining 23 months? Is the President's violation on par with treason and bribery? What are the inescapable and unprecedented effects of removing a duly elected President? And can the President's wrongdoing be more effectively remedied by criminal prosecution, in a standard court of law, after he leaves office?

These are the questions which drive our consideration of the "gravity" and "degree" of the President's conduct. To this end, I return to the words of another Maine Senator, William Pitt Fessenden, who during the Andrew Johnson trial said that removal must "be exercised with extreme caution" and in "extreme cases." It must, he said, "address itself to the country and the civilized world as a measure justly called for by the gravity of the crime . . ."

In this case, I understand how reasonable minds could differ, for I have struggled long and hard with my own decision.

But the Constitution tempers our passion and measures our judgment. And the Constitution requires each of us to determine not just whether the President violated a statute. For had the Framers intended the offenses charged in this case to require removal in any and all circumstances, they would have specifically included them in the impeachment provisions of the Constitution.

Because they did not, we are compelled to ask ourselves whether the nature and circumstances of his conduct are such that we have no choice but to inflict upon him what one of the House managers called "the political equivalent of the death penalty."

If I could conclude that this President's conduct is of that nature, I would vote to remove him. Because if there is one thing I've learned throughout my 25 years in elective office, it is that the really tough decisions leave us with but one choice—doing what we know to be right and true.

In this instance, among the seven allegations charged in article II, I have only been persuaded beyond a reasonable doubt that the President committed one of them. After due consideration of all the factual circumstances relating to this one finding, and the constitutional dictates and implications of this matter as a whole, I am persuaded that the President's wrongdoing can and should be effectively addressed by the additional remedy expressly provided by the Framers in the Constitution—namely, trial before a standard criminal court. And I am further persuaded that future Presidents, and future generations can be effectively deterred from such wrongdoing by this impeachment and a potential prosecution.

The President's behavior has damaged the Office of the Presidency, the Nation, and everyone involved in this matter. There are only two potential victims left—the Senate and the Constitution—and I am firmly resolved to allow neither to join the ranks of the aggrieved.

From the day I swore my oath of impartiality, I determined that the only way I could approach this case was to ask myself one question, "if I were the deciding vote in this case, could I remove this President under these circumstances?" The answer, I have concluded, is "no"—and therefore, I will vote against both articles of impeachment.

Mr. Chief Justice, I came to this process with an open notebook and an open mind, determined to honor my oath to do impartial justice and serve the best interests of the Presidency, the American people, and the Nation. I stand confident that in doing so, my manner has been impartial, and my judgment has been measured. Therefore, in my mind and in my heart, I believe to a moral certainty that my verdict is just.

As men and women of honor, that is the highest expectation to which we can aspire. For we are writing history with indelible ink, but imperfect pens.

In the end, when future generations dust off the record of what we have done here, may they say we validated the Framers' faith in the Senate. May they say we reached within ourselves to discover our most noble intentions. And may they say we achieved a conclusion worthy not just of our time, but of all time.

Mr. KOHL. Mr. Chief Justice, throughout this process my colleagues from both sides of the aisle have conducted themselves with decency and dignity, exactly the qualities President Clinton's conduct lacked. But we risk opening the floodgates to more party-line impeachments if we oust a President from office for behavior that—while truly deplorable—isn't truly removable. Lowering the standard would do as great a disservice to the Constitution as the President's behavior has done to the Oval Office. So I am voting to acquit on both articles.

I state these conclusions with a certainty I do not feel. We have heard many say these votes are the most difficult they will ever cast, and I agree. This case is made up of many small questions, matters of opinion and fact: Did the President lie? Did he commit perjury? Did he obstruct justice? Did he weaken the judicial system? Did he undermine the Constitution? Are these "high" crimes? Is this what the Founders envisioned when they talked about removal of a President?

Most of us have answers for each of these questions. Most of us will lay them out in well-worded, well-argued statements. But the sum of the answers is not the sum of this case. The sum of our opinions, our findings of fact, and our legal briefs cannot sum up the deep disquiet I feel about the failings, lies, and weakness displayed by the President. Under the cold body of evidence before us runs the bad blood of bad character, and that deeply disturbs me.

The evidence does not prove high crimes, but it does prove low character in our highest office—and that matters, it is relevant, it is material. This nation is not defined merely by demographics, boundaries, geological features, and government regulations; it is also about families and individuals who struggle to be larger, braver, and stronger than their circumstances. It is a nation that has a history of putting lives, faith, and hope in causes bigger than any one person: justice, democracy, freedom. Similarly, the office of the Presidency is not just a set of protocols, formalities, and policies. It is the human face we put on our country, and that face ought to be as honest, just, strong and brave as we all aspire to be—and as our history demands that we be.

That's why character matters. I cannot find a way to fit my concern for that spirit into these very formal, legal proceedings, but I also cannot, in good conscience, let go of my deep concern for the harm and the loss this President has caused. I will not vote for either article of impeachment, but I also will not let go of my firm belief that this President has done real damage to the Office of the Presidency. And I will not let go of a commitment to do everything I can to restore and protect the idea that good character is essential in those who ask to serve and represent this country.

Let me explain in more detail why I am voting against both articles. First, removing a President is a drastic measure, called for in only the most extraordinary circumstances. And our Founding Fathers clearly wanted it to be used sparingly: that's why they limited impeachment to only "high crimes and misdemeanors" involving abuse of power, incapacity to hold office, or a serious threat to our Constitution or system of government.

But the President's conduct, however reprehensible, related to purely personal matters. He lied to the American people. He lied to his family, his friends and his staff. He lied under oath and evidence suggests that he may have obstructed justice. Simply put, his conduct was disgraceful and, possibly, illegal.

However, his actions did not relate to abuse of power. They had nothing to do with his official acts or his capacity to hold office. They did not threaten our Constitution or system of government. Though serious offenses to our American values and decency, they do not rise to the level of constitutional "high" crimes.

Some of my colleagues have a different view, and I respect their position. But even the House prosecutors respect mine. In response to one of my questions, House Manager GRAHAM acknowledged that "reasonable people can disagree" about whether the President should be removed. In fact, he went on to say:

"[I]f I was sitting where you're at, I would probably get down on my knees before I made that decision, because the impact on society is going to be real either way. And if you find the President guilty in your mind from the facts, that's he a perjurer and he obstructed justice, you've got to somehow reconcile continued service in light of that event. And I think it's important for this body not to have a disposition plan that doesn't take in consideration the good of this nation. . . . [Y]ou've got to consider what's best for this nation."

Representative GRAHAM deserves credit for putting candor above partisanship, and inviting us to decide "what's best for this nation." To do that, it makes sense to consider the views of the American people. Most of them know what this case is about and most of them oppose this impeachment. Nothing we've heard clearly justifies rejecting the overwhelming weight of their opinion and removing a twice-elected President.

Indeed, if "reasonable people can disagree," as the House prosecutors concede, have we really met the high threshold established for removal?

To ask that question is to answer it.

It is true, of course, that we have removed judges for lying under oath; for example, ten years ago the Senate removed Judge Nixon on that basis. But impeaching the President, our highest elected official, is far different. Judge Nixon was appointed. He held office during "good Behaviour." At the time of his Senate trial, he was already convicted and sitting in jail. He lied about bribery, not sex. And most importantly, the only way a judge can be removed is by impeachment. A President, on the other hand, can be removed every four years through an election, and is automatically removed after eight years by the 22nd Amendment.

Second, in addition to the constitutional problems, the prosecution has not proved its allegations by clear and convincing evidence. This is especially true on the "obstruction of justice" charge, which is by far the more serious allegation. The House Managers argue that more witnesses would have made a difference in bolstering their case, and they may be right. But why then did the House choose not to call witnesses in its own proceedings, even though it had called "fact" witnesses in nearly every other impeachment?

Third, as many of us told the House in the Judge Nixon impeachment trial, lumping together a series of charges in each article—at least four perjury charges and seven obstruction of justice charges here—isn't fair or responsible. Alarmingly, the President could be found guilty without a two-thirds majority believing any single charge. For example, in theory, even if each obstruction charge were rejected by a 90 to 10 margin, the President could be convicted—because ten different Senators convicting on each of seven separate charges adds up to 70—more than a two-thirds majority.

Mr. Chief Justice, this kind of "one from column A and two from column B" approach may work for a Chinese restaurant, but not for removing a President—or a judge. And this lack of specificity shortchanges the American people, who may never understand which charges were believed and which ones weren't.

Still, President Clinton is not "above the law." His conduct should not be excused, nor will it. The President can be criminally prosecuted, especially once he leaves office. In other words, his acts may not be "removable" wrongs, but they could be "convictable" crimes. Moreover, the House vote of impeachment—and the President's misconduct with Monica Lewinsky—will forever scar this President's legacy. Finally, the Senate can and should censure the President, and we ought make our condemnation of his conduct as strong as possible.

In sum, Mr. Chief Justice, President Clinton's conduct was wrong, reckless and indefensible. Under the Constitution it does not justify removal. But for those who love this country, it demands outrage and disappointment. It demands a commitment from this President and future Presidents, this Congress and future Congresses—not now, and not ever again, to let personal weakness and personal failing stain or shake our democracy. Thank you.

FACTS

Mr. THOMPSON. In 1994, Paula Corbin Jones sued President Clinton for sexual harassment which she alleged he committed against her in 1991, when he was Governor of Arkansas. The Supreme Court of the United States permitted the lawsuit to proceed in 1997.

Monica Lewinsky began work as a White House intern on July 10, 1995. At the time, she was twenty-one years old. She later worked in the Office of Legislative Affairs at the White House. In 1996, she left the White House for a job at the Department of Defense.

The first day that Ms. Lewinsky spoke with President Clinton, November 15, 1995, she and the President engaged in sexual relations. Their sexual relationship lasted until 1997. The two also engaged in telephone sex at least seventeen times, and they exchanged numerous gifts. The two agreed to keep their relationship secret through the use of cover stories. Ms. Lewinsky, if discovered in the Oval Office, was to say that she was delivering papers, although her job duties never included delivering papers. Once she left the White House, her visits to the President were disguised as visits to Presidential secretary Betty Currie.

The President told Ms. Lewinsky that she could return to the White House after the 1996 election had concluded. Although Ms. Lewinsky tried numerous times to regain employment at the White House, she was never able to do so. After being informed by a friend, Linda Tripp, that she would never be permitted to return to the White House, Ms. Lewinsky decided to seek employment in New York, initially receiving and rejecting a job offer with the United States Ambassador to the United Nations. She then decided to seek employment in New York in the private sector. On November 5, 1997, she met with Vernon Jordan, a prominent Washington lawyer and friend of President Clinton, to seek his assistance in securing such a position. This meeting was arranged by Ms. Currie. Mr. Jordan took no action to help her in November, and does not remember meeting her at this time.

On December 5, 1997, attorneys for Ms. Jones notified the President's attorneys of their list of witnesses. That list included Ms. Lewinsky. Although she was unaware at the time that her name was on the Jones litigation witness list, Lewinsky coincidentally decided to terminate her relationship with the President the following day, but was unable to see him at the White House. President Clinton and Ms. Lewinsky initially exchanged angry words that day over the telephone, but later that day, she came to the White House at his invitation. During this meeting, Ms. Lewinsky told the President that Mr. Jordan had not appeared to have done anything to help her in her job search. In a conversation Ms. Lewinsky described as "sweet" and "very affectionate," he told her that he would speak to Mr. Jordan about her job situation. The President did not at that time inform Ms. Lewinsky that her name was on the witness list.

Ms. Currie again called Mr. Jordan, and on December 8, 1997, Ms. Lewinsky called to set another appointment with Mr. Jordan for December 11. Although Ms. Lewinsky provided Mr. Jordan with a list of corporations in which she was interested in obtaining employment, Mr. Jordan determined based on his own contacts which companies he would pursue on Ms. Lewinsky's behalf. Following his meeting with Ms. Lewinsky, acting by his own admission at the behest of the President, Jordan called three corporate executives in New York. He also called the President to report on his efforts on behalf of Ms. Lewinsky.

December 11, 1997 was also the date on which Judge Susan Webber Wright, the presiding judge in the Jones litigation, issued an order permitting Jones' attorneys to pursue discovery concerning the names of any state or federal employees with whom the President had had sexual relations, proposed sexual relations, or sought to have sexual relations.

On December 17, 1997, between 2:00 and 2:30 a.m., the President telephoned Ms. Lewinsky. He informed her that Ms. Currie's brother had been killed, as well as that her name was on the Jones witness list. The President indicated that if Ms. Lewinsky were subpoenaed, she should let Ms. Currie know. He also told her that she might be able to sign an affidavit in that event to avoid testifying. In addition, he suggested that she could say that she was coming to see Betty or was bringing him papers. Ms. Lewinsky says that she understood implicitly that she was to continue to deny their relationship.

Ms. Lewinsky was subpoenaed to testify in the Jones litigation on December 19, 1997. The subpoena also required Ms. Lewinsky to produce all gifts that she had received from the President, and enumerated one specific gift that the President had given Ms. Lewinsky, a hatpin. Because Ms. Currie was in mourning, Lewinsky called Jordan, who invited her to his office. She was in a highly emotional state, and that fact, combined with her statements in the conversation that demonstrated her personal fascination with the President, prompted Jordan to ask whether she, a person for whom he was providing job assistance, had had sexual relations with the President. He says she denied such relations. Jordan took a telephone call from the President during that meeting, and made plans to see him that night. Jordan later called Frank Carter, a Washington lawyer, to arrange a meeting at which he would refer Ms. Lewinsky to Mr. Carter as a client.

Notwithstanding Ms. Lewinsky's denial of sexual relations with the President, Jordan asked President Clinton that same evening the same question. The President also denied having had sexual relations with Ms. Lewinsky. Jordan also conveyed a number of Lewinsky's statements to the President, and informed Clinton that Lewinsky had received a subpoena to testify in the Jones case. Following a discussion in which Lewinsky informed Jordan of the nature of the telephone calls she had had with the President, Jordan drove Lewinsky to a meeting at Mr. Carter's office on December 22.

The President met with Ms. Lewinsky on December 28, 1997, at which time they again exchanged gifts. They discussed the subpoena, and she expressed concern, which the President shared, about the specific enumeration of the hatpin, since that suggested that someone knew details of their relationship. Ms. Lewinsky then suggested taking the gifts out of her apartment or giving them to Ms. Currie. The President responded, "I don't know" or "Let me think about that." Later that same day, Ms. Lewinsky's consistent recollection is that Ms. Currie called her and stated, "I understand you have something to give me" or "the President said you have something to give me." Ms. Currie later drove to Ms. Lewinsky's apartment, picked up a box containing gifts the President had given Ms. Lewinsky, and hid that box under her bed without asking any questions.

On December 31, 1997, Jordan and Lewinsky had breakfast. Lewinsky, fearing that her relationship with the President would become known and wanting to ensure that she not appear responsible for its becoming known, told Jordan that she possessed notes she had addressed to the President that suggested the nature of their relationship. According to Lewinsky, Jordan told her to dispose of those notes. Jordan initially denied that he ever had breakfast with Lewinsky, but later recalled having done so when shown the receipt. But he denied ever telling Lewinsky to destroy any notes.

Ms. Lewinsky pursued filing an affidavit to obviate the need for her to testify in the Jones case. On January 6, 1998, she communicated to Mr. Jordan concerns she had about the affidavit that Mr. Carter had drafted for her. Jordan telephoned Carter with her suggestions. Although Mr. Jordan denies the allegations, Ms. Lewinsky contends that she informed Jordan about the details of Carter's proposed affidavit, and that she and Jordan made changes to it prior to her signing it. Lewinsky also spoke with the President about Carter's questions to her about how she obtained her Pentagon job. The President told her that she "could always say that the people in Legislative Affairs got it for you or helped you get it."

On January 7, 1998, Lewinsky signed an affidavit denying sexual relations with the President. She later testified that the affidavit was false. She showed Jordan the affidavit, and Jordan spoke with the President after conferring with Ms. Lewinsky about the changes. Lewinsky testified that she believed that the President would be satisfied with any affidavit that Jordan approved.

The following day, Lewinsky was interviewed at a company that Jordan had called on her behalf. Believing that the interview had proceeded poorly, she called Jordan, who then called the head of the holding company of the firm with which she had interviewed. Jordan asked that a second interview be granted Lewinsky. She interviewed again the next day, and was made an informal job offer. Jordan testified that his "magic" was responsible for that offer. Lewinsky informed Jordan of her success, and he telephoned Ms. Currie to notify her: "Mission accomplished." He later informed the President.

The President was scheduled to be deposed in the Jones litigation on January 17, 1998. The President knew that one of the issues was his relationship with Ms. Lewinsky. For the affidavit to successfully deflect questions to the President concerning that relationship, the affidavit would have had to have been filed in time for the court to consider it and for the President's lawyers to see it before the deposition. The President's lawyers called Ms. Lewinsky's attorney once on January 14, twice on January 15, and once on January 16. On the 15th, Lewinsky's lawyer, Mr. Carter, sent President Clinton's counsel a copy of the affidavit. Mr. Carter also called the court twice on that day to ensure that the affidavit could be filed on January 17.

During his deposition, President Clinton made numerous false statements while under oath. These included the sexual nature of his relationship with Ms. Lewinsky, and whether they had exchanged gifts. He relied on the same cover stories as he had discussed with Ms. Lewinsky. The President's lawyer used Ms. Lewinsky's affidavit in an attempt to deflect questions about the President's relationship with her, specifically stating that the President had already seen that affidavit. As the President appeared to be paying close attention, he did not contradict his attorney when he represented to the court that "there is absolutely no sex of any kind in any manner, shape or form with President Clinton. . . ." And he testified, when asked by his attorney, that Ms. Lewinsky's affidavit was absolutely true. However, the judge insisted that President Clinton answer additional questions about his relationship with Ms. Lewinsky. These questions were asked based on the judge's peculiar ruling that used only one-third of a standard courtroom definition of "sexual relations" and the plaintiff's attorneys' insistence in using that truncated definition as a reference for questions they posed to the President about the nature of his relationship with Ms. Lewinsky, rather than asking specific questions concerning what had occurred. In six instances, the President answered questions by referencing Betty Currie, such as in using the cover story that Ms. Lewinsky had come to the White House to visit Ms. Currie, and on one occasion, expressly stated that his questioners should "ask Betty." Indeed, Ms. Jones' attorneys later placed Ms. Currie's name on their witness list.

After the deposition, at 7 p.m. that evening, the President called his secretary, Betty Currie, at home. She later testified that she could not remember the President ever calling her at home so late on a Saturday. In that conversation, he asked Ms. Currie to see him in the Oval Office the following day, a Sunday. This was also an unusual occurrence. While in the Oval Office, and contrary to the admonition from the Jones case judge not to discuss his deposition testimony with anyone, the President made the following statements to Ms. Currie: (1) "I was never really alone with Monica, right?" (2) "You were always there when Monica was there, right?" (3) "Monica came on to me, and I never touched her, right?" (4) "You could see and hear everything, right?" (5) "She wanted to have sex with me, and I could not do that."

Once the President met with Ms. Currie on January 18, Ms. Currie began to seek Ms. Lewinsky. She paged Ms. Lewinsky four times that night. Later than 11:00 p.m. that evening, the President called Ms. Currie at home to determine if she had yet reached Ms. Lewinsky. She had not. In a period of less than two hours on the morning of the 19th, Ms. Currie paged Ms. Lewinsky an additional eight times. The President then called Mr. Jordan, who called the White House three times, paged Ms. Lewinsky, and called Mr. Carter, all within twenty-four minutes of receiving the President's call. Mr. Jordan called Mr. Carter again that afternoon and learned that Mr. Carter had been replaced as Ms. Lewinsky's attorney. Mr. Jordan then called the White House six times in the next twenty-four minutes trying to relay this information. Mr. Jordan called Mr. Carter again, and then called the White House again.

On January 20, the White House learned that a story about the President's relationship with Ms. Lewinsky would appear in the next day's edition of The Washington Post. On January 21, the President told his chief of staff and two deputies that he did not have sexual relations with Ms. Lewinsky. He later told one of those deputies, John Podesta, that he had not had oral sex with Ms. Lewinsky.

Later on January 21, the President told his aide, Sidney Blumenthal, that Lewinsky had made a sexual demand on him, and that he rebuffed her. The President told Blumenthal that Lewinsky had threatened him. President Clinton also indicated that Lewinsky said that she was known among her peers as the stalker, that she hated it, and that she would say that she had an affair with the President whether it was true or not, so that she would not be known as the stalker any more. He also told Blumenthal that he felt like a victim who could not get out the truth. Blumenthal later testified that he believes the President lied to him. The President testified that he was aware at the time that he made his statements that his aides might be summoned before the grand jury.

The President also met with his political consultant, Dick Morris, on January 21. The President authorized that Morris conduct an overnight poll measuring potential public reaction to the affair. The poll concluded that the American people would forgive the President for adultery, but not for perjury or obstruction of justice. The President then indicated that "we just have to win, then." The President's lawyers could not answer senators' questions why such a poll had been undertaken if the President had not committed any of these acts.

Shortly after the President met with Mr. Blumenthal, press reports began to appear that, quoting White House sources, characterized Ms. Lewinsky as a stalker, and as an "untrustworthy climber obsessed with the President." Although Mr. Blumenthal in his Senate deposition denied any knowledge of how White House sources were attributed to these stories, one journalist by the time of this writing has sworn to an affidavit stating that Mr. Blumenthal made such characterizations to him. A second similar affidavit has also been filed, corroborating the first one.

Ultimately, Ms. Lewinsky was granted immunity from prosecution by the independent counsel. The independent counsel received from Ms. Lewinsky a dress that according to DNA testing was stained by the President's semen.

On August 17, 1998, the President testified before the grand jury convened by the independent counsel. In a prepared statement, the President made a number of false statements. He stated that he engaged in inappropriate conduct with Ms. Lewinsky in 1996 and 1997, whereas the conduct actually began in 1995, when she was an intern. Based on Ms. Lewinsky's testimony and the dress, he appears to have testified untruthfully about whether he engaged in sexual relations even as that term had been defined at his deposition in the *Jones* case. And he also testified that he was not paying attention to his attorney when the attorney described the affidavit; that his relationship with Ms. Lewinsky had originally begun as a "friendship;" that he made the statements to Ms. Currie after his deposition in an effort to refresh his recollection; and that he told his aides statements that were true about his relationship with Ms. Lewinsky. Nonetheless, when testifying before the grand jury, the President no longer made a number of the assertions that he had made in the deposition, including denying that he was ever alone with Ms. Lewinsky. With respect to his deposition testimony, the President told the grand jury that his "goal in this deposition was to be truthful, but not particularly helpful . . . I was determined to walk through the mine field of this deposition without violating the law, and I believe I did."

The Independent Counsel filed a report with the House of Representatives that referred allegations of possible impeachable offenses. The House of Representatives voted to pass two articles of impeachment against President Clinton, for perjury before the grand jury and for obstruction of justice. Two other articles of impeachment, which had been based on perjury in his deposition in the Jones case and misstatements to the House in response to questions propounded to the President by the House of Representatives, failed to pass the House.

"HIGH CRIMES AND MISDEMEANORS"

The most fundamental question, against which the President's actions must be measured, is "what constitutes an impeachable offense?" The Constitution makes impeachable "treason, bribery and other high crimes or misdemeanors." The Constitution also says that upon conviction in the Senate the President "shall be removed." Therefore, the question becomes, in effect, "what actions constitute grounds for removal?"

It should be noted at the outset that what we have in effect is a "mandatory sentence" wherein if there is a finding of guilt then one particular sentence must be imposed—in this case removal from office. However, unlike judges in a criminal case, the Senate may take into consideration the "punishment" in determining guilt. Some have contended that the President may be guilty of high crimes and misdemeanors, but his actions may not be sufficient for removal. I believe the better analysis is that the Senate may conclude that the President's conduct is not sufficient for removal and that that determination, by definition, means that the President is not guilty of high crimes and misdemeanors. I believe that this analysis is important in understanding the scope of our discretion and helps us get away from the notion that there is an objective standard for high crimes and misdemeanors if we could only find it. Historical analysis covering over six hundred years reveals that there is no "secret list" of high crimes and misdemeanors, but rather our forefathers perpetuated a framework that allows for a certain amount of subjectivity which may encompass changing times and differing circumstances.

Such a conclusion emerges from an examination of English law, original state Constitutions, our federal Constitutional Convention, the ratification debates, American impeachment precedents and scholarly commentary.

The phrase "high crimes and misdemeanors" can be traced back to the thirteen hundreds in England. It was clear from the outset that the phrase covered serious misconduct in office whether or not the conduct constituted a crime. Commentators say that the English impeachment tradition covered political crimes against the state and injuries to the state. Beyond that, it is difficult to glean covered conduct from the English tradition.

Apparently there was only one discussion during the Constitutional Convention that dealt with the phrase high crimes and misdemeanors and that occurred on September 8, 1787. As reported out of Committee, impeachable offenses included only "treason and bribery." Mason wanted to add "maladministration," which was also contained in many state constitutions. Madison was under the impression that such language would leave the President at the mercy of the Senate. Madison relented and we wound up with the phrase as we have it today. The founding fathers quite clearly rejected impeachment for Congressional disapproval of policy. Impeachable offenses were "political" offenses and, as under English law, not necessarily criminal. Other guidance that can be derived from the Convention is the fact that the founders were acutely aware of their rejection of bills of attainder as existed in the English system and, therefore, they thought that impeachable offenses should be something that any reasonable man could anticipate. He should not be punished for some crime made up after the fact. Also, there was to be a requirement for "substantiality." This mechanism was not designed for trivial offenses.

We cannot determine the precise intent of the framers because their deliberations were in secret and nothing was printed from their deliberations. They intended for the ratifiers at the state Conventions to be the more authoritative voice for interpretation of the provisions in the Constitution. It is fair to conclude that the attitude of the ratifiers was reflected to a certain extent in the Federalist papers. The most definitive comments concerning impeachment were by Hamilton in Federalist 65 wherein he stated:

> The subjects of [impeachment] are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may be with peculiar propriety denominated political, as they relate chiefly to injuries done immediately to the society itself.

The ratifiers at the North Carolina convention spoke in terms of serious injuries to the Federal government. James Iredell, later to become an Associate Justice on the Supreme Court, stated that impeachment was "calculated to bring [great offenders] to punishment for crimes which it is not easy to describe but which everyone must be convinced as a high crime and misdemeanor against governments . . . the occasion for its exercise will arise from acts of great injury to the community." He gave as an example of an impeachable offense the giving of false information to the Senate. Impeachment was not for "want of judgment" but rather to hold him responsible for "willfully abusing his trust." Iredell also called attention to the complexity if not impossibility of defining the scope of impeachable offenses with any more precision than the above. And the ratifiers at the Virginia Convention clearly agreed that a President could be impeached for non-indictable offenses.

There was continued discussion and debate after ratification concerning the impeachment process. James Madison contended that the wanton removal of meritorious officers would subject a President to impeachment and removal from office. Forty years later, Justice Story, in his Commentaries insisted that "not every offence" is a high crime and misdemeanor, that "many offences, purely political . . . have been held to be within the reach of parliamentary impeachments, not one of which is in the slightest manner alluded to in our statute book," that "the only safe guide" in determining "high crimes and misdemeanors" "must be the common law," and left open the possibility that actions a civil officer took that were unconnected to his office might be properly the subject of impeachment.

Therefore, it seems that despite the framers' and ratifiers' incomplete discussion, our inability to put our hands on documentation reflecting some of their thoughts, and the fact that perhaps they simply did not think of some of the problems that might arise in the future, we see a certain framework develop—certain perimeters within which our decision should be made.

The Senate's own precedents do not change this evaluation because they are not terribly instructive either. In impeachment cases, the Senate has convicted on seven occasions, acquitted on five, dismissed two cases on jurisdictional grounds and one case was withdrawn because of resignation. An acquittal serves very little value as precedent beyond the facts of the case since an acquittal can be based on any number of grounds (jurisdictional, failure to prove the factual allegations, offenses not rising to the level of impeachable conduct, etc.) and the motivation for the vote is not reflected when the verdict is rendered "not guilty." There is little more help derived from convictions, in terms of precedential value. There has only been one impeachment trial for a President, that of Andrew Johnson, and that, of course, resulted in an acquittal. A large majority of the remainder of the cases have been those of federal judges.

The question has arisen whether judicial impeachments are to be considered by the same standards as presidential impeachments. It seems to me that certainly the application of the standard of "high crimes and misdemeanors" for a president must differ from that of a judge. Removing the President removes the elected head of the nation. Removing a single judge does not carry the same implications for the country. And while a President should act according to the highest standards of probity, it is quite easy to imagine circumstances that would warrant judicial impeachment that would not justify presidential impeachment, such as making official decisions based purely on political considerations. It is also possible that certain crimes would be impeachable if a judge committed them, because of the specific nature of the judicial office in our system of government, but would not be impeachable for a President.

It has been argued that the standard should be different for presidents than judges because the former serves for a fixed term and the latter serve "during good behavior." I do not share that view. The standard itself is the same for each category: treason, bribery, and other high crimes and misdemeanors. But the difference in tenure is relevant in a way. Because impeachment is not punishment and is political, the Framers vested the process in the legislative branch. Prosecution for crimes was lodged in the judiciary. Thus, a President, who cannot be prosecuted while in office, can be impeached and removed from office before he faces criminal prosecution. While a judge can also be impeached and removed before being convicted of a crime, it is also the case that criminal punishment can be, and has been, imposed on sitting judges. But since courts were expressly not given the power to remove civil officers, federal judges who have been criminally convicted and have refused to resign have continued to draw their salary "during good behavior," i.e., until they were impeached. That is the only significance with respect to impeachment of judges and of presidents based on their differing terms of service.

Scholars have looked to the purposes to be served by the impeachment process as well as history in making their own analysis as to the meaning "high crimes and misdemeanors." For Charles Black they would include offenses (1) which are extremely serious, (2) which in some way corrupt or subvert the political and governmental process, and (3) which are plainly wrong in themselves to a person of honor or to a good citizen regardless of words on the statute books.

Also qualifying according to Professor Black would be "serious offense against the nation or its governmental or political processes." Furthermore, he would include purely personal actions that would make a President unviable as a national leader. Murder, of course, would be the prime example here. He would also include a totally different category of offenses which seriously threaten the order of political society as to make dangerous the continuation in power of the President. Finally, he would include actions that would "undermine government and confidence in government" such as serious tax fraud.

Professor Michael J. Gerhardt on the issue of purely personal conduct of the President states: "Even if such a crime were unrelated to the President's Constitutional duties, his criminal act considerably cheapens the Presidency, destroys his credibility with the other branches (and other nations, for that matter), and shows such lack of respect for human life and disdain for the law (which he has sworn to enforce faithfully) that Congress could reasonably conclude that he had seriously breached his trust and no longer deserves to hold office." Again, murder was the easy example.

However, he contends further that an official may be impeached for conduct in office that does not relate to his or her former responsibilities if an office holder violates his public trust and loses the confidence of the people. Then he must forfeit the privilege of holding at least his or her present office. "In this context, conduct that may plainly be unrelated to the responsibilities of a particular office may still relate to an official's capacity to fulfill the functions of that office and to hold the people's trust." He gives the example of income tax fraud.

Gerhardt points out that not all statutory crimes demonstrate unfitness for office, but that on the other hand, there are some indictable offenses for which certain high level government officials may be impeached. Among them are offenses which "demonstrate serious lack of judgment or disdain for the law and the commission lowers respect for the office." In other words, there are certain statutory crimes, that, if committed by public officials, reflect, in Congress' estimation such lapses of judgment, breaches of the public trust and disregard for the public welfare, the law, and the integrity or reputation of the office held, that the occupant may be impeached.

What I derive from this, is that there is no "holy grail" of impeachable offenses. The framers provided the Senate with a framework within which to operate and history provides us with a map, but not a destination. Our conclusions must depend upon the particular circumstances of the case, the nature of the act or acts involved, and their effects on society or integral parts of our political structure.

Today we are faced with an unprecedented situation. The President engaged in inappropriate personal conduct. It had nothing to do with his official duties, but it did involve a federal employee under his supervision, government time and government facilities. In an attempt to conceal and cover up that activity, he lied, misled and helped conceal evidence both physical and testimonial in a court proceeding. In doing so he elicited the help of other government employees. Therefore, the subject matter was essentially private, but the forum, a United States court, became public. One side says that he "only lied about sex," and it had nothing to do with his official duties, therefore, it "clearly does not rise to the level of an impeachable offense." The other side says that *any* perjury and *any* obstruction of justice "clearly does rise to the level of an impeachable offense." I do not think that either position is consistent with history or proper analysis.

For example, I agree with Professor Black that not every imaginable act that might technically constitute obstruction of justice would necessarily be impeachable.

On the other hand, opponents of conviction in the present case, have raised the bar for impeachment to unreasonable heights. Usually they concede that an impeachable offense does not have to be a crime, but often it is maintained that the abuse of power has to come from his public position such as Nixon's abuse of the CIA or FBI. Of course, this immediately runs headlong into the murder hypothetical and many other hypotheticals of serious, although totally personal, conduct as well.

They then make the further argument that the violation has to be "an offense against the state." While I agree that an offense against the state is one of the categories of offenses that impeachment was primarily designed to cover, offenses against the state's governmental and political processes, including the court system, as well as attempts to subvert them, are also impeachable. Besides, it would seem to me, that subversion or serious damage to our governmental institutions constitute offenses against the state.

They also point out that one of the purposes of impeachment is to protect the nation from the offender President. I agree again that this may be one of the purposes of impeachment. However, it is not the only purpose, and protection of the public is not always a requirement. If an offense has been laid bare and totally exposed, and the President is completely incapable of continuing his conduct, this lack of imminent threat to the nation does not necessarily mean that he should not and cannot be impeached. President Nixon probably would not have been forced from office if that were the only criteria.

Opponents of conviction also overlook the fact that we may look to the *effects* of the President's conduct. Actions, even private actions, that serve to undermine the government or the people's confidence in the government or the President, may also be impeachable. In other words, opponents of impeachment rightly point out some of the categories that are applicable in impeachment cases, but they set them forth as exclusive when, in fact, they are not.

The impeachment bar has been raised even higher most recently by respected commentators in the media. The New York Times editorial page, for example, takes a position that the President's action must "threaten the welfare or stability of the state." On another occasion, they stated that the President's actions must "show some fundamental harm to the security interest or stability of the state or some attempt to undermine the Constitution." The problem with this is that there is absolutely no authority to support such a contention. Such a theory relies exclusively upon the "protect the nation" theory of impeachment. The founders certainly did not mean that the President had to be on the verge of throwing the nation into chaos or endangering national security in order to be impeached.

It is extremely important that we refrain from latching onto a definition of "high crimes and misdemeanors" simply because it leads us inexorably to a conclusion which we may desire. Clearly, a President's offense or offenses must be serious and/or have serious consequences. Also, while they do not have to be crimes, my own opinion is that in most cases they will be crimes. They must be crimes against the state, but we cannot adopt an unreasonable restriction of that term. The President does not have to order tanks to move on the J. Edgar Hoover building. Offenses against the state can include activity which will undermine our governmental institutions. How can we say that bribing a judge to effect an outcome in a law suit involving a President's purely personal conduct constitutes an impeachable offense, but say that insinuating perjury into that same law suit to effect the same outcome is clearly not impeachable? And while it is true that the founders meant to cover "public" behavior, I believe they also meant to cover behavior that has a negative effect *on* the public if it is of sufficient gravity. Furthermore, if the President's conduct poses a threat and danger to a country, that certainly is a legitimate (though not exclusive) consideration. If that same conduct serves to undermine the President's credibility and moral authority, that could also pose a danger to the country and is similarly a legitimate consideration. And, again his conduct does not necessarily have to deal with his office. In the Constitution, a named offense is bribery (treason, bribery or other high crimes and misdemeanors), and bribery itself does not necessarily have to do with the President's official capacity, if the President is making the bribe.

I believe that the founders did not intend to make our job easy. They provided no list of offenses. They refused to spare us from the difficult analysis that we must now go through. We must take into consideration the offense or offenses, the capacity in which they were committed, the effect on our public institutions, the effect on our people and our people's attitude toward the Presidency and our other institutions, whether the President's conduct was one or more isolated events, or a pattern of conduct, the period of time over which the conduct was carried out and ultimately decide whether in view of all of these circumstances, it is in the best interest of the country to remove this President.

The significance of a "pattern of conduct" is recognized by John R. Labovitz in his book *Presidential Impeachment*. Labovitz concluded that focusing on whether the President has committed "an impeachable offense" is of limited usefulness, since few individual crimes warrant removal, such as a single act of treason or a single act of bribery. Even in the case of President Nixon, "[i]t was necessary to combine distinct actions into a pattern or course of conduct to establish grounds for removal from office." As he also wrote:

> The concept of an impeachable offense guts an impeachment case of the very factors—repetition, pattern, coherence—that tend to establish the requisite degree of seriousness warranting the removal of a president from office. Just as a recidivist deserves a more stringent sentence than a first offender, so presumably a repeated offender is more likely to deserve removal from an office of public trust, and especially the highest trust in the land. . . . [I]t is necessary to take a less divided view of the charges. Because the remedy is not additive, the offenses must be considered cumulatively in deciding whether or not it should be imposed. The House must decide whether or not to prosecute an impeachment on the basis of the charges taken as a whole. And, unless the Senate is to take the determination of the House without question, it too must judge the combined seriousness of the wrongdoing that is proved.

I believe that this statement is very relevant to the obstruction of justice charge, which I will discuss later.

ARTICLE I—GRAND JURY PERJURY

Article I, after alleging generally that President Clinton violated his oath of office and failed to take care that the laws be faithfully executed by manipulating the judicial process for his personal gain, alleges that on August 17, 1998, following taking an oath to tell the truth, he

> willfully provided perjurious, false, and misleading testimony to the grand jury concerning one or more of the following: (1) the nature and details of his relationship with a subordinate Government employee; (2) prior perjurious, false, and misleading testimony that he gave in a Federal civil rights action brought against him; (3) prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action and (4) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action.
>
> In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.
>
> Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

Never has the Senate convicted on an article worded such as this. Several crimes or categories of crimes (the exact number cannot be determined from reading the article) are charged in this one article. The perjurious statements are not described, nor are their dates. In large part, this article charges that the President committed perjury because he denied prior perjury.

At the outset, it is clear that a count such as this in an indictment would not survive court challenge. However, it is equally clear that the Senate is not bound to follow normal legal rules. Impeachment, Hamilton wrote in Federalist No. 65, "can never be tied down by such strict rules, either in the delineation of the offense by the prosecutors or in the construction of it by the judges, as in common cases serve to limit discretion of courts in favor of personal security." Nevertheless, we should examine the basis for such rules and determine the extent, if any, we should apply them to our deliberations.

The reason for rules against charging several offenses in one article is clear. A group of senators as few as seventeen could conclude that the President was guilty of one offense in the article, and a group of other senators could conclude that the President was guilty of another offense in the article and so on. This could result in the President being found guilty on one article without two-thirds of the senators ever agreeing upon a single offense that the President committed.

Compounding this problem, the individual items alleged in the article are vague because they could reach different instances of objectionable conduct within a general heading. The problem with failing to specifically identify the offenses charged is that it does not give the person charged fair notice. Although I believe that the president had actual notice for the most part, what is actually being charged in this article has not been without dispute.

The articles pending against President Clinton are unique. Never has the Senate considered articles that are simultaneously omnibus, vague, and based upon "one or more" of the charges being proved.

Again, we have substantial leeway in considering these matters, but we must be fair. We are creating precedent, and this is not good practice. The rule of law must apply to the President when it inures to his benefit just as when it inures to his detriment.

The House relies on Rule XXIII of the Senate's impeachment rules as granting this body's tacit approval for the drafting of impeachment articles in the form of those from President Nixon's impeachment proceedings. The House also argues that its committee report provided adequate notice of charges, occupying 20 pages just to list "the most glaring instances of the president's perjurious, false, and misleading testimony before a federal grand jury and requir[ing] 13 pages just to list the most glaring incidents in the president's course of conduct designed to prevent, obstruct, and impede the administration of justice." But this argument underlines the problem. These allegations were not made in the articles themselves, and even now, can it truly be said that these were the entirety of the charges that could have been raised at trial, or even in a later impeachment?

Articles of impeachment henceforth should not permit conviction based upon "one or more" findings of guilt. They should list specific conduct, preferably in separate articles. Removal of elected or appointed government officials, especially a president, should occur only when the public can be sure that the process has been appropriate. Articles such as those before the Senate in this case do not further that goal. The Senate should amend Rule XXIII to permit impeachment articles to be divided, so as to eliminate any incentive for the House to adopt duplicitous articles of impeachment.

In prior impeachments charging false statements, the House has always delineated the date and substance of the false statement. Indeed, in every impeachment proceeding since Judge Pickering in 1803, articles of impeachment exhibited by the House have included allegations of specific misconduct. Although the Senate has at times voted in favor of articles containing multiple or cumulative allegations, it has only done so where specific allegations were made in other separate articles and where the omnibus article was written in the conjunctive. Never has the Senate voted for conviction on an article that charged an individual with "one or more" improper actions.

Unfortunately, instead of following precedent, the House in the case before us deviated from previous practice. In prior cases, the House avoided lumping together several amorphous charges into one article, with conviction permitted if "one or more "alleged offenses had been proved—in all cases but one: Richard Nixon. Here, the House explicitly followed the Watergate example, probably thinking that they would be on safe ground. Unfortunately, the articles drafted against President Nixon were deficient in the extreme.

The first article of impeachment against President Nixon charged that the President had "engaged in a course of conduct or plan designed to delay, impede and obstruct investigations of [the] unlawful entry [of the headquarters of the Democratic National Committee]; to cover up, conceal and protect those responsible; and to conceal the existence and scope of other unlawful activities. The means used to implement this course of conduct or plan have included one or more of the following." The article of impeachment then listed nine separate charges, each extremely broad. The second Nixon article charged dozens of indeterminate criminal offenses within several wide-ranging categories.

The charges contained in the Nixon articles are alarmingly vague and duplicitous. The articles before us are not that deficient; but they represent a second step down a road we should not take. While these problems with Article I in isolation may not be sufficient to defeat this article, they are more than technicalities, and pose potentially serious consequences for the future.

The Senate, of course, did not have occasion to consider the impeachment articles against President Nixon. Only once in its history has the Senate actually considered an article of impeachment charging violations of "one or more" alleged acts. Among the articles of impeachment against Judge Walter Nixon in 1989 was an article alleging that Judge Nixon made "one or more" false statements. Unlike the articles against Presidents Nixon or Clinton, however, the article in question in the case of Judge Nixon specifically enumerated the alleged material false statements, including the date and nature of the statement made. The Senate, though defeating a motion to dismiss the article, nevertheless acquitted Judge Nixon on this article. Several Senators explained their votes to acquit on this article due to the multiplicitous (actually, duplicitous) and disjunctive "one or more" form of the article.

I agree with those senators who criticized the form of the omnibus article of impeachment that was brought against Judge Nixon. An article of impeachment charging a defendant with "one or more" acts is not only unfair to the defendant, but it does not permit senators to perform adequately their constitutional duty and the American people to understand their actions. If the Senate were to convict on a "one or more" acts count of an article of impeachment, the votes to convict would obscure the real basis for each senator's vote. Ultimately, the American people would be deprived of knowing the basis on which the President they duly elected was removed from office.

The Senate also has never been asked to convict someone for conduct that formed the basis for an article of impeachment that was rejected by the House. Although in a literal sense, no such article is before the Senate, in a practical sense that is the situation. The House failed to pass an article of impeachment against President Clinton that accused him of, on January 17, 1998, "willfully provid[ing] perjurious, false, and misleading testimony in response to questions deemed relevant by a Federal judge concerning the nature and details of his relationship with a subordinate Government employee, his knowledge of that employee's involvement and participation in the civil rights action brought against him, and his corrupt efforts to influence the testimony of that employee." Yet, in Article I, the Senate is asked to convict the President based on "one or more" sets of actions, one of which is the President's "prior perjurious, false, and misleading testimony he gave in a Federal civil rights action brought against him." That portion of Article I has resulted in the House recharging all the allegations of perjury made by the President in his civil deposition that were dismissed when the House rejected an article of impeachment that was based on that deposition. The House does so explicitly: "In addition to his lie about not recalling being alone with Ms. Lewinsky, the President told numerous other lies at his deposition. All of those lies are incorporated in Article I, Item 2." House Trial Memo. at 61. The House claims that the President's statement in his grand jury testimony that he intended to be unhelpful but truthful in his deposition, and that he did not violate the law in his deposition, amount to perjury in the grand jury if a single statement in his deposition was perjurious. However, the President did not broadly reaffirm the truth of all his deposition testimony. Indeed, before the grand jury, the President revised many statements he had made in the Jones deposition.

Two perjury statutes have been enacted as part of the federal criminal code. 18 U.S.C. §§ 1623 and 1621. The elements of section 1623 are that the defendant (1) knowingly make a (2) false (3) material declaration (4) under oath in a proceeding before or ancillary to any court or grand jury of the United States. Statements which are misleading but literally true cannot form the basis for a perjury conviction. *Bronston* v. *United States*, 409 U.S. 352 (1973). The most difficult element of the offense is materiality. A statement is said to be material "if it has a natural tendency to influence, or is capable of influencing, the decision of the decisionmaking body to whom it is addressed." *United States* v. *Durham*, 139 F.3d 1325, 1329 (10th Cir. 1998); see *Kungys* v. *United States*, 485 U.S. 759 (1988). The Supreme Court has characterized the conduct prohibited by § 1621 as follows: "A witness testifying under oath or affirmation violates this section if she gives false testimony concerning a material matter with the willful intent to provide false testimony, rather than as a result of confusion, mistake, or faulty memory." *United States* v. *Dunnigan*, 507 U.S. 87, 94 (1993). As with § 1621, testimony that is misleading but literally true does not fall within the ambit of § 1623.

A preliminary matter before consideration of these charges concerns the burden of proof of the charges in the articles of impeachment which I believe should apply. It is well established that senators are free to weigh the evidence in particular cases under a standard they consider appropriate. My own view is that different cases will be considered under different standards, depending on the nature of the particular charge. Impeachment is neither a civil nor a criminal proceeding, but a hybrid. It is therefore inappropriate to always apply one or the other of the criminal or civil burdens of proof. When the consequences to the nation of the alleged conduct are most serious, such as treason, then the Senate should consider the case under a clear and convincing standard, for fear of leaving a likely traitor in office simply because his guilt has not been established beyond a reasonable doubt. By contrast, when the charges allege harms that are not imminently serious to the national well-being, it becomes more appropriate to apply the criminal burden of proof: beyond a reasonable doubt. I concede that the charges alleged here, while serious, do not fall within the former category, and I will therefore review the facts under the beyond a reasonable doubt standard.

With that background, I now consider the facts relating to the three perjury specifications concerning the President's grand jury testimony that are properly before the Senate. The first is his testimony concerning "the details and nature of his relationship with a subordinate Government employee." The President admitted in the grand jury that he had an inappropriate relationship with Ms. Lewinsky.

To be sure, President Clinton contended that the relationship began in 1996, rather than 1995. The House managers note that this is significant because Ms. Lewinsky was an intern in 1995. The House also points out that the President admitted inappropriate conduct "on certain occasions," when, in reality, there were eleven such occasions, and that he had "occasional" telephone encounters with Ms. Lewinsky when there were at least seventeen that contained sexual banter. I do think that these statements constitute perjury. They were false, were made willfully, and were material. Something that happens seventeen times in a year does not occur "occasionally." Given the sensitivity of Ms. Lewinsky's status as an intern, I believe that the President deliberately told the grand jury that his relationship with her began in 1996, when she no longer had that status. Finally, the statement is material because it concerns a matter that the grand jury was investigating as part of its work: the nature of the President's relationship with Ms. Lewinsky. For these reasons, the statement was perjurious.

The President's statement to the grand jury that he regretted that what began as a friendship changed into an inappropriate sexual relationship was also knowingly false, since the two engaged in sexual relations twice on the same day that they first spoke. Thus, the statement was made to deceive, and given that it related to a subject of the grand jury's inquiry, it was material. Therefore, I agree that this statement also constitutes perjury, so that the first item of Article I has been proved. The second item charged in Article I addresses statements the President made in the grand jury regarding the truth of his deposition testimony. For the reasons above stated, I consider finding perjury based on an article of impeachment that the House rejected to be questionable.

The third item charged in Article I concerns grand jury testimony involving "false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action." Before the grand jury, President Clinton testified that he was "not even sure I paid attention to what he [Mr. Bennett] was saying" when his attorney represented to the court that Ms. Lewinsky's affidavit stated that there was no sex of any kind between her and the President. As a factual matter, given the videotape that shows the President concentrating very carefully on his attorney's words and the great importance that he placed on that affidavit and its filing in time, this statement's characterization of the President's attention was certainly false. However, the President said that he "was not even sure" that he was paying attention. It is possible, although unlikely, that he was not sure in August that he was paying attention to that specific statement in January. That would make the statement literally true and thus, by definition, not perjurious. And in any event, I cannot determine beyond a reasonable doubt that his statement was perjurious. Indeed, the real issue is whether President Clinton used the affidavit to obstruct justice: whether he actually was paying attention to his unsuspecting attorney when the affidavit was actually used to obstruct justice is of questionable materiality.

The fourth item of the perjury allegations in Article I concerns "his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action." The first set of facts under this category evidently concerns President Clinton's statements to Ms. Currie on January 18, 1998, which he described as having been made to refresh his recollection. The President's stated reason for making these statements to Ms. Currie was false. He knew that they were not true, and the President knew that Ms. Currie could not testify to their truthfulness. Thus, his statement of purported purpose for making them, as communicated to the grand jury, was made willfully, with the intent to deceive the grand jury. They were material as well, since they went to the issue of whether he had committed a federal crime. They thus constitute perjury.

The second set of facts at issue in item four of Article I apparently concerns whether the President truthfully told the grand jury that when the subject of the subpoenaed gifts arose at his December 28, 1997 meeting with Ms. Lewinsky, he told her "if they asked her for the gifts, she'd have to give them whatever she had, that that's what the law was." Although Ms. Lewinsky never testified that the President said this to her, she once indicated that it sounded familiar. Thus, I am not convinced beyond a reasonable doubt that the President lied when he testified that he made this statement.

The third set of facts in item four of Article I addresses alleged lies that he made to the grand jury concerning the truth of statements that he made to White House aides. Before the grand jury, the President stated that he had told his aides that he did not have sex with Ms. Lewinsky as he defined it, and that he told them "things that were true about this relationship." In reality, the President told them false statements, such as a broader denial of sexual activity than that defined as even he had defined it, and that Ms. Lewinsky was a stalker who came on to him, but whom he rebuffed. The President's statements to the grand jury in this regard were false, and were intended to deceive the grand jury about a federal crime of obstruction of justice through the telling of false statements to persons he knew might become witnesses before that grand jury, and therefore committed perjury.

As noted above, not all impeachable offenses are crimes, and not all crimes are impeachable offenses. While I conclude that one of the three sets of facts at issue in item four of Article I does not constitute perjury, I conclude that the statements concerning Betty Currie, and the statements concerning what he told his aides do constitute perjury. I also find that the President committed perjury with respect to item one of Article I with respect to his statements that he and Ms. Lewinsky's relationship began as a friendship, that it started in 1996, and that he had "occasional" encounters with her. These are the only examples of grand jury perjury that I believe have been proved in the entirety of Article I. The question then is whether these examples of perjury warrant removal of the President for the commission of high crimes and misdemeanors.

Make no mistake, perjury is a felony, and its commission by a President may sometimes constitute high crimes and misdemeanors. But is removal appropriate when the President lied about whether he was refreshing his recollection or coaching a witness about the nature of a sexual relationship? Is removal appropriate when the President lied to the grand jury that he denied to his aides that he had engaged in sex only as he had defined it, when in fact he had denied engaging in oral sex? Is removal warranted because the President stated that his relationship began as a friendship in the wrong year and actually encompassed more telephone encounters than could truthfully be described as "occasional"? To ask the question is to answer it. In my opinion, these statements, while wrong and perhaps indictable after the President leaves office, do not justify removal of the President from office.

In no way does my conclusion ratify the White House lawyers' view that private conduct never rises to impeachable offenses, or that only acts that will jeopardize the future of the nation warrant removal of the President. It simply recognizes how the principles the Founding Fathers established apply to these facts.

I therefore vote to acquit the President of the charges alleged against him in Article I.

ARTICLE II—OBSTRUCTION OF JUSTICE

Article II charges that President William Jefferson Clinton, in violation of his oath of office, and in violation of his constitutional obligation to take care that the laws be faithfully executed

has prevented, obstructed, and impeded the administration of justice, and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding.

The means used to implement this course of conduct or scheme included one or more of the following acts:

(1) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false, and misleading.

(2) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to give perjurious, false and misleading testimony if and when called to testify personally in that proceeding.

(3) On or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him.

(4) Beginning on or about December 7, 1997, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action brought against him in order to corruptly prevent the truthful testimony of that witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him.

(5) On January 17, 1998, at his deposition in a Federal civil rights action brought against him, William Jefferson Clinton corruptly allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit, in order to prevent

> questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge.
>
> (6) On or about January 18 and January 20–21, 1998, William Jefferson Clinton related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.
>
> (7) On or about January 21, 23, and 26, 1998, William Jefferson Clinton made false and misleading statements to potential witnesses in a Federal grand jury proceeding in order to corruptly influence the testimony of those witnesses. The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury, causing the grand jury to receive false and misleading information.
>
> In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.
>
> Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States."

Section 1503(a) of Title 18 of the United States Code states:

> Whoever corruptly, or by threats or force, or by any threatening letter or communication, endeavors to influence, intimidate, or impede any grand or petit juror, or officer of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate, in the discharge of his duty, or injures any such grand or petit juror in his person or property on account of any verdict or indictment assented to by him, or on account of his being or having been such juror, or injures any such officer, magistrate judge, or other committing magistrate in his person or property on account of the performance of his official duties . . . shall be punished as provided in subsection (b).

Courts have interpreted this provision to require the government to prove: "(1) that there was a pending judicial proceeding, (2) that the defendant knew this proceeding was pending, and (3) that the defendant then corruptly endeavored to influence, obstruct, or impede the due administration of justice." *United States* v. *Monus*, 128 F.3d 376, 387 (6th Cir. 1998).

Here, there is no doubt that a judicial proceeding was pending and that President Clinton knew that the proceeding was pending. The question is whether he corruptly intended to influence, obstruct, or impede the due administration of justice. Courts have held that to act corruptly means to act with the intent to influence, obstruct, or impede the proceeding in question. *United States* v. *Mullins*, 22 F.3d 1365, 1369 (6th Cir. 1994); *United States* v. *Littleton*, 76 F.3d 614, 619 (4th Cir. 1996); *United States* v. *Russo*, 104 F.3d 431, 435 (D.C. Cir. 1997). Because the prohibited intent is so closely related to the prohibited act, courts have required a nexus between the obstructing conduct and the target proceedings. Thus, the defendant's acts must have the "natural and probable effect" of interfering with the due administration of justice. *United States* v. *Aguilar*, 515 U.S. 593, 599 (1995). But the defendant need only endeavor to obstruct justice to commit this offense. There is no requirement that he actually succeed in obstructing justice. *Id.* at 599, 600.

Among the acts that courts have concluded violate § 1503(a) include the creation of false documents to be presented in evidence, *United States* v. *Chihak*, 137 F.3d 252 (5th Cir. 1998); and instructing a subordinate to conceal evidence, *United States* v. *Lefkowitz*, 125 F.3d 608 (8th Cir. 1997). These actions are alleged to have occurred in Article II.

Section 1512(b) of Title 18 prohibits witness tampering. Specifically, it prohibits knowingly using one or more of the prohibited forms of persuasion with the intent to prevent a witness's testimony from being presented at official federal proceedings or with the intent to prevent a witness from reporting evidence of a crime to federal authorities. *United States* v. *Thompson*, 76 F.3d 442, 452–53 (2d Cir. 1996). Unlike § 1503, § 1512(b) does not require that the defendant be aware of the pendency of federal proceedings. *United States* v. *Romero*, 54 F.3d 56, 62 (2d Cir. 1995). Courts differ about the standard of corrupt persuasion, but even the more stringent courts agree that it is sufficient if the defendant attempts to persuade a witness "to violate her legal duty to testify truthfully in court." *United States* v. *Morrison*, 98 F.3d 619, 630 (D.C. Cir. 1996). Contrary to the representations of White House counsel at the impeachment trial, it is not necessary that the defendant threaten or cause physical harm to a witness to fall within subsection (b). When the defendant's misconduct takes the form of deceiving a potential witness with the intent that the witness later repeat the deception in federal proceedings, the crime does not require that the potential witness was in fact deceived, nor that there was any particular likelihood that that potential witness would in fact ever be called upon to testify. *United States* v. *Gabriel*, 125 F.3d 89, 102–03 (2d Cir. 1997). The prohibited intent of this subsection is intent to obstruct a federal proceeding.

There are seven specifications of obstruction of justice in Article II. The first two charge that on or about December 17, 1997, President Clinton corruptly urged a witness in a federal civil rights action to execute a false affidavit and to give false testimony if called to testify. That is the day he informed Ms. Lewinsky that she was on the Jones witness list, that she should contact Ms. Currie if she were subpoenaed, and that she could file an affidavit in the case to avoid testifying. In this conversation, the President told Ms. Lewinsky that she could "always say you were coming to see Betty or that you were bringing me letters."

The President conducted an improper relationship with an employee of the federal government, Monica Lewinsky. He carried on that relationship off the Oval Office. He engaged in sexual banter over unsecured telephone lines to Ms. Lewinsky's residence, compromising himself and making himself susceptible to blackmail.

And on December 17, 1997, the President raised to Ms. Lewinsky both the cover stories and filing an affidavit to prevent these facts from being disclosed. While Ms. Lewinsky testified that he did not expressly tell her to raise the cover stories in the affidavit, his intent was unmistakable: to corruptly endeavor to influence Ms. Lewinsky to file an affidavit that would prevent Paula Jones's attorneys from learning of the President's relationship with Ms. Lewinsky, a relationship of the type that the judge in her case had ruled to be relevant. And even if not directly linked to the affidavit, there is no question from Ms. Lewinsky's consistent testimony that the President was asking her to use those cover stories if she were ultimately asked to testify, since that was the context of the conversation. The White House's repeated retort that the relationship with Ms. Lewinsky was consensual, while the allegations by Ms. Jones were of non-consensual sex, is therefore irrelevant. President Clinton did not tell Ms. Lewinsky to lie, but neither did he need to, as she understood that she was to raise the cover stories. Ms. Lewinsky admitted that the affidavit was indeed false. And since Lewinsky's truthful testimony would have definitely led to her being called as a witness, the President clearly understood that Ms. Lewinsky would file an affidavit he had strong reason to believe would be false. That is obstruction of justice, as shown by the cases that have held creation of false documents to be presented in evidence to fit within the statutory prohibition. Moreover, this charge must be considered in connection with the President's discussions with Ms. Lewinsky as her affidavit was being prepared, his conversation with Mr. Jordan after he spoke with her, and his lawyer's deep involvement in ensuring that the affidavit was filed and that the President had an opportunity to see it before that occurred, all of which shed light on what the President intended Ms. Lewinsky to do in that affidavit and if she testified.

The third item of Article II charges that President Clinton, on or about December 28, 1997, corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a federal civil rights action against him. That is the day the President discussed the subpoenaed gifts with Ms. Lewinsky, and there is no doubt that the President indicated that he was "bothered" by the specific gift, a hatpin, that the subpoena requested. In none of the many times that Ms. Lewinsky testified did she ever say that the President told her to turn over the gifts, although once she said that the remark seemed familiar, and a number of times she testified that he asked to think about her suggestion that she give the gifts to Ms. Currie. The gifts, of course, ultimately were secreted under Ms. Currie's bed, and there is no doubt in Ms. Lewinsky's mind that Ms. Currie initiated the call that led to that exchange of the gifts. Since only the President and Ms. Lewinsky were present when the subject of giving the gifts to Ms. Currie was raised, and since Ms. Lewinsky did not call Ms. Currie, the only way that Ms. Currie could have called Ms. Lewinsky and not be surprised to obtain the gifts was if the President had told her to contact Ms. Lewinsky to retrieve them. This is also consistent with the President's course of conduct in this matter.

The President thus corruptly acted to obstruct the *Jones* case by asking Ms. Currie to retrieve and secret the gifts. That constitutes obstruction of justice, as demonstrated by the cases that have convicted defendants of that charge for having instructed subordinates to conceal evidence.

The White House's arguments to the contrary are unpersuasive. It is irrelevant that the President did not initiate the subject of the gifts in his conversation with Ms. Lewinsky. It is also irrelevant that he did not tell her to conceal the gifts. What is relevant is that the President, after thinking about the gifts, instructed Ms. Currie to retrieve the gifts from Ms. Lewinsky. The President's and Ms. Currie's denials simply cannot be squared with the evidence.

Also irrelevant is the fact that Ms. Currie's cell phone call to Ms. Lewinsky occurred at 3:30 p.m., whereas Ms. Lewinsky testified that the gift pickup occurred at 2 p.m. Notwithstanding the White House's willingness to excuse the President's error by two or more months concerning when his improper relationship with Ms. Lewinsky began, while insisting that the cell phone call's 90 minute mistiming is fatal to the theory that Ms. Currie instituted the gift exchange, the cell phone call at 3:30 does not prove that Ms. Lewinsky instituted the gift exchange. First, Ms. Lewinsky testified that she might have been mistaken about the time that Ms. Currie picked up the gifts. Second, there is no evidence that the cell phone call was the one in which Ms. Currie's gift pickup was proposed. Ms. Lewinsky testified that she received other telephone calls from Ms. Currie that day to learn when Ms. Currie was coming to her apartment and also to know when she should actually come outside to meet Ms. Currie.

The White House also maintains that the President would not have given Ms. Lewinsky additional gifts on December 28 if he planned to hide the gifts. The facts do not support that theory. The President gave Ms. Lewinsky those gifts before, pondering Ms. Lewinsky's idea, he determined that he would ask Ms. Currie to retrieve them. Since he had no intent to retrieve the gifts at the time he gave her the gifts on December 28, there is no inconsistency with his later direction to Ms. Currie to pick them up.

The fourth item of Article II alleges that the President, beginning on December 7, 1997, and continuing through January 14, 1998, intensified and succeeded in an effort to secure job assistance to a witness in a federal civil rights action brought against him to corruptly prevent the truthful testimony of that witness. Following a meeting with Ms. Lewinsky in November in which she sought his assistance, Mr. Jordan took no action and provided no help. He does not even remember this meeting. Thus, he made no serious effort to find her a job until after December 7, once the President, not Ms. Lewinsky, asked him to conduct a job search for Ms. Lewinsky. That followed Ms. Lewinsky's appearance on the *Jones* lawyers' witness list, and followed the President's promise to Ms. Lewinsky that he would ask Mr. Jordan to do more to help her find a job.

Although Ms. Currie, not the President, called Mr. Jordan, he was aware that the request came from the President and that he acted at the behest of the President. Jordan did not call the companies Ms. Lewinsky suggested, but rather, the companies where he was likely to produce a job for her. After December 19, Jordan obviously became aware that the President may have been asking him to assist Ms. Lewinsky obtain a job because he may have had a sexual affair with Ms. Lewinsky. That prompted him to ask both Ms. Lewinsky and the President whether such a relationship had occurred. Jordan continued to help find Ms. Lewinsky employment once they both denied that this was the case. However, he took no additional action until the day after Ms. Lewinsky signed the affidavit, when he called the CEO of McAndrews & Forbes to successfully obtain a second interview for her at Revlon after she told him that the first had proceeded badly. Thus, it is true that Mr. Jordan intensified his job assistance to Ms. Lewinsky at the President's request, following the President's, but not Mr. Jordan's knowledge, that she appeared on the *Jones* witness list. Jordan took no further action on her behalf until satisfying himself that each had denied that there had been any sexual relationship. He then obtained a job for Ms. Lewinsky by calling the CEO of the holding company of the company that offered Ms. Lewinsky a job. That call was made the day after Ms. Lewinsky signed her affidavit. Because President Clinton did ask Mr. Jordan to intensify his job efforts to assist Ms. Lewinsky to obtain a job after he knew she was on the *Jones* witness list, the President corruptly obstructed justice by attempting to influence the testimony of a witness in a case against him.

The White House responses to this charge miss the mark. That Ms. Lewinsky had begun her job search in July, and after a few months had not landed a job of her liking is irrelevant to whether, not having obtained a job, the President took steps to make sure she did obtain one once her name appeared on the witness list. That Ms. Lewinsky testified that no one ever promised her a job in return for her silence does not change the fact that these efforts were undertaken. That Linda Tripp suggested that Ms. Lewinsky originally speak with Mr. Jordan means nothing because he took no action following that meeting; only after the President requested that Mr. Jordan assist Ms. Lewinsky once her name appeared on the witness list did he do so. That Mr. Jordan testified that he acted with no sense of urgency is also of no import: it was the President who acted with a sense of urgency, using Mr. Jordan as his agent. Nor is it of consequence that Mr. Jordan placed no undue pressure on the persons he contacted in support of Ms. Lewinsky. The corrupt influence in obstruction of justice that matters is directed to the witness, not to the prospective employer of the witness. President Clinton knew, and Mr. Jordan knew, that the "Jordan magic" in finding people employment did not depend in any way on undue pressure being applied. Thus, the White House's contention that there was no connection between Ms. Lewinsky obtaining her Revlon offer and Mr. Jordan's call to Mr. Perelman is denied by Mr. Jordan himself. President Clinton could be sure that Mr. Jordan would find Ms. Lewinsky a job when her testimonial support of his denials was critical without his own need to do anything. It is also irrelevant that she did not obtain a job offer in each company Mr. Jordan called. Nothing in the record shows that the President ever requested Mr. Jordan to find employment for any White House intern who was not on a witness list in a federal case pending against him. The President obstructed justice through using Mr. Jordan to find Ms. Lewinsky a job once her name appeared on the *Jones* witness list.

The fifth item of Article II claims that the President obstructed justice by corruptly allowing his attorney to make false and misleading statements to a federal judge. In the President's presence, his attorney represented to the court, based on Ms. Lewinsky's affidavit, that the President had seen the affidavit, and that it showed that "there is absolutely no sex of any kind in any manner, shape or form with President Clinton," a statement his lawyer later retracted out of professional ethics obligations. The affidavit stated, *inter alia*, that "I have never had a sexual relationship with the President, he did not propose that we have a sexual relationship . . ." and "the occasions that I saw the President after I left my employment at the White House in April, 1996, were official receptions, formal functions or events related to the U.S. Department of Defense, where I was working at the time. There were other people present on those occasions." The President testified that the affidavit was "absolutely true." The President knew that Ms. Lewinsky's affidavit would be used to perpetrate a fraud on the court, and because he was briefed on its contents by his attorney in advance, he knew that his attorney misunderstood the affidavit, and would inadvertently present the affidavit to the court in a false light. Yet, he took no action to either change his lawyer's understanding or to prevent the use of the affidavit under those conditions. Moreover, with knowledge that the affidavit used the cover stories that he had reminded Ms. Lewinsky to continue on December 17, he testified to those same cover stories. Regardless of whether he was paying attention at the moment that this happened, the President clearly knew at the time the deposition commenced that the affidavit would be used in a way that perpetrated a fraud on the court and on Ms. Jones's proceedings. He corruptly impeded Ms. Jones's efforts to prove the fact relevant to her case that Mr. Clinton had had a sexual relationship with another government employee. He did so intentionally by allowing that affidavit to be portrayed by an officer of the court as proof that there was in fact no sexual relationship between the President and another government employee. That is obstruction of justice. The White House has addressed these facts only with respect to whether the President's statement denying that he was in fact paying attention to his attorney as opposed to looking at him constituted perjury, but has never refuted the President's knowledge that a false affidavit would be used in the deposition to obstruct the proceeding.

The sixth item of Article II concerns the President's obstruction of justice by relating false and misleading statements to Betty Currie in order to corruptly influence her testimony. The President's conversation with Ms. Currie followed his telephone call to her, a call that she testified was made later on a Saturday than any call she had ever received from the President at home. The conversation occurred on a Sunday, when it was rare for Ms. Currie to come to the White House. The conversation occurred in the Oval Office, where the President would exercise the full powers and trappings of his office in the presence of a subordinate. The conversation addressed issues from the President's testimony in the *Jones* case, despite the fact that at the end of his deposition, the presiding judge ordered him not to discuss his testimony with anyone. In that conversation, the President told Ms. Currie statements that he knew to be false about his relationship with Ms. Lewinsky, and that she also knew were false. Two or three days later, that is, the day the President learned that the court had permitted Independent Counsel Starr to expand his inquiry into the Lewinsky matter or the day after, the President repeated these same statements to Ms. Currie.

The President's call to Ms. Currie followed rapidly upon his deposition in the *Jones* case, its questions concerning Ms. Lewinsky, and his repeated answers to such questions by invoking Ms. Currie's name, one of which invited the Jones attorneys to "ask Betty." In fact, Ms. Jones' lawyers placed Ms. Currie's name on their witness list. The "questions" that he asked were leading, and even according to Ms. Currie, were more like statements than questions. He asked her to agree that he was never really alone with Ms. Lewinsky, even though they both knew that he had been alone with her. He asked her to agree that she was always there when Ms. Lewinsky was there, even though she could not logically know whether Ms. Lewinsky had ever been there when Ms. Currie was absent. He asked her to agree that Ms. Lewinsky came on to him and that he never touched her, even though Ms. Currie would have had no ability to know those "facts." He asked her to agree that she had seen and heard everything, when that was also not the case. And he suggested to her that Ms. Lewinsky wanted to have sex with him and that he could not do that.

These statements constitute witness tampering. The President engaged in misleading conduct, through the use of false statements and omissions to mislead, toward Ms. Currie, with intent to influence her testimony in a federal court proceeding. He acted corruptly, because he acted with the improper purpose of obtaining false testimony from a witness who would corroborate the lies he issued in the *Jones* deposition to obstruct that case. As stated above, witness tampering convictions need not rest on the defendant's actually having deceived the potential witness or any particular likelihood that the potential witness would in fact ever be called upon to testify. *United States* v. *Gabriel*, 125 F.3d 89, 102–03 (2d Cir. 1997).

The White House arguments in response to these facts is inadequate. It is inadequate as a matter of law for the White House to contend that the President did not know that Ms. Currie was an "actual or contemplated witness," and is difficult to accept that proposition factually. Nor as a matter of law is it "critical," as the White House contends, that Ms. Currie testified that she felt no pressure to agree with the President. Witness tampering under §1512 can be accomplished through "misleading conduct," which includes the making of false statements or intentional omissions that make statements misleading. The White House counsel repeatedly argued that threats are necessary for witness tampering, even after senatorial questions demonstrated the White House's misstatements of the law. The White House also misstated the law of witness tampering by claiming that there "must be a known proceeding." In fact, the defendant need not know that there is any pending federal proceeding to constitute witness tampering. *United States* v. *Kelley*, 36 F.3d 1118, 1128 (D.C. Cir. 1994). The White House contends that the President could not have tampered with Ms. Currie in the proceeding in which she was ultimately a witness, the independent counsel's investigation, since the President could not have known that it existed, at least as of January 18. But the statute does not require that the defendant know of any pending or even contemplated proceedings so long as he engages in misleading conduct with respect to a potential witness. *United States* v. *Romero*, 54 F.3d 56, 62 (2d Cir. 1995).

The White House's factual defense to this charge is also insufficient. The President could not have made these false statements to Ms. Currie for the purpose of refreshing his recollection. Nor could he have spoken with her for the purpose of seeking information for the same reason. These claims also do not explain why he simply did not ask her the questions over the telephone on the night of the seventeenth, if that was his intention, or explain why he spoke with her a second time.

The seventh item of Article II alleges that the President obstructed justice by relaying false and misleading statements to his aides. On January 21, the President told his chief of staff and two deputies that he had not had sexual relations with Ms. Lewinsky. On January 23, he told one of those deputy chiefs of staff, John Podesta, that he did not engage in oral sex with Ms. Lewinsky. The President on January 21 told his aide, Sidney Blumenthal, that Ms. Lewinsky had threatened him. President Clinton also indicated that Lewinsky was known among her peers as the stalker, and that she would say that she had an affair with the President whether it was true or not, so that she would not be known as the stalker any more. Blumenthal later testified that he believes the President lied to him. The President testified that he was aware at the time that he made his statements that his aides might be summoned before the grand jury. These facts constitute paradigmatic witness tampering. The President knowingly engaged in misleading conduct, as defined in the statute, towards his aides, with intent to influence the testimony of those aides in an official proceeding.

Once again, the White House's arguments to the contrary are unavailing. The charge is not that the President lied to his friends, as the White House maintains, but that he lied to potential witnesses about his conduct that the grand jury was investigating. It is not relevant, as the White House contends, that the President did not attempt to influence his aides' own personal knowledge, only their knowledge of the President's views, nor, as stated above, is it relevant as a matter of law that the President did not know that any of these individuals would ultimately become witnesses. Most surprising was the claim that Mr. White House Counsel Ruff raised for the first time in closing argument that the President could not be convicted of obstructing justice with respect to his conversations with Mr. Blumenthal because the fact that the President claimed executive privilege with respect to his conversation with Mr. Blumenthal meant that he never expected the grand jury to hear about it. The President's conversation with Mr. Blumenthal was not subject to a legitimate claim of executive privilege for two independent reasons. First, it was not a discussion that related to the President's official duties. Second, it constituted evidence of crime in and of itself. There was no possibility that any court would have ever upheld such a personally self-serving and frivolous misuse of executive privilege, and the President, as a former constitutional law professor during the time of Watergate fully understood that, as does Mr. Ruff. Indeed, Mr. Blumenthal was required to testify to the grand jury about this conversation notwithstanding the fact that the President did invoke an unwarranted executive privilege claim in an attempt to prevent its disclosure. Nor is there evidence that the President intended to claim executive privilege at the time that he had his conversation with Blumenthal. In any case, there was no reason for the President to tell this tale to Mr. Blumenthal except to disseminate it to his press contacts and on any occasion when he might appear before the grand jury.

Each and every allegation of obstruction of justice and witness tampering has thus been proven. The question then arises whether the conclusion that the President has broken the law in this respect warrants his removal from office. Since all have been proven, I am far less concerned that the "one or more" language appears in this article. It is appropriate to charge an omnibus article in which a series of specific charges are leveled, a finding of guilt on each of which is required for conviction.

President Clinton has committed a pattern of acts of obstruction of justice. The record demonstrates that the President, when his misconduct became relevant to a civil court proceeding in which he was a defendant, used all the methods at his disposal, including his status as President, to obstruct these proceedings and to keep the truth from emerging, including:

coaching and encouraging a witness, another federal employee, Betty Currie, to give false testimony;

facilitating and encouraging Monica Lewinsky to submit an affidavit that he had reason to believe would be false;

through Vernon Jordan, securing employment for Monica Lewinsky in order to keep her from divulging to the court the true nature of their relationship;

using government employees to transfer false information to the grand jury;

allowing a false affidavit to be used to perpetrate a fraud on a federal court;

after lying in a civil deposition, authorized a poll and made a cold, calculated decision based on those poll results to continue his obstruction;

attempting to speak to Monica Lewinsky before she might testify truthfully to the independent counsel about their relationship;

following his inability to contact Monica Lewinsky, telling defamatory lies about her in order to discredit her with his aides and with the public;

facilitating the hiding of evidence in a civil lawsuit;

providing false and misleading testimony in both a civil deposition and before a grand jury in order to protect his personal interests;

lying to the American people in order to cover up his own personal misconduct;

still failing to acknowledge that he committed the above actions, while admitting only as little as he has been forced to by the discovery of definitive physical evidence.

For at least nine months and in some respects up until today, the President has done everything within his power to bring about a miscarriage of justice in both a civil court proceeding and a criminal court proceeding. He took these actions for the sole purpose of protecting himself personally, politically and legally. For those who emphasize the private nature of his original misconduct, I would ask if he should be protected because he obstructed justice for such a low purpose? Time and again, and with premeditation, he was willing to use government personnel to assist in his coverup and his lies, acknowledging part of the truth only when confronted with physical evidence. And he carried his lies and cover up right on into legal proceedings with the grace and ease of someone who regarded a court of law as deserving of no more respect than if he were dealing with a stranger on the street. It is this persistent relentless, remorseless pattern of conduct that requires a verdict of guilty. He was willing to lie, defame, hide evidence and enlist anyone necessary, including government employees over and over again. At every juncture when he had the opportunity to stop, relent or come clean with a forgiving public, he chose instead to go forward. And even today he refuses to acknowledge the damage he has done to the Presidency and the Judiciary, choosing instead to rely upon his high job approval rating and acknowledging only what he is forced to after the production of physical evidence.

Consider what those who oppose impeachment say about his actions:

Senator Bumpers, one of the counsel for the President during his trial, described the President's conduct as "indefensible, outrageous, unforgivable, shameless." The New York Times editorialized that "President Clinton behaved reprehensibly, [and] betrayed his constitutional duty to uphold the rule of law. . . ." A censure resolution offered by members of his own party in the House, including one of the strongest opponents of impeachment in the Judiciary Committee, concluded that President Clinton "egregiously failed in []his obligation" "to set an example of high moral standards and conduct himself in a manner that fosters respect for the truth;" "violated the trust of the American people, lessened their esteem for the office of President, and dishonored the office which they have entrusted to him;" "made false statements concerning his reprehensible conduct with a subordinate;" and "wrongly took steps to delay discovery of the truth." Respected members of the President's party in this body expressed or shared the expression of the view that his actions were "disgraceful," that it was "dismay[ing]" to consider "the impact of his actions on our democracy and its moral foundations," that it was "immoral" and "harmful" since "the President's private conduct can and often does have profound public consequences" and "compromised his moral authority," and they described his deception as "intentional and premeditated."

So we castigate the President in the most bitter terms; decry his disgraceful conduct and his damage to the institutions we hold most dear; disgrace him with the most condemnatory language at our command and yet refuse to even consider his removal from office? By such action we treat the loss of public office as the worst fate imaginable, reserved for only the most treasonous of villains. Has public office become so precious in the United States that we treat it as a divine right? Actually, by such treatment we cheapen it.

At a time when all of our institutions are under assault, when the Presidency has been diminished and the Congress is viewed with scepticism, our Judiciary and our court system have remarkably maintained the public's confidence. Now the President's actions are known to every school child in America. And in the midst of these partisan battles, many people still think this matter is just "lying about sex." But little by little, there will be a growing appreciation that it is about much more than that. And in years to come, in every court house in every town in America, juries, judges, and litigants will have the President's actions as a bench mark against which to measure any attempted subversion of the judicial process. The notion that anyone, no matter how powerless, can get equal justice will be seen by some as a farce. And our rule of law—the principle that many other countries still dream about—the principle that sets us apart, will have been severely damaged. If this does not constitute damage to our government and our society, I cannot imagine what does. And for that he should be convicted.

Mr. MOYNIHAN. Mr. Chief Justice, Senators, I speak to the matter of prudence. Charles L. Black, Jr. begins his masterful account *Impeachment: A Handbook* with a warning: "Everyone must shrink from this most drastic of measures. . . . [t]his awful step."

For it is just that. The drafters of the American Constitution had, from England and from Colonial government, fully formed models of what a legislature should be, what a judiciary should do. But nowhere on earth was there a nation with an elected head of an executive branch of government.

Here they turned to an understanding of governance which marks the American Constitution as a signal event in human history—what the Framers called "the new science of politics." What we might term the intellectual revolution of 1787. The victors in the Revolution could agree that no one, or not many, wanted another monarchy in line with the long melancholy succession since Rome. Yet given what Madison termed "the fugitive and turbulent existence of . . . ancient republics," who could dare to suggest that a modern republic could hope for anything better?

Madison could. And why? Because study had produced new knowledge, which could now be put to use. This great new claim rested upon a new and aggressively more "realistic" idea of human nature. Ancient and medieval thought and practice were said to have failed disastrously by clinging to illusions regarding how men ought to be. Instead, the new science would take man as he actually is, would accept as primary in his nature the self-interestedness and passion displayed by all men everywhere and, precisely on that basis, would work out decent political solutions.

This was a declaration of intellectual independence equal to anything asserted in 1776. Until then, with but few exceptions, the whole of political thought had turned on ways to inculcate virtue in a small class that would govern. But, wrote Madison, "If men were angels, no government would be necessary." We would have to work with the material at hand. Not pretty, but something more important: predictable. Thus, men could be relied upon to be selfish; nay, rapacious. Very well: "Ambition must be made to counteract ambition." Whereupon we derive the central principle of the Constitution, the various devices which in Madison's formulation offset "by opposite and rival interests, the defect of better motives."

Impeachment was to be the device whereby the Congress might counteract the "defect of better motives" in a President. But any such behavior needed to be massive and immediately threatening to the state for impeachment ever to go forward. Otherwise a quadrennial election would serve to restitute wrongs.

Further, they had a model for this process in the impeachment of Warren Hastings which had begun in April of 1786 with Edmund Burke presenting twenty-two "Articles of Charge of High Crimes and Misdemeanors." The debate in the House of Commons continued into 1787 and was reported in the Pennsylvania Gazette.

Burke was hardly a stranger to the Americans at Philadelphia. He had championed the cause of the American colonies during the Revolution, and was now doing much the same as regards the governance of British India. He accused the Governor General of the highest crimes possible against, inter alia, the peoples of India.

At Philadelphia, the standard for impeachment was discussed only once—on Saturday, September 8, 1787. At that point in the convention, the draft of the clause in the Constitution pertaining to impeachment referred only to "treason and bribery."

Here are Madison's notes of the debate that day:

> The clause referring to the Senate, the trial of impeachments against the President, for Treason & bribery, was taken up.
>
> Col. MASON. Why is the provision restrained to Treason & bribery only? Treason as defined in the Constitution will not reach many great and dangerous offences. Hastings is not guilty of Treason. Attempts to subvert the Constitution may not be Treason as above defined. As bills of attainder which have saved the British Constitution are forbidden, it is the more necessary to extend: the power of impeachments. He mov.d to add after "bribery" "or maladministration." Mr. GERRY seconded him.
>
> Mr. MADISON So vague a term will be equivalent to a tenure during pleasure of the Senate.
>
> Mr. GOV.r MORRIS, it will not be put in force & can do no harm. An election of every four years will prevent maladministration.
>
> Col. MASON withdrew "maladministration" & substitutes "other high crimes & misdemeanors ag.st the State."

The convention later replaced the word "State" with "United States." And on September 12, 1787, the Committee of Style—which had no authority to alter the substantive meaning of the text—deleted the words "against the United States."

Thus the Framers clearly intended that a President should be removed only for offenses "against the United States." It may also be concluded that the addition of the words "high Crimes and Misdemeanors" was intended to extend the impeachment power of Congress so as to reach "great and dangerous offences," in Mason's phrase.

The question now before the Senate is whether the acts that form the basis for the Articles of Impeachment against President Clinton rise to the level of "high Crimes and Misdemeanors." Which is to say, "great and dangerous offences" against the United States.

Over the course of 1998, as we proceeded through various revelations, thence to Impeachment and so on to this trial at the outset of 1999, I found myself asking whether the assorted charges, even if proven, would rise to the standard of "great and dangerous offences" against the United States. More than one commentator observed that we were dealing with "low crimes." Matters that can be tried in criminal courts after the President's term expires. Early in his address to the Senate our distinguished former colleague Dale Bumpers made this point:

> Colleagues, you have such an awesome responsibility. My good friend, the senior Senator from New York, has said it well. He says a decision to convict holds the potential for destabilizing the Office of the Presidency.

The former Senator from Arkansas was referring to an article in The New York Times on December 25th in which I said this:

> We are an indispensable nation and we have to protect the Presidency as an institution. You could very readily destabilize the Presidency, move to a randomness. That's an institution that has to be stable, not in dispute. Absent that, do not doubt that you could degrade the Republic quickly.

This could happen if the President were removed from office for less than the "great and dangerous offences" contemplated by the Framers.

In Grand Inquests, his splendid and definitive history of the impeachments of Justice Samuel Chase in 1804, and of President Andrew Johnson in 1868, Mr. Chief Justice Rehnquist records how narrowly we twice escaped from a precedent that would indeed have given us a Presidency (and a Court) subject to "tenure during the pleasure of the Senate."

It is startling how seductive this view can be. In 1804 it was the Jeffersonians, including Jefferson himself, who saw impeachment as a convenient device for getting rid of a Justice of the Supreme Court with whose opinions they disagreed. Not many years later Radical Republicans sought the same approach to removing a President with whom they disagreed over policy matters.

It could happen again. Impeachment is a power singularly lacking any of the checks and balances on which the Framers depended. It is solely a power of the Congress. Do not doubt that it could bring radical instability to American government.

We are a blessed nation. But our blessings could be our ruin if we do not see how rare they are. There are two nations on earth, the United States and Britain, that both existed in 1800 and have not had their form of government changed by force since then. There are eight—I repeat eight—nations which both existed in 1914 and have not had their form of government changed by violence since then: the United States, the United Kingdom, Australia, Canada, New Zealand, South Africa, Sweden, and Switzerland.

Senators, do not take the imprudent risk that removing William Jefferson Clinton for low crimes will not in the end jeopardize the Constitution itself. Censure him by all means. He will be gone in less than two years. But do not let his misdeeds put in jeopardy the Constitution we are sworn to uphold and defend.

Mr. GRAHAM. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

Those words were a radical declaration when spoken in 1776. Never before had it been asserted that the purpose of government was to secure the individual freedoms and liberties of its citizens. To the contrary, previous governments existed for the opposite purpose; to control the people and suppress their aspirations.

Eleven years after the Continental Congress approved these revolutionary sentiments—and after a violent war which severed the colonies' tie to King George III—many of the same individuals who had declared independence gathered again in Philadelphia to secure those rights so recently and tenuously won.

The governmental structure they constructed during those weeks in the oppressive summer heat was far from simple. But its complexity wasn't an accident, or simply a result of the diverse geographical and economic interests represented at the Constitutional Convention. As our colleague Senator PATRICK MOYNIHAN has so aptly observed, our government was the first to insert conflict as a conscious element, to achieve inefficiency by design.

Our nation's founders had personal knowledge of and experience with English history, in which both Kings and Parliaments had at times exerted excessive power over the people. They realized that liberty would be enhanced if political power was divided instead of centralized.

Unlike other forms of democracy, where a no confidence vote of the national legislature can bring down a government at any time, the Framers took great pains to establish a delicate balance of powers—and a careful system of checks and balances—between the nation and the states and among the executive, legislative, and judicial branches of the federal government. They created a structure in which every branch would have the strength needed to keep excessive power from flowing into the hands of any other branch and thus threatening the liberties of the people.

This determination to achieve balance is reflected in the discussion of impeachment and removal from office in Article I, Section 3 of the Constitution. By requiring action from both houses of Congress, and mandating a two-thirds Senate majority for removal, the Framers purposely made it difficult for Congress to undo the results of a properly constituted Presidential election—one of the most disruptive acts imaginable in a democracy—and relieve a President of his or her constitutional duties. The Framers wisely recognized that impeachment, when improvidently used, could create an overbearing Congress from the ruins of a destabilized and delegitimized Presidency.

But the Framers' attention to balance was not limited to the procedures of impeachment. They also made clear their belief that impeachment and removal from office should only be an option in situations in which a President becomes a threat to the government and the people it serves. We see this in their small number of enumerated offenses—Treason, Bribery, other High Crimes and Misdemeanors—and in their commentary.

For example, at the Constitutional Convention in 1787, George Mason said that the term "high crimes and misdemeanors" referred to "great and dangerous offenses" and "attempts to subvert the Constitution."

Mr. Chief Justice, the President's self-indulgent actions were immoral. Disgraceful. Reprehensible. History should—and, I suspect, will—judge that William Jefferson Clinton dishonored himself and the highest office in our American democracy.

But despite their disreputable nature, President Clinton's actions should not result in his conviction and removal from office. After careful objective study of each article presented by the House of Representatives, I have concluded that the charges against the President do not meet the high constitutional standards established by the Framers. Removal of this President on the grounds established by the House Managers would upset the delicate balance of powers so meticulously established 212 years ago.

Mr. Chief Justice, the Framers set high standards for removal because they understood that the office of the Presidency would be held by imperfect human beings. They assembled a government that could withstand personal failings.

We should be outraged that William Jefferson Clinton's personal failings debased himself and his office. But they did not cause permanent injury to the proper functioning of our government. He did not upset the constitutional balance of powers.

I hope that the Chief Justice, my colleagues, and the American people will not misinterpret my comments. While it has not been proven that President William Jefferson Clinton committed the high crimes and misdemeanors required for removal from office, he is not above the law. His acquittal in this impeachment trial is not exoneration.

The framers made this clear in Article I of the Constitution. They established that an impeached President, even if convicted and removed from office, would still "be liable and subject to Indictment, Trial, Judgement, and Punishment, according to law." When this President leaves office, he could face sanction or conviction for his actions.

Mr. Chief Justice, during the questioning phase of this trial, I sought assurances from the President, through White House Counsel Mr. Charles Ruff, that he would not attempt to circumvent this judicial process by seeking a pardon for his actions. Counsel Ruff responded as follows:

> I have stated formally on behalf of the President in response to a very specific question by the House Judiciary Committee that he would not, and, indeed, we have said in this Chamber, and we have said in other places, that the President is subject to the rule of law like any other citizen and would continue to be on January 21, 2001, and that he would submit himself to whatever law and whatever prosecution the law would impose on him. He is prepared to defend himself in that forum at any time following the end of his tenure. And I committed on his behalf, and I have no doubt that he would so state

himself, that he would not seek or accept a pardon.

I take Counsel Mr. Charles Ruff at his words. Once the President leaves office, he will be subject to the same prosecutorial and judicial review that all Americans face.

Mr. Chief Justice, now that we are at the end of this divisive and unpleasant experience, what have we learned?

We have learned that the Constitution works. The Framers made it clear that the President should only be impeached and removed from office in cases where he becomes a threat to the government and the governed. The President's acquittal will uphold the sanctity of the office and prevent a weakening of the balance of powers that protects our individual rights and liberties.

We have reaffirmed the principle that no man is above the law. While I believe that the President is not guilty of high crimes and misdemeanors in this court of impeachment, he will be subject to legal sanction in other forums when he becomes a private citizen.

Mr. Chief Justice, the President's misdeeds will affect his standing in history. But they do not justify the first removal of a President of the United States from the office to which he was elected by the American people. When my name is called on the roll, I will vote "not guilty" on both articles of impeachment.

Mr. ALLARD. As we all know, this impeachment trial has been a difficult process for the Senate and for our nation.

As this trial draws to a close each of us has the solemn duty of voting our conscience according to the dictates of the Constitution. I do not take this responsibility lightly.

For me, the vote in this trial will be the second most important of my Congressional career. The only other vote to rank higher was my vote to authorize the Gulf War and thereby send American soldiers into combat.

My ultimate goal as we moved into this process was to maintain precedent and not shatter a very thoughtful process laid out in the Constitution and within Senate rules.

At the start of this Senate impeachment trial I took an oath to do impartial justice according to the Constitution and laws. I worked hard to adhere to that oath, and I pray that I have kept that oath.

This is particularly important to me since much of my thinking in this case centers on my conclusion that the President has violated his oath of office.

I have determined to base my decision on the facts of the case, not the polls, the performance of the economy, the President's popularity or where he is in his term of office.

Finally, I have felt that if any of the parts of an article constitute grounds for impeachment, then an affirmative vote on the article is warranted.

While the Senate is clearly divided on conviction and removal, one thing we have all learned is the importance of the Constitution.

We may be separated by political party or ideology, but we are united in our belief in the Constitution as the governing charter of our republic.

Presidents come and go, and Senators come and go. The Constitution remains. It is the foundation of our political system.

The Constitution is what preserves the rule of law, and guarantees that we remain a nation of laws, not of men.

And, as we have all learned, in the impeachment and trial of a President, the Constitution is the document that directs how we shall proceed as members of the Congress.

Some have argued that this trial has divided America. In the short run, yes. But in the long run, it has united us and made us stronger.

We are stronger because we have once again demonstrated that we determine who shall lead this nation by democratic means, not by force of arms.

During the past month, I have listened to the evidence and I have weighed it carefully. It is now time for me to cast my vote and to explain my reasoning to my colleagues and to my constituents.

We have before us two articles of Impeachment. The first deals with perjury, the second with obstruction of justice.

The first article alleges that the President violated his Constitutional oath and his August 17, 1998 sworn oath to tell the truth before a federal grand jury.

He did so by willfully providing perjurious, false and misleading testimony in one or more of the following: (1) the nature and details of his relationship with a subordinate government employee; (2) prior perjurious, false and misleading testimony he gave in a Federal civil rights action brought against him; (3) prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action; and (4) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action.

In my view the House managers demonstrated that at least three of the four provisions are true. The physical evidence is there, and the testimony supports that position.

I realize that with enough lawyers, one can certainly cloud things, and confuse and distract, but I believe the facts speak for themselves.

To me, once you cut through all the legal details and hours and hours of argument, this case is very clear. The President lied under oath. He lied not once, but repeatedly.

On this article, the only question for me is whether it rises to the level of an impeachable offense. I believe that it does. And this has certainly been the prior view of the Senate since it has on several occasions convicted and removed Federal judges for perjury.

Most recently in 1989, when Federal District Judge Nixon was convicted and removed from office for "knowingly and contrary to his oath mak[ing] a material false or misleading statement to a grand jury."

Here the judge's violation of the oath "to tell the truth, the whole truth, and nothing but the truth" was deemed an impeachable offense. I simply cannot justify a different standard for the President.

Some have argued that the standard for him should be lower because he is elected by the people, while federal judges are appointed by the President and confirmed by the U.S. Senate to serve for life. While I respect those who hold this view, I cannot agree with it.

I hold the President to a higher standard because he is the chief law enforcement official of the nation. If he is above the law, then we have a double standard; one for the powerful, and one for the rest.

Now let me address the second article. The charge is that the President violated his Constitutional oath in that he prevented, obstructed, and impeded the administration of justice.

Obstruction of justice is clearly an impeachable offense. History and prior practice support this view, and it seems that many members of this body agree that obstruction does warrant removal from office.

The question then is whether the House managers have demonstrated obstruction of justice. I believe that they have.

When we review the witness depositions of Monica Lewinsky, Vernon Jordan, and Sidney Blumenthal, we compare those with the depositions of the President, and when we review all the evidence gathered and presented by the House managers, and by the independent counsel and the grand jury, there are at least four areas of obstruction by the President.

These relate to the encouraging of a false affidavit, the concealment of gifts, the assistance in employment, and the attempt to refresh the memory of his secretary Betty Currie which done a second time several days later is pure and simple trying to influence her testimony.

While we may never know with absolute certainty what occurred, the evidence is overwhelming that the President took numerous actions designed to impede the administration of justice.

I am also of the view that if the President committed perjury, then he obstructed justice. Perjury is a form of obstruction of justice.

I will therefore vote for conviction on both articles. I don't believe I will be voting to undo an election. We have a process of succession to the Presidency which maintains control in the Vice President of the same party with the same agenda.

Let me now explain why I feel conviction is so important in this case. It has to do with the role of the oath in our society. This is why the President's removal is necessary to protect the republic.

When I was sworn in as a United States Senator I took the following oath to uphold the Constitution as did each one of you:

> I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

I took the same oath on three occasions when I served in the U.S. House of Representatives. The President takes a similar oath when he enters office:

> I do solemnly swear that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.

Both of these oaths are required by the Constitution.

Article VI of the Constitution requires that all Senators, Representatives, Members of the State Legislatures, and all executive and judicial Officers of the United States and the States shall be bound by oath or affirmation to support the Constitution. The oath of office lies at the center of this impeachment debate.

As George Washington stated in his Second Inaugural Address on March 4, 1793:

> Previous to the execution of any official act of the President the Constitution requires an oath of office. This oath I am now about to take, and in your presence: That if it shall be found during my administration of the Government I have in any instance violated willingly or knowingly the injunctions thereof, I may (besides incurring constitutional punishment) be subject to the upbraidings of all who are now witnesses of the present solemn ceremony.

The sworn oath is central not only to our Constitution, but also to the administration of justice. Our legal system would not function without it.

Witnesses in trials swear under oath to "tell the truth, the whole truth, and nothing but the truth."

Similarly, parties in civil lawsuits answer written questions or "interrogatories" put to them by their opponents. All answers are given under penalty of perjury. The answering party must sign a statement attesting to the truthfulness of the answers.

Testimony before a federal grand jury is given under oath, with the witness swearing to "tell the truth, the whole truth, and nothing but the truth." And the citizens who sit on a grand jury take an oath to seek the truth.

The Federal Rules of Evidence make reference to the importance of the oath in our judicial system.

Rule 603 states that the oath is "calculated to awaken the witness' conscience and impress the witness' mind with the duty" to tell the truth.

The Supreme Court has commented in a number of cases on the question of perjury. In the 1975 case of *United States* v. *Mandujano* the Court opinion noted:

> In this constitutional process of securing a witness' testimony, perjury simply has no place whatever. Perjured testimony is an obvious and flagrant affront to the basic concepts of judicial proceedings. Effective restraints against this type of egregious offense are therefore imperative.

In the much earlier 1937 case of *United States* v. *Norris* the Court observed:

> There is occasional misunderstanding to the effect that perjury is somehow distinct from "obstruction of justice." While the crimes are distinct, they are in fact variations on a single theme: preventing a court, the parties, and the public from discovering the truth. Perjury, subornation of perjury, concealment of subpoenaed documents, and witness tampering are all forms of obstruction of justice.

As the House prosecutors have argued, the principle of "Equal Justice Under Law" is at the very heart of our legal system.

In order to survive it requires not only an impartial judiciary and an ethical bar, but also a sacred oath. Without the sanctity of the oath, "Equal Justice Under Law" cannot be guaranteed.

In addition to our legal system, other sectors of our society rely on oaths to ensure truthfulness and uphold values.

At a very early age we frequently ask our young people to take an oath: The Boy Scout Oath is as follows:

> On my honor I will do my best
> To do my duty to God and my country
> and to obey the Scout Law;
> To help other people at all times;
> To keep myself physically strong,
> mentally awake, and morally straight.

And the Girl Scout Promise:

> On my honor, I will try:
> To serve God and my country,
> To help people at all times,
> And to live by the Girl Scout Law.

Members of our armed forces take the following oath of enlistment:

> I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Code of Military Justice. So help me God.

Police officers, local officials and members of many civic organizations take an oath.

What is the purpose of an oath, and why do we rely on an oath in so many sectors of our society?

The oath in legal proceedings is designed to ensure truthfulness.

The oath taken by public officials and the military is designed to uphold the Constitution and preserve the rule of law.

The oath taken by scouts and members of civic organizations is designed to encourage values and good citizenship.

A violation of these oaths is taken seriously, and is often punished under the law. Why? To protect the organization, to protect the government, to protect the republic.

The President's oath is the most important oath any person takes in our Constitutional system. If that oath can be ignored it will set a very damaging precedent for our society.

Throughout this impeachment process there have been many proposals concerning the best means of resolution.

At each turn however, Members of the Congress have ultimately recognized that the appropriate path to take is the path laid out in the Constitution. That path was a full trial in the U.S. Senate.

I am proud to have been among those who argued for a trial.

Whatever the outcome, I will leave this process confident that the system has worked. While I may disagree with the final vote, I will respect that vote and I will urge that we move forward united and determined to do the people's business.

Mr. McCONNELL. Mr. Chief Justice, as the senior Senator from Kentucky, it is my distinct privilege today to rise and speak at the desk formerly occupied by one of the greatest Senators in the history of our country and the greatest Senator from the commonwealth of Kentucky: Henry Clay.

Henry Clay is best remembered for two things: (1) the Compromise of 1850, and (2) a famous statement he made after being told that advocating the Compromise of 1850 would doom his chances for the presidency. At that critical moment Clay replied: "I had rather be right than be President."

In many respects, William Jefferson Clinton had a similar choice over the past several months. He could do the right thing. Or he could cling to his Presidency—regardless of the costs and regardless of the consequences. Consequences to his family, to his friends, to his aides, to his Cabinet, and, most importantly, to his country.

Time after time, the President came to a fork in the road. Time after time, he had the opportunity to choose the noble and honorable path. Time after time, he chose the path of lies and lawlessness—for the simple reason that he did not want to endanger his hold on public office.

Nowhere is the President's cold, calculated choice more clear than in the private conversation he had with his confidant and long-time advisor, Dick Morris, just after he raised his right hand to God and testified under oath in a civil rights lawsuit that he had not had any sexual relations with a young intern named Monica Lewinsky.

After that critical denial, the President did what he does best: he put his finger to the wind to determine which path he should take. He asked Mr. Morris to conduct a poll to determine whether the American people would forgive him for adultery, for perjury, and for obstruction of justice. Morris came back with bad news.

The public, in Morris's words was "just not ready for it." They would forgive him for adultery, but not for perjury and obstruction of justice.

The President then faced a fundamental choice. He could tell the truth—and admit that he perjured himself in the Jones suit. Or he could cling to public office—and deny, delay and obstruct.

The choice for President Clinton was clear. He told Morris: "Well, we just have to win."

And, thus the course was charted. The President would seek to win at any cost. If it meant lying to the American people. If it meant lying to his Cabinet. If it meant lying to a federal grand jury. If it meant tampering with witnesses and obstructing justice. If it meant falsely branding a young woman with the scarlet labels of liar and "stalker." The name of the game was winning. Winning at any cost.

Based on the evidence before the Senate, I want to walk you down the road that Bill Clinton has traveled these past several months. That twisted, tortured road that he has forced the American people and their government to plod along—for what seems to many of us like an eternity.

CROSSROADS #1: AN ILLICIT RELATIONSHIP WITH A YOUNG INTERN

The first fork in the President's road came on November 15, 1995, when he met a young, White House intern named Monica Lewinsky. He could be her President. He could be her boss. He could even be her friend. Or, he could choose to be in a relationship with her that was clearly inappropriate.

The President chose the wrong path. As we heard Ms. Lewinsky testify, on the day of their first meeting, which also happened to be the day of their first sexual encounter, President Clinton looked at Ms. Lewinsky's intern pass, tugged on it and said, "This is going to be a problem."

But the President persisted down that problematic path. He had approximately 10 more sexual encounters with Ms. Lewinsky over the next 21 months.

It is important, however, to note that had the President stopped there, we would not be here. At that point, the President's defenders could have credibly argued, "it's a private matter; it's just about sex."

But, Bill Clinton didn't stop there.

CROSSROADS #2: A JOB AND AN AFFIDAVIT AND GIFTS

In December of 1997, the President came to another fork. At that time, he learned the following critical facts:

1. Ms. Lewinsky had been placed on the witness list in the Jones case;

2. Judge Susan Webber Wright had ordered the President to provide information concerning any government employee with whom he had engaged in sexual activity; and

3. Ms. Lewinsky had been served with a subpoena and ordered to produce any gifts she had received from the President.

At this point, the President had a choice. He could tell Ms. Lewinsky to obey the law, tell the truth, and turn over the gifts. Or, he could not.

Again, President Clinton chose the path of lies and deceit. Let's again, hear this account from Ms. Lewinsky:

> "[I]t wasn't as if the President called me and said, "You know, Monica, you're on the witness list, this is going to be really hard for us, we're going to have to tell the truth . . . And by him not calling me and saying that, you know, I knew what that meant. . . .
>
> [A]s we had on every other occasion and every other instance of this relationship, we would deny it."

The evidence indicates that the President was not interested in the truth, but rather, was only interested in getting Ms. Lewinsky to sign a false affidavit and getting her a job in New York where, from the President's way of thinking, she was less apt to be contacted by the Jones lawyers.

I must say that I am baffled at how the President of the United States—the leader of the free world—was intimately involved in both of these efforts. The evidence indisputably establishes that the President worked with his close friend Vernon Jordan to secure: (1) a job offer for Ms. Lewinsky in New York, and (2) a lawyer for Ms. Lewinsky to prepare and file her false affidavit. As Mr. Jordan's testimony made clear, his efforts on behalf of Ms. Lewinsky were at the behest of the President.

The evidence also indicates that during this same time period the President participated in a scheme to conceal gifts in the Jones civil rights suit. Ms. Lewinsky's testimony is clear that she met with the President on December 28 and suggested to him that she could "put away or maybe give to Betty or give to someone the gifts[.]" Ms. Lewinsky further testified that later that same day the President's loyal secretary, Betty Currie, initiated a call to her to pick up the gifts. I find Ms. Lewinsky's testimony to be credible. Moreover, it is corroborated by Ms. Currie's cell phone record.

And, of course, the President didn't stop there.

CROSSROADS #3: FALSE STATEMENTS IN A CIVIL RIGHTS LAWSUIT

The President came to another fork in the road where he had to decide whether to testify truthfully under oath regarding his relationship with Ms. Lewinsky. And, again, the President chose the path of lies and deceit.

He walked into the deposition room, raised his right hand, swore to tell the truth, the whole truth, and nothing but the truth, and then proceeded to give false statements. In a civil case about alleged sexual misconduct with a subordinate government employee, the President testified under oath that he never had a "sexual relationship", a "sexual affair" or "sexual relations" with a subordinate government employee named Monica Lewinsky.

But, again, as egregious as those actions were, had the President stopped there, we still might not be here.

CROSSROADS #4: TAMPERING WITH A LOYAL SECRETARY

The stakes for President Clinton continued to go higher and higher. Following his deposition, the President had to decide what to do with his loyal secretary, Ms. Betty Currie. And, again, the undisputed evidence shows that the President took the path of lies and deceit.

Contrary to federal obstruction of justice laws and contrary to Judge Wright's Protective Order instructing President Clinton "not to say anything whatsoever about the questions . . . asked, the substance of the deposition, . . ., [or] any details . . . ," President Clinton left the deposition, went back to the White House, and called Ms. Currie at home to ask her to come to the White House the next day—which, I might add, was a Sunday.

At that somewhat surreal Sunday afternoon meeting, the President—in violation of Judge Wright's Protective Order—told Ms. Currie that he had been asked several questions about Monica Lewinsky at his deposition. Then the President—in violation of the federal obstruction of justice law—fired off a string of fundamentally declarative statements to his secretary.

> "You were always there when she was there, right? We were never really alone.
>
> You could see and hear everything.
>
> Monica came on to me, and I never touched her, right?
>
> She wanted to have sex with me and I couldn't do that."

And, of course, the President didn't stop there. According to Ms. Currie, the President again called her into the Oval Office a few days later, and again, repeated the same false statements to her that he had made under oath in his civil deposition.

CROSSROADS #5: FALSE STATEMENTS TO SENIOR OFFICIALS AND TO THE AMERICAN PEOPLE

The winding road continued its perilous twists and turns. The President next came to a point where he had to decide whether to tell the truth to his

Cabinet, his top aides, and, most importantly, to the American people.

Again, the President rejected the right path, telling his Cabinet and staff that the allegations were untrue. He claimed to his then-Deputy Chief of Staff, John Podesta, for example, that he "never had sex with [Ms. Lewinsky] in any way whatsoever." Specifically, he told Podesta that "they had not had oral sex." And, the President admits in his grand jury testimony that he knew that his aides could be called to testify before the grand jury. Ultimately, his top aides were called to testify, and they repeated his lies.

And, as everyone in America knows, the President lied to the nation. I do not need to recite the defiant, indignant, finger-wagging denial that the President gave to 270 million Americans who had placed their trust in him as the chief law enforcement officer of this land.

But, it didn't have to go any further. I think that there's still a chance that had the President stopped there at that awful, disgraceful moment, we would not be here, today.

CROSSROADS #6: FALSE STATEMENTS TO THE GRAND JURY

On August 17, 1998, the President came to the most important crossroads. He stood before a federal criminal grand jury—a federal criminal grand jury that was trying to determine whether he had committed perjury and obstructed justice. He had one last chance to do the right thing. He could tell the truth, the whole truth, and nothing but the truth to the grand jury. Or, he could commit perjury.

Again, President Clinton chose the wrong path. During that criminal probe, the President admitted to an "inappropriate" relationship with Ms. Lewinsky, but continued to falsely deny ever having sexual relations with her, in the face of corroborating evidence that included an undisputed DNA test and the testimony of Ms. Lewinsky and two of her therapists.

The President's strained, persistent, and—in the words of his own lawyer—"maddening" denials of the obvious were blatantly and patently false.

The President also declared under oath to the grand jury that his post-deposition coaching of Betty Currie about his relationship with Monica Lewinsky was a mere attempt to refresh his "memory about what the facts were." This statement is also blatantly and patently false.

In fact, there is no reasonable interpretation that would make the President's statements about coaching Ms. Currie to be true. Ms. Currie was not always there. She could not always see and hear everything. She could not know whether the President ever touched Ms. Lewinsky. And, she did not know whether Ms. Lewinsky ever had sex with the President. It is difficult to comprehend how the President could be refreshing his own memory through the act of making false statements to a potential witness.

Moreover, it is my opinion that these false statements by the President under oath were clearly material. A false and misleading denial of a sexual relationship with a subordinate government employee and a false and misleading denial of tampering with a potential witness goes to the very heart of whether the President obstructed justice or committed perjury.

Based on the evidence in the record, I am firmly convinced that the President has committed both perjury and obstruction of justice. He lied to the grand jury about the nature of his relationship with Ms. Lewinsky. He lied to the grand jury about coaching his loyal secretary, Betty Currie. He obstructed justice by encouraging Ms. Lewinsky to give false testimony, by participating in a scheme to conceal gifts that were subpoenaed, by tampering with his secretary on two occasions, and by lying to top aides that he knew could be called to testify before the grand jury.

HIGH CRIMES AND MISDEMEANORS

The Senate's inquiry, however, does not end there. We must decide whether perjury and obstruction of justice are high crimes and misdemeanors. Based on the Constitution, the law, and the clear Senate precedent, I conclude that these offenses are high crimes and misdemeanors.

SENATE PRECEDENT

First, Senate precedent establishes that false statements under oath by a public official are high crimes and misdemeanors. In 1986, I sat on the impeachment committee that heard the evidence against Judge Harry Claiborne. After hearing the evidence, I, along with an overwhelming number of my colleagues, concluded that Judge Claiborne had made false statements under the pains and penalties of perjury by failing to disclose certain amounts of income on his tax forms. The Senate—understanding the gravity of a public official making false statements under oath—voted to remove Judge Claiborne from office.

In 1989, the Senate held impeachment trials against Judge Hastings and Judge Nixon—both of whom had been accused of making false statements under oath. In Judge Nixon's case, the false statements were made directly to a criminal grand jury. The Senate—again understanding the gravity of a public official, who has sworn to uphold the laws, violating those very laws by lying under oath—voted to remove Judge Hastings and Judge Nixon from office.

My colleagues on both sides of the aisle had no hesitation about removing these federal officials for making false statements under oath. As Senator HERB KOHL explained:

> "One might argue, as Judge Nixon does, that his false statements were not material. . . . But Judge Nixon took an oath to tell the truth and the whole truth. As a grand jury witness, it was not for him to decide what would be material. That was for the grand jury to decide. . . .
>
> So I am going to vote 'guilty' on articles I and II. Judge Nixon lied to the grand jury. He misled the grand jury. These acts are criminal and warrant impeachment."

I think Senator KOHL's statements accurately reflect the sentiment of the 89 Senators who voted to convict Judge Nixon for lying to a federal grand jury. And, I might add, one of those senators voting to remove Judge Nixon for perjury was then-Senator, now-Vice President Al Gore.

Of those 89 Senators, 48 of us are still here in this distinguished body. Will we send the same message about the corrosive impact of perjury on our legal system or will we simply lower our standards for the nation's chief law enforcement officer?

Constitution and Federal Law

Second, Article II, Section 4 of the Constitution plainly sets forth that bribery is a high crime and misdemeanor, and our federal laws tell us clearly that perjury and obstruction of justice are equivalent offenses to bribery. In fact, the federal sentencing guidelines actually mandate a harsher punishment for perjury than for bribery and a harsher punishment for obstruction of justice than for bribery. So, I am completely and utterly perplexed by those who argue that perjury and obstruction of justice are not high crimes and misdemeanors.

If federal law mandates a harsher penalty for perjury and obstruction of justice, how can this Senate—who drafted, debated, and passed those federal laws—now argue that perjury and obstruction of justice are lesser offenses than bribery?

Listen to the Supreme Court's declaration: "[f]alse testimony in a formal proceeding is intolerable." ABF *Freight System* v. *NLRB*, 510 U.S. 317, 323 (1994). Moreover, the high Court has labeled perjury as an "egregious offense," *United States* v. *Mandujano*, 425 U.S. 564, 576 (1976), calling it "an obvious and flagrant affront to the basic concepts of judicial proceedings." Id.

Even the President's own Justice Department understands that our nation of laws cannot tolerate perjury and obstruction of justice. President Clinton and his Justice Department have prosecuted approximately 600 cases of perjury since he came to office. And today—as we debate whether perjury is a serious offense—over 100 people are locked behind bars in federal prison for committing the criminal act of perjury.

Perjury and obstruction hammer away at the twin pillars of our legal system: truth and justice. Every witness in every deposition is required to raise his or her right hand and swear to tell the truth, the whole truth, and nothing but the truth, so help them

God. Every witness in every grand jury proceeding and in every trial is required to raise his or her right hand and swear to tell the truth. Every official declaration filed with the court is stamped with the express affirmation that the declaration is true. In the words of our nation's first Supreme Court Chief Justice, John Jay: "if oaths should cease to be held sacred, our dearest and most valuable rights would become insecure."

The facts clearly show that the President did not value the sacred oath. He was interested in saving his hide, not truth and justice. I submit to my colleagues that if we have no truth and we have no justice, then we have no nation of laws. No public official, no president, no man or no woman is important enough to sacrifice the founding principles of our legal system.

On this point, I am proud to quote Justice Louis Brandeis—a native of my hometown of Louisville and the man for whom the University of Louisville Law school is named:

> "In a government of laws, existence of the government will be imperiled if it fails to observe the laws scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker; it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy."

William Jefferson Clinton is not and should not be a law unto himself.

CROSSROADS FOR THE UNITED STATES SENATE

President Clinton's decisions have led the United States Senate to its own critical crossroads. And, now we must choose our path.

We can do the right thing. Or we can lower our standards and allow Bill Clinton to cling to public office—regardless of the consequences to our nation, to our system of justice, and to our future generations.

More than 150 years ago, Alexis de Tocqueville wisely observed that "man rarely retains his customary level in very critical circumstances; he rises above or sinks below his usual condition, and the same thing is true of nations."

So what will we do this day? Will we rise above or will we sink below? Will we condone this President's conduct or will we condemn it? Will we change our standards or will we change our President?

AN EARLIER CROSSROADS FOR THE SENATE

As most of you will recall, the Senate faced a similar choice just a few short years ago. It was one of our own who had clearly crossed the line. It was one of our own who had engaged in sexual misconduct and obstruction of justice.

He, like President Clinton, was an intelligent and accomplished man. Senator Carol Moseley-Braun called him "brilliant" and said he was a man who "ha[d] certainly been fair." But, that brilliant and fair man had crossed the line.

At that critical moment in Senate history, we could have taken the wrong path and called it a private matter, saying "it's just about sex." But, my friend, Senator DIANNE FEINSTEIN was right when she said: "This is not private, personal conduct. This is conduct that took place in public service, and many of the people involved are themselves Federal employees."

At that moment, the Senate could have said, "He lied about his conduct to everybody, so lying in an official proceeding is ok." Or, we could have said, "He was covering it up before the investigation, so it's irrelevant and immaterial that he's covering it up during the investigation."

The Senate could have said, "We can't overturn a federal election. After all, he'll be out of office in a few years." Or: "He may be prosecuted in the courts, so there's no reason for us to act."

And, finally, the United States Senate could have defended its own member by arguing that, "A United States Senator should be held to a lower standard than others, not a higher standard. After all, there are only 100 U.S. Senators in the country. Any one of them is just too precious to lose."

But, we didn't say any of those things. Those doubletalking defenses were reserved exclusively for President Clinton.

During the Packwood debate, we made the tough choice. And, I have to say, that decision was one of the most difficult things I have ever had to do in my career in public service. To recommend expelling from the United States Senate a colleague, a member of my own party, and most importantly, a friend with whom I had served in the Senate for over a decade.

We sent a clear message to the nation that no man is above the law. That no man is so important to the well-being of our strong and prosperous nation that we have to compromise the fundamental, founding principles of truth and justice. We chose to rise above, not sink below. Rather than change our standards, we changed our Senator.

Let me also make a political point, here. We Republicans were aware during the Packwood debate that we would likely lose that Senate seat if Senator Packwood was removed from office. So, we had a choice: Retain the Senate seat or retain our honor. We chose honor, and never looked back.

I think that the United States Senate has a clear choice today. Do we want to retain President Clinton in office, or do we want to retain our honor, our principle, and our moral authority?

For me, and for many members in my impeachment-fatigued party, I choose honor.

LOSING BALANCE

I want to close my remarks today with an insightful and fascinating statement from Richard Nixon. A few years after his tragic downfall, President Nixon explained:

> It's a piece of cake until you get to the top. You find you can't stop playing the game the way you've always played it. So you are lean and mean and resourceful, and you continue to walk on the edge of the precipice, because over the years, you have become fascinated by how closely you can walk without losing your balance.

Ladies and gentleman of this fine and distinguished body, I submit to you that William Jefferson Clinton has lost his balance. He has lost his sense of right and wrong. Of truth and justice. And, by doing so, he has—to paraphrase Alexander Hamilton in Federalist No. 65—abused and violated the trust of the American people.

Again, let me quote my esteemed colleague, Senator DIANNE FEINSTEIN, who said just a few months ago: "my trust in his credibility has been badly shattered."

Senator FEINSTEIN is not an island on this issue of shattered trust. There are many others who have expressed similar sentiments. A recent poll confirms what we all know, that is, the American people do not trust their Commander-in-Chief. A majority of Americans believe that President Clinton has lied to the country and that he will lie to the country again.

The New York Times, which I rarely ever quote, had this to say about the President's violation of the public trust:

> "The American President is a person who sometimes must ask people in the ranks to die for the country. The President is a person who asks people close around him to serve the government for less money than their talents would bring elsewhere. The President sometimes requires that people out in the country sacrifice their dollars or their convenience for national goals. All he is asked to provide in return is trustworthiness, loyalty and judgment. . . . President Clinton has failed that simple test abjectly, not merely with undignified private behavior in a revered place, but with his cavalier response to public concern."

In 1829, at his home in Lexington, Kentucky, Henry Clay opined that "[g]overnment is a trust, and the officers of the government are trustees[.]" I believe that fundamental principle to be true, and I believe that William Jefferson Clinton has abused and violated that public trust.

His cold, calculated actions betrayed the trust vested in him by the American people and the high office of the presidency. The President of the United States looked 270 million Americans in the eye, and lied—deliberately and methodically. He took an oath to faithfully execute the laws of this nation, and he violated that oath. He pledged to be the nation's chief law enforcement officer, and he violated that pledge. He took an oath to tell the truth, the whole truth, and nothing but the truth, and he willfully and repeatedly violated that oath.

I firmly believe that the evidence establishes beyond a reasonable doubt that William Jefferson Clinton made statements to the federal grand jury regarding the nature of his relationship with a subordinate government employee and the purpose of his post-deposition conversation with a loyal secretary that were false, misleading, and perjurious, and warrant removal from office. Thus, I find the President guilty under Article I.

I believe with equal conviction that the evidence establishes beyond a reasonable doubt that William Jefferson Clinton willfully engaged in a deliberate course of conduct designed to delay, impede, cover up, and conceal the existence of evidence and testimony relating to a Federal civil rights action against him, and that this conduct warrants removal from office. Thus, I find the President guilty under Article II.

Mr. KENNEDY. Every four years, citizens of our country exercise one of the most important rights of our democracy—the right to vote for the President of the United States. This constitutional privilege is valued by all Americans and envied by millions around the world. It proves that the will of the majority will prevail, and that power will be transferred peacefully through the election process from one President to the next, time and again.

The essence of our democracy is the power of the right to vote. Many of our greatest battles in the Senate and the country in recent decades have been waged to extend and protect that right.

I think especially of the Voting Rights Acts, which have been at the heart of our civil rights debates. I think of our success in 1970 in lowering the voting age to 18, so that young Americans who were old enough to fight in the Vietnam War would be old enough to vote about that war, which America never should have fought. I think of the Supreme Court's great decision on one person, one vote, and our efforts in Congress to protect it.

I also think of the success of democracy in other lands—in Chile and Argentina and other nations in our hemisphere—and in Greece, in South Africa, and in many other countries.

The Framers of the Constitution clearly understood the fundamental place of the right to vote in the new democracy they were creating. They clearly did not intend the Impeachment Clause to nullify the vote of the people, except in the most extraordinary cases of great danger to the nation.

The entire history of the debates at the Constitutional Convention demonstrates their clear intent to limit impeachment as narrowly as possible, to prevent a willful partisan majority in Congress from undermining the right to vote and the power of the President the people had elected.

The Framers of the Constitution also made clear that the President was not to be subordinate to the Senate or the House of Representatives. The new government they created was based on another fundamental principle as well—the principle of separation of powers among the three coequal branches of government—the Executive Branch, the Legislative Branch, and the Judicial Branch. They specifically did not create a parliamentary system of government, in which the President would serve at the pleasure of Congress.

In their wisdom, the Framers recognized that in certain extreme cases, a narrow exception to the orderly transfer of Presidential power through national elections every four years was necessary to protect the nation from an abusive President. And so they created the impeachment process, by which the President could be removed from office by the Senate and the House of Representatives in extreme cases where the President had committed "Treason, Bribery, or other high Crimes and Misdemeanors".

The Framers of the Constitution made clear that the orderly transfer of Presidential power through national elections was to be scrupulously followed. They took great care to guarantee that this transfer would rarely, if ever, be undermined by the impeachment of the President. Removal of the President would come only after the House of Representatives—with the sole power to impeach—and the Senate—with the sole power to conduct a trial—found that the President had committed "Treason, Bribery, or other high Crimes and Misdemeanors," a term borrowed from the English impeachment experience.

Clearly, the Framers intended the House and the Senate to use the impeachment power cautiously, and not wield it promiscuously for partisan political purposes. Sadly, in this case, Republicans in the House of Representatives, in their partisan vendetta against the President, have wielded the impeachment power in precisely the way the Framers rejected—recklessly and without regard for the Constitution or the will of the American people.

First, Republicans on the House Judiciary Committee essentially swallowed the referral of Independent Counsel Kenneth Starr whole, without seriously questioning it or calling any witnesses. They used the referral as the foundation for Articles of Impeachment which were released to the public before the White House counsel had an opportunity to complete their testimony before the Committee.

Why were the House Judiciary Committee and the House of Representatives on the fast track to impeachment? Because, as House Manager Hyde told the Senate, "we were operating under time constraints which were self-imposed but I promised my colleagues to finish it before the end of the year. I didn't want to drag it out." In the battle between speed and fairness, should speed have prevailed over fairness? Clearly not. But the lame duck Republican House of Representatives was bent on acting before the last Congress ended, fearful that their slimmer majority in the current Congress would not approve any articles of impeachment at all.

In their most blatant attempt of all to stack the deck against the President, the House Republican leadership refused to allow a fair vote on censure as an alternative to impeachment an alternative that would have ended this unseemly charade two months ago. Instead, Members of the House were given a single choice—a vote to impeach the President or do nothing.

After their partisan victory in the House of Representatives, the House Managers brought their vendetta against the President to the Senate. They brought thousands of pages of evidence, containing 22 statements by Monica Lewinsky, 6 statements by Vernon Jordan, 3 statements by Sidney Blumenthal, the videotaped deposition of President Clinton in the Jones case, and the videotaped record of his appearance before the grand jury. Their opening statements attempted to shed the most favorable light on the evidence, but it was quickly apparent that they had not and could not persuade two-thirds of the Senate to remove the President.

While trying to persuade Senators to convict President Clinton, the House Managers argued relentlessly for the opportunity to examine witnesses during the trial. The hypocrisy in the position of the House Managers on witnesses was obvious. They did not think it was necessary to call witnesses in the House proceedings. They demeaned the House by their partisan excesses. But they were shameless in their attempt to force the Senate to wallow in witnesses.

Our Republican friends have desperately been trying to produce a two-thirds majority to remove the President from office. But their efforts have succeeded only in turning a serious constitutional process into a partisan process that demeaned both the House and the Senate and became a painful ordeal for the entire country.

In pursuing the allegations of perjury and obstruction of justice, the House Managers presented an ever changing, constantly shifting list of charges to the Senate. Veteran prosecutors testified before the House Judiciary Committee that they would never prosecute such a case, and that it would be irresponsible for the Senate to attempt to use these allegations as a basis to remove the President from office.

Some of the allegations of perjury by the House Managers were laughable. Clearly, it was not perjury for the President to use the phrase "certain occasions" to describe the frequency of his contacts with Miss Lewinsky, or to use the word "occasional" to describe the frequency of his telephone conversations with her.

Even the few allegations of perjury and obstruction of justice that are arguably more serious are far from proven beyond a reasonable doubt, which is the standard that I believe should be applied by the Senate in considering the facts of this case. Indeed, I do not believe they were proved by clear and convincing evidence. But even if any such allegations were true, they still fall far short of the constitutional standard required for impeaching a President and removing him from office.

President Clinton's behavior was wrong. All of us condemn it. None of us condones it. He failed to tell the truth about it, and he misled the country for many months. But nothing he did rises to the high constitutional standard required for impeachment and removal of a President from office.

I believe that conclusion is required by the Constitution. At the time of the Constitutional Convention in 1787, the Framers engaged in a vigorous debate about the role of the President, the new chief executive they were creating. In addition to determining the basic powers of the office, many of those at the convention debated whether or not impeachment should apply at all to the President. As University of Chicago Law School Professor Cass Sunstein told the House Judiciary Subcommittee on the Constitution, "Many of the framers wanted no impeachment power whatsoever . . . [t]hey suggested that in a world of separation of powers and election of the President, there was no place for impeachment. . . . That position was defeated by reference to egregious hypotheticals in which the President betrayed the country during war or got his office through bribery. Those are the cases that persuaded the swing votes that there should be impeachment power." In the end, the Framers reluctantly agreed that there might be limited circumstances in which a President should be removed from office by Congress in order to protect the country from great harm, without waiting for the next election.

Once the Framers concluded that the President could be removed by the legislature in such cases, they debated the standard for impeachment. Nine days before the final Constitution was signed, the impeachment provision was limited only to treason and bribery. George Mason then argued that the provision was too restrictive, and should be amended to include the phrase, "or maladministration." But, vigorous opposition came from others who believed that such a vague phrase would give Congress too much power to undermine the President. Mason withdrew his original proposal and substituted the phrase, "other high Crimes and Misdemeanors against the State"—a phrase well-known from English law.

The Constitutional Convention adopted the modification by a vote of eight states to three—confident that only serious offenses against the nation would provide the basis for impeachment. Later, the Committee of Style removed the words, "against the State," but because the Committee had been instructed not to change the meaning of any provision, the impeachment clause should be interpreted as it was originally drafted.

The debate surrounding the Impeachment Clause was significant. By first expanding and then narrowing the clause, the Framers clearly intended that the President could be removed from office for "crimes" beyond treason and bribery, but that he could not be removed for inefficient administration or administration inconsistent with the dominant view in Congress. Impeachment was not to be the illegitimate twin of the English vote of "No Confidence" under a parliamentary system of government. The doctrine of separation of powers was paramount. The President was to serve at the pleasure of the people, not the pleasure of the Congress, and certainly not at the pleasure of a willful partisan majority in the House of Representatives.

As Charles Black stated in his highly regarded work on impeachment, the two specific impeachable offenses—treason and bribery—can help identify both the "ordinary crimes which ought also to be looked upon as impeachable offenses, and those serious misdeeds, not ordinary crimes, which ought to be looked on as impeachable offenses. . . ." Using treason and bribery as "the miners' canaries," Professor Black states that "high crimes and misdemeanors, in the constitutional sense, ought to be held to be those offenses which are rather obviously wrong, whether or not 'criminal,' and which so seriously threaten the order of political society as to make pestilent and dangerous the continuance in power of their perpetrator."

The distinguished historian, Professor Arthur Schlesinger, told the House Judiciary Subcommittee on the Constitution, the "[e]vidence seems to me conclusive that the Founding Fathers saw impeachment as a remedy for grave and momentous offenses against the Constitution; George Mason said, great crimes, great and dangerous offenses, attempts to subvert the Constitution."

In addition to Professor Schlesinger, over 430 law professors and over 400 historians and constitutional scholars have stated emphatically that the allegations against President Clinton do not meet the standard set by the Constitution for impeachment. The scholarly support for the argument that the charges against President Clinton do not rise to the level of impeachable offenses—even if they are true—is overwhelming, and it cannot be ignored.

The law professors wrote, "[i]t goes without saying that lying under oath is a very serious offense. But even if the House of Representatives had the constitutional authority to impeach for any instance of perjury or obstruction of justice, a responsible House would not exercise this awesome power on the facts alleged in this case."

The historians wrote, "[t]he Framers explicitly reserved [impeachment] for high crimes and misdemeanors in the exercise of executive power. Impeachment for anything else would, according to James Madison, leave the President to serve 'during the pleasure of the Senate,' thereby mangling the system of checks and balances that is our chief safeguard against abuses of power . . . Although we do not condone President Clinton's private behavior or his subsequent attempts to deceive, the current charges against him depart from what the Framers saw as grounds for impeachment."

The House Managers apparently made no attempt to obtain scholarly support for their opposition. It is a fair inference that they did not do so because they knew they could not obtain it.

The House Managers argue that because the Senate convicted and removed three federal judges for making perjurious statements, we must now convict and remove the President. But, to determine whether or not President Clinton should be removed from office requires the Senate to do more than make simplistic analogies to federal judges.

Removal of the President of the United States and removal of a federal judge are vastly different. The President is unique, and his role is in no way comparable to the role of the over 900 federal judges we have today. The impact on the country of removing one of 900 federal judges is infinitesimal, compared to the impact of removing the only President we have. And the people elect the President for a specific four year term, while federal judges are appointed for life, subject to good behavior. These distinctions are obvious, and they make all the difference.

Other precedents also undermine the House Managers' insistence that the Senate is bound to remove President Clinton from office. The House Judiciary Committee refused on a bipartisan basis to impeach President Nixon for deliberately lying under oath to the Internal Revenue Service, although he under reported his taxable income by at least $796,000. During the 1974 Judiciary Committee debates, many Republican and Democratic members of the

Committee agreed that tax fraud was not the kind of abuse of power that impeachment was designed to remedy.

Finally, the House Managers argue that President Clinton must be removed to protect the rule of law and cleanse the office. It is not enough, they say, that he can be prosecuted once he leaves office. But protecting the rule of law under the Constitution is not the proper standard for removal of the President. Before impeaching and convicting the President, the Senate must find that he committed "Treason, Bribery, or other high Crimes and Misdemeanors." As Professor Laurence Tribe testified before the House Judiciary Subcommittee on the Constitution, "[i]f the proposition is that when the President is a law breaker, has committed any crime, then the rule of law and the take care clause requires that one impeach him, then we have rewritten the [impeachment] clause."

The Constitution has guided our country well for two centuries. The decision we make now goes far beyond this President. As we decide whether President Clinton will be removed from office, the future of the Presidency and the well-being of our democracy itself are at stake.

How will history remember this Congress? The Radical Republicans in the middle of the 19th century were condemned in the eyes of history for using impeachment as a partisan vendetta against President Andrew Johnson. And I believe the Radical Republicans at the end of the 20th century will be condemned even more severely by history for their partisan vendetta against President Clinton.

The impeachment process was never intended to become a weapon for a partisan majority in Congress to attack the President. To do so is a violation of the fundamental separation of powers doctrine at the heart of the Constitution. It is an invitation to future partisan majorities in future Congresses to use the impeachment power to undermine the President. It could weaken Republican and Democratic Presidents alike for years to come.

This case is a constitutional travesty. We deplore the conduct of President Clinton that led to this yearlong distraction for the nation. But we should deplore even more the partisan attempt to abuse the Constitution by misusing the impeachment power.

Ms. COLLINS. Mr. Chief Justice, my colleagues, the issue now before the Senate may well be the most significant of our public careers. Other than declaring war, it is difficult to imagine a weightier decision that could come before us than whether to remove the President of the United States from office.

Our Founders designed impeachment to protect our system of government against officials who lose their moorings in the law or who endanger our most basic institutions. They designed it neither as a popular referendum nor as a mechanism by which—as in parliamentary systems—the legislature can remove the head of government based on nothing more than a policy difference. Instead, this process is a check upon rogue chief executives, designed equally to remove the politically popular malefactor and to protect the innocent, but unpopular, official. It is a vital, but extraordinary, remedy that should neither be shunned out of political expediency nor invoked for political gain.

The question before us is not whether President Clinton's conduct was contemptible or utterly unworthy of the great office he holds. It was. The question before us is whether the President has committed an impeachable offense for which he should be removed from that office.

The Framers thought carefully about where to vest the ultimate power to remove a president. They chose the United States Senate. This was not an obvious choice. The power to convict and remove could as easily have been assigned to a court of law, where a jury would apply the law to the facts in the ordinary way.

But the Framers gave the power to try impeachments to the Senate. They did so because they recognized that an impeachment trial should not be an ordinary trial, requiring an ordinary application of law to fact. The Framers wanted the Senate to make not only a determination of guilt, but also a judgment about what is best for our nation and its institutions.

Throughout this impeachment trial, in order to lessen the ambiguity in this process, I have sought to find a way to allow the Senate to express its view of the facts we have so carefully considered for the past month. The vote we now approach is to convict or acquit. It is a blunt instrument that does not allow me to express clearly my belief that President Clinton willfully lied to a federal grand jury, and that he wrongfully tried to influence testimony and to conceal evidence related to Paula Jones' lawsuit.

As this case has been argued in this chamber, I have become convinced that the perjury charges of Article I are not fully substantiated by the record. The President's grand jury testimony is replete with lies, half-truths, and evasions. But significantly, not all evasion is lying, and not all lying is perjury. Even blatantly misleading testimony that all fair-minded people would consider dishonest may not actually constitute perjury, as the law defines it.

Time and time again, the attorneys questioning President Clinton before the grand jury—perhaps out of a misguided sense of deference—neglected to pin him down as he gave nonresponsive, evasive, confusing, or simply absurd responses. The only remedy for imprecise answers is more precise questioning. Unfortunately, this did not occur, and consequently, the record is too murky to require the President's removal based on Article I.

The evidence supporting Article II is more convincing. Indeed, the case presented by the House Managers proves to my satisfaction that the President did, in fact, obstruct justice in Paula Jones' civil rights case. While the circumstances surrounding Monica Lewinsky's filing of a false affidavit are unclear, there is no doubt in my mind that the frantic efforts to find Ms. Lewinsky a job, the retrieval and concealment of gifts under the bed of the President's secretary, and, most egregious, the President's blatant coaching of Betty Currie—not once, but twice—were clear attempts to tamper with witnesses and obstruct justice. Indeed, if I were a juror in an ordinary criminal case, I might very well vote to convict faced with these facts.

Nevertheless, I do not think that the President's actions constitute a "high crime" or "misdemeanor" as contemplated by Article II, Section 4 of the Constitution. This is, I readily acknowledge, a judgment that can neither be made nor explained with anything approaching scientific precision. But I can point to two factors that influence my conclusion.

First, obstruction of justice is generally more serious in a criminal case, as opposed to a civil case, as it interferes with the effective enforcement of our nation's laws and not solely with the adjudication of private disputes. Consistent with this conclusion, the vast majority of obstruction prosecutions involve underlying criminal actions, and the statutory penalties are more severe in the context of criminal trials. This is not to suggest for a moment that we should tolerate obstruction of justice in civil cases, but only to observe that our legal system treats it as a less serious offense.

Second, I believe that for impeachment purposes, obstruction of justice has more ominous implications when the conduct concealed, or the method used to conceal it, poses a threat to our governmental institutions. Neither occurred in this case.

Therefore, I will cast my vote not for the current President, but for the presidency. I believe that in order to convict, we must conclude from the evidence presented to us with no room for doubt that our Constitution will be injured and our democracy suffer should the President remain in office one moment more.

In this instance, the claims against the President fail to reach this very high standard. Therefore, albeit reluctantly, I will vote to acquit William Jefferson Clinton on both counts.

In voting to acquit the President, I do so with grave misgivings for I do not mean in any way to exonerate this man. He lied under oath; he sought to interfere with the evidence; he tried to influence the testimony of key witnesses. And, while it may not be a crime, he exploited a very young, starstruck employee whom he then proceeded to smear in an attempt to destroy her credibility, her reputation, her life. The President's actions were chillingly similar to the White House's campaign to discredit Kathleen Willey.

As much as it troubles me to acquit this President, I cannot do otherwise and remain true to my role as a Senator. To remove a popularly elected president for the first time in our nation's history is an extraordinary action that should be undertaken only when the President's misconduct so injures the fabric of democracy that the Senate is left with no option but to oust the offender from the office the people have entrusted to him.

President Clinton has written a shameful and permanent chapter of American history. He alone is responsible for this year of agony that the American people have endured. I do not, however, take solace in the prospect of a censure, nor do I take comfort in the possibility that the President may be prosecuted for his wrongdoing after he leaves office. Rather, I look to the verdict of history to provide the ultimate punishment for this president, a verdict that no public relations gloss or smear campaign can obscure. As Maine's great poet, Henry Wadsworth Longfellow, wrote in 1874, "Whatever hath been written shall remain, nor be erased, nor written o'er again." When the history of the Clinton presidency is written, every book will begin with the fact that William Jefferson Clinton was impeached, and that will be not only the ultimate censure but also the final verdict on this sad chapter in our nation's history.

Mr. HARKIN. A few weeks ago, I used a barnyard term that is quite known in Iowa to describe what I thought of this case. The longer this case has gone on, the more I am convinced this characterization is correct.

This case should never have been brought before the Senate. I think it is one of the most blatant partisan actions taken by the House of Representatives since Andrew Johnson's case was pushed through by the radical Republicans of his time.

I think it is important for us to take a look at how this case got here. One might ask why is it important how it got here?

Well, if you believe that the end justifies the means, it is probably not very important. But if you believe the end doesn't justify the means, that those who are charged with enforcing the law cannot break the law in order to bring someone to the bar of justice, and if you believe the rule of law applies not only to the defendant, the President in this case, but also to the prosecutors and those sworn to uphold that rule of law, then it is important to look at how the case got here.

First, we have a statute, the independent counsel statute which at best I believe is flawed and at worst unworkable which allows someone to be targeted without regard to money or time. In fact, it has essentially created a fourth branch of Government with no checks or balances.

Again, the conduct, I want to point out, of Ken Starr does not excuse the behavior of the President but has everything to do with our perspective on the case and how we approach it, how we weigh our decision. We are not jurors, we are judges and the supreme Court of Impeachment, which has some of the elements of a court of equity. If somebody approaches this court, they better do it with clean hands.

Where the political motivation is so blatant, as it has been in this case, I think we in the Senate should have our guard up, not only on what the case is about, but how it got here. This is the sort of political impeachment case that Madison and Hamilton wanted to avoid, and I refer you to Federalist Paper No. 65, and Hamilton warned the greatest danger would be "that the decision will be regulated more by the comparative strength of parties than by the real demonstrations of innocence or guilt." That is why he argued for it to come to the Senate and have a two-thirds requirement in order to convict and remove.

So in the beginning, Ken Starr is picked by a three-judge panel to investigate Whitewater. Whitewater turns into Travelgate. Travelgate turns into Filegate, and then one wonders, how did Monica Lewinsky ever drop in on this?

If we look back, when Ken Starr was a private attorney, in 1994, he had dealings with Paula Jones' attorneys in terms of her then-pending lawsuit. So he had prior involvement himself with the Paula Jones case.

So the Paula Jones case proceeds forward. And in October of 1997, an entity called the Rutherford Institute, funded by conservative forces in the United States, found some new attorneys for Paula Jones and became heavily involved in the case.

Now some time around that time, Linda Tripp, with whom Monica Lewinsky had shared her most intimate details of her involvement with the President, begins talking with these attorneys. That is sort of the status of the case as of December 1997.

And here I ask unanimous consent to have printed an article from the New York Times, dated January 24, which more or less documents this.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 24, 1999]

QUIETLY, TEAM OF LAWYERS WHO DISLIKED CLINTON KEPT JONES CASE ALIVE

(By Don Van Natta Jr. and Jill Abramson)

WASHINGTON.—THIS TIME LAST YEAR, HILLARY RODHAM CLINTON DESCRIBED, IN A NOW-FAMOUS APPEARANCE ON THE NBC NEWS PROGRAM "TODAY," HOW A "VAST RIGHT-WING CONSPIRACY" WAS TRYING TO DESTROY HER HUSBAND'S PRESIDENCY.

As it turns out, some of the most serious damage to Bill Clinton's Presidency came not from his high-profile political enemies but from a small secret clique of lawyers in their 30's who share a deep antipathy toward the President, according to nearly two dozen interviews and recently filed court documents.

While cloaking their roles, the lawyers were deeply involved—to an extent not previously known—for nearly five years in the Paula Jones sexual misconduct lawsuit. They then helped push the case into the criminal arena and into the office of the independent counsel, Kenneth W. Starr.

The group's leader was Jerome M. Marcus, a 39-year-old associate at the Philadelphia law firm of Berger & Montague, whose partners are major contributors to the Democratic Party.

Although Ms. Jones never met him or knew he had worked on her behalf, Marcus drafted legal documents and was involved in many of the important strategic decisions in her lawsuit, according to billing records and interviews with other lawyers who worked on the case. As much as any of Ms. Jones's attorneys of record, Marcus helped keep Ms. Jones's case alive in the courts.

Marcus recruited others to assist his efforts, including several friends from the University of Chicago Law School. One of those who was approached, Paul Rosenzweig, briefly considered doing work for Ms. Jones in 1994, according to billing records and interviews, but decided not to. In November 1997, Rosenzweig joined Starr's office, where he and Marcus had several telephone conversations about the Jones case.

It was Rosenzweig who fielded a "heads-up" phone call from Marcus on Jan. 8, 1998, that first tipped off Starr's office about Monica S. Lewinsky and Linda R. Tripp. The tip was not mentioned in the 445-page Starr report, even though the information revived a moribund Whitewater investigation that would not have produced, it now seems, an impeachment referral to Congress.

Marcus did make his views known publicly last month when he wrote an impassioned commentary in The Washington Times urging the impeachment of Clinton. "The cancer is deadly," Marcus wrote. "It, and its cause, must be removed." He identified himself in the newspaper simply as "a lawyer in Philadelphia."

In his long efforts to promote Ms. Jones's lawsuit, and helping Mrs. Tripp find her way to Starr, Marcus found other allies, including another Chicago law classmate, Richard W. Porter. Porter had worked as an aide to former Vice President Dan Quayle and was a partner of Starr's at the law firm of Kirkland & Ellis, based in Chicago.

George T. Conway 3d, a New York lawyer educated at Yale, shared Marcus's low view of President Clinton. When the Jones case led to Ms. Lewinsky, Marcus and Conway searched for a new lawyer for Mrs. Tripp. Marcus and Porter helped arrange for Mrs. Tripp to take her explosive allegations to Starr.

Their effort are only now coming into focus, as a few of their associates have begun to discuss their activities and their names appear repeatedly in the final legal bills submitted by the original Jones legal team. Messrs. Marcus, Porter and Conway did not respond to numerous requests for comment.

In their arguments before the Senate this week, the President's lawyers said that there was collusion between Starr's office, Mrs. Tripp and the lawyers for Ms. Jones in the weeks leading up to the President's deposition last January. If witnesses are called in the Senate impeachment trial, the President's lawyers may explore the issue further, several Clinton legal advisers said.

Charles G. Bakaly 3d, the spokesman for Starr, denied there was collusion between the independent counsel's office and the Jones team, including Marcus. "There was absolutely no conspiracy between the Jones lawyers and our office," Bakaly said. "Judge Starr has testified to the circumstances as to how this matter came to our attention, and the actions that we took thereafter."

Clinton said in his grand jury testimony in August that his political enemies "just thought they would take a wrecking bail to me and see if they could do some damage." That wrecking ball was wielded by Marcus and his colleagues, who managed to drive Paula Corbin Jones's allegation of sexual misconduct into the courtroom and beyond.

THREE CLASSMATES AT CHICAGO LAW SCHOOL

Marcus, Porter and Rosenzweig were classmates at the University of Chicago Law School, graduating in 1986. Conway met the others through the Jones case. Some of the lawyers were also involved with the Federalist Society, a legal group that includes conservative and libertarian luminaries like Starr, Robert H. Bork and Richard Epstein, a University of Chicago law professor.

Porter was the most overtly political member of the group, having worked on the staff of Vice President Quayle and on the Bush-Quayle campaign, where he did opposition research.

Porter was also an associate of Peter W. Smith, 62, a Chicago financier who was once the chairman of College Young Republicans and a major donor to Gopac, a conservative political group affiliated with former Speaker Newt Gingrich. Beginning in 1992, Smith spent more than $80,000 to finance anti-Clinton research in an effort to persuade the mainstream press to cover Clinton's sex life. Among others, his efforts involved David Brock, the journalist who first mentioned the name "Paula" in an article on Clinton.

Smith declined an interview request.

In 1993, Brock said, Smith helped introduce him to the Arkansas state troopers who accused Clinton of using them to procure women when he was Governor of Arkansas. Brock wrote an article based on the troopers' account of Clinton's sexual escapades that was published in the January 1994 issue of The American Spectator, a conservative magazine. According to Brock, Smith wanted to establish a fund for the troopers, in case they suffered retribution. Brock said he opposed payments because they would undermine the troopers' credibility.

To allay his concerns, Brock said, Smith urged him to speak to Porter, who was then working at Kirkland & Ellis, the Chicago law firm that employed Starr in its Washington office. Brock said he had hoped his talk with Porter would put an end to any planned payments to the troopers, but Smith did pay them and their lawyers $22,600.

In 1992, Smith also paid Brock $5,000 to research another bit of Arkansas sex lore regarding Clinton, a rumor that has since proved to be baseless. Brock did not pursue an article.

Brock's trooper article in The American Spectator mentioned a woman identified as "Paula," and in May 1994, Ms. Jones filed her lawsuit against President Clinton. Ms. Jones's lawyers of record were from the Washington area, Gilbert K. Davis and Joseph Cammarata, whom Marcus had helped recruit.

LAWYERS OF RECORD HAD HELP FROM START

The Davis and Cammarata billing records show that from their earliest involvement in the case, they were consulting with Marcus and Porter. Conway also helped draft briefs, Cammarata said.

"Marcus was involved," Cammarata said, "but he insisted that he not be identified. But that was fine with me. We were just two guys involved in the middle of a world war. We welcomed his help."

No one was more important to the Jones case than Marcus. Besides helping to write several important briefs, Marcus spoke numerous times at the most critical moments in the case with Cammarata and Davis, offering legal advice that Cammarata said was "vital."

According to the billing records, Porter also offered "legal strategy" and once wrote a memo on "investigative leads" that might embarrass the President.

"Porter was a cheerleader," Cammarata said. "He used to call up and say, 'Maybe we can find you some money.'"

One of President Clinton's legal advisers said he noticed a marked difference in quality between the routine legal pleadings filed by the Cammarata and Davis team, and the polished, scholarly briefs written by the shadow legal team headed by Marcus and Conway.

Marcus, meanwhile, was so successful at keeping the extent of his role a secret that even Cammarata only found out recently that Marcus had trouble finding lawyers to agree to represent Ms. Jones. "No one wanted to touch this case," Cammarata said. "No one wanted to take on the President of the United States."

Another friend of Marcus also briefly considered assisting the Jones lawyers.

In June 1994, Rosenzweig, a lawyer at a small law firm in Washington, with experience working in the Justice Department, expressed interest in doing legal work on behalf of Ms. Jones, but he did none, lawyers involved in the case said.

LAW FIRM INCLUDED INFLUENTIAL DEMOCRATS

Conway wanted his role kept hidden as well, because his New York law firm, Wachtell, Lipton, Rosen & Katz, included influential Democrats like Bernard W. Nussbaum, a former White House counsel. Conway's name does not appear on any billing records.

Although the billing records show communication between Porter and the Jones lawyers from 1994 to 1997, he denied in a written statement last fall doing legal work for Ms. Jones.

Because Porter is a partner at the firm where Starr worked until he took a leave of absence last August, any role played by Porter in the Jones case could have posed a conflict of interest for Starr once he became independent counsel. Starr has said he did not discuss the Jones case with Porter.

Starr has acknowledged contacts with Davis, specifically six telephone discussions the two had in 1994, before Starr became independent counsel. In fact, Starr has been criticized for not disclosing the phone conversations to Attorney General Janet Reno when he was seeking to expand his investigation to the Lewinsky matter. Starr has said it did not occur to him to mention the conversations because he did not do work on the Jones case and simply offered his publicly stated position on a point of constitutional law that Presidents are not immune from civil lawsuits.

Before the Jones lawyers argued before the Supreme Court in May 1996, paving the way to the fateful 9-0 decision that the President was not immune from civil lawsuits, Conway went to Washington for a practice argument. He joined Davis, Cammarata, Judge Robert Bork and Theodore Olson, a Washington lawyer and friend of Starr, at the Army-Navy Club here.

When Cammarata and Davis quit as Ms. Jone's lawyers after she failed to reach a settlement with President Clinton's lawyers in 1997, Marcus and his colleagues established ties to her new lawyers at the Dallas law firm of Rader, Campbell, Fisher & Pyke and the Rutherford Institute of Charlottesville, Va., which helped pay her legal expenses.

In November 1997, Rosenzweig went to work as a prosecutor in Starr's office. And from November to January, Rosenzweig spoke several times by telephone with Marcus and discussed the Jones case, a lawyer with knowledge of the conversations said. But Bakaly, a spokesman for Starr, said that Rosenzweig did not tell any of his colleagues about what he learned about developments in the Jones case.

By this time, Mrs. Tripp was cooperating with the Jones lawyers. She was also taping her conversations with Ms. Lewinsky, which her friend, Lucianne Goldberg, a Manhattan literary agent, had incorrectly assured her was legal. In December, Mrs. Tripp became frantic that she might be prosecuted because such taping is illegal in Maryland, where Mrs. Tripp lives. Mrs. Tripp and Ms. Goldberg thought of a possible solution: perhaps she could receive immunity from prosecution from Starr.

Ms. Goldberg called Smith, the Chicago financier, and Porter for advice on how Mrs. Tripp might approach Starr. In a teleconference during the first week of January 1998, Ms. Goldberg talked to Porter and Marcus. Meanwhile, Marcus sought new lawyers for Mrs. Tripp. Conway suggested an old friend, James Moody, a Washington lawyer and fellow Federalist Society member, whom Mrs. Tripp retained.

Because he was Starr's former law partner, Porter did not want to be the first one to call the independent counsel's office on behalf of Mrs. Tripp. So Marcus made the call to Rosenzweig.

Mr. HARKIN. So now we have the involvement of Linda Tripp giving information to Paula Jones' attorneys. From about late October, early November until January 1998, a lawyer by the name of Jerome Marcus in Philadelphia, who has done extensive work for the Jones legal team, had been talking to a friend of his, Paul Rosenzweig, a prosecutor in Mr. Starr's office, about the Lewinsky matter. We didn't know the exact nature of these discussions, but we do know they talked a number of times. But we do know that on January 8 Marcus contacted Rosenzweig and told him about the relationship of Monica Lewinsky and the President.

Right after this, Linda Tripp contacts the Office of Independent Counsel to talk about Lewinsky and tells them about the tapes she has made, the telephone tapes, the tapes of her telephone conversations with Monica Lewinsky. The day after that, Tripp is wired by FBI agents working with Starr, meets with Lewinsky, and records their conversation without Lewinsky's knowledge—and doing this without any authorization to do it. They didn't get it until 4 days later.

Now, all this is done prior to President Clinton ever giving a deposition or testifying before a grand jury. And so Clinton has done nothing yet in terms of testifying. So one might ask, What was Starr and his team after? If, in fact, this was a consensual sexual relationship between Clinton and a young woman who was an adult, what did it have to do with Whitewater or anything else they were investigating?

Well, here is why it had something to do with it. Let me quote from an article written by Joseph Isenburgh, a professor of law at the University of Chicago. I happen to have read it because he was supporting this findings of fact procedure, and I wanted to see what his thoughts were. But later on in his treatise he said this:

> What is perverse about the impeachment of President Clinton is the idiotic premise on which it rests. The President wasn't forced to respond to judicial process in the Paula Jones sexual harassment suit because he committed a crime of paramount public concern. That case, remember, was dismissed as meritless.

I am continuing to quote him:

> The misconduct at issue here had no independent significance. It is, itself, merely a byproduct of a judicial process directed at the President, essentially of a "sting" set-up in the courts.

"A 'sting' set-up in the courts." That is what Ken Starr and the Jones attorneys, working in tandem, were doing, setting him up. And you can see this clearly when you watch Clinton on videotape in the deposition before the Paula Jones attorneys. They present him with this definition of "sexual relations" that even the judge herself said was confusing. They knew what they were going after. But President Clinton did not know that they had all this information about his involvement with Monica Lewinsky—a classic sting operation.

Also, keep in mind that Linda Tripp briefed the Paula Jones attorneys the night before that deposition and gave them the tapes of her telephone conversations. In light of this, it is interesting to note that in today's New York Times, February 10, the conduct of the independent counsel is so suspect and potentially violative of Justice Department policy and law that he now is under investigation for a number of reasons which I won't read. But I ask unanimous consent that it be printed in the RECORD. And you can read it in today's New York Times.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, February 9, 1998]

INQUIRY TO ASK WHETHER RENO WAS MISLED BY STARR'S OFFICE

(By David Johnston and Don Van Natta, Jr.)

WASHINGTON, FEB. 9—The Justice Department has decided to begin an inquiry to determine whether Kenneth W. Starr's prosecutors misled Attorney General Janet Reno about possible conflicts of interest when they obtained permission to investigate the Lewinsky matter in January 1998, Government officials said today.

Among other concerns, the inquiry will focus on whether the prosecutors should have disclosed the contacts between Mr. Starr's office and the Paula Jones legal team in the weeks leading up to Mr. Starr's decision to ask Ms. Reno to expand his inquiry beyond the Whitewater matter, said the officials, who spoke on the condition of anonymity.

In recent months, documentation has emerged indicating that there were conversations between a prosecutor in Mr. Starr's office and a lawyer working behind the scenes with the Jones legal team from November 1997 to January 1998.

But a series of newly disclosed notes taken at the initial meetings on Jan. 15 and Jan. 16, 1998, between Mr. Starr's prosecutors and Justice Department officials, shows that the prosecutors flatly asserted that there had been no contacts with the Jones team.

For example, Eric H. Holder Jr., the Deputy Attorney General, wrote in this three pages of notes of a Jan. 15, 1998, meeting with Mr. Starr's prosecutors: "They've had no contact with plaintiff's attys."

Handwritten notes by two other Justice Department officials, Monty Wilkinson and Josh Hochberg, corroborate the statements attributed to Mr. Starr's prosecutors.

Moreover, notes taken by another participant in the meeting, Steven Bates, a prosecutor in Mr. Starr's office, indicate that Jackie M. Bennett, one of Mr. Starr's deputies, told the Justice Department officials: "We've had no contact with the plaintiffs' attorneys. We're concerned about appearances."

The notes have become crucial evidence in the Justice Department inquiry, which will be conducted by the Office of Professional Responsibility, which investigates prosecutorial misconduct. The lawyers' notes became public just last month as part of the Senate record of documents related to the impeachment trial of the President.

The truthfulness of Mr. Starr's prosecutors is one of several issues that the department wants to examine, the Government officials said. Lawyers in the ethics office also intend to investigate whether Mr. Starr abused his authority to convene grand juries, or improperly pressed witnesses like Ms. Lewinsky, and disclosed secret grand jury information to reporters, the officials said.

Mr. Clinton's lawyers and supporters have long contended that there was collusion between Mr. Starr's office and the conservative Jones lawyers, noting that Linda R. Tripp found her way to the Office of Independent Counsel through a group of private lawyers who performed legal work on the Jones case. Mr. Starr has insisted that his office sought permission from Ms. Reno to expand his jurisdiction when he learned of allegations that President Clinton's close friend Vernon E. Jordan, Jr. was helping Monica S. Lewinsky find a job in exchange for her silence as a possible witness in the Jones lawsuit.

Charles G. Bakaly 3d, a spokesman for Mr. Starr's office, would not comment on the Justice Department's plans to start an investigation. But Mr. Bakaly said the notes showed that prosecutors had supplied the Justice Department with a thorough status report on the then-nascent inquiry.

"I don't know how else to put it," Mr. Bakaly said. "There was no misleading of Justice. This was a very fluid evolving situation. Unlike most public corruption cases, this one was ongoing; felonies were still possibly being committed."

This latest inquiry has exacerbated tensions that have existed between the Justice Department and the Office of Independent Counsel almost since the beginning of the Lewinsky scandal.

At one point last spring, Ms. Reno asked her senior aides to research whether she had the authority to discipline Mr. Starr in some way that stopped short of removing him, said a former Justice Department official who spoke on condition of anonymity.

Some aides told her that it would be a mistake, comparing it to the "Saturday Night Massacre" when President Nixon ordered the firing of the Watergate special prosecutor Archibald Cox in October 1973.

But, the official said, Ms. Reno shot back: "I'm not asking you to make a political judgment. I'm asking you to make a legal judgment."

Deepening hostilities between the Justice Department and Mr. Starr's office delayed the start of the new ethics inquiry. The ethics investigators recently wrote to Mr. Starr outlining the scope and authority for the investigation, the officials said. Mr. Starr's prosecutors are challenging the inquiry, asserting that the Attorney General does not have the authority to delve into highly sensitive grand jury material or investigative decisions that led Ms. Reno to refer the case to Mr. Starr.

Ms. Reno's aides have said that investigative authority is implied by language in the independent counsel statute, which gives the Attorney General the sole responsibility to remove an independent prosecutor.

Over time, Justice Department officials, including Ms. Reno, have become troubled by what they view as possible violations of Justice Department guidelines. From issues like calling the Secret Service before the grand jury to the crossfire over leaks to reporters, Mr. Starr's prosecutors and Justice Department officials have feuded privately.

"As time went on, people became more and more frustrated with him," the Justice Department official said of Mr. Starr. "He seemed less concerned with Department of Justice policies."

The ethics lawyers are trying to determine whether prosecutors in Mr. Starr's office had a vested interest in the outcome of the Jones case, an interest that would have undercut their ability to impartially investigate allegations related to the lawsuit. If that conflict existed, the officials said, it would have been an important factor as Ms. Reno weighed whether to recommend to a three-judge panel that Mr. Starr take on the Lewinsky matter.

At this point, the ethics unit of the Justice Department must determine whether Mr. Starr and his prosecutors violated departmental rules and prosecutorial guidelines. Their findings could lead to recommendations for disciplinary action, like reprimands or suspension of employment.

The relationship between Ms. Reno and Mr. Starr began as a wary but cordial one that a Government official compared to "Thatcher and Gorbachev."

At times, Ms. Reno has expressed exasperation over Mr. Starr's conduct, fuming over letters sent by Mr. Starr's prosecutors accusing the Justice Department of trying to undercut the inquiry.

Mr. Starr's prosecutors had also grown angry and suspicious about Ms. Reno's aides, suggesting that the Justice Department was under the control of the White House and had quietly tried to squelch Mr. Starr's effort, the officials said.

Since October, several news organizations have reported how Mr. Starr's office first learned about the Lewinsky matter. On Jan. 8, 1998—four days before Linda R. Tripp contacted Mr. Starr's office—Jerome M. Marcus, a Philadelphia lawyer who did extensive work for the Jones legal team, informed Paul Rosenzweig, a prosecutor in Mr. Starr's office, about the Lewinsky accusations.

The early tip was not disclosed in Mr. Starr's 445-page referral to Congress. Nor was it disclosed to the Justice Department. And The New York Times reported last month that there were several conversations between Mr. Marcus and Mr. Rosenzweig from November 1997 to January 1998.

David E. Kendall, one of the President's personal lawyers, complained to Ms. Reno in October that "very serious questions" were raised about those contacts.

The allegations of collusion prompted lawyers at the Justice Department to turn their attention to their own recollections and their own handwritten notes, of statements made by Mr. Starr's representatives on Jan. 15, 1998, officials said today.

One former Justice Department lawyer said in an interview that Ms. Reno was especially disappointed in the fact that the early phone call was not shared with her senior aides in January 1998.

Last month, The New York Times reported that Mr. Marcus was the leader of a small secret group of lawyers working behind the scenes on the Jones case. Mr. Marcus drafted legal documents and was involved in many of the most important strategic decisions in the Jones lawsuit, according to billing records in the Jones case and interviews with other lawyers who worked with him.

Mr. Marcus recruited other conservative lawyers to assist with his efforts, approaching among others, Paul Rosenzweig, who briefly considered doing work for Ms. Jones in 1994, the billing records show, but decided not to.

In November 1997, Mr. Rosenzweig joined Mr. Starr's office, where he and Mr. Marcus had several conversations about the Jones case, said a lawyer familiar with their discussions.

Mr. Bakaly, the spokesman for Mr. Starr, has adamantly denied any suggestion of collusion. When Mr. Starr testified before the House Judiciary Committee on Nov. 19 of last year, he was asked by the chief counsel for the minority, Abbe D. Lowell, about the "substantial contacts" that Mr. Starr had had with Jones lawyers.

In a series of questions, Mr. Lowell tried to suggest that Mr. Starr should have revealed the contacts to the Justice Department in January 1998, and that Richard W. Porter, a partner of Mr. Starr's at the law firm, Kirkland & Ellis, had declined a request to represent Ms. Jones.

"I know Richard Porter; I've had communications with him from time to time," Mr. Starr testified. "But in terms of a specific discussion with respect to what the law firm may be doing or may not be doing, I'm not recalling that specifically, no."

[From the New York Times, Feb. 9, 1998]

TRACING THE PAST: HOW LEGAL PATHS OF JONES AND LEWINSKY JOINED

(By Tim Weiner with Neil A. Lewis)

WASHINGTON—Shortly after 10 a.m. on Jan. 17, a Saturday, the president of the United States stepped out of the White House into the back of a black limousine and rode a block to his lawyer's office to undergo a six-hour grilling in the case of Paula Jones vs. William Jefferson Clinton.

For six weeks, the president's lawyers had known that he might be asked a startling question: Did you have a sexual relationship with Monica Lewinsky? When the question came, the president's body tensed and his jaw tightened, said a lawyer involved in the case, and, under oath, he denied it.

The questions continued: Had the president been alone with Lewinsky? Had he given her gifts? He said he might have been alone with her briefly while she performed some clerical task, and he might have given her some presidential souvenirs, the lawyer recalled.

The deposition ended, President Clinton returned to the White House, canceled dinner plans with his wife and called his personal secretary, Betty Currie, asking her to meet him at the White House the next morning.

When they met, the president asserted that he had never been alone with Lewinsky at the White House, said lawyers familiar with Mrs. Currie's account. But that assertion did not square with Mrs. Currie's recollection.

In addition, Mrs. Currie had turned over to investigators a hat pin, a brooch and a dress she retrieved from Lewinsky, the lawyers said, items that are believed to have been given to her by the president but which do not fit his description of have been given to her by the president but which do not fit his description of White House souvenirs. It is not clear who, if anyone, instructed Mrs. Currie to retrieve the gifts.

Was Clinton less than truthful about his relationship with Lewinsky, the 24-year-old former White House intern? Was he using his trusted secretary to hide evidence from Mrs. Jones, the former Arkansas state employee suing him over what she says was a crude sexual advance nearly seven years ago?

The president's battle with the Whitewater independent counsel, Kenneth Starr—and, perhaps, Clinton's place in history—may depend on the answers. If he lied, or if he urged others to lie or conceal evidence, he could face the threat of impeachment.

How did Clinton become the first president forced to testify under oath about his private life? How did the Jones case—once demeaned by the president's lawyers as third-rate "tabloid trash"—come to threaten Clinton's presidency? The answers lie in a detailed look at the recent past.

When Mrs. Jones' lawyers learned of Lewinsky's existence, it was as if two live wires had met in an incendiary tangle.

The lawyers' hunt for information about Lewinsky, which they sought to buttress Mrs. Jones' charge of sexual misconduct by Clinton, led directly to Starr's investigation into the possibility of perjury and obstruction of justice at the highest levels. Now Starr is demanding that Mrs. Jones' lawyers turn over everything they have learned in their search for women who contend they have had sexual encounters with Clinton.

The two cases merged that Saturday morning. As the president testified, with Mrs. Jones staring him in the face during the deposition, Lewinsky was at home at the Watergate, recovering from the shock of her life.

Twelve hours earlier, she ended an intense encounter with federal investigators pursuing the president on Starr's behalf. The investigators confronted Lewinsky with the devastating news that her colleague and confidante Linda Tripp had been taping their intimate telephone conversations for months.

Tripp had told Starr's investigators that Lewinsky lied in her affidavit in the Jones case by denying that she had ever had sex with Clinton. While Tripp was working undercover for Starr, she was preparing to file an affidavit in Jones vs. Clinton, swearing that Lewinsky "had a sexual relationship with President Clinton."

The tapes presented the threat of prison for Lewinsky unless she disavowed her affidavit and cooperated with Starr. The tapes recorded Lewinsky saying that the president "won't settle" the Jones case because "he's in denial," according to published excerpts of the tapes. If so, refusal had turned that private lawsuit into a potential personal and political disaster.

The miasma enveloping the White House began rising four months ago.

On Oct. 1, the Rutherford Institute, a conservative legal center in Virginia, publicly offered to help Mrs. Jones. The institute found Mrs. Jones new lawyers from the Dallas firm of Rader, Campbell, Fisher & Pyke and offered to pay her legal expenses.

In the first week of October, a woman telephoned the Rutherford Institute with an anonymous tip: a woman named Monica had had sex with the president in the White House. The same tipster, described by the man who took the call as "a nervous young woman," called back in late October, providing a surname: Lewinsky.

Days after the first tip, the Dallas lawyers telephoned Tripp. Newsweek quoted her in its Aug. 11 issue as a witness to a supposed sexual encounter between the president and Kathleen Willey, a White House volunteer. A lawyer involved in the chain of events said Tripp later gave the lawyers Lewinsky's name. Tripp's lawyer, James Moody, denies that. The question is unresolved.

LEWINSKY GETS HELP WITH JOB INTERVIEWS

On Oct. 7, Lewinsky sent the first of nine packages from her office at the Pentagon to the White House and to the office of Vernon Jordan, Clinton's friend and confidant. The packages contained, among other things, letters and documents relating to her search for a new job. A key question for Starr is whether the White House and Jordan helped her find a job for reasons beyond altruism.

Two weeks later, Lewinsky secured a job interview with Bill Richardson, the chief U.S. delegate to the United Nations, arranged by a White House deputy chief of staff, John Podesta, at Mrs. Currie's request.

On Oct. 22, Richardson had a 40-minute interview with Lewinsky in Richardson's living room at the Watergate apartment and hotel complex, where she lives and where he maintains an apartment. In November, Lewinsky was offered a job on Richardson's public relations staff.

But Lewinsky eventually declined the offer. She wanted a better-paying position in the private sector in New York.

In early December, Jordan talked to Lewinsky about helping her find that job. The go-between for their discussions was again Mrs. Currie. Jordan set up interviews for Lewinsky at three companies where he had personal and corporate connections: Revlon, American Express and Young & Rubicam, the advertising agency.

Dec. 5 was the deadline for submitting witness lists in the Jones case. And on that list, on that day, the president's lawyers saw Lewinsky's name for the first time.

From that moment on, the paths of two people from two different worlds—Paula Jones from Lonoke, Ark., and Monica Lewinsky from Beverly Hills, Calif.—were on course to collide at the White House.

SUBPOENA SEEKS GIFTS TO LEWINSKY

Dec. 19, a Friday, Mrs. Jones' lawyers served Lewinsky with a subpoena requesting information, including any gifts from the president. She called a Washington lawyer, Francis Carter, on Jordan's recommendation.

Christman Eve was Lewinsky's last day of work at the Pentagon. She still did not have a new job.

On or about Dec. 28, a Sunday, she had a private talk with Clinton at the White House, said lawyers in the case. The president told her not to worry about being drawn into a lawsuit and advised her to describe her earlier White House visits as meetings with Mrs. Currie, the lawyers said.

As for the subpoenaed gifts, the president said Lewinsky could not produce them if she no longer had them, according to the lawyers' account. Mrs. Currie has told investigators that she retrieved a box of gifts from Lewinsky—including the dress, the brooch and the hat pin—and subsequently turned the items over to Starr.

AFFIDAVIT INCLUDES DENIAL OF SEX

On Jan. 7, a Wednesday, Lewinsky completed an affidavit saying she never had sex with the president, said her lawyer William Ginsburg. The affidavit was not immediately filed with Mrs. Jones' lawyers.

The judge in the case had suggested that testimony be limited to accounts of sexual favors received by Clinton in exchange for government jobs. Lewinsky contended she knew nothing of the sort, Ginsburg said; her affidavit was intended to keep her out of the Jones trial.

Tripp has suggested to lawyers in the case that Lewinsky did not intend to file the affidavit until she had secured a job. That suggestion has not been independently corroborated by Lewinsky or anyone else.

On Jan. 8, Lewinsky had a final job interview at Revlon, and Jordan made telephone calls on her behalf to the company, where he serves as a director. One of those calls went to Revlon's chairman, Ronald O. Perelman. A few days later, Revlon offered Lewinsky a job.

Now events approached critical mass.

On Jan. 12, Tripp made contact with Starr's office, saying that Lewinsky had had an affair with the president and that she, Tripp, had secret tapes to prove it. The same day, Carter told Mrs. Jones' lawyers that Lewinsky had denied any sexual relationship with the president in her affidavit.

On Jan. 13, Tripp, with a tiny tape recorder provided by Starr's office, met Lewinsky for a long lunch, during which Lewinsky is said to have described her conversations about her affidavit with Jordan.

On Jan. 14 or Jan. 15, Lewinsky handled Tripp three pages of "talking points," aimed at persuading Tripp to deny any knowledge of sexual impropriety by Clinton in the Jones lawsuit. It is unclear who wrote the document.

On Jan. 15, Starr's office told the Justice Department about Tripp's accusations. A panel of federal judges authorized Starr to investigate whether Clinton and Jordan had encouraged Lewinsky to lie under oath in her affidavit.

On Jan. 16, a Friday, the case reached an explosive state. The Federal Bureau of Investigation confronted Lewinsky. That day and the next, reporters began asking White House officials pointed questions, including whether the president had tried to influence other people's testimony in Jones vs. Clinton, a former White House official said. News of Starr's expanded investigation had already leaked.

Clinton knew none of this. Nor did he know, as he confronted Mrs. Jones on Jan. 17, that he would be so extensively questioned about Lewinsky. Mrs. Jones lawyers appeared to know more details about Lewinsky than the president's lawyers had anticipated.

The next morning, Clinton summoned Mrs. Currie to the White House and reviewed with her some of the questions and answers he had given the previous day about Lewinsky, said lawyers familiar with Mrs. Currie's account. The president told her he had never been alone with Lewinsky and that he had resisted her sexual advances, these lawyers said.

If this was an effort at damage control, it failed. The story of Tripp's tapes was already leaking out, and Starr was already aiming this investigation directly at the White House, preparing to summon a parade of aides, including Mrs. Currie, to a grand jury.

On Jan. 21, a Wednesday, the inquiry was national news. That day, Tripp signed an affivadit for Mrs. Jones' lawyers. It said Lewinsky had "revealed to me in detailed conversations that she had a sexual relationship with President Clinton since November 15, 1995."

If that is so, the president "committed perjury" in his sworn deposition, and "embarked on a very aggressive cover-up campaign" afterward, one of Mrs. Jones' lawyers, Donovan Campbell, said in court papers filed last Thursday.

Those charges are now at the heart of one of the strangest investigations ever carried out against a president of the United States.

Mr. HARKIN. So I just want to end this part of my discussion by saying we have heard a lot about the rule of law recently, about how it applies. Now, how about how it applies to those who are supposed to enforce the law, how it applies to Ken Starr and the Office of Independent Counsel?

Mr. HYDE went on many times in his opening and closing arguments about what this teaches our kids about honesty and truthfulness, that the rule of law means something. Well, yes, it means something. It means something to our kids and future generations that honesty and truthfulness and the rule of law also applies to those who are cloaked with the authority to enforce that law. We must teach our kids that the ends do not justify the means, that law enforcement officials cannot break the law in order to bring someone to the bar of justice.

So now, in this long process, the case is before the House Judiciary Committee. And only Ken Starr testifies on the facts. He gives them all these documents. But it is interesting to note, he does that before the election. He waits until after the election to give them all the Whitewater, Filegate, and Travelgate charges, which he drops. That happens after the election. They hear Ken Starr. And it is interesting to note that at the end of his long testimony, every Republican on the House Judiciary Committee gives him a standing ovation. What kind of political statement does that make? This was nothing like the kind of balanced evidentiary material given the Judiciary Committee in the House by Leon Jaworski in the Watergate case concerning then-President Nixon.

So in summary, what we have here is an out-of-control independent counsel with his own political agenda and vendetta, a blank check to spend millions to look into every nook and cranny of President Clinton's public as well as personal life. You add this to a zealous group of House Republican Judiciary Committee members who fanned the flames, and some Members who already, prior to this, filed a resolution to impeach the President. What you have here is a blatant, vindictive political case.

The American people figured it out a long time ago. They know the truth of what happened. And the truth is very simple. The President had a consensual, illicit affair with a young woman. He tried to cover it up. He misled others to cover it up. That is the truth. All this other stuff we are delving into is the details of about who touched who where, how many times they met, who exchanged gifts. The truth is simple and straightforward, and the American people figured it out, and they have a judgment about this.

They said it is wrong, but it's personal. And he violated his marriage oath, not his oath of office. It is a sin, but not a crime. It is between him and his wife and his family and his God. And it is not an impeachable offense. I have said many times the American people can abide sin but not hypocrisy.

Throughout this entire case, hypocrisy abounds. Much has been said about the rule of law and the truthfulness and honesty regarding President Clinton. How about as it applies to Starr? How about truthfulness, when he doesn't include, in his presentation, that very important statement that Monica Lewinsky said: "No one ever asked me to lie"? How about honesty when it comes to him not providing exculpatory material?

Having failed to get Bill Clinton on the stated reasons for the independent counsel—on Whitewater, Travelgate and Filegate—they shift to illicit sex and a classic sting operation.

So we are left with two charges. Perjury. This falls far short, and there is no evidence to support the fact that he perjured himself before the jury. Evasive? Yes. Dodging? Yes. But not knowingly making a false statement under oath material to the case. Doesn't fit.

Second article. Obstruction of justice. The House managers built their case on what they called the seven pillars of obstruction, which we have seen turned out to be seven sand castles of speculation. I think the most telling point was Monica Lewinsky, on her own tape last Saturday, when Mr. BRYANT asked her, "You didn't have a personal reason to file a false affidavit?" And she said, "Yes, I did." He said, "Why?" She said, "Because I didn't want to get involved with the Jones case. I didn't think it was any of their business." End of story on obstruction because everything else rests on that.

That is why I have said, the more we look at this case, the more it is a counterfeit case. Like a counterfeit dollar bill, even to a trained eye, you look and it may look real, but you put it under a microscope and you see it's counterfeit. That's what happened in this case.

The House managers' case was based on inferences and conjecture. The White House's case was based on direct facts in evidence, and that is the difference.

In closing, two wrongs don't make a right. President Clinton did have an illicit affair. It was wrong and demeaning. Ken Starr abused justice, set up a sting operation, the wiring of Linda Tripp, the leaks, the salacious material.

Clinton's wrong, I submit, was more of a sin. Ken Starr's wrong is more of a crime. The damage to the rule of law is done more by Ken Starr than by Bill Clinton. At the beginning, I said the House had a heavy burden, given the history and partisanship of this case, to prove articles I and II and that they rise to an impeachable level. They never met that burden. Accordingly, I will vote not guilty on both charges.

Finally, as you know, there has been much talk of a censure resolution. As I said before, I said I believe the appropriate form is for each Senator to express his or her opinion on this matter. I personally see no need to join 99 others, and in doing so, set a dangerous precedent that could be easily abused in the future. So here is my censure of the President.

I want to state emphatically, I do not condone his behavior that has been so thoroughly exposed and seared in the American conscious ad nauseam. It is the sordid affair of all sordid affairs. The President brought dishonor to himself. He brought tremendous pain and embarrassment to his family, friends and colleagues. And rather than ennobling the Presidency, his behavior has been the butt of jokes and ridicule.

This behavior was totally at odds with his many achievements and conduct in his official capacity as President. The President has stated clearly he has sinned and that he has misled his family, his friends, his staff, and the American people. He has said that he is sorry and he has asked for forgiveness.

I do so now and say it is time to put this sad chapter behind us; move on to the important work of this Nation.

Mr. REID. Mr. Chief Justice, I extend to you my personal appreciation for the dignity that you have extended to each of us during these proceedings. I also say that I have been disappointed. It appears the vote is going to be very comparable to the vote in the House, down partisan lines, even though during the break I understand two of my colleagues from the other side of the aisle announced that they would not vote for conviction on the articles of impeachment.

But in spite of this, I want to extend my appreciation to the Republican leaders. Senator NICKLES has been available any time that there is a problem that has arisen during this proceeding. And you, Senator LOTT, have 10 more votes than we have and you on many occasions during this proceeding could have steamrolled us. You chose not to do that. I think that is the reason we have had this feeling of harmony, even though we have had some disagreement on what is going to transpire. So I, again, on behalf of all Democratic Senators, express our appreciation to you for the work you have done.

Often as I stand before this body, I am reminded of the lessons of great books. Today, though, the beginning of a novel keeps running through my mind—Charles Dickens' "A Tale of Two Cities":

> It was the best of times, it was the worst of times.

I have often felt, these last weeks, as if I were trapped in a work of fiction. Like all really interesting fiction, the story now before us reduces itself to an examination of the human soul—or, to be more accurate, to an examination of human souls. I use the plural because this trial has been about the flaws of two people, each with the gifts to make them great, and of the contrast between them—one who has failed to rise above his flaws and the other who has embraced them. Much of what we call great literature is about the petty failings which destroy great men. It is about how common sins, of which we are all to some degree guilty, bring low the mighty and turn to ashes the fruits of victory in the mouths of monarchs.

We have heard much in this historic Senate Chamber about the judgment of history, but I daresay that, even more than by historians, the truest judgment of these events will be written as novels and plays. On the one level, these works will deal with some or all of the seven deadly sins: Pride, anger, greed, gluttony, sloth, envy, and, yes, especially lust.

But on another level, those plays and novels will deal with the theme of all literature. They will be written about conflicts between great men, great men who are flawed; great men, each with their own public and private failings. We are here to sit in judgment of the President of the United States, a very public man, for his very private failings. Bill Clinton fell from grace. Driven by the private sin of lust, he violated his marriage vows and when his sins were uncovered by his enemies, he tried to conceal them by lying to his wife, his friends, and ultimately to all of us. It is a common story, the sin of lying. It begins in the Old Testament with many examples—Cain, of course, is a good example, who asked, "Am I my brother's keeper?"—and with the lie, the kiss of Jesus by Judas Iscariot in the New Testament.

It may be the beginning of a great work of art, it may be the first chapter in a summer day's light reading, but it is not a good reason, it is not the beginning of a good reason, for removing an elected President of the United States.

The core issue is one which has apparently eluded many in this Capitol, but which is obvious to the American people. Great dreams are dreamed by people with human flaws. Great policies and actions are sometimes set in motion by those with broken souls. Great deeds are not always done by good men. Recent history gives us many examples. Winston Churchill, one of my heroes, a man who initially stood alone in leading the defense of Western civilization, was by most standards an alcoholic—at least modern standards. Franklin Roosevelt, Churchill's stalwart comrade and the author of policies which saved the very lives of families of many in this Chamber today, died in the arms of his lover. Each of us, each one of us in this Chamber, every human being, is flawed. Each of us needs all the forgiveness and forbearing we can be granted by the charity of others.

Bill Clinton has been a friend of the State of Nevada. He has been a friend to me. But he has committed grievous wrongs against his family and his friends. He has dishonored his high office and lowered the standard of public behavior. I have no doubt that he has strayed from the path of goodness. But I do have very real doubts as to whether he perjured himself or suborned perjury. But I have no doubt whatsoever that, under the circumstances of this case, the crimes alleged do not rise to the level of an impeachable offense. Because of what the President did in public and in violation of the public trust, if I have the opportunity I will vote to censure. I will not vote to impeach.

I said a few moments ago that great men are not always good men. But there is an obvious corollary: Good men are not always capable of doing great deeds and they are not even always capable of doing good. I began today by saying this trial was about the flaws of two people. Both are men with God-given gifts. Both are extraordinary in their intellect, perseverance, and dedication to certain core values. Both are capable of great goodness and even good greatness. Both have sinned. One is the President of the United

States. His sins are of the flesh and of the spirit. About these I have already spoken. The other is the special prosecutor, Ken Starr, who has pursued the President beyond all bounds of reason and decency. His are the sins of unremitting, undiluted, unrepentant McCarthyism. They are the sins of pride, the sins of anger—they are damning sins indeed.

I don't use lightly McCarthy's name or accuse others of his tactics. I am old enough to remember how he misused and abused this sacred Chamber. My friend and my client, the late newspaper publisher, Hank Greenspun, was a victim of his lies, a victim who had the courage to stand up and fight back. Others fought, but many also suffered irreparable harm because of Senator McCarthy.

I know McCarthy's tactics were the back room stab, the whispered smear, the half-truth, the leaked calumny. I know that he subpoenaed witnesses and forced them to choose between betraying their friends or committing perjury. I know he destroyed the careers of innocent men and women, drove some to suicide and sent others to jail. But at least McCarthy had an excuse, of sorts. For all his lies, leaks and libels, there really was a Communist threat. There really were Communist spies. Some of the people he accused really did commit treason. They were guilty of treason. At least, Mr. Chief Justice, McCarthy and his cohorts had that excuse. Kenneth Starr doesn't have an excuse.

Before I came to the national legislature 17 years ago, I was a trial lawyer. At various times, I prosecuted and defended people charged with crimes. Long before that, I served as a police officer. I never argued a case in the U.S. Supreme Court, but I tried more than 100 jury trials, hundreds of other cases before various courts, and argued before different appellate courts. I tried criminal cases, lots of them, and I know something about when a case should be pursued and when it should be dismissed. I know something about the impact that a criminal charge has on any man or woman, about how they agonize over telling their children, how they struggle to face the community. I know something about prosecutorial misconduct, and I know something about prosecutorial discretion.

Every American is entitled to equal justice, no matter their rank in society; equal justice but not equally unfair justice.

The independent counsel's argument throughout his tenure seems to be that any U.S. attorney, any criminal prosecutor would treat any defendant in the same unredeemedly savage and unfair fashion in which Mr. Starr and his office have treated the witnesses, the defendants in peripheral cases and the President of the United States. Almost $60 million has been spent—Whitewater, Filegate, Travelgate and now this. I think not.

No prosecutor of integrity, of principle, of fairness would have tried to bootstrap a sexual affair into something criminal. A truly independent prosecutor would not make deals time after time with organizations established to embarrass the President, cavort with attorneys for Paula Jones, do business with Linda Tripp and others to entrap the President. A fairminded prosecutor would not have leaked salacious details to the press in an effort to force the target to resign from office. And, most fervently, a principled prosecutor would have the common sense and the common decency not to misuse their office to go all out, no holds barred, to "get" that targeted individual out of pride, anger and envy.

I invite each of you to look at Justice Scalia's brilliant dissent in the Morrison versus Olson case where he talks about the constitutionality of the independent prosecutor. He predicted what we are now witnessing. Justice Scalia was visionary. Here is one of the things he said:

> The context of this statute is acrid with the smell of threatened impeachment.

He was right. What else did he say? His opinion was 8 or 9 years ago. He said then:

> . . . Congress appropriates approximately $50 million annually for general legal activities, salaries, and expenses of the Criminal Division of the Department of Justice.

Fifty million dollars the whole year covers everything for the whole civil division of the Department of Justice. We are spending more than that to go after one man. Scalia could see that coming.

He also said, and my friend, the Senator from Vermont, earlier today talked about what Justice Jackson had said, but he also quoted Scalia. Scalia said:

> If the prosecutor is obliged to choose his case, it follows that he can choose his defendants. Therein is the most dangerous power of the prosecutor: that he will pick people that he thinks he should get, rather than cases that need to be prosecuted . . . [I]t is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigators to work, to pin some offense on him.

Justice Scalia could see this coming, and we got just what he said we would get.

This is a bad situation. When you have someone of the brilliance of Ken Starr and the viciousness of Ken Starr, you get what we have here today.

I want to use this occasion to say something to the American people, to the people of the State of Nevada, to leave them with the hope that those in high office have not been bereft of all reason, sense and sensibility. What the President did was wrong. It was immoral. I don't believe it constitutes a crime justifying his removal from office. What Mr. Starr did, and continues to do, is also wrong, and it is also immoral.

But their conduct is not the standard to which we must hold ourselves. We, all of us in Government, can do better. We must do better. The American people have the right to expect that or it doesn't matter how great we are, how great our ideas or how powerful our values. Set the standard high and judge by that standard. That is how the system is supposed to work, and in the long run it is how our constitutional form of government, with a legacy of more than 200 years, has worked and, with the help of a power greater than any of us, will continue to work.

Mr. EDWARDS. I add my praise, Mr. Chief Justice, for the work you have done, but I would add one other thing. The last time I saw you before this impeachment trial you were leading a sing-along at the Fourth Circuit Judicial Conference. I thought it might be a good idea for this group.

The CHIEF JUSTICE. A healing device.

(Laughter.)

Mr. EDWARDS. Thank you, Mr. Chief Justice. I have prepared remarks. But I am not going to use them. I made that decision about 20 minutes ago.

I have been sitting, listening to my fellow Senators speak, and I want to speak to you from the heart. I want to speak to you about a struggle, because I have been through a struggle. It is a real struggle. And I suspect that there are an awful lot of you who have been through the same struggle—both before we voted on the motion to dismiss and, for me, since we voted on the motion to dismiss.

For me, the law is a sacred thing. And that is part of my life. I have seen what the law can do. It is a powerful, powerful thing. It can do extraordinary things for ordinary people. And I believe we have been given a sacred responsibility. I will tell you what that sacred responsibility means to me personally. It means that when I walked in here the first day of this impeachment trial I was 100 percent completely open to voting to remove this President.

And I have to tell you all something, my friends on this side of the aisle, that wasn't a hard thing for me to do. I think this President has shown a remarkable disrespect for his office, for the moral dimensions of leadership, for his friends, for his wife, for his precious daughter. It is breathtaking to me the level to which that disrespect has risen.

So I said to myself, what is the right and fair thing to do? And this is what I have done. I have looked—many times until 3 a.m. in the morning—at the evidence in this case. Because I think that is the way we need to make this decision.

The perjury charge, I believe, is just not there. The evidence is not there to support it. I know many of you believe it is there. I respect your view on that. I don't believe it is there. The obstruction charge is a totally different matter. And this is the way I have thought about the obstruction charge.

I view, in my mind's eye, the scales of justice. And on one side, where the prosecution makes an allegation, I put their evidence. On the other side I put the defense evidence. And I do believe that for a charge this serious that the proper standard is beyond a reasonable doubt.

So after that evidence is put on both sides of the scale of justice, what happens? I want to just very briefly go through what I think are the four main charges for obstruction.

First, the false affidavit. The prosecution side: There is, in my judgment, clearly a false affidavit. The President had a conversation with Monica Lewinsky about filing an affidavit where he said to her, "You can file an affidavit; that might be a way for you to avoid testifying." That is on the prosecution side.

I want to make a really important point for me personally here. I think there is an enormous difference between what has been proven and what we suspect, because I have to tell you all, I suspect a lot that has not been proven.

What is on the defense side? On the defense side: what has been proven in this case is that President Clinton never saw the affidavit, never had a discussion with anyone about the contents of that affidavit. He didn't know what was in it. He never told, according to her, Monica Lewinsky or anyone what should be in the affidavit.

So that is the evidence on the scales of justice: One for the prosecution; that evidence for the defense. For me it is a very clear thing. The scales tilt in favor of the defense, and they certainly don't tilt strongly enough to be beyond a reasonable doubt.

The second charge—and the one that bothers me the most—coaching Betty Currie. The evidence on the side of the prosecution: President Clinton has a conversation with Betty Currie just after he has been questioned in his deposition where he makes very declarative statements to her—it happens twice—very declarative statements to her about what he remembers, many of which we now know to be false. And his explanation for that conversation lacks credibility, to say the least, that he was trying to refresh his memory. I doubt if anybody buys that. That is on one side, that is on the prosecution side.

What is on the other side? On the other side we have Betty Currie saying it had no influence on her. But that is not the most troublesome thing for me. The troublesome thing is this: For that conversation to be obstruction of justice, it must have been proven that it was President Clinton's intent to affect her sworn testimony.

Now, what are the other possibilities? We have a man who has just been confronted with this problem, who is political by nature. And do we really believe that the first thing he thought about is, "I'm going to go protect myself legally"? I suspect the first thing he thought about is "I'm going to protect myself politically." He was worried about his family finding out. He was worried about the rest of the staff finding out. He was worried about the press finding out. Do I know which of these things are true? Absolutely not. I don't know which of them are true. Doesn't that answer the question? If we don't know which of those things are true, have they been proven? If we don't know what was in his head at that moment, how can we find that the prosecution has proven intent beyond a reasonable doubt?

The third charge, the job search. On the prosecution side of the scales of justice, we have an intensified effort to find a job for Monica Lewinsky. I think that has been proven. I think that has been proven clearly. On the other side, we have testimony from Monica Lewinsky that she was never promised a job for her silence. We have evidence that the job search, although not as intense, was going on before anyone knew she would be a witness. We have Vernon Jordan testifying under oath—I sat there and watched it and looked him in the eye—that there was never a quid pro quo, that the affidavit was over here and the job search was over here.

The reality is, when you put all that evidence on the scale—prosecution evidence on one side, defense evidence on the other—at worst the scale stays even. And the prosecution has got to prove this case in order to remove the President of the United States beyond a reasonable doubt. They just have not proven it no matter what we suspect. No matter what we suspect. So that is the false affidavit which we have talked about, coaching Betty Currie, the job search.

Now to the gifts. Let's see what the proof is. What is the proof—not the suspicion. On the prosecution side, we know that the President's secretary went to Monica Lewinsky's house, got the gifts, took them home and hid them under her bed. I have to tell you, on its face, that is awful suspicious, and it is strong, heavy evidence. The problem is, there is evidence on the other side. That evidence doesn't stand alone.

First, we have the testimony of Betty Currie that Monica Lewinsky called her. Second, we have the fact that President Clinton gave her other gifts on that Sunday, which makes no sense to me. I heard the House managers try to explain it away. I have been a lawyer for 20 years, and I have been in that place of trying to explain away something that makes no sense. It doesn't make sense. Monica Lewinsky, herself, testified that she brought up the issue of gifts—not President Clinton—and that the most President Clinton ever said was something to the effect of "I'm not sure. Let me think about that."

Now when that evidence goes on the defense side and the only evidence on the prosecution side is the fact that those gifts are sitting under the bed of Betty Currie, what happens to the scale? At best, the scale stays even. In my judgment, it actually tilts for the defense. There is no way it rises to the level of "beyond a reasonable doubt."

Every trial I have ever been in has had one moment, one quintessential moment when the entirety of the trial was described, and in this case we have such a moment. There was a question that had my name on it. The reality is, Senator KOHL wrote it—I tagged on—but it was a great question. The question was, Is this a matter about which reasonable people can differ? I will never forget Manager Lindsey GRAHAM coming to this microphone and his answer was "Absolutely." Now if the prosecution concedes that reasonable people can differ about this, how can we not have reasonable doubt?

These things all lead me to the conclusion that however reprehensible the President's conduct is, I have to vote to acquit on both articles of impeachment.

I have one last thing I want to say to you all, and it is actually most important. If you don't remember anything else I said, and you weren't listening to anything else I have said, please listen to what I am about to say because it is so important to me.

I have learned so much during the 30 days that I have been here. I have had a mentor in Senator BYRD, who has probably been a mentor to many others before me. I have formed friendships with people on both sides. Senators LEAHY and DODD, who I worked with on these depositions—wonderful, wonderful Senators. I have learned what leadership is about from these two men sitting right here—Senators LOTT and DASCHLE. I have loved working with Senators DEWINE and THOMPSON. And Senator SPECTER and I worked together on a deposition. He showed me great deference and respect. I have no idea why, but he did; and I appreciate it. I have deep respect and admiration for my senior Senator from North Carolina, who has been extraordinarily kind and gracious to me since I arrived here.

Let me tell you what I will be thinking about when my name is called and I cast my vote, hopefully tomorrow. I will be thinking about juries all over this country who are sitting in deliberation in rooms that are not nearly as grand as this but who are struggling, just as you all have and I have, to do the right thing. I have to say, I have a boundless faith in the American people sitting on those juries. They want to do what is right. They want to do what is right in the worst kind of way.

An extraordinary thing has happened to me in the last 30 days. I have watched you struggle, every one of you. I have watched you come to this podium. I have listened to what you have had to say. I talked to you informally; I watched you suffer. I believe in my heart that every single one of you wants to do the right thing. The result of that for me is a gift. And that gift is that I now have a boundless faith in you.

Thank you, Mr. Chief Justice.

Mr. AKAKA. Mr. Chief Justice and esteemed colleagues, I rise to offer my thoughts on the momentous decision we will render shortly. At the start, I deeply regret that the American people have been denied the opportunity to hear the Senate's final deliberations on the impeachment charges against President Clinton. I say this because I have been thoroughly impressed with the thought, tenor, and passion brought to this deliberation by my colleagues on both sides of the aisle. I wish the American people could have the opportunity to observe what I have had the privilege of witnessing for the past two days. Whether seated in the gallery, watching on television, listening on radio, or following on-line, the public would have benefitted tremendously from the opportunity to hear, in real time and full context each of our remarks. The opportunity to read a transcript later this week in the RECORD will not come close to viewing these proceedings. It lacks the power of the moment.

When I took the oath to do impartial justice on January 7, 1999, I knew, as one of 100 Senators, that I was assuming the unique role of judge and juror in the Senate impeachment trial of William Jefferson Clinton. Over these weeks, I have listened to the presentations by the House Managers, the White House counsel, and the President's defense team without prejudice. I have analyzed the video testimony of Monica Lewinsky, Vernon Jordan, and Sidney Blumenthal, and read numerous grand jury transcripts, the referral from the Independent Counsel, and the House report and related documents.

The House of Representatives approved two articles of impeachment by straight party line votes after bitter and divisive partisan debate, forwarding to the Senate the impeachment articles to remove the President of the United States as authorized by the Constitution. At the same time, the partisan nature of the House action invites challenge to its legitimacy. And, although we have more often than not voted along party lines during the impeachment trial, I am proud of this body and its genuine effort to pursue a bipartisan course during our trial of the President. We have disagreed without being disagreeable.

The body has not strayed too far from the comity and tone that marked our first bipartisan caucus to set the framework for this proceeding.

We have taken the admonition of the senior Senator from West Virginia to heart and avoided descending into the pit of caustic partisanship and recrimination.

After reviewing volumes of evidence and weighing weeks of presentations before the Senate, I have concluded that a case has not been made on either of the articles of impeachment against President Clinton. Conviction and removal from office, as charged by the House Managers, is simply not warranted.

The record does not sustain the level of proof necessary to convict and remove the President. Certain facts are indisputable: the President lied to the American people and to his wife and daughter about an extramarital affair; he lied to his staff; and he was misleading in his deposition in the Jones v. Clinton civil suit and his grand jury testimony.

However, impeachment is not a Constitutional means to punish a President "when he gets out of bounds," as proposed by the House Managers. The constitutional standard is whether high crimes and misdemeanors were committed, and that test has not been met.

In 1974, the House Judiciary Committee rejected an article of impeachment against President Nixon based on the filing of a false tax return. It was reasoned that the President's misleading tax return was unrelated to his duties as president, although a minority believed the count was unsupported by the evidence. Thus we see that all crimes that may be punishable by the courts are not punishable by impeachment.

Rather, impeachment is narrowly limited by the Constitution to offenses of treason, bribery, or other high crimes and misdemeanors. After listening to many presentations on this issue, I am convinced that impeachment and removal from office should only be used for crimes against the country or threats to our national security.

Our founding fathers carefully defined the terms of impeachment in a manner that establishes a high threshold and requires the charges to be of an egregious nature. That is why the Senate has only once before held an impeachment trial for a President.

The House Managers recommend impeachment because it is the only way in which the President's misconduct can be punished. Yet, I remind my colleagues that the President remains subject to criminal and civil penalties after he leaves office in two years.

As I will point out, the facts and other evidence accumulated and presented to the Senate do not meet the constitutional standard for impeachment and removal that our founding fathers established.

Article One charges the President with perjury before the grand jury in August 1998, for willfully giving false testimony under oath in a judicial proceeding. Yet to prove this charge the House Managers introduced material from the Jones suit during their Senate presentation even though the House rejected an article of impeachment dealing with Paula Jones suit. Nonetheless, despite this blurring of the lines between criminal and civil matters, a perjury conviction requires that the testimony be material to the case at hand. Judge Susan Webber Wright's rulings in the Jones case specifically excluded evidence concerning Monica Lewinsky because it was immaterial.

Furthermore, Thomas Sullivan, former U.S. Attorney for the Northern District of Illinois, testified before the House Judiciary Committee that perjury "can be particularly arcane, including the requirements that the government prove beyond a reasonable doubt that the defendant knew his testimony to be false at the time he or she testified, that the alleged false testimony was material, and that any ambiguity or uncertainty about what the question or answer meant must be construed in favor of the defendant." Mr. Sullivan also noted that generally, "federal prosecutors do not use the criminal process in connection with civil litigation involving private parties," because, "there are well established remedies available to civil litigants who believe perjury or obstruction has occurred."

Article Two charges the President with seven different instances of obstruction of justice. The House Managers insist that the evidence shows that these separate acts constitute a deliberate attempt by the President to obstruct justice. The White House argues that the President did not seek to influence witnesses nor impede discovery. Legal scholars have argued that the lumping together of these seven charges would cause most courts to throw out the charges, and witness testimony undermines the House charges. After the smoke cleared from the charges and countercharges, it was evident to me that the connections between the actions of the President and the actions by the witnesses were circumstantial, at best.

Moreover, I agree with White House counsel Charles F. Ruff, who in his closing arguments said of the House Managers, "I believe their vision to be too dark, a vision too little attuned to the needs of the people, too little sensitive to the needs of our democracy."

In the obstruction of justice count, the Managers charge the President with asking Monica Lewinsky to lie, a charge that she denies in two dozen depositions, and testimony given under the protection of immunity. There is no evidence that the President ever asked her to provide a false affidavit in the Jones case or to testify falsely. Vernon Jordan, the President's close friend and advisor, testified that although he met with Ms. Lewinsky and was given a draft of the affidavit, he refused to review the document and referred the young woman to her attorney for advice and counsel.

The House Managers say the President is guilty of obstructing justice when he ordered his secretary, Betty Currie, to retrieve gifts given by the President to Monica Lewinsky. However, Ms. Lewinsky's testimony, on a number of occasions, indicates that it was she who asked Mrs. Currie to keep the gifts, not the President.

The House states that the President asked Vernon Jordan to intensify an on-going job search in Ms. Lewinsky's behalf after Judge Webber Wright ruled that Paula Jones's attorney could investigate the President's sexual relations with state or federal employees.

Mr. Jordan and Ms. Lewinsky first met in November 1997, a month before Ms. Lewinsky was listed as a witness in the Jones case. Sinister motives do not appear to be involved in the inquiries by Mr. Jordan on her behalf that led to two job rejections and one job offer. Efforts by the House Managers to link the job search and the affidavit unravel when the dates on which Mr. Jordan and Ms. Lewinsky first met, when Ms. Lewinsky's name first appeared on the Paula Jones case witness list, and the drafting of the affidavit are analyzed.

The President, Ms. Lewinsky, and Mr. Jordan have testified that no one was seeking Ms. Lewinsky's silence, and Ms. Lewinsky further testified that she realized in October 1997 that she would not be returning to the White House for employment and she renewed her job search in New York City.

The additional testimonies of Ms. Lewinsky, Mr. Jordan, and Mr. Blumenthal added no new information to the case against the President. I voted against deposing these witnesses since they already had been deposed many times.

Moreover, we each received thousands of pages of testimony from the grand jury, various depositions, statements given under oath, and documents relating to the impeachment charges. We know that Ms. Lewinsky had been questioned on at least 23 separate occasions, including after the President's grand jury testimony and as recently as January 22, 1999, by the House prosecutors before testifying February 1, 1999, on video. During arguments in favor of deposing Ms. Lewinsky, House Manager BRYANT urged the deposition because he believed the Senate should observe her demeanor, her tone, and her tenor in responding to questions.

I respectfully disagreed with Mr. BRYANT then, as I do now. My decision was bolstered when I viewed Ms. Lewinsky's videotaped testimony in which she reaffirmed her grand jury testimony. I saw no purpose in bringing her to the witness table again, nor Mr. Jordan, who had been questioned five times, nor Mr. Blumenthal, who has answered questions under oath four times. These witnesses did not change their testimonies, nor did they provide information that was omitted in previous testimony.

The witnesses' statements are a matter of record, and they comprise thousands of pages encompassed in the volumes of testimony and sworn affidavits that are the basis of the House articles of impeachment. I concur with House majority counsel David Schippers who said during the House Judiciary impeachment proceedings, "As it stands, all of the factual witnesses are uncontradicted and amply corroborated."

In conclusion, I cannot overstate my disappointment with the actions of the President. He deliberately misled the American people and greatly diminished the public's trust in the office of the presidency. However, I have concluded that the two articles of impeachment, as drafted and presented by the House, fail to meet the level of high crimes and misdemeanors, and I will vote to acquit the President.

Mr. LEAHY. Thank you, Mr. Chief Justice.

I ask unanimous consent that a fairly lengthy brief on this issue be printed in the RECORD at the conclusion of my remarks.

The CHIEF JUSTICE. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LEAHY. Mr. Chief Justice, I ask unanimous consent to have my remarks made part of the public record.

The CHIEF JUSTICE. Without objection, it is so ordered.

Mr. LEAHY. Mr. Chief Justice, like others, I want to thank you for your professionalism and good humor in these proceedings even though I suspect there are days that both you and I wish we were back at our homes in Vermont rather than here.

But I want to tell the Senators also of an extraordinary day that my good friend, Senator STEVENS of Alaska, and I spent. We left Sunday afternoon from Washington for the funeral of King Hussein of Jordan. We came back at about 2 o'clock yesterday morning. The delegation was an extraordinary one: Two other Members of Congress, senior members of the President's staff; even the parents of the King's widow, Queen Noor of Jordan, were with us.

And the airplane, Air Force One, that is so recognizable around the world as a symbol of America, underscored our country's presence even as it landed. And TED will recall the TV was on in the plane. We could see they interrupted national television in Jordan to show our plane landing. What was most remarkable to the people assembled from around the world for the funeral was the dramatic appearance not only of the President of the United States, William Jefferson Clinton, but three former U.S. Presidents—Gerald Ford, Jimmy Carter and George Bush—they joined with President Clinton as an extraordinary demonstration not only of bipartisanship but of a united American commitment to the peace policies of King Hussein, and the U.S. role in a continuing peace process.

The symbol of American presence and the American continuity could not have been stronger with these four Presidents. It was a privilege to be there, a privilege I will always cherish.

In the frenetic hours on the ground, I observed the leaders from the Middle East and around the world.

I saw leader after leader making a strong effort to come to President Clinton and to speak with him. I listened to his conversation. It was clear to me he had a very good understanding of the issues that faced not only our country, but their country, and an understanding about how America's interest affect all of us.

Probably the greatest contrast was in President Clinton's brief meeting with Boris Yeltsin, the President of Russia, a country that long symbolized our polar opposite during the cold war. We saw an aging President Yeltsin, unable to stand without two men helping him, a man who had to leave very shortly thereafter—well before the funeral was over—because his strength had faded. What a contrast.

We saw a dynamic Tony Blair, the Prime Minister of England. We saw the leaders of Israel, Japan, Syria, Kuwait, Saudi Arabia, Libya, Pakistan, India, Germany, France, Ireland, Egypt, and others coming together, brought together by their respect for King Hussein. Much of their attention was focused on the leader of the United States.

The questions raised by this trial came back to me. I thought, do we abandon our elected leader because of concern about his personal conduct? Now, if this question was in my mind, it was in the minds of a lot of people there. I have been privileged to know many of them, and many asked me the question, Are we really serious about impeachment and removal? They asked that because they said the United States is not a parliamentary system of government, and the one thing that they can rely on is when we elect a President, even if it is not the President they wished we had elected, there are 4 years to deal with him and they can determine their foreign policy with the most powerful Nation on Earth accordingly.

They said they have great respect for our strength and leadership, and they asked if it is really possible that partisanship in the Congress could destroy that heritage overnight.

In my notes, as I flew back throughout the dark night, I asked myself, Are we going to spend our heritage of continuity and strength this way? Are we going to convict the President on these charges in this record? Are we going to destroy a heritage and continuity we earned, from our own Revolution, through a Civil War, through World Wars, through deaths and assassinations of Presidents, through great economic prosperity and devastating recession and depression. I completed my notes by writing, "It is no longer a question of whether we do this to Bill Clinton, but whether we do it to ourselves."

The record of this impeachment trial is a time capsule. We leave it for succeeding generations. As the trial began, we reopened the records of 1868. I looked at those records. I thought, someday someone will review ours in the same way. We leave behind a trail of precedents. Our successors will try to understand them. If we act wisely, they will try to emulate it. Our actions can stir a chord that will vibrate throughout the history of our Republic.

So in explaining my decisions in this trial, I know that I am addressing myself to fellow Vermonters and fellow Senators, but also to future generations. In that future generation is my own grandson and perhaps even his grandchildren.

The conclusion I have reached on the articles of impeachment is imbued with this solemn knowledge and sense of duty. My conclusion is we must not avenge the faults of William Jefferson Clinton upon our Nation, our children and our Constitution.

Extreme partisanship and prosecutorial zealotry have strained this process in its critical early junctures. Partisan impeachments are lacking in credibility. The framers knew this. We all know this.

Socrates said: "The greatest flood has soonest ebb; the sorest tempest, the most sudden calm."

In many ways, I say to my friends, especially our two distinguished leaders who worked so hard on this, in many ways the Senate's work has been the calm after the storm. We began the 106th Congress, the last of the 20th century, facing a challenge no Senate has been called upon to address since the aftermath of the Civil War. We took a special oath administered to Senators who must determine whether to override the election by the people of the United States of their President and remove him from office.

The Constitution purposely restrains the Congress, and carefully circumscribes our powers to remove the head of the executive branch of the Federal Government. The Constitution intentionally makes it difficult to override the electoral judgment of the American people. I will cast my vote wary of the dangers posed by the House managers' seductive invitation to vote to remove the President for symbolic purposes.

We all agree the President's conduct was inexcusable. It was deeply disappointing, especially to those who know the President and who support the many good things he has done for this country and the world. His conduct in trying to keep this relationship secret from his wife and family, his friends and associates, from the public glare of a politically charged lawsuit, may be understandable on the human level, but it has had serious consequences for him personally and for the legacy of his Presidency.

The President has admitted before a Federal grand jury terribly embarrassing personal conduct and has seen a videotape of that grand jury testimony broadcast to the entire Nation, with excerpts replayed over and over again. This modern day version of the public stockade has been difficult to witness for those who know this man and his family and care about them.

The Jones lawsuit has now been settled and $850,000 has been paid on a case that the District Court judge had dismissed for failing to state a claim.

The Clinton Presidency has been permanently tarnished. The Senate trial provided a forum to replay the embarrassing and humiliating facts of the President's improper relationship. No one cay say the Presidency has emerged unscathed.

For me, the most regrettable action is the nationally televised statement to the American people, where he shook his finger defiantly and said the allegations were untrue. That was not charged in the articles of impeachment, but it was intended to mislead the American people. That statement was wrong. And even though he later apologized for his action, I feel strongly that no President should so intentionally deceive the American people.

But condemning the President is not the purpose of the impeachment trial. Impeachment cannot be about punishing the officeholder. One of the predecessors of mine and of Senator JEFFORDS, Senator George Edmunds of Vermont, explained in 1868, that:

> [p]unishment by impeachment does not exist under our Constitution. . ..[The accused] can only be removed from the office he fills and prevented from holding office, not as punishment, but as a means merely of protection to the community. . ..

So our focus has to be on whether conduct which the House has charged has been proven and warrants President Clinton's removal from office to protect the public.

The President's indiscretions alone did not bring us to this point. Raising this matter to the level of a constitutional impeachment only began with the referral from the special prosecutor, Kenneth Starr. Justice Robert Jackson, when he was attorney general, observed that the most dangerous power of prosecutors is the power to "pick people that he thinks he should get rather than cases that need to be prosecuted." I am concerned that is what has happened in the case of President Clinton.

Does anyone recall after the fruitless years of investigation of this President, the past year of upheaval, that it was the talking points given to Ms. Tripp by Ms. Lewinsky which were supposed to be the smoking gun that proved a vast conspiracy to suborning perjury? I don't think anybody doubts Ms. Lewinsky's account that she wrote the talking points based on her discussions with Ms. Linda Tripp, and she never discussed them with the President.

Monica Lewinsky consistently maintained that no one ever asked or encouraged her to lie; she was never promised a job for her silence. Indeed, in her 24th interview, the Senate videotaped deposition demanded by the House managers, she testified to her own purposes in keeping her relationship secret. She acted in what she thought was her own best interests. She sought to conceal this relationship because she did not want to be humiliated in front of the whole world. And the record establishes it was Linda Tripp rather than President Clinton who acted in the conflicting roles as Ms. Lewinsky's intimate confidante and ultimate betrayer.

As a former prosecutor, one of the questions I asked is whether these criminal charges of perjury and obstruction would have been brought against Bill Jones rather than Bill Clinton. Experienced prosecutors, Republican and Democrat, testified before the House Judiciary Committee that no prosecutor would have proceeded based on the record compiled by Mr. Starr, and prosecutors I have talked to have said they wouldn't even get to a jury with it. As a former prosecutor, I agree and note that during the course of the Senate proceeding, the case has gotten weaker.

The testimony in the record shows that Ms. Lewinsky had no intention of revealing her relationship with the President. She is the person who originated and carried out the plan to hide certain gifts from the Jones lawyers. The only crimes shown to possibly have occurred are not high crimes but those for which Ms. Lewinsky and Ms. Tripp have already received immunity from prosecution from Ken Starr. To influence our judgment, the managers have argued that the consequences of the President's acquittal of their unproven charges would be dire for our children, I have been married for 37 years to a woman I love; my wife and I have raised three wonderful children. I don't need the House of Representatives to tell me how to raise my children. I trust the parents of America to raise their children, to explain what the President did was wrong, to point out the humiliation and other consequences brought on himself and his Presidency. That is not our the Congress' job. That is the job for parents in this country.

I don't believe the Constitution calls upon us to remove a duly elected President for symbolic purposes. Rather, I believe the precedent set by conviction without proof and removal without constitutional justification would be far more dangerous for our Republic than his actions.

The House managers have warned that should the President be acquitted, it would damage the "rule of law." I strongly disagree, because the supreme rule of law in this country is the Constitution; that is what we have to uphold.

Partisan impeachment drives are doomed to fail. The Senate must restore sanity to this impeachment process. We must exercise judgment and do justice. We have to act in the interest of the Nation. History will judge us based on whether this case was resolved in a way that serves the good of the country, not the political ends of any party or the fortunes of any person.

We have all talked about President Andrew Johnson's impeachment. Few people will recall that after the unsuccessful effort to remove him from office, former President Johnson returned to serve this country as a U.S. Senator. I look forward to the day when the Senate can close our work as an impeachment court and that we can all return to our work—our important work we face as U.S. Senators representing our States.

I have served here with 259 Senators, including the 100 here now. I have respected all of you. I have had great affection for many of you on both sides of the aisle. I count among my best friends many Senators on both sides of the aisle. This is a difficult time. I will not question any Senator's vote on this. But the Senator from Vermont cannot vote to convict and I will not.

Thank you.

EXHIBIT 1

PROCEDURAL AND FACTUAL INSUFFICIENCIES IN THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON—ANALYSIS BY SENATOR PATRICK LEAHY, RANKING MEMBER, SENATE JUDICIARY COMMITTEE

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I. OATH OF OFFICE

On the first day of this Congress, the Vice President of the United States administered the oath of office to the most recently elected Members of the Senate. I was honored by the people of Vermont to be among those Members and to take the oath of office to serve here as a representative of Vermont. With this oath I have again sworn to protect and defend the Constitution of the United States.

We were reminded by the Majority Leader at the beginning of the last Congress that the oath we take was formulated in 1868 to help bring the country back together. As Senator Lott has noted, following the Civil War, some urged continued use of an ironclad test oath that barred those who had served the Confederacy from serving in the Federal Government. It took "nearly a quarter of a century of confusion and acrimony" for the Senate to settle upon the oath that we take today.[1]

The same year in which our oath was developed, our country experienced its first, and until now, its only presidential impeachment trial. History has judged harshly the "Radical Republicans" who pursued that impeachment against President Andrew Johnson. A notable exception is William Maxwell Evarts, a Vermonter who was criticized by many Republican party leaders for defending a President of the opposite political party.

I have been proud of another Vermonter, Gregory Craig, who has played a critical role in the defense of President Clinton.

This Senate is the last of the 20th Century. We began this first session of the 106th Congress facing a challenge that no other Senate in over 100 years has been called upon to address. To deal with that challenge, we all took another oath, an oath to do "impartial justice according to the Constitution and laws. "That is the oath administered to Senators who must determine whether to override the election of the President of the United States and remove him from office. That oath calls upon Senators to rise above partisan politics and our personal feelings about President Clinton.

I focus first on the oaths we take to be Members of the Senate and to serve in this impeachment trial since the House Managers opened and closed their presentation to the Senate pointing to the oaths the President swore to uphold when he assumed on two occasions the office of the President.

The Managers have emphasized that the President's inaugural oath of office imposes a constitutional duty to "take care that the Laws be faithfully executed." Their argument is that the presidential oath spelled out in Article II, section 1 of the Constitution establishes a special standard of conduct for the President and when the President violates a law which he has sworn faithfully to execute, he should be removed.

Frustrated by the restrictions placed on Congress's impeachment power, which limits the ground for removal to "Treason, Bribery or other high Crimes and Misdemeanors," the Managers seek to find alternative constitutional footing to remove this President. But, the Constitution simply does not say that a President shall be removed for "Treason, Bribery, or other conduct inconsistent with his presidential oath and duties." Nor does it say that a President shall be removed for "Treason, Felony, or other Crime," which is the formulation used in the Constitution's Extradition Clause.[2]

The Framers purposely restrained the Congress and carefully circumscribed our power to remove the head of the co-equal Executive Branch of the Federal Government. As Professor Laurence Tribe pointed out last November, during a House subcommittee hearing on the history of impeachment, the presidential oath and Take Care clause cannot properly be invoked so as to make the President of the United States more vulnerable to impeachment and removal from office than other federal officials. "[I]t simply cannot be the case under our Constitution that removing a sitting president should be easier, not harder, than removing a vice president, a cabinet officer, or a sitting federal judge."[3]

The Managers have invited the Senate to lower the bar for impeachment and removal of a President by distorting the constitutional text and using the presidential oath in a manner never contemplated by the Framers. I cast my vote mindful of the dangers this seductive invitation poses not only for this President but, more importantly, for the future of the presidency and our constitutional framework.

As my oaths demand, I will work to protect and defend the Constitution. I will continue to defend our constitutional democracy against encroachments from all sides.

Over the last few years, we have seen scores of constitutional amendments introduced each Congress and several voted upon each year. I have spoken about the assault by amendment being made against the Constitution and defended the Constitution against these "bumper sticker" proposals for constitutional edits. The impeachment of the President is a matter of similar importance. What we do, in terms of the standards we apply and the judgments we make, will either follow the Constitution or alter the intent of the Framers and lower those standards for all time. I have heard more than one Senator acknowledge that in this sense it is not just the President but also the Senate on trial in this matter.

In considering what to do we cannot and must not ignore how we arrived at this point lest our actions countenance repetition in the future. We are now in a position to write the lessons we want heeded by future Members who have the privilege to serve America in Congresses into the next century and millennium.

II. HOW DID WE GET HERE?

When former Senator Dale Bumpers spoke to the Senate about the task before us, he posed a question that many Senators have asked themselves over the course of these impeachment proceedings. He asked, "How do we come to be here?"[4] I raised virtually the same question in an opinion editorial published on December 13, 1998, in the Los

Angeles Times. I noted Barbara Tuchman's gripping account in The Guns of August of how the world teetered into the catastrophe of World War I. She recalled a former German chancellor's question to his successor: "How did it all happen?" "Ah, if only we knew," was the reply.

Future generations may ask the same question of us as they ponder not only how but also why this sorry episode of admitted presidential misconduct led this great country to the brink of paralysis over the possibility of removing a popular President, whose leadership has given this country not just a balanced budget but a surplus two years running, the lowest unemployment in decades and the strongest economy in the world. Our economy is in the best shape in a generation in no small part because of the President's economic policies. We should be working with the President to make the hard choices and develop the bipartisan cooperation that are needed to move the country forward into the 21st Century with a secure Social Security, strong Medicare and needed investments in education.

Instead, we find ourselves facing the first impeachment trial of a duly-elected President and only the second impeachment trial of a sitting President in the history of this country. We find ourselves in this situation due to the poor judgment of the President, whose personal conduct was inexcusable; the antics of a Special Prosecutor run amok; and the political posturing of partisan House Republican leaders, who misconstrued the constitutional role of the House and advanced a take-it-or-leave it strategy of impeachment or nothing. Each step of this unfortunate process has notably lacked one important element: the exercise of sound judgment.

That is why the country has looked to the Senate to restore political sanity to this process. The demand on us is not simply to uphold the "rule of law," about which the Managers have repeatedly lectured us. Our oath requires far more than the ministerial act of applying the law to the facts or accepting blindly the facts and conclusions presented by either side in this trial. We are required to evaluate the facts, not in isolation, but in the context of our precedent and the history of impeachments, and with our focus always on what is good for the country. In short, we are required to do what has been missing up to now: exercise judgment, and do so in an impartial fashion. The beginning point in this process must start with the President.

A. The President's Conduct

We can all agree that the President's conduct with a young woman who was working in the White House was wrong. It was also deeply disappointing, especially to those who know the President and who support the many good things he has done for this country and the world. His conduct in trying to keep his inexcusable relationship secret from his wife and family, his friends and associates, and from the public glare of a politically-charged lawsuit, though understandable on a human level, has had terrible consequences for him personally and for the legacy of his presidency.

For me, one of the President's most regrettable actions was his nationally-televised statement to the American people in which he shook his finger and defiantly told us that the allegations were untrue. Although not charged in the Articles of Impeachment, that statement was intended to mislead the American people with respect to the nature of his relationship with Ms. Lewinsky. While I understand the pressures that he was under at the time, that statement was wrong. Although the President later apologized for his actions, I feel very strongly that no President should intentionally deceive the American people and I condemn him for having done so.

Senator Bumpers reminded us of the human costs that have been paid by this President and his family. The President has admitted before a Federal grand jury terribly embarrassing personal conduct and has seen a videotape of that grand jury testimony broadcast to the entire nation, with excerpts replayed over and over again. This modern day version of the public stockade has been difficult to witness for those who know this man and his family. His punishment has also taken its financial toll. The underlying lawsuit has now been settled and $850,000 paid on a case that initially sought only $75,000 in compensatory damages—a case that the District Court judge had dismissed for failing to state a claim.

His presidency has been permanently tarnished by impeachment. The Senate trial has provided a forum to replay the embarrassing and humiliating facts of the President's improper relationship. No one can say this President or his presidency has emerged unscathed.

B. Special Prosecutor Starr

But the President's indiscretions and conduct did not alone bring us to this point. Raising this matter to the level of a constitutional impeachment only began with an investigation and referral from Special Prosecutor Kenneth Starr.

Justice Robert Jackson, when he was Attorney General in 1940, observed that the most dangerous power of the prosecutor is the power to "pick people that he thinks he should get, rather than cases that need to be prosecuted." When this happens, he said, "it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then . . . putting investigators to work, to pin some offense on him." "it is here," he concluded, "that law enforcement becomes personal, and the real crime becomes that of being unpopular with the predominant or governing group, being attached to the wrong political views, or being personally obnoxious to or in the way of the prosecutor himself."[5]

In the case of President Clinton, things became personal a long time ago, When Whitewater failed to produce, the President's detractors began searching for a scandal. "Travelgate" went nowhere. "Filegate" was another dead end. Vincent Foster's tragic death was a suicide. Last summer, it was reported that the Special Prosecutor had his investigators scouring the countryside looking for women who may have been intimate with Bill Clinton at some point over the last several years. I spoke out then, noting my concern and trying to sound a cautionary note that the permanent investigation of the President was taking yet another wrong turn.[6]

Finally, after four years of fruitless investigations, Special Prosecutor Starr renewed his acquaintance with Linda Tripp and began the Monica Lewinsky phase of his investigation. According to Mr. Starr, that contact with Linda Tripp began on January 8, 1998, days before Ms. Lewinsky had filed her affidavit in the *Jones* case and before the President's deposition in that matter.[7] As an officer of the court, he could have immediately referred Ms. Tripp's information to others with authority over such matters. But he did not.

Most law enforcement authorities strive to prevent crimes from occurring. Not so with Special Prosecutor Starr. He engaged all the influence, power and authority he could muster to get the President. He adopted Ms. Tripp as his agent, arranged to provide her with immunity from prosecution, and had her wear a wire and lunch with Monica Lewinsky while surreptitiously recording her. He then tried over an extended period of many hours to convince Ms. Lewinsky to agree likewise surreptitiously to record conversations and help him make a case against the President.

Does anyone recall after the past year of upheaval the crimes the Special Prosecutor was seeking to find last January? Recall that the "talking points" given to Ms. Tripp by Ms. Lewinsky were supposed to be the "smoking gun" showing that the President was involved in a vast conspiracy and cover-up to suborn perjury from Ms. Tripp. No one now doubts Ms. Lewinsky's account that she, and she alone, wrote the talking points based on her discussions with Ms. Tripp. Moreover, no one now doubts that Ms. Lewinsky never even discussed those talking points with the President, the President's attorneys, the President's friend Vernon Jordan, or anyone associated with the White House.

Also recall that Mr. Starr justified his pursuit of this investigation based on Vernon Jordan helping Ms. Lewinsky find a job in New York. His theory, as described in his referral, was that Ms. Lewinsky was influenced to lie about her relationship with the President through the assistance of Mr. Jordan in finding her a job.[8] Yet it was not the President but Linda Tripp who, in early October 1997, first suggested that Ms. Lewinsky move to New York and first discussed with Ms. Lewinsky that she enlist Mr. Jordan's help with her New York job search.[9] Indeed, Linda Tripp's role in this scandal is a pivotal one.

Fresh from conferring with Mr. Starr's investigators, armed with promises of immunity from prosecution, Linda Tripp met with the *Jones* lawyers on the eve of the President's deposition and briefed them on the President's relationship with Ms. Lewinsky. Even Mr. Starr eventually admitted that his office could—and should—have kept "better control" of Ms. Tripp.[10]

A number of concerns have been raised about how this investigation was initiated and conducted by the Special Prosecutor, including whether Mr. Starr withheld material information from the Attorney General when seeking to extend his jurisdiction over the Lewinsky matter, whether he concealed his prior consultations with the attorneys in the *Jones* case, threatened a potential witness with the loss of the custody of her child, and subpoenaed a minor at school. I have also expressed my concern over the aggressiveness and lack of prosecutorial discretion of his investigation in requiring the testimony of mother against daughter, attorney against client, and Secret Service protectors against protectee—the latter raising serious security issues that could jeopardize the future safety of presidents—and requiring bookstores to disclose their customers' choice of reading material.[11]

Finally, the persistent and politically damaging leaks of secret grant jury proceedings have tarnished Mr. Starr's investigation and fueled concern over his partisanship. Indeed, soon after he had been appointed as special prosecutor, leaks from "law enforcement sources" about the Whitewater investigation under his supervision prompted Mr. Starr to confirm publicly his understanding of the grand jury secrecy rules. He issued a press release on October 20, 1994, pledging that the Office of Independent Counsel ("OIC") would "abide by all of the obligations imposed upon us to protect the integrity of the grand jury process and our ethical obligations as professionals, including those requiring the secrecy of our proceedings.

Despite this pledge by Mr. Starr, a federal judge determined in June 1998 that the evidence established a prima facie case that Mr. Starr's office had violated federal secrecy rules prohibiting attorneys for the government from disclosing confidential grand jury material. A final adjudication of the matter has not been made.

Then we come to the matter of the referral from Mr. Starr's office. The Independent Counsel statute authorizes an independent counsel to "advise the House of Representatives of any substantial and credible information . . . that may constitute grounds for an impeachment."[12] This provision should not be construed to make an independent counsel the House's Grand Inquisitor, nor to require an independent counsel to become an advocate for impeachment. Rather, a simple, straightforward delivery of the facts collected by the independent counsel, unadorned by surmise, conjecture and conspiracy theories is all that is authorized.

Nevertheless, Mr. Starr used this statutory authorization as a springboard to advocate impeachment. His conduct stands in stark contrast to that of the Special Prosecutor in Watergate. As Georgetown University Law Professor Robert Drinan, who served with distinction on the House Judiciary Committee, observed last November in testimony before the House Judiciary Subcommittee on the Constitution:

"It is noteworthy that in 1974, the Special Prosecutor gave information and facts to the House Judiciary Committee. He did not, however, recommend impeachment. He knew that the power to recommend impeachment was committed solely to the House of Representatives by the Constitution itself."[13]

I am not alone in questioning Mr. Starr's conduct and his misinterpretation of his role. His own ethics advisor felt compelled to resign his position after Mr. Starr appeared before the House Judiciary Committee as the chief cheerleader for impeachment.

Thereafter, Mr. Starr went from chief cheerleader to chief "talking head," making a lengthy television appearance on the news show 20/20. This was only days after he told the House Judiciary Committee, "We [the OIC] go to court and not on the talk-show circuit."[14] In this regard, it bears mention that Mr. Starr's public relations advisor and his highly touted "career prosecutors" have also appeared on countless talk shows over the past year.

Even during the Senate impeachment trial, Mr. Starr has overstepped his proper role and intruded into the Senate's prerogatives on how these proceedings should be conducted. In effect, he became the chief prosecutor for impeachment. In contravention of a unanimously adopted consent resolution on how the trial would proceed, the Managers enlisted Mr. Starr's help to force Monica Lewinsky to meet with them as part of her immunity agreement. If she did not say the right things, she subjected herself and her mother and father to prosecution.

Press accounts make clear that while Mr. Starr's representatives were allowed to attend the interview of Ms. Lewinsky on January 24, 1999, neither the Senate nor the President's counsel were extended such courtesy. This collusive move between the Managers and Mr. Starr was unfair to the President's counsel and contemptuous of the Senate, which had resolved to defer the issue of witnesses until later in the trial.

Mr. Starr's continued meddling during the Senate impeachment trial has been roundly criticized by both Democrats and Republicans. With his appetite whetted by one weekend's interference with the Senate impeachment trial, the very next weekend, on Sunday, January 31, 1999, Mr. Starr's office leaked word to the *New York Times* that he had determined he could indict a sitting President. Even the House Managers balked at this interference, saying Mr. Starr's latest leak was "not helpful at all."[15]

C. The House Judiciary Committee

The next protagonist in this constitutional saga was the House Judiciary Committee. In addition to the serious substantive concerns raised by the way the Committee drafted the Articles of Impeachment—which I will discuss later—the Committee also made at least four critical procedural errors.

First, the Republicans on the House Judiciary Committee used the muscle of the majority to force its partisan will. History tells us that, to be successful, impeachments must be handled in a bipartisan manner. Chairman Henry Hyde himself has observed on more than one occasion that bipartisanship is crucial to any impeachment proceeding because a political, partisan impeachment will not be trusted.

The Framers anticipated that impeachments might be driven by partisanship rather than real demonstrations of guilt. The distinguished historian Arthur M. Schlessinger, Jr., stressed the need for bipartisanship in impeachment proceedings in his testimony before the House Judiciary Subcommittee on the Constitution on November 9, 1998, stating:

"The Framers further believed that, if the impeachment process is to acquire popular legitimacy, the bill of particulars must be seen as impeachable by broad sections of the electorate. The charges must be so grave and the evidence for them so weighty that they persuade members of both parties that removal must be considered. The Framers were deeply fearful of partisan manipulation of the impeachment process. . . . The domination of the impeachment process by 'faction' would in the view of the Framers deny the process legitimacy."[16]

In the 24 years that I have had the honor of serving as a United States Senator, there have been three impeachments, all of Federal judges. Questions have been raised about how our actions as a body and as individual Members in those prior judicial impeachments should serve as precedent for this impeachment trial. I will address the significant difference: Those three judicial impeachments were, from beginning to end, handled in a bipartisan fashion. In each case, the House of Representatives was unanimous, or nearly so, in voting to impeach and there was strong bipartisan support in the Senate to convict. Unfortunately, this was not the model followed in the impeachment proceedings against President Clinton.

Second, the Committee skirted the important threshold question whether, as a matter of constitutional interpretation, the accusations set out in Mr. Starr's referral stated a sufficient basis to justify the President's impeachment and removal. Despite the concurrence of over 800 historians and constitutional scholars that no impeachable offenses had been alleged,[17] the majority on the House Judiciary Committee never questioned Mr. Starr's initial judgment that the President had committed impeachable offenses. Had the Committee addressed itself to this issue at the start, a factual inquiry may have been unnecessary.

Third, having avoided this threshold issue, the Committee then failed to conduct an independent fact-finding inquiry, as it was instructed to do by House Resolution 581. This resolution, adopted on October 8, 1998, directed the Committee "to investigate fully and completely whether sufficient grounds exist for the House of Representatives" to impeach the President. For making such investigation, the resolution authorized the Committee to issue subpoenas for the attendance and testimony of any person, to take depositions of potential witnesses, to require the production of documents and other things, and to issue interrogatories.

House Resolution 581 was patterned from the resolution adopted by the House in February 1974, directing the Judiciary Committee to investigate President Nixon. That Committee spent almost five months gathering its own evidence and hearing testimony from multiple witnesses before debating and voting to adopt articles of impeachment.[18]

By contrast, the House Judiciary Committee in 1998 relied entirely on the referral of Special Prosecutor Starr. The Committee called not a single witness with first-hand knowledge of the facts to testify about the matters contained in Mr. Starr's referral. The Committee instead relied on the one-sided testimony procured by Mr. Starr's lieutenants in the grand jury. Though this testimony was under oath, it certainly was not tested by cross-examination nor was the Special Prosecutor's office interested in any information that might have been exculpatory to the President.

The most probative testimony by Ms. Lewinsky before the grand jury, for example, about no one asking her to lie or promising her a job, was elicited by a diligent grand juror. Yet another startling omission of exculpatory information from Mr. Starr's referral was only discovered during the Senate deposition of Ms. Lewinsky. She testified in response to Manager Bryant's inquiry about whether the President told her she should turn the gifts over to the *Jones* lawyers that she had previously told Mr. Starr's agents that the President saying, "well, you have to turn over whatever you have," sounded familiar to her.[19]

Nevertheless, the House Judiciary Committee gave a standing ovation to this Special Prosecutor, who misconstrued his statutory role on advising the House and who failed the most basic of a prosecutor's duties to be fair and to disclose exculpatory information in his possession.

Fourth and finally, the House Judiciary Committee minimized the constitutional role of the House in the impeachment process. The Committee erroneously relegated the House to the role of mere "accuser", leaving to the Senate the heavier responsibility of determining whether the conduct at issue warranted removal of the President. Chairman Hyde said, on September 11, 1998, at the beginning of the House impeachment process, "We are acting as a grand jury . . . we are operating as a grand jury."[20]

This view persisted during the House floor debate on the Articles of Impeachment against President Clinton. Manager Buyer told his colleagues that the House served "the grand jury function."[21] Yet another House Member said, "the role of the House and our duty to the American people is to act simply as a grand jury in reference to the impeachment charges presented."[22] This erroneous view of the role of the House of Representatives in the impeachment process has persisted even in this trial, with one Manager telling us that the House of Representatives "operates much more like a grand jury than a petit jury."[23]

Having incorrectly analogized its role to that of a grand jury, the House then applied a grand jury "probable cause" standard in reviewing the evidence. Manager Barr confirmed this mistake, stating, "the House performed admirably in essentially reaching the conclusion that there is probable cause to convict the President of perjury and obstruction of justice."[24] Manager Hyde likewise described the House as having "a lower threshold . . . which is to seek a trial in the Senate."[25]

Harvard Law Professor Laurence Tribe warned House Republicans against misinterpreting and minimizing their constitutional impeachment role. He testified before the House Judiciary Subcommittee on the Constitution that, "the fallacy is that this is not, despite the loose analogies that some invoke, not like a grand jury."[26] His warning went unheeded.

Minimizing the House' role has had serious consequences. It explains why the majority in the House Judiciary Committee forfeited the opportunity and shirked its responsibility to conduct any independent examination of the facts. The House's constitutional responsibility for charging the President should not be misinterpreted to justify applying only a grand jury's "probable cause" standard of proof.

It also amounted to giving the House a "free vote" since they could duck any responsibility for actually removing the President. On the contrary, House Members who vote to impeach should also be convinced this President has so abused the public trust and so threatens the public that he should be removed. Sending impeachment articles to the Senate means exactly what the articles say: That based on the evidence reviewed by the House, the President has committed acts warranting his conviction and removal.

Even some Republican Members of the House who voted for impeachment admitted, belatedly, in a letter to the Senate Majority Leader that they did not mean it. They said they actually did not want this President removed and urged the Senate to consider censure.[27]

In spite of what the House Managers believe, the impeachment process is not a "cause." It should not be about partisan political pique or about sending a message. Rather, along with the power to declare war, it is one of the gravest constitutional responsibility of the Congress. This impeachment asks the question whether the conduct charged in the Articles of Impeachment passed by the House require the Senate to override the judgment of the American people and remove from office the person they elected to serve as President.

That is what the impeachment process is all about—removal from office. It is the Constitution's fail-safe device. It is not to be undertaken lightly or without justification for it has serious consequences.

We suffered a lengthy Senate impeachment trial because House Republicans misinterpreted their constitutional role. House Republican leaders mistakenly relegated the House to a limited role, depreciated the function of impeachment and expressly left to the Senate responsibility for reviewing the charges and determining whether the charges warrant the President's removal from office. Articles of Impeachment are simply not an appropriate vehicle for the expression of political disapproval to be punted by a partisan vote in the House to the Senate for some face-saving compromise verdict.

Not surprisingly, given their misinterpretation of their own role, the first ruling that the Chief Justice was called upon to make in this trial was to correct the Managers' mischaracterization of the role of the Senate. The Chief Justice sustained Senator Harkin's objection and corrected the Managers, stating, "the Senate is not simply a jury; it is a court in this case. Therefore counsel should refrain from referring to the Senators as jurors."[28]

D. Vote by the House of Representatives

Proceedings in the full House were themselves a sorry spectacle. On December 19, 1998, a lame duck session of the House of Representatives approved two Articles of Impeachment against President Clinton on the slimmest of partisan margins.

1. Lame Duck House

The two Articles of Impeachment now before the Senate were decided by the votes of a handful of Members who were defeated in the November election or are no longer serving. Article I passed with an 11-vote margin, which is the number of House Republicans replaced by Democrats in the new Congress due to election defeats and retirements. Article III (now Article II in the Senate) passed with only a 5-vote margin, which is the number of House Representatives who lost their reelections in November and were replaced by Democrats. There is no record of any prior impeachment reaching the Senate on so slim a margin.

The House Republican leadership pressed an extreme, all-or-nothing action through a lame duck House without allowing an opportunity to vote on a censure or other alternative.

Those who claim that censure is unconstitutional are just plain wrong. There is ample historical precedent for censure. Both the House and the Senate have adopted resolutions expressing disapproval of various individuals, including sitting Presidents. The Senate censured Andrew Jackson in 1834; the House censured James Buchanan in 1860. As early as 1800, with "Founding Fathers" then serving in Congress, the House debated a resolution to censure John Adams, though this resolution was ultimately rejected.

Perhaps it should not be surprising that the final votes in the divisive speakership of Newt Gingrich set the Congress and the nation on this course. Mr. Starr's investigation has dragged on for five years, with no end in sight. The entire House impeachment inquiry lasted a short three months. Why the sudden push to bring this matter to the floor? There were at least five good reasons—the five seats that the Republicans had lost in the election—which might have altered the outcome on at least one Article of Impeachment. The sixth reason is also clear: Speaker Gingrich had said he was resigning from the House, and his seat would be vacant when the new House convened.

An impeachment resolution supported by only one political party against a twice-elected incumbent of the opposing party is divisive and damaging for the country. During Watergate, constitutional scholar Charles L. Black, Jr., wrote that a close vote along party lines "would go to the Senate tainted, or at least suspicious, and would be unlikely to satisfy the country, because party motives would be suspected."[29] The impeachment of a President must be bipartisan. A partisan impeachment cannot command the respect of the American people. It is no more valid than a stolen election.

House Republicans have permanently marked this President as impeached, but I do not believe that history will judge them kindly either. Instead, the manner in which these impeachment proceedings were conducted in the House Committee on the Judiciary and in the full House of Representatives will serve as a model of mistakes that should be avoided in the future.

2. Rejected Charges

In the end, the House did not approve the 11 articles recommended by Special Prosecutor Starr or the 15 articles of impeachment recommended by the Republican Committee staff. The House rejected outright two of the four articles reported along party lines by the House Judiciary Committee, and authorized Managers to exhibit only two Articles of Impeachment in the Senate. In considering these two Articles, the Senate has been forced to sort through what is left of the allegations against the President in light of the matters rejected by the House.

III. SECRET EVIDENCE

Before the vote, press reports indicated that wavering House Members were escorted by Republican House Judiciary Members to review certain "secret evidence" that the President's counsel had never been allowed to review or given an opportunity to rebut.

That action was fundamentally unfair. a bedrock principle of our system of justice is that the prosecutor, not the accused, has the burden of proof. The accused is presumed innocent unless and until adequate proof of guilt is presented. Such proof may take many forms—direct or circumstantial, testamentary or physical. But whatever form it takes, it must be introduced, admitted into evidence, and subject to examination and inspection before it may be considered by the fact finders.

I note that in 1974, the House Judiciary Committee made available to President Nixon and his counsel all the documents and other material considered by the Committee, whether in executive or open session.[30] In short, during the House Judiciary Committee's investigation of Watergate, there was no secret evidence and President Nixon and his counsel were allowed to see—fully and completely—every item of evidence in the possession of the House Judiciary Committee.

As both a judge and juror in the Senate, I take seriously my responsibility to ensure that the Senate's consideration of these Articles of Impeachment is fair. Part of that fairness requires that the only evidence we consider relates to the Articles actually approved by the House—not what the House refused to charge and not matters that are not charged by the Articles of Impeachment. During the depositions authorized by the majority in the Senate, I and the other Presiding Officers from both parties stood firm on this principle and insisted that the Managers' questions remain focused on the subject matters already in the Senate record and on the Articles before us.

Certain House Republicans suggested before this trial began that Senators should review the "secret evidence" as part of their deliberative processes. This suggestion was first advanced at about the time that the "secret evidence" began leaking to the press. From what I have read about it, it seems as flimsy as it is inflammatory, and completely irrelevant to any issue now before the Senate. Clearly, Senators should not allow themselves to be influenced by shady accusations and innuendo that would be excluded from any judicial proceeding in the land. Consideration of the Articles must be based on only one record—the trial record—and evidence that is not admitted at trial must play no part in our deliberations.

I should note that the House Managers have selectively tried to keep secret certain unfavorable evidence elicited during the Senate trial. For example, they argued strenuously and successfully to subpoena witnesses for depositions and for permission to introduce parts of those depositions into evidence. The parts they introduced do not, as the Legal Times pointed out "tell the whole story."[31]

As one of the Presiding Officers at those depositions, I am well aware of the parts of those depositions intentionally omitted by the Managers. In fact, following their presentation of the evidence obtained from the depositions, I asked unanimous consent that the record be made complete and include Vernon Jordan's brief remarks at the end of his deposition, "defending his own integrity."[32] There is no question but that the Managers attacked and impugned Mr. Jordan's word and his integrity. Senator Boxer echoed this unanimous consent request at the conclusion of the Managers' rebuttal presentation.[33] Due to Republican objections, however, neither request was accepted and, unfortunately, the Senate trial record does not contain that moving and important part of Mr. Jordan's deposition.

IV. THE ARTICLES ARE UNFAIRLY DRAFTED

Close examination of the Articles exhibited by the Managers reflects the underlying unfairness in the impeachment proceedings in the House.

A. Article I is Defectively Vague

Article I is drafted with such vague accusations, a significant question arises whether Senators can responsibly and constitutionally pass judgment on it.

The notion that William Jefferson Clinton committed perjury before the Starr grand jury has been a legal conclusion in search of a basis for some time. In his referral to the House of Representatives, Special Prosecutor Starr urged only three allegations of possible perjury before the grand jury as grounds for seeking to remove the President. Article I merges those three allegations into one generalized allegation that President Clinton gave false testimony "as to the nature and details of his relationship with Ms. Lewinsky." In addition, the House Judiciary Committee has joined three additional categories of allegedly false testimony, without specifying the allegedly perjurious statements. Those additional categories cover statements that the President made or allowed his attorney to make during the *Jones* case, in spite of the fact that a majority of the House of Representatives rejected such statements as a basis for a separate article of impeachment.

Since the outset of the Senate trial, the charges of grad jury perjury have continued to be a moving target. In their initial Trial Brief, the Managers alluded to 26 instances of grade jury perjury. Manager Rogan spoke of 34 instances. In their Reply Brief, the Managers tallied up 48 instances of grand jury perjury.

Yet, Article I does not identify a single statement before the grand jury that the House of Representatives alleges to have been perjurious, false and misleading. All the Senate is told in Article I is that the allegedly perjurious statements fall into "one or more" of four broad categories. This is wholly inconsistent with criminal law and Senate standards for identifying perjury.

First, requiring the President to defend himself against such an unspecified charge is fundamentally unfair. Vague, generalized charges of perjury, such as the charge now before the Senate, would never hold up in a court of law. Under federal law, a perjury indictment must set forth the precise falsehood alleged and the factual basis of its falsity with sufficient clarity to permit a jury to determine its veracity.[34] The Justice Department's manual for Federal prosecutors acknowledges this basic principle of law.[35]

This is not just a technical matter of proper, lawyerly pleading. It is a matter of fundamental fairness and due process. As the respondent in this proceeding, the President has been denied the basic fairness of having clear notice of the specific charges against him and of knowing in advance of the trial precisely what the House of Representatives accuses him of having done that merits removing him from the office to which the people of the United States have twice elected him.

Providing specificity in perjury articles has been the practice in past impeachments. Two prior impeachments before the Senate, both of Federal judges, involved perjury charges. In both instances, the House of Representatives identified each alleged falsehood in a separate Article of Impeachment. In the case of Judge Alcee Hastings, 14 of the Articles alleged that he had committed perjury with respect to a different specific statement. In the case of Judge Walter Nixon, two of the Articles alleged perjury, again, each with respect to a single discrete statement.

This time, however, the House of Representatives chose to be unacceptably vague. Republicans on the House Judiciary Committee flatly refused to pin themselves down to specific statements in the resolution they drafted or in their Committee debate. In fact, the only change the House Judiciary Committee made to Article I had the effect of making it even more ambiguous and obscure: They amended it to allege that the President testified falsely as to "one or more" of the four categories, rather than all of them. By so doing, they have undermined the basic fairness of these proceedings.

Second, the lack of specificity in Article I makes it impossible to know whether the requisite majority of the House of Representatives agreed that any specific statement was perjurious. To impeach President Clinton under Article I. House Members had only to find that he made one or more of an unspecified number of unspecified false statements, broadly categorized. Accordingly, it is impossible to know whether the House properly exercised its exclusive, constitutional power of impeachment.

If there are 3, 4, 7, 34 or possibly 48 allegations of perjury, but only one vote by the House, how can the Senate be sure, how can the President be sure, and, most importantly, how can the American people be sure that a majority of the House agreed on any single allegation of perjury? Only a narrow majority of 228 members of the prior House of Representatives voted in favor of Article I. If as few as 11 members of that slim majority did not agree on which of the 3 to 48 perjury allegations were to be forwarded to the Senate, that Article did not have the support of a majority of the House and should not be considered by the Senate.

Third, the lack of specificity makes any Senate vote for conviction on Article I similarly constitutionally suspect. If, as the Managers' Reply Brief indicates, there are 48 separate allegations of perjurious statements by the President before the grand jury, then as few as two Senators could believe any particular allegation of perjury had been established and the Senate as a whole could nonetheless convict and remove the President—so long as enough other pairs of Senators thought alternative allegations were established. This falls far short of the two-thirds of the Senate required to concur before a President is removed from office.

The Managers ignore the grave constitutional questions raised by the vagueness of Article I presented to the House and now to the Senate for a vote. Instead they defend the fairness of this Article by asserting that if President Clinton had suffered from any lack of specificity, he could have filed a motion in the Senate for a bill of particulars.[36] Just as the Managers had to be corrected by the Chief Justice about the role of the Senate, they also overestimated their power to detail the particulars of the conduct underlying Article I.

The Constitution vests the sole power of impeachment in the House of Representatives, not in a handful of managers appointed by that body. Just as prosecutors may not save a defective indictment without usurping the constitutional role of the grand jury, these Managers may not save a defective bill of impeachment without usurping the constitutional role of the full House. Put another way, 13 Members may not take it upon themselves to guess what was in the minds of over 200 Members of the 105th Congress when they voted to impeach the President. The full House must pass on any amendments to the Articles.

That is how it has always been done. In 1933, for example, impeached Judge Harold Louderback moved the Senate to require the House to make one of its articles "more definite and certain." In that instance, the Managers wisely consented to the motion. An amendment to the articles was then approved by the full House and presented to the Senate.[37]

Similarly, in the case of Judge Nixon, it was the House of Representatives that amended its articles in light of evidence presented during the Senate proceedings. That amendment was made to correct the text of one of the statements that the House alleged to be false.

The Managers do not have the power to make the Article more specific, nor have they tried. Instead, they have exploited the vagueness in Article I by continuing to add to the litany of alleged falsehoods by the President. Any advantage gained by the House Managers by purposely crafting Article I in this vague fashion diminishes the fairness of the entire proceeding.

B. BOTH ARTICLES CHARGE MULTIPLE OFFENSES

Both of the Articles before us allege that the President committed "one or more" of a laundry list of misdeeds. In fact, as I already mentioned, Article I was specifically amended in Committee to use this "one or more" formulation. Manager Rogan tried to spin this as "a technical amendment only,"[38] but it was obviously much more.

With this amendment, Article I not only fails to identify a single allegedly perjurious statement, it fails even to identify a single broad category of statements. It lists four broad categories that could allude to virtually every word the President said before the grand jury and says, in effect, take your pick. If you think he said something, anything, that was not true, then vote to convict. Article II, which lumps together seven alleged acts of obstruction, does the same.

Manager McCollum treated the decision Senators must make on Article I like a choice diners would make from a Chinese take-out menu: chose some from column A and, if you like, some from column B. He explained that Senators could vote to remove the President if "you conclude he committed the crimes that he is alleged to have committed—not every one of them necessarily, but certainly a good quantity, and there are a whole bunch of them that have been charged."[39]

The Senate has made clear that it expects precision in articles of impeachment. In the last two impeachments, of Judges Hastings and Nixon, the House tacked on an omnibus or "catchall" charge that included all the others. I and other Senators expressed concern with this blunderbuss approach. During the Hastings proceedings, I specifically asked whether the catchall Article could be interpreted as requiring a finding of guilt as to *all* the allegations in order to convict. By asking the question, I hoped to avoid the constitutional problem that I just described, of conviction based on less than a two-thirds vote. The Presiding Officer ruled that a Senator would be within his right to interpret the Article as I proposed, but expressed the view that a Senator would be within his right to interpret the Article as I proposed, but expressed the view that a Senator could vote guilty based on any one of the alleged acts of misconduct.[40] Ultimately, the Senate rejected the omnibus Articles against Judges Hastings and Nixon, while convicting them of more specific charges of perjury.

Articles of impeachment that contain multiple allegations are troubling in several respects. First, they make it virtually impossible for the impeached person to prepare an adequate defense. Second, they permit the House to impeach, and the Senate to convict, based on less than the majority or super majority vote required by the Constitution. Third, they allow individual Members to avoid accountability to the American people, who may never know exactly which charges their representatives regarded as proven and warranting removal from office.

President Kennedy, in Profiles in Courage, described the omnibus Article against President Andrew Johnson as a "deliberately obscure conglomeration of all the charges in the preceding Articles, which had been designed . . . to furnish a common ground for those who favored conviction but were unwilling to identify themselves on the basic issues."[41] The House Managers in the Johnson case called for the first vote to be on that deliberately obscure Article because it was thought to be the easier way to get a conviction. Today's Managers are hoping that this tactic works better in 1999 than it did in 1868, when President Johnson was acquitted.

But impeachment is not a shell game. Deliberate obfuscation trivializes what should be a grave and solemn process.

In 1989, after the Senate rejected the omnibus Article against Judge Nixon, then Minority Leader Bob Dole and others urged the House to stop bunching up its allegations and, from there on out, to charge each act of wrongdoing in a separate article.[42] The House has unfortunately chosen to ignore this plea in this matter of historic importance, contrary to fundamental notions of fairness, proper notice, and justice.

V. THE SENATE'S DUTY

The Senate does not sit as an impeachment court in a vacuum. The fairness of the process by which the Articles reached the Senate, and the specificity and care with which the Articles are drafted to identify the charges fairly to the respondent, are significant considerations in deciding whether to vote for conviction or acquittal. Senators are not merely serving as petit jurors who will be instructed on the law by a judge and are asked to find facts. Senators have a greater role and a greater responsibility in this trial. The Senate is the court in this case, as the Chief Justice properly observed. Our job is to do justice and be fair in this matter and to protect the Constitution.

In casting our final votes on the Articles the Senate should be clear about the questions that our votes answer and equally clear about the questions not before us. The question is not whether Bill Clinton has suffered, for surely he has as a result of his conduct, nor whether he has suffered enough. The question is not even whether Bill Clinton should be punished and sent to jail on a criminal charge, for the Constitution does not confer that authority on this court of impeachment.

This vote only and necessarily requires addressing the following questions: has the conduct charged in each Article been proven to my satisfaction; and, if so, does the charged conduct amount to a high crime or high misdemeanor warranting the President's conviction and removal from the office to which he was elected by the American people in 1996. I will address each of these questions in turn.

A. Standard of Proof

In this impeachment trial, the President starts out with fewer rights than any criminal defendant in any court in this country. He starts out with no clear rules of evidence, conviction based on a mere two-thirds vote, rather than a unanimous verdict required for any criminal conviction, and no higher court of appeal. This makes the obligation imposed by our oath to make this process fair and impartial that much more important.

Fulfilling our duty in the impeachment trial involves evaluating the evidence presented by the Managers and the President to determine whether the allegations have been proven. Juries in legal cases are asked to evaluate evidence presented according to a specific "standard of proof." The Constitution is silent on the standard of proof to be applied in impeachment trials, and the Senate has refused to bind itself to a single standard for all impeachments. As a result, each Senator may follow the burden of proof he or she believes is appropriate to determine whether the House's charges have been adequately proven.

The fact that each Senator may evaluate the evidence under any standard of proof of their choice presents a remarkable challenge to the Managers and to the President's counsel. One commentator has noted that, "this practice can often work . . . to the disadvantage of all the participants in an impeachment trial by precluding them from knowing in advance what standard the Senate will actually apply."[43]

The standard of proof in criminal proceedings is "beyond a reasonable doubt" and in civil proceedings is generally "a preponderance of the evidence." An impeachment trial is neither a civil or criminal proceeding, leading some commentators to suggest that "a hybrid of the criminal and civil burdens of proof may be desirable. . . . Too lenient a proof standard would allow the Senate to impose the serious punishments for impeachment 'even though substantial doubt of guilt remained.' Too rigid a standard might allow an official to remain in office even though the entire Senate was convinced he or she had committed an impeachable offense."[44]

The fact that the Senate has adopted no uniform standard of proof for each Member to follow is not for lack of attention. The Senate considered the standard of proof question when impeachment proceedings against President Nixon were contemplated, but adopted none. Thereafter, a member of the Watergate impeachment inquiry staff, now a professor of law, concluded that the standard of proof in impeachment trials will vary with the seriousness of the charges:

"If a president were charged with conduct amounting to treason, for example, it seems highly unlikely that a senator would insist on proof of treason beyond a reasonable doubt before he would vote for the president's removal from office. . . . On the other hand, a greater quantum of proof might be required for less flagrant wrongdoing."[45]

More recently, in 1986, Judge Harry Claiborne moved to establish "beyond a reasonable doubt" as the standard of proof at his impeachment trial. The Senate rejected that motion by a 17 to 75 vote. I joined those Members voting against adoption of a uniform standard of proof because I believe, as the Presiding Officer made clear at the time, that in fulfilling his or her oath each Senator is free to apply any standard of proof, including reasonable doubt.

The charges here stem from alleged efforts by the President to conceal a personal inappropriate relationship. While the relationship itself may be fair game for public rebuke and censure, only when questions were raised about whether his conduct crossed the line into criminal activity did this matter become the subject of an impeachment inquiry. Indeed, Manager McCollum argued that the President must not be convicted and removed from office except upon a finding that he committed a crime.[46] Fairness dictates that we use the exacting standard of proof that is used—and that is constitutionally mandated—in criminal trials.

I note that Majority Leader Trent Lott reached the same conclusion 25 years ago, as a young Member of the House Judiciary Committee considering articles of impeachment against President Nixon. He joined other Republican Members in writing:

"Because of the fundamental similarity between an impeachment trial and an ordinary criminal trial . . . the standard of proof beyond a reasonable doubt is appropriate in both proceedings. Moreover, the gravity of an impeachment trial and its potentially drastic consequences are additional reasons for requiring a rigorous standard of proof. This is especially true in the case of a presidential impeachment. . . . The removal of a President by impeachment in mid-term . . . should not be too easy of accomplishment, for it contravenes the will of the electorate. In providing for a fixed our-year term, not subject to interim votes of No Confidence, the Framers indicated their preference for stability in the executive. That stability should not be jeopardized except on the strongest possible proof of presidential wrongdoing."[47]

Were the President accused of treason or serious public corruption, the best interests of the Nation might well demand a somewhat lower standard. He is not, however, accused of such crimes. We hundred Senators are stand-ins for over a quarter billion Americans. President Clinton has been twice elected to his office, and we should only undo that choice based on the charges before us on proof tested against the highest standard. Under the circumstances, in evaluating the evidence that could result in the impeachment and removal of the President of the United States, I will use the highest standard of proof used in any court of law in this country, that is, proof beyond a reasonable doubt.

B. The Charges Have Not Been Proven

I do not believe that the Managers proved their case beyond a reasonable doubt. To reach their conclusions, they had to tease inculpatory inferences from exculpatory evidence and generally view the record in the most sinister light possible. Having taken an oath to do impartial justice, my vote must be based on the evidence in the record, not on speculation and surmise.

1. Article I

The record does not come close to supporting the allegations in Article I. Perjury is a complex charge, requiring more than just lying or even lying under oath. To constitute perjury, a lie must be both material and willful. Lying under oath about trivial or inconsequential matters, even if willful, is not a crime. Lying under oath as a result of confusion, mistake or faulty memory, even if about material matters, is also not a crime. In addition, there is no crime of perjury where a witness's answers are literally true, even if unresponsive, misleading or false by negative implication.

The American people saw President Clinton's grand jury testimony when the videotape was made public by the House Judiciary Committee. We saw him admit that:

He had engaged in wrongful conduct;

He had been alone with Ms. Lewinsky on numerous occasions;

His inappropriate relationship with Ms. Lewinsky lasted over a two-year period;

Many of their encounters involved inappropriate intimate contact; and

He had given her a number of gifts.

Given these admissions, the Managers had a heavy burden to prove that the President testified falsely about any material matter.

Perhaps for this reason, the Managers repackaged the three alleged falsehoods identified by the Special Prosecutor in their Senate presentation. In their Reply Brief, the Managers claimed that the President perjured himself no less than 48 times during his grand jury appearance. They hoped that the sheer number of allegations would overcome the essential triviality of each individual charge. It does not.

In this regard, the most remarkable charge leveled by the Managers is that the President's prepared statement, in which he made his many admissions, was itself perjurious. The President said that his relationship with Ms. Lewinsky "began as a friendship"; Ms. Lewinsky disagreed, although she allowed for the possibility that the President had a different perception of how the relationship had evolved.[48] The President said that the inappropriate intimate contacts occurred in early 1996 and 1997; Ms. Lewinsky claimed the contacts began on November 15, 1995. The President described being alone with Ms. Lewinsky only on "certain occasions," and described their telephone conversations as "occasional"; there is nothing in the record to the contrary. Indeed, Ms. Lewinsky used the same term to describe these events, since a few dozen meetings or telephone conversations over a two-year period may appropriately be described as "occasional".

Such allegations trivialize the serious business in which we are now engaged. Can anyone really believe that the President should be removed from office because of a six-week discrepancy as to when his admittedly inappropriate affair began? Or because of general statements that are allegedly contrary to specific numbers? Or because he did not inform the grant jury that the relationship began with a crude sexual overture by Ms. Lewinsky, as she herself was compelled to describe in humiliating detail, at the whim of the Special Prosecutor's inquisitors and for no legitimate investigatory purpose?

Another set of statements that the Managers consider perjurious relate to the President's state of mind. The Managers claim, without support, that the President did not genuinely believe, for example, that Ms. Lewinsky could file a truthful affidavit that might relieve her of having to testify in the *Jones* case. Such unsupported speculation about what was in the President's mind is not, as the President's counsel stated, "the stuff or fuel of a perjury prosecution."[49]

Asked to identify which of the President's statements were of particular importance to the perjury charge. Manager Rogan pointed to the President's explanations for his attorney Robert Bennett's statement, during the *Jones* deposition, that Ms. Lewinsky's affidavit showed there "is" no sex of any kind. Never mind that, in generally, a person cannot be held criminally liable for false statements or representations by the person's counsel to a judge or magistrate.[50]

Manager Rogan first took issue with the President's argument that the statement at issue was technically accurate because his intimate contact with Ms. Lewinsky had been over for many months. While the President has been derided for legal hairsplitting over "what the meaning of 'is'is." No amount of derision can transform this sort of argumentative testimony into a perjurious statement.

The President also testified that he had not paid much attention to what his attorney was saying, and, indeed, did not focus on it until months after the deposition, when he read the transcript in preparation for his grand jury appearance. The Managers assert that the President was paying attention, and they base this on the President's blank stare at the time in question. How can we possibly know, from that, what was going on in his mind?

Appreciating the weakness of their assertion, the Managers obtained an affidavit from Barry W. Ward, law clerk to the presiding judge in the *Jones* suit, and submitted it with their motion to expand the record. Mr. Ward's affidavit states that when he attended the deposition of President Clinton in that case, he "observed President Clinton looking directly at Mr. Bennett while this statement was being made." The Managers used this statement to argue in their motion brief, at p. 21, that "Mr. Ward's declaration proves that Mr. Ward saw President Clinton listening attentively while exchange between Mr. Bennett and the presiding Judge occurred." According to a Legal Times report on February 1, 1999, Mr. Ward "vigorously disputes that interpretation." Contrary to the Managers' assertion, Mr. Ward stated in a subsequent interview that, "I have no idea if he was paying attention. He could have been thinking about policy initiatives, for all I know."[51]

The only explanation for the misleading characterization of Mr. Ward's affidavit in the Managers' motion brief is the same one offered by Senator Bumpers to explain yet another unsupported inference asserted by the Managers. He said, "I am a trial lawyer and I will tell you what it is: it is wanting to win too badly."[52]

As a former prosecutor, one of the questions I have asked myself is whether, based on these facts, criminal charges of perjury or obstruction of justice would have been brought against any person other than the President of the United States. If William Jefferson Clinton were Billy Blythe or Bill Jones, would any prosecutor in the country have successfully brought such charges? Experienced prosecutors, Republican and Democratic, testified before the House Judiciary Committee that no prosecutor would have proceeded based on the record compiled by Mr. Starr. I agree and note that during the course of these Senate proceedings, the case has only gotten weaker.

2. Article II

The same is true of Article II, which charges the President with obstruction of justice. The Managers repeatedly urged Senators to look at "the big picture," view the evidence as a whole, and not to get "hung up" on the details. This is lawyer-speak for, "my case does withstand scrutiny."

To begin with, the principal witnesses to the President's alleged scheme to obstruct justice testified that there was no such scheme. Monica Lewinsky has clearly and consistently maintained that no one ever asked or encouraged her to lie, and that she was never promised a job for her silence. Betty Currie, the President's secretary, and Vernon Jordan, a distinguished attorney, also exonerated the President of any wrongdoing or any conspiracy with them to obstruct justice. For example, Ms. Currie testified that the President did not ask her on December 28, 1997, or at any time, to obtain and hide gifts he had given Ms. Lewinsky, and Mr. Jordan testified that his involvement in Ms. Lewinsky's job search was unrelated to any participation by Ms. Lewinsky in the now-settled *Jones* criminal connotation when observed in the context of the whole plot,"[53] but I fail to see why exculpatory testimony cannot be viewed for what it is: exculpatory.

The Managers do their best to transmogrify other exculpatory testimony into evidence of criminality. For example, Ms. Lewinsky testified that the President declined to review her affidavit before she signed it and did not discuss the content of the affidavit with her "at all, ever."[54] Manager Rogan cited this as evidence of obstruction on the theory that the President would have reviewed the affidavit if he really believed it could be truthful. In case we rejected this theory, Manager McCollum speculated that the President had reviewed 15 prior drafts of the affidavit—speculation at odds with Ms. Lewinsky's testimony that she did not show the President her affidavit in final and draft form. But neither Mr. Rogan's theory nor Mr. McCollum's speculation can overcome or obscure the fundamentally exculpatory nature of Ms. Lewinsky's testimony on this point. Indeed, if the President *had* reviewed or discussed Ms. Lewinsky's affidavit, the Managers would doubtless have trumpeted the incident as proof positive of obstruction.

Unable to conjure inculpatory evidence out of the President's refusal to review Ms. Lewinsky's affidavit, the Managers invited the Senate to infer guilt from the "fact" that it was the President, not Ms. Lewinsky, who benefited from the filing of her affidavit. Manager Bryant went further, arguing that Ms. Lewinsky "had no motivation, no reason whatsoever" to want to avoid testifying in the *Jones* case.[55] But when Manager Bryant questioned Ms. Lewinsky on this point, she corrected him:

'Q. [Y]ou didn't file the affidavit for your best interest, did you?

A. Uh, actually, I did.
Q. To avoid testifying.
A. Yes."[56]

This testimony should have come as no surprise, since most people would want to avoid the time, expense, and embarrassment of being dragged into a civil lawsuit to testify about their private affairs. Moreover, Ms. Lewinsky had already made clear that she had sought to conceal her relationship with the President in a vain attempt to avoid being "humiliated in front of the entire world."[57] On her own initiative, she devised code names for use when communicating with the President's secretary[58]; deleted correspondence from her computer and urged Linda Tripp to do the same[59]; and composed false and misleading "talking points" for Ms. Tripp to use in the *Jones* case. In fact, Ms. Lewinsky was admittedly "so desperate" for Linda Tripp not to reveal anything about the relationship that she "used anything and anybody that [she] could think of as leverage with her."[60]

Equally unavailing was the Managers' insistence that the President must have known Ms. Lewinsky's affidavit would be false because no truthful affidavit could have saved her from having to testify. Both the President and Ms. Lewinsky testified that, in their view, it was possible to craft a truthful affidavit that might have accomplished this objective. The Managers have never explained why we should not credit this unrebutted testimony.

The Managers have stretched the facts in other ways as well, most notably with respect to the timing of Ms. Lewinsky's job search. In their Trial Brief, in their opening presentations, and in their charts, the Managers posited that Mr. Jordan intensified his efforts to find Ms. Lewinsky a job on December 11, 1997, only after, and because, the judge in the *Jones* case ordered the President to answer far-ranging questions about other women. The same theory appeared on page 11 of the Majority Report prepared for the House of Representatives.

The President's counsel, in their opening presentations to the Senate, made clear beyond any doubt that Mr. Jordan met with Ms. Lewinsky before the judge issued her ruling, and that the meeting had been scheduled several days before that. Without acknowledging their error, the Managers retreated to the argument that Mr. Jordan's assistance on December 11 was triggered not by Judge Wright's order, but rather by the appearance of Ms. Lewinsky's name on the witness list six days earlier. But the Managers themselves refuted this argument in their Trial Brief, which states that there was "still no urgency to help Ms. Lewinsky" after the witness list arrived on December 5.[61] Moreover, although Manager Hutchinson later insinuated that Mr. Jordan and the President discussed Ms. Lewinsky's job search during their meeting on December 7,[62] the Managers' Trial Brief acknowledges that the December 7 meeting was "unrelated" to Ms. Lewinsky.[63]

More generally, the Managers failed to show any connection between Ms. Lewinsky's status as an affiant and possible deponent in the *Jones* case and her New York job search. Every witness to testify on this point, including the President, Ms. Lewinsky, and Mr. Jordan, agreed that those events were unrelated. Beyond this, the record is clear that Ms. Lewinsky first mentioned the possibility of moving to New York in early July 1997; that people other than Mr. Jordan tried to help Ms. Lewinsky get a job at the United Nations in early October 1997; and that Ms. Lewinsky notified her employer that she would be leaving her job and moving to New York in November 1997—all well before her name surfaced on the *Jones* witness list.

The Managers have also stretched and distorted the evidence regarding the box of gifts that Ms. Currie retrieved from Ms. Lewinsky on or about December 28, 1997. The Managers have argued that the Senate "may reasonably presume" that Ms. Currie retrieved the gifts, which had been subpoenaed by the *Jones* attorneys, at the behest of the President.[64] In making this argument, the Managers ask us to disregard Ms. Lewinsky's testimony that it was her idea to give the gifts to Ms. Currie; the President's testimony that he never told Ms. Currie to retrieve the gifts; Ms. Currie's testimony that it was Ms. Lewinsky, not the President, who asked her to retrieve the gifts; and the fact that the President gave Ms. Lewinsky additional gifts on the very morning that he is alleged to have asked for them back. They also ask us to ignore Ms. Lewinsky's testimony that she decided on her own to protect her own privacy by turning over only "innocuous" gifts to the *Jones* lawyers.[65] Finally, they ask us to ignore exculpatory information concealed by Mr. Starr and revealed to the Senate for the first time in Ms. Lewinsky's deposition that the President's statement, "well, you have to turn over whatever you have," sounded familiar to her.

The Managers have made much of a conversation between Ms. Lewinsky and Mr. Jordan on December 31, 1997, that touched upon certain notes, or possibly drafts of notes, Ms. Lewinsky wrote to the President. Accordingly to Ms. Lewinsky, Mr. Jordan suggested "something the[e] effect" of, "check to make sure they are not here," which Ms. Lewinsky interpreted to mean, "get rid of whatever is there."[66] Mr. Jordan recalled having discussed the notes with Ms. Lewinsky, but denied having told her to destroy them. Did Ms. Lewinsky misunderstand Mr. Jordan, or is one witness lying? The Senate need not decide, since by either account, the President was not a party to any conversation about notes and, indeed, neither the notes nor the December 31 conversation between Ms. Lewinsky and Mr. Jordan are mentioned in the two Articles of Impeachment approved by the House.

Perhaps the longest stretch by the Managers is their theory regarding presidential aides Sidney Blumenthal, John Podesta, and Bruce Lindsey. It simply cannot be that the target of a grand jury investigation obstructs justice by making false or misleading denials of wrongdoing in personal conversations with friends and colleagues, even if he knows that they may be compelled to testify about those conversations. Indeed, until recently, most federal courts held that false denials of wrongdoing—even when made under oath or to a federal agent—could not be a basis for criminal liability.

The Managers have focused particular attention on the President's conversation with Sidney Blumenthal on January 21, 1998, the day the Lewinsky scandal erupted. According to Mr. Blumenthal, the President said that Ms. Lewinsky had told him that she was called "the stalker" by her peers, and that she would claim they had an affair because then she would not be known as "the stalker" anymore. Curiously, Ms. Lewinsky herself, in the now-famous "talking points" she prepared before her relationship with the President became public, encouraged Ms. Tripp to defuse questions about Ms. Lewinsky by saying, "[S]he turned out to be this huge liar. I found out she left the W[hite] H[ouse] because she was stalking the P[resident] or something like."[67] Ms. Lewinsky acknowledged in her original proffer to Mr. Starr that she was well aware of her reputation at the White House and sought a detail from the Pentagon "so people could see Ms. L[ewinsky]'s good work and stop referring to her as 'The Talker.'"[68] Regardless, we can all agree that if the President tried to conceal his own misconduct by maligning Ms. Lewinsky, he acted shamefully. But this is a far cry from acting criminally.

The Managers asked us to look at the "big picture". The "big picture" with respect to Ms. Lewinsky is that she had no intention of revealing her relationship with the President, regardless of whether he helped her find a new job; she acted independently and in her own best interest in filing her affidavit in the *Jones* case; she originated and carried out her plan to hide evidence from the *Jones* lawyers; and Linda Tripp rather than Bill Clinton was her principal advisor and ultimate betrayer. In fact, the only crimes shown to have possibly occurred are not high crimes but those for which Ms. Lewinsky and Ms. Tripp have received immunity from prosecution from Mr. Starr.

What remains when you sweep aside the cobwebs of unsupported speculation and conspiracy theory? To my mind, the case on obstruction boils down to the charge that the President, in the wake of his deposition in the *Jones* case, "coached" his secretary about what to say if asked about Ms. Lewinsky. The President has argued that Ms. Currie was not then a witness in the *Jones* case and was not likely to be one given the approaching deadline for completing discovery. Moreover, he did not know that Mr. Starr had initiated an investigation. In fact, once he learned that Mr. Starr was investigating and that Ms. Currie might be a witness, the President told Ms. Currie, "Don't worry about me. Just relax, go in there and tell the truth."[69]

I was seriously troubled by the President's counsel's initial suggestion that Ms. Currie was never subpoenaed in the *Jones* case. Still, Mr. Ruff's candid correction and apology to the Senate stands in stark contrast to the Managers' refusal to correct their own misleading representations.

In the end, reasonable minds may differ over why the President spoke to Ms. Currie as he did in mid-January 1998. His explanation—that he was "trying to think of the best defense we could construct in the face of what I thought was going to be a media onslaught"[70]—is not implausible. Using a trusted employee as a sounding board to test responses that might later be made public is also not implausible nor criminal. The President also had a legitimate interest in determining whether Ms. Currie was the source of the *Jones* lawyers apparent knowledge regarding Ms. Lewinsky. In the end, in light of the plausible and innocent explanations for these conversations. I do not accept as proven beyond a reasonable doubt the Mangers' conclusion that they were criminal "coaching" sessions. I cannot vote to overturn a national election based on the ambiguous record of this discrete episode.

Back on March 8th of last year, one of my Republican colleagues on the Judiciary Committee stated his view that no impeachment proceeding should be brought unless there was "an open-and-shut case" because "Americans cannot stand the trauma of an impeachment matter unless it is cut-and-dried."[71] Even more clearly, the country cannot tolerate a President's being removed from office based on the shifting patchwork of circumstantial evidence and surmise that the Managers have concocted.

C. There Was No Need to Call Witnesses

Witnesses would not fill the holes in the Managers' case.

The Managers only became interested in hearing from witnesses once they faced trouble obtaining a conviction in the Senate. They had an opportunity to interview witnesses when this matter was still before the House. But the House Judiciary Committee called no fact witnesses. The House of Representatives called no witnesses at all. Rather, the House Republicans voted out these Articles based on what they were told by Special Prosecutor Starr.

They took the position that witnesses were not necessary. For example, in November 1998, Manager Gekas stated that "[b]ringing in witnesses to rehash testimony that's already concretely in the record would be a waste of time and serve no purpose at all."[72] Similarly, on December 19, 1998, during the floor debate on the articles, Manager Hyde stated:

"No Fact witnesses, I have heard that repeated again and again. Look, we had 60,000 pages of testimony from the grand jury, from depositions, from statements under oath. That is testimony that we can believe and accept. We chose to believe it and accept it. Why reinterview Betty Currie to take another statement when we already had her statement? Why interview Monica Lewinsky when we had her statement under oath, and with a grant of immunity that if she lied she would forfeit?"[73]

Having chosen to proceed in the House without witnesses, the Managers were in no position to demand that the Senate hear witnesses. A Senate impeachment trial is not a make-up exam for an incomplete inquiry by the House.

In attempting to explain his inconsistent positions on witnesses, Manager Hyde said, "we were operating under time constraints which were self-imposed but I promised my colleagues to finish it before the end of the year. I didn't want it to drag out."[74] But self-imposed time constraints do not begin to explain why Mr. Hyde's Committee declined to call a single fact witness. The Committee did hold two-day-long hearings. It heard from a panel of convicted felons who testified, to nobody's surprise, that perjury is a crime. And it heard from the prosecutor, Kenneth Starr, who had no first-hand knowledge of any facts in the case, and had not even spoken with anyone who had. Those two days could have been spent hearing fact witnesses and surely they would have been, if the Committee majority thought for one moment that fact witnesses would have any new and incriminating evidence to share.

Mr. Hyde's second justification for failing to call witnesses in the House was grounded in his mistaken view of that body's role in the impeachment process. According to Mr. Hyde, "[t]he threshold in the House was for impeachment, which is to seek a trial in the Senate. . . . All we could do was present evidence sufficient to convince our colleagues that there ought to be a trial over here in the Senate."[75] I have already explained the fallacy of this position. When these Articles of Impeachment fail, as I believe they must, I hope it will send a clear message to the House of Representatives not to do a slapdash, partisan job on something as momentous and wrenching for the nation as a presidential impeachment.

Contrary to the suggestions of some Managers, there is no authority for the notion that the Senate must hear witnesses. It is true, as one Manager noted, that the Senate heard witnesses during the impeachment trial of President Johnson, notwithstanding the House's failure to do so. As most historians agree, however, the Johnson impeachment was an illegitimate attempt by the Reconstruction Republicans to unseat a President whose policies they disliked. It was hardly a model of procedural correctness.

Most recently, in the 1980's, the Senate removed three impeached federal judges without hearing any witnesses on the Senate floor. Indeed, in the impeachment trial of Judge Claiborne in 1986, a majority of the Senate approved a motion by then-Majority Leader Dole not to hear any live testimony. Instead, in each case, the Senate reviewed a written record of testimony prepared by a special committee of Senators. The Senate did this over the objections of the judges being removed.

If the President is willing to forego the opportunity to cross-examine the witnesses being relied upon by the Managers, that eliminates the most pressing need for further discovery in this matter. After all, Ms. Lewinsky, Ms. Currie and other witness were interviewed multiple times by the Special Prosecutor's lawyers and investigators and then testified repeatedly before the grand jury. That is about as one sided as it gets—no cross examination, no opportunity to compare early statements with the way things are reconfigured and re-expressed after numerous preparation sessions with Mr. Starr's office.

These witnesses testified under threat of prosecution by Mr. Starr. Ms. Lewinsky is still under a very clear threat of prosecution, even though she has a limited grant of immunity. This Special Prosecutor has shown every willingness to threaten and prosecute even those who have played minor, tangential roles in his investigations of the President, such as Julie Hiatt Steele, and those who have already been relentlessly pursued in serial prosecutions, such as Webster Hubbell and Susan McDougal.

Thus, if the President has not initiated efforts to obtain more discovery and witnesses and is willing to have the matter decided on the current Senate record, the Managers carried a heavy burden to justify extending these proceedings further and requiring the reexamination of people who have already testified.

During his opening remarks, Manager McCollum said, "I don't know what the witnesses will say, but I assume if they are consistent, they'll say the same that's in here,"[76] referring to the voluminous record before the Senate. Nevertheless, the majority in the Senate acceded to the Manager's request to conduct depositions, which only confirmed that subjecting the witnesses to further examination would not provide any new revelations.

In fact, during the deposition of Ms. Lewinsky, Manager Bryant conceded, "Obviously, you testified extensively in the grand jury, so you're going to obviously repeat things today. We're doing the depositions for the Senators to view."[77] Likewise, during Mr. Jordan's deposition, Manager Hutchinson acknowledged the witness's five prior grand jury appearances and conceded, "I know that probably about every question that could be asked has been asked, but there are a number of reasons I want to go over additional questions with you, and some of them will be repetitious of what's been asked before."[78]

There was no reason to protract this process further merely to hear more redundant testimony live on the floor of the Senate, in light of the President's agreement to forfeit this opportunity to examine the witnesses.

D. Removal Is Not Warranted

The question each Senator must address is whether the conduct charged in the Articles meets the constitutional standard of high crime and misdemeanor warranting conviction and removal. The Managers, the President's counsel and, in particular, former Senator Dale Bumpers have provided us with erudite history lessons on the misconduct the Framers meant to cover by this standard.

We have heard debate whether this standard covers only conduct performed in the President's public capacity or also covers private conduct. A strong case can be made that the Framers never intended that a President be subject to impeachment and removal for private conduct—no matter how egregious. Instead, they purposely limited the ground for impeachment to offenses against the state or grave abuses of official power.

But this argument presents the proverbial "slippery slope." Does this mean that a President may not be removed for murder? The Framers may very well have responded "no." In fact, during the impeachment trial of Chief Justice Samuel Chase, the presiding officer was then Vice-President Aaron Burr, who at the same time was under indictment in both New Jersey and New York for the murder of Alexander Hamilton in a duel in 1804. As Chief Justice Rehnquist notes in Grand Inquests, "This fact caused one contemporary wag to remark that whereas in most courts the murderer was arraigned before the judge, in this court the judge was arraigned before the murderer!"[79] Nonetheless, Burr was not the subject of the impeachment trial, Chief Justice Chase was.

No matter how the Framers would treat serious private misconduct, I do not hesitate to conclude that heinous crimes, such as murder, would warrant the remedy of removal. As Professor Charles Black explained:

"Many common crimes—willful murder, for example—though not subversive of government or political order, might be so serious as to make a president simply unviable as a national leader; I cannot think that a president who had committed murder could not be removed by impeachment. But the underlying reason remains much the same; such crimes would so stain a president as to make his continuance in office dangerous to public order."[80]

The House Judiciary Committee in 1974 summed up the thorny issue of how to evaluate the constitutional standard for impeachable and removable conduct as follows: "Not all presidential misconduct is sufficient to constitute grounds for impeachment. There is a further requirement—substantially."[81]

Professor Black also addressed the "substantially" of the misconduct necessary to meet the constitutional standard for impeachment and removal, with the following illustration:

"Suppose a president transported a woman across a state line or even (so the Mann Act reads) from one point to another within the District of Columbia, for what is quaintly called an 'immoral purpose.' Or suppose a president did not immediately report to the nearest policeman that he had discovered that one of his aides was a practicing homosexual—thereby committing 'misprision of a felony.' Or suppose the president actively assisted a young White House intern in concealing the latter's possession of three ounces of marijuana—thus himself becoming futility of 'obstruction of justice.' . . . Would it not be preposterous to think that any of this is what the Framers meant when they referred to 'Treason, Bribery, and other high Crimes and Misdemeanors,' or that any sensible constitutional plan would make a president removable on such grounds?"[82]

In my view, the charges that the President committed perjury and obstructed justice to conceal an illicit relationship with Monica Lewinsky not only fail as a matter of proof, but to the extent they raise legitimate questions about his conduct they fail the test of substantiality. As one Vermonter recently write to the editor of the Burlington Free Press, "If there ever was a situation in which the phrase making a mountain out of a mole hill is apt, it is the impeachment trial to date."[83]

The Managers tried to address the criticism that the conduct underlying the Articles is so insubstantial as to leave the American public scratching their heads. Manager Canady conceded that no President "should be impeached and removed from office for trivial or insubstantial offenses . . . A President should not be impeached and removed from office for a mistake or judgment. He should not be impeached and removed from office for a momentary lapse."[84] Similarly, Manager Graham acknowledged "absolutely" that reasonable people could disagree about whether the President should be removed, even where the charges proven.[85] Manager Graham further opined during questioning by Senators that:

"I would not want my President removed for any criminal wrongdoing, I would want my President removed only when there was a clear case that points to the right decision for the future of he country. . .I would not want my President removed for trivial offenses, and that is the heart of the matter here."[86]

My decision on this matter should not be misinterpreted to mean that I countenance perjury or obstruction of justice, or that I do not appreciate the need for enforcement of our laws prohibiting such conduct for the functioning of our judicial system. If committed, these are serious crimes. Nevertheless, as Manager Graham recognized, reasonable people can and do disagree on the ultimate questions in this trial.

I do not agree with the Managers that they have proven these crimes were committed or that the conduct at issue here is sufficiently heinous to warrant impeachment and removal of the President. Chairman Henry Hyde recognized that "one hardly exhausts moral imagination by labeling every untruth and every deception an outrage."[87]

The American people understand this point instinctively. In my home State of Vermont, for instance, the majority of people are overwhelmingly opposed to the removal of this President from office. They were against it in August 1998, when the House posted Mr. Starr's salacious referral on the Internet. They were against it in November 1998, when Mr. Starr appeared before the House Judiciary Committee to try to breath some life back into his case for impeachment. They were against it in December 1998, when the House Republicans made even shriller pitches for impeachment to the American people. And judging from the calls and mail I have received, Vermonters are more certain than ever that they want Bill Clinton to serve out his term.

Of course, we must not be led by the polls. The Framers wanted impeachments to be tried in the Senate, not in the court of public opinion. This is not a referendum. Still, whether the evidence is sufficient to warrant the President's removal turns at least in part on whether it makes him unfit to govern, and on that question, the voice of the governed should be heard.

The Managers have eloquently expressed their concern about the "kind of message" it would send to America should the Senate refuse to convict and remove the President on the Articles. Chairman Hyde expressed his view that the message would be that "charges of perjury, obstruction of justice are summarily dismissed—disregarded, ignored, brushed off" and that there is a double standard for the President.[88]

With all due respect for the Managers' belief on this score, I disagree. First, our assessment of whether the President's personal misconduct meets the constitutional standard for impeachment, conviction and removal should not be misconstrued to reflect our views on the seriousness of perjury or obstruction of justice. Professor Tribe, in his testimony last November before a House Judiciary subcommittee confronted this issue directly, stating:

"It is always possible to argue, when confronted by serious crime, that the system would crumble if everyone followed the wrongdoer's example. If everyone took President Richard Nixon's allegedly false filing of tax returns under oath, including backdating documents, as a model to emulate, the nation's tax system, and thus its defenses, would crumble. Yet there was no realistic basis to suppose that the Nixon example would start any such stampede, and the simple proposition that, if all did as Nixon had done, the consequences would be catastrophic did not mislead the House Judiciary Committee into treating the President's alleged tax evasion as an impeachable offense: By a vote of 26–12, the Committee soundly declined to treat it as such."[89]

Second, the Managers are also wrong that Senate acquittal of the President would essentially set-up a "double-standard" and put the President above the law. The Managers ignore the fact that the Constitution itself establishes a purposely high and difficult standard for the Senate to remove a duly elected head of a co-equal branch of government. In a court of law, not a Senate court of impeachment, the President, in his personal capacity, stands subject to the same standard as any American.

VI. PRIOR JUDICIAL IMPEACHMENTS FOR PERJURY

Just ten years ago, the Senate voted to convict two Federal judges on charges of perjury. The Managers read those precedents to mean that perjury, if proved, is always an impeachable offense—that Presidents ought not be held to a lower standard of impeachability than judges. While the failure of proof in this case obviates the need to resolve the precedential effect, if any, that judicial impeachments may have on the impeachment of a President, the Managers' simplistic, "one-size-fits-all" approach is unsound.

Perjury is not included in the impeachment section of Article II of the Constitution, even though, as Manager Buyer noted, the Framers were familiar with the crime.[90] Treason is the defining crime in the Constitution—it is a crime against and undermining the very existence of the Government. Bribery is also expressly included—no officer of the United States can continue if he is corrupted by accepting a bribe to do something other than faithfully execute his public duties. Perjury may, if proved, provide a basis for impeachment, but only if it is determined to be within "other high Crimes or Misdemeanors."

In the recent judicial impeachments, the lies at issue were aimed at concealing gross abuses of official power. Judge Alcee Hastings lied to conceal his participation in a conspiracy to fix cases in his own court. Judge Walter Nixon lied to conceal his corrupt efforts to influence a state prosecutor to drop a case. Significantly, Judge Nixon had been convicted by a Federal jury and was serving a 5-year prison sentence at the time he was impeached and removed; he simply could not continue to function as a Federal judge and perform his duties.

House Managers have also referred to the impeachment of a third judge, Judge Harry Claiborne, but he was impeached for filing a false tax return and not perjury *per se*. In any event, as with Judge Nixon, Judge Claiborne had been convicted after a jury trial and was serving a federal prison term when he was impeached.

By contrast, President Clinton is not accused of lying to conceal public misconduct. He is accused of lying to conceal the "nature and details" of an extramarital affair—an affair that he admitted had occurred.

Beyond this, there are very basic differences in terms and functions between Federal judges and the President. Judges are appointed for life. Presidents are elected for fixed terms and accountable in political terms. A President can be subject to review by the people if he runs for reelection. Moreover, removing an appointed Federal judge, while extremely serious, implicates none of the momentous, anti-democratic consequences of removing an elected President.

Another difference between Federal judges and the President is that, under the Constitution, only the former "hold their Offices during good Behavior."[91] The proposition, however, that this clause creates a different constitutional standard for removal of judges than for removal of the President or other civil officers is dangerous. Such an interpretation would invite attacks on the independence of the federal judiciary and undermine the balance among the three coequal branches of our federal government. Indeed, Alexander Hamilton opined in Federalist No. 79 that impeachment was the only provision for removal "which we find in our own Constitution in respect to our own judges."

The past few years have been seen unprecedented attacks on controversial decisions by Federal judges. Should such decisions be deemed malfeasance by the party in control of Congress, then impeachment proceedings against judges who render unpopular decisions could provide a platform for endless political posturing. More importantly, this would chill the independent operation of our Federal judiciary.

As Professor Michael Gerhardt has explained, the good behavior clause does not mean that Federal judges may be impeached on the basis of a lower standard than the President, but it does suggest that they may be impeached "on a basis that takes account of their special duties or functions."[92] A judge who lives under oath is uniquely unfit to continue in an office that requires him to administer oaths and sit in judgment. It is perfectly appropriate for the Senate when sitting as a court of impeachment to take into account the type of duties that the impeached official is called upon to perform and whether the charges, if proved, clearly impair the official's ability to perform those duties. The outcome of this analysis may very well differ depending on the job of the impeached official.

VII. “FINDINGS OF FACT” FALLACIES

As the impeachment trial wore on, without any prospect of a conviction and removal, a popular Republican exit strategy was to force a preliminary vote on so-called “findings of fact” that the President committed perjury and obstructed justice, to be followed by a second vote on removal. I opposed this initiative because, in my view, it reflected a basic misunderstanding of the Senate's constitutional function when sitting as a court of impeachment.

The Senate's constitutional role is to determine whether to convict the President of an impeachable offense and remove him from office. This is a unitary question, requiring a unitary answer. In recognition thereof, the Senate has rules prohibiting dividing articles of impeachment.

A presidential impeachment trial is not an appropriate forum for “finding” that a public official has committed a crime. Crime and punishment are issues expressly reserved by the Constitution to our criminal courts, where an accused is entitled to due process rights far in excess of the minimal procedural protections being accorded the President in the Senate trial. In the current case there are also additional complicating factors since the Senate made up its procedures as it went along and the specific charges against the President have constantly shifted.

Impeachment is not about punishing the officeholder but about protecting the public. Senator George Edmunds of Vermont explained in 1868 that “[p]unishment by impeachment does not exist under our Constitution. . . . [The accused] can only be removed from the office he fills and prevented from holding office, not as punishment, but as a means merely of protection to the community . . . .”[93] Our focus must be on whether the conduct with which the House has charged President Clinton has been proven and warrants his removal from office to protect the public.

Branding the President is not the function of impeachment. On the contrary, a congressional finding of guilt for criminal conduct would be an illegitimate exercise in shaming the President and an abuse of the impeachment process in support of a future criminal prosecution, which recent leaks from prosecutor Starr's office confirm he is considering.

A preliminary vote on guilt in the form of “findings of fact” would set the dangerous precedent that a Senate impeachment trial could be used for the purpose of criticizing conduct that the constitutionally-required number of Senators did not believe was impeachable. The last protection against impeachment by an opposing party with majority control of Congress would be eviscerated. This would trivialize the constitutional impeachment process and invite future illegitimate impeachments.

“Findings of fact” that the President committed the acts charged in the Articles would be tantamount to conviction on the impeachment Articles themselves and more accurately described as “findings of guilt” without the remedy prescribed by the Constitution. As a matter of constitutional law and Senate practice, such “findings” cannot and should not be separated from the vote on removal. Article II, section 4 of the Constitution provides that, upon conviction by the Senate, the President “shall be removed from Office.” By making removal mandatory upon conviction, the Constitution precludes the Senate from taking the politically-expedient, oxymoronic route of convicting without removing.

Proponents of the Republican proposals pointed to eighteenth century precedents long ago repudiated. In the first three judicial impeachment trials that ended in conviction, the Senate, having voted to convict, took a separate vote on removal from office. But in each case, the first vote required a two-thirds supermajority, as specified by the Constitution, not a simple majority as is now proposed. Moreover, the Senate rejected this early precedent in 1936; since then, it has been the understanding of the Senate that removal follows automatically from conviction. The lack of solid precedent for “findings of fact” speaks volumes.

This unprecedented exit strategy was opposed by Republicans and Democrats who did not want to circumvent the Constitution merely to find a convenient end to this impeachment trial. Former Judge Robert Bork termed these proposals “preposterous readings of the Constitution as well as utterly impractical.”[94] Former Reagan Attorney General Edwin Meese cautioned that the Senate “should not flirt with unconstitutional action, especially where conviction and removal of the President are at stake.”[95]

Robert Frost said that the best way out is always through. In the end, the Senate's best way out was to fulfill its proper role in the impeachment process by voting on the Articles.

VIII. EFFECT ON CHILDREN AND NATIONAL SECURITY

My consideration of the Articles would be incomplete without addressing one final point raised by the House Managers about the effect of our decision. They have cautioned that should this President be acquitted, the consequences would be dire for our children, military morale, and the functioning of our judicial system. I reject these doomsday scenarios and believe that the precedent set by conviction without proof and removal without constitutional justification would be far more dangerous for our Republic.

For example, when he was asked whether acquitting the President would endanger the stability of our government. Manager Hyde responded that it would, because it would set a bad example for our children.[96] I was surprised by this answer. This is hardly the sort of danger that the Framers of the Constitution were concerned with when they met in Philadelphia in 1787. They had just paid a great price to liberate themselves from a tyrant. They wanted to ensure that their new Chief Executive could not become a tyrant. They wanted to ensure that he could be removed if he posed a threat to the democratic system of government that they had fought so hard to establish. They were not trying to ensure that the President would be a good role model for the nation's children.

More importantly, as a father and grandfather, I work hard to be a role model for my children and grandchild. They do not need the President to serve that role. They do not have to look to the Congress to impeach and remove this President to know the difference between right and wrong.

I trust the parents of America to raise their children, to explain what the President did was wrong, and to point out the humiliation and other consequences he has brought on himself and his presidency for an entire year and for as long as history books are written. I do not believe that the Constitution calls upon us to remove a duly elected President for symbolic purposes.

The Managers have also struggled to raise the specter that a vote of acquittal on the Articles would risk our national security by undermining the morale of our military, who would appear to be held to a double standard. I have more faith in our military. If the Managers' position were correct then we would have seen ill-effects from President Busy's pardon of former Defense Secretary Caspar Weinberger, who had been indicted on several counts, including for lying before a grand jury. But we did not.

In fact, at that time, Manager Hyde applauded the decision to pardon Mr. Weinberger, saying, “I'm glad the president had the chutzpah to do it.” Far from censuring this accused perjurer or deploring the bad example he had set, Mr. Hyde denounced the Independent Counsel who had brought this “political” prosecution and stated: “I just wish [us] out of this mess, this six years and this $30–40 million that had been spent [by independent counsel Lawrence E. Walsh]. It's endless and it is a bottomless pit for money, with no accountability.”[97]

The fact that the Constitution sets a high standard for removal of a President has no bearing on the standard of conduct applicable to military service. In addition, it does not place the President above the law. Indeed, all of us in Congress have special immunity under the speech and debate clause. That has never been argued to place us above the law nor undermine military morale.

IX. DELIBERATIONS ON DISPOSITIVE TRIAL MOTIONS SHOULD BE OPEN

Accustomed as we and the American people are to having our proceedings in the Senate open to the public and subject to press coverage, the most striking prescription in the “Rules of Procedure and Practice in the Senate when Sitting on Impeachment Trials” has been the closed deliberations required on any preliminary question or motion, and now on the final question whether the Articles of Impeachment should be sustained or rejected.

The requirement of closed deliberation, more than any other rule, reflects the age in which the rules were originally adopted in 1868. Even in 1868, not everyone favored secrecy. During the trial of President Johnson, the senior Senator from Vermont, George F. Edmunds, moved to have the closed deliberations on the Articles transcribed and officially reported “in order that they world might know, without diminution or exaggeration, the reasons and views upon which we proceed to our judgment.”[98] The motion was tabled.

In the 130 years that have passed since that time, the Senate has seen the advent of television in the Senate Chamber, instant communication, distribution of Senate documents over the Internet, the addition of 46 Senators representing 23 additional States, and the direct election of Senators by the people in our States.

Opening deliberations would help further the dual purposes of our rules to promote fairness and political accountability in the impeachment process. I supported the motion by Senators Harkin, Wellstone and others to suspend this rule requiring closed deliberations and to open our deliberations on Senator Byrd's motion to dismiss and at other points earlier in this trial. We were unsuccessful. Now that the Senate has approached final deliberations on the Articles of Impeachment, I had hoped that this secrecy rule would be suspended so that the Senate's deliberations would be open and the American people could see them. In a matter of this historic importance, the American people should be able to witness their Senators' deliberations.

Some have indicated objection to opening the Senate's final deliberations because petit juries in courts of law conduct their deliberations in secret. Analogies to juries in courts of law are misplaced. I was privileged to serve as a prosecutor for eight years before I was elected to the Senate. As a prosecutor, I represented the people of Vermont in court and before juries on numerous occasions. I fully appreciate the traditions and importance of allowing jurors to deliberate and make their decisions privately, without intrusion or pressure from the parties, the judge or the public. The sanctity of the jury deliberation room ensures the integrity and fairness of our judicial system.

The Senate sitting as an impeachment court is unlike any jury in any civil or criminal case. A jury in a court of law is chosen specifically because the jurors have no connection or relation to the parties or their lawyers and no familiarity with the allegations. Keeping the deliberations of regular juries secret ensures that as they reach their final decision, they are free from outside influences or pressure.

As the Chief Justice made clear on the third day of the impeachment trial, the Senate is more than a jury; it is a court. Courts are called upon to explain the reasons for decisions. Furthermore, to the extent the Senate is called upon to evaluate the evidence as is a jury, we stand in different shoes than any juror in a court of law. We all know many of the people who have been witnesses in this matter; we all know the Managers—indeed, one Senator is a brother of one of the Managers—and we were familiar with the underlying allegations in this case before the Managers ever began their presentation.

Because we are a different sort of jury, we shoulder a heavier burden in explaining the reasons for the decisions we make here. I appreciate why Senators would want to have some aspects of our deliberations in closed session: to avoid embarrassment to and protect the privacy of persons who may be discussed. Yet, on the critical decisions we are now being called upon to make on our votes on the Articles themselves, allowing our deliberations to be open to the public helps assure that American people that the decisions we make are for the right reasons.

In 1974, when the Senate was preparing itself for the anticipated impeachment trial of former President Richard Nixon, the Committee on Rules and Administration discussed the issue of allowing television coverage of the Senate trial. Such coverage did not become routine in the Senate until later in 1986. In urging such coverage of the possible impeachment trial of President Nixon, Senator Metcalf (D-MT), explained:

"Given the fact that the party not in control of the White House is the majority party in the Senate, the need for broadcast media access is even more compelling. Charges of a 'kangaroo court,' or a 'lynch mob proceeding' must not be given an opportunity to gain any credence whatsoever. Americans must be able to see for themselves what is occurring. An impeachment trial must not be perceived by the public as a mysterious process, filtered through the perceptions of third parties. The procedure whereby the individual elected to the most powerful office in the world can be lawfully removed must command the highest possible level of acceptance from the electorate."[99]

Opening deliberation would ensure complete and accurate public understanding of the proceedings and the reasons for the decisions we make here. Opening our deliberations on our votes on the Articles would tell the American people why each of us voted the way we did.

The last time this issue was actually taken up and voted on by the Senate was more than a century ago in 1876, during the impeachment trial of Secretary of War William Belknap. Without debate or deliberation, the Senate refused then to open the deliberations of the Senate to the public. That was before Senators were elected directly by the people of their State, that was before the Freedom of Information Act confirmed the right of the people to see how government decisions are made. Keeping closed our deliberations is wholly inconsistent with the progress we have made over the last century to make our government more accountable to the people.

Constitutional scholar Michael Gerhardt noted that "the Senate is ideally suited for balancing the tasks of making policy and finding facts (as required in impeachment trials) with political accountability."[100] Public access to the reasons each Senator gives for his vote on the Articles is vital for the political accountability that is the hallmark of our role.

I likewise have urged the Senate to adjust these 130-year-old rules to allow the Senate's votes on the Articles of Impeachment to be recorded for history by news photographers. This is a momentous official and public event in the annals of the Senate and in the history of the nation. This is a moment of history that should be documented for both its contemporary and its lasting significance.

Open deliberation ensures complete accountability to the American people. Charles Black write that presidential impeachment "unseats the person the people have deliberately chosen for the office."[101] The American people must be able to judge if their elected representatives have chosen for or against conviction for reasons they understand, even if they disagree. To bar the American people from observing the deliberations that result in these important decisions is unfair and undemocratic.

The Senate should have suspended the rules so that the Senate's deliberations on the final question of whether to convict the PResident of these Article of Impeachment were held in open session. After this impeachment trial is over, I urge the Senate to re-examine the rule on closed deliberations in impeachment trials and revise the rule to reflect the open and accountable government that is now the pride and hallmark of our democracy.

X. CONCLUSION

The House Managers have warned that should the President be acquitted we will set a dangerous precedent and damage the "rule of law." I strongly disagree. Instead, we will have set the following important precedent for the future: that partisan impeachment drives are doomed to failure.

It is up to the Senate, now, to restore sanity to this process, exercise judgment, do justice and act in the interests of the nation. We all knew before the trial began that history will judge us on whether this case was resolved in a way that serves the good of the country, not the political ends of any party. I commend my colleagues in the Senate and in particular Majority Leader Lott and Minority Leader Daschle for working hard to maintain bipartisanship and fairness in our proceedings.

In all the references to the first presidential impeachment trial, a little-known historical fact has been overlooked. After the unsuccessful effort to remove him from office, former President Johnson returned to serve this country as a United States Senator. I look forward to the day when the Senate has concluded the impeachment of President Clinton and the Senate can close its work as an impeachment court and turn to the other important work we face as Senators.

FOOTNOTES

1. Cong. Rec., Jan. 7, 1997, p. S5.

2. U.S. Constitution, Art. IV, sec. 2.

3. House Comm. on the Judiciary, Hearing before the Subcomm. on the Constitution, Background and History of Impeachment, 105th Cong., 2d Sess., Ser. No. 63, Nov. 9, 1998, p. 228 [hereinafter "Hearing of Nov. 9, 1998"].

4. Cong. Rec., Jan.

5. Robert Jackson, "The Federal Prosecutor," Address Delivered at the Second Annual Conference of United States Attorneys, Apr. 1, 1940, quoted in *Morrison* v. *Olson*, 487 U.S. 654, 728 (1988) (Scalia, J., dissenting).

6. See Michael Frisby, "Starr is Assailed for Reportedly Probing Alleged Extramarital Affairs by Clinton," The Wall Street Journal, June 26, 1997, sec. B, p. 2 (quoting Sen. Patrick Leahy).

7. House Comm. on the Judiciary, Hearing on Impeachment Inquiry: William Jefferson Clinton, President of the United States, Appearance of Independent Counsel, 105th cong., 2d Sess., Ser. No. 66, Nov. 19, 1998, p. 28 [hereinafter "Hearing of Nov. 19, 1998"].

8. Referral of Independent Counsel Kenneth W. Starr, 105th cong., 2d Sess., House Doc. 105-310, Sept. 11, 1998, p. 145 [hereinafter "Starr Referral"].

9. Appendices to Starr Referral, Part 1, House Doc. 105-311, Sept. 18, 1998, p. 710 (2/1/98 handwritten proffer by Monica Lewinsky: "Ms. Linda Tripp informed Ms. L that a friend of Ms. Tripp's in the NSC . . . suggested to Ms. Tripp that Ms. L leave Washington, DC."); *id.*, p. 824 (8/6/98 grand jury testimony of Ms. Lewinsky: "I know I had discussed with Linda and either I had the thought or she had suggested that Vernon Jordan would be a good person who is a close friend of the President and who has a lot of contacts in New York, so that might be someone who might be able to help me secure a position in New York, if I didn't want to go to the U.N."); *id.*, p. 1393 (7/27/98 FBI interview of Ms. Lewinsky: "LINDA TRIPP suggested to LEWINSKY that the President should be asked to ask VERNON for assistance").

10. Interview of Kenneth W. Starr by Diane Sawyer on ABC 20/20, Nov. 25, 1998, 10:00 p.m. ET.

11. Statements by Sen. Patrick Leahy, Cong. Rec., Feb. 23, 1998, p. S803; Cong. Rec., Mar. 27, 1998, p. S2696; Cong. Rec., Sept. 24, 1998, p. S10873.

12. 28 U.S.C. §595(c).

13. Hearing of Nov. 9, 1998, p. 113.

14. Hearing of Nov. 19, 1998, p. 32.

15. Lynn Sweet, "Starr draws bipartisan fire," Chicago Sun-Times, Feb. 1, 1999, p. 13.

16. Hearing of Nov. 9, 1998, p. 101.

17. "Historians in Defense of the Constitution," reprinted in Hearing of Nov. 9, 1998, pp. 334-339; Letter from Law Professors to House of Representatives, reprinted in Hearing of Nov. 9, 1998, pp. 374-385.

18. House Comm. on the Judiciary, Report on Impeachment of Richard M. Nixon, President of the United States, 93rd cong., 2d Sess., Report No. 93-1305, Aug. 20, 1974 [hereinafter "Rodino Report"], pp. 8-9, reprinted in House Comm. on the Judiciary, Impeachment: Selected Materials, 105th Cong., 2d Sess., Ser. No. 10, Nov. 1998, pp. 28-29.

19. Cong. Rec., Feb. 4, 1999, p. S1228.

20. Cong. Rec., Sept. 11, 1998, H7594.

21. Cong. Rec., Dec. 19, 1998, p. H12036.

22. Cong. Rec., Oct. 8, 1998, p. H10087 (statement by Rep. Cliff Stearns).

23. Cong. Rec., Jan. 15, 1999, p. S273.

24. Cong. Rec., Jan. 15, 1999, p. S273.

25. Cong. Rec., Jan. 22, 1999, p. S887.

26. Hearing of Nov. 9, 1998, p. 282.

27. Letter from Reps. Sherwood Boehlert, Michael N. Castle, Benjamin A. Gilman, and James C. Greenwood to Sen. Trent Lott, reprinted in The New York Times, Dec. 22, 1998, sec. A, p. 28 ("We write as Republicans who voted to impeach President Clinton. . . . We are not convinced, and do not want our votes interpreted to mean that we view removal from office as the only reasonable conclusion of this case").

28. Cong. Rec., Jan. 15, 1999, p. S279.

29. Charles L. Black, Jr., Impeachment:- A Handbook 8-9 (1974).

30. See Rodino Report, pp. 8-9.

31. T.R. Goldman, "Outtakes From the Final Frame: Transcripts Don't Tell the Whole Story," Legal Times, vol. XXI, No. 37, Feb. 8, 1999, p. 10.
32. Cong. Rec., Feb. 6, 1999, p. S1315.
33. Cong. Rec., Feb. 6, 1999, p. S1318.
34. E.g., *United States* v. *Reilly*, 33 F.3d 1396, 1416 (3d Cir. 1994).
35. Criminal Resource Manual §1746.
36. *E.g.*, Cong. Rec., Jan. 22, 1999, p. S872.
37. Journal of the Senate, Apr. 18, 1933, pp. 317–318.
38. House Comm. on the Judiciary, Impeachment Inquiry: William Jefferson Clinton, President of the United States—Consideration of Articles of Impeachment, 105th Cong., 2d Sess., Ser. No. 18, Dec. 10–12, 1998, p. 279.
39. Cong. Rec., Jan. 15, 1999, p. S260.
40. Cong. Rec., Oct. 20, 1989, p. S13787.
41. John F. Kennedy, Profiles in Courage 138 (1956).
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55. Cong. Rec., Jan. 14, 1999, p. S231.
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58. Supplemental Materials to Starr Referral, Part 1, p. 555 (1/27/98 grand jury testimony of Betty Currie).
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Mr. GRASSLEY. Mr. Chief Justice, my fellow Senators, as this trial nears the end, we have to ask the question how we got here with a tragedy like this. There are many losers. There are no winners. There are surely no heroes. There are lots of lessons to be learned, and I think all of our prayers ought to go out to those who were ensnared in the web of controversy.

In reflecting on this case and my role in it under the Constitution, the word "sad" comes to mind. I have not relished sitting in judgment of a twice-elected, popular President. I would prefer to make history in other ways. I also regret the nature of the subject of this case. It is not easy having our entire society suddenly thrust into an open, nonstop debate about things that ought to make all of us blush.

Some say that this impeachment effort is part of a right-wing conspiracy, it is a Republican plot to get a Democratic President. Let's look at how we got here and see if that argument holds up.

We are here because the President did wrongful acts and he admits to that. We are here because of the independent counsel law. The President himself led the charge to reauthorize the Independent Counsel Act. Thirty-three of my colleagues on this side of the aisle were in the Senate at that particular time. All but one of you voted for reauthorization.

On June 30, 1994, the President signed that reauthorization bill. He issued a statement and here is what he said:

> This law, originally passed in 1978, is a foundation stone for the trust between Government and our citizens. . .

He says,

> Opponents called it a tool of partisan attack against Republican Presidents and a waste of taxpayer funds. It was neither. In fact, the independent counsel statute has been in the past and is today a force for Government integrity and public confidence.

Those were the words of President Clinton, June 30, 1994.

Before reauthorization, it was the President himself who advocated the appointment of a special prosecutor. That appointment was made by the President's own Attorney General. After reauthorization, the Attorney General supported the appointment of an independent counsel. The independent counsel was then appointed by a special three-judge panel, as required by law.

Also under the law, the Attorney General can initiate the dismissal of an independent counsel if he oversteps his bounds or acts improperly. Not only was this never done by the President's Attorney General but, in contrast, she even agreed several times to expand his jurisdiction, including to cover the Monica Lewinsky matter.

Also under the law, the independent counsel is obliged to send to the House any evidences of crimes that might be impeachable.

In short, this case came about through a legitimate, legal process. It is a process that historically was vigorously defended by this side of the aisle. There are various checks and balances built into the process. They are designed to prevent abuse by the independent counsel, but they were never triggered, even though the President's own Attorney General could move for dismissal.

No, this President is in this predicament because of his own private wrongdoing and because of public policy he pursued. There is no conspiracy.

The President's actions are having a profound impact, of course, upon our society. His misdeeds have caused many to mistrust elected officials. Cynicism is swelling among the grassroots. His breach of trust has eroded the public's faith in the office of the Presidency. The President's wrongdoing has painted all of us in Washington with a very broad brush.

In the past 12 months, thousands of Iowans have registered their opinions with me. One letter from a middle school principal speaks volumes.

At an assembly to mark the new school year, a video entitled "Attitude is Everything" was presented to the student body. The video was all about American heroes—college athletes, Olympic medalists, astronauts and world leaders.

Logically, the video also included President Clinton. The school principal wrote to me the following. He said, when the President's picture appeared, the entire student body—ages 11 to 14—snickered. He said their spontaneous reaction struck a chord. He wrote:

> Although they may not fully understand the adult connotations and political ramifications. . .they do know that if you want to be trusted and [if you want to be] respected, you must tell the truth. . ..[A]s an educator in Iowa's public schools for the past 16 years. . .our students' reaction to President Clinton's picture is one of the saddest moments I can recall. In that instant, I realized how deeply his conduct has affected our country.

Mr. Chief Justice, there is that word "sad" again. It seems to come to the fore in people's minds over this case, over this President's conduct, and over the impact it has had on our country.

The true tragedy in this case is the collapse of the President's moral authority. He undermined himself when he wagged his finger and lied to our people on national television, denying that relationship with Ms. Lewinsky. That did more damage to his credibility than any other single act.

There was no better reason than that for the resignation of the President. I did not personally call for his resignation in August. That is something the President should decide on his own. But once you lose your moral authority to lead, you are a failure as a leader. FDR once spoke of the Presidency in this way:

> The Presidency is not merely an administrative office. . ..It is preeminently a place of moral leadership.

Mr. Clinton should take note.

Next, there is the issue of the abuse of power and authority. The President used his position to enter into an improper relationship with a subordinate—not just a subordinate, a young intern. He later used his power to find her a job.

Another abuse of power: The full powers of the White House were on lease to stonewall the process and to attack the credibility of those who investigated him.

This White House has perfected the art of stonewalling around the truth. I fear that future White Houses will learn much from these experts and will refine and improve their own truth-fighting arsenals. Truth and openness will be casualties.

Last, there is the issue of the poor example the President's actions serve for the Nation, especially for our youth. Is it now OK to lie because the President does it? And in the same manner, by wordsmithing, by trying to figure out what the meaning is of the word "is"?

I received a call recently from a mother of a teenage son in Des Moines. All last year, she thought the investigation of the President was a wasteful, partisan witch hunt. She was totally against the investigation and impeachment.

And then her son got into some serious trouble, and it involved lying. She confronted him with the wrong. Her son responded: "What I told you is the truth as I understood it at the time."

The mother grew furious, and she said at that moment she knew that we couldn't have a President like Bill Clinton. She knew firsthand the damage that his conduct had done to her family and to our country. At that point, she said she changed her position in favor of impeachment.

These are all questions and issues that emerge from the broader contours of this case, outside the narrow charges in the articles.

With respect to the impeachment charges, many of the President's arguments are based on contorted interpretations of the facts. These interpretations aren't credible. They represent lawyering at its best or, as some would say, at its worst.

It is clear to me that the President committed serious crimes when he coached his secretary, Betty Currie, and when he misled his aides, Sidney Blumenthal and John Podesta. Each of these aides ended up being a witness in official court proceedings. I believe, based on the evidence before the Senate, that the President lied to these witnesses so they would repeat those lies before official court proceedings. That is obstruction of justice.

In addition, I find it very interesting that a power lawyer like Vernon Jordan would be so active in the job hunt for Ms. Lewinsky. Regardless of what she felt or thought, I believe the President was arranging to get her a job. That way, she wouldn't provide harmful testimony in the Paula Jones sexual harassment lawsuit. Again, obstruction of justice.

Mr. Chief Justice, these actions weren't just outrageous, and, more important, morally wrong, but they were also illegal. They were a direct assault on the integrity of the judicial process. The President is guilty of the offenses charged under article II.

The first article charges that the President committed perjury on several occasions. While I am not convinced he committed perjury on each occasion charged, I believe he did commit perjury when he lied about his efforts to obstruct justice. That is the fourth count.

I don't believe the President's statement that he was merely trying to refresh his memory when he spoke with Betty Currie about his relationship with Ms. Lewinsky, and I don't believe the President's statement that he was only trying to protect himself from embarrassment when he concocted elaborate lies about Ms. Lewinsky and then conveyed those lies to his aides.

The President was not forthright when he testified before the grand jury. Time and time again, he gave answers that were misleading and sometimes deliberately false. The American people have a right to expect their President to be completely truthful, as they can expect you and me to be completely truthful. And the American people have a right to expect their President to be truthful, especially when placed under oath. I will vote guilty on article I as well.

Mr. Chief Justice, these were not easy decisions. They are the product of soul-searching, as it is for all of you. So they leave me with a good conscience. I believe my votes reflect the truth of what happened in this case.

The Senate is about to close this chapter in American history. It may or may not be the final chapter in this story. Nonetheless, our decision in this impeachment trial will stand against the test of time. You only truly understand the present when it is past. In that respect, future generations will serve as our jury and, in the end, history will serve as the final judge. Thank you.

Mr. CRAIG. I promised to share with the people of Idaho and the nation what comments I made in the closed session of the Senate deliberating on the impeachment of President Clinton.

What I told my colleagues as we deliberated was this:

If we were in a church, the minister would admonish us from the pulpit to hate the sin and forgive the sinner. But we're not in a church.

If we were in a court of law, the judge would tell us to hate the crime, and punish the criminal. But we're not in a court of law.

We're part of a constitutionally-directed impeachment tribunal, and our job is to love the Constitution and protect the office of the president. Our decision should not be about saving or rejecting William Jefferson Clinton, but about protecting the office of the president and keeping our Constitution strong.

I believe he committed the crimes and acts charged in the articles of impeachment, and I will vote to convict and remove him from office.

That was my statement to the Senators in closed deliberations, and I stand by it today.

But this statement was not the full explanation of my vote and my reasoning that I believe is owed to the people of Idaho and the nation. Therefore, let me take a few moments now to clarify why I voted to convict President Clinton on the articles of impeachment.

First, I believe the House made its case on the facts. I was persuaded by what I saw, read, and heard that the president deliberately lied under oath in the case brought by Paula Jones to enforce her civil rights. I was also persuaded that he encouraged others to lie under oath and committed other acts designed to obstruct justice. In reaching these conclusions, it was important to me that the Senate is not bound to a specific constitutional or statutory standard in judging the evidence; instead, each Senator is left to his or her own experience and conscience. That is both the political and judicial nature of the impeachment process prescribed by the Constitution.

However, reaching this conclusion about the facts does not trigger automatic conviction and removal of the president. A Senator must still resolve two questions: whether the acts committed were the kind of "high crimes and misdemeanors" warranting removal from office, and whether the interests of the nation are served by removal. Impeachment by the House expresses that chamber's opinion on those two questions, but it is up to the Senate to render final judgment.

And it is these two questions that have caused the most perplexity in this impeachment process—not to mention the most furious debate, hand wringing, and logical contortions.

For example, we have heard much during these proceedings about proportionality—in other words, about ensuring that the punishment or sanction fits the crime. Some of our colleagues have suggested that while the crimes of perjury and obstruction of justice may rise to the level of impeachable offenses, that conclusion is not inevitable on every set of facts. More to the point, they argue there is something in this particular case that diminishes the seriousness of the offense or renders it a private, as opposed to public, crime: perhaps the context of the misdeeds, or the subject matter of the perjury, or the motive behind the obstruction of justice.

Yet considerations such as these have not prevented the government from prosecuting citizens who committed such crimes. Furthermore, while we are not bound by statutory definitions of crimes here, these arguments frustrate the very goal our Founders had in mind when they established the extraordinary remedy of impeachment: to protect the executive office and the nation from a lawless president. The Framers of the Constitution believed that governments are established in the first place to protect the rights of the governed. It follows that the most serious breach of duty in public office—the most serious threat to the order of society itself—is for the enforcers of the law to break the law. How much more grave that breach becomes when it is committed by the one individual in the nation who personifies the federal government: the president. How much more abhorrent it is when, in covering up his crimes, that president exploited the very public trust he betrayed.

There is no question in my mind that perjury and obstruction of justice are the kind of public crimes that the Founders had in mind, and the House managers have demonstrated these crimes were committed by the president. As for the excuses being desperately sought by some to allow President Clinton to escape accountability, it seems to me that creating such loopholes would require tearing holes in the Constitution—something that cannot be justified to protect this president, or any president.

This brings me to the final question: whether the public interest will be served by the president's removal from office. Let me say there are those in my State who have been seeking this result ever since the president was elected, because they simply don't agree with him. I, too, generally disagree—sometimes loudly—with President Clinton's approach to public policy.

However, political and policy differences are emphatically not the focus of this question. Instead, the Founders intended us to focus on the safety of the nation. That is a very high threshold, appropriate to the serious impact of the vote we must case. In this case, many are arguing that our nation is not at risk; we're prosperous; the government is not collapsing; there is no immediate or external threat to the country.

But I would submit that if a generation of young people are taught by our actions in this case that a lie carries no consequences, then the nation is at risk. If our citizens conclude that lawlessness in the highest office is acceptable, that their elected representatives are complicit in that corruption, and that nothing can be done to stop it, then the nation is at risk. If future presidents think they can go further in lying or obstruction of justice when they apply the "Clinton Indicator," then the nation is at risk. If the Executive Office of the President is occupied by an individual who is generally believed to have lied and betrayed the public trust—if the symbol, the icon of the presidency is compromised, the nation is at risk.

Some have suggested that removing this president from office would put the nation at risk. That is false argument and something no one should fear. Instead, we should place our faith in the Constitution and the wisdom of its Framers, who provided a roadmap for a peaceful, swift, and orderly transition of power to the vice president. That transition poses no threat to the nation.

On the other hand, I believe exonerating President Clinton with a vote for acquittal does create a threat to our nation. In short, I am convinced that the nation is at risk today—not because of the possibility of the president's removal through the impeachment process, but because of the damage he has caused to the Executive office of the President, and the damage that continues to be done by his remaining in office.

For all these reasons, I believe my vote to convict and remove this president from office is an appropriate response, a necessary response, a constitutionally-compelled response.

I said at the beginning of this process that it would be my goal to ensure that we proceeded in a fair and constitutional manner. I believe we have done so—and managed along the way to generally rise above partisanship and the politics of the day. While I fundamentally disagree with many of my colleagues in the final result, I salute them for their sincerity and the seriousness of their purpose. No matter what the result, the Senate discharged its constitutional duty well.

However, reluctant as I am to say it, I do not believe this sorry chapter in our history is closed. On the first day of this trial, as I watched the Chief Justice take the chair, I was angry—profoundly angry that this president had brought this nation to this point because of his own self-gratification, setting what was good for himself above what was good for the nation. It is unconscionable what the president has put the country through, continues to put the country through, and will continue to put the country through for his own personal and political ends. My differences with the president on this point transcend party or policy; I am saddened that this sorry chapter will continue, that the book will be open and the pages of this chapter will be turning as long as this president remains on office. Our young people, our citizens, our Constitution deserve a better end to a better story.

Mr. DODD. Mr. Chief Justice, 33 days ago, at about this hour, we gathered in the old Senate chamber in a closed session to begin the journey that has brought us to where we are today.

We are only hours away from casting what ROBERT C. BYRD has appropriately described as the most important vote any of us have cast or are likely to cast in our service as United States Senators.

For only the second time in our nation's glorious history, we, as temporary custodians of these 100 seats, will decide whether to take the most extraordinary and grave action that could ever be asked of us as Senators. The decision to declare war or amend our Constitution pales in comparison to trying the impeachment of a popularly elected President of the United States.

Unlike the House of Representatives, we did not decide to initiate this impeachment action.

We did not seek this burden.

It has been thrust upon us.

Our responsibilities were limited to how to proceed in this trial and what verdict to render.

Despite our procedural differences along the way, the Senate has fulfilled Alexander Hamilton's vision as a "tribunal sufficiently dignified." The credit for that result belongs primarily to TOM DASCHLE, the Democratic Leader, and TRENT LOTT, the Majority Leader.

Let history record that these two leaders, saddled with different challenges, led us with patience, fairness, good humor and dignity.

I have listened intently to those of you who have spoken on this matter, and I would urge all Senators to add the reasoning for your vote to this record. For in many respects, it will be our words, our thinking, our rationale that will be revisited in the coming millennium when and if those who succeed us in this Chamber are ever asked to confront the judgment that is upon us.

The contemporary press will record what decisions we have reached. But the cold, dispassionate eye of history will also scrutinize why collectively and individually we reached our conclusion, and what impact this ordeal has had on the Constitution, the Congress, the courts, the presidency, and the maintenance of our tripartite federal system of government.

I agree heartily with those who say we should not decide this matter only on the polls and the popularity of this President. But nor should we totally disregard the voices of those who elected this President or who have sent us here to represent them—including the voices of those who voted against us.

It is not entirely insignificant that of the 13 House Republican managers who have presented their case, 7 were unopposed in the last election, and 3 were reelected with such significant majorities they were virtually unopposed. I find it disquieting that the passion for conviction of 10 of the 13 House Republican managers may not have been tempered by the voices of dissent within their congressional districts.

I sincerely hope that as we consider the facts of this case, the law in this case, and the impact of removing this President, we will give equal consideration to the impact on the office of the presidency.

It is clear from the Federalist Papers that the Framers wanted a strong, independent, "energetic executive," and in the words of Alexander Hamilton, one free from "the propensity of the legislative department to intrude upon the rights, and to absorb the powers of the other departments. . . ."

As our presiding Chief Justice properly noted in his book "Grand Inquests," "the constitutional convention that met in Philadelphia in 1787 borrowed many of its ideas from existing governments and from political philosophers. But it did make two original contributions to the art of government. The first was the idea of a presidential, as opposed to a parliamentary system of government. . . ."

In the introduction to his treatise on impeachment, the noted constitutional scholar Charles Black reminds us that "the presidency is a prime symbol of our national unity. The election of the President is the only political act that we perform together as a nation; voting in the presidential election is certainly the political choice most significant to the American people, and most closely attended to by them. No matter, then, can be of higher political importance than our considering whether, in any given instance, this act of choice is to be undone, and the chosen President dismissed from office in disgrace." Professor Black adds forebodingly, "everyone must shrink from this most drastic of measures."

In all candor, I must say I saw little evidence of the House majority shrinking from the drastic measure of impeachment.

I revere the presidency and I wish all future occupants of the Oval Office to inherit a strong, independent, and "energetic" office.

I fear the precedent of this impeachment case will come to haunt us.

Now to the specifics of this case.

This scandal has seriously bruised every institution that has come in contact with it. But none has been battered more than the executive branch itself.

The culpability for this damage lies first and foremost with President Clinton. His illicit affair with a young woman, a subordinate, in the West Wing of the White House has properly been greeted with universal condemnation. President Clinton's subsequent misleading and false statements to his staff, his cabinet, the country, and others is abhorrent. History will judge his actions and significant lapses of judgment harshly, as it should.

If he is acquitted by this Senate, he will not as some have suggested "get off scot free." To stand as the only popularly elected President to be impeached will relegate him as the Hester Prynne in the pantheon of our chief executives. Do not allow your decision to convict this President to be influenced by the false and ludicrous notion that he will emerge from this national nightmare unscathed if we vote to acquit.

President Ford is often quoted as having said "the grounds for impeachment are whatever the House of Representatives says they are by a majority vote." I do not take issue with that statement except to say that it strikes me as being somewhat cavalier. In the Senate, the grounds for conviction and removal of a President must not be so loosely fashioned; the grounds for conviction must be restricted to the articles of impeachment as passed by the House. I am dismayed by the argument of some that conviction can be based on reasons totally beyond the scope of the articles before us.

Whether we like it or not, we have a constitutional duty to confine our judgment to the specific accusations.

The standard of proof that we use to arrive at our decision is properly up to each Senator. But we do not have a similar luxury to decide what grounds we may use to convict. Those grounds are set by the House and must be proven by them.

By very narrow margins, on nearly party line votes, the House Republican managers have presented us with two articles of impeachment accusing the President of perjury and obstruction of justice.

The House managers have very specifically charged the President with violation of the criminal code, insisting that the facts prove each and every element of the criminal charges.

While it is certainly true that no person, including the President, is above the law, it is equally true that no President is below the law, either. By insisting that this President is in violation of specific crimes in the criminal code, have not the House managers deprived somewhat the Members of the Senate of the individual judgment when exercising a standard of proof? The standard of proof in all criminal cases is "beyond a reasonable doubt." If those who vote to convict on either count use a lesser standard than would be used in the case of any other citizen, then a vote to take the "drastic measure" of conviction and removal of the President from office would be based on an unequal standard of justice.

I found it unsettling that while the House Republican managers were passionately asking the Senate to convict this President of the criminal charges, two of the most active managers were simultaneously expressing their own reservations. First, House manager LINDSEY GRAHAM candidly told the Senate in response to a question that reasonable people could reasonably conclude to acquit this President. It appeared to me that manager GRAHAM was less than convinced this President was guilty beyond a reasonable doubt.

Secondly, House manager ASA HUTCHINSON, in a moment of candor on a national television news program, conceded he would not be confident of a conviction in a case such as the one he now asks us to reach judgment of conviction beyond a reasonable doubt.

Does it not also strike us as strange that when given the opportunity to call any of three or four witnesses, the House managers chose not to invite Betty Currie to testify? Other than the President and Monica Lewinsky, no other person was as involved in the allegations brought by the House managers, and yet they made the calculated decision not to take her deposition. Why?

For these reasons and the careful, detailed distinction drawn between the inferences made by the House managers and the direct testimony of deposed witnesses, as outlined by Senator CARL LEVIN, I cannot conclude beyond a reasonable doubt that this President is guilty of the criminal charges enumerated in either article of impeachment.

Thus, not only do I "shrink from this most drastic of measures"—I positively affirm we must not remove this President from office.

Some final thoughts.

The criminalization of our political process must stop before irreparable damage is done to the institutions of our federal system.

It is right to condemn in harsh words the behavior of the President. It should be equally appropriate to condemn the damage done by an independent counsel statute that has spawned runaway, brakeless prosecutors, who storm the country trampling on our system of justice, completely unchecked by any branch of government.

The damage this President has caused his office can and will be repaired.

The damage done by the Office of Independent Counsel and by court decisions that allow unlimited discovery in civil lawsuits, may be far more difficult to repair.

That fragile balance between our three co-equal branches of government is being subjected to unprecedented strains as a result of events that have occurred over the past several years.

I would urge our leaders to include an examination of these issues as part of our agenda in the 106th Congress.

Mr. JEFFORDS. On January 7, 1999, the House of Representatives presented the Senate with two articles of impeachment against President William Jefferson Clinton. The articles charged the President with lying under oath before a federal grand jury and with obstruction of justice. In the days following the House's presentation of the articles, many have criticized the Senate for continuing on where the House left off. They argue that if there are not enough votes in the Senate to remove the President, then the Senate should not have bothered proceeding with the trial. While this may seem like a reasonable way of disposing of an unpopular process, the Senate has a Constitutional duty to hold an impeachment trial. Although the Constitution provides little guidance, one thing was clear: In order to fulfill this duty, we had to come together as a body and proceed in a manner that was judicious, deliberative and fair. That meant that before the Senate could make any decision on the articles of impeachment, each side had to be given the opportunity to present its case.

Now that we have heard from the House Managers, the President's counsel and viewed the deposition testimony of three key witnesses, it is the appropriate time to render judgment on the articles of impeachment. I must state at the outset that this has been one of the most difficult experiences that I have endured in my 23 years in Congress.

A. A Loss of Respect.

This process has been distressing on a personal level because I came into it with a great deal of respect and admiration for President Clinton. Over the past six years, we have enjoyed a good working relationship. While we do not share the same party and we often approach issues from different points of view, the President and I have worked together on a number of important projects. Given my esteem for the President, I have been saddened and gravely disappointed by much of what I have learned over the last few weeks. Whatever the final outcome, I will leave this trial with the knowledge that the President has indeed committed shameful acts, misled the American people and brought disrepute on the office of Presidency. By his own actions, he has ensured himself a place in history alongside President Andrew Johnson.

B. Setting An Important Precedent.

This process has been trying on a professional level because I recognize the enormous historical significance of my decisions. This trial will establish precedents to examine and judge the conduct of all future Presidents. While our founding fathers clearly intended impeachment for only the greatest offenses, confronted with a series of tawdry acts, the facts and circumstances do not neatly fit into the definition of "other high crimes and misdemeanors." I am gravely concerned that a vote to convict the President on these articles may establish a low threshold that would make every President subject to removal for the slightest indiscretion or imperil every President who faces a Congress controlled by the opposing party. Yet, at the same time, I am concerned that a vote of acquittal could be mistaken by future generations to mean that perjury and obstruction of justice are not impeachable offenses.

II. HAVE THE HOUSE MANAGERS PROVEN THE ARTICLES OF IMPEACHMENT?

A. The Standard of Proof: Clear and Convincing Evidence

The Constitution provides very little guidance to the Senate for its trying of the impeachment of the President. There is absolutely no reference at all to the standard of proof that senators shall use when evaluating the Articles of Impeachment. I believe the fact that the Framers gave this body the duty to try an impeachment, but no guidance as to what standard of proof to use in the trial, gives each senator the discretion to select the standard he or she deems appropriate.

In making my decision, I have focused on the nature of the proceeding; The impeachment trial is a unique process, it is neither criminal nor civil. I also focused on the purpose of the proceeding; The Senate holds an impeachment trial to determine whether there is proof that the President's misconduct rises to the level which demonstrates that he or she is no longer fit to hold office.

Given the nature and purpose of an impeachment trial, I have decided that the "preponderance of the evidence" standard would not be appropriate as being too low a standard. On the other hand, I believe that "proof beyond a reasonable doubt" would raise too high a standard. The question we must ask ourselves is: Do the President's actions demonstrate that he is unfit to serve, thus warranting his removal in order to protect the public? Since we are concerned with the public's protection I would suggest that the clear and convincing standard, which lies somewhere in between, would be more appropriate to make the very fateful decision of removing the President from office.

Accordingly, I have used the clear and convincing evidence standard to judge the impeachment charges against President Clinton. I understand that this standard is little used, however, I feel that in impeachment trials it is most appropriate to use a standard that is somewhere in between the extremes.

B. Article I: Perjury Before the Grand Jury.

Article I alleges that the President provided perjurious false and misleading testimony before the federal grand jury. The House Managers applied the federal perjury statute found at 18 U.S.C. §1623 to the President's testimony. The elements of perjury are met when: (1) while under oath (2) one knowingly (3) makes a false statement as to (4) material facts. While I agree that some of the President's statements before the federal grand jury were false and misleading, I have concluded that some of the allegations simply do not rise to the level of perjury and that the House Managers have not proven the remaining perjury charges by clear and convincing evidence.

The first allegation is that the President committed perjury before the grand jury when he testified about the nature of his relationship with Monica Lewinsky. In his testimony before the grand jury, the President admitted that his relationship with Ms. Lewinsky was ongoing and that it involved inappropriate intimate contact. Based on the House Managers' presentation, there is no doubt in my mind that the President's prepared statement to the grand jury was inaccurate in part. While I disagree with the House Managers' conclusion that the President's use of the terms "on certain occasions" and "occasional" were intentionally misleading, I agree with the House Managers that the President lied about when and how his relationship with Ms. Lewinsky began. However, given that the President admitted to the key issue before the grand jury, I am not persuaded that lies about these immaterial details justify a charge of perjury. I also reject the related allegations pertaining to the President's testimony regarding the definition of sexual relations used in the Jones case.

The second allegation of this Article is that the President committed perjury in his grand jury testimony by repeating the perjurious answers he had given in his civil deposition. The House Managers have certainly proven that the President lied about a number of issues in his civil deposition. However, Article I concerns the President's grand jury testimony, not his deposition testimony and the House Managers seem to rely upon the President's reaffirmation of his deposition testimony as proof that he committed perjury. Since I do not find that the President reaffirmed his deposition testimony before the grand jury, I reject this allegation of perjury.

The third allegation is essentially that the President committed perjury when he testified before the grand jury that he was not paying attention to Mr. Bennett's misstatement that the Lewinsky affidavit meant that "there was no sex of any kind in any manner, shape or form." Although the video tape of the President's civil deposition does show the President staring in Mr. Bennett's direction, we cannot know what the President was actually thinking at that time. We have all had moments where we appear to be paying attention to a speaker, when we are actually lost in our own thoughts. Because the House Managers could not possibly prove whether or not the President was actually paying attention to the exchange, they have not met the burden of proving that the President's testimony was false.

The final allegation in Article I is that the President testified falsely about his attempts to obstruct justice in the Jones case. I reject this perjury allegation outright because I believe it was improper for the House Managers to include a restatement of the obstruction of justice allegations within Article I. I have considered the obstruction of justice allegations in Article II.

C. Article II: Obstruction of Justice

The second article of impeachment charges the President with obstruction of justice. Article II charges that the President prevented, obstructed and impeded the administration of justice, both personally and through his subordinates and agents, in a Federal civil rights action. To prove a case of obstruction of justice under the Federal statute found at 18 U.S.C. §1503, the House Managers must prove that the President acted with intent and that he "endeavored to influence, obstruct or impede the due administration of justice." After considering these allegations, I have concluded that the House Managers failed to prove all but one of the obstruction of justice charges. My basis for this conclusion is the following:

The first allegation in Article II is that the President obstructed justice by having his friend Vernon Jordan assist Ms. Lewinsky in her New York job search in exchange for her silence in the Jones case. To prove this allegation, the House Managers presented compelling circumstantial evidence that Mr. Jordan assisted Ms. Lewinsky with both her job search and with her affidavit. The House Managers also pointed to the fact that Ms. Lewinsky received her job offer just two days after she signed a false affidavit. However, there are also circumstantial facts that belie the "quid pro quo" claim. First, there is evidence that the President enlisted Mr. Jordan's help well before Ms. Lewinsky's name appeared on the Jones witness list. Second, Mr. Jordan testified in his Senate deposition that he had "stepped up" the job search before he learned that Ms. Lewinsky was involved. On a final note, a conspiracy takes two willing actors. I would have a hard time convicting the President of this charge when both Mr. Jordan and Ms. Lewinsky have denied that there was any connection between the job search and the false affidavit.

Another allegation is that the President obstructed justice by encouraging Ms. Lewinsky to file a false affidavit in the Jones case. The House Managers have shown that when the President informed Ms. Lewinsky that her name had appeared on the Jones witness list, he suggested that she might file an affidavit to avoid being deposed. To find that the President obstructed justice, however, I must infer from the evidence that the President was encouraging Ms. Lewinsky to file a false affidavit. I cannot make this leap when Ms. Lewinsky herself testified that President Clinton made no connection between their false cover stories and the contents of the affidavit. Indeed, Ms. Lewinsky testified repeatedly that the President never discussed the contents of the affidavit with her and that, at the time of their conversation, she did not think that the affidavit necessarily had to be false.

Article II also alleges that the President obstructed justice by encouraging Ms. Lewinsky to hide his gifts. The thrust of the House Managers claim is that the President instructed Ms. Currie to pick up the gifts from Monica Lewinsky on December 28, 1997, so that Ms. Lewinsky would not have to turn the gifts over to Paula Jones' attorneys. I would agree that the circumstances of the President's secretary, Ms. Currie picking up the gifts several hours after Ms. Lewinsky suggested to the President that Ms. Currie might hold onto them for safekeeping are certainly suspect. If the House Managers could prove that Ms. Currie initiated the gift pickup there would be clear and convincing evidence that the President was in fact encouraging Ms. Lewinsky to hide the gifts. Because there is conflicting evidence on this critical issue, the House Managers did not meet their burden.

In addition, Article II alleges that the President obstructed justice by making false and misleading statements to his aides about Ms. Lewinsky. Given that the President had an ongoing relationship with Ms. Lewinsky, it was spurious, mean spirited, defamatory and morally wrong for the President to refer to Ms. Lewinsky as a stalker or to in any way impugn her reputation. The House Managers and all of us have every reason to be incensed by the President's actions. That being said, it is clear that the President made these remarks in his continuing effort to conceal the true nature of his relationship with Ms. Lewinsky. There is no evidence that the President knew that these aides would be called to testify. Therefore, I believe that this allegation has no merit.

While I found the other charges alleged in Article II to be either legally or factually deficient, there is one allegation of obstruction of justice which I believe that the House Managers have proven by clear and convincing evidence; the President's post-deposition statements to Bettie Currie. Ms. Currie testified that on two occasions in the days following the President's deposition in the Jones case, the President called her into his office and made a series of remarks to her "You were always there when she was there, right? We were never alone. You could see and hear everything. Monica came on to me and I never touched her, right? She wanted to have sex with me and I couldn't do that."

I simply do not believe the President's explanation that he was questioning Ms. Currie in an "effort get as much information as quickly as I could" or that he was "trying to ascertain what the facts were" or "what Ms. Currie's perception was." I am also not persuaded by the fact that Ms. Currie testified that she did not feel pressured to agree with the President. Rather, I agree with the House Managers that if the President was actually seeking information he would not have been asking rhetorical questions. I also believe that the President's explanation would be more plausible if his statements to Ms. Currie were not false.

The fact is that the President gave false testimony in the Jones deposition, that during his deposition he repeatedly referred to Ms. Currie as someone who could back up his testimony and that immediately following the deposition he summoned Ms. Currie into work on a Sunday and cleverly spoon-fed his cover stories to her. Despite the President's counsel's protestation, there was still a possibility that Ms. Currie could be called to testify in the Jones case. Accordingly, I believe that when the President called Ms. Currie to his office and repeatedly recounted these false statements he "endeavored to influence, obstruct or impede the due administration of justice" in violation of the federal obstruction statute.

III. HAS PRESIDENT CLINTON COMMITTED A HIGH CRIME WARRANTING HIS REMOVAL FROM OFFICE?

A. To Decide Whether the President's Actions are a High Crime, We Must Look at the Underlying Circumstances.

The House Managers have left us with the impression that once we conclude that the President has committed either perjury or obstruction of justice, we have a Constitutional duty to vote to remove the President from office. They maintain that perjury and obstruction of justice must be considered high crimes per se because they carry the same penalties as bribery. I reject this premise. In fact, the severity of a bribery sentence is dependent on subject matter and the amount of the bribe. Similarly, a conclusion that the President committed obstruction of justice should not automatically warrant his removal. It is incumbent upon each of us to examine the underlying facts and circumstances to determine whether or not the President has committed a high crime.

B. Background: How Did We Get Here Anyway?

Now, having found that the President is guilty of obstructing justice in the Paula Jones case, I had to determine whether the violation is a "high crime" warranting removal from office. This led me to think about what justice was actually being obstructed and to consider the underlying circumstances that brought us here today.

In the narrow legal sense, this entire impeachment trial rests on the Independent Counsel statute and the Paula Jones case.

As many of my colleagues remember, Congress enacted the Independent Counsel statute in the wake of the Watergate scandal, after President Nixon ordered the dismissal of special Watergate prosecutor Archibald Cox over his refusal to drop a subpoena for Nixon's incriminating White House tapes. Congress designed the Independent Counsel statute to insulate and protect investigations of alleged criminal conduct by the President and other high-level federal officials. Unfortunately, the statute has not worked as Congress envisioned it would. This well intended statute has resulted in a proliferation of interminable, expensive investigations against public officials. It has cost our taxpayers more than $130 million and considering all the time, effort and expense, there have been very few successful prosecutions resulting from the statute.

One such investigation under the statute originated in August 1994, when Judge Kenneth Starr was appointed as an Independent Counsel to investigate alleged wrongful acts in the so-called Whitewater land deal. During the course of the next four years, the Office of Independent Counsel ("OIC") expanded its investigation of President Clinton a number of times. At the same time, the President was defending a civil rights action by Paula Jones, a former Arkansas state employee who alleged that President Clinton sexually harassed her during the time he served as Governor. Last January, the OIC was able to expand its investigation and redirect its D.C. based Whitewater Grand Jury panel to investigate the President's concealment of his extramarital affair with White House employee Monica Lewinsky.

We must not forget that the reason that the President's relationship with Ms. Lewinsky was even an issue in the Jones suit was because Paula Jones was trying to show that the President's treatment of Ms. Jones was part of a pattern and practice of sexual harassment. Judge Wright initially ruled that Paula Jones was entitled to information on the so-called Jane Does, because that evidence might help establish the President's pattern of sexually harassing conduct. However, Judge Wright ultimately ruled that evidence about the President's harassment of other women would not change her decision to dismiss the case because Paula Jones failed to establish that she, herself was harassed. I quote from the Judge's April 1, 1998 decision:

> One final matter concerns alleged suppression of pattern and practice evidence. Whatever relevance such evidence may have to prove other elements of plaintiff's case, it does not have anything to do with the issues presented by the President's motion for summary judgment, i.e., whether plaintiff herself was the victim of alleged quid pro quo or hostile work environment sexual harassment. . . . *Whether other woman may have been subjected to workplace harassment, and whether such evidence has allegedly been suppressed, does not change the fact that plaintiff has failed to demonstrate that she has a case worthy of submitting to a jury.* [emphasis added]

Why is this ruling so important in my decision? Well, we are essentially here today because the Whitewater investigation was expanded to determine whether President Clinton's efforts to conceal his consensual relationship with Ms. Lewinsky obstructed Paula Jones' right to justice. The plain fact is that the Jones case was thrown out because Judge Wright ruled that Paula Jones had no case and that even if the President had revealed the true nature of his consensual relationship with Ms. Lewinsky, it would not have changed the outcome of Paula Jones case. While President's relationship with Ms. Lewinsky was morally wrong, there is absolutely no evidence that the President was sexually harassing Ms. Lewinsky.

Although I have concluded that the President obstructed justice by trying to influence the testimony of Bettie Currie, the fact is that the President's actions did not actually hinder Paula Jones. Indeed, in the midst of the OIC investigation, Paula Jones appealed Judge Wright's ruling and the President agreed to pay her $850,000 in an out-of-court settlement. Some might even argue that as a perverse result of the President's obstruction of justice, Paula Jones ended up with greater monetary relief than she would have otherwise received. Therefore, while the articles of impeachment came about as a direct result of President Clinton's actions in the Jones case, it is clear that in the end, the President's actions did not negatively effect Paula Jones' justice. In other words, there was no justice to obstruct in the Jones case.

C. Is the President Fit to Serve?

Most of us now believe that the President lied about his relationship with Ms. Lewinsky when he testified under oath and that he also lied about the nature of his relationship to his staff, his family and the American people. I have concluded that the President not only lied about the affair but that he took at least one illegal action in an attempt conceal the truth from Paula Jones. However, I believe that President Clinton took these steps to avoid deep personal embarrassment, not to seize, maintain or subvert the power of the state.

Let us not forget that the ultimate question we must each answer is whether on these facts arising out of these circumstances this President poses such a danger to the state that we can no longer permit him to remain in office. The ultimate issue here is a determination of whether the President is fit to serve.

Consider our constitutional guidance: The President of the United States "shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." The Framers intentionally set this standard at an extremely high level to ensure that only the most serious offenses would justify overturning a popular election. The concept of "maladministration" was considered and rejected.

I believe that whether the President's misconduct occurred in the private sphere or in his public or official capacity is also an important distinction to make when deciding his fitness to serve. Clearly, there are those private acts which in no way reflect on a president's fitness for office. On the other hand, there are public or official acts which I think no reasonable person would doubt reflect poorly on a president's fitness for office and would warrant impeachment and removal. I think we can all see the difference in gravity between the offenses of which President Clinton stands accused and a hypothetical accusation that he took a bribe. While the former reflects poorly on his character and discretion, the latter reflects on his fitness to serve and describes a classic case of abuse of office.

For the President to do what he did was reprehensible and morally wrong. I believe that the President lied to avoid embarrassment. However, the Framers did not envision such behavior as being encompassed by the phrase "other high crimes and misdemeanors."

The bottom line is that old maxim that bad facts lead to bad law. Such a low threshold for removal of a president from office would be dangerous. After careful consideration, I have concluded that President Clinton has not committed an offense that indicates the President is not fit to serve. Therefore, I will not vote to convict President Clinton.

D. Time to Move On.

I do not want the President to come away from this trial thinking that he is forgiven, or that what he has done is not serious, because I think it was most serious. I do not want the people of this nation to think that a vote of acquittal means that the President's conduct is acceptable because it is not acceptable. Lying and obstruction are wrong. I also hope that my vote does not lend any credence to the notion that sexual harassment is not that important, because it is important. A determination to let the President serve out his term should not be taken as an exoneration of his actions. At the same time, I think it is extremely important that we leave this chapter behind us and move on to the nation's business.

Mr. WELLSTONE. Mr. Chief Justice, I want to explain my views publicly on the impeachment articles sent to us by a partisan vote of the House of Representatives, and on the removal of the President from office which they would prompt.

First, I am shocked and saddened that our Republican colleagues persistently have blocked our efforts to have open and public debates and discussion in our deliberations in this matter, and most especially in our deliberations on the final votes on whether to remove the President. Whatever their motives, this is not what a free, representative, accountable democracy is all about. Simply publishing partial transcripts of our proceedings, which include only some formal statements made by senators and not the deliberations themselves—and doing so only at the end of the trial—is, in my view, a great leap sideways.

I also want to describe what I think—and frankly have thought for months—is a more appropriate mechanism to express our disapproval of the President's behavior: a tough, bipartisan censure resolution which makes clear our contempt for what he's done in lying to his family, his friends, his staff, and the American people about his relationship with Monica Lewinsky; and the disgrace which those lies have placed upon his Presidency for all time.

In recent months, hundreds of Constitutional scholars—including many respected conservatives—have argued that, in their view, the Constitution does allow this censure vote; the Senate's precedents allow it; we have done it before. It's true that the Constitution is silent on the question of what else we can do in addition to removal; it is also true that the Constitution in no way prevents us from moving forward on censure. The argument that we are somehow blocked constitutionally from censuring the President is contrived, and fraught with partisan pleading.

Even so, if we are ultimately blocked by a filibuster from a vote on censure, the President will not have escaped the judgment of Congress or the American people. Any Senator, in any venue they choose, can offer their own forceful, public censure of the President, repeatedly if they like. I certainly have. A corporate expression of the Senate's condemnation of the President's actions, while of course preferable, is not essential, for all of us already have made known our views.

We all condemn the President's behavior. It has been said so many times, it hardly bears repeating, were it not for the wilful, partisan attempts to mischaracterize a vote against removal as a vote to condone what the President has done. That is, of course, preposterous; the President has been impeached by the House. That has only happened once before in our history. The trial has gone forward, and every member of this body has condemned the President's behavior as unacceptable, meriting only scorn and rebuke.

It is clear that the President already has paid a terrible price in the eyes of history, not least in the shame and humiliation that this permanent mark on his presidency has caused him, his family, his friends and supporters, and his Administration. The message is clear, including to our young people: When one fails to tell the truth, there are real, sometimes even awful consequences and costs. The President's behavior was shameful, despicable, unworthy, a disgrace to his office. And in this long, sordid, painful process, I believe he has been held accountable for what he has done.

Pursued overzealously by Kenneth Starr and by House Judiciary Committee Republicans, the articles were then approved by the full House in a grossly unfair and partisan proceeding that was destructive both of our polity and our politics. All of us should be deeply troubled by it, and all should work together to put it behind us. In my view, these allegations should never have reached the Senate. But they have, and the trial has now been held. It has changed few, if any, minds on the basic facts, on how the law should be applied to those facts, or on the high bar for removal set by the Constitution.

Finally we bring to a close this long, sad year of investigations, hearings, and speeches. It has been a painful year. In many ways, it has been a lost year. Think of what we might have done this past year, had we not done this. Think of the news we could have made, had not all seen this. Think of the good laws that we could have written, had not this stood in the way. Think of the opportunities lost, the hopes staved off. We must ask with Langston Hughes, "What happens to a dream deferred?"

Sadly, so many opportunities for better, more prudent and proportionate judgment fell by the wayside. First, and most important, the President should have avoided this sorry relationship. Then, a little over a year ago, the President could have been more forthcoming and told the whole truth, instead of misleading us all. The American people could have handled it. Then, the Independent Counsel could have shown greater discretion in judging whether to bring this case forward. The leadership of the House of Representatives could have allowed a vote on censuring the President, instead of pushing the case forward to impeachment. They were wrong to thwart the will of what I expect would have been a House majority in so doing. And the Senate could have voted to dismiss the case and promptly and resolutely censured the President.

Instead, against better judgment, against all indications of the people's will, and against any shred of charity, an ardent and zealous minority pressed on. They had the right. They had the power. But they were wrong, and I believe history will so judge them. It is a supreme irony that the most conservative forces in our politics today have for months wielded the most radical option made available in the Constitution against this President: impeachment and removal. Aware of its dangers, our founders designed constitutional protections against its abuse. This process has shown that those protections are not perfect; they require reasoned judgment in their application; judgment that has been missing in this process from day one.

Let us resolve to learn the lessons of this long, sad year. Let us learn now, having come this far, the wisdom of the founders that impeachment is and must be a high barricade, not to be mounted lightly. Let us learn that because it requires the overwhelming support of the Senate to succeed, it cannot and should not proceed on a merely partisan basis. Let us learn that the desire to impeach and remove must be shared broadly, or it is illegitimate.

Let us learn that the subject matter of impeachment must be a matter of great gravity, calling into question the President's very ability to lead, and endangering the nation's liberty, freedom, security. Let us learn that the case against the President must be a strong and unambiguous one in fact and in law, for even a President deserves the benefit of our reasonable doubts.

The charges brought against President Clinton do not rise to those levels. And even if they did, the case against him is neither strong nor unambiguous. As the White House defense team has made clear, there are ample grounds for doubt about both the facts and law surrounding each of the two articles before us.

It is true that the impeachment process has further alienated millions of Americans from their government, and that is a tragic harm for which the President bears considerable responsibility. It is also true, as we were told by Chairman HYDE yesterday, that the nobility and fragility of a self-governing people requires hard work, every day, to get it right, to fight the good fight, to discern the common good. But I believe, unlike him, that it is the impeachment process itself, both here and in the other body—its partisanship, its meanness and unfairness, its leadership by those who want to win too badly—which has increased people's cynicism; not the prospect of the President's "getting away" with something.

Our nation was founded on the Jeffersonian principle, "that government is the strongest of which every man feels himself a part." What Jefferson and the other Founders feared was the warning of their counterpart Rousseau: "As soon as any man says of the affairs of State 'What does it matter to me?' the state may be given up as lost." But while the many signs of disaffection among our people are growing, I do not think we have reached the point of no return; there is time in this Congress to recover from this episode, and to move on.

Despite the claims of pundits that Americans have simply tuned out, I think a deeper reality is present in their reactions, and in the polls. In fact, most Americans, in their wisdom, have reached a subtle, sophisticated judgment in this case, and have already moved beyond it. As is so often the case, they're way ahead of Washington. It is true that they abhor the President's behavior, but don't believe it merits his removal. In addition, they believe that there are larger issues facing the nation than the misdeeds that nearly all now concede the President committed: peace in the Middle East; the hunger of children; the health of Americans; saving our social security safety net; debating whether hundreds of billions of dollars of surplus should go to bolster Medicare, or to some combination of universal savings accounts or tax cuts. These are the things that the people sent us here to work on. These are the things that I hear about when I return to my state.

So let us now bring to a close, with our votes, this long, sad year of investigation and impeachment. And let us resolve that there shall be many a year before we have another one like it. It is time for our country to pull together to seek an end to the fractious partisanship that has defined this period, and to re-engage a full-throated, genuine debate about our nation's future that can help us find again that common ground that unites us as Americans, and that can serve as a firm foundation for resolving the many serious problems that still face our country—impeachment or not—today and tomorrow.

We should, as White House attorney Charles Ruff said, listen to the voices not merely of the advocates who have been before us, but of Madison, Hamilton, and the others who met in Philadelphia 212 years ago; of the generations of Americans since then; of the American people now, and of future generations of Americans. And if we do, we will do the right thing.

Congressman JOHN LEWIS observed in his final impeachment speech, in the end, we are "one house, one family, one people; the American house, the American family, the American people." We are called together to come to judgment on this President, and then to return promptly to the pressing issues that lay before us, and that require our urgent attention. That judgment is by now clear: Bill Clinton should remain President; the censure of this body, and the historic impeachment that will ever attach to his name, will leave a permanent mark on his presidency.

I thank you, Mr. Chief Justice, for the fine work that you have done, and I thank both the majority leader and the minority leader for their leadership. I said to Senator LOTT, I think yesterday, I am still furious that we are in closed session and will say that, but I appreciate the way in which you have kept us together. I thank the two of you.

I was thinking I might do something a little different, because even if I were to give a great speech to the best of my ability, I don't know that there are any more arguments that can be made. I was thinking like, I might agree—actually I have a printed statement—I might agree to just have my statement included in the RECORD and not speak any further, if I can get some support for some legislation. (Laughter.)

Just on some children's legislation. Does it look like we are at that point? It does? Well, I like that show of support, and I think, Mr. Chief Justice, what I will do is give to you in a moment a full statement and just simply say to everybody here about three things in 2 minutes.

One, I wish we had done this in open session, and I cover that more in my full statement.

Second of all, I think that a decision to acquit is certainly not a decision to condone the President's behavior which I think merits scorn and rebuke.

Third of all, I think that the standard, and I want to say this to Senator DOMENICI, talking about children, to me the standard is guilty beyond a reasonable doubt. I think the evidence has to be unambiguous and strong. I don't think it was. Senator LEVIN said that very well, so I don't need to repeat any of those arguments.

Fourth of all, TIM HUTCHINSON, Senator HUTCHINSON, I like what you said about the polls. I actually make a different argument. I raised the question earlier when we were raising questions about popular will and does it matter. I actually meant about the last election, it seems to me if it ever does, it is on such a decision. I think before you overturn an election, you really have to meet a very high threshold. I don't think the House managers have done so.

Finally, I think a lesson that I have learned as a political scientist, when I teach class again, is I do not think the articles work and this process works when it is clearly not bipartisan. I think it becomes illegitimate. It just doesn't work.

You did not have broad support coming from the House, and you do not have it here. That is why I think it was doomed from the start.

Finally, it has been a long, sad year, and I wish—I just wish—that those who could have really rendered decisions with judgment had done so, starting with the President and his sorry affair. He could have told the truth to the people in the country. The people would have appreciated that. I could also talk about Starr, and I could also talk about the House, and I could also talk about us. But I do not think I need to do so.

Let's get on with the work of democracy. We have had some strong views here, but I am looking forward to working with you.

Mr. STEVENS. I thank our majority leader. Throughout this ordeal, no one has tried to poll me on any substantive matter or influence my vote. That, to me, means a great deal. I view this process as the most serious task I have faced as a Senator over the past 30 years, and I appreciate the recognition by the leadership of the solemnity of our duties under these circumstances and the fact that we each must reach our own conclusions based on the evidence.

As Senators, each of us joined in this oath:

> I . . . do solemnly swear that I will support and defend the constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge my duties of the office on which I am about to enter. So help me God.

And now, we took an additional oath:

> [I] solemnly swear that in all things appertaining to the trial of the impeachment of

> William Jefferson Clinton, President of the United States, now pending, [I] will do impartial justice according to the Constitution and laws, so help [me] God.

As free citizens of the world's most successful democracy we are inexorably tied to the pledges and commitments we make. These obligations, and the unlimited benefits they bestow on us, depend on our willingness to be truthful with one another. The President took the two most serious oaths any American ever encounters: the oath to faithfully execute our laws, administered by the Chief Justice, our Presiding Officer, on the steps of this building, and the oath to tell the truth, the whole truth, and nothing but the truth to a jury of his peers.

I am most concerned that the action we take here to day not denigrate the role of oaths and truth in our society. To be fair to the President, I feel he believed that he admitted to the Grand Jury that he had not testified truthfully under oath in his deposition. In fact he did not, and he did not tell the truth to the grand jury either.

Both the House Managers and the President's lawyers have seized on apparent conflicts in the evidence and recorded testimony before this Court of Impeachment. Nonetheless, the evidentiary record and the presentations of both sides, as supplemented by their responses to our questions, leave no doubt in my mind that if I were sitting as a juror in a criminal case I would find that the accused is guilty of perjury as charged in Article I. Following the jury's verdict, it would then fall to the judge to determine appropriate punishment within the bounds of the federal sentencing guidelines provided by Congress.

But an impeachment trial is no ordinary proceeding. We sit as judge and jury—rulers on law and triers of fact. The Constitution charges us with a great responsibility. Section 4 of Article II of the Constitution requires that the President be removed from office upon conviction of high crimes and misdemeanors. No President has ever been removed under these circumstances. To me, that history alone should make each of us seriously consider whether the facts presented to us require that the Senate exercise this awesome power.

The process by which our Founding Fathers determined that this power should be vested in the Congress is adequately briefed in the record. I found particularly helpful the testimony and scholarly papers from the hearings before the House Judiciary Committee on November 9, 1998.

Remember in the House committee deliberations, the minority submitted a joint resolution of censure for consideration in lieu of the Articles finally voted upon. It restated:

> Expressing the sense of Congress with respect to the censure of William Jefferson Clinton. Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of Congress that—
>
> (1) on January 20, 1993, William Jefferson Clinton took the oath prescribed by the Constitution of the United States faithfully to execute the office of President; implicit in that oath is the obligation that the President set an example of high moral standards and conduct himself in a manner that fosters respect for the truth; and William Jefferson Clinton, has egregiously failed in this obligation, and through his actions violated the trust of the American people, lessened their esteem for the office of President, and dishonored the office which they have entrusted to him;
>
> (2)(A) William Jefferson Clinton made false statements concerning this reprehensible conduct with a subordinate;
>
> (B) William Jefferson Clinton wrongly took steps to delay discovery of the truth; and
>
> (C) in as much as no person is above the law, William Jefferson Clinton remains subject to criminal and civil penalties; and
>
> (3) William Jefferson Clinton, President of the United States, by his conduct has brought upon himself, and fully deserves, the censure and condemnation of the American people and the Congress; and by his signature on this Joint Resolution, acknowledges this censure and condemnation.

On December 19, 1998, the House minority in the full house offered this resolution on the House floor which stated:

> That it is the sense of the House that—
>
> (1) on January 20, 1993, William Jefferson Clinton took the oath prescribed by the constitution of the United States faithfully to execute the office of President; implicit in that oath is the obligation that the President set an example of high moral standards and conduct himself in a manner that fosters respect for the truth: and William Jefferson Clinton, has egregiously failed in this obligation, and through his actions violated the trust of the American people, lessened their esteem for the office of President, and dishonored the office which they have entrusted to him:
>
> (2)(A) William Jefferson Clinton made false statements concerning his reprehensible conduct with a subordinate:
>
> (B) William Jefferson Clinton wrongfully took steps to delay discovery of the truth, and
>
> (C) inasmuch as no person is above the law, William Jefferson Clinton remains subject to criminal and civil penalties and
>
> (3) William Jefferson Clinton, President of the United States, by his conduct has brought upon himself and fully deserves the censure and condemnation of the American people and this House.

As a former United States Attorney, Solicitor of the Department of the Interior, and defense attorney, I believe I understand the rule of law. The conduct which the President engaged in was clearly wrong, and his actions clearly warrant his Impeachment, which the House of Representatives has done. But with regard to the allegations in Article I, I do not believe his criminal activity rises to the level of "High Crimes and Misdemeanors" which require his removal from office by this Senate.

Article, II, charging obstruction of justice, to me, involves a very different matter than the perjury charge in Article I. Article II involves the use of Presidential powers to impede or imperil the impartial administration of justice in a civil as well as before the grand jury. We have pledged to "Support and Defend the Constitution," and I suggest that in our present roles we must do so by fulfilling and reaffirming the freedoms and obligations of all Americans under that document. By micromanaging the briefing of witnesses and the concealment of evidence and by testifying before the grand jury to what he knew was not the whole truth, the President has obstructed justice. His oath as President requires him to faithfully execute laws, and by his actions he has violated this oath.

In his 1992 book "Grand Inquests," the Presiding Officer of this Court (and the Chief Justice of the United States) wrote:

> The framers [of the United States Constitution] and the authors of the Federalist Papers had not envisioned political parties as we now know them . . . Would the dominant role played by political parties make the Senate a partisan tribunal which would be willing to undermine the fundamental principles of the Constitution in order to remove a political enemy from office?

I also wonder whether the Framers anticipated that in 85 of the 106 Congresses, the minority party has held more than the necessary one-third strength to prevent the removal of a President?

The action of the House of Representatives was not partisan. But, it is obvious from the final vote that future generations could reach such a conclusion. In fact, it is obvious that many of our Democratic Senators have done so. In this Senate, a final vote strictly on party lines should not occur. The fundamental principles referenced by the Chief Justice—particularly the balance of power between the legislative and executive branches of our Federal Government—should not be undermined. The most basic principle at issue is the obligation of each branch to dedicate itself to protect the separation of powers of our three branches of Government.

In my judgment, the power of the Senate to reach across to the executive branch and remove a President of the United States may be exercised only when the President's actions seriously threaten our nation's security, when he violates his oath to "faithfully execute the law of the United States," or does such violence to the rule of law that removal from office is clearly the only way to protect our nation from the possibility that he might do great harm to our people.

While I believe the President violated his oath, it does not necessarily follow that he must be removed. For myself, if I knew my vote would be the deciding vote here, I would not vote to remove this President, despite his unlawful acts. He has not brought that level of danger to the nation which, in my judgment, is necessary to justify such an action.

The President remains answerable, as all Americans should be, to the criminal processes of our justice system. We do not have the power to convict him of a crime; the Constitution forbids it. Instead, the Constitution provides that the Senate, by a ⅔ majority of those voting, may remove him from office. For me, that makes this more than a factual issue, so I do not vote as I would were I a juror in a criminal case.

As I prepared my decision, it was apparent to me that there was no alternative that will dispose of this matter consistent with the sanctity of oaths and the importance of truth other than to adopt findings of fact. Not to do so and to not remove the President undermines the great success of a nation based upon observance and loyalty to our oaths.

Having no other alternative, I shall vote guilty on Article II. As I previously pointed out, I would not do so if I knew such action would remove the President from office. I do so to demonstrate my firm conviction not only that the President has obstructed justice, but also that we should have followed the procedure which would establish the facts clearly and then determine if the President should be removed from office.

When we had our first meetings on this issue, I told my colleagues we had forces in Kuwait on high alert, forces in Bosnia, an alarming situation in North Korea, and Asian flu plaguing the economies of emerging nations, and Pakistan and India drawing closer and closer to conflict. President Yeltsin, when I saw him yesterday, was a very ill leader, a leader of a nation that has the ability to threaten our freedom. NATO could well order an assault in Kosovo if negotiations there break down.

The world has one stable superpower—the United States of America. Removal of the President by the Senate for the first time in history could destabilize our nation—leaving him in office will not.

The long national ordeal our country has undergone over the past year has been agonizing for all of us. Since the Senate convened as a Court of Impeachment, I have received thousands of e-mails and letters from every reach of my state, from the most remote Eskimo village to our largest urban center.

I have literally received letters from every walk of life: from doctors, lawyers, and Indian chiefs. Many are filled with advice on how I should cast my vote, the most important vote I will ever cast as a Senator. But whether they believe the president should be removed from office or not, all express deep concerns about the future of our country and the example we set for future generations. I have laid awake many nights pondering those very questions, and I share the anguish that many have felt.

When I was appointed to the Senate 30 years ago Christmas Eve, I had a motto that I have tried to live by. "To hell with the politics. Just do what's right for Alaska." Today, as one of 100 men and women who have been chosen to exercise this mighty power that our founding fathers conveyed on us over 200 years ago, I modify my creed: "To hell with the politics. Just do what's right for the nation."

There are many who will disagree with the votes I cast in this historic trial. But I hope all will know that I have done my best to live by the oaths that I took, and to do what I think is right for the nation.

Mr. LIEBERMAN. Mr. Chief Justice, throughout the history of this great country, we have endured trials that have strained the sinews of our democracy and sometimes even threatened to tear apart our unparalleled experiment in self-government. Each time the nation has returned to the Constitution as our common lodestar, trusting in its vision, its values and its ultimate verity. Each time we have emerged from these tests stronger, more resilient, more certain of Daniel Webster's claim of "one country, one constitution, one destiny." (Speech to a Whig Party rally in New York City, March 15, 1837.) And each time our awe of the Founders' genius has been renewed, as has our reverence for the brilliantly-calibrated instrument they crafted to guide their political progeny in the unending challenge of governing as a free people.

At this moment, we face a test that, although not as grave or perilous as some before, is nevertheless unlike anything this nation has ever experienced. As my colleagues well know, the impeachment trial of William Jefferson Clinton marks the first time in our history that the United States Senate has convened as a court of impeachment to consider removing an elected President from office. But what also makes this trial unprecedented are the underlying charges against President Clinton, which stem directly from his private sexual behavior. The facts of this case are complicated, embarrassing, demoralizing, and infuriating. They raise questions that Madison, Hamilton, and their brethren could never have anticipated that the Senate would have to address in the solemn context of impeachment.

The public examination of these difficult questions—about private and public morality, about the role of the Independent Counsel, and about our expectations of Presidential conduct—has been a wrenching, dispiriting and at times unseemly process for the nation. It has divided us as parties and as a people, reaching its nadir in the partisan bickering and badgering that unfortunately defined the impeachment vote in the House of Representatives and compromised the legitimacy of this process in the eyes of many Americans. It has set off a frenzy in the news media that has degraded and devalued our public discourse and badly eroded the traditional boundaries between public and private life, leaving a pornographer to assume the role or arbiter of our political mores. And it has so alienated the American people that many of them are hardly paying attention to a trial that could result in the most radical disruption of the presidency—excepting assassination—in our nation's history.

Yet despite the significant pain this trauma has caused for the country, I take heart from the fact that we have once again reaffirmed our commitment to the Constitution and the fundamental principles underpinning it. The conduct of the trial here in the Senate has been passionate at times, but never uncivil, and while some votes have broken along party lines, they have never broken the spirit of common purpose we share. Indeed, throughout the past several weeks we as a body have grown closer as we have continually measured our actions with the same constitutional yardstick, and each of us has sought to remain faithful to the Founders' vision as we understand it in fulfilling our responsibilities as triers of the President. This, I believe, is in the end a remarkable testament to the foresight of our forefathers, that even in this most unusual of crises, we could and would rely on the Constitution as our compass to find a peaceable and just resolution.

We are about to achieve that resolution and complete our constitutional responsibilities by rendering a judgment, a profound judgment, about the conduct of President Clinton and the call of the House of Representatives to remove him from office. This is the duty we accepted when we swore to do "impartial justice," and it is a duty that I, as each of you, have pondered night and day since this trial began.

As I have stated previously on this Senate floor, I have been deeply disappointed and angered by this President's conduct—that which is covered in the Articles, and the more personal misbehavior that is not—and like all of us here, I have struggled uncomfortably for more than a year with how to respond to it. President Clinton engaged in an extramarital sexual relationship with a young White House employee in the Oval Office, which, though consensual, was irresponsible and immoral, and thus raised serious questions about his judgment and his respect for the high office he holds. He then made false or misleading statements about that relationship to the American people, to a Federal district court judge in a civil deposition, and to a Federal grand jury; in so doing, he betrayed not only his family but the public's trust, and undermined his moral authority and public credibility.

But the judgment we must now make is not about the rightness or wrongness of the President's relationship with Monica Lewinsky and his efforts to conceal it. Nor is that judgment about whether the President is guilty of committing a specific crime. That may be determined by a criminal court, which the Senate clearly is not, after he leaves office.

No, the question before us now is whether the President's conduct—as alleged in the two articles of impeachment—makes his continuance in office a threat to our government, our people, and the national interest. That, I conclude, is the extraordinarily high bar the Framers set for removal of a duly-elected President, and it is that standard we must apply to the facts to determine whether the President is guilty of "High Crimes and Misdemeanors."

Each side has had ample opportunity to present its case, illuminating the voluminous record from the House, and we Senators have been able to ask wide-ranging questions of both parties. The House was also authorized to conduct depositions of the three witnesses it deemed most important to its case. I have listened intently throughout, watched the videotaped depositions, and been very impressed by both the House Managers and the counsel for the President. The House Managers, for their part, have presented the facts and argued the Constitution so effectively that they impelled me more than once to seriously consider voting for removal.

But after much reflection and review of the extensive evidence before us, of the meaning of the term "high Crimes and Misdemeanors," and, most importantly, of the best interests of the nation, I have concluded that the facts do not meet the high standard the Founders established for conviction and removal. No matter how deeply disappointed I am that our President, who has worked so successfully to lift up the lives of so many people, so lowered himself and his office, I conclude that his wrongdoing in this sordid saga does not justify making him the first President to be ousted from office in our history. I will therefore vote against both Articles of Impeachment.

In reaching the judgment that President Clinton is not guilty of high crimes or misdemeanors, I started from the same premise that the Founders did—the right of the people to choose their leaders is paramount in America, derived directly, as Thomas Jefferson wrote in the Declaration of Independence, from the equality of rights endowed to the people by our Creator. The supremacy of this first democratic principle was well described by Alexis De Tocqueville in Democracy in America: "The people reign in the American political world as the Deity does in the universe. They are the cause and the aim of all things; everything comes from them, and everything is absorbed in them." (Heffner ed. 1956 p. 58)

In debating the President's fate, we must remember that we are deciding is whether to supersede the people's decision about who should lead them—to substitute our judgment for theirs. On this point, the Framers of the Constitution were clear. They had boldly rejected the autocratic rule of a monarch and put in his place a President elected by, and accountable to, the people. Their deliberations show that they did not want even the legislature to exercise too much control over the popularly-chosen President. The Framers provided impeachment to serve as the narrowest of escape valves in the most extreme of cases. As a result, they set an extraordinarily high bar—both procedurally and substantively—for Congress to overcome before we, rather than the voters, could remove a President from office.

Specifically, they required a majority of the House of Representatives to impeach and permitted removal only upon the concurrence of two-thirds of the Senate—which the Framers surely knew, and the current proceedings have demonstrated, is exceedingly difficult to obtain. They also established a very strict substantive standard, authorizing the Congress to remove a President from office only upon "Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." (U.S. Constitution, Art. II, sec. 4)

The first time I read that clause, "high Crimes and Misdemeanors," I assumed it included any criminal offense—and only criminal offenses—and I thought that it gave Congress broad latitude to impeach and remove from office a President who had committed any violation of the criminal code. But the more I studied the history, the less clear that interpretation became. The phrase "high Crimes and Misdemeanors" was a term of art to the Framers, and it meant something very different from ordinary crimes, the response to which must be left to the criminal justice system. The Framers chose the term high crimes, to connote a very specific type of offense, like treason or bribery, which has a direct impact on the government and undermines the chief executive's ability or will to continue serving without corruption and in the national interest. As Alexander Hamilton explained in the Federalist Papers, high crimes and misdemeanors are "those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated *political*, as they relate chiefly to injuries done immediately to the society itself." (The Federalist Papers, No. 65 Rossiter ed. 1961 p. 396 (emphasis in original)).

It is not necessary here to offer a lengthy dissertation on the Constitutional Convention's impeachment debates. But I would like to share a statement of James Madison that illuminates the reasons why the Framers wanted to authorize impeachment and removal, as well as the intended scope of that power. In response to the suggestion that it was dangerous to authorize the legislature to remove the President, Madison argued that it was:

> indispensable that some provision should be made by defending the Community against the incapacity, negligence or perfidy of the chief Magistrate. The limitation of the period of his service, was not a sufficient security. He might lose his capacity after his appointment. He might pervert his administration into a scheme of peculation or oppression. He might betray his trust to foreign powers . . . In the case of the Executive Magistracy which was to be administered by a single man, loss of capacity or corruption was more within the compass of probable events, and either of them might be fatal to the Republic. (II Records of the Federal Convention of 1787, pp. 65–66 (Farrand ed. 1888))

"Loss of capacity or corruption"—that is the evil at which the Constitution's impeachment clauses were directed, in Madison's view.

Although neither the words of the Constitution nor the writings of Hamilton, Madison or any of the other Framers of the Constitution provide a precise list of those offenses that prove "the abuse or violation of some public trust," or the "loss of capacity or corruption" that would constitute "high Crimes and Misdemeanors," their words and our history offer some help in supplying a more detailed meaning to those terms.

First, the Framers saw impeachment as an extreme remedy meant to respond to only a limited universe of offenses. They took great care to ensure that their chosen substantive standard did not have the effect of providing Congress so much discretion over the President's fate that it could use its power to infringe on the President's independence. It was for this precise reason that Madison successfully argued against allowing for removal for "maladministration," for fear that "[s]o vague a term will be equivalent to a tenure during pleasure of the Senate." (II Records of the Federal Convention of 1787, p. 550 (Farrand ed. 1888))

Second, pervading the Framers' discussions—and the Constitutional language they ultimately adopted—was the view that impeachment was intended to protect the nation and the national interest and not to provide the legislature an alternative to the criminal justice system for holding accountable the President or any other violator of the nation's criminal laws. In crafting our Constitution's impeachment clauses, the Framers specifically and consciously departed from the English practice, in which Parliament could use its impeachment power to impose criminal sanctions. Emphasizing that the legislative branch has no constitutional role whatsoever in meting out punishment, whether for the Chief Executive or any other citizen, was so important to the Framers that they declared it not once, but twice in the Constitution—first when they outlawed bills of attainder (Art. I, sec. 9, cl. 3), and again when they emphasized that "Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law" (Art. I, sec. 3, cl. 7).

It is this linguistically-driven irony—that the Constitution's impeachment clauses employ the language of criminal law to authorize a process entirely outside of and distinct from the criminal justice system—that has created so much confusion over our precise task here. The House Managers often appear to suggest that if they show that the President committed a crime, then they have met their burden, because it is our responsibility to hold accountable a President who violates the law and to send a message that the President is not above the law.

But as Professor Charles Black so well explained in Impeachment: A Handbook, criminality in and of itself is neither a necessary nor a sufficient basis for concluding that a President has committed a high crime or misdemeanor, because our goal is to protect the nation's interests, not to punish a President for violating the criminal law. He states: "I think we can say that 'high Crimes or Misdemeanors,' in the constitutional sense, ought to be held to be those offenses which are rather obviously wrong, whether or not 'criminal,' and which so seriously threaten the order of political society as to make pestilent and dangerous the continuance in power of their perpetrator. The fact that such an act is also criminal helps, even if it is not essential, because a general societal view of wrongness, and sometimes of seriousness, is, in such a case, publicly and authoritatively recorded." (1998 ed. pp. 39–40)

If the purpose of impeachment was to ensure that the President is held accountable for violating the law, then the Framers would have authorized Congress to impeach and remove, not just for high crimes but for any crimes. They did not do that. They gave us the power of impeachment and removal for one reason and one reason only: to protect the Republic from a Chief Executive who, by his acts, has demonstrated that he can no longer be trusted to govern in the national interest. Responses to all other forms of malfeasance were left to the other branches.

That is why I conclude that the appropriate question for each of us to ask is not whether the President committed perjury or obstruction of justice, but whether he committed a high crime or misdemeanor—a term I understand from the history to encompass two categories of offenses. The first includes those that are like treason or bribery in that they represent a gross misuse of official power to directly injure the State or its people. Those guilty of such offenses must be removed from office because they have explicitly demonstrated, by their conduct, that they will place their personal interests above the national interest.

The President's counsel and others suggest that we should stop here, arguing that Congress has no authority to remove a President for any offense not committed through the use of official power. (See Trial Memorandum of President Clinton pp. 19–20) I cannot agree. Instead, Madison's argument that we must have an escape valve that allows the legislature to remove a President when the need arises to defend "the Community against the incapacity, negligence, or perfidy of the chief Magistrate," coupled with Hamilton's definition of "high Crimes and Misdemeanors" as an "abuse or violation of some public trust," convince me that it is more than just misuse of official power that can require the Senate to remove an office holder. Acts that, although in their immediate nature and effect differ from treason or bribery because they do not stem from a misuse of official power, may nevertheless undermine the offender's ability to discharge his duties in the interests of the American people. In other words, the second category of offenses that equal "high Crimes and Misdemeanors" are non-official acts that unequivocally demonstrate the same threat posed by treason or bribery: that the President can no longer be trusted to use his power in the best interests of the nation.

It is for this reason that I reject the contention that a President's giving false or misleading statements under oath or his impeding the discovery of evidence in a lawsuit arising out of his personal conduct may never constitute a high crime or misdemeanor. I have no doubt that under certain circumstances such offenses could demonstrate such a level of depravity, deceit and disregard for the administration of justice that we would have no choice but to conclude that the President could no longer be trusted to use the authority of his office and make the decisions entrusted to him as Chief Executive in the best interest of the nation. It is because I hold this position that I found reaching a decision in this case such a difficult matter.

Before evaluating the charges against the President, and determining whether his misconduct in fact meets the high threshold the Constitution establishes for removal, each of us had to resolve the important question of what standard of proof should be used for judging the evidence against the President. It is widely agreed that the House Managers have the burden of convincing Members of the Senate that the President has committed a high crime or misdemeanor, but there are differences of opinion on the level of certainty each of us in the Senate must reach before we can conclude that the House has met its burden.

During the Impeachment Trial of Judge Alcee Hastings, I gave a great deal of thought to this question, and after weighing the competing interests of preserving the integrity of the judiciary, maintaining the independence of the judiciary, and protecting the personal interests of the office holder, I concluded that the House had to prove its case by "clear and convincing evidence." (See 135 Cong. Rec. S 14359–61 (Oct. 27, 1989)) Clear and convincing evidence is evidence that, in one formulation, produces in the mind "a firm belief or conviction as to the matter at issue" (U.S. Fifth Circuit District Judges Association, Pattern Jury Instructions §2.14 (1998 ed.)) or, put another way, persuades the finder of fact that the claim "is highly probable" (Committee on Model Jury Instructions, Ninth Circuit Manual of Model Jury Instructions §1.12.2 (1997 ed.)).

There are valid arguments for adopting the higher standard of "beyond a reasonable doubt" in this case, most importantly that the national trauma caused by the removal of a President so far surpasses the damage imposed by the removal of a single judge, that the Senate must remove a President only if it has a very high degree of certainty in the facts underlying its decision. On the other hand, just as the trauma of removing a President is greater than that flowing from removing a judge, the danger an errant President poses to the Republic far exceeds the threat presented by a misbehaving judge. This need to protect the integrity of the Republic and the welfare of its people argues against setting the standard of proof so high that it would result in leaving in power an individual whose fitness to continue serving in the national interest is seriously in doubt, remembering that no matter what the standard, removal still requires two-thirds of the Senators' support.

In 1974, then Senate Majority Leader Mike Mansfield recommended that the standard of "clear and convincing evidence" was "a logical middle ground between the burden of proof requirement in criminal proceedings ('beyond a reasonable doubt') and the burden of proof requirement in civil proceedings ('by a preponderance of the evidence')." He added these words of insight and reason:

> An impeachment proceeding is not a criminal proceeding since the Court of Impeachment is barred by the Constitution from imposing any of the usual criminal law sanctions in the event of conviction, and it is not a civil proceeding because the extraordinary formality and complexity of the process and the serious consequences of a conviction and removal (in at least the case of an impeachment of the President of the United States) militate against accepting as adequate the low threshold requirement of a civil action. The burden of proof, like the terminology and various other requirements, must be unique because impeachment itself is unique. It is unique in that it is a hybrid of the legislative and the judicial, the political and the legal. (Senate Committee on Rules and Administration Executive Session Hearings on Senate Rules and Precedents Applicable to Impeachment Trials, Aug. 5-6, 1974, p. 193)

For similar reasons, Professor Charles Black in his Handbook on Impeachment (p. 17) offers the standard of "overwhelming preponderance of the evidence" as appropriate for impeachment trials.

Taken together, those arguments persuaded me to adopt as the appropriate standard of proof the same one I chose in Judge Hastings' impeachment trial: clear and convincing evidence. In other words, to vote for either of the articles before us, I must conclude that there is clear and convincing evidence that President William Jefferson Clinton has committed a high crime or misdemeanor.

This brings me to the crux of this case, where it is necessary to apply the standard of proof I have adopted to the evidence the Managers have presented, in order to reach judgment on the Articles before us.

A number of specific allegations contained in the Articles lack sufficient legal or evidentiary support. For example, it strikes me as highly doubtful that an obstruction case can be made from the President's statements to aides who later testified to the grand jury. The House asserts that these statements constituted obstruction because the President knew his aides would repeat those statements to the grand jury, thereby providing misleading information to the grand jury. But the House has not adequately explained how the President saying privately to his aides the same thing he was saying to the public could constitute obstruction, particularly when we have been presented no evidence showing that the President made those statements for the purpose of having them repeated to the grand jury.

Similarly, the Managers have not offered a convincing legal theory showing how the President obstructed justice simply by failing to dispute his attorney's statements about his relationship with Ms. Lewinsky during the President's deposition. And, the Managers have failed to substantiate their allegation that the President committed perjury by misstating the date of his initial sexual encounter with Ms. Lewinsky when he told the grand jury "When I was alone with Ms. Lewinsky on certain occasions in early 1996 and once in early 1997, I engaged in conduct that was wrong" (Aug. 17, 1998 Grand Jury Testimony of President Clinton pp. 8–9). The Managers have not offered evidence that the President's error was intentional, nor did they provide a convincing explanation how such a misstatement was material to the grand jury's investigation.

Although the Managers offered slightly more weighty evidence concerning the involvement of the President and his friend, Vernon Jordan, in Ms. Lewinsky's job search at the same time she was filing a false affidavit in the Jones case, their case on this point leaves me suspicious but unconvinced. The evidence is highly circumstantial, amounting largely to an overlap in the timing between Ms. Lewinsky's appearance on the Jones' witness list and Mr. Jordan's efforts to find Ms. Lewinsky a job at the President's request. Both Ms. Lewinsky and Mr. Jordan testified that there was no connection between the two events. Although the fact that Ms. Lewinsky's job search and the drafting of her affidavit occurred simultaneously and that Mr. Jordan was involved with both raises questions, nevertheless the ultimate lack of any direct evidentiary connection prevents me from reaching any settled conclusion on the matter.

The House has provided more persuasive evidence to support a number of its other allegations. For example, I am troubled by the President's grand jury testimony that he did not have sexual relations with Ms. Lewinsky within the meaning of the definition offered him in his Jones deposition. (See, e.g., Aug. 17, 1998 Grand Jury Testimony of President Clinton pp. 9, 109) Ms. Lewinsky testified that they had several such encounters. (Aug. 26, 1998 Grand Jury Testimony of Monica Lewinsky pp. 6–40) The President's counsel responded to this allegation by saying: "This claim comes down to an oath against an oath about immaterial details concerning an acknowledged wrongful relationship." (Trial Memorandum of President Clinton p. 44)

I disagree. The President's statement almost certainly was material to the grand jury's investigation. The grand jury was not investigating whether or not Ms. Lewinsky and the President had a relationship per se, but rather whether the President perjured himself in his Jones deposition and obstructed justice. Given that in his Jones deposition, the President specifically denied having sexual relations with Ms. Lewinsky, it seems not only material, but central to the grand jury's investigation to determine whether the President told the truth when he said he did not have sexual relations with her.

The fact that Ms. Lewinsky was testifying under an immunity agreement and would therefore be subject to prosecution if she lied, and that most of her other testimony is uncontroverted, so much that the President's counsel relies on it at several key points, leads me to view her testimony about the details of her sexual relationship with the President as credible. The same is true of her consistent testimony that it was Betty Currie who called her and told Ms. Lewinsky she understood she had something for her—the gifts from the President. (See Feb. 1, 1999 Deposition of Monica Lewinsky, 145 CONGRESSIONAL RECORD S1225 (Feb. 4, 1999.))

Although it is a less central matter, I am puzzled by the President's including in his prepared grand jury testimony the statement that "I regret that what began as a friendship came to include this [inappropriate] conduct." (Grand Jury Testimony of President Clinton p. 9.) As the House Managers pointed out, according to Ms. Lewinsky, she and the President engaged in "this conduct" on the first day they met.

The series of questions which Betty Currie (a friendly witness to the President) testified that the President asked her on the day after his deposition in January 1998 and again a few days later are most troubling—both as to the credibility of the President's testimony to the grand jury regarding those statements and as to whether his intent in making those statements was to wrongly influence Ms. Currie's potential testimony. The President testified that he asked Ms. Currie those questions "to refresh my memory about what the facts were." (Grand Jury Testimony of President Clinton p. 131.) In their trial memorandum (pp. 52–53), the President's counsel assert that his statement is consistent with Ms. Currie's testimony that the President seemed to be trying to gather information. But the President did not testify that he was trying to gather information generally. He stated that he was trying to refresh his own memory. And this, unfortunately, seems to me to be an implausible explanation of what he was doing. In his testimony before the grand jury on August 17, 1998, the President admitted that he had "inappropriate intimate contact" with Ms. Lewinsky and that the relationship occurred "when I was alone with Ms. Lewinsky." (Grand Jury Testimony of President Clinton pp. 8–9.) He therefore must have known in January 1998, when he asked Ms. Currie the series of questions, that the statements they contained (for example, that "I was never alone with Monica Lewinsky," that Ms. Currie "could see and hear everything," and that "Monica came on to me, and I never touched her, right?") either were not true or were beyond Ms. Currie's knowledge and that Ms. Currie could not possibly help refresh his memory.

The President called Ms. Currie in on January 18, 1998 to ask her those questions after the surprise questions he was asked the day before in the Jones deposition about his relationship with Ms. Lewinsky, and after he repeatedly invoked Ms. Currie's name in connection with Ms. Lewinsky in response to those questions. (See Jan. 17, 1998 Deposition of President Clinton, reprinted in Senate Doc. 106-3 Vol. XXII, pp. 17, 20, 21, 22, 23, 24, 25, 26, 27.) Certainly, if the Jones lawyers wanted to further investigate the President's relationship with Ms. Lewinsky, the President's own statements would have led them directly to Ms. Currie.

In summary, although the House managers have left me thoroughly unconvinced of some of their allegations, the evidence presented on others does lead me to believe that it is likely that there were occasions on which the President made false or misleading statements and took actions which could have had the effect of impeding the discovery of evidence in judicial proceedings. Whether any of his conduct constitutes a criminal offense such as perjury or obstruction of justice is not for me to decide. That, appropriately, should and must be left to the criminal justice system, which will uphold the rule of law in President Clinton's case as it would for any other American. What I must do is uphold the Constitution and decide whether the House Managers have presented clear and convincing evidence that the President has committed a high crime or misdemeanor, which is to say whether they have demonstrated that his misconduct has so compromised his capacity to govern in the national interest that he must be removed.

I conclude that the House Managers have not met that high burden. I am, of course, profoundly unsettled by President Clinton's irresponsibility in carrying on a sexual relationship with an intern in the Oval Office and by the disregard for the truth he showed in trying to conceal it from his family, his staff, the courts and the American people. But the Managers have failed to convince me with the evidence they have presented that his misbehavior, as charged in the articles of impeachment, makes him a threat to the national interest, and that we can no longer expect the President to govern free of corruption in the nation's best interests.

Indeed, the Managers have barely addressed this point of consequences at all, providing almost no evidence or argument that the republic needs protecting from this President. Rather, they have presented their case largely as if the Senate were a criminal court, as if our sole responsibility were to determine whether the President is guilty of the crimes of perjury and obstruction of justice, as if those specific crimes were the indisputable equivalent of high crimes or misdemeanors automatically warranting the President's removal. And in doing do, I believe, they have failed to cross the higher constitutional threshold of proving that the President has forfeited his right to fill out the term for which the people elected him.

The voice of the American people, in fact, indicates that just the opposite is true. According to every public poll we have seen, a clear majority of the American people have continued to support the President throughout this ordeal. Nearly two-thirds of them say repeatedly that they approve of the job that President Clinton is doing in running the country, and that they oppose his removal. In my state of Connecticut, a survey done by The Hartford Courant just last week showed that 68 percent of my constituents rate the President's job performance as excellent or good, and a full three quarters of them believe he deserves to stay in office.

In noting this, I recognize that it would be a dereliction of my duty to substitute public opinion polls for reasoned judgment about our national interest in resolving this constitutional crisis. But it would also be a serious error to ignore the people's voice, because in exercising our authority as a court of impeachment we are standing in the place of the voters who re-elected the President two years ago. In this case, the prevailing public opposition to impeachment has particular relevance, for it provides substantial evidence that the President's misconduct has not been so harmful as to shatter the public's faith in his ability to fulfill his Presidential duties and act in their interest.

It is possible, of course, that a popular President could nevertheless be corrupt and pose a threat to the nation, which is to say that public opinion is not the only barometer of fitness for office. But in this democracy it is an indispensable measure, and in light of the ultimately unconvincing evidence the Managers have presented to demonstrate the President's loss of capacity or corruption, the public's opposition to removal carries weight in my deliberations. It carries particular weight given the overwhelming amount of information the news media has provided us about the details of the President's behavior, which strongly suggests that the American people have not reached their conclusions in ignorance of the President's flaws or faults.

The public opinion polls tell us more than that the majority of people support his continuance in office. Those two-thirds who consistently give him high ratings for his job performance have also strongly expressed their disapproval of his sexual behavior and his deliberate lies to the nation. Indeed, surveys have routinely shown that, as a consequence of this scandal, less than one-fifth of the American people claim that they share the President's moral and ethical values, a result I find stunning and which may be unparalleled in our history.

How can so many Americans simultaneously hold the views that the President has demeaned his office and yet should not be evicted from it? We will be trying to answer that question and to weigh the consequences of those seemingly conflicting opinions for a long time to come. But I believe the explanation must have something to do with the context of the President's actions. As the record makes abundantly clear, the President's false or misleading statements under oath and his broader deception and cover-up stemmed directly from his private sexual behavior, something that no other sitting American president to my knowledge has ever been questioned about in a legal setting. The President neither lied about nor was trying to conceal presidential malfeasance or a heinous crime, such as murder or rape, but instead sought to hide a sexual relationship with an intern that was deeply embarrassing, shameful, even indefensible, yet not illegal.

Indeed, troubled as I am by much of the evidence the Managers presented and the arguments they made, on each occasion I considered voting for removal I invariably came back to this question of context, and I asked myself: Are these the kinds of offenses the Founders envisioned when they entrusted us with the awesome power of invoking our democracy's ultimate sanction? Does this tawdry, tragic episode justify, for the first time in our proud history, ejecting from office the individual the American people chose to lead the country? And each time I had to answer no.

To reach this conclusion, that the context matters in judging the President's misconduct, is in the eyes of the House Managers and many of the President's critics an abdication of duty and honor. It is, they contend, to wink at any immorality, any transgression that is connected to sexual behavior, to sacrifice our most precious principles at the altar of moral relativism. And worse, by choosing to acquit the President, they argue, we are setting an awful precedent for presidents to come.

I understand and share the frustrations that lead to these criticisms. As I stated in the speech I made on this floor on September 3rd of last year, I was deeply angered by the President's recklessness and his purposeful deceit. The conduct he had acknowledged at that point in his grand jury testimony was not only immoral but harmful. The President is, as eminent historian Clinton Rossiter noted, the American people's "one authentic trumpet," (Rossiter "The American Presidency" 1955 p. 23) and when the notes he sounds falter in the expression of our common values, it has an effect, one that cannot be ignored. That was made clear to me in talking with many parents and children about this matter over the last several months, hearing the dismay and distrust in their voices, which was powerful evidence to me that the President had undercut his moral authority and undermined public confidence in his word.

My disappointment and anger with the President's actions were reawakened as I listened to the evidence the Managers have presented. And like many of my colleagues, I am left dissatisfied with the all-or-nothing nature of the choice we have been asked to make in this proceeding, between removing this President from office on the one hand, or not removing him on the other, which could imply exoneration or even vindication.

But as unsatisfying as that choice is, it is the only one that the Founders empowered the Senate to make in this impeachment proceeding. Our responsibility is not to pass judgment on the morality of the President's behavior, or to find whether he committed a specific crime. Impeachment is not an instrument of protest, or of prosecution, but one of protection, of our country, its people, and our democratic ideals. When the roll is called on each article and I answer "not guilty," I want it understood that I am saying "not guilty of a high crime or misdemeanor," and that is all I can say.

With that understood, I do believe the Constitution allows for one recourse that would provide a means for us as the people's representatives to register our and their disapproval, and would, I believe, help us to bring appropriate closure to this terrible chapter in our nation's history. It is well within the Senate's constitutional prerogatives to adopt a resolution of censure expressing our contempt for the President's misconduct, both that which is charged in the articles and that which is not. Such a censure would not amount to a punishment, nor would it be intended to do so. What it would do, particularly if it united Senators across party lines and positions on removal, is fulfill our responsibility to our children and our posterity to speak to the common values the President has violated, and make clear what our expectations are for future holders of that highest office.

And what it could do, I believe, is to help us to begin healing the wounds the President's misconduct and the impeachment process's partisanship have done to the American body politic, and to the soul of the nation. I have observed that roughly two-thirds of the public consistently expresses its opposition to the President's removal. But I do not think we can leave this proceeding, especially those of us who have voted against the Articles, without also noting that roughly one-third of the American people have consistently expressed their belief that this President is unfit to lead this nation. That is a startlingly large percentage of our people who have totally lost confidence in our nation's leader.

This extraordinary divergence of opinion tells us that there is a rift in our public life that extends far beyond the specific circumstances of this case, a rift that the President's misconduct has only exacerbated. A statement of censure is not an antidote that will magically eliminate this division, but I believe it will help by demonstrating that we can find common moral ground and articulate our common values even though we Senators and our constituents have disagreed about impeachment. For that reason, I hope that once this trial is concluded, we will put aside our partisan loyalties and our political hesitations and overcome parliamentary obstacles to join together in passing a resolution that affirms our belief that the presidency is and must continue to be, in the words of Clinton Rossiter, "the one-man distillation of the American people," (The American Presidency p. 11), the steward of our freedom and our values.

In closing, Mr. Chief Justice, I would like to quote from a wise and compelling insight that Manager HYDE put forward in his final argument. The most formidable obstacle the Managers faced in making their case, he said, was public cynicism, "the widespread conviction that all politics and all politicians are by definition corrupt and venal." He went on to say, "That cynicism is an acid eating away at the vital organs of American public life. It is a clear and present danger because it blinds us to the nobility and the fragility of being a self-governing people."

While I disagree with Manager HYDE's ultimate conclusion in this case, I could not agree more with his eloquent assessment of this threat to our democracy. It is a problem I addressed at the end of the campaign finance investigation that the Governmental Affairs Committee conducted in 1997, when I argued that the mad chase for money that dominates and distorts our political system gives the American people, already deeply skeptical of the motives of politicians, good reason to doubt whether they have a true and equal voice in their government. And it is a problem that I fear has grown significantly worse in the wake of this unseemly saga and the damage it has done to the public's esteem for and expectations of their leaders.

The long and painful process of impeachment is about to come to an end, and thankfully so, but the enormous challenge we face in restoring the public's faith in our public institutions and those who serve in them is just beginning. This is the next great test for the President and for each of us, the fight against cynicism's corrosive influence and the loss of public trust. If we once again seek the help of our common Creator and the counsel of our shared Constitution, and through our actions express their ideals and fulfill their expectations, I am confident we can in time renew a sense of common purpose and reassure the citizenry we serve that America is indeed, as Webster proclaimed, one country with one destiny. Thank you.

Mr. BROWNBACK. I find that William Jefferson Clinton did commit perjury and obstruct justice; that these offenses rise to the level of "high Crimes and Misdemeanors;" that William Jefferson Clinton should be convicted under the Articles of Impeachment; and that he must be removed as President of the United States.

This is a sad chapter in our nation's long and illustrious history. A man of extraordinary talent took a mistake and turned it into a tragedy. William Jefferson Clinton is no ordinary man. Gifted and charismatic, brilliant and refined, he took raw ability and focus and turned it into a Presidency. Such is the stuff of story books and heroes. Sadly for this tale, the hero had a habit he would not break, and, when it called him back to darkness, he sought to hide it at all cost. And there the tragedy occurred.

President Clinton repeatedly chose to lie and obstruct justice rather than tell the truth and comply with court orders throughout this ordeal. By his words and deeds he chose to place himself above the law. By his words and deeds he has undermined the rule of law in America to the great harm of this nation. By his own words and deeds, he has undermined the truth-finding function of the judiciary, at great harm to that branch of our government. By his words and deeds, he had done great harm to the notions of honesty and integrity that form the underpinnings of this great republic.

The following represents the specific facts upon which I find William Jefferson Clinton is guilty of perjury before a Federal Grand Jury and obstruction of justice, and must be removed as the President of the United States:

ARTICLE I—PERJURY BEFORE A FEDERAL GRAND JURY

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

On August 17, 1998, William Jefferson Clinton swore to tell the truth, the whole truth, and nothing but the truth before a Federal grand jury of the United States. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning the nature and details of his relationship with a subordinate Government employee:

A. Testimony that conflicts with Ms. Lewinsky's account of the relationship:

Ms. Lewinsky testified as to the extent of her sexual relationship with President Clinton, and her statements were corroborated by numerous individuals with whom she contemporaneously shared the details of her encounters with the President, including two professionals. Her testimony indicated direct contact by the President with certain areas of her body. The conduct described by Ms. Lewinsky clearly falls within the definition of sexual relations as President Clinton understood the term to be defined in the Paula Jones case and during his grand jury testimony.

In his prepared statement to the grand jury, President Clinton stated that the sexual encounters between he and Ms. Lewinsky "did not constitute sexual relations as I understood that term to be defined at my January 17th, 1998 deposition." President Clinton acknowledged that the type of activity described by Ms. Lewinsky constituted sexual relations as he understood the term to be defined during the Paula Jones' deposition: "I understood the definition to be limited to, to physical contact with those areas of the bodies with the specific intent to arouse or gratify." However, during questioning under oath, President Clinton repeatedly denied engaging in the activities described by Ms. Lewinsky.

President Clinton was even asked by a grand juror whether "if Monica Lewinsky says that while you were in the Oval Office area you touched [certain area of her body that falls within the definition of sexual relations as understood by the President in the Paula Jones case], would she be lying." President Clinton responded: "That is not my recollection. My recollection is that I did not have sexual relations with Ms. Lewinsky and I'm staying on my former statement about that."

If Ms. Lewinsky's testimony is true, President Clinton committed perjury during his grand jury testimony. I have had the opportunity to read the portions of grand jury testimony provided by both President Clinton and Ms. Lewinsky concerning their characterizations of their sexual relations. I also had the opportunity to watch Ms. Lewinsky's videotaped deposition in which she reaffirmed her previous grand jury testimony concerning the extent of their sexual relations. Based upon (1) the corroboration of Ms. Lewinsky's testimony by numerous witnesses with whom she had spoken contemporaneously, (2) the detailed nature of Ms. Lewinsky's testimony, (3) the evasiveness of President Clinton's testimony, (4) the apparent sincerity of Ms. Lewinsky in her videotaped deposition before the Senate, and (5) the President's refusal to be deposed by the Senate, I find that the President provided false and misleading testimony before a federal grand jury that constitutes perjury.

B. Testimony concerning his account of the relationship to Betty Currie:

On January 18, 1998, President Clinton met with Mrs. Currie at the White House and told her "there are several things you may want to know" about the President's relationship with Monica Lewinsky. During his grand jury testimony, President Clinton stated that "I was not trying to get Betty Currie to say something that was untruthful." However, as discussed further in the obstruction of justice charges, President Clinton said to Mrs. Currie "Monica came on to me, and I never touched her, right?" Based upon both Ms. Lewinsky and President Clinton's testimony concerning their intimate contact, and upon Ms. Lewinsky's Senate deposition, I must conclude that Ms. Lewinsky's account of their intimate activity is accurate. As a result, I must further conclude that President Clinton was lying when he told Mrs. Currie that he had not touched Ms. Lewinsky, and that the President committed perjury when he testified before the grand jury that he had not asked Mrs. Currie "to say something that was untruthful."

Mr. Clinton further testified that his only interest in speaking to Mrs. Currie that day after the President was deposed in the Paula Jones case was to "refresh [his] own recollection" and "not to impart instructions on how she was to recall things in the future." As will be discussed further below, I conclude that President Clinton made a series of statements to Betty Currie in an attempt to improperly persuade her to provide false testimony. As a result, based upon the evidence presented in the record, I believe that President Clinton's interest in talking to Mrs. Currie the day after he was deposed by Paula Jones' attorneys was to impart instructions on how Mrs. Currie was to recall events concerning the President's illicit affair and not to refresh the President's memory. The President's statements before the grand jury concerning his interest in talking to Mrs. Currie would thus constitute perjury.

C. Testimony concerning his account of the relationship to Sidney Blumenthal and John Podesta:

In his grand jury testimony, President Clinton asserted in his conversations with Mr. Blumenthal and Mr. Podesta, that "I said things that were true. They may have been misleading." President Clinton further states that "what I was trying to do was give them something they could—that would be true, even if misleading in the context of this deposition." Mr. Clinton told Sidney Blumenthal that "Monica Lewinsky came at me and made a sexual demand on me" and that the President had rebuffed her. Mr. Blumenthal also testified that the President claimed that Ms. Lewinsky threatened the President, saying "that she would tell people they'd had an affair, that she was known as the stalker among her peers, and that she hated it and if she had an affair or said she had an affair then she wouldn't be the stalker any more." When Mr. Blumenthal asked the President whether Mr. Clinton had been alone with Ms. Lewinsky, the President replied "I was within eyesight or earshot of someone."

Even President Clinton acknowledges that he was alone with Monica Lewinsky, and, therefore not within eyesight or earshot of anybody, on numerous occasions. Mr. Clinton also acknowledges that he and Ms. Lewinsky engaged in "inappropriate intimate contact" which, if Ms. Lewinsky's testimony is true, amounted to sexual relations as President Clinton understood the term to be defined in the Paula Jones case. As a result, the President lied, not simply misled Mr. Blumenthal, when Mr. Clinton stated that he had "rebuffed her."

John Podesta testified that President Clinton had told Mr. Podesta that the President "had never had sex with her [Ms. Lewinsky] in any way whatsoever." Mr. Podesta further testified that President Clinton elaborated that the President and Ms. Lewinsky "had not engaged in [sexual activity that falls within the definition of sexual relations as President Clinton understood the term to be defined in the Paula Jones case]."

During Mr. Clinton's grand jury testimony, he refused to directly contradict Mr. Podesta's characterization of their conversation: "I'm not saying that anybody who had a contrary memory is wrong." President Clinton was asked "[i]f [the White House aides] testified that you denied sexual relations or relationship with Monica Lewinsky, or if they told us that you denied that, do you have any reason to doubt them?" The President responded "no."

Based on the evidence concerning the extent of the sexual relationship between President Clinton and Ms. Lewinsky, and based on the President's own admission concerning the accuracy of statements made by his aides, I conclude that President Clinton committed perjury when he characterized the manner in which he conveyed false statements to Mr. Podesta and Mr. Blumenthal. President Clinton did not simply mislead his aides, he lied to them about his relationship with Ms. Lewinsky.

ARTICLE II—OBSTRUCTION OF JUSTICE

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding.

The means used to implement this course of conduct or scheme included:

A. On or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him.

Ms. Lewinsky testified that on December 28, 1997 she told President Clinton that she had been subpoenaed and that the subpoena required her to produce gifts given her by the President. According to Ms. Lewinsky, she asked the President "should I—maybe I should put the gifts away outside my house somewhere or give them to someone maybe Betty." Ms. Lewinsky testified that President Clinton responded "I don't know" or "Let me think about that."

Later that day (December 28), Ms. Lewinsky testified that she received a phone call from Mrs. Currie, who stated "I understand you have something to give me" or "the President said you have something to give me." Mrs. Currie then retrieved the gifts that President Clinton had given to Ms. Lewinsky and hid them under her bed. Based upon the fact that Mrs. Currie was clearly acting under instructions from President Clinton, I find that President Clinton obstructed justice by attempting to hide evidence requested in a subpoena in a federal civil rights case.

B. Beginning on or about December 7, 1997, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action brought against him in order to corruptly prevent the truthful testimony of that witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him.

At President Clinton's request, Vernon Jordan met with Monica Lewinsky in November of 1997 to discuss assistance that Mr. Jordan could provide Ms. Lewinsky in securing a job in New York. However, Mr. Jordan took no action until December 11, 1997, five days after President Clinton learned that Monica Lewinsky was on the witness list in the Paula Jones case and that Mr. Jordan had not yet provided Ms. Lewinsky with any assistance in securing a job in New York. On the day that Mr. Clinton learned that Ms. Lewinsky was on the witness list, the President assured her that he would talk to Mr. Jordan to ensure that Mr. Jordan stepped up his efforts to secure her a job in New York.

Mr. Jordan stepped up his activities on December 11, 1998, because, on that date, Judge Susan Webber Wright ordered that Paula Jones was entitled to information concerning any government employee with whom the President had sexual relations. On January 7, 1998, Ms. Lewinsky signed a false affidavit, stating that she had not engaged in a sexual relationship with the President. On January 8, 1998, after Ms. Lewinsky believed that her interview with MacAndrews and Forbes in New York had gone poorly, Mr. Jordan called the company's CEO, Ron Perelman, to ask his assistance with securing employment for Ms. Lewinsky within Mr. Perelman's company. All of this activity was done in order to ensure that Ms. Lewinsky did not provide damaging testimony against President Clinton and thus constituted an effort to obstruct justice in the Paula Jones case.

C. On or about January 18 and January 20–21, 1998, William Jefferson Clinton related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.

Mrs. Currie was summoned to the White House on Sunday, January 18, 1998 for a private meeting with President Clinton. The President was under court order not to talk about the case to anyone. Nonetheless, after telling Mrs. Currie that he had been deposed in the Paula Jones case and that Ms. Jones' attorneys had asked the President several questions about Ms. Lewinsky, President Clinton then made a series of statements to Mrs. Currie:

> I was never really alone with Monica, right?
>
> You were always there when Monica was there, right?
>
> Monica came on to me, and I never touched her, right?
>
> You could see and hear everything, right?

The testimony of Mrs. Currie and President Clinton demonstrate that these statements were an attempt to influence the future testimony of Mrs. Currie regarding the President's relationship with Monica Lewinsky. President Clinton admitted being alone with Ms. Lewinsky. Mrs. Currie also testified that the President and Ms. Lewinsky had been alone. Given the fact that President Clinton and Ms. Lewinsky had been alone on a number of occasions, a fact that President Clinton would be unlikely to forget considering the intimate nature of their encounters, the President was not refreshing his memory when he stated to Mrs. Currie that he and Ms. Lewinsky had never been alone. President Clinton was attempting to improperly persuade Mrs. Currie to testify that he and Ms. Lewinsky were never alone.

Mrs. Currie testified that President Clinton and Ms. Lewinsky were alone a number of times. Despite the legal hairsplitting engaged in by the White House, I interpret the statement "You were always there when Monica was there, right?" to mean that President Clinton was attempting to improperly persuade Mrs. Currie to testify that Ms. Lewinsky was always within Mrs. Currie's sight during her visits to the President.

Based upon Ms. Lewinsky's testimony, President Clinton's statement that "Monica came on to me, and I never touched her, right?" would clearly be false. In addition, because even President Clinton admitted to "inappropriate intimate contact," I assume that President Clinton is at least admitting to having touched Ms. Lewinsky. As a result, I must conclude that President Clinton did touch Ms. Lewinsky. I must then further conclude that, because Mr. Clinton was making a statement to Mrs. Currie that the President knew to be false, he could only have made such a claim in order to improperly persuade Mrs. Currie to testify that President Clinton had never touched Ms. Lewinsky.

In his grand jury testimony, President Clinton admitted that he did not allow Mrs. Currie to "watch whatever intimate activity [the President] did with Ms. Lewinsky." In addition, when asked whether he would "not have engaged in those physically intimate acts if [the President] knew that Mrs. Currie could see or hear that," President Clinton responded "[t]hat's correct." However, on the Sunday after he was deposed in the Paula Jones case, Mr. Clinton told Mrs. Currie "You could see and hear everything, right?" I find these two concepts to be inherently contradictory. President Clinton could not, on the one hand, shield Mrs. Currie from seeing or hearing any intimate activity, while, on the other hand, be sincerely stating that Mrs. Currie could see and hear everything. I must then conclude that President Clinton made this statement in an attempt to improperly persuade Ms.

Currie to testify that President Clinton and Ms. Lewinsky engaged in no activity that Mrs. Currie could neither see nor hear.

D. On or about January 21, 23, and 26, 1998, William Jefferson Clinton made false and misleading statements to potential witnesses in a Federal grand jury proceeding in order to corruptly influence the testimony of those witnesses. The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury, causing the grand jury to receive false and misleading information.

On January 21, 1998, President Clinton met with Sidney Blumenthal, a senior White House aide. During the course of their conversation, Mr. Blumenthal asked President Clinton what the President had done wrong. According to Mr. Blumenthal, the President responded "[n]othing" and "I haven't done anything wrong."

Mr. Blumenthal asked the President why, if he had done nothing wrong, would the President want to appear on television and admit wrongdoing, which is what the President implied he wanted to do. At that point, according to Mr. Blumenthal, the President stated that "Monica Lewinsky came at me and made a sexual demand on me" and that the President had rebuffed her. Mr. Blumenthal also testified that the President claimed that Ms. Lewinsky threatened the President, telling him "that she would tell people they'd had an affair, that she was known as the stalker among her peers, and that she hated it and if she had an affair or said she had an affair then she wouldn't be the stalker any more."

According to Mr. Blumenthal, President Clinton also stated that "I feel like somebody who is surrounded by an oppressive force that is creating a lie about me and I can't get the truth out." When Mr. Blumenthal asked the President whether Mr. Clinton had been alone with Ms. Lewinsky, the President replied "I was within eyesight or earshot of someone."

Based upon the grand jury testimony presented by Ms. Lewinsky and President Clinton, and upon the deposition provided to the Senate by Ms. Lewinsky as well as the President's failure to provide the Senate with a deposition, I have concluded that the statements made by President Clinton to Mr. Blumenthal are false. If the President had agreed to be deposed by the Senate, his testimony might have strengthened the credibility of the statements that he had made to Mr. Blumenthal. However, the credibility of such statements have no foundation in the evidence presented to the Senate. As a result, I must conclude that President Clinton had a motive other than an interest in conveying the truth when he made these statements to Mr. Blumenthal.

President Clinton has tried to argue that the President made these statements to Mr. Blumenthal, not to obstruct justice, but merely to mislead him. However, when asked whether he knew that Sidney Blumenthal and John Podesta might be called into a grand jury, President Clinton responded "That's right." Therefore, I must conclude that President Clinton lied to Sidney Blumenthal in order to plant false testimony on a potential grand jury witness, a witness the President himself admits he knew might be called.

John Podesta testified that President Clinton had told Mr. Podesta that the President "had never had sex with her [Ms. Lewinsky] in any way whatsoever." Mr. Podesta further testified that President Clinton elaborated that the President and Ms. Lewinsky "had not engaged in [sexual activity that falls within the definition of sexual relations as President Clinton understood the term to be defined in the Paula Jones case]." As stated above, Mr. Clinton acknowledges that he knew that Mr. Podesta might be called as a witness by the grand jury. As also discussed above, it is my opinion, based on the evidence, that President Clinton and Ms. Lewinsky did engage in sexual activity that falls within the definition of sexual relations as President Clinton understood the term to be defined in the Paula Jones case. As a result, Mr. Clinton lied to Mr. Podesta. In addition, because President Clinton knew that Mr. Podesta might be called as a witness by the grand jury, I must conclude that the President lied to Mr. Podesta, not simply to mislead him and his White House colleagues, but in order to plant false testimony on a potential grand jury witness.

HIGH CRIMES AND MISDEMEANORS

Perjury before a Federal Grand Jury and Obstruction of Justice do rise to the level of being a "high crime or misdemeanor" that is the standard set forth in the Constitution for impeachment. Indeed in recent years the United States Senate has impeached two federal judges for perjury. Were we not to remove the President for the same offense we would be breaking established precedent.

Furthermore, would it be right to set a lower standard for the President than the judges he appoints? I think not. The President must be held to the same standard, if not a higher one.

Perjury and obstruction of justice are crimes against the state. Perjury goes directly against the truth-finding function of the judicial branch of government. If the President can lie under oath, others will plead the same defense, sacrificing the truth.

The President is the Chief Law Enforcement Officer in the land. He or she should be the ultimate example of a law-abiding citizen, not one who willfully and repeatedly violates the law when it serves his or her narrow interest. The unlawful actions by the President will have the long term effect of reducing compliance with the law by others if the President can get away with it.

The Constitution states that impeachment and removal is to occur when "the President, Vice President and all civil officers" commit "treason, bribery, or other high crimes and misdemeanors."

I find bribery and perjury to be offenses of the same nature. Both seek to thwart well established legal processes. Bribery seeks to produce an outcome different from justice by obscuring our priorities. Perjury seeks to produce an outcome different from justice by obscuring the truth.

Obstruction of justice committed by the President undermines the entire judicial system and is thus a crime against the nation falling clearly in the category of a "high crime."

CONCLUDING COMMENTS

Whether or not the vote taken today is considered a victory for President Clinton, it will be, in many ways, a loss for America. We have lost many things over the past few months: trust in public officials, respect for the rule of law, confidence in the truth of the White House's public statements. But perhaps the most tragic loss has been the steady erosion of our societal standards.

It is hard to imagine that a generation or two ago, a majority of Americans would have greeted news of Presidential crimes and cover-ups with a shrug. We did not expect our leaders to be perfect, but we did expect them to provide moral leadership, and to obey the laws they were charged with upholding and executing. We expected Presidents to commit sins; but we would not allow them to commit crimes. We held the office of the Presidency, and the honor of the nation, in the highest esteem.

We looked to the leaders of our nation as examples to admire, rather than avoid. Parents would point to the President of the United States and tell their son or daughter that if they worked hard and did right, they might one day hold that office. That is not so today. Perhaps in the future the admiration of that office can be restored.

Our loss is compounded by the manner of our response. In many quarters, the news of Presidential perjury and obstruction of justice has been greeted with a shrug, if not a wink. We are no longer outraged by the outrageous. We have grown comfortable with presidential misconduct, even as we prosecute, convict, and imprison the less powerful for the same crimes.

If we are to believe the media, much of our reluctance to enforce the laws of our land springs from our material concerns. We have heard, from many quarters, the assertion that things are good in America, we are at peace, the stock market is doing well, so why rock the boat? Why shake things up?

We seem to have forgotten that all of our prosperity would be impossible without the rule of law, and without a cultural predisposition to honor and uphold the law. Reducing the administration of justice to opinion polls debases our country. Putting pocketbook concerns over standards of right and wrong impoverishes our culture. If we do not sustain the moral and legal foundation on which our system of government and our prosperity is based, both will surely and steadily diminish.

The great southern writer Walker Percy once stated that his greatest fear for our future was that of "seeing America, with all of her great strength and beauty and freedom . . . gradually subside into decay through default and be defeated . . . from within by weariness, boredom, cynicism, greed, and in the end, helplessness before its great problems."

I am optimistic about our future, but this point is an important one. America is at a place in history where our great enemies have been defeated. Our economy is strong, our incomes up, our expectations high. We are the only remaining world superpower.

Our future looks bright. But our continued success is not a historical certainty. It will be determined by the character of our nation—by the condition of our culture, as much as our economy. The standards we hold—for ourselves, and for our leaders—are a good indicator of what we soon shall be.

For all of the reasons described above, I have chosen, with great sadness but firm resolve to vote for the conviction and removal of William Jefferson Clinton as President of the United States of America.

Mr. BRYAN. We are about to embark upon a roll call vote that only one other Senate in the history of our Republic has been called upon to cast. It is a weighty decision. We have taken an oath that requires us to render "impartial justice according to the Constitution and the laws." By so doing each of us has undertaken a solemn obligation to be fair to the President, fair to the American people, and faithful to our constitutional responsibility.

One hundred thirty-one years ago, the 40th Congress faced a similar decision. Then, as now, the Nation was divided. Then, as now, the passions of the day raged across the land. Then, as now, the critics of the President were in the majority in the Senate. Confounding the cynics of that day, the Senate rose above itself by the slenderest of margins, a single vote, and acquitted President Andrew Johnson. More than a century later, that decision has stood the test of time.

The Senate's acquittal reaffirmed a basic constitutional doctrine that the Executive branch, and the Legislative branch shall be separate and co-equal; and that the Executive Branch should not be subservient to the prevailing views of a Congressional majority.

How different the course of our constitutional history might have been had President Andrew Johnson been convicted. Our system of government today might be more like a parliamentary system undermining the independence of the chief executive.

Future Presidents may have been forced to operate within the omnipresent shadow of impeachment whenever a legislative majority was hostile to their views or policies. I think it is fair to conclude the office of the Presidency would be a profoundly different one had Andrew Johnson been convicted. It is in that historical context we meet.

In this century, there have been five judicial impeachments that have reached the Senate. In each of those proceedings, the actions of the House and Senate were decided by a bipartisan vote, and all five judges were convicted, and removed from office.

In the history of the Republic, there have been but two presidential impeachments, that of Andrew Johnson and William Jefferson Clinton. Each Presidential impeachment, however, has come to the Senate under an ominous cloud of partisanship.

The Constitution wisely imposes a heavy burden of proof upon the House of Representatives to convict and remove a duly elected President. And when that constitutional process is tainted by partisan actions, the Articles of Impeachment must be subjected to an additional measure of scrutiny.

The Constitution provides in Article II, Section 4 that "The President . . . shall be removed from office on Impeachment for the Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

What constitutes impeachable conduct, as contemplated by the Constitution, is the central issue of this trial.

The Framers of the Constitution labored at some length to fashion an impeachment article. As their guide, they looked to the English experience in their parliamentary system. They followed that history in deciding to involve both the House of Representatives and the Senate giving them different roles—the former to charge and impeach, and the latter to convict or acquit.

Unlike the British parliamentary system with its monarch, the Framers decided impeachment would apply against its highest office holders, expressly including the President. Further, the Framers determined that impeachment would in and of itself be limited. Rather than including capital punishment and other criminal penalties as a part of impeachment as Britain did, the Framers limited impeachment to the removal of the individual from office upon conviction.

As the drafting of the Constitution's impeachment clause proceeded, the drafters struggled with how to characterize the offenses for which a president could be impeached, convicted, and removed from office. Initially, offenses such as "malpractice", "neglect of duty", and "corruption" were considered. As the Constitutional Convention drew to a close, the Convention's Committee of Eleven proposed "treason or bribery" as the appropriate standard.

George Mason suggested the addition of "maladministration" due to his concern that limiting the offenses to only treason or bribery would still allow a president to commit "many great and dangerous offences" which would not be subject to impeachment. [The Records of the Federal Convention].

However, James Madison believed "maladministration" was ". . . [s]o vague a term [it] will be equivalent to a tenure during [the] pleasure of the Senate." [The Records of the Federal Convention]. George Mason then proposed the addition of "high crimes and misdemeanors against the State", which the Committee on Style modified by deleting "against the State" believing that language unnecessary.

Alexander Hamilton in Federalist Paper Number 65 argues that the Senate could convict and remove a President only for "those offenses which proceed from the misconduct of public men, or in other words from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated political, as they relate chiefly to injuries done immediately to the society itself."

Nearly two centuries later, Charles Black explained in his "Impeachment Handbook", the purpose of impeachment is to protect the nation, rather than to punish the individual holding the office of president. Thus, the behavior at issue must reach a level of endangering the state.

The House voted to impeach President Clinton on two Articles; perjury before the Grand Jury, and obstruction of justice. Two other Articles accusing the President of perjury in a deposition in a civil case, and of abusing his power by not responding to the 81 requests for admission made on November 5, 1998 in a manner the House desired were not approved.

Article I charging perjury is poorly and rather vaguely worded. Nevertheless, it appears to contain 11 separate allegations. The House Managers in their presentation in Article II allege seven acts of Presidential misconduct constituting obstruction of justice.

The Office of Independent Counsel was authorized by the Attorney General of the United States to conduct an investigation of the President's relationship with Ms. Lewinsky. Mr. Starr has 25 attorneys and 5 non-FBI investigators on his personal staff, and access to the virtually unlimited resources of the FBI. The investigation continued for eight months culminating in a record of over 60,000 pages of materials including sworn testimony from Grand Jury appearances, depositions, and sworn statements.

That the relationship between the President and the Office of Independent Counsel was a contentious one, is beyond dispute. Mr. Starr has been an aggressive Special Prosecutor. Many believe that his prosecutorial zeal violated any reasonable standard of fairness. He has been no shrinking violet in his pursuit of the President.

Yet even Mr. Starr and his staff, after careful analysis, concluded that 8 of the 11 allegations of perjury before the Grand Jury, and one of the allegations of obstruction of justice lacked sufficient prosecutorial merit to be submitted to the House. Certainly, it cannot be contended that these allegations can sustain the burden of proof to establish the President's guilt, or to rise to the level of impeachable conduct necessary to remove a duly elected president.

The Constitution's impeachment process was not created to mete out punishment against the individual serving as President. Rather, the impeachment process is to protect the nation from a President who has brought grave harm to the office and to the country. These are distinctly different goals.

As is so often the case, the American people have a clear understanding of the circumstances that bring us together.

The President had an improper relationship in the White House with a 22-year-old intern.

The President lied to his family, his staff and the American people in denying the existence of the relationship.

The President pursued a course of conduct to conceal his improper relationship with the White House intern.

The President's conduct was wrong and it was immoral. It remains for us to determine the constitutional consequences, if any, to be attached to this conduct.

The House Managers rely heavily upon circumstantial evidence and draw from that evidence a series of inferences which lead them to conclude that the President is guilty of perjury and obstruction of justice.

The President's counsel artfully attack the weaknesses in the Managers' case and assert that exculpatory direct evidence raises sufficient doubt under the law, and therefore, the President is entitled to be acquitted.

On this record, as one of the House prosecutors pointed out reasonable people can differ as to the conclusions they reach.

It is acknowledged that the House Managers have the burden of proof in establishing the President's guilt under legal definitions. Open to question is the standard of proof to be applied, a mere preponderance of the evidence as in a civil trial, clear and convincing evidence as in alleging fraudulent behavior, or beyond a reasonable doubt as in a criminal case.

The House alleges that specific crimes have been committed, to wit perjury and obstruction of justice as defined in law. Under these circumstances, I believe the appropriate standard is the criminal standard—proof beyond a reasonable doubt.

But is it impeachable conduct? Does it rise to the constitutionally required standard of bribery, treason or other high crimes and misdemeanors. I think not.

The President's conduct is boorish, indefensible, even reprehensible. It does not threaten the Republic. It does not impact our national security. It does not undermine or compromise our position of unchallenged leadership in international affairs.

Although I conclude that the evidence presented in this case does not reach the standard commanded by the Constitution to convict and remove a President, it does not follow that we are precluded from registering our strong disapproval of the President's personal conduct.

There is a way. After our vote on these Articles of Impeachment, and assuming, as most believe, there are not the votes to convict the President—the Senate should proceed immediately to adopt a bipartisan resolution of censure.

It is important for us to do this. There are two reasons. First, the American people need to hear from us in strong and unambiguous language that the President's personal conduct is unacceptable and unworthy of the President of the United States.

The record of these proceedings must also reflect that the acquittal of the President can in no way be construed as an exoneration of his conduct. A censure resolution should not be embarked upon lightly or for political reasons, but it should be used in this case.

And finally, a response to the injunction that we have frequently heard over the past several weeks: that no man is above the law. That is a core value. It goes to the very essence of our beliefs as Americans. No violence is done to this sacred principle by pursuing the course of action I have chosen.

For those who believe that the President is guilty of perjury and obstruction of justice—criminal offenses—there is a forum available for that determination. It is our criminal justice system and William Jefferson Clinton may be called to the bar of justice to respond to these criminal charges—armed with no greater legal protection than that accorded the most humble among us. And that is how it should be.

Mr. ASHCROFT. When the impeachment trial began on January 7th, I took an oath to render "impartial justice according to the Constitution and laws: So help me God." This oath distinguishes impeachment from all my other responsibilities in the Senate. Although the Constitution requires Senators to take an oath of office and gives the Senate numerous powers and responsibilities, only the obligation to try impeachments demands the swearing of a special, separate oath. While many commentators have sought to mark this trial as a political event, the oath leaves room only for impartial justice. I interpret this oath as requiring that I decide this case based on the evidence in the record, the arguments of the parties, and the applicable law—and on no other basis.

If I were to look beyond the evidence in the case, to public opinion polls, then a path to a decision would be clear. A large majority of Americans, for example, believe that the President committed perjury, but do not think that he should be removed from office. I am sure that those surveyed considered a variety of factors and did not limit themselves to the Senate record. More than anything else, these poll results reflect the American people's capacity for forgiveness. I share this desire to forgive the President for his admitted mistakes. However, the forgiveness we grant in our capacity as individuals must be distinguished from the government's responsibility to remedy wrongdoing. We routinely ask jurors to sentence defendants in accordance with the law, even though they may forgive the defendant. That is the same responsibility that the Constitution and my oath impose on me in this proceeding.

On the other hand, if I were simply to vote my conscience as to whether I believe the President's continued service is good for our country and our culture, that is a clear path as well. From the very outset, I have stated consistently that if the allegations were true concerning the President's relationship with Ms. Lewinsky, then the President has disgraced himself and his office, and should resign. In my view, the confessed facts of the President's conduct in the Oval Office make his continued presence an obstacle to the healing our culture. The honorable course would be for the President to resign, to allow the nation to heal from the wounds he has inflicted.

My oath, however, forecloses either of these paths, and instead forces me to undertake the far more difficult task of sifting through the record, weighing evidence, determining credibility and reaching a final, impartial judgment on the articles of impeachment. As a result, I cannot explain my judgment by resort to any grand principles or by broad statements about my opinion of the President as a leader. I can only explain my vote through a detailed examination of the articles of impeachment, the evidence presented and the relevant law.

ARTICLE I—GRAND JURY PERJURY

The first article of impeachment charges President Clinton with committing perjury before the grand jury when he testified on four subjects. Attorneys for the President complain that the House Managers failed to specify the particular grand jury statements of the President that constituted perjury. I agree that the President deserves sufficient specificity to provide him the basis for a defense. However, during the course of the House Managers' presentation it became clear that the perjury allegations focused on a handful of specific statements the President made to the grand jury.

THE PRESIDENT AND MS. CURRIE—REFRESHING MEMORY WITH LIES

Perhaps the single most obvious instance of a false statement by the President stems from his explanation of his conversations with Ms. Betty Currie in the days immediately following his deposition testimony in *Jones* v. *Clinton*. Ms. Currie told the grand jury that on the evening of his deposition the President called her and requested that she make a rare Sunday appearance at the White House. When she arrived, the President called her in and confronted her with an unusual series of statements and questions, including: "Monica came on to me, and I never touched her, right?"; "You were always there when Monica was there, right?"; and "I was never really alone with Monica, right?" (See Sen. Rec. Vol. IV, part 1 at 559–60; Ms. Currie 1/27/98 GJ at 70–75.). When the President was asked to explain this conversation to the grand jury, he stated that he was "trying to refresh [his] memory about what the facts were." (See Sen. Rec. Vol. III, part 1 at 651; Mr. Clinton 8/17/98 GJ, at 131.) (See also Sen. Rec. Vol. III, part 1 at 593–94; Mr. Clinton 8/17/98 GJ, at 141-42 (Q: "[Y]ou are saying that your only interest in speaking with Ms. Currie in the days after your deposition was to refresh your own recollection? A: Yes."))

This statement is demonstrably false. A person cannot refresh his or her memory by repeating lies. The President's leading questions were falsehoods. The President knew that he had been alone with Ms. Lewinsky, knew that they had been together outside of Ms. Currie's presence, and knew that he had touched Ms. Lewinsky. Repeating these falsehoods to Ms. Currie could not have refreshed the President's memory "about what the facts were."

What is more, Ms. Currie testified that the President reviewed these same statements and questions with her again two or three days later. (See Sen. Rec. Vol. IV, part 1, at 560–61; Ms. Currie 1/27/98 GJ, at 80–82.) The President does not have specific memory of this second conversation, but does not dispute Ms. Currie's recollection. If the President were trying to refresh his memory, he would not go through the same questions again two or three days later. However, if the President were trying to coach Ms. Currie's testimony and ensure that her version of events was consistent with his false deposition testimony, then rehearsing these questions and answers a second time would be helpful. Based on all the evidence, I have concluded beyond a reasonable doubt that the President's testimony concerning these conversations with Ms. Currie was false. The evidence clearly shows that the President gave false testimony to the grand jury in order to cover up his illegal effort to influence Ms. Currie's testimony.

THE PRESIDENT'S LIES TO HIS AIDES

Another clear example of a false statement by the President in his grand jury testimony is his claim that he was truthful with his aides in discussing his relationship with Ms. Lewinsky. The exact nature of what the President said to his aides in the immediate aftermath of his deposition was of interest to the grand jury as part of its investigation of whether the President obstructed justice. When asked about these conversations, the President told the grand jury that "I said to them things that were true about this relationship." (See Sen. Rec. Vol. III, part 1, at 558; Mr. Clinton 8/17/98 GJ, at 106.)

The testimony of the President's own aides, however, makes it clear that the President was not truthful with his aides. He did not mislead them, he lied to them. For example, one presidential aide, John Podesta, testified that the President told him that he did not have sex with Ms. Lewinsky "in any way whatsoever" and provided additional, more detailed denials concerning the relationship. (See Sen. Rec. Vol. IV, part 3, at 3311; Mr. Podesta 6/16/98 GJ, at 92.) Sidney Blumenthal, another presidential aide, testified that the President told him that "Ms. Lewinsky came at me and made a sexual demand on me," that he "rebuffed her," and that Ms. Lewinsky "was known as the stalker." (See Sen. Rec. Vol. IV, part 1, at 185; Mr. Blumenthal 6/4/98 GJ, at 49.) In his Senate deposition Mr. Blumenthal unequivocally stated that he now believes the President lied to him. (See CONGRESSIONAL RECORD S1249; Mr. Blumenthal 2/3/99 Dep.) As the President's closest aides have conceded, the President was not truthful with them. In reviewing all the evidence, it is clear beyond a reasonable doubt that the President was not truthful with his aides and that his grand jury testimony concerning these discussions was false.

THE PRESIDENT'S TESTIMONY ABOUT HIS RELATIONSHIP WITH MS. LEWINSKY

The first example included in the grand jury perjury article approved by the House focuses on the President's grand jury testimony concerning "the nature and details of his relationship with" Ms. Lewinsky. His testimony on this matter also appears to be false.

Although some of the detailed testimony underlying this example of perjury is nothing short of sordid, the President's lack of credibility on this matter is straightforward. For a number of months last year, Ms. Lewinsky was on record as having told federal investigators that she and the President had engaged in a sexual relationship. The President publicly and repeatedly denied the truth of these allegations. It was a classic "he said, she said" situation. Then physical evidence of a sexual relationship between the President and Ms. Lewinsky was discovered. After this physical evidence came to light, it ceased to be a "he said, she said" situation. He changed his story and admitted an "inappropriate intimate relationship" to a federal grand jury, while she was vindicated.

However, the President declined to follow his oath to tell the grand jury the whole truth and admit the true nature of the relationship. Instead, the President attempted to walk an impossibly fine line, admitting to a relationship which involved sufficient contact to explain the physical evidence but insufficient contact to make the President's earlier deposition statements about the relationship perjurious. The President's testimony on this matter, therefore, was at the heart of the grand jury's investigation into whether the President committed perjury in the Jones case. The physical evidence strongly suggested that the President had committed perjury in his deposition, and this grand jury testimony was the basis for his defense. The President's testimony flatly contradicts Ms. Lewinsky's testimony concerning the nature and details of their relationship. Ms. Lewinsky's testimony provides a much more plausible explanation of the physical evidence, and makes clear that the President perjured himself in his sworn deposition testimony.

With respect to the nature and details of their relationship we are once again present with a "he said, she said" situation. But now there are two differences. First, the President's implausibly contorted version of events appears to be tailored precisely to avoid admitting a prior perjury. Second, we have the benefit of a prior "he said, she said" dispute between the same two people, in which subsequent evidence conclusively proved that she was telling the truth and he was lying. Under these circumstances, I am convinced beyond a reasonable doubt that the President lied about "the nature and details of his relationship" with Ms. Lewinsky.

THE PRESIDENT'S TESTIMONY CONCERNING HIS DEPOSITION

The House included two other examples of grand jury perjury in the first article of impeachment. The article alleges that the President lied to the grand jury concerning both his prior, perjurious deposition testimony and whether he was paying attention to his lawyer's statements during that same deposition. While there is considerable evidence that supports the notion that the President did lie to the grand jury regarding these two matters, I am not convinced beyond a reasonable doubt that the President's statements on these matters constitute perjury.

The President began his grand jury testimony with the assertion that he was truthful in his deposition testimony. However, later in his grand jury testimony, the President clarified and corrected much of his false and misleading deposition testimony. As a result, it is clear that the President's claim that his deposition testimony was truthful was itself a false statement. However, it is equally clear that this false statement cannot form the basis for a perjury conviction for two reasons. First, when viewed in its entirety, the President's grand jury testimony makes this one statement immaterial. It is the equivalent of the statement of a murderer who begins his confession with the statement that "I didn't do anything wrong." Second, in light of the House's decision to reject a separate article focusing on deposition perjury, I am uncomfortable allowing this one line to be used as a means to "backdoor" allegations that the President lied in that forum.

The allegation that the President lied to the grand jury when he testified that he was not paying attention to his lawyer when he used Ms. Lewinsky's affidavit to deny that there was any sexual relationship between the President and Ms. Lewinsky is a closer matter. During the President's deposition in the Jones case, the President's lawyer, Mr. Bennett, argued to the Court that Ms. Lewinsky's affidavit demonstrated "there is absolutely no sex of any kind in any manner, shape or form" between the President and Ms. Lewinsky. (See Sen. Rec. Vol. XIV, at 23).

The President allowed his lawyer to make this representation to the Court, even though the President knew that representation and the underlying affidavit were both false. When confronted with these facts before the grand jury, the President attempted to excuse his behavior with the claim that he was not paying attention and this "whole argument just passed me by." (See Sen. Rec. Vol. III, part 1, at 481; Mr. Clinton 8/17/98 GJ, at 29). The available evidence and common sense suggest that the President was paying attention. I have reviewed the videotape of the President's deposition, and he appears to be paying attention to his lawyer before, during and after his lawyer's representation. Common sense suggests the President was paying attention because his lawyer made this statement in an effort to keep the President from answering a question the Jones lawyer had just directed to him. The President would have needed to pay attention to the question in order to answer it, and it is hard to believe he would have tuned out his lawyer's objection to the question.

What is more, in light of the President's admitted fears about the true nature of his relationship with Ms. Lewinsky becoming public, it is implausible that he would have not paid attention to his lawyer's efforts to use the Lewinsky affidavit to prevent questioning about their relationship. The President does not dispute that he suggested that Ms. Lewinsky file an affidavit in a December 17, 1997, telephone call. The President's stated objective in suggesting the filing of an affidavit was to keep Ms. Lewinsky from becoming an issue in the Jones litigation. The notion that the President would not pay attention to his lawyer's efforts to have that suggestion bear fruit strains credulity. Finally, it is worth noting that immediately following Mr. Bennett's representation, the presiding judge cautioned Mr. Bennett against coaching the witness. That caution would not have been necessary had the witness, Mr. Clinton, not been paying attention to his lawyer's words.

If I were applying a preponderance of the evidence or a clear and convincing evidence standard, I certainly would reject the President's claim that the "whole argument just passed me by." However, applying a beyond a reasonable doubt standard, I have reached a different conclusion. The problem for me is that the President's statement concerns his own mental state. Although the evidence and common sense suggest the President was paying attention to Mr. Bennett, I have not been able to remove all doubts from my mind on this score.

THE LEGAL ELEMENTS OF GRAND JURY PERJURY

On the other hand, I am convinced beyond a reasonable doubt that the President made false statements to the grand jury concerning his conversation with Ms. Currie, his statements to other aides, and the nature and details of his relationship with Ms. Lewinsky. Moreover, in light of the legal standards for grand jury perjury, I am convinced the President's conduct satisfies every element of felony perjury under section 1623 of the federal criminal code, Title 18. There are five elements to the crime of grand jury perjury. To constitute perjury a statement must be made under oath, before a grand jury, with intent, and the statement must be both false and material.

I have already discussed why I have concluded that these statements were false, and there is no question that they were made under oath to a grand jury. The only two remaining elements are intent and materiality. Neither of these standards is difficult to satisfy in the context of grand jury perjury. Congress passed a special statute, section 1623, to make it easier to prosecute grand jury perjury out of a recognition that grand jury perjury is a more serious threat to the administration of justice than other perjuries. As a result, the intent requirement is not demanding—the defendant need only make the statement with knowledge of its falsity. As the well-respected American Criminal Law Review published by Georgetown University concludes: "Section 1623, unlike 1621 [the general perjury statute], does not require proof that the allegedly false testimony was submitted willfully. Rather, it requires that such testimony was knowingly stated or subscribed. This requirement is ordinarily satisfied by proof that the defendant knew his testimony was false at the time he provided it."

The one thing that emerges from the presentations made by both the White House and the House Managers is that the President made his grand jury statements with a great deal of forethought and precision. The President's false statements did not result from inadvertence or confusion. The President knew these statements were false. For example, he knew full well that his conversation with Ms. Currie was not designed to refresh his memory.

Likewise, the materiality standard is easily satisfied in this case. Courts are generally quick to find grand jury perjury to be material in deference to the broad investigatory authority of a federal grand jury. As the Second Circuit observed in *United States* v. *Kross*, 14 F.3d 751, 754 (2d Cir.), *cert. denied*, 513 U.S. 828 (1994): "Because the grand jury's function is investigative, materiality in that context is broadly construed." The grand jury in this case was investigating whether the President committed perjury in his Jones deposition or obstructed justice in the Jones lawsuit. Specifically, the grand jury was concerned that the President may have lied in denying a sexual relationship with Ms. Lewinsky and obstructed justice by coaching Ms. Currie and his other aides. Therefore, the President's grand jury testimony concerning what he said to his aides and the nature of his relationship with Ms. Lewinsky was directly relevant to the grand jury's investigation. The President's statements were not just material—they were at the heart of the grand jury's inquiry.

THE PRESIDENT'S LEGAL DEFENSES

Lawyers for the President raised a number of legal smoke screens in his defense that do not change the ultimate conclusion that the President committed perjury. For example, they emphasize the so-called Bronston defense, in which a misleading statement does not constitute perjury if it is technically true. However, the Bronston defense provides no defense to a statement that is literally false. As United States Supreme Court Justice Breyer, while still on the First Circuit, observed: "The *Bronston* Court held only that a defendant cannot be convicted of perjury for true but misleading statements, not that a defendant is immune from prosecution for perjury whenever some ambiguity can be found by an implausibly strained reading of the questions he is asked." *United States* v. *Doherty*, 867 F.2d 47, 69 (1st Cir.), *cert. denied*, 492 U.S. 918 (1989).

Likewise, the White House has attempted to rely on the two-witness rule—i.e., the notion that a perjury prosecution cannot rest on an oath versus an oath. That rule of law would not apply here if it were a correct statement of the law because there is ample corroborating evidence. But the truth of the matter is that section 1623 expressly rejects the two-witness rule, stating that: "it shall not be necessary that such proof be made by any particular number of witnesses." As the American Criminal Law Review puts it: "the obvious purpose of this language [is] to prevent the application of the two-witness rule in section 1623 prosecutions." That view is supported by the Supreme Court's analysis of the purpose of section 1623 in *Dunn* v. *United States*, 442 U.S. 100, 108 & n.6 (1979).

In the end, the White House's legal arguments cannot obscure the fact that the President committed perjury in his grand jury testimony. The House Managers successfully carried their burden. They proved the facts underlying the first article of impeachment beyond a reasonable doubt, and the evidence satisfied every element of proof for grand jury perjury.

ARTICLE II—OBSTRUCTION OF JUSTICE AND WITNESS TAMPERING

The second article of impeachment approved by the House alleges that the President obstructed justice and provides seven examples of specific conduct that obstructed justice either in the Jones litigation or in the federal grand jury's investigation. I have examined each of these examples in detail and will share my analysis. As with perjury, perhaps the clearest example of obstruction of justice stems from the President's conversation with Ms. Currie the day after his sworn deposition testimony in the Jones case.

COACHING MS. CURRIE'S TESTIMONY

As noted in the discussion of perjury, the President called in Ms. Currie the day after his sworn deposition testimony and confronted her with a series of questions and answers, such as "Monica came on to me, and I never touched her, right?"; "You were always there when Monica was there, right?" and "I was never really alone with Monica, right?"; (See Sen. Rec. Vol. IV, part 1, at 559–560; Ms. Currie 1/27/98 GJ, at 70–75.). According to Ms. Currie, the President repeated this rehearsal of questions and answers two or three days later. As discussed earlier, the President's explanation for this conversation—that he was trying to refresh his memory—is simply not credible. The true purpose of these conversations becomes clear in light of the President's sworn deposition testimony. On several occasions during his deposition, the President invoked Ms. Currie's name in answering questions concerning his relationship with Ms. Lewinsky. Indeed, at one point, the President specifically directed the Jones lawyers to "ask Betty whether Ms. Lewinsky was alone with him or with Ms. Currie between the hours of midnight and 6:00 a.m. (See Sen. Rec Vol. XIV, at 35).

In other words, during his deposition, the President attempted to use Ms. Currie as an alibi witness to deny that he had been alone with Ms. Lewinsky. It is telling in this regard that in his conversation with Ms. Currie the President sought Ms. Currie's agreement that "he was never alone with her, right?" This was the exact point as to which the President directed the Jones' lawyers to "ask Betty." In short, having invoked Ms. Currie as an alibi in his deposition, the President wasted no time in contacting Ms. Currie and making sure her story would square with the President's sworn testimony. Indeed, the President contacted Ms. Currie and explained that Ms. Lewinsky's name had come up during the deposition despite Judge Wright's admonition not to discuss the deposition with anyone other than his lawyers.

There is simply no innocent explanation for this conversation with Ms. Currie. It was a violation of Judge Wright's order. It was not an attempt to refresh the President's memory. Instead, the evidence shows beyond a reasonable doubt that this was an unlawful attempt to obstruct justice by altering Ms. Currie's testimony in the Jones case.

THE PRESIDENT, MS. LEWINSKY, AND THE FALSE AFFIDAVIT

This coaching of Ms. Currie is not the only example of obstruction of justice by the President. For instance, the first example cited in the obstruction of justice article alleges that the President corruptly encouraged Ms. Lewinsky to file a false affidavit in the Jones litigation. The President does not dispute that he called Ms. Lewinsky at 2:30 a.m. in the morning on December 17, 1997, to inform her that she was on the witness list in the Jones case. The President likewise does not dispute that he hoped Ms. Lewinsky would not have to testify and suggested to her that she could file an affidavit to reduce her chances of being deposed or called to testify in the Jones proceeding. (See Sen. Rec. Vol. III, part 1, at 567–73; Mr. Clinton 8/17/98 GJ, at 115–121). The President's defense is that although he wanted Ms. Lewinsky to file an affidavit to avoid testifying, he did not want her to file a false affidavit. As the President put in his grand jury testimony, "I did hope she'd be able to get out of testifying on an affidavit? Absolutely. Did I want her to execute a false affidavit? No, I did not." (See Sen. Rec. Vol. III, part 1, at 571; Mr. Clinton 8/17/98 GJ, at 119). This claim that an affidavit could be both truthful and result in a reduced chance of Ms. Lewinsky testifying is critical to the President's defense because it is a crime to corruptly persuade a potential witness to delay or prevent their testimony.

The fundamental problem with the President's defense is that a truthful affidavit that disclosed the nature of his relationship with Ms. Lewinsky would have been inconsistent with the President's stated goal of reducing her chances of being called to testify. A truthful affidavit would have guaranteed that Ms. Lewinsky would have been called as a witness. It is folly to suggest that an affidavit that admitted the relationship but emphasized its consensual nature could have prevented Ms. Lewinsky from being called. Judge Wright had already approved discovery of government employees involved in relationships with the President without regard to whether they were consensual.

Additional evidence that the President encouraged Ms. Lewinsky to file a false affidavit comes from the President's revival of previously developed cover stories in this same 2:30 a.m. telephone conversation. Specifically, according to Ms. Lewinsky, the President reminded her that "you can always say you were going to see Betty or that you were bringing me letters?" (See Sen. Rec. Vol. III, part 1, at 843; Ms. Lewinsky 8/6/98 GJ, at 123). To be sure, Ms. Lewinsky has testified that the ideas of filing an affidavit and using the cover stories were not explicitly linked in her mind. However, there must have been some implicit link, in fact, because Ms. Lewinsky's draft affidavit featured one of the cover stories. Although it was dropped in the editing process to eliminate any suggestion that the President and Ms. Lewinsky were alone, the draft affidavit suggested that Ms. Lewinsky had brought the President papers.

In addition, the notions that the President wanted Ms. Lewinsky to file a false affidavit and that only a false affidavit would have the desired effect of keeping Ms. Lewinsky from being called as a witness are supported by the fact that the filed affidavit was false. The affidavit Ms. Lewinsky filed was false, in the following particulars: (1) it stated that Ms. Lewinsky did not "possess any information that could possibly be relevant to the allegations made by Paula Jones . . .", (2) it stated that on the occasions on which Ms. Lewinsky saw the President after she left employment at the White House in April 1996 were official receptions and formal functions related to her job, and that "there were other people present on those occasions," and (3) it stated that—contrary to the President's admission before the grand jury that he and Ms. Lewinsky had an inappropriate intimate relationship—"the President . . . always behaved appropriately in my presence." (See Sen. Rec. Vol. III, part 1, at 1235). Moreover, any doubt about the falsity of Ms. Lewinsky's affidavit is removed by her decision to enter into an immunity agreement to prevent her prosecution for perjury with respect to the affidavit.

Finally, the President's claim that he did not want Ms. Lewinsky to file a false affidavit is belied by the fact that the President allowed his attorney to use the false affidavit in an effort to keep the Jones lawyers from questioning him about his relationship with Ms. Lewinsky. The President's attorney, Mr. Bennett, relying on the Lewinsky affidavit, represented to the Court that "there is absolutely no sex of any kind in any manner, shape or form, with President Clinton." (See Sen. Rec. Vol. XIV, at 23). Mr. Bennett expressly told the court that the President was "fully aware of Ms. Lewinsky's affidavit." (See Sen. Rec. Vol. XIV, at 23). It is difficult to credit the President's claim that he did not want Ms. Lewinsky to file a false affidavit when he allowed his lawyer to use a false affidavit—of which he was "fully aware"—to keep him from being questioned about Ms. Lewinsky.

The House has alleged that the President's decision to allow Mr. Bennett to use this affidavit—knowing it to be false—was an additional example of obstruction of justice. I am not convinced that the President's failure to correct his attorney's representation to the Court amounts to an obstruction of justice. However, the President's actions in allowing his attorney to use a false affidavit to his litigation advantage undermines his claim that he never wanted Ms. Lewinsky to file a false affidavit. When all the evidence is considered, it is clear beyond a reasonable doubt that the President wanted Ms. Lewinsky to file a false affidavit.

THE COVER STORIES

The second example cited by the House in its obstruction of justice article was the President's suggestion that Ms. Lewinsky could use cover stories to disguise the true nature of their relationship from the Jones lawyers. These cover stories, of course, were used by the President and Ms. Lewinsky long before her name appeared on the witness list in the Jones litigation. As a result, the cover stories—that she was visiting Ms. Currie or bringing the President papers—were instantly familiar to Ms. Lewinsky. But even though these cover stories were not criminal—only deceptive—in their origins, the President's revival of these cover stories after Ms. Lewinsky became a witness in a civil suit against the President stands on a very different footing.

The President's reiteration of the cover stories in the same conversation that he told her she was on the witness list is evidence of an effort to alter her testimony. As demonstrated above, Ms. Lewinsky included one of the cover stories in her false draft affidavit. Although the President emphasizes that the cover stories had an element of truth to them, that claim is not a defense to a witness tampering or obstruction of justice charge. For the federal witness tampering statute it is enough that the President attempted to influence Ms. Lewinsky's testimony through corrupt or misleading conduct, see 18 U.S.C. 1512, and for obstruction of justice it is enough that the President endeavored to influence the due administration of justice, see 18 U.S.C. 1503. As a result, the President's revival of the cover stories constituted obstruction of justice. His actions obstructed the true course of justice and denied an American citizen a fair hearing of her claim.

THE GIFT EXCHANGE

The third example of obstruction of justice cited in the House article concerns the efforts to conceal the President's gifts to Ms. Lewinsky from the Jones lawyers. The House alleges that the President orchestrated a scheme by which Ms. Lewinsky concealed the gifts from the Jones lawyers by conveying them to Ms. Currie. In defending against this charge, the President must overcome the undisputed fact that the gifts sought by the Jones lawyers ended up beneath the President's personal secretary's bed.

These gifts clearly were relevant evidence in the Jones litigation. The subpoena served on Ms. Lewinsky required the production of "each and every gift including but not limited to, any and all dresses, accessories, and jewelry, and/or hat pins given to you by, or on behalf of, Defendant Clinton." (See Sen. Rec. Vol. III, part 2, at 2704.) Ms. Lewinsky discussed this subpoena with the President on December 28, 1997, and both expressed their concern that the subpoena covered the hat pin. Ms. Lewinsky testified that when the subject of what to do with the gifts came up the President responded: "I don't know" or "let me think about it." (See Sen. Rec. Vol. III, part 1, at 872; Ms. Lewinsky 8/6/98 GJ, at 152.) The President, by contrast, told the grand jury that he instructed Ms. Lewinsky that if the Jones' lawyers "asked for the gifts, [Ms. Lewinsky would] have to give them whatever she had, that that's what the law was." (See Sen. Rec. Vol. III, part 1, at 495; Mr. Clinton 8/17/98 GJ, at 43.)

Ms. Lewinsky left the White House and returned home only to receive a call in which Ms. Currie told her, "I understand that you have something to give me" or "the President said you have something to give me." (See Sen. Rec. Vol. III, part 1, at 874; Ms. Lewinsky 8/6/98 GJ, at 154–55.) Ms. Currie does not recall making this call, and instead suggests that Ms. Lewinsky initiated the gift exchange. It is uncontroverted, however, that Ms. Currie went to Ms. Lewinsky's apartment to pick up the gifts and that those gifts were stored under Ms. Currie's bed. The net result of these events is that the gifts that evidenced a relationship the President was trying to conceal in litigation against him were kept from the Jones lawyers. This net result makes the President's sworn testimony that he directed Ms. Lewinsky to turn over the gifts difficult to credit. It is difficult to believe that Ms. Lewinsky would disregard the President's advice on this issue.

This evidence makes it more likely than not than the President obstructed justice by orchestrating the concealment of the gifts. However, to prove obstruction of justice, the House must show that the President directed Ms. Currie to pick up the gifts. That is the missing link in the House's case. Although that is the most likely explanation for the concealment of the gifts, both parties to that conversation—Ms. Currie and the President—deny that such a discussion took place. As a result, there is a reasonable doubt in my mind as to whether the President obstructed justice by concealing the gifts, and I find this issue in his favor.

THE JOB SEARCH

The next example of obstruction cited by the House is the job search. The evidence is clear that the President asked Vernon Jordan to help Ms. Lewinsky find a job in New York City. Mr. Jordan was unequivocal that he, not Ms. Lewinsky, was running the job search, and that he was finding Ms. Lewinsky a job at the "behest" of the President. (See Cong. Rec. S1245; Mr. Jordan Dep. 2/2/99). This word choice is telling. The Dictionary defines "behest" as "an authoritative order," or secondarily as "an urgent prompting," and suggests "command" as a synonym. Merriam-Webster's Collegiate Dictionary (Tenth Edition 1993) p. 103.

The only remaining question is whether the President directed Mr. Jordan to find Ms. Lewinsky a job in order to get Ms. Lewinsky to "withhold testimony, or withhold a record, document or other object, from an official proceeding," or for some other purpose. In evaluating this issue, the President's past failure to provide job assistance to Ms. Lewinsky is relevant. Since Ms. Lewinsky left the White House in April 1996, she was anxious to get back and enlisted the President's support. He never helped her return to the White House. Eventually, Ms. Lewinsky despaired of ever receiving any job assistance from the President to help her return to the White House and turned her sights to a job in New York. Once again, the President's level of job assistance was underwhelming until Ms. Lewinsky's name appeared on the witness list in the Jones case. At that point, Mr. Jordan, at the "behest" of the President, put the job search into full gear.

However, Mr. Jordan's involvement with Ms. Lewinsky was not limited to finding her a job. He also found her a lawyer, a lawyer who oversaw the filing of an affidavit that turned out to be false. The same affidavit the President suggested Ms. Lewinsky could file in their late night telephone call. The same affidavit that the President's lawyer attempted to use to keep the Jones lawyers from questioning the President about Ms. Lewinsky.

Mr. Jordan also shared a breakfast with Ms. Lewinsky in which they discussed draft notes between Ms. Lewinsky and the President. Mr. Jordan initially denied that this breakfast meeting had taken place. However, when confronted with a receipt for breakfast, Mr. Jordan conceded the meeting took place and that the subject of the notes came up. Ms. Lewinsky testified that Mr. Jordan told her to make sure that those incriminating notes were destroyed. Mr. Jordan denies that he gave her that advice. Ms. Lewinsky's testimony on this subject is certainly entitled to great weight because she has consistently remembered the breakfast and what transpired, while Mr. Jordan previously denied that the breakfast had occurred. But this conflict in the testimony need not be resolved. Mr. Jordan is not on trial. The President is, and the fact that the person he designated to get Ms. Lewinsky a job was also discussing incriminating notes relevant to the Jones litigation and finding her a lawyer to file an affidavit in that case undermine the President's claim that the job search and the Jones litigation were unrelated.

Although Ms. Lewinsky has testified that the President never expressly conditioned her job assistance on her continued cooperation in the Jones litigation, her conduct shows an implicit connection between the job search and the Jones litigation. When she received a subpoena from the Jones lawyers she went to her job counselor. When she had concerns about what to do with incriminating notes, she discussed the matter with her job counselor.

The evidence demonstrates that the motivation for the job search was not to enhance Ms. Lewinsky's career or to find her a "dream job." The President had the opportunity to give her a "dream job" at the White House and declined. Instead, the evidence shows beyond a reasonable doubt that the job search was intimately tied to the Jones litigation and designed to ensure Ms. Lewinsky's continuing cooperation.

MR. BENNETT'S USE OF THE FALSE AFFIDAVIT

The next example of obstruction of justice is the President's decision to stand mute while his attorney used an affidavit the President knew to be false to make representations to a federal judge that the President knew to be false. As I have noted, I do not think the President's act of omission constitutes a separate act of obstruction. However, I do think the President's failure to object to the use of this false affidavit sheds light on many of the President's acts of commission that do constitute obstruction of justice and witness tampering, such as his suggestion that Ms. Lewinsky file an affidavit to avoid testifying in the Jones case.

INFLUENCING THE TESTIMONY OF HIS AIDES

The final example of obstruction cited by the House involves the President's false statements to aides who were potential grand jury witnesses. Most of the evidence on this point is not in dispute. The President insisted before the grand jury that he was truthful with his aides. However, the President's own aides now admit that he lied to them. There is no dispute that those lies were repeated to the grand jury. The only remaining question is whether the President told these lies to his aides with the expectation that they would resurface in the grand jury.

The White House's principal defense on this point is that the President's lies to his aides were no different than the lies he had told the entire American people. This is a strange defense. Essentially, it attempts to make a virtue out of the fact that the President lied to every American, without respect to whether they were potential witnesses. The legal point appears to be that the President's aides could not obstruct the due administration of justice because the grand jurors already were exposed to the President's false denials.

There are several problems with this argument, not the least of which is that it is based on a false premise. The President did not merely repeat the same denials he made to the public at large. The President's denials to his aides were embellished and substantially more detailed. The President did not tell the American people that Ms. Lewinsky was a stalker or categorically state that there was no sex "in any way whatsoever," though he labored hard to leave that false misimpression. He did share these details with his aides, and they repeated them to the grand jury. These details, moreover, were not immaterial to the grand jury's investigation. These details, such as the characterization of Ms. Lewinsky as a stalker, directly attack the credibility of the principal witness against the President in the grand jury proceeding. As a result, I am convinced beyond a reasonable doubt that the President obstructed justice when he lied to his aides.

THE LAW OF OBSTRUCTION OF JUSTICE AND WITNESS TAMPERING

The President's conduct clearly violates the federal criminal statutes against obstruction of justice and witness tampering. The federal obstruction of justice statute requires the government to prove three elements: "(1) there was a pending federal judicial proceeding; (2) the defendant knew of the proceeding; and (3) the defendant acted corruptly with the specific intent to obstruct or interfere with the proceeding or due administration of justice." 35 American Criminal Law Review 989, 992 (1998). There is no real dispute in this case that the President knew that the Jones suit was pending when he engaged in the conduct covered by the obstruction of justice article. The only relevant legal question is whether he intended to obstruct justice in the Jones case.

There is ample evidence in the record to suggest that obstructing justice in the Jones case was the President's precise intent. Indeed, the President's own testimony makes clear that he viewed the Jones litigation as illegitimate. He stated that he "deplored" the Jones lawsuit and felt it was only going forward "because of the funding they had from my political enemies." (See Sen. Rec. Vol. III, part 1, at 532; Mr. Clinton 8/17/98 GJ, at 80.) As a result, the President concedes that, in his words, he was "not trying to be particularly helpful" to the Jones lawyers. (See Sen. Rec. Vol. III, part 1, at 480; Mr. Clinton 8/17/98 GJ, at 28.) Moreover, the discussion of the specific examples of obstruction of justice make clear that the President's advice that Ms. Lewinsky file a false affidavit, the President's coaching of witnesses, and the job search were all done with the object of obstructing justice in the Jones litigation.

The Victim and Witness Protection Act of 1982 criminalized a particular form of obstruction of justice, witness tampering. Part of that act, section 1512(b) of the federal criminal code, sets out the four elements of witness tampering. "Under section 1512(b), the government must prove that the defendant: (1) knowingly (2) engaged in intimidation, physical force, threats, misleading conduct or corrupt persuasion, (3) with intent to influence, delay or prevent testimony or cause any person to withhold a record, object or document (4) from an official proceeding." 35 American Criminal Law Review 989, 1004 (1998). Each of these elements is satisfied in this case.

The President's attorneys have emphasized that the President never physically threatened any potential witness. In particular, they point to Ms. Currie's testimony that she never felt threatened or intimidated in her conversations with the President. However, that is simply not relevant under the federal witness tampering statute, which criminalizes not just physical intimidation, but corrupt persuasion and misleading conduct as well. What is more, the statute makes clear that it applies to any witness in any official proceeding, and the statute specifies in subsection (e) that "an official proceeding need not be pending or about to be instituted at the time of the offense." As with the perjury counts, the President's legal defenses misstate the applicable law. Just as federal law does not require two witnesses to support a conviction for grand jury perjury, the assertion that witness tampering requires actual intimidation simply misstates the law.

HIGH CRIMES AND MISDEMEANORS

My careful examination of the evidence, legal precedent and arguments made by both sides convinces me that the President committed perjury, obstructed justice and violated the federal witness tampering statutes. Having reached this conclusion, the remaining step in my analysis of the cases to examine whether these criminal acts require the President's removal from office. In other words, do perjury and obstruction of justice constitute high crimes and misdemeanors? The precedents of the Senate provide an unequivocal answer: the Senate has repeatedly treated perjury as a high crime and misdemeanor that justifies—indeed, necessitates—removal.

Three times in the last fifteen years the House has impeached and the Senate has removed a federal judge for perjury or related crimes. In two of the three cases, moreover, the judge was removed for lies that had nothing to do with his official duties. Judge Harry Claiborne was removed for filing false tax returns under penalty of perjury. Judge Walter Nixon was removed for lying to a federal grand jury about his efforts to influence a state judicial proceeding. The Senate's precedents on perjury as an impeachable offense are clear. Moreover, there is simply no basis in the Constitution to apply a less demanding standard of the President than has been traditionally applied to federal Judges. A single provision of the Constitution creates a single standard of impeachment for all "Officers of the United States," Judges and the President alike. To be sure, the Constitution specifies that federal Judges "shall hold their offices during good behavior." Art. III, sec. 1. However, this clause has always been understood as establishing life tenure, as opposed to a relaxed standard for impeachment, and no Judge has ever been impeached or removed for "bad behavior." In sum, the notion that the President—with his infinitely greater effect on the culture, for good or ill—would be held to a lesser standard than one of 800 federal Judges has as little basis in common sense as it has in the Constitution's text.

Of course, even if we did not have the benefit of the Senate's precedents treating perjury as a high crime, and had to consider this issue as an original matter, I would have little difficulty concluding that perjury and obstruction of justice qualify as high crimes and misdemeanors. The Constitution's use of the adjective "high" to modify the phrase "crimes and misdemeanors" suggests that there may be some crimes and misdemeanors that do not form the basis for impeachment. However, those crimes, such as perjury and obstruction of justice, that undermine public confidence in government and strike at the integrity of our systems of government and justice surely must be covered by the phrase "high crimes and misdemeanors."

In addition, the scope of "high crimes and misdemeanors" is informed by the two crimes specifically enumerated in the Constitution as a basis for impeachment, treason and bribery. Both these crimes, in common with perjury and obstruction of justice, threaten the proper functioning of government—either directly in the case of treason, or indirectly, by undermining the government's integrity, in the case of bribery. Perjury is bribery's twin. Perhaps the clearest illustration of this point is that the President could have accomplished the same result in this case—interfering with the Jones litigation—by bribing a witness or the Judge. Perjury, like bribery, has been grouped among the most serious crimes at least since the founding of our nation

John Jay, one of the three authors of the Federalist Papers and our nation's first Chief Justice, provides a glimpse of the framers' views on the seriousness of perjury. When riding circuit in Bennington, Vermont in the Summer of 1792, Chief Justice Jay instructed the Grand Jury in a perjury persecution. His instruction is worth quoting at length;

> Independent of the abominable insult which perjury offers to the divine Being, there is no crime more extensively pernicious to Society. It discolours and poisons the streams of justice, and by substituting falsehood for truth, saps the Foundation of personal and public rights. Controversies of various kinds exist at all times, and in all communities. To decide them, Courts of justice are instituted. Their decisions must be regulated by evidence, and the greater part of the evidence will always consist of the testimony of witnesses. This testimony is given under those solemn obligations which an appeal to the God of Truth impose; and if oaths should cease to be held sacred, our dearest and most valuable rights would become insecure.

There is ample evidence to support Chief Justice Jay's view that, of all crimes, perjury is among the most pernicous to society, and one that has always been thought to rise to the level of "high crimes and misdemeanors." It is not surprising then, that the Kentucky Constitution of 1792 directed that: "Laws shall be made to exclude from office and from suffrage those who thereafter be convicted of bribery, perjury, forgery or other high crimes or misdemeanors." Art. VIII, cl. 2. Moreover, the belief that perjury is an impeachable high crime is not limited to the framers. Less than a decade ago in a law review article, Chief Justice Rehnquist, the presiding officer in this impeachment trial, summed up our national experience with impeachment by noting that "impeachment has been confined to flagrant abuse of office—perjury, bribery, and the like." William Rehnquist, The Impeachment Clause: A Wild Card in the Constitution, 85 Northwestern University Law Review 903, 910 (1991).

The point has also been raised that the President's conduct does not rise to the same levels as President Nixon's conduct in Watergate. That may well be true, but it is also irrelevant. Not every high crime and misdemeanor is created equal, but all require removal under the express terms of the Constitution. However, whatever differences exist between President Clinton's conduct and Watergate, the reaction of Watergate Special Prosecutor Leon Jaworski to President Nixon's misconduct is telling. Of all the misconduct portrayed on the famous Nixon tapes, Jaworski found one strip of dialogue "the most repulsive on the tape. In that strip the President—a lawyer—coached [his aide] to testify untruthfully and yet not commit perjury. It amounted to subornation of perjury. For the number-one law enforcement officer of the country it was, in my opinion, as demeaning an act as could be imagined." Leon Jaworski, The Right and the Power—The Prosecution of Watergate 47 (1976).

That is perjury. The nation's first Chief Justice stated that "there is no crime more extensively pernicious to Society." Our current Chief Justice described it as a "flagrant abuse of office." And the Watergate Special Prosecutor thought subornation of perjury by the President "as demeaning an act as could be imagined." There is no doubt in my mind that perjury and the closely related crime of obstruction of justice are high crimes and misdemeanors. Moreover, having concluded that the President committed these high crimes, the Constitution leaves me with no further discretion—it states that the President "shall be removed from office for impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

Some have argued that the Senate retains some discretion not to remove a President even if the evidence shows that he committed acts that constitute high crimes or misdemeanors. This simply misreads the Constitution. The Constitution is unequivocal that the President shall be removed upon conviction of a high crime. As Justice Story observed in his Commentaries on the Constitution, "the Senate, on the conviction, [is] bound, in all cases, to enter a judgment of removal from office." The Senate recognized this constitutional imperative in the trial of Judge Halsted Ritter in 1936, when it expressly rejected the need for a second vote on the question of removal, after the Senate had convicted him of high crimes. Conviction without removal would be a direct affront to the Constitution. It is no less an affront to refuse to convict despite facts that support conviction for a high crime because of an unwillingness to trigger the consequences demanded by the Constitution. Such an action subverts both the Constitution and the rule of law. It arrogates to Senators the authority to second guess the Constitution and conclude that although the President has committed crimes for which others should be removed, in this case the President should be permitted to remain in office. It is a brazen act of jury nullification.

The Constitution empowers the Senate to conclude that the facts do not support the crimes alleged in the articles of impeachment. Likewise, the Senate may conclude that the crimes alleged in the articles do not rise to the level of high crimes and misdemeanors. But nothing in the Constitution allows the Senate to refuse to convict if it finds that the facts support the articles, and the articles allege high crimes. There has been much talk in this case about the rule of law. A power to refuse to convict in the face of evidence of a high crime is the antithesis of the rule of law. It is the rule of whim. Such an action would go beyond repudiating the value of the Senate precedents that perjury is an impeachable offense, it would destroy the value of all Senate precedents. As Justice Story warned while riding circuit over 160 years ago, if jury nullification were permitted, "it would be almost impracticable to ascertain, what the law . . . actually is." *United States* v. *Battiste*, 24 F. Cas. 1042 (Cir. Ct. D. Mass. 1835).

Any discretion that exists in the constitutional framework to refuse to act in the face of impeachable offenses lies in the House of Representatives. The law has long recognized the legitimacy of prosecutorial discretion. But the law has also long criticized jury nullification. Unlike a normal jury, the Senate has the power to determine both law and facts. What it lacks is the raw power to refuse to convict in the face of law and facts that both support conviction.

I cannot leave this discussion of perjury and obstruction of justice as high crimes and misdemeanors without a comment on the consequences of failing to remedy perjury and obstruction of justice by the number-one law enforcement in the nation. Chief Justice Jay warned of the dangers of diluting the importance of oaths: "[I]f oaths should cease to be held sacred, our dearest and most valuable rights would become insecure." If the President of the United States—our nation's leader and the man surveys still identify as the most admired in America even after all this—can commit perjury and obstruct justice without any immediate consequence, it is difficult to see how oaths will continue to be held sacred. We can either abandon all perjury prosecutions or acknowledge that the President is above the law. Those are the choices: lawlessness or hypocrisy. Either option carries grave risks that oaths will "cease to be held sacred."

Removing the President, by contrast, will not only reinforce the importance of oaths; it will demonstrate the importance of personal responsibility and accountability. Rather than signaling that some in society are too talented or important for the normal rules to apply, removing the President will teach that actions have consequences, no matter who you are. We have an opportunity either to set a good example for our children or to enshrine the "Clinton defense" and the "Clinton exception" to the importance of telling the truth. We need to send a message that the grand words that grace the Supreme Court—equal justice under law—mean what they say.

CONCLUSION

After sifting through the evidence presented by both sides, all relevant legal precedents, and all the arguments by counsel, it is plain that the President committed perjury and obstructed justice. The prosecutors have done more than show that the President lied and tampered with witnesses. They have proven the elements of these crimes beyond a reasonable doubt. These federal crimes are not technical violations of an obscure law. They are crimes as old as the nation. They strike at the heart of the integrity of our government. Not surprisingly, Congress always has treated them as high crimes and misdemeanors that require the removal of a guilty party. In light of the President's criminal misconduct, I will vote to convict the President on both articles of impeachment.

This is the only conclusion consistent with my oath to do impartial justice. In large measure, this case is all about the importance of oaths. The President's failure to honor his oath has necessitated this entire proceeding. Although some might see a vote to acquit as expedient, I will not further damage the sacredness and vitality of oaths by disregarding my own.

I have not relished the responsibility of serving as a finder of fact and determiner of law in an impeachment trial. I am eager to return to a legislative agenda to provide Americans and Missourians with tax cuts, retirement security, educational opportunity and greater safety from drugs and crime. It is regrettable that the President's misconduct forced Congress to consider this matter. I hope the unprecedented time that Senators have spent together in this work will enable us to make strong progress on the people's business when we return to the Senate.

Finally, while I have not relished this duty, and sincerely wish the President would have spared the nation this ordeal, this responsibility is among the most important assigned to the Senate under our Constitution. It has been my goal to do my very best to do my duty as prescribed by the Constitution. While the Constitution calls upon the Senate to remove an unfit President, it does not charge the Senate with punishing the President. Indeed, the Constitution specifically limits the Senate's remedies and leaves the President "subject to . . . punishment, according to law" through the courts. The Constitution requires a clear choice: acquit the President and leave him in office, or convict him and remove him. The framers deemed it wise not to allow the Senate to leave a President in place, but wound him with punishments short of removal. Thus, once we discharge our impeachment responsibilities, the Senate should move energetically to its legislative agenda. To accomplish legislative goals for the nation, it will be necessary for Congress and the President to work together. If Senators wish to condemn the President's conduct, they should do so on their own, and should not tie up the Senate and divert energy from doing the people's work.

Mr. THURMOND. Mr. Chief Justice, the vote I cast on the articles of impeachment was one of the hardest votes that I have had to make in all my years in the United States Senate, not that I do not think I made the correct decision. While I am saddened that we had to make the judgment we made in this impeachment trial, each of us had a duty to undertake this task, and I do not shirk from duties.

The House Managers performed their duty admirably, making a comprehensive, coherent, and eloquent presentation. The White House attorneys presented a spirited defense. Similarly, due in part to the outstanding leadership of the Senate Majority Leader, I am confident that history will record that we in the Senate exercised our duty to conduct the trial appropriately and fairly. I believe the Founding Fathers would be pleased with the process and procedure.

The purpose of impeachment is not to punish a man. It is not a way to express displeasure or disagreement with a President or his policies. Impeachment is a mechanism designed to preserve, protect, and defend the Constitution, the Country, and Office of the Presidency. My primary concern, from the first day of this scandal, was the impact it would have on the Office of the Presidency.

This case is not about illicit conduct or even about not telling the truth about illicit conduct. Instead, the case is about two activities. The first is whether the President intentionally made false statements under oath to a Federal grand jury, to the Judiciary of the United States. The second is whether the President obstructed justice before a United States District Court and a Federal grand jury, again to the Judiciary of the United States.

A Senator's role in an impeachment trial is a mix of roles from our judicial system, including being part judge and part jury. At least in reviewing the evidence, we do act as jurors, and we should view evidence the way the courts expect jurors to view it. We use our common sense and our knowledge of human behavior based on our everyday experiences in life. In this case, the defense has attempted to take each act, separate it out, and artificially place it in isolation. I cannot view the evidence in this fashion. I cannot ignore common sense.

As to perjury, I have no doubt that the evidence presented to the Senate proves that the President did not tell the truth to the Federal grand jury. He made numerous false statements to make his illicit conduct seem more benign; to make his efforts at witness tampering with his secretary seem innocuous; and to make his testimony in the Paula Jones case appear truthful.

As to obstruction of justice, in my mind there can be no dispute but that the President intentionally interfered with the Judiciary. When the President spoke to Monica Lewinsky about her being a witness in the Paula Jones case, he did not discuss the contents of her affidavit because he did not have to. Based on their previous conversations and the pattern of their relationship, she knew exactly what he meant; he meant for her to file a false and misleading affidavit with the Federal court. When the President spoke to his secretary and suggested to her an explanation for his relationship with Monica Lewinsky that he knew was not true, he was engaged in classic witness tampering. There can be no other acceptable explanation. When the President failed to reveal to the Federal judge during his Paula Jones deposition that the Monica Lewinsky affidavit was false, he was obstructing the fact-finding process of the District Court. I can accept no other explanation.

The President has violated his sacred oath to faithfully execute the laws of the United States. Regardless of the bounds of private conduct and of the importance of allowing people to keep their private lives private, those bounds are broken when someone violates an oath to tell the truth in a court of law. Those bounds are also broken when someone interferes with a court of law in its efforts to find the facts and find the truth.

The President's conduct in this matter was an egregious affront to the judicial system. We have a Chief Executive who has intentionally decided not to take care that the laws be faithfully executed. Indeed, he intentionally interfered with the lawful duties of a co-equal branch of government. This should not be tolerated.

No one is above the law. I cannot accept the argument that a different legal standard applies to judges than to the President. The Congress has never accepted that argument before. There is no support for it in the words of the Constitution, which establishes one standard of impeachment for "the President, Vice President and all civil Officers of the United States." There is no support for it in the debates at the Constitutional Convention or in the Federalist Papers. Is it reasonable to conclude that our standards for removal from office for criminal conduct is less for the Chief Law Enforcement Officer than it is for civil officers who are appointed to apply the law?

Because the President is the Commander in Chief, I must think about our men and women in uniform. I do not suggest that the President should be strictly subject to the Uniform Code of Military Justice during his term in office. However, if we vote not guilty on the articles on these facts, what message do we send to our soldiers about duty, honor, and country? Given that the President is the Chief Law Enforcement Officer, if we vote not guilty, what message do we send American citizens about respect for the rule of law? For that matter, what message do we send our children and grandchildren for generations to come about the consequences of not telling the truth?

We have been told that we should not remove the President from office because doing so would "overturn the results of an election." The Senate does not have this power. Our power extends no further than removal of the President, and the law provides that his running mate, the Vice President, takes the oath of office. If the President is removed, the Administration does not change from one party to another. The Constitution wisely provides for continuity. The impeachment process only provides for the removal of the current occupant.

Indeed, we are not engaged in a Constitutional crisis. The Constitution provides the roadmap for what we are doing. We are simply following our Constitutional duty. We did not ask for this burden. It was thrust upon us by the misconduct of the current occupant of the Office of the Presidency.

Before today, perjury and obstruction of justice were clearly high crimes and misdemeanors under the Constitution, My vote is consistent with this. The President is not above the law. The Constitutional standard is no different for him than for anyone else. It is for these reasons that I voted guilty on both articles of impeachment.

Mr. CRAPO. Mr. Chief Justice, very soon we will all cast what is clearly among the most serious votes any members of Congress could ever be asked to make. I will vote to convict President William Jefferson Clinton on both of the two articles of impeachment before the U.S. Senate—perjury before a grand jury and obstruction of justice. To me, the evidence presented over the previous four weeks is not reasonably subject to any conclusion other than that the President did commit the crimes alleged against him.

From the very beginning of this matter, I have been circumspect about commenting on President Clinton's conduct. As a newly elected Senator, I was inundated with interview requests from national media. I chose not to appear on these programs and restricted my comments to a discussion of the process. I felt it was incumbent upon me as a member of the impeachment court to avoid commenting on the evidence until the trial has concluded.

At the outset, each Senator was administered a separate oath by the Chief Justice of the Supreme Court. This special oath was separate and distinct from the oath of office that each Senator takes when sworn into office. To my knowledge, this is the only other occasion in which our Founding Fathers required a separate and distinct oath of U.S. Senators to perform a constitutional responsibility.

Once again, the incredible wisdom of our Founding Fathers was evident. As each Senator took the oath to provide impartial justice, a realization fell over us that we had just embarked on a very solemn duty. No longer was the Senate a legislative body, it was a court of impeachment. A unique court, to be sure, not identical to traditional civil and criminal courts, but a court nonetheless.

This oath to render "impartial justice" was a promise to God under our Constitution. It also represented a duty to all Idahoans to represent them impartially. I committed that I would conduct myself in a fashion so that at any time I could affirm that I fully honored this commitment. I was present at all the Senate proceedings, and fully reviewed the evidence presented before the Senate. I was ready to vote either to acquit or to convict, depending on the evidence, argument, and law presented to the Senate.

In approaching this decision, several questions must be answered. Did the

President commit the crimes alleged? And if so, are these crimes "high crimes and misdemeanors" requiring the removal of the President from office under the impeachment provisions of the U.S. Constitution? After carefully weighing the evidence and the law presented to the Senate, I have concluded after many sleepless nights and troubling days that the evidence shows that President Clinton committed the crimes alleged in the Articles of Impeachment. These crimes involve perjury and obstruction of justice in federal criminal grand jury proceedings and in a federal civil rights action. Although the "beyond a reasonable doubt" standard of traditional criminal trials is not applicable in impeachment proceedings, I am convinced the evidence presented in this case meets even this high standard.

Notwithstanding the impression created by some of the media and talk shows, there seems to be general consensus that the President committed the acts alleged against him. The core debate is whether these acts rise to the level of high crimes and misdemeanors as required to impeach and remove the President from office under the Constitution.

Some argue that this entire matter is just an effort to impeach the President for "private" conduct and that impeachment is proper only for "public" conduct that violates the public trust. But it is important to clarify that these proceedings are not about sex or even lying about sex. Both the President's counsel and the House managers correctly made the point that private conduct by the President is a matter properly left between the President and his wife and family. The allegations in this case, however, relate to public acts that go to the heart of the rule of law in America—perjury and obstruction of justice in a civil rights case and before criminal grand jury proceedings. I am deeply concerned that we will do great damage to our system of law and the freedom it defends if we diminish the seriousness of these crimes and thereby suggest to future offenders that they can commit these crimes with little to fear.

It is telling that on three separate occasions the U.S. Senate has removed federal judges from office for perjury. Judges are tried under the same Constitutional provision requiring proof of treason, bribery or high crimes and misdemeanors as are presidents. Judge Claiborne was removed from office for lying on his income tax returns. Judge Hastings was removed for lying under oath in a trial. Judge Nixon was removed for making false statements to a grand jury. Clearly, under prior Senate precedent, perjury is a "high crime and misdemeanor."

In America, our freedom is assured by the rule of law. Our law seeks to provide equal and impartial justice to all. All Americans—the poor, the rich, the weak, the powerful—are entitled to the same protection under the law. And even, the most powerful among us must be subject to those laws. Tampering with the truth-seeking functions of the law undermines our justice system and the foundations on which our freedoms lie. All Americans must abide by the rule of law, including the President of the United States, who is the highest official in the land and who has the additional duty to ensure that the laws are faithfully executed.

The primacy of the rule of law over the rule of individuals is one of the most important safeguards of freedom in our Constitution. Our entire legal system is dependent on our ability to find the truth. That is why perjury and obstruction of justice are crimes. Federal sentencing guidelines place perjury, witness tampering, and obstruction of justice in the same realm of seriousness as bribery. Commission of these crimes is a direct effort to prevent our legal system from performing one of its core functions—finding the truth.

The offenses are even worse when committed against the poor or powerless by the wealthy or powerful. Our Constitution guarantees, fortunately, that the most ordinary person has the right to her day in court even if she is not well liked by the public or has become characterized in a bad light by her opponents. And even if the person from whom she seeks justice is the President.

In 1792, Chief Justice John Jay gave one of the best historical explanations of the reason crimes against the truth-seeking process in our system of justice are so dangerous to our freedom:

> Independent of the abominable Insult which Perjury offers to the divine Being, there is no Crime more Pernicious to Society. It discolors and poisons the Streams of Justice, and by substituting Falsehood for Truth, saps the Foundations of personal and public Right. . . . Testimony is given under those solemn obligations which an appeal to the God of Truth impose; and if oaths should cease to be held sacred, our dearest and most valuable Rights would become insecure.—Chief Justice John Jay, Charge to a Grand Jury of the Circuit Court of the District of Vermont, June 25, 1792.

Perjury and obstruction of justice are public crimes that strike at the heart of the rule of law—and therefore our freedom—in America. I conclude that these acts do constitute high crimes and misdemeanors under the impeachment provisions of the U.S. Constitution. Therefore, I will vote to convict President Clinton on both of the impeachment articles.

Fortunately, this trial is over and I now can direct my full attention to fulfilling the other oath I took when I was sworn in as a United States Senator. Many challenges and opportunities face Idahoans and all Americans. I will, as I always have, give all my energy to working on a bipartisan basis to solve problems, strengthen America and protect our future.

Mr. DORGAN. Thank you Senator LOTT, Senator DASCHLE, and Mr. Chief Justice for the skill and dignity you have given these proceedings.

I wish every American could see and hear the Senate in these deliberations.

There is a kind of majesty to see the Senate chamber filled with Senators listening to each other in debate and deliberation.

We are different people, coming from different regions with different philosophies, and that is what creates the unique character of this wonderful institution.

I want to tell you briefly today about Teddy Roosevelt.

Over a century ago, Teddy Roosevelt was consumed with grief following the death of his wife and mother who died on the same day. He decided to change his life and move out west. When he stepped off the train in the Badlands of North Dakota, he was wearing a cowboy suit hand-tailored from Brooks Brothers, rimless glasses, a Bowie knife with "Tiffanys" engraved on the handle, and Sterling silver spurs with his initials on each rowel.

The local cowboys thought he was a joke. One unlucky cowboy picked a fight with Teddy in a Badlands saloon in Medora. In minutes, the cowboy was punched senseless by this funny looking easterner.

And then Teddy Roosevelt was accepted. Being different, looking different didn't much matter to the folks in the Badlands after that.

Here in the Senate we're very different people too. No saloon fights here, though. We engage in verbal battles. And the Senate works because we accept each other, and we share a common purpose.

The discussion we are having today reminds me again of the unique skills and passion for our country possessed by each and every member of the Senate.

How do we apply these skills and that passion here and now?

Mark Twain once said, with tongue in cheek, that "the next best thing to a lie, is a true story no one will believe."

Well, this sorry chapter in our rich history embraces both. Lies, yes! And truth that is almost unbelievable.

We meet here as Senators to consider whether to remove from office a president elected by the American people. In the entire history of our country, the Senate has never voted to remove a president. In fact, it has been tried only once. The Framers of our Constitution made it very hard to do; and they made it, with a 2/3 vote required in the Senate, impossible to do on a "partisan" basis.

The matter that calls us to this duty is a sordid one.

It is truly a scandal and a drama without heroes and without winners.

It is about a president who should be, and I'm sure is, ashamed of his behavior. Is there anyone here in the Senate who had a sexual relationship with one of their interns? Of course not! The President did. He had a sexual relationship with an intern, and he lied about it, to the country, to all of us, to try to conceal it.

This President has betrayed our trust and I have expressed to him personally how profoundly disappointed I am with his actions.

This matter is also about an Independent Counsel who you and I know has leaked confidential information from secret proceedings of a grand jury, and whose actions in detaining Monica Lewinsky should be troubling to every Senator. And an Independent Counsel who came to Congress with such prosecutorial passion that his ethics advisor resigned in protest.

And it is about many others as well. Major figures and bit players, some who conspired in disgraceful ways, and others who were innocently swept into the maelstrom of a sensational scandal.

But, for all of the intrigue, the matter here is less complicated than some would have us believe.

Here is a short chronology.

Several years after the day she claims that then-Governor Bill Clinton made unwanted sexual advances toward her, Paula Jones appeared at a conservative political gathering to announce she was filing suit against the President.

Some while later, following the Supreme Court ruling that the case could go forward, the President was called to a deposition in the Jones case.

In that deposition, which the Judge later determined to be immaterial, and in a case that was later dismissed, Bill Clinton denied having a sexual relationship with Monica Lewinsky. That was a lie. Oh, I know about the convoluted definition of sex that was used, but I think he lied. But that's not a matter before us. The impeachment article about that deposition was defeated in the U.S. House.

Following the President's testimony in the Jones case, the Independent Counsel, appointed three years earlier to investigate a Whitewater land deal, and controversies called Travelgate and Filegate, swung into action to investigate this sex scandal. Linda Tripp was wired, Monica Lewinsky was detained by the Independent Counsel and the FBI, and they told her she shouldn't call her lawyer. A grand jury began hearing witnesses and after many months the President appeared before that grand jury to answer questions.

Then, one-and-a-half months before the 1998 general election, the U.S. House, with cooperation from the Independent Counsel, released to the American public all of their investigative material and the secret proceedings of the grand jury.

Following the election, the U.S. House Judiciary Committee began their impeachment hearings. The Independent Counsel, in a virtual footnote to his presentation before the House on the sex scandal, admitted he had not been able to implicate the President on Whitewater, Travelgate or Filegate—but he got him on the sex matter. And so the House managers and the Independent Counsel used the President's bad behavior to weave their charges of perjury and obstruction of justice.

And finally the U.S. House on a partisan vote sent to the Senate the two articles of impeachment.

That's the chronology as I see it.

And so we gather—conducting a trial of this sordid mess.

What are we to do? What is our duty? What is, as Lincoln said, "our last full measure of devotion" to this country.

I am deeply troubled by this President's behavior. But I am also troubled by the constitutional gravity of removing a President. Some, with a mere wave of the hand seem to say that "it's not such a big deal." But they are wrong. This decision affects the very roots of our democracy.

The selection of the head of government by the governed in a free election is rare. It is still the case in too many countries that power shifts through the barrel of a gun—through raw, naked power and violence.

In our country, the American people choose their President by the simple, elegant act of voting. It is through voting—not fighting—that power shifts. Our governments change without an army marching. With no shots being fired. What a remarkable thing to behold.

The Constitution does contain a very special provision allowing for the removal of a President "for bribery, treason, and other high crimes and misdemeanors." It does that because the Framers wanted to provide a method to remove a president who was acting in a manner that threatens the country.

But the Framers worried that a partisan majority could try to remove a President for political gain.

Hamilton, in the Federalist 65 said, "the greatest danger . . . that the decision will be regulated more by the comparative strength of the parties than by the real demonstration of innocence or guilt."

Mason said that the President should be removed for "great and dangerous offenses" that amount to "attempts to subvert the Constitution." Hamilton wrote that impeachable offenses result from a "violation of public trust" and "relate chiefly to injuries done to society itself."

It is also clear that the impeachment process was not meant to punish a transgressor. In fact, the Constitution provides that any such "crimes" would still be punishable in the criminal justice system.

In short, impeachment is a device to prevent grave danger to the Nation.

I believe that the Framers of the Constitution would be startled by this impeachment effort.

That this impeachment process was passionately partisan in its birth in the U.S. House is not in question. In fact, two of the House managers who brought these articles of impeachment to us called for the impeachment of President Clinton long before they had ever heard of Monica Lewinsky. Seventeen Republican Congressmen had called for impeachment hearings long ago. Theirs was a cause searching for a reason.

Nearly two years ago, before Linda Tripp, before Monica Lewinsky, before Betty Currie, before knowledge of sex with an intern, before a stained dress, before the deposition in the Jones case, before the testimony to the grand jury, two of the House Managers who argued for these impeachment articles had introduced an impeachment inquiry resolution. Representative BOB BARR and Representative LINDSEY GRAHAM said then that it was about "the rule of law." They were asking for the nullification of an election before they knew the existence of a Monica Lewinsky and before the action that led to the two articles of impeachment now before us.

Isn't there room to wonder then, that maybe this is exactly the partisan passion that persuaded our Framers to place the impeachment bar just above the vertical leap of those Members of Congress who would carry "fill in the blank" impeachment papers for every reason and every season.

Take the partisan flavor away. I don't think the case has been made that the President's behavior, while reprehensible, poses a grave danger to the Nation. Therefore I cannot vote to nullify the results of the last election. The people chose Bill Clinton and I do not believe the case made against the President meets the constitutional threshold for removing a president.

I respect those here who differ. I do not allege that your guilty vote is partisan. You have reached a different conclusion charge than I did, and I respect you for that.

But I cannot vote for these articles of impeachment. This is not a case of high crimes and misdemeanors. It's a case of bad behavior by a President who has shamed himself.

But let us not respond to his bad behavior by hurting our country.

Let us not aim at Bill Clinton and hit the Constitution.

I do not vote to support our President. I vote against these articles of impeachment to support our Constitution.

In the final analysis, however, the President should take no solace in this vote. I and others in the Senate have joined in a censure resolution that expresses a harsh judgement about the President's actions.

Now, it is time for the country to move on.

Mr. KERRY. Mr. Chief Justice, my colleagues, I want to thank the Chief Justice for his important stewardship of these proceedings. And I thank Senator LOTT and Senator DASCHLE for their patient leadership in helping to bridge the divide of partisan votes so that these are not partisan deliberations.

There is a special spirit in this Chamber. No matter all the easy criticisms directed our way, this is a great institution and in our own way we are witnessing—living out—the remarkable judgment of the Founding Fathers.

Let me turn to the question of removing President William Jefferson Clinton.

Many times the House managers have argued to us that if you find the facts as you argue them, you must vote to convict and thereby remove. But of course, that, like a number of things that they said, is really not true. You can, of course, find the facts and still acquit, because you don't want to remove on a constitutional basis or, frankly, on any other balance that a Senator decides to make in the interest of the Nation.

Now, I agree that perjury and obstruction of justice can be grounds for removal or grounds for impeachment. The question is, Are they in this case? I will not dissect the facts any further because I don't have the time but also because I believe there are issues of greater significance than the facts of this case.

Let's assume you take the facts as the House managers want you to. I would like to talk about some of the things in the arena outside of the mere recitation of facts—critical considerations in this matter.

I have listened to all of the arguments for removal, and I must say that even as I understand what many have said, there seems to be a gap between the words and the reality of what is happening in this country.

Some have said it sets a double standard for judges, despite the fact that the vast majority of scholars say there is a difference between impeachment of judges and the President, despite a difference clearly spelled out in the Constitution, and despite all of the distinguishing facts of each one of those cases involving judges.

Some have said we will have a negative impact on kids, on the military, and on the fabric of our country.

And while I agree that this is absolutely not about polls and popularity, some are making a judgment that clearly the country itself does not agree with. The country does not believe the fiber of our Nation is unraveling over the President's egregious behavior, because most people have a sense of proportion about this case that seems totally lacking in the House managers' presentation.

No parent or school in America is teaching kids that lying or abusing the justice system is now OK. In fact, the President's predicament, I argue, does not make it harder to do so. If anything, there may now be a greater appreciation for the trouble you can get into for certain behavior. More parents are teaching their children about lying, about humiliation, about family hurt, about public responsibility, than before we ever heard the name of Monica Lewinsky.

The clear answer to children who write letters about the President is that since being discovered he has been in a lot of trouble, may even be criminally liable, has suffered public humiliation, and all of history will not erase the fact of this impeachment, this trial, or the lessons of this case.

But the bottom line for us is our constitutional duty, our responsibility to balance based on common sense and sense of honor.

There is a simple question but a question of enormous consequence: Do we really want to remove a President of the United States because he tried to avoid discovery in a civil case of a private, consensual affair with a woman who was subsequently determined to be irrelevant to the case, which case itself was thrown out as wholly without merit under the law? That is the question.

Let me be clear about the President's behavior so no one misinterprets. I am as deeply disturbed by it as all of us are here in the Senate. But I am not sure we need additional moralizing about something that the whole Nation has already condemned and digested. The President lied to his countrymen, to family, friends, to all of us. And if one is not enormously concerned by gifts not surrendered, conversations which can't refresh recollection, jobs produced with uncommon referral and speed, certainly one must be unsettled by the mere lack of easy compliance with judicial inquiry by a President. That is of grave concern to all. It deserves our censure.

But let me say as directly as I can that no amount of inflated rhetoric, or ideological or moral hyperextension can lift the personal, venial aspects of the President's actions to the kind of threat to the fabric of the country contemplated by the Founding Fathers. I must say that I am truly somewhat surprised to see so many strict constructionists of the Constitution giving such new and free interpretation to the clear intent of the framers.

And I have, frankly, been stunned by the overreach, the moral righteousness, even the zealotry of arguments presented by the House managers.

No matter the words about not hating Bill Clinton, no matter the disclaimers about partisanship, I truly sensed at times not just a scorn but a snarling, trembling venom that told us the President is a criminal and that "we need to know who our President is."

Well, the President is certainly a sinner. We all are. And he may even have committed a crime. But just plain and simply measured against the test of history so eloquently articulated by the Senator from New York this morning and by the Senator from Delaware yesterday, just plain and simply, this is not in any measure on the order of a high crime and misdemeanor so clearly contemplated by the Founding Fathers.

Unlike President Nixon's impeachment case, no government power or agency was unleashed or abused for a goal directly affecting public policy. No election was interfered with. No FBI or IRS power was wrongfully employed. At worst, this President lied about his private, consensual affair and tried wrongfully, but on a human level—understandable to most Americans, at least as to the Paula Jones case—to cover it up. I think, in fact, that most Americans in this country understood there was in that inquiry a violation of a zone of privacy that is as precious to Americans as the Constitution itself.

The fact that the House dropped the Paula Jones deposition count underscores the underlying weakness on which all of this is based. So I ask my colleagues, are we really incapable of at least measuring the real human dimensions of what took place here and contrasting it properly with the constitutional standards we are presented by precedent and history?

We have heard some discussion of proportionality. It is an important principle within our justice system and in life itself. The consequences of a crime should not be out of proportion to the crime itself. As the dictionary tells us, it should correspond in size, degree or intensity.

I must say that no one yet who will vote to remove has fully addressed that proportionality issue.

If you want to find perjury because you believe Monica about where the President touched her, and you believe that adopting the definition given to him by a judge and by Paula Jones' own lawyers, and you can reach into the President's mind to determine his intent, then that is your right. But having done that, if you think a President of the United States should be removed, an election reversed, because of such a thin evidentiary thread, I think you give new meaning to the concept of proportionality. If you do that, you turn away from the central fact that the President opened his grand jury testimony by acknowledging "inappropriate, intimate contact" with Monica Lewinsky.

Enough said, you would think. But no, not enough for this independent prosecutor. While not one more question really needed to be asked, a torrent of questions followed. Every question thereafter calculated to either elicit an admission of a lie in a case found to be without merit, or to create a new lie which could bring us here.

With the President's acknowledgment of intimate contact, everyone in this Chamber understood what had happened. Everyone in America understood what had happened. For what reason did we need eighty percent of the questions asked about sexual relations? For the simple reason that the Presidential jugular instinct of the so-called independent counsel was primed by what all of us have come to know—he had colluded with Paula Jones' attorneys and Linda Tripp to set the Monica trap in the January deposition, and now he was going to set the perjury trap in the grand jury. Mr. BENNETT's own comments in the deposition underscore this:

> "I mean, this is not what a deposition is for, Your Honor. He can ask the President, What did he do? He can ask him specifically in certain instances what he did, and isn't that what this deposition is for? It is not to sort of lay a trap for him."

I wonder if there is no former district attorney, now Senator; no former attorney general, now Senator; no former U.S. attorney, now Senator; former officer of the court, now Senator, who is not deeply disturbed by a so-called independent counsel grilling a sitting President of the United States of America about his personal sex life, based on information from illegal phone recordings?

Is there no one finding a countervailing proportionality in this case when confronted by our own congressionally created Javert who is not just pursuing a crime but who is at the center of creating the crime which we are deliberating on now?

Think about it. When Mr. Starr was appointed, when we authorized an independent counsel, when the grand jury was convened, the crime on trial before us now had not even been committed, let alone contemplated.

I wonder also if there is no one even concerned about Linda Tripp—who now gives definition to the meaning of friendship—working with Paula Jones' attorneys even as she was in the guidance and control of Mr. Starr as a Federal witness. Some of you may want to turn away from these facts. Secondly, the House managers never even acknowledged them in their presentations. I raise them, my colleagues, not for ideological or political purposes, but fundamental fairness demands that we balance all of the forces at play in this case.

Now, much has also been made in this trial of the rights of Paula Jones and her civil rights case—that we must protect Paula Jones' rights against the President of the United States.

My fellow colleagues—please let us have the decency to call this case what it was. This was no ordinary civil rights case. It was an assault on the Presidency and on the President personally, and the average American's understanding of that is one of the principal reasons our fellow citizens figured this case out long ago.

But there is more to it than that:

Mr. Starr became involved in the Paula Jones suit before he became independent counsel.

He had contacts with Paula Jones' attorneys before his jurisdiction was expanded.

He wired Linda Tripp before his jurisdiction was expanded.

Many sources documented that without any expansion of jurisdiction, in 1997, he had FBI agents interrogating Arkansas State troopers, asking about Governor Clinton's private life—especially inquiring into Paula Jones.

After Paula Jones filed her suit in 1994, announcing it at a conservative political convention, and with new counsel affiliated with the Rutherford Institute, her spokesperson said, "I will never deny that when I first heard about this case, I said, "OK, good. We're gonna get that little slime ball."

She later said: "Unless Clinton wants to be terribly embarrassed, he'd better cough up what Paula needs. Anybody that comes out and testifies against Paula better have the past of a Mother Teresa, because our investigators will investigate their morality."

Even Steve Jones, Paula Jones' husband, was part of an operation to poison the President's public reputation by divulging the secrets of his personal life—threatening even to employ subpoena power to depose, under oath, every State trooper in Arkansas who may have worked for the Governor. Steve Jones pledged that: "We're going to get names; we're going to get dates; we're going to do the job that the press wouldn't do. We're going to go after Clinton's medical records, the raw documents, not just opinions from doctors. . .we're going to find out everything."

Into all of this came Ken Starr, and the police power of our Nation.

This was not a civil rights suit in the context most of us would recognize. Indeed, there existed an extended and secret Jones legal team of outside lawyers—including George Conway and Jerome Marcus, experts on sexual harassment and Presidential immunity, who ghostwrote almost every substantive argument leveled by Paula Jones' lawyers; Ken Starr's friend Theodore Olson, and Robert Bork, the former Supreme Court nominee, who together advised the Jones team; Richard Porter, a law partner of Ken Starr and former Bush-Quayle opposition research guru, who also wrote briefs for the Jones team; and the conservative pundit and longtime Clinton opponent Ann Coulter, who worked on Paula Jones' response to President Clinton's motion for a dismissal. The connections between this crack—and covert—legal team, and Ken Starr's staff and his witnesses—including Paul Rosenzweig, Jackie Bennett, and Linda Tripp—as well as familiar figures including Lucianne Goldberg, add up to something far more than a twisted and disturbing game of six degrees of separation.

I do not suggest that this was the right wing conspiracy bandied about on the talk shows. But I ask you—are we not able to acknowledge that this was a legal and political war of personal destruction—not just a civil rights case?

And we cannot simply dismiss the fact that all of this turmoil—these entire proceedings—arise out of this deeply conflicted, highly partisan, ideologically driven, political civil rights case with incredible tentacles into and out of the office of the independent counsel.

Moreover, I remind my colleagues, Mr. Starr is supposed to be independent counsel—not independent prosecutor. He was and is supposed to represent all of the Congress and nowhere do I remember voting for him to make a referral of impeachment—a report of facts, yes—a referral of impeachment, no.

Now there is a rejoinder to all of this. Nothing wipes away what the President did or failed to do.

So, some of you may say, So what? The President lied. The President obstructed justice. No one made him behave as he did. And yes, you're right. The President behaved without common sense, without courage, and without honor, but we are required to measure the totality of this case. We must measure how political this may have been; whether process was absurd; whether the totality of what the President did meets the constitutional threshold set by the Founding Fathers.

We must decide whether the removal of the President is proportional to the offense and we must remember that proportionality, fairness, rule of law—they must be applied not just to convict, but also to defend—to balance the equities.

I was here during Iran-contra and I remember the extraordinary care Senator Rudman, Senator INOUYE, and Senator SARBANES exerted to avoid partisanship and maintain proportionality. I wish I did not conclude that their example frankly is in stark contrast to the experience we are now living.

The House managers often spoke to us of principle and duty. And equally frequently we were challenged to stand up for the rule of law.

Well, we all believe in rule of law. But we also believe in the law being applied fairly, evenly—that the rule of law is not something to cite when it serves your purposes, only to be shunted aside when it encumbers.

But where was the managers' duty to their colleagues in the House—in the committee—on the floor; where was the same self-conscious sense of pain for what they were going through, when they denied a bipartisan process for impeachment; where was their commitment to rule of law in denying the President's attorneys access to the exculpatory evidence which due process affords any citizen?

Rule of law is a process in a democratic institution, and there is a duty to honor process.

I believe the Senate has distinguished itself in that effort and I want to express my deep respect for the strongly held views of all my colleagues. Reasonable people can differ and we do, but we can still come together in an affirmation of the strength of our Constitution.

Chairman HYDE says "let it be done"—I hope it will be. Right requires we be proportional as to all aspects of this case. I hope that what we do here will apply the law in a way that gives confidence to all our citizens, that everyone can look at the final result of our deliberations and say justice was done. And we have called an end to the process by which we savage each other, and are beginning to heal our country.

Mr. DEWINE. Mr. Chief Justice, my friends in the Senate, each of the articles before us contains numerous examples of conduct, any of which as alleged would constitute grounds for the President's removal from office. I have determined that most of these allegations have not been proven by clear and convincing evidence.

Let me now turn to the three, at least for me, remaining allegations. First is the allegation that the President obstructed justice. When? After his Paula Jones deposition, he had his two, by now very famous, conversations with Betty Currie. The facts are familiar, but they are telling. On January 17, 1998, the President gave his deposition in the Paula Jones case. The Jones lawyers zeroed in on the relationship between Monica Lewinsky and the President. It was clear that the Jones lawyers had specific knowledge of the details of this relationship. In the President's answers, he referred repeatedly to Betty Currie. Further, counsel for Ms. Jones questioned the President in detail about Betty Currie, about her job, her hours at work, et cetera.

I submit that any first year law school student who attended that deposition would know that Paula Jones was a prospective witness or would know that Betty Currie was a prospective witness. In fact, 5 days after the deposition Betty Currie was subpoenaed by the Jones lawyers. When the President returned to the White House after the deposition, he knew Betty Currie was a prospective witness.

Sure enough, within 3 hours of the conclusion of the deposition, the President called Betty Currie at home on a Saturday night and asked her to come to the White House the next afternoon, Sunday. During the course of that Sunday afternoon meeting, the President informed Betty Currie that Monica's name came up during the deposition. According to Betty Currie's testimony, the President said to her—and we are all, of course, familiar with this—"You were always there when Monica was there, right?" "We were never really alone, right?" "Monica came on to me and I never touched her, right?" "You could see and hear everything, right?" "She wanted to have sex with me and I couldn't do that."

We are all familiar with that, but I think most significantly, and to me the most telling thing, is that 2 or 3 days later the President again spoke to Betty Currie and again made the same statements and used the same demeanor.

The President does not dispute that he made these statements to Betty Currie. He explained he was just trying to refresh his memory about what the facts were. The President's explanation is simply not credible. It defies logic. Why would the President make five declarative statements to Betty Currie to "refresh his memory" when he knew that Betty Currie could not possibly know whether most of these statements were true? In fact, we know and the President knew that the statements were false.

Betty Currie was a key potential witness who could contradict the President's sworn testimony in the Paula Jones deposition. She was also the President's subordinate. On two separate occasions the President made blatantly false statements to her to try to corrupt the due process of justice and with the intent to corruptly persuade her with the intention to influence her testimony. This charge of obstruction of justice, I believe, has been proven by clear and convincing evidence, and I might add it has been proven beyond a reasonable doubt.

Let me now turn to the second allegation, the allegation that the President committed perjury on August 17, 1998, when he testified about these two post-deposition meetings with Betty Currie. I know there may be some who are still struggling with the perjury charge. I simply say this: If you believe, as I do, that the obstruction of justice charge is made based on the statements made to Betty Currie, then any fair reading of the grand jury testimony will indicate to you that you also have to find he committed perjury.

Here is what he said:

> What I was trying to determine is whether my recollection was right and she [Betty Currie] was always in the office complex when Monica was there and whether they thought she could hear any conversation we had, or did she hear any. I thought what would happen is it would break in the press, and I was trying to get the facts down. I was trying to understand what the facts were.

He also says, the President:

> I was not trying to get Betty Currie to say something that was untruthful. I was trying to get as much information as quickly as I could.

I submit if the President is guilty of obstruction of justice in his statements to Betty Currie, then clearly, clearly, he also must be guilty of perjury in his account of these events to the grand jury. The two findings are inextricably connected. One cannot reach the first conclusion without reaching the second. I believe it has been proven by clear and convincing evidence that the President committed perjury. And I might also add, I believe it has been proven beyond a reasonable doubt. The evidence clearly shows that the President obstructed justice and then lied under oath about this obstruction in his grand jury testimony.

Now, on the third charge, I believe the evidence shows that the President further perjured himself in the grand jury to avoid a perjury charge in his prior deposition. This perjury had to do with the nature and details of his relationship with Monica Lewinsky.

I know that many people have come to the well and have expressed concern about how we got here, what brings us here today. I share some of those concerns. Congresses, beginning with this one, will have to deal with the aftermath of this sorry affair: court cases that have weakened the Presidency, a discredited independent counsel law.

You will forgive me if I point out that I was one of the 80-some Members of the House who voted against the independent counsel law when it came up—please forgive me for that aside. I voted against it because I share some of the same concerns we have heard expressed here today and yesterday. We also will have to deal with the Secret Service that is now vulnerable to subpoenas and Presidents who are vulnerable to civil rights suits while in office.

These are important issues, but I submit they are issues not for today but rather for another day. None of us wanted to be here, but we are where we are, the facts are what they are, and we know what we know. What we know is that the President obstructed justice and committed perjury. What must we do with this President who has obstructed justice and then committed perjury?

Obstruction of justice and perjury strike at the very heart of our system of justice. By obstructing justice and committing perjury, the President has directly, illegally, and corruptly attacked a coequal branch of Government, the judiciary. It has been proven by clear and convincing evidence that the President of the United States has committed serious crimes.

But while I have found specific violations of law, it is not insignificant, in my final decision, that these specific criminal acts were committed within a larger context, a larger context of a documented pattern of indefensible behavior—behavior that shows a reckless disregard for the law and for the rights of others.

I have concluded that the President is guilty of behaving in a manner grossly incompatible with the proper function and purpose of his office. In 1974, the House Judiciary Committee used those precise words to define an impeachable offense.

I have also concluded that the President is guilty of the abuse or violation of a public trust. Alexander Hamilton, in Federalist No. 65, used those precise words to define an impeachable offense. What the President did is a serious offense against our system of government. It undermines the integrity of his office and it undermines the rule of law.

Here is what Thomas Paine said about the rule of law:

> Let a crown be placed on the law by which the world may know that, so far as we approve of monarchy, in America the law is king.

The law is indeed king in America. There isn't one law for the powerful and one for the meek. That is what we mean when we say we are a "nation of laws." We elect a President to enforce these laws. In fact, the Constitution commands that the President "take care that the laws be faithfully executed."

How can we allow a man who has obstructed justice and committed perjury to remain as the chief law enforcement officer of our country? How can we call ourselves a nation of laws and leave a man in office who has flouted those laws? We define ourselves as a people not just by what we hold up, not just by what we revere, but we also define ourselves by what we tolerate. I submit that this is something we simply, as a people, cannot tolerate.

Mr. Chief Justice, I will vote to convict the President on both counts and to remove him from office.

I ask unanimous consent that my full statement be included in the RECORD immediately following these remarks.

The CHIEF JUSTICE. Without objection, it is so ordered.

SUPPLEMENTAL STATEMENT OF SENATOR DEWINE

Mr. Chief Justice, members of the Senate: The President has been impeached on two separate articles by the House of Representatives.

Article I charges that the President willfully provided perjurious, false and misleading testimony to the grand jury.

Article II charges that the President obstructed justice (1).

Each article contains numerous examples of conduct, any of which, it is alleged, would constitute grounds for the President's removal from office.

I have examined each of these separate grounds or allegations.

I have determined that most of these allegations have not been proven by clear and convincing evidence (2).

I now turn to the three allegations that I believe have the most merit.

I. I examine first the allegation that the President obstructed justice when on January 18 and January 20 or 21, 1998, he related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in the proceeding—Betty Currie—in order to corruptly influence her testimony.

These are the essential facts: On January 17, 1998, the President gave his deposition in the Paula Jones case. Jones' lawyers zeroed in on the relationship between Monica Lewinsky and the President. It was clear that the Jones lawyers had specific knowledge of the details of this relationship. In the President's answers, he referred—repeatedly—to Betty Currie. For example, when asked whether he walked with Ms. Lewinsky down the hallway from the Oval Office to his private kitchen in the White House, the President said Ms. Lewinsky was not there alone or that Betty was there (3); when asked about the last time he spoke with Monica Lewinsky, he falsely testified that he only recalled that she was only there to see Betty (4); when asked whether he prompted Vernon Jordan to speak to Monica Lewinsky, he stated that he thought Betty asked Vernon Jordan to meet with Monica (5); and he said that Monica asked Betty to ask someone to talk to Ambassador Richardson about a job at the United Nations (6). Further, counsel for Ms. Jones questioned the President in detail about Betty Currie, her job, and her hours of work (7).

Anyone reading the transcript would have to expect that Jones was the President's subordinate. On two separate occasions, the President made blatantly false statements to her to try to corruptly influence the due administration of justice and to attempt to corruptly persuade her with the intent to influence her testimony (8).

This charge of obstruction of justice has been proven by clear and convincing evidence. (Let me state, for the record, it has also been proven beyond a reasonable doubt.)

II. Let me now turn to the second allegation—that the President committed perjury on August 17, 1998, when he testified about these two post-deposition meetings with Betty Currie.

Here is what the President said to the Grand Jury about these meetings. He first testified that "what I was trying to determine was whether my recollection was right and that she [Betty Currie] was always in the office complex when Monica was there, and whether she thought she could hear any conversations we had, or did she hear any . . . I thought what would happen is that it would break in the press, and I was trying to get the facts down. I was trying to understand what the facts were" (9).

The President also testified that "I was not trying to get Betty Currie to say something that was untruthful. I was trying to get as much information as quickly as I could" (10).

When asked again about these statements, the President said: "I was trying to refresh my memory about what the facts were . . . And I believe that this was part of a series of questions I asked her to try to quickly refresh my memory. So, I wasn't trying to get her to say something that wasn't so" (11).

He was asked this specific question; "If I understand your current line of testimony, you are saying that your only interest in speaking with Ms. Currie in the days after you deposition was to refresh your own recollection?" The President responded: "Yes" (12).

If the President is guilty of obstruction of justice in his statements to Betty Currie, then clearly, he must also be guilty of perjury in his account of these events to the grand jury. The two findings are inextricably connected—one cannot reach the first conclusion without also reaching the second.

It has been proven by clear and convincing evidence that the President committed perjury (13). (Let me state for the record that it has also been proven beyond a reasonable doubt.)

III. The last allegation I would like to discuss is the charge that the President committed perjury on August 17, 1998 before a Federal Grand Jury when he testified concerning the nature and the details of his relationship with Monica Lewinsky. Specifically, it is alleged that the President committed perjury when he denied kissing or touching certain body parts of Ms. Lewinsky. The President's denials were quite specific on this point (14).

Monica Lewinsky's testimony is just as unequivocal. She describes, in graphic detail, ten separate encounters where such intimate activities occurred (15). Ms. Lewinsky's story is corroborated by numerous consistent contemporaneous statements she made to her friends and counselors. Her testimony is further corroborated by phone logs and White House exit and entry logs.

Counsel for the President have failed to show any motive for Monica Lewinsky to lie about these details.

Conversely, the President clearly had a motive to lie. He could not, in his Grand Jury testimony, admit such sexual activity without directly contradicting his deposition testimony in the Paula Jones case. Such a contradiction would have subjected him to a perjury charge in that case. To avoid a perjury charge concerning the Jones deposition, the President had to carefully craft an explanation so it was clear he did not touch Monica Lewinsky. He had to do this to avoid falling within the definition of "sexual relations" that had been given him in the Jones deposition.

The President's story defies common sense and human experience. This is particularly true if you consider the number of times the President and Monica Lewinsky were alone and, in the President's words, engaged in "inappropriate behavior." It is also probative that the President's DNA was found on Monica Lewinsky's dress.

The charge of perjury has been proven by clear and convincing evidence. (Let me state, for the record, that it has also been proven beyond a reasonable doubt.)

That concludes my findings of fact. The evidence clearly shows that the President obstructed justice and then lied under oath about this obstruction in his grand jury testimony. He further perjured himself in the grand jury to avoid a perjury charge in his prior deposition.

I wish this were not true. When I began my examination of this case, I assumed that I would vote not guilty. I assumed that the evidence simply would not be sufficient to convict.

Unfortunately, the facts are otherwise.

Many people, including myself, are deeply concerned about how we got here. Congresses—beginning with this one—will have to deal with the aftermath of this sorry affair: Court cases that have weakened the Presidency; a discredited independent counsel law; a Secret Service vulnerable to subpoenas; and Presidents who are subjects to civil suits while in office.

These are important issues. But they are issues for another day.

None of us wanted to be here. But we are where we are. The facts of the President's misconduct are what they are. We know what we know. And although each of us may find some of the acts more offensive than others, all of them are disturbing, all are very serious, and all lead to the same conclusion: The President obstructed justice and committed perjury.

What must we do with this President who has obstructed justice, and then committed perjury about that obstruction?

Obstruction of justice and perjury strike at the very heart of our system of justice. By obstructing justice and committing perjury, the President has directly, illegally, and corruptly attacked a co-equal branch of government, the judiciary.

The requirement to obey the law applies to us all, in all cases. To say a President can obstruct justice is to put the President above the law, and above the Constitution.

Perjury is also a very serious crime. The Constitution gives every defendant a choice: Testify truthfully, or remain silent. No one can be forced to testify in a manner that involves self-incrimination. But a decision to place one's hand on the Bible and invoke God's witness—and then lie—threatens the judiciary. The judiciary is designed to be a mechanism for finding the truth—so that justice can be done. Perjury perverts the judiciary, turning it into a mechanism that accepts lies—so that *in*justice may prevail.

It has been proven by clear and convincing evidence that the President of the United States has committed serious crimes. But although I have found specific violations of law, it is not insignificant in my final decision that these specific criminal acts were committed within a larger context of a documented pattern of indefensible behavior—behavior that shows a reckless disregard for the law and for the rights of others.

I have concluded that the President is guilty of "Behaving in a Manner Grossly Incompatible with the Proper Function and Purpose of (his) Office." In 1974, the House Judiciary Committee used those precise words to define an impeachable offense (16).

I have also concluded that the President is guilty of "the abuse or violation of (a) public trust." Alexander Hamilton, in the *Federalist* No. 65, used those precise words to define an impeachable offense.

What the President did is a serious offense against the system of government. It undermines the integrity of his office. And it undermines the rule of law.

Here's what Thomas Paine said about the rule of law: "Let a crown be placed (on the law), by which the world may know, that so far as we approve of monarchy, that in America the law is king" (17).

The law is indeed king in America. There isn't one law for the powerful and one for the meek. That's what we mean when we say we are a nation of laws. We elect a President to enforce these laws. The Constitution commands that he "take care that the laws be faithfully executed."

How can we allow a man who has obstructed justice and committed perjury to remain as the chief law enforcement officer of our country?

How can we call ourselves a nation of laws, and tolerate a man in office who has flouted those laws?

We define ourselves as a people not just by what we revere, but by what we tolerate. This, in my view, is simply not tolerable. I will vote to convict the President on both counts, and to remove him from office.

I wish to acknowledge the assistance of many talented individuals who have helped me address these difficult questions of fact, law, and policy. I have been given able counsel by Karla Carpenter, Helen Rhee, Louis DuPart, Robert Hoffman, Laurel Pressler, and Michael Potemra on my Senate staff; my good friends William F. Schenck, Curt Hartman, Nicholas Wise, and Charles Wise; and my son and valued adviser Patrick DeWine. All deserve my sincere thanks; of course, the responsibility for the conclusions remains mine alone.

NOTES

1. Specifically, the article charges that "the President has prevented, obstructed, and impeded the administration of justice and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover-up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding."

2. Each Senator must determine the standard of proof to be applied in judging an impeachment case. In weighing the facts of this impeachment, I have used the standard of proof of "clear and convincing evidence". The Modern Federal Jury Instruction describes clear and convincing evidence as "proof (that) leaves no substantial doubt in your kind . . . that establishes in your mind, not only the proposition at issue is probable, but also that it is highly probable. It is enough if the party with the burden of proof establishes his claim beyond any 'substantial doubt he does not have to dispel every 'reasonable doubt'." Modern Federal Jury Instructions, section 73.01 (1998). I have rejected the standard of proof "beyond a reasonable doubt," which applies to criminal cases. This standard is not applicable to a case in which the defendant is threatened not with loss of liberty but with loss of office. I have also rejected the standard of "preponderance of the evidence." This standard, which would provide for conviction if the scales of evidence were tipped ever so slightly against the President, would not treat removal from office with the seriousness and gravity it deserves.

3. Question: Do you recall ever walking with Jane Doe 6 Lewinsky down the hallway from the Oval Office to your private kitchen there in the White House?

Answer: . . . Now, to go back to your question, my recollection is that, that at some point during the government shutdown, when Ms. Lewinsky was still an intern but was working the chief of staff's office because all the employees had to go home, that she was back there with a pizza that she brought to me and to others. I do not believe she was there alone, however. I don't think she was. And my recollection is that on a couple of occasions after that she was there but my secretary Berry Currie was there with her. She and Betty are friends. That's my, that's my recollection. And I have no other recollection of that.

4. Question: When was the last time you spoke with Monica Lewinsky?

Answer: I'm trying to remember. Probably sometime before Christmas. She came by to see Betty sometime before Christmas. And she was there talking to her, and I stuck my head out, said hello to her.

Question: Stuck your head out of the Oval Office?

Answer: Uh-huh, Betty said she was coming by and talked to her, and I said hello to her.

Question: I believe I was starting to ask you a question a moment ago and we got sidetracked. Have you ever talked to Monica Lewinsky about the possibility that she might be asked to testify in this lawsuit?

Answer. I'm not sure, and let me tell you why I'm not sure. It seems to me the, the—I want to be as accurate as I can here. Seems to me the last time she was there to see Betty before Christmas we were joking about how you-all, with the help of the Rutherford Institute, were going to call every woman I'd ever talked to, and I said, you know——

Mr. Bennett: We can't hear you, Mr. President.

Answer: and I said that you-all might call every woman I ever talked to and ask them that, and so I said you would qualify, or something like that . . .

Question: Was anyone else present when you said something like that?

Answer: Betty, Betty was present, for sure. Somebody else might have been there, too, but I said that to a lot of people. I mean that was just something I said.

5. Question: You know a man named Vernon Jordan?

Answer: I know him well.

Question: You've known him for a long time.

Answer: A long time.

Question: Has it ever been reported to you that he met with Monica Lewinsky and talked about this case?

Answer: I knew that he met with her. I think Betty suggested that he meet with her. Anyway, he met with her. I, I thought that he talked to her about something else. I didn't know that—I thought he had given her some advice about her move to New York. Seems like that's what Betty said.

Question: So Betty, Betty Currie suggested that Vernon Jordan meet with Monica Lewinsky?

Answer: I don't know that.

Question: I thought you just said that. I'm sorry.

Answer: No, I think, I think, I think Betty told me that Vernon talked to her, but I, but my impression was that Vernon was talking to her about her moving to New York. I think that's what Betty said to me.

Question: Did you do anything, sir, to prompt this conversation to take place between Vernon Jordan and Monica Lewinsky?

Answer: I can tell you what my memory is. My memory is that Vernon said something to me about her coming in, Betty had called and asked if he would see her and he said he would, he said he would, and then she called him and then he said something to me about it . . .

Question: My question, though, is focused on the time before the conversation occurred, and the question is whether you did anything to cause the conversation to occur.

Answer: I think in the mean—I'm not sure how you mean the question. I think the way you mean the question, the answer to that is no, I've already testified. What my memory of this is, if you're asking did I set the meeting up, I do not believe that I did. I believe that Betty did that, and she may have mentioned, asked me if I thought it was all right if she did it, and if she did ask me I would have said yes, and so if that happened, then I did something to cause the conversation to occur. If that's what you mean, yes. I didn't think there was anything wrong with it. It seemed like a natural thing to do to me, But I don't believe that I actually was the precipitating force. I think that she and Betty were close, and I think Betty did it. That's my memory of it.

6. Question: Have you ever asked anyone to talk to Bill Richardson about Monica Lewinsky?

Answer: I believe that, I believe that Monica, what I know about that is I believe Monica asked Betty Currie to ask someone to talk to him, and she, and she talked to him and went to an interview with him. That's what I believe happened.

Question: And the source of that information is who?

Answer: Betty. I think that's what Betty—I think Betty did that. I think Monica talked to Betty about moving to New York, and I, my recollection is that that was the chain of events.

Question: Did you say or do anything whatsoever to create a possibility of Monica Lewinsky getting a job at the U.N.?

Answer: To my knowledge, no, although I must say I wouldn't have thought there was anything wrong with it. You know, she was a—she had worked in the White House, she had worked in the Defense Department, and she was moving to New York. She was a friend of Betty. I certainly wouldn't have been opposed to it, based on anything I knew, anyway.

7. Question: How long has Betty Currie been your secretary?

Answer: Since I've been president.

Question: How is her work schedule arranged? Does she have a certain shift that she works, or do you ask her to work certain hours the following day? Please explain how her schedule is determined.

Answer: She works, she comes to work early in the morning and normally stays there until I leave at night. She works very long hours, and then when I come in on the weekend, or on Saturday, if I work on Saturday, she's there, and normally if I'm, if I'm working on Sunday and I'm having a schedule of meetings, either she or Nancy Hernreich will be there. One of them is always there on the weekend. Sometimes if I come over just with paperwork and work for a couple of hours, she's not there, but otherwise she's always there when I'm there.

Question: Have you ever met with Monica Lewinsky in the White House between the hours of midnight and six a.m.?

Answer: I certainly don't think so.

Question: Have you ever met—

Answer: Now, let me just say, when she was working here, during, there may have been a time when we were all—we were up working late. There are lots of, on any given night, when the Congress is in session, there are always several people around until later in the night, but I don't have any memory of that. I just can't say that there could have been a time when that occurred, I just—but I don't remember it.

Question: Certainly if it happened, nothing remarkable would have occurred?

Answer: No, nothing remarkable. I don't remember it.

Question: It would be extraordinary, wouldn't it, for Betty Currie to be in the White House between midnight and six a.m., wouldn't it?

Answer: I don't know what the facts were. I meant I don't know. She's an extraordinary woman.

Question: Does that happen all the time, sir, or rarely?

Answer: Well, I don't know, because normally I'm not there between midnight and six, so I wouldn't know how many times she's there. Those are questions you'd have to ask her. I just can't say.

8. There are two statutes regarding obstruction of justice that are relevant to the facts of this case: 18 U.S.C. 1503 which provides "Whoever corruptly . . . influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice . . ." shall be guilty of the crime of obstruction of justice and 18 U.S.C. 1512 which provides "Whoever knowingly . . . corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—(1) influence, delay or prevent the testimony of any person in an official proceeding . . ." shall be guilty of the crime of witness tampering.

9. President's Grand Jury testimony, August 17, 1998, pp. 55–56.

10. Ibid., p. 56.

11. Ibid., pp. 131–2.

12. There are two federal perjury statutes relevant to the facts of this case: 18 U.S.C. 1621 which provides that "Whoever—having taken an oath before a competent tribunal, . . . or person, in any case, in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, . . . willfully and contrary to such oath states or subscribes any *material* matter which he does not believe to be true . . ." shall be guilty of an offense against the United States; and 18 U.S.C. 1623 which provides that "Whoever under oath . . . in any proceeding before . . . any . . . court or grand jury of the United States knowingly makes any false *material* declaration . . ." shall be guilty of an offense against the United States. A statement is material "if it has a natural tendency to influence, or is capable of influencing, the decision of the decisionmaking body to whom it is addressed." A statement is no less material because it did not or could not confuse or distract the decision maker. In this case, the President made false statements to a grand jury investigating "whether Monica Lewinsky or others suborned perjury, obstructed justice, intimidated witnesses or otherwise violated federal law other than a Class B or C misdemeanor or infraction in dealing with witnesses, potential witnesses, attorneys, or others concerning the civil case *Jones v. Clinton*." [January 16, 1998 Order of the Special Division of the United States Court of Appeals for the District of Columbia Circuit to expand the jurisdiction of independent counsel Kenneth W. Starr.] The President's false statements strike at the very heart of what the grand jury was investigating—perjury and obstruction of justice—and are material.

13. Grant Jury Testimony, President Clinton, 8/17/98, pp. 593–94.

14. Question: So, touching, in your view then and now—the person being deposed touching or kissing the breast of another person would fall within the definition?

Answer: That's correct sir.

Question: And you testified that you didn't have sexual relations with Monica Lewinsky in the Jones deposition, under that definition, correct?

Answer: That's correct, sir.

Question: If the person being deposed touched the genitalia of another person, would that be and with the intent to arouse the sexual desire, arouse or gratify, as defined in definition (1), would that be, under your understanding then and now——

Answer: Yes, sir.

Question: —Sexual relations?

Answer: Yes, sir.

Question: Yes, it would?

Answer: Yes, it would. If you had direct contact with any of these places in the body, if you had direct contact with intent to arouse or gratify, that would fall within the definition.

Question: So, you didn't do any of those three things——

Answer: You——

Question: —With Monica Lewinsky?

Answer: You are free to infer that my testimony is that I did not have sexual relations, as I understood this term to be defined.

Question: Including touching her breast, kissing her breast, or touching her genitalia?

Answer: That's correct.

Grant Jury Testimony, President Clinton, 8/17/98, p. 94–95.

15. These incidents occurred on November 15th, 1995 (Deposition Testimony, Monica Lewinsky, 8/26/98, p. 6, lines 22–25; p. 7, 11.1–21); November 17th, 1995 (Ibid., p. 10, 11.20–25; p. 11, 11.1–25); December 31st, 1995 (Ibid., p. 16, 11.2–10); January 7th, 1996 (Ibid., p. 18, 11.15–19); January 21st, 1996 (Ibid., p. 24, 11.11–23); February 4th, 1996 (Ibid., p. 28, 11.23–25; p. 29, 11.1–20); March 31st, 1996 (Ibid., p. 36, 11.2–24); April 7th, 1996 (Ibid., p. 39, 11.19–25; p. 40, 11.1–6); February 28th, 1997 (Ibid., p. 45, 11.23–25; p. 46, 11.1–15); and March 29th, 1997 (Ibid., p. 49, 11.5–14).

16. See House Comm. on the Judiciary, 93rd Cong., Constitutional Grounds for Presidential Impeachment 18 (Comm. Print 1974).

17. Quoted in Maxwell Taylor Kennedy, ed., *Make Gentle the Life of This World: The Vision of Robert F. Kennedy*. p. 106.

Ms. LINCOLN. Mr. Chief Justice, I thank you for your thoughtfulness and patience in these proceedings. I apologize that my back is to you.

I would also like to thank the majority leader and the minority leader. I have been awed by their patience—just as Job had the patience—to deal with all of us on our particulars that we have wanted to express here and the time constraints we have all felt. They have done a wonderful job in accommodating all of us and certainly giving these proceedings the dignity that I think all Americans have expected. I do appreciate that.

As the youngest female Senator in the history of our country, as a farmer's daughter raised on the salt of the earth with basic Christian values, and as a young mother whose first priority in life is my family and the well-being of the world that they live in, I regret that my first opportunity to speak on the floor of this historic Chamber is under these circumstances. And I am reluctant to speak here today. I had intended to wait until I had more experience under my belt before I addressed my esteemed colleagues here. You will find that I am not quite as eloquent, or as lengthy, as my predecessor; but I will work on that. But because of the historical aspects of this proceeding, I feel it is important that my thoughts and my judgments are expressed here today.

I, like President Clinton and my colleague, Senator HUTCHINSON, grew up in a small town in Arkansas, the oldest city in Arkansas. My colleague expressed regret that the black and white of right and wrong is not as easy as it was growing up in that small rural community. I am reminded of the wisdom that my grandmother shared with me as a younger woman returning home from college. I sat on our back porch and I expressed to her my agony over what difficult times I was growing up in, and that she could not possibly know or understand because right and wrong were so much easier in her day. She quickly corrected me. Right and wrong becomes more difficult for each of us as we grow older, because the older we get the more we know personally about our own human frailties.

I will not discuss the historical or the legal aspects about what we are doing here today and what we have been doing in these past weeks. I am not a lawyer; neither am I a historian. But I do want to thank each of you for your legal and your historical aspects, and the heartfelt wisdom and guidance that you have shared with me and with all of us as colleagues.

I want desperately to cast the right vote for the people that I represent in Arkansas and for all the people of this great country. My heart has been heavy and I have deliberated within my own conscience, knowing that my decision should not come out of my initial emotion of anger toward the President for such reckless behavior, but should be based on the facts. I have approached this both as a parent and as a public servant, with the ultimate goal of doing what is right for our country. Since hearing of the President's misconduct, I have in no way tried to make excuses for the President or to defend such dishonorable behavior. I have tried to determine how we should communicate to our children and our Nation that this very visible misconduct is unacceptable.

I have sought to reconcile in my mind what is appropriate condemnation of such action and what is the best course of action for the future of the Presidency and for this country. In my efforts to reach a fair conclusion, I have listened to the presentation of evidence from both sides. I have examined the historical intent of our Founding Fathers with regard to impeachment and my constitutional responsibility as a Senator—however young I may be. I have sought the counsel of colleagues, family, friends and constituents; and, of course, I have prayed for guidance for myself and for our country.

My home State of Arkansas has been under the scrutiny of a powerful microscope these past 6 years and, yes, regardless of how closely we may be viewed, any of us, character does count in each and every one of us. But who of us in this Chamber does not have a chapter in our individual books of life that we might be ashamed of or might regret—a chapter that might be revealed under such a powerful microscope, something we might be so ashamed of that we might mislead others to spare our families, our very children, the pain and sorrow?

Many have referenced what they would do if another President of their own party were in this situation, and they have indicated that they would still vote the same.

But the true test, I say, is what each of us would want done if we were in this President's position. How would we want to be treated? And who of us would not go to great lengths to protect our children and our families from the pain and embarrassment that we have seen over the course of these years?

I have also heard many people say that the President should be removed from office because he set a poor example for our children. It is all of our responsibility to set an example for our children. It is not just the President's. Ultimately, my husband and I have the responsibility to teach our children. And we will teach our children that misconduct is unacceptable. The President's conduct, however troubling, does not take away my responsibility to teach what is right to my children. Future generations depend on each of us—not just the President—to teach and to lead.

Many are amazed that the general public, although they believe that the President's behavior was wrong, does not want him removed from office. I am not so amazed by this as I find it reassuring. This expression of humanity and forgiveness from the real-life people of this Nation that we represent reassures us that in our highly technical, fast-paced and somewhat impersonal society, we as a country but, more importantly, we as human beings, are still equipped to handle this or any other situation.

It is striking to me that we are at a crossroads in our Nation at this entrance into the 21st century. We are being tested—not by war or by pestilence—but by conflict that is our own trouble from within. This requires us to reflect on not only the lessons we have learned but, more importantly, those that we want to leave. These lessons should not only demonstrate how we as a country prosper, or how our people advance, but how we treat and relate to one another as individuals.

So today, after much careful thought and deliberation, I have come to the conclusion that the President's actions, while dishonorable, do not rise to the level of an impeachable offense warranting his removal from office. Impeachment was never intended to be a vehicle or a means of punishment. And the standard to prove high crimes and misdemeanors has not been met by the disjointed facts strung together by a thread of inferences and assumptions that were presented here.

I have and will support a strong bipartisan censure resolution that tells the President and this Nation that the President's misconduct with a subordinate White House employee was deplorable, and that future generations must know that such conduct will lead to a profound loss of trust, integrity and respect. I believe there has to be consequences here not only to demonstrate that something wrong has been done but to finally bring closure to this ordeal, not just for us but also for the American people.

Above all else, I believe we have been entrusted not only to be judges and jurors in this trial, but we have also been entrusted with the last word. Senator KERREY from Nebraska spoke strongly to this—that the last word from this body's collective voice should be a chorus, loud and clear, of how great this land and our people are.

The President, actually in his own words from his 1993 inaugural address, aptly replied. He said, "There is nothing wrong with this country that cannot be fixed by what is right with this country."

The most important thing we can do in the last days of this trial is to present the good in the U.S. Senate, in our government, and in our Nation for the sake of our children and future generations. I hope and pray that in the following weeks this body will grasp the leadership role and to begin the process of healing our Nation, restoring pride in our Government, and inspiring faith in our leaders once again.

Mr. HELMS. Mr. Chief Justice, 26 years ago this past November, I was first elected to serve as a United States Senator from North Carolina. I had not believed it possible that I would be the first Republican directly elected to the U.S. Senate by the people of North Carolina.

I have often told many of the thousands of young people with whom I have visited during the past 26 years that one of three commitments I made to myself on that election night in November 1972 was that I would never fail to see a young person, or a group of young people, who want to see me.

That was one of the most meaningful decisions I ever made. I am told that I have met with something in the neighborhood of almost 70,000 young people according to our records for the past 26 years.

These are wonderful young Americans and I am persuaded that they are by all odds the most valuable treasure held by our country.

For the better part of the past year, these young people have almost without fail asked me about what they described as "the problems" of President Clinton. The vast majority of the time, the young people have talked about the moral and spiritual principles so deeply etched in the hearts of those patriots whom we today call our Founding

Fathers—or the Framers of our Constitution—or both—when America was created.

So, in the first few weeks of this New Year 1999, I have begun my remarks to the young visitors with the recitation of two statements that I sincerely believe have much to do with whether (and how) this blessed nation can and will survive.

The first statement: "A President cannot faithfully execute the laws if he himself is breaking them."

The second statement: "The foundations of this country were not laid by politicians running for something—but by statesmen standing for something."

The first statement was voiced by a former distinguished Democratic U.S. Attorney General of the United States, The Honorable Griffin Bell.

The second was sent to me at Christmas time by a friend whose name and voice I suspect is familiar to most if not all Senators, my dear friend, George Beverly Shea, who for so many years has thrilled and inspired millions as he stood beside Billy Graham and, singing with that remarkably deep voice "* * * How great Thou art."

Our trouble today is that the American people every day, must choose between what is popular and what is right. There is a constant deluge of public opinion polls telling us which way to go, almost without fail showing the popular way.

But I must put it to you that we will, at our own peril, look to opinion polls to decide how we vote, when the real need is to look to our hearts, to our consciences and to our soul. So many decisions are made in the Senate—be it on the fate of treaties, or legislation, or even presidents—decisions having implications, not merely for today, but for generations to come, reminding that if we don't stand for something, the very foundations of our Republic will crumble.

Perjury and obstruction of justice are serious charges, as nobody knows better than you, Mr. Chief Justice, charges that have been proved during the course of this trial. Therefore, the outcome of this trial may determine whether America is becoming a fundamentally unprincipled nation, bereft of the mandates by the Creator who blessed America 210 years ago with more abundance, more freedom than any other nation in history has ever known.

There is certainly evidence fearfully suggesting that the Senate may this week fail to convict the President of charges of which he is obviously guilty. What else can be made of the behavior of many in the news media whose eyes are constantly on ratings instead of the survival of America?

This trial has been dramatized as if it were a Hollywood movie trivializing what should be respected as our solemn duty.

The new media technology is creating an explosion of media outlets and 24-hour news channels—and a brand new set of challenges.

A friend back home called me after an impressive presentation by one of the House managers and said, "You know, Jesse, I found ASA HUTCHINSON persuasive. But I had to tune into CNN to see whether it was effective—because I knew without the media's immediate stamp of approval, it wouldn't make a damn bit of difference."

He had a valid point. Mr. Chief Justice, the awesome power of the media with its instant analysis is frightening. A political event occurs. The TV commentators immediately offer their lofty opinions; overnight surveys are taken and many politicians are all too often cowed into submission by poll results.

In these proceedings, the House Managers of course provided a forest of evidence clearly indicating that the President of the United States perjured himself before a federal grand jury and obstructed justice. The imaginative White House attorneys of course chopped down a few trees here and there—and then proclaimed that the whole forest had burned down. The press gallery bought that whole concept.

Some years ago, there was a western movie starring Jimmy Stewart and John Wayne called "The Man Who Shot Liberty Valance." Jimmy Stewart portrayed a tender-footed young lawyer who ran afoul of the local outlaw, Liberty Valance.

Through a twist of fate, the character played by Jimmy Stewart received credit for ridding the county of the outlaw, even though it was John Wayne's gun that brought Liberty Valance down. Yet it was Stewart who rode public acclaim into a political career in the United States Senate, while Wayne's character faded into obscurity.

Late in life, Stewart's character, still a Senator, returned from Washington to attend John Wayne's funeral. Stewart felt guilty, of course, that the truth of Wayne's heroism remained untold. He related the entire story to the local newspaper, only to find the editor totally disinterested.

"When the legend becomes fact," the editor said, "print the legend."

With its vote on Articles of Impeachment, the United States Senate is preparing to add to the legend of this whole sordid episode, Mr. Chief Justice. We have the facts before us and we should heed those facts because truth must become the legend.

We must not permit a lie to become the truth.

A couple of weeks ago, a Falls Church Episcopal minister, the Reverend John Yates delivered a remarkable sermon to his parishioners. The Reverend Dr. Yates had this to say about lying—and liars:

> . . . if a person will lie, and develops a pattern of lying as a way of life, that person will do anything. Someone who becomes good at lying loses his fear of being discovered and will move on to any number of evil actions. He becomes arrogant and self-assured. He comes to believe he is above the law. You should fear people like this. If such a person is caught red-handed in a lie and confronted with the evidence, that sort of man or woman will be forced to admit it, but he won't like it. It will make him angry and vengeful. He will do all he can to move and leave it behind. It's what the Bible calls evidence of a seared conscience, not a sensitive conscience, but a seared conscience."

If we allow the lies of the President of the United States of America to stand, Mr. Chief Justice, then I genuinely fear for America's survival.

Shortly before his death, Senator Hubert Humphrey visited this chamber for the last time. He knew it was the last time; we knew it was the last time. Hubert's frail body was wracked with cancer, his steps were halting, his voice feeble. But as he walked down the aisle, Hubert saw me standing at my desk over there. He walked over to me, arms outstretched. Tears welled up in my eyes as Hubert hugged me softly saying, "I love you".

I loved Hubert Humphrey too, Mr. Chief Justice, and I told him so.

Hubert and I disagreed on almost all policy matters, large and small. Often Hubert got the better of me in debates, a few times I did it to him. But I loved Hubert Humphrey because we agreed on so much more—duty, honor, patriotism, faith and justice, the very essence of America.

But we are obliged to ponder: What is the essence of America now? Public life once was about honest debate on the merits, but it is now often a debate on the merits of honesty. And it was the President of the United States who brought us where we are today.

In November of 1955, a young editor named William F. Buckley undertook an ambitious mission, now completed. Bill had decided to start a conservative journal of ideas that would fuel an entire political movement.

In his "Publisher's statement", printed in the very first edition of National Review, he declared that his magazine "stands athwart history yelling 'Stop!' "

Mr. Chief Justice, I plead with Senators to look around and see what Bill Clinton's scandal has wrought. National debate is now a national joke. Children tell their parents and teachers that it's okay to lie, because the President does it. Our citizens tune out in droves, preferring the daily distractions of everyday life to an honest appraisal of the depths to which the Presidency of the United States has sunk.

If this is progress and if this is the path history is taking, the Senate does have an acceptable alternative:

We simply must summon our courage and yell, "Stop tampering with the soul of America".

Mr. HOLLINGS. Mr. Chief Justice, I shall vote with a clear conscience not to convict; rather, to acquit. And I have no better authority, of course, than my own Congressman, the manager, LINDSEY GRAHAM, when asked—and I will never forget it—by the Senators from North Carolina and Wisconsin: "Under the law and the facts as then submitted at the end of the presentation, could reasonable people find differently with respect to guilt?" and Congressman GRAHAM said, "Why, of course," that reasonable people could differ. And when the manager says there is reasonable doubt, that ends the case.

But let's remember that the impeachment clause is not intended to punish the President, but to protect the Republic. And the mistake in this entire presentation on both sides, in my judgment, has been that they have been trying a criminal case rather than a political case. What is really for the good of the country? I go to the understanding of the impeachment clause with respect to the author himself, George Mason, who said, "must be guilty of high crimes and misdemeanors against the State." And Justice Story, in the midcentury, said that you could only impeach a President for conduct that only the President could engage in."

I will never forget, when they gave us the booklet, in the Nixon impeachment, by the eminent professor of constitutional law, Charles Black, he said that "an impeachable offense must constitute a deep wrong to the country, an abuse of Presidential power." And everybody is talking about the polls and I think they are significant. When 80 percent of the people believe the President lied, and I believe he did—not on the perjury charge, and not on the obstruction of justice, of course, but I believe he lied—and 80 percent of the people believe he lied, but 70 percent of the people said keep him there. Why? Because there wasn't a deep wrong to the country.

Let's get to it. Fooling around—that was what Monica Lewinsky called it—seen as sex and not, fooling around is not a crime. In fact, actual intercourse constitutes adultery, a crime which the managers, I would say, are very familiar with.

We must remember that the fooling around was between consenting adults, both of them sexually experienced. Incidentally, in private both of them are admitted liars. The President said he lied. Monica said that she grew up lying, was taught to lie.

But the managers said, "Oh, this isn't about sex, this is about crime." Really? I have been at the law too long. A sues B for the crime of adultery, sexual misconduct. A and B both swear under oath and through their pleadings and their testimony and not before a halfway grand jury. I always wondered, what if prosecutors went under oath before a grand jury? We would have to build new courthouses. But be that as it may, they swear under oath in testimony before the judge who is trying the case on its merits, and A or B loses—whoever the loser—are they taken over to criminal court and charged for lying under oath and obstruction of justice?

I called a prosecutor in Congressman GRAHAM's district, an 18-year experienced prosecutor, a Republican, George Duckworth. I said, "George, have you ever taken lying under oath and obstruction of justice for sexual misconduct—have you ever taken that to criminal court?" He said, "It's never happened."

I then went to the chief of all the State prosecutors, John Justice, who happens to be from my State, and he said he had never heard of it.

So we are beginning to get to really what is going on, and that is not to say, whoopee, everybody lies about sex and we can go ahead and do that. We are not saying that at all, because the President can be charged with it, as anybody can. It might be a rare case, but we ought to remember, rather than that one witness that they found—and I guess they will find another one—but the Republican district attorneys who testified on the House side, the deputy attorney general in charge of the Criminal Division, William Weld, they said they would never bring the case.

This case never should have been brought. Any respectable prosecutor would have been embarrassed actually to so charge.

I will never forget when this commenced, David Pryor, the Senator from Arkansas almost 4 years ago, said: Wait a minute, 41 TDY FBI agents coming from one side of Arkansas to the other, 81 support personnel, asking, "Did you ever sleep with Bill Clinton? Do you know anybody who slept with him? I heard you know. We're going to take you before the grand jury." Locking up witnesses who did not testify to what they wanted attested to, paying off others and securing them and hiding the witnesses, and on and on; and thereafter subpoenaing the mother in tears; the Secret Service, the White House steward, the bookstore; some 4½, 5 years and $50 million. And they come up with private sexual misconduct, in privacy. I know it is a public office. It is a public office, but we operate in private in our own offices. To make this thing public after all of that expense and effort, I would be embarrassed as a prosecutor to bring it.

But not Kenneth Starr. He wasn't embarrassed. He should never have taken it. A member of the Kirkland & Ellis law firm that had an interest in the case, the Jones case, was participating at the time. Instead of recusing himself, he immediately started pursuing that case with the official hand of Government.

Three years ago, seven former independent prosecutors expressed dismay at Starr's ethics. He was representing private clients inimical to the defendant, our President. The New York Times and other newspapers editorialized that he ought to step aside. But instead of removing himself, he continued to talk to political groups, all the time leaking information and, yes, holding up his findings after 4½ years until after the election and saying he found nothing with respect to Filegate, Travelgate, Whitewater, or any of the other cases for which he was commissioned—no embarrassment at all.

He injected himself so in the House proceedings to where finally his ethics advisor, Sam Dash—who, of course, had been the principal participant in Watergate—had to resign. Then he injected himself over here on the Senate side, and last weekend, during a key moment, of course, he said he was going to bring a criminal indictment. He leaked that information.

So now we have the Justice Department investigating the independent prosecutor for his misconduct in the way he treated the main witness with respect to her access to counsel. And you have an 8-to-1 vote in the American Bar Association, which has been inserted; they say let this independent prosecutor thing die.

Yes, we have, like Bryant said, broad overreaching of power. Not by Clinton. He got into an elicit affair, and he tried like everybody else to cover it up. They sought to characterize it as lying, lying, lying, lying under oath. We had the chief of the managers; he lied not just from January till August, but 30 years —and others over there. The hypocrisy of that crowd.

Yes, we had broad overreaching of powers, mindful, of course, of the reason that we declared our independence 223 years ago—"sending hither swarms of officers to harass our people and seek out their substance." We have it now, and we have a chance to try it. We have an impeachment case, but we are trying to impeach the wrong person. That is why the American people are as concerned as they are. That is what you find in the polls that we keep talking about.

Let's understand, of course, that President Clinton debased the Office of the Presidency, but let's say once and for all that we are not going to have the political hijacking of the Office of the Presidency. Let's be certain when we vote this week that we don't debase the Constitution.

Mr. WYDEN. Mr. Chief Justice, our leaders, Senators LOTT and DASCHLE, my colleagues, my friends.

I doubt that I will ever know what the President of the United States was up to when he lied to Betty Currie about the nature of his relationship with Monica Lewinsky. Did the President lie to Ms. Currie because he didn't want her to know the truth about the affair? Did the President lie because he wanted her to defend him to the White House staff? Did the President lie because he wanted her to repeat those lies under oath? I doubt that I am ever going to get the real answer to those questions.

But I believe I do know why it has been excruciatingly difficult for the U.S. Senate to get to the bottom of the Currie controversy and several others that we have been wrestling with for weeks now. If I might paraphrase a legal doctrine, this impeachment has become the fruit of a poisonous tree. This impeachment is a deadly plant that has flowered in the toxic soil of partisanship.

Given the highly contentious nature of the charges against the President, there is no question in my mind that the congressional leadership should have first established a bipartisan process for investigating the serious allegations.

It is my view that had the Founding Fathers decided that the first step in the impeachment process would be taken by the U.S. Senate, Senator LOTT and Senator DASCHLE would have produced a truly bipartisan inquiry, and we would have been able to find common ground on several of the key issues. I don't think it would have produced a string of 100–0 votes, but I believe that we would have had a more bipartisan result than what we are going to see at the end of these deliberations. But this process began elsewhere. And I only want to make one comment about the House.

In my view, the House didn't even try to locate the common ground. And I use that word "try" specifically because it is one thing to work your head off and not be able to bring people together. We have all been there. But that is not what went on in the House. They didn't even try to come together. It has been well documented, for example, that the Speaker of the House and the House minority leader went for months at a time without even talking to each other. I am not going to assign fault to one or the other, but the fact is that by the end of last year, our two major political parties were at war with each other over the allegations against the President.

This toxic partisanship is not, in my view, what public service is all about. I am a Democrat, for good reasons; and there are sincere, important differences of philosophy on issues between Senators on the respective sides. But I have always felt doing what is right is more important than adhering to party dogma, and that is what I wanted to do in this matter.

The framers of the Constitution tried to give us a heads-up, a warning about how the impeachment process could become unduly partisan.

Alexander Hamilton, in Federalist 65, said that the types of crimes for which impeachment is the appropriate remedy are "political." And he added, "the prosecution of them, for this reason, will seldom fail to agitate the passions of the whole community, and to divide it into parties, more or less friendly, or inimical, to the accused."

Thomas Jefferson, after almost having been kept from office in a partisan maneuver to replace him with Aaron Burr, set a deeply moving tone for looking beyond partisan confrontation in his first inaugural address.

My colleagues and friends, it doesn't have to be all partisan all the time. There is an alternative to slash-and-burn Government. And it is a topic, I regret to say, that I know a fair amount about.

I won a very, very bitter Senate campaign against a man I am proud to call my friend, my colleague, Senator GORDON SMITH. Our part of the country had never seen a campaign so relentlessly negative. The whole country was watching the race to succeed Bob Packwood, but our campaign didn't enlighten very many people. It brought out the worst in us. I was so disgusted with it and what I had become, that with only a few short weeks to go in the campaign I got rid of all my ads and basically started over.

Shortly after Senator SMITH won his election, we got together and talked about how we regretted the bitter nature of the campaign and what we had become. We decided from that point on we would put the greater good, that of the people of Oregon, before any differences we might have. The New York Times has started to call us the "odd couple"—a Jew from the city, a Mormon from the country. What kind of odds would you have given for that kind of relationship? But it works.

The votes that we are going to cast now are in little doubt. So I wish to express my concern that as the Senate completes its work on impeachment that we have the ability to come back and tackle our other constitutional responsibilities in a bipartisan fashion.

The public is tired of us being at each other's throats. They are tired of beltway politics that places toxic partisanship over the public interest. GORDON SMITH and I found out the hard way, and they are right.

Perhaps even at this late hour we can find our way to a little miracle and wrap up this impeachment debate through a bipartisan statement that makes it clear that each of us finds the President's conduct repugnant. If we miss that chance, let's keep looking for every possible opportunity to come together.

Senator FRIST and I have a bipartisan education bill. No speeches about that now, but every Governor in the country is for it. My point is that this impeachment process has brought us to a critical moment in our history. We can either rise to the occasion by forging new and healthier ways to deal with our differences, or we can sink from the collective weight of a partisan mess that we have all helped to create.

In arriving at my decision in this case, I kept coming back to the reality that Congress has not once removed a President, not once in 211 years. The Constitution places the burden for such a grave step very high. Such a showing is not only to protect our Nation from partisan prosecution, but also to impose safeguards that are necessary, given the severity of the potential punishment—a political death penalty, as House Manager LINDSEY GRAHAM said.

When I say "punishment," I am not only referring to the punishment imposed on the President, but in particular to the destructive impact of such an action to our Nation as a whole. The House managers did not, in my view, prove their case beyond a reasonable doubt. In my opinion, they didn't get particularly close.

As stated earlier, I do find the President's lying to Betty Currie about his relationship with Monica Lewinsky to be very, very disturbing. The House managers have a hunch that the President's intent was criminal. To borrow from House Manager GRAHAM, they think it is likely he was up to no good. My friends, hunches are not impeachable, nor should they be. If the evidence required to convict a President of the United States in an impeachment trial is allowed to be less than that required in a shoplifting trial, the constitutional foundation for the Presidency will disintegrate before our very eyes. That is something that a few future Presidents in this body ought to consider for just a moment.

Today I am going to vote to acquit on both counts. But I don't want that to be my final contribution today.

I had a lot of farfetched dreams as a boy, but never once did I dream that I could serve with all of you on the floor of the U.S. Senate. My parents fled Nazi Germany, and not all of my family got out. We lost family in Hitler's brutal Kristallnacht. So you might understand how I grew up revering the greatness of America and the institutions of our democracy.

I will tell you, I never, ever believed that some skinny fellow with modest oratorical skills and a face for radio—(laughter)—could have a chance to serve in the United States Senate.

What I want to be able to tell my grandchildren is that this was the point in American history where we drew a line in the sand and said "no more" to the excessive partisanship. A time when we said "no more" to a brand of politics that each of us knows is bringing out the worst in good people. We have good leaders in the U.S.

Senate—in TRENT LOTT, in TOM DASCHLE—who have shown, in the last month, just how hard they are willing to work to bring us together.

My friends, let the toxic partisanship end. Let it end here, and let it end now.

Mr. SMITH of Oregon. Mr. Chief Justice, colleagues, first let me thank the Chief Justice for the dignity he has lent to this trial. I have so appreciated the keenness of his intellect and the fairness of his spirit.

I also join the Senator from Mississippi in thanking these two magnificent men who lead this Chamber. I express to you, my colleagues, the genuine affection that I feel for each of you. I am often asked the question, who do you like and who do you dislike? The ones I especially like are very easy to name; and then when it comes to those I dislike, I cannot name one. I genuinely thank you for allowing me to participate with you in this difficult and historic time.

I want to also thank my colleague, RON WYDEN, for his comments about me yesterday. When RON and I ran for the Packwood seat, I think America—and certainly Oregon—saw one of the most difficult and mean elections in the history of our State. Yet since that time, when I won the Hatfield seat, RON and I have become friends. It was a remarkable thing to both of us that by doing something as simple as having a joint town hall meeting, Republican and a Democrat from the same State, it led to a full-page story in the New York Times. That is a sad commentary.

The truth of the matter is that if RON WYDEN and I can become friends and do things to the credit and benefit of our State, so can you all. I actually believe that this trial will bring us closer together over time, and I hope lay a foundation for some very good work in the 106th Congress.

Today, as Oregon's other Senator, I will cast two votes to convict and remove the President of the United States. Reaching this verdict has been a very difficult ordeal for me, and I would like to tell you why. This Mr. SMITH did not come to Washington, DC to oppose President Clinton. Indeed, over the last 2 years there have been many issues, ranging from the expansion of NATO to the promotion of free trade and the fight against big tobacco, in which I have supported him and worked closely with him. As I have met with President Clinton in his office, traveled with him aboard Air Force One, he has consistently treated me with great civility and has often inspired me with his eloquence.

To be in his presence is to experience the magic of his enormous personal and political talents. It is the magnitude of his talents that makes the magnitude of his misdeeds so disappointing. There can be no doubt that President Clinton's conduct has made a mockery of most of his words, or that his example has been corrosive beyond calculation to our culture and to our children. These personal conclusions, however, do not provide a constitutional basis for his removal. Only his high crimes could justify such a vote.

As you know, the House of Representatives argued two articles of impeachment to us. Article I alleged four instances of perjury before a grand jury; Article II alleged seven instances of obstruction of justice.

The House managers presented us with volumes of direct and circumstantial evidence, and the White House lawyers worked skillfully to plant the seeds of reasonable doubt. But as the trial progressed, I found that these seeds of doubt could only grow in proportion to my ability to suspend common sense. I struggled throughout the trial to find a way to acquit the President, if possible, on both or at least one of the articles. But in the end, the facts kept getting in my way. The stained blue dress. The Dick Morris poll asking whether the President could get away with perjury. Monica in tears in the Oval Office being told she could not come back to the White House, and then being threatened that it is a crime to pressure the President in that way.

These facts and so many, many more led me to the logical, inescapable conclusion that what began as private indiscretions became public felonies. It is even more ironic to me that I had not made up my mind on article I until Mr. Ruff was in his closing arguments. We had just seen a videotape of Mr. Blumenthal saying that what he had been told was a lie, and we saw Mr. Ruff play the videotape of Mr. Clinton's grand jury testimony in which he said, "What I told him was truthful but misleading." That was a lie. And it was to a grand jury. It revealed the calculations of his mind to obstruct justice. So common sense caught up with this juror.

Having concluded that the President did, indeed, commit perjury and attempt to obstruct justice, I had to ask if these offenses were high crimes and misdemeanors as contemplated by the founders of this Nation. Like many of you, I found answers and comfort in the Federalist Papers Essay No. 65 written by Alexander Hamilton spoke directly to the ultimate power of impeachment. You remember his words; I won't repeat them. They will be in the RECORD many times.

When Senator MOYNIHAN speaks, he is kind of like E.F. Hutton to me—I listen. He had a wonderful statement yesterday about the kinds of impeachable offenses. He cited the example of Justice Chase and President Johnson.

Senator MOYNIHAN said that they were nearly impeached for their opinions, and to have done so would have been wrong. But it is not Bill Clinton's opinions that affect my vote, it is his conduct.

Now, what is his conduct here? Last night, I think we all saw a brilliant statement by Senator EDWARDS. I think we saw firsthand why he has made so much money talking to jurors. We are seeing right now why I had to make my money selling frozen peas. I went through the same calculations as Senator EDWARDS, but I want to point out to you some very different reasoning that led me to come down on the other side. See, Senator EDWARDS is talking about what you do when you talk to a jury about taking someone's life or their liberty. That is not what we are doing here. We are talking about protecting the public trust, protecting the Constitution. So the arguments that he made ultimately aren't the ones that we ought to be using to decide whether to remove President Clinton from office.

Now, what was so bad about President Clinton's conduct? The scales that Senator EDWARDS spoke to us about, the fulcrum of justice, won't work if President Clinton's conduct is sanctioned by this body or by any court. What President Clinton did was an attack on the Government, and specifically on the judicial branch of Government. You see, the courts aren't supposed to write law, though, Mr. Chief Justice; they do too much of that. The courts don't have any power to raise taxes or appropriate money, and they can't raise an army or send a navy. They can find the truth and act upon the truth. And if what Bill Clinton did is OK, then we have weakened the weakest of the branches of our Government, and that is a high crime under the Constitution.

I mentioned Mr. Hamilton. I think it is worth noting again that after the publication of Federalist Paper No. 65, he became the Secretary of the Treasury for President George Washington. He also became involved in an adulterous relationship with a woman named Maria Reynolds. Her husband, upon learning of the affair, demanded of Mr. Hamilton a job at the Treasury Department in exchange for keeping his silence and keeping Mr. Hamilton from personal humiliation and political scandal. Hamilton refused Mr. Reynolds a position on the public payroll, but he agreed to pay him blackmail from his personal funds. News of this arrangement soon found its way to Mr. Hamilton's opponents. When confronted, without being under oath, Hamilton confessed the truth and the whole truth. He knew and respected the boundaries between the public and the private. He wrote them down for our country, and he lived his life within those boundaries, never veering recklessly over the line of impeachability.

Consider the painful contrast this creates when measured against the public life of President Clinton. When his scandalous conduct with a subordinate female became entwined with another woman's civil rights action against him, which a unanimous Supreme Court ruled that she had the right to bring, President Clinton set about to cover himself by lying to his staff, to his Cabinet, to the Congress, and to the country. And then, as the evidence so clearly shows, it demonstrates that when brought to court—the weakest of our branches of Government—and placed under oath, he lied again and again and again.

Now, in the end, I suspect this place is going to divide pretty much down the middle. I simply sound a warning note to raise your awareness to the fact that, ultimately, history and biographies and accounts yet to be revealed, facts yet to be uncovered, shoes yet to drop, will determine which of us voted right. But we have to decide on the evidence today, and the evidence to me is clear. Soldiers and sailors are discharged and punished for far less than what the President did. And judges are impeached by the House and removed by the Senate for far less than this. Indeed, we have to ask, is the President to be held to a lower standard than those he sends to war or those he appoints to dispense justice? I cannot and I never will agree to such a low standard for the Presidency of the United States.

Pollsters tell me how strongly Americans and Oregonians feel about this case and how conflicted their feelings. Large majorities have concluded that the President is guilty of the felonies charged. Yet, large majorities have also concluded that they do not want him to be removed from office. These numbers remind me that the demands of justice are sometimes hard. I hope, however, that we remember obedience to the law will protect our liberties as nothing else can.

You see, political prisoners around the world look to the United States for hope, not because we have a popular President, but because we have laws to protect us from a popular President. If the President of the United States is allowed to break our laws when they prove embarrassing to him or conflict with his political interests, then truly some public trust has been violated, a trust which, as Hamilton says, "relates chiefly to injuries done immediately to society itself."

These felonies are impeachable offenses, and the Constitution makes our duty clear, even though it appears harsh and difficult. When the Chief Justice calls my name, "Senator, how say ye?" I will say guilty twice, because I refuse to say that high political polls and soaring Wall Street indexes give license to those in high places to act in low and illegal ways. Perjury and obstruction of justice are high crimes, and they are utterly inconsistent with any Federal office—ours as well, but especially with the office of the President of the United States.

I harbor no illusions that two-thirds of the Senate will vote as I will. Therefore, I hope the President will spend the balance of his office repairing the damage done to his family, our democratic institutions, and our country. I will continue to support his proposals when I believe they are right, and I will oppose them when I believe them to be wrong.

Now, the other man in this Chamber that I deeply regard—and because I am so junior I do it from a distance—is Senator ROBERT BYRD. I have appreciated his public struggle with this issue because it has validated my own struggle. When he said this last week on "This Week with Sam Donaldson and Cokie Roberts," he could have been speaking my words: "We have to live with the Constitution. We have to live with our consciences." And so do I.

Mr. HAGEL. I write this statement at my desk on the floor of the United States Senate. After weeks of listening, reading, reviewing, reflection, analysis and contemplation I have come to the conclusion that I will vote to convict the President on both Articles of Impeachment.

The Constitution is very clear. It requires Members of the United States Senate to vote for or against each Article of Impeachment. No improvising. No substitutions. No censures. No findings of fact. The completeness of the charges against the President is powerful. The issue is abuse of power. Did the President abuse his power and therefore violate the Nation's trust in him? We must remember that trust is the only true currency elected officials have.

Perjury and obstruction of justice are not just federal crimes. When committed by an elected official they are abuses of power. When committed by a president they constitute an abuse of the highest power. The standards and expectations for America's elected officials cannot be calibrated. When elected officials bring down those standards and expectations and violate the people's trust . . . they rip the very fabric of our Nation. There is then a dishonoring of the spirit that is the guardian of American justice.

There can be no shading of right and wrong. The complicated currents that have coursed through this impeachment process are many. But after stripping away the underbrush of legal technicalities and nuance, I find that the President abused his sacred power by lying and obstructing justice. How can parents instill values and morality in their children? How can educators teach our children? How can the rule of law for every American be applied equally if we have two standards of justice in America—one for the powerful and the other for the rest of us?

What holds this Nation, this society, this culture, together? Yes, laws are part of it. But it is really the strong moral foundation anchored by values and standards—the individual sense of right and wrong, personal responsibility, accountability for one's actions. This is what holds a free people together. Respect for each other—not because a law dictates that action—but rather because it's the right thing to do.

The President violated his Constitutional oath and he broke the law. His crimes do rise to the level of high crimes and misdemeanors prescribed in the Constitution. The President's actions cannot be defended by dancing on the pin head of legal technicality. Every American must know actions have consequences. Even for presidents. All Americans must have faith in our laws and know that there is equal justice for all. The core of our judicial process is the rule of law.

Americans deserve to always expect the highest standard of conduct from their elected officials. If that expectation is defined down over time, it will erode the very base of our democracy and put our Republic in peril. That is the point of the Impeachment Clause of our Constitution . . . to protect the Republic. The Impeachment Clause of our Constitution is there to ensure the fitness of an individual to hold high office. President Clinton's conduct has debased his office and violated the soul of justice—truth. He has thereby debased and violated the American people. I have no other course to follow than to vote to convict President William Jefferson Clinton on both Articles of Impeachment.

Mr. ROCKEFELLER. Mr. Chief Justice, I rise today to announce, or simply declare, that I will vote not guilty on both articles of impeachment and to urge my colleagues to spare the country the injustice of removing a President who has been twice elected to his office by the American people, and whom they continue to trust to lead them.

As a Senator, I have taken my trial oath very, very seriously. For my part, I have listened intently to the presentations, carefully considered the evidence, read everything that I could get my hands on, and thought about those matters carefully. I have read, and reread, the key language of our Constitution, and thought long and hard about the words of our Founding Fathers. In fact, the Constitution, in many ways, came alive for me for the first time.

I am humbled by the wisdom and foresight of our founders as I struggle through some of the most profound questions that our democracy can present to us. What is the balance of power between the three branches of Government? How do we measure public trust, and under what circumstances may the Senate exercise its most devastating power—the power to overturn a popular election, and a power, therefore, to remove a President from office?

As I confront these questions, I am acutely conscious of the terrible disappointment of our Nation in the personal and public behavior of our President. No one of us would defend his actions. No one of us would say that he is free of serious fault.

I have condemned in the strongest possible terms that I know how to do—and I have done it to him directly—the conduct of the President in the Lewinsky matter. And I share the sense of outrage that so many of my constituents from West Virginia have shared with me.

When first confronted with this shameful affair, the President deliberately misled his family, his friends, and his staff. He went on national television, and, as far as I am concerned, lied to the American people, and he walked a troubling line between truth and deception in his sworn testimony, all in an effort to keep this scandal out of the humiliating glare of public scrutiny.

It is without question a very serious moral matter. But the ultimate power of the U.S. Senate—the power to convict and remove the President for high crimes and misdemeanors—is not a power to pass moral judgment or render moral punishment. It is not even a power to render a judicial conviction or judicial punishment. The power of the Senate is drawn carefully and narrowly by the Constitution of the United States, and it is a power to sit in judgment of a President only as a means of protecting our Nation from great harm. It is a power to remove a President only if he has committed treason, bribery or other high crimes and misdemeanors against the state.

As U.S. Senators, the Constitution must be our predominant guidepost. It must be the compass we come back to at every point of hesitation or ambiguity or doubt. "Treason, bribery, or other high crimes and misdemeanors"—these words are powerful, extraordinary, and carefully crafted. We know how very grave treason and bribery are, and we know that they involve a fundamental corruption of public office. But what about high crimes and misdemeanors? The words, "or other high crimes and misdemeanors," on its face means high crimes and high misdemeanors.

Borrowing from my good friend, Senator BIDEN, the word, "treason," was defined in the Constitution itself. The word, "bribery," was not. It was a definition fixed at common law. These are both relatively definite terms. But "high crimes and misdemeanors" are indefinite.

In this setting, two rules of construction led us to add the word—Madison and Mason to add the word—"or other," in their famous colloquy. The word, "other," is, to me, fascinating, because what it does is essentially return us to the previous clause, which is "treason and bribery." It says that "high crimes and misdemeanors" must necessarily be interpreted at the same level of, even though less definite than, "bribery and treason."

I think that is clear. I think that is uncontested.

As U.S. Senators, the Constitution must be, as I said, our guidepost. We know from the statements of our founders that the phrase was intended in a very careful way—"high crimes and misdemeanors"—to cover only very grave and threatening abuses of Presidential duty and public office.

The House managers contend, as did Independent Counsel Ken Starr before them, that in the course of hiding his illicit affair from the world, the President committed perjury, obstruction of justice, and those crimes are so serious that they constitute, by definition, high crimes and misdemeanors, demanding conviction and immediate removal from office, something that has never happened before in the history of our Nation.

Most of this body are lawyers. And I think that most would agree—all of us would agree—the questions that must be answered by all of us in this Senate are:

First, did the President commit perjury or obstruction of justice as charged by the articles of impeachment?

Second, did the President's conduct rise to the level of high crimes and misdemeanors requiring removal?

The answer to both of these questions must be yes in order for the President to be removed from office. If either one of these questions fails, then by definition the Constitution demands that the President be acquitted.

On the basis of the case presented over the last several weeks, on the basis of the evidence and the deposition testimony, which I reviewed carefully and in full, and on the basis of the constitutional arguments made by each side, I have concluded unequivocally that the answer to both questions is no, and that the articles of impeachment are not well founded and must be rejected.

First and foremost, the House managers have utterly failed to prove beyond a reasonable doubt that the President committed perjury or obstructed justice. Their case is speculative, circumstantial, and contradicted by facts.

Admittedly, the burden of proof on the House managers is a very heavy one.

We have a presumption in this country of innocence until proven guilty. And we have a presumption that national elections should be upheld.

With the fate of a twice-elected President before us in this Senate, I believe that the evidence must be the universally accepted standard of proof that is applied to other criminal cases. It must be proven beyond a reasonable doubt.

What does that mean, to prove a case beyond reasonable doubt? It means that it is proven to a moral certainty, that the case is clear, that the case is concise. It means that, if there are doubts about the evidence, about the case, then he must be acquitted.

In the case presented by the House managers in the managers' version of the Clinton-Lewinsky story, there are many, many reasonable doubts.

There are the doubts about the articles themselves, which are ambiguous, and what conduct actually purported to be criminal. There are serious doubts about the perjury charge in which the President openly acknowledges his inappropriate behavior—and his effort to keep it secret from the Nation. There are doubts about the obstruction charges in which the President is accused of a vast conspiratorial scheme to influence witnesses and testimony, even though everyone involved has denied that any such effort occurred. No person, regardless of the stature or position, could, or should be, convicted on evidence that is so ambiguous and so questionable, and to my way of thinking ultimately, weak.

Second, and equally important, no matter how deplorable the President's conduct, the charges clearly do not meet the constitutional test for conviction. They simply do not rise to the level of treason, bribery or other high crimes and high misdemeanors, as I would put it. Any other conduct, any other charges, are left to the judgment of the people in casting of their votes, and to the judgment of the courts once the President has left office.

Despite the anger that we feel at the President, despite misgivings that we have about his honesty, despite his lies to the American people, we cannot allow emotions—or, I might say, homilies—or partisanship to interfere with our judgment. The Constitution alone puts us in the box from which we dare not venture.

On impeachment, our constitutional history is well established. And we in the Senate and across the Nation must abide by it, and abide by it strictly. We may remove a President only for using his great office to commit high crimes against the Nation, against the state, and against the people. There is no question in my mind that the President has not done this. We would be derelict in our duties as Senators if we removed him for anything less.

So, given the weakness of the evidence supporting the charges made by the House, given the serious doubt in the Senate that the charges rise to the level of demanding removal from office, how do we find ourselves so far down this dangerous constitutional path?

How do we in the Senate find ourselves so close to the brink of removing a President from office without clear and compelling evidence that crimes against the state were committed?

How was an independent counsel investigation allowed to turn into a five-year, $50 million crusade against the President?

And, why have we not been able to debate the real issues for the future of our nation—strengthening Medicare, reforming Social Security, ending the steel import crisis so West Virginia steelworkers can get their jobs back?

It is clear that, in the end, justice will be done, and the Constitution will have protected the nation. I have been dismayed by growing partisanship, but the bottom line is that the President should not be removed from office, and he will not be removed from office.

With the greatest respect for each of my colleagues, I must say there is something very wrong with the fact that we have been forced to take this so far, and that the Senate has been rendered impotent for so long. Even in the face of unceasing calls to end this investigation—from people in every state, from every background and political party—it has marched on relentlessly.

I do not believe that it was ever the will of the House of Representatives or the Senate to pursue these charges against the President to such great and absurd lengths. Yet we have—and in the process, a growing crack in the civil and moral foundation of our government has been revealed.

It has become clear to me that a destructive momentum has taken hold, and supplanted the better judgement of some in this Congress and in this country.

From the start, there has been a core of political interests that has sought every opportunity and pursued every tactic to attack this Presidency. Every President faces critics who will go to great lengths to fight his policies. But this President has faced unprecedented and unyielding attempts by a small group of determined activists to destroy him, his family, and his work.

Unfortunately, these efforts at destruction have been aided by a media inside the beltway that has accepted nearly every rumor—proven or unproven—and splashed it across the front page or put it at the top of the evening newscast. Ratings and revenues too often have taken priority over sound and judicious coverage of the news. Far from serving the public interest, this has only fueled the efforts of those who have sought to undermine the reasoned pursuit of truth and justice.

As I made clear earlier, none of this diminishes my belief that the President's actions were wrong and indefensible. His personal failures in this matter deserve our condemnation.

But his failures do not deserve—and have never deserved—the relentless attempts at political and personal destruction that he has been subject to. His failures do not deserve—and have never deserved—the triggering of a constitutional process that our Founding Fathers reserved for the most serious crimes against the nation.

I do not say this to fan the flames of partisan division. After all, each of us—Republican or Democrat—has and will make mistakes, and each of us must be held accountable for our mistakes. But no member of the Senate, no member of the House, no elected official who serves this country to his or her best ability deserves the sort of insidious venom that has become such a common part of our political discourse.

Let me also be clear that I say this not solely in defense of President Clinton—but principally in defense of civility and fairness in our political society. I say this with sincere hope that we can bring to an end the destructive momentum that has gripped this nation and this city. Because, as disturbing as the President's actions are, I am far more concerned by the fanaticism of those who have driven our great nation so close to the precipice.

For our system of Democracy to be successful for another two centuries, it must be driven by people's best instincts—not their worst. It must be founded in moral strength and guided by civil discourse. We must, as Minority Leader Gephardt has so eloquently stated, end the politics of personal destruction.

I have great hope that we can do this, because as I look around, I see a vast majority of Americans who are tired of good leaders being destroyed by a vindictive minority. I see a majority of Americans who understand clearly that President Clinton should not be removed from office for his deep personal failings. I see a majority of Americans who know better than to believe everything and anything they hear in the media.

The American people want us to seek the truth—they, in fact, demand it. But with equal vigor, they demand that we cast fair judgement; and they demand that in seeking the truth, we do not seek to destroy lives and careers.

I believe that this Senate is prepared to cast a fair judgment on the President. We have been through a trying time in our nation's history—a time that not one of us has relished or gained the least bit of satisfaction from. We have all done our best to seek impartial justice, and I am certain that history will judge us well in this pursuit.

But history will cast a very severe judgement if we do not go forward with the purpose of healing the wounds that this episode has caused, and restoring the moral and civil foundation of our political society.

I leave my colleagues with the wisdom of James Madison in Federalist Paper 62 when he addressed the important role of the Senate in tempering the actions of the House. ". . . [A] senate," he wrote, "as a second branch of the legislative assembly, distinct from, and dividing the power with, a first, must be in all cases a salutary check on the government."

By dismissing these charges against the President, we will have done our duty to provide that salutary check, and we will have taken the first step in restoring the trust and faith of the people of this nation. It is time to do as the American people have asked: end this sad episode and get back to work.

Mr. MURKOWSKI. Mr. Chief Justice, it seems to be a prerequisite to speak today for Senators to indicate the number of grandchildren each has. I am proud to say Nancy and I have 11, but I won't indulge you with naming each of them.

I along with all of you will soon cast our votes on the Articles of Impeachment that have been presented against President Clinton. With the exception of voting on a declaration of war, I can think of no more serious vote that a Senator will cast in his or her lifetime than on removing a President from office. History may or may not tell which vote is correct.

We have deliberated more than 67 hours. Five weeks ago, we met in the old Senate Chamber and on a 100–0 vote departed on a course of action to resolve this matter. The House Managers presented the case against the President. White House counsel presented their defense and then Senators spent two days submitting questions to both sides. We then resolved the question of witnesses by allowing the use of videotapes, and heard final arguments from both sides on Monday. For the past two days, Senators have offered their statements on this matter and we are on target to reach a final vote on the two Articles in less than 48 hours. That's our Constitutional duty. I am proud and honored to have participated in this historical deliberation and respect each of you and your words.

There are several recollections about the facts in this case that trouble me. Perhaps it is because I am not a lawyer.

In Ms. Lewinsky's testimony, she indicated that on the first day she met the President, she was wearing a pink identification tag which provides limited access to the White House. The President reached out and held it and said: "Well, this could be a problem" or words to that effect. That tells us something about the President's character.

Furthermore, after the Lewinsky story broke in the press, the President had Dick Morris conduct a poll and when Morris told the President that the public would forgive him for adultery but not for perjury or obstruction of justice, the President responded: "We will just have to win then." That tells me something else about the President.

It should also be noted that we would not be here if Ms. Lewinsky had not kept the blue dress which contained the DNA evidence implicating the President beyond a doubt. Without that dress, it would be an old story of "He said/She said." Think about that.

Finally, we are all held accountable for our actions. But the President refuses to be held accountable. And I have a problem with the repeated reference from the First Lady that the President ministers to troubled people, suggesting that Monica Lewinsky was such a person.

What has been happening, not just here in Washington, but all around the country is something far more disturbing than the trial of a President. What we have been witnessing is a contest for the very moral soul of the United States of America—and that the great casualty so far of the national scandal is the notion of Truth.

Truth has been shown to us as an elastic commodity.

It has been said that this trial is not about the partisan political gamesmanship between the President's Democratic supporters and the Republican forces on the other side, as the media would have you think.

Indeed one pundit said that more Americans get their ideas and reactions of the impeachment process from Jay Leno than they do from CNN.

The polls show Americans favoring leaving the President in office while they say Republicans appear bent on political suicide.

It has been said that Republicans see accountability, discipline and punishment as fundamental to the very structure of American society and that the President ought to be the "stern father" image and a figure of moral authority.

Clinton's liberal supporters model American society on the "nurturing parent" concept. To them, the Presidency is less a figure of moral authority than a helpful and powerful friend capable of doing good.

Where were you when former President Nixon resigned? I wondered at the time whether the republic would survive Watergate. We did survive and many believe we are a stronger nation because of that process.

In reaching a judgment in this case, I have reviewed the evidence presented by the House Managers and the able defense offered by the President's counsel. I have concluded that the President is guilty on both Articles and that the two Articles more than satisfy the Constitutional standard of high crimes and misdemeanors.

I believe the President should be removed from office not because he engaged in irresponsible, reckless, and reprehensible conduct in the Oval Office with a White House intern. He should be removed from office because he engaged in conduct designed to undermine the foundation, the very bedrock, of the concept of due process of law and, by extension, the very notion of the rule of law.

There is no question in my mind that President Clinton intentionally provided false and misleading testimony and committed perjury before the Grand Jury when he told the Grand Jury he was "trying to figure out what the facts were" when he made the following statements to his Secretary Betty Currie the day after his civil deposition testimony:

"I was never really alone with Monica, right?"

"You were always there when Monica was there, right?"

"Monica came on to me, and I never touched her, right?"

"She wanted to have sex with me, and I cannot do that."

Mr. Chief Justice, it is just not credible to believe that these statements were designed to help the President elicit facts since he, and not Betty Currie, knew precisely the type of indiscreet activities he and Monica Lewinsky had engaged in. To believe his testimony, one would have to assume the unbelievable—that the President engaged in these acts with Ms. Lewinsky in the full expectation that Ms. Currie witnessed them.

It is only reasonable to assume that the President's statements to Ms. Currie, made on more than one occasion (twice), were designed for one, and only one simple purpose: to coach and influence her future testimony. He was clearly seeking to undermine judicial proceedings by encouraging her to lie under oath for the single purpose of protecting him. His conduct not only amounts to false testimony, but provides a clear basis to conclude that the President sought to obstruct justice.

Moreover, it is undisputed that gifts the President gave to Monica Lewinsky, gifts that were subpoenaed in the civil suit against the President, were removed from Ms. Lewinsky's possession and hidden under Betty Currie's bed. There is no rational reason that Ms. Currie, on her own, decided to seek the return of the gifts. The only inference that a reasonable person could conclude is that the President asked Ms. Currie to retrieve the gifts in an effort to conceal evidence from the court; evidence that was clearly relevant in the civil case.

The House Managers have presented a credible case showing that the President increased the pressure on his friend, Vernon Jordan, to obtain a private sector job for Ms. Lewinsky when she was named as a potential witness in the civil case brought against the President. It was not a coincidence of events, but rather a concerted effort by the President to secure employment for Ms. Lewinsky to ensure an affidavit that did not harm his interests. Mr. Jordan is not at fault; he was merely a pawn in the President's strategy to obstruct justice by encouraging the submission of a false affidavit from Ms. Lewinsky.

Mr. Chief Justice, the charges against the President concern perjury, witness tampering, and concealing of evidence. These offenses clearly rise to the level of obstructing justice in the same sense that bribing a witness to testify falsely or destroying evidence amount to obstruction of justice.

Today, there are 115 people incarcerated in federal prisons because they were convicted of perjury. On Saturday, we heard the videotape testimony of Dr. Barbara Battalino who had been an attorney and a VA doctor. Her crime? She lied about sex under oath in a civil proceeding. Her penalty? She lost her medical license. She lost her right to practice law. She was fired from her job. The Clinton Justice Department prosecuted her for perjury and she was sentenced to 6 months of imprisonment under electronic monitoring and paid a $3,500 fine.

Should not the standard applied to Dr. Battalino apply to the President of the United States who swore an oath to "preserve, protect and defend the Constitution," when he entered office and who swore an oath to tell the truth when he testified before the Grand Jury? Or should we condone the standard the President suggested in his Grand Jury testimony, when he testified that he "said things that were true, that may have been misleading?" Think about that statement!

Mr. Chief Justice, the foundation of our republic is that we are a nation governed by laws, not by men. For the rule of law to be maintained, there must be a credible system of justice. Any effort to undermine the integrity of the judicial system subverts the principle of a nation of laws. And that system of justice depends for its very survival on maintaining the integrity of the oath that a person swears to tell the truth. Otherwise, if we turn a blind eye and allow people to lie under oath, destroy or hide evidence, or conspire to present false and misleading testimony, the entire notion of justice and truth become meaningless.

The President's counsel on Monday asked the question: "Would it put at risk the liberty of the people to retain the President in office?" Unfortunately, I believe the answer is yes. The right of an individual to a fair trial is endangered when the President of the United States remains in office having undermined the rule of law by obstructing justice and committing perjury.

Why should a citizen tell the truth in a court room when it does not serve his interest if the President is allowed to perjure himself because it does not serve his interest?

Why should an individual not try to influence the testimony of a witness, when the President suffers no adverse consequences when he seeks to influence the testimony of a witness?

Does anyone in this chamber believe that obstruction of justice is not a high crime and misdemeanor? Does anyone in this chamber believe that President Clinton did not attempt to obstruct justice? If your answer to those questions is in the affirmative, I believe you must, I repeat, you must vote to convict and remove the President. That is the mandate of the Constitution.

Article II, Section 4 of the Constitution provides the President. . . . shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other High Crimes and Misdemeanors.

There is nothing in the Constitution that says that a President with a high popularity rating shall not be removed if convicted. The Framers believed that it was so important to rid the government of officials convicted for such offenses that the Framers gave us no latitude on the question of removal from office.

Mr. Chief Justice, the nation has endured more than a year of what started as a scandal and turned into an obstruction of justice and an impeachment. Again, had there been no DNA evidence, Ms. Lewinsky would have been smeared in the press as a stalker and this case would be closed.

I hope my colleagues in good conscience can put party aside and uphold the oath we took a month ago to be impartial in our judgment of President Clinton. This is a sad day for our contemporary country but a magnificent day for the Founders who recognized that no man is above the law and gave us the tools to remove those who violate the public trust.

Mr. BYRD. Mr. Chief Justice:

I think my country sinks beneath the yoke,
It weeps, it bleeds,
And each new day,
a gash is added to her wounds.

I am the only remaining Member of Congress who was here in 1954 when we added the words "under God" to the Pledge of Allegiance. That was on June 7, 1954. One year from that day we added the words "In God We Trust" to the currency and coin of this country. Those words were already on some of the coins. But I shall always be proud to have voted to add those words, "under God" and "In God We Trust." They mean much to us today as we meet here.

This is my 47th year in Congress. I never dreamed that this day would ever come. And, until 6 months ago I couldn't place myself in this position. I couldn't imagine that, really, an American President was about to be impeached.

A few years ago, when my youngest grandson, who now is a Ph.D. in physics, was just a little tot, he came up to my den and looked around and said, "Papa, who made this mess?"

Now, Senators, who made this mess? The mess was created at the other end of Pennsylvania Avenue. The House of Representatives didn't make it. The U.S. Senate didn't make it. But, nevertheless, we sit here today in judgment of a President.

Mr. Chief Justice, I thank you for presiding over this gathering with such grace and dignity. But the Chief Justice is not here because he wanted to be. He is not here because we asked him to come. He is here because the Constitution commanded that he be here. Senators are not here because you wanted to be here today.

We are here because the Constitution said that the Senate shall have the sole power to try all impeachments.

Soon we will vote and, hopefully, end this nightmarish time for the nation. Like so many Americans, I have been deeply torn on the matter of impeachment. I have been angry at the President, sickened that his behavior has hurt us all and led to this spectacle. I am sad for all of the actors in this national tragedy. His family and even the loyal people around him whom he betrayed—all have been hurt. All of the institutions of government—the presidency, the House of Representatives, the Senate, the system of justice and law, yes, even the media—all have been damaged by this unhappy and sorry chapter in our nation's history.

The events of this last year have engendered so much disillusionment, distrust, bitter division and discord among the people of the United States. There can be, I fear, no happy ending, no final act that leads to a curtain call in which all the actors link hands and bow together amid great applause from the audience. No matter what happens here, many, many people will be left tasting only the bitter dregs of discontent.

I was proud of this Senate when, early last month, we gathered in the Old Senate Chamber to choose a path on which to proceed. We agreed on a Constitutional road map to follow during the early days of this trial. We followed that road map to the letter, considering a motion to dismiss the proceedings as well as one to provide for the deposition of witnesses. When there was a question or conflict, we decided the answer together. I commend Senator DASCHLE and Senator LOTT for their untiring efforts to maintain bipartisanship.

Hamilton observed that impeachable offenses "are those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust . . . to injuries done immediately to the society itself." Hamilton also observed that the impeachment court could not be "tied down" by strict rules, "either in the delineation of the offense by the prosecutors (the House of Representatives) or in the construction of it by the judges (the Senate)."

Supreme Court Justice Joseph Story said: "The jurisdiction is to be exercised over offenses, which are committed by public men in violation of their public trust and duties . . . injuries to the society in its political character," . . . "such kind of misdeeds . . . as peculiarly injure the commonwealth by the abuse of high offices of trust."

Story observed that "no previous statute is necessary to authorize an impeachment for any official misconduct," . . . because "political offenses are so various and complex . . . so utterly incapable of being defined, or classified, that the task of positive legislation would be impracticable, if it were not almost absurd to attempt it."

There are those—without my repeating the sordid details of what we have all heard over and over and over again—there are those who say that the President lied to protect his family. We all understand that. I have a feeling for that. But I can never forget his standing before the television cameras and saying to the American people, what he said: "Now I want you to listen to me. . ." Don't you Senators think that that was a bit overdone if the purpose was to protect his family?

"O, what a tangled web we weave when first we practice to deceive."

Impeachment is a sword of Damocles that hangs over the heads of presidents, vice presidents, and all civil officers, always ready to drop should it become necessary. But, the impeachment of a President is uniquely and especially grave. We must recognize the gravity and awesomeness of it, and act in accordance with the oath we took to do "impartial justice". We are the wielders of this weapon, responsible for using it sparingly and with prudence and wisdom.

This is only the second time that this nation has ever impeached a President. President Nixon resigned when it was made clear to him that, if impeached and tried, he would be convicted and removed from office. In that instance, both the country and the Congress were of the same mind that the President's offenses merited his removal. It was not a partisan political impeachment; it was a bipartisan act. But where political partisanship becomes such an overwhelming factor as to put the country and the Congress at odds, as it has with this impeachment, something draws us back. We must be careful of the precedent we set. One political party, alone, should not be enough to bring Goliath's great sword out of the Temple.

Regrettably, this process has become so partisan on both sides of the aisle and particularly in the House and was so tainted from the outset, that the American people have rebelled against it. The President lied to the American people, and, while a great majority of the people believe, as I do, that the President made false and misleading statements under oath, still, some two-thirds of the American people do not want the President removed from office. I do not think that this is just a reflection of the American people's traditional bias for the underdog, but rather, of the much more basic American dislike of unfairness. Many people, perhaps even most people, do not believe that this process has been a fair process. They are further supported in their viewpoint by the polarization and partisanship so regrettably displayed in Congress.

Indeed, the atmosphere in Washington has become poisoned by politics and even by personal vendettas. As a result, perspective and a clear sense of proportion and balance have been lost by all too many people. As a byproduct of the venom, a process intended to be serious and sober has, instead, devolved into a virulent, off-color soap opera event, watched by an incredulous people grown weary of its content.

We have known for weeks that the votes were not here to convict this President. And yet some wanted to press on, in a desperate attempt to bring witnesses onto the Senate Floor. What a dreadful national spectacle that would have been! That is one reason why I offered a motion to dismiss the proceedings. Both the House Managers and the White House defense team had presented their case and had presented it well. We had gotten into the 16 hours of questioning by Senators, while all went along swimmingly for a while, the proceedings began to degenerate into a dueling press conference on both sides of the aisle. Moreover, the House Managers had already taken steps to begin the deposition of Monica Lewinsky, and the fact that they were doing this before the Senate had even voted to depose witnesses, led me to believe that it was time to call the whole thing off before the Senate slipped into the snake pit of bitter partisanship like the House of Representatives had done. Always with a weather eye open concerning the image of the Senate and its place in history, I made the motion to dismiss which had been provided for in the original agreement by 100 Senators on January 8, following the great bipartisan meeting we had all attended in the old Senate Chamber. Many people all around the country, as well as here within the beltway, misunderstood my reasons for moving to dismiss. I didn't do that to protect Mr. Clinton, as some people have so mistakenly surmised. I knew that the votes were not here then to convict him, and we all know they are not here now. I just didn't want the Senate to sink further into the mire. I did not want this body to damage its own quotient of public trust the way the House and the White House have diminished theirs.

I called for these proceedings to be dismissed, out of genuine concern for the divisive effect that an ultimately futile trial would have on the Senate and on the nation.

The House Articles charged the President with having committed perjury. This word "perjury"—lawyers can dance all around the head of a pin on that word. I won't attempt to dance all around on the head of the pin on the word "perjury." The President plainly lied to the American people. Of course, that is not impeachable, but he also lied under oath in judicial proceedings.

Mr. Clinton's offenses do, in my judgment, constitute an "abuse or violation of some public trust." Reasonable men and women can, of course, differ with my viewpoint. Even though the House of Representatives rejected the second article that came out of the Judiciary Committee, the evidence against Mr. Clinton shows that he willfully and knowingly and repeatedly gave false testimony under oath in judicial proceedings.

When the President of the United States, who has sworn to protect and defend the Constitution of the United States, and to see to it that the laws be faithfully executed, breaks the law himself by lying under oath, he undermines the system of justice and law on which this Republic—not this "democracy"—this Republic has its foundation.

In so doing, has the President not committed an offense in violation of the public trust? Does not this misconduct constitute an injury to the society and its political character? Does not such injury to the institutions of Government constitute an impeachable offense, a political high crime or high misdemeanor against the state? How would Washington vote? How would Hamilton vote? How would Madison or Mason or Gerry vote? My head and my heart tell me that their answer to these questions would be, "Yes."

But the matter does not end there. The Constitution states, without equivocation, that the President, Vice President or any civil officer, when impeached and convicted, shall be removed from office. Hence, one cannot convict the President without removing him from office.

Should Mr. Clinton be removed from office for these impeachable offenses? This question gives me great pause. The answer is, as it was intended to be by the framers, a difficult calculus. This is without question the most difficult, wrenching and soul-searching vote that I have ever, ever cast in my 46 years in Congress. A vote to convict carries with it an automatic removal of the President from office. It is not a two-step process. Senators can't vote maybe. The only vote that the Senator can cast, under the rules, as written, is a vote either to convict and remove or a vote to acquit.

So should I vote "Guilty" when my name is called, believing that President Clinton's offenses constitute high misdemeanors? Should I vote guilty and vote to remove him from office? Some critics may say—some of my colleagues may say—they may ask, if you believe he is guilty, how can you not vote to remove him from office?

There is some logic to the question, but simple logic can point one way while wisdom may be in quite a different direction. It is not a popularity contest, of course. But remember our English forbears, who, on June 20, 1604, submitted to King James I the Apology of the Commons, in which they declared that their rights were not derived from kings, and that, "The voice of the people in things of their knowledge is [as] the voice of God." "Vox populi, vox Dei."

The American people deeply believe in fairness, and they have come to view the President as having "been put upon" for politically partisan reasons. They think that the House proceedings were unfair. History, too, will see it that way. The people believe that the Independent Counsel, Mr. Starr, had motivations which went beyond the duties strictly assigned to him.

In the end, the people's perception of this entire matter as being driven by political agendas all around, and the resulting lack of support for the President's removal, tip the scales for allowing this President to serve out the remaining 22 months of his term, as he was elected to do. When the people believe that we who have been entrusted with their proxies, have been motivated mostly or solely by political partisanship on a matter of such momentous import as the removal from office of a twice-elected President, wisdom dictates that we turn away from that dramatic step. To drop the sword of Damocles now, given the bitter political partisanship surrounding this entire matter, would only serve to further undermine a public trust that is too much damaged already. Therefore, I will reluctantly vote to acquit.

In 399 B.C., Socrates was convicted and sentenced by the Athenian jury to die. If only 30 votes on that Athenian jury had switched, Socrates would not have been convicted. If only twenty Senators—or less—on my side of the aisle who are expected to acquit, were to switch their votes, President Clinton would be convicted, and before this coming Sabbath day, he would be removed from the Oval Office. President Clinton will be acquitted by the Senate; yet, he will not be vindicated.

The crowds will still cheer the President of the United States, but the American people have been deeply hurt and, while they may forgive, they will not forget. The pages of history will not be expunged—ever!

Be assured that there will be no winners on this vote. The vote cast by every Senator will be criticized harshly by various individuals and sundry interest groups. Yet, it is well for the critics to remember that each Senator has not only taken a solemn oath to support and defend the Constitution, but also to do "impartial justice" to Mr. Clinton and to the nation, "So help me, God". The critics and the cynics have not taken that oath; only Senators have done so. Carrying out that oath has not been easy. That oath does not say anything about political party; politics should have nothing to do with it.

The frenzy of pro-and-con opinions on every aspect of this case emanating from every conceivable source in the land has made coming to any sort of "impartial" conclusion akin to performing brain surgery in a noisy, rowdy football stadium. It will be easy for the cynics and the critics who do not have to vote, to stand on the sidelines and berate us. But only those of us who have to cast the votes will bear the judgment of history.

Mr. Chief Justice, none of us knows whether the attitudes of the American people will take a different turn after this trial is over and this drab chapter is closed. "Fame is a vapor; popularity an accident; riches take wings; those who cheer today may curse tomorrow; only one thing endures—character!" It is the character of the Senate that will count. And while the politics of destruction may be satisfying to some, the rubble of political ruin provides a dangerous and unstable foundation for the nation.

And yet we must move ahead. The nation is faced with potential dangers abroad. No one can foresee what will happen in Russia or in North Korea or in Kosovo or in Iraq. To remove Mr. Clinton at this time could create an unstable condition for our nation in the face of unforeseen and potentially dangerous happenings overseas.

Preceding Senators have sounded the clarion note of separation of powers! I have sounded that same trumpet many times when the line item veto was before the Senate, but to no avail. Some of the voices that have rung throughout this chamber in these deliberations, were curiously still on that occasion. The Supreme Court of the United States saved the Constitution and struck that law down. But the Supreme Court has no voice in the decision that confronts the Senate at this hour. It is for the Senate alone to make. When these Senate doors are flung open, we must hope that the vote that follows will strengthen, not weaken, our nation.

Let there be no preening and posturing and gloating on the White House lawn this time when the voting is over and done. The House of Representatives has already inflicted upon the President the greatest censure, the greatest condemnation, that the House can inflict upon any President. And it is called impeachment! That was an indelible judgment which can never be withdrawn. It will run throughout the pages of history and its deep stain can never be eradicated from the eyes and memories of man. God can forgive us all, but history may not.

Within a few hours, the mechanics of this matter will finally be concluded. But it will not yet be over. For the nation must still digest the unpleasant residue of these events. Mr. Chief Justice, hatred is an ugly thing. It can seize the psyche and twist sound reasoning. I have seen it unleashed in all its mindless fury too many times in my own life. In a charged political atmosphere, it can destroy all in its path with the blind fury of a whirlwind. I hear its ominous rumble and see its destructive funnel on the horizon in our land today. I fear for our nation if its turbulent winds are not calmed and its storm clouds somehow dispersed. In the days to come, we must do all that we can to stop the feeding of its vengeful fires. Let us heap no more coals to fan the flames. Public passion has been aroused to a fever pitch, and we as leaders must come together to heal the open wounds, bind up the damaged trust, and, by our example, again unite our people. We would all be wise to cool the rhetoric.

For the common good, we must now put aside the bitterness that has infected our nation, and take up a new mantle. We have to work with this President and with each other, and with the members of the House of Representatives in dealing with the many pressing issues which face the nation. We must, each of us, resolve through our efforts to rebuild the lost confidence in our government institutions. We can begin by putting behind us the distrust and bitterness caused by this sorry episode, and search for common ground instead of shoring up the divisions that have eroded decency and good will and dimmed our collective vision. We must seek out our better natures and aspire to higher things. I hope that with the end of these proceedings, we can, together, crush the seeds of ugliness and enmity which have taken root in the sacred soil of our republic, and, instead, sow new respect for honestly differing views, bipartisanship, and simple kindness towards each other. We have much important work to do. And, in truth, it is long past time for us to move on.

RECESS SUBJECT TO CALL OF THE CHAIR

Mr. LOTT. Mr. President, I move the Senate recess subject to the call of the Chair.

The motion was agreed to, and at 1:08 p.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2:43 p.m., when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The acting majority leader is recognized.

Mr. THOMAS. Mr. President, I would like to go through a number of closing activities here.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. THOMAS. First, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 27, the adjournment resolution, which was received from the House. I further ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 27) was agreed to, as follows:

H. CON. RES. 27

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, February 12, 1999, it stand adjourned until 12:30 p.m. on Tuesday, February 23, 1999, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, February 11, 1999, Friday, February 12, 1999, Saturday, February 13, 1999, or Sunday, February 14, 1999, pursuant to a motion made by the Majority Leader, or his designee, pursuant to this concurrent resolution, it stand recessed or adjourned until noon on Monday, February 22, 1999, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

STENNIS TECHNOLOGY HELPS FARMERS AND ENVIRONMENT

Mr. LOTT. Mr. President, I call my colleagues' attention to a recent Associated Press article on the Gulf of Mexico "Dead Zone", a large area that suffers from hypoxia, a lack of oxygen in the water. The article states that researchers attending the national meeting of the American Association for the Advancement of Science say that fertilizer runoff, which is rich in nitrogen, into the Mississippi River may contribute to this oxygen deprivation.

Now, I do not know the extent to which this may be true. However, I am proud to say that the Stennis Space Center in Mississippi is working on a high technology system that may hold the key to reducing farm nitrogen runoff while improving crop yield. The NASA Commercial Remote Sensing Program Office at Stennis, in concert with the local farming industry, are developing a new technique known as precision farming. It is, in real-time, bringing space age technology down to earth. Precision farming uses emerging space-based instruments to monitor farmers' soil content and computer technology to target fertilizer level to maximize crop yield. It will replace the widely used practice of fertilizing the entire crop to the same degree. Precision farming allows the farmer to give the land only what it needs.

Mr. Kenneth Hood of Perthshire Farms, in the Mississippi Delta town of Gunnison in Bolivar County, which is about 25 miles north of Greenville, monitors the health and soil consistency of his farm through NASA hyperspectral imaging techniques. This technique allows Mr. Hood to add fertilizer as needed in specific portions of his acreage. It also helps him detect crop stress, before it can be seen through the human eye. Stennis Space Center's goal is to help Mr. Hood use less fertilizer, lower his costs, and improve his crop yield.

This is a win for the farmer and a win for the environment. Most importantly, this technology may yield a private sector incentive to voluntarily reduce farm fertilizer runoff, a far better solution than imposing regulatory burdens or subsidizing inefficient and less productive fertilizer limits.

NASA's Commercial Remote Sensing Program Office at Stennis Space Center should be congratulated for developing practical and productive commercial uses of this technology. This imaging technique, I believe, has application in other areas as well, such as in highway planning, environmental monitoring, resource exploration, coastal zone management and timber management.

Mr. President, I encourage all of my colleagues with an interest to contact Mr. David Brannon of the Stennis Space Center's Commercial Remote Sensing Program. I am sure many of my colleagues have farmers such as Mr. Hood who want to improve crop yield, decrease costs, and be good stewards of the environment. All they need to do is call Stennis and learn about what Mississippi has to offer.

A CALL FOR AN END TO THE POLITICAL WARS

Mr. DASCHLE. Mr. President, today's votes on the Articles of Impeachment mark the end of a long and difficult journey. The story of this impeachment process suggests a number of lessons on which I expect we will all reflect individually and collectively for some time.

From the beginning of this process, I objected in the clearest terms to the President's legal hairsplitting and attempts to find a legal excuse, or any excuse, for his deplorable personal conduct. In my view, the President violated the public trust and brought dishonor to the office he holds. For that, he will have to answer to the people of this country, and to history.

But it was every senator's duty to put personal views aside and render impartial justice, based on constitutional standards and the evidence before the Senate. In my view, the President's conduct did not, under our Constitution, warrant his removal from office. Others, acting on equally sincere motives, reached a different conclusion.

It is regrettable that something about this process led to a situation, particularly in Washington, where sincere voices on both sides were too often drowned out by partisan voices—again, on both sides. But, if we listen to voices outside the nation's capital, the voices of citizens rather than of partisans, those voices tell us that something has gone terribly wrong in our public discourse.

Those citizens see the impeachment process not as a solemn constitutional event, which it assuredly was, but rather as another sad episode in the sorry saga of a bitter, partisan and negative political process that runs on the fuel of scandal. In this sense, to many Americans, the Starr investigation, and the impeachment process it spawned, were all too familiar.

To much of the American public, this whole process was a long-running, 50-million-dollar negative ad built on personal attacks, the likes of which Americans regret and reject.

I know this belief is shared by thousands of South Dakotans and millions of Americans who hold widely varying views of what the outcome of the impeachment proceeding should have been—conviction or acquittal, removal or continued service by the President to the conclusion of his term.

What are the elements, the component parts, of this political process that so many Americans judge to be merely an ugly spectacle increasingly unworthy of their participation? What is making Americans so cynical that they are voting in record-low numbers and tuning out the government meant to serve them?

Surely they must be concerned about the increased use, and misuse, of the legal process in our political process. They are no longer certain they can distinguish the proper application of the law to address real wrongdoing properly before the courts from the hijacking of the law to bludgeon political opponents and extend the battlefield of political attack.

In just ten years, we have seen the public careers of three House Speakers, representing both political parties, destroyed by scandal. As the process has escalated, Independent Counsels have pursued members of Presidents' cabinets—of both parties—and then, the President of the United States himself.

We have watched what we all acknowledge as "the politics of personal destruction" threaten to devour our democratic ideals.

We can, and we will, argue the merits of the Independent Counsel statute when it comes up for reauthorization this session. We can, and we will, continue to pursue those who are corrupt, who use their offices for personal gain, or who otherwise deserve punishment.

But the law must be preserved as an instrument for the rendering of justice, not manipulated to serve as another readily accessible weapon to be used against political adversaries.

And the law should not become a substitute for elections. Political choices in this country must remain in the hands of the people of this country, not conveyed to prosecutors and lawyers.

It is not the law's fault that there has been a hardening of position and a commitment to win at any cost. To paraphrase our former colleague Dale Bumpers' now famous declaration in his presentation to the Senate, "Sometimes we want to win too badly."

It is time for elected officials to ask themselves, "Does anyone in this country really feel as though they have been winners in this seemingly interminable process of investigation, media spectacle and impeachment controversy?"

I hope we can keep Senator Bumpers' words in mind and honor each other with the same degree of commitment that we bring to our disagreements. I hope we can persuade without spinning; that we can argue without shouting; that we can dissent without dividing.

We can be passionate in our beliefs without prosecuting those who believe differently.

There were no winners in this impeachment process, but there were plenty of losers. There are good people who have accumulated thousands of dollars in legal bills as a result of the years of investigating the President. There are good people—on both sides of the aisle—whose private lives will be never be private again. There are people whose reputations have been battered and beaten.

I hope we can keep those people in mind and call for—indeed, insist upon—a truce in the political wars. We need now to think about what we owe ourselves, each other and the public as we move—and I hope without further delay—to address the true agenda of the American people.

SCOTT BATES, LEGISLATIVE CLERK OF THE SENATE

Mr. HUTCHINSON. Mr. President, I would like to take a few moments to pay tribute to a fellow Arkansan, Scott Bates, who was struck and killed by a car on Friday. He will be severely missed by all of us.

Scott was born in Pine Bluff, AR, where he was active in church and the Boy Scouts, achieving the rank of Eagle Scout. He developed a love of politics, which he followed to Washington, D.C. For twenty-six years, he performed dedicated service to the Senate, the last eight as the Senate's Legislative Clerk, working tirelessly behind the scenes to ensure the smooth operation of this institution. Scott was perhaps most visible, or audible, in that role because of his deep, resonant voice, calling the roll or reading legislation.

But Scott was much more than a dignifying voice to the Senate. He was a husband, a father, a colleague, and a friend to many. I spent a lot of time in the last two years with him, learning the ways of the Senate. Scott and I would reminisce about our common Arkansas roots and our mutual love for the Razorbacks. He was a man of honor and humility, an encouragement to both staffers and Senators.

We pray for his wife Ricki. May the Lord grant her a swift recovery from her surgery. We pray for his three children, Lori, Lisa, and Paul, and for his family in Arkansas. May the Lord bring healing to them in their time of loss.

We grieve and we mourn his passing, for we know that the Senate and the world will be a better place because of his life.

TRIBUTE TO LYNDA NERSESIAN

Mr. GRASSLEY. Mr. President, I want to take a moment to lament the too early death on December 19, after a four-year long battle with breast cancer, of a former staff member and friend, Lynda Nersesian, and to offer my heartfelt sympathy to her husband Robert Rae Gordon; her two children, nine year old George Raeburn Gordon, and six year old Louise Grace Gordon; her parents, Elsie Louise Nazarian and Serop S. Nersesian; her brother Robert S. Nersesian; and the many, many friends and associates in the Congress and in Washington who will miss her greatly.

Lynda served in the Senate for six and one-half years, from August 4, 1980 to January 5, 1987. She began her Senate career in the office of Senator Dole where she worked on energy and environmental issues. Lynda left Senator Dole's office in April of 1981 to join my staff as a staff attorney on the Subcommittee on Agency Administration of the Judiciary Committee, which I then chaired. On the Subcommittee, Lynda worked on a number of my highest legislative priorities. She consistently demonstrated initiative, intelligence, and savvy.

When I became Chairman of the Subcommittee on Aging of the Labor and Human Resources Committee at the beginning of the 98th Congress in 1983, the strong leadership qualities that Lynda consistently demonstrated in her work on the Administrative Practices Subcommittee made her the perfect choice to serve as chief counsel and staff director of the Subcommittee on Aging. In that capacity, she organized the office, recruited a staff, and oversaw the work of the Subcommittee through 1983. She was also responsible for advising me on major bills relating to pharmaceutical drugs which were then under consideration by the Committee.

In late 1983, Lynda once again seemed the perfect choice for a position of major responsibility, this time as the chief counsel and staff director of the Subcommittee on Administrative Practice and Procedure. In that capacity, she was responsible for the Child Pornography Act. She also worked on what became the 1986 amendments to the False Claims Act and the Equal Access to Justice Act. And she worked on defense procurement fraud. These were among my highest legislative and oversight priorities at that time.

After serving as chief counsel of the Subcommittee until January 21, 1985, Senator Dole asked Lynda to be the assistant secretary of the Senate. She served in that capacity until January 5, 1987, when she left the Senate to become legislative counsel to the Pharmaceutical Manufacturers' Association. In due course, Lynda again assumed greater responsibility, becoming the Association's vice president for government relations, a position she held until she left to build her own consulting firm, the Columbia Consulting Group.

Mr. President, Lynda Nersesian was a unique and remarkable individual. Her personal qualities of drive, decisiveness, intelligence, common sense, persistence, and good humor were evident to all who came in contact with her. It was easy to have confidence in Lynda; she always knew what to do. Her manifest talents invariably led her to be entrusted with positions of responsibility. She contributed much in the time given to her. She will be greatly missed.

FOOD AND MEDICINE FOR THE WORLD ACT

Mr. BROWNBACK. Mr. President, I am pleased to join my distinguished colleagues, Senators ASHCROFT, BAUCUS, and KERREY, in authoring the Food and Medicine for the World Act of 1999, which would limit the ability of the U.S. government to unilaterally cut off our exports of food and medicine to foreign countries.

The current stressed state of the farm economy is simply highlighting a problem that has existed in U.S. foreign policy for years. That is, our law allows for the application of unilateral sanctions on the export of food, despite extensive evidence that this policy is not only ineffective in achieving U.S. foreign policy goals but also is harmful to American economic interests. This is especially the case for agricultural commodities, which are readily available from other suppliers around the world and which are a critical component of the U.S. export portfolio. Moreover, limiting access to food and medical products is likely to have the most devastating effect on not the governments that the U.S. seeks to punish, but rather the poorest citizens of the foreign country. Thus it makes sense for the U.S. to engage with the citizens of that country by supplying—either through aid programs or through trade—basic life-sustaining products.

This bill takes a moderate approach and prohibits sanctioning of food and medical products only. It also provides a safeguard by allowing the prohibition to be waived if the President submits a report to Congress asking that the sanction include agriculture and medicine and Congress approves, through an expedited process, his request to sanction. Therefore, there is a mechanism to prohibit aid or trade from occurring with a rogue foreign regime when there is broad national consensus that it is the right thing to do. I believe that this is a reasonable balance between our need so stop using ineffective agricultural sanctions and our need to continue protecting U.S. foreign policy interests.

It is high time we stop shooting ourselves in the foot by cutting off agricultural exports, which are a real building block of the U.S. economy. I am encouraged that many members of the Senate have focused their attention on this problem and I look forward to working with my colleagues on a bipartisan basis to enact needed reforms.

PRESIDENT CLINTON SHOULD FEEL THE DISDAIN OF THE SENATE

Mr. CHAFEE. Mr. President, the Senate has been held in the grip of the impeachment trial for the past six weeks. The House has been involved in the impeachment process for the past six months, and the Nation has been divided over the actions and fate of the President for more than a year. We were not compelled to undertake this nearly unprecedented Constitutional remedy by partisanship, as some at the White House have suggested. We were driven to this point by Bill Clinton and Bill Clinton alone.

Although I voted to acquit the President on the charges, I have no doubt that if I served in the House, I would have voted to impeach him.

Chairman HYDE offered the White House every opportunity to defend the

President, but the White House chose a different course. They chose to belittle the charges against the President by suggesting that everyone lies about sex. They chose to accuse their accusers by attacking the motives and integrity of the Judiciary Committee Republicans and by insinuating that Judge Starr is a sex-obsessed prosecutor run amok. They did not question the evidence on which the impeachment vote was based.

With that evidence, the House Managers presented a powerful case against the President. As a result of their presentations, I am convinced that the President acted to circumvent the law. The notion that the President of the United States, the number one citizen of our nation, the man in whom the trust and respect of the country is meant to rest would deliberately maneuver around the laws of the land is reprehensible and should be condemned.

Alexander Hamilton, in *Federalist Papers* No. 65, said:

> The delicacy and magnitude of a trust, which so deeply concerns the political reputation and resistance of every man engaged in the administration of public affairs, speak for themselves.

President Clinton betrayed that delicate trust. The House Managers tried to restore it. In the end, the witnesses, all of whom were sympathetic to or allies of the President, provided direct evidence that failed to corroborate the House Managers' case. Removing the President from office in the face of a conflict between direct and circumstantial evidence, in my view, would be mistaken. On that basis, I voted to acquit the President. Nevertheless, the House Managers and all of the evidence left me convinced that the President acted in a way that is abominable. By voting for the censure resolution proposed by Senator FEINSTEIN, the Senate makes clear that it does not exonerate the President.

DEPOSITION PROCEDURES IN THE SENATE IMPEACHMENT TRIAL

Mr. LEAHY. Mr. President, no matter how each of us viewed the evidence in this case and no matter how each of us voted, we all share common relief that the impeachment trial of William Jefferson Clinton is concluding. In many respects, this was uncharted territory for us. We all felt the weight of history and precedent as we made our decisions on how to proceed.

With this in mind, the procedures developed and followed for the three depositions taken during the course of this trial should be made a part of the record of this impeachment trial. Unfortunately, the complete depositions were not introduced into evidence and made a part of the Senate trial record until after the vote on the Articles themselves. Instead, at the request of the House Managers, the only parts introduced into evidence before then were those "from the point that each witness is sworn to testify under oath to the end of any direct response to the last question posed by a party." (Cong. Rec., Jan. 4, 1999, p. S1209).

I served as one of the six Presiding Officers at the depositions and attended all of them. In particular, I wish to thank Senators DODD and EDWARDS for serving with me, and Senator DEWINE with whom I jointly presided.

The decisions made during those depositions may provide guidance in the future should any other Senate be confronted with challenges similar to those that we have confronted. For that reason, I have described below the manner in which we reached our decisions and summarize the issues we resolved both before and during the depositions of Monica S. Lewinsky, Vernon Jordan, and Sidney Blumenthal.

I thank Thomas Griffith, Morgan Frankel and Chris Bryant in the Senate Legal Counsel's office for their assistance during the depositions and in preparing this summary of the rules and procedures.

I ask unanimous consent that this summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF RULINGS AND PROCEDURES OF THE PRESIDING OFFICERS DURING DEPOSITIONS IN SENATE IMPEACHMENT TRIAL

A. THE PROCEDURES

Selection. An equal number of Presiding Officers from each party were selected by the Minority and Majority Leaders.

Presiding. One Presiding Officer from each party presided jointly over each deposition at all times. The Presiding Officers rotated from deposition to deposition and the Democratic Presiding Officers chose to rotate during the deposition of Ms. Lewinsky, with Senator Leahy presiding over the first part and Senator Edwards presiding over the latter part of that deposition.

Attendance. All Presiding Officers were permitted to attend each deposition in order to provide continuity in the proceedings and ensure familiarity with both substantive and procedural decisions made in each deposition.

Consultation. All Presiding Officers present, whether or not actually presiding over a specific deposition, were invited to and did participate in discussions among Presiding Officers about certain rulings.

Opening Script. The first Presiding Officer to speak was from the majority party. He used an opening script that summarized Senate Resolution 30 authorizing the depositions and set forth the ground rules for the timing of lunch and other breaks, the overall time allotted for the deposition, the scope of the examination, basic guidelines for objections, an explanation of the confidentiality requirements, and the oath required to be administered to the witness. (Lewinsky Depo. Tr., pp. 5–8). Senator DeWine reiterated the confidentiality requirement at the close of the Lewinsky deposition. (Id., p. 174, ln. 10—p. 175, ln. 7).

Senator Leahy made an opening statement at the Lewinsky deposition to advise the witness of her rights, including that she could correct the transcript, was free to consult with her attorneys, and notified her of the criminal liability she risked if she failed to tell the truth. (Lewinsky Depo. Tr., pp. 9-11).

Senator Dodd stressed the confidentiality requirement before the Jordan deposition (Jordan Depo. Tr., p. 9, lns. 6–13).

Senator Edwards stressed the confidentiality requirement again before the Blumenthal deposition (Blumenthal Depo. Tr., p. 8, lns. 8–10).

Oath. The Presiding Officer from the majority party administered the oath to the witness.

Advise of Rights. Senator Leahy in his opening remarks at the Lewinsky deposition informed the witness that should she fail to tell the truth, she would risk violating a federal law (18 U.S.C. Section 1001), prohibiting a person from making any materially false statement in any investigation or review by Congress (Lewinsky Depo. Tr., p. 9, lns. 4–13).

Breaks. Senator DeWine called for 5-minute breaks on the hour, and Senator Leahy made clear that the witness should just ask should she want a break. At the conclusion of each break, Senator DeWine informed counsel of the time remaining for questioning. (See, e.g., 145 Cong. Rec. S1218, S1222 (Lewinsky)). Senator Thompson did likewise. (Id. at S1233, S1238 (Jordan)). Senator Specter also called for 5-minute breaks on the hour. (Id. at S1249, S1253; Blumenthal Depo. Tr., p. 86, lns. 6–7, 15). Senators Thompson and Dodd called for a lunch break, even though Mr. Jordan asked to proceed through lunch. (145 Cong. Rec. S1243). Brief breaks were also taken when required to change the tapes, see, e.g., id. at S1227, and during a power outage in the Jordan deposition. (Id. at S1234).

Reserving Time for Re-direct and Re-Cross Examinations. The parties were allowed to reserve time out of their four hours for re-direct and re-cross examination, with the understanding, however, that should the President's counsel fail to cross-examine, the Managers would have no opportunity to re-direct. Likewise, should the Managers fail to re-direct following cross-examination, the President's counsel would have no opportunity to re-cross.

During the Lewinsky deposition, the President's counsel chose to ask no questions, which meant that the Managers could ask no further questions. (Lewinsky Depo. Tr., p. 173, lns. 16–17). The President's counsel made a short apology to the witness on behalf of the President, to which no objection was made. (Id., p. 173, Ins. 18–20).

During the Jordan deposition, the President's counsel asked very few questions on cross-examination, and the Managers asked no questions on re-direct examination. (145 Cong. Rec. S1245).

During the Blumethal deposition, the President's counsel asked no questions on cross-examination, but the House Managers were allowed to ask questions on a limited scope of inquiry that had been the subject of an earlier objection raised by the President's counsel. (Id. at S1253). Senators Specter and Edwards had ruled that the Managers could develop this line of inquiry at the conclusion of the deposition so that should the objection be sustained, that portion of the deposition could be easily excised (145 Cong. Rec. S1253). Following the Managers' last line of inquiry, the President's counsel was given the opportunity to ask, but had no questions for Mr. Blumenthal. (Blumenthal Depo. Tr., p. 86, lns. 15–18).

Recalling the Witness. At the completion of the Managers' direct examination of Ms. Lewinsky, Senator Edwards asked Manager Bryant whether he had concluded his direct examination. Manager Bryant said he had. When the President's counsel determined not to ask any questions, Senators DeWine and Edwards ruled that the deposition was completed, meaning that the deponent could not be compelled to testify again unless the Senate voted to issue another subpoena. (Lewinsky Depo. Tr., p. 173, ln. 24). In so doing, they expressly rejected a request from Managers Bryant and Rogan to retain jurisdiction over the witness should she be called as a witness before the Senate. (*Id.*, p. 176, lns. 4–8).

Off the Record. The Presiding Officers determined when to go off the record. For example, Senator DeWine asked to go off the record when conferring on a ruling with Senator Leahy. (145 Cong. Rec. S1219 (Lewinsky)). Senator Edwards also asked to go off the record to confer with Senator Specter on a ruling. (*Id.* at S1250 (Blumenthal)). The parties were also permitted to request that discussion take place off the record. For example, upon Manager Bryant's request, Senators DeWine and Leahy allowed discussion to take place off the record. (*Id.* at S1229 (Lewinsky)). Similarly, upon President's Counsel's request, Senators Specter and Edwards allowed discussion to take place off the record. (*Id.* at S1253 (Blumenthal)).

Videotape. Senator Leahy advised Ms. Lewinsky at the outset for her deposition of how the videotape of the deposition might be used, including admitted into evidence in the impeachment trial and used in a way that it becomes public. (Lewinsky Depo. Tr., p. 10, lns. 10–12). Her attorney noted for the record that the witness objected to the videotaping of the deposition, and to any subsequent public release of the videotape of Ms. Lewinsky's testimony (*Id.* p. 12; lns. 19–22).

B. THE WITNESS

Counsel May Not Coach the Witness. Senator DeWine instructed Ms. Lewinsky's counsel not to coach or prompt the witness in her answers. He stated that she was free to ask for a break to confer with her counsel, but they should not whisper responses to her while a question was pending. (145 Cong. Rec. S1215).

Relying on Prior Grand Jury Testimony. Ms. Lewinsky objected to certain questions, answers to which were already in the record. After conferring, Senators DeWine and Leahy instructed Ms. Lewinsky to answer a Manager's question even though the question might have been covered in her grand jury testimony, though she "certainly can reference previous testimony if she wishes to do that." Senator Leahy particularly noted that there may be "some nuances different," and that she could "correct her testimony." (145 Cong. Rec. S1213).

Transcript Corrections. Senator Leahy made clear when he presided at the Lewinsky deposition that the witness would be given an opportunity to examine the transcript to make any necessary corrections. By letter dated February 2, 1999, her attorney provided a list of corrections to the deposition (145 Cong. Res. S1229).

C. OBJECTIONS TO QUESTIONS AND STATEMENTS

Procedures for Resolving Scope Objections. Section 204 of S. Res. 30 limited the examination of the witness to "the subject matters reflected in the Senate record." Prior to the Lewinsky deposition, Senators DeWine and Leahy determined that if objection was made to a question on the ground that it exceeded the scope of the Senate record, the proponent of the question would be allowed to identify where in the Senate record the subject matter of the question was reflected. If the proponent could satisfy the Presiding Officers that the subject matter of the question was reflected in the Senate record, the witness would be instructed to answer the question.

In the Blumenthal deposition, a scope objection arose about questions regarding White House strategy discussions of Kathleen Willey. (145 Cong. Rec. S1249). Senators Specter and Edwards decided to reserve that line of questioning until the end of the deposition. When the issue arose again, after consultation off the record, Senators Specter and Edwards decided that questions regarding Kathleen Willey were within the scope, but not questions regarding strategy sessions on any other women. (*Id.* at S1253). Senators Specter and Edwards also overruled Mr. Blumenthal's attorney's scope objection to another area of questions after Manager Graham had offered proof to support the scope of the question, and the attorney had withdrawn his objection. (*Id.* at S1251).

Limitation on Scope. While S. Res. 30 broadly defined the permissible scope of the deposition to cover subject matter reflected in the Senate record, the Managers were reminded of their representations to the Senate limiting the areas about which they would examine the witnesses. For example, Senator Leahy reminded Manager Bryant of his promise to the Senate that he would not ask Ms. Lewinsky about her explicit sexual relationship with the President. (145 Cong. Rec. S1213).

Objections by Counsel for the Witness. Senators DeWine and Leahy ruled that counsel for the witness were allowed to interpose objections to a question. (*Id.* at S1219 (Lewinsky)).

Answering the Question Subject to an Objection. Section 203 of S. Res. 30 required that "the witness shall answer" all questions unless asserting a "legally-recognized privilege, or constitutional right." Senators DeWine and Leahy noted all non-privilege objections and instructed the witness to answer questions subject to the objection. (*See, e.g.*, 145 Cong. Rec. S1221 (Lewinsky)). The attorney-client privilege was asserted by Ms. Lewinsky's counsel in response to one line of questioning. Senators DeWine and Leahy instructed Manager Bryant to postpone that line of questioning until after Ms. Lewinsky's counsel could determine whether prior grand jury testimony had waived the privilege for that subject matter. (*Id.* at S1223). Her counsel later withdrew the objection, and Manager Bryant resumed his line of questioning. (*Id.* at S1224).

When Manager Graham asked about Mr. Blumenthal's prior use of executive privilege, his attorney, Mr. McDaniel, objected that the question was misleading because Mr. Blumenthal had not raised the privilege, but the White House had. Senators Specter and Edwards overruled the objection, and asked Mr. Blumenthal to answer the question, which was rephrased. (*Id.* at S1249).

Compound or Ambiguous Questions. During the depositions, there were numerous objections that the questions were compound and/or ambiguous. In each instance, the Presiding Officers invited the manager to rephrase the question and allowed the questioning to proceed. (*See, e.g., id.* at S1214–15 (Lewinsky), S1228 (Lewinsky), S1252 (Blumenthal)). At one point in the Blumenthal deposition, Senators Specter and Edwards ruled that Mr. Blumenthal could answer a question to which Mr. McDaniel objected as confusing, if the witness understood it. (*Id.* at S1250).

Open-ended Question. On cross-examination, Mr. Kendall asked Mr. Jordan if he had anything to add to the testimony he had given during his direct examination. That question drew an objection from Manager Hutchinson that it was too broad. Senator Thompson asked Mr. Kendall to rephrase the question, which he did. (*Id.* at S1245).

Witness Statement. At the conclusion of his examination, Mr. Jordan asked the Presiding Officers if he could make a statement. (Jordan Depo. Tr., p. 157, lns. 6–7). Manager Hutchinson reserved the right to object if the statement exceeded the scope of the inquiry. (*Id.* at ln. 18). Mr. Jordan then offered a statement defending his integrity, which the Presiding Officers allowed. (*Id.* at ln. 24—p. 158, ln. 23). Manager Hutchinson did not assert an objection following the statement.

Leading Questions. Senator Thompson allowed Manager Hutchinson to ask a leading question of Mr. Jordan, since according to S. Res. 30 these witnesses were to be treated as adverse to the Managers. (145 Cong. Rec. S1238).

Questions Assuming Facts Not in Evidence. Senator Edwards, with Senator Specter's concurrence, sustained an objection to a Manager's question that contained premises and characterized events not in the record, and Manager Graham rephrased the question. (*Id.* S1252).

Speculation. Senators DeWine and Leahy asked Manager Bryant to rephrase questions after objection was made that the questions called for speculation about another person's state of mind. (*Id.* at S1219, S1221 (Lewinsky)). Senators Specter and Edwards asked Manager Graham to rephrase questions calling for Mr. Blumenthal's speculation about other's thoughts. (*Id.* at S1250, S1254).

D. USE OF EXHIBITS

Prior Production of Exhibits. Section 204 of S. Res. 30 requires "[t]he party taking a deposition . . . [to] present to the other party, at least 18 hours in advance of the deposition, copies of all exhibits which the deposing party intends to enter into the deposition." Following objection from the President's counsel that the Managers had failed to comply with this requirement and had largely supplied only general descriptions of exhibits without copies of specific documents, Senators DeWine and Leahy ruled that this provision required production to the witness, the other party, and the Presiding Officers of a copy of any document that would be used during the deposition. A general description of the exhibit document did not comply with the resolution. (Lewinsky Depo. Tr., p. 14, ln. 16—p. 19, ln. 5). The President's counsel lodged an objection to the tardy production of deposition exhibits by the Managers prior to the Lewinsky deposition and again prior to the Jordan deposition, but agreed to proceed after the Presiding Officers assured them they would have an adequate opportunity to review any documents used in the deposition. (Jordan Depo. Tr., p. 13, lns. 22–25). Senators Thompson and Dodd put the Managers on notice that failure to comply with the Presiding Officers' ruling would preclude the use of documents not provided in a timely fashion at the Blumenthal deposition scheduled for the next day. (*Id.* at p. 13, ln. 22–p. 14, lns. 6, 16–23).

Referring to Exhibits. Senators DeWine and Leahy ruled that exhibits should be referred to according to their location in the

Senate record. (145 Cong. Rec. S1214, S1226 (Lewinsky)). Senator Thompson reiterated that ruling in the Jordan deposition. (*Id.* at S1236). Senator Thompson also ruled that grand jury exhibits in the Senate record used as deposition exhibits should not be referred to by their grand jury exhibit number, but rather by an exhibit number for this impeachment trial deposition. (*Id.*) Senators Thompson and Dodd numbered the exhibits as they were presented, rather than as they were admitted into evidence. (*Id.* at S1245).

Admitting Exhibits into Evidence. S. Res. 16, the agreement which emerged from the Senate's January 8, 1999 bipartisan caucus in the Old Senate Chamber, provides that the material the House filed with the Senate on January 13, 1999 "will be admitted into evidence." Those materials were printed, bound, and distributed to Senators. (*See* S. Doc. No. 106–3, vols. I–XXIV (1999)). Thus, any documents in that Senate record were already admitted into evidence by the time the depositions were taken. S. Res. 30, which governs the conduct of these depositions, provides that "[n]o exhibits outside of the Senate record shall be employed, except for articles and materials in the press, including electronic media." When a party used a document during a deposition that was in the Senate record, there was no need to seek admission of that document into evidence. The only non-record documents that could be used in these depositions were "articles and materials in the press, including electronic media." A party needed to seek the admission of those documents into evidence before they could become part of the record.

During the Jordan deposition, Manager Hutchinson attempted to use as an exhibit a summary of telephone records, a redacted form of which was in the Senate record. Mr. Kendall objected to the use of the exhibit because it had not been properly authenticated. Senators Thompson and Dodd sustained the objection. (145 Cong. Rec. S1241).

After the Manager's examination of Mr. Blumenthal, the President's counsel, Lanny Breuer, presented various news articles that were admitted into evidence. (Blumenthal Depo. Tr., p. 81, ln. 8–p. 82, ln. 2). Manager Graham also submitted articles into evidence, including those not referred to by Mr. Blumenthal, and they were admitted after Mr. Breuer withdrew his objection that no reference had been made to the articles during the examination. (*Id.* at p. 82, lns. 16–25, p. 83, ln. 15–p. 85, ln. 25).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on February 12, 1999, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 27. Concurrent resolution providing for an adjournment or recess of the two Houses.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 391. An act to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes.

H.R. 437. An act to provide for a Chief Financial Officer in the Executive Office of the President.

H.R. 705. An act to make technical corrections with respect to the monthly reports submitted by the Postmaster General on official mail of the House of Representatives.

The message further announced that pursuant to section 852(b) of Public Law 105–244, the Minority Leader appoints the following Member and individual to the Web-Based Education Commission: Mr. FATTAH of Pennsylvania and Mr. Doug King of St. Louis, Missouri.

The message also announced that pursuant to section 3(b) of Public Law 105–341, the Minority Leader appoints the following Member and individuals to the Woman's Progress Commemoration Commission: Ms. SLAUGHTER of New York, Ms. Clayola Brown of New York, New York, and Ms. Barbara Haney of Irvine, New Jersey.

The message further announced that pursuant to section 955(b)(1)(B) of Public Law 105–93, the Minority Leader reappoints the following Member to the National Council on the Arts: Mrs. LOWEY of New York.

The message also announced that pursuant to the provisions of 22 U.S.C. 1928a, the Speaker appoints the following Members of the House to the United States Group of the North Atlantic Assembly: Mr. BEREUTER of Nebraska, Chairman, Mr. BATEMAN of Virginia, Mr. BLILEY of Virginia, Mr. BOEHLERT of New York, Mr. REGULA of Ohio, Mr. GOSS of Florida, Mr. DEUTCH of Florida, Mr. BORSKI of Pennsylvania, Mr. LANTOS of California, and Mr. RUSH of Illinois.

The message further announced that pursuant to the provisions of 22 U.S.C. 276d, the Speaker appoints the following Member of the House to the Canada-United States Interparliamentary Group: Mr. HOUGHTON of New York, Chairman.

The message also announced that pursuant to the provisions of 22 U.S.C. 276h, the Speaker appoints the following Member of the House to the Mexico-United States Interparliamentary Group: Mr. KOLBE of Arizona, Chairman.

The message further announced that pursuant to subsection (c)(3) of division A of Public Law 105–277, the Minority Leader appoints the following individuals to the Trade Deficit Review Commission: Mr. George Becker of Pittsburgh, Pennsylvania, Mr. Kenneth Lewis of Portland, Oregon, and Mr. Michael Wessel of Falls Church, Virginia.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 257. A bill to state the policy of the United States regarding the deployment of a missile defense capable of defending the territory of the United States against limited ballistic missile attack (Rept. No. 106–4).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 426. A bill to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. DOMENICI, Mr. THOMPSON, Mr. LOTT, Mr. ALLARD, Mr. HAGEL, Mr. SESSIONS, Mr. HUTCHINSON, Mr. COCHRAN, Mr. BURNS, Mr. MCCAIN, Mr. INHOFE, Mr. DEWINE, Mr. BOND, Mr. SMITH of Oregon, Mr. ENZI, Mr. HELMS, and Mr. NICKLES):

S. 427. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GORTON:

S. 428. A bill to amend the Agricultural Market Transition Act to ensure that producers of all classes of soft white wheat (including club wheat) are permitted to repay marketing assistance loans, or receive loan deficiency payments, for the wheat at the same rate; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. CLELAND, Mr. GRAMS, Mr. DASCHLE, Mr. DEWINE, Mr. LAUTENBERG, and Mr. LEVIN):

S. 429. A bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. Daschle):

S. Res. 37. A resolution to express gratitude for the service of the Chief Justice of the United States as Presiding Officer during the impeachment trial; considered and agreed to.

By Mr. McCONNELL (for himself and Mr. Dodd):

S. Res. 38. A resolution to waive the Standing Rules of the Senate in order to permit a resolution authorizing Senate committee expenditures for the period March 1, 1999 through September 30, 1999; considered and agreed to.

By Mr. DOMENICI (for himself and Mr. Lautenberg):

S. Res. 39. A resolution commending June Ellenoff O'Neill for her service to Congress and to the Nation; considered and agreed to.

S. Res. 40. A resolution commending James L. Blum for his service to Congress and to the Nation; considered and agreed to.

By Mr. THURMOND (for himself, Mr. Lott, Mr. Daschle, Mr. Byrd, Mr. Stevens, Mr. Warner, Mr. Cochran, Mr. Gramm, Mr. Sarbanes, Mr. Bennett, Mr. Dodd, Mr. Hagel, Mr. Kerry, Mr. Bryan, Mr. Johnson, Mr. Mack, and Mr. Bunning):

S. Res. 41. A resolution expressing the gratitude of the United States Senate for the service of Francis L. Burk, Jr., Legislative Counsel of the United States Senate; considered and agreed to.

By Mr. LOTT (for himself and Mr. Daschle):

S. Res. 42. A resolution relating to the retirement of David G. Marcos; considered and agreed to.

S. Res. 43. A resolution relating to the retirement of Thomas G. Pellikaan; considered and agreed to.

By Mrs. FEINSTEIN (for herself, Mr. Bennett, Mr. Moynihan, Mr. Chafee, Mr. Kohl, Mr. Jeffords, Mr. Lieberman, Mr. Smith of Oregon, Mr. Daschle, Ms. Snowe, Mr. Reid, Mr. Gorton, Mr. Bryan, Mr. McConnell, Mr. Cleland, Mr. Domenici, Mr. Torricelli, Mr. Campbell, Mr. Wyden, Mrs. Lincoln, Mr. Kerry, Mr. Kerrey, Mr. Schumer, Mr. Durbin, Mrs. Murray, Mr. Wellstone, Mr. Breaux, Ms. Mikulski, Mr. Dorgan, Mr. Baucus, Mr. Reed, Ms. Landrieu, Mr. Kennedy, Mr. Levin, Mr. Rockefeller, Mr. Robb, Mr. Inouye, and Mr. Akaka):

S. Res. 44. A resolution relating to the censure of William Jefferson Clinton; to the Committee on Rules and Administration.

By Mr. HUTCHINSON (for himself, Mr. Wellstone, Mr. Mack, Mr. Feingold, Mr. Abraham, Mr. Leahy, Mr. Helms, Mr. Torricelli, Mr. Lott, Mr. Inhofe, Mr. Sessions, Mr. Ashcroft, Mr. DeWine, Mr. Kyl, Mr. Brownback, and Mr. Lugar):

S. Res. 45. A resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China; to the Committee on Foreign Relations.

By Mr. LOTT (for himself and Mr. Daschle):

S. Res. 46. A resolution relating to the retirement of William D. Lackey; considered and agreed to.

By Mr. MURKOWSKI (for himself, Mr. Lott, Mr. Daschle, Mr. Akaka, Mr. Ashcroft, Mr. Baucus, Mr. Conrad, Mr. DeWine, Mr. Enzi, Mr. Grassley, Mr. Lautenberg, Mr. Mack, Ms. Mikulski, Mr. Smith of Oregon, Mr. Torricelli, and Mr. Helms):

S. Res. 47. A resolution designating the week of March 21 through March 27, 1999, as "National Inhalants and Poisons Awareness Week"; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Ms. Mikulski, Mr. Warner, and Mr. Cleland):

S. Con. Res. 10. A concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States; to the Committee on Armed Services.

By Mr. CAMPBELL (for himself, Mr. Conrad, Mr. Brownback, Mrs. Hutchison, Mr. Frist, Mr. Gramm, Ms. Landrieu, and Mr. Hutchinson):

S. Con. Res. 11. A concurrent resolution expressing the sense of Congress with respect to the fair and equitable implementation of the amendments made by the Food Quality Protection Act of 1996; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 426. A bill to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes; to the Committee on Energy and Natural Resources.

KAKE TRIBAL CORPORATION PUBLIC INTEREST LAND EXCHANGE ACT

Mr. MURKOWSKI. Mr. President, today I rise to introduce two similar bills both of which passed the Senate last year with unanimous consent. One of these bills amends the Alaska Native Claims Settlement Act (ANCSA), to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, a village corporation created under that Act. The other bill provides for a similar land exchange between the Secretary and the Kake Tribal Corporation. Both of these bills will allow the Kake Tribal and Huna Totem Corporations to convey land needed as municipal watersheds in their surrounding communities to the Secretary in exchange for other Forest Service lands.

Enactment of these bills will meet two objectives. First, the two corporations will finally be able to fully recognize the economic benefits promised to them under ANCSA. Second, the watersheds that supply the communities of Hoonah, Alaska and Kake, Alaska will be protected in order to provide safe water for those communities.

The legislation I offer today clarifies several issues that were raised during the Committee hearings and mark-up last year. First, the legislation directs that the subsurface estates owned by Sealaska Corporation in the Huna and Kake exchange lands are exchanged for similar subsurface estates in the conveyed Forest Service lands. Second the substitute clarifies that these exchanges are to be done on an equal value basis. Both the Secretary of Agriculture and the corporations insisted on this provision. I believe this is critical, Mr. President, because both these bills provide that any timber derived from the newly acquired Corporation lands be processed in-state, a requirement that does not currently exist on the watershed lands the corporations are exchanging. Therefore, if this exchange simply were done on an acre-for-acre basis it is likely that the acreage the corporations are exchanging, without any timber export restrictions, would have a much higher value than what they would get in return. It is for this reason that these exchanges will not be done on an acre-for-acre basis. If it ends up that either party has to receive additional compensation, either in additional lands or in cash to equalize the value, then it is my hope this will be done in an expeditious way to allow the exchange to move forward within the times specified in the legislation.

I believe these two pieces of legislation are in the best interest of the native corporations, the Alaska communities where the watersheds are located, and the Federal government. It is my intention to try and pass these bills out of the Senate Energy and Natural Resources Committee at the earliest opportunity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kake Tribal Corporation Public Interest Land Exchange Act."

SEC. 2 AMENDMENT OF SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601 et seq.), as amended, is further amended by adding at the end thereof:

"SEC. . KAKE TRIBAL CORPORATION LAND EXCHANGE.

"(a) General.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights convey to the Kake Tribal Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal land identified by Kake Tribal Corporation pursuant to subsection (c): Lands exchanged pursuant to this section shall be on the basis of equal value.

"(b) The surface estate to be conveyed by Kake Tribal Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled Attachment A, and are further described as follows:

MUNICIPAL WATERSHED, COPPER RIVER MERIDIAN, T56S, R72E

Section	Approximate acres
13	82
23	118
24	635
25	640
26	346
34	9
35	349
36	248
Approximate total	2,427

"(c) Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Kake Tribal Corporation shall be entitled to identify lands in the Hamilton Bay and Saginaw Bay areas, as depicted on the maps dated September 1, 1997, and labeled Attachments B and C. Kake Tribal Corporation shall notify the Secretary of Agriculture in writing which lands Kake Tribal Corporation has identified.

"(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Kake Tribal Corporation pursuant to subsection (c).

"(e) MANAGEMENT OF WATERSHED.—The Secretary of Agriculture shall enter into a Memorandum of Agreement with the City of Kake, Alaska, to provide for management of the municipal watershed.

"(f) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Kake Tribal Corporation under this section shall not be exported as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

"(g) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

"(h) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if there is any discrepancy between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land."

By Mr. ABRAHAM (for himself, Mr. DOMENICI, MR. THOMPSON, Mr. LOTT, Mr. ALLARD, Mr. HAGEL, Mr. SESSIONS, Mr. HUTCHINSON, Mr. COCHRAN, Mr. BURNS, Mr. MCCAIN, Mr. INHOFE, Mr. DEWINE, Mr. BOND, Mr. SMITH of Oregon, Mr. ENZI, Mr. HELMS, and Mr. NICKLES):

S. 427. A bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1997, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

THE MANDATES INFORMATION ACT OF 1999

Mr. ABRAHAM. Mr. President, I rise today with 14 of my Colleagues, including the Chairmen of the Senate Small Business, Commerce, Governmental Affairs and Budget Committees, as well as the Majority Leader, in introducing vital legislation in protecting our nation's businesses from ill-thought government mandates, The Mandates Information Act of 1999. This bill in my view furthers the cause of careful deliberation in this, the greatest deliberative body in the world. It will force Members of Congress to carefully consider all aspects of potential legislation containing mandates affecting consumers, workers, and small businesses.

We have been working towards final passage of this bill for quite some time, Mr. President, as we introduced very similar legislation in the last Congress. I wish to thank Chairmen THOMPSON and DOMENICI for their tireless leadership in shepherding this through their two Committees last Congress. I am only sorry we did not have sufficient time to bring it to the floor before adjournment. With their support and leadership in this Congress, I believe we can bring it to the floor for quick consideration and move to Conference with the House.

And too it is the House that I also wish to extend my thanks and respect. Under the careful leadership of Representatives PORTMAN and CONDIT, and the very helpful support of the Speaker, the House version of the Mandates Information Act, H.R. 350, easily passed the House on Wednesday with a broad, bipartisan majority of 274 to 194. Their conscientious sponsorship of the bill allowed it to quickly pass through Committee, and to avoid being watered down by unneeded amendments. I offer my thanks and respect for their efforts.

Mr. President, this is not a new idea, but one that builds upon the important work of the 104th Congress when we passed the Unfunded Mandates Reform Act of 1995. That legislation required the Congressional Budget Office to make two key estimates with respect to any bill reported out of committee: First, whether the bill contains intergovernmental mandates with an annual cost of $50 million or more; and, second, whether the bill contains private sector mandates with an annual cost of $100 million or more. The 1995 act also established a point of order against bills meeting the $50 million cost threshold for intergovernmental mandates. Although the point of order can be waived by a simple majority vote, it encourages Congress to think carefully before imposing new intergovernmental mandates.

The 1995 act did not apply its point of order to private sector mandates. This was understandable, given the bill's focus on intergovernmental mandates. But States and localities are not alone in being affected by Federal mandates. Consumers, workers, and small businesses also are affected when the Federal Government passes along the costs of its policies. This is why the Mandates Information Act of 1997 will apply a point of order to bills meeting the $100 million cost threshold for private sector mandates, while also directing the CBO to prepare a "Consumer, Worker, and Small Business Impact Statement" for any bill reported out of committee.

These reforms are necessary in my view, Mr. President, because the 1995 Act, while effective in its chosen sphere of intergovernmental mandates, does not contain the necessary mechanisms to force Congress to think seriously about the wisdom of proposed mandates on the private sector. This leaves our private sector faced with the same dilemma once faced by our States and localities: Congress does not give full consideration to the costs its mandates impose. Focusing almost exclusively on the benefits of unfunded mandates, Congress pays little heed to, and sometimes seems unaware of, the burden that unfunded mandates impose on the very groups they are supposed to help.

Unfunded mandate costs by definition do not show up on Congress' balance ledger. But, as President Clinton's Deputy Treasury Secretary Lawrence Summers has written, "[t]here is no sense in which benefits become 'free' just because the government mandates" them. Congress has merely passed the costs on to someone else.

And that "someone" is the American people. As economists from Princeton's Alan Krueger to John Holohan, Colin Winterbottom, and Sheila Zedlewski of the Urban Institute agree, the costs of unfunded mandates on the private sector are primarily borne by three groups: consumers, workers, and small businesses.

What forms do these costs take? For consumers, mandate costs take the form of higher prices for goods and services, as unfunded mandates drive up the cost of labor.

For workers, the costs of unfunded mandates often take the form of significantly lower wages. According to the Heritage Foundation, a range of independent studies indicates that some 88 percent of the cost of private sector mandates are shifted to workers in the form of lower wages.

And mandates can cause workers to lose their jobs altogether. Faced with uncontrollable increases in employee costs, our job creators too often find that they can no longer afford to retain their full complement of workers. The Clinton health care mandate, for example, would have resulted in a net loss of between 200,000–500,000 jobs, according to a study conducted by Professor Krueger.

Small businesses and their potential employees also suffer. Mandates typically apply only to businesses with at least a certain number of employees. As a result, small businesses have a powerful incentive not to hire enough new workers to reach the mandate threshold. As the Wall Street Journal recently noted, "The point at which a new [mandate] kicks in * * * is the point at which the [Chief Financial Officer] asks 'Why grow?' "

That question is asked by small businesses all over the country, but let me cite one example from my State. Hasselbring/Clark is an office equipment supplier in Lansing, MI. Noelle Clark is the firm's treasurer and secretary. Mindful of the raft of mandates whose threshold is 50 employees, Ms. Clark reports that lately "we have hired a few temps to stay under 49." Thus, unfunded mandates not only eliminate jobs, but also prevent jobs from being created.

Much as Members of Congress may wish it were not so, mandates have a very real cost. This does not mean that all mandates are bad. But it does mean that Congress should think very carefully about the wisdom of a proposed mandate before imposing it.

Such careful thinking, Mr. President, is the goal of the Mandates Information Act of 1999. Just as the Unfunded Mandates Reform Act of 1995 protects State and local governments from hasty decisionmaking with respect to proposed intergovernmental mandates, the Mandates Information Act would protect consumers, workers, and small businesses from hasty decisionmaking with respect to proposed private sector mandates. It would do so, in essence, by extending the reforms of the 1995 act to private sector mandates.

The bill I introduce today would build on the 1995 act's reforms in two ways. First, to give Congress more complete information about the impact of proposed mandates on the private sector, my bill directs CBO to prepare a "Consumer, Worker, and Small Business Impact Statement" for any bill reported out of Committee. This statement would include analyses of the bill's private sector mandates' effects on the following: First, consumer prices and [the] actual supply of goods and services in consumer markets; second, worker wages, worker benefits, and employment opportunities; and third, the hiring practices, expansion, and profitability of businesses with 100 or fewer employees.

But providing Congress with more complete information about the impact of proposed private sector mandates will not guarantee that it pays any attention to it. This we know from experience. In 1981, Congress enacted the State and Local Government Cost Estimate Act, sponsored by Senator Sasser. Pursuant to that act, CBO provided Congress with estimates of the cost of intergovernmental mandates in bills reported out of committee. But Congress routinely ignored this information. It did so because the 1981 act had no enforcement mechanism to force Congress to consider the CBO estimates. As Senator Sasser himself explained in introducing a follow-up bill in 1993, "[t]he problem [with the 1981 act], it has become clear, is that this yellow caution light has no red light to back it up."

To supply that "red light," Senator Sasser's Mandate Funding Act of 1993 contained a point of order. Of course, the Unfunded Mandates Reform Act of 1995 likewise contained a point of order, which is why it succeeded where Senator Sasser's 1981 act had failed.

The Mandates Information Act of 1999 will provide this red light for proposed private sector mandates. It contains a point of order against any bill whose direct private sector mandates exceed the $100 million threshold set by the 1995 act. Like the 1995 act's point of order against intergovernmental mandates, the 1997 bill's point of order can be waived by a simple majority of Members. Thus it will not stop Congress from passing bills it wants to pass. It is here, Mr. President, that I wish to thank Chairman Thompson and Domenici for the excellent revisions of the mandates language offered during the Government Affairs mark-up of the Mandates Information Act of 1997. We have incorporated those changes in this bill and believe they greatly strengthen the legislation, including making it very clear that the point of order only applies to direct mandates upon the private sector that exceed $100 million.

It is that point of order which will serve the vital purpose to ensure Congress does not ignore the information contained in the Consumer, Worker, and Small Business Impact Statement. It will do so by allowing any Member to focus the attention of the entire House or Senate on the impact statement for a particular bill.

The Mandates Information Act of 1999 will provide Congress with more complete information about proposed mandates' effects on consumers, workers, and small businesses. It will also ensure that Congress actually considers this information before reaching a judgment about whether to impose a new mandate. The result, Mr. President, will be focused, high-quality deliberation on the wisdom of private sector mandates.

Because of the success of the 1995 act, Congress is now much more careful to consider the interests of State and local governments in making decisions about unfunded mandates. But Congress must be just as careful to consider the interests of consumers, workers, and small businesses in making such decisions. This bill will ensure that care, helping produce better legislation; legislation that imposes a lighter burden on working Americans.

Mr. President, I will include in the Record the following sample of letters from small business groups supporting the bill along with a list of groups that have expressed their support for it.

Mr. President, the support for this legislation is broad and deep. It is needed to protect our small businesses against mandates which have not been fully analyzed and which harm these businesses in ways that Congress may never have intended. But, Mr. President, I believe they can best argue for the need for this bill.

Therefore, I call on my colleagues to join us in cosponsoring this important legislation, and to move it through Committee and to the floor as quickly as possible. It is necessary, it is wise, and it is fair. Mr. President, I ask unanimous consent that the text of the legislation as well as a section-by-section summary of the bill, a list of groups in support of the bill, letters of support from the U.S. Chamber of Commerce, the Small Business Survival Committee and the Competitive Enterprise Institute also be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mandates Information Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) before acting on proposed private sector mandates, Congress should carefully consider their effects on consumers, workers, and small businesses;

(2) Congress has often acted without adequate information concerning the costs of private sector mandates, instead focusing only on their benefits;

(3) the costs of private sector mandates are often borne in part by consumers, in the form of higher prices and reduced availability of goods and services;

(4) the costs of private sector mandates are often borne in part by workers, in the form of lower wages, reduced benefits, and fewer job opportunities; and

(5) the costs of private sector mandates are often borne in part by small businesses, in the form of hiring disincentives and stunted growth.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve the quality of Congress's deliberation with respect to proposed mandates on the private sector, by—

(A) providing Congress with more complete information about the effects of such mandates; and

(B) ensuring that Congress acts on such mandates only after focused deliberation on their effects; and

(2) to enhance the ability of Congress to distinguish between private sector mandates that harm consumers, workers, and small businesses, and mandates that help those groups.

SEC. 4. FEDERAL PRIVATE SECTOR MANDATES.

(a) IN GENERAL.—

(1) ESTIMATES.—Section 424(b) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(b)) is amended by adding at the end the following:

"(4) ESTIMATE OF INDIRECT IMPACTS.—

"(A) IN GENERAL.—In preparing estimates under paragraph (1), the Director shall also estimate, if feasible, the impact (including any disproportionate impact in particular regions or industries) on consumers, workers, and small businesses, of the Federal private sector mandates in the bill or joint resolution, including—

"(i) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on consumer prices and on the actual supply of goods and services in consumer markets;

"(ii) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on worker wages, worker benefits, and employment opportunities; and

"(iii) an analysis of the effect of the Federal private sector mandates in the bill or joint resolution on the hiring practices, expansion, and profitability of businesses with 100 or fewer employees.

"(B) ESTIMATE NOT CONSIDERED IN DETERMINATION.—The estimate prepared under this paragraph shall not be considered in determining whether the direct costs of all Federal private sector mandates in the bill or joint resolution will exceed the threshold specified in paragraph (1).".

(2) POINT OF ORDER.—Section 424(b)(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(b)(3)) is amended by adding after the period "If such determination is made by the Director, a point of order under this part shall lie only under section 425(a)(1) and as if the requirement of section 425(a)(1) had not been met.".

(3) THRESHOLD AMOUNTS.—Section 425(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(a)(2)) is amended by striking "Federal intergovernmental mandates by an amount that causes the thresholds specified in section 424(a)(1)" and inserting "Federal mandates by an amount that causes the thresholds specified in section 424 (a)(1) or (b)(1)".

(4) APPLICATION RELATING TO APPROPRIATIONS COMMITTEES.—Section 425(c)(1)(B) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(c)(1)(B)) is amended—

(A) in clause (i) by striking "intergovernmental";

(B) in clause (ii) by striking "intergovernmental";

(C) in clause (iii) by striking "intergovernmental"; and

(D) in clause (iv) by striking "intergovernmental".

(5) APPLICATION RELATING TO CONGRESSIONAL BUDGET OFFICE.—Section 427 of the Congressional Budget Act of 1974 (2 U.S.C. 658f) is amended by striking "intergovernmental".

(b) EXERCISE OF RULEMAKING POWERS.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This Act may be cited as the "Mandates Information Act of 1999."

SEC. 2. FINDINGS

Finds that Congress should consider the effects of proposed mandates on consumers, workers and small businesses, and that Congress has often acted on mandates while knowing their benefits but not their costs.

SEC. 3. PURPOSES

The purposes of this Act are:

To improve the quality of Congress' deliberation on proposed private sector mandates by providing Congress with more complete information;

Ensuring that Congress acts on such mandates only after focused deliberation on their effects; and

To enhance the ability of Congress to distinguish between helpful and harmful private sector mandates.

SEC. 4. FEDERAL PRIVATE SECTOR MANDATES

(a) In General—

(1) Estimates—Directs the Congressional Budget Office, if feasible, to estimate the impact of private sector mandates on consumers, workers, and small businesses, including the impact on—

Consumer prices and the supply of goods and services;

Worker wages, benefits, and employment opportunities; and

The hiring practices, expansion and profitability of businesses with 100 or fewer employees.

The estimate prepared under this paragraph shall not be considered in determining whether the direct costs of all Federal private sector mandates in the bill or joint resolution exceed the $100 million threshold.

(2) Point of Order—Provides that if the Congressional Budget Office is unable to estimate the cost of private sector mandates in a bill or joint resolution, a point of order will still lie against consideration of that bill or joint resolution.

(3) Threshold Amounts—Exempts funded private sector mandates from a point of order.

(4) Application to Appropriations—Extends the point of order only to appropriations bills only if a legislative provision that includes a Federal private sector mandate is:

Contained in an appropriations bill or conference report; or

Contained in an amendment to an appropriations bill; or

Amendments in disagreement between the two Houses to an appropriations bill.

(5) Amendments—Requires the Congressional Budget Office, when practicable, to estimate the direct costs of a Federal private sector mandate contained in an amendment at the request of any Senator.

(b) Exercise of Rulemaking Powers—States that the Act is enacted as an exercise of the rulemaking power of the Senate and House of Representatives under their constitutional right to change such rules at any time.

ORGANIZATIONS SUPPORTING THE MANDATES INFORMATION ACT OF 1999

NATIONAL ORGANIZATIONS

The United States Chamber of Commerce, National Federation of Independent Business, National Association for the Self-Employed, National Association of Wholesaler-Distributors, National Retail Federation, Small Business Survival Committee, Associated Builders and Contractors, American Farm Bureau Federation, National Association of Manufacturers, National Association of Home Builders, National Restaurant Association, National Roofing Contractors Association, Citizens for a Sound Economy, Heritage Foundation, Competitive Enterprise Institute

MICHIGAN ORGANIZATIONS

Associated Underground Contractors, Inc.; Grand Rapids Area Chamber of Commerce; Michigan Association of Timbermen; Michigan Chamber of Commerce; Michigan Farm Bureau Family of Companies; Michigan NFIB; Michigan Retailers Association; Michigan Soft Drink Association; Small Business Association of Michigan.

CHAMBER OF COMMERCE
THE UNITED STATES OF AMERICA,
Washington, D.C. February 9, 1999.

Hon. SPENCER ABRAHAM,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR ABRAHAM: As long standing advocates of mandates relief for the private and public sectors, the U.S. Chamber of Commerce strongly supports the legislation that you will be introducing, The Mandates Information Act of 1999.

Recent studies estimate the compliance costs of federal regulations at more than $700 billion annually and project substantial future growth even without the enactment of new legislation. Congressional mandates impose significant costs on the private sector, particularly small business. These costs are passed along in the form of higher prices and taxes, reduced wages, stunted economic growth, and decreased technological innovation.

The Mandates Information Act builds upon the success of the Unfunded Mandates Reform Act by requiring the Congressional Budget Office ("CBO") to provide Congress with information on the potential impacts associated with proposed significant mandates on the private sector. This legislation promotes better decision making and greater accountability by providing Congress with information relating to the costs and impacts of its mandates before enacting them and passing the costs on to consumers. It also allows a separate debate and floor vote.

During the last Congress, H.R. 3534, the Mandates Information Act, was passed by the U.S. House of Representatives by a vote of 279-132. Additionally, the analogous bill in the Senate was marked up and approved by the Government Affairs Committee. Unfortunately, the 105th Congress ended before the Senate could vote on the legislation.

Lawmakers have the responsibility to legislate using the most complete and accurate information available. The point-of-order mechanism, coupled with CBO's analysis under the Mandates Information Act, would help make Congress far more responsive to the burdens created by ill-considered mandates.

The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses of every size, sector, and region, appreciates your effort to make Congress more accountable to small businesses, workers, and consumers through the Mandates Information Act.

Sincerely,

LONNIE P. TAYLOR,
Senior Vice President.

SMALL BUSINESS
SURVIVAL COMMITTEE,
Washington, DC, January 27, 1999.

Hon. SPENCER ABRAHAM
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: Any effort to highlight the burden of private-sector mandates on small businesses, workers, and consumers earns the support of the Small Business Survival Committee's (SBSC's) 50,000 members.

The Mandates Information Act of 1999 is an important piece of legislation that would provide Congress with the ability to determine the economic impact of mandates by directing the Congressional Budget Office to supply Congress with an analysis of a new mandate's impact on small businesses, workers, and consumers.

Small businesses bear a disproportionate burden of the costs of federal regulations. The per employee costs of these regulations are usually 80% higher for small businesses when compared to that of large corporations. Ultimately, the costs hit employees hard, through lower wages, reduced benefits, and fewer job opportunities and consumers are hurt by high prices and reduced availability of goods and services.

To draw attention to private-sector mandates with annual costs in excess of $100 million, the Mandates Information Act of 1999 allows any member to raise a "point of order" to ensure the Members of Congress do not ignore the economic impact imposed by their mandates on taxpayers. This provision is an important step in favor of true congressional accountability.

The Small Business Survival Committee strongly support this important piece of legislation and looks forward to working with you to ensure its passage.

Sincerely,

KAREN KERRIGAN,
President.

[From the Competitive Enterprise Institute, Feb. 8, 1999]

SO, WHAT WILL THIS UNFUNDED MANDATE COST ME?

(By Clyde Wayne Crews Jr.)

The $1.77 trillion spending budget President Clinton sent to Congress February 2 tells just part of the story of the Federal government's reach in the economy. Regulatory mandates placed on Americans increase the costs of government by over a third. Legislation now being debated in the House of Representatives (H.R. 350) could help better control that cost.

Some know the problems of mandates more acutely than others. Back in 1995, governors and other state and local officials—fed up with the federal government's imposing exceedingly costly environmental and other mandates on them—revolted. To many state and local officials, every dollar spent on federal priorities, however beneficial and popular, compromised their ability to achieve their own budget priorities. Some even felt they could protect their own local environments without Washington's intervention, thank you very much.

Happy Governors.—The complaints that Washington too often ignored the costs of its mandates were heard. The result was the 104th Congress's Unfunded Mandates Act—the significance of which garnered it the designation "S. 1" in the Senate. The law required cost disclosure for significant mandates, and offered an opportunity to demand explicit votes on the intent to impose those costs.

Unfunded public-sector mandates weren't halted by the Unfunded Mandates Act, of course. But total rules in the federal pipeline impacting state and local governments has dipped 12 percent over the past five years, from 1,317 to 1,161.[1] The real innovation wasn't rule blockage at all, but rather increased congressional, rather than agency, accountability to the public for the impacts of rules.

But full congressional accountability and disclosure remain to be achieved for rules impacting the private sector. For example, agency rules significantly impacting small businesses increased 37% over the past five years, from 686 to 937. Yet Congress remains largely free to ignore the accompanying costs when enacting legislation that will impose many private sector mandates. And if costs become an issue down the line with constituents, it's easy to blame the regulatory agencies that write the rules to implement the legislation.

The Mandates Information Act (H.R. 350) vs. Those Other Unfunded Mandates.—One remedy, on which House floor debate will resume February 10, is the bipartisan Mandates Information Act of 1999 (H.R. 350), sponsored by Reps. Gary Condit (D–CA), Rob Portman (R–OH), Jim Moran (D–VA) and Tom Davis (R–VA). Virtually identical to a version that passed the 105th Congress on a 279–132 vote, the bill would extend certain provisions of the Unfunded Mandates Act to mandates on the private sector. H.R. 350 would establish a point of order against any legislation that would impose costs over $100 million annually, such as mandates impacting wages, consumer prices or small businesses. If raised, the point of order would halt further floor action unless members waive it by a simple majority vote. In other words, should any member object to the imposition of costs on the public, Congress must then explicitly vote on its intent to consider the bill despite its costs—and indirectly vote on its belief that benefits outweigh costs. This approach doesn't necessarily stop any mandate, but it would increase accountability.

A Step Toward Ending Hidden Taxes?—Legislators partial to continuing to shield mandate costs from scrutiny and wiggling out of responsibility, do so at their peril. Off-budget mandates now cost as much as $700 billion annually. That's an amount about 40 percent the size of the entire federal budget, greater even than pretax corporate profits ($640 billion in 1996) and almost as large as the combined GNPs of Canada and Mexico ($542 billion and $237 billion in 1995).

The Mandates Information Act would help place responsibility for costly lawmaking squarely back where it belongs—with Congress. Nonetheless, H.R. 350 has raised the ire of some who say the measure will make it difficult to promulgate regulation. What they do not fathom is that it is not supposed to be easy to impulsively impose what amount to massive hidden taxes. The opponents' alarm at the point of order's "gagging" debate is quite misguided: If the simple majority vote to approve worthy, presumably chock-full-of-benefits legislation is there in the first place, then the simple majority to waive the point of order should be there, too. Thus, opponents of H.R. 350's long overdue focus on costs, who cry "What about benefits?" need to ask themselves that question. Voters aren't stupid, and they will support costly legislation if persuaded those costs are justified, and they will punish those whom they believe stall needed legislation.

Too Easy To Scapegoat Agencies.—Perhaps the real fear of the Mandates Information Act's opponents is the fact that a separate vote to explicitly consider costs weakens political cover. Today, representatives can deny responsibility for regulatory costs when speaking before their small business constituents back home: "Uh . . . Your hardship is the agencies' fault! They're out of control!" That little dodge would stop.

Congress Must Answer for All Costs.—Those who never met a regulation they didn't like, those who always think more rules make sense in the abstract, deserve occasionally to be awakened from their perpetual Sim-City planner mode, just long enough to consider whether a rule really makes sense here on Earth. If even this meager reform is rejected, Congress might just as well take a roll-call vote on a resolution stipulating that: "The public has no business knowing the costs of the regulations that we impose upon them." That way voters will have it made plain to them exactly where they stand in the eyes of those they elected.

The innovation and legacy of the Mandates Information Act is not that it will stop a lot of regulations. It won't. The Mandates Information Act's lasting contribution will be its unique step toward full disclosure, its potential to make Congress more answerable for all the costs of government.

Mr. THOMPSON. Mr. President, today I rise to support the Mandates Information Act of 1999. I am pleased to be an original cosponsor of this legislation, which will make Congress more accountable for the laws it passes. I want to applaud my good friend from Michigan, SPENCE ABRAHAM, for his hard work and leadership on this effort. He has always championed greater accountability and efficiency in our Government.

This legislation is based on a simple premise—that Congress should think carefully and be accountable for passing mandates that impose significant costs on people and limit their freedom. In 1995, we passed the Unfunded Mandates Act to make Congress think twice before imposing new unfunded mandates on state and local government. But Congress also should be concerned about the private sector, especially consumers, workers and small businesses.

This legislation builds on the Unfunded Mandates Reform Act in two ways. First, it will provide Congress with more complete information about the costs of proposed Congressional mandates on the private sector. The Congressional Budget Office would prepare a "Consumer, Worker, and Small

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[1] All figures on numbers of regulations in this document were compiled by CEI from the federal Regulatory Information Service Center's "Unified Agenda of Federal Regulations," various years' editions, for the forthcoming CEI report "Ten Thousand Commandments: A Policymaker's Snapshot of the Federal Regulatory State," 1999 edition.

Business Impact Statement" for new private sector mandates in bills reported out of Committee. The Statement would analyze the impacts of Congressional mandates on: (1) consumer prices and the supply of goods and services in the market; (2) worker wages, benefits, and employment opportunities; and (3) the hiring practices, expansion, and profitability of businesses with 100 or fewer employees.

Second, to ensure that Congress pays attention to the information, this legislation would establish a point of order, waivable by a simple majority, against legislation containing direct private sector unfunded mandates over the $100 million threshold established by the Unfunded Mandates Act. This bill does not prohibit legislative mandates; it simply requires Congress to think carefully before deciding whether or not to impose them.

Mr. President, I believe that the public has a right to open, accountable, and efficient government. If Congress or the President wants to take credit for the benefits of a new program, we also should answer for its costs. We can't shrug off our responsibilities just because the economy is good now and we can point to budget surpluses. There has been a large growth in regulatory mandates that simply are not accounted for in budget figures. Federal regulation costs about $700 billion per year by some estimates. That is about 40 percent of the size of the entire Federal budget. And regulation begins when Congress passes legislation that delegates its lawmaking authority to the Federal agencies.

The truth is that there is no free lunch. While we can see the costs of tax-and-spend programs in the taxes we pay, the costs of regulatory mandates are just as real. We all pay for regulatory mandates through hidden taxes in the form of higher prices, lower productivity and wages, and diminished economic growth and job opportunities.

In particular, the costs of private sector mandates can hit hard on consumers, workers and small businesses. Consumers pay for mandates through higher prices for goods and services. Workers pay through lower wages. And small businesses pay through lower profitability and growth, which in turn means less job opportunities for workers. A 1995 Small Business Administration study found that an average business with less than 20 employees spends about $5,500 per employee to comply with Federal regulations, while large firms with over 500 employees spend about $3,000 per employee. While regulatory mandates affect everyone, small businesses have a particularly tough time shouldering them.

I have always said that agencies need to regulate smarter. But before we even reach that step, Congress needs to legislate smarter. Last year, this legislation passed the House, and in the Senate we reported it out of the Governmental Affairs Committee. On Wednesday, the House passed this legislation again by an overwhelming vote. It is my hope that we can enact it into law this year. The Mandates Information Act will help place responsibility for costly laws at their source—Congress. It's long overdue.

By Mr. GORTON:

S. 428. A bill to amend the Agricultural Market Transition Act to ensure that producers of all classes of soft white wheat (including club wheat) are permitted to repay marketing assistance loans, or receive loan deficiency payments, for the wheat at the same rate; to the Committee on Agriculture, Nutrition, and Forestry.

LOAN DEFICIENCY PAYMENT FOR CLUB WHEAT

Mr. GORTON. Mr. President, I rise today to introduce legislation that will restore payment equity to Pacific Northwest producers of club wheat.

Last year, during the middle of the 1998 harvest season, the U.S. Department of Agriculture made a rule change regarding the Loan Deficiency Payment (LDP) club wheat, a member of the soft white wheat subclass. While I applaud USDA for its efforts in providing equal payments for club wheat and soft white wheat, by making the policy change in the middle of the production year, many club wheat producers had already contracted with the lower payment.

In order to address the inequity between the 1998 club wheat LDP contracts, my colleagues and I requested that USDA make the policy retroactive. USDA claimed it does not have the authority to grant retroactivity, and as a result, I have introduced this legislation to provide the agency retroactive authority.

At a time when commodity prices are at an all time low, it is my hope that the LDP inequity for club wheat will be resolved by passage of this legislation. I ask unanimous consent that the legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPAYMENT RATE FOR MARKETING ASSISTANCE LOANS FOR WHEAT; LOAN PAYMENT RATE FOR LOAN DEFICIENCY PAYMENTS FOR WHEAT.

(a) In General.—Section 134(a)(2) of the Agricultural Market Transition Act (7 U.S.C. 7234(a)(2)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) in the case of soft white wheat, be uniform for all classes of the wheat, including club wheat.".

(b) Application.—The amendments made by subsection (a) shall apply beginning with the 1997 crop of wheat.

By Mr. DURBIN (for himself, Mr. Kennedy, Mr. Cleland, Mr. Grams, Mr. Daschle, Mr. DeWine, Mr. Lautenberg, and Mr. Levin):

S. 429. A bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy; to the Committee on the Judiciary.

THE REDESIGNATION OF WASHINGTON'S BIRTHDAY

Mr. DURBIN. Mr. President, I want to take this opportunity, along with my distinguished colleagues, Senators Kennedy, Cleland, Grams, Daschle, DeWine, Lautenberg, and Levin, to reintroduce legislation recognizing the importance of the institution of the Presidency. My legislation would redesignate "Washington's Birthday" as "Presidents' Day," honoring George Washington, Abraham Lincoln, and Franklin Roosevelt. In taking this step, we would honor three of our nation's most important leaders, Presidents who led our nation through our greatest challenges and crises. In so doing, we would be celebrating the contributions that these and other great Presidents have made to the development of freedom and democracy in our great nation.

Our democracy depends upon the participation of a well-informed electorate—citizens who take their civic responsibilities seriously. However, many Americans appear to have lost confidence in our political system. In the last presidential election, less than half of eligible voters—49 percent—voted. In the 1998 midterm elections, only 36 percent of the voting populace cast their vote to determine the future of our nation. This was the lowest voter turnout since 1942, over 50 years ago. The turnout rate among younger voters is even lower.

Tests administered by the National Assessment of Educational Progress found that almost 60 percent of high school seniors lacked even a basic understanding of American history. These findings indicate that too many Americans feel a sense of alienation from the political process and do not believe that government and political involvement are relevant to their lives.

In this time of cynicism about American politics, we must restore the faith and pride of our citizens in our government. Passage of this legislation will recognize three of our nation's greatest leaders and the enduring strength of the Office of the Presidency. It will remind all of us—but particularly young people who are our nation's future leaders—of the important contributions made by Presidents of the United

States and the principles on which our nation was founded.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 5, a bill to reduce the transportation and distribution of illegal drugs and to strengthen domestic demand reduction, and for other purposes.

S. 185

At the request of Mr. ASHCROFT, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.

S. 249

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 249, a bill to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

S. 279

At the request of Mr. MCCAIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 314

At the request of Mr. BOND, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 314, a bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

S. 315

At the request of Mr. ASHCROFT, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 315, a bill to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes.

S. 327

At the request of Mr. HAGEL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 333

At the request of Mr. LEAHY, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 333, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 335

At the request of Ms. COLLINS, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 335, a bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 346

At the request of Mrs. HUTCHISON, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Ohio (Mr. DEWINE), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Virginia (Mr. WARNER), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE CONCURRENT RESOLUTION 10—EXPRESSING THE SENSE OF CONGRESS THAT THERE SHOULD CONTINUE TO BE PARITY BETWEEN THE ADJUSTMENTS IN THE COMPENSATION OF MEMBERS OF THE UNIFORMED SERVICES AND ADJUSTMENTS IN THE COMPENSATION OF CIVILIAN EMPLOYEES OF THE UNITED STATES

Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. CLELAND) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 10

Whereas members of the uniformed services of the United States and civilian employees of the United States make significant contributions to the general welfare of the United States; and

Whereas, increases in the levels of pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall levels of pay of workers in the private sector so that there is now up to a 30 percent gap between the compensation levels of Federal civilian employees and the compensation levels of private sector workers and a 9 to 14 percent gap between the compensation levels of members of the uniformed services and the compensation levels of private sector workers; and

Whereas, in almost every year of the past two decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

●Mr. SARBANES. Mr. President, I am pleased to join with Senators MIKULSKI and WARNER in submitting a resolution which would express the sense of the Congress that parity between Federal civilian pay and military pay should be maintained. Disparate treatment of civilian and military pay goes against longstanding Congressional policy that for more than a decade has ensured parity for all those who have chosen to serve our Nation, whether that service be in the civilian workforce or in the armed services. I urge my colleagues to join me in support of this important resolution.●

SENATE CONCURRENT RESOLUTION 11—EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO THE FAIR AND EQUITABLE IMPLEMENTATION OF THE AMENDMENTS MADE BY FOOD QUALITY PROTECTION ACT OF 1996

Mr. CAMPBELL (for himself, Mr. CONRAD, Mr. BROWNBACK, Mr. FRIST, Mr. GRAMM, Mr. HUTCHINSON, Mrs. HUTCHISON, and Ms. LANDRIEU): submitted the following concurrent resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. CON. RES. 11

Whereas the Food Quality Protection Act of 1996 (Public Law 104-170; 110 Stat. 1489) was enacted with unanimous congressional approval and with the assistance and leadership of a broad coalition of agricultural, industry, and public interest groups;

Whereas the amendments made by that Act are intended to be an important tool in protecting public health, particularly the health and well-being of the most valuable resource of the United States, the children of the United States;

Whereas it is critical that the amendments made by that Act be implemented in a way that accomplishes the intent of Congress while maintaining an abundant, affordable, and safe food supply for the United States, ensuring urban pest control, and not unfairly providing competitive advantages to foreign food suppliers over domestic producers;

Whereas the amendments made by that Act require the Administrator of the Environmental Protection Agency to develop risk assessment methodologies that are based on reliable information and to undertake a massive review of all approved pesticide tolerances;

Whereas on August 4, 1997, the Administrator published a schedule for reassessment of more than 3,000 tolerances by August 3, 1999, that could include certain classes of products that are extensively used;

Whereas the sudden loss of uses and products could both economically cripple a host of agricultural commodities, including corn, soybeans, wheat, rice, cotton, and dozens of fruit and vegetable crops and create a public health threat to the urban environment from the unchecked infestation of insects; and

Whereas it is critical that the amendments made by that Act be implemented in a fair and equitable manner, and that the protections be implemented while maintaining an abundant, affordable, and safe food supply for the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the Administrator of the Environmental Protection Agency and the Secretary of Agriculture should ensure that the implementation of the amendments made by the Food Quality Protection Act of 1996 (Public Law 104-170; 110 Stat. 1489)—

(A) be based on sound science that protects public health;

(B) include transparent processes with full disclosure of decisions and be subject to peer and public review;

(C) provide for a reasonable transition for agriculture; and

(D) require consultation with the public and other agencies;

(2) the development of risk assessment methodologies, guidelines, and protocols for collection of data under the amendments made by that Act be based on sound science and not default assumptions in the absence of reliable data;

(3) the Administrator of the Environmental Protection Agency should devote sufficient resources to register new pesticide products and uses to provide effective substitutes for pesticides that may be considered high risk under the amendments made by that Act; and

(4) the Administrator should establish ongoing means for input regarding the implementation decisions of the Administrator with respect to that Act from producers, pesticide users, registrants, environmental and public health groups, consumers, State and local agencies, tribal governments, Members of Congress, and appropriate Federal agencies.

Mr. CAMPBELL. Mr. President, today I submit a Senate Concurrent Resolution which addresses the controversy surrounding the Food Quality Protection Act. I am pleased to be joined today by my colleagues, Senators CONRAD, BROWNBACK, HUTCHISON, FRIST, GRAMM of Texas, LANDRIEU, and HUTCHINSON who are original cosponsors of the resolution.

The Food Quality Protection Act directs the EPA to base its tolerance review decisions pertaining to pesticides on reliable data that is currently available. Or, the EPA can require the development of new data through the data call-in provisions of the Food Quality Protection Act.

In order to meet the review deadlines, the EPA is basing some critical decisions on assumptions, which are primarily EPA's preliminary findings. This could lead to needless and questionable product cancellations, and have a significant impact on the agricultural industry.

It is essential that the EPA's insect tolerance assessment process be based on sound scientific data. If the EPA's current approach to pesticide risk assessments is not modified, it is likely that many uses of crop protection products will be unjustifiably terminated. The sudden adoption of new restrictions of certain pesticide applications and products could needlessly cripple a host of agricultural commodities, including corn; soybeans; wheat; rice; cotton; and dozens of fruit and vegetable crops. It could also add a public health threat to the urban environment from mosquitos, cockroaches, and termites that might go unchecked. American farmers, ranchers, and consumers will feel the unnecessary and avoidable repercussions of the EPA's actions.

We all know pesticide use must be closely monitored and some pesticides need to be replaced. The protection of the environment must always be foremost in our minds. But, common sense and real science must be involved in this matter so that all parties will benefit. Certain pesticides that warrant replacement or removal must have suitable, affordable, and effective replacements. And, any changes must be made in a sufficient time frame to allow producers to learn the safe use of the new products as they transition away from old dated products.

Also, the current Food Quality Protection Act puts the United States at a distinct disadvantage in the global marketplace. Other countries do not have the same requirements that our producers have, but we still import and consume their products. We need to offer every advantage to our producers and safeguard consumers instead of providing other countries an upper hand in the world's agricultural market.

To address this issue, the resolution I introduce today expresses the sense and intent of Congress for the fair and equitable implementation of the Food Quality Protection Act of 1996. The resolution calls on the EPA Administrator and the Secretary of Agriculture to use sound science to protect the public health while effectively administering the Food Quality Protection Act.

Some important organizations have endorsed my resolution, including the Colorado Farm Bureau and the Rocky Mountain Farmers Union.

We must modify the enforcement mechanisms in the Food Quality Protection Act to ensure the act is properly implemented, so that it can help, not hurt the people and our environment it was intended to protect. The resolution I submit today will help accomplish this goal, and I urge my colleagues to support its passage.

SENATE RESOLUTION 37—TO EXPRESS GRATITUDE FOR THE SERVICE OF THE CHIEF JUSTICE OF THE UNITED STATES AS PRESIDING OFFICER DURING THE IMPEACHMENT TRIAL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 37

Whereas Article I, section 3, clause 6 of the Constitution of the United States provides that, when the President of the United States is tried on articles of impeachment, the Chief Justice of the United States shall preside over the Senate;

Whereas, pursuant to Rule IV of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, on January 6, 1999, the Senate notified William H. Rehnquist, Chief Justice of the United States, of the time and place fixed for consideration of the articles of impeachment against William Jefferson Clinton, President of the United States, and requested him to attend;

Whereas, in the intervening days since January 7, 1999, Chief Justice Rehnquist has presided over the Senate, when sitting on the trial of the articles of impeachment, for long hours over many days;

Whereas Chief Justice Rehnquist, in presiding over the Senate, has exhibited extraordinary qualities of fairness, patience, equanimity, and wisdom;

Whereas, by his manner of presiding over the Senate, Chief Justice Rehnquist has contributed greatly to the Senate's conduct of fair, impartial, and dignified proceedings in the trial of the articles of impeachment;

Whereas the Senate and the Nation are indebted to Chief Justice Rehnquist for his distinguished and valued service in fulfilling his constitutional duty to preside over the Senate in the trial of the articles of impeachment: Now, therefore, be it

Resolved, That the Senate expresses its profound gratitude to William H. Rehnquist, Chief Justice of the United States, for his distinguished service in presiding over the Senate, while sitting on the trial of the articles of impeachment against William Jefferson Clinton, President of the United States.

SEC. 2. The Secretary shall notify he Chief Justice of the United States of this resolution.

SENATE RESOLUTION 38—TO WAIVE THE STANDING RULE OF THE SENATE IN ORDER TO PERMIT A RESOLUTION AUTHORIZING SENATE COMMITTEE EXPENDITURES FOR THE PERIOD OF MARCH 1, 1999 THROUGH SEPTEMBER 30, 1999

Mr. McCONNELL (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 38

Resolved, That, notwithstanding paragraph 9 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized to report a continuing resolution authorizing Senate committee expenditures for the period March 1, 1999 through September 30, 1999.

SENATE RESOLUTION 39—COMMENDING JUNE ELLENOFF O'NEILL FOR HER SERVICE TO CONGRESS AND THE NATION

Mr. DOMENICI (for himself and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 39

Whereas Dr. June Ellenoff O'Neill has served as the Director of the Congressional Budget Office since March of 1995;

Whereas she previously served in that office in its early years from 1976 to 1979 as the Chief of the Human Resources Cost Estimates Unit and has held numerous positions within the Executive Branch of the Federal Government, within academia, and at respected private research institutions;

Whereas she has been recognized as a leader within the economics profession by her election as Vice President of the American Economics Association and has been published in numerous books, monographs, and articles addressing important issues of public policy and economics;

Whereas during her tenure as Director, an unprecedented period that saw budget deficits turning to surpluses, she has continued to encourage the highest standards of analytical excellence within the staff of the Congressional Budget Office while maintaining the independent and nonpartisan character of the organization;

Whereas she has improved and expanded Congress and the general public's access to the Congressional Budget Office's work product by establishing a web site for the organization;

Whereas she has actively promoted the importance of a budget process to a democratic society by participating in and encouraging her staff to participate in educational and foreign exchange programs;

Whereas she has performed her duties as Director with courage, grace, and intelligence; and

Whereas she has earned the respect and esteem of the United States Senate: Now, therefore, be it

Resolved, That the Senate of the United States commends Dr. June Ellenoff O'Neill for her dedicated, faithful, and outstanding service to her country and to the Senate.

SENATE RESOLUTION 40—COMMENDING JAMES L. BLUM FOR HIS SERVICE TO CONGRESS AND TO THE NATION

Mr. DOMENICI (for himself and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 40

Whereas James L. Blum has served as the Deputy Director of the Congressional Budget Office since December of 1991;

Whereas he has served in that office since its creation in 1975: from 1975 to 1991 as the Assistant Director for Budget Analysis and in the post of Acting Director from December 1987 to March of 1989;

Whereas prior to his tenure at the Congressional Budget Office, he has held numerous positions within the Executive Branch of the Federal Government including the Office of Management and Budget and the Department of Labor;

Whereas he is internationally recognized for his expertise in budget and finance;

Whereas he has instilled professionalism and integrity in generations of staff at the Congressional Budget Office by his personal conduct and leadership and has encouraged high standards of scholarship and clarity of presentation from them;

Whereas he was the 1990 recipient of the Roger W. Jones Award for Executive Leadership;

Whereas he has performed his various duties within the Congressional Budget Office with intelligence while displaying calm leadership;

Whereas he possesses irreplaceable institutional knowledge which has been indispensable to the effective functioning of the Congressional Budget Office extending over a period of almost 25 years; and

Whereas he has earned the respect and esteem of the United States Senate: Now, therefore, be it

Resolved, That the Senate of the United States commends James L. Blum for his many years of dedicated, faithful, and outstanding service to his country and to the Senate.

SENATE RESOLUTION 41—EXPRESSING THE GRATITUDE OF THE UNITED STATES SENATE FOR THE SERVICE OF FRANCIS L. BURK, JR., LEGISLATIVE COUNSEL OF THE UNITED STATES SENATE

Mr. THURMOND (for himself, Mr. LOTT, Mr. DASCHLE, Mr. BYRD, Mr. STEVENS, Mr. WARNER, Mr. COCHRAN, Mr. GRAMM, Mr. SARBANES, Mr. BENNETT, Mr. DODD, Mr. HAGEL, Mr. KERRY, Mr. BRYAN, Mr. JOHNSON, Mr. MACK, and Mr. BUNNING) submitted the following resolution; which was considered and agreed to:

S. RES. 41

Whereas Francis L. "Frank" Burk, Jr., the Legislative Counsel of the United States Senate, became an employee of the Senate on June 8, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the Office of the Legislative Counsel of the United States Senate for more than 28 years;

Whereas Frank Burk, from January 1, 1991, to December 31, 1998, served as the Legislative Counsel of the Senate and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of his position;

Whereas Frank Burk for more than 25 years was the primary drafter in the Senate of virtually all legislation relating to banking, securities, housing, mass transit, and small business, and as Legislative Counsel participated in the drafting of legislation relating to the operations and rules of the Senate;

Whereas Frank Burk retired on December 31, 1998, after more than 30 years of Government service, including 2 years with the United States Army; and

Whereas Frank Burk has met the legislative drafting needs of the United States Senate with unfailing professionalism, skill, dedication, and good humor during his entire career: Now, therefore, be it

Resolved, That the United States Senate commends Francis L. Burk, Jr. for his more than 30 years of faithful and exemplary service to the United States Senate and the Nation, including 8 years as the Legislative Counsel of the Senate, and expresses its deep appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Francis L. Burk, Jr.

SENATE RESOLUTION 42—RELATING TO THE RETIREMENT OF DAVID G. MARCOS

Mr. LOTT (for himself and for Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 42

Whereas, David G. Marcos became an employee of the United States Senate on August 16, 1960, and since that date has ably and faithfully upheld the highest standards and traditions of the staff of the United States Senate;

Whereas, David G. Marcos has faithfully served the United States Senate as Executive Clerk during the past 4 years;

Whereas, prior to that, David G. Marcos rendered exemplary service as the Assistant Executive Clerk, Keeper of the Stationery, Assistant Keeper of the Stationery and other positions of responsibility in offices of the United States Senate for 35 years;

Whereas, during this 39-year period, David G. Marcos has at all times discharged the duties and responsibilities of his office with extraordinary efficiency, aplomb, and devotion; and

Whereas, David G. Marcos' service to the United States Senate has been marked by his personal commitment to the highest standards of excellence and highest regard for the institution of the Senate: Now, therefore, be it

Resolved, That the United States Senate commends David G. Marcos for his honorable service to his country and to the United States Senate, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to David G. Marcos.

SENATE RESOLUTION 43—RELATING TO THE RETIREMENT OF THOMAS G. PELLIKAAN

Mr. LOTT (for himself and for Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 43

Whereas, Thomas G. Pellikaan has faithfully served the United States Senate as Editor of the Daily Digest of the Congressional Record during the past 10 years, and has served in that office since 1977;

Whereas, prior to that, Thom rendered exemplary service in the Office of the Senate Sergeant at Arms for 14 years as Senate Press Liaison;

Whereas, during this 35½-year period, he has at all times discharged the difficult duties and responsibilities of his office with extraordinary efficiency, aplomb, and devotion; and

Whereas, Thomas Pellikaan's service to the Senate has been marked by his personal commitment to the highest standards of excellence: Now, therefore, be it

Resolved, That Thomas G. Pellikaan be and hereby is commended for his outstanding service to his country and to the United States Senate.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Thomas G. Pellikaan.

SENATE RESOLUTION 44—RELATING TO THE CENSURE OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

Mrs. FEINSTEIN (for herself, Mr. BENNETT, Mr. MOYNIHAN, Mr. CHAFEE, Mr. KOHL, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. SMITH of Oregon, Mr. DASCHLE, Ms. SNOWE, Mr. REID, Mr. GORTON, Mr. BRYAN, Mr. MCCONNELL, Mr. CLELAND, Mr. DOMENICI, Mr. TORRICELLI, Mr. CAMPBELL, Mr. WYDEN, Mrs. LINCOLN, Mr. KERRY, Mr. KERREY, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. WELLSTONE, Mr. BREAUX, Ms. MIKULSKI, Mr. DORGAN, Mr. BAUCUS, Mr. REED, Ms. LANDRIEU, Mr. KENNEDY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. ROBB, Mr. INOUYE, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 44

Whereas William Jefferson Clinton, President of the United States, engaged in an inappropriate relationship with a subordinate employee in the White House, which was shameful, reckless and indefensible;

Whereas William Jefferson Clinton, President of the United States, deliberately misled and deceived the American people, and people in all branches of the United States government;

Whereas William Jefferson Clinton, President of the United States, gave false or misleading testimony and his actions have had the effect of impeding discovery of evidence in judicial proceedings;

Whereas William Jefferson Clinton's conduct in this matter is unacceptable for a President of the United States, does demean the Office of the President as well as the President himself, and creates disrespect for the laws of the land;

Whereas President Clinton fully deserves censure for engaging in such behavior;

Whereas future generations of Americans must know that such behavior is not only unacceptable but also bears grave consequences, including loss of integrity, trust and respect;

Whereas William Jefferson Clinton remains subject to criminal actions in a court of law like any other citizen;

Whereas William Jefferson Clinton's conduct in this matter has brought shame and dishonor to himself and to the Office of the President; and

Whereas William Jefferson Clinton through his conduct in this matter has violated the trust of the American people;

Resolved

The United States Senate does hereby censure William Jefferson Clinton, President of the United States, and does condemn his wrongful conduct in the strongest terms; and

The United States Senate recognizes the historic gravity of this bipartisan resolution, and trusts and urges that future congresses will recognize the importance of allowing this bipartisan statement of censure and condemnation to remain intact for all time; and

The Senate now move on to other matters of significance to our people, to reconcile differences between and within the branches of government, and to work together—across party lines—for the benefit of the American people.

SENATE RESOLUTION 45—EXPRESSING THE SENSE OF THE SENATE REGARDING THE HUMAN RIGHTS SITUATION IN THE PEOPLE'S REPUBLIC OF CHINA

Mr. HUTCHINSON (for himself, Mr. WELLSTONE, Mr. MACK, Mr. FEINGOLD, Mr. ABRAHAM, Mr. LEAHY, Mr. HELMS, Mr. TORRICELLI, Mr. LOTT, Mr. INHOFE, Mr. SESSIONS, Mr. ASHCROFT, Mr. DEWINE, Mr. KYL, Mr. BROWNBACK, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 45

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance;

Whereas, according to the United States Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in China and Tibet and continues the coercive implementation of family planning policies and the sale of human organs taken from executed prisoners;

Whereas such abuses stem from an intolerance of dissent and fear of unrest on the part of authorities in the People's Republic of China and from the absence or inadequacy of laws in the People's Republic of China that protect basic freedoms;

Whereas such abuses violate internationally accepted norms of conduct;

Whereas the People's Republic of China is bound by the Universal Declaration of Human Rights and recently signed the International Covenant on Civil and Political Rights, but has yet to take the steps necessary to make the covenant legally binding;

Whereas the President decided not to sponsor a resolution criticizing the People's Republic of China at the United Nations Human Rights Commission in 1998 in consideration of commitments by the Government of the People's Republic of China to sign the International Covenant on Civil and Political Rights and based on a belief that progress on human rights in the People's Republic of China could be achieved through other means;

Whereas authorities in the People's Republic of China have recently escalated efforts to extinguish expressions of protest or criticism and have detained scores of citizens associated with attempts to organize a legal democratic opposition, as well as religious leaders, writers, and others who petitioned the authorities to release those arbitrarily arrested; and

Whereas these efforts underscore that the Government of the People's Republic of China's has not retreated from its longstanding pattern of human rights abuses, despite expectations to the contrary following two summit meetings between President Clinton and President Jiang in which assurances were made regarding improvements in the human rights record of the People's Republic of China: Now, therefore, be it

Resolved, That it is the sense of the Senate that at the 55th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet.

Mr. HUTCHINSON. Mr. President, today I, along with Senators WELLSTONE, MACK, and FEINGOLD, submit a simple sense of the Senate resolution. This resolution urges the Administration to take the necessary steps to introduce and pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at this year's meeting of the United Nations Human Rights Commission. With this resolution, we send a clear signal to the Administration that the U.S. must not be silent on the human rights abuses perpetrated by the government of the People's Republic of China.

The U.N. Human Rights Commission meeting in Geneva, Switzerland, will take place in March and April this year. The Commission is the most valuable multilateral forum for monitoring and investigating human rights abuses around the world. Resolutions offered at the Commission both highlight human rights abuses and pressure governments to correct them. The U.S. has appropriately supported resolutions critical of China eight times in recent years.

The Communist government of China has long committed a litany of human rights abuses. Thousands of political prisoners remain in prison, many sentenced after unfair trials, others without any trial. At least two hundred of these prisoners are still suffering because of their participation in or support of the 1989 Tiananmen Square demonstrations. Religious persecution runs rampant in China. People who dare to worship outside the aegis of officially sponsored religious organizations face fines, detention, arrest, imprisonment, and torture. Thousands of peaceful monks and nuns have been detained and tortured in Tibet, where the Chinese government is imposing a harsh patriotic education campaign. Under China's one family, one child policy, couples face punitive fines and loss of employment for having unapproved children. But it doesn't stop with monetary penalties. Local authorities, with or without the approval of the Communist Party cadre, forcibly perform abortions or sterilizations on women who are pregnant with their second child. Relatives are held hostage until couples submit to this coercion. Furthermore, prisoners are executed after grossly unfair trials, their organs sold on the black market. What do these people all have in common? They oppose the Chinese Communist government or its policies. Opposition bears a high price.

What has been the Administration's response? Last year, President Clinton decided not to pursue a resolution critical of China at the U.N. Human Rights Commission in Geneva, Switzerland, citing China's commitment to sign the International Covenant on Civil and Political Rights (ICCPR), as well as other avenues for change. In July, President Clinton granted the Communist government undeserved legitimacy by making a state visit to China. China did sign the ICCPR, a covenant which affirms free speech and free assembly, in October, only to turn around and violate its every principle.

Since July 1998, the Communist government of China has renewed its crackdown on all who would dare to oppose the Communist Party. Some 100 members of the fledgling Chinese Democracy Party (CDP) have been detained. Some have been released, others await trial, and the most unfortunate have been sentenced to long prison sentences. Three visible leaders of the CDP, Xu Wenli, Qin Yongmin, and Wang Youncai were sentenced to 13, 12 and 11 years in prison, respectively, on charges of subversion and endangering state security, after dubious trials. In reality, these democracy activists exercised their legal rights under Chinese law to form a political party. There true crime, in the eyes of the Communist Party, was their love of democracy.

But the crackdown does not end there. In fact, incidents of harassment and imprisonment are almost too numerous to list here. I will highlight a few examples. The Communist government sentenced businessman Lin Hai to prison for two years for providing email addresses to a pro-democracy internet magazine based in the U.S. Zhang Shanguang is in prison for ten years for providing Radio Free Asia with information about farmer protests in Hunan province. The government sentenced poet and writer, Ma Zhe, to seven years in prison on charges of subversion for publishing an independent literary journal. In addition, the Communist government has cracked down on film directors, artists, computer software developers, and the press, and continues to harass and detain religious activists. In November 1998, police imprisoned 70 worshipers from house churches in Henan province. The pattern of human rights violations is undeniable. It must be stopped.

In light of these abuses, it is critical that the U.S. push for a resolution at the U.N. Human Rights Commission highlighting these abuses. Last year, the Administration chose not to pursue a resolution, despite clear signals from Congress. In this body, we passed a resolution similar to the one before us today by a 95 to 5 vote. We cannot afford to stand by idly as the Chinese Communist government thumbs its nose at internationally accepted norms—norns to which it claims to subscribe.

There are some in the Administration who argue that a resolution critical of China at the Human Rights Commission is pointless because it is certain to fail. This very sentiment is self-fulfilling. The more half-hearted the Administration is in its attempts to advance such a resolution, the less chance it has to pass. The longer the Administration refrains from exercising leadership in the international community on this matter, the less likely it is that the resolution will be successful.

Bringing forth a resolution at the Commission is a matter of principle. Success will be measured by the statements of truth that flow from debate at the Commission. A resolution at the Commission will proclaim boldly that the human rights abuses in China are an affront to the international community.

I urge all of my colleagues to support this bipartisan sense of the Senate resolution.

Mr. FEINGOLD. Mr. President, I rise today as an original co-sponsor of S. Res. 45 with regard to human rights in China.

The resolution expresses the sense of the Senate that the United States should initiate active lobbying at the United Nations Commission on Human Rights for a resolution condemning human rights abuses in China. It calls specifically for the United States to introduce and make all efforts necessary to pass a resolution on China and Tibet at the upcoming session of the Commission, which is due to begin in March in Geneva.

This resolution makes a simple, clear statement of principle: The Senate believes that there should be a China resolution in Geneva, period.

Mr. President, the Commission on Human Rights first met in 1947, spending its first year drafting the Universal Declaration of Human Rights. Over the next two decades, the Commission was responsible for drafting an impressive body of international human rights law and set the global standards for human rights. In the 1990s, the Commission has increasingly turned its attention to assisting states in overcoming obstacles to securing human rights for their citizens. It has been a focal point for protection of human rights for vulnerable groups in society, and as such, the Commission serves as an ideal multilateral forum for a resolution and debate on China's human rights practices.

The effort to move a resolution is particularly important this year, in light of the Administration's decision, contrary to the nearly unanimous sentiment of the Senate, not to sponsor such a resolution last year. Their misguided belief that progress could be achieved by other means was clearly not borne out by events in 1998, when, particularly in the last quarter, China stepped up its repression.

As we all know, for the past few years, China's leaders have aggressively lobbied against efforts at the Commission earlier and more actively than the countries that support a resolution. Last year, Chinese officials basically succeeded in getting the European Union Foreign Ministers to drop any European cosponsorship of a resolution. In the past, China's vigorous efforts have resulted in a "no action" motion at the Commission, however, in 1995 a "no action" motion was defeated and a resolution almost adopted, losing by only one vote. I sincerely hope we will not have the same results again at this year's meeting.

It is essential to have a resolution on China under the auspices of the Commission on Human Rights. The multilateral nature of the Commission makes it a very appropriate forum to debate and discuss the human rights situation in China. The Commission's review has led to proven and concrete progress on human rights in other countries, and the expectation is that such scrutiny could also lead to progress on human rights in China. Under the pressure of previous Geneva resolutions, China signed in 1997 the UN Covenant of Social, Economic and Cultural Rights and in October 1998 the International Covenant on Civil and Political Rights. Neither has yet been ratified or implemented.

Nearly five years after the President's decision, which I deeply regretted, to delink most-favored-nation status from human rights, we cannot forget that the human rights situation in China and Tibet remains abysmal. While the State Department has not yet provided its most recent human rights report, I have no doubt it will be as critical of China as the 1997 report was when it noted that "the Government of China continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms, including extrajudicial killings, the use of torture, arbitrary arrest and detention, forced abortion and sterilization, the sale of organs from executed prisoners, and tight control over the exercise of the rights of freedom of speech, press, and religion.”

According to testimony to Congress by Amnesty International, the human rights situation in China shows no fundamental change, despite the recent promises from the government of China. At least 2,000 people remain in prison for counter-revolutionary crimes that are no longer even on the books in China. At least 200 individuals detained or arrested for Tiananmen Square activities nearly a decade ago are also still in prison. By China's own statistics, there are nearly a quarter of a million people imprisoned under the “re-education through labor” system. One of these, Yang Qinheng, received a three year term in March after he was arrested for reading an open letter on Radio Free Asia citing workers' right to unionize.

The litany of specific violations of human rights also has continued unabated in the last several months. Attempts to register the fledgling opposition China Democratic Party resulted in at least six arrests of opposition political leaders. In December, Wang Youcai, a student leader during Tiananmen Square protests, Xu Wenli, and Qin Yongmin were each sentenced to over 10 years in prison allegedly for “attempting to overthrow state power” because of their roles in the Democratic Party.

China took great strides to keep overseas dissidents out of China. In April, less than an hour after her arrival at her parents home, Li Xiaorong, a research scholar at University of Maryland, who was traveling on a US passport with a valid visa, was taken into custody. Her crime, according to police, was that her work in the US on behalf of human rights in China was unacceptable. Similarly, in October, Shi Binhai, a journalist at the state-run China Economic Times and co-editor of a book on political reform was indicted for collusion with overseas dissident organizations. As recently as February 4, Wang Ce was sentenced to four years in prison for illegally reentering China and providing financial support to the banned Democratic Party.

Demonstrating that the range of potential crimes has moved into the computer era, this year in late January, Lin Hai received the distinction of being sentenced to two years in prison for providing e-mail addresses to an Internet pro-democracy magazine. These are but a few of the many detentions, arrests, and assignments to forced labor that befell individuals for expressing their views since the President's human rights dialogue at the June 1998 summit in Beijing.

Mr. President, the situation is just as bad in Tibet, where, according to Human Rights Watch, at least ten prisoners reportedly died following two protests in a prison in the Tibetan capital in May. In the weeks following, scores of prisoners were interrogated, beaten and placed in solitary confinement. Other deaths in prison reportedly occurred in June, with Chinese authorities claiming that many were suicides. Further, during the 1998, Chinese officials continued the “patriotic education campaign”’ designed to force Tibetans, especially Buddist monks and nuns, to denounce the Dalai Lama and to attest that Tibet has always been a part of China. As a result of the campaign, authorities reported that 76 percent of Tibetan monasteries and nunneries had been “rectified”.

In a December speech Secretary Albright said, “As we look ahead to the new century, we can expect that, perhaps, the greatest test of democracy, human rights and the rule of law will be in China.” If the Administration believes this, perhaps it should use the time left in this century to take positive steps to encourage international condemnation of China's human rights practices.

In January, Assistant Secretary of State for Democracy, Human Rights and Labor, Harold Koh held a bilateral human rights dialogue with the Chinese, the first such discussions in four years, and notified them of the possibility that the United States would sponsor a resolution in Geneva. In testimony to Congress following these discussions, he further promised that “The Administration supports the Geneva process, and intends to participate vigorously in this year's Commission activities.” I was encouraged to hear these words and I hope they will translate into determination by the Administration actively to pursue this issue, in this forum, this year.

I urge the Administration to make a decision to sponsor a resolution and to begin high level lobbying of governments around the world to support a resolution before Secretary of State Albright travels to Beijing on March 1 and 2.

Mr. President, the situation in China indeed remains troubling. The United States has a moral responsibility to take the lead in sponsoring and pushing for a resolution at the United Nations Commission on Human Rights. I believe that there is a strong bipartisan consensus in the Foreign Relations Committee—and I predict on the floor—that we must send a message to China and that this is the appropriate time and place in which to do it.

I strongly commend my friends, the Senator from Arkansas and the Senator from Minnesota, for their leadership on this terribly important issue.

SENATE RESOLUTION 46—RELATING TO THE RETIREMENT OF WILLIAM D. LACKEY

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 46

Whereas, William D. Lackey has faithfully served the United States Senate as an employee of the Senate since September 4, 1964, and since that date has ably and faithfully upheld the highest standards and traditions of the staff of the United States Senate;

Whereas, during his 35 years in positions of responsibility in offices in the United States Senate, William D. Lackey has at all times discharged the duties and responsibilities of his office with extraordinary efficiency, aplomb, and devotion; and,

Whereas, William D. Lackey has faithfully served the United States Senate with honor and distinction in the Office of the Journal Clerk since October 1, 1978 and his hard work and outstanding performance resulted in his appointment as Journal Clerk: Now, therefore, be it

Resolved, That the United States Senate commends William D. Lackey for his Service to his country and the United States Senate, and wishes to express its deep appreciation and gratitude for his long and faithful service.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to William D. Lackey.

SENATE RESOLUTION 47—DESIGNATING NATIONAL INHALANTS AND POISONS AWARENESS WEEK

Mr. MURKOWSKI (for himself, Mr. LOTT, Mr. DASCHLE, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. CONRAD, Mr. DEWINE, Mr. ENZI, Mr. GRASSLEY, Mr. LAUTENBERG, Mr. MACK, Ms. MIKULSKI, Mr. SMITH of Oregon, Mr. TORRICELLI and Mr. HELMS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 47

Whereas the National Inhalant Prevention Coalition has declared the week of March 21 through March 27, 1999, “National Inhalants and Poisons Awareness Week”.

Whereas inhalant abuse is nearing epidemic proportions, with almost 20 percent of all youths admitting to experimenting with inhalants by the time they graduate from high school, and only 4 percent of parents suspecting their children of inhalant use;

Whereas according to the National Institute on Drug Abuse, inhalant use ranks third behind the use of alcohol and tobacco for all youths through the eighth grade;

Whereas the over 1,000 products that are being inhaled to get high are legal, inexpensive, and found in nearly every home and every corner market;

Whereas using inhalants only once can lead to kidney failure, brain damage, and even death;

Whereas inhalants are considered a gateway drug, leading to the use of harder, more deadly drugs; and

Whereas because inhalant use is difficult to detect, the products used are accessible and affordable, and abuse is so common, increased education of young people and their parents regarding the dangers of inhalants is an important step in our battle against drug abuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 21 through March 27, 1999, as "National Inhalants and Poisons Awareness Week";

(2) encourages parents to learn about the dangers of inhalant abuse and to discuss those dangers with their children; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate ceremonies and activities.

ADDITIONAL STATEMENTS

ANOTHER MILE HI SALUTE TO THE WORLD CHAMPION DENVER BRONCOS

● Mr. ALLARD. Mr. President, last year I rose to offer a Mile High Salute to the Denver Broncos for winning their first world championship. It gives me great pleasure to rise again today and offer a "Repeat Mile High Salute" to Colorado's repeat Super Bowl champions. On Sunday the Denver Broncos won their second world championship in two years in Super Bowl Thirty-Three by beating Coach Dan Reeves and the Atlanta Falcons.

The Broncos thrilling win came after the finest regular season in club history. Coach Mike Shanahan guided the Broncos to a thirteen game winning streak to start the season and an overall 19–2 record. Hall of Fame bound icon John Elway became only the second quarterback ever to throw for over 50,000 yards and he stands today as the winningest quarterback in NFL history with 148 regular season wins. Running back Terrell Davis became only the fourth player in NFL history to run for more than 2,000 yards and his season ranks as the third best ever for his position. Even place kicker Jason Elam kicked his way into the record books with a record tying 63 yard field goal earlier this year.

The Denver receiving corps is among the finest in football, featuring the sure-handed and hard blocking Ed McCaffrey and Rod Smith who each caught for over 1,000 yards this season. And no one will be able to forget the verbose Shannon Sharpe who became the first tight-end in history to record 7 straight fifty catch seasons. The Broncos will send an American Football Conference record 10 players to the Pro Bowl in Hawaii. John Elway, Terrell Davis, Ed McCaffrey, Shannon Sharpe, Steve Atwater, Bill Romanowski, Tom Nalen, Mark Schlereth, Tony Jones and Jason Elam each made the trip to Hawaii.

The Denver offensive line, while quiet and unassuming off the field, dominates the line of scrimmage every week.

The well-balanced offense has been complimented by an equally well-balanced defense. Led this season by leading tackler Bill Romanowski and veterans Ray Crockett, Steve Atwater, Neil Smith, Maa Tanuvasa and Keith Traylor. The Broncos defense has improved every step of the way through the regular season and playoffs.

The Broncos defense was as equally team oriented in their Super Bowl efforts. Their 30 tackles were distributed among twelve players. Darrien Gordon and Darrius Johnson combined for three interceptions and linebackers John Mobley and Bill Romanowski each recorded a sack on Atlanta quarterback Chris Chandler.

What makes the Broncos special, though, is that all of their individual accomplishments highlight fine team play from each and every player. When you look at the Super Bowl, Mr. President, you can see that this championship was truly a team effort.

The Broncos offense totaled 457 yards. Terrell Davis rushed for 102 yards, while John Elway connected with six different receivers for 336 yards. Rod Smith led all receivers with 152 yards, including a key 80 yard reception that broke the game open in the second quarter. At the conclusion of the game, and perhaps at the close of his amazing sixteen year career, John Elway was named Most Valuable Player of the Super Bowl.

While nothing will compare to the excitement of last year's win, I know I speak for all Coloradans when I say that we are proud to be the home of the back to back world champion Denver Broncos.●

IN RECOGNITION OF JUDGE LAURENCE E. HOWARD

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a remarkable person from my home state of Michigan, Judge Laurence E. Howard. On February 26, 1999, Judge Howard will retire after 23 years of service to the Bankruptcy Court for the Western District of Michigan.

Judge Howard's history of public service is truly deserving of recognition. After serving his country in the Army during the Korean War, he received his Juris Doctor degree from Notre Dame in 1961. He then embarked upon a short career in the private sector, and in 1961, he returned to the public arena as Assistant City Attorney of Grand Rapids, Michigan. A couple of years later, he decided to return to private practice, but in 1968, the call of public service encouraged him to run for the U.S. House of Representatives. Though his bid for office was unsuccessful, he remained active in local politics over the next several years. In 1976, he was appointed to the Bankruptcy Court for the Western District of Michigan. For the last 23 years, Judge Howard has served with integrity and compassion.

His departure from the bench will certainly mark a new chapter in his life. I am confident that it will be as successful as his law career. Though he plans to remain active in the Grand Rapids area, he will surely enjoy spending more time with Marilyn, his wife of over forty years, his four children and sixteen grandchildren. I am pleased to join his colleagues, friends and family in offering my thanks for all he has done.

Mr. President, Judge Laurence E. Howard can take pride in his long career of honor and dedication to the public. I know my colleagues will join me in saluting Judge Howard's commitment to his community, his country and the law, and in wishing him well in his retirement.●

IN RECOGNITION OF PATRICK CAMPBELL

● Mr. TORRICELLI. Mr. President, I rise today in recognition of Patrick Campbell as he celebrates his retirement from the International Union of Operating Engineers. Pat has been a cornerstone of the labor movement in New Jersey for over fifty years, and he has made equally significant contributions to political and civic life. It is a pleasure for me to be able to honor his past accomplishments.

Prior to his career with the IUOE, Pat served admirably in the United States Navy, as a Navy Seabee in the South Pacific during World War II. Upon returning to the United States, Pat joined Local 825, International Union of Operating Engineers and quickly rose through its ranks to occupy numerous leadership positions. The membership of Local 825 recognized Pat's leadership when he was chosen as Business Manager in 1976, and reelected seven times.

Pat is Second General Vice President of the International Union of Operating Engineers. As General Vice President, he is delegated to attend many conferences and conventions of the Operating Engineers and also serves on joint committees of the Engineers/Teamsters, Engineers/Laborers, and Engineers/Iron Workers. In addition, Pat is President of the Northeastern Conference of Operating Engineers, and a Vice President of the New Jersey AFL-CIO.

Pat's leadership has advanced New Jersey's interests as well. He has served as Vice President of the New Jersey State Building and Construction Trades Council, and has been a delegate to numerous conferences and conventions with the council. Pat has also served on the Port Authority Development Advisory Committee of New York and New Jersey.

In addition to his union activities, Pat has served as a scoutmaster for the Boy Scouts of America, has coached Little League girls' softball, and has been Vice President of the Parents' Guild of Roselle Catholic High School. Pat has also been a member of the Catholic War Veterans, the Veterans of Foreign Wars, and the Knights of Columbus. Pat is currently a member of the Council of Regents of Felician College in Lodi, New Jersey, and a member of the Housing Commission of the Archdiocese of Newark. Pat and his wife, Adele, have been married for forty-eight years and are the proud parents of four children and ten grandchildren.

Pat's integrity and commitment to New Jersey are two of the qualities I admire most. He has worked to pass these same qualities along to the countless numbers he has faithfully served. Pat's contributions have done much for the future of New Jersey, and our nation as a whole. I congratulate Pat on a job well done, and I wish him the best in retirement.•

CENSURE

• Mr. KOHL. Mr. President, during the impeachment trial, it was the duty of the Senate to look at the facts, look at the law, look at the Constitution, and make a judgment. We did our duty.

But now we need to go one step further because neither acquittal nor conviction is an entirely adequate conclusion to this sordid matter. We must speak our contempt and disappointment for the low behavior of our highest elected official.

We need to speak for the spirit behind our laws, behind this institution, behind the country. We need to say that the President's actions and lies were wrong—"shameful, reckless and indefensible." We need to acknowledge that his conduct, unacceptable for any American, is especially so for the President of the United States because it "creates disrespect for the laws of the land."

I am proud that all 100 Senators worked together through this ordeal to do our duty. I am proud that so many of us from both sides of the aisle worked together to craft this tough censure resolution.

But I am sorry that a small minority will keep us from also doing what is honorable and what is right. We need to officially express our collective disdain for the President's conduct. It's the only truly appropriate, bipartisan way to bring closure to this melancholy moment in American history.

When Senator FEINSTEIN and I started talking about a censure resolution, as early as last December, I had no certainty that we would come so far and bring so many along. Her perseverance, hard work and legislative craftsmanship deserve our praise, but our efforts deserve a clean "up or down" vote.•

IN RECOGNITION OF 100 YEARS OF BASKETBALL AT MICHIGAN STATE UNIVERSITY

• Mr. LEVIN. Mr. President, I rise today to pay tribute to the Michigan State University basketball program, which is celebrating 100 years of excellence this year.

The MSU fight song begins, "On the banks of the Red Cedar, Is a school that's known to all, Its specialty is winning, And those Spartans play good ball. . ." Any basketball fan who has watched the Spartans on the court throughout their history knows just how good they have been. Who could forget the wizardry of Lansing, Michigan's own Earvin Johnson, who performed "magic" every time he stepped onto the court? Or the deft shooting touch of Big Ten scoring champion Mike Robinson? Or the dapper sensibility of legendary coach Jud Heathcote, who coached Michigan State to a national championship in 1979? In all, the MSU men's basketball team has won seven Big Ten championships, one national title, and has made ten consecutive post-season tournament appearances. Forty-five Spartans have been drafted by the National Basketball Association, fifteen have been honored as first-team All-Americans, and four have been Big Ten Player of the Year.

This year's Spartans basketball team is living up to the standards set by the heroes of the past. They are currently in first place in the Big Ten and are ranked fourth in the nation. Under the leadership of their coach, Iron Mountain, Michigan native Tom Izzo, the Spartans are roaring into the post-season ready for the challenges "March Madness" will bring. Like countless basketball fans nationwide, I am looking forward to watching Mateen Cleaves, Morris Peterson and the rest of the team add another national championship to the Michigan State trophy collection.

Michigan State's athletes, whether they compete in basketball, volleyball, gymnastics, football, or any of MSU's athletic programs, also deserve recognition for their outstanding achievements in the classroom. More than three hundred of MSU's student athletes had 3.0 cumulative grade point averages as of the fall semester. One hundred seventy-eight were on the Dean's List. And thirty-nine had 4.0 grade point averages. Now, thanks to the unprecedented generosity of a former Spartan basketball player, MSU's student athletes will have access to some of the finest academic support facilities in the country. Steve Smith, Michigan State's all-time leading scorer and current NBA star, recently gave $2.5 million to MSU to build the Clara Bell Smith Student-Athlete Center, named for Steve's late mother. The Center serves the more than 800 students who play varsity sports at Michigan State. Athletes are able to take advantage of tutoring and mentoring programs, computer literacy training and career development sessions. The Clara Bell Smith Student-Athlete Center is truly a powerful symbol of Michigan State's commitment to the academic success of its athletes.

Mr. President, Michigan State basketball has brought pride to the students and alumni of that great university, as well as to the people of Michigan. I know my colleagues will join me in congratulating Michigan State's students, alumni and faculty as it celebrates 100 years of basketball excellence.•

RESOLUTION OF CENSURE

• Mr. HOLLINGS. Mr. President, I ask that a draft of a proposed resolution of censure be printed in the RECORD.

The material follows:

RESOLUTION OF CENSURE

Whereas William Jefferson Clinton, President of the United States, engaged in an inappropriate relationship with a subordinate employee in the White House, which was shameful, reckless and indefensible;

Whereas William Jefferson Clinton, President of the United States, deliberately misled and deceived the American people, and people in all branches of the United States Government.

Whereas William Jefferson Clinton's conduct in this matter is unacceptable for a President of the United States, does demean the Office of the President as well as the President himself, and creates disrespect for the laws of the land;

Whereas President Clinton fully deserves censure for engaging in such behavior;

Whereas future generations of Americans must know that such behavior is not only unacceptable but also bears grave consequences, including loss of integrity, trust and respect;

Whereas William Jefferson Clinton remains subject to criminal actions in a court of law like any other citizen;

Whereas William Jefferson Clinton's conduct in this matter has brought shame and dishonor to himself and to the Office of the President; and

Whereas William Jefferson Clinton through his conduct in this matter has violated the trust of the American people: Now therefore, be it

Resolved, That the United States Senate does hereby censure William Jefferson Clinton, President of the United States, and does condemn his wrongful conduct in the strongest terms; and now be it further

Resolved, That the United States Senate recognizes the historic gravity of this resolution, and trusts and urges that future congresses will recognize the importance of allowing this statement of censure and condemnation to remain intact for all time; and be it further

Resolved, That the Senate now move on to other matters of significance to our people, to reconcile differences between and within the branches of government, and to work together—across party lines—for the benefit of the American people.•

YIELDING BACK OF MORNING BUSINESS TIME

Mr. THOMAS. Mr. President, the Senate will now yield back the 2 hours of morning business.

ORDER OF PROCEDURE

Mr. THOMAS. On behalf of the majority leader, I expect the Senate to be prepared to adjourn for the week. Obviously there will be no further rollcall votes today. The Senate will reconvene at noon on Monday, February 22, following the President's Day recess.

On that Monday, Senator VOINOVICH will be recognized at noon for the reading of Washington's Farewell Address. Following the address, and a period for morning business, the Senate will begin debate on S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999. No votes will occur on Monday, the 22nd. However, Senators should be prepared for votes to begin as early as Tuesday morning.

On behalf of the majority leader, I wish all Senators a restful recess, and I look forward to the beginning of what we believe to be a productive legislative period.

AUTHORIZATION FOR APPOINTMENTS BY THE PRESIDENT OF THE SENATE, PRESIDENT PRO TEMPORE, THE MAJORITY LEADER, AND THE MINORITY LEADER

Mr. THOMAS. Mr. President, I ask unanimous consent that notwithstanding any adjournment or recess of the Senate until Monday, February 22, 1999, the President of the Senate, the President of the Senate pro tempore, the majority leader of the Senate, and the minority leader of the Senate be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING JUNE ELLENOFF O'NEILL

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 39 submitted by Senators DOMENICI and LAUTENBERG.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 39) commending June Ellenoff O'Neill for her service to Congress and to the Nation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. THOMAS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 39) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 39

Whereas Dr. June Ellenoff O'Neill has served as the Director of the Congressional Budget Office since March of 1995;

Whereas she previously served in that office in its early years from 1976 to 1979 as the Chief of the Human Resources Cost Estimates Unit and has held numerous positions within the Executive Branch of the Federal Government, within academia, and at respected private research institutions;

Whereas she has been recognized as a leader within the economics profession by her election as Vice President of the American Economics Association and has been published in numerous books, monographs, and articles addressing important issues of public policy and economics;

Whereas during her tenure as Director, an unprecedented period that saw budget deficits turning to surpluses, she has continued to encourage the highest standards of analytical excellence within the staff of the Congressional Budget Office while maintaining the independent and nonpartisan character of the organization;

Whereas she has improved and expanded Congress and the general public's access to the Congressional Budget Office's work product by establishing a web site for the organization;

Whereas she has actively promoted the importance of a budget process to a democratic society by participating in and encouraging her staff to participate in educational and foreign exchange programs;

Whereas she has performed her duties as Director with courage, grace, and intelligence; and

Whereas she has earned the respect and esteem of the United States Senate: Now, therefore, be it

Resolved, That the Senate of the United States commends Dr. June Ellenoff O'Neill for her dedicated, faithful, and outstanding service to her country and to the Senate.

COMMENDING JAMES L. BLUM

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 40 submitted by Senators DOMENICI and LAUTENBERG.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 40) commending James L. Blum for his service to Congress and to the Nation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. THOMAS. I ask unanimous consent, Mr. President, that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 40) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 40

Whereas James L. Blum has served as the Deputy Director of the Congressional Budget Office since December of 1991;

Whereas he has served in that office since its creation in 1975: from 1975 to 1991 as the Assistant Director for Budget Analysis and in the post of Acting Director from December 1987 to March of 1989;

Whereas prior to his tenure at the Congressional Budget Office, he has held numerous positions within the Executive Branch of the Federal Government including the Office of Management and Budget and the Department of Labor;

Whereas he is internationally recognized for his expertise in budget and finance;

Whereas he has instilled professionalism and integrity in generations of staff at the Congressional Budget Office by his personal conduct and leadership and has encouraged high standards of scholarship and clarity of presentation from them;

Whereas he was the 1990 recipient of the Roger W. Jones Award for Executive Leadership;

Whereas he has performed his various duties within the Congressional Budget Office with intelligence while displaying calm leadership;

Whereas he possesses irreplaceable institutional knowledge which has been indispensable to the effective functioning of the Congressional Budget Office extending over a period of almost 25 years; and

Whereas he has earned the respect and esteem of the United States Senate: Now, therefore, be it

Resolved, That the Senate of the United States commends James L. Blum for his many years of dedicated, faithful, and outstanding service to his country and to the Senate.

EXPRESSING GRATITUDE FOR THE SERVICE OF FRANCIS L. BURK, JR.

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 41 submitted by Senator THURMOND, and others.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 41) expressing the gratitude of the United States Senate for the service of Francis L. Burk, Jr., Legislative Counsel of the United States Senate.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. THURMOND. Mr. President, I rise to commend Mr. Frank Burk, the Legislative Counsel of the Senate, who retired on December 31, 1998, after serving in the Senate for more than 28 years, including 8 years as Legislative Counsel.

Mr. President, as President pro tempore of the Senate, it was my pleasure to oversee the work of the Office of the Legislative Counsel during the last four years of Frank Burk's tenure. I appreciated the great dedication and professionalism he displayed in his role as Legislative Counsel.

The Legislative Counsel and his staff play a very important role in the legislative process. We all rely upon the Legislative Counsel and the attorneys in his Office to provide legislative drafts to effectively carry out our legislative policy. Mr. Burk has seen to it that we are all served well by a professional, career, and nonpartisan staff.

In addition to his service as Legislative Counsel, Frank Burk served for more than 25 years as the principal drafter in the Senate on virtually all matters relating to banking, housing, securities, mass transit, and small business. As Legislative Counsel, he prepared legislation on matters relating to the operations and rules of the Senate.

Mr. President, I am proud to sponsor this resolution and I am proud to have known and worked with Frank Burk. He has served his Nation well for over 30 years, including two years with the United States Army. I wish Frank and his wife Virginia the very best for the future, especially time spent with their four daughters, Elizabeth, Alison, Abigail, and Emily, their two sons-in-law, Lange Johnson and Hunt Shipman, and their granddaughter, Anna Shipman.

Mr. BYRD. Mr. President, I am proud to cosponsor with Senator THURMOND a resolution commending Mr. Frank Burk who retired as Legislative Counsel of the Senate on December 31, 1998. While serving as President pro tempore of the Senate, I had the pleasure of appointing Frank Burk to the position of Legislative Counsel of the Senate on January 1, 1991.

I wish to join with Senator THURMOND, and with all Senators, in expressing our deepest gratitude to Frank Burk for his long years of service to the United States Senate. He has been part of the Office of Legislative Counsel for more than 28 years, including the last 8 as Legislative Counsel; and during that time he has provided valuable assistance to me and to my staff.

Mr. President, while overseeing the Office of Legislative Counsel during the first 4 years of Frank Burk's tenure as Legislative Counsel, I appreciated the great dedication and professionalism he displayed in carrying out his duties and responsibilities. I know that his departure will leave a void that is difficult to fill. In passing this resolution, the Senate recognizes his years of commitment to the Senate.

Mr. President, I wish Frank Burk and his family well in his retirement.

Mr. DASCHLE. Mr. President, I would like to take this opportunity to thank Francis Burk for his nearly three decades of service to the United States Senate and to wish him well as he begins the next chapter of his life.

Frank Burk began his career with the Senate Office of Legislative Counsel in June 1970. For more than 25 years, Frank was the primary drafter in the Senate of legislation relating to banking, securities, housing, mass transportation, and small business. Senator BYRD, as President pro tempore of the Senate, appointed Frank as Legislative Counsel of the Senate on January 1, 1991. He continued to serve in that position until his retirement on December 31, 1998.

Mr. President, Frank Burk is one of the dedicated public servants who serve the Senate for years and who become sources of knowledge and expertise for all Senators and staff. They are our institutional memory: those who allow us to proceed from Congress to Congress with a sense of history and continuity. Our jobs would be even more difficult without people like Frank.

I know I speak for other Senators and for staff when I say we will miss Frank Burk.

Mr. COCHRAN. Mr. President, I am pleased to join the Senator from South Carolina, Mr. THURMOND, in cosponsoring his resolution expressing the gratitude of the Senate for the service of the Senate Legislative Counsel, Frank Burk.

Many people outside the Senate do not know the office of the Legislative Counsel even exists. However, the legislative business of the Senate could not be accomplished without the able assistance of the office of the Legislative Counsel.

A graduate of Dartmouth College and George Washington University Law School, Mr. Burk served as an Army officer in Korea. Mr. Burk has worked in the Legislative Counsel's office for more than 28 years, beginning as a law assistant in 1970 and rising to hold the office's top position, Legislative Counsel in 1991.

As many know, attorneys in the legislative counsel's office have specific areas of expertise and responsibility. For more than 25 years, Mr. Burk's responsibilities included banking, securities, transportation, housing and small business. After becoming Legislative Counsel, he assumed the duty of drafting legislation relating to the operations and rules of the Senate.

I am very pleased to join my colleagues today in expressing our gratitude and in extending our best wishes to Frank Burk.

Mr. THOMAS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 41) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 41

Whereas Francis L. "Frank" Burk, Jr., the Legislative Counsel of the United States Senate, became an employee of the Senate on June 8, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the Office of the Legislative Counsel of the United States Senate for more than 28 years;

Whereas Frank Burk, from January 1, 1991, to December 31, 1998, served as the Legislative Counsel of the Senate and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of his position;

Whereas Frank Burk for more than 25 years was the primary drafter in the Senate of virtually all legislation relating to banking, securities, housing, mass transit, and small business, and as Legislative Counsel participated in the drafting of legislation relating to the operations and rules of the Senate;

Whereas Frank Burk retired on December 31, 1998, after more than 30 years of Government service, including 2 years with the United States Army; and

Whereas Frank Burk has met the legislative drafting needs of the United States Senate with unfailing professionalism, skill, dedication, and good humor during his entire career: Now, therefore, be it

Resolved, That the United States Senate commends Francis L. Burk, Jr. for his more than 30 years of faithful and exemplary service to the United States Senate and the Nation, including 8 years as the Legislative Counsel of the Senate, and expresses its deep appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Francis L. Burk, Jr.

ORDER FOR STAR PRINT

Mr. THOMAS. Mr. President, I ask unanimous consent that a star print of S. 6 be made with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF DAVID G. MARCOS

Mr. THOMAS. Mr. President, there are two resolutions at the desk relating to the retirement of two long-serving Senate employees. I ask unanimous consent that the Senate proceed to the immediate consideration of the resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the first resolution.

The legislative clerk read as follows:

A resolution (S. Res. 42) relating to the retirement of David G. Marcos.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, as many of our colleges may be aware, Mr. David G. Marcos, who has served as the Senate's Executive Clerk for the last four years, has recently retired. Under David's supervision, the Office of Executive Clerk processed all of the executive business of the Senate. This includes the preparation of the Executive Calendar and processing hundreds of nominations and treaties to which the Senate gives its advice and consent each year. This effort requires a great deal of attention to detail. The Senate requires the staff of this office to work long and hard into the night after the Senate closes its floor proceedings. Dave Marcos was one of the uncomplaining individuals who put this Senate first and worked hard to make sure the Senate's "advice and consent" responsibility was accurately documented and recorded.

Before becoming the Executive Clerk of the United States Senate, Dave worked as the Assistant Executive Clerk, the Keeper of Stationery and in other responsible posts. His career in the Senate spanned 39 years.

Mr. President, I extend my best wishes to Mr. David G. Marcos in his well deserved retirement and wish him many years of health and happiness.

Mr. DASCHLE. Mr. President, I also wish to extend my best wishes to Mr. David G. Marcos on the occasion of his retirement.

Mr. Marcos has had a long career of distinguished service to the Senate, under both Republican and Democratic majorities. He worked hard to discharge whatever responsibilities were assigned him, whether as Executive Clerk, Assistant Executive Clerk, Keeper of Stationery, or in other responsible positions. For 39 years, David provided dedicated service to the Senate, and I know that I speak for my colleagues on both sides of the aisle, when I commend him for his long and dedicated service. Undoubtedly, Dave has seen many changes and improvements in the administrative operations of the Senate over his long career. He can be rightfully proud of the contributions he has made to the improvements in the Office of the Executive Clerk and the Senate Stationery Room. Again, I offer my best congratulations to Dave. May he enjoy many years of health and happiness in his retirement.

Mr. THOMAS. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 42) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 42

Whereas, David G. Marcos became an employee of the United States Senate on August 16, 1960, and since that date has ably and faithfully upheld the highest standards and traditions of the staff of the United States Senate;

Whereas, David G. Marcos has faithfully served the United States Senate as Executive Clerk during the past 4 years;

Whereas, prior to that David G. Marcos rendered exemplary service as the Assistant Executive Clerk, Keeper of the Stationery, Assistant Keeper of the Stationery and other positions of responsibility in offices of the United States Senate for 35 years;

Whereas, during this 39 year period, David G. Marcos has at all times discharged the duties and responsibilities of his office with extraordinary efficiency, aplomb, and devotion; and,

Whereas, David G. Marcos' service to the United States Senate has been marked by his personal commitment to the highest standards of excellence and highest regard for the institution of the Senate: Now, therefore, be it

Resolved, That the United States Senate commends David G. Marcos for his honorable service to his country and to the United States Senate, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to David G. Marcos.

RETIREMENT OF THOMAS G. PELLIKAAN

The PRESIDING OFFICER. The clerk will report the next resolution.

The legislative clerk read as follows:

A resolution (S. Res. 43) relating to the retirement of Thomas G. Pellikaan.

The Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, Thursday, January 21 marked the end of Thomas Pellikaan's Senate career.

Over the past 35 years, Tom Pellikaan served the Senate with distinction in various capacities—first as Senate press liaison and then at the Office of the Daily Digest, where he spent the majority of his Capitol Hill career. He advanced from a staff assistant in the Daily Digest office to serve as Editor of the Daily Digest since 1989.

Tom's attention to detail is well known around the halls of the Senate. His office has the responsibility of ensuring that the information contained in the Daily Digest section of the CONGRESSIONAL RECORD reflects the actions taken on any given day in the Senate. The Daily Digest is an important and useful tool for the Senate family. Tom and his staff are to be complimented for the excellent job they have done and will continue to do.

While Tom has left the Senate, I am sure his interest in the Senate will continue. On behalf of my Democratic colleagues, we wish him well as he enjoys the "country life" on his farm in Culpeper, VA.

Mr. THOMAS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed, the motion to reconsider be laid upon the table, and any statements relating to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 43) was agreed to.

The preamble were agreed to.

The resolutions, with its preamble, read as:

S. RES. 43

Whereas, Thomas G. Pellikaan has faithfully served the United States as Editor of the Daily Digest of the Congressional Record during the past 10 years, and has served in that office since 1977;

Whereas, prior to that, Thom rendered exemplary service in the Office of the Senate Sergeant at Arms for 14 years as Senate Press Liaison;

Whereas, during this 35½ year period, he has at all times discharged the difficult duties and responsibilities of his office with extraordinary efficiency, aplomb, and devotion; and,

Whereas, Thomas Pellikaan's service to the Senate has been marked by his personal commitment to the highest standards of excellence: Now, therefore, be it

Resolved, That Thomas G. Pellikaan be and hereby is commended for his outstanding service to his country and to the United States Senate.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to Thomas G. Pellikaan.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 19, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 19) permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. THOMAS. I ask unanimous consent, Mr. President, that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 19) was agreed to.

REFERRAL OF NOMINATION OF DAVID WILLIAMS

Mr. THOMAS. Mr. President, as in executive session, I ask unanimous consent that the Governmental Affairs Committee have until February 25, 1999, to report the nomination of David Williams to be Inspector General for

Tax Administration, Department of Treasury. I further ask consent that if the nomination has not been reported by that date, the nomination then be automatically discharged and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING SENATE COMMITTEE EXPENDITURES

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 38 submitted by Senators MCCONNELL and DODD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 38) to waive the Standing Rules of the Senate in order to permit a resolution authorizing Senate committee expenditures for the period March 1, 1999 through September 30, 1999.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. THOMAS. I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 38) was agreed to, as follows:

S. RES. 38

Resolved, That, notwithstanding paragraph 9 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized to report a continuing resolution authorizing Senate committee expenditures for the period March 1, 1999 through September 30, 1999.

Mr. THOMAS. Mr. President, unanimous consents work well when no one is here.

ORDERS FOR MONDAY, FEBRUARY 22, 1999

Mr. THOMAS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment, under the provisions of H. Con. Res. 27, until 12 noon on Monday, February 22. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved. Finally, I ask unanimous consent that Senator VOINOVICH be recognized to deliver to the Senate Washington's Farewell Address.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. I further ask consent that following the farewell address there be a period of morning business until 3 p.m., with the time equally divided between the majority leader and Senator DURBIN, or their designee; further, that at the conclusion of morning business the Senate proceed to consideration of Calendar No. 13, S. 4, a bill to improve pay and retirement equity for members of the Armed Forces, for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. THOMAS. For the information of all Senators, the Senate will reconvene on Monday, February 22, at 12 noon. Senator VOINOVICH will then inspire us with the recitation of Washington's Farewell Address. At the conclusion of the address, there will be a period of morning business until 3 p.m. Following morning business, the Senate will begin consideration of S. 4 regarding military pay raises and retirement benefits. There will be no votes during Monday's session of the Senate. Votes could occur as early as Tuesday morning as amendments are offered and debated. As always, Members will be notified of the voting schedule as it becomes available.

ORDER FOR ADJOURNMENT

Mr. THOMAS. Mr. President, if there be no further business to come before the Senate, I now ask that the Senate stand in adjournment, under the provisions of H. Con. Res. 27, following the remarks of Senator INHOFE.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. THOMAS assumed the Chair.)

IMPEACHMENT TRIAL OF WILLIAM JEFFERSON CLINTON

Mr. INHOFE. First, Mr. President, now that the vote to impeach William Jefferson Clinton has been taken, and before I discuss my vote, let me say that this whole thing could have been avoided had President Clinton resigned months ago. I say this because I called for his resignation last September. Rather than explain my reasoning for calling for President Clinton's resignation, I believe it is better explained by an 8th grade school teacher from Tulsa, Oklahoma, Mr. Terrence Hogan. I ask unanimous consent that Mr. Hogan's letter to the President dated September 26, 1998, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 26, 1998.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: It is in the early morning hours. The infamous Starr report has been made public for less than twentyfour hours and I am unable to sleep. I don't imagine you've had much of a restful night either. As you no doubt are troubled, so am I.

As the forty eight year old father of five and a teacher of eighth grade Civics these past twenty two years I am greatly concerned about the moral direction of our nation. It is as if we have lost our compass and know not what we as a nation wish to be. I am fearful, for I do not wish us to become a nation that is only concerned about the economy and has lost the will to be a nation of admirable principles. I do not want us to dissolve into a people who are more influenced by the spin of the facts than the facts themselves. I am concerned about the effects the next six months of a legal nit picking debate over whether or not you commited an impeachable offense will have on our nation. I am also concerned that the debate will not ask what I believe to be the two paramount questions. First, are you capable of leading this nation for the next 30 months in the directions that we want and need to go? And secondly, do you deserve to be allowed to lead this country?

There is no question in my mind that you have the will to lead. The sad conclusion I have drawn is that you no longer have the moral authority to lead for you have violated the main foundation upon which all relationships are built, that being the existence of mutual trust. In the elections of 1992 and 1996 the American voters forgave you for your one admitted transgression with Ms. Flowers. Then, however, you chose to repeat that transgression in the confines of the Oval office. After which, when confronted with your choices you chose to repeatedly lie to your wife, daughter, supporters and the American people. You chose to continually lie about your choices rather than to frame the debate around the issue that this was a private matter between you and your wife and therefore no business of the American public. It is my heartfelt belief that your choice to lie was designed not so much to save your wife and daughter certain pain but to save yourself and your presidency, an understandable choice but not an acceptable one. Your willful and repeated lying has given the people of this country an insight into the character and integrity of their leader.

With this in mind I am asking you to resign your position as President of these United States for if we are even to pretend to be a nation of principles we cannot tolerate from our president actions and choices that we would not tolerate from the principal of our neighborhood school.

In the last few days you have begun to ask the forgiveness of the American people. If your contrition is heartfelt you deserve the forgiveness of all those individuals whose trust you have violated. I for one forgive you. But as a member of the body politic I must also hold you accountable for your public choices and demand that certain natural consequences be allowed to occur. You no longer posess the trust of the majority of the American people and can therefore no longer lead that people and must therefore give up your position of leadership.

No doubt you share my belief that God our creator calls each of us to be all we can be and that we are also called to sacrifice ourselves for what is in the ultimate best interest of our neighbors, I am asking you now, Mr. President, to do both of those things. Please set aside your personal pride and ambitions, take full responsibility for the choices you have made, accept the natural consequences of those choices and step down as our president and save this nation from the turmoil that the debate over your choices will undoubtedly cause. Let this nation heal and get on with those issues you believe need to be dealt with. Please remember that in making this personal sacrifice that your true legacy will not be determined by what kind of president you were but by what kind of man you became.

Please know that my prayers are with you and your family in this time of trial for you, your family and this country.

With sincerity,

TERRENCE HOGAN.

Mr. INHOFE. Today I voted to convict William Jefferson Clinton on each of the two Articles of Impeachment presented by the House of Representatives.

I find the President guilty, as charged, of high crimes and misdemeanors: lying under oath and obstructing justice. The President engaged in a deliberate and selfish pattern of conduct designed to thwart the civil rights of a fellow citizen. This conduct represents a serious breach of faith and trust. This conduct is incompatible with the solemn duties and moral responsibilities of the high office of President of the United States.

Similar conduct by others results in consequences: perjurers, witness tamperers and obstructors of justice go to jail; supervisors lose their jobs; military officers are court-martialed, imprisoned or forced out of the armed forces; judges are impeached and removed from office. Shall we embrace a lower standard for this President under these circumstances? I think not. I believe that the President of the United States should be held to the very highest of standards.

I believe that conviction and removal from office is justified in order (1) to preserve the integrity, honor and trust of the presidency; (2) to protect the sanctity of the witness oath in judicial proceedings; and (3) to uphold the fundamental principle of "equal justice under law."

INTRODUCTION

In accord with my sworn oath to do "impartial justice according to the Constitution and the laws," I have approached the trial of William Jefferson Clinton as a solemn constitutional duty. Voting on the Articles of Impeachment may be the most historically significant thing I will do in my entire career in public service. I have taken this obligation seriously, without concern for public opinion polls or for any partisan political advantage of consequence. This is a moment when one must put the longer-term interests of the country first.

PREVIOUS JURY TRIAL

As a political opponent of this President, I have made an extra effort to weigh the evidence and the arguments on both sides with a sense of detachment and fairness. Having served on a jury in a criminal trial some 24 years ago, I learned how important it is to listen and to exercise impartial judgment. During jury selection in a local murder trial, I found myself assigned to a murder case about which I had expressed a definite opinion. From press reports, I was already convinced the defendant was guilty. With that and since I was the author of the capital punishment bill in the legislature, I thought for sure they would never qualify me for the jury, but somehow they did. Five days later, I surprised even myself when I became the foreman of the jury that acquitted that very defendant.

I have approached the trial of the President with that experience in mind. I have also considered whether in good conscience, I would apply the same judgment I made here equally to a similar set of facts and circumstances if they applied to a Republican—and not a Democratic—president.

In 1990, I did not hesitate to publicly condemn a Republican President, George Bush, when he violated his "read my lips" campaign pledge. Politicians who deliberately violate public trust undermine good government and increase the level of cynicism in society.

Today, I have a clear conscience in rendering the judgment I believe is just, and in the best interests of the future of the country.

CONCLUSIONS

I have concluded that the President engaged in a deliberate and premeditated pattern of conduct which was corruptly designed to undermine the rights of a fellow citizen. That citizen was entitled under the law to obtain truth and justice in a duly constituted legal proceeding.

The President had a legal obligation, as a citizen, to comply with ordinary and proper legal procedure and to faithfully abide by the standard oath to "tell the truth, the whole truth, and nothing but the truth."

I believe the President also had a moral obligation, as President, to refrain from engaging in any conduct which would, by example, undermine respect for the rule of law, the witness oath, or the dignity, honor, or public trust embodied in the presidency.

The President failed to fulfill these obligations. He lied under oath, obstructed justice and tampered with witnesses. He sought to undermine the judicial system for his own personal gain. In so doing, he set a perverse example for every school child, parent, teacher, employer, supervisor and citizen in America. He brought dishonor upon himself and his office.

PRESIDENT'S SUPPORTERS CONCEDE ESSENTIAL FACTS

White House lawyers went to great lengths to try to deny the specific charges, but common sense and the weight of the evidence leave no reasonable doubt in my mind that the charges are true. I believe there are few, if any, members of the Senate who do not believe the President lied under oath and obstructed justice. Even many of the President's most ardent supporters in and out of the Senate have openly stated their belief that the essential facts of the case are not in dispute.

Senator ROBERT BYRD pretty well summed it up in a recent TV appearance. He said of the President: "I have no doubt that he has given false testimony under oath and . . . there are indications that he did indeed obstruct justice . . . It undermined the system of justice when he gave false testimony under oath. He lied under oath."

NON-LAWYER PERSPECTIVE

I have often said that one of the qualifications I have for the U.S. Senate is that I am not an attorney. So, when I read the Constitution, I know what it says. When I read the law, I know what it says. When I look at the evidence and apply common sense from a non-lawyer perspective, I know what it says. In this case, it says—without question—the President is guilty as charged.

CONDUCT WARRANTS REMOVAL

The President's attorneys kept arguing that the President's conduct does not amount to the technical crimes of perjury or obstruction of justice, but that even if it does, it should not warrant his removal from office.

I have concluded the President's conduct does amount to the crimes of perjury and obstruction, but that even if it does not, it still warrants his removal from office because it is unacceptable behavior, incompatible with his duties and responsibilities as President.

LYING UNDER OATH

I was not persuaded by the hair-splitting argument that the President did not lie under oath. The President's lawyers claim he did not lie or commit perjury before the grand jury and they imply that his conduct there should be deemed acceptable. As a non-lawyer, I find their arguments preposterous and an insult to the intelligence and moral sensibilities of the members of the Senate of both parties, not to mention the American people.

The President was afforded every opportunity to treat the grand jury with the respect it deserved. He was not blind-sided, tricked or trapped. He could anticipate all the key questions in advance. He had plenty of time to prepare. He was warned on numerous occasion by members of both parties in the Congress of the serious consequences of untruthful testimony. Yet he deliberately sought to continue weaving a self-serving and misleading web of deception and falsehood.

OBSTRUCTING JUSTICE

Similarly, I reject the argument that the President did not commit obstruction of justice in an improper and illegal effort to undermine the legitimate search for truth in the Paula Jones civil suit. To believe the President's defense is to stand common sense on its head.

Does anyone seriously believe the Lewinsky job search would have proceeded to a successful conclusion in early January 1998—a critical moment in the Jones case—had her name not appeared on the Jones case witness list?

Does anyone seriously believe the President was suggesting to Ms. Lewinsky that she file a truthful affidavit?

Does anyone seriously believe that the decision to conceal the gifts (evidence) was not blessed and ordered by the President?

Does anyone seriously believe the President was seeking to "refresh his memory" while planting false stories with Ms. Currie when his conversations took place after he had testified that the Jones lawyers should talk to Ms. Currie.

Does anyone seriously believe the President did not want and expect Mr. Blumenthal and other aides to repeat false stories to the grand jury?

I do not believe any of these things. I believe—and I suspect most Senators believe—the President is guilty as charged of obstruction of justice.

THE PRESIDENT KNEW WHAT HE WAS DOING

The President's efforts to cover up his relationship with Ms. Lewinsky, however understandable in a non-legal context, became textbook examples of obstruction of justice once her name appeared on a witness list and in a duly constituted legal proceeding.

The President, after all, is himself a lawyer. He was well aware that—orchestrating a job search to silence a potential hostile witness, suggesting the filing of a false affidavit, concealing relevant evidence, and coaching potential witnesses to give false testimony—all are improper and illegal.

Yet he chose to take these actions, not in some contorted belief that they were proper, but in the calculation that if successful, he could thwart the legal search for truth and justice in the Jones case.

To accept this behavior by the President without Constitutional consequence is to permit the setting of a precedent which will reverberate negatively for years throughout our legal justice system and beyond.

DIFFERENT STANDARDS FOR JUDGES AND PRESIDENTS?

I am amazed that there is any debate whatsoever over whether lying under oath before a grand jury is an impeachable offense. The precedent is clear: Judge Walter Nixon and others have been rightly convicted and removed from office for lying under oath. Is there to be a different standard for a president, or for this particular president, or for this particular set of circumstances? Are we to make exceptions for lying under oath so long as it is lying about some things but not others? If so, what precedent will that set?

Our legal system depends of the sanctity of the witness oath. There can be no exceptions to the obligation every citizen incurs when he solemnly swears "to tell the truth, the whole truth and nothing but the truth." Setting any other precedent would totally disrupt our system of jurisprudence by breeding disrespect for the rule of law.

The White House lawyers argued that since the President is elected and judges are appointed, a different standard should apply. The only conceivable way they might be right is if the President is held to a higher—not a lower—standard.

Important as each of a thousand judges is to our legal system, it is the President alone who stands at the pinnacle of our system of law and justice. He alone is constitutionally charged to "take care that the laws be faithfully executed." He appointed the judges. He embodies the public trust to a degree far and above anyone else. He sets the example for the entire Nation. His public conduct in abiding by the oath must be above reproach.

YOUNG BILL CLINTON'S STANDARD

In speaking about President Richard Nixon in 1974, a young Arkansas congressional candidate spoke to the need for high standards:

"Yes, the President should resign. He has lied to the American people, time and time again, and betrayed their trust. Since he has admitted guilt, there is no reason to put the American people through an impeachment. He will serve absolutely no purpose in finishing out his term; the only possible solution is for the president to save some dignity and resign."

The Candidate, Bill Clinton, set his own perfectly understandable standard:

"If a President of the United States ever lied to the American people, he should resign." Arkansas, Democrat Gazette (8/6/74)

WHAT KIND OF LYING IS IMPEACHABLE?

Recently, one of my Democrat colleagues, in a television interview, explained his standard for perjury as an impeachable offense: "Perjury could be an impeachable offense," he said. "If he lied about the national security interest of the United States, or if he did something else that had serious consequence for the country, or performing improperly in his official capacity, that's impeachable." But if he's "not acting in his official capacity" and only "as an individual," that's different. That's not impeachable, he says.

I believe this kind of making exceptions for lies about certain subjects, and not others, is a dangerous and slippery slope. I believe any lying before a grand jury by a sitting president will have "serious consequences for the country" if it is deemed to be in some way acceptable.

NATIONAL SECURITY IMPLICATIONS

Indeed, part of the reason this is so important is that if the President is capable of lying under oath about one thing, it reveals a predisposition and capability to lie about other more important things, while not under oath. For example, we already know this president has lied about the national security interest of the United States on numerous occasions. He lied to Congress in 1995 in pledging U.S. troops would not remain in Bosnia beyond one year. He lied or misled audiences over 130 times 1995 and 1996 in asserting that no nuclear missiles were aimed at American children. People know he has lied on numerous other public occasions. Such behavior eats away the public trust and the moral authority of the presidency, which are so vital to the national security.

In addition, it should not go unremarked that the President's underlying conduct in this matter showed astonishingly bad judgment and disregard for the national security implications of his own behavior. In the modern world, the President is always a potential target of foreign intrigue, blackmail and salacious propaganda.

Ms. Lewinsky testified before the grand jury that the President himself speculated that his phone calls to her may have been monitored by a foreign embassy. In essence, he was admitting that he had exposed himself to potential blackmail. Such behavior by any president is not merely inappropriate. It is clearly dangerous and unacceptable.

EROSION OF PUBLIC TRUST

Economic-driven "popularity" polls are masking an unprecedented erosion of public trust in this President which has already caused serious damage to his ability to rally the country in time of national threat or crisis. His consistent and long-term pattern of untruthful and deceptive behavior, as exemplified in the Articles of Impeachment, has undermined his credibility to such an extent that he can no longer be afforded the benefit of any public doubt about virtually any topic.

When the President took military action against overseas terrorists' targets in August and when he ordered air strikes against Iraq in December, popular majorities (!)—in the polls—questioned his timing and motives—and rightly so. Suspicions about both of these actions linger to this day, draining the small reserves of trust the President may have left.

What happens if and when there is a much more serious international or domestic crisis, requiring timely public sacrifice mobilized through presidential leadership? Will the President be believed—even if he is telling the truth? In a world of many lurking dangers of which much of the public is only vaguely aware (from information warfare to weapons of mass destruction), such questions raise very serious concerns.

WHAT DO WE SAY TO PREVIOUSLY CONVICTED LIARS?

If we do not hold the President accountable in this case, what do we say to the over 100 people who are serving time in federal prison for committing perjury in legal proceedings? What do we say to Ms. Barbara Battalino, who was convicted of perjury, sentenced, and lost her right to practice her profession because she lied under oath . . . about sex . . . in a civil case . . . that was eventually dismissed by the judge? What do we say to others in similar situations? I was waiting for the President's lawyers to address these issues. But they never did in any remotely satisfactory way.

WHAT DO WE SAY TO MILITARY OFFICERS DISCIPLINED FOR LYING ABOUT SEXUAL MISCONDUCT?

What do we say to the military officers whose careers and lives have been ruined over misconduct similar to the President's, including sexual misconduct, lying and obstructing justice?

Capt. Derrick Robinson, an Army officer caught up in the Aberdeen sex misconduct case, is serving time in Leavenworth prison for admitting to consensual sex with an enlisted person who was not his wife.

Drill Sgt. Delmar Simpson is serving 25 years in a military prison because a court martial found that, even though his relationship with a female recruit was consensual, the power granted him by his rank made such consensual sex with a subordinate unacceptable and—in the military—illegal.

Lt. Kelly Flinn was forced out of the Air Force for lying about an adulterous affair.

Sgt. Maj. Gene McKinney, the Army's top enlisted man, was tried for perjury, adultery and obstruction of justice concerning sexual misconduct. He was convicted of obstruction of justice, but not before his attorney asserted at trial how people in uniform rightly ask: "How can you hold an enlisted man to a higher standard than the President of the United States," the Commander-in-Chief.

DOUBLE STANDARD

When we establish a glaring double standard in the law, we diminish respect for all law. This is why we must uphold the highest of standards for officials in public office.

CENSURE

I will oppose any censure resolution that may be offered after the trial, as I opposed any so-called "finding of fact" during the trial, because it is little more than a thinly veiled effort to give people political cover. I believe some who might otherwise vote to convict look to censure as a way to justify or politically cover a vote to acquit. There is no precedent for censure in the Constitution or in an impeachment context. It would be dangerous and wrong to set such a precedent now. I believe it could threaten the separation of powers between the branches of government as Congresses start censuring Supreme Courts and Presidents for all manner of perceived misconduct.

Senators should vote on the Articles of Impeachment, explain their reasons, and live with the consequences.

I am struck that some of my colleagues who agree that the President did commit the serious offenses charged in the Articles of Impeachment, still believe Congress can render some effective consequence short of removal such as censure, which will uphold the presidency, the rule of law, and the sanctity of the oath. I believe they are wrong.

I fear that they are not properly considering the precedent they would establish. Nevermind what we think of this particular president. A thoroughly corrupt president in the future will not be inhibited by the empty words of a non-binding "sense of the Senate" resolution. However, such a corrupt president will think twice about certain conduct, if he knows without doubt, by precedent, that such conduct is removable.

If perjury, obstruction of justice, and witness tampering are deemed—as a result of this trial—to be non-removal offenses in certain circumstances, then a corrupt future president may calculate them to be acceptable. We should not set that precedent.

WITNESSES

From the beginning, I strongly supported efforts to allow both the House managers and the White House lawyers to call whatever live witnesses they deemed necessary to make their case. I favored a full and complete trial, believing that it was more important to insure fairness to both sides than it was to get the trial over by some arbitrary date. This was in keeping with normal procedures in all previous impeachment trials. It also seemed to me to be essential to fundamental fairness and a full airing of the facts and issues in dispute. A hundred years from now, no one will care whether the trial lasted two weeks or six months. They will care, we must hope, about the extent to which justice was done. Overall, I was disappointed in the unnecessarily tight procedural restrictions imposed on this trial, including the limits on witnesses. I fear that a bad precedent has been unnecessarily set for the future.

CLOSED DELIBERATIONS

Throughout the trial, I opposed efforts to waive the time-honored rules of procedure which require that deliberations among senators be closed to the public. I am convinced this was the right decision. The closed meetings allowed for a more colleagial atmosphere among senators, limiting much of the posturing and grandstanding that often goes on before the cameras. The closed sessions also helped enhance a greater spirit of duty and cooperation concerning the tasks at hand. As with all jury trials going back for more than 2000 years in history, closed deliberations constitute proper procedure and I believe this tradition should be maintained.

This need not, and does not, diminish the accountability of senators to their constituents and the public at large. All roll call votes remain open and I believe every member maintains an obligation to inform his constituents of the reason for his votes.

CONSTITUENT LETTER RAISES KEY ISSUE: THE KIDS

I received a letter from Mr. Terrence Hogan of Owasso, Okla., an eighth grade civics teacher at the Cascia Hall Middle School in Tulsa for the past 22 years. He wrote last September saying he "was greatly concerned about the moral direction of our nation" in light of the President's "willful and repeated lying." He said the nation "cannot tolerate from our President actions and choices that we would not tolerate from the principal of our neighborhood school."

And this is exactly the point that people across America are asking. Is the President subject to the same moral accountability as every other responsible citizen in the workplace, or in any other position of public trust? And what do we say to the kids about truth and justice, about honesty and integrity, about the political and governmental heritage they should admire and emulate?

IMPEACHABLE OFFENSES

These acts, which were committed willfully and premeditatedly by the President, are serious offenses which I believe clearly rise to the level of impeachable offenses.

I reject the White House lawyers' argument that the President's conduct does not amount to the technical "crimes" of perjury and obstruction, but I'm content to allow a regular court of law to settle the issue. I also reject their argument that the President's conduct does not rise to the level of impeachable offenses.

I believe the President's conduct (however it is ultimately labeled) constitutes absolutely unacceptable behavior on the part of the President of the United States, the nation's chief law enforcement officer who is constitutionally charged to "faithfully execute the laws," and who, by word and deed, sets an example for every citizen.

In finding the President guilty on both Articles of Impeachment, I believe the constitutional consequence of removal from office is warranted in order to uphold for future generations:

The integrity, honor, and trust which are indispensable to the moral authority of the presidency;

The sanctity of the oath which every citizen must take in any legal proceeding to tell "the truth, the whole truth, and nothing but the truth;" and

The viability of our judicial system, the rule of law, and the principle of "equal justice under law."

A FINAL NOTE TO MY FELLOW OKLAHOMANS

Holding public office is a special privilege and I am continually grateful to the people of Oklahoma for the opportunity to serve in the United States Senate.

During the past weeks and months, I have received thousands of letters, e-mails, faxes, phone calls and other communications relative to the impeachment trial and all of the subject matters surrounding it. Many have expressed strongly held views on one side or the other, often urging me to vote in accord with their wishes and thinking. My overworked staff and I have done our best to digest and respond to these inquiries and comments as best we could. To those who may have not yet received a personal response, I want to express my appreciation for sharing your thoughts, your ideas, and your concerns.

Whether you agree or disagree, I want you to know that my votes for conviction on the two Articles of Impeachment represent my best judgment, based on my analysis of the facts, the law, the Constitution and what I believe is best for our country. They do not represent the results of any poll or political calculation about what may be popular, either in Oklahoma or elsewhere.

I have viewed the trial as a serious Constitutional duty and have listened and deliberated with profound sense of history and patriotism. I have sought to respect the process and preserve for future generations those wise procedural precedents, including the rule of law, that have served this nation so well for over 200 years.

I have stated my views and I accept the result of the trial. I harbor no personal bitterness or hatred toward the President. It is time to look to the future. I hope all of us on all sides of these issues can unite in a prayer for the future of our country and for the ideals of freedom and justice it stands for in the world. God Bless America.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mrs. FEINSTEIN. Mr. President, I ask for a brief moment to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CENSURE RESOLUTION OF PRESIDENT WILLIAM JEFFERSON CLINTON

Mrs. FEINSTEIN. Mr. President, I just want to point out to everyone who is interested that a censure resolution has been entered at the desk. It has 38 cosponsors.

Mr. President, during these trying days, the question has been asked of many of us: "What will we tell our children about this sordid period in our Nation's history?"

Mr. President, Members of the Senate, I had hoped to be able to tell my granddaughter and, indeed, the rest of our Nation, that the United States Senate had come together in bipartisan fellowship to approve a censure resolution that would deliver a clear message that the behavior of President William Jefferson Clinton has been inappropriate, intolerable and unacceptable.

Unfortunately, some in this body have forestalled our ability to bring such a resolution to the floor of the Senate for a vote. This I regret deeply.

There are moments in history when we are able to rise up against the forces driving us apart and come together with a united purpose. I believe that the censure resolution provided us with just such an opportunity.

While not a cure-all, the resolution is a way to share with our children and the rest of our nation our findings, our sentiments, our belief that the actions of the President are a violation of the trust of the American people and have brought shame and dishonor upon the presidency and the man.

But as has been made clear, those of us who truly believe a strong censure is the appropriate resolution in this case are being prevented from bringing it to the floor of this Senate for a vote.

The main co-sponsor is the Senator from Utah, Mr. ROBERT BENNETT. In all, it is co-sponsored by 36 Senators—over ⅓ of this Senate.

The words of the resolution were strong, but they are fitting words and I believe a bipartisan majority of the Senate would be prepared to vote for this censure resolution if it were permitted to come to a vote today.

Over the past few weeks, I have worked very closely with a large number of Senators to develop a bipartisan resolution, largely because I felt it so important that anyone who looks at this shabby episode of American history understands that while one may not vote to convict and remove a president, one can have profound dismay and concern about the misconduct that was inherent in the articles of impeachment.

That is why I regret deeply that some have seen fit to prevent us from voting on a censure resolution.

Because that cannot happen today, I have joined with the cosponsors of this resolution to formally present it to the Senate and record it in the CONGRESSIONAL RECORD, making clear for all time the strong censure of this President and condemnation of his actions by at least one-third of the U.S. Senate.

Earlier today, I voted against conviction and removal of the President on both articles of impeachment. I did not believe the House managers established beyond a reasonable doubt that this President is guilty of perjury and obstruction of justice.

Although I deplore the circumstances that have brought us to this point, I do not believe they present a clear and present danger to the functioning of our government, and therefore this President, who has been a good President for the people of the United States, should not be convicted and removed from office.

However, I feel very strongly and sincerely that the acquittal of the President on the articles of impeachment should not be the Senate's last word on the President's conduct, and that without further action such as a resolution of censure, the wrong message about the President's actions and the Senate's views thereon will be sent to the country.

One of the most worthwhile experiences of my Senate career has been listening to the remarks of the Senators over the past three days on the floor of the U.S. Senate. Each one gave substantial deliberation, serious thought and research and tried his or her level best to maintain their oath of impartiality.

It should be clear that this was not an easy time. It should be clear that every one in the Senate at every minute of every day wished this were not happening. But we found ourselves caught up in a constitutional requirement that gave us little choice.

I hope we come out of this with a deeper understanding of the divisions and polarization, which all of this has caused, and that every effort can be made, not only by our leadership, but by every member of the Senate in every issue that comes before us to seek out a bipartisanship and to work together to solve the problems facing our nation.

A good start in this process would have been to have allowed a vote on the censure resolution. I hope that when we return from the President's Day recess, we will do better.

INTENT BEHIND THE CENSURE RESOLUTION

I want to clear up once and for all the intent behind our censure resolution.

The resolution does not express legal conclusions in the court of impeachment. Rather, it is a legislative measure, expressing our conclusions regarding the President's conduct.

The legal conclusions to be made in this case, if any, will be left to a court of law. Our intent is not to bind or influence the court one way or another, for good or ill, in making any determinations which it may about the President's conduct.

Instead, our purpose is to speak to the moral ramifications of the President's conduct, and to the message that those actions send to the people of our nation, especially its youth.

While the President's actions do not constitute a fundamental threat to the nation, neither were they at all acceptable. The President's conduct was both willful and wrong, clearly by any standard, his behavior is indefensible.

These actions demeaned the Office of the President, violated the trust of the American people, and brought shame and dishonor upon President Clinton.

DRAFTING THE RESOLUTION

Let me speak for a moment about the process which we have gone through in developing the language. I began the process when I started to doubt whether the President's conduct rose to the level of a high crime or misdemeanor for which he should be removed from office.

Senator HERB KOHL was an early partner in this effort, and he and his staff provided valuable input.

As we developed the language further, I sounded out more of my colleagues, on both sides of the aisle, on the issue. I was fortunate enough to have Senator BENNETT join me as the lead Republican co-sponsor. Senator BENNETT has been a stalwart partner in this effort, and it has been a real pleasure working with him.

Many senators offered input regarding the specific language of the resolution, and we have incorporated virtually every suggestion made.

Senators LINCOLN, SNOWE, LEVIN, JEFFORDS, and SCHUMER, for instance, all have left their imprint upon this text, as has Senator MOYNIHAN, who was appointed by Senator DASCHLE to join Senator KOHL and myself as a Democratic task force on censure.

In the process of developing this language and striving for a bipartisanship, we have gone through some 25 drafts of the resolution. We believe that the text before you today is that which can obtain the most support from the most senators, of both parties, possible.

As a result of these efforts, I am very pleased that we have been joined by a very significant number of co-sponsors from both sides of the aisle. These co-sponsors run the ideological gamut from liberal to moderate to conservative. The breadth of these co-sponsors, I believe, represents the widespread consensus that the President's actions merit serious condemnation.

HISTORICAL PRECEDENTS FOR CENSURE

Let me now discuss the ample historical precedents for this censure resolution.

Censure is an extraordinary measure that Congress has used sparingly over the past 200 hundred years.

Censure is rare because it is such a powerful expression of Congressional criticism. In a censure resolution, a House of Congress publicly states its collective view that an individual has acted beyond the bounds of acceptable professional conduct. A censure records for history the major misdoings of public men and women.

Over the past 200 years, the House and Senate have initiated censure proceedings against Executive Branch officials on at least 13 different occasions.

Three times a House of Congress has adopted measures that could be described as a censure of a President. In 1834, the Senate censured President Andrew Jackson. Twice the House has adopted statements criticizing presidents—in the cases of John Tyler and James Buchanan.

Censuring President Clinton would be consistent with historical use of this rare, but powerful, Congressional power.

THE CASE OF ANDREW JACKSON

By far the most famous censure case of a sitting president involved Andrew Jackson.

President Jackson feuded with Congress over the establishment of a Bank of the United States.

1. First, In 1832, he vetoed the rechartering of the Bank of the United States on the grounds that it was unconstitutional, elitist, and had failed in establishing a sound currency.
2. Second, Jackson directed the government to withdraw its funds from the Bank. When his Treasury Secretary protested the withdrawal, Jackson removed him from his position.

On March 28, 1834, the Senate voted to censure President Jackson by a partisan vote of 26–20.

The resolution stated:

> *Resolved*, That the President, in the last executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both.

The censure resolution expressed more than idle words. It dealt Jackson a painful blow in the arena of public opinion and in history.

Soon after the vote, Jackson wrote to the Senate challenging its action. He noted that the Senate resolution was "an imputation upon my private as well as public character."

This censure was such a powerful condemnation of President Jackson's actions that his supporters led the Senate to revisit the issue several years later. On January 14, 1837, the Senate voted to expunge the censure resolution from the record by a vote of 24–19.

The House of Representatives has adopted two other statements that can be construed as censure motions against a president.

PRESIDENT JOHN TYLER

In 1841, John Tyler assumed the Presidency upon the death of President William Henry Harrison. In contrast to President Harrison, whose Whig views coincided with views of the majority of Congress, Tyler espoused State's rights.

Tyler aroused the anger of Congress by vetoing Whig-sponsored bills related to tariffs and the creation of a national bank. Exasperated Members of the House of Representatives finally decided to publicly rebuke the President.

A select committee drafted a report criticizing the President for:

"Gross abuse of constitutional power and bold assumptions of powers never vested in him by any law"; for having "assumed the whole Legislative power to himself, and levying millions of money upon the people, without any authority of law"; and for the "abusive exercise of the constitutional power of the President to arrest the action of Congress upon measures vital to the welfare of the people."

On August 17, 1842, the House passed this select Committee report.

PRESIDENT JAMES BUCHANAN

Along with his Secretary of the Navy, President Buchanan was implicated in a financial scandal. There were accusations of "kickbacks" and the granting of government contracts to political supporters.

On June 13, 1860 the House of Representatives voted 106–61 in favor of "censuring" the Secretary of the Navy and stating that President Buchanan's conduct deserved its "reproof."

The resolution stated:

> *Resolved*, That the President and the Secretary of the Navy, by receiving and considering the party relations of bidders for contracts and the effect of awarding contracts upon pending elections, have set an example dangerous to the public safety, and deserving the reproof of this House.

Other executive officials: At least three secretaries of cabinet departments and one ambassador have also been censured.

These cases include:

(1) Secretary of the Navy Isaac Toucey, 1860—On June 13, 1860, the House of Representatives passed a resolution censuring Secretary Toucey in the same "kickback" and bribery scandal that led to the "reproof" of President Buchanan.

(2) Secretary of War Simon Cameron, 1862—In another corruption scandal, the House passed a censure resolution against Secretary of War Cameron for embezzlement and for entrusting public money to his lieutenant, Alexander Cummings. Mr. Cummings allegedly spent $21,000 of government funds on personal items like straw hats, linen pantaloons, scotch ale, and herring.

(3) Attorney General, A.H. Garland, 1886—On March 24, 1886, the Senate passed a resolution of "condemnation" of the Attorney General for refusing to turn over government papers regarding the removal of a District Attorney from Office.

(4) Ambassador Thomas Bayard, 1896—On March 20, 1896 the House of Representatives considered a resolution condemning and censuring Ambassador Bayard for diplomatic improprieties. He was charged with making partisan remarks to British audiences.

CENSURE OF MEMBERS OF CONGRESS

Congress has also used censure to condemn the conduct of its own members. Nine senators and 22 members of the House have been censured.

Indeed, many members of this body personally know former senators who have been censured. To those who argue that censure is "a wet noodle across the wrist," I would respectfully request that they ask their colleagues how these former senators felt about being censured. I am confident, because I have had some of these conversations myself, that they would find that censure was felt deeply, and was a very significant stain upon their reputations and legacy.

CENSURE HISTORY CONCLUSION

In sum, censure is a powerful tool used very sparingly by Congress to condemn unacceptable conduct. Congress has initiated censure proceedings in policy disputes, but it has also criticized executive branch officials in the case of President Buchanan, Navy Secretary Welles, and President Nixon for personal misconduct.

So to those who argue that passing this censure would establish a precedent for the future where presidents and cabinet officials could be censured, I hope this discussion has made it clear: that precedent has already been set.

BIPARTISAN CENSURE PROMOTES HEALING

In this bipartisan censure, we provided the Senate with a real opportunity to achieve a strong, unifying, bipartisan conclusion to this whole tawdry, exhausting and divisive controversy.

The House's actions were marred with partisanship. Indeed, one example of this was the action of the House leadership to prevent a censure resolution from even being considered on the House floor.

The Senate started its proceedings on a high note, when we came together to agree unanimously, across party lines, upon procedures for the trial. Passing our censure resolution by a strong, bipartisan vote would represent an appropriate "bookend" to this bipartisan beginning, and would stand this Senate well in the annals of history.

Moreover, it would put the proper historical perspective upon the Senate's actions and determinations, which should not be read as a vindication of the President.

I believe that passing this censure on a bipartisan basis would bring a real closure to the process, and would help to heal the divisions between the parties which were created during these proceedings, so that we can move on to work together to address the real problems confronting the American people, like saving social security, improving education, and continuing the fight to reduce crime.

It is time that we move on to these other matters of significance to our people, to reconcile differences between and within the branches of government, and to work together—across party lines—for the benefit of the American people.

I ask unanimous consent that a list of cosponsors and the text of the resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COSPONSORS

Mrs. Feinstein, Mr. Bennett, Mr. Moynihan, Mr. Chafee, Mr. Kohl, Mr. Jeffords, Mr. Lieberman, Mr. Smith of Oregon, Mr. Daschle, Ms. Snowe, Mr. Reid, Mr. Gorton, Mr. Bryan, Mr. McConnell, Mr. Cleland, Mr. Domenici, Mr. Torricelli, Mr. Campbell, Mr. Wyden, Mrs. Lincoln, Mr. Kerry, Mr. Kerrey, Mr. Schumer, Mr. Durbin, Mrs. Murray, Mr. Wellstone, Mr. Breaux, Ms. Mikulski, Mr. Dorgan, Mr. Baucus, Mr. Reed, Ms. Landrieu, Mr. Kennedy, Mr. Levin, Mr. Rockefeller, Mr. Robb, Mr. Inouye, and Mr. Akaka.

RESOLUTION OF CENSURE

Whereas William Jefferson Clinton, President of the United States, engaged in an inappropriate relationship with a subordinate employee in the White House, which was shameful, reckless and indefensible;

Whereas William Jefferson Clinton, President of the United States, deliberately misled and deceived the American people, and people in all branches of the United States government;

Whereas William Jefferson Clinton, President of the United States, gave false or misleading testimony and his actions have had the effect of impeding discovery of evidence in judicial proceedings;

Whereas William Jefferson Clinton's conduct in this matter is unacceptable for a President of the United States, does demean the Office of the President as well as the President himself, and creates disrespect for the laws of the land;

Whereas President Clinton fully deserves censure for engaging in such behavior;

Whereas future generations of Americans must know that such behavior is not only unacceptable but also bears grave consequences, including loss of integrity, trust and respect;

Whereas William Jefferson Clinton remains subject to criminal actions in a court of law like any other citizen;

Whereas William Jefferson Clinton's conduct in this matter has brought shame and dishonor to himself and to the Office of the President; and

Whereas William Jefferson Clinton through his conduct in this matter has violated the trust of the American people: Now therefore, be it

Resolved, That the United States Senate does hereby censure William Jefferson Clinton, President of the United States, and does condemn his wrongful conduct in the strongest terms; and now be it

Further resolved, That the United States Senate recognizes the historic gravity of this bipartisan resolution, and trusts and urges that future congresses will recognize the importance of allowing this bipartisan statement of censure and condemnation to remain intact for all time; and be it

Further resolved, That the Senate now move on to other matters of significance to our people, to reconcile differences between and within the branches of government, and to work together—across party lines—for the benefit of the American people.

Ms. SNOWE. Mr. President, now that we have come to the end of the process required by the Constitution, I feel we have arrived at an appropriate time to consider a measure required by the President's conduct.

I rise in support of censure because while I do not find that the President's behavior constitutes high crimes and misdemeanors requiring removal, I do believe that it compels us to record for history our recognition of the damage we all acknowledge he has inflicted upon the Office of the Presidency and the Nation.

Acquittal must not be the last word. And while I have felt that it would have been more appropriate for the Senate to issue findings of fact in the impeachment case against the President, I am now prepared to support censure so that there is no mixed message for posterity about what the Senate thinks of the President's actions.

As I said yesterday, the President's behavior is indefensible, and I for one have no interest in seeing another shameless "Rose Garden Jubilee" after today's vote by the Court of Impeachment. Acquittal is not exoneration. Nothing we do here today in any way absolves the President's responsibility for the harm he has inflicted—and the President must know this.

Indeed, this has been a sordid chapter in the history of the Presidency, and it deserves to be closed with a stern warning and a strongly worded rebuke that will leave no doubt to future generations that this process was not simply much ado about nothing. It was, in fact, about something very important—the sanctity of public service.

That's why I worked with Senators FEINSTEIN and BENNETT to include language expressing the will of this Senate that this resolution not be revoked by a future Congress. I also want to thank them for their willingness to include language that makes clear the Senate believes the President should be treated like any other citizen facing criminal allegations once he leaves office in 23 months.

The fact is, even while this body has acquitted the President on Articles of Impeachment, the framers provided for an additional remedy for his conduct in standard criminal court. Why? Because they had known a country where some men were above the law, and some below. And they were determined to create a nation where the level of justice served was not proportional to a person's pocketbook, social rank or political power.

I believe acquittal, though the proper outcome, by itself could present a skewed picture of the Senate's findings, and runs the risk that the President will claim exoneration for his actions. Such a claim, evidence of which is already apparent, is quite simply and obviously, wrong.

The President may not have committed high crimes and misdemeanors, but what he has done—in my mind including unlawfully influencing a potential witness—deserves a formal rebuke by the Senate. Censure would be an appropriate and constitutionally permissible way to do this.

For a President who from the very beginning promised the most ethical administration any of us would ever see, censure would be a well-deserved legacy of a promise broken and a Presidency sullied. I will vote for this censure motion and I urge my colleagues to do likewise.

Mr. WARNER. Mr. President, we are prepared to conclude the session. I simply await the instructions from the majority leader to do such items as may remain.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 5

Mr. WARNER. Mr. President, I ask unanimous consent that the bill S. 5 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the Senator from Colorado (Mr. CAMPBELL) as Co-Chairman of the Commission on Security and Cooperation in Europe.

The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appoints the Senator from Ohio (Mr. VOINOVICH) to read Washington's Farewell Address on Monday, February 22, 1999.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96-388, as amended by Public Law 97-84, appoints the following Senators to the United States Holocaust Memorial Council: The Senator from California (Mrs. BOXER), and the Senator from New Jersey (Mr. LAUTENBERG).

The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, appoints Donald R. Vickers, of Vermont, to the Advisory Committee on Student Financial Assistance for term ending September 30, 2001.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to Public Law 101-509, his reappointment of C. John Sobotka, of Mississippi, to the Advisory Committee on the Records of Congress.

The Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader, pursuant to Public Law 105-389, announces the appointment of the following citizens to serve as members of the First Flight Centennial Federal Advisory Board: Peggy Baty of Ohio, Lauch Faircloth of North Carolina, and Wilkinson Wright of Ohio.

APPOINTMENT BY THE DEMOCRATIC LEADER OF THE SENATE AND THE MINORITY LEADER OF THE HOUSE

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader of the Senate and the Minority Leader of the House, pursuant to Public Law 105-277, announces the appointment of the following individuals to serve as members of the International Financial Institution Advisory Commission:

Richard L. Huber of Connecticut,
Jerome L. Levinson of Maryland,
Jeffrey D. Sachs of Massachusetts,
Esteban E. Torres of California, and
Paul A. Volcker of New York.

RETIREMENT OF WILLIAM D. LACKEY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 46, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 46) relating to the retirement of William D. Lackey.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 46) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 46

Whereas, William D. Lackey has faithfully served the United States Senate as an employee of the Senate since September 4, 1964, and since that date has ably and faithfully upheld the highest standards and traditions of the staff of the United States Senate;

Whereas, during his 35 years, in positions of responsibility in offices in the United States Senate, William D. Lackey has at all times discharged the duties and responsibilities of his office with extraordinary efficiency, aplomb, and devotion; and,

Whereas, William D. Lackey has faithfully served the United States Senate with honor and distinction in the Office of the Journal Clerk since October 1, 1978 and his hard work and outstanding performance resulted in his appointment as Journal Clerk: Now, therefore, be it

Resolved, That the United States Senate commends William D. Lackey for his service to his country and the United States Senate, and wishes to express its deep appreciation and gratitude for his long and faithful service.

SEC. 2. That the Secretary of the Senate shall transmit a copy of this resolution to William D. Lackey.

HEALING OF THE NATION

Mr. WARNER. Mr. President, I ask the Senate to indulge me just a few words.

It is a privilege for me to stand in for our distinguished leader, Mr. LOTT. And my remarks also reflect on the outstanding performance not only by Leader LOTT but Leader DASCHLE on this historic day of the Senate. Mr. President, I have just returned, as have most Senators, from responding to many requests by the media on the grounds of the U.S. Capitol. I have said that the verdict is in. It has been given by the Senate. It is now before the Nation and they will be the final jury, the final arbiter. The sovereignty of this country rests not in the high office holders, but it is in the hands of the people. It is for them to decide.

As they approach the decision, I humbly submit to them: Let us put this chapter in our history, tragic though it may be, behind us, and that we heal ourselves and unite and go forward.

This is a great and strong nation. It is a leader of the world, not only in matters of security for ourselves but security for others, not only in matters of military security but in matters of economic security. Our President, by his own actions, is a weakened President. That strength which for a while he can no longer give to the Nation must be filled in by the people—individually and collectively. I think we should not spend time dwelling on the past. Leave it to the historians. Let us move forward to the future, heal ourselves, strengthen our Nation, so we can resume as a leader in the world. And may God rest his hand on this Senate and its verdict as being the best for the Nation and for our people.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 22, 1999

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned until 12 noon, February 22, 1999.

Thereupon, the Senate, at 3:31 p.m., adjourned until Monday, February 22, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 12, 1999, under authority of the order of the Senate of January 6, 1999:

THE JUDICIARY

DAVID N. HURD, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK VICE CON. G. CHOLAKIS, RETIRED.

NAOMI REICE BUCHWALD, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE MIRIAM G. CEDARBAUM, RETIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

G. EDWARD DESEVE, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE JOHN A. KOSKINEN, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXTENSIONS OF REMARKS

PRESIDENTS' DAY

HON. STENY HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. HOYER. Mr. Speaker, this long weekend millions of children will have a day off from school—and many of their parents will have a day off from work.

How many children, and how many of their parents will pause over this long weekend to reflect on the two great Presidents whose birthdays we will celebrate?

George Washington translated a fragile, untested document—our Constitution—into a working system of government in which no branch appropriated unto itself powers beyond what the framers of our Constitution envisaged.

Where George Washington could easily have chosen to be a monarch or a despot unaccountable to no one but himself, he, instead, devoted his twin terms as President to putting into practice the ideals of the American Revolution.

President Washington never lost sight of a basic tenant of the Revolution that Government's power ultimately resides in the people, and that public officials are the servants of the public.

Assuming office at a time of great peril and uncertainty, President Washington returned to Mount Vernon eight years later having proven through his example of restraint and leadership that the great American experiment had succeeded.

But unfortunately, seven decades later, our country was wracked by division, anger and, eventually, a bitter civil war. The American experiment was suddenly imperiled.

At times of great crisis, the American people have had the genius of entrusting the Nation's fate to great leaders.

Abraham Lincoln, by navigating our country through the crucible of civil war, preserved the nation and extended Washington's vision of the American experiment. By bringing those previously enslaved under the protection of the Constitution and Bill of Rights, Lincoln promoted the concept that for democratic government to truly succeed, all Americans must be able to participate. Just last week we underscored the significance of full citizen participation by commemorating the 35th anniversary of the ratification of the 24th Amendment to the Constitution, which finally put an end to the poll tax.

President Lincoln himself so eloquently described the American experiment as a "government of the people, by the people, for the people".

On this holiday weekend, I urge all Americans to reflect on the wisdom, courage and leadership of Presidents Washington and Lincoln.

TRIBUTE TO WILLIAM FRIEDLANDER, A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to William Friedlander, a friend and community leader, who will be honored as a Great Living Cincinnatian on February 19, 1999 by the Greater Cincinnati Chamber of Commerce. He was selected based on his volunteer activities, business and civic accomplishments, awareness of the needs of others, and achievements that have brought favorable attention to the Cincinnati area. Bill has enriched the lives of all Greater Cincinnatians through his dedication, leadership, and love for our community.

Bill graduated from Walnut Hills High School and Amherst College. After serving 2 years in the Army, he attended Harvard Business School. He began his career at Bartlett & Company in 1957, rising to the position of Chairman. Bill is known for his tireless volunteer work and fundraising for local organizations. He served on the boards of Jewish Hospital and the Greater Cincinnati Foundation, where he served as both a board member and the Volunteer Director. During his very successful tenure at the Foundation, assets grew from $40 million to $140 million

Bill has been especially active in the arts, serving as a board member for the Cincinnati Association for the Arts. He and his wife, Susan, also chaired the Cincinnati Symphony Orchestra's Second Century Fund, raising $37 million—thought to be the largest amount ever raised for an arts organization in Greater Cincinnati. All of us in Cincinnati are grateful for his commitment to our community.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, during rollcall vote No. 12, (H.R. 440), I was unavoidably detained. Had I been present, I would have voted "yea."

GOOD FRIDAY AGREEMENT IN PERIL

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 11, 1999

Mr. FOSSELLA. Mr. Speaker, I stand here today as an American of Irish descent and as a Representative from Staten Island and Brooklyn, New York which is the home of many Irish Americans. I am very happy to see that the peace process in Ireland has progressed to the point we are at now—nearing the one year anniversary of the Good Friday agreement. It is a significant accomplishment that the violence has ended, that those who wish to further violence are not in power and are no longer winning their battle.

Last fall, I had the opportunity to travel to Ireland and to see the wonderful country from which my descendants came. I was able to meet with leaders from both sides and to witness for myself what the toll that violence has taken on this beautiful country. Now is a time to work together, to rebuild, to look towards a future with a peaceful Ireland. We must ensure that peace in Northern Ireland becomes a long-term, irreversible reality and the almost year old Good Friday agreement remains enforced.

In closing, I would like to commend Congressman WALSH from New York on his leadership on this issue and to thank him for giving me the opportunity to speak today.

APPRECIATION TO THE TRIDENT FOUNDATION

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. COLLINS. Mr. Speaker, I rise today to acknowledge and thank the Colorado-based Trident Foundation for its tireless work in communities across the United States. The Trident Foundation is a network of highly skilled men and women from around the world, who come together as volunteers, bringing specialized equipment and the latest technology to offer water recovery support.

Recently, that commitment brought the group to Columbus, Georgia, to solve an unsuccessful three month search for the body of 14-year-old Kelvin Moreland. Kelvin, a resident of the Carpenter's Way Ranch, a Cataula home for boys who cannot live with their natural families, drowned while on a supervised outing.

The Trident Foundation's recovery of Kelvin's body provided the community needed

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

closure with use of specialized sonar equipment and its team of volunteers from law enforcement agencies, fire departments, the medical profession, the U.S. Navy, and technical and scientific diving fields. Although their operations generally cost about $50,000 a day, the group provides the services free of charge. In addition, services for the divers were provided by area companies.

Kelvin's body could not have been found and properly buried if not for the efforts of the Trident Foundation and local organizations. I commend their commitment and service to Columbus and other communities across our nation. Their work has allowed Columbus and the Carpenter's Way family to mourn, and Kelvin Moreland to rest in peace.

TRIBUTE TO M.J. KLYN, A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Mary Jeanne (M.J.) Klyn, a dear friend and community leader who will be honored as a Great Living Cincinnatian on February 19, 1999 by the Greater Cincinnati Chamber of Commerce. She was selected for her exemplary community service, business and civic accomplishments, awareness of the needs of others, and achievements that have brought favorable attention to the Cincinnati area.

M.J. grew up in Illinois and attended Northwestern University. She was successful in banking, retailing and advertising in Cleveland, and was named the first female vice president of the University of Cincinnati. Among her duties was to work with the state legislature on funding and other issues. During her 23 years with the University of Cincinnati, she played a pivotal role in bringing the university into the state system and helped obtain more than $2 billion for important capital projects. Among M.J.'s accomplishments were obtaining funds for the Shoemaker Center and the Barrett Cancer Center. She also led the drive to obtain the designation of the U.S. College of Engineering as one of ten NASA Federal Research Centers.

M.J. also served for 20 years on the Board of the Greater Cincinnati Convention and Visitor's Bureau, and earned its first Spirit of Cincinnati Chairman's Award. Women in Communications honored her with its Movers and Shakers Award. M.J. makes friends wherever she goes, and I feel lucky to be among them. All of us in Cincinnati are greatful for her leadership, service, and commitment to our Greater Cincinnati community.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, during rollcall vote No. 13 (H.R. 439), I was unavoidably detained. Had I been present, I would have voted "yea."

PACKERS AND STOCKYARDS ACT AMENDMENTS

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 9, 1999

Mr. ETHERIDGE. Mr. Speaker, I want to commend Mr. LATHAM for introducing this important legislation and Chairman COMBEST for bringing it to the floor today. As has been well documented, our pork producers have been devastated by record-low prices for their products over the past year. While live hog prices have fallen dramatically, consumer prices are virtually unchanged. Somebody is getting rich at the expense of our farmers. Pork producers need better and more up-to-date information on prices to ensure that they are being treated fairly, and I hope the investigation into pork prices prompted by this legislation will go a long way towards protecting their interests.

For too long, the processing and distribution of swine has been concentrated in too few hands. This concentration could be dangerous for our farmers, and I urge the Senate to move quickly to pass this important legislation. Too many small farmers and their families in North Carolina depend on swine production for their livelihood for us not to take action now. This investigation is a small but important step in the right direction and I urge the House to adopt this important bill today.

REJECT THE LEGAL "END AROUND" ON GUN MAKERS

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. SWEENEY. Mr. Speaker, in the wake of the tobacco lawsuits, many in our nation's legal profession have fallen into the wrongheaded idea that courts, rather than legislatures, should decide all public policy issues. Nowhere is this more notable than in the lawsuits recently filed by several cities against the firearms industry.

Mr. Speaker, even many publications that support restrictive gun control laws have spoken out against this trend. The Schenectady *Daily Gazette*, a newspaper that serves many of my constituents in upstate New York, blames violence on the lack of gun laws. I strongly disagree with that view—in fact, our nation has tens of thousands of gun laws at every level of government, and the laws in New York state are particularly strict.

However, I do agree with the *Daily Gazette's* conclusion that the lawsuits are "hugely misguided" and nothing but an "absurd money grab" designed to make a scapegoat of a highly regulated industry that manufactures a lawful product. Mr. Speaker, I urge the nation's courts and legislatures to reject these ridiculous lawsuits, and I insert the *Daily Gazette* editorial for printing in the CONGRESSIONAL RECORD.

[From the Daily Gazette, Nov. 5, 1998]

DON'T SUE GUN MAKERS

New Orleans is a great destination for music lovers and gourmets, but it's also a good place to get shot. In fact, until a law-and-order mayor took office there four years ago, it had the dubious distinction of being "the murder capital of the United States." Now the city has filed a huge—and hugely misguided—lawsuit against 15 gun manufacturers. Numerous other large cities reportedly want to join the suit. Unbelievable.

A cousin to the numerous lawsuits pending against the tobacco industry, the suit attempts to make manufacturers a scapegoat for products that are wholly lawful and used primarily for their intended purpose. (Granted, guns aren't supposed to be used to commit murder, but there's little ambiguity about their primary function as weapons for killing and maiming, whether for hunting or self-defense.)

The lawsuit focuses on the product liability angle, claiming that because gun makers fail to use enough safety devices, their weapons are "unreasonably dangerous." This might be arguable if most gun deaths were accidental—if typical lines like "I didn't know it was loaded," or "It just went off" were true. But in New Orleans—as in most cities—the killings are intentional. And most adults who handle guns know to take at least a little care to guard against accidents.

Are the gun makers to blame when some drug dealer steals a pistol and wastes his rival with it? Not unless they're handing out the weapons, or glamorizing this sort of behavior with advertising, etc. And if some kid gets his hands on his parents' gun and accidently blows his friend away, aren't the parents really at fault for not doing a better job securing the weapon?

Where cigarette manufacturers can be accused of promoting irresponsible usage, gun makers almost never advertise—at least not handguns. And where the cigarette's primary function is to provide smokers with pleasure—with illness an unfortunate consequence—guns are inherently lethal.

So let's stop this absurd money grab. Gun makers may not be completely devoid of responsibility for this country's gun problem, but a government that allows guns to be made and people to buy and possess them seems a lot more culpable.

STATES' INITIATIVE

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. BLILEY. Mr. Speaker, yesterday I introduced H.J. Res. 29. I have sponsored this legislation with Congressmen KOLBE, GOODE, STUMP, GILLMOR, METCALF, SHADEGG, and MANZULLO. This constitutional amendment symbolizes what in Virginia we call the States' Initiative.

When the Founding Fathers wrote the Constitution in Philadelphia in 1787, they drew upon life's experiences and history to perfect the ideas and ideals the Constitution embraces. After they finished writing the Constitution, the Founding Fathers were wise enough to know they could not foresee the future. As a result, Article V provides for a mechanism to amend the Constitution.

We all know the Constitution is not perfect, even after 27 amendments. The Constitution has, although, protected the individual liberties all Americans have enjoyed for over 200 years.

As the proud holder of the seat first held by James Madison, my first objective is to never do any harm to the Constitution. However, the Founding Fathers acknowledged a need to amend the Constitution. The States' Initiative is a direct descendant of Madison's writings.

In Federalist paper 43, James Madison wrote,

> . . . useful alterations will be suggested by experience. The Constitution moreover equally enables the general and the state governments to originate the amendment of errors as they may be pointed out by the experience on one side or on the other.

At present, Article V provides for two ways to amend the Constitution.

The first involves the presentation of an amendment by Congress to the states for ratification.

The second is by constitutional convention, convened at the request of the State legislatures.

Even with both methods available, to date, all amendments to the Constitution have been enacted following passage by the Congress and ratification by three-fourths of the States.

Some have asserted that the second method has not been as effective as intended by the Framers.

On the Op/Ed pages of the Richmond Times-Dispatch, my local newspaper, Edward Grimsley wrote about the dilemma which would be remedied by the States' Initiative. Edward Grimsley wrote, "In the hands of the people the amending process could produce some truly wonderful results."

By allowing the States an effective mechanism to amend the Constitution, more power can be returned to the people. After all, "We the People" are the first 3 words of the Constitution.

Why is the States Initiative necessary? Persuasive arguments have been made that a constitutional convention might alter the Constitution more expansively than intended by proponents of a specific proposed amendment. This is known as the fear of a "run-away" convention.

The States Initiative implements a more effective method by which states could take the initiative in the process by which the Constitution is amended. This bill allows the States to initiate the amendment process that is devoid of the perils of a "run-away" constitutional convention.

Another problem with a constitutional convention is that even if it isn't a "run-away" convention (that is, even if the constitutional convention met to adopt only one amendment), the mere fact that the States met could have a far-reaching jurisprudential impact. Would the Supreme Court view a constitutional convention which kept the pre-existing Constitution as an implicit ratification of prior Supreme Court rulings? This would cause those on the left (who oppose certain Rehnquist Court rulings) and those on the right (who oppose certain Warren Court rulings) a considerable amount of trouble.

To restore the Framers' design, that is a design where the states could initiate the amendment process, our proposal would allow a constitutional amendment to be presented to Congress after two-thirds of the States indicated approval of an identical amendment via their State legislatures.

If two-thirds of each House of Congress does not agree to disapprove of the proposed amendment, it would be submitted to the States for ratification.

Upon ratification by three-fourths of the States legislatures, the amendment would become part of the Constitution.

I am proud to sponsor this constitutional amendment which will return power back to States, where the Framers intended it to be.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, during rollcall vote No. 14 (H.R. 435), I was unavoidably detained. Had I been present, I would have voted "yea."

TRIBUTE TO JOHN RUTHVEN, A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. PORTMAN. Mr. Speaker, I rise to pay tribute to John Ruthven, a longtime friend and leader in my community, who will be honored as a Great Living Cincinnatian on February 19, 1999 by the Greater Cincinnati Chamber of Commerce. He was selected based on his community service, business and civic accomplishments, awareness of the needs of others, and achievements that have brought favorable attention to the Cincinnati area.

As a child of the Depression, John says his family didn't have much—except of lot of love. He grew up in Walnut Hills and graduated from Withrow High School. After serving in the Navy during World War II, he graduated from the Cincinnati Art Academy and opened a commercial art studio. John won the prestigious Federal Duck Competition in 1960 with "Redhead Ducks," and his work began to be known across the country. In 1971, he founded Wildlife Internationale to produce limited edition lithographs. He has earned numerous awards, including Ducks Unlimited's First Artist, and Trout Unlimited Artist of the Year. John's art is displayed in the White House, in the Congress and in other prominent places around the world.

He has given generously of his time and extraordinary skill to benefit numerous charities over the years. He is a modern day Audubon who is both an internationally known wildlife artist and a committed naturalist. John Ruthven is also a warm and caring person who brightens the lives of those he meets. He is a truly great Living Cincinnatian. All of us in Cincinnati are proud of his accomplishments and are grateful for has service to others.

IN MEMORY OF JERRY FELDMAN

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today to honor the memory of Jerry Feldman, a generous and ground-breaking community leader who will be greatly missed in South Florida.

After spending a large portion of his life in New York as a highly successful corporate executive and private business owner, Jerry and his wife Jacqueline retired to Century Village in South Florida. Adding to his already extraordinary list of accomplishments, Jerry Feldman plunged himself into community service in the hopes of improving the lives of his new neighbors and friends. As his wife so eloquently expressed, "He felt that God put him on this earth to make things better for people, and his reward would be a better life," she said. "If you cast your bread on the water, he felt, it would come back twofold."

Jerry Feldman became involved in many community organizations in his attempts to galvanize the community and create an open dialogue between South Florida's citizens. Besides being the President of the Condominium Owners of the Pembroke Pines Association, Mr. Feldman also served as Chairman of the Pembroke Pines Board of Adjustment, President of the Pembroke Pines Seniors and Law Enforcement Working Together (SALT) Council, and President of the Cambridge 4 Condominium Association in Century Village. As the Mayor of Pembroke Pines, Alex Fekete, noted, "he was a great community leader * * * he helped to resolve issues * * * there is a more harmonious relationship in Century Village now because of it."

In summary, Jerry's genuine leadership is rare in this age and he will be surely missed by the Century Village Community, as well as by the Pembroke Pines community at large. Jerry was an extraordinary human being who went above and beyond what he needed to be, because of his sincere desire to help his fellow man. We will all miss Jerry, but we are lucky to have so many wonderful memories of his life and work.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, during rollcall vote No. 15, Boehlert amendment to H.R. 350, I was unavoidably detained. Had I been present, I would have voted "yea."

HONORING SUSAN B. ANTHONY

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. CUBIN. Mr. Speaker, one hundred and seventy-nine years ago, on February 15, a remarkable woman was born. Her passion for establishing equal rights for women led her to champion the rights of others dispossessed as well.

That woman is Susan B. Anthony. Today she is mainly, and rightly, remembered as one of our greatest foremothers in the drive for women's rights. And this drive for women's rights led her to champion the rights of others as well. Anthony was a fierce opponent of slavery. And she also championed the rights of those who today have become the most dispossessed of all: the unborn. Although she herself was childless, she considered amongst her greatest achievements, to have saved the lives of the unborn. She said, ". . . Sweeter even than to have had the joy of caring for children of my own has it been to me to help bring about a better state of things for mothers generally, so that their unborn little ones could not be willed away from them."

Mr. Speaker, it is fitting that we take the anniversary of her birth as an opportunity to remember this great woman, Susan B. Anthony, and to rededicate ourselves to her life's work of guaranteeing full rights for both women and their unborn children.

TRIBUTE TO WILLIAM F. BOWEN, A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to William F. Bowen, an outstanding individual who will be honored as a Great Living Cincinnatian on February 19, 1999 by the Greater Cincinnati Chamber of Commerce. He was selected based on his exemplary community service, business and civic accomplishments, and achievements that have brought favorable attention to the Cincinnati area. Bill has enriched the lives of all Greater Cincinnatians through his dedication, leadership and love for our community.

William Bowen, the eldest of seven children, was born before the American civil rights movement. He likes to tell people, "I spent my time fighting the battles; I worked full time at fighting for civil rights." His long history in the civil rights movement includes the presidency of the Cincinnati Branch of the National Association for the Advancement of Colored People.

Bill grew up in Cincinnati's West End, graduated from Woodward High School and studied business administration at Xavier University. His career as a legislator began when he was elected to the Ohio House of Representatives in 1966. During his tenure, he served as House Minority Whip. In 1970, Bill was appointed to the Ohio Ninth Senatorial District seat. He was elected to the seat later that year and reelected in 1974, 1978, 1982, 1986 and 1990.

He is known for his commitment and for being a good friend to his hometown. All of us in Cincinnati are grateful for his leadership and service to our community.

EXTENSION OF THE RESEARCH AND DEVELOPMENT TAX CREDIT: H.R. 760

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. SENSENBRENNER. Mr. Speaker, today I have introduced a bill to permanently extend the Research and Development Tax Credit.

A permanent extension of the R&D Tax Credit is necessary to assuring those who conduct long-term research and development that the federal government values their efforts and will continue to provide support for the type of research that is the foundation of our economic prosperity. Failure to permanently extend the credit has created uncertainty in the research community. This uncertainty has created a disincentive for private industry to conduct long-term research projects to the detriment of our national welfare.

We must find ways to leverage our Nation's resources to support Research and Development. Even with a $70 billion federal budget surplus, the Administration indicates that discretionary spending for science research and development programs will not be increased. As federal discretionary spending for R&D is squeezed, incentives must be used to maintain America's investment in private sector innovation so that we can maintain our global leadership in high-technology, high-growth industries that help to keep our economy the strongest in the world.

Congress realizing the need for such a credit, has extended the R&D tax credit eight times over a period of 17 years. It is clear that the repeated extensions demonstrate Congressional support. However, it has become apparent in recent years that this approach does not allow for industry to plan their R&D in ways that increase the level, and efficiency of research spending.

There is clear bipartisan support for permanent extension of the R&D Tax Credit and I urge my colleagues to support this important piece of legislation.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, during rollcall vote No. 16, Waxman amendment to H.R. 350, I was unavoidably detained. Had I been present, I would have voted "yea."

BENJAMIN WOMICK—NATIONAL VOLUNTEER AWARD RECIPIENT

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. DEMINT. Mr. Speaker, I rise today to congratulate and honor a young South Carolinian from my district who has achieved national recognition for exemplary volunteer service in his community. Benjamin Womick of Spartanburg has just been named one of my state's top honorees in The 1999 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in the nation.

Ben, a senior at Daniel Morgan Vocational Center, is the youngest commissioned state fire marshal in South Carolina history. He has helped to save three houses from destruction, aided in medical assistance calls, and helped many people injured in accidents as a firefighter with a volunteer fire department. Since joining the department at age 17, he has dedicated an average of 2 hours a day to his responsibilities, recruited five friends to become firefighters, and signed up for nearly 350 hours of training.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, I believe it's vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ben are inspiring examples to all of us, and are among our brightest hope for a better tomorrow.

The program that brought this young role model to our attention—The Prudential Spirit of Community Awards—was created by The Prudential Insurance Corporation of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only 4 years, the program has become the nation's largest youth recognition effort based solely on community service, with more than 50,000 youngsters participating.

Ben should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Ben for his initiative in seeking to make his community a better place to live, and for the positive impact he has had on the lives of others. He has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. His actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

ECUADOR TRIP REPORT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. WOLF. Mr. Speaker, I want to share with my colleagues a report on my recent trip to Ecuador. I traveled to that South American country January 9–15. I spent two days in the rain forest, one day traveling in country, and two days in Quito, the capital. With the spread of populations and industry into the Amazon Basin, tribal groups are having to come to grips with the realities of 21st century life and I was asked to visit in order to better understand those challenges.

The world was stunned 43 years ago, in January of 1956, when the speared bodies of five young men, Jim Elliot, Pete Fleming, Ed McCully, Nate Saint and Roger Youderian, were discovered in the Curaray River of southeastern Ecuador. These were evangelical missionaries from three different missions, who, in their attempt to make meaningful contact with the Auca tribe, had been murdered. Aucas (the Spanish word for "savage") had a long history of killing outsiders, friendly or not. In their desire to make contact, these young men—from age 28 to 32—had known the risk. The response to their deaths was broad and immediate, as other young men and women followed in their steps, led by a wife and a sister of two of the men who had died. As a result of the continued contacts, most of the tribal members stopped their killing within two years of that incident, and for the most part they have lived peacefully since.

A few months ago, however, the son of one of the original five men, Steve Saint, contacted my office regarding some of his humanitarian concerns for the people in this tribe, now called in their native language, the Huaorani. As a result, I journeyed with a friend to the Ecuadorian rain forest and also Quito, the capital, between Saturday, January 9, and Friday, January 15, for the purpose of meeting the people, becoming acquainted with the region, and assessing whether I could be of any assistance by understanding the particulars of their situation.

The challenges of tribal life in the Amazon Basin, particularly with the inroads of industry, are not small and have been well documented by sociologists, anthropologists, and others. This huge area of rain forest, which is home to as few as 175,000 people in various tribal groups scattered throughout it, has received much attention from the scientific, industrial and religious communities.

Upon arrival at Quito airport Saturday evening, we were met by Peter Harding, political officer at our embassy, and Alicia Duran-Ballen, daughter of a former president of Ecuador. She acted as host and interpreter for us while we were in Quito. We left the next morning early by private plane for Nemompade, a very small village in the Amazon Basin, 150 miles southeast of Quito, a few miles from the site on the Curaray where the young men had been killed. We were met there by Steve Saint and spent the next two days and nights with the Huaorani learning how they lived, being shown their ways, and talking with them about their concerns for the future.

Generally, we observed their way of life, their culture and their interactions with each other and learned what it is like to live on a day to day basis in the rain forest. A group of high school students from Wheaton Academy, a private school in the Chicago suburbs, were there at the same time.

The challenges facing the Huaorani are not on the same order as other groups which I have visited and for which I have expressed great concern previously. However, they are faced with learning to live interactively with hi-tech civilization in the coming years, and learning to do so while maintaining their own identity. Historically, they have been a highly egalitarian group, without much vertical social order. That has been moderated some in the last 40 years to include community elders, who help guide life in the tribe. They have also become somewhat less nomadic in recent years.

Government requirements for personal registration, voting at designated venues which may be several days away by jungle trail, and other things necessary to interact with the national culture are matters which are currently under discussion with the Ministry of Government in Quito, and more specifically the Office for Indigenous Affairs. As hunter-gatherers in the rain forest, the national language, use of money, and means of transportation all critical to engagement with the outside world are foreign to the Huaorani and all need to be addressed. Additionally, the request for a radio frequency from the government by which to communicate and educate within the tribal region was in process.

Steve Saint's approach has been to understand that the people in this region will continue to interact more and more with interests outside their local environment. The question is not "When will this process happen?, but "with whom and can they survive it as a tribal group?" The people feel that they need to learn to be both independent and interdependent within the national culture, avoiding the pitfalls of becoming welfare recipients. To assist then in that journey, he has invited groups—such as the Wheaton Academy students—to visit for a few days in the rain forest at a neutral site constructed like a village, not an actual settlement. In that manner, the visitors can interact with the Huaorani without interrupting village life. Each person pays a fee and the profits are put into an account in the nearest large town in the names of the village elders. In that way, the Indians are creating a productive economy which they can control.

Additionally, health-care skills are being practiced to improve their health without having to journey outside their territory. A simple, but ingenious, form of dentistry is in place so that they can fill teeth, again without journeying long distances. Although sickness does not seem to be prevalent, except diseases that might be "brought" from the outside, the Huaorani do have significant problems with decaying teeth. Much of this malady, apparently, stems from their eating staple—manioc roots. Manioc is a starch that converts to sugar readily, hence, tooth problems abound. I use this illustration only to highlight the fact that every effort is being made to help them be self-sufficient on their own terms and with their own resources.

Transportation is another significant factor as relates to commerce and healthcare. Although rivers abound in the rainforest, in this area their serpentine characteristic prohibits speed in travel. We traveled 40 minutes by dugout canoe and ended up 100 yards from where we began. The rule of thumb is "one minute in the air is two hours on a jungle trail." Therefore, an attempt is being made to procure an accommodation in the regulations to allow for a plane in the tribe and a "designated pilot."

When we returned to Quito, we were able to spend time with our ambassador, Leslie Alexander, and his colleague, Peter Harding. We discussed the nature of our visit and other topics of mutual concern and interest. The following day we visited the persons responsible for the Office of Indigenous Affairs and articulated why we had come to Ecuador and what we had seen. They were grateful for the interest and assured us that they would marshal whatever resources at their disposal to address the issues raised.

We then had the opportunity for a good discussion with the president of Ecuador, Jamil Mahuad, joined by Ambassador Alexander. Not only were we able to discuss the situation of the Huaorani, we were also able to invite the president to the National Prayer Breakfast, which he subsequently attended on February 4.

In the words of Steve Saint, what the Huaorani need are the following:

1. The right to vote and establish their citizenship within their own territory, which would include a place to register their birth, marriage and death, and to acquire the "cedulas" (identity cards) that are required of all citizens.

2. The right to develop their own means of disseminating information throughout their own territory, in their own language, without meeting stringent communication requirements that were established for densely populated territories. They need favorable concession in the acquisition or radio frequencies.

Although much of my interest has focused over the years on the violation of human rights around the world, it was encouraging to see a situation in which thoughtful assistance in a timely way could nurture self-determination and the democratic process. I am grateful for the efforts of our Foreign Service Corps in Ecuador for their skill and dedication in the public sector, as well as the work of private U.S. citizens in the humanitarian arena, which enhances the lives of peoples in both countries.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, during rollcall vote No. 17 (H.R. 350), I was unavoidably detained. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, during rollcall vote No. 18 (S. Con. Res. 7), honoring the life and legacy of King Hussein of Jordan, I was unavoidably detained. Had I been present, I would have voted "yea."

HUMAN RIGHTS

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. PITTS. Mr. Speaker, this week, I chaired a Congressional Human Rights Caucus Briefing in which expert witnesses from Indonesia showed photographic evidence and reported on the situation facing their people.

Attacks on ethnic and religious minorities, particularly Chinese minorities, are continuing and in some instances appear to be orchestrated. Ninety-five churches have been burned or destroyed since May of 1998.

Today I am submitting record and statements from this week's briefing. These statements help to note the severity of acts being committed in Indonesia.

STATEMENT FOR MEMBERS BRIEFING ON CURRENT HUMAN RIGHTS ABUSES IN INDONESIA

Good morning ladies and gentlemen. It is a privilege for me to welcome you to the Congressional Human Rights Caucus Briefing on Current Human Rights Abuses in Indonesia. The extreme nature of the recent human rights abuses in Indonesia has shocked the world. Reports show that churches and mosques have been burned, businesses of ethnic minorities have been looted and destroyed, students were arrested and killed, and women and girls have been brutally raped and sometimes murdered.

Today's hearing is sponsored by the Congressional Human Rights Caucus. The Caucus, co-chaired by Congressman John Porter and Congressman Tom Lantos, is a bi-partisan group of members dedicated to advocating for the protection of human rights worldwide. The situation in Indonesia has long concerned Human Rights Caucus Members and many American people because of the long-standing human rights violations in East Timor. It was not until more recently, however, that the world watched as the horrors perpetrated in East Timor spread throughout Indonesia.

As you may know, early last year, riots broke out in major cities in Indonesia. As people stood and watched in horror, rioters looted and destroyed businesses, burned churches, and caused mass destruction. Then, last May, the world stood horrified as it learned of the perpetration of mass rapes. Well-documented reports suggest a systematic plan on the part of the rapists to terrorize the Chinese ethnic community. Groups of unknown assailants would descend on a community, enter businesses, demand money, rape women who were present (often while uttering anti-Chinese rhetoric), and loot and sometimes burn the businesses.

Despite the change in the leadership of Indonesia's government, human rights abuses continue. Unfortunately, the stories of situations similar to last year's tragedies have not ceased in Indonesia. Killing and rioting is still occurring. In January of this year, 40 people were murdered in a village in Ambon. Attackers in other areas of the island of Ambon stopped individuals in the streets, asked them what their religion was, and upon the admittance of Christian beliefs, killed the individuals. Reports suggest that approximately "20,000 people sought refuge in military bases, police barracks, churches and mosques" in riots in which "seven mosques, nine churches, and 570 buildings were burned." Similar reports have come from Banyuwangi, Ketapang, Poso, and other regions of Indonesia.

Other reports give details that during the rioting in the region known as the "Spice Islands," in one week 15 churches and 11 mosques were badly damaged or completely destroyed. Local inhabitants of attacked areas often state that villagers lived in harmony until outsiders came to their homes and, armed with various weapons, instigated the various riots and attacks on ethnic and religious minorities. These attacks continue throughout Indonesia.

Many human rights reports suggest that the riots of 1998 and 1999 were orchestrated by a particular individual or group of individuals. The question in people's minds is who or what is behind the terrible violence sweeping through the various regions of Indonesia?

Unfortunately, a large portion of the Indonesian population is afraid to report what they have seen. However, today, we will hear from some courageous individuals who desire to see justice and national reconciliation in their country so that stability, based on democracy, will be the norm in Indonesia.

The actions of the perpetrators of rape, murder and other crimes and human rights abuses are cowardly and should be internationally condemned. In addition, the government of Indonesia must engage in a thorough investigation to bring to justice those who are responsible for the horrifying human rights abuses occurring even today.

I applaud the courage of today's panel and thank them for their willingness, though possibly putting their own lives in danger, to share their knowledge about current human rights violations in Indonesia and who or what might be behind those abuses. The Congressional Human Rights Caucus encourages you in your pursuit of justice and protection of fundamental human rights for the Indonesian people.

IN A NUTSHELL: LAW AND SOCIO-POLITICAL PROBLEMS IN INDONESIA

Many articles have been published by the media related to the regime of Suharto. At that time, violations against human rights happened frequently. Aside from the cases in Aceh, East Timor, Irian, Java and other areas, there were many other violations of human rights. At that time people were afraid of speaking out about the violations of human rights, especially related to the abduction of some activists who spoke out on human rights and democracy. After Suharto collapsed the mass media finally revealed the kidnapping committed by certain personnel of Kopassus (the case of General Prabowo).

The law enforcement during Suharto's reign was so worrisome. The judges were influenced by the authorities, although they denied it. They were even "bought" which is very difficult to prove legally. However, this can be witnessed empirically and it has been an open secret through the publication of the press. The violations against human rights such as the cases of Marsinah in East Java, Hanoch Ohee in Irian Jaya, Ghandi Memorial School, Kedungombo Dam, Bintang Pamungkas, Mochtar Pakpahan, and other cases, published by the mass media speak for themselves. The law at that time seemed to be upright but justice and human rights were neglected.

The socio-political condition was overpowered by Suharto. Nobody dared to express their disagreement except a few people, such as Budiman Sudjatmiko, Bintang Pamungkas as well as Mochtar Pakpahan. The political parties at that time endorsed all the actions of Suharto. However, recently, they have started opening their mouth and honestly admitted that they did not have the courage to speak out at that time because they were frightened of Suharto's power. In brief, Suharto was a dictator.

Thus is the short explanation about justice, socio-political and human rights during the regime of Suharto. It is indisputable that corruption, collusion and nepotism were committed in all sectors of public life as the truth has now been disclosed by the press. To say that all government officials were involved, including the Armed Forces is not an exaggeration at all, though it is hard to prove legally.

What happens after Habibie comes on stage (de facto), because judicially Suharto's decree as President, has not been revoked. Essentially and fundamentally, it can be said that there has been no meaningful change occur except the freedom of the press. The freedom of democracy has been born with the permission to establish a hundred political parties. Despite all of this, the pattern of thinking and behavior of President Habibie keeps following the pattern of Suharto, with several exceptions. Some observations have to be given to the socio-political conditions. Another point needs to be discussed related to the religious life in Indonesia.

The law enforcement related to political issues is really ambivalent. After Shuarto stepped down, more and more breaches of law were committed by the masses, let alone robbery and other violent crimes. They invaded the places such as fertilizer and rice warehouses, as well as plundering stores selling basic daily needs. Places of worship (churches) were destroyed and burned down. The government officials "accused" of committing corruption, collusion and nepotism were picketed by the people, who do not respect and acknowledge the authority of the local government officials. Even government and police offices were destroyed and burned, as happened to Lakarsanti in Surabaya (1999) and in some other places. People have acted the way they liked because they are fed up of being treated unfairly, and also because the spreading rumors were incorrect, manipulated and distorted. The law enforcement and the security agencies seem hesitant to take action or if they act, it is too late. It is unsurprising if small-scaled social anarchy takes place. In this reformation era during which the law and human rights should be enforced, what happens is the other way around.

Apparent transgression of human rights took place in Aceh in the past and recently (in Lohkseumawe), as well as mass murder against those accused of black magic by ninjas in Banyuwangi (East Java). These incidents seemed to be directed against NU supporters and it was argued that some military persons were involved in the murders.

The military personnel who were said to have been involved committed desertion. It seems that there is a phenomena of social anarchy happening, where the jungle law prevails.

The security forces usually arive when riots and anarchy are almost completely done and too late to be stopped. The same thing happened during the Ketapang incident where human slaughter and the destruction and burning of Ketapang Churches (Nov 22, 1998) in Jakarta took place. Similar patterns like in Ketapang reoccurred in Kupang (Timor) and soon after that in Ambon (19–22 January 1999) sacrificing more lives and enormous loss of property. The data of casualties has not been confirmed yet. Some say 500 people were murdered. Thirteen religious buildings were burned. Those incidents indicate that there is a relation in the engineering pattern blown-up by SARA rumors during which churches and mosques were burned in Ambon. The most destructive things have happened to churches in many places since 1996. Those who are not friendly to Christians look for social and economic scapegoats.

During the reign of Sukarno, only two churches were burned while during the 32 years regime of Suharto, 455 churches were burned, destroyed and closed down. It means each month, an average of 1.18 church destroyed and burned. Within 7 months of Habibie's reign, 76 churches were destroyed and burned. In other words, each month an average of 10.85 churches were destroyed and burned.

The condition of security in Indonesia is annoying. Economic conditions are getting worse, unemployment is increasing while the law seems to have lost its power. In addition, the development of socio-political conditions is still confusing and the people who pretend to fight for democracy accuse each other, making the condition more uncomfortable and unsecured. Moreover the stipulation of new regulations related to the general election, and the prediction that chaos or social revolution prior or after the general election will take place, have caused anxiety in people's hearts, especially the poor ones who are concerned with their life and belongings.

Indonesia is at the edge of ruin. There are unhappy voices coming from places such as Irian and Aceh to separate themselves from this country. Their rich natural resources were enjoyed and used to enrich authorities in Jakarta. All of this creates the potential for disintegration to become true. In other words, civil war is at the doorstep, especially with the latest development in East Timor.

It can be summarized that anyone can make a different diagnosis, but the therapy seems difficult to carry out, considering the present socio-political and economic conditions. There are more than one hundred small political parties, besides PKB, PAN, PDI Megawati and Golkar. There are parties which are not sensitive to the pluralistic conditions in Indonesia, which sharpens the potential of polarization. Unity is often talked about as a ceremonial thing only to maintain the status quo status. In a pluralistic society, where different cultures and religions are not understood in the context of democracy and human rights, can things get worse. It has been forgotten that human beings with different cultural backgrounds and religions, are created by (one) God.

If the economy does not improve and unemployment keeps on increasing, not only will crime get higher, but the law will not be respected and obeyed. If the Armed Forces do not consolidate, the disintegration process will come to reality. Chaos will emerge among ethnic groups or religions. Democracy and the freedom of human rights are being rhetorically talked every day, but it is doubtful all the leaders and their parties, except a few ones, could live peacefully in this pluralistic society.

To end this short writing, let us ponder the saying of the late President John F Kennedy: "And even if we are not able to agree, let us do so in such a way, that make the world safe, still in its diversity."

J.E. SAHETAPY,
Emeritus Professor of Unair.

POLITICAL AGENDA BEHIND THE RIOT OF POSO

(By Kie-Eng Go)

[Presented in the Briefing on The Current Human Rights Issues in Indonesia with the US Congressional Human Rights Caucus, Feb 9, 1999]

The tragedy of Poso, which is also known as the "Poso's Gray Christmas" on December 23–31, 1998, resulted in the following: 183 people were injured, some seriously, 267 houses were demolished or burned down (1,632 people, representing 364 Christian households, lost their homes), 5 stores were burned down, 7 cars were burned or destroyed, 10 motorcycles were destroyed, 4 hotels were destroyed and 4 entertainment centers (karaoke) were damaged.

Beyond the physical destruction, the tragedy has brought about deep trauma in the life of the people of Poso.

INDONESIA: FUNDAMENTALISM AND THE HUMAN RIGHTS ISSUE

From the Surabaya incident, June 9, 1996 to the Situbondo, then to the Tasikmalaya, on and on and up to the Ambon, there are several things, which should not go unnoticed:

1. There are three groups of people being attacked and marginalized: the ethnic Chinese, the Christians and the moderate Muslims.

2. The incidents were well planned, and provocateurs from outside were sent in to create riots.

3. There seems to be linkage among the incidents, although they took place in different places. There seems to be progression between one incident to the next; for instance, from the harassment of the right to worship, to the closing of the places of worship, to the attack and burning of the places of worship, to the attack and burning of the home of religious followers.

4. The increase of brutality has turned into sadistic killing. Mr. Meiky Sainyakit, according to the eyewitnesses who survived, was burnt alive to death, after his two arms were chopped off, in the Ambon case.

5. The authorities, the police, the military, and the central government itself have done very minimal, if anything at all. The security forces would probably arrest those who were caught in the act, and that has been as deep as the kind of initiative done by them, as some cases have indicated. Not only are they not responding, often times, as reports suggest, not only are they very slow in following up leads, but they also are involved in discrediting the sources of the leads. When the whole situation is viewed and assessed as a totality, it should raise a very serious question about the cover up.

The core issue in Indonesia 's trust; the erosion of trust amongst a pluralistic society. The kind of trust that has been emerging is the kind of trust that would only exist if everyone in Indonesia speaks the same language, wears the same cloths and colors, prays the same prayer. There is no longer trust toward government and its leaders, political and public figures, public and private institutions, business and banking system, media, community leaders, religious leaders, even one another.

ALTERNATIVES AND RECOMMENDATION

Therefore, in everything we do, we the Indonesians, and we the international community, we have to move with one thing in mind and that is to bring trust back into a culture which was originally built and based on the principle of a pluralistic society. Below are some thoughts and alternatives that I like to recognize to this panel:

1. *Stop the madness and killing.*—We recommend that the International Community demands full accountability on the rapes and killing of many Indonesians. Why does the International community have to be involved in domestic acts of crimes in Indonesia? The kind of crime and killing in Indonesia should not be looked at any longer as a domestic affair, rather it is an attack and an insult to mankind on earth. When civilians are attacked by professional, trained, and army-like personnel, and the attacks are done systematically and repeatedly, and they are done in a pursuit of a certain ideology, should we not consider that as a war.

2. *The victims.*—We ask the International Community for an immediate and decisive initiative to provide full rehabilitation for the victims and the families. Despite all the good and nice rhetoric by the government officials of Indonesia, including the head of the current government, victims, families members, and medical workers are still being terrorized and intimidated. Phone lines are still being tapped. Such conditions have made any kind of rehabilitation impossible.

3. *Persecution.*—On the issue of persecution against certain ethnic and religious groups, we all need to stop listening to the rhetoric of the leaders, and state looking into the dynamic of how the culture of suspicion is being carried out. Today, when you are Chinese and/or Christian in Indonesia, you do not have any guarantee of physical safety on the street, nor protection under the law. The government, the police, and the military, including the leader of the government himself, are not interested in protecting the rights of the citizen, despite of all their nice and good rhetoric.

4. *Social safety net.*—A Social safety net program is very urgent at this moment in Indonesia. Total chaos and massive killing could take place anywhere and at anytime, without being provoked by anybody. The social safety net programs in Indonesia have not been very successful so far. It seems that everyone has to rob in order to survive. The international community has to be prudent and creative in developing the social safety net programs.

5. *Election.*—The upcoming, June 7, 1999, election will be very instrumental in giving an opportunity to the Indonesians to move to a better civil society. We should not expect any law and order in Indonesia without a clean and fair election. The UN, the organizations such as IRI, NDI, IFES and even The Carter Center have to take more creative initiatives, beyond the given normative ways of the international political economy. The people who are interested in a better Indonesia in a context of global community have to take serious interest in the dynamic and culture of money-politics being played going into the election. Out of this horrible damnation, one good thing comes out is a stronger desire by the people to establish a nation and a system of government that are clean

and trustworthy. Such desire which exists very vividly in certain groups (NGOs and even political parties) has to be supported and strengthened by all means possible.

We trust that this briefing will create a more open-minded and positive discussion among us and with those who are longing to see an improvement in Indonesia.

Thank you very much for allowing us to come and share information with you.

MASS RIOTS IN INDONESIA

THE BEGINNING OF THE END

Generally, there are three social symptoms that are usually called "riot" in late 90's Indonesian press literature. The first is insurrection (unarmed popular uprising), the second is mob looting, and the third is widespread gang-fights that cause much destruction.

These three social symptoms begun to make their heavy presence after the 27th of July 1996 forced takeover of the PDI Headquarter in Jl. Diponegoro, Jakarta.

There were riots around the 1997 election. After that, until May 1998, situation seemed calm and under control.

But in May 1998, riot came back and took many victims. The riot broke after the military gunned down four Trisakti students demonstrating on the May 13th. The mass came in thousand in spirit of revenge. After small scale clashes with the police, the mass begun burning and looting buildings.

What makes the May 14th–16th riot significant is the allegation that there were organized rapes done while riot was in progress. The facts show that there were a lot of rapes, while it remains to be proven legally that the rapes were organized deliberately.

The second fact that is quite shocking is that the military did admit that they have known all along that the riot was going to happen. The Chief Director of the BIA (Army Intelligent Service), Zacky Anwar Makarim said so (KOMPAS, September 3rd, 1998). Zacky also said that the presence of "local agitators" was known.

Riots broke again in July 1st–7th, 1998 in Jayapura, West Papua. A riot also broke in Kebumen, Central Java, on September 7th as a result of a personal quarrel between a shop owner and a local gangster (reports from local correspondent). Riot also broke in Bagansiapi-api, North Sumatra, on September 15th, as a result of personal quarrel between gangsters.

Then came the famous "ninja" rumors that said that several organized killers disguised as ninjas were on the loose and taking liberty to kill alleged "dunkun santet" (a kind of evil shaman). The rumors that begun spreading in Banyuwangi, East Java, in September 1998 has took lives of innocent kyais (Muslim religious leaders).

The most significant series of riots begun after the November 13th–14th uprising. On November 14th, a small-scale clash between the people and some military personnel nearly incite a riot. But the students managed to prevent it (KOMPAS, May 15th, 1998). But the student were caught by surprise when in Ketapang, North Jakarta, on November 15th, a riot broke. Riot of the same kind also occurred in Kupang, West Flores Island.

Another riot broke in Porsea, North Sumatra, on November 23rd. This time, the captured provocateurs revealed that they were paid and at the same time threatened not to rebuke the wish of the men that paid them (ANTARA, November 24th, 1998).

At the end of the year, a riot broke in Poso, Central Sulawesi, which occurred between December 25th and 30th. There are not many data on this riot.

At the same time, riot broke in Belawan, North Sumatra, which was incited by a personal quarrel between two of the population over a pair of shoes.

Then came the real shock when a usually peaceful city, Karawang, West Java, broke its tradition and fell into riot.

The second most significant area is Ambon, capital of Maluku islands, where a riot broke on January 19th, 1999.

What interesting is that one of the alleged provocateur confessed that there is an involvement of "people from Jakarta", though the local Police Commander won't disclose further (ANTARA, January 25th, 1999).

The systematic use of violence by intelligent services can be summed up if we read the manual (Vademecum of Defense and Security) issued by SESKOAD (Academy for Army Staff of Command) which usually produces top agents for those services. One of the chapters deals with the rule when using tortures on captured prisoners.

It is also well known that these intelligent services also make a full use of local gangster to intimidate the oppositions. There are paramilitary groups supervised directly by local army commands: AMS (Siliwangi Youth) trained, armed, and supervised by the 3rd Military Region (code-named Siliwangi), AMD (Diponegoro Youth) same treatment by 4th Military Region (code-named Diponegoro). When counter demonstration (which shows support to the government) arose, the participants usually came from these Youths or other Youths such as Pemuda Pancasila (Pancasila Youth) or Pemuda PancaMarga, the foremost-two whose leaders have personal relation with Suharto himself. This so-called "counter-demonstrations" usually aims for a violence physical contact between group making rally. These Youths always carry weapons, at occasions they carry guns.

It feels a little uncomfortable when we read that some of the riots were instigated by quarrels between local gangster. Or in Banyuwangi case, indicates a direct involvement of those criminals. Or in Porsea case, paid thugs carried out the whole job. It is also very possible that the ones starting looting the shops are also those criminals. They have guts to rob people in broad daylight, surely they would be the first to see that chaos is the best time to loot.

There has been a proof that there were provocateurs in May 14th–15th Riot. The possibility is very high that all other riots are also results of provocations. And Intelligent Services are the best in this business.

Washington, DC, Feb. 8, 1999.

Solidaritas Nusa Bangsa.

ESTER JUSUF, SH,
Chairwoman.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, during rollcall vote No. 19 (Kucinich amendment to H.R. 391), I was unavoidably detained. Had I been present, I would have voted "yea."

TRIBUTE TO HOUSE IMPEACHMENT MANAGERS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mr. CRANE. Mr. Speaker, as the impeachment trial to President Clinton approaches its final act, I want to pay tribute to the managers on the part of the House, led by my distinguished friend from Illinois, HENRY HYDE. I thank them for enduring vitriolic attacks by the media, the President's minions, their constituents, and, sadly, some of their colleagues as they defended the law. Few of us have been put to a such a severe test as these manager-colleagues to prove allegiance to our sworn oath to "protect and defend the Constitution of the United States."

I worry about the moral health of our country when the modern-day justice system seems incapable of holding accountable celebrities who murder and presidents who lie. As has been asked so many times in recent weeks: "What do we tell our children?" Thankfully, we can hold up to the children men like our House managers as examples of Americans willing to sacrifice themselves for the benefit of our great nation.

I was unable to witness the closing arguments made by Mr. HYDE, but instead read his script. I consider him to be the House's finest orator and, as I read his statement, I imagined with my mind's eye his passionate call to duty. I only hope that his speech similarly stirred our Senate colleagues to "Let right be done."

I commend the entirety of Mr. Manager HYDE's closing argument to the attention of my colleagues.

CLOSING ARGUMENT OF REPRESENTATIVE HENRY J. HYDE, IMPEACHMENT TRIAL MANAGER

Mr. Chief Justice, learned counsel, and the Senate, we are blessedly coming to the end of this melancholy procedure, but before we gather up our papers and return to the obscurity from whence we came, please permit me a few final remarks.

First of all, I want to thank the chief justice not only for his patience and his perseverance but for the aura of dignity that he has lent to these proceedings, and it has been a great thrill really to be here in his company as well as in the company of you distinguished senators.

Secondly, I want to compliment the president's counsel. They have conducted themselves in the most professional way. They have made the most of a poor case, in my opinion.

Excuse me. There's an old Italian saying, that has nothing to do with the lawyers, but to your case, and it says: "You may dress the shepherd in silk, but he will still smell of the goat."

But all of you are great lawyers and it's been an adventure being with you.

You know, the legal profession, like politics, is ridiculed pretty much, and every lawyer feels that and understands the importance of the rule of law—to establish justice, to maintain the rights of mankind, to defend the helpless and the oppressed, to protect innocents, to punish guilt. These are duties which challenge the best powers of man's intellect and the noblest qualities of the human heart. We are here to defend that bulwark of our liberty, the rule of law. As for the House managers, I want to tell you and our extraordinary staff how proud I am of your service. For myself, I cannot find the words to adequately express how I feel. I must use the inaudible language of the heart. I've gone through it all by your side, the media condemnations, the patronizing editorials, the hate mail, the insults hurled in public, the attempts at intimidation, the death threats, and even the disapproval of our colleagues, which cuts the worst.

You know, all a congressman ever gets to take with him when he leaves this building is the esteem of his colleagues and his constituents. We've risked that for a principle and for our duty as we've seen it.

In speaking to my managers of whom I am terminally proud, I can borrow the words of Shakespeare's "Henry V," as he addressed his little army of longbowmen at the battle of Agincourt, and he said: "We few—we happy few, we band of brothers. For he who sheds his blood with me shall be my brother. And gentlemen in England now abed will curse the fact that they are not here and hold their manhood cheap when any speaks who fought with us on St. Crispin's Day."

As for the juror judges, you distinguished senators, it's always a victory for democracy when its elected representatives do their duty no matter how difficult and unpleasant, and we thank you for it.

Please don't misconstrue our fervor for our cause to any lack of respect or appreciation for your high office. But our most formidable opponent has not been opposing counsel nor any political party. It's been cynicism—the widespread conviction that all politics and all politicians are by definition corrupt and venal. That cynicism is an acid eating away at the vital organs of American public life. It is a clear and present danger because it blinds us to the nobility and the fragility of being a self-governing people.

One of the several questions that needs answer is whether your vote on conviction lessens or enlarges that cynicism. Nothing begets cynicism like the double standard—one rule for the popular and the powerful and another for the rest of us.

One of the most interesting things in this trial was the testimony of the president's good friend, the former Senator from Arkansas. He did his persuasive best to maintain the confusion that this is all about sex.

Of course it's useful for the defense to misdirect our focus toward what everyone concedes are private acts and none of our business, but if you care to read the articles of impeachment, you won't find any complaints about private, sexual misconduct. You will find charges of perjury and obstruction of justice which are public acts and federal crimes, especially when committed by the one person duty bound to faithfully execute the laws.

Infidelity is private and non-criminal. Perjury and obstruction are public and criminal. The deliberate focus on what is not an issue here is the defense lawyer's tactic and nothing more. This entire saga has been a theater of distraction and misdirection. Time-honored defense tactics when the law and facts get in the way.

One phrase you have not heard the defense pronounce is the "sanctity of the oath," but this case deeply involves the efficacy, the meaning and the enforceability of the oath. The president's defenders stay away from the word "lie" preferring "mislead" or "deceived," but they shrink from the phrase "sanctity of the oath," fearing it as one might a rattlesnake.

There is a visibility factor in the president's public acts, and those which betray a trust or reveal contempt for the law are hard to sweep under the rug, or under the bed for that matter.

They reverberate, they ricochet all over the land and provide the worst possible example for our young people. As that third grader from Chicago wrote to me: "If you can't believe the president, who can you believe?"

Speaking of young people, in 1946 a British playwright, Terence Rattigan wrote a play based on a true experience that happened in England in 1910. The play was called "The Winslow Boy." And the story, a true story, involved a young 13-year-old lad who was kicked out of the Royal Naval College for having forged somebody else's signature on a postal money order.

Of course, he claimed he was innocent, but he was summarily dismissed and his family of very modest means couldn't afford legal counsel, and it was a very desperate situation. Sir Edward Carson, the best lawyer of his time—barrister I suppose—got interested in the case and took it on pro bono, and lost all the way through the courts.

Finally, he had no other place to go, but he dug up an ancient remedy in England called "petition of right." You ask the king for relief. And so Carson wrote out five pages of reasons why a petition of right should be granted. And lo and behold, it got past the attorney general and got to the king. The king read it, agreed with it, and wrote across the front of the petition: "Let right be done—Edward VII."

And I have always been moved by that phrase. I saw the movie, I saw the play, and I have the book, and I am still moved by that phrase "let right be done." I hope when you finally vote that will move you, too.

There are some interesting parallels to our cause here today. This Senate chamber is our version of the House of Lords, and while we managers cannot claim to represent that 13-year-old Winslow boy, we speak for a lot of young people who look to us to set an example.

Ms. Seligman last Saturday said we want to win too badly. This surprised me, because none of the managers has committed perjury, nor obstructed justice, nor claimed false privileges. None has hidden evidence under anyone's bed, nor encouraged false testimony before the grand jury. That's what you do if you want to win too badly.

I believe it was Saul Bellow who once said, "A great deal of intelligence can be invested in ignorance when the need for illusion is great." And those words characterize the defense in this case—the need for illusion is great.

I doubt there are many people on the planet who doubt the president has repeatedly lied under oath and has obstructed justice. The defense spent a lot of time picking lint. There is a saying in equity, I believe, that equity will not stoop to pick up pins. But that was their case. So the real issue doesn't concern the facts, the stubborn facts, as the defense is fond of saying, but what to do about them.

I am still dumbfounded about the drafts of the censures that are circulating. We aren't half as tough on the president in our impeachment articles as this draft is that was printed in the New York Times. "An inappropriate relationship with a subordinate employee in the White House which was shameless, reckless and indefensible."

I have a problem with that. It seems they're talking about private acts of consensual sexual misconduct, which are really none of our business. But that's the lead-off.

Then they say the president "deliberately misled and deceived the American people and officials in all branches of the United States government." This is not a Republican document. This is coming from here.

"The president gave false or misleading testimony and impeded discovery of evidence in judicial proceedings." Isn't that another way of saying obstruction of justice and perjury? "The president's conduct demeans the office of the president as well as the president himself, and creates disrespect for the laws of the land."

Future generations of Americans must know that such behavior is not only unacceptable, but bears grave consequences, including loss of integrity, trust, and respect—but not loss of job.

"Whereas William Jefferson Clinton's conduct has brought shame and dishonor to himself and to the office of the president; whereas he has violated the trust of the American people (see Hamilton Federalist Number 65), and he should be condemned in the strongest terms." Well, the next-to-the-strongest terms—the strongest terms would remove him from office.

Well, do you really cleanse the office as provided in the Constitution? Or do you use the air-wick of a censure resolution? Because any censure resolution, to be meaningful, has to punish the president—if only his reputation. And how do you deal with the laws of bill of attainder? How do you deal with the separation of powers? What kind of a precedent are you setting?

We all claim to revere the Constitution, but a censure is something that is a device, a way of avoiding the harsh Constitutional option, and it's the only one you have, either up or down on impeachment.

That, of course, is your judgment, and I am offering my views for what they're worth. Once in a while I do worry about the future. I wonder if after this culture war is over that we're engaged in, if an America will survive that's worth fighting to defend. People won't risk their lives for the UN or over the Dow Jones averages, but I wonder in future generations whether there'll be enough vitality left in duty, honor and country to excite our children and grandchildren to defend America.

There's no denying the fact what you decide, will have a profound effect on our culture as well as on our politics. A failure to convict will make a statement that lying under oath, while unpleasant and to be avoided is not all that serious. Perhaps we can explain this to those currently in prison for perjury.

We have reduced lying under oath to a breach of etiquette, but only if you are the president. Wherever and whenever you avert your eyes from a wrong, from an injustice, you become a part of the problem. On the subject of civil rights, it's my belief this issue doesn't belong to anyone. It belongs to everyone. It certainly belongs to those who have suffered invidious discrimination and one would have to be catatonic not to know that the struggle to keep alive equal protection of the law never ends.

The mortal enemy of equal justice is the double standard and if we permit a double standard, even for the president, we do no favor to the cause of human rights. It's been said that America has nothing to fear from this president on the subject of civil rights.

I doubt Paula Jones would subscribe to that endorsement. If you agree that perjury and obstruction of justice have been committed, and yet you vote down the conviction, you're expending and expanding the boundaries of permissible presidential conduct. You're saying a perjurer and an obstructor of justice can be president in the face of no less than three precedents for conviction of federal judges for perjury. You shred those precedents and you raise the most serious questions of whether the president is in fact subject to the law, or whether we are beginning a restoration of the divine rights of kings.

The issues we're concerned with have consequences far into the future, because the real damage is not to the individuals involved, but to the American system of justice and especially the principle that no one is above the law.

Edward Gibbon wrote his magisterial "Decline and Fall of the Roman Empire" in the late 18th century. In fact, the first volume was published in 1776. In his work, he discusses an emperor named Septimus Severus who died in 211 A.D. after ruling 18 years. And here's what Gibbon wrote about the emperor: "Severus promised only to betray; he flattered only to ruin: and however he might occasionally bind himself by oaths and treaties, his conscience, obsequious to his interest, always released him from the inconvenient obligation."

I guess those who believe history repeats itself are really onto something. Horace Mann said: "You should be ashamed to die unless you have achieved some victory for humanity." To the House managers, I say your devotion to duty and the Constitution has set an example that is a victory for humanity. Charles de Gaulle once said France would not be true to herself if she wasn't engaged in some great enterprise. That's true of us all. We spend our short lives as consumers, space occupiers, clock watchers, spectators—or in the service of some great enterprise.

I believe being a Senator, being a congressman, and struggling with all our might for equal justice for all is a great enterprise. It's our great enterprise. And to my House managers, your great enterprise was not to speak truth to power, but to shout it.

And now let us all take our place in history on the side of honor, and oh yes, let right be done.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, during rollcall vote No. 20 (H.R. 391), I was unavoidably detained. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 12, 1999

Mrs. MALONEY of New York. Mr. Speaker, during rollcall vote No. 21 (H.R. 437), I was unavoidably detained. Had I been present, I would have voted "yea."

SENATE—*Monday, February 22, 1999*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, as we celebrate George Washington's birthday, give us the courage to attempt great things for You and the humility to expect great strength from You. Help us to live beyond the meager resources of our own adequacies and discover again that You are totally reliable when we trust You completely. You lead us to confront old problems with new power from You.

Dear God, today the Senators return to the crucial work of developing creative legislation to solve the needs of our Nation. Give them a fresh burst of excitement about the challenges ahead this next month. Renew the unity achieved in past weeks. May the differing approaches expressed by both parties contribute to greater solutions. Change the win-lose mind-set of party politics to the win/win mentality of leaders who work together for Your greater good and for America. You are our Lord and Savior. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Ohio, Mr. VOINOVICH, is recognized to read Washington's Farewell Address.

Mr. VOINOVICH, at the rostrum, read the Farewell Address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals, that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea; I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite movement that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess, are the work of joint councils and joint efforts—of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value; they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of government, better calculated than your former, for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. (I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy)—I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed, in order to give trade a stable course—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that it must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress, without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from South Carolina.

COMMENDING SENATOR VOINOVICH

Mr. THURMOND. Mr. President, I wish to commend the able Senator for the excellent manner in which he just presented Washington's Farewell Address.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. I thank the Chair.

(The remarks of Mr. THRUMOND pertaining to the introduction of S. 431, S. 432, and S. 433 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THURMOND. Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3 p.m., with the time being divided between the majority leader and the Senator from Illinois, Mr. DURBIN, or their designee.

In my capacity as a Senator from Montana, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President is the Senate now in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. What is the length of time Senators are permitted to speak?

The PRESIDING OFFICER. There is no time limit.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER (Mr. KYL). The Chair advises the Senator from West Virginia that the Senator from Illinois controls the time for 1 hour.

Mr. BYRD. Very well. I thank the Chair.

RAYMOND SCOTT BATES

Mr. BYRD. Mr. President, today I speak in memory of Raymond Scott Bates, one of the dear members of our own Senate family who recently departed this life.

> Let Fate do her worst, there are relics of joy,
> Bright dreams of the past, which she cannot destroy;
> Which come, in the night-time of sorrow and care,
> And bring back the features that joy used to wear.
> Long, long be my heart with such memories filled,
> Like the vase in which roses have once been distilled,
> You may break, you may shatter the vase, if you will,
> But the scent of the roses will hang round it still.

These words, written by Thomas Moore, are so fitting this afternoon, as I, in my limited and feeble way, attempt to pay honor and tribute to the life of Scott Bates, a man whom we all admired and respected, and who was taken from our midst, virtually in the twinkle of an eye, and without warning.

It was on the evening of February 5 that the pallid messenger beckoned Scott to depart this life. We can believe that he awakened to see a more glorious sunrise with unimaginable splendor above a celestial horizon, and that he yet remembers us as we remember him, for we have the consolation that has come down to us from the lips of that ancient man of Uz, whose name was Job, "Oh that my words were written in a book and engraved with an iron pen, and lead in the rock forever, for I know that my Redeemer liveth and that in the latter day He shall stand upon the earth."

When Erma and I lost our dear grandson, Michael, now almost 17 years ago, I felt that Michael was resting and at peace in the arms of God, and deep within my soul I was aware that Michael knew of my grief. He, too, was taken from us suddenly and without warning, and he left us without a wave of a hand or without saying goodbye, and so Erma and I know what this family is going through. We, too, have walked through the valley of the shadow of death. And Erma and I join in saying to Scott's family today, Scott knows of your grief.

I have known Scott Bates since the very first day that he became a member of the Senate family. I watched him grow. I watched him as he increased in knowledge and in his love for the Senate. Often, when I was the Democratic Leader in the Senate, and many times since, I had the occasion to call upon Scott for help. He was always ready, always courteous, always accommodating. From time to time, we talked about the Senate and how it was different from what it used to be. He was a Senate employee whose time in the Senate extended beyond the tenure of many of the Members of this body, and, like many of the men and women who have toiled here in the Senate over the years, Scott appreciated the Senate, loved it, and understood it, better even than many of its own Members loved and understood it. His contributions to the Senate have been many and notable.

Although public service in general and careers in Washington have, in some quarters, fallen out of favor, I believe that Scott Bates' life and work experience present a compelling case against the current cynicism about the many fine people who serve in the Senate in various capacities. Their names are never in the newspapers, they experience few public kudos, and yet they work as long hours, probably longer, than we do. They are dedicated, they are capable, they are patriotic individuals who represent the best that America has to offer from all over this Nation.

Scott was one of those rare individuals about whom no unkind and ungenerous word was ever, ever spoken by anyone who knew him.

He personified what we politicians like to refer to as "family values." He lived them. He was active in his church, and he loved his wife, Ricki, and their three lovely children—Lisa, Lori, and Paul.

As all of us know, one of Scott's official duties as legislative clerk was to call the roll of the Senate during votes and during quorum calls. Thousands of times—thousands of times, I have heard him call my name: "Mr. Byrd". Now the thread of life is cut; the immortal is separated from the mortal; and that rich voice which was wont to fill the walls of the Senate Chamber, is hushed in eternal silence. But while the portals of the tomb have closed upon the remains of a gifted member of the Senate family, the grave is powerless to hold in its bosom the spirit of man.

In the words of William Jennings Bryan, "if the Father stoops to give to the rose bush, whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will he refuse the words of hope to the sons of men when the frosts of winter come? If matter, mute and inanimate, though changed into a multitude of forms can never be destroyed, will the imperial spirit of man suffer annihilation when it has paid a brief visit like a royal guest to this tenement of clay? No, I am sure that He who, notwithstanding His apparent prodigality, created nothing without a purpose, and wasted not a single atom in all His creation, has made provision for a future life in which man's universal longing for immortality will find its realization. I am sure that we shall live again," as sure as I am that we live today, and I am also sure that someday I shall hear the voice of a new angel, calling my name again, this time on the heavenly rolls: "Mr. Byrd."

To Lisa, to Lori and to Paul, I think your father would have wanted me to say, live as he taught you to live and strive always to make him proud, because he knows.

On Saturday afternoon, we gathered in a church in Vienna. It was a large church, a Presbyterian Church. Our Senate Chaplain was there. He had arranged the program, and he did a marvelous job. The Vice President came, the President of the Senate, the head of our Senate family. Senator BYRON DORGAN was there. Senator CHUCK ROBB was there. Senator GREGG was there. Former Senator Robert Dole was there. And there was a host of friends. The church was filled. The balcony was filled. It was a great outpouring of generous tribute and love for Scott Bates.

Although I had known Scott for 30 years, I had never known him as I came to know him last Saturday afternoon when I heard Lisa and Lori and Paul speak of their father. Then and only then did I realize what a truly great family this was. Only then did I realize what a father's love could be for his two daughters and his son. And only then did I realize what a deep and abiding and living love Scott's children had for him. His wife Ricki was there. She had been brought in, and she lay there on a cot, she having not yet recovered from the injuries she sustained when the accident occurred.

It was evident that this was a family in which there was real love and in which the presence of God made itself manifest, because this was not something that just came about overnight. I will never forget the sight of those children speaking about their father and their mother and then seeing them, after they had spoken to the audience, go to their mother and kiss her on the cheek. Scott must have been pleased with it all.

I count it as a great honor to have been invited by Scott's family to speak during that hour. To Lisa and Lori and Paul, I think your father would want me to say to you, live as he taught you to live and strive always to make him proud. He knows.

To his legion of friends, I say that Scott's life was a blessing, a blessing to each of us who knew him. May we strive to be like him that we may be more worthy for, indeed, here was a man. When comes such another?

To his wife Ricki, Erma and I say, the love of your children and your friends and the mercies of an omnipotent God can, over the passage of time, be an anodyne to your grief. Be assured, Ricki, love is timeless, love is endless and Scott will be with you always.

And sometimes in the quietness of an evening or in the clear silence, as you gaze upon the lustre of the Morning Star, you may hear someone whisper:

If I should ever leave you whom I love
To go along the silent way, grieve not
Nor speak of me with tears,
But laugh and talk of me
As if I were beside you, for who knows
But that I shall be, oftentime?

I'd come, I'd come, could I but find a way,
But would not tears and grief be barriers?

And when you hear a song I used to sing
Or see a bird I love,
Let not the thought of me be sad,
For I am loving you, just as I always have.

You were so good to me,
So many things I wanted still to do,
So many, many things to say to you.

Remember that I did not fear,
It was just leaving you, I could not bear to face;

We cannot see Beyond . . . But this I know:
I loved you so.
'Twas Heaven here with you.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me, on behalf of the entire Senate, thank the distinguished Senator, Mr. BYRD, for those wonderful words. I attended the memorial service for Scott Bates on Saturday and heard Senator BYRD deliver those reflections. And I guess there is no one in the Senate who could have done what Senator BYRD regularly does in expressing the collective will of the Senate.

With the passing of Scott, we lost a wonderful member of the Senate family. And Senator BYRD, not just on this occasion but on virtually all occasions like this, reaches out and touches others in a very special way.

I recall when my daughter died that Senator BYRD reached out to me and offered me a piece of prose that still sits in my top desk drawer. Senator HATCH sent me a white leather-bound Bible that still rests behind my desk for reference. That is what the Senate is like. It is not so much about Republicans and Democrats; it is about people who work together, who have a passionate interest in serving this country.

And it is not just those who are elected who have that passionate interest. There are a myriad of wonderful, qualified, committed, dedicated staff persons who work in this building who make this democracy of ours work. And losing Scott Bates was a tragic loss for all of us.

Frankly, I did not know Scott particularly well. I knew him as a fun person to banter and visit and joke with from time to time and knew his sonorous voice as he called the roll. And I knew him as a very special member of the Senate family. But I believe on Saturday I got to know him well through his family.

Senator BYRD described the memorial service. I would say, as just one visitor to that memorial service, how wonderful it would be if all of us could leave such a family behind, as Scott did. His two daughters and the son who spoke at that memorial service are remarkable young people who will contribute much to our country. That is the lasting tribute to Scott.

So let me again, on behalf of the entire Senate, thank Senator BYRD for his presentation on Saturday. And, coincidentally, I had asked him this morning if I could have a copy of his presentation. He said he would be putting it in the Senate RECORD. Now all of the Senators will be able to share, with him, the words that he offered on our behalf on Saturday.

Mr. President, I would like, by consent, to be able to be recognized to speak on a different subject.

The PRESIDING OFFICER. The Senator is advised there are 35 minutes remaining on the Senator's side.

THE SENATE PROCESS AND FEDERAL BUDGET SURPLUSES

Mr. DORGAN. Mr. President, I think you can hear a collective sigh of relief around the Capitol Building now that the impeachment trial—only the second in the history of our country—is complete and we can turn our thoughts to other issues, turn our energies to other enterprises.

Most of us seek election to the U.S. Senate—whether it be from West Virginia or North Dakota or Arizona—because we feel passionately about public issues. And there are many, many public issues—both here at home and around the world—that should and will command our attention.

Recently I told my colleagues a short story about Teddy Roosevelt. I want to talk today about a couple of issues, and it is probably appropriate to start with Teddy Roosevelt. Teddy Roosevelt lost both his wife and his mother on the same day in different rooms of his home. And he was so stricken with grief that he decided to do something different with his life. He decided to go west for some while and see if he could find himself again.

Teddy Roosevelt had some resources, so when he made his decision to go west, he decided to go to the Badlands of North Dakota. He knew that in the Badlands there were cowboys, and so, I am told, he went to Brooks Brothers and ordered a cowboy suit to be made for him. And Brooks Brothers made a cowboy suit for Teddy Roosevelt. He got a bowie knife, a sterling silver bowie knife with an ivory handle, I understand, that had his name on it, and it said "Tiffany's." He bought it at Tiffany's. And he got silver spurs, and on the rowel of each spur were engraved his initials.

So when the train stopped in North Dakota for Teddy Roosevelt to disembark, to go to live in the Badlands and raise horses and cattle, this fellow stepped off the train wearing his Brooks Brothers cowboy suit and a pair of rimless glasses, with his bowie knife from "Tiffany's," and his sterling silver engraved spurs.

The cowboys in the Badlands thought, "What on Earth has landed here in Medora, ND"—this man they called four-eyes, with his rimless glasses and his funny Brooks Brothers cowboy suit and his sterling silver spurs. They made fun of him, poked fun at the way he looked. And then, as the story goes, in the Badlands saloon in Medora, ND, one unlucky cowboy goaded him too far and wanted to pick a fight with him.

It took only a matter of minutes, apparently, for this rather unusual looking character from the East, with his Brooks Brothers cowboy suit, to knock this local cowboy senseless in the Badlands saloon. Then the rest of the cowboys had a different impression of this fellow. Yes, he looked a little different, but he had some real mettle. They knew a little something about him. And Teddy Roosevelt, of course, went on to carve a rather rich chapter of his life ranching in the Badlands of North Dakota.

I told my colleagues that story some while ago because we are all kind of different. We gather here in the U.S. Senate, 100 of us, coming from different parts of the country with different philosophies. We even dress differently from time to time. And so we come to this place, this place of debate in our democracy, from all kinds of different perspectives. But we respect each other. We do not make fun of each other. We know that each arrives here with a passion and a mission on behalf of those who sent us here to do the best we can for this country.

We do not settle our disputes with saloon fights. We do it through debate. We respect the other person's view. We might disagree with it in a very aggressive way, but we respect each other. And through the process of public debate, the give and take, the process of democracy works.

Now we turn our attention from an impeachment trial, which I think was difficult for every single Member of this Senate and for the country, to other issues—health care, a Patients' Bill of Rights; education and how we improve our schools; what we do to strengthen Social Security and Medicare; and more.

There are two enduring truths about the last quarter century for everyone who serves in the Senate. One is that we have experienced a cold war that consumed a substantial amount of our energy, time, and resources; the second is that we have had crippling Federal budget deficits. Both of those enduring truths have now changed. The cold war is over and the Federal deficits are no more. The Soviet Union is gone, the cold war is over. That changes a great deal of our international issues and attention. The crippling Federal budget deficits that used to grow year after year are gone and we now see predictions and projections that year after year we will experience Federal budget surpluses.

Since those two enduring truths have changed, I want to focus on one aspect of them today, and that is the reason I came to the Senate floor. We have people who now say that because the Federal budget deficits are going to turn into Federal budget surpluses, let us very quickly propose returning $500 or $600 billion in tax cuts to the American people over the next 10 years.

I want to talk about the merit of that. It would be a tragic mistake, in my judgment, for this Congress to decide that—at the first sight of budget surpluses, after a long, dark period of mushrooming Federal budget deficits that have accumulated to a $5.5 trillion Federal debt—we should try to outbid each other on who can return more tax money to the American taxpayer.

I think the greatest gift that we could give to America's children would be to decide that when we turn the corner and experience real budget surpluses, we begin during good times to reduce the Federal debt. There can be no greater gift to America's children than for us, during good economic times, to begin reducing the crushing Federal debt. That debt, as I said, stands at $5.5 trillion.

I have a chart that shows what kind of surpluses we are expected to experience over the next 10 years, recognizing of course that none of us can know with certainty what will happen next week, next month, or next year. The budget surplus, which is the top line of this chart—and these figures came from the Congressional Budget Office—amounts to more than $2.5 trillion over 10 years. That doesn't mean very much to me because that is not a real surplus. It is a surplus that is made possible by the use of the Social Security trust funds which, in my judgment, cannot be used to calculate a budget surplus. The second line of the chart calculates what happens to our surplus if you take the Social Security trust funds and set it aside—which ought to be done—for the purpose of saving it for the time when it is needed as the baby boomers will retire. The real surplus, then, begins in the year 2001.

In 1993, when President Clinton took office, he inherited a budget deficit that year of about $300 billion. That has turned around dramatically. We have in this country experienced wonderful news with an improving economic outlook in this country. So we have gone from about a $300 billion deficit to a $7 billion deficit in the upcoming fiscal year—almost a balanced budget. The next year the budget will be in balance, even without counting Social Security trust funds, and that is the prediction for every year thereafter for the following eight years.

The question is, What do we do as a result of that? We have people rushing through the door saying, let me propose a $650 billion income tax cut. Some say a 10-percent across-the-board income tax cut. Aside from the merits on that issue, I happen to think that the crushing tax burden is not the income tax, but the increasing payroll taxes that American workers have had to pay. Most working families in this country pay more in payroll taxes than they pay in Federal income taxes.

My point is this: As we begin to construct a new fiscal policy rooted with the understanding that we no longer face crippling budget deficits, let us start to think about our priorities. The easy politics would be to say, let's just give a lot of tax cuts, let's talk about across-the-board tax cuts. But a much more responsible approach, in my judgment, would be to say during good economic times it is required for us to begin the long process of reducing the Federal debt. Now, if that is a priority—and I hope it will be for the majority of the Members of the Senate, reducing America's debt during good economic times—that should be, in my judgment, complemented by our understanding that the Social Security system also needs shoring up. We must reserve some of our projected surplus to make that system whole and well and solvent for the long term.

I want to make a point about Social Security because some people wring their hands and gnash their teeth because of the problems we have with Social Security. These are not big problems. The Social Security problem—to the extent there is one—is born of success. One hundred years ago, you were expected to live to age 48 in this country; today, the life expectancy is almost 78. We have increased life expectancy by 30 years. People live longer and better lives for a lot of reasons. That is success. Does that cause some strain to the Social Security system? Of course it does, but it is born of success. And let us not wring our hands about that. We can easily resolve these issues.

Third, in addition to reducing the Federal debt during good economic times with this budget surplus and making certain that we are responsible for making Social Security solvent for the long term, the proposal that the President and some others have offered, to use any additional tax cuts outside of that for the purpose of providing incentive for savings, makes a lot of sense to me. Encouraging personal private savings in this country, which the President proposed through USA accounts—and there are other approaches—seems to me to make a lot of sense in terms of creating the foundation for long-term, solid economic growth for the next two, three and four decades.

Having said all that, let me make this point: We in this country have the strongest economy in the world right now. I studied economics in college and then I taught economics in college very briefly. That experience hasn't hindered me, but nonetheless I taught some economics. One of the things you teach in economics is that there are two principles you strive to achieve in an economy—stable prices and full employment.

In our country's current economy, we have virtually no inflation and we have nearly full employment. And we—at a time when the Asian economy is weak, when the Russian economy has collapsed, when the Brazilian economy is weak—have the strongest economy in the world. Is it by accident? I don't think so. I don't happen to think that Republicans or Democrats have the answer either. It is not as if, somewhere down in the engine room of this ship of state, there is an engine with dials and knobs and a lever, and if we can just find the right dials and knobs and levers to pull and push, the right amount of tax cuts, the right amount of spending, the right amount of M1, that somehow the ship of state will do fine. I don't happen to think the engine room works that way.

Economies have everything to do with the confidence of the people. When people are confident about the future, they make individual decisions such as: I will buy a car; I will buy a house; I will make this investment because I am confident about the future. They make those kinds of decisions based on their confidence. That creates the foundation for an economy.

When people are not confident about the future, they say, I will not make that purchase; I will defer buying an automobile; I will defer buying this home because I am not so confident about the future.

So it is the confidence of the people upon which this economy rests. All of the indices show the American people are confident about the future because the President and the Congress together—I am talking about all Members of the Congress coming together—have made some good decisions in recent years, decisions that say deficits matter, and we are going to tame them.

That isn't to say that we shouldn't continue to invest—even as we tame the Federal budget deficits. We are going to invest in the kinds of things that will make this a bigger, better, stronger country. We had, as the Senator from West Virginia will recall, a vigorous debate in the last Congress about a highway bill. Some around here were just wringing their hands about the amount of money we were going to spend on highways.

The money that we are going to spend on highways, coming from the gasoline tax collected at the gas pump when people fill up their cars with gasoline, is going to go into improving America's infrastructure—building roads, repairing bridges, and generally making us a better country. It is an investment in our country, just as it is an investment in young people to improve schools. It is an investment in our future. Ben Franklin once said, "Anyone who puts their purse in their head will never lose their purse." That is what education is about. Education is an investment in our children.

We have made a lot of thoughtful decisions in the last 6 or 8 years; frankly, it can go well beyond that. We can go back to the 1950s when we talk about roads and think of the decision that President Eisenhower and the Republicans and Democrats in Congress made about an interstate highway system. You could ask yourself, could anybody in this country justify building a four-lane interstate between Fargo, ND, and Beach, ND, all those hundreds of miles where there aren't a great deal of people? You could have had one of the watchdog organizations pull that apart in the fifties and say, "Look what they are spending where not many people are living." But President Eisenhower and Congress said that we are going to link this country together with the interstate highway system. Transportation is universal.

We have done a lot of good things, and a lot is left to be done. As we deal with fiscal policy and especially with the question of tax cuts and budget surpluses, I hope we can make thoughtful and good decisions for the long-term future of this country. I think very strongly that the first priority is for us, during good economic times, to reduce the Federal debt. The second priority is to say we owe it to the Social Security system to make it whole. The third priority says let's encourage private savings through tax cuts because that strengthens America in the future as well.

Mr. BYRD. Will the distinguished Senator yield?

Mr. DORGAN. Of course.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his comments. They are timely and they are very persuasive to me. I join with him in expressing hope that we will apply these surpluses to reducing the national debt—after, of course, shoring up Social Security. And we have to think of Medicare, also.

I have been in politics now 53 years. The easiest vote that I ever cast was a vote to cut taxes. It didn't require any courage on my part. And likewise, one of the most difficult votes is a vote to increase taxes. We have to do that from time to time.

Now, if Congress passes legislation to provide for tax cuts —and there may be some areas of tax cuts that I can very well support—but generally speaking, if we do, of course, the legislation that Congress enacts to do that would be permanent legislation, will it not, until changed? So if after a while—not 10 years hence, as the distinguished Senator has shown on his graph, but 5 years hence, or 4 years hence, 3 years hence—we hit upon hard times, then what? Would the reduced taxes continue, unless Congress legislated to increase them again? Would they, may I ask the Senator?

Mr. DORGAN. The answer, I say, to that is once you change the Tax Code, that change is generally permanent unless altered. We have had the experience before of a very aggressive appetite to reduce taxes, only to discover that we run into a recession, experience very significant Federal budget deficits, and then the confidence of the people about the future tends to erode and you have a further economic contraction.

I say to the Senator from West Virginia, one of the things that I think is very important is to the extent that there would be tax cuts following a reduction in Federal debt and shoring up Social Security, I hope that it will be triggered by the actual experience of the surplus. If you don't have a mechanism to trigger the tax cuts, what will happen ultimately will be an economic slowdown—nobody has repealed the business cycle—and experience significant budget deficits.

Mr. BYRD. Then it would be incumbent upon us to make difficult decisions and act to increase the revenue again.

Well, I join with the Senator. I think he performs a great service in calling to our attention and to the attention of the American people the options we face. I hope that Congress will think long and carefully about what we do. We are in a happy situation, but who knows how long the situation will remain happy. I see Alan Greenspan down in that engine room, and he is entitled to a good many compliments from all of us for the good work that he has done, the vision that he has displayed. But I join with the Senator and I hope he will help to lead us as we move forward in the coming days and use his good economics. I think I had about one semester of economics when I was in high school, and that is about it. But the Senator from North Dakota has had excellent training, a fine education in that field. I am going to continue to listen to him and look to him for leadership as we go forward. I thank him very much.

Mr. DORGAN. Mr. President, I thank the Senator from West Virginia. I raise this issue today only because it will be one of perhaps five or six significant issues we will debate in the coming months. I do not think that my idea is exclusively good and that there are no other good ideas out there. I have great respect for others here who might disagree strongly with my view on these issues. I want to, as we begin this debate, at least stake out the ground that some of us would feel strongly about—debt reduction and other responsible actions in fiscal policy.

I look forward to this. This has been a tough 6 or 7 weeks as we have started this session because of the impeachment trial. Most of us come here relishing the idea and fostering the appetite for debate about the public issues that really matter to this country in economics, health care, and education. So I look forward to it in the coming days and weeks.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DORGAN. Yes.

Mr. BYRD. I don't want to prolong this, but would he respond to this question: How do our massive trade deficits play into this whole equation?

Mr. DORGAN. Well, as the Senator knows, I have felt very strongly about our trade deficits. The one area of our economic performance that is very troubling is the area of trade indebtedness that continues now to mushroom. In fact, just in the last week, we saw an announcement that we have experienced the largest trade deficit in the country's history. I am particularly concerned about our merchandise deficits, because that reflects the deficits in terms of the goods that you produce, not services and because it is an indicator of the health of the manufacturing economy.

I don't think you can remain a world economic power unless you have a vibrant, strong manufacturing sector. I am very concerned about the trade deficits, and I have spent a great deal of time talking to our Trade Ambassador and this administration.

I think our trade policies need adjustment. It is not that I don't believe we shouldn't have expanded trade around the world; of course we should. But this country needs to stand up for its own economic interests in a thoughtful and useful way. We need to stand up for our interests with respect to the Chinese, the Japanese, the Europeans, and others to say that our market is open to your goods, it is wide open, but only on the condition that trade between our country and yours is fair.

During the first 25 years after the Second World War, we could have foreign policy masquerading as trade policy, or the reverse, and we could beat anybody on the globe in international trade with one hand tied behind our back. But that has changed. We face formidable competitors in international trade. And the corporations who do the business around this world now separate themselves from nationalist interests, and they are simply interested in finding out where they can produce the cheapest and where they can sell for the best price. Often that mismatch means you can produce more cheaply if you find a Third World country in which you can produce and dump chemicals into the streams, pollutants into the air, and pay kids 14 cents an hour. You don't have all of the encumbrances you have producing in an industrialized country. You can produce whatever it is you are producing and ship it to Chicago, Pittsburgh, Charleston or Fargo.

The dilemma of all of that is the bifurcation of production and the means to purchase, which creates this trade deficit between countries. The trade deficit is a very serious economic problem. It is one of the few blemishes that exists on this complexion of good economic news. And we must begin to address it. I know that most people want to ignore it. They don't want to talk about it.

Interestingly enough, some of the economists in this town have always said that NAFTA and free trade are good. They said, "You know, our trade deficit is just a function of fiscal policy deficits. You won't have a trade deficit if you ever get the budget balanced." Guess what has happened? We have gotten the deficit under control and our trade deficits are still mushrooming. I really should, as a public service, rewrite the textbook, because the answers are now apparently wrong. In fact, we should get their names—some of the best economists in time who have said that—and I should get their quotes and bring them to the floor.

So those are the things that we need to have a thoughtful discussion about.

I appreciate the Senator from West Virginia raising the issue. He and I coauthored a piece of legislation, which is now law, that created a trade deficit review commission. It is my hope that the commission will soon begin meeting and sift through all of these policy areas and hopefully make recommendations to Congress in an expeditious way to allow us to get some new ideas and some new energy and new perspectives on this very critical issue. The commitment of the Senator from West Virginia, Senator BYRD, to passing that trade deficit review commission legislation—which is, as I said, now law—is very important and very helpful to this country.

Mr. President, I yield the floor. I suggest the absence of a quorum.

Mr. BYRD. Mr. President, I thank the able Senator for responding to my questions.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

UNFINISHED IMPEACHMENT BUSINESS

Mr. KYL. Mr. President, I hadn't intended to speak today, but given the fact that we have a little bit of time, I thought I would share one of the things that is on my mind as we come back to work following the Presidents' Day recess and almost a month of impeachment proceedings, which is what we were doing the last time I sat at this desk a week ago.

There is one bit of unfinished business relating to the impeachment proceedings. Because the President was not removed from office, a lot of my constituents, over the course of this last week—people I visited with throughout the State of Arizona during the Presidents' Day recess—wondered what would happen, what would the precedent be, what would the standard be in court proceedings? What was the lesson, in other words, to be learned from the fact that the President was not removed?

I had to stop and think about what I was answering them with. I said: We should not take from that the fact that you can lie or that you can obstruct justice, that you can engage in conduct that is designed to subvert justice, to take the law into your own hands. That would be the wrong lesson. I spoke to schoolkids. One of the questions that kept recurring was: If the President is not punished, then won't that lower the standard for the rest of the country in the future?

My response, I think, is that we have to go back to what HENRY HYDE was talking about when he first appeared before the Senate at the beginning of the impeachment trial, and that we need to talk to the American people about this as a piece of unfinished business. The Senate trial has come to a conclusion; the President will remain in office; the impeachment proceeding is behind us. And that is all as it should be. But it seems to me that because there is a perception that the President was not punished—I will come back to that in just a moment—that, therefore, somehow there will be a different standard applied in the future, perhaps in sexual harassment or sexual discrimination cases specifically, but more broadly within the criminal justice system.

I think the piece of unfinished business is for all of us to commit ourselves to the proposition that the rule of law will not be diminished in the United States, that not only the lawyers and the judges in the judicial process but also all Americans, parents and teachers, talking to our children, and all of us working within whatever part of society we work, will recommit ourselves to the rule of law in the United States and ensure that this case does not create a bad precedent; that we treat this case, rather, as an aberration, as the exception that proves the rule, as a situation which is unique because it involved one person, the President, and an impeachment proceeding which is unique under our Constitution; but that we not accept it as a precedent that you can, as I said, take the law into your own hands, subvert justice, and then get away with it.

In one sense, President Clinton has not really gotten away with his bad conduct. He was impeached by the House of Representatives, he was tried in the Senate, and half of the Senate voted on one of the articles to remove him from office. History will certainly judge that his reputation has been diminished as a result of his conduct. And for a person in political life, a President in particular, that is certainly some degree of punishment. In addition to that, the trust of his office has been diminished and he clearly has suffered some public opprobrium as a result of his conduct.

Therefore, I think what we have to do is tell young people that, even though his conduct was not perceived by two-thirds of the Senate as sufficiently serious to warrant his removal from office, it does not mean that he wasn't punished. So, in that sense, the lesson to be learned is there will be bad consequences from bad action but they may not be the most severe consequences that can attach to the action.

In one of the schools I spoke to, I said, "You have a yearbook here, don't you?" And they said, "Yes."

And I said, "Suppose you did something pretty bad, but it wasn't quite bad enough to be kicked out of school. But the yearbook has your picture on it and it says below it: This person lied and did something bad in class and everybody thought he should not be trusted anymore. But it wasn't quite serious enough to kick him out of school."

I said, "That would be a pretty bad thing, for everybody who reads that yearbook for 50 years later to see that written under your picture in the yearbook. But it's not quite bad enough to throw you out of school."

So, let's understand that what has happened to the President here is not good, it is bad, because he did something wrong. I am sure that people on both sides of the aisle will concede that his conduct was inappropriate. So in that sense he has been punished.

But in a larger sense, because he was not removed from office, there is still this perception hanging out there that perhaps the rule of law has been diminished; that now it is no longer the case that one will be able to prosecute for perjury or obstruction of justice; that perhaps in a sexual harassment or discrimination case there will be some new precedent established, the "Clinton standard," that you can actually walk very close to the line of telling the whole truth, and if you choose not to do it and you are clever enough about the way you phrase things, maybe you will be able to escape punishment. Perhaps people who were punished for perjury in sexual discrimination cases ought to be no longer punished under those same circumstances.

That is what I am saying is our unfinished business. Every one of us who has something to say about it should say: No, this case does not stand for that. This was the President of the United States whom the Senate chose not to remove from office, the most severe thing that could occur to a President. And there were a lot of reasons for that. Some of our colleagues felt it would simply be too much of a disruption for our country. Some thought that the particular activity in this case was just not quite serious enough to warrant his removal.

Those of us who disagreed with that did so, among other reasons, because we believed that allowing the President to remain in office would subvert the rule of law; that this would be used as an excuse for people to lie in the future; that there would not be as much adherence to the precedents in the past, of ensuring that people who take the law into their own hands are appropriately punished. That is one of the reasons that many of us voted guilty in this case.

But I think even though we did not prevail and the President was not removed, that everyone in the Chamber would agree—all 100 of us would agree—that we do not want this case to stand for the proposition that you can subvert justice by impeding discovery or by lying, by giving false testimony; that you cannot do those things and expect that the rule of law in the future will be any less severe with respect to its consequences.

As I said, this case must be deemed the exception that proves the rule because of its unique circumstances. In every way that those of us who are permitted to do so, we must uphold the rule of law in the country.

Specifically, that means we must teach this to our young people. We must talk about it as lawmakers here, when we speak to the local Lions Club or local Rotary Club, wherever we may be speaking, that lawyers and judges in the country must strictly adhere to the law. Anyone who appears before a court as a litigant must themselves strictly adhere to these principles and never violate the law as it exists. And anyone who teaches with respect to what this means should take the position that it does not mean that one can take the law into one's own hands and succeed in subverting justice simply because of what did or did not happen to the President of the United States in this particular case.

The rule of law is important to this country because it distinguishes us from almost every other country in the world. There are certainly other countries in which one can expect to get relatively fair justice, but in the United States we consider ourselves unique. We have, for over 210 years, protected the rule of law in this country. We have ensured that even the least among us can get equal justice under law. And this country has done a great deal to ensure that principle is true, whether it is in the Federal courts or the local courts of the country; whether it is with respect to the rich and the powerful and the famous or, as I said, the least among us. In our system, the law applies equally to everyone.

We must ensure that remains the case. How many of us would want to submit our lives or our fortunes to the justice system—oh, let's just take one of the many countries south of us, for example—in the southern hemisphere? Or in Russia today, where one cannot even engage in commerce because there is not a rule of law which ensures that dispute resolution in commercial dealings will be done fairly? How many of us would want to be accused of a crime in one of those societies and have to defend ourselves or be sued in one of those societies and be assured that we would be dealt with in a fair way? In many of those countries today, unless you have the ability to bribe someone or to pay someone off, you cannot be assured of fair justice.

In the United States today, even though we do not want to go to court, every one of us knows that if we have to go to court, we can at least expect that we will be dealt with fairly because truth-telling is at the bottom of the judicial process and truth-telling will be enforced.

It will be maintained because it will be enforced, and we can point to many cases in which people who lied are now serving in jail because of their perjury.

That is why it is important to maintain the rule of law in our country. That is what the rule of law is all about. That is why it is important, and that is why we have to sustain it.

So, Mr. President, as I reflected on what my constituents were asking me, as I talked to them over the course of this last Presidents' Day recess in Arizona, and I thought about the importance of the rule of law in the United States to each one of us, and the questions that had been raised as a result of the fact that the President was not removed from office, I dedicated myself to talking about this, to writing about it, and to ensuring my constituents back home and, hopefully, people around the country will understand how important it is for all of us over the next weeks, months, and years to ensure that the rule of law is not diminished, is not subverted as a result of the Senate's action with respect to the impeachment of President Clinton.

One could draw that conclusion, but we must not permit that conclusion to be drawn. It is up to us to maintain the rule of law in the United States, and I believe that because of the dedication to the principle of the rule of law and the fact that everyone in this country wishes it to remain strong, and the fact that all 100 of us in this Chamber, I am certain, and the Members in the House of Representatives as well, are dedicated to that proposition and do not want to see the result of this case diminish the rule of law; that all of us will rededicate ourselves to that principle and will do everything we can over the course, as I said, of the ensuing months and years to ensure the rule of law in this country remains strong and we will continue to provide in this country, as we have in the past over 200 years, equal justice for all.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine, Ms. COLLINS, is recognized.

(The remarks of Ms. COLLINS pertaining to the introduction of S. Con. Res. 12 are located in today's RECORD under "Submission of concurrent and Senate resolutions.")

Ms. COLLINS. Mr. President, seeing no one seeking the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

SOLDIERS', SAILORS', AIRMEN'S AND MARINES' BILL OF RIGHTS ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 4 for debate only.

The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 4) to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Armed Services, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999".

TITLE I—PAY AND ALLOWANCES

SEC. 101. FISCAL YEAR 2000 INCREASE AND RESTRUCTURING OF BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services by section 203(a) of such title to become effective during fiscal year 2000 shall not be made.

(b) JANUARY 1, INCREASE IN BASIC PAY.—Effective on January 1, 2000, the rates of monthly basic pay for members of the uniformed services shall be increased by 4.8 percent.

(c) BASIC PAY REFORM.—(1) Effective on July 1, 2000, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	*2 or less*	*Over 2*	*Over 3*	*Over 4*	*Over 6*
O-10[2]	*$0.00*	*$0.00*	*$0.00*	*$0.00*	*$0.00*
O-9	*0.00*	*0.00*	*0.00*	*0.00*	*0.00*
O-8	*6,594.30*	*6,810.30*	*6,953.10*	*6,993.30*	*7,171.80*
O-7	*5,479.50*	*5,851.80*	*5,851.50*	*5,894.40*	*6,114.60*
O-6	*4,061.10*	*4,461.60*	*4,754.40*	*4,754.40*	*4,772.40*
O-5	*3,248.40*	*3,813.90*	*4,077.90*	*4,127.70*	*4,291.80*
O-4	*2,737.80*	*3,333.90*	*3,556.20*	*3,606.04*	*3,812.40*
O-3[3]	*2,544.00*	*2,884.20*	*3,112.80*	*3,364.80*	*3,525.90*
O-2[3]	*2,218.80*	*2,527.20*	*2,910.90*	*3,000.00*	*3,071.10*
O-1[3]	*1,926.30*	*2,004.90*	*2,423.10*	*2,423.10*	*2,423.10*

	Over 8	*Over 10*	*Over 12*	*Over 14*	*Over 16*
O-10[2]	*$0.00*	*$0.00*	*$0.00*	*$0.00*	*$0.00*
O-9	*0.00*	*0.00*	*0.00*	*0.00*	*0.00*
O-8	*7,471.50*	*7,540.80*	*7,824.60*	*7,906.20*	*8,150.10*
O-7	*6,282.00*	*6,475.80*	*6,669.00*	*6,863.10*	*7,471.50*
O-6	*4,976.70*	*5,004.00*	*5,004.00*	*5,169.30*	*5,791.20*
O-5	*4,291.80*	*4,420.80*	*4,659.30*	*4,971.90*	*5,286.00*
O-4	*3,980.40*	*4,251.50*	*4,464.00*	*4,611.00*	*4,758.90*
O-3[3]	*3,702.60*	*3,850.20*	*4,040.40*	*4,139.10*	*4,139.10*
O-2[3]	*3,071.10*	*3,071.10*	*3,071.10*	*3,071.10*	*3,071.10*
O-1[3]	*2,423.10*	*2,423.10*	*2,423.10*	*2,423.10*	*2,423.10*

	Over 18	*Over 20*	*Over 22*	*Over 24*	*Over 26*
O-10[2]	*$0.00*	*$10,655.10*	*$10,707.60*	*$10,930.20*	*$11,318.40*
O-9	*0.00*	*9,319.50*	*9,453.60*	*9,647.70*	*9,986.40*
O-8	*8,503.80*	*8,830.20*	*9,048.00*	*9,048.00*	*9,048.00*
O-7	*7,985.40*	*7,985.40*	*7,985.40*	*7,985.40*	*8,025.60*
O-6	*6,086.10*	*6,381.30*	*6,549.00*	*6,719.10*	*7,049.10*
O-5	*5,436.00*	*5,583.60*	*5,751.90*	*5,751.90*	*5,751.90*
O-4	*4,808.70*	*4,808.70*	*4,808.70*	*4,808.70*	*4,808.70*
O-3[3]	*4,139.10*	*4,139.10*	*4,139.10*	*4,139.10*	*4,139.10*
O-2[3]	*3,071.10*	*3,071.10*	*3,071.10*	*3,071.10*	*3,071.10*
O-1[3]	*2,423.10*	*2,423.10*	*2,423.10*	*2,423.10*	*2,423.10*

[1] *Basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.*

[2] *While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be $12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.*

[3] *Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.*

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	*2 or less*	*Over 2*	*Over 3*	*Over 4*	*Over 6*
O-3E[4]	*$0.00*	*$0.00*	*$0.00*	*$3,364.80*	*$3,525.90*
O-2E[4]	*0.00*	*0.00*	*0.00*	*3,009.00*	*3,071.10*
O-1E[4]	*0.00*	*0.00*	*0.00*	*2,423.10*	*2,588.40*

	Over 8	*Over 10*	*Over 12*	*Over 14*	*Over 16*
O-3E[4]	*$3,702.60*	*$3,850.20*	*$4,040.40*	*$4,200.30*	*$4,291.80*
O-2E[4]	*3,168.60*	*3,333.90*	*3,461.40*	*3,556.20*	*3,556.20*
O-1E[4]	*2,683.80*	*2,781.30*	*2,877.60*	*3,009.00*	*3,009.00*

	Over 18	*Over 20*	*Over 22*	*Over 24*	*Over 26*
O-3E	*$4,416.90*	*$4,416.90*	*$4,416.90*	*$4,416.90*	*$4,416.90*
O-2E	*3,556.20*	*3,556.20*	*3,556.20*	*3,556.20*	*3,556.20*
O-1E	*3,009.00*	*3,009.00*	*3,009.00*	*3,009.00*	*3,009.00*

[4] *While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.*

[5] *In the case of members in the grade E-1 who have served less than 4 months on active duty, basic pay is $930.30.*

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	*2 or less*	*Over 2*	*Over 3*	*Over 4*	*Over 6*
W-5	*$0.00*	*$0.00*	*$0.00*	*$0.00*	*$0.00*
W-4	*2,592.00*	*2,788.50*	*2,868.60*	*2,947.50*	*3,083.40*
W-3	*2,355.90*	*2,555.40*	*2,555.40*	*2,588.40*	*2,694.30*

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-2	2,063.40	2,232.60	2,232.60	2,305.80	2,423.10
W-1	1,719.00	1,971.00	1,971.00	2,135.70	2,232.60
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5	$0.00	$0.00	$0.00	$0.00	$0.00
W-4	3,217.20	3,352.80	3,485.10	3,622.20	3,753.60
W-3	2,814.90	2,974.20	3,071.10	3,177.00	3,298.20
W-2	2,555.40	2,852.60	2,749.80	2,844.30	2,949.00
W-1	2,332.80	2,433.30	2,533.20	2,634.00	2,734.80
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5	$0.00	$4,475.10	$4,628.70	$4,782.90	$4,937.40
W-4	3,888.00	4,019.00	4,155.60	4,289.70	4,427.10
W-3	3,418.50	3,539.10	3,659.40	3,780.00	3,900.90
W-2	3,058.40	3,163.80	3,270.90	3,378.30	3,378.30
W-1	2,835.00	2,910.90	2,910.90	2,910.90	2,910.90

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9[4]	$0.00	$0.00	$0.00	$0.00	$0.00
E-8	0.00	0.00	0.00	0.00	0.00
E-7	1,765.80	1,927.80	2,001.00	2,073.00	2,147.70
E-6	1,518.90	1,678.20	1,752.60	1,824.30	1,899.30
E-5	1,332.60	1,494.00	1,566.00	1,640.40	1,714.50
E-4	1,242.90	1,373.10	1,447.20	1,520.10	1,593.90
E-3	1,171.50	1,260.60	1,334.10	1,335.90	1,335.90
E-2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1	[5]1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9[4]	$0.00	$3,015.30	$3,083.40	$3,169.80	$3,271.50
E-8	2,528.40	2,601.60	2,669.70	2,751.60	2,840.10
E-7	2,220.90	2,294.10	2,367.30	2,439.30	2,514.00
E-6	1,973.10	2,047.20	2,118.60	2,191.50	2,244.60
E-5	1,789.50	1,861.50	1,936.20	1,936.20	1,936.20
E-4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9[4]	$3,373.20	$3,473.40	$3,609.30	$3,744.00	$3,915.80
E-8	2,932.50	3,026.10	3,161.10	3,295.50	3,483.60
E-7	2,588.10	2,660.40	2,787.60	2,926.20	3,134.40
E-6	2,283.30	2,283.30	2,285.70	2,285.70	2,285.70
E-5	1,936.20	1,936.20	1,936.20	1,936.20	1,936.20
E-4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2	1,127.40	1,127.40	1,127.40	1,123.20	1,127.40
E-1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

[4] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[5] In the case of members in the grade E-1 who have served less than 4 months on active duty, basic pay is $930.30.

SEC. 102. PAY INCREASES FOR FISCAL YEARS AFTER FISCAL YEAR 2000.

(a) ECI+0.5 PERCENT INCREASE FOR ALL MEMBERS.—Section 1009(c) of title 37, United States Code, is amended to read as follows:

"(c) ECI+0.5 PERCENT INCREASE FOR ALL MEMBERS.—Subject to subsection (d), an adjustment taking effect under this section during a fiscal year shall provide all eligible members with an increase in the monthly basic pay by the percentage equal to the sum of one percent plus the percentage calculated as provided under section 5303(a) of title 5 (without regard to whether rates of pay under the statutory pay systems are actually increased during such fiscal year under that section by the percentage so calculated).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2000.

SEC. 103. SPECIAL SUBSISTENCE ALLOWANCE.

(a) ALLOWANCE.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

"§402a. Special subsistence allowance

"(a) ENTITLEMENT.—Upon the application of an eligible member of a uniformed service described in subsection (b), the Secretary concerned shall pay the member a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance.

"(b) COVERED MEMBERS.—An enlisted member referred to subsection (a) is an enlisted member in pay grade E-5 or below.

"(c) TERMINATION OF ENTITLEMENT.—The entitlement of a member to receive payment of a special subsistence allowance terminates upon the occurrence of any of the following events:

"(1) Termination of eligibility for food stamp assistance.

"(2) Payment of the special subsistence allowance for 12 consecutive months.

"(3) Promotion of the member to a higher grade.

"(4) Transfer of the member in a permanent change of station.

"(d) REESTABLISHED ENTITLEMENT.—(1) After a termination of a member's entitlement to the special subsistence allowance under subsection (c), the Secretary concerned shall resume payment of the special subsistence allowance to the member if the Secretary determines, upon further application of the member, that the member is eligible to receive food stamps.

"(2) Payments resumed under this subsection shall terminate under subsection (c) upon the occurrence of an event described in that subsection after the resumption of the payments.

"(3) The number of times that payments are resumed under this subsection is unlimited.

"(e) DOCUMENTATION OF ELIGIBILITY.—A member of the uniformed services applying for the special subsistence allowance under this section shall furnish the Secretary concerned with such evidence of the member's eligibility for food stamp assistance as the Secretary may require in connection with the application.

"(f) AMOUNT OF ALLOWANCE.—The monthly amount of the special subsistence allowance under this section is $180.

"(g) RELATIONSHIP TO BASIC ALLOWANCE FOR SUBSISTENCE.—The special subsistence allowance under this section is in addition to the basic allowance for subsistence under section 402 of this title.

"(h) FOOD STAMP ASSISTANCE DEFINED.—In this section, the term 'food stamp assistance' means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

"(i) TERMINATION OF AUTHORITY.—No special subsistence allowance may be made under this section for any month beginning after September 30, 2004.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:

"402a. Special subsistence allowance.".

(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, shall take effect on the first day of the first month that begins not less than 180 days after the date of the enactment of this Act.

(c) ANNUAL REPORT.—(1) Not later than March 1 of each year after 1999, the Secretary of Defense shall submit to Congress a report setting forth the number of members of the uniformed services who are eligible for assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(2) In preparing the report, the Secretary shall consult with the Secretary of Transportation (with respect to the Coast Guard), the Secretary of Health and Human Services (with respect to the commissioned corps of the Public Health Service), and the Secretary of Commerce (with respect to the commissioned officers of the National Oceanic and Atmospheric Administration), who shall provide the Secretary of Defense with any information that the Secretary determines necessary to prepare the report.

(3) No report is required under this section after March 1, 2004.

TITLE II—RETIREMENT BENEFITS

SEC. 201. RETIRED PAY OPTIONS FOR PERSONNEL ENTERING UNIFORMED SERVICES ON OR AFTER AUGUST 1, 1986.

(a) REDUCED RETIRED PAY ONLY FOR MEMBERS ELECTING 15-YEAR SERVICE BONUS.—(1) Paragraph (2) of section 1409(b) of title 10, United States Code, is amended by inserting after "July 31, 1986," the following: "has elected to receive a bonus under section 318 of title 37,".

(2)(A) Paragraph (2)(A) of section 1401a(b) of title 10, United States Code, is amended by striking "The Secretary shall increase the retired pay of each member and former member who first became a member of a uniformed service before August 1, 1986," and inserting "Except as otherwise provided in this subsection, the Secretary shall increase the retired pay of each member and former member".

(B) Paragraph (3) of such section 1401a(b) is amended by inserting after "August 1, 1986," the following: "and has elected to receive a bonus under section 318 of title 37,".

(3) Section 1410 of title 10, United States Code, is amended by inserting after "August 1, 1986," the following: "who has elected to receive a bonus under section 318 of title 37,".

(b) OPTIONAL LUMP-SUM BONUS AT 15 YEARS OF SERVICE.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§318. Special pay: 15-year service bonus elected by members entering on or after August 1, 1986

"(a) PAYMENT OF BONUS.—The Secretary concerned shall pay a bonus to a member of a uniformed service who is eligible and elects to receive the bonus under this section.

"(b) ELIGIBILITY FOR BONUS.—A member of a uniformed service serving on active duty is eligible to receive a bonus under this section if the member—

"(1) first became a member of a uniformed service on or after August 1, 1986;

"(2) has completed 15 years of active duty in the uniformed services; and

"(3) if not already obligated to remain on active duty for a period that would result in at least 20 years of active-duty service, executes a written agreement (prescribed by the Secretary concerned) to remain continuously on active duty for five years after the date of the completion of 15 years of active-duty service.

"(c) ELECTION.—(1) A member eligible to receive a bonus under this section may elect to receive the bonus. The election shall be made in such form and within such period as the Secretary concerned requires.

"(2) An election made under this subsection is irrevocable.

"(d) NOTIFICATION OF ELIGIBILITY.—The Secretary concerned shall transmit a written notification of the opportunity to elect to receive a bonus under this section to each member who is eligible (or upon execution of an agreement described in subsection (b)(3), would be eligible) to receive the bonus. The Secretary shall complete the notification within 180 days after the date on which the member completes 15 years of active duty. The notification shall include the procedures for electing to receive the bonus and an explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay which the member may become eligible to receive.

"(e) FORM AND AMOUNT OF BONUS.—A bonus under this section shall be paid in one lump sum of $30,000.

"(f) TIME FOR PAYMENT.—Payment of a bonus to a member electing to receive the bonus under this section shall be made not later than the first month that begins on or after the date that is 60 days after the Secretary concerned receives from the member an election that satisfies the requirements imposed under subsection (c).

"(g) REPAYMENT OF BONUS.—(1) If a person paid a bonus under this section fails to complete the total period of active duty specified in the agreement entered into under subsection (b)(3), the person shall refund to the United States the amount that bears the same ratio to the amount of the bonus payment as the unserved part of that total period bears to the total period.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under the agreement or this subsection.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"318. Special pay: 15-year service bonus elected by members entering on or after August 1, 1986.".

(c) CONFORMING AMENDMENTS TO SURVIVOR BENEFIT PLAN PROVISIONS.—(1) Section 1451(h)(3) of title 10, United States Code, is amended by inserting "OF CERTAIN MEMBERS" after "RETIREMENT".

(2) Section 1452(i) of such title is amended by striking "When the retired pay" and inserting "Whenever the retired pay".

(d) RELATED TECHNICAL AMENDMENTS.—(1) Section 1401a(b) of title 10, United States Code, is amended—

(A) by striking the heading for paragraph (1) and inserting "INCREASE REQUIRED.—";

(B) by striking the heading for paragraph (2) and inserting "PERCENTAGE INCREASE.—"; and

(C) by striking the heading for paragraph (3) and inserting "REDUCED PERCENTAGE FOR CERTAIN POST-AUGUST 1, 1986 MEMBERS.—".

(2) Section 1409(b)(2) of title 10, United States Code, is amended by inserting "CERTAIN" after "REDUCTION APPLICABLE TO" in the paragraph heading.

(3)(A) The heading of section 1410 of such title is amended by inserting "**certain**" before "**members**".

(B) The item relating to such section in the table of sections at the beginning of chapter 71 of title 10, United States Code, is amended by inserting "certain" before "members".

SEC. 202. PARTICIPATION IN THRIFT SAVINGS PLAN.

(a) PARTICIPATION AUTHORITY.—(1)(A) Chapter 3 of title 37, United States Code, is amended by adding at the end the following:

"§211. Participation in Thrift Savings Plan

"(a) AUTHORITY.—A member of the uniformed services serving on active duty for a period of more than 30 days may participate in the Thrift Savings Plan in accordance with section 8440e of title 5.

"(b) RULE OF CONSTRUCTION REGARDING SEPARATION.—For the purposes of section 8440e of title 5, the following actions shall be considered separation of a member of the uniformed services from Government employment:

"(1) Release of the member from active-duty service (not followed by a resumption of active-duty service within 30 days after the effective date of the release).

"(2) Transfer of the member by the Secretary concerned to a retired list maintained by the Secretary.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"211. Participation in Thrift Savings Plan.".

(2)(A) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following:

"§8440e. Members of the uniformed services on active duty

"(a) PARTICIPATION AUTHORIZED.—(1) A member of the uniformed services authorized to participate in the Thrift Savings Plan under section 211(a) of title 37 may contribute to the Thrift Savings Fund.

"(2) An election to contribute to the Thrift Savings Fund under paragraph (1) may be made only during a period provided under section 8432(b) for individuals subject to this chapter.

"(b) APPLICABILITY OF THRIFT SAVINGS PLAN PROVISIONS.—Except as otherwise provided in this section, the provisions of this subchapter and subchapter VII of this chapter shall apply with respect to members of the uniformed services making contributions to the Thrift Savings Fund as if such members were employees within the meaning of section 8401(11).

"(c) MAXIMUM CONTRIBUTION FROM BASIC PAY.—The amount contributed by a member of the uniformed services for any pay period out of basic pay may not exceed 5 percent of such member's basic pay for such pay period.

"(d) OTHER MEMBER CONTRIBUTIONS.—A member of the uniformed services making contributions to the Thrift Savings Fund out of basic pay may also contribute (by direct transfer to the Fund) any part of any special or incentive pay that the member receives under section 308, 308a, 308f, or 318 of title 37. No contribution made under this subsection shall be subject to, or taken into account for purposes of, the first sentence of section 8432(d), relating to the applicability of any limitation under section 415 of the Internal Revenue Code of 1986.

"(e) AGENCY CONTRIBUTIONS GENERALLY PROHIBITED.—Except as provided in section 211(c) of title 37, no contribution under section 8432(c) of this title may be made for the benefit of a member of the uniformed services making contributions to the Thrift Savings Fund under subsection (a).

"(f) BENEFITS AND ELECTIONS OF BENEFITS.—In applying section 8433 to a member of the uniformed services who has an account balance in the Thrift Savings Fund—

"(1) any reference in such section to separation from Government employment shall be construed to refer to an action described in section 211(b) of title 37; and

"(2) the reference in section 8433(g)(1) to contributions made under section 8432(a) shall be treated as being a reference to contributions made to the Fund by the member, whether made under section 8351, 8432(a), or this section.

"(g) BASIC PAY DEFINED.—For purposes of this section, the term 'basic pay' means basic pay that is payable under section 204 of title 37.".

(B) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by adding after the item relating to section 8440d the following:

"8440e. Members of the uniformed services on active duty.".

(3) Section 8432b(b) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking "Each employee" and inserting "Except as provided in paragraph (4), each employee";

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph (4):

"(4) No contribution may be made under this section for a period for which an employee made a contribution under section 8440e.".

(4) Section 8473 of title 5, United States Code, is amended—

(A) in subsection (a), by striking "14 members" and inserting "15 members"; and

(B) in subsection (b)—

(i) by striking "14 members" and inserting "15 members";

(ii) by striking "and" at the end of paragraph (8);

(iii) by striking the period at the end of paragraph (9) and inserting "; and"; and

(iv) by adding at the end the following:

"(10) 1 shall be appointed to represent participants (under section 8440e) who are members of the uniformed services.".

(5) Paragraph (11) of section 8351(b) of title 5, United States Code, is redesignated as paragraph (8).

(b) APPLICABILITY.—The authority of members of the uniformed services to participate in the Thrift Savings Plan under section 211 of title 37, United States Code (as added by subsection (a)(1)), shall take effect on July 1, 2000.

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Executive Director appointed by the Federal Thrift Retirement Investment Board shall issue regulations to implement section 8440e of title 5, United States Code (as added by subsection (a)(2)) and section 211 of title 37, United States Code (as added by subsection (a)(1)).

SEC. 203. SPECIAL RETENTION INITIATIVE.

Section 211 of title 37, United States Code, as added by section 202, is amended by adding at the end the following:

"(c) AGENCY CONTRIBUTIONS FOR RETENTION IN CRITICAL SPECIALTIES.—(1) The Secretary concerned may enter into an agreement with a member to make contributions to the Thrift Savings Fund for the benefit of the member if the member—

"(A) is in a specialty designated by the Secretary as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

"(B) commits in such agreement to continue to serve on active duty in that specialty for a period of six years.

"(2) Under any agreement entered into with a member under paragraph (1), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the 6-year period of the agreement for which the member makes a contribution out of basic pay to the Fund under this section. Paragraph (2) of section 8432(c) applies to the Secretary's obligation to make contributions under this paragraph, except that the reference in such paragraph to contributions under paragraph (1) of such section does not apply.".

TITLE III—MONTGOMERY GI BILL BENEFITS

SEC. 301. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR FULL-TIME EDUCATION.

(a) INCREASE.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking "$528" and inserting "$600"; and

(2) in subsection (b)(1), by striking "$429" and inserting "$488".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to educational assistance allowances paid for months after September 1999. However, no adjustment in rates of educational assistance shall be made under subsection (g) of section 3015 of title 38, United States Code, for fiscal year 2000.

SEC. 302. TERMINATION OF REDUCTIONS OF BASIC PAY.

(a) REPEALS.—(1) Section 3011 of title 38, United States Code, is amended by striking subsection (b).

(2) Section 3012 of such title is amended by striking subsection (c).

(3) The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act and shall apply to individuals whose initial obligated period of active duty under section 3011 or 3012 of title 38, United States Code, as the case may be, begins on or after such date.

(b) TERMINATION OF REDUCTIONS IN PROGRESS.—Any reduction in the basic pay of an individual referred to in section 3011(b) of title 38, United States Code, by reason of such section 3011(b), or of any individual referred to in section 3012(c) of such title by reason of such section 3012(c), as of the date of the enactment of this Act shall cease commencing with the first month beginning after such date, and any obligation of such individual under such section 3011(b) or 3012(c), as the case may be, as of the day before such date shall be deemed to be fully satisfied as of such date.

(c) CONFORMING AMENDMENT.—Section 3034(e)(1) of title 38, United States Code, is amended in the second sentence by striking "as soon as practicable" and all that follows through "such additional times" and inserting "at such times".

SEC. 303. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE.

Section 3014 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary shall pay"; and

(2) by adding at the end the following new subsection (b):

"(b)(1) When the Secretary determines that it is appropriate to accelerate payments under the regulations prescribed pursuant to paragraph (6), the Secretary may make payments of basic educational assistance allowance under this subchapter on an accelerated basis.

"(2) The Secretary may pay a basic educational assistance allowance on an accelerated basis only to an individual entitled to payment of the allowance under this subchapter who has made a request for payment of the allowance on an accelerated basis.

"(3) In the event an adjustment under section 3015(g) of this title in the monthly rate of basic educational assistance will occur during a period for which a payment of an allowance is made on an accelerated basis under this subsection, the Secretary shall—

"(A) pay on an accelerated basis the amount the allowance otherwise payable under this subchapter for the period without regard to the adjustment under that section; and

"(B) pay on the date of the adjustment any additional amount of the allowance that is payable for the period as a result of the adjustment.

"(4) The entitlement to a basic educational assistance allowance under this subchapter of an individual who is paid an allowance on an accelerated basis under this subsection shall be charged at a rate equal to one month for each month of the period covered by the accelerated payment of the allowance.

"(5) A basic educational assistance allowance shall be paid on an accelerated basis under this subsection as follows:

"(A) In the case of an allowance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly allowance otherwise payable under this subchapter for the quarter, semester, or term, as the case may be, of the course.

"(B) In the case of an allowance for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the request for payment by the individual concerned; and

"(ii) in any amount requested by the individual concerned up to the aggregate amount of monthly allowance otherwise payable under this subchapter for the period of the course.

"(6) The Secretary shall prescribe regulations for purposes of making payments of basic educational allowance on an accelerated basis under this subsection. Such regulations shall specify the circumstances under which accelerated payments should be made and include requirements relating to the request for, making and delivery of, and receipt and use of such payments.".

SEC. 304. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) AUTHORITY TO TRANSFER TO FAMILY MEMBER.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§3020. Transfer of entitlement to basic educational assistance

"(a) The Secretary may, for the purpose of enhancing recruiting and retention, and at the Secretary's sole discretion, permit an individual entitled to educational assistance under this subchapter to elect to transfer such individual's entitlement to such assistance, in whole or in part, to the individuals specified in subsection (b).

"(b) An individual's entitlement to educational assistance may be transferred when authorized under subsection (a) as follows:

"(1) To the individual's spouse.

"(2) To one or more of the individual's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(c)(1) An individual electing to transfer an entitlement to educational assistance under this section shall—

"(A) designate the individual or individuals to whom such entitlement is being transferred and *the percentage of such entitlement to be transferred to each such individual; and*

"(B) specify the period for which the transfer shall be effective for each individual designated under subparagraph (A).

"(2) The aggregate amount of the entitlement transferable by an individual under this section may not exceed the aggregate amount of the entitlement of such individual to educational assistance under this subchapter.

"(3) An individual electing to transfer an entitlement under this section may elect to modify or revoke the transfer at any time before the use of the transferred entitlement. An individual shall make the election by submitting written notice of such election to the Secretary.

"(d)(1) The use of any entitlement transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as provided in paragraph (3), an individual using entitlement transferred under this section shall be subject to the provisions of this chapter in such use as if such individual were entitled to the educational assistance covered by the transferred entitlement in the individual's own right.

"(3) Notwithstanding section 3031 of this title, a child shall complete the use of any entitlement transferred to the child under this section before the child attains the age of 26 years.

"(e) In the event of an overpayment of educational assistance with respect to an individual to whom entitlement is transferred under this section, such individual and the individual making the transfer under this section shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

"(f) The Secretary shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (c)(3).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following new item:

"3020. Transfer of entitlement to basic educational assistance.".

TITLE IV—REPORT

SEC. 401. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.

(a) REQUIREMENT FOR REPORT.—On December 1 of each year, the Secretary of Defense shall submit to Congress a report that sets forth the Secretary's assessment of the effects that the provisions of this Act and the amendments made by the Act are having on recruitment and retention of personnel for the Armed Forces.

(b) FIRST REPORT.—The first report under this section shall be submitted not later than December 1, 2000.

Mr. WARNER. Madam President, my distinguished colleague and ranking member of the Senate Armed Services Committee desires to make a request.

Mr. LEVIN. I thank my good friend from Virginia.

PRIVILEGE OF THE FLOOR

Madam President, I ask unanimous consent that Gary Leeling of the Armed Services Committee staff be permitted privileges of the floor during debate on S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, it is the intention of the Senator from Virginia, in his capacity as chairman of the Armed Services Committee, to make an opening statement regarding this very important piece of legislation. I shall be followed by my distinguished colleague, the ranking member, and then we ask other Members, particularly those on the committee, to join us in the Chamber such that we can, hopefully, this afternoon in a very material and constructive way, begin the Senate's deliberation on this absolutely critical piece of legislation.

Today, the Senate begins consideration of S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999. The bill is an integral part of the national security element of the Republican agenda, I might say, Madam President, that Senator LOTT and other leaders announced in the January 19 timeframe of this year.

Last fall, Senator LOTT, in an excellent exchange of letters with the President and Republican chairmen, identified key problems with the military pay levels and the military pay system. Following this exchange of letters, the Armed Services Committee held hearings on September 29, 1998, and again on January 5, 1999, the first business this year, in which General Shelton and the service chiefs described the many problems—underline "many"—military services are experiencing because of the years of shortfalls in funding.

During these hearings, particular emphasis was put on readiness, the retention of highly trained people and the inability—very critical, Madam President—the inability today of the military services to achieve their recruiting goals; that is, the young men and young women in their very first step, often their first job, full-time job, they have ever had. We have experienced here in the past year substantial shortfalls, and one of the many purposes of this bill is to try to address that problem.

I say with a great sense of pride that the Joint Chiefs, individually and collectively, showed great courage in their presentations both last September and again this January. They spoke candidly of the problems borne by the men and women in the military today and how increased defense funding was needed in order to begin to alleviate these serious problems. General Shelton and the service chiefs urged the President and the Congress to support a military pay raise that would begin to address the inequities between military pay and civilian wages and to resolve the inequity of what is known as the Redux retirement system.

Senators LOTT, MCCAIN and ROBERTS took the initiative and showed leadership in developing early drafts of this legislation. These Senators worked within the Armed Services Committee to craft a bill that would address the problems identified by the Joint Chiefs in a comprehensive and responsible manner. When the Armed Services Committee reported this bill out on February 2, 1999, 18 of 20 members of that committee voted in favor of the bill. The two remaining members voted present, and we will hear from them. I don't say that by way of criticism. They have their own views. And one, of course, is my distinguished friend and colleague, the ranking member.

S. 4 will provide military personnel a 4.8-percent pay raise on January 1, 2000, and will require that future military pay raises be based on the Annual Employment Costs Index plus one-half a percent. The bill restructures the military pay tables to recognize the value of promotions and to weight the pay raise toward mid-career, noncommissioned officers and officers where retention is most critical. The Joint Chiefs testified that there is a pay gap between military and private sector wages of approximately 14 percent. This bill moves aggressively to close this gap and ensure military personnel are compensated in an equitable manner.

The bill provides military personnel who entered the service after July 1, 1986, the option to revert to the previous military retirement system that provided a 50-percent multiplier to their base pay averaged over their highest 3 years, and includes cost of living adjustments or to accept in the alternative a $30,000 bonus and remain under the Redux retirement system.

The Joint Chiefs testified that the Redux retirement system is responsible for an increasing number of mid-career military personnel deciding to leave the service. S. 4 will offer these highly trained personnel an attractive incentive to continue to serve a full career.

Now, Madam President, in total fairness on this, and to be very candid, there are differences of opinion on the manner in which this bill approaches the retirement system, both the 50 percent and the $30,000 bonus. General Shelton, in particular, has counseled me on several occasions in a very friendly and forthright way, expressing some of his concerns, and, indeed, he has written me on these points. So we are going to have to consider very carefully in the course of our floor deliberations here in the next few days exactly what those concerns are and is this bill drafted correctly.

Now, to continue, we will establish a thrift savings plan that will allow service members to save up to 50 percent of their base pay before taxes and will permit them to directly deposit their enlistment and reenlistment bonuses into their thrift savings plan.

In a separate section, the bill authorizes service Secretaries to match the thrift savings plan contributions of those service members serving in critical—and the operative word here is "critical"—specialties for a period of 6 years in return for a 6-year service commitment—those specialties, primarily high-tech specialties, which today are, in the job market, among the strongest committed to young people to come into the private sector. And the Department of Defense has to have a compensation package so that we can fairly compete with these offers from the private sector and to fairly treat those who have gone through this arduous period of technical training, to fairly treat them in recognition of their abilities in this high-tech arena. This is a powerful tool to assist the services in retaining key personnel in the most critical specialties.

Senator MCCAIN, on another part of this bill, was the key proponent of an initiative that would authorize a special subsistence allowance to assist the most needy junior military personnel who are eligible for food stamps under other programs. This allowance would provide those families an additional $180 a month and would reduce the number of military families on the food stamp rolls.

Now, that is an important initiative likewise that will require a good deal of deliberation on this floor because there are some concerns about it in the Department of Defense. But I think it is a bold initiative and we don't want, to the extent we can avoid it, to have the young men and women of the Armed Forces having to rely on food stamps to support their families.

During the markup of S. 4 in the Armed Services Committee, we incorporated several provisions from S. 169, a bill introduced by Senator CLELAND and cosponsored by the Democratic members of the committee. The committee agreed to include a series of provisions that will enhance the current Montgomery GI bill benefit. These enhancements will eliminate the $1,200 annual cost-share by service members, will increase educational benefits payments, will permit monthly benefit payments to be paid in a lump sum at the beginning of a semester or schoolterm, and, finally, will at the discretion of the service Secretary permit the service member to transfer educational benefits to his or her dependents. Now, Madam President, if the Senate will indulge me in just a personal recollection, I am privileged to stand here as a U.S. Senator from Virginia I think solely as a consequence of my very modest active duty in the closing months of World War II, and then once again during the Korean service. That modest service of active duty enabled me to have the GI bill, which gave me, first, my degree in general engineering, followed then, for service in the Korean conflict, by a degree in law. So this Senator wants to support in every way the same opportunities that were accorded to me, which enabled me to achieve the goals that I set for myself, for this next generation. So I salute Senator CLELAND and I hope we can find a means to finance this very important initiative by this extraordinary soldier, citizen, and now Senator from the great State of Georgia.

I want to make it clear to my colleagues that enhancing Montgomery GI bill benefits is a matter before the committee and we have so notified the committee. The Armed Services Committee included these legislative provisions, which were recommended in the recent report of the Commission on Service Members and Veterans Transition Assistance, because these increased benefits will certainly be strong incentives for continued military service. I am confident that Senator SPECTER and, indeed, Senator ROCKEFELLER and others will bring to the attention of the Senate in these few days of deliberation their views on this part of my bill.

When the Armed Services Committee reported S. 4 to the Senate, the CBO cost estimate was not available. I have now received the estimate for S. 4 from the Congressional Budget Office, and I ask unanimous consent that this last estimate be made part of the RECORD, together with an analysis made by our own staff which in many ways simplifies the comprehensive report of this important piece of work.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 12, 1999.

Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 4, the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 4—SOLDIERS', SAILORS', AIRMEN'S, AND MARINES' BILL OF RIGHTS ACT OF 1999

Summary: S. 4 would increase various elements of compensation for current and former members of the armed forces. Specifically, it would increase pay for military personnel, provide a special allowance for low-income members, increase retirement benefits for certain members, increase educational benefits, and allow members on active duty to participate in the Thrift Savings Plan.

Assuming appropriation of the necessary amounts, enactment of the bill would raise discretionary spending by about $1.1 billion in 2000 and $13.8 billion over the 2000–2004 period. In 2009, those costs would total about $6.5 billion. Because the increase in retirement benefits would apply only to members who entered the service after July 1986, annual costs would continue to rise for a few years after 2009. Additional benefits earned under the proposal between August 1, 1986, and the effective date would add about $4.5 billion to the unfunded liability of the military retirement trust fund.

Because the bill would affect direct spending and revenues, pay-as-you-go procedures would apply. Increased educational benefits and higher annuities for certain military retirees would increase direct spending by about $765 million a year over the 2000–2004 period. In 2009 direct spending costs would total about $2.6 billion. The annual direct spending costs for military retirement would eventually be about 11 percent higher than spending under current law. Greater use of education benefits under the bill would raise long-run costs by about $3 billion a year. By allowing servicemembers to participate in the Thrift Savings Plan, the bill would lower revenues by $311 million over the 2000–2004 period and about $141 million by 2009.

Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that are necessary for the national security. That exclusion might apply to the provisions of this bill. In any case, the bill contains no intergovernmental or private-sector mandates.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 4 is shown in Table 1, assuming that the bill will be enacted by October 1, 1999. Spending from the bill would fall under budget functions 700 (veterans' benefits and services), 050 (national defense), and 600 (income security).

TABLE 1.—ESTIMATED COSTS OF S. 4, AS REPORTED BY THE SENATE COMMITTEE ON ARMED SERVICES

[By fiscal year, in millions of dollars]

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
DIRECT SPENDING AND REVENUES										
Proposed Changes:										
Estimated Budget Authority	537	599	870	887	927	1,108	1,435	1,940	2,270	2,633
Estimated Outlays	537	599	870	887	927	1,108	1,435	1,940	2,270	2,633
Revenues	−10	−44	−67	−86	−103	−113	−120	−127	−134	−141
SPENDING SUBJECT TO APPROPRIATIONS										
Proposed Changes:										
Estimated Authorization Level	1,089	2,196	3,118	3,505	3,980	4,373	4,852	5,42[illegible]	5,952	6,548
Estimated Outlays	1,075	2,164	3,103	3,487	3,963	4,354	4,832	5,400	5,928	6,520

Basis of estimate: The budgetary impact of the bill would stem from three sets of provisions: those affecting military retirement programs, pay of current members, and veterans' education. Table 2 shows the costs of provisions affecting military pay and retirement benefits that would raise direct spending, lower revenues, and raise discretionary costs to the Department of Defense (DoD). Table 3 shows the increase in direct spending that would result from provisions raising veterans' education benefits.

TABLE 2.—ESTIMATED COSTS OF PROVISIONS AFFECTING MILITARY COMPENSATION IN S.4, AS REPORTED BY THE SENATE COMMITTEE ON ARMED SERVICES

[Outlays by fiscal year, in millions of dollars]

Category	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
SPENDING SUBJECT OF APPROPRIATION											
Spending Under Current Law for Military Personnel [1]	70,367	73,005	68,472	70,590	70,633	70,633	73,033	70,633	68,233	70,633	70,633
Proposed Changes:											
Retirement Benefits	0	674	862	1,437	1,453	1,541	1,550	1,597	1,709	1,760	1,767
Retention Initiative	0	2	7	15	23	28	31	33	35	37	39
Pay Increases	0	386	1,269	1,625	1,985	2,368	2,773	3,202	3,656	4,131	4,714
Subsistence Allowance	0	13	26	26	26	26	0	0	0	0	0
Subtotal	0	1,075	2,164	3,103	3,487	3,963	4,354	4,832	5,400	5,928	6,520
Spending Under S. 4 for Military Personnel [1]	70,367	74,080	70,636	73,693	74,120	74,596	77,387	74,465	73,633	76,561	77,153
DIRECT SPENDING											
Retirement Annuities											
Spending Under Current Law	31,935	32,884	33,887	34,871	34,956	37,026	38,125	39,233	40,360	41,500	42,657
Proposed Changes	0	1	1	2	2	3	3	5	25	66	125
Spending Under S. 4	31,935	32,885	33,888	34,873	35,958	37,029	38,128	39,238	40,385	41,566	42,782
Food Stamps											
Spending Under Current Law	20,730	21,399	22,431	23,251	23,913	24,629	25,303	26,005	26,715	27,426	28,152
Proposed Changes	0	−3	−5	−5	−5	−5	0	0	0	0	0
Spending Under S. 4	20,730	21,396	22,426	23,246	23,908	24,624	25,303	26,005	26,715	27,426	28,152
REVENUES											
Thrift Savings Plan	0	−10	−44	−67	−86	−103	−113	−120	−127	−134	−141

[1] The 1999 level is the estimated spending from amounts appropriated for 1999 and prior years. The current law amounts for 2000–2009 assume that appropriations remain at the 1999 Level. If they are adjusted for inflation, the base amounts would rise by about $2,500 million per year, but the estimated changes would remain as shown.

Sources: Congressional Budget Office and Joint Committee on Taxation.

Retirement benefits

S. 4 contains provisions that would allow current members to participate in the Thrift Savings Plan and increase retirement benefits for members who entered the service after July 31, 1986, and are covered under the system known as REDUX.

Background. The Military Retirement Reform Act of 1986 (REDUX) governs the retirement of military personnel who initially entered the armed forces after July 31, 1986. Under REDUX a retiree's initial annuity ranges from 40 percent to 75 percent of the individual's highest three years of basic pay. Retirees with 20 years of service will receive 40 percent, and the fraction will grow with each additional year of service and reach the maximum at 30 years of service. When the retiree is 62 years old, the annuity is raised in most cases to equal 2.5 percent of the average of the highest 36 months of basic pay for each year of service up to maximum of 75 percent. Also, under REDUX cost-of-living adjustments (COLAs) equal the change in the Consumer Price Index (CPI) less 1 percentage point. However, when the retiree reaches age 62 the annuity is raised to reflect all of the CPI growth until that point, but thereafter annual COLAs continue to equal the CPI less one percentage point.

Current law provides two different formulas for other individuals who become eligible for nondisability retirement benefit but are not covered by REDUX. Military personnel who first became members of the armed forces before September 8, 1980, receive retired pay equal to a multiple of their highest amount of basic pay; the multiple is 2.5 percent for every year of service up to 75 percent. Retirees who first became members of the armed forces between September 8, 1980, and July 31, 1986, receive retired pay based on the average of the highest 36 months of basic pay and the multiplier of 2.5 percent for each year of service. Annuities for both of these groups are fully adjusted for changes in the CPI.

Repeal of REDUX/Optional Lump-Sum Bonus. Under section 201, members who under current law would retire under REDUX would face a choice upon reaching 15 years of service. They could elect to receive a lump-sum bonus of $30,000 and retire under the REDUX plan or they could forgo that payment and upon retirement receive annuities under the plan in effect for retirees who first became members of the armed forces between September 8, 1980, and July 31, 1986. CBO estimates that total costs to DoD under the provision would total about $674 million in 2000 and average about $1.4 billion a year through 2009.

Accrual Costs. Prior to 2009 the primary budgetary impact would stem from the payments that DoD would make to the military retirement trust fund. The military retirement system is financed in part by payments from appropriated funds to the military retirement trust fund based on an estimate of the system's accruing liabilities. Repealing REDUX would increase payments from the military personnel accounts to the military retirement fund (a DoD outlay in budget function 050) to finance the increased liability to the fund resulting from additional years of service under a more generous system.

CBO estimates that the resulting increase in discretionary spending from the accrual payments would average about $0.8 billion by 2004 and about $1.0 billion over the next 10 years. The costs to DoD would increase each year because not all military personnel are covered by REDUX. Under current law the percentage of the force covered by REDUX will grow until everyone in the force will have entered military service after July 31, 1986.

Accrual costs depend on many factors, including endstrengths, projected years of service at the time of retirement, grade structure or salary history, and projected rates of military pay raises, inflation, and interest rates. CBO's assumptions are consistent with the ones used recently by DoD's actuaries. The estimates also assume that in the long run annual pay raises are 4.0 percent, changes in the CPI are 3.5 percent a year, and interest rates for the trust fund's holdings of Treasury securities are 6.5 percent annually. CBO's assumptions about how many individuals would choose lump-sum payments instead of a higher retirement annuity are explained in the following paragraph.

Lump-sum Payments. In addition, CBO estimates that DoD would spend about $500 million a year for the lump-sum payments, assuming that 50 percent of enlisted personnel and about 40 percent of officers would elect to receive the lower annuity in retirement. That estimate is based on DoD's experience under two buy-out programs in recent years. The Voluntary Separation Incentive (VSI) and the Special Separation Benefit (SSB) were two programs that DoD used extensively during the 1992–1996 period. VSI was a payment over a period of years, and SSB was a lump-sum payment that had a lower present value than VSI. About 86 percent of enlisted personnel selected SSB, and about half of the officers did. Because the present value of forgoing the annuity reduction under REDUX is significantly greater than $30,000 and because that difference tends to be greater than the difference between VSI and SSB, CBO assumes that smaller fractions of officers and enlisted personnel would opt for the lump-sum payment than chose SSB. The members who would be affected by this provision entered service in 1986; thus, they would not be eligible for the lump-sum payment until 2001.

Direct Spending Under Section 201. Section 201 would also increase direct spending from the military retirement trust fund by $1 million in 2000 and by about $233 million over the 2000–2009 period. The outlay impact before 2006 is primarily due to higher cost-of-living allowances for individuals who receive a disability annuity. Starting in 2006 the impact is almost all due to regular retirements. In the long run, direct spending for military retirement would be about 11 percent higher than under current law.

Thrift Savings Plan. Section 202 would allow members of the uniformed services on active duty for a period of more than 30 days to participate in the Thrift Savings Plan (TSP). Contributions would be capped at 5.0

percent of basic pay plus any part of special or incentive pay that a member receives. The Joint Committee on Taxation estimates that the revenue loss caused by deferred income tax payments would total $10 million in 2000, $103 million in 2004, and about $141 million by 2009.

Special Retention Initiative. Under section 203, the Secretary of Defense could make additional contributions to TSP for military personnel in designated occupational specialties or as part of an agreement for an extended term of service. CBO estimates that the discretionary costs from the resulting agency contributions to TSP would total $2 million in 2000 and would increase to $28 million by 2004, based on DoD's use of similar authority to award bonuses for enlistment or reenlistment.

Compensation of military personnel

S. 4 contains two sets of provisions that would affect compensation for those currently serving in the military. One would increase annual pay raises and change the table governing pay according to grade and years of service. The other would increase compensation to members who would otherwise be eligible for food stamps.

Pay Increases. Sections 101 and 102 contain provisions that would provide across-the-board and targeted pay raises. Across-the-board pay raises would be a total of 4.8 percent in 2000 and 0.5 percent above the Employment Cost Index (ECI) in future years. Because those raises would be 0.5 percent above the full ECI raise called for in current law, CBO estimates that incremental cost would be about $197 million in 2000 and average about $1.7 billion over the 2000–2009 period. The estimate is based on current projections of military strength levels and its distribution by pay grade.

Additional pay raises would be targeted at personnel in specific grades and with certain years of service. The changes to the military pay table would increase basic pay by about $189 million in 2000 and an average of about $860 million annually over the 2000–2009 period, based on the pay schedule and pay raises specified in the bill as well as current projections of military strength levels and its distribution by pay grade.

Special Subsistence Allowance. Section 103 would create a new allowance through 2004 for military personnel who qualify for food stamps. Eligibility for the allowance would terminate if the member no longer qualified for food stamps due to promotions, pay increases, or transfer to a different duty station. In addition, a member would not be eligible for the allowance after receiving it for 12 consecutive months, although they would be able to reapply. CBO estimates that the allowance would increase personnel costs by roughly $13 million in 2000 and $26 million annually through 2004, based on information from DoD on the number of military personnel who currently receive food stamps.

CBO estimates that most of the 11,000 personnel in grades E–5 or below will remain on food stamps and apply for the special subsistence allowance. However, the additional $180 of monthly income would replace the average household's monthly food stamp benefit by $54, resulting in savings of about $7 million each year in the Food Stamp program over the 2001–2004 period. The special subsistence allowance might also serve as an incentive for eligible but nonparticipating military personnel to apply for food stamps. CBO estimated that 1,500 additional service members who participate in the Food Stamp program in an average month at an annual cost of $2 million. Thus, this provision is estimated to result in a net savings to the Food Stamp program of $3 million in 2000 and $5 million each year over the 2001–2004 period.

Veterans' readjustment benefits

As shown in Table 3, the bill contains four provisions that would raise direct spending for veterans' readjustment benefits, specifically the Montgomery GI Bill (MGIB).

Rates of Assistance. Section 301 would raise the rate of educational assistance to certain veterans with service on active duty. Participating veterans who served at least three years on active duty would receive as much as $600 a month instead of $528 a month as under current law. Similar veterans with at least two years of active duty would be eligible for a maximum benefit of $488 a month, an increase of $59 dollars a month. Under section 301, the cost-of-living allowance scheduled for 2000 would not occur. CBO estimates that this provision would increase direct spending by over $100 million a year over the next 10 years, based on current rates of participation in this program.

Termination of Member Contributions. Section 302 would eliminate the contribution that MGIB participants pay under current law. Unless members elect not to participate in the MGIB, current law requires a contribution of $1,200 toward the program. Based on current rates of participation, which is nearly universal, CBO estimates that this provision would result in forgone receipts of about $195 million a year.

Accelerated Payments. Section 303 would permit veterans to receive a lump-sum payment for benefits they would receive monthly over the term of their training, for example, a semester in college or the period of a course's instruction for other forms of training. CBO estimates that this provision would increase direct spending in 2000 by about $134 million and by about $27 million in 2001. Increased costs would occur initially as payments from one fiscal year are made in the preceding year. There would be no net effect in subsequent years because in a given year payments shifted to the preceding year would be offset by payments shifted from the following year. CBO estimates that about 50 percent of MGIB beneficiaries would elect to receive an accelerated payment in 2000 and that a total of 60 percent would make that election in 2001 and later years. The estimate is also based on current rates of participation in this program.

TABLE 3.—ESTIMATED COSTS OF PROVISIONS AFFECTING VETERANS' READJUSTMENT BENEFITS IN S. 4, AS REPORTED BY THE SENATE COMMITTEE ON ARMED SERVICES

[Outlays by fiscal year, in millions of dollars]

Category	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
DIRECT SPENDING											
Spending Under Current Law for Veterans' Readjustment Benefits	1,374	1,366	1,372	1,385	1,397	1,400	1,405	1,411	1,424	1,446	1,472
Proposed Changes:											
Rates of Assistance	0	98	100	101	103	104	105	106	108	110	113
Member Contributions	0	197	195	195	195	195	195	195	195	195	195
Accelerated Payments	0	134	27	0	0	0	0	0	0	0	0
Transfer of Entitlement	0	110	281	577	592	630	805	1,129	1,612	1,899	2,200
Subtotal—Proposed Changes	0	539	603	873	890	929	1,105	1,430	1,915	2,204	2,508
Spending Under S. 4 for Veterans' Readjustment Benefits	1,374	1,905	1,975	2,258	2,287	2,329	2,510	2,841	3,339	3,650	3,980

Transfer of Entitlement. Section 304 would provide DoD with the authority to allow military personnel to transfer their entitlement to MGIB benefits to any combination of spouse and children. CBO expects that DoD would use the authority in 2000 to enhance recruiting and retention and that the benefit would be limited to current members of the armed forces and those who might join for the first time. Over the first five years almost all of the estimated costs would stem from transfers to spouses, who would tend to train on a part-time basis. Transfers to members' children are estimated to begin in 2004, and spending for children's education would account for more than half of the program's cost beginning in 2006. CBO estimates that the provision would raise costs by about $110 million in 2000, about $2.2 billion over the first five years, and about $9.8 billion over the 2000–2009 period. In the long run, costs would rise to about $3 billion a year. If the benefit were awarded to current veterans. CBO estimates that the costs would be a couple of billion dollars higher over the 2000–2009 period.

CBO assumes that about 35 percent of all MGIB participants would transfer their entitlement to their spouses and children. Currently, about half of all MGIB participants do not use their benefits, thus about 70 percent of the remaining half are expected to transfer it. CBO estimates that about a third of the transfers would be to spouses and that eventually about 200,000 spouses each year would receive a benefit for part-time training, averaging about $2,700 in fiscal year 2000. CBO estimates that in the long run over 500,000 children of members or former members would use the educational assistance each year but that level would not be reached until about 2013. Full-time students would receive about $5,400 in 2000 under the bill.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal years, in millions of dollars—										
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Changes in outlays	0	537	599	870	887	927	1,108	1,435	1,940	2,270	2,633
Changes in receipts	0	− 10	− 44	− 67	− 86	− 103	− 113	− 120	− 127	− 134	− 141

Intergovernmental and private-sector impact: Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that are necessary for the national security. That exclusion might apply to the provisions of this bill. In any case, the bill contains no intergovernmental or private-sector mandates.

Previous CBO estimate: On September 28, 1998, CBO prepared a cost estimate for a proposal to repeal the Military Retirement Reform Act of 1986 (REDUX). This estimate relies on many of the same actuarial assumptions, models, and estimates from the Office of the Actuary at DoD that CBO used in the earlier estimate. However, this estimate also reflects the provisions of S. 4 that would offer certain members an option to stay under the REDUX system and that would raise the pay base applicable to computing the costs of military retirement.

Estimate prepared by: Federal Cost: The estimates for defense programs were prepared by Jeannette Deshong (military and civilian personnel) and Dawn Sauter (Military retirement and veterans' benefits). They can be reached at 226–2840. Valerie Baxter prepared the estimates for food stamps. She can be reached at 226–2820. Impact on State, Local, and Tribal Governments: Leo Lex (225–3220). Impact on the Private Sector: R. William Thomas (226–2900).

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

THE COST OF S. 4

MAJOR POINTS

Majority of the discretionary incremental increase in S. 4 over the Administration's plan is due to the larger pay raises after FY 00, (4.4% in S. 4 versus 3.9% in the budget request).

Direct spending in S. 4 is attributable to changes in the Montgomery GI Bill (MGIB).

Revenue loss in S. 4 is due to the institution of a military Thrift Savings Plan (TSP).

The direct spending and the loss of revenues makes S. 4 subject to a budget point of order.

Background. The Congressional Budget Office (CBO) has provided a cost estimate of S. 4, The Soldiers' Sailors', Airmen's and Marines' Bill of Rights Act of 1999 and the cost for the Administration's pay raise and retirement plan. In developing the cost of the Administration's plan, CBO used two different sets of economic assumptions, making a direct comparison to S. 4 difficult. One cost estimate developed by CBO, costs the Administration's plan using lower ECIs than what is currently reflected in the budget request (this plan is listed as CBO's ECIs). The second cost estimate of the Administration's plan reflects the budget request (this plan is listed as OMB's ECIs). The basic difference between the two CBO estimates is the size of the military pay raise after fiscal year 2000. Currently, the fiscal year 2000 defense budget request programs future raises at 3.9%. CBO believes that an ECI in the future will be lower and this could lower future pay raises to 3.2%.

Using the pay raise that is currently in the budget request (3.9%), provides for a more direct comparison to S. 4. If ECIs are lowered in the future, subsequent budget requests will reflect this new economic assumption. Summary of the costs for the Administration's plan and S. 4 are below. More detailed CBO cost estimates are attached.

[In billions of dollars]

	FY00	FYDP	FY 00–09
S. 4:			
Discretionary Spending	1.075	18.146	40.826
Direct Spending	.537	4.928	13.206
Loss of Revenues	(.010)	(.423)	(.522)
Administration's Plan (OMB ECI):			
Discretionary Spending	1.497	15.764	35.767
Direct Spending	.001	.008	.351
Loss of Revenues	NA	NA	NA
Administration's Plan (CBO ECI):			
Directionary Spending	1.497	13.889	24.281
Direct Spending	.001	.008	.351
Loss of Revenues	NA	NA	NA
S. 4 vs Administration's Plan (OMB ECI):			
Discretionary Spending	(.422)	2.382	5.059
Direct Spending	.536	4.920	8.147
Loss of Revenues	(.010)	(.423)	(.522)

Mr. WARNER. Madam President, the CBO estimates that enactment of S. 4 will raise discretionary spending by about $1.1 billion in fiscal year 2000 and $13.8 billion over the 2000–2004 time period. There are, of course, direct spending and forgone tax revenue issues that we will have to overcome. I have been working with Senator DOMENICI, Senator STEVENS, and others to address these issues in the budget resolution and the defense authorization bill, which are ongoing deliberations.

The important perspective to consider here is that, even though this bill is expensive, the alternative is unacceptable. I wish to stress that: The alternative is unacceptable. We, simply, as a nation—the leader of the world, with the strongest and the largest armed force of any nation in the world, an armed force which is deployed overseas, now, in many places, preserving freedom and trying to secure freedom for others—we simply cannot allow the best military force in the world to wither and atrophy. We must be prepared to pay the price in dollars to fulfill our constitutional duties "To raise and support Armies," and "To provide and maintain a Navy." As I and other Members of the Senate—and that is of course taken from the Constitution. And subsequent thereto we have the Air Force, and of course the Marines have been with us forever, but that is the wording out of the Constitution.

As I and the other Members of the Senate have visited military bases here in the United States, in Bosnia, and in other deployment areas, we have found that our young service men and women and their families are doing a tremendous job, under adverse conditions in many cases—tremendous stress on the family—and how proud we are, particularly of the many wives and others in the families who make this system work. It is a family matter.

In order to demonstrate to these highly trained and dedicated military personnel that we appreciate their sacrifices and contributions, we must move quickly to pass this legislation. Such action will permit military personnel and their families to make the decision, hopefully, to continue to serve and will assist the military services in recruiting the high-quality force we have worked so hard to achieve. And that means front-end acquisition at the recruiting stations.

I am proud to be a cosponsor of this important legislation and again salute those of my colleagues who were the early pioneers—Senators LOTT, MCCAIN, ROBERTS, and others—and I am proud to join with them today in presenting this bill to the Senate.

Also, Madam President, I want to bring to the attention of the Senate a very important letter which arrived here just late Friday from the Secretary of Defense. I ask unanimous consent to have this printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF DEFENSE,
Washington, DC, February 19, 1999.
Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR JOHN: I am following up on the comments General Shelton and I made concerning S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999 during our posture hearing before your committee. First, let me thank you for your early action to endorse the President's initiative to improve compensation for our military personnel. I fully appreciate the desire of the Committee to take the lead for the Senate on these important matters. Unfortunately, there are a number of elements of the bill which cause concern and the Department has not had an opportunity to testify on this bill and outline concerns. So I am taking this opportunity to present to you our reservations.

Again, let me emphasize that I sincerely appreciate your endorsing key elements of the Department's proposal, including: (1) a large across-the-board pay raise increase for military service members; (2) substantial increases in retirement benefits, such that all members can receive a retirement pay that is 50% of their average high salary at 20 years, vice 40% for many members; and (3) reform of the military pay tables, including increased raises for promotions. I especially appreciate your endorsement of pay table reform which more than anything will correct pay inequities. These three items are fully funded in the defense budget I submitted last month.

S. 4 proposes even larger pay raises, higher cost-of-living adjustments, and other items which are not in the budget I submitted. I estimate that these additional items will cost $7 billion in discretionary funding through FY2005. I am concerned that until there is a budget resolution that sets the defense budget level, this bill constitutes an unfunded requirement on the Department. Absent an increase in the topline for Defense, these items will only displace other key elements of our program. It could be counterproductive and completely contrary to our mutual desire not to undercut our modernization effort and other readiness priorities. For these reasons, it is imperative to proceed within the regular authorization process and after we have agreement on a budget topline.

S. 4 also contains expanded education benefits for veterans and their dependents that would incur costs in addition to the $7 billion noted above. These benefit proposals stem in part from the just-released Report of the Congressional Commission on Servicemembers and Veterans Transition Assistance. The Department was not asked to testify before the Senate Armed Services committee on S. 4 and the Senate Veterans Affairs Committee held only one hearing on the commission's report. As the Department had only a limited opportunity to review and comment on the commission's recommendations, I believe that the commission's significant policy changes contained in S. 4 warrant additional study. Implementing these expanded levels would equate to a 36% increase before inflation within one year. I believe the impact of last year's increases should be considered before enacting further changes.

I appreciate the Committee's intent to address the legitimate needs of servicemembers regarding pay and retirement. However, I am concerned that S. 4 could have the opposite effect by raising hopes that cannot be fulfilled until the final budget number is set. Resolving these questions within the normal authorization and budget processes is by far the most desirable approach.

Sincerely,

BILL COHEN.

Mr. WARNER. "Dear John," writes our former colleague Senator COHEN,

I am following up on the comments General Shelton and I made concerning S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999 during our posture hearing before your committee. First, let me thank you for your early action to endorse the President's initiative to improve compensation for our military personnel. I fully appreciate the desire of the Committee to take the lead for the Senate on these important matters. Unfortunately, there are a number of elements of the bill which cause concern and the Department has not had an opportunity to testify on this bill and outline our concerns. So I am taking this opportunity to present to you our reservations.

On the question of the opportunity to testify, of course we had the two hearings, one in September and again this January, so there was a great deal of testimony that was used directly in formulating this bill. However, the subcommittee, under the distinguished chairman Senator ALLARD, will be meeting this week to take up further hearings on the bill.

Again, let me emphasize that I sincerely appreciate your endorsing key elements of the Department's proposal, including: (1) a large across-the-board pay raise increase for military service members; (2) substantial increases in retirement benefits, such that all members can receive a retirement pay that is 50% of their average high salary at 20 years, vice 40% for many members; and (3) reform of the military pay tables, including increased raises for promotions, I especially appreciate your endorsement of pay table reform which more than anything will correct pay inequities. These three items are fully funded in the defense budget I submitted last month.

S. 4 proposes even larger pay raises, higher cost-of-living adjustments, and other items which are not in the budget I submitted. I estimate that these additional items will cost $7 billion in discretionary funding through FY2005. I am concerned that until there is a budget resolution that sets the defense budget level, this bill constitutes an unfunded requirement on the Department. Absent an increase in the topline for Defense, these items will only displace other key elements of our program. It could be counterproductive and completely contrary to our mutual desire not to undercut our modernization effort and other readiness priorities. For these reasons, it is imperative to proceed within the regular authorization process and after we have agreement on a budget topline.

That is constructive criticism, but at the same time I think it is very important, and again I commend our leadership, that we lay this bill down today to send a signal to the men and women of the Armed Services that the U.S. Senate on the first bill, really, to be taken up in this new Congress—that is the type of priority that we attach their pay, retirement, and other benefits.

S. 4 also contains expanded education benefits for veterans and their dependents that would incur costs in addition to the $7 billion noted above. These benefit proposals stem in part from the just-released Report of the Congressional Commission on Servicemembers and Veterans Transition Assistance. The Department was not asked to testify before the Senate Armed Services Committee on S. 4 and the Senate Veterans Affairs Committee held only one hearing on the commission's report. As the Department had only a limited opportunity to review and comment on the commission's recommendations, I believe that the commission's significant policy changes contained in S. 4 warrant additional study.

I assure my good friend, Secretary Cohen, that study is ongoing and will be thoroughly debated here in the coming days.

Implementing these expanded levels would equate to a 36% increase before inflation within one year. I believe the impact of last year's increases should be considered before enacting further changes.

I appreciate the Commission's intent to address the legitimate needs of servicemembers regarding pay and retirement. However, I am concerned that S. 4 could have the opposite effect by raising hopes that cannot be fulfilled until the final budget number is set. Resolving these questions within the normal authorization and budget processes is by far the most desirable approach.

I can respect that viewpoint from our good friend, our recently departed colleague. But nevertheless, we are going to forge ahead and do our very best to achieve the basic goals for which he, I think, very courteously applauds us as a committee and those Members who have worked on it.

Madam President, following his letter, I would like to put in a letter by the military coalition which, again, draws the debate lines on these several points that I have raised. I will perhaps refer to this later, but at this time, I want to yield the floor so my distinguished colleague can give his remarks.

PRIVILEGE OF THE FLOOR

Madam President, I ask unanimous consent that the staff members of the Committee on Armed Services, appearing on the list which is appended hereto, be extended the privilege of the floor during the consideration of S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, Members of this body are keenly aware of the demands we place on our troops, the circumstances in which they live and work and the fact we often pay them less and expect them to do far more than employers in the private sector.

I commend Secretary Cohen, General Shelton, and the Joint Chiefs of Staff for recognizing that military recruitment and retention has begun to suffer and for acting forcefully to address this problem.

The fiscal year 2000 defense budget includes funding for an across-the-board increase in military salaries, targeted pay raises to better reward performance, and a change to the military retirement system to place service members who entered after 1986 on a footing more comparable to those who entered the service at an earlier date. These changes should help provide fairer compensation to our men and women in uniform, and we should act together to enact them into law.

The bill before us contains provisions similar to those proposed by Secretary Cohen's budget, but there are several ways in which the benefits offered by S. 4 are even more generous. It includes the following: First, the administration proposal contains a 4.4-percent across-the-board pay increase. S. 4 contains a 4.8-percent pay raise.

Second, the administration budget assumes, but does not require, pay raises of 3.9 percent a year for the remainder of the FYDP. S. 4 mandates in permanent law raises of .5 percent more than the employment cost index.

Third, the administration proposal would restore the same 50 percent of base pay for post-1986 retirees as for pre-1986 retirees. S. 4 would provide the same change while also restoring the more generous pre-1986 full CPI COLAs. Under S. 4, post-1986 retirees could accept a one-time, lump-sum payment of $30,000 and opt out of this generous retirement system.

Fourth, S. 4 authorizes active duty service members to participate in the Thrift Savings Plan for Federal employees. The administration proposal contained no similar provision.

Fifth, S. 4 contains a special allowance for service members who are eligible to receive food stamps. The administration proposal contained no similar provision.

And sixth, S. 4 contains provisions first proposed by Senator CLELAND and consistent with the recommendations of the Congressional Commission on Service Members and Veterans Transition Assistance to improve the educational benefits provided to service members through the GI bill. The administration proposal contained no similar provision.

I have some concerns about a number of these provisions, but there is little doubt that they would substantially improve the pay and benefits available to members of the Armed Forces. The GI bill provisions, in particular, should provide substantial incentives to help address the current recruiting and retention problems facing the military services, while offering our men and women in uniform an educational opportunity in the proudest tradition of our country.

For this reason, I agree with the sponsors of the bill that we should do what we can to make these benefits a reality. So on that question, I hope there is no Member of this body, and I know there is no member of the Armed Services Committee not in agreement that we should do what we can to make these benefits in S. 4 a reality.

But the question is, How can we best make that happen. Do we best serve the interests of the troops by bringing this bill to the floor for consideration before we have passed a budget resolution and before we know whether money will be available to pay for this bill? Do we best serve our troops by separating the pay and the benefits issues from the rest of the authorization, even if that can force us to delay improvements in living and working conditions, and even if that forces us to postpone the introduction of new equipment? Or would we better serve the interest of our troops by considering the provisions of this bill in our normal authorization process after the budget resolution has been passed and we have had an opportunity to conduct hearings on the specifics of the proposal in our Personnel Subcommittee?

Madam President, I want to alert my colleagues that regardless of whether we pass this bill now or later, we will have to face up to some significant issues down the road. Our military leaders have told us that they want us to change the military retirement system, but the proposals in S. 4 are very different from their proposal. Indeed, Secretary Cohen and General Shelton recently testified that they would support the added benefits in this bill only if—and I emphasize only if—they are paid for without cutting into other defense programs. At this point in the legislative cycle, before we have agreed upon a budget, we cannot give them that assurance, and we cannot give our troops that assurance.

For this reason, the Secretary of Defense wrote the committee last Friday to express strong concerns about whether this bill could be paid for without an adverse impact on national defense. My good friend, Senator WARNER, has read the letter, but I am just going to focus on a couple of paragraphs in that letter because of Secretary Cohen's concerns about whether this bill could be paid for without an adverse impact on the national defense.

Here is what Secretary Cohen wrote in part:

> S. 4 proposes even larger pay raises, higher cost-of-living adjustments, and other items which are not in the budget I submitted. I estimate that these . . . items will cost $7 billion in discretionary funding through FY2005. I am concerned that until there is a budget resolution that sets the defense budget level, this bill constitutes an unfunded requirement on the Department. Absent an increase in the topline for Defense, these items will only displace other key elements of our program. It could be counterproductive and completely contrary to our mutual desire not to undercut our modernization effort and other readiness priorities. For these reasons, it is imperative to proceed within the regular authorization process and after we have agreement on a budget topline.

And further on, Secretary Cohen said the following:

> I appreciate the committee's intent to address the legitimate needs of servicemembers regarding pay and retirement. However, I am concerned that S. 4 could have the opposite effect by raising hopes that cannot be fulfilled until the final budget number is set. Resolving these questions within the normal authorization and budget processes is by far the most desirable approach.

Madam President, this is an expensive bill. The Congressional Budget Office estimates that the enhanced pay in benefits provided for in S. 4 will cost almost $12 billion more than the administration proposal over the next 6 years. The increases over the President's budget include added costs of $5.6 billion for the more generous pay raises in the bill, $1.2 billion for the enhanced retirement and Thrift Savings Plan provisions, $100 million for the special subsistence allowance, and $4.9 billion for the new GI bill provisions.

For several reasons, it would appear possible that these estimates may be understated.

First, the CBO estimate assumes that 50 percent of the enlisted personnel and about 40 percent of officers would elect to receive a $30,000 lump-sum bonus in lieu of a higher annuity in retirement. However, the Chairman of the Joint Chiefs of Staff has raised serious concerns about the $30,000 buyout, and testified that the Chiefs will recommend that the troops opt instead for the more expensive retirement annuity.

Second, while the current law governing military pay raises includes a discretionary formula, setting the COLA at .5 percent below the rate of inflation, allowing the President to take into account a broad array of factors, this bill would establish a mandatory COLA at .5 percent above the rate of inflation forever. The CBO estimate addresses the change in the anticipated formula, but because CBO estimates are limited to a narrow budget window, that estimate does not address the added cost to the pay raise that goes on without any time limit whatsoever.

And third, and finally, if Congress stands by the historic concept of pay equity and provides annual pay increases for civilian employees of the Federal Government equal to those proposed in this bill for members of the military services, the Department of Defense would face a substantial bill for increased civilian pay as well; and, of course, our overall budget outside of the Department of Defense would also have a substantial bill for increased civilian pay as well.

Madam President, little consideration appears to have been given to how we will pay for these increased benefits. At least three 60-vote points of order could be made against this bill under the provisions of the Budget Act—because it would exceed mandatory spending allocations, it would reduce revenues, and it would increase the deficit. That stark fact should demonstrate that we are considering this bill outside the normal legislative cycle. There could be serious consequences to acting on a major spending authorization for fiscal year 2000 and beyond separate from the authorization bill of which it is a part and before we have even considered the budget resolution for fiscal year 2000.

Do we intend to revise the budget agreement to pay for this bill? If so, where will the money come from? Will we take it out of surplus? Or will we make some as yet unspecified cuts in the already tight budget for domestic programs to pay for it? At this early point in the legislative cycle, we simply do not know. We can only say that unlike the administration's pay and retirement proposal, which was fully paid for in the President's budget, this bill represents a promise to the troops that may or may not be possible to redeem.

If the defense budget is not substantially increased, and if the bill before us is adopted by the House and becomes law, we would need to cut the readiness and modernization accounts to offset the costs of this bill. As the Secretary of Defense has pointed out, such cuts coming at a time when our senior military leadership have already expressed concerns about our readiness could have a serious impact on our national security. For this reason, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff stated that they would support the increased benefits contained in the bill only if the additional money does not come out of other defense programs.

Now that is really the key to this. Will these benefits, which we all would like to see put in place, come from other defense programs or will there be a new budget agreement? We do not know. We should know before we act on this bill; but we are not going to know. This bill comes to the floor without knowing the answer to that critical question: whether or not these benefits are going to come out of other defense programs or whether there will be a new budget agreement which lifts the cap for defense.

When Secretary Cohen and General Shelton testified before the Armed Services Committee on February 3, the Secretary stated that any further increases to military pay and benefits should be considered in conjunction with the defense authorization bill. And here is what the Secretary said:

> [W]e do have to propose this as a package, because if we raise expectations unrealistically and we cannot fulfill them we have done a disservice to our troops. Secondly, if we are going to take it out of the readiness accounts and procurement, we have also done a disservice. So the package that we have put together we think makes sense and we hope that any variation will be paid for, period.

That is pretty stark and pretty succinct. It comes from our top military leadership that "we hope that any variation will be paid for, period." The increases in this bill above the increases in the President's budget are not paid for in this bill. The Secretary of Defense says, "we hope that any variation will be paid for, period."

Now, we are not doing the troops a favor if we say that we are going to increase their benefits but then do not follow through with the appropriation that is necessary to increase their benefits. I do not think there is a member of the Armed Services Committee or a Member of this body who does not believe we should increase the benefits as much as we can to our troops. They deserve it. But we are doing this in a vacuum, separate from the defense authorization bill. And that opens the possibility that we would be passing a bill which says we will give you these extra benefits but then down the line when it comes to an appropriations process or a budget process there is no added funds for defense, and then either these benefits are not funded later on, which would be terrible after we promised them, or we will take the increase out of readiness or modernization or out of housing or some other needed aspect of our defense budget.

So I believe that every Member of this body would like to support the improved pay and benefits that would be afforded to our men and women in uniform by this bill. And the question is not whether this additional step is a desirable one—it is—but we should take it only if we can pay for it. And we have to know whether or not we are going to be able to pay for it or else we could be doing damage to morale instead of increasing the needed benefits for our troops.

So, for this reason, I may offer an amendment at an appropriate time to express the sense of the Senate that the provisions of this bill are subject to further consideration in the authorization and the appropriation process, after we have agreed on a budget resolution and a determination can then be made whether sufficient funds are available to pay for the bill and a sufficient determination could be made as to what impact those changes will have, if any, on needed readiness and modernization programs in the Department of Defense.

I believe that approach would give us an opportunity both to do what this bill does, which is to send an early message to the troops, which the sponsors of the bill have suggested, while at the same time demonstrating some care and some caution by indicating, consistent with the request from the Secretary of Defense, which is now in the RECORD, that the bill will receive further consideration as part of this year's defense authorization bill, after we have passed a budget and after we know how much money will be available for national defense.

Madam President, I yield the floor, and I thank the Chair.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I think the argument has been framed. My friend and colleague points up his desire to follow the procedures that he and I followed for 21 years as a member of the Armed Services Committee. But, Madam President, I accept responsibility for bringing up this bill early and encouraging our leadership to give me their support. And here is the reason. Let me just give you one example of the problems we are seeing in our military today.

During fiscal year 1998, the military lost 1,641 more pilots than they expected.

They very carefully planned for a certain amount of attrition through retirements at the end of 20 years—or whenever it may be—and for those persons who decided not to make the military a career, it was time to accept other challenges. Those figures show you have to retain a certain percentage in each of those key pay grades of pilots in order to keep the airplane flying, in order to fulfill the missions abroad. President Clinton has sent the men and women of the Armed Forces of the United States abroad more than any other President in the history of this great Nation. We need these people, particularly the airmen. We are 1,641 airmen short.

Let's translate that into dollars. The average cost to train a military pilot is about $5.8 million. To replace 1,600 pilots will cost the Department of Defense over $9 billion—repeat, $9 billion. If the enhanced benefits within this bill—the subject of criticism by my colleague—can reduce the unprogrammed losses of pilots by even one-third, we will have more than made up for the additional costs of S. 4 compared to what the Department of Defense bill sent up. There is an example.

If you need one more, it is right here. Last year, the Army missed the recruiting goals by about 800. The Navy missed their recruiting goals by 7,000. So far this year, the Army has failed to meet the first quarter of this new fiscal year goals by 2,500. According to the Army's own estimates, they will in 1999—unless this bill and other signals that we send change the course—they will in 1999 have 10,000 fewer recruits than what they need to man the forces all over the world.

What does that mean, Madam President? That means that some soldier must stay that added time overseas on an assignment, away from his family, or be recalled from his assignment here in the United States to go overseas and replace another, more often than he or she ever anticipated. As a result, these people are getting out of the middle pay grades and the youngsters aren't coming in.

I will take responsibility for bringing up this bill. I will take responsibility for going in for the high figures for this pay increase. Yes, we will accept that, because in any negotiation that I have to undertake with the chairman of the Appropriations Committee and the chairman of the Budget Committee, I want to go in with a top figure, hoping I can do better than what the administration came up with in their pieces of legislation.

These are the problems we are facing, the real problems—shortfalls, shortfalls, shortfalls—resulting in loss of time with family, fewer skills, and the inability to attract and find young men and women to come into the services.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I agree with my good friend from Virginia in terms of the need to both attract and retain people. It is also important that we pay for the benefits in this bill.

We are not doing anybody a favor if we say we are going to increase the pay, and then we cut their housing. We are not doing anybody a favor if we say there will be an added pay increase to what the President proposes, and then cut flying hours and steaming hours so that people don't have the training that they want as members of the military.

I don't know of anybody who is more keenly aware of the need to both recruit and retain people than our Secretary of Defense. I can't think of anybody other than the Chairman of the

Joint Chiefs and the Joint Chiefs themselves who are more keenly aware of these shortfalls. That is why we have these increases in the President's budget. But the Secretary of Defense, who is responsible for increasing recruitment and retention, has proposed a budget to us which he believes will do just that. He says in his letter to both the chairman and to me:

> . . . it is imperative to proceed within the regular authorization process and after we have agreement on a budget topline.

The reason he said that is because, "It could be counterproductive and completely contrary to our mutual desire not to undercut our modernization effort and other readiness priorities" to do otherwise.

So in terms of the benefits in this bill, I am not one who is criticizing the benefits in this bill at all. I commend these benefits. I just want to pay for them. That is the only issue. Whether we are going to pay for these benefits or we are just going to say in a bill that these benefits are going to be increased, without knowing where the increase is coming from, without knowing whether the budget resolution is going to put more money in for defense, without knowing whether or not these increases in benefits, this pay, and retirement are going to come out of readiness, modernization, housing, or where they will come from in there is not a top line.

The benefits, it seems to me, are appropriate. But paying for them is essential, or else we are going to unleash two things. One is false hopes, which will then be dashed, which is, it seems to me, the worst of all worlds—false hopes in our uniformed military people that they will be getting a pay raise larger than the one proposed by the President. Or we are going to be carrying through with the provisions of this bill, and unless there is an increase in the top line, we will be seeing a degradation in readiness or modernization or housing or other important needs, both of the Nation and of our uniformed military personnel.

So I am very supportive of the benefits in this bill. What I am pointing out is the missing part of this bill. This is half a bill. This isn't a full bill. This is half of the bill. This is increasing the benefits but it is not saying how we will pay for those benefits. It is half the ledger without the other half of the ledger. That is the problem with this bill.

It seems to me what we should do is what the Secretary of Defense has suggested, which is to make these benefits part of the overall authorization bill, which is where they belong and where, traditionally, they have always been lodged and where they have always been considered.

We, hopefully, can provide these benefits. I hope and pray we can provide these benefits. They are useful benefits. But we have to pay for them or else we are not doing the responsible and thoughtful thing. We must pay for them as the Secretary of Defense has urged us to do. Otherwise, in his words,

> I am concerned that S. 4 could have the opposite effect by raising hopes that could not be fulfilled until the final budget number is set.

And the "opposite effect" that he is referring to is addressing the legitimate needs of service members regarding pay and retirement.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

PRIVILEGE OF THE FLOOR

Mr. ALLARD. Madam President, I ask unanimous consent Doug Flanders of my staff have floor privileges during the entire debate on the Senate floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBB. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Madam President, I express my appreciation to my colleagues, particularly the Senator from Colorado, for giving me a moment to get over to the floor before he begins his address.

PRIVILEGE OF THE FLOOR

Mr. ROBB. Madam President, I ask unanimous consent that during the floor consideration of S. 4, Herb Cupo, a congressional fellow from the Department of the Navy, be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Madam President, as a cosponsor of S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999, I am pleased that we are moving forward on this legislation.

S. 4 provides the resources to begin to reverse the steady downward spirals we have seen in military retention and recruiting.

S. 4 provides significant pay raises, improved retirement pay, and enhanced GI bill benefits. It is an important step—one of several—that the Congress must take this year to help the military pull out of what the Chairman of the Joint Chiefs describes as "a nosedive that might cause irreparable damage to this great force." It is also a strong signal to our most important military asset—our men and women in uniform, and their families—that we are serious about taking care of them.

Being a cosponsor, however, hasn't alleviated my concern that we may be moving too quickly on this legislation. This bill has substantial budgetary implications, many of which we are only beginning to quantify.

Specifically, we don't know yet exactly what this bill will cost, nor whether it is structured to best fix ongoing retention and recruiting problems. Moreover, we haven't yet taken the time to assess where any additional defense dollars should be spent in the broader context. For example, if we put some of these additional funds toward new equipment, we could improve our ability to fight in future wars, and by providing our troops with higher quality, more reliable equipment, we also improve recruiting and retention. This is just one of many examples of why I believe—as the ranking member of the committee believes—that it is important to think through any defense budget increases in a strategic and not just a piecemeal manner.

Now, one way to improve the bill to ensure that we are improving recruiting and retention in a more direct and cost-effective manner is to closely align any pay increases with problem specialties. Along with Senators CLELAND and KENNEDY, I intend to offer a "Special and Incentive Pay Amendment" to S. 4, which I filed on February 3.

This amendment targets certain smaller categories of military service where our retention challenges are particularly daunting, categories where we recruit highly skilled personnel, provide them costly training, and then fight to induce these individuals to remain on active duty when they face uniquely difficult or dangerous missions, coupled with powerful financial incentives to leave the military for the civilian sector. Examples include career enlisted fliers, Navy SEALS, and Navy surface warfare officers.

Only 25 percent of our surface warfare officers remain on active duty through their department head tour, which normally comes between the sixth and eighth year of commissioned service. During the drawdown, this wasn't a particular problem, but now with smaller numbers of ships in the fleet, we simply don't have the officers to maintain and man critical at-sea billets.

In the Navy SEAL community, attrition has increased over 15 percent in the past 3 years, while demand for these highly trained individuals by our warfighting CINCs has increased sharply.

In fiscal year 1998, manning in another category of highly trained and difficult individuals—Navy divers—was below 85 percent. That same year, only about 60 percent of our military career linguists met or exceeded the minimum requirements in listening or reading proficiency. A host of retention problems exist for nuclear-qualified officers and enlisted personnel as well.

The amendment does several things. It establishes a special pay for surface warfare officers and Navy SEALS to encourage them to remain in the service at critical points. It provides added incentive pay for our Navy and Air Force enlisted aircrews. Several existing bonuses are increased, including those for divers, nuclear qualified officers, linguists, and other critical specialties. Finally, the enlisted bonus ceiling is increased.

These are critical remedies for critical specialties. The Nation simply can't afford to continue to pay as much as we do to recruit and train these talented individuals only to see them leave the service out of frustration over the inadequacies of their pay and benefits.

Madam President, this special and incentive pay amendment to S. 4 is exactly the kind of targeted "fix" Congress can and should support, and I hope our colleagues will support it when we bring S. 4 up for the votes.

I also intend to offer an amendment to modify existing title 37 legislation with respect to the bonuses we pay to our career aviation officers.

The impact of poor officer retention has been particularly hard on our pilot communities. For example, overall Navy pilot retention decreased to 39 percent in fiscal year 1997 and further declined to 32 percent in fiscal year 1998. This trend is expected to continue for the foreseeable future.

While continuation of midlevel officers represents the greatest aviation retention challenge, there has also been an increase in resignations of more senior aviators, particularly due to intense competition from private industry. To address these problems, the services have identified a requirement for greater flexibility with their principal aviation retention shaping tool known as aviation continuation pay, or ACP.

The amendment that I have just described would allow the services to do just that. ACP is currently limited to 14 years, and only covers officers in the grades 0–5 and below. This amendment would pay ACP up to 25 years, and expand eligibility one grade to cover officers at the 0–6 level. The maximum aviation continuation payment allowed for each year of additional obligation would go up from $12,000 to $25,000.

Finally, the provision recognizes the aggregate retention needs of the services by eliminating the requirement to annually define critical aviation specialties.

These refinements to title 37, along with other innovative compensation initiatives this body will consider, should begin to reverse the steady downward trends in aviation retention by allowing each service to tailor compensation programs to meet their specific retention challenges and accommodate their unique career path requirements.

I might add that both of these amendments I have referred to have the full support of the Department of Defense.

With that, Madam President, I yield the floor. Again, I thank my distinguished colleague from Colorado for his courtesy.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, S. 4, The Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999, may be the most significant national security legislation approved by the Senate this year. It will provide the basis for major improvements in the welfare of our military personnel and their families, recruiting and retention and, in turn, the readiness of our Armed Forces.

Although I was a cosponsor of the bill introduced by the leadership, the bipartisan bill reported out by the Armed Services Committee is a stronger piece of legislation because it includes a provision revising the benefits under the Montgomery GI bill. This provision proposed by Senator CLELAND will be a major recruiting incentive and provide significant educational benefits to our military personnel and indirectly to families.

Madam President, despite initial criticism by some officials in the Department of Defense, the provision in the bill providing an option to the career service member to choose a $30,000 bonus and stay in REDUX or a 50 percent retirement is gaining support among the military community. The initial criticism that by choosing the bonus over full retirement would short change the individual was based on incomplete data. The fact is that a Sergeant First Class in the Army who retires at 20 years under REDUX, who invested the bonus five years earlier in a tax deferred stock fund, would gain $46,000 more in lifetime benefits than an identical retiree under the full retirement plan.

Madam President, I understand there are concerns, which I share, regarding the potential cost of the bill. Although we have to consider cost, we must also remember that we have the best all-volunteer military in the World. If we are to maintain that caliber force, we must be prepared to pay for it. I support the bill before us and urge the Senate to demonstrate bipartisan support for the bill and for our soldiers, sailors, airmen and Marines.

Madam President, as a final comment, I want to congratulate our new Chairman of the Armed Services Committee, Senator WARNER, and the Majority Leader, Senator LOTT, for designating S. 4 as the first bill considered by the Committee and the Senate. This gesture sends a strong message to our military personnel that they and our national security are foremost in the Senate's interest.

Madam President, I ask unanimous consent that a letter from the Chamber of Commerce of the United States of America on this subject be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, February 18, 1999.

Hon. STROM THURMOND,
U.S. Senate, Washington, DC.

DEAR SENATOR THURMOND: The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations of every size, sector, and region, strongly urges you to support S. 4, the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999.

After many years of defense spending cuts, it is now time to reverse the trend and begin focusing on appropriate measures to ensure the United States Military is able to recruit and retain skilled military personnel. Under the provisions of S. 4, the basic pay for members of the uniformed services would increase by 4.8%, effective January 1, 2000.

The U.S. Chamber is concerned about military retention and readiness because without these fundamental aspects of a strong National Security policy, the continued prosperity of the United States economy would be threatened. Within this policy, the United States must stem the erosion of qualified personnel from our armed forces to ensure an adequate level of readiness. Although S. 4 will not address all aspects of military retention, it will send a strong signal that the United States recognizes and appreciates the critical work of members of the United States Military. Thank you in advance of your support for S. 4.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Madam President, I thank the Senator from South Carolina for his remarks, and I appreciate the leadership he has shown over the years on the issues that are important to the Armed Services Committee, on which I serve with him. It is an honor to serve on the committee with both he and Senator WARNER as chairman.

First, I want to commend the Chairman for his efforts. Senator WARNER's leadership on ushering S. 4 to the Senate floor has been significantly important. Without his insistence and courage to move ahead, we could not be where we are today on this bill.

I'm glad this is the first bill to come before the Senate, not just for substantive reasons but for the message we are sending to our men and women in uniform. They put their lives on the line everyday for our freedom and they need to know they will receive what they earn. We need to continually send the message that we care about them and the families they have to leave while on duty.

Unfortunately, I believe this message has not been sent during the last six years. From the Secretary of Defense down, we have been hearing the difficulty the services have had in recruiting and retaining their service personnel, and complaints about the gap between the military and civilian pay. During the last six years, the defense budget has decreased 25 percent in real economic terms, while at the same time our troops have been sent abroad 45 times—and this doesn't include the latest journey into Kosovo. I do not now want to argue the need for all these deployments, but I will say that we cannot keep asking our armed services to do more and more while giving them less and less. This trend must be reversed and fast. S. 4 is the first step in changing this downward trend. But, better pay and benefits is only one step in improving the quality of life for our soldiers. Soon, we must address the problems of frequent deployments, prolonged absences, readiness shortfalls and the other myriad problems facing our military or else all the important changes in this bill will be lost.

The first problem I want to address is the issue of pay. If we want to keep the best and brightest then we need to pay them at levels favorable with salaries in the private sector. The current pay gap is anywhere between 5.5 to 13.5 percent and is projected to exceed 15 percent by the year 2005. Pay raises have lagged behind the average private sector raises for 12 of the last 16 years. I agree with Secretary Cohen and General Shelton when they say that we can never pay our military personnel enough, but we can pay them too little—and that is what has been done over the last decade.

S. 4 provides a much needed 4.8 percent pay raise, the first major raise since 1982. I point out that the 4.8-percent pay raise is the first major pay raise since 1982.

This may not erase the pay gap problem, but at least it is a start to giving the military what they deserve for the long hours they provide in the defense of our Nation.

One horrendous example of this low pay is the enlisted soldiers on food stamps. The first time I heard that we had military personnel on food stamps I was outraged. Thanks to Senator McCAIN's and Senator ROBERTS' efforts, S. 4 will address this problem.

According to the Department of Defense, over 11,000 service members are eligible to receive food stamps. Almost as staggering as this problem was the response given to it by the administration. According to a 1997 AP story in the Colorado Springs Gazette newspaper, Pentagon spokesman Kenneth Bacon said, "It's too bad, but it's a function of the size of their family more than anything else." He said that the problem has been around for decades. He said today, "More soldiers are married and have families than in the past."

While I agree with size of the families being a factor, I disagree that this is just "too bad." It is wrong and must be addressed immediately. But since that statement in 1997, the administration has done nothing to fix the problem. That is why I am happy that S. 4 will no longer just say "too bad." This bill will provide $180 per month subsistence pay for enlisted personnel in grades E–5 and below who voluntarily demonstrate an eligibility for food stamps. The allowance, along with the pay raise, is estimated to help nearly 10,000 military personnel climb above the food stamp wage scale.

Also, a January 31, 1999, Denver Post article highlights another problem associated with low pay, and that is retaining highly trained personnel. The 3d Space Operations Squadron, whose personnel fly our military satellites from Schriever Air Force Base in Colorado Springs, has starting salaries of $13,000. However, it should be of no surprise that these highly trained personnel are being coaxed to leave the military for the private sector with starting salaries of over $50,000. While there is no way the military can compete with salaries such as these, a pay raise will help ease the problems of keeping these personnel.

The article also points out that the 3rd Space Operation has a turnover as high as 45 percent. With the commercial space industry booming, especially in Colorado, many of these companies will pay top dollar for these young men and women who haven't even been certified on satellites but have the highly technical training. This results in higher spending in order to train the new people for the vacant slots.

At this point, I ask unanimous consent to have printed in the RECORD this Denver Post article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Denver Post, Jan. 31, 1999]

SATELLITE SAVVY DRAWS DOLLARS—AIR FORCE TRAINING IN BIG DEMAND

(By Erin Emery)

SCHRIEVER AIR FORCE BASE.—Airman Faith Boyd is a 20-something mom with a high school diploma and a job in which making a mistake can have life-and-death consequences for warriors in the field.

Boyd works behind the razor-sharp fences at Schriever Air Force Base, a place that some people say has the feel of a top-secret Area 51. Here, on the barren plains 15 miles east of Colorado Springs, the nation's Department of Defense satellites—about 60 of them worth $40 billion—are controlled.

Boyd, 23, works in an air-conditioned room full of computers with other Generation Xers. She's assigned to the 3rd Space Operations Squadron, where the mission is weighted in responsibility. The job: manage and maintain satellites that relay communications for the military.

Starting salary: $13,000 a year.

In two years, though, when Boyd's four-year commitment to the Air Force is completed, headhunters who recruit for companies like Lockheed-Martin, Motorola and Boeing will wine and dine her and try to coax her to leave the Air Force for a job in the private sector.

Starting salary: $55,000 annually.

"I do feel lucky," said Boyd, who also helps teach newcomers to be satellite systems operators.

The robust commercial space industry is a $51 billion enterprise worldwide that is expected to triple in size by 2006. As it continues to grow, so will demand for people who can control the satellites.

"You've heard of this guy Bill Gates?" Col. Mike Kelly, deputy commander of the 50th Space Operations Group at Schriever said of the head of Microsoft. "He's putting up Teledesic. He's going to fly a constellation of 288 satellites, the 'Internet in the Sky,' and he's going to need some people to fly them."

One of the places that recruiters will look is Schriever, at 2 SOPS and across the hall, at the 3rd Space Operations Squadron, where young people are controlling the Global Positioning System, a constellation of satellites that relay highly accurate navigational information. Last year, turnover was as high as 45 percent, said Maj. Lee-Volker Cox, operations flight commander. Some of that turnover represented people transferring to other jobs in the military.

"I think that probably the biggest retention issue facing Space Command is the growth of the civilian space industry," said Capt. Paul Hermann, a 1990 Air Force Academy graduate who works in 2nd Space Operations Squadron. "There is no place for those companies to go and get qualified people to do jobs."

EXPERIENCE HARD TO GET

There are about 560 satellites in space, and 1,000 more are scheduled to be launched in the next decade.

Schriever Air Force Base is one of the few places in the world where young people can get hands-on experience flying satellites.

"When you're looking for people in the satellite control business, that certainly is one of the places where you want to look," said Paul Unger, a vice president of Chicago-based A T Kearney Executive Search, which recruits people for executive jobs in the satellite industry. "It's one of those disciplines that you really have to be a by-the-book person. You have to be very disciplined to follow procedures, but you have to be able to snap into action and solve very complex problems that, at times, don't have by-the-book solutions."

But while companies are dangling big dollars in front of people, the Air Force is doing everything it can to keep them—except pay them $55,000 salaries.

The Air Force is offering a $4,000 signing bonus to people who agree to work in jobs like Boyd's and enlist for six years instead of four.

WEIGHING THE BENEFITS

Air Force officials are stressing the multitude of benefits offered in the service that may not be found in the private sector: free day care, free legal service and free membership to a base fitness center, Plus, airmen can get college credits for completing technical training and they get a stipend toward tuition to earn a college degree.

Across the military services, a 4.4 percent pay increase—the largest pay increase for service members in several years—kicks in Jan. 1, 2000.

Only five years ago, there wasn't much opportunity in the Air Force for enlisted people like Boyd. Officers out-numbered enlisted personnel three to one; now it is the other way around.

The Air Force has standardized the procedures--the commands that airmen type into computers—for contacting what people in the industry call "birds."

"The procedures say, 'If this happens, do this,'" said Capt. Porf Dubon, who writes instructions for satellite operators.

Standardizing procedures has resulted in dramatic changes in personnel, mainly in their ages.

"There can be nights when probably the oldest person is 25 or 26 years old," said Dubon, 32. "There can be nights when you'll have a crew of 18- to 20-year-olds here by themselves.

Some team members have college degrees, while others have high school diplomas.

After joining the Air Force, airmen take a test that measures aptitude for various professions. Those who have a knack for electronics get the opportunity to come to Schriever and learn to fly satellites. After six months of school—eight hours a day—they go to work controlling satellites but are shadowed by someone with more experience until they become certified satellite systems operators.

HEADHUNTERS CALLING

Sgt. James Butler, 30, who trains people to be satellite systems operators, said headhunters call him about twice a week.

While some companies are offering $55,000 to do the same job he does in the Air Force, if Butler willing to move, he could make $65,000 or more in Virginia or Maryland.

"No degree, just experience," Butler said. "We've had calls from people who will pay $40,000 a year and the people haven't run ops yet, they're not even certified but they've had the training."

Even though Butler, who has been in the Air Force for 11 years, could practically double his salary if he took a job with a private firm, he'll probably stay put. He has only nine years until retirement.

The military is trying to improve its retirement plan so that personnel who entered after 1986 will get 50 percent of their basic pay after 20 years of service, not the current 40 percent.

Though $55,000 a year looks pretty good, retirement at age 39 looks even better.

Mr. ALLARD. The retention problem is not just felt at space command but cuts across all the services. Secretary Cohen, General Shelton, and all the service secretaries and chiefs say that the men and women are our greatest assets, but, unfortunately, we are losing our greatest assets in mass numbers.

I ask the rhetorical question of whether we would let our planes and ships disappear. Then why should we stand by and let this happen? Planes, ships, tanks, guns, and the rest are useless without properly trained personnel.

The Air Force has stated they are 855 pilots short this year and expect to be short 2,000 pilots by the year 2002. This leaves the Air Force with less experienced pilots and higher training costs. Their enlisted retention is no better.

I would like to refer the Members of the Senate to a chart that I have drawn up here which points out the enlisted retention rate for 1998. The first term reenlistment goal is 55 percent, but in 1998 it was only 54 percent. The second term reenlistment goal is 75 percent but only achieved 69 percent. The career goal is 95 percent while only getting 93 percent reenlistment. This is the first time that the Air Force has failed to meet its retention goals in all three categories since 1981.

Some may believe these numbers are acceptable, but each and every percentage loss hurts the war-fighting skills and readiness across the board for the Air Force.

For the Navy, we only have to look at the recent examples of the USS Enterprise. While deployed in the gulf, the USS Enterprise was short nearly 600 sailors.

I look again to another chart where we talk about the Navy 1998 officer retention rates: surface warfare officers retention, only 25 percent, against a steady state need of 38 percent. Like the Air Force, the Navy aviator retention was 39 percent in 1997 and further dropped to 32 percent in 1998, which falls short of the 35-percent level required to fill critical department head and flight leader positions. Submarine officers had a 27-percent retention rate, which is far short of the 38 percent needed in fiscal year 2001 in order to meet the stated manning requirements. For the vaunted SEAL forces, their rates have fallen to a dismal 58 percent from a historical level of over 80 percent.

The only good news comes from the Army and the Marines. These branches have met their retention goals but have said that they are having major problems in critical war-fighting skill areas which must be addressed to stay at current readiness.

All of these numbers are not to glaze people's eyes over but to open some eyes to the problems our military is facing. These retention problems are real and must be addressed. Inadequate retention only heightens the problems of longer deployments, increased frequency of deployment, and longer work hours due to less personnel.

This not only places our military in precarious and dangerous situations, but places great stress on their families and loved ones.

S. 4 addresses these problems through pay table reforms that focus the emphasis on those retention problem areas—midcareer NCOs and officers. It will reward promotion and achievement over longevity with bumps in pay ranging from 4.8 percent to 10.3 percent. Plus, we provide new incentives to the services to address their other specific problem retention areas.

According to the Pentagon, another retention problem, and one of the major complaints, is the current Redux retirement system for those who entered service after 1986. I understand the repeal of the current system is one area that is problematic for some Senators. But we have taken the Secretary, the JCS, and all the service secretaries and chiefs at their word that Redux needs to be repealed. No matter how one comes down on this issue, if the retirement system is a retention problem, it simply cannot be ignored. That is why S. 4 addresses the problem in what I believe is a responsible manner. Service personnel who entered the military on or after August 1, 1986, will be given the option to return to the pre-1986 retirement system of 50 percent of base pay for the average of the 3 highest years or take a $30,000 bonus to stay in the Redux system, which is 40 percent of the 3 high years.

In addition, the bill allows service members to participate in the Thrift Savings Plan by placing up to 5 percent of their pretax base pay into one, or any combination, of the TSP's funds —the G, or government securities fund; the F, or bond fund; the C, or common stock fund.

Further, the bill allows service members to place any enlistment, reenlistment, and the $30,000 lump-sum bonuses into their TSP.

Unlike General Shelton, I don't find the $30,000 bonus an insult, but an innovation in providing more market base and higher yielding—a higher yielding retirement fund.

To show you how this can work, here is a chart from an article in the Army Times. It is the third chart I am showing here on the floor where it shows the various pay grades and how the retirement options might be affected through those pay grades.

If we look at E–6 with 20 years, the Redux was $378,394; pre-1986 it was $489,942; but then we go to the Redux/bonus and then the buildup in the bond fund is substantial, the buildup shown on the chart would be $477,174; and if the Redux was invested in a higher yield fund such as the stock fund, we would look at somewhere around $553,826.

These figures have been projected on this chart through the various grades of E–7 for 20 years, E–7 for 23 years, E–8 for 28 years, and E–9 for 30 years, with the concomitant change in bonus, and how those dollars would build up within those funds, and they are substantial.

I think it is an innovative and very interesting approach to dealing with the retirement and retention problems of our military services.

Another interesting aspect from this article is, according to the Retired Officers Association, for every service member who accepted this bonus, the Government will save about $66,000 per member. In the end, the service men and women could have a higher retirement, while at the same time saving the Government money. Insulting? No. Innovative? I say yes.

On a side note, I want to give credit to our very able committee staffer, Charlie Abell, for this idea and congratulate him for this innovation.

Some ask, "Will they use this bonus wisely?" I believe if we can ask our military men and women to take care of billion-dollar equipment and put their lives on the line for us, we should be able to trust them with their own money.

Second, as everyone knows, financial counseling is a must for anyone who plans for retirement. I hope the military is currently providing these services. Let's give the military the option and ability to control their own retirement and best fit it to their needs.

A final effort in this bill is to use Government matching funds for TSP accounts or Thrift Savings Plan accounts as a retention tool. We give the service Secretaries the flexibility to offer up to 5 percent matching contributions for 6 years in return for a 6-year commitment in skill areas that they deem necessary. This gives the services the ability to fix their own needs with all the tools available to them.

Finally, I want to touch on the problem of recruitment. All we have to do is look to the front page of the February 17, 1999, Washington Post. The below-the-fold headline reads, "Military Lags in Filling Ranks." In the story, Army Secretary Caldera says that the Department of Defense needs to allow the Army to recruit more high school dropouts with GEDs to make up the 10,000-soldier shortfall this year.

At this time, I ask unanimous consent to have the Washington Post article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 17, 1999]

MILITARY LAGS IN FILLING RANKS

(By Dana Priest)

Army Secretary Louis Caldera argued yesterday that the Defense Department should allow the Army to recruit more high school dropouts with equivalency diplomas to help make up a projected shortfall of as many as 10,000 soldiers this year.

Caldera's idea, which would require a change in standard adopted five years ago, reflects growing alarm within the Army, Navy and Air Force that they are failing to attract enough recruits from the new generation of young adults and that the shortage will only get worse if the trend is not reversed.

"Frankly, right now we have rules that don't make sense," he said. The rules have "put us in a box that really hurts. Every day we turn away people who want to join."

Like the Air Force and Navy, the Army is facing the worst peacetime recruiting shortfall in its history. Of the major services, only the Marines have attracted a sufficient number of recruits in recent years.

Contributing factors include a strong economy, fewer surviving military veterans to act as role models for their sons and daughters, and a less adventurous mission as the services adjust to the post-Cold War world without a clearly defined enemy.

Caldera said the Army should adopt other means of testing a potential recruit's abilities and should allow in more high school dropouts who have passed high school equivalency tests.

"The Army is an institution that should not write off young people in America who need a second chance," he added at a breakfast with defense reporters. "The military should not be the one that slams the door of opportunity in your face."

Under Defense Department policy, 10 percent of new recruits are allowed to be high school dropouts who have passed the high school equivalency test and score well on armed services entrance exams. But for many years, especially during the downsizing of the 1990s, the services set much higher standards in practice. They either required that all new recruits have high school diplomas or allowed in only a few with the equivalent of a diploma.

But as downsizing bottomed out several years ago and the economy got stronger, recruiting stations went empty.

The Army fell 2,300 short of its recruiting goal in the first quarter of fiscal year 1999 and Caldera said the projected shortfall could go as high as 10,000 this year.

The Navy faced 6,900 empty positions last year. Although it has reached its goal in the first quarter of fiscal year 1999, last month it announced it will increase from 5 to 10 percent the number of high school dropouts it accepts.

The Air Force, which has faced a severe pilot shortage for several years, projected it will be 2,000 pilots short of the 13,641 it says it needs by 2002. In addition, the Air Force had a shortfall of 421 in its enlisted ranks for the first quarter of this fiscal year and continued to slip in the second quarter, said Air Force officials.

"We're coming up on the greatest shortage we've ever had in peacetime," said Lt. Col. Russ Frasz, an Air Force recruiting official.

The services have responded to the problem with signing bonuses, retention bonuses and more money for college education. They have also put thousands more recruiters into the field and tens of millions of dollars into new advertising campaigns.

The Navy, for example, put 500 more recruiters on the streets last year, opened 150 new recruiting stations and increased its advertising budget this fiscal year from $58 million to $70 million.

What it got in return was 9,012 new sailors, nearly 800 more than it needed. But that was only for the first quarter of the year and, given the shortfall in recent years, no one in the Navy is relaxed about the future.

"We are getting back on track but there is still hard work to do," said Rear Adm. Barbara McGann, the Navy's top recruiting official.

Caldera, a lawyer and former member of the California legislature who took over as Army secretary in July, said the long-term solution involves more than money and advertising.

Civilian leaders who grew up in the activist 1960s have failed to make the case to the new generation that military service should be a civic responsibility, he said, adding: "There are young people out there who are hungry for someone to talk to them about responsibility."

HELP WANTED

Most branches of the military have not been meeting their recruitment goals.

[Fiscal year first quarter]

Branch	1998—		1999—	
	Goal	Actual	Goal	Actual
Army	72,550	71,749	12,420	10,120
Air Force	13,986	13,338	7,532	7,111
Navy	55,321	48,429	8,216	9,012

Source: Defense Department.

Mr. ALLARD. Madam President, if you look at this chart we see the problems the services are having in recruiting. This is the fourth chart on the floor that I have provided.

In 1998 the Army fell almost 800 recruits short of their goal, and are over 2,000 recruits short of their first quarter goal.

If we look at the Air Force, the Air Force's 1998 number was 600 recruits short of their goal and over 400 recruits short in the first quarter.

Also, for the first time ever the Air Force will advertise on television to increase their lagging numbers.

The Navy's 1998 shortfall was 6,892 recruits. While it met its first quarter, they had to raise their high school dropout rate acceptance from 5 percent to 10 percent.

These are troubling numbers and these numbers are one of the reasons why the Personnel Subcommittee, which I chair—my good friend, Senator CLELAND, is the ranking member—has called for its first hearing to focus on recruitment and retention problems. We cannot allow our armed services to become hollow due to the lack of personnel. The best way to ensure that we recruit and retain the best and brightest is to pay them the wages they deserve and provide the benefits to keep them.

While S. 4 does not directly address recruitment, it does make changes which we believe will assist our military recruiters. Beyond the pay raise incentives, the bill enhances the Montgomery GI bill benefits. S. 4 will eliminate the $1,200 contribution required of members who elect to participate in the GI bill, increase monthly GI bill benefits anywhere between $60 to $70, allow service members to transfer education benefits to immediate family members, and then to accelerate lump-sum benefits for an entire term, semester, or quarter at college, and full amounts for courses not leading to a college degree.

The Armed Services Committee believes that these enhancements will make entering the military more attractive to more people, especially when the private sector offers so many more options than in the past.

I will conclude with a few personal thoughts. I understand that this bill is not acceptable to all Senators, but if you plan on voting no, I ask that you think about a few people—the young service man or woman who is about to be sent to Kosovo, or the service member who is coming back from Bosnia, or even second tour of Bosnia; or about the pilot patrolling the no-fly zone in

Iraq; or the sailor who is doing double duty because his ship is undermanned and so he will have to be away from his family longer than necessary. How will you tell them that they are not worth the extra money in S. 4?

Let me finish with a statement from a letter which I believe was printed in the National Association of Uniformed Services Journal and reprinted in the Northern Colorado chapter of the Retired Officers Association's newsletter, entitled, "Why Am I Getting Out?"

> The bottom line is "Patriotism is great, but it doesn't put food on the table or provide for your family." One soldier who requires food stamps is a shame. We can do better for those from whom we ask so much.

Madam President, I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I am honored to join with the distinguished Senators who have been sponsoring and working for the passage of the bill that we believe will help our soldiers, sailors, airmen, and marines to increase their pay, their retirement benefits, and other benefits. They will know that this Nation affirms them, believes in them, and cares about them, and is not going to stand by and allow recruitment and retention to go in the tank and to not give them the kind of pay and benefits they have to have to live in this world.

We have taken advantage of them in many ways, and it is time to put an end to that. We have done a lot of things to reduce our defense structure. In 1992, we had 1.8 million men and women in the services. By the year 2000, we will be at 1.38 million. We will drop another 24 percent during this period of time. But we, at the same time, increased the pressures and responsibilities our service men and women are facing. They are being sent around the world at greater and greater rates.

The operational tempo—the OPTEMPO they call it—has never been higher. I had the opportunity recently to be with an Air Force officer in Montgomery, AL, at Maxwell Air Force Base. He told me he was in Bosnia and received orders to be stationed in Korea. He called his wife who was then in Montgomery and explained this situation to her, and she replied, "Well, you can go to Korea, I'm going back to North Carolina."

These kinds of assignments may sound easy to people sitting in Washington, but it is important to families. They will do it. Our soldiers and sailors give of themselves and sacrifice on a regular basis, but they need to know we care about them, that we are willing to pay them a decent wage, that we are going to maintain good retirement benefits and health care benefits for them.

There has been a lack of confidence in that, and that, I believe, is one reason retention is down—that and a good economy; people have more choices. We have reduced our enlistment rates. It is harder and harder to enlist and most of the services are not meeting their enlistment rates now, their goals.

It is a matter of real importance. I salute Senator WAYNE ALLARD who chairs our Personnel Subcommittee on Armed Services for his leadership, and Senator JOHN WARNER, the chairman of the committee, who made this a top priority. We don't want to wait around with it. We want to pass it early this session, and we want to be able to send a message to the men and women who stand ready at any time to defend this Nation, to send them the message that we care about them, we are hearing their concerns, and we are going to respond to them.

I recently had a conversation with a senior retired officer. We were talking about the need to restore the 50-percent retirement. He said one of the concerns that he had and that he was hearing among our service men and women is that older NCO's —noncommissioned officers—are saying to younger NCO's, "Well, I got a 50-percent retirement; sorry, you're not going to get that," and it makes them feel less appreciated. It makes them feel like they are not getting a fair shake, and it makes them more and more willing to give up a service that they may really love and enjoy and believe in and take a job in the private sector.

So I think there are a lot of reasons why changing this retirement benefit from 40 to 50 percent is what we need to do, and I salute Senator ALLARD for it.

I am also an absolutely committed supporter of the Federal Government's Thrift Plan. I think it is one of the best ideas that has been done for the men and women who work for the U.S. Government, and extending it to the military is a great idea. It should be done. They will make their contributions, in effect, to an IRA.

As years go by, they will see that fund—that is, their fund—increase and increase over the years. They will feel that that is an additional benefit, an additional basis to stay in the active service of their country in the military and not get out at an earlier time.

I think it is also terrible, really shameful, that we have allowed large numbers of our service men and women to have to ask for food stamps. They qualify for food stamps. That is something we must end. I believe this bill understood that, and it will end that and give them the opportunity to receive other compensations than having to go down to the food stamp office to ask for those benefits. I think we owe them that.

Finally, Madam President, let me just say this. I talked to a senior officer just today about the military and about this bill. He was extraordinarily supportive of it, but he told me this. He said it is really more than just the money. Our people who make their career in the service of this country, who are prepared at any time to give their life for their country, those people, those men and women, are committed to public service. And what we need to do most of all is to affirm them and to raise up the respect we give to them. They are prepared, at a moment's notice, to go in harm's way for the people of this country.

So I believe this bill, in a way, does that. It is saying: We are hearing your concerns. We are going to move promptly. We are going to make this legislation one of the top priorities of this Congress. We are going to move it out of here quickly. And we are going to get a raise to you and retirement changes that will benefit you, that will end food stamps for you, and give you a Thrift Plan opportunity you have never had before. We are going to say we care about what you are doing. We thank you for your service.

I believe that is the kind of signal we need to send. It is not all. We have to deal with such things as spare parts, a national missile defense. We have to decide whether we have enough people in the military now. All these kinds of things we are going to be dealing with later on in the year. But right now we need to move with this legislation.

I thank the majority leader, TRENT LOTT, for being an early sponsor and supporter of it and for making a commitment to bring it up at an early time. And again, let me say how much I have been honored to serve with Senator WAYNE ALLARD. He chairs the subcommittee where this legislation has begun. He is doing an outstanding job for our Nation in so many different ways but particularly as chairman of this subcommittee. I am also pleased to see Senator LEVIN here. He is the ranking member of this committee and is committed to our Nation's strength and defenses. And it is a pleasure to see that this legislation is moving forward in an expeditious manner.

Thank you, Madam President.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Colorado is recognized.

Mr. ALLARD. I would just like to state that that was a great statement that my colleague from Alabama made. And I just want him to know what a pleasure and honor it is for me to be able to serve on Armed Services with him. We came together into this august body, and I look forward to many years of working with him and trying to shore up the defense of this country.

Mr. JEFFORDS. Mr. President, I have long been a strong advocate for a well-educated American work-force. Vermont's quality of life is related closely to the educational opportunities available to her citizens. Education is a cornerstone of our healthy economy. These same notions apply with similar effect to our men and women in the military. Modern, technologically advanced systems and complex missions depend on the skills and wisdom of well-educated personnel. S. 4 modestly enhances the educational opportunities for our men and women on active duty. It should do the same for the members of our Guard and Reserve.

Consequently, I strongly urge my fellow Senators to support the three education-related amendments which Senator CLELAND and I will be offering to S. 4, the appropriately named "Soldiers', Sailors', Airmen's and Marines' Bill of Rights." It is appropriate because one's use of the term "Bill of Rights" invariably suggests the concepts of fairness and equity.

Perhaps Secretary of Defense William Cohen had this in the back of his mind in September of 1997 when he instructed the Department of Defense to eliminate "all residual barriers, structural and cultural" to effective integration of the Guard, Reserve and Active Components into a "seamless Total Force." Precisely one year later his Deputy, John Hamre, looked back to that day and observed:

> We have made great progress integrating our active and Reserve forces into one team, trained and ready for the 21st century. Our military leaders are getting the message. Structural and cultural barriers that reduce readiness and impedes interoperability between active and Reserve personnel are gradually being eliminated. We must now assess the progress we have made, acknowledge those barriers to integration that still exist, and, most importantly, set our plans into motion.

If these wise words are to have full effect we must work to rectify an oversight in S. 4, which, as written, enhances educational benefits for a portion of our seamless Total Force but neglects the remainder. Consequently, to promote parity among all components of our military I will be offering the following three amendments:

The first: Allow members of the Guard and Reserve the ability to accelerate payments of educational assistance in the same manner currently provided in S. 4 to the Active Duty military.

The second: Allow members of the Guard and Reserve the ability to transfer their entitlement to educational assistance to their family members in the same manner currently provided in S. 4 to the Active Duty military.

The third: Allow members of the Guard and Reserve who have served at least ten years in the Selected Reserve, an eligibility period of five years after separation from the military to use their entitlement to educational benefits. (Active duty military members have a ten year period.)

Just a few weeks ago, four Reserve Component members lost their lives when their KC–135 went down in Germany while flying active duty missions for the Air Force. Death did not discriminate between Active and Reserve Components. Nor should S. 4.

The opportunity to face this ultimate risk will only increase as we do place greater demands on our Guard and Reserve units to participate in our global missions. Since Operation Desert Storm the pace of operations has swelled by more than 300% for the Guard alone and is widely expected to climb higher.

We all know the value of the Guard and Reserve for missions close to home. In Vermont they saved our citizens from the drastic effects of record setting ice storms last winter. Recently, other units helped with hurricanes in Florida, North Carolina and South Carolina. They assist our citizens during droughts and blizzards. They enrich our communities with Youth Challenge programs and they conduct an ongoing war on drugs. Just last year we added protection of the U.S. from weapons of mass destruction to that list, and the list keeps growing.

It is now time to bring their educational benefits in balance.

As many of you know, I believe in the value of life-long learning to our society. Access to continuing education has become an essential component to one's advancement through all stages of modern careers. S. 4 modestly improves this access for our brave men and women on active duty. It should do the same for our Guard and Reserves.

I urge my colleagues to help bring parity, equity and fairness to the educational opportunities available to all components of our military. The Guard and Reserve have been called upon increasingly to contribute to the Total Force. They face similar challenges to recruiting and retention. They should have similar access to educational opportunities.

Mr. President, let me now turn to another important amendment Senator CLELAND and I will be introducing. Specifically, we propose allowing our men and women in the Guard and Reserve the opportunity to participate in the Thrift Savings Plan (TSP) in the same manner S. 4 provides to their colleagues on active duty.

Allowing members of the Guard and Reserve to participate in the Federal Employees TSP is long overdue and I strongly support the proposal to make it law. This program is good for federal workers and it would benefit members of the Guard and Reserve financially for them to participate in the TSP. Under this system, they would be the sole contributors to their accounts, much like civil servants who are under the old Civil Service Retirement System. Since there would be no federal match to their accounts the cost would be very low to the branches of the military and to the taxpayers, as well. Additional savings in individual accounts will be important to those individuals who serve our nation in regular, but temporary capacities. The payroll deduction feature of the TSP is an easy way to save. The accounts are managed prudently by the Thrift Savings Board. Participation in the system is high and satisfaction with it is also very high.

Those of us on the Health, Education, Labor, and Pension Committees have been spending quite a bit of energy trying to encourage Americans to save more money. As a New Englander, I speak for my constituents when I say that we know a lot about THRIFT. This is a good amendment that will encourage thrift and I hope my colleagues will support it.

Given that our Guard and Reserve are shouldering an increasing share of our world-wide missions, they should have the same savings opportunity that S. 4 gives to the active duty. Now is the time to ensure that our reserve component personnel are not overlooked.

Mr. BURNS. Mr. President, I am pleased to rise to join my Senate colleagues in supporting the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights as it comes to the floor for debate. As a former Marine, I am especially proud that the Senate Armed Services Committee has recognized the important contribution of my branch of service by including Marines in the title of this bill.

This bipartisan legislation addresses the critical need of improving retention in our military services. We've heard much over the past months about the impending crisis in maintaining the force strength of our military. For example, the Air Force has missed its recruitment targets for the past three months, in all three of its recruitment categories. This is the first time that the Air Force has ever faced this problem. It is critical that we intervene now while the problem is still manageable. This bill concentrates on improving the attractiveness of a career in the military, not only for new recruits, but also for second and third term re-enlistments.

First, this bill raises the pay of service personnel to keep salaries competitive with civilian equivalents. Second, it provides incentives for active duty personnel to keep longer service commitments by repairing the damage done in 1986 to the military retirement system. Third, this bill provides service members with the opportunity to save for their own retirement by allowing military personnel to contribute up to

5% of their base pay, before taxes, into the Thrift Savings Plan. Finally, this bill enhances the Montgomery GI Bill educational benefits. I'm also aware that some of my colleagues will be offering other amendments that will further enhance the incentives for long term service. These collective changes encourage both current and prospective service members to make the military an attractive alternative for an extended career.

One of the first commitments in the Constitution is to provide for the common defense. We're demonstrating our commitment to the Constitution and our nation's defense today by taking this first step in improving the long-neglected quality of life for our service members. As we have already seen, when we don't take care of the people who are out in harm's way, they end up leaving the service. We have almost reached the point of needlessly risking the lives of those members choosing service careers due to the increased commitments required of them.

So, we shouldn't just stop with this bill and call our work complete. Pay and Retirement incentives are not the only concerns voiced by military personnel when they discuss quality of life. They care about being able to participate in their family's activities. They want to be able to help raise their children. They want to provide a home for their families where the roofs don't leak and the water and sewer systems work. They want to be trained to handle the weapons they must use to maximize their ability to survive in a firefight. In our push to pass this piece of legislation, let's not forget these other quality of life issues that service men and women weigh when they consider the military as a life-long career. As a next step, we should commit to eliminating the military construction backlog that has grown to a 100-plus-year maintenance cycle at its current funding level. Those who have seen military action in the Gulf or Panama or other regions will ask how Veterans are treated. We should commit to improving veterans' heath care and access to the VA system. No service member is naive enough to believe that military life will be easy or without sacrifice. However, we shouldn't intentionally be making the sacrifice for duty greater than it needs to be. Nor should we let the administration's promise of improving true quality of life stop at pay and retirement benefits. We owe it to our service members to continue addressing all areas of quality of life to make sure that our commitment of defense for the citizens of the United States is both real and effective. I'll be using my position on the Appropriations Committee as well as chairing the Military Construction Subcommittee to push for additional improvements in these other important quality of life issues.

But let's not forget why we are here today. As demonstrated globally, the quality of our uniformed service personnel is second to none. By providing focused incentives for increasing the attractiveness of a military career, we ensure that our services will sustain its worldwide competitive edge. We owe it to the parents, spouses, and children of our service members to make sure that their physical devotion to patriotism doesn't come at fiscal expense. This bill is a critical first step in meeting our commitments to both family and country. I strongly encourage my colleagues to vote for its passage.

Mr. ALLARD. Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LIEUTENANT COLONEL CHASE MOSELEY, U.S. MARINE CORPS

Mr. LOTT. Mr. President, I wish to take this opportunity to recognize and say farewell to an outstanding Marine Corps officer, Lieutenant Colonel Chase Moseley, upon his retirement from the Marine Corps after more than twenty-one years of commissioned service. Throughout his career, Lieutenant Colonel Moseley has served with distinction, and it is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided the Marine Corps and the Nation.

Lieutenant Colonel Moseley, a native of the State of Mississippi, graduated from the University of Southern Mississippi and was commissioned a Second Lieutenant through the Platoon Leaders Class Program in 1978. Since then, Lieutenant Colonel Moseley has spent his career patrolling the world's skies as a Naval Aviator. Following flight training, he began his service flying the F-4 Phantom in Marine Fighter Attack Squadron 531 in El Toro, California. After his tour in California, he reported to Marine Fighter Attack Squadron 232 in Kaneohe, Hawaii, making two deployments to the Western Pacific and Far East. In 1985, he reported to Marine Fighter Attack Training Squadron 101 in Yuma, Arizona for instructor duty. Completing F/A–18 training in 1987, Lieutenant Colonel Moseley was again assigned instructor duty, now flying the F/A–18 Hornet. During this tour, Lieutenant Colonel Moseley was selected to attend the Naval Fighter Weapons School (TOPGUN) and in July 1989 was selected to join the Naval Flight Demonstration Squadron "Blue Angels" in Pensacola, Florida. In 1991, Lieutenant Colonel Moseley reported to Marine All Weather Fighter Attack Squadron 242 in El Toro, California to assist in the squadron's transition to the new F/A–18 "Delta" (All Weather Night Attack) aircraft. During this tour, he completed two Western Pacific deployments serving as the Squadron Operations Officer and Executive Officer.

When not in the air, Lieutenant Colonel Moseley has like-wise served with distinction. In 1994, he served on the staff of the 5th Marine Regiment, 1st Marine Division, Camp Pendelton, California as the Regimental Air Officer. In 1995, he was assigned to the Marine Aviation Department at Headquarters Marine Corps, Washington, D.C. to serve as the Congressional Liaison Officer for the Marine Aviation Plans, Programs & Budget Branch. During this tour, Lieutenant Colonel Moseley was selected for a Federal Executive Fellowship in a national competition sponsored by the American Political Science Association and Johns Hopkins University for its 1997–1998 Congressional Fellowship program. Upon completion of the Congressional Foreign Affairs program at Johns Hopkins University, Lieutenant Colonel Moseley was selected to serve as the Military Legislative Assistant to Senator TRENT LOTT, U.S. Senate Majority Leader. Among Lieutenant Colonel Moseley's many awards and decorations are the Meritorious Service Medal, the Navy Unit Commendation, Meritorious Unit Commendation with one star, the National Defense Medal, and the Sea Service Deployment Ribbon with 4 stars.

During his more than twenty one-year career, Lieutenant Colonel Moseley has served the United States Marine Corps and our nation with excellence and distinction. He has been an integral member of, and contributed greatly to, the best-trained, best-equipped and best-prepared expeditionary combat force in the history of the world. Lieutenant Colonel Moseley's strong leadership, integrity, and energy have had a profound and positive impact on the United States Marine Corps and the Nation.

Lieutenant Colonel Moseley will retire from the United States Marine Corps on April 1, 1999, after twenty-one years and three months of dedicated commissioned service. On behalf of my colleagues on both sides of the aisle, I wish Lieutenant Colonel Chase Moseley "fair winds and following seas." Congratulations on completion of an outstanding and successful career.

TRIBUTE TO THE HONORABLE SANDRA K. STUART, ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS

Mr. LOTT. Mr. President, I would like to take this opportunity to recognize the outstanding work of the Honorable Sandra K. Stuart as the Assistant Secretary of Defense for Legislative Affairs. After nearly five years in this position, Ms. Stuart is leaving government service to pursue other opportunities in the private sector. She definitely will be missed by many of my colleagues on both sides of the aisle.

I have enjoyed working with Ms. Stuart on a wide range of matters affecting the Department of Defense. I always found her to be extremely knowledgeable and very effective in representing the Department's views. Despite the sometimes contentious nature of national security matters, Ms. Stuart always maintained a friendly and constructive approach to her work which served our Nation very well.

Ms. Stuart had the difficult tasks of coordinating the Department of Defense's legislative agenda. She has deftly balanced a wide range of Defense-related issues, including Bosnia, missile defense, health care, readiness, acquisition reform, and modernization. Because Ms. Stuart earned the trust and confidence of those with whom she worked, she was able to promote the Department's views very effectively in Congress.

Ms. Stuart's experience with the Congress predated her current position as the Assistant Secretary of Defense for Legislative Affairs. Before joining the Department of Defense in 1993, Ms. Stuart served as Chief of Staff to Representative Vic Fazio of California who recently retired from Congress. In addition to managing his Congressional staff, Ms. Stuart handled appropriations matters before the House Committee on Appropriations.

Ms. Stuart's legislative experience also includes work as an Associate Staff Member of the House Budget Committee and as the Chief Legislative Assistant to Representative BOB MATSUI of California.

Ms. Stuart is a graduate of the University of North Carolina at Greensboro and attended the Monterey College of Law. She is the mother of two sons, Jay Stuart, Jr. and Timothy Scott Stuart. She is married to D. Michael Murray.

Ms. Stuart earned the respect of every Member of Congress and their staffs through hard work and her straightforward nature. As she now departs to share her experience and expertise in the civilian sector, I call upon my colleagues on both sides of the aisle to recognize her outstanding and dedicated public service and wish her all the very best in her new challenges.

NATIONAL MISSILE DEFENSE ACT OF 1999

Mr. BURNS. Mr. President, I am pleased to join my colleagues in the Senate in sponsoring the National Missile Defense Act of 1999. This bill clearly states that the policy of the United States is to provide for the defense of its territory against a potential missile attack by a rogue nation.

A defense capability against missile attack is a necessity due to the increased threat of terrorism. An arms control commission formed to assess the missile threat to the U.S. concluded that "concerted efforts by a number of overtly or potentially hostile nations to acquire ballistic missiles with biological or nuclear payloads pose a growing threat to the United States, its deployed forces, and its friends and allies." Experts suspect that these countries are acquiring unaccounted-for Russian nuclear bombs as part of this development effort. Regional stability is being threatened by weapons programs in India, Pakistan, Iran, and others. North Korea is expected to be capable of a missile threat to U.S. citizens by 2010. The threat is very real. The Rumsfeld Commission concluded that the United States may have "little or no warning" before facing a threat from these so-called "rogue states." We must find a way to defend ourselves against potential attack from any terrorist country.

I have long supported the three tiered development of a National Missile Defense. Under these criteria, a missile defense could be deployed after showing that (1) a specific missile threat has been identified, (2) the technology has proven to be effective, and (3) the system is deemed affordable. As stated earlier, we've clearly confirmed that the threat exists. The technology is proving to be increasingly available. Most importantly, in a period where we are investing in modernizing our defense capabilities, we would be negligent if we failed to fund such a fundamental element of defense for our citizens. Now is the time to commit ourselves to completing the three steps and deploying a missile defense for all Americans.

Senate Bill 257 is an important effort to document the will of the American people. With the increasing missile threat posed by outlaw countries, it is critical that the United States do everything in its power to prevent, reduce, deter, and defend against all weapons of mass destruction and missiles. I strongly encourage my colleagues to support the passage of this bill.

(Pursuant to a previous unanimous consent agreement, the following statements pertaining to the impeachment proceedings were ordered printed in the RECORD:)

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

Mr. NICKLES. Mr. Chief Justice, the United States Senate has nearly concluded only the second impeachment trial of a President in history. We fulfilled our promise to conclude the process in an expeditious and responsible manner in accordance to the Constitution.

Americans understand there is really only one person to blame for this ordeal: Bill Clinton. He could have prevented the entire impeachment process if he had chosen the truth instead of lies and obstruction and the well-being of the nation instead of his own personal and political needs. He squandered his opportunity to provide trustworthy leadership on the important issues facing America.

The President's actions left the Attorney General with no choice but to ask the Independent Counsel to investigate. They left the Independent Counsel with no choice but to refer charges to the House of Representatives. They left the House with no choice but to impeach him.

The day Senators took that impeachment oath was one of the most serious, solemn times that I have experienced during my 18 years in the Senate. Our oath was to do impartial justice, and that oath was in my mind as I weighed the facts, the law, and the Constitution.

The President took an oath too. He took an oath to tell the truth, the whole truth, and nothing but the truth.

I believe that clear and convincing evidence presented to the Senate demonstrates that President Clinton did indeed commit multiple acts of perjury, as alleged in Article I, and multiple acts of obstruction of justice, as alleged in Article II, and deserves to be found guilty on both articles of impeachment.

The President made a serious, serious mistake when he went to his Paula Jones deposition, raised his right hand and swore to tell the truth, the whole truth, and nothing but the truth, and then lied repeatedly. Following that, he committed more acts of obstruction and more lies, culminating in his testimony before the grand jury where he lied time and time again. He had obstructed justice and he had perjured himself in the Jones case, and he wanted to be consistent, so he perjured himself again.

One of many specifics, concerning his "conversations" with Betty Currie: "I was trying to get the facts down. I was trying to understand what the facts were." He wasn't trying to understand the facts. He knew what the facts were. He was trying to mislead a witness, and then he lied under oath after being begged, "Don't do it again, Mr. President."

I believe the public deserves, and the Constitution permits, that the Senate demand a high standard of conduct in its President. Rather than find a loophole to excuse the President's behavior, the Senate ought to find him guilty.

The President's counsel have attempted to frame the question before the Senate as "[a]re we at that horrific moment in our history when our Union could be preserved only by taking the step that the framers saw as the last resort?"[1] His lawyers are asking the wrong question. In fact, as Manager CANADY pointed out, under this standard even the deeds of Richard Nixon may not have been worthy of impeachment.[2] The proper question is not whether America would survive President Clinton remaining in office: that answer is yes. The proper question before the Senate is whether, knowing what we now know about his conduct, America should have to do so.

Another of the President's lawyers argued that "[i]f you convict and remove President Clinton on the basis of these allegations, no President will ever be safe from impeachment again[.]"[3] I, for one, have a little more confidence that our future leaders will not commit felonies, but if a future President commits the same crimes as President Clinton, I hope that President will face the same constitutional response.

In fact, one familiar lawyer recognized that there is "no question that an admission of making false statements to government officials and interfering with the FBI is an impeachable offense."[4] That lawyer was William Clinton, speaking in 1974.

PUBLIC OR PRIVATE CONDUCT?

The President's defenders have argued that his errors were "private acts" which are irrelevant to the constitutional standards of public behavior. But this was not about adultery. These charges would be just as valid even if he were never married. Let's also consider a few other facts.

The President utilized his secretary to conceal evidence;

The President went out of his way to lie to his most senior aides, knowing they would repeat those lies to the grand jury;

The President supervised a massive and coordinated effort to have his staff, on government time, repeatedly lie to the public on his behalf;

The President asserted one of his most precious powers, that of executive privilege, to keep government employees from cooperating with a federal grand jury; and

There is evidence that official White House personnel attempted to smear Ms. Lewinsky and other witnesses to bolster his bogus defense.

If this conduct is so private, why has the President dragged so many public servants into his web of deceit and lies?

If the Senate were going to pass a censure resolution, perhaps it should include language rebuking his private behavior which even his staunchest defenders have recognized as reprehensible, reckless, and indefensible. However, we are sitting not as a court of morality, but as a court of impeachment which must decide whether the rule of law, as Manager HYDE so eloquently explained, is a value so worthy of protection that it requires removal of a twice-elected President.

ATTACK ON THE SYSTEM OF GOVERNMENT

Even more importantly, the President's conduct was not simply a personal matter, but rather an attack on our system of government. Our system of justice, both civil and criminal, would collapse if lying under oath was tolerated, tampering with witness' testimony was permitted or hiding of evidence was customary. Think of all of the plaintiffs, defendants, and witnesses who are involved in difficult or embarrassing situations involving bad investments, physical altercations, substance abuse, or adultery. How can we expect all of them to tell the truth, produce the evidence, and abide by society's legal standards about these matters when our President refused to do so?

Recognizing that the President still may face the criminal justice system, I believe it is entirely appropriate for the Senate to consider how our judicial system reacts to perjury. Remember the 1998 quote from a federal judge which Manager BUYER recounted:

> [Congress does not] want people lying to grand juries. They particularly don't want people lying to grand juries about criminal offenses. They particularly don't want people lying to grand juries about criminal offenses that are being investigated. They don't like that. And Congress has said we as a people are going to tell you if you do that, you're going to jail and you're going to jail for a long time. And if you don't get the message, we'll send you to jail again. Maybe others will. But we're not going to have people coming to grand juries and telling lies because of their children or their mothers or fathers or themselves. It's just not acceptable. The system can't work that way.[6]

A DOUBLE STANDARD FOR THE COMMANDER-IN-CHIEF?

Of all of the powers trusted to the President, possibly the most important is his role as Commander-in-Chief. His ability to lead the military in times of war, and during every day of preparation, training, and planning which precedes violent conflict, depends in large part in the trust and confidence he can inspire in the approximately 1.2 million men and women he commands. These men and women are subject to the Uniform Code of Military Justice: the President should be grateful he is not, for he likely would be facing court martial for his actions. At a minimum, he likely would be found guilty of the following offenses:

False official statements—Article 107;

Perjury—Article 131;

Conduct unbecoming an officer and gentleman—Article 133;

False swearing—Article 134;

Obstruction of justice—Article 134; and

Subornation of perjury—Article 134.

As Manager BUYER reminded us:

> In every warship, every squadbay, and every headquarters building throughout the U.S. military, those of you who have traveled to military bases have seen the picture of the Commander in Chief that hangs in the apex of the pyramid that is the military chain of command. You should also know that all over the world military personnel look at the current picture and know that, if accused of the same offenses as their Commander in Chief, they would no longer be deserving of the privilege of serving in the military.[7]

We all remember the publicity surrounding the case of Kelly Flynn, forced to resign from the Air Force for adultery and false statements. But there are many others, including the pending case of Air Force captain Joseph Belli. Captain Belli is currently awaiting trial, and faces up to 27 years in military prison, for having an adulterous affair with a female airman on the base at Diego Garcia, then asking both his wife and his lover to lie about it. Although Captain Belli asked to resign and although his wife asked that the charges, which she first raised, be dropped, the prosecution goes on. What do you think Captain Belli would think of an acquittal of President Clinton?

DOUBLE STANDARD COMPARED TO JUDGES?

One of the bedrock principles of our system of justice is stare decisis, that is following precedent. One question before us is whether making false statements under oath merits conviction and removal. The Senate has clear and recent precedent that answers this exact question. In 1986, Judge Harry Claiborne was convicted by votes of 90–7 and 89–8 for making false statements under oath on his tax returns. In 1989, Judge Walter Nixon was convicted by votes of 89–8 and 78–19 for making false statements to a federal grand jury. Also in 1989, Judge ALCEE HASTINGS was convicted by votes of 68–27, 69–26, 67–28, 67–28, 69–26, 68–27, and 70–25 for making false statements under oath. The Senate has spoken decisively, repeatedly, and recently on this question: making false statements under oath is an offense worthy of impeachment and conviction.

As Manager HYDE noted, "This country can survive with a few bad judges, a few corrupt judges; we can make it; but a corrupt President, survival is a little tougher there."[8] Legal commentator Stuart Taylor phrased it well:

Footnotes at end of speech.

"While removing him would be uniquely traumatic, his alleged crimes . . . are uniquely visible, and thus uniquely menacing to the rule of law, to trust in government, and to the national culture."[9]

Moreover, we know what the Founders thought of perjury: the very first Congress enacted "An Act for the Punishment of Certain Crimes Against the United States" which made perjury a federal crime. Rather than creating a lower standard of conduct for the President, I believe the Senate should hold the President to the same or even a higher standard.

And we should ask the President, if he discovered that a person he was considering for a judicial nomination had committed the acts which have been proven in this case, would he still nominate that individual? I think we know the answer.

DISCUSSION OF THE ARTICLES

ARTICLE I—PERJURY BEFORE THE GRAND JURY

I believe the evidence shows a pattern of perjury which deserves conviction. In describing how the lies were not few in number or in importance, Manager McCOLLUM captured the essence of the President's grand jury testimony: "This is about a pattern. This is about a lot of lies."[10]

In the weeks leading up to the President's grand jury testimony, Americans of all political persuasions offered unsolicited advice to the President to "come clean" before the grand jury, to admit any embarrassing conduct, and, above all, to tell the truth. They advised him that testimony which was "evasive, incomplete, misleading—even maddening," as the President's own lawyer described his deposition testimony, would not suffice before the grand jury.[11] Rather than heed this advice, however, the President decided to ignore his oath "to the tell the truth, the whole truth, and nothing but the truth," and instead, to paraphrase Manager ROGAN, decided to tell the evasive truth, the incomplete truth, and nothing but the misleading truth.[12]

It is true, as counsel for the President argue, that the President did make many admissions during his appearance which no doubt were painful: that he had had an affair with a subordinate employee not even half his age, and that he had misled the American people, his family, and aides. Sprinkled amidst these admissions, however, were numerous lies and half-truths. These statements were obviously under oath, they were material to the grand jury's investigation, and they were intentional. Thus, they constitute perjury. The claim by the President's counsel that "he told the truth, the whole truth, and nothing but the truth for 4 long hours" is complete nonsense.[13]

Simply put, the President decided that his personal and political needs were more important than the rights of the grand jury to receive truthful testimony or his obligation to comply with federal law. For these statements, which deceived a legitimately constituted federal grand jury investigating criminal conduct not only of the President, but of others, the President deserves to be convicted on Article I.

For instance, I believe that the President lied when he claimed his goal during the deposition "was to be truthful" and again when he said "I was determined to work through the minefield of this deposition without violating the law, and I believe I did."[14] No person who has read or seen the President's deposition can really believe that he was trying to be truthful.

For example, when asked during the deposition, "at any time have you and Monica Lewinsky ever been alone together in any room in the White House?", the President replied ". . . it seems to me that she was on duty on a couple of occasions working for the legislative affairs office and brought me some things to sign, something on the weekend."[15] No reasonable person could believe that his goal in responding this question was to be truthful. And the President, a lawyer, a former law professor, and a former attorney general of his state, could not have believed that he had not violated the law when he answered questions in this manner.

I need to address briefly the defense argument that the Senate is forbidden from considering the Jones deposition because the specific article alleging perjury was defeated on the House floor—remember Ms. Seligman's claim that the deposition "answers are not before you and the managers' sleight of hand cannot now put them back into article I."[16]

On December 11, 1998, when the House Judiciary Committee considered the articles of impeachment against the President, subsection 2 of Article I read exactly as it does today alleging perjury in the grand jury about the "prior perjurious, false and misleading testimony he gave in a Federal civil rights action brought against him." No member of the Committee offered a motion to strike or amend this provision. The subarticle remained unchanged when it was debated on the House floor. All 435 Members of the House were on notice that this section of Article I clearly charged the President with lying before the grand jury about his Jones deposition testimony. The fact that a separate article of impeachment dealing solely with the deposition was defeated on the House floor has absolutely no impact on the contents of Article I.

Moving to the remainder of Article I, I believe that the evidence tends to show that the President was lying when he stated to the grand jury that "I was not paying a great deal of attention to this exchange" when his attorney, Robert Bennett, argued for a lengthy period of time that the President should not have to answer questions about Monica Lewinsky because of her affidavit, known by the President to be false.[17] The videotape of the deposition clearly shows President Clinton staring directly at his attorney when these misrepresentations were made, and then closely following the back-and-forth between Bennett, Judge Wright, and Jones' counsel.

I also believe that the evidence demonstrates clearly that the President perjured himself during his testimony concerning his relationship with Ms. Lewinsky.

Part Four of Article I concerns the President's grand jury testimony concerning the various allegations of obstruction of justice contained in Article II. I discuss my views on the substantive obstruction counts below, but I also conclude that the President committed multiple acts of perjury in discussing and denying his role in these events. For those who argue that the allegations of perjury only deal with sex, I invite you to read the President's answers to the questions about the alleged obstruction: some defy common sense, most conflict with more credible accounts provided by other witnesses, and many are perjurious, false, and misleading.

ARTICLE II

The evidence concerning certain of the allegations of obstruction is strong, and would meet the legal requirements of Title 18 were this a criminal trial. While the White House defense would urge us to consider the President's "record on civil rights, on women's rights[,]"[18] I would urge all Senators to remember that it is easy to talk a good game, but when another American citizen sought to exercise her rights, the President played a different one. To use a phrase, the President wanted to win too badly.

For instance, the evidence that the President tampered with a potential witness, Betty Currie, is convincing. As Manager McCOLLUM pointed out, Ms. Currie's testimony in this matter is undisputed.[19] Just hours after he fed the Jones' lawyers numerous lies, the President called Currie and demanded that she come to Oval Office on a Sunday. He then accosted her with a list of falsehoods, such as "You were always there when she was there, right?"[20] The President clearly knew Currie was a potential witness in the Jones case, not only because he had mentioned her repeatedly during the deposition, but also because he knew that the Jones lawyers obviously knew there was some relationship between he and Lewinsky and that they would continue to follow that lead.

Even worse, according to Currie's testimony and evidence in the record, when it was known that the Office of Independent Counsel was investigating, the President saw Currie again, and repeated his coaching. By this time, Currie was clearly a witness to a grand jury investigating federal crimes. Both of these conversations constituted witness tampering under Title 18 and warrant conviction.

Moreover, in attempting to explain away his crime during his appearance before the grand jury, the President clearly perjured himself. His answers, which included the hilarious claims that he was trying to "refresh my memory" and "I was trying to get the facts down. I was trying to understand what the facts were" are perjury.[21] The fact that Ms. Currie was willing to recount these encounters to the grand jury does not diminish in the slightest the fact that the President illegally tried to coach her.

But this episode of obstruction was only part of a continuing pattern. Clear circumstantial evidence proves that the President participated in a scheme to hide evidence under subpoena by Paula Jones. The evidence shows that Lewinsky suggested that she make sure that the many gifts the President had given her were not at her residence, specifically suggesting to the President that Betty Currie could hide them from the Jones attorneys. Lo and behold, hours later, Currie, having no idea that Lewinsky was under subpoena to turn over gifts, called Lewinsky after having seen the President at the White House and said something to the effect of "I know you have something for me or the President said you have something for me."[22] The two arranged to meet, Lewinsky sealed the gifts in a taped box, handed the box over to Currie, who hid it under her bed.

There are two explanations for how this obstruction happened. One, Betty Currie suddenly had a vision that she should call Lewinsky to see if she needed help in her plans to obstruct justice. Or two, the President communicated, explicitly or obliquely, that Currie should call Lewinsky to execute her scheme. Deciding which of these scenarios is more plausible is not difficult. Moreover, the idea, advanced by the President's defense, that he did not care if Lewinsky produced to the Jones attorneys all 24 gifts he had given her, is ridiculous. Can anybody really think that the Jones attorneys would have taken a look at the pile of gifts and said "well, there are only 24 gifts—I guess there was nothing going on there."

I also believe Ms. Lewinsky's testimony that the President suggested to her that she could supply the Jones attorneys their long-standing "cover stories"—that she was delivering papers or visiting Currie when in fact she was coming to visit the President. The President's counsel have done their best to confuse this issue by linking it with the events surrounding Ms. Lewinsky's affidavit. But her deposition testimony is clear that the President reminded her during a 2 A.M. phone call, after she was on the Jones witness list, that if she ended up testifying—that is, if the affidavit was unsuccessful—that she should use the cover stories they had developed:

> Q: . . . did you talk about cover story that night (December 17, 1997)?
>
> A: Yes, sir.
>
> Q: And what was said?
>
> A: Uh, I believe that, uh, the President said something—you can always say you were coming to see Betty (Currie) or bringing me papers.
>
> Q: . . . You are sure he said that that night?
>
> A: Yes.[23]

As the Managers pointed out, this scheme, which was "not illegal in its inception—simply trying to keep the relationship private—did in fact deteriorate into illegality once it left the realm of private life and entered that of public obstruction."[24]

And on the issue of making false statements to top aides, knowing these lies would be repeated to the grand jury, the President is guilty both of obstruction and perjury. The fact that the President was also lying to the American people is irrelevant to this charge. The facts are that the President was denying this workplace relationship, that he knew the Independent Counsel was attempting to prove it was true, and he knew his top aides working in his close proximity would be called before the grand jury to find out whether they had seen or heard of the relationship. The false information he passed to them, including much more than just false denials, clearly obstructed the grand jury's investigation.

I also believe the evidence concerning unusual job assistance provided to Monica Lewinsky through the President's close friend, Vernon Jordan, and the President's blatant failure to interrupt his attorney's unknowing attempt to utilize Ms. Lewinsky's false affidavit bolsters the Managers' charges of obstruction.

The Senate has never faced the question whether obstruction of justice is an offense worthy of conviction and removal from office. Luckily, this is not a difficult question. No less than perjury, obstruction of justice and witness tampering interfere with the gathering of truthful evidence and testimony that is the lifeblood of our civil and criminal courts. Our Federal Sentencing Guidelines recognize the detrimental effects of these acts, providing for tougher sentences for obstruction than for general acts of bribery.

In conclusion, consider whether instead of lying and obstructing in the Jones case, the President had paid bribes to Lewinsky and Judge Wright. Would the President's defenders still claim that this was private conduct? No, they could not, and the effect of the perjury and obstruction is the same.

CONCLUSION

Throughout these proceedings, the President's counsel and defenders have cited his popularity as a new type of legal defense to the charges: Senator Bumpers said "the people are saying 'Please don't protect us from this man.'"[25] In fact, I believe his popularity, largely a result of economic factors not of his making, means the Senate should give even closer scrutiny to the charges. I would argue, as did Manager CANADY, that a President able to get away with crimes because of his popularity is the greatest danger to our system of government, exactly the type of danger that the Framers envisioned when trusting the Senate with the power of removal.[26] Remember how Alexander Hamilton spoke of the Senate's role:

> Where else, than in the Senate could have been found a tribunal sufficiently dignified, or sufficiently independent? What other body would be likely to feel confidence enough in its own situation, to preserve unawed and uninfluenced the necessary impartiality between an individual accused, and the representatives of the people, his accusers?[27]

As Manager GRAHAM pointed out, a Senator voting to convict the President for his actions is placing a "burden on every future occupant" of the office of the President to avoid this type of conduct.[28] Asking our Presidents to obey the law and to respect the judicial process are burdens that I am willing to place on future Presidents.

President Clinton is guilty of perjury. He is guilty of obstruction of justice. He must be removed from office.

The House and its Managers admirably fulfilled their Constitutional and moral responsibilities. I can say confidently that Senate Republicans kept their promises to conduct a fair and expeditious trial and to protect the Constitution. The just cause of impeachment is nearly over.

Congress will then be able to focus on its full-time job: securing a better quality of life for all Americans. During the coming months, Congress will move forward with an aggressive agenda to provide an across-the-board tax cut, improve educational opportunities for our children, strengthen our national security, and ensure a sound Social Security and retirement system that provides Americans with the best possible return on their investments.

I am anxious to roll up my sleeves, get to work, and make the most of the opportunities ahead in the 106th Congress.

Footnotes

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[1] 145 Cong. Rec. S495 (January 19, 1999) (statement of counsel Ruff).

[2] 145 Cong. Rec. S963 (January 20, 1999) (statement of Manager Canady).

[3] 145 Cong. Rec. S823 (January 20, 1999) (statement of counsel Craig).

[4] Arkansas Democrat, August 6, 1974.

[5] *See* Cong. Rec. S299 (January 16, 1999) (statement of Manager Hyde).

[6] 145 Cong. Rec. S283 (January 16, 1999) (statement of Manager Buyer).

[7] 145 Cong. Rec. S286 (January 16, 1999) (statement of Manager Buyer).

[8] 145 Cong. Rec. S887 (January 22, 1999) (statement of Manager Hyde).

[9] Legal Times, January 18, 1999, at 26.

[10] 145 Cong. Rec. S266 (January 15, 1999) (statement of Manager McCollum).

[11] House Serial 68, at 11.

[12] *See* 145 Cong. Rec. S879 (January 22, 1999) (statement of Manager Rogan).

[13] 145 Cong. Rec. S812 (January 20, 1999) (statement of counsel Craig).

[14] House Doc. 105-311, at 532.

[15] Clinton *Jones* deposition at 58.

[16] 145 Cong. Rec. S969 (January 25, 1999) (statement of counsel Seligman).

[17] House Doc. 105-311, at 511.

[18] 145 Cong. Rec. S830 (January 20, 1999) (statement of counsel Mills).

[19] *See* 145 Cong. Rec. S994 (January 26, 1999) (statement of Manager McCollum).

[20] House Doc. 105-316, at 559.

[21] House Doc. 105-310 at 507-508, 583.

[22] 145 Cong. Rec. S1225 (February 4, 1999) (deposition of Monica Lewinsky).

[23] 145 Cong. Rec. S1219 (February 4, 1999) (deposition of Monica Lewinsky).

[24] 145 Cong. Rec. S275 (January 15, 1999) (statement of Manager Barr).

[25] 145 Cong. Rec. S846 (January 21, 1999) (statement of counsel Bumpers).

[26] *See* 145 Cong. Rec. S295 (January 16, 1999) (statement of Manager Canady).

[27] 145 Cong. Rec. S296 (January 16, 1999) (statement of Manager Canady) (quoting The Federalist No. 65).

[28] 145 Cong. Rec. S289 (January 16, 1999) (statement of Manager Graham).

Ms. LANDRIEU. Mr. Chief Justice, as I begin, as so many of my colleagues have, I would like to thank our leaders for their tremendous patience—TOM, for your steady hand and, TRENT, for your good sense of humor.

Before I get into the core of my remarks, I would like to say that this ordeal has been, indeed, trying for all of us, but I believe it has strengthened us individually and as a body. We have come to know each other far better. We have gained a deeper appreciation of our individual strengths and gifts. And I am more than satisfied, particularly in listening to my colleague, OLYMPIA SNOWE, that this country is in good hands with the men and women here in this chamber.

Besides gaining a deeper appreciation for each other and for the Senate itself, we have also shared a great history lesson. For some of us, it has been our first in-depth study of these portions of our history; for others, it has been a timely refresher course; and to one among us, Senator ROBERT C. BYRD, I trust a rewarding experience as your words and writings on this important constitutional question have brought calm and clarity to our deliberations.

So many excellent points have been made in these last days. And I don't want you all to repeat this outside—and I know you can't—because people would say I am crazy, but I have enjoyed every single moment of these last three days. There has been a lot of talk about our Constitution and the Framers intent regarding the impeachment clause. Many have been mentioned. I will only venture to offer one that has to my knowledge not been mentioned yet because it strikes me as particularly timely, important and ironic. That is the argument of the anti-Federalist faction who fought vigorously for an impeachment provision, because they believed according to Madison, ". . . that the limitations of the period of service"—and they were speaking about an Executive—"was not sufficient security."

They believed that in creating a federal government it would quickly get out of control and out of step with the sentiments of the American people. Their fears were palpable. According to some scholars, as outlined in Senator BIDEN's brief, this charge of possible "corruption, intrigue, tyranny and arrogance" between elections by the chief executive was so strong that it was almost fatal to the ratification of the Constitution by the states.

It is, indeed, ironic that we are in the process of conducting an impeachment against a president that seems by all impartial and objective analysis—despite his personal failings—to be in step with the American people, in step with their wishes and their hopes for this country, in step with their ideas for a domestic and an international agenda.

The latest independent analysis by the New York Times and CNN published today shows that 70% of the American people—a clear majority—believe that the President should not be removed from office. I know that people have rejected talk of analysis and polling. When I was writing this, I felt some hesitation of even bringing it up because I come from a family that wears as a badge of honor the ability to stand alone against great odds. In the 1950's, 60's, and 70's, as one of nine siblings born to parents who were civil rights leaders, it is the only way I knew. I grew up listening to my father tell stories about his lone vote against the Jim Crow laws in the Louisiana Legislature. I grew up thinking that was the right thing to do. I believe at this time, it still is.

But as the Bible would infer, there is a time to lead and there is a time to listen. For those who are still struggling at this last hour with your decision, regardless of how strongly you might feel about what the President did, I respectfully suggest that you can find comfort in the wisdom of the people.

Should we make all of our decisions based on polls and public opinion surveys? Absolutely not. However, this particular situation is different. Let me point out two important distinctions.

One, this is not a regular issue. The people know a lot about this case. They have a clear high-tech, 20th century view of the currents and events shaping it. All of them: the good, the bad, and the ugly. It has been the most publicized and analyzed political/legal case of this century and perhaps all of history.

Two, this is the greatest and most admired democracy on the face of the earth. As PATRICK MOYNIHAN so eloquently pointed out: One so rare and precious, it is truly a treasure. In such a democracy, the people's voices should count.

Thomas Jefferson said, "Democracy is cumbersome, slow and inefficient." Over the last twelve months, we can certainly attest to that. "But," he said, "in due time, the voice of the people will be heard and their latent wisdom will prevail."

As for me, I voted to dismiss both articles at the first appropriate opportunity. I did so after careful review of the facts, the evidence and a reading of the relevant parts of the Constitution and the other appropriate historical documentation. My colleague, OLYMPIA SNOWE, and others have eloquently gone through many of the details of the case, and I will not take time to repeat them now.

I concluded that the charges of perjury and obstruction of justice, while serious indeed, overlaid an immoral but not a criminal act against the state, one that is essentially private and not a public act. Therefore, in my judgment the charges did not rise to the level of high crimes and misdemeanors, a high constitutional bar which has served us exceedingly well over the last 223 years.

So today for those same reasons, and in respect for the people of this democracy, I will vote to acquit the President on both charges.

As I said in an earlier statement, which at this time I would like to add to this record, this vote should not be interpreted as approval of the President's actions which were reckless, irresponsible and showed a serious lack of judgment. A sexual dalliance with a White House intern and the subsequent breach of the public trust will cast a deep shadow over his other notable accomplishments and will forever tarnish his presidential legacy.

I cast this vote and find my comfort in a clear conscience, in the Constitution, and in the will of the people.

In closing, let me make one last appeal. Let us put forth a strong censure resolution. One that doesn't attempt to provide cover for either political party or to make us feel better or worse about our votes. We can all defend our votes, and certainly we will be called on to do so. Let us, rather, craft a resolution which could receive a majority support of both parties. The wording should condemn the President's actions in the strongest terms and call for a national reconciliation.

UPHOLDING THE CONSTITUTION

Several weeks ago the Senate took up the somber Constitutional task of sitting in judgment of a president in an impeachment trial. Throughout the trial, I have limited public comment to underscore the impartiality I have brought to this process. Both sides have now spoken and I have reviewed all of the evidence as required by the Constitution. My decision has been made: the actions of President Clinton, while wrong, indefensible and reckless, do not meet the Constitutional standards for removal from office. Therefore I have voted to dismiss the Articles of Impeachment against the President.

From the start, I have tried to focus on what the Framers of the Constitution had in mind when they carefully crafted the Impeachment Clause. It is important to remember that for more than 100 years the colonies suffered under the thumb of the tyrannical kings of the English monarchy. A principle goal of the Framers was to have a mechanism to protect the populace from corrupt and oppressive leaders.

In the Federalist Papers, Alexander Hamilton and James Madison argued that impeachment be used only for "distinctly political offenses against the state." Our Founders were trying to guard against tyranny and oppression, and not personal actions no matter how reprehensible. More than 700 noted legal and historical scholars, both conservative and liberal, agree with this constitutional interpretation of the impeachment clause.

The Founders were also rightly concerned that impeachment might be employed as a partisan tool to undermine, even destroy, high ranking government officials—especially the President. They worried a "powerful partisan majority" might misuse it for public gain. The House impeachment vote, which essentially fell along party lines, is troubling. Such partisanship was absent during the Watergate proceedings. At that time Republicans and Democrats on the House Judiciary Committee joined together to vote for impeachment because the evidence showed crimes were committed against the government.

I also voted against calling witnesses because it is clear that a complete and fair trial can and should be conducted on this voluminous and well-publicized record. Our nation deserves to be spared this protracted spectacle, particularly at a time when public disillusionment of government is at an all-time high and issues like Social Security, education and international crises demand our immediate attention.

Critics of this position will somehow believe that President Clinton has avoided punishment. On that issue, let me make two points. First, the power of impeachment was never meant to punish the president, but to protect the nation. Second, the president has already suffered by his reckless behavior and, unfortunately, so has his family. In addition, criminal charges could be brought against him once he leaves office, and he is still subject to civil charges. Worst of all, his inappropriate and reckless behavior and the subsequent breach of public trust will cast a permanent shadow over his other notable accomplishments and will forever tarnish his presidential legacy.

In 1868 Senator James G. Blaine voted to convict and remove Andrew Johnson, the only other president to be impeached. Twenty years later he said he had made a "bad mistake" and recanted. Upon further reflection he realized that the charges did not warrant the "chaos and confusion" of removing President Johnson from office. Likewise, these charges do not warrant the "chaos and confusion" that could occur should our last presidential election be overturned.

At the conclusion of this trial, I plan to cosponsor a strong censure resolution of President Clinton concluding that his conduct in this matter has brought shame and dishonor to himself and the Office of the President. In my opinion, it would bring a sensible end to this regrettable chapter in American political history. Finally, the ultimate political judgments will be made by the people in future elections. And the lasting judgment will be made by the only One who can.

Mr. SMITH of New Hampshire. Mr. Chief Justice, thank you very much. I would certainly give more than a penny for your thoughts on this matter. But I am afraid we will probably never know.

Mr. Chief Justice, I have been proud to be a U.S. Senator ever since that day over 8 years ago when I took the oath of office and my colleague, Senator BYRD, told me that I was the 1,794th person to serve in the U.S. Senate.

During my tenure in the Senate, I have learned to respect my colleagues even when I strongly disagree with them on the issues of the day. I have challenged colleagues on issues and maybe at times even criticized their votes. But I have never challenged a colleague's motives and I never will. I respect each and every one of you and the high office you hold.

I consider it a great honor to serve in this body, and serve with some giants here—Senator HELMS, Senator THURMOND, Senator BYRD, to name a few.

I remember when I came to the floor of the Senate and signed that book as No. 1,794. Senator BYRD reminded me of the significance of that. And I have never forgotten it.

I also sit at the desk of Daniel Webster. It is a constant reminder that I am just a temporary steward occupying this seat in the U.S. Senate. It is also a reminder that we will move on. But the Constitution will not move on. The Constitution will endure forever. Our role here in this proceeding is to preserve the Constitution and the Presidency. Yes—even if it means we have to remove the President.

Mr. Chief Justice, when the rollcall is called tomorrow, I will be voting "guilty" on both of the articles that are now before the Senate. It is clear that the Senate will not be finding President Clinton guilty on either article. But I just want to say regarding censure that my vote is my censure. I think anyone who votes to find him guilty does not need to be concerned about censure.

As I contemplate my vote, I am reminded of a prayer offered in 1947 by a former Chaplain of the Senate, Rev. Peter Marshall. Reverend Marshall prayed: "Our Father in Heaven . . . help us to see that it is better to fail in the cause that will ultimately succeed than to succeed in a cause that will ultimately fail."

I have faith that the cause in which I believe will ultimately prevail, because I believe that history will judge that President Clinton is, in fact, guilty of high crimes and misdemeanors that warrant his removal from office. I know others respectfully disagree. And believe me, I respect that disagreement.

Many of my colleagues have spoken on the instability a guilty verdict would cause for the Nation. We should never remove a President unless there is clear and present danger to the Nation, they say. With respect, colleagues, I submit to you that the double standard that we have set for our leader will ignite a cynicism directed against all of us. A cynicism is a clear and present danger to society.

With a not guilty verdict, you will tell the American people that perjury and obstruction of justice for the President are acceptable; that those who put their lives on the line for our Nation every day in our Armed Forces have a higher standard than the Commander in Chief; and that for everyone else in America who lose their jobs because of perjury and obstruction, that is not acceptable.

We reap what we sow. In my view, respectfully, history will judge us harshly for this. And I say that in great humbleness. It is my view. A not guilty verdict is a short-term victory for the President. It is a long-term defeat for truth, for honor, for integrity, for the Presidency, and, in my view, for the Constitution.

As Peter Marshall intimated in his prayer, with a not guilty verdict we have succeeded in a cause which I believe will ultimately fail.

My colleagues, we are all elected officials. And I want to comment about this partisanship. I say it in the spirit of bipartisanship. We have all been through the same ordeal together here. The nasty fundraising, the ad wars, dirty campaign tactics, thousands of miles of travel, neglecting our families, hours and hours away from home, much to the detriment of our own health and financial well-being. We do it all the time. And for anyone inside or outside this institution to suggest that my vote, or your vote, or anyone's vote in here is based on partisanship not only makes me sick, it makes me bristle with anger.

What are my colleagues really saying when they invoke the word "partisanship"? Do you really believe that the impeachment of the President of the United States by a majority of the Members of the House of Representatives, the body that is elected every 2 years, gives closure to the people, and the body elected by the same voters who elect one-third of us every 2 years would impeach the President of the United States because he is a Democrat? Even to imply that is unworthy, it is arrogant, and it is below the dignity of this very seat that you now hold. Have you forgotten the "war" that James Carville declared on Ken Starr a year or so ago, and on the Republicans, to protect the innocent Bill Clinton?

Was that partisan? Was the President totally innocent? Partisanship has no place in this Senate, especially when it sits as a Court of Impeachment. We are here to do impartial justice, to be unbiased triers of fact. Yet, we have allowed that runaway partisan train of White House apologists, I might say, to rumble into the Senate with no brakes.

One of my colleagues mentioned the courage of Republicans who voted against impeachment in the House. How about the Democrats who voted to impeach? Are they, by implication, cowards?

Alexander Hamilton would be appalled at the notion of partisanship in an impeachment trial. Indeed, writing in the Federalist Papers, Hamilton said that the impeachment of the President "will seldom fail to agitate the passion of the whole community, and to divide it into parties more or less friendly to the accused."

"There will always be the greatest danger," Hamilton warned, "that the decision will be regulated more by the comparative strength of the parties, than by the real demonstrations of innocence or guilt."

Mr. Chief Justice, there was a hero of the Revolutionary War era, Dr. Joseph Warren. He was a doctor. He didn't have to serve; he was 34 years old. His colleagues begged him not to go. But he picked up arms at Bunker Hill at 34 years old and he said, "Our country is in danger. On you depend the fortunes of America. You are to decide the important questions upon which rest the happiness and the liberty of millions yet unborn. Act worthy of yourselves." He was killed at the Battle of Bunker Hill.

We don't act worthy of ourselves when we let partisanship enter into this trial, or even accuse one another of it. Why is it, when Democrats march in lockstep on a vote, that we Republicans are the only ones being accused of partisanship?

Why are the House Republicans partisan because they vote out the articles, yet the Democrats who vote to block them are not partisan?

I have served with HENRY HYDE in the U.S. House of Representatives, and so have many of you. There is not even a remote chance—and every single one of you knows it—not even a remote chance that HENRY HYDE would bring articles of impeachment against the President of the United States of any party if he didn't believe they were justified.

Honorable men and women can disagree on these articles, but leave your politics at the door. Act worthy of yourselves.

If the articles were so outrageous, so political, so partisan, so vindictive, and it is nothing more than a private sexual matter, then why do those of you who say those things want to censure this President using such terms to describe his actions as "shameful," "disgraceful," "reprehensible," "false" and "misleading," and so forth?

Before I leave the matter of partisanship, let me say a few words about the case of our former colleague, Senator Packwood. My colleagues know I was a member of the Ethics Committee, and I supported the expulsion of Senator Packwood. I lost a colleague, and I lost a friend over that.

That case, too, was "about sex." My colleagues and I didn't shrink from doing our duty in the Packwood case because this outrageous behavior was about sex.

In addition, those organizations advocating that the Senate take strong action against Senator Packwood were, by and large, liberal feminist groups, which I disagree with on nearly every issue.

That, however, did not matter. Instead of being partisan or being deterred because the case was about sex, those of us on the Ethics Committee painstakingly investigated that case in all of its sordid and unpleasant detail. We considered the shameful behavior in which Packwood engaged. We considered how his behavior reflected on his fitness to serve. We considered his obstruction of the investigation with respect to his diaries.

And in the end, the committee, Republicans and Democrats alike, voted to recommend to the full Senate that he be expelled. In doing our duty as we saw fit, we were not deterred by the argument that we were "overturning an election," nor were the Republican members of the Ethics Committee—at the time, Senators MCCONNELL, CRAIG and myself—deterred by the fact that Senator Packwood was a member of our own party, nor were we deterred because liberal feminist groups were aggressively supporting many of the women accusers of Senator Packwood. The heart of the issue is not who Paula Jones' lawyers are, my colleagues, but, rather, did Bill Clinton expose himself in the presence of Paula Jones against her wishes? That is at best sexual misconduct, and at worst it is sexual harassment. Right wing groups did not find Paula Jones. Bill Clinton did. He says he didn't do it. Do you really believe him? The women accusers of Senator Packwood received justice in spite of those who promoted their cause. Paula Jones deserves the same treatment. The Supreme Court agreed 9 to zero. It is outrageous to say, as some have on this floor, that it is acceptable to expel Senator Packwood and acquit the President. That kind of debate should not take place on the floor of the Senate. How can you say that Senator Packwood is equal under the law, and yet the President is above the law?

Today, I ask my colleagues in the Senate to do in the impeachment case of President Clinton what we did in the ethics case of Senator Packwood. Put aside your political affiliation. Put aside your friendship or your personal disdain for President Clinton. Put all of that aside and do the right thing.

The House managers have established, I believe, beyond a reasonable doubt that President Clinton perjured himself and obstructed justice. As such, I don't believe we have any option other than to remove him from office and replace him with the Vice President—a fine, decent man, as many of his predecessors who have assumed the office of the Presidency during difficult times, and the Nation has persevered.

As I have listened to my colleagues in these final deliberations, I have heard time and again that the House managers did not prove their obstruction of justice charge because of conflicts in testimony. We heard about all these conflicts—conflicts in testimony about the hiding of the gifts, conflicts in testimony about the job search, conflicts in testimony about the President's coaching of Betty Currie.

Well, let me ask you, colleagues, if you believed that these conflicts needed to be resolved, then why didn't you join some of us who signed a letter to call for the President of the United States to come here to the Senate and tell the truth? What were you afraid of?

We could have called President Clinton here to a closed session of the Senate. It need not have been a media spectacle. It can and should have been a closed session—just the Senate and the President.

Time and again, I have heard my colleagues say that there should be a higher standard for removing a President of the United States than for removing a Federal judge or expelling a Senator Packwood. If there is such a higher standard for the law, then why not insist on a higher standard for the man?

One of my colleagues mentioned the Iran-contra matter. At an earlier time, not too many years ago, when impeachment talk was in the air, President Ronald Reagan walked to the microphone, and he said, "I take full responsibility for my own actions and for those of my administration. As angry as I may be about activities undertaken without my knowledge, I am still accountable for those activities. As disappointed as I may be in some who served me, I'm still the one who must answer to the American people for this behavior. And as personally distasteful as I find secret bank accounts and diverted funds—well, well, as the Navy would say, this happened on my watch."

Oh, what a little honesty and candor can do for the soul of the Nation. Why didn't we call the President? Why didn't every Member of this Senate sign that letter? What would be wrong with having him come, either in deposition or in person? I will always regret that we failed to do so. We will never know whether the President's own testimony here before us could have better enabled us to do our constitutional duty. We will never know. The President testified before the grand jury. He testified before the Paula Jones case. He should have testified at his own impeachment trial so we could get the truth, so those of you who want to know whether or not he obstructed justice or committed perjury could have heard from him, not his lawyers. It is a permanent black mark on this trial, and I believe historians will ask for a long, long time: Why didn't the President testify? It could have changed the outcome of the trial.

Speaking of constitutional duty, I am reminded of the President's oath. Article II, section 1, clause 7, of the Constitution provides that:

> Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

The Constitution considers the oath so important that it requires the man or woman who is elected President to take it. So given the importance of an oath—it is so important that no one elected can serve unless they take it—how can we say that willful violation of that oath, being perjury and obstruction, doesn't rise to the level of impeachment?

President Clinton has discredited the oath that the chief law enforcement officer of the Nation must take. We have compounded that discredit by not holding him accountable.

Manager LINDSEY GRAHAM said that "we could leap boldly into the 21st century by ignoring the rule of law." Unfortunately, the Senate opted to crawl.

My colleagues, we all in politics know what a user is. With all due respect, Bill Clinton is a user. He used Monica Lewinsky; he used his friends; he used his Cabinet; he used the American people; and now he is using the Senate.

The President has never been held accountable. He wasn't held accountable for not telling the truth about the draft; he was not held accountable for not telling the truth about marijuana; he was not held accountable for lying about his relationship with Gennifer Flowers; he was not held accountable for his actions towards Paula Jones; he was not held accountable for lying about Monica Lewinsky. He will walk away from this trial with an acquittal, and yet again he will avoid accountability for his actions. He will avoid being held accountable for the actions that every American citizen, every teacher, every CEO, every military man and woman, would have lost his or her job over, and we let it happen. We did. With the greatest respect, that is not a profile in courage.

After the acquittal, I hope we will not be a party to the party. The champagne corks will pop; cigars will be lit; maybe even the bongo drums will be played. I implore you, colleagues, don't go to the party. There is nothing to celebrate. Act worthy of yourselves.

In 1880, when Dostoevsky, the great Russian author, wrote "The Brothers Karamazov," he could not even have dreamed that there would ever be a Bill Clinton, but here is what he says, and it goes right to the heart of this entire case:

> The important thing is to stop lying to yourself. A man who lies to himself and believes his own lies becomes unable to recognize the truth, either in himself or anyone else, and he ends up losing respect for himself as well as for others.
>
> When he has no respect for anyone, he can no longer love. And in order to divert himself, having no love in him, he yields to his impulses, indulges in the lowest form of pleasure, and behaves in the end like an animal in satisfying his vices. And it all comes from lying, lying to others and to yourself.

The rule of law and the President's constitutional oath must pass the test of truth. President Clinton, regrettably, failed that test.

Mr. Chief Justice, I am satisfied beyond a reasonable doubt that William Jefferson Clinton is guilty of perjury, is guilty of obstruction of justice, and must be removed from office. I have only to answer to my conscience, to the Constitution, and the judgment of history, and I stand ready for that judgment.

I yield back any time.

Mr. BINGAMAN. Mr. Chief Justice, colleagues, I will vote to acquit the President on the two articles of impeachment. I will vote "no" for two reasons. First, the House has failed to allege acts by this President which in the context of this case constitute high crimes and misdemeanors. And, second, the House managers allege that the President committed crimes, but they have failed to establish the elements of those crimes.

The illicit sexual affair which the President engaged in, and the President's efforts to conceal that affair, are permanent black marks on his Presidency. His actions were deplorable, indefensible, and immoral.

But however reprehensible these acts were, they are not impeachable offenses. They did not endanger the Government. They were not the "stuff" which the writers of the Constitution had in mind when they used the phrase "high crimes and misdemeanors."

I think we should act accordingly. Our duty, as I see it, is to look at the record, look at the arguments, judge our own authority as it has been given to us in the Constitution, and then vote either to remove the President or to acquit the President.

I want to spend just a minute on this issue of our own authority. As I hear some of the discussion, it seems to me we have lost sight of our own authority. Some have argued that if a university president were to have engaged in these acts, clearly the board of regents of the university would fire that president. Some have said if a chief executive officer of a corporation were to engage in a course of conduct like this, the board of directors of the corporation would fire the chief executive officer.

I was visiting the United Parcel Service facility in Albuquerque right before Christmas, and I was talking to various people there. One of the men said, "I hope you throw the President out of office because if I did what he has done my boss would sure fire me." That is the way a lot of us tend to think about this issue. And the discussion here this afternoon has been consistent with that. So I think it is worth focusing on what is wrong with that argument.

What is wrong with that argument is that we are not the President's boss. We did not hire the President. The American people hired the President, just like the American people hired each one of us. And we have very limited authority under the Constitution to step in and interfere with the decision of the American people in that regard. I do not believe that the Constitution intended that we would set ourselves up as the judge of the President's character, or to determine whether we believe this President is trustworthy enough to remain in office. That issue is not for us to decide. That was decided by the American people. They have not delegated that decision to us.

I am reminded of a story from New Mexico politics. We had a mayor in Albuquerque many years ago named Clyde Tingley. He was very proud of the city zoo, which he had built with city funds. He was showing the zoo to a high official in the Catholic Church one day. And the official at one point said, "Well, Mr. Mayor, this is an amazing project here. The people of Albuquerque ought to canonize you for this." The mayor shot back, "A bunch of them tried during the last election. But they didn't get away with it."

I think a bunch of people tried to throw this President out of the White House in the last election because of questions about his character, but they didn't get away with it. These are not new questions about this President. These are questions which have been raised and raised and raised about whether this President is trustworthy, whether this President has demonstrated the character necessary to serve as President. And we really did already have a vote. Every one of us has already voted on whether to remove this President from the White House. Each one of us voted on that issue in November of 1996. I would assume a majority of us in this Chamber voted to remove him from the White House. But the American people chose to keep him there. The American people judged him to be worthy of the job and chose him to be their President for another four years. And they did not authorize us to second guess that decision.

So we need to look at our own job here, and say to ourselves, "Are we here to pass judgment on the President's character, are we here to pass judgment on the President's trustworthiness, are we here to determine whether he is a proper example for young people, or instead are we here to decide whether he has committed high crimes and misdemeanors that would justify removing him from office?"

Senator JOE BIDEN put it very well by saying that this branch of government—the House and Senate—should be very reluctant to reach across and remove the head of another branch of government. That is an extraordinary act. It has never occurred in the history of this country. For good reason it has never occurred. It would be a major mistake for us to take that action at this time.

The framers of the Constitution did not intend Congress to remove a duly elected President on the basis of facts such as these, and they were right to deny the Senate that authority. The stability of the executive branch must not be put at risk by Congress, contrary to the "electoral will", absent a clear showing of "high crimes and misdemeanors" by the President. There is no such clear showing here. The proper remedy for this kind of improper conduct is in the voting booth, not here on the floor of the United States Senate.

In my view, the House misused the power of impeachment when it voted these articles of impeachment against the President. It would compound the misuse of power if the Senate were to vote to convict and remove. My vote will be to acquit.

Mr. BENNETT. Mr. Chief Justice, as I have sat through this trial, I have not spent much time on questions of reasonable doubt or where the preponderance of evidence lies. Whatever the importance of those concepts in a typical court, the constitutional implications of what we are considering are much more serious than the issues decided in a normal trial. I will not vote to remove a sitting President on the turning of a legal issue.

Accordingly, early in the trial I decided that I would not vote to convict under the First Article of Impeachment. It struck me as overly legalistic. I listened to the lawyers argue about the proper form of the article, and I heard about questions of materiality—not a term I use in everyday conversation—and I decided that while the case was there, it was shaky. In order to be sure I would render impartial justice, I asked myself if I would remove Ronald Reagan in a similar circumstance. When I realized I would not, I decided that I could not vote to remove Bill Clinton.

Once I had made that decision, I more or less tuned out further discussions on Article One, from either side, and concentrated on Article Two.

Here the issues seemed more disturbing. The Constitution guarantees that the most ordinary of citizens has the right to her day in court, regardless of her hair or her nose or her choice of attorneys. The man she sues, even if he is the most powerful man in the country, does not have the right to lie while testifying under oath in her case, to deny her truthful discovery just because it would embarrass him. He does not have the right to encourage others who are beholden to him, either for their jobs or for favors he has done for them, to do the same, even by interference. He does not have the right to coach and mislead potential witnesses. He does not have the right to use the awesome power of the White House public relations apparatus to spread false and malicious rumors about people—calling them "stalkers," "trailer park trash" and "liars"—just because he thinks they might embarrass him if they tell the truth.

It has been said that it was understandable for President Clinton to do all these things because he was just trying to cover up a sexual affair, and, after all, everyone lies about sex. Well, not everyone. We have had other Presidents whose sexual improprieties have been made public at awkward times —Grover Cleveland, while a candidate for President, was exposed as having fathered a child out of wedlock. Asked by his panicked political allies what to do he said, "Tell the truth, of course," and won the election. Bill Clinton should take such notes.

What finally convinced me to vote for Article Two was the statement of my good friend, Dale Bumpers. I thought he was magnificent. He told us that the fundamental purpose of the Constitution was to "keep bullies from running over weak people."

I was struck by that. I wrote it down. Then I asked myself, "In this case, who is the bully, and who are the weak people?"

While publicly posing as a helpless victim of a relentless prosecutor, it was President Clinton and the people in his famous "war room" who were the bullies, using presidential powers and presidential lies to run over the rights of Paula Jones and, if necessary, Monica Lewinsky.

Any President who is willing to lie and smear and stonewall, whether under oath in a courtroom or before a TV camera, speaking confidentially to his aides or privately to his family—any President who is so ruthless, disdainful of the truth and callous of the rights of others that he is willing to do anything to "just win, then"; any President who readily uses the power of his office for his personal ends regardless of who is hurt—that President is a bully and, as such, a threat to the constitutional liberties of us all.

Dale Bumpers said that the Constitution was written to keep bullies from running over weak people. That's called justice. William Jefferson Clinton tried to obstruct that justice. And I decided to vote to remove him from office.

So there I was—ready to vote not guilty on Article One, guilty on Article Two. I sat down and wrote a fancy speech outlining these conclusions, showed it to a few friends, notified my staff and sat back to let things play out.

As the trial proceeded, however, something was gnawing at me. The perjury charge kept creeping back into my mind. That something, as I confronted it, was my experience with the Clinton political apparatus and its modus operandi. At the heart of everything that apparatus and its operatives do, whatever the situation, is the process of lying.

Some of their lies have been whoppers, some trivial. Most have been dismissed as mere "spin," relatively few have been under oath, but the continuing pattern of distorting, avoiding and, when necessary, simply denying the truth goes back to the 1992 campaign. It has carried through the three Senate investigations in which I have participated. On a parochial note, it defined the process of creating a stealth National Monument in my state. It has permeated the entire PR campaign connected with the Lewinsky affair. The New York Times calls it "habitual mendacity."

If this were a standard trial, as juror I would not know any of that. I would have to make up my mind solely on the basis of the evidence presented here. Some would say I still should.

I believe that the Framers of the Constitution dictated otherwise. They chose the Senate as the trial court of impeachment deliberately, giving us extensive powers as both judge and jury, and they were not naive enough to think that we would check our understanding of the history of the accused President at the door as we took up this burden. They intended for this to be different than a typical trial court.

When I realized that, I began to rethink my earlier decision. With such a pattern of "habitual mendacity" running through his entire public career, could I really say that Bill Clinton's perjurious testimony before the Grand Jury didn't warrant removal?

I made my decision to change my vote to "guilty" on Article One during the closing arguments when Charles Ruff, the President's attorney, asked us a question with respect to an alleged high crime or misdemeanor. He asked, "would it put at risk the liberties of the people?"

As I watched a replay of the President's testimony repeating obvious lies while under oath, I realized that the answer is yes. A President who has demonstrated a capacity to lie about anything, great or small, whether or not under oath, does threaten our liberties. We cannot be sure of anything he says, we cannot trust his word, whatever the issue. We will always be fearful of where that trait of his could take us, and we should be.

So now I will vote guilty on both Articles, with a clear conscience that I have done my duty. And I would vote the same if the President's name were Ronald Wilson Reagan.

Mr. REED. Mr. Chief Justice, for the past six weeks, the Senate has been engaged as a Court of Impeachment to try President William Jefferson Clinton—the first trial of an elected President in the history of the United States. Our deliberations will bring to a close more than a year of controversy which has left the American people both frustrated and dismayed. And, hopefully, our decision will serve as a means of rededicating the energies of our Government to the service of the American people.

In this endeavor, our solemn duty to the Constitution is paramount.

Conscious of these responsibilities and based on the evidence in the record, the arguments of the House Managers and the counsels for the President, I conclude as follows. The President has disgraced himself and dishonored his office. He has offended the justified expectations of the American people that the Presidency be above the sordid episodes revealed in the record before us. However, the House Managers failed to establish that the President's conduct amounts to "high Crimes and Misdemeanors" requiring his removal from office in accordance with the Constitution. Moreover, the House Managers also failed to prove, beyond a reasonable doubt, that the allegations in the Articles would constitute the crimes of perjury or obstruction of justice.

The Constitutional grounds for Impeachment, "Treason, Bribery, or other high Crimes and Misdemeanors," indicate both the severity of the offenses necessary for removal and the essential political character of these offenses. The clarity of "Treason" and "Bribery" is without doubt. No more heinous example of an offense against the Constitutional order exists than betrayal of the nation to an enemy or betrayal of duty for personal enrichment. With these offenses as predicate, it follows that "other high Crimes and Misdemeanors" must likewise be restricted to serious offenses that strike at the heart of the Constitutional order.

Certainly, this is the view of Alexander Hamilton; one of the trio of authors of the Federalist Papers which is the most respected and authoritative interpretation of the Constitution. In Federalist No. 65, Hamilton describes impeachable offenses as "those offenses which proceed from the misconduct of public men, or, in other words from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself."[1]

This view is sustained with remarkable consistency by other contemporaries of Hamilton. George Mason, a delegate to the Federal Constitutional Convention, declared that "high Crimes and Misdemeanors" refer to "great and dangerous offenses" or "attempts to subvert the Constitution."[2] James Iredell, a delegate to the North Carolina Convention which ratified the Constitution and later a justice of the United States Supreme Court, stated during the Convention debates:

> The power of impeachment is given by this Constitution, to bring great offenders to punishment. . . . This power is lodged in those who represent the great body of the people, because the occasion for its exercise will arise from *acts of great injury to the community*, and the objects of it may be such as cannot be easily reached by an ordinary tribunal.[3]

Iredell sustains the view that an impeachable offense must cause "great injury to the community." These interpretations strongly indicate that private wrongdoing, without a significant, adverse effect upon the nation, does not constitute an impeachable offense.

Later commentators expressed similar views. In 1833, Justice Story quoted favorably from the scholarship of William Rawle in which Rawle concluded that the "legitimate causes of impeachment . . . can have reference only to public character, and official duty. . . . In general, those offenses, which may be committed equally by a private person, as a public officer, are not the subject of impeachment."[4]

This line of reasoning was manifest in the careful and thoughtful work of the House of Representatives during the Watergate proceedings in 1974. The Democratic staff of the House Judiciary Committee concluded that:

> [b]ecause impeachment of a President is a grave step for the nation, it is to be predicated only upon conduct seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of [the President's] office.[5]

This view was echoed by many of the Republican members of the Judiciary Committee when they declared:

> . . . the Framers . . . were concerned with preserving the government from being overthrown by the treachery or corruption of one man . . . [I]t is our judgment, based upon this constitutional history, that the Framers of the United States Constitution intended that the President should be removable by the legislative branch only for serious misconduct dangerous to the system of government.[6]

This authoritative commentary on the meaning of "high Crimes and Misdemeanors" is supported by the structure of the Constitution which makes impeachment independent from the operation of the criminal justice system. Regardless of the outcome of an impeachment trial, the accused "shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law."[7] The independence of the impeachment process from the prosecution of crimes underscores the function of impeachment as a means to remove a President from office, not because of criminal behavior, but because the President poses a threat to the Constitutional order. Criminal behavior is not irrelevant to an impeachment, but it only becomes decisive if that behavior imperils the balance of power established in the Constitution.

The House Managers argue that we should apply the same reasoning to the removal of the President that we have applied to the trial of Federal judges. They make their argument with particular urgency in regard to Article I and its allegations of perjury since several judges have been removed for perjury.[8]

This reasoning disregards the unique position of the President. The President is elected and popular elections are a compelling check on Presidential conduct. No such "popular check" was imposed on the Judiciary. They are deliberately insulated from the public pressures of the moment to ensure their independence to follow the law and not a changeable public mood. As such, impeachment is the only means of removing a judge. And, the removal of one of the 839 Federal judges can never have the traumatic effect of the removal of the President. To suggest that a Presidential impeachment and a judicial impeachment should be treated identically strains credibility.

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[1] See footnotes at end of speech.

Moreover, the Constitution requires that judicial service be conditioned on "good Behavior." This adds a further dimension to the consideration of the removal of a judge from office. Although "good Behavior" is not a separate grounds for impeachment, this Constitutional standard thoroughly permeates any evaluation of judicial conduct. Judges are subject to the most exacting code of conduct in both their public life and their private life.[9] Without diminishing the expectations of Presidential conduct, it is fair to say that we expect and demand a more scrupulous standard of conduct, particularly personal conduct, from judges.

The House Managers' argument is ultimately unpersuasive. Rather than reflexively importing prior decisions dealing with judicial impeachments, we are obliged to consider the President's behavior in the context of his unique Constitutional duties and without the condition to his tenure of "good Behavior."

Authoritative commentary on the Constitution, together with the structure of the Constitution allowing independent consideration of criminal charges, makes it clear that the term, "high Crimes and Misdemeanors," encompasses conduct which involves the President in the impermissible exercise of the powers of his office to upset the Constitutional order. Moreover, since the essence of impeachment is removal from office rather than punishment for offenses, there is a strong inference that the improper conduct must represent a continuing threat to the people and the Constitution, and not simply an episode that either can be dealt with in the Courts or raises no generalized concerns about the continued service of the President.

Measured against this Constitutional standard, the allegations against the President do not constitute "high Crimes and Misdemeanors." The uncontradicted facts of the case paint a sordid picture of the President's involvement in a clandestine, consensual affair with a young woman. His attempts to disguise this affair collided with the Jones lawsuit; a lawsuit filed against him in his capacity as a private citizen, and not in anyway directed at his conduct as President. Over many months, he misled and he dissembled about his relationship with Monica Lewinsky. He lied to his family, he lied to his colleagues, and, on January 26, 1998, he lied to the American people. All of these lies were designed to disguise his illicit but consensual relationship with Ms. Lewinsky. Only after being compelled to testify before a Federal Grand Jury in August of 1998, did the President finally admit his relationship with Ms. Lewinsky.

The House Managers take this tale of deception and betrayal, more soap opera than high drama of State, and urge that it rises to behavior evidencing an impermissible exercise of his powers as President or an impermissible failure to discharge his duties as President which threatens the Constitutional balance of government and can only be remedied by the removal of the President. They urge too much. The allegations, even construed in the most favorable light to the House Managers, do not constitute "high Crimes and Misdemeanors" as that term has been consistently interpreted over the course of American history.[10]

One could confidently stop at this point and reach a judgment to acquit the President. Such a judgment does not forgive the disreputable behavior of the President. Rather, it does, as it must, keep faith with the Constitution.

However, to stop at this juncture and ignore the allegations of criminal conduct could leave several misperceptions. First, such an approach could be criticized as failing to afford the House of Representatives in appropriate recognition as the proponent of Articles of Impeachment. The House of Representatives acted in the discharge of its exclusive Constitutional prerogative to impeach the President. They cast these Articles as criminal violations, and due deference must be given to the decision of the House. Second, failing to examine the allegations of criminal conduct may leave the erroneous impression that criminal activity by the President can never rise to the level of "high Crimes and Misdemeanors." And, finally, failing to examine these allegations leaves in doubt charges of criminal misconduct against the President. Although the Senate does not sit as a criminal court, a condemnation or exoneration "by silence" would be unfair to both the President and to the American people.

The House Managers argue in Article I that the President committed the crime of perjury while testifying before the Federal Grand Jury on August 17, 1998. They argue in Article II that the President committed the crime of obstruction of justice in the Jones case. After considering the evidence and the arguments of the House Managers and the White House counsels, I believe that the House Managers have not shown, beyond a reasonable doubt, that the President is guilty of the alleged crimes.

It is without dispute that the House Managers have the burden of proof. It is also without dispute that each Senator has the right individually to determine what constitutes the appropriate burden of proof. Because of the gravity of this impeachment process, but, more significantly, because of the urging of the House Managers,[11] I believe that a standard of beyond a reasonable doubt should be used.[12] This is the standard used in the prosecution of criminal cases.

Article I alleges that the President committed perjury before the Grand Jury by knowingly making false, material statements. The first great hurdle that the House Managers must overcome is the fact that the House refused to adopt an article of impeachment regarding the President's testimony at the Jones deposition. However one characterizes these two statements under oath, no one can argue that the President was more truthful at the Jones deposition. Most, if not all, would argue that he was considerably less truthful at the Jones deposition. This discrepancy fatally undercuts the contention that this Article constitutes "high Crimes and Misdemeanors," and it seriously erodes the claim that the President committed the crime of perjury before the Grand Jury. Unlike the Jones deposition, the President admitted up front in his Grand Jury testimony that he had engaged in "inappropriate intimate behavior" with Ms. Lewinsky while they were "alone."

Confronted with this preemptive statement by the President, the Article generally alleges perjury without citing specific statements from the Grand Jury testimony and leaves the House Managers with the task of sifting through the record to suggest examples of the President's alleged perjury. They suggest four general areas.

First, they point to discrepancies between the testimony of the President and Monica Lewinsky about intimate details of their relationship. This is a difficult proposition to prove without corroborating evidence, and the House Managers offer none. Moreover, some of these details, such as the number of times they engaged in sexual banter on the phone, are just not material.

Second, the House Managers attempt to ignore the President's preliminary statement and argue that he adopted the "perjurious" testimony of his Jones deposition. This is simply not true. To make this assertion, the House Managers use the President's Grand Jury testimony that "I was determined to walk through the mine field of this deposition without violating the law, and I believe I did."[13] But, the President's peremptory statement clearly indicated that he was not vouching for the facts of his Jones deposition. The President's statement expresses his state of mind. It is not an affirmation of the Jones testimony. Not even Independent Counsel Starr alleged that the President committed perjury in this way.

Third, the House Managers allege that the President's silence, while his counsel made representations about the Lewinsky affidavit, constitutes perjury. This novel theory of "unspoken perjury" fails from the lack of any conclusive evidence concerning the President's state of mind at this time. Such evidence is necessary to prove the specific intent to establish the crime.

Fourth, the House Managers alleged that the President committed perjury when he denied his involvement in the obstruction of justice, particularly his alleged involvement in the exchange of gifts between Monica Lewinsky and Betty Currie. This topic will be discussed in more detail with respect to Article II. At this juncture, it is sufficient to note that the House Managers have not presented evidence to indicate beyond a reasonable doubt that the President committed perjury.

Fifth, the House Managers allege that the President committed perjury when he denied "coaching" Betty Currie. Again, this issue will be addressed in more detail with respect to Article II. But, this allegation also fails from the absence of persuasive evidence establishing the President's specific intent in conducting this conversation with Ms. Currie.

Finally, the House Managers allege that the President committed perjury when he gave false information to his aides about his relationship with Ms. Lewinsky. This too raises the issue of the President's state of mind. His Grand Jury testimony expressed his belief that he tried to say things that were true. He acknowledged that he misled, but he asserted that he tried not to lie. To prove that these statements are perjurious, the House Managers had to prove that the President had the necessary specific intent. They have not done so.

Article II alleges that the President obstructed justice. The article sets forth seven "acts" which the House Managers argue the President used to implement this "scheme."

Three of these alleged "acts," encouraging Monica Lewinsky to file a false affidavit, urging her to give false testimony, and finding her a job to obtain her silence, crash on an immovable evidentiary rock: Monica Lewinsky's uncontradicted and often repeated statement, "no one ever asked me to lie and I was never promised a job for my silence."[14] The House Managers offered other circumstantial evidence, but this too failed to be persuasive.

The fourth "act" involves the transfer of gifts between Ms. Lewinsky and Ms. Currie. Although Ms. Lewinsky's testimony strongly suggests that the President directed Ms. Currie to retrieve gifts, the two parties to this suggested transaction, the President and Ms. Currie, flatly deny any such conversation. Certainly, there is more than a reasonable doubt based on this conflicting testimony; particularly, since no one has ever impeached Ms. Currie's credibility.

The fifth "act" recharacterizes the President's silence, while his attorney made representations about Ms. Lewinsky's affidavit, as obstruction of justice. This allegation fails based on the lack of any conclusive evidence of the President's state of mind.

The sixth "act" involved the purported coaching of Betty Currie by the President after his Jones deposition. This allegation too turns on the President's state of mind. The House Managers argue that the President's intent was to influence the testimony of Ms. Currie as a potential witness. White House counsels argue that the President had no reasonable anticipation that she would be a witness. But, more decisively, they argue that his intent was to confirm his story in anticipation of a media onslaught. The lack of persuasive evidence about his state of mind also undercuts this allegation.

Finally, the last allegation involves the President's purported attempt to influence the testimony of his aides. Again, the House Managers have not shown beyond a reasonable doubt that the President intended to make his statement to influence their testimony. There is an equally plausible inference that the President was simply continuing his public campaign to deny his relationship with Ms. Lewinsky. This campaign led him to lie to the American public and no one suggests he was then tampering with witnesses. Indeed, as a result of these public statements, it seems unlikely that he would tell his aides anything else.

The House Managers have not sustained their burden of proof in regard to Article II.

It is clearly evident that the facts of the case require acquittal. As such, serious questions can and should be raised about the unwarranted extension of the trial. Given the significant doubts surrounding the case of the House Managers, a motion to dismiss, followed by a debate on censure should have been utilized to properly put an end to these proceedings. Instead, a majority of the Senate accommodated the desire of the House Managers to excessively pursue allegations that were politically damaging to the President. Indeed, had members of the House of Representatives been allowed to consider censure this matter may never have reached the Senate.

We, as a nation and as the Senate, have come to the end of a long and wearisome road. It has wandered through scandal and deception. Many of those who have trod this road, both individuals and institutions, have seen their reputations besmirched. The journey emanated from the reckless conduct of William Jefferson Clinton. But, the passage has also exposed vicious political partisanship and the reckless and relentless exploitation of the powers of the Independent Counsel. In the midst of this dishonor, deception, and rancor, we could have easily lost our way. But, we reached this moment because we have been guided by the Constitution and inspired by the common sense and common decency of the American people, and with such a guide and such inspiration, we will do justice with our votes, whether they be to convict or acquit.

And for my part, the Constitution and the evidence compels me to vote to acquit the President on both Articles of Impeachment.

FOOTNOTES

[1] *The Federalist Papers, No. 65* (Hamilton) at 396 (Clinton Rossiter, ed., 1961) (emphasis in original).

[2] Max Farrand, ed., *The Record of the Federal Convention of 1787*, at 550 (1966).

[3] Jonathan Elliot, *Debates on the Adoption of the Federal Constitution*, at 113 (emphasis added).

[4] Joseph Story, *Commentaries on the Constitution* §799 at 269–270 *quoting* William Rawle, *A View of the Constitution of the United States* at 213 (2d ed. 1829).

[5] *Constitutional Grounds for Presidential Impeachment, Report by the Staff of the Impeachment Inquiry*, House Comm. On Judiciary, 93rd Cong., 2d Sess. at 26 (1974).

[6] *Impeachment of Richard M. Nixon, President of the United States*, Report of the House Comm. on the Judiciary, 93rd Cong., 2d Sess., H. Rep. 93–1305 at 364–365 (Aug. 20, 1974) (Minority Views of Messrs. Hutchinson, Smith, Sandman, Wiggins, Dennis, Mayne, Lott, Moorhead, Maraziti, and Latta).

[7] U.S. Const. Art. I §3. Cl. 7.

[8] For example, both Judge Walter L. Nixon, Jr. and Judge Alcee L. Hastings were convicted based on charges of perjury.

[9] The Judicial Conference of the United States publishes a Code of Conduct for United States Judges, as prepared by the Administrative Office of the United States Courts. Cannon 2 of the Code requires federal judges to "avoid impropriety and the appearance of impropriety in all activities." (March, 1997.) This Cannon requires a Judge to at all times act in "a manner that promotes public confidence in the integrity and impartiality of the judiciary." Perceived violations of the Code could result in a complaint to the Judicial Conference, which can make referrals to the House Judiciary Committee.

[10] These allegations are a far cry from the most relevant historical precedent, the Watergate affair of President Richard M. Nixon. For example, President Nixon attempted to cover up a burglary of the Democratic National Committee by enlisting the authority and the assistance of the Central Intelligence Agency. The precipitating event of this crisis was a direct attack on a fundamental Constitutional tenet, the right to free and fair elections unimpeded by the criminal attempts to steal information and wiretap telephones. Moreover, President Nixon liberally exercised the formal powers of his office to impede the investigation.

[11] Mr. Manager McCollum stated, "none of us, would argue . . . that the President should be removed from the office unless you conclude he committed the crimes that he is alleged to have committed." 145 Cong. Rec. S260 (daily ed. Jan. 5, 1999) (Statement of Mr. Manager McCollum). The House Managers invited the Senate to arrive at a conclusion beyond a reasonable doubt before voting to convict the President. I take them at their word.

[12] The adoption of a standard of "beyond a reasonable doubt" in this matter should not be construed as implying that the same standard must be utilized in each and every impeachment proceeding. Conduct of "civil officers" in the performance of their official duties might pose such an immediate threat to the Constitution that a less exacting standard could properly be used. Any choice of a standard of proof must, at a minimum, consider the nature of the allegations and the impact of the alleged behavior on the operation of the government.

[13] Grand Jury Testimony of President Clinton on 8/17/98 as cited in the House Managers' Trial Brief, p. 60.

[14] *Part I, Appendices to the Referral to the U.S. House of Reps.*, Communication from The Office of the Independent Counsel, Kenneth W. Starr, 105th Cong. 2d Sess., H. Doc. 105–311 (September 18, 1998) at 1161. (Ms. Lewinsky responding to a question from a juror). *See also* Counsel to the President's Trial Brief, p. 57.

Mr. ENZI. Mr. Chief Justice and Colleagues of the Senate.

This has been a month long ethics and Constitution class—with mandatory attendance. That should have value for each of us.

I'm getting more mail each day than I normally get in a month—and most of it is from your constituents. That's right. Out of every 1000 letters I get, only 30 are from Wyoming. I have some ideas what your constituents are saying. I'm not a lawyer. I'm not going to present any legal arguments. Most of my constituents aren't lawyers. I notice that most of your constituents aren't either.

I've only served on one jury before and we didn't even get to render a verdict. A boy was being tried for poaching deer out of season—shot with a twenty-two. He was caught red-handed in the barn with the twenty-two and two of the six deer hanging to be butchered. The boy's argument began claiming he hadn't been properly read his rights. His dad, supporting from the audience, stopped the trial by asking the judge if he could speak with his son. They went into the hall a couple minutes. A boy freshly chastised said, "I want to plead guilty. In our family we don't believe in getting off on technicalities." A successful trial. I watched a boy become a man.

I thought about propounding a unanimous consent that anything already said couldn't be repeated as testimony even though it could be submitted. I thought that would speed up the proceedings. I will not propound it but will attempt to follow it. Instead of the smooth transitions and brilliant arguments, you will only hear what is left. I trust you will rush to get a copy of my whole statement. Here goes!

The President was so thorough in denying any relationship with Monica Lewinsky, that Janet Reno believed him. Janet Reno is the person who expanded the investigation into the Monica Lewinsky matter. The President told all of us he had done nothing wrong. His own Attorney General believed him. Janet Reno was helping to clear the air on these ludicrous charges when she gave Ken Starr the approval, direction and budget.

When our country was founded oaths meant everything. A man's word was his bond. Their oath was honor and duels were fought to defend honor. When this trial started you and I had to take an oath. It struck me that I might be taking an oath to determine if oaths still mean anything.

The White House argues that the President's actions will not have an affect on anyone. I am hearing from judges who say people before their court are asking for the same treatment given the President. They do not feel their situation is as blatant as the President and they are more repentant and remorseful. Some have even taken action to correct their wrong. All feel they should get a suspended sentence.

I was disappointed with the White House failure to explain all of the charges. Their rebuttal was focused on those charges for which they felt they could answer or, more accurately use to create the most confusion. Skipping the tough issues is not an answer. This is not an issue of spin or even polls.

Impeachment is the most serious indictment a President or judge can get. The President was impeached by the House of Representatives. His reaction was to celebrate in the Rose Garden of the White House—spin again—more spin than a kid's top. Truth was needed. Dizzy deception is what we've gotten.

The President's Counsel admit he lied, was evasive, misleading. The words and adjectives used by the White House Counsel during the trial should be enough to condemn the President. But they still expect us to trust the President with the country? Do you think he will only lie about sex? This man sends our children into war. He has to be held to the highest standard. I would feel more comfortable if even one person would have said, "He didn't do this." Only the President said that, and we all know he wasn't truthful.

Last year an Air Force pilot, an officer, was forced to resign. She was having a consensual sexual affair. It was adultery. She didn't lie about it. She was forced to resign—removed from office—because we couldn't trust her with deadly weapons. The President pushes the button on the whole world—not just on one plane. Oh, that's right, this isn't about personal sex. No one would ever be removed from office for that.

But the President is doing a great job. Job performance cannot be the defense for perjury or obstruction of justice or sexual harassment or any other crime. If a bank president embezzled even a little money from his bank would we leave him alone? Would we say, "That's okay because the bank was doing well"?

We had a hypothetical situation posed to us—an employee who controlled the whole computer system and he did what the President did. If there is any parallel, you'd fire him! You'd fire him because you have been cross-training a vice president of computer systems. I've listened to the arguments about world peace and I've got to say, that's a terrible indictment of the capabilities of the Vice President.

When the video evidence was countered, White House Counsel had one presentation on Ms. Lewinsky's testimony. A second presentation was made on Vernon Jordan's testimony. Why didn't White House Counsel counter Sidney Blumenthal's testimony at all? Charges made, charges unanswered. If you have enough votes, I guess you only need to look credible.

Presidents have power. Power draws loyalty. Are we a country with one set of standards for the rich, famous, or powerful? Is that the way we want our country to be? This isn't even a popularity contest. Popularity cannot be a defense in an impeachment trial.

House manager ROGAN said he would risk his political future for the Constitution. He said, "Dreams come and dreams go, but conscience is forever." We are supposed to be the collective conscience of our nation. Are we trying instead to salve our conscience?

We talk of censure? Isn't that just another way to salve our conscience. When this trial is over we better come together as a nation—undivided and behind whoever is the President—not debating again to what degree he is bad.

Some have been wrestling with whether the offenses "rise to the level of impeachment". The founders may have been a lot tougher than we are. We've talked about a guilty vote by a two thirds majority removing from office. The founders provided for a second vote—a vote that takes away more rights and honor—the right to hold public office ever again. Should we suggest the offenses, especially in the cumulative, rise to the level of impeachment and then wrestle with the question and vote on "forever"? Judges are appointed for life. Presidents have the title for life.

I heard a suggestion that we can't remove the President for sexual harassment because we are not his boss or because he has such a critical position. The founders recognized both those circumstances. We are not the President's boss—but we have been given that responsibility through impeachment. He holds a critical position, that's why the founders established the succession. And remember, that was when impeachment could put another party into the presidency. And that was when the Senate was appointed, not elected.

"The Rise and Fall of the Roman Empire" was a book we were introduced to in high school. Rome went through this phase too. Free lunches for the masses, an emphasis on entertainment, and no accountability for the powerful. We have seen the rise of America. Will we be listed in history as the start of the fall? Our society is eroding. Our values are disappearing. If you watch the news, many nights the main lead even during this trial is about the multiple murders right around us.

We've been talking about "an impeachable standard". We've talked about the "Reagan Test". I'm going to suggest two more tests. The "Mom Test" and the "Spouse Test". When you were growing up, did your mom need proof "beyond a reasonable doubt" before punishment? Did she ever say, "Don't put yourself in a position where it even looks like you did something wrong." Circumstantial evidence was enough. Did your mom ever say, "Watch out who you hang out with. It reflects on you." Did your mom say, "Watch your actions—they reflect on you and your family"? Did your mom ever say, "Act so I won't be embarrassed tomorrow reading the front page of the paper about what you did today." The President has complained that others are out to get him. That he is the most investigated President in history. Perhaps he ought to apply the "Mom Test".

What about the "Spouse Test"? My wife has applied that test. She said, "If this were a Republican President, I would have already chained myself to the White House fence until he resigned." She is absolutely stymied that women's groups haven't done that. For years she and I fought the accusations that women's groups were only about allowing abortion—but their silence on the President has changed my mind. I will not defend them as they have not defended any woman defamed by the actions and the words of the President. And a final "Spouse Test"—when you are playing games with sex definitions ask, "What would my spouse think I was doing?"

While we may have a country doing well economically we are headed toward moral bankruptcy if the trend is not reversed. We are becoming "De-Moralized".

With this case we are all in a "no-win" situation. We have heard the media and the Democrats note that the Republicans are committing political suicide. But just as many mention the Democrats are filing moral bankruptcy. History will be the judge of us all. Our constituents just expect us to do "What is right"! They will expect us to do what is right based even on what comes out in the future. Yes, what is right based on the books and future disclosures of the participants. They will judge us even based on the future actions of this President. Our words will be forgotten, our verdict won't.

This isn't about politics. It's about our country. It's not about Bill Clinton. It's about the future of the Presidency. The process is on trial. The Senate is on trial. No, truthfully, Truth is on trial!

As we enter into our final deliberations on whether or not to convict President Clinton on the two articles of impeachment presented to us by the House of Representatives, I think it is imperative that we remember the oath each of us took at the outset of this historic process. Each one of us took an oath before God to do "impartial justice according to the Constitution and the laws." That oath should guide our thoughts and actions for it reminds us of the gravity of this process and the weighty responsibility we assumed by our own free will. We must finally remember that we answer not only to future generations who will judge whether we did right by the Constitution we swore to uphold, but also to that eternal witness of our most solemn oath.

I will be the first to admit that striving to be impartial has been very difficult. To be a good juror is a heavy burden. That duty is heightened when one is also called to wear a judge's robe when sitting as a silent juror weighing the evidence, probing the credibility and motives of the various witnesses, and ascertaining the appropriate law which applies to the facts before you. There are few duties we will face in our life as grave as this one: to decide the political fate of the President of the United States.

Before the trial started I read everything I could find that dealt with impeachment history. As the trial progressed, I read volumes of published evidence including the prior testimony of the witnesses in this proceeding. I have attended all of the proceedings in the Senate from start to finish. I have carefully watched all of the videotaped depositions. I have read all of the transcripts of these depositions. I watched many parts of the depositions several times to be sure I understood exactly what each witness was saying and how that testimony fit with that witnesses' prior testimony and with the testimony of other witnesses who testified under oath. These depositions were very helpful in focusing the key points of this trial and deciding who was testifying truthfully and who was lying in instances where the testimony is in conflict. In short, I believe I have taken into account nearly all of the pertinent information in this case in coming to my final decision.

This case challenges us to consider whether, in light of all the evidence, President Clinton's actions indicate that he has, in the words of Alexander Hamilton, "abused or violated some public trust." In making this determination, we must first decide whether allegations presented by the House Managers do in fact constitute "high crimes and misdemeanors" as contemplated in Article II, Section 4 of the Constitution. I have come to the conclusion that they do.

I believe that perjury and obstruction of justice demonstrate intentional, pre-meditated violations of an indispensable public trust. In taking the oath of office, President Clinton twice raised his right hand and placed his hand on the Bible swearing to uphold and defend the Constitution and to faithfully execute the laws of the United States. By this oath, he took upon himself the duty to be the chief law enforcement officer of the United States. Actions which undermine this high duty, whether they involved committing perjury in a judicial proceeding or obstructing justice, strike at the very heart of the rule of law.

There is no contradiction that perjury and obstruction of justice are serious crimes for the average citizen in the United States. Both of these offenses presented by the House managers are felonies under the federal criminal code, and both carry equivalent or even higher minimum sentences than bribery under the federal sentencing guidelines. Nor is the seriousness of these crimes simply a matter of abstract speculation. We heard video testimony of a real, live citizen who has paid a very heavy price indeed for the crime of perjury. In July of 1995, Dr. Barbara Battalino, a physician who worked for the Veterans Administration, lied under oath about an encounter she had had with one of her patients. As a result of this perjury, Dr. Battalino was fired from the Veterans Administration, she lost her license to practice medicine, she was prohibited from ever practicing law (she also had a law degree), and she was required to wear an electronic ankle bracelet for 3 years. Those who argue that perjury about sexual matters is not serious owe Dr. Battalino a heartfelt apology. Dr. Battalino lied one time about one consensual act of oral sex.

Moreover, both perjury and obstruction of justice were counted among the list of "public wrongs" as opposed to private wrongs under Common Law at the time of the American founding. These are the very kind of crimes the founders contemplated when they included the impeachment and removal mechanism in the Constitution. These crimes were not considered to be private offenses by the Common Law, nor by the Founding Fathers. The pre-eminent commentator on the English Common Law at the time of the American founding, William Blackstone, described perjury, or false swearing in a judicial proceeding, as an "offense against public justice." As with perjury, obstruction of justice was considered a "high misprision" or "high misdemeanor" at the time of the drafting of our own Constitution.

It should be remembered that this Senate has convicted and removed federal judges for perjury. In the 1980s alone, this body removed three federal judges for lying under oath. Many in this chamber had occasion to vote in those cases and voted to remove these judges because they saw that the act of perjury, even if it involved lying about one's taxes, was incompatible with a judge's duty to uphold the constitution and laws of the United States.

When confronted with these very recent precedents, the White House lawyers have argued that this Senate should apply a lesser standard to the President than to federal judges. They argue that federal judges should be held to a higher standard because they are given life tenure under Article III of the Constitution. I must admit, that this is an argument that I cannot square either with the plain language of the Constitution or with common sense. Do we really want to hold our President to a lower standard than the federal judges he appoints? It is our President, after all, who appoints all the United States attorneys and the federal marshals, who names all the cabinet officials, who has the authority to send American troops into battle, and who can sign treaties with foreign nations. A corrupt federal district court judge can work injustice on the litigants who enter his courtroom. A corrupt President, by contrast, has the power to wreak havoc on the entire political order.

The President's oath forbids him to selectively decide whether to follow the laws of the land based on a calculation of political expediency or determination of personal gain or loss. He is bound to follow the Constitution and the laws of our country in and out of season. By intentionally violating this duty, the president's actions display the tendencies of an unbridled monarch rather than a constitutional executive who must bow before the law he swore to faithfully execute.

On the specific article of perjury, there is abundant evidence that President Clinton violated his oath to "tell the truth, the whole truth, and nothing but the truth" on several occasions. As the chief law enforcement officer of the United States, the President was bound to "tell the whole truth" and act in a manner becoming of the dignity of his office. President Clinton did not do this. When asked before the federal grand jury on August 17, 1998 whether he understood that he had an obligation to tell the truth, the whole truth, and nothing but the truth in his prior deposition of January 17, 1999 in a federal civil rights suit, the President testified that "his goal was to be truthful, but not particularly helpful". He later admitted that his testimony had been "misleading". For any plain speaking American, to be misleading is the same as lying. In short, the President violated his oath to "tell the whole truth" when he misled the court.

The facts indicate that President was not attempting to be truthful and was not truthful in his deposition in the Jones federal civil rights case. Moreover, he lied about the nature of his relationship with a subordinate employee before the federal grand jury. The President also allowed his attorney, Robert Bennett, to file a false affidavit on his behalf denying his relationship with Monica Lewinsky. The President continued this pattern of deception by lying to his top aides with the knowledge that they were likely to be called as witnesses before the federal grand jury. He then attempted to cover up these lies by claiming he had possibly "misled" his aides, but he did not lie to them since he knew they were likely to be called as witnesses before the federal grand jury. These were lies. They were lies under oath. They were lies that adversely impacted the rights of a United States citizen to obtain relief in a civil rights case in federal court. They were lies under oath in a federal grand jury after he had been begged by his aides, his friends, and some in this chamber to finally tell the truth. They were lies of a public character and they were unbefitting the chief law enforcement officer of our country.

What is perhaps most disturbing about these lies, is that the President's actions indicate he had no intention of ever telling the truth of his relationship. He had already lied under oath in a federal civil rights action, he lied to his top aides and cabinet officers, he lied to his friends and political allies, and he lied with perfect calculation to the American public, including myself. I remain convinced that the only reason the President admitted his relationship at all was the discovery of the now famous "blue dress". Only when it became clear that he could no longer continue his pattern of judicial and public deception did the President admit that he had in fact had an "improper relationship" with Monica Lewinsky. Unfortunately, the President's deception did not end with the revelation of the DNA. Rather, it graduated to legal hairsplitting, attempts to torture plain English language, and statements which degraded the judicial process and insulted the intelligence of the American public. The President has not carried out the public trust the American public entrusted to him when he was twice elected President.

When the President's actions became public, the President even turned his sword of deception against his partner in perjury. Once the Washington Post broke the story on the President's extra-marital affair and his possible perjury and obstruction of justice, the President called in his top aides to deny the story and destroy the character of Monica Lewinsky. We have seen and heard the video testimony of one of President Clinton's top aides, Sidney Blumenthal. Immediately after the story broke, President Clinton called Sidney Blumenthal into the Oval Office and denied the entire story. He went on to say that Monica Lewinsky was a troubled young woman who was called the "stalker" by her peers. He said that she came on to him and made a sexual demand of him, but he rebuffed her. The President went so far as to claim that Ms. Lewinsky had threatened to tell people that she had had an affair with him, even though it was not true. In the words of Mr. Blumenthal, the President "lied to him." As expected, Mr. Sidney Blumenthal repeated these lies before the federal grand jury. There is also growing evidence that Mr. Blumenthal, or other key White House aides, circulated these lies to the popular media. Such conduct further establishes that the President was willing to go to all lengths to prevent anyone from discovering the truth about his illegal conduct in a federal civil rights case.

The President's lawyers argued that the President could not have intended to corruptly influence the grand jury proceeding since the lies the President told his top aides were no different than the lie the President told the American people when he adamantly denied having "sexual affairs, with that woman, Miss Lewinsky." If this is the best defense the White House lawyers can wage for their client, it speaks volumes about the President's character. Unfortunately, it is also false. The President never told the American people that Monica Lewinsky was a stalker, or that she wore her skirts too tight, or that she came on to him and made sexual demands on him. This is exactly what the President told his aide, Sidney Blumenthal. The President never enumerated the sexual acts he "did not commit" with Monica Lewinsky. He did deny with great specificity, these acts when questioned by his assistant chief of staff, John Podesta. The President did lie to the American public. However, he also told other lies to his top aides, knowing that they were likely to be called as witnesses before the criminal grand jury.

There is also substantial evidence that the President attempted to obstruct justice in both the civil rights case brought against him and the federal criminal investigation conducted by Judge Starr. It should be noted that Judge Kenneth Starr's investigation was not the creature of President Clinton's political enemies, as some have asserted. President Clinton's own Attorney General, Janet Reno, directed Judge Starr to expand his investigation to include the allegations in this case. If Janet Reno is a member of the vast right wing conspiracy, then that operation is very vast indeed.

We now know that Monica Lewinsky filed a false affidavit in the Jones civil action. We also know that the President called Ms. Lewinsky at home at 2:30 in the morning to inform her that she had been named on the witness list in the Jones civil rights case. We also know that in this conversation, the President also suggested Ms. Lewinsky could file an affidavit to avoid testifying. Finally, we know that the President reminded Ms. Lewinsky of their agreed upon "cover stories" to conceal their relationship. While the President's lawyers have made much over Ms. Lewinsky's statement that "the President never asked me to lie", they are unable to put a positive spin on the cover stories and the President's attempts to encourage Monica Lewinsky to file an affidavit in the first place.

It stretches the bounds of credulity beyond recognition to believe that the President intended Ms. Lewinsky to tell the truth when: 1) he himself lied under oath about their relationship, 2) he reminded Ms. Lewinsky of their cover stories in the same conversation in which he suggested that she file an affidavit, and 3) he relied on Ms. Lewinsky's false affidavit in his own testimony denying their relationship. Finally, when Ms. Lewinsky asked President Clinton if he wanted to see her signed affidavit, he said he didn't need to see it because he had "seen fifteen others like it". This response remains one of the more puzzling in this case and leaves open the possibility that the President tampered with other witnesses in the Jones civil rights case.

We also now know that the President's personal secretary, Betty Currie, hid presents under her bed that had been subpoenaed in the Jones case. These are the gifts the President had given to Monica Lewinsky during their relationship. Ms. Lewinsky has testified that Bettie Currie definitely called her about the gifts, and the only way Ms. Currie could have known about the gifts is if the President instructed her to pick them up. While the President's lawyers deny this explanation, the only phone record we know about is a phone call made from Betty Currie to Ms. Lewinsky on the day she picked up the gifts. The President's lawyers have failed to produce any concrete evidence to contradict this explanation. Concealing gifts that are under subpoena in a legal proceeding is illegal and it obstructs the administration of justice.

Moreover, the conclusion that it was in fact President Clinton who directed Betty Currie to conceal the presents is bolstered by the fact that the President corruptly attempted to influence Ms. Currie's testimony in a federal civil rights suit. President Clinton made several false statements to Betty Currie on Sunday, January 18, 1997, the day after he testified in the Jones lawsuit. Ms. Currie, who explained that it was very unusual for the President to ask her to come in to work on a Sunday, testified that President Clinton made a series of false statements to her as if asking for her consent. Specifically, the President stated to Ms. Currie: 1) "You were always there when she [Monica Lewinsky] was there, right? We were never really alone." 2) "You could see and hear everything." 3) "Monica came on to me, and I never touched her, right?" 4) She wanted to have sex with me and I couldn't do that." All of these statements were false, and all of them occurred the day after Judge Wright had expressly forbidden any of the parties deposed or their attorneys from discussing the deposition with anyone.

The President's lawyers have argued that the President made these statements to refresh his recollection or to find out what Ms. Currie knew in the event of a press avalanche. Neither of these explanations is plausible. It is impossible to refresh one's recollection with false, leading questions. It is also impossible to find out what someone else knew if you tell them what they are supposed to believe. The plausibility of either of these explanations is entirely discounted when you consider that the President called Betty Currie in a second time, on January 20th to "remind" her of these statements. The most likely explanation for these statements is far more sinister. That President was intending to influence the testimony of a likely witness in a federal civil rights proceeding. President Clinton was, in fact, trying to get Betty Currie to join him in his web of deception and obstruction of justice.

The inescapable conclusion I have come to is that the President of the United States set upon a deliberate, premeditated plan to deceive the court in two separate legal proceedings and to encourage others to deceive the court as well. The President first defended himself by claiming to be the unfortunate victim of a vast right wing conspiracy. Only after the physical evidence uncovered the truth about his affair did the President claim he was only trying to protect his family from these embarrassing revelations. Neither of these excuses justifies the President's actions. A defendant in a legal proceeding does not have the right to perjure himself because he questions the motives of the plaintiff. There are proper legal procedures and remedies available to any defendant who believes he has been the victim of a lawsuit predicated on frivolous legal theories or springing from personal malice. It is, however, never legitimate to respond to even a frivolous lawsuit by lying under oath.

There has been a great debate on how the President's actions will impact our nation, especially if those actions go unpunished. Last year I read of a town in Midwestern America that had experienced a number of killings in the first two months of the year. A consultant was hired to find the cause of these brutal acts. I believe the findings in his report should cause all of us to take pause. He explained that first a window is broken and nobody fixes it. That leads to a lawn that isn't mowed. Through a series of similar instances, the kids think nobody cares about them. If we let the President off for intentionally violating the rule of law, what do we tell our children when they are caught breaking the law? That we have one law for the rulers and another for the ruled? Do we tell them they have to follow the law until they become powerful enough, or clever enough, or rich enough to violate the law with impunity? What do we tell the federal judges who have lost their robes and gavels for committing perjury? What do we tell military officers who have lost their livelihood for violating their oaths and rules of their office? What do we tell average citizens who have lost their jobs, their freedom, and their fortunes for violating their oaths to tell the truth in a court of law? If the legacy we leave to our children is one of cynical duplicity, I fear that even an ever-increasing Dow Jones' average will be incapable of salvaging our next generation, or even, I fear, our civilization.

I must conclude that while the power of impeachment and removal is a strong measure and one that should never be taken gently, it is an indispensable remedy in our government for those public officers who have so violated their public trust as to be unworthy to continue holding offices of public trust. The great Supreme Court Justice and Constitutional scholar Joseph Story perhaps best summarized the impeachment mechanism as one which "holds out a deep and immediate responsibility, as a check upon arbitrary power; and compels the chief magistrate, as well as the humblest citizen, to bend to the majesty of the laws." Those who would disregard this rule of law for their own personal or political ends must not be allowed to remain in offices of public trust. For this reason, I will vote to convict President Clinton on both articles of impeachment.

I thank the chair and yield the floor.

OPINION OF SENATOR RUSSELL D. FEINGOLD IN THE TRIAL OF WILLIAM JEFFERSON CLINTON

Mr. FEINGOLD. Mr. President, I ask unanimous consent that my opinion in the recently concluded impeachment trial of President William Jefferson Clinton be printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

OPINION OF SENATOR RUSSELL D. FEINGOLD

I. Introduction
II. Analysis of Alleged Federal Crimes
A. Standard of Proof
B. Perjury
C. Obstruction of Justice
III. High Crimes and Misdemeanors
IV. Conclusion

Only 154 Senators have ever been sworn to sit in a Court of Impeachment for the trial of an American president. For this senator, to sit in judgment of this President was a sorrowful experience. The President and I began our careers in Washington together in January 1993. On the crisp, winter day of his first inauguration, I was moved by the poetry of Maya Angelou, which celebrated the "pulse of . . . [a] new day" in American politics and culture. All along in this process, I have regretted that his presidency has come to this, but have sought not to personalize that regret in a way that would affect my judgment. Taking the oath of impartiality on January 7 helped me to do that, but let me say, I very much regret that the President's conduct brought us to this day.

This somber experience requires a senator to blend three different considerations: (1) the historical purposes of impeachment and the record of past impeachments; (2) the current legal and political merits and implications of these impeachment proceedings; and

(3) the potential impact of the current impeachment proceedings on future impeachments and the stability of the American constitutional system.

In attempting to reconcile these considerations, a senator has only the Andrew Johnson impeachment trial to look to for precise precedents for a presidential impeachment trial. Each senator is expected to render independently his or her judgment about the applicable law and then to apply that law to his or her own individual understanding of the facts of the case. This Opinion is an explanation of my attempt to meet that challenge.

I. INTRODUCTION

Strive as they may to minimize its import, the House Managers and those advocating removal of the President must recognize that the single most salient fact in this entire case is that on November 5, 1996, 47,402,357 Americans voted to reelect William Jefferson Clinton. That decision was the right and the responsibility of the American people.

By contrast, impeachment and removal from office prior to the expiration of a president's four year term of office must be viewed as an extreme and radical remedy, given that it overrides the solemn, quadrennial decision of the American people. For us to remove a duly elected president could well be the most momentous constitutional event in the history of our country, save the Civil War. The people choose their leaders in America, and we must not lightly reverse their will. To overrule the voters, the offense must be grave and the case must be very strong.

Too much of the rhetoric in this impeachment debate has focused on whether the President should be permitted to keep "his" job, in light of his unacceptable behavior. The question is better phrased as whether the President's conduct is sufficiently egregious to require the Congress to undo the decision of more than 47 million Americans to give him that job in the first place. Nor is it a valid argument or palliative to suggest that the same number of Americans also voted for Vice President Albert Gore Jr., and that he would become president upon President Clinton's removal. This argument is far too dependent on the particular nature of the unusual positive connection between this President, this Vice-President, and the American people. It flies in the face of the few actual examples of past presidents who faced the prospect of impeachment.

In 1868, President Johnson, an unpopular president who had been President Lincoln's vice-president, himself had no vice president. A member of the Senate would have succeeded him had he been convicted. In the case of President Nixon, whose resignation merely substituted for a nearly certain removal from office in an impeachment trial, Gerald R. Ford was elevated to the presidency. He had never been elected popularly to an office higher than the House of Representatives. In any event, the political similarity of a vice-president to a president cannot be taken seriously as an argument that conviction will be less wrenching for the country or damaging to the institution of the presidency. The crucial fact in this case remains that on November 5, 1996, the American people hired one man and one man alone to be their president, and they have a right to expect that their decision will be honored and preserved, except in the most dire circumstances.

This principle does not apply in the same way to the impeachment of judges. Elected presidents and appointed judges are chosen differently and their removal must be considered differently. They are starkly different in the nature and scope of their duties and in the sources of their constitutional legitimacy.

In the American constitutional system, it cannot soundly be argued that every precedent from past impeachments of judges must control in the impeachment of an elected president. I do not suggest here a lower standard of behavior for presidents. Rather, I believe that our system requires a higher standard for removal of an elected president than for an appointed judge. Judges serve for life "during good behavior." That is a long time, with no means of removing a judge except impeachment. Presidents are chosen by the people in a sacred democratic process. If the people become displeased with the president they have chosen, they need only wait for the next election or the end of his term.

Thus, the analogy of an elected president to an appointed judge is weak. Weaker still are the arguments that the President must be removed because a corporate manager or military officer would be removed under similar circumstances. Corporate life is an arena of private behavior and corporate positions do not proceed from popular elections. Personnel decisions in the boardroom are of no broad constitutional consequence. Military officers likewise are not chosen by the voters. The corporate and military analogies cannot justify overturning a presidential election.

Yet, while overturning an election is the most severe constitutional sanction in our democracy, this President has chosen to conduct himself in such a manner as to run the risk that the U.S. Senate reasonably could conclude that he has committed "high Crimes and Misdemeanors." That is not the conclusion I ultimately reach. But at least with regard to one of the charges in Article II, the President came perilously close to committing an impeachable offense. Even without his removal, this is a tragic occurrence in our nation's history and a personal disappointment to me as one who holds the abilities and many of the accomplishments of this President in high esteem.

This impeachment process has led members of the Senate to consult the relatively scant history of American impeachments. Much of the history relates to the impeachment of federal judges, and this was of some limited relevance to these proceedings. Of the greatest relevance, however, are the histories of the impeachment and acquittal of Andrew Johnson in 1868, and the virtual impeachment and conviction of President Nixon, who resigned in the face of near certain removal in 1974.

Based on my reading and study, the actions of President Clinton lie somewhere between the conduct of the presidents in the Johnson and Nixon episodes. The general historical view appears to be that the case against President Johnson lacked a credible basis for removal, the primary accusation being that President Johnson removed a cabinet secretary from office in circumvention of the law. President Johnson disputed the constitutionality of the statute he was alleged to have violated, and apparently had a good basis for that view. The United States Supreme Court ultimately struck down a similar statute as unconstitutional. *Myers* v. *United States*, 272 U.S. 52 (1926). Johnson argued that he was the victim of a partisan Congress, determined to punish him for his policies. History has adopted that view. The President's defenders point to the Johnson case and they argue that the impeachment of President Clinton is the same sort of partisan exercise, unfounded in fact or law.

The President's accusers point to the case of President Nixon. In contrast to the relatively weak case against President Johnson, most regard President Nixon's actions in covering up his and others' efforts to interfere with the 1972 presidential election to be a classic example of the type of conduct that the framers sought to discourage with the "high Crimes and Misdemeanors" provision. President Nixon's misdeeds almost certainly would have led to his impeachment and conviction if he had not resigned. His alleged crimes were clearly committed in the course of his public duties, subverting the Constitution, compromising the integrity of the processes of government, and using agents of the government for illegal political purposes. The President's accusers argue that the same is true of President Clinton.

With all due respect to historians and constitutional scholars who may know more or feel differently, it is my sense that the case against President Clinton is the first close or "hard" case of presidential impeachment in our nation's long history. This case lies in the middle. It is a hard case and senators may see it either way.

In the ordinary practice of law, there is a saying that "hard cases make bad law." Some people may invoke that phrase when they complain that the President has "gotten away with it." Others may invoke it with concern that we have somehow made it easier to impeach, if not convict, a president. I have tried to remember that adage as we have made our procedural and evidentiary decisions along the way. Our actions in this trial and our decision today may hold even greater significance for our nation's constitutional structure than the past two presidential impeachments, as wrenching and important as each of those was in our nation's history and in its time. I hope, in the end, that this hard case has made good law.

II. ANALYSIS OF ALLEGED FEDERAL CRIMES

A. Standard of proof

In drafting the two Articles of Impeachment against President Clinton, the House of Representatives sought to portray certain conduct by the President as meeting the constitutional standard of "High Crimes and Misdemeanors." In the specific language employed by the House in the Articles, and in the forceful arguments advanced by the House Managers on the Senate floor, a strategic choice was made. A particular approach was adopted that the House Managers clearly believe puts their case in its strongest light. They could simply have recited and attempted to prove certain conduct by the President and then argued, independent of the strictures of modern criminal law, that the President had committed "High Crimes and Misdemeanors" as that term has been understood throughout this nation's constitutional history.

Perhaps to make the facts of the case more easily understandable, or perhaps because the conduct alone may lack the gravity to justify the removal from office of the President of the United States, the House Managers chose another course, laden with the opprobrium of the modern statutory federal criminal law. Rather than simply alleging a course of general presidential misconduct, they placed enormous reliance on their assertion that the President committed the serious federal crimes of perjury and obstruction of justice. Indeed, in his opening statement on January 15, House Manager McCollum stated quite directly:

"The first thing you have to determine is whether or not the President committed crimes. It is only if you determine he committed the crimes of perjury, obstruction of justice, and witness tampering that you will move to the question of whether he is removed from office. In fact, no one, none of us, would argue to you that the President should be removed from office unless you conclude that he committed the crimes that he is alleged to have committed."

The very names of these crimes connote in modern America the type of conduct that is hard to reconcile with the continuation in office of the chief law enforcement officer of this nation. The House Managers' strategy was clever. It had an emotional power deeply rooted in the nation's abhorrence of disrespect for the law. It also placed the triers of fact and law in the position of potentially having to justify a decision that the President committed these federal crimes, but that these particular instances of alleged perjury and obstruction of justice did not constitute "High Crimes and Misdemeanors" as intended by the Framers.

I see nothing inappropriate in this approach and, in some ways, it assisted me in organizing my thoughts about this case. An obligation, however, does attend the House Managers' decision to rely on proving that the President committed actual federal statutory crimes. That obligation relates to the standard of proof.

I cannot justify concluding that the President should be removed from office for committing these federal crimes unless the case is proved by the same standard of proof that any federal prosecutor would be required to meet in a federal criminal case. This standard requires that the President be shown to have committed one of the two crimes alleged "beyond a reasonable doubt," as that standard of proof is understood in our criminal justice system. The "beyond a reasonable doubt" standard is guaranteed to defendants in criminal cases by the due process clause of the Constitution. *Victor* v. *Nebraska*, 511 U.S. 1 (1994). To apply any lesser standard in this trial would be unfair not only to the President, but also to the tens of millions of Americans whose right to have the President finish his term could be overridden by a mere likelihood or possibility that he actually committed such serious crimes.

In other words, the House Managers are free to use the "sword" of the language of the federal criminal law but cannot simultaneously deprive the president of the "shield" that same criminal law provides any defendant by requiring the prosecution to prove its case by the highest standard of proof in our legal system.

B. Perjury

Article I charges the President with committing numerous acts of perjury in his Grand Jury testimony of August 17, 1998. To convict an individual of perjury under 18 U.S.C. § 1621 or § 1623, the prosecution in a criminal case must prove beyond a reasonable doubt that the defendant: (1) knowingly or willfully made a (2) false, (3) material declaration (4) under oath (5) in a proceeding before or ancillary to any court or grand jury of the United States. To be perjurious, the false statements must be knowingly or willfully false and material to the proceeding in which they are given. Literally true statements, even if misleading, are not perjurious. And if a witness honestly believes that his or her testimony is true at the time the testimony is given, it is not perjurious, even if it is later shown to have been false.

Before turning to the allegations of perjury in Article I, I must comment on the failure of the House to specify the perjurious statements on which it based its charge. The President's counsel made a convincing argument that if Article I were offered as an indictment in a criminal case, it would be dismissed out of hand for this failure. And despite being alerted to this deficiency in the President's answer and his opening trial memorandum, the House Managers steadfastly refused to be specific and complete in their discussion of the perjury charges, constantly referring to alleged acts of perjury as mere examples.

As a Senator who has tried to apply a thorough and impartial legal analysis to these charges, I have found this refusal to specify the alleged perjurious statements somewhat frustrating. Unfortunately, even at the conclusion of this trial, it is still very difficult to be sure of what the full list of alleged perjuries includes. Indeed, it is even difficult to be sure if the House Managers continue to rely on all of the charges they raised in their trial memorandum and opening presentation.

The House listed four "categories" of perjury before the Grand Jury. With respect to the first category, "the nature and details of his relationship with a subordinate Government employee," I find that some of the examples that the House Managers raised in their trial memorandum and in presenting their case in the trial are truly frivolous. The Grand Jury was investigating perjury and obstruction of justice in the civil case pursued by Paula Jones. Once the President admitted that his relationship with Monica Lewinsky included inappropriate sexual conduct, of what possible materiality to the Grand Jury's inquiry was the question of how many times such conduct occurred?

The testimony of the President concerning whether he engaged in conduct with Ms. Lewinsky that would have been considered "sexual relations" as that term was defined in the Jones case is the one instance of testimony in this category cited by the House Managers that was clearly material to the Grand Jury's investigation of possible perjury in the deposition. As to the specific facts at issue, we still have only the conflicting testimony of the two witnesses, Ms. Lewinsky and the President. While there are good common sense reasons to doubt the President's version of a wholly non-reciprocal sexual relationship, perjury has not been proven beyond a reasonable doubt. Even if we accept Ms. Lewinsky's version of what kind of touching occurred, the ultimate question of whether President Clinton's statements on this issue in the Grand Jury were actually false turns on the question of what his intent was in engaging in those particular acts with Ms. Lewinsky. I simply cannot say that there is no reasonable doubt on this point. Even Ms. Lewinsky stated in her deposition that the President's intent was something on which she did not feel comfortable commenting.

A second category of alleged perjury consists of statements by the President before the Grand Jury concerning his earlier testimony in the deposition in the Jones case. This is "bootstrapping." It is particularly troubling because the House of Representatives, and even one of the House Managers, rejected an Article of Impeachment that alleged that the President committed perjury in the Jones deposition. I reject the House Managers' argument that the President reaffirmed his entire Jones deposition before the Grand Jury and therefore should be found guilty of perjury in the Grand Jury if any of his deposition testimony was false. The basis for this breathtaking position, as laid out by House Manager Rogan in response to Senator Nickles' question, is the statement made by the President in response to a question from the Independent Counsel concerning what the oath he swore to tell the truth in the Jones deposition meant to him. He said, "I believed then that I had to answer the questions truthfully, that's correct." In my mind, that was not a reaffirmation of his entire Jones deposition testimony sufficient to make any perjury in that deposition perjury "by reference" before the Grand Jury.

The President did state a few times in the Grand Jury that he intended to answer the Jones' lawyers questions in the deposition in a misleading but technically true manner, and House Manager McCollum highlighted a few of those statements in his closing argument concerning this category of perjury. For purposes of the charge of perjury before the Grand Jury in these statements, the key issue is not whether the President succeeded in negotiating the line between perjury and misleading but true testimony, but whether he intended to negotiate that line. Frankly, my reading of his testimony in the Jones deposition is that it was, in fact, his intent to tell the truth. In the Jones deposition, he was cagey and evasive, but he appeared to be trying mightily not to tell an out and out lie. Even though he may very well have crossed the line on a number of occasions, I have to find that there is reasonable doubt that the President was committing perjury in the Grand Jury when he said that his intent was to testify truthfully in the Jones deposition.

The third part of Article I deserves only brief mention. It boils down to the charge that the President lied when he said he wasn't paying attention when his lawyer offered Monica Lewinsky's affidavit in the Jones deposition and argued that it meant that "there is absolutely no sex of any kind, in any manner, shape, or form, with President Clinton." The only evidence that the House Managers offered to support their charge of perjury is the videotape of the deposition in which President Clinton is seen looking, we are told, in the direction of his lawyer when this conversation occurred. The House Managers tried to bolster this shockingly thin reed on which to base a perjury charge with a similarly inconclusive affidavit from a law clerk to Judge Susan Webber Wright. This is perhaps the weakest of the many inferences about the President's state of mind that the House Managers urge us to accept in order to convict. I am virtually certain that a perjury charge based on this kind of evidence would not be pursued by a federal prosecutor, and absolutely certain that a jury would not find guilt on such a charge beyond a reasonable doubt. I certainly cannot.

The fourth and final part of Article I alleges that the President committed perjury when he testified in the Grand Jury concerning "his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence" in the Jones case. This presumably refers to the President's statements to the Grand Jury concerning the gift exchange and his conversations with Betty Currie and other aides after his Jones deposition. With respect to the President's testimony about the gifts, I find it significant that Monica Lewinsky revealed for the first time in her Senate deposition that she had told the FBI shortly after the President's deposition that one of his statements about the gifts "sounded familiar." Her Senate deposition was the first time that anyone learned about that FBI interview. Surely this was "exculpatory information" that the Independent Counsel and the House Managers had the responsibility to disclose to the President's counsel and bring to our attention.

The President denied that he instructed Betty Currie to pick up the gifts from Monica Lewinsky. By charging the President with perjury for that statement, the House Managers have essentially tried to convert their obstruction charge into a perjury charge. But there is an unresolved conflict of testimony on the issue of who initiated the hiding of the gifts. As I will explain later, that conflict raises reasonable doubt in my mind about that portion of the obstruction charge. It is similarly dispositive of the perjury charge, which essentially amounts to a claim that the President lied when he said he did not obstruct justice by urging Betty Currie to pick up the gifts.

The President stated in the Grand Jury that in his conversations with aides after his deposition in the Jones case he attempted to be literally truthful, but misleading, in order to conceal his affair with Ms. Lewinsky. The questioning here by the Independent Counsel was far too general to support a perjury conviction for his statement in the Grand Jury that he "said things that were true" to his aides. He certainly said many things that were true to his aides, and he told some lies. The clear import of his testimony was that he was trying to conceal his relationship with Ms. Lewinsky from his aides while being generally truthful to them. I do not believe that the President willfully or knowingly lied when he said this to the Grand Jury, nor do I believe that these statements were material to the Grand Jury's inquiry, since he was never asked about and he never denied making specific statements to his aides that were not true.

As I will discuss later with respect to Article II, the President's conversations with Betty Currie give me the most pause and cause me the most concern in this whole matter. While it may be hard to believe the President's explanation in the Grand Jury that he was "trying to figure out what the facts were," his intent in having the oblique and tortured conversation with Ms. Currie is not clear enough to find beyond a reasonable doubt that he committed perjury in the Grand Jury when he discussed that conversation.

In sum, I do not believe that the House Managers have proved the elements of perjury beyond a reasonable doubt. But I also must say that even if one or two of these charges did meet that test, I would have some skepticism about Article I. It was a highly unusual situation that led to the President's appearance before the Grand Jury. Targets of criminal investigations are almost never subpoenaed to testify in the Grand Jury, and when they are subpoenaed, they invariably invoke their Fifth Amendment rights. Here, of course, the President did not invoke his right against self-incrimination but instead answered questions about the charges against him. And now he faces charges that he committed perjury when he denied committing the crimes of perjury in the deposition and obstruction of justice that the Grand Jury was investigating. I am uncomfortable with these prosecutorial tactics, which come very close, it seems to me, to using the Grand Jury not only to investigate potential crimes but to trap the President into committing them.

C. Obstruction of justice

In Article II, the House charged President Clinton with obstruction of justice and witness tampering. Once again, to successfully convict defendants in criminal cases of these charges, prosecutors must prove each of the elements of the crime beyond a reasonable doubt. And that is the standard I believe is most appropriate here.

In the case of obstruction, the elements of a violation of 18 U.S.C. § 1503 are that: (1) a judicial proceeding was pending; (2) the defendant knew it was pending; and (3) the defendant corruptly endeavored to influence, obstruct, or impede the due administration of justice in the proceeding. The courts have indicated that the requirement that the defendant "corruptly endeavor to influence" provides the element of intent in this crime. To "corruptly endeavor to influence" is to act voluntarily and deliberately with the purpose of improperly influencing or obstructing the administration of justice.

Witness tampering under 18 U.S.C. § 1512 requires proof that the defendant (1) corruptly persuaded or attempted to do so or engaged in misleading conduct toward another person (2) with intent (a) to influence or prevent that person's testimony in an official proceeding; or (b) to cause or induce any person to withhold testimony or physical evidence from an official proceeding.

The charges against the President in Article II have been referred to by the House Managers as the "seven pillars of obstruction." Some of these charges are more easily interpreted as allegations that the federal witness tampering statute has been violated. In any event, the crucial disputed element in all the charges against the President is intent to influence or obstruct the proceeding. The House Managers made little effort to distinguish between the two criminal statutes, which both include that element. Indeed, if the intent element of these crimes were proven, some of the alleged improper conduct of the President could fall under both statutes, which is one reason I have referred to the case against the President as a close one, with regard to Article II.

The House Managers have regularly urged the Senate to look at the entirety of the charges against the President and not to pick apart the individual allegations. I think the more appropriate analysis, however, is to look at each allegation and determine if the elements of obstruction are proven beyond a reasonable doubt. In many cases, the House Managers seem to take the position that the intent to obstruct or influence can be inferred from a pattern of behavior. But each allegation cannot be considered part of a "pattern of obstruction" unless it meets the elements of obstruction (or witness tampering) on its own. Otherwise, Article II become a series of "bootstraps," which are alleged to add up to obstruction of justice without any specific action actually constituting a violation of federal law.

Nonetheless, there is no question in my mind that Article II is the more serious of the two articles of impeachment, because the factual allegations are more troubling and because it charges conduct that involved a number of individuals, in and out of government, other than the President. If the allegations are true, this conduct would undermine respect for the rule of law and injure our system of justice even more deeply than perjury, which, of course, is a serious violation as well. Because I took these charges very seriously, I wanted to give the House Managers every reasonable opportunity to prove them. I supported the issuance of subpoenas to witnesses for depositions and the presentation of the witnesses' testimony to the Senate because I wanted to be very clear in my own mind about what had taken place before deciding whether to acquit or convict on this particular article.

The first two obstruction charges against the President arise out of his late night telephone conversation with Monica Lewinsky on December 17, 1997. The House Managers charge that during that call the President encouraged Ms. Lewinsky to file a false affidavit and to lie if called upon to testify in the Jones case. While I may agree with House Manager Graham that a telephone call at the hour of 2:30 a.m. is not likely to be a casual call, the burden on the House Managers is to prove that the President committed a crime during the call, not merely to invite an inference that he was "up to no good." And the direct evidence—testimony from Ms. Lewinsky—does not support the Managers' theory. She testified repeatedly that she never, "ever" discussed the contents of her affidavit with the President. In addition, according to Ms. Lewinsky, the discussion of "cover stories" in the December 17 phone call was not in connection with her possible affidavit or testimony in the Jones case.

There simply is not enough evidence that the President intended to influence Ms. Lewinsky's affidavit or testimony to find that the law was broken. According to Ms. Lewinsky, they discussed the possibility of her filing an affidavit in order to avoid testifying, but did not discuss the details of that affidavit. She testified that she thought the contents of affidavit could include a "range of things," running from the innocuous to the deceitful. Indeed, the main evidence offered by the House Managers seems to be that the President and Ms. Lewinksy over the period of the relationship developed "cover stories" and planned to conceal their affair. The House Managers suggest that we must infer from the mention of these cover stories during the December 17 conversation a signal to Ms. Lewinsky that they should be employed in the affidavit or in Ms. Lewinsky's testimony if she were called.

The "cover stories" had been developed over a year earlier. The House Managers argue that they were transformed into obstruction of justice and witness tampering when Ms. Lewinsky became a witness in the Jones case by their mere mention in the telephone conversation of December 17. That is an interesting theory, but evidence of the President's intent to obstruct justice in that conversation is simply lacking. I do not believe a federal criminal prosecution would ever be brought with such a slim factual foundation, notwithstanding the earnest statements to the contrary by a number of the House Managers who are former prosecutors.

Another allegation refuted by the depositions taken by the House Managers was the charge based on the efforts of Vernon Jordan to secure Monica Lewinsky a job. Jordan admitted that he sought a job for Ms. Lewinsky at the request of the President. However disturbing the conduct and whatever innuendo it invites, it was not against the law for the President to seek to aid a woman with whom he had carried on an illicit relationship. It only amounts to obstruction of justice or witness tampering if it is proven that the job assistance was offered with the intent of preventing her from testifying or influencing her testimony in the Jones case. Numerous facts cut against this allegation: (1) the President's efforts to help Ms. Lewinsky find a job started long before she was a witness in the Jones case; (2) Vernon Jordan's intensified efforts predated by at least a week his knowledge that she had been subpoenaed; (3) both Ms. Lewinsky and Mr. Jordan testified that they thought that the job search and the submission of Ms. Lewinsky's affidavit were not connected.

Vernon Jordan's role in this whole story is nonetheless troubling. It is clear he made extraordinary efforts to help Ms. Lewinsky obtain employment, and he kept the President informed of his progress. But I cannot conclude beyond a reasonable doubt that his efforts must be attributed to a plan on the part of the President to prevent Ms. Lewinsky from testifying truthfully in the Jones case. Just as plausible is that the President's motive to help Ms. Lewinsky was loyalty or guilt, or to make it less likely that she would reveal the relationship, which had long since ceased to be sexual, to one of her friends or the press.

Another charge in Article II deals with the President's failure to prevent his lawyer from relying on Ms. Lewinsky's misleading affidavit during the Jones deposition. But evidence of the President's intent to obstruct justice is completely lacking here. As a witness in a deposition, the President did not have a duty to monitor his lawyer's statements. One can only imagine what the President was thinking about as he listened to the lawyers and Judge Wright debate whether he was going to have to answer questions about his relationship with Ms. Lewinsky.

Before turning to the most serious allegations of obstruction and witness tampering, let me comment on the final charge in Article II, which concerns the President's statements to aides who later were called before the Grand Jury to testify. This charge has been a sideshow and a distraction from the beginning. While the charge is listed in Article II as one of the "means used to implement" the "course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony" in the Jones case, it actually alleges an effort to obstruct the Grand Jury investigation. Furthermore, it assumes that in the days when the Lewinsky story was breaking, the President's conversations with his aides were aimed at influencing their eventual testimony in the Grand Jury, rather than dealing with the public firestorm that was enveloping the White House and the enormous personal embarrassment and humiliation that the President faced as his affair became public.

There is much for the Congress and the nation to criticize about the President's behavior in this matter. Concealing the truth and the intimate details of this relationship from his close aides ranks well down on the list for me. I am much more outraged by his very public, very forceful denial of the affair to the American people on national television. Yet that denial does not appear to be part of a scheme to obstruct the Grand Jury. And the fact that the President's more elaborate lie about the nature of his relationship with Ms. Lewinsky in his conversation with Sidney Blumenthal found its way into press accounts is essentially irrelevant to the question of whether the President committed a crime. Yet the House Managers spent hours and hours trying to substantiate their claim that there was a White House effort, masterminded by the President, to discredit and attack Ms. Lewinsky. They even called Sidney Blumenthal as a witness and explored this issue in depth with him. Then, on the day our deliberations started, they sought to introduce new evidence and take new depositions because they believe that Mr. Blumenthal was untruthful in his deposition.

After all this, the House Managers still have not explained what crime is lurking in the conspiracy they think they have found. The President cannot be impeached and removed from office for being a "bully," or being "mean," or because his Administration has a muscular spin operation. On this charge, not only is there a reasonable doubt that the President intended to obstruct justice when he misled his aides about his relationship with Ms. Lewinsky, there is no evidence at all that he did.

Let me turn to the two charges of Article II that I view as the most serious and substantial—the concealment of gifts given by the President to Ms. Lewinsky and the President's two conversations with his personal secretary, Betty Currie, after he was deposed in the Jones case.

It is significant that both of these allegations involve Ms. Currie. And the gift concealment allegation raises what is probably the most serious factual dispute in this case—the question of whether it was Ms. Lewinsky or Ms. Currie who suggested hiding the gifts. Yet even when given the opportunity to call a limited number of witnesses for depositions, the House Managers chose not to call Betty Currie. I was troubled by this at the time, particularly since the testimony of Sidney Blumenthal seemed so tangential to the case. Other than Monica Lewinsky, Betty Currie was the most important witness in this case, and the House Managers chose not to depose her.

While I was inclined to give the House Managers the benefit of the doubt on their witness selection, I am prohibited from giving them the benefit of the doubt on whose testimony to believe on key disputes of fact. Without seeing Ms. Currie testify, I have no basis on which to compare her credibility to that of Ms. Lewinsky on the issue of who initiated the hiding of the gifts. Furthermore, Ms. Lewinsky testified that she was concerned about the Jones lawyers' request for the gifts long before her December 28 meeting with the President and her delivery of the gifts to Ms. Currie later that day.

I was struck by Ms. Lewinsky's testimony on this point in her Senate deposition. She seemed indefinite when she reaffirmed her earlier testimony that Betty Currie had called her about the gifts, rather than vice versa. In this instance, I appreciated the opportunity to view Ms. Lewinsky's demeanor when she testified. She seemed significantly less certain about who raised the idea of hiding the gifts. I certainly do not conclude that she was lying, but her memory of the sequence of events did not seem as clear on this point as it was on many of the issues discussed in the deposition. The fact that the President gave Ms. Lewinsky even more gifts on December 28 lends additional weight to the theory that it was Ms. Lewinsky who wanted to hide the gifts, not the President.

With an unresolved direct conflict between the testimony of the two primary witnesses on this allegation, I simply cannot find beyond a reasonable doubt that the President masterminded the gift exchange to obstruct the Jones case.

Finally, we come to what for me has been the most difficult charge of Article II—the President's alleged "coaching" of Betty Currie. Neither the President's testimony in the Grand Jury concerning these conversations nor his lawyers' valiant efforts to explain them were wholly convincing. For the President to call his secretary into the Oval Office on a Sunday—the day after his deposition in the Jones case—and feed her a number of falsehoods about his relationship with Ms. Lewinsky is very alarming.

The central issue, however, is the President's intent. Knowing that the secret of his relationship with Lewinsky was out, but not yet knowing who had told the Jones lawyers about it, the President could very well have been concerned mostly about public exposure and what his wife would soon learn. He knew that Betty Currie was aware of his friendship with Ms. Lewinsky, but he did not know how much she knew or had surmised about what went on behind closed doors. Since all of that activity had ended quite a long time before, it is not inconceivable that the President was trying to find out what Ms. Currie knew or even influence what Ms. Currie would say to other White House staff, without being specifically concerned with her being a witness in the Jones case.

It is worth noting here that I am unconvinced by the argument frequently made by the House Managers that Monica Lewinsky was a crucial witness in the Jones case whose testimony might have changed the course of that litigation. Despite the fact that Monica Lewinsky was at one time a White House intern and later a White House employee, there is no allegation of sexual harassment in the relationship, and Ms. Lewinsky consistently characterized her interaction with the President as affectionate and consensual.

The Jones case later was dismissed on legal grounds that were wholly unrelated to any issue on which Ms. Lewinsky could have shed light. Thus, it is my view that the President hoped that Ms. Lewinsky would not have to testify in the Jones case because he did not want their affair to become public, not because he was concerned about the impact of her testimony on Paula Jones' claims. When he called Ms. Currie into his office on January 18, he knew that someone had told the Jones lawyers about Monica Lewinsky. In that context, it is at least plausible that he was concerned about the imminent explosion of press attention and the political damage that would result from it, rather than his legal situation.

Whatever our suspicions about the President's intentions in his conversations with Ms. Currie, the available evidence does not entitle us to a convincing inference about his state of mind that would support a finding of guilt. Therefore, although I still have concerns about this allegation of witness tampering, and I believe it was a serious charge to which the President's defense was weak, I do not believe that the House Managers have carried their burden to show beyond a reasonable doubt that the President's intent was to obstruct justice in the Jones case. I cannot reach this conclusion, however, without expressing my deepest concern and sadness that I am able to say only that the President apparently just barely avoided committing the crime of obstruction of justice in his conversations with Betty Currie.

III. HIGH CRIMES AND MISDEMEANORS

Many Senators chose to reach the issue of the "impeachability" of the offenses charged against the President as a threshold question of law prior to hearing the House Managers' full case. Many voted for Senator BYRD's motion to dismiss on this basis. For two reasons, I believed it was appropriate to allow the facts of the case to be more fully presented and put into evidence before making a legal judgment.

First, I believed that as a matter of deference and respect for the constitutional role of the House of Representatives, the case, including evidence, should be presented before the Senate reached a judgment. The Constitution gives the House the sole power of impeachment, and a determination of whether certain offenses constitute "Treason, Bribery, or other high Crimes and Misdemeanors" is necessarily a part of the House's decision to impeach a president. While the Senate's exclusive power to try, convict, and remove a president makes it the final arbiter of whether the conduct alleged is "impeachable," I believe it is incumbent on the Senate to permit the House Managers a reasonable opportunity to set out their case against the President before making a decision on that question. Whatever misgivings I may have about the way the House exercised its constitutional power to impeach in this instance, I felt compelled to permit the House Managers a reasonable opportunity to make their case before I would exercise my role as both a trier of fact and a judge of law.

Second, the historical and legal authorities on the question of what constitutes "other high Crimes and Misdemeanors" are varied and not wholly consistent. I believed that I could apply those authorities with more certainty to a clear and complete set of facts, after hearing the evidence, than to a set of allegations that might never be proved. I recognize that when courts entertain motions to dismiss in civil cases, they assume that all facts alleged in a complaint are true and determine the scope and impact of the particular statute or legal doctrine on which the claim for relief is based. But in this case, I felt more comfortable reaching the legal question of "impeachability" after hearing the evidence. I was comfortable allowing this limited deference to the prerogatives of the House Managers in the interest of a thorough and constitutional process.

Having decided that the House Managers failed to prove that the President committed the federal crimes they alleged, the question remains whether the underlying acts themselves, whether criminal or not, constitute conduct that under the Constitution constitute "high Crimes and Misdemeanors" that should result in the President's removal from office. On the issue of what constitutes "high Crimes and Misdemeanors," as in many other issues in this impeachment and trial, there has been heated and polarizing rhetoric. The House Managers and their supporters argued vigorously that the criminal acts they charged were, on their face, high crimes. White House counsel and many historians and legal scholars argued the contrary, that these acts could in no way be considered high crimes.

Other than bribery and treason, the Constitution itself gives no exhaustive or exclusive list of those offenses for which presidents should be removed from office. We are given only the phrase "other high Crimes and Misdemeanors" for guidance. The key to understanding the meaning of this phrase in my view are the words "other" and "high."

As University of Chicago Law School Professor Joseph Isenbergh has written:

"* * * without the word 'high' attached to it, the expression 'crimes and misdemeanors' is nothing more than a description of public wrongs, offenses that are cognizable in some court of criminal jurisdiction."

Isenbergh notes that in the 18th Century, the word "high" when attached to the word "crime" or "misdemeanor," described a crime aiming at the state or the sovereign rather than a private person, and thus a "high Crime or Misdemeanor" was not simply a serious crime, but one aimed at the highest powers of the state. This concept had been asserted by William Blackstone and others, and was well understood by the Framers of the Constitution.

Indeed, Alexander Hamilton wrote in Federalist Paper No. 65 that the crimes to be considered in a court of impeachment are:

"[T]hose offenses which proceed from the misconduct of public men, or in other words from the abuse or violation of some public trust. They are of a nature which may with particular propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself."

Writing at the time of the Nixon impeachment, Yale University Law Professor Charles Black commented that the crimes enumerated in the Constitution, treason and bribery, are crimes that "so seriously threaten the order of political society as to make pestilent and dangerous the continuance in power of their perpetrator." In my view, "other high Crimes and Misdemeanors" must be interpreted as crimes or acts of a similar gravity and impact on society as those enumerated crimes.

To determine whether the conduct that led to impeachment for these crimes meets the definition of a high crime, the underlying circumstances must govern and a determination must be made if the offense, in Black's words, "threatens the order of political society." While it is certainly true that an act need not be criminal in a technical sense to constitute a threat to the well-being of the State, the acts in this case were not assaults on the State or the liberties of the people that threaten the order of political society, as contemplated by the Framers. This conduct does not justify overturning the will of the people as expressed in the 1996 election.

IV. CONCLUSION

As I listened carefully to the trial proceedings over the past month, I was impressed with the efforts of counsel for both sides in making their cases. Even understanding the role of counsel as advocates, however, I was troubled by the exaggerated claims with regard to the strength of each side of the case.

The House Managers referred to the evidence in support of removal as "overwhelming," while the President's counsel described the House Managers' evidence as "nonexistent." I find neither statement to be true and maybe a little reminiscent of the heated words of the Senator Charles Sumner of Massachusetts in his Opinion following the impeachment trial of President Andrew Johnson:

"In the judgment which I now deliver I cannot hesitate. To my vision the path is clear as day. Never in history was there a great case more free from all just doubt. If Andrew Johnson is not guilty, then never was a political offender guilty before; and, if his acquittal is taken as a precedent, never can a political offender be found guilty again. The proofs are mountainous. Therefore, you are now determining whether impeachment shall continue a beneficent remedy in the Constitution, or be blotted out forever, and the country handed over to the terrible process of revolution as its sole protection."

I cannot view the Clinton impeachment case from either extreme. This, unfortunately, was a close case that raised the very real specter of the nullification of an American presidential election. It is, however, at such a moment, when the high standard for impeachment and conviction becomes especially important.

The reason I describe the decision of the American people to elect a president as the most salient fact in this case is not simply because it is the right of the American people to choose their president. It is also because of the constitutional goal of our Founding Fathers to create a system of political stability. Just as the Framers wished to avoid the uncertainty of a parliamentary system, we today in this last year of the twentieth century should be concerned about political instability and the threat that excessive partisanship poses to our constitutional order.

I see the four year elected term of our president as a unifying force in our country. Yet this is the second time in my adult life that a President of the United States has undergone a serious impeachment process. And I am only 45 years old. In the nearly two hundred years prior to the case of President Nixon, this happened only once.

Are these two recent impeachments a fluke? Is it coincidence that two of our recent presidents were thought by some to be sufficiently unfit to be president to warrant this procedure? I wonder how we will feel about the stability of our system if another presidential impeachment occurs sometime in the next ten or twenty years.

I see a danger in this. I see a danger in this in an increasingly diverse country. I see a danger in this in an increasingly divided country. I see a danger when national elections seem never to be over. I see a danger when the lead House Manager in his concluding remarks in this trial asserts that we are engaged in a "culture war" in this country. I hope that is not where we are, and I hope that is not where we are heading.

In making a decision of this magnitude, it is best not to err at all. If we must err, however, we should err on the side of avoiding such divisions, and of respecting the will of the people. Senator James W. Grimes of Iowa, one of the seven Republicans who voted to acquit President Andrew Johnson in 1868, said in his Opinion at the conclusion of the trial:

"I cannot agree to destroy the harmonious working of the Constitution for the sake of getting rid of an unacceptable President. Whatever may be my opinion of the incumbent, I cannot consent to trifle with the high office he holds. I can do nothing which, by implication, may be construed into an approval of impeachment as a part of future political machinery."

Spoken almost 131 years ago, these words express nearly perfectly my sentiments on the grave constitutional questions I was required to address in this case.

MEASURES REFERRED

The following bills, previously received from the House of Representatives for the concurrence of the Senate, were read the first and second times by unanimous consent and referred as indicated:

H.R. 68. An act to amend section 20 of the Small Business Act and make technical corrections in title III of the Small Business Investment Act; to the Committee on Small Business.

H.R. 98. An act to amend chapter 443 of title 49, United States Code, to extend the aviation war risk insurance program and to amend the Centennial of Flight Commemoration Act to make technical and other corrections; to the Committee on Governmental Affairs.

H.R. 169. An act to amend the Packers and Stockyards Act, 1921, to expand the pilot investigation or the collection of information regarding prices paid for the procurement of cattle and sheep for slaughter of muscle cuts of beef and lamb to include swine and muscle cuts of swine; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 391. An act to amend chapter 35 of title 44, United States Code, for the purposes of facilitating compliance by small business with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business, and for other purposes; to the Committee on Governmental Affairs.

H.R. 432. An act to designate the North/South Center as the Dante B. Fascell North-South Center; to the Committee on Foreign Relations.

H.R. 437. An act to provide for a Chief Financial Officer in the Executive Office of the President; to the Committee on Governmental Affairs.

H.R. 439. An act to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small business, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies; to the Committee on Governmental Affairs.

H.R. 440. An act to make technical corrections to the Microloan Program; to the Committee on Small Business.

MEASURE PLACED ON THE CALENDAR

The following bill was read twice and placed on the calendar:

H.R. 435. An act to make miscellaneous and technical changes to various trade laws, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1748. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–539, "Motor Vehicle Parking Regulation Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1749. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–553, "Child Abuse and Neglect Prevention Children's Trust Fund Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1750. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–561, "Drug Prevention and Children at Risk Tax Check Off, Tax Initiative Delay, and Attorney License Fee Act of 1998"; to the Committee on Governmental Affairs.

EC–1751. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–559, "Harris/Hinton Place and Bishop Samuel Kelsey Way Designation Act of 1998"; to the Committee on Governmental Affairs.

EC–1752. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–558, "Schedule of Heights of Buildings Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1753. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–573, "Self-Sufficiency Promotion Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1754. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–568, "Fiscal Year 1999 Disability Compensation Administrative Financing Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1755. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–567, "Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998"; to the Committee on Governmental Affairs.

EC–1756. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–563, "Lowell School, Inc., Real Property Tax Relief Temporary Act of 1998"; to the Committee on Governmental Affairs.

EC–1757. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–582, "Homestead Housing Preservation Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1758. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–581, "Year 2000 Government Computer Immunity Act of 1998"; to the Committee on Governmental Affairs.

EC–1759. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–577, "Procurement Practices Bid Notice Period Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1760. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–575, "Human Rights Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1761. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–587, "Compensation Increase for the Chairperson of the Rental Housing Commission Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1762. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–586, "Sex Offender Registration Risk Assessment Clarification Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1763. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–584, "Housing Finance Agency Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1764. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–583, "Community Development Program Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1765. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–593, "Hazardous Duty Compensation for Metropolitan Police Department Scuba Divers Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1766. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–591, "Dedication and Designation of Harry Thomas Way Temporary Act of 1998"; to the Committee on Governmental Affairs.

EC–1767. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–589, "Sex Offender Registration Immunity From Liability Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1768. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–588, "Mentally Retarded Citizens Substituted Consent for Health Care Decisions and Emergency Care Definition Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1769. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–606, "Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Act of 1998"; to the Committee on Governmental Affairs.

EC–1770. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–603, "Child Development Home Promotion Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1771. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–602, "Food Stamp Trafficking and Public Assistance Fraud Control Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1772. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–601, "Retired Police Officer Redeployment Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1773. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–612, "Legal Service Establishment Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1774. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–611, "Home Purchase Assistance Fund Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1775. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–610, "Home and Community Juvenile Probation Supervision Act of 1998"; to the Committee on Governmental Affairs.

EC–1776. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–608, "Criminal Records Check for the Protection of Children Act of 1998"; to the Committee on Governmental Affairs.

EC–1777. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–615, "Second Omnibus Regulatory Reform Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1778. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12-613, "Metropolitan Police Department Civilianization Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1779. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12-616, "Sex Offender Registration Immunity From Liability Second Temporary Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1780. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12-622, "Confirmation Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1781. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12-625, "Residential Real Property Seller Disclosure, Funeral Services Date Change, and Public Service Commission Independent Procurement Authority Act of 1998"; to the Committee on Governmental Affairs.

EC–1782. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12-626, "Technical Amendments Act of 1998"; to the Committee on Governmental Affairs.

EC–1783. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12-571, "Workers Compensation Amendment Act of 1998"; to the Committee on Governmental Affairs.

EC–1784. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated February 9, 1999; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Energy and Natural Resources and to the Committee on Foreign Relations.

EC–1785. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on surplus Federal real property disposed of to educational institutions in fiscal year 1998; to the Committee on Governmental Affairs.

EC–1786. A communication from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's annual report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–1787. A communication from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting, pursuant to law, a copy of the Company's Balance Sheet as of December 31, 1998; to the Committee on Governmental Affairs.

EC–1788. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations" (RIN3209–AA07) received on February 1, 1999; to the Committee on Governmental Affairs.

EC–1789. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on General Accounting Office employees detailed to congressional committees as of January 22, 1999; to the Committee on Governmental Affairs.

EC–1790. A communication from the Executive Secretary of the National Labor Relations Board, transmitting, pursuant to law, the Board's annual report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–1791. A communication from the Chief Judge of the Superior Court of the District of Columbia, transmitting, pursuant to law, an amendment to the "Jury Plan for the Superior Court of the District of Columbia"; to the Committee on Governmental Affairs.

EC–1792. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12-416, "Eastern Market Real Property Asset Management and Outdoor Vending Act of 1998"; to the Committee on Governmental Affairs.

EC–1793. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the Department's report entitled "Performance Profiles of Major Energy Producers 1997"; to the Committee on Energy and Natural Resources.

EC–1794. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Open Access Same-time Information; System and Standards of Conduct" (Docket RM95-9-003) received on February 10, 1999; to the Committee on Energy and Natural Resources.

EC–1795. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Book-Entry Treasury Bonds, Notes and Bills" received on February 8, 1999; to the Committee on Finance.

EC–1796. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the Highway Trust Fund quarterly report dated December 1998; to the Committee on Finance.

EC–1797. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Electronic Funds Transfer—Temporary Waiver of Failure to Deposit Penalty for Certain Taxpayers" (Notice 99–12) received on February 9, 1999; to the Committee on Finance.

EC–1798. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability" (Rev. Proc. 99–14) received on February 4, 1999; to the Committee on Finance.

EC–1799. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Changes in Accounting Periods and in Methods of Accounting" (Rev. Proc. 99–17) received on February 8, 1999; to the Committee on Finance.

EC–1800. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Low Income Housing Tax Credit—1999 Calendar Year Resident Population Estimates" (Notice 99–10) received on February 8, 1999; to the Committee on Finance.

EC–1801. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Roth IRAs" (RIN 1545–AW62) received on February 8, 1999; to the Committee on Finance.

EC–1802. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of Port of Entry in Fort Myers, Florida" (T.D. 99–9) received on February 8, 1999; to the Committee on Finance.

EC–1803. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Foreign-Based Commercial Motor Vehicles in International Traffic" (RIN 1515–AB88) received on February 8, 1999; to the Committee on Finance.

EC–1804. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automated Clearinghouse Credit" (RIN 1515–AC26) received on February 8, 1999; to the Committee on Finance.

EC–1805. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the Commission's Performance Plans for fiscal years 1999 and 2000; to the Committee on Finance.

EC–1806. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's report on the implementation of the Prescription Drug User Fee Act of 1992 for fiscal year 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1807. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Department's Advisory Council for Employee Welfare and Pension Benefit Plans for 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1808. A communication from the Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter" (No. 13–99) received on February 10, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1809. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule regarding international studies and foreign language programs received on February 10, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1810. A communication from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Impact Aid" received on February 10, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1811. A communication from the Deputy Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (Docket 93F–0151) received on February 10, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1812. A communication from the Deputy Executive Director and Chief Operating

Officer of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits" received on February 8, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1813. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Laxative Drug Products for Over-the-Counter Human Use" (RIN 0910–AA01) received on February 10, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1814. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a report on the Administration's 1999 compensation program adjustments; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1815. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Nebraska-Western Iowa Marketing Area; Suspension of Certain Provisions of the Order" (Docket DA–98–10) received on February 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1816. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Order Amending Marketing Agreement and Order No. 956" (Docket 98AMA–FV–956–1) received on February 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1817. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fees for Federal Rice Inspection Services" (RIN0580–AA67) received on February 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1818. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Small Hog Operation Payment Program" (RIN0560–AF70) received on February 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1819. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cinnamaldehyde; Exemption from the Requirement of a Tolerance" (FRL6049–9) received on February 10, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1820. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenbuconazole; Reestablishment of Time-Limited Pesticide Tolerance" (FRL 6059–7) received on February 9, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1821. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Sale or Rental of Sexually Explicit Material on DoD Property" (RIN0790–AG66) received on February 10, 1999; to the Committee on Armed Services.

EC–1822. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the Department's report on pilot programs for testing program manager performance of product support oversight responsibilities for the life cycle of acquisition programs; to the Committee on Armed Services.

EC–1823. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the Department's report on funds expended during fiscal year 1998 for the performance of depot-level maintenance and repair by the public and private sectors; to the Committee on Armed Services.

EC–1824. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Consumer Credit Classified as a Loss, Slow Consumer Credit and Slow Loans" (RIN1550–AB28) received on February 3, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1825. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (64 FR 3046) received on February 10, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1826. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (64 FR 1523) received on February 10, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1827. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket FEMA–7268) received on February 10, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1828. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (64 FR 1521) received on February 10, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1829. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "List of Communities Eligible for the Sale of Flood Insurance" (Docket FEMA–7706) received on February 10, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1830. A communication from the Director of the Defense Security Cooperation Agency, Department of Defense, transmitting, pursuant to law, the Agency's report on security assistance information relative to Military Assistance, Military Exports, and Military Imports for fiscal year 1998; to the Committee on Armed Services.

EC–1831. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report on U.S. Government Assistance to and Cooperative Activities with the New Independent States of the Former Soviet Union; to the Committee on Foreign Relations.

EC–1832. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates" received on February 10, 1999; to the Committee on Foreign Relations.

EC–1833. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, a report on Development Assistance Program Allocations for fiscal year 1999; to the Committee on Foreign Relations.

EC–1834. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Transportation Equity Act for the 21st Century; Implementation Guidance for the Interstate Highway Reconstruction/Rehabilitation Pilot Program; Solicitation for Candidate Proposals" received on February 8, 1999; to the Committee on Environment and Public Works.

EC–1835. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs" (RIN2125–AE34) received on February 8, 1999; to the Committee on Environment and Public Works.

EC–1836. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois: Motor Vehicle Inspection and Maintenance" (FRL6232–7) received on February 9, 1999; to the Committee on Environment and Public Works.

EC–1837. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Operating Permits Program" (RIN2060–AG90) received on February 9, 1999; to the Committee on Environment and Public Works.

EC–1838. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Exemption for Leachate from Non-Hazardous Waste Landfills; Final Rule" (RIN2050–AE61) received on February 9, 1999; to the Committee on Environment and Public Works.

EC–1839. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois: Clean Fuel Fleet Program Revision" (FRL6232–8) received on February 9, 1999; to the Committee on Environment and Public Works.

EC–1840. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of the Clean Air Act, Section 112(1), Delegation of Authority to Three Local Air Agencies in Washington; Correction and Clarification" (FRL6233–6) received on February 10, 1999; to the Committee on Environment and Public Works.

EC-1841. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Exemption for Leachate from Non-Hazardous Waste Landfills; Final Rule" (RIN2050–AE61) received on February 5, 1999; to the Committee on Environment and Public Works.

EC-1842. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's quarterly report on the nondisclosure of Safeguards Information for the period October 1, 1998 through December 31, 1998; to the Committee on Environment and Public Works.

EC-1843. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's report entitled "1998 Annual Report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology"; to the Committee on Commerce, Science, and Transportation.

EC-1844. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's report entitled "National Implementation Plan for Modernization of the National Weather Service for Fiscal Year 1999"; to the Committee on Commerce, Science, and Transportation.

EC-1845. A communication from the Director of the National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the Institutes's report on donated educationally useful Federal equipment; to the Committee on Commerce, Science, and Transportation.

EC-1846. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustments to the 1999 Summer Flounder Commercial Quota; Commercial Quota Harvested for Delaware" (I.D. 012299B) received on February 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1847. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands" (I.D. 012899A) received on February 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1848. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction" (I.D. 012999A) received on February 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1849. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-pelagic Trawl Gear in the Red King Crab Savings Subarea" (I.D. 020199A) received on February 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1850. A communication from the General Counsel of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Final Technical Changes; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepware: Sizes 7 Through 14" received on February 10, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1851. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veteran's Appeals: Rules of Practice—Notification of Representatives in Connection with Motions for the Revision of Decisions on Grounds of Clear and Unmistakable Error" (RIN2900–AJ75) received on February 16, 1999; to the Committee on Veterans' Affairs.

EC-1852. A communication from the Executive Director of the Committee for Purchase From People who are Blind or Severely Disabled, transmitting, pursuant to law, a list of additions to and deletions from the Committee's Procurement List dated February 10, 1999; to the Committee on Governmental Affairs.

EC-1853. A communication from the Assistant Legal Adviser for Treaty Affairs, transmitting, pursuant to law, the texts of international agreements other than treaties entered into by the United States (99–8 to 99–13); to the Committee on Foreign Relations.

EC-1854. A communication from the Acting Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sugar to be Imported and Re-exported in Refined Form or in Sugar Containing Products, or Used for the Production of Polyhydric Alcohol" (RIN0551–AA39) received on February 16, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1855. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Abandoned Mine Land (AML) Reclamation Program; Enhancing AML Reclamation" (RIN1029–AB89) received on February 11, 1999; to the Committee on Energy and Natural Resources.

EC-1856. A communication from the Director of the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the Service's report on the New England fishing capacity reduction initiative for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC-1857. A communication from the Director of the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Pacific Offshore Cetacean Take Reduction Plan Regulations" (I.D. 111398D) received on February 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1858. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, the Report of the Proceedings of the Judicial Conference of the United States, held in Washington, D.C., on September 15, 1998; to the Committee on the Judiciary.

EC-1859. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Regulations to Increase Harvest of Mid-Continent Light Geese" (RIN1018–AF25) received on February 11, 1999; to the Committee on Environment and Public Works.

EC-1860. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Establishment of a Conservation Order for the Reduction of Mid-Continent Light Goose Populations" (RIN1018–AF05) received on February 11, 1999; to the Committee on Environment and Public Works.

EC-1861. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Policy and Procedure for NRC Enforcement Actions: Revised Treatment of Severity Level IV Violations at Power Reactors" (NUREG 1600, Rev.1) received on February 11, 1999; to the Committee on Environment and Public Works.

EC-1862. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Spent Fuel Heat Generation in an Independent Spent Fuel Storage Installation" (Guide 3.54) received on February 11, 1999; to the Committee on Environment and Public Works.

EC-1863. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standard Format and Content of License Termination Plans for Nuclear Power Reactors" (Guide 1.179) received on February 11, 1999; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 430. A bill to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the kake Tribal Corporation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THURMOND:

S. 431. A bill to amend the Alcohol Beverage Labeling Act of 1988 to grant authority to the Secretary of Health and Human Services to carry out the Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 432. A bill to amend the Internal Revenue Code of 1986 to increase the rate of tax on wine and to dedicate the resulting increased revenues to programs for the prevention and treatment of alcohol abuse; to the Committee on Finance.

S. 433. A bill to amend the Alcoholic Beverage Labeling Act of 1988 to prohibit additional statements and representations relating to alcoholic beverages and health, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BREAUX (for himself, Mr. BRYAN, Mr. DORGAN, and Mr. FRIST):

S. 434. A bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits; to the Committee on Finance.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 435. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to waive the contemporaneous substantiation requirement for deduction of charitable contributions in certain cases; to the Committee on Finance.

By Mr. HELMS:

S. 436. A bill for the relief of Augusto Segovia and Maria Segovia, husband and wife, and their children; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. BRYAN):

S. 437. A bill to designate the United States courthouse under construction at 333 Las Vegas Boulevard South in Las Vegas, Nevada, as the "Lloyd D. George United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 438. A bill to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BRYAN:

S. 439. A bill to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself, Mr. INOUYE, Mr. NICKLES, Mr. ROTH, Mr. FRIST, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. TORRICELLI, Mr. KERRY, Mr. DEWINE, Mr. COVERDELL, Mr. VOINOVICH, Mr. SHELBY, Mr. HELMS, Mr. ROBB, Mr. CLELAND, Mr. CONRAD, Mr. DASCHLE, Mr. GRASSLEY, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. BAUCUS, Mr. BROWNBACK, Mr. BRYAN, Mr. CHAFEE, Mr. CRAIG, Mr. DODD, Mr. DOMENICI, Mr. ENZI, Mr. FEINGOLD, Mr. FITZGERALD, Mr. GORTON, Mr. GRAMM, Mr. GREGG, Ms. LANDRIEU, Mr. STEVENS, Mr. THURMOND, Mr. WELLSTONE, Mr. SPECTER, Mr. ASHCROFT, Mr. DURBIN, Mr. WARNER, Mr. HAGEL, Mr. REID, Mr. INHOFE, Mrs. BOXER, Mr. BIDEN, Mr. GRAMS, Mr. LOTT, Mr. KENNEDY, Mr. SESSIONS, Mr. LAUTENBERG, Ms. SNOWE, Mr. WYDEN, Mr. HATCH, Mr. CRAPO, and Mrs. LINCOLN):

S. Con. Res. 12. A concurrent resolution requesting that the United States Postal Service issue a commemorative postage stamp honoring the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 430. A bill to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes; to the Committee on Energy and Natural Resources.

KAKE TRIBAL CORPORATION PUBLIC INTEREST LAND EXCHANGE ACT

• Mr. MURKOWSKI. Mr. President, today I rise to introduce the second of two bills of which passed the Senate last year with unanimous consent. The first bill which was introduced on February 12, 1999, amends the Alaska Native Claims Settlement Act (ANCSA), to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, a village corporation created under that Act. The second bill provides for a similar land exchange between the Secretary and the Kake Tribal Corporation. Both of these bills will allow the Kake Tribal and Huna Totem Corporations to convey land needed as municipal watersheds in their surrounding communities to the Secretary in exchange for other Forest Service lands.

Enactment of these bills will meet two objectives. First, the two corporations will finally be able to fully recognize the economic benefits promised to them under ANCSA. Second, the watersheds that supply the communities of Hoonah, Alaska and Kake, Alaska will be protected in order to provide safe water for those communities.

The legislation I offer today clarifies several issues that were raised during the Committee hearings and mark-up last year. First, the legislation directs that the subsurface estates owned by Sealaska Corporation in the Huna and Kake exchange lands are exchanged for similar subsurface estates in the conveyed Forest Service lands. Second the substitute clarifies that these exchanges are to be done on an equal value basis. Both the Secretary of Agriculture and the corporations insisted on this provision. I believe this is critical, Mr. President, because both these bills provide that any timber derived from the newly acquired Corporation lands be processed in-state, a requirement that does not currently exist on the watershed lands the corporations are exchanging. Therefore, if this exchange simply were done on an acre-for-acre basis it is likely that the acreage the corporations are exchanging, without any timber export restrictions, would have a much higher value than what they would get in return. It is for this reason that these exchanges will not be done on an acre-for-acre basis. If it ends up that either party has to receive additional compensation, either in additional lands or in cash to equalize the value, then it is my hope this will be done in an expeditious way to allow the exchange to move forward within the times specified in the legislation.

I believe these two pieces of legislation are in the best interest of the native corporations, the Alaska communities where the watersheds are located, and the Federal government. It is my intention to try and pass these bills out of the Senate Energy and Natural Resources Committee at the earliest opportunity.

Mr. President, I ask that the text of the bills be printed in the RECORD.

The bill follows:

S. 430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Kake Tribal Corporation Public Interest Land Exchange Act".

SEC. 2. AMENDMENT OF SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (Public Law 92–203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601 et seq.), as amended, is further amended by adding at the end thereof:

"SEC. . KAKE TRIBAL CORPORATION LAND EXCHANGE.

"(a) IN GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Kake Tribal Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal land identified by Kake Tribal Corporation pursuant to subsection (c): Lands exchanged pursuant to this section shall be on the basis of equal value.

"(b) The surface estate to be conveyed by Kake Tribal Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled Attachment A, and are further described as follows:

MUNICIPAL WATERSHED
COPPER RIVER MERIDIAN
T56S, R72E

Section	Approximate acres
13	82
23	118
24	635
25	640
26	346
34	9
35	349
36	248
Approximate total	2,427

"(c) Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Kake Tribal Corporation shall be entitled to identify lands in the Hamilton Bay and Saginaw Bay areas, as depicted on the maps dated September 1, 1997, and labeled Attachments B and C. Kake Tribal Corporation shall notify the Secretary of Agriculture in writing which lands Kake Tribal Corporation has identified.

"(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Kake Tribal Corporation pursuant to subsection (c).

"(e) MANAGEMENT OF WATERSHED.—The Secretary of Agriculture shall enter into a Memorandum of Agreement with the City of Kake, Alaska, to provide for management of the municipal watershed.

"(f) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Kake Tribal Corporation under this section shall not be exported as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

"(g) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

"(h) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if there is any discrepancy between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.●

By Mr. THURMOND:

S. 431. A bill to amend the Alcohol Beverage Labeling Act of 1988 to grant authority to the Secretary of Health and Human Services to carry out the Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ALCOHOLIC BEVERAGE LABELING ACT OF 1999

By Mr. THURMOND:

S. 432. A bill to amend the Internal Revenue Code of 1986 to increase the rate of tax on wine and to dedicate the resulting increased revenues to programs for the prevention and treatment of alcohol abuse; to the Committee on Finance.

THE ALCOHOL ABUSE, PREVENTION AND TREATMENT TRUST FUND ACT OF 1999

By Mr. THURMOND:

S. 433. A bill to amend the Alcoholic Beverage Labeling Act of 1988 to prohibit additional statements and representations relating to alcoholic beverages and health, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE ALCOHOLIC BEVERAGE LABEL PRESERVATION ACT OF 1999

Mr. THURMOND. Mr. President, I rise today to address an important national health concern. On February 5, 1999, the Department of Treasury and the Bureau of Alcohol, Tobacco and Firearms approved two new health statements for wine labels. This decision, in my opinion, was irresponsible and constitutes poor public policy.

Alcohol abuse is a serious problem in our country. For years, drunk driving, underage drinking, drinking during pregnancy, and alcoholism have had devastating effects on the health and safety of our citizens. During the 1980s, I was proud to be part of a national public health campaign that resulted in congressionally mandated alcohol container warning labels.

Since the implementation of these warning labels, the wine industry has been determined to undermine their effectiveness. Through a vigorous lobbying and marketing campaign, the wine industry has enticed the public with the assurance that alcohol consumption is healthy. A recent New York Times editorial by Michael Massing provides an insightful summary of the wine industries' irresponsible efforts to manipulate public policy toward this end. I ask unanimous consent that the text of that editorial be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1)

Mr. THURMOND. Mr. President, unfortunately, the wine industry may already have had ironic success in its campaign. According to a recent study by the Centers for Disease Control and Prevention, four times as many pregnant women frequently consumed alcohol in 1995 than did in 1991. The study attributes reports about the so-called health benefits of moderate wine consumption as a cause for this terrible increase.

The decision by Treasury and A.T.F. to approve new health claims labels will escalate the problems of alcohol abuse. Last week, several big liquor firms signaled an intent to attach health-benefits labels to bottles of liquor. The alcohol industry's veiled attempt to use health claims as a marketing scheme has gone on long enough. And the passive complicity of Treasury and A.T.F. is unacceptable. Today I am introducing three bills that will address this public health dilemma.

The first bill, the Alcoholic Beverage Labeling Act of 1999, will transfer authority over alcoholic beverage labeling from the Department of Treasury to the Department of Health and Human Services. Treasury and A.T.F. proved themselves incapable of managing the responsibility of alcohol labeling when they decided to favor the aggressive lobbying tactics of the wine industry over the public health concerns of such groups as the Center for Science in the Public Interest, the American Medical Association, the American Cancer Society, and the American Heart Association. The issues of public health and labeling require a level of experience and expertise that Treasury and A.T.F. apparently do not possess. My legislation will give the labeling authority to the Department of Health and Human Services and its subsidiary the Food and Drug Administration which have more experience in these matters.

The second bill I am introducing, The Alcohol Abuse, Prevention and Treatment Trust Fund Act of 1999, will create a trust fund dedicated to programs for the prevention and treatment of alcohol related problems and will be paid for by a new tax on wine. Wine is currently taxed at a rate slightly lower than beer and significantly lower than distilled spirits. Distilled spirits are taxed more heavily than beer because, according to the Congressional Research Service, more affluent taxpayers drink distilled spirits while working class taxpayers drink beer. Like distilled spirits, wine is consumed by more prosperous taxpayers, so it is reasonable that wine should be taxed at a rate similar to distilled spirits.

The revenue generated by this tax will be used specifically for the prevention and treatment of alcohol related problems such as heart disease and birth defects. Funds will also be used to address problems caused by moderate alcohol consumption, such as breast cancer and hypertension.

For many years the tobacco industry deceived the public about the consequences of smoking. It appears as if the wine industry is following the lead of the tobacco industry. Rather than wait for the long term repercussions of an alcohol health benefits campaign, we should take action now to thwart its inevitable effects.

The third and final bill I am introducing today, the Alcoholic Beverage Label Preservation Act of 1999, will block the use of the two new health claims labels approved by Treasury and A.T.F.

I urge my colleagues to review these important pieces of legislation and support passage.

Mr. President, I ask unanimous consent that the text of all three bills be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks. I also ask unanimous consent that the text of an article by the Marin Institute, which provides helpful background information on this subject, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

[From the New York Times, Feb. 9, 1999]

WINE'S UNFORTUNATE NEW LABELS

(By Michael Massing)

The Government's announcement on Friday that it would allow the wine industry to use bottle labels that mention the "health effects of wine consumption" exemplifies what is wrong with the political process in Washington.

In making the label decision, the Treasury Department's Bureau of Alcohol, Tobacco and Firearms drew on a growing body of scientific research showing that moderate alcohol consumption can reduce the risk of heart disease in some people. Yet the new labels were vigorously opposed by an array of medical and public health groups, including the American Cancer Society, the American Medical Association, the American Heart Association and the Center for Science in the Public Interest (as well as Senators Strom Thurmond and Robert Byrd), on the grounds that the labels would simply encourage more people to drink and would drive moderate drinkers to drink more heavily, with potentially steep medical and social costs.

That the Federal bureau would override such concerns is testimony to the political clout of the wine industry. Its lobbying arm, the Wine Institute, has an annual budget of more than $6 million, a staff of two dozen at its headquarters in San Francisco, satellite offices in seven other cities and lobbyists in more than 40 states. Its Washington office is headed by Robert Koch, who is a former staff director for Representative Richard Gephardt (as well as being George Bush's son-in-law).

The Wine Institute's president, John DeLuca, had made approval of the new labels a priority for several years. Mobilizing the industry's many supporters in Congress (who include virtually the entire California delegation), Mr. DeLuca succeeded first in softening the warnings about alcohol consumption in the Federal Government's Dietary Guidelines.

Building on that, he mounted a campaign to persuade the bureau—long a handmaiden to the alcohol industry—to approve new labels referring to the health benefits of wine. The bureau would not go that far, but it did approve language that will undoubtedly help to boost sales. "To learn the health effects of wine consumption, send for the Federal Government's Dietary Guidelines for Americans," one label will read, giving an address at the Agriculture Department.

Public health groups protested that such a move would undermine years of patient efforts to raise awareness of alcohol abuse, one of the nation's biggest health problems. But they could not match the wine industry's political and financial resources, and so the vintners' narrow commercial interests won out. In the end, perhaps a limited number of moderate drinkers will benefit, but for the general public the risks—in terms of increased alcoholism, drunk driving and birth defects—seem far greater.

In the coming months, when you pick up a bottle of merlot or chardonnay bearing a label urging you "to consult your family doctor about the health effects of wine consumption," take it as a sign of how unhealthy our political process has become.

S. 431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alcoholic Beverage Labeling Act of 1999".

SEC. 2. AUTHORITY OF SECRETARY OF HEALTH AND HUMAN SERVICES.

Section 203(9) of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 214(9)) is amended by striking "Secretary of the Treasury" and inserting "Secretary of Health and Human Services".

SEC. 3. TRANSFER OF FUNCTIONS AND SAVINGS PROVISIONS.

(a) Definitions.—For purposes of this section, unless otherwise provided or indicated by the context—

(1) the term "Federal agency" has the meaning given the term "agency" by section 551(1) of title 5, United States Code;

(2) the term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(3) the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(b) Transfer of Functions.—There are transferred to the Department of Health and Human Services all functions that the Secretary of the Treasury exercised before the effective date of this section (including all related functions of any officer or employee of the Department of the Treasury) relating to the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 213 et seq.).

(c) Determinations of Certain Functions by the Office of Management and Budget.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under subsection (b).

(d) Transfer and Allocations of Appropriations and Personnel.—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of Health and Human Services. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(e) Incidental Transfers.—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this section, and make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out this section. The Director of the Office of Management and Budget shall provide for the termination of the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the objectives of this section.

(f) Effect on Personnel.—

(1) In general.—Except as otherwise provided by this section, the transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this section.

(2) Executive schedule positions.—Except as otherwise provided in this section, any person who, on the day before the effective date of this section, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of Health and Human Services to a position having duties comparable to the duties performed immediately before such appointment shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(3) Termination of certain positions.—Positions whose incumbents are appointed by the President, by and with the advice and consent of the Senate, the functions of which are transferred by this section, shall terminate on the effective date of this section.

(g) Savings Provisions.—

(1) Continuing effect of legal documents.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official of a Federal agency, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that were in effect before the effective date of this section, or were final before the effective date of this section and are to become effective on or after the effective date of this section;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of Health and Human Services or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) Proceedings not affected.—

(A) In general.—This section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Department of the Treasury on the effective date of this section, with respect to functions transferred by this section.

(B) Continuation.—Such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken from the orders, and payments shall be made pursuant to the orders, as if this section had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, set aside, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(C) Construction.—Nothing in this paragraph shall be construed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(3) Suits not affected.—This section shall not affect suits commenced before the effective date of this section, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this section had not been enacted.

(4) Nonabatement of actions.—No suit, action, or other proceeding commenced by or against the Department of the Treasury, or by or against any individual in the official capacity of such individual as an officer of the Department of the Treasury, shall abate by reason of the enactment of this section.

(5) Administrative actions relating to promulgation of regulations.—Any administrative action relating to the preparation or promulgation of a regulation by the Department of the Treasury relating to a function transferred under this section may be continued by the Department of Health and Human Services with the same effect as if this section had not been enacted.

(h) Transition.—The Secretary of Health and Human Services may utilize—

(1) the services of such officers, employees, and other personnel of the Department of the Treasury with respect to functions transferred to the Department of Health and Human Services by this section; and

(2) funds appropriated to such functions;

for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(i) REFERENCES.—A reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the Secretary of the Treasury with regard to functions transferred under subsection (b), shall be deemed to refer to the Secretary of Health and Human Services; and

(2) the Department of the Treasury with regard to functions transferred under subsection (b), shall be deemed to refer to the Department of Health and Human Services.

(j) ADDITIONAL CONFORMING AMENDMENTS.—

(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget, the Secretary of Health and Human Services shall prepare and submit to the Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this section.

(2) SUBMISSION TO THE CONGRESS.—Not later than 6 months after the effective date of this section, the Secretary of Health and Human Services shall submit the recommended legislation referred to under paragraph (1).

S. 432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alcohol Abuse Prevention and Treatment Trust Fund Act of 1999".

SEC. 2. ALCOHOL ABUSE PREVENTION AND TREATMENT TRUST FUND.

(a) GENERAL RULE.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following:

"SEC. 9511. ALCOHOL ABUSE PREVENTION AND TREATMENT TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Alcohol Abuse Prevention and Treatment Trust Fund' (in this section referred to as 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Trust Fund amounts equivalent to the additional taxes received in the Treasury under chapter 51 by reason of the amendments made by section 3 of the Alcohol Abuse Prevention and Treatment Trust Fund Act of 1999 and the additional taxes received in the Treasury by reason of section 3(d) of such Act.

"(c) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund shall be available, as provided in appropriation Acts, for appropriation to the National Institute of Alcohol Abuse and Alcoholism and to the Substance Abuse and Mental Health Services Administration for programs for the prevention and treatment of alcoholism and for research on the causes, consequences, prevention, and treatment of the health problems related to alcohol use, including high blood pressure, stroke, heart disease, cancer (including breast cancer), and birth defects."

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Sec. 9511. Alcohol Abuse Prevention and Treatment Trust Fund."

SEC. 3. INCREASE IN EXCISE TAXES ON WINE TO ALCOHOLIC EQUIVALENT OF TAXES ON DISTILLED SPIRITS.

(a) IN GENERAL.—

(1) WINES CONTAINING NOT MORE THAN 14 PERCENT ALCOHOL.—Paragraph (1) of section 5041(b) of the Internal Revenue Code of 1986 (relating to rates of tax on wines) is amended by striking "$1.07" and inserting "$2.97".

(2) WINES CONTAINING MORE THAN 14 (BUT NOT MORE THAN 21) PERCENT ALCOHOL.—Paragraph (2) of section 5041(b) of such Code is amended by striking "$1.57" and inserting "$4.86".

(3) WINES CONTAINING MORE THAN 21 (BUT NOT MORE THAN 24) PERCENT ALCOHOL.—Paragraph (3) of section 5041(b) of such Code is amended by striking "$3.15" and inserting "$6.08".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

(c) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—

(A) IN GENERAL.—In the case of any tax-increased article—

(i) on which tax was determined under part I of subchapter A of chapter 51 of the Internal Revenue Code of 1986 or section 7652 of such Code before October 1, 1999, and

(ii) which is held on such date for sale by any person,

there shall be imposed a tax at the applicable rate on each such article.

(B) APPLICABLE RATE.—For purposes of clause (i), the applicable rate is—

(i) $1.90 per wine gallon in the case of wine described in paragraph (1) of section 5041(b) of such Code,

(ii) $3.29 per wine gallon in the case of wine described in paragraph (2) of section 5041(b) of such Code, and

(iii) $2.93 per wine gallon in the case of wine described in paragraph (3) of section 5041(b) of such Code.

In the case of a fraction of a gallon, the tax imposed by subparagraph (A) shall be the same fraction of the amount of such tax imposed on a whole gallon.

(C) TAX-INCREASED ARTICLE.—For purposes of this subsection, the term "tax-increased article" means wine described in paragraph (1), (2), or (3) of section 5041(b) of such Code.

(2) EXCEPTION FOR CERTAIN SMALL WHOLESALE OR RETAIL DEALERS.—No tax shall be imposed by paragraph (1) on tax-increased articles held on October 1, 1999, by any dealer if—

(A) the aggregate liquid volume of tax-increased articles held by such dealer on such date does not exceed 500 wine gallons, and

(B) such dealer submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding any tax-increased article on October 1, 1999, to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before March 31, 2000.

(4) CONTROLLED GROUPS.—

(A) CORPORATIONS.—In the case of a controlled group of corporations, the 500 wine gallon amount specified in paragraph (2) shall be apportioned among the dealers who are component members of such group in such manner as the Secretary shall by regulations prescribe. For purposes of the preceding sentence, the term "controlled group of corporations" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(B) NONINCORPORATED DEALERS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of dealers under common control where 1 or more of such dealers is not a corporation.

(5) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable to the tax imposed by section 5041 of such Code with respect to any tax-increased article shall, insofar as applicable and not inconsistent with the provisions of this section, apply to the floor stocks taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 5041.

(6) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Terms used in this paragraph which are also used in subchapter A of chapter 51 of such Code shall have the respective meanings such terms have in such subchapter.

(B) PERSON.—The term "person" includes any State or political subdivision thereof, or any agency or instrumentality of a State or political subdivision thereof.

(C) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or his delegate.

S. 433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alcoholic Beverage Label Preservation Act of 1999".

SEC. 2. PROHIBITION ON ADDITIONAL STATEMENTS AND REPRESENTATIONS.

(a) FINDING.—Section 202 of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 213) is amended—

(1) in the first sentence, by striking "The" and inserting "(a)(1) The";

(2) in the last sentence, by striking "It is therefore" and inserting the following:

"(b) It is"; and

(3) in subsection (a) (as designated in paragraph (1)), by adding at the end the following:

"(2) Congress finds that—

"(A) the consumers would be confused by an additional statement or representation, beyond the statement required by this Act, on alcoholic beverage containers relating to the health effects or consequences of alcoholic beverage consumption;

"(B) any such additional statement or representation would conflict with, dilute, impede, and undermine the clear reminder of the health effects or consequences in the statement required by this Act;

"(C) the effects of and consequences arising from drunk driving, underage drinking, drinking during pregnancy, and alcoholism have had a devastating effect on the health and safety of United States citizens; and

"(D) prevention of the effects and consequences is furthered by—

"(i) having an exclusive and clear statement on alcoholic beverage containers relating to the health effects and consequences of alcoholic beverage consumption; and "(ii) prohibiting any other statement or representation pertaining to the health effects or consequences of alcoholic beverage consumption.".

(b) PROHIBITION.—Section 205 of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 216) is amended—

(1) by striking "No" and inserting "(a) No"; and

(2) by adding at the end the following:

"(b) No container of an alcoholic beverage, or any box, carton, or other package, irrespective of the material from which made, that contains such a container, shall bear any statement or representation relating to alcoholic beverages and health, other than the statement required by section 204.".

[From the Marin Institute, Summer 1996]

UNCLE SAM NEVER SAID DRINK FOR YOUR HEALTH

Most of the experts who authored the new Dietary Guidelines for Americans are astounded at widespread interpretation of their document as a prescription to drink alcohol.

Several members of the guidelines advisory committee question why U.S. Public Health Service Director Philip Lee deleted their references to the "drug effects" of alcohol. They hold the Wine Institute responsible for the press spin interpreting the government advice as a recommendation for moderate drinking.

One committee member, who oversees one of the world's most prominent academic wine study programs, feels manipulated by the Wine Institute, which represents an $8 billion retail business and recently proposed a bottle label bigger than the warning label inviting consumers to "learn the health benefits of moderate wine consumption" by sending for the guidelines.

"If you read the whole alcohol guideline, you can see that it does not say drink for your health," says Dr. Lee, who partially credits his background in a family that made its own wine for his personal belief that it is beneficial. "The guideline says if you drink, do so in moderation, with food. It doesn't say to drink."

Interviews with nine of the 11 scientists, nutritionists and physicians who spent a year crafting the guidelines, and federal staffers and administrators who reworked them, reveal what every food editor knows: Food and what accompanies it in a glass, can or bottle is political.

The guidelines are the cornerstone of federal nutrition policy. The federal government uses them to plan food and nutrition education programs; private industry uses them to dispense nutrition information. A joint responsibility of the Health and Human Services Department and U.S. Department of Agriculture since 1980, the guidelines are updated every five years by an appointed panel of experts. The committee is only advisory to the administration, which has ultimate authority to change the guidelines before publication.

The 1995 version made history before the committee even met. It was the first set of guidelines mandated by Congress and the first to include oral testimony from special interest groups and individuals. Unlike the 1990 guidelines advisory committee, the 1995 group—expanded from nine to 11 members—lacked an expert on the public health effects of alcohol.

Ironically, the majority of the committee thought their most controversial advice was that Americans hold the line on weight at all costs and exercise 30 minutes a day to help do so. But changes in the alcohol section stole the headlines. Gone were 1990 statements that said "drinking . . . has no net health benefit. . . ." and that alcohol consumption "is not recommended."

Two new sentences were added to the guideline: "Alcoholic beverages have been used to enhance the enjoyment of meals by many societies throughout human history," and "current evidence suggests that moderate drinking is associated with a lower risk for coronary heart disease in some individuals."

The list of problems associated with heavy drinking was expanded to include violence, accidents, high blood pressure, stroke, heart disease, and certain cancers. Calories in a serving of wine, beer and spirits were noted near the usual guideline definition of moderate drinking as a maximum of one drink a day for women and two a day for men. The concluding statement stressed for the first time that those who drink should do so "with meals, when consumption does not put you or others at risk."

Some of the headlines across America:

"A Toast to Your Health: US Government Now Says a Drink or Two Can Help You"

"A Little Food, A Little Walk, A Little Wine"

"Drink for Health—But Not As Much As You'd Hoped"

"When It Comes to Eating Right, Don't Forget the Wine"

"Have a Drink, Live a Little Longer"

"Eat, Drink and Be Healthy"

"W" magazine reported that at last the federal government included alcohol as an "appropriate 'nutritional substance.'"

John De Luca, president of the Wine Institute, gushed: "We had a campaign of tenacity, working with the contributions of the scientific community." He said that thanks to the guideline, alcohol was no longer to be seen as a part of a "sin industry," but as part of a healthy diet, "back on the table with meals, as it always has been."

De Luca told a reporter that the overall impact of the new wording was so positive that the wine industry might help distribute the new guidelines. When it came to paraphrasing the guidelines' reference to cardiac research and alcohol, De Luca's Wine Institute press releases left out the qualifying "in some individuals," making it sound as if moderate drinking might protect all adults.

Members of the committee that drafted the guidelines were dumbfounded. They felt their changes to the alcohol guideline were "modest." With adult Americans deriving five to seven percent of their caloric energy from alcohol, the experts said they intended to "emphasize the food use of alcoholic beverages rather than the social drug use." But they never expected to have that interpreted as recommending alcohol as some kind of health elixir.

Several committee members never saw the final version that emerged after government review and federal administrative editing. Some never noticed that their first sentence about alcohol enhancing meals had been moved down and that their two references to alcohol's "drug effects" had been deleted. The downside framing of alcohol as a drug that causes about 100,000 deaths a year had been softened to a general reference to alcohol as a potentially harmful substance. Most also failed to notice that their suggested footnote underscoring the fattening nature of alcohol had been removed.

Barbara Schneeman is dean of the College of Agriculture and Environmental Sciences at University of California at Davis, which houses one of the world's most prestigious wine study programs. Schneeman is the only committee member who also served on the 1990 Dietary Guidelines committee.

"What disappointed me was publicity that said we made a recommendation to drink," says Schneeman. "The guidelines do not contain a recommendation to drink. If anything, I felt the alcohol guideline was more cautionary than before. I felt we were used by the Wine Institute . . . When I saw the coverage, my reaction was that the wine industry put a spin on it. The guideline does not differentiate between wine, beer or spirits.".

The committee felt that there had to be "some acknowledgment of data accumulating on low-to-moderate alcohol consumption and the heart," Schneeman says. "There is a break point when you get into three or more glasses a day where you see all the risk. Before that break point, we don't fully understand what's going on—whether it's the alcohol or compounds other than the alcohol" that might be protective.

According to Schneeman, "once you begin to think about consuming alcohol for any reason other than enjoying a glass of it, that puts it into another ballpark—making a health claim." To her, "that might not be in the best long-term interest of the alcohol industry," because claiming health benefits on a label would probably open alcohol to being regulated as a drug.

"I have told the wine people that if I'm a clinician I may look at your data and say it's very interesting, but I'm not going to tell a patient to drink for health based on the observational studies we have thus far."

Schneeman says she is surprised the committee's references to "drug effects" were missing from the final version. As an advisory board, she says, the committee's power ended when they turned the proposed guidelines over to the agencies.

Dr. Irwin Rosenberg, director of the U.S. Department of Agriculture Human Nutrition Research Center on Aging at Tufts University, drafted the alcohol guideline and worked on it with two other committee members before submitting it to the entire panel. The committee self-selected working groups to draft guideline topics. Everyone agreed that Dr. Rosenberg was the natural writer for the alcohol section because of his special training in liver disease and nutrition.

If it had been up to Irwin Rosenberg, alcohol would have been taken out of the Dietary Guidelines. And according to him, the 1990 phrase that alcohol has "no net health benefit" is still accurate, although it "does not convey accurately the state of the science."

"It occurred to me to take alcohol out of the guidelines altogether," he says, "because it really doesn't belong, one could argue, with other elements of a food-based dietary guideline. Any discussion of alcohol is so enormously influenced by the problem of alcohol abuse . . . that it makes the whole issue of alcohol and public health such a complicated thing. Alcohol carries and enormous amount of baggage because of those other factors.

"But once a guideline is in, the inertia of taking it out is huge. There was tremendous concern over how that would be interpreted—that we don't care or it isn't important. So, in the end, my argument for taking it out wasn't given serious consideration."

Dr. Rosenberg says he wrote the sentence about alcohol having enhanced meals throughout history to bolster the committee's commitment to being more positive about enjoying food than in previous guidelines, where food was referred to in terms of nutrients.

"We didn't think we ought to be talking about what people do when they're drinking in a bar at 3 p.m. That's a public health/social issue. We were trying to get at the question of alcohol as a meal beverage . . . I don't blame Mr. De Luca as a lobbyist for crowing and trying to take credit for what may have happened here. Maybe he can make his membership happy. I wanted to posit alcohol with meals because when you have it with food that physiologically changes its impact [it is absorbed slower]. If this happened to intersect with a campaign of the wine industry to think of wine as a meal beverage, then so be it."

Dr. Rosenberg is concerned that any discussion of studies on cardiovascular risk and alcohol must stress that moderate drinking might be protective for some adults and not others.

"What I meant by 'some individuals' is that moderate alcohol consumption does not appear to protect all adults from risk of cardiovascular disease, and we don't know who might be protected and who might not be protected. We certainly didn't mean to suggest that it might protect everyone."

In making changes to the previous alcohol guideline, the committee ignored advice from former Surgeon General C. Everett Koop, the American Public Health Association and scores of health professionals who warned that any brief reference to current research could lead to oversimplification and misinterpretation as encouragement to drink for health. A policy statement that can be interpreted as both promoting and discouraging alcohol use can lead to abuse, they said.

Public health professionals offered their documentation, including an 11-year study by Dr. Carlos Camargo of Harvard University that concluded that men who had two to four drinks per week had lower death rates from all causes compared to men who had a drink or more per day.

The Wine Institute submitted its lists of studies. Both sides instigated letter-writing campaigns. The 1990 guidelines committee had received four comments on the alcohol section; in 1995, more than half of the 284 comments were directed at the alcohol guidelines.

Dr. Richard Havel, vice chairman of the committee and interim director of the Cardiovascular Research Institute at University of California at San Francisco, says none of it impacted him.

"I don't think a lot new has really happened in the area of the health effects of alcohol," he says. "Nothing that has scientific validity to influence the guidelines per se. We do not yet know the extent to which the reduced cardiovascular risk is the result of the change in HDL [the "good" cholesterol]. It could be lifestyle. To know for certain alcohol's effect on risk of cardiovascular disease, we would have to give pure ethyl alcohol to an individual for years."

What the committee was doing with its changes was "recognizing a reality," says Marion Nestle, head of New York University's Department of Nutrition, Food & Hotel Management and a member of the committee's alcohol guideline subgroup. "Alcohol is, in fact, a part of people's lifestyle and it is okay for most when done moderately . . . I don't think the committee was making comments about what should be. The 'should be' in alcohol is very complicated."

It is Nestle who points out that the process of coming up with federal dietary advice is "incredibly political." Anyone who thinks otherwise, she says, "does not really understand the situation."

During the past five years, the Wine Institute of San Francisco has made the release of studies about wine and health the centerpiece of its annual press conference in Washington, DC. First the studies were about red wine bolstering the "good cholesterol." Television's "60 Minutes" featured the story and red wine sales soared more than 40 percent. Then they disseminated research pointing to both red and white wine. Now that researchers are crediting ethyl alcohol regardless of its form, the Wine Institute appears to be carrying the political ball on alcohol and health for all segments of the alcoholic beverage business.

Two years ago, vintners began to pressure Congress to direct the National Institute on Alcohol Abuse and Alcoholism (NIAAA) to study the health effects of moderate drinking. They succeeded in getting a legislative rider to the bill funding the NIAAA, which has thus far accepted 63 applications for about 10 grants to do $2 million worth of research.

In the spring of 1994, California vintner Robert Mondavi went to the nation's capital and dined with Donna Shalala, secretary of Health and Human Services, and other appointed and elected officials. In a thank-you letter to Shalala, Mondavi Winery Vice President Herb Schmidt enclosed a study he discussed at the dinner. "The fact that moderate wine consumption could actually have a positive effect on the problem of rising health care costs is intriguing to me," he wrote.

Richard Rominger, deputy secretary of the Department of Agriculture, says political connections only assured the wine industry of a fair hearing.

"I don't think I did anything more for the Wine Institute than I did for any of the other commodity groups, whether it be the National Cattlemen's Association or any of the others," says Rominger.

Rominger says that when the vintners sent him correspondence regarding the alcohol guideline, he passed it to the staff supporting committee work with a note "to please consider it along with the other information you're getting on the subject."

He may have mentioned it to Dr. Lee when their paths crossed, "because we're both Californians and run into reach other occasionally." In the end, says Rominger, "I'm sure the Wine Institute felt they could get a fair hearing from Dr. Lee or me. We're both Californians and they know us. That's the way it works in all kinds of government, I think. People like to talk to people they know."

It was Dr. Lee who deleted the committee's references to the "drug effects" of alcohol. Former chancellor of University of California at San Francisco and former U.S. assistant secretary of health, Dr. Lee says he struck the phrase suggested by the committee because, "if you take alcohol with food, you take it out of context if you think of it as a drug."

Dr. Lee says that he didn't think they needed an alcohol expert on a panel with more generalists than technical experts. Committee members were chosen by Lee and Eileen Kennedy, executive director of the Department of Agriculture's Center for Nutrition Policy & Promotion, after staff solicited nominations in the Federal Register and from major organizations such as the American Dietetics Association.

The health directors stands by the comment he made at the press conference last January when the guidelines were released: "In my personal view, wine with meals in moderation is beneficial. There was a significant bias in the past against drinking. To move from anti-alcohol to health benefits is a big change."

Dr. Lee says he comes to that belief because of research and because his physician father was a member of Medical Friends of Wine and the Lee family made wine for their own use. Yet, he stresses that as a clinician he knows the difference between alcohol use and abuse and "is very aware when you don't recommend alcohol."

John De Luca had no impact on what he changed in the committee's proposed guideline, says Dr. Lee.

"The main person I talked to because he's an old friend is John De Luca. We talked almost exclusively about research needs and particularly Heart, Lung and Blood Institute-funded research or the Institute for Alcoholism and Alcohol Abuse. NIAAA was funding research that related to alcohol beyond alcoholism and he [De Luca] was interested in having language in the appropriation that gave some guidance—a lot of people do—to National Institutes of Health with respect to research."

Dr. Lee adds that he has "tremendous respect" for De Luca, who has done a "very able" job promoting the Wine Institute. "But that doesn't mean he influenced me at all. Nor did he even offer me a bottle of wine or take me out. I went to a reception where there were lots of people from California—Leon Panetta, Nancy Pelosi, Barbara Boxer and others."

Both Health and Human Services Director Shalala and he were surprised that the national story about the Dietary Guidelines came out as the government advising that alcohol is good for you, says Dr. Lee. "I think you have to give the Wine Institute either credit or whatever you want to call it for doing a thorough job of informing the media and pitching it the way they did" he says.

According to Jim Harrell, former deputy director of the Office of Disease Prevention & Health Promotion, the Wine Institute put "tremendous pressure" on the staff supporting guidelines committee work.

Interviews with staff reveal that Wine Institute officials intensified pressure after apparently learning that the staff had moved the committee's first sentence about alcohol "enhancing meals" lower in the text for fear that beginning on too positive a note might be misleading.

Last April, Wine Institute representatives met with an official of the Bureau of Alcohol, Tobacco and Firearms, which regulates labeling and advertising of alcoholic beverages, to talk about what new labeling might be acceptable.

Dr. Lee says it is "unlikely" that misinterpretation of the guideline will lead to increased alcohol consumption and abuse. "It's clearly a possibility," he says, "but not a likely consequence because I think abuse is much more complicated than that."

Dr. Charles Lieber isn't so certain. Director of Alcohol Research and Treatment at the Bronx Veterans Affairs Medical Center in New York, Dr. Lieber is the alcohol expert credited with structuring the 1990 alcohol guideline.

"My stance is the same as it was 12 years ago," says Dr. Lieber. "You have to be extremely careful about giving advice in general to a population about alcohol. It is different from a doctor giving advice to an individual patient. I believe that it's important to have an alcohol specialist on the committee.

"We didn't need to have the guideline say that people enjoy drinking. Including that sentence about alcohol enhancing meals wasn't very revealing or educational for the public. And if I'd been on the committee, I would have been upset if the administration took out the phrase, 'drug effects of alcohol.'"

Dr. Lee and everyone else involved in the guideline process agree that if in five years statistics reveal alcohol abuse to be on the rise, the next Dietary Guidelines committee will have to revisit their drinking advice.

Dr. Cutberto Garza, a committee member who is chairman of the Food and Nutrition Board of the National Academy of Medicine, doesn't want the government to wait that long.

"We didn't endorse moderate drinking for health, but that's the story that's out there," he says. "We can flail against the way this came out, but I lay the blame on the government. Prevention is only one percent of the healthcare budget, but the government put out the guidelines and hasn't done a thing to correct the perception people have of the alcohol guideline. I look to the government to be assertive about promoting what it really says."

IF YOU DRINK ALCOHOLIC BEVERAGES, DO SO IN MODERATION

Alcoholic beverages supply calories but few or no nutrients. The alcohol in these beverages has effects that are harmful when consumed in excess. These effects of alcohol may alter judgment and can lead to dependency and a great many other serious health problems. Alcoholic beverages have been used to enhance the enjoyment of meals by many societies throughout human history. If adults choose to drink alcoholic beverages, they should consume them only in moderation. (box 16)

Current evidence suggests that moderate drinking is associated with a lower risk for coronary heart disease in some individuals. However, higher levels of alcohol intake raise the risk for high blood pressure, stroke, heart disease, certain cancers, accidents, violence, suicides, birth defects, and overall mortality (deaths). Too much alcohol may cause cirrhosis of the liver, inflammation of the pancreas, and damage to the brain and heart. Heavy drinkers also are at risk of malnutrition because alcohol contains calories that may substitute for those in more nutritious foods.

WHAT IS MODERATION?

Moderation is defined as no more than one drink per day for women and no more than two drinks per day for men.

Counts as a drink—

12 ounces of regular beer (150 calories)

5 ounces of wine (100 calories)

1.5 ounces of 80-proof distilled spirits (100 calories)

WHO SHOULD NOT DRINK?

Some people should not drink alcoholic beverages at all. These include:

Children and adolescents.

Individuals of any age who cannot restrict their drinking to moderate levels. This is a special concern for recovering alcoholics and people whose family members have alcohol problems.

Women who are trying to conceive or who are pregnant. Major birth defects, including fetal alcohol syndrome, have been attributed to heavy drinking by the mother while pregnant. While there is no conclusive evidence that an occasional drink is harmful to the fetus or to the pregnant woman, a safe level of alcohol intake during pregnancy has not been established.

Individuals who plan to drive or take part in activities that require attention or skill. Most people retain some alcohol in the blood up to 2–3 hours after a single drink.

Individuals using prescription and over-the-counter medications. Alcohol may alter the effectiveness or toxicity of medicines. Also, some medications may increase blood alcohol levels or increase the adverse effect of alcohol on the brain.

ADVICE FOR TODAY

If you drink alcoholic beverages, do so in moderation, with meals, and when consumption does not put you or others at risk.

A PRIZE FOR THE WINE INSTITUTE

(By Lawrence Wallack)

The Wine Institute has been nominated for a prize it would rather not win. In a recent editorial, the San Francisco Examiner nominated that trade organization for the newspaper's annual Emperor Norton Prize, "to draw public attention to crack-brained schemes, dingbat proposals and stupendous nuttiness in matters of public policy."

What Wine Institute scheme has warranted such a dubious accolade? In the interest of public education, the Wine Institute wants to place a label on wine bottles alerting consumers to the health benefits of moderate alcohol consumption.

While I support the Wine Institute for this award and praise the Examiner for its courage and insight, I still want to know what made the Wine Institute's scheme possible. How did the irrelevant sentence "alcoholic beverages have been used to enhance the enjoyment of meals by many societies throughout human history" make it into the final version of the federal dietary guidelines, the cornerstone of national nutrition policy? No parallel friendly sentence accompanies any other guideline in the federal document. And while we're at it, what about the final deletion of the phrase "drug effects of alcohol," which the guidelines advisory committee used twice in its proposed document? Certainly this must be private industry propaganda, not public interest education.

Educating the public about the role of alcohol in our society is an important mission and should be undertaken by those without a vested interest. The alcoholic beverage industry already spends several billion dollars every year educating youth and adults alike about the "benefits" of their product. Sophistication, wit, sexiness, peer acceptance, fitness, and many other implied benefits are communicated endlessly to the consumer. Alcohol advertising is almost, but not quite, pervasive enough to make people forget that alcohol is a drug, that alcohol is the number one cause of potential years of life lost in this country, that alcohol causes about 100,000 deaths every year.

Public health educators are struggling against great odds to level the playing field for the consumer seeking information about this very significant risk factor. They want an information environment where people can get a realistic view of the role of alcohol in society. The Wine Institute wants to tilt the field so it looks like one of San Francisco's hills.

From a public health perspective, the proposed Wine Institute label would contribute to the high level of misinformation about alcohol that clogs our environment. None of the studies I have seen that suggest a health benefit from moderate drinking recommends that anyone start drinking or increase their consumption. The Dietary Guidelines for Americans, in fact, states that moderate drinking is associated with a lower risk for coronary heart disease "in some individuals."

Of course, researchers conducting these studies would be the first to say that "association" is not "causation." Indeed, the usual recommendation is to seek advice from a physician—a medical approach that provides patients with information particular to their situation. This is especially important when the change is one that can have widely different effects on different individuals. Advice to a population is a public health matter and is not a good means for communicating the limited or special case benefits of a drug, especially when that drug is addictive.

So, the Wine Institute of San Francisco may not want the Emperor Norton Prize, but if it is somehow successful in its efforts to get the proposed label approved, it will certainly deserve the award, and the notoriety that comes with it.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 435. A bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to waive the contemporaneous substantiation requirement for deduction of charitable contributions in certain cases; to the Committee on Finance.

THE EQUITY IN CHARITABLE GIVING ACT

• Mr. ENZI. Mr. President, I rise today to introduce a bill that will help reform America's tax system. The bill I introduce today is designed to advance the important goal of encouraging charitable contributions. With this proposal, I add my voice to the Republican chorus in the Senate and House of Representatives calling for reform of our tax system to make it fairer and less burdensome for all Americans.

The bill I introduce today is the Equity in Charitable Giving Act. This legislation, which is also cosponsored by the senior Senator from Wyoming, Senator THOMAS, would provide relief for taxpayers who have had legitimate charitable contributions disallowed by the IRS because of a technical change Congress made to the Tax Code in 1993. In that year, a change was made to section 170 of the Internal Revenue Code dealing with the documentation required by taxpayers to claim charitable contributions. The new change required taxpayers to have a "contemporaneous written acknowledgment" of their contributions for all contributions they claimed over $250 in a taxable year.

While the purpose of this change was understandable, the rule espoused was too broad and it has in turn yielded some harsh results. Some taxpayers, unaware of the change in the law, did not receive the necessary acknowledgment before they filed their taxes. This oversight is understandable. For example, a taxpayer who filed his taxes in February may not have received the necessary documentation from the affected charities prior to filing his taxes. Under the current rule, any contributions over $250 would be disallowed even if he received the proper documentation before his taxes were due on April 15th. As a result of the very narrow definition of "contemporaneous" found in section 170(f)(8)(C), a number of taxpayers have had their otherwise lawful charitable contributions disallowed by the Internal Revenue Service. This punitive rule elevates form over substance and places an unwarranted burden on those generous taxpayers desiring to make their communities better places in which to live.

The Equity in Charitable Giving Act, which I introduce today, has one simple purpose: to provide tax relief for those taxpayers who fell through the cracks when the law on charitable contributions was changed. While this bill would still require taxpayers to receive the proper documentation from the charitable organization, taxpayers would have a longer time to file this written acknowledgment with the Internal Revenue Service. In order to take advantage of this flexibility, taxpayers would also have to demonstrate to the satisfaction of the Secretary of the Treasury that no goods or services were received from the tax exempt organization in return for their contributions. While this is only a small step in the larger journey of reforming America's Tax Code, it furthers the important objective of charitable giving by ensuring that taxpayers receive the proper tax treatment for their gifts.

Mr. President, the time has come to provide meaningful tax relief and reform for the American people. The Republican-led Congress has taken important and meaningful steps in that direction over the past two years with the Taxpayer Relief Act of 1997 and the Internal Revenue Service Reform Act of 1998. We must continue this important endeavor by continuing to restructure our tax policy to respect marriage and families, encourage investment and savings, reward charitable giving, and promote job creation and entrepreneurship. I urge my colleagues to join me in this endeavor.•

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 438. A bill to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes; to the Committee on Energy and Natural Resources.

WATER RIGHTS SETTLEMENT ACT OF 1999

Mr. BURNS. Mr. President, today I am pleased to be jointly introducing with my fellow Senator from Montana, Senator BAUCUS, a bill to settle the claims and define the water rights of the Chippewa Cree Tribe of the Rocky Boy's Reservation. This bill is the product of many years of work and negotiations in our state and will result in the federal government sanctioning the water rights agreement that has been adopted by the Montana State Legislature. This settlement represents a textbook example of how State and Tribal governments, together with off-Reservation local representatives, can sit down and resolve their differences. I am also pleased that local ranchers were involved in every step of discussions, and that their water rights are fully protected under this settlement.

The state agreement quantifies the Tribe's on-reservation water rights and establishes a water administration system carefully designed to have minimal adverse impacts on downstream, non-tribal water users. In fact, our goal was to benefit downstream water users wherever possible. This is quite an accomplishment in an area of Montana with a scarce water supply. The Rocky Boy's Reservation is located in an arid area with an average annual rainfall of 12 inches or less. Fortunately, the annual runoff from the Bearpaw Mountains, with a annual snowpack of over 30 inches, contributes to a significant spring runoff. Effective use of that runoff through enlarged or new storage facilities on the Reservation is a critical part of the settlement package which this bill represents. Accordingly, $25 million in the budget of the Bureau of Reclamation is earmarked for specified on-reservation water development projects. To meet both the future water and economic needs of the Reservation, the bill contains an allocation of 10,000 acre-feet of storage water to the Tribe in Tiber Reservoir, a federal storage facility. To resolve future disputes, this settlement established a board composed of Tribal and off-Reservation representatives.

In addition, the bill authorizes the initial steps of a more detailed process of securing long-term drinking water supplies for the Chippewa Cree Tribe, a process that is vital to the survival of the Tribe. Specifically, the bill authorizes the following: (1) $15 million in seed money toward the cost of a future project to import more drinking water to the Reservation. (2) $1 million for a feasibility study by the Secretary of the Interior to identify water resources available to meet the Tribe's drinking water needs. (3) $3 million to evaluate water resources over a broader area of North Central Montana that contains two other Indian Reservations with water rights that have not yet been established.

In closing, I believe that the Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act is a historic agreement. It is a tribute to the Governor of Montana, Marc Racicot; the Water Rights Compact Commission; the Chippewa Cree Tribe chairman, Bert Cocoran; the Tribal negotiating team; Interior Secretary's Counselor, David Hayes; the Federal negotiating team; and the water users on the Big Sandy and Beaver Creeks in the Montana Milk River valley. This is truly a local solution that takes into account the needs and sovereign rights of each party. Just as the mentioned parties have worked closely together to get us to the submission of this bill today, I intend to work closely with all members of Congress to insure passage of this important bill.

• Mr. BAUCUS. Mr. President, I am pleased to join with my colleague from the State of Montana on the introduction of the Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act. The legislation ratifies the Compact approved by the State and the Tribe in 1997. Senator BURNS and I jointly introduced this legislation in the 105th Congress and had the 2nd Session of that Congress lasted a few more weeks, I believe the bill would have been approved by the Senate. The introduction of this bill is the culmination of 16 years of extensive technical studies and six years of rather intensive negotiations in our state involving the Chippewa Cree Tribe, the Montana state government, off-Reservation county and municipal governments in north-central Montana, local ranchers, and the United States Departments of Justice and Interior.

The 122,000-acre Rocky Boy's Reservation sits west of Havre, Montana on several tributaries of the Milk River on what was formerly the Fort Assiniboine Military Reserve. Unfortunately, the portion of the land reserved for the Chippewa Cree is rough and arid. Without irrigation, much of the land is not suitable for farming. Recent studies have demonstrated that the Reservation could not sustain the membership of the Chippewa Cree Tribe as a permanent homeland without an infusion of additional water. The development of a viable reservation economy calls for more water for drinking purposes, as well as for agriculture and other municipal uses. In 1982, acting in its fiduciary capacity as trustee for the Tribe, the United States filed a claim for the water rights of the Chippewa Cree in the State of Montana general stream adjudication. Were it not for the negotiated settlement represented by this legislation, divisive and costly litigation would be pending between the State, the Tribe, the United States and non-Indian ranchers for many years to come. Fortunately, in 1979, the Montana legislature articulated a policy in favor of negotiation and established the Montana Reserved Water Rights Compact Commission to negotiate "compacts for the equitable division and apportionment of waters between the state and its people and several Indian tribes claiming reserved water rights within the state."

From the initial meeting in 1992, to the conclusion of an agreed on water rights Compact in 1997, the State, the Federal Government and the Tribe acted in good faith and worked together to explore options. This culminated in passage of a resolution by the Chippewa Cree Tribal Council to ratify the Compact on January 9, 1997. Following overwhelming approval by the Montana Legislature and appropriation of funds for implementation, Governor Marc Racicot signed the Compact into state law on April 14, 1997. Subsequent negotiation, in which staff from my office assisted the State and Tribe, resulted in approval by the United States Departments of the Interior and Justice and drafting of this bill by the three parties.

The litigation filed in state water court in 1982 is stayed pending the outcome of this bill. Once passed, the United States, the Tribe and the State of Montana will petition the Montana Water Court to enter a decree reflecting the water rights of the Tribe.

I urge my colleagues to support this very positive legislation and work with Senator BURNS and Montana's Congressman HILL, who has simultaneously introduced this bill in the House, to secure passage of the Settlement Act this year.

Mr. President, I look forward to expeditious passage of this historic settlement.●

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. WARNER, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 4, a bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes.

S. 13

At the request of Mr. SESSIONS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 13, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 38

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 67

At the request of Mr. MOYNIHAN, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Maryland (Mr. SARBANES), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 67, a bill to designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the "Robert C. Weaver Federal Building."

S. 87

At the request of Mr. BUNNING, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 87, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 192

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 192, a bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage.

S. 223

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 223, a bill to help communities modernize public school facilities, and for other purposes.

S. 263

At the request of Mr. ROTH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 263, a bill to amend the Social Security Act to establish the Personal Retirement Accounts Program.

S. 270

At the request of Mr. WARNER, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 270, a bill to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

S. 313

At the request of Mr. SHELBY, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 313, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1999, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 335

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 335, a bill to amend Chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

S. 337

At the request of Mr. HUTCHINSON, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 337, a bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

S. 345

At the request of Mr. ALLARD, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Iowa (Mr. HARKIN), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 346

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Wyoming (Mr. ENZI), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 352

At the request of Mr. THOMAS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 352, a bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with State agencies and county and local governments on environmental impact statements.

S. 393

At the request of Mr. MCCAIN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 393, a bill to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents.

S. 395

At the request of Mr. ROCKFELLER, the names of the Senator from Indiana (Mr. BAYH), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 395, a bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceeding July 1997.

S. 403

At the request of Mr. ALLARD, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 403, a bill to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

S. 414

At the request of Mr. GRASSLEY, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 414, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind, and for other purposes.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Texas (Mr. GRAMM), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. DORGAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. CLELAND), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Indiana (Mr. LUGAR), the Senator from Louisiana (Mr. BREAUX), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senator Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE CONCURRENT RESOLUTION 10

At the request of Mr. SARBANES, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Concurrent Resolution 10, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

SENATE RESOLUTION 19

At the request of Mr. SPECTER, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Florida (Mr. MACK), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of Senate Resolution 19, a resolution to express the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000 in fiscal year 2000.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Mississippi (Mr. COCHRAN), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Mr. SARBANES), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 45

At the request of Mr. HUTCHINSON, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Resolution 45, a resolution expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

SENATE RESOLUTION 47

At the request of Mr. MURKOWSKI, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as "National Inhalants and Poisons Awareness Week."

AMENDMENT NO. 6

At the request of Mr. CLELAND the name of the Senate from Vermont (Mr. JEFFORDS) was added as a cosponsor of amendment No. 6 intended to be proposed to S. 4, a bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes.

SENATE CONCURRENT RESOLUTION 12—REQUESTING THAT THE UNITED STATES POSTAL SERVICE ISSUE A COMMEMORATIVE POSTAGE STAMP HONORING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE VETERANS OF FOREIGN WARS OF THE UNITED STATES

Ms. COLLINS (for herself, Mr. INOUYE, Mr. NICKLES, Mr. ROTH, Mr. FRIST, Mr. JEFFORDS, Mr. ROCKEFELLER, Mr. TORRICELLI, Mr. KERRY, Mr. DEWINE, Mr. COVERDELL, Mr. VOINOVICH, Mr. SHELBY, Mr. HELMS, Mr. ROBB, Mr. CLELAND, Mr. CONRAD, Mr. DASCHLE, Mr. GRASSLEY, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. BAUCUS, Mr. BROWNBACK, Mr. BRYAN, Mr. CHAFEE, Mr. CRAIG, Mr. DODD, Mr. DOMENICI, Mr. ENZI, Mr. FEINGOLD, Mr. FITZGERALD, Mr. GORTON, Mr. GRAMM, Mr. GREGG, Ms. LANDRIEU, Mr. STEVENS, Mr. THURMOND, Mr. WELLSTONE, Mr. SPECTER, Mr. ASHCROFT, Mr. DURBIN, Mr. WARNER, Mr. HAGEL, Mr. REID, Mr. INHOFE, Mrs. BOXER, Mr. BIDEN, Mr. GRAMS, Mr. LOTT, Mr. KENNEDY, Mr. SESSIONS, Mr. LAUTENBERG, Ms. SNOWE, Mr. WYDEN, Mr. HATCH, Mr. CRAPO, and Mrs. LINCOLN) submitted the following concurrent resolution; which was referred to the Committee on Governmental affairs:

S. CON. RES. 12

Whereas the Veterans of Foreign Wars of the United States (hereinafter in this resolution referred to as the "VFW"), which was formed by veterans of the Spanish-American War and the Philippine Insurrection to help secure rights and benefits for their service, will be celebrating its 100th anniversary in 1999;

Whereas members of the VFW have fought, bled, and died in every war, conflict, police action, and military intervention in which the United States has engaged during this century;

Whereas, over its history, the VFW has ably represented the interests of veterans in Congress and State Legislatures across the Nation and established a network of trained service officers who, at no charge, have helped millions of veterans and their dependents to secure the education, disability compensation, pension, and health care benefits they are rightfully entitled to receive as a result of the military service performed by those veterans;

Whereas the VFW has also been deeply involved in national education projects, awarding nearly $2,700,000 in scholarships annually, as well as countless community projects initiated by its 10,000 posts; and

Whereas the United States Postal Service has issued commemorative postage stamps honoring the VFW's 50th and 75th anniversaries, respectively: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress requests that the United States Postal Service issue a commemorative postage stamp in 1999 in honor of the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States.

Ms. COLLINS. Mr. President, on behalf of my principal cosponsor, Senator INOUYE, and myself, I am proud to submit a resolution requesting that the United States Postal Service issue a commemorative postage stamp honoring the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States ("VFW"), which will be celebrating its centennial in September of this year. We are pleased to be joined by 56 of our colleagues in support of this measure.

As a member of the VFW Ladies Auxiliary post in Caribou, ME, and as the daughter of a World War II veteran who was wounded twice in combat, I am honored to lead the charge for this worthwhile legislation.

This measure is intended to pay special tribute to all members of the VFW, past and present, who pledged their honor and their lives to defend the United States and who fought bravely in foreign lands so that we as a nation might live in freedom. These are our true American patriots, for they have demonstrated a profound commitment to the principles of our Founding Fathers not in mere words, but in their deeds. When their country called, they answered, and they fought to keep the American way of life safe and secure.

As an organization, the Veterans of Foreign Wars traces its roots back to 1899. Veterans of the Spanish-American War and the Philippine Insurrection returned home from intense fighting abroad and were greeted with a hero's welcome. Over time, the memory of wartime sacrifice faded in the minds of many Americans, but not for the men who carried with them permanent battle scars, prolonged illnesses, and other grim reminders of war.

Absent a single Government agency possessing responsibility for veterans, and facing neglect, these brave men banded together to establish a handful of local organizations intended to help secure medical care and pensions for their military service. These original foreign service organizations, located in Ohio, Colorado, and Pennsylvania, gradually grew in number and influence and in 1914 came to be known collectively as the Veterans of Foreign Wars of the United States.

Mr. President, it was several years later, on June 24, 1921, when the VFW's chapter in my home State of Maine was chartered. Today, there are 84 VFW posts in Maine to which over 16,000 veterans belong.

Those small groups of veterans who organized in 1899 have today grown to over 2 million strong. VFW members have fought and died in every war, conflict, and military intervention in which the United States has been engaged during this century. From factory workers to occupants of the White House, the VFW members and its Ladies Auxiliary have come to represent a cross section of American society, and each new generation of veterans has brought renewed strength and dedication to the VFW's founding principles.

As the 21st century approaches, the VFW's members continue to live by the organization's creed of "Honor the dead by helping the living." They do so by representing the interests of veterans across the Nation through an established network of trained service officers who, at no charge, help millions of veterans and their dependents secure the educational benefits, disability compensation, pension, and health care services that they are rightfully entitled to as a result of their distinguished service to our Country.

The VFW also has a long and proud tradition of supporting troops deployed overseas. From letter-writing campaigns in World War I, to "Welcome home" rallies after the Persian Gulf war, to providing care packages, to USO shows and, more recently, to providing free telephone cards enabling servicemen and women to call loved ones from their posts in Bosnia, the VFW continues to provide comfort and a touch of home to those men and women stationed far away.

The endeavors of the VFW, however, go well beyond the realm of "veterans helping veterans." In fact, service to the broader American community has always been a pillar of the VFW foundation.

Through the VFW's Community Service Program, members of its 10,000 posts serve local communities, States, and the Nation with all of the integrity, ingenuity, and loyalty that have characterized the organization since its inception. During the past program year, for example, the VFW, working side by side with its Ladies Auxiliary, contributed nearly 13 million hours of volunteer service and donated nearly $55 million to a variety of community projects. Commitment to worthy causes such as the March of Dimes, the Keep America Beautiful campaign, and many other volunteer organizations also continues to be a hallmark of service among VFW members.

The promotion of patriotism is another hallmark of the VFW's history. Since the beginning of its Americanization Committee in 1921, the VFW has actively taught traditional values to Americans both young and old. Today, teaching respect for the flag is a primary activity, as is educating children in the classroom about the critical role that veterans have played throughout our history.

The interests of today's youth are also met by VFW posts around the Nation through active support for drug prevention programs, the Boy Scouts of America, the Junior Reserve Officer Training Corps, and sponsorship of competitors in both the Junior and Special Olympics. The VFW has also recently commemorated 50 years of helping high school students attend college. Because of VFW support, in fact, America's young people annually receive more than $2.6 million in scholarships.

The VFW deserves public national recognition for these efforts and for its many other contributions to improving the lives of our Nation's veterans and enhancing American society as a whole. Although as a country we can never fully repay the debt we owe to these brave men and women, we can certainly strive to honor the vision which led them into battle to protect the principles America holds dear.

We must uphold the memories of their heroic acts with respect, with reverence, and with our heartfelt admiration. By requesting that the U.S. Postal Service issue a commemorative stamp honoring the VFW's 100th anniversary, as was done for its 50th and 75th anniversaries, we can take a small step toward remembering their service and showing our deep appreciation for their unwavering commitment to our country, both in peacetime and in times of conflict. This, I believe, would be a much-deserved tribute to the VFW and its more than 2 million veterans of overseas service.

Mr. President, I am very pleased to note that you are a cosponsor of this important measure.

• Mr. ABRAHAM. Mr. President, the resolution before the Senate today requesting that the United States Postal Service issue a commemorative postage stamp for the 100th anniversary of the Veterans of Foreign Wars of the United States will honor our veterans who have so courageously fought in every war, conflict, police action, and military intervention since the Spanish-American War in 1899.

Members of the VFW have helped millions of veterans secure the education, disability compensation, pension, and health care benefits that veterans are rightfully entitled to receive as a result of their military service.

With over 2 million members the VFW has also been deeply involved in community service projects designed to encourage service in the local community benefiting education, the environment, health services, civic pride, and community betterment. For example, the VFW's Voice of Democracy essay competition provides over $2.7 million in college scholarships annually to promising young students. The VFW's Safety Program conducts programs in home, auto, and bicycle safety, as well as programs dealing with drug awareness and substance abuse. Clearly, the VFW with over 10,000 posts continues to make valuable and significant contributions to our communities across the country.

In celebration of the 100th anniversary of the VFW I urge my colleagues to support this resolution to commemorate our veterans for their service.•

AMENDMENTS SUBMITTED

SOLDIERS', SALIORS', AIRMEN'S, AND MARINES' BILL OF RIGHTS ACT OF 1999

ROBB AMENDMENT NO. 7

(Ordered to lie on the table.)

Mr. ROBB sumitted an amendment intended to be proposed by him to the bill (S. 4) to improve pay and retirement equity for members of the Armed Forces; and for other purposes; as follows:

On page 28, between lines 8 and 9, insert the following:

SEC. 104. AVIATION CAREER OFFICER SPECIAL PAY.

(a) REPEAL OF EXPIRATION OF AUTHORITY.—Subsection (a) of section 301b of title 37, United States Code, is amended by striking ", during the period beginning on January 1, 1989, and ending on December 31, 1999,".

(b) REPEAL OF REQUIREMENT FOR SERVICE IN CRITICAL AVIATION SPECIALTY AND LIMITATION TO CERTAIN YEARS OF CAREER AVIATION SERVICE.—Subsection (b) of such section is amended—

(1) by striking paragraphs (2) and (5);

(2) in paragraph (3), by striking "grade O-6" and inserting "grade O-7";

(3) by inserting "and" at the end of paragraph (4); and

(4) by redesignating paragraphs (3), (4), and (6) as paragraphs (2), (3), and (4), respectively.

(c) REPEAL OF LOWER ALTERNATIVE AMOUNT FOR AGREEMENT TO SERVE FOR 3 OR FEWER

YEARS.—Subsection (c) of such section is amended by striking "than—" and all that follows and inserting "than $25,000 for each year covered by the written agreement to remain on active duty.".

(d) PRORATION AUTHORITY FOR COVERAGE OF INCREASED PERIOD OF ELIGIBILITY.—Subsection (d) of such section is amended by striking "14 years of commissioned service" and inserting "25 years of aviation service".

(e) TERMINOLOGY.—Such section is further amended—

(1) in subsection (f), by striking "A retention bonus" and inserting "Any amount"; and

(2) in subsection (i)(1), by striking "retention bonuses" in the first sentence and inserting "special pay under this section".

(f) REPEAL OF CONTENT REQUIREMENTS FOR ANNUAL REPORT.—Subsection (i)(1) of such section is further amended by striking the second sentence.

(g) CONFORMING AMENDMENTS.—Such section if further amended—

(1) in subsection (g)(3), by striking the second sentence; and

(2) in subsection (j)—

(A) by striking paragraphs (2) and (3); and

(B) by redesignating paragraph (4) as paragraph (2).

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Tuesday, February 23, 1999, 8:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Education Reform: Governors' Views. For further information, please call the committee, 202/224–5375.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, February 24, 1999, at 9 a.m., to conduct a hearing on the President's budget request for FY2000 for Indian programs. The hearing will be held in room 485 of the Russell Senate Office Building. Those wishing additional information should contact the Committee on Indian Affairs at 202/224–2251.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Health, Education, Labor, and Pensions will be held on Wednesday, February 24, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Privacy Under a Microscope: Balancing the Needs of Research and Confidentiality. For further information, please call the committee, 202/224–5375.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Wednesday, February 24, 1999, in SR–328A at 9:30 a.m. The purpose of this meeting will be to review the proposed FY2000 budget for the U.S. Department of Agriculture.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health, Senate Committee on Health, Education, Labor, and Pensions will be held on Thursday, February 25, 1999, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Antimicrobial Resistance: Solutions to a Growing Public Health Threat. For further information, please call the committee, 202/224–5375.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, March 3, 1999, at 9:30 a.m., to conduct a joint hearing with the Senate Committee on Energy and Natural Resources on American Indian trust management practices in the Department of the Interior. The hearing will be held in room 366 of the Dirksen Senate Office Building. Those wishing additional information should contact the Committee on Indian Affairs at 202/224–2251.

COMMITTEE ON NATURAL RESOURCES

Mr. SMITH of New Hampshire. Mr. President, I wish to announce that an oversight hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The purpose of this hearing is to review the President's FY2000 budget request for the Bureau of Reclamation and the Power Marketing Administrations.

The hearing will take place on Wednesday, March 3, 1999, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those who wish to testify or submit a written statement should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please contact Ms. Julia McCaul, Howard Useem, (PMA's) or Colleen Deegan (BOR) at (202) 224–8115.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Senate Subcommittee on Forests and Public Land Management. The hearing will take place on Thursday, March 11, 1999, at 2 p.m., in SD–628 of the Dirksen Senate Office Building in Washington, DC. The purpose of this oversight hearing is to receive testimony on the FY2000 proposed budget for the U.S. Forest Service. Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Amie Brown or Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Senate Subcommittee on Forests and Public Land Management. The hearing will take place on Tuesday, March 16, 1999, at 2 p.m., in SD–366 of the Dirksen Senate Office Building in Washington, DC. The purpose of this oversight hearing is to receive testimony on the FY2000 proposed budget for the U.S. Forest Service. Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Amie Brown or Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEE TO MEET

SPECIAL COMMITTEE ON AGING

Ms. COLLINS. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on February 22, 1999, at 1 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LORENZO DA PONTE, 1749–1838

• Mr. MOYNIHAN. Mr. President, among the paintings hanging in the Blue Room of New York's City Hall is a full-length portrait of General Lafayette by Samuel F. B. Morse. The father of the telegraph (and noted member of the anti-Catholic "Know-Nothings"), began his career as a portrait artist. For his commission, Morse received $100 and earned a reputation as a gifted painter. Before turning to invention, he would paint the portraits of a galaxy of New York worthies.

The subject of one such portrait is known to opera lovers the world over—Lorenzo Da Ponte. He was, of course, the librettist of Mozart's masterpieces Don Giovanni, Nozze di Figaro, and Cosi Fan Tutte. What makes his life especially intriguing to an American is his career in New York. In a preface to a 1959 edition of his Memoirs (first published in 1830) Thomas G. Bergin observes

> By tradition, education, and experience, this European sophisticate would seem to be far removed from the American Psyche; but his deeper nature—eager, adventurous and basically evangelical—was well-adapted to the New World.

Born March 10, 1749 in Ceneda, Italy, now Vittorio Veneto, Da Ponte arrived in New York in 1805 in his middle years and with what might seem to be his greatest work already behind him. Upon coming ashore, he was the self-proclaimed "poet of the Emperor Joseph II, for Salieri, for Storace, for Mozart!" He found work as a grocer on the Bowery, that great stretch of Manhattan teeming with all the varieties of 19th Century life. He soon fell in with the young Clement Clark Moore, founder of the General Theological Seminary and the (long anonymous) author of The Night Before Christmas. The two shared a love of language and books. Moore, amazed by Da Ponte's brilliance, introduced his friend to a literary group at Columbia College, of which he was a trustee. The group included the future Congressman Gulian Verplank. In time Da Ponte would become a major figure in New York society, dining with Livingstons, Hamiltons, Onderdoncks and the like. He became a professor of Italian, donated the first volume of Italian literature to the New York Public Library, and, with the help of his friends at Columbia, founded the Italian Opera. Don Giovanni was performed at the Park Theater in May 1826 and it may be said New York has never been the same.

The scholar Arthur Livingston observes, "There is no doubt all this was an important moment for the American mind. Da Ponte made Europe, poetry, painting, music, the artistic spirit, classical lore, a creative classical education, live for many important Americans as no one had done before."

In 1838, his last year on earth, he was given absolution by John MacCloskey, New York's second Archbishop and America's first Cardinal. He died on August 17. Three days later, at Old St. Patrick's Cathedral at Mott and Prince Streets, he was honored with a "hero's burial" before a large and distinguished funeral party. As one account has it:

> Da Ponte was buried, probably in the tomb of a friend, to await reburial and a headstone at a later date. As far as is known, the reburial never took place, and the headstone was not installed. The overcrowded cemetery was closed in 1848, and all of its records (including Da Ponte's) were destroyed when Old St. Patrick's was gutted by fire eighteen years later. . . . Between 1909 and 1915, all the bodies were disinterred and moved, with or without identification, to Calvary Cemetery in Queens.

And so, like Mozart, Da Ponte came to rest in an unmarked grave.

This year provides an opportunity to rectify, at least in part, this sad and resonant ending. This seems a wondrous time to celebrate perhaps by some memorial in Old St. Patrick's, surely by performing Mozart's Requiem, K.626, composed in 1791.

After his death, the New York Daily Express recorded:

> Signor Da Ponte came to America, where he has resided 32 years, chiefly in this city; and to his indefatigable exertions, commanding talents, and profound literary attainments, are we mainly indebted for the taste everywhere diffused on our country for the music and language of his native land. He has been the Cadmas to whom we owe an unpayable debt for these inappreciable gifts.

We are in his debt to this day, and surely 1999 is year to acknowledge it.

I ask that the obituary from the New York Daily Express be printed in the RECORD.

The obituary follows:

[From the New York Daily Express, August 20, 1838]

CITY AFFAIRS

DEATH OF DAPONTE—Signor Lorenzo Daponte being a resident of this City died here on Friday at the advanced age of 90. His celebrated opera, written for Mozart, has given him a name all over the world. The Sunday Morning News states that he was a Venetian and native of *Cenda*—educated from the Church, and then afterwards from his fine poetic talents and passion for music, that he became a prominent person in the Court of Emperor Joseph II of Austria. Under his special protection, he formed a close relationship with the celebrated Mozart, which led to the production of those admired Operas, Giovanni, the Marriage of Figaro, *and c.*, which the poetry of Daponte is no less eternized by its own beauties than by the divine music by which it is embalmed. After the decease of Mozart, who died in his friend Daponte's arms, the poet went to London, and there for years was intimately associated with the early efforts to introduce a more perfect Italian Opera. From there, Signor Daponte came to America, where he has resided 32 years, chiefly in this city; and to his indefatigable exertions, commanding talents, and profound literary attainments, are we mainly indebted for the taste every where diffused in our country for the music and language of his native land. He has been the Cadmas to whom we owe an unpayable debt for these inappreciable gifts. His memory will endure; for his disinterested labors and passionate devotion to the arts which he cultivated. As a Latin and Hebrew Scholar, he had perhaps no equal or superior here.

NOTICE.—The numerous Italians of this City, countrymen of the venerable Daponte, deeply impressed with the honor which the character and labors of the deceased have reflected on their own and their adoptive country, will assemble at his late residence, No. 91 Spring Street, precisely at 6 o'clock p.m. this day whence his remains will be conveyed to the Cathedral, and a requiem performed by distinguished Italian artists of this City, previous to the interment of the corpse in the Catholic burying ground.●

TRIBUTE TO THE SOUTHERN INDUSTRIALIST DANIEL PRATT

● Mr. SHELBY. Mr. President, I rise today to pay tribute to Daniel Pratt, a distinguished Southern Industrialist and founder of the city of Prattville, Alabama. A man whose vision guided the state on a course of industrialization and modernization. As a celebration of Daniel Pratt's 200th birthday, 1999 has been named the "Year of Industry" in Alabama. This is a significant tribute to honor a very important figure in the history of Alabama. Daniel Pratt's legacy not only includes the beginning of modern industry to the state, but also philanthropic deeds that were unrivaled for his era. Daniel Pratt's indomitable pioneer spirit serves as an inspiration to others who have faced adversity and conquered the unknown.

Born in 1799, Daniel Pratt was raised in Temple, New Hampshire. Brought up as a Congregationalist in a traditional Puritan family, Daniel Pratt grew up disciplined, structured, and religious. He received only a limited education, but took advantage of an opportunity to apprentice under a family friend, who was an architect and a builder. This new focus in his life helped to channel his natural inclination towards machinery and building. After his mother's death in 1817, Daniel Pratt acted on his ambitions and set out for the South, which he regarded as a land of opportunity. Daniel Pratt's formative years instilled in him a strong work ethic and religious convictions, along with a sense of compassion. These two attributes would help to guide him through difficult decisions throughout his life.

After sailing to Savannah, Georgia, Daniel Pratt did not immediately become a rich entrepreneur. Initially, he put the tools of his apprenticeship to work as a builder, and planner for wealthy planters. After a few years, he moved onto ship building, adding to his burgeoning knowledge of construction and the industrial process. Daniel Pratt was willing to take the long road to success. He realized that the only way to succeed in life was through hard work and gritty determination. He also had the common sense to learn from others, which paid off when he befriended Samuel Griswold, who was a prominent cotton gin manufacturer in the area. Through friendship as well as a business relationship, Daniel Pratt learned the trade which would ultimately thrust him into the forefront of Southern industrialization. Daniel Pratt proved to be so adept at the manufacture and sale of cotton gins, that he became a partner in the enterprise within a year. At this point in his life, Daniel Pratt's unbridled vision was able to manifest itself in his actions. He saw that the expansion of the cotton gin into the West was a fantastic opportunity for his new enterprise. He realized that the center of distribution in the South would revolve around the great river systems which offered the advantage of water as a cheap source of power. Pratt had planned to stay in business with his partner, but with Indian uprisings in the Alabama area, his partner became apprehensive. This did not deter Daniel Pratt in the slightest. As his first biographer, Shadrack Mims wrote: "The indomitable will of Daniel Pratt, that spirit of enterprise which characterized him through life, was not to be daunted nor discouraged by Indian uprisings. He purchased material for fifty gins, put the same on wagons, and in 1833, he with his brave wife headed for Alabama."

Daniel Pratt rapidly met the success he foresaw in his move to Alabama. He found quick sales among the planters of the Alabama Black Belt. He established a temporary site for his factory along Autauga Creek and immediately began to expand his operations. Within a period of five years, it was evident that he needed a larger area for a permanent site. He chose to settle on a marshy, heavily wooded piece of land only three miles from his original site. In only ten years, he turned this hostile area into a thriving manufacturing village of eight hundred people. This is the site that would eventually form the booming industrial town of Prattville.

Initially, the Gin Factory was the corner stone of the economy in the new settlement. But as business grew, Daniel Pratt reinvested the profits into new industries in the town. By the 1850's, Prattville, for its size, furnished the most diverse industrial pattern in the United States. In addition, the Pratt Gin Company became the largest gin factory in the world, with unrivaled quality in construction. Daniel Pratt's business was so successful, that he began to invest money in the state infrastructure. He presided over railroad conventions and sparked Southern railroad growth with his generous infusion of capital.

Daniel Pratt also used his good fortune to invest in the Red Mountain Iron and Coal Company, and he controlled the Oxmoor iron furnaces in the Birmingham Industrial district. In his honor, the great vein of coal west of Birmingham was named the Pratt Vein, and Pratt City was later incorporated into the town of Birmingham. These furnaces were destroyed by Wilson's Raiders during the Civil War, but Daniel Pratt was determined to rebuild them. With the help of his son-in-law, Henry Debardeleban, he did just that, and by 1873, they were back in operation. The name was changed to the Eureka Mining Company, and the towns of Birmingham and Bessemer began to thrive. Daniel Pratt is credited with being one of the driving forces behind the development of that entire area of the state.

In 1847, the University of Alabama awarded him the degree of Master of Mechanical and Useful Arts, the only one of it's kind the University has ever given. Pratt also served as a distinguished member of the Alabama House of Representatives throughout the duration of the Civil War.

However, it was Daniel Pratt's philanthropic deeds which set him apart from other industrialists of his time. Pratt built schools and churches for workers in his textile mill with his own money. His boundless paternalism towards his workers led him to teach in Prattville's Sunday Schools. It was his sincere desire to better both the town of Prattville as well as the entire South through his relentless efforts to preach the industrial gospel. He wrote numerous letters and articles professing his industrialist beliefs, which were published in southern newspapers and periodicals across the area.

Although born 200 years ago, Daniel Pratt serves as a shining example of a pioneer spirit which transformed the South into a thriving industrial center. His leadership, vision, courage, and generosity is an inspiration to everyone.●

SISTER JANE: A CHAMPION FOR THE POOR

● Mr. LAUTENBERG. Mr. President, I rise today to recognize the work of an extraordinary woman from the state of New Jersey, Sister Jane Frances Brady.

Sister Jane, as she is widely known, has been a tireless advocate on behalf of the poor and uninsured. She has done this most visibly through her 26-year tenure as both president and chief executive officer of St. Joseph's Hospital and Medical Center in Paterson, New Jersey.

Mr. President, as many of my colleagues know, Paterson is my home town and I am privileged to be able to call Sister Jane a good and longtime friend. Sister Jane has just recently stepped down from her position as president, and will leave her post as CEO of St. Joseph's by the summer. I know that she will be sorely missed there.

But Sister Jane is not leaving health care altogether. She will be the new executive vice president of Via Caritas Health System in Parsippany.

The combination of Sister Jane's tough administrative style and endless compassion has enhanced St. Joseph's facilities and reputation immensely. During her time there, the hospital has excelled in providing care for people living with HIV, newborns, bone marrow transplant candidates, patients needing open-heart surgery and trauma victims.

Mr. President, one of the most important things that Sister Jane has done through her work at St. Joseph's is to care for poor children. A huge part of fighting that battle is waging a campaign to provide health insurance coverage for those children. I would like to share with my colleagues a recent editorial in the Bergen Record about Sister Jane, and her fearless courage to fight for the right of the urban poor population to have access to adequate health care.

Mr. President, I congratulate Sister Jane on all her hard work at St. Joseph's, and wish her well in her new position at Via Caritas.

Mr. President, I ask that a copy of the article be printed in the RECORD.

The article follows:

[From the Bergen Record, Jan. 12, 1999]

SISTER JANE STEPS DOWN

An estimated 290,000 children in New Jersey go without medical insurance. So last year, when the Whitman administration withdrew some funding for a health-care program for uninsured children because of lower-than-expected enrollment, Sister Jane Frances Brady, president and chief executive officer of St. Joseph's Hospital and Medical Center in Paterson, was furious.

With the help of St. Joseph's, Passaic County alone had registered more than 1,400 children—nearly one-fifth of the statewide enrollment up until that point. "If we did that, why can't the state do as much?" Sister Jane asked.

Stung by criticism from Sister Jane and others, the state initiated a massive advertising campaign to sign up uninsured children. It included mass mailings, advertisements, and a radio spot by Governor Whitman.

Sister Jane has always expected others to work as hard for the poor as she does, and that applied to state officials as well as St. Joseph's employees. In addition to championing the urban poor during her 26 years at St. Joseph's, Sister Jane has transformed the hospital into a regional health-care hub that attracts patients statewide for services such as high-risk births and open heart surgery.

Earlier this month, Sister Jane stepped down as president. Patrick Wardell, the hospital's new executive vice president, will run the hospital on a day-to-day basis, but the 63-year-old nun will continue as CEO until July. At that point, she will assume full-time her role as executive vice president of Via Caritas Health System in Parsippany. Via Caritas is a Catholic health-care system—formed in 1997—that has St. Joseph's as its largest hospital member.

Sister Jane set a fine example for dedication and leadership at St. Joseph's. Prior to suffering a small stroke in 1997, she had never taken a sick day. And under her leadership St. Joseph's became one of the most financially sound hospitals in the state. Although she will remain a tireless voice for compassion for the less fortunate, her day-to-day involvement in the medical care of the poor in Paterson will be missed.●

100 YEARS OF SPARTAN BASKETBALL

● Mr. ABRAHAM. Mr. President, I rise today to honor my alma mater, Michigan State University, as their basketball program celebrates its centennial season. Over the course of the last century, Spartan basketball has been a tremendous source of pride for the Michigan State student body and its vast alumni network. A splendid representative of the Big Ten conference since 1951, MSU is one of the premier college basketball programs in the nation. MSU basketball has produced 45 NBA draft picks, among them some of the greatest players in the history of the game.

The many great teams and coaches that have graced the floor of the Jenison Field House and Breslin Center should be very proud of the tradition of excellence that they have built. The accomplishments of Michigan State's basketball program are tremendous: 15 First-Team All-Americans, seven Big Ten championships, four Big Ten players of the year, 12 NCAA Tournament appearances, and one National Championship.

I extend my warmest regards and best wishes to the 1998 National Coach of the Year, Tom Izzo, and all current Spartan players. I also applaud all past coaches, players, and supporters of Spartan Basketball's first one hundred years. I hope the next century is as exciting and successful as the first.•

TRIBUTE TO GORDON M. SHERMAN

• Mr. CLELAND. Mr. President, I rise today to honor Gordon Sherman, of Dunwoody, Georgia, who after more than four decades of dedicated service to the Social Security Administration retired on December 31, 1998. He is an outstanding example to his family and friends, and has been an asset to the many communities that he has touched over the years.

Gordon has more than 40 years of combined military and civilian federal service. He began working for the Social Security Administration in 1958 and has served as the Southeast Regional Commissioner to the Social Security Administration (SSA) since October 1975. In this role, he has been responsible for supervision, coordination, executive leadership, and effective and efficient administration of the Social Security program in the eight southeastern states.

As a career senior governmental executive, he has received many awards in honor of his noteworthy accomplishments and outstanding leadership over the years. Several of Gordon's most prestigious awards are the U.S. Army Legion of Merit medal, two Presidential Meritorious Executive Rank Awards, the National Public Service Award from the American Society of Public Administration (ASPA) and the National Academy of Public Administration (NAPA), the coveted Ewell T. Bartlett National Award for Humanity in Government, and the national "Making the King Holiday Award" from the Martin Luther King, Jr., Federal Holiday Commission for his assistance in making this holiday a reality.

As a native of Alabama, he graduated from Auburn University with a B.S. degree and received J.D. and LL.M degrees, as well as an honorary LL.D from Woodrow Wilson College of Law and completed the Senior Managers in Government (SMG) program at the John F. KENNEDY School of Government at Harvard University. Gordon and his wife Miriam are also associated with several business, educational, professional, civic, service and volunteer organizations in the Dunwoody area.

Mr. President, I would like to honor and commend Gordon Sherman for his outstanding and innumerable contributions over the years to the State of Georgia and to our entire Nation, and ask you and my colleagues to join me in saluting and congratulating Gordon on his retirement. Gordon, you truly are a great American, and I wish you many more joyous years in the future.•

TRIBUTE TO THE VETERANS OF THE PERSIAN GULF WAR

• Mr. GRAMS. Mr. President, I rise today to pay tribute to the brave men and women who risked their lives fighting in the Persian Gulf War.

February 27 marks the eighth anniversary of the end of the Persian Gulf War and the liberation of Kuwait. After seven months of Iraqi occupation resulting in a six-week war, and cumulating in 100 hours of land attacks, Iraq was forced to withdraw from Kuwait. When it was all over, 697,000 U.S. troops had been deployed to the area and had helped gain freedom for the Kuwaitis. We honor the courageous men and women who fought in the war and especially those who lost their lives while fighting to protect the ideals America stands for; that is, freedom and liberty for all.

As Americans, we enjoy many freedoms. When our Forefathers declared independence from Britain, they cited the "right to life, liberty and the pursuit of happiness" as the rights of all citizens. These inalienable rights cannot be taken away by anyone. After America won its independence and had drafted a constitution, a section was added to secure certain rights of all Americans. This addendum was called the Bill of Rights, and it ensures all citizens freedom of speech and freedom of religion. Unfortunately, we sometimes take these freedoms for granted and forget that not all people around the world enjoy the same inalienable rights that we do, nor can they protect themselves from aggressors who threaten to take away their liberty.

When Saddam Hussein invaded Kuwait, he took away their freedom and threatened to oppress the people. As a promotor of freedom and liberty, the United States stepped in to defend the rights of Kuwaitis. Although war is a grave option, all people deserve the chance to live without oppression. Before turning to war, our first move is to find a solution peacefully through negotiations. Yet, sometimes this option fails. As much as we want to achieve world peace through diplomatic means, the unfortunate reality is that sometimes we face many complicated international problems, which must be dealt with in other ways.

Because of the actions of Saddam Hussein, the Persian Gulf War was unavoidable. The U.S. Armed Forces came together with our Allies to fight for the rights of the people of Kuwait. We should be proud of the heroic men and women, including the members of the Minnesota Reserve and Guard, who fought for the freedom of others. These men and women put their lives on the line without hesitation.

Mr. President, eight years ago, American soldiers bravely won freedom for a small country in the Middle East. I am honored today to pay tribute to these courageous men and women who fought in the Persian Gulf War.•

TRIBUTE TO BARNEY DWYER

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to friend and former colleague in Congress, Bernard Dwyer. Barney, as he was affectionately known, was a devoted public servant and respected New Jerseyan, having served 12 years in the House of Representatives.

Mr. President, you might not know how devoted he actually was, since he never delivered a speech on the floor of the House. But Barney was proud of that record.

He worked proudly, and tirelessly, behind the scenes in Congress as a member of the House Appropriations Committee to fund myriad projects for New Jersey and for the country. Only some of the examples of his hard work was his support of AMTRAK and New Jersey's transportation funding needs, his backing of an alcohol abuse program at Rutgers University, and his assistance in helping the Red Cross receive grants for AIDS education programs. Whether he was improving sidewalks, street lamps, public schools or community park paths, Barney approached his work with the same diligence and passion.

Mr. President, Barney began his career over forty years ago, serving as councilman and mayor in Edison, New Jersey. He then served as a state senator of New Jersey for six years, acting as both senate majority leader and as chairman of the Legislature's joint appropriations committee.

Before going into politics, Barney also served in World War II. He was the believed to be the only member of Congress to have survived the attack on Pearl Harbor in 1941.

Mr. President, Barney Dwyer stood out in New Jersey's political community as warm, compassionate, modest, even humble. He was an honorable statesman and a man of the highest integrity. And he will be sorely missed.

I would like to send my sincerest condolences to Barney's family.•

TRIBUTE TO WOMEN'S RESOURCE CENTER

• Mr. SANTORUM. Mr. President, I rise today to recognize the Women's Resource Center of Lackawanna and Susquehanna Counties in Pennsylvania for providing more than 20 years of shelter and counseling to adults and children who have been victims of violence at the hands of family members, partners or someone else they know.

The Center will display a memorial exhibit, "An Empty Place at the Table," in the Rotunda of the Senate Russell Building on February 24 and 25 to ensure that the brutal deaths of women and children are not forgotten.

In the United States a woman is beaten by her partner or former partner every 12 seconds, and, according to the FBI, 26 percent of all female murder victims are killed by their husbands or boyfriends.

The Women's Resource Center, established in 1977, has demonstrated a commitment to their community by providing more than 18,000 hours of crisis services. These services include a 24 hour hotline, an emergency shelter, crisis counseling and advocacy to more than 2,000 adults and children each year, as well as numerous hours of educational programming with the legal system, schools, businesses, professionals and faith communities on the dynamics of abuse and assault. The Center provides their services under the strictest confidentiality and free of charge and discrimination.

Mr. President, the Center's memorial exhibit reveals how violence undeniably leaves an empty place at the table. I ask my colleagues to join with me in commending the Women's Resource Center for its leadership and commitment to restoring the fundamental right to live free from fear in our own homes.●

EXPLANATION OF VOTE

● Mr. SPECTER. Mr. President, on rollcall votes No. 17 and No. 18, I am recorded as voting "not guilty." I ask that the RECORD reflect that, in fact, when the roll was called, I stood and voted, "not proven, therefore not guilty" on both votes.●

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 6 and 7, and all nominations on the Secretary's desk and the Coast Guard. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were agreed to.

The nominations considered and confirmed are as follows:

DEPARTMENT OF TRANSPORTATION

William Clyburn, Jr., of South Carolina, to be a Member of the Surface Transportation Board for a term expiring December 31, 2000.

Wayne O. Burkes, of Mississippi, to be a Member of the Surface Transportation Board for a term expiring December 31, 2002.

IN THE COAST GUARD

Coast Guard nomination of George W. Molessa, Jr., which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Coast Guard nominations beginning James W. Kelly, and ending John J. Santucci, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Coast Guard nominations beginning James E. Malene, and ending Steven M. Wischmann, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

NOMINATION OF WAYNE O. BURKES

Mr. LOTT. Mr. President, it is my great pleasure to see the Senate today approve the nomination of a fellow Mississippian, Wayne O. Burkes, to serve as a member of the Surface Transportation Board (STB). Wayne is qualified to serve because he brings a wealth of experience and a depth of character to the STB.

Wayne Burkes comes to this position after serving as the Transportation Commissioner for the Central District of Mississippi for the past ten years. In this capacity, he supervised all modes of transportation in the state involving aviation, highways, public transit, and rail safety. Prior to that, he served for 14 years in the Mississippi Legislature as both a Senator and a Representative on the Highways and Transportation Committees.

Mr. President, Wayne Burkes brings a real multimodal background to the STB. He is a thoughtful, introspective, humble, and mature public servant. Wayne knows who he is and this will help him be an effective STB Member. Significantly, his experience, education, and training extend beyond the world of transportation. He understands the economics of business from his experience as an insurance underwriter and serving on the Board of Trustees of the Mississippi Baptist Medical Center.

Wayne Burkes answered our Nation's call to duty by serving in the Air Force and Mississippi's Air National Guard, including service in Vietnam. He rose to the rank of major general before retiring from the Air National Guard. His background includes over two decades as a pastor at his church, where he now serves as a deacon. He also volunteers his time and talents to assist the Boy Scouts of America.

Mr. President, our Nation can count on Wayne Burkes to diligently and faithfully execute his duties as a member of the STB. He is the one of the most decent and honest men you could hope to find. We wish him well as he embarks on another public service mission.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDERS FOR TUESDAY, FEBRUARY 23, 1999

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m. on Tuesday, February 23. I further ask that on Tuesday immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved. I ask unanimous consent that there then be a period of morning business until 11 a.m. with Senator SMITH of New Hampshire recognized for up to 20 minutes, and Senator DURBIN recognized for up to 10 minutes. I further ask consent that at 11 a.m. the Senate then resume consideration of S. 4, the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. I further ask unanimous consent that the Senate stand in recess on Tuesday from 12 noon until 2:15 p.m. to allow the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ALLARD. Mr. President, for the information of all Senators, the Senate will reconvene tomorrow morning at 10:30 a.m. and begin a period of morning business until 11 a.m. Following morning business, the Senate will resume consideration of S. 4. It is expected that Senators will begin to offer amendments to S. 4 once the bill is reported, and, therefore, rollcall votes are possible prior to the policy luncheon recess at 12 noon.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. ALLARD. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:25 p.m., adjourned until Tuesday, February 23, 1999, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 22, 1999:

DEPARTMENT OF TRANSPORTATION

WILLIAM CLYBURN, JR., OF SOUTH CAROLINA, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2000.

WAYNE O. BURKES, OF MISSISSIPPI, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2002.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be captain

GEORGE W. MOLESSA, JR., 4511

COAST GUARD NOMINATIONS BEGINNING JAMES W KELLY, AND ENDING JOHN J SANTUCCI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

COAST GUARD NOMINATIONS BEGINNING JAMES E MALENE, AND ENDING STEVEN M WISCHMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 23, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 24

9 a.m.

Environment and Public Works
To hold hearings to examine the President's proposed budget request for fiscal year 2000 for the Environmental Protection Agency.
SD-406

United States Senate Caucus on International Narcotics Control
To hold hearings to examine United States-Mexican counter narcotics efforts.
SD-628

Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 2000 for Indian programs.
SR-485

9:30 a.m.

Health, Education, Labor, and Pensions
To hold hearings on balancing the needs of medical research and confidentiality.
SD-430

Agriculture, Nutrition, and Forestry
To hold oversight hearings on activities of the Department of Agriculture.
SR-332

Armed Services Readiness and Management Support Subcommittee
To hold hearings on the national security ramifications of the Year 2000 computer problems.
SH-216

10 a.m.

Governmental Affairs
To hold hearings on the future of the Independent Counsel Act.
SD-342

Banking, Housing, and Urban Affairs
To hold hearings on proposed legislation to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers.
SD-106

Finance
To hold hearings on the current status, availability and effectiveness of tax-favored retirement savings vehicles, including IRA's, 401(k)s, 403(b)s and 457 plans.
SD-215

Energy and Natural Resources Foreign Relations
To hold joint hearings to examine United States policy toward Iraq, focusing on proposals to expand oil for food.
SD-419

2 p.m.

Armed Services Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense and for the future years defense program, focusing on recruiting and retention policies within DOD and the Military Services.
SR-222

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for National Park Service programs and operations.
SD-366

Foreign Relations
European Affairs Subcommittee
To hold hearings on anti-semitism in Russia.
SD-419

Armed Services
Strategic Subcommittee
To hold hearings on national missile defense programs and policies, in review of the Defense Authorization Request for Fiscal Year 2000 and the Future Years Defense Program.
SR-232A

Budget
To hold hearings on national defense budget issues.
SD-608

2:15 p.m.

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on potential year 2000 issues relative to the nuclear industry and chemical safety.
SH-216

2:30 p.m.

Commerce, Science, and Transportation
Oceans and Fisheries Subcommittee
To hold hearings on the proposed budget request for fiscal year 2000 for the United States Coast Guard, Department of Transportation.
SR-253

FEBRUARY 25

9 a.m.

Energy and Natural Resources
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Department of Energy and the Federal Energy Regulatory Commission.
SD-366

9:30 a.m.

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Military Order of the Purple Heart, the Fleet Reserve, the Retired Enlisted Association, the Gold Star Wives of America, and the Air Force Sergeants Association. 345, Cannon Building Rules and Administration Business meeting to consider committee business matters.
SR-301

Armed Services
To hold hearings on U.S. policy regarding Kosovo.
SH-216

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings on antimicrobial resistance.
SD-430

10 a.m.

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to examine Asian trade barriers to United States soda ash exports.
SD-419

Appropriations
Transportation Subcommittee
To hold hearings on Department of Transportation management issues.
SD-124

Judiciary
Business Meeting to consider the committee's rules of procedure for the 106th Congress and subcommittee membership, and to markup S.247, to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals.
SD-226

Appropriations
Treasury, General Government and Civil Service Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2000 for the Internal Revenue Service, Department of the Treasury.
SD-116

Banking, Housing, and Urban Affairs
To hold hearings on proposed legislation to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers.
SD-538

2 p.m.

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to review competition and antitrust issues relating to the Telecommunications Act.
SD-226

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Energy and Natural Resources
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.
SD–366

MARCH 1

1 p.m.
Aging
To hold hearings to examine the impact of the President's Social Security reform proposal on the income of American workers and retirees.
SD–628

MARCH 2

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345, Cannon Building

Energy and Natural Resources
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Department of the Interior.
SD–366

MARCH 3

9:30 a.m.
Indian Affairs
Energy and Natural Resources
To hold joint hearings on American Indian trust management practices in the Department of the Interior.
SD–366

10 a.m.
Armed Services
Personnel Subcommittee
To continue hearings on the Department of Defense recommendations pertaining to military retirement, pay and compensation as they relate to the Defense Authorization Request for Fiscal Year 2000 and the Future Years Defense Program and S.4, to improve pay and retirement equity for members of the Armed Forces.
SR–222

2 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on the President's propsed budget request for fiscal year 2000 for the Bureau of Reclamation, Department of the Interior, and the Power Marketing Administrations, Department of Energy.
SD–366

MARCH 4

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I of the USA, Non-Commissioned Officers Association, Paralyzed Veterans of America, Jewish War Veterans, and the Blinded Veterans Association.
345, Cannon Building

10 a.m.
Governmental Affairs
To hold hearings on proposed budget reform measures.
SD–342

MARCH 10

9:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the condtion of the services' infrastructure and real property maintenance programs for fiscal year 2000.
SR–222

Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the condition of the service's infrastructure and real property maintenance programs for fiscal year 2000.
SR–236

MARCH 17

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.
345, Cannon Building

MARCH 24

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.
345, Cannon Building

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345, Cannon Building

CANCELLATIONS

FEBRUARY 25

9:30 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on the military strategy and operational requirements of the unified commands.
SR–222

HOUSE OF REPRESENTATIVES—*Tuesday, February 23, 1999*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. STEARNS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 23, 1999.

I hereby appoint the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for 5 minutes.

WHY ARE CITIZENS IN THE TERRITORIES DENIED WHAT ALL OTHER CITIZENS ARE GUARANTEED?

Mr. ROMERO-BARCELÓ. Mr. Speaker, I am pleased to stand before you as we return from the district work session. The impeachment trial is officially behind us, and the Nation is ready for congressional action. The American people expect us all to work together in a spirit of cooperation and bipartisan so that we can renew national confidence for a strong and unified America. It is now time to set aside the differences that have divided us along party lines and work together for the good of the country.

Yesterday we commemorated George Washington's birthday, an everlasting model of leadership and achievement, 200 years ago, as our first President ably led the United States from revolution into democracy.

Today, there are many issues that claim congressional attention for immediate action, including specific improvements for Social Security, education, greater access to health care, employment, taxes, the environment and economic opportunity and prosperity.

Our Nation faces many challenges on the eve of the millennium, but inherent in those challenges are a great many opportunities. Our Nation has flourished during this decade and right now, as we face the new millennium, the most appropriate message we can provide to all Americans is to express our commitment to the fundamental values of our democracy.

As new initiatives to benefit American citizens, immigrants and the children of undocumented immigrants in the country are developed and implemented, I do not see the same concern for the 3.8 million United States citizens in Puerto Rico. The Americans in the island continue to be neglected and discriminated against by being barred from equitable participation in the most fundamental rights of citizenship, the right to vote and the right to representation, not to mention participation in the safety net programs that provide basic relief to the neediest in the Nation, the disadvantaged, the aged, the handicapped and the children.

It is distressing to behold that, by virtue of living in a territory, some American citizens do not have the same rights and benefits as all other Americans in the Nation. Why are citizens in the territories denied what all other citizens are guaranteed? Are there two different kinds of citizenship in our Nation, the example of democracy?

What is even more discouraging is that not only the great expectations for future success and equal participation do not apply to Puerto Ricans in the islands but that residents in the island will continue to lag further and further behind as they are fenced out from the rest of the Nation.

Throughout my political life, I have fought to provide equality for the United States citizens in Puerto Rico and I wonder how our Nation can continue to maintain separate but equal policies similar to the discriminatory policies that were the force that brought about the enactment of the Civil Rights Act of 1964.

I am compelled to provide a voice for the thousands of low income, disadvantaged, the handicapped, elderly and children who are deprived of the most basic safety net programs that all other Americans and immigrants can participate in the 50 States of the Union. It is terrible to consider that our Nation's commitment to equality in health does not extend to the American citizens in Puerto Rico or in Guam or in the Virgin Islands and thus deprives us of the necessary medical care that may prove the difference between life and death by virtue of the fact that we reside in a territory. Health discrimination is an abomination.

This includes Medicaid, for which Puerto Rico, contrary to the policy for all other States, receives a block grant capped this year at $171.5 million. I am also talking about our exclusion from supplemental security income, the supplemental income that ensures blind, disadvantaged and handicapped individuals have income protection. I am also talking about Medicare and how reimbursement for providers has been set at a lower rate despite the fact that costs are comparable to the provision of services in many States.

Unfortunately, as the Nation benefits from the tremendous budget surplus, the Americans in the territory will also be excluded from many of the most significant policy initiatives presented this session.

The $500 billion Social Security enhancement proposed by the Universal Savings Accounts, commonly referred to as the USA accounts, will not apply to the citizens in the island, even though we contribute to Social Security equally as all other citizens. What is more, money from our contributions to the Social Security funds will be used to manage and administer the program which will be denied to us.

But this initiative is just one of the many new proposals that will not apply to the nearly 4 million U.S. citizens in Puerto Rico. Many other proposals, ranging from welfare to work, to building new schools, to providing incentives to workers and even the empowerment zones and the new market initiatives that aim to simulate the economic, will bypass us in the next century. We will not have the opportunity to contribute to the well-being of the economy nor participate in the tax credits that are being proposed.

Mr. Speaker, I feel compelled to bring these matters to your attention and to the attention of all my colleagues in Congress, because our Nation must do something to ensure that the American citizens in Puerto Rico are equal Americans. How can our Nation stand as a model for the world when it maintains a policy of discrimination, a policy of economic and political apartheid?

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

For 100 years, we have stood shoulder to shoulder as we have defended freedom and democratic values wherever and whenever it has been needed in the world. As we enter the millennium, we should not be pushed behind our fellow citizens in the 50 States. It is a national shame that in our country American citizens must time and time again beg to be given equal access to the programs that will promote economic prosperity, health and well-being.

REGARDING A 2-YEAR FEDERAL BUDGET PROCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. REGULA) is recognized during morning hour debates for 5 minutes.

Mr. REGULA. Mr. Speaker, on the first day of the 106th Congress I introduced H.R. 232, the Biennial Budget Act of 1999. This is an issue that I have been working on for the past 10 years, and I think it is time that we enact this important reform.

My legislation, and I might add that the Speaker pro tempore this morning has also introduced a similar bill, along with others, establishes a 2-year budget and appropriations cycle intended to reduce the repetitive annual budget votes. It would also improve the entire process by allowing more time for long-term planning and careful oversight of government spending.

The bill converts the annual budget, appropriations and authorization process into a 2-year cycle. The first session of Congress would be devoted to decisions on budget and appropriations issues. The President would start the process by submitting a 2-year budget, which would cover the 2 years of the biennium, and planning levels for 2 additional years.

Then Congress would adopt a 2-year budget resolution, a 2-year reconciliation bill, if necessary, and 2-year appropriations bills during the first session of a Congress. The second year could be used to consider multiyear authorization bills and to oversight of Federal programs. We do not do enough oversight now. We do not have time with an annual budget to really look into programs to see if they are working well.

The current budget process consumes more and more of Congress' time. In 1996, budget votes totaled about 70 percent of all votes. It does not leave time for many of the other responsibilities of the Congress; and, obviously, it leaves less time for systematic oversight.

Another problem is that we do not get the appropriations bills done on time. Only twice since 1974 have we completed action on all of the 13 appropriations bills on time. Whereas, with a 2-year cycle, we would have the opportunity to get this legislation completed and then go into the oversight program.

Now, another benefit would be that federal managers, who are managing the taxpayers' funds, would know for 2 years how much they have to operate a park or other federal programs, and they could plan more wisely and could spend the money more efficiently.

I believe that the benefits of moving to the 2-year budget cycle would be many, including reducing repetitive budget votes, allowing Congress to engage in long-term planning and management reforms for Federal programs, improving the systematic oversight of current government programs, and providing greater stability and predictability in Federal spending.

I would just urge all my colleagues to take a look at H.R. 232 and sponsor this bill or some of the others, such as that introduced by our Speaker pro tempore today. It is an idea whose time has come, I think, as we try to manage the resources of our people and of our Nation more efficiently.

IT IS NOT ABOUT SPRAWL BUT ABOUT HOW WE BUILD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, yesterday there appeared an article in The New York Times entitled, "There's Plenty of Space for Suburbs to Keep Sprawling". This article, I feel, represents a wrong turn in the discussion about our communities and how to make them more livable. The facts are true but beside the point.

It is true that we have only increased the amount of developed land in this condition by two-tenths of a percent in recent years. It is true that we have a great deal of farmland. It is true that we are protecting more open space around the country. But I think it is important for us to take a deep breath, step back, and look at what those facts represent.

To suggest somehow that we do not have a problem in terms of development in this country because we have a large inventory of land is a lot like suggesting that just because the earth is 78 percent water we do not have problems of water supply and quality. The fact is for much of the world, and many places in the United States, we often have too much water or we do not have enough or it is too polluted or sometimes we have a combination of all three of those problems.

As it relates to the quantity of farmland, the fact is that we have generated this farmland in the past in ways that we are probably not likely to do in the future: filling in wetlands, irrigating the desert, destroying forest lands. Many of these practices today we now recognize are harmful. We no longer do it and, in fact, there is a very real question whether or not that is sustainable in the future, particularly given the lack of water supply in many parts of the country.

It is also true that while we have added to the inventory of publicly protected forests and park lands, that is simply a reaction to the fact that we have more and more of this space imperiled. The good Lord is not making more forests and open space. We are having increasing pressure on those areas that we have now, and so we have taken this extraordinary step of trying to buy and protect more and more of it. That is not adding to the inventory. That is trying to just simply hold on to what we have.

We need to look no further than the jewels of our national park system, the Grand Canyon, Yosemite, and Yellowstone, to see that we are severely under assault. Even in the Pacific Northwest, in my home area, the Mt. Hood National Forest and the Columbia River Gorge are subjected to problems of pollution, overcrowding, traffic congestion and development encroachment. It is an indication of the problems that we need to face in the future.

It is also suggested that government intervention has been part of the problem in the past, to which I say: Amen. But the question is, how are we going to proceed from this point? Even if sprawl were possible to sustain into the future, is this the pattern of development that we want for our country? Do we want to live this way?

□ 1245

Increasingly, Americans from coast to coast, border to border are speaking out and suggesting that is not their desired approach. Citizens are taking matters into their own hands on State and local levels with initiatives to try and improve the quality of life. They know that there are better ways of spending our tax dollars, that just because we have failed in the past in comprehensive planning is no suggestion that we should not try and do a better job of planning in the future, and just because the government has not always been constructive in efforts that it has undertaken does not mean that there is not a role for the government to be a constructive partner in the future.

It does us no good to pretend that we do not have problems of growth and quality of life in our communities. The citizens know that that is the case. The evidence is overwhelming. Now is the opportunity for us, under the banner of making our communities more livable, to engage the government as a constructive partner, to plan thoughtfully for the future involving our communities, spending our infrastructure dollars more wisely and engaging in a new generation of environmental protection that is performance driven.

I look forward to the day when we can get away from the wrong turns of this debate and get back to a productive discussion of how we can work together to make our communities more livable.

IN SUPPORT OF REPEALING HOUSE RULE XXIII

The SPEAKER pro tempore (Mr. REGULA). Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, today I will be introducing legislation to require a separate vote before we raise the debt ceiling.

A lot of my colleagues will ask, why is this legislation necessary? Because often we allow the practice of raising the debt ceiling, the debt limit, to continue without a recorded vote. It is hidden within the budget resolution and passes without notice and, of course, without a vote.

Initially, this rule was added in the 96th Congress by public law and was originally applicable to concurrent resolutions on the budget for fiscal years beginning on or after October 1, 1980.

The rule was amended in the 98th Congress to reflect the enactment into law of a new permanent rather than temporary debt limit. The rule ties a passage of a concurrent budget resolution to an increase or a decrease in the limit of the public debt.

Legislation to repeal Rule XXIII would simply force Congress to vote separately on any increase in the public debt limit. Repealing this rule would simply force a floor vote on an increase or a decrease in the public debt; and this is a positive move, I think, for all of Americans.

Again I pose the question: Why is this so important we have such a vote? If we do not pass and repeal this Rule XXIII, we will continue to raise the debt limit with no type of accountability.

I would like to share with my colleagues some statistics that I think will help them to understand the relevance of what I am talking about.

In 1994, the debt ceiling of the United States Treasury was about $49 billion, and we had a population then of about 132 million people. That is roughly about $370 per person. Our population today is about 276 million people, and our debt now is approaching $6 trillion. That is about $22,450 per person.

In the 58 years since 1940, the U.S. population has doubled. Yet the debt ceiling has risen to about 121 times its 1940 level.

Now, when we start to talk about almost $6 trillion, that kind of figure is beyond the understanding of most of us. If we put it in inches, it is the distance from the earth to the sun. In terms of the population of all of the earth, it is about $1,000 for every person. It is a huge amount of money.

Mr. Speaker, as my colleagues know, House Rule XXIII stipulates, "upon the adoption by Congress of any concurrent resolution, the enrolling clerk of the House of Representatives shall prepare an engrossment of a joint resolution, increasing or decreasing the statutory limit on the public debt."

In other words, simply passing a budget subsequently raises the public debt limit. There are no votes on the matter, no floor debates, no nothing. Rule XXIII simply states that a vote for the budget "shall be deemed to have been a vote in favor of" raising the public debt limit.

It is way too easy here today and far too painless for us on the House floor to raise this public debt. It should not be easy, and it should not be painless, and we should have full debate. In fact, it should be very difficult; and, at the very least, it should be a publicly debated matter with a record vote.

So, Mr. Speaker, to remedy this situation I have this legislation which I will be dropping this morning; and I urge all of my colleagues to support it and just to call my office if they would like to be a cosponsor.

PHONEY POLITICAL DEFINITION OF "BALANCED BUDGET"

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Washington (Mr. METCALF) is recognized during morning hour debates for 5 minutes.

Mr. METCALF. Mr. Speaker, we have all heard that we have now done it. We have balanced the budget. We have solved the deficit problem. Lots of talk. No more deficits. Now we have a surplus. Lot of talk. How should we spend it? How should we spend it? Well, we could have tax cuts. We could beef up Social Security. We could beef up existing programs. Several things.

Let us get back to reality, back to the cruel facts. We have a surplus only by using a political definition of "a balanced budget." This definition was designed by the Democrats when they were in the majority to mask the size of the deficit. To our discredit, when we took over control of the Congress, we continued to use a phoney political definition of when the deficit is balanced. And the Republicans continued it, and that is wrong.

From September 30th, 1997, to September 30th, 1998, that is the last fiscal year, the 1998 fiscal year, an honest report showed that that was the first year we said we had a balanced budget. But an honest record shows that we had a $22 billion deficit in that first year that we balanced the budget. Well, we cannot do both. In fact, the balanced budget was a political definition; and we still do have a deficit.

However, we are on target to balance the budget. Maybe this year. I hope we make it. I am not sure we will. But certainly we are on target for the near future.

Now, as people are lining up now as to how to spend the surplus, whenever it happens, there are several things. Safe Social Security is topmost on the list. But any major talk of the surplus that we will have in a few years must include pay down the debt. We must pay down the debt.

We are paying huge amounts of interest every year on that huge debt. In fact, it amounts right now to about $270 billion a year in interest. If we can start paying down that debt, then we can lower the interest payments, which gives us more money to pay down the debt, which lowers the interest payments further, and soon we could have enough money to do the job we are supposed to do properly without the kind of things that we see happening now.

So all I am saying, the point of my talk is, this is the time to pay down the debt just as soon as possible. Start paying on it, just a little bit.

As I mentioned, the fiscal year that we first said we balanced the budget we went further in the hole $22 billion. I called up the Treasury Department and I said, how much does the United States owe on that particular day, September 30, 1997? And they told me. And I said, how much did we owe on September 30, 1998? And they told me. And I used to be a math teacher and I can subtract, even if they are big numbers up in the billions. We over spent by $22 billion in the first year that we claimed to have balanced the budget.

Let us have honest accounting and let us be careful to get into the position of a surplus and then pay down the debt.

IN OPPOSITION OF AFRICA GROWTH AND OPPORTUNITY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I rise today to oppose H.R. 434, the Africa Growth and Opportunity Act. The more accurate name would be the NAFTA for Africa Act.

H.R. 434 does little to improve the lives of people in sub-Saharan Africa. In fact, there are no binding labor, environmental, human rights or other public interest provisions in this legislation but plenty of measures to ensure easy access to the region's human and material resources for U.S. corporations.

I understand the frustration of Africa's supporters. We have seen our government side too often with the worst dictators in Africa, respond all too slowly to the evil of apartheid, and turn its back on the victims of genocide in Rwanda.

More pertinent, we have seen Members of Congress who are the staunchest supporters of NAFTA for Africa vote again and again and again against increased aid for that continent.

But a bad bill, Mr. Speaker, is worse than no bill. Last session, this Congress did the right thing in defeating fast track not once but twice, defeated the efforts of some to extend NAFTA to the rest of Latin America. Unfortunately, H.R. 434, NAFTA for Africa, would undo that victory. It completely ignores the all-important test that we established in our fight against fast track: No trade agreement unless labor and environmental problems are written into the core agreement. This bill puts us back where we started.

The supporters of H.R. 434 claim the bill contains labor rights and standards because some of the bill's trade provisions are based on the Generalized System of Preferences, GSP. In fact, GSP labor rights provisions are hampered by weak enforcement mechanisms.

Under GSP, the President merely has to certify that the affected country is "taking steps" towards the protection of labor rights. This vague language has allowed notorious labor rights abusers like Guatemala to be certified as eligible for benefits.

Moreover, GSP labor rights cannot be enforced through private action, meaning that when a country is clearly not taking steps to protect worker rights but nonetheless is certified as doing so, no legal action can be taken by U.S. citizens to force presidential decertification. The only alternative is a time-consuming petition process which ultimately results in the rejection of the petition in every case with no right of appeal.

Finally, GSP labor rights provisions impose no obligations on corporations, just on governments. Corporations that violate worker rights will continue, as they have, to enjoy market access benefits just as long as the country in which they are operating in has been certified as eligible for benefits.

A recent amendment to H.R. 434 offered by my colleague, the gentleman from Connecticut (Mr. GEJDENSON), placed labor rights on the list of criteria that African countries are supposed to meet in order to obtain benefits under this bill. While this amendment was a step in the right direction, it simply does not provide sufficient protection for workers.

There is no labor enforcement mechanism. Instead, the well-being of African workers rests on the President's determination that the country is making progress toward respecting labor rights.

The amendment that I offered in the Committee on International Relations markup attempted to correct this problem by adding strong enforcement language and giving U.S. citizens the right to challenge the President's country eligibility determination in U.S. district court. Unfortunately, because the backers of H.R. 434 opposed this amendment, it was ruled out of order by the chair.

We need trade agreements that act as if people mattered. Considering the devastating effects that NAFTA has had on Mexico's small, independent manufacturing and retail enterprises and on its small agricultural producers and on the country as a whole, it seems less than generous to expand this regime to Africa. It is certainly not in the interest of the African people. It is certainly not in the interest of the American people.

This Congress should not inflict a rejected and backward trade model on the continent of Africa. I urge my colleagues to support this bill, to support the Jackson trade bill for Africa which includes unambiguous and meaningful enforcement mechanisms to protect the rights and the well-being of African workers.

□ 1300

WHO DECIDES: WASHINGTON OR YOU?

The SPEAKER pro tempore (Mr. STEARNS). Under the Speaker's announced policy of January 19, 1999, the gentleman from Georgia (Mr. LINDER) is recognized during morning hour debates for 5 minutes.

Mr. LINDER. Mr. Speaker, I am not certain how many Americans heard well the President's recent speeches, but his comments spoke volumes about his views of freedom. It also addressed the great political debate going on in this country today which has been going on since 1994, and it can be summed up on a bumper sticker: "Who Decides, Washington or You?"

The President, in Buffalo shortly after the State of the Union address, was discussing the surplus, a huge surplus, nearly $5 trillion over the next 15 years, to be collected by the government above and beyond what we need to spend to continue the government, and this is what he said: "We could give it all back to you and hope you spend it right, but——"

That says volumes. The President then proceeded to imply he really cannot give it back to the American people because government makes wiser choices than they do. He does not trust the American people to make these choices on their own behalf. He has embraced in whole cloth, it seems to me, the theme of the 1958 book by John Kenneth Galbraith entitled, "The Affluent Society."

The entire theme of that book is this: It is not that Americans have too little, they have too much, that they make bad choices with their dollars, and it is the obligation of an educated government to tax those dollars from them and make better choices on their behalf. Who decides, Washington or you?

That is the debate we are in. That is the debate on taxes. Looking at nearly $5 trillion in surpluses over the next 15 years, the President proposed 40 new mandatory spending programs, adding new discretionary spending programs and not one penny for tax relief. Indeed, it does not even protect Social Security because we are increasing the debt to Social Security by about $1 trillion over 10 years that the government will owe it.

In a recent book entitled, "The Vision of the Anointed," Thomas Sowell points out that for so long as we have had free people, we have had among them those anointed with the vision of how to spend their money, how to make their choices for them.

That is the debate we are in. The President would like to shape a future with your money for our children and grandchildren that is warm and secure and fair. Our side says, "We don't know how to do that." I could not satisfy 10 percent of America because everyone comes to the table with different hopes and dreams and aspirations. I can shape a future that my daughter would love and my son would hate.

So our side says, no, leave those choices in your pockets; and you and 270 million other Americans, acting on your own behalf hundreds of times a week, will shape the future. We trust you to shape that future. We believe in the Ronald Reagan principle: It is not the function of government to bestow happiness. That is your job. And if we can get the government out of your way and let you have more freedom and more opportunity, you will choose a future that most of America will not only enjoy but thrive in.

We would like to do that beginning right now by letting you keep more of what you earn, not collecting $300 billion a year more than it takes us to run the government, and let you shape the future for us.

NATIONAL TRIO DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Delaware (Mr. CASTLE) is recognized during morning hour debates for 5 minutes.

Mr. CASTLE. Mr. Speaker, I rise today to join in the celebration of National TRIO Day. National TRIO Day was designated by concurrent resolution on February 24, 1986, by the 99th Congress. It is celebrated on the last Saturday of February each year as a day of recognition for the federal TRIO program.

The TRIO programs, Talent Search, Upward Bound, Upward Bound Math/

Science, Veterans Upward Bound, Student Support Services, Ronald E. McNair Postbaccalaureate Achievement Program and Educational Achievement Centers, were established over 30 years ago to assist low-income students overcome class, social and cultural barriers to higher education.

Currently, 2,000 colleges, universities and community agencies sponsor TRIO programs. Over 780,000 low-income students between the ages of 11 and 27 benefit from the services of the TRIO programs. Most of these students come from families in which neither parent graduated from college. These students represent the highest aspirations and best hope for achieving the American dream. By lifting these students out of poverty and into productive and rewarding lives, the Nation is in turn lifted and given hope for a better future.

In Delaware, 13 TRIO programs are hosted through the Delaware Technical and Community College, the University of Delaware and Delaware State University. They serve 2,455 Delawareans.

Dr. Bertice Berry from Delaware is an excellent example of the success the TRIO program has endured. She was recognized as a TRIO achiever at a national conference. Dr. Berry was the sixth of seven children who grew up in Wilmington, Delaware. In 8th grade she was accepted into the Upward Bound Program at the University of Delaware, where she participated until entering college at Florida State University.

Dr. Berry obtained her undergraduate degree, a master's degree in sociology and a Ph.D. in sociology. She has rapidly become one of the most sought-after lecturers on the college speakers' circuit. She has authored two books and speaks regularly across the country. Dr. Berry attributes her success totally to the Upward Bound program.

Dr. Berry is just one of many success stories. TRIO graduates can be found in every occupation you can think of: as doctors, lawyers, astronauts, television reporters, actors and even Members of Congress.

I am pleased to be able to speak on behalf of the TRIO programs and Dr. Berry. I encourage my colleagues to join me in visiting TRIO programs in your district to learn how valuable these vital programs can be for our Nation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 6 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

May our hearts be open, O gracious God, to the greatness and wonder and beauty of Your creation. We know that often we set our sights too low and our eyes do not see Your grace and our souls do not welcome Your gifts. On this day we pray, O God, that in spite of all the necessary tasks that need to be done, we would hear Your voice that calls us to the blessings of prayer, praise and thanksgiving. For all Your wonders and all Your love to us and to all people we offer this our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. Traficant led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE HONORABLE BILL McCOLLUM, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House a communication from the Honorable BILL McCOLLUM, Member of Congress:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 27, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that I received a subpoena for documents and testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,
BILL McCOLLUM,
Member of Congress.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 22, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In accordance with Democratic Caucus Rules, I am writing to request a leave of absence, effective immediately, from the House Committee on Small Business for the duration of 106th Congress so that I may serve on the Permanent Select Committee on Intelligence.

Thank you for your attention to my request.

Sincerely,
NORMAN SISISKY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, February 12, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 12, 1999 at 3:30 p.m.

That the Senate passed without amendment H. Con. Res. 27.

With best wishes, I am
Sincerely,
JEFF TRANDAHL, *Clerk.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, February 16, 1999.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 16, 1999 at 12:45 p.m.

That the Senate passed without amendment H. Con. Res. 19.

With best wishes, I am
Sincerely,
JEFF TRANDAHL, *Clerk.*

PERMISSION TO INSERT PROGRAM AND REMARKS OF MEMBERS REPRESENTING THE HOUSE AT GEORGE WASHINGTON'S BIRTHDAY CEREMONIES

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the program and the remarks of the gentleman from Virginia (Mr. WOLF) and the gentleman from Virginia (Mr. MORAN), the two Members representing the House of Representatives at the wreath-laying ceremony at the Washington Monument for the observance of George Washington's birthday on Monday, February 22, 1999, be inserted into today's CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

PRESIDENT GEORGE WASHINGTON

267TH BIRTHDAY OBSERVANCE

Monday, Feb. 22, 1999, Washington, DC

PROGRAM

Opening: Arnold Goldstein, Superintendent, National Capital Parks Central.

Presentation of Colors: Joint Armed Services Color Guard.

To the Colors: Old Guard Fife and Drum Corps.

Pledge of Allegiance: Michael Gutierrer, Cub Scout Pack 461, Bethesda, MD.

RETIRE THE COLORS

Welcome: Superintendent Goldstein.

Poetry Readings: Shawn Bolden, Tamika Wall, Emon Baritteau; Rudolph Elementary School; Washington, DC.

Musical Selection: Old Guard Fife and Drum Corps.

REMARKS

Russell Train, First Vice President, Washington National Monument Society.

Terry Carlstrom, Regional Director, National Capital Region, National Parks Service.

Hon. James P. Moran, Eighth District, Virginia, U.S. House of Representatives.

Hon. Frank R. Wolf, Tenth District, Virginia, U.S. House of Representatives.

PRESENTATION OF THE WREATHS

The Wreath of the U.S. House of Representatives, Hon. James P. Moran, and Hon. Frank R. Wolf.

The Wreath of the Washington National Monument Society, Russell Train.

The Wreath of the National Park Service, Terry Carlstrom.

TAPS

The National Park Service and the Washington National Monument Society acknowledge with appreciation Old Guard Fife and Drum Corps Military District of Washington.

"First in war, first in peace and first in the hearts of his countrymen."—Said by Lighthorse Harry Lee eulogizing George Washington.

A TRIBUTE TO GEORGE WASHINGTON

(By Congressman Frank R. Wolf)

Today is an important day. It is a day when we give honor to one of the greatest leaders the world has known—the Father of our Country, and our first president, George Washington.

I am proud to speak in his honor. He was born in Virginia and served America and the Commonwealth in important positions throughout his life. Washington was only 16 years old when Lord Fairfax, a land baron, sent him to the Shenandoah Valley, which I represent, to join a surveying party. He spent a number of years surveying frontier areas of Virginia and what is now West Virginia. The city of Winchester, which I also represent, is where Washington had his surveying office in 1748 and his headquarters during the construction of Fort Loudon in 1756 and 1757. That building still stands today.

Washington first ran for elected office from Frederick County. He lost the first time, but he was not to be deterred. He ran again and on July 24, 1758, was elected to a term in the House of Burgesses. He served in the House of Burgesses for more than 15 years, representing first Frederick County and later Fairfax County.

This monument is illustrative of the many buildings, monuments and historic sites which remind us of those who forged this land and gave us this great country. The Washington Monument inspires all Americans to greatness and to keep alive the values and principles for which men like George Washington stood—freedom, democracy, and patriotism.

George Washington gave us the greatest example of what it means to be an American in that he placed the good of the nation before his own personal interests. He inspired, and continues to inspire, men to greatness—not only by his greatness as a great military commander or by his political abilities as a man who literally founded this country—but by something even more foundational. By his character. By his virtue. Not necessarily by what he had done, but even more importantly, who he was, before God and before men.

In 1789, Washington was elected to serve as the first President of the United States by unanimous vote. His ability to lead the nation as well as he had led its army was soon recognized, even by those who had opposed him.

Through the years of hard work and unselfish devotion, Washington, together with our founding fathers, launched the new government on its course and laid the foundation for a strong government which has well-served each succeeding generation of American citizens.

This year is especially significant in remembering George Washington because we will commemorate his death 200 year ago. He died at the age of 67 at his home in nearby Mount Vernon, where special events will take place throughout this year in remembrance of his passing. And although we will pay tribute to him throughout 1999, we know that the memory of him will never fade, as long as there is an America.

George Washington had a vision—a vision of a land that was marked by liberty and freedom for all men. But it was also a vision of a nation of people committed to their country, to the common good, and to one another. If we as a nation continue to work together to make our country great, not just materially, but great in goodness and in virtue, then that vision will continue to lead and guide us for generations to come. Thank you.

A TRIBUTE TO GEORGE WASHINGTON

(By Congressman James P. Moran)

We are assembled here today at this great Monument in remembrance of our first president, George Washington.

This year marks the 200th Anniversary of the death of George Washington. While during the passage of time since the death of Washington our Nation has changed in many ways, we have not lost sight of the heavy debt we owe to Washington and the other founders of our nation. The project to restore our national monument to Washington's memory is an expression of our gratitude.

George Washington is universally known as our first president, and as commander in chief of the Continental forces during the American Revolution. But what is not as celebrated or well-known is that after Washington resigned his military commission and returned to his home at Mt. Vernon, Virginia, he became increasingly dissatisfied with the weakness of the government under the Articles of Confederation. Dispute and rivalry threatened to destroy the gains of the newly independent 13 former colonies; they were not yet a union of states, but a fractious confederation. Washington joined the movement to reorganize the government and hosted the 1795 conference at Mr. Vernon that catalyzed the Constitutional Convention. Washington himself presided over this critical Convention. History records that his influence in securing the adoption of the Constitution was incalculable. This Constitution, a short but brilliant document, has guided our nation, and has proved the best plan for a democratic republic the world has ever seen. If George Washington had not lived, it is impossible to know if the independent-minded colonies would have been able to transform themselves into an enduring united nation.

Our presence here today not only evokes and pays tribute to the greatness of the man who is called the Father of our Country, but is designed to keep his contributions still very much alive in our hearts and our minds.

THE BEAST, H.R. 45

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, a new category of beast has come to plague and menace the American scene. That beast, of course, is H.R. 45, a bill that intends to ship 77,000 tons of high-level nuclear waste, the most dangerous, toxic substance known to mankind, across this Nation into my home State of Nevada.

I say to my colleagues, your communities will not be spared from playing host to this transportation of high-level nuclear waste. In fact, if my colleagues vote in favor of H.R. 45, they will have voted to endanger the very constituents that they were sent here to protect and represent, because a vote for H.R. 45 is a vote to open the floodgates to transport nuclear waste from over 100 nuclear reactors through their communities and neighborhoods. A vote to support H.R. 45 makes my colleagues responsible forever for the dire consequences that will inevitably occur when a mobile Chernobyl has an accident causing untold devastation.

Protect your districts. Represent your families. Represent your constituents. Oppose H.R. 45.

WHITE HOUSE ANNOUNCES RECERTIFICATION OF MEXICO AS COOPERATING PARTNER IN WAR ON DRUGS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a government report says last year not one major drug dealer was arrested in Mexico. Last year, seizures of drugs and arrests for drugs in Mexico declined. Last year, they say nearly all of the drugs and narcotics sold on the streets of America come from Mexico.

Think about it. America is drowning in cocaine and heroin; and, after all that, the White House has announced they will once again certify Mexico as a full cooperating partner in our war on drugs. Beam me up here.

Mexico is a partner all right, with Colombian drug dealers, not with Uncle Sam, and this tough love policy is just not working. Ladies and gentlemen of Congress, there is no war on drugs without the help of the military at our border. It is time to get on to that discussion.

Mr. Speaker, I yield back all the addiction, death and health care costs in our country.

REAUTHORIZATION OF THE OLDER AMERICANS ACT

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, as a part of a bipartisan effort, I am introducing a bill that takes the first step toward reauthorizing the Older Americans Act, the premier senior citizens services law. It is past time for Congress to get off the dime and improve the services our seniors need and expect.

The Act performs a vital role in the everyday lives of millions of senior Americans by providing nutrition, disease prevention, health promotion and in-home services. Millions of seniors have benefited from the Act's programs.

In 1996, the Older Americans Act provided 238 million meals to over 3 million seniors. The Act also funded approximately 6,400 senior centers, 40 million rides, and more than 13 million requests for assistance.

I am ready to work with the committee chairman, the gentleman from Pennsylvania (Mr. GOODLING); the subcommittee chairman, the gentleman from California (Mr. MCKEON); the ranking member, the gentleman from Missouri (Mr. CLAY); and the subcommittee chairman, the gentleman from California (Mr. MARTINEZ); to move this reauthorization through the House; and I look forward to working with my friends from both sides of the aisle to achieve a good bipartisan reauthorization.

MIDDLE CLASS AMERICANS DESERVE TAX RELIEF AND THEY DESERVE IT NOW

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, recently the President, in a talk to college students, revealed what he really thinks of tax relief for American families. He said, and I quote, 15 years from now, if the Congress wants to give more tax relief, let them do it, end quote.

So, does this mean that the college students to whom he was speaking must wait until they are in their thirties, most likely married and with children and with steep financial commitments like home mortgages, to receive relief from heavy taxation?

Ridiculous.

This is certainly unwelcome news to all the middle class American families I hear from, who already spend more in taxes than they do for food, shelter, transportation and clothing combined.

With this mentality, it is a good thing the President is only in charge for another 2 years, not 15. Middle class Americans, moms and dads, workers, even students, deserve tax relief; and they deserve it now.

MIXING SOCIAL SECURITY WITH OPERATING EXPENSES, NO BUSINESS IN AMERICA COULD DO THAT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, by Washington definition, we have a budget surplus, only by Washington definition. Because what we have done is mix Social Security, our retirement, in with operating expenses. No business in America could do that. The President, instead of wanting to put 100 percent of the surplus back where it belongs into the Social Security retirement account, he wants to spend 32 percent of it on other programs, new programs.

One of them, for example, is to expand AmeriCorps. You may not be familiar with that. That is the one where they pay volunteers, teenagers, to do work that they were doing for free. The Clinton administration now pays them and calls it AmeriCorps.

I think we should preserve Social Security. We should protect it. We should put 100 percent of the surplus back where it belongs, into Social Security, not into teenage volunteer payment programs. That is part of the whacky fringe left agenda and, Mr. President, my grandmother says no.

IF WE WORK TOGETHER, WE CAN STRENGTHEN SOCIAL SECURITY AND MEDICARE

(Ms. STABENOW asked and was given permission to address the House for 1 minute.)

Ms. STABENOW. Mr. Speaker, I rise today to strongly support the President's proposal to take the overwhelming majority of the budget surplus and place it into the Social Security Trust Fund to protect Social Security and Medicare. We have begun the process of balancing the budget, but we have not yet completed it until we repay the Social Security Trust Fund and totally strengthen Medicare. We can do that under the President's proposal by taking the overwhelming majority, 80 percent of the surplus, and putting it back towards strengthening Social Security and Medicare. That then allows us to take a small portion of the budget and to invest it in other critical needs such as defense preparedness and education.

If we work together, we can strengthen Social Security and Medicare. We can pay down the debt, which in the long run will lower interest rates and give a real tax cut to the middle class by lowering interest payments on mortgages, car payments, credit cards; and that is the way that we get more dollars back into people's pockets.

FEDERAL BALONEY

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, our Nation's Governors are in town this week; and many of them are here with their hands out and their minds closed.

I am referring to several Governors who have taken aim at the President's budget proposals for education reform.

The President has proposed an ambitious education agenda based on accountability, performance, competition and competency. He proposes to give States and school districts the resources they will need to modernize their schools, hire qualified teachers and reach higher standards.

What are the Governors saying about these proposals? The Governor of Arkansas says that he wants the dough without the strings. The Governor of Mississippi called the administration's proposals Federal baloney.

These statements betray an alarming ideological shift among these State executives. Fundamentally, what they are saying is that they would like to spend tax dollars with impunity. They should know, as most citizens do, that just as the private sector cannot spend money without accountability, neither can government.

Let us give the States the resources they need but let us do it in a sound and sensible way, with accountability.

That means ending social promotions, but giving those kids and schools the extra help they need to improve. That means making sure that all teachers are qualified. That means giving parents annual report cards on student performance.

Federal baloney, Mr. Speaker? Hardly.

Let us end the rhetoric and embrace the national leadership to turn around our Nation's schools.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

OMNIBUS PARKS TECHNICAL CORRECTIONS ACT OF 1999

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 149) to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, as amended.

The Clerk read as follows:

H.R. 149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE TO OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Parks Technical Corrections Act of 1999".

(b) REFERENCE TO OMNIBUS PARKS ACT.—In this Act, the term "Omnibus Parks Act" means the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4093).

TITLE I—TECHNICAL CORRECTIONS TO DIVISION I

SEC. 101. PRESIDIO OF SAN FRANCISCO.

Title I of division I of the Omnibus Parks Act (16 U.S.C. 460bb note) is amended as follows:

(1) In section 101(2) (110 Stat. 4097), by striking "the Presidio is" and inserting "the Presidio was".

(2) In section 103(b)(1) (110 Stat. 4099), by striking "other lands administrated by the Secretary." in the last sentence and inserting "other lands administered by the Secretary.".

(3) In section 105(a)(2) (110 Stat. 4104), by striking "in accordance with section 104(h) of this title." and inserting "in accordance with section 104(i) of this title.".

SEC. 102. COLONIAL NATIONAL HISTORICAL PARK.

Section 211(d) of division I of the Omnibus Parks Act (110 Stat. 4110; 16 U.S.C. 81p) is amended by striking "depicted on the map dated August 1993, numbered 333/80031A," and inserting "depicted on the map dated August 1996, numbered 333/80031B,".

SEC. 103. MERCED IRRIGATION DISTRICT.

Section 218(a) of division I of the Omnibus Parks Act (110 Stat. 4113) is amended by striking "this Act" and inserting "this section".

SEC. 104. BIG THICKET NATIONAL PRESERVE.

Section 306 of division I of the Omnibus Parks Act (110 Stat. 4132; 16 U.S.C. 698 note) is amended as follows:

(1) In subsection (d), by striking "until the earlier of the consummation of the exchange of July 1, 1998," and inserting "until the earlier of the consummation of the exchange or July 1, 1998,".

(2) In subsection (f)(2), by striking "in Menard" and inserting "in the Menard".

SEC. 105. KENAI NATIVES ASSOCIATION LAND EXCHANGE.

Section 311 of division I of the Omnibus Parks Act (110 Stat. 4139) is amended as follows:

(1) In subsection (d)(2)(B)(ii), by striking "W, Seward Meridian" and inserting "W., Seward Meridian".

(2) In subsection (f)(1), by striking "to be know" and inserting "to be known".

SEC. 106. LAMPREY WILD AND SCENIC RIVER.

(a) TECHNICAL CORRECTION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C 1274(a)), as amended by section 405(a) of division I of the Omnibus Parks Act (110 Stat. 4149), is amended in the second sentence of the paragraph relating to the Lamprey River, New Hampshire, by striking "through cooperation agreements" and inserting "through cooperative agreements".

(b) CROSS REFERENCE.—Section 405(b)(1) of division I of the Omnibus Parks Act (110 Stat. 4149; 16 U.S.C. 1274 note) is amended by striking "this Act" and inserting "the Wild and Scenic Rivers Act".

SEC. 107. VANCOUVER NATIONAL HISTORIC RESERVE.

Section 502(a) of division I of the Omnibus Parks Act (110 Stat. 4154; 16 U.S.C. 461 note) is amended by striking "by the Vancouver Historical Assessment' published".

SEC. 108. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508 of division I of the Omnibus Parks Act (110 Stat. 4157, 40 U.S.C. 1003 note) is amended as follows:

(1) In subsection (a), by striking "of 1986" and inserting "(40 U.S.C. 1001 et seq.)";.

(2) In subsection (b), by striking "the Act" and all that follows through "1986" and inserting "the Commemorative Works Act".

(3) In subsection (d), by striking "the Act referred to in section 4401(b))" and inserting "the Commemorative Works Act)".

SEC. 109. ADVISORY COUNCIL ON HISTORIC PRESERVATION.

The first sentence of section 205(g) of the National Historic Preservation Act (16 U.S.C. 470m(g)), as amended by section 509(c) of division I of the Omnibus Parks Act (110 Stat. 4157), is amended by striking "for the purpose." and inserting "for that purpose.".

SEC. 110. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.

Section 510(a)(1) of division I of the Omnibus Parks Act (110 Stat. 4158; 16 U.S.C. 461 note) is amended by striking "the contribution of our national heritage" and inserting "the contribution to our national heritage".

SEC. 111. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) Section 511 of division I of the Omnibus Parks Act (110 Stat. 4159; 16 U.S.C. 410ddd) is amended as follows:

(1) In the section heading, by striking **"national historic landmark district"** and inserting **"whaling national historical park".**

(2) In subsection (c)—

(A) in paragraph (1), by striking "certain districts structures, and relics" and inserting "certain districts, structures, and relics"; and

(B) in paragraph (2)(A)(i), by striking "The area included with the New Bedford National Historic Landmark District, known as the" and inserting "The area included within the New Bedford Historic District (a National Landmark District), also known as the".

(3) In subsection (d)(2), by striking "to provide".

(4) By redesignating the second subsection (e) and subsection (f) as subsections (f) and (g), respectively.

(5) In subsection (g), as so redesignated—

(A) in paragraph (1), by striking "section 3(D)." and inserting "subsection (d)."; and

(B) in paragraph (2)(C), by striking "cooperative grants under subsection (d)(2)." and inserting "cooperative agreements under subsection (e)(2).".

SEC. 112. NICODEMUS NATIONAL HISTORIC SITE.

Section 512(a)(1)(B) of division I of the Omnibus Parks Act (110 Stat. 4163; 16 U.S.C. 461 note) is amended by striking "Afican-Americans" and inserting "African-Americans".

SEC. 113. UNALASKA.

Section 513(c) of division I of the Omnibus Parks Act (110 Stat. 4165; 16 U.S.C. 461 note) is amended by striking "whall be comprised" and inserting "shall be comprised".

SEC. 114. REVOLUTIONARY WAR AND WAR OF 1812 HISTORIC PRESERVATION STUDY.

Section 603(d)(2) of division I of the Omnibus Parks Act (110 Stat. 4172; 16 U.S.C. 1a–5 note) is amended by striking "subsection (b) shall—" and inserting "paragraph (1) shall—".

SEC. 115. SHENANDOAH VALLEY BATTLEFIELDS.

Section 606 of division I of the Omnibus Parks Act (110 Stat. 4175; 16 U.S.C. 461 note) is amended as follows:

(1) In subsection (d)—

(A) in paragraph (1), by striking "section 5." and inserting "subsection (e).";

(B) in paragraph (2), by striking "section 9." and inserting "subsection (h)."; and

(C) in paragraph (3), by striking "Commission plan approved by the Secretary under section 6." and inserting "plan developed and approved under subsection (f).".

(2) In subsection (f)(1), by striking "this Act" and inserting "this section".

(3) In subsection (g)—

(A) in paragraph (3), by striking "purposes of this Act" and inserting "purposes of this section"; and

(B) in paragraph (5), by striking "section 9." and inserting "subsection (i).".

(4) In subsection (h)(12), by striking "this Act" and inserting "this section".

SEC. 116. WASHITA BATTLEFIELD.

Section 607 of division I of the Omnibus Parks Act (110 Stat. 4181; 16 U.S.C. 461 note) is amended—

(1) in subsection (c)(3), by striking "this Act" and inserting "this section"; and

(2) in subsection (d)(2), by striking "local land owners" and inserting "local landowners".

SEC. 117. SKI AREA PERMIT RENTAL CHARGE.

Section 701 of division I of the Omnibus Parks Act (110 Stat 4182; 16 U.S.C. 497c) is amended as follows:

(1) In subsection (b)(3), by striking "legislated by this Act" and inserting "required by this section".

(2) In subsection (d)—

(A) in the matter preceding paragraph (1), by striking "formula of this Act" and inserting "formula of this section";

(B) in paragraphs (1), (2), and (3) and in the sentence below paragraph (3), by striking "this Act" each place it appears and inserting "this section"; and

(C) in the sentence below paragraph (3), by inserting "adjusted gross revenue for the" before "1994–1995 base year".

(3) In subsection (f), by inserting inside the parenthesis "offered for commercial or other promotional purposes" after "complimentary lift tickets".

(4) In subsection (i), by striking "this Act" and inserting "this section".

SEC. 118. GLACIER BAY NATIONAL PARK.

Section 3 of Public Law 91–383 (16 U.S.C. 1a–2), as amended by section 703 of division I of the Omnibus Parks Act (110 Stat. 4185), is amended as follows:

(1) In subsection (g), by striking "bearing the cost of such exhibits and demonstrations;" and inserting "bearing the cost of such exhibits and demonstrations.".

(2) By capitalizing the first letter of the first word in each of the subsections (a) through (i).

(3) By striking the semicolon at the end of each of the subsections (a) through (f) and at the end of subsection (h) and inserting a period.

(4) In subsection (i), by striking "; and" and inserting a period.

(5) By conforming the margins of subsection (j) with the margins of the preceding subsections.

SEC. 119. ROBERT J. LAGOMARSINO VISITOR CENTER.

Section 809(b) of division I of the Omnibus Parks Act (110 Stat. 4189; 16 U.S.C. 410ff note) is amended by striking "section 301" and inserting "subsection (a)".

SEC. 120. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

(a) TECHNICAL CORRECTIONS.—Section 814 of division I of the Omnibus Parks Act (110 Stat. 4190) is amended as follows:

(1) In subsection (a) (16 U.S.C. 17o note)—

(A) in paragraph (6), by striking "this Act" and inserting "this section";

(B) in paragraph (7)(B), by striking "COMPTETITIVE LEASING.—" and inserting "COMPETITIVE LEASING.—";

(C) in paragraph (9), by striking "granted by statue" and inserting "granted by statute";

(D) in paragraph (11)(B)(ii), by striking "more cost effective" and inserting "more cost-effective";

(E) in paragraph (13), by striking "paragraph (13)," and inserting "paragraph (12),"; and

(F) in paragraph (18), by striking "under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (l)," and inserting "under paragraph (7)(A) and any lease under paragraph (11)".

(2) In subsection (d)(2)(E), by striking "is amended".

(b) CHANGE TO PLURAL.—Section 7(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9(c)(2)), as added by section 814(b) of the Omnibus Parks Act (110 Stat. 4194), is amended as follows:

(1) In subparagraph (C), by striking "lands, water, and interest therein" and inserting "lands, waters, and interests therein".

(2) In subparagraph (F), by striking "lands, water, or interests therein, or a portion of whose lands, water, or interests therein," and inserting "lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein,".

(c) ADD MISSING WORD.—Section 2(b) of Public Law 101–337 (16 U.S.C. 19jj–1(b)), as amended by section 814(h)(3) of the Omnibus Parks Act (110 Stat. 4199), is amended by inserting "or" after "park system resource".

SEC. 121. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 6(d)(2) of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), as added by section 901(c) of division I of the Omnibus Parks Act (110 Stat. 4202), is amended by striking "may be made in the approval plan" and inserting "may be made in the approved plan".

SEC. 122. TALLGRASS PRAIRIE NATIONAL PRESERVE.

Subtitle A of title X of division I of the Omnibus Parks Act is amended as follows:

(1) In section 1002(a)(4)(A) (110 Stat. 4204; 16 U.S.C. 689u(a)(4)(A)), by striking "to purchase" and inserting "to acquire".

(2) In section 1004(b) (110 Stat. 4205; 16 U.S.C. 689u–2(b)), by striking "of June 3, 1994," and inserting "on June 3, 1994,".

(3) In section 1005 (110 Stat. 4205; 16 U.S.C. 689u–3)—

(A) in subsection (d)(1), by striking "this Act" and inserting "this subtitle"; and

(B) in subsection (g)(3)(A), by striking "the tall grass prairie" and inserting "the tallgrass prairie".

SEC. 123. RECREATION LAKES.

(a) TECHNICAL CORRECTIONS.—Section 1021(a) of division I of the Omnibus Parks Act (110 Stat. 4210; 16 U.S.C. 460l–10e note) is amended as follows:

(1) By striking "manmade lakes" both places it appears and inserting "man-made lakes".

(2) By striking "for recreational opportunities at federally-managed" and inserting "for recreational opportunities at federally managed".

(b) ADVISORY COMMISSION.—Section 13 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–10e), as added by section 1021(b) of the Omnibus Parks Act (110 Stat. 4210), is amended as follows:

(1) In subsection (b)(6), by striking "recreation related infrastructure." and inserting "recreation-related infrastructure.".

(2) In subsection (e)—

(A) by striking "water related recreation" in the first sentence and inserting "water-related recreation";

(B) in paragraph (2), by striking "at federally-managed lakes" and inserting "at federally managed lakes"; and

(C) by striking "manmade lakes" each place it appears and inserting "man-made lakes".

SEC. 124. FOSSIL FOREST PROTECTION.

Section 103 of the San Juan Basin Wilderness Protection Act of 1984 (43 U.S.C. 178), as amended by section 1022(e) of the Omnibus Parks Act (110 Stat. 4213), is amended as follows:

(1) In subsections (b)(1) and (e)(1), by striking "Committee on Natural Resources" and inserting "Committee on Resources".

(2) In subsection (e)(1), by striking "this Act" and inserting "this subsection".

SEC. 125. OPAL CREEK WILDERNESS AND SCENIC RECREATION AREA.

Section 1023(c)(1)(A) of division I of the Omnibus Parks Act (110 Stat. 4215; 16 U.S.C. 545b(c)(1)(A)) is amended by striking "of 1964".

SEC. 126. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA.

Section 1029 of division I of the Omnibus Parks Act (110 Stat. 4232; 16 U.S.C. 460kkk) is amended as follows:

(1) In the section heading, by striking **"recreation area"** and inserting **"national recreation area"**.

(2) In subsection (b)(1), by inserting quotation marks around the term "recreation area".

(3) In subsection (e)(3)(B), by striking "subsections (b) (3), (4), (5), (6), (7), (8), (9), and (10)." and inserting "subparagraphs (C), (D), (E), (F), (G), (H), (I), and (J) of paragraph (2).".

(4) In subsection (f)(2)(A)(i), by striking "profit sector roles" and inserting "private-sector roles".

(5) In subsection (g)(1), by striking "and revenue raising activities." and inserting "and revenue-raising activities.".

SEC. 127. NATCHEZ NATIONAL HISTORICAL PARK.

(a) TECHNICAL AMENDMENT.—Section 3(b)(1) of Public Law 100–479 (16 U.S.C. 410oo–2(b)(1)), as added by section 1030 of the Omnibus Parks Act (110 Stat. 4238), is amended by striking "and visitors' center" and inserting "and visitor center".

(b) AMENDATORY INSTRUCTION.—Section 1030 of the Omnibus Parks Act (110 Stat. 4238) is amended by striking "after 'SEC. 3.';" and inserting "before 'Except';".

SEC. 128. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.

Section 1035 of division I of the Omnibus Parks Act (110 Stat. 2240) is amended as follows:

(1) In the section heading, by striking "regulations" and inserting "regulation".

(2) In subsection (c), by striking "this Act" and inserting "this section".

TITLE II—TECHNICAL CORRECTIONS TO DIVISION II

SEC. 201. NATIONAL COAL HERITAGE AREA.

Title I of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 104(4) (110 Stat. 4244), by striking "history preservation" and inserting "historic preservation".

(2) In section 105 (110 Stat. 4244), by striking "paragraphs (2) and (5) of section 104" and inserting "paragraph (2) of section 104".

(3) In section 106(a)(3) (110 Stat. 4244), by striking "or Secretary" and inserting "or the Secretary".

SEC. 202. TENNESSEE CIVIL WAR HERITAGE AREA.

Title II of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 201(b)(4) (110 Stat. 4245), by striking "and associated sites associated" and insert "and sites associated".

(2) In section 207(a) (110 Stat. 4248), by striking "as provide for" and inserting "as provided for".

SEC. 203. AUGUSTA CANAL NATIONAL HERITAGE AREA.

Section 301(1) of division II of the Omnibus Parks Act (110 Stat. 4249; 16 U.S.C. 461 note) is amended by striking "National Historic Register of Historic Places," and inserting "National Register of Historic Places,".

SEC. 204. ESSEX NATIONAL HERITAGE AREA.

Section 501(a)(8) of division II of the Omnibus Parks Act (110 Stat. 4257; 16 U.S.C. 461 note) is amended by striking "a visitors' center" and inserting "a visitor center".

SEC. 205. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

Title VIII of division II of the Omnibus Parks Act (16 U.S.C. 461 note) is amended as follows:

(1) In section 805(b)(2) (110 Stat. 4269), by striking "One individuals," and inserting "One individual,".

(2) In section 808(a)(3)(A) (110 Stat. 4279), by striking "from the Committee." and inserting "from the Committee,".

SEC. 206. HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

Section 908(a)(1)(B) of division II of the Omnibus Parks Act (110 Stat. 4279; 16 U.S.C. 461 note) is amended by striking "on nonfederally owned property" and inserting "for non-federally owned property".

TITLE III—TECHNICAL CORRECTIONS TO OTHER PUBLIC LAWS

SEC. 301. REAUTHORIZATION OF DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION.

Effective as of November 6, 1998, section 507 of Public Law 105–355 (112 Stat. 3264, 16 U.S.C. 460o note) is amended by striking "Public Law 101–573" and inserting "Public Law 100–573".

SEC. 302. ARCHES NATIONAL PARK EXPANSION ACT OF 1998.

Section 8 of Public Law 92–155 (16 U.S.C. 272g), as added by section 2(e)(2) of the Arches National Park Expansion Act of 1998 (Public Law 105–329; 112 Stat. 3062), is amended as follows:

(1) In subsection (b)(2), by striking ", described as lots 1 through 12 located in the S½N½ and the N½N½N½S½ of section 1, Township 25 South, Range 18 East, Salt Lake base and meridian." and inserting "located in section 1, Township 25 South, Range 18 East, Salt Lake base and meridian, and more fully described as follows:

"(A) Lots 1 through 12.

"(B) The S½N½ of such section.

"(C) The N½N½N½S½ of such section."; and

(2) By striking subsection (d).

SEC. 303. DUTCH JOHN FEDERAL PROPERTY DISPOSITION AND ASSISTANCE ACT OF 1998.

(a) TRANSFER OF JURISDICTION.—Section 6(b) of the Dutch John Federal Property Disposition and Assistance Act of 1998 (Public Law 105–326; 112 Stat. 3044) is amended as follows:

(1) By striking the subsection heading and inserting the following: "ADDITIONAL TRANSFERS OF ADMINISTRATIVE JURISDICTION.—".

(2) By striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) TRANSFER FROM SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall transfer to the Secretary of Agriculture administrative jurisdiction over approximately 2,167 acres of lands and interests in land located in Duchesne and Wasatch Counties, Utah, that were acquired by the Secretary of the Interior for the Central Utah Project, as depicted on the maps entitled—

"(A) the 'Dutch John Townsite, Ashley National Forest, Lower Stillwater', dated February 1997;

"(B) The 'Dutch John Townsite, Ashley National Forest, Red Hollow (Diamond Properties)', dated February 1997; and

"(C) The 'Dutch John Townsite, Ashley National Forest, Coal Hollow (Current Creek Reservoir)', dated February 1997.

"(2) TRANSFER FROM SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall transfer to the Secretary of the Interior administrative jurisdiction over approximately 2,450 acres of lands and interests in lands located in the Ashley National Forest, as depicted on the map entitled 'Ashley National Forest, Lands to be Transferred to the Bureau of Reclamation (BOR) from the Forest Service', dated February 1997.".

(3) In paragraph (3)(A), by striking the second sentence and inserting the following new sentence: "The boundaries of the Ashley National Forest and the Uinta National Forest are hereby adjusted to reflect the transfers required by this section.".

(4) In paragraph (3)(B), by striking "The transferred lands" and inserting "The lands and interests in land transferred to the Secretary of Agriculture under paragraph (1)".

(b) ELECTRIC POWER.—Section 13(d) of such Act (112 Stat. 3053) is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) AVAILABILITY.—The United States shall make available for the Dutch John community electric power and associated energy previously reserved from the Colorado River Storage Project for project use as firm electric service.".

SEC. 304. OREGON PUBLIC LANDS TRANSFER AND PROTECTION ACT OF 1998.

Section 3 of the Oregon Public Lands Transfer and Protection Act of 1998 (Public Law 105–321; 112 Stat. 3022) is amended as follows:

(1) In subsection (a), by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) By striking subsection (b) and inserting the following new subsection:

"(b) POLICY OF NO NET LOSS OF O & C LAND AND CBWR LAND.—In carrying out sales, purchases, and exchanges of land in the geographic area, the Secretary shall ensure that on October 30, 2008, and on the expiration of each 10-year period thereafter, the number of acres of O & C land and CBWR land in the geographic area is not less than the number of acres of such land on October 30, 1998.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 149 is a non-controversial bill that would make a number of simple technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and other laws related to parks and public lands management. This bill is completely bipartisan and has wide support from the administration.

In each congressional session, large numbers of individual pieces of legislation are passed and written into law. Often, small mistakes and errors are made in the drafting and printing of the final language that becomes the actual law. For example, an incorrect map number might be found or a period is missing from a sentence or a word is spelled incorrectly.

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This bill makes necessary technical corrections to language which has been written into many of our various laws and makes certain we have dotted the I's and crossed all the T's. In crafting this bill, we have discovered a few other technical corrections that needed to be made; and these are reflected in the bill, as amended.

Mr. Speaker, I urge my colleagues to support H.R. 149.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 149 is a housekeeping measure introduced by the gentleman from Utah (Mr. HANSEN), Chairman of the Subcommittee on National Parks and Public Lands.

The bill makes numerous technical corrections to the Omnibus Parks and Public Lands Act of 1996 to fix punctuation, map references and other minor drafting errors that exist in the law.

Several additional technical corrections were identified, and they were included in amendments adopted by the Committee on Resources. There are no problems with the bill as amended by the Committee on Resources, and we support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 149, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.".

A motion to reconsider was laid on the table.

COASTAL HERITAGE TRAIL ROUTE, NEW JERSEY, AUTHORIZATION

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 171) to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes.

The Clerk read as follows:

H.R. 171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking "$1,000,000" and inserting "$4,000,000"; and

(2) in subsection (c), by striking "five" and inserting "10".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 171 introduced by my colleague, the gentleman from New Jersey (Mr. LOBIONDO), would authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey and also extend the authority provided to the Secretary of the Interior when the route was initially established in 1988.

H.R. 171 would continue and complete the cooperative efforts already begun by the parties involved by authorizing $4 million to carry out the purposes of this act. This bill also authorizes the Secretary to continue the authorities established in 1988 for the New Jersey Coastal Heritage Trail Route for an additional 5 years.

This bill has bipartisan support, and I urge my colleagues to support H.R. 171.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

(Mr. ROMERO-BARCELÓ asked and was given permission to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, H.R. 171, introduced by the gentleman from New Jersey (Mr. LOBIONDO) reauthorizes for 5 years the time during which the National Park Service can participate in an ongoing public-private partnership to develop a vehicular tour route along the New Jersey coastline. Further, the bill raises the existing authorization of appropriations to a total of $4 million for trail development and interpretation of resources.

The Subcommittee on National Parks and Public Lands held a hearing on identical legislation in the last Congress. The administration testified in favor of the legislation, and the bill was favorably reported to the full committee, but no further action was taken.

We are aware of no controversy associated with H.R. 171. It has bipartisan support, and we urge our colleagues to support the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. LOBIONDO), the sponsor of this bill.

Mr. LOBIONDO. Mr. Speaker, I rise today in strong support of H.R. 171, the New Jersey Coastal Heritage Trail Reauthorization Act.

I would also like to take this opportunity to thank the gentleman from Utah (Mr. HANSEN), the chair of the subcommittee, and the gentleman from Alaska (Mr. YOUNG), the chair of the full Committee on Resources, for their help and cooperation in bringing this important legislation to the floor.

H.R. 171 would extend the authorization of the Trail to provide an additional $4 million over 5 years to complete the work that was begun in 1988.

This extension is needed to complete a number of projects such as interpretive exhibits, wayside signs and other visitor-related services. Simply put, enaction of H.R. 171 will prevent the Coastal Heritage Trail from being caught in an unfinished, "work in progress" condition.

Legislation establishing the Trail was passed by Congress in 1988, thanks to the leadership of Senator Bill Bradley. Its original intent was to unify New Jersey's many scenic points of interest along the State's Atlantic Ocean, Delaware River and Delaware Bay shorelines.

These points of interest include a wealth of environmental, historic, maritime and recreational sites found along New Jersey's coastlines, ranging from Perth Amboy to the north, Deepwater to the west, and Cape May in the extreme southern tip of the State.

The Trail's area includes two National Wildlife Refuges, four tributaries of a Wild and Scenic River system, a Civil War fort and national cemetery, several lighthouses, historic homes, and several other sites tied to southern New Jersey's maritime history. In short, Mr. Speaker, the Coastal Heritage Trail incorporates the best of what New Jersey has to offer the rest of the Nation.

More importantly, the completed Trail will stimulate the local economy in southern New Jersey by attracting tourists from the entire Delaware Valley region. And although the Second Congressional District is known for its seaside resort communities, there are a number of treasures in Salem, Cumberland and Cape May Counties that the Trail will tap into.

One exciting aspect is its focus on maritime history. There is a rich story to be told about the industries once sustained by the Delaware Bay, such as whaling, shipbuilding, oystering and crabbing. While we often define our Nation's history through military or political milestones, the Trail will serve to remind visitors that maritime-dependent commerce was a major factor in the growth of the United States.

In addition, "eco-tourism" along the Coastal Heritage Trail has proven to be a huge success. There is an abundant variety of natural habitats and species to be found on the Trail. During the springtime, for instance, visitors from Heislerville can watch the annual spectacle of thousands and thousands of horseshoe crabs returning to lay their eggs on the beach. Whale and dolphin watching have become extremely popular, and bird lovers from throughout the country, and in fact around the world, are realizing what southern New Jersey residents have known all along, that our region is unmatched for observing migratory birds, ospreys and bald eagles.

Finally, let me point out to the Members of the House that the New Jersey Coastal Heritage Trail is a Federal, State and private partnership that works. The Trail has been supported by the New Jersey Division of Travel and Tourism, local community groups, nonprofit societies and corporate sources.

Mr. Speaker, far from a new and costly government project, H.R. 171 represents the kind of program that Congress should be encouraging: preservation-minded with the potential for positive economic impact on local communities.

Mr. PALLONE. Mr. Speaker, I am pleased to cosponsor H.R. 171 to reauthorize New Jersey's Coastal Heritage Trail, and I thank the leadership for bringing this bill to the floor.

For those of my colleagues who have traveled through New Jersey, but have not experienced her coastal vitality, I invite and encourage you to visit the Coastal Heritage Trail's points of interest in the sixth district. Cheesequake State Park offers a variety of outdoors activities and facilities from swimming and camping, to hiking trails and a nature center. Along the Sandy Hook Bay is the Bedford Seafood CO-OP, the oldest fishing port on the East Coast. The Leonardo State Marina includes 179 slips and can accommodate boats up to 45 feet in length. From Mount Mitchill Scenic Overlook, visitors can view Sandy Hook Bay, the Atlantic Ocean, and the New York City skyline. The Sandy Hook Unit of Gateway National Recreation Area showcases seven miles of ocean beaches, the waters of Sandy Hook Bay, a salt marsh, dunes, a maritime forest, and a habitat for migratory shorebirds. The Steamboat Dock Museum of the Keyport Historical Society interprets the history and maritime traditions of Keyport, which was settled as a private plantation in 1714, and became a major port for oystering in the 1830s. Finally, Twin Light State Historic Site served as an important maritime navigational aid for ships, and hosts one of the original life boat stations built by the U.S. government.

The New Jersey Coastal Heritage Trail is the result of an innovative partnership between the National Park Service, New Jersey's State and local governments, and private individuals and organizations. The original legislation establishing the trail was enacted in 1988. In 1944, the trail was reauthorized with a 50 percent match requirement of non-federal funds. Since then, the Park Service has matched $1 million in federal funding with over $800,000 from other sources.

The trail is now approximately 50 percent complete. The legislation before the House today will increase authorized appropriations for the trail from $1 million to $4 million. It will also extend the National Park Service's authority to participate in the trail's development for five years, from May 1999 to May 2004. This will give the Park Service the additional time and funding it needs to complete New Jersey's Coastal Heritage Trial.

Mr. Speaker, New Jersey's special places are celebrated and protected through the Coastal Heritage Trail. I urge the favorable consideration of this legislation.

Mr. ANDREWS. Mr. Speaker, I rise in support of this legislation. The New Jersey Coastal Heritage Trail is an important component of the New Jersey shore line. It plays a vital role in educating visitors and citizens of our state alike that New Jersey is a beautiful and scenic place to live and visit. The Coastal Heritage Trail Route gives us the opportunity to both preserve and appreciate the beauty of the Jersey shore.

The trail, which begins in Perth Amboy, runs the entire length of New Jersey's Atlantic Ocean shore, traversing eight counties. It goes through the Pine Barrens, one of the most beautiful sections of the Garden State, all the way to the southern tip of historic Cape May. The trail then follows the Delaware Bay northward to Deepwater, New Jersey.

This Trail was first established over a decade ago in 1988. It has been a joint effort of the State of New Jersey, the National Park Service, and other organizations. Their efforts have provided much public appreciation, education, and enjoyment of this scenic and natural area of New Jersey.

The bill before the Congress today will continue these efforts into the next century. H.R. 171 extends the New Jersey Coastal Heritage Trail's authorization for five years. it will further help to strengthen the Trail, by increasing its authorized funding level from $1 million to $4 million. I commend my colleague from South Jersey, Congressman LOBIONDO, for his efforts in this Congress as well as in previous years on behalf of the Coastal Heritage Trail. I urge my colleagues to vote for this important legislation. Thank you.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, we have no speakers on this issue, so we yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 171.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVER ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 193) to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System, as amended.

The Clerk read as follows:

H.R. 193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudbury, Assabet, and Concord Wild and Scenic River Act".

SEC. 2. DESIGNATION OF SUDBURY, ASSABET, AND CONCORD SCENIC AND RECREATIONAL RIVERS, MASSACHUSETTS.

(a) FINDINGS.—The Congress finds the following:

(1) The Sudbury, Assabet, and Concord Wild and Scenic River Study Act (title VII of Public Law 101-628; 104 Stat. 4497)—

(A) designated segments of the Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts, totaling 29 river miles, for study and potential addition to the National Wild and Scenic Rivers System; and

(B) directed the Secretary of the Interior to establish the Sudbury, Assabet, and Concord Rivers Study Committee (in this section referred to as the "Study Committee") to advise the Secretary in conducting the study and in the consideration of management alternatives should the rivers be included in the National Wild and Scenic Rivers System.

(2) The study determined the following river segments are eligible for inclusion in the National Wild and Scenic Rivers System based on their free-flowing condition and outstanding scenic, recreation, wildlife, cultural, and historic values:

(A) The 16.6-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet River.

(B) The 4.4-mile segment of the Assabet River from 1,000 feet downstream from the Damon Mill Dam in the town of Concord to the confluence with the Sudbury River at Egg Rock in Concord.

(C) The 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers to the Route 3 bridge in the town of Billerica.

(3) The towns that directly abut the segments, including Framingham, Sudbury, Wayland, Lincoln, Concord, Bedford, Carlisle, and Billerica, Massachusetts, have each demonstrated their desire for National Wild and Scenic River designation through town meeting votes endorsing designation.

(4) During the study, the Study Committee and the National Park Service prepared a comprehensive management plan for the segment, entitled "Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan" and dated March 16, 1995 (in this section referred to as the "plan"), which establishes objectives, standards, and action programs that will ensure long-term protection of the rivers' outstanding values and compatible management of their land and water resources.

(5) The Study Committee voted unanimously on February 23, 1995, to recommend that the Congress include these segments in the National Wild and Scenic Rivers System for management in accordance with the plan.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"(160) SUDBURY, ASSABET, AND CONCORD RIVERS, MASSACHUSETTS.—(A) The 29 miles of river segments in Massachusetts, as follows:

"(i) The 14.9-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, downstream to the Route 2 Bridge in Concord, as a scenic river.

"(ii) The 1.7-mile segment of the Sudbury River from the Route 2 Bridge downstream to its confluence with the Assabet River at Egg Rock, as a recreational river.

"(iii) The 4.4-mile segment of the Assabet River beginning 1,000 feet downstream from the Damon Mill Dam in the town of Concord, to its confluence with the Sudbury River at Egg Rock in Concord; as a recreational river.

"(iv) The 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers downstream to the Route 3 Bridge in the town of Billerica, as a recreational river.

"(B) The segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior in cooperation with the SUASCO River Stewardship Council provided for in the plan referred to in subparagraph (C) through cooperative agreements under section 10(e) between the Secretary and the Commonwealth of Massachusetts and its relevant political subdivisions (including the towns of Framingham, Wayland, Sudbury, Lincoln, Concord, Carlisle, Bedford, and Billerica).

"(C) The segments referred to in subparagraph (A) shall be managed in accordance with the plan entitled 'Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan', dated March 16, 1995. The plan is deemed to satisfy the requirement for a comprehensive management plan under subsection (d) of this section.".

(c) FEDERAL ROLE IN MANAGEMENT.—(1) The Director of the National Park Service or the Director's designee shall represent the Secretary of the Interior in the implementation of the plan, this section, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by subsection (b), including the review of proposed federally assisted water resources projects that could have a direct and adverse effect on the values for which the segment is established, as authorized under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)).

(2) Pursuant to sections 10(e) and section 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)), the Director shall offer to enter into cooperative agreements with the Commonwealth of Massachusetts, its relevant political subdivisions, the Sudbury Valley Trustees, and the Organization for the Assabet River. Such cooperative agreements shall be consistent with the plan and may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of each of the segments designated by the amendment made by subsection (b).

(3) The Director may provide technical assistance, staff support, and funding to assist in the implementation of the plan, except that the total cost to the Federal Government of activities to implement the plan may not exceed $100,000 each fiscal year.

(4) Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by the amendment made by subsection (b) that is not already within the National Park System shall not under this section—

(A) become a part of the National Park System;

(B) be managed by the National Park Service; or

(C) be subject to regulations which govern the National Park System.

(d) WATER RESOURCES PROJECTS.—(1) In determining whether a proposed water resources project would have a direct and adverse effect on the values for which the segments designated by the amendment made by subsection (b) were included in the National Wild and Scenic Rivers System, the Secretary of the Interior shall specifically consider the extent to which the project is consistent with the plan.

(2) The plan, including the detailed Water Resources Study incorporated by reference in the plan and such additional analysis as may be incorporated in the future, shall serve as the primary source of information regarding the flows needed to maintain instream resources and potential compatibility between resource protection and possible additional water withdrawals.

(e) LAND MANAGEMENT.—(1) The zoning bylaws of the towns of Framingham, Sudbury, Wayland, Lincoln, Concord, Carlisle, Bedford, and Billerica, Massachusetts, as in effect on the date of enactment of this Act, are deemed to satisfy the standards and requirements under section 6(c) of the Wild and Scenic rivers Act (16 U.S.C. 1277(c)). For the purpose of that section, the towns are deemed to be "villages" and the provisions of that section which prohibit Federal acquisition of lands through condemnation shall apply.

(2) The United States Government shall not acquire by any means title to land, easements, or other interests in land along the segments designated by the amendment made by subsection (b) or their tributaries for the purposes of designation of the segments under the amendment. Nothing in this section shall prohibit Federal acquisition of interests in land along those segments or tributaries under other laws for other purposes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section not to exceed $100,000 for each fiscal year.

(g) EXISTING UNDESIGNATED PARAGRAPHS; REMOVAL OF DUPLICATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by striking the first undesignated paragraph after paragraph (156), relating to Elkhorn Creek, Oregon; and

(2) by designating the three remaining undesignated paragraphs after paragraph (156) as paragraphs (157), (158), and (159), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 193, introduced by the gentleman from Massachusetts (Mr. MEEHAN), would amend the Wild and Scenic Rivers Act by designating a 29-mile segment of the Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts as part of the National Wild and Scenic River System. The management of the rivers will follow the direction of a cooperative agreement between the National Park Service and a local River Stewardship Council. This bill makes it clear that Federal land acquisition, including easements, is prohibited.

H.R. 193 would also authorize an appropriation to the Secretary of the Interior to carry out the provisions of this bill. This appropriation shall not exceed $100,000 per fiscal year.

Mr. Speaker, the amendment to this bill simply makes a technical correction to the numbered sequence of the Wild and Scenic Rivers Act. I urge my colleagues to support this bipartisan measure.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 193, introduced by the gentleman from the Commonwealth of Massachusetts (Mr. MEEHAN), would designate segments of the Sudbury, Assabet and Concord Rivers totaling 29 miles in the Commonwealth of Massachusetts as components of the National Wild and Scenic Rivers System.

Title VII of Public Law 101–628 authorized the study of these river systems. The study has been completed, and the river systems were found feasible and suitable for designation.

H.R. 193 would implement the recommendations of the river study, including providing for management of the river segments by the Secretary of the Interior in cooperation with a coordinating committee and in accordance with a management plan that has been completed as part of the study.

The Committee on Resources favorably reported identical legislation last Congress and an identical Senate bill passed the House last fall, with an unrelated amendment. Unfortunately, final action on that measure was not able to be completed prior to adjournment.

The bill is supported by the entire Massachusetts delegation as well as the administration. We believe that it, again, deserves the support of the full House. It is a bipartisan bill, and we would urge to our colleagues the adoption of H.R. 193.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, I rise in strong support of H.R. 193.

I would like to thank my colleagues in the House from both parties, and in particular the distinguished gentleman from Utah (Mr. HANSEN) for his cooperation not only this year but the last session as well.

I would also like to thank the gentleman from Alaska (Mr. YOUNG), chair of the Committee on Resources; the gentleman from California (Mr. MILLER); and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) in particular for all of their efforts and continuing support of this legislation.

H.R. 193 will amend the Wild and Scenic Rivers Act to designate portions of the Sudbury, Assabet, and Concord Rivers in Massachusetts as "wild and scenic." This designation will protect these rivers from Federal projects that would otherwise have direct and adverse impacts on the free-flowing character of those rivers.

My constituents from Sudbury, Wayland, Lincoln, Concord, Carlisle and Billerica, and others from Framingham and Bedford, have invested an enormous amount of time and energy and effort in securing wild and scenic status for portions of these three beautiful rivers.

With the help of the National Park Service and the Commonwealth of Massachusetts, they completed a congressionally authorized study that demonstrated the rivers' exemplary characteristics and recommended them for wild and scenic designation.

This legislation is a product of a grassroots movement that started over a decade ago. All eight towns bordering the rivers have voiced unanimous support for the designation through numerous town meeting votes. They have also approved the river conservation plan that will guide the rivers' management. It is important to note, as the gentleman from Utah (Mr. HANSEN) has, that H.R. 193 explicitly precluded any Federal taking of private land.

Mr. Speaker, the Sudbury, Assabet, and Concord Rivers have been cherished by Massachusetts residents for hundreds of years and are known throughout the New England region for their exceptional scenic, ecological, recreational and historic value. The historical significance of events along these rivers goes back to the American Revolution, as their banks served as a Revolutionary War battleground.

Today, people come from all over the country to visit the Old North Bridge on the Concord River where the famous "shot heard around the world" was fired. This confrontation sent British troops into retreat and back to Boston in an event that would take on global significance in man's universal struggle for liberty.

American poets, novelists and philosophers such as Ralph Waldo Emerson and Henry David Thoreau have drawn inspiration over the years from these rivers, which were featured in many of their works. Over 100 years ago, Nathaniel Hawthorne eloquently wrote, "Rowing our boat against the current, between wide meadows, we turn aside into the Assabet. A more lovely stream than this, for a mile above its junction with the Concord, has never flowed on Earth." Nowhere indeed, except to lave the interior of a poet's imagination."

□ 1430

Mr. Speaker, I urge support for this bill.

Mr. MARKEY. I rise in support of H.R. 193, the "Sudbury, Assabet, and Concord Wild and Scenic River Act." Wild and scenic areas are found not only in the vast expanses of the American West but also in pockets in the midst of the cities and towns of the East. As the areas around Boston, including my own district, become increasingly crowded and urban, it is important to preserve natural areas where the beauty and tranquillity of nature can become a part of the everyday lives of local communities.

Through the Sudbury, Assabet, and Concord rivers has flowed a remarkable current of history and beauty. Back in 1837 Ralph Waldo Emerson commemorated events that had taken place above the Concord River in 1775 with his unforgettable words, "by the rude bridge that arched the flood, their flag to April's breeze unfurled, here once the embattl'd farmers stood, and fired the shot heard round the world." Nathanial Hawthorne wrote of the beauty of the Assabet: "Rowing our boat against the current, between wide meadows, we turn aside into the Assabeth. A more lovely stream than this, for a mile above its junction with the Concord, has never flowed on Earth,—where, indeed, except to lave the interior of a poet's imagination."

Today we have even greater need of scenic rivers to excite the "poet's imagination" in each of us. This bill, by giving Wild and Scenic River status to the Assabet, Sudbury, and Concord Rivers, will help ensure that they continue to inspire local communities and the nation in this and future generations. I would like to thank my distinguished colleague Mr. MEEHAN for his tenacious leadership on this bill, and I am glad to join the bipartisan roster of its supporters.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 193, as amended.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays are ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 149, H.R. 171, and H.R. 193, the three bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

HIRAM H. WARD FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 92) to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the "Hiram H. Ward Federal Building and United States Courthouse."

The Clerk read as follows:

H.R. 92

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, shall be known and designated as the "Hiram H. Ward Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Hiram H. Ward Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from West Virginia (Mr. WISE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 92 designates the Federal building and the United States courthouse located in Winston-Salem, North Carolina, as the "Hiram H. Ward Federal Building and United States Courthouse."

Hiram H. Ward is a distinguished jurist who sat on the Federal bench for more than 20 years. He was born and raised in North Carolina and served in the United States Army Air Force during World War II. In 1972, President Nixon appointed Judge Ward to the Federal bench for the Middle District for North Carolina.

He served the Middle District as a judge and chief judge until 1988 when he elected to take senior status. However, even in senior status, Judge Ward continued to sit for an additional 6 years with the Fourth Circuit Court of Appeals.

This is a fitting tribute to a dedicated public servant. I support the bill, and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WISE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to echo the words of the gentleman from New Jersey (Mr. FRANKS), our subcommittee chairman, in recognizing Judge Ward for his many accomplishments and certainly echoing our enthusiasm for naming the courthouse the "Hiram H. Ward Federal Building and United States Courthouse."

Judge Ward became the chief judge in 1982. In 1988, Judge Ward took senior status. He was a member of various judicial committees, including membership on the Committee on Codes of Conduct of the Judicial Conference.

As an alumnist of Wake Forest undergraduate school and law school, Judge Ward is an active participant on the Board of Visitors of Wake Forest University. Additionally, he is a decorated World War II veteran and earned the Purple Heart.

The committee received numerous letters of support for this bill.

I will include for the RECORD letters of support and recognition. For brevity's sake, I will summarize these letters by saying that there is unanimous agreement on Judge Ward's outstanding contributions to the judicial community as well as his tireless efforts as a public servant.

I support H.R. 92 and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield as much time as he may consume to the gentleman from North Carolina (Mr. COBLE), my distinguished colleague.

Mr. COBLE. Mr. Speaker, I thank the gentleman from New Jersey (Mr. FRANKS) and the gentleman from West Virginia (Mr. WISE) for their work in this matter.

Mr. Speaker, this bill is not a case of first impression before this body. It was before us in the last session of the Congress and was approved by the House where it went to the Senate to unfortunately die on the vine because the Senate adjourned prior to addressing several proposals to name buildings in honor of outstanding Americans.

My friends, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from West Virginia (Mr. WISE) have told us much about Judge Ward. As has been mentioned, he is an alumnist of Wake Forest University, which is not located in my district. The gentleman from North Carolina (Mr. BURR) and the gentleman from North Carolina (Mr. WATT) each represent portions of Forsyth County in which Winston-Salem is located.

But I had the privilege of appearing before Judge Ward on several occasions 2½ decades ago as an assistant United States attorney. At that time, the United States Attorney was Bill Osteen who now himself sits as a United States District Judge in the Middle District of North Carolina.

As was mentioned by either the gentleman from New Jersey (Mr. FRANKS) or the gentleman from West Virginia (Mr. WISE), Judge Ward distinguished himself prominently during the Second

World War, amassed a very impressive war record during that time.

Mr. Speaker, if I may, I would like to share a personal story which I think speaks volumes as to the man whom we honor today. This was the first appearance on the bench by Judge Ward. I do not recall the specific year, nor the month. But it was early in the morning, early in the morning by court standards, Mr. Speaker, 9:30, 10 o'clock. This was the judge's first appearance, as I say, as a jurist.

The first order of business that morning, my friends, was a naturalization ceremony whereby a German woman who had applied for citizenship was recognized that morning, and citizenship was in fact conferred upon her.

At the conclusion of the naturalization ceremony, the newly addressed American woman began to weep, and her sobs became almost uncontrollable. She was weeping heavily. Keep in mind, Judge Ward, although he was a seasoned trial attorney, he was nonetheless a rookie judge. This was his first day in court with the robe.

He looked down from the bench into the eyes of that sobbing German-born woman, and he said to her, "Madam, is there anything that we, the court, can do to assist you in your trouble?"

She regained her composure, and she said to Judge Ward, "My tears, Your Honor, are tears of joy." She said, "I am so happy to be a newly recognized American citizen, but I am weeping because my family and my friends are in Germany, and they are not here in Durham." This was in Durham, North Carolina. "They are not here in Durham to share this very special day in my life with me." Then her sobs became more softly expressed.

Judge Ward said to her, "Madam, most of the people in this courtroom today are Americans as a result of geographic consequences, where their parents happened to be residing at the time of their birth. But," he said to her, "you, madam, unlike most people in this courtroom today, are an American by choice. You have chosen to abandon your citizenship as a German woman, and you have become an American."

Mr. Speaker, I think I will never forget that exchange. Judge Ward's words were so comforting to her, she ceased her weeping, and her facial response expressed a smile. I think she even audibly laughed as a result.

I concluded then, I said, the calm, assuring manner expressed by Judge Ward that morning assuaged the discomfort that plagued and troubled this German-born woman upon whom American citizenship had just been conferred.

I concluded without saying so aloud that this man on the bench will become an outstanding jurist. My conclusion, Mr. Speaker, was prophetic. Judge Hiram Ward has indeed become an outstanding jurist. I am pleased to be the sponsor of this bill.

I again thank my friends, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from West Virginia (Mr. WISE) for their assistance, and the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full Committee on Transportation and Infrastructure.

I urge my colleagues in the House to vote favorably in passage of this proposal.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BURR), my distinguished colleague.

Mr. BURR of North Carolina. Mr. Speaker, I am indeed honored to be here and rise in support of H.R. 92. This bill was previously unanimously passed by this body in the 105th Congress but was not taken up by the United States Senate.

We have heard about the human face behind Judge Ward by the gentleman from North Carolina (Mr. COBLE). Clearly, nobody can tell it better than the gentleman from North Carolina (Mr. COBLE).

Let me tell my colleagues a little bit about Hiram Ward, though. After his plane was shot down in a World War II mission over Burma, Judge Ward was decorated with the Purple Heart and the Air Medal. Soon after returning to the United States, he dedicated himself to his education and to his career.

Following that military service, he was quickly accepted and enrolled at Wake Forest College, now Wake Forest University that just had that large comeback against Florida State this past week in basketball.

Judge Ward went on to serve 20 years as a private attorney, gaining the highest respect from his peers and colleagues for his devotion, for his honesty, and for his hard work. Judge Ward's passion and his dedication to his work is echoed still today by his peers and his colleagues in North Carolina's Federal District Courts and the Fourth Circuit Court.

His reputation ultimately earned Judge Hiram Ward an appointment to the Federal bench by President Richard Nixon in 1972. By 1982, he had become chief judge where he would stay until 1988 when he elected senior status.

Mr. Speaker, Judge Ward is a man of commitment, service, and honor. He has provided North Carolina with the kind of service and dedication that I can only hope for in our future.

It is my sincere belief that the legislation currently before this House to designate the Federal building in Winston-Salem as the "Hiram H. Ward Federal Building and United States Courthouse" is both a fitting tribute for a man who gave so much selfless service to his country and to the people of North Carolina.

I want to thank the gentleman from North Carolina (Mr. COBLE) as the sponsor for introducing this legislation. I want to encourage all of my colleagues to support this bill.

Mr. WISE. Mr. Speaker, I have no more speakers, and I yield back the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 92.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JAMES F. BATTIN FEDERAL COURTHOUSE

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 158) to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin Federal Courthouse," as amended.

The Clerk read as follows:

H.R. 158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 316 North 26th Street in Billings, Montana, shall be known and designated as the "James F. Battin United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "James F. Battin United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from West Virginia (Mr. WISE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

□ 1445

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 158, as amended, designates the United States Courthouse, located in Billings, Montana, as the James F. Battin United States Courthouse.

Judge Battin dedicated his life to public service. He was a Federal District Judge for the United States District Court of Montana, and also a former Member of Congress, having served in the House of Representatives from the 87th through the 91st Congress.

After graduating from high school, he enlisted in the U.S. Navy and ably served for 3 years in the Pacific. After returning from military service, Judge Battin attended Eastern Montana College in Billings, Montana. He relocated to Washington, D.C. and was graduated from George Washington University Law School. He was later admitted to the D.C. Bar.

Judge Battin returned to Montana in the mid 1950s and accepted county and municipal attorney posts. He was elected to the Montana State House of Representatives and served in the State House until his election to the United States House of Representatives in the 87th Congress. He went on to serve four succeeding terms.

During his tenure in Congress he served on the Committee on Committees, the Executive Committee, the Committee on the Judiciary, the Committee on Foreign Affairs, and the Committee on Ways and Means.

In 1969 President Nixon appointed Judge Battin to the United States District Court for the District of Montana. He served as Chief Judge from 1978 and took senior status in 1990. From the bench he diligently served the District of Montana, as well as additional assignments in the United States District Courts for Washington, Oregon, California, Arizona, Hawaii and Georgia.

Judge Battin passed away in 1996.

This is a fitting tribute to a distinguished jurist and dedicated public servant. I support the bill, as amended, and urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. WISE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 158, a bill to designate the courthouse in Billings, Montana as the James F. Battin United States Courthouse.

In 1969 President Nixon appointed James Battin to the Federal bench in Billings, Montana, where he continued his four decades of public service to the citizens of Montana. In 1978 James Battin was appointed Chief Judge and served in that position for 12 years. He remained active in judicial affairs until his death in September of 1996.

Prior to his judicial appointment, Judge Battin served in the House of Representatives, representing eastern Montana. In 1960 he was elected to the Montana House and served until 1969, when he resigned to receive the judicial appointment.

While in this body, the House of Representatives, Judge Battin served on the Committee on the Judiciary as well as the Committee on Foreign Affairs and the Committee on Ways and Means. It is interesting to note that Judge Battin's son continued that tradition, Jim Battin, and he currently serves in the California assembly, representing the 80th District.

It is fitting and proper to honor the extensive contributions Judge Battin has made to public service with designating the Federal building in Billings, Montana, as the James F. Battin United States Courthouse.

I support H.R. 158 and urge my colleagues to also support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield 5 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased today to present to the House H.R. 158, legislation that would designate the United States Courthouse in downtown Billings as the James F. Battin State Courthouse.

While there are a few Members in and around this Chamber who remember Jim Battin as Montana's eastern Congressional District representative, and others who remember him as a distinguished member of the Federal bench, I want to take a few minutes today to give my colleagues some reflections on the life of the man we will honor today.

James Battin earned a reputation for effectiveness and for integrity during five terms here in the Congress and for 27 years on the Federal bench. His accomplishments range from building new protections for the environment and wilderness preserves, to rulings on streamlining the Federal Judiciary proceedings. He, for example, created the precedent for the now universally accepted six-man Federal jury in Federal cases.

After high school, James Battin served in the U.S. Navy during World War II. And after the war, he began his career in public service as a city attorney in Billings, Montana.

In 1958 he was elected to the Montana State legislature, and in 1960 he successfully ran for the U.S. House of Representatives.

During his first term in the U.S. House, James Battin was chosen by his fellow freshmen legislators to sit on the House Committee of Committees. And as a member of that critical House overseer, he secured a seat for himself in his first term on the House Committee on Ways and Means. Monitoring the Federal purse strings from this vantage point, Battin solidified the respect of his colleagues, exerting great influence on behalf of his large home State.

In his second term, Battin was appointed to the House Committee on Foreign Affairs, an assignment soon followed to the House Committee on the Judiciary.

With a growing list of Congressional responsibilities and influence, he came to play an instrumental role in a host of legislation, among these the law creating the Montana Bob Marshall Wilderness Area, at that time the largest wildlife reserve in the United States.

Throughout the 1960s he would serve Montana for five terms in the U.S. House, each time winning election by a wider and larger landslide margin.

In addition to his duties in Washington, James Battin would go on to serve as one of two United States Congressional representatives to the Intergovernmental Committee on European Migration, which met in Geneva. This group helped persons forced from behind the Iron Curtain to reestablish themselves in other countries with useful occupations. And as an emissary of this Nation, he brought assistance and stewardship of our government to helping people form new businesses.

In 1968 Battin was selected to serve as President Nixon's representative to the Platform Committee at the Republican National Convention. Amid a time of change, upheaval and war abroad, he helped articulate his party's vision for the future of America.

With a congressional career moving at full pace, and his influence increasing every year, Battin welcomed new representatives and took them in stride and helped them adjust.

In 1969 Battin was asked by President Nixon to serve as a Federal District Judge in San Francisco. The new post appealed to the five-term Congressman and represented a huge stepping stone in his career. However, Battin declined because, while he aspired to be a Federal judge, he wanted to raise his family in the quiet beauty of his home State of Montana, a life unlike what he expected would occur in San Francisco.

Soon after, a Federal judgeship became available in his home State in Billings. His judicial home became the Billings Federal Courthouse, which we are redesignating today. James Battin became the first judicial appointment of the new Nixon administration. He went on to serve and excel in this post for 27 years, becoming the District of Montana's Chief Judge in 1978.

During that time, Battin issued key rulings affecting the lives of Montana citizens, among them, preserving access to the Bighorn River for all the people across the State.

A dedicated and hard working man, he remained on the bench until his passing in the autumn of 1996.

James Battin is best remembered as a dedicated husband and father whose first priority was always with his family.

While he preceded us here by more than 30 years, he stood for the enduring values that bring so many of us to Congress today, the importance of family, a better government, and the desire to serve his fellow citizens.

H.R. 158 is a tribute to a great person. His accomplishments are numerous, and his contribution to the lives of his neighbors is echoed by the wide support he enjoyed among Montana residents for decades.

Mr. Speaker, I am proud to offer this legislation as a token of Montana and the Nation's deep gratitude for a lifetime of dedicated service. I urge my colleagues' support for H.R. 158.

Mrs. BONO. Mr. Speaker, I rise in support of H.R. 158, that designates the United States Courthouse located in Billings, Montana, as the "James F. Battin Federal Courthouse."

This honor is certainly a very fitting tribute for Judge Battin. He is a remarkable example in our recent history of someone who dedicated himself to public service for the good of our country. After high school, James Battin served in the U.S. Navy during World War II. Following the war he began his career in public service as a city attorney in Billings, Montana. In 1958 he was elected to the Montana State legislature, and in 1960 successfully ran for a seat in the U.S. House of Representatives. For five terms, he served in the U.S. Congress with distinction.

Judge Battin was appointed to the Federal bench by President Nixon in 1969 to serve as a Federal District Judge for the United States District Court of Montana. He developed a reputation as a fine jurist and went on to serve as Chief Judge from 1978 until he elected to take a senior status in 1990.

An even greater monument to this fine man's life is his family. They were always his priority as a husband and parent. Yet, the humble honor that this legislation ensures is certainly a fitting tribute to a distinguished judge and dedicated public servant. I support the bill and I urge my colleagues to support it.

Mr. WISE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 158, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to designate the United States courthouse located at 316 North 26th Street in Billings, Montana, as the 'James F. Battin United States Courthouse'.".

A motion to reconsider was laid on the table.

RICHARD C. WHITE FEDERAL BUILDING

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 233) to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the "Richard C. White Federal building".

The Clerk read as follows:

H.R. 233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 700 East San Antonio Street in El Paso, Texas, shall be known and designated as the "Richard C. White Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Richard C. White Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from West Virginia (Mr. WISE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 233 designates the Federal building located in El Paso, Texas, as the Richard C. White Federal Building.

Congressman White represented the 16th District of Texas in the United States House of Representatives for nine successive terms, from 1965 to 1983. He was known for his dedication to public and community service. He served in the United States Marine Corps during World War II, receiving the military order of the Purple Heart. He also served in the Texas State House of Representatives from 1955 to 1958.

In 1983, after serving his ninth congressional term, Congressman White returned to his family in El Paso to resume his legal career and serve as a civic leader. He passed away in February 1998.

As a dedicated public servant to the people of El Paso, this is indeed a fitting tribute. I support the bill and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WISE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. REYES), who has worked so hard to get this bill to the floor.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 233 and urge this House to pass it. I am proud to have authored the legislation to name the Federal building in El Paso, Texas, after Richard C. White, who represented the people of El Paso in Congress for nine terms, from 1965 to 1983.

In his years of service to our Nation and the people of the 16th District, Congressman White showed genuine concern for his constituents and a commitment to do all that was in his power to help those whom he served. He truly led a life filled with integrity, compassion and contribution to the well-being of others, and he made a lasting impression on the lives of all who knew him.

I would like to thank the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), and the majority leader, the gentleman from Texas (Mr. ARMEY), as well as the minority leader, the gentleman from Missouri (Mr. GEPHARDT), for scheduling this bill on the floor today.

I would also like to thank the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the chairman and ranking members of the Committee on Transportation and Infrastructure, for their support of this legislation as well. Their expeditious scheduling of this bill is greatly appreciated by the people of El Paso.

Also, I want to thank the gentleman from New Jersey (Mr. FRANKS) and the gentleman from West Virginia (Mr. WISE), the chairman and ranking members of the Subcommittee on Public Buildings and Economic Development, for their support and managing of this legislation today.

I would also like to extend my gratitude to the 50 Members who cosponsored H.R. 233. Congressman White would have been proud and pleased to know of his many friends in the 106th Congress who knew him and remembered his legacy of public achievement and his leadership on behalf of our great Nation.

Early in his life Richard White showed a great concern and commitment to his community and to his country. He entered military service as a marine in World War II and saw action in the Pacific theater. While fighting in the battles of Bougainville, Guam and Iwo Jima, he was wounded in action, and his service to his country was marked with great honor and decoration, receiving the military order of the Purple Heart.

Upon returning to the States, this military veteran began advocating as an outstanding lawyer for the people of El Paso. In heeding a call for greater community service, Congressman White launched the beginning of a distinguished career as a legislator, serving first in the Texas House from 1955 to 1958.

From the beginning, he worked hard to improve the quality of life along the border, focusing on health care and environmental issues. He established a nursing home at the University of Texas at El Paso and created the Hueco Tanks State Park.

Richard White launched his Congressional career in 1965 as a representative for the 16th District of Texas. Many of my colleagues now were also his colleagues and remember his strong advocacy on behalf of his District. Congressman White exemplified the epitome of public service.

His work on the Committee on Armed Services reflected a strong commitment to national security, providing unwavering support for Fort Bliss's Army Post and in drafting the reorganization of the legislation for the Joint Chiefs of Staff. In addition, he brought the needs of El Paso and the border to the forefront in Congress as he created the Chamizal Border Highway and the Chamizal National Memorial.

He also served with distinction on several other committees, the Committee on Interior and Insular Affairs, Committee on Post Office and Civil Service, and on the Committee on Science and Technology.

Even though having attained seniority and earning the respect and admiration of his peers, he nevertheless left Congress to return to his family in El Paso. Very typical of Congressman Richard White. The proud father of seven children, he was intent on spending more time with them and seeking other alternatives to civic service.

I can say today, Mr. Speaker, that Richard White made the most of his life by touching the lives of those around him.

□ 1500

He was a dedicated representative, a loving husband, a caring father and, most of all, a friend. But, in all of this, he was a consummate professional in everything he did. He was a tremendous leader and a true gentleman who left behind a legacy for all public servants to emulate. It is only fitting that we honor and remember him by passing this legislation today.

I, therefore, look forward to the Senate's quick enactment of the bill and the President's signature of this legislation. With the passage of this bill into law, the designation of the "Richard C. White Federal Building" will serve as a perpetual reminder to our community that he served so well, with the highest values of public service and the ability of one person to improve the lives of many.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield back the balance of my time.

Mr. WISE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, from being a distinguished war veteran to a representative in Congress to a devoted family man, Mr. White clearly has left his mark. It is most fitting and proper that we support this legislation and honor the civic career of Richard C. White by designating the Federal building in El Paso as the "Richard C. White Federal Building."

Mr. Speaker, H.R. 233 is a bill to designate the federal building in El Paso, Texas as the "Richard C. White" Federal Building.

As you may know Richard White was a former colleague from Texas who represented the 16th district of Texas from 1965 until 1983. I wish to acknowledge the persistent efforts of Congressman REYES, sponsor of the bill, who currently hold this seat. Congressman REYES worked diligently with Committee members to ensure this bill came to the House floor in a timely manner.

Congressman White was a native born Texan from El Paso who attended the University of El Paso, and later received his law degree from the University of Texas in Austin.

From 1942 until 1945 he served his country with honor and distinction. As a United States Marine stationed in the Pacific he saw active duty and was awarded the Military Order of the Purple Heart.

In 1965 he was elected to the United States Congress where he served for 9 terms. While in Congress he served on the Armed Services, Interior, Post Office and Civil Service, and the Science and Technology committees where he was known as a team player, and consensus builder.

In 1983 he retired to El Paso, resumed his legal career and became active in numerous civic activities. Richard White was a devoted husband and father of 7 children. His values, character, integrity, and leadership were assets to the United States Congress.

It is most fitting and proper that we support this legislation and honor the civic career of Richard C. White by designating the federal building in El Paso as the "Richard C. White" Federal Building.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 233.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RONALD V. DELLUMS FEDERAL BUILDING

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 396) to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building."

The Clerk read as follows:

H.R. 396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 1301 Clay Street in Oakland, California, shall be known and designated as the "Ronald V. Dellums Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Ronald V. Dellums Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentleman from West Virginia (Mr. WISE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 396 designates the Federal building located in Oakland, California, as the "Ronald V. Dellums Federal Building."

Congressman Dellums was born in Oakland, California. After finishing high school, he served for 2 years in the United States Marine Corps and received an honorable discharge. He then followed educational pursuits and received his A.A. from Oakland City College in 1958, his B.A. from San Francisco State University in 1960, and his MSW from the University at Berkley in 1962.

In his public role, Congressman Dellums served on the Berkeley City Council from 1967 until 1970, when he was then elected to the United States House of Representatives to represent northern Alameda County. Congressman Dellums championed issues involving civil rights, equal rights for women, human rights, and the environment.

At the time of his resignation, Congressman Dellums was the ranking member on the House Committee on National Security. During his tenure, he also held the chairmanship of the Committee on Armed Services and the Committee on the District of Columbia. Throughout his 27-year career, Congressman Dellums served on a variety of other committees and caucuses, including the Committee on Foreign Affairs, the Committee on the Post Office and Civil Service, the Permanent Select Committee on Intelligence, and the Congressional Black Caucus. He resigned in January of 1998 to return to private life.

This is a fitting tribute to our former colleague, who, I might add, was clearly the best-dressed Member of this body. I support this bill, and I urge my colleagues to support the bill as well.

Mr. Speaker, I reserve the balance of my time.

Mr. WISE. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. MILLER), the sponsor of the legislation.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank the committee so much for bringing this legislation to the floor. We truly honor a man of great character, of great integrity and of great dignity with the naming of this building for our former colleague, Congressman Ron Dellums, a man who led not only our Bay Area delegation but led national movements on behalf of human rights and who brought the titans of apartheid to their knees and dragged a reluctant American government along the way.

He has fought for civil rights for all Americans and, more than any other Member of Congress, he helped to clearly illustrate how an overfed military budget was literally starving our children, our schools and our communities. When it came time to cut that budget, when it came time for the base closures and the various rounds of base closures, Ron worked hard as the chairman of the Committee on Armed Services to make, in fact, sure that those closures were fair, that people had a chance to be retrained and to be reemployed and so their families would not suffer from the closure of those bases and to make sure that the communities in fact were able to absorb those bases into our local economies and to redeploy those assets in the civil economy.

I just want to say that this building is more than about bricks and mortar, it is about truly a monument to an individual that, as people from our community go in and out of this building in Oakland, they will know that in fact this is named for someone who truly cared about them during his entire career in public service.

I am honored to have carried this legislation. Again, I want to thank the committee so much for taking the time and the effort to get this to the floor in such a timely fashion.

Mr. WISE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 396, a bill to honor Ron Dellums by naming the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building."

As my colleagues know, Ron represented the 9th District of California for 26 years and during that period distinguished himself in many, many ways. He fought tirelessly for vigorous examination of the state of our military establishment, including its purposes, its budget and other issues involving racial and sexual discrimination. He was a tireless fighter on this floor against apartheid and brought the Congress along with him.

Ron was a dynamic advocate for arms reduction and peaceful resolution of international conflict. His interest extended to health care, civil rights, Congressional authority and alternative budgets. He was a great friend, a mentor, always a gentleman, and a leader. His kindness and humor on this floor are greatly missed.

If I could just add, Mr. Speaker, there are several words that describe Ron. One is always "passion," passion for the causes he fought for, fought for eloquently and always fairly. The other word that comes to my mind immediately is "civility." This building should be a monument to the civility that we should have as we discuss the differences between us. Someone once said that the key is to be able to disagree without being disagreeable, and Ron Dellums represented that to the utmost.

This bill has very broad bipartisan support. I wish to thank the gentleman from California (Mr. MILLER) for his diligent efforts on behalf of the bill and join him and many others in supporting this bill and urge passage of H.R. 396.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. WISE. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding; and I particularly thank the chairman and the ranking member for their attention to this bill.

I strongly support H.R. 396. I support this bill which names a Federal facility for a man who loved his country, even when he was one of its greatest critics.

Ron Dellums had range in this body, from his deep leadership on international affairs to his involvement in the most local of issues, the District of Columbia. He was ranking member of the Committee on National Security, and he chaired the D.C. Committee.

When I say, "range," I mean range. On the great issues of the day, eliminating poverty, protecting civil rights, making sure that all Americans had civil liberties, Ron Dellums' name is indelibly left with this body.

Ron may be remembered perhaps most of all for South Africa's sanctions. He fought for sanctions against South Africa when it was all but a lost cause, until finally they developed a national and an international consensus that in fact led to the elimination, the beginning of the end, of South African apartheid.

Mr. Speaker, I say without fear of contradiction that there was no more popular man in this body even when his views, as they often were, were unpopular in this body. Here is a man who could take his unpopular views, walk over to the other side of the aisle, ask for time to speak to give his unpopular view and get it from the other side. That is a man who enjoys respect and admiration.

I cannot close without saying what Ron Dellums did for the District of Columbia in particular. He was a longtime chair of the Committee on the District of Columbia. It was a different time, very different. There was plenty of money. And, thus, the kinds of scrutiny that has become necessary in the hard times in the 1990s were not what the D.C. Committee was all about. Then it was all about protecting home rule and moving the District forward to stand on its own feet. He held the District's feet to the fire, while insisting that the District stand on its own feet.

He will be remembered particularly fondly among the residents of this city. In this body, he will be remembered as one of its great orators, as he would have it I suppose, given his work on the Committee on Armed Services, as an officer and a gentleman.

Mr. WISE. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. LEE) who has had the privilege of succeeding Ron Dellums in office.

Ms. LEE. Mr. Speaker, I thank the gentleman from West Virginia for yielding this time.

Mr. Speaker, I rise to proudly support H.R. 396, a bill to designate the Federal building in Oakland, California, as the "Ronald V. Dellums Federal Building."

I want to also thank my distinguished colleague, the gentleman from California (Mr. MILLER), for reintroducing this bill which passed the House last session.

The building for which we seek support was completed in 1993. Congressman Dellums worked closely with many of my colleagues to get this building authorized and appropriated. He sought our support because he strongly believed that this building would provide an anchor in the revitalized city center in Oakland, California; and, of course, he was right.

His work to gain support for this building and his faith in the development potential of downtown Oakland have been amply rewarded. In the 6 years since the occupation of this building, the surrounding blocks have flowered with new plazas, new businesses and new buildings.

Congressman Dellums, in his usual humble manner, would undoubtedly be embarrassed by these words today and by our efforts to name this building after him. However, I strongly believe and I hope my colleagues will all join me in recognizing the work that my distinguished colleague accomplished during his years of service in the House of Representatives representing what started out as the 7th Congressional District and evolved into the present 9th Congressional District.

He is a native son of Oakland, California. Ron was born on November 24, 1935, actually in our county hospital, in Highland Hospital. His family has proud roots in the union movement of the 1940s. He attended and graduated from public schools in the district and went on to earn an Associate of Arts degree from Oakland City College in 1958, a B.A. from San Francisco State University in 1960, and a Master's in social welfare from the University of California, Berkeley, in 1962.

My colleagues can see from the family tree that a mighty seed was sown. Congressman Dellums' roots were planted firmly in his interest in social justice for all of society. The high esteem in which he was held by constituents, friends, family and colleagues never wavered over the years.

Ron Dellums was first elected to the Berkeley City Council on which he served from 1967 to 1970. He was elected on a platform of civil rights, civil liberties and economic and social justice.

His service to the council was so spectacular that he was drafted to run as a civil rights and anti-war candidate, a peace candidate, for a seat that was held by a pro-Vietnam war incumbent in the House.

Ron served 2 years in the Marine Corps, leaving with an honorable discharge to continue his academic education. His training and service in the Marine Corps stood him in good stead as he sought an appointment and then served as a member of the Committee on Armed Services.

Ron's constituents were civil rights and anti-war activists, and one of the first commitments he made was to find a peaceful resolution to the war in Southeast Asia. He became one of the strongest voices and advocates for arms reduction and developing alternatives to military excursions and war. He served for 25 years on the Committee on Armed Services, now known as the Committee on National Security, and became the chair of that committee in 1992.

So it is not an exaggeration to say that many in his district love him for his work and for the humanity and the humility with which he conducted himself. His record is one to which we all can aspire.

The Federal building in Oakland, California, stands tall with dignity and it commands respect. It is very fitting that it be named the "Ronald V. Dellums Federal Building."

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 396, a bill to name a federal building in Oakland, CA, in honor of the former Chairman of the House National Security Committee, Ronald V. Dellums.

After a distinguished tour in the United States Marine Corps, Chairman Dellums began dedicating his life to public service and to helping others. Congressman Dellums was first elected to public office as a member of the Berkeley City Council.

Congressman Ronald Dellums was first elected to the 92nd Congress on November 3, 1970 and re-elected to each succeeding Congress until his retirement during the 105th Congress. Marine, Council Member, Congressman, Chairman, leader and father—these are just a few of the many titles utilized to describe Representative Dellums.

As Chairman, Congressman Dellums was a passionate and reasonable advocate of lower military spending. He used the power and discretion of the gavel to foster a wide and robust debate on issues about national security, military spending and acquisitions.

I can not think of a higher compliment to give a lawmaker than to say that he stood upon his convictions in the face of opposition with honor and dignity. Although, Congressman Dellums was a democrat, he was a nonpartisan coalition builder that diligently worked to make America stronger and more inclusive for everyone.

I urge every member of Congress to join me in expressing our appreciation for Ron's dedicated years of service to this House and our country. Let us pass H.R. 396. It has the support of the Transportation and Infrastructure Committee and the citizens of California.

Congressman Dellums fought for this building to be authorized and appropriated because he had the economic projections and the faith that the construction of the building would provide one of the major financial anchors in a city center that had every potential of abandonment.

It is only appropriate that this building be named in his honor.

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 396 which names the federal building in Oakland, CA, after Ron Dellums, our distinguished former colleague and dear friend.

Mr. Speaker, by designating the Ronald V. Dellums Federal Building we honor a colleague who provided the nation and his constituents with an outstanding record of public service.

All of us in this Chamber know of the leadership Ron Dellums provided on the Armed Services Committee. He defined national security to include not only a strong defense, but a nation with a strong economy and a system of justice that lifts up all its citizens.

It is most appropriate that we honor Ron by naming the federal building in Oakland after him because Ron Dellums never forgot where he came from and the people he represented. Ron took their issues of economic justice and civil rights and not only made them his priorities but our nation's as well.

Ron stood before us in this chamber and in his splendid speeches reminded us of the need to recognize the human consequences of the legislation we were about to vote on. Ron Dellums always spoke about our responsibility to be compassionate and remember how our actions affect the individual citizen.

Mr. Speaker, by naming the federal building in Oakland after Ron Dellums we tell the citizens of Oakland that their government not only honors Ron Dellums but seeks to emulate him by providing the type of service that Ron gave to his constituents for so many years.

Mr. STARK. Mr. Speaker, I rise today in support of HR 396 to designate the Ronald V. Dellums Federal Building in Oakland, CA.

Ron Dellums spent his 27 years in Congress as an advocate for special justice. Throughout most of his career in Congress, I had the privilege to serve with Ron Dellums as he fought to bring home our troops in Vietnam, championed civil rights, and worked to end apartheid in South Africa. As a member and then Chairman of the Armed Services Committee, he argued powerfully and persuasively for cuts in wasteful defense spending.

The Ronald V. Dellums Federal Building will be a lasting tribute to my East Bay neighbor and friend for the legacy he leaves our Nation.

□ 1515

Mr. WISE. Mr. Speaker, I enthusiastically urge support of this bill, and I yield back the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and pass the bill, H.R. 396.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 158, as amended; H.R. 92; H.R. 233; and H.R. 396.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 171, by the yeas and nays;

H.R. 193, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

COASTAL HERITAGE TRAIL ROUTE, NEW JERSEY, AUTHORIZATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 171.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 171, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 394, nays 21, not voting 18, as follows:

[Roll No. 22]

YEAS—394

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr

Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—21

Barr
Burton
Chabot
Chenoweth
Coble
Coburn
Everett
Hostettler
Jones (NC)
Paul
Petri
Pombo
Radanovich
Rohrabacher
Royce
Sanford
Sensenbrenner
Stearns
Stump
Taylor (NC)
Tiahrt

NOT VOTING—18

Bass
Blunt
Capps
Davis (IL)
Doggett
Duncan
Gillmor
Gutierrez
Hilleary
Hulshof
John
Lipinski
McCarthy (MO)
McGovern
Millender-McDonald
Rangel
Rush
Taylor (MS)

☐ 1545

Messrs. EVERETT, PETRI, STEARNS, ROYCE, ROHRABACHER, COBLE, JONES of North Carolina and RADANOVICH changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVER ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 193.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 193, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 22, not voting 16, as follows:

[Roll No. 23]

YEAS—395

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle

Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—22

Burton
Cannon
Chenoweth
Coble
Coburn
DeLay
Doolittle
Everett
Gibbons
Hostettler
Jones (NC)
Paul
Petri
Pombo
Rohrabacher
Royce
Sanford
Sensenbrenner
Stearns
Stump
Taylor (NC)
Tiahrt

NOT VOTING—16

Blunt
Capps
Davis (IL)
Doggett
Duncan
Gutierrez
Hilleary
Hulshof
John
Lipinski
McCarthy (MO)
McGovern
Millender-McDonald
Rangel
Rush
Taylor (MS)

1558

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HULSHOF. Mr. Speaker, pursuant to rules change for the 106th Congress, I am informing you that I missed two votes today, Role Number 22 and 23, taken on H.R. 171 and H.R. 193. These votes were missed due to a canceled airline flight caused by a snowstorm in the Midwest. On these votes, I would have voted "aye."

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall votes 22 and 23 on February 23, 1999, I was unavoidably detained. Had I been present, I would have voted as follows: on rollcall vote 22, "yea" and on rollcall vote 23 "yea."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

RANKING OF MEMBERS ON COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. SESSIONS. Mr. Speaker, I offer a resolution (H. Res. 73) and ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 73

Resolved, That Mr. PORTMAN shall rank immediately following Mr. CAMP on the Committee on Standards of Official Conduct.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 409, FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 1999

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–26) on the resolution (H. Res. 75) providing for consideration of the bill (H.R. 409) to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 438, WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1999

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–27) on the resolution (H. Res. 76) providing for consideration of the bill (H.R. 438) to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 514, WIRELESS PRIVACY ENHANCEMENT ACT OF 1999

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–28) on the resolution (H. Res. 77) providing for consideration of the bill (H.R. 514) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HOUSE SHOULD CONSIDER DISTRICT OF COLUMBIA APPROPRIATIONS FIRST, RATHER THAN LAST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor this afternoon to speak about the District of Columbia. But I think it only appropriate to report what I have just heard, and that is that in the capital murder trial of John William King, the first of three men accused in the dragging death murder of James Byrd, Jr., the jury has just reported a guilty verdict in Jasper, Texas. Justice has been done, and southern justice this time has been done.

Mr. Speaker, we are back to work in earnest. The Speaker has developed a workmanlike schedule. I come to the floor this afternoon to ask that the easiest bill in the House, the bill having least to do with the business of this House, be the first appropriation bill reported in this House. I speak of the D.C. appropriation bill.

It is amazing that most often it is the last and not the first bill. When I brought the new Mayor to see the Speaker, he agreed that we should hasten this bill. During the fiscal crisis, it has been especially painful to have the District appropriation bill so late. The District has been on time, but the bill has been needlessly controversial.

Delay hurts in the worst way because it affects the credit standing of a city that is only now getting its credit back. And it is getting its credit back. It has had three straight years of surpluses. However, it is the unpredictability of the appropriation process here that hurts the credit rating.

There is no Federal payment any longer, so it is quite amazing that the budget of a local jurisdiction would have to come here at all. Suppose my colleagues' cities, their counties' budgets came here. They would tell us to get out of town. It is an historic anomaly; it is an injustice.

It has to come. At least let no more injustice be done by holding it up. We collect $5 billion from D.C. taxpayers in the District of Columbia. All the District asks of this body is: "Give us back our money as soon as you get it."

We will have before us a consensus budget. It will be a very balanced budget. The consensus budget notion came out of an amendment that I put into the Control Board statute that allows the District now, instead of having its budget go through the normal separation of powers, to have everybody sit around a table and agree on a budget so as to hasten the time. Therefore, to hasten the time to draw their own budget, the least the Congress can do is to enact their own budget as soon as possible.

After 3 years of surpluses, a new Mayor who earned his stripes as chief financial officer and helped get the city back on its financial feet, the city, I think, has a right to ask of the Congress that we do our job. If we must look at a local budget, look at it fast, say what we have to say, do what we have to do, and let us then get on with the business of the District of Columbia.

Mr. Speaker, I believe that this House does have confidence in the Mayor and in the District itself. Last week or the week before last, we passed in this House the first half of my D.C. Democracy 2000 bill which gives back to the new Mayor, Tony Williams, powers that were taken from a previous Mayor in 1997.

There has already been real confidence in this Mayor. The best way to encourage the Mayor and to encourage the city is to give it back its money first.

The first bill to come here should be the District bill. It is a way of saying to the District that they have reached a consensus budget, they have balanced their budget. In light of that, we have given them the respect to which they are entitled. It is a way of saying, "Here is your money back. Here is your budget back. Please run your own city."

REPORT ON WESTERN HEMISPHERE DRUG ALLIANCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

I am pleased to provide the attached report on a Western Hemisphere Drug Alliance in accordance with the provisions of section 2807 of the "Foreign Affairs Reform and Restructuring Act of 1998." This report underscores the Administration's commitment to enhancing multilateral counternarcotics cooperation in the region.

Strengthening international narcotics control is one of my Administration's top foreign policy priorities. Because of the transnational nature of the Western Hemisphere drug trafficking threat, we have made enhanced multilateral cooperation a central feature of our regional drug control strategy. Our counternarcotics diplomacy, foreign assistance, and operations have focussed increasingly on making this objective a reality.

We are succeeding. Thanks to U.S. leadership in the Summit of the Americas, the Organization of American States, and other regional fora, the countries of the Western Hemisphere are taking the drug threat more seriously and responding more aggressively. South American cocaine organizations that were once regarded as among the largest and most violent crime syndicates in the world have been dismantled, and the level of coca cultivation is now plummeting as fast as it was once sky-rocketing. We are also currently working through the Organization of American States to create a counternarcotics multilateral evaluation mechanism in the hemisphere. These examples reflect fundamental narcotics control progress that was nearly unimaginable a few years ago.

While much remains to be done, I am confident that the Administration and the Congress, working together, can bolster cooperation in the hemisphere, accelerate this progress, and significantly diminish the drug threat to the American people. I look forward to your continued support and cooperation in this critical area.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 23, 1999.*

DRUG ABUSE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, it is ironic. Sometimes here we look more organized than we are. I was going to speak on the drug issue. I did not know the President was going to be sending over right before me his initiatives and comments.

This is a particularly critical time in Congress as we look at decertification questions and the cooperation of foreign countries in the drug issue. We are going to face many issues in this Congress that are very important, the education issue; rebuilding our national defenses, particularly in missile defense; trying to preserve and save Social Security; trying to make sure taxpayers can keep their own money; trying to work with the health care problems we have in this Nation. But drug abuse remains on the street, in our homes and in our neighborhoods, one of the most critical problems we have.

We have heard much over the last months about the moral crisis that our country is facing. And we do, indeed, have a tremendous moral crisis from top to bottom of our society. There is only so much we can do here in Washington related to that. One, we should lead by example. Two, we should try to strengthen those institutions, whether it is in the Tax Code or in different programs, that strengthen families and promote strong family values and moral virtues in our society.

But in one area, in drugs in particular, the government has a direct compelling and active interest. And it is a manifestation of the breakdowns we have in our society that we see rising drug abuse among junior high kids and in high schools in particular, that we see deaths in the district of the gentleman from Texas (Mr. SESSIONS) and throughout Dallas and in the district of the gentleman from Florida (Mr. MICA) in Orlando and in the district of the gentleman from Florida (Mr. MCCOLLUM), where heroin deaths have overtaken the communities to the point of having 25 deaths or more in each of those communities from heroin in a short period of time.

Mr. Speaker, we see crack on the streets of Ft. Wayne, Indiana, and small towns in Indiana and throughout our country. We see people sniffing coke, LSD, methamphetamines. We are getting overrun in this country with that.

We need and will continue to work with a multitude of strategies to address this issue. We need drug prevention interdiction, drug prevention and eradication, drug prevention and treatment, drug prevention and programs in our schools, and drug prevention on our streets to help our police force. All of that is really preventing the drugs from getting there.

The gentleman from Florida (Chairman MICA), of the Subcommittee on Drug Policy of the Committee on Government Reform, led a CODEL, a Congressional delegation, of which I was a part, to the Andean nations of Colombia, Peru and Bolivia where most cocaine and much of our heroin is coming from, as well as Central America where we spent 3 days, among other places, with the leaders in Mexico.

We clearly have some major problems, but what we know is this: That in 1992 to 1994, when we backed up in interdiction efforts, and really into 1995, when we backed up in our interdiction and eradication efforts, this country was flooded with low-price cocaine, new sources for heroin, and methamphetamines in quantities that drove the price down in the streets of Ft. Wayne, Indiana, northeast Indiana, and throughout this country.

We saw the purity go up, and the marijuana that is coming in is nothing like the marijuana in the late 1960s and 1970s that was glamorized in a lot of

1960s type shows. This is potent stuff on our streets that our kids are getting. Because when they have the huge quantities of it and it is cheap in the schools and the streets, there is no amount of DARE programs or treatment programs or putting policemen on the street that can stop this.

Mr. Speaker, we know where it comes from. Some of these countries have been very aggressive for a number of years in eradicating the coca leaves and particularly the production in the cocaine. In Peru and Bolivia, we have seen a turnaround. We have seen their percentages drop.

In Colombia they are at war, and we need to help the Nation of Colombia fight this so that we do not have troops down there. We also have our number one oil supplier on their border, Venezuela, and the Panama Canal on the other border.

□ 1615

That is where we have a compelling national interest. But we have some real problems in Mexico. The Mexican leaders, their government seem very committed to trying to change this problem. But we have deep problems.

Everybody says we should forget the past, but it is difficult to forget the past right now when our information has been compromised and when we have had so much corruption.

We are hopeful, and one of the debates we are going to hear in Congress is how we should deal with this decertification question, because it gets inevitably wrapped up in NAFTA, trade questions, and the fact that an important and critical part of our long-term interests will be to work with Mexico.

But the question is, are we going to have any accountability standards? Since most of the drugs coming into my hometown and the rest of this country are pouring across the border from Mexico right now, we need to see results and not just rhetoric.

Over the next few days and weeks, we are going to hear a number of Members coming down here talking about this issue and about the drug issue as a whole as we develop packages, as we try to work with the administration and drug czar, General McCaffrey, to try to solve this problem. I am looking forward to seeing if we continue to make progress.

EVEN THOUGH ECONOMY IS GOOD, WORKERS IN OIL PATCH ARE STILL LOSING JOBS

The SPEAKER pro tempore (Mr. HAYES). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, before I start, I would first like to associate a few words with the legislation, H.R. 396, which passed today that would honor our former colleague Ron Dellums by naming a Federal building after him in Oakland, California.

Let me indicate my great appreciation and respect for the dedication and service of Ron Dellums. I can think of no better tribute to him than the naming of a building in his beloved Oakland after him. I salute the legislation and support it.

Mr. Speaker, I have another topic that I would like to raise today, and I believe that there is much that we need to do on this issue. Although we look now at a budget surplus and are probably in the best economy that we have had along with its longevity of a number of years, we still have concerns.

What does the number 50,000 make you think of? For myself, it signifies the number of jobs lost in Texas because of the harsh realities of our modern economy and the energy crisis. But there has to be hope for those workers in the oil patch.

That is why I convened with top administration and congressional officials at the White House last month a meeting to discuss how we could better address the needs of energy workers who lose their jobs in mass layoffs.

When the Secretary of Labor Alexis Herman and White House Chief of Staff John Podesta expressed their concern about their circumstances, I felt that we could work together to improve the question of job loss in communities throughout this Nation, Boeing, for example, and the State of Washington.

With that cooperation in mind, we have already been able to get part of the work done. In the State of the Union Address, President Clinton stressed that he would promote programs that would bring relief to communities that are struggling with mass layoffs.

The real question is, do we have the information down at the local level? This would include job retraining and rapid response teams that help workers and employers in times of crisis. I have found that we really need to get this information not only to the employers but to the workers.

The President followed up on that commitment by pledging $1.6 billion for training for displaced workers and $65 million to help those workers find new jobs in the budget for the next fiscal year.

It is unique in the oil patch because we would like not to lose these workers while they have been laid off because we do believe in the supporting of a domestic oil policy.

I also plan to introduce a piece of legislation called the Job Protection Initiative Act in the coming weeks that will bring much needed structured assistance to the energy industry which has been hit by spontaneous negative market activity.

My initiative will trigger faster governmental response to mass layoffs and will encourage employers to use Federal and State resources that are available to them already by requiring that the Secretary of Labor establish an office to monitor job layoffs across the United States, authorizing $500 million to be used to help private companies establish lifelong learning programs for their employees, and give the Secretary of Labor the authority to officially recognize those businesses that cooperate with the government to minimize the damage that their layoffs cause.

Although the support of many of our Members of Congress will be needed in order to pass this initiative, I expect that all Members will be able to relate to times when industries that reside in their districts struggled in similar crises and support these efforts.

As one of the representatives of those who work in the energy arena, the oil and gas arena, I realized that it is difficult to be a victim of a certain industry's downfall in these good times. Someone needs to listen, and so we must listen to those voices of individuals who support their family who are now being laid off because of the down trend in the energy industry and of course the low cost of oil per barrel.

This helps the consumer, and we want to continue to help the consumer, but we also need to help our workers. I hope that my colleagues in Congress will see the benefit of also paying attention to those individuals who suffer layoffs even in this good economy.

I would expect my legislation to be offered in the next couple of weeks. Mr. Speaker, I ask for your support and all of my colleagues so that we can respond to the working men and women of America who keep the engine of this economy going when they most need us in their time of need.

RENEW COMMITMENT TO BRING FREEDOM AND DEMOCRACY TO ENSLAVED PEOPLE IN CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, tomorrow we commemorate 3 years since the Castro dictatorship indiscriminately killed four young men, three of them American citizens, when two Cuban MIGs shot down their aircraft over international waters while they were on a humanitarian mission.

Three years after the cold blooded murder of Pablo Morales, Carlos Costa, Armando Alejandre, and Mario de la Pena, the Castro dictatorship continues its brutal reign of terror over the Cuban people, and in fact it has intensified this attack.

Just last week, the rubber stamp Cuban National Assembly approved a new law that punishes with 15 years in prison or more anyone on the island who promotes information that the totalitarian regime considers to be counter-revolutionary.

This measure outlaws "the supply, search or gathering of information" and bans "the collaboration directly or through third parties, with radio and television stations, newspapers, magazines, and other mass media" that do not follow the lines of the Castro regime.

The new law is aimed at silencing the increasing number of dissidents, of independent journalists, and of human rights activists who are fighting day in and day out for freedom and democracy in my native homeland of Cuba.

These activists are a main source of information to the international community on the human rights violations that occur in Cuba. They literally put their lives on the line to let the world know of the repression imposed on the Cuban people. Because of their effectiveness, the regime has initiated an allout crackdown against them.

According to the International Press Institute, "Cuban authorities routinely threaten, arrest and jail journalists, often attempting to persuade them to leave the country."

One persecuted independent journalist, Juan Tellez Rodriguez, recently said of the Castro regime that "The government in Havana continues to close itself off to the world, it is deaf to the cries of the international community and it insists on its closed, oppressive political system." He continues saying "It does not even open to its own people, who suffer and die slowly."

Castro himself has made it clear that he has no intention of implementing any type of democratic reform in Cuba.

Earlier this year, the Cuban tyrant reiterated his commitment to socialism or death and claimed "I still speak the same, dress the same and think the same." Oh, yes, we know this.

The last few weeks have been particularly busy for Castro and his thugs. For example, on January 5, pro human rights activist, Ernesto Colas Garcia, was detained, threatened, and beaten by Castro's thugs when returning home from a human rights organization meeting.

On January 14, five dissidents, among them, Rolando Munoz Yyobre and Ofelia Nardo, were detained while on their way to attend a peaceful march in honor of Martin Luther King, Jr.

On January 20, Cuban independent journalist, Jesus Diaz Hernandez, was sentenced to 4 years in jail for dangerous social behavior for his reporting of human rights abuses. Sadly, under the new law imposed by the dictator, the next independent journalist like Jesus Diaz Hernandez will not be sentenced to 4 years but rather at least 15 years in prison.

Just this morning, The Miami Herald reports that Dr. Oscar Eliaz Biscet, of the Lawton Foundation for Human Rights, a leading dissident group on the island, was arrested after participating in an event to commemorate the third anniversary of the regime's massacre of the Brothers to the Rescue pilots. Dr. Biscet had been previously detained and arrested for pro-democracy activities.

Mr. Speaker, the Clinton administration should wake up and take notice before it continues weakening U.S. policy toward Castro, because the dictator has no intention of loosening up his grip on power. Flirting with the dictator through easing of sanctions will not work. And certainly no baseball game or rock musical concert will bring freedom to Cuba either.

The United States should not reward Castro for his repression. Doing so would be unconscionable.

Let us remember the four brave young men who were killed by Castro's thugs just 3 years ago, Pablo Morales, Carlos Costa, Armando Alejandre, and Mario de la Pena. In their names and in the names of so many others who are victims of Castro oppression, let us renew our commitment to help bring freedom and democracy to the enslaved people of Cuba.

HMO REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. BAIRD) is recognized for 60 minutes as the designee of the minority leader.

Mr. BAIRD. Mr. Speaker, I rise today along with many Members of my fellow freshman Democrats to address an issue that is central for the citizens of our country and to our State.

As many of us have just finished long campaigns, we are firsthand in touch with the needs of the people of this country, and one of those crying needs is clearly the need for HMO reform.

We are here today to talk about that issue and to talk about what we can do to solve this critical problem. The distinguished colleagues who have joined me today will talk about their perspective from firsthand experience with their constituents with people needing health care who have been prevented from getting the health care they need unfortunately by the current status quo. I would like to thank my colleagues in advance for their remarks.

Several years ago, the health care industry launched a massive advertising campaign. There was a couple named Harry and Louise who threatened us that the sky was going to fall if the President's health care plan passed. Without commenting on the merits of that particular plan, I can comment on what Harry and Louise said.

Harry and Louise said that, if we followed the President's plan, disaster would strike in the following way: people would lose their right to choose their own health care provider, they would have to wait for needed health care, that bureaucrats would make their health care decisions for them instead of their doctors.

I am sorry to say that Harry and Louise were exactly right about what would happen, but the cause was the people who sponsored the Harry and Louise ads to begin with.

The health insurance industry led consumers to believe they would have fewer choices of providers, that the type of care they receive would be decided by government bureaucrats and not their doctors.

But it is the health insurance industry that profits while people are sick that has been responsible for limiting one's choice of doctors, that has been responsible for impeding the care health care providers would wish to provide that has caused long waits and unfortunately has deprived American people of the health care they deserve and have come to expect.

But I am pleased to say that we now have an opportunity to correct many of those wrongs. With House bill 358, the Patients' Bill of Rights, this measure promotes common sense reforms, reforms that each and every consumer can understand and appreciate.

Under this bill, the Patients' Bill of Rights, patients will be allowed to make medical decisions with their doctors without the interference from insurance company bureaucracies and accountants. Let me say again because it has to be underscored, patients and their doctors will make health care decisions under this bill, not insurance company executives and their accountants.

As I travel through my district of southwest Washington, let me tell you that this is one of the things I hear most often.

□ 1630

The other thing I hear is that people want to choose their provider. They want to decide which physician they will be able to see or which nurse practitioner or clinical psychologist. The patient should have that right, and under this bill, H.R. 358, the patient will have that right.

This measure also guarantees the patient the right to emergency treatment. The last challenge a patient should face, if they are facing an emergency medical decision, should be worrying about whether their insurance company will approve the procedure. And yet we have countless stories of precisely that happening.

In rural areas this is particularly important, where patients may not be able to travel long distances to meet with the approved provider and they want to see the provider they have come to know and trust with their family over the years.

So, Mr. Speaker, I urge this body, when the bill comes before us, to pass this important Patients' Bill of Rights. It is common sense, it is the right thing to do, and it is in the best tradition of American values of choice and respect for autonomy.

With those initial comments, Mr. Speaker, I would like to yield to my good friend, the gentlewoman from Wisconsin (Ms. TAMMY BALDWIN).

Ms. BALDWIN. Mr. Speaker, families in Wisconsin are anxious about the state of health care in this country. They are increasingly concerned that medical decisions are being made by accountants, managers and other insurance company employees instead of doctors and patients. Too often profit takes priority over patient need. Patients are losing faith that they can count on their health insurance plans to provide the care that they were promised when they enrolled and faithfully paid their premiums.

I have heard from many of my constituents in Wisconsin on this issue. They do not want to see doctors spending hours filling out regulatory or administrative paperwork. They want them seeing patients. They do not want to pay for a layer of bureaucracy whose sole purpose it is to deny or reject payment for care already provided. They want their dollars paying for providing health care.

We do not want decisions on how to treat a sick child to be based on profit. We want them based on sound medicine. I do not want the issue of whether my 92 year-old grandmother gets needed physical therapy at her nursing home to be based on profit. I want it based on sound medicine. We do not want the decision of which hospital accepts an emergency patient to be based on that patient's wealth. We want it based on sound medicine. We want doctors and nurses and other health professionals making those decisions based on their training and their commitment to saving lives, healing wounds, and treating illnesses.

It is time for Congress and the health care industry to get their priorities straight. The Patients' Bill of Rights can head us in the right direction. For the millions of Americans who rely on health insurance to protect them and their loved ones when serious illness strikes, the Patients' Bill of Rights could be a matter of life and death. The Patients' Bill of Rights is a guarantee that medical decisions will be made by doctors and patients, not managed care accountants.

All too often people who pay their premiums for years are denied care when they become seriously ill. Health plans should not be allowed to place arbitrary limits on covered services.

We have all heard painful stories from our constituents who were denied care or services by managed care providers. I was deeply disturbed when I heard the account of one Wisconsin man in a hospital recovering from a serious operation. He received a telephone call in his hospital room from a representative of his HMO telling him that if he stayed in the hospital past midnight the insurance would not cover it. This gentleman had just gotten out of intensive care, and it was all he could do to reach for the telephone to take the call.

How frightening an experience like that must be. This man filed a complaint with the State insurance regulator, accusing his HMO of playing doctor, but little was done. It is no wonder so many people feel anxious about their health care these days.

Having a recourse when something goes wrong is vital. Unfortunately, ERISA preempts individuals in employer-sponsored plans from holding health plans legally accountable for decisions to limit care that ultimately cause harm. Health plans should not be allowed to escape responsibility for their actions when their decisions kill or injure patients. In our new managed care environment we have to do a better job of focusing on patients and not the bottom line.

Six years ago we all in this country hoped for reform that would guarantee every American the health care they needed. That vision was never realized. In this time of economic prosperity, in this time of rapidly changing medicine, in this time of political opportunity it is time that we renew our commitment to health security for all. Many are still afraid to take on that task.

The Patients' Bill of Rights is an important first step in protecting people who already have health insurance. No one should fear that their insurance company will abandon them when they need it the most. This reform is an important step in renewing our commitment to health care security for everyone.

I urge my colleagues to support the Patients' Bill of Rights and I urge the leadership of this House to place a priority on real managed care reform that puts patients and doctors ahead of insurance company bureaucrats.

Mr. BAIRD. Mr. Speaker, I thank my colleague for those very poignant and accurate comments. I think she summarized remarkably well the situations we face today and the needed remedies.

Next I would like to yield to my good friend and colleague, the gentleman from the State of Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman for yielding to me. I rise today to address an issue of critical importance to the people of this country and the 13th District of Pennsylvania.

Mr. Speaker, it is time to change the way HMOs do business in this country. Health care quality is suffering because HMOs continue to seek to drive the cost of health care lower and lower. They have succeeded in cutting the cost of health care, but the pendulum has swung too far and we have to take action to protect the health of the American people.

When I go home to my district I hear the growing chorus of complaints. It is increasingly difficult for patients to get to see necessary specialists. Patients are being forced to leave hospitals only hours after having complex procedures performed. Prescription drug policies seem to change like the weather. Plan provider networks are small, spotty and too restrictive. Little or no coverage is offered for clinical trials and experimental benefits.

Last week in my district the League of Women Voters held a town meeting to discuss Medicare, but it turned into a session complaining about HMOs. The local newspaper, The Intelligencer-Record, covered the meeting the next day with a headline that says "Crowd Tells of Health Care Horror Stories". At the meeting Dr. Peter Lantos, of Erdenheim, Pennsylvania, described how he needed prostate surgery. His HMO was unwilling to provide any list of surgeons, making it very difficult for him to make an intelligent choice. He was also told he had to go to a specific hospital, not the one he preferred.

Now, Dr. Lantos fought the system. He fought it and he won. But he should not have had to fight, and he certainly lost critical time. And Dr. Lantos is a professional; a physician. He knows how to fight the system. What about average Americans? What kinds of protection do they have?

Something surely must be done, Mr. Speaker, for the children who are denied access to pediatric specialists; for the women who want to designate an obstetrician or gynecologist as their primary care provider; for all those suffering from cancer or serious heart disease who want to designate their oncologist or their cardiologist as their primary care provider; for all of those people and others who have been victims, not beneficiaries, of a managed care system that has lost its way. We must find an answer.

Yes, we must continue to control costs, but we must achieve four critical reforms.

First, we have to make sure that medical decisions are made by medical professionals, not by insurance company bureaucrats and accountants.

Secondly, we have to lift the gag rule that is placed on doctors by many insurance plans that prohibit those doctors from describing the full treatment options that their patients have.

Thirdly, we have to make sure that patients have the fullest possible choice of plans and providers.

And, lastly, we have to make sure that HMOs are held accountable. And, as a last resort, that means giving patients the right to sue their HMOs if an arbitrary coverage denial leads to a bad medical consequence.

Those are the steps we have to take. We have to make sure that we provide for good medical care for Americans, and the answer certainly is passage of the Patients' Bill of Rights. It is a bipartisan bill. It has broad appeal. We must answer the call of the American people and pass this legislation.

Mr. Speaker, I am providing for insertion into the RECORD the article I referred to earlier from the Doylestown Intelligencer-Record.

CROWD TELLS OF HEALTH CARE HORROR STORIES

(By Stephen Brady)

It's frightening to think that a doctor in this day and age would have to see 20 patients an hour to make ends meet. And how could this kind of schedule reasonably be called "care"?

Dr. Peter Lantos of Erdenheim told this story about a doctor friend. Lantos spoke during a public dialogue on the future of Medicare, held last week at Jenkintown Borough Hall and sponsored by the League of Women Voters of Abington-Cheltenham-Jenkintown.

It was just this sort of horror story that motivated Rochelle Sonnenfeld of Rydal, the league's chairwoman, to organize the meeting.

"This is a nationwide project. We want to inform the public about Medicare. We want to get legislation passed that is worthwhile. This is a very important issue to millions of people," Sonnenfeld said.

While Medicare was the announced subject, many in the audience vented about health insurance, especially managed-care providers, or health maintenance organizations.

Lantos told his own personal horror story. "I needed prostate surgery. The surgeon that was recommended by my HMO had a poor reputation, and they still wanted me to use him. I found out they don't give out lists of good surgeons. I had to go through several layers of management."

Dr. Todd Sagin, a family medicine and health-care policy specialist, was the guest speaker at the dialogue. He described Medicare, its history and development and explained why there is a crisis and what solutions may lie ahead.

"The Medicare program hasn't changed in close to 35 years. By today's standards, it's an inadequate packet," Sagin said, adding "Medicare is financed by employee payroll taxes, and it's going bankrupt."

Sagin explained why hospital bills may seem inordinately high and outlined the bills' hidden costs.

"Medicare only pays a certain percentage of the costs of a hospital stay. You have the high charges on hospital bills because the doctor is getting a percentage, and the hospital has to pay its own bills. They have to charge more so all their costs are covered."

In the matter of managed care, he tried to make sense of the maze of contradictions that exist in the field.

"The crux of the matter is who decides what is medically necessary. Medical necessity is in the eye of the beholder," he said, adding, "Most of us want the best technology, the best medical care, and we want access to that care with the least amount of red tape. And we want it at a low cost."

People who can least afford the medical bills are not the only ones being hurt. "Our government is being hurt by the high cost of care. We are paying 15 cents on the dollar.

"The companies we work for have to pay the cost, and it will eventually weaken them in the business world."

Elise Stern of Cheltenham had heard of another horror story. A woman in her 80s was sent home just two days after having a double mastectomy. "The health-care system should not be for-profit; it should be a social service," she said.

She also felt that the taxpayers' money could be spent more wisely. "We are taking money away from the patients and giving it to the stockholders."

Sagin agreed with her view. "What degree should Wall Street have in making decisions on health care?"

Lantos agreed, adding, "I was told I had the choice of one hospital for my operation. I told the HMO I wanted to go elsewhere and was told, 'No, you can't.' I got treatment, but I had to fight for it. You shouldn't have to fight for good care."

Mr. BAIRD. If I might, Mr. Speaker, I know the gentleman from Pennsylvania has shared with me a personal story about a patient who faced some of the challenges he just described, and why that is important is behind the legislation are real world real lives of people who hurt and suffer every day because of the lack of this needed legislation. Could the gentleman take a few moments and relate that story to us?

Mr. HOEFFEL. I would be delighted to. It is a sad story. I met with a woman from my district last year who reported to me that her husband had become very ill the year before with a head injury. He received care under his managed care plan. His primary care doctor wanted, once he was sent home from the hospital, to give him a very intensive course of therapy and the HMO would not pay for it, or would not authorize it. The family fought, the doctor fought, and they could not get approval. They gave him a lower level of therapy, not what the doctor ordered.

Unfortunately, the husband died, and the wife wanted to hold that HMO accountable. She believes that the failure to authorize the more intensive level of therapy led to her husband's death. Now, I do not know if that is true. She does not know. But she wanted to test that. She wanted to hold that health care plan accountable for what she thought was an arbitrary decision, and the law does not allow her to do that today.

Part of what the Patients' Bill of Rights would do is to make sure that people can go to court, if they have to, as a last resort, to hold their plans accountable. This bill would do it, and we ought to pass it.

Mr. BAIRD. Mr. Speaker, I thank the gentleman very much and appreciate those great remarks.

Mr. Speaker, I would like next to yield to my good friend, the gentleman from Colorado (Mr. MARK UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman from the State of Washington for yielding to me.

Mr. Speaker, at one time or another all Americans are faced with making tough choices about medical care for themselves and for their families. At those times, the last thing anyone wants to think about is whether their health plan will be there for them. They should know that access to vital services and information is guaranteed to them.

Here is what is needed, I believe, to make sure that is in fact what we have in our medical care system.

Patients should know that if they have an emergency they can go to the nearest emergency room without worrying if their plan will cover it. No one with a serious emergency should have to call an 800 number for permission to seek the emergency care that is needed.

Patients also need access to clear and complete medical information. The reason for that is that informed decisions about health care options can only be made by patients who have full access to information about the options available to them. As a part of this, physicians should be able to advise patients of their options without restrictions from their health plan. Health care providers should know that they can give accurate medical advice without fear of retaliation by the health plan that is in order at that time.

Patients need to know they can appeal plan decisions of denial or delay of care when a doctor feels that the care prescribed is medically necessary.

□ 1645

Plans must put into place an internal review process to address these concerns. But if that process fails, patients need to know that internal decisions may be appealed to an independent third party. They must have the ability to bring their grievances to a panel free of the health plan's influence.

All patients also need to know that their medical plan has an adequate network of specialists available who can provide high quality care for those patients who need specialized treatments and, if necessary, patients need to have the right to seek specialists outside of their network.

Mr. Speaker, our health care system is not as good as it should be and Americans need to know that this is not as good as it gets. The Patients' Bill of Rights is an important step in the right direction toward making these needed improvements and helping ensure that all Americans have access to quality health care.

For those reasons, I am pleased to be a cosponsor of this important legislation. The Patients' Bill of Rights will put medical decisions back into the hands of doctors and patients, taking it out of the hands of the accountants and bureaucrats.

Mr. BAIRD. Mr. Speaker, I might like to follow up if I might once again.

I am sure that we can fill this room with people telling their stories, but they are important stories to hear. I know that my colleague also has talked to one of his constituents who shared with him the frustrations they felt under the current system, and I wondered if he might expand on that.

Mr. UDALL of Colorado. Mr. Speaker, I have a constituent who was in the middle of chemotherapy for her breast cancer. Of course, this was a life-threatening situation. She was informed by her oncologist halfway through her chemotherapy treatment that she had to find another oncologist.

Now, my colleagues can imagine the kind of turmoil and stress that that added to her situation where she was literally battling for her life. Now, she fought back hard and was able to get that care but only after a great deal of time had passed.

My point in all of this is the Patients' Bill of Rights would make this a lot less likely to happen to the people who surround us in our communities, our families, our fellow citizens and our friends. I think it is important to remember the Patients' Bill of Rights is about people, it is not about regulations. It is about people. It is about providing the best possible health care for all Americans.

Again, I would remind all of the Members here that the Patients' Bill of Rights is about putting those medical decisions back into the hands of patients and doctors and not allowing those decisions to be made by somebody who is maybe sitting 2,000 miles away in front of a television or computer screen.

I urge adoption. This is a very, very important piece of legislation.

Mr. BAIRD. Mr. Speaker, that element of the deeply personal relationship between a patient and his or her health care provider cannot be underscored too greatly. It is not that we are dealing with interchangeable parts of some machine, unfeeling beings. We are dealing with human beings who build a relationship of trust and respect and confidence and, most importantly, of caring with their health care provider. We have lost that under current HMO practices, and this bill will go a long way toward restoring that relationship.

Next, Mr. Speaker, I would like to recognize my friend and colleague, the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWKSY. Mr. Speaker, I thank the gentleman for yielding to me.

One of the real reasons that I wanted to come to this body as an elected Member of the House of Representatives and why I ran for office in my State legislature years ago is because I want to be able to provide accessible, affordable health care to people in my own family and to families around the State of Illinois and in this Nation.

It is really a disgrace that in this country 44 million Americans have no health insurance at all. But even those that are insured, and that is what we are talking about today, cannot be certain that they are going to receive quality health care when they need it.

What we need to know, and everyone has said it, my colleagues have said it, is that patients will get the health care they need based on medical decisions and not on arbitrary rules set by bureaucrats that are part of insurance companies or HMOs. That is why I am so proud to be a cosponsor of H.R. 358, the Patients' Bill of Rights, which is sponsored by the gentleman from Michigan (Mr. DINGELL).

This bill, which failed by only five votes in the last Congress, would establish critical protections for patients and medical practitioners; and it adopts the recommendations that were made by the President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry.

As a former State legislator, I sat on the Health Care Committee, and one day Ann Vaughn came to our committee to give testimony. Ann is a resident of the Springfield area in Illinois and came to tell us about what her experience was when she had a mastectomy. She said that it was really scary for herself and her family when she got that diagnosis. And my colleagues can imagine going to the hospital for the surgery.

She said, but what was really unbelievable to her was when she woke up in the recovery room she was told that she would have to go home that day. An outpatient mastectomy, we are not talking about a lumpectomy, we are talking about a full mastectomy, tubes, grogginess from the anesthetic, that she was going to have to go home, that her HMO was not going to cover the overnight stay.

Well, my colleagues can imagine, the members of the committee were outraged and decided we absolutely had to do something. So we did pass legislation that would say that doctors will decide how long someone stays in the hospital after a mastectomy, no discussion, no debate. It is not going to be whether the HMO says they are not going to cover it.

Well, this is good. We got that bill passed. But at the time I said, look, we cannot go body part by body part. We have to have a comprehensive approach and get to the heart of who is going to make those medical decisions.

Well, there is a lot of talk now about Patients' Bill of Rights, and everybody is for it. I really have not found anybody who is against it. But it is going to be very important as we get down to the nitty-gritty to look at what is in the legislation that is really going to guarantee that patients and doctors are going to be in the driver's seat.

What I really like about H.R. 358 is three provisions that I want to focus on. The first is the whistle-blower provision. That is, protection for health care workers who see some kind of danger for patients in this medical setting.

Recent surveys have reported alarming percentages of health care workers who believe that patient safety is in jeopardy. For example, a survey at a large Columbia HGA hospital found that 60 percent of workers reported dangerous delays in nursing response time relating to understaffing; 44 percent reported medication errors; and 37 percent reported lapses in infection control. However, only 13 percent were confident that they could honestly answer an inspector's question about the quality of care without risking reprisals, without, in quotes, risking reprisals. That is what they are afraid of.

A Peter Hart poll found that one out of every four health care professionals was afraid to speak out on the job even to superiors. Now, think about it. If my colleagues or their family member goes to a hospital, wouldn't they want their nurse or doctor to be able to raise quality problems? Wouldn't they like to know that those professionals who are on the front line every day, whose job it is to take care of them, have the ability to improve whatever health or safety problems that they see, that they are not going to be afraid to report it because they are afraid that they are going to be fired?

So protection for whistle-blowers, for people who want to raise legitimate concerns has to be in the legislation. It is in this bill.

Second is the question of their right to sue an HMO. Over 85 percent of those of us with private insurance are in some kind of managed care, where HMOs and insurance companies have the ability to deny, to limit or to terminate medical care in addition to denying payment. They have the ability to override medical decisions of medical professionals even though they have never laid eyes on the patient. And when they do so, they are exempt from accountability for their actions.

Now, again, we dealt with this issue in Illinois. And we had representatives of the HMO industry, and they sat before us in committee and they said, no, we do not make care decisions; we only make coverage decisions.

Well, I said, "Fellows, in the real world there is no difference here. If you are not going to pay for the care that I need, I cannot get the care that I need. I am not going to be able to afford to go out and buy it by myself. And so, if you said, I will not pay for it, that is as good as saying I am not going to allow you to have it." That is a medical decision.

We heard a story from an emergency physician who was telling us about a patient who had come in with symptoms, he thought, of a heart attack, pain in the chest, some pain in the arm. Went to the emergency room. Lo and behold, they found it was not a heart attack. It was some kind of gastric distress. Home he went. The insurance company said, we are not going to pay for that; it was not a real emergency.

Well, this emergency physician was telling us, the next time this patient had the same symptoms, he said, heck, no, I am not going to be able to go to the emergency room because I am not going to get it paid for. This person had a heart attack, and this person is dead.

Well, come on, this is a care decision that is made by the HMO. If something goes wrong, we should have the ability to sue.

And, finally, we have to address the question of what we call medical necessity. Who decides what is a medical necessity? Is it going to be a doctor or is it going to be an HMO, a person who has never met them, and yet the person who is going to determine how they can stay in the hospital, whether a service is provided on an inpatient or outpatient basis, if home care will be available, what prescription drugs they get, whether they get a lab test or follow-up visit, and other key decisions.

Do they want someone who is hundreds of miles away from them, who does not know them, who may not be a qualified physician to be making decisions about their care? The answer is obvious. Medical necessity needs to be decided not by HMO bureaucrats but that they should be made based on generally accepted principles of good professional medical practice.

This bill says the health plan should not be allowed to place arbitrary limits on covered services. It says that doctors should be able to prescribe the drugs that their patients need. It gives patients the assurance that their doctors will not be helpless bystanders as a bureaucrat goes ahead and makes all the decisions.

So those are the three things that I would like to see that really are in H.R. 358. That is whistle-blower protections, HMO accountability, the right to sue, and medical decision-making by medical professionals.

Mr. BAIRD. Mr. Speaker, I want to thank my colleague particularly for raising some issues that we had not addressed before and also for raising the important point about how much it costs us in our efforts to constrain costs when people are forced to go home from the hospital, where they do not get the care they need, they develop infections and then are forced to come back, or when medication regimens are cut off in the middle of someone's prescribed treatment regimen and they worsen in their illness.

When physicians or other health care providers are forced to spend their days on the phone begging for the treatment that they know their patient needs, that costs. When hospitals are understaffed and when the staff that is there it is not at the level of professional training, that costs.

When everybody talks about, those on the other side, on the Patients' Bill of Rights against it, they say it might raise costs. We need to counter, there are costs associated with the status quo and those costs are the cost in people's lives, the cost in the quality of care. The reason people oppose this is because the costs are borne by the providers and by the public while the profits are privatized. That is the problem with it.

Ms. SCHAKOWSKY. Mr. Speaker, if the gentleman will continue to yield, that is absolutely right. And my colleague is talking about dollars and cents cost, and I think we have to have a much broader view on how we calculate that.

My colleague also talks about the human cost. My father lived with me for 6 years before he died and was part of an HMO, and I cannot tell my colleagues the hours that I spent on the phone, the letters that I wrote, and I was writing as a State representative so it presumably was even easier for me, just trying to get him the care that he needed, getting them to cover what I thought that he needed that they eventually did and that anyone with common sense would see needed to be covered.

□ 1700

What if I was not there to advocate for him? How much shorter would his life have been? How much more difficult would his life have been? These all have to be part of our larger calculation.

Mr. BAIRD. I thank the gentlewoman very much for raising those issues.

Mr. Speaker, I yield to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I am here because I am very concerned specifically on this issue of the Patients' Bill of Rights bill that is going to be coming before us. My constituency is a working-class constituency. I have been in that particular area for over 40 years, so I know that the people that I represent are people who have generally some coverage, not all of them have coverage, and it has become a great issue for all of the people that I represent. That includes some of my businesses, because they have no choice in some areas.

The gentlewoman from Illinois (Ms. SCHAKOWSKY) talked about some of the things that she would like to see included in the bill. I agree. The whistleblowers is a very inherent part, an oversight, if you will, directly by either the providers or the people who see the abuse or are able to articulate where we need to make a change or how we can address it to make it better to provide the protection for the patients. The accountability has sort of been overshadowed in the growth of the HMOs.

Consider some of the facts that we are now looking at currently and that is that HMOs have witnessed considerable growth through the 1990s. By 1996, 60 to 70 million people were enrolled in HMOs. That is about 20 percent of the U.S. population or, put another way, it is one of five Americans.

HMOs started off in my era back 30 some odd years ago to be a good thing, and I belonged to one of them for over 35 years. They have made the medical profession a must-do. And I will not name it, but they have been very receptive to the needs of my family and to other people around us, but there are very few who put the patients' needs ahead of profits.

Now, another statistic. The for-profit HMOs enroll 60 percent of all HMOs. That means the other 40 percent are the HMOs who are doing it because they want to provide a service for their community, and they much of the time are being bought out by the for-profit HMOs. So that means that my area alone I am seeing a lot of change and a lot of the closure to some of the access for some of my working-class folks.

Another statistic. Two-thirds of the persons under 65 are covered by employer-sponsored insurance. Of these two-thirds under 65, 73 percent are HMOs. That means most big companies or most employers are using HMOs. That means they have captured most of the constituency that has to have insurance.

Another statistic. A number of States have enacted various laws that regulate the practices to a varying extent. California was one of them, and specifically because of the outcry of the general populace of the need of reform in that particular area. They did not go far enough, as far as some of us were concerned, but at least it was a start to be able to bring some sanity to the addressing of the HMO's heavy-handed efforts to limit the amount and number of visits, the services of people who are in need of some very, very critical coverage.

Another statistic. There has been little national legislation to regulate HMOs and ensure that patients receive quality care. Now, we know that is a fact because even the press brings that out, that some of the HMOs are making exceedingly high profits. That is one of the areas that certainly they are entitled to make a profit but not at the expense of human life which as we have heard some of my colleagues point to that fact.

In 1998, Democrats fought for the enactment of the Patients' Bill of Rights that would have ensured medical decisions are made by doctors and patients and not by the insurance company bureaucrats, a person who has no credibility in the medical world to be able to determine whether or not that patient should have that coverage or that care.

It would have also ensured direct access to specialists. Now, we might say, well, that is up to the HMO to determine, but where are the bureaucrats' credentials to say that they can determine what kind of service or what special service they need so that they would deny that to them?

It would also have ensured the continuity of care. I have just recently had a doctor tell me that he is leaving an HMO because the HMO has placed caps on the number of visits that he is allowed to see his patients. He refuses, because of this, the Hippocratic oath that he took, to not render care where it is needed, so he is going into private practice. That tells me something, what has happened to some of the HMOs that we are dealing with.

My Republican colleagues blocked those efforts in 1998. Hopefully, we will be able to ensure joint work together, our New Member Caucus and some of the other persons who are interested, because the Republican legislation does not ensure that we put medical decisions in the hands of the doctors and the patients. We want to put it in the hands of those doctors and patients, not in the bureaucrats. And we want to ensure that that weak legislation which did not ensure the direct access to specialists is changed so that anybody who has a requirement, a medical requirement, and medical need does get assurance that they will be referred to the specialist necessary.

And also that legislation that was passed did not give the patients the right to sue HMOs liable for making decisions leading to serious injury and/or death. To me, if my family member were affected, I would certainly want to hold the right to be able to sue an HMO if they did not do their best to take care of my family member or my friend or my colleague. I think all of us feel that way.

There is still a pressing and dire need for a meaningful Patients' Bill of Rights so that, for example, in emergencies, patients can go to the nearest emergency room and that the HMOs who feel that the emergency rooms do not pay off and close them, especially to urgent care, that we are able to have at least geographically accessible emergency rooms so that we can take care of that need.

We also would like to see in that Patients' Bill of Rights we will include that the patients are guaranteed continuity of care. When their employer switches plans or when their doctors are dropped or resign from that network, the need for that care does not go away. I think it is incumbent upon us to realize that more and more we are going to be faced with individuals in our own backyard who are going to come to us and request that we extend that.

It also should include that the patients can be part of approved clinical trials if no other treatment is available.

Mr. Speaker, our constituents await our leadership to ensure that all their needs are addressed in this 106th Congress. I plead that we need to work together and not let our American working class down.

Mr. BAIRD. I thank the gentlewoman very much. She raised two points that I think were absolutely critical.

First, and I commend her for it, distinguishing between the for-profit versus the not-for-profit HMOs. In our State, some of the pioneers of health maintenance organizations were not-for-profit organizations, voluntary cooperatives that have in fact voluntarily adopted many of the standards we are fighting to enact now through law, but they saw the need to do the right thing, to voluntarily allow patients to choose their providers, to create an appeal structure, and they have done the right thing. So I really think we need to emphasize that distinction between the for-profit and the not-for-profit.

The other thing I want to compliment you on is the observation of the toll this system takes on health care providers. The gentleman you spoke about, have you talked to any others who raised these kinds of issues, other providers who said the stress of the HMO, dealing with those is burning them out, so to speak?

Mrs. NAPOLITANO. Yes, very much so. As a matter of fact, recently one constituent told me, and he was a doctor, that they have been told that they must have something like 15 patient visits a day at 15, 20 minutes apiece. You really cannot provide the kind of care, especially in the specialist area like a heart doctor. To me it just indicates that these people are being put under pressure to move on to the next customer. It is like it is an assembly line.

We cannot treat human beings that way. We need to ensure that those doctors and those plans that are not for profit, that we provide them with the assistance that is necessary to be able to render a service and increase their ability to do it at a local level where there is no HMO, even a for-profit. Unfortunately, that is not happening. I think a lot of people are being disheartened.

Mr. BAIRD. I thank the gentlewoman very much for her comments.

Mrs. NAPOLITANO. I thank the gentleman for the opportunity.

Mr. BAIRD. Mr. Speaker, I yield to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, it is a delight to address this topic today. The reason is, when I think about the topics we sometimes talk about in this Chamber sometimes they are a bit obtuse, a bit theological, a bit arcane, but this is one that cuts right to the heart of why we come here to serve, because this issue is one of justice for Americans in getting medical treatment.

This is not a matter of how many angels can dance on the head of a pin. It is not a matter of what is good or bad tax policy. It is a matter of whether you will live or whether you will die in the certain circumstances that people face in real life. For that reason, it is time for the U.S. Congress to get off the dime and act on this, to pass a strong Patients' Bill of Rights. It has dithered, it has dallied, it has debated for years and not acted, and it is time for action.

Mr. Speaker, what particularly motivated me on this subject, during this last campaign I met lots of folks but the one that perhaps sticks in my mind the most is a woman named Katy Slater. Katy is from Issaquah, Washington. I did not know her before the campaign. I happened to meet her on the campaign trail.

She told me her story. It was a story that, unfortunately, has become to maybe not be typical but not atypical. She got breast cancer. She had the trauma that would be associated with breast cancer.

She went to her physician. Her physician told her, this is a serious case; but her physician held out one branch and light of hope for her. That was to have a stem cell transport. They told Katy Slater that if she had a stem cell transport, there was a good chance that she would survive and that if she did not, she would die.

So she did what we would do, Mr. Speaker, in this case. She went to her insurance company to whom she had been paying premiums on a regular, timely basis for 30 years. She told them that the doctors had suggested she have her stem cell transport, and they said no. And she said, this can't be right. I have the physicians who have said I need this. But they said no.

When she asked them, why do you say no when my physicians have said this is medically necessary, there is a medical necessity for this, how can you tell me I can't have this procedure, her insurance company to whom she had been paying premiums for 30 years said, no, ma'am, you don't understand, we make the rules, we decide what is medically necessary.

When Katy Slater needed her transplant, she did not have an appeals tribunal to whom she could go to get a third party to resolve this. She did not have that. She did not have a legal right of recourse against her insurance company. She did not have that. She did not have the Congress of the United States saying to that insurance company that the physicians, the medical community should decide what is medically necessary, not the insurance industry. She did not have that. And she should have had that.

Katy Slater, I will give the happy ending, Mr. Speaker, to this story. She, unlike many Americans, had a retirement plan. She had to cash it in, every single penny she had. She got her stem cell transplant 4 years ago, and she is alive today because of the stem cell transplant that her insurance company refused to provide for her. But, to her credit, she told me to come to this body and try to fight for the next Katy Slaters, the people who are going to have this problem in the future because she cares about them as much as she cared about herself.

We need to pass this bill, Mr. Speaker, to prevent physicians from being gagged by insurance companies. An important provision of this, and the gentleman from Washington may have touched on this already, this antigag provision where insurance companies now can gag physicians to prevent them from telling their patients about life-saving treatment, that is an abominable practice, that is an absurdly unjust practice, and this body and Chamber ought to say so dramatically, and they ought to say so soon.

And they ought to say it, too, Mr. Speaker, and I will make a particular entreaty. We are new Members. If I can, this ought to be a bipartisan effort, an effort where we work across the aisle together to make sure this gag rule is ended, to make sure that we have physicians decide medical necessity, not the insurance industry.

□ 1715

Mr. Speaker, the reason I say it should be bipartisan is we have just come through this political civil war, and this would be a really good place for us to start on a bipartisan basis to pass a bill that is meaningful to real Americans in their real life. And I would suggest we new Members work across the aisle to do that; and I say that when I address the insurance industry, too.

And I think it is a good point the gentleman from Washington (Mr. BAIRD) raised: Not all insurance companies are guilty of the same sin here. Many, many insurance companies have provided fully adequate and comprehensive and quality care paid for by their insureds, but some have not, and it is for those good insurance companies, those who act in a fair and just way, that this bill will protect so they do not have to compete with the outliers who refuse to respect honesty and decency. This bill protects good insurance companies as well as the insureds.

Mr. Speaker, I hope that we will work together to pass this bill.

Mr. BAIRD. Thank you very much, Congressman INSLEE. You know, I sometimes think we are here in this body for the Katie Slaters of the world.

Mr. INSLEE. She told me to say this piece, and I have.

Mr. BAIRD. I am grateful, and I am sure many other Americans are as well.

Mr. Speaker, next I would like to recognize my colleague from the State of Nevada, Congresswoman BERKLEY.

Ms. BERKLEY. Mr. Speaker, I rise today to tell you a story that explains why I am a passionate supporter of the Patients' Bill of Rights. This story, which is only one of many that I heard during my campaign, illustrates why health care plans must be held accountable if their financial decisions overrule the sound medical decisions of a doctor.

This story is about a constituent who lives in my Las Vegas district. The man is a dialysis patient. He was scheduled for dialysis treatments twice a week, but over time he became toxic in between treatments and was continually sent to the emergency room during treatments. A third session became critical for his very survival.

Rather than dealing with the ordeal of gradually becoming toxic and rushing to the emergency room because two treatments a week simply were not enough for him, the patient's doctor determined that without a third dialysis treatment the patient would be faced with a life-threatening situation.

But the patient was told by his insurance company that his diagnosis called for only two treatments per week. The patient was basically told: Tough luck, pal. Even though your doctor has diagnosed that there are three dialysis treatments necessary for your survival, we will only cover two of them.

So the doctor called the health plan; he explained the situation. He graphically described how the health of the patient was in serious jeopardy without another dialysis treatment. Over the phone the doctor told a health care plan manager that the quality of the patient's life, in fact the patient's very life itself, was at issue.

The HMO said no to the doctor's request. They said the diagnosis called for only two dialysis treatments and that that could not be changed.

The doctor said, "How can you say that? I am the diagnosing physician. The patient is standing right in front of me. My diagnosis calls for three dialysis treatments a week in order to save this patient's life."

In this case, the doctor prevailed. The patient got the necessary treatment, and the story had a happy ending. But there is a lesson to be learned here. A doctor should never have to argue to be allowed to provide critical care to his patient.

In too many cases the balance has swung too far in favor of the bottom line. It has been said that there is too much emphasis on dollar signs rather than vital signs. I agree. The Patients' Bill of Rights holds health plans accountable legally if they reject sound medical diagnoses and treatment plans in order to boost profits. We owe this fundamental protection to our constituents, and I urge that we pass the Patients' Bill of Rights as soon as possible.

Mr. BAIRD. Thank you very much.

Mr. Speaker, I would like to finally recognize our final speaker for this afternoon, Congressman HOLT from the State of New Jersey.

Mr. HOLT. Mr. Speaker, I thank my colleague from the State of Washington. I am pleased to join today in the fight for passage of the Patients' Bill of Rights.

My colleagues, the gentleladies from Nevada and Illinois and California and the gentleman from Washington have ably presented arguments in favor of this bill. I would like to address one of the fundamental, one of the fundamental features of the issue here, that is, the doctor-patient relationship, something I have observed closely. Few things are more fundamental, Mr. Speaker, more fundamental or more personal, than the relationship between a patient and her or his doctor.

My wife is a physician, and the bond between her and her patients is something important, even sacred. It is a bond cemented by honesty and time and, importantly, by trust. The doctor-patient relationship is the bedrock of the entire health care system, and it is one of the main reasons that people choose to go into medicine in the first place. That relationship between doctors and their patients is under threat, and all too often in our Nation today, Mr. Speaker, the bond is being jeopardized by HMOs who are more interested in their profit statement than their mission statement.

Mr. Speaker, there are insurance companies that are trying do a good job and many compassionate people working for those companies, but frankly the focus on profits taken by some HMOs makes you think they have more in common with Neiman Marcus than Marcus Welby.

All of us have heard the stories, all of us here have, all of us on both sides of the aisle, families who worry that an insurance company clerk rather than their doctor will decide what treatment they get, providers who are afraid to tell their patients all of the health care options available to them because some might cost more, doctors who are restricted in what medicines they can prescribe and families who have to go through endless appeals and mountains of paperwork just to get the care they deserve.

Just yesterday my colleague, FRANK PALLONE, and I met with constituents at Centrist State Medical Center in Monmouth County, New Jersey, to discuss this issue. We heard from people, a variety of people involved in health care: doctors, nurses, patients, hospital administrators and consumer advocates, men and women who serve every day on the front lines of health care. They had one message for us here in Washington, Mr. Speaker: Pass a Federal Patients' Bill of Rights, legislation that will ensure that medical decisions are not held hostage to business decisions.

House Speaker HASTERT recently said that he is willing to bring single-issue patients' rights bills to the House floor, bills dealing with issues like gag rules, emergency room standards and direct access to specialists. There is no doubt that these are issues that we need to address, but we cannot, we must not use them as an excuse to avoid tackling comprehensive patients' rights or we should not use them to dodge the important questions, issues of accountability and liability.

As soon as we raise the question of liability, people say, oh, we should not let lawyers run this. Of course we do not want a health care system run by lawsuits, driven by lawsuits, but the question is: Who has the last word on medical decisions? That is what we have to protect.

HMO horror stories are not isolated incidents. They are happening to families every day in my district and in yours, people who work hard and thought they were protected, people who see their loved ones denied the care they need and are powerless to do anything about it.

We need to act in a bipartisan way to see that insurance companies are held accountable for their decisions, their medical decisions, and that they start to think twice before they deny payment for needed care and, in effect, deny the care. Mr. Speaker, we need to pass the Patients' Bill of Rights now.

Mr. BAIRD. Thank you very much, Congressman. I appreciate those remarks.

Mr. Speaker, I would like to conclude with just a few final comments. I, first of all, want to express my gratitude for my colleagues, particularly the fact that they are from the freshman class. These are folks who have just been on the front lines of often very difficult and challenging campaigns, but in the middle of those campaigns they listened to their constituents, they listened to their needs, and they carried those needs here to this body, and I hope this body will act on those needs.

So I am very proud to serve as president of our freshman class, and I want to thank again my colleagues. I want to also make just a couple of final remarks.

I asked to fill this role today because, in addition to being a Member of Congress, I am a health care provider myself. As a licensed clinical psychologist, I work with cancer patients, with head injury patients, with people dying of a number of terminal illnesses and with patients facing severe depression. I know firsthand the toll it takes on patients and the toll it takes on our providers and on our families and, frankly, on this country as a whole to have the current system.

There is a common saying, and the saying is: If it ain't broke, don't fix it.

Mr. Speaker, I would assert to you and the people we represent would assert to you and to this body that this system is broke and it is incumbent upon us as their elected representatives to fix it. I believe the Patients' Bill of Rights that gives you the right to choose your provider, gives your provider the option, the responsibility to determine your health care needs and that holds HMOs and managed care firms accountable is the solution to this system which is broken.

Thank you very much.

WHOSE MONEY IS IT?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I rise for a few minutes to talk about some issues I heard about back home during the Presidents' Day recess.

You know, Mr. Speaker, I have the privilege of representing a very, very diverse district. I represent part of the City of Chicago, the south suburbs in Cook and Will Counties, farm communities and a lot of bedroom communities. When a district is so diverse, you really want to listen and learn the concerns of the people you have the privilege of representing. And I find that even though our district is so diverse, city, suburbs and country, that there is a pretty clear message, and that is that the folks back home want us in this Congress to work together to solve the challenges that we face. And I am pretty proud that this Congress over the last 4 years has responded by doing some things we were told we could not do: balancing the budget for the first time in 28 years, cutting taxes for the middle class for the first time in 16 years, reforming welfare for the first time in a generation and taming the tax collector by reforming the IRS. And those are real accomplishments, real accomplishments that I believe we should all be proud of.

And when I was back home over the last week listening to the folks back home, I asked, what do you want us to do next? And they tell me that they want good schools, they tell me that they want low taxes, they tell me that they want a secure retirement, and I am pleased to say that that is the majority's agenda here in this House of Representatives, to help our schools and put more dollars in the classroom and to give control of our schools back to parents and teachers and locally elected school boards. It is our agenda to lower the tax burden on the middle class because we believe that you can spend your hard-earned dollars better back home than we can for you here in Washington, and we also want to ensure a secure retirement by saving Social Security and rewarding those who save for their own retirement.

But today we face an even bigger challenge probably as part of this whole process as we work on our agenda as both a challenge and it is an opportunity, and that is the balanced budget bonus, the overpayment, the extra tax revenue that came from 4 years of hard work of balancing the budget. Expect that this overpayment of tax revenues is going to total $2.7 trillion over the next 10 years.

That is a lot of money, and it is extra money, and the debate is what are we going to do with it? Do we spend it? It is burning a hole in Congress' pocket. Or do we give it back to the folks back home?

Now the President said that we should take 62 percent of this surplus revenue and use it to save Social Security, and then he wants to spend the rest on new government programs. A lot of us here in the Congress say that we should agree with the President on that 62 percent and, rather than creating new government programs after we save social security, that we should give the rest back and pay down the national debt thereby lowering the tax burden.

And that is really a fundamental question: Whose money is it to start with?

□ 1730

Whose money is it to start with? We know that. It is the taxpayers. But who can better spend it? Folks back home. That is you. Or is it, of course, Washington? Can Washington spend it better than we can?

Now, we the Republican majority believe that you can spend it better than we can for you and that is really why this is such an important debate this year, because we have to look at the issue of taxes in general.

Some say why is a tax cut so important? Well, if you look at how it affects families back in Illinois, the tax burden today is at its highest level ever in peacetime. In fact, 40 percent of the average Illinois family's income now goes to local, State and Federal government in taxes. The tax-take totals 21 percent of our Gross Domestic Product, and since 1992 the total collection of income taxes from individuals has gone up 63 percent. Clearly, the tax burden is too high.

The question then is, how can we lower the tax burden for the middle class? How can we help middle class families? I believe that we should focus on tax simplification, because is not it time that we bring fairness to the Tax Code? Is not it time to end discrimination in the Tax Code? As we set priorities this year, to help the middle class by simplifying the Tax Code, I believe that we should simplify the Tax Code by ending discrimination against 21 million married working couples who suffer the marriage tax penalty, and really it is a very fundamental question.

Is it right, is it fair, that under our Tax Code, that 21 million married working couples pay on average $1,400 more in higher taxes just because they are married?

Now in the south suburbs of Chicago, $1,400 is one year's tuition at Joliet College. It is 3 months of day care at a local day care center. It is 6 months worth of car payments for some of those machinists that visited us today.

I am pleased to announce that 230 Members have joined as cosponsors of the Marriage Tax Elimination Act. Clearly, there is bipartisan support for simplifying the Tax Code and bringing fairness to the Tax Code by eliminating the extra tax on married working couples.

Let us work together. Let us bring fairness. Let us simplify the Tax Code and eliminate the marriage tax penalty this year.

TRIBUTE TO BOB LIVINGSTON, REPRESENTATIVE FROM THE FIRST DISTRICT OF LOUISIANA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Louisiana (Mr. TAUZIN) is recognized for 60 minutes as the designee of the majority leader.

Mr. TAUZIN. Mr. Speaker, I take this special order tonight so that Members of the Louisiana delegation and colleagues from across our country can honor the service of a gentleman who will be leaving our body as a Member on the 28th of this month, just a few days from now; that being the gentleman from Louisiana (Mr. LIVINGSTON).

Of course, Louisiana is still literally in shock that we are losing the services of this man who has represented our State so admirably for so many years, since 1977 when he first came by virtue of a special election, the first Republican elected in the First District of Louisiana in 102 years, and has served our State for the past 11 terms, and most recently for the last four years as chairman of the most important committee of this body, the Committee on Appropriations.

Bob is leaving many, many friends behind when he takes his leave from us on the 28th, not just friends and colleagues who have worked with him but friends who have known him personally, as I have, and others, throughout his political career. Bob is an extraordinary individual and, as he leaves this body, I thought it important that we take some time out to say thank you to him for his friendship, his service to our State and this country and to the many people of the First District in Louisiana who mourn and grieve the fact that he will be leaving public service in just a few days.

Colleagues have come to join me today in honoring him and remembering his great work for our country, and I would like now to yield time to my friend from Louisiana (Mr. MCCRERY) for comments.

Mr. MCCRERY. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding.

Mr. Speaker, it is with mixed emotions that I appear on the floor today. On the one hand, I regret that our colleague, the gentleman from Louisiana (Mr. LIVINGSTON) will be leaving the House at the end of this week and, as my colleague, the gentleman from Louisiana (Mr. TAUZIN) said, ending his long, distinguished public service.

On the other hand, it is a pleasure for me to come to the floor and say some things about my retiring colleague, the gentleman from Louisiana (Mr. LIVINGSTON) perhaps that a lot of people do not know, and be able to share those experiences that I have had with him with the public.

When I came to this body 10 or 11 years ago as a freshman, never having held public office before, I had a lot to learn. BOB LIVINGSTON I looked up to in more ways than one. He is a lot taller than I am, but also I had followed his distinguished career through the years and I knew that he was a person of substance, a person of character and learning, someone who, if he would, could teach me a lot about this body, how it works, how to get along here, how to get things done.

I suspected that because of his stature in this body, being a fairly senior member even at that time of this body, and having the responsibilities that he had on the Committee on Appropriations and with his own district in the New Orleans area, that he would have little time for a new guy like me. Well, I was wrong. Well, I was right he did not have much time but I was wrong because he made time.

He took the time to counsel me on numerous occasions. He took the time even to travel with me to my district. Then I did not realize what a sacrifice that was for a Member, any Member, much less a senior Member of the Committee on Appropriations, to take a day away from his family, away from his work, to go to some other Member's district for that Member's benefit, but he did it. He flew from Washington to Shreveport, Louisiana, to help us in Shreveport with an economic development project.

Now that I realize, having been here awhile, what a sacrifice that was, it makes me appreciate that gesture on his part all the more. He is that type of individual. He is that type of human being, of person. He really goes beyond what is required of a Member of Congress. He really goes beyond what is required of a colleague, even a colleague from Louisiana, to help all of us.

I am sure each Member of the delegation can relate a similar story about BOB LIVINGSTON bending over backwards to try to help us with something that we needed in the State of Louisiana. So he has been a real asset to me and my growth here in this chamber. He has been a real asset to his home district. He has been a real asset to the State of Louisiana and to this country.

I will miss him. I know that Louisiana will miss him, and I would submit that the country will miss him as well. So it is with mixed emotions that I appear on the floor here today, but I have no mixed emotions about wishing my colleague from Louisiana, BOB LIVINGSTON, well. I wish he could stay with us a little longer but he thinks it is time for him to go, and he will do well in the private sector, I am sure. We look forward to seeing him here often, though, as he will still be able to share with us some of the wisdom and knowledge that he has gained over the years of his public service.

So, Mr. LIVINGSTON, wherever you are, and wherever you will be, know that I have cherished getting to know you, cherished the knowledge that I have gained from my visits with you and hope that you will know that I and many others in this chamber will miss you. Bon voyage. Come back and see us.

Mr. TAUZIN. Mr. Speaker, during the course of this hour, I will be telling some things about BOB LIVINGSTON as I introduce my colleagues. I thought it best, first, to say a little bit about his family history. It is important to note that one of BOB's immediate ancestors, for whom he is named, was ROBERT LIVINGSTON, the minister to France, who was sent on a great mission by then President Jefferson to acquire from Napoleon the territory of Louisiana. It was his signature on that document of purchase that is of historic reference to us, all of us in the 13 States or parts of States that have been formed out of the Louisiana Purchase.

ROBERT LIVINGSTON was also the sixth Congressman to represent the First District in Louisiana. He served between the years of 1823 and 1829. Coincidentally, when he signed that document of purchase, of the Louisiana Purchase, he signed it on April 30, 1803. April 30 happens to be BOB LIVINGSTON's birthday, a great coincidence of history. Of course, BOB was not born in 1803. He was born significantly later but nevertheless a coincidence of history that this document bears his birth date on the signature of ROBERT LIVINGSTON, his ancestor.

What is interesting about this history is that BOB LIVINGSTON, our friend and colleague in Louisiana and the colleague of so many of us in this body and a friend of so many of us in this body, with all this great history, with this lineage, nevertheless came into this world to very humble conditions.

In fact, BOB was raised by his mother, his father having passed away unfortunately early in his life. His mother was forced to take a job in a shipyard, where she worked to raise BOB and his sister, Carolyn. His mother Dorothy Billet worked those days in that shipyard for her two children to give them a better life and to introduce them to an education.

BOB went on to get his education, getting his degrees, both undergraduate and his law degree at Tulane University, and went on to a great and distinguished career which I will later describe today.

It is from these humble beginnings that BOB LIVINGSTON represents, as so many stories in American history and in this chamber, the life of an American citizen coming from humble roots and yet rising above those difficulties because he had a great mom who worked hard to see to it that her two children had a chance in life.

BOB LIVINGSTON himself returned to that same shipyard and worked in that shipyard to again begin his life and his career, before he indeed went on to a greater era of public service, again, which I will describe in just awhile.

Now I want begin introducing some of his other colleagues who also want to wish him well in honoring this day as we say good-bye to such a great friend and colleague. Let me introduce from the great State of California, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding the time and I appreciate him doing this special order and I appreciate him telling those stories about BOB.

I am not as senior as many here today who will be speaking and have not known BOB for as long, so I appreciate the opportunity of learning a little bit more about him on a personal nature from some of these stories. I also, like the gentleman from Louisiana (Mr. MCCRERY), have mixed emotions. I hate to see BOB leave. He will leave a hole here in the House, but I appreciate his desire to leave, and after giving over 20 years of service to his country I think he deserves the opportunity to pursue new ventures, new paths.

I have been here now for just a little over 6 years. In my first term here, I remember BOB coming up to me one day and saying that he would probably be approaching me and talking about getting some support for a leadership position he was considering running for. I did not know him really at all, and I thought I was probably going to support somebody else at that time, but I started watching BOB. When you are new here, you have certain heroes that you kind of build up around you and after awhile BOB became one of my heroes. I appreciated his humanity. He did not seem to get caught up in himself. There are people around here that sometimes egos are hard to overcome.

People give us a lot of adoration, and it did not seem to go to BOB's head. He kept his humanity. He kept his humility. I saw how people would talk to him and he gave them his attention, and he was a great listener. I appreciate the integrity that he has shown through his service here, especially the last one he made with giving up the opportunity of being speaker because he felt that that was the thing to do based on his love for his family, his love for his wife, and I think that showed us a great deal.

□ 1745

I appreciated his leadership style. He listens, he builds consensus, and then he moves forward with determination to get things accomplished.

I appreciate the opportunity he gave me to work with him briefly in moving forward in his planning to be the Speaker of this Congress. I had a chance to look at him a little closer. And all of the feelings that I had for him grew because I saw he was a real, genuine person. And we really will miss him here, but I understand he is going to be around in town and we will have a chance still to enjoy our friendship. I look forward to that.

Mr. Speaker, I wish him all the best in time spent with his family and in pursuing new ventures in life, and feel that it is a privilege and honor to be able to call him a friend.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman from California. BOB did not live his whole life as a welder in the shipyards. He went on to other pursuits, and one of those was his distinguished service in the United States Navy as an enlisted man from 1961 to 1963. He received, later on, an honorable discharge from the Naval Reserve in 1967.

BOB's career before politics was in law enforcement, and he served from 1970 to 1973 as a Deputy Chief of the Criminal Division of the U.S. Attorney's office in New Orleans and was honored as an outstanding Assistant United States Attorney for his work there.

His experience also included, by the way, serving as the Chief Special Prosecutor and Chief of the Armed Robbery Division of the Orleans Parish District Attorney's Office, 1974 to 1975; and he was the Chief Prosecutor for the Organized Crime Unit of the Louisiana Attorney General's Office from 1975 to 1976. A distinguished career in fighting criminal elements and representing the Justice Department of our country, and the District Attorney's office of the City of New Orleans and the Attorney General's office of the State of Louisiana.

It is from that background that BOB, I suppose, was encouraged to seek political office eventually and saw the need for men, indeed, of great commitment to join the Congress and to represent our State here.

And so it was in 1977 that he indeed succeeded in his second quest to come to the Congress in a district that had a 3 percent Republican registration, by the way, when he was elected; an indication of the way that he has reached out across boundaries, old boundaries and old walls and old wounds to build a consensus, as he demonstrated in his years in Congress.

At this point I would like to go across the aisle and to recognize a colleague of his, a great friend of his, the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank the gentleman from Louisiana for yielding me this time so I can express my congratulations to BOB LIVINGSTON and thank him for his public service.

I think the Members of this body know very well many of his strengths and many of his contributions to this institution. The great chairman of the Committee on Appropriations who helped bring about, as has been pointed out, consensus on a lot of the difficult fiscal issues of our country.

People think of him in the Republican Caucus for his leadership in rising to the top of the Republican Caucus here in Congress. I might just give one more dimension to where I think BOB LIVINGSTON has made a unique contribution to this institution, and that is the love of this institution and the respect for what this body should be doing and the respect for each Member in this institution.

Before coming to Congress, I was the Speaker of our House in the State of Maryland, and I really appreciated individuals who went out of their way to speak up for an institution when it is many times very fashionable to bash an institution, to go back home and slam it and say, gee, I can make political points. But that is not BOB LIVINGSTON. He understood that we are going to do better as a body if we strengthen the body. He singled himself out here as a person who wanted to go the extra mile to strengthen this body.

I had the opportunity, did not ask for it, nor did Mr. LIVINGSTON ask for it, to co-chair the group that looked over the ethics laws that we have to abide by here. I do not think anyone but BOB LIVINGSTON could have successfully navigated all the mine fields that we had in that effort. He brought out a bill that ultimately is now the ethics standards by which we live that have really elevated us above partisan attacks. It is not by accident that these last years have been more peaceful as far as the ethics process. And BOB LIVINGSTON deserves the credit for doing that.

He truly is a unique individual in his love for this institution and I just could not pass up this opportunity to say from one Member, "Thank you for your public service, thank you for your friendship, we will miss you. We will miss you on both sides of the aisle."

Mr. Speaker, we like a good fight on the Democratic side and we always appreciated having a good fight with the gentleman from Louisiana. We just wish we could have won a few more times. Congratulations.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman from Maryland (Mr. CARDIN). I might add that the Dean of the House, the gentleman from Michigan (Mr. DINGELL) will be inserting his comments into the RECORD somewhere at this point, along with other Members of the other side of the aisle who have also recognized and appreciated BOB's service and his willingness indeed to cross those boundaries and lines that divide us too often to build consensus and to work as a team.

In fact, so good was BOB at that effort, that I think it is worth recording and worth reporting today that just a few years ago when we passed what we thought would be a 5- to 7-year effort to balance the books of this government over that 5- or 7-year period, BOB LIVINGSTON took over the reins of the Committee on Appropriations and for the first time did something quite remarkable in all the years I have served with him in these 11 terms, and that is he actually provided a lower level of expenditure than the previous year.

The result of that austerity, that difficult set of choices that he was willing to forge with Members on both sides of the aisle to bring us to a balanced budget agreement and to enforce it by stringent controls of the Committee on Appropriations, where obviously we want to go help people by spending money. He nevertheless exercised such restraint and control that within several years, not the 5 or 7 predicted by many economists, but within 7 years we are debating about what to do with the surplus, rather than the great deficits that were predicted for our country in all of these years.

BOB probably more than any other individual in this Chamber, I think, is personally responsible for getting us that surplus earlier than anyone expected because of the discipline he showed in those early years as Appropriations chairman and because he was willing to work across the aisle.

Several of the appropriations cardinals who helped make it work are here today and I want to recognize them. First, the gentleman from California (Mr. PACKARD).

The SPEAKER pro tempore (Mr. HAYES). Before the gentleman from California is recognized, let me exercise for a moment the privilege of the Chair to extend my thanks personally to the gentleman from Louisiana (Mr. LIVINGSTON) and his wife Bonnie, for the friendship, the wisdom, and the kindness that they extended to me and my family. And also for the honor that he has brought to the country, his family, and this body by his actions.

The gentleman from California (Mr. PACKARD) is recognized.

Mr. PACKARD. Mr. Speaker, I have a long and rather eloquent statement to make and I am just going to submit that for the RECORD and speak from the heart.

BOB is the kind of person in my life that one does speak heart to heart quite occasionally, and I have had that thrill and that opportunity. Really in a short hour of special orders, it does not do justice in paying tribute from this body to a man that has had such a remarkable influence on the institution and on the country.

Mr. Speaker, I wish that we had more time and more opportunity, but maybe that is not what we need. We just need to let BOB know how much we love and appreciate what he has done.

I have served here for 16 years and so I have known BOB for those 16 years and watched him grow and watched him become a rather significant leader in this institution, and ultimately rise to the point where he changed the direction of the country.

I have always believed that where we spend our money, whether it be in business, whether it be in our family budget, or whether it be in government, where we spend our money is where we set priorities. We spend our money where our priorities are. We can give lip service to priorities, but if we do not really fund or spend our money in those areas, then it is just rhetoric.

But the Committee on Appropriations determines the priorities of this country. We determine where the money goes and we determine what is going to be funded, what is not, and at what level they will be funded. And BOB has been the leader of that process. And so in that sense, he has literally changed the direction of this country and I think very much for the good.

As the gentleman from Louisiana (Mr. TAUZIN) mentioned, he was probably the most responsible person in all of this Congress for balancing the budget because, again, he controlled the pursestrings. He controlled some of us who serve as chairmen that also control pursestrings, but he was the one who gave us the direction. He was our leader and every one of us looked to him for leadership.

I appreciated the fact that he called me to be a chairman of one of his subcommittees. That was an honor to me, and I appreciated the chance to work with him.

Actually, when the Republicans took the majority 4 years ago, that changed the direction. BOB was at that time put in the most, perhaps one of the most responsible positions in the House by our Speaker, Newt Gingrich, to be the chairman. Even though he was not the ranking member of the committee, he became the chairman of the Committee on Appropriations.

Why was he chosen even though he was down the list a few slots? He was chosen because he had demonstrated the ability to make very difficult choices and make them right. That is really a unique quality of anyone to be able to make very difficult choices, but to make the right decisions in making those choices. And there is no position in the Congress that it is more crucial that we have that kind of a leadership than chairman of the Committee on Appropriations.

So, I really did appreciate the chance to work with him. I learned a lot. He was my mentor. He was, as someone said, my hero and still is.

One of the things I noticed about his leadership on the Committee on Appropriations was that he kept it fun. Sometimes we lose sight of the fact that we ought to enjoy what we do here. I really had fun going to do the hard work of the appropriators because BOB was a fun person to work with. He always had a twist of putting across the tough difficult decision. And I loved that, because we can get so serious and so passionate. And certainly there are few people in this institution that are more passionate on a few issues than BOB LIVINGSTON. And to watch him on the floor in those passionate speeches, we can recognize that passion.

But one has got to enjoy the work. One won't be good if they do not enjoy the work. BOB enjoyed his work. He helped us to enjoy the work, and it was a real pleasure to serve on the committee and to serve with him.

Mr. Speaker, I look upon him as truly one of the more distinguished and noble men in the country. He has had me and my wife to his home. We have been very privileged to come and share some time with his beautiful wife, Bonnie, in their beautiful home on the Potomac.

I really do appreciate him. We have worked well together. I have learned to love him as a colleague. I have learned to love him as a man. I have learned to love what he has done for America and what he has done for this institution.

There are few people in our lives, our whole lives that we meet and work with and rub shoulders with that genuinely have a remarkable influence on our lives. BOB has been one of those persons in my life. There are not many people. I could probably count them on the fingers of my two hands, my father, probably leading the pack, that have made a profound influence on my life. And I would list BOB among those.

Mr. Speaker, I would say to the gentleman from Louisiana, "BOB, I will miss you. I will miss you more than this institution will miss you, because you have been such a remarkable influence for me for good. I hope the good Lord will bless you in your future ventures, in your home, in your family, and all that you do. I am confident that he will, because you have really paid your dues. Thank you very, very much for your friendship.''

Mr. Speaker, it is with great admiration that I rise today to pay tribute to Congressman BOB LIVINGSTON. BOB has been an unforgettable force in the U.S. House of Representatives and he will surely be missed.

When BOB LIVINGSTON entered the U.S. House of Representatives 22 years ago, this nation did not have a balanced budget and we were facing increased taxes with each new Congress. Thanks in part to Mr. LIVINGSTON's leadership, today Americans are enjoying a budget surplus and a host of tax changes that allow the American public to keep more of their hard earned money.

BOB LIVINGSTON has a remarkable ability to turn his ideas into action. He would take ideas, pass them through the House and Senate, and get those ideas signed into law in a way that no one else could. BOB LIVINGSTON is a "doer" and he will carry this characteristic with him in all of his future endeavors.

As Chairman of the House Appropriations Committee, BOB LIVINGSTON was in charge of all spending legislation approved by this body. In all that he did, BOB will be remembered for his fairness, his dedication to his work, and his commitment to the interests of all his colleagues.

Over the past four years of BOB's tenure as Chairman of the Appropriations Committee, I have had the pleasure of serving as an Appropriations Subcommittee Chairman. This opportunity to serve with BOB not only helped with my own success as a Subcommittee Chairman for the past four years, but enabled me to watch closely as BOB grew into one of the most effective leaders Congress has ever known.

As someone who has served on all levels of government, both local and here in Congress, I have often been amazed at BOB's ability to bring this diverse body together behind sound ideas and policies. Time after time, BOB LIVINGSTON put aside partisan differences and personal goals to forward an agenda that all Americans could benefit from.

For the past four years, BOB and I have had the opportunity to serve closely on the Appropriations Committee. This allowed our friendship, which I already treasured, to grow. Over this time I was continually reminded of the level of man BOB LIVINGSTON is. BOB is an honest man of high integrity and I truly respect him as a friend. I know this institution will miss BOB LIVINGSTON as a leader, but I will miss BOB LIVINGSTON as one of my closest friends.

BOB, I'm not sure if you realize how important you are to this institute, or how many lives you have touched. As a colleague I am honored to serve with you and as a friend I admire you. While we may no longer serve side by side in this House, I can assure you that your legacy, or the many lessons you have taught me, will not soon be forgotten.

I wish you and Bonnie all the best for the future. Thank you for your service to this country. You will be deeply missed.

Mr. TAUZIN. Mr. Speaker, we just heard comments of one of our colleagues who indeed has worked so closely with BOB. The relationship has grown incredibly close and personal, and there are others in this Chamber who will speak, but I wanted to take a minute to recognize one of our close friends within our delegation who is also with us to say a few words and that is the gentleman from Baton Rouge, Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Speaker, I certainly want to commend the gentleman from Louisiana (Mr. TAUZIN) for his effort in organizing this opportunity for Members this evening on what is a difficult but obviously very significant occasion of the announced retirement of our good friend, BOB LIVINGSTON.

So many speakers have come to this mike already this evening and talked about BOB's passion. We do not have to guess where BOB LIVINGSTON stands when it comes to an important issue. Everybody knows. And it is always an informed opinion, one strongly held. BOB is a person for whom all Members have great regard.

□ 1800

There is sometimes some concern if he happens to be on the other side of the issue because you know he is going to be very persuasive, and I can speak from direct knowledge on that subject. I can also say that, as an ally, one cannot have a better friend.

Rather than to talk about a lot of things, I would simply point to one important project that I worked on for 3½ years in this Congress with BOB LIVINGSTON as chairman of the Committee on Appropriations. All too often, the chairman of the Committee on Appropriations is viewed as the person who has to do the tough things, cut the budget, tell people no. But there is another side to that responsibility which all too often is ignored.

There was a facility within the Sixth District of Louisiana that really was in deplorable condition. It had ministered to people in a certain health condition for well over 100 years and was under significant budgetary pressure to close. It was historically significant, a facility that was built in the mid-1800s and had served a great and long mission of caring for people who otherwise were viewed as social outcasts.

I went to BOB with the problem and told him what we wanted to do with that facility, which was to create a new education and job training program for at-risk youth, young people who were out of high school, had not gotten their GED, who were not yet in trouble with the law but were likely to end up in a life of social dependency or, worse yet, in the criminal justice system.

It took 3½ years, but BOB LIVINGSTON would be pleased to know that this April the first class of young adults will enroll in the Carville Academy. These are people who are going to be given a chance, not just to get a GED, not only to get job training, but, at that facility, they will be guaranteed a job upon the completion of their successful course work.

That is not something many of BOB LIVINGSTON's constituents would have the opportunity to see. But it is commitment to doing something right that makes a positive difference for people who otherwise may never even know BOB LIVINGSTON's name. That is the kind of fellow he is. He has commitment, purpose and principle. He never gives up. He does not quit.

For the people of the Sixth District and all of Louisiana, we will not only miss his colorful leadership, we are going to miss his positive, principled leadership in this House. For that, we will all suffer loss.

I thank the gentleman for yielding to me.

Mr. TAUZIN. Mr. Speaker, I thank my friend, the gentleman from Baton Rouge, Louisiana (Mr. BAKER).

I present to the House another one of the cardinals who have come to the floor today to bid bon voyage to the great chairman of the Committee on Appropriations, the gentleman from Alabama Cardinal CALLAHAN.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for making the arrangements today for me to join most of the members of the Louisiana delegation in paying this tribute to my close friend, BOB LIVINGSTON.

We develop friendships here in the Congress. Ironically, when one leaves, occasionally history will reflect that one passed a certain piece of legislation that may be named after one or one did certain things. But the real mark of a character is how many friends one has when one leaves here.

BOB, you certainly leave here today with a myriad of friends, true friends, friends that will stick by you no matter what, friends that you have helped and friends that have helped you. I am proud to call myself one of those friends.

I happened to listen today to all of these Louisiana Cajuns talk about Louisiana, and I have had the opportunity in past years to visit Louisiana, both with BOB LIVINGSTON and the gentleman from Louisiana (Mr. TAUZIN). I have had the opportunity to meet with their governors. They are always extolling the merits of Louisiana, talking about what a great, great State it is and talking about the great restaurants and the cuisine and all of the wonderful people there.

But I very seldom hear any of them publicly talking about the greatest asset that the State of Louisiana has, and that is it is only like 75 miles from the Alabama line. Each weekend, you see these people coming from Louisiana to visit the beautiful beaches of Alabama. BOB, you have been to Alabama, and you have visited the beaches there, and we welcome you any time you want.

I would like to share some of the comments that my colleagues have made about your contribution. When I first came to Congress in 1984, we had budget level deficits of some $300 billion, and it seemed to be growing. Suddenly, 4 years ago, that trend stopped. As a result of that, now we have budget surpluses, something that has never been heard of in our lifetime almost.

So many people are positioning themselves or speculate on who was responsible. There are many who say that Ronald Reagan started it, and certainly he did make a tremendous contribution towards the beginning of this surplus that was created. There are some that said George Bush had a lot to do with it, and certainly he did.

There are some, President Clinton being one, taking credit for it, even though some of us think that there was very little contribution on his part, but it did happen on his watch. Certainly he is to be given credit.

But if there is one single individual who deserves the most credit, we have to give it to BOB LIVINGSTON. Certainly, BOB, that will be your legacy. That will be the legacy you leave here in this Congress that, under your leadership, under your guidance, as the chairman of the Committee on Appropriations, you cut the domestic spending level that created this surplus as we know it today. I am happy to have been a part of that team.

I had the opportunity to sit in on all of these meetings and listen to BOB LIVINGSTON pound his fist on the table and say we are not going to spend more money than "X" dollars. So I know the contributions personally he has made. I have watched it in my own little purview of jurisdiction of foreign operations where he has said "no more," where he has said "cut." As a result of that, we did cut. As a result of that, we do have a surplus that we, ironically, are arguing about today as to what to do with that surplus. But is it not remarkable and is it not wonderful that we do have the surplus?

I listened to the history lesson of the gentleman from Louisiana (Mr. TAUZIN) about BOB LIVINGSTON's great, great grandfather when he was participating in the Louisiana Purchase. I remind everyone and all of their friends listening today in Louisiana that, at that time, Mobile was the capital of Louisiana. Mobile started the Mardi Gras which you all take so much credit for today.

So we, too, in Alabama sort of feel a companionship, feel a kinship to BOB LIVINGSTON's great, great grandfather who purchased the Louisiana territory and thus, as a result of that, became all of the great States that we know today.

BOB leaves at a unique time in history. He is leaving on a good note. He is leaving on the fact that he helped organize this Congress. He is leaving on the surplus that I earlier mentioned. He is joining another career, a career where, hopefully, he will be as successful as he was in the Congress and as he was before he came to the Congress.

But he leaves at a very unique and opportune time in his own personal life, because this week, this week, he was blessed with the greatest gift God can give to man, and that is the birth of a grandchild, Caroline Grace, who was born just this week, the Livingston's first grandchild.

So, BOB, you are going to have the opportunity to spend untold hours with Caroline Grace. She is going to benefit. You are going to benefit. BOB is going to benefit.

I am certain that your career as you leave this body will be just as successful as every endeavor you have ever made in your life. I am proud to call you my friend, and I look forward to seeing you on a more personal level in the years to come.

If I just might add one thing, when you go out into the private venture, when you begin making a little bit of money whereby you can afford some of the better things that you have been denied during your public service in life, I do wish you would buy an automobile with an air conditioner, because let me tell my colleagues, I have so many times, on so many occasions, ridden with BOB to meetings at the White House and the State Department in his antique automobile in the heat of August without air conditioning.

I will assure my colleagues that, after all of this is over with, with respect to the rules and regulations that say one cannot call on Members of Congress, one cannot lobby, we are still friends. We can still go places. But I do wish you would get an air conditioned car.

God bless you, BOB LIVINGSTON.

Mr. TAUZIN. Mr. Speaker, I thank the gentleman from Alabama (Mr. CALLAHAN) for all of his kind words and for that piece of revision of history. We want him to know that Mobile does, in fact, do a marvelous imitation of the New Orleans Mardi Gras. I have enjoyed it in Mobile with him on occasion.

I hate to correct a colleague, but BOB LIVINGSTON does not drive an antique automobile. That would be giving much too much credit to that automobile. It is just an old automobile and a pretty wretched one at that.

We are joined today by a great and distinguished colleague, BOB, the gentleman from California (Mr. DREIER), chairman of the Committee on Rules of the House of Representatives.

Mr. DREIER. Mr. Speaker, I am not a cardinal. I am not a Louisianan. I am not even from Mobile, Louisiana. But I am a huge admirer of BOB LIVINGSTON, and I have to join my colleagues in saying how sad we are to see him leave, but very happy for the great opportunity that lies ahead for both Bonnie and BOB.

I am a southerner, though I come from southern California like that great cardinal we have heard from. It is interesting to listen to the gentleman from Alabama (Mr. CALLAHAN) talk about the disparity between the Louisianans and Alabamans. From southern California, they all look the same to us.

But I want to say I remember very vividly the first time that I met BOB LIVINGSTON. I am glad to see that we are joined by our former colleague, Mr. Vander Jagt, here on the House floor, who obviously had a very distinguished career here as a member of the Committee on Ways and Means. I remember that it was at the time that Guy Vander Jagt was the chairman of our Congressional Campaign Committee that I first met BOB LIVINGSTON. BOB probably does not remember when that was. It was at the Shoreham Hotel, and it was just a few weeks after he had won his special election to serve here.

I was there at some Republican gathering at the Shoreham and was at that juncture considering running for Congress myself. While Guy Vander Jagt provided us with great inspiration, the enthusiasm that BOB LIVINGSTON showed just weeks after he had been elected was key to my deciding to move ahead and to run for the Congress. Because he said we have got to win a majority in this place. We have to do everything that we possibly can to implement our very positive Republican agenda. Well, two long decades later, nearly two decades later, we got to the point where we were able to do just that.

The gentleman from Alabama (Mr. CALLAHAN) mentioned the issue of spending cuts. One of the things that I think is very important to note of BOB LIVINGSTON's reign as chairman of the Committee on Appropriations was the fact that, when we looked at emergency spending, when we looked at even spending for defense, urgent defense items, what was it that BOB LIVINGSTON did? He said, there must be offsets. That, to me, was a very positive signal. He stood his ground to make sure that we would have those.

I hope very much that, as we look at a wide range of spending programs for the future, that we in fact follow that great LIVINGSTON model which is a very important thing for us, I believe, to do.

I was looking forward to being BOB LIVINGSTON's Committee on Rules' chairman, as I have taken on this new responsibility, and I am very sorry that I have not been able to do that.

But I want to say that BOB LIVINGSTON played a key role during that transition in late November and December. The role that he played is still being felt and I believe will be felt throughout the 106th Congress and beyond.

Not only did he make many very important appointments of members to committees and other spots around here, which, to his great compliment, Speaker HASTERT has continued to follow through with, but it was a leadership meeting that BOB LIVINGSTON shared where we implemented the four-point agenda that we as Republicans are pursuing: to reform public education; to make sure that we provide tax relief for working families; to deal with saving Social Security so that those that are at or near retirement are not in any way jeopardized, but also look at the very important plans for baby boomers and those younger looking at retirement for the future; and, the fourth point, recognizing that since 1985 we have witnessed a diminution in our defense capability. We are standing firmly for rebuilding our defenses as we look at the very serious challenges that we face throughout the world.

□ 1815

Those four points, education, tax relief, Social Security, and national security, all emanated from the leadership team that BOB LIVINGSTON put together.

And so while he is retiring and going on to an opportunity that will allow him to maybe be able to buy actually an antique automobile and replace that with his old automobile, it is air conditioned, he should know that the things that he has done throughout his entire two decades here, and most recently those efforts that he was able to pursue in bringing about the transition in our leadership, will be felt throughout this Congress and for many years to come.

So I wish him well, and his entire family well, and I want to say that he will clearly be sorely missed around here, and I thank my friend.

Mr. TAUZIN. Mr. Speaker, let me point out to my colleague that BOB had the good sense of marrying a good Cajun girl, and Bonnie Robichaux has literally been an extraordinary woman and partner and friend. And to Bonnie and BOB's four children, Rob and Richard and David and Susie, who are all indeed working, Susie here in Washington, D.C. and Rob and Richard and David all in Louisiana, we want to wish them the best. We know that now, finally, they are probably going to see an awful lot more of their dad than they could in all these years that he served both in law enforcement and now in the United States Congress.

To round out this extraordinary parade, I wanted to yield to another one of the cardinals of the Committee on Appropriations who can speak with great eloquence about BOB's friendship and his extraordinary contributions to this body and to the country, the gentleman from Ohio, Cardinal RALPH REGULA.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding to me. And, BOB, tonight, when the phone rings, it will not be someone wanting you to change your phone service, it will be an automobile salesman. Just make sure it's an American model; saying that from Ohio.

We cannot claim kinship with Louisiana, being much further north, but I want to say, BOB, we do appreciate that offshore oil that you send up to fuel our factories and our farms and our homes. And Louisiana, with your leadership, has been out front in providing for the Nation's security.

BOB was given a tremendous challenge as the new chairman in handling a rescission bill. We tend to forget how vitally important that bill was to demonstrate the majority party's commitment in real dollars to reducing the cost of government. It was an enormously challenging responsibility, because what his leadership required was to say to people we are going to take something back that you already have, and that is not easy to do.

And yet we had a very successful bill under the leadership of BOB, saved several billion dollars in rescinding programs that would have otherwise been wasteful spending. And, most importantly, it established a lower base. Because the programs in appropriations build on the base from year to year to year, that savings achieved by that first rescission bill will lead far into the future in saving the taxpayers money. That was an enormous contribution, and it was, I think, quite evident of his excellent leadership as the new chairman of the committee.

I would also say that I was always impressed with his grasp of the issues. Because as chairman, BOB would go from committee to committee and participate in some of the difficult challenges of each of the subcommittees, and to do that he had to have an understanding of the issues. He did very well in serving in that role. And I believe that contributed substantially to the success of the appropriations process in achieving what we now have as a balanced budget, because basically the budget is a composite of all the separate programs.

I would also say, BOB, if things get tough, you can be a diplomat. I experienced that in your office one day when you were between a couple of Members who had a somewhat different point of view, and you exercised great diplomacy in avoiding bloodshed. A good thing you did have those knives that you had for the first meeting out of reach. It was a real feat of diplomacy because of the different points of view.

Also, BOB, if things get real tough you can start a restaurant. You have a wicked pot of jambalaya, and we enjoyed that in your home one night. I think you said you produced it. It was probably Bonnie's handiwork, but nothing like taking credit when she was not within ear shot.

But, really, I have enjoyed your leadership and I have enjoyed the fact that you have always supported each of us in the subcommittees in dealing with some very difficult problems. Oftentimes we have to make decisions that are not necessarily pleasing to Members in order to keep a restraint in spending, and to accomplish this required having your support as we would bring a bill through the process. I think you have done a superb job of providing leadership. You have established a benchmark that will be a challenge to those in the future.

And since it was the first time in 40 years that we had the chairmanship of that committee, the way in which you conducted it does create a pattern that I think will be followed in the future. So your contributions will reach far beyond your tenure in the Congress, and I join all my colleagues in wishing you and Bonnie the very best. You have been blessed with a good helpmate in Bonnie, and it has been a joy to just be part of this Congress and serving with you and knowing both of you.

Mr. TAUZIN. Thank you, Chairman REGULA.

Mr. Speaker, before I yield to the next Speaker, let me just point out that this extraordinary conciliator, this extraordinary legislator, who has reached out across party lines and whole divides, was once an opponent of mine for the governor's race in Louisiana.

He and I contested mightily for that position. In fact, then I was a Democrat and he was a Republican contender for governor of our State. At an event after the race was over, I mentioned BOB had gone around the State of Louisiana trying to convince everybody what a rotten governor I would make; and I had gone around the State of Louisiana trying to convince everybody what a rotten governor he would make. And we must have both been very credible, because they believed us both so well they elected Congressman Buddy Roemer to that seat.

In the end, I, a Democrat, left with a huge debt, defeated in that race for governor, turned to BOB LIVINGSTON. And he, as our dean, led an effort, with all the Members, Democrats and Republicans, to help me pay off that debt so that I could move on and serve our State, as I have tried to serve it well as a Member of the United States Congress. It is that kind of spirit, this man, that I think has been the hallmark of his career.

Finally, I want to yield to a few people who want to comment about that, among them my good friend, the gentlewoman from California (ANNA ESHOO).

Ms. ESHOO. Mr. Speaker, I want to thank the chairman of the Subcommittee on Telecommunications, Trade, and Consumer Protection of the Committee on Commerce, the gentleman from Louisiana (Mr. TAUZIN). I was in my office and I had this station on and I was listening, Mr. LIVINGSTON, to the marvelous things that were being said about you and I wanted to come to the floor and pay tribute to you for the kind of man that you have been, for the kind of Member you have been, and the leadership that you have provided here in the House of Representatives.

Just anecdotally, my earliest memory of BOB LIVINGSTON is at the Hershey retreat, at the bipartisan retreat 2 years ago. I had gone to mass that Sunday morning, and I looked in front of me to say "peace be with you", and who was standing there but BOB LIVINGSTON and his wife. Now, I think that in order to be great, and in order to do really extraordinary things, that you have to be a good person. And I believe that BOB LIVINGSTON is a very, very good man.

The next time I remember seeing him, and I thought, gee, we keep bumping into one another at religious-like undertakings, was here in the Capitol at a magnificent, beautiful memorial service for Congressman Emerson. And there he was again in his tall and quiet way.

I wish that BOB LIVINGSTON were remaining in the House of Representatives, where he would continue the very important work that he undertook both as chairman of the House Committee on Appropriations and the kind of leadership that he has given.

This is the first time that I have crossed the aisle and spoken from the Republican side. I do that, Mr. Chairman, to pay tribute to you, because I think that people across this country, whether they know your name or not, will be the beneficiaries of the kinds of good things that you have done here.

You will be remembered long after you leave here for your goodness, and I wanted to come to the floor to pay tribute to you tonight and to say to you that I have every confidence that you have many, many chapters of exciting times of your life to come. Thank you for what you have been here. Thank you for the gentleman that you are.

I want you to know that I am one of many, many, many here that had looked forward to working with you as Speaker of this House. But you will move on, you will be extraordinarily successful, because you have all the ingredients of leadership to do that regardless of where you are. And may I say, "May God bless you". You deserve it.

Mr. TAUZIN. Mr. Speaker, I thank the gentlewoman for her extraordinarily warm and generous remarks.

I am pleased to round out this session of honor to my friend BOB LIVINGSTON by yielding to another great friend, a good man, another Congressman from my State, my dear friend, Mr. BILL JEFFERSON.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding to me, and I think the remarks the gentleman made about the Governor's race, when you and BOB were in it, were exactly right. We will have more to say about that in the future, BILLY.

I want to say this about my friend BOB LIVINGSTON. BOB started out representing a district that was largely Democratic. That is why I believe he learned to work so well with Democrats across the aisle, with Democrats in general, and of course with his own colleagues on the Republican side, because he had a lot of practice doing it in the first district that he undertook back home. BOB LIVINGSTON understood how to deal with ordinary people, and he understood how to deal with a city that was as diverse as New Orleans is.

He and I had the good pleasure of working together, not just as colleagues in the Congress but as people who had a responsibility for making the Congress regard our city and for having the Congress respond to the needs of our city, and we did that in a beautiful partnership. He, of course, was the leader of the partnership; I was the junior partner. Nonetheless, he listened to me when I first came here. He encouraged me, he gave me whatever guidance he could, and he parted with me over time to take the issues that I knew were important to our area. He listened to me very well and he made these issues his own.

And so, BOB, for the folks who drive the RTA buses, we thank you. For the people who worry about the hurricanes and those levied areas, we thank you for that. For those folks who drive on the streets that never really were quite right, that never will be because the ground is too soft and the street is always going to give way, we thank you for always remembering us in our community development programs and efforts. We thank you for what you did for our schools and for education, and for the way you tried to introduce technology, a very new feature, into the Louisiana economy, and how you helped to diverse our economy.

We now have a monument that is an example of the kind of innovation that you are capable of, and it sits at the University of New Orleans, and will be there, I hope for all time, as a living monument to your creativity. What you did was to bring to our area, and to bring to the whole of our government, a new way of thinking about how to save money and to consolidate and to make our budget work better and in more effective ways; and, at the same time, to partner with the private sector in ways that now have created more than 1500 jobs in our area in this one facility and that will be there, hopefully for a good long time, as a BOB LIVINGSTON memorial.

Now, we all hope to be remembered well when we leave this place. And as many of my colleagues said earlier, I'm confident that you will be, mostly for your decency, because people could talk to you, because they could work with you, because they respected you, and because we all looked forward to greater service from you. BOB, for one, I am really going to miss your presence here and I am going to miss the prospect of what would have been, I believe, great service as the Speaker of this House.

□ 1830

And so, for those folks in Louisiana who would like to stand here with me today and from my district and say good-bye to you, let me on behalf of all of them give you our fondest farewell and our fondest best wishes for you and your wife and your family and say we were lucky to have a chance to serve with you and lucky to have a chance to be a partner with you for the time I have been and lucky to have known you and your family, and we wish you the best luck and Godspeed for all that you do in the future.

Mr. LATHAM. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Speaker, I thank the gentleman from Louisiana for yielding.

I just come to the floor to say thank you to a real gentleman, BOB LIVINGSTON, to say thank you for his honesty and integrity, someone that I admire very, very much and, last of all, to say thank you for the opportunity that BOB LIVINGSTON gave me to serve with him on the Committee on Appropriations. His leadership is something that will always be very, very important in my career here in the House.

He is going to be missed tremendously. We love him and wish him Godspeed.

Mr. TAUZIN. Mr. Speaker, I thank my good friend and neighbor for his kind words.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman from Louisiana for yielding.

Not many people know, I think, the heart of BOB LIVINGSTON, but he is somebody that can be ferocious but caring ferocious. I served under a lot of different commanding officers in the Navy, and we had good, bad and others. So you get to judge leadership a lot being in the service.

Let me give my colleagues one instance, and BOB will remember this. I had worked four terms trying to get on the Committee on Appropriations, and I felt that I had been cheated out of the Committee on Appropriations, and I did everything I could working with the leadership, even above the Appropriations chairman, Mr. LIVINGSTON, to get on Appropriations and Defense Appropriations.

Well, it was almost a no-no situation, and yet I proceeded to do just that. And when I finally got on the Committee on Appropriations and Defense, BOB LIVINGSTON, to get me on there, had to give up his slot on the Defense Committee on Appropriations. That is what he did. But, in the meantime, he took me back in a little room and put his finger in my chest and treed me for about 10 minutes. But you learn that BOB LIVINGSTON did this not in front of other people but he expressed himself man on man, directly to me. That itself shows leadership. It shows caring. It shows compassion.

BOB, we are going to miss you. Godspeed. And if I can ever be the wind in your sails, let me know.

Mr. TAUZIN. Mr. Speaker, I think this hour is just about over. It has gone much too fast, and there is so much more we could say to honor and extend our great respect to BOB LIVINGSTON as he terminates his many years of service to the State of Louisiana.

I just want to add one personal thought. BOB and I have been friends for a long time. We contested each other politically. We have been on different sides of the fence occasionally. At the end of the day, we have always been friends. And that has been the hallmark of his career. He leaves so many friends here.

BOB, Louisiana will miss you. Louisiana will miss your service. Louisiana will miss your caring, concern for her, for all of her people. And my colleagues in Louisiana and across this body will miss you for the good man that you are.

Mr. Speaker, with great thanks and appreciation to the gentleman from Louisiana (BOB LIVINGSTON), who I will now replace as dean of the Louisiana delegation, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to pay tribute to my friend and the Representative of the good people of Louisiana's First District, BOB LIVINGSTON.

BOB LIVINGSTON is a man of courage and honor. In every aspect of his career in Congress, he has made clear his enduring love and respect for the institution of the House of Representatives in which he has served for 22 years.

At a time when our nation was calling out for leadership, BOB LIVINGSTON reminded us all that the institutions of our democracy are stronger than any one person.

I have witnessed firsthand the strength and fairness with which BOB LIVINGSTON led the Appropriations Committee and how he demonstrated exceptionally well the leadership necessary to bring people of divergent ideas and talents together. I can say proudly, too, that as New Jersey's only Member of Congress to serve on the Appropriations Committee, Chairman LIVINGSTON was receptive to the needs of New Jerseyans and supportive of my work in Committee on important state priorities.

It is, of course, legend now, that day he came to take over the Committee wielding a "Louisiana fileting knife." And with a surgeon's precision, he led us to make cuts that put our budget in balance for the first time since 1969. Under his leadership in the 104th Congress, our Committee reduced government spending by over $50 billion, and we continued this trend in the last Congress, too. This will be BOB's legacy, and I am proud to have had the opportunity to be a part of it.

BOB, you will be missed. Thank you for your courtesy, and your friendship. I wish you and Bonnie continued success for the future.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on my special order.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PATTERN OF BRUTALITY AND KILLINGS IN NEW YORK CITY LINKED WITH EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to add my voice of praise and congratulations to the retiring chairman of the Committee on Appropriations in one respect that I think people keep forgetting, and it ought to be an important footnote in the history books. That is that the biggest appropriation in the last few decades for education, the biggest appropriation, was the appropriation in 1996 that came out of the Committee on Appropriations. Education got a $4 billion increase under the leadership of Chairman LIVINGSTON, $4 billion.

We had gone for 2 years with proposals coming from the majority party that we decrease education and that we cut education. And the miracle of that fall and the miracle of the sessions of the Committee on Appropriations produced a $4 billion increase in education. And I want to congratulate Mr. LIVINGSTON, the chairman of the Committee on Appropriations, for that; and history should note that.

I am very concerned about education. And I have been on the Committee on Education and the Workforce now, this is my 17th year. I really wanted to make my speech tonight a speech about the importance of the education agenda, particularly the item of school construction.

I wanted to confine my remarks originally only to that subject. However, I must say that a matter of grave concern to me forces me to broaden my discussion, and for days now I have been very disturbed about events taking place in my home city of New York.

I represent the 11th Congressional District of New York State, which is part of New York City. The 11th Congressional District is in New York City. And although it did not happen in my district, there was an incident where the New York City Police Department, a street unit, fired 41 shots at a young man; and a large number hit him, of course; and he was killed. We do not use the word "killed." He was murdered.

Because there was no real reason why a man standing in a doorway, innocent, no record, no violent crime had been committed in that immediate vicinity during that particular period, and suddenly an innocent man, who happened to be an immigrant from Guinea, was killed in cold blood.

Of course, if this stood by itself as one lone incident where four policemen emptied their guns on an African in New York City it would not have caused the furor that it caused. But there were other incidents recently.

Abner Louima, in a precinct adjacent to my district in Brooklyn, was sodomized with a broomstick last summer during the mayoral election that took place. And Abner Louima, the four policemen on trial for that still have not been tried. That was another incident.

I have lived in New York City now for more than 35 years, and I have been an activist for most of that time, so I can recite easily a long list of other people who have suffered from police brutality and police killings. The killings stand out. And every time one of them took place, I always said we cannot get much worse than this.

When Clifford Glover was gunned down in Queens, a 12-year-old boy who was fleeing from the police and was shot in the back, I said, how horrible. It cannot get much worse than that. But many others have taken place since Clifford Glover was killed.

Claude Reese, Randolph Evans, who was shot at point-blank by a policeman who put a gun to his head in a crowd and shot him; and there was no explanation that the policeman could give, so he finally was acquitted on the basis of psychomotor epilepsy. They brought a psychiatrist to court, an expert who we have never seen or heard from since, who described the condition of the policeman as pyschomotor epilepsy. So that policeman was acquitted. I said, oh, you cannot get much worse than that.

Then we had Eleanor Bumpers in the Bronx, who was a grandmother in her sixties, in her own living room who was shotgunned down by a policeman, a police sergeant, who said that he was frightened for his life because he came into her living room and, not knowing who he was, she lunged at him. She was shot down in cold blood. And not only was that sergeant exonerated, he was later promoted. And on and on it goes.

In my district, several years ago a young man was killed. Twenty-one shots were fired from the police at a young man in a car. They noted that the car was stolen, and they identified it. And they said he went for a gun, but no gun was ever found. But he was shot 21 times. And we could not even get the photographs of the policeman who did that released.

So there has been one incident after another and people have been crying, as they always have the right to cry, about public officials not providing proper leadership. Where should we leave them in this situation?

The demonstrations are taking place in New York. Yesterday, there was a demonstration near city hall. It was one of about five demonstrations that have taken place since this incident occurred on February 4. Eight protesters were arrested near city hall in Manhattan yesterday when they chained themselves together to block traffic on lower Broadway. And on and on it goes.

Several churches had special prayer marches last Sunday. On and on it goes, and it is appropriate that people should be very upset.

And it occurred to me that there is a link between the problem we have in New York City with education and school construction and the problem we see now manifested in the way the police brutalize the minorities and the pattern of brutality and pattern of killings.

One of the facts in the pattern of brutality and the pattern of killings is that these accidents that the police claim misjudgment or reasonable reactions and responses, these accidents never happen in white neighborhoods. There have been no accidental killings, there have been no atrocious incidents where guns were emptied on white young men or women. There have been no grandmothers in the white community ever murdered in their living rooms by police.

The pattern is clearly the evidence that it only happens in minority neighborhoods. Yes, some have been Hispanic, some of the victims. Some have been Asian recently. Because we have a new immigrant population, powerless Asians. One small kid who had a toy gun was shot down by a policeman and killed. On and on it goes.

The pattern is clear. Something is wrong racially in terms of the actions and reactions of the New York City Police Department.

I have been involved for a long time, and I can give my colleagues the long list of demands that we made 20 years ago. Those same demands are being made now. And yet nothing changes. They sit as a permanent government of New York, the newspapers, the New York Times and the media, and they all control public opinion, and they do not want to see something happen that does not happen.

So I assume that reform of the police department, which is basic, the establishment of a civilian review board, a number of things that we asked for, the appointment of a special prosecutor to deal with police brutality and police killings so that the district attorney who has to work with police all the time is not in a position to prosecute police. There is an intimidation factor which is obvious. The ending of the 48-hour rule, where policemen cannot even be interviewed about an incident like this until 48 hours has elapsed.

The movement of New York City into the same category as the other cities in the State where New York City has the right to hire only policemen who live in the city. Other municipalities and counties in New York State have the right to have a residency requirement. Only New York City, by State legislative law, cannot have a residency requirement. So we have most of the people who are policemen coming from outside the city. They live in communities outside of the city.

Of the people who were involved in this latest killing, three of the four lived outside of the city.

□ 1845

Of the people involved in the latest killing, the oldest person was 27. One was as young as 23, the policeman. That pattern goes on and on, and the establishment, the power structure, will not cooperate with the leadership from the minority communities to give any kind of ground in terms of meeting demands that are reasonable: the appointment of a special prosecutor, the residency law, the end of the 48-hour rule, the establishment of a civilian review complaint process that is not tainted by the police commissioner having the last word. All these basic, reasonable demands have not been met.

On the other hand, if we look at education, we have made some basic, reasonable demands over the years that also have not been met. Some atrocious things are happening in education. There is a pattern of tyranny here, a virus into the democracy of New York City and New York State. There is a virus of tyranny and a virus of oppression which is reflected in some atrocious acts that are being committed across the board whether you are talking about welfare policies and recently the Federal Government criticizing New York City and putting it under a special court order for the way its welfare policies are being handled, the way people are being processed or whether you are talking about hospitals and health care. The city hospitals, the Hilton hospitals corporation that has existed for several decades, the present administration of the city is trying to sell the hospitals, privatize them. It gets so ridiculous until in my district recently the laundry that services the city hospitals in Brooklyn has been ordered closed and they are going to contract with a laundry across the river in New Jersey because, by the pound, they can provide the service for a few pennies cheaper to launder the linen and the sheets and the various things that relate to the hospitals. The pattern is to try to sell the hospitals, if not sell them, destroy them. And then in education, the pattern has been to refuse to deal with obvious problems related to education infrastructure. School construction is no longer an education issue in New York, and probably in large parts of the country it is the same situation. It is a moral issue. It is a moral issue. It is not a financial issue in New York. It is a moral issue.

School construction reflects the same pattern, the same mind-set of the administration in respect to tyranny and oppression of a certain group of people. The worst schools are in the minority areas. The worst schools are in the areas where black and Hispanic and Asian children go to school. The worst schools are in neighborhoods that have been neglected over the years. So when you have a $2 billion surplus, and New York City had a surplus, revenue over expenditures last year of $2 billion, not a single penny of the $2 billion was devoted to meeting school construction emergencies in New York City. At a higher level, in New York State, the State had a $2 billion surplus. I am sometimes ashamed to come to the floor of Congress and talk about the subject that I am going to primarily talk about tonight, the need for Federal aid for school construction, because our State and our city, even with the resources, is doing so little, is dedicating such a small percentage of those resources to deal with school construction. Why? They do not care. There is a moral issue. There is a determination made to destroy a certain segment of the population. The basic human rights of a certain segment of New York City's population are being violated. There is a process which is very different from the way the Serbs violated the human rights of the Albanians in Kosovo. In Kosovo you have violence, you have bullets, you have blood. It is kind of obvious. But also in Kosovo they complain about the fact that the school system for the ethnic Albanians in Kosovo, run by the Serbs, the school systems were not teaching the children properly, the basic problem of language they would not teach but there are things they complained that they had inferior schools. I remember reading at the time when the conflict between Armenia and Azerbaijan had a lot of visibility in the world that one of the big things about an enclave of Armenians that were in Azerbaijan was that the school system was deliberately neglectful of the needs of the Armenian children.

So the school system's neglect of a particular population is not by accident. The people in power who make the decisions, the people in power who have the money, even if they have a $2 billion surplus, if they do not care about what happens to a certain segment of the children who go to the schools, they will not use those resources. So it is more than just money. It is a moral issue. We would like to have some aid from the Federal Government and I am going to talk about the need and the duty of the Federal Government to provide aid but we certainly are not doing enough in New York City or New York State with what we have. Why? Because there is a virus of tyranny, a virus of oppression that has contaminated our democratic process in New York City. There is a small group that has managed to take power and they have determined that they are going to drive a certain segment of the population out of the city. They are going to neglect them to the point where they will be totally powerless forever. And they continue to go on and on successfully.

That is why I feel I have to deviate from just talking only about school construction and make the linkage between the pattern of police brutality, police killings, the pattern of hospital closings and privatization, the pattern of neglect of certain neighborhoods deliberately, the pattern is such that we have to link them together and understand that we are fighting a much bigger problem than just the neglect of school construction in New York City. And probably the application to other parts of the country, certain big cities, is the same. People in power who make decisions about the money have over the years neglected these schools and now we have a crisis and they have determined to do nothing about the crisis.

We have a situation where the General Accounting Office in 1995 said that we needed $112 billion to revamp the infrastructure of schools all across America. They cited, and it is not just the problem of big city schools. There are problems in rural schools which are very serious, there are problems in suburban schools, but mainly the biggest problem, of course, is in the big city schools, Los Angeles, Chicago, Detroit. It is all over where you have deteriorating schools, in some cases endangering the health and safety of children.

The trailer problem. Somebody said a few days ago, they called the trailers learning cottages, not trailers. Let us call them trailers. When the greatest Nation in the world with the highest per capita income and Wall Street setting records every day, when they have to have their children go to school in trailers, then something is radically wrong. The Vice President has recently discovered some schools somewhere in America where children are forced to eat lunch at 9:30 because of the overcrowding. It is such a crowded school until they have to eat in shifts and there are so many shifts that you have to begin serving children at 9:30 and you do not end until 1:30 or 2 o'clock serving the children in shifts. That is commonplace in my district in New York. It is commonplace across New York that children are being forced to eat lunch at 9:45 or 10 o'clock in the morning. That is child abuse. But decent people, teachers with education and a mission to help children, principals, administrators, the city council members, everybody is acquiescing to a situation where children are abused systematically by being forced to eat lunch when they have just finished breakfast.

That is the way you solve the problem, take the pattern of least resistance. Treat the children of the schools as if they were not quite human. Maybe their parents will get the message and move out of the city or somehow take the burden away from the city administration, or whatever. But it is related.

The fact that you cannot have law and order in New York City, some people believe you cannot have law and order without having a violation of civil rights and without having justice is not accurate. There is no reason why we cannot have law and order with civil rights being respected and justice for all.

New York City recently announced and they initiated last night, I think, the policy where anybody who is caught driving drunk will have their car taken away from them. Well, the first reaction of the minority neighborhood is that, there goes our cars, because certainly anybody with alcohol on their breath in the minority neighborhood is going to be stopped. The profiling that is so outrageous all over the country where they have profiles of criminals and color is a basic part of the profile. You stop the cars where the young people are black. You stop the cars where the young people are Hispanic.

I want to congratulate the Justice Department for its announcement, the United States Justice Department for its announcement that it is going to conduct an investigation of profiling in New Jersey, the State right across the river from New York, because New Yorkers and other minorities, certain Hispanic and African-American young people have been complaining for years about the fact they always get stopped, their cars get stopped.

The law of averages say if you stop every car with a young person who also happens to be black or Hispanic, you are going to find a large percentage who might have something wrong in the car. They might have an open beer bottle or they might have even some drugs. If your profiling is done that way, you are going to have a pattern where most of the people who get arrested are going to be black or Hispanic. If you are going to profile drunk driving and stop more people in the minority community, more minority drivers, you are going to have more minority people losing their cars because they happen to be caught up in that network.

We do not think it is a good approach to punish people before they have their day in court. But that is just part of a pattern of moving to maximize law and order at the expense of civil rights and justice. It does not have to be.

The unique thing about our democracy, what makes America so great, is that these excesses we do not tolerate in order to get the productive results. Law and order they had in Mussolini's Italy. Law and order they had in Hitler's Germany. Law and order can be achieved if that is all you want. But why make law and order a goal which prevails over everything else? Law and order over civil rights, law and order over justice. What you end up doing is end up getting lawlessness. You get violence perpetrated by the people who are hired or commissioned to carry out the law and order, the SS, the Gestapo, the police departments filled up with people who are not given proper training, too many people who do not have proper training.

I do not think that the whole New York City police department should be indicted. I think the administration of the police department, I think the administration in city hall must be indicted because they have created an atmosphere, a mind-set, they have made law and order a political objective that must be achieved over everything else, and they have created a situation where people who are unstable, people who are not properly trained, people who have problems. One of the policemen who shot Amadou Diallo, and I might have gotten ahead of myself and not been specific about what I am talking about in terms of the latest outrage.

Amadou Diallo on February 4, an unarmed street peddler from Guinea, was killed in a barrage of 41 bullets in the Bronx. The people who shot him, one of those people had also been responsible for the murder of a young man in Brooklyn not too long ago where the young man was shot and the wounds that he sustained were not life-threatening but he was allowed to bleed to death. They did not give him any medical attention for 45 minutes and he bled to death. The doctors at the hospital said if he had only been brought to the hospital within a reasonable length of time, his life would have been saved. There were no obvious life-threatening wounds at the beginning.

So Amadou Diallo becomes a symbol, because he is part of a long line. Before him Abner Louima, before him the long succession of Eleanor Bumpers, Claude Reese, Clifford Glover, Randolph Evans and numerous others who were killed by police under circumstances that could not be justified. Anthony Biaz is unique because he is one of the few persons killed by police where the police were punished.

□ 1900

So it happened the policeman who strangled him to death or killed him with a choke hold happened to have had a long record of brutality, and the city and the union ran away from defending him, and he was convicted. Livoti is his name. Livoti was convicted of killing Anthony Baez in a civil suit at least. And the important thing is that some punishment was meted out, whereas in the case of Eleanor Bumpers, the grandmother who was murdered in her living room, the policeman was not only not convicted, he was given a promotion later.

So, the task I made for myself tonight is to make synergy here. There is a clear relationship between the way and, as I speak, it applies to many other places in the country so I do not feel guilty about taking the time here on the floor of the House of Representatives to talk about this because in other places in the country we have the same kind of problems. The task is to let it be known that the education problem is partially, certainly, the obvious part of the education deficit.

The lack of resources is due to the fact that there is no moral commitment to educate the poorest children in America, no moral commitment, and the poor happen to be mostly African American, Hispanic. There is no moral commitment to really educate them, and that is why we cannot get around to doing what is obvious. There is no commitment there. There is no commitment to provide law and order with justice if you can just forget about justice and be careless about the way you provide law and order. Then Amadou Diallo and Abner Louima and Eleanor Bumpers, they are all sacrificial lambs.

I am going to go on to talk more specifically about school construction and education, but first I want to enter into the RECORD a letter that was written by my colleague from Chicago, DANNY DAVIS, and signed by many other members of the Congressional Black Caucus.

I wrote my own letter to Janet Reno, and I am going to enter that in the RECORD, too. It was like a ceremony every time one of these outrageous cases occurs and someone is unjustifiably murdered by the New York City police. I wrote a letter to Janet Reno asking for an investigation. I asked not only that the particular specific individual incident be investigated but I asked that they investigate the systemic problem, why it keeps happening over and over again, why do only these accidents only take place in minority neighborhoods, why only people who are considered powerless, why only people who are African American or Hispanic or Asian, why are they the only victims of police mistakes? It is really a question worthy of the attention of the United States Justice Department.

But I ceremoniously write these letters. I get an answer back from Janet Reno and, before that, previous Attorney Generals saying, we will proceed to investigate, but I never get a later letter which says exactly what they are doing or what the outcome was. They promised to investigate systemic police abuse in New York at the time of the outrageous sodomization of Abner Louima. Abner Louima was sodomized with a broomstick and left to die. He just was very tough, and although they left him around for several hours, when they finally got him to the hospital, he fought, and he lived and was able to tell his own story.

But the letter from Janet Reno said, we will proceed, I have ordered an investigation. I even got a letter from the local U.S. Attorney saying, we are proceeding to investigate the New York City Police Department, the systemic problem, but you never get any final conclusion or any progress report.

So DANNY DAVIS, my colleague from Chicago, is asking the same things I have asked repeatedly in my letters. DANNY DAVIS' letter reads as follows:

> Dear President Clinton, we are writing to urge you to form a Federal task force comprised of community leaders and Department of Justice officials to investigate incidents of police brutality and misconduct. As you may know, on February 4, 1999, Amadou Diallo was shot 19 times in New York City when police mistook him for a rape suspect. In all, four white officers shot 41 times in Mr. Diallo's apartment.

That is not exactly correct. There was a doorway leading into his apartment house.

Continuing to quote the letter from Congressman DANNY K. DAVIS:

> There have been numerous incidents of this kind of unchecked police abuse throughout the Nation especially in African American communities. In 1997, police sodomized and beat Abner Louima, a Haitian immigrant, while he was in police custody in New York City. In Los Angeles, there was the police beating of Rodney King. In Chicago, Jeremiah Mearday was beaten by police who were later fired. In addition, two young boys ages 7 and 8 were arrested and charged with raping and killing 11 year old Ryan Harris when it was later revealed that these young boys could not have committed the crimes with which they were accused. We have numerous examples all throughout the country where this type of police abuse is or has taken place.
>
> There is a real perception in the African American and minority communities that if your skin is dark then you are in trouble. In addition, police brutality has undermined the respect of people in minority communities for the rule of law, because there seems to be two sets of rules. We remain concerned that the police cannot fairly investigate themselves. Moreover, we believe that the formation of a national citizenry board in conjunction with the Department of Justice provides legitimacy to a fair process.
>
> If we are to have true racial reconciliation in this country, then we must deal with the issue of police brutality. Finally, if America is to be what she ought to be, then there must be one set of rules by which every citizen is governed. We thank you in advance for your assistance in this matter, and we look forward to your reply. DANNY K. DAVIS.

And this was signed also by other members of the Congressional Black Caucus.

Mr. Speaker, I enter the letter of DANNY K. DAVIS into the RECORD:

> CONGRESS OF THE UNITED STATES,
> HOUSE OF REPRESENTATIVES,
> *Washington, DC, February 22, 1999.*
>
> Hon. WILLIAM JEFFERSON CLINTON,
> *The White House.*
>
> DEAR PRESIDENT CLINTON: We are writing to urge you to form a federal task force comprised of community leaders and Department of Justice officials to investigate incidents of police brutality and misconduct. As you may know, on February 4, 1999, Amadou Diallo was shot 19 times in New York City when police mistook him for a rape suspect. In all four White police officers shot 41 times in Mr. Diallo's apartment.
>
> There have been numerous incidents of this kind of unchecked police abuse throughout the nation especially in African American communities. In 1997, police sodomized and beat Abner Louima a Haitian immigrant while he was in police custody in New York. In Los Angeles, there was the police beating of Rodney King. In Chicago, Jeremiah Mearday was beaten by police who were later fired. In addition, two young boys ages seven and eight were arrested and charging with raping and killing 11 year-old Ryan Harris—when it was later revealed that these young boys could not have committed the crimes for which they were accused. We have numerous examples all throughout the country where this type of police abuse is or has taken place.
>
> There is a real perception in the African American and minority communities that if your skin is dark then you are in trouble. In addition, police brutality has undermined the respect of people in minority communities for the rule of law, because there seems to be two sets of rules. We remain concerned that the police cannot fairly investigate themselves. Moreover, we believe that the formation of a national citizenry board in conjunction with the Department of Justice provides legitimacy to a fair process.
>
> If we are to have true racial reconciliation in this country then we must deal with this issue of police brutality. Finally, if America is to be what she ought to be then there must be one set of rules by which every citizen is governed. We thank you in advance for your assistance in this matter, and look forward to your reply.
>
> Sincerely,
>
> DANNY K. DAVIS.

Mr. Speaker, I also enter a similar letter that I wrote to Attorney General Janet Reno into the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 6, 1999.
Attorney General JANET RENO,
U.S. Department of Justice,
Washington, DC.

DEAR ATTORNEY GENERAL RENO: Over the course of the last few years I have appealed to you and President Clinton to launch a comprehensive investigation into the pattern of misconduct by the New York City Police Department. The most recent incident involving the shooting death of Amadou Diallo on February 4, 1999, underscores my concern about a police department that appears to be out of control. By all accounts, it is obvious that officers have engaged in a pattern of reckless guerrilla warfare tactics against innocent victims.

Our community has grown weary of repeatedly being victimized by the institutional racism that exists within the New York City Police Department. Somewhere in the midst of all of this confusion lies the fear of every minority citizen that they could be next. It should be noted that these incidents never occur in predominately white neighborhoods.

We are deeply disturbed by the actions of the police; shocked and amazed that it took four officers and 41 bullets to bring one man down. This individual was a human being, not an animal. At some point, the leadership of the city has to acknowledge that it is incapable of controlling the growing number of misfits within its ranks and yield to a more objective body that is not driven by politics. We have a number of excellent police officers in New York City whose reputations are being strongly impacted by those who do not have the best interest of our citizenry at heart. One indication of the systemic nature of the problem is the fact that a Street Crimes Unit with life and death power over citizens was comprised of four inexperienced officers under 27 years of age.

Madam Attorney General, this is a very serious matter and requires a very thorough and comprehensive investigation. These last few years have been emotionally draining for the people of New York and I call on you to respond as soon as possible to the urgency of this matter.

Sincerely yours,
MAJOR R. OWENS,
Member of Congress.

Again, I do not need to read a list of the demands that have been made over the years. I have been involved for many years, and the patterns are the same on police brutality and the ending of police killings. We have made certain demands, and those demands still are legitimate.

We demand, and the way to solve the problem, probably not only New York City but across the country, is to have special prosecutors appointed for police brutality and police killing cases. The way to solve it is to have a situation where any locality anywhere in the country can hire policemen from among its own citizens. People who live and work in the same community are less likely to participate in abusive behavior.

In New York, the demand also should include the end of a 48-hour rule where you cannot even interrogate a policeman about an incident of brutality or killing for 48 hours. Union contract specifics that, and there are numerous other demands which have been applied. The question over the years, made over the years, that is still applicable.

So I think what we need in New York is a basic campaign, for a campaign or a crusade for basic human rights. We need to call upon the whole world to take a look at what is happening in New York and compare it to Kosovo. In one sense, they are very different; in another sense, the oppression and the tyranny that has taken place in New York is a preview of coming attractions. It is a very sophisticated kind of oppression.

The virus of totalitarianism, the virus of tyranny, have been introduced into the democratic culture of New York City and New York State. The virus manifests itself in both ways, through the fact that education is neglected, abandoned. Even when there are clear resources available, they refuse to apply them to education. The Governor of New York produced a budget which had additional money for the creation and construction of prisons while at the same time he made cuts in education at the elementary and secondary level and also at the higher education level.

This is a pattern now of both the Governor and the Mayor. Both happen to be Republicans, both are running for or are interested in national office, both are trying to make a statement for the rest of the country. Therefore, I think it is quite fitting and proper that I should stand here on the House of Representatives' floor talking to people all over the country about this virus that has been introduced into democracy in New York State and New York City. It is something that we have to contend with and respond to.

And I do believe there is in America a caring majority, that most people care about democracy. Really, they just do not want democracy for themselves, they do not want the benefits of our great country only to be applied to just themselves. The majority, there is a majority, a caring majority that keeps rising up again and again when extremism raises its head. You see that manifested in many ways.

I will not go into what happened recently with respect to the ridiculous indictment through impeachment of the President and the trial that took place and the final outcome of that, how the majority of the people of America made themselves known, and they will prevail.

I think in the case of the kind of tyranny that has raised its ugly head in New York, which is a preview of coming attractions of how sophisticated vehicles and methods can be used to oppress people by neglecting their education, by degrading them, by crushing their will, by forcing their children to eat lunch at 10 o'clock in the morning when they are still filled up with breakfast, by having coal-burning schools. Out of the 1,100 schools in New York, 275 this time last year were coal-burning schools. Now about 250 have coal-burning furnaces polluting the air, immediately polluting the atmosphere in the school and polluting the general air.

So we have an unprecedented asthma problem in New York City, and so the Mayor has an anti-asthma campaign which is phony because of the fact that during his anti-asthma campaign and his appropriation of money to fight asthma and the problem of asthma nothing is said about ending the coal-burning furnaces, removing the coal-burning furnaces. No emergency has been declared to get rid of coal-burning furnaces. You know, we are making some progress, but the City of New York has not given this any special attention.

There is an $11 billion construction plan proposed by the Board of Education of the City of New York, $11 billion over a 5-year period to construct new schools and renovate old schools. Periodically, every 5 years, they come up with these plans, and the fact that the plan is proposed should not mislead anybody. The last plan was not fulfilled at all. The plan that got a great deal of publicity was a plan that School Chancellor Cortinez produced less than 5 years ago which called for $7 billion for school construction and renovation, et cetera, and he was ridiculed and driven out of town by the Mayor because he put on the table what the real construction needs were. So to have an $11 billion plan proposed does not mean that we are ever going to spend that much unless unusual things happened.

I am here tonight to try to make some unusual things happen. I want to make some unusual things happen not only in New York City and New York State but all across the country. I would like to see some unusual things happen in the construction and renovation and repair and modernization of schools.

I am afraid that we may reach a consensus on education matters here. Both parties are now trumpeting bipartisan cooperation, and we know that that is not going to take place in certain areas, but it might take place in the case of education, and my fear is that a bipartisan deal might be at the expense of the schoolchildren in America. My fear is that a bipartisan deal on education might leave school construction in limbo or only make a token, take token steps to improve the school construction issue.

I am all in favor of everything that the President has proposed in respect to education. I endorse what he has proposed. My concern is that he does not go far enough. Certainly in the area of school construction it does not go far enough in his proposals.

I endorse the $25 billion he proposes to finance. The simple plan is not that complicated. They will, Federal Government under the President's plan, will provide between 3 and $4 billion to pay the interest on $25 billion worth of bonds over a 5-year period. That is if the localities and the States will borrow the money, float the bonds and borrow the money, the Federal Government will pay the interest, which after a 5-year period, if all of this works, if every State and locality gets its share, then the Federal Government will be out of no more than about $4 billion for interest, no more.

That is a lot of money. I am going to say that is a small token. The President's plan is the only plan on the table for school construction that is significant.

□ 1915

I have not heard a plan come from the majority, the Republicans, for school construction. They are talking about a number of other issues in education but not school construction. So I support the President's plan. It is the only plan on the table, but it does not go far enough. It does not go far enough and I want to come back to that.

I support the President's plan on no social promotion. No social promotion is a nice slogan, and it is a good idea. It is a sound concept. There are good reasons offered for it. If we are going to provide resources to help youngsters who are in trouble, we are going to give them tutors and mentors after school, we are going to provide them with some extra help during the summer, if all of those things are in place, then great. Who needs to advocate holding a youngster in the same grade if we are going to give him all that kind of help to keep him moving?

The problem with the slogan that keeps being repeated about no social promotion is that I have heard it before, and I have endorsed it before, that we should not promote children who have not reached certain levels of competence and their performance does not justify their being passed on to another grade. I have heard it many times before. I have endorsed it many times before. One of the reasons it broke down in New York City before was that there was no place to put the children that you held back.

The enrollment is increasing steadily and we are already overcrowded. The schools are overcrowded. I just said some schools, a large number of schools, force their children to eat lunch at 10:00 in the morning because the cafeteria, the lunchroom, cannot hold but a certain number. The school was built for 500 and it has a thousand youngsters so they have to feed the youngsters in cycles, and the cycle has to begin at 10:00 and end at 1:30 in order for them all to get fed. So instead of looking for some other way to solve the problem, and there must be some other way other than forcing children to eat lunch at 10:00 in the morning, as late as 1:30, they have not chosen to find another way.

The overcrowding situation is dealt with by forcing them to eat lunch at those ungodly hours. I think it is child abuse. I think the nutritionists and the health department ought to be brought in to condemn it. I think it should be forbidden, it should be outlawed. But that is happening. Why is it happening? Because the schools are overcrowded. Therefore, if there are not social promotions, the number of children will pile up in the schools even more. They will be even more overcrowded.

In order for a policy of no social promotion to be real and to take effect and not be a fraud, the policy must be accompanied by the building of more schools. You need more school construction. You have got to act on the basics first.

No social promotion, I support that. I support the effort to increase the number of after-school centers, because the after-school programs will be part of the way to give a youngster some help so he does not, he or she does not, have to stay in the same grade; they can keep moving.

The after-school programs, the after-school programs that we have, as successful as they may be, let us look at their significance in terms of numbers. We have just increased the amount of money, or in the President's proposed budget he is increasing the amount of money, from $200 million for the after-school programs to $600 million. We are going to increase the number of youngsters to the point where there may be one million youngsters or 1.2 million youngsters, I do not have the exact figures on that, who will be part of the after-school programs.

However, there are 53 million youngsters in public schools in the United States; 53 million. We are going to take care of, at most, 1.2 million when there are 53 million. So whereas I endorse the after-school program, I want to see it increased.

Let us not fool ourselves. That small amount of money will not affect most of the children in the public schools of the Nation. It will not have a significant impact on education in America. It is too small and there are too many children in need out there. Not all 53 million, and the actual number is 52,700,000, not all of them need after-school centers but even if half need it that is a long ways from 1.2 million.

So the amount is too small. If after-school centers are important, and I think they are, we ought to really appropriate money which would reach the children who should be reached by those centers. We need to greatly increase that amount of money.

So I worry about the rhetoric, the rhetoric which says we are in favor of improving our schools, but not being accompanied with resources. Rhetoric without resources probably equals fraud. There is a fraudulent overcast in these small education programs that are ballyhooed a great deal.

Now I do not want to discourage making small efforts. If the darkness is out there, then light a small candle. A small candle in the dark gives some light, some hope, but let us not fool ourselves. We are not really doing anything significant to take American schools into the 21st century when you provide after-school programs for only a tiny portion of the 53 million youngsters in public schools.

We talk about technology and going into the 21st century with our schools wired, at least five classrooms and the library wired, and yet many of the schools cannot get the wiring because of the fact that they are so old until they cannot make the proper connections. They have to do extensive renovation to change the wiring or to deal with asbestos problems and they also have problems with lead in the paint or lead in the pipes.

There is a school, PS–92, in my district where they cannot drink the water from the school fountains. There is lead in the pipes that made it impossible for them to continue drinking the water. That same school has a coal-burning furnace. While I am at it, PS–92 is an outrageous example of how when there is no moral will to accomplish the process of creating safe schools, healthy schools, schools with physical facilities to do some learning, how it gets bogged down. It is easy for anything to happen.

The PS–92 saga begins with the fact that they had money appropriated to convert this coal-burning furnace at PS–92 but the $500,000 that was first appropriated has all been spent on planning and making blueprints for the new furnace and the new heating system. They tell the parents that we are out of money, we cannot install the furnace because we have to go back and get another appropriation. Well, that kind of corruption and incompetence can go on if the people at the top do not really care.

The situation at PS–92 is so bad until the angry parents and their expression of their concern about the fact that $500,000 was spent and still there is no furnace, it is so great until the last shipment of coal that was brought in to feed the coal-burning furnaces had police escorts.

I think it is symbolic that parents, upset and angry about the fact that a coal-burning furnace is still in place after $500,000 has been spent, they are still told we do not have the money to change the coal-burning furnace, they are angry, the response of the city administration is to send police in with the next shipment of coal.

There is a virus, a totalitarian virus, in New York City democracy. The mindset of City Hall under Mayor Rudy Giuliani, the mindset is such that they think every problem can be solved with police; you can take the hard approach.

Why not take the moral approach and use some of the city's surplus to replace the coal-burning furnaces?

Now I was talking about the pieces in the President's program that I approve of, but right now we cannot have technology in the schools that need it most and that need to be helped by new technology because the wiring and the asbestos, all of that, has to be dealt with. It is better in many cases to build new schools rather than to try to renovate and converting some of the crumbling buildings that our schools are housed in.

We also have direct problems of leaks, water actually coming into the buildings, into the roof, or water running down the sides, the walls. There are problems that are real emergencies that are being treated in an offhand way. The caring majority is certainly not very active here in New York City. I think there is a caring majority in New York City. I insist that if they give us some kind of blueprint as to how to get out of this mess, how we must unite in a crusade for our basic human rights and go where we have to go, if we are concerned about human rights in Kosovo then we ought to be concerned about human rights in New York City. It is subtle, more subtle, more difficult to understand in the case of New York, but if you destroy your children, generations of children, then it is a serious problem, maybe not as serious as shooting them down in cold blood, as it is in Kosovo, and New York does not face the kind of problem that Sarajevo faces where a beautiful cosmopolitan city was being destroyed by violence. I am proud of the fact that our President took the initiative, and although he only had one-third approval of the Congress and one-third public opinion approval he took the initiative and joined the effort in Yugoslavia to bring peace there. I am proud of what we are doing in Bosnia and Sarajevo and Serbia and now Kosovo.

I think we stayed too long in Bosnia and the rest of Yugoslavia. We have spent about $8 billion, and I think that is a bit too much. I think that we should go anywhere in the world and help out in peacekeeping operations, help to save children, help to save people from genocide but when they run a game on us and begin to hustle, keep some trouble going, foment trouble to keep us there and use our military as part of their economy, I think we ought to get wise to that, but that is a subject for another discussion.

If we are concerned about human rights in Kosovo, then let us take a look at the human rights that are being violated in New York City when they do not give decent buildings, safe buildings, for children to study in.

Now you may talk about testing, national testing we need. I reversed my position on testing. I will support the White House and the administration position on testing. The problem with supporting a national testing program is that why are you going to test children in schools with coal-burning furnaces? In several schools that I visited, along with some colleagues of mine from central Brooklyn, the Martin Luther King Commission, we have a project of going to look at the health conditions of schools and several schools that I visited one-fifth of the children had serious asthma conditions. Many of the teachers were beginning to have respiratory illnesses.

We are going to test people in those kinds of hardship situations. They do not have technology. They do not have enough books and supplies. What I call opportunities to learn are ignored and we are going to test them, but I will support theoretically the need for national testing but that controversy is going to rage for awhile. I do not think it is going to really be settled for a long time.

What I want to do is support something that I think we have agreement on. I think Republicans and Democrats both agree that in order for children to learn they need a physical facility that is safe, a physical facility that is healthy and a physical facility that is conducive to learning.

We need lights. In some of the school rooms we have, the lights are shot out and the kids are in a dark situation in parts of the classrooms. The library, they are crowded one on top of another. On and on it goes. They need a situation that is conducive to learning.

There is basic agreement that those are terrible conditions. There is basic agreement that in America all across the country, not just New York City, not just the big cities but in many rural areas, it is atrocious the conditions of the schools. We need some help.

The General Accounting Office, as I said before, estimated in 1995, that between $110 billion and $112 billion is needed in order to revamp the schools, in order to just get them in working conditions, not to take care of new enrollment.

Now we are in 1999, going into the year 2000, with large increases in enrollment. They project enrollment in the year 2008 will be up at 54 million children from the 53 million; there will be 54 million. So they are not going down. Whatever the demographics are, I know people are getting older, the senior citizen population is getting larger, but the children, the children who go to school, that population certainly is getting larger.

□ 1930

We have all of this happening and the response is to deal with rhetoric instead of substance.

Now, back to the President's proposal for $25 billion in bonding authority that the Federal Government will pay the interest on. What is wrong with that proposal? Nothing, except that it does not go nearly far enough. I endorse that proposal. It is the only one on the table. Congratulations, Mr. President. He has been at it for years trying to get some movement.

Part of the reason the President fashioned this particular approach is it does not require direct appropriations, because he wanted something that he thinks will pass. So we have a bill in the Committee on Ways and Means, the committee that is least concerned about children. They have never been that involved in education, they have the authority and they have the jurisdiction. They must deal with this construction bill.

Suppose it passed. And as I said before, suppose we passed it. New York City and New York State would not be able to make immediate use of it. They would have to have a referendum. We would have to have the State's citizens, all the citizens of the State would have to vote. The State would have to vote to allow the bonding to go forward. We cannot have bonding, we cannot make the loan that we are going to pay the interest on unless all the voters approved.

The last time we had such an issue before the voters, they did not approve it. It was voted down by the upstate voters who lived in relative luxury, schoolwise. They thought it was only for the poor children of New York City and they voted it down.

We may succeed after two or three tries, but how long will that take and how many generations will be forced to eat lunch at 10 a.m. in the morning? How many generations will be forced to deal with asbestos and lead paint, the fumes from coal-burning furnaces going into their lungs? How long do we wait while we fight these bond issues in New York State? And many other States and localities also require that the voters approve the bond before we can take advantage of that offer.

So even if we succeed and the Committee on Ways and Means should change its ways and really get serious about doing something for the children of America, even if we succeed, there is no immediate relief for the people who need it most.

But I am all for it. Let us give it a try. However, I would propose, and I hope that my colleagues will join me in proposing, that we directly fund school construction. We appropriate the money for school construction. We need, in order to have a rational respectable beginning, we need $100 billion over a 5-year period. $100 billion over a 5-year period is what is needed.

Mr. Speaker, I would say to the President, to the Republican majority, the Democratic minority, let us have a bipartisan approach to school construction. We all agree that whether we are for testing or not, or for after-school centers, or the whole word method or the phonics method, there are a lot of debates going on in education about various issues and methods and approaches. But here we are talking about physical facilities. If we agree that physical facilities are important, then let us unite and appropriate what is needed.

Mr. Speaker, $100 billion over a 5-year period is a good beginning. Where are we going to get the $100 billion from? From the surplus, Mr. President, from the surplus, majority Republicans. Let us dedicate $20 billion, or one-fifth of the surplus, for each year over the next 5 years, dedicate that to school construction. $20 billion or one-fifth of the surplus, whichever is larger, to school construction.

Does that sound unreasonable? Are Democrats going to be labeled as "big spenders" by Republicans because they propose $100 billion for school construction over a 5-year period? I do not think they should be, because last year we appropriated $218 billion for highways over a 6-year period. And the overwhelming majority, more than 90 percent of the Congress, Democrats and Republicans, voted for the highway bill, for $218 billion.

So let us not continue the fraud and say we are interested in education, when the basic problem, the problem of construction, which if we do not deal with the problem of school construction, if we do not have more classroom space, the money appropriated recently of $1.2 billion that we all agreed to lower the size in classrooms, we cannot use it in New York City effectively because we do not have the classroom space. There are many other cities that cannot use it.

At the bottom, if we do not do anything about construction in an appropriate way, everything else is a fraud. All of the other concerns about education moves in the direction of being fraudulent. Deal with construction first. Deal with the issue that we could get agreement on. The money can come out of the surplus.

After all, we are proposing $110 billion for defense expenditures for weapons systems that are not needed. Why do we not sell bonds to deal with those weapons systems that are not needed and give the money directly and appropriate the money directly to go to localities for school construction?

The challenge is to be real and do not join those people who want to destroy the poorest children in America. They just do not care. The country as a whole will suffer. Social Security will suffer because the workforce is not there to produce the income for Social Security. Our national security militarywise will suffer because we cannot staff our aircraft carriers. Recently we had an aircraft carrier that did not have enough staff because the people are not there in order to operate the ship.

The rest of the country needs an education system. Education is our first line of defense and first line of security and prosperity and we should act accordingly by dealing with school construction first.

GOVERNMENT PRINTING OFFICE: "BETTER THAN EVER"

The SPEAKER pro tempore (Mr. HAYES). Under a previous order of the House, the gentleman from Maryland, Mr. HOYER, is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I am pleased to bring to the attention of the House the following article about the Government Printing Office from the December 1998 issue of In-Plant Graphics which describes the GPO as "Better Than Ever." As a case in point, the article describes GPO's first-rate production and dissemination of the six-volume, 8,327-page Starr Report from last September, a mammoth production job for which the distinguished chairman of the House Judiciary Committee (Mr. HYDE) has thoughtfully commended the agency.

The article correctly notes that GPO receives little national attention. The fact is, we in Congress could not perform our legislative duties without the timely, professional, nonpartisan support of the GPO. Nor could millions of our constituents enjoy an easy, no-cost path to over 140,000 government publications without GPO Access [http://www.access.gpo.gov], an electronic gateway to more than 70 federal databases.

Mr. Speaker, as we conduct the people's business, let's remember that we could not do so without the support of many others, including the dedicated professionals of the Government Printing Office. The article follows:

BETTER THAN EVER

(By Bob Neubauer)

GOVERNMENT PRINTING OFFICE

Annual sales	$195.9 million
Operating budget	$187.4 million
Full-time production employees	1,264
Total GPO full-time employees	3,375
Jobs printed per year	163,200
Annual impressions	4.7 billion

Even though it's the largest in-plant in the country and produces scores of important government documents, the Government Printing Office (GPO) doesn't usually get a lot of national attention.

That all changed in September when the Starr Report was unleashed on the world. GPO was given the arduous task of disseminating that report to an eager public. The initial report arrived on disk, but supplemental materials consisted of boxes of documents, which had to be shot as camera-ready copy. The resulting products were put on the Internet, on CD-ROMs and on paper—all under the watchful eyes of armed police officers.

"We took the extra step—just to assure Congress that we were treating this with the utmost security—of posting police officers throughout the plant at key production points," explains Andrew M. Sherman, director of the Office of Congressional, Legislative and Public Affairs. Had there been no guards, though, Sherman is confident that GPO employees would have maintained their usual extreme sensitivity to security issues.

"We have never had a record of leaks," Sherman maintains. The guards, though, seemed to have their hands full just keeping the mob of reporters at bay, he adds despite the distractions, GPO employees kept their minds on their work, Sherman says—though he admits, "there was a great deal of anxiety on everybody's part."

This situation was far from normal at GPO's Washington headquarters, where the daily production of the Federal Register and the Congressional Record are usually the top jobs. Taking up three buildings and almost 35 acres of floor space, GPO is larger than most commercial printers. Under the direction of Public Printer Michael DiMario, a presidential appointee, GPO generates $800 million a year, $100 million of which involves document dissemination.

Created in 1860, GPO handles congressional and executive branch printing and is in charge of distributing federal documents to the public. As large as GPO's printing operation is, though, it procures about 75 percent of its work from the private sector, and produces only the complex, time- and security-critical work.

Though certain forces in the government still grumble that GPO should be shut down, some jobs just can't be printed by the private sector, Sherman insists. A prime example is the Record. Its average size exceeds 200 pages—about the size of four to six metropolitan daily papers—but its page count has fluctuated from a low of 10 to a record of 1,912 pages. Material arrives in many different forms, including handwritten notes, and Congress sometimes stays in session until late at night. Despite all that GPO is still mandated to get 9,000 copies of the Record printed and delivered to Congress by 9 a.m. every day.

Another example is the recent Omnibus Appropriations Spending Bill. A 16-inch tall stack of documents arrived at GPO and it had to be keyed in, proofread very carefully and output in the Congressional Record in just two days. The final congressional report, completed later, was 1,600 pages long.

In producing independent counsel Starr's report, GPO showed the same trademark speed and efficiency, despite the distractions provided by the guards and the reporters. The Report was up on GPO's Web site (www.access.gpo.gov) within a half-hour of receiving a CD-ROM containing HTML files from the House of Representatives. By the evening of that same day, GPO had produced 500 loose-leaf copies for House members using DocuTechs at GPO, in the Senate and in the House. By the next morning, 13,000 additional copies had been printed on GPO's smaller 32-page 2538″ Hantscho webs and bound for distribution.

"Everybody was just at their top performance here in getting it done." Sherman praises.

The overwhelming response to the GPO's Web site publication of the Starr Report was a landmark event in that it was one of the first times that such a newsworthy document was available on the Internet before it was printed. Even so, this was really just another example of how GPO has been changing to accommodate the latest technologies.

"There's a great public expectation for quick electronic access to government information and for it to be free, and we have accommodated that with our Web site," Sherman remarks. He says 15 million documents are downloaded from GPO's site each month. The band-width of the site is currently being expanded, he says.

Fiber-optics and lasers are playing increasingly large roles for GPO. Up to half of the Senate portion of the Record is transmitted to GPO from Capitol Hill via fiber-optic connections, and 80 percent of the Register is transmitted by laser beam from the Office of the Federal Register.

GPO recently took another bold step forward in technology when it purchased two new Krause America LX170 computer-to-plate systems. They will make plates for GPO's three 64-page, two-color, 3550″ Hantscho web presses, which are used to print the Record, the Register, the U.S. Budget and other documents.

Though the Starr Report may have made life difficult at GPO, it also brought GPO a lot of praise and recognition. Papers like the *Wall Street Journal*, the *Hartford Courant* and the *Baltimore Sun* published articles lauding GPO. House Judiciary Committee Chairman Henry Hyde even sent a letter of praise.

"People were very impressed with our ability to get this done," says Sherman.

JERRY SOLOMON FLAG PROTECTION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. CUNNINGHAM) is recognized for 60 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I am joined tonight by the gentleman from New York (Mr. SWEENEY) that replaced Jerry Solomon, and the gentleman from California (Mr. HUNTER), a colleague of mine from San Diego.

Before I go into what we are going to talk about, which is a flag amendment that was first brought up before this Congress by Jerry Solomon from New York, I would make a statement to the gentleman from New York (Mr. OWENS) that Republicans will join him gladly in school construction. Last year, in the 105th, we offered a bill for school construction that gave a 30 percent tax incentive for school construction for private companies to build them. The President vetoed that, and he came back with a school construction bill.

We would even support that if the gentleman will waive Davis-Bacon, which is the union wage which costs 35 percent more to build those schools. What we propose is to have an amendment to waive Davis-Bacon, let the schools keep the money instead of going to the unions, let the schools keep it and develop teacher training or equipment for the schools and whatever.

So, I would say to the gentleman there is room for maneuver. We want school construction, but we want the majority of the money going to the schools, not to a special interest group.

Mr. OWENS. Mr. Speaker, would the gentleman from California agree to join me in a special order in the future to talk about this, the two of us?

Mr. CUNNINGHAM. I will, my friend.

Mr. Speaker, as I mentioned, the gentleman from New York (Mr. SWEENEY) took Jerry Solomon's place in New York and he swore that he would carry on the fight of the great Jerry Solomon, who just retired. And there was no one, not the gentleman from California (Mr. HUNTER), not myself or the gentleman from New York (Mr. SWEENEY), who can speak with the passion that Jerry Solomon did on this particular bill. As a matter of fact, I am going to title it the Jerry Solomon Flag Protection Act when we submit this thing.

We have 230 cosponsors, Mr. Speaker, and I think that is a great tribute to this body, both bipartisan. The great gentleman from Pennsylvania (Mr. MURTHA) is cosponsor on the other side of the aisle and well respected by both parties and will go forward with the message as well on his side. But with 230 cosponsors in the last Congress, we had 312 votes, well over the requirement of two-thirds to pass this.

What I would like to do, Mr. Speaker, is speak of just a few ideas for 5 minutes, maybe 10, and then I will turn over the mike to my colleagues and let them have as much time as they want. We can go back and on the different issues that have come up in previous bills all the way from the sovereignty issue, to first amendment rights on the issue, and the actual flag amendment itself.

What I would like to start off the debate with, Mr. Speaker, is to start off that some would say that this violates the first amendment or that the flag is merely a piece of cloth and why should there be a penalty for the desecration of the flag?

Before a Supreme Court case called Texas vs. Johnson, 48 states held that it was a crime to desecrate the flag. It was a narrow Supreme Court decision by five to four that changed 200 years of policy. We think that is wrong. Eighty percent of the American people feel that that is wrong, Mr. Speaker.

Let me speak to those that would say that the flag is merely a piece of cloth. I have a friend that was a prisoner of war for nearly 6½ years in Vietnam and his treatment was not exactly in the best stead. On occasion, they would be allowed to gather together. Now, this gentleman, a POW 6½ years, it took him nearly 4 years to gather bits of thread and knit an American flag on the inside of his shirt. And when they would have a meeting, he would take his shirt off, turn it inside out, and hang it above them and they would have the meeting under this American flag.

Well, that was fine until the Vietnamese guards broke in, Mr. Speaker. They saw the prisoner without his shirt on, they looked on the wall, and saw the American flag. Well, they ripped it to shreds. They took it and stomped it in the floor and they took out this POW and brutally beat him for some 3 hours. When they brought him back into the room, he was unconscious. He had broken bones, internal damage to himself. He was so bad, his colleagues did not think that he would even survive the night, his wounds were so bad.

So, they went about and huddled in a corner just to discuss the happenings and they comforted their fellow POW as much as they could on a bale of straw and they went back in the corner. They heard a stirring and they looked out in the center of the floor and there was that broken body POW that had regained consciousness and he had drug himself to the center of the floor and started gathering those bits of thread so that he could knit another American flag.

The flag is not just a piece of cloth for all different nationalities that have come to this country and fought under the flag or served or fought for civil rights or fought battles or draped a coffin or even seen the flag fly over national tragedies. It is more than that.

Mr. Speaker, the last stanza of the Star Spangled Banner asks a question and I would ask us to think about what that stanza says. I am not going to read it, but ask my colleagues to look it up. It asks a question and I think the answer is yes. That symbol is very, very important.

In California we had a proposition, Prop 187. It had its supporters and it had its people that did not support Prop 187. There was a group of protesters up in the northern section of my district and one of the protesters had burned an American flag. They started pouring lighter fluid on another one.

One of the protesters who was against Prop 187, which I support, he was out there protesting until the young man saw the protesters burning the American flag. He reached over and he grabbed and he protected that flag and he himself, even though once was with this group of protesters, they turned on him and brutally beat him because he was trying to save the American flag.

So for many Americans, the flag has special meaning and it is not just a piece of cloth.

If we take a look, I talked to one of my colleagues, the gentleman from San Diego, California (Mr. BILBRAY). The flag he has in his office draped the coffin of his father. He respects it that much.

The father of the gentleman from New York (Mr. SWEENEY), was a veteran who I understand his sister has their flag. And that flag is more, I guarantee, to those individuals than just a piece of cloth. It is a symbol. It is a piece of love. It is a piece of honor. It is a piece of democracy and what it stands for in this country.

Mr. Speaker, I would yield to my friends to speak from their heart. This is not a partisan issue. This is something that we deeply believe in, that over 80 percent of the American people support, Mr. Speaker, and we hope to pass this amendment in the House.

We passed it in the last Congress, but the Senate did not have time to complete it. We will pass it in the House. This time we will pass it in the Senate. It will go the President and he will sign it. It will go to the States where they have to have two-thirds to ratify it. Mr. Speaker, 49 States have petitioned Congress, 49 State governments have petitioned Congress for us to pass this amendment. So there is overwhelming support across the aisle and in the Republican party as well.

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Mr. Speaker, I yield to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I just recently became a Member of this House, so I have not been a part of some of the occurrences of the past and some of the events of the past.

I have heard, though, that some people believe this House is divided by partisanship. Mr. Speaker, this House is not divided by partisanship, as my good friend the gentleman from California (Mr. CUNNINGHAM) pointed out.

To show proof of that, I commend my colleagues' attention to the list of original cosponsors of the bill to be introduced tomorrow. There are more than 230 names on this list. More than 230 Members of this House have extended their hands across the aisle to join together to cosponsor the Flag Protection Amendment.

I congratulate the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from California (Mr. CUNNINGHAM) for going forward and putting in the hard work and the effort to obtain those cosponsors.

Together we represent the united front of Republicans and Democrats working to ensure that Old Glory will be protected from physical desecration through an amendment to the United States Constitution.

Mr. Speaker, I bring your attention to the testimony of Professor Richard D. Parker given before the Senate Committee on the Judiciary July 8 of last year. Mr. Parker is the Williams Professor of Law at Harvard Law School and a self-proclaimed liberal Democrat who, as a young man, participated in the Civil Rights movement. In the marches, Professor Parker proudly waived the flag, using it as a symbol to emphasize that we are all Americans despite our differences.

Professor Parker stated,

> A robust system of free speech depends, after all, on maintaining a sense of community. It depends on some agreement that, despite our differences, we are "one," that the problem of any American is "our" problem. Without this much community, why listen to anyone else? Why not just see who can yell the loudest? Or push hardest?
>
> It is thus for minority and unpopular viewpoints that the aspiration to, and respect for the unique symbol, of the national unity is thus most important.

Mr. Speaker, though we have a broad base of support, the Flag Protection Amendment does have its opponents. The small minority who oppose a constitutional amendment prohibiting the physical desecration of the flag believe that such a law would infringe on the first amendment.

In his testimony, Mr. Parker also makes an interesting point to those who oppose the Flag Protection Amendment. He says,

> As the word goes forth that nothing is sacred, that the aspiration to unity and community is just a "point of view" competing with others, and that any hope of being noticed (if not getting a hearing) depends on behaving more and more outrageously, won't we tend to trash not just the flag, but the freedom of speech itself?

Mr. Speaker, there is a reason, as the gentleman from California (Mr. CUNNINGHAM) has pointed out, that we don caskets of fallen heroes with this great flag. In fact, as the gentleman from California (Mr. CUNNINGHAM) pointed out, it is entirely appropriate and fitting today that I stand before my colleagues in support of this bill, because it was a year ago today that my father, a veteran of two theaters during World War II, passed away. I know that one of his greatest honors was serving his country, and I know that my family thought it was a great honor to have his casket draped with our great flag.

I had intended initially when I first came to this Congress to introduce my own bill, and I step back and recognize that the gentleman from California (Mr. CUNNINGHAM) and the gentleman from Pennsylvania (Mr. MURTHA) had put in many, many years in an effort to pass this legislation. Rather than stand before that and serve as an obstacle to that passage, I join happily and willingly with them for passage.

Opponents of the proposed amendments imagine themselves as champions of the theory of free speech, but their argument is based in a strange disdain for it in practice.

Mr. Speaker, I do not think there is a single Member of this list of cosponsors who does not passionately defend the right to free speech. I do as well, and I just as passionately defend this amendment. The right to free speech is the bedrock of America's founding, and the flag is a symbol of our freedom.

I implore my colleagues in this House to duly consider the remarks of Professor Parker, the considerations of all of us Americans who support this amendment and join our efforts to protect the great flag of the United States of America.

Mr. CUNNINGHAM. Mr. Speaker, I yield to the great gentleman from California (Mr. HUNTER), who is a Vietnam War veteran, Army special forces, who not only fought under the flag but nearly gave his life for it.

Mr. HUNTER. Mr. Speaker, I thank my friend for that great introduction, one of the best I have ever had, but I have to confess I did nothing special in Vietnam, and it was just that I happened to show up, like many people over there.

I want to thank my friend who really was a combat veteran and who was nominated for the Congressional Medal of Honor and the only member of the Navy to have shot down five MIGs and become an ace in the Vietnam conflict. I am just his wing man in this operation.

I want to thank the gentleman from New York (Mr. SWEENEY) for his very eloquent remarks, and I want to thank him also for the participation of his father in two of our conflicts.

I think that goes to this issue. The flag is a piece of property. It is property that represents freedom, represents sacrifice, represents in many cases the ultimate sacrifice, that is, the giving of one's life. If my colleagues see the great movie that is out now, "Saving Private Ryan," it is evident that that sacrifice in many cases was enormous.

So every American owns a piece of the flag, and that is a problem with burning it. When one is burning it, one is really burning some of the property that belongs to every American, and we do not have the right to do that.

For those who would say that burning the flag represents speech, I think that Chief Justice Rehnquist made the right observation, and I would paraphrase his words, when he said, "Burning the flag is not a political statement. It is not speech. It is an inarticulate grunt." I think that is true.

Look at all of the ways that one can communicate now with others, whether one is communicating with a large body of people or communicating just with another individual. One not only has all of the classic methods of communication, of speaking to people and, in this century, talking over the telephone, now talking over the electronic media, radio, television, one now has computers. One now has e-mail.

There have never been as many methods of speaking, of communicating as we have today because of high technology. So why do we have to say that we are going to characterize this inarticulate grunt, this burning, putting the torch to something, why are we going to classify that as speech?

In fact, I thought that speech was supposed to take the place of burning, of destruction, of destroying something to make a point. That is the whole point of speech. Speech is the alternative.

The idea that some people can only manifest their feeling about their country by burning a piece of this property that really belongs to all of us because of the joint and common

American sacrifice that has touched almost every single family that lives in this land does not make any sense.

So, Mr. Speaker, I think that we are following exactly the right course here in following the lead of the gentleman from California (Mr. CUNNINGHAM) and the gentleman from New York (Mr. SWEENEY), that lead that was initiated by Jerry Solomon, a great Member of this House of Representatives, and also supported by another great patriotic gentleman who used to stand here many times with us, Bob Dornan, who flew every single airplane that the U.S. military ever made and who loved our flag and stood in front of and stood every time that flag went by, whether it was a parade or any other type of event and who used to offer very articulate arguments on behalf of the flag in this Chamber.

So let us move forward on this.

Also, I wanted to mention, the gentleman from Louisiana (Mr. LIVINGSTON) is leaving today. And watching the gentleman from California (Mr. CUNNINGHAM) make some comments about the gentleman from Louisiana in his testimonial today reminded me that the gentleman from Louisiana (Mr. LIVINGSTON) was another individual who supported this amendment very strongly and has been a great Member of this House. I know that this is his wish that we pass this amendment to protect the American flag.

So the United States is not just made of the stock market and tax cuts and the latest movie and all of the things that other people around the world think represents America. It is also made of tradition and a legacy of a lot of people, many of whom knew America for only a short period of time. If one goes over to the Arlington Cemetery, one will notice a lot of people that were killed in America's wars that did not spend much time in this country before they were killed and did not get to have that piece of enjoyment.

But the idea that this flag is part of their legacy, part of that tradition and that it represents property, a little bit of which is owned by every single American family, that is a good fundamental principle upon which we should act to protect the American flag with this piece of legislation and ultimately with this amendment.

So I want to thank my good friend. I want to thank him also for his great service to this country in a very difficult time and his hard work. I know one thing about the gentleman from California (Mr. CUNNINGHAM) and that is he is tenacious. He will have the rest of us up here working away, pushing away on this amendment until we get this thing passed.

Mr. CUNNINGHAM. Mr. Speaker, one of the things that I would like to go through is that there has been some arguments in past debate, and it will be a handful of individuals that feel that their first amendment rights are abridged if we pass this amendment. I am not chastising their feelings or their intent. They may believe that the first amendment is touched.

But I would like to go through what some of the Supreme Court Justices have said about the first amendment rights and some other folks as well. First of all, they would say, how can you reconcile the Flag Protection Amendment with the first amendment's guarantee for free speech? It does not limit free speech, Mr. Speaker. The first amendment freedoms are not absolute.

This compatibility was consistent with the views of the framers of the Constitution who strongly supported government actions to prohibit flag desecration. As I mentioned, actually 48 States had this amendment before the famous Texas versus Johnson Supreme Court decision, which was a narrow five to four decision, which overruled 200 years of history.

Such leading proponents of individual rights, the gentleman from California (Mr. HUNTER) talks about Judge Rehnquist, but members such as fighters for justice and liberty and the first amendment, like Judge Earl Warren, Justice Abe Fortas, Justice Hugo Black, each have opinions that the Nation could consistently work with the first amendment and prosecute physical desecration of the flag.

As Justice Black, perhaps the leading exponent of the first amendment freedoms to ever sit on the Supreme Court stated, "It passes my belief that anything in the Federal Constitution bars making deliberate burning of the American flag an offense."

Former Chief Justice Earl Warren stated, "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace."

Moreover, Justice Fortas, "The flag is a special kind of a personality." I think each person that views the flag, whether it is singing the National Anthem or The Star Spangled Banner or saying the pledge, people view that differently.

As one walks down the mall here in Washington and one looks at it, I have seen literally thousands of people stop and take a look at the flag and the other monuments that we have to this great country. But Justice Fortas, "The flag is a special kind of personality."

Its use is traditionally and universally subject to special rules and regulations. The States and the Federal Government have the power to protect the flag from acts of desecration.

Mr. Speaker, another very famous individual, Mr. Thomas Jefferson, while serving as George Washington's Secretary of State, instructed American counsels to punish those that violated our flag. James Madison pronounced flag desecration in Philadelphia as objectionable in court and requested penalties for such.

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Well, then, when the first amendment debate was covered, they said that is fair enough, to Mr. Solomon, but. Always followed by but. Still, there is a constitutional guarantee for expression of conduct. How do you express yourself if you do not do it verbally, or if you cannot express it by burning a flag? Do you not have the right for expressing conduct?

The Supreme Court has accepted the premise that certain expressive acts are entitled to first amendment protections based on the principle that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable. That was Texas versus Johnson. But they go on to say that not all activity with an expressive component is afforded first amendment protection.

For example, someone who opposes wildlife protections cannot go out and shoot a Bald Eagle, because it is protected. It is not only a national symbol but it is wrong.

Applying these principles, the Supreme Court upheld a statute prohibiting the destruction of draft cards against the first amendment challenge. The court stated that the prohibition served a legitimate purpose, facilitating draft induction in time of national crisis, that was unrelated to the suppression of the speaker's idea since the law prohibited the conduct regardless of the message sought to be conveyed by the destruction of the draft card.

Four Supreme Court Justices, Justice Rehnquist, Justice O'Connor, Justice Stevens and Justice White, dissenting in United States versus Eichman, stated that Congress could prohibit flag desecration consistent with first amendment protections. Their reasons are as follows:

The Federal Government had a legitimate interest in protecting the intrinsic value of the American flag, which, in times of national crisis, inspires. It motivates the average citizen to make personal sacrifices in order to achieve social goals of overriding importance.

Mr. Speaker, we have all seen films of someone carrying the flag in a battlefield and going down; and his comrade, knowing that he would be killed, would pick up that flag and charge on, because it had significance. We have seen civil rights leaders carry the American flag at the forefront of their issues; their own kind of a battle fighting for justice in this country.

So I would say that under the Constitution the Supreme Court has found that this amendment is proper, it is justifiable, and that it will pass both the House, the Senate, and we feel the

President will sign it and the States will ratify it and make it illegal.

Now, the amendment is not self-enacting, Mr. Speaker. It will have to go through the ratification of States. It will have to have a statute which will define the actions taken with the desecration of a flag. It will be refined. So this is not a self-enacting amendment, and that process will go through each of the States so that they can ratify their own decisions, which most of us support the States' statutes.

Would a flag amendment reduce our freedoms under the Bill of Rights? Would this be the first time in our 200-year history that an amendment has limited the rights guaranteed under the first amendment?

No, on both accounts. The proposed amendment would not reduce our freedoms under the Bill of Rights. Rather than posing a fundamental threat to our freedom under the Bill of Rights, the proposed amendment would mature constitutional freedoms. The Bill of Rights is a listing of the great freedoms our citizens enjoy today. It is not a license to engage in any type of behavior.

The proposed amendment affirms the most basic conditions of our freedom, our bond to one another and our aspirations of national unity. That is what the American flag means to most of us, national unity and what brings us together, especially in a time of need, whether it is in combat or whether in civil strife within the boundaries of these United States.

Mr. Speaker, I yield to the gentleman from California, if he has additional comments.

Mr. HUNTER. Mr. Speaker, I just want to say to my friend that I think he has stated the issue very well, and I look forward to hundreds of our colleagues coming on board this effort, as many of them already have, and making sure that we succeed.

Mr. CUNNINGHAM. I thank the gentleman from California.

Does the gentleman from New York have any closing comments?

Mr. SWEENEY. I just want to say to the gentleman from California (Mr. CUNNINGHAM), as one of my first pieces of legislation that I have been able to cosponsor, I am honored to be here, honored to be here as part of the gentleman's effort to push forward. The flag is a part of my family's heritage, and I feel very honored to be here.

Mr. CUNNINGHAM. I thank my colleagues. God bless America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CAPPS (at the request of Mr. GEPHARDT) for today and tomorrow, February 23rd and 24th, on account of family illness.

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today, February 23rd, on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:

Mr. JONES, for 5 minutes, on February 24.

Mr. BURR of North Carolina, for 5 minutes, on February 24.

Mr. SOUDER, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, on February 24.

Mr. COBLE, for 5 miutes, on February 24.

Mr. PAUL, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. WELLER, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, on February 24.

(The following Member (at the request of Mr. OWENS) to revise and extend his remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 7 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 24, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

539. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Agency Responsibilities, Organization, and Terminology [Docket No. 97–045F] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

540. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Implementation of Preferred Lender Program and Streamlining of Guaranteed Regulations (RIN: 0560–AF38) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

541. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation of Fruits and Vegetables [Docket No. 97–107–3] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

542. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 1999–2000 Marketing Year [Docket No. FV–99–985–1 FR] received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

543. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Tobacco—Importer Assessments (RIN: 0560–AF 52) received February 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

544. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Performance Standards for the Production of Certain Meat and Poultry Products [Docket No. 95–033F] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

545. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Modification to Handler Membership on the California Olive Committee [Docket No. FV99–932–2 IFR] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

546. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Beef Promotion and Research; Reapportionment [No. LS–98–002] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

547. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV98–905–4 FIR] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

548. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Increased Assessment Rate [Docket No. FV99–993–1 FR] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

549. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenbuconazole; Reestablishment of Time-Limited Pesticide Tolerance [OPP–300789; FRL 6059–7] (RIN: 2070–AB78) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

550. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cinnamaldehyde; Exemption from the Requirement of a Tolerance [OPP–300769; FRL–6049–9] (RIN: 2070–AB78) received February 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

551. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the United States Court of Appeals for the District of Columbia Circuit, No. 98-5021—Deaf Smith County Grain Processors, Inc. v. Dan Glickman, Secretary, United States Department of Agriculture; to the Committee on Agriculture.

552. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's 1998 Annual Report on Military Expenditures, pursuant to 22 U.S.C. 2151n(d); to the Committee on Appropriations.

553. A letter from the the Director, the Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106-25); to the Committee on Appropriations and ordered to be printed.

554. A letter from the the Director, the Office of Management and Budget, transmitting a cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106-29); to the Committee on Appropriations and ordered to be printed.

555. A communication from the President of the United States, transmitting a request for emergency supplemental appropriations for the Federal Emergency Management Agency and the Small Business Administration; (H. Doc. No. 106-21); to the Committee on Appropriations and ordered to be printed.

556. A communication from the President of the United States, transmitting a request for transfers from the Information Technology Systems and Security Transfer Account; (H. Doc. No. 106-22); to the Committee on Appropriations and ordered to be printed.

557. A communication from the President of the United States, transmitting requests for FY 1999 supplemental appropriations to address urgent funding needs related to the situation in Jordan; (H. Doc. No. 106-24); to the Committee on Appropriations and ordered to be printed.

558. A communication from the President of the United States, transmitting a request for transfers from the Information Technology Systems and Related Expenses Account; (H. Doc. No. 106-26); to the Committee on Appropriations and ordered to be printed.

559. A communication from the President of the United States, transmitting requests for emergency FY 1999 supplemental appropriations for emergency disaster and reconstruction assistance expenses arising from the consequences of the recent hurricanes in Central America and the Caribbean and the recent earthquake in Colombia; (H. Doc. No. 106-27); to the Committee on Appropriations and ordered to be printed.

560. A letter from the Secretary of Defense, transmitting a report in response to the Fiscal Year 1999 National Defense Authorization Act which requires a study of architecture requirements; to the Committee on Armed Services.

561. A letter from the President and Chairman, Export-Import Bank, transmitting a report on Sub-Saharan Africa and the Export-Import Bank of the United States; to the Committee on Banking and Financial Services.

562. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7264] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

563. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

564. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

565. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7703] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

566. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7703] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

567. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

568. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7264] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

569. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Consumer Credit Classified as a Loss, Slow Consumer Credit and Slow Loans [No. 98-124] (RIN: 1550-AB28) received February 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

570. A letter from the General Counsel, Corporation for National Service, transmitting the Corporation's final rule—Claims Collection (RIN: 3045-AA21) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

571. A letter from the Assistant Secretary, Office of Postsecondary Education, Department of Education, transmitting the Department's final rule—Jacob K. Javits Fellowship Program—received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

572. A letter from the Secretary of Health and Human Services, transmitting a draft bill that amends the Older Americans Act of 1965 (OAA) to authorize an unprecedented new program for families who care for older relatives with chronic illnesses or disabilities by enabling States to create support networks that provide quality respite care; critical information about community-based long-term care services that best meet families' needs; and caregiver counseling, training, and supplemental services; to the Committee on Education and the Workforce.

573. A letter from the Secretary of Health and Human Services, transmitting the Department's third annual report to Congress summarizing evaluation activities related to the Comprehensive Community Mental Health Services for Children with Serious Emotional Disturbances program, pursuant to 42 U.S.C. 300X—4(g); to the Committee on Commerce.

574. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Final Technical Changes; Standard for the Flammability of Children's Sleepwear: Sizes 0 Through 6X; Standard for the Flammability of Children's Sleepwear: Sizes 7 Through 14—received February 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

575. A letter from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Establishment Registration and Device Listing for Manufacturers and Distributors of Devices; Confirmation of Effective Date [Docket No. 98N-0520] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

576. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Connecticut; Enhanced Motor Vehicle Inspection and Maintenance Program; Approval of Maintenance Plan, Carbon Monoxide Redesignation Plan and Emissions Inventory for the Connecticut Portion of the New York-N. New Jersey-Long Island Area [CT008-7210a; A-1-FRL-6225-1] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

577. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; VOC RACT Catch-up [CT-17-1-6536a; A-1-FRL-6225-4] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

578. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Revised Format for Materials Being Incorporated by Reference for Iowa, Kansas and Nebraska [IA, KS, NE-00661066; FRL-6223-9] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

579. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Connecticut; 15 Percent Rate-of-Progress and Contingency Plans [CT-7209a; A-1-FRL-6225-2] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

580. A letter from the Director, Office and Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities; New York [Region 2 Docket No. NY30-188b, FRL-6231-7] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

581. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Removal of the Approval of the Maintenance Plan, Carbon Monoxide Redesignation Plan and Emissions Inventory for the Connecticut Portion of the New York-N.New Jersey-Long Island Area

[CT051-7209; A-1-FRL-6224-8], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

582. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills [AD-FRL-6231-8] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

583. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; San Joaquin Valley Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District [CA 164-0112a; FRL-6227-2] received February 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

584. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Illinois: Motor Vehicle Inspection and Maintenance [IL175-1a; FRL-6232-7] received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

585. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Illinois: Clean Fuel Fleet Program Revision [IL168-1a; FRL-6232-8] received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

586. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Federal Operating Permits Program [FRL-6300-9] (RIN: 2060-AG90) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

587. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of the Clean Air Act, Section 112(l), Delegation of Authority to Three Local Air Agencies in Washington; Correction and Clarification [FRL-6233-6] received February 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

588. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Section 112(l) Approval of the State of Florida's Construction Permitting Program [FRL-6229-9] received January 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

589. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Monterey Bay Unified Air Pollution Control District [CA 194-0125a; FRL-6226-5] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

590. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; North Coast Unified Air Quality Management District and Northern Sonoma County Air Pollution Control District [CA-011-0071; FRL-6229-5] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

591. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Amado County Air Pollution Control District and Northern Sonoma County Air Pollution Control District [CA 207-0114a FRL-6229-7] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

592. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Minnesota [MN55-01-7280a; MN56-01-7281a; MN57-01-7282a; FRL-6230-3] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

593. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Allocation and Designation of Spectrum for Fixed-Satellite Services in the 37.5-38.5 GHz, 40.5-41.5 GHz, and 48.2-50.2 GHz Frequency Bands; Allocation of Spectrum to Upgrade Fixed and Mobile Allocations in the 40.5-42.5 GHz Frequency Band; Allocation of Spectrum in the 46.9-47.0 GHz Frequency Band for Wireless Service; and Allocation of Spectrum in the 37.0-38.0 GHz and 40.0-40.5 GHz for Government Operations [IB Docket No. 97-95] (RM-8811) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

594. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Federal-State Joint Board on Universal Service [CC Docket No. 96-45] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

595. A letter from the Director, Office of Legislative and Intergovernmental Affairs, Federal Communications Commission, transmitting a copy of the fifth annual report of the Federal Communications Commission on the "Status of Competition in the Markets for the Delivery of Video Programming"; to the Committee on Commerce.

596. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—Part 76—Cable Television Service Pleading and Complaint Rules [CS Docket No. 98-54] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

597. A letter from the Chairman, Federal Energy Regulations Commission, transmitting the Commission's final rule—Open Access Same-Time Information System and Standards of Conduct [Docket No. RM95-9-003] received February 10, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

598. A letter from the Deputy Director, Regulations and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Polymers [Docket No. 93F-0151] received February 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

599. A communication from the President of the United States, transmitting a six month periodic report on developments concerning the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 106-20); to the Committee on International Relations and ordered to be printed.

600. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Iraq that was declared in Executive Order No. 12722 of August 2, 1990, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 106-23); to the Committee on International Relations and ordered to be printed.

601. A letter from the Director, Defense Security Cooperation Agency, transmitting a copy of Transmittal No. A-99, which relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 97-29 of 24 July 1997, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on International Relations.

602. A letter from the Director, Defense Security Cooperation Agency, transmitting a copy of Transmittal No. 04-99 which constitutes a Request for Final Approval for the Memorandum of Understanding between the U.S. and the United Kingdom concerning a Programmable Integrated Ordnance Suite (PIOS), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

603. A letter from the Director, Defense Security Cooperation Agency, transmitting a report containing an analysis and description of services performed by full-time USG employees during Fiscal Year 1998, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

604. A letter from the Secretary of State, transmitting a list of all sales and licensed commercial exports under the Act of major weapons or weapons-related defense equipment valued at $7,000,000 or more, or of any other weapons or weapons-related defense equipment valued at $25,000,000 or more, which the Administration considers eligible for approval during the calendar year 1999 and which may, therefore, result in notification to the Congress this year, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

605. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the forty-sixth report on the extent and disposition of United States contributions to international organizations for fiscal year 1997, pursuant to 22 U.S.C. 262a; to the Committee on International Relations.

606. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Public Notice Nationality Procedures—Amendment to Report of Birth Regulation Passport Procedures—Amendment to Revocation or Restriction of Passports Regulation—received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

607. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the determination and justification for the use of $1 million in FY 99 funds made available to provide medical assistance to Nigeria; to the Committee on International Relations.

608. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for the use of $500,000 in FY 1998 Economic Support Funds (ESF) for activities in the Republic of Ghana; to the Committee on International Relations.

609. A letter from the Secretary of Health and Human Services, transmitting a report of surplus real property transferred or leased for public health purposes in fiscal year 1998, pursuant to 40 U.S.C. 484(o); to the Committee on Government Reform.

610. A letter from the Chairman, Council of the District of Columbia, transmitting A copy of D.C. Act 12-583, "Community Development Program Temporary Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

611. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-582, "Homestead Housing Preservation Temporary Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

612. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-581, "Year 2000 Government Computer Immunity Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

613. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-577 "Procurement Practices Bid Notice Period Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

614. A letter from the Chairman, Council of the District of Columbia, transmitting A copy of D.C. Act 12-575 "Human Rights Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

615. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-573, "Self-Sufficiency Promotion Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

616. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-558, "Schedule of Heights of Buildings Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

617. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-602, "Food Stamp Trafficking and Public Assistance Fraud Control Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

618. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-601, "Retired Police Officer Redeployment Amendment Act of 1998," February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

619. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-489, "Holy Comforter-St. Cyprian Roman Catholic Church Equitable Real Property Tax Relief Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

620. A letter from the Chairman, Council of the District of Columbia, transmitting A copy of D.C. Act 12-488, "Alcoholic Beverage Control DC Arena Amendment Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

621. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-487, "Summary Abatement of Life-or-Health Threatening Conditions Amendment Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

622. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-490, "Retired Police Officer Redeployment Temporary Amendment Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

623. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-492, "Metropolitan Police Department Civilianization Temporary Amendment Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

624. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-491, "Criminal Background Investigation for the Protection of Children Temporary Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

625. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-494, "Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amdendment Act of 1998" received January 29, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

626. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-593, "Hazardous Duty Compensation for Metropolitan Police Department Scuba Divers Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

627. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-591, "Dedication and Designation of Harry Thomas Way Temporary Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

628. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-589, "Sex Offender Registration Immunity From Liability Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

629. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-588, "Mentally Retarded Citizens Substituted Consent for Health Care Decisions and Emergency Care Definition Temporary Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

630. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-587, "Compensation Increase for the Chairperson of the Rental Housing Commission Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

631. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-586, "Sex Offender Registration Risk Assessment Clarification Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

632. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-584, "Housing Finance Agency Amendment Act of 1998" received February 10, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

633. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-496, "Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Motor Vehicle Insurance Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

634. A letter from the Chairman, Council of the District of Columbia, transmitting of a copy of D.C. Act 12-497, "Child Support and Welfare Reform Compliance Temporary Amendment Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

635. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-512, "Fiscal Year 1999 Budget Support Temporary Amendment Act of 1998," pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

636. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-518, "Regulation Enacting the Policy Manual for the District of Columbia Temporary Amendment Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

637. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-519, "Reorganization Plan No. 5 for the Department of Human Services and Department of Corrections Temporary Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

638. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-530, "Child Development Facilities Regulation Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

639. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-532, "Cooperative Association Amendment Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

640. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-533, "Comprehensive Plan Land Use Antenna Exemption Temporary Amendment Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

641. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-534, "Washington Convention Center Authority Second Amendment Act of 1998" received February 3, 1999,

pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

642. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-535, "Executive Service Residency Requirement Amendment Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

643. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-536, "Insurance Demutualization Temporary Amendment Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

644. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-537, "School Proximity Traffic Calming Temporary Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

645. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-542, "Public School Nurse Assignment Amendment Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

646. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-538, "Disposal of District Owned Surplus Real Property Temporary Amendment Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

647. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-543, "Regional Airports Authority Amendment Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

648. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-548, "Department of Human Services and Commission on Mental Health Services Mandatory Employee Drug and Alcohol Testing and Department of Corrections Conforming Amendment Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

649. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-547, "Mental Health Services Client Enterprise Establishment Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

650. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-517, "Anti-Drunk Driving Amendment Act of 1998" received February 3, 1999, pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

651. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions and Deletions—received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

652. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12-531, "Day Care Policy Amendment Act of 1998" received February 3, 1999, pursuant to Public Law 93—198 section 602(c)(1); to the Committee on Government Reform.

653. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a report on the First Quarter Report of Fiscal Year 1999 of the D.C. Financial Responsibility and Management Assistance Authority; to the Committee on Government Reform.

654. A letter from the Chairwoman, Equal Employment Opportunity Commission, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

655. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

656. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1998, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

657. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—General Services Administration Acquisition Regulation; Streamlining Administration Of Federal Supply Service (FSS) Multiple Award Schedule (MAS) Contracts and Clarifying Marking Requirements [APD 2800. 12A, CHGE 81] (RIN: 3090-AG81) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

658. A letter from the Chairman, International Trade Commission, transmitting Performance Plans for fiscal years 1999 and 2000; to the Committee on Government Reform.

659. A letter from the Director, National Science Foundation, transmitting an evaluation of the system of internal accounting and administrative controls of the National Science Foundation, as required by the Federal Manager's Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

660. A letter from the General Counsel, Office of Management and Budget, transmitting notification to Congress and the Comptroller General, concerning the nomination of a person to fill a vacancy in the OMB office of Controller; to the Committee on Government Reform.

661. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Hazardous Duty Pay (RIN: 3206-AI29) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

662. A letter from the Secretary of Commerce, transmitting a report on management and internal accounting controls, as required by the Federal Manager's Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

663. A letter from the Secretary of Education, transmitting the FY 1998 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

664. A letter from the Secretary of Housing and Urban Development, transmitting Activities under the Freedom of Information Act for Fiscal year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform.

665. A letter from the Secretary of Transportation, transmitting the Secretary's Management Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period ending September 30, 1998, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

666. A letter from the Secretary of Transportation, transmitting notification of a vacancy which was created on November 30, 1998, upon the resignation of the Assistant Secretary of Transportation for Governmental Affairs; to the Committee on Government Reform.

667. A letter from the the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 1998 through December 31, 1998 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 106-28); to the Committee on House Administration and ordered to be printed.

668. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on Casitas Dam, Ventura River Project in California, pursuant to 43 U.S.C. 509; to the Committee on Resources.

669. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Oklahoma Regulatory Program [SPATS No. OK-024-FOR] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

670. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting the Department's final rule—Illinois Abandoned Mine Land Reclamation Plan [SPATS No. IL-093-FOR] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

671. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the report entitled, "America's Historic Landmarks at Risk: The Secretary of the Interior's Report of the 106th Congress on Threatened National Historic Landmarks"; to the Committee on Resources.

672. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Sacramento Splittail, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

673. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV-077-FOR] received February 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

674. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Illinois Regulatory Program [SPATS No. IL-094-FOR] received February 4, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

675. A letter from the Service Federal Register Liaison Officer, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Emergency Rule To List the San Bernardino Kangaroo Rat as Endangered (RIN: 1018-AE59) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

676. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic

and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 26 [Docket No. 981231335–8335–01; I.D. 122498B] (RIN: 0648–AM14) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

677. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Vessel Moratorium Program [Docket No. 981016260–9018–02; I.D. 090998B] (RIN: 0648–AL20) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

678. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Season and Area Apportionment of Atka Mackerel Total Allowable Catch [Docket No. 981021264–9016–02; I.D. 092998A] (RIN: 0648–AL29) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

679. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Steller Sea Lion Protection Measures for the Pollock Fisheries off Alaska [Docket No. 990115017–9017–01; I.D. 011199A] (RIN: 0648–AM08) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

680. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule— Magnuson-Stevens Act Provisions; List of Fisheries and Gear, and Notification Guidelines [Docket No. 980519132–9004–02; I.D. 022498F] (RIN: 0648–AK49) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

681. A letter from the Secretary of the Interior, transmitting the 1998 Annual Report of the Migratory Bird Conservation Commission, pursuant to 16 U.S.C. 715b; to the Committee on Resources.

682. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the fourth annual report on the Communications Assistance for Law Enforcement Act (CALEA) of 1994, as amended; to the Committee on the Judiciary.

683. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, transmitting the Service's final rule—Temporary Protected Status: Amendments to the Requirements for Employment Authorization Fee, and Other Technical Amendments, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

684. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the United States Court of Appeals for the District of Columbia Circuit, No. 97–1633—City of Abilene, Texas, et al. v. Federal Communications Commission and United States of America; to the Committee on the Judiciary.

685. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, will exceed $5 million for the response to the emergency declared on September 21, 1998 as a result of Hurricane Georges, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

686. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, will exceed $5 million for the response to the emergency declared on September 21, 1998 as a result of Hurricane Georges which severly impacted the Territory of the United States Virgin Islands, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

687. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, will exceed $5 million for the response to the emergency declared on September 21, 1998 as a result of Hurricane Georges impacting the state of Florida, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

688. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 98–NM–265–AD; Amendment 39–11012; AD 99–02–18] (RIN: 2120–AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

689. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 99–NM–10–AD; Amendment 39–11014; AD99–03–02] (RIN: 2120–AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

690. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Schempp-Hirth K.G. Models Standard-Cirrus, Nimbus-2, JANUS, and Mini-Nimbus HS–7 Sailplanes [Docket No. 98–CE–52–AD; Amendment 39–11013; AD 99–03–01] (RIN: 2120–AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

691. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Flight Rules in the Vicinity of Grand Canyon National Park [Docket No. 28537; SFAR–50–2; Amendment; 93–76] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

692. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Emission Standards for Turbine Engine Powered Airplanes [Docket No. FAA–1999–5018; Amendment No. 34–3] (RIN: 2120–AG68) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

693. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 and A321 Series Airplanes [Docket No. 98–NM–67–AD; Amendment 39–10993; AD 99–02–04] (RIN: 2120–AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

694. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100 and –200 Series Airplanes [Docket No. 96–NM–264–AD; Amendment 39–10984; AD 98–11–04 R1] (RIN: 2120–AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

695. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Seires Airplanes [Docket No. 96–NM–263–AD; Amendment 39–10983; AD 98–11–03 R1] (RIN: 2120–AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

696. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–200, –200C, –300, and –400 Series Airplanes [Docket No. 98–NM–291–AD 98–25–06] (RIN: 2120–AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

697. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace and Class E Airspace; Binghamton, NY [Airspace Docket No. 98–AEA–44] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

698. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Laurel, DE [Airspace Docket No. 98–AEA–43] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

699. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of the Cincinnati/Northern Kentucky International Airport Class B Airspace Area, and Revocation of the Cincinnati/Northern Kentucky International Class C Airspace Area; KY [Airspace Docket No. 93–AWA–5] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

700. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Legal Description of Jet Route J–522 in the Vicinity of Rochester, NY [Airspace Docket No. 98–AEA–14] (RIN: 2120–AA66) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

701. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Cocordia, KS [Airspace Docket No. 98–ACE–46] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

702. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Grinell, IA [Airspace Docket No. 98–ACE–47] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

703. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Amendment to Class E Airspace; Liberal, KS [Airspace Docket No. 98–ACE–60] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

704. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Garden City, KS [Airspace Docket No. 98–ACE–59] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

705. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation Model S–76A, B, and C Helicopters [Docket No. 98–SW–37–AD; Amendment 39–10999; AD 98–17–15] (RIN: 2120–AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

706. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29429; Amdt. No. 1907] (RIN: 2120–AA65) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

707. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Agusta S.p.A. Model A109C and A109K2 Helicopters [Docket No. 97–SW–55–AD; Amendment 39–11000; AD 99–02–09] (RIN: 2120–AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

708. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Exemption for Leachate from Non-Hazardous Waste Landfills; Final Rule [FRL–6232–3] (RIN: 2050–AE61) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

709. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Fee for Services To Support FEMA's Offsite Radiological Emergency Preparedness Program (RIN: 3067–AC87) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

710. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Fee for Services to Support FEMA's Offsite Radiological Emergency Preparedness Program—received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

711. A letter from the General Counsel of the Department of Defense, transmitting proposed legislation to reauthorize the aviation insurance program; to the Committee on Transportation and Infrastructure.

712. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the United States Court of Appeals for the District of Columbia Circuit, No. 97–1384—Association of American Railroads and Wisconsin Central LTD. v. Surface Transportation Board and United States of America; to the Committee on Transportation and Infrastructure.

713. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Miscellaneous Revisions to the NASA FAR Supplement—received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

714. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Board of Veterans' Appeals: Rules of Practice-Revision of Decisions on Grounds of Clear and Unmistakable Error (RIN: 2900–AJ15) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

715. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Prohibit Certain Alcohol Beverage Containers and Standards of Fill for Distilled Spirits and Wine (98R–452P) (RIN: 1512–AB89) received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

716. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds (Department of the Treasury Circular, Public Debt Series No. 1–93)—received January 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

717. A letter from the Assistant Secretary for Import Administration and the Assistant United States Trade Representatives, Department of Commerce, transmitting the Annual Report on Subsidies Enforcement; to the Committee on Ways and Means.

718. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Continuation of Partnership [Revenue Ruling 99–6] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

719. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Closing agreements [Revenue Procedure 99–13] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

720. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Trade or Business Expense [Revenue Ruling 99–7] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

721. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Nonrecognition of Gain or Loss on Contribution [Revenue Ruling 99–5] received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

722. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Timely Mailing Treated as Timely Filing/Electronic Postmark [TD 8807] (RIN: 1545–AW82) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

723. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Federal Insurance Contributions Act (FICA) Taxation of Amounts Under Employee Benefit Plans [TD 8814] (RIN: 1545–AT27) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

724. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Federal Unemployment Tax Act (FUTA) Taxation of Amounts Under Employee Benefit Plans [TD 8815] (RIN: 1545–AT99) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

725. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Revenue Procedure 99–14] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

726. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Continuation Coverage Requirements Applicable to Group Health Plans [TD 8812] (RIN: 1545–AI93) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

727. A letter from the Director, Congressional Budget Office, transmitting the report on "Unauthorized Appropriations and Expiring Authorizations" by theCongressional Budget Office as of January 8, 1999, pursuant to 2 U.S.C. 602(f)(3); jointly to the Committees on the Budget and Appropriations.

728. A letter from the President, Institute of Peace, transmitting a copy of the Institute's report entitled, "Building Peace—1994–1997"; jointly to the Committees on Education and the Workforce and International Relations.

729. A letter from the Assistant Secretary for Economic Development, Department of Commerce, transmitting the Department's final rule—Interim final rule—received January 27, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Transportation and Infrastructure and Banking and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on February 16, 1999]

Mr. GILMAN: Committee on International Relations. H.R. 669. A bill to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes (Rept. 106–18). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. H.R. 434. A bill to authorize a new trade and investment policy for sub-Sahara Africa; with an amendment (Rept. 106–19 Pt. 1). Ordered to be printed.

[Filed on February 23, 1999]

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 92. A bill to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the "Hiram H. Ward Federal Building and United States Courthouse" (Rept. 106–20). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 158. A bill to designate the Federal Courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin Federal Courthouse"; with amendments (Rept. 106–21). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 233. A bill to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the "Richard C. White Federal Building" (Rept. 106–22). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 396. A bill to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building" (Rept. 106–23). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 514. A bill to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes (Rept. 106–24). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 438. A bill to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes: with an amendment (Rept. 106–25). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 75. Resolution providing for consideration of the bill (H.R. 409) to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public (Rept. 106–26). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 76. Resolution providing for consideration of the bill (H.R. 438) to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes (Rept. 106–27). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 77. Resolution providing for consideration of the bill (H.R. 514) to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes (Rept. 106–28). Referred to the House Calendar.

Mr. BURTON: Committee on Government Reform. H.R. 416. A bill to provide for the rectification of certain retirement coverage errors affecting Federal employees, and for other purposes (Rept. 106–29 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

(The following occurred on February 16, 1999)

H.R. 434. Referral to the Committees on Ways and Means and Banking and Financial services extended for a period ending not later than February 26, 1999.

[Submitted February 23, 1999]

H.R. 416. Referral to the Committee on Ways and Means extended for a period ending not later than March 5, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COBLE (for himself and Mr. CANNON):

H.R. 768. A bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes; to the Committee on the Judiciary.

By Mr. COBLE:

H.R. 769. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 770. A bill to amend the National Labor Relations Act to ensure that the National Labor Relations Board does not decline to assert jurisdiction over the horseracing and dogracing industries; to the Committee on Education and the Workforce.

By Mr. COBLE (for himself, Mr. FRANK of Massachusetts, Mr. BERMAN, Mr. ANDREWS, Mr. CANADY of Florida, and Mr. CHABOT):

H.R. 771. A bill to amend rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for recording depositions; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois (for himself, Mr. BONIOR, Mr. CLYBURN, Mr. GEORGE MILLER of California, Ms. MCKINNEY, Ms. LEE, Mr. CONYERS, Mr. CUMMINGS, Mr. KUCINICH, Mr. THOMPSON of Mississippi, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Mr. CLAY, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Mr. SANDERS, Mr. CAPUANO, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. OLVER, Mr. PALLONE, Mr. BROWN of California, Mr. PASCRELL, Mr. BALDACCI, Mrs. JONES of Ohio, Mr. STARK, Mr. DELAHUNT, Mr. EVANS, Mr. HASTINGS of Florida, Mr. STUPAK, and Mr. KLINK):

H.R. 772. A bill to authorize a new trade, investment, and development policy for sub-Saharan Africa that is mutually beneficial to the majority of people in sub-Saharan Africa and the United States; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BAIRD, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BENTSEN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BONIOR, Mr. BORSKI, Mr. BOSWELL, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CAMPBELL, Ms. CARSON, Mr. CAPUANO, Mrs. CLAYTON, Mr. CLEMENT, Mr. COSTELLO, Mr. CRAMER, Mr. CROWLEY, Ms. DEGETTE, Ms. DANNER, Mr. DICKEY, Mr. DIXON, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DOYLE, Mrs. EMERSON, Mr. ENGEL, Mr. ENGLISH, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FATTAH, Mr. FARR of California, Mr. THOMPSON of California, Mr. THOMPSON of Mississippi, Mr. TRAFICANT, Mr. TURNER, Mr. UNDERWOOD, Ms. VELÁZQUEZ, Mr. VENTO, Mr. WALDEN of Oregon, Ms. WATERS, Mr. WATKINS, Mr. WALSH, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Mr. WEYGAND, Mr. WHITFIELD, Ms. WOOLSEY, Mr. WU, Mr. FILNER, Mr. FORBES, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GALLEGLY, Mr. GEJDENSON, Mr. GILCHREST, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. HAYES, Mr. HILLIARD, Mr. HINCHEY, Ms. HOOLEY of Oregon, Mr. HOEFFEL, Mr. HULSHOF, Mr. INSLEE, Mr. JACKSON of Illinois, Mrs. JOHNSON of Connecticut, Mr. KANJORSKI, Ms. KAPTUR, Ms. KILPATRICK, Mr. KLECZKA, Mr. KOLBE, Mr. KUCINICH, Mr. LAFALCE, Mr. LAMPSON, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOBIONDO, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. MCHUGH, Mr. MARKEY, Mr. MASCARA, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mrs. MEEK of Florida, Mr. MEEHAN, Mr. METCALF, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MORAN of Kansas, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. MURTHA, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. NEY, Mr. OBERSTAR, Mr. OLVER, Mr. PALLONE, Mr. PASTOR, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. PICKETT, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. QUINN, Mr. RAHALL, Mr. REGULA, Mr. REYES, Mr. ROEMER, Ms. ROYBAL-ALLARD, Mr. SABO, Ms. SANCHEZ, Mr. SANDERS, Mr. SAXTON, Mr. SAWYER, Mr. SHAYS, Mr. SHERMAN, Mr. SHOWS, Mr. SERRANO, Ms. SCHAKOWSKY, Ms. SLAUGHTER; Mr. SKELTON, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Mr. SNYDER, Ms. STABENOW, Mr. STARK, Mr. STUPAK, Mr. TAYLOR of North Carolina, Mrs. TAUSCHER, and Mr. TIERNEY):

H.R. 773. A bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and to make technical corrections; to the Committee on Education and the Workforce.

By Ms. VELÁZQUEZ (for herself, Mr. TALENT, Ms. MILLENDER-MCDONALD, Mrs. KELLY, Ms. SCHAKOWSKY, Mrs. BONO, Mr. PASCRELL, Mrs. CHRISTIAN-CHRISTENSEN, Mrs. MCCARTHY of New York, and Mr. HINOJOSA):

H.R. 774. A bill to amend the Small Business Act to change the conditions of participation and provide an authorization of appropriations for the women's business center program; to the Committee on Small Business.

By Mr. DAVIS of Virginia (for himself, Mr. DREIER, Mr. COX, Mr. MORAN of Virginia, Mr. CRAMER, and Mr. DOOLEY of California):

H.R. 775. A bill to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 776. A bill to amend the Occupational Safety and Health Act of 1970 to provide for coverage under that Act of employees of States and political subdivisions of States; to the Committee on Education and the Workforce.

By Mr. FATTAH (for himself, Mr. BOUCHER, Ms. NORTON, Mr. STARK, Mr. SANDLIN, and Mr. VENTO):

H.R. 777. A bill to amend the Job Training Partnership Act and the Workforce Investment Act of 1998 to require that a minimum percentage of participants in summer youth employment programs carried out under those Acts are students who have high attendance rates; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 778. A bill to authorize the Secretary of Transportation to require the use of recycled materials in the construction of Federal-aid highway projects; to the Committee on Transportation and Infrastructure.

H.R. 779. A bill to require the allocation of certain surface transportation program funds for the purchase of recycled materials; to the Committee on Transportation and Infrastructure.

By Mr. DINGELL:

H.R. 780. A bill to amend title 49, United States Code, to establish consumer protections for airline passengers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 781. A bill to require a preference for Federal contractors that hire welfare recipients, to authorize appropriations for job access and reverse commute grants, to allow the Secretary of Health and Human Services to provide guarantees of State loans to welfare recipients, making appropriations for the Substance Abuse and Mental Health Services Administration, and to amend the Internal Revenue Code of 1986 to restore certain business-related deductions; to the Committee on Government Reform, and in addition to the Committees on Transportation and Infrastructure, Ways and Means, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of Nebraska (for himself, Mr. Martinez, Mr. McKeon, Mr. Goodling, and Mr. Clay):

H.R. 782. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2000 through 2003; to the Committee on Education and the Workforce.

By Mr. BILIRAKIS (for himself and Mr. Pallone):

H.R. 783. A bill to ensure the availability of spectrum to amateur radio operators; to the Committee on Commerce.

By Mr. BILIRAKIS (for himself, Mr. Stump, Mr. Evans, Mr. Shows, and Mr. Filner):

H.R. 784. A bill to amend title 38, United States Code, to authorize the payment of dependency and indemnity compensation to the surviving spouses of certain former prisoners of war dying with a service-connected disability rated totally disabling at the time of death; to the Committee on Veterans' Affairs.

By Mr. BILIRAKIS (for himself and Mr. Brown of Ohio):

H.R. 785. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate that part or all of any income tax refund be paid over for use in biomedical research conducted through the National Institutes of Health; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO (for herself, Mrs. Capps, Mr. Cook, Mrs. Emerson, and Mr. DeFazio):

H.R. 786. A bill to terminate the participation of the Forest Service in the Recreational Fee Demonstration Program; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONDIT (for himself and Mr. Ortiz):

H.R. 787. A bill to amend title 10, United States Code, to clarify the authority of the Secretary of Defense to transfer to Federal and State agencies excess personal property of the Department of Defense suitable for use in law enforcement; to the Committee on Armed Services.

By Mr. DUNCAN (for himself, Mr. Hilleary, Ms. Pryce of Ohio, Mr. Jenkins, Mr. Wamp, Mr. Ford, Mr. Bryant, Mr. Gordon, Mr. Tanner, Mr. Clement, Mr. Hall of Ohio, Mr. Oxley, Mr. Gillmor, Mr. Strickland, Ms. Kaptur, Mr. Kucinich, Mrs. Jones of Ohio, Mr. Brown of Ohio, Mr. Sawyer, Mr. Regula, Mr. Traficant, Mr. Ney, and Mr. LaTourette):

H.R. 788. A bill to provide support for certain institutes and schools; to the Committee on Education and the Workforce.

By Mr. FOSSELLA:

H.R. 789. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide death benefits to retired public safety officers; to the Committee on the Judiciary.

H.R. 790. A bill to require the Federal Aviation Administration to address the aircraft noise problems of Staten Island, New York; to the Committee on Transportation and Infrastructure.

By Mr. GILCHREST (for himself and Mr. Cardin):

H.R. 791. A bill to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; to the Committee on Resources.

By Mr. GOODLATTE (for himself, Mr. Ballenger, Mr. Barrett of Nebraska, Mr. Barton of Texas, Mr. Bateman, Mr. Bereuter, Mr. Bliley, Mr. Bonilla, Mrs. Bono, Mr. Brady of Texas, Mr. Bryant, Mr. Burr of North Carolina, Mr. Burton of Indiana, Mr. Callahan, Mr. Calvert, Mr. Campbell, Mr. Cannon, Mr. Chambliss, Mr. Coburn, Mr. Collins, Mr. Cook, Mr. Davis of Virginia, Mr. DeLay, Mr. Dickey, Mr. Doolittle, Mr. Foley, Mrs. Fowler, Mr. Ganske, Mr. Goode, Mr. Goss, Mr. Graham, Mr. Hall of Texas, Mr. Hansen, Mr. Hastings of Washington, Mr. Hayes, Mr. Hayworth, Mr. Hefley, Mr. Herger, Mr. Hilleary, Mr. Hunter, Mr. Istook, Mr. Sam Johnson of Texas, Mr. Kasich, Mr. Kolbe, Mr. Largent, Mr. Latham, Mr. Linder, Mr. Manzullo, Mr. McCollum, Mr. McCrery, Mr. McInnis, Mr. McIntosh, Mr. McKeon, Mr. Miller of Florida, Mr. Moran of Kansas, Mrs. Myrick, Mr. Nethercutt, Mr. Norwood, Mr. Oxley, Mr. Paul, Mr. Pitts, Mr. Pombo, Mr. Radanovich, Mr. Riley, Mr. Ryun of Kansas, Mr. Schaffer, Mr. Sessions, Mr. Smith of Michigan, Mr. Souder, Mr. Spence, Mr. Stearns, Mr. Stump, Mr. Tauzin, Mr. Taylor of North Carolina, Mr. Thornberry, Mr. Thune, Mr. Wamp, Mr. Watkins, Mr. Watts of Oklahoma, Mr. Weldon of Florida, Mrs. Wilson, Mr. Wolf, Mrs. Cubin, Mr. Deal of Georgia, Mr. Tancredo, Mr. Wicker, and Mr. Packard):

H.R. 792. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and the Workforce.

By Mr. GRAHAM (for himself, Mr. Andrews, Mr. Talent, Mrs. Fowler, Mrs. Myrick, and Mr. Metcalf):

H.R. 793. A bill to amend the Fair Labor Standards Act of 1938 to exempt licensed funeral directors and licensed embalmers from the minimum wage and overtime compensation requirements of that Act; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida:

H.R. 794. A bill to repeal the law establishing the independent counsel; to the Committee on the Judiciary.

By Mr. HILL of Montana:

H.R. 795. A bill to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes; to the Committee on Resources.

By Mr. Sam JOHNSON of Texas (for himself, Mr. Matsui, Mr. Tanner, Mr. Neal of Massachusetts, Mr. Crane, Mr. Weller, Mr. Herger, Mr. Houghton, Mrs. Johnson of Connecticut, Mr. Hayworth, Mr. Hulshof, Mr. Lewis of Kentucky, Mr. English, Ms. Dunn, Mr. McKeon, Mr. McInnis, Mr. McCrery, and Mr. Dreier):

H.R. 796. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the amount of receipts attributable to military property which may be treated as exempt foreign trade income; to the Committee on Ways and Means.

By Mr. LUCAS of Kentucky:

H.R. 797. A bill to amend title XIX of the Social Security Act to exempt disabled individuals from being required to enroll with a managed care entity under the Medicaid Program; to the Committee on Commerce.

By Mr. George MILLER of California (for himself, Ms. Pelosi, Mr. Blumenauer, Mr. McGovern, Mr. Maloney of Connecticut, Mr. DeFazio, Mr. McDermott, Mr. Ackerman, Mr. Delahunt, Mr. Lantos, Mr. Markey, Mr. Tierney, Mrs. Mink of Hawaii, Mr. Meehan, Mr. Stark, Mr. Waxman, Ms. Lee, Ms. Woolsey, Mr. Sherman, Mr. Kildee, Mr. Bonior, Mr. Farr of California, Ms. Eshoo, Mr. Pallone, Mrs. Christian-Christensen, Mrs. Capps, Mr. Inslee, Mr. Gephardt, Mr. Kennedy of Rhode Island, Mrs. Jones of Ohio, Mr. Rahall, Mr. Gejdenson, Mr. Rothman, Mr. Frank of Massachusetts, and Mr. Sanders):

H.R. 798. A bill to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 799. A bill to declare certain Amerasians to be citizens of the United States; to the Committee on the Judiciary.

By Mr. CASTLE (for himself, Mr. Roemer, Mr. Boehner, Mr. Deal of Georgia, Mr. DeFazio, Mr. DeMint, Mr. Diaz-Balart, Mr. Dooley of California, Mr. Dreier, Mr. Forbes, Mr. Goodling, Mr. Graham, Mr. Greenwood, Mr. Hilleary, Mr. Hobson, Mr. Hoekstra, Ms. Hooley of Oregon, Mr. Sam Johnson of Texas, Mrs. Maloney of New York, Mr. Moran of Virginia, Mr. Norwood, Mr. Petri, Mr. Sessions, Mr. Shows, Mr. Smith of Washington, Mr. Souder, Mrs. Tauscher, Mr. Upton, and Mr. Weygand):

H.R. 800. A bill to provide for education flexibility partnerships; to the Committee on Education and the Workforce.

By Mrs. MINK of Hawaii:

H.R. 801. A bill to modify retroactively the residence requirement for transmission of citizenship to certain individuals born abroad before 1953 to one citizen parent and one alien parent; to the Committee on the Judiciary.

By Mr. MOORE (for himself, Mr. Frost, Mr. Hinchey, Mr. Bartlett of Maryland, and Mr. Paul):

H.R. 802. A bill to amend the Internal Revenue Code of 1986 to increase the annual limitation on deductible contributions to individual retirement accounts to $5,000; to the Committee on Ways and Means.

By Mr. NETHERCUTT:

H.R. 803. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax with respect to employees who participate in the military reserves and to allow a comparable credit for participating self-employed individuals; to the Committee on Ways and Means.

By Mr. NUSSLE (for himself, Mr. Coyne, Mr. English, Mr. Kleczka, Mr. Brown of Ohio, and Mrs. McCarthy of New York):

H.R. 804. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the Medicare Program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Mr. Berry, Mrs. Clayton, Mr. Shows, Ms. Kilpatrick, Ms. Jackson-Lee of Texas, Mr. Stark, Ms. Norton, Ms. Schakowsky, Mr. Rangel, Mr. Weiner, Mr. Waxman, Mr. Brown of Ohio, Mr. Moakley, Mr. Luther, Mr. Nadler, Mr. Hinchey, and Mr. Allen):

H.R. 805. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish therapeutic equivalence requirements for generic drugs, and for other purposes; to the Committee on Commerce.

By Mr. ROMERO-BARCELÓ (for himself, Mrs. Christian-Christensen, Mr. Underwood, Mr. Faleomavaega, and Mr. Waxman):

H.R. 806. A bill to amend title XXI of the Social Security Act to increase the allotments for territories under the State Children's Health Insurance Program; to the Committee on Commerce.

By Mr. SCARBOROUGH (for himself, Ms. Norton, Mr. Cummings, Mrs. Morella, Mr. Hoyer, Mr. Davis of Virginia, Mr. Moran of Virginia, Mr. Waxman, and Mr. Mica):

H.R. 807. A bill to amend title 5, United States Code, to provide portability of service credit for persons who leave employment with the Federal Reserve Board to take positions with other Government agencies; to the Committee on Government Reform.

By Mr. SMITH of Michigan (for himself, Mr. Gekas, Mr. Minge, Mr. Shows, Mr. Barrett of Nebraska, Mr. Leach, Mr. Watts of Oklahoma, Mr. Boehlert, and Mr. McHugh):

H.R. 808. A bill to extend for 3 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 809. A bill to amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service; to the Committee on the Judiciary.

By Mr. WISE (for himself, Mr. Sawyer, and Mr. Neal of Massachusetts):

H.R. 810. A bill to establish drawback for imports of N-cyclohexyl-2-benzothiazolesulfenamide based on exports of N-tert-Butyl-2-benzothiazolesulfenamide; to the Committee on Ways and Means.

By Mr. WYNN:

H.R. 811. A bill to prohibit certain transfers or assignments of franchises, and to prohibit certain fixing or maintaining of motor fuel prices, under the Petroleum Marketing Practices Act; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H.R. 812. A bill to direct the Administrator of the Federal Aviation Administration to conduct a rulemaking proceeding to establish requirements for Alaska guide pilots who conduct flight operations, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 813. A bill to amend the Internal Revenue Code of 1986 to allow a charitable contribution deduction for certain expenses incurred by whaling captains in support of Native Alaskan subsistence whaling; to the Committee on Ways and Means.

By Mr. ARCHER:

H.J. Res. 30. A joint resolution proposing an amendment to the Constitution of the United States allowing an item veto in appropriation bills; to the Committee on the Judiciary.

By Mr. OBERSTAR (for himself, Mr. Hunter, Mr. Hulshof, Mr. Smith of New Jersey, Mr. Barcia, Mr. Underwood, Mr. Kildee, Mr. Watts of Oklahoma, Mr. Peterson of Minnesota, Mr. Green of Wisconsin, Mr. Hayes, Mr. Lewis of Kentucky, Mr. Lucas of Kentucky, and Mr. Phelps):

H.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. RYAN of Wisconsin:

H.J. Res. 32. A joint resolution expressing the sense of the Congress that the President and the Congress should join in undertaking the Social Security Guarantee Initiative to strengthen and protect the retirement income security of all Americans through the creation of a fair and modern Social Security Program for the 21st century; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mrs. Maloney of New York, and Mrs. Kelly):

H. Con. Res. 35. Concurrent resolution congratulating the State of Qatar and its citizens for their commitment to democratic ideals and women's suffrage on the occasion of Qatar's historic elections of a central municipal council on March 8, 1999; to the Committee on International Relations.

By Mr. PALLONE (for himself, Mrs. Maloney of New York, Mr. Bilirakis, Ms. Ros-Lehtinen, Mr. McNulty, Mr. Sherman, Mrs. Kelly, Mr. Kennedy of Rhode Island, Mr. McGovern, Mr. Crowley, Mr. Hinchey, Mr. Blagojevich, Mr. Evans, Mr. Forbes, Mr. Diaz-Balart, Mr. Ackerman, and Mr. Menendez):

H. Con. Res. 36. Concurrent resolution expressing the sense of Congress regarding Turkey's claim of sovereignty to the islets in the Aegean Sea called Imia by Greece and Kardak by Turkey; to the Committee on International Relations.

By Mr. SESSIONS:

H. Res. 73. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. HYDE:

H. Res. 74. A resolution providing amounts for the expenses of the Committee on the Judiciary in the One Hundred Sixth Congress; to the Committee on House Administration.

By Mr. THOMAS:

H. Res. 78. A resolution electing members of the Joint Committee on Printing and the Joint Committee of Congress on the Library; to the Committee on House Administration.

By Mr. EVANS (for himself, Mr. Blagojevich, Mr. Costello, Mr. DeFazio, Mr. Filner, Mr. Frost, Mr. Gutierrez, Mr. Lipinski, Mr. Phelps, Mr. Rush, and Ms. Schakowsky):

H. Res. 79. A resolution supporting the National Railroad Hall of Fame, Inc., of Galesburg, Illinois, in its endeavor to erect a monument known as the National Railroad Hall of Fame; to the Committee on Transportation and Infrastructure.

By Mr. STEARNS (for himself, Mr. Goode, Mrs. Myrick, and Mr. Linder):

H. Res. 80. A resolution repealing rule XXIII of the Rules of the House of Representatives relating to the statutory limit on the public debt; to the Committee on Rules.

By Mr. TALENT:

H. Res. 81. A resolution providing amounts for the expenses of the Committee on Small Business in the One Hundred Sixth Congress; to the Committee on House Administration.

MEMORIALS

Under clause 3 of rule XII,

3. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 11–119 requesting that in the interest of fundamental fairness and due process, that no action be taken by the Congress of the United States, or any other agency of the United States Government until such time as the Commonwealth government is afforded the opportunity to respond to this report; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FOSSELLA introduced a bill (H.R. 814) for the relief of the estate of Irwin Rutman; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. Coburn, Mr. Gillmor, Mr. Goodlatte, Mr. Shows, Mr. Wicker, Mr. DeMint, Mr. Calvert, Mr. Dickey, Mr. Aderholt, Mr. Istook, Mr. Sessions, Mr. Riley, Mrs. Bono, Mr. Sununu, Mr. McHugh, Mr. Kuykendall, Mr. King of New York, and Mr. Sherwood.

H.R. 14: Mr. Shows, Mr. Rohrabacher, Mr. Cunningham, Mr. Nethercutt, Mr. Chambliss, and Mr. Watts of Oklahoma.

H.R. 17: Mr. Boswell and Mr. Foley.

H.R. 27: Mr. Paul, Ms. Pryce of Ohio, Mr. Souder, Mr. Bachus, Mr. Gary Miller of California, Mr. Doolittle, and Mr. Shaw.

H.R. 36: Mr. Smith of New Jersey, Mr. Blumenauer, Mr. Green of Texas, Ms. Jackson-Lee of Texas, Mr. Lampson, Mr. Delahunt, Ms. Schakowsky, Ms. Kilpatrick, and Mrs. Christian-Christensen.

H.R. 38: Mr. Doolittle.

H.R. 45: Mr. Kingston, Mr. Terry, Mr. Tauzin, Mr. John, Mr. Green of Wisconsin, Mr. Berry, Mr. Green of Texas, Mr. Shows, Ms. Ros-Lehtinen, Mr. Sensenbrenner, Mrs. Chenoweth, Mr. Crane, Mr. Clement, Mr. Doolittle, Mr. Sweeney, Mr. Shadegg, Mr. Simpson, Mr. Sessions, Mr. Frost, and Mr. Barrett of Nebraska.

H.R. 49: Ms. Slaughter and Mr. Bonior.

H.R. 89: Mr. Deal of Georgia and Mr. Lampson.

H.R. 92: Mr. Burr of North Carolina and Mr. Etheridge.

H.R. 116: Mr. Phelps, Mr. Forbes, Mr. Nadler, Ms. Lofgren, and Mr. Inslee.

H.R. 160: Mr. Tancredo.

H.R. 175: Mrs. Emerson, Mr. Boucher, Mr. Berman, Mr. Dixon, Mr. Frank of Massachusetts, Mr. Gutierrez, Mr. Ackerman, Mr. Bentsen, Mr. Meeks of New York, Mrs. Jones of Ohio, Mr. Sanders, Mr. Pickering, Mr. Condit, Mr. Cannon, Mr. Kuykendall, Ms. Lofgren, Mr. Sabo, Mrs. Christian-Christensen, Mr. Oberstar, Mr. Bilbray, and Mr. Pomeroy.

H.R. 212: Mr. Chambliss, Mr. Skeen, Mr. Dickey, Mr. Abercrombie, Mrs. Emerson, Mr. Hastings of Washington, Mr. Sessions, and Mr. Barrett of Nebraska.

H.R. 218: Mr. Gordon, Mr. Gary Miller of California, Mr. Weldon of Florida, Mr. Portman, Mr. Sessions, and Mr. Sweeney.

H.R. 219: Mr. Mica, Mr. Talent, and Mrs. Bono.

H.R. 220: Mr. Sensenbrenner.

H.R. 221: Mr. Ewing.

H.R. 222: Ms. Lofgren, Mr. Mica, and Mr. Shows.

H.R. 232: Mr. Houghton and Mr. Goodling.

H.R. 239: Mr. LaTourette, Mr. Price of North Carolina, Mr. Sabo, Mr. John, Ms. Rivers, Mr. Baldacci, Mr. Gilman, Mr. McNulty, Mr. Weller, Mr. Lazio, Mr. Snyder, Mr. Holden, Mrs. Jones of Ohio, Mr. Gordon, Mr. Wynn, Mr. Tancredo, Mr. Baird, Ms. Slaughter, Mr. Clement, Mr. Frank of Massachusetts, Mrs. Christian-Christensen, Mr. Forbes, and Mr. Hoyer.

H.R. 271: Mr. Markey and Ms. Lofgren.

H.R. 274: Mr. Ackerman and Mr. LoBiondo.

H.R. 275: Mr. Goodling.

H.R. 306: Mr. Nadler, Mr. Blagojevich, Mr. Davis of Illinois, Mrs. Tauscher, Ms. Lofgren, and Mr. Etheridge.

H.R. 315: Mr. Lipinski, Ms. Waters, and Mr. Matsui.

H.R. 325: Mr. Borski, Mr. Brown of California, Mr. Dicks, Mr. Hastings of Florida, and Ms. Lofgren.

H.R. 329: Mr. Brown of Ohio, Mr. Engel, Mr. McNulty, Ms. Kilpatrick, Mr. Frost, Mr. Towns, Mrs. Tauscher, and Mr. Farr of California.

H.R. 330: Mr. Burton of Indiana and Mr. Rohrabacher.

H.R. 346: Mr. Largent, Mr. Hall of Texas, Mr. Hayworth, Mr. Goode, Mr. McKeon, Mr. Doolittle, Mr. Tiahrt, Mr. Goodling, and Mr. Stump.

H.R. 347: Mr. Doolittle.

H.R. 348: Mr. Goodling.

H.R. 351: Mr. Cunningham, Mr. Moran of Kansas, Mr. Filner, Mr. Bachus, Mr. Stump, Mr. Bateman, Mr. Goodling, Mr. Bonilla, Mr. Traficant, Ms. McCarthy of Missouri, Ms. Hooley of Oregon, Mr. Hutchinson, Mr. Lewis of Kentucky, Mr. Ramstad, and Ms. Pryce of Ohio.

H.R. 353: Mr. Wexler, Mr. Gallegly, Mr. Holden, Mr. Ehrlich, Mr. Cox, Mr. Lantos, Mr. Jones of North Carolina, Mr. Dooley of California, Mr. Calvert, Mr. Price of North Carolina, Mr. Graham, Mrs. Tauscher, and Ms. Slaughter.

H.R. 355: Mr. Thompson of California, Mr. Scarborough, Ms. Sanchez, Mr. Shows, Ms. DeGette, Mr. Brown of Ohio, Mr. Gutierrez, Mr. English, Mr. Brown of California, and Mrs. Kelly.

H.R. 357: Mr. McGovern, Mr. Lampson, Mrs. Roukema, Mr. Shays, Mr. Sabo, Mr. Sawyer, Mr. Menendez, and Mrs. Christian-Christensen.

H.R. 358: Mr. Holt and Mr. Dicks.

H.R. 382: Mr. Engel, Mr. LaFalce, Ms. Pelosi, Mr. Lewis of Georgia, Mrs. Christian-Christensen, Mrs. Maloney of New York, Mr. Meeks of New York, Mr. Berman, Mr. Reyes, and Mrs. Jones of Ohio.

H.R. 394: Mr. Bonior and Mr. Rothman.

H.R. 395: Mr. Bonior and Mr. Rothman.

H.R. 396: Mr. Barrett of Wisconsin, Mr. Hobson, and Ms. Stabenow.

H.R. 397: Mr. Bonior and Mr. Rothman.

H.R. 403: Ms. Hooley of Oregon, Mr. Baldacci, Mr. Pastor, Mr. Sandlin, Mr. Inslee, Mr. Smith of Washington, Mr. Lucas of Oklahoma, and Mr. Rangel.

H.R. 412: Mr. Phelps, Mr. Ford, Ms. Kilpatrick, Mr. Forbes, Mr. LaTourette, Mr. Mica, and Mr. Buyer.

H.R. 415: Mr. Stark, Ms. Lofgren, Mr. Bonior, Mr. Hinchey, Mr. Thompson of Mississippi, and Mrs. Thurman.

H.R. 416: Mr. Wolf and Ms. Granger.

H.R. 417: Mr. Abercrombie.

H.R. 423: Mr. DeLay, Mr. Istook, and Mr. Lucas of Oklahoma.

H.R. 443: Mr. Stark, Mrs. Roukema, Mr. Dixon, Mr. Rothman, and Mr. Hinchey.

H.R. 444: Mr. Kind of Wisconsin and Mr. Petri.

H.R. 452: Mr. English, Mr. Cook, and Mr. Sanders.

H.R. 486: Mr. Wamp, Mr. Whitfield, and Mr. Wolf.

H.R. 488: Mrs. Capps, Mr. Evans, and Mr. Wexler.

H.R. 491: Mr. Nadler, Mr. George Miller of California, Mr. Hinchey, and Mr. Sandlin.

H.R. 492: Mr. Scarborough and Mr. Doolittle.

H.R. 500: Mr. English, Mr. Shows, Mr. Moran of Virginia, Ms. Slaughter, Mr. Mollohan, Mr. Dixon, Mr. Obey, Mr. McDermott, Ms. Rivers, Mr. Frost, Mr. Walsh, Ms. Woolsey, Mr. Rahall, Mr. Dickey, Mr. Pastor, Mr. Delahunt, Ms. Danner, and Mr. Snyder.

H.R. 502: Mr. Gibbons and Mr. Shows.

H.R. 506: Mr. Payne, Ms. Kilpatrick, Mr. English, Mr. LaFalce, Mr. Clement, Mr. Ehrlich, Mr. Sherman, Mr. Udall of New Mexico, Mr. Burton of Indiana, Mr. Fattah, Mr. Markey, Mr. Scott, Mr. Shimkus, Mr. Moore, Mr. Maloney of Connecticut, Ms. Roybal-Allard, Mr. Larson, and Mr. McHugh.

H.R. 516: Mr. LaHood, Mr. Istook, Mr. Green of Wisconsin, Mr. Hyde, Mr. Tancredo, Mr. Gary Miller of California, Mr. Goode, Mr. Deal of Georgia, and Mr. Ryun of Kansas.

H.R. 528: Mr. Ramstad, Mr. Lewis of Georgia, Mr. Thornberry, Mr. Canady of Florida, Mr. Stearns, Mr. Coburn, and Mr. Deal of Georgia.

H.R. 534: Mr. Frost.

H.R. 538: Ms. Norton, Mr. Boucher, and Mr. Bonior.

H.R. 541: Mr. Wynn, Mr. Waxman, Mr. Andrews, Mr. Weiner, Ms. Eddie Bernice Johnson of Texas, Ms. Slaughter, Mr. Lampson, Mr. Hoeffel, Mr. Davis of Illinois, Mr. Kildee, Mr. Ford, Mr. Crowley, Mr. Inslee, Mr. Sherman, Mr. Markey, and Mr. Rothman.

H.R. 546: Mr. Walsh, Mr. Stump, and Mr. English.

H.R. 571: Mr. Goodlatte.

H.R. 573: Mr. Hinchey, Mr. Deutsch, Mr. Coyne, Ms. Granger, Mr. Quinn, Mr. Souder, Mr. George Miller of California, Mr. McIntyre, Mr. Pease, Mr. Levin, Ms. Lofgren, Mr. Sabo, Mr. Goode, Mr. Hoeffel, Mr. Andrews, Mr. Sherman, Mr. Weller, Mr. Inslee, Mr. Sisksky, Mr. Coburn, Mr. Kasich, Mr. Latham, Mr. Ehlers, and Mr. Borski.

H.R. 576: Mr. Pallone, Mr. Kasich, Ms. Norton, Ms. Roybal-Allard, Mr. Sherman, Mr. Barrett of Wisconsin, Mr. Clyburn, Ms. DeGette, Mr. Watts of Oklahoma, Mr. Kennedy of Rhode Island, Mr. Sessions, Mr. Cummings, Mr. Etheridge, Mr. Conyers, and Mrs. Meeks of Florida.

H.R. 595: Mr. Clyburn, Mrs. Jones of Ohio, Mr. Olver, and Ms. Norton.

H.R. 601: Mr. Bilirakis and Mr. McCollum.

H.R. 607: Mr. English and Mr. Gary Miller of California.

H.R. 614: Mr. Smith of Michigan, Ms. Pryce of Ohio, Mr. Ballenger, Mr. Gallegly, Mr. Gary Miller of California, Mr. Sensenbrenner, Mr. DeLay, Mr. Salmon, Mr. Lewis of Kentucky, and Mr. Doolittle.

H.R. 632: Mr. Doolittle, Mr. Souder, Mr. Manzullo, Mr. Jones of North Carolina, Mr. Forbes, Mr. Sessions, and Mr. Largent.

H.R. 639: Mr. Hill of Montana.

H.R. 647: Mr. Ryun of Kansas, Mr. Norwood, Mr. Sam Johnson of Texas, Mr. Pitts, Mr. Coburn, Mr. Gibbons, Mr. Lucas of Oklahoma, Mr. Wamp, Mr. Sessions, Mr. Ney, and Mr. Sanford.

H.R. 654: Mr. Shows and Mr. Brown of Ohio.

H.R. 655: Mr. McGovern, Mr. Jackson of Illinois, and Mr. Serrano.

H.R. 657: Mr. Forbes.

H.R. 664: Ms. Schakowsky, Mr. George Miller of California, Mr. Rahall, Mr. Green of Texas, Mr. Vento, Mr. Strickland, and Mr. Ortiz.

H.R. 670: Mr. Ballenger, Mr. McGovern, Ms. DeGette, Mr. Sanders, Mr. Inslee, and Mrs. Capps.

H.R. 685: Mr. Wu and Mr. Hall of Texas.

H.R. 709: Mr. Sherman, Mr. Doyle, Ms. Kilpatrick, Ms. DeGette, Mr. Brown of California, Mr. Blumenauer, Ms. Slaughter, Ms. Eddie Bernice Johnson of Texas, Mr. Smith of Washington, and Mr. Stark.

H.R. 716: Mr. Deutsch, Mr. Pastor, Mr. Sam Johnson of Texas, Mr. Weller, Mr. Houghton, Mr. Nethercutt, and Mr. Clement.

H.R. 719: Mr. Gibbons.

H.R. 730: Ms. Eddie Bernice Johnson of Texas, Mr. Blagojevich, Mr. Sabo, Ms. Schakowsky, Mr. Coyne, and Mr. Maloney of Connecticut.

H.R. 732: Mr. Kucinich, Ms. Woolsey, Mr. Smith of Washington, Mr. Minge, Mr. Barrett of Wisconsin, Mr. McNulty, Mr. Markey, Mrs. Capps, Ms. Slaughter, Mr. Meehan, Mr. Blagojevich, Mr. McDermott, Mr.

CAPUANO, Mr. GOODE, Mrs. MALONEY of New York, Mr. RAHALL, Mr. GUTIERREZ, Ms. KILPATRICK, Mr. COYNE, Ms. ESHOO, Mrs. MCCARTHY of New York, Ms. DEGETTE, Mr. PETERSON of Minnesota, Mr. COSTELLO, Mr. DEFAZIO, Ms. DELAURO, and Mr. CLAY.

H.R. 745: Ms. KILPATRICK and Mr. INSLEE.

H.R. 750: Mr. MCCARTHY of Missouri, Mr. INSLEE, and Mr. MCINNIS.

H.J. Res. 21: Mr. SWEENEY.

H. Con. Res. 8: Mr. RAMSTAD, Mr. SHOWS, Ms. DANNER, Mr. GOSS, Mrs. MALONEY of New York, and Mrs. LOWEY.

H. Con. Res. 10: Mr. RILEY.

H. Con. Res. 16: Mr. GOODLING and Mr. MICA.

H. Con. Res. 21: Mr. BILBRAY and Mr. BORSKI.

H. Con. Res. 22: Mr. ROHRABACHER, Mr. DEUTSCH, Mr. FORBES, Mr. MCINTOSH, Mr. MCNULTY, Mr. WELLER, Mr. ROTHMAN, and Mr. KING of New York.

H. Con. Res. 24: Mr. SOUDER, Mr. PASTOR, Mr. HAYES, Mr. LUCAS of Kentucky, Mr. MALONEY of Connecticut, Mr. BACHUS, Mr. SANDLIN, Mr. FLETCHER, Mr. LEVIN, Mr. MCCRERY, Mr. BAKER, Mr. COSTELLO, Mr. BASS, Ms. DEGETTE, Mr. LAMPSON, Mr. PACKARD, Mr. SKELTON, Mrs. THURMAN, Mr. WEYGAND, Mr. UDALL of Colorado, Mr. DICKEY, Mr. LARGENT, Mr. MCCOLLUM, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, Ms. SCHAKOWSKY, Mr. MENENDEZ, Mrs. TAUSCHER, Mr. SHIMKUS, Mr. ETHERIDGE, Mr. MATSUI, Mr. PORTER, Mr. SNYDER, Mrs. MCCARTHY of New York, Mr. WALDEN of Oregon, Mr. HOBSON, Mr. COBLE, Mr. BLUMENAUER, Mr. RODRIGUEZ, Mr. BARRETT of Nebraska, Mr. FOSSELLA, Mr. WU, Mr. RYUN of Kansas, Mr. GILMAN, Mrs. MEEK of Florida, Mr. MOORE, Mr. KOLBE, Ms. STABENOW, Mr. LATOURETTE, and Mrs. ROUKEMA.

H. Con. Res. 29: Mr. BILBRAY, Mr. SKEEN, Mr. LOBIONDO, Mr. TANCREDO, Mr. WELDON of Pennsylvania, Mr. KASICH, Mr. FRANK of Massachusetts, Ms. DANNER, Mr. BALLENGER, Mr. SESSIONS, Mr. DEAL of Georgia, Mr. ENGLISH, Mr. PETERSON of Pennsylvania, and Mr. OXLEY.

H. Con. Res. 30: Mr. COOKSEY, Mrs. EMERSON, Mr. GOODE, Mr. SESSIONS, Mr. STUMP, Mr. SCHAFFER, Mr. HILL of Montana, Mr. LINDER, and Mr. GUTKNECHT.

H. Con. Res. 32: Mr. FOSSELLA and Mr. FROST.

H. Con. Res. 33: Mr. ROMERO-BARCELO, Mr. JACKSON of Illinois, Ms. CARSON, Mr. DIXON, Mr. BISHOP, Mr. LEWIS of Georgia, Mr. CLYBURN, and Mrs. MEEK of Florida.

H. Res. 41: Mr. ABERCROMBIE, Mr. BOEHLERT, Mr. CALVERT, Ms. DANNER, Mr. ENGLISH, Mr. ETHERIDGE, Mr. FORD, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mrs. MEEK of Florida, Ms. MCCARTHY of Missouri, Mrs. MINK of Hawaii, Mr. REYES, Mr. ROMERO-BARCELO, Mr. RUSH, Mr. SESSIONS, and Mr. TAYLOR of Mississippi.

PETITIONS, ETC.

Under clause 3 of rule XII,

1. The SPEAKER presented a petition of Lexington Fayette Urban County Government, relative to Resolution No. 697-98 commending the members of Congress from coastal states for pursuing legislation to share a portion of outer continental shelf revenue with all states and territories, commending the outer continental shelf policy committee for its recommendations, and urging the United States Congress to pass legislation sharing a meaningful portion of outer continental shelf mineral revenue with all states and territories and land-based recreation and wildlife conservation and restoration; which was referred to the Committee on Resources.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 409

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 1: Page 5, after line 22, insert the following:

(5) establishes that the policies and procedures of the agency shall provide that in a case in which an applicant has submitted an application for Federal financial assistance to the agency that includes a technical error—

(A) the applicant shall be notified promptly of the error and permitted to submit the appropriate information to correct the error within 7 days of receipt of notice by the applicant of the error;

(B) the application shall continue to be considered by the agency during the period before the applicant is notified and the 7-day period during which the applicant is permitted to correct the error; and

(C) if the applicant corrects the error within the 7-day period, the agency shall continue to consider the application;

Page 5, line 23, strike "(5)" and insert "(6)".

Page 6, line 3, strike "(6)" and insert "(7)".

Page 6, line 7, strike "(7)" and insert "(8)".

H.R. 409

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 2: Page 11, after line 23, add the following:

SEC. 12. SENSE OF CONGRESS REGARDING FEDERAL FINANCIAL ASSISTANCE.

It is the sense of Congress that Federal agencies, in providing Federal financial assistance for the purpose of economic development, should focus primarily on communities with high poverty and unemployment rates.

H.R. 436

OFFERED BY: MR. HORN

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Government Waste, Fraud, and Error Reduction Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definition.
Sec. 4. Application of Act.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

Sec. 101. Improving financial management.
Sec. 102. Improving travel management.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

Sec. 201. Miscellaneous corrections to subchapter II of chapter 37 of title 31, United States Code.
Sec. 202. Barring delinquent Federal debtors from obtaining Federal benefits.
Sec. 203. Collection and compromise of nontax debts and claims.

TITLE III—SALE OF NONTAX DEBTS OWED TO UNITED STATES

Sec. 301. Authority to sell nontax debts.
Sec. 302. Requirement to sell certain nontax debts.

TITLE IV—TREATMENT OF HIGH VALUE NONTAX DEBTS

Sec. 401. Annual report on high value nontax debts.
Sec. 402. Review by Inspectors General.
Sec. 403. Requirement to seek seizure and forfeiture of assets securing high value nontax debt.

TITLE V—FEDERAL PAYMENTS

Sec. 501. Transfer of responsibility to Secretary of the Treasury with respect to prompt payment.
Sec. 502. Promoting electronic payments.
Sec. 503. Debt services account.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

(1) To reduce waste, fraud, and error in Federal benefit programs.

(2) To focus Federal agency management attention on high-risk programs.

(3) To better collect debts owed to the United States.

(4) To improve Federal payment systems.

(5) To improve reporting on Government operations.

SEC. 3. DEFINITION.

As used in this Act, the term "nontax debt" means any debt (within the meaning of that term as used in chapter 37 of title 31, United States Code) other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.

SEC. 4. APPLICATION OF ACT.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with the Internal Revenue Service Restructuring and Reform Act of 1998, the Internal Revenue Code of 1986, or the Tariff Act of 1930.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

SEC. 101. IMPROVING FINANCIAL MANAGEMENT.

Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "1997" and inserting "2000"; and

(B) by inserting "Congress and" after "submit to"; and

(2) by striking subsections (e), (f), (g), and (h).

SEC. 102. IMPROVING TRAVEL MANAGEMENT.

(a) LIMITED EXCLUSION FROM REQUIREMENT REGARDING OCCUPATION OF QUARTERS.—Section 5911(e) of title 5, United States Code, is amended by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to lodging provided under chapter 57 of this title.".

(b) USE OF TRAVEL MANAGEMENT CENTERS, AGENTS, AND ELECTRONIC PAYMENT SYSTEMS.—

(1) REQUIREMENT TO ENCOURAGE USE.—The head of each executive agency shall, with respect to travel by employees of the agency in the performance of the employment duties by the employee, require, to the extent practicable, the use by such employees of travel management centers, travel agents authorized for use by such employees, and electronic reservation and payment systems for the purpose of improving efficiency and economy regarding travel by employees of the agency.

(2) PLAN FOR IMPLEMENTATION.—(A) The Administrator of General Services shall develop a plan regarding the implementation of this subsection and shall, after consultation with the heads of executive agencies, submit to Congress a report describing such plan and the means by which such agency heads plan to ensure that employees use travel management centers, travel agents, and electronic reservation and payment systems as required by this subsection.

(B) The Administrator shall submit the plan required under subparagraph (A) not later than March 31, 2000.

(c) PAYMENT OF STATE AND LOCAL TAXES ON TRAVEL EXPENSES.—

(1) IN GENERAL.—The Administrator of General Services shall develop a mechanism to ensure that employees of executive agencies are not inappropriately charged State and local taxes on travel expenses, including transportation, lodging, automobile rental, and other miscellaneous travel expenses.

(2) REPORT.—Not later than March 31, 2000, the Administrator shall, after consultation with the heads of executive agencies, submit to Congress a report describing the steps taken, and proposed to be taken, to carry out this subsection.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

SEC. 201. MISCELLANEOUS CORRECTIONS TO SUBCHAPTER II OF CHAPTER 37 OF TITLE 31, UNITED STATES CODE.

(a) CHILD SUPPORT ENFORCEMENT.—Section 3716(h)(3) of title 31, United States Code, is amended to read as follows:

"(3) In applying this subsection with respect to any debt owed to a State, other than past due support being enforced by the State, subsection (c)(3)(A) shall not apply.".

(b) DEBT SALES.—Section 3711 of title 31, United States Code, is amended by striking subsection (i).

(c) GAINSHARING.—Section 3720C(b)(2)(D) of title 31, United States Code, is amended by striking "delinquent loans" and inserting "debts".

(d) PROVISIONS RELATING TO PRIVATE COLLECTION CONTRACTORS.—

(1) COLLECTION BY SECRETARY OF THE TREASURY.—Section 3711(g) of title 31, United States Code, is amended by adding at the end the following:

"(11) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the debtor's current employer, the location of the payroll office of the debtor's current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

"(12) In evaluating the performance of a contractor under any contract entered into under this subsection, the Secretary of the Treasury shall consider the contractor's gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.

"(13) In selecting contractors for performance of collection services, the Secretary of the Treasury shall evaluate bids received through a methodology that considers the bidder's prior performance in terms of net amounts collected under Government collection contracts of similar size, if applicable. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.".

(2) COLLECTION BY PROGRAM AGENCY.—Section 3718 of title 31, United States Code, is amended by adding at the end the following:

"(h) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the current place of employment of the debtor, the location of the payroll office of the debtor's current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

"(i) In evaluating the performance of a contractor under any contract for the performance of debt collection services entered into by an executive, judicial, or legislative agency, the head of the agency shall consider the contractor's gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.

"(j) In selecting contractors for performance of collection services, the head of an executive, judicial, or legislative agency shall evaluate bids received through a methodology that considers the bidder's prior performance in terms of net amounts collected under government collection contracts of similar size, if applicable. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.".

(3) CONSTRUCTION.—None of the amendments made by this subsection shall be construed as altering or superseding the provisions of title 11, United States Code, or section 6103 of the Internal Revenue Code of 1986.

(e) CLERICAL AMENDMENT.—Section 3720A(h) of title 31, United States Code, is amended—

(1) beginning in paragraph (3), by striking the close quotation marks and all that follows through the matter preceding subsection (i); and

(2) by adding at the end the following:

"For purposes of this subsection, the disbursing official for the Department of the Treasury is the Secretary of the Treasury or his or her designee.".

(f) CORRECTION OF REFERENCES TO FEDERAL AGENCY.—Sections 3716(c)(6) and 3720A(a), (b), (c), and (e) of title 31, United States Code, are each amended by striking "Federal agency" each place it appears and inserting "executive, judicial, or legislative agency".

(g) INAPPLICABILITY OF ACT TO CERTAIN AGENCIES.—Notwithstanding any other provision of law, no provision in this Act, the Debt Collection Improvement Act of 1996 (chapter 10 of title III of Public Law 104-134; 31 U.S.C. 3701 note), chapter 37 or subchapter II of chapter 33 of title 31, United States Code, or any amendments made by such Acts or any regulations issued thereunder, shall apply to activities carried out pursuant to a law enacted to protect, operate, and administer any deposit insurance funds, including the resolution and liquidation of failed or failing insured depository institutions.

(h) CONTRACTS FOR COLLECTION SERVICES.—Section 3718 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (b)(1)(A), by inserting ", or, if appropriate, any monetary claim, including any claims for civil fines or penalties, asserted by the Attorney General" before the period;

(2) in the third sentence of subsection (b)(1)(A)—

(A) by inserting "or in connection with other monetary claims" after "collection of claims of indebtedness";

(B) by inserting "or claim" after "the indebtedness"; and

(C) by inserting "or other person" after "the debtor"; and

(3) in subsection (d), by inserting "or any other monetary claim of" after "indebtedness owed".

SEC. 202. BARRING DELINQUENT FEDERAL DEBTORS FROM OBTAINING FEDERAL BENEFITS.

(a) IN GENERAL.—Section 3720B of title 31, United States Code, is amended to read as follows:

"§ 3720B. Barring delinquent Federal debtors from obtaining Federal benefits

"(a)(1) A person shall not be eligible for the award or renewal of any Federal benefit described in paragraph (2) if the person has an outstanding nontax debt that is in a delinquent status with any executive, judicial, or legislative agency, as determined under standards prescribed by the Secretary of the Treasury. Such a person may obtain additional Federal benefits described in paragraph (2) only after such delinquency is resolved in accordance with those standards.

"(2) The Federal benefits referred to in paragraph (1) are the following:

"(A) Financial assistance in the form of a loan (other than a disaster loan) or loan insurance or guarantee.

"(B) Any Federal permit or Federal license required by law.

"(b) The Secretary of the Treasury may exempt any class of claims from the application of subsection (a) at the request of an executive, judicial, or legislative agency.

"(c)(1) The head of any executive, judicial, or legislative agency may waive the application of subsection (a) to any Federal benefit that is administered by the agency based on standards promulgated by the Secretary of the Treasury.

"(2) The head of an executive, judicial, or legislative agency may delegate the waiver authority under paragraph (1) to the chief financial officer or, in the case of any Federal performance-based organization, the chief operating officer of the agency.

"(3) The chief financial officer or chief operating officer of an agency to whom waiver authority is delegated under paragraph (2) may redelegate that authority only to the deputy chief financial officer or deputy chief operating officer of the agency. Such deputy chief financial officer or deputy chief operating officer may not redelegate such authority.

"(d) As used in this section, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 31, United States Code, is amended by striking the item relating to section 3720B and inserting the following:

"3720B. Barring delinquent Federal debtors from obtaining Federal benefits.".

(c) CONSTRUCTION.—The amendment made by this section shall not be construed as altering or superseding the provisions of title 11, United States Code.

SEC. 203. COLLECTION AND COMPROMISE OF NONTAX DEBTS AND CLAIMS.

(a) USE OF PRIVATE COLLECTION CONTRACTORS AND FEDERAL DEBT COLLECTION CENTERS.—Paragraph (5) of section 3711(g) of title 31, United States Code, is amended to read as follows:

"(5)(A) Nontax debts referred or transferred under this subsection shall be serviced, collected, or compromised, or collection action thereon suspended or terminated, in accordance with otherwise applicable statutory requirements and authorities.

"(B) The head of each executive agency that operates a debt collection center may enter into an agreement with the Secretary of the Treasury to carry out the purposes of this subsection.

"(C) The Secretary of the Treasury shall—

"(i) maintain a schedule of private collection contractors and debt collection centers operated by agencies that are eligible for referral of claims under this subsection;

"(ii) maximize collections of delinquent nontax debts by referring delinquent nontax debts to private collection contractors promptly;

"(iii) maintain competition between private collection contractors;

"(iv) ensure, to the maximum extent practicable, that a private collection contractor to which a nontax debt is referred is responsible for any administrative costs associated with the contract under which the referral is made.

"(D) As used in this paragraph, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

(b) LIMITATION ON DISCHARGE BEFORE USE OF PRIVATE COLLECTION CONTRACTOR OR DEBT COLLECTION CENTER.—Paragraph (9) of section 3711(g) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii);

(2) by inserting "(A)" after "(9)";

(3) in subparagraph (A) (as designated by paragraph (2) of this subsection) in the matter preceding clause (i) (as designated by paragraph (1) of this subsection), by inserting "and subject to subparagraph (B)" after "as applicable"; and

(4) by adding at the end the following:

"(B)(i) The head of an executive, judicial, or legislative agency may not discharge a nontax debt or terminate collection action on a nontax debt unless the debt has been referred to a private collection contractor or a debt collection center, referred to the Attorney General for litigation, sold without recourse, administrative wage garnishment has been undertaken, or in the event of bankruptcy, death, or disability.

"(ii) The head of an executive, judicial, or legislative agency may waive the application of clause (i) to any nontax debt, or class of nontax debts if the head of the agency determines that the waiver is in the best interest of the United States.

"(iii) As used in this subparagraph, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

TITLE III—SALE OF NONTAX DEBTS OWED TO UNITED STATES

SEC. 301. AUTHORITY TO SELL NONTAX DEBTS.

(a) PURPOSE.—The purpose of this section is to provide that the head of each executive, judicial, or legislative agency shall establish a program of nontax debt sales in order to—

(1) minimize the loan and nontax debt portfolios of the agency;

(2) improve credit management while serving public needs;

(3) reduce delinquent nontax debts held by the agency;

(4) obtain the maximum value for loan and nontax debt assets; and

(5) obtain valid data on the amount of the Federal subsidy inherent in loan programs conducted pursuant to the Federal Credit Reform Act of 1990 (Public Law 93-344).

(b) SALES AUTHORIZED.—(1) Section 3711 of title 31, United States Code, is amended by inserting after subsection (h) the following new subsection:

"(i)(1) The head of an executive, judicial, or legislative agency may sell, subject to section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) and using competitive procedures, any nontax debt owed to the United States that is administered by the agency.

"(2) Costs the agency incurs in selling nontax debt pursuant to this subsection may be deducted from the proceeds received from the sale. Such costs include—

"(A) the costs of any contract for identification, billing, or collection services;

"(B) the costs of contractors assisting in the sale of nontax debt;

"(C) the fees of appraisers, auctioneers, and realty brokers;

"(D) the costs of advertising and surveying; and

"(E) other reasonable costs incurred by the agency, as determined by the Director of the Office of Management and Budget.

"(3) Sales of nontax debt under this subsection—

"(A) shall be for—

"(i) cash; or

"(ii) cash and a residuary equity, joint venture, or profit participation, if the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the proceeds will be greater than the proceeds from a sale solely for cash;

"(B) shall be without recourse against the United States; and

"(C) shall transfer to the purchaser all rights of the United States to demand payment of the nontax debt, other than with respect to a residuary equity, joint venture, or profit participation under subparagraph (A)(ii), but shall not transfer to the purchaser any rights or defenses uniquely available to the United States.

"(3) This subsection is not intended to limit existing statutory authority of the head of an executive, judicial, or legislative agency to sell loans, nontax debts, or other assets.".

SEC. 302. REQUIREMENT TO SELL CERTAIN NONTAX DEBTS.

Section 3711 of title 31, United States Code, is amended further by adding at the end the following new subsection:

"(j)(1)(A) The head of each executive, judicial, or legislative agency shall sell any nontax loan owed to the United States by the later of—

"(i) the date on which the nontax debt becomes 24 months delinquent; or

"(ii) 24 months after referral of the nontax debt to the Secretary of the Treasury pursuant to section 3711(g)(1) of title 31, United States Code. Sales under this subsection shall be conducted under the authority in section 301.

"(B) The head of an executive, judicial, or legislative agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, may exempt from sale delinquent debt or debts under this subsection if the head of the agency determines that the sale is not in the best financial interest of the United States.

"(2) The head of each executive, judicial, or legislative agency shall sell each loan obligation arising from a program administered by the agency, not later than 6 months after the loan is disbursed, unless the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the loan was disbursed, or the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that a longer period is necessary to protect the financial interests of the United States. Sales under this subsection shall be conducted under the authority in section 301.

"(3) After terminating collection action, the head of an executive, judicial, or legislative agency shall sell, using competitive procedures, any nontax debt or class of nontax debts owed to the United States unless the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the sale is not in the best financial interests of the United States. Sales under this paragraph shall be conducted under the authority of subsection (i).

"(4)(A) The head of an executive, judicial, or legislative agency shall not, without the approval of the Attorney General, sell any nontax debt that is the subject of an allegation of or investigation for fraud, or that has been referred to the Department of Justice for litigation.

"(B) The head of an executive, judicial, or legislative agency may exempt from sale under this subsection any class of nontax debts or loans if the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the indebtedness was incurred.".

TITLE IV—TREATMENT OF HIGH VALUE NONTAX DEBTS

SEC. 401. ANNUAL REPORT ON HIGH VALUE NONTAX DEBTS.

(a) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the head of each agency that administers a program that gives rise to a delinquent high value nontax debt shall submit a report to Congress that lists each such debt.

(b) CONTENT.—A report under this section shall, for each debt listed in the report, include the following:

(1) The name of each person liable for the debt, including, for a person that is a company, cooperative, or partnership, the names of the owners and principal officers.

(2) The amounts of principal, interest, and penalty comprising the debt.

(3) The actions the agency has taken to collect the debt, and prevent future losses.

(4) Specification of any portion of the debt that has been written-down administratively or due to a bankruptcy proceeding.

(5) An assessment of why the debtor defaulted.

(c) DEFINITIONS.—In this title:

(1) AGENCY.—The term "agency" has the meaning that term has in chapter 37 of title 31, United States Code, as amended by this Act.

(2) HIGH VALUE NONTAX DEBT.—The term "high value nontax debt" means a nontax debt having an outstanding value (including principal, interest, and penalties) that exceeds $1,000,000.

SEC. 402. REVIEW BY INSPECTORS GENERAL.

The Inspector General of each agency shall review the applicable annual report to Congress required in section 401 and make such recommendations as necessary to improve performance of the agency. Each Inspector General shall periodically review and report to Congress on the agency's nontax debt collection management practices. As part of such reviews, the Inspector General shall examine agency efforts to reduce the aggregate amount of high value nontax debts that are resolved in whole or in part by compromise, default, or bankruptcy.

SEC. 403. REQUIREMENT TO SEEK SEIZURE AND FORFEITURE OF ASSETS SECURING HIGH VALUE NONTAX DEBT.

The head of an agency authorized to collect a high value nontax debt that is delinquent shall, when appropriate, promptly seek seizure and forfeiture of assets pledged to the United States in any transaction giving rise to the nontax debt. When an agency determines that seizure or forfeiture is not appropriate, the agency shall include a justification for such determination in the report under section 401.

TITLE V—FEDERAL PAYMENTS

SEC. 501. TRANSFER OF RESPONSIBILITY TO SECRETARY OF THE TREASURY WITH RESPECT TO PROMPT PAYMENT.

(a) DEFINITION.—Section 3901(a)(3) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

(b) INTEREST.—Section 3902(c)(3)(D) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

(c) REGULATIONS.—Section 3903(a) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

SEC. 502. PROMOTING ELECTRONIC PAYMENTS.

(a) EARLY RELEASE OF ELECTRONIC PAYMENTS.—Section 3903(a) of title 31, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1) provide that the required payment date is—

"(A) the date payment is due under the contract for the item of property or service provided; or

"(B) no later than 30 days after a proper invoice for the amount due is received if a specific payment date is not established by contract;"; and

(2) by striking "and" after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting "; and", and by adding at the end the following:

"(10) provide that the Secretary of the Treasury may waive the application of requirements under paragraph (1) to provide for early payment of vendors in cases where an agency will implement an electronic payment technology which improves agency cash management and business practice.".

(b) AUTHORITY TO ACCEPT ELECTRONIC PAYMENT.—

(1) IN GENERAL.—Subject to an agreement between the head of an executive agency and the applicable financial institution or institutions based on terms acceptable to the Secretary of the Treasury, the head of such agency may accept an electronic payment, including debit and credit cards, to satisfy a nontax debt owed to the agency.

(2) GUIDELINES FOR AGREEMENTS REGARDING PAYMENT.—The Secretary of the Treasury shall develop guidelines regarding agreements between agencies and financial institutions under paragraph (1).

SEC. 503. DEBT SERVICES ACCOUNT.

(a) TRANSFER OF FUNDS TO DEBT SERVICES ACCOUNT.—The Secretary of the Treasury may transfer balances in accounts established before the date of the enactment of this Act pursuant to section of 3711(g)(7) of title 31, United States Code, to the Debt Services Account established under subsection (b). All amounts transferred to the Debt Services Account under this section shall remain available until expended.

(b) ESTABLISHMENT OF DEBT SERVICES ACCOUNT.—Subsection (g)(7) of section 3711 of title 31, United States Code, is amended by striking the second sentence and inserting the following: "Any fee charged pursuant to this subsection shall be deposited into an account established in the Treasury to be known as the 'Debt Services Account' (hereinafter referred to in this section as the 'Account')."

(c) REIMBURSEMENT OF FUNDS.—Section 3711(g) of title 31, United States Code, is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively; and

(3) by amending paragraph (9) (as redesignated by paragraph (2)) to read as follows:

"(9) To carry out the purposes of this subsection, including services provided under sections 3716 and 3720A, the Secretary of the Treasury may—

"(A) prescribe such rules, regulations, and procedures as the Secretary considers necessary;

"(B) transfer such funds from funds appropriated to the Department of the Treasury as may be necessary to meet liabilities and obligations incurred prior to the receipt of fees that result from debt collection; and

"(C) reimburse any funds from which funds were transferred under subparagraph (B) from fees collected pursuant to sections 3711, 3716, and 3720A. Any reimbursement under this subparagraph shall occur during the period of availability of the funds transferred under subparagraph (B) and shall be available to the same extent and for the same purposes as the funds originally transferred.".

(d) DEPOSIT OF TAX REFUND OFFSET FEES.—The last sentence of section 3720A(d) of title 31, United States Code, is amended to read as follows: "Amounts paid to the Secretary of the Treasury as fees under this section shall be deposited into the Debt Services Account of the Department of the Treasury described in section 3711(g)(7) and shall be collected and accounted for in accordance with the provisions of that section.".

H.R. 438

OFFERED BY: MR. SANDERS

AMENDMENT NO. 1: Page 10, after line 12, insert the following new section (and redesignate the succeeding section accordingly):

SEC. 6. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF BROADCAST TRANSMISSION AND OTHER TELECOMMUNICATIONS FACILITIES.

(a) REPEAL OF LIMITATIONS ON REGULATION OF PERSONAL WIRELESS FACILITIES.—Section 332(c)(7)(B) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(B)) is amended—

(1) in clause (i), by striking "thereof—" and all that follows through the end and inserting "thereof shall not unreasonably discriminate among providers of functionally equivalent services.";

(2) by striking clause (iv);

(3) by redesignating clause (v) as clause (iv); and

(4) in clause (iv), as so redesignated—

(A) in the first sentence, by striking "30 days after such action or failure to act" and inserting "30 days after exhaustion of any administrative remedies with respect to such action or failure to act"; and

(B) by striking the third sentence and inserting the following: "In any such action in which a person seeking to place, construct, or modify a tower facility is a party, such person shall bear the burden of proof.".

(b) PROHIBITION ON ADOPTION OF RULE REGARDING PREEMPTION OF STATE AND LOCAL AUTHORITY OVER BROADCAST TRANSMISSION FACILITIES.—Notwithstanding any other provision of law, the Federal Communications Commission may not adopt as a final rule the proposed rule set forth in "Preemption of State and Local Zoning and Land Use Restrictions on Siting, Placement and Construction of Broadcast Station Transmission Facilities", MM Docket No. 97-182, released August 19, 1997.

(c) AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF OTHER TRANSMISSION TOWERS.—Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

"SEC. 337. STATE AND LOCAL AUTHORITY OVER PLACEMENT, CONSTRUCTION, AND MODIFICATION OF TELECOMMUNICATIONS AND BROADCAST TOWERS.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, no provision of this Act may be interpreted to authorize any person to place, construct, or modify a broadcast tower or telecommunications tower in a manner that is inconsistent with State or local law, or contrary to an official decision of the appropriate State or local government entity having authority to approve, license, modify, or deny an application to place, construct, or modify a tower, if alternate technology is capable of delivering the broadcast or telecommunications signals without the use of a tower.

"(b) AUTHORITY REGARDING PRODUCTION OF SAFETY STUDIES.—No provision of this Act may be interpreted to prohibit a State or local government from—

"(1) requiring a person seeking authority to locate telecommunications facilities or broadcast transmission facilities within the jurisdiction of such government to produce—

"(A) environmental studies, engineering reports, or other documentation of the compliance of such facilities with radio frequency exposure limits established by the Commission; and

"(B) documentation of the compliance of such facilities with applicable Federal, State, and local aviation safety standards or aviation obstruction standards regarding objects effecting navigable airspace; or

"(2) refusing to grant authority to such person to locate such facilities within the jurisdiction of such government if such person fails to produce any studies, reports, or documentation required under paragraph (1).".

H.R. 514

OFFERED BY: MRS. WILSON

AMENDMENT NO. 1: Page 5, strike lines 14 and 15 and insert the following:

(B) by striking "communication and divulge" and inserting "communication, and no person having intercepted such a communication shall intentionally divulge";

(4) in the fourth sentence of subsection (a)—

(A) by inserting "(A)" after "intercepted, shall"; and

(B) by striking "thereof) or" and inserting "thereof); or (B)";

Page 5, line 16, strike "(4)" and insert "(5)".

Page 5, line 21, strike "(5)" and insert "(6)".

Page 6, line 1, strike "(6)" and insert "(7)".

Page 6, line 5, strike "(7)" and insert "(8)".

Page 6, line 10, strike "(8)" and insert "(9)".

SENATE—*Tuesday, February 23, 1999*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by a guest Chaplain, the Reverend Dr. James E. Olson, Faith Evangelical Free Church, Fort Collins, CO. He is a guest of Senator WAYNE ALLARD.

PRAYER

The guest chaplain, Reverend Dr. James E. Olson, Faith Evangelical Free Church, Fort Collins, CO, offered the following prayer:

Our God, You have been our hearts' true home in all generations. From everlasting to everlasting You alone are there and singularly sovereign. We are not. Our hearts are fragile and weakened by fears. Our lives, even in their prime, are weighted with labor and sorrow. We, therefore, turn to You for the strength beyond ourselves that is needed today.

Instill in the women and men of this Senate, whom You have entrusted with high responsibility, an intensity that keeps on caring. Grant them wisdom for sound judgment in the face of constant complexity. Prompt considerate words that they may relate to each other rightly this day, that they may encourage loved ones and staff at the close of the day, and that they may present to You a heart of wisdom on the last day.

Let Your favor be upon this Senate in doing what is right and do confirm for them the work of their hands "that we may lead a tranquil and quiet life in all godliness and dignity."—Timothy 2:2 NASB. In the strong Name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from Colorado is recognized.

THE GUEST CHAPLAIN

Mr. ALLARD. Mr. President, I should like to personally welcome the guest Chaplain today, Dr. James Olson, who is from my home State of Colorado. I wish to also thank Dr. Lloyd Ogilvie for his graciousness in welcoming him here to the Senate.

My wife Joan and I are blessed that we have inspirational leaders both here in Washington and back in my home State of Colorado. Dr. Lloyd Ogilvie is somebody we really respect and value and look to for our spiritual leadership. Dr. James Olson is not only a spiritual leader for my wife and I in Colorado but of the family, and I just wish to state in a public manner how much we appreciate his leadership and how much as a family we appreciate what he does for us. He has not only personally served the Allard family, but he has personally served the community of Fort Collins, CO. He has taken an active part in that community as a religious leader, and in his sermons in the Faith Evangelical Free Church of Fort Collins he has been a leader of affairs before our country, and I think he has been a voice of reason for the congregation and one of balance. I have always appreciated his message on Sundays whenever we have attended his church, and I think that he has strengthened the spiritual community in Fort Collins, particularly the Christian community.

I just want to recognize in a public way all his leadership in Colorado, particularly his community. I think he typifies the leadership throughout this country of many of our community pastors and religious leaders. Sometimes I don't think we recognize them as we should. They are an important part of what goes on in this country; they are an important part of what America is all about.

So it is with a great deal of pleasure that I welcome Dr. James Olson to the Senate and let him know just how much we appreciate his prayer this morning and wish both his wife Carol and him our very best. We are happy that they could take time out of their religious lives to come to Washington and be a part of the Senate today.

SCHEDULE

Mr. ALLARD. Mr. President, this morning there will be a period of morning business until 11 a.m. Following morning business, the Senate will resume consideration of S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999. At 12 noon, the Senate will recess until 2:15 p.m. to allow the weekly party luncheons to meet. Following the luncheons, the Senate will resume consideration of S. 4 with amendments expected to be offered and debated. Rollcall votes are possible throughout today's session, and Members will be notified of the voting schedule when it becomes available.

I thank my colleagues for their attention.

I yield back the remainder of my time.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 o'clock.

Under the previous order, the Senator from New Hampshire, Mr. SMITH, is recognized for up to 20 minutes.

Mr. SMITH of New Hampshire. I thank the Chair.

PRIVILEGE OF THE FLOOR

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that one of my staff, Mr. Jim Dohoney, be granted floor privileges during my remarks this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SMITH of New Hampshire pertaining to the introduction of the legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

IMPLEMENTATION OF THE FOOD QUALITY PROTECTION ACT

Mr. LOTT. Mr. President, it is rare for both Houses of Congress to reach a unanimous agreement—fully bipartisan legislation. The Food Quality Protection Act (FQPA) was enacted in this manner in 1996. This new law eliminated the famed Delaney Clause for residues in raw and processed foods—replacing it with a scientific, rational standard of "reasonable certainty of no harm." Food and agricultural interest, as well as the pesticide industry, saw the passage of FQPA as an opportunity to assure that sound science is paramount in EPA's determinations on use of crop protection chemicals. It is worth saying it again—a scientific, rational, sound and reasonable standard.

Mr. President, sound science is what the authors intended and expected. This is what Congress wanted—sound science as the rule's foundation. Further, the new law provided an additional safety factor to protect infants and children, and new ways of assessing pesticide benefits and risks. This is something Congress fully supported. Despite a unanimous Congressional vote, implementing the law at the regulatory level has been a very difficult and unnecessarily complex process.

In fact, only a few months after the law was passed, the entire FQPA implementation process broke down. Members of Congress voiced their concern. The problems were so great and concerns from America's agriculture industry so substantial that Vice President GORE sent a Memorandum to both the Department of Agriculture and the Environmental Protection Agency on April 8, 1998. This memorandum laid out the White House's plan for getting FQPA's implementation back on track.

The White House's plan for FQPA implementation contained four basic principles. It included sound science in protecting public health, regulatory transparency, reasonable transition for agriculture, and consultation with the public and other agencies. The Vice President's approach was supported by America's agriculture community. Everyone's hopes were high.

Mr. President, today, almost a year after the White House got directly involved in FQPA's implementation process, it is still off track. It is becoming clear to me that Congress may again have to revisit FQPA.

Mr. President, Congress wanted a law to eliminate the scientifically inadequate and outdated Delaney Clause. What Congress and the Nation got was much worse. In fact, the EPA has failed to provide scientifically sound guidance to the regulated community. The EPA approach follows a path toward great economic harm for both agricultural producers and urban users of these products—an EPA approach which is without scientific foundation.

Farmers, the food industry, pest control interests, and many others are understandably concerned. Americans want and deserve a fair, workable implementation of this bipartisan law. Americans want and deserve rules that are based on real information and sound science. Americans want and deserve rules that follow the Vice President's memo. Americans want and deserve rules which fit FQPA's requirements.

In order for these rules to be achieved EPA must:

Allow development of the best scientific methodology and data;

Base its decisions on actual pesticide uses rather than model assumptions; and

Operate in an open, transparent manner to establish uniform, scientific and practical policies.

Mr. President, this is simple and straightforward, and makes scientific common sense. This request is consistent with the intent of the unanimously passed law. This request is also consistent with the Vice President's memo of nearly a year ago.

The requirements of the law are achievable. I have confidence that EPA can do this right—EPA just needs to take the time, invest the effort with the proper focus.

EPA must recognize the problems that will be created if FQPA is improperly implemented. It is estimated that the economic impact for agricultural producers is tremendous. For just one class of chemicals being analyzed by EPA, estimates have shown a 55% yield loss in my state for corn if these products were eliminated. For cotton in Mississippi, the yield loss has been estimated at 8 percent. Crops across the United States would also be negatively impacted.

However, Mr. President, FQPA is not just about farming. Poor implementation of FQPA could also have consequences in the public health area. FQPA's passage was not just about reassessing old products, it was more about getting new, safer crop protection products on the market. FQPA's passage was bipartisan & unanimous because Congress also wanted new products and a rational scientific process. One such new product intended for use on cotton is currently under review by EPA. This new cotton insecticide, PIRATE, is extremely important to Mississippi cotton producers and we need full registration of this product before the growing season this year.

Mr. President, EPA must implement FQPA properly. EPA should not make any final decisions on important pesticide products until they have completely developed a clear and transparent process for implementing the law and have evaluated the impacts of product loss. With that done—FQPA will meet the expectations of Congress.

NATIONAL MISSILE DEFENSE

Mr. GRAMS. Mr. President, I wish that I could say that Congress and the President of the United States are doing everything possible to protect the American people and preserve the values that we hold dear. But that is not the case.

At this time, the United States is defenseless against a ballistic missile attack. Clearly, that is an unacceptable state of affairs. Recent events demand the United States move forward and deploy, as soon as technologically possible, an effective National Missile Defense (NMD) system which can defend U.S. territory against any limited ballistic missile attack, whether from an accidental, unauthorized, or deliberate launch.

It is my sincere hope that President Clinton's recent decision to request $6.6 billion over 6 years for missile defense research in his budget reflects a new commitment to deploy the most extensive, effective national missile defense system in the shortest amount of time. I am pleased the President finally understands the need for a missile defense system and hope he will continue that commitment. Any President sworn to protect our Nation must support the deployment of a system that would protect Americans from annihilation.

We know that the threat of a missile attack is growing stronger as more emerging powers, such as North Korea and Iran are developing long-range ballistic missiles that could reach the United States. As recent events have shown, we cannot rely on the intelligence estimates this administration has been using as a security blanket. Remember, our intelligence community projected that Iran could not field its medium-range ballistic missile (the 800–940 mile range Shahab-3) until 2003, but Iran flight-tested this system 6 months ago. We were also surprised by North Korea's test firing of a two-stage missile over Japan last August. It is simply not reasonable to assume that the United States will get 3 years' advance warning, thus allowing 3 years to deploy a limited defense under the Clinton administration's "3+3 deployment readiness program."

As the congressionally mandated bipartisan Rumsfeld commission noted, Iran has acquired and is seeking advanced missile components that can be combined to produce ballistic missiles with sufficient range to strike all the way to St. Paul, Minnesota. As the Senator from Minnesota, I must say that I take that threat to heart. In addition, North Korea is close to testing a new missile that will have sufficient range to strike the continental United States. When that occurs, the threat to the United States could increase exponentially, because North Korea has announced that it had and would continue to sell ballistic missiles and production technology to any interested buyer.

We live in a very dangerous world that is growing more and more volatile—a world where rogue regimes and terrorist groups are developing and purchasing the means to attack our Nation. We have to make a choice. We can rely on leaders like Saddam Hussein to show restraint, which seems unlikely—or we can develop a national missile defense that will provide the United States with means to counter a ballistic missile attack.

America can no longer afford to hide behind the outdated ABM Treaty. It does not offer any protection from the threats emerging at the end of this century. It was negotiated and ratified to address the cold war era when the Soviet Union was our major threat. At present, rogue states consider ballistic missiles valuable instruments to intimidate countries that are unable or unwilling to defend themselves. As a member of the Senate Foreign Relations Committee who supports a strong leadership role for the United States in the global arena, I am concerned that the U.S. vulnerability to missile attack could undermine our Nation's capacity to defend our national security interests abroad. For the sake of our Nation's security, I hope this administration will move forward to embrace the most effective national defense system possible. The future of our great nation literally depends on it.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it is my understanding I have been given some 10 minutes in morning business, but I am coming up against an 11 o'clock scheduled floor debate. If the manager of the bill is not on the floor, I would like to proceed with my 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Thank you, Mr. President.

THE SURPLUS, SOCIAL SECURITY AND MEDICARE

Mr. DURBIN. Mr. President, I just left a hearing of the Senate Budget Committee, and I thought it was ironic that we are now in a debate over the disposition of America's surplus. I am sure the President will recall that 2 years ago, almost to the day, we were here on the floor of the U.S. Senate where the chairman of the Senate Judiciary Committee, Senator ORRIN HATCH of Utah, brought out virtually every budget report from the last 30 years that he believed to be in deficit, in red ink, and stacked them up. They were higher than the height of the Senator from Utah, and he is a tall man, making the point that we had been embroiled in deficit spending for so long we had no recourse, nothing we could do, other than to amend the Constitution of the United States and to give the Federal courts the authority to force Congress to stop spending, to stop deficits, with the so-called balanced budget amendment. That amendment lost by 1 vote 2 years ago. It was the hottest item on the Senate calendar 2 years ago.

Today, we are deeply embroiled in a debate in the Senate Budget Committee on how to spend the surplus. We have turned the corner as a nation, and the President has come forward and said, "I think we should take this surplus and use it in a sensible way for the future of America." I hope we engage in debate here in the 106th Congress, House and Senate, Democrats and Republicans, in a way to do that responsibly.

I think we should take the President's advice that at least 62 percent or so of this surplus be dedicated to Social Security, to retire the debt in Social Security, to give it a longer life. But then we seem to break down after we kind of reach that agreement on 60 percent or so of that surplus, and it is that breakdown I would like to address for just a few moments on the floor of the Senate this morning.

One of the things that concerns me is that there are other programs in need of help, not just Social Security, not the least of which is Medicare. And after we have taken some 60 percent of the surplus and spent it to solidify Social Security, the President is suggesting we take some 15 percent of that surplus and invest that in Medicare, adding about 10 years to the Medicare Program.

We have to do more. Just putting that money in may buy some time. We know the fundamentals of the program need to be addressed. And if I am not mistaken, this week, or soon, we will have a report from a bipartisan commission on what to do with the future of Medicare. It won't be easy, whatever it might be.

But I am concerned that the Republican Party, in addressing this same surplus, does not speak to the need for more money into Medicare. Instead, what they are proposing is $776 billion in tax cuts. I cannot think of two more popular words for a politician to utter than "tax cuts." People just sit up and listen. "Are you going to cut my taxes? I want to hear about it." It is a very popular thing to say.

But I hope we will step back for a moment and realize that a program like Medicare needs an infusion of capital to make sure it can survive. Gene Sperling, the economic advisor to the President, said the other day, in a bipartisan meeting, he is hoping the Republican leadership will join us in not only dedicating surplus to Social Security but also to Medicare because so many millions of Americans are dependent on that.

I might also say that I think there is need and room for some tax cuts after we have taken the surplus and put it into Social Security and Medicare, things we need to do. But I do not believe the tax cut which has been proposed, at least initially, by the Republican Party is one that is fair, because, frankly, it is not progressive. Inasmuch as it is not progressive, this chart demonstrates what happens.

For the bottom 60 percent of wage earners in America, those making $38,000 a year or less, a 10-percent across-the-board tax cut means a savings of $99 a year, about $8.25 a month—hardly enough to pay the cable TV bill, let alone change a lifestyle—$99 in tax cuts for the bottom 60 percent of wage earners in America.

The same Republican tax cut, though, for the top 1 percent of wage earners, those making over $833,000 a year—over $833,000 a year—for them the Republican tax cut is worth $20,697. Ninety-nine dollars for 60 percent of America; for 1 percent of America, $20,000 in tax breaks.

That offends me. And I think it is worthy of a debate. I think it is more sensible for us to focus tax breaks on working middle-income families—families who are trying to pay for day care, families who are trying to save a few dollars for their kids' college education, families who are trying to get by. Keeping this kind of a tax break for the wealthiest of Americans may make them happy but I do not think it is good for this country.

I think the single best thing for us to do with this surplus is to retire our public debt. The President's proposal of focusing 62 percent of it in retiring the debt in Social Security and another 15 percent into Medicare is eminently sensible. Before we take the money that could be used to save Medicare and give it away in tax cuts that really benefit the wealthiest of Americans, I hope we will stop and think twice and remember that only 2 years ago we heard passionate speeches on this floor that, without an amendment to the Constitution of the United States giving the Federal courts the authority to clamp down on Congress' runaway spending, deficits would loom for generations to come.

We have turned that corner. With the leadership of the administration, with the cooperation and leadership of a bipartisan Congress, we are here today discussing surpluses. Let us do it in a sensible way—retire the national debt, take that burden off future generations, put the money into Social Security and Medicare, so that those programs will be sound for generations to come.

I yield back the remainder of my time.

ADDITIONAL COSPONSORS—S. 311

Mr. WARNER. Mr. President, I ask unanimous consent that Senators INOUYE, KENNEDY and FEINGOLD be added as cosponsors to S. 311.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSOR—S. 258 AND S. 312

Mr. WARNER. Mr. President, I ask unanimous consent that Senator FEINGOLD be added as a cosponsor of S. 258 and S. 312.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SOLDIERS', SAILORS', AIRMEN'S AND MARINES' BILL OF RIGHTS ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 4, which the clerk will report.

The bill clerk read as follows:

A bill (S. 4) to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I first wish to inquire of our colleague if he felt he had adequate time to conclude his remarks. If not, I think we could accommodate him. Could someone ask the Senator to return momentarily?

Mr. LEVIN. If the Senator will yield, the Senator from Illinois did indicate to me he had completed. Thank you for your concern.

Mr. WARNER. Thank you.

Mr. President, we are ready to resume. I see the Senator from Texas.

Mrs. HUTCHISON. I think the Senator from Idaho has an amendment, after which I would like to be recognized to talk about an amendment as well.

Mr. WARNER. I thank the distinguished Senator.

Mr. President, fortunately we have a flurry of activity on this bill. We have an amendment to be offered momentarily by our distinguished colleague from Idaho. There are some 21 amendments that have been made known to the managers, Mr. LEVIN and myself. And I am confident we can make some strong gains today on this bill.

The leadership—and I presume in consultation with the Democratic leader—desire a vote at the conclusion of our two luncheon caucuses today. So after further consultation with the leadership, I think they will direct me to seek from the Senate an understanding that we will vote at about 2:15 on the amendment of the Senator from Idaho.

Mr. President, before we proceed further on the bill this morning, I would like to—each day as the bill is brought up, I am going to address what I call the overnight constructive criticism that is brought to bear on this piece of legislation. And I ask unanimous consent to have printed in today's RECORD an editorial from the Washington Post, dated Tuesday, February 23, 1999, entitled "Bad Bill in the Senate."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 23, 1999]

BAD BILL IN THE SENATE

The Senate this week is scheduled to debate a showy military pay and pension bill whose enactment many members realize would be a mistake but which no one in either party seems prepared to oppose. The Republican leadership ordered it split off from the rest of the defense authorization bill to make it the first substantive bill of the year.

The goal is to demonstrate that Republicans do indeed have a legislative agenda, and to take back from the president a defense spending issue that Republicans regard as their own. He too proposed pay and pension increases in his budget. His were already more generous, particularly as to pensions, than military personnel needs can justify. No matter; the bill, which most Democrats as well as all Republicans on the Armed Services Committee supported, is more generous still.

The services are having trouble with both recruitment and retention in a strong economy. The pay raises in the bill may well be justified in light of this, and help the services compete. The pension proposals are the problem. They would undo a hard-won reform that Ronald Reagan joined in enacting in 1986, one purpose of which was to save money, another to improve retention. The system this bill would restore was dropped because it was thought to encourage experienced people to leave the serve, not stay.

The estimated cost when fully effective is in the neighborhood of $5 billion a year. The effect, if it happens, will be to squeeze other parts of the military budget that themselves are already tighter than they should be. The current uniformed chiefs, who support the step in part as a way of boosting morale, may not regret it, but their successors will.

Last year the leaders of the Armed Services Committee cautioned against a costly pension increase until the issue could be studied. Several major studies are soon to be completed, yet, for the flimsiest political reasons, the bill is being rushed to a vote without them. A hurry-up vote on an enormously costly bill with little to back it up can't possible be good politics. It surely isn't good policy. It's especially not good defense policy. A vote in favor will make the opposite of the showing the leadership intends.

Mr. WARNER. I will not take up too much time of the Senate here today, but I welcome constructive criticism, such as forwarded by this piece and others. And I am ready to meet it head on and reply and explain exactly what it is that this Senator intends to achieve through this bill.

We are faced every day that we get up with fewer and fewer young men and women willing to sign on the dotted line and take up an initial career in the U.S. military, and it is very serious for all the services. Every day we wake up, fewer and fewer men and women who have been in the services, who have received—in many instances, pilots the most notable—an extraordinary taxpayer investment in their training, are not seeking the opportunity to remain in the services. We have to address these two "hemorrhaging" problems. That is the purpose for driving this bill through.

I am confident when we emerge in conclusion of this bill, and we come to the final passage, we will probably have a better shaped instrument than is before the Senate at this time, but that shaping has to take place on this floor with constructive criticism such as the editorial sets forth.

This bill was driven by the testimony of the Chairman and the members of the Joint Chiefs in September and again in January.

I ask unanimous consent to have printed in the RECORD statements of the Chairman and Members of the Joint Chiefs of Staff.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RETIREMENT

GEN. HENRY H. SHELTON, USA, CHAIRMAN OF THE JOINT CHIEFS OF STAFF

September 29, 1998

First, we need to fix the so-called REDUX retirement system and return the bulk of our forces to a program that covers our most senior members—that is, a retirement system that provides 50 percent of average base pay upon completion of 20 years of service.

If we fail to address these critical personnel issues, we will put at risk one of our greatest achievements for the last quarter century, the all volunteer force.

It is the quality of the men and women who serve that sets the U.S. military apart from all potential adversaries. These talented people are the ones who won the Cold War and insured our victory in Desert Storm. These dedicated professionals make it possible for the United States to accomplish the many missions we are called on to perform around the world every single day.

I assure you, Mr. Chairman, that the troops and their families appreciate this very much. But as I have noted that alone will not be enough. As we develop the Fiscal Year 2000 budget proposal, we will take a hard look on what must be done on core compensation issues such as pay and retirement to maintain the quality of the people in the military. No task is more important in my view.

January 5, 1999

The ideal here would be the full retirement system. However the triad that we referred to we consider to be very important, and the reason in our recommendation initially was to go with the 50 percent retirement with the COLA, the CPI minus 1 percent retirement with a 2 percent floor, was because the full retirement was a very expensive system to restore and we wanted to make sure that we, in fact, could have money to apply to pay reform because we think that is very important too, that we reward performance vice just longevity and put it in those mid-grades in the enlisted force as well as the officer force where we have got retention challenges today in addition the standard across the board raise of 3.6 in '99 and 4.4 percent in '00.

Chairman, this Congress has already taken an important step in this process by supporting the 3.6 percent pay adjustment for the military in 1999, preventing the pay gap from growing any wider still. And as the President has pledged support for a 4.4 percent pay raise in the Fiscal Year 2000 budget and for adjustments in subsequent years at the ECI rate, this will at least prevent a widening of the gap.

Senator Kempthorne, there was no specific agreement on that particular issue because, as we pointed out during the session with the President, there is a number of ways that this issue can be addressed. We are currently looking at various options and what the cost of this would be, not just for a single year, for '00, for example, but across the FYDP. So we had not reached that level of specificity when we met with the President. That is currently being worked within the Department of Defense.

Senator KEMPTHORNE. Do you feel you will see efforts in that direction with the Fiscal Year 2000 budget?

General SHELTON. The President's instructions to us were to come back to him and work with OMB. That certainly, as you have heard this morning, is high on our agenda, to make sure that we apply some of the resources to those two issues, pay and retirement.

STATEMENT BY DENNIS J. REIMER, CHIEF OF STAFF, U.S. ARMY

January 5, 1999

I would also say, Mr. Chairman and members of the committee, that the soldiers are very excited about the pay and compensation package. I would urge your immediate and prompt support of the total package.

Soldiers are concerned about what they read about the pay gap. Whether it is 8.5 or 13.5 percent, they know that there is a pay gap out there. They are concerned about a retirement system that is coming into being where we promised them 40 percent of take-home pay, but they are finding out that 40 percent of their take-home pay does not equal 40 percent of their base pay.

There is no set solution, and I do not think pay and retirement benefits alone is going to solve our problem, but it is vital that we send that message out there to those soldiers that we really care about them. But it is more about making them feel good about the contributions they have made. It is more about making them feel like they are doing the things they joined the army to do.

STATEMENT OF ADMIRAL JAY L. JOHNSON, U.S. NAVY, CHIEF OF NAVAL OPERATIONS

September 29, 1998

I would offer the following waterfront perspective having just returned from the Pacific Northwest. First of all, the resilience and esprit of our men and women is probably no surprise to you, but it is most gratifying to me. But they, indeed, have very serious concerns. They are working harder with no end in sight. They are underpaid relative to what is available to them on the outside. They believe the REDUX retirement system, as you have heard, is broken, and they are, frankly, tired of being asked to do more with less. These things are on their minds as they make career decisions.

In summary, my number one short-term concern is taking care of our people, pay, retirement, OPTEMPO, stability at home, and my number one long-term concern is building enough ships and enough aircraft to recapitalize the force we know we need.

January 5, 1999

I fully support Sec Cohen's initiative calling for a 4.4% across the board pay raise, pay table reform, and restoration of the 50% retirement package. This triad of initiatives is absolutely essential in FY00 if we are to reverse the negative trends in recruiting and retention.

I must reiterate a final point: I ask that you support Sec Cohen's triad of pay and retirement initiatives as the most critical of our needs with this FY00 budget.

GENERAL REIMER

January 5, 1999

There is no set solution, and I do not think pay and retirement benefits alone is going to solve our problem, but it is vital that we send that message out there to those soldiers that we really care about them. But it is more about making them feel good about the contributions they have made. It is more about making them feel like they are doing the things they joined the army to do.

STATEMENT OF GEN. CHARLES C. KRULAK, COMMANDANT OF THE MARINE CORPS, U.S. MARINE CORPS

January 5, 1999

Our unit commanders routinely cite dissatisfaction with the 40 percent retirement pension at 20 years of service (called REDUX) as one of the foremost reasons for separations prior to retirement eligibility. Originally intended to keep our military personnel in for longer periods of time, it has had the exact opposite effect. Marines who entered the service after 1986 are, 12 yrs later, just beginning to understand the importance of their future retirement. They note the disparity between their pension benefit and the 50 percent, "traditional" pension at 20 yrs afforded to their predecessors, and they wonder why their service is considered less significant. They are asking themselves whether 40 percent of basic pay at the earliest retirement date is adequate compensation for the level of sacrifice our Nation demands from them and their families. Their answer is not to stay in longer, as was the goal of REDUX, their answer is to get out. Their answer is not to make the services a career. The commanders' assessments indicate that Redux considerably reduced enticements for having a military career and will increasingly become a deciding factor regarding continued service. The negative impact on retention, in turn, will degrade the stability and quality of our officer and noncommissioned officer force. Readiness will eventually suffer as more experienced personnel leave for the civilian job market and are replaced by less experienced, and in some cases less qualified, Marines.

By restoring the traditional retirement plan, preserving benefit services, pursuing the reduction of the civilian-military pay gap, and enhancing their quality of life through appropriate equipment and infrastructure repair and replacement, we can demonstrate a clear and genuine appreciation for the selfless service provided by our Marines and their families. Your support for this goal was evident in the 3.6% pay increase for 1999. As we continue in our quest to further close the civilian-military pay gap and reduce this critical readiness challenge, we need your continued support for the planned 4.4% pay raise in 2000 and the proposed replacement of the Redux retirement plan.

STATEMENT OF GEN. MICHAEL E. RYAN, CHIEF OF STAFF, USAF

January 5, 1999

For the Air Force to continue attracting and retaining quality people, we must be competitive with contemporary labor markets. Restoring the retirement system as a retention incentive is our top priority.

ADMIRAL JOHNSON

January 5, 1999

Pay and retirement benefits rank among our Sailors' top dissatisfiers. We must be able to offer our Sailors a quality of life that is competitive with their civilian counterparts. The Congressionally approved pay increase of 3.6%, which took effect Jan 1, 1999, was greatly appreciated. However, the pay gap that exists and the reduced retirement package for those who joined the Navy after August 1986 continue to hamper our recruiting and retention efforts.

I fully support Sec. Cohen's initiative calling for a 4.4% across the board pay raise, pay table reform, and restoration of the 50% retirement package. This triad of initiatives is absolutely essential in FY00 if we are to reverse the negative trends in recruiting and retention.

I must reiterate a final point: I ask that you support Sec. Cohen's triad of pay and retirement initiatives as the most critical of our needs with this FY00 budget.

In summary, my number one short-term concern is taking care of our people, pay, retirement, OPTEMPO, stability at home, and my number one long-term concern is building enough ships and enough aircraft to recapitalize the force we know we need.

GENERAL KRULAK

January 5, 1999

By restoring the traditional retirement plan, preserving benefit services, pursuing the reduction of the civilian-military pay gap, and enhancing their quality of life through appropriate equipment and infrastructure repair and replacement, we can demonstrate a clear and genuine appreciation for the selfless service provided by our Marines and their families. Your support for this goal was evident in the 3.6% pay increase for 1999. As we continue in our quest to further close the civilian-military pay gap and reduce this critical readiness challenge, we need your continued support for the planned 4.4% pay raise in 2000 and the proposed replacement of the Redux retirement plan.

PAY

GEN. HENRY H. SHELTON

September 29, 1998

In our recent efforts to balance these important and competing requirements, we have allowed the pay of our soldiers, sailors, airmen, and marines to fall well behind that of the civilian counterparts.

One can argue about how large the pay gap is depending on the base year selected, but the estimates range from 8.5 percent to 13.5 percent, and very few deny that the gap is real.

If we fail to address these critical personnel issues, we will put at risk one of our greatest achievements for the last quarter century, the all volunteer force.

It is the quality of the men and women who serve that sets the U.S. military apart from all potential adversaries. These talented people are the ones who won the Cold War and insured our victory in Desert Storm. These dedicated professionals make it possible for the United States to accomplish the many missions we are called on to perform around the world every single day.

We must begin to close the substantial gap between what we pay our men and women in uniform and what their civilian counterparts with similar skills, training and education are earning.

I assure you, Mr. Chairman, that the troops and their families appreciate this very much. But as I have noted, that alone will not be enough. As we develop the Fiscal Year 2000 budget proposal, we will take a hard look on what must be done on core compensation issues such as pay and retirement to maintain the quality of the people in the military. No task is more important in my view.

And, as I said earlier, there are various estimates about the magnitude of the pay gap and there are several time lines that could be considered for closing that gap. But we must act soon to send a clear signal to the backbone of our officers, that their leadership and this Congress recognize the value of their service and their sacrifices, and that we have not lost sight of our commitment to the success of the all volunteer force.

III. PERSONNEL

GEN. HENRY H. SHELTON

September 29, 1998

We already see troubling signs that we are not on the path to success in that effort. Our retention rates are falling, particularly in some of our most critical skills, like aviation and electronics, the very skills that are in demand in our vibrant economy. And we are having to work harder to attract the motivated, well-educated young people we need to operate our increasingly complex systems.

So, Mr. Chairman, my recommendation is to apply additional funding to two very real, very pressing concerns. First, we need to fix the so-called REDUX retirement system and return the bulk of our force to the program that covers our more senior members—that is, a retirement program that provides 50 percent of average base pay upon completion of twenty years of service. Second, we must begin to close the substantial gap between what we pay our men and women in uniform and what their civilian counterparts with similar skills, training, and education are earning.

The President has pledged support for a 4.4 percent pay raise in the Fiscal Year 2000 budget and for adjustments in subsequent years at the ECI rate to at least prevent further widening of the pay gap.

GEN. DENNIS J. REIMER

September 29, 1998

Personnel shortfalls were having an adverse impact on current readiness, and these concerns were clearly reflected in their Unit Status Reports (USRs).

The net effect of the drawdown and change process has been too few soldiers to fill too many requirements. That left us with too many undermanned and unmanned squads and crews, and shortages in officer and noncommissioned officer positions.

Today, funding concerns have replaced manning as the number one issue for commanders.

QUALITY OF LIFE

One can argue about how large the pay gap is depending on the base-year selected, but the estimates range from 8.5 percent to 13.5 percent. Few deny that the gap is real.

Another key factor seriously affecting our force today is the different retirement system for the most junior two-thirds of the force. In 1986, Congress changed the Armed Forces retirement system to one that is increasingly perceived by our military members as simply not good enough to justify making a career of military service.

GEN. DENNIS J. REIMER

September 29, 1998

As operations continue apace, the cost of maintaining excess capacity and inefficient business practices can only be supported at the expense of readiness and quality of life.

Over the past few years, commanders have resourced BASOPS and RPM at the absolute minimum in order to protect training.

ADM. JAY L. JOHNSON

September 29, 1998

The quality of life of our Sailors is the issue that concerns me above all others. Our ability to attract and retain an all-volunteer force is increasingly being tasted in the face of the strong national economy.

If we do not reduce the workload and provide Sailors with pay and benefits competitive with their civilian counterparts, they will leave the Service.

The very nature of our operation—forward deployed with a high OPTEMPO—is also taking a toll on our people. The frustrations our Sailors are experiencing is related to the increasing amount of time they are spending at sea while deployed and at work while nondeployed.

GEN. MICHAEL E. RYAN

September 29, 1998

We are especially interested in restoring the retirement system as a retention incentive. At the same time, we need to keep pace with inflation and close the gap between the military and private sector wages. Pay and retirement are not the only reasons of concern.

GEN. CHARLES C. KRULAK

September 29, 1998

Our austere military construction program also remains seriously underfunded, allowing us to focus only on meeting our most immediate readiness needs, complying with safety and environmental standards, and maintaining our commitment to bachelor quarters construction.

At current funding levels, our plant replacement cycle exceeds 190 years, compared with an industry standard of 50 years! Our goal is to replace our physical plant every 100 years be investing one percent of the plant value in new construction. Attainment of this goal would require an additional $75 million one year by investing one percent of the plant value in new construction. Attainment of this goal would require an additional $75 each year across the FYDP. If we attempted to achieve the industry standard, it would require an additional $275 million per year. We have a family housing deficit of 10,000 units which is not corrected under the current FYDP, and there are 12,000 houses which require revitalization. The Department of Defense goal is to eliminate all substandard housing by FY10. At current funding levels, we will not attain that goal until FY15. Essential rehabilitation as required by Department of Defense guidance would necessitate an additional $940 million.

Mr. WARNER. This committee has done a conscientious effort to react to the specific directions given to us by the senior military officers of the Army, the Navy, the Air Force, and the Marine Corps.

I thank the indulgence of the Chair, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

AMENDMENT NO. 9

(Purpose: To repeal the reduction in military retired pay for civilian employees of the Federal Government)

Mr. CRAPO. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAPO] proposes an amendment numbered 9.

Mr. CRAPO. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 39, between lines 8 and 9, insert the following:

SEC. 204. REPEAL OF REDUCTION IN RETIRED PAY FOR CIVILIAN EMPLOYEES.

(a) REPEAL.—(1) Section 5532 of title 5, United States Code, is repealed.

(2) The chapter analysis at the beginning of chapter 55 of such title is amended by striking out the item relating to section 5532.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

Mr. CRAPO. Mr. President, this amendment is cosponsored by Senator LOTT. It is an amendment that will repeal the current statute that reduces retirement payment for regular officers of the uniformed service who choose to work for the Federal Government. The uniformed services include the Army, Navy, Air Force, Marine Corps, the Public Health Service, and the National Oceanographic and Atmospheric Agency.

If a retired officer from the uniformed services comes to work for the Senate, his or her retirement pay is reduced by about 50 percent, after the first $8,000, to offset for payments from the Senate.

The retired officer can request a waiver but the executive, legislative and judicial branches of government handle the waiver process differently on a case by case basis.

The dual compensation limitation is also discriminatory in that regular officers are covered by reservists and enlisted personnel are not covered by the limitation.

My amendment should be scored at zero because no additional discretionary funds are required to implement the change and the uniformed services retirement system is fully funded to pay retirees their full retirement benefit that they have earned.

In fact, because of this law, many of them are discouraged from seeking employment from the federal government. I have been unable to find one good reason to explain why we should want our law to discourage retired members of the uniformed services from seeking full time employment with the federal government. It deprives them of an important opportunity for employment and it deprives our government from their able expertise and service.

This amendment would fix this inequity, and give retired officers equal pay for equal work from the federal government and it would give the federal government access to a workforce that currently avoids employment with the federal government.

I hope this amendment will be accepted by all involved. I yield back my time.

Mr. WARNER. Mr. President, if I could just say a word about the amendment pending from the distinguished Senator from Idaho. I am prepared to support that amendment. It is long overdue, and I think it just removes another one of the inequities that, regrettably, from time to time throughout history come up through our system. Those men and women who serve in the active forces for great periods of time should not be penalized when a Reserve officer or a Guard officer or others, don't have a comparable situation. So I commend the Senator.

Mr. DODD. Mr. President, I wanted to briefly explain my reasons for opposing this amendment to S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights. This amendment may look alright on the surface, but it falls apart when it is closely examined. Apparently, no one has estimated how much this amendment would cost if it became law, and no one knows how we would fund the changes that this amendment would require in the pension system. I cannot in good conscience support a measure when we have not considered that basic information.

I fully support the goals of this bill and this amendment. I think that our men and women in uniform deserve good pay and benefits, but we must be responsible when we take these sorts of actions. Our uniformed personnel would be the first to tell us that. There have been no hearings on this amendment or this bill, and there is no evidence that this change in pension policy for military retirees will improve retention.

I want to focus on the issue of how we would pay for this amendment. It seems to me that a vote for this amendment is a vote to cut military procurement, research and development, military construction, or some other item in the defense budget. If it is not a vote to cut the defense budget, a vote for this amendment would have us dip into the surplus to cover the full pensions of military retirees. I would prefer to see the surplus go towards ensuring the long-term solvency of Social Security. Perhaps, though, the drafters of this amendment do not intend to find offsets in the defense budget or use the surplus. In that case, the only thing left to do to fund this amendment is to go into domestic spending. I would most certainly be opposed to that course of action. In short, none of the three possible options for funding this amendment appeals to me, and that is why I opposed it.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

MILITARY HEALTH CARE

Mrs. HUTCHISON. Mr. President, I am going to offer an amendment later today which I hope can become a part of the bill and will be acceptable to the managers. I have been trying to work with everyone who is concerned about the military health care issue, and I look forward to having it be a part of this bill.

Today, I, along with one of my cosponsors, Senator EDWARDS from North Carolina, will talk about what is in this very important amendment. Both Senator HAGEL and Senator HELMS are also cosponsors of this amendment.

I have just finished touring every single base in Texas—Army, Navy, Air Force—and I have talked to young enlisted people, young noncommissioned officers, recruits. I went to Lackland and I talked to people who are in their first month in the Air Force. I talked to these young people, as well as people all the way up and down the line, about their concerns. Of course, we know that we are having the biggest retention problem that we have had in the military for a long time. In fact, for every pilot we keep in the Air Force, we lose two. We are also looking at tough recruiting.

We are looking for ways to say to our military personnel, we want you to come and be a part of our armed services because we are proud of the job that our armed services do; and we are saying to the experienced people in our military, we want you to stay because we need our experienced pilots and sailors and those who are on the ground. We need every one of you to stay in.

I talked about why they aren't staying in. First and foremost is pay. We are addressing that in the military bill of rights. Second to pay is health care. Health care is part of the package that we promised to our military personnel. It is part of the package that we say we are going to give to the military, to their families and to retirees. We say we will provide for your health care now and we will provide for it when you retire. That is part of the incentive for signing up for the military.

I became very concerned and started looking at the different military health care options. It differs around the country. TRICARE, which has been adopted by much of the military, is the system that really needs fixing. TRICARE says to community doctors, we will reimburse you to serve our military personnel. In fact, we have cut back on military health care facilities in the Base Closing Commission. There are fewer health care facilities, so we reached out into the community.

The problem is the bureaucracy. Getting a claim is causing the doctors to say, "I don't need this, I can't deal with it. It is much worse than Medicare or any other government program with which we have worked." Doctors are saying, "I'm not going to serve our military personnel."

If you are in the town of Abilene and you can't get a pediatrician for the children of the military personnel, this is a problem.

I, along with Senators EDWARDS, HAGEL and HELMS, have introduced a bill called the Military Health Care Improvement Act of 1999. This is the amendment that we are offering today. Basically, what the amendment does is require that benefits be portable across the regions established in the current system so that once you have a TRICARE coverage and you move—which we know our military personnel do every 2 or 3 years—you will be able to keep that coverage as you cross regions. That will make it much easier for our personnel to know exactly the kind of care they are getting. We would ensure that military coverage is comparable to the average coverage available to civilian Government employees, many of whom work side by side with our military personnel. We think it should be comparable.

Third, we minimize the bureaucratic red tape and streamline the claims processing. This is one of the big problems. It will not cost money to fix—and probably will save money. If we could streamline the claims processing, it will be easier for the Department of Defense, and certainly easier for the person who is getting this health care. It would increase reimbursement levels to attract and retain qualified health care providers. Now, this is an option with the Department of Defense, where they need to be able to increase the coverage. It would allow the Department of Defense to say, all right, as an incentive to get this coverage for our personnel in this area, we will increase the reimbursement levels.

Fifth, it would increase the revenues to military treatment facilities by permitting reimbursement at Medicare rates from third party payers. Now, this is something that will be very important to our military hospitals, where they can get reimbursed at the Medicare level, or they can be reimbursed by Medicare through subvention. We want them to be able to do that. That will, in fact, help our Department of Defense get the same level of reimbursement into the military hospitals that anyone going to a civilian hospital would be entitled to.

So we are very hopeful that this amendment will just be accepted by the sponsors of the bill, because you can't have a military bill of rights that says we are going to deal with the biggest issues of recruiting and retention that we have in the military without addressing health care.

I want to commend the chairman and the distinguished ranking member of the Armed Services Committee for getting this bill up and out as the very first piece of major legislation we are going to pass in this session. They are increasing the pay, and that is the key issue for most people in our military. And they are bringing the pension up to the 50-percent level. I applaud them for that.

I want to add a third element of the problems that our military are facing, and that is quality health care. We have more military families than we have ever had in the military before. Back in the old days, many of our people in the military, the personnel, were single. That is not the case today. Now most of them are married and most of them have families. So we must deal with that reality and make the military family-friendly if we are going to keep the good people of our country who want to be married and have families, which is the normal thing that we would like for people to have the option to do.

So that is the crux of our amendment. I think it is a good amendment. I believe the Department of Defense will have a lot of latitude to work with this issue. But it must be addressed. We cannot have shoddy health care coverage that differs in different regions of the country, depending on what the military health care facilities are. If you don't have a military hospital in a city that has a military base, you have to provide for that health care. We want it to be good quality health care.

I will never forget when I was over in Saudi Arabia visiting an Air Force base with our personnel. We were talking to these fliers and asked, "What is your biggest problem?" One flier said, "Senator, my biggest problem is that I called home yesterday and my wife was in tears because we have a sick baby and not a doctor in the city will serve our baby. That is the biggest problem I have." And I said, "Wait a minute, that is a problem we can fix."

That is what the amendment that I and Senator EDWARDS and Senator HAGEL and Senator HELMS are offering today. We don't want one pilot in our military in Saudi Arabia or in Turkey or in Bosnia or in Italy or anywhere else to tell us that their biggest problem is that they called home last night and their wife is in tears with a sick baby who cannot get a pediatrician to see that baby.

So that is what our amendment will do. I appreciate the distinguished chairman of the committee allowing me to talk about this amendment. I really hope that he is going to accept this amendment because this could be the third part of the improvement that he is seeking, by increasing the pay, by increasing the pensions, and health care. I hope that we can do this so that we can say truthfully to everyone that comes into a recruiting office that we are going to give you the health care, the pay, and the pension that will make this a great job, because we want you to serve our country and protect our freedom.

Thank you.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I wish to commend our colleague from Texas. I express once again the regret of the Armed Services Committee that we could not keep her on that committee. We knew the demands of Texas were perhaps matched by the Appropriations Committee, where she also has the opportunity to work with the Defense Subcommittee on Appropriations so that she is still very much involved in defense issues.

This, I hope, is an amendment that we can accept. We will be working with the Senator from Texas throughout perhaps today and tomorrow. But she is absolutely right. My constituents, as I travel among the bases, bring this to my attention wherever I go. I commend the Senator for her leadership.

Mrs. HUTCHISON. I thank the chairman. If the Senator will make me an honorary member of the Armed Services Committee, I will be there in a flash.

Mr. WARNER. The Senator can come back tomorrow. We want to hear from our colleague who is going to address this bill.

Are we agreeable on the vote at 2:15?

Mr. LEVIN. I haven't seen that yet. If you will withhold on that.

PRIVILEGE OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Larry Slade, a fellow in Senator MCCAIN's office, be allowed access to the Chamber during the discussion of S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. First, relative to the amendment of the Senators from Texas and North Carolina, we understand that both of them have joined together in that amendment. We are very supportive of that effort. We think it is an important effort. Health care for themselves and mainly for their families is the number one concern of our uniformed military. This amendment would be very, very helpful.

I want to commend both Senator HUTCHISON and Senator EDWARDS for this amendment. I look forward to accepting this amendment. More important, I think the uniformed military and their families look forward to this improvement. I commend both of them. After Senator EDWARDS is recognized next, when we then go back to the amendment of the Senator from Idaho, I will have a question to ask of him.

I yield the floor at this time.

Mr. EDWARDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina, Mr. EDWARDS.

Mr. EDWARDS. Mr. President, I thank my colleagues, Senator WARNER and Senator LEVIN for their comments. I rise today in support of Senator HUTCHISON's amendment. I think it is critically important that we set minimal standards for TRICARE, which provides health insurance care for all of our military personnel, their dependents, and retirees.

There are currently 6.6 million people who are enrolled in TRICARE and 350,000 who are located in North Carolina. So I want to talk briefly about why this amendment is critical not only to the country, but also to the people of North Carolina.

Comdr. Ronald Smith, who is in the Greensboro-High Point area of North Carolina, has warned me about the experiences of his soldiers with TRICARE. In all of Guilford County, which is actually one of the largest counties in the State of North Carolina in terms of population, not a single primary care manager is willing to see his soldiers or their dependents. The nearest TRICARE hospital available is Womack Army Hospital, which is almost a 2-hour drive away.

Just last week, one of his active duty female soldiers drove to another county to see one of the only two primary care providers available in that area, only to find that they would not let her leave without paying a copayment, even as an active duty member of the military.

Commander Smith tells me that local pharmacists are unwilling to fill military personnel prescriptions without up-front payment because they have had trouble getting reimbursed by TRICARE. Consequently, one second-class petty officer who recently came down with a bad case of the flu 4 days before payday was forced to take a no-interest loan in order to pay the prescriptions to treat her condition. Another active duty soldier held off on getting her blood pressure medication prescription refilled—she went without the medication for a week—because she couldn't afford the out-of-pocket expense for the medication.

All of this happens because local private physicians and pharmacist are unwilling to contract with TRICARE due to the lengthy waiting period for reimbursement and because reimbursement rates often fall below those allowed even by Medicare.

Recently in Onslow County, NC, the Onslow Hospital Authority voted unanimously to terminate the contract with TRICARE when it expires on May 1 and to renegotiate a new one. Onslow Memorial Hospital is currently owed more than $2 million in back claims from TRICARE.

Sgt. John Williams of Fayetteville, NC, recently wrote to me with his experience. His family is enrolled in TRICARE Prime. His daughter received a dermatologist consult in November from Womack Army Hospital. However, her appointments with the physician were canceled by the doctor's office three times, the last time with the explanation that the doctor had quit. In order to get an appointment with the new dermatologist, the girl had to go back through Womack. Sergeant Williams was told that if he chose to take her to a specialist at Duke of his own choice, TRICARE wouldn't pay and that a $300 charge would have to come out of his own packet.

Sabrina Williams had been waiting 81 days, at the time of Sergeant Williams' letter in January, to be seen by a dermatologist. In the meantime, the rash she was complaining of initially has spread over her entire body. She now has a second appointment with the dermatologist on March 1. Her first referral was on November 6 of last year.

As Senator HUTCHISON recognizes and as I recognize, we have to do better. Of course, I share everyone's concern about the cost of implementing this program. Indeed, I am concerned about the cost of the whole bill. But after this TRICARE amendment, we have drafted a provision for assessing the cost of implementation within 6 months of enactment, and I am confident it will not cost much. We are aiming for increased efficiency with this, not increased costs.

I believe that the TRICARE system can be made to work if we work to make it better. This amendment takes the initial steps to addressing some of the main problems that are widely recognized by all of those participating in TRICARE.

Our service men and women deserve reliable, quality health care. We must show them that we value their commitment to our country by following through on our commitment to provide this fundamental benefit.

I urge my colleagues to support this measure. The TRICARE system has serious problems that need to be fixed. So I am proud to cosponsor Senator HUTCHISON's amendment.

Thank you. I yield the remainder of my time.

Mr. WARNER. Mr. President, we thank the Senators. Subject to concurrence by the distinguished ranking member and others, I hope we can arrive at a vote on this amendment this afternoon, with an opportunity preceding that vote with the sponsors to once again address it. I understand another Senator has indicated his desire to speak to this amendment.

So I hope we can put this up as a package and have it addressed by the Senate in the form of a vote this afternoon.

Mrs. HUTCHISON. Mr. President, if the Senator will yield, I would like to first say how much I appreciate Senator EDWARDS working with me on this amendment. This is a very important issue in North Carolina. He certainly understands it. I appreciate his statements.

I ask the chairman if we can have about 15 or 20 minutes in closing before we go to a vote once this is acceptable. Then we could hear from Senator HAGEL as well as Senator EDWARDS.

Mr. WARNER. Mr. President, that could be done. I would like to conclude the discussion on this amendment because we wish to go into recess at 12 o'clock and there are several other Senators desiring to be recognized. I thank the Senator from Texas.

At this time, Mr. President, I think it is in order—we have revised it. While we are waiting for that, it is my understanding Senator LEVIN has some questions for the Senator from Idaho.

Mr. LEVIN. Mr. President, if my good friend from Virginia will yield on this unanimous consent proposal which he is about to propound, I understand it is going to be revised.

Mr. WARNER. That is correct.

Mr. LEVIN. It has to be further amended, because we want to make sure that in the event there is a point of order—we don't know whether there will be one or not—but in the event there is a point of order, that a motion to waive that point of order would be debatable. I don't know that there will. But the Budget Committee folks are now apparently in a hearing. We can't get an answer from them as to whether or not there is an interest in making a point of order, assuming one lies. And I am not sure we even know yet whether or not a point of order lies. But we want to protect the rights of those Members.

So in order to do that, we have to protect the rights of anyone to make a point of order and to debate a motion to waive that point of order. That is being written.

Mr. WARNER. Mr. President, I assure my colleague that this is now being redrawn.

Mr. LEVIN. Mr. President, it needs to be redrawn further in order to protect the point of order and motion to debate.

Mr. WARNER. We will put that aside.

Mr. LEVIN. We can just add it. Perhaps, while we are waiting for that, I can ask our friend from Idaho a question.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. I thank the Chair.

AMENDMENT NO. 9

Mr. LEVIN. I generally support the thrust of the Senator's amendment. But I also want to make sure that it accomplishes its goal in the Congress too.

One of the issues which has been raised is whether or not the amendment addresses the administrative cap that exists on salaries here in the Senate, and I understand there is a similar administrative cap that exists in the House as well. That is one of the issues as to whether or not changing the law here will, in effect, accomplish the purpose or then just create another inconsistency between Congress and the executive branch.

So that is one issue which perhaps the Senator can address. The other issue is just the concern that I have as a member of the Governmental Affairs Committee which is that we should give that committee an opportunity to take a look at this amendment, because there is a civil service aspect to this which they may have some feelings about and we were trying to see whether or not there is any desire on the part of either the chairman, ranking member of Governmental Affairs, or anyone else on that committee to speak on this amendment. We have been unable to ascertain that.

But taking the first question first, I am wondering whether or not the Senator would comment on the question whether or not his amendment would address the current administrative cap that exists on staff salaries here in the Senate.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAPO. I thank the Chair and the Senator from Michigan. I appreciate the Senator's commitment.

This amendment simply eliminates the dual compensation prohibition in the statute. It does not specifically address the administrative cap that Congress has on top of that limitation placed on those who seek employment with Congress.

It should be clarified that although it does not remove the cap that the Senate and House have administratively placed on their own circumstances, it does solve the problem for our military retirees in all other branches of Government. And with regard to the Congress, it solves the problem up to the cap that Congress has put into place, which is a significant benefit to those who now are not able to get any support from the circumstance after the first $8,000 of compensation.

I agree with what I assume to be the ranking member's concerns and would be very willing to work with them to try to address that situation with regard to the administrative cap imposed by the Senate and by the House. But we must solve these problems one step at a time, and the first step must be to eliminate the dual compensation prohibition in the statute.

Mr. LEVIN. Mr. President, I wonder if my friend from Virginia will address this issue as well. We have an administrative cap on staff salaries here in the Senate, and this amendment does not address that administrative cap. So we would be correcting one problem.

I happen to support the thrust of that, which is that we would not be putting our active duty retirees at a disadvantage compared to our Reserve retirees. But we are also creating, in a sense, another inequality because the executive branch now would have no restriction administratively, whereas we apparently will retain this administrative cap.

So I am concerned about that inequity that would be created between ourselves and the executive branch with the passage of this, and I simply want to point it out. I think the direction here is the right one. But I do think we are facing another inequity. We are creating, in effect, another equity by eliminating the executive branch statutory cap and eliminating our statutory cap, leaving in place the administrative cap that is already in there.

Mr. WARNER. Mr. President, my friend and colleague raises a very valid point, and I suggest that we address that in the course of this bill but allow this amendment to go forward, because numerically we are talking about a relatively small number of officers who, fortunately—and I underline "fortunately"—have offered their service to the Congress in comparison to many others throughout other agencies and departments in the Government.

So I would not want the amendment by our distinguished colleague to be delayed from a vote subject to our reconsideration of this very important issue.

As you might imagine, I think it is incumbent upon primarily the two of us to consult with one of our more distinguished colleagues around here whose knowledge of the Senate and salaries gave rise to this amendment. I would certainly want his input before we tried to make any adjustment.

Why don't we leave it that we can go ahead with this amendment, and at a time convenient in the course of the deliberations on this bill we will address the other problem.

Mr. LEVIN. Mr. President, I thank my friend from Virginia for that response. I wonder if the Senator from Idaho has discussed with the persons who were involved actively in placing that administrative cap in the—relative to the issue of removing that cap, have there been any discussions and, if so, could he share those perhaps with the Senate.

Mr. CRAPO. Mr. President, no, I have not discussed removing the administrative cap with those who placed it, but I would be very willing, as I said before, to do so and to work toward that end because I agree that that is one more inequity that should be removed. I think it is an inequity that already exists and, as the chairman indicated, only applies—if this amendment passes, it only applies at the very highest levels of salary, then only to a very small number of personnel, but that inequity should also be removed, and I would be glad to work on that effort.

Mr. LEVIN. Mr. President, in a moment the chairman will be propounding a unanimous consent request which I will support.

I do want to have one caveat on it, however, and that is that the Governmental Affairs members, as far as I know, have not had an opportunity to review this. This is within their jurisdiction; it affects civil service, and I think we should alert—I am hereby alerting them that there would be a vote on this matter at 2:15—and I think that in the event that a member of that committee, or anyone else for that reason, that it is within the jurisdiction of another committee, wanted to speak on this amendment before it were adopted, I would support a request from such a member to have an opportunity to speak for a brief amount of time prior to the vote. It would require a change in the unanimous consent agreement, and I am going to support this unanimous consent agreement so we can sequence some votes at 2:15, but I do want to alert our colleagues particularly on the Governmental Affairs Committee that this is an amendment within their jurisdiction, and if any member of that committee or any other member wants to speak to it for that reason, that this is not in the jurisdiction of Armed Services but a different committee, I would support—that doesn't mean it will succeed, but I will support a modification in our unanimous consent agreement at 2:15 to permit a short period of time for such amendment.

Mr. WARNER. Mr. President, I suggest that I propound the request, then the Senator propound his amendment. And I am certain that I will agree to it.

So at this time, Mr. President, I ask unanimous consent that the vote occur on or in relation to amendment No. 9 at 2:15 today, and that no amendments be in order prior to the vote on amendment No. 9, and, further, no points of order be waived with respect to the amendment. I further ask that with respect to a motion to waive the Budget Act or portions thereof, the motion to waive be debatable.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, that concludes this amendment. There are two Senators seeking recognition, and therefore I am going to yield the floor momentarily.

Mr. President, I yield the floor.

Mr. ROBERTS. Mr. President, I have some general remarks about the bill. I know that under the previous order we are to recess at 12, and I will try to make my remarks as brief as possible. I know the senior Senator from Kansas has some remarks as well.

I know there is a lot of concern about the U.S. involvement in putting troops into Kosovo. I wish to bring to the attention of my colleagues a conference report that was passed last year as part of the defense appropriations bill that says—as a matter of fact it is law—the President and the administration must come to the Congress with a report of that deployment. Senator HUTCHISON and I will be making some remarks sometime later this afternoon in regard to this provision.

I ask unanimous consent to have this page of the Conference Report printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1999, AND FOR OTHER PURPOSES—CONFERENCE REPORT (H. REPT. 105-746)

SEC. 8115. (a) None of the funds appropriated or otherwise made available under this Act may be obligated or expended for any additional deployment of forces of the Armed Forces of the United States to Yugoslavia, Albania, or Macedonia unless and until the President, after consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate, transmits to Congress a report on the deployment that includes the following:

(1) The President's certification that the presence of those forces in each country to which the forces are to be deployed is necessary in the national security interests of the United States.

(2) The reasons why the deployment is in the national security interests of the United States.

(3) The number of United States military personnel to be deployed to each country.

(4) The mission and objectives of forces to be deployed.

(5) The expected schedule for accomplishing the objectives of the deployment.

(6) The exit strategy for United States forces engaged in the deployment.

(7) The costs associated with the deployment and the funding sources for paying those costs.

(8) The anticipated effects of the deployment on the morale, retention, and effectiveness of United States forces.

(b) Subsection (a) does not apply to a deployment of forces—

(1) in accordance with United Nations Security Council Resolution 795; or

(2) under circumstances determined by the President to be an emergency necessitating immediate deployment of the forces.

(c) Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

Mr. WARNER. Mr. President, if I might interject here——

Mr. ROBERTS. I would be delighted to yield to the distinguished Senator.

Mr. WARNER. On the question of procedure, there is an order for the Senate to go into recess at 12. I ask unanimous consent that that order be extended beyond the hour of 12 to accommodate Senators. How much time would the Senator like?

Mr. ROBERTS. I should be able to finish in 15 minutes.

Mr. WARNER. Perhaps a little less maybe.

Mr. ROBERTS. Maybe 13½.

Mr. WARNER. Would 10 do?

And the Senator from Kansas, how much time does he want?

Mr. BROWNBACK. I think I could do it in 7 minutes.

Mr. WARNER. And the Senator from Louisiana?

Ms. LANDRIEU. Four minutes.

Mr. WARNER. I ask unanimous consent that the Senate stand in recess at the hour of 12:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, reserving the right to object, I would want to clarify it. That would then be the sequence of the remarks?

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President I rise today to voice my strong support for this legislation that is designed to provide fair compensation, improved educational opportunities, enhanced financial saving program, and a fair retirement system for the men, women and families of the Armed Forces of the United States.

America is facing a serious crisis in the recruitment and retention of key members of the military. This crisis is a very complicated issue and one that has a complex answer. I am confident that the elements of this bill, S. 4, are an integral part of the solution to these problems. But I am also confident that passage alone will not correct all of the problems we face.

Near the end of the last Congress and after talking to soldiers in the field, senior enlisted and officer leadership of the US military, I was struck with the myriad of problems facing our service members. These problems are contributing to the rapid decline in mid grade retention and the growing inability to recruit new members of our military.

I might add that I was just out to Fort Leavenworth, KS, and the Army is 40 percent short in regard to the recruiting targets they have to have to simply accomplish their mission. That is as of last week. I came to the floor and laid out what I saw as the key components of their discontent. Rather than restate my comments of last fall, let me just highlight my key points:

1. We have significantly increased the work load on a substantially smaller military.

Since the percentage of service members that are married has grown, this increased work load has amplified the negative effect of deployments on the morale of our troops and their families. The reluctance of families to continue to tolerate these separations contributes to the loss of mid-career personnel.

2. With a significantly increased deployment schedule on a substantially smaller force, the value and importance of today's missions impacts on the willingness of the men and women to join or commit to the military as a career.

Without clearly articulated mission goals and objectives founded in the fundamental of the U.S. vital national interest, the ability to recruit and retain motivated men and women for our military will remain difficult.

3. Although the skill level required of the men and women of our military continues to grow, the pay differential between the same skilled civilian and the military continues to widen.

The current pay of many of our young military families is so low that it is not adequate to keep them off of welfare programs. The prospect of continued and frequent, long deployments coupled with the opportunity to get better pay on the "outside" for the same work contributes to the inability to attract and retain the skills needed for today's military.

4. We ask our military to deploy at a much higher pace than ever before, we assign missions that do not meet the "national interest" threshold, we pay them less than they could get for the same or similar skills as a civilian, and in many cases we ask them to live in substandard housing.

It goes without saying that the culmination of these problems contribute to the dissatisfaction with the military as a career and its attractiveness to potential recruits.

5. The members of our military are working harder, deploying more, receiving less pay than civilians are for the same job, living in inadequate housing, and now are seeing a reduction in their retirement benefits.

It is not difficult to understand that with this collection of negatives, the military is experiencing problems in retention and recruiting.

As I have stated before, S. 4 does not solve all of the problems contributing to the crisis in retention and recruiting but it does strike at the heart of many of the problems facing our military. Specifically:

It works to close the gap between civilian and military pay for similar skills. Just as importantly, it reforms the military pay tables to better reward promotion rather than longevity,

It establishes a savings program by authorizing members of the military to put up to 5% of their basic pay in a thrift savings plan—a plan already available to other federal workers. Additionally, it allows service secretaries to focus some matching funds for the thrift savings plan to certain critical skills.

It corrects the problems of the current retirement system by giving service members a choice to stay on the current retirement plan and receive $30,000 to put in a savings plan for their future or opt to return to the pre 1986 retirement system. This $30,000 has been the subject of some discussion and perhaps some misunderstanding. I will address this issue later.

It works toward getting our military family off of food stamps by giving special pay to food-stamp eligible members. I find nothing more disheartening or embarrassing than to know that our military compensation is so marginal that we have families on food stamps.

It makes significant improvements to the Montgomery GI bill. The GI bill has long been a backbone in attracting and retaining military members.

S.4 takes significant progress toward relieving the stress on our military families but there are key contributors to that stress that a bill such as this cannot address.

This bill can not address the willingness of this administration to deploy our troops on mission that are not in our vital national interest.

This bill can not address the willingness of this administration to assign them to missions where there is no clearly defined strategy or desired end state.

This bill can not address the willingness of this administration to under fund the military for the many operations they are assigned.

This bill can not address the willingness of this administration to under fund critical modernization and procurement accounts.

The net result of the administration unwillingness to address the impact on the military by the high rate of long deployments, questionable mission quality, and under funding of critical accounts is a double whammy on the men and women of the military.

They are not only deploying longer and more frequently and therefore spending much more time away from their families, but when they return to their home base, they also are faced with long hours in repairing old equipment or making preparation for the next deployment. I am told that this the real pain for many in our military families—they can't even relax with their family after a long deployment.

Mr. President, I know some of my colleagues are concerned that there has been little study to show the elements of this bill are necessary or will give a return that is proportionate to the cost of this bill. Without doubt this is a very expensive bill but the cost to national security by not correcting the problems of retention and recruitment are not even calculable.

But before I discuss the lack of hard data, let me return to the $30,000 bonus for staying on the REDUX plan.

The concern voiced by some is that military members may spend the $30,000 on short term needs or even gratification such as a new car. That certainly could happen but I am counting on the solid leadership of military commanders to educate and explain the investing opportunity that money represents to the very bright, well educated men and women of today's military.

There are already several examples of how that $30,000 could grow over a career if reasonably invested. The very fact that our members are apparently concerned about their future retirement gives me comfort that if they choose to stay on REDUX and except the bonus, most will not squander this opportunity to invest for their retirement.

Some members of Congress are not convinced that REDUX is a problem at all and does not contribute measurably to the retention problem the military faces.

They are asking: Where is the study that shows REDUX is why many members are leaving the military? Mr. President, there is no study. There is only the alarm of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, all of the Service Chiefs, and the senior enlisted members of all of the services.

Additionally, I do not find it surprising that there is no data because the people that are affected by REDUX are just now reaching the point in their career that they are thinking about the decision to stay in the military for a career or leave. I ask the members of Congress to remember that the decision to except or reject REDUX as a retirement plan or leave the military rests solely with each military individual and not because an analysts' projection of how many will accept or reject REDUX. Our senior leaders of our military are saying REDUX is a significant part of their decision to leave.

Shall we ignore them and wait until enough service members have left to satisfy the statistician? Do not forget we are also having a exceptionally difficult time recruiting new members. Nor can we forget that while we run this data gathering experiment, critical, un-replaceable skills are walking way from military service every day in alarming numbers.

Unfortunately, we are too accustomed to working with weapons systems that we can halt production until the wing-drop problem is fixed, or until the required testing is completed to our satisfaction. Unquestionably the men and women are the key element to all of our weapon systems but they cannot be put on hold until the retention problem is clearly defined nor can we slow retirement or withhold pay until the theorist have the problems neatly packaged.

We do not have that luxury to delay or wait for all the data to be generated with the people that are willing to defend this Nation. We have created an "all volunteer service" and they volunteer to join and they will go home if they perceive they are not being treated fairly or the Nation does not care that they and their families make great sacrifices to serve in the defense of our country. We can only listen to them and their leaders and make our best judgment about the right course of action to recruit and retain the people we need for today's military. S. 4 makes significant progress toward addressing the problems they tell us are contributing to the crisis in retention and recruiting facing the United States military.

I strongly support the bill and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

PRIVILEGE OF THE FLOOR

Mr. BROWNBACK. Mr. President, before I start, I ask unanimous consent that a member of my staff, Steve Thompson, be granted the privilege of the floor during debate and consideration of S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I am delighted to be here joining my colleague from Kansas and other Members, expressing support for S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999.

This bill comes at a time when our services are facing increased difficulties in hiring and keeping quality personnel because of low pay, inadequate benefits, and increasingly frequent deployments. There is nobody who would say that what I just stated is untrue. Those are all true. They are all impacting our military personnel today. I join my colleague from Kansas, who serves on the Armed Services Committee, in strongly supporting this bill and saying that the first and foremost requirement of the Federal Government is to provide for the common defense and we are not providing adequately for the common defense. We have to do that. And, if we let down on that obligation because it does not show up high in the poll numbers or some other reason, we are failing our duty to this country to provide the first and foremost thing that we are required to do.

Let me remind my fellow Senators that defense spending has declined in real terms every year for the last 11 years and now comprises a lower percentage of our budget than ever before. We have seen a 19-percent decline in defense spending since 1992. Is the world that much of a safer place today? We have troops scattered everywhere around the world and we have had a 19-percent decline in defense spending since 1992. We have peacekeeping operations, we have had global contingencies in Somalia, Haiti, Bosnia, the Persian Gulf, and now we are facing deployment decisions in Kosovo. This is an extremely high operation tempo that is being maintained over this period of time, with an enormous strain on troops and on their families.

Even under adverse conditions, our troops have continued to perform their task superbly. The lower defense spending combined with an increased deployment schedule and inadequate benefits, though, have resulted in an all-time low enlistment and inability to retain quality personnel: Soldiers, sailors, airmen, and marines. America's service men and women and their families deserve a better quality of life. They put their lives on the line to protect our freedoms and the least we can do—the least we can do, I would think, is provide adequate pay, decent living conditions, and some educational opportunities.

This bill includes several provisions that will benefit our military personnel and increase retention and enlistment. It will include a 4.8-percent military pay raise. This, plus future pay raises at the employment cost index plus 0.5 percent, helps close the gap between military and civilian pay.

In addition, we have included military pay table reform that will increase pay for those personnel in midcareer points by up to about 10.3 percent. These are experienced personnel that we cannot afford to lose.

We also revised the military retirement system by allowing service personnel the option, after 15 years of service, to revert to the pre-1986 military retirement system or take a one-time $30,000 bonus if they remain under the current system. We allow Thrift Savings Plans, similar to what other Federal employees get. Our military members deserve to have the same opportunities that other Government employees have.

We also enhanced the Montgomery GI bill. This educational benefit has already sent hundreds of thousands of veterans to college and, I might add, has been a key fuel in pushing forward our economy. These educational benefits come back to the Federal Government in economic growth and opportunity and tax revenues. This is a good investment for everybody, and they will be transferable to immediate family members. But most important, this bill provides for a special subsistence allowance for enlisted personnel eligible for food stamps.

If you can imagine that, you are in the U.S. military, you are putting your life on the line and you are living on food stamps—living on food stamps. For those service members who demonstrate eligibility for food stamps, this bill provides them with a monthly allowance of $180 per month. This will keep our military personnel off food stamps and provide them with the support they need.

Mr. President, this to me is just unconscionable, that you really would put your life, your family at stake, and what are we paying you? We are not paying you enough if you can get food stamps, that you would qualify for food stamps. That is ridiculous, and we need to change it. This bill, S. 4, does change it.

I close by cautioning my fellow Members of the Senate that this may not be enough to stem the exodus of our service members. The Department of Defense and Congress must pursue additional remedies that will rectify the retention problem. This legislation takes a good first step, and I certainly urge my colleagues to support this bill.

Mr. President, I yield the floor.

Ms. LANDRIEU addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President. I rise today, along with my colleagues, in support of S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act. Our military has the finest hardware and equipment in the world, but, as any general or admiral will tell you, the real source of America's strength is America's fighting men and women. We spend billions of dollars to train and equip our troops. I believe the investment has paid off, but we have neglected one very important aspect of this equation. As we now have an all-volunteer force, our training and weapons will be wasted if we cannot keep quality personnel in our Armed Forces.

Everyone has seen, I think, the recent press accounts about the personnel shortfalls, particularly in the Navy and Air Force. The discussion in the Washington Post about the status of the U.S.S. *Harry Truman*, our newest aircraft carrier, provided dramatic evidence of how deep this crisis has grown in our inability to man this vessel.

Fortunately, the Senate is able to act now to begin to reverse this trend. S. 4 provides us with a very significant across-the-board minimum pay increase of 4.8 percent. In addition, there will be other increases staggered on top of this targeted to specific areas of the military.

As Secretary Cohen has stated, I do not believe we can pay our troops too much, but I do believe we can pay them too little. That is the state we find ourselves in today. In a booming economy, Mr. President, with low unemployment, our well-trained soldiers and sailors can walk off a base and often double their salary for less work. It has made retention very difficult, and we are taking a great stride in alleviating the situation with S. 4.

The value of this bill is not just in the actual pay increase, it is also an important gesture that tells our fighting men and women that their Government cares about their well-being and appreciates the very difficult task that we ask them to perform and we are hearing them loudly and clearly.

We will keep in mind that pay increases alone, however, cannot solve this problem, as many of my colleagues have said earlier this morning. The military will never be competitive with the private sector on a dollar-for-dollar basis.

My friend, Senator CLELAND from Georgia, made a similar remark in committee the other day that stuck with me. I think he was quoting someone else, but he said the armed services may recruit a soldier, but we retain a family. And that is so true.

When we talk about keeping our troops in the service, we have to remember that the quality-of-life issues for the family is really the core issue—soldiers wanting to be good spouses, soldiers wanting to be good parents, soldiers wanting to have a good quality of life for their family.

So while pay is certainly part of the equation, it also extends to housing, medical care, education benefits for spouses and children, day care, operations tempo, and a myriad of other issues that make up a family's quality of life. There is still much to do. This bill is only a beginning, but it is a good step.

One of the important steps taken in this bill—and it is quite innovative and I thank, again, the Senator from Georgia for bringing this up in committee—is that we will allow military personnel to transfer their Montgomery GI bill benefits to their spouses or dependents. For midcareer, officer or enlisted person, the knowledge that their children will have access to a quality education by enabling them to use their benefits is a smart incentive and one that is cost effective for us. It is an example of how we can tailor our benefits in a way that meets the needs of precisely the kind of people we want to retain.

I also believe it is very important for us to remember the contribution of our Guard and Reserve forces in these discussions. For this reason, I have a series of amendments that address some of the inequity between the benefits programs for our regulars and the Guard and the Reserve units.

With a leaner military, Mr. President, we cannot perform the complex missions of our military without a strong Guard and strong Reserve component. We must always keep our eyes on this reality when addressing retention issues.

I am proud of the statement that the Senate is making with this legislation. I commend our chairman and our ranking member for bringing this bill to the floor this early in this Congress. I hope that this will not be the end of our work, but rather a strong beginning, a bipartisan beginning. I look forward to working with my colleagues on the committee to make the real difference in the quality of life for America's military personnel.

I thank you, Mr. President.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2:15 p.m.

Thereupon, at 12:08 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

SOLDIERS', SAILORS', AIRMEN'S AND MARINES' BILL OF RIGHTS ACT OF 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 9

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 9 offered by the Senator from Idaho. The yeas and nays have not been ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the Chair.

The order provides that at 2:30 we will proceed to a vote. But it also provided for the opportunity for anyone to express, through an objection, such concerns as they may have. I suggest perhaps just a minute or two here before we commence. And I say to the Chair, it is our expectation this vote will go forward, but I do want to protect the rights, for 1 minute, of those who might wish to come forward.

I am informed that the Democratic caucus is still in progress; is that it? I think it has broken up now. We are ready on this side. Mr. President, I am informed that we are ready to go.

The PRESIDING OFFICER. The Chair thanks the Senator.

Mr. WARNER. I just wanted to protect the rights of others.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 9 offered by the Senator from Idaho.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 9. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. GORTON (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SHELBY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—87

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin

Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Smith Bob (NH)
Smith Gordon H (OR)
Snowe
Specter
Thomas
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—11

Dodd
Feingold
Grams
Grassley
Gregg
Kyl
McCain
Nickles
Sessions
Stevens
Thompson

ANSWERED "PRESENT"—1

Gorton

NOT VOTING—1

Shelby

The amendment (No. 9) was agreed to.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I want to alert our colleagues to a fact which was not clear the last time we spoke on the subject of this amendment which we just adopted. There was not certainty as to whether that amendment would have been subject to a point of order had a point of order been made. We protected that possibility in our unanimous consent agreement in the event the Parliamentarian ruled that it would have been subject to a point of order.

In fact, we now understand that it would have been subject to a point of order, and therefore we have now another provision in the bill that is in violation of the Budget Act because it is not paid for. That is something which we should really be very conscious of as we go along here and very concerned about.

But we did protect our colleagues in the event that that was the ruling, and none of our colleagues decided to raise the point of order. But in fact it could have been raised. And we should take very serious note of any of the violations of the Budget Act as we proceed, because at some point we are going to have to pay for the amendments we add as well as the bill itself.

I thank the Chair.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 11

(Purpose: To make a limitation on tuition assistance for members of the Armed Forces inapplicable to members deployed in support of a contingency operation or similar operation)

Mr. ENZI. Mr. President, I rise to offer an amendment to S. 4. The amendment has already been sent to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. ENZI) proposes an amendment numbered 11.

Mr. ENZI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title I, add the following:

SEC. 104. INCREASED TUITION ASSISTANCE FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION OR SIMILAR OPERATION.

(a) INAPPLICABILITY OF LIMITATION ON AMOUNT.—Section 2007(a) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following:

"(4) in the case of a member deployed outside the United States in support of a contingency operation or similar operation, all of the charges may be paid while the member is so deployed.".

(b) INCREASED AUTHORITY SUBJECT TO APPROPRIATIONS.—The authority to pay additional tuition assistance under paragraph (4) of section 2007(a) of title 10, United States Code, as added by subsection (a), may be exercised only to the extent provided for in appropriations Acts.

Mr. ENZI. Mr. President, I offer an amendment to S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999.

The need for this bill is obvious. The Army, Navy, and Air Force are all experiencing recruitment and retention problems that threaten to further degrade our already overstressed military. By every measure, quality of life issues are the center of the problem. Fortunately, our military personnel don't join to get rich. In this all too material age, it is refreshing to note that their motivations to remain in uniform do not include financial gain.

Nonetheless, it is a fact that our current military is not the military of our fathers. It currently includes the highest percentage of families in its history. The pay, the retirement, and the medical benefits are issues that must be addressed. This bill seeks to do that.

Educational opportunities are also important to our service people, especially those who perhaps are not career oriented. We cannot lose sight of the fact that what we do here today will benefit not just our military personnel by increasing knowledge, eliminating boredom, and stimulating the mind, but are all things that improve the capability of our young men and women in our armed services.

Our society at large will benefit especially with regard to educational opportunities. Today's corporal studying in his off-duty hours for his bachelor's degree might well be tomorrow's small business employer. Nevertheless, his extra effort will improve his job performance immediately. The Department of Defense has long offered excellent opportunities for active duty personnel to better themselves through education. The administrators of these programs are enthusiastic and devoted to the uniformed people they serve. There is one thing we can do, however, to fine tune the regulations they must follow, and my amendment is designed to do just that.

Currently, secretaries of each branch of the service are authorized to pay up to 75 percent of college tuition and related instructional costs for most personnel pursuing additional education in their off duty hours. However, for Navy personnel deployed aboard ship, the Secretary of the Navy is authorized to pay the full 100 percent of such costs by virtue of their PACE program. PACE is an acronym for "Program for Afloat College Education." Therefore, a soldier on deployment in Bosnia may only be receiving reimbursement for 75 percent of his tuition costs, while just offshore, a sailor deployed aboard ship is receiving 100 percent.

My amendment would authorize all service secretaries to pay up to 100 percent of tuition costs for personnel deployed on a contingency basis. It does not require that a specific percentage be paid. It simply gives a service secretary that option. And because the exercising of that option is contingent on the availability of funding, no additional appropriation is required.

This amendment will equalize the playing field between the services as well as make the difficult deployments to such places as Bosnia and Saudi Arabia a bit more beneficial to those service people who wish to take advantage of the opportunity. It is supported by the Defense Department and is indisputable in the interests of our young men and women in uniform. I ask my colleagues for their support of this amendment.

I yield the floor.

Mr. ALLARD. Mr. President, my colleague from the State of Wyoming has done a great job on the amendment. It is discretionary and begins to put on par the Army and Air Force with the Navy program. We think it is the right solution and the right direction for this. So we are not going to object to the ENZI amendment.

The PRESIDING OFFICER. Do other Senators wish to be heard?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend the Senator from Wyoming for his amendment. It is a very good amendment. It equalizes the Army and the Air Force with what already exists for the Navy and the Marines. The reason we should equalize it is because when our Army and Air Force personnel are deployed, they are effectively in the same situation and need this tuition assistance to the same extent that the Navy and the Marines already have it authorized. As Senator

ALLARD said, it is discretionary with our service secretaries. That means that it hopefully will be accomplished and hopefully can be done within their budgets but does not raise a Budget Act problem.

I commend our friend from Wyoming, and we support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 11) was agreed to.

Mr. ALLARD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. LEVIN. Mr. President, will the Senator from Virginia yield for a unanimous consent request?

Mr. ROBB. The Senator from Virginia is delighted to yield to the ranking member for a unanimous consent request.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Matthew Varzally and John Bradshaw of Senator WELLSTONE's staff have floor privileges during consideration of S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

AMENDMENT NO. 8

(Purpose: To increase the amount of certain bonuses and special pay and to authorize payment of certain additional special pay and bonuses)

Mr. ROBB. Mr. President, I call up amendment No. 8 previously filed at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. ROBB), for himself, Mr. CLELAND, Mr. KENNEDY, and Mr. BINGAMAN proposes an amendment numbered 8.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. ROBB. Mr. President, I rise to offer the special incentive pay amendment to S. 4.

I am pleased to be joined in offering this legislation by our colleague from Massachusetts, Senator KENNEDY, Senator CLELAND from Georgia, Senator KERREY from Nebraska, and Senator BINGAMAN from New Mexico.

Yesterday, Mr. President, a number of our colleagues, among them Senator ALLARD, described the acute challenges that are faced by the Navy as it struggles to retain sufficient numbers of critical personnel like Navy SEALS, surface warfare officers, nuclear-qualified officers, and career enlisted fliers.

While S. 4, with its significant pay raises, improved retirement and enhanced GI bill benefits is an important step in the right direction, we still have big problems in these smaller categories of military service where we have been only marginally successful in our retention efforts.

This amendment begins to address the downward retention trends the Navy is experiencing in these areas by aligning pay increases with problem specialties.

S. 4's compensation approach begins to address the services' broad recruiting and retention concerns, but it won't assure that the undermanned, highly skilled warfare specialists that Senator ALLARD described so eloquently yesterday will get well any time soon.

Special incentive pay and bonuses have been the shaping tools of choice to fill the breach. The experience of the military services is that historically targeted kinds of bonuses have proven highly effective and very cost efficient in attacking retention problem areas within specific communities.

This year, the Navy and Air Force would like to make even greater use of this proven strategy. They have fully funded in their budgets, and have asked us to support, establishing two new bonuses and expanding authority for four others.

This amendment to S. 4 provides these targeted fixes. Specifically, it addresses enlisted recruiting and retention shortfalls by increasing the maximum authorization of the enlistment bonus, or EB as it is referred to, and selective reenlistment bonus, or SRB. And it addresses the critical shortfalls in the unrestricted line communities by providing two new continuation bonuses, one for surface warfare officers, and another for special warfare officers.

Finally, several existing bonuses are increased, including those for divers, nuclear-qualified officers, linguists, and other critical specialties. These pay increases will target specific job skills at experience levels to cost-effectively attract, retain, and distribute highly trained personnel at critical points in their career.

The Nation simply cannot afford to continue to pay as much as we do to recruit and train these talented individuals only to see them leave the service out of frustration over the inadequacies of their pay and benefits and the promise of better compensation in the private sector.

Mr. President, as I stated yesterday, the special incentive pay amendment to S. 4 is exactly the kind of targeted fix Congress can and should support. I hope our colleagues will join us in sending a signal to our men and women in uniform that we have listened to them and that we understand their needs.

With that, Mr. President, I yield the floor and ask for its adoption.

Mr. KENNEDY. Mr. President, I support this amendment. We are all concerned about reports of declining retention in our Armed Forces. Our midgrade officers and enlisted personnel are leaving the service at alarming rates. This amendment directly addresses this critical problem by focusing special and incentive pays on areas where the Armed Forces face the greatest retention challenges.

The readiness of our Armed Forces must be a top priority. Our service men and women are an indispensable part of our Nation's defense. We must act to improve retention in order to ensure the readiness of our Armed Forces. In today's tight budget environment, it is imperative that we efficiently use our taxpayers' dollars. Special and incentive pays are an effective way to increase retention while being mindful of costs.

Our amendment responds to the needs of the Armed Services by authorizing programs that the services specifically want and that are ready to be implemented. These programs have been thoroughly researched by the services and will have an immediate impact on retention.

At the Senate Armed Services Readiness Hearing in January, Admiral Jay Johnson, the Chief of Naval Operations, agreed with my assessment that current Navy retention rates will result in the Navy having 50 percent fewer Surface Warfare Officers than needed. Officers in these positions have never been authorized to receive special pay incentives, and retention of these men and women is now among the lowest of any officer community in the Armed Forces. This amendment gives the Navy a flexible means to address this critical retention issue, and will give the same flexibility to the other services in the specific areas where the most attention is needed.

In these critical times for recruiting and retention of military personnel, we must enact sensible legislation that provides the services with effective flexibility in the management of their personnel challenges. No one knows the full effects of retention problems more than the services themselves. We need to give the services the tools they need so they can help ensure the readiness of our Armed Forces. I urge my colleagues to join me in support of this amendment and I commend Senator ROBB and Senator CLELAND for their leadership on this amendment.

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to amendment No. 8.

The amendment (No. 8) was agreed to.

Mr. ROBB. Mr. President, I move to reconsider the vote.

Mr. ALLARD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise to add my enthusiastic support for S. 4.

The most important responsibility a nation has is to its people's security, ensuring a nation's freedom. As all of us in life, nations and governments are no different. We must prioritize. We must prioritize our resources. We must prioritize our agendas. We must prioritize the focus that we give to our people.

As important as is Social Security, and Medicare, and tax cuts, and education and all that compose a society that helps develop a culture, national security is the highest priority, the highest priority of a government, and its most important responsibility.

There will be much debate, as there should be much debate, over the next year and a half about the priorities of this Nation as we move into the next century. None will be more important than the debate that is occurring in this Chamber today, because what we are saying, the message we are sending to our people, to our friends and our foes alike around the world, is that, first, we will address the important issues confronting our national security interests; second, we will put into play and into our national security interests the resources necessary to maintain a national security system second to none. We will, in fact, prioritize our national security so that it will, as history has shown, guarantee our foreign policy, our export expansion, our trade reform. All of these are part of an overarching policy that connects, and we cannot have one without the other. We know—we have heard today, we have heard over the last 2 days—the problems that now confront our military—readiness, retention, recruitment.

Any measure we take of our national security today comes up short, comes up wanting, and it is the responsibility of this Congress to lead; it is the responsibility of the President to lead, and it is the responsibility of America to prioritize the national security interests of our country.

We need, more than ever before, the best, the brightest, young men and women to make a military career a career not only they can be proud of, our Nation can be proud of, but a career that serves our interests.

When we look at what has happened to this military in the last 10 years—longer deployments, more deployments, losing our senior enlisted halfway through their 20 years, pilots dropping out, the investment our society puts in these men and women—we find we are perilously close to the edge as to how far we can continue to defend not only our freedom but our interests in the world. And make no mistake about this, Mr. President. We just don't have select interests in the world; all the world is in our interests. Does that mean we are the international policemen? No. What it does mean is, because we do live in a globally connected world, a very competitive world, that in every corner of the world our interest is peace, stability, freedom; the development of democratic governments and market economies are in the interests of all of our people.

So, this is not esoteric. This is relevant. And as we close the debate on this issue, we are talking about more than just putting the necessary resources into our national security commitments and capabilities, but we are sending a message to our people, to our culture, to our society, that in fact we very much value the men and women who make defending our freedoms their life. What we are saying, as well, to the families of these men and women is: We value you. We know the hardships that you deal with. We know about those long deployments. Not since Vietnam—and I see my colleague, Senator ROBB, standing across the way—not since Senator ROBB and I served in Vietnam has there been any addressing of the pay scale of our military. That is embarrassing. That is not worthy of a great nation and a great people.

So, again, I say this is not only in the best interests of our country, but it is making a very specific and definite statement to our people, to our culture, to our society that duty, honor, and country count. Duty, honor, and country count. We want people to be proud to serve our country in uniform. We want to acknowledge them, not just by increasing their pay and their benefits—because that is, in part, a measurement of their worth and a way to keep score—but by saying: We know your worth. We know how important you are and we value that. We need you.

For those reasons and many more that we have heard today and we will hear tomorrow, I strongly support S. 4.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I want to recognize in a public way the fine statement of my colleague from Nebraska and his hard work on this and many other pieces of legislation coming before the Senate. It is always good to hear from somebody who has personally served in Vietnam and been under fire, so to speak. I want everybody to know it is people like my colleague from Nebraska and their dedication to this country and to freedom which is the reason we think this bill is so important. This is the first major increase in military pay since 1982.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me also commend Senator HAGEL for his speech. He inevitably is on the floor when we have a defense authorization bill or an item related closely to it, as this bill is. He is here, fervently urging support of our men and women in our uniformed military. I just want to say that voice is a particularly powerful voice, given Senator HAGEL's background. I again compliment him and thank him for the ongoing commitment. He has not forgotten where he came from, as we sometimes say, and it is very important that we hear such strong voices as Senator HAGEL's.

Mr. HAGEL. I thank my colleague.

AMENDMENT NO. 8

Mr. LEVIN. Mr. President, while I am on my feet, if I could also thank Senator ROBB for the previous amendment. I was not here. I had to leave for a moment. But it is a very important amendment which we just adopted. We did it in a few moments, but this increased special and incentive pay provision that Senator ROBB has now inserted in this bill is targeted at critical specialties where services are having a significant retention problem. It is very important that we do that.

This provision was in the budget which was submitted to us, but it was not included in this pay bill. It should have been. I think it was a significant oversight that it was not. That oversight has been corrected by Senator ROBB, who is here, as always, watching very, very closely and carefully to make sure that we do the right thing by our troops and by our defense and by our security needs. I thank him for determining that this was left out of a bill which is aimed at supporting our troops, and should not have been. Because of his energy and his perception, it is now back in the bill. I thank him for it.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, if I may, I thank the ranking member for his kind words and his leadership on the Armed Services Committee. I join in paying tribute to my fellow Vietnam veteran, Senator HAGEL from Nebraska. It was for all of us who shared that experience a distinct pleasure to have a fellow warrior, comrade in arms, with us who not only understood the causes for which we fought and the trials and tribulations of those who wear the uniform of our country, but was willing to continue to stand up and be counted in those particular instances where it really matters to those we ask ultimately to place themselves in harm's way for our country's benefit.

So I join in the tribute that the Senator from Colorado made and commend him, as well, for the eloquent speech he made yesterday in underscoring the need to address the critical concerns about retention, particularly in some of the critical MOSs.

AMENDMENT NO. 15

(Purpose: To amend title 37, United States Code, to improve the aviation career officers special pay)

Mr. ROBB. With that, Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. ROBB], for himself, Mr. MCCAIN, and Mr. BINGAMAN, proposes an amendment numbered 15.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, between lines 8 and 9, insert the following:

SEC. 104. AVIATION CAREER OFFICER SPECIAL PAY.

(a) PERIOD OF AUTHORITY.—Subsection (a) of section 301b of title 37, United States Code, is amended—

(1) by inserting "(1)" after "AUTHORIZED.—";

(2) by striking "during the period beginning on January 1, 1989, and ending on December 31, 1999," and inserting "during the period described in paragraph (2),"; and

(2) adding at the end the following:

"(2) Paragraph (1) applies with respect to agreements executed during the period beginning on the first day of the first month that begins on or after the date of the enactment of the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999 and ending on December 31, 2004.".

(b) REPEAL OF LIMITATION TO CERTAIN YEARS OF CAREER AVIATION SERVICE.—Subsection (b) of such section is amended—

(1) by striking paragraph (5);

(2) by inserting "and" at the end of paragraph (4); and

(4) by redesignating paragraph (6) as paragraph (5).

(c) REPEAL OF LOWER ALTERNATIVE AMOUNT FOR AGREEMENT TO SERVE FOR 3 OR FEWER YEARS.—Subsection (c) of such section is amended by striking "than—" and all that follows and inserting "than $25,000 for each year covered by the written agreement to remain on active duty.".

(d) PRORATION AUTHORITY FOR COVERAGE OF INCREASED PERIOD OF ELIGIBILITY.—Subsection (d) of such section is amended by striking "14 years of commissioned service" and inserting "25 years of aviation service".

(e) TERMINOLOGY.—Such section is further amended—

(1) in subsection (f), by striking "A retention bonus" and inserting "Any amount"; and

(2) in subsection (i)(1), by striking "retention bonuses" in the first sentence and inserting "special pay under this section".

(f) REPEAL OF CONTENT REQUIREMENTS FOR ANNUAL REPORT.—Subsection (i)(1) of such section is further amended by striking the second sentence.

(g) TECHNICAL AMENDMENT.—Subsection (g)(3) of such section if amended by striking the second sentence.

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

Mr. ROBB. Mr. President, this amendment is the aviation career officer special pay amendment to S. 4. I am very pleased to be joined in offering this amendment by the distinguished Senator from Arizona, Senator MCCAIN. He has been a major force in taking care of our military aviators for many years, and I am very pleased to have Senator MCCAIN as a cosponsor as well as the distinguished Senator from New Mexico, Mr. BINGAMAN.

Mr. President, my colleagues on the Senate Armed Services Committee are all very much aware of the serious retention problems now faced by DOD, and especially those pertaining to pilots. The Air Force, for example, is losing three pilots for every two pilots it trains. You don't need to have a math degree to understand the implications of that statistic. To quote Air Force Chief of Staff Gen. Mike Ryan, this is "one of the most serious pilot force challenges in Air Force history." And the Navy's situation is no less daunting.

Current law allows aviation officers from O–1s to O–5s with 6 to 13 years of service to receive a bonus of up to $25,000 a year if the officer agrees to complete 14 years; or up to $12,000 per year if the officer agrees to complete 1, 2, or 3 additional years.

While existing law was intended to fix retention problems in specific aviation communities such as the F/A–18 community, retention problems are now showing up across the board. This amendment is straightforward. Its intent is to give DOD maximum flexibility to stop the widespread hemorrhaging of pilots. The provision broadens eligibility from anywhere from 1 to 25 years of service and allows for up to $25,000 for each year of extended duty.

DOD's retention and recruiting problems can grow rapidly. Indeed, many problems that DOD did not even report just a year ago were reported with alarm just 6 months ago. We need to give the Department the flexibility and the headroom to manage a serious and unpredictable problem that cannot be adjusted only once a year by the Congress.

To address concerns that we are ceding too much authority to DOD, this authority must be renewed after 5 years, and the Secretary of Defense will be required to report annually to the defense committees on the impact of this increased authority on the retention of aviators.

This provision is supported by the Department of Defense and is included in the budget request. The flexibility afforded by this provision reflects a consensus of service views developed and will allow each service the ability to tailor compensation programs to meet their specific retention challenges and to accommodate their unique career path requirements.

During a period of excessive and costly resignations, we simply cannot afford not to give DOD the tools it needs to fix the retention problem. I urge my colleagues to support this provision and help us to address one of our most serious readiness dilemmas.

I yield the floor. I ask for whatever action the managers may wish to take on this amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from Colorado.

Mr. ALLARD. Mr. President, I compliment my colleague for his hard work on the Armed Services Committee. I do agree with him; the idea of giving discretionary authority to the Secretaries to meet certain retention challenges that come up with qualified pilots is extremely important.

The question I would like to ask my friend from Virginia with regard to his amendment is that I understand that the funds to cover the cost of this amendment are in the fiscal year 2000 defense budget; is that accurate?

Mr. ROBB. Mr. President, I respond to the distinguished Senator from Colorado by saying that the information provided to this Senator is that it is, in fact, included. There was some concern about one of the services having an objection to this provision at one point. I understand that was cleared up, and it is now in the budget. If there is any information to the contrary, because we haven't actually had the presentation of those details, I will inform the committee before any additional action is taken on this amendment.

Mr. ALLARD. Mr. President, in that case, if this has all been cleared within the budget, then we have no objection to this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair. Mr. President, let me, again, commend our friend from Virginia for his leadership in this area. This is one of our greatest areas of shortfall. It is one of our greatest retention problems. We have to try to do better to retain our pilots, and this amendment will go a long way, indeed, the administration proposal—hopefully it is in their proposal—will go, we believe at least, some way in terms of retaining pilots as its goal. It is a very important goal.

I, again, thank the Senator from Virginia for his leadership in zeroing in on some of the greatest problems that we face in our defense budget, and that is the retention problem of pilots. So we very strongly support this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment offered by the Senator from Virginia, Mr. ROBB.

The amendment (No. 15) was agreed to.

Mr. ROBB. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBB. Mr. President, I yield the floor, and I thank my colleague from Michigan.

Mr. KERRY. Mr. President, the overall goal of this bill is to address the critical recruitment and retention problems facing our military today. I strongly support that objective. We have heard that recruitment numbers are down; that the Navy is 20,000 sailors short of what it needs to meet our national interests at sea; that within the last three months the Army was 2,300 soldiers short of its recruitment goal; and that increasingly pilots are leaving the service to take more lucrative jobs with private airlines. These are serious problems requiring serious attention.

At a time when we are asking our Armed Forces to undertake more different kinds of missions, we need to provide incentives to men and women to serve and to be able to keep those who are currently serving. A 1998 Youth Attitude Tracking Study of 10,000 young men and women found that the desire to serve in our military remains strong. In fact, more than 25% of the men surveyed said they wanted to join one of the active duty services. The percentage of women who expressed interest actually increased by a percentage point from last year, reaching 13% for 1998. Therefore, if the initial desire is there, we should not allow it to be clouded by fears of low pay, frequent deployments and insufficient retirement benefits once they sign up. We must do everything we can to ensure that high quality men and women will continue to join the United States Armed Services maintaining a force that is second to none in the world. The U.S. military maintains its stature because of the people who serve in it.

We cannot afford to lose them or lower the standards of recruitment just to fill in the holes.

Unfortunately, the reality is that we are losing them and we are being forced to look at ways of lowering the bar so that each service can meet its recruitment goal for the coming years. A strong economy able to boast of high paying jobs in the private sector is causing extreme recruitment and retention problems for the Department of Defense. S. 4 attempts to reverse these problems by offering high pay raises, reforming the pay table, establishing a retirement savings plan and expanding Montgomery GI bill benefits for those who serve and will serve in the military. Specifically, it provides for a 4.8% pay raise for every member of the Armed Services. It changes the pay scale to recognize and reward meritorious service rather than the number of years served. It establishes a thrift savings plan similar to the one available to Federal civil employees and available to many in the private sector by way of 401-K plans. It also provides a monthly subsistence allowance for those service personnel eligible to receive food stamps and expands current Montgomery GI Bill benefits both in the amount of money provided and in the number of people who can use it, among many other things.

When I read through this bill, I find many things that I believe can improve the current system and I support the general thrust of this legislation. I believe that significant pay increases are necessary both to help those currently serving in the military and those who might serve in the future. The Administration did not ignore the call for pay increases coming from many personnel, as well as the Joint Chiefs. They are in the President's budget request. It is clear that military pay must be competitive with wages paid in the private sector.

It truly saddens me that about 12,000 of the brave men and women who have chosen to serve their country by defending the flag, to which we all pledge allegiance, are on food stamps. These people should not be forced to make a decision between serving their country and bringing home enough money to make ends meet. At a time when our economy is growing and higher paying jobs require the kind of skills that are taught in the military, it must be very difficult not to look at the greener pastures.

There is another part of this bill that I want to address because it is one of the reasons why I am going to vote in favor of it. I sincerely believe that the Montgomery GI Bill should be revamped and am pleased that this legislation takes a step in that direction. When this body passed the GI Bill in 1984, the average annual cost of tuition at a four-year university was about $5,200. That number has since doubled with costs reaching above $11,000 for the school year 1996 to 1997. However, we are still offering basically the same amount of financial assistance per month and requiring that those eligible to use it first pay $1200 before they can receive anything back. I wholeheartedly agree that we should do away with that requirement and increase the amount of monthly assistance provided. It is the right thing to do. I also support the provision in this bill that allows immediate family members also to benefit from the education allowances. I am pleased that my friend—and fellow veteran—MAX CLELAND introduced this portion of the bill and that it was incorporated into the final version we are debating today.

I don't believe there is a single one of us who would argue that we shouldn't do more for our Armed Services personnel. That is clear. There is no question that they need increases in their basic pay and an expansion of their education and retirement benefits. But it seems to me that we ought to be careful and at least examine—if not critically analyze—how best to go about addressing our recruitment and retention problems without trying to fast-tract a bill which has significant increases in funding, above and beyond what the Administration has requested, without adequately explaining how to pay for it.

I believe that we owe it to our military men and women to determine how we are going to pay for this bill and how funds used for this purpose will affect overall spending and military readiness. What are the sources for funding this bill? Is this coming out of other accounts within the Pentagon's budget? Is it coming out of domestic spending? Is it going to be off-budget? Can we really afford to pay for this across all the pay scales? Are we going to tap into our large budget surplus? It is not clear to me that these critical questions have been answered.

This bill requires funding for 10 years, not just this fiscal year. We don't have any ironclad promises that our economy will prove as strong tomorrow as it is today. I think we ought to be sure that the commitments we make now can be met in the future.

I remain concerned that we are moving this bill in the absence of hearings by the Armed Services Committee and an overall discussion about how our defense dollars should be spent. However, I will support this bill because as a veteran, I understand how important it is to know that your country is behind you and to know that your country recognizes and rewards the service you have given it.

AMENDMENT NO. 9

Mr. GORTON. Mr. President, earlier today, the Senate voted on an amendment to S. 4 offered by my colleague Senator CRAPO from Idaho. I voted "present."

The amendment would eliminate a federal law that reduces the military retirement pay of those retirees who continue their public service by working for the federal government as civilians. As a Senator who would personally benefit from the amendment's passage, I am subject to a clear conflict of interest and thus cannot properly vote.

As many of my colleagues know, I am retired Air Force Reserve officer. As such, my retirement pay from the Air Force would increase significantly if the Crapo amendment were signed into law. With that in mind, I voted present.

Mr. SMITH of New Hampshire. Mr. President, I rise today to wholeheartedly endorse this Soldiers', Sailors', Airmen's, and Marines' Bill of

Rights. With this bill, the members of the Senate Armed Services Committee are making a pledge to the men and women who so bravely defend our freedoms: we honor them, we respect them, they and their families are important to us, and we are going to take care of them. We have been asking them to get by for too long, with too little. Starting now, we are going to make good on our debt of gratitude.

In my view, this bill addresses three key areas that must be fixed if we are going to be able to keep quality people in uniform. The largest pay raise since 1982, and annual raises that outpace inflation, will shrink a double-digit pay gap that has been growing for 20 years. Service men and women know they will never make as much as their civilian counterparts, and they serve proudly anyway. But we cannot tell them their contributions to America are invaluable, and then stand by and watch their earning power erode more and more each year without any plan for stopping the erosion. They deserve to provide their families with an honorable standard of living, and we are committed to doing that.

In addition, Mr. President, raises for mid-level officers and enlisted personnel are designed to retain critical personnel and reward performance over longevity. Currently, some leaders are paid less than their subordinates due to an over-emphasis on years served rather then results achieved. We win or lose wars based on results, not seniority, and the pay chart ought to reflect that reality. We want to encourage and reward those who go "above and beyond," and reinforce a culture dedicated to achievement and success.

Restoring previously reduced retirement benefits to their original levels shows a commitment to our veterans' long term security and the value of a career of honorable service. Our troops spend an entire career living in danger, sacrificing their own interests and putting their country's needs ahead of their family's. We cannot in good conscience reward their service by cutting their retirement benefits.

In closing, Mr. President, more than just voicing a commitment to our service men and women, we must take bold, swift action to put that commitment to work. We must provide them a long overdue increase in pay, we must reform the pay table to reward performance over longevity, and we must repeal the Redux retirement plan.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent that William Adkins, a National Security fellow on the staff of Senator ABRAHAM, be granted floor privileges during consideration of S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent, if it is OK with the floor managers, that immediately following disposition of an amendment which I understand is going to be offered by Senator CLELAND, that the Chair then recognize the Senator from Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

PRIVILEGE OF THE FLOOR

Mr. CLELAND. Mr. President, thank you very much.

Mr. President, I ask unanimous consent that my legislative fellow, Deborah Buonassisi, be granted floor privileges to assist me during the debate of S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4

(Purpose: To extend authorities relating to payment of certain bonuses and special pays)

Mr. CLELAND. Mr. President, I offer an amendment to S. 4. I think the clerk has the amendment. It is a 3-year extension of special pay bonuses.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia (Mr. CLELAND) proposes an amendment numbered 4.

Mr. CLELAND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title I, add the following new sections:

SEC. 104. THREE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 1999," and inserting "December 31, 2002,".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(c) ENLISTMENT BONUSES FOR MEMBERS WITH CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking "December 31, 1999" and inserting "December 31, 2002".

(d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(f) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking "any fiscal year beginning before October 1, 1998, and the 15-month period beginning on that date and ending on December 31, 1999" and inserting "the 15-month period beginning on October 1, 1998, and ending on December 31, 1999, and any year beginning after December 31, 1999, and ending before January 1, 2003".

SEC. 105. THREE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking "January 1, 2000" and inserting in lieu thereof "January 1, 2003".

SEC. 106. THREE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting in lieu thereof "December 31, 2002".

Mr. CLELAND. Mr. President, I am pleased to bring before the Senate my amendment to S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999, which would extend key bonuses and special payments to the men and women of our armed forces for another three years.

Mr. President, the Secretary of Defense, the Joint Chiefs of Staff, and the Service Secretaries have all testified and stated for the record that recruiting and retention are the most important challenges facing our military today.

With a strong economy and the perception of a reduced military threat abroad, the incentives to leave the military, or to not enlist in the military, are greater than ever before. However, even with the end of the cold war, we have increased our military commitments around the world, in such places as Bosnia, Iraq, and Somalia. We are now facing a possible use of American forces in Kosovo. Those brave individuals, who are preparing to respond to our Nation's call deserve our every consideration and effort on their behalf. That is the whole reason of S. 4.

The amendment I am now offering seeks to correct an oversight in the pending bill: namely, an extension of the authority for the services to provide special pay incentives for positions which have been hard to fill.

The authority for many of these special pays and bonuses will expire in December 1999. My amendment would simply extend funding authority through the end of 2002. It would give the Services the certainty that these essential retention tools will continue to be available.

These incentives affect many positions within our military, ranging from bonuses for aviation officers to special pay for health professionals. Passage of this amendment will reinforce S. 4's message that we as a nation take seriously our commitment to give our military the ability to continue to recruit and retain the finest servicemen and women in the world. I urge my colleagues to further that objective by adopting this amendment.

Thank you, Mr. President.

The PRESIDING OFFICER. Is there further debate?

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, it is my understanding that this is included in the budget. So we don't have an objection on this side. We view it as an important retention use to help keep our enlisted men and women in the armed services.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me commend our friend from Georgia for this amendment. He has made a number of major contributions already to this bill, most particularly in the transferability provision of the education benefits under the GI bill. That is a huge gain for our men and women in the military and for this Nation.

Again, as I pointed out earlier, I thank him for the initiative that he took to have that provision added in committee.

The amendment he is offering this afternoon is an important amendment. It will extend the authority for 3 years to pay bonuses and special pay which are so critical to both recruiting and retention of our military members, and we strongly support this amendment.

Mr. ALLARD. Mr. President, before we vote, I want to recognize that Senator CLELAND is my ranking member on the Personnel Subcommittee. He is working hard. And I am looking forward to continuing to work on these issues that will come up during this year. I think our subcommittee is going to have some of the toughest challenges of any subcommittee on Armed Services. It is good to have somebody such as Senator CLELAND out there to help, and have somebody who served in the military and who walked in the shoes of the people whom we are passing legislation to have an impact on.

With that, I yield the remainder of my time.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Georgia.

The amendment (No. 4) was agreed to.

Mr. ALLARD. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

KOSOVO

Mr. ROBERTS. I thank the Presiding Officer. I thank the distinguished Senator from Michigan and my distinguished friend and colleague from Colorado for their time.

This is sort of a news update on Kosovo, if I could describe it that way, because several Senators have indicated a strong desire to offer amendments to this bill in regard to the United States' role in Kosovo. I hope that we won't do that. We need this bill to be expedited to send a strong message to our American men and women in uniform. This is not to say, however, that we do not need a frank discussion of ongoing discussions about the United States' role in regard to Kosovo.

I have, as of 3 o'clock this afternoon—we are about an hour after that—the latest report from the peace talks in Rambouillet, France. Secretary of State Albright has just indicated that:

> After 17 days of laborious negotiations, Secretary of State Madeleine Albright said today that ethnic Albanians have agreed to sign a Kosovo peace agreement within two weeks but the Serbs continue to balk at a deal.

I will go on with this very briefly.

> According to senior U.S. officials, the Serbs still refuse to permit ethnic Albanians to have a president and are unwilling to cooperate with a war crimes tribunal looking into atrocities against civilians.
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> * * * * *
>
> At a news conference by the six-nation Contact Group overseeing the talks, French Foreign Minister Hubert Vedrine announced that a new conference on the Kosovo conflict would be held in France beginning March 15.

So we have a lull. So the peace talks can continue. A cynic might say we drew a line in the sand. And yet, at another time we have gone beyond that line in the sand and our credibility is at stake.

Robin Cook, Foreign Secretary of Great Britain, called for the parties to "use these three weeks, use them to build peace. . . . We have done a lot here, even if we have not done enough."

The agreement came 1½ hours after the deadline for the peace conference had passed. However, in regard to the Serbs, the news is not that good, to say the least. Their Deputy Prime Minister has described the talks as a bust, blaming the United States officials, who he said "want the blood of the Serbs."

He said, "I am afraid the Rambouillet conference failed and we must say very clearly who is guilty for that. But peace appeared as elusive"—right during these talks, Mr. President. "New fighting"—or continued fighting. Actually, it is old and continued and new fighting—"broke out between the Yugoslav army troops and the Serb police and the ethnic Albanian rebels."

So we still have war.

The reason I brought all of that up is that there was an article in Monday's Washington Post written by Dr. Henry Kissinger. I think Dr. Kissinger has pretty well summed up some of the concerns, at least, and the frustrations that many Senators have in regard to the lack of clarity in regard to the situation in Kosovo. And, of course, it affects everything we do in the Balkans, not to mention Bosnia.

Dr. Kissinger said this:

> In Bosnia, the exit strategy can be described. The existing dividing lines can be made permanent. Failure to do so will require their having to be manned indefinitely unless we change our objective to self-determination and permit each ethnic group to decide its own fate.

But in Kosovo, Dr. Kissinger certainly pointed out that option doesn't exist. There are no ethnic dividing lines and both sides actually claim the entire territory. Our attitude, the U.S. attitude toward the Serbs attempts to insist that their claim has been made plain. It is the threat of bombing. But how do we and NATO react to Albanian transgressions? Are we prepared to fight both sides and for how long?

As a matter of fact, Secretary Albright indicated if the Albanians didn't get along, we could not bomb the Serbs. That seems to me to be a little bit unprecedented and unique. As a matter of fact, I think it is a little nutty.

But at any rate, are we prepared to fight both sides and for how long?

In the face of issues such as these, the unity of the contact group of powers acting on behalf of NATO is likely to dissolve. Russia surely will increasingly emerge as the supporter of the Serbian point of view.

And then Dr. Kissinger goes on, and I will not take the time of the Senate in regard to his entire statement, but he sums up by saying: "Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea."

You draw the line in the sand. That time expires, and it is a problem in terms of our credibility.

The psychological drain may be even more grave. Each time we make a peripheral deployment, the administration is constrained to insist that the danger to American forces is minimal—the Kosovo deployment is officially described as a "peace implementation force."

Such comments have two unfortunate consequences: They increase the impression among Americans that military force can be used casualty-free,—

And obviously that is a big concern on the part of everyone—

and they send a signal of weakness to potential enemies. For in the end our forces will be judged on how adequate they are for peace imposition, not peace implementation.

I ask unanimous consent that the full statement of Dr. Kissinger be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 22, 1999]

NO. U.S. GROUND FORCES FOR KOSOVO

LEADERSHIP DOESN'T MEAN THAT WE MUST DO EVERYTHING OURSELVES

(By Henry Kissinger)

President Clinton's announcement that some 4,000 troops will join a NATO force of 28,000 to help police a Kosovo agreement faces all those concerned with long-range American national security policy with a quandary.

Having at one time shared responsibility for national security policy and the extrication from Vietnam, I am profoundly uneasy about the proliferation of open-ended American commitments involving the deployment of U.S. forces. American forces are in harm's way in Kosovo, Bosnia and the gulf. They lack both a definition of strategic purpose by which success can be measured and an exit strategy. In the case of Kosovo, the concern is that America's leadership would be impaired by the refusal of Congress to approve American participation in the NATO force that has come into being largely as a result of a diplomacy conceived and spurred by Washington.

Thus, in the end, Congress may feel it has little choice but to go along. In any event, its formal approval is not required. But Congress needs to put the administration on notice that it is uneasy about being repeatedly confronted with ad hoc military missions. The development and articulation of a comprehensive strategy is imperative if we are to avoid being stretched too thin in the face of other foreseeable and militarily more dangerous challenges.

Before any future deployments take place, we must be able to answer these questions: What consequences are we seeking to prevent? What goals are we seeking to achieve? In what way do they serve the national interest?

President Clinton has justified American troop deployments in Kosovo on the ground that ethnic conflict in Yugoslavia threatens "Europe's stability and future." Other administration spokesmen have compared the challenge to that of Hitler's threat to European security. Neither statement does justice to Balkan realities.

The proposed deployment in Kosovo does not deal with any threat to American security as traditionally conceived. The threatening escalations sketched by the president—to Macedonia or Greece and Turkey—are in the long run more likely to result from the emergence of a Kosovo state.

Nor is the Kosovo problem new. Ethnic conflict has been endemic in the Balkans for centuries. Waves of conquests have congealed divisions between ethnic groups and religions, between the Eastern Orthodox and Catholic faiths; between Christianity and Islam; between the heirs of the Austrian and Ottoman empires.

Through the centuries, these conflicts have been fought with unparalleled ferocity because none of the populations has any experience with—and essentially no belief in—Western concepts of toleration. Majority rule and compromise that underlie most of the proposals for a "solution" never have found an echo in the Balkans.

Moreover, the projected Kosovo agreement is unlikely to enjoy the support of the parties for a long period of time. For Serbia, acquiescing under the threat of NATO bombardment, it involves nearly unprecedented international intercession. Yugoslavia, a sovereign state, is being asked to cede control and in time sovereignty of a province containing its national shrines to foreign military force.

Though President Slobodan Milosevic has much to answer for, especially in Bosnia, he is less the cause of the conflict in Kosovo than an expression of it. On the need to retain Kosovo, Serbian leaders—including Milosevic's domestic opponents—seem united. For Serbia, current NATO policy means either dismemberment of the country or postponement of the conflict to a future date when, according to the NATO proposal, the future of the province will be decided.

The same attitude governs the Albanian side. The Kosovo Liberation Army (KLA) is fighting for independence, not autonomy. But under the projected agreement, Kosovo, now an integral part of Serbia, is to be made an autonomous and self-governing entity within Serbia, which, however, will remain responsible for external security and even exercise some unspecified internal police functions. A plebiscite at the end of three years is to determine the region's future.

The KLA is certain to try to use the ceasefire to expel the last Serbian influences from the province and drag its feet on giving up its arms. And if NATO resists, it may come under attack itself—perhaps from both sides. What is described by the administration as a "strong peace agreement" is likely to be at best the overture to another, far more complicated set of conflicts.

Ironically, the projected peace agreement increases the likelihood of the various possible escalations sketched by the president as justification for a U.S. deployment. An independent Albanian Kosovo surely would seek to incorporate the neighboring Albanian minorities—mostly in Macedonia—and perhaps even Albania itself. And a Macedonian conflict would land us precisely back in the Balkan wars of earlier in this century. Will Kosovo then become the premise for a NATO move into Macedonia, just as the deployment in Bosnia is invoked as justification for the move into Kosovo? Is NATO to be the home for a whole series of Balkan NATO protectorates?

What confuses the situation even more is that the American missions in Bosnia and Kosovo are justified by different, perhaps incompatible, objectives. In Bosnia, American deployment is being promoted as a means to unite Croats, Muslims and Serbs into a single state. Serbs and Croats prefer to practice self-determination but are being asked to subordinate their preference to the geopolitical argument that a small Muslim Bosnian state would be too precarious and irredentist. But in Kosovo, national self-determination is invoked to produce a tiny state nearly certain to be irredentist.

Since neither traditional concepts of the national interest nor U.S. security impel the deployment, the ultimate justification is the laudable and very American goal of easing human suffering. This is why, in the end, I went along with the Dayton agreement insofar as it ended the war by separating the contending forces. But I cannot bring myself to endorse American ground forces in Kosovo.

In Bosnia, the exit strategy can be described. The existing dividing lines can be made permanent. Failure to do so will require their having to be manned indefinitely unless we change our objective to self-determination and permit each ethnic group to decide its own fate.

In Kosovo, that option does not exist. There are no ethnic dividing lines, and both sides claim the entire territory. America's attitude toward the Serbs' attempts to insist on their claim has been made plain enough; it is the threat of bombing. But how do we and NATO react to Albanian transgressions and irredentism? Are we prepared to fight both sides and for how long? In the face of issues such as these, the unity of the contact group of powers acting on behalf of NATO is likely to dissolve. Russia surely will increasingly emerge as the supporter of the Serbian point of view.

We must take care not to treat a humanitarian foreign policy as a magic recipe for the basic problem of establishing priorities in foreign policy. The president's statements "that we can make a difference" and that America symbolizes hope and resolve" are exhortations, not policy prescription. Do they mean that America's military power is available to enable every ethnic or religious group to achieve self-determination? Is NATO to become the artillery for ethnic conflict? If Kosovo, why not East Africa or Central Asia? And would a doctrine of universal humanitarian intervention reduce or increase suffering by intensifying ethnic and

> religious conflict? What are the limits of such a policy and by what criteria is it established?
>
> In my view, that line should be drawn at American ground forces in Kosovo. Europeans never tire of stressing the need for greater European autonomy. Here is an occasion to demonstrate it. If Kosovo presents a security problem, it is to Europe, largely because of the refugees the conflict might generate, as the president has pointed out. Kosovo is no more a threat to America than Haiti was to Europe—and we never asked for NATO support there. The nearly 300 million Europeans should be able to generate the ground forces to deal with 2.3 million Kosovars. To symbolize Allied unity on larger issues, we should provide logistics, intelligence and air support. But I see no need for U.S. ground forces; leadership should not be interpreted to mean that we must do everything ourselves.
>
> Soonor or later, we must articulate the American capability to sustain a global policy. The desire to do so landed us in the Vietnam morass. Even if one stipulates an American strategic interest in Kosovo (which I do not), we must take care not to stretch ourselves too thin in the face of far less ominous threats in the Middle East and Northeast Asia.
>
> Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea. The psychological drain may be even more grave. Each time we make a peripheral deployment, the administration is constrained to insist that the danger to American forces is minimal—the Kosovo deployment is officially described as a "peace implementation force."
>
> Such comments have two unfortunate consequences: They increase the impression among Americans that military force can be used casualty-free, and they send a signal of weakness to potential enemies. For in the end our forces will be judged on how adequate they are for peace imposition, not peace implementation.
>
> I always am inclined to support the incumbent administration in a forceful assertion of the national interest. And as a passionate believer in the NATO alliance, I make the distinctions between European and American security interests in the Balkans with the utmost reluctance. But support for a strong foreign policy and a strong NATO surely will evaporate if we fail to anchor them in a dear definition of the national interest and impart a sense of direction to our foreign policy in a period of turbulent change.

Mr. ROBERTS. The reason that I brought this up is that we have several Senators who are considering amendments on Kosovo. One I think would simply say that the Congress would have to vote before any deployment of any American pilot in any kind of a military mission and/or ground troops would set foot on Kosovo. That is the extra step, if you will, to certainly include the Congress in any decisionmaking. But I would point out to my colleagues, and I made mention of this when I spoke on behalf of this bill, i.e., the bill in regard to retirement reform and pay reform, and I pointed out that we have in the law—and let me just point out it is Public Law 105–262, October 17, 1998. It is a public law, and the President signed it. And there is section 8115(a), and we say:

> None of the funds appropriated or otherwise made available under this Act may be obligated or expended for any additional deployment of forces of the Armed Forces of the United States to Yugoslavia, Albania, or Macedonia unless and until the President, after consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the minority leader of the House of Representatives, and the minority of the Senate, transmits to Congress a report on the deployment that includes the following:

And I want my colleagues to understand this. This is the law of the land. And the National Security Council is aware of this. As a matter of fact, my staff just an hour ago contacted the staff at the National Security Council, and we said, "Where is the report?" We keep hearing about progress and incremental steps or lack of progress with the peace talks and yet we have 4,000, 5,000, maybe 7,000 American troops ready to deploy in regard to Kosovo. This requires the administration to come to the Congress and report on the following things:

> The President's certification that the presence of those forces in each country to which the forces are to be deployed is necessary in the national security interests of the United States.

That is pretty basic. Does our involvement really involve our vital national security interests? Can a case be made?

Now, the President spoke to it in terms of his radio address. I think that is good. That is the first time he has spoken to it on national radio. But we really need to know why is our intervention in Kosovo in our vital national security interests? Is it the future of NATO? I think so to some degree. Are we talking about we don't want another Palestine in the middle of Central Europe? I know that. But vital national security interests? I don't know.

> (2) The reasons why the deployment is in the national security interests. . . .
>
> (3) The number of United States military personnel to be deployed. . . .
>
> (4) The mission and objectives of forces to be deployed.
>
> (5) The expected schedule for accomplishing the objectives of the deployment.
>
> (6) The exit strategy—

Mr. President, the exit strategy—

> for United States forces engaged in the deployment.

We are talking about a 3-year engagement here. This is 4 years in regard to Bosnia.

> The costs associated with the deployment and the funding sources for paying those costs.

Now, I have quite a bit of blood pressure in this regard since we have spent literally billions of dollars in Bosnia but we didn't pay for it up front. We didn't pay for it with a supplemental. We do pay for it when the pressure comes on the appropriators to come up with an emergency funding request. So we need to find out what the costs would be in regard to this deployment.

And finally:

> The anticipated effects of the deployment on the morale, retention and effectiveness of United States forces.

I made mention that one of the considerations why the people are leaving the service today is the quality of mission, and we have the situation where 60 percent of our service people today are married, obviously part of families, and they go to Bosnia, and perhaps Kosovo, and the Mideast and Korea, and we do not have enough people to really fill those billets now so they are deployed for 6 months, 9 months, come back for a month, bang, they are right over there again, plus the Reserve and the Guard. That is one of the considerations in regard to operation tempo, personnel tempo, as to why people are leaving the service, but mission quality is also a good reason. That is No. 8 in regard to the anticipated effects of the deployment on the morale, the retention and effectiveness of U.S. forces.

Now, we say if there is an emergency here in terms of our national security, obviously the President can intercede.

Now, I want to see this report. We met with Secretary Albright, Secretary Cohen, and our national security director, Sandy Berger, about 2 weeks ago during the impeachment trial. It was early in the morning. We made them aware of this particular provision in this report. Now, I understand from staff of the NSC that a report will be coming, because in the words of the staff member, "There is a lull over in Kosovo." We have a 3 week time period to try to work something else out in regard to the peace agreement.

Let me just point out something, Mr. President. The Secretary of State said that we would not commit American men and women to a peacekeeping role in Kosovo unless there were benchmarks for peace. I would only remind this administration and my colleagues, on behalf of all those in the military, that if you are a peacekeeper, there better be a peace to keep because when there is not a peace to keep, you become a target. That is a whole different situation.

So, consequently, I am very hopeful that the National Security Council will be coming forth with this report and giving the report to our leadership and the appropriate committee chairs. Since this is the law, perhaps we can think about delaying any other amendments to this bill in regard to the Kosovo situation.

I yield the floor.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. WARNER. Mr. President, we are making progress on this bill. I hope in short order we can address the pending amendment by the Senators from Texas and North Carolina, but I am not ready yet. I am trying my very, very best to determine what are the cost ramifications of each of these amendments as they come along. At the moment, we are close to isolating the financial repercussions of the amendment of the Senators from Texas and North Carolina.

I see the Senator from Maine, so at this moment I will yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. I thank the Chair.

Mr. President, I am honored to serve as an original co-sponsor of the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999 in the name of the hundreds of thousands of men and women trained to deter, fight, and win our wars.

I also thank Senators WARNER, ALLARD, LEVIN, and CLELAND for their bipartisan support of the legislation's universal 4.8 percent pay raise and thrift savings proposals as well as the constructive amendments on G.I. bill reform incorporated in the committee-reported version of the bill.

The Bill of Rights Act legalizes the concept that military personnel should receive the same retirement benefits based not on the arbitrary factor of when they joined, but on the timeless standard of willingness to sacrifice.

It is notable, therefore, that the Senate's opening legislation of the year increases soldier pay for the first time in a generation and strips away the layers of unfairness in a military retirement system based solely on the date of entry rather than the length of service. Unlike the current arrangement, which is more generous to active duty personnel who started working before 1986, our proposal of benefits and bonuses offers the same retirement package to all men and women in uniform who build a military career of at least 20 years.

Today, we also commit ourselves to a comprehensive pay raise of 4.8 percent—the largest since 1982—that narrows the gap between military and civilian salaries.

We commit ourselves, as Secretary Cohen did last month in recommending salary increases for noncommissioned and mid-grade commissioned officers, to retention and promotion bonuses that reward the skills of 21st century war fighters.

We commit ourselves for the first time ever to making long-term savings plans available to uniformed service members so that they can build a foundation for family security.

We commit ourselves to increase the monthly G.I. benefit for Service people who serve at least for 2 years while eliminating the punitive $1,200 entry fee for young men and women who want to take advantage of a college education under this historic program.

And we commit ourselves to financial independence for the junior enlisted ranks by making available a special subsistence allowance of $180 per month as an alternative to food stamp subsidies. This provision will remove from the welfare rolls an estimated 11,900 military personnel in the lowest pay grades.

Beginning last September and continuing through the new year, the committee constructed a public record of the financial and operational strains that our military people have endured in recent times.

We found that the total value of the Army's retirement package had eroded by 25 percent since 1986. We also found that inadequate pay left the Navy short of 7,000 sailors, the Air Force short of 2,000 pilots, and the Marine Corps short of combat engineers by a threshold of 30 percent.

Last month, General Henry Shelton, the nation's senior official in uniform, told the Armed Services Committee that "reforming military retirement remains the Joint Chiefs highest priority."

Echoing General Shelton, the Air Force Chief of Staff told the committee that "restoring the retirement system as a retention incentive is our top priority."

The Commandant of the Marine Corps told the committee that "unit commanders routinely cite dissatisfaction with . . . retirement . . . as one of the foremost reasons for separation."

And the Chief of Naval Operations told the Committee that "pay and retirement benefits rank among our sailors' top dissatisfiers."

As the chairwoman of the Armed Services Seapower Subcommittee, I must report that inadequate pay has directly strained our maritime Special Operations forces—famously known as the Navy SEALS.

The SEALS conduct vital intelligence-gathering and enemy infiltration activities in advance of, or as an alternative to, higher risk conventional military campaigns. Intense training schedules and exciting missions have traditionally held SEAL recruitment and retention levels traditionally exceed those for most other naval components by between 20 and 30 percent.

But today, the SEAL re-enlistment rate exceeds that for the rest of the Service by only 2 percent. The SEALS now face an overall shortfall of 300 men, and the senior enlisted member of the organization told the San Diego Tribune last week that while morale was still high, the pay was too low.

Beyond the SEALS, Mr. President, the Navy struggles with skilled personnel shortages throughout the Service. Thirty-five percent of naval aviators elect to take retention bonuses while the Pentagon's goal in this area stands at 50 percent. Enlisted retention overall has decreased 6 to 8 percent below normal requirements.

Finally, the most acute turnover rates faced by our sailors come from the ranks of those who lead them: the mid-level officers who command our surface ships and submarines.

The Bill of Rights Act responds in an aggressive way to these disturbing developments. With this law, we declare that while Congress cannot equalize the financial benefits of all Armed Services and private sector jobs, it can devise compensation plans upholding the value of military careers regardless of the state of the economy.

It's fair to ask, Mr. President, why the Joint Chiefs did not identify problems like a ballistic missile strike from North Korea or Iraq's chemical weapons as more serious threats to military preparedness than pay levels or retirement benefits.

The answer rests with a fundamental but overlooked fact: only people can deliver the capabilities to protect America and her interests overseas. We must therefore ensure that the military's pay and retirement policies provide strong retention incentives to skilled and motivated troops.

Military strength not only comes from adequate spending on technology and hardware. It also comes from compensation packages that inspire officers and enlisted personnel alike to remain in service with fair pay and to anticipate a secure retirement with a fair pension.

Because the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999 recognizes the critical human dimension of defense preparedness, I urge the Senate's enthusiastic support for this bill.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, in consultation with the ranking member here, and with the respective offices of the leadership, it is our hope and expectation that we could have a vote at 5:30 on the amendment proposed by the Senator from Texas and the Senator from North Carolina. I urge all those who wish to address remarks concerning that amendment to proceed to the floor. And as they arrive, hopefully they can seek recognition. This is a very important bill. It is one in which there will be further discussion.

Our colleague from Minnesota has an amendment, it is my understanding.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, first of all, let me thank both my colleagues, the Senator from Virginia and the Senator from Michigan.

AMENDMENT NO. 16

(Purpose: To provide for enhanced protections of the confidentiality of records of family advocacy services and other professional support services relating to incidents of sexual harassment, sexual abuse, and intrafamily abuse)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk on behalf of myself and Senator MURRAY.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mrs. MURRAY, proposes an amendment numbered 16.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

The amendment is as follows:

On page 46, after line 16, add the following:

SEC. 402. REPORT AND REGULATIONS ON DEPARTMENT OF DEFENSE POLICIES ON PROTECTING THE CONFIDENTIALITY OF COMMUNICATIONS WITH PROFESSIONALS PROVIDING THERAPEUTIC OR RELATED SERVICES REGARDING SEXUAL OR DOMESTIC ABUSE.

(a) REQUIREMENT FOR STUDY.—(1) The Comptroller General shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(A) a dependent of a member of the Armed Forces who—

(i) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(ii) has engaged in such misconduct; and

(B) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.

(2) The Comptroller General shall conclude the study and submit to the Secretary of Defense a report on the results of the study within such period as is necessary to enable the Secretary to satisfy the reporting requirement under subsection (d).

(b) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the policies and procedures that the Secretary considers necessary to provide the maximum possible protections for the confidentiality of communications described in subsection (a) relating to misconduct described in that subsection, consistent with:

(1) the findings of the Comptroller General;

(2) the standards of confidentiality and ethical standards issued by relevant professional organizations;

(3) applicable requirements of federal and state law;

(4) the best interest of victims of sexual harassment, sexual assault, or intrafamily abuse; and

(5) such other factors as the Secretary in consultation with the Attorney General, may consider appropriate.

Mr. WELLSTONE. Mr. President, this amendment is simple and it is important. It calls on the Defense Department to issue new guidelines that will strengthen the privacy rights of victims of domestic violence who are spouses and children of our military employees.

Just a little bit of background. And it calls for this to be done in an expeditious manner, I think within a 9-month period.

Mr. President, domestic violence—actually, I am sorry to say on the floor of the Senate—is a huge problem and a huge issue in our country. About every 15 seconds a woman is battered in her home. A home should be a safe place, but all too often it is not. And this affects women and children. And I say this is nationwide, because I would not want any colleague to think that the focus here is just on the military.

Battering is one of the single greatest causes of injury to women. According to the Department of Justice statistics, of the 1.4 million hospital emergency room admissions in 1994, about a quarter of them were treated for injuries from domestic violence. The prevalence of violence against women associated with the U.S. Armed Forces is deeply disturbing. The dependent victims of violent crimes in the Armed Forces are particularly vulnerable due to isolation, the mobile lifestyle, and financial security—some of which we are trying to deal with in our legislation.

The Department of Defense data estimates that on average 23.2 per 1,000 spouses of military personnel experienced domestic violence in the last 5 years. According to an Army survey released to Time Magazine, spousal abuse is occurring in one of every three Army families each year. So unfortunately it is a problem.

Here is the problem that we are trying to rectify: In civilian society we recognize the confidentiality of communications so that if a woman sees a doctor or she sees someone else, a mental health worker or someone she needs to see to give her help, there is confidentiality. But we do not have the same confidentiality for spouses of our Armed Forces personnel and their children. And so what we are trying to do is to make sure that we have the same guarantees of confidentiality.

When you do not have the confidentiality—and, again, we believe and we agree that our military is absolutely correct that when it comes to those that are enlisted in the military, there is a problem with confidentiality because you want to know what is going on with that soldier if you are about to put that soldier in a combat situation. But I am not talking actually about the military; I am talking about the spouses and the children. We want to make sure that the victims are not retraumatized.

What happens too often, I say to my colleagues, right now—and I think there is an acknowledgement of this; I think this amendment is a positive step; I really do—what happens all too often is that many women are afraid to step forward because the conversation they have with their doctor, or wherever they go, is not confidential; it becomes public, it becomes released to too many people. And therefore what happens is she has to worry that her husband may, in fact, take action against her. So many women are afraid. They are afraid to tell anyone about what is happening to them. They are afraid to tell anyone that they themselves are being battered or that their children are being battered.

So let me just kind of conclude with an example. Annette—I do not want to use any full names—is the former wife of a naval chief petty officer and the mother of two young children. She was routinely beaten by him from June 1994 through 1996. Military protective orders and civilian restraining orders failed to protect her and her children. Her ex-husband was charged with 21 offenses by the U.S. Navy, including eight assault charges involving Annette. He was ultimately court-martialed.

During the military's investigation of abuse, she was interviewed in the presence of her batterer, and her batterer's command was notified, which resulted in a brutal escalation of the violence toward Annette. At his court-martial proceedings, her dating and marital history were reviewed publicly by prosecuting attorneys.

We need to ensure that military wives and dependents like Annette are given the same rights of privacy and confidentiality as civilian victims. That is what this is about. It calls on the Defense Department to basically issue some guidelines that will give these military wives and dependents the same rights of privacy and confidentiality that any other civilian victim has right now.

This will make an enormous difference, I say to my colleagues. We bring these amendments to the floor. I am so pleased it is supported. I thank both my colleagues for this. I certainly hope that we will keep this in conference committee. I hope I will have their support because this really will make an important difference. It is really very important.

I thank Senator MURRAY. I hope she will have time to come down. I thank both my colleagues for their support.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The gallery will please refrain from commenting on comments made by Senators.

Mrs. MURRAY. Mr. President, I come to the floor to urge my Colleagues to support the pending Wellstone amendment. I want to thank Senator WELLSTONE for his efforts on behalf of battered spouses in the military and commend him for his diligence on this issue.

As many of you know, both Senator WELLSTONE and I have worked hard to address the needs of victims of domestic violence. Stopping domestic violence should be a priority regardless of whether or not the batterer is a civilian or member of the military. Unfortunately, we have not yet done enough to protect military dependants who are victims of abuse.

The Wellstone amendment would protect the privacy of military dependent's medical and counseling records. Currently, dependents of the military are not afforded the same assumption of privacy as civilian are for their medical records. If a spouse of a member of the military is battered and she seeks health care services for the treatment of the abuse, her records should not become public where they could later be used against her.

We know one of the most important factors for domestic violence victims is privacy. If a battered woman seeks help in an emergency room or through a counselor, her medical records remain private. The records cannot be released without her consent. This assumption of privacy is crucial for women to come forward and ask for help. Because there is no assumption of privacy for military dependents, the chances that these women to will seek medical help and counseling is severely reduced.

We have heard from advocates that work with battered military dependents. They have seen how this lack of privacy protection affects their ability to help victims of domestic violence and their children. They have told us that this change is necessary and important. I urge my Colleagues to listen to the recommendations of those who are truly on the front lines in preventing domestic violence. They know this is the right thing to do.

This amendment has been adopted in the past by the Senate and I urge my Colleagues to again send the message to battered military dependents that they should never fear seeking medical help or counseling and that they do not have to remain in violent, abusive relationships.

I urge my Colleagues to vote "yes" on this amendment.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We thank the Senator for bringing this important initiative to the attention of the committee. And the committee accepts this amendment. I hope that it will be accepted by all of our colleagues. Does the Senator require a rollcall or a voice vote?

Mr. WELLSTONE. I am pleased not to have a call for the yeas and nays, but rather a voice vote.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Michigan.

Mr. LEVIN. Mr. President, let me congratulate our good friend from Minnesota for this amendment. This is a very, very, perceptive amendment.

What he is doing here is requiring that the Comptroller General make a study in a report to the Department of Defense on policies that would protect the confidentiality of communications between military dependents who are victims of sexual harassment, sexual assault or intrafamily abuse or who have engaged in such misconduct; and therapists, counselors and advocates from whom the victim seeks professional services. The Senator has pointed out that without this confidentiality, the victims of this kind of abuse and behavior are a lot less likely to use what is available to them in terms of counseling, medical services and protection. This becomes a very essential ingredient in protecting the victims of this kind of abuse. Without this confidentiality, we don't have the necessary protection that will give the assurance to these victims.

I want to commend Senator WELLSTONE and Senator MURRAY for this amendment. I hope it has prompt and swift approval of this body.

Mr. WELLSTONE. I thank my colleagues. Before we have the voice vote, I thank Charlotte Oldham-Moore of my staff for doing a lot of work, and I thank the people around the country for helping us.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 16) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I wish to advise colleagues that we are proceeding toward a vote at 5:30. I am anxious to receive the further comments from those Senators actively supporting the bill of the Senator from Texas and the Senator from North Carolina. I anticipate their appearance here very shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. WARNER. Mr. President, leadership has now authorized the managers of the bill to advise the Senate that there will be a vote at 5:30 tonight on the amendments of the Senators from Texas and North Carolina. I see both Senators present. I yield the floor for their concluding remarks.

I wonder if I might just propound a question that I hope the Senator will address in the course of her remarks. My colleague and I, as managers of the bill, want to be careful about trying to limit the amount of additional funds put on. After careful study of the Senator's amendment, it is my view that all authorization and funding is discretionary. Am I correct in that?

Mrs. HUTCHISON. Yes. I say to the distinguished chairman that we are obviously saying to the Department of Defense that we want to improve the TRICARE system if they find that it is feasible to do so. Obviously, they are going to have to find it feasible. But the priorities that are set will improve TRICARE and particularly allow immediately—well, when the amendment takes effect a year from now. But there will be no cost to allowing people to be able to go to another base and keep their TRICARE system in place. There is no cost in that.

Mr. WARNER. So the Secretary of Defense would have the discretion to exercise within his appropriated fund budget in the health care account. Am I correct on that item?

Mrs. HUTCHISON. That is correct.

Mr. WARNER. Is the Senator from North Carolina agreeing to that?

Mr. EDWARDS. That is correct.

Mr. WARNER. Therefore, it is the joint judgment of both sponsors that there is no point of order.

Mrs. HUTCHISON. Absolutely. In fact, I think what we are trying to do, of course, is to give the Department the ability to do some of the things that it would like to be able to do to improve the service.

Mr. WARNER. I thank both of my colleagues. Thank you very much. I yield the floor. We will have a vote at 5:30.

First, has the Chair established that vote at 5:30?

The PRESIDING OFFICER. Does the Senator wish to make that in the form of a unanimous consent?

Mr. WARNER. I so make that request of the Chair.

Mr. LEVIN. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 18

(Purpose: To improve the TRICARE program.)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. Edwards, Mr. HAGEL, Mr. HELMS, Mr. FITZGERALD, Mr. COVERDELL, Mr. JOHNSON, Mr. KENNEDY, Mr. BINGAMAN, and Mr. SANTORUM, proposes an amendment numbered 18.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 46, after line 16, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. IMPROVEMENT OF TRICARE PROGRAM.

(a) IMPROVEMENT OF TRICARE PROGRAM.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1097a the following new section:

"§ 1097b. TRICARE: comparability of benefits with benefits under Federal Employees Health Benefits program; other requirements and authorities

"(a) COMPARABILITY OF BENEFITS.—The Secretary of Defense shall, to the maximum extent practicable, ensure that the health care coverage available through the TRICARE program is substantially similar to the health care coverage available under similar health benefits plans offered under the Federal Employees Health Benefits program established under chapter 89 of title 5.

"(b) PORTABILITY OF BENEFITS.—The Secretary of Defense shall provide that any covered beneficiary enrolled in the TRICARE program may receive benefits under that program at facilities that provide benefits under that program throughout the various regions of that program.

"(c) PATIENT MANAGEMENT.—(1) The Secretary of Defense shall, to the maximum extent practicable, minimize the authorization or certification requirements imposed upon covered beneficiaries under the TRICARE program as a condition of access to benefits under that program.

"(2) The Secretary of Defense shall, to the maximum extent practicable, utilize practices for processing claims under the TRICARE program that are similar to the best industry practices for processing claims for health care services in a simplified and expedited manner. To the maximum extent practicable, such practices shall include electronic processing of claims.

"(d) REIMBURSEMENT OF HEALTH CARE PROVIDERS.—(1) Subject to paragraph (2), the Secretary of Defense may increase the reimbursement provided to health care providers under the TRICARE program above the reimbursement otherwise authorized such providers under that program if the Secretary determines that such increase is necessary in order to ensure the availability of an adequate number of qualified health care providers under that program.

"(2) The amount of reimbursement provided under paragraph (1) with respect to a health care service may not exceed the lesser of—

"(A) the amount equal to the local usual and customary charge for the service in the service area (as determined by the Secretary) in which the service is provided; or

"(B) the amount equal to 115 per cent of the CHAMPUS maximum allowable charge for the service.

"(e) AUTHORITY FOR CERTAIN THIRD-PARTY COLLECTIONS.—(1) A medical treatment facility of the uniformed services under the TRICARE program may collect from a third-party payer the reasonable charges for health care services described in paragraph (2) that are incurred by the facility on behalf of a covered beneficiary under that program to the extent that the beneficiary would be eligible to receive reimbursement or indemnification from the third-party payer if the beneficiary were to incur such charges on the beneficiary's own behalf.

"(2) The reasonable charges described in this paragraph are reasonable charges for services or care covered by the medicare program under title XVIII of the Social Security Act.

"(3) The collection of charges, and the utilization of amounts collected, under this subsection shall be subject to the provisions of section 1095 of this title. The term 'reasonable costs', as used in that section shall be deemed for purposes of the application of that section to this subsection to refer to the reasonable charges described in paragraph (2).

"(f) CONSULTATION.—The Secretary of Defense shall carry out any actions under this section after consultation with the other administering Secretaries.".

(2) The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1097a the following new item:

"1097b. TRICARE: comparability of benefits with benefits under Federal Employees Health Benefits program; other requirements and authorities.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

(c) REPORT ON IMPLEMENTATION.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the other administering Secretaries, shall submit to Congress a report assessing the effects of the implementation of the requirements and authorities set forth in section 1097b of title 10, United States Code (as added by subsection (a)).

(2) The report shall include the following:

(A) An assessment of the cost of the implementation of such requirements and authorities.

(B) An assessment whether or not the implementation of any such requirements and authorities will result in the utilization by the TRICARE program of the best industry practices with respect to the matters covered by such requirements and authorities.

(3) In this subsection, the term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

(d) INAPPLICABILITY OF REPORTING REQUIREMENTS.—The reports required by section 401 shall not address the amendments made by subsection (a).

Mrs. HUTCHISON. Mr. President, I want to announce the cosponsors for whom I am offering this amendment. The cosponsors are Mr. EDWARDS, Mr. HAGEL, Mr. HELMS, Mr. FITZGERALD, Mr. COVERDELL, Mr. JOHNSON, Mr. KENNEDY, Mr. BINGAMAN, and Mr. SANTORUM.

Mr. President, this is an amendment that I think goes very well in the bill before us. This is a military Bill of Rights. This bill is going to try to help alleviate a very bad situation that we have with our military. Right now we are having a hard time recruiting. We have had the worst recruiting year in the Army for the United States since 1979. We are having a hard time retaining our best people. For every two pilots that we lose, we are only gaining one to replace those pilots. So you can see, if we are losing two pilots and gaining one, pretty soon we are going to have a pilot shortage in the Air Force, and the time has come.

It is also going to add to the expense of training the pilots in the Air Force. The Navy has had to lower its educational standards to recruit. This is not good. So many of us in Congress on a bipartisan basis said, What can we do? What can we do to make sure we are giving quality of life to those who are giving their lives to protect our freedom? What can we do to make it worthwhile for them?

The basic things we have heard that are a problem that cause us to lose personnel are pay, health care, and pension benefits. This bill, with our amendment, will address all three. The bill before us today is a pay raise. It does increase pension benefits. But what it hasn't addressed until our amendment is health care. And when I go across my State or when I visit a base in Saudi Arabia, or Tuzla, Bosnia, I hear that people are worried about health care. They are worried that their families back home are not able to get the quality health care they need.

So the amendment that Senator EDWARDS and I are proposing today, along with all of our cosponsors, would reform the TRICARE system. It would require that benefits be portable across the regions that are established in the current system.

We all know that military personnel have to move every 2 to 3 years. We want them to be able to take the benefits of their TRICARE system with them when they go to another base. That costs nothing, but it certainly does help ease the transition for the military family.

We would ensure military coverage as comparable to the average coverage available to civilian Government employees. Many times on our bases we have civilian Federal employees working side by side with military personnel. We want them to have comparable health care. So within the bounds that the Department of Defense can produce, we want to try to make that comparable and equal if we can get it there. We want to minimize the bureaucratic red tape and streamline the claims processing.

One of the big complaints of the doctors who serve our military personnel from the community is that there is so much bureaucratic red tape that they can't get their claim, and it is not worth the hassle. So what happens? The doctor says, "I'm not going to serve military families."

Well, we want to stop that right now. We would increase the reimbursement levels to attract and retain quality health care providers. Where a base city does not have the capability to attract pediatricians or OB-GYN or key areas of specialty to serve the military families, we want to authorize the Department of Defense to reimburse at greater levels in order to attract that service for our military families. That is what the amendment does.

We also allow our military treatment facilities, our military hospitals, to be reimbursed at Medicare rates from third party givers. This is not adding a cost. In fact, it will help these military hospitals to be reimbursed at a better rate so that they will be able to give better care to our military participants.

So that is what our amendment does. We think it is a good amendment, that the Department of Defense will be able to do some of the things they have said they want to be able to do to get better health care in the TRICARE system, and our amendment will allow them to do it.

So I appreciate very much that the distinguished chairman and ranking member of the Armed Services Committee are supporting this amendment. I think it is essential to make a true improvement in the quality of life for our military to improve their health care benefits at the same time that we are giving them pay raises.

At this time, I would like to yield to the Senator from North Carolina, my cosponsor, Senator EDWARDS.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. I thank the Chair.

It is a great honor for me to help cosponsor this particular piece of legislation. The truth is that the TRICARE system, which covers over 6 million Americans and over 300,000 North Carolinians is broken and it needs to be fixed.

Senator HUTCHISON's amendment goes a long way toward addressing the problems of the TRICARE system. It begins by setting minimum standards which the system clearly needs.

What I would like to do is talk just briefly today about why this is so important to Americans, and why it is so important to the people of North Carolina. And there are three or four examples that I think show that very clearly.

We have had lots of correspondence, lots of calls about problems with the TRICARE system. Comdr. Ronald Smith, who is from the Greensboro area in North Carolina, Guilford County, which is one of the most populous counties in North Carolina, tells us stories about the fact that in Greensboro there is no primary care provider who is willing to provide medical care for his soldiers and their dependents.

One example of the problem that creates is of a female soldier who had to travel to a different county to be treated, and when she went there, she had to actually write a check for a copayment before they would allow her to leave.

A second problem that Commander Smith tells us about is the problem pharmacies have getting reimbursed for their prescriptions. An example he gave was a soldier who had a case of the flu, a bad case of the flu, and needed prescription medication. But when the soldier went to get the prescription medication, she learned that she had to make a payment, cash payment, and didn't have the money. So this soldier had to actually go out and obtain a loan in order to get the prescription medication that she needed to treat the flu.

Another example of this problem is a soldier who was taking blood pressure medication that was critical to that soldier's health. The soldier put off for over a week taking the blood pressure medication because she didn't have the money to pay the cash that was needed to get the prescription medication.

This is a serious problem. These are problems that need to be addressed. A Sergeant Williams, who is from Fayetteville, NC, where the Womack Army Hospital is located, told me a story about his daughter which was really amazing. His daughter had a problem with a small rash. She went to the Womack Army Hospital and got a dermatology consult. That was easy to do because the hospital is located nearby.

Then he tried to schedule a number of office appointments for his daughter, but they kept being canceled. And then he decided, well, maybe I need to take her to see a private physician, perhaps at Duke in Durham, which is a little over an hour away. And he was told if he did that, he would have to make an out-of-pocket cash payment of $300 to have her seen. He was finally able to get something scheduled for her. At the time of his letter to me, it had been over 80 days since her initial consult and this rash, which began as a very small, inconsequential rash, had then spread over her entire body.

This is a serious problem. It is one that needs to be addressed, and it is one that Senator HUTCHISON's amendment addresses very directly. I do think that what we are here about is not increasing health care costs, but increasing efficiency. I think Senator HUTCHISON has some wonderful provisions in this amendment to address that problem.

We have an obligation to honor the commitment that the soldiers and their dependents have made to this country, and we need to provide quality health care to these folks. They deserve it. They have made an extraordinary commitment to this country. This country needs to show its commitment to the soldiers who have served and are serving and their dependents. I strongly urge my colleagues to vote for this amendment. This TRICARE system needs to be fixed, and this amendment goes a long way towards fixing it. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I really appreciate the one-on-one experiences that Senator EDWARDS has mentioned because that really brings it home, when that poor child started with a small rash and by the time she could get an appointment with a doctor the rash had covered her body. That is a terrible story, and I have heard stories like that as well. It is why I became interested in trying to fix a problem that was really hurting the military families and our ability to retain those military families.

Just last week I toured Lackland Air Force Base. That is the basic training base for all Air Force personnel. A young drill instructor came up to me and said, "Senator, keep up the good work and fix TRICARE." I told him that we would. Certainly, this is the answer to that drill instructor, because he clearly was having a hard time getting care for his family.

In a letter that was written to me recently, a retired veteran explained the difficulties he was experiencing with TRICARE. But, he said, "Senator, please don't concentrate your efforts on my individual problems—this is a systemic problem * * *"

It is a problem. We are losing access to care because of the nightmare associated with claims processing and the dismal rate of reimbursement for services. In fact, if you go to a smaller community that has a base, often you cannot see a heart surgeon because they just will not see a military person because they know the rate of reimbursement is so low. We cannot allow that to be the case for our military personnel.

General Dennis Reimer is the Chief of Staff of the Army. He recently said, "This is about readiness and this is about quality of life linked together. We must ensure that we provide those young men and women who sacrifice and serve our country so well * * * the quality medical care that is the top priority for them * * *" General Reimer said, "We must help them or else we're not going to be able to recruit this high quality force."

When we are talking about readiness, we are talking about the high quality people that make up our Armed Forces and we are talking about keeping them. The last thing we want is a lot of great equipment but not people to run that equipment.

We have to realize that times have changed in the military. No longer are most of our military personnel unmarried. They are now married and they have families. They expect to have health care for those families and housing and good pay. That is what they expect, and that is what they deserve. We need to give it to them.

That is why our amendment is so important, to be part of adding to the quality of life of our military. We cannot allow the retention problems to continue to erode the powerful military that we have. Our military strength is based on people, good people, quality people, people who are dedicated, people who care about this country and want to protect it. They want to protect our freedom. If they are going to give their lives to protect our freedom, I think in return they deserve a quality of life for themselves and for their families that would make us all proud.

That is why Senator EDWARDS and I, Senator HAGEL, Senator HELMS, Senator FITZGERALD, Senator COVERDELL, Senator JOHNSON, Senator SANTORUM, Senator KENNEDY, Senator BINGAMAN, and Senator SESSIONS have come together on this amendment to try to add quality health care and improvements to the TRICARE system to the military pay raise and the pension improvements that are already in this bill.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. WARNER. Mr. President, on behalf of the leadership, there will be no further votes after the vote now scheduled to begin at 5:30. I wish to advise Senators that we are scheduling votes for tomorrow morning at 9:45 a.m. It is a vote on an amendment by myself and Senator SARBANES relating to civil service pay. That would be followed—and I presume with a 10-minute vote—by an amendment by Senator CLELAND, who will address that vote tonight. But it is a further expansion, and an important one, of the Montgomery GI bill provisions, which Senator CLELAND put in the basic bill.

So I just wished to give those pieces of information to our colleagues.

PRIVILEGE OF THE FLOOR

Also, I ask unanimous consent that a fellow with Senator JEFFORDS, Ernie Audino, be granted the privilege of the floor during the pendency of S. 4.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. WARNER. Mr. President, in just a moment we are about to request an order for the two votes in the morning. I say to my colleagues, I certainly appreciate the cooperation of Senators. I think this bill has moved along at a very good pace. We had good debate on important subjects. I especially thank our two leaders, Senator LOTT and Senator DASCHLE, for giving strong support to the managers.

Having said that, I now ask unanimous consent the Chair place an order that we will have two votes in the morning, at 9:45 a.m., on the Warner-Sarbanes amendment, and a second vote to follow thereafter, not to exceed 10 minutes, on an amendment by the distinguished Senator from Georgia, Senator CLELAND. He will lay that down immediately following the 5:30 vote. We will have a certain amount of debate, and it will be pending the following day.

Do I have the concurrence of my colleague?

Mr. LEVIN. No objection. We support that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, if there is a moment, I wish to commend the Senator from Texas and the Senator from North Carolina again on their amendment. The DOD has been working hard to improve the delivery of medical care through the TRICARE program. This amendment gives strong encouragement to the Secretary of Defense to broaden the services which were provided under the TRICARE system. It is important that these services be provided to military members and their families. It is important to improve the claims and the reimbursement process, and to make benefits under the TRICARE program uniform across the country. So, again, I thank the Senators from Texas and North Carolina and their supporters for their leadership on this issue.

Mr. WARNER. Mr. President, if I may, I associate myself with those remarks. Indeed, it is a very important contribution. I have counseled with the good Senator from Texas for some several months. This has been a very important part of her overall legislative goals for a period of time.

Now is the time. I think we are about ready.

Mr. President, I think the hour of 5:30 having arrived—are the yeas and nays ordered on that?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Texas. The clerk will call the roll.

The bill clerk called the roll.

The result was announced, yeas 100, nays 0, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The amendment (No. 18) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we have two Senators desiring to lay down amendments tonight which will be voted on tomorrow, pursuant to an order entered into a short time ago, beginning at 9:45, back to back.

The first amendment is from my distinguished colleague, the Senator from Maryland, and I am his principal cosponsor; the second amendment is from the Senator from Georgia.

I yield the floor.

AMENDMENT NO. 19

(Purpose: To express the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States)

Mr. SARBANES. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES], for himself, Mr. WARNER, Mr. ROBB, and Ms. MIKULSKI, proposes an amendment numbered 19.

Mr. SARBANES. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, between lines 8 and 9, insert the following:

SEC. 104. SENSE OF CONGRESS REGARDING PARITY BETWEEN ADJUSTMENTS IN MILITARY AND CIVIL SERVICE PAY.

(a) FINDINGS.—Congress makes the following findings:

(1) Members of the uniformed services of the United States and civilian employees of the United States make significant contributions to the general welfare of the United States.

(2) Increases in the levels of pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall levels of pay of workers in the private sector so

that there is now up to a 30 percent gap between the compensation levels of Federal civilian employees and the compensation levels of private sector workers and a 9 to 14 percent gap between the compensation levels of members of the uniformed services and the compensation levels of private sector workers.

(3) In almost every year of the past two decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

Mr. SARBANES. Mr. President I will be very brief. I appreciate the courtesy of the distinguished Senator from Georgia in allowing me to present this amendment before he presents his. We will take this up in the morning. There will be a very limited amount of time.

Very simply, this is a sense-of-the-Congress resolution that there should be parity between the adjustments and the compensation of members of the uniformed services and the adjustments and the compensation of civilian employees of the United States. In almost every year over the past two decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States, and this expresses the sense of the Congress that this parity in adjustments should continue.

I know a number of Members wish to join in cosponsoring, and I add Senators ROBB and Senator MIKULSKI as cosponsors at this point. Members will obviously have a chance to do that first thing in the morning. Senator WARNER and I can speak to it briefly in the morning.

It is a very straightforward amendment. I don't know of any opposition to it. I very strongly urge my colleagues to be supportive of this amendment.

I again thank the Senator from Georgia for his kindness, and I yield the floor.

Mr. WARNER. Mr. President, this is my 21st year in the Senate, and I have had the privilege to work with my good colleague and other members of the delegation from Maryland and Virginia through these many years. I think we have done our duty as trustees to protect the parity of the civil servants who are just as key players in defense and other areas as any other individuals. So many of them have made their lifetime careers serving the country. Many of them are very highly technically qualified.

Mr. President, I rise today to cosponsor a sense of Congress amendment to S. 4 along with my colleagues Senator SARBANES, Senator MIKULSKI, and Senator ROBB on behalf of the hard working federal civilian employees.

This sense-of-Congress amendment states that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States. In the past, military employees and federal civilian employees have received equal pay adjustments in compensation.

Throughout my tenure in the Senate, I have fought to ensure the fair and equitable treatment of all of our federal employees. Our federal employees play an important role in the efficient and intelligent operation of our government. These dedicated public servants should be compensated justly.

Mr. President, increases in the levels of pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall levels of pay of workers in the private sector so that there is now up to a 30 percent gap between the compensation levels of Federal civilian employees and the compensation levels of private sector workers. Retention and labor shortage issues in areas related to high technology jobs, and specialized trade occupants in the current economy poses significant gaps in pay for our federal civilian employees from their private sector counterparts. This is particularly prevalent in the Greater Metropolitan Washington area due to the high demand for high tech workers in the private sector where salaries continue to increase.

Mr. SARBANES. Will the Senator yield?

Mr. WARNER. Yes.

Mr. SARBANES. I want to add that there was a time not too far back when Maryland and Virginia watermen used to shoot at each other on the Potomac River and the Chesapeake Bay. I am happy to report that has never been the tenor of the relationship between myself and the distinguished Senator from Virginia. I have enjoyed working in cooperation with him on a whole range of issues which have been to the benefit of our respective constituencies, and, indeed, to the benefit of the country. I am delighted to be aligned with him once again on an important issue.

Mr. WARNER. I thank my distinguished colleague.

It is quite true, there were vicious battles—over oysters primarily. I hope now the striped bass matter—and crabs—will not further engender that type of dispute.

Mr. President, that will be the first vote in the morning.

The distinguished Senator from Georgia has been patiently waiting, and therefore I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 6

(Purpose: To permit members of the Ready Reserve to contribute to the Thrift Savings Plan for compensation attributable to their service in the Ready Reserve)

Mr. CLELAND. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CLELAND], for himself, Mr. JEFFORDS, Mr. BINGAMAN, and Ms. LANDRIEU, proposes an amendment numbered 6.

Mr. CLELAND. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, line 16, strike "for a period of more than 30 days" and insert "and a member of the Ready Reserve in any pay status".

On page 34, beginning on line 10, strike "**on active duty**" and insert "**: members on active duty; members of the Ready Reserve**".

On page 35, strike lines 3 through 6 and insert the following:

"(c) MAXIMUM CONTRIBUTION.—(1) The amount contributed by a member of the uniformed services for any pay period out of basic pay may not exceed 5 percent of such member's basic pay for such pay period.

"(2)(A) Subject to subparagraph (B), the amount contributed by a member of the Ready Reserve for any pay period for any compensation received under section 206 of title 37 may not exceed 5 percent of such member's compensation for such pay period.

"(B) Notwithstanding any other provision of this subchapter, no contribution may be made under this paragraph for a member of the Ready Reserve for any year to the extent that such contribution, when added to prior contributions for such member for such year under this subchapter, exceeds any limitation under section 415 of the Internal Revenue Code of 1986.

On page 35, line 9, insert ", or out of compensation under section 206 of title 37," after "out of basic pay".

On page 35, line 12, strike "308a, 308f," and insert "308a through 308h,".

On page 36, in the matter following line 15, strike "on active duty" and insert ": members on active duty; members of the Ready Reserve".

Mr. CLELAND. Mr. President, I am extremely pleased to offer an amendment to S. 4 with my colleagues, Senator JEFFORDS, Senator BINGAMAN, and Senator LANDRIEU. Of course, S. 4 is the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999. This legislation will give the men and women of the National Guard and Reserve the opportunity to participate in the Thrift Savings Plan. S. 4 offers this benefit to their active duty counterparts. Our amendment will offer this to men and women of the National Guard and Reserve.

The Thrift Savings Plan is an excellent way for military families to save for the future. It is not meant to take the place of a retirement system. It is a tax-deferred savings plan that will grow while a service member is actually serving, unlike the delayed benefits of the military retirement system.

Furthermore, the Thrift Savings Plan is a portable benefit that can be rolled over into a civilian 401(k) plan, in the event the service member, for whatever reason, must leave military service.

In my opinion, the men and women of the Guard and Reserve must be given the same opportunity to participate in this excellent savings pan as their active duty counterparts. Although the amount of money they will be able to deposit in the Thrift Savings Plan may not be substantial at first, every dollar counts. The Thrift Savings board themselves allows contributions "as little as a dollar each pay period."

With the increase in worldwide taskings, Guardsmen and Reservists are participating significantly above and beyond their mandatory one-weekend-a-month and two-weeks-a-year duty, their contributions will grow over time. While some Guardsmen and Reservists may have savings plans through their civilian employers, allowing them to participate in the Thrift Savings Plan allows them to contribute based on their military earnings. For many Guardsmen and Reservists, their military duty has become a second job.

Since the end of the cold war, the services have increasingly relied upon their Reserve components to meet worldwide obligations. The active duty force has been reduced by one-third, yet worldwide commitments have increased dramatically.

In recent years, thousands of Reservists and Guardsmen have supported contingencies, peacekeeping operations and humanitarian missions around the world: in the Persian Gulf, Bosnia, Somalia, Haiti, and Kenya, just to name a few. Guard and Reserve units responded immediately to requests for assistance after Hurricane Mitch, delivering over 10 million pounds of humanitarian aid to devastated areas in Central America.

Closer to home, Reserve and National Guard personnel answered the cries for help after devastating floods struck in our Nation's heartland. They braved high winds and water to fill sandbags, provide security, and transport food, fresh water, medical supplies, and disaster workers to affected areas. The Air Force Reserve's "Hurricane Hunters" routinely fly into tropical storms and hurricanes in specially configured C–130s to collect data to improve forecast accuracy, which dramatically minimizes losses due to the destructive forces of these storms.

As we transition into the high-tech 21st century, the Guard and Reserve will continue to take on new and exciting roles. The Guard and Reserve now have units performing satellite control and security functions in order to maintain our country's lead in space-based technology. And, because our country faces the increased threat of chemical and biological weapons, the White House, the Department of Defense, and Congress have joined to develop a "Homeland Defense" policy designed to respond to threats against the United States. The Guard and Reserve will play a significant role in the implementation of the policy, because their knowledge of local emergency response plans and infrastructure is critical to an effective response.

The days of holding our Reserve Component forces "in reserve" are long gone.

Just who are these citizen soldiers, sailors, airmen, and marines? They are doctors, they are lawyers. They are farmers, grocers, teachers and small business owners. They have long-standing roots in communities across our great country. And, like their active-duty counterparts, they have volunteered to serve. Remarkably, they must balance their service with the demands of their full-time civilian jobs and families.

In September 1997, Secretary of Defense Cohen wrote a memorandum acknowledging an increased reliance on the Reserve Components. He called upon the services to remove all remaining barriers to achieving a "seamless Total Force." He has also said that without Reservists, "we can't do it in Bosnia, we can't do it in the Gulf, we can't do it anywhere.

Giving the men and women who serve in the Reserve Components the opportunity to participate in the Thrift Savings Plan would carry on the spirit of Secretary Cohen's Total Force policy. This amendment has received the resounding support of the Reserve Officers Association, the National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, and other members of the military coalition representing 5.5 million active and retired members.

The Reserve Components face many of the same challenges and dangers as their active duty counterparts in this time of high operations tempo. We should give them the same opportunity to participate in the Thrift Savings Plan. It is important to send the right message to our citizen soldiers, sailors, airmen, and marines: that we recognize and appreciate their sacrifices. It's the right thing to do.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I, first, want to state my complete support and concurrence for the amendment which we will have tomorrow morning by our distinguished colleague and member of the Armed Services Committee jointly. The provisions relating to the GI bill, this benefit, originated with our colleague. I thank him for his participation. He has this Senator's strong support, and I anticipate the Senate's as a whole. I thank our colleague very much.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

USE OF FORCE IN KOSOVO

Mr. SPECTER. Mr. President, I had intended to offer a joint resolution on the subject of the use of force in Kosovo for this bill, but events have overtaken this issue as the picture is now unfolding. I did want to put this joint resolution in the RECORD. I did want to talk about it for a few minutes. I discussed it with the distinguished chairman of the committee.

The concern I have is on the repeated use of force that constitutes acts of war by the President of the United States without authorization by Congress, in violation of the constitutional provision that only the Congress of the United States has the authority to involve the United States in war.

We have seen an erosion of the congressional authority in modern times on many, many occasions. Perhaps the strongest, sharpest example is the Korean war, a subject on which I have questioned nominees for the Supreme Court of the United States, trying to get a delineation on the power of the Commander in Chief under the Constitution, contrasted with the authority of Congress. But where we have had the air and missile strikes recently in Iraq, I raised the same question challenging or questioning the authority of the President. And as it has appeared in the past several days, there has been discussion of using force, air-strikes, perhaps missile strikes, in Kosovo, and it seems to me this is a matter that ought to be decided by the Congress.

I do think there is a good bit to be said in support of the United States participating in the air-strikes in light of what has gone on there, and I shall not speak at any length. The issues are submitted in this joint resolution. I would like to engage my colleague, the distinguished Senator from Virginia, as to his sentiments on this subject.

Mr. WARNER. Senator, you and I came to this marvelous institution roughly two decades ago, give or take a year or so. We have witnessed on this floor spirited debates on the very issues that you raise, more or less circling around the War Powers Act legislation that followed the war in Vietnam and legislation which, in the judgment of many, is questionable to constitutional standing. I think it is time that we had another debate on this issue because it is very important.

Mr. President, had we used force in Kosovo, it would have been the fourth time President Clinton has directed force against a sovereign nation. Now, I must say, in the course of the deliberations in Rambouillet, France, and prior thereto, I think the administration tried to take an almost unmanageable situation and do the best they could. Frankly, I am relieved that force at this moment is not to be used. I have not had the opportunity in the last 4 or 5 hours to get the latest situation, given that I have been on the floor managing this bill. But I believe the talks are at a virtual stalemate; am I not correct?

Mr. SPECTER. I think the Senator is correct. It does not appear that the United Nations, with the United States' participation, will engage in strikes.

Mr. WARNER. Well, Mr. President, I think it is timely that the Senate went back and, once again, as we did in years past, take a look at the War Powers Act, take a look at the proposal that the distinguished Senator from Pennsylvania has, not by way of criticism at the moment of the President, because you have two situations—one in Kosovo, and, of course, the parallel in Bosnia, and then you have Iraq.

I have said from time to time, as we have had deliberations among ourselves in small groups, if anybody has a better idea how to manage it, come forward. They are the most complex situations that I have had in my tenure here in the Senate, and prior thereto in the Department of Defense, in terms of the complexity and the difficulty to resolve it.

I would encourage the Senator, and I would be happy to participate in that debate at some future date.

Mr. SPECTER. Mr. President, I thank my colleague from Virginia for those comments. It was 8 years ago in early January—I believe January 10—where we had a much publicized debate on this floor about the use of force in the gulf war. A number of the people who are on the floor today, the Senator from Michigan, the Senator from Virginia, and I, participated in that debate with our distinguished then-colleague, Senator Nunn.

I do believe, as I have said, there is much to recommend of U.S. participation in Kosovo. But I do not like to see further erosion of the congressional authority. I think too often the Congress stepped aside.

About a year ago this time there was a key issue about the use of force against Iraq. We discussed it on the floor to some extent. We had a winter recess. By the time we got back, the issue had not matured. But force was used in Iraq in December. It was not authorized by the Congress. I think that the Congress ought to take a stand one way or another before force is used in accordance with the Constitutional provisions.

In the interest of brevity, Mr. President, I send this joint resolution to the desk and ask that it be printed since it makes a fuller statement on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 12

Whereas, Congress strongly supports the men and women of our military forces;

Whereas, bomber and missile strikes constitute acts of war;

Whereas, only Congress has the Constitutional prerogative to authorize war;

Whereas, the unilateral Presidential authorization of military strikes, however well-intentioned, undercuts that power established clearly in the Constitution for Congress to make such decisions;

Whereas, the autonomy of Kosovo, a region in southern Serbia, was abolished by the Serbian leader, Yugoslav President, Slobodan Milosevic in 1989 and 1990;

Whereas, conflict between ethnic Albanians in Kosovo and Serbian police led by President Slobodan Milosevic has resulted in over 2000 deaths since the end of February 1998 and has displaced nearly 400,000 people;

Whereas, over one-third of Kosovo's villages and an estimated 4,000 homes have been deliberately damaged or destroyed;

Whereas, the assault on the civilian population has been reported to include atrocities which could be considered war crimes, crimes against humanity and genocide;

Whereas, the international community has spoken out repeatedly against Serbian human rights abuses in Kosovo;

Whereas, the instability in the Kosovo represents a significant regional threat;

Whereas, Yugoslav and Serbian officials, reportedly led by Slobodan Milosevic, similarly instigated, organized and directed aggressive action against civilians in Croatia in 1991, and in Bosnia-Herzegovina from 1992 to 1995;

Whereas, peace was only restored to the region of the former Yugoslavia in 1995 when Yugoslav and Serbian officials, including Slobodan Milosevic, were confronted with the clear resolve of the international community to use force against them;

Whereas, on Jan. 30, 1999, the NATO allies authorized Secretary-General Solana to order air-strikes anywhere in Yugoslavia, if a peace settlement was not accepted by the deadline of February 20, 1999 and subsequently extended to February 23, 1999;

Whereas, the United States participation in NATO military operations is important in maintaining the strength of the NATO alliance generally;

Whereas, Congressional support and cooperation with our NATO allies will send an important signal of national resolve that would strengthen the ability of the United States to bring the two sides together toward a peace agreement in Kosovo;

Resolved, by the Senate and House of Representatives of the United States of America Congress assembled, That the President is authorized to conduct air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro) for the purpose of bringing about a peaceful resolution of the conflict in Kosovo.

Mr. SPECTER. I thank the Chair. I yield the floor.

Mr. WARNER. Mr. President, before the Senator departs, I think the RECORD should reflect that in connection with the action taken against Iraq in the fall, and then in connection with the proposed sending of ground troops as part of the NATO force and U.S. contingent of up to 4,000, there was confrontation with leadership in the Senate and the House in both instances. I think there has been a level—whether it is up to the expectations of my colleagues, it is individually for them to say —a level of confrontation in both sequences. We must bear in mind that under the Constitution, the President is the Commander in Chief. He has the right to direct the deployment of our Armed Forces in harm's way when he thinks hopefully it protects the vital security interests of the United States, and only under those situations because oftentimes the Congress has dispersed—it is in recess, and the like—and those decisions have to be made quickly. Nevertheless, we have a coequal responsibility with the President regarding the welfare and the state of our men and women in uniform and the circumstances under which they are employed, particularly in harm's way.

I commend the Senator.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, by way of a very brief supplemental comment, it is true that the President has authority as Commander in Chief. When he exercises his authority in the deployment of some 4,000 U.S. troops, it is another question. He has a stronger claim to do that under his power as Commander in Chief than he does to have air-strikes or missile strikes, in my opinion. Those air-strikes and missile strikes are acts of war. If he deploys U.S. troops, if they go into a hostile situation, that may trigger the War Powers Act, which is a little different consideration with the Constitutional provision which authorizes only the Congress to declare war. But I do think that we in the Congress do need to consider these issues, debate them, and make decisions about them. We have the authority by restraining spending in the Department of Defense to stop the deployment of troops. I am not saying we should do it, but I think there is too much of a tendency on the part of Congress to sit back and not to make these kind of tough decisions. If things go wrong, there is always the President to blame. If things go right, we haven't impeded Presidential action.

But these raise very, very serious Constitutional issues. There is a continuing erosion. Before the President uses force, we have a chance to intervene. If it is an emergency situation, that is different; he has to act as Commander in Chief.

But we have had ample opportunity to consider this Kosovo issue. And it is on the back burner now. But if it reappears, I will reactivate my resolution.

Mr. WARNER. Mr. President, I again commend our colleague. I thank him for recalling the history of the 1991 debate. I recall it well because I was one of the floor managers. It was legislation that I had drawn up in accordance with the directions of Senator Dole, then-leader. We had a vigorous debate for some 3 days, and it is interesting. There we had in place a half million men and women in the Armed Forces. We had seen the most atrocious form of aggression by Saddam Hussein down through the gulf region, primarily Kuwait. Yet, that debate took 3 days. And by only a mere margin of five votes did the Senate of the United States express its approval for the President of the United States, in the role as Commander in Chief, to use force in that situation.

I thank the Chair. I thank my colleague.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Members permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

RECOGNIZING THE TUKWILA SCHOOL DISTRICT'S "NEW FRIENDS & FAMILIES" PROGRAM

Mr. GORTON. Mr. President, today I recognize the Tukwila School District from my home state of Washington and the district's "New Friends & Families" program.

The Tukwila School District has seen its ethnic diversity grow by more than 1,000 percent in the last seven years. Out of the district's 2,500 pupils, 50% are students of color, 20% are enrolled in bilingual education, and all told, they speak about 30 different languages. To meet the challenge of integrating this immigrant population into the school system and the community, the Tukwila School District, the City of Tukwila, and the local Rotary Club created "New Friends & Families." It is a one-night, once a year program designed to engage these hard-to-reach immigrant and refugee students and their families to make them aware of community services and to encourage parental involvement in their children's education.

Clearly, when more than 20% of Tukwila's students are unfamiliar with their new surroundings, they face a serious impediment to quality learning. The "New Friends & Families" program has met this challenge head on with local creativity, local initiative, and local resources. This shows that local communities know best how to deal with unique local problems. By teaming up with local government and local businesses, the school district has found innovative ways to turn its challenges into successful education.

It is programs like "New Friends & Families" that illustrate that local innovation works in our schools. The answer to improving our local schools is not more intrusion and red tape from Washington, DC bureaucracies but rather, more freedom and more flexibility for local educators to use federal resources to meet the unique needs of each community in teaching our kids. During last week's recess, I visited Foster High School in the Tukwila District and presented my first "Innovation in Education Award" to Superintendent Michael Silver in recognition of the creative work he and his district have accomplished through "New Friends & Families."

To recognize the importance of local communities in educating our children, I will be presenting this "Innovation in Education Award" once a week to recognize individuals, schools, and educational programs in Washington state that demonstrate the importance of local control in education. I will also take to the floor of the Senate every week to share with my colleagues these examples of locally driven successes in education in an effort to remind all of us working here in Washington, DC that local communities really do know best.

For the past 35 years, Washington, DC's response to crises in public education has been to create one new program after another—systematically increasing the federal role in classrooms across the country. While the federal government has a role in targeting resources to needy populations and in holding schools accountable for results, it should not tie the hands of districts like Tukwila. That only serves to stifle the local innovation that is fundamental to educational success. I have long been an advocate of local control in education and I plan to introduce legislation this spring that will transfer more control from federal agencies back to local educators where it belongs.

(The remarks of Mr. JEFFORDS and Mr. SPECTER pertaining to the introduction of S. 445 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THIRD ANNIVERSARY OF THE TELECOMMUNICATIONS ACT OF '96

Mr. LOTT. Mr. President, the Telecommunications Act of 1996 is another year older and another year stronger. As Congress recognizes the third anniversary this month, it now becomes appropriate to reflect on some of the Act's goals and on some of its accomplishments.

First, let me remind my colleagues that the Telecommunications Act was 10 years in the making. It took time for Congress to understand exactly what was needed to reach consensus and balance among all sectors of the industry and to update America's telecommunications public policy. Congress took a deliberate path to make sure that, at the end of the day, consumers would have new and real choices. Time is still needed before passing final judgment, but clearly the Act has produced positive, tangible results.

I am proud to say that I worked closely with Senator Pressler, then the Chairman of the Commerce Committee, Senator STEVENS, Senator HOLLINGS, and others on the act. It took time, it took patience, it took compromise. But in the end, the act boldly embodied Congress' vision for competition and for choice. More choices and better choices in a new age of communication.

When the act was drafted, a number of delicate balances were struck to transform our monopolistic market into many competitive ones. The bottom line for Congress was based on a simple principle: consumers benefit from competition. As simple as this sounds, creating competition in the local telephone market is a fairly complicated process. Competitive carriers require things like collocation, dialing parity and unbundled network elements. Congress knew it would not be easy. That is why the act was structured to provide a centerpiece, a set of instructions on ways for opening the local markets to force competition.

Mr. President, the act is working. Americans are beginning to see the fruits of the seeds sown three years ago.

Many critics point to the lack of local competition or the absence of incumbent local carriers in long distance as the only way to measure or grade the bill. This is wrong. Consumer choices, new choices, and new technologies are the true tests of success.

As far as local competition goes, several state public utility commissions are working closely and collaboratively with incumbents and new entrants. A multitude of competitors have gained authority to provide local telephone service. This choice is a reality for businesses nationwide, and it will be a reality for residents too—not just for basic dial tone but for advanced services such as broadband access to the Internet. It takes significant capital and commitment to build the necessary infrastructure, but numerous companies and Wall Street are answering the challenge by investing billions of dollars to build this foundation for competition. This level of resource deployment does not happen overnight, but it is happening, and in ways Congress intended—with cable television companies revamping their networks to provide two-way telephone service and with utilities and fixed wireless companies getting into the business. In fact, I would say this shifting of assets in under three years is a fitting testament to the act's ability to move America's telecommunications policy forward—a true commitment and investment by Wall Street.

Mr. President, I firmly believe the act's goals of local competition and consumer choices will be fulfilled, and America will be better off. The best way to ensure that investment continues is to keep the law in full force.

When the act passed in 1996, Congress also knew that it would take a while to sort out the rules to produce local competition. More importantly, Congress knew that whatever rules the FCC adopted would be challenged in court. Congress was correct on both counts. This does not mean the law is flawed. To the contrary, this reflects the complexity of the issues and the intensity of the competition. Remember, it took a decade to write the law, and it will take time to implement it. I believe, though, that the majority of Members who worked on the act understand its success cannot be measured over a one or two year period. Courtroom battles did cloud the course toward local competition. This litigation did slow the pace for customer choice, but I am pleased to report that just 2 weeks ago the Supreme Court upheld most of the FCC's local telephone interconnection rules and affirmed that the local phone companies must open their markets in a meaningful way. It is my hope that opportunities for competition will now move forward swiftly and be afforded a proper chance to flourish in the marketplace.

Mr. President, Americans today are witnessing a convergence of technologies that was but a dream in 1996. Cable lines will provide American households with local telephone service and high speed Internet access. This is good. Traditional telephone companies will offer cable video service. This is good. More Americans are using wireless phones for personal and professional convenience. This is good. More Americans have personal computers with an ever-growing range of capabilities. This is good. The Internet is exploding as a means of commerce, research, or for just saying hello to a faraway friend. This is good. Television viewing will become an interactive experience with digital transmission, enabling consumers to personalize their own video programming or to go directly to a web site. This is good.

Mr. President, all of these significant and solid activities tells me something—Congress got it right 3 years ago. Patience will lead to other applications in the future that I, and some of my other colleagues, cannot even imagine right now. Mr. President, this is the kind of communications marketplace Americans deserve.

During this continued period of transition, it will be important for Congress to make sure that the Federal Communications Commission is properly structured. That it has the right tools to foster and further the ongoing evolution. Chairman Kennard's analogy—old regulatory models are a thing of the past, much like the old, black rotary phones—rings true. The FCC indeed must change, and Congress should start empowering the FCC rather than criticizing its individual decisions.

Mr. President, the Telecommunications Act is beginning to deliver the benefits of competition to the American consumer. The process of achieving the act's central goals is well on its way. I do not believe any of us want to turn back the clock to 1996 and take away all the new technologies, new companies, and new choices that have emerged and are now coming our way. Let's not put stumbling blocks on this path to progress. Let's keep America moving forward.

TRIBUTE TO THE HONORABLE SANDRA K. STUART ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS

Mr. LOTT. Mr. President, I would like to take this opportunity to recognize the outstanding work of the Honorable Sandra K. Stuart as the Assistant Secretary of Defense for Legislative Affairs. After nearly five years in this position, Ms. Stuart is leaving government service to pursue other opportunities in the private sector. She definitely will be be missed by many of my colleagues on both sides of the aisle.

I have enjoyed working with Ms. Stuart on a wide range of matters affecting the Department of Defense. I always found her to be extremely knowledgeable and very effective in representing the Department's views. Despite the sometimes contentious nature of national security matters, Ms. Stuart always maintained a friendly and constructive approach to her work which served our Nation very well.

Ms. Stuart had the difficult tasks of coordinating the Department of Defense's legislative agenda. She has deftly balanced a wide range of Defense-related issues, including Bosnia, missile defense, health care, readiness, acquisition reform, and modernization. Because Ms. Stuart earned the trust and confidence of those with whom she worked, she was able to promote the Department's views very effectively in Congress.

Ms. Stuart's experience with the Congress predated her current position as the Assistant Secretary of Defense for Legislative Affairs. Before joining the Department of Defense in 1993, Ms. Stuart served as Chief of Staff to Representative Vic Fazio of California who recently retired from Congress. In addition to managing his Congressional staff, Ms. Stuart handled appropriations matters before the House Committee on Appropriations.

Ms. Stuart's legislative experience also includes work as an Associate Staff Member of the House Budget Committee and as the Chief Legislative Assistant to Representative BOB MATSUI of California.

Ms. Stuart is a graduate of the University of North Carolina at Greensboro and attended the Monterey College of Law. She is the mother of two sons, Jay Stuart, Jr. and Timothy Scott Stuart. She is married to D. Michael Murray.

Ms. Stuart earned the respect of every Member of Congress and their staffs through hard work and her straightforward nature. As she now departs to share her experience and expertise in the civilian sector, I call upon my colleagues on both sides of the aisle to recognize her outstanding and dedicated public service and wish her all the very best in her new challenges.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, now that we are back to doing the people's business, it may be of interest that despite the so-call budget surplus, the federal debt continues to increase by an average of $248 million a day. Some "surplus"!

Congress and the Administration have been BUSILY creating new federal programs which in turn appear to absorb more taxpayer money than produce desired benefits for the American people. If we continue with this spend—spend—spend mentality, the American people's average portion of the federal debt will further escalate from its present sum of $20,650.78.

With these thoughts in mind, Mr. President, I begin where I left off in the 105th Congress:

At the close of business yesterday, Monday, February 22, 1999, the federal debt stood at $5,617,212,277,099.84 (Five trillion, six hundred seventeen billion, two hundred twelve million, two hundred seventy-seven thousand, ninety-nine dollars and eighty-four cents).

Five years ago, February 22, 1994, the federal debt stood at $4,540,132,000,000 (Four trillion, five hundred forty billion, one hundred thirty-two million).

Ten years ago, February 22, 1989, the federal debt stood at $2,722,208,000,000 (Two trillion, seven hundred twenty-two billion, two hundred eight million).

Fifteen years ago, February 22, 1984, the federal debt stood at $1,454,396,000,000 (One trillion, four hundred fifty-four billion, three hundred ninety-six million).

Twenty-five years ago, February 22, 1974, the federal debt stood at $467,489,000,000 (Four hundred sixty-seven billion, four hundred eighty-nine million) which reflects a debt increase of more than $5 trillion—$5,149,723,277,099.84 (Five trillion, one hundred forty-nine billion, seven hundred twenty-three million, two hundred seventy-seven thousand, ninety-nine dollars and eighty-four cents) during the past 25 years.

COUNTLESS FRIENDS MOURN VINEGAR BEND MIZELL

Mr. HELMS. Mr. President, one doesn't lose a friend like Wilmer Mizell without experiencing a deep and penetrating sadness. And, by the way, Mr. President, my reference to "Wilmer" just now is one of the few times I have ever called him that. Sure, that's the name on his birth certificate; he was officially identified as Wilmer for the very good reason that Wilmer is the name given him by his parents.

At least 95 percent of his thousands of friends knew him as "Vinegar Bend", or sometimes as just "Vinegar". And everybody who knew him loved him. (He was born in Vinegar Bend, Alabama, 68 years ago.)

Vinegar Bend died this past Sunday while visiting his wife's family in Texas. He suffered a severe heart attack some weeks ago, but had bounced back and was apparently feeling well until the fatal attack on Sunday.

Vinegar Bend Mizell served three terms in the U.S. House of Representatives from 1969 through 1974. His first wife, Nancy, was exceedingly popular among Members of the House and Senate until her death several years ago. He and his second wife, Ruth Cox Mizell, were a devoted couple.

Mr. President, I have at hand a newspaper account regarding Vinegar Bend's death. I ask unanimous consent that the article, published Monday in The Greensboro (N.C.) News and Record, headed "Former Ballplayer; N.C. Congressman Mizell Dies at 68" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Greensboro (NC) News and Record, Feb. 22, 1999]

FORMER BALLPLAYER, N.C. CONGRESSMAN MIZELL DIES AT 68

(From Staff and Wire Reports)

Wilmer "Vinegar Bend" Mizell spent 10 years in the majors and three terms in Congress.

HIGH POINT.—Former congressman and Major League Baseball pitcher Wilmer "Vinegar Bend" Mizell died Sunday while visiting his wife's family in Texas. He was 68.

Mizell, whose folksy, country-boy ways made him popular with voters in central North Carolina and with baseball fans in St. Louis and Pittsburgh, may have died from lingering effects of a heart attack suffered last October while attending a high school football game, said his son, David Mizell who is coach at High Point Andrews High School.

David Mizell's team was playing North Davidson in Welcome, near the Midway community where Mizell has lived since the early 1950s when he pitched for the minor league team in Winston-Salem.

Mizell, after a 10-year career in the Major Leagues, became a Davidson County commissioner and then served three terms in Congress from the 5th Congressional District which included Davidson and Forsyth counties. He was defeated in 1974 by Democrat Stephen Neal, a year in which Republican candidates nationwide suffered losses in the aftermath of the Watergate scandal.

Mizell later held sub-cabinet posts in the Commerce and Agricultural departments under President Ford and Reagan. For Reagan, Mizell was the agricultural department's top lobbyist in the halls of Congress.

Mizell was known for his flat-top haircut. His nickname came from his hometown of Vinegar Bend, Ala. In the majors, Mizell pitched for the St. Louis Cardinals from 1952 until 1960 when he was traded to the Pittsburgh Pirates. He helped the Pirates win the National League pennant that year. Mizell pitched a losing game in the World Series that followed.

He finished his career with the New York Mets in 1962. His career record was 90 wins and 88 losses, with an earned run average of 3.85.

Mizell died in Kerrville, Texas, while he and his second wife, Ruth Cox Mizell, were visiting her family. Besides Midway, the couple also had a home in Alexandria, Va., David Mizell said.

Funeral services will be Thursday in Midway.

(Pursuant to the unanimous consent agreement of February 12, 1999, pertaining to the impeachment proceedings, the following statements were ordered to be printed in the RECORD:)

Mr. DASCHLE. Mr. Chief Justice, my colleagues, in just a few moments, each of us will be called upon to do something that no one has done in American history. We will be voting on two articles of impeachment against an elected President of the United States.

Having listened carefully to nearly 50 of our colleagues who share my point of view, it is both difficult and unnecessary to attempt to reiterate the powerful logic and the extraordinary eloquence of many of their presentations.

I share the view expressed by so many that this body must be guided by two fundamental principles. I recognize that we are not all guided by these principles, but I and others have been guided, first, by this question: Has the prosecution provided evidence beyond a reasonable doubt; and, second, if so, do the President's offenses rise to the level of gravity laid out by our founders in the Constitution?

After listening to both sides of these arguments now for the past 5 weeks, I believe—I believe strongly—that the record shows that on both principles the answer is no—no, the case has not been proven beyond a reasonable doubt, and, no, even if it had been it would not reach the impeachable level.

I also share the view expressed by many of my colleagues on the process which brought us here: an investigation by an independent counsel which exceeded the bounds of propriety; a decision by the Supreme Court subjecting sitting Presidents to civil suits—it is my prediction that every future President will be faced with legal trauma as a result—a deeply flawed proceeding in the House Judiciary Committee, which in an unprecedented fashion effectively relinquished its obligation to independently weigh the case for impeachment; the disappointing decision to deny Members of the Senate and the House the opportunity to vote on a censure resolution, even though I believe it would be supported by a majority in both Houses; and finally, the bitterly partisan nature of all the actions taken by the House of Representatives in handling this case.

But as deeply disappointed as I am with the process, it pales in comparison to the disappointment I feel toward this President. Maybe it is because I had such high expectations. Maybe it is because he holds so many dreams and aspirations that I hold about our country. Maybe it is because he is my friend. I have never been, nor ever expect to be, so bitterly disappointed again.

Abraham Lincoln may have been right when he said, "I would rather have a full term in the Senate, a place in which I would feel more consciously able to discharge the duties required, and where there is more chance to make a reputation and less danger of losing it, than 4 years of the Presidency."

Maybe it is because of my disappointment that I was all the more determined to help give the Senate its chance to make a reputation, as Lincoln put it, at this time in our Nation's history.

The Senate has served our country well these past 2 months. And I now have no doubt that history will so record. There are clear reasons why the Senate has succeeded in this historic challenge.

First is the manner in which the Chief Justice has presided over these hearings. We owe him a big, big debt of gratitude. He has presented his rulings with clarity and logic. He has tempered the long hours and temporary confusion with a fine wit. In an exemplary fashion, he has done his constitutional duty and has made it possible for us to do ours.

The second reason is our majority leader. Perhaps more than anyone in the Chamber, I can attest to his steadfast commitment to a trial conducted with dignity and in the national interest. He has demonstrated that differences—honest differences—on difficult issues need not be dissent, and in that end the Senate can transcend those differences and conclude a constitutional process that the country will respect, and I do.

Third is our extraordinary staff—the Chaplain, my staff in particular, Senator LOTT's staff, the floor staff, the Parliamentarians, the Sergeant at Arms, the Secretary of the Senate. They have served us proudly. Their professionalism and the quality that they have demonstrated each and every hour ought to make us all proud.

Finally, if we have been successful, it has been because of each of you—your diligence, your deportment, your thoughtful arguments on either side of these complex, vexing questions. This experience and each of you—each of you—have made me deeply proud to be a Member of the U.S. Senate.

Growing up in South Dakota, I learned so much, as many of us have, from relatives and from the people in my hometown, and my parents especially. Something my father admonished me to do so many, many times in growing up is something I still remember so vividly today. He said, "Never do anything that you wouldn't put your signature on." I thought of that twice during these proceedings—once when we signed the oath right here, and again last night when I signed the resolution for Scott Bates.

I will hear Scott Bates' voice when I hear my name called this morning. My father passed away 2 years ago. He and Scott are watching now. And I believe they will say that we have a right to put our signature on this work, on what we have done in these past 5 weeks, for with our votes today we can now turn our attention to the challenges confronting our country tomorrow. And, as we do, I hope for one thing: That we will soon see a new day in politics and political life, one filled with the same comity and spirit that I feel in the room today, one where good governance is truly good politics, one which encourages renewed participation in our political system. It is a hope based upon a fundamental belief which is now 210 years old, a belief that here in this country with this Republic we have created something very, very special, a belief so ably articulated by Thomas Paine as he wrote "Common Sense."

> The sun will never shine on a cause of greater worth. This is not the affair of a city, a county, a province, or a kingdom, but of a continent. This is not the concern of the day, a year, or an age.
>
> Posterity is are virtually involved in the contest, and will be more or less affected even to the end of time by the proceedings now.

So it is as we cast our votes today and begin a new tomorrow.

Each of us understands that the decision we must make is the most demanding assigned to us, as Senators, by the Constitution. The Framers did not believe it a simple matter to remove a President. They did not intend that it occur easily.

Only a certain class of offenses—treason, bribery and other high crimes and misdemeanors—could justify the President's removal. Only a supermajority—two-thirds of the Senate—could authorize it.

The Framers made as plain as they could that each Senator must judge, on all the circumstances of the case, whether the facts support this extraordinary remedy.

As I look at this case, I am compelled to consider it from beginning to end—from the circumstances under which the House fashioned and approved the articles, to the trial here in the Senate when the House pressed its arguments for conviction. And I find a case troubled from beginning to end—one marked by constitutional defects, inconsistencies in presentation, surprising concessions by the Managers against their own position, and even damage done to that position by their own witnesses.

In short, the case I have seen is one that I do not believe can bear the weight of the profound constitutional consequences it is meant to carry.

Its constitutional defects began in the House.

Rather than initiating its own investigation, and making its own findings, the House rested on the referral from Independent Counsel Kenneth Starr.

Never before has the House effectively relinquished its obligation to independently weigh the case for impeachment.

But this time it did, relinquishing that obligation to Mr. Starr.

Mr. Starr's 454-page referral became the factual record in the House. The arguments he made in that referral served almost exclusively as the basis for the articles prepared and voted by the House.

The House called no independent fact witness. The only witness was Mr. Starr. And it is telling that Mr. Starr's own ethics adviser, Professor Sam Dash, resigned his position with the Office of Independent Counsel to protest the improper role played by Mr. Starr in the impeachment process.

The House proceedings set a dangerous constitutional precedent, and the decision to follow this course has reverberated throughout the trial here in the Senate.

Because Mr. Starr carried the case in the House, the House did not develop or explain its own case until the time came to prepare for trial in the Senate. Those explanations, when they came, were replete with inconsistencies—not technical or minor inconsistencies, but rather inconsistencies that struck at the heart of their position.

On the one hand, the Managers charged the President with serious crimes. Yet, they also argued that they should not be required to prove "beyond a reasonable doubt" that the President committed those crimes—that they need not meet the standard that applies throughout our criminal justice system.

On the one hand, the Managers acknowledged that the House rejected an article based on President Clinton's deposition in the Jones case. Yet, throughout their presentations, including their videotaped presentation on February 6, they repeatedly relied on the President's statements in that civil deposition.

On the one hand, the Managers insisted that the record received from the House provided clear and irrefutable evidence of the President's guilt. Yet, one Manager declared that reasonable people could differ on the strength of the case, and another stated that he could not win a conviction in court based on that record.

On the one hand, the Managers originally claimed a record so clear that the House was not required to call a single fact witness—other than Mr. Starr. Yet, in the Senate, they insisted that their case depended vitally on witnesses.

In the end, the Senate authorized the deposition of witnesses, two of whom—Ms. Lewinsky and Mr. Jordan—were central to the core allegations of perjury and obstruction of justice. These were witnesses identified by the House—witnesses the Managers expected to help support their case.

This is not, however, how it turned out.

In the final blow to the case for removal brought by the Managers, those very witnesses provided the Senate with clear and compelling testimony—in the President's defense.

It cannot have escaped many of us that the defense showed more and longer segments of this testimony than the Managers who sought these witnesses in the first place.

What did Ms. Lewinsky say about the false affidavit she filed in the Jones case? That she never discussed the contents with the President. That she thought she might be able to file a truthful, but limited affidavit and still avoid testifying. That she had reasons completely independent from the President's for wanting to avoid testimony. That the President did not ask her to lie or promise her a job for her silence.

What did Ms. Lewinsky say about the return of the gifts given to her by the President? That she raised with the President whether she should turn the gifts over to Ms. Currie. That she recalls that the President may have advised her to turn them all over to the Jones lawyers. That she told an FBI agent of this advice, but it somehow was omitted from the Independent Counsel's investigative report. That six days before her White House meeting with the President, she had already made an independent decision to withhold gifts from her own lawyer.

What did Ms. Lewinsky and Mr. Jordan say about the job search for Ms. Lewinsky? That it was never connected to the preparation of her affidavit, much less conditioned on her making any false statements to a court.

What did Mr. Jordan say about any pressure placed on the companies he contacted to hire Ms. Lewinsky? That he only recommended her. That two companies he contacted would not hire her. That the third company, which did hire her, did so on the strength of an interview in which she made a strong personal impression—much like the one she made to the Managers in their first meeting with her.

These witnesses—the House's witnesses—made it impossible, I believe, for the Managers to sustain a case already weakened by a defective House process, serious inconsistencies in their arguments, and doubts about its merits that even some of the Managers themselves candidly expressed.

Surely a case for removal of the President must be stronger.

Surely a case for conviction must be strong enough to unite the Senate and the public behind the most momentous of constitutional decisions.

Surely a case to remove the President from office must be strong enough to meet the high standards established with such care by the Constitution's Framers.

In requiring that the Senate remove only for "high" crimes and misdemeanors, the Framers acted with care. As the House Judiciary Committee stated in its Watergate report 25 years ago, "[I]mpeachment is a constitutional remedy addressed to serious offenses against the system of government." Its purpose is to protect our constitutional form of government, not to punish a President.

It is for this reason that the Framers made clear that not all offenses by a Chief Executive are "high" crimes—and that even a President who may have violated the law, but not the Constitution, remains subject to criminal and civil legal process after he or she leaves office.

Whatever legal consequences may follow from this President's actions, the case made by the House Managers does not satisfy the exacting standard for removal.

For all of these reasons, I will vote to acquit on both articles.

This is my constitutional judgment about whether the Senate should remove the President from office. My personal judgment of the President's actions is something altogether different, reflecting my values and those of South Dakotans and millions of Americans.

Like them, I am extraordinarily disappointed, and angered, by the President's behavior. Since I have long considered the President a friend, my own sense of betrayal could not run more deeply.

There is no question that the President's deplorable actions should be condemned by the Senate.

I fervently hope that the Senate will do what the House would not—permit the people's elected representatives to express themselves and reflect their constituents' views on the President's conduct, for the benefit of our generation and those still to come.

So let us proceed now to a vote and resolve this constitutional task after these long and arduous months. Then the time will have come to return to the urgent work of the country.

When we do, I believe that all of us—members of the majority and members of the minority, however we choose to cast our votes—will be able to agree on this:

That in 1999, 100 Senators acted as the Constitution required, honoring their oath to do impartial justice and acting in the best interests of this country they so dearly love.

Mr. BOND. Mr. Chief Justice, my colleagues, I do not intend to give a comprehensive statement, nor do I intend to use all of the time allotted. But I feel it is very important to answer some of the points that have been raised. And let me deal with just a few of those.

When I spoke to you in a previous session here, I mentioned the cover story, and said that while the cover story was not impeachable—the cover story which was admitted by counsel for the White House—it is a framework and a context in which we judge other actions.

Objection has been made by my friends primarily on this side of the aisle that on occasion we have cited evidence where the President may not have been truthful, and we may have raised other arguments that go beyond the boundaries of the articles of impeachment as grounds for impeachment. Let me hasten to add that I hope that no one would vote for a conviction on anything other than the items set forth in article I and the items set forth in article II. If there are other activities that may bear upon or indicate a pattern of conduct, that is one thing. But we must make our decision on the basis of that which has been presented to us by the House.

On the other side, we have heard some very spirited and enthusiastic attacks on the independent counsel and on the House managers and even on the Paula Jones case itself. Let me make just a few points.

No. 1, we threw Judge ALCEE HASTINGS out of office as a judge for lying in a grand jury proceeding where he was not convicted. The objective is not to say that you can only commit perjury when a case is won or someone is convicted.

No. 2, the independent counsel got into this because the attorney general felt that there were grounds to pursue the potential violations of law by the President in the Monica Lewinsky case. And a three-judge court agreed, and the independent counsel was assigned to pursue this.

Whatever you may think about what the House did, or what the Paula Jones attorneys did, or what the independent counsel did, that is not the question before us. That can be addressed, as some of my colleagues said, if there are investigations by the Department of Justice on improper activities by the OIC. Let that proceed in its own realm. We are here to judge on the evidence before us.

As I said, we have a cover story. We have a cover story that was utilized regularly throughout by this President and by Monica Lewinsky.

Objection has been made that, while we have the clear testimony that William Jefferson Clinton never said you should lie, he never said expressly you should file a false affidavit. Well, of course, he didn't. Of course, he didn't. He is a very sophisticated, very able lawyer. And, if you are concocting a scheme to obstruct justice, you don't tell somebody who is to be part of that scheme with you that you should lie under oath, that you should file a false affidavit because those people might just get called to testify under oath at some point, as they were in this case. But Mr. Clinton didn't have to do that, because Monica Lewinsky understood very clearly that she was to stay with the cover story until she was told not to. She filed the false affidavit that he sought. He and his counsel used it in the deposition.

Why was it filed? To keep him from having to testify truthfully in the deposition. Was he surprised by it? I do not believe it has one iota of credibility to say that after he went out and procured that false affidavit, he didn't know that his attorney was going to use it, and he was not going to rely on it. He got her to do the felonious deed of filing a false affidavit so he could avoid the danger of having to lie himself in a deposition.

Mr. Clinton didn't engage in a conspiracy with his lawyer, Mr. Bennett. We hear about the one-man conspiracy. No. He foisted that on his attorney. And Mr. Bennett, when he found out about the falsity of that affidavit, had to do what no attorney ever wants to do—he had to write a letter to the judge, and say, "Disregard it. Disregard it. I was part, inadvertently, of a scheme to defraud the court." And you notice he is not in the case any longer. He could not be part of that.

We know that Mr. Clinton enlisted his loyal secretary to violate the law to go pick up gifts, and she and Monica Lewinsky, once again, committed felonies to continue the story to protect the President. And the gifts wound up under Betty Currie's bed.

Mr. Clinton went to Betty Currie on a Sunday and 2 days later and told her things that he hoped she would say before the grand jury. He told his other subordinates things that he hoped they would say. He even trashed her when it appeared that she might be a hostile witness.

Ladies and gentlemen of the Senate, I suggest to you that when you have this clear-cut evidence of a scheme carried out with direct evidence, testimony of Monica Lewinsky and others, Betty Currie and his subordinates, an Audrain County jury would not have any trouble finding him guilty of tampering with a witness or obstructing justice.

Mr. SESSIONS. Mr. Chief Justice and fellow Senators, I appreciate this proceeding. And I appreciate the process we have gone through. I hope my remarks will be in the spirit of deliberation, and that some of what I say will be of value to you.

If there was a mistake made in this case, it is that we have treated this more like a piece of legislation than a trial. It probably would have been better to have just allowed the House to have a week or 8 days to present evidence and the other side present their evidence and then vote and we would have been out of here. As it is, we have been involved in the managing of it. And I have been impressed that together we have somehow gotten through it in a way that I think I can defend. It is marginal, but I think we have conducted a trial that I feel we can defend.

The impeachment came from the House so we have to have a trial and a vote, in my opinion. Judging on matters like this is not easy, but we all have had to do it. Juries make decisions like this every day. The President has to grant pardons and make appointments and remove appointments. Senators have to vote on nominations and so forth. I have had the adventure of appearing before Senators judging me on a previous occasion. And now I am in this body and the other day the Chief Justice declared that we were all a court, and I thought, "My goodness, I am a Federal judge and a Senator, how much better can life get than that?"

Now, someone suggested that this is a political trial. But the more we make it like a real trial, the better off we are going to be and the better the people are going to like it and the more they will respect it. Our responsibility is to find the facts, apply the Constitution, the law, and the Senate precedent to those facts. And precedent is important. We should follow it unless we clearly articulate a reason to change. Unless we do so we are failing in our duty. If we want to change our precedent, we obviously have that power. But we don't come at this with a blank slate since the 1700s and Federalist 65. We have had a lot of impeachments since then, and this Senate has established some precedent during that time. I think the dialogue between Madison and Mason suggests a somewhat different view of things than Federalist 65, in the mind of many. But I would just say to you we have had impeachment trials of Judges Claiborne, Nixon and HASTINGS since then. That is our precedent, in recent years, about what we believe are our laws and how they should be interpreted.

I would say this about the case. Others may see it differently. But with regard to the obstruction article, I might have a bit of a quibble with the way the case was presented. I think there was a lot of time and effort spent on trees and not enough on the plain forest. Let me just say to you why I believe the proof of obstruction of justice is so compelling, beyond a reasonable doubt, to a moral certainty. And that is, because the President received interrogatories, he got a subpoena to a deposition, and he knew his day was coming. He knew he was going to have to tell the truth or he was going to have to tell a lie, and it wasn't going away.

He tried to avoid the day. He went all the way to the Supreme Court to try to stop that case from going forward, and the U.S. Supreme Court unanimously ruled "No, you don't get special privileges. You have to go forward with the case." So, here he is having to do something. If he states he did not have a sexual relationship with Monica Lewinsky, if he files an answer to an interrogatory, which he did in December, in which he flatout stated that he had never had sex with a State or Federal employee in the last decade, that would be false. He filed such a false answer to a lawful interrogatory.

Then he is at a deposition, and what happens at the deposition? His attorney tries to keep him from being asked about Monica Lewinsky. They produce her affidavit and the attorney says that the President has seen that affidavit and had the opportunity to study it. The President testifies later in that deposition: It is "absolutely true." That is when it all occurred, right there, and talking with Monica beforehand was critical because if she didn't confirm the lie he was going to tell he couldn't tell it. She wanted a job and the President got it for her. If they didn't submit the Lewinsky affidavit, the President was going to be asked those questions. If they talked about the gifts, the cat was going to be out of the bag. It is just that simple. The wrong occurred right there.

Then, when he left that deposition, he was worried. He called Betty Currie that night, right after that deposition, the same day, because he knew he had used her name and she was either going to have to back him up or he was in big trouble. So, he coached her. That is what it is all about. You can talk about the facts being anything you want to, but that is the core of this case and it is plain and it is simple for anybody to see who has eyes to see with, in my view. So I think that is a strong case. The question is whether or not, if you believe that happened, you want to remove him from office, and I would like to share a few thoughts on that.

Having been a professional prosecutor for 12 years as U.S. attorney, and I tried a lot of cases myself, I really have felt pain for Ken Starr. I had occasion to briefly get to know him. I knew that his reputation within the Department of Justice as Solicitor General was unsurpassed. He was given a responsibility by the Attorney General of the United States and a court panel to find out what the truth was. The President lied, resisted, attacked him, attacked anybody Mr. Starr dealt with, virtually, in seeking the truth. And Ken Starr gets blamed for that, and then 7 months later we find out that the President was lying all the time. He was lying all the time. And somehow this is Ken Starr's fault that he pursued the matter? I am sure he suspicioned the President was lying but it couldn't be proven until the dress appeared and then we finally got something like the truth.

Now, one of the most thunderous statements made by counsel—I am surprised it didn't make more news than it did—was the representation by White House counsel that judges hold office on good behavior.

Those of you who fight tenaciously for the independence of the judiciary, know that this is not the standard for removal of judges. The courts have gone through it in some detail. Law reviews have been written about it. Judge Harry T. Edwards, Court of Appeals for D.C. Circuit, wrote in a Michigan law review that:

> Under article II, a judge is subject to impeachment and removal only upon conviction by the Senate of treason, bribery, or other high crimes and misdemeanors.

This is because he is a civil officer. The President, Vice President and Judges are civil officers of the United States. There is only one standard for impeachment.

The Constitution is a marvelous document. We respect it. To do so, we must enforce it as it is written. It says that civil officers, judges are removed for only those offenses. There are no distinctions between the President and judges. Just because one official is elected and one is not elected, one's term is shorter, or there are more judges than Presidents—makes no difference—that is not what the Constitution says. They face the same standard for impeachment.

I really believe we are making a serious legal mistake if we suggest otherwise. If the standard is the same, then we have a problem, because we removed a bunch of judges for perjury.

Of course, a President gets elected, but the President holds office subject to the Constitution. One of the limitations on your office as an elected official is don't commit a high crime or misdemeanor and if you commit a high crime or misdemeanor, you are to be removed. I don't think there is a lot of give in this, frankly.

With regard to precedent, precedent is important because it helps us be objective, less political, less personal and do justice fairer. That is what the Anglo-American common law is all about. Judges have established precedent, and judges tend to follow that precedent unless there is a strong reason not to. This is important for the rule of law.

Perjury and its twin, obstruction of justice, do amount to impeachable crimes and our precedent in the Judge Nixon case proves that. I believe we set a good standard in that case, finding that perjury is a high crime, clearly, and we ought to stay with this standard.

Some have argued that the House Judiciary Committee on the President Nixon matter declared that tax evasion was not an impeachable offense because it was not directly related to one of the President's duties. I don't think that is clear at all. As a matter of fact, as I recall a few House Members and minority Members signed a statement to that effect. But let me ask you this, and think about this, if a minority on the House Judiciary Committee voted on something, or Gerald Ford said something when he was in the House about impeachment, such is not precedent for the U.S. Senate. It is our precedent that counts. It is the precedent established by Judge HASTINGS, Judge Nixon, and Judge Claiborne that we ought to be concerned about.

I do not believe the Constitution says that the standard for removal is whether somebody is a danger to the Republic's future. The Constitution says if you commit bribery, treason, or other high crimes or misdemeanors, you are out, unless there are some mitigating circumstance somebody can find, but the test is not whether or not the official is going to continue to do the crime in the future. What if it is a one-time bribery that is never again going to happen. Mr. Ruff advocated the "danger" standard, and it really disturbed me because it is not in the Constitution.

If we were to reject the standard we use for judges for impeachment, I do believe that would mean a lowering of our standards. We will not be holding the President to the same standards we are holding the judges in this country, and I don't think the Constitution justifies a dual standard.

As a prosecutor who has been in the courtroom a lot, I am not as cynical as some have suggested today about the law. I have been in grand juries hundreds of times—thousands really. I have tried hundreds of cases. I have seen witnesses personally. I have been with them before they testified and have seen them agonize over their testimony. I know people who file their tax returns and pay more taxes than they want to, voluntarily, because they are men and women of integrity. I have seen it in grand juries. I have seen people cry because they did not want to tell the truth, but they told it. They filed motions to object to testifying, but when it came right down to it, they told the truth.

I believe truth is a serious thing. Truth is real and falsehood is real. This is, in my view, a created universe and we have a moral order and when we deny the truth we violate the moral order and bad things happen. Truth is one of the highest ideals of Western civilization commitment to it defines us as a people. As Senator KYL said, you will never have justice in a court of law if people don't tell the truth.

So this is a big deal with me. I have had that lecture with a lot of people who were about to testify. I believe we ought not to dismiss this lightly.

There was a poignant story about Dr. Battalino and her conviction for lying about a one-time sex act and the losses she suffered. Let me tell you this personal story, and I will finish.

I was U.S. attorney. The new police chief had come to Mobile. He was a strong and aggressive leader from Detroit. He was an African-American. He shook up the department, established community-based policing, and caused a lot of controversy. A group of police officers sued him. His driver, a young police officer, testified in a deposition that the chief had asked him to bug other police officers illegally. Not only that, he said, "I've got a tape of the chief telling me to bug."

It leaked to the newspapers, all in the newspapers. They wanted to fire the chief. The FBI was called because it is illegal to bug somebody if there is not a consenting person in the room.

It is different with Linda Tripp. Let me just explain the law. If you can remember and testify to what you hear in conversation, you can record that conversation and play it later under law of virtually every State in America. Maryland apparently is different.

Here, the driver's action would be illegal. Anyway, the young officer finally, under pressure of the FBI, confessed. The lawsuit hadn't ended. The civil suit was still going on. He went back and changed his deposition and recanted. His lawyer came to me and said, "Don't prosecute him, JEFF. He's sorry. He finally told the truth. He went back. The case wasn't over."

We prosecuted him. I felt like he had disrupted the city, caused great turmoil and violated his oath as a police officer, and that we could not just ignore that. The case was prosecuted. He was convicted, and it was affirmed on appeal.

Mr. COVERDELL. Mr. Chief Justice and fellow colleagues, in the Capitol's Mansfield Room where our Conference has met over the last few weeks, there is a picture of our first president—George Washington—who celebrates a birthday this Monday. I was reminded that, from childhood through adulthood, George Washington carried around with him a copy of the Rules of Civility. The rules could be seen as a roadmap of how one should conduct himself or herself appropriately in society. As the Senate began its course through uncharted waters, civility has been our goal, if not our duty. We have done our best to work together, to be respectful of each other's views and to do justice according to the Constitution. Had we not started with this goal in mind, I fear the debate would have quickly descended into rancor doing a disservice to our Nation.

In the next few minutes, I want to explain how this trial unfolded for me, as well as the rationale behind some of the votes I've cast, including on the Articles of Impeachment.

When the historians write their accounts of the impeachment trial of William Jefferson Clinton, I trust that, regardless of where one comes down on the facts of the case, they will agree that the Senate did it right. We conducted a trial that was fair to all sides, correct according to the Constitution and expeditious in accordance with the wishes of the American people. We also did our best to conduct our deliberations on a bipartisan basis.

We began this process by taking a second and most solemn oath of office: to do impartial justice. For me, as a Senator, I can think of no more somber and important a constitutional duty than the one that was given us. Our first task was to draft a blueprint of how we would proceed in the trial. We met in closed session in the Old Senate Chamber where the discussions were civil, respectful and frank on both sides. In the end, it was Senator GRAMM of Texas, joined by Senator KENNEDY of Massachusetts, two opposite sides of the political spectrum, that led us to a unanimous bipartisan agreement on how to proceed. The support of all 100 Senators was important because it opened the door to a trial that was conducted in a professional and judicious manner and without the discord that so many of the Washington wisemen had predicted.

After hearing the opening arguments made by both sides, Senator ROBERT BYRD offered a motion to dismiss the case against the President. If successful, this would have been the first dismissal of an impeachment trial in our Nation's history.

My vote against this dismissal motion was premised on my sworn Constitutional obligation to hear the facts and evidence, and consider the law before I rendered a decision on whether the Articles warranted the President's conviction and removal from office. Indeed, this was part of the oath we took—to do impartial justice. The Senate would not have been able to render a fair and correct judgment on the Articles without receiving and objectively assessing the wealth of evidence presented by the House of Representatives and the White House. In short, dismissal was premature and inappropriate.

Consistent with our duty to consider all the evidence fully, I supported an effort to allow both the House Managers and the White House the opportunity to depose a limited number of key witnesses to resolve inconsistencies in testimony. After reviewing the depositions, I supported a bipartisan motion to make all of this information—both the videotapes and written transcripts—part of the permanent record so that each and every American could examine the evidence and draw their own conclusions. I also voted to allow both the House Managers and the White House to use the videotaped deposition testimony on the floor of the Senate.

Although I did support deposing a limited number of witnesses, I did not support an attempt to allow Ms. Lewinsky to testify as a live witness on the floor of the Senate. In my judgment, we provided the House Managers a more than adequate opportunity to present their case: allowing for witnesses to be deposed, for House Managers to ask any questions necessary to resolve inconsistencies in testimony and to allow any portion of these tapes to be used on the floor to argue the case against the President. Consequently, I thought it inappropriate and unnecessary for Ms. Lewinsky to testify on the Senate floor. Seventy Senators felt similarly on this issue.

The presentation with videotaped excerpts, rather than live witnesses, allowed both sides to make their arguments cogently. In my opinion, witnesses questioned on the floor, under a time agreement, would have made for a more fragmented process—objections by counsel would have disrupted the flow of presentations considerably. I believe that our decision to exclude live witness testimony was appropriate, fair and improved the nature of closing arguments.

It is the same sense of obligation and a desire to maintain decorum that guided me in my vote to uphold the Senate's time-tested tradition of deliberating impeachment trials in private. Opening the doors of the Senate during these final deliberations would have been a tragic mistake that would ignore years of precedent on this issue. For 2,600 years, since the ancient Athenian lawgiver Solon, trials have been open and jury deliberations have been private. Throughout our own history in every courthouse in America, we have open trials, we have public evidence, we have public witnesses, but when the jury deliberates, it meets in private. Jury deliberations are held in private for the protection of all parties, and to ensure for a frank and open discussion of the evidence.

Private jury deliberations have also been part of the Senate rules for 130 years. Some argue that these rules are outdated and need to be revised. However, in 1974 and 1986, when the Senate had an opportunity to vote on changes to these rules, it chose to leave intact the precedent that the deliberations should remain closed.

Our private deliberations have promoted civil discussion on this grave matter of impeachment. Some of the most profound and thoughtful statements I've heard have come during these private meetings—where the absence of cameras has had the effect of turning politicians into statesmen. These private deliberations set a tone of civility and allowed the healing process to begin.

After hearing all evidence and deliberations, at the end, I voted for both impeachment articles. Setting all the legal contortions aside, a vote against the Articles, or to acquit, would be to ratify that there are two sets of law in our country—one set for our citizens, and another for the President of the United States. This is a conclusion I could not reach or support. Therefore, my vote on both Articles says in the simplest terms that no American is above the law and there must be one law that applies to us all.

Today's outcome should be a surprise to no one. From the beginning, our two parties approached this issue in fundamentally different ways. While Democrats and Republicans agree that President Clinton committed very serious offenses, the disagreement is over whether or not these issues rise to the level that he should be removed from office. To some extent, the die had been cast when the Democrat Party decided to rally around the President. Like President Nixon's fate was sealed when his party fell against him, President Clinton's presidency was secured by his party's allegiance.

My hope is that no future Senate will ever be required to consider Articles of Impeachment against the President of the United States. But, if they do, I have every confidence that we have left behind an appropriate roadmap for them to fulfill their constitutional responsibilities. I am proud of the Senate and its Members. The Senate should be proud of the way it has conducted itself: we have done our jobs right by being fair to all parties, correct according to the Constitution and expeditious in accordance with the wishes of the American people.

In conclusion, I would like to thank the leaders on both sides. In particular, I would like to single out Senator LOTT for his leadership—this has clearly been one of his finest hours as our Majority Leader.

I yield the floor.

Mr. HATCH. Mr. Chief Justice and distinguished Senators, Daniel Webster once observed that a "sense of duty pursues us ever. It is omnipresent like the Deity. If we take to ourselves the wings of morning, and dwell in the uttermost parts of the sea, duty performed or duty violated is still with us. . . ." The duty which has faced each United States Senator is the obligation to do impartial justice in a matter of significant historical import with lasting consequences for our constitutional order—the consideration of the impeachment articles against President William Jefferson Clinton.

Our duty calls on us to answer a serious question—whether the President's actions warrant his removal from office. Fundamentally, in arriving at our individual decisions, we must consider what is in the best interests of the American people. The President engaged in conduct, that even his defenders recognize, was reprehensible and wrong. A bipartisan majority of the House also found that he committed serious, impeachable crimes.

So, the test for the Senate must be to do what's in the best interest of our nation. It is not a matter of what is easiest or cleanest. It is a matter of what is in the immediate and long term national interest. This has been, and it will continue to be, a subjective and difficult standard and one which I will discuss in greater detail later in my remarks.

First, however, I wish to speak on the Senate's procedural responsibility when sitting as a Court of Impeachment, the constitutional law concerning impeachable offenses, and the Articles of Impeachment at issue in the present case; finally, I will conclude with a discussion of whether—assuming the facts alleged have been proven—the best interests of the country would be served by removing President Clinton from office.

I. THE SENATE'S ROLE

Let me begin by explaining what the role of the Senate is in the impeachment process.

Simply put, the Senate's role in the impeachment process is to try all impeachments. As Joseph Story wrote:

> The power [to try impeachments] has been wisely deposited with the Senate. . . . That of all the departments of the government, 'none will be found more suitable to exercise this peculiar jurisdiction than the Senate.' . . . Precluded from ever becoming accusers themselves, it is their duty not to lend themselves to the animosities of party, or the prejudices against individuals, which may sometimes unconsciously induce" the other body. In serving as the tribunal for impeachments, we must strive to attain and demonstrate impartiality, integrity, intelligence and independence. If we fail to do so, the trial and our judgment will be flawed.—Joseph Story, Commentaries on the Constitution of the United States, Section 386.

In short, impeachment trials require Senators to act, wherever possible, with principled political neutrality. One question I have repeatedly asked myself during this scandal—when faced with questions concerning the interpretation of the relevant law, the process, the calls for resignation, or forgiveness—has been whether I would have taken the same position were this a Republican President. I have done this throughout the past year and expect many of my colleagues have done the same.

In 1993, the Supreme Court ruled in the case of United States versus Nixon that the process by which the Senate tries impeachments was nonjusticiable. As a result of the Nixon decision, the Senate has a heightened constitutional obligation in impeachment cases. As constitutional scholar Michael Gerhardt notes in his 1996 book, The Federal Impeachment Process, "Congress may make constitutional law—that is, make judgments about the scope and meaning of its constitutionally authorized impeachment function—subject to change only if Congress later changes its mind or by constitutional amendment. Thus, Nixon raised an issue about Congress's ability, in the absence of judicial review, to make reasonably principled constitutional decisions."

I believe the Senate has conducted this trial in a fair manner and that we have made principled constitutional decisions. I want to commend my colleagues on both sides of the aisle—in particular the Majority Leader, TRENT LOTT—for the impartial and proficient manner in which we have conducted our constitutional obligation.

At the core of our deliberations was the tension between, on the one hand, our shared interest in putting this matter behind us and getting on with the Nation's business, and, on the other hand, our interest in affording the President, and the weighty matter of impeachment, that process which is due and fair. While there are decisions the Senate reached with which I differed, I want to make clear my view that the Senate has ably balanced these competing interests. A fair and full trial that we were once told would take one year has been completed in less than six weeks. The credit for this process rests with every Member of the Senate, with the House Managers, counsel for the President, and the Chief Justice.

II. THE IMPEACHMENT STANDARD

Of great concern to me is what the standard should be for impeachment in this and future trials. The President's Counsel has argued that the President can only be removed for constituting, what Oliver Wendell Holmes termed in free speech cases, a "clear and present danger." It was contended that a President can only be removed if he is a danger to the Constitution. As such, according to the President's Counsel, removable conduct must relate to egregious conduct related to performance in office. Even if the House's allegation—that President Clinton committed acts of perjury and obstruction of justice is proven true—it was argued—than such behavior does not rise to impeachable offenses because it was private, not public, conduct. In this case an inappropriate sexual relation with a subordinate employee—was the predicate of the charged offenses.

But such a standard establishes an impossibly high bar as to render impotent the impeachment clauses of the Constitution. I hope that no matter the outcome of this trial, President Clinton's view of what constitutes an impeachable offense does not become precedent. If it does, I fear the moral framework of our Republic will be frayed. If it does, the legitimacy of our institutions may very well become tattered. It would create the paradox of being able to convict and jail an official for committing, let's say, homicide, but not to be able to remove that official from holding positions of public trust. Committing crimes of moral turpitude, such as perjury and obstruction of justice, go to the very heart of qualification for public office.

The overwhelming consensus of both legal and historical scholars is that the Constitution mandates the removal of the "President, Vice President, and all civil Officers of the United States"—which includes federal judges—"upon impeachment by the House and conviction by the Senate of treason, bribery or other high crimes and misdemeanors." (U.S. Const. Art. II. Sec. 4). The precise meaning of this latter clause is critical to the outcome of the impeachment trial.

The President's advocates agree with their critics that this standard is the sole standard for presidential impeachment, but contend that the "or other" phrase indicates that grounds for impeachment must be criminal in nature because treason and bribery are crimes or acts committed against the state.

Such crimes or acts must be heinous, they contend, because the term "crimes and misdemeanors" is preceded by the descriptive adjective "high" in the impeachment clause. These advocates also claim that there exists no proof of criminal wrongdoing, that we have evidence of only a private affair unrelated to performance in public office, and that abuse of power related to official conduct—not present here—is a prerequisite for impeachment.

Many learned scholars oppose this view. Looking at the debates in the Constitutional Convention in Philadelphia in 1787, they note that the Convention originally chose treason and bribery as the sole standard for impeachment. George Mason argued that this standard was too stringent and advocated that "maladministration" be added to the list. James Madison objected, believing that no coherent definition of "maladministration" existed and that such a lenient standard would make the President a pawn of the Senate. The Convention, as a result, settled on the phrase "treason, bribery or other high crime or misdemeanor." It is clear that the phrase "high crimes and misdemeanors" was considered by the Framers to have a more narrow and specific meaning and, indeed, it is a term taken from English precedent.

Accordingly, many scholars, including Raoul Berger, the dean of impeachment scholars (Impeachment: The Constitutional Problems (1973)), contend that the phrase "high crimes and misdemeanors" is a common law term of art that reaches both private and public behavior. Treason and bribery are acts that harm society in that they constitute a corruption on the body politic. Consequently, "other high crimes and misdemeanors" encompasses similar acts of corruption or betrayals of trust, and need not constitute formal crimes. Indeed, Alexander Hamilton in The Federalist No. 65 makes clear that impeachment is political, not criminal, in nature and reaches conduct that goes to reputation and character. In the Seventeenth and Eighteenth Centuries the term "misdemeanor" refers not to a petty crime, but to bad demeanor.

History thus demonstrates that acts or conduct that demeans the integrity of the office, or harms an individual's reputation in such a way as to engender a lack of public confidence in the office holder or the political system is an impeachable offense. Justice Joseph Story, in his celebrated Commentaries on the Constitution of the United States §762 (1835), made this abundantly clear when he wrote that impeachment lies for private behavior that harms the society or demeans its institutions:

> In the first place, the nature of the functions to be performed: The offences, to which the power of impeachment has been, and is ordinarily applied, as a remedy, are of a political character. Not but that crimes of a strictly legal character fall within the scope of the power, (for, as we shall presently see, treason, bribery, and other high crimes and misdemeanors are expressly within it;) but that it has a more enlarged operation, and reaches, what are aptly termed, political offenses, growing out of personal misconduct, or gross neglect, or usurpation, or habitual disregard of the public interests, in the discharge of the duties of political office.

Even though the Framers rejected the English model of impeachment as a form of punishment and promulgated removal as the remedy for conviction, most scholars contend that the Framers looked to English precedent to define "high crimes and misdemeanors." There is a wealth of evidence that a betrayal of public trust or reckless conduct that places a high office in disrepute constitutes "high misdemeanors." The modifier "high" refers to acts against the state or commonwealth. In the eighteenth century, the term "political" also encompassed our modern term of "social." So conduct that harmed society as a whole, or denigrated the public respect and confidence in governmental institutions, constituted "high crimes and misdemeanors."

As such, both English and American officials have been impeached for drunkenness, for frequenting prostitutes, even for insanity, in other words private conduct that is unrelated to official acts. Such behavior is seen as defaming the office that the accused held and diminishing the people's faith in government. Impeachment is thus seen by many scholars as a means of removing unqualified office holders.

Thus, impeachment and removal does not have to be predicated upon commission of a crime. Consequently, impeachment and removal is not in essentially a criminal punishment, a conclusion that is also textually demonstrated by the fact that the Framers expressly provided for later indictment and criminal conviction of an impeached and removed President.

A high crime and misdemeanor—according to this view—does not have to amount to a crime or be related to official conduct. Even if President Clinton's acts of perjury were predicated upon lying about a private sexual relation, they still must be considered high crimes and misdemeanors. The fact that the underlying behavior was private in its genesis is irrelevant. Such private acts demean the Office of the President, and betray public trust. Those acts therefore are impeachable.

But I must emphasize that even if the President's Counsel is correct in that private acts unrelated to performance in office are not impeachable offenses, I believe the gravamen of what President Clinton committed are public, not private, acts that are unambiguous breaches of public trust. Perjury and particularly obstruction of justice are conduct that attack the very veracity of our justice system. (Furthermore, I vehemently disagree that the underlying conduct was a purely private concern because the conduct involved a federal employee in a work environment).

Lying under oath, hiding evidence, and tampering with witnesses destroy the truth-finding function of our investigatory and trial system. Perjury and obstruction of justice are particularly pernicious if committed by a President of the United States, who has sworn pursuant to the oath of office to protect the Constitution and laws of the United States. Whether perjury and obstruction of justice can be considered private or public acts is of no moment. They are twin "high crimes" harming the political order and requiring impeachment and removal from office.

A related argument made by the President's Counsel is that a President should be held to a less stringent standard than federal judges in impeachment trials. Because many judges have been removed for conduct unrelated to performance in office, such as Judges Claiborne and Nixon, who were convicted and removed for perjurious statements unrelated to their performance in office, the President is almost compelled to make this argument.

In essence, The President's Counsel contend that Article III's requirement that judges hold office for "good behavior" is not simply a description of the term of office, but a grounds for impeachment if violated. Presidents—and other civil officers—are subject to the more stringent high crimes and misdemeanor standard.

Most scholars reject this view. For instance, Michael J. Gerhardt (The Federal Impeachment Process (1996)) testified in the House Constitutional Subcommittee of the Judiciary Committee in November that the impeachment standard of high crimes and misdemeanors applies to all civil officers, including judges as well as the President. This is the sole constitutional ground for impeachment. Article III's good behavior provision for judges simply sets the duration for judicial office (lifetime unless impeached). There are simply no differing standards for judges and the President.

III. ARTICLE ONE—PERJURY

Let me now turn to the facts of this case. The House alleges in Article I that the President should be removed because he committed acts of perjury. The House alleges in Article II that the President should be removed because he obstructed and interfered with the mechanisms and duly constituted processes of the justice system.

To demonstrate why I believe it is so, it is necessary to discuss both the legal standards and how the facts meet the requirements of those standards. I will first discuss perjury, and, next, turn to obstruction of justice.

ARTICLE I OF THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

On August 17, 1998, William Jefferson Clinton swore to tell the truth, the whole truth, and nothing but the truth before a Federal Grand Jury of the United States. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury.

I. STATEMENTS BEFORE THE GRAND JURY THAT CONSTITUTE PERJURY

OVERVIEW

"Whoever under oath . . . in any proceeding before or ancillary to any court or grand jury knowingly makes any false material declaration . . . shall be fined under this title or imprisoned not more than five years, or both." See 18 U.S.C. § 1623(a). In a prosecution for perjury under 18 U.S.C. § 1623(a), the prosecution must prove the following elements: (i) the declarant was under oath, (ii) the testimony was given in a proceeding before a court of the United States, (iii) the witness knowingly made, (iv) a false statement, and (v) the testimony was material. *United States* v. *Whimpy*, 531 F.2d 768 (1976). The first two elements are not at issue here because it is undisputed that President Clinton testified under oath before a Grand Jury of the United States. As the discussion below reveals, the House Managers proved the remaining elements of perjury beyond a reasonable doubt for key aspects of President Clinton's Grand Jury testimony.

A. STATEMENTS TO BETTY CURRIE ON JANUARY 18, 1998

President Clinton committed perjury before the Grand Jury when he testified falsely concerning his motivation for making five statements to Betty Currie. Hours after his deposition in the Jones case, President Clinton called his secretary Betty Currie and asked her to come to the White House the next day, January 18. See Currie 1/27/98 GJ at 65–66. On that Sunday afternoon, the President made the following five statements to Ms. Currie about Monica Lewinsky: (1) "You were always there when she was there, right?"; (2) "We were never really alone."; (3) "Monica came on to me, and I never touched her, right?"; (4) "You can see and hear everything, right?"; and (5) "She wanted to have sex with me, and I cannot do that." Id. at 71–74. President Clinton repeated these same questions and statements to Betty Currie a few days later. See BC 1/27/98 GJ at 80–81. When he discussed his deposition testimony regarding Ms. Lewinsky with Betty Currie on these two occasions, President Clinton violated Judge Wright's strict order prohibiting any discussion of the Jones deposition.

FALSITY

President Clinton lied to the Grand Jury when he testified about his motivation for making these statements. When asked before the Grand Jury about these statements to Betty Currie, the President testified that he asked these "series of questions" in order to "refresh [his] memory about what the facts were." See WJC 8/17/98 GJ at 131. He further testified that he wanted to "know what Betty's memory was about what she heard, what she could hear" and that he was "trying to get as much information as quickly as I could * * * [a]nd I was trying to figure [it] out * * * in a hurry because I knew something was up." See WJC 8/17/98 at 56. Immediately following extensive questioning on this issue, a different prosecutor from the Office of Independent Counsel asked the President that "[i]f I understand your current line of testimony, you are saying that your *only* interest in speaking with Ms. Currie in the days after your deposition was to refresh your own recollection." (Emphasis added.) See WJC 8/17/98 GJ at 141–142. President Clinton answered: "Yes." Id.

President Clinton's testimony that he was "only" trying to "refresh [his] memory about what the facts were" is perjury because a person cannot "refresh" his memory with statements and questions that he knows are false. Each of President Clinton's five statements to Currie is either an outright lie or extremely misleading. President Clinton knew the facts of his relationship with Ms. Lewinsky, and he knew his statements to Betty Currie were false. By definition, these false questions and statements could not have helped President Clinton accurately refresh his memory.

In addition, Betty Currie could not possibly have known the answers to some of these questions. For example, how could Betty Currie have known whether the President ever "touched" Ms. Lewinsky or whether Ms. Currie was "always there when [Ms. Lewinsky] was there?" Common sense defies the President's explanation: if one is trying to refresh his memory or gather information quickly, he does not ask questions of a person to which the person could not know the answers. The fact that Betty Currie could not have known the answers to these questions further undermines President Clinton's testimony that he was trying to refresh his memory or gather information quickly.

If the President was merely trying to refresh his recollection or gather information quickly why did he repeat these questions and statements to Currie a few days later? As the House Managers noted during the trial, instead of asking a series of specific leading questions, why didn't President Clinton ask Currie a general question about what she recalled about Ms. Lewinsky's activity at the White House? Moreover, President Clinton's blatant violation of Judge Wright's order prohibiting any discussion of the Jones deposition casts further doubt on his testimony on this issue. The President's testimony regarding his motivation for these statements is false. He did not make these statements to refresh his recollection. Rather, as the following section explains, the President made these statements to Ms. Currie in order to influence her potential testimony in the Jones suit and to influence her possible responses to the media.

KNOWINGLY

In a perjury case under 18 U.S.C. §1623, the prosecution must prove that the defendant "knowingly" made the false statement. Under this statute, "knowingly" means merely that the defendant made the false statement "voluntarily and intentionally, and not because of mistake or accident or other innocent reason." *United States* v. *Fawley*, 137 F.3d 458, 469 (7th Cir. 1998); *United States* v. *Watson*, 623 F.2d 1198 (7th Cir. 1980).

The President knowingly made these false statements about his motivation for speaking to Betty Currie after his deposition. He did not make these statements by "mistake or accident or other innocent reason." Rather, President Clinton lied about his motivation to conceal his true purpose in making these statements to Currie. In reality, President Clinton was attempting to corroborate his deceitful testimony in the Jones deposition with a prospective witness. When he made these statements to Currie, the President knew that she was a likely witness in the Jones case because he repeatedly referred to Currie when asked about Ms. Lewinsky by the Jones lawyers. See Clinton 1/17/98 Dep. at 58. President Clinton actually told the Jones lawyers to "ask Betty" in response to one question in the deposition. Id. at 64–66. In fact, Betty Currie was subpoenaed by the Jones lawyers only days after the President's deposition.

Moreover, in addition to influencing a prospective witness in the Jones suit, the President had another motivation for coaching Ms. Currie: She was a probable target of press inquiries about this controversy. In fact, a prominent reporter from Newsweek had already called Currie on January 15, 1998 and asked her about Ms. Lewinsky. See Currie 5/6/98 GJ at 120–121. The President had a motive to influence information Currie might give to the media—in addition to testimony she might give as a witness in Jones versus Clinton. The President knowingly made these statements to Ms. Currie in order to influence both her potential testimony and her possible responses to the media.

MATERIALITY

"Because the Grand Jury's function is investigative, materiality in that context is broadly construed." *United States* v. *Gribbon*, 984 F.2d 471 (2d Cir. 1993). Courts have consistently held that in a Grand Jury, "a false declaration is 'material' within the meaning of [18 U.S.C.] §1623 when it has a natural effect or tendency to influence, impede or dissuade the Grand Jury from pursuing its investigation." *United States* v. *Kross*, 14 F.3d 751 (2d Cir. 1994).

President Clinton's false statements to the Grand Jury regarding his January conversations with Betty Currie are material to the Grand Jury's investigation of obstruction of Justice. To determine whether the President obstructed justice in the Jones case, it was critical for the Grand Jury to ascertain whether President Clinton attempted to influence the testimony of Currie, a potential witness in that case. President Clinton's statements to Currie the day after his deposition strongly indicate that he was seeking to influence her testimony. The President's false statements about his motivation for making these statements to Currie had the "natural effect or tendency" to "impede or dissuade the Grand Jury from pursuing its investigation" of obstruction of justice in the Jones case.

THE PRESIDENT'S DEFENSE

In his trial brief, the President offers only a brief defense to this perjury allegation. First, the President argues that "Ms. Currie's testimony supports the President's assertion that he was looking for information as a result of his deposition" when he made these statements to Currie. See President's Trial Brief at 53. As discussed earlier, however, this is implausible. A person cannot accurately gather information by making false or misleading statements to another person.

Second, in his brief, the President refers to Currie's Grand Jury testimony in which she testified that she felt no pressure to agree with the President when he made these questions and statements. See President's Trial Brief at 51–53. However, the fact that Ms. Currie testified that she did not feel pressured is completely irrelevant to whether the President committed perjury concerning these statements. President Clinton's state of mind—not Ms. Currie's—is at issue here because he is the one accused of perjury.

In sum, the House Managers proved beyond a reasonable doubt that President Clinton (1) knowingly (2) lied about his motivation for making these deceitful statements to Betty Currie (3) concerning a material matter under investigation by the Grand Jury (4) while under oath before a federal Grand Jury.

B. THE NATURE AND EXTENT OF THE PHYSICAL RELATIONSHIP WITH LEWINSKY

Another example of perjury before the Grand Jury concerns President Clinton's testimony that he did not engage in "sexual relations" with Ms. Lewinsky even under his alleged understanding of the definition used in the Jones case. Even under his purported interpretation of the term, however, Clinton admitted to the Grand Jury that if the person being deposed touched certain enumerated body parts of another person, then that would constitute "sexual relations." See WJC 8/17/98 at 95–96. When asked if he denied engaging in such specific conduct, Clinton answered "[t]hat's correct." Id.

FALSITY

President Clinton lied to the Grand Jury when he testified concerning the nature and extent of the sexual relationship. First, human nature and common sense strongly undermine President Clinton's testimony. It is undisputed that President Clinton and Ms. Lewinsky engaged in sexual activity on at least ten occasions over the course of 16 months. President Clinton's testimony to the Grand Jury that he never touched Ms. Lewinsky in certain areas with the intent to arouse is simply not believable given the nature and extent of their contact.

In addition, Ms. Lewinsky's testimony directly contradicts the President. She testified in detail repeatedly before the Grand Jury about each of their sexual encounters. According to Ms. Lewinsky's testimony, she and President Clinton engaged in conduct that constituted "sexual relations" even under the President's purported understanding of the term during 10 encounters. It is important to note that Ms. Lewinsky's testimony about the extent of their sexual conduct occurred before the President's Grand Jury testimony made these precise sexual details important. Moreover, Ms. Lewinsky's friends, family members, and medical therapists corroborated her account by testifying to the Grand Jury that Lewinsky made near-contemporaneous statements to them that President Clinton fondled her in a variety of ways during their encounters. Finally, the fact that President Clinton lied to the American people about this tawdry affair badly undermines his implausible testimony on this issue.

KNOWINGLY

As mentioned earlier, in a perjury case under 18 U.S.C. §1623, the prosecution must prove that the defendant "knowingly" made the false statement. Under this statute, "knowingly" means merely that the defendant made the false statement "voluntarily and intentionally, and not because of mistake or accident or other innocent reason." *United States* v. *Fawley*, 137 F.3d 458, 469 (7th Cir. 1998), *United States* v. *Watson*, 623 F.2d 1198 (7th Cir. 1980).

President Clinton knowingly made these false statements about the nature and extent of his sexual relationship. He did not make these statements by "mistake or accident or other innocent reason." Instead, the President had a strong motive to lie about the extent of the sexual contact in order to avoid being accused of perjury in the Jones deposition. After Ms. Lewinsky's dress was discovered, President Clinton could no longer deny a sexual affair. However, because he repeatedly denied having "sexual relations" with Ms. Lewinsky in the Jones deposition, the President was trapped. As mentioned earlier, the President was forced to admit that fondling Ms. Lewinsky in certain ways would constitute "sexual relations" even under his purported interpretation of the term. Consequently, President Clinton had to deny such fondling before the Grand Jury to prevent an admission that he committed perjury in his civil deposition, despite how implausible this denial is. In summary, President Clinton committed perjury before the Grand jury by insisting that his testimony in the Jones deposition on this key matter was true. Perhaps due to fear of being charged with perjury in the Jones deposition, President Clinton committed the more serious offense of perjury before a Grand Jury.

MATERIALITY

As mentioned earlier, "because the Grand Jury's function is investigative, materiality in that context is broadly construed." *United States* v. *Gribbon*, 984 F.2d 471 (2d Cir. 1993). Courts have consistently held that in a Grand Jury, "a false declaration is 'material' within the meaning of [18 U.S.C.] §1623 when it has a natural effect or tendency to influence, impede or dissuade the Grand Jury from pursuing its investigation." *United States* v. *Kross*, 14 F.3d 751 (2d Cir. 1994).

The President's false statements about the extent of his sexual conduct with Ms. Lewinsky are material to the Grand Jury's investigation of whether the President committed perjury in the Jones deposition. In an effort to determine whether President Clinton testified truthfully in his deposition, the Office of Independent Counsel questioned the President at length before the Grand Jury about the nature and extent of his sexual relationship with Ms. Lewinsky. The President's tortured definition of sexual relations makes these details material to whether he committed perjury in the Jones deposition. Simply put, if the President touched Ms. Lewinsky in certain ways, he is guilty of perjury in the Jones deposition. Obviously, President Clinton's false statements on this matter had the "natural effect or tendency to influence, impede or dissuade the Grand Jury from pursuing its investigation" of perjury in the Jones deposition.

THE PRESIDENT'S DEFENSE

In President Clinton's trial brief, the only rebuttal to his allegation of perjury is that "[t]his claim comes down to an oath against an oath about immaterial details concerning an acknowledged wrongful relationship." See Clinton Trial Brief at 44. Even this one pithy sentence, however, is inaccurate. First, as the earlier discussion reveals, there is more evidence than an oath against an oath. Human nature and common sense badly undermine the President's testimony. In addition, Ms. Lewinsky testified in detail repeatedly before the Grand Jury about the extent of the sexual relationship, while the President reverted to his prepared statement 19 times to avoid answering specific sexual questions. Moreover, the testimony of Ms. Lewinsky's family, friends, and medical therapists provide additional evidence of the President's perjury. Finally, the fact that President Clinton lied to the entire nation about this sordid affair—and only acknowledged the affair when confronted with evidence of Ms. Lewinsky's dress—devastates his credibility on this issue.

In sum, the House Managers provide beyond a reasonable doubt that President Clinton (1) knowingly (2) lied about the extent of his sexual activity with Ms. Lewinsky (3) concerning a material matter under investigation by the Grand Jury (4) while under oath before a federal Grand Jury.

OTHER LIES BEFORE THE GRAND JURY

In addition, I have concluded that President Clinton lied in other instances before the Grand Jury. While these lies might not sustain a conviction for perjury in a court of law, they are profoundly troubling nonetheless. For instance, it strongly appears that President Clinton lied to the Grand Jury when he testified that he did not believe certain acts that he and Ms. Lewinsky engaged in were covered by any of the terms and definitions used in the Jones suite. The following definition of "Sexual Relations" was used at the Jones deposition:

> For the purposes of this deposition, a person engages in 'sexual relations' when the person knowingly engages in or causes contact with . . . [certain enumerated body parts] of *any person* with the intent to arouse . . ." (Emphasis added.)

Amazingly, President Clinton testified to the Grand Jury that he does not believe and did not believe at the Jones deposition that this definition includes certain acts which I will not specify. Without addressing these lurid details, Clinton interprets "any person" to mean "any other person" under the definition. There is no legal basis for him to interpret the definition in this manner.

I do not believe that President Clinton can reasonably claim this interpretation. First, under the President's interpretation, one person can engage in sexual relations, while his or her partner in the same activity is not engaged in sexual relations. Obviously, this is an implausible and absurd conclusion. Second, no reasonable person would have understood the definition in the Jones suit not to encompass the particular activity that President Clinton and Ms. Lewinsky engaged in. It is important to remember that the underlying allegation in the Jones suit concerned the same particular acts involved in the Lewinsky affair. Why would the Jones' lawyers use a definition that did not include the very conduct alleged by their client? Given this context, the President's testimony that he did not believe the definition included certain conduct is not believable.

Finally, the President had a clear motive to lie about his understanding of the definition of sexual relations.

After Ms. Lewinsky's dress was discovered, the President could no longer deny his sexual affair. However, the President repeatedly denied having "sexual relations" with Ms. Lewinsky in the Jones deposition. President Clinton's absurd interpretation of the definition of sexual relations allowed him to admit to a sexual relationship—which he had to do given the dress—without simultaneously admitting to perjury in the Jones deposition. Because perjury is such a difficult crime to prove, I have concluded that the President might not be convicted in a court of law for perjury concerning his testimony on this issue. I am convinced, however, that President Clinton lied to the Grand Jury about this matter. While this testimony might not generate a conviction in a court of law, it was clearly contrived and is profoundly troubling.

IV. ARTICLE TWO—OBSTRUCTION OF JUSTICE

Let me now turn to the facts of the second article of impeachment alleging obstruction of justice. Article Two alleges that:

> In his conduct while President of the United States, William Jefferson Clinton, in violation of his oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding.

In order to determine whether the President has engaged in the type of acts charged, it is important that the law be first addressed in order to guide us in understanding how the facts relate to the violations alleged.

A. The Law of Obstruction of Justice:

1. 18 U.S.C. §1503:

The Federal obstruction of justice statute punishes "[w]hoever . . . corruptly . . . influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice." 18 U.S.C.A. §1503(a). Known as the "omnibus clause," §1503(a) "clearly forbids all corrupt endeavors to obstruct or impede the due administration of justice," *United States* v. *Williams*, 874 F.2d 968, 976 (5th Cir. 1989), which is defined as "the performance of acts required by law in the discharge of duties such as appearing as a witness and giving truthful testimony when subpoenaed." *United States* v. *Partin*, 552 F.2d 621, 641 (5th Cir. 1977). The statute has alternatively been interpreted as forbidding "interferences with . . . judicial procedure" and aiming "to prevent a miscarriage of justice." *United States* v. *Silverman*, 745 F.2d 1386, 1398 (11th Cir. 1984).

"There are three core elements that the government must establish to prove a violation of the omnibus clause of section 1503: (1) there must be a pending judicial proceeding; (2) the defendant must have knowledge or notice of the pending proceeding; and (3) the defendant must have acted corruptly with the specific intent to obstruct or impede the proceeding in its due administration of justice." *United States* v. *Williams*, 874 F.2d 968, 976 (5th Cir. 1989). Accord *United States* v. *Grubb*, 11 F.3d 426, 437 (4th Cir. 1993) (adding the word "influence" to the terms "obstruct or impede" in the intent element).

The purpose of the statute, according to the Supreme Court is not directed at the success of the corruptive effort, "but at the 'endeavor' to do so." *United States* v. *Russell*, 255 U.S. 138, 143 (1921) (opining that the word "endeavor" was used instead of "attempt" in order to avoid the technical distinctions between attempts, which are punishable, and preparation for attempts, which are not). See also *United States* v. *Aguilar* 515 U.S. 593, 599 (1995) (holding that while the endeavor must have the 'natural and probable effect' of interfering with the due administration of justice, the defendant's actions need not be successful, citing *Russell*).

2. 18 U.S.C. §1512.

The statute criminalizing witness tampering prohibits, inter alia, the use or attempted use of corrupt persuasion or misleading conduct with the intent of influencing, delaying, or preventing testimony in an official proceeding, causing a person to withhold testimony or documentary evidence, alter or destroy physical evidence, evade legal process, or be absent from an official proceeding to which such person has been legally summoned. 18 U.S.C. §1512(b). "To sustain its burden of proof for the crime of tampering with a witness . . . the Government must prove . . . that the [d]efendant knowingly, corruptly persuaded or attempted to corruptly persuade . . . a witness; and second, that the [d]efendant . . . did so intending to influence the testimony of [that witness] at the [g]rand [j]ury proceeding." *United States* v. *Thompson*, 76 F.3d 442, 452–453 (2d Cir. 1996).

The witness tampering statute's prohibition of corruptly persuading someone with intent to "influence, delay, or prevent the testimony of any person in an official proceeding," has been interpreted to mean exhorting a person to violate his legal duty to testify truthfully in court. *United States* v. *Morrison*, 98 F.3d 619, 630 (D.C. Cir. 1996) (rejecting defendant's argument that a simple request to testify falsely was outside the scope of §1512(b)), *cert. denied*, 117 S.Ct. 1279 (1997). As the Second Circuit explained: "Section 1512(b) does not prohibit all persuasion but only that which is 'corrupt.' The inclusion of the qualifying term 'corrupt' means that the government must prove that the defendant's attempts to persuade were motivated by an improper purpose to . . . . A prohibition against corrupt acts 'is clearly limited to . . . constitutionally unprotected and purportedly illicit activity." *United States* v. *Thompson* 76 F.3d 442, 452 (2d Cir. 1996) (quoting *United States* v. *Jeter*, 775 F2d 670, 679 (6th Cir. 1985)).

Apart from corrupt persuasion with intent to influence a person's testimony, §1512(b) proscribes engaging in misleading conduct with intent to influence such testimony. 18 U.S.C. §1512(b)(1). As one court described it, "[t]he most obvious example of a section 1512 violation may be the situation where a defendant tells a potential witness a false story as if the story were true, intending that the witness believe the story and testify to it before the grand jury. *United States* v. *Rodolitz*, 786 F.2d 77, 81–82 (2d Cir. 1986).

Some courts have interpreted conduct that was not misleading to the person at whom it was directed, even if it was intended to mislead the government, as outside the scope of §1512. See e.g. *United States* v. *King*, 762 F.2d 232, 237–238 (2d Cir. 1985). However, the Rodolitz court distinguished the facts in King, where there was insufficient evidence that the witness was actually misled, from the situation where the declarant makes false statements to a witness who is ignorant of their falsity. See *Rodolitz*, 786 F.2d at 81–82 ("In giving the statutory language its fair meaning, the court must find that making false statements to convince another to lie falls squarely within the definition of 'engaging in misleading conduct toward another person' under section 1512.").

The witness tampering statute explicitly states that "an official proceeding need not be pending or about to be instituted at the time of the offense." 18 U.S.C. §1512(e)(1). However, courts have implied some state of mind element. E.g. *United States* v. *Kelly*, 36 F.3d 1118, 1128 (D.C.Cir. 1994) ("It therefore follows that §1512 does not require explicit proof of [defendant's] knowledge . . . that such proceedings were pending or were about to be instituted. . . . The statute only requires that the jury be able reasonably to infer from the circumstances that [defendant], fearing that a grand jury proceeding had been or might be instituted, corruptly persuaded persons with the intent to influence their possible testimony in such a proceeding.")

B. The Facts Related to Obstruction of Justice.

1. Subparts (1) and (2) of Article II:

In Subpart (1) of Article II, it is averred that:

On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a federal civil action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false and misleading.

Subpart (2) alleges that:

On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to give perjurious, false and misleading testimony if and when called to testify personally in that proceeding.

Subparts (1) and (2) are flip sides of the same coin. In essence, the two subparts charge that the President's 2:30 a.m. phone call to Ms. Lewinsky on December 17, 1997, informing her of her presence on a witness list in the Jones case was designed to encourage her to provide a false affidavit in the case to avoid testifying, or failing that, that she give false testimony hiding the true nature of their relationship. What does the evidence show?

It should be recalled that the presence of Ms. Lewinsky's name on the Jones witness list first came to the attention of the President no later than December 17, 1997. See WJC 8/17/98 at 83–84. He was certainly aware of the true nature of their relationship, and it can be inferred that he knew that knowledge of the existence of that relationship would be detrimental to his case. It is also known that a cover story had been developed earlier to hide the relationship from others that included the false representation that Ms. Lewinsky's visits to the Oval Office were for the purpose of bringing the President papers or to visit Ms. Currie. See WJC 8/17/98 at 83–84.

Ms. Lewinsky testified that in the same 2:30 a.m. conversation in which he informed her of the presence of her name on the witness list, the President told her that she could always say she was bringing him papers or visiting Ms. Currie, consistent with their previous cover series. See ML 2/1/99 at CONG. REC. S1219. Ms. Lewinsky and the attorneys for the President have argued that since Ms. Lewinsky did in fact "see" Ms. Currie on those visits to the President and since she was "carrying" papers, that story was not untruthful and therefore could not have been designed to obstruct justice. However, that rationale defies logic and common sense.

In the first place, the purpose of the visits was not to see Ms. Currie. Secondly, the papers she carried were just props, not to be handed over to the President, but to falsely characterized as papers for the President if questioned. Therefore, were she to testify in a deposition that the purpose of her trips to the Oval Office to visit the President were actually to deliver papers or visit Ms. Currie, those would be false representations. The creation of a cover story followed by actions consistent with that cover story do not make the story any more truthful. Therefore, the President's instruction to her to rely on the cover story is in fact an instruction to her to lie.

Other evidence supports this conclusion, not the least of which is the affidavit filed by Ms. Lewinsky in the case after those discussions with the President took place, an affidavit she herself later testified as being false. How else could she have characterized it? In that affidavit, Ms. Lewinsky stated that she "never had a sexual relationship with the President." This was false. She swore that "[t]he occasions I saw the President after I left my employment at the White House in April, 1996, were official receptions, formal functions or events related to the U.S. Department of Defense, where I was working at the time. There were other people present on those occasions." This statement too was false. She also averred that "I do not possess any information that could possibly be relevant to the allegations made by Paula Jones or lead to admissible evidence in this case." Once again, this statement was false, as the President was aware, since he knew of the gifts he had given to Ms. Lewinsky. See WJC 8/17/98 at 32–35.

The President repeatedly said that he thought that Ms. Lewinsky "could," and he emphasizes the word "could," have been able to draft a narrow truthful affidavit. See WJC 8/17/98 at 69, 116–17. The problem is that although she "could" have been able to draft such an affidavit, the end product was not a truthful affidavit. Thus the President's intentional failure to prevent his attorney from using that false affidavit at his deposition provides further evidence of his corrupt intention during the December 17, 1997, phone call to Ms. Lewinsky.

Given these facts, the House has proven beyond a reasonable doubt that the President endeavored to corruptly influence the affidavit and potential testimony of Ms. Lewinsky in his December 17, 1997, 2:30 a.m. call to her.

2. Subpart (3) of Article II:

In Subpart (3), it is alleged that:

On or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him.

This allegation relates to the obstruction of justice by Ms. Lewinsky and Ms. Currie in hiding gifts provided to Ms. Lewinsky by the President under the bed of Ms. Currie. The only question that needs to be answered here in whether the President participated in that effort.

What does the evidence show? By December 28, 1997, Ms. Lewinsky had been subpoenaed to appear as a witness in the Jones case. In addition to demanding her appearance to testify, the subpoena also required that Ms. Lewinsky turn over any gifts given to her by the President. See ML 2/1/99 at CONG. REC. S1221. Under the pretense of meeting with Ms. Currie, Ms. Lewinsky went to the White House on Sunday, December 28, 1997, to discuss her subpoena with the President. Now at the time of that visit, there is no indication that the President was aware that particular items had been subpoenaed by the Jones lawyers from Ms. Lewinsky. Without the benefit of that information, the President freely gave Ms. Lewinsky a number of additional gifts. See ML 2/1/99 at CONG. REC. S1224. So when Ms. Lewinsky informed the President of that fact, one can infer that he must have been at the very least, surprised, and probably, somewhat troubled. When asked by Ms. Lewinsky at that meeting whether she should hide the gifts or give them to someone else like Ms. Currie for safekeeping, the President either failed to respond or said he needed to think about it. See ML 2/1/99 at CONG. REC. S1224.

Ms. Lewinsky testified that she left the White House and later received a phone call from Ms. Currie stating that she understood Ms. Lewinsky had something for her, or, 'the President said you have something for me. Ms. Lewinsky immediately understood that statement by Ms. Currie to refer to the gifts from the President she had discussed with him earlier in the day. See ML 2/1/99 at CONG. REC. S1225. She then proceeded to gather up all those gifts. However, according to Ms. Lewinsky, she unilaterally withheld some of those gifts from Ms. Currie which were of sentimental value to her.

The President's first defense to this allegation is based upon a minor discrepancy in Ms. Lewinsky's testimony concerning the time that the gifts were retrieved by Ms. Currie. The argument is that if Ms. Lewinsky was mistaken by one and one half hours in her recollection of when the gifts were retrieved by Ms. Currie, then her recollection of who initiated the retrieval is also suspect. See Statement of Cheryl Mills 1/20/99 at CONG. REC. S826–27.

This is a red herring. The timing itself is unimportant. What is important is the fact that the call came from Ms. Currie. See ML 2/1/99 at CONG. REC. S1225. Ms. Currie's cell phone records tend to support the notion that Ms. Lewinsky's memory is accurate as to who called whom about the gifts. After all, the only way that Ms. Currie would have known about the gifts and made the call is if the other party to those discussions, the President, apprised her of that conversation and asked her to pick up the gifts.

The fall-back defense of the President is based upon the fact that he had given her more gifts that same day, the idea being that his giving other gifts to Ms. Lewinsky is inconsistent with a plan to hide those gifts. See Statement of Cheryl Mills 1/20/99 at CONG. REC. S827. This, however, is belied by the fact that the President provided her with those gifts before the issue of the gifts being subpoenaed came up in their conversation that day. See ML 2/1/99 at CONG. REC. S1224. It is reasonable to infer that the President's understanding of the gift pickup was unrestricted. He expected Ms. Lewinsky to give all the gifts to Ms. Currie for safekeeping, even the ones she had received that day. The fact that Ms. Lewinsky kept some of the gifts does not change the nature of the intended scheme.

The evidence adduced as to Subpart (3) shows beyond a reasonable doubt that the President corruptly engaged in, encouraged or supported a scheme to conceal evidence in the Jones case.

3. Subpart (4) of Article II:

Subpart (4) makes the accusation that:

Beginning on or about December 7, 1997, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action brought against him in order to corruptly prevent the truthful testimony of that witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him.

It is uncontroverted that Vernon Jordan did not actively seek to find a job for Ms. Lewinsky until she was on the witness list in the Jones case. Once she was on the witness list, he engaged in a high level job search under the guidance of the President and reported his progress in that regard directly to the President. See VJ 2/2/99 at CONG. REC. S1231–36. Moreover, he knew at the time of his job search that Ms. Lewinsky was a potential witness in the Jones case and, according to Ms. Lewinsky, was apprised by her of the sexual nature of her relationship with the President. See ML 8/6/98 GJ at 138–39. And of course, in that very same time frame, he procured for her an attorney to help her file a false affidavit freeing her from testifying in the case and to prepare that false affidavit in time for it to be used in the President's deposition in the Jones case. See VJ 2/2/99 at CONG. REC. S1240–41.

One could speculate that the President's use of one of the most powerful attorneys in Washington, and a close friend of the President, to find a lowly Defense Department employee and former intern a lucrative and prestigious job by contacting some of the most powerful executives in the country was just an act of kindness unrelated to her pending testimony in the Jones case. One could conclude that the numerous calls made by Mr. Jordan to the President and Ms. Currie, the calls made by the President to Mr. Jordan, and the calls made by Mr. Carter to Mr. Jordan, calls which coincided with the effort to get Ms. Lewinsky to file a false affidavit and secure her a job, were simply coincidental.

One could surmise that Mr. Jordan's call to Ronald Perelman after Ms. Lewinsky felt she had a bad interview, which call led to a second successful interview, was unrelated to her cooperation in signing the affidavit only a day earlier. One could believe that Mr. Jordan had a great interest in assisting Ms. Lewinsky to find a job prior to her name showing up on the witness list in the Jones case and only failed to do so because he had no time, but was somehow able to find and devote substantial time to that effort, coincidentally, after her name showed up on the witness list. One could undertake such speculation. But that would defy common sense and reason.

The President became personally engaged in the effort to find Ms. Lewinsky a job only after her name appeared on the Jones witness list. He then used his powerful friend to find Ms. Lewinsky a job because he believed out of gratitude for his help in obtaining a job, she would continue to hide their relationship. He kept in constant direct contact with Mr. Jordan up until the time that the affidavit was completed and she had received and accepted a job offer from Revlon. Indeed, the President actually spoke to Mr. Jordan during a meeting between her and Mr. Jordan on December 19, 1997. See ML 8/6/98 GJ at 131. Mr. Jordan immediately called the President to report his fears the moment he thought Ms. Lewinsky may have turned government witness when he learned Mr. Carter had been relieved of his representation by her. See VJ 6/9/98 GJ at 45–46.

One need only look at the contrary actions by the President once he believed Ms. Lewinsky may have decided to cooperate with the Independent Counsel investigation. Once he believed that she may have been cooperating with the Office of the Independent Counsel, he began to disparage her to aides like Sidney Blumenthal. See SB 2/3/99 at CONG. REC. S1248. After that date, the President discussed the wisdom of destroying her credibility and reputation with Dick Morris. See DM 8/18/98 GJ at 35. Can anyone doubt that her favorable testimony was tied into the President's efforts to conceal his relationship with her and that the intensified job search was the President's endeavor to keep her from telling the truth? Put another way, does anyone believe that the President would have used Vernon Jordan to help get her a job after she agreed to tell the truth to the Jones attorneys or to the Independent Counsel? Of course not. It was not in the President's interest to reward her for the truth—she was only rewarded for her failure to tell the truth. Her reward for telling the truth was to be smeared by the President and his spin machine.

The President's attorneys repeat the mantra that Ms. Lewinsky believes that she was not promised a job for her false testimony in the Jones case. But that really isn't the issue. The law requires an endeavor to corruptly influence her testimony. Regardless of how Ms. Lewinsky perceived or misperceived the reasons for the high level assistance she received, there was no such misconception on the part of the President and Mr. Jordan. The corrupt endeavor by the President was confirmed by two powerful and compelling words that cannot be parsed or stripped of meaning. Those two words summed up the month long effort to protect the President: "Mission Accomplished." There can be no other meaning of those words in the context used by Mr. Jordan other than the completion of a crucial and time sensitive task by him on behalf of the President.

The proof as to subpart (4) is sustained beyond a reasonable doubt that the President intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action brought against him in order to corruptly prevent the truthful testimony of that witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him.

4. Subpart (5) of Article II:

Subpart (5) alleges that:

On January 17, 1998, at his deposition in a Federal civil rights action brought against him, William Jefferson Clinton corruptly allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit, in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge.

There is no question that during the deposition of the President by the Jones attorneys, the President's attorney, Mr. Bennett, made the following statement:

> . . . Counsel is fully aware that Ms. Lewinsky has filed, has an affidavit which they are in possession of saying that there is absolutely no sex of any kind, in any manner, shape or form, with President Clinton . . .

Mr. Bennett made this statement in an effort to cut off any questioning of the President about his relationship with Ms. Lewinsky. That statement was false, as was later admitted by Mr. Bennett, even given the contorted reading of the definition of sexual relations as purportedly understood by the President. It is equally clear that the President did not correct this assertion by his attorney.

The President's primary defense to this allegation is that he wasn't paying attention to what was said by his attorney. This statement can not be believed. The videotape of that deposition clearly shows the eyes of the President shifting from person to person as each spoke or argued their perspective on the issue. As each spoke, the President focused on the speaker. It is ludicrous to assert that when the name Monica Lewinsky was brought up, the President was not keenly aware of the significance of that line of questioning.

He knew the work that had been done to get her affidavit completed before the deposition. He understood the disclosure of that relationship could do irreparable damage to his case and to his Presidency. There is nothing to indicate he was anything less than completely aware of what was said and of his failure to correct that record to his detriment. I choose to believe my own eyes and common sense, not the implausible explanation put forward by the attorneys for the President.

The secondary defense offered by the President, that Mr. Bennett's use of the word "is" precluded the necessity to reveal any sexual relationship with Ms. Lewinsky not occurring, essentially, in that room during the deposition, is not worthy of a detailed refutation or response.

The evidence demonstrates that the President allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit, in order to prevent questioning deemed relevant by the judge, thus obstructing the administration of justice.

5. Subpart (6) of Article II:

In Subpart (6), the House makes the contention that:

On or about January 18, 1998, and January 20–21, 1998, William Jefferson Clinton related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.

This allegation relates to the statements made to Ms. Currie by the President in his unusual Sunday meeting with her after the Jones deposition, and in his repetition of those statements the following Tuesday or Wednesday after the Starr investigation had become public. The President has not contested the fact that the statements made to Ms. Currie were false and misleading. Nor has he provided any answer as to why the statements, if designed to help refresh his recollection, were false and had to be repeated to her again several days later. After being confronted with the subpoena issued to Ms. Currie by the Jones attorneys in the days after his deposition, and the revised witness list containing her name, the President's attorneys have now backed off the notion that no one could have thought Ms. Currie would be a witness at the time of these statements. Despite this, the President still asserts that those false and misleading statements were designed to refresh his recollection and that he personally did not believe that she would become a witness. Once again, this defense defies credulity.

When these statements were made, the President was defying a court order not to discuss his testimony. See WJC 1/17/98 DT at 212–13. He knew it was essential to do so regardless of that order because he had blatantly inserted Ms. Currie into the case as a fact witness. He mentioned her name during his deposition no less than six times, on one occasion even stating that the Jones attorneys would have to "ask Betty." See generally WJC 1/17/98 DT. Clearly, the Jones attorneys got the message; they added Ms. Currie to the witness list and subpoenaed her the following week. So did the President. Having "brought" her into the case, the President realized the absolute need to make sure her testimony would dovetail with his assertions that he had no improper relationship with Ms. Lewinsky.

It is apparent that the Sunday meeting was designed to corruptly mislead Ms. Currie when she would be called as a witness in the Jones case. What was left unanswered by the President, but for which there can be but one answer, was why the President repeated the false statements to Ms. Currie on Tuesday or Wednesday.

The answer lies in the record. By Tuesday, the president had learned that Judge Starr was investigating the case. See VJ 6/9/98 GJ at 55–74. He knew that the evidence in the Jones case would lead Judge Starr to Ms. Currie, just as surely as he knew it would lead the Jones attorneys to her. So he had to reinforce the false statements he had told Ms. Currie the previous Sunday because the stakes had just risen substantially. The President needed to be sure he was covered by Ms. Currie for both the Jones case and for the Independent Counsel investigation to come.

Once again the evidence shows that the President related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.

6. Subpart (7) of Article II:

The House asserts in Subpart (7) that:

On or about January 21, 23 and 26, 1998, William Jefferson Clinton made false and misleading statements to potential witnesses in a Federal grand jury proceeding in order to corruptly influence the testimony of those witnesses. The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury, causing the grand jury to receive false and misleading information.

This subpart relates to the President's discussions with Erskine Bowles, John Podesta and Sidney Blumenthal concerning the nature of his relationship with Ms. Lewinsky. Now the President does not deny the testimony of Mr. Podesta where he related that the President said that he had no sexual relationship with Ms. Lewinsky, including oral sex. Nor does he deny the testimony of Sidney Blumenthal that he characterized Ms. Lewinsky as a stalker who had threatened him, and whose seduction he had declined. The President also admits that he knew it was likely they would be grand jury witnesses when he made those statements to them.

Their client having conceded the basic facts of this allegation, the President's attorneys first try to make the argument that the President could not have been intending to influence the grand jury since he did not tell his aides anything different than he had told any other person publicly. However, the evidence is unrefuted that his denials to his aides were fundamentally different from his public pronunciations in that they departed from even his tortured definition of sexual relations. Moreover, he created a false impression of Ms. Lewinsky in order to besmirch her character and credibility in a blatant attempt to both misguide the grand jurors, and it can be inferred by the fact such information was provided to his communications aide, to publicly disparage her character.

The second defense offered is that the President's attempts to keep his aides out of the grand jury show he was not trying to corruptly influence that body. However, this argument loses force in light of the fact that only specious arguments were made to prevent their testimony. Knowing they would fail, they were arguably designed to serve his private interest in delaying the investigation and creating an impression of Judge Starr as overreaching and out of control. Moreover, the President had months to correct his misstatements to Mr. Blumenthal prior to his grand jury testimony, but failed to do so even when he knew he would be called before the grand jury to repeat the earlier lies told to him by the President. See SB 2/3/99 at CONG. REC. S1249.

In effect, the President killed two birds with one stone. His chimeric fight to prevent his aides from testifying was used effectively in a public relations campaign to impugn the Independent Counsel investigation. And when he lost the "battle" that he knew would inevitably fail, he was aware the false and slanderous testimony preordained to be given by his aides would be of assistance to him in misleading the grand jury.

There is substantial proof as to Subpart (7) that the President made false and misleading statements to potential witnesses in a Federal grand jury proceeding in order to corruptly influence the testimony of those witnesses.

For the reasons I have just outlined, the evidence proves beyond a reasonable doubt, that the President is guilty of Article II.

V. WHY REMOVAL?

This impeachment trial is of momentous constitutional consequence. A removal of the President—a coequal branch of government—must not be taken lightly. But that—now that we have decided to end the trial by a final vote—does not negate the duty that each Senator has, as individual conscience dictates, to vote to acquit or convict based upon the evidence. Posterity demands that each of us justify the votes Senators render in the impeachment trial of the President.

Future generations of Americans will look to what we do as precedents for impeachments. This is particularly true since our Nation has faced only one impeachment trial of a President—that of Andrew Johnson in 1868. But it is also true for judges and other federal officials as well. Let me thus explain in some detail why I shall vote for conviction.

The Constitution vests great discretion in the Senate in determining whether to remove an impeached official. The Framers intentionally followed the English model where the House of Commons possessed the power to impeach or indict officials and the House of Lords the authority to try the impeached official. As such, the House of Representatives was delegated the authority to impeach and the Senate the power to try, convict, and remove. The Senate was chosen as the repository of this awesome power because it was considered the more mature chamber of Congress. Serving six year terms instead of the two years for the House, the Senate was seen as a bulwark against the shifting tides of public opinion.

The age qualification differences—30 for the Senate and 25 for the House—demonstrates that maturity in the Senate would dominate over youthful passion. And most important, while the House was prone to passionate factional rifts, because Representatives are elected from small sometimes single-issue districts, Senators are elected state-wide where, it was hoped, factions would counteract factions. Thus, the Senate was designed to be more attuned to the public interest than to the special interest.

Consequently, when the Senate sits as a court of impeachment, it does not have to rubber-stamp the House's view as to what is an impeachable offense. As recognized by the Supreme Court in the *Nixon* case, the Senate was vested by the Framers with the sole power to try impeachments. The Senate is thus vested with independent judgment as to what process to employ in the trial.

It also follows that the Senate was granted the discretion to determine whether the factual allegations made by the House are true and whether such findings by the Senate rise to the level of high crimes and misdemeanors. Furthermore, the Senate, as the Upper Chamber insulated against popular passions and the factions of special interests, could make a subjective determination of the public good in defining high crimes and misdemeanors and in removing an official.

In the words of my esteemed colleague, ROBERT BYRD, the answer of whether a person is fit to remain in office requires both detached objectivity and subjective judgment rising above temporary popular passions of whether continuation in office "brings the political (or judicial) system into disrepute and undermines the people's trust and confidence in government."

Supportive of this discretionary authority to remove officials—an authority that must be divorced from the fleeting and flaming emotions of the times—is the constitutional supermajority safeguard of a ⅔ vote of the Senate needed to remove officials. This requirement is a further guarantee against the tide of popular passion and tilts the impeachment process towards acquittal.

Accordingly, a Senator in impeachment trials must consider two factors: (1) whether the allegations are true; and (2) whether the facts proven rise to the level of high crimes and misdemeanors—impeachable offenses. In determining the second prong—whether the facts proven rise to the level of high crimes and misdemeanors—the subjective intent of Senators of what is in the public interest is a factor to consider. I have already discussed the facts and the standard for impeachable offenses. Now I will discuss whether the public interest—in other words what is best for the country—requires that the acts committed by President Clinton rise to the level of high crimes and misdemeanors requiring his removal.

I believe that it has. Some of my colleagues, particularly those on the other side of the aisle, contend that it is not in the public interest to remove President Clinton, because the economy is doing well, or because of his foreign policy successes, or because he is extremely popular in the polls. But these factors—no matter how important—do not justify ignoring the constitutional mandate of removal upon proving that impeachable acts were committed.

Polls should not be a factor in this trial. Our system of government is not a pollocracy. It is a representative republic where the people, as a constitutional matter, speak only through elections of their representatives. America is thus a constitutional republic, and will remain so "if"—in the words of Benjamin Franklin—"you can keep it." The only way to "keep it" is to respect the processes established by the Constitution itself.

Simply put, the Constitution mandates the conviction and removal of civil officers, including the President, upon proving "treason, bribery, and other high crimes and misdemeanors." I believe that the House Managers have proved beyond a reasonable doubt that President Clinton has committed acts of perjury and obstruction of justice. I believe that Senators should come to the same subjective determination, as I have, that these acts of perjury and obstruction of justice so erode our civil and criminal justice system as to conclude that the public good is served by removal.

A President of the United States is not simply a political leader. A President is a head of state and a role model for Americans, particularly our children. What kind of message will we send to our posterity if President Clinton's conduct is not considered worthy of removal? What amount of cynicism and disrespect for our governmental institutions will we engender if we impose one set of rules for the common man—imprisonment for acts of perjury and obstruction of justice—and another for the President of the United States—who receives a pass from removal because he is powerful or has done a "good job" in some eyes?

Our children are extremely vulnerable to the growing cynicism surrounding this trial. We have all heard stories that some children justify their deceits by claiming that the President of the United States lied as well. Many wise philosophers have exclaimed that a republic can survive only if its citizens are moral. I am afraid that our children may not learn that lesson.

Not to remove here is to diminish the rule of law. As Manager ROGAN warned in his closing argument, "[u]p until now, the idea that no person is above the law has been unquestioned. And yet this standard is not our inheritance automatically. Each generation of Americans ultimately has to make the choice for themselves. Once again, it is time for choosing. How will we respond?" We should respond by safeguarding the rule of law by voting to remove the President.

Whether President Clinton has done a "good job" is a matter of partisan debate. In fact, adopting a "good job" exception—a term that is so flexible and vague as to be meaningless as a constitutional standard—merely exacerbates the partisan tensions ever present in impeachment trials.

The same analysis applies for the "good economy means no removal" theory. It is intuitive that economic growth can never justify crime or acts rising to the level of high crimes and misdemeanors warranting removal. If President Clinton is removed, our economy will not suffer. The world will still spin on its axis. Our Constitution provides for orderly succession and stable government. Removal will not overturn an election, as some have argued.

The constitutional impeachment procedures were designed simply to remove unqualified or corrupt officials. Vice President GORE, pursuant to the Constitution, will become President and life will go on.

Let me emphasize that by requiring removal upon proving the commission of impeachable offenses, the Framers believed that it is in the public good to remove the official.

President Clinton is guilty of high crimes and misdemeanors and his poll numbers, no matter how lofty, cannot insulate him from the dictates of the Constitution. The President believes that a rule of polls should govern the Senate's decision. But as Manager ROGAN correctly observed, "the personal popularity of any President pales when weighed against the fundamental concept that forever distinguishes us from every nation on the planet. No person is above the law." There is no escaping the Senate's duty enshrined in the impeachment oath that we do "impartial justice" and remove the President if we believe that his actions amounted to high crimes and misdemeanors.

VI. CONCLUSION

I do not take pleasure or gain any sense of gratification for the decision I must make today. For literally months, night and day, I have anguished over the serious accusations against President Clinton and what they mean for our country, our society, and our children.

I know none of us enjoys sitting in judgment of the President, our fellow human-being, but that is our job and we cannot ignore our responsibility. I believe most of us will do a sincere job of trying to fulfill our oath to do impartial justice.

I have diligently strived to extend my deepest respect to the President—indeed, to the Presidency—throughout this process. I wanted to be able to support President Clinton. I believe that I have been more than fair. I have tried not to rush to judgment.

All of my life I've been taught to forgive and forget. I've always tried to live up to that belief. As a leader in my church, I have dealt with a great number of human frailties, people with a wide variety of problems, and I've always believed that good people can repent of their sins and be forgiven.

Indeed, to the dismay of some, I had expressed a hope and a desire early on in this constitutional drama that the President would acknowledge his untruthful statements. He chose to do otherwise and perpetuated his untruthfulness. Although some believe this is solely a private matter, I feel this is really about the President's fidelity to the oath of office and the rule of law.

I have always been prepared to vote my conscience. Indeed, my concerns regarding the bad precedent a likely acquittal would set have been somewhat calmed by something the great constitutional scholar, Joseph Story, once wrote about acquittal in impeachment cases. Mr. Story noted that in cases in which two-thirds of the Senate is not satisfied that a conviction is warranted, "it would be far more consonant to the notions of justice in a republic, that a guilty person should escape than that an innocent person should become the victim of injustice from popular odium * * *"

Nonetheless, I am reminded of a quote by President Theodore Roosevelt, a statement that applies to the matter before the Senate:

> Honesty is not so much a credit as an absolute prerequisite to efficient service to the public. Unless a man is honest, we have no right to keep him in public life; it matters not how brilliant his capacity * * *.
>
> 'Liar' is just as ugly a word as 'thief,' because it implies the presence of just as ugly a sin in one case as in the other. If a man lies under oath or procures the lie of another under oath, if he perjures himself or suborns perjury, he is guilty under the statute law. Under the higher law, under the great law of morality and righteousness, he is precisely as guilty if, instead of lying in a court, he lies in a newspaper or on the stump; and in all probability the evil effects of his conduct are infinitely more widespread and more pernicious.

President Theodore Roosevelt's words cannot be ignored—nor can the Constitution. After weighing all of the evidence, listening to witnesses, and asking questions, I have concluded that President Clinton's actions warrant removal from office.

Committing crimes of moral turpitude such as perjury and obstruction of justice go to the heart of qualification for public office. These offenses were committed by the chief executive of our country, the individual who swore to faithfully execute the laws of the United States.

This great nation can tolerate a President who makes mistakes. But it cannot tolerate one who makes a mistake and then breaks the law to cover it up. Any other citizen would be prosecuted for these crimes.

But, President Clinton did more than just break the law. He broke his oath of office and broke faith with the American people. Americans should be able to rely on him to honor those values that have built and sustained our country, the values we try to teach our children—honesty, integrity, being forthright.

For 13 miserable months, we have struggled with the question of what to do about President Clinton's actions. The struggle has divided the Nation.

To those of us who have ourselves taken an oath to uphold the Constitution—which represents the rule of law and not of men—it should not matter how brilliant or popular we feel the President is. The Constitution is why we govern based on the principle of equality and not emotion. The Constitution is what guides us as a nation of laws and not personalities. The Constitution is what enables us to live in freedom.

I will vote for conviction on both articles of impeachment—not because I want to—but because I must. Upholding our Constitution—a sacred document that Americans have fought and died for—is more important than any one person, including the President of the United States.

When all is said and done, I must fulfill my oath and do my duty. I will vote "Guilty" on both Article One and Article Two.

SENATOR DODD'S HISTORIC SPEECH IN THE OLD SENATE CHAMBER

Mr. LEAHY. Mr. President, I would like to submit a statement delivered by our colleague Senator DODD on January 8th at the commencement of the impeachment trial of President Clinton.

This statement, like the others delivered that day, is remarkable in several respects.

First, it captures the rich history that has transpired over the years in the Old Senate Chamber—a history marked often by greatness, but occasionally by shame.

Second, it wonderfully expresses Senator Dodd's own personal sense of the history of the Senate. His reflections on past Senators—from Roger Sherman, the Founding Father whose seat Senator DODD occupies, to his own father, former Senator Thomas Dodd—remind us that the Senate is an institution made up of individuals, and that the totality of their actions shapes the destiny not just of the Senate itself but indeed of the entire country.

Third, and most importantly, Senator DODD's statement stands as a powerful plea for cooperation and bipartisanship in the discharge of the Senate's profound responsibility in this trial. Senator DODD's statement played a critical role in setting the stage for the historic bipartisan agreement reached at the outset of the trial, and for the spirit of civility that prevailed throughout this ordeal. I commend Senator DODD's statement to all citizens who in the future may wish to learn something of how the Senate was inspired to conduct the impeachment trial of President Clinton in a noble and dignified manner.

I am beginning my 25th year in the Senate. After Senator DODD spoke I told him his speech was one of the finest I had heard in those years.

No Senator ever spoke more directly—or more persuasively—to other Senators about the duty we all have to the Constitution and the Senate. I am proud to serve with him.

I ask unanimous consent that the text of Senator DODD's statement be printed in the RECORD.

REMARKS BY SENATOR CHRISTOPHER J. DODD, OLD SENATE CHAMBER, JANUARY 8, 1999

Mr. DODD. Let me begin by thanking our two leaders. While none of us can say with any certainty how this matter will be concluded, if we, like every other institution that has brushed up against this lurid tale, end up in a raucous partisan brawl, it will not be because of the example set by Tom Daschle and Trent Lott. The graces have once again blessed this extraordinary body by delivering two noble and decent men to lead us.

I want to express a special thanks to you, Tom, for asking me to share my thoughts this morning on the issue before us.

On a light note, it was in this very room four years ago that I lost the Democratic leader's post to Tom Daschle. Of the forty-seven members of the Democratic Caucus, forty-six were here that morning to vote. When the ballots were counted, Tom and I had each received 23 votes—a dead heat. The absent Democratic colleague who voted for Tom with a proxy ballot was Ben Nighthorse Campbell. Several weeks later I received a very late night call from Ben in which he shared with me his decision to change political parties. Ben and I have been good friends for some time, and I told him he ought to do what he felt was right. The next morning I decided to have some fun with our Democratic leader, Tom Daschle, by sending him a note asking that in light of Ben's decision to become a Republican, did Tom think a recount of the leader's race might be in order?

Considering the wonderful job our leader Tom has done, particularly over these last several weeks, I'm glad he did not even consider the offer.

Allow me further to note a point of personal privilege. I am deeply proud to share the representation of my state in the Senate with Joe Lieberman. Over these past couple of weeks Joe and Slade Gorton have once again demonstrated the value of their presence in the Senate. While many of us, from time to time, have claimed to speak for the Senate—few rarely do. On that day in September, Joe, your remarks delivered on the Senate floor about the President's behavior were, I believe, the sentiments of the entire Senate. We thank you.

Joe and I represent the Constitution State. Joe sits in the seat once held by Oliver Ellsworth, the second Chief Justice of the Supreme Court. I sit in the seat of Roger Sherman, the only founding father to sign all four of our cornerstone documents : The Declaration of Independence, The Articles of Confederation, The Constitution and The Bill of Rights. Roger Sherman was also the author of the Connecticut Compromise which created this Senate in which we now serve.

So by institutional lineage, I feel a special connection with the Senate. But, on a personal level, I am also very much a product of the Senate. Forty years ago this week, I was a very proud 14 year old watching from the family gallery as my father took the same oath I took on Wednesday. I also remember that day meeting another new Senator, Robert C. Byrd of West Virginia.

I only mention these facts because I am overwhelmed by a profound sense of history as we embark on this perilous journey over the coming weeks. I want my institutional forebearer, Roger Sherman, and my father to judge that on my watch, as a temporary custodian of this Senate seat, I did my best.

I want to express a special thanks to Trent Lott for having the wisdom of choosing this most historical room for our joint caucus. Trent could have chosen any number of other venues, larger more accommodating rooms around the Capitol for this meeting. But either by divine inspiration or simple choice he decided to bring us—Democrats and Republicans—together here.

It is one hundred and forty years ago this week—January 4, 1859—that our Senate predecessors moved from this room to the chamber we now occupy.

While in use, this room was the stage of some of the Senate's most worthy and memorable moments.

The Missouri Compromise was brokered here. So was the Compromise of 1850. And the famous Webster-Hayne debate took place here in 1830. The spirits of Henry Clay, John Calhoun and Daniel Webster—great statesmen, great compromisers, giants of our Senate—are here with us today. And maybe one day, those who come after us will add this joint meeting to the list of those other great moments in the history of the United States Senate.

But this chamber also witnessed one of the Senate's most regrettable moments—the caning in 1856 of Senator Charles Sumner by Representative Preston Brooks.

Congressman Brooks walked right through this center door and proceeded to beat Senator Sumner.

That tragic incident was precipitated by a strong anti-slavery speech from Senator Sumner in which Representative Brooks felt Sumner had accused his colleague and Brook's cousin, Senator Andrew Butler of South Carolina, of having an illicit sexual relationship with a young woman who was a slave.

Far from being a momentary bitter, personal dispute, the Sumner caning, according to many historians, effectively ended the thin shred of comity and compromise that existed in the Senate. Forty-eight months later our great Civil War began.

We are now gathered in this revered room in the face of a great Constitutional question. Which of the spirits that inhabit this chamber will prevail as we begin this process? Can we find the common ground of Clay, Calhoun and Webster? Or will we assault each other by resorting to a rhetorical caning?

I would urge our two leaders to try once more before the scheduled vote of 1 pm to find a solution to the issue of witness testimony.

It has been argued that there is little or no difference between the two proposals, and, while they may seem slight, I believe our failure to make the right choice puts the conduct of this process and the public confidence in the Senate at grave risk.

The President's conduct was deplorable; the conduct of the Office of Independent Counsel has raised grave concerns on all sides; and the highly partisan spectacle in the House has provoked public revulsion. We are the court of last resort—the only hope of restoring public confidence rests with us.

The issue of whether to exclude witnesses altogether or leave open the possibility of their testimony rests on how we weigh the relative risk of prohibiting witnesses against the risk of severely damaging or destroying the shared goals and desires of all Senators.

Over the past several weeks, in telephone conversations, meetings and joint appearances on news programs, I have concluded there are six points of common agreement:

(1) There is the sincere desire for this profound burden we did not ask for to be devoid of partisanship;

(2) We must act with total fairness, and we must be perceived by the public as having acted fairly;

(3) We must act with deliberate speed and not flounder;

(4) We must assure that the Senate retains sole custody of how this matter is conducted and concluded;

(5) We must demonstrate appropriate respect for the Judicial Branch, the Executive Branch and the House of Representatives; and

(6) We must jealously protect the dignity of the Senate as we consider what most Americans believe to be, at the very least, the most undignified personal behavior of an American President.

If we permit the House managers and the White House to call witnesses, do we not risk the partisan brawling through party-line voting that will surely ensue? And does not that risk outweigh the risk that some of us may not benefit from body language or voice inflection that some witnesses may provide? I think not.

A process as proposed by Senators Gorton and Lieberman that allows a full explanation of the House managers case over several days and an equal amount of time allocated for the President's defense, in addition to two days of questions from Senators, would meet any reasonable person's standard of fairness. The added fact that we will have at our disposal more than 60,000 pages of Grand Jury testimony, hearings and evidence should satisfy any objective analysis that we can conduct this process fairly.

There is no more important business before the Senate than the conduct and conclusion of this impeachment trial. I am of the view that no other business ought to intervene while this matter is pending. As I have said, we must act fairly—but we must also act expeditiously—not rush—but act with deliberate speed and purpose.

Any first semester law student knows that once witnesses are subpoenaed, fundamental fairness allows for depositions and discovery. Depending on the number of witnesses, the delays will undoubtedly be lengthy.

I readily acknowledge that there are some risks in excluding the testimony of live witnesses—but does that risk exceed the almost certain risk of causing the Senate to be unnecessarily tied up with this matter for weeks if not months?

As I have stated, this unsolicited task of disposing of this impeachment is paramount, but we would all agree it is not our only responsibility.

There are urgent matters, both foreign and domestic, that we must attend to in the 106th Congress. Pete Domenici's concern about the budget and not repeating the budget debacle of last year, social security reform, Ted Stevens' concern about the accuracy of our weapons in Iraq, and the Brazilian economic crisis are just a small sample of the agenda this Senate must address. The risk of not dealing with these matters must be weighed against the wisdom of calling live witnesses in this proceeding.

The Constitution is clear—only the Senate has the power to try impeachments. We and we alone must be the custodians of our own procedures. While the calling of live witnesses does not necessarily mean the Senate would lose control of the proceedings, there is the undeniable risk that once the witness parade begins, the ability of the Senate, and the Senate alone, to manage these proceedings fairly, expeditiously, and in a nonpartisan fashion could be lost.

We Senators have a serious responsibility to be respectful of the Judicial Branch in the presence of Chief Justice Rehnquist, the Executive Branch in the presence of counsel for the President, and the House of Representatives in the presence of the House managers. Being respectful and deferential to these institutions should not be confused with deferring to these institutions. Chief Justice Rehnquist has indicated to our leaders that he intends to be a passive presiding officer, except in some narrow instances. The White House, through their counsel, indicated that it would prefer to avoid calling witnesses. Only the House managers are insisting on the use of witnesses. Furthermore, the House managers agree that the exclusion of witnesses by the Senate would deprive them of the ability to make their case and be taken as an act of disrespect by the Senate.

I find it stunningly ironic that the House Judiciary Committee saw no similar disrespect to their fellow House members when they presented their Articles of Impeachment before the full House without the benefit of a single witness appearing before their panel. When asked why no witnesses had been called before the House Judiciary Committee, some members argued that the calling of witnesses would have unduly delayed their proceedings and the presence of some witnesses could have reflected poorly on the dignity of the House.

The obvious question occurs that if the House managers were unwilling to risk an expeditious handling of their procedures and unwilling to risk the potential for a lewd and lurid spectacle in their chamber, why then should we in the Senate submit our chamber to similar risks when there is no compelling benefit to be gained?

A process that would allow either side in this matter to call witnesses- with the approval of a bare majority—risks setting in motion a Senate proceeding where we Senators would sit in muted silence, as my friend Mitch McConnell has pointed out, while our chamber becomes the stage for the most lurid and salacious testimony of which we and the American people are all too painfully aware and of which the public wants to hear no more.

Would whatever marginal benefit this testimony could provide outweigh the cost to the reputation of the Senate or the dignity of this institution?

I submit that we should not run the risk of allowing this institution to be used by anyone as a forum to appeal to the basest instincts of a few.

For these reasons, I would strongly urge you, my colleagues, not to run all the substantial risks to the conduct of this process and the reputation of our Senate by permitting the unnecessary procession of witnesses in the well of our chamber.

IMPEACHMENT TRIAL OF PRESIDENT WILLIAM JEFFERSON CLINTON

Mr. SESSIONS. Mr. President, the Constitution of the United States requires the Senate to convict and remove the President of the United States if it is proven that he has committed high crimes while in office. It has been proven beyond a reasonable doubt and to a moral certainty that President William Jefferson Clinton has persisted in a continuous pattern to lie and obstruct justice. The chief law officer of the land, whose oath of office calls on him to preserve, protect and defend the Constitution, crossed the line and failed to protect the law, and, in fact, attacked the law and the rights of a fellow citizen. Under our Constitution, such acts are high crimes and equal justice requires that he forfeit his office. For these reasons, I felt compelled to vote to convict and remove the President from office.

THE FACTS

Facing a lawsuit the United States Supreme Court had upheld against him, President Clinton had to make a decision. He could tell the truth or lie and obstruct justice. He took the course of illegality. This case is not about an isolated false statement, it is about the President of the United States using his office, his power, his staff, and his popularity to avoid providing truthful answers and evidence that was relevant to a civil lawsuit. President Clinton's actions demonstrated a pattern of untruth and disdain for the legal system he had sworn to uphold.

OBSTRUCTION OF JUSTICE

President Clinton resisted the lawsuit from the time it was filed. Among other defenses, he argued that he, as the President, was not subject to the civil legal system while in office. The Supreme Court unanimously rejected this proposition. His legal arguments having failed, the President began to use illegal means to defeat the action. Since the truth would be damaging, he took steps to see that the truth concerning his relationship with Monica Lewinsky would never come out.

President Clinton began his obstruction of justice by denying to the court material truths. He first filed with the court false answers to written questions, interrogatories, under oath. He then bolstered his lies to the court by procuring from Monica Lewinsky a supporting false affidavit which he filed with the court. When questioned at his deposition about the truthfulness of the Lewinsky affidavit, President Clinton, without any hesitation, told the court that it was "absolutely true". The President then proceeded, confident in his obstruction of the truth, to lie repeatedly under oath about their relationship in the deposition.

Indeed, the President orchestrated a scheme to deceive the court, the public and the grand jury. The facts are disturbing and compelling on the President's intent to obstruct justice. When Monica Lewinsky received a subpoena for the gifts, the President knew that if they were produced, his relationship would be revealed. I believe Monica Lewinsky's testimony that she discussed with the President what to do with the gifts. I also believe that Betty Currie got the gifts from Monica Lewinsky and hid them under her bed only after approval from the President. Secreting evidence under subpoena is a crime. The President secured a job for Ms. Lewinsky in large part because he wanted her to file a false affidavit and to continue to cover up their true relationship. The President coached his personal secretary twice to ensure that if she were called as a witness in the civil case she would not contradict his testimony given the day before. The President intentionally lied to aides in an effort to have them mislead the public and the grand jury. This is to me a clear pattern of obstruction of justice.

The most conclusive proof of obstruction of justice, however, is the most obvious. Clearly, the President succeeded at defeating the right of the Paula Jones attorneys to get discovery as they were entitled. He got away with it. But for the indisputable DNA evidence that was only produced when Ms. Lewinsky confessed seven months later, the obstruction would have continued to be successful. Even when confronted with this evidence at the grand jury in August the President chose to confuse the definition of words that have plain meanings instead of telling the truth.

PERJURY

From a strictly legal point of view the perjury count was not as clear as it might first appear. In fact, standing alone these perjury charges may have failed to be impeachable. However, the President made his false statements as part of a continuous pattern to obstruct justice and deceive. This pattern establishes the necessary criminal intent. The President before the grand jury continued to deny facts and details that are by their very nature important in a sexual harassment suit. The President also intentionally deceived the grand jury regarding his participation in the concealing of the gifts and lied regarding his effort to obstruct justice by coaching Betty Currie. His admissions, though significant, steadfastly failed to cover any issues that would establish that his previous actions were in violation of the law. The President denies that these statements are false. However, he has no reservoir of credibility left after he so persistently lied to the public for seven months. In my judgment these statements, which were aggravated by continuous lying to the American people, are sufficient under the circumstances of this case to warrant conviction on this article. The President was not obligated to appear before the grand jury, but if he chose to do so, he was obligated to tell the complete truth.

Each statement must be individually evaluated in a perjury case. The President's statements that he did not believe he had violated the law and that he was not paying "a great deal of attention" to his lawyers when they gave false information to the court are not credible. Even so, I believe they are too subjective in nature to be defined as clear acts of perjury under the law. The President's response to clearly worded questions were intentionally designed to be misleading and deceptive; however, the Supreme Court has held in *Bronston* v. *United States*, 409 U.S. 352 (1973) that it is not perjurious for a witness to give an unresponsive answer even if the witness intends to mislead his questioner. With this in mind, I conclude that the other charged statements, not delineated above, are misleading and false but not perjurious. I wish it were not so, but the President is a practiced liar. In summary, this President has deliberately, premeditatedly, and with calculation set about to defeat the justice system by criminal acts which include perjury and obstruction of justice.

THE LAW AND PRECEDENT

Contrary to the stunning argument by the President's attorneys, there is just one impeachment standard for Presidents and judges. It is found in Article II, Section 4 of the Constitution, which states,

> The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Advocates on both sides of this case agree that federal judges are civil officers of the United States. As civil officers, they "shall be removed" on impeachment and conviction of high crimes and misdemeanors. The President's attorneys in this case have argued that there is a different standard for impeachment and removal of federal judges.

The President's attorneys made a clever argument that the "good behavior" clause, which refers to a judge's tenure, sets a separate standard of impeachable conduct for federal judges. They cite in support of this proposition Article III, Section 1 of the Constitution, which states:

> The Judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Historical research clearly shows that when the Constitution was drafted and ratified, the phrase "good behavior" had nothing to do with impeachment. The clause simply referred to the term of office and compensation for a federal judge. It is generally accepted that the legislative branch's power to actually remove a federal judge, a member of a separate and co-equal branch of government, is limited to impeachment.

Before the American Revolution, American colonial judges were not independent. They served at the pleasure of the British king and could be dismissed at his command. The British monarch also controlled the salaries of colonial judges. Americans recognized that an independent judiciary was a fundamental component of a free society. In fact, they included the lack of an independent judiciary as part of the "long train of abuses" in the Declaration of Independence: "[King George III] has made judges dependent on his will alone, for the tenure of their offices, and the amount of payment of their salaries." In response, the Framers of the Constitution delineated through Article III, Section I, that federal judges would not serve at the whims of Congress or the President.

Moreover, Alexander Hamilton, a drafter of the Constitution, addressed the impeachment standard for judges in Federalist #79, one of a series of essays explaining the Constitution. In that essay he writes:

> The precautions for [federal judges'] responsibility are comprised in the article respecting impeachments. . . . This is the only provision on the point, which is consistent with the necessary independence of the judicial character, and it is the only one which we find in our own constitution in respect to our own judges.

Thus, the Constitution provided but one standard of removal of judges and it is the same one applied to the President.

In our history there has been only one effort to impeach a judge on the "good behavior" standard, and that effort failed. In 1805, the Jefferson administration encouraged an impeachment of Justice Samuel Chase, an outspoken justice of the Supreme Court and member of the opposition Federalist party. Chase was impeached for his conduct while sitting as a circuit judge. The Senate acquitted Justice Chase and thus redeemed the drafters' original intent that judges can only be impeached for high crimes and misdemeanors.

So let any notion that judges may be impeached under a different standard be put to rest. That conclusion is inconsistent with the Constitution and not supported by history.

It is easy to understand why the President's attorneys found it necessary to argue that federal judges may be removed under a different impeachment standard. The reason is that if the President is guilty of the same conduct that has led to the impeachment, conviction, and removal of three federal judges in the last thirteen years, and if the constitutional standard is the same, and if the substance of the allegations are the same, then he too must be removed.

In 1986, the Senate convicted federal judge Harry E. Claiborne of three articles of impeachment that involved fundamental dishonesty: Judge Claiborne was convicted for knowingly filing false tax returns. Like every American who pays income tax, Judge Claiborne certified under penalty of perjury that his tax returns were true. For two years, he submitted such returns when he knew them to be false. He was subsequently impeached, convicted and removed. The President's lies in this case were, in my opinion, worse because they constituted a frontal assault on the integrity of the justice system. The President did not lie on a form to hide income from the government; he lied under oath before a federal judge in an official proceeding to defeat a civil rights lawsuit filed by an American citizen. Under Senate precedent, that is impeachable conduct.

Another example of recent Senatorial precedent is the Hastings case. In 1989, the Senate convicted Judge ALCEE HASTINGS of Florida on seven of twelve articles of impeachment that were presented by the House. Judge HASTINGS was alleged to have taken a bribe to alter the outcome in a case before his court. Judge HASTINGS was convicted in the Senate on seven articles of impeachment. Judge HASTINGS was convicted for knowingly making false statements to the jury in his own bribery trial at which he was acquitted. In the same year, Judge Walter Nixon was convicted by the Senate for lying under oath before a grand jury. Judge Nixon corruptly attempted to obstruct justice by denying his efforts to intervene in a state court prosecution for a friend—a case unrelated to his duties as a federal judge.

In the present impeachment case, we are not dealing with a blank slate. The Senate's actions in earlier cases are our clearest guide on how to proceed in the trial of President Clinton. The Senate has demonstrated three times in the last thirteen years that perjury by civil officers of the United States requires removal. It is inconceivable that equally reprehensible conduct by the President in this case should not also lead to his conviction and removal. By not so acting, the result will be an immediate lowering of our standards for impeachment and that standard will apply to judges as well. This argument defines us down, reducing the dignity of the Presidency and the Congress.

PERSONAL OBSERVATIONS

As one who loves the law and who has spent the better part of his professional career trying cases, I understand in a profound way just how important it is for justice that citizens tell the truth in court. As a federal prosecutor, I presented thousands of cases to a grand jury and tried hundreds. On many occasions I have seen witnesses tell the truth, even when it was very painful for them. Many have been driven to tears but still they honored their oath. Millions of Americans honestly fill out their tax returns and pay large sums of money simply because they are honest and believe in the rule of law. Such integrity is a source of great strength for our country.

The rule of law and the need for integrity in our justice system is why perjury cases are prosecuted in America. About seven years ago when I was still the United States Attorney for the Southern District of Alabama, a case came before me. My own city of Mobile had as its chief of police a strong African-American who aggressively worked to reform the office, establish community-based policing, and work to create a new level of discipline. Opposition grew and lawsuits were filed against him. A young police officer, who had been the Chief's driver, testified in a deposition in a federal lawsuit against the Chief. He stated that the chief of police had ordered him to "bug" the patrol cars of other police officers and that he had a secret tape recording giving him this illegal order to commit a crime. The deposition was released quickly to the newspapers. The city council, police department, and the people were in an uproar. Under careful questioning by an experienced FBI agent, the young officer admitted that he had lied in the deposition regarding the tape recording.

As United States Attorney, it was my decision whether the officer would be prosecuted for his perjury. His counsel argued that he was young, that he did lie but had corrected his false testimony at a later time. He argued that we should decline to prosecute. After reflection and review, I concluded that a sworn police officer who had told a plain lie under oath, even a young officer, should be prosecuted in order to preserve the rule of law and the integrity of the system. Our office prosecuted that case. The officer was convicted, and that conviction was later affirmed by the United States Court of Appeals for the Eleventh Circuit. For me personally, I have concluded that I cannot hold a young police officer to a different and higher standard than the President of the United States.

In sum, it is crucial to our system of justice that we demand the truth. I fear that an acquittal of this President will weaken the legal system by suggesting that being less than truthful is an option for those who testify under oath in official proceedings. Whereas the handling of the case against President Nixon clearly strengthened the nation's respect for law, justice and truth, by sending a crystal clear message about the requirement for honesty, the Clinton impeachment may unfortunately have the opposite result.

Finally, it is important to pause a moment to reflect on truth itself. I believe that we live in a created and ordered universe and that truth and falsehood are real. They are capable of being ascertained. I reject the doctrine of relativism that suggests everything is OK. We must always strive to hold the banner of truth high. Indeed, the pursuit of truth wherever it leads has been a hallmark of our civilization and is the single quality that has made us such a vibrant and productive nation. Of course, none of us are perfect and we often fail in our personal affairs, but when it comes to going to court, and its comes to our justice system, a great nation must insist on honesty and lawfulness. Our country must insist upon that for every citizen. The chief law officer of the land, whose oath of office calls on him to preserve, protect and defend the Constitution, crossed the line and failed to defend the law, and, in fact, attacked the law and the rights of a fellow citizen. Under our Constitution, equal justice requires that he forfeit his office. For these reasons, I felt compelled to vote to convict and remove the President from office.

Some will not agree with my conclusion. In that case, or if I have otherwise offended you in any way during this process, I ask for your forgiveness. I have sincerely tried to bring to bear the training and experience that I have had, along with the values with which we were raised in Alabama, to decide this important matter.

CENSURE RESOLUTION

Mr. DODD. Mr. President, the Senate has just discharged its duty under the Constitution to try the impeachment of President Clinton. We have rendered our judgment.

We have been asked to consider another, albeit lesser, form of punishment of the President—a resolution of censure. That resolution is authored by the Senator from California, Mrs. FEINSTEIN, and the Senator from Utah, Mr. BENNETT. Senator FEINSTEIN attempted to bring it before the Senate by way of a motion to suspend the rules in order to permit her motion to proceed. The Senator from Texas, Mr. GRAMM, objected, and then moved to indefinitely postpone consideration of Mrs. FEINSTEIN's motion. Since two-thirds of the Senate failed to vote in the negative, his point of order was sustained, and the motion to proceed failed.

I did not support Senator GRAMM's motion for the simple reason that I did not believe it appropriate to deny to Senator FEINSTEIN and others the opportunity to bring before the Senate a resolution of censure following the conclusion of the impeachment trial of the President. Had this resolution or something similar to it—say, a proposal to make "findings of fact" about the President's conduct—been offered during the impeachment trial, I would have strenuously opposed its consideration.

In my view, such a proposal is not permitted by the Constitution when raised as part of an impeachment trial. The Constitution is clear on this point. Article I, Section 3 states that "Judgment in Cases of Impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States. . . ." Our sole choice when trying an impeachment case is whether or not to convict and remove (and then disqualify from holding any further office) the individual in question. The Framers decided not to give Senators leeway to create additional judgment options—no matter how creative, convenient, or compelling they may be.

Because Senator FEINSTEIN's motion was made after the conclusion of the trial, during legislative session, I believed it was appropriate and timely for the Senate's consideration.

That is not to say, however, that I would have supported the resolution had the motion to proceed carried. On the contrary, I would have opposed it—as I would have opposed each of the several proposed censure resolutions that have circulated in recent days. The President has acted in a manner worthy of censure. No one denies that.

However, I have serious misgivings about a censure resolution emanating from this body and this body alone. I am concerned about what it may mean—not for this President, but for the institution of the presidency. I understand the passion to voice—loudly and unmistakably—disapproval of the President's conduct. But it must be tempered by an even greater passion for the office he holds, and for the constitutional balance of power between the executive and legislative branches of government.

The Federalist Number 73 speaks of "the propensity of the legislative department to intrude upon the rights, and to absorb the powers, of the other departments." It warns of a presidency "stripped of [its] authorities by successive resolutions, or annihilated by a single vote."

My colleagues, we must qualify our understandable disdain for this president's conduct with the admonition to protect the office that he will occupy for a mere 23 months longer.

Nowhere does the Constitution expressly permit us to take up such a resolution. Nor does it expressly prohibit such a step. Yet the Senate, and the Congress as a whole, has been remarkably restrained in even considering censure resolutions. It has been even more reluctant to adopt them. Only once, in 1834, was a president formally censured by resolution. Three years later, that resolution was expunged.

The President at that time was Andrew Jackson. The driving force behind his censure was Henry Clay. Jackson had defeated Clay in the presidential election of 1832. In 1834, they remained bitter political adversaries.

Jackson argued that the resolution was repugnant to the constitutional principle of checks and balances between the branches of government. If the Senate wanted to punish him, he said, it had only one avenue acceptable under the Constitution: it would have to wait for the House to send an impeachment.

I am not convinced that a resolution censuring a president is unconstitutional. But I certainly agree that it is, at least in the context of the present case, unwise. There have been numerous instances where presidents behaved in a manner deemed outrageous and even dangerous to the country. Franklin Roosevelt was roundly criticized for his efforts to "pack" the Supreme Court. President Truman seized the steel mills. President Reagan and then-Vice President Bush presided over the executive branch while an illegal scheme, run out of the White House, was conducted to sell arms to Iran and use proceeds from those sales to support armed rebellion in Nicaragua. The behavior of these individuals arguably was at least as egregious as President Clinton's. But the Senate did not pursue a censure resolution against any of them.

Ours is not a parliamentary system. In the United States, we do not entertain votes of "no confidence" against our chief executive. We elect presidents, not prime ministers.

A censure resolution in the present instance will seem modest, perhaps even insignificant, in relation to the impeachment conducted by the House. However, future generations may well come to view censure as an American-made vote of "no confidence" against future occupants of the Oval Office. We may pave the way to a new form of executive punishment. And it may be used not only in cases of personal misconduct. It could be used against a president who simply makes an unpopular or unwise, but nevertheless lawful and well-intended, decision.

Ultimately, we could subject future presidents, who have not been impeached, to this form of punishment. In doing so, we risk eroding the independence and authority of the presidency. I do not want to see the Senate take such a risk.

APPRECIATION OF SERVICE OF CHIEF JUSTICE REHNQUIST

Mr. DODD. Mr. President, I rise to extend a word of thanks to Chief Justice Rehnquist for his distinguished service in presiding over this trial.

The Supreme Court sits just a few short yards from this Chamber. Yet, its Justices and its working remain largely unknown to those of us who serve here. Perhaps that conceptual distance successfully reflects the Framers' construct of legislative and judicial branches that act for the most part independently of one another.

Suffice it to say that our knowledge of the Chief Justice was rather limited prior to the commencement of the impeachment trial. We knew of his reputation as a formidable intellect, as a scholar—including on the topic of impeachment—, and as an efficient manager of courtroom. We did not as a group know much more about him.

What we learned during that course of that trial is that the Chief Justice brought his many estimable qualities to bear on this unique legal challenge. He brought a deep historical understanding of the impeachment process. He instilled confidence in each Senator that he would conduct himself in a manner faithful to the role prescribed for the chief justice by the Framers. At all times, he guided the trial with a firm and fair hand-not hesitating to use his judgment and common sense when appropriate, but never pressing a point of view on matters better left to the collective judgment of the Senate. He demonstrated a continuing respect and appreciation for the workings of this body. Last but not least, he brought a refreshing sense of humor to his task, which made our task as triers of fact somewhat more bearable.

Although this was an historic occasion, no one who took part in it relished doing so. There is collective relief, I think, that this constitutional ordeal is now behind us. But as we look back at these past remarkable weeks, we can all take comfort and pride in knowing that this second impeachment trial in our nation's history was presided over by an individual of great intelligence, historical knowledge, and wit.

These qualities made him uniquely suited to his task. The Senate and the entire nation owe a debt of thanks to Chief Justice Rehnquist for rendering such value and distinguished service.

DEPOSITION OF VERNON JORDAN IN THE SENATE IMPEACHMENT TRIAL

Mr. LEAHY. Mr. President, I regret to have to return to an unfinished aspect of the Senate impeachment trial of President Clinton.

On February 2, I attended the deposition of Vernon Jordan as one of the Senators designated to serve as presiding officers. On February 4, the Senate approved the House Managers' motion to include a portion of that deposition in the trial record. Unfortunately, the House Managers moved to include only a portion of the videotaped deposition in the trial record and left the rest hidden from the public and subject to the confidentiality rules that governed those proceedings.

On Saturday, February 6, at the conclusion of his presentation, Mr. Kendall asked for permission to display the last segment of the videotaped deposition of Vernon Jordan, in which, as Mr. Kendall described it "Mr. Jordan made a statement defending his own integrity." The House Managers objected to the playing of the approximately 2-minute segment of the deposition that represented Mr. Jordan's "own statement about his integrity."

I then rose to request unanimous consent from the Senate that the segment of the videotaped deposition be allowed to be shown on the Senate floor to the Senate and the American people. There was objection from the Republican side.

I noted my disappointment at the time and in my February 12 remarks about the depositions. After the conclusion of the voting on the Articles of Impeachment and before the adjournment of the court of impeachment, unanimous consent was finally granted to include the "full written transcripts" of the depositions in the public record of the trial. As far as I can tell, however, the statement of integrity by Mr. Jordan has yet to be published in the CONGRESSIONAL RECORD.

I regret that the Senate chose to prohibit the viewing of the videotape of this powerful personal statement during the trial. I regret that it continues to be restricted from public viewing.

In order to be sure that the transcript that is being made a part of the public trial record is readily available to the public, I ask unanimous consent that the following portion of the written transcript of the deposition of Vernon Jordan, that containing his statement of integrity heretofore suppressed, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The WITNESS. Mr. Chairman, may I be just permitted a moment of personal privilege? I don't know about the rules here, but uh, I'd like to say something if you would permit.

Mr. HUTCHINSON. Mr. Chairman——

Senator THOMPSON. Well, Mr. Jordan, quite frankly, it depends on what the subject matter is and what you'd like——

The WITNESS. Well, it won't be a declaration of war. [Laughter.]

Senator THOMPSON. Counsel, did you have——

Mr. HUTCHINSON. I would reserve the objection. I think that's permissible under the rules. So I would state my objection, let him answer it, and if—we can debate that if it becomes an issue in the Senate. I'd like to reserve the objection.

Senator THOMPSON. All right.

The WITNESS. It's just something I want you, Mr. Hutchinson, and the House Managers to understand about Vernon Jordan. And that is, you know, it's a very long way from the first public housing project in this country for black people, where I grew up. It's a long way from there to a corner office at Akin Gump. It's a long way from University Homes to the corporate board rooms of America. It's a long way from University Homes to the Oval Office. And I have made that journey understanding one thing, and that is that the only thing I have in this world that belongs to me is fee simple absolute, completely and totally, is my integrity.

My corner office at Akin Gump is at best tenuous. My house, my home, is at best tenuous. My bank account, my stocks and my bonds, they are ultimately of no moment.

But what matters most to me, and what was taught to me by my mother, is that the only thing that I own totally and completely is my integrity. And my integrity has been on trial here, and I want to tell you that nothing is more important to me than that.

The President is my friend. He was before this happened, he is now, and he will be when this is over. But he is not a friend in that I have no friends for whom I would sacrifice my integrity. And I want you to understand that.

Senator THOMPSON. Thank you, Mr. Jordan.

If there is no further question, then this deposition is completed, and we stand adjourned.

The WITNESS. Thank you.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING A WESTERN HEMISPHERE DRUG ALLIANCE—MESSAGE FROM THE PRESIDENT—PM 9

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to provide the attached report on a Western Hemisphere Drug Alliance in accordance with the provisions of section 2807 of the "Foreign Affairs Reform and Restructuring Act of 1998." This report underscores the Administration's commitment to enhancing multilateral counternarcotics cooperation in the region.

Strengthening international narcotics control is one of my Administration's top foreign policy priorities. Because of the transnational nature of the Western Hemisphere drug trafficking threat, we have made enhanced multilateral cooperation a central feature of our regional drug control strategy. Our counternarcotics diplomacy, foreign assistance, and operations have focused increasingly on making this objective a reality.

We are succeeding. Thanks to U.S. leadership in the Summit of the Americas, the Organization of American States, and other regional fora, the countries of the Western Hemisphere are taking the drug threat more seriously and responding more aggressively. South American cocaine organizations that were once regarded as among the largest and most violent crime syndicates in the world have been dismantled, and the level of coca cultivation is now plummeting as fast as it was once sky-rocketing. We are also currently working through the Organization of American States to create a counternarcotics multilateral evaluation mechanism in the hemisphere. These examples reflect fundamental narcotics control progress that was nearly unimaginable a few years ago.

While much remains to be done, I am confident that the Administration and the Congress, working together, can bolster cooperation in the hemisphere, accelerate this progress, and significantly diminish the drug threat to the American people. I look forward to your continued support and cooperation in this critical area.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 23, 1999.*

MESSAGES FROM THE HOUSE

At 11:24 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 350. An act to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1864. A communication from the Secretary of Defense, transmitting, pursuant to law, the Secretary's report on the retention of members of the Armed Forces; to the Committee on Armed Services.

EC-1865. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Independent Research and Development and Bid and Proposal Costs for Fiscal Year 1996 and Beyond" (Case 95-D040) received on February 16, 1999; to the Committee on Armed Services.

EC-1866. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Deviations from Cost Accounting Standards Administration Requirements" (Case 97-D016) received on February 16, 1999; to the Committee on Armed Services.

EC-1867. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Television-Audio Support Activity" (Case 98-D008) received on February 16, 1999; to the Committee on Armed Services.

EC-1868. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Specifications and Standards Requisition" (Case 98-D022) received on February 16, 1999; to the Committee on Armed Services.

EC-1869. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Flexible Progress Payments" (Case 98-D400) received on February 16, 1999; to the Committee on Armed Services.

EC-1870. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; People's Republic of China" (Case 98-D305) received on February 16, 1999; to the Committee on Armed Services.

EC-1871. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Singapore Accession to Government Procurement Agreement" (Case 98-D029) received on February 16, 1999; to the Committee on Armed Services.

EC-1872. A communication from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Individual Case Management" (RIN0720-AA30) received on February 16, 1999; to the Committee on Armed Services.

EC-1873. A communication from the Acting Assistant Secretary of Defense for Force Policy and Management, transmitting, pursuant to law, the Department's Defense Education Activity (DoDEA) Accountability Report and Accountability Profiles for the Department of Defense Dependants Schools for School Year 1997-1998; to the Committee on Armed Services.

EC-1874. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Delaware—Transportation Conformity Regulation" (FRL6303-4) received on February 16, 1999; to the Committee on Environment and Public Works.

EC-1875. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; Emissions: Group I Polymers and Resins and Group IV Polymers and Resins and Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry" (FRL6301-6) received on February 11, 1999; to the Committee on Environment and Public Works.

EC-1876. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Wyoming: Final Authorization of State Hazardous Waste Management Program Revision" (FRL6302-1) received on February 11, 1999; to the Committee on Environment and Public Works.

EC-1877. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection

Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Michigan: Correction" (FRL6302–3) received on February 11, 1999; to the Committee on Environment and Public Works.

EC–1878. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Magnetic Levitation Transportation Technology Deployment Program" (RIN2130–AB29) received on February 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1879. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fees for Services Performed in Connection With Motor Carrier Registration and Insurance" (RIN2125–AE24) received on February 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1880. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Santa Barbara Channel, CA" (COTP Los Angeles-Long Beach, CA; 98–012) received on February 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1881. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Chef Menteur Pass, LA" (Docket 8–96–053) received on February 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1882. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone: Shlofmitz BatMitzvah Fireworks, Hudson River, Manhattan, New York" (Docket 01–99–001) received on February 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1883. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Back Bay of Biloxi, MS" (Docket 8–96–049) received on February 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1884. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Series Airplanes" (Docket 98–NM–144–AD) received on February 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1885. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace; Hunter Army Airfield" (Docket 99–ASO–2) received on February 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1886. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Policy and Procedures Concerning the Use of Airport Revenue" (Docket 28472) received on February 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1887. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Vehicle Certification; Contents of Certification Labels for Multipurpose Passenger Vehicles and Light Duty Trucks" (RIN2127–AG65) received on February 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1888. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Textron Lycoming Model O–540–F1B5 Reciprocating Engines" (Docket 98–ANE–73–AD) received on February 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1889. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–7 Series Airplanes" (Docket 98–NM–295–AD) received on February 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1890. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Short Brothers Model SD3–60 SHERPA Series Airplanes" (Docket 98–NM–289–AD) received on February 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1891. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Beech Model 60 Airplanes" (Docket 98–CE–126–AD) received on February 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1892. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–600, –700, –700IGW, and –800 Series Airplanes" (Docket 98–NM–362–AD) received on February 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1893. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Allison Engine Company, Inc. AE2100A, AE2100C, and AE2100D3 Series Turboprop Engines" (Docket 98–ANE–83–AD) received on February 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1894. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29454) received on February 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1895. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29455) received on February 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1896. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Linden, NJ" (Docket 98–ANE–46) received on February 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1897. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Oroville, CA" (Docket 98–AWP–10) received on February 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1898. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Metropolitan Oakland International Airport, California; Correction" (Docket 98–AWP–22) received on February 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1899. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class D Airspace; Anchorage, Elmendorf Air Force Base (AFB) Airport, AK; Establishment of Class E Airspace; Anchorage, Elmendorf AFB Airport, AK" (Docket 98–AAL–23) received on February 8, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. BOND, from the Committee on Small Business, without amendment:

S. 314. A bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes (Rept. No. 106–5).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THOMPSON (for himself, Mr. FRIST, Mr. DEWINE, Mr. VOINOVICH, and Mr. SMITH of Oregon):

S. 440. A bill to provide support for certain institutes and schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 441. A bill to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; to the Committee on Energy and Natural Resources.

By Mr. KERREY:

S. 442. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel LOOKING GLASS; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. SCHUMER, and Mr. DURBIN):

S. 443. A bill to regulate the sale of firearms at gun shows; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 444. A bill to deem the application submitted by the Dodson Public Schools District for Impact Aid payments for fiscal year 1998 as timely submitted; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS (for himself, Mr. SPECTER, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. THURMOND, Mr. MURKOWSKI, Mr. CAMPBELL, Mr. CRAIG, Mr. HUTCHINSON, Ms. SNOWE, Mr. DASCHLE, Mr. GRAHAM, Mr. AKAKA, Mr. WELLSTONE, Mrs. MURRAY, Mr. HOLLINGS, Mr. LEAHY, Mr. CLELAND, Ms. LANDRIEU, and Mr. JOHNSON):

S. 445. A bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. KERRY, and Mr. TORRICELLI):

S. 446. A bill to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; to the Committee on Energy and Natural Resources.

By Mr. BURNS:

S. 447. A bill to deem as timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payments for fiscal year 1999; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of New Hampshire:

S.J. Res. 11. A joint resolution prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations; read the first time.

By Mr. SPECTER:

S.J. Res. 12. A joint resolution authorizing the conduct of air operations and missile strikes as part of a larger NATO operation against the Federal Republic of Yugoslavia (Serbia and Montenegro); to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself and Ms. MIKULSKI):

S. Res. 48. A resolution designating the week beginning March 7, 1999, as "National Girl Scout Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMPSON (for himself, Mr. FRIST, Mr. DEWINE, Mr. VOINOVICH, and Mr. SMITH of Oregon):

S. 440. A bill to provide support for certain institutes and schools; to the Committee on Health, Education, Labor, and Pensions.

LEGISLATION TO PROVIDE SUPPORT FOR CERTAIN INSTITUTES AND SCHOOLS

• Mr. THOMPSON. Mr. President, today Senator FRIST and I are introducing a bill to establish the Howard Baker School of Government on the campus of the University of Tennessee, Knoxville.

The University of Tennessee has a long and proud tradition of providing the highest quality education to students from Tennessee and around the world. The Howard Baker School of Government would be but the latest installment in this institution's ongoing commitment to preparing its student body by giving them the tools and knowledge necessary to succeed in the pursuit of their dreams.

With this said, I can think of no greater tribute to our friend and colleague, the former Majority Leader of this body, Senator Howard Baker, than to further his legacy of promoting the best in our political system by establishing this School in his honor.

In many ways, Senator Baker's entire life has been a lesson in public service. Those of us from his home state of Tennessee have matured in his shadow and have been inspired by his vision. His positive influence has not, however, been limited by Tennessee's borders. Senator Baker is one of those rare individuals whose leadership has lifted the entire nation. Creating this School of Government in his name would not only be a tribute to a man but a logical extension of that man's continuing lifework.

In 1966, Senator Baker became the first Republican popularly elected to the United States Senate in Tennessee's history. This was not because of a great rise in Tennessee's Republican population, but rather was an indication of Senator Baker's unique ability to reach out to people of different backgrounds with diverging views and spark in them that all-encompassing common vision—that we live together in a great nation that has an even greater future.

Senator Baker served in this body from 1967 until January 1985, as Minority Leader from 1977 until 1981, and then as Majority Leader until his retirement. After leaving the Senate, Senator Baker served admirably as Chief of Staff to President Ronald Reagan and he continues to this day to provide us with a keen insight into the principles of true leadership.

Throughout each phase of Senator Baker's life he has clearly demonstrated that statesmanship is not something relegated to our history books. It is alive and well. His continuing example is a call to each of us that we can and should rise to the challenge of citizenship in a way that brings us together as a nation and further strengthens this great experiment called the United States.

I can think of no better union than the ideals and example of Senator Howard Baker with the dedication to higher education of the University of Tennessee. The Howard Baker School of Government will be an institution each of us can be proud to have supported and one that will further the principles of good government to which each of us is committed.•

• Mr. FRIST. Mr. President, I rise today to introduce legislation to establish the Howard Baker School of Government at the University of Tennessee, Knoxville. I am proud to introduce this legislation with my colleague, Senator THOMPSON. Although the Senate passed this legislation last year, unfortunately it was not signed into law before the completion of the 105th Congress.

The bill we are introducing today would create a new academic program at the University of Tennessee, and authorize the appropriation of $10 million to establish the school and its endowment fund to provide long-term funding for personnel and operations. I am pleased that this school is to be named in honor of Senator Howard Baker, who is a University of Tennessee alumnus. Senator Baker has enjoyed a distinguished career in public service. He served in the U.S. Senate for 18 years, held the positions of Minority and Majority Leader, was a presidential candidate, and has served as White House Chief of Staff to President Reagan. Senator Baker has been a long supporter of the University of Tennessee, working diligently to raise funds for various fellowships and scholarships. He has served his State and country with pride and integrity, and it is therefore fitting that we establish a School of Government in his name.

The Howard Baker School of Government would comprise the existing political science, public administration, regional planning, and social science research programs, house manuscript collections from important public figures such as Tennessee's three presidents and leading twentieth-century political figures, and institute a lecture series on public issues. In addition, the school will establish a professorship to improve the teaching, research, and understanding of democratic institutions, establish a fellowship program for students interested in pursuing a career in public affairs, and support the professional development of elected officials at all government levels. The School of Government will be housed in the renovated former Hoskins Library, and will be dedicated to advancing the principles of democratic citizenship, civic duty, and public responsibility through the education and training of informed citizenry and public officials.

Again, I am proud to introduce this legislation which I believe will bring greater prominence to the University of Tennessee, Knoxville, while simultaneously honoring one of our State's most distinguished public servants.•

• Mr. DEWINE. Mr. President, I rise today in support of important legislation that would create an endowment for a public-policy institute in Columbus. This institute will embody the spirit of our recently-retired U.S. Senator, the Honorable John Glenn.

The bill would create an endowment fund for the John Glenn Institute for Public Service and Public Policy at the Ohio State University in Columbus, Ohio. The bill also creates endowment funds for the Mark O. Hatfield School of Government at Portland State University, the Paul Simon Public Policy Institute at Southern Illinois University, and the Howard Baker School of Government at the University of Tennessee.

Mr. President, I have long believed that the study of politics would benefit greatly if more statesmen were to contribute their hands-on expertise. And not only that; it is the example of their supremely practical idealism that we really need if we are to understand and solve the problems confronting tomorrow's America.

We in Ohio are proud to host the Glenn Institute, which will serve many purposes: (1) "To sponsor classes, internships, community service activities, and research projects to stimulate student participation in public service, in order to foster America's next generation of leaders."

(2) "To conduct scholarly research in conjunction with public officials on significant issues facing society and to share the results of such research with decision-makers and legislators as the decision-makers and legislators address such issues."

(3) "To offer opportunities to attend seminars on such topics as budgeting and finance, ethics, personnel management, policy evaluations, and regulatory issues that are designed to assist public officials in learning more about the political process and to expand the organizational skills and policy-making abilities of such officials."

(4) "To educate the general public by sponsoring national conferences, seminars, publications, and forums on important public issues."

(5) "To provide access to Senator John Glenn's extensive collection of papers, policy decisions, and memorabilia, enabling scholars at all levels to study the Senator's work."

All of these, Mr. President, are valuable goals. I understand the center plans to address specifically the consequences of media coverage on public service; analyze the effectiveness of civics education classes in our K-12 schools; design training programs for public officials on issues such as policy evaluation, communications strategies and ethics; and create an undergraduate major in public policy.

Senator Glenn himself recently underscored the mission of the Institute, saying, and I quote: "What we do today will determine what kind of country our kids will live in tomorrow. And that's worth working for." He also said, "You can go to the National Archives in Washington, D.C., and it's almost a religious experience to look at the U.S. Constitution. But that piece of paper is not worth a thing without people to make it real. I look at public service as being the personnel department for the Constitution. People in public service are the ones who make it work."

Mr. President, I could not agree more, and that is why I'm backing this bill. The bill provides an authorization of $10 million for the Glenn Institute, and the Ohio State University must match that endowment with an amount equal to one third the endowment.

It's a good investment in the future of our public life.●

By Mr. SARBANES (for himself, and Ms. MIKULSKI):

S. 441. A bill to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; to the Committee on Energy and Natural Resources.

THE STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL STUDY ACT OF 1999

Mr. SARBANES. Mr. President, today I am introducing legislation, together with my colleague Senator MIKULSKI, which will help commemorate and preserve significant sites associated with America's Second War of Independence, the War of 1812. My legislation, entitled "The Star-Spangled Banner National Historic Trail Study Act of 1999," directs the Secretary of the Interior to initiate a study to assess the feasibility and desirability of designating the route of the British invasion of Washington, D.C. and their subsequent defeat at Baltimore, Maryland, as a National Historic Trail. A similar companion bill is being sponsored by Congressmen BEN CARDIN and WAYNE GILCHREST in the House of Representatives.

Since the passage of the National Trail Systems Act of 1968, the National Park Service has recognized historically significant routes of exploration, migration and military action through its National Historic Trails Program. Routes such as the Juan Bautista de Anza, Lewis and Clark, Pony Express and Selma to Montgomery National Historic Trails cross our country and represent important episodes of our nation's history, episodes which were influential in shaping the very future of this country. It is my view that the inclusion of the Star-Spangled Banner Trail will give long overdue recognition to another of these important events.

The War of 1812, and the Chesapeake Campaign in particular, mark a turning point in the development of the United States. Faced with the possibility of losing the independence for which they struggled so valiantly, the citizens of this country were forced to assert themselves on an international level.

From the period of the arrival of the British forces at Benedict, in Charles County, Maryland, on August 18, 1814, to the American victory at Fort McHenry in Baltimore, on September 14, 1814, the war took a dramatic turn. The American forces, largely comprised of Maryland's citizens, were able to slow the British advance through the state and successfully defended Baltimore, leading to the retreat of the British.

The more than 30 sites along this trail mark some of the most historically important events of the War of 1812. The Star-Spangled Banner Trail, commemorating the only combined naval and land attack on the United States, begins with the June, 1814 battles between the British Navy and the American Chesapeake Flotilla at St. Leonard's Creek in Calvert County, Maryland. It continues to the site of the British landing at Benedict, Maryland the starting point of the British march to the nation's capital, Washington, D.C. The trail follows the defeat of the Americans at the Battle of Bladensburg, the evacuation of the United States Government, the burning of the nation's capital, including the White House and the Capitol Building, the battle at North Point and the bombardment of Fort McHenry, site of the composition of our National Anthem, the Star-Spangled Banner, and the ultimate defeat of the British.

The route will also serve to bring awareness to several lesser known, but equally important sites of the war, including St. Leonard's Creek in Calvert County, where Commodore Joshua Barney's Chesapeake Flotilla managed to successfully beat back two larger and more heavily armed British ships, the Upper Chesapeke Bay and related skirmishes there, Brookeville, Maryland, which served as the nation's capital for one day, and Todd's Inheritance, the signal station for the American defenders at Fort McHenry. These sites, and many like them, will only enrich the story told along the trail. Additionally, the attention given to these sites should prove beneficial in terms of efforts to preserve and restore them. Mr. President, at this time I ask unanimous consent that a more detailed list of these sites, as well as a copy of this legislation and a letter of support from Governor Parris Glendening, be included in the RECORD.

Mr. President, the designation of the route of the British invasion of Washington and American defense of Baltimore as a National Historic Trail will serve as a reminder of the importance of the concept of liberty to all who experience the Star-Spangled Banner Trail. It will also give long overdue recognition to those patriots whose determination to stand firm against enemy invasion and bombardment preserved this liberty for future generations of Americans.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Star-Spangled Banner National Historic Trail Study Act of 1999".

SEC. 2. FINDINGS.

Congress finds that—

(1) the British invasion of Maryland and Washington, District of Columbia, during the War of 1812 marks a defining period in the history of our Nation, the only occasion on which the United States of America has been invaded by a foreign power;

(2) the Star-Spangled Banner National Historic Trail traces the route of the British naval attack on the Chesapeake Flotilla at St. Leonard's Creek, the landing of the British forces at Benedict, Maryland, the American defeat at the Battle of Bladensburg, the siege of the Nation's capital, Washington, District of Columbia (including the burning of the United States Capitol and the White House), the British expedition to and subsequent skirmishes within the upper Chesapeake Bay, the route of the American troops between Washington and Baltimore, the Battle of North Point, and the ultimate victory of the Americans at Fort McHenry, on September 14, 1814, where a distinguished Maryland lawyer and poet, Francis Scott Key, wrote the words that captured the essence of our national struggle for independence, words that now serve as our national anthem, the Star-Spangled Banner; and

(3) the designation of this route as a national historic trail—

(A) would serve as a reminder of the importance of the concept of liberty to all who experience the Star-Spangled Banner National Historic Trail; and

(B) would give long overdue recognition to the patriots whose determination to stand firm against enemy invasion and bombardment preserved this liberty for future generations of Americans.

SEC. 3. DESIGNATION OF TRAIL FOR STUDY.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended—

(1) by redesignating paragraph (36) (as added by section 3 of the El Camino Real Para Los Texas Study Act of 1993 (107 Stat. 1497)) as paragraph (37);

(2) by designating the paragraphs relating to the Old Spanish Trail and the Great Western Scenic Trail as paragraphs (38) and (39), respectively; and

(3) by adding at the end the following:

"(40) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, tracing the War of 1812 route of the British naval attack on the Chesapeake Flotilla at St. Leonard's Creek, the landing of the British forces at Benedict, Maryland, the American defeat at the Battle of Bladensburg, the siege of the Nation's capital, Washington, District of Columbia (including the burning of the United States Capitol and the White House), actions between the British and American forces in the upper Chesapeake Bay, the route of the American troops between Washington and Baltimore, the Battle of North Point, and the ultimate victory of the Americans at Fort McHenry, on September 14, 1814.

"(B) AFFECTED AREAS.—The trail crosses more than 6 Maryland counties, the city of Baltimore, and Washington, District of Columbia.".

STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL

The Proposed Star-Spangled Banner National Historic Trail traces the route of the War of 1812 British Invasion of our Nation's Capital and the American Defense of Baltimore.

Possible sites for inclusion along the proposed Star-Spangled Banner National Historic Trail:

CALVERT COUNTY

St. Leonard's Creek—Battles of St. Leonard's Creek.

Lower Marlboro Fishing Pier—Site of British war graves; British Generals Conference.

Prince Frederick—British destruction of County Seat.

CHARLES COUNTY

Benedict—Site of the British Landing.

Oldfields Chapel—Burial site of British soldiers.

Mattingly Memorial Park—Site of U.S. Navy delay of British retreat from Washington, D.C.

PRINCE GEORGE'S COUNTY

Bladensburg—Site of the Battle of Bladensburg.

Ft. Washington—Formerly Fort Washburton.

Belair Mansion, Bostwick House, Riversdale, Mount Welby—Historic Homes occupied in 1814.

Pig's Point—Scuttling of Chesapeake Flotilla by Commodore Barney to prevent British advance.

WASHINGTON, D.C.

White House, Capitol, Treasury Department, Sewell-Belmont House—Burned by the British.

The Octagon—Madison's residence after invasion.

MONTGOMERY COUNTY

Brookeville—U.S. Capital for one day.

Rockville—Site of British Encampments.

HOWARD COUNTY

Ellicott City—American march to Baltimore.

Savage—Home of Commodore Barney.

BALTIMORE COUNTY

North Point—Battle of North Point.

Todd's Inheritance—American Signal Station.

Methodist Meeting House—American Camp.

North Point Road—Route of British March.

BALTIMORE CITY

Ft. McHenry—Site of the American Victory.

Star-Spangled Banner Flag House & War of 1812 Museum—Birthplace Star-Spangled Banner.

Federal Hill—Site where citizens viewed battle.

KENT COUNTY

Caulk's Field—Site of the Battle of Caulk's Field.

Cedar Point—Site of log boom which prevented British advancement.

STATE OF MARYLAND,
OFFICE OF THE GOVERNOR,
Annapolis, MD, February 18, 1999.

The Hon. PAUL SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: Thank you for your letter of support to the American Battlefield Protection Program regarding the grant application submitted by the Maryland Tourism Development Board. While reading your letter, I was reminded of how far we can go as a State if we combine our efforts and work together to achieve our goals.

Additionally, I am aware of and very interested in the National Historic Trail legislation you are re-introducing to Congress this session. The designation of a multi-jurisdictional National Historic Trail would have significant impact on Maryland's War of 1812 Heritage Tourism Initiative. My staff and I are ready to assist in the designation process in anyway you deem necessary.

As always, it was a pleasure to hear from you, I look forward to seeing you soon.

Sincerely,

PARRIS N. GLENDENING,
Governor.

By Mr. LAUTENBERG (for himself, Mr. SCHUMER, and Mr. DURBIN):

S. 443. A bill to regulate the sale of firearms at gun shows; to the Committee on the Judiciary.

THE GUN SHOW ACCOUNTABILITY ACT

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation which will close the loophole in our gun laws which allows criminals to buy and sell firearms at gun shows.

Last year, there were more than 4,400 gun shows across America. While most of the citizens who participate in these gun shows are law-abiding, there is mounting evidence that criminals are using these events for more sinister purposes.

The problem is that current law allows unlicensed dealers to sell countless firearms without any background checks on the buyer or documentation of the sales. Criminals are aware of this loophole and exploit it. A study by the Illinois State Police showed at least 25 percent of illegally trafficked weapons came from gun shows. Militia members including Timothy McVeigh and Michael Fortier used gun shows to easily sell previously stolen guns and obtain a ready supply of firearms in undocumented transactions.

Additionally, the gun show loophole is unfair to law-abiding Federal Firearms Licensees. When they participate in a gun show, they must comply with all background checks and recordkeeping, while an unlicensed dealer at the next table can make unlimited sales to any person without the same requirements. The ease of these sales drains significant business from law-abiding gun store owners and other licensees, and penalizes them for following the law. Recognizing this problem, the National Alliance of Stocking Gun Dealers recently endorsed tighter regulations of gun shows: "[W]e want to make it clear that persons attending Gun Shows to skirt laws and acquire guns for criminal use are unwelcome patrons of these events and diminish their purpose and quality."

During the 105th Congress, I introduced the Gun Show Sunshine Act in an effort to address this issue. Subsequently, President Clinton directed the Attorney General to study gun show firearm transactions and make recommendations to crack down on illegal sales.

The Administration's recently released report confirmed what other law enforcement officials have been saying: gun shows are becoming illegal arms bazaars, where criminals buy and sell deadly weapons with impunity. The report looked at 314 recent Alcohol, Tobacco, and Firearms (ATF) investigations involving 54,000 firearms linked to gun shows. Nearly half of the investigations involved felons buying or selling firearms, and in more than one-third of the cases, the firearms in question were known to have been used in subsequent crimes.

Today, I am introducing legislation that proposes a simple approach to the gun show loophole—no background check, no gun, no exceptions. This measure incorporates the recommendations made by the Department of Justice and the Treasury Department and I appreciate the Administration's support.

This bill would take several steps designed to make it harder for criminals to buy and sell weapons at gun shows. It would require gun show promoters to register and notify ATF of all gun shows, maintain and report a list of vendors at the show, and ensure that all vendors acknowledge receipt of information about their legal obligations. Also, it would require that any firearms sales go through a Federal Firearms Licensee (FFL). The idea is that if an unlicensed person was selling a weapon, they would use a FFL at the gun show to complete the transaction. The FFL would be responsible for conducting a Brady check on the purchaser and maintaining records of the transactions. The FFL could charge a fee for the service.

In order to make it easier for law enforcement to bring criminals to justice, the bill would also require FFLs to submit information necessary to trace all firearms transferred at gun shows to ATF's National Tracing Center, including the manufacturer/importer, model, and serial number of the firearms.

These reasonable requirements will make our streets safer by making it harder for criminals to get guns. At the same time, these regulations will not unduly burden those law-abiding Americans who enjoy gun shows.

I urge my colleagues to join with me in this effort to close the gun show loophole. We must do more to prevent the easy access to firearms which fuels the gun violence across the country.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gun Show Accountability Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) more than 4,400 traditional gun shows are held annually across the United States, attracting thousands of attendees per show and hundreds of Federal firearms licensees and nonlicensed firearms sellers;

(2) traditional gun shows, as well as flea markets and other organized events, at which a large number of firearms are offered for sale by Federal firearms licensees and nonlicensed firearms sellers, form a significant part of the national firearms market;

(3) firearms and ammunition that are exhibited or offered for sale or exchange at gun shows, flea markets, and other organized events move easily in and substantially affect interstate commerce;

(4) in fact, even before a firearm is exhibited or offered for sale or exchange at a gun show, flea market, or other organized event, the gun, its component parts, ammunition, and the raw materials from which it is manufactured have moved in interstate commerce;

(5) gun shows, flea markets, and other organized events at which firearms are exhibited or offered for sale or exchange, provide a convenient and centralized commercial location at which firearms may be bought and sold anonymously, often without background checks and without records that enable gun tracing;

(6) at gun shows, flea markets, and other organized events at which guns are exhibited or offered for sale or exchange, criminals and other prohibited persons obtain guns without background checks and frequently use guns that cannot be traced to later commit crimes;

(7) many persons who buy and sell firearms at gun shows, flea markets, and other organized events cross State lines to attend these events and engage in the interstate transportation of firearms obtained at these events;

(8) gun violence is a pervasive, national problem that is exacerbated by the availability of guns at gun shows, flea markets, and other organized events;

(9) firearms associated with gun shows have been transferred illegally to residents of another State by Federal firearms licensees and nonlicensed firearms sellers, and have been involved in subsequent crimes including drug offenses, crimes of violence, property crimes, and illegal possession of firearms by felons and other prohibited persons; and

(10) Congress has the power, under the interstate commerce clause and other provisions of the Constitution of the United States, to ensure, by enactment of this Act, that criminals and other prohibited persons do not obtain firearms at gun shows, flea markets, and other organized events.

SEC. 3. EXTENSION OF BRADY BACKGROUND CHECKS TO GUN SHOWS.

(a) DEFINITIONS.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(35) GUN SHOW.—The term 'gun show' means any event—

"(A) at which 50 or more firearms are offered or exhibited for sale, transfer, or exchange, if 1 or more of the firearms has been shipped or transported in, or otherwise affects, interstate or foreign commerce; and

"(B) at which 2 or more persons are offering or exhibiting 1 or more firearms for sale, transfer, or exchange.

"(36) GUN SHOW PROMOTER.—The term 'gun show promoter' means any person who organizes, plans, promotes, or operates a gun show.

"(37) GUN SHOW VENDOR.—The term 'gun show vendor' means any person who exhibits, sells, offers for sale, transfers, or exchanges 1 or more firearms at a gun show, regardless of whether or not the person arranges with the gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange 1 or more firearms."

(b) REGULATION OF FIREARMS TRANSFERS AT GUN SHOWS.—

(1) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

"§931. Regulation of firearms transfers at gun shows

"(a) REGISTRATION OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

"(1) registers with the Secretary in accordance with regulations promulgated by the Secretary; and

"(2) pays a registration fee, in an amount determined by the Secretary.

"(b) RESPONSIBILITIES OF GUN SHOW PROMOTERS.—It shall be unlawful for any person to organize, plan, promote, or operate a gun show unless that person—

"(1) not later that 30 days before commencement of the gun show, notifies the Secretary of the date, time, duration, and location of the gun show and any other information concerning the gun show as the Secretary may require by regulation;

"(2) not later than 72 hours before commencement of the gun show, submits to the Secretary an updated list of all gun show vendors planning to participate in the gun show and any other information concerning such vendors as the Secretary may require by regulation;

"(3) before commencement of the gun show, verifies the identity of each gun show vendor participating in the gun show by examining a valid identification document (as defined in section 1028(d)(1)) of the vendor containing a photograph of the vendor;

"(4) before commencement of the gun show, requires each gun show vendor to sign—

"(A) a ledger with identifying information concerning the vendor; and

"(B) a notice advising the vendor of the obligations of the vendor under this chapter; and

"(5) notifies each person who attends the gun show of the requirements of this chapter, in accordance with such regulations as the Secretary shall prescribe;

"(6) not later than 5 days after the last day of the gun show, submits to the Secretary a copy of the ledger and notice described in paragraph (4); and

"(7) maintains a copy of the records described in paragraphs (2) through (4) at the permanent place of business of the gun show promoter for such period of time and in such form as the Secretary shall require by regulation.

"(c) RESPONSIBILITIES OF TRANSFERORS OTHER THAN LICENSEES.—

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to transfer a firearm to another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not transfer the firearm to the transferee until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not transfer the firearm to the transferee if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(d) RESPONSIBILITIES OF TRANSFEREES OTHER THAN LICENSEES.—

"(1) IN GENERAL.—If any part of a firearm transaction takes place at a gun show, it shall be unlawful for any person who is not licensed under this chapter to receive a firearm from another person who is not licensed under this chapter, unless the firearm is transferred through a licensed importer, licensed manufacturer, or licensed dealer in accordance with subsection (e).

"(2) CRIMINAL BACKGROUND CHECKS.—A person who is subject to the requirement of paragraph (1)—

"(A) shall not receive the firearm from the transferor until the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(A); and

"(B) notwithstanding subparagraph (A), shall not receive the firearm from the transferor if the licensed importer, licensed manufacturer, or licensed dealer through which the transfer is made under subsection (e) makes the notification described in subsection (e)(3)(B).

"(e) RESPONSIBILITIES OF LICENSEES.—A licensed importer, licensed manufacturer, or licensed dealer who agrees to assist a person who is not licensed under this chapter in carrying out the responsibilities of that person under subsection (c) or (d) with respect to the transfer of a firearm shall—

"(1) enter such information about the firearm as the Secretary may require by regulation into a separate bound record;

"(2) record the transfer on a form specified by the Secretary;

"(3) comply with section 922(t) as if transferring the firearm from the inventory of the licensed importer, licensed manufacturer, or licensed dealer to the designated transferee (although a licensed importer, licensed manufacturer, or licensed dealer complying with this subsection shall not be required to comply again with the requirements of section 922(t) in delivering the firearm to the nonlicensed transferor), and notify the nonlicensed transferor and the nonlicensed transferee—

"(A) of such compliance; and

"(B) if the transfer is subject to the requirements of section 922(t)(1), of any receipt by the licensed importer, licensed manufacturer, or licensed dealer of a notification from the national instant criminal background check system that the transfer would violate section 922 or would violate State law;

"(4) not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(A) shall be on a form specified by the Secretary by regulation; and

"(B) shall not include the name of or other identifying information relating to any person involved in the transfer who is not licensed under this chapter;

"(5) if the licensed importer, licensed manufacturer, or licensed dealer assists a person other than a licensee in transferring, at 1 time or during any 5 consecutive business days, 2 or more pistols or revolvers, or any combination of pistols and revolvers totaling 2 or more, to the same nonlicensed person, in addition to the reports required under paragraph (4), prepare a report of the multiple transfers, which report shall be—

"(A) prepared on a form specified by the Secretary; and

"(B) not later than the close of business on the date on which the transfer occurs, forwarded to—

"(i) the office specified on the form described in subparagraph (A); and

"(ii) the appropriate State law enforcement agency of the jurisdiction in which the transfer occurs; and

"(6) retain a record of the transfer as part of the permanent business records of the licensed importer, licensed manufacturer, or licensed dealer.

"(f) RECORDS OF LICENSEE TRANSFERS.—If any part of a firearm transaction takes place at a gun show, each licensed importer, licensed manufacturer, and licensed dealer who transfers 1 or more firearms to a person who is not licensed under this chapter shall, not later than 10 days after the date on which the transfer occurs, submit to the Secretary a report of the transfer, which report—

"(1) shall be in a form specified by the Secretary by regulation;

"(2) shall not include the name of or other identifying information relating to the transferee; and

"(3) shall not duplicate information provided in any report required under subsection (e)(4).

"(g) FIREARM TRANSACTION DEFINED.—In this section, the term 'firearm transaction' includes the exhibition, sale, offer for sale, transfer, or exchange of a firearm.".

(2) PENALTIES.—Section 924(a) of title 18, United States Code, is amended by adding at the end the following:

"(7)(A) Whoever knowingly violates section 931(a) shall be fined under this title, imprisoned not more than 5 years, or both.

"(B) Whoever knowingly violates subsection (b) or (c) of section 931, shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(C) Whoever willfully violates section 931(d), shall be—

"(i) fined under this title, imprisoned not more than 2 years, or both; and

"(ii) in the case of a second or subsequent conviction, such person shall be fined under this title, imprisoned not more than 5 years, or both.

"(D) Whoever knowingly violates subsection (e) or (f) of section 931 shall be fined under this title, imprisoned not more than 5 years, or both.

"(E) In addition to any other penalties imposed under this paragraph, the Secretary may, with respect to any person who knowingly violates any provision of section 931—

"(i) if the person is registered pursuant to section 931(a), after notice and opportunity for a hearing, suspend for not more than 6 months or revoke the registration of that person under section 931(a); and

"(ii) impose a civil fine in an amount equal to not more than $10,000.".

(3) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(A) in the chapter analysis, by adding at the end the following:

"931. Regulation of firearms transfers at gun shows."; and

(B) in the first sentence of section 923(j), by striking "a gun show or event" and inserting "an event"; and

(c) INSPECTION AUTHORITY.—Section 923(g)(1) is amended by adding at the end the following:

"(E) Notwithstanding subparagraph (B), the Secretary may enter during business hours the place of business of any gun show promoter and any place where a gun show is held for the purposes of examining the records required by sections 923 and 931 and the inventory of licensees conducting business at the gun show. Such entry and examination shall be conducted for the purposes of determining compliance with this chapter by gun show promoters and licensees conducting business at the gun show and shall not require a showing of reasonable cause or a warrant.".

(d) INCREASED PENALTIES FOR SERIOUS RECORDKEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3) of title 18, United States Code, is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), any licensed dealer, licensed importer, licensed manufacturer, or licensed collector who knowingly makes any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter, or violates section 922(m) shall be fined under this title, imprisoned not more than 1 year, or both.

"(B) If the violation described in subparagraph (A) is in relation to an offense—

"(i) under paragraph (1) or (3) of section 922(b), such person shall be fined under this title, imprisoned not more than 5 years, or both; or

"(ii) under subsection (a)(6) or (d) of section 922, such person shall be fined under this title, imprisoned not more than 10 years, or both.".

(e) INCREASED PENALTIES FOR VIOLATIONS OF CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

(1) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(A) in paragraph (5), by striking "subsection (s) or (t) of section 922" and inserting "section 922(s)"; and

(B) by adding at the end the following:

"(8) Whoever knowingly violates section 922(t) shall be fined under this title, imprisoned not more than 5 years, or both.".

(2) ELIMINATION OF CERTAIN ELEMENTS OF OFFENSE.—Section 922(t)(5) of title 18, United States Code, is amended by striking "and, at the time" and all that follows through "State law".

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

By Mr. JEFFORDS (for himself, Mr. SPECTER, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. THURMOND, Mr. MURKOWSKI, Mr. CAMPBELL, Mr. CRAIG, Mr. HUTCHINSON, Ms. SNOWE, Mr. DASCHLE, Mr. GRAHAM, Mr. AKAKA, Mr. WELLSTONE, Mrs. MURRAY, Mr. HOLLINGS, Mr. LEAHY, Mr. CLELAND, Ms. LANDRIEU, and Mr. JOHNSON):

S. 445. A bill to amend title XVIII of the Social Security Act to require the

Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with Medicare reimbursement for Medicare healthcare services provided to certain medicare-eligible veterans; to the Committee on Finance.

Mr. JEFFORDS. Mr. President, I am proud to introduce the Veterans' Equal Access to Medicare Act. This bill will give all our nations' veterans the freedom to choose where they receive their medical care. I am joined by the Chairman and Ranking Member of the Veterans' Affairs Committee, Senators SPECTER and ROCKEFELLER, as well as Senators THURMOND, MURKOWSKI, CAMPBELL, CRAIG, HUTCHINSON, MCCAIN, SNOWE, DASCHLE, GRAHAM, AKAKA, WELLSTONE, MURRAY, HOLLINGS, CLELAND, LANDRIEU, JOHNSON, and my friend and colleague from Vermont, Senator LEAHY.

Known to some as "Medicare Subvention," this legislation will authorize the Department of Veterans Affairs (VA) to set up 10 pilot sites around the country where Medicare-eligible Veterans could get Medicare-covered services at a Veterans hospital. The VA would then be reimbursed at a slightly reduced rate for provision of those services. Many Medicare-eligible veterans want to receive their care at a VA facility. This bill would allow certain veterans that option.

My legislation would implement a pilot project that is eagerly sought by both the Veterans Administration and the Veterans Service Organizations. Veterans want the right to choose where they get their Medicare-covered services. Many of them would like to go to a Veterans Administration facility where they would feel more comfortable. We want to make that option possible for those who have given so much of themselves in service to their country.

Our legislation starts with a 10-site demonstration project, limiting total Medicare reimbursements to $50 million annually. The VA is required to maintain its current level of effort, and provisions in the bill prevent it from shifting any current costs to the Medicare Trust Fund. In the event that the demonstration project in any way increased Medicare's costs, the VA would reimburse Medicare for these costs and suspend or terminate the program.

An independent auditor would monitor the demonstration project annually and make reports to Congress on its findings. A final report to Congress three and a half years after commencement of the project from the Secretaries of Veterans Affairs and Health and Human Services would recommend whether to terminate, continue or expand the program.

Almost two years ago, Senator ROCKEFELLER and I successfully included similar legislation in the 1997 Balanced Budget Reconciliation Act. The full Senate endorsed this measure. Unfortunately, our amendment was later dropped in conference.

But we feel strongly that now is the time to enact this legislation. Veterans want and deserve this option, and the VA should be allowed to become a Medicare provider. The Department of Health and Human Services and the Veterans Administration have already reached an agreement on how such a program would be implemented. It's time for us to give this project the green light.

In 1997 the Department of Defense Medicare Subvention program alleviated what our country's military retirees call a "lockout" from the military health care system. This bill will finish the job by allowing all our veterans access to the best and most appropriate health care facility of their choosing. Our nation's veterans deserve no less.

I look forward to working with the Senate Finance Committee, Secretary West and the Administration, the Veterans Service Organizations and my colleagues here and in the House to get this legislation signed into law this year.

Mr. SPECTER. Mr. President, along with all the Members of the Committee on Veterans' Affairs, I am pleased to be an original cosponsor of a bill, which my colleague and friend, Senator JIM JEFFORDS, is introducing today. Mr. President, this is a most welcome bill. When enacted, it would direct that the Department of Veterans Affairs (VA) and the Department of Health and Human Services (HHS) enter into an agreement establishing ten geographically dispersed demonstration projects under which VA would provide health care services to certain Medicare-eligible veterans, who would not have otherwise received care in VA, in exchange for reimbursement from the Medicare trust fund. Thus, VA would be able to occupy the same basic position as other health care providers which furnish care to Medicare-eligible patients: VA would be reimbursed by Medicare for providing this care, just as other providers may be reimbursed. The Department of Defense health care system is already authorized to provide such care for reimbursement on a demonstration project basis, and this authority should be extended to the VA as well.

Under the terms of this bill, VA is authorized to establish up to ten subvention sites or health plans, including a site near a closed military base and one that provides care predominately to rural veterans. These sites and plans would provide health care services to Medicare-eligible veterans. Medicare would reimburse VA for such services—similar to the way the Federal Health Care Financing Administration pays other providers in the private sector when they furnish health care services to Medicare-eligible persons—but subject to certain cost-saving conditions. First, while fees paid to VA would be based on those paid to other providers, they would be reduced, across the board, by 5%. Second, reimbursements to VA would be further reduced for subsidies paid by Medicare to private facilities to cover their capital expense and medical education costs, and costs incurred by such providers, if any, in serving a disproportionate number of low-income patients. Thus, Medicare would invariably save funds when care is provided to its patients by VA. In effect, VA would provide care to Medicare-eligible veterans at a discount to the Medicare trust fund.

The Department of Health and Human Services (HHS) would not, however, be required to refer Medicare-eligible patients to VA under this bill. Eligible veterans would continue to be free to select their own health care providers. It would be up to the VA "demonstration program" sites to entice Medicare-eligible patients to VA by offering services and care which are more attractive than those provided by community-care providers. One of the underlying purposes of this legislation is to test VA's contention that it can provide the kind of care which will attract veteran-patients who have other alternatives and, at the same time, provide care which is cost effective from the reimburser's, and VA's, viewpoints. Another purpose of the legislation will be to test the hypothesis that VA can meet the needs of its priority patients—veterans with service-connected disabilities and veterans who are poor—while, simultaneously positioning itself to attract other veteran-patients who, due to Medicare eligibility, have the wherewithal to go elsewhere for care.

Whether VA can succeed in providing cost-effective care which attracts patients without causing it to neglect its primary mission is the essence of the question that this bill is intended to answer. Indeed, time—and these demonstration projects—will tell whether providing such care to non-priority veterans for reimbursement will enhance VA's ability, due to an infusion of new Medicare funds, to provide better care to VA's mandated priority patients. Like the Department of Defense—which, as I have noted, already has authority from Congress to obtain reimbursement from Medicare—VA ought to have an opportunity to see if it can succeed in attracting and keeping patients by providing superior care. I can think of no better way to gauge VA quality than assessing the behavior of veterans who can "vote with their feet."

I hope that these VA "demonstration project" sites will show that VA can, in fact, fully serve its priority patients—veterans - with service-connected disabilities and veterans who are poor—while also serving veteran-patients who are able to bring Medicare funding to the VA system. Budgetary constraints have required that VA operate under a "flat-line" medical care appropriation for the past three years even as personnel and other inflationary costs continue to rise from year to year. VA has attempted to increase its collections from private sector, third-party insurers in order to supplement its funding base, but these collections have not been sufficient. I and my colleagues on the Committee on Veterans' Affairs believe that VA ought to have parallel authority to collect reimbursement from Medicare when it provides non-service-connected care to these patients. I ask that my colleagues give the Department this authority by approving this legislation.

Mr. President, I compliment my colleague and friend from Vermont for his leadership on establishing this innovative and crucial legislation that I believe will be an essential tool in the future for VA's care of veterans, and I urge my colleagues to give this bill high priority attention for early passage this year.

Mr. ROCKEFELLER. Mr. President, I am pleased to offer my support to the Veterans' Equal Access to Medicare Act. This bill will authorize a pilot project to allow VA to bill Medicare for health care services provided to certain dual beneficiaries. The legislation is known as VA Medicare subvention, which is a concept that has been discussed over the years by those of us in Congress, by veterans service organizations, and by virtually every advisory body that has studied the VA health care system. I join my colleague Senator JEFFORDS in this initiative.

In the past, many VA hospitals and clinics have been forced to turn away middle income, Medicare-eligible veterans who sought VA care. These hospitals simply did not have the resources to care for them. Now, with eligibility reform, all enrolled veterans will have access to a uniform, comprehensive benefit package. Yet, resources for veterans' health care have not increased, and, in fact, have remained flatlined.

During the first session of the 105th Congress, Senator JEFFORDS and I successfully pushed a similar proposal through the Senate Finance Committee and the full Senate. The basic tenets of the current bill remain the same. For veterans, enactment of the Veterans' Equal Access to Medicare Act would mean the infusion of new revenue and, thus, improved access to care. For the Health Care Financing Administration (HCFA), a VA subvention demonstration project will provide the opportunity to assess the effects of coordination on improving efficiency, access, and quality of care for dual-eligible beneficiaries in a selected number of sites. Finally, Congress would receive the results of this feasibility study, which, once and for all, would give us the necessary data to make rational policy decisions in the future about Medicare and VA's involvement.

The four VA medical centers in my own State of West Virginia spent nearly $5 million caring for Medicare-eligible veterans with middle incomes last year. Although this is telling information, I cannot provide my colleagues with the truly crucial piece of the story—that is, the number of these Medicare-eligible veterans who had been turned away over the years from the very facilities created to serve them because of lack of resources. This demonstration project would encourage these eligible veterans who have not previously received care from the Huntington, Beckley, Martinsburg, and Clarksburg VA Medical Centers to do so, while providing Medicare with cost-savings opportunities.

As in years past, the Veterans' Equal Access to Medicare Act is designed to be budget neutral. To that end, the VA would be required to maintain its current level of services to Medicare-eligible veterans already being served, and would be effectively limited to reimbursement for additional care provided to new users. Payments from Medicare would be at a reduced rate and would exclude Disproportionate Share Hospital adjustments, Graduate Medical Education payments, and a large percentage of capital-related costs. In effect, the VA would be providing health care to Medicare-eligible veterans at a deeply discounted rate. The Department of Health and Human Services and VA would have the ability to adjust payment rates, or to shrink or terminate the program if Medicare's costs increase. In the event that these safeguards included in the proposal fail—an event which the VA has declared unlikely—this proposal caps all Medicare payments to the VA at $50 million.

A HCFA representative testified before the last Congress and stated that this proposal will provide quality service to certain dual-eligible beneficiaries and, "at the same time, preserve and protect the Medicare Trust Fund for all Americans." I believe this.

Although the VA subvention proposal is a small effort compared to the other recent changes made to the Medicare program and the changes yet to come, it is enormously important to our veterans and the health care system they depend upon. And regardless of any policy changes resulting from the Bipartisan Commission on the Future of Medicare, an excellent opportunity will remain to test the idea of Medicare subvention to VA.

Over the last couple of years, we have tried to enact this proposal. Unfortunately, we have continually met resistance. Others who favor the subvention concept have even tried to turn this Medicare-cost saving proposal into a way to make sweeping policy changes about the delivery of VA health care. My goal this session is to overcome this resistance and enact this proposal without any extraneous measures.

Truly, this VA/Medicare proposal is a way to provide quality health care to veterans who are also eligible for Medicare, while at the same time preserving and protecting the Medicare Trust Fund. With a signed Memorandum of Agreement between VA and HCFA, VA is ready to move ahead with this demonstration project. Finally, the Department of Defense Medicare Subvention test program—TRICARE Senior Prime—is progressing. Let us not delay VA any longer.

Mr. President, veterans deserve the opportunity to come to VA facilities for their care and bring their Medicare coverage with them. I look forward to working with my colleagues on the Committees on Finance and Veterans' Affairs to make this long sought-after proposal a reality.

Mr. McCAIN. Mr. President, I am proud to be an original co-sponsor of the Veterans' Equal Access to Medicare Act, which would authorize a demonstration of Medicare subvention within the Department of Veterans Affairs (VA) health care system. Many of us supported similar legislation sponsored by Senator JEFFORDS and incorporated into the Senate version of the 1997 Budget Resolution. Unfortunately, this measure was removed by the conferees to the bill and did not become law. In the 105th Congress, separate legislation authorizing a test of Medicare subvention for veterans passed the House of Representatives but stalled in the Senate. The intervening period has only made more apparent the benefits of allowing Medicare-eligible veterans to use their Medicare entitlement for care at local VA medical facilities.

The Veterans' Equal Access to Medicare Act would establish a three-year demonstration project at up to 10 sites around the country, including a site near a military medical facility closed under the Base Realignment and Closure process and a site in an area where the target population is predominantly rural. The VA would bill Medicare for Medicare-covered services provided to eligible veterans at these sites. Veterans' participation would be voluntary, and participants would make the same Medicare co-payments to the VA as at non-VA facilities.

The legislation also contains important safeguards. The VA's Inspector General must certify the accounting and managerial capabilities of participating facilities; the VA must maintain its current level of effort to prevent cost shifting from the VA to the Medicare Trust Fund; the Comptroller General must audit the demonstration project annually to ensure that the

Medicare Trust Fund does not incur any additional costs; and Medicare payments to the VA must be capped at $50 million annually. After three years, the Secretaries of Health and Human Services and Veterans Affairs would be required to submit recommendations to Congress on whether to extend or expand the project.

By permitting the VA to collect and retain Medicare payments for health care provided to eligible veterans, our legislation would demonstrate subvention's ability to enhance access to the VA medical system for veterans and channel critical non-appropriated funding into the VA network without raising costs to the Medicare Trust Fund. But don't take my word for it. The Fiscal Year 2000 Independent Budget jointly proposed by AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars summarizes the virtues of VA Medicare subvention as follows:

> Medicare subvention will benefit veterans, taxpayers, and ultimately VA. It would give veterans who currently do not have access to VA health care the option of choosing the VA system. VA believes it can deliver care to Medicare beneficiaries at a discounted rate, which would save money for the Medicare Trust Fund and stretch taxpayer dollars.

In other words, this is win-win legislation for all concerned parties. Veterans receive better access to quality health care; the VA benefits from an inflow of non-appropriated funding; and VA provides more efficient care than other Medicare providers, saving scarce resources in this era of balanced budgets.

Military retirees, but not veterans, currently qualify for an ongoing Medicare subvention demonstration project authorized by Congress in 1997. In 1996, I had introduced legislation to authorize Medicare reimbursement to the Department of Defense for care provided to Medicare-eligible retirees and their families. Although the Senate included this provision in its version of the Fiscal Year 1997 Defense Appropriations bill, it was dropped in conference with the House.

A year later, I supported the current Medicare subvention demonstration project for military retirees, which was included in the Balanced Budget Act of 1997. It is my hope that this project will demonstrate the potential for Medicare subvention to defray the escalating costs of the Military Health Service System, slow the depletion of the Medicare Trust Fund, and provide a more generous benefit to retired service members seeking the quality health care our government promised them.

I do not need to remind my colleagues that we also promised medical benefits to veterans who served for fewer than 20 years and are not entitled to retirement benefits. That the Department of Veterans Affairs manages the largest health care network in the United States is testament to our continuing effort to make good on that promise. But the quantity of health care providers for veterans is not at issue today; rather, the quality of care is among the most pressing items on the agenda of America's veterans and their advocates.

The veterans from whom I am honored to hear on my travels across the United States and in my Senate office frequently remind me that the VA health care system does not always offer them the quality of care they have clearly earned. Authorizing a test of Medicare subvention for veterans would hopefully demonstrate its ability to improve veterans' access to VA facilities and enhance the quality of service there.

For this reason, the Department of Veterans Affairs supports a Medicare subvention demonstration. So do the major veterans' service organizations whose membership comprises the very individuals who would be affected by this legislation. I would also note that a majority of both houses of the 105th Congress voted in favor of legislation to authorize a Medicare subvention demonstration for veterans, even though the specific terms of that legislation differed somewhat.

Mr. President, I wish to conclude my remarks by once again drawing from the wisdom of the veterans' service organizations' Independent Budget, which warns that Medicare subvention funding must be a supplement to, not a substitute for, an adequate VA appropriation. Veterans' care and benefits have been underfunded for years. Implementing a test of Medicare subvention for veterans is but one step in what must be a concerted campaign to honor the promises made to all who have answered their country's call through their military service. Let no one forget the sacrifices made by every veteran to secure our liberty in what has been, and remains, a very dangerous world.

Mr. HUTCHINSON. Mr. President. I would like to express my strong support for Senator JEFFORD's bill, the Veterans' Equal Access to Medicare Act. I am proud to be an original cosponsor of this important legislation which would allow the VA to establish a Medicare subvention demonstration project. At ten sites across the country, Medicare would reimburse the VA for Medicare-covered services provided to eligible veterans.

As a former member of the House Veterans' Affairs Committee, and a current member of the Senate Veterans' Affairs Committee, I have been and remain a strong advocate of the Medicare subvention concept. As a member of the House, I was cosponsor of Representative JOEL HEFLEY's bill to create a demonstration project of Medicare subvention. During the 105th Congress, I was a cosponsor of Senator JEFFORD's bill, S. 2054.

The last four years of flat-lined Administration budgets have demonstrated the critical need for this legislation. To treat new veteran patients, the VA must be creative in finding new revenue sources. The perpetual volatility of the health care marketplace has made it more and more difficult for VA to collect under the standard fee for service arrangements. Currently, 85% of all insured Americans are under some form of managed care, and many of these plans do not recognize the VA as a network provider eligible for reimbursement. In order for the VA to be able to collect the millions that it needs to adequately serve veterans and to survive under the budget proposed by the Administration for FY 2000, there must be a new revenue source. Medicare subvention legislation would be a step in the right direction.

Historically, higher income veterans have been locked out of the VA health care system because of a severe lack of resources. Under subvention legislation, the VA would potentially be able to open its doors to millions of veterans 65 years and older who want to choose VA as their primary care giver. Our legislation will be the first in truly saving the Private Ryan's of WWII and the Korean conflict. Now more than ever, the VA needs to be able to collect and compete in the health care marketplace as an equal partner with other health plans. Medicare subvention will allow it that opportunity. I am proud to again be a cosponsor of this important legislation.

By Mrs. BOXER (for herself, Mr. KERRY, and Mr. TORRICELLI):

S. 446. A bill to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; to the Committee on Energy and Natural Resources.

PERMANENT PROTECTION FOR AMERICA'S RESOURCES 2000 ACT

Mrs. BOXER. Mr. President, today, I am introducing the Permanent Protection for America's Resources 2000 Act—Resources 2000. This legislation is the most sweeping commitment to protecting America's natural heritage in more than a generation. It will establish a permanent, dedicated funding source for resource protection. I am honored to be working on this legislation with Congressman GEORGE MILLER in the House of Representatives, and my Senate Colleagues, Senator John KERRY and Senator ROBERT TORRICELLI.

As we embark upon the 21st Century, it is time to make a new commitment to our natural heritage—one that can take its place beside the legacy left by President Teddy Roosevelt as we began this century. That new commitment must go beyond a piecemeal approach to preserving our natural resources. It must be a comprehensive, long-term strategy that enables us to ensure that when our children's children enter the 22nd Century, they can herald our actions today, as we revere those of President Roosevelt.

Today our natural heritage is disappearing at an alarming rate. Each year, nearly 3 million acres of farmland and more than 170,000 acres of wetlands disappear. Each day, over 7,000 acres of open space are lost forever.

All across America, we now see parks closing, recreational facilities deteriorating, open space disappearing, historic structures crumbling.

Why is this happening? Because there is no dedicated fund for all these noble purposes—which can be used only for these noble purposes.

The legislation that I am introducing today will address this problem in a comprehensive Resources 2000 in a bold, historic initiative to provide substantial and permanent funding from offshore oil resources for the acquisition, improvement and maintenance of public resources throughout the United States: public lands, parks, marine and coastal resources, historic preservation, fish and wildlife. Resources 2000 will provide permanent, annual funding for historically underfunded, high priority resources' preservation goals.

A major funding source for resource protection already exists. Each year, oil companies pay the federal government billions of dollars in rents, royalties, and other fees in connection with offshore drilling in federal waters. In 1998 alone, the government collected over $4.6 billion from oil and gas drilling on the Outer Continental Shelf.

My bill would allocate $1.4 billion every year for land acquisition, park and recreational development, historic preservation, land restoration, ocean conservation, farmland preservation, and endangered species recovery.

Resources 2000 will also mandate full funding of the Land and Water Conservation Fund. In 1965, Congress established this Fund, which was to receive $900 million a year from federal oil revenues for acquisition of sensitive lands and wetlands.

The good news is that Fund has collected over $21 billion since 1965. The bad news is that only $9 billion of this amount has been spent on its intended uses. More than $16 billion has been shifted into other federal accounts.

On the ground, this means that we have purchased some key tracts of land in the Golden Gate National Recreation Area, Redwood National Park, Tahoe National Forest, and Channel Islands National Park, among many others.

At the same time, however, we missed golden opportunities to buy critical open space because the Land and Water Conservation Fund was underfunded. Some of these parcels—in the Santa Monica Mountains, along the Pacific Crest Trail, and elsewhere throughout California—have since been lost. If we had been able to use the entire Fund, these areas would have been protected.

To preserve meaningful tracts of open space, we must spend the entire Fund to acquire land and water. Congress must move to take the Fund "off budget" and use it all for its intended purposes.

Resources 2000 would fund the Land and Water Conservation Fund at $900 million per year, the full level authorized by Congress. Half of this amount would be dedicated to federal acquisition of lands for our national parks, national forests, national wildlife refuges, and other public lands. The other half would go for matching grants to the states for land acquisition, planning, and development of outdoor recreation facilities.

Furthermore, this can be done without causing further harm to the environment. My bill does not contain any incentives for new offshore oil drilling. All of the revenue would have to come from already producing leases.

The bill contains eight titles as follows:

TITLE I—LAND AND WATER CONSERVATION FUND REVITALIZATION—$900 MILLION

Federal: $450 million

Stateside: $450 million

Summary of Title: Resources 2000 would take the Land and Water Conservation Fund (LWCF) "off-budget" and require the federal government to spend the entire $900 million for its designated purpose of land acquisition.

One-half of the annual $900 million allocation of the LWCF would be dedicated to federal land acquisition purposes. These funds would be used to acquire lands or interests in lands authorized by Congress for our national parks, national forests, national wildlife refuges, and public lands.

The other $450 million allocation of the LWCF would go for matching grants to the States for the acquisition of lands or interests in lands, planning, and development of outdoor recreation facilities. Of this $450 million, two-thirds will be allocated by formula of which 30 percent shall be distributed equally among the States, and 70 percent apportioned on the basis of the population each state bears to the total population of all states. The remaining one-third would be awarded on the basis of competitive grants.

TITLE II—URBAN PARKS AND RECREATIONAL RECOVERY PROGRAM AMENDMENTS—$100 MILLION

Summary of Title: Resources 2000 would provide a mandatory $100 million a year of OCS revenue for the Urban Parks and Recreational Recovery program (UPARR). This funding would be used by the Secretary of the Interior to provide competitive matching grants to local governments to rehabilitate recreation areas and facilities, provide for the development of improved recreation programs, and to acquire, develop, or construct new recreation sites and facilities.

This program is intended to encourage and stimulate local governments to revitalize their park and recreation systems and to make long-term commitments to continuing maintenance of these systems. UPARR is also designed to improve recreation facilities and expand recreation services in urban areas with a high incidence of crime and to help deter crime through the expansion of recreation opportunities for at-risk youth.

TITLE III—HISTORIC PRESERVATION FUND—$150 MILLION

Summary of Title: Your bill would take the Historic Preservation Fund "off-budget" and require the federal government to spend the entire $150 million a year of OCS revenue for the designated purposes of the Historic Preservation Fund. Your bill would also require that 50 percent of the funds provided be used for physically preserving historic properties (so-called "brick and mortar" activities).

Under current law, the National Historic Preservation Act established the Historic Preservation Fund (HPF) in 1977. The Act requires that $150 million in revenue from offshore oil drilling be placed in the HPF each year. Congress is authorized to appropriate money from the fund to carry out the National Historic Preservation Act. Such activities include grants to states, maintaining the National Register of Historic Places, and administering numerous historic preservation programs. The Act allows up to one-third of the funds for priority preservation projects of public and private entities, including preserving historic structures and sites, as well as, significant documents, photographs, works of art, etc.

TITLE IV—FARMLAND, RANCHLAND, OPEN SPACE, AND FORESTLAND PROTECTION—$150 MILLION

Summary of Title: Resources 2000 establishes the Farmland, Ranchland, Open Space, and Forestland Protection Fund to provide matching, competitive grants to state, local and tribal governments for purchase of conservation easements to protect privately owned farmland, ranchland and forests from encroaching development. To help communities grow in ways that maintain open space and viable agricultural sectors of their economies. Such grants could be used to match state or local long term bond initiatives approved by voters to preserve green spaces for conservation, recreation and other environmental goals.

The Fund has three basic sections. The first funds the Farmland Protection Program at $50 million a year. This funding would be used by the Secretary of Agriculture to provide matching grants to eligible entities to purchase permanent conservation easements in land so that it can be maintained as farmland or open space.

The second funds a new program—the Ranchland Protection Program—at $50 million a year. Modeled after the Farmland Protection Program, the Ranchland Protection Program would be used by the Secretary of the Interior to provide matching grants to eligible entities to purchase permanent conservation easements on ranchland that is in danger of conversion to nonagricultural uses and is pending offer for the preservation of open space and will yield a significant public benefit.

The third section funds the Forest Legacy Program at $50 million a year. The Forest Legacy Program is a similar program for protecting environmentally important forest areas that are threatened by conversion to nonforest uses. Under this program, the Secretary of Agriculture will provide matching grants to eligible entities to purchase conservation easements for forest lands.

For the purposes of this title an eligible entity is an agency of a State or local government, a federally recognized Indian tribe, or a non-profit environment/land trust organization.

TITLE V—FEDERAL AND INDIAN LANDS RESTORATION FUND—$250 MILLION

Summary of Title: Resources 2000 establishes a new fund to provide a mandatory $250 million a year to undertake a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

$150 million of the funding will be available to the Secretary of the Interior to carry out restoration activities within the National Park System, National Wildlife Refuge System, and public lands administered by the Bureau of Land Management.

$75 million of the funding will be available to the Secretary of Agriculture to carry out restoration activities in National Forests.

$25 million of the funding will be available to the Secretary of the Interior to carry out a competitive grant program for Indian tribes to complete restoration activities on reservations.

TITLE VI—OCEAN FISH AND WILDLIFE CONSERVATION, RESTORATION, AND MANAGEMENT ASSISTANCE — $300 MILLION

Summary of Title: Resources 2000 establishes a new fund, entitled the Ocean Fish and Wildlife Conservation Fund, to provide a mandatory $300 million a year for the Department of Commerce to provide grants for the conservation, restoration and management of ocean fish and wildlife of the United States. The Fund would be allocated in two ways: (1) formula grants to States to develop and implement comprehensive state ocean fish and wildlife conservation plans, and (2) competitive grants to public and private persons to carry out projects for the conservation, restoration, or management of ocean fish and wildlife (Ocean Conservation Partnership grants).

a. State Ocean Fish and Wildlife Conservation Plans:

In order for states to be eligible for funding under this title, States would have to develop a comprehensive "Ocean Fish and Wildlife Conservation Plan." The plan must be approved by the Secretary of Commerce. In order for the plan to be approved, the plan must provide for an inventory of the ocean fish and wildlife and their habitat; identification of any significant factors which may adversely affect ocean fish and wildlife species and their habitats; determination and implementation of conservation actions; monitoring of species and the effectiveness of conservation actions; periodic plan review and revision; and public input into plan development, revision and implementation. The State does not need to complete all of these activities for plan approval, it simply must have a plan in place that will show how the State proposes to meet the conservation objectives.

Two-thirds ($200 million) of the total would be available to coastal states (including Great Lakes States, territories, and possessions of the U.S.) for the development, revision, and implementation of the "Ocean Fish and Wildlife Conservation Plans." Funds would be allocated to the states by a formula. Two-thirds (about $133 million) would be distributed to states based on the ratio of the population of the state to the population of all coastal states. One-third (about $66 million) would be distributed to states based on the ratio of the length of a state's shoreline to the length of the total shoreline of all coastal states. No state can receive less than ½ of one percent or more than 10 percent of the total funds allocated under this section.

b. Ocean Conservation Partnerships:

The remaining one-third ($100 million) of funds would be awarded by the Secretary of Commerce as competitive, peer-reviewed grants for living marine resource conservation. High priority would be given to proposals involving public/private conservation partnerships, but any person would be eligible to apply for a grant under this provision. Priority would also be given to proposals that assist in achieving the objectives of National Marine Sanctuaries, National Estuaries, or other federal or state marine protected areas. A maximum grant size (2 percent of funds available—about $2 million) will be established to ensure that a small number of large projects do not consume the bulk of the funding in a given fiscal year.

TITLE VII—FUNDING FOR STATE NATIVE FISH AND WILDLIFE CONSERVATION AND RESTORATION—$350 MILLION

Summary of Title: Resources 2000 provides a permanent appropriation of $350 for the conservation of native fish, wildlife and plants. It amends the Fish and Wildlife Conservation Act of 1980 (FWCA, 16 U.S.C. 2901 et seq.) to make funding available to the states for the development and implementation of comprehensive native wildlife conservation plans.

This title is similar to the Ocean Fish and Wildlife Conservation, Restoration and Management title, except this is for terrestrial fish and wildlife conservation efforts. States that choose to participate in the program would submit Fish and Wildlife Conservation Plans to the Secretary of the Interior for approval.

Funds are to be allocated on a formula. One-third of the funds would be allocated based on the area of a state relative to the total area of all the states and two-thirds on the relative population of a state.

States are eligible for reimbursement of 75 percent of the cost of developing and implementing state wildlife conservation plans. Federal funds are only available for plan development costs for the first 10 years. As an additional incentive, federal funds will pay for up to 90 percent of: plan development costs during the first three years; and conservation actions undertaken by two or more states. In addition, in the absence of an approved plan, the Secretary may reimburse a state for certain on-the-ground conservation actions during the first five years of the program.

TITLE VIII—ENDANGERED AND THREATENED SPECIES RECOVERY—$100 MILLION

Summary of Title: Resources 2000 establishes a new fund, entitled the Endangered and Threatened Species Recovery Fund, to provide a mandatory $100 million a year for the Fish and Wildlife Service and the National Marine Fisheries Service to implement a private landowners incentive program for the recovery of endangered and threatened species and the habitat that they depend on.

Monies would be used by the Secretaries to enter into "endangered and threatened species recovery agreements" with private landowners, providing grants to: (1) carry out activities and protect habitat (not otherwise required by the law) that would contribute to the recovery of a threatened or endangered species, or (2) to refrain from carrying out otherwise lawful activities that would inhibit the recovery of such species. Priority will be given to small landowners who would otherwise not have the resources to participate in such programs.

So it is time to act in a comprehensive way to permanently protect our heritage. It is time to heed the call that Teddy Roosevelt sent out so many years ago. It is time to build on the progress we have made and plan for the future.

Resources 2000 enjoys the enthusiastic support of major environmental, historic preservation, sporting, wildlife, and parks organizations throughout the nation.

I hope that my colleagues in the Senate take advantage of this historic opportunity by joining Senator TORRICELLI, Senator KERRY, and me in this effort to preserve America's heritage.

I ask unanimous consent that the full text of the bill be printed in the RECORD. I also ask unanimous consent that a list of groups who support the legislation, as well as letters from several conservation organizations be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Resources 2000 Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and purpose.
Sec. 4. Definitions.
Sec. 5. Reduction in deposits of qualified OCS revenues for any fiscal year for which those revenues are reduced.
Sec. 6. Limitation on use of available amounts for administration.
Sec. 7. Budgetary treatment of receipts and disbursements.

TITLE I—LAND AND WATER CONSERVATION FUND REVITALIZATION

Sec. 101. Amendment of Land and Water Conservation Fund Act of 1965.
Sec. 102. Extension of period for covering amounts into fund.
Sec. 103. Availability of amounts.
Sec. 104. Allocation and use of fund.
Sec. 105. Expansion of State assistance purposes.
Sec. 106. Allocation of amounts available for State purposes.
Sec. 107. State planning.
Sec. 108. Assistance to States for other projects.
Sec. 109. Conversion of property to other use.

TITLE II—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

Sec. 201. Amendment of Urban Park and Recreation Recovery Act of 1978.
Sec. 202. Purposes.
Sec. 203. Authority to develop new areas and facilities.
Sec. 204. Definitions.
Sec. 205. Eligibility.
Sec. 206. Grants.
Sec. 207. Recovery action programs.
Sec. 208. State action incentives.
Sec. 209. Conversion of recreation property.
Sec. 210. Availability of amounts.
Sec. 211. Repeal.

TITLE III—HISTORIC PRESERVATION FUND

Sec. 301. Availability of amounts.

TITLE IV—FARMLAND, RANCHLAND, OPEN SPACE, AND FORESTLAND PROTECTION

Sec. 401. Purpose.
Sec. 402. Farmland, Ranchland, Open Space, and Forestland Protection Fund; availability of amounts.
Sec. 403. Authorized uses of Farmland, Ranchland, Open Space, and Forestland Protection Fund.
Sec. 404. Farmland Protection Program.
Sec. 405. Ranchland Protection Program.

TITLE V—FEDERAL AND INDIAN LANDS RESTORATION FUND

Sec. 501. Purpose.
Sec. 502. Federal and Indian Lands Restoration Fund; availability of amounts; allocation.
Sec. 503. Authorized uses of fund.
Sec. 504. Indian tribe defined.

TITLE VI—LIVING MARINE RESOURCES CONSERVATION, RESTORATION, AND MANAGEMENT ASSISTANCE

Sec. 601. Purpose.
Sec. 602. Financial assistance to coastal States.
Sec. 603. Ocean conservation partnerships.
Sec. 604. Living Marine Resources Conservation Fund; availability of amounts.
Sec. 605. Definitions.

TITLE VII—FUNDING FOR STATE NATIVE FISH AND WILDLIFE CONSERVATION AND RESTORATION

Sec. 701. Amendments to findings and purposes.
Sec. 702. Definitions.
Sec. 703. Conservation plans.
Sec. 704. Conservation actions in absence of conservation plan.
Sec. 705. Amendments relating to reimbursement process.
Sec. 706. Establishment of Native Fish and Wildlife Conservation and Restoration Trust Fund; availability of amounts.

TITLE VIII—ENDANGERED AND THREATENED SPECIES RECOVERY

Sec. 801. Purposes.
Sec. 802. Endangered and threatened species recovery assistance.
Sec. 803. Endangered and threatened species recovery agreements.
Sec. 804. Endangered and Threatened Species Recovery Fund; availability of amounts.
Sec. 805. Definitions.

SEC. 3. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) By establishing the Land and Water Conservation Fund in 1965, Congress determined that revenues generated by extraction of nonrenewable oil and gas resources on the Outer Continental Shelf should be dedicated to conservation and preservation purposes.

(2) The Land and Water Conservation Fund has been used for over three decades to protect and enhance national parks, national forests, national wildlife refuges, and other public lands throughout the Nation. In past years, the Land and Water Conservation Fund has also provided States with vital resources to assist with acquisition and development of local park and outdoor recreation projects.

(3) In 1978, the Congress amended the Land and Water Conservation Fund to authorize $900,000,000 of annual oil and gas receipts to be used for Federal land acquisition and State recreation projects. In recent years, however, the Congress has failed to appropriate funds at the authorized levels to meet Federal land acquisition needs, and has entirely eliminated State recreation funding, leaving an unallocated surplus of over $12,000,000,000 for fiscal year 1999.

(4) To better meet land acquisition needs and address growing public demands for outdoor recreation, the Congress should assure that the Land and Water Conservation Fund is used as it was intended to acquire conservation lands and, in partnership with State and local governments, to provide for improved parks and outdoor recreational opportunities.

(5) The premise of using oil and gas receipts to meet conservation and preservation objectives also underlies the National Historic Preservation Act (16 U.S.C. 470 et seq.). Revenues to the Historic Preservation Fund accumulate at a rate of $150,000,000 annually, but because the Congress has failed in recent years to appropriate the authorized amounts, the fund has an unallocated surplus of over $2,000,000,000 for fiscal year 1999. To reduce the growing backlog of preservation needs, the Congress should assure that the Historic Preservation Fund is used as was intended.

(6) Building upon the commitment to devote revenues from existing offshore leases to resource protection through the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4) and the National Historic Preservation Act (16 U.S.C. 470 et seq.), the Congress should also dedicate revenues from existing oil and gas leases to meet critical national, State, and local preservation and conservation needs.

(7) Suburban sprawl presents a growing threat to open space and farmland in many areas of the Nation, with an estimated loss of 7,000 acres of farmland and open space every day. Financial resources and incentives are needed to promote the protection of open space, farmland, ranchland, and forests.

(8) National parks, national forests, national wildlife refuges, and other public lands have significant unmet repair and maintenance needs for trails, campgrounds, and other existing recreational infrastructure, even as outdoor recreation and user demands on these resources are increasing.

(9) Urban park and recreation needs have been neglected, with resulting increases in crime and other inappropriate activity, in part because the Congress has failed in recent years to provide appropriations as authorized by the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

(10) Although the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) has prevented the extinction of many plants and animals, the recovery of most species listed under that Act has been hampered by a lack of financial resources and incentives to encourage States and private landowners to contribute to the recovery of protected species.

(11) Native fish and wildlife populations have declined in many parts of the Nation, and face growing threats from habitat loss and invasive species. Financial resources and incentives are needed for States to improve conservation and management of native species.

(12) Ocean and coastal ecosystems are increasingly degraded by loss of habitat, pollution, over-fishing, and other threats to the health and productivity of the marine environment. Coastal States should be provided with financial resources and incentives to better conserve, restore, and manage living marine resources.

(13) The findings of the 1995 National Biological Survey study entitled "Endangered Ecosystems of the United States: A Preliminary Assessment of Loss and Degradation", demonstrate the need to escalate conservation measures that protect our Nation's wildlands and habitats.

(b) PURPOSE.—The purpose of this Act is to expand upon the promises of the Land and

Water Conservation Act of 1965 (16 U.S.C. 460l–4 et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) by providing permanent funding for the protection and enhancement of the Nations natural, historic, and cultural resources by a variety of means, including—

(1) the acquisition of conservation lands;

(2) improvement of State and urban parks;

(3) preservation of open space, farmland, ranchland, and forests;

(4) conservation of native fish and wildlife;

(5) recovery of endangered species; and

(6) restoration of coastal and marine resources.

SEC. 4. DEFINITIONS.

In this Act:

(1) COASTLINE.—The term "coastline" has the same meaning that term has in the Submerged Lands Act (43 U.S.C. 1301 et seq.).

(2) COASTAL STATE.—The term "coastal State" has the meaning given the term "coastal state" in the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(3) LEASED TRACT.—The term "leased tract" means a tract, leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing and producing oil and natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks or portions of blocks (or both), as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(4) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—The term "qualified Outer Continental Shelf revenues"—

(A) except as provided in subparagraph (B)—

(i) means all moneys received by the United States from each leased tract or portion of a leased tract located in the Western or Central Gulf of Mexico, less such sums as may be credited to States under section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)) and amounts needed for adjustments and refunds as overpayments for rents, royalties, or other purposes; and

(ii) includes royalties (including payments for royalty taken in-kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331) for such a lease tract or portion; and

(B) does not include any moneys received by the United States under—

(i) any lease issued on or after the date of the enactment of this Act; or

(ii) any lease under which no oil or gas production has occurred before January 1, 1999.

SEC. 5. REDUCTION IN DEPOSITS OF QUALIFIED OCS REVENUES FOR ANY FISCAL YEAR FOR WHICH THOSE REVENUES ARE REDUCED.

(a) REDUCTION IN DEPOSITS.—The amount of qualified Outer Continental Shelf revenues that is otherwise required to be deposited for a limited fiscal year into the Land and Water Conservation Fund, the Historic Preservation Fund, or any other fund or account established by this Act (including the amendments made by this Act) is hereby reduced, so that—

(1) the ratio that the amount deposited (after the reduction) bears to the amount that would otherwise be deposited, is equal to

(2) the ratio that the amount of qualified Outer Continental Shelf Revenues for the fiscal year bears to—

(A) $2,050,000 for fiscal years 2000 and 2001;

(B) $2,150,000 for fiscal years 2002, 2003, and 2004; and

(C) $2,300,000 for fiscal year 2005 and each fiscal year thereafter.

(b) NO REDUCTION IN DEPOSITS OF INTEREST.—Subsection (a) shall not apply to deposits of interest earned from investment of amounts in a fund or other account.

(c) LIMITED FISCAL YEAR DEFINED.—In this section, the term "limited fiscal year" means a fiscal year in which the total amount received by the United States as qualified Outer Continental Shelf revenues is less than—

(1) $2,050,000, for fiscal years 2000 and 2001;

(2) $2,150,000, for fiscal years 2002, 2003, and 2004; and

(3) $2,300,000, for fiscal year 2005 and each fiscal year thereafter.

SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR ADMINISTRATION.

Notwithstanding any other provision of law, of amounts made available by this Act (including the amendments made by this Act) for a particular activity, not more than 2 percent may be used for administrative expenses of that activity.

SEC. 7. BUDGETARY TREATMENT OF RECEIPTS AND DISBURSEMENTS.

Notwithstanding any other provision of law, the receipts and disbursements of funds under this Act and the amendments made by this Act—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President;

(B) the congressional budget (including allocations of budget authority and outlays provided therein); or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

TITLE I—LAND AND WATER CONSERVATION FUND REVITALIZATION

SEC. 101. AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.)

SEC. 102. EXTENSION OF PERIOD FOR DEPOSITING AMOUNTS INTO FUND.

Section 2 (16 U.S.C. 460l–5) is amended—

(1) in the matter preceding subsection (a) by striking "During the period ending September 30, 2015, there shall be covered into" and inserting "There shall be deposited into";

(2) in paragraph (c)(1) by striking "through September 30, 2015"; and

(3) in paragraph (c)(2)—

(A) by striking "shall be credited to the fund" and all that follows through "as amended (43 U.S.C. 1331 et seq.)" and inserting "shall be deposited into the fund, subject to section 5 of the Resources 2000 Act, from amounts due and payable to the United States as qualified Outer Continental Shelf revenues (as that term is defined in section 4 of that Act)"; and

(B) in the proviso by striking "covered" and inserting "deposited".

SEC. 103. AVAILABILITY OF AMOUNTS.

Section 3 (16 U.S.C. 460l–6) is amended by striking so much as precedes the third sentence and inserting the following:

"APPROPRIATIONS

"SEC. 3. (a) Of amounts in the fund, up to $900,000,000 shall be available each fiscal year for obligation or expenditure without further appropriation, and shall remain available until expended.

"(b) Moneys made available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.

"(c) The Secretary of the Treasury shall invest moneys in the fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the fund.".

SEC. 104. ALLOCATION AND USE OF FUND.

Section 5 (16 U.S.C. 460l–7) is amended to read as follows:

"SEC. 5. ALLOCATION AND USE OF FUNDS.

"(a) IN GENERAL.—Of the amounts made available for each fiscal year by this Act—

"(1) 50 percent shall be available for Federal purposes (in this section referred to as the 'Federal portion'); and

"(2) 50 percent shall be available for grants to States.

"(b) USE OF FEDERAL PORTION.—The President shall, in the annual budget submitted by the President for each fiscal year, specify the purposes for which the Federal portion of the fund is to be used by the Secretary of the Interior and the Secretary of Agriculture. Such funds shall be used by the Secretary concerned for the purposes specified by the President in such budget submission unless the Congress, in an Act making appropriations for the Department of the Interior and related agencies for such fiscal year, specifies that any part of such Federal portion shall be used by the Secretary concerned for other Federal purposes as authorized by this Act.

"(c) FEDERAL PRIORITY LIST.—(1) For purposes of the budget submission of the President for each fiscal year, the President shall require the Secretary of the Interior and the Secretary of Agriculture to prepare Federal priority lists for expenditure of the Federal portion.

"(2) The Secretaries shall prepare the lists in consultation with the head of each affected bureau or agency, taking into account the best professional judgment regarding the land acquisition priorities and policies of each bureau or agency.

"(3) In preparing the priority lists, the Secretaries shall consider—

"(A) the potential adverse impacts which might result if a particular acquisition is not undertaken;

"(B) the availability of land appraisal and other information necessary to complete an acquisition in a timely manner; and

"(C) such other factors as the Secretaries consider appropriate.".

SEC. 105. EXPANSION OF STATE ASSISTANCE PURPOSES.

Section 6(a) (16 U.S.C. 460l–8) is amended by striking "outdoor recreation:".

SEC. 106. ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

Section 6(b) (16 U.S.C. 460l–8) is amended to read as follows:

"(b) DISTRIBUTION AMONG THE STATES.—(1) Sums made available from the fund each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection.

The determination of the apportionment by the Secretary shall be final.

"(2) Two-thirds of the sums made available from the fund each fiscal year for State purposes shall be distributed by the Secretary using criteria developed by the Secretary under the following formula:

"(A) 30 percent shall be distributed equally among the several States.

"(B) 70 percent shall be distributed on the basis of the ratio which the population of each State bears to the total population of all States.

"(3) One-third of the sums made available from the fund each fiscal year for State purposes shall be distributed among the several States by the Secretary under a competitive grant program, subject to such criteria as the Secretary determines necessary to further the purposes of the Act.

"(4) The total allocation to an individual State under paragraphs (2) and (3) for a fiscal year shall not exceed 10 percent of the total amount allocated to the several States under this subsection for that fiscal year.

"(5) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (3), without regard to the 10 percent limitation to an individual State specified in paragraph (4).

"(6)(A) For the purposes of paragraph (2)(A)—

"(i) the District of Columbia shall be treated as a State; and

"(ii) Puerto Rico, the United States Virgin Islands, Guam, and American Samoa—

"(I) shall be treated collectively as one State; and

"(II) shall each be allocated an equal share of any amount distributed to them pursuant to clause (i).

"(B) Each of the areas referred to in subparagraph (A) shall be treated as a State for all other purposes of this Act.".

SEC. 107. STATE PLANNING.

Section 6(d) (16 U.S.C. 4601–8(d)) is amended to read as follows:

"(d) STATE PLAN.—(1)(A) A State plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. In order to reduce costly repetitive planning efforts, a State may use for such plan a current State comprehensive outdoor recreation plan, a State recreation plan, or a State action agenda under criteria developed by the Secretary if, in the judgment of the Secretary, the plan used encompasses and promotes the purposes of this Act. No plan shall be approved for a State unless the Governor of the State certifies that ample opportunity for public participation in development and revision of the plan has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, and such criteria shall constitute the basis for certification by the Governor.

"(B) The plan or agenda shall contain—

"(i) the name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

"(ii) an evaluation of the demand for and supply of outdoor conservation and recreation resources and facilities in the State;

"(iii) a program for the implementation of the plan or agenda; and

"(iv) such other necessary information as may be determined by the Secretary.

"(C) The plan or agenda shall take into account relevant Federal resources and programs and be correlated so far as practicable with other State, regional, and local plans.

"(2) The Secretary may provide financial assistance to any State for the preparation of a State plan under subsection (d)(1) when such plan is not otherwise available or for the maintenance of such a plan.".

SEC. 108. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) (16 U.S.C. 4601–8(e)) is amended—

(1) in subsection (e)(1) by striking ", but not including incidental costs relating to acquisition"; and

(2) in subsection (e)(2) by inserting before the period at the end the following: "or to enhance public safety.".

SEC. 109. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) (16 U.S.C. 4601–8(f)) is amended—

(1) by inserting "(A)" before "No property"; and

(2) by striking the second sentence and inserting the following:

"(B)(i) The Secretary shall approve such conversion only if the State demonstrates that no prudent or feasible alternative exists.

"(ii) Clause (i) shall not apply to property that is no longer viable as an outdoor conservation or recreation facility due to changes in demographics, or that must be abandoned because of environmental contamination which endangers public health and safety.

"(C)(i) The Secretary may not approve such conversion unless the conversion satisfies any conditions the Secretary considers necessary to assure the substitution of other conservation and recreation properties of at least equal market value and reasonable equivalent usefulness and location and which are in accord with the existing State Plan for conservation and recreation.

"(ii) For purposes of clause (i), wetland areas and interests therein, as identified in a plan referred to in that clause and proposed to be acquired as suitable replacement property within the same State, that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.".

TITLE II—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

SEC. 201. AMENDMENT OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.).

SEC. 202. PURPOSES.

The purpose of this title is to provide a dedicated source of funding to assist local governments in improving their park and recreation systems.

SEC. 203. AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.

Section 1003 (16 U.S.C. 2502) is amended by inserting "development of new recreation areas and facilities, including the acquisition of lands for such development," after "rehabilitation of critically needed recreation areas, facilities,".

SEC. 204. DEFINITIONS.

Section 1004 (16 U.S.C. 2503) is amended—

(1) in paragraph (j) by striking "and" after the semicolon;

(2) in paragraph (k) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(l) 'development grants'—

"(1) means matching capital grants to units of local government to cover costs of development, land acquisition, and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, and support facilities; and

"(2) does not include landscaping, routine maintenance, and upkeep activities;

"(m) 'qualified Outer Continental Shelf revenues' has the meaning given that term in section 4 of the Resources 2000 Act; and

"(n) 'Secretary' means the Secretary of the Interior.".

SEC. 205. ELIGIBILITY.

Section 1005(a) (16 U.S.C. 2504(a)) is amended to read as follows:

"(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:

"(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

"(2) Any other city or town within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

"(3) Any other county, parish, or township with a total population of 250,000 or more as determined by the most recent Census.".

SEC. 206. GRANTS.

Section 1006 (16 U.S.C. 2505) is amended by striking so much as precedes subsection (a)(3) and inserting the following:

"SEC. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

"(2) At the discretion of such an applicant, a grant under this section may be transferred in whole or part to independent special purpose local governments, private nonprofit agencies, or county or regional park authorities, if—

"(A) such transfer is consistent with the approved application for the grant; and

"(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities owned or managed by the applicant in accordance with section 1010.

"(3) Payments may be made only for those rehabilitation, development, or innovation projects that have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.".

SEC. 207. RECOVERY ACTION PROGRAMS.

Section 1007(a) (16 U.S.C. 2506(a)) is amended—

(1) in subsection (a) in the first sentence by inserting "development," after "commitments to ongoing planning,"; and

(2) in subsection (a)(2) by inserting "development and" after "adequate planning for".

SEC. 208. STATE ACTION INCENTIVES.

Section 1008 (16 U.S.C. 2507) is amended—

(1) by inserting "(a) In General.—" before the first sentence; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1) of this section) and inserting the following:

"(b) Coordination With Land and Water Conservation Fund Activities.—(1) The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State plans required under section 6 of the Land and Water Conservation Fund Act of 1965, including by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.

(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.".

SEC. 209. CONVERSION OF RECREATION PROPERTY.

Section 1010 (16 U.S.C. 2509) is amended to read as follows:

"CONVERSION OF RECREATION PROPERTY

"Sec. 1010. (a)(1) No property developed, acquired, or rehabilitated under this title shall, without the approval of the Secretary, be converted to any purpose other than public recreation purposes.

"(2) Paragraph (1) shall apply to—

"(A) property developed with amounts provided under this title; and

"(B) the park, recreation, or conservation area of which the property is a part.

"(b)(1) The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists.

"(2) Paragraph (1) shall apply to property that is no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health or safety.

"(c) Any conversion must satisfy any conditions the Secretary considers necessary to assure substitution of other recreation property that is—

"(1) of at least equal fair market value, or reasonably equivalent usefulness and location; and

"(2) in accord with the current recreation recovery action plan of the grantee.".

SEC. 210. AVAILABILITY OF AMOUNTS.

Section 1013 (16 U.S.C. 2512) is amended to read as follows:

"APPROPRIATIONS

"Sec. 1013. (a) In General.—

"(1) Establishment of fund.—There is established in the Treasury of the United States a fund that shall be known as the 'Urban Park and Recreation Recovery Fund' (in this section referred to as the 'Fund'). The Fund shall consist of such amounts as are deposited into the Fund under this subsection. Amounts in the fund shall only be used to carry out this title.

"(2) Deposits.—Subject to section 5 of the Resources 2000 Act, from amounts received by the United States as qualified Outer Continental Shelf revenues there shall be deposited into the fund $100,000,000 each fiscal year.

"(3) Availability.—Of amounts in the fund, up to $100,000,000 shall be available each fiscal year without further appropriation, and shall remain available until expended.

"(4) Investment of Excess Amounts.—The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the Fund.

"(b) Limitations on Annual Grants.—Of amounts available to the Secretary each fiscal year under this section—

"(1) not more that 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

"(2) not more than 10 percent may be used for innovation grants pursuant to section 1006; and

"(3) not more than 15 percent may be provided as grants (in the aggregate) for projects in any one State.

"(c) Limitation on Use for Grant Administration.—The Secretary shall establish a limit on the portion of any grant under this title that may be used for grant and program administration.".

SEC. 211. REPEAL.

Section 1015 (16 U.S.C. 2514) is repealed.

TITLE III—HISTORIC PRESERVATION FUND

SEC. 301. AVAILABILITY OF AMOUNTS.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended—

(1) by inserting "(a)" before the first sentence;

(2) in subsection (a) (as designated by paragraph (1) of this section) by striking "There shall be covered into such fund" and all that follows through "(43 U.S.C. 338)," and inserting "Subject to section 5 of the Resources 2000 Act, there shall be deposited into such fund $150,000,000 for each fiscal year after fiscal year 1998 from revenues due and payable to the United States as qualified Outer Continental Shelf revenues (as that term is defined in section 4 of that Act),".

(3) by striking the third sentence of subsection (a) (as so designated) and all that follows through the end of the subsection and inserting "Such moneys shall be used only to carry out the purposes of this Act."; and

(4) by adding at the end the following:

"(b)(1) Of amounts in the fund, up to $150,000,000 shall be available each fiscal year after September 30, 1999, for obligation or expenditure without further appropriation to carry out the purposes of this Act, and shall remain available until expended.

"(2) At least ½ of the funds obligated or expended each fiscal year under this section shall be used in accordance with this Act for preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.

"(c) The Secretary of the Treasury shall invest moneys in the fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the fund.".

TITLE IV—FARMLAND, RANCHLAND, OPEN SPACE, AND FORESTLAND PROTECTION

SEC. 401. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to the Secretary of Agriculture and the Secretary of the Interior for programs to provide matching grants to certain eligible entities to facilitate the purchase of conservation easements on farmland, ranchland, open space, and forestland in order to—

(1) protect the ability of these lands to continue in productive sustainable agricultural use; and

(2) prevent the loss of their value to the public as open space because of nonagricultural development.

SEC. 402. FARMLAND, RANCHLAND, OPEN SPACE, AND FORESTLAND PROTECTION FUND; AVAILABILITY OF AMOUNTS.

(a) Establishment of Fund.—There is established in the Treasury of the United States a fund that shall be known as the "Farmland, Ranchland, Open Space, and Forestland Protection Fund" (in this title referred to as the "Fund"). Subject to section 5 of this Act, there shall be deposited into the Fund $150,000,000 of qualified Outer Continental Shelf revenues received by the United States each fiscal year.

(b) Availability.—Amounts in the Fund shall be available as provided in section 403, without further appropriation, and shall remain available until expended.

(c) Investment of Excess Amounts.—The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the Fund

SEC. 403. AUTHORIZED USES OF FARMLAND, RANCHLAND, OPEN SPACE, AND FORESTLAND PROTECTION FUND.

(a) Farmland Protection Program.—The Secretary of Agriculture may use up to $50,000,000 annually from the Farmland, Ranchland, Open Space, and Forestland Protection Fund for the Farmland Protection Program established under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note), as amended by section 404.

(b) Ranchland Protection Program.—The Secretary of the Interior may use up to $50,000,000 annually from the Fund for the Ranchland Protection Program established by section 405.

(c) Forest Legacy Program.—The Secretary of Agriculture may use up to $50,000,000 annually from the Fund for the Forest Legacy Program established by section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

SEC. 404. FARMLAND PROTECTION PROGRAM.

(a) Expansion of Existing Program.—Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) is amended to read as follows:

"SEC. 388. FARMLAND PROTECTION PROGRAM.

"(a) Grants Authorized; Purpose.—The Secretary of Agriculture shall establish and carry out a program, to be known as the 'Farmland Protection Program', under which the Secretary shall provide grants to eligible entities described in subsection (c) to provide the Federal share of the cost of purchasing permanent conservation easements in land with prime, unique, or other productive soil for the purpose of protecting the continued use of the land as farmland or open space by limiting nonagricultural uses of the land.

"(b) FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a) may not exceed 50 percent of the total cost of purchasing the easement.

"(c) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

(1) an agency of a State or local government;

(2) a federally recognized Indian tribe; or

(3) any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

(A) is described in section 501(c)(3) of the Code;

(B) is exempt from taxation under section 501(a) of the Code; and

(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

"(d) TITLE; ENFORCEMENT.—Any eligible entity may hold title to a conservation easement described in subsection (a) and enforce the conservation requirements of the easement.

"(e) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the conservation purpose of the Farmland Protection Program and the terms and conditions of the grant.

"(f) CONSERVATION PLAN.—Any land for which a conservation easement is purchased under this section shall be subject to the requirements of a conservation plan to the extent that the plan does not negate or adversely affect the restrictions contained in the easement.

"(g) TECHNICAL ASSISTANCE.—The Secretary of Agriculture may not use more than 10 percent of the amount that is made available for any fiscal year under this program to provide technical assistance to carry out this section.".

(b) EFFECT ON EXISTING EASEMENTS.—The amendment made by subsection (a) shall not affect the validity or terms of conservation easements and other interests in lands purchased under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) before the date of the enactment of this Act.

SEC. 405. RANCHLAND PROTECTION PROGRAM.

(a) GRANTS AUTHORIZED; PURPOSE.—The Secretary of Interior shall establish and carry out a program, to be known as the "Ranchland Protection Program", under which the Secretary shall provide grants to eligible entities described in subsection (c) to provide the Federal share of the cost of purchasing permanent conservation easements on ranchland, which is in danger of conversion to nonagricultural uses, for the purpose of protecting the continued use of the land as ranchland or open space.

(b) FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a) may not exceed 50 percent of the total cost of purchasing the easement.

(c) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means—

(1) an agency of a State or local government;

(2) a federally recognized Indian tribe; or

(3) any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

(A) is described in section 501(c)(3) of the Code;

(B) is exempt from taxation under section 501(a) of the Code; and

(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

(d) TITLE; ENFORCEMENT.—Any eligible entity may hold title to a conservation easement described in subsection (a) and enforce the conservation requirements of the easement.

(e) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the conservation purpose of the Ranchland Protection Program and the terms and conditions of the grant.

(f) CONSERVATION PLAN.—Any land for which a conservation easement is purchased under this section shall be subject to the requirements of a conservation plan to the extent that the plan does not negate or adversely affect the restrictions contained in the easement.

(g) RANCHLAND DEFINED.—In this section, the term "ranchland" means private or tribally owned rangeland, pastureland, grazed forest land, and hay land.

(h) TECHNICAL ASSISTANCE.—The Secretary of the Interior may not use more than 10 percent of the amount that is made available for any fiscal year under this program to provide technical assistance to carry out this section.

TITLE V—FEDERAL AND INDIAN LANDS RESTORATION FUND

SEC. 501. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

SEC. 502. FEDERAL AND INDIAN LANDS RESTORATION FUND; AVAILABILITY OF AMOUNTS; ALLOCATION.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund that shall be known as the "Federal and Indian Lands Restoration Fund". Subject to section 5 of this Act, there shall be deposited into the fund $250,000,000 of qualified Outer Continental Shelf revenues received by the United States each fiscal year. Amounts in the fund shall only be used to carry out the purpose of this title.

(b) AVAILABILITY.—Of amounts in the fund, up to $250,000,000 shall be available each fiscal year without further appropriation, and shall remain available until expended.

(c) ALLOCATION.—Amounts made available under this section shall be allocated as follows:

(1) DEPARTMENT OF THE INTERIOR.—60 percent shall be available to the Secretary of the Interior to carry out the purpose of this title on lands within the National Park System, National Wildlife Refuge System, and public lands administered by the Bureau of Land Management.

(2) DEPARTMENT OF AGRICULTURE.—30 percent shall be available to the Secretary of Agriculture to carry out the purpose of this title on lands within the National Forest System.

(3) INDIAN TRIBES.—10 percent shall be available to the Secretary of the Interior for competitive grants to qualified Indian tribes under section 503(b).

(d) INVESTMENT OF EXCESS AMOUNTS.—The Secretary of the Treasury shall invest moneys in the fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the fund.

SEC. 503. AUTHORIZED USES OF FUND.

(a) IN GENERAL.—Funds made available pursuant to this title shall be used solely for restoration of degraded lands, resource protection, maintenance activities related to resource protection, or protection of public health or safety.

(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

(1) GRANT AUTHORITY.—The Secretary of the Interior shall administer a competitive grant program for Indian tribes, using such criteria as may be developed by the Secretary to achieve the purpose of this title.

(2) LIMITATION.—The amount received for a fiscal year by a single Indian tribe in the form of grants under this subsection may not exceed 10 percent of the total amount provided to all Indian tribes for that fiscal year in the form of such grants.

(c) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture shall each establish priority lists for the use of funds available under this title. Each list shall give priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(d) COMPLIANCE WITH APPLICABLE PLANS.—Any project carried out on Federal lands with amounts provided under this title shall be carried out in accordance with all management plans that apply under Federal law to the lands.

(e) TRACKING RESULTS.—Not later than the end of the first full fiscal year for which funds are available under this title, the Secretary of the Interior and the Secretary of Agriculture shall jointly establish a coordinated program for—

(1) tracking the progress of activities carried out with amounts made available by this title; and

(2) determining the extent to which demonstrable results are being achieved by those activities.

SEC. 504. INDIAN TRIBE DEFINED.

In this title, the term "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

TITLE VI—LIVING MARINE RESOURCES CONSERVATION, RESTORATION, AND MANAGEMENT ASSISTANCE

SEC. 601. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program to—

(1) preserve biological diversity and natural assemblages of living marine resources, and their habitat; and

(2) provide financial assistance to the coastal States, private citizens, and nongovernmental entities for the conservation, restoration, and management of living marine resources and their habitat.

SEC. 602. FINANCIAL ASSISTANCE TO COASTAL STATES.

(a) Authorization of Assistance.—

(1) In general.—The Secretary may use amounts allocated to an eligible coastal State under subsection (b) to reimburse the State for costs described in paragraph (3) that are incurred by the State.

(2) Eligible coastal states.—A coastal State shall be an eligible coastal State under paragraph (1) if—

(A) the State has an Living Marine Resources Conservation Plan that is approved under subsection (d); or

(B) the Secretary determines that the State is making sufficient progress toward completion of such a plan.

(3) Costs eligible for reimbursement.—The costs referred to in paragraph (1) are the following:

(A) The costs of developing an Living Marine Resources Conservation Plan pursuant to subsection (d), as follows:

(i) Not to exceed 90 of such costs incurred in each of the first three fiscal years that begin after the date of the enactment of this Act.

(ii) Not to exceed 75 percent of such costs incurred in each of the fourth and fifth fiscal years that begin after the date of the enactment of this Act.

(iii) Not to exceed 75 percent of such costs incurred in the sixth or seventh year that begins after the date of the enactment of this Act (or both), upon a showing by the State of a need for that assistance for that year and a finding by the Secretary that the plan is likely to be completed within that 2-fiscal-year period.

(B) Not to exceed 75 percent of the costs of implementing and revising an approved conservation plan.

(C) Not to exceed 90 percent of implementing conservation actions under an approved conservation plan that are undertaken—

(i) in cooperation with one or more other coastal States; or

(ii) in coordination with Federal actions for the conservation, restoration, or management of living marine resources.-

(4) Emergency funding.—Notwithstanding paragraph (1), the Secretary may reimburse a coastal State for 100 percent of the cost of conservation actions on a showing of need by the State and if those actions—

(A) are substantial in character and design;

(B) meet such of the requirements of subsection (d) as may be appropriate; and

(C) are considered by the Secretary to be necessary to fulfill the purpose of this title.

(5) In-kind contributions; limitation on included costs.—(A) In computing the costs incurred by any State during any fiscal year for purposes of paragraphs (1) and (4), the Secretary, subject to subparagraph (B), shall take into account, in addition to each outlay by the State, the value of in-kind contributions (including real and personal property and services) received and applied by the State during the year for activities for which the costs are computed.

(B) In computing the costs incurred by any State during any fiscal year for purposes of paragraphs (1) and (4)—

(i) the Secretary shall not include costs paid by the State using Federal moneys received and applied by the State, directly or indirectly, for the activities for which the costs are computed; and

(ii) the Secretary shall not include in-kind contributions in excess of 50 percent of the amount of reimbursement paid to the State under this subsection for the fiscal year.

(C) For purposes of subparagraph (A), in-kind contributions may be in the form of, but are not required to be limited to, personal services rendered by volunteers in carrying out surveys, censuses, and other scientific studies regarding living marine resources. The Secretary shall by regulation establish—

(i) the training, experience, and other qualifications which such volunteers must have in order for their services to be considered as in-kind contributions; and

(ii) the standards under which the Secretary will determine the value of in-kind contributions and real and personal property for purposes of subparagraph (A).

(D) Any valuation determination made by the Secretary for purposes of this paragraph shall be final and conclusive.

(b) Allocation of Funds.—

(1) In general.—The Secretary shall allocate among all coastal States the funds available each fiscal year under section 604(b), as follows:

(A) A portion equal to ⅔ of the funds shall be allocated by allocating to each coastal State an amount that bears the same ratio to that portion as the coastal population of the State bears to the total coastal population of all coastal States.

(B) A portion equal to ⅓ of the funds shall be allocated by allocating to each coastal State an amount that bears the same ratio to that portion as the shoreline miles of the State bears to the shoreline miles of all coastal States.

(2) Minimum and maximum allocations.—Notwithstanding paragraph (1), the total amount allocated to a coastal State under subparagraphs (A) and (B) of paragraph (1) for a fiscal year shall be not less than ½ of one percent, and not more than 10 percent, of the total amount of funds available under section 604(b) for the fiscal year.

(c) Availability of Funds to States.—

(1) In general.—Amounts allocated to a coastal State under this section for a fiscal year shall be available for expenditure by the State in accordance with this section without further appropriation, and shall remain available for expenditure for the subsequent fiscal year.

(2) Reversion.—(A) Except as provided in subparagraph (B), amounts allocated under subsection (b)(1) to a coastal State for a fiscal year that are not expended before the end of the subsequent fiscal year shall, upon the expiration of the subsequent fiscal year, revert to the Fund and remain available for reallocation under subsection (b).

(B) Subparagraph (A) shall not apply to amounts that are otherwise subject to reallocation under this paragraph if the Secretary certifies in writing that the purposes of this title would be better served if the amounts remained available for use by the coastal State.

(C) Amounts that remain available to a coastal State pursuant to a certification under subparagraph (B) may remain available for a period specified by the Secretary in the certification, which shall not exceed 2 fiscal years.

(d) Approval of Coastal State Living Marine Resources Conservation Plans.—

(1) Submission.—A coastal State that seeks financial assistance under this section shall submit to the Secretary, in such manner as the Secretary shall by regulation prescribe, an application that contains a proposed Living Marine Resources Conservation Plan.

(2) Review and approval.—As soon as is practicable, but no later than 180 days, after the date on which a coastal State submits (or resubmits in the case of a prior disapproval) an application for the approval of a proposed Living Marine Resources Conservation Plan, the Secretary shall—

(A) approve the plan, if the Secretary determines that the plan—

(i) fulfills the purpose of this title;

(ii) is substantial in character and design; and

(iii) meets the requirements set forth in subsection (e); or

(B) if the proposed plan does not meet the criteria set forth in subparagraph (A), disapprove the conservation plan and provide the coastal State—

(i) a written statement of the reasons for disapproval;

(ii) an opportunity to consult with the Secretary regarding deficiencies in the plan and the modifications required for approval; and

(iii) an opportunity to revise and resubmit the plan.

(e) Living Marine Resources Conservation Plans.—The Secretary may not approve an Living Marine Resources Conservation Plan proposed by a coastal State unless the Secretary determines that the plan—

(1) promotes balanced and diverse assemblages of living marine resources;

(2) provides for the vesting in a designated State agency the overall responsibility for the development and revision of the plan;

(3) provides for an inventory of the living marine resources that are within the waters of the State and are of value to the public for ecological, economic, cultural, recreational, scientific, educational, and esthetic benefits;

(4) with respect to species inventoried under paragraph (3) (in this subsection referred to as "plan species"), provides for—

(A) determination of the size, range, and distribution of their populations; and

(B) identification of the extent, condition, and location of their habitats;

(5) provides for identification of any significant factors which may adversely affect the plan species and their habitats;

(6) provides for determination and implementation of the actions that should be taken to conserve, restore, and manage the plan species and their habitats;

(7) provides for establishment of priorities for implementing conservation actions determined under paragraph (6);

(8) provides for the monitoring, on a regular basis, of the plan species and the effectiveness of the conservation actions determined under paragraph (6);

(9) provides for review and, if appropriate, revision of the plan, at intervals of not more than 3 years;

(10) ensures that the public is given opportunity to make its views known and considered during the development, revision, and implementation of the plan;

(11) identifies and establishes mechanisms for coordinating conservation, restoration, and management actions under the plan with appropriate Federal and interstate bodies

with responsibility for living marine resources management and conservation; and

(12) provides for consultation by the State agency designated under paragraph (2), as appropriate, with Federal and State agencies, interstate bodies, nongovernmental entities, and the private sector during the development, revision, and implementation of the plan, in order to minimize duplication of effort and to ensure that the best information is available to all parties.

SEC. 603. OCEAN CONSERVATION PARTNERSHIPS.

(a) IN GENERAL.—The Secretary may use amounts available under section 604(b) to make grants for the conservation, restoration, or management of living marine resources.

(b) ELIGIBILITY AND APPLICATION.—Any person may apply to the Secretary for a grant under this section, in such manner as the Secretary shall by regulation prescribe.

(c) REVIEW PROCESS.—Not later than 6 months after receiving an application for a grant under this section, the Secretary shall—

(1) request written comments on the project proposal contained in the application from each State or territory of the United States, and from each Regional Fishery Management Council established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), having jurisdiction over any area in which the project is proposed to be carried out;

(2) provide for the merit-based peer review of the project proposal and require standardized documentation of that peer review;

(3) after reviewing any written comments and recommendations received under subsection (c)(1), and based on such comments and recommendations and peer review, approve or disapprove the proposal; and

(4) provide written notification of that approval or disapproval to the applicant.

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a proposal for a grant under this section only if the Secretary determines that the proposed project—

(1) fulfills the purposes of this title;

(2) is substantial in character and design; and

(3) provide for the long-term conservation, restoration, or management of living marine resources.

(e) PRIORITY CONSIDERATION.—In approving and disapproving proposals under this section, the Secretary shall give priority to funding proposed projects that, in addition to satisfying the criteria of subsection (d), will—

(1) establish or enhance existing cooperation and coordination between the public and private sectors;

(2) assist in achieving the objectives of a National Estuary, National Marine Sanctuary, National Estuarine Research, Reserve, or other marine protected area established under Federal or State law; or

(3) assist in the conservation and enhancement of essential fish habitat pursuant to the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(f) LIMITATION ON AMOUNT OF GRANTS.—The amount provided to a private person in a fiscal year in the form of a grant under this section may not exceed 2 percent of the total amount available for the fiscal year for such grants.

(g) TERMS AND CONDITIONS OF GRANTS.—The Secretary shall require that each grantee under this section shall conform with such record-keeping requirements, reporting requirements, and other terms and conditions as the Secretary shall by regulation prescribe.

SEC. 604. LIVING MARINE RESOURCES CONSERVATION FUND; AVAILABILITY OF AMOUNTS.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a fund which shall be known as the "Living Marine Resources Conservation Fund".

(2) CONTENTS.—The Fund shall consist of—

(A) amounts deposited into the Fund under this section; and

(B) amounts that revert to the Fund under section 602(c)(2).

(3) DEPOSIT OF OCS REVENUES.—Subject to section 5 of this Act, from amounts received by the United States as qualified Outer Continental Shelf revenues each fiscal year, there shall be deposited into the Fund the following:

(A) For each of fiscal years 2000 and 2001, $100,000,000.

(B) For each of fiscal years 2002, 2003, and 2004, $200,000,000.

(C) For each of fiscal year 2005 and each fiscal year thereafter, $300,000,000.

(b) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—Of amounts in the Fund, up to the amount stated for a fiscal year in paragraph (3) shall be available to the Secretary for that fiscal year without further appropriation to carry out this title, and shall remain available until expended.

(2) USE.—Of the amounts expended under this subsection for a fiscal year—

(A) ⅔ shall be used by the Secretary for providing financial assistance to coastal States under section 602; and

(B) ⅓ shall used by the Secretary for grants under section 603.

(c) INVESTMENT OF EXCESS AMOUNTS.—The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the Fund.

SEC. 605. DEFINITIONS.

In this title:

(1) COASTAL POPULATION.—The term "coastal population" means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(2) FUND.—The term "Fund" means the Living Marine Resources Conservation Fund established by section 604.

(3) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(4) LIVING MARINE RESOURCES.—The term "living marine resources" means indigenous fin fish, anadromous fish, mollusks, crustaceans, and all other forms of marine animal and plant life, including marine mammals and birds, that inhabit marine or brackish waters of the United States during all or part of their life cycle.

TITLE VII—FUNDING FOR STATE NATIVE FISH AND WILDLIFE CONSERVATION AND RESTORATION

SEC. 701. AMENDMENTS TO FINDINGS AND PURPOSES.

(a) FINDINGS.—Section 2(a) of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901(a)) is amended—

(1) in paragraph (1) by striking "Fish and wildlife" and inserting "Native fish and wildlife";

(2) in paragraph (2)—

(A) by striking "fish and wildlife, particularly nongame fish and wildlife" and inserting "native fish and wildlife, particularly nongame species"; and

(B) by striking "maintaining fish and wildlife" and inserting "maintaining biological diversity";

(3) in paragraph (3) by striking "fish and wildlife" and inserting "native fish and wildlife";

(4) in paragraph (4) by striking "nongame fish and wildlife" and inserting "native fish and wildlife"; and

(5) in paragraph (5) by striking "fish and wildlife" and all that follows through the end of the sentence and inserting "native fish and wildlife.".

(b) PURPOSES.—Section 2(b) of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901(b)) is amended—

(1) by striking "nongame fish and wildlife" each place it appears and inserting "native fish and wildlife";

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and inserting before paragraph (2) (as so redesignated) the following:

"(1) to preserve biological diversity by maintaining natural assemblages of native fish and wildlife;"; and

(3) in paragraph (2), as redesignated, by inserting after "States" the following: "(and through the States to local governments where appropriate)".

SEC. 702. DEFINITIONS.

Section 3 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2902) is amended—

(1) in paragraph (2) by striking "fish and wildlife" and inserting "native fish and wildlife";

(2) in paragraph (3)—

(A) by striking "fish and wildlife" and inserting "native fish and wildlife"; and

(B) by striking "development" and inserting "and restoration";

(3) in paragraph (4) by striking "fish and wildlife" and inserting "native fish and wildlife";

(4) by amending paragraph (5) to read as follows:

"(5) The term 'native fish and wildlife'—

"(A) subject to subparagraph (B), means a fish, animal, or plant species that—

"(i) historically occurred or currently occurs in an ecosystem, other than as a result of an introduction; and

"(ii) lives in an unconfined state; and

"(B) does not include any population of a domesticated species that has reverted to a feral existence.

Any determination by the Secretary that a species is or is not a species of native fish and wildlife for purposes of this Act shall be final.";

(5) by striking paragraph (6) and redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively; and

(6) by adding at the end the following:

"(8) The term 'Native Wildlife Fund' means the Native Fish and Wildlife Conservation and Restoration Fund established by section 11.

"(9) The term 'qualified Outer Continental Shelf revenues' has the meaning given that term in section 4 of the Resources 2000 Act.".

SEC. 703. CONSERVATION PLANS.

Section 4 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2903) is amended—

(1) by redesignating paragraphs (1) through (10) in order as paragraphs (2) through (11);

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) promote balanced and diverse assemblages of native fish and wildlife;";

(3) in paragraph (3) (as so redesignated) by striking "nongame" and all that follows through "appropriate," and inserting "native fish and wildlife";

(4) in paragraph (4) (as so redesignated) by striking "(2)" and inserting "(3)";

(5) in paragraph (5) (as so redesignated) by striking "problems" and inserting "factors"; and

(6) in paragraphs (7) and (8) (as so redesignated) by striking "(5)" and inserting "(6)".

SEC. 704. CONSERVATION ACTIONS IN ABSENCE OF CONSERVATION PLAN.

(a) IN GENERAL.—Section 5 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2904) is amended—

(1) in the section heading by striking "nongame";

(2) by striking subsection (c), and redesignating subsection (d) as subsection (c); and

(3) in subsection (c) (as so redesignated) by—

(A) in the subsection heading, by striking "NONGAME";

(B) striking "nongame fish and wildlife" and inserting "native fish and wildlife"; and

(C) striking "and" after the semicolon at the end of paragraph (1), striking the period at the end of paragraph (2) and inserting "; and", and adding at the end the following:

"(3) are consistent with the purposes of this Act.".

(b) CONFORMING AMENDMENTS.—Section 6 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2905) is amended by striking "section 5(c) and (d)" each place it appears and inserting "section 5(c)".

SEC. 705. AMENDMENTS RELATING TO REIMBURSEMENT PROCESS.

Section 6 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2905) is amended—

(1) in the section heading by striking "**NONGAME**";

(2) in subsection (a)(3) by striking "nongame fish and wildlife";

(3) in subsection (d) by striking "appropriated" and inserting "available";

(4) in subsection (e)(2)—

(A) in subparagraph (A) by striking "1991" and inserting "2010";

(B) in subparagraph (B)—

(i) by striking "1986" and inserting "2005";

(ii) by striking "section 5(d)" and inserting "section 5(c)";

(iii) by striking "nongame fish and wildlife" and inserting "conservation"; and

(iv) by adding "or" after the semicolon;

(C) by striking subparagraphs (C), (D), and (E);

(D) by redesignating subparagraph (F) as subparagraph (C);

(E) in subparagraph (C) (as so redesignated) by striking "nongame fish and wildlife" and inserting "native fish and wildlife"; and

(F) in subparagraph (C)(ii) (as so redesignated) by striking "10 percent" and inserting "50 percent";

(5) in subsection (e)(3)—

(A) in subparagraph (A) by striking "1982, 1983, and 1984" and inserting "2001, 2002, and 2003";

(B) in subparagraph (B) by striking "nongame fish and wildlife"; and

(C) by amending subparagraph (D) to read as follows:

"(D) after September 30, 2010, may not exceed 75 percent of the cost of implementing and revising the plan during the fiscal year."; and

(6) in subsection (e)(4)—

(A) in subparagraph (A) by striking "nongame fish and wildlife"; and

(B) in subparagraph (B) by striking "fish and wildlife" and inserting "native fish and wildlife".

SEC. 706. ESTABLISHMENT OF NATIVE FISH AND WILDLIFE CONSERVATION AND RESTORATION TRUST FUND; AVAILABILITY OF AMOUNTS.

(a) ESTABLISHMENT OF FUND.—Section 11 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2910) is amended to read as follows:

"SEC. 11. NATIVE FISH AND WILDLIFE CONSERVATION AND RESTORATION FUND.

"(a) ESTABLISHMENT OF FUND.—(1) There is established in the Treasury of the United States a fund which shall be known as the 'Native Fish and Wildlife Conservation and Restoration Fund'. The Native Fish and Wildlife Conservation Fund shall consist of amounts deposited into the Fund under this subsection.

"(2) Subject to section 5 of the Resources 2000 Act, from amounts received by the United States as qualified Outer Continental Shelf revenues each fiscal year, there shall be deposited into the Fund the following amounts:

"(A) For each of fiscal years 2000 and 2001, $100,000,000.

"(B) For each of fiscal years 2002, 2003, and 2004, $200,000,000.

"(C) For fiscal year 2005 and each fiscal year thereafter, $350,000,000.

"(3) The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the Fund.

"(b) AVAILABILITY FOR REIMBURSEMENT TO STATES.—Of amounts in the Native Wildlife Fund—

"(1) up to the amount stated in subsection (a)(2) for a fiscal year shall be available to the Secretary of the Interior for that fiscal year, without further appropriation, to reimburse States under section 6 in accordance with the terms and conditions that apply under sections 7 and 8; and

"(2) shall remain available until expended.".

(b) CONFORMING AMENDMENTS.—Section 8 of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2907) is amended—

(1) in subsection (a) by striking "appropriated" and inserting "available"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1) by striking "appropriated" and inserting "available"; and

(B) in paragraph (1)—

(i) by striking "8 percent" and inserting "2 percent"; and

(ii) by striking "the purposes for which so appropriated" and inserting "the purposes for which the amount is available".

TITLE VIII—ENDANGERED AND THREATENED SPECIES RECOVERY

SEC. 801. PURPOSES.

The purposes of this title are the following:

(1) To provide a dedicated source of funding to the Fish and Wildlife Service and the National Marine Fisheries Service for the purpose of implementing an incentives program to promote the recovery of endangered species and threatened species and the habitat upon which they depend.

(2) To promote greater involvement by non-Federal entities in the recovery of the Nation's endangered species and threatened species and the habitat upon which they depend.

SEC. 802. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) FINANCIAL ASSISTANCE.—The Secretary may use amounts in the Endangered and Threatened Species Recovery Fund established by section 804 to provide financial assistance to any person for development and implementation of Endangered and Threatened Species Recovery Agreements entered into by the Secretary under section 804.

(b) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to the development and implementation of recovery agreements that—

(1) implement actions identified under recovery plans approved by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(2) have the greatest potential for contributing to the recovery of an endangered or threatened species; and

(3) to the extent practicable, require use of the assistance—

(A) on land owned by a small landowner; or

(B) on a family farm by the owner or operator of the family farm.

(c) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide financial assistance under this section for any action that is required by a permit issued under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or that is otherwise required under that Act or any other Federal law.

(d) PAYMENTS UNDER OTHER PROGRAMS.—

(1) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this section shall be in addition to, and shall not affect, the total amount of payments that the person is otherwise eligible to receive under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 et seq.), or the Wildlife Habitat Incentives Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

(2) LIMITATION.—A person may not receive financial assistance under this section to carry out activities under a species recovery agreement in addition to payments under the programs referred to in paragraph (1) made for the same activities if the terms of the species recovery agreement do not require financial or management obligations by the person in addition to any such obligations of the person under such programs.

SEC. 803. ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into Endangered and Threatened Species Recovery Agreements for purposes of this title in accordance with this section.

(b) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement provisions that—

(1) require the person—

(A) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the recovery of an endangered or threatened species;

(B) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered or threatened species; or

(C) to do any combination of subparagraphs (A) and (B);

(2) describe the real property referred to in paragraph (1)(A) and (B) (as applicable);

(3) specify species recovery goals for the agreement, and measures for attaining such goals;

(4) require the person to make measurable progress each year in achieving those goals, including a schedule for implementation of the agreement;

(5) specify actions to be taken by the Secretary or the person (or both) to monitor the effectiveness of the agreement in attaining those recovery goals;

(6) require the person to notify the Secretary if—

(A) any right or obligation of the person under the agreement is assigned to any other person; or

(B) any term of the agreement is breached by the person or any other person to whom is assigned a right or obligation of the person under the agreement;

(7) specify the date on which the agreement takes effect and the period of time during which the agreement shall remain in effect;

(8) provide that the agreement shall not be in effect on and after any date on which the Secretary publishes a certification by the Secretary that the person has not complied the agreement; and

(9) allocate financial assistance provided under this title for implementation of the agreement, on an annual or other basis during the period the agreement is in effect based on the schedule for implementation required under paragraph (4).

(c) REVIEW AND APPROVAL OF PROPOSED AGREEMENTS.—Upon submission by any person of a proposed species recovery agreement under this section, the Secretary—

(1) shall review the proposed agreement and determine whether it complies with the requirements of this section and will contribute to the recovery of endangered or threatened species that are the subject of the proposed agreement;

(2) propose to the person any additional provisions necessary for the agreement to comply with this section; and

(3) if the Secretary determines that the agreement complies with the requirements of this section, shall approve and enter with the person into the agreement.

(d) MONITORING IMPLEMENTATION OF AGREEMENTS.—The Secretary shall—

(1) periodically monitor the implementation of each species recovery agreement entered into by the Secretary under this section; and

(2) based on the information obtained from that monitoring, annually or otherwise disburse financial assistance under this title to implement the agreement as the Secretary determines is appropriate under the terms of the agreement.

SEC. 804. ENDANGERED AND THREATENED SPECIES RECOVERY FUND; AVAILABILITY OF AMOUNTS.

(a) ESTABLISHMENT OF FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund that shall be known as the "Endangered and Threatened Species Recovery Fund". The Fund shall consist of such amounts as are deposited into the Fund under this section.

(2) DEPOSITS.—Subject to section 5 of this Act, from amounts received by the United States as qualified Outer Continental Shelf revenues there shall be deposited into the Fund $100,000,000 each fiscal year.

(b) AVAILABILITY.—Of amounts in the Fund up to $100,000,000 shall be available to the Secretary each fiscal year, without further appropriation, for providing financial assistance under section 802, and shall remain available until expended.

(c) INVESTMENT OF EXCESS AMOUNTS.—The Secretary of the Treasury shall invest moneys in the Fund that are excess to expenditures in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity. Interest earned on such investments shall be deposited into the Fund.

SEC. 805. DEFINITIONS.

In this title:

(1) ENDANGERED OR THREATENED SPECIES.—The term "endangered or threatened species" means any species that is listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(2) FAMILY FARM.—The term "family farm" means a farm that—

(A) produces agricultural commodities for sale in such quantities so as to be recognized in the community as a farm and not as a rural residence;

(B) produces enough income, including off-farm employment, to pay family and farm operating expenses, pay debts, and maintain the property;

(C) is managed by the operator;

(D) has a substantial amount of labor provided by the operator and the operator's family; and

(E) uses seasonal labor only during peak periods, and uses no more than a reasonable amount of full-time hired labor.

(3) FUND.—The term "Fund" means the Endangered and Threatened Species Recovery Fund established by section 804.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior or the Secretary of Commerce, in accordance with section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(5) SMALL LANDOWNER.—The term "small landowner" means an individual who owns 50 acres or fewer of land.

(6) SPECIES RECOVERY AGREEMENT.—The term "species recovery agreement" means an Endangered and Threatened Species Recovery Agreement entered into by the Secretary under section 803.

ORGANIZATIONS SUPPORTING RESOURCES 2000

America Oceans Campaign.
Bay Area Open Space Council.
Bay Area Ridge Trail Council.
Bay Institute.
California Police Activities League.
Carquinez Strait Preservation Trust.
Defenders of Wildlife.
Earth Island Institute.
East Bay Regional Park District.
Environmental Defense Fund.
Friends of the Earth.
Friends of the River.
Golden Gate Audubon Society.
Greater Vallejo Recreation District.
Izaak Walton League.
Land Trust Alliance.
Marin Conservation League.
Martinez Regional Land Trust.
National Conference of State Historic Preservation Officers.
National Audubon Society.
National Environmental Trust.
National Parks and Conservation Association.
National Association of Police Athletic Leagues.
National Wildlife Federation.
Natural Resources Defense Council.
Physicians for Social Responsibility.
Preservation Action.
Save San Francisco Bay Association.
Save the Redwoods.
Scenic America.
Sierra Club.
Society for American Archaeology.
Trust for Public Land.
U.S. Public Interest Research Group.
Wilderness Society.

EXCERPTS OF LETTERS SUPPORTING RESOURCES 2000

"America's Resources 2000 would significantly help our lands, oceans and creatures in the next millennium. Representative Miller and Senator Boxer have listened to the demand of the American people and are pushing for critical, much-needed funding for the environment."—Brent Blackwelder, President, Friends of the Earth.

"Congress ought to lay down the law: federal lands must be kept safe, even added to, instead as a national yard sale for wealthy corporations to raid for cheap resources. The Permanent Protection for America's Resources 2000 bill sends that message loud and clear."—Philip E. Clapp, President, National Environmental Trust.

"The Carquinez Strait Preservation Trust applauds your initiatives to provide protection for American resources . . . We strongly support your legislation."—Jerry Ashland, President, Carquinez Strait Preservation Trust.

"The Bay Area Open Space Council thanks you for your bold leadership in introducing the Permanent Protection for America's Resources 2000 legislation."—John Woodbury, Program Director, Bay Area Open Space Council.

"Millions of acres within our national parks are still privately owned and not protected because the federal government has failed to acquire the lands America wants preserved. Resources 2000 will provide the funding, not only this year, but in years to come, to secure these treasured places for the ages."—Tom Kiernan, President, National Parks and Conservation Association.

"Your Resources 2000 offers the hope that permanent, annual funding will be secured for resource preservation goals."—Susan West Montgomery, President, Preservation Action.

"Implementation of Permanent Protection for America's Resources 2000 would be a dream come true for conservationists and truly usher in a new millennium for wildlife."—Rodger Schlickeisen, President, Defenders of Wildlife.

"We have been advocating for the use of the Land and Water Conservation Funds for land acquisition for several years, and we are very glad to see that this is one of the key elements in this proposed legislation."—Jerry Edelbrock, Executive Director, Marin Conservation League.

CITIZEN GROUPS CALL LAND AND WATER PROTECTION A TOP LEGISLATIVE PRIORITY

A broad range of citizen organizations today expressed support for the principles of the Permanent Protection for America's Resources 2000 initiative to be introduced this week by Rep. George Miller (D–CA) and Sen. Barbara Boxer (D–CA). The initiative provides guaranteed annual funding for conservation from the Land & Water Conservation Fund and other long-sought measures to protect America's public lands, wildlife, and historical resources. Selected comments by environmental leaders follow.

"Implementation of Permanent Protection for America's Resources 2000 would be a dream come true for conservationists and truly usher in a new millennium for wildlife. This far-sighted legislation is Defenders of Wildlife's top legislative priority because it provides long-needed permanent protection for the Land and Water Conservation Fund as well as funding for endangered species recovery, restoration of public lands, ocean fish and wildlife, and native wildlife and plant programs."—Rodger Schlickeisen, President, Defenders of Wildlife.

"Sen. Boxer and Rep. Miller have outlined an inspired vision for protecting and restoring the irreplaceable elements of our heritage for the future. This bill shows that we can find ways to protect all our resources, including the ocean and its creatures, without the danger of incentives for unnecessary offshore oil drilling. We applaud their effort and look forward to working with them to ensure the vitality of our ocean and coastal resources for our children."—David Younkman, Executive Director, American Oceans Campaign.

"Citizens in communities all across the country voted last fall for over a hundred ballot and bond initiatives to protect America's special places. Now it's time for our lawmakers to catch up with the American people. The Congress should act quickly to pass this popular bill."—Carl Pope, Executive Director, Sierra Club.

"Millions of acres within our national parks are still privately owned and not protected because the federal government has failed to acquire the lands America wants preserved. Resources 2000 will provide the funding, not only this year, but in years to come, to secure these treasured places for the ages."—Tom Kiernan, President, National Parks & Conservation Association.

"Resources 2000 is a bold, comprehensive approach to conservation. The legislation directs money where it is desperately needed: to purchase land for bird and wildlife habitat, to help endangered species recover, and to fight sprawl. Congressman Miller and Senator Boxer are to be commended for charting the course of conservation for the next century. By providing permanent protection, our children will be able to enjoy the splendors of our land and wildlife."—Dan Beard, Vice President for Public Policy, National Audubon Society.

"The National Wildlife Federation's top priority for this Congress is passage of significant long-term funding for wildlife and wild places for both federal and state programs. This proposal helps set the parameters to achieve a bipartisan victory for conservation funding this year."—Mark Van Putten, President & CEO, National Wildlife Federation.

"Now that we have successfully moved past the Cold War and large budget deficits, it is essential that we Americans invest in the stewardship of our natural resources and the sustainability of our environment for the benefit of our children and their children. Permanent Protection for America's Resources 2000 is a bold initiative to protect our precious natural and cultural heritage and the quality of life for all Americans. As we approach the millennium we must pass this program as our generation's legacy for the future."—John Adams, President, Natural Resources Defense Council.

Resources 2000 provides long-overdue funding for bipartisan conservation initiatives which will help Americans protect natural beauty, the character of their communities, and their heritage as we move into the new millennium."—Meg Maguire, Executive Director/President, Scenic America.

"A healthy ecosystem is the bedrock of a healthy society. The Miller/Boxer bills will help to preserve the biodiversity we need for the development of new medicines and vaccines, and safeguard the parks and recreation areas so vital to human health and well-being. PSR is pleased to add its voice to the chorus of support for this important legislation."—Robert K. Musil, Ph.D., Executive Director, Physicians for Social Responsibility.

"We applaud Rep. Miller and Sen. Boxer for their effort to reinvigorate chronically underfunded land acquisition programs and provide much-needed funds to protect urban areas and open spaces and conserve fish and wildlife. Resources 2000 will provide a substantial down payment in the effort to preserve and protect our natural heritage while protecting our coastal areas from increased offshore drilling."—Gene Karpinski, Executive Director, U.S. PIRG.

"America's Resources 2000 would significantly help our lands, oceans, and creatures in the next millennium. Rep. Miller and Sen. Boxer have listened to the demand of the American people and are pushing for critical, much-needed funding for the environment."—Brent Blackwelder, President, Friends of the Earth.

"It is vital that Congress adequately fund the programs that care for the public's lands, whether in parks, national forests, wildlife preserves, or historic sites. Without adequate funding, federal stewardship of the public's lands will fall further and further behind, and America's natural heritage will be lost to future generations. Congress ought to lay down the law: federal lands must be kept safe, even added to, instead of treated as a national yard sale for wealthy corporations to raid for cheap resources. The Permanent Protection for America's Resources 2000 bill sends that message loud and clear."—Philip E. Clapp, President, National Environmental Trust.

"We welcome Rep. George Miller's proposal that joins with the Administration's initiative and the previously introduced Senate and House bills, calling for full funding for the Land and Water Conservation Fund and much-needed support for fish and wildlife to state agencies. We are especially encouraged by the expressed commitment of all parties to work cooperatively on these proposals with all those who have a stake in the nation's natural resources to craft a landmark conservation bill in this Congress."—Paul Hansen, Executive Director, Izaak Walton League of America.

SIERRA CLUB,
Washington, DC, February 19, 1999.

DEAR SENATOR: Please support Permanent Protection for America's Resources.

On behalf of the more than half million members of the Sierra Club, I am writing to encourage you to support full and permanent funding for the Land and Water Conservation Fund this year. There are a number of positive initiatives underway that will increase this critical land acquisition fund, as well as support numerous other land protection programs such as farmland preservation and fish, wildlife and land restoration programs.

In particular, I urge you to become an original cosponsor of a new bill to be introduced shortly by Senator Barbara Boxer (D–CA). The Permanent Protection for America's Resources 2000 Act builds upon the Clinton Administration's proposed new Land Legacy initiative by providing a secure source of funding for natural resource protection programs.

Senator Boxer's bill provides full and permanent annual funding of the LWCF, funding for local governments and States for conservation and recreation purposes, special funding for coastal states to conserve and restore marine resources; and farmland and open space preservation incentives.

Senator Boxer's bill stands in contrast to S. 25, a bill recently introduced by Senators Frank Murkowski (R–AK) and Mary Landrieu (D–LA). The Murkowski/Landrieu bill shares the goal of funding important natural resource protection and wildlife programs, but unfortunately does this at the expense of our coastal environment. We are strongly opposed to this bill in its current form because it would encourage increased oil drilling by providing financial incentives to states based in part on the amount of drilling off their coasts.

Thre has been some confusion about the relationship of S. 25 to Teaming with Wildlife, a legislative proposal that received significant support last year. The Sierra Club supported the Teaming with Wildlife proposal, which also generated funding for wildlife programs. However, we are actively opposed to the Murkowski/Landrieu bill due to the drilling incentives in this bill.

Please consider becoming an original cosponsor of Senator Boxer's bill. We also urge you not to cosponsor S. 25 unless the drilling incentives are completely removed from the bill.

Sincerely,

MELANIE L. GRIFFIN,
Director, Land Protection Programs.

FRIENDS OF THE RIVER,
Sacramento, CA, February 19, 1999.

Re support for Resources 2000.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: As California's leading river conservation group, we would like to add our name to the list of those supporting the Resources 2000 legislation that you and Congressman MILLER have authored.

Your effort to provide substantial and permanent funding for the improvement acquisition and maintenance of natural resource areas throughout the country is critical for preserving fisheries, wildlife habitat and outdoor recreation opportunities. Here in California, it will clearly benefit our state's wonderful rivers and watersheds.

We greatly appreciate your leadership in trying to find and direct the monies necessary to support the Land and Water Conservation funds at the State and federal levels, urban parks and recreation, endangered species recovery programs, historic preservation, fishery restoration, and the like.

On behalf of Friends of the River's 8,000 members, we thank you for your good work and pledge to help see it through to success.

Sincerely,

BETSY REIFSNIDER,
Executive Director.

NATIONAL PARKS AND CONSERVATION ASSOCIATION PACIFIC REGIONAL OFFICE,
Oakland, CA, February 12, 1999.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: On behalf of the National Parks and Conservation Association (NPCA), I would like to thank you for your leadership as you strive to achieve a fully funded Land and Water Conservation Fund. The "Permanent Protection for America's Resources 2000" legislation, which you will be introducing with Congressman George Miller, represents a bold step in resolving the long standing gap between the list of lands identified as critical for the protection of our nation's natural and cultural heritage and the funds necessary to acquire and restore them. NPCA strongly endorses the bill.

Since its inception, the Land and Water Conservation Fund has often been the court of last resort for sensitive lands threatened by development. However, due to competing demands for these revenues generated by offshore oil profits, the Fund has never been allowed to fulfill its mandate. As such, our national parks remain incomplete, native habitat for fish and wildlife has been fragmented, and opportunities to recover endangered species have been lost. With the number of threats to our nation's heritage growing exponentially, it is clearly time to renew our commitment to a permanent, fully funded Land and Water Conservation Fund.

NPCA looks forward to working with you and Congressman Miller in passing this important legislation. Thank you again.

Sincerely,

BRIAN HUSE,
Regional Director.

SOCIETY FOR AMERICAN ARCHAEOLOGY,
Washington, DC, February 19, 1999.

Hon. BARBARA BOXER,
United States Senate, Washington, DC.

DEAR SENATOR BOXER: The Society for American Archaeology enthusiastically supports the "Permanent Protection for America's Resources 2000" legislation that you will be introducing with Congressman George Miller. SAA believes this legislation is a comprehensive approach to insure long-term protection of not only natural resources, but archaeological and historic sites as well.

SAA applauds your joint efforts to fully fund the Land and Water Conservation Fund, the Historic Preservation Fund, and other programs that have long suffered from diminished financial support from the Congress. SAA is particularly enthusiastic about the proposed annual funding for programs fundable through the Historic Preservation Fund at $150 million, including grants to the states and National Park Service.

Enactment of this legislation will offer a comprehensive set of tools to help protect the cultural and natural environment in the future, and fulfills the Congressional intent of earlier laws, which mandated that income from offshore oil leases be directed towards the preservation of our country's rich and diverse cultural and natural heritages.

SAA looks forward to working with you and your staff in support of this legislation, and, ultimately, to securing its passage.

Sincerely,

VIN STEPONAITIS,
President.

PRESERVATION ACTION
Washington, DC, February 12, 1999.

HON. BARBARA BOXER,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR BOXER: Preservation Action offers its support of your Permanent Protection for America's Resources 2000 legislation. For too long, the portion of the revenue from offshore oil resources meant for natural and historic resource protection has gone unappropriated. Your Resources 2000 legislation offers the hope that permanent, annual funding will be secured for resource preservation goals.

In particular, Preservation Action supports Resources 2000 because it includes consideration for the Historic Preservation Fund (HPF). Established in 1977 and authorized at $150 million dollars annually since 1980, the HPF over the last twenty years has never received more than about one-third its annual authorized amount. Indeed, near level funding for most of the 1990s meant that appropriations were not even keeping pace with cost of living increases. Your bill will not only direct much-needed dollars to HPF's core programs—tax credit certification, Section 106 review, National Register survey work and nominations, and technical assistance—but ensures that the fund can meet preservation needs at all levels.

Preservation Action is a national grassroots organization dedicated to advocating the goals of the historic preservation community. Since 1974, Preservation Action has worked to see historic preservation used to protect America's past—its neighborhoods, landmarks, and architectural treasures—and build healthier communities. The best way to preserve and protect our historic resources is to keep them viable for today. Resources 2000, including its consideration of the HPF, is an important step towards this goal.

Sincerely,

SUSAN WEST MONTGOMERY,
President.

NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS,
Washington, DC, February 16, 1999.

Re: Historic Preservation Fund.

Hon BARBARA BOXER,
United States Senate, Washington, DC.

DEAR SENATOR BOXER: On behalf of the State Historic Preservation Officers, thank you for including the Historic Preservation Fund in your legislation "Permanent Protection for America's Resources 2000," to be introduced with Congressman George Miller.

Congress was extremely far-sighted two decades ago when it created the Land and Water Conservation and Historic Preservation Funds. The idea of dedicating a portion of the revenues generated by depleting non renewable resources to the conservation of irreplaceable natural and cultural resources is as powerful now as it was then. The fact that so little of the offshore oil revenues have been going for their intended purposes has been very frustrating to those trying to preserve the nation's heritage.

The National Historic Preservation Act programs, administered by partners in State, local and tribal governments, provide the infrastructure for every community to identify and protect significant landmarks, to create incentives for reinvesting in existing settled areas as opposed to abandonment and "sprawl," and to encourage sustainable industries such as heritage tourism. These programs are an essential complement to greater assistance for federal properties in order to achieve a truly comprehensive program for America's heritage.

The National Conference of State Historic Preservation Officers thanks you for your leadership on this issue and looks forward to working with you and your staff in support of this legislation.

Sincerely,

ERIC HERTFELDER,
Executive Director.

NATIONAL ASSOCIATION OF POLICE ATHLETIC LEAGUES,
North Palm Beach, FL, February 19, 1999.

Hon. BARBARA BOXER,
United States Senate, Washington, DC.

DEAR SENATOR BOXER: I am writing on behalf of the National Association of Police Athletic Leagues (PAL) to support your legislation to provide permanent funding for high priority resource preservation objectives through the Permanent Protection for America's Resources 2000.

National PAL believes that participation in outdoor recreation provides important physical, mental, and social benefits to young people. Continued growth in demand for outdoor recreation opportunities has brought overcrowding to some areas, while budgetary constraints, environmental pollution, and open space availability to other uses has further added to the challenges we face. To effectively meet this challenge, federal recreation efforts must receive permanent federal commitment to support public land acquisition and improvements, fish and wildlife programs, urban recreation and historic preservation, and farmland and open space.

We share in your vision of safe, clean, planned, and well-maintained recreation areas, available to all Americans. It is essential that funding of state and local recreation areas increase to meet demand. These areas in particular bear the brunt of recreational use but have not seen the increases in funding necessary to support the growth, rehabilitation, development, acquisition and improvements of recreation land. The Resources 2000 initiative addresses the need to target funds and restore our national commitment to the protection and preservation of our public resources.

PAL Police Officers and volunteers work with young people and depend on public lands to provide diverse and high quality opportunities for recreation. Your concern for America's Resources and passage of the Land and Water Conservation Fund legislation will guarantee that our PAL kids and future generations of Americans will be assured of our precious natural resources.

We are proud to join you and Congressman George Miller in advocating support for Resources 2000. If I may be of any assistance, please do not hesitate to call me at 561–844–1823.

Sincerely,

JOE WILSON,
Executive Director.

BAY AREA OPEN SPACE COUNCIL,
February 18, 1999.

Hon. GEORGE MILLER,
United States House of Representatives, District Office, Concord, CA.

Re permanent protection for America's Resources 2000

CONGRESSMAN MILLER: The Bay Area Open Space Council thanks you for your bold leadership in introducing the Permanent Protection for America's Resources 2000 legislation. We would like to express our strongest support.

The legislation proposes a comprehensive and thoughtful approach for effectively addressing national resource conservation needs.

Utilizing offshore oil lease revenues for resource conservation is reasonable, practical, and consistent with the original intent and commitment of Congress in establishing the Land and Water Conservation Fund.

This legislation is urgently needed. Our rapidly growing population is placing unprecedented pressure on a wide range of irreplaceable resources. The balanced package of programs in your legislation will enable our economy to grow, and our communities to prosper, by providing funding for the protection of many of the resources which underpin our economy and quality of life.

The Bay Area Open Space Council is a cooperative effort of approximately 40 land conservation organizations and agencies with responsibilities in the San Francisco Bay Area. We applaud your leadership in proposing Permanent Protection For America's Resources 2000, and commit to doing all we can to assist.

Sincerely,

JOHN WOODBURY,
Program Director.

By Mr. BURNS:

S. 447. A bill to deem as timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payments for fiscal year 1999; to the Committee on Health, Education, Labor, and Pensions.

DODSON SCHOOL DISTRICTS LEGISLATION

Mr. BURNS. Mr. President, I rise today to introduce a bill that may not impact our nation but will have an impact on 120 students in my state of Montana. These students are victims of a bureaucratic bamboozle that should be an easily reconciled mistake.

I would like to request the compassion of my colleagues. We all make mistakes and sometimes these mistakes have a financial cost to us as individuals. However, in the case of the Dodson Public School District, a misdirected application could result in a loss of impact aid funding. As you all know, Impact Aid funding is necessary for areas that have no local revenue raising mechanism.

This application was inadvertently sent to the wrong office within the Department of Education by the deadline. Last year, we say how unbending the Internal Revenue Service was in terms of customer service—I would like to think the rest of the federal government does not follow suit. According to the Department of Education, deadlines are deadlines. During hearing last year, Congress determined this is not the culture we would like to see in the Department of Education or any other arm of the nation's federal government.

The loss of funds would likely mean the demise of the entire public school system—a system that serves many residents of the Fort Belknap Indian Reservation. The economic state of Montana's reservations is not well and losing this school district would require many students additional transportation costs and travel of over thirty miles. Additionally, adjoining school districts and local governments would be extremely pressed to pick up the tab for additional education and transportation costs with much less proportionate revenue share.

Dodson Public Schools in Dodson, Montana has a total enrollment of 120 students in K–12. In grades K–8, 53% of the total 74 students reside on federal land. In grades 9–12, 31% of the total 46 students reside on federal land. Of the total enrollment, 75% of the students are eligible for our free and reduced lunch program.

Mr. President, I'm certain you'll agree not many schools in America can rival the need for impact aid funds like Dodson's schools.

Now that you know the facts, I think you'll agree we cannot ignore the plight of Dodson School District. This is a simple plea from a modest Montana community that would like to continue their rich, historic culture and legacy.

Mr. President, as you know, it is the role of Congress to protect the students of our nation. This bill will fix an unfortunate situation that could happen to any state in our nation.

By Mr. SMITH of New Hampshire:

S.J. Res. 11. A joint resolution prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations; read the first time.

PROHIBITING THE USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA

Mr. SMITH of New Hampshire. Mr. President, as President Reagan would say, "Here we go again." This administration is now on the verge of making a commitment of American forces to another 911 humanitarian crisis around the world, without the approval of Congress.

As I stand here today, the United States is poised to launch airstrikes against the sovereign nation of Federal Republic of Yugoslavia. Given the apparent failure of the talks in France regarding the issue of the peacekeeping force, there is a real possibility that airstrikes may be imminent and that American forces, as part of a NATO force, may be committed in Kosovo. I would venture to say that many Americans would be hard-pressed to find Kosovo on a map; yet here again our sons and daughters are going to be asked to put their lives on the line for this administration without approval of their elected representatives in Congress, and without any declaration of war.

Mr. President, this is very, very disturbing. I have spoken out in the past against the Bosnia operation. I have spoken out against our occupation of Haiti. But Kosovo is the last straw for me. Today I am introducing a bill to ensure that Congress exercises its constitutional right of approval before this administration commits us to an act of war against a sovereign nation. If we are going to be taking offensive military action, I don't believe there ought to be any troops in any sovereign nation unless there is a declaration of war, or at least a specific authorization by Congress.

The resolution I am introducing simply says that there will be no troops committed in any force of any kind without a specific authorization from the U.S. Congress. I am going to call on my colleagues to join me in this effort before we get embroiled in another long-term conflict that is not in the United States' interest.

I want to make a few points about this.

This administration apparently thinks nothing of committing an act of war without congressional approval—they will commit troops first, and come to us later and ask for our support.

On the contrary, when President Bush wanted to repel Iraq from Kuwait, he came to the Congress—a Democrat-controlled Congress—and Congress authorized him to do that. He came here. He took his chance. He did the right thing. But that is not happening now.

While this body has been wrestling with impeachment proceedings, President Clinton's administration has been preparing to wage war.

I want to repeat that. We were tied down here for almost 2 months talking about the impeachment of the President of the United States, and while we were doing that, the same President who was nearly removed from office was preparing to wage war against a sovereign nation without congressional approval. That is absolutely outrageous, and I am not going to stand by any longer and be silent about it.

The administration has crafted a plan to fix the internal problems of a sovereign state. And it proceeds, then, to hold a so-called peace conference where it threatens to use lethal force against that sovereign state if they don't accept the deal. The two parties are not even interested in an agreement. They still want to fight. They have been fighting in that region of the world for centuries. So we jam an agreement down their throats. And here come U.S. forces, again in harm's way, with no approval from Congress.

Before we send our troops to another dangerous part of the world, which this President has been prone to do for a long time, we have a sacred responsibility to these men and women to consider the risks. We did not fight and win the Cold War so that—as the sole remaining superpower—we would get bogged down in parts of the world that the vast majority of Americans have never heard of.

Kosovo is as much a part of Yugoslavia as New Hampshire is of the United States. We are dictating, under the threat of American military action, the internal policy of the Federal Republic of Yugoslavia. It may be a policy that I despise, that I hate, that

I am upset about. But do we have that right, without an act of war or some authorization from Congress? We may not like it. It may be horrible. But that alone is not a reason to go to war. Should we go to war in Zimbabwe or Ethiopia or some other nation where some other problems are occurring that we don't like? Where do you draw the line?

The administration tells us we must become involved in the internal affairs of a sovereign nation to prevent the spread of this conflict into neighboring nations, including perhaps NATO members. This is a bogey-man argument. It is meant to scare us into resolving the conflict with the American military. This argument is false and it obscures the real issue of placing troops at risk in an area of the world where were we have no real interest to justify direct intervention. Frankly, I am tired of it. I am tired of risking American lives when we do not have American interests at stake. The precedent we would be setting by intervening in Kosovo is far more dangerous to American interests than the small risk that this conflict is going to spread somewhere. What other troubled Balkan region will we go to next? Montenegro? Macedonia? Where do we stop, Mr. President?

There was a letter to the Washington Post on February 20, written from a gentleman by the name of Alex N. Dragnich. He said:

> We are threatening to bomb the Serbs, not because they have invaded a foreign country but because they refuse to accept an agreement which we have crafted, to resolve a domestic conflict inside Yugoslavia and to permit the entrance of NATO troops to enforce it. . . .

That is what this is about

> More serious [he says] in the long run will be the precedent we would be creating. Our proposed actions would provide the arguments to justify a power or a combination of powers to invade some country in search of justice for a minority or minorities. This could be some Arab states, perhaps in agreement with Russia, or it could be China seeking to take over Taiwan.

The administration has created a situation where, no matter how the negotiations conclude, our military people will likely be placed at risk. Let me correct that—they will be placed at risk. The recklessness with which this administration treats our men and women in uniform is shameful—shameful. We had to fight in the Senate on this floor 2 years ago to get the administration to give them a pay raise. We fight on this floor to try to get a national missile defense to protect our own Nation—and we still cannot get it. If the parties do agree to a foreign military presence, then our troops will be committed to peace enforcement for more years than the administration is ready to admit; a lot more years than this administration has left in office. And they will be in great jeopardy from retaliation, not by one side, but by both sides. They will be in the middle of a civil war.

If the Serbs do not agree, then this administration is prepared to send our troops into combat against an aggressive nation that is well equipped to defend itself from attack. Let there be no doubt, American lives will be endangered. This is not Iraq where everything is out in the open. There are SAM sites embedded in mountains. The Serbs have the capability to shoot down American aircraft. Remember that.

We all remember the promises made by the administration about Bosnia. They said the troops will be out in a year. It was one year, then another year, then another; now it is 3 years, with no end in sight, and it's cost $10 billion. Most of the time the President didn't even fund the operation; he took it out of funds for the troops, he raided their equipment modernization accounts to fund it. One of the primary reasons given by the administration, justifying the Bosnia intervention, was it would stabilize the region—yet today we are about to commit American troops to intervening in a new unstable region, Kosovo.

We field an army, not a Salvation Army. Our military is woefully underfunded. We need $125 billion over the next 5 years just to recover from where this administration has cut us. There are mounting concerns about readiness. Should a crisis emerge that truly does endanger America's legitimate interests, what happens? By volunteering to send forces to Kosovo, the President is again stretching our military too thin. The President is not just risking the lives of soldiers sent to the region, but also our troops around the world. And for what?

Later on today we are going to be debating pay increases and retirement benefits for our troops. That is a serious need. The operations tempo that we require from our troops is a serious concern as well. Yet as we try to help on these problems, the administration once again overextends our forces. There are troops that have been in three or four hot spots in the last 3 years. Some have been in Bosnia, some have been in the Persian Gulf, some have been in Haiti, some have been in Korea, and there will probably be a fifth one, Kosovo, for some people. How much more can we take?

The administration says the possible troop commitment for peace enforcement in Kosovo is only for 4,000 troops. In the military there is the three-times rule. Not only do we commit those 4,000 on the ground, but 4,000 more are preparing to go and 4,000 are recovering from being deployed there. This 4,000-man operation ties up 12,000 troops. In truth, a four-times rule is probably more realistic, so it is more like 16,000.

We are already facing serious problems in recruiting, spare parts, and other results of this high operating tempo. The administration has strained the budget of the Defense Department to the limit, and our troops are going to be the losers because of it. We simply cannot ask our military to do more and more with less. That is what this President has continued to do.

Mr. President, we are 7,000 troops down in recruitment for the U.S. Navy. We don't even have enough sailors to man our ships. We are short 23,000 recruits in the U.S. Army. Spare parts bins are empty in military bases all over this country. They cannot repair some vehicles— they are just too old. And yet here is the administration, ready to send them into Kosovo.

In conclusion, throughout the Cold War we fought to protect the rights of sovereign nations to conduct themselves according to their own laws. We fought World War II over the same thing. In the Gulf War we sent American soldiers to war to turn back an unlawful and immoral invasion of the sovereign nation of Kuwait. There was much disagreement over that policy, but it was an attack of one sovereign nation on another. Now, look at what has happened in just 8 years. Today we find our commitment to sovereignty turned on its head.

Let me issue a warning. The KLA, the Kosovo Liberation Army—these are not Boy Scouts. Neither is Slobodan Milosevic. This is going to be a bloody mess, and we are going to be right in the middle of it. The KLA started a war that it cannot finish and now the administration wants U.S. pilots to serve as its Air Force. The American people know what we are spending in Bosnia—$4 billion a year and growing, now adding to that in Kosovo, and at the same time not yet deploying a missile defense system for this country which is imperative for the security of our own people and our troops wherever they may be in the world.

I applaud the efforts of the Senator from New Hampshire. I certainly hope that we will get a chance to talk about this. I look forward to having the leaders in Congress stand up and say, What is the policy; how many more times are we going to put troops in harm's way, paid for by the taxpayers of America, when there is no exit strategy, there is no plan, there is no rotation out, there is no temporariness about this. It is open-ended.

I applaud my colleague from New Hampshire, and I hope that the Senate will address this before we have a fait accompli, troops on the ground, as we have had in Bosnia in an unending mission, with no strategy, no plan and no exit.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. WARNER, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 4, a bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 4, supra.

S. 25

At the request of Ms. LANDRIEU, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 25, a bill to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 26

At the request of Mr. MCCAIN, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 26, a bill entitled the "Bipartisan Campaign Reform Act of 1999".

S. 98

At the request of Mr. MCCAIN, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 185

At the request of Mr. ASHCROFT, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.

S. 197

At the request of Mrs. BOXER, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 197, a bill to amend the Outer Continental Shelf Lands Act to direct the Secretary of the Interior to cease mineral leasing activity on the outer Continental Shelf seaward of a coastal State that has declared a moratorium on mineral exploration, development, or production activity in State water.

S. 218

At the request of Mr. MOYNIHAN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 218, a bill to amend the Harmonized Tariff Schedule of the United States to provide for equitable duty treatment for certain wool used in making suits.

S. 258

At the request of Mr. WARNER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 258, a bill to authorize additional rounds of base closures and realignments under the Defense Base Closure and Realignment Act of 1990 in 2001 and 2003, and for other purposes.

S. 271

At the request of Mr. FRIST, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 271, a bill to provide for education flexibility partnerships.

S. 274

At the request of Mr. COVERDELL, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 274, a bill to amend the Internal Revenue Code of 1986 to increase the maximum taxable income for the 15 percent rate bracket.

S. 279

At the request of Mr. MCCAIN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 280

At the request of Mr. FRIST, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 280, a bill to provide for education flexibility partnerships.

S. 311

At the request of Mr. WARNER, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

S. 312

At the request of Mr. WARNER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 312, a bill to require certain entities that operate homeless shelters to identify and provide certain counseling to homeless veterans, and for other purposes.

S. 314

At the request of Mr. BOND, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 314, a bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

S. 315

At the request of Mr. ASHCROFT, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 315, a bill to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes.

S. 346

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 348

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 403

At the request of Mr. ALLARD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 403, a bill to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

S. 427

At the request of Mr. ABRAHAM, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 427, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 433

At the request of Mr. THURMOND, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 433, a bill to amend the Alcoholic Beverage Labeling Act of 1988 to prohibit additional statements and representations relating to alcoholic beverages and health, and for other purposes.

SENATE JOINT RESOLUTION 7

At the request of Mr. HATCH, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Arizona (Mr. KYL) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of Senate Joint Resolution 7, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Alaska (Mr. STEVENS), the Senator from Missouri (Mr. BOND), the Senator from Alabama (Mr. SHELBY), the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. HARKIN), the Senator from Wisconsin (Mr. KOHL), and the Senator from California (Mrs.

BOXER) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of Senate Resolution 26, a resolution relating to Taiwan's Participation in the World Health Organization.

AMENDMENT NO. 6

At the request of Mr. CLELAND, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 6 proposed to S. 4, a bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes.

SENATE RESOLUTION 48—DESIGNATING NATIONAL GIRL SCOUT WEEK

Mrs. HUTCHISON (for herself and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 48

Whereas March 12, 1999, is the 87th anniversary of the founding of the Girl Scouts of the United States of America;

Whereas on March 16, 1950, the Girl Scouts became the first national organization for girls to be granted a Federal charter by Congress;

Whereas through annual reports required to be submitted to Congress by its charter, the Girl Scouts regularly informs Congress of its progress and program initiatives;

Whereas the Girl Scouts is dedicated to inspiring girls and young women with the highest ideals of character, conduct, and service to others so that they may become model citizens in their communities;

Whereas the Girl Scouts offers girls aged 5 through 17 a variety of opportunities to develop strong values and life skills and provides a wide range of activities to meet girls' interests and needs;

Whereas the Girl Scouts has a membership of nearly 3,000,000 girls and over 850,000 adult volunteers, and is one of the preeminent organizations in the United States committed to girls growing strong in mind, body, and spirit; and

Whereas by fostering in girls and young women the qualities on which the strength of the United States depends, the Girl Scouts, for 87 years, has significantly contributed to the advancement of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning March 7, 1999, as “National Girl Scout Week”; and

(2) requests the President to issue a proclamation designating the week beginning March 7, 1999, as “National Girl Scout Week” and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mrs. HUTCHISON. Mr. President, I rise today to submit an important resolution recognizing the Girl Scouts of America.

This year commemorates the 87th anniversary of the founding of this outstanding organization. On March 16, 1950, the Girl Scouts of the United States of America became the first national organization for girls to be granted a Federal charter by Congress.

The Girl Scout Organization has long been dedicated to inspiring girls and young women with the highest ideals of character, conduct, and service to others to that they may become model citizens in their communities.

For 86 years, the Girl Scout movement has provided valuable leadership skills for countless girls and young women across the nation. Today, overall membership in the Girl Scouts is the highest it has been in 26 years, with 2.7 million girls and over 850,000 adult volunteers. I am proud to say that I, too, was a Girl Scout.

I am pleased to be joined by Senator MIKULSKI in introducing this legislation, which would designate the week beginning March 7, 1999, as “National Girl Scout Week.” I ask our colleagues to join us.

AMENDMENTS SUBMITTED

SOLDIERS', SAILORS', AIRMEN'S, AND MARINES' BILLS OF RIGHTS ACT OF 1999

ROBB (AND OTHERS) AMENDMENT NO. 8

Mr. ROBB (for himself, Mr. CLELAND, Mr. KENNEDY, Mr. BINGAMAN, and Mr. KERREY) proposed an amendment to the bill (S. 4) to improve pay and retirement equity for members of the Armed Forces; and for other purposes; as follows:

On page 28, between lines 8 and 9, insert the following new sections:

SEC. 104. INCREASE IN RATE OF DIVING DUTY SPECIAL PAY.

(a) INCREASE.—Section 304(b) of title 37, United States Code, is amended—

(1) by striking “$200” and inserting “$240”; and

(2) by striking “$300” and inserting “$340”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to special pay paid under section 304 of title 37, United States Code, for months beginning on or after that date.

SEC. 105. INCREASE IN MAXIMUM AMOUNT AUTHORIZED FOR REENLISTMENT BONUS FOR ACTIVE MEMBERS.

(a) INCREASE IN MAXIMUM AMOUNT.—Section 308(a)(2)(B) of title 37, United States Code, is amended by striking “$45,000” and inserting “$60,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to reenlistments and extensions of enlistments taking effect on or after that date.

SEC. 106. INCREASE IN ENLISTMENT BONUS FOR MEMBERS WITH CRITICAL SKILLS.

(a) INCREASE.—Section 308a(a) of title 37, United States Code, is amended in the first sentence by striking “$12,000” and inserting “$20,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect enlistments and extensions of enlistments taking effect on or after that date.

SEC. 107. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(a) of title 37, United States Code, is amended by striking “$15,000” and inserting “$25,000”.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(a)(1) of title 37, United States Code, is amended by striking “$10,000” and inserting “$20,000”.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking “$12,000” and inserting “$22,000”; and

(2) in subsection (b)(1), by striking “$5,500” and inserting “$10,000”.

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 1999.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under section 312(a) and 312b(a), respectively, of title 37, United States Code, on or after October 1, 1999.

(3) The amendments made by subsection (c) shall apply with respect to nuclear service years beginning on or after October 1, 1999.

SEC. 108. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR FOREIGN LANGUAGE PROFICIENCY PAY.

(a) INCREASE IN MAXIMUM MONTHLY RATE.—Section 316(b) of title 37, United States Code, is amended by striking “$100” and inserting “$300”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to foreign language proficiency pay paid under section 316 of title 37, United States Code, for months beginning on or after that date.

SEC. 109. CAREER ENLISTED FLYER INCENTIVE PAY.

(a) INCENTIVE PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section 301f:

“§ 301f. Incentive pay: career enlisted flyers

“(a) PAY AUTHORIZED.—An enlisted member described in subsection (b) may be paid career enlisted flyer incentive pay as provided in this section.

“(b) ELIGIBLE MEMBERS.—An enlisted member referred to in subsection (a) is an enlisted member of the armed forces who—

“(1) is entitled to basic pay under section 204 of this title or is entitled to compensation under paragraph (1) or (2) of section 206(a) of this title;

“(2) holds a military occupational specialty or military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned in regulations prescribed under subsection (f) and continues to be proficient in the skills required for that specialty or rating, or is in training leading to the award of such a specialty or rating; and

“(3) is qualified for aviation service.

“(c) MONTHLY PAYMENT.—(1) Career enlisted flyer incentive pay may be paid a member referred to in subsection (b) for each month in which the member performs aviation service that involves frequent and regular performance of operational flying duty by the member.

“(2)(A) Career enlisted flyer incentive pay may be paid a member referred to in subsection (b) for each month in which the member performs service, without regard to whether or the extent to which the member performs operational flying duty during the month, as follows:

“(i) In the case of a member who has performed at least 6, and not more than 15, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 72 months if the member so performed in at least that number of months before completing the member's first 10 years of performance of aviation service.

“(ii) In the case of a member who has performed more than 15, and not more than 20, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 108 months if the member so performed in at least that number of months before completing the member's first 15 years of performance of aviation service.

“(iii) In the case of a member who has performed more than 20, and not more than 25, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 168 months if the member so performed in at least that number of months before completing the member's first 20 years of performance of aviation service.

“(B) The Secretary concerned, or a designee of the Secretary concerned not below the level of personnel chief of the armed force concerned, may reduce the minimum number of months of frequent and regular performance of operational flying duty applicable in the case of a particular member under—

“(i) subparagraph (A)(i) to 60 months;

“(ii) subparagraph (A)(ii) to 96 months; or

“(iii) subparagraph (A)(iii) to 144 months.

“(C) A member may not be paid career enlisted flyer incentive pay in the manner provided under subparagraph (A) after the member has completed 25 years of aviation service.

“(d) MONTHLY RATES.—(1) The monthly rate of any career enlisted flyer incentive pay paid under this section to a member on active duty shall be prescribed by the Secretary concerned, but may not exceed the following:

“**Years of aviation service**	**Monthly rate**
4 or less	$150
Over 4	$225
Over 8	$350
Over 14	$400.

“(2) The monthly rate of any career enlisted flyer incentive pay paid under this section to a member of a reserve component for each period of inactive-duty training during which aviation service is performed shall be equal to $\frac{1}{30}$ of the monthly rate of career enlisted flyer incentive pay provided under paragraph (1) for a member on active duty with the same number of years of aviation service.

“(e) NONAPPLICABILITY TO MEMBERS RECEIVING HAZARDOUS DUTY INCENTIVE PAY OR SPECIAL PAY FOR DIVING DUTY.—A member receiving incentive pay under section 301(a) of this title or special pay under section 304 of this title may not be paid special pay under this section for the same period of service.

“(f) REGULATIONS.—The Secretary concerned shall prescribe regulations for the administration of this section. The regulations shall include the following:

“(1) Definitions of the terms ‘aviation service’ and ‘frequently and regularly performed operational flying duty’ for purposes of this section.

“(2) The military occupational specialties or military rating, as the case may be, that are designated as career enlisted flyer specialties or ratings, respectively, for purposes of this section.

“(g) DEFINITION.—In this section, the term ‘operational flying duty’ means—

“(1) flying performed under competent orders while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned; and

“(2) flying performed by members in training that leads to the award of a military occupational specialty or rating referred to in subsection (b)(2).”.

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 301e the following new item:

“301f. Incentive pay; career enlisted flyers.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

(c) SAVE PAY PROVISION.—In the case of an enlisted member of a uniformed service who is a designated career enlisted flyer entitled to receive hazardous duty incentive pay under section 301(b) or 301(c)(2)(A) of title 37, United States Code, as of October 1, 1999, the member shall be entitled from that date to payment of incentive pay at the monthly rate that is the higher of—

(1) the monthly rate of incentive pay authorized by such section 301(b) or 301(c)(2)(A) as of September 30, 1999; or

(2) the monthly rate of incentive pay authorized by section 301f of title 37, United States Code, as added by subsection (a).

SEC. 110. RETENTION BONUS FOR SPECIAL WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301f, as added by section 109(a) of this Act, the following new section:

“§ 301g. Special pay: special warfare officers extending period of active duty

“(a) BONUS AUTHORIZED.—A special warfare officer described in subsection (b) who executes a written agreement to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

“(b) COVERED OFFICERS.—A special warfare officer referred to in subsection (a) is an officer of a uniformed service who—

“(1) is qualified for a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator and is serving in a position for which that specialty or designator is authorized;

“(2) is in pay grade O–3, or is in pay grade O–4 and is not on a list of officers recommended for promotion, at the time the officer applies for an agreement under this section;

“(3) has completed at least 6, but not more than 14, years of active commissioned service; and

“(4) has completed any service commitment incurred to be commissioned as an officer.

“(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the written agreement.

“(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 14 years of active commissioned service.

“(e) PAYMENT.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid—

“(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary concerned followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

“(2) in graduated annual payments under regulations prescribed by the Secretary concerned with the first payment being payable at the time the agreement is accepted by the Secretary concerned and subsequent payments being payable on the anniversaries of the acceptance of the agreement.

“(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

“(g) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty in special warfare service as specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid the officer under this section.

“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

“(h) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term ‘special warfare service’ for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.”.

(2) The table of section at the beginning of chapter 5 of title 37, United States Code, as amended by section 109(a) of this Act, is amended by inserting after the item relating to section 301f the following new item:

“301g. Special pay: special warfare officers extending period of active duty.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 111. RETENTION BONUS FOR SURFACE WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301g, as added by section 110(a) of this Act, the following new section:

"§ 301h. Special pay: surface warfare officers extending period of active duty

"(a) SPECIAL PAY AUTHORIZED.—(1) A surface warfare officer described in subsection (b) who executes a written agreement described in paragraph (2) may, upon the acceptance of the agreement by the Secretary of the Navy, be paid a retention bonus as provided in this section.

"(2) An agreement referred to in paragraph (1) is an agreement in which the officer concerned agrees—

"(A) to remain on active duty for at least two years and through the tenth year of active commissioned service; and

"(B) to complete tours of duty to which the officer may be ordered during the period covered by subparagraph (A) as a department head afloat.

"(b) COVERED OFFICERS.—A surface warfare officer referred to in subsection (a) is an officer of the Regular Navy or Naval Reserve on active duty who—

"(1) is designated and serving as a surface warfare officer;

"(2) is in pay grade O–3 at the time the officer applies for an agreement under this section;

"(3) has been selected for assignment as a department head on a surface ship;

"(4) has completed at least four, but not more than eight, years of active commissioned service; and

"(5) has completed any service commitment incurred to be commissioned as an officer.

"(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the written agreement.

"(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 10 years of active commissioned service.

"(e) PAYMENT.—Upon acceptance of a written agreement under subsection (a) by the Secretary of the Navy, the total amount payable pursuant to the agreement becomes fixed and may be paid—

"(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

"(2) in equal annual payments with the first payment being payable at the time the agreement is accepted by the Secretary and subsequent payments being payable on the anniversaries of the acceptance of the agreement.

"(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(g) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary of the Navy may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(h) REGULATIONS.—The Secretary of the Navy shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 301g, as added by section 110(a) of this Act, the following new item:

"301h. Special pay: surface warfare officers extending period of active duty.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

CRAPO (AND LOTT) AMENDMENT NO. 9

Mr. CRAPO (for himself and Mr. LOTT) proposed an amendment to the bill, S. 4, supra; as follows:

On page 39, between lines 8 and 9, insert the following:

SEC. 204. REPEAL OF REDUCTION IN RETIRED PAY FOR CIVILIAN EMPLOYEES.

(a) REPEAL.—(1) Section 5532 of title 5, United States Code, is repealed.

(2) The chapter analysis at the beginning of chapter 55 of such title is amended by striking out the item relating to section 5532.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

HUTCHINSON (AND WELLSTONE) AMENDMENT NO. 10

(Ordered to lie on the table.)

Mr. HUTCHINSON (for himself and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the bill, S. 4, supra, as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE REGARDING HUMAN RIGHTS SITUATION IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—The Senate makes the following findings:

(1) The annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance.

(2) According to the United States Department of State and international human rights organizations, the Government of the People's Republic of China continues to commit widespread and well-documented human rights abuses in China and Tibet and continues the coercive implementation of family planning policies and the sale of human organs taken from executed prisoners.

(3) Such abuses stem from an intolerance of dissent and fear of unrest on the part of authorities in the People's Republic of China and from the absence or inadequacy of laws in the People's Republic of China that protect basic freedoms.

(4) Such abuses violate internationally accepted norms of conduct.

(5) The People's Republic of China is bound by the Universal Declaration of Human Rights and recently signed the International Covenant on Civil and Political Rights, but has yet to take the steps necessary to make the covenant legally binding.

(6) The President decided not to sponsor a resolution criticizing the People's Republic of China at the United Nations Human Rights Commission in 1998 in consideration of commitments by the Government of the People's Republic of China to sign the International Covenant on Civil and Political Rights and based on a belief that progress on human rights in the People's Republic of China could be achieved through other means.

(7) Authorities in the People's Republic of China have recently escalated efforts to extinguish expressions of protest or criticism and have detained scores of citizens associated with attempts to organize a legal democratic opposition, as well as religious leaders, writers, and others who petitioned the authorities to release those arbitrarily arrested.

(8) These efforts underscore that the Government of the People's Republic of China's has not retreated from its longstanding pattern of human rights abuses, despite expectations to the contrary following two summit meetings between President Clinton and President Jiang in which assurances were made regarding improvements in the human rights record of the People's Republic of China.

(b) SENSE OF SENATE.—It is the sense of the Senate that, at the 55th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet.

ENZI AMENDMENT NO. 11

Mr. ENZI proposed an amendment to the bill, S. 4, supra; as follows:

At the end of title I, add the following:

SEC. 104. INCREASED TUITION ASSISTANCE FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION OR SIMILAR OPERATION.

(a) INAPPLICABILITY OF LIMITATION ON AMOUNT.—Section 2007(a) of title 10, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following:

"(4) in the case of a member deployed outside the United States in support of a contingency operation or similar operation, all of the charges may be paid while the member is so deployed.".

(b) INCREASED AUTHORITY SUBJECT TO APPROPRIATIONS.—The authority to pay additional tuition assistance under paragraph (4) of section 2007(a) of title 10, United States Code, as added by subsection (a), may be exercised only to the extent provided for in appropriations Acts.

JEFFORDS (AND OTHERS) AMENDMENTS NOS. 12–14

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself, Mr. BINGAMAN, Mr. CLELAND, and Ms. LANDRIEU) submitted three amendments intended to be proposed by them to the bill, S. 4, supra; as follows:

AMENDMENT NO. 12

On page 46, strike lines 6 through 8 and insert the following:

TITLE IV—OTHER EDUCATIONAL BENEFITS

SEC. 401. ACCELERATED PAYMENTS OF CERTAIN EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) Whenever a person entitled to an educational assistance allowance under this chapter so requests and the Secretary concerned, in consultation with the Chief of the reserve component concerned, determines it appropriate, the Secretary may make payments of the educational assistance allowance to the person on an accelerated basis.

"(2) An educational assistance allowance shall be paid to a person on an accelerated basis under this subsection as follows:

"(A) In the case of an allowance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly allowance otherwise payable under this chapter for the quarter, semester, or term, as the case may be, of the course.

"(B) In the case of an allowance for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the Secretary concerned receives the person's request for payment on an accelerated basis; and

"(ii) in any amount requested by the person up to the aggregate amount of monthly allowance otherwise payable under this chapter for the period of the course.

"(3) If an adjustment in the monthly rate of educational assistance allowances will be made under subsection (b)(2) during a period for which a payment of the allowance is made to a person on an accelerated basis, the Secretary concerned shall—

"(A) pay on an accelerated basis the amount of the allowance otherwise payable for the period without regard to the adjustment under that subsection; and

"(B) pay on the date of the adjustment any additional amount of the allowance that is payable for the period as a result of the adjustment.

"(4) A person's entitlement to an educational assistance allowance under this chapter shall be charged at a rate equal to one month for each month of the period covered by an accelerated payment of the allowance to the person under this subsection.

"(5) The regulations prescribed by the Secretary of Defense and the Secretary of Transportation under subsection (a) shall provide for the payment of an educational assistance allowance on an accelerated basis under this subsection. The regulations shall specify the circumstances under which accelerated payments may be made and the manner of the delivery, receipt, and use of the allowance so paid

"(6) In this subsection, the term 'Chief of the reserve component concerned' means the following:

"(A) The Chief of the Army Reserve, with respect to members of the Army Reserve.

"(B) the Chief of Naval Reserve, with respect to members of the Naval Reserve.

"(C) The Chief of the Air Force Reserve, with respect to members of the Air Force Reserve.

"(D) The Commander, Marine Reserve Forces, with respect to members of the Marine Corps Reserve.

"(E) The Chief of the National Guard Bureau, with respect to members of the Army National Guard and the Air National Guard.

"(F) The Commandant of the Coast Guard, with respect to members of the Coast Guard Reserve.".

TITLE V—REPORT

SEC. 501. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.

AMENDMENT NO. 13

On page 46, strike lines 6 through 8 and insert the following:

TITLE IV—OTHER EDUCATIONAL BENEFITS

SEC. 401. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF THE SELECTED RESERVE OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE.

Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) In the case of a person who continues to serve as member of the Selected Reserve as of the end of the 10-year period applicable to the person under subsection (a), as extended, if at all, under paragraph (4), the period during which the person may use the person's entitlement shall expire at the end of the 5-year period beginning on the date the person is separated from the Selected Reserve.

"(B) The provisions of paragraph (4) shall apply with respect to any period of active duty of a person referred to in subparagraph (A) during the 5-year period referred to in that subparagraph.".

TITLE V—REPORT

SEC. 501. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.

AMENDMENT NO. 14

On page 46, strike lines 6 through 8 and insert the following:

TITLE IV—OTHER EDUCATIONAL BENEFITS

SEC. 401. TRANSFER OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE BY MEMBERS OF THE SELECTED RESERVE.

(a) AUTHORITY TO TRANSFER.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16133 the following new section:

"§ 16133a. Transfer of entitlement

"(a) The Secretary concerned, in consultation with the Chief of the reserve component and in the Secretary's sole discretion, may, for purposes of enhancing recruiting and retention, permit a person entitled to educational assistance under this chapter to transfer the person's entitlement to such assistance, in whole or in part, to the individuals specified in subsection (b).

"(b) A person's entitlement to educational assistance may be transferred when authorized under subsection (a) as follows:

"(1) To the person's spouse.

"(2) To one or more of the person's children.

"(3) To a combination of the individuals referred to in paragraphs (1) and (2).

"(c)(1) A person electing to transfer an entitlement to educational assistance under this section shall—

"(A) designate the person or persons to whom the entitlement is being transferred and the percentage of the entitlement to be transferred to each such person; and

"(B) specify the period for which the transfer shall be effective for each person so designated.

"(2) The aggregate amount of the entitlement transferable by a person under this section may not exceed the aggregate amount of the person's entitlement to educational assistance under this chapter.

"(3) A person electing to transfer an entitlement under this section may modify or revoke the transfer at any time before the use of the transferred entitlement. A person shall elect to modify or revoke a transfer by submitting written notice submitted to the Secretary concerned.

"(d)(1) The use of any entitlement transferred under this section shall be charged against the entitlement of the person making the transfer at the rate of one month for each month of transferred entitlement that is used.

"(2) Except as specified under subsection (c)(1)(B) and subject to paragraph (3), a person to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner and at the same rate as the person from whom the entitlement was transferred.

"(3) A child shall complete the use of any entitlement transferred to the child under this section before the child attains the age of 26 years.

"(e) For purposes of section 3685 of title 38 (as made applicable under section 16136 of this title), a person to whom entitlement is transferred under this section and the person making the transfer shall be jointly and severally liable to the United States for the amount of any overpayment of educational assistance under this chapter.

"(f) The regulations prescribed by the Secretary of Defense and the Secretary of Transportation under section 16131(a) of this title shall provide for the administration of this section. The regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (c)(3).

"(g) In this section:

"(1) The term 'child' shall have the meaning given that term in section 101(4) of title 38.

"(2) The term 'Chief of the reserve component concerned' means the following:

"(A) The Chief of the Army Reserve, with respect to members of the Army Reserve.

"(B) the Chief of Naval Reserve, with respect to members of the Naval Reserve.

"(C) The Chief of the Air Force Reserve, with respect to members of the Air Force Reserve.

"(D) The Commander, Marine Reserve Forces, with respect to members of the Marine Corps Reserve.

"(E) The Chief of the National Guard Bureau, with respect to members of the Army National Guard and the Air National Guard.

"(F) The Commandant of the Coast Guard, with respect to members of the Coast Guard Reserve.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of that title is amended by inserting after the item relating to section 16133 the following new item:

"16133a. Transfer of entitlement.".

TITLE V—REPORT

SEC. 501. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.

ROBB (AND OTHERS) AMENDMENT NO. 15

Mr. ROBB (for himself, Mr. MCCAIN, and Mr. BINGAMAN) proposed an amendment to the bill, S. 4, supra; as follows:

On page 28, between lines 8 and 9, insert the following:

SEC. 104. AVIATION CAREER OFFICER SPECIAL PAY.

(a) PERIOD OF AUTHORITY.—Subsection (a) of section 301b of title 37, United States Code, is amended—

(1) by inserting "(1)" after "AUTHORIZED.—";

(2) by striking "during the period beginning on January 1, 1989, and ending on December 31, 1999," and inserting "during the period described in paragraph (2),"; and

(2) adding at the end the following:

"(2) Paragraph (1) applies with respect to agreements executed during the period beginning on the first day of the first month that begins on or after the date of the enactment of the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999 and ending on December 31, 2004.".

(b) REPEAL OF LIMITATION TO CERTAIN YEARS OF CAREER AVIATION SERVICE.—Subsection (b) of such section is amended—

(1) by striking paragraph (5);

(2) by inserting "and" at the end of paragraph (4); and

(4) by redesignating paragraph (6) as paragraph (5).

(c) REPEAL OF LOWER ALTERNATIVE AMOUNT FOR AGREEMENT TO SERVE FOR 3 OR FEWER YEARS.—Subsection (c) of such section is amended by striking "than—" and all that follows and inserting "than $25,000 for each year covered by the written agreement to remain on active duty.".

(d) PRORATION AUTHORITY FOR COVERAGE OF INCREASED PERIOD OF ELIGIBILITY.—Subsection (d) of such section is amended by striking "14 years of commissioned service" and inserting "25 years of aviation service".

(e) TERMINOLOGY.—Such section is further amended—

(1) in subsection (f), by striking "A retention bonus" and inserting "Any amount"; and

(2) in subsection (i)(1), by striking "retention bonuses" in the first sentence and inserting "special pay under this section".

(f) REPEAL OF CONTENT REQUIREMENTS FOR ANNUAL REPORT.—Subsection (i)(1) of such section is further amended by striking the second sentence.

(g) TECHNICAL AMENDMENT.—Subsection (g)(3) of such section if amended by striking the second sentence.

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

WELLSTONE (AND MURRAY) AMENDMENT NO. 16

Mr. WELLSTONE (for himself and Mrs. MURRAY) proposed an amendment to the bill, S. 4, supra; as follows:

On page 46, after line 16, add the following:

SEC. 402. REPORT AND REGULATIONS ON DEPARTMENT OF DEFENSE POLICIES ON PROTECTING THE CONFIDENTIALITY OF COMMUNICATIONS WITH PROFESSIONALS PROVIDING THERAPEUTIC OR RELATED SERVICES REGARDING SEXUAL OR DOMESTIC ABUSE.

(a) REQUIREMENT FOR STUDY.—(1) The Comptroller General shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(A) a dependent of a member of the Armed Forces who—

(i) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(ii) has engaged in such misconduct; and

(B) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.

(2) The Comptroller General shall conclude the study and submit to the Secretary of Defense a report on the results of the study within such period as is necessary to enable the Secretary to satisfy the reporting requirement under subsection (d).

(b) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the policies and procedures that the Secretary considers necessary to provide the [maximum] possible protections for the confidentiality of communications described in subsection (a) relating to misconduct described in that subsection, consistent with—

(1) the findings of the Comptroller General;

(2) the standards of confidentiality and ethical standards issued by relevant professional organizations;

(3) applicable requirements of Federal and State law;

(4) the best interest of victims of sexual harassment, sexual assault, or intrafamily abuse; and

(5) such other factors as the Secretary, in consultation with the Attorney General, may consider appropriate.

HARKIN (AND BINGAMAN) AMENDMENT NO. 17

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 4, supra; as follows:

On page 25, strike lines 10 through 15, and insert the following:

(b)(1), the Secretary concerned shall pay the member a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance, as determined by the Secretary.

"(b) COVERED MEMBERS.—(1) A member referred to subsection (a) is an enlisted member in pay grade E-5 or below.

"(2) For the purposes of this section, a member shall be considered as being eligible to receive food stamp assistance if the household of the member meets the income standards of eligibility established under section 5(c)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(2)), not taking into account the special subsistence allowance that may be payable to the member under this section and any allowance that is payable to the member under section 403 or 404a of this title.

On page 28, between lines 8 and 9, insert the following:

SEC. 104. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) RELATIONSHIP TO WIC PROGRAM.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program.".

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.".

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).".

(f) REPORT.—Not later than March 1, 2001, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the implementation of the special supplemental food program required under section 1060a of title 10, United States Code. The report shall include a discussion of whether the amount required to be provided by the Secretary of Agriculture for supplemental foods under subsection (b) of that section is adequate for the purpose and, if not, an estimate of the amount necessary to provide supplemental foods under the program.

HUTCHISON (AND OTHERS) AMENDMENT NO. 18

Mrs. HUTCHISON (for herself, Mr. EDWARDS, Mr. HAGEL, Mr. HELMS, Mr. FITZGERALD, Mr. COVERDELL, Mr. JOHNSON, Mr. BINGAMAN, Mr. KENNEDY, Mr. SANTORUM, and Mr. SESSIONS) proposed an amendment to the bill, S. 4, supra; as follows:

On page 46, after line 16, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. IMPROVEMENT OF TRICARE PROGRAM.

(a) IMPROVEMENT OF TRICARE PROGRAM.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1097a the following new section:

"§ 1097b. TRICARE: comparability of benefits with benefits under Federal Employees Health Benefits program; other requirements and authorities

"(a) COMPARABILITY OF BENEFITS.—The Secretary of Defense shall, to the maximum extent practicable, ensure that the health care coverage available through the TRICARE program is substantially similar to the health care coverage available under similar health benefits plans offered under the Federal Employees Health Benefits program established under chapter 89 of title 5.

"(b) PORTABILITY OF BENEFITS.—The Secretary of Defense shall provide that any covered beneficiary enrolled in the TRICARE program may receive benefits under that program at facilities that provide benefits under that program throughout the various regions of that program.

"(c) PATIENT MANAGEMENT.—(1) The Secretary of Defense shall, to the maximum extent practicable, minimize the authorization or certification requirements imposed upon covered beneficiaries under the TRICARE program as a condition of access to benefits under that program.

"(2) The Secretary of Defense shall, to the maximum extent practicable, utilize practices for processing claims under the TRICARE program that are similar to the best industry practices for processing claims for health care services in a simplified and expedited manner. To the maximum extent practicable, such practices shall include electronic processing of claims.

"(d) REIMBURSEMENT OF HEALTH CARE PROVIDERS.—(1) Subject to paragraph (2), the Secretary of Defense may increase the reimbursement provided to health care providers under the TRICARE program above the reimbursement otherwise authorized such providers under that program if the Secretary determines that such increase is necessary in order to ensure the availability of an adequate number of qualified health care providers under that program.

"(2) The amount of reimbursement provided under paragraph (1) with respect to a health care service may not exceed the lesser of—

"(A) the amount equal to the local usual and customary charge for the service in the service area (as determined by the Secretary) in which the service is provided; or

"(B) the amount equal to 115 per cent of the CHAMPUS maximum allowable charge for the service.

"(e) AUTHORITY FOR CERTAIN THIRD-PARTY COLLECTIONS.—(1) A medical treatment facility of the uniformed services under the TRICARE program may collect from a third-party payer the reasonable charges for health care services described in paragraph (2) that are incurred by the facility on behalf of a covered beneficiary under that program to the extent that the beneficiary would be eligible to receive reimbursement or indemnification from the third-party payer if the beneficiary were to incur such charges on the beneficiary's own behalf.

"(2) The reasonable charges described in this paragraph are reasonable charges for services or care covered by the medicare program under title XVIII of the Social Security Act.

"(3) The collection of charges, and the utilization of amounts collected, under this subsection shall be subject to the provisions of section 1095 of this title. The term 'reasonable costs', as used in that section shall be deemed for purposes of the application of that section to this subsection to refer to the reasonable charges described in paragraph (2).

"(f) CONSULTATION.—The Secretary of Defense shall carry out any actions under this section after consultation with the other administering Secretaries.".

(2) The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1097a the following new item:

"1097b. TRICARE: comparability of benefits with benefits under Federal Employees Health Benefits program; other requirements and authorities.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

(c) REPORT ON IMPLEMENTATION.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the other administering Secretaries, shall submit to Congress a report assessing the effects of the implementation of the requirements and authorities set forth in section 1097b of title 10, United States Code (as added by subsection (a)).

(2) The report shall include the following:

(A) An assessment of the cost of the implementation of such requirements and authorities.

(B) An assessment whether or not the implementation of any such requirements and authorities will result in the utilization by the TRICARE program of the best industry practices with respect to the matters covered by such requirements and authorities.

(3) In this subsection, the term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

(d) INAPPLICABILITY OF REPORTING REQUIREMENTS.—The reports required by section 401 shall not address the amendments made by subsection (a).

SARBANES (AND OTHERS) AMENDMENT NO. 19

Mr. SARBANES (for himself, Mr. WARNER, Mr. ROBB, and Ms. MIKULSKI) proposed an amendment to the bill, S. 4, supra; as follows:

On page 28, between lines 8 and 9, insert the following:

SEC. 104. SENSE OF CONGRESS REGARDING PARITY BETWEEN ADJUSTMENTS IN MILITARY AND CIVIL SERVICE PAY.

(a) FINDINGS.—Congress makes the following findings:

(1) Members of the uniformed services of the United States and civilian employees of the United States make significant contributions to the general welfare of the United States.

(2) Increases in the levels of pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall levels of pay of workers in the private sector so that there is now up to a 30 percent gap between the compensation levels of Federal civilian employees and the compensation levels of private sector workers and a 9 to 14 percent gap between the compensation levels of members of the uniformed services and the compensation levels of private sector workers.

(3) In almost every year of the past two decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, February 25, 1999 at 9:30 a.m. in Room SR–301 Russell Senate Office Building, to conduct the Committee's organizational meeting for the 106th Congress.

For further information concerning this meeting, please contact Lory Breneman at the Rules Committee on 4–0281.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 23, 1999, to conduct an oversight hearing on monetary policy report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978. The witness will be: Hon. Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System. Chairman Greenspan, will also give testimony on financial services modernization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Tuesday, February 23, 1999, at 9:30 am on S. 303, Satellite Home Viewers Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ALLARD. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, February 23, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, be authorized to meet for a hearing on Education Reform: Governors' Views during the session of the Senate on Tuesday, February 23, 1999, at 8:30 am.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RULES OF THE SENATE COMMITTEE ON THE BUDGET

• Mr. DOMENICI. Mr. President, pursuant to paragraph 2 of Rule XXVI of the Standing Rules of the Senate, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the rules of the Committee on the Budget for the 106th Congress as adopted by the Committee.

The rules follow:

RULES OF THE COMMITTEE ON THE BUDGET ONE-HUNDRED-SIXTH CONGRESS

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the Committee on the Budget of the Senate, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer law enforcement agent or will disclosed any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

(4)(a) The Committee may poll—

(i) internal Committee matters including those concerning the Committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other Committee business that the Committee has designed for polling at a meeting, except that the Committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, a Chair shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2)(a)–(f), then the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking minority member determines that there is good cause to begin such hearing at an earlier date.

(2) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 day prior to appearance, unless the requirement is waived by the chair and the ranking minority member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VI. USE OF DISPLAY MATERIALS IN COMMITTEE

(1) Graphic displays used during any meeting or hearing of the committee are limited to the following:

Charts, photographs, or renderings:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the Senator's seat or at the rear of the committee room.

When: only at the time the Senator is speaking.

Number: no more than two may be displayed at a time.●

TRIBUTE TO HERBERT TANZMAN

● Mr. TORRICELLI. Mr. President, I rise today in recognition of Herbert Tanzman, a man of many talents and accomplishments, who is a dedicated member of the Highland Park Conservative Temple and Center. From the time of his Bar Mitzvah in 1935; to his membership on the Board of Trustees for forty-four years; to his Vice-Presidency and Temple Finance Committee Chairmanship; and to his service as Gabbai, with his brother-in-law Charlie for over forty years, Herb has been committed to the temple. In recognition of this service, he was named to the select group of Honorary Life Members of the Board of Trustees, and he was on the Rabbinical Search Committees for both Rabbi Yakov Hilsenrath and Rabbi Eliot Malomet.

Herb has been active in civic and Jewish communal activities for many years, and he is currently Director of the real estate firm of Jacobson Goldfarb and Tanzman Associates. Having served Highland Park as both councilman and mayor, Herb is well-known in the community. In addition to his responsibilities at the temple, he has been active in the local chapter of the Multiple Sclerosis Association, Central New Jersey Jewish Home for the Aged, YM-YWHA of Raritan Valley, New Brunswick post #138 of Jewish War Veterans, National Executive Estate Commission, Job Corps, United Community Services, and Raritan Valley UJA Federation. In the past, Herb has been on the Executive Board of the Jewish Federation of Greater Monmouth County, and he currently serves as National Vice-Chairman and National Campaign Cabinet Member of the State of Israel Bonds. Herb is also President of the Ocean Cove Condominium Association in West End, New Jersey.

While these activities are impressive, Herb truly distinguished himself as a serviceman during World War II and has since been honored for his numerous achievements. As a combat veteran of the Battle of Iwo Jima, he was awarded the Navy Air Medal. Herb is also the proud recipient of the Jerusalem Covenant Award, the Humanitarian Award of the National Conference of Christians and Jews, the Ben Gurion Award, and Israel's coveted "Sword of the Haganah" award for record breaking achievement in bond sales. Together with his son, Roy, Herb received the Family Achievement Award of the State of Israel Bonds last year at the International Prime Ministers Club Dinner. The Chaver Award, which Herb is to receive from his temple, is a testament to his continued service on behalf of the community.●

TRIBUTE TO MARY BUCCA

• Mr. ABRAHAM. Mr. President, I rise today to honor Mary Bucca who is receiving the Outstanding Volunteer Award from the Italian American Cultural Society Senior Group in Warren, Michigan, on March 3, 1999.

Mary is a shining example of service above self. She is a Charter Member of the Senior Group which was founded in 1985, and since that time has served as President of the Loggia Yolanda Club, as well as a member of the Seniors Board of Directors, and as a member of the Italian American Cultural Center Board of Directors. In addition, Mary has served as chair and/or committee member of their weekly bingo, dinner dances and many other events.

Mary has two children and four grandchildren and will be 80 years young in March of this year. She is known for her tremendous energy and spirit. Through her dedication to family and local community, she has made a tremendous impact by helping others.

I want to express my congratulations to Mary Bucca in being awarded the Italian American Cultural Society Senior Group Outstanding Volunteer Award. Most importantly, I would like to thank her for her commitment to helping others. Mary, you truly are an example for others to follow.•

HONORING OUR AFRICAN-AMERICAN LEADERS

• Mr. KERRY. Mr. President. February 23rd is an important day not just in Black History Month, but in the history of Massachusetts. Today is the birthday of one of the most significant leaders ever to call Massachusetts home, one of the brave leaders of the early civil rights movement whose words still stir us today.

131 years ago, W.E.B. DuBois was born in Great Barrington, Massachusetts. He studied at Harvard University in Cambridge, where he earned his doctorate and published his landmark book "Souls of Black Folk," through the Harvard University press.

On college campuses around the country, in our high schools, in our cities, and on our village greens, we are still reading that pioneering text—and we remember the way it touched off a movement and challenged a nation to consider the issue of race in a more honest and personal light.

DuBois's prophetic words about the age in which he was living still ring true. "The problem of the twentieth century," he wrote, "is the problem of the color line."

DuBois was right. We look back this month and honor the struggles and the perseverance of so many courageous trailblazers in the civil rights movement, so many leaders whose sacrifices paved the way for a society more attune to the guarantees of equal opportunity under God and under the law—ideas as fundamental to the promise of America as the Declaration of Independence itself.

This month we remember Dr. King, Medgar Evers, James Meredith, Julian Bond, the late Representative Barbara Jordan, and my distinguished colleague from Georgia, Representative JOHN LEWIS. We honor their efforts to remove the barriers of race that kept America from knowing the full measure of its own greatness—and we look towards their legacy as a polestar to guide us towards the future.

There could be no more appropriate time to reflect on the future of the Civil Rights Movement and the future of our nation itself than today—in this historic month, in this, the last year of the twentieth century.

No one can deny that "the problem of the color line" was indeed the great problem of the twentieth century. But no one can deny that America made strides in putting that problem to rest, in healing our wounds—and in moving forward towards a brighter day in American history. African American family income, college admissions, and home ownership have hit an all-time high. African American poverty is down to near-record levels. African Americans have written some of the pivotal decisions of our Supreme Court, written the laws of our land in the Congress, and written their own inspiring stories into the fabric of our history.

But still more must be done before we can say the problem of the color line has been eradicated.

The question before us today is simple—to paraphrase the words of the late Rev. Dr. Martin Luther King, Jr. in his last book, "where do we go from here?"

The violence in Jasper, Texas; the conditions of too many of our nation's inner city schools; the subtler forms of discrimination still prevalent in so many of our top corporations; all these problems require our attention if we are to make good on the promise that never—never again—will an American century be defined by our struggles over race and our encounters with an intransigent crisis.

With open hearts and open minds—and with the commitment and determination of W.E.B. DuBois or Rosa Parks, who forty years ago sat down on a bus and said she 'would not be moved'—we too can tell those who stand against equality that America will not be moved from an unshakable belief in the fundamental rights of every American—no matter their race, creed, or color—to life, liberty, and the pursuit of happiness.

The challenge before us today is to summon the leadership in the twenty-first century—at the highest levels of government, and in our daily lives—to wipe away hatred, bigotry, and intolerance—and to make America in the image of the African Americans we honor this month: the land of the free, the proud, and the brave. I urge the United States Senate to contemplate that challenge on this special day, in this important month for the United States of America.•

RULES OF PROCEDURE OF THE SELECT COMMITTEE ON ETHICS

• Mr. SMITH of New Hampshire. Mr. President, in accordance with Rule XXVI(2) of the Standing Rules of the Senate, I ask that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised April 1997, be printed in the CONGRESSIONAL RECORD for the 106th Congress.

The rules follow:

RULES OF PROCEDURE

(Select Committee on Ethics, Adopted February 23, 1978, Revised April 1997, S. Prt. 105–19)

RULES OF THE SELECT COMMITTEE ON ETHICS

PART I: ORGANIC AUTHORITY

SUBPART A—S. RES. 338 AS AMENDED

(S. Res. 338, 88th Cong., 2d Sess. (1964)[1])

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of Rule XXIV of the standing rules for the Senate at the beginning of each Congress. For purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

Footnotes at end of article.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c)(1) A majority of the Members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three Members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one Member of the quorum is a Member of the Majority Party and one Member of the quorum is a Member of the Minority Party. During the transaction of routine business any Member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the Members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.[2]

[3]"(d)(1) A member of the Select Committee shall be ineligible to participate in any initial review or investigation relating to his own conduct, the conduct of any officer or employee he supervises, or the conduct of any employee of any officer he supervises, or relating to any complaint filed by him, and the determinations and recommendations of the Select Committee with respect thereto. For purposes of this subparagraph, a Member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of rule XXXVII of the standing Rules of the Senate.

"(2) A member of the Select Committee may, at his discretion, disqualify himself from participating in any initial review or investigation pending before the Select Committee and the determinations and recommendations of the Select Committee with respect thereto. Notice of such disqualification shall be given in writing to the President of the Senate.

"(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any initial review or investigation or disqualifies himself under paragraph (2) from participating in any initial review or investigation, another Member of the Senate shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such initial review or investigation and the determinations and recommendations of the Select Committee with respect thereto. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself."

SEC. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct,[4] and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action (including, but not limited to, in the case of a Member: censure, expulsion, or recommendation to the appropriate party conference regarding such Member's seniority or positions of responsibility; and in the case of an officer or employee: suspension or dismissal)[5] to be taken with respect to such violations which the Select Committee shall determine, after according to the individuals concerned due notice and opportunity for hearing, to have occurred;

(3) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities; and

(4) report violations by a majority vote of the full committee of any law to the proper Federal and State authorities.

"(b)(1) Each sworn complaint filed with the Select Committee shall be in writing, shall be in such form as the Select Committee may prescribe by regulation, and shall be under oath.

"(2) For purposes of this section, 'sworn complaint' means a statement of facts within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate.

"(3) Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the Select Committee may refer any such case to the Attorney General for prosecution.

"(4) For the purposes of this section, 'investigation' is a proceeding undertaken by the Select Committee after a finding, on the basis of an initial review, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

"(c)(1) No investigation of conduct of a Member or officer of the Senate, and no report, resolution, or recommendation relating thereto, may be made unless approved by the affirmative recorded vote of not less than four members of the Select Committee.

"(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the members of the Select Committee voting.

"(d)(1) When the Select Committee receives a sworn complaint against a Member or officer of the Senate, it shall promptly conduct an initial review of that complaint. The initial review shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

"(2) If as a result of an initial review under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall report such determination to the complainant and to the party charged together with an explanation of the basis of such determination.

"(3) If as a result of an initial review under paragraph (1), the Select Committee determines that a violation is inadvertent, technical or otherwise of a de minimus nature, the Select Committee may attempt to correct or prevent such a violation by informal methods.

"(4) If as a result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence but that the violation, if proven, is neither of a de minimus nature nor sufficiently serious to justify any of the penalties expressly referred to in subsection (a)(2), the Select Committee may propose a remedy it deems appropriate. If the matter is thereby resolved, a summary of the Select Committee's conclusions and the remedy proposed shall be filed as a public record with the Secretary of the Senate and a notice of such filing shall be printed in the Congressional Record.

"(5) If as the result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence, the Select Committee shall promptly conduct an investigation if (A) the violation, if proven, would be sufficiently serious, in the judgment of the Select Committee, to warrant imposition of one or more of the penalties expressly referred to in subsection (a)(2), or (B) the violation, if proven, is less serious, but was not resolved pursuant to paragraph (4) above. Upon the conclusion of such investigation, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

"(6) Upon the conclusion of any other investigation respecting the conduct of a Member or officer undertaken by the Select Committee, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

"(e) When the Select Committee receives a sworn complaint against an employee of the Senate, it shall consider the complaint according to procedures it deems appropriate. If the Select Committee determines that the complaint is without substantial merit, it shall notify the complainant and the accused of its determination, together with an explanation of the basis of such determination.

"(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

"(g) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

"(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting investigations of complaints.[6]

(i)[7] The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

SEC. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, (8) and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.[9]

[10](b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

"(2) Any investigation conducted under section 2 shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

[11]"(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

"(d) Subpoenas may be issued (1) by the Select Committee or (2) by the chairman and vice chairman, acting jointly. Any such subpoena shall be signed by the chairman or the vice chairman and may be served by any person designated by such chairman or vice chairman. The chairman of the Select Committee or any member thereof may administer oaths to witnesses.[12]

[13]"(e)(1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

"(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

"(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

"(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

"(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

"(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

"(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

"(8) A brief description of a waiver granted under paragraph 2(c) of rule XXXIV or paragraph 1 of rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

SEC. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

SEC. 5. As used in this resolution, the term "officer or employee of the Senate" means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

SUBPART B—PUBLIC LAW 93-191—FRANKED MAIL, PROVISIONS RELATING TO THE SELECT COMMITTEE

SEC. 6. (a) The Select Committee on Standards and Conduct of the Senate shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3218(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United States Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of 1 year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by that complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551-559 and 701-706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

SUBPART C—STANDING ORDERS OF THE SENATE REGARDING UNAUTHORIZED DISCLOSURE OF INTELLIGENCE INFORMATION, S. RES. 400, 94TH CONGRESS, PROVISIONS RELATING TO THE SELECT COMMITTEE

SEC. 8. * * *

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed, shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SUBPART D—RELATING TO RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS RECEIVED BY MEMBERS, OFFICERS AND EMPLOYEES OF THE SENATE OR THEIR SPOUSES OR DEPENDENTS, PROVISIONS RELATING TO THE SELECT COMMITTEE ON ETHICS

Section 7342 of title 5, United States Code, states as follows:

SEC. 7342. Receipt and disposition of foreign gifts and decorations.

"(a) For the purpose of this section-

(1) "employee" means—

(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

(D) a member of a uniformed service;

(E) the President and the Vice President;

(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and

(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F);

(2) "foreign government" means—

(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

(C) any agent or representative of any such unit or such organization, while acting as such;

(3) "gift" means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

(4) "decoration" means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

(5) "minimal value" means a retail value in the United States at the time of acceptance of $100 or less, except that—

(A) on January 1, 1981, and at 3 year intervals thereafter, "minimal value" shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

(B) regulations of an employing agency may define "minimal value" for its employees to be less than the value established under this paragraph; and

(6) "employing agency" means—

(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in subsections (c)(2), (d), and (g)(2)(B) shall be carried out by the Secretary of the Senate;

(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

(b) An employee may not—

(1) request or otherwise encourage the tender of a gift or decoration; or

(2) accept a gift or decoration, other than in accordance with, the provisions of subsections (c) and (d).

(c)(1) The Congress consents to—

(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that

(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph(1)(B)(ii)), an employee shall—

(A) deposit the gift for disposal with his or her employing agency; or

(B) subject to the approval of the employing agency, deposit the gift with that agency for official use.

Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e)(1) or provide for its disposal in accordance with subsection (e)(2).

(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use, for forwarding to the Administrator of General Services for disposal in accordance with subsection (e)(1), or for disposal in accordance with subsection (e)(2).

(e)(1) Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

(2) Gifts and decorations received by a Senator or an employee of the Senate that are deposited with the Secretary of the Senate for disposal, or are deposited for an official use which has terminated, shall be disposed of by the Commission on Arts and Antiquities of the United States Senate. Any such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, subject to such terms and conditions as it may prescribe, (A) to an agency or instrumentality of (i) the United States, (ii) a State, territory, or possession of the United States, or a political subdivision of the foregoing, or (iii) the District of Columbia, or (B) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt

from taxation under section 501(a) of such Code. Any such gift or decoration not disposed of as provided in the preceding sentence shall be forwarded to the Administrator of General Services for disposal in accordance with paragraph (1). If the Administrator does not dispose of such gift or decoration within one year, he shall, at the request of the Commission, return it to the Commission and the Commission may dispose of such gift or decoration in such manner as it considers proper, except that such gift or decoration may be sold only with the approval of the Secretary of State upon a determination that the sale will not adversely affect the foreign relations of the United States.

(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

(2) Such listings shall include for each tangible gift reported (A) the name and position of the employee;

(B) a brief description of the gift and the circumstances justifying acceptance;

(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

(D) the date of acceptance of the gift;

(E) the estimated value in the United States of the gift at the time of acceptance; and

(F) disposition or current location of the gift.

(3) Such listings shall include for each gift of travel or travel expenses—

(A) the name and position of the employee;

(B) a brief description of the gift and the circumstances justifying acceptance; and

(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

(4) In transmitting such listings for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

(2) Each employing agency shall

(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

(C) take any other actions necessary to carry out the purpose of this section.

(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies.

PART II: SUPPLEMENTARY PROCEDURAL RULES

RULE 1. GENERAL PROCEDURES

(a) Officers: The Committee shall select a Chairman and Vice Chairman from among its members. In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) Procedural Rules: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) Meetings:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) Quorum:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 6 and any deposition taken outside the presence of a Member under Rule 7, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) Order of Business: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee. (f) Hearings Announcements: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) Open and Closed Committee Meetings: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specific period or purpose.

(h) Record of Testimony and Committee Action: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness' testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 6 on Procedures for Conducting Hearings.)

(i) Secrecy of Executive Testimony and Action and of Complaint Proceedings:

(1) All testimony and action taken in executive session shall be kept secret and shall

not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a sworn complaint shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) Release of Reports to Public: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) Ineligibility or Disqualification of Members and Staff:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) The member's own conduct;

(B) The conduct of any employee or officer that the member supervises, as defined in paragraph 12 of Rule XXXVII of the Standing Rules of the Senate;

(C) The conduct of any employee or any officer that the member supervises; or

(D) A complaint, sworn or unsworn, that was filed by a member, or by any employee or officer that the member supervises.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member may also disqualify himself from participating in a Committee proceeding in other circumstances not listed in subparagraph (k)(1).

(4) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any initial review, investigation, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(5).

(5) Whenever a member of the Committee is ineligible to participate in or disqualifies himself from participating in any initial review, investigation, or other substantial Committee proceeding, another Member of the Senate who is of the same party shall be appointed by the Senate in accordance with the provisions of paragraph 1 of Rule XXIV of the Standing Rules of the Senate, to serve as a member of the Committee solely for the purposes of that proceeding.

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any Member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) Recorded Votes: Any member may require a recorded vote on any matter.

(m) Proxies; Recording Votes of Absent Members:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of an initial review or an investigation, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) Approval of Blind Trusts and Foreign Travel Requests Between Sessions and During Extended Recesses: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV, and to approve or disapprove foreign travel requests which require immediate resolution.

(o) Committee Use of Services or Employees of Other Agencies and Departments: With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR SWORN COMPLAINTS

(a) Sworn Complaints: Any person may file a sworn complaint with the Committee, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate.

(b) Form and Content of Complaints: A complaint filed under paragraph (a) shall be in writing and under oath, and shall set forth in simple, concise and direct statements:

(1) The name and legal address of the party filing the complaint (hereinafter, the complainant);

(2) The name and position or title of each Member, officer, or employee of the Senate who is specifically alleged to have engaged in the improper conduct or committed the violation (hereinafter, the respondent);

(3) The nature of the alleged improper conduct or violation, including if possible, the specific provision of the Senate Code of Official Conduct or other law, rule, or regulation alleged to have been violated.

(4)(A) A Statement of the facts within the personal knowledge of the complainant that are alleged to constitute the improper conduct or violation.

(B) The term "personal knowledge" is not intended to and does not limit the complainant's statement to situations that he or she personally witnessed or to activities in which the complainant was a participant.

(C) Where allegations in the sworn complaint are made upon the information and belief of the complainant, the complaint shall so state, and shall set forth the basis for such information and belief.

(5) The complainant must swear that all of the information contained in the complaint either (a) is true, or (b) was obtained under circumstances such that the complainant has sufficient personal knowledge of the source of the information reasonably to believe that it is true. The complainant may so swear either by oath or by solemn affirmation before a notary public or other authorized official.

(6) All documents in the possession of the complainant relevant to or in support of his or her allegations may be appended to the complaint.

(c) Processing of Sworn Complaints:

(1) When the Committee receives a sworn complaint against a Member, officer or employee of the Senate, it shall determine by majority vote whether the complaint is in substantial compliance with paragraph (b) of this rule.

(2) If it is determined by the Committee that a sworn complaint does not substantially comply with the requirements of paragraph (b), the complaint shall be returned promptly to the complainant, with a statement explaining how the complaint fails to comply and a copy of the rules for filing sworn complaints. The complainant may resubmit the complaint in the proper form. If the complaint is not revised so that it substantially complies with the stated requirements, the Committee may in its discretion

process the complaint in accordance with Rule 3.

(3) A sworn complaint against any Member, officer, or employee of the Senate that is determined by the Committee to be in substantial compliance shall be transmitted to the respondent within five days of that determination. The transmittal notice shall include the date upon which the complaint was received, a statement that the complaint conforms to the applicable rules, a statement that the Committee will immediately begin an initial review of the complaint, and a statement inviting the respondent to provide any information relevant to the complaint to the Committee. A copy of the Rules of the Committee shall be supplied with the notice.

RULE 3: PROCEDURES ON RECEIPT OF ALLEGATIONS OTHER THAN A SWORN COMPLAINT; PRELIMINARY INQUIRY

(a) Unsworn Allegations or Information: Any Member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, any credible information available to him or her that indicates that any named or unnamed Member, officer or employee of the Senate may have—

(1) violated the Senate Code of Office Conduct;

(2) violated a law;

(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate; or

(4) engaged in improper conduct which may reflect upon the Senate. Such allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) Sources of Unsworn Allegations or Information: The information to be reported to the Committee under paragraph (a), may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints that do not satisfy all of the requirements of Rule 2;

(2) anonymous or informal complaints, whether or not satisfying the requirements of Rule 2;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) Preliminary Inquiry:

(1) When information is presented to the Committee pursuant to paragraph (a), it shall immediately be transmitted to the Chairman and the Vice Chairman, for one of the following actions:

(A) The Chairman and Vice Chairman, acting jointly, may conduct or may direct the Committee staff to conduct, a preliminary inquiry.

(B) The Chairman and Vice Chairman, acting jointly, may present the allegations or information received directly to the Committee for it to determine whether an initial review should be undertaken. (See paragraph (d).)

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, and subpoenas that the Chairman and the Vice Chairman deem appropriate to obtain information upon which to make any determination provided for by this Rule.

(3) At the conclusion of a preliminary inquiry, the Chairman and Vice Chairman shall receive a full report of its findings. The Chairman and Vice Chairman, acting jointly, shall then determine what further action, if any, is appropriate in the particular case, including any of the following:

(A) No further action is appropriate, because the alleged improper conduct or violation is clearly not within the jurisdiction of the Committee;

(B) No further action is appropriate, because there is no reason to believe that the alleged improper conduct or violation may have occurred; or

(C) The unsworn allegations or information, and a report on the preliminary inquiry, should be referred to the Committee, to determine whether an initial review should be undertaken. (See paragraph (d).)

(4) If the Chairman and the Vice Chairman are unable to agree on a determination at the conclusion of a preliminary inquiry, then they shall refer the allegations or information to the Committee, with a report on the preliminary inquiry, for the Committee to determine whether an initial review should be undertaken. (See paragraph (d).)

(5) A preliminary inquiry shall be completed within sixty days after the unsworn allegations or information were received by the Chairman and Vice Chairman. The sixty day period may be extended for a specified period by the Chairman and Vice Chairman, acting jointly. A preliminary inquiry is completed when the Chairman and the Vice Chairman have made the determination required by subparagraphs (3) and (4) of this paragraph.

(d) Determination Whether To Conduct an Initial Review: When information or allegations are presented to the Committee by the Chairman and the Vice Chairman, the Committee shall determine whether an initial review should be undertaken.

(1) An initial review shall be undertaken when—

(A) there is reason to believe on the basis of the information before the Committee that the possible improper conduct or violation may be within the jurisdiction of the Committee; and

(B) there is a reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred.

(2) The determination whether to undertake an initial review shall be made by recorded vote within thirty days following the Committee's receipt of the unsworn allegations or information from the Chairman or Vice Chairman, or at the first meeting of the Committee thereafter if none occurs within thirty days, unless this time is extended for a specified period by the Committee.

(3) The Committee may determine that an initial review is not warranted because (a) there is no reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred, or (b) the improper conduct or violation, even if proven, is not within the jurisdiction of the Committee.

(A) If the Committee determines that an initial review is not warranted, it shall promptly notify the complainant, if any, and any known respondent.

(B) If there is a complainant, he or she may also be invited to submit additional information, and notified of the procedures for filing a sworn complaint. If the complainant later provides additional information, not in the form of a sworn complaint, it shall be handled as a new allegation in accordance with the procedures of Rule 3. If he or she submits a sworn complaint, it shall be handled in accordance with Rule 2.

(4)(A) The Committee may determine that there is reason to believe on the basis of the information before it that the improper conduct or violation may have occurred and may be within the jurisdiction of the Committee, and that an initial review must therefore be conducted.

(B) If the Committee determines that an initial review will be conducted, it shall promptly notify the complainant, if any, and the respondent, if any.

(C) The notice required under subparagraph (B) shall include a general statement of the information or allegations before the Committee, and a statement that the Committee will immediately begin an initial review of the complaint. A copy of the Rules of the Committee shall be supplied with the notice.

(5) If a member of the Committee believes that the preliminary inquiry has provided sufficient information for the Committee to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the member may move that the Committee dispense with the initial review and move directly to the determinations described in Rule 4(f). The Committee may adopt such a motion by majority vote of the full Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN INITIAL REVIEW

(a) Basis for Initial Review: The Committee shall promptly commence an initial review whenever it has received either (1) a sworn complaint that the Committee has determined is in substantial compliance with the requirements of Rule 2, or (2) unsworn allegations or information that have caused the Committee to determine in accordance with Rule 3 that an initial review must be conducted.

(b) Scope of Initial Review:

(1) The initial review shall be of such duration and scope as may be necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(2) An initial review may include any inquiries, interviews, sworn statements, depositions, and subpoenas that the Committee deems appropriate to obtain information upon which to make any determination provided for by this Rule.

(c) Opportunity for Response: An initial review may include an opportunity for any known respondent or his designated representative to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(d) Status Reports: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(e) Final Report: When the initial review is completed, the staff or outside counsel shall make a confidential report to the Committee on findings and recommendations.

(f) Committee Action: As soon as practicable following submission of the report on the initial review, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence. In this case, the Committee shall report its determination to the complainant, if any, and to the respondent, together with an explanation of the basis for the determination. The explanation may be as detailed as the Committee desires, but it is not required to include a complete discussion of the evidence collected in the initial review.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In this case, the Committee may attempt to correct or to prevent such violation by informal methods. The Committee's final determination in this matter shall be reported to the complainant, if any, and to the respondent, if any.

(3) The Committee may determine that there is such substantial credible evidence, but that the alleged violation, if proven, although not of a de minimis nature, would not be sufficiently serious to justify the severe disciplinary actions specified in Senate Resolution 338, 88th Congress, as amended (i.e., for a Member, censure, expulsion, or recommendation to the appropriate party conference regarding the Member's seniority or positions of responsibility; or for an officer or employee, suspension or dismissal). In this case, the Committee, by the recorded affirmative vote of at least four members, may propose a remedy that it deems appropriate. If the respondent agrees to the proposed remedy, a summary of the Committee's conclusions and the remedy proposed and agreed to shall be filed as a public record with the Secretary of the Senate and a notice of the filing shall be printed in the Congressional Record.

(4) The Committee may determine, by recorded affirmative vote of at least four members, that there is such substantial credible evidence, and also either:

(A) that the violation, if proved, would be sufficiently serious to warrant imposition of one of the severe disciplinary actions listed in paragraph (3); or

(B) that the violation, if proven, is less serious, but was not resolved pursuant to the procedure in paragraph (3). In either case, the Committee shall order that an investigation promptly be conducted in accordance with Rule 5.

RULE 5: PROCEDURES FOR CONDUCTING AN INVESTIGATION

(a) Definition of Investigation: An "investigation" is a proceeding undertaken by the Committee, by recorded affirmative vote of at least four members, after a finding on the basis of an initial review that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within its jurisdiction has occurred.

(b) Scope of Investigation: When the Committee decides to conduct an investigation, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. In the course of the investigation, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct inquiries or interviews, take sworn statements, use compulsory process as described in Rule 7, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make this determination.

(c) Notice to Respondent: The Committee shall give written notice to any known respondent who is the subject of an investigation. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an investigation. The notice shall include a statement of the nature of the possible violation, and description of the evidence indicating that a possible violation occurred. The Committee shall offer the respondent an opportunity to present a statement or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) Right to a Hearing: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate.

(e) Progress Reports to Committee: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the investigation. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) Report of Investigation:

(1) Upon completion of an investigation, including any hearings held pursuant to Rule 6, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the investigation and which may recommend disciplinary action, if appropriate. Findings of fact of the investigation shall be detailed in this report whether or not disciplinary action is recommended.

(2) The Committee shall consider the report of the staff or outside counsel promptly following its submission. The Committee shall prepare and submit a report to the Senate, including a recommendation to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No recommendation or resolution of the Committee concerning the investigation of a Member, officer or employee of the Senate may be approved except by the affirmative recorded vote of not less than four members of the Committee.

(3) Promptly, after the conclusion of the investigation, the Committee's report and recommendation shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation shall be printed and made public, unless the Committee determines by majority vote that it should remain confidential.

RULE 6: PROCEDURES FOR HEARINGS

(a) Right to Hearing: The Committee may hold a public or executive hearing in any inquiry, initial review, investigation, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate. (See Rule 5(e).)

(b) Non-Public Hearings: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) Adjudicatory Hearings: The Committee may, by majority vote, designate any public or executive hearing as an adjudicatory hearing; and, any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (i) shall apply.

(d) Subpoena Power: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 7.)

(e) Notice of Hearings: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) Presiding Officer: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) Witnesses:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by majority vote, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness' scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) Right To Testify: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) Conduct of Witnesses and Other Attendees: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) Adjudicatory Hearing Procedures:

(1) Notice of hearings: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) Preparation for adjudicatory hearings:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions, (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) Swearing of witnesses: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) Right to counsel: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) Right to cross-examine and call witnesses:

(A) In adjudicatory hearings, any respondent who is the subject of an investigation, and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness' scheduled appearance, a witness or a witness' counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness' counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) Admissibility of evidence:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible, unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a majority vote of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Member, officer, or employee, within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of a majority of the members of the full Committee that the interests of justice require that such evidence be admitted.

(7) Supplementary hearing procedures: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) Transcripts:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness' testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 7: SUBPOENAS AND DEPOSITIONS

(a) Subpoenas:

(1) Authorization for issuance: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time before a preliminary inquiry, for the purpose of obtaining information to evaluate unsworn allegations or information, or at any time during a preliminary inquiry, initial review, investigation, or other proceeding.

(2) Signature and service: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) Withdrawal of subpoena: The Committee, by majority vote, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) Depositions:

(1) Persons authorized to take depositions: Depositions may be taken by any Member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) Deposition notices: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time before a preliminary inquiry, for the purpose of obtaining information to evaluate unsworn allegations or information, or at any time during a preliminary inquiry, initial review, investigation, or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) Counsel at depositions: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) Deposition procedure: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any Member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any Member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no Member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) Filing of depositions: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness' testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness' request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

RULE 8: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) Violations of Law: Whenever the Committee determines by majority vote that there is reason to believe that a violation of law may have occurred, it shall report such possible violation to the proper state and federal authorities.

(b) Perjury: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) Legislative Recommendations: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in an initial review, investigation, or other proceeding.

(d) Applicable Rules and Standards of Conduct:

(1) No initial review or investigation shall be made of an alleged violation of any law, rule, regulation, or provision of the Senate Code of Official Conduct which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to, or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may conduct an initial review or investigation of an alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 9: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) Procedures for Handling Committee Sensitive Materials:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, initial review, or investigation by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to the information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) Procedures for Handling Classified Materials:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedure for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) Procedures for Handling Committee Sensitive and Classified Documents:

(1) Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each Member of the Committee shall have access to all materials in the Committee's possession. The staffs of Members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be hand delivered by a member of the Committee staff to the Member of the Committee, or to a staff person(s) specifically designated by the Member, for the Member's or designated staffer's examination. A Member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the Member or his or her designated staffer.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, an initial review, or an investigation, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) Non-Disclosure Policy and Agreement:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person

engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the nondisclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 10: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by majority vote that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 11: PROCEDURES FOR ADVISORY OPINIONS

(a) When Advisory Opinions Are Rendered:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by an employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) Form of Request: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) Opportunity for Comment:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) Issuance of an Advisory Opinion:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) Reliance on Advisory Opinions:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 12: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) Basis for Interpretative Rulings: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) Request for Ruling: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) Adoption of Ruling:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretive ruling in response to any such request, unless-

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) Publication of Ruling: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) Reliance on Rulings: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) Rulings by Committee Staff: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 13: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) Authority To Receive Complaints: The Committee is directed by section 6(b) of Public Law 93-191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) Disposition of Complaints:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an initial review or investigation, must be summarized, together with the disposition, in a notice promptly transmitted for publication in the Congressional Record.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) Advisory Opinions and Interpretative Rulings: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 11 and 12.

RULE 14: PROCEDURES FOR WAIVERS

(a) Authority for Waivers: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(i) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(C) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) Requests for Waivers: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) Ruling: The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) Availability of Waiver Determinations: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 15: DEFINITION OF "OFFICER OR EMPLOYEE"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 16: COMMITTEE STAFF

(a) Committee Policy:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) Appointment of Staff:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular initial review, investigation, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, initial review, investigation, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any investigation undertaken after an initial review of a sworn complaint, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) Dismissal of Staff: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) Staff Works for Committee as a Whole: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) Notice of Summons To Testify: Each member of the Committee staff shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 17: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) Adoption of Changes in Supplementary Rules: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a majority vote of the entire membership taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) Publication: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

SELECT COMMITTEE ON ETHICS

PART III—SUBJECT MATTER JURISDICTION

Following are sources of the subject matter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct approved by the Senate in Title I of S. Res. 110, 95th Congress, April 1, 1977, and stated in Rules 34 through 43 of the Standing Rules of the Senate;

(b) Senate Resolution 338, 88th Congress, as amended, which states, among others, the duties to receive complaints and investigate allegations of improper conduct which may reflect on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; and recommended additional Senate Rules or regulations to insure proper standards of conduct;

(c) Residual portions of Standing Rules 41, 42, 43 and 44 of the Senate as they existed on the day prior to the amendments made by Title I of S. Res. 110;

(d) Public Law 93–191 relating to the use of the mail franking privilege by Senators, officers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, Section 8, relating to unauthorized disclosure of classified intelligence information in the possession of the Select Committee on Intelligence;

(f) Public Law 95–105, Section 515, relating to the receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 2d Session, March 22, 1968; and

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12). Except that S. Res. 338, as amended by Section 202 of S. Res. 110 (April 2, 1977), provides:

"(g) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

APPENDIX A—OPEN AND CLOSED MEETINGS

Paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate read as follows:

(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in classes (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identify of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

APPENDIX B—"SUPERVISORS" DEFINED

Paragraph 12 of Rule XXXVII of the Standing Rules of the Senate reads as follows:

For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, and other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.●

FOOTNOTES

[1] As amended by S. Res. 4, 95th Cong.. 1st Sess. (1970), S. Res. 110, 95th Cong., 1st Sess. (1977), S. Res. 204, 95th Cong., 1st Sess. (1977), S. Res. 230, 95th Cong., 1st Sess. (1977), S. Res. 312, 95th Cong., 1st Sess. (1977), S. Res. 78, 97th Cong., 1st Sess. (1981).

[2] Changed by S. Res. 78 (February 24, 1981).

[3] Added by S. Res. 110 (April 2, 1977).

[4] Added by Section 201 of S. Res. 110 (April 2, 1977).

[5] Added by Section 205 of S. Res. 110 (April 2, 1977).

[6] Added by Section 202 of S. Res. 110 (April 2, 1977).

[7] Changed by Section 202 of S. Res. 110 (April 2, 1977).

[8] Added by Section 204 of S. Res. 110 (April 2, 1977).

[9] Added by S. Res. 230 (July 25, 1977).

[10] Added by Section 204 of S. Res. 110 (April 2, 1977).

[11] Changed by Section 204 of S. Res. 110 (April 2, 1977).

[12] Section added by S. Res. 312 (Nov. 1, 1977).

[13] Section added by Section 206 of S. Res. 110 (April 2, 1977).

TRIBUTE TO CHARLES MANDEL

● Mr. TORRICELLI. Mr. President, I rise today to recognize the remarkable accomplishments of Charles Mandel as he prepares to receive the Chaver Award from the Highland Park Conservative Temple and Center. Charlie was born in Jersey City, where he graduated from William L. Dickson High School in 1935. He then went on to graduate from Rutgers University with a degree in ceramic engineering in 1939. For the next 42 years, Charlie worked as a plant manager and ceramic engineer with the Willett Company. Following his retirement, Charlie has continued to serve as a consulting engineer for New Jersey Porcelain Company and Lenape Products Company in Trenton, New Jersey.

Charlie has been affiliated with the temple since 1953. After officially joining the temple in January 1955, he was appointed Gabbai and continues as Senior Gabbai to this day. Charlie has also served on the Bimah with every temple President from Harry Kroll to the current President, Ed Guttenplan. In addition to these duties, Charlie has played an integral role in the temple's daily management. He was elected to the Temple Board of Trustees in 1955 and has remained there continuously, as a Trustee, Recording Secretary and Financial Secretary. In recognition of his loyalty and commitment, he was granted Honorary Life Membership to the Board of Trustees, a position held by only four other people.

Charlie has been active on the Religious Committee, House Committee, Bazaar Committee, and has had the unique experiences of serving on the Rabbinical Search Committees for both Rabbi Yakov Hilsenrath and Rabbi Eliot Malomet. In addition, he was chairman of the Special Fund Raising Committee for forty years. The Special Fund Raising Committee has long been a euphemism for Bingo, which balanced the budget for forty years. Charlie's dedication to managing Bingo resulted in his giving up a myriad of social and family functions on Tuesday evenings.

There probably is not an inch of the temple building that has not benefitted from Charlie's commitment and dedication. He has always been willing to give himself to the temple in any capacity whenever and wherever called upon. The entire temple community has been enriched by Charlie's presence, and they are grateful for his support through the years.●

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 105–277, announces the appointment of the following individuals to serve as members of the Parents Advisory Council on Youth Drug Abuse: Darcy L. Jensen, of South Dakota (Representative of Non-Profit Organization), and Dr. Lynn McDonald, of Wisconsin.

MEASURE READ THE FIRST TIME—S.J. Res. 11

Mr. JEFFORDS. I understand that S.J. Res. 11, which was introduced earlier today by Senator SMITH of New Hampshire, is at the desk, and I ask that it be read for the first time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

A joint resolution (S.J. Res. 11) prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

Mr. JEFFORDS. I now ask for its second reading, and I would object to my own request.

The PRESIDING OFFICER. Objection is heard.

RESTORATION OF MANAGEMENT AND PERSONNEL AUTHORITY OF THE MAYOR OF THE DISTRICT OF COLUMBIA

Mr. JEFFORDS. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 433, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 433) to restore the management and personnel authority of the Mayor of the District of Columbia.

There being no objection, the Senate proceeded to consider the bill.

Mr. JEFFORDS. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 433) was read the third time and passed.

ORDERS FOR WEDNESDAY, FEBRUARY 24, 1999

Mr. JEFFORDS. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, February 24. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then resume consideration of S. 4, the military bill of rights act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I further ask unanimous consent that the time until 9:45 a.m. be equally divided between the chairman and ranking member, and following that debate the Senate proceed to vote on or in relation to the Sarbanes-Warner amendment regarding civilian pay, to be followed immediately by a vote on or in relation to the Cleland amendment regarding Thrift Savings. Finally, I ask unanimous consent that no second-degree amendments be in order to the Warner and Cleland amendments prior to the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. For the information of all Senators, the Senate will reconvene tomorrow morning at 9:30 and, following a short period of debate, will proceed to the two back-to-back rollcall votes. The first vote on or in relation to the Sarbanes-Warner amendment will occur at 9:45 a.m., to be immediately followed by a rollcall vote on or in relation to the Cleland amendment. Following those votes, the Senate will continue consideration of S. 4. Rollcall votes are expected throughout Wednesday's session and into the evening as the Senate attempts to complete action on the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. JEFFORDS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:26 p.m., adjourned until Wednesday, February 24, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 23, 1999:

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

PAULA J. DOBRIANSKY, OF VIRGINIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2001. (REAPPOINTMENT)

EXECUTIVE OFFICE OF THE PRESIDENT

GEORGE T. FRAMPTON, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY, VICE KATHLEEN A. MCGINTY, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10 U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM C. JONES, JR., 9159.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL V. HAYDEN, 0513.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ALAN D. JOHNSON, 8853.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. REGINALD A. CENTRACCHIO, 0724.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. EDWARD J. FAHY, JR., 2444.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DANIEL R. BOWLER, 8602.
REAR ADM. (LH) JOHN E. BOYINGTON, JR., 1186.
REAR ADM. (LH) JOHN V. CHENEVEY, 1818.
REAR ADM. (LH) ALBERT T. CHURCH, III, 9703.
REAR ADM. (LH) JOHN P. DAVIS, 4560.
REAR ADM. (LH) JOHN B. FOLEY, III, 8786.
REAR ADM. (LH) VERONICA A. FROMAN, 7314.
REAR ADM. (LH) KEVIN P. GREEN, 6805.
REAR ADM. (LH) ALFRED G. HARMS, JR., 7295.
REAR ADM. (LH) JOHN M. JOHNSON, 9184.
REAR ADM. (LH) TIMOTHY J. KEATING, 8508.
REAR ADM. (LH) ROLAND B. KNAPP, 2486.
REAR ADM. (LH) TIMOTHY W. LAFLEUR, 3609.
REAR ADM. (LH) JAMES W. METZGER, 6693.
REAR ADM. (LH) RICHARD J. NAUGHTON, 8886.
REAR ADM. (LH) JOHN B. PADGETT, 6225.
REAR ADM. (LH) KATHLEEN K. PAIGE, 7645.
REAR ADM. (LH) DAVID P. POLATTY, III, 4771.
REAR ADM. (LH) RONALD A. ROUTE, 7031.
REAR ADM. (LH) STEVEN G. SMITH, 5244.
REAR ADM. (LH) RALPH E. SUGGS, 6624.
REAR ADM. (LH) PAUL F. SULLIVAN, 4503.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CAPTAIN NICHOLAS A. PRAHL, NOAA FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (0-7), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, ATLANTIC AND PACIFIC MARINE CENTERS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 853U.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CONSTANCE A. CARRINO, OF THE DISTRICT OF COLUMBIA
MICHAEL E. HASE, OF OREGON
CAROL PAYNE, OF WASHINGTON
JOHN KENT SCALES, OF VIRGINIA

DEPARTMENT OF STATE

HARRY ARTHUR BLANCHETTE, OF FLORIDA
SAMUEL ANTHONY RUBINO, OF NEW HAMPSHIRE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

TIMOTHY THOMAS BEANS, OF VIRGINIA
ROSS EDGAR BIGELOW, OF TEXAS
REBECCA RANDOLF WALLACE BLACK, OF CALIFORNIA
LARRY HALL BRADY, OF WYOMING
SCOT J. CONVERT, OF MICHIGAN
WOLFGANG HOPPE, OF FLORIDA
THOMAS EDWARDS JOHNSON, JR., OF CALIFORNIA
KRISTIN K. LOKEN, OF FLORIDA

ANGELA FRANKLIN LORD, OF MARYLAND
LLOYD JENS MILLER, OF VIRGINIA
JOHN RUSSELL POWER, OF VIRGINIA
DENNIS SHARMA, OF FLORIDA

DEPARTMENT OF STATE

CATHERINE I. EBERT-GRAY, OF COLORADO
ALBERTA G.J. MAYBERRY, OF OKLAHOMA
CHRISTOPHER LEE STILLMAN, OF CONNECTICUT

UNITED STATES INFORMATION AGENCY

MARSHALL R. LOUIS, JR., OF MAINE
MICHAEL G. STEVENS, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

TIMOTHY GRAHAM ALEXANDER, OF CALIFORNIA
JAMES C. ATHANAS, OF MARYLAND
DOUGLAS H. BALL, OF OREGON
CHRISTIAN BARRATT, OF WASHINGTON
COURTNEY BROOKE BLAIR, OF GEORGIA
DON J. BRADY, OF FLORIDA
CYNTHIA S. CHASSY, OF NEW YORK
DOUGLAS HOWARD CONDON, OF CALIFORNIA
STEVEN T. COWPER, OF CALIFORNIA
KATHERINE A. CRAWFORD, OF MARYLAND
ALEXANDRE DEPREZ, OF MISSOURI
SCOTT GORDON DOBBERSTEIN, OF MINNESOTA
RAYMOND L. ELDER, OF WASHINGTON
CHRISTOPHER WHEATLEY EDWARDS, OF MARYLAND
WILLIAM STEWART FOERDERER, OF FLORIDA
SUSAN FRENCH FINE, OF CONNECTICUT
ALONZO L. FULGHAM, OF ILLINOIS
STEPHANIE A. FUNK, OF PENNSYLVANIA
MEREDITH A. GIORDANO, OF WASHINGTON
DEBORAH LYNN GRIESER, OF ILLINOIS
THOMAS EDWARD HAND, OF TENNESSEE
ROBERT RICHARD HANSEN, OF VIRGINIA
MARK S. HUNTER, OF TENNESSEE
BROOKE ANDREA ISHAM, OF WASHINGTON
CHERYL GAZELLE JENNINGS, OF WASHINGTON
MATTHEW W. JOHNSTON, OF WASHINGTON
KAMRAN M. KHAN, OF VIRGINIA
MELISSA KNIGHT, OF FLORIDA
MARIA RENDON LABADAN, OF FLORIDA
CHARLES LERMAN, OF ARIZONA
GARY BATES LINDEN, OF TEXAS
DANA ROGSTAD MANSURI, OF WASHINGTON
T. CHRISTOPHER MILLIGAN, OF THE DISTRICT OF COLUMBIA
PETER R. NATIELLO, OF NEW JERSEY
ANNE ELIZABETH PATTERSON, OF SOUTH CAROLINA
MICHAEL W. RADMANN, OF TEXAS
SUSAN GAIL REICHLE, OF FLORIDA
OSVALDO M. DE LA ROSA, OF FLORIDA
DONELLA J. RUSSELL, OF OREGON
MICHELE SCHIMPP, OF VIRGINIA
JOHN H. SEONG, OF CONNECTICUT
MERI LOUISE SINNITT, OF WASHINGTON
DANIEL M. SMOLKA, OF WEST VIRGINIA
PHILLIP TRESCH, OF COLORADO
DEAN JEFFREY WALTER, OF NEW JERSEY
GAIL H. WARSHAW, OF VIRGINIA
JAMES E. WATSON, II, OF VIRGINIA
JOHN MARK WINFIELD, OF MARYLAND

UNITED STATES INFORMATION AGENCY

JANE S. ROSS, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JORGAN KENDAL ANDREWS, OF COLORADO
ERIC BARBORIAK, OF WISCONSIN
AMBER MICHELE BASKETTE, OF FLORIDA
STEVEN F. BRAULT, OF WASHINGTON
IAN P. CAMPBELL, OF CALIFORNIA
ERIC JOHN CARLSON, OF TEXAS
THEODORE R. COLEY, OF PENNSYLVANIA
THOMAS EDWARD DALEY, OF ILLINOIS
LORI PETERSON DANDO, OF MINNESOTA
DARI LEIGH DARNELL, OF VIRGINIA
J.A. DIFFILY, OF CALIFORNIA
PETER THOMAS ECKSTROM, OF MINNESOTA
MATTHEW ARNOLD FINSTON, OF ILLINOIS
DAVID WILLIAM FRANZ, OF ILLINOIS
CALLI FULLER, OF TEXAS
CLEMENT R. GAGNE, III, OF VERMONT
J. MARINDA HARPOLE, OF THE DISTRICT OF COLUMBIA
MARGARET R. HORAN, OF THE DISTRICT OF COLUMBIA
M. ALLISON INSLEY, OF FLORIDA
RICHARD M. JOHANNSEN, OF ALASKA
REBECCA J. KING, OF NEW JERSEY
JAN LEVIN, OF NEW YORK
JAMES DAVID LOVELAND, OF UTAH
ERVIN JOSE MASSINGA, OF WASHINGTON
IAN J. MC CARY, OF VIRGINIA
BRETT GEORGE POMAINVILLE, OF COLORADO
STEVEN C. RICE, OF WYOMING
ROBERT JOHN RILEY, OF WASHINGTON
JULES DAMIAN SILBERBERG, OF TEXAS
LAUREL ELAINE STEELE, OF CALIFORNIA
PETER THORIN, OF WASHINGTON
ALAN CURTIS WONG, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DANIEL J. ACOSTA, JR., OF CALIFORNIA
ANGELA PRICE AGGELER, OF THE DISTRICT OF COLUMBIA
ERIC C. ANDERSON, OF ILLINOIS
MITCHEL I. AUERBACH, OF FLORIDA
VALERIA AUSTIN, OF MARYLAND
LORI ELLEN BALBI, OF OREGON
KATIA JANE BENNETT, OF IOWA
CAITLIN DOROTHY BERGIN, OF NEW HAMPSHIRE
CHRISTOPHER A. BOWERS, OF VIRGINIA
JOHN DANIEL BOYLL, OF TEXAS
SUSAN E. BRATT-PFOTENHAUER, OF MARYLAND
CARLETON MYLES BULKIN, OF CALIFORNIA
KAREN BURKETT, OF VIRGINIA
DEANGELA JENISE BURNS, OF MISSOURI
TIMOTHY E. BURTON, OF VIRGINIA
JIMMY E. BYARS, OF VIRGINIA
MARK JOSEPH CASSAYRE, OF CALIFORNIA
ALLISON S. CHEMERYS, OF VIRGINIA
SUZY K. CLAIR, OF VIRGINIA
STEPHEN B. CLAY, OF VIRGINIA
JOANNE D. COLLINS, OF MARYLAND
JAMES M. COMSTOCK, OF VIRGINIA
JOHN D. COVINGTON, OF VIRGINIA
WILLIAM F. CRIMMINS, OF VIRGINIA
WILLIAM B. CSAJKOWSKI, OF ILLINOIS
CANDIS L. CUNNINGHAM, OF FLORIDA
MICHELE J. DASTIN-VAN RIJN, OF MARYLAND
SABRINA DESOUSA, OF VIRGINIA
MARC D. DILLARD, OF CALIFORNIA
PETER O. DOTSON, OF VIRGINIA
JOSEPH J. DUGGAN, OF VIRGINIA
ROBERT DUNN, OF THE DISTRICT OF COLUMBIA
VERONICA H. EASTABROOKS, OF VIRGINIA
JAMES EDWARD ELLIS, OF VIRGINIA
MAYRA A. FELIU, OF PUERTO RICO
DAVID FISHER, OF CALIFORNIA
ERIC KEKOA FISHER, OF VIRGINIA
KATHLEEN ANN FITZGIBBON, OF VIRGINIA
KEVIN O. FLINT, OF VIRGINIA
GINA FOGARTY-HOLSTAD, OF NORTH CAROLINA
KATHARINE P. FORBES, OF VIRGINIA
ENID GARCIA, OF VIRGINIA
DEANNA LYNN GENTRY, OF GEORGIA
JOHN R. GERHARDT, OF VIRGINIA
PHILIP E. GODWIN, OF FLORIDA
BLAIR M. GRAY, OF VIRGINIA
SUMONA GUHA, OF THE DISTRICT OF COLUMBIA
DAVID GUSSACK, OF WASHINGTON
KRISTIN R. GUSTAVSON, OF VIRGINIA
PATTI E. HANNAHAM, OF THE DISTRICT OF COLUMBIA
TODD A. HANSEN, OF WASHINGTON
BRENDA LUCAS HAZZARD, OF THE DISTRICT OF COLUMBIA
LAURA J. HEARD, OF VIRGINIA
JAMES ROBERT HELLER, OF VIRGINIA
PAUL E. HICKERNELL, OF VIRGINIA
CAROLYN HEPLER, OF WASHINGTON
JOHN D. HICKEY, OF VIRGINIA
KEVIN L. HIGGINS, OF VIRGINIA
KRISTI DIANNE HOGAN, OF CALIFORNIA
DONNA LEIGH HOPKINS, OF TEXAS
MARY BETH JACOBY, OF VIRGINIA
NICHOLAS JAY JANSZEN, OF FLORIDA
WENDY JENNESS-WIMER, OF VIRGINIA
ZUBIN KAPADIA, OF VIRGINIA
RIZWAN KHALIG, OF CALIFORNIA
ANTHONY JOHN KLEIBER, OF CALIFORNIA
ERIC WILLIAM KNEEDLER, OF PENNSYLVANIA
RICHARD C. KNIFFEN, OF VIRGINIA
DAVID E. KNUTI, OF VIRGINIA
ROBERT S. LADY, OF LOUISIANA
JOANN MARIE LAMBERT, OF VIRGINIA
ROBERT DAVID LEE, OF MARYLAND
WILLIAM G. LEHMBERG, OF CALIFORNIA
RYAN COURTNEY LEONG, OF CALIFORNIA
BERNADETTE EUDORA LEVINE, OF MARYLAND
KIM MCLEROY LEWIS, OF FLORIDA
CHRISTOPHER S. MACHIN, OF MARYLAND
MELISSA C. MASSINGILL, OF VIRGINIA
KENT MAY, OF WASHINGTON
ELIZABETH P. MAZE, OF VIRGINIA
MATTHEW MICHAEL MCCANDLESS, OF VIRGINIA
DEBRA JEAN MEDERRICK, OF THE DISTRICT OF COLUMBIA
ELIZABETH H. MEHLER, OF VIRGINIA
MARIA KATRINA MEYLER, OF VIRGINIA
ZORAN MARK MIHAILOVICH, OF VIRGINIA
LISA DANIELLE MILLER, OF CALIFORNIA
BONNIE EILEEN MITCHELL, OF VIRGINIA
SCOTT H. MODER, OF VIRGINIA
DENISE M. MOORES, OF VIRGINIA
MORGAN MUIR, OF MARYLAND
RAMON A. NEGRON, OF PUERTO RICO
JENNIFER S. O'NEIL, OF VIRGINIA
DAVID W. PARRY, OF VIRGINIA
MATHIAS PEREZ, OF VIRGINIA
CLARISA PEREZ-ARMENDARIZ, OF COLORADO
JONATHAN MICHAEL PEREZOUS, OF PENNSYLVANIA
MARY M. PFANNENSTEIN, OF VIRGINIA
JEFFREY NEAL POWELL, OF VIRGINIA
ALFREDO QUEZADA, OF VIRGINIA
BRUCE QUINN, OF VIRGINIA
AMY SUE RADETSKY, OF KANSAS
GARY K. REDDING, OF VIRGINIA
IVAN RIOS, OF MARYLAND
BROKS B. ROBINSON, OF VIRGINIA
MARY BRETT ROGERS, OF CALIFORNIA
BRIAN LEONARD ROSS, OF VIRGINIA
STEPHEN I. RUKEN, OF TEXAS
ELIZABETH R. SANDERS, OF MARYLAND
ANTHONY MING SCHINELLA, OF VIRGINIA
RACHEL SCHOFER, OF PENNSYLVANIA
JEANETTE M. SCHWEITZER, OF VIRGINIA
CATHERINE D. SCOTT, OF MARYLAND
DEMETRIA CANDACE SCOTT, OF VIRGINIA
THOMAS J. SELINGER, OF MINNESOTA
ANNETTE MARIE SIGILLITO, OF VIRGINIA
JAMES M. SINGER, OF VIRGINIA
JOHN WALTER SKOGLUN, OF VIRGINIA
DON JON SMITH, OF VIRGINIA
WENDY ROBIN SNEFF, OF VIRGINIA
JAMES LAURENCE SOLLINGER, OF VIRGINIA
MAUREEN M. SULLIVAN, OF VIRGINIA
CLAYTON M. STANGER, OF CALIFORNIA
GREGORY C. TARBELL, OF VIRGINIA
JAY P. TETREAULT, OF VIRGINIA
JOSE A. TOBIAS, OF VIRGINIA
MARC E. TURNER, OF VIRGINIA
JEFFREY CRAWFORD VICK, OF TEXAS
MARK ALAN WELLS, OF OKLAHOMA
AMY MARIE WILSON, OF MASSACHUSETTS
CINTHIA H.F. WILSON, OF VIRGINIA
JERRY M. WOOLSEY, OF VIRGINIA
JANINE P. YOUNG, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE OCTOBER 16, 1994:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

SHARON P. WILKINSON, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE AS INDICATED, EFFECTIVE FEBRUARY 16, 1997:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

AMELIA ELLEN SHIPPY, OF WASHINGTON
RUTH H. VANHEUVEN, OF CONNECTICUT

EXTENSIONS OF REMARKS

INTRODUCTION OF THE YEAR 2000 READINESS AND RESPONSIBILITY ACT

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to announce the introduction of the Year 2000 Readiness and Responsibility Act, bipartisan legislation that is critical to our Nation's readiness for the Year 2000 Millennium Bug and critical to the competitiveness of the U.S. economy.

I, along with my distinguished colleagues, Congressman MORAN from Virginia, Congressmen DREIER, COX, and DOOLEY from California, and Congressman CRAMER from Alabama, have crafted a bipartisan bill critical to ensuring that precious resources are used to fix the Year 2000 (Y2K) problem and thus will protect Americans and our economy for the new millennium. As all of us have learned in the past few years, the Year 2000 computer problem is a result of a decision made in the 1960s by computer programmers to design software that recognized only the last two digits rather than the full four digits of dates in order to conserve precious computer memory. When the clock turns from December 31, 1999 to January 1, 2000, some computers will interpret "00" to mean that the date is 1900 rather than 2000. With dates being critical to almost every layer of our economy and across vast numbers of industries, systems that are noncompliant will disrupt the free flow of information that forms the underpinnings of our Nation's economy.

These are indeed unique circumstances that require Congress to tackle the obstacles that are currently discouraging businesses from addressing the Y2K problem and ultimately harming consumers. At the outset, the Year 2000 Readiness and Responsibility Act will continue the efforts which we initiated with the Administration in the 105th Congress through the passage of the Year 2000 Information and Readiness Disclosure Act that furnished the first steps toward facilitating Year 2K remediation and testing.

The Year 2000 Readiness and Responsibility Act has 2 main objectives. The first is to implement a reform framework designed to encourage a fair, fast and predictable mechanism for both plaintiffs and defendants for resolving Y2K disputes, such that litigation will become the avenue of last resort rather than the first option for settling disputes. While it is estimated that American businesses have poured hundreds of billions of dollars into making the transition to the Year 2000, the simple reality is that some problems will go unresolved because of a fear of litigation. A basic premise of the bill is that contracts between suppliers and users will be fully enforceable in a court of law. All economic losses suffered by an individual or business as a result of a Year 2000 failure, provided that their duty to mitigate damages was fulfilled, will be compensable. Claims brought by individuals or businesses based on personal injury are outside the scope of this legislation.

Further, the Act creates a prefiling notification period intended to encourage potential plaintiffs and defendants to work together to reach a solution before they reach the courtroom. The prefiling notification period requires potential plaintiffs to give written notice identifying their Y2K concerns and provide potential defendants with an opportunity to fix the Y2K problem outside of the courtroom. After receipt of this notice, the potential defendant would have 30 days to respond to the plaintiff, stating what actions will be taken to fix the problem. At that point, the potential defendant has 60 days to remedy the problem. If the defendant fails to take responsibility for the failure at the end of the 30-day period, the potential plaintiff can file a Year 2000 action immediately. If the injured party is not satisfied once the 60 days have passed, he or she still retains the right to file a lawsuit. There are also provisions encouraging alternative dispute resolution. As a result, we expect that there will be more attention given to Y2K remediation and an elimination of many Y2K lawsuits.

Also included are provisions that apply a proportionate liability standard to damages caused by multiple actors, some of whom may not necessarily be parties to a Year 2000 action. A defendant found to be only 5 percent liable in causing a Year 2000 problem would only be responsible for 5 percent of the damages, not 100 percent liable.

We also fulfill our first objective by minimizing the opportunities for those who would exploit the unknown value of potential Y2K failures and pursue litigation as a first resort rather than permit the parties to resolve problems. This bill contains provisions that will make sure that businesses are confident that they can spend their dollars fixing the Y2K problem rather than reserving those dollars for costly lawsuits that will increase costs for consumers, push small innovative businesses into extinction, and endanger and in some instances eliminate many American jobs. The bill grants original jurisdiction to Federal district courts for any Year 2000 class action where certain diversity requirements are met. Punitive damages in a Year 2000 action are capped at $250,000 or 3 times the amount of actual damages, whichever is greater. For businesses with fewer than 25 employees, including state and local government units, or individuals whose net worth is no greater than $500,000, punitive damages are capped at the lesser of $250,000 or 3 times the amount of actual damages. Attorney's fees are also capped at $1,000 per hour and detailed attorney disclosure requirements are included to ensure that clients are kept informed of the progress and expense of their cases.

Our second principle objective is to provide assistance to small businesses and their employees by allowing them to access up to $50,000 under the Small Business Administration 7(A) Loan Guaranty Program for Y2K repair and testing expenses. For the many small companies that want to ensure their Y2K readiness but simply lack the financial resources to undertake remediation, the Year 2000 Readiness and Responsibility Act will give them access to necessary funding. It will also give small businesses limited regulatory relief if they fail to comply with federal regulations as a result of a Y2K, so long as the businesses noncompliance was not done in bad faith.

Since 1996, there have been over 50 bipartisan hearings in the Congress examining a wide-ranging array of issues that are directly related to the Y2K challenge that is facing our global economy. We have listened to consumers and to industry. And what we have consistently heard is that small and large businesses are eager to solve the Y2K problem. Yet many are not doing so, primarily because of the fear of liability and lawsuits. The potential for excessive litigation and the negative impact on targeted industries are already diverting precious resources that could otherwise be used to help fix the Y2K problem. The Year 2000 Readiness and Responsibility Act aims to eliminate those fears and hasten the repair of Y2K problems while we still have time to resolve them.

For this reason, I look forward to working with my colleagues on both sides of the aisle as well as with the Administration to achieve passage of this legislation. I hope that all of my colleagues will join us in cosponsoring this critical measure.

IN HONOR OF RUTGERS LAW MINORITY STUDENT INTERNSHIP PROGRAM

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to congratulate the Minority Student Program (MSP) at Rutgers School of Law-Newark for the 15th Anniversary of its Summer Internship Program. Since 1984, the MSP has matched over 200 talented young students with prestigious employers.

The law school historically has attracted students who want to make a difference in the world in which they live. These students represent numerous ethnic groups and nationalities, but are united in their desire to pursue a career in the legal profession.

The MSP's Summer Internship Program has been an essential step in translating a quality education in the law into employment opportunities for students. These internships help students develop skills, make contacts, and earn

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the money necessary to pay for law school. In addition, the program provides employers access to a pool of promising potential employees. Graduates now make important social and political contributions to their community as judges, presidential appointees, law professors, and prominent members of the bar.

It is an honor and a pleasure to be part of this celebration and to recognize the dedication and commitment of the Minority Student Program at Rutgers School of Law-Newark. I am certain that my colleagues will join me in paying tribute to this remarkable program.

TRIBUTE TO THE LATE TOM TAKEHARA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. MATSUI. Mr. Speaker, I rise today in tribute to Mr. Tom Takehara of Sacramento, California. A memorial service will be held for him in his hometown. I respectfully ask all of my colleagues to join with me in saluting a truly great citizen, father, and friend.

Mr. Takehara founded Takehara Landscape Inc. which grew to become one of the largest businesses of its kind in the Sacramento area. As a landscape contractor, he handled landscape duties at many of Northern California's most prominent public and private buildings.

As the past president of the California Landscape Contractors Association and an active Rotary Club member, Mr. Takehara earned a reputation for civic involvement. His membership in Bocho Doshi Kai and Wakayama Kenjin Kai, two Japanese American heritage organizations, is especially noteworthy.

Having grown up on a farm in Sacramento County, Mr. Takehara was well-versed in the strong work ethic associated with agriculture in Northern California. He was known for always working hard to build a successful business and to provide for his loving family.

During World War II, Mr. Takehara was forcibly interned with thousands of other Japanese Americans. Yet this social and legal injustice never prevented him for excelling in his chosen professional pursuits.

As a successful entrepreneur, he started a variety of enterprises before founding his own landscape construction business in Sacramento. Yet commerce wasn't Mr. Takehara's sole focus.

Family was also a major force in the life of Tom Takehara. He was married to his wife Toshi for 51 years. They had three children: Brian, Walton, and Denise. He is also survived by seven grandchildren.

Mr. Speaker, Tom Takehara led a unique life in Northern California. He will be remembered as a loving family man, successful entrepreneur, and a great citizen of Sacramento. I ask all of my colleagues to join with me in remembering him as he is eulogized today.

RULE 30 OF THE FEDERAL RULES OF CIVIL PROCEDURE AND RESTORATION OF THE STENOGRAPHIC PREFERENCE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. COBLE. Mr. Speaker, I rise to introduce legislation that will restore the stenographic preference for depositions taken in federal court proceedings. This bill is identical to legislation which I sponsored last term; and is similar to a bill authored by Senator GRASSLEY during the 105th Congress.

For 23 years, Rule 30 of the Federal Rules of Civil Procedure permitted the use of nonstenographic means to record depositions, but only pursuant to court order or the written stipulation of the parties. In December of 1993, however, the Chief Justice submitted a recommendation pursuant to the Rules Enabling Act that eliminated the old Rule 30 requirement of a court order or stipulation. The revision also afforded each party the right to arrange for recording of a deposition by nonstenographic means.

When representatives of the Judicial Conference testified on the subject in 1993, they could not provide the Subcommittee on Courts and Intellectual Property with a single justification for their recommendation. As a result, the Subcommittee unanimously approved legislation, H.R. 2814, to prevent implementation of the change. The full House of Representatives followed suit by passing the bill under suspension of the rules on November 3, 1993.

It is my understanding that the Senate Judiciary Subcommittee on Courts and Administrative Practice also held hearings on Rule 30 during the 103rd Congress. I believe the members who participated in those hearings received testimony which generated concerns about the reliability and durability of video or audio tape alternatives to stenographic depositions. Then and since, court reporters have complained of increased difficulty in identifying speakers, deciphering unintelligible passages, and reconstructing accurate testimony from "blank" passages when relying on mechanical recordings. In contrast, information was also submitted at this time which suggested that the stenographic method will become even more cost-effective in the future as a result of improvements in recording technology.

These findings from the 103rd Congress were confirmed in the 104th when the Subcommittee on Courts and Intellectual Property again conducted its own hearing on H.R. 1445, the precursor to the bill I am introducing today; and later, when the Committee on the Judiciary reported H.R. 1445 to the full House.

Mr. Speaker, I have never entirely understood why Rule 30 was changed in the first place. Like many others, I have found that experience is the best teacher; and it has been my experience that no one in my district was displeased with the application of the law prior to 1993. I visit my district frequently and maintain good relations with members of the bench and bar, and not one attorney or judge ever complained about the operation of Rule 30 to me before 1993.

I am pleased to continue my ongoing support for reinstating the pre-1993 law on Rule 30 by sponsoring this bill.

TRIBUTE TO JOEL RUCKER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Joel Rucker, a good friend of many years and a man who cares deeply about the future of the Northeast San Fernando Valley. During the time I have known Joel, I have had many opportunities to see firsthand his extraordinary dedication to the causes in which he believes. I can say without hesitation that I have rarely met anyone as willing to make the time and effort on behalf of his community.

Joel has made a special point of working tirelessly to improve the economy of Pacoima and surrounding areas. For example, he played an invaluable role in helping my office coordinate an international job fair in 1995. It was Joel who first brought to my attention the need to provide local small businesses with tips on selling their products overseas. At that time Joel was President of the Pacoima Chamber of Commerce, a post he held with distinction for several years.

Joel has also served on the Board of Directors of San Fernando Valley Economic Alliance and is a member of the Minority Business Opportunity Commission of Los Angeles International Trade. He has become a forceful advocate for the economic interests of the Northeast San Fernando Valley.

To be sure, Joel is involved in a variety of organizations, including the Northeast Valley Health Corporation, the NAACP and the Valley Interfaith Council. He has somehow managed to combine running a successful business (Rucker's Mortuary) with many extracurricular activities.

I ask my colleagues to join me in saluting Joel Rucker, a deeply spiritual man who has dedicated his life to community service. His selflessness and sense of public duty inspire us all.

IN HONOR OF PETER BERRIO, DISTINGUISHED COLOMBIAN—AMERICAN VETERAN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Peter Anthony Berrio for his courageous service on behalf of the United States during World War II. Mr. Berrio, the oldest surviving Colombian-American WWII veteran, was honored on November 19 by the governor of Quindo, in the city of Armenia, Colombia, Peter Berrio's place of birth. Unfortunately, I was unable to attend this event, but a representative of the U.S. Embassy in Colombia was there on behalf of all Americans thankful for Mr. Berrio's distinguished service.

Peter Berrio moved to the United States from Colombia in 1929 and served in the U.S. Army Air Force from 1942 to 1946, both in the Far East and in Europe. Mr. Berrio served as a gunner, and he also served as a "military mayor" in Italy after the war. By the time he left the service, he had reached the rank of Sergeant and received the Good Conduct Medal, World War II Victory Medal, and the Asiatic Pacific Campaign Medal. In 1951, Peter Berrio moved back to Colombia where he continues to live today.

It is important for us to remember the sacrifices made by our elders in the fight for freedom during WWII. The war was the defining event of the 20th century. Over 400,000 of our brave soldiers died during their service in WWII and millions more willingly put their lives on the line for their country.

I was both honored and touched to receive a letter from Edison Berrio, Mr. Berrio's son, about his father's accomplishments. I am proud to be able to honor Peter Berrio's brave service, and I am also proud of Edison Berrio for remembering his roots and recognizing his father's impressive legacy. Edison is President of the New York and New Jersey Chapter of the Colombia National Coalition.

I am sure I speak for the entire Congress when I say we are all deeply indebted to Peter Berrio and the millions of other WWII veterans who fought so that we can enjoy the liberty, freedom, and prosperity we have as a nation today.

INTRODUCTION OF H.R. 768, THE COPYRIGHT COMPULSORY LICENSE IMPROVEMENT ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. COBLE. Mr. Speaker, I am pleased to introduce the Copyright Compulsory License Improvement Act. This bill will improve the copyright compulsory license for satellite carriers of copyrighted programming contained on television broadcast signals by applying to such carriers the same opportunities and rules as their cable competitors. This competitive parity will lead to increased exposure of copyrighted programming to consumers who will pay lower prices for cable and satellite services which deliver programming to their homes. These lower prices will result from the choices consumers will have in choosing how they want their television programming delivered. Mr. Speaker, I know I speak for many of the Members in this House when I assert that creating competition in the video delivery market is the key to more choice and lower prices for our constituents.

This is a very dynamic time for the multichannel video marketplace, particularly for the satellite industry. These satellite compulsory license is set to expire at the end of this year at a time when the industry enjoys a record number of subscribers. In the meantime, a federal court decision threatens to disconnect hundreds of thousands of satellite customers from their distant network signals. Additionally, several other legislative restrictions still prevent the satellite industry from competing with the cable television industry on an even playing field.

The Copyright Act of 1976 bestowed on cable television a permanent compulsory license which enables that industry to rebroadcast network and superstation signals to cable television viewers without requiring cable operators to receive the authorization of thousands of copyright owners who have an exclusive right to authorize the exploitation of their programs. The cable operators pay a set fee for the right to retransmit and the monies collected are paid to the copyright owners through a distribution proceeding conducted under the auspices of the United States Copyright Office.

In 1988, Congress granted a compulsory license to the satellite industry. Although the cable and satellite compulsory licenses have similarities, there are important differences which I believe prevent satellite from becoming a true competitor to cable. Technology has changed significantly since the cable and satellite compulsory licenses were created. In a very short time, satellite carriers will be able to bring local programming through their services to viewers of that local market. The time has come to take a comprehensive look at the satellite compulsory license as it relates to the long-term viability and competitiveness of the satellite television industry. The satellite compulsory license is set to sunset in December of this year, and the Federal Communications Commission has reported time and again that in areas where there is no competition to cable, consumers are paying higher cable rates. We must act for our constituents to level the playing field in a manner that will allow both industries to flourish to the benefit of consumers.

To that end, the Copyright Compulsory License Improvement Act makes the following changes to the Satellite Home Viewer Act:

It reauthorizes the satellite compulsory license for five years.

It allows new satellite customers who have received a network signal from a cable system within the past three months to sign up for satellite service for those signals. This is not allowed today.

It provides a discount for the copyright fees paid by the satellite carriers.

It allows satellite carriers to retransmit a local television station to households within that station's local market, just like cable does.

It allows satellite carriers to rebroadcast a national signal of the Public Broadcasting Service.

In order to create parity for the above new opportunities for satellite carriers by reforming the license, there must be additional legislation to create corresponding regulatory parity between the satellite and cable industries, including must-carry rules, retransmission consent requirements, network non-duplication protection, syndicated exclusitivity protection, and sports blackout protection. I am committed to working with Representative BILLY TAUZIN, Chairman of the Commerce Subcommittee on Telecommunications, Trade and Consumer Protection, and with Representative TOM BLILEY, Chairman of the full Commerce Committee, on legislation complementary to the provisions contained in this bill. Their leadership and partnership has been and will continue to be invaluable and necessary in guaranteeing true competition between the satellite and cable industries.

I also want to recognize the leadership and care that Senator ORRIN HATCH, Chairman of the Senate Committee on the Judiciary, has paid to the development of this important bill. We have worked together closely on its provisions and I know he is committed, as I am, to assuring fair competition through this legislation. I look forward to continuing our work together as our bills move through both bodies of the Congress.

Let me make clear that this bill is a compromise, carefully balanced to ensure competition. I believe it contains the balance necessary to allow this bill to become law this session and I urge all interested parties to join us in a constructive discussion of this very important legislation.

SECTION-BY-SECTION

SECTION 1. TITLE

The title of the bill is the "Copyright Compulsory License Improvement Act."

SECTION 2. LIMITATIONS ON EXCLUSIVE RIGHTS; SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS

Section 2 of the bill creates a new copyright compulsory license, found at Section 122 of Title 17 of the United States Code, for the retransmission of television broadcast programming by satellite carriers to subscribers located within the local markets of those stations. In order to be eligible for this compulsory license, a satellite carrier must be in full compliance with all applicable rules and regulations of the FCC, including any must-carry obligations imposed upon the satellite carrier by the Commission or by law.

Because the copyrighted programming contained on local broadcast programming is already licensed with the expectation that all viewers in the local market will be able to view the programming, the new Section 122 license is a royalty-free license. Satellite carriers must, however, provide local broadcasters with lists of their subscribers receiving local stations so that broadcasters may verify that satellite carriers are making proper use of the license. The subscriber information supplied to broadcasters is for verification purposes only, and may not be used by broadcasters for other reasons.

Satellite carriers are liable for copyright infringement and subject to the full remedies of the Copyright Act if they violate one or more of the following requirements of the Section 122 license.

First, satellite carriers may not in any way willfully alter the programming contained on a local broadcast station. Second, satellite carriers may not use the Section 122 license to retransmit a television broadcast station to a subscriber located outside the local market of the station. If a carrier willfully or repeatedly violates this limitation on a nationwide basis, then the carrier may be enjoined from retransmitting that signal. If the broadcast station involved is a network station, then the carrier could lose the right to retransmit any network stations. If the willful or repeated violation of the restriction is performed on a local or regional basis, then the right to retransmit the station (or, if a network station, then all networks) can be enjoined on a local or regional basis, depending upon the circumstances. In addition to termination of service on a nationwide or local or regional basis, statutory damages are available up to $250,000 for each six-month period during which the pattern or practice of violations was carried out. Satellite carriers have the burden of proving that they are not improperly making use of the Section 122 license to serve subscribers outside the local markets of the television broadcast stations they are providing.

The Section 122 license is not limited to private home viewing, as is the Section 119 compulsory license, so that satellite carriers may use it to serve commercial establishments as well as homes. The local market of a television broadcast station for purposes of the Section 122 license will be defined by the FCC as part of its broadcast carriage rules for satellite carriers.

SECTION 3. EXTENSION OF EFFECT OF AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE

Section 3 of the bill extends the expiration date of the current Section 119 satellite compulsory license from December 31, 1999 to December 31, 2004.

SECTION 4. COMPUTATION OF ROYALTY FEES FOR SATELLITE CARRIERS

Section 4 of the bill reduces the 27-cent royalty fee adopted last year by the Librarian of Congress for the retransmission of network and superstation signals by satellite carriers under the Section 119 license. The 27-cent rate for superstations is reduced by 30 percent per subscriber per month, and the 27-cent rate for network stations is reduced by 45 percent per subscriber per month.

In addition, Section 119(c) of Title 17 is amended to clarify that in royalty distribution proceedings conducted under section 802 of the Copyright Act, the Public Broadcasting Service (PBS) may act as agent for all public television copyright claimants and all PBS.

SECTION 5. DEFINITIONS

Section 5 of the bill adds a new definition to the current Section 119 satellite license. The "unserved household" definition is modified to eliminate the 90 day waiting period for satellite subscribers who were previous cable subscribers. In other words, Section 5 would not require an individual who dropped cable to wait 90 days before receiving their network signals via satellite.

SECTION 6. PUBLIC BROADCASTING SERVICE SATELLITE FEED

Section 6 of the bill extends the Section 119 license to cover the copyrighted programming carried upon the PBS national satellite feed. The national satellite feed is treated as a superstation for compulsory license purposes. Also, the bill requires PBS to certify to the Copyright Office on an annual basis that the PBS membership continues to support retransmission of the national satellite feed under the Section 119 license.

SECTION 7. NOTICE TO SUBSCRIBERS

Section 7 of the bill requires a satellite carrier to ensure that each subscriber has been provided a written statement describing and quoting the network territorial restrictions of the Act. The statement should detail the circumstances under which a subscriber may not be eligible for satellite service of a particular network signal. Current subscribers should receive this statement within 60 days of enactment.

The purpose of this provision is to clarify for the customer exactly what the law means pertaining to the eligibility for distant network signals. Time and again customers complain that they were not made aware that there was any prohibition on the reception of distant network signals, or that they were not made aware of restrictions upon receiving notice that their distant network signals were being terminated.

SECTION 8. APPLICATION OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS

Section 8 of the bill amends the current Section 119 license to make it contingent upon full compliance with all rules and regulations of the FCC. This provision mirrors the requirement imposed upon cable operators under the cable compulsory license.

SECTION 9. EFFECTIVE DATE

The amendments made by this bill become effective on January 1, 1999, with the exception of Section 4 which becomes effective on July 1, 1999.

TRIBUTE TO ART M. INOUYE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. MATSUI. Mr. Speaker, I am honored to rise in tribute to Mr. Art M. Inouye, Supervising United States Probation Officer in the District Court for the Eastern District of California.

Today, as Mr. Inouye marks his retirement with his many friends and co-workers, I ask all of my colleagues to join with me in saluting his 25 years of federal service.

A graduate of San Francisco State College in 1965, Mr. Inouye worked as director of the San Francisco Boy's Home from 1963 until 1965 and served in the U.S. Army Reserves from 1966 until 1972.

In 1974 Mr. Inouye began his career as a federal probation officer. By 1979 he had received his law degree from Lincoln University Law School and been promoted to Supervising U.S. Probation Officer.

Mr. Inouye's accomplishments in the Probation Office are numerous. He founded the district's firearms program and safety academy. He was also responsible for guideline sentencing training and implementation, as well as helping to establish a national program on enhanced supervision.

One of the cornerstones of Mr. Inouye's career was his significant contributions working with the Federal Judicial Center, which included teaching, facilitating curriculum development, advising, training, and video production.

As his career progressed, Mr. Inouye was promoted again in 1992 and became involved in the New Officer Orientation program. He also served as a facilitator of the Federal Judicial Center's System Impact Seminars.

In December 1997, Mr. Inouye's many years of exemplary federal service were recognized when he received the Richard F. Doyle Award. This award was established by the Federal Probation and Pretrial Services Officers Association for outstanding work throughout a career.

His award nomination at that time stated, "Art is a national treasure whose hard work, dedication, and unique qualities have touched virtually every employee of Federal Probation and Pretrial Services nationwide. . . ."

Mr. Speaker, I ask all of my colleagues to join with me in saying "thank you" to Art M. Inouye for 25 years of outstanding service to the U.S. Probation Office. I am honored to wish him every success in all of his future endeavors.

TRIBUTE TO DENNIS O'SULLIVAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to my good friend Dennis O'Sullivan, who has recently completed a highly successful term as President of the Sun Valley Chamber of Commerce. Throughout his tenure, Dennis has worked tirelessly and with considerable success to promote the economic interests of Sun Valley. Dennis has a warm and winning manner that invariably brings people over to his side. I know I've enjoyed immensely working with him on numerous occasions.

Dennis is that rare person equally at ease working on business and community issues. In addition to his involvement with the Sun Valley Chamber, for the past several years he has served in the position of Program Director for People In Progress, Inc. In that capacity, Dennis has established programs to assist the homeless and indigent who suffer alcohol and drug dependencies. He and his organization have stepped in where government cannot—or will not—get involved. It's no exaggeration to say that Dennis has provided a lifeline for people who would otherwise have nowhere else to turn.

Dennis has made an invaluable contribution to many more community-based organizations in the Northeast San Fernando Valley. Among others, he has been active with the San Fernando Valley Alcohol Policy Coalition, the San Fernando Valley Homeless Coalition and Providers Collaborative of the San Fernando Valley.

He is also one of the prime movers behind the Hansen Dam Fourth of July Celebration, which in only a few short years has become a major attraction in the Northeast Valley.

Dennis has led a rich and interesting life, which includes raising a daughter, who now teaches school, and two sons who are officers with the Los Angeles Police Department. He also served with the U.S. Army in Vietnam, receiving an honorable discharge, and worked for 15 years as a motion picture camera technician in the film and television industries.

I ask my colleagues to join me in saluting Dennis O'Sullivan, a man who cares deeply about his community. His generosity of spirit and dedication to public service are an inspiration to us all.

IN RECOGNITION OF MRS. GLENNA GOODACRE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. COMBEST. Mr. Speaker, it is my distinct privilege to rise today to honor one of

Texas', and our nation's, most accomplished artists, Glenna Goodacre, on her commendation as the 1999 College of Human Sciences Distinguished Leader by Texas Tech University.

A native of Lubbock, Texas, Mrs. Goodacre is perhaps best known for her work as the sculptor of the Vietnam Women's Memorial at the Vietnam "Wall" in Washington, D.C. Since its installation on the Mall in 1993, her bronze depiction of nurses tending a wounded soldier has been appreciated by millions of visitors to our nation's capital. For more than twenty years before creating the women's memorial, she was well known and respected for her sculptural figures, especially her interesting compositions of active children, which continue to be her favorite subjects. Glenna also enjoyed a successful career as a painter for many years before creating her first three dimensional work.

Glenna Goodacre's pieces are in numerous private, corporate, national and international collections. She has more than 40 bronze portraits in public collections, including sculptures of Dwight D. Eisenhower, Barbara Jordon, General Henry "Hap" Arnold, and Katherine Anne Porter. Her bronze sculpture of President Ronald Reagan stands nearly eight feet tall and graces both the Reagan Presidential Library and the National Cowboy Hall of Fame. In 1998, Mrs. Goodacre was selected by the U.S. Mint as one of only a handful of artists to submit designs for a new Sacagawea dollar coin for the year 2000. Her portrayal of Sacagawea with her infant son was chosen, by popular demand, to be featured on the obverse of the coin. She was also selected as the winning sculptor for the proposed Irish Famine Memorial to be installed in downtown Philadelphia some time after the year 2000.

Her work is widely exhibited and has won awards from both the National Sculpture Society and the National Academy of Design. She was named an American Art Master by American Artist Magazine and has also received an Honorary Doctorate of Humane Letters from her alma mater, Colorado College as well as an Honorary Doctorate of Fine Arts from Texas Tech University.

Knowing Glenna and having visited her studios in Santa Fe, New Mexico, I am certain this latest honor will hold a special place in her heart. It is my great privilege to recognize Glenna Goodacre for this achievement and the outstanding contributions she continues to make through her art.

IN HONOR OF THE GRAND REOPENING OF THE NEW JERSEY ARYA SAMAJ MANDIR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today in honor of the grand reopening of the New Jersey Arya Samaj Mandir in Jersey City. This vital organization has served the educational, cultural, religious, and social needs of the Hindu community in Hudson and Essex Counties since 1988.

Today's youth face so many more dangers and have so many more opportunities than the children of a generation ago. It is important for our children to have places to learn about their culture, their heritage, and develop their own value systems. Pandit Suresh N. Sugrim, founder of the New Jersey Arya Samaj Mandir, recognizes that in order to be prepared for the next century our children need more than just wage-earning skills, but they also need to learn the value our cultural and religious centers are built upon.

The New Jersey Arya Samaj Mandir provides Hindu immigrants important ties to their heritage, while at the same time helping their community. As a member of the East Cultural Clergy Association, the Samaj has also made great strides in building relationships with many of the other religious and cultural communities in the area. For instance, when Reverend William Barnett was injured by several gunshot wounds, Pandit Suresh N. Sugrim participated in a vigil to show solidarity with the surrounding community.

I will be unable to attend the grand reopening myself, but I am sure I speak for the entire Congress when I say that as a nation we owe a tremendous debt to the work of cultural and religious centers such as the New Jersey Arya Samaj Mandir. So, I congratulate them on their reopening and wish them continued good fortune.

THE DEFENSE JOBS AND TRADE PROMOTION ACT OF 1999

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I have introduced legislation, H.R.—, that will eliminate a provision of the tax code, which severely discriminates against United States exporters of defense products. My bill, entitled "The Defense Jobs and Trade Promotion Act of 1999" will help our nation's defense contractors improve their international competitiveness, protect our defense industrial base, and insure that American defense workers—who have already had to adjust to sharply declining defense budgets—do not see their jobs lost to overseas competitors because of a harmful quirk in our own tax law.

The Internal Revenue Code allows U.S. companies to establish Foreign Sales Corporations (FSCs), under which they can exempt from U.S. taxation a portion of their earnings from foreign sales. This provision is designed to help U.S. firms compete against companies in other countries that rely on value-added taxes (VATs) rather than on corporate income taxes. When products are exported from such countries, the VAT is rebated to these foreign companies, effectively lowering their prices. U.S. companies, in contrast, must charge relatively higher prices in order to obtain a reasonable net profit after taxes have been paid. By permitting a share of the profits derived from exports to be excluded from corporate incomes taxes, the FSC allows U.S. companies to compete with our international competitors who pay no taxes.

In 1976, Congress added section 923(a)(5) to the tax code. This provision reduced the FSC tax benefits for defense products to 50 percent, while retaining the full benefits for all other products. The questionable rationale for this discriminatory treatment, that U.S. defense exports faced little competition, clearly no longer exists. Whatever the veracity of that premise 25 years ago, today military exports are subject to fierce international competition in every area. Twenty-five years ago, roughly one-half of all the nations purchasing defense products benefited from U.S. military assistance. Today, U.S. military assistance has been sharply curtailed and is essentially limited to two countries. Moreover, with the sharp decline in the defense budget over the past decade, exports of defense products have become ever more critical to maintaining a viable U.S defense industrial base. For example, of the three fighter aircraft under production in this country, two are dependent on foreign customers; the same is true for M1A1 tank, which must compete with several foreign tank manufacturers.

The Department of Defense supports repeal of this provision. In an August 26, 1998 letter, Deputy Secretary of Defense, John Hamre wrote Treasury Secretary Rubin about the FSC. Hamre wrote "The Department of Defense (DoD) supports extending the full benefits of the FSC exemption to defense exporters. . . . I believe, however, that putting defense and non-defense companies on the same footing would encourage defense exports that would promote standardization and interoperability of equipment among our allies. It also could result in a decrease in the cost of defense products to the Department of Defense." My legislation supports the DoD recommendation and calls for the repeal of this counterproductive tax provision.

The recent decision to transfer jurisdiction of commercial satellites from the Commerce Department to the State Department highlights the capriciousness of section 923(a)(5). When the Commerce Department regulated the export of commercial satellites, the satellite manufacturers received the full FSC benefit. When the Congress transferred export control jurisdiction to the State Department, the same satellites, built in the same factory, by the same hard working men and women, no longer received the same tax benefit. Because these satellites are now classified as munitions, they receive 50 percent less of a FSC benefit than before. This absurd result demonstrates that the tax code is not that correct place to implement our foreign policy. The administration has agreed that Congress should take action to correct this inequity as it applies to satellites. My legislation would not only correct the satellite problem, but it would also ensure that all U.S. exports are treated in the same manner under the FSC.

The Department of Defense is not the only entity that has commented publicly about this provision. A December 1998 joint project of the Lexington Institute and The Institute for Policy Innovation entitled "Out of Control: Ten Case Studies in Regulatory Abuse" included an article by Loren B. Thompson about the FSC. The article is aptly titled "26 U.S.C. 923(a)(5): Bad for Trade, Bad for Security, and Fundamentally Unfair" highlights the many problems of this unfair tax provision. I call your attention to one issue the article addresses that I have not yet raised—the real reason the Congress enacted this provision in 1976. The author, Loren B. Thompson, argues that Congress' decision to limit the FSC benefit for military exports was not based on sound analysis of tax law, but on the general antimilitary climate that pervaded this country in the mid 1970's. As Mr. Thompson writes, Congress enacted section 923(a)(5), "to punish weapons makers. . . . Section 923(a)(5) was simply one of many manifestations of Congressional antimilitarism during that period."

Times have changed since this provision was enacted. This provision makes little sense from a tax policy perspective. No valid economic or policy reason exists for continuing a tax policy that discriminates against a particular class of manufactured products. The legislation I am introducing today is a small step this Congress can take to improve our military and strengthen our defense industrial base.

I urge my colleagues to join me in repealing this part of the tax code in order to provide fair and equal treatment to our defense industry and its workers, and to enable our defense companies to compete more successfully in the increasingly challenging international market.

H.R. 780, THE PASSENGER ENTITLEMENT AND COMPETITION ENHANCEMENT ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. DINGELL. Mr. Speaker, today I rise to introduce H.R. 780, the "Passenger Entitlement and Competition Enhancement Act of 1999."

This legislation has two purposes. First, it will give airline passengers the rights they deserve and have been calling for. Second, it will protect the American public from harmful, anticompetitive market concentration in the airline industry. With monopolized routes and unprecedented levels of market concentration, airline profits have soared at the expense of consumers' checkbooks, comfort, and convenience.

The first title of my bill is all about passenger protections. Recently, due to complications involving bad weather and a severe lack of planning, thousands of passengers were stranded onboard aircraft at Detroit Metropolitan Airport for intolerable lengths of time. Many of these passengers were detained on the tarmac for seven, eight, or nine hours. They ran out of food and water, and the restroom facilities became unusable. Situations like this can pose major obstacles to emergency medical treatment and cause serious anxiety among the passengers and their families.

This bill would require all airlines to have an emergency plan on record with the Department of Transportation to ensure that, in the event of an emergency, all boarded passengers would have access to all necessary services and conditions. Also, the plan should outline the means to deplane the passengers safely. Failure to have such a plan on file would result in the suspension of the carrier's license. Also, violations of the emergency plan would yield $10,000 fines.

Additionally, aggrieved passengers should be entitled to compensation for unreasonable delays. My legislation would establish air carrier liability to each passenger on an aircraft for an excessive departure or arrival delay which the carrier could have avoided. If the departure or arrival delay is more than two, but less than three hours, the airline would be required to compensate each passenger in an amount equal to twice the value of the price paid for the passenger's ticket. If the delay is at least three hours in length, then each passenger is entitled to compensation equaling the number of hours (or portion thereof) multiplied by the price paid for their ticket. Also, air carriers would be required to give each passenger sufficient and accurate notice of information it has regarding any potential or actual significant delays in the departure or arrival of any flight segment. Wherever possible, such notice shall be given to the passengers before boarding an aircraft.

Passenger complaints about their mishandled baggage continue to climb and they need to be addressed. Under this bill, air carrier liability would be doubled from the current $1,250 for lost or damaged baggage to $2,500 for provable damages that the passenger incurred because of the carrier's improper baggage handling.

Many airlines engage in the business practice of overbooking flights to ensure that as many seats as possible are sold on their flights. Often, ticket holders do not show and carriers can maximize their revenue by having properly predicted how many seats it can overbook to fill in this gap. While this may be an intelligent practice for an airline, from time to time it can tremendously inconvenience a ticket holder when the airline guesses wrongly. Too many seats are sold, and the passengers are all there to fly to their destinations as promised. In this situation, some cannot fly and must be "bumped."

My legislation would simplify the current bumping regulations. Should a passenger be involuntarily denied boardin, the air carrier would not be absolved of its responsibility to carry the passenger to the passenger's final destination. Further, if the scheduled arrival time of the alternate transportation is not within two hours of the originally scheduled arrival time, then the airline must also provide affected passengers with a voucher or refund equal in value to the original price paid by the passenger for the original flight.

Without this legislation, passengers rights are woefully lacking. Passengers also need to be advised of their rights, and good airlines should endorse this idea. Under the legislation, the Secretary of Transportation would be required to establish a statement that outlines the consumer rights of air passengers, including the rights contained in the bill. Each air carrier would be required to provide the statement to each passenger along with its existing onboard seat-back safety placard and ticketing materials. The statement would also be conspicuously posted at all ticket counters.

The second title of my bill concerns competition in the airline industry. Competition can increase consumer choice, lower price, and improve customer satisfaction. Many will note that there is growing public interest and concern over the issue of predatory conduct by major air carriers. Such practices eliminate competition in the air travel industry and create formidable barriers for entrepreneurs to break into the market. As an example of some suspect conduct, one has only to look back to when Northwest Airlines cut its fare from Detroit to Boston to as low as $69 from an average of $259 when Spirit Airlines entered the market in 1996. Coincidentally, once Spirit was pushed out of the market, the average fare went up to $267, exceeding even the original level. More recently, Northwest ran an upstart, Pro Air, out of the Detroit-Milwaukee market and is engaged in some curious behavior in the Detroit to Baltimore market. To provide a level playing field, vigorous competition must be permitted to take root. Unfair exclusionary practices that eliminate that competition must be rooted out.

When carriers respond to new competitors with severe price drops and capacity expansion in order to run the new carrier out of the market, it ill serves consumers in the long run. After a new entrant is grounded, the major carrier simply retrenches and raises fares higher still in its resumed control.

Congress expressly gave the Department of Transportation authority to stop any "unfair or deceptive practice or unfair method of competition." Further, Congress has directed the Secretary of Transportation by statute to consider "preventing unfair, deceptive, predatory, or anticompetitive practices in air transportation" as being in the "public interest and consistent with public convenience and necessity." The Department of Transportation's action under this authority stands to be improved. The federal government should do its job to expeditiously help the public.

The Secretary of the Department of Transportation should take real action to advance the pro-competition policy objectives of the Congress. That action includes ensuring that the Department of Transportation's guidelines, which it is currently developing to deal with predatory activity, are effective. And the Congress ought not seek to delay the implementation of a reasoned and appropriate rulemaking. As proposed, the guidelines would permit the Secretary to impose sanctions if a major carrier should respond to a new entrant into a market in an unfair or exclusionary manner. More tools are needed and this bill provides them.

The bill would permit the Secretary to fine any air carrier deemed to be engaged in an unfair method of competition or unfair exclusionary practice. Such a tool should give a carrier pause for thought before implementing any activity that would unfairly respond to legitimate competition. The bill would increase the monetary penalty for such unfair methods of competition under the U.S. Code from the current $1,000 to $10,000 for each day the violation continues or, if applicable, for each flight involving the violation.

Further obstacles to competition arise from the fact that at the four slot-controlled or high-density airports, the vast majority of the scheduled take off and landing slots are controlled by the major carriers at these key hub airports. The airports are: New York's Kennedy and LaGuardia airports; Chicago's O'Hare; and Washington's National airport. For meaningful competition to develop, new entrant carriers must have a real opportunity to provide service in those markets. Of the more than 3,100 domestic air carrier slots at these four airports, fewer than forty-five slots are held by all the new entrant air carriers combined. Moreover, foreign air carriers have more than twice as many slots as domestic new entrant air carriers combined. Most of these slots were grandfathered to the major carriers more than a decade ago. The slots are government property, and it is time that the federal government use them to benefit the taxpaying public rather than just a handful of airlines.

In order to remedy this barrier to competition, the bill would give the Secretary the authority to create and, as a last resort, withdraw and auction slots at each slot-controlled airport for assignment to new entrant air carriers and other carriers with very limited access. The Secretary would be authorized to use pro-consumer criteria to withdraw slots from a carrier who is not using its slots in a competitive fashion. If there is a withdrawal of slots for an auction, the Secretary may not auction more than ten percent of existing slots for the first auction and five percent for each succeeding auction. Auctions may not take place earlier than two years from each preceding auction. Income from any auctions would finance improved airport infrastructure for the American public.

Slot possession at the four key airports where such controls are in place is a major issue, but questions like long-term exclusive gate leases at other airports represent just as nearly insurmountable obstacles to meaningful competition in the airline industry. For that reason, it makes good sense that such arrangements be reviewed. The bill would direct the Secretary to issue a study on the ability of and proposals for new entrant air carriers and those with limited access at major hub airports to obtain gates and other facilities at airports on terms substantially equivalent to the terms provided to the major carriers already using airport facilities. The airfield must become a level playing field for competition.

It is important that the American public have access to useful information about the market and who in the industry is providing the best consumer value. Various studies by the General Accounting Office and private organizations have shown that concentration in the domestic airline industry is at extraordinarily high levels and continues to grow. Where such concentration exists, fares have increased with a significant impact on residents and businesses in those communities. In order to evaluate consumer value and review potential implications of market concentration at hub airports, the bill would require the Secretary to prepare two quarterly reports for the public. One would rank the top and bottom ten domestic routes with regard to their average cost to the passenger, and the second would rank the large hub airports by market concentration and identify the market share of each airline operating at each of those airports. As has been said, sunlight is the best disinfectant; let's let it shine on the airline industry.

At best, the promised benefits of deregulation have not been fully realized. The traveling public is still captive to monopolized routes and airports. Indeed, since 1978, the Nation has endured unregulated monopoly on many routes and airports. Indeed, since 1978, the Nation has endured unregulated monopoly on many routes. While I fully support the goals of competition, two decades of experience reveal consolidation, diminished choice, and higher prices in many markets. To the extent that deregulation has failed, the Congress should respond and correct its course. Full and fair competition is what consumers demand and deserve. When any carrier dominates a hub, it can lose its edge and the incentive to meet consumer needs. This ought not be the case. The Congress has the opportunity to act now to remedy the defects in the law that permit our constituents to be exposed to undue and intolerable grief.

The American public has been held hostage by the poor service and excessive fares at the hands of the cartels in the air for too long. That is why I am pleased to introduce this bill to generate legitimate competition and secure appropriate protections for the country's airline passengers. To my friends in the airline industry, I want to observe that one airline executive recently told me that a good airline should be doing these things anyway. While the airlines may feel their best option is to fight and hope to block this bill in Congress, I believe it would be vastly preferable to start working to solve these problems on their own. As with any problem, the first step on the road to recovery is to stop denying and start accepting. Today, the major airlines are the guests of honor at my "intervention."

The "Passenger Entitlement and Competition Enhancement Act" is common sense legislation that responds to the call for fair play and substantial justice in the airline industry. I applaud the efforts of my colleagues who are helping to advance the message of our constituents, which I began to carry last year, and ask that they join me at their earliest opportunity.

TRIBUTE TO ROBERT D. COCHRAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. MATSUI. Mr. Speaker, I am honored to rise in tribute to Mr. Robert D. Cochran who will retire after more than thirty years of public service as a member of the Southgate Recreation and Park District Board of Directors in Sacramento, California.

Mr. Cochran has made an outstanding contribution to the Southgate Recreation and Park District. As a dedicated board member, he has ensured that this special district operates efficiently and has advocated the need for updates to many of its policies and procedures.

From 1971 until 1974 Mr. Cochran served on the Board of Directors of the California Association of Recreation and Park Districts. He has also been active in the Sacramento Council of Recreation and Park Agencies.

In 1995 Mr. Cochran was recognized as a Distinguished Board Member by the California Special Districts Association. He was nominated for that honor by the very employees and board members with whom he serves in the Southgate Recreation and Park District.

As a senior board member of an organization which oversees 35 parks and millions in assessment dollars, Mr. Cochran's contributions to his community have been invaluable. I salute his tireless commitment to public service.

Mr. Cochran's remarkable work has earned him re-election to the Southgate Recreation and Park District Board of Directors every term since 1970. His staying power is a testament to his efficacy as a special district trustee.

Mr. Speaker, I ask all of my colleagues to join me in recognizing Robert D. Cochran every success in all of his future endeavors in Banning, California.

IN RECOGNITION OF MS. MARSHA SHARP

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. COMBEST. Mr. Speaker, I am most honored to rise today to extend my sincere congratulations to Ms. Marsha Sharp, head coach of the Texas Tech University Lady Raiders basketball team, for being inducted into the Texas Women's Hall of Fame. Coach Sharp was selected as one of only seven women to receive this prestigious honor, which I know she richly deserves.

Coach Sharp is in her 17th season as head coach of the Texas Tech Lady Raiders. Her professionalism, love of the game, remarkable coaching talents, and winning attitude have left her only five victories short of 400 victories while at Texas Tech, and a record of 395–128. Coach Sharp is widely respected by her players, her colleagues, and Lady Raider fans.

Throughout her career at Texas Tech, Coach Sharp has been recognized for her outstanding coaching abilities by other associations. She was the 1998 Big 12 Coach of the Year in women's basketball. In 1993, the Texas Tech Lady Raiders forged ahead to bring home the coveted NCAA national championship title, and Coach Sharp, the force behind the success, was named the National Coach of the Year in 1993 by the Women's Basketball News Service and the Columbus, Ohio Touchdown Club. She received the same honor in 1994 from the Women's Basketball Coaches Association. While Texas Tech University was still in the Southwest Conference, she was named the women's basketball coach of the year an impressive seven times.

Away from the game, Coach Sharp has served on the WBCA Board of Directors, Converse Coach of the Year Committee, Kodak All-American Selection Committee, NCAA Regional Selection Committee, Southwest Conference Tournament Committee, and Texas Girls Basketball Association Committee. She presently serves as the director for the Lady Raider Basketball Camps, and is actively involved with Special Olympic Celebrity fund raisers and the Jerry Lewis Labor Day Telethon. Coach Sharp is dedicated not only to her team and Texas Tech University, but to the entire Lubbock community.

It is with great pleasure that I recognize and congratulate Ms. Marsha Sharp on her unsurpassed achievements and contributions that have earned her the distinct honor of being inducted into the Texas Women's Hall of Fame.

THE MADRID PROTOCOL IMPLEMENTATION ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. COBLE. Mr. Speaker, today I am introducing the Madrid Protocol Implementation Act. This implementing legislation for the Protocol related to the Madrid Agreement on the International Registration of Marks was introduced in the past three Congresses. While the Administration has still not forwarded the treaty to the Senate for ratification, the introduction of this legislation is important in that it sends a signal to the international community, U.S. businesses, and trademark owners that the Congress is serious about our Nation becoming part of a low-cost, efficient system for the international registration of trademarks.

The World Intellectual Property Organization (WIPO) administers the Protocol, which in turn operates the international system for the registration of trademarks. This system would assist our businesses in protecting their proprietary names and brand-name goods while saving cost, time, and effort. This is especially important to our small businesses which may only be able to afford world-wide protection for their marks through a low-cost international registration system.

The Madrid Protocol took effect in April 1996 and currently binds 12 countries. Without the participation of the United States, however, the Protocol may never achieve its purpose of providing a one-stop, low-cost shop for trademark applicants who can—by filing one application in their country and in their language—receive protection by each member country of the Protocol.

There is opposition neither to the legislation, nor to the substantive portions of the treaty. The State Department continues its attempts to resolve differences between the Administration and the European Union regarding the voting rights of intergovernmental members of the Protocol in the Assembly established by the Protocol. More specifically, the European Union receives a separate vote in addition to the votes of its member states. While it may be argued that the existence of a supra-national European trademark issued by the European Trademark Office justifies this extra vote, the State Department views the provision as antithetical to the fundamental democratic concept of one vote per state. The State Department also has raised concerns that this voting structure may constitute a precedent for deviation from the one-state-one-vote principle in future international agreements in other areas.

These differences need to be settled before the Secretary of State will recommend to the President that a ratification package be presented to the Senate. The State Department is working closely with the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, which I chair, to formulate a proposal to the European Union, and subsequently to the members of the Protocol, to amend the Assembly voting procedures in a way which would provide for input by the European Union without circumventing the one-member-one-vote principle.

Mr. Speaker, it is important to move this legislation forward at this time to encourage negotiations between the State Department and the European Union; and to assure American trademark holders that the United States stands ready to benefit from the Protocol as soon as it is ratified.

IN HONOR OF FOUR OUTSTANDING JERSEY CITY POLICE OFFICERS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today in honor of James Crampton, Paul Pawchak, Jr., Edward Bergin, and John Riggs; four outstanding Jersey City police officers who are retiring from the force after 25 years of service to their community.

Before being appointed to the Jersey City Police Department, Officer James Crampton proudly served our country in the Navy and served as a Patrolman in the Plainfield Police Department. Over his remarkable career, Officer Crampton earned twelve Excellent Police Service Awards, one commendation, and one POBA Valor Award. James Crampton was also recognized by Police Director Michael Moriarty for his excellent work on the Wegman Parkway homicide and was commended by Police Chief William J. Thynne for apprehending a dangerous criminal.

Officer Paul Pawchak Jr. has served with distinction for over twenty five years on patrol, as a Police Academy instructor, on the Narcotics Unit and as a member of the Neighborhood Task Force Unit. His achievements include three commendations, five Excellent Police Service Awards, and one POBA Valor Award. Officer Pawchak has also earned multiple training certificates from the Department of Justice, the New Jersey State Police, and the Jersey City Police Department.

Officer Edward Bergin has enjoyed great success as a police officer, but he has also been recognized for his community service. In particular, he has been commended by the Jersey City Chief of Police for his work on National Night Out and relief efforts following Hurricane Georges. Officer Bergin has also received two commendations, five Excellent Police Service Awards and one POBA Valor Award.

During Detective John Riggs' successful career he has served on patrol and on the Crimes Against Property and Special Investigations Units. Many of this country's most profitable companies owe a large debt to Detective Riggs for his remarkable efforts to investigate property crime. The companies which have commended his work include Rolex Watch USA, Inc., for enforcing trademark infringements; Bell Atlantic and AT&T for breaking a stolen phone ring; and Twentieth Century Fox, Universal, Walt Disney and Parmount Pictures for the apprehension of individuals associated with motion picture theft. Detective Riggs has also distinguished himself through his work on security detail for both the President and Vice President. John Riggs has earned seventeen Excellent Police Service Awards, five commendations, and one Combat Cross.

These four officers have served Jersey City and my district proudly for 25 years. I am sure I speak for the entire Congress when I say thank them for their work and wish them the best in their retirement.

INTERNATIONAL ENGAGEMENT—WHY WE NEED TO STAY THE COURSE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. SKELTON. Mr. Speaker, on January 27, 1999, I had the privilege to address all of America's National Guard Adjutants General here in Washington. I spoke about the need for America to stay engaged in the world. My speech to that group is set forth as follows:

INTERNATIONAL ENGAGEMENT—WHY WE NEED TO STAY THE COURSE

It has been more than ten years since the fall of 1988, when the communist government of Poland agreed, under great popular pressure, to permit free elections—elections which ultimately led to the “velvet revolution” throughout Eastern Europe. It has been nine years since the historic fall of 1989, when the border between Hungary and Western Europe opened, and thousands of East Europeans first swept aside the Iron Curtain and then brought it crashing down. It has been eight years since the two Germanies agreed to reunification, and seven years since the Soviet Union disintegrated.

For the United States, the events of a decade ago were the beginning of the end of long struggle—a struggle that was characterized by terrible sacrifices in Korea and Vietnam; by periods of great national confidence and occasional episodes of uncertainty; by debates in the halls of Congress that were sometimes historic and solemn and sometimes partisan and shrill; and, above all, by a widely shared sense of national purpose that endured despite occasionally bitter internal divisions.

The constancy with which the United States carried out its global responsibilities over the long course of the Cold War is a great testimony to the character of the American people and to the quality of the leaders who guided the nation through often trying times. In spite of the costs, in the face of great uncertainties, and despite grave distractions, our nation showed the ability to persevere. In doing so, we answered the great question about America that Winston Churchill once famously posed—“Will you stay the course?” he asked, “Will you stay the course?” The answer is, we did.

Today, I think we need to raise a similar question once again, but this time for ourselves and in a somewhat different form.

Churchill's question, "Will you stay the course?" implied that there might some day be an end to the struggle, as there was, indeed, to the Cold War, though no one foresaw when and how it would come. Today the key question is perhaps more challenging, because it is more open-ended. It is "Will we stay engaged?"

The term "engagement," to be sure, has not yet captured as broad a range of support among political leaders and the public as those who coined it, early in the Clinton Administration, evidently hope it would. But neither did the notion of "containment" capture broad public support until several years after it was articulated during the Truman Administration. Indeed, some political leaders who later championed containment as the linchpin of our security initially criticized the notion as too passive and even timid.

"Engagement," while not yet widely embraced as a characterization of our basic global posture, seems to me to express quite well what we need to be about today—that we need to be engaged in the world, and that we need to be engaged with other nations in building and maintaining a stable international security system.

Engagement will not be easy to sustain. Indeed, as has become clear in recent years, it will be as challenging to the United States to remain fully engaged today as it was to stay the course during the Cold War.

We now know much more about the shape of today's era than we did eight or four or even two years ago.

We know that we have not reached the end of history.

We know that we face challenges to our security that in some ways are more daunting than those we faced during the Cold War.

We know that it will often be difficult to reach domestic agreement on foreign affairs because legitimate, deeply held values will often be hard to reconcile.

We know that we will have to risk grave dangers and pay a price to carry out our responsibilities, and because of the costs, it will sometimes be tempting to think that we would be more secure if we were more insulated from turmoil abroad.

We know that we will have to struggle mightily not to allow domestic travails to divert us from the tasks that we must consistently pursue.

But we also know that our political system, which encourages open debate, and which constantly challenges leaders to rise to the demands of the times, gives us the opportunity, if we are thoughtful and serious about our responsibilities, to see where our interests lie and to pursue our values effectively.

Today I want to say a few things about engagement in the world—why it may sometimes be difficult to sustain; why it is nonetheless necessary; and, finally, how it has succeeded in bolstering our security.

WHY ENGAGEMENT IS DIFFICULT

Engagement is difficult, first of all, because it entails costs and carries risks. Provocations by Saddam Hussein and terrorist attacks in Africa will not be the end of our struggle. In an age of chemical, biological, and nuclear weapons of mass destruction, the United States faces particularly grave dangers in its conflict with these forces. To quail in the face of these risks would, I think, be far more damaging to our security than to confront them—but we should not underestimate the dangers we face. Engagement is also difficult because it requires us to make policy choices in which values we hold dear are troubling to reconcile. The debates in Congress over policy toward China illustrate this point forcefully. All of us find China's human rights abuses to be abhorrent. For my part, I believe that U.S. security interests are well served when we stand up for human rights. Tyranny has crumbled all over the globe in large part because of our active commitment to human rights and because we hold out an example of freedom that millions all over the world hope to emulate.

On the other hand, a policy of isolating China would be self-defeating. The United States and China have interests in common—stability in Asia; preventing war in Korea; and halting weapons proliferation, to name just a few.

Constructive engagement with China, therefore, requires that we reconcile our deeply held convictions about what is right with our national interests.

Engagement with long-standing allies may also be turbulent at times. Many, if not most, of our allies have not, for example, wholeheartedly supported our efforts to enforce sanctions on nations that we believe guilty of sponsoring international terrorism or that we see as threats to the peace.

A related difficulty of engagement is what might be called the paradox of burdensharing—getting the allies to do more often requires that we do more as well. Engagement is difficult, therefore, because it means that we will sometimes become embroiled in undertakings overseas that, on the face of it, cost us more than our immediate interests appear to justify. The obvious example is Bosnia. The reason we must, nonetheless, be engaged, is that our overarching interest in building effective security cooperation with our allies requires that we exercise leadership.

Engagement is also difficult for domestic political reasons. To be blunt, no one gets elected by promising to devote a great deal of time and attention to foreign affairs. Those in positions of responsibility must make compromises, choose between alternatives that are often bad and less bad, take risks to get things done, and bear the criticism when initiatives fail.

Finally, engagement is difficult because it is financially expensive. In recent years, it has been difficult to find the resources to meet obvious needs in defense and foreign affairs because of pressures to reduce the budget deficit. Now that the deficit has been brought under control, a part of the discussion of budget priorities ought to be how to restore a reasonable level of investment in meeting our international security requirements.

WHY ENGAGEMENT IS NECESSARY

Despite these difficulties, I believe that there is no alternative to continued, active U.S. engagement in the world. We persevered in the Cold War precisely because we felt it our responsibility as a nation to defend against tyranny. In the name of that moral mission, we may sometimes have asked too much of ourselves, and particularly of our young sons and daughters in the military—but it was nonetheless a goal worthy of our people.

Now we have a very different moral responsibility before us, which may be somewhat more difficult to express, but which I think is equally important. As I see it, our responsibility now is to use our unchallenged position of global leadership in a fashion that will make the universal hope for peace, prosperity, and freedom as much as possible into the norm of international behavior. If the United States were not to try, at least, to use our current position of strength to help construct an era of relative peace and stability, it would be a moral failure of historic magnitude. More than that, to fail to exercise our strength in a fashion that builds global cooperation would also, in the long run, leave us weaker and more vulnerable to dangers from abroad.

We need to be engaged because only the United States can provide the leadership necessary to respond to global and regional challenges to stability and only the United States can foster the growth of regional security structures that will prevent future challenges from arising.

We need to be engaged because our continued presence gives other nations confidence in our power and in our reliability and makes us the ally of choice if and when conflicts arise.

We need to be engaged because only by actively shaping effective regional security systems can we create an environment in which nations that might otherwise challenge stability will instead perceive a community of interests with the United States and with our regional allies.

We need to be engaged because only by recognizing and responding to the security concerns of other nations can we export them to support our security interests and concerns.

We need to be engaged because cooperation from other nations is essential to deter and defeat enemies who want to undermine global order.

Not everyone agrees on the necessity for engagement. Some traditional champions of a strong national defense still complain that the demands of engagement appear to divert attention away from our real national security interests. Engagement, they argue, embroils us in regional conflicts that seem remote. It appears to put too much emphasis on peacekeeping or humanitarian missions that are costly and that are not obviously directly related to the overriding responsibility of U.S. military forces—to prepare for major conflicts.

For others, who believe the world ought to be more peaceful and less militarized since the end of the Cold War, engagement has seemed to require too much U.S. military involvement in distant parts of the globe. It appears to justify military and other ties with regimes that are distasteful or worse. It seems to emphasize security matters at the expense of other interests—such as human rights, fair trade practices, or environmental protection. It appears to some, even, to be a questionable rationale for continued high military spending in a world with no direct, obvious threats.

In my opinion, those who see themselves as proponents of a strong national defense and as advocates of assertive American power should reconsider their position in view of the compelling evidence that engagement is essential to our military security. Similarly, those who believe that conflicts can be prevented by promoting multilateral cooperation should understand that military engagement abroad is essential to build and enforce a more peaceful, cooperative world order in which our other interests and values can flourish.

Two points must be made—first, it is a fact that smaller-scale operations demand more resources than military planners had assumed. The answer is not to forswear such operations, which I don't believe we can do, but rather to acknowledge the resource demands and meet those requirements. Second, it is important to be selective in making commitments and in using the military—above all, we need to ensure a balance between the interests we have at stake and the commitments we are making.

Effective international engagement requires much more active and extensive U.S. military involvement abroad than many expected. In the wake of the Cold War, we decided to maintain a permanent military presence of about 100,000 troops both in Europe and in Asia. These deployments, in retrospect, hardly appear excessive. On the contrary, our forces in Europe, if anything, have been badly overworked. They have been involved in countless joint exercises with old and new allies and with former enemies that have been critically important in building a new, cooperative security order in Europe.

Engagement has also entailed a constant, rotational presence in the Persian Gulf—a commitment which, we now should recognize, is on a par with the commitments we have maintained in Europe and the Far East. It has involved military intervention in Haiti, an ongoing peacekeeping operation in Bosnia, and literally dozens of smaller-scale military operations. One thing should be clear—as long as we are actively engaged abroad, the pace of military operations is likely to be much more demanding than any of us had imagined a few years ago.

As you know better than anyone, engagement on this level would not be possible without our Reserve Component Forces. As part of our "Total Force" concept, the Guard and Reserve are indispensable to U.S. military operations. Just look at the role our Reserve Component Forces have played in Bosnia. Since December 1995, over 16,000 Guard and Reserve personnel have supported Operation Joint Endeavor, Operation Joint Guard, and now Operation Joint Forge from bases in Bosnia, Croatia, the U.S., Hungary, Germany, Italy, and elsewhere in Europe. Reservists have performed combat and combat support missions including artillery fire support, civil affairs, logistics, public affairs, medical support, and other critical functions.

Since the end of the Cold War, significant reductions in the size of U.S. Active Forces has resulted in an increased reliance on Reserve Component Forces. Today, 54 percent of the U.S. Army is in the Reserve Component. Our Guard and Reserve are essential to the success of nearly every military operation during peace and war. Changing a stereotype is sometimes difficult, but let me try: You are no longer the "Weekend Warriors", you are the "Seven-Day-a-Week, 365-Day-a-Year Warriors". I, for one, appreciate what you do for our nation. You, and those who serve under you, have my respect and admiration.

ENGAGEMENT HAS SUCCEEDED

The final point I want to make—and perhaps the most important thing we need to keep in mind—is that the U.S. policy of engagement has been a success. Yes, we have suffered some failures. No, we have not accomplished everything we might have hoped. Yes, we have made some mistakes. But failures, shortcomings, and mistakes are inevitable in international affairs—there has never been a government in history that has not run into such difficulties.

Engagement is as centrally important to our security—and to the prospects for peace in the world—as containment was during the Cold War. Perhaps above all, the key issue is whether we will persist despite the fact that the struggle to maintain relative international peace will never be concluded. This is not a struggle we can see through to the end—it is, nonetheless, an effort that we as a nation must continue to make.

BAKER SCHOOL OF GOVERNMENT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. DUNCAN. Mr. Speaker, today, I have introduced legislation that would create four new schools of government across the Country. These schools would be dedicated to the study of public policy and government. This bill has a number of original cosponsors from both sides of the aisle.

In the last Congress, this legislation passed the Senate by unanimous consent. Unfortunately, the House Calendar did not allow for the legislation to be brought to the floor. Each of these schools will be named after great Americans, members of both sides of the aisle, who have served the public in the United States Senate.

While I admire and respect all of these gentlemen, I would like to primarily speak about one of them—Senator Howard Baker.

Specifically, this legislation would create the Howard Baker School of Government at the University of Tennessee in Knoxville.

I believe this legislation is a fitting tribute to Senator Baker's extraordinary career and public service.

Senator Baker was a Member of the U.S. Senate for 18 years where he served as Minority Leader as well as the Majority Leader. He also served as President Reagan's Chief of Staff.

The White House Chief of Staff has to be the person who tells others "no" for the President. As a result, many people have left this job with unpopular reputations.

However, Senator Baker left this job more popular than when he began it. I believe this is a real testament to the type of person he is.

In fact, Senator Baker has often been called the Greatest Living Tennessean. I concur with these remarks. I would also add that he is one of the greatest statesmen in the history of the State of Tennessee.

In addition, he has been recognized a great deal here in Washington. In fact, the Senate Majority Leader's office in the U.S. Capitol Building is named the Howard H. Baker, Jr. Room. This is a very fitting tribute to one of our Nation's greatest public servants.

Mr. Speaker, I am honored to have introduced legislation to name a federal courthouse in Knoxville, Tennessee, after Senator Baker. This will serve as a reminder to Tennesseans of the great work of Howard H. Baker, Jr.

Senator Baker has a wonderful, loving wife—Senator Nancy Kassebaum. I think they make a great team, and they both continue to work to ensure that this Country is a better place for our children to live.

In spite of all the success Senator Baker achieved in the White House, the Senate, and now his private law practice, he has not lost his humility.

He now lives in Tennessee where he can be close to the people he represented for so many years. He continues to work to help others. Despite his national recognition he speaks at very, very small events if it is a worthwhile cause.

As I stated earlier, I have great admiration for all of the gentlemen honored in this bill. However, I think this is an especially fitting tribute to the Greatest Living Tennessean—Senator Howard Baker.

I urge my Colleagues to support this legislation which will honor four great Americans and at the same time provide additional learning opportunities for our young people.

HONORING THE CORAM NOBIS LEGAL TEAM

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. MATSUI. Mr. Speaker, I rise today in recognition of the National Japanese American Historical Society's Day of Remembrance dinner honoring the Coram Nobis Legal Team.

In the 1940s, three Americans of Japanese ancestry challenged the United States Government's order of a racially selective curfew and incarceration of Japanese Americans in internment camps. At that time, these three men were all convicted and their sentences upheld by the U.S. Supreme Court.

Decades later, the Coram Nobis Legal Team challenged these convictions citing previously suppressed evidence. This team of young lawyers, led by Dale Minami, Peggy Nagae, and Rod Kawakami, worked hard on behalf of Fred Korematsu, Minoru Yasui, and Gordon Hirabayashi.

All three convictions were vacated some 40 years after World War II thanks to the intellect and legal acumen of this fine judicial team. Their work has become an important part of the history of Japanese Americans in this country.

I salute the courage and commitment of the young attorneys that helped to close such a dark chapter in our Nation's history. At the same time, their tireless efforts opened the door to Redress and Reparations for all those Americans of Japanese ancestry falsely interned in the 1940s.

Together, these lawyers and their clients became eternal symbols of justice and freedom in the United States of America. They ultimately fulfilled our common destiny as a nation of equal justice under law.

They will be honored by the National Japanese American Historical Society based in San Francisco, California, as part of its Day of Remembrance activities. Founded in 1981, this organization is dedicated to the preservation, promotion, and dissemination of educational materials relating to the history and culture of Japanese Americans. I strongly support its important mission.

Mr. Speaker, I ask all of my colleagues to join with me in not only recognizing the National Japanese American Historical Society and the Day of Remembrance, but also in commending the attorneys who helped to successfully exonerate the wartime internees. Together, they upheld the very highest standards of justice in the American legal system.

HONORING THE NAVAL SURFACE WARFARE CENTER—INDIAN HEAD DIVISION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. HOYER. Mr. Speaker, I rise today to honor the Naval Surface Warfare Center, Indian Head Division, for their large contribution to the Combined Federal Campaign. In particular, I want to thank Captain John Walsh, Commander Michael Donch and Chris Adams for their leadership, enthusiasm, dedication and ingenuity. the Naval Surface Warfare Center, Indian Head Division, raised over $116,000, a 31-percent increase over last year. They were also able to motivate 1,120 people to participate in the campaign.

Your contribution to enriching the Navy's culture of giving by planning and implementing a highly successful plan of action is most appreciated. Individuals will have better health, quality of life, education or a safety net because you took the time to care. Thousands will benefit due to your hard work. Your efforts are a positive reflection on yourself, the Navy and the Department of Defense. You demonstrate the military not only serves and protects but also is a positive force in the community, the Nation and the world. Congratulations on your fine success.

IN HONOR OF THE FIFTIETH ANNIVERSARY OF THE MARTYRDOM OF MAHATMA GANDHI

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today in honor of the Fiftieth Anniversary of the martyrdom of Mahatma Gandhi, one of the most influential political, religious and cultural leaders of the Twentieth Century.

In my district a service will be held at the Mahatma Gandhi Elementary School in Jersey City, which may be the first school in the United States renamed in his honor. I thank Mr. Hardyal Singh, President of the International Mahatma Gandhi Association, for putting together this important event.

Politically, Mr. Gandhi was of tremendous importance in India's struggle for independence from Great Britain. After practicing law and becoming an advocate for Indian rights in South Africa, Gandhi returned to India to become a leader in the nationalist movement. Once there he perfected the use of passive resistance to gain political power. He suffered through many periods of imprisonment and through many fasts with the sole purpose of gaining independence for his people. Due in no small part to his efforts, India finally gained independence from British rule in 1947.

Beyond his tremendous contributions to Indian politics, Gandhi was also a dominant religious and cultural figure. He asserted the unity of all people under one God and preached Christian and Muslim ethics along with Hindu. Gandhi also led the fight to rid the country of the caste system and defend the rights of the untouchables. Once independence was gained, Gandhi focused his energies on spreading his message of religious tolerance. His hunger strikes and prayer vigils were no longer in protest of colonial rule, but in protest of violence between Hindus and Muslims. He was on one such vigil in New Delhi when he was fatally shot by an extremist who objected to Gandhi's message of tolerance.

In conclusion, I would like to say that we all owe a great debt to Mahatma Gandhi and his teachings, and I hope that by taking this day to remember his contributions and his struggles we can again benefit from his wisdom.

HONORING BISHOP THEODORE BROOKS FOR OUTSTANDING COMMUNITY LEADERSHIP

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Ms. DELAURO. Mr. Speaker, on Sunday, February 21, Bishop Theodore Brooks celebrated the Confirmation of his Doctrine of Ministry. As pastor of Beulah Heights First Pentecostal Church, Bishop Brooks has proven an outstanding member of the New Haven Community, as he and his congregation have unfailingly worked to resolve social problems faced by residents of the Greater New Haven area. His commitment to social justice and his leadership in these communities has never wavered.

Bishop Brooks' work on behalf of numerous New Haven community organizations has earned him our respect and admiration. His efforts have contributed tremendously to the city and its residents. As Chief Executive Officer of the Beulah Land Development Corporation since 1990, Bishop Brooks successfully pursued the renovation and rehabilitation of the Orchard Street Town Homes, a project that will enhance our community with new, affordable family housing. This project would not have become a reality without the hard work and leadership of Bishop Brooks.

As a member of several Boards and Committees in various community-based organizations, Bishop Brooks has worked tirelessly to strengthen families and help residents in the community develop a more positive self-image. His work reflects his dedication to helping society's least privileged develop the cognitive skills they need to remain productive members of the community.

Among his many accolades, Bishop Brooks was recognized by the White House for his leadership in building community empowerment zones.

Bishop Brooks' work embodies the spirit and vitality of the New Haven Community he so tirelessly represents. I look forward to working with him in the future as we have in the past, to further advance social justice and promote sound economic growth.

It gives me great pleasure to join his many friends and family in thanking him for his leadership over the years. I congratulate Bishop Theodore L. Brooks on yet another great achievement—the Confirmation of his Doctrine of Ministry.

THE FEDERAL PROTECTIVE SERVICE REFORM ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. TRAFICANT. Mr. Speaker, today I am introducing the "Federal Protective Service Reform Act of 1999." This legislation makes much needed reforms to the Federal Protective Service (FPS). These reforms will allow FPS to better meet the growing threat posed by terrorism to federal buildings and the people who work in and visit federal buildings. The legislation is similar to legislation I introduced in the last Congress.

On April 19, 1995, a truck bomb destroyed the Alfred P. Murrah federal building in Oklahoma City, Oklahoma. That tragic and despicable act killed 168 people and wounded hundreds of others. The Oklahoma City bombing served as a sober reminder that the United States is not immune to acts of terror. The bombing also revealed that we were woefully unprepared for such an act.

I was deeply disturbed to learn that there was only one contract security guard on duty in Oklahoma City on April 19, 1995. That contract guard was responsible for providing security at the Murrah building and two other federal buildings in Oklahoma City. There is evidence that those responsible for bombing the Murrah building cased the building in the days and weeks leading up to the bombing. The fact that the Murrah building in the days and weeks leading up to the bombing. The fact that the Murrah building was, for the most part, unprotected, could have played a role in the decision of the terrorists to bomb that building.

In the wake of the Oklahoma City bombing, the Public Building Service (PBS) of the General Services Administration (GSA) has made great strides in improving the physical security of the 8,300 federal buildings under its control. But, at hearings held last year by the Transportation and Infrastructure Subcommittee on Public Buildings and Economic Development revealed, the security upgrade program initiated in the wake of the Oklahoma City bombing has been hindered by mismanagement and a reduction in staffing. In addition, structural and personal problems within the Federal Protective Service are also hindering GSA's ability to upgrade and improve security.

At the present time the FPS is a unit within PBS. The head of FPS reports to the PBS commissioner. The PBS commissioner does not have a law enforcement background and his main responsibility is real estate management—not law enforcement. While we do have a very able and talented PBS commissioner, I do not believe that security is best served by having FPS as a sub-entity within PBS.

While I recognize that the use of contract guards is necessary, I am concerned that the use of contract guards may not be appropriate at certain federal buildings. I am also concerned over the fact that contract guards do not undergo the same type of background checks as FPS officers. All FPS officers undergo a full and detailed background investigation, including a review by the Federal Bureau of Investigation. Contract guards, on the other hand, only undergo a cursory background check. At the present time there are only 668 uniformed FPS officers, as opposed to more than 5,000 contract guards. The best deterrent to a terrorist bombing or attack on a federal building is a highly trained, professional and fully staffed FPS.

I have great admiration for the men and women who serve so ably on the FPS. That's why I am deeply troubled that FPS officers are paid significantly less than other federal law enforcement officers that perform the same function. This is not fair. Equally as disturbing, the low level of compensation combined with poor communication between management and the rank and file is causing a morale and turnover problem that could further compromise security. Morale plays a key role in the effectiveness of any law enforcement agency. The Federal Protective Service Reform Act will make the changes needed to boost morale, improve management and make FPS better also to respond to terrorist threats to federal buildings.

Quite simply, Mr. Speaker, the goal of my legislation is to remake the FPS into an elite federal law enforcement agency with a well trained, professionally led, highly motivated and appropriately compensated cadre of officers. Another goal is to ensure that decisions to how best to ensure the security of federal buildings are based on sound law enforcement and intelligence analysis—not on budgetary considerations. The main features of the Federal Protective Service Reform Act will:

Establish, by statute, the Federal Protective Service as a freestanding service within GSA, with the responsibility of serving as the principal law enforcement and security agency in the United States with respect to the protection of federal officers and employees in buildings and areas under GSA's control (under the Public Buildings Act, the GSA Administrator has the authority to appoint special police officers and investigators, but the Act does not require GSA to establish a FPS).

Make FPS a service within GSA, separate from PBS. Under the bill, the FPS would have its own commissioner who will report directly to the GSA Administrator (currently the head of FPS has the title of Assistant Commissioner within PBS).

Clarify the responsibilities and authority of FPS officers, including giving them the ability to carry firearms to and from work, providing officers with a "buffer zone" of responsibility extending to property adjacent to a federal building, and clearly delineating the circumstances under which FPS officers can make arrests.

Establish a pay scale and benefit package for FPS officers similar to that of the Uniformed Division of the Secret Service.

Require GSA to hire at least 730 full-time FPS officers within one year of enactment of the bill into law, and bar GSA from reducing the number of full-time FPS officers unless specifically authorized by Congress (the PBS commissioner stated last year in Congressional testimony that GSA's long-term goal is to have 724 full-time FPS officers).

Require contract guards to undergo the same background checks as FPS officers, and require GSA to prescribe adequate training standards for contract guards.

Direct a General Accounting Office study of the feasibility of merging all federal building security services under FPS.

Require that the FPS Commissioner be a career civil servant with extensive law enforcement experience.

Direct FPS to work closely with other federal agencies in gathering and analyzing intelligence.

Direct the FPS commissioner to provide assistance, upon request, to other federal, state and local law enforcement agencies.

Mr. Speaker, the Federal Protective Service Reform Act of 1999 is an urgently needed piece of legislation that will allow this country to better protect itself from a terrorist attack. This legislation should be an integral part of our counter-terrorism strategy. I urge all Members to support this bill.

TRIBUTE TO BROTHER GEORGE SYNAN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. BONIOR. Mr. Speaker, I would like to pay tribute to someone I have known for over 40 years—a man who has been an inspiration to the many people he has taught and nurtured through the years. Brother George Synan, who is celebrating his 70th anniversary as a Christian Brother, has left an indelible mark on the metropolitan Detroit community and, in particular, DeLaSalle Collegiate High School in Warren, Michigan, where he has served as a teacher, coach, administrator, and mentor. Although Brother George semi-retired in 1974, he still taught occasionally at DeLaSalle into the early 1990's. Today, he resides at the Christian Brothers retirement home in Lincroft, New Jersey.

I first met Brother George when I was eleven years old. I used to play basketball at the old DeLaSalle Collegiate which was across the street from the Detroit City Airport. A few years later, as a member of the Notre Dame High School Basketball Team, I used to visit Brother George when my school played DeLaSalle Collegiate. In the last few years, I have had the good fortune to see Brother George occasionally when he returns to Michigan.

Born in New York City in 1911 of Irish parents, Brother George, who celebrates his 88th birthday on April 5th, took his first vows as a religious brother in 1929. A member of the Class of 1932 from the Catholic University in Washington, D.C., he was sent to DeLaSalle in Detroit in 1936. Immediately, Brother George was an innovator. He started an intramural program that involved more than half of the student body. Sunday open gym at DeLaSalle attracted so many students that commando basketball was invented, something like today's team handball, with fifty players on a team. He even began a midget basketball program for boys weighing less than 105 pounds. He was assistant athletic director and coached baseball, football and basketball in his first assignment at DeLaSalle which lasted for eight years.

In 1944, with first hand knowledge of the operations of the Detroit Catholic League, Brother George returned to New York City and eventually became president of the New York Catholic Schools Athletic Association. In time, the New York league began to play its baseball playoffs at Ebbets Field and the Polo Grounds and also started football playoffs. I can't say for sure who started the New York Catholic League, but what they are today is because of a Christian Brother from Detroit. His nine years in New York were at Bishop Loughlin High School where Brother George began a track meet known as the Bishop Loughlin Games, which to this day is the largest indoor track meet in the United States.

In 1957, Brother George returned to DeLaSalle Collegiate. He was sub-director of the DeLaSalle Christian Brother's community, taught five classes, was vice principal and athletic director until 1964 and then continued to teach full time for the next ten years. He was a member of the Catholic League's Executive Board for several terms during the 50's and 60's. It was in 1961 that Brother George became moderator of the Christian Brother's Auxiliary, a post he held with great pride for over thirty years. When St. Joseph High School, the first Christian Brothers High School in Detroit, closed its doors in 1964, he became moderator of their Alumni Association, a post he continues to hold to this day. Later, he also became moderator of the St. Joe's Dad's Club. He firmly believes that keeping the memory of St. Joe's alive at DeLaSalle Collegiate, the school the St. Joe Alumni founded, is very important.

It was in the early 1970's when the teacher, coach, and former administrator at DeLaSalle saw the football field named after him. Throughout the Catholic League, it was known no longer as DeLaSalle Field, not even needing a last name, it was simply and quickly accepted across the Catholic League as the Brother George Field. He touched more lives than just those individuals who came to play or watch a game at the field. His interests went way beyond athletics, and it was first and foremost young people, both boys and girls, and their futures.

He is known for a remarkable memory of DeLaSalle and St. Joe Alumni, their families and their lives. His rapport with alumni and friends is itself legendary in the Christian Brother schools. Countless families benefited from regular visits to those in the hospital or in need of comfort. Brother George never drove a car and had to rely a great deal on public transportation when the weather or distance prohibited walking. So regular were his walking rounds throughout the Metropolitan Detroit area, that he was constantly picked up by alumni or friends, or even strangers who recognized his familiar stature and walk.

People who work in the field of athletics and education get great satisfaction from teaching and coaching young men and women who make their mark in society. They get an even greater thrill when a young person they taught or coached enters their profession. Brother

George can be proud to say he taught teachers, coached coaches, and was an administrator of many administrators. Brother George has left each of them a strong legacy to follow.

For 70 years, Brother George Synan has touched the lives of thousands of our citizens. On behalf of each and every one of them, I rise to publicly thank Brother George for living a life of untiring and unselfish dedication to the Christian principle of serving others. Well done good and faithful servant!

NEW JERSEY'S 11TH DISTRICT—PRIME RECRUITING GROUND FOR ACADEMIES

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, every year, more high school seniors from the 11th Congressional District trade in varsity jackets for Navy peacoats, Air Force flight suits, and Army brass buckles than any other district in the country. But this is nothing new—our area has repeatedly sent an above-average proportion of its sons and daughters to the Nation's military academies for decades.

This shouldn't come as a surprise. The educational excellence of our area is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbringing makes military academy recruiters sit up and take note—indeed, many recruiters know our towns and schools by name.

Since the 1830's, Members of Congress have enjoyed meeting, talking with, and nominating these superb young people to our military academies. But how did this process evolve?

In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. This was not an act of an imperial Congress bent on controlling every aspect of the Government. Rather, the procedure still used today was, and is, one further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to unfettered nepotism that handicapped European armies.

In 1854, Representative Gerrit Smith of New York added a new component to the academy nomination process—the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

The Academy Review Board is composed of nine local citizens who have shown exemplary service to New Jersey, to their communities, and to the continued excellence of education in our area—many are veterans. Though from diverse backgrounds and professions, they all share a common dedication to seeing that the best qualified and motivated graduates attend our academies. And, as is true for most volunteer panels, their service goes largely unnoticed.

I would like to take a moment to recognize these men and women and to thank them publicly for participating in this important panel. Being on this board requires hard work and an objective mind. Members have the responsibility of interviewing upwards of 50 outstanding high school seniors every year in the academy review process.

The nomination process follows a general timetable. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform their Representative of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return the files to my office with their notations. In mid-December, our Academy Review Board interviews all of the applicants over the course of 2 days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

Last year, the board interviewed over 30 applicants. Nominations included 12 to the Naval Academy, 11 to the Military Academy, 5 to the Air Force Academy, and 2 to the Merchant Marine Academy—the Coast Guard Academy does not use the congressional nomination process. The Board then forwards their recommendations to the academies by January 31, where recruiters review files and notify applicants and my office of their final decisions on admission.

It is both reassuring and rewarding to know that many of our military officers hail from our hometowns or close by. When we consider the role of these officers in peace or war, we can rest easier knowing that the best and brightest are in command. Wherever they are sent, be that Bosnia, Somalia, Haiti or Vietnam, many of these officers have academy training.

And while a few people may question the motivations and ambitions of some young people, the academy review process shows that the large majority of our graduates are just as highly motivated as the generation before them. They still seek guidance from loving parents, dedicated teachers and schools, and from trusted clergy and rabbis. Indeed, every time I visit a school, speak at a college, or meet a young academy nominee, I am constantly reminded that we as a nation are blessed with fine young men and women.

Their willingness and desire to serve their country is perhaps the most persuasive evidence of all.

ACADEMY NOMINEES FOR 1999—11TH CONGRESSIONAL DISTRICT NEW JERSEY

AIR FORCE

Donald Cardell, Sparta, Sparta High School; Eric Dekelbaum, Basking Ridge, Ridge High School; Corrie Morris, Landing, Roxbury High School; Matthew Steenman, Mendham, St. Charles Prep; Sarah Willson, Rockaway, Morris Catholic High School.

MERCHANT MARINES

Patricia Larkin, Long Valley, West Morris Central High School; Matthew Slootmaker, Lincoln Park, Mountain Lakes High School.

MILITARY ACADEMY

Joseph Barchetto, Rockaway, Morris Knolls High School; Jonathan Cozens, Basking Ridge, Ridge High School; Brandon Devlin, Livingston, Livingston High School; Radford Fagan, Basking Ridge, Ridge High School; Bryan Gallagher, Rockaway, Morris Knolls High School; Janet Howson, Madison, Madison High School; Michael Kay, North Caldwell, Newark Academy; Charles Larsen, Hopatcong, Hopatcong High School; Christopher MacDonald, Sterling, Watchung Hills High School; Peter Steciuk, Convent Station, Oratory Prep; John Jiger, Basking Ridge, Immaculata High School.

NAVAL ACADEMY

John Ascione, Whippany, Whippany Park High School; Guy Budinsak, Jr., Bridgewater, Bridgewater/Raritan High School; Katherine Comer, Basking Ridge, Academy of Saint Elizabeth; Monica Haba, North Caldwell, West Essex High School; Damien Harder, Sparta, Sparta High School; Thomas Kennedy, Pompton Plains, Pequannock High School; Edana Kleinhans, Long Valley, West Morris Central High School; Thomas Mancinelli, Pompton Plains, Pequannock High School; Erin Marshall, Kinnelon, Kinnelon High School; Christopher McFadden, Chatham, Chatham High School; James Poggio, Long Valley, West Morris Central High School; Brian Ritter, Florham Park, Bayley-Ellard.

IN HONOR OF ZULIMA FARBER AND JOAN VERPLANCK, WINNERS OF THE BARBARA BOGGS SIGMUND AWARDS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize and congratulate Zulima Farber and Joan Verplanck for being awarded the Women's Political Caucus of New Jersey's Barbara Boggs Sigmund Award for their outstanding contributions to New Jersey and their trailblazing efforts on behalf of women.

For over 20 years Zulima Farber has faithfully defended and been an advocate for New Jersey's neediest citizens. From 1992 to 1994, Ms. Farber was appointed Public Advocate and Public Defender for the State of New Jersey. As a member of Governor Florio's cabinet, she faithfully advocated the interests of the public in all policy matters. Specifically, she led efforts to regulate utility rates and protect the developmentally disabled, consumers of mental health services, and abused children. She also oversaw a major overhaul of the management of Public Defender Offices.

Being New Jersey's Public Advocate was Ms. Farber's most public position, but many are not aware of the other aspects of her remarkable career. As a young woman, her family fled Castro-controlled Cuba and settled in

New Jersey. In order to support her family and fund her college education, Ms. Farber got a job as a secretary in a law firm of my hometown of Union City, New Jersey. After completing an undergraduate and masters degree from Montclair State, Ms. Farber received her JD degree from Rutgers Law School in Newark. At Rutgers Law she became a founding member of and vice-president of the Association of Latin American Law Students.

After law school Ms. Farber pursued a successful career as a prosecutor in Bergen County, was named Assistant Counsel to Governor Byrne and then became the first female partner of the renowned firm Lowenstein, Sandler.

Zulima Farber is a member of the State Court Advisory Committee on Ethics, the Fairleigh Dickinson University Board of Trustees, the Meadowlands Hospital Board of Trustees and the State Advisory Committee to the U.S. Commission on Civil Rights.

Joan Verplanck was elected the first ever female president of the New Jersey Chamber of Commerce in December, 1994. In this position she has served as a powerful advocate for our state's business interests and through her leadership, local and regional chambers of commerce have coordinated their efforts to form a grass-roots network in support of business issues.

Ms. Verplanck was also instrumental in the creation of the State Chamber Education Foundation which is facilitating science and technology training for New Jersey's schools. Prior to her election as president of the New Jersey Chamber of Commerce, she accumulated 18 years of experience managing local chambers of commerce, including 8 years as the president of the Morris County Chamber of Commerce. Ms. Verplanck is also a member of the board of directors of the U.S. Chamber of Commerce.

In addition to her outstanding service through the Chamber of Commerce, Joan Verplanck also twice chaired the State's conference on women and she currently serves on the Board of Advisors for Management Education at Rutgers University, the New Jersey Employment Security Council and the Dredging Project Facilitation Task Force.

These women, Zulima Farber and Joan Verplanck, exemplify the principles which Barbara Boggs Sigmund stood for as a Mayor, a freeholder and a public servant. For these tremendous contributions to New Jersey and their incredible example as public servants, I cannot think of two people more deserving of the Women's Political Caucus of New Jersey's Barbara Boggs Sigmund Award. I salute them and congratulate them on this accomplishment.

IN HONOR OF MAYOR KARL KUBB

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. KUCINICH. Mr. Speaker, today I rise in honor of Mayor Karl Kubb for his dedication and commitment to the people of Fairview Park, Ohio.

Karl Kubb has dedicated his life to helping people. He served as Ward 4 Councilman for four years and Council President for six years. Mayor Kubb has also served on various political and civil committees during his career. He has served as Community Council President and initiated and became the first president of the Chamber of Commerce in Fairview Park. Mayor Kubb was the President and Vice President of the Democratic Club and an Executive Commander of the American Legion.

Mayor Karl Kubb is a proven public servant. He has dedicated his life to improving the lives of the citizens of Fairview Park. He is a man of enormous talent and vision. His contributions to the citizens of Fairview Park have been noteworthy.

My fellow colleagues, join me in saluting a man who has dedicated his life to improving the lives of the people of Fairview Park.

HONORING MR. DON S. McCLURE FOR HIS PROMOTION OF BLACK HISTORY MONTH WITH THE 28 DAYS OF FEBRUARY PROGRAM

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Mr. Don S. McClure of Memphis, Tennessee, for his continual promotion of Black History Month with the 28 Days of February Program, Calendar and Black History Awards Ceremony.

Mr. McClure's consulting and marketing company has successfully developed and implemented the 28 Days of February Program in honor of Black History Month. The program and calendar are now used across the nation to educate young people about the vital role of African Americans throughout history. The program has also been used by Professors at the International University in Tokyo, Japan, and other sites around the world.

Mr. McClure's vision included launching the 28 Days of February Program from Memphis, Tennessee, and eventually reaching the entire world with his message of courage and strength from the African American community. He works each year to change the way individuals view African Americans in our society, and provides valuable information which broadens our knowledge of history.

Don McClure concludes Black History Month each year with a special awards banquet to honor outstanding individuals in Memphis. The Black History Awards Banquet culminates the annual Black History Month celebration. For these contributions, today I honor Mr. McClure and wish him continued success in all of his endeavors.

CONGRATULATING THE STATE OF QATAR ON THE OCCASION OF THEIR HISTORIC ELECTIONS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. GILMAN. Mr. Speaker, I am pleased to sponsor a concurrent resolution congratulating the State of Qatar and its citizens for their commitment to democratic ideals and women's suffrage on the occasion of Qatar's historic elections of a Central Municipal Council scheduled for March 8, 1999. Particularly, I thank the co-chairs of the Congressional Women's Caucus, Representative CAROLYN MALONEY and Representative SUE KELLY, for their support and cosponsorship of this resolution.

His Highness, Sheikh Hamad Bin Khalifa al-Thani, the Emir of Qatar, issued a decree a number of years ago creating the Central Municipal Council. In the past year additional decisions about the elections were made, and Qatari women were granted the right to vote in this historic first municipal election and to run for office.

Our colleagues agree that the United States highly values democracy and women's rights. Accordingly, the resolution applauds the Emir of Qatar, for his leadership, and commends the citizens of Qatar for participating in this important civic function. Clearly, this election will demonstrate the strength and diversity of the State of Qatar's commitment to democratic expression.

The resolution also reaffirms that the United States is strongly committed to encouraging the suffrage of women, democratic ideals, and peaceful development throughout the Middle East. I request that the text of the resolution be printed at this point in the CONGRESSIONAL RECORD for our colleagues' review, and I urge their support for this initiative.

H. CON. RES. 35

Whereas His Highness, Sheikh Hamad bin Khalifa al-Thani, the Emir of Qatar, issued a decree creating a central municipal council, the first of its kind in Qatar;

Whereas on March 8, 1999, the people of the State of Qatar will hold direct elections for a central municipal council;

Whereas the central municipal council has been structured to have members from 29 election districts serving 4-year terms;

Whereas Qatari women were granted the right to participate in this historic first municipal election, both as candidates and voters;

Whereas this election demonstrates the strength and diversity of the State of Qatar's commitment to democratic expression;

Whereas the United States highly values democracy and women's rights;

Whereas March 8 is recognized as International Women's Day, and is an occasion to assess the progress of the advancement of women and girls throughout the world; and

Whereas this historic event of democratic elections and women's suffrage in the State of Qatar should be honored: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commends His Highness, Sheikh Hamad bin Khalifa al-Thani, the Emir of Qatar, for

his leadership and commitment to suffrage and the principles of democracy;

(2) congratulates the citizens of the State of Qatar as they celebrate the historic election for a central municipal council on March 8, 1999; and

(3) reaffirms that the United States is strongly committed to encouraging the suffrage of women, democratic ideals, and peaceful development throughout the middle East.

PERMANENT PROTECTION FOR AMERICA'S RESOURCES 2000

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, together with 33 House co-sponsors and our colleagues Senator BARBARA BOXER and Senator ROBERT TORRICELLI in the other body, I am introducing today the Permanent Protection for America's Resources 2000 Act, historic and sweeping legislation to restore our national commitment to America's resources.

Resources 2000 is designed to redeem the solemn pledge made over 30 years ago to reinvest the profits from offshore energy production in our public resources. Billions of dollars have been produced from those offshore lands; and yet Congress and past Administrations have failed to live up to the initial bargain that pledged a sizable portion of those dollars to resource protection for future generations. Not surprisingly, those resources have deteriorated over the years.

The bill we introduce today—with the enthusiastic support of our nation's leading environmental, wildlife and historic preservation organizations—fulfills that promise of steady, certain and adequate funding.

Resources 2000 will provide permanent, annual allocations for high priority resource preservation goals; acquisition and sound management of public lands, parks and open space, marine and coastal resources, historic preservation, fish and wildlife, and urban recreation facilities. Our bill provides states, local communities, farmers and others with the resources they need to plan and manage our irreplaceable assets.

Funding for our legislation is taken from part of the over $4 billion currently provided annually to federal taxpayers in revenues from offshore oil and gas drilling. The legislation does not increase revenues from oil and gas drilling and does not impose any new taxes or royalties. And unlike the other OCS revenue bills under consideration, Resources 2000 creates no incentives for additional leasing or development of offshore oil and gas: not in current areas, and certainly not in areas covered by legislative moratorium.

Our bill also contains a far more equitable distribution of revenues than other bills which lavish more than half percent of the public's money on a half dozen states and shortchange the rest of America.

I am delighted that we are joined in introducing this bill not only by over 20 members of Congress, but also by many of the most broad-based, grassroots environmental, parks, and wildlife organizations throughout this country, including The Sierra Club, The Wilderness Society, Natural Resources Defense Council, Defenders of Wildlife, National Conference of State Historic Preservation Officers, National Parks & Conservation Association, Preservation Action, National Audubon Society, Center for Marine Conservation, US PIRG, National Recreation & Park Association, Police Athletic/Activities League (P.A.L.), National Alliance of Preservation Commissions, and Scenic America.

The effort to provide these funds on a permanent basis in an idea whose time has come. Five years ago, I called for permanent, full funding for the Land and Water Conservation Fund to preserve our parks and public lands for generations to come. If we can do it with Social Security and with the Highway Trust Fund, we should be able to do the same with the fund the American people were promised to protect our national environmental treasures.

I particularly commend the Clinton Administration for recognizing the importance of this initiative in its budget request for the fiscal year 2000. We are committed to working with the Administration and with the sponsors of other congressional initiatives—Senators MARY LANDRIEU (D-LA) and FRANK MURKOWSKI (R-AK), and my own chairman Congressman DON YOUNG (R-AK) and his co-sponsors—to craft legislation that restores our resources' legacy, preserves our national environmental heritage, protects our coasts, and is enacted on behalf of the American people during the 106th Congress.

PERMANENT PROTECTION FOR AMERICA'S RESOURCES 2000

(Authors: Congressman George Miller/ Senator Barbara Boxer)

Permanent Protection For America's Resources 2000 is a bold initiative to provide long-promised funding from offshore oil resources for the acquisition, improvement and maintenance of public resources throughout the United States: public lands, parks and open space, marine and coastal resources, historic preservation, fish and wildlife. Resources 2000 will provide permanent, annual funding for high priority resource preservation goals:

LAND AND WATER CONSERVATION FUND (FEDERAL): $450 MILLION

One-half of the annual $900 million allocation of the LWCF would be dedicated to Federal land acquisition purposes. These funds would be used to acquire lands or interests in lands as authorized by Congress for our national parks, national forests, national wildlife refuges, and public lands.

LAND AND WATER CONSERVATION FUND (STATESIDE): $450 MILLION

One-half of the annual $900 million allocation of the LWCF would go for matching grants to the States for the acquisition of lands or interests, planning, and development of outdoor recreation facilities. Two-thirds of the funds shall be allocated by formula of which 30% shall be distributed equally among the States, and 70% apportioned on the basis of the population each State bears to the total population of all States. One-third would be awarded on the basis of competitive grants. Modifies the requirements of the State Plan in order to be more flexible in meeting the purposes of the Act.

URBAN PARKS RECREATION AND RECOVERY PROGRAM (UPARR): $100 MILLION

Matching grants to local governments to rehabilitate recreation areas and facilities, provide for the development of improved recreation programs, and to acquire, develop, or construct new recreation sites and facilities.

HISTORIC PRESERVATION FUND: $150 MILLION

Funding for the programs of the Historic Preservation Act, including grants to the States, maintaining the National Register of Historic Places, and administer numerous historic preservation programs. Allows up to one-third of the funds for priority preservation projects of public and private entities, including preserving historic structures and sites, as well as, significant documents, photographs, works of art, etc.

LANDS RESTORATION: $250 MILLION

Provides funds to undertake a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

ENDANGERED AND THREATENED SPECIES RECOVERY FUND: $100 MILLION

Creates a dedicated source of funding to the Fish and Wildlife Service and the National Marine Fisheries Service for the purpose of implementing a private landowners incentive program for the recovery of endangered and threatened species and the habitat that they depend on. Monies would be used by the Secretaries to enter into "endangered and threatened species recovery agreements" with private landowners, providing grants to (1) carry out activities and protect habitat (not otherwise required by law) that would contribute to the recovery of a threatened or endangered species or (2) to refrain from carrying out otherwise lawful activities that would inhibit the recovery of such species. Priority will be given to small landowners who would otherwise not have the resources to participate in such programs.

LIVING MARINE RESOURCES: $300 MILLION

Funding for the conservation, restoration and management of ocean fish and wildlife of the United States. Two-thirds of the total would be available to coastal states (including Great Lakes States, territories, and possessions of the U.S.) for the development, revision, and implementation of comprehensive ocean fish and wildlife conservation plans. Funds would be allocated to the states by a formula that gives two-thirds weight to a state's coastal population and one-third weight to the length of a state's shoreline. Minimum and maximum grants sizes will be utilized to ensure equitable funding among the states. To be approved, a state ocean fish and wildlife conservation plan must provide for: an inventory of ocean fish and wildlife and their habitat; identification and prioritization of conservation actions; monitoring of plan species and the effectiveness of conservation actions; public input; and periodic plan review and revision.

The remaining one-third of funds would be awarded by the Secretary of Commerce as competitive, peer-reviewed grants for living marine resource conservation. High priority would be given to proposals involving public/private conservation partnerships, but any person would be eligible to apply for a grant under this provision. A maximum grant size will be established to ensure that a small number of large projects do not consume the bulk of the funding in a given fiscal year.

NATIVE FISH/WILDLIFE CONSERVATION, RESTORATION, MANAGEMENT: $350 MILLION

Permanent appropriation for the conservation of native fish, wildlife and plants. It amends the Fish and Wildlife Conservation Act of 1980 (FWCA, 16 U.S.C. 2901 et seq.) to make funding available to the states for the development and implementation of comprehensive native wildlife conservation plans. To be approved, a state's plan must provide for: an inventory of wildlife and its habitat on a state-wide basis; identification and prioritization of conservation actions; monitoring of plan species and the effectiveness of conservation actions; public input; and periodic plan review and revision. Funds are to be allocated on a formula based one-third on the area of a state relative to the total area of all the states and two-thirds on the relative population of a state.

States are eligible for reimbursement of 75 percent of the cost of developing and implementing state wildlife conservation plans. Federal funds are only available for plan development costs for the first 10 years. As an additional incentive, federal funds will pay for up to 90 percent of: plan development costs during the first three years; and conservation actions undertaken by two or more states. In addition, in the absence of an approved plan, the Secretary may reimburse a state for certain on-the-ground conservation actions during the first five years of the program.

FARM AND RANGE LAND, OPEN SPACE AND FOREST CONSERVATION GRANTS: $150 MILLION

Matching, competitive grants to state, local and tribal governments for purchase of conservation easements to protect privately owned farm and range land, open space and forests from encroaching development. To help communities grow in ways that maintain open space and viable agricultural sectors of their economies. Grants could be used to match state or local long term bond initiatives approved by voters to preserve green spaces for conservation, recreation and other environmental goals.

TRIBUTE TO COLONEL JAMES W. KELLEY, JR.

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mrs. CUBIN. Mr. Speaker, I would like to recognize the outstanding service and dedication to this country by one of Wyoming's native sons. Colonel James W. Kelley, Jr., originally from Sheridan, Wyoming, is retiring from the United States Air Force this month after 30 years of service.

Colonel Kelley has received numerous awards during his successful career in the Air Force. Although all of the awards are impressive, I am most impressed by such things as the Meritorious Service Medal for being directly involved in five serious Pararescue helicopter missions that were credited with savings six lives. Through his work in health and rescue, it is impossible to know how many people are alive today because of Colonel Kelley's bravery and dedication. An even greater number were afforded vital assistance and comfort in times of need.

I salute Colonel Kelley for his years of service to this country. Although we have come to expect people of high caliber and dedication in our Armed Forces, Colonel Kelley will be missed by the Air Force after his retirement. As an American, I am proud of Colonel Kelley's service. Coming from Wyoming, I am proud that one of our native sons has made such a vital contribution to the defense of this great country. I'm sure I speak for every citizen of Wyoming in thanking Colonel Kelley for his years of service, and in wishing him every success in his endeavors when he retires from the Air Force.

IN HONOR OF MAYOR NORM MUSIAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. KUCINICH. Mr. Speaker, today I rise in honor of Mayor Norm Musial for his many years of service and countless contributions to the citizens of North Olmsted, Ohio.

Norm Musial is a man of enormous talent and vision. His leadership and commitment to his fellow citizens have made a difference in his community. A diplomat and statesman, his contributions to the citizens of North Olmsted have been noteworthy.

Norm Musial has been an active member of the North Olmsted community since he and his wife Pat moved there in 1963. Mr. Musial is a past president of the North Olmsted Jaycees and also has served as president of the North Olmsted Republican Club. In 1967, Mayor Musial was selected as one of "Five Outstanding Young Men of Ohio", and in 1969 he was selected as "North Olmsted Citizen of the Year".

Norm Musial's sense of vision for the future, combined with his strategic planning background, sensitivity to residents' needs, and administrative experience has helped him provide uncompromised leadership to the people of North Olmsted.

My fellow colleagues, join me in saluting the leadership and dedication of Mayor Musial.

THE AIRLINE PASSENGER FAIRNESS ACT OF 1999

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. TOWNS. Mr. Speaker, I rise today to support and acknowledge every airline passenger's right to a certain minimum of service. For this reason, I have joined my Senate colleagues Senator RON WYDEN and Senator JOHN MCCAIN in introducing the Airline Passenger Fairness Act of 1999, H.R. 752.

This bill requires airlines to give passengers, their customers, decent and quality service. Once upon a time, customers could count on industry and businesses to provide quality customer service as the price of doing business. Yet, lately, this industry seems to be operating under the philosophy that their customers need them more than they need their customers. The abuses have been plentiful and varied, passengers have suffered from a shortage of seating, late or canceled flights without explanation, nonrefundable tickets, and failure to disclose information that would enable them to make informed decisions about various airline rates.

The facts bear me out on this position. The 1998 Department of Transportation report stated that large United States air carriers charge twice as much at their large hub airports, where there is no low fare competition, as they charge at a hub airport where a low fare competitor is present. Incredibly, the General Accounting Office discovered that fares range from 12 to 17 percent higher at hubs dominated by one carrier or a consortium. Also, the Department of Transportation's Domestic Airline Fares Consumer Report for the Third Quarter of 1997 listed seventy-five major city pairs where fares increased by 30 percent or more year-by-year, while total traffic in these cities pairs decreased by 863,500 passengers, or more than 20 percent.

This Congress should be about the work of reaffirming citizens rights in all aspects of their life. We have introduced the, "Patient's Bill of Rights" for those individuals who seek medical assistance, and we must support "The Flight Bill of Rights" for the 600 million people who use this mode of transportation per year and are increasingly dissatisfied and endangered by substandard service and treatment.

THE INTRODUCTION OF THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT ACT OF 1999

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. HILL of Montana. Mr. Speaker, I am pleased to introduce a bill to settle the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation in the State of Montana. This bill is the culmination of many years of technical and legal work and many years of negotiations involving the Chippewa Cree Tribe, the State of Montana, and representatives of the United States Departments of the Interior and Justice. The bill will ratify a settlement quantifying the water rights of the Tribe and providing for their development in a manner that avoids harm to their neighbors. It provides Federal funds necessary for water supply facilities and Tribal economic development, and defines the Federal role in implementing the settlement. This Settlement bill has the full support of the Tribe, the State of Montana, the Administration, and the water users who farm and ranch on streams shared with the Reservation. The bill will effectuate a settlement that is a textbook example of how State, Tribal, and Federal governments can work together to resolve differences in a way that meets the concerns of all. It is also a settlement that reflects the effectiveness of Tribal and non-Tribal water users in working together in good will and good faith and with respect for each other's needs and concerns.

The Compact quantifies the Tribe's on-reservation water rights and establishes a water administration system carefully designed to have minimal adverse impacts on downstream non-Tribal water users, and indeed, to benefit downstream users wherever possible. This is quite an accomplishment in an area of Montana with a scarce water supply. The Rocky Boy's Reservation is located in an arid area with an average annual precipitation of 12 inches on the portion of the Reservation suitable for growing hay. Fortunately, an average annual snowpack of 30 inches in the Bearpaw Mountains within the Reservation contributes to a significant spring runoff. Effective utilization of that runoff through enlarged or new storage facilities on the Reservation is a critical part of the settlement package which this bill represents. Accordingly, $25 million in the budget of the Bureau of Reclamation is earmarked for specified on-reservation water development projects. To meet the future water and economic needs of the Reservation, the bill contains an allocation of 10,000 acre feet of storage water to the Tribe in Tiber Reservoir, a Federal storage facility.

In addition, the bill authorizes the initial steps of a more extensive process of obtaining a long-term drinking water supply for the Chippewa Cree Tribe—a process that is vital to the survival of the Tribe. Toward that end, the bill authorizes the following: (1) seed money ($15 million) toward the cost of a future project to import drinking water to the Reservation; and (2) funds ($1 million) for the Secretary of the Interior to conduct a feasibility study to identify water resources available to meet the Tribe's future drinking water needs, to evaluate alternatives for the importation of drinking water to the Rocky Boy's Reservation, and to assess on-reservation water needs. The bill also authorizes funds for a regional feasibility study ($3 million) to evaluate water resources over a broader area of North Central Montana that contains two other Indian reservations with unquantified and undeveloped water rights.

In closing, I believe it is not an overstatement to say that the Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act is a historic agreement. It is a tribute to the Governor of Montana, Marc Racicot, represented by the Reserved Water Rights Compact Commission; the chairman of the Tribe, Bert Corcoran and the Tribal negotiating team; David Hayes, Counselor to Secretary Babbitt and the Federal negotiating team; and the water users on Big Sandy and Beaver Creeks in the Milk River Valley of Montana, that this Compact represents a truly local solution that takes into account the needs and sovereign rights of each party. Although numerous Indian water right settlements have been approved by Congress, none have come before us in recent years. In approving the Chippewa Cree Settlement Act, this Congress has the opportunity to send the message to western States that we endorse negotiation as the preferred method of Indian water right quantification, and that we will defer to States and Tribes to fashion their own approach to the allocation of water. I intend to work closely with Members of Congress to ensure passage of this vitally important bill this year.

HONORING MR. JACK VAUGHN, CHAIRMAN, OPRYLAND LODGING GROUP, FOR HIS VISION AND LEADERSHIP

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Mr. Jack Vaughn, Chairman, Opryland Lodging Group of Nashville, Tennessee, for his vision and leadership in creating the internationally renowned Opryland Hotel and his outstanding community service.

Mr. Vaughn will officially retire from his duties at the Opryland Hotel this month but plans to continue working in a part-time capacity for the next two years. After a lengthy career in the hotel business which began at the Westin Benson Hotel in Portland, Oregon, in 1959, Jack Vaughn joined the Opryland Hotel Group as General Manager in 1975, before construction on the original 600 room Opryland Hotel had even begun. Now in his 24th year with the company, Jack has risen to Chairman of the Opryland Lodging Group.

Today, Jack Vaughn's beloved Opryland Hotel boasts 2,883 rooms and 600,000 square feet of meeting and exhibit space, making it the largest hotel and convention center under one roof. His promotion of convention space inside of hotels earned him a spot in the Convention Liaison Council's Hall of Leaders in 1988. The Opryland Hotel is one of the most successful in the world, and generated revenues in excess of 225 million in 1997.

Jack Vaughn's peers have recognized him many times. In 1990, Hotels Magazine named him "Independent Hotelier of the World," and later that year he was named "Resort Executive of the Year." These numerous awards also include the Arthur Landstreet Award from the Educational Institute, and the Lawson Odde Award from the American Hotel and Motel Association.

Mr. Vaughn's achievements extend into the community through his involvement in a number of civic organizations. In 1995, he was awarded the American Heart Association's Heart of the Community Award. He is a past president of the Middle Tennessee Council of the Boy Scouts of America, a board member for the Nashville Area Chamber of Commerce, an executive committee member of the Nashville Rotary Club, past chairman of the Metropolitan Convention Center Commission, and previously served as president, chairman, and director of the Tennessee Hotel and Motel Association. He has also served the Legal Aid Society of Nashville, the Easter Seals Society of Tennessee, the YMCA Black Achievers Program, the Tennessee Police Athletic League, the Nashville Chapter of the American Cancer Society, the United Way of Tennessee, and other organizations.

On the national level, Mr. Vaughn is a member of the Congressional Travel and Tourism Caucus Advisory Council and a past member of the White House Conference on Travel and Tourism Issues Task Force, serving in 1995.

Jack Vaughn is a community leader and a personal friend whose leadership and selfless contributions have greatly benefited residents of the Fifth Congressional District of Tennessee. I wish him much success in the years ahead and the very best in his retirement.

A TRIBUTE TO MINNESOTA SENATE'S RALPH GRAHAM; A DEDICATED PUBLIC SERVANT

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. RAMSTAD. Mr. Speaker, I rise today to pay tribute to a great Minnesotan who represented the very best in public service for more than three decades as Assistant Sergeant-at-Arms for the Minnesota Senate.

Ralph Graham passed away January 28 and leaves a loyal legion of friends at the Capitol in St. Paul, friends and former State Senators like me, who benefited so greatly from his wit, wisdom and key assistance.

Mr. Speaker, when I was first elected to the Minnesota Senate, Ralph Graham was one of the first people I met. His dedication to the Minnesota Senate and the law-making process was truly impressive. He quickly became a trusted friend and I was often blessed to be the recipient of his pragmatic, bipartisan insights on the important issues facing our state and the Legislature.

He was very proud of his job, and that's why he excelled at it. He kept watch over the Senate like a father over a child, the pride evident in his face and every gesture. The commitment he brought to his job each and every day was inspiring.

Mr. Speaker, Ralph's heart, energy and dedication made coming to the Senate a special pleasure. He guarded the Senate chamber's doors and decorum with a patient yet relentless zeal, plainly revealing a love for his job and deep respect for the integrity of the Minnesota Senate.

Ralph's sense of history and duty to his state and country was most remarkable. His father, Charles, also worked at the Capitol. And for nearly 40 years, Ralph helped our nation's brave veterans by working as an X-ray technician at the Minneapolis Veterans Medical Center and, before that, as a messenger in the veterans hospital's administration department.

Mr. Speaker, Ralph Graham's pride and performance set a tremendous example for generations of Senators and their staffs. His values, devotion to Senate traditions and the dignity he brought to the chamber will be sorely missed.

Mr. Speaker, on behalf of all the people of our great state and nation, I want to express my heartfelt sympathy to his family, and my thanks for all he did to make our democracy stronger in so many ways. The Minnesota Senate has lost a valued officer and treasured friend.

PERSONAL EXPLANATION

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. BATEMAN. Mr. Speaker, along with two of my colleagues, I attended the funeral of former governor Mills Godwin of Virginia on Tuesday, February 2, 1999. As a result, I was absent for two recorded votes. Both votes were under suspension of the rules.

Had I been present, I would have voted as follows:

H.R. 68, Vote No. 7, "yea."

H.R. 432, Vote No. 8, "yea."

A TRIBUTE TO ELI AND MARILYN HERTZ

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mrs. LOWEY. Mr. Speaker, I rise today to express my great admiration for Eli and Marilyn Hertz, two outstanding individuals who will be honored by Camp Ramah in the Berkshires on March 13, 1999.

Eli Hertz, the founder and President of the Hertz Technology Group, is a towering figure in the personal computer industry. His computers have won numerous awards and are widely recognized among industry professionals and observers as the gold standard in quality, performance, and affordability. Marketing Computers lauded Hertz's vision, noting that he is "able to shift with industry changes * * * a barometer of the future."

Eli Hertz's devotion to public service is as strong as his commitment to professional excellence. His efforts to build a strong Jewish community and a healthy relationship between the United States and Israel are especially notable.

Among the important organizations benefitting from Eli Hertz's leadership are the Joint High Level Advisory Panel to the U.S. Israel Science & Technology Commission, the Advisory Board for the New York-Israel Economic Development Partnership, the America-Israel Chamber of Commerce and Industry, and the American-Israel Public Affairs Committee. Mr. Hertz sponsored and authored portions of Partners for Change: How U.S.-Israel Cooperation Can Benefit America, a highly-respected blueprint for a new Middle-east.

Marilyn Hertz is herself an expert in computer programming, with extensive experience as a lecturer, as well as a co-founder and principal officer of the Hertz Technology Group. Now responsible for human resources and general management, Mrs. Hertz has been invaluable to the company's success and growth.

Marilyn Hertz is also active in a wide range of civic and charitable organizations, most especially the PTA and Camp Ramah, where her passion for the Jewish community and its children is given full expression every day.

Together, Eli and Marilyn Hertz represent the very best in our country—a personal devotion to service, a professional commitment to excellence, and a visionary grasp of the opportunities open to all Americans in the future.

I am delighted that the Hertz's many friends and admirers are joining to recognize their accomplishments, and I am proud to add my accolades to this well-deserved tribute.

IN HONOR OF JAMES LOUIS BIVINS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in honor of James Louis Bivins on his induction into the International Boxing Hall of Fame.

James Louis Bivins has led an admirable life. He overcame extreme hardships and disappointment, to become a role model to many. In his stellar professional boxing career from 1940 to 1955 James Louis Bivins went 85–25–1 with 31 knockouts. During his career he fought and defeated eight future world champions. From June 22, 1942 until February 25, 1946, during Boxing's Golden Age, Jimmy Bivins was undefeated going 28 bouts without a loss.

Since his retirement from professional boxing James Louis Bivins has given back to the city of Cleveland. As a world-class hall-of-fame athlete, Mr. Bivins has served as a mentor to hundreds of young boxers in his thirty years as a trainer on the west side of Cleveland.

My fellow colleagues, please join me in honoring Mr. Bivins for his induction into boxing's most hallowed club.

KAZAKSTAN'S PRESIDENTIAL ELECTION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to bring to the attention of my colleagues disturbing news about the presidential elections in Kazakstan last month, and the general prospects for democratization in that country. On January 10, 1999, Kazakstan held presidential elections, almost two years ahead of schedule. Incumbent President Nursultan Nazarbaev ran against three contenders, in the country's first nominally contested election. According to official results, Nazarbaev retained his office, garnering 81.7 percent of the vote. Communist Party leader Serokbolsyn Abdildin won 12 percent, Gani Kasymov 4.7 percent and Engels Gabbasov 0.7 percent. The Central Election Commission reported that over 86 percent of eligible voters turned out to cast ballots.

Behind these facts—and by the way, none of the officially announced figures should be taken at face value—is a sobering story. Nazarbaev's victory was no surprise: the entire election was carefully orchestrated and the only real issue was whether his official vote tally would be in the 90s—typical for post-Soviet Central Asian dictatorships—or the 80s, which would have signaled a bit of sensitivity to Western and OSCE sensibilities. Any suspense the election might have offered vanished when the Supreme Court upheld a lower court ruling barring the candidacy of Nazarbaev's sole plausible challenger, former Prime Minister Akezhan Kazhegeldin, on whom many oppositions activists have focused their hopes. The formal reason for his exclusion was both trivial and symptomatic: in October, Kazhegeldin had spoken at a meeting of an unregistered organization called "For Free Elections." Addressing an unregistered organization is illegal in Kazakstan, and a presidential decree of May 1998 stipulated that individuals convicted of any crime or fined for administrative transgressions could not run for office for a year.

Of course, the snap election and the presidential decree deprived any real or potential challengers of the opportunity to organize a campaign. More important, most observers saw the decision as an indication of Nazarbaev's concerns about Kazakstan's economic decline and fears of running for reelection in 2000, when the situation will presumably be even much worse. Another reason to hold elections now was anxiety about the uncertainties in Russia, where a new president, with whom Nazarbaev does not have long-established relations, will be elected in 2000 and may adopt a more aggressive attitude towards Kazakstan than has Boris Yeltsin.

The exclusion of would-be candidates, along with the snap nature of the election, intimidation of voters, the ongoing attack on independent media and restrictions on freedom of assembly, moved the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) to call in December for the election's postponement, as conditions for holding free and fair elections did not exist. Ultimately, ODIHR refused to send a full-fledged observer delegation, as it generally does, to monitor an election. Instead, ODIHR dispatched to Kazakstan a small mission to follow and report on the process. The mission's assessment concluded that Kazakstan's "election process fell far short of the standards to which the Republic of Kazakstan has committed itself as an OSCE participating State." That is an unusually strong statement for ODIHR.

Until the mid-1990s, even though President Nazarbaev dissolved two parliaments, tailored constitutions to his liking and was singlemindedly accumulating power, Kazakstan still seemed a relatively reformist country, where various political parties could function and the media enjoyed some freedom. Moreover, considering the even more authoritarian regimes of Uzbekistan and Turkmenistan and the war and chaos in Tajikistan, Kazakstan benefited by comparison.

In the last few years, however, the nature of Nazarbaev's regime has become ever more apparent. He has over the last decade concentrated all power in his hands, subordinating to himself all other branches and institutions of government. His apparent determination to remain in office indefinitely, which could have been inferred by his actions, became explicit during the campaign, when he told a crowd, "I would like to remain your president for the rest of my life." Not coincidentally, a constitutional amendment passed in early October conveniently removed the age limit of 65 years. Moreover, since 1996–97, Kazakstan's authorities have co-opted, bought or crushed any independent media, effectively restoring censorship in the country. A crackdown on political parties and movements has accompanied the assault on the media, bringing Kazakstan's overall level of repression closer to that of Uzbekistan and severely damaging Nazarbaev's reputation.

Despite significant U.S. strategic and economic interests in Kazakstan, especially oil and pipeline issues, the State Department has issued a series of critical statements since the announcement last October of pre-term elections. These statements have not had any apparent effect. In fact, on November 23, Vice President Gore called President Nazarbaev to voice U.S. concerns about the election. Nazarbaev responded the next day, when the Supreme Court—which he controls completely—finally excluded Kazhegeldin. On January 12, the State Department echoed the ODIHR's harsh assessment of the election, adding that it had "cast a shadow on bilateral relations."

What's ahead? Probably more of the same. Parliamentary elections are slated for October 1999, although there are indications that they, too, may be held before schedule or put off another year. A new political party is emerging, which presumably will be President Nazarbaev's vehicle for controlling the legislature and monopolizing the political process. The Ministry of Justice on February 3 effectively turned down the request for registration by the Republican People's Party, headed by Akezhan Kazhegeldin, signaling Nazarbaev's resolve to bar his rival from legal political activity in Kazakstan. Other opposition parties which have applied for registration have not received any response from the Ministry.

Mr. Speaker, the relative liberalism in Kazakstan had induced Central Asia watchers to hope that Uzbek and Turkmen-style repression was not inevitable for all countries in the region. Alas, all the trends in Kazakstan point the other way: Nursultan Nazarbaev is heading in the direction of his dictatorial counterparts in Tashkent and Ashgabat. He is clearly resolved to be president for life, to prevent any institutions or individuals from challenging his grip on power and to make sure that the trappings of democracy he has permitted remain just that. The Helsinki Commission, which I co-chair, plans to hold hearings on the situation in Kazakstan and Central Asia to discuss what options the United States has to convey the Congress's disappointment and to encourage developments in Kazakstan and the region towards genuine democratization.

"FOUR POINTS OF THE COMPASS": BALINT VAZSONYI'S DIRECTION FOR AMERICA—PART TWO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to enter into the RECORD the second major speech by my friend Balint Vazsonyi at the Heritage Foundation. This speech follows up on themes which Balint developed two years ago in "Four Points of the Compass: Restoring America's Sense of Direction" (CONGRESSIONAL RECORD, Feb. 13, 1997) and is aptly titled "Following the Wrong Compass. The True State of the Union."

In his first presentation. Balint discussed the four principles which form the basis of the American system of governance as adopted by the Founders—the founding principles of the rule of law, individual rights, the guarantee of property, and a common American identity for all of us. In this latest effort, Balint contrasts these founding principles with the current social agenda of the left—social justice, group rights, entitlement and multiculturalism. Balint shows how this alternative agenda is not only contrary to America's founding principles, but is in direct conflict with those principles.

Mr. Speaker, I recommend to you and my colleagues that we read and consider the important thoughts contained in Balint Vazsonyi's speech, "Following the Wrong Compass: The True State of the Union."

[Given at the Heritage Foundation, Washington, DC, Jan. 20, 1999]

FOLLOWING THE WRONG COMPASS: THE TRUE STATE OF THE UNION

About two years ago, I gave a speech here with the title "Four Points of the Compass: Restoring America's Sense of Direction." I would like to begin with a review of America's response to that compass. As some of you recall, the attempt was to condense the most essential, most indispensable aspects of America's founding principles into a practical tool—easy to remember, easy to apply. Much is said about the ways America was meant to be, and what the Founders had in mind. But usually it is couched in very loose terms, partly because fewer and fewer people these days take the trouble to actually reading what the Founders have written. Most disappointingly, members of Congress who actually take an oath upon the Constitution of the United States give us speeches day after day, and television interviews night after night, revealing in the process that if they ever read the Constitution, it was a long, long time ago. Of course, they might simply have a different edition.

In any event, trying to sum up the most essential principles in a manageable number, gave me the idea two years ago of choosing four—because a compass has four points and, like a compass, these principles have provided America's bearings. And so, I proposed the rule of law—always point North—individual rights, the guarantee of property, and a common American identify of all of us.

In these two years, the "Four Points" have been made part of the Congressional Record and printed in many places: as a Heritage Lecture, in Imprimis, in many newspapers and periodicals, as well as in Representative American Speeches. The Republican National Committee decided to publish a version of it as the cover story in Rising Tide and it became the foundation of the book "America's 30 Years War: Who is Winning?" We have held panel discussions on Capitol Hill, and town meetings around the country. There seems to be general agreement about their validity, and opposition comes only from those who have a bone to pick both with America's Founders and with the U.S. Constitution itself.

Town meetings, and the ongoing conversation with the American people via radio and television talk shows in the last two years, have persuaded us that is a good path to follow. People find it helpful as a tool, not only in debates, but also for evaluating public policy.

Here is how it works. Every time somebody proposes a new law, a new statute, or an executive order, you ask whether it passes muster when held against the standard of the "Four Points." The answers are easy because they either do or they don't. If they don't, then they have no place in the United States of America. Without that compass, what would make us American?

Taking the points one by one; Everybody seems to agree that the rule of law is a good thing. Alas, most people don't quite know what that means. One must read Article VI of the Constitution which says "This Constitution . . . shall be the supreme law of the land." Then, the proposition becomes clear. Individual rights are more problematic because one of the developments during the last 30 years was the proliferation of all sorts of "rights" which masquerade as individuals rights even though they are, in truth, group rights. In other words, these rights are claimed by certain people because of their membership in a particular group. Of course, the Constitution does not permit any such thing. Advocates of group rights learned how to dress up their demands as individual rights, and it is alarming how often they get away with it.

Yet the most troubling for all critics of the Founding is the third one, the guarantee of property. It is amazing how strong an emotional reaction it draws, which really proves what the English already knew when they wrote the Magna Carta in the year 1215: That the guarantee of property and the guarantee of liberty are joined at the hip. You either have both or neither. The absolute ownership of property is such a troubling idea for the other side that even the most benevolent among them is unable to stomach it.

The common American identity is something to which, again, many pay lip service, while making the greatest effort to do away with it. One person who, to my surprise, recently paid lip service to it, was the President last night, toward the end of his State of the Union speech. And, of course, one wished for an opportunity to ask him when he was going to issue the next executive order to set women against men, black against white, children against their parents, and South Americans against Europeans. Because that is certainly what his administration has been doing in spades ever since 1993.

By now, it must be clear that there is another compass in our midst, and perhaps the time has come to look at what that other compass is. It, too, has four points. Its North Star is the pursuit of social justice; instead of individual rights, it promotes group rights; instead of the guarantee of property, it advocates redistribution through entitlements; and in place of our common American identity, it favors what it calls multiculturalism. I think we need to examine these four points and try to understand what they mean. We need to, because of something the president said in his second Inaugural Address.

On January 20, 1997, Mr. Clinton called for a new government for the new century. Given that in the entire history of our nation the only previous call for a new government was issued in the Declaration of Independence and not since, I thought then and I certainly think now that, on this occasion, we must take the President seriously. There is also every reason that such a new government would be guided by that "other" compass.

What of its four points? First, social justice. The phrase sounds good, always has, always will. Social justice, after all, is justice isn't it? Well, the Preamble of the Constitution speaks about the establishment of justice. Does "social" add anything to that? If you look up F.A. Hayek, you find that he lists about 168 nouns that have acquired the qualifier "social" to the detriment of each and every one of them. But let's take social justice at face value, just for the moment. Is anyone willing to define what it actually means? To date, I have not been able to find a single person who can do that, because it means something different every day. (I have been offering a reward of $1,000 to anyone who can propose a lasting definition.) The Constitution, on the other hand, is the same—day in day out. There is nothing ambiguous about phrases like "Congress shall make no law . . ." or: "The right of the People to . . . shall not be abridged," or: "All legislative powers are hereby vested in a Congress of the United States." These are finite statements. For social justice to be a plausible replacement for the rule of law, it would have to offer comparable consistency, but of course it can not. It is almost painful to watch critics of the Constitution wrestling with this problem, desperately trying to claim that the rule of law and the pursuit of social justice can indeed live side by side. I submit they cannot and intend to demonstrate it.

Group rights of course do not require too much explanation. Again, the Constitution of the United States offers absolutely no foundation for any kind of group right. In fact, it knows nothing about groups, only about individual citizens, or "The People." There is nothing in between. Thus, every group right is in fact illegitimate. The tragedy is that not only judges and the executive branch, but Congress, too, participated in the enactment of various statutes that confirm rights upon groups. Worse yet, a Republican Presidential Candidate, Senator Bob Dole takes great pride in having engineered the Americans with Disabilities Act—one of the more recent creations of group rights. I suppose, some of you may say, "don't disabled Americans have rights?" Of course they do: exactly the same rights as every other American. They don't have rights because they are disabled, they have rights because they are Americans. And you can substitute anything else for "disabled" and come to the same conclusion. There is all the difference between pointing to certain people and saying: these Americans have not been given their full constitutional due. That's one thing. It is quite another to isolate a group and say, "we must give these people their own, special rights."

And what could be more different than the guarantee of property on one side and redistribution on the other? Property is everything we own—the shoes you wear, the salary you make. The other compass calls for its redistribution, because certain people are "entitled" to it. Here is another word: entitlement. Is there anything in the Constitution of the United States that entitles anybody to the fruits of the labor of another person? For that is what entitlement means, nothing less. The only way a person may be entitled to another persons's possessions is if we disregard the Constitution.

And so we come to the last point, multiculturalism. If the suggestion is that we should look beyond our own borders and not merely read American literature or look at solely American paintings, then I would say every decent school for a very, very long time has taught World History, and World Literature, and World everything. We really didn't need a multicultural movement for that. If on the other hand the idea is that everything has the same value, and that those who have not produced literature should be given literature, and the rest of us be required to study it in order to give the appearance that every nation has literature worth reading—that's something entirely different.

Multiculturalism claims to celebrate our diversity, so here is another question: "What is there to celebrate?" We didn't celebrate that we have arms and fingers, or other things we are born with. If you look around just this room, we have a lot to celebrate right here, because we are all different. It is just one of those nonsensical things, except that—while it is easy to make fun of it all—for many, it is deadly serious. It is serious for us, too, because this compass is likely to guide the 70% of Americans who give the President that approval rating. And if that compass is something to be taken seriously, we have to give it a name.

Why not call the original one—the rule of law, individual rights, the guarantee of property and common American identity—the "American way"? That is a fair designation because these are the essentials which define America. How do we find a name for the other compass? Let us work backwards. Multiculturalism is really another form of redistribution, only it is cultural goods being redistributed. Redistribution grows out of group rights, because certain groups are entitled to the fruits of redistribution, whereas others are not. And, of course, the whole idea of group rights grows out of the search for, and the pursuit of, social justice—whatever that means.

So, here we are, looking for a name. How should one call this doctrine, this compass? "Multi" does not suggest an all-purpose label, and "entitlement compass" just doesn't sound good. "Good compass"? It does not make much sense. How about going back to its North Star: social justice. Of course, justice is something that the English already contemplated in the Magna Carta and, certainly, the Framers have established in the Constitution. We need to focus on the first word in this two-word construct. Perchance we could make a noun of the adjective? Words ending in "-ism" are often used for political programs. If we add this to the adjective, SOCIAL-ISM comes out as the logical designation for this compass.

Are we in trouble! We will be advised immediately that this is not going anywhere—just look at where Joe McCarthy ended! But what if he didn't go about it the right way, because socialism was hurled at people as an accusation, as a pejorative, derogatory term? In any event, as an inflammatory word? Of course, then we were engaged in a war—cold most of the time, hot some of the time—against the Soviet Union, and we saw the Soviet Union as the representative of socialism. Even so, McCarthy came to grief. And now, when the Soviet Union is gone, most would think it ridiculous to invoke socialism. But what if the problem is the way we think of the word, and the way we look at what socialism is.

That is really where I would like to get your ear today, and your active help in the future.

Socialism, I believe, is the appropriate, scholarly, utterly unemotional designation of a grand philosophical idea in Western Civilization. Ever since Descartes started thinking about thinking, and other French philosophers followed in the 18th Century, then Germans picked it up where the French had left off, socialism has been in the making. For a long time, then, socialism has been with us as "the other grand idea" of Western Civilization, and will remain with us as long as there is an "us." There is nothing derogatory about it, and there is nothing "red" about it. Socialism is an idea about interpreting the world, and charting the future, that has had the benefit of some of the best minds in the history of the planet, and has held—and continues to hold—tremendous appeal to vast numbers of people. It deserves to be taken seriously, and it needs to be engaged on philosophical grounds. In every sense of the word, it holds the opposite view of everything this country was built on.

The "Four Points of the Compass," presented to you two years ago, represented a set of principles. Our American way is built on principles. These principles were laid down to create a set of conditions within which the citizens of this country can pursue their individual happiness—not social justice—their individual happiness, least hindered, with the fewest possible obstacles in their path. Thus, principles create conditions which are simply there as a tent under which people are safe and secure in their lives—their livelihoods, their possessions—and are able to do their best.

Socialism, as the four points of its compass demonstrates, has no principles. It has an agenda. The pursuit of social justice is an agenda. The creation of group rights is a continuation of that agenda. Redistributing the fruits of society's combined labors is an agenda. This is extremely important to realize because we have become very, very imprecise in our use of words. We ought not to speak of the legislative goals of the American side as an "agenda" because voters can say: "well, he has this agenda, and she has that agenda and it's my right to choose which agenda I like." I don't believe that the American way calls for an agenda. There may be specific legislative initiatives, there may be needs of the nation to be met, but I don't believe that the Framers gave us an agenda. They gave us specific principles, articulated as laws, within which we are free to pursue to our benefit—and to no one else's detriment—whatever is our life's dream. So first of all, we have to realize that there are principles on one side, and an agenda on the other. Principles provide the floor under your feet. An agenda pulls you in a certain direction. One is *guided* by principles, one is *driven* by an agenda. I am just trying to say this in as many ways as I possibly can.

Socialism cannot coexist with the rule of law because the most important aspect of the rule of law is its consistency. Yes, the Constitution may be amended through a very specific process and that's an important aspect of it. But its fundamental tenets—lets make no mistake about that—will never change because, if we amend those, the result will no longer bear any resemblance to the Constitution of the United States.

Thus, the rule of a law functions as a constant, whereas the pursuit of social justice demands that we change the law everyday in order to accomplish the agenda—which also changes everyday.

I submit that the label "socialism" is the one tool we possess that we have not used, and that could be our salvation. Not only because truth in labeling always helps. Let us not think of it as labeling, but as truth. The truth always helps, especially against an adversary that always runs from the truth. To use the word effectively, we have to understand what socialism is, and what it is not. Socialism is not red, or any other single color. The Soviet Union was but an episode in Socialism's three-hundred-year history. It was a long one, a troublesome one. But goodness knows, Nazi Germany was most troublesome, even though that lasted only 12 years. Eventually, it passed, the Soviet Union passed, Mao Tse Tung passed away, and even Castro won't live forever. All these have been episodes. These are not our true adversaries. Our adversary is The Idea, this intoxicating idea that is able to dress up in local colors and plug into the deepest yearnings of any nation.

In America, it did so in spades about 30 years ago. It found all the hot buttons of Americans, so there are millions of decent Americans today who honestly believe that the socialist agenda they have signed on to has American roots.

Back to colors. Socialism may have been red in the Soviet Union, but it was black in Italy where it was called the Fascist Party of Mussolini, Mussolini's personal version of the Italian Socialist Party from which he had been expelled. It was brown in Germany under the National Socialists, but currently, in the same Germany, it is green. It wears blue at the United Nations. Want more colors? If you really want a Rainbow Coalition, look at socialism around the world. So, first let us not get stuck on color. Second, please let us not get stuck on a particular regime. There is all this confusion about socialism, communism, fascism. But we will know how to make head or tail of them once we realize that they all study the same books.

Fascism was simply Mussolini's version for Italy, having nothing whatever to do with the National Socialist German Workers party—Hitler's party—which ruled Germany during the years of the Third Reich. It was Stalin who thought it might be just a little uncomfortable and embarrassing for the Soviet Union—the Union of Soviet Socialist Republics—to have Hitler, too, designated as a socialist. So he ordered everyone, including his American agents—you remember, the ones that McCarthy was so dastardly to expose?—to start referring to Hitler's Germany as "fascist." It never was. It was a national socialist regime. And to point to minute differences between it and the Soviet Union doesn't make practical sense because the Soviet Union had 70-plus years to develop its ways. Hitler's Germany existed only for six years in peace time. After that it was engaged in a world war. Even during those six years, it was preparing the war, and so the various deviations from orthodox socialism really should not cloud the issue. We have to remember, also, that Karl Marx, already in the communist manifesto of 1848 differentiates among no fewer than seven versions of socialism, all of which he rejects in favor of his own, which he calls Communism.

Communism is nothing other than the castle at the end of the climb for all socialists. And please believe me there is no difference between this socialist and that socialist, and social democrat, and democratic socialist, and progressive, and liberal, and "people for the third way"—we are given different labels all the time. It is all socialism, and all of it leads to communism—yes, communism, and let us not be afraid of that word any longer. It will be a glorious time, we are told, for humanity when communism is established, and when social justice will have come to every man, woman and child in the world, for that's what communism is: One World, in which social justice has been accomplished.

Other issues tend to be confusing as well. Generically, the American way can also be called the Anglo-American way of interpreting the world and charting the future. By the same token, the opposite view may be called "Franco-Germanic." To begin with, only these four countries engaged in systematic thinking about these matters over the centuries. Individuals from other countries have made contributions, but only in these four countries—England, France, America, and Germany—have there been schools of political philosophy. The four schools resulted in two conflicting ideas. They are in conflict with regard to morality, law, and economic principles—in conflict all the way.

Thus, the divider has always been the English Channel and not the Iron Curtain. Of course, the English Channel has been there all the time, whereas the Iron Curtain was a very temporary fixture—thank goodness. But if that is true, how is it possible that France and England were allies in both world wars? Not difficult. Philosophically, as the books in our libraries confirm, the permanent alliance is between France and Germany. But naturally, when France is attacked and is unable to defend itself—as it happened throughout this century—they reach for the people who are willing to die for them. And those were the British and the Americans. The alliance lasted as long as the French were in need. Read French philosophers, listen to French socialists and communists who are daily guests on our college campuses today. Like the Germans, they preach the socialist gospel. Exception: Voltaire. He admired the British political system and, when he openly said so in France, the authorities issued a warrant for his arrest.

Let us, then, rid ourselves of these confusing images and understand that these two gigantic ideas have been, are, and will be fighting it out to the end.

How does this affect the state of our nation?

Last night, the President would have you believe that it was just wonderful. It might be a matter of your vantage point, I think. Certainly, the Dow Jones has never been higher, but don't let that fool you. Having lost the university decades ago, we then lost the high schools, and now we have lost the entire educational establishment, all the way down to the day care center. Our children are being brought up to be socialists. Nothing else. Our media is manned and womanned mostly by socialists. If you doubt that, just remember that last week not a single network carried the charges against the president on the Senate floor, but yesterday when the president's case was to be presented, all network programs were preempted. Congress accommodates a growing number of representatives and senators who think nothing of inventing entire new passages for the Constitution, or reveal themselves as nothing more than members of the phalanx that surrounds the executive branch. United States Senators have taken to announcing their verdict before, or right after, taking an oath upon being impartial jurors.

If we really mean business, we have to use our chief asset. Yes, socialism is a great asset. We tend to engage in lengthy discussions about esoteric matters, like high taxes, low taxes, big governments, small governments. I say esoteric, because they are not tangible. What is high? What is low? What is big? What is small? Instead of interminable debates, which our side loses almost all the time, let us look Senator Kennedy, Senator Wellstone, Senator Boxer—the list goes on—in the eye and say: "What you are advocating Senator (or Mr. President, or Mrs. President) is covered by a very simple word, and the word is socialism. If you think it's great, why don't you tell us more about it?" And: "Why don't you tell us why you believe in it?"

"Are you calling me a socialist, sir? I demand an apology." "No, sir, I am not calling you anything. You are proposing a socialist agenda." Isn't that a great deal simpler than trying to explain why it is not mean-spirited to oppose the next federal education program? Isn't it a great opportunity to say: "My position on the issue derives from America's founding principles; would you tell the country where your position derives from?" Unless we will find it in our hearts to engage in this type of dialogue, unless we find the courage to fight the elections in 2000—possibly our last chance to divert a long-term disaster—by calling the compass of the other side what it really is, I don't think we should blame others, least of all the American people, for losing that election.

Millions of ordinary Americans appear to have accepted, and be promoting, the socialist agenda. There is every reason to believe that many minds would be changed if they were brought fact-to-face with socialism as the doctrine they are following and advocating. We must explain that this is not "hate speech," but simply the appropriate designation. If we de-demonize and re-legitimize the word socialism, and reintroduce it to its appropriate place, I guarantee the outcome is going to be different. So we at the Center for the American Founding are going to issue a call to all good people, especially those who care deeply, such as yourselves, to engage in retreats, and seminars, and discussions, so that our own side can understand anew what socialism is, and what it is not.

And once we do that, we shall never look back.

MEETING THE NEEDS OF OUR NATION'S SENIOR CITIZENS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. GOODLING. Mr. Speaker, today, I would like to associate myself with the remarks of Mr. McKEON regarding the Older Americans Act Amendments of 1999. For far too long—since 1995—the Older Americans Act has been left unauthorized. It is time we remedied this situation by working across party lines to fashion a bipartisan solution.

I have seen firsthand in my district how the Area Agencies on Aging work together with senior citizens to ensure that their lives are filled with dignity and self-respect. Without the essential programs of the Older Americans Act millions of seniors would be relegated to a world of almost complete isolation.

I applaud the work of Mr. BARRETT—who has volunteered to take a lead on this issue—along with Subcommittee Chairman McKEON, Mr. MARTINEZ and Mr. CLAY. And, I pledge my support in working to pass an Older Americans Act Amendments of 1999, which both parties can take pride in, and one which, more than anything, benefits all seniors across the country.

WORKING TOGETHER TO HELP OUR NATION'S SENIOR CITIZENS

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. McKEON. Mr. Speaker, today, Mr. BARRETT of Nebraska, Mr. MARTINEZ, Mr. CLAY, Chairman GOODLING and I are introducing the Older Americans Act Amendments of 1999. Our hope is that this bill will be the first step in an ongoing bipartisan effort to reauthorize the Older Americans Act. Nonetheless, it is important to remember that there is much work to be done when it comes to reforming and streamlining the provisions of the Older Americans Act.

Today's version of the Older Americans Act Amendments of 1999 represents a good-faith effort on the part of both parties to work together in this important venture. Over the course of the next several months, we are committed to having an open dialogue with all those who are involved in administering the Act's many programs. However, it is absolutely imperative that we keep those who we are trying to help—the frail and elderly—foremost in our minds.

INTRODUCTION OF THE GENERIC DRUGS ACCESS ACT OF 1999

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. PALLONE. Mr. Speaker, the high cost of prescription drugs is one of the most pressing health care issues confronting the country's senior citizens, employers, managed care plans, state and federal drug programs. Controlling drug costs will be no easy task. One time-tested method, however, is timely access and availability of generic medicines once the patent on brand name drugs expires.

Generic competition has a dramatic impact on pharmaceutical costs. When a generic drug first comes onto the market, it typically costs 30 percent less than the brand name version. After two years on the market, the prices drop further to 60 or 70 percent of the brand name drug. The price of some generic drugs drop by as much as even 90 percent.

While these competitively priced alternatives are good for consumers, employers and government purchasers, they are not good for the brand name producer trying to maintain and protect monopolistic pricing. If there is no generic alternative available, consumers who need medicine have no choice but to buy the available brand drug and pay whatever it costs. It is for this reason that brand name drug companies launch aggressive campaigns to block or delay generic competition.

One tactic used by the brand industry to prevent generics from reaching the consumer is to convince state legislatures to pass unnecessary restrictions to the substitution of generic versions of brand name drugs. These restrictive laws are being advanced despite a scientific finding by the Food and Drug Administration (FDA) that the generic drug is equivalent and substitutable to the brand name product. The state campaign is nothing more than an attempt by the brand name companies to protect market share.

If these tactics are successful with the states, generic manufacturers could end up having to comply with 50 different sets of state laws before their products could ever reach the consumer. If would render the FDA stamp of approval meaningless. And it will only add extraordinary hoops for doctors and pharmacists to jump through before a generic medicine is dispensed. The ultimate losers are the senior citizens and other prescription drug purchasers who will be denied the access to equivalent generics and are forced to continue paying excessive brand prices for their medicines.

The bill I am introducing today, the Generic Drugs Access Act, would prevent drug companies from gaming the system. Very simply, this bill prohibits states from passing laws keeping generic drugs off the market once the FDA has determined that a generic drug is "therapeutically equivalent" to a brand name product. Most importantly, it will ensure that generic drugs get to the market in a timely fashion and provide consumers with access to low cost alternatives at the earliest possible time.

I urge my colleagues to lend their support to the effort to ensure low cost alternatives to brand name drugs are readily available to consumers and cosponsor the Generic Drugs Access Act of 1999.

RETURN THE FORESTS BACK TO THE PEOPLE

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mrs. BONO. Mr. Speaker, I rise to announce the introduction of the Forest Tax Relief Act (H.R.—), an important bill to let all our citizens enjoy the forests free from burdensome taxes. I am proud to announce that I have co-authored this bi-partisan bill with my dear colleague, Representative LOIS CAPPS (D–CA.) Our original co-sponsors include Congressman MERRILL COOK (R–UT), Congressman PETER DEFAZIO (D–CA) and Congresswoman JO ANN EMERSON (R–MO).

Due to enabling legislation passed by a previous Congress, the United States Forest Service has implemented a new pilot project charging day users a per car fee to park on public lands. Dubbed the "Adventure Pass" by the U.S. Forest Service, this is nothing but a new tax on using public lands. Many of my constituents question the fairness and merits of this tax, and I share their concern. This tax goes against the concept of experiencing our free and open land making it a hardship on locals and visitors alike.

Within the forests of the 44th Congressional district, the per car fee for an Adventure Pass is $5. To residents in the communities of Idllywild, Anza, Hemet and San Jacinto and tourists who come to enjoy these precious lands, this fee is a source of much controversy. We have come to expect the freedom to enjoy this area without the inconvenience and tax imposed on us today.

To tax the Great Outdoors is offensive to the very concept of the national forest system. The forests are for the entire nation and therefore should be supported through the traditional funding process. Under this plan, Congress taxes Americans twice. It is now time to remedy this situation.

Mr. Speaker, I believe we are deterring individuals from discovering the wonder and beauty of our National Forests. We must encourage people to visit, not discourage them from doing so. When tourists go elsewhere, it hurts small businesses and it hurts our efforts to educate individuals on the importance of protecting this precious national resource. This tax serves as a barrier to working families, hikers, nature lovers and all those desiring access to our national forests.

I hope my colleagues will join me in supporting this effort to return the forests back to the people.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. UDALL of Colorado. Mr. Speaker, on February 2, while I was meeting in my office with some constituents, an apparent problem with the bell system led to my inadvertently missing the vote on rollcall No. 7, passage of H.R. 68—the Small Business Investment Company Technical Corrections Act. Had I been present, I would have voted "yes."

TRIBUTE TO MRS. GERTRUDE S. PARIS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. CLYBURN. Mr. Speaker, I ask my colleagues to join me in paying tribute to a loving mother, grandmother and great-grandmother, Mrs. Gertrude S. Paris.

Mrs. Paris was born in Rochester, New York, on February 27, 1899, to Charles and Elizabeth Steul. In November 1938 she married Earl A. Paris (deceased). They had two children, John Walter Paris and Beverly Paris Dox. Mrs. Paris has seven grandchildren and six great-grandchildren who affectionately address her as "Gramma."

Mrs. Paris has led an extremely active life. She maintained her home in Rochester until her early 90's, mowing her own lawn and tending her garden. She was a founding member of the Rochester Garden Club, and an avid bridge player. Her favorite pastime was "a pound of chocolate and a good book." Mrs. Paris became a constituent of mine at the age of 94 when she moved to Columbia, SC, to be closer to her family.

Mr. Speaker, on Saturday, February 27, 1999 Ms. Gertrude A. Paris will celebrate her 100th birthday. Please join me in wishing her the happiest of birthdays and Godspeed.

TRIBUTE TO PATRICK CAMPBELL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. PAYNE. Mr. Speaker, as we know, the work of a busy person is never done. This Friday, February 26, such a man is being recognized for his work in the labor community. Patrick Campbell will be acknowledged and paid tribute to for his leadership role within New Jersey's labor movement.

Patrick Campbell has been a member of Local 825, International Union of Operating Engineers since July, 1946. He has worked as an Apprentice/Engineer, Dirt and Crane Equipment Operator, Plant and Shop Engineer, Shop Steward and Lead Engineer. In 1971 he was elected to the Executive Board and appointed as a Business Representative. In 1976 he was chosen Business Manager and was appointed Trustee of Local 825's Pension/Welfare Fund Service Facilities. He has been reelected Business Manager seven times. In addition to his functions as Business Manager of Local 825, he is a Vice President of the New Jersey State AFL–CIO. He has served as Vice President of the New Jersey State Building and Construction Trades Council.

Mr. Campbell is also Second General Vice President of the International Union of Operating Engineers. He also serves on joint committees of the Engineers/Teamsters, Engineers/Laborers and Engineers/Iron Workers. Additionally, he is President of the Northeastern Conference of Operating Engineers.

Pat Campbell has served on the Port Authority Development Advisory Committee of New York and New Jersey and on a committee of the Research Advisory Council for Public Service Electric and Gas Co. He is Chairman of Local 825's Political Action and Education Committee and one of the founders of Local 825's Registered Indentured Apprenticeship Program.

When it comes to service, Patrick Campbell shares his time and expertise with community organizations, as well. He has served as Scoutmaster for the Boy Scouts of America, has coached Little League girls' softball, and has been Vice President of the Parents' Guild of Roselle Catholic High School. He served as a Navy Seabee in the South Pacific during World War II and has been a member of the Catholic War Veterans, the Veterans of Foreign Wars and the Knights of Columbus. He is currently a member of the Council of Regents of Felician College of Lodi, NJ and the Housing Commission of the Archdiocese of Newark.

Mr. Speaker, I am sure our colleagues will join me as I extend my best wishes and thanks to Patrick Campbell and family; his wife Adele, his four children and ten grandchildren.

THE TEXAS LEGISLATIVE BLACK CAUCUS AND ITS UPCOMING CONFERENCE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to pay tribute to the Texas Legislative Black Caucus and its groundbreaking efforts to advance public policy objectives in my home State of Texas.

As a former Member of the Texas House of Representatives and Texas Senate, I know first-hand of the Caucus's strong commitment in promoting education, economic development and public safety to ensure positive change. The Caucus's accomplishments include the passage of legislation to provide scholarships for low-income students, securing funding for the Lone Star State's black colleges and universities as well as provisions to ensure minority participation in the state's procurement program.

To kick off its legislative agenda for 1999, the Caucus will be hosting a statewide conference in Austin on March 10th–12th. Thousands of Texans from across the state are expected to attend the conference aptly entitled, Preparing for the Millennium. The State's 14 African-American House Members and its two Senators will be hosting the conference. They will be honoring the achievements of outstanding Texans in the fields of education, business, public services, entertainment, professions, and public safety. Governor George Bush is expected to attend the conference as well.

Delegates to the conference will be holding an "Education Summit" whose purpose is to identify problems and propose solutions to enhance the state's black colleges and universities. "Break-out" sessions will be held to discuss elementary, secondary and higher education issues. Other workshops will be conducted on health care, child care, economic development, electricity restructuring and environmental racism.

Mr. Speaker, please join me in congratulating the Caucus on its past accomplishments and in sending best wishes for a successful conference this year in Austin.

THE INTRODUCTION OF THE NATIONAL RIGHT TO WORK ACT OF 1999

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. GOODLATTE. Mr. Speaker, I am pleased today to introduce the National Right to Work Act of 1999 along with 86 original cosponsors.

This Act will reduce federal power over the American workplace by removing those provisions of Federal law authorizing the collection of forced-union dues as part of a collective bargaining contract.

Since the Wagner Act of 1935 made forced-union dues a keystone of Federal labor law, millions of American workers have been forced to pay for union "representation" that they neither choose nor desire.

The primary beneficiaries of Right to Work are America's workers—even those who voluntarily choose to pay union dues, because when union officials are deprived of the forced-dues power granted them under current federal law they'll be more responsive to the workers' needs and concerns.

Mr. Speaker, this act is pro-worker, pro-economic growth, and pro-freedom

The 21 states with Right to Work laws, including my own state of Virginia, have a nearly three-to-one advantage over non-Right to Work states in terms of job creation.

And, according to U.S. News and World Report, seven of the strongest 10 state economies in the Nation have Right to Work laws.

Workers who have the freedom to choose whether or not to join a union have a higher standard of living than their counterparts in non-Right to Work states. According to Dr. James Bennett, an economist with the highly-respected Economics Department at George Mason University, on average, urban families in Right to Work states have approximately $2,852 more annual purchasing power than urban families in non-Right to Work states when the lower taxes, housing and food costs of Right to Work states are taken into consideration.

The National Right to Work Act would make the economic benefits of voluntary unionism a reality for all Americans.

But this bill is about more than economics, it's about freedom.

Compelling a man or woman to pay fees to a union in order to work violates the very principle of individual liberty upon which this nation was founded.

Oftentimes forced dues are used to support causes the worker does not wish to support wish his or her hard-earned wages.

Thomas Jefferson said it best, ". . . to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical."

By passing the National Right to Work Act, this Congress will take a major step towards restoring the freedom of America's workers to choose the form of workplace representation that best suits their needs.

In a free society, the decision of whether or not to join or support a union should be made by a worker, not a union official, not an employer, and certainly not the U.S. Congress.

The National Right to Work Act reduces federal power over America's labor markets, promotes economic growth and a higher standard of living, and enhances freedom.

No wonder, according to a poll by the respected Marketing Research Institute, 77 percent of Americans support Right to Work, and over 50 percent of union households believe workers should have the right to choose whether or not to join or pay dues to a labor union.

No other piece of legislation before this Congress will benefit this Nation as much as the National Right of Work Act.

I urge my colleagues to quickly pass the National Right to Work Act and free millions of Americans from forced-dues tyranny.

THE INTRODUCTION OF THE EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. CASTLE. Mr. Speaker, I am pleased to introduce the Education Flexibility Partnership Act of 1999. Teaching children to master skills and knowledge is the key to our nation's future success and economic growth and the surest ticket to a better life for our Nation's citizens. As the House Education Subcommittee Chairman on Early Childhood, Youth, and Families, I offer this legislation—which I began work on in the 105th Congress—as the first item on the Subcommittee's agenda in pursuit of attaining educational excellence for children across the Nation.

The Education Flexibility Partnership Act of 1999, also known as Ed-Flex, will bring much needed relief to our schools, while boosting the productivity and the academic achievement of students. There is nothing more important to the future of our country than ensuring our students receive a challenging and enriching education. In talking to teachers about our schools, one of the complaints I hear repeatedly is that the Federal Government often weighs in on local school matters in a counterproductive and burdensome way. Often times, regulations put in place at the Federal level—intended to assist local schools in attaining educational excellence—actually have the opposite effect. Instead of strengthening teachers' time in the classroom, some regulations end up taking talented teachers away from students so they can fill out paperwork or assess program spending. Again, the intention of these regulations are good. Everyone wants students to achieve at higher rates and schools to provide better educational opportunities. However, because each school district is structured differently and because each student body has diverse needs, regulations sometimes actually interfere with the schools main focus of educating children. In these instances, we have actually added to the barriers of attaining educational excellence, instead of breaking them down. A 'one size fits all solution' rarely works for everyone, and though they provide a framework for schools, they do not cross every 'T' or dot every 'I'. We can help fill in this gap, however, by supporting education flexibility.

Under current law, 12 states are authorized to participate in an enormously popular pilot program known as Ed-Flex. My proposal extends that authority to all states. Under Ed-Flex, states can grant schools waivers of certain federal requirements that, while intending to assist, actually inhibit the school's ability to improve educational opportunities for its students. For example, in Ohio, the program was used to significantly reduce paperwork for schools, school districts, and the state education agency. In addition, the state granted two statewide waivers. Each of these required school districts to describe the specific regulatory barrier, show how the removal of the barrier will benefit students, and describe a plan to evaluate the waiver's effect on teaching and learning. The time saved on completing applications frees up staff time to address more substantive and crucial needs of the students.

Texas has successfully used Ed-Flex waiver authority to improve student performance through more than 4,000 programmatic and administrative waivers, such as permitting schools to offer school-wide Title I programs, changing the priorities for professional development activities under the Eisenhower Professional Development program, and reducing paperwork for schools. After only two years of implementation, preliminary statewide results on the Texas Assessment of Academic Skills show that districts with waivers outperformed districts without waivers 87 percent to 84 percent in reading and 82.6 percent to 80.2 percent in math. For African-American students, the gains were even bigger. For example, at Westlawn Elementary School in La Marque, Texas, African-American students improved almost 23 percent over their 1996 math test scores with 82 percent of students passing. The statewide average was 64 percent.

Maryland, another Ed-Flex state, used its waiver authority to reduce student-teacher ratios for students with the greatest need in math and science from 25 to 1 to 12 to 1. Under the Howard County waiver, the school will provide additional instruction time in reading and math and increase each student's time on task. The State holds schools accountable through performance on the Maryland School Performance Assessment Program. Ed-Flex allows schools to tailor waivers to meet their individual needs. I believe all States should have the opportunity to obtain similar improvements in their regulatory process and, more importantly, in academic achievement.

In response to a report released by the General Accounting Office on the Ed-Flex demonstration project, my proposal strengthens accountability in the program by ensuring that states demonstrate that student performance improves through the use of waivers and adds to the list of programs eligible for waiver under Ed-Flex. My proposal also ensures that states do not issue waivers to allow schools to participate in Title I that are more than 5 percent below the average poverty rate—thereby maintaining targeted funding for disadvantaged children.

Ed-Flex facilitates a seamless system of services for students because the federal and state programs can be well coordinated. In testimony and reports submitted to Congress by the U.S. Department of Education, states gave examples of how Ed-Flex has given them not only greater flexibility, but also the ability to set even higher expectations for student performance—by asking for a higher level of accountability in exchange for Ed-Flex waivers. In addition, by enacting this legislation now, the immediate experiences of the States can help Congress identify the areas of federal regulatory burden for school districts. We can then address these problems during the reauthorization of the Elementary and Secondary Education Act. Ed-Flex will allow our schools to work more creatively in meeting student needs while ensuring that important Federal education priorities remain in effect.

THE LINE-ITEM VETO CONSTITUTIONAL AMENDMENT

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. ARCHER. Mr. Speaker, today I am introducing a joint resolution to amend the Constitution in order to give the President line-item veto authority on appropriations approved by Congress. I first introduced this resolution during the 99th Congress. As the Supreme Court confirmed on June 25, 1998 in ruling that the 1996 Line Item Veto Act was unconstitutional, a constitutional amendment is indeed necessary.

During this era of "as far as the eye can see" surpluses, I am deeply concerned that our commitment to fiscal discipline will be eaten away. The "desire" to cut spending may no longer be enough to fight the Washington spending machine. Last year's 40-pound, 4000-page, $520 billion "omnibus" spending bill is compelling evidence of this point.

President Clinton's FY2000 budget was an even further retreat from his earlier claim that the "era of big government is over." Without any thought of giving back some of the surplus to the people who put it there, President Clinton called for more than $200 billion in new domestic spending over 5 years, including nearly 40 new mandatory programs and almost 80 new discretionary programs. How does he propose to pay for this spending spree? $108 billion in new taxes and fees!

Obviously, a fixed mechanism to fight unnecessary and abusive spending must be put in place. A constitutional line-item veto amendment must be adopted—to restore fiscal discipline to the Federal Government and to save the well-being of our Nation. I want American Presidents to have the tools they need (just like the governors of 43 States) to resist the inevitable pressures to spend our Nation's assets.

A TRIBUTE TO BRIGADIER GENERAL ROGER W. SCEARCE, USA

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. McCOLLUM. Mr. Speaker, I rise today in tribute to a great General, a great leader, a great soldier and citizen from my home state of Florida, Brigadier General Roger W. Scearce, on the occasion of his retirement from the United States Army. On this day, he deserves our gratitude and our respect for his 28 years of dedicated and honorable service to his country.

General Scearce represents the finest attributes of United States military service—he is a true example for all to emulate. He progressed through the ranks to achieve the most senior position in the Army Finance Corps. He has seen the battlefield of Desert Storm, and served in every clime and place throughout the globe.

For some people, democracy is simple arithmetic; their citizenship is a matter of addition and subtraction. They are experts at taking from others but strangers to giving to others. By contrast, General Scearce has selflessly given his time and talents to the United States. He has worn the badge of citizen-soldier, and by his act of patriotism, made that a badge of honor.

I am personally grateful for what General Scearce and his family have sacrificed over the years, a sacrifice so many of us take for granted. To support and defend the Constitution of the United States is sometimes a thankless deed, but it is the glue that holds our country together. Service to this great nation is a time-honored tradition that few of our citizens will ever undertake or understand. So from the bottom of my heart, thank you, General Scearce.

I am happy and proud to join Roger's family, friends, and colleagues, indeed all of America, when I say congratulations to you and your family upon your retirement from the U.S. Army after 28 years of dedicated service.

INTRODUCTION OF RESOLUTION ON GREEK SOVEREIGNTY OVER THE ISLETS OF IMIA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1999

Mr. PALLONE. Mr. Speaker, on December 25, 1995 a Turkish bulk carrier ran ashore on the islets of Imia, one of two uninhabited islets which are part of the Dodecanese islands group in the Aegean Sea. This incident nearly escalated into armed conflict between NATO allies Turkey and Greece due to Turkey's belligerent claim that the islets, which are sovereign Greek territory, belonged to Turkey.

Hostilities were avoided after the Greek government refused to attack a detachment of Turkish commandos who had been dispatched to the islets and President Clinton personally intervened to help defuse the crisis.

Despite Turkey's continued insistence that the islets are Turkish territories, the historical record on this issue is clear. The Dodecanese islands group was ceded by Turkey to Italy in the Lausanne Treaty of 1923. The boundaries delineating the exact sovereignty between Turkey and the islands group were finalized in a December 1932 protocol between Turkey and Italy. That protocol, which was annexed to the Convention Between Italy and Turkey for the Delimitation of Anatolia and the Island of Castellorizio, placed the islets of Imia under the sovereignty of Italy. In the 1947 Paris Treaty of Peace with Italy, Italy ceded the Dodecanese islands group to Greece.

The legal status of the Dodecanese islands group remained unchallenged by Turkey until its bulk carrier ran aground in late 1995 and Ankara began making its unfounded claims in 1996. Today, Turkey continues to promote instability in the region by ignoring the historical record with its claim of sovereignty over the islets of Imia.

This unfounded claim should not go unnoticed by Congress. To that end, today I am introducing a resolution that documents the historical record establishing Greek sovereignty over the Dodecanese islands group and expresses the sense of the Congress that: the islets of Imia in the Aegean sea are sovereign territory of Greece under international law; and Turkey should agree to bring this matter before the International Court of Justice at The Hague, Netherlands, for a resolution.

I encourage all Members to join me in reaffirming Greek sovereignty over the islets, protecting the rule of international law, and advocating a peaceful settlement to this matter.

HOUSE OF REPRESENTATIVES—*Wednesday, February 24, 1999*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We remember this day those in our community who have special concern and who look to You, O gracious God, for comfort and blessing. Where there is need for healing, we pray that Your grace is sufficient for our needs; where there is need for assurance, we pray for Your presence; where there is need for hope, we pray for Your miracles. In all things, O loving God, we open our lives to Your grace and the sure and confident faith that Your spirit will lead us and show us the path ahead. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 433. An act to restore the management and personnel authority of the Mayor of the District of Columbia.

The message also announced that pursuant to Public Law 105–277, the Chair, on behalf of the Democratic Leader of the Senate and the Minority Leader of the House, announces the appointment of the following individuals to serve as members of the International Financial Institution Advisory Commission—

Richard L. Huber, of Connecticut;
Jerome L. Levinson, of Maryland;
Jeffrey D. Sachs, of Massachusetts;
Estaban E. Torres, of California; and
Paul A. Volcker, of New York.

The message also announced that pursuant to Public Law 94–304, as amended by Public Law 99–7, the Chair, on behalf of the Vice President, appoints the Senator from Colorado (Mr. CAMPBELL) as Co-Chairman of the Commission on Security and Cooperation in Europe.

The message also announced that pursuant to Public Law 96–388, as amended by Public Law 97–84, the Chair, on behalf of the President pro tempore, appoints the following Senators to the United States Holocaust Memorial Council—

the Senator from California (Mrs. BOXER); and
the Senator from New Jersey (Mr. LAUTENBERG).

The message also announced that pursuant to Public Law 105–389, the Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader, announces the appointment of the following citizens to serve as members of the First Flight Centennial Federal Advisory Board—

Peggy Baty, of Ohio;
Lauch Faircloth, of North Carolina; and
Wilkinson Wright, of Ohio.

The message also announced that pursuant to Public Law 99–498, the Chair, on behalf of the President pro tempore, appoints Donald R. Vickers, of Vermont, to the Advisory Committee on Student Financial Assistance for a term ending September 30, 2001.

The message also announced that pursuant to Public Law 101–509, the Chair, on behalf of the Majority Leader, announces the reappointment of C. John Sobotka, of Mississippi, to the Advisory Committee on the Records of Congress.

The message also announced that pursuant to Public Law 105–277, the Chair, on behalf of the Democratic Leader, announces the appointment of the following individuals to serve as members of the Parents Advisory Council on Youth Drug Abuse—

Darcy L. Jensen, of South Dakota (Representative of Non-Profit Organization); and
Dr. Lynn McDonald, of Wisconsin.

SUPPORT HOUSE JOINT RESOLUTION 54

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise proudly in support of House Joint Resolution 54, to prohibit the desecration of the American flag.

I want to express my sincere thanks to my colleagues, the gentleman from California (Mr. DUKE CUNNINGHAM) and the gentleman from Pennsylvania (Mr. JOHN MURTHA), for reintroducing this tremendously important piece of legislation.

Mr. Speaker, more than one million men and women have sacrificed their lives defending this country and the freedom that this flag represents, and it would be a great dishonor for all of us now to turn our backs on those who gave so much to protect the American flag and what it symbolizes. We must fight for them now in protecting the symbol of this Nation.

Mr. Speaker, as a veteran of both the Vietnam and Persian Gulf wars, I proudly support this legislation, and I urge every member of this great, august body to do the same.

AN AMERICA THAT TOLERATES CAPITAL CRIME WILL CONTINUE TO EXPERIENCE IT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, last year John William King and two accomplices kidnapped James Byrd, Jr. They tied Byrd to the back of a pickup truck, and they dragged Byrd to his death. Byrd's body was shredded to pieces. He was literally decapitated.

Yesterday, the jury convicted King. Today, they decide the sentence. I say a capital crime warrants a capital offense and, thus, is a capital punishment sentence.

An America that tolerates such crime will continue to experience it. I say the sentence should be very clear to all Americans. Good night, sweet prince. Let us not tolerate it in America.

I yield back the air-conditioning, the law library, and the three square meals to the taxpayers.

ADMINISTRATION'S CONFUSING FOREIGN POLICY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, there is confusion in the administration's foreign policy. One hand does not know what the other hand is doing.

The first hand has reached into our pockets and spent $8 billion to establish a multi-ethnic country called Bosnia. That is $8 billion that was not

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

budgeted and that has shortchanged our entire Nation's defense, placing at risk our pilots because we have had to reduce needed maintenance on their aircraft.

The other hand is planning to spend more unbudgeted money to first bomb Serbia and then to send in troops to establish an ethnic nation called Albania. One hand wants a multi-ethnic country, the other hand wants an ethnic country.

Which is it, Mr. Speaker? What is it the administration is after? I think it is time we openly debate which hand we should shake; otherwise, we will be left empty-handed.

COMPOUND INTEREST AND SOCIAL SECURITY

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, I would like to talk about something we will never hear the White House talk about: compound interest.

Compound interest is a simple concept. It makes people rich. In fact, compound interest is such a powerful force that Einstein once called it the most powerful force in the universe.

Money invested and then reinvested grows. And the more it grows, the faster it grows, and at increased rates. Money out of our paychecks goes to the Social Security Trust Fund and does not grow. It is spent. It is not a real trust fund. Now, money invested in stocks, bonds, mutual funds and other investment securities does grow.

Can anyone on the other side of the aisle tell me why the aging of America and the coming retirement of the baby boomers is a crisis for Social Security but not a problem for private sector retirement systems? It could be, as the Church Lady says, Satan. Or it could be simply a matter of compound interest and no principal.

SOCIAL SECURITY

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, Social Security represents one of the most successful programs ever enacted by our government because it guarantees a real retirement security for millions of Americans. However, recent studies show that one-third of the young people believe Social Security will not be able to provide this same guarantee when they reach retirement age.

It is our responsibility to take the appropriate steps to ensure that Social Security is safe and strong not only for my dad, who is 83 years old, but also for my generation of baby boomers, for the children I have, and also the grandchildren I will have someday. Our strong economy gives us an unprecedented opportunity to strengthen Social Security without radically changing it or raising taxes.

This Congress needs to strengthen it, not dismantle it, so that the money is there for the people who have paid into it.

ANNIVERSARY OF SHOOTDOWN BY CASTRO REGIME

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today marks the third anniversary of the callous murder of four innocent civilians by the Castro regime.

On a fateful day 3 years ago, Carlos Costa, Armando Alejandre, Mario de la Pena, and Pablo Morales boarded their Brothers to the Rescue planes, as they had done so many times before, to search the waters off the Atlantic Ocean and the Caribbean for Cuban refugees who risk their lives in makeshift rafts in search of freedom and liberty.

On the afternoon of February 24th, 1996, the ruthless nature of the Castro regime was once again clearly revealed. Like vultures awaiting their prey, Cuban Migs circled and hovered until they locked on to the frail Cessna planes carrying Carlos, Armando, Mario and Pablo.

There would be no out outcry from the international community, as the strongest resolution obtained from the U.N. Human Rights Commission was one which only expressed dismay at the shootdown; and the Castro regime would continue to act with impunity.

Most recently, in an attempt to silence the independent journalists and the opposition leaders, the Castro regime implemented a law which classified a broad range of activities as illegal and carries a 30-year prison sentence.

For the sake of those four men, and for anyone who is suffering under Castro's tyranny, the U.S. cannot appease the Castro regime.

100TH ANNIVERSARY OF MARYLAND KNIGHTS OF COLUMBUS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, as we prepare for the 21st century and a new millennium, those of us who have the privilege and duty to serve as elected officials in Washington should recognize a fundamental truth. The United States of America's enduring strength as a Nation depends not upon the actions of the Federal Government but upon the hard work and contributions that millions of Americans undertake on a daily basis to improve their own lives and the lives of their families, neighborhoods and communities as individuals and through voluntary philanthropic organizations such as the Knights of Columbus.

March 2 marks the 100th anniversary of the founding of the Maryland State Council of the Knights of Columbus.

Knights of Columbus have worked and continue to work for the betterment of their country, States, church, community and fellow man through personal service and sacrifices. Through myriad activities the Knights contribute to four simple principles: charity, unity, fraternity and patriotism.

Mr. Speaker, I ask today that all Americans join me in saluting the accomplishments of the Knights of Columbus in Maryland. The work of the Knights of Columbus and other philanthropic organizations represent American ideals in action.

SAVE AND STRENGTHEN SOCIAL SECURITY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Social Security was created many years ago, back in the days when perjury was considered a crime. It helped bring peace of mind to millions of Americans who feared destitution or disability in their retirement years.

Now, Social Security is running headlong into fiscal reality that no amount of spin or denial or rhetoric will change. If reforms are not made, the system will renege on its promises within a generation.

The President himself has acknowledged this reality. However, his proposal, announced in the State of the Union speech, has a few major problems, problems so big that Federal Reserve Chairman Alan Greenspan has spoken out against them.

One problem is slick accounting. It just does not add up. The other major problem is the dangerous idea of making Uncle Sam the largest investor in Wall Street, a huge windfall for lobbyists but a deadly strike against retirement security for seniors.

We must work together, Republicans and Democrats, to save and strengthen Social Security for current and future generations.

USE BUDGET SURPLUS TO PROTECT SOCIAL SECURITY AND MEDICARE

(Ms. STABENOW asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. STABENOW. Mr. Speaker, I would rise once again this morning to strongly urge my colleagues to come together to use the budget surpluses to protect both Social Security and Medicare for future generations. Both of these programs are success stories for the American people.

Prior to Social Security, over half of our retirees were in poverty in this country. Now, it is less than 10 percent. Medicare is the same success story, providing health care to millions of retirees and disabled across the country.

If we cannot dedicate the majority of the surpluses to both of these important investments for our retirees when we have a surplus, if we cannot pay down the debt when we have a surplus, when will we do it?

Putting dollars into Social Security and Medicare and paying down the debt is the right thing to do at this time, and I hope we will come together when we can. Now that we have a robust economy, we have the opportunity, with budget surpluses, to pay down the debt through paying back Social Security and Medicare. We need to do that first before we proceed with anything else.

DIFFERENCE OF OPINION ON RETIREMENT SECURITY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, there seems to be a fundamental difference of opinion between the Democrats and the Republicans on the issue of retirement security.

Just this past weekend a distinguished Member of the other body mentioned repeatedly that his father would not have known how to invest for his own retirement. He needed the government to do it for him. That same government that every few years tells us proudly they have fixed Social Security, only to discover that it is going bankrupt again.

Mr. Speaker, the approximately 43 million Americans who own a mutual fund or retirement money invested in the stock market must really think that liberal Democrats take the Americans for fools. Or they might be laughing their way to the bank at the silliness of all these Washington-knows-best liberals who have so little faith in the ability of grown-ups to manage their own affairs that they are scandalized by the very idea that the average American ought to take advantage of the market prosperity, too.

While the liberal elites get rich and talk about their 401(k) plans at cocktail parties, they would deny the same opportunity to ordinary Americans who have to rely on a retirement system that has gone bankrupt. What arrogance.

SOCIAL SECURITY AND MEDICARE MUST WITHSTAND CRUSH OF BABY BOOMER RETIREMENTS

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, when Franklin Roosevelt established Social Security more than six decades ago, he did it over the strong objections of Republicans here in Congress. Thirty years later, when Lyndon Johnson established Medicare, he faced similar opposition in this very Chamber. Both of these programs have been a big success. But it is funny how history has a way of repeating itself.

Our Nation faces an enormous challenge in ensuring that Social Security and Medicare can withstand the crush of baby boomer retirements. That is why Democrats want to reserve nearly 80 percent of the budget surplus to strengthen Social Security and Medicare.

Now, the Republicans also claim they want to use the budget surplus to save Social Security, but their numbers just do not add up. Their plan would divert money from the trust fund for tax cuts that disproportionately benefit the wealthy. And, even worse, their plan does not reserve a single penny of the surplus for Medicare.

Mr. Speaker, Democrats were right about Social Security in 1935, we were right about Medicare in 1965, and we are right in 1999 about putting Social Security and Medicare first.

□ 1015

REPUBLICANS ARE AWAITING PRESIDENT'S LEGISLATIVE PROPOSAL ON SAVING SOCIAL SECURITY

(Mrs. CUBIN asked and was given permission to address the House for 1 minute.)

Mrs. CUBIN. Mr. Speaker, the President has talked about saving Social Security many times since his State of the Union last month. We Republicans stand ready to work with him on this issue.

Although his proposal does contain a number of serious flaws, such as double counting over $2 trillion and a foolish idea about how Uncle Sam should be the biggest investor in the stock market, we believe that there does exist some common ground on which both Republicans and Democrats can agree. But now is the time for the President to produce a legislative proposal, to move from rhetoric and concepts and ideas into actual legislation something that we can act on, something that will be set on the table so that we have a base on which to place our actions. His proposal in vague, broad terms needs to be introduced into this body in detail.

We share a common goal of strengthening Social Security, preserving the safety net, and giving younger workers more freedom to provide for their retirement needs. So let us get to work. Republicans are standing by waiting for the President's proposal.

LET US MEET IN THE CENTER

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, we have been hearing for the last 4 months that the majority party wants to meet the Democrats in the center; they want to come together and work with us and meet us in the middle.

Well, I am telling my colleagues the middle does not start in the center and go to the right. The middle is the center between the left and the right. And meeting in the middle means that the Republicans would meet with Democrats, for starters, to invest our surplus and reduce our national debt by putting that surplus in Social Security and Medicare and not indulging in reckless tax cuts.

Let us think big. Let us really think in the center. Let us think for the majority of the people of this country. Let us look at the budget surplus, the future of our Nation, reducing our national debt, and protecting our children and their children and a safety net for Social Security and Medicare.

HONORING IRVING DILLARD'S 94TH BIRTHDAY

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, on December 5, the residents of Collinsville, Illinois, had a celebration honoring Irving Dillard's 94th birthday. Although he was born and raised in Collinsville, his service to society does not stop at the Collinsville town border.

As a patriotic American, Irving Dillard first served in the U.S. Federal administration and in the Army during World War II. It is for this distinguished service that he received American, French, and British war decorations.

He also wrote for the St. Louis Post-Dispatch from the Great Depression to the Eisenhower presidency, where he is most noted for his speech regarding the advancement of civil rights and the protection of the Constitution. In fact, Justice William O. Douglas acknowledged him as "the one journalist who stood head and shoulders above all others when it came to the work of the Supreme Court."

After his distinguished career, he also lectured in Europe and spent a decade teaching journalism at Princeton University.

Despite his many worldly accomplishments, Mr. Dillard still considers

Collinsville his home, and we are glad he does.

WHAT TO DO ABOUT SOCIAL SECURITY?

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, now that my colleagues on the other side of the aisle have finished beating up on the President, perhaps we can deal with the real business of America. The most important issue facing us is what to do about Social Security.

We will hear my colleagues talk about big government and bad government, but the reality is that it was the government and the Democrats in Congress who gave us Social Security. We need to take strong steps to ensure its solvency.

The Democrats, along with President Clinton, have laid out a reasonable framework which says we will save the surplus for Social Security. Sixty-two percent of the surplus should go to preserving Social Security through the year 2055.

In addition, we want to save Medicare. We want to take an additional 15 percent of the surplus to make sure that Medicare remains solvent through the year 2025.

We have put forth on the table a framework for addressing the problems that really confront America, addressing the problems of our growing senior citizen population. On the Republican side, they are still trying to figure out what they want to do on tax cuts, tax cuts for the very wealthy.

We can spend money on our seniors or we can spend it on the very wealthy.

PRESIDENT HAS NO AUTHORITY TO WAGE WAR WITHOUT CONGRESSIONAL APPROVAL

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, the threats of bombing did not bring a peace agreement to Kosovo. The President has no authority to wage war, and yet Congress says nothing.

When will Congress assume its war power authority to rein in the President? An endless military occupation of Bosnia is ignored by Congress, and the spending rolls on, and yet there is no lasting peace.

For 9 years, bombing Iraq and killing innocent Iraqi children with sanctions has done nothing to restore stability to Iraq, but it has served to instill an ever-growing hatred toward America. It is now clear that the threats of massive bombing of Serbia have not brought peace to Kosovo.

Congress must assume its responsibility. It must be made clear that the President has no funds available to wage war without congressional approval. This is our prerogative. Therefore, the endless threats of bombing should cease. Congress should not remain timid.

Merely telling the President to reconsider his actions will have little effect. We must be firm and deny the funds to wage war without our consent. We live in a republic, not a monarchy.

CONGRATULATING THE VFW ON ITS 100TH ANNIVERSARY

(Mr. HILL of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILL of Indiana. Mr. Speaker, I cannot begin to tell my colleagues how proud I am to be here in the seat that Lee Hamilton held for 34 years.

As a new member of the House Armed Services Committee, I know that we owe a lot to those who currently serve our country and also to those who served in the past.

This year, one of the Nation's oldest and most distinguished service organizations, the Veterans of Foreign Wars, celebrates its 100-year anniversary. This week, I will introduce a resolution calling on the Postal Service to issue a stamp to congratulate veterans of foreign wars for a century of work on behalf of our fighting men and women. It is the least we can do to honor those who have given us so much.

I also want to thank all the veterans back in Indiana and those who continue to contact me. I want to contact people like Elsie Foster of the Ladies' Auxiliary in New Albany whose four brothers served during World War II and whose husband served in the World War II and Korean War. Mrs. Foster, I want you to know that it was your request that convinced me to demand the stamp.

MARRIAGE TAX ELIMINATION ACT

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker and my colleagues, let me ask a very basic and fundamental question: Is it right, is it fair that under our Tax Code that our Tax Code discriminates against married, working couples by forcing married, working couples to pay higher taxes just because they are married? Is it right that under our Tax Code that 21 million married, working couples pay on average $1,400 more in higher taxes just because they are married, $1,400 more than an identical working couple that lives together outside of marriage?

That is wrong. $1,400 on the south side of the Chicago in the south suburbs of Illinois is 1 year's tuition in a local community college. It is 3 months of day care at a local child care center. $1,400 is real money.

My colleagues, I believe that we should make fairness and simplicity a goal as we work to make changes in the Tax Code. Let us make elimination of the discrimination against married, working couples a priority.

The Marriage Tax Elimination Act now has 230 cosponsors, a bipartisan majority of this House. Let us make it the centerpiece of this year's balanced budget.

SOCIAL SECURITY AND MEDICARE ARE BEDROCK

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the United States Census projects that in the next 25 years the size of America's elderly population will grow by more than 50 percent. This means that during our lifetime, Social Security and Medicare will face serious financial strain. In light of these facts, we must do what is necessary and what is fair and responsible, use the budget surplus to protect Social Security and Medicare while we still have the means.

These two programs are bedrock. Two-thirds of our seniors rely on Social Security for over half their income. In the 30 years since its inception, Medicare has raised the percentage of seniors with health insurance from less than half to 99 percent. These two programs are important and currently too financially vulnerable to be ignored for a one-time tax break.

Democrats want to dedicate 77 percent of the surplus to save Medicare and Social Security. Unfortunately, the Republican leadership disagrees. The Republican tax plan is silent on Medicare. What we need to do is to be ready to work to save and protect Social Security and Medicare. Let us use this historic surplus to do just that.

THERE IS NO BUDGET SURPLUS, THERE IS SOCIAL SECURITY SURPLUS

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, there is no budget surplus. There is no budget surplus. There is a Social Security surplus. It is $125.5 billion, and we ought to use it for Social Security. There is a deficit in the budget if you do not count Social Security, and that deficit is $12 billion.

It just is not right to go with spending plans, no matter how well-intentioned, when the source of those spending plans is Social Security. If my colleagues support, as the President does, increased college loans for students, and as the Speaker knows, I teach at a university, I would be one of the first to support it the moment we have a budget surplus. But I cannot support it. Nor can I support across-the-board tax cuts if the money comes from the Social Security surplus.

Let us make sure the Social Security surplus is spent for Social Security. And when the day comes, hosanna, that we have an honest budget surplus, we can have a debate between tax cuts and new spending plans. That day is not yet at hand.

MEDICARE AND SOCIAL SECURITY ARE TWO MOST POPULAR FEDERAL PROGRAMS

(Ms. NORTON asked and was given permission to address the House for 1 minute.)

Ms. NORTON. Mr. Speaker, I do not need to tell this body that Medicare and Social Security are the two most popular Federal programs, with good reason. The need has been long established and the people who benefit or their survivors have paid their dues to build this society.

These programs are in effect twins, but they were born about 30 years apart. We have been talking a lot about the eldest of the twins, Social Security, but we must not forget or neglect the other twin, the Medicare twin.

Time will run out sooner with Medicare than with Social Security. We have about 10 years to make sure that Medicare is there for everyone who needs it. We should devote 15 percent of the surplus to making sure with a bipartisan commitment not only to Social Security but going the rest of the way to Medicare.

The only thing that could get us in more trouble with the American people than letting Social Security drift into bankruptcy is not fixing Medicare. Let us do it together.

PRESIDENT'S PROPOSAL ON SOCIAL SECURITY DOES NOT DO WHAT THEY SAY IT WILL DO

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, to sit and listen to all these wonderful speeches about saving Medicare and Social Security is a wonderful thing, but the President's proposal does not do what they say it is going to do. The President's proposal does not change structurally Social Security and Medicare. It just puts a bunch of cash in after a system that is failing because fewer people are going to work and more people are retiring.

Indeed, the President's budget borrows $800 billion out of the Social Security Trust over the next 10 years and puts IOUs in its place. Is that not what we have been doing for the last 30 years? Is that not what we are trying to get out of, borrowing from Social Security and putting IOUs in place?

Indeed, the President's budget increases spending by a trillion dollars over 10 years and adds $800 billion to the national debt. This is hardly saving anything. If we want to save Social Security and Medicare, we are going to have to make structural reforms, structural reforms that extend not into the next 10 years but in the next generation and beyond.

Allowing workers to put their own money into investments over time will do that, and the President is not proposing that at all.

HISTORIC OPPORTUNITY TO USE BUDGET SURPLUS FOR OUR SENIORS

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, we have an historic opportunity. There is going to be, by all estimates, a budget surplus over the next 15 years. We can use that money for our seniors and say to them they do not have to worry again about whether or not Social Security is solvent; they do not have to worry again as to whether or not Medicare will be there for their health care bills.

But what the Republicans say is they want a 10 percent across-the-board tax cut. They want to return the money back into the pockets of ordinary people.

□ 1030

Well, Mr. Speaker, in 1997, structural reforms in Medicare and home health care resulted in a diminishing capacity to deal with the problems of the seniors in our country. In my own little area, instead of the 450,000 home visits for seniors who have a spouse with Alzheimer's or with Parkinson's, now this year only 270,000 visits.

That is what restructuring does. It reduces the benefit.

Let us save Medicare with the surplus.

SOCIAL SECURITY IS GOING BANKRUPT

(Mr. COOKSEY asked and was given permission to address the House for 1 minute.)

Mr. COOKSEY. Mr. Speaker, perhaps the first question that needs to be asked is:

Why does Social Security need to be saved?

The response, of course, is that Social Security is going bankrupt.

But the real question then becomes:

Why is Social Security going bankrupt?

The answer, as everyone knows, is because the baby boom generation will begin to retire in about 13 years.

But then the real question becomes:

Why should that matter? What kind of a system is it that goes bankrupt depending upon demographics, which is to say the number of people retiring compared to the number of workers?

It is a good thing that private insurance companies are not run that way. They are not run that way because to do so would be to run an illegal pyramid scheme.

Pyramid schemes are illegal for a good reason. They are positively guaranteed to go bankrupt.

Democrats and Republicans are waking up to the reality of a system that should need saving but that does. We should work together to produce a system that works for everyone, young and old alike.

ELIMINATE THE MARRIAGE TAX PENALTY

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, a lot of Americans look at what the government does and conclude that many of the things that it does simply make no sense. The marriage tax penalty certainly falls into that category. The Federal Government has actually set up a system that makes married couples pay more in taxes than couples that live together but are not married.

When people shake their heads when they hear about the latest crazy scheme coming out of Washington, Mr. Speaker, this is exactly the kind of thing that they have in mind.

There is no telling what absurd rationale the social engineers had in mind when they set up the marriage tax penalty, but Americans with common sense think it is time finally for some accountability. It is time to get rid of this dumb idea of taxing people more just because they get married. It is time to bring a little middle America common sense to a tax code that is an affront to the common sense of American citizens, and it is time that we reduce taxes for all Americans across the board.

Mr. Speaker, we are just overtaxing this country. Let us finally do something about it and lower taxes.

PRESERVE AND PROTECT SOCIAL SECURITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, what is it that the President wants to do with 38 percent of the Social Security funds?

There is a surplus in Social Security. The President is supporting taking 38 percent of that money and spending it on non-Social Security programs.

One of those programs is to expand AmeriCorps. AmeriCorps is a program that pays a lot of little yuppie college kids to do volunteer work and get paid for the volunteer work. They were doing it for free. The President, if an upper middle class family, the President is going to pay them. Might be a good program if they are a Democrat. I do not know. It does not make much sense to me in the real world.

But I do not want my grandmother's retirement money going into that, and the President is going to say, "I want 38 percent of your Social Security money, grandmother, and we're going to spend it on other programs."

That is wrong, Mr. President, and I hope the Democrats will join me in saying let us preserve and protect Social Security and only use the money for Social Security.

SOUTH ASIAN LEADERS BRING RENEWED HOPE OF PEACE

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this Member rises as the chairman of the Subcommittee on Asia and the Pacific to praise the recent breakthrough in relations between India and Pakistan.

Last week, Indian Prime Minister Vajpayee and Pakistani Prime Minister Nawaz Sharif traveled on the first commercial bus service between the two countries in 51 years, arriving in Lahore, Pakistan, to discuss the future of those nations. This seemingly modest but symbolically important change brings renewed hope that the decades of hostility and conflict may soon come to an end.

In an historic meeting, the two leaders agreed to work together to reduce the risk between their newly nuclear states. They have agreed to continue their declared moratoriums on future nuclear testing, exchange information on warhead numbers and deployment, and provide advanced notification of future missile tests. India and Pakistan also have committed to signing the Comprehensive Test Ban Treaty within the next few months; and, importantly, they have agreed to intensify efforts to resolve the difficult issue of Kashmir.

Mr. Speaker, they should be encouraged by all Members of this body. This can be a breakthrough in relations between India and Pakistan.

SPECIAL EDUCATION

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, I appreciate the opportunity to address the House for a minute today, and today I would like to speak not just as a Congressman from the Fifth District of Texas but really as a parent.

My wife and I have a five-year-old Down syndrome little boy who is about to enter the school system in Dallas, Texas; and the discussion that my wife and I had was that we believe, as parents, that the Federal Government and our local school system should do a better job of funding the special education needs in not only our children but other special education children. And I hope that the American public is listening when they hear the Republican majority talking about the need for the Federal Government and the Congress to fully fund special needs and special education in school districts across this country.

That is what the Federal money should be spent for, because we are the people that put the rules and regulations on these school districts, and we need to fund that which we have asked them to do.

Mr. Speaker, I hope that the American public is listening, that the Republican majority does care about education, and we care about each and every one of our children.

WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1999

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 76 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 76

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 438) to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Commerce now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 76 is an open rule providing for consideration of H.R. 438, the Wireless Communications and Public Safety Act of 1999. H. Res. 76 is a wide-open rule providing 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. The rule waives points of order against consideration of the bill for failure to comply with clause 4(a) of Rule 13 which by rule requires a 3-day layover for the committee report.

H. Res. 76 further allows the chairman of the Committee of the Whole to accord priority and recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to the consideration.

The rule also allows the Chairman of the Committee of the Whole to postpone recorded votes and to reduce to 5 minutes the voting time on any proposed postponed question provided that the voting time on the first in any series of questions is not less than 15 minutes.

Finally, the rule provides one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, H.R. 438 will promote public safety and consistency in the provision of emergency services through the universal use of 911 and enable States to develop the necessary communications infrastructure to provide such emergency services. Millions of American already know that 911 is the number to dial when they are in trouble and need emergency assistance. However, for thousands of miles across the country this is simply not true. Other numbers are used or no emergency system exists at all. H.R. 438 helps to end the confusion and makes 911 the universal emergency number.

This change is particularly important for wireless phones which often use other numbers, such as pound-77 or star-55, to link to local law enforcement. However, these codes can change from one cellular calling area to another, effectively eliminating the speed and safety that such a number can provide in emergency. H.R. 438 will make 911 the universal call for help that is already believed to be, so that public service is not jeopardized.

H.R. 438 will also help to develop the full capability of wireless communications by enhancing the ability of local authorities to locate distressed individuals through information provided by wireless carriers. It also contains the necessary privacy protections to ensure that this capability is not misused. With the passage of H.R. 438, Americans will know, once and for all, how to get help when they need it.

Mr. Speaker, H.R. 438 easily passed the Committee on Commerce by voice vote, as did this open rule from the Committee on Rules. I applaud the hard work put forth by the gentleman from Illinois (Mr. SHIMKUS) on this important legislation, and I urge my colleagues to support this open rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentleman from Georgia (Mr. LINDER), for yielding me the time.

This is an open rule. It will allow full and fair debate on H.R. 438, which is the Wireless Communications and Public Safety Act of 1999. As my colleague has described, this rule will provide for 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Commerce. The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

In most parts of the country a caller from a standard telephone can call 911 to ask for emergency assistance or to report a crime. That is not so from the cellular or other wireless telephones. The Wireless Communications and Public Safety Act of 1999 designates 911 as the universal emergency number for both wireless and wire line telephone calls. This will improve public safety by eliminating confusion over what number to call for emergency services. This is especially important to travelers who do not know the emergency number for the place they are visiting.

The rule waives the prohibition against bringing up a bill under 3 days after the committee report was filed in the House. The committee report for this bill was filed only yesterday afternoon, less than 24 hours ago. The 3-day layover rule is an important protection for the minority, and by waiving this rule so early in the House session I hope that we are not setting a pattern that will be followed for controversial bills.

I recognize the need to move legislation early in the session, to demonstrate that the House is serious about its business.

Moreover, the bill is not controversial. It has broad support on both sides of the aisle. Therefore, I will support the open rule.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 76 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 438.

□ 1046

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 438) to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes, with Mr. KINGSTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first compliment the gentleman from Massachusetts (Mr. MARKEY) for his excellent cooperation and work and the spirit by which we bring this bill to the floor today. I thank the gentleman from Virginia (Mr. BLILEY), the chairman, and the other members of the Subcommittee on Telecommunications, Trade, and Consumer Protection for the excellent work that they have done on this bill and the other bill that we will bring to the floor today, both bills dealing with the wireless telephone industry and its consumers and aspects that are extremely important to both the public safety and to the privacy of those communications.

I also want to thank my good friend the gentleman from Illinois (Mr. SHIMKUS) and my dear colleague, the gentlewoman from New Mexico (Mrs. WILSON) for sponsoring these bills and for leading the charge to indeed make them the law of the land.

Mr. Chairman, 1997 was a landmark year in the history of this country. In 1997, more Americans bought cordless phones than wired phones, for the first time in the history of this technology. In fact, some 68 million Americans now carry wireless telephones or pagers. Studies show that most of those American subscribers of these wireless phones purchase them for safety reasons. People count on those phones to be their lifelines in emergencies.

A parent driving down an interstate highway with babies in the back seat draws comfort from knowing if the car is involved in a crash he or she can call 911 for help; an ambulance will be rolling in seconds. An older American driving alone on a long trip feels safer knowing that if an accident occurs or symptoms strike, he or she can use a wireless phone to dial 911 for help and the State police will be on the way.

There is a problem with that expectation, though. In many parts of our country, when a frantic parent or the suddenly disabled elder punches 911 on the wireless phone, nothing happens. In many regions, in fact, 911 is not the emergency number to call on a wireless phone. The ambulance and the police will not be coming. Someone may be facing a terrible life threatening emergency but they are on their own, because they do not know the local number to call for the emergency for help.

This bill will help fix that problem by making 911 the universal number to call in an emergency any time, anywhere in this country. The rule in America ought to be a simple uniform system. If there is an emergency, wherever someone is, on a highway, a byway, a bike path or a duck blind in south Louisiana, wherever someone is, they call 911.

911 does four things. First, it directs the Federal Communications Commission to use its existing exclusive authority to designate 911 as a universal emergency telephone number for wireless and wireline services. The bill also directs the FCC to provide support to the States to help them implement a comprehensive end-to-end emergency communications infrastructure.

The FCC required in 1997 that wireless carriers provide what is called automatic number identification of a wireless user when the user calls that emergency number, but only when the emergency call center requests it. These emergency call centers are called PSAPS for Public Safety Answering Points.

A recent study showed that only about 6 to 7 percent of wireless subscribers live in regions or operate in regions where PSAPS have undertaken the necessary upgrading to their existing plant to accept the additional number data. Thus, despite a year's passage of this deadline intended to enhance public safety to save American lives, only a minuscule amount of subscribers are benefiting.

The intent behind that requirement was that the PSAPS know the number of the wireless caller to call back, provide instructions, whether it be to a child, to an incapacitated adult or someone in a very dangerous situation who needs to be walked through to safety. That was step one.

The second requirement was that by October of the year 2001, wireless carriers provide automatic location information with each wireless call, but only upon the PSAP's request. If the past is prologue, October 2001 could easily roll around and the PSAP will not have undertaken the necessary upgrades to accept this additional data either, and that is critical, for unlike users who call 911 over the phone or in an office or a house, that is over a wireless network, a user on a cell phone rather than the user on a wireline network, particularly a driver often has no clear idea of his location. If they do not know where they are when they place a 911 call, how can anyone else know where they are?

Imagine the public safety benefits of placing a 911 call if someone can send out a radio signal that told rescuers exactly where they are. Imagine if we could take the search out of search and rescue. Imagine what a different fate those who were lost in the Swiss Alps would have seen had they been equipped with cell phone transmitting location information.

The wireless carriers are busy preparing to meet this location information deadline, but all their preparations will come to naught if the PSAPS have not undertaken the necessary upgrades. So the bill addresses this weak link in the chain of public safety by requiring the FCC to work with the States to develop a statewide plan for developing end-to-end communications infrastructure for wireless services; to the PSAP, to intelligent traffic systems, automatic crash notifications technologies, triad algorithms and medical response, in short, a way to locate someone who calls for help in a 911 emergency.

Third, the bill establishes parity between the wireless and the wireline communications industries in protection from liability for the provision of telephone services, including 911 service, and in the use of that 911 service. This parity would be extended on a State-by-State basis. Imagine a community that does not have 911 service available because they are scared of lawsuits involved in the use of that 911 service insofar as a wireless telephone network is concerned.

They are protected from that on the wireline side. They are not protected on the wireless side and so they do not implement a 911 strategy. This bill provides that wireless providers of telephone service would receive at least as much protection from liability as local exchange companies, the local wireline carriers receive in providing telephone services in a given State, subject to a two-year period during which the States may choose to enact the wireless liability statute that differs from such parity.

Therefore, other than the 911 service, States may opt out of this parity paradigm. The bill provides for users of wireless 911 service to receive the same protection from liability under Federal or State laws, as users of wireline 911 services receive. This good Samaritan principle would again apply on a State-by-State basis.

Fourth and lastly, the bill protects wireless users' privacy by limiting the disclosure of location information to specific instances, and I want to particularly thank my friend, the gentleman from Massachusetts (Mr. MARKEY) for his contributions in this critically important area of privacy in the use of cellular phones and in the 911 systems.

While it will help rescuers to find victims in emergencies and cut down on that golden hour following a car crash, where we have learned in the hearings, for example, time is the issue, that golden hour is a critical hour; lives are either saved or lost on the highway. Location information is nevertheless sensitive personal information that must be treated with great care.

We do not want police knowing everywhere someone is traveling on the highway for no good reason. There is a lot of privacy in where someone goes and what they are doing in their life that the government and police agencies do not necessarily need to know about. Protecting privacy and location when that is important is equally important in a 911 structure.

Under H.R. 438, a carrier can disclose location information only in an emergency and only to the public safety personnel or the immediate family. If a carrier seeks to use location information for marketing purposes, it must obtain the customer's prior express authorization. In short, the location of someone's travels is not going to be commercialized for purposes without their permission. It is simply going to be available to public safety information and to family when necessary.

Location information may also be transmitted as part of an automatic crash notification system, such as the one called OnStar, where the crash triggers a cell phone mounted in the car to automatically dial 911, without the driver or the passenger actually dialing the number.

Last year, in fact a year and a half ago I think it is, we witnessed in America the first car crash, head-on collision, between a car equipped with the OnStar system and one that was not. There were parties seriously injured in both cars. The car dialed up the satellite. The car summoned help. Ambulances and emergency services arrived and both loads of people were treated and helped with emergency services because the automatic dialing system inside the car called for help, located those individuals and got emergency help to them.

H.R. 438 permits providers of information or database managers who provide emergency support services to PSAPS to receive subscriber lists and unlisted data but only for the purposes of assisting in the delivery of emergency service. Thus, the bill enhances a user's public safety while also protecting their privacy interest. It encourages the development of cellular and other wireless services by providing parity and liability protection and it takes the FCC, it tasks the FCC, rather, with working with the States to develop the end-to-end infrastructure for delivering emergency services.

H.R. 438 is an important public service bill. This is a great bill for this Congress to begin its work this year on, and I commend all of my colleagues who have contributed to it.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by commending the gentleman from Louisiana (Mr. TAUZIN), the chairman, for the exemplary way in which he has handled this very important path-breaking piece of legislation. He, along with the gentleman from Virginia (Mr. BLILEY), have treated myself and the gentleman from Michigan (Mr. DINGELL) very well in terms of ensuring that the minority have their views completely included in terms of the deliberations and ultimate product which has been produced.

We also want to compliment the gentleman from Illinois (Mr. SHIMKUS) for the work and the leadership which he has given on this issue. He is the lead sponsor of the bill.

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Just as the gentleman from Louisiana has been saying, this is a new era which we are in in which 68 million Americans now subscribe to some form of wireless technology. 68 million. This was something that was rare in America in 1990 and has almost reached the point of ubiquity in terms of either subscribing or thinking about subscribing to this technology.

As a result, we have to update our laws to ensure that we are moving in a direction which deals with the implications of the introduction of such a pervasive technology.

What this bill does today is to take something which was relatively experimental a decade ago and to transform it into a national emergency system; something where it makes it possible for Americans in their automobiles, as they are walking, if they have an emergency health or safety condition which has developed, to dial up a 911 number and to be able to immediately access the resources which they would need in order to deal with the problem that has now confronted them or their family.

This is a dramatic change in terms of how our country is going to deal with these issues. When we are in our home we try to teach young people how to dial if there is a fire or a police emergency. When we are younger, each one of us is taught that the firebox is at the end of the street and to only pull it when there is an emergency. But it has been put there for that purpose and do not allow anyone else ever to pull it, because it would not be right because it has been put there for that particular reason.

Now, because of this new technology, people are able to travel anywhere, to any corner of our country, far away from those corner fireboxes, far away from the wire-fixed land phone system, and still be able to call in.

What this legislation does is ensure that it is a national system, that there are standards that are established that will ensure that it will work for all Americans when they are on the road.

There is a particular part of this legislation, and the gentleman from Louisiana referred to it, that I think will serve our country well, which is that even as it makes it possible to dial up in the event of an emergency on a wireless phone, it also creates the more sinister side of cyberspace which is the capacity to be able to use this as a national tracking system. No matter where we are in our car with our cell phone, that someone might be able to track us where we went.

What the legislation makes quite clear, and I thank the gentleman for including this provision, an amendment which we had which we put into last year's bill and now is reincluded in this legislation, which guarantees that the information can be used only for emergency purposes and it cannot be reused for any other purpose unless there has been a preauthorization by the consumer giving authority to a company or to public authorities to be able to use it for other purposes. I think that is the correct balance, and I think the legislation with that balance is something which is going to serve our country very well.

The gentleman from Louisiana has gone through all the details. There is no point in going through the litany of all of the excellent provisions which are built into the legislation. But, again, I cannot compliment the gentleman from Louisiana (Chairman TAUZIN) and the gentleman from Virginia (Chairman BLILEY) enough in terms of the way we have been treated. The gentleman from Michigan (Mr. DINGELL) and the rest of the Democrats on the committee appreciate it. And, again, a tip of the hat to the gentleman from Illinois (Mr. SHIMKUS) for his good work.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in a brief moment I will recognize the author of the legislation, but I wanted to thank the gentleman from Massachusetts (Mr. MARKEY) for his kind words and to assure him that that standard of cooperation is one that the gentleman from Virginia (Mr. BLILEY) and I hope to emulate in all aspects of our committee's work in this important area, that is so bipartisan, of extending communication services to the bulk of our citizenry in a fashion that is competitive and fair and also addresses public interest concerns and these important privacy concerns that the gentleman from Massachusetts has been so much a leader on. I want to compliment him on that.

Mr. Chairman, I also see in the Chamber, and I know that she will be speaking in a minute, the gentlewoman from Missouri (Ms. DANNER), my dear friend, who was kind enough to come to our committee and lead the charge and address the issue of 911 safety concerns, particularly the concerns of citizens that she brought to our attention who have suffered because of the fact that they did not have a common number in this country.

I know that we will be hearing from the gentlewoman later, but I want to thank her on behalf of the committee for her contributions on this important issue.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the author of the legislation.

Mr. SHIMKUS. Mr. Chairman, I thank the gentleman from Louisiana and the gentleman from Virginia (Chairman BLILEY) for their help and support. I also thank the gentleman from Michigan (Mr. DINGELL), the ranking member; and the gentleman from Massachusetts (Mr. MARKEY) for their help and support in working on this legislation.

Mr. Chairman, we have bought our second cellular phone for the simple purpose of my wife's protection when she is on the road. In the last 3 years, I have personally called 911 on vehicle accidents, all in my 20th District in Illinois, which is mostly rural, 19 counties and over 300 miles long.

One of those calls was for a vehicle that we could not find. It was off the road, and we actually had to get on foot to search it out. Another call was made, since I border the metropolitan St. Louis area, right on the famous Poplar Street Bridge. Not knowing exactly how the State of Missouri would answer and receive the 911 transmission, knowing that in this legislation that there are many States did not have it.

So, I think most Americans now have experienced and I think they would be surprised to find out that 911 is not the national number.

The purpose of H.R. 438 is to improve our Nation's wireless 911 system so we can reduce response times to emergencies and basically save lives. Reducing emergency response time will help to lessen the impact of serious injuries and, again, save lives. Studies show that crashes and care time for fatal accidents is over 30 minutes in urban areas and over 50 minutes in rural areas. I know the gentlewoman from Missouri (Ms. DANNER) is going to mention that fact. In rural areas, this is truly an important piece of legislation.

Mr. Chairman, reducing this time by mere minutes could save thousands of lives each year. There are 68 million wireless phone users, as we have heard before, across the Nation who make an average of 98,000 emergency calls every day. Even though every American is taught to dial 911 in an emergency, these teachings may be worthless in some areas of the United States because dialing 911 on wireless phones does not always connect one to the emergency service provider.

In fact, today there are currently 25 different wireless emergency numbers across the country. Travelers may never figure out the emergency number they need. H.R. 438 makes 911 the universal emergency number for all phones so that everyone has simple access to emergency help.

In order to make 911 work on every phone, we must have reliable phone networks both in the wireless and in the wireline. This legislation encourages States to develop coordinated plans to eliminate dead zones, ensure seamless wireless networks, and upgrade their 911 systems so that public safety officials and emergency medical service providers can get the best available information as quickly as possible.

The bill also extends to wireless providers and users of 911 services the same liability standard that each State has already established for its wireline providers and users of 911 services. We do not want to penalize and punish the good Samaritans in our society who are trying to help someone in need. This legislation addresses that issue.

Finally, the bill provides protection for call location. And I thank the gentleman from Massachusetts (Mr. MARKEY) for improving the legislation, because there is a concern in the public about the ability of location devices.

Mr. Chairman, I am a big fan of Star Trek and the communication badges and they know where everyone is at and all they have to do is identify them and they can get beamed across to another part of the ship. Well, our society and our country is not prepared for the "next generation." We still like part of the old generation where we have some privacy in thought, word, deed and location; and so I appreciate the gentleman's support in that aspect of this legislation.

Finally, the bill provides that protection for call location information concerning users of wireless phones, including such information provided by an automatic crash notification system. Without express written consent from the customer, location information may not be released.

Again, I would like to thank the gentleman from Virginia (Mr. BLILEY), our full committee chairman; the gentleman from Louisiana (Mr. TAUZIN), my subcommittee chairman; and the ranking members on both the full committee and the subcommittee. I urge all of my colleagues to support this legislation.

Mr. MARKEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from Missouri (Ms. DANNER), who has given us great leadership on this issue.

Ms. DANNER. Mr. Chairman, first of all, let me express my appreciation to the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Massachusetts (Mr. MARKEY), ranking member; and the gentleman from Illinois (Mr. SHIMKUS), the sponsor of the bill; for bringing this very important legislation to the floor.

Over 100 years ago, Henry Wadsworth Longfellow said, and I quote, "All things come around to him who will but wait." And I have waited, sometimes impatiently, Mr. Chairman, for this legislation to come to the floor.

Two years ago, I recognized the need for legislation to address the problem we are discussing today, the problem faced by cellular telephone users who require emergency assistance. In March of 1997, I introduced legislation to accomplish that purpose. Now, 2 years later, I am very pleased that my concept has come to the floor incorporated in this very important bill we are discussing today.

As we all know, wireless technology has helped to simplify or maybe in some instances complicate our lives, but one important attribute of cellular telephones is that they greatly increase the ability of individuals to quickly report accidents or other emergencies and help speed the arrival of assistance.

Let me share a true story that demonstrates the current limits of wireless telephone service, a tragedy that might have ended very differently had this legislation been in place in 1997.

On Thanksgiving Day in 1997, a couple from Kansas was driving south on U.S. 71 in southwestern Missouri. They observed a minivan that was ahead of them being driven in an erratic fashion, weaving back and forth at high rates of speed, crossing first the shoulder then the center line.

Using the cellular telephone they had at their disposal, they began dialing numbers. Unfortunately, having come from Kansas into our State of Missouri, they were not aware that our cellular emergency number is "star 55." I might mention that in Kansas they have two emergency numbers, a different one if one is on the toll road.

This couple first tried to reach the Missouri Highway Patrol, but the number they dialed brought forth a message saying that it was a toll call, and they had to first give a credit card number if they wanted to reach the highway patrol. Next, they dialed 911. This connected them to an administrative number at the Joplin Police Department. Unfortunately, that phone call was not answered.

Next, as they were approaching Neosho, they tried the Neosho Police Department; and their first call was unanswered. They dialed again. The second call was finally answered. However, by that time, unfortunately, tragically, it was too late. For as the police of Neosho were beginning to establish their roadblock, this minivan crossed the lane, hit an oncoming vehicle in which a 22-year-old mother was killed and her 2-year-old son. And I might say that the little baby boy was in a car seat in the rear of the vehicle.

This tragic accident might have been avoided if the caller had been able to reach the proper authority on the first attempt.

Mr. Chairman, I am pleased that the bill that we are voting upon and hopefully will pass today includes, among many other important provisions, the designation of 911 as the universal cellular assistance number. Adoption of this bill will provide one of the many positive utilizations of cellular telephones: their use in emergency situations.

Mr. Chairman, I urge my colleagues to vote in favor of this very important public safety legislation which can and will literally save lives.

Mr. TAUZIN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS), my good colleague on the committee.

Mr. STEARNS. Mr. Chairman, I also rise in strong support of H.R. 438, the Wireless Communications and Public Safety Act, which will begin creating a national, seamless emergency system.

In today's world, a wireless telephone user cannot automatically, believe it or not, dial 911 in order to reach emergency personnel.

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For instance, if you go into the State of Nevada, a citizen would have to dial NHP, that is right, NHP. In Arkansas, a resident would have to dial 55. And somebody in Virginia would have to call 77 or put the star sign 77 or the pound sign 77 to get the 911.

So, for many of us, we felt that was not right. So this legislation would require the FCC to designate 911 as the universal emergency telephone number for both wireless and wireline calls.

The bill also would require the FCC to provide support to the States in their development of their Statewide plans.

As the Chairman knows, the House passed similar legislation overwhelmingly in the last Congress with my support and others. But the previous bill contained a glaring provision that should not have been included in the bill. The previous legislation unnecessarily co-opted local decision-making authority regarding access to Federal sites in deploying necessary equipment for the transmission of wireless networks.

The previous bill wanted to establish an ability to fund the creation of a seamless 911 system, but frankly, in my opinion, it was done at the detriment of local officials playing a role at deciding the location of wireless towers.

This mistake has been corrected in this version, which makes the bill more palatable, especially for our colleagues in the Senate. Obviously, it will likely pass the other body, I think, with ease. It is necessary this morning and imperative to allow our local cities and counties to play a primary role in tower siting issues that affect, of course, their local communities.

Another important change in the bill is the provision to grant liability protection to wireless providers. The liability protection will establish a legal parity between wireline providers and wireless companies that have to carry emergency calls on their systems and help provide emergency services. Wireless providers should and will have equal protection under the law as wireline providers do.

Finally, Mr. Chairman, H.R. 438 would also grant privacy protection to wireless consumers by prohibiting carriers from releasing a user's location information. Location information will only be given to emergency personnel responding to an emergency call and will be given to family members to notify them of the emergency situation. Location information can also be distributed with the wireless consumers consent.

Mr. Chairman, I appreciate all the work that the gentleman from Louisiana (Chairman TAUZIN) has done, the gentleman from Illinois (Mr. SHIMKUS) has done, and also the gentleman from Virginia (Chairman BLILEY), and keep up the good work.

Mr. TAUZIN. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I simply want to take the time to thank our staff; to, first of all, thank the minority staff, Andy LEVIN and Colin Crowell, who have been so helpful and instrumental in helping us get this bill done; to thank the majority staff, Tricia Paoletta, Mike O'Rielly, Hugh Halpern and Cliff Riccio, as well as my own staffer, Monica Azare, who all contributed so much to moving this bill forward and I think perfecting it.

I want to say, as we move this bill forward, that we should always, I think, take time to say special thanks to both hardworking staffers on both our personal staff and the committee staff because they toil very often late at night and sometimes with not enough recognition for how much of a contribution they make to this body as a whole. Our thanks go out to all of them collectively.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague, the gentleman from Massachusetts, for allowing me to address the House and support the bill.

The number of wireless subscribers in our country totals about 68 million, and that number continues to grow. Although being in my fourth term in Congress, the first time I became aware of 911 was as a State Representative in Houston in the early 1980s, and we created a 911 system in Harris County, Texas, due to the cooperation from Harris County and the city of Houston. Then Texas went on to create the 911 system around the State.

So it is great to see what we have learned in our individual States, whether it be in Missouri with the gentlewoman from Missouri (Ms. DANNER) or any other State and now this idea has come to Washington, which is the way it should be.

We have experimented with it on the local level and learned what works and what does not. Now we can create an emergency wireless network for our whole country.

H.R. 438 is the first step in increasing safety in our Nation. First by designating 911 as the emergency number for not only wireless calls but also wireline calls.

It has been said before during this debate that many States have different emergency wireless numbers. In fact, I had the opportunity a few weeks ago to drive from Houston to Washington, and going through Mississippi, Alabama, Virginia, Tennessee, to see the different numbers that each State has made this bill even more important.

H.R. 438 builds on the existing number of wireless networks and subscribers to form an expansive emergency end-to-end wireless safety network in the United States.

Again, I think it is so important that we are doing this today, and I am a little disappointed that we did not have the funding mechanisms to upgrade the State PSAPs and for the research and development for the automatic crash notification system.

However, I also understand that the concerns about local control for the siting of the towers, and for local zoning concerns. But, again, coming from Houston where we are the largest city in the world, I guess, without zoning, so it is not a big concern.

I also hope that the FCC will continue their public safety efforts, because I think our chairman of our subcommittee noted a lot of this could have been done by the regulatory agency, and hopefully they will do that.

I also hope that the Federal Communications Commission will continue with their public safety agenda. I have heard that only 6–7% of the country is in compliance with the Phase 1 wireless location requirement. I hope that the FCC will take the appropriate steps to ensure that Phase I location identification technology is in place in a timely fashion all around the country.

H.R. 438 will save lives. In order to save lives we have to make sure that emergency services can quickly get out to the site of an accident. That is the basic premise of this legislation to help save lives.

H.R. 438 is a great start in increasing safety in our country. It will start the deployment of an E–911 system for our country. However, in order to ensure the full deployment of an end to end wireless communications emergency network, we all must work together on all levels of government and between all agencies in our government.

I stand in support of H.R. 438 and encourage my colleagues to do the same.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again, this is a very important piece of legislation. The FCC has the responsibility for ensuring that these location technologies are built into wireless technologies over the next 2 or 3 or 4 years. We want to encourage the FCC to make progress on that issue, meeting the deadlines which have been established. At that point, we will have an ability to get help for everyone in the country who has a wireless phone and at the same time protect their privacy. That is a good balance. This is a good bill.

I want to congratulate the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Virginia (Mr. BLILEY) once again, and all the staff who have worked on it, the litany of saints that the gentleman from Louisiana (Mr. TAUZIN) mentioned and everyone else that helped.

Mr. Chairman, I yield back the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, let me again thank my friend, the gentleman from Massachusetts (Mr. MARKEY). I am not sure if the House is aware of it, but the gentleman from Massachusetts and I also, in the context of this bill, engaged the Park Service in an interesting experiment to see how fast the Park Service could authorize the installation of cellular towers in Rock Creek Park, which is now an area of our country which is considered a hole in the cellular system where people enjoying that park cannot call 911 or any other number because cellular phones will not work in it.

Almost a year ago, I guess, we had hearings, and the Park Service promised us that within 90 days they would process an application. Rock Creek Park is still waiting for the approval of an application. Our latest hearings on this bill, they promised us again, in 75 days, they would complete the application leading to the installation of cellular service for Rock Creek Parkway and all the residents in the area as well as those who enjoy Rock Creek Park.

It is a good example of problems we have across America, getting out there and then having a safety net system like 911 available to help them.

I want to thank my friend again for all of his excellent work on this bill, for our cooperative efforts in issues like this. I regret the bill does not move the process of cellular location towers forward. But as the gentleman from Florida (Mr. STEARNS) pointed out, it was a necessary task to leave that language out of the bill in order to ensure passage of this good legislation.

But let me say, as we conclude debate on this bill, that I hope the communities of America who have passed moratoriums against additional tower siting will rethink those moratoriums and will instead come up with zoning plans that effectively, under their own discretion, get towers located so that people not only can have cellular service without losing signals as they move from one area to another but that they can also have this incredibly important safety system, the E–911 system, available for them and their family when they are in desperate need of emergency help.

Mr. Chairman, as I said, this is a great way for us to start this session. I think we have demonstrated the way we can work cooperatively in a bipartisan fashion to do something good for our country.

This is a good start because we have focused on something that is critically important to every American, every American who is out there driving our highways, riding the bike paths or running on those bike paths or enjoying the great outdoors in our parks and wonderful areas such as we have along I–10 in south Louisiana that my friend, the gentleman from Texas (Mr. GREEN), drove on his way up here; that they will know, when something goes wrong, there is a number they can call, and they can get help. Mr. Chairman, this is good legislation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank you for giving me the opportunity to speak on behalf of this bill, which further standardizes our emergency infrastructure around the country.

One of the great benefits of wireless technology, and specifically, cellular phones, is the improvement of safety on the roadways. Whereas in past years, people who had car trouble or had become involved in a traffic accident had to rely on passers-by to notify the proper authorities, now, cellular phone users can dial for help from nearly everywhere in the United States.

In fact, many purchasers of cellular phones do so with the sole intention of using it as a safety device—much like a fire extinguisher. Many cellular service providers have elaborated on that concept by offering cellular calling plans that cost less than "landlines," based on the fact that they will only be used on great occasion. Still others have marketed their products in a way that promotes the use of cellular phones as measure of security.

This bill enhances the safety value of wireless phones by standardizing the phone number "911" for exclusive use by emergency agencies. Although this is currently standardized on land-based phone systems, this is not the case with cellular systems. This will remedy that problem so that there is no confusion for consumers who are in need of assistance. And in a time of emergency—one second of confusion could mean the difference between life and death.

However, before I fully endorse this bill, I would like to raise an area of concern, for my district and for the city of Houston. Houston recently adopted a new phone number designation for nonemergency phone calls—"311". That number was designated in order to offload nonemergency phone calls from 911, thereby freeing up our scarce emergency resources.

One important aspect of 311 is educating the public that it should be used in place of 911 in nonemergency situations. And while I believe that this bill and the 311 program will both prove themselves to be valuable and effective programs, I hope that this bill will not adversely affect the implementation of 311.

Having said that, I would hope that the Conference Committee will take a close look at the issue of 311, and if any problems are foreseen, that they would place clarifying language in the Conference Committee Report so that there will be some guidance for local and State legislators as well as the courts on this matter.

I look forward to seeing H.R. 438 enacted into law, and encourage my colleagues to support it, along with other efforts at enhancing the safety of this country for our citizens.

Mr. BLILEY. Mr. Chairman, at the outset, let me thank the sponsor of H.R. 438, the gentleman from Illinois, Mr. SHIMKUS, for his hard work on this issue. Let me also thank the subcommittee chair, Mr. TAUZIN, for his leadership on this important issue over the last Congress and this Congress as well.

As I said in December when I outlined the priorities for the Commerce Committee this Congress, we intent to move telecommunications legislation that promotes consumers access to emergency personnel in times of need and promotes wireless communications privacy. Today, we take the first step by bringing to the floor H.R. 438, a bill to solidify the use of 911 as the emergency telephone number for consumers to dial in emergency situations and other purposes. Tomorrow, the House will consider H.R. 514, a bill to strengthen the privacy protections afforded wireless communications consumers. These two bills complement each other by improving and facilitating consumer utilization of wireless communications. They also have important public interest benefits—improving personal safety and privacy protections. I am hopeful that the other body will consider the hard work of the House when it receives these two bills and will quickly take similar action. While we couldn't quite enact these bills into law last Congress, these bills deserve the attention of the other body of this Congress.

As many Members of the House already know, the growth rate in wireless telephone subscribers has been phenomenal. The Cellular Telecommunications Industry Association indicates that there are over 68 million wireless subscribers in the United States today and the demand for wireless services continues to grow. One reason for this significant growth is that more and more subscribers are purchasing wireless telephones for safety.

Whether traveling with our children or grandchildren, or driving on unfamiliar roads, an increasing number of Americans are comforted by knowing that in the case of an emergency they could make a telephone call to reach a close relative or police. Far too often, however, that critical call cannot go through. In order for a successful emergency call to be made, wireless communications users need to know what number to dial to reach emergency personnel. And the problem doesn't lie just with wireless communications. In some parts of our Nation, the seemingly ubiquitous telephone number 911 is not the number used by the local community for emergencies. This situation causes consumer confusion that can delay or prevent emergency personnel from reaching people in need. There are approximately 15 emergency numbers used around the country for wireless calls. These range from 911, to *55, #77, the acronym of the State highway police, to the local sheriff or police department. Take a moment to image trying to get emergency help on an interstate highway when you are not certain of your precise location, and then stumbling through the telephone number possibilities while a loved one suffers. Representative DANNER testified at a hearing before the Subcommittee on Telecommunications, Trade, and Consumer Protection last year that to drive through the six States from her district in Missouri to Washington, DC, a driver would have to know 5 different emergency wireless numbers.

H.R. 438 will resolve this problem once and for all. The bill designates 911 as the universal emergency telephone number. When a consumer picks up a telephone or pulls out a pocket phone they can be confident that dialing 911 will reach proper emergency personnel. This simple concept will have a significant impact on overall public safety and consumer welfare.

H.R. 438 will require the Federal Communications Commission to provide technical support to the States and encourage the development of statewide plans to develop end-to-end emergency communications network, by working both with the States and interested parties in the private sector.

H.R. 438 provides liability parity between wireline and wireless carriers. After examining the issue closely, the Committee felt strongly that wireless carriers should be afforded every legal protection provided a wireline carrier in a given State in order to provide the emergency communications in need. The bill allows States to "opt-out" of the liability parity scheme if it develops its own protections within a two year period. This will provide adequate time for States to take action if they so choose but will also provide a Federal standard to promote common legal treatment of wireless carriers.

The Committee has been told by a small minority that liability protections for wireless carriers are inappropriate and the other body will eliminate them during the process. I hope that this is not the case. Anything that promotes public safety should not be dropped merely because it is opposed by the powerful lobby groups. Wireless carriers have carefully made the case as to why liability parity is justified in this limited instance and how public safety will be enhanced if it is enacted. This provision should remain in any companion bill.

H.R. 438 will also provide privacy protections for consumers in the use of subscriber call location information. Call location information is a technology that will help locate consumers dialing from a wireless telephone. In many instances today, wireless users dial the appropriate telephone number but are unable to describe exactly where they are. Technology that is available today and newer technologies in the experimental stages are being deployed to help public service answering points (PSAP's) locate the exact position of a wireless call without requiring consumer input. This technology already exists in a wireline world. Its use in a wireless world will help speed the deployment of personnel in emergency situations.

As call location information technologies are deployed, it is equally important that we ensure that this information is treated confidentially. It is not appropriate to let government or commercial parties collect such information or keep tabs on the exact location of individual subscribers. H.R. 438 will ensure that such call location information is not disclosed without the authorization of the user, except in emergency situations, and only to specific personnel.

Lastly, the bill will clarify the privacy protections of current law to ensure that emergency support services, such as those provided by information or database management service providers, can receive subscriber list information from telecommunications carriers in a timely, unbundled and reasonable manner. it is important that emergency support service providers have accurate and timely information to ensure that the service they offer the PSAP is the best that can be done. Emergency support service providers should not have to pay for information they don't need and should not be forced to pay exorbitant rates or wait for such information. The bill provides a balanced requirement to alleviate concerns about obtaining such information from telecommunications companies by emergency support service providers.

Before closing, I want to thank my good friend, the chairman of the Committee on the

Judiciary, Mr. HYDE, for his assistance in moving this legislation forward. With his understanding, we were able to resolve a last-minute jurisdictional issue between his committee and the Committee on Commerce. Without objection, at this point in the RECORD, I want to insert an exchange of letters between the committees on this legislation.

I urge all of my colleagues to support H.R. 438.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 23, 1999.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you regarding H.R. 438, the "Wireless Communications and Public Safety Act of 1999," legislation that has been ordered reported by the Committee on Commerce. As ordered reported, H.R. 438 contains language within the Rule X jurisdiction of the Committee on the Judiciary.

Section 4 of H.R. 438 governs the legal liability under Federal and state law of wireless carriers and wireless 911 service users. As you know, matters relating to immunity and limitations on liability fall within the jurisdiction of this committee.

I am, however, willing to forgo a sequential referral of this bill with the understanding that the Commerce Committee accedes to this committee's jurisdictional claim on this matter. We will, of course, insist that the Speaker name conferees from this committee on section 4 of this bill and any similar Senate provision.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, February 23, 1999.

Hon. HENRY HYDE,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR HENRY: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 438, the Wireless Communications and Public Safety Act of 1999.

I acknowledge your committee's jurisdiction over section 4 of this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forgo further action on the bill will not prejudice the Judiciary Committee with respect to its jurisdictional prerogatives on this or similar provisions, and will support your request for conferees on those provisions within the Committee on the Judiciary's jurisdiction should they be the subject of a House-Senate conference. I will also include a copy of your letter and this response in the Congressional Record when the legislation is considered by the House.

Thank you again for your cooperation.

Sincerely,

TOM BLILEY,
Chairman.

Mr. TAUZIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LINDER). All time for general debate has expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment and, pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Communications and Public Safety Act of 1999".

The CHAIRMAN pro tempore. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the establishment and maintenance of an end-to-end emergency communications infrastructure among members of the public, local public safety, fire service, and law enforcement officials, emergency dispatch providers, and hospital emergency and trauma care facilities will reduce response times for the delivery of emergency care, assist in delivering appropriate care, and thereby prevent fatalities, substantially reduce the severity and extent of injuries, reduce time lost from work, and save thousands of lives and billions of dollars in health care costs;

(2) the rapid, efficient deployment of emergency telecommunications service requires statewide coordination of the efforts of local public safety, fire service, and law enforcement officials, and emergency dispatch providers, and the designation of 911 as the number to call in emergencies throughout the Nation;

(3) improved public safety remains an important public health objective of Federal, State, and local governments and substantially facilitates interstate and foreign commerce;

(4) the benefits of wireless communications in emergencies will be enhanced by the development of state-wide plans to coordinate the efforts of local public safety, fire service, and law enforcement officials, emergency dispatch providers, emergency medical service providers on end-to-end emergency communications infrastructures; and

(5) the construction and operation of seamless, ubiquitous, and reliable wireless telecommunications systems promote public safety and provide immediate and critical communications links among members of the public, emergency medical service providers and emergency dispatch providers, public safety, fire service and law enforcement officials, and hospital emergency and trauma care facilities.

(b) PURPOSE.—The purpose of this Act is to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs.

The CHAIRMAN pro tempore. Are there amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. UNIVERSAL EMERGENCY TELEPHONE NUMBER.

(a) ESTABLISHMENT OF UNIVERSAL SERVICE EMERGENCY TELEPHONE NUMBER.—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following new paragraph:

"(3) UNIVERSAL EMERGENCY TELEPHONE NUMBER.—The Commission and any agency or entity to which the Commission has delegated authority under this subsection shall designate 911 as the universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance. Such designation shall apply to both wireline and wireless telephone service. In making such designation, the Commission (and any such agency or entity) shall provide appropriate transition periods for areas in which 911 is not in use as an emergency telephone number on the date of enactment of the Wireless Communications and Public Safety Act of 1999.".

(b) TECHNICAL SUPPORT.—The Federal Communications Commission shall provide technical support to States to support and encourage the development of statewide plans for the deployment and functioning of a comprehensive end-to-end emergency communications infrastructure, including enhanced wireless 911 service, on a coordinated statewide basis. In supporting and encouraging such deployment and functioning, the Commission shall consult and cooperate with State and local officials responsible for emergency services and public safety, the telecommunications industry (specifically including the cellular and other wireless telecommunications service providers), the motor vehicle manufacturing industry, emergency medical service providers and emergency dispatch providers, special 911 districts, public safety, fire service and law enforcement officials, consumer groups, and hospital emergency and trauma care personnel (including emergency physicians, trauma surgeons, and nurses).

The CHAIRMAN pro tempore. Are there any amendments to section 3?

The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS SERVICE.

(a) PROVIDER PARITY.—A wireless carrier, and its officers, directors, employees, vendors, and agents, shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability in a particular jurisdiction that a local exchange company, and its officers, directors, employees, vendors, or agents, have under Federal and State law applicable in such jurisdiction with respect to wireline services, including in connection with an act or omission involving—

(1) development, design, installation, operation, maintenance, performance, or provision of wireless service;

(2) transmission errors, failures, network outages, or other technical difficulties that may arise in the course of transmitting or handling emergency calls or providing emergency services (including wireless 911 service); and

(3) release to a PSAP, emergency medical service provider or emergency dispatch provider, public safety, fire service or law enforcement official, or hospital emergency or trauma care facility of subscriber information related to emergency calls or emergency services involving use of wireless services.

(b) USER PARITY.—A person using wireless 911 service shall have immunity or other protection

from liability in a particular jurisdiction of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under Federal or State law applicable in such jurisdiction in similar circumstances of a person using 911 service that is not wireless.

(c) EXCEPTION FOR STATE LEGISLATIVE ACTION.—The immunity or other protection from liability required by subsection (a)(1) shall not apply in any State that, prior to the expiration of 2 years after the date of enactment of this Act, enacts a statute that specifically refers to this section and establishes a different standard of immunity or other protection from liability with respect to an act or omission involving development, design, installation, operation, maintenance, performance, or provision of wireless service (other than wireless 911 service). The enactment of such a State statute shall not affect the immunity or other protection from liability required by subsection (a)(1) with respect to acts or omissions occurring before the date of enactment of such State statute.

The CHAIRMAN pro tempore. Are there any amendments to section 4?

The Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. AUTHORITY TO PROVIDE CUSTOMER INFORMATION.

Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) in subsection (d)—

(A) by striking "or" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting a semicolon;

(C) by adding at the end the following new paragraphs:

"(4) to provide call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d))—

"(A) to a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency or trauma care facility, in order to respond to the user's call for emergency services;

"(B) to inform the user's legal guardian or members of the user's immediate family of the user's location in an emergency situation that involves the risk of death or serious physical harm; or

"(C) to providers of information or database management services solely for purposes of assisting in the delivery of emergency services in response to an emergency; or

"(5) to transmit automatic crash notification information as part of the operation of an automatic crash notification system.";

(2) by redesignating subsection (f) as subsection (h) and by inserting before such subsection the following new subsections:

"(f) AUTHORITY TO USE WIRELESS LOCATION INFORMATION.—For purposes of subsection (c)(1), without the express prior authorization of the customer, a customer shall not be considered to have approved the use or disclosure of or access to—

"(1) call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d)), other than in accordance with subsection (d)(4); or

"(2) automatic crash notification information to any person other than for use in the operation of an automatic crash notification system.

"(g) SUBSCRIBER LISTED AND UNLISTED INFORMATION FOR EMERGENCY SERVICES.—Notwithstanding subsections (b), (c), and (d), a telecommunications carrier that provides telephone exchange service shall provide information described in subsection (h)(3)(A) (including information pertaining to subscribers whose information is unlisted or unpublished) that is in its possession or control (including information pertaining to subscribers of other carriers) on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions to providers of emergency services, and providers of emergency support services, solely for purposes of delivering or assisting in the delivery of emergency services.";

(3) in subsection (h)(1)(A) (as redesignated by paragraph (2)), by inserting "location," after "destination,"; and

(4) in such subsection (h), by adding at the end the following new paragraphs:

"(4) PUBLIC SAFETY ANSWERING POINT.—The term 'public safety answering point' means a facility that has been designated to receive emergency calls and route them to emergency service personnel.

"(5) EMERGENCY SERVICES.—The term 'emergency services' means 911 emergency services and emergency notification services.

"(6) EMERGENCY NOTIFICATION SERVICES.—The term 'emergency notification services' means services that notify the public of an emergency.

"(7) EMERGENCY SUPPORT SERVICES.—The term 'emergency support services' means information or data base management services used in support of emergency services.".

The CHAIRMAN pro tempore. Are there any amendments to section 5?

The Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. DEFINITIONS.

As used in this Act:

(1) The term "State" means any of the several States, the District of Columbia, or any territory or possession of the United States.

(2) The term "public safety answering point" or "PSAP" means a facility that has been designated to receive emergency calls and route them to emergency service personnel.

(3) The term "wireless carrier" means a provider of commercial mobile services or any other radio communications service that the Federal Communications Commission requires to provide wireless emergency service.

(4) The term "enhanced wireless 911 service" means any enhanced 911 service so designated by the Federal Communications Commission in the proceeding entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (CC Docket No. 94-102; RM-8143), or any successor proceeding.

(5) The term "wireless 911 service" means any 911 service provided by a wireless carrier, including enhanced wireless 911 service.

The CHAIRMAN pro tempore. Are there any amendments to section 6?

Are there any amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HORN) having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 438) to promote and enhance public safety through use of 911 as the universal emergency assistance number, and for other purposes, pursuant to House Resolution 76, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The CHAIRMAN pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced the ayes appeared to have it.

Mr. TAUZIN. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 16, as follows:

[Roll No. 24]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton

Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Chenoweth
Paul

NOT VOTING—16

Brady (TX)
Capps
Davis (IL)
Engel
Ganske
Hill (IN)
Hinchey
Kennedy
Livingston
McInnis
Neal
Owens
Pickering
Reyes
Rush
Sanders

□ 1151

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HILL of Indiana. Mr. Speaker, during rollcall vote No. 24 on H.R. 438, I was unavoidably detained. Had I been present, I would have voted "yes."

Mr. MCINNIS. Mr. Speaker, due to business in Colorado, I will be unable to vote on the following bill, H.R. 438. Had I been able to vote, I would have voted "yea."

PERSONAL EXPLANATION

Mr. TAYLOR of Mississippi. Mr. Speaker, during rollcall vote No. 22, H.R. 171, and No. 23, H.R. 193, I was unavoidably detained. Had I been present, I would have voted "yes."

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 438, the bill just passed.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 436, GOVERNMENT WASTE, FRAUD, AND ERROR REDUCTION ACT OF 1999

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 43 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 436) to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practies, Federal payment systems, Federal benefit programs, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 43 is an open rule providing for consideration of H.R. 436, the Government Waste, Fraud and Error Reduction Act of 1999, a bill to reduce waste, fraud and error in government programs by making improvements to the Federal management and debt collection practices, Federal payment systems, and Federal benefit programs.

H. Res. 43 is an open rule, providing 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Government Reform. The rule waives section 303 of the Congressional Budget Act, prohibiting consideration of legislation providing new budget authority or contract authority for a fiscal year until the budget resolution for that fiscal year has been agreed to against the consideration of the bill.

Section 303 of the Budget Act prohibits consideration of legislation providing new budget authority or contract authority for a fiscal year until the budget resolution for that fiscal year has been agreed to. This is simply a technical waiver. The rule also provides that the bill will be considered as read.

Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with House rules.

The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

□ 1200

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the Federal Government's failure to collect delinquent debt is costing American taxpayers billions of dollars each year. According to the Department of the Treasury, the Federal Government is owed approximately $50 billion in delinquent debt, and that is not including taxes. Of that amount, more than $47 billion has been delinquent over 180 days. The Federal Government also writes off an additional $10 billion each year.

H.R. 436, the Government Waste, Fraud and Error Reduction Act of 1999, is identical to H.R. 457 that passed the U.S. House of Representatives last year with overwhelming bipartisan support. Unfortunately, the Senate did not take up this legislation. We are bringing the bill back before the American people because we believe it is the right thing to do. This legislation builds on prior Federal debt collection initiatives such as the Debt Collection Improvement Act of 1996 by providing Federal agencies with additional tools to collect their debt collection.

The Congressional Budget Office estimated in the 105th Congress that this legislation would actually save the Federal Government $14 million over a 4-year period. By forcing agencies to make debt collection a priority and giving them the tools to be successful, this legislation stops the lax attitudes of Federal agencies over the handling of our tax dollars. It is unfortunate that these common sense ideas have to be mandated by Congress in order for Federal agencies to pay attention. The savings generated by this bill is just one part of the billions of dollars that are wasted each and every year by this government.

I am proud of the strides this Congress, the Republican majority, has made to reduce waste, fraud and abuse. We must continue to be vigilant in search of a smaller, smarter government.

In this era of surpluses there have been calls for my colleagues on the left to increase government spending. This legislation conveys the absurdity of those suggestions. I believe it is wrong for the Federal Government to spend more on government programs until it has properly accounted for and been efficient in that which the money has been spent up to now. Taxpayers work hard for the tax dollars they send to Washington, and it is time that we stop throwing their money at problems without demanding proper accountability of those dollars and, more importantly, results which are measurable.

This legislation puts us on the right track. It is not a silver bullet. It does not eliminate waste, fraud and error in the government. Rather, it is a tool to help government deal more carefully with that problem.

I urge my colleagues to pass this fair, open rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentleman from Texas (Mr. SESSIONS), for yielding me the time.

This is an open rule. It will allow full and fair debate. As my colleague from Texas has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform.

The rule also permits amendments under the 5-minute rule, which is the normal amending process in the House of Representatives. All Members on both sides of the aisle will have the opportunity to offer amendments.

This bill establishes new procedures for agencies to collect debts owed to the Federal Government, and according to the Congressional Budget Office the bill would increase collections by millions of dollars over the next 5 years.

The bill is identical to H.R. 4857 which passed the House by voice vote last year, and earlier this month the Committee on Government Reform passed H.R. 436 by voice vote.

Mr. Speaker, improving the ability to collect debts owed to the government is a goal that we all can support. I urge adoption of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I rise today to express my support for the Government Waste, Fraud and Error Reduction Act. One of the reasons I chose to enter politics 5½ weeks ago is because I wanted to put an end to the wasteful practices of our government, and I am here to work with the other 432 Members to get that done. I was stunned to learn that the Federal Government is owed over $50 billion, $50 billion, and that is not including taxes.

Mr. Speaker, this act seeks to improve the debt collection abilities of the Federal Government. This bill gets tough on government debtors, prohibiting delinquent debtors from obtaining any Federal permit or license until their debt is repaid. It withholds Social Security benefits from those who owe past-due child support. The government will no longer be in the business of rewarding such debtors.

In addition, the bill allows the government to contract out debt collection services to private agencies. What a concept. This practice has proven to be an effective measure in closing difficult cases in the private sector. We ought to use it in the public.

Mr. Speaker, the ability to collect on any debt, either public or private, is a fundamental component of our economy and legal system. The taxpayer deserves the same protections as private citizens when a loan is extended by the Federal Government. As we eliminate waste and fraud, we will have more money to spend on education, on Social Security, on national defense or health care.

Let us pass this bill. Let us begin saving the taxpayers' money. Let us make a difference.

Mr. HALL of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise today in strong support of H.R. 436 and the rule, the Government Waste, Fraud and Error Reduction Act.

Since 1995, Congress has worked diligently to send Federal money back to the States and communities, but Congress also has the responsibility to ensure that our tax dollars are spent wisely. We have trimmed the size of the Federal Government, reined in excessive spending and eradicated redundant programs. We have a balanced budget for the first time in 30 years and a budget surplus of $70 billion in 1998, with the prediction that it will be almost $2.5 trillion over the next 10 years.

The next logical step is to combat fraud, abuse and errors that cost taxpayers their hard-earned money. The Federal Government has more than $50 billion in delinquent non-tax debts and gives up collecting on about $10 billion each year. This is government waste at its worst, and for taxpayers this is certainly an outrage.

H.R. 436 is responsible legislation. It collects delinquent debts owed to the government and ensures that benefits do not go to those who are ineligible. It places special emphasis on the worst delinquent debtors, those who owe taxpayers over $1 million.

This is common sense legislation, and I urge all of my colleagues to support it and support the rule. I would like to thank my friend from Long Beach, California, (Mr. HORN) for bringing this legislation to the floor. His commitment to helping our taxpayers and improving the functions of government is to be commended.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. LUCAS).

Mr. LUCAS of Kentucky. Mr. Speaker, I rise in support of the rule. I rise in support of H.R. 436, the Government Waste, Fraud and Error Reduction Act of 1999. The goal of this legislation is to help reduce waste in government programs by improving Federal management of debt and collection practices, payment systems and benefit programs. Like many Kentucky taxpayers, I consider this to be a very worthy goal.

Mr. Speaker, this legislation would give Federal agencies additional tools to improve government efficiency and accountability. Agencies would be able to bar delinquent debtors from obtaining certain Federal benefits until the debt is repaid. Agencies would be able to use private debt collection contractors to maximize the collection of overdue nontax debts, and agencies would be required to establish programs to reduce the nontax debts held by the agency and obtain the maximum value for loan and debt assets. In addition, H.R. 436 would help the collection of child support by allowing the offset of Social Security benefits to a recipient who owes past-due support to the State.

People who work hard and play by the rules should not have to pick up the tab for deadbeat dads and others who will not pay their debts. As individuals, we are expected to pay our debts. As a Nation, we expect efficiency and accountability from the agencies that have been created to serve us. It is important to give those agencies the tools to do the job that we require of them. Therefore, I urge passage of H.R. 436.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this time, I would like to once again reinforce what is occurring here today. We are joining with the minority to talk about a very important issue. This is a bipartisan-supported bill. It makes sense for taxpayers. It makes sense for all of America.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 409, FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 1999

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 75 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 75

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 409) to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 75 is an open rule providing for consideration of H.R. 409, a bill to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public.

H. Res. 75 is an open rule providing 1 hour of general debate, divided equally between the chairman and ranking minority of the Committee on Government Reform.

The rule provides that each section of the bill shall be considered as read. The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. This rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, I recently joined with the gentleman from Texas (Mr. ARMEY), the majority leader, to highlight the waste from overlapping and duplication in our Federal Government. We used one simple example to illustrate the billions of dollars that are wasted each year, what we call the pizza example. Currently, if a company produces pizza with meat toppings, the USDA is responsible for inspecting the plant. If, however, a company produces cheese pizza, it is the FDA's responsibility.

As amazing as it seems to have two different bureaucracies for each topping on pizza in your refrigerator, consider the fact that there are 12 different Federal agencies that oversee food safety in this country. Does that sound like an efficient system to you? We think not. It sounds like to me, on the one hand, the right hand does not know what the left hand is doing and, consequently, taxpayers are left holding the bag for this inefficiency.

Unfortunately, it does not end just with pizzas. There are currently over 600 different Federal financial assistance programs to implement domestic policy. Report after report has shown that the Federal administrative requirements are duplicative, burdensome or conflicting, which impedes the cost-effective delivery of services at the local level. Every dollar wasted complying with this bureaucratic red tape removes precious funds and resources from those programs' noble goals of feeding the poor or providing health care or other services to American citizens.

H.R. 409, the Federal Financial Assistance Management Improvement Act of 1999, aims to improve the delivery of much-needed services by streamlining and simplifying the Federal financial assistance administrative procedures and reporting requirements. Identical legislation, S. 1642, passed the Senate in the 105th Congress.

The bill is simple and straightforward. It requires Federal agencies to develop plans within 18 months that do the following: streamline application, administrative and reporting requirements; develop a uniform grant application for related programs; develop and expand the use of electronic grant applications and reporting via the Internet; demonstrate interagency coordination in simplifying requirements for cross- cutting programs; and set annual goals to further the purposes of this act.

Agencies would consult with outside parties in the development of such plans. Plans and follow-up annual reports would be submitted to Congress and could be included as part of other managed reports as required by law.

In addition to overseeing and coordinating agency activities, the Office of Management and Budget, known as OMB, would be responsible for developing common rules that cut across program and agency lines by creating a release form that allows grant information to be shared by programs.

The bill sunsets in 5 years, and the National Academy for Public Administrators would submit an evaluation just prior to its sunsetting.

The bill has been endorsed by the major State and local governing organizations, such as the National Governors Association, the National Council of State Legislatures, the National Association of Counties, the Council of State Governments, the National League of Cities, the International City and County Management Association and the U.S. Conference of Mayors.

This legislation, we believe, is on the right track. I urge my colleagues to pass this fair, open rule and the underlying things that it will accomplish in this legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the gentleman from Texas (Mr. SESSIONS), for yielding me the customary 30 minutes.

Mr. Speaker, I support this rule that allows Members to offer all germane amendments to the underlying bill, the Federal Financial Assistance Management Improvement Act.

Our legislative process works best when bills are first considered and perfected through our committee system. While this bill has not had the full benefit of the committee process, I know of no opposition to the bill.

I would like to congratulate the gentleman from California (Mr. HORN), the chairman, and the gentleman from Texas (Mr. TURNER), the ranking member of the Subcommittee on Government Management, Information and Technology, for working together to craft the bill and possible manager's amendments.

H.R. 409 seeks to streamline the process of delivering Federal assistance to individuals and localities. It is designed to simplify the grant application and reporting process by eliminating duplicative or conflicting administrative requirements.

Like all my colleagues, I support efforts to reduce unnecessary paperwork requirements and endorse both legislative and executive efforts to streamline regulations.

Mr. Speaker, I support this open rule that will allow full and fair debate on H.R. 409.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous questioned was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING IN ORDER AS ORIGINAL BILL THE AMENDMENT IN THE NATURE OF A SUBSTITUTE NUMBERED 1, PRINTED IN THE CONGRESSIONAL RECORD, DURING CONSIDERATION OF H.R. 436, GOVERNMENT WASTE, FRAUD, AND ERROR REDUCTION ACT OF 1999

Mr. HORN. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 436 in the Committee of the Whole, pursuant to House Resolution 43, that it be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute that is printed in the CONGRESSIONAL RECORD at pages H–718 through H–721; that the amendment in the nature of a substitute be considered as read; that points of order against the amendment in the nature of a substitute for failure to comply with clause 4 of rule XXI and section 303 of the Congressional Budget Act of 1974 be waived; and that any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to that amendment in the nature of a substitute.

This language has been cleared with our friends on the other side of the aisle.

The SPEAKER pro tempore. The Clerk will report the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute numbered 1, printed in the CONGRESSIONAL RECORD, offered by Mr. Horn:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Government Waste, Fraud, and Error Reduction Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definition.
Sec. 4. Application of Act.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

Sec. 101. Improving financial management.
Sec. 102. Improving travel management.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

Sec. 201. Miscellaneous corrections to subchapter II of chapter 37 of title 31, United States Code.
Sec. 202. Barring delinquent Federal debtors from obtaining Federal benefits.
Sec. 203. Collection and compromise of nontax debts and claims.

TITLE III—SALE OF NONTAX DEBTS OWED TO UNITED STATES

Sec. 301. Authority to sell nontax debts.
Sec. 302. Requirement to sell certain nontax debts.

TITLE IV—TREATMENT OF HIGH VALUE NONTAX DEBTS

Sec. 401. Annual report on high value nontax debts.
Sec. 402. Review by Inspectors General.
Sec. 403. Requirement to seek seizure and forfeiture of assets securing high value nontax debt.

TITLE V—FEDERAL PAYMENTS

Sec. 501. Transfer of responsibility to Secretary of the Treasury with respect to prompt payment.
Sec. 502. Promoting electronic payments.
Sec. 503. Debt services account.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

(1) To reduce waste, fraud, and error in Federal benefit programs.

(2) To focus Federal agency management attention on high-risk programs.

(3) To better collect debts owed to the United States.

(4) To improve Federal payment systems.

(5) To improve reporting on Government operations.

SEC. 3. DEFINITION.

As used in this Act, the term "nontax debt" means any debt (within the meaning of that term as used in chapter 37 of title 31, United States Code) other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.

SEC. 4. APPLICATION OF ACT.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with the Internal Revenue Service Restructuring and Reform Act of 1998, the Internal Revenue Code of 1986, or the Tariff Act of 1930.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

SEC. 101. IMPROVING FINANCIAL MANAGEMENT.

Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "1997" and inserting "2000"; and

(B) by inserting "Congress and" after "submit to"; and

(2) by striking subsections (e), (f), (g), and (h).

SEC. 102. IMPROVING TRAVEL MANAGEMENT.

(a) LIMITED EXCLUSION FROM REQUIREMENT REGARDING OCCUPATION OF QUARTERS.—Section 5911(e) of title 5, United States Code, is amended by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to lodging provided under chapter 57 of this title.".

(b) USE OF TRAVEL MANAGEMENT CENTERS, AGENTS, AND ELECTRONIC PAYMENT SYSTEMS.—

(1) REQUIREMENT TO ENCOURAGE USE.—The head of each executive agency shall, with respect to travel by employees of the agency in the performance of the employment duties by the employee, require, to the extent practicable, the use by such employees of travel management centers, travel agents authorized for use by such employees, and electronic reservation and payment systems for the purpose of improving efficiency and economy regarding travel by employees of the agency.

(2) PLAN FOR IMPLEMENTATION.—(A) The Administrator of General Services shall develop a plan regarding the implementation of this subsection and shall, after consultation with the heads of executive agencies, submit to Congress a report describing such plan and the means by which such agency heads plan to ensure that employees use

travel management centers, travel agents, and electronic reservation and payment systems as required by this subsection.

(B) The Administrator shall submit the plan required under subparagraph (A) not later than March 31, 2000.

(c) PAYMENT OF STATE AND LOCAL TAXES ON TRAVEL EXPENSES.—

(1) IN GENERAL.—The Administrator of General Services shall develop a mechanism to ensure that employees of executive agencies are not inappropriately charged State and local taxes on travel expenses, including transportation, lodging, automobile rental, and other miscellaneous travel expenses.

(2) REPORT.—Not later than March 31, 2000, the Administrator shall, after consultation with the heads of executive agencies, submit to Congress a report describing the steps taken, and proposed to be taken, to carry out this subsection.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

SEC. 201. MISCELLANEOUS CORRECTIONS TO SUBCHAPTER II OF CHAPTER 37 OF TITLE 31, UNITED STATES CODE.

(a) CHILD SUPPORT ENFORCEMENT.—Section 3716(h)(3) of title 31, United States Code, is amended to read as follows:

"(3) In applying this subsection with respect to any debt owed to a State, other than past due support being enforced by the State, subsection (c)(3)(A) shall not apply.".

(b) DEBT SALES.—Section 3711 of title 31, United States Code, is amended by striking subsection (i).

(c) GAINSHARING.—Section 3720C(b)(2)(D) of title 31, United States Code, is amended by striking "delinquent loans" and inserting "debts".

(d) PROVISIONS RELATING TO PRIVATE COLLECTION CONTRACTORS.—

(1) COLLECTION BY SECRETARY OF THE TREASURY.—Section 3711(g) of title 31, United States Code, is amended by adding at the end the following:

"(11) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the debtor's current employer, the location of the payroll office of the debtor's current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

"(12) In evaluating the performance of a contractor under any contract entered into under this subsection, the Secretary of the Treasury shall consider the contractor's gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.

"(13) In selecting contractors for performance of collection services, the Secretary of the Treasury shall evaluate bids received through a methodology that considers the bidder's prior performance in terms of net amounts collected under Government collection contracts of similar size, if applicable. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.".

(2) COLLECTION BY PROGRAM AGENCY.—Section 3718 of title 31, United States Code, is amended by adding at the end the following:

"(h) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the current place of employment of the debtor, the location of the payroll office of the debtor's current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

"(i) In evaluating the performance of a contractor under any contract for the performance of debt collection services entered into by an executive, judicial, or legislative agency, the head of the agency shall consider the contractor's gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.

"(j) In selecting contractors for performance of collection services, the head of an executive, judicial, or legislative agency shall evaluate bids received through a methodology that considers the bidder's prior performance in terms of net amounts collected under government collection contracts of similar size, if applicable. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.".

(3) CONSTRUCTION.—None of the amendments made by this subsection shall be construed as altering or superseding the provisions of title 11, United States Code, or section 6103 of the Internal Revenue Code of 1986.

(e) CLERICAL AMENDMENT.—Section 3720A(h) of title 31, United States Code, is amended—

(1) beginning in paragraph (3), by striking the close quotation marks and all that follows through the matter preceding subsection (i); and

(2) by adding at the end the following:

"For purposes of this subsection, the disbursing official for the Department of the Treasury is the Secretary of the Treasury or his or her designee.".

(f) CORRECTION OF REFERENCES TO FEDERAL AGENCY.—Sections 3716(c)(6) and 3720A(a), (b), (c), and (e) of title 31, United States Code, are each amended by striking "Federal agency" each place it appears and inserting "executive, judicial, or legislative agency".

(g) INAPPLICABILITY OF ACT TO CERTAIN AGENCIES.—Notwithstanding any other provision of law, no provision in this Act, the Debt Collection Improvement Act of 1996 (chapter 10 of title III of Public Law 104-134; 31 U.S.C. 3701 note), chapter 37 or subchapter II of chapter 33 of title 31, United States Code, or any amendments made by such Acts or any regulations issued thereunder, shall apply to activities carried out pursuant to a law enacted to protect, operate, and administer any deposit insurance funds, including the resolution and liquidation of failed or failing insured depository institutions.

(h) CONTRACTS FOR COLLECTION SERVICES.—Section 3718 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (b)(1)(A), by inserting ", or, if appropriate, any monetary claim, including any claims for civil fines or penalties, asserted by the Attorney General" before the period;

(2) in the third sentence of subsection (b)(1)(A)—

(A) by inserting "or in connection with other monetary claims" after "collection of claims of indebtedness";

(B) by inserting "or claim" after "the indebtedness"; and

(C) by inserting "or other person" after "the debtor"; and

(3) in subsection (d), by inserting "or any other monetary claim of" after "indebtedness owed".

SEC. 202. BARRING DELINQUENT FEDERAL DEBTORS FROM OBTAINING FEDERAL BENEFITS.

(a) IN GENERAL.—Section 3720B of title 31, United States Code, is amended to read as follows:

"§3720B. Barring delinquent Federal debtors from obtaining Federal benefits

"(a)(1) A person shall not be eligible for the award or renewal of any Federal benefit described in paragraph (2) if the person has an outstanding nontax debt that is in a delinquent status with any executive, judicial, or legislative agency, as determined under standards prescribed by the Secretary of the Treasury. Such a person may obtain additional Federal benefits described in paragraph (2) only after such delinquency is resolved in accordance with those standards.

"(2) The Federal benefits referred to in paragraph (1) are the following:

"(A) Financial assistance in the form of a loan (other than a disaster loan) or loan insurance or guarantee.

"(B) Any Federal permit or Federal license required by law.

"(b) The Secretary of the Treasury may exempt any class of claims from the application of subsection (a) at the request of an executive, judicial, or legislative agency.

"(c)(1) The head of any executive, judicial, or legislative agency may waive the application of subsection (a) to any Federal benefit that is administered by the agency based on standards promulgated by the Secretary of the Treasury.

"(2) The head of an executive, judicial, or legislative agency may delegate the waiver authority under paragraph (1) to the chief financial officer or, in the case of any Federal performance-based organization, the chief operating officer of the agency.

"(3) The chief financial officer or chief operating officer of an agency to whom waiver authority is delegated under paragraph (2) may redelegate that authority only to the deputy chief financial officer or deputy chief operating officer of the agency. Such deputy chief financial officer or deputy chief operating officer may not redelegate such authority.

"(d) As used in this section, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 31, United States Code, is amended by striking the item relating to section 3720B and inserting the following:

"3720B. Barring delinquent Federal debtors from obtaining Federal benefits.".

(c) CONSTRUCTION.—The amendment made by this section shall not be construed as altering or superseding the provisions of title 11, United States Code.

SEC. 203. COLLECTION AND COMPROMISE OF NONTAX DEBTS AND CLAIMS.

(a) USE OF PRIVATE COLLECTION CONTRACTORS AND FEDERAL DEBT COLLECTION CENTERS.—Paragraph (5) of section 3711(g) of title 31, United States Code, is amended to read as follows:

"(5)(A) Nontax debts referred or transferred under this subsection shall be serviced, collected, or compromised, or collection action thereon suspended or terminated, in accordance with otherwise applicable statutory requirements and authorities.

"(B) The head of each executive agency that operates a debt collection center may enter into an agreement with the Secretary of the Treasury to carry out the purposes of this subsection.

"(C) The Secretary of the Treasury shall—

"(i) maintain a schedule of private collection contractors and debt collection centers operated by agencies that are eligible for referral of claims under this subsection;

"(ii) maximize collections of delinquent nontax debts by referring delinquent nontax debts to private collection contractors promptly;

"(iii) maintain competition between private collection contractors;

"(iv) ensure, to the maximum extent practicable, that a private collection contractor to which a nontax debt is referred is responsible for any administrative costs associated with the contract under which the referral is made.

"(D) As used in this paragraph, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

(b) LIMITATION ON DISCHARGE BEFORE USE OF PRIVATE COLLECTION CONTRACTOR OR DEBT COLLECTION CENTER.—Paragraph (9) of section 3711(g) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii);

(2) by inserting "(A)" after "(9)";

(3) in subparagraph (A) (as designated by paragraph (2) of this subsection) in the matter preceding clause (i) (as designated by paragraph (1) of this subsection), by inserting "and subject to subparagraph (B)" after "as applicable"; and

(4) by adding at the end the following:

"(B)(i) The head of an executive, judicial, or legislative agency may not discharge a nontax debt or terminate collection action on a nontax debt unless the debt has been referred to a private collection contractor or a debt collection center, referred to the Attorney General for litigation, sold without recourse, administrative wage garnishment has been undertaken, or in the event of bankruptcy, death, or disability.

"(ii) The head of an executive, judicial, or legislative agency may waive the application of clause (i) to any nontax debt, or class of nontax debts if the head of the agency determines that the waiver is in the best interest of the United States.

"(iii) As used in this subparagraph, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

TITLE III—SALE OF NONTAX DEBTS OWED TO UNITED STATES

SEC. 301. AUTHORITY TO SELL NONTAX DEBTS.

(a) PURPOSE.—The purpose of this section is to provide that the head of each executive, judicial, or legislative agency shall establish a program of nontax debt sales in order to—

(1) minimize the loan and nontax debt portfolios of the agency;

(2) improve credit management while serving public needs;

(3) reduce delinquent nontax debts held by the agency;

(4) obtain the maximum value for loan and nontax debt assets; and

(5) obtain valid data on the amount of the Federal subsidy inherent in loan programs conducted pursuant to the Federal Credit Reform Act of 1990 (Public Law 93-344).

(b) SALES AUTHORIZED.—(1) Section 3711 of title 31, United States Code, is amended by inserting after subsection (h) the following new subsection:

"(i)(1) The head of an executive, judicial, or legislative agency may sell, subject to section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) and using competitive procedures, any nontax debt owed to the United States that is administered by the agency.

"(2) Costs the agency incurs in selling nontax debt pursuant to this subsection may be deducted from the proceeds received from the sale. Such costs include—

"(A) the costs of any contract for identification, billing, or collection services;

"(B) the costs of contractors assisting in the sale of nontax debt;

"(C) the fees of appraisers, auctioneers, and realty brokers;

"(D) the costs of advertising and surveying; and

"(E) other reasonable costs incurred by the agency, as determined by the Director of the Office of Management and Budget.

"(3) Sales of nontax debt under this subsection—

"(A) shall be for—

"(i) cash; or

"(ii) cash and a residuary equity, joint venture, or profit participation, if the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the proceeds will be greater than the proceeds from a sale solely for cash;

"(B) shall be without recourse against the United States; and

"(C) shall transfer to the purchaser all rights of the United States to demand payment of the nontax debt, other than with respect to a residuary equity, joint venture, or profit participation under subparagraph (A)(ii), but shall not transfer to the purchaser any rights or defenses uniquely available to the United States.

"(3) This subsection is not intended to limit existing statutory authority of the head of an executive, judicial, or legislative agency to sell loans, nontax debts, or other assets.".

SEC. 302. REQUIREMENT TO SELL CERTAIN NONTAX DEBTS.

Section 3711 of title 31, United States Code, is amended further by adding at the end the following new subsection:

"(j)(1)(A) The head of each executive, judicial, or legislative agency shall sell any nontax loan owed to the United States by the later of—

"(i) the date on which the nontax debt becomes 24 months delinquent; or

"(ii) 24 months after referral of the nontax debt to the Secretary of the Treasury pursuant to section 3711(g)(1) of title 31, United States Code. Sales under this subsection shall be conducted under the authority in section 301.

"(B) The head of an executive, judicial, or legislative agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, may exempt from sale delinquent debt or debts under this subsection if the head of the agency determines that the sale is not in the best financial interest of the United States.

"(2) The head of each executive, judicial, or legislative agency shall sell each loan obligation arising from a program administered by the agency, not later than 6 months after the loan is disbursed, unless the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the loan was disbursed, or the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that a longer period is necessary to protect the financial interests of the United States. Sales under this subsection shall be conducted under the authority in section 301.

"(3) After terminating collection action, the head of an executive, judicial, or legislative agency shall sell, using competitive procedures, any nontax debt or class of nontax debts owed to the United States unless the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the sale is not in the best financial interests of the United States. Sales under this paragraph shall be conducted under the authority of subsection (i).

"(4)(A) The head of an executive, judicial, or legislative agency shall not, without the approval of the Attorney General, sell any nontax debt that is the subject of an allegation of or investigation for fraud, or that has been referred to the Department of Justice for litigation.

"(B) The head of an executive, judicial, or legislative agency may exempt from sale under this subsection any class of nontax debts or loans if the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the indebtedness was incurred.".

TITLE IV—TREATMENT OF HIGH VALUE NONTAX DEBTS

SEC. 401. ANNUAL REPORT ON HIGH VALUE NONTAX DEBTS.

(a) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the head of each agency that administers a program that gives rise to a delinquent high value nontax debt shall submit a report to Congress that lists each such debt.

(b) CONTENT.—A report under this section shall, for each debt listed in the report, include the following:

(1) The name of each person liable for the debt, including, for a person that is a company, cooperative, or partnership, the names of the owners and principal officers.

(2) The amounts of principal, interest, and penalty comprising the debt.

(3) The actions the agency has taken to collect the debt, and prevent future losses.

(4) Specification of any portion of the debt that has been written-down administratively or due to a bankruptcy proceeding.

(5) An assessment of why the debtor defaulted.

(c) DEFINITIONS.—In this title:

(1) AGENCY.—The term "agency" has the meaning that term has in chapter 37 of title 31, United States Code, as amended by this Act.

(2) HIGH VALUE NONTAX DEBT.—The term "high value nontax debt" means a nontax debt having an outstanding value (including principal, interest, and penalties) that exceeds $1,000,000.

SEC. 402. REVIEW BY INSPECTORS GENERAL.

The Inspector General of each agency shall review the applicable annual report to Congress required in section 401 and make such recommendations as necessary to improve performance of the agency. Each Inspector General shall periodically review and report to Congress on the agency's nontax debt collection management practices. As part of such reviews, the Inspector General shall examine agency efforts to reduce the aggregate amount of high value nontax debts that are resolved in whole or in part by compromise, default, or bankruptcy.

SEC. 403. REQUIREMENT TO SEEK SEIZURE AND FORFEITURE OF ASSETS SECURING HIGH VALUE NONTAX DEBT.

The head of an agency authorized to collect a high value nontax debt that is delinquent shall, when appropriate, promptly seek seizure and forfeiture of assets pledged to the United States in any transaction giving rise to the nontax debt. When an agency determines that seizure or forfeiture is not appropriate, the agency shall include a justification for such determination in the report under section 401.

TITLE V—FEDERAL PAYMENTS

SEC. 501. TRANSFER OF RESPONSIBILITY TO SECRETARY OF THE TREASURY WITH RESPECT TO PROMPT PAYMENT.

(a) Definition.—Section 3901(a)(3) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

(b) Interest.—Section 3902(c)(3)(D) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

(c) Regulations.—Section 3903(a) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

SEC. 502. PROMOTING ELECTRONIC PAYMENTS.

(a) Early Release of Electronic Payments.—Section 3903(a) of title 31, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1) provide that the required payment date is—

"(A) the date payment is due under the contract for the item of property or service provided; or

"(B) no later than 30 days after a proper invoice for the amount due is received if a specific payment date is not established by contract;"; and

(2) by striking "and" after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting "; and", and by adding at the end the following:

"(10) provide that the Secretary of the Treasury may waive the application of requirements under paragraph (1) to provide for early payment of vendors in cases where an agency will implement an electronic payment technology which improves agency cash management and business practice.".

(b) Authority To Accept Electronic Payment.—

(1) In general.—Subject to an agreement between the head of an executive agency and the applicable financial institution or institutions based on terms acceptable to the Secretary of the Treasury, the head of such agency may accept an electronic payment, including debit and credit cards, to satisfy a nontax debt owed to the agency.

(2) Guidelines for agreements regarding payment.—The Secretary of the Treasury shall develop guidelines regarding agreements between agencies and financial institutions under paragraph (1).

SEC. 503. DEBT SERVICES ACCOUNT.

(a) Transfer of Funds to Debt Services Account.—The Secretary of the Treasury may transfer balances in accounts established before the date of the enactment of this Act pursuant to section of 3711(g)(7) of title 31, United States Code, to the Debt Services Account established under subsection (b). All amounts transferred to the Debt Services Account under this section shall remain available until expended.

(b) Establishment of Debt Services Account.—Subsection (g)(7) of section 3711 of title 31, United States Code, is amended by striking the second sentence and inserting the following: "Any fee charged pursuant to this subsection shall be deposited into an account established in the Treasury to be known as the 'Debt Services Account' (hereinafter referred to in this section as the 'Account')."

(c) Reimbursement of Funds.—Section 3711(g) of title 31, United States Code, is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively; and

(3) by amending paragraph (9) (as redesignated by paragraph (2)) to read as follows:

"(9) To carry out the purposes of this subsection, including services provided under sections 3716 and 3720A, the Secretary of the Treasury may—

"(A) prescribe such rules, regulations, and procedures as the Secretary considers necessary;

"(B) transfer such funds from funds appropriated to the Department of the Treasury as may be necessary to meet liabilities and obligations incurred prior to the receipt of fees that result from debt collection; and

"(C) reimburse any funds from which funds were transferred under subparagraph (B) from fees collected pursuant to sections 3711, 3716, and 3720A. Any reimbursement under this subparagraph shall occur during the period of availability of the funds transferred under subparagraph (B) and shall be available to the same extent and for the same purposes as the funds originally transferred.".

(d) Deposit of Tax Refund Offset Fees.—The last sentence of section 3720A(d) of title 31, United States Code, is amended to read as follows: "Amounts paid to the Secretary of the Treasury as fees under this section shall be deposited into the Debt Services Account of the Department of the Treasury described in section 3711(g)(7) and shall be collected and accounted for in accordance with the provisions of that section.".

Mr. HORN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

GOVERNMENT WASTE, FRAUD, AND ERROR REDUCTION ACT OF 1999

The SPEAKER pro tempore (Mr. Sessions). Pursuant to House Resolution 43 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 436.

□ 1227

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 436) to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes, with Mr. Gibbons in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. Horn) and the gentleman from Texas (Mr. Turner) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. Horn).

Mr. HORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Federal Government's failure to collect delinquent debts is costing American taxpayers billions of dollars each year. According to the Department of the Treasury, the Federal Government is owed approximately $50 billion in delinquent nontax debt. The tax debt is even more. Of that amount, more than $47 billion has been delinquent for more than 180 days.

In addition, the Federal Government also writes off an additional $10 billion in delinquent nontax debt each year. To facilitate the collection of this enormous amount of nontax debt owed to the Federal Government, the taxpayers, Congress passed and the President signed into law, in 1996, the Debt Collection Improvement Act.

This bipartisan legislation, in which the gentlewoman from New York (Mrs. Maloney), the then Ranking Democrat on the Subcommittee on Government Management, Information and Technology, was the coauthor, and she had had great experience with this in the New York City Council, and this legislation established significant new debt collection tools and enhanced existing ones. These included centralized servicing of debts more than 180 days delinquent at the Department of Treasury's Financial Management Service and at designated agency debt collection centers.

The 1996 act also enhanced existing debt collection tools such as the Federal payment offset, a program where a portion of a Federal payment to a delinquent debtor can be intercepted to satisfy the delinquent Federal debt. The legislation also expanded the use of private collection agencies to assist in collecting delinquent nontax debts.

The bill before the House of Representatives, H.R. 436, the Government Waste, Fraud, and Error Reduction Act of 1999, builds on the 1996 Debt Collection Improvement Act by providing the Federal government with additional tools to improve its collection of delinquent nontax debts. The bill includes provisions that seek to reduce waste, fraud and error in the Federal benefit and credit programs. H.R. 436 prohibits Federal agencies from discharging or writing off nontax debts prior to the initiation of collection activity.

The bill also expands the application of gain-sharing, a procedure that allows Federal agencies to retain a portion of the amounts they collect. It is an incentive to make sure that that agency is really on top of the nontax debt.

□ 1230

Under the Debt Collection Improvement Act of 1996, agencies are only permitted to retain a percentage of the delinquent loans that they collect. H.R. 436, the bill before us now, would expand that to allow agencies to retain a portion of all delinquent debts, not just loans that they collect. The expansion of gains-sharing will give agencies greater incentive to collect debts and increase taxpayer savings.

The bill authorizes the offset, or withholding, of Social Security benefits to recipients who owe past-due child support to a State. Currently, Social Security benefits can be intercepted to offset a recipient's debt to the Federal Government. This bill would assist States in their efforts to collect billions of dollars in unpaid child support. According to the Congressional Budget Office, this added offset authority would recover $17 million each year in past-due child support.

To help eliminate waste, fraud and error in Federal benefits and credit programs, H.R. 436 authorizes Federal agencies to bar delinquent debtors from obtaining a Federal permit or license or receiving financial assistance in the form of a loan or loan guarantee until the delinquent debt is repaid.

H.R. 436 promotes the sale of new and delinquent loans by Federal agencies. Loan sale programs would benefit the Federal Government in a number of ways. Loans that are sold in a competitive market could yield substantial proceeds, could reduce administrative costs and also allow agencies to focus their limited resources on other programs.

An agency, with the guidance from the Office of Management and Budget, could exempt any class of debt, such as farm loans, foreign loans, whatever they are, from the sale provisions of this bill if it is determined that the sale would interfere with the agency's program or missions.

This bill also focuses its attention on large debts. It requires agencies to report annually to Congress on their uncollected, high-value delinquent debts that are greater than $1 million.

H.R. 436 contains these important provisions and a variety of others designed to improve the efficiency and effectiveness of the Federal debt collection programs. This measure has strong bipartisan support. Since the very beginning, both parties on the Committee on Government Reform have worked together on the original act, as I noted earlier, and on the revisions to that act. I am sure down the line there will still be other revisions.

This legislation is similar to what passed the House of Representatives unanimously last year under suspension of the rules by a voice vote, and that was the end of the second session of the 105th Congress. The bill did not have an opportunity to be taken up at the end of the rush of legislation by the Senate. The bill has been the subject of a hearing held by the Subcommittee on Government Management, Information, and Technology on March 2, 1998.

The amendment in the nature of a substitute that I have placed at the desk clarifies provisions of H.R. 436 and incorporates recommendations offered by the administration in consultation with the Committee on Government Reform to improve Federal payment systems and financial management.

Mr. Chairman, I would like to thank in particular the gentleman from California (Mr. WAXMAN), ranking Democrat on the full Committee on Government Reform. And, as I mentioned earlier, the gentlewoman from New York (Mrs. MALONEY) has been a key author of the legislation and the gentleman from Texas (Mr. TURNER), the new ranking member on the Subcommittee on Government Management, Information, and Technology. Their assistance has been invaluable in getting this important legislation to the floor.

H.R. 436 is a significant step forward in the battle to collect the billions of dollars in delinquent debts that are owed to the American taxpayers. I urge my colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to first commend the gentleman from California (Mr. HORN), my good friend, for his outstanding leadership on government management issues generally and in particular for his leadership in debt collection, which is the subject of this bill before the House today.

The gentlewoman from New York (Mrs. MALONEY) has sponsored a number of debt collection initiatives as the former ranking member on the Subcommittee on Government Management, Information and Technology, which she did during the 105th Congress. And I would also like to commend the gentlewoman for her outstanding leadership in trying to bring a bill before the House that is a true bipartisan bill that will improve the debt collection practices of the Federal Government.

H.R. 436 is a fiscal reform bill. It finishes a process begun in 1996 with the Debt Collection Improvement Act, which represented a bipartisan effort by the gentleman from California (Chairman HORN) and the gentlewoman from New York (Mrs. MALONEY). Under the Debt Collection Improvement Act, the Treasury Department is authorized to use new tools designed to recoup as much as $1 billion in delinquent nontax debt each year.

The Federal Government currently carries about $30 billion in delinquent debts on its books that could be potentially collected. Much of this debt, however, is old and perhaps it is unrealistic to be collectable. But the older the debt gets, the more difficult it is to recover.

This bill would encourage Federal agencies to initiate debt collection activities and to sell nontax debt that is not an integral part of the agency's mission. Additionally, this bill encourages the government, when awarding contracts to private collection agencies, to consider those agencies' past performance records, including the amount of money they have previously collected and the existence and frequency of debtor complaints.

H.R. 436 provides the government with the necessary flexibility to evaluate its contractors to assure that the government can consider factors other than just the net collections. For example, it is important to the government to utilize private contractors to assess the feasibility of debt collection and, in turn, to send out debt collection notices, conduct the necessary paperwork, and to resolve claims through administrative processes that may not necessarily result in any collections.

By providing flexibility and encouraging agencies to optimize debt collection incentives, we can ensure that the government is more efficient and more effective.

Mr. Chairman, this resolution focuses attention on debtors who owe the United States Government over $1 million in nontax debt. By working to decrease these high-risk debts, our government should reduce its outstanding delinquent debts substantially.

The bill also authorizes the Department of the Treasury to withhold certain Federal Social Security, black lung, and railroad retirement payments from those owing past-due child support, an area that the gentlewoman from New York has taken a strong interest in the drafting of this legislation.

The Congressional Budget Office estimates that these withholdings should result in an additional $10 million in child support collections for those who are due such support across this country. It is possible that this provision could recoup even more than the $10 million.

This bill should provide the government with an increased capacity to recover money that is rightfully owed to the taxpayers of the United States. The bill should result in an additional $18 million that can be returned to the taxpayers over the 1999 to the 2004 period. It should continue to provide this kind of return well into the future.

Mr. Chairman, this bill passed out of the Committee on Government Reform with bipartisan support, with the leadership of the gentleman from California (Chairman HORN) and the gentlewoman from New York. Both have been very active in the area of debt collection and have created the framework that we now have in the Debt Collection Improvement Act. The gentleman from California has been very receptive to the administration's concerns regarding this bill, and the administration is not opposed.

For these reasons, I am glad to join with my colleagues here today in support of H.R. 436.

Mr. Chairman, I reserve the balance of my time.

Mr. HORN. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN). He has taken a great interest as a new member of the committee in this matter, and I am delighted to have his support on the floor.

Mr. WALDEN of Oregon. Mr. Chairman, I would like to thank the gentleman from California, the distinguished chairman of our Subcommittee on Government Management, Information and Technology, for bringing forth this important piece of legislation.

Mr. Chairman, I would also like to speak to the importance of ensuring that Federal agencies create incentives for debt collection contractors to obtain voluntary payments from debtors before instituting involuntary collection actions such as wage garnishment or litigation against that debtor.

I say that because I have learned that under the Department of Education's contract, for example, the contractor has a greater incentive to collect a debt through involuntary administrative wage garnishment procedures rather than through voluntary payments from the debtor. This is because the methodology used by the Department of Education to evaluate the performance of its contractors, allocate accounts among contractors and pay bonuses is weighted in favor of wage garnishment rather than voluntary collections. The preparation of cases for litigation is also given substantial weight.

Mr. Chairman, as the gentleman from California and I have discussed, I would like to see the Debt Collection Act amended at some point to require that voluntary collections be given greater emphasis and these coercive methods, give them less emphasis.

In my view, the performance of a debt collection contractor in achieving netback collections for the government should be in the order of 75 percent, if not more, of the weighting in the evaluation methodology and the preparation of cases for litigation or wage garnishment should receive no more than, say, 20 percent combined.

These reforms would help, I believe, the Federal Government to do a better job of debt collection in a fair, efficient and voluntary manner which I think would be preferable.

However, given the administration's objections to such an amendment and in the spirit of trying to minimize our differences in an effort to pass good and meaningful legislation, I will not be offering that amendment. But it is a topic that I hope we can discuss in the future.

While I understand the desire of the administration to have unfettered discretion as to how these contracts are administered, I have trouble accepting the suggestion that the infliction of wage garnishment or litigation on a debtor is more preferable to a more voluntary action convincing that debtor to pay. As everyone knows, it is just this sort of approach to collections that caused our friends at the IRS problems at times with the public.

Mr. Chairman, I look forward to working with the gentleman from California and the gentleman from Texas and the administration and members of our committee to address these issues and make Federal debt collections both more voluntary and more effective.

Mr. TURNER. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY), who has worked countless hours on this bill as the ranking member of the Subcommittee on Government Management, Information and Technology.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the bill; and I applaud the hard work of the gentleman from California (Chairman HORN) and the gentleman from Texas (Mr. TURNER), ranking member, in bringing this legislation to the floor.

I would like to comment on the statement of the gentleman from Oregon (Mr. WALDEN), who spoke about certainly supporting voluntary efforts first. This bill does that. Before there is any movement to centralize collections or to initiate any effort to collect it, there are three attempts to persuade the debtor to pay what is owed to the taxpayers of this country. At least three letters and phone calls have to go out trying to persuade this person to live up to their obligations before any other method or any other project is encountered.

Mr. Chairman, the legislation before us builds on the success of the Debt Collection Improvement Act of 1996, which the gentleman from California and I authored over 3 years ago. When we introduced the Debt Collection Improvement Act, we had just conducted a study that showed that over $50 billion was owed to the taxpayers of this country, $50 billion in nontax debt, $50 billion that could be used for teachers, police officers, roads, mass transit, all types of things to help our people in this country.

Furthermore, the government was writing off, writing off and forgetting about over more than $10 billion of that debt each year. Our original bill, which received widespread bipartisan support, simply employed good business, common-sense tools to collect this debt. First, it centralized collection and management in Treasury, whose mission it is to bring in revenues that are owed to this country and to manage our finances.

□ 1245

It called upon common sense good business tactics such as computerizing the debt, cross-servicing, certainly not handing out a debt to a bad debtor, managing it better. These efforts, according to Treasury, should bring in billions of dollars to our citizens.

The bill we have today builds on the successes of the original piece of legislation. It prohibits agencies from writing off debt without making significant efforts to collect it, first through persuasion, then through letters, phone calls, all types of efforts, and then finally allowing the private sector to come in and try to collect that debt before it is written off or forgotten about.

This bill is a strong piece of legislation. It will significantly aid the government in its efforts to collect the money that is owed to the hardworking citizens of our country. It builds on some of the successes of better management in our original bill, strengthens gain sharing, rewards agencies that do well by allowing them to keep part of the money that they are managing better.

My only disappointment with this legislation before us is that it does not contain a provision that many of us had worked on that was attached to last year's version of the bill. My provision would institute greater data sharing practices and information among government agencies, to strengthen Federal debt collection efforts, and provide for stronger verification of eligibility for Federal benefits.

This provision was supported by the administration, by OMB, who estimated it would bring in roughly a billion a year. As the Chairman knows, there were concerns raised about permitting access to the national directory of new hires, so the provision was removed from this bill that is before us today.

I am optimistic that we can address these concerns and agree on a bill that permits greater data sharing among agencies in a manner that is responsible and fair.

I applaud the gentleman from California (Chairman HORN) for his leadership. He apparently is setting up some meetings on this with his colleagues, and I appreciate that. I know that he is supportive. I look forward to working with him to improve this legislation, to enact this legislation today, and I thank him for his support for this legislation and his hard work.

Mr. HORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I particularly appreciate the comments made by our two previous speakers, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from New York (Mrs. MALONEY). Both have had excellent ideas. I know, as the gentlewoman from New York (Mrs. MALONEY) is aware, we will have an annual hearing at least on the effectiveness of this legislation when conducted by any administration.

So a lot of the ideas that still are good and are not in law, we will be glad to consider them when we hold our major hearing this year on the 1996 law and next year when we have given them a year to implement the revisions.

As the gentleman from Texas (Mr. TURNER) noted, the administration is in support of this legislation. I insert for the RECORD the statement of administration policy, dated February 23, 1999 with reference to H.R. 436, Government Waste, Fraud, and Error Reduction Act of 1999.

The Administration supports House passage of the amendment in the nature of a substitute to H.R. 436 to be offered by Chairman Horn, the sponsor of the bill. The administration intends to advise agencies on criteria to be used in exercising the authority to exempt classes of debts or loans from sale as provided in H.R. 436.

Mr. Chairman, the statement is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, February 23, 1999 (House).

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 436—GOVERNMENT WASTE, FRAUD, AND ERROR REDUCTION ACT OF 1999

(Horn (R) CA and 6 cosponsors)

The Administration supports House passage of the amendment in the nature of a substitute to H.R. 436 to be offered by Chairman Horn, the sponsor of the bill. The Administration intends to advise agencies on criteria to be used in exercising the authority to exempt classes of debts or loans from sale as provided in H.R. 436.

Mr. Chairman, I reserve the balance of my time.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would merely close by again commending the gentleman from California (Chairman HORN) on his leadership in this effort to improve the debt collection practices of the Federal Government. I think the taxpayers are the winners for the effort that he has made along with the efforts of the gentlewoman from New York (Mrs. MALONEY) on working on this issue for many years.

Mr. Chairman, I yield back the balance of my time.

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the Government Waste, Fraud and Error Reduction Act. Clearly, it is in the best interests of the taxpayers of the United States to identify, track and sanction those persons who owe the government of the United States past due debt. This legislation provides the agencies of the federal government many of the tools they need to improve the debt collection practices.

I am particularly pleased this bill has recognized the continuing national scandal that we all know as the national child support enforcement system. Each and every day we read new stories about fathers with obvious means ignoring his legal and moral obligation to his children. In fact, each year over $5 billion in the basic necessities of life are denied to children of divorce due to lack of child support payments. This, in turn, forces mothers, and some dads, into endless, expensive and debasing legal battles just to get the basic support to which they are legally and morally entitled. As you know, for these families, it is just a short drop onto the welfare rolls. That's when these families become bona fide "wards of the state."

Years ago, in one of the many significant reforms of the child support enforcement that I have been involved in, this Congress gave the federal government the authority to attach Social Security benefits in cases of past due child support orders. This legislation takes that common-sense reform one more step by granting the states the authority to attach Social Security benefits in cases where they are owed back child support.

Mr. Chairman, this is an important step. For those of us who have been involved in the effort to strengthen our child support enforcement system, we know that the national network is only as strong as its weakest link. Families trying to collect their legal child support payments must know that there are no more safe haven for child support deadbeats—that delinquent fathers cannot escape their legal and moral obligations by simply fleeing across state lines.

This provision alone—allowing the states to attach Social Security benefits—could bring in an additional $10 to $17 million in past due support each year.

Child support evasion is not a victimless crime. There are many victims—the first being the children and the last being the taxpayer. Through this single provision of H.R. 436 we are taking additional steps to protect all of them.

Mr. HORN. Mr. Chairman, I urge adoption of this legislation, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of today, the amendment in the nature of a substitute by the gentleman from California (Mr. HORN) is considered as an original bill for the purpose of amendment under the 5-minute rule and is considered read.

The text of the amendment in the nature of a substitute is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Government Waste, Fraud, and Error Reduction Act of 1999".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definition.
Sec. 4. Application of Act.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

Sec. 101. Improving financial management.
Sec. 102. Improving travel management.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

Sec. 201. Miscellaneous corrections to subchapter II of chapter 37 of title 31, United States Code.
Sec. 202. Barring delinquent Federal debtors from obtaining Federal benefits.
Sec. 203. Collection and compromise of nontax debts and claims.

TITLE III—SALE OF NONTAX DEBTS OWED TO UNITED STATES

Sec. 301. Authority to sell nontax debts.
Sec. 302. Requirement to sell certain nontax debts.

TITLE IV—TREATMENT OF HIGH VALUE NONTAX DEBTS

Sec. 401. Annual report on high value nontax debts.
Sec. 402. Review by Inspectors General.
Sec. 403. Requirement to seek seizure and forfeiture of assets securing high value nontax debt.

TITLE V—FEDERAL PAYMENTS

Sec. 501. Transfer of responsibility to Secretary of the Treasury with respect to prompt payment.
Sec. 502. Promoting electronic payments.
Sec. 503. Debt services account.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

(1) To reduce waste, fraud, and error in Federal benefit programs.

(2) To focus Federal agency management attention on high-risk programs.

(3) To better collect debts owed to the United States.

(4) To improve Federal payment systems.

(5) To improve reporting on Government operations.

SEC. 3. DEFINITION.

As used in this Act, the term "nontax debt" means any debt (within the meaning of that term as used in chapter 37 of title 31, United States Code) other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.

SEC. 4. APPLICATION OF ACT.

No provision of this Act shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

(1) involves the administration of the internal revenue laws; or

(2) conflicts with the Internal Revenue Service Restructuring and Reform Act of 1998, the Internal Revenue Code of 1986, or the Tariff Act of 1930.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

SEC. 101. IMPROVING FINANCIAL MANAGEMENT.

Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "1997" and inserting "2000"; and

(B) by inserting "Congress and" after "submit to"; and

(2) by striking subsections (e), (f), (g), and (h).

SEC. 102. IMPROVING TRAVEL MANAGEMENT.

(a) LIMITED EXCLUSION FROM REQUIREMENT REGARDING OCCUPATION OF QUARTERS.—Section 5911(e) of title 5, United States Code, is amended by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to lodging provided under chapter 57 of this title.".

(b) USE OF TRAVEL MANAGEMENT CENTERS, AGENTS, AND ELECTRONIC PAYMENT SYSTEMS.—

(1) REQUIREMENT TO ENCOURAGE USE.—The head of each executive agency shall, with respect to travel by employees of the agency in the performance of the employment duties by the employee, require, to the extent practicable, the use by such employees of travel management centers, travel agents authorized for use by such employees, and electronic reservation and payment systems for the purpose of improving efficiency and economy regarding travel by employees of the agency.

(2) PLAN FOR IMPLEMENTATION.—(A) The Administrator of General Services shall develop a plan regarding the implementation of this subsection and shall, after consultation with the heads of executive agencies, submit to Congress a report describing such plan and the means by which such agency heads plan to ensure that employees use travel management centers, travel agents, and electronic reservation and payment systems as required by this subsection.

(B) The Administrator shall submit the plan required under subparagraph (A) not later than March 31, 2000.

(c) PAYMENT OF STATE AND LOCAL TAXES ON TRAVEL EXPENSES.—

(1) IN GENERAL.—The Administrator of General Services shall develop a mechanism to ensure that employees of executive agencies are not inappropriately charged State and local taxes on travel expenses, including transportation, lodging, automobile rental, and other miscellaneous travel expenses.

(2) REPORT.—Not later than March 31, 2000, the Administrator shall, after consultation with the heads of executive agencies, submit to Congress a report describing the steps taken, and proposed to be taken, to carry out this subsection.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

SEC. 201. MISCELLANEOUS CORRECTIONS TO SUBCHAPTER II OF CHAPTER 37 OF TITLE 31, UNITED STATES CODE.

(a) CHILD SUPPORT ENFORCEMENT.—Section 3716(h)(3) of title 31, United States Code, is amended to read as follows:

"(3) In applying this subsection with respect to any debt owed to a State, other than past due support being enforced by the State, subsection (c)(3)(A) shall not apply.".

(b) DEBT SALES.—Section 3711 of title 31, United States Code, is amended by striking subsection (i).

(c) GAINSHARING.—Section 3720C(b)(2)(D) of title 31, United States Code, is amended by striking "delinquent loans" and inserting "debts".

(d) PROVISIONS RELATING TO PRIVATE COLLECTION CONTRACTORS.—

(1) COLLECTION BY SECRETARY OF THE TREASURY.—Section 3711(g) of title 31, United States Code, is amended by adding at the end the following:

"(11) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the debtor's current employer, the location of the payroll office of the debtor's current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

"(12) In evaluating the performance of a contractor under any contract entered into under this subsection, the Secretary of the Treasury shall consider the contractor's gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.

"(13) In selecting contractors for performance of collection services, the Secretary of the Treasury shall evaluate bids received through a methodology that considers the bidder's prior performance in terms of net amounts collected under Government collection contracts of similar size, if applicable. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.".

(2) COLLECTION BY PROGRAM AGENCY.—Section 3718 of title 31, United States Code, is amended by adding at the end the following:

"(h) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the current place of employment of the debtor, the location of the payroll office of the debtor's current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

"(i) In evaluating the performance of a contractor under any contract for the performance of debt collection services entered into by an executive, judicial, or legislative agency, the head of the agency shall consider the contractor's gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.

"(j) In selecting contractors for performance of collection services, the head of an executive, judicial, or legislative agency shall evaluate bids received through a methodology that considers the bidder's prior performance in terms of net amounts collected under government collection contracts of similar size, if applicable. The existence and frequency of valid debtor complaints shall also be considered in the evaluation criteria.".

(3) CONSTRUCTION.—None of the amendments made by this subsection shall be construed as altering or superseding the provisions of title 11, United States Code, or section 6103 of the Internal Revenue Code of 1986.

(e) CLERICAL AMENDMENT.—Section 3720A(h) of title 31, United States Code, is amended—

(1) beginning in paragraph (3), by striking the close quotation marks and all that follows through the matter preceding subsection (i); and

(2) by adding at the end the following:

"For purposes of this subsection, the disbursing official for the Department of the Treasury is the Secretary of the Treasury or his or her designee.".

(f) CORRECTION OF REFERENCES TO FEDERAL AGENCY.—Sections 3716(c)(6) and 3720A(a), (b), (c), and (e) of title 31, United States Code, are each amended by striking "Federal agency" each place it appears and inserting "executive, judicial, or legislative agency".

(g) INAPPLICABILITY OF ACT TO CERTAIN AGENCIES.—Notwithstanding any other provision of law, no provision in this Act, the Debt Collection Improvement Act of 1996 (chapter 10 of title III of Public Law 104–134; 31 U.S.C. 3701 note), chapter 37 or subchapter II of chapter 33 of title 31, United States Code, or any amendments made by such Acts or any regulations issued thereunder, shall apply to activities carried out pursuant to a law enacted to protect, operate, and administer any deposit insurance funds, including the resolution and liquidation of failed or failing insured depository institutions.

(h) CONTRACTS FOR COLLECTION SERVICES.—Section 3718 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (b)(1)(A), by inserting ", or, if appropriate, any monetary claim, including any claims for civil fines or penalties, asserted by the Attorney General" before the period;

(2) in the third sentence of subsection (b)(1)(A)—

(A) by inserting "or in connection with other monetary claims" after "collection of claims of indebtedness";

(B) by inserting "or claim" after "the indebtedness"; and

(C) by inserting "or other person" after "the debtor"; and

(3) in subsection (d), by inserting "or any other monetary claim of" after "indebtedness owed".

SEC. 202. BARRING DELINQUENT FEDERAL DEBTORS FROM OBTAINING FEDERAL BENEFITS.

(a) IN GENERAL.—Section 3720B of title 31, United States Code, is amended to read as follows:

"§ 3720B. Barring delinquent Federal debtors from obtaining Federal benefits

"(a)(1) A person shall not be eligible for the award or renewal of any Federal benefit described in paragraph (2) if the person has an outstanding nontax debt that is in a delinquent status with any executive, judicial, or legislative agency, as determined under standards prescribed by the Secretary of the Treasury. Such a person may obtain additional Federal benefits described in paragraph (2) only after such delinquency is resolved in accordance with those standards.

"(2) The Federal benefits referred to in paragraph (1) are the following:

"(A) Financial assistance in the form of a loan (other than a disaster loan) or loan insurance or guarantee.

"(B) Any Federal permit or Federal license required by law.

"(b) The Secretary of the Treasury may exempt any class of claims from the application of subsection (a) at the request of an executive, judicial, or legislative agency.

"(c)(1) The head of any executive, judicial, or legislative agency may waive the application of subsection (a) to any Federal benefit that is administered by the agency based on standards promulgated by the Secretary of the Treasury.

"(2) The head of an executive, judicial, or legislative agency may delegate the waiver authority under paragraph (1) to the chief financial officer or, in the case of any Federal performance-based organization, the chief operating officer of the agency.

"(3) The chief financial officer or chief operating officer of an agency to whom waiver authority is delegated under paragraph (2) may redelegate that authority only to the deputy chief financial officer or deputy chief operating officer of the agency. Such deputy chief financial officer or deputy chief operating officer may not redelegate such authority.

"(d) As used in this section, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 31, United States Code, is amended by striking the item relating to section 3720B and inserting the following:

"3720B. Barring delinquent Federal debtors from obtaining Federal benefits.".

(c) CONSTRUCTION.—The amendment made by this section shall not be construed as altering or superseding the provisions of title 11, United States Code.

SEC. 203. COLLECTION AND COMPROMISE OF NONTAX DEBTS AND CLAIMS.

(a) USE OF PRIVATE COLLECTION CONTRACTORS AND FEDERAL DEBT COLLECTION CENTERS.—Paragraph (5) of section 3711(g) of title 31, United States Code, is amended to read as follows:

"(5)(A) Nontax debts referred or transferred under this subsection shall be serviced, collected, or compromised, or collection action thereon suspended or terminated, in accordance with otherwise applicable statutory requirements and authorities.

"(B) The head of each executive agency that operates a debt collection center may enter into an agreement with the Secretary of the Treasury to carry out the purposes of this subsection.

"(C) The Secretary of the Treasury shall—

"(i) maintain a schedule of private collection contractors and debt collection centers operated by agencies that are eligible for referral of claims under this subsection;

"(ii) maximize collections of delinquent nontax debts by referring delinquent nontax debts to private collection contractors promptly;

"(iii) maintain competition between private collection contractors;

"(iv) ensure, to the maximum extent practicable, that a private collection contractor to which a nontax debt is referred is responsible for any administrative costs associated with the contract under which the referral is made.

"(D) As used in this paragraph, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

(b) LIMITATION ON DISCHARGE BEFORE USE OF PRIVATE COLLECTION CONTRACTOR OR DEBT COLLECTION CENTER.—Paragraph (9) of section 3711(g) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii);

(2) by inserting "(A)" after "(9)";

(3) in subparagraph (A) (as designated by paragraph (2) of this subsection) in the matter preceding clause (i) (as designated by paragraph (1) of this subsection), by inserting "and subject to subparagraph (B)" after "as applicable"; and

(4) by adding at the end the following:

"(B)(i) The head of an executive, judicial, or legislative agency may not discharge a nontax debt or terminate collection action on a nontax debt unless the debt has been referred to a private collection contractor or a debt collection center, referred to the Attorney General for litigation, sold without recourse, administrative wage garnishment has been undertaken, or in the event of bankruptcy, death, or disability.

"(ii) The head of an executive, judicial, or legislative agency may waive the application of clause (i) to any nontax debt, or class of nontax debts if the head of the agency determines that the waiver is in the best interest of the United States.

"(iii) As used in this subparagraph, the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

TITLE III—SALE OF NONTAX DEBTS OWED TO UNITED STATES

SEC. 301. AUTHORITY TO SELL NONTAX DEBTS.

(a) PURPOSE.—The purpose of this section is to provide that the head of each executive, judicial, or legislative agency shall establish a program of nontax debt sales in order to—

(1) minimize the loan and nontax debt portfolios of the agency;

(2) improve credit management while serving public needs;

(3) reduce delinquent nontax debts held by the agency;

(4) obtain the maximum value for loan and nontax debt assets; and

(5) obtain valid data on the amount of the Federal subsidy inherent in loan programs conducted pursuant to the Federal Credit Reform Act of 1990 (Public Law 93-344).

(b) SALES AUTHORIZED.—(1) Section 3711 of title 31, United States Code, is amended by inserting after subsection (h) the following new subsection:

"(i)(1) The head of an executive, judicial, or legislative agency may sell, subject to section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) and using competitive procedures, any nontax debt owed to the United States that is administered by the agency.

"(2) Costs the agency incurs in selling nontax debt pursuant to this subsection may be deducted from the proceeds received from the sale. Such costs include—

"(A) the costs of any contract for identification, billing, or collection services;

"(B) the costs of contractors assisting in the sale of nontax debt;

"(C) the fees of appraisers, auctioneers, and realty brokers;

"(D) the costs of advertising and surveying; and

"(E) other reasonable costs incurred by the agency, as determined by the Director of the Office of Management and Budget.

"(3) Sales of nontax debt under this subsection—

"(A) shall be for—

"(i) cash; or

"(ii) cash and a residuary equity, joint venture, or profit participation, if the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the proceeds will be greater than the proceeds from a sale solely for cash;

"(B) shall be without recourse against the United States; and

"(C) shall transfer to the purchaser all rights of the United States to demand payment of the nontax debt, other than with respect to a residuary equity, joint venture, or profit participation under subparagraph (A)(ii), but shall not transfer to the purchaser any rights or defenses uniquely available to the United States.

"(3) This subsection is not intended to limit existing statutory authority of the head of an executive, judicial, or legislative agency to sell loans, nontax debts, or other assets.".

SEC. 302. REQUIREMENT TO SELL CERTAIN NONTAX DEBTS.

Section 3711 of title 31, United States Code, is amended further by adding at the end the following new subsection:

"(j)(1)(A) The head of each executive, judicial, or legislative agency shall sell any nontax loan owed to the United States by the later of—

"(i) the date on which the nontax debt becomes 24 months delinquent; or

"(ii) 24 months after referral of the nontax debt to the Secretary of the Treasury pursuant to section 3711(g)(1) of title 31, United States Code. Sales under this subsection shall be conducted under the authority in section 301.

"(B) The head of an executive, judicial, or legislative agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, may exempt from sale delinquent debt or debts under this subsection if the head of the agency determines that the sale is not in the best financial interest of the United States.

"(2) The head of each executive, judicial, or legislative agency shall sell each loan obligation arising from a program administered by the agency, not later than 6 months after the loan is disbursed, unless the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the loan was disbursed, or the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that a longer period is necessary to protect the financial interests of the United States. Sales under this subsection shall be conducted under the authority in section 301.

"(3) After terminating collection action, the head of an executive, judicial, or legislative agency shall sell, using competitive procedures, any nontax debt or class of nontax debts owed to the United States unless the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the sale is not in the best financial interests of the United States. Sales under this paragraph shall be conducted under the authority of subsection (i).

"(4)(A) The head of an executive, judicial, or legislative agency shall not, without the approval of the Attorney General, sell any nontax debt that is the subject of an allegation of or investigation for fraud, or that has been referred to the Department of Justice for litigation.

"(B) The head of an executive, judicial, or legislative agency may exempt from sale under this subsection any class of nontax debts or loans if the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the indebtedness was incurred.".

TITLE IV—TREATMENT OF HIGH VALUE NONTAX DEBTS

SEC. 401. ANNUAL REPORT ON HIGH VALUE NONTAX DEBTS.

(a) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the head of each agency that administers a program that gives rise to a delinquent high value nontax debt shall submit a report to Congress that lists each such debt.

(b) CONTENT.—A report under this section shall, for each debt listed in the report, include the following:

(1) The name of each person liable for the debt, including, for a person that is a company, cooperative, or partnership, the names of the owners and principal officers.

(2) The amounts of principal, interest, and penalty comprising the debt.

(3) The actions the agency has taken to collect the debt, and prevent future losses.

(4) Specification of any portion of the debt that has been written-down administratively or due to a bankruptcy proceeding.

(5) An assessment of why the debtor defaulted.

(c) DEFINITIONS.—In this title:

(1) AGENCY.—The term "agency" has the meaning that term has in chapter 37 of title 31, United States Code, as amended by this Act.

(2) HIGH VALUE NONTAX DEBT.—The term "high value nontax debt" means a nontax debt having an outstanding value (including principal, interest, and penalties) that exceeds $1,000,000.

SEC. 402. REVIEW BY INSPECTORS GENERAL.

The Inspector General of each agency shall review the applicable annual report to Congress required in section 401 and make such recommendations as necessary to improve performance of the agency. Each Inspector General shall periodically review and report to Congress on the agency's nontax debt collection management practices. As part of such reviews, the Inspector General shall examine agency efforts to reduce the aggregate amount of high value nontax debts that are resolved in whole or in part by compromise, default, or bankruptcy.

SEC. 403. REQUIREMENT TO SEEK SEIZURE AND FORFEITURE OF ASSETS SECURING HIGH VALUE NONTAX DEBT.

The head of an agency authorized to collect a high value nontax debt that is delinquent shall, when appropriate, promptly seek seizure and forfeiture of assets pledged to the United States in any transaction giving rise to the nontax debt. When an agency determines that seizure or forfeiture is not appropriate, the agency shall include a justification for such determination in the report under section 401.

TITLE V—FEDERAL PAYMENTS

SEC. 501. TRANSFER OF RESPONSIBILITY TO SECRETARY OF THE TREASURY WITH RESPECT TO PROMPT PAYMENT.

(a) DEFINITION.—Section 3901(a)(3) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

(b) INTEREST.—Section 3902(c)(3)(D) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

(c) REGULATIONS.—Section 3903(a) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

SEC. 502. PROMOTING ELECTRONIC PAYMENTS.

(a) EARLY RELEASE OF ELECTRONIC PAYMENTS.—Section 3903(a) of title 31, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1) provide that the required payment date is—

"(A) the date payment is due under the contract for the item of property or service provided; or

"(B) no later than 30 days after a proper invoice for the amount due is received if a specific payment date is not established by contract;"; and

(2) by striking "and" after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting "; and", and by adding at the end the following:

"(10) provide that the Secretary of the Treasury may waive the application of requirements under paragraph (1) to provide for early payment of vendors in cases where an agency will implement an electronic payment technology which improves agency cash management and business practice.".

(b) AUTHORITY TO ACCEPT ELECTRONIC PAYMENT.—

(1) IN GENERAL.—Subject to an agreement between the head of an executive agency and the applicable financial institution or institutions based on terms acceptable to the Secretary of the Treasury, the head of such agency may accept an electronic payment, including debit and credit cards, to satisfy a nontax debt owed to the agency.

(2) GUIDELINES FOR AGREEMENTS REGARDING PAYMENT.—The Secretary of the Treasury shall develop guidelines regarding agreements between agencies and financial institutions under paragraph (1).

SEC. 503. DEBT SERVICES ACCOUNT.

(a) TRANSFER OF FUNDS TO DEBT SERVICES ACCOUNT.—The Secretary of the Treasury may transfer balances in accounts established before the date of the enactment of this Act pursuant to section of 3711(g)(7) of title 31, United States Code, to the Debt Services Account established under subsection (b). All amounts transferred to the Debt Services Account under this section shall remain available until expended.

(b) ESTABLISHMENT OF DEBT SERVICES ACCOUNT.—Subsection (g)(7) of section 3711 of title 31, United States Code, is amended by striking the second sentence and inserting the following: "Any fee charged pursuant to this subsection shall be deposited into an account established in the Treasury to be known as the 'Debt Services Account' (hereinafter referred to in this section as the 'Account')."

(c) REIMBURSEMENT OF FUNDS.—Section 3711(g) of title 31, United States Code, is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively; and

(3) by amending paragraph (9) (as redesignated by paragraph (2)) to read as follows:

"(9) To carry out the purposes of this subsection, including services provided under sections 3716 and 3720A, the Secretary of the Treasury may—

"(A) prescribe such rules, regulations, and procedures as the Secretary considers necessary;

"(B) transfer such funds from funds appropriated to the Department of the Treasury as may be necessary to meet liabilities and obligations incurred prior to the receipt of fees that result from debt collection; and

"(C) reimburse any funds from which funds were transferred under subparagraph (B) from fees collected pursuant to sections 3711, 3716, and 3720A. Any reimbursement under this subparagraph shall occur during the period of availability of the funds transferred under subparagraph (B) and shall be available to the same extent and for the same purposes as the funds originally transferred.".

(d) DEPOSIT OF TAX REFUND OFFSET FEES.—The last sentence of section 3720A(d) of title 31, United States Code, is amended to read as follows: "Amounts paid to the Secretary of the Treasury as fees under this section shall be deposited into the Debt Services Account of the Department of the Treasury described in section 3711(g)(7) and shall be collected and accounted for in accordance with the provisions of that section.".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments?

If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SESSIONS) having assumed the chair, Mr. GIBBONS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 436) to reduce waste, fraud, and error in Government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes, pursuant to House Resolution 43, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 419, nays 1, not voting 13, as follows:

[Roll No. 25]

YEAS—419

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton

Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)

NAYS—1

Paul

NOT VOTING—13

Aderholt
Capps
Davis (IL)
Livingston
Lowey
Martinez
McInnis
Menendez
Morella
Northup
Reyes
Rush
Weldon (PA)

□ 1312

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ADERHOLT. Mr. Speaker, on roll call No. 25, I was inadvertently detained. Had I been present, I would have voted "yes."

Mr. McINNIS. Mr. Speaker, due to business in Colorado, I will be unable to vote on the following bill, H.R. 436. Had I been able to vote, I would have voted "yea."

Mr. PICKERING. Mr. Speaker, I was unavoidably detained and missed the following rollcall vote:

Rollcall vote No. 24, H.R. 438. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 436, the bill just passed.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from California?

There was no objection.

FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 75 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 409.

□ 1315

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 409) to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal assistance application and reporting requirements, and improve the delivery of services to the public, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. HORN) and the gentleman from Texas (Mr. TURNER) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank my colleagues, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. HOYER), the author of this bipartisan bill, for their very hard work in bringing this measure to the floor.

This legislation will help keep Federal grant programs much more user friendly and less burdensome. H.R. 409 builds upon past efforts of the Subcommittee on Government Management, Information and Technology to improve program performance. This has been accomplished through, among other vehicles, the Government Performance and Results Act, the Single Audit Act, the Paperwork Reduction Act, and the Unfunded Mandates Reform Act.

H.R. 409 requires Federal agencies to coordinate and streamline the process by which applicants apply for assistance programs, particularly where similar programs are administered by different Federal agencies.

The purpose of this legislation is to facilitate better coordination among the Federal Government, State, local and tribal governments and not-for-profit organizations. It also simplifies Federal financial assistance application and reporting requirements and ultimately results in improved delivery of services to the public.

I urge my colleagues to support it.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, I would like to recognize the hard work and the leadership provided by the original sponsors of H.R. 409, the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. HOYER). Both of these gentlemen have put in countless hours working on this bill, which will improve the ability of the people of this country to access Federal grant funds that we make available here in the Congress. Without their initiatives, we would not be able to be here with this legislation today.

This bill did bypass the normal committee process and its sponsors obtained a waiver from the chairman of the Committee on Government Reform. This was possible only because of the hard work of these two Members and because of the bipartisan spirit with which the gentleman from California (Mr. HORN) and the subcommittee that had jurisdiction over this bill handled the markup of the legislation last year.

H.R. 409 is designed to streamline and to consolidate the Federal financial assistance process. There are over 600 Federal programs that provide financial assistance to State, local and tribal governments and nonprofit organizations. These funds and the organizations that use them help provide vital services to the American people.

Countless Americans rely on Federal financial assistance for loans, education, job training, childhood programs, welfare benefits and medical care, among other things.

Federal funds support 163 different job training programs and over 90 early childhood programs. Unfortunately, unwieldy administrative barriers can reduce the effectiveness of Federal financial assistance and the services it provides. Similar programs can be administered by numerous different agencies, and administrative requirements can be complicated and duplicative.

As a result, programs run with Federal funds by State, local and tribal governments and nonprofit organizations are forced to use time, effort and money that is better applied to providing the vital services to the American people.

H.R. 409, the Federal Financial Assistance Management Improvement Act of 1999, will help solve these problems. The legislation would streamline the application and reporting process for Federal grants, promote the establishment of consistent procedures for financial assistance programs when applicable, and encourage the use of electronic application and reporting process. The bill would let local governments and nonprofit organizations spend less time on paperwork and more time doing the work that improves the lives of people.

It also assures that the Federal Government will receive timely and accurate reporting from the grantee of these funds. With large grants, such as block grants to States, we should require accountability from the grant recipients. The American people are entitled to know that their Federal tax dollars are being spent wisely by those who receive Federal grants.

We have overcome a number of issues in crafting this good, bipartisan bill, and I am glad to be here today as an additional sponsor of the bill. This is bipartisan legislation at its best. It has the support of a wide spectrum of politicians, both State and local, and nonprofit organizations. Simply put, this is good, common-sense government.

Again, I commend the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. HOYER) for their outstanding work on this legislation

Mr. Chairman, I reserve the balance of my time.

Mr. HORN. Mr. Chairman, I yield the remainder of my time to the gentleman from Ohio (Mr. PORTMAN) and ask unanimous consent that he be allowed to yield time within that block for those who wish to speak on the majority side.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PORTMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentleman from California (Mr. HORN) for bringing this bill to the floor today, taking it through his subcommittee last year, and being able to work with us to perfect the legislation that was passed in the Senate. I also want to commend the gentleman from Texas (Mr. TURNER) for his work on this legislation as the ranking member of the subcommittee.

This is a bill that the gentleman from Maryland (Mr. HOYER), who will speak in a moment, and I introduced last year, which is, as the gentleman from Texas (Mr. TURNER) just said, a common-sense approach to government. It is, in essence, the same legislation that was the subject of a hearing and then reported out of the Subcommittee on Government Management, Information, and Technology last year.

It is identical to legislation that was authored by Senators John Glenn and FRED THOMPSON which was reported out of the Senate Governmental Affairs Committee after hearings last year and then which passed the Senate by unanimous consent late in the last Congress.

Mr. Chairman, I am sure every single Member of this House has heard, as I have, from our nonprofit organizations back home, from local and State governments, who expressed their frustration with the process of applying for Federal grants and then keeping up with the reporting requirements and other administrative burdens that follow.

Right now, there are over 600 separate Federal programs that provide financial assistance to State and local government, tribal governments, and nonprofit groups. Many of these programs serve similar purposes, and yet they are administered by different agencies or departments.

For example, taxpayers spend about $20 billion a year on 163 different job training programs spread out over 15 Federal agencies. Eleven agencies administer over 90 early childhood education and other childhood programs. Each has its own unique set of applications, its own red tape, its own bureaucracy. And, too often, this grant application process is unnecessarily time consuming and costly.

As a result, what happens is a lot of these nonprofit groups particularly go out and hire expensive grant writers to put together their proposals. That concerns me greatly because that reduces the resources that are available to address the very problems we want these nonprofits to target.

Others who do not have the resources to go out and hire a grant writer try to do it themselves, and again an enormous expenditure of time that could otherwise be directed toward the intended mission of that nonprofit or local or State government. And we find that those groups that do finally obtain a grant often say to us, gee, I wonder if it is even worth going through this process, because of the reporting requirements that are so onerous for them or other administrative burdens.

I want to remind my colleagues of something else, which is this is not just about the grant applicants, this is about the Federal agencies, too. Because we are helping them by reducing their work load and thus helping the taxpayer and reducing the cost to administer these Federal programs.

Recently, I fielded a lot of concerns from around the country on a particular piece of legislation called the Drug-free Communities Act. I am sure every Member has their own example. But in this case this was legislation that I sponsored in the House. It was enacted with strong bipartisan support of this House. We felt that in the act we set out some pretty clear guidelines, criteria, as to which antidrug coalitions around the country would qualify for Federal matching funds.

Unfortunately, the application process is neither simple nor clear. It is a lengthy, complicated instrument that even some of the more sophisticated antidrug coalitions around the country are having an awful hard time with. And, again, they are going out and hiring grant writers and so on to be able to apply.

Two things are happening as a result. One, resources are being wasted again that otherwise would be directed in this case towards reducing substance abuse among our kids, which is something all of us believe in and want these agencies and nonprofits to be focused on.

Second, some of the agencies and nonprofits out there, these smaller antidrug coalitions, are just scared away by the process. So some of the ones that need the assistance the most, the very ones that are in the most difficult financial situation, are not applying for the grant money. This is the kind of problem we are trying to get at.

I will say that, in general, Congress is not above criticism for the way legislation is written. It is not all the agencies' fault. We need to do a better job up here on the Hill in putting together legislation that is clear, that does have guidelines that are easier to administer.

In retrospect, we probably could have done a better job in the Drug-Free Communities Act in terms of directing the agency to be sure that the intent of the bill was very clear in that regard. However, agencies also must be given some discretion to implement these pieces of legislation, and that is where so many of the problems that all of us have heard from our constituents arise.

The legislation before us today addresses the problem, as the gentleman from Texas (Mr. TURNER) and the gentleman from California (Mr. HORN) have said, in a very specific way by going to the Office of Management and Budget and asking for, with their oversight, that each agency develop plans within 18 months, we give them 18 months, to streamline application administrative and reporting requirements, number one.

Second, to have a uniform application for related programs. So if they have programs spread out over 5, 10, 15 agencies but they are about the same issue, we want to have a common application for the nonprofits and State and local governments that are applying.

Third, we want to expand dramatically the use of electronic applications and reporting via the Internet to allow people to use the Internet for access.

Fourth, we want to demonstrate interagency coordination to simplify reporting requirements for overlapping programs. The duplication out there is particularly frustrating, and this is something that we get at in this legislation.

Finally, to set annual goals to further the purposes of this act. So we need the agencies to set goals and stick with them.

In doing this work, the agencies are required in this legislation to work closely with State and local government, with the nonprofit community in setting the performance measures to achieve the goals. The bill also sunsets in 5 years, which I think is responsible, after a review by the National Academy of Public Administration.

This bill is consistent, Mr. Chairman, with other things we have done in this Congress, the Unfunded Mandates Relief Act, in terms of reducing the burden on State and local government. It is also consistent with the Government Performance and Results Act, so-called GPRA, in improving government performance generally at the Federal agency level.

The intent of the legislation really is quite simple. We are trying to make Federal grant programs a lot more user friendly for the recipients but also less burdensome for the Federal agencies. It is a priority and has been endorsed by all of the major State and local governments out there, including the National Governors Conference, including the National Conference of State Legislators, the National Association of Counties, the National League of Cities, and so on. It is also supported by nonprofit organizations and other groups, such as OMB Watch.

It is a good government measure. It will make it easier for our constituents and for State and local government to interact with the Federal Government. And, very importantly, it is going to result in cost savings for grant recipients and also for the Federal agencies.

Again, I want to thank the Committee on Government Reform and Oversight for bringing this bill to the floor. It is common-sense legislation. I urge all my colleagues to support this effort to make the Federal Government work better for all of our constituent groups.

Mr. Chairman, I reserve the balance of my time.

□ 1330

Mr. TURNER. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland (Mr. HOYER), who has worked very hard on this issue, the original Democratic cosponsor of this bill with the gentleman from Ohio (Mr. PORTMAN).

Mr. HOYER. Mr. Chairman, I thank the distinguished gentleman from Texas for yielding me this time.

At the outset, I want to say how positive an experience it has been working with the gentleman from Ohio (Mr. PORTMAN) on this legislation. He and I both believe very strongly that we need to move quickly in this direction, albeit we have 18 months set forth in this legislation, hope that we can move more quickly, but however quickly we move, we think this is a critically important objective. And I want to thank the gentleman from Ohio for his very, very outstanding work on this.

I certainly want to thank the gentleman from California (Mr. HORN) and the gentleman from Texas (Mr. TURNER) for facilitating this bill coming to the floor so early.

Mr. Speaker, over the years Congress has created, as we have heard, hundreds of programs, 600 plus of categorical programs to help communities and families deal with the many issues confronting them. Each of the programs was created with its own rules and regulations.

In some areas, local needs do not fit the problems specifically covered by categorical programs. In other areas, services overlap and duplicate each other.

Right now, case workers spend far too much time dealing with red tape and paperwork. The Federal Government has created hundreds of different taps through which assistance flows; and communities, programs and families must run from tap to tap, in many instances with a bucket, to help the people that we want to help as well.

My late wife, Judy, worked for the Prince George's County School System. She was the supervisor of early childhood education. She used to tell me about children in her program with certain problems. It was her belief that the staff should not have to run around figuring out which programs a child qualifies for and how to make the child's needs fit the money. The program should provide money which is flexible enough to allow program staff to concentrate on what they know best, taking care of children.

As an appropriator, Mr. Chairman, I am particularly concerned that our tax dollars be spent efficiently and effectively. In 1994, I asked the Department of Education to convene a working group on coordinated services. That was 5 years ago. This working group, which met through 1995, included Federal employees and people from State and local governments and organizations across the country. In response to the recommendation of that working group, I began working on legislation, this being a result, along with work that the gentleman from Ohio (Mr. PORTMAN) has done and now is styled as H.R. 409.

The bill requires the Office of Management and Budget to work with other Federal agencies to establish a uniform application for financial assistance for multiple programs across multiple Federal agencies. Critically important not to have to deal with all kinds of different forms when, basically, the information we are seeking is the same.

Secondly, simplify reporting requirements and administrative procedures. Again facilitate, not impede, dollars getting to the people that we at the Federal level, our State colleagues and local colleagues all want to assist.

Thirdly, develop electronic methods for applying for and reporting of Federal financial assistance funds.

Agencies, Mr. Chairman, are also required to establish a process for consulting with State, local and tribal governments and nonprofit organizations over their implementation of the bill's requirements. Quoting, the Federal Financial Assistance Management Improvement Act directs the director of OMB to establish interagency coordination of the collection of information and sharing of data.

I think that is a critically important requirement. I thank the gentleman from Ohio (Mr. PORTMAN) for his help in enunciating this in statute. It is important. For example, OMB must develop a single information release form to facilitate the sharing of information across multiple Federal programs.

In my opinion, the Federal Government has the responsibility of fixing the problems it has created. I have talked to many leaders of our government, Secretary Shalala at the Department of Health and Human Services, Secretary Riley at the Department of Education, former Secretary of Labor Reisch and others.

There are so many agencies that have programs, for instance, that help children, but there are a multiplicity of programs. And for the person who is working with a child in Head Start who may have nutritional problems, health problems, educational problems, social service problems, it is a daunting task at best to try to figure out how you access.

If we are successful in this effort, as I think we will be, in getting the government to have a uniform form for like services, then we will facilitate the objectives that we want to accomplish, which are now somewhat impeded by the bureaucratic maze through which applicants must go.

In my opinion, the Federal Government's responsibility will be facilitated by this act. I believe that H.R. 409 will add a much-needed focus on the coordination of program requirements both within and across Federal departments.

Finally, I want to thank some individuals who were instrumental in this legislation. We ought to certainly mention Senator John Glenn. Senator Glenn has retired now, but Senator Glenn was a major proponent of legislation similar to this and, in fact, had drafted it, had hearings on it, considered it in committee. He was a champion of this issue on the Senate side.

Again, I want to mention the gentleman from Ohio (Mr. PORTMAN), who is the primary sponsor of this legislation along with myself. He has been tireless and effective in his advocacy of simplifying the road on which local governments and State governments and private agencies must travel to access funds so that they can carry out the objectives that we have set forth.

I want to also mention Seth Webb, who works for the gentleman from Ohio (Mr. PORTMAN). He has been so critical, an extraordinarily effective staffer in getting us to this position.

I also want to mention Ms. Catriona MacDonald and Ms. Lisa Levine, two of my staffers, former staffers now, who did such an outstanding job in working on this legislation and getting us to this point.

Mr. Chairman, I am hopeful that this legislation will pass unanimously. I know there were a couple of amendments. The gentleman from Ohio and I have discussed those. Hopefully, we can dispose of those quickly and adopt this and send it to the Senate.

Mr. TURNER. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I thank the gentleman for yielding me the time. I do not need 10 minutes. But I appreciate it.

I want to commend the gentleman from Ohio (Mr. PORTMAN) for his efforts; the gentleman from California (Mr. HORN), who has his hands on a lot of good moves that are coming out of Congress; and the gentleman from Maryland (Mr. HOYER) for his leadership on this issue; and the gentleman from Texas (Mr. TURNER).

I have a small, little amendment. It is a sense of the Congress at this point, a sense of the Congress that says when Federal agencies are providing economic development grants their primary focus should be on communities with high poverty and unemployment rates. Very simple.

This past year, the Vice President announced 15 empowerment zones for urban areas. Those empowerment zones are worth $230 million over the next 10 years. They had a four-tier scale measuring system. One of those was to measure the quality of the plan submitted. That was worth 25 points. The second one was private-public sector commitments. That was worth 25 points. The third one was poverty and unemployment rates, worth 25 points.

The bottom line was, when it was all over, there were communities around America that had low unemployment rates that ended up getting empowerment zones because they were able to get private sector commitments.

One issue in case is the Youngstown-Warren area that has a 51 percent poverty rate, my district, and an almost 20 percent unemployment rate. But because poverty and unemployment was only 25 percent of the factor, one community in California with a 30 percent poverty rate but only a 5 percent unemployment rate got an empowerment zone designation. The reason for it was that California community was able to put up $2.5 billion of private-public commitments.

Now, here is what I am saying to Congress. Any community with a 5 percent unemployment rate that could mobilize $2.5 billion of public and private commitments for a Federal program does not need the Federal money. The areas that have yet to come back because of a lack of diversification because of macroeconomic policies on many urban areas trapped in this maze do need this help.

Now, I will be taking up legislation later this year that will make the empowerment zone formula weighted heavier on behalf of poverty and unemployment. But, for today, my amendment, and I am asking for it to be accepted, is a simple little sense of the Congress that says when these Federal funds are being provided for economic development purposes, their primary focus should be on hardship, poverty and unemployment. With that, I would appreciate Members' help.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

In closing, I would simply say again that the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. HOYER) have done outstanding work in bringing this bill to the floor. I think every American that depends upon Federal grant assistance will find that this bill will make it much easier for them to get through the red tape that so often they have to get through to access Federal dollars.

This is a good bill. It is good for this country. I appreciate the bipartisan spirit in which the sponsors have brought it to the floor, as well as the good work of the gentleman from California (Mr. HORN) on the Subcommittee on Government Management, Information, and Technology for his outstanding leadership on this legislation.

Mr. Chairman, I yield back the balance of my time.

Mr. PORTMAN. Mr. Chairman, I yield myself such time as I may consume.

Before we get on to the amendments, let me just say this has been a group effort. It looks kind of easy when we get to the floor sometimes, but nothing is easy around here. Without the gentleman from Maryland's willingness to step forward and provide expertise and assistance on the other side of the aisle, we would not be here today; and without the gentleman from California's willingness to prioritize this and mark it up last year, we would not be here today. I want to thank the gentleman from Texas (Mr. TURNER) for joining in the fray this year.

Also, Senator GLENN did get the ball rolling, my former colleague from Ohio. I know that he is watching these proceedings with great interest and cannot wait when it finally gets down to the White House for signing, which I would predict will happen within the next couple of months. I think the Senate will take this up on a rather expedited basis. This is a group effort. All the staff involved need to be commended as well.

Mr. PORTMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by section, and each section shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Financial Assistance Management Improvement Act of 1999".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS.

The Congress finds that—

(1) there are over 600 different Federal financial assistance programs to implement domestic policy;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some Federal administrative requirements may be duplicative, burdensome, or conflicting, thus impeding cost-effective delivery of services at the local level;

(3) the Nation's State, local, and tribal governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery and coordination of many kinds of services; and

(4) streamlining and simplification of Federal financial assistance administrative procedures and reporting requirements will improve the delivery of services to the public.

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) improve the effectiveness and performance of Federal financial assistance programs;

(2) simplify Federal financial assistance application and reporting requirements;

(3) improve the delivery of services to the public; and

(4) facilitate greater coordination among those responsible for delivering such services.

The CHAIRMAN. Are there any amendments to section 3?

The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(2) FEDERAL AGENCY.—The term "Federal agency" means any agency as defined under section 551(1) of title 5, United States Code.

(3) FEDERAL FINANCIAL ASSISTANCE.—The term "Federal financial assistance" has the meaning given that term in section 7501(a)(5) of title 31, United States Code, under which Federal financial assistance is provided, directly or indirectly, to a non-Federal entity.

(4) LOCAL GOVERNMENT.—The term "local government" means a political subdivision of a State that is a unit of general local government (as defined under section 7501(a)(11) of title 31, United States Code);

(5) NON-FEDERAL ENTITY.—The term "non-Federal entity" means a State, local government, or nonprofit organization.

(6) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means any corporation, trust, association, cooperative, or other organization that—

(A) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

(B) is not organized primarily for profit; and

(C) uses net proceeds to maintain, improve, or expand the operations of the organization.

(7) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, and any instrumentality thereof, any multi-State, regional, or interstate entity which has governmental functions, and any Indian Tribal Government.

(8) TRIBAL GOVERNMENT.—The term "tribal government" means an Indian tribe, as that term is defined in section 7501(a)(9) of title 31, United States Code.

(9) UNIFORM ADMINISTRATIVE RULE.—The term "uniform administrative rule" means a government-wide uniform rule for any generally applicable requirement established to achieve national policy objectives that applies to multiple Federal financial assistance programs across Federal agencies.

The CHAIRMAN. Are there any amendments to section 4?

The Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. DUTIES OF FEDERAL AGENCIES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, each Federal agency shall develop and implement a plan that—

(1) streamlines and simplifies the application, administrative, and reporting procedures for Federal financial assistance programs administered by the agency;

(2) demonstrates active participation in the interagency process under section 6(a)(2);

(3) demonstrates appropriate agency use, or plans for use, of the common application and reporting system developed under section 6(a)(1);

(4) designates a lead agency official for carrying out the responsibilities of the agency under this Act;

(5) allows applicants to electronically apply for, and report on the use of, funds from the Federal financial assistance program administered by the agency;

(6) ensures recipients of Federal financial assistance provide timely, complete, and high quality information in response to Federal reporting requirements; and

(7) establishes specific annual goals and objectives to further the purposes of this Act and measure annual performance in achieving those goals and objectives, which may be done as part of the agency's annual planning responsibilities under the provisions enacted in the Government Performance and Results Act of 1993 (Public Law 103-62).

(b) EXTENSION.—If one or more agencies are unable to comply with the requirements of subsection (a), the Director shall report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives the reasons for noncompliance. After consultation with such committees, the Director may extend the period for plan development and implementation for each noncompliant agency for up to 12 months.

(c) COMMENT AND CONSULTATION ON AGENCY PLANS.—

(1) COMMENT.—Each agency shall publish the plan developed under subsection (a) in the Federal Register and shall receive public comment of the plan through the Federal Register and other means (including electronic means). To the maximum extent practicable, each Federal agency shall hold public forums on the plan.

(2) CONSULTATION.—The lead official designated under subsection (a)(4) shall consult with representatives of non-Federal entities during development and implementation of the plan. Consultation with representatives of State, local, and tribal governments shall be in accordance with section 204 of the Unfunded Mandates Reform Act of 1995 (Public Law 104-4; 2 U.S.C. 1534).

(d) SUBMISSION OF PLAN.—Each Federal agency shall submit the plan developed under subsection (a) to the Director and Congress and report annually thereafter on the implementation of the plan and performance of the agency in meeting the goals and objectives specified under subsection (a)(7). Such report may be included as part of any of the general management reports required under law.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 7, after line 23, insert the following:

(e) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—(1) Not later than 18 months after the date of the enactment of this Act, the Department of Housing and Urban Development shall develop and implement a plan that establishes policies and procedures regarding an applicant who has submitted an application for Federal financial assistance to the agency that includes a technical deficiency under which—

(A) the applicant shall be notified promptly of the deficiency and permitted to submit the appropriate information to correct the deficiency within 7 days of receipt of notice by the applicant of the deficiency, notwithstanding that the deadline for submission of an application has expired;

(B) the application shall continue to be considered by the agency during the period before the applicant is notified and the 7-day period during which the applicant is permitted to correct the deficiency; and

(C) if the applicant corrects the deficiency within the 7-day period, the agency shall continue to consider the application.

(2) A deficiency (including, but not limited to, a misfiling, error, or omission) may be considered technical for purposes of this subsection notwithstanding a material impact on the eligibility of an applicant or proposed activity for requested funding. A technical deficiency for purposes of this subsection does not include the failure to submit a substantially complete application by a deadline published in the Federal Register.

Mr. KUCINICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KUCINICH. Mr. Chairman, this is an amendment which is designed to facilitate the grant process. The gentleman from Ohio (Mr. PORTMAN) spoke so well of the concerns which community groups have in making sure that they can participate in the Federal grant-making process, and he explained how they often have to hire experts in order to become involved to make sure that all the I's are dotted and the T's are crossed.

☐ 1345

The Department of Housing and Urban Development recently refused to provide continued funding to a very worthy program for homeless men in Cleveland because of a technical mistake. Now to show my colleagues the impact which this can have, there is a great program run by the Salvation Army in my district which is going to be out of money because of what was called a technical mistake. And I explored it further, and my colleagues will be interested to know that the program is not funded because the applicants had submitted the wrong budget form, and HUD said that they could not consider the proposal and could not tell the applicant that the error had been made. They could not even tell people that they made an error until all the grants had been announced.

Mr. Chairman, what this amendment will do is that this amendment will require that the applicant will be notified of a deficiency, and they will be permitted to correct the deficiency, and that if they do correct the deficiency within a 7-day period, the agency shall consider the application.

We spend a lot of time here in the Congress trying to meet the needs of our constituents and making sure that the Federal grant process is available to our constituents. We spend a lot of time and show a lot of concern about making sure that people can get the grants which they need, and we certainly want to make sure that no agency feels impeded in its ability to discharge congressional intent by some interpretation which would make it impossible for the grant-making process to be affected in a way that is consistent with congressional intent.

So this amendment will enable the technical deficiencies to be cured by the applicant and not put anyone anywhere in this country in a position where just a minor omission of a technical nature would knock them right out of the grant process and, worse than that, they cannot even be told.

Mr. Chairman, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, the gentleman from Ohio (Mr. PORTMAN) and I have discussed this amendment, and I know we discussed it with the gentleman from Texas (Mr. TURNER) as well. I want my colleagues to know that I very much appreciate the gentleman's focus on this and his concern with this, and hopefully this matter can be resolved.

Mr. Chairman, it would be my intention not to object to the adoption of this amendment at this time.

Mr. KUCINICH. Mr. Chairman, I want to thank the gentleman from Maryland (Mr. HOYER). I would really appreciate the support of my colleagues on this, because this is something that we would not want to happen to any other community.

Mr. PORTMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman for raising the problem, and I think all of us sympathize with it. We probably all had constituents come to us with identical, similar problems with Federal agencies. In this case, it is a technical problem, and yet they are not told about it when they could have revised the application.

I am not sure this is the right place to do this amendment, honestly; and I would have a couple questions for the gentleman. One is, how do we define what is technical and what is not? I assume the agencies and OMB are going to have questions about that. Does the gentleman have a definition of what is a technical deficiency?

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, it would be a deficiency including but not limited to a misfiling error or omission, and that may be considered technical notwithstanding material impact on the eligibility of a applicant or proposed activity for requested funding.

Mr. PORTMAN. Mr. Chairman, the gentleman identified some possible technical deficiencies to try to give agencies some guidance as to what would be within the 7-day rule.

Mr. KUCINICH. The amendment is broad enough that it would not be limited to just a misfiling, but it also, as I indicated earlier, would be considered technical even if there was a material impact and eligibility of the applicant. Any failure, if they fail to submit something that was a substantially complete application which the Federal Register required, that would not fall under a technical deficiency, and they would be knocked out.

Mr. PORTMAN. How about a cost estimate? Has the gentleman from Ohio had any sense of what this will cost the Federal agencies?

Mr. KUCINICH. Since the Federal agency has already an apparatus in place, which they pay for in terms of personnel, this would simply require a phone call each time there was a deficiency so that the costs would be negligible.

Mr. PORTMAN. And in terms of the 7 days, I know on some of these applications, and we are trying to end this process through this very legislation, are 2, 3, 4 inches thick, and my question would be, is 7 days practical? In other words, do they not go through these application sometimes for weeks, even months?

Mr. KUCINICH. Well, 7 days once they make a determination that an application should be rejected on a technical basis.

Mr. PORTMAN. At that point, the 7 days begins to toll?

Mr. KUCINICH. At that point, they notify them they have 7 days, and if they cannot do it, then that is unfortunate. But at least they have the time to correct it, and if it is a minor thing such as filing the wrong form, and they could get the wrong form, they can turn that around in a few days.

So, as my colleagues know, this is not intended to create a loophole where someone could, in effect, I say to the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. PORTMAN), forestall the proper execution of the Federal grant program. But it is intended to make certain that no one, no worthy and otherwise proper applicant, and this was the case that I cited which someone had already been operating under a Federal grant and followed all the guidelines, no one would be denied the chance to be a grantee simply on a routine technical matter. They would have the chance to come back.

Mr. PORTMAN. Reclaiming my time, I think again that the intent of this legislation we are considering today is consistent with what the gentleman is trying to get at. In fact, our whole idea here is to end up with a process at HUD and everywhere else where the application process is simplified, streamlined and we do not have the opportunity to have the kind of technical deficiencies the gentleman talked about because it would be clearer to the applicants. On the other hand, now and again it is going to happen.

I guess I am not crazy about including this in the legislation, but based on what the gentleman from Maryland (Mr. HOYER) said earlier and based upon the gentleman's description of the response, particularly to the 7 days, to the cost and then to the definition of "technical," I guess I would not oppose the amendment being included in the legislation with the understanding that this is not meant to in any way impede, slow down the grant making process and that we will continue to work through process as we go back over to the Senate side to try to address this concern.

Mr. Chairman, I also want to tell the gentleman from Ohio that I appreciate the gentleman narrowing the amendment considerably from earlier discussions that we had.

Mr. KUCINICH. Mr. Chairman, I appreciate the gentleman's advice and counsel in doing that. It is good to work with the gentleman from Ohio (Mr. PORTMAN).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TURNER

Mr. TURNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TURNER:

Page 6, line 2, insert "in a manner not inconsistent with the Government Paperwork Elimination Act (title XVII of Public Law 105–277)" after "agency".

Mr. TURNER. Mr. Chairman, this amendment would simply require that the plans developed by the agencies be consistent with the Paperwork Elimination Act of 1998. This amendment has been discussed by both the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. HOYER).

It is my understanding that there is no objection to the amendment that has been negotiated. It is simply intended not to create confusion for State agencies. It has been a request that was brought to us by the Office of Management and Budget, and we believe that it should be adopted without objection.

Mr. PORTMAN. Mr. Chairman, will the gentleman yield?

Mr. TURNER. I yield to the gentleman from Ohio.

Mr. PORTMAN. Mr. Chairman, I think that this is probably already covered under section 10 of the bill, and we did discuss this earlier. However, given that the language has been altered to say in a manner not inconsistent with existing legislation, which is the Government Paperwork Elimination Act, I do not see any big problem with this. I think it is, again, probably already covered in the legislation, but I do not think it will alter the intent or the purposes of the act.

Mr. TURNER. Mr. Chairman, I thank the gentleman from Ohio (Mr. PORTMAN) for his consideration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. TURNER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 5?

The Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. DUTIES OF THE DIRECTOR.

(a) IN GENERAL.—The Director, in consultation with agency heads, and representatives of non-Federal entities, shall direct, coordinate and assist Federal agencies in establishing:

(1) A common application and reporting system, including—

(A) a common application or set of common applications, wherein a non-Federal entity can apply for Federal financial assistance from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies;

(B) a common system, including electronic processes, wherein a non-Federal entity can apply for, manage, and report on the use of funding from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies; and

(C) uniform administrative rules for Federal financial assistance programs across different Federal agencies.

(2) An interagency process for addressing—

(A) ways to streamline and simplify Federal financial assistance administrative procedures and reporting requirements for non-Federal entities;

(B) improved interagency and intergovernmental coordination of information collection and sharing of data pertaining to Federal financial assistance programs, including appropriate information sharing consistent with the provisions in the Privacy Act of 1974 (Public Law 93–579); and

(C) improvements in the timeliness, completeness, and quality of information received by Federal agencies from recipients of Federal financial assistance.

(b) LEAD AGENCY AND WORKING GROUPS.—The Director may designate a lead agency to assist the Director in carrying out the responsibilities under this section. The Director may use interagency working groups to assist in carrying out such responsibilities.

(c) REVIEW OF PLANS AND REPORTS.—Agencies shall submit to the Director, upon his request and for his review, information and other reporting regarding their implementation of this Act.

(d) EXEMPTIONS.—The Director may exempt any Federal agency or Federal financial assistance program from the requirements of this Act if the Director determines that the Federal agency does not have a significant number of Federal financial assistance programs. The Director shall maintain a list of exempted agencies which will be available to the public through the Internet site of the Office of Management and Budget.

The CHAIRMAN. Are there any amendments to section 6?

AMENDMENT OFFERED BY MR. HORN

Mr. HORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HORN:

Page 10, after line 5, insert the following:

(e) REPORT ON RECOMMENDED CHANGES IN LAW.—Not later than 18 months after the date of the enactment of this Act, the Director shall submit to Congress a report containing recommendations for changes in law to improve the effectiveness and performance of Federal financial assistance programs.

Mr. HORN. Mr. Chairman, this section is obvious for those having the bill in their hands that it goes at the end of section 6 before it goes into section 7.

Let me give my colleagues a brief summary of this legislation.

This has been cleared by both the Democrat side and our side. This amendment requires a report from the Director of the Office of Management and Budget. The report will contain recommendations for changes in the law to improve the effectiveness and performance of Federal financial assistance programs.

This amendment is consistent with the intent of the bill. Federal agencies will be working very hard to develop and implement the requirements of this act over the next 18 months. During this process they will be consulting with each other as well as with State, local and tribal governments. This effort will undoubtedly identify needed legislative changes, needed changes that will help enable this act's intent to be fully achieved. Congress will be able to debate these suggested changes and take necessary action to further streamline and improve the Federal financial assistance process.

Mr. Chairman, I urge my colleagues to accept this amendment. It will simply assist this body in its continued effort to provide better services to the American public.

Mr. PORTMAN. Mr. Chairman, I move to strike the last word.

I just want to stand in support of the amendment offered by the gentleman from California (Mr. HORN). I think it makes sense for us to have better information from the Director; and I think this will, frankly, keep OMB more focused on the task.

Mr. TURNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have no objection to this amendment, and I support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HORN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TURNER

Mr. TURNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TURNER:

Page 8, strike lines 6 and 7.

Page 8, line 8, strike "(A) a" and insert "(1)(A) A".

Mr. TURNER. Mr. Chairman, this amendment clarifies that agencies do not have to use a common application or reporting form unless it is appropriate. This amendment was also negotiated by and between the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. HOYER).

Mr. Chairman, it was never intended that this bill require agencies to use a common form at the expense of gathering necessary information. They need to manage their financial management programs and assure that Federal dollars are well spent. Any common form that would need to address all the programs of the Federal Government would be immense, be easily reaching, I suppose, hundreds or even thousand dollars of pages, and the bill is not intended to require agencies to use a common form when that form would be inconsistent with other statutory requirements. The amendment simply clarifies the intent of the bill in that it is the intent that the agency use common forms when appropriate and make sure that the bill is internally consistent.

Mr. PORTMAN. Mr. Chairman, I move to strike the last word.

I do not have concern with the amendment, Mr. Chairman, but I am not sure that I fully understand the explanation. I think it is the intent of our legislation here today, in fact, to have common forms when there is a similar program, and that is very clear in the legislation, and it has been very clear in the discussion up to this point.

The reason this amendment does not concern me is that, when we look at the language of the bill, there could have been some confusion about whether we would be requiring a common application and reporting system for all agencies. That was never the intent of the bill. In fact, the intent of the bill was laid out very clearly in the further subparagraphs which is, again, a common application or set of common applications where the financial assistance program serves similar purposes.

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That is clearly the intent of this legislation. Therefore, I think this amendment is fine because it takes out any confusion as to the intent of the bill. It does not, and I want to make this clear because it is an important distinction, give the agencies any discretion. The agencies do have to come up with common application forms and common procedures to serve similar purposes.

With that understanding, which I think is clear in the legislation and clear with this amendment, I certainly would be willing to support the amendment.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, rise in support of the amendment and agree that if you are looking at the amendment and you listen to the application of the gentleman from Texas (Mr. TURNER), as applied to the amendment and its integration into the bill, I think it is clear.

I want to join the gentleman from Ohio (Mr. PORTMAN) in making it clear that one of the problems that we are trying to deal with is that every agency historically has had its own form with its special requirements, and it has been very difficult to get them to come to agreement on having a common form for common purposes.

The staff correctly, and OMB, was concerned that we would have, as pointed out by the gentleman from Ohio (Mr. PORTMAN), an interpretation of the language in the bill that said there had to be a common form for every application, whether or not there were similar purposes in that application. That was not the intent of the gentleman from Ohio (Mr. PORTMAN), nor mine.

However, it is, and I want to reiterate what the gentleman from Ohio (Mr. PORTMAN) said, and I know what the gentleman from Texas (Mr. TURNER) and the committee agrees, it is our intent to have agencies come with a common form, come to agreement so that States and local governments can be facilitated in accomplishing the objectives that these programs are established for.

The irony has been that, on the one hand, we establish a program to help kids or families or farmers or whoever, and we then set up procedures which impede that objective.

So I, too, will support the amendment. I think the gentleman from Texas (Mr. TURNER) is absolutely correct. This is an amendment which will clarify it, but what it clarifies is that we are talking about similar purposes having a common form, and that will be required, not optional, and it will not be an agency option in the sense that they can decide, yes, we will do this. It is something they need to come to agreement on with other like agencies and like programs in establishing a common form.

I thank the gentleman from Texas (Mr. TURNER) for his leadership and for yielding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. TURNER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 6?

If not, The Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. EVALUATION.

(a) IN GENERAL.—The Director (or the lead agency designated under section 6(b)) shall contract with the National Academy of Public Administration to evaluate the effectiveness of this Act. Not later than 4 years after the date of enactment of this Act, the evaluation shall be submitted to the lead agency, the Director, and Congress. The evaluation shall be performed with input from State, local, and tribal governments, and nonprofit organizations.

(b) CONTENTS.—The evaluation under subsection (a) shall—

(1) assess the effectiveness of this Act in meeting the purposes of this Act and make specific recommendations to further the implementation of this Act;

(2) evaluate actual performance of each agency in achieving the goals and objectives stated in agency plans;

(3) assess the level of coordination among the Director, Federal agencies, State, local, and tribal governments, and nonprofit organizations in implementing this Act.

The CHAIRMAN. Are there any amendments to section 7?

If not, the Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. COLLECTION OF INFORMATION.

Nothing in this Act shall be construed to prevent the Director or any Federal agency from gathering, or to exempt any recipient of Federal financial assistance from providing, information that is required for review of the financial integrity or quality of services of an activity assisted by a Federal financial assistance program.

The CHAIRMAN. Are there any amendments to section 8?

If not, the Clerk will designate section 9.

The text of section 9 is as follows:

SEC. 9. JUDICIAL REVIEW.

There shall be no judicial review of compliance or noncompliance with any of the provisions of this Act. No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

The CHAIRMAN. Are there any amendments to section 9?

If not, the Clerk will designate section 10.

The text of section 10 is as follows:

SEC. 10. STATUTORY REQUIREMENTS.

Nothing in this Act shall be construed as a means to deviate from the statutory requirements relating to applicable Federal financial assistance programs.

The CHAIRMAN. Are there any amendments to section 10?

If not, the Clerk will designate section 11.

The text of section 11 is as follows:

SEC. 11. EFFECTIVE DATE AND SUNSET.

This Act shall take effect on the date of enactment of this Act and shall cease to be effective five years after such date of enactment.

The CHAIRMAN. Are there any amendments to section 11?

If not, are there any further amendments to the bill?

AMENDMENT NO. 2 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TRAFICANT:

Page 11, after line 23, add the following:

SEC. 12. SENSE OF CONGRESS REGARDING FEDERAL FINANCIAL ASSISTANCE.

It is the sense of Congress that Federal agencies, in providing Federal financial assistance for the purpose of economic development, should focus primarily on communities with high poverty and unemployment rates.

Mr. TRAFICANT. Mr. Chairman, whenever our government provides grants and assistance for economic development purposes, one of the strong criterion for such assistance should be the hardship of the communities needing help. While this is not totally in the purview of this bill, it may not be considered germane. If it would be, it would not be a sense of Congress. I believe it is important enough to at least have this flag of reminder to these Federal agencies who have the responsibility of granting monies to restabilize communities, that at least that reminder be present, and this amendment would serve that purpose.

Mr. Chairman, I yield to my colleague and friend, the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Chairman, I thank the gentleman for yielding; and I enjoyed his explanation earlier, his description of Vice President GORE's announcement and so on and the concerns you have in your own community.

I know that some of these programs are based on other than the criteria the gentleman has set out, and not being an expert in empowerment zones or other economic development programs I do not know whether that makes sense or not. That is why I think it would be unwise for us to, in this legislation, put into law new requirements for economic development programs.

However, the gentleman has offered a sense of Congress that seems sensible in terms of the general direction which is we ought to focus economic development where it is needed. So, with that, assuming that the chairman has no concerns about it and assuming it is a sense of Congress and it is not binding on this Congress, I would have no objection.

I thank my colleague, the gentleman from Ohio (Mr. TRAFICANT), for keeping the administration on its toes.

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from California (Mr. HORN), the chairman of the committee.

Mr. HORN. Mr. Chairman, I would say to the gentleman from Ohio (Mr. TRAFICANT), I think he has made an excellent contribution to this debate and to this particular measure, and I completely agree with him that those ought to be the priorities all agencies have before they give out the hard-earned taxpayers' dollars. We ought to be helping other people that have an opportunity to have a job, have a vibrant economy in a particular city, and the gentleman is absolutely right about some cities getting more when they do not really need it, and the cities that need it do not get it.

Mr. TRAFICANT. Mr. Chairman, I appreciate the help of the gentleman from California (Mr. HORN).

Mr. Chairman, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I rise to simply say that, in response to my friend from Ohio (Mr. PORTMAN), the administration is on its toes, but I am sure it is glad to hear the views of the gentleman from Ohio (Mr. TRAFICANT) as well. I rise and will support this sense of the Congress.

Clearly, as the gentleman from Ohio (Mr. PORTMAN) has indicated, there are other criteria and there are other reasons why we move into this area or that area for assistance. However, I think the gentleman from Ohio raises a very good point and certainly his explanation earlier raised an issue of obvious concern, not only to him but to the country, in terms of making sure that those communities which have both high poverty rates and high unemployment rates should be a focus of Federal assistance so that we can bring up those areas so that they become equally successful to some other areas of the country, and I would share his view.

He said a billion and if, in fact, it was a community that can raise $2.5 billion, it would be certainly not a community that I represent but a community that has obviously a lot of ability to assist itself. I think in that context the gentleman's sense of Congress does, as the gentleman from Ohio (Mr. PORTMAN) said, make sense and I would support it.

Mr. TRAFICANT. Mr. Chairman, let me say that I hold nothing against that California community. They played by the ground rules, but in legislation that will come through this House, there will be an address made to empowerment zones itself, and that is where I will attempt to change the formula, to give more of a weighted advantage to hardship, and that is the reason for the signal here today.

Mr. Chairman, I yield to the gentleman from Texas (Mr. TURNER), the distinguished ranking member.

Mr. TURNER. Mr. Chairman, I join with our other colleagues in support of the amendment. It does represent a sense of this Congress, that Federal dollars should be spent where they are most needed, and there is nothing that undermines the Federal Government any more than granting funds to an agency or a community or an individual who is not truly in need or entitled to those funds. And I commend the gentleman on stepping forward today, offering this sense of Congress amendment, and we join with him and support its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YOUNG of Florida) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 409) to improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public, pursuant to House Resolution 75, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted by the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HORN. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 7, as follows:

[Roll No. 26]

YEAS—426

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano

Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Capps
Davis (IL)
Livingston
McInnis
Reyes
Rush
Taylor (MS)

□ 1429

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCINNIS. Mr. Speaker, due to business in Colorado, I was unable to vote on the bill, H.R. 409. Had I been able to vote, I would have voted "yea."

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 409, the bill just passed.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 409, FEDERAL FINANCIAL ASSISTANCE MANAGEMENT IMPROVEMENT ACT OF 1999

Mr. HORN. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 409, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House of Representatives.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DIABETES RESEARCH WORKING GROUP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, tomorrow the results of a year-long effort to chart a path to cure diabetes will be released. The summary of the Diabetes Research Working Group report will be unveiled by the chairman of the group, Dr. Ronald Kahn, at a press conference at the National Press Club at noon. It is my expectation that the results of the group's work will dramatically change the direction of diabetes research in this country and may be a model for many other diseases that all Americans face throughout the United States.

With regard to history of this effort, the establishment of the group came about through legislation I sponsored in the last session of Congress. Through the help of the gentleman from Illinois (Mr. PORTER), the authorization for the group was incorporated into the Labor, Health Appropriations Bill.

The Diabetes Research Working Group is a scientific panel composed of 12 experts in the field of diabetes and four very knowledgeable representatives of the lay community. The chairman was appointed by National Institutes of Health, and the Institutes have played a critical role in supporting his efforts.

The group members have spent the last year engrossed in examining the current state of diabetes research and charting a 5-year path for future research, a path that will have the best chance of leading us to a cure and improving the lives of 16 million Americans who have diabetes.

To the average person, charting a path may not seem like a dramatic step forward. It is, however, a departure from how the National Institutes of Health has traditionally funded research. Normally scientific researchers focus on the immediate research proposals they are presented with for review. This report by the Diabetes Research Working Group is an effort to take a step back and reassess that procedure. It is an effort to ask the questions where are we today, where do we want to be in 5 years, and what do we need to do to get there to cure this disease. The Diabetes Research Working Group has done this.

The report contains specific scientific recommendations in areas ranging from genetics, cell signaling, and clinical trials to macrovascular and oral complications. Each recommendation is tied to a funding level. Added together, the scientific recommendations require $827 million for fiscal year 2000, an increase of $384 million over the present year.

I quote from the summary of the report, "The Diabetes Research Working Group believes that such a budget increase is necessary for implementation of the programs presented in the Research Plan, consistent with the rising impact of diabetes on the United States in both human and economic terms, and that the proposed budget is more in line with the levels of research funding for other major disease areas. Most importantly, the Diabetes Research Working Group believes that such an investment has the potential to reduce dramatically the personal, societal, and economic burden of diabetes for the American people in the 21st Century."

Dr. Harold Varmus, who is the director of the National Institutes of Health, has said that NIH funding will go where the science shows there is opportunity. The Working Group Report is proof that, not only is there opportunity in the areas of diabetes research, but there is a plan.

Mr. Speaker, I urge the Members to support the recommendations of the Diabetes Research Working Group, and the roughly 205 members of the Diabetes Caucus are invited to participate in this effort to unveil this report tomorrow.

TRIBUTE TO WILMER "VINEGAR BEND" MIZELLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BURR) is recognized for 5 minutes.

Mr. BURR of North Carolina. Mr. Speaker, I rise today to honor the life and memory of a former Member of this body and one of my predecessors from the Fifth District of North Carolina, the Honorable Wilmer "Vinegar Bend" Mizelle.

Born in 1930 in Leakesville, Mississippi, he spent his early life in the town from which he received his famous nickname, Vinegar Bend, Alabama. Wilmer Mizelle lived a full and rich life before his sudden death this past Sunday, February 21, 1999.

He grew up in rural America, but like most boys of his day, he had a greater dream. It was to be a professional baseball player. He had the talent to make his dream a reality and, as a young man, soon found himself assigned to the minor leagues and a team in my hometown of Winston-Salem, North Carolina.

Vinegar Bend was a pitcher, a southpaw, and you can still today find fans who remember the strength he possessed as he held the mound at Ernie Shore Field.

It was during this time that he met Nancy McAlpine who would later become his wife.

Vinegar Bend broke into the big leagues with the St. Louis Cardinals in 1952. Standing at over 6 feet tall, he was an imposing figure as a hard-throwing left-hander when he hurled that ball towards home plate.

In 1960, Vinegar Bend was traded to the Pittsburgh Pirates and went 13 and 5 that year as part of a strong starting rotation. It was in 1960 that he pitched in the World Series winning a game as the Pittsburgh Pirates became the world champions.

In 1962, he was traded to the Mets in their first game, which turned out to be his last year as a ball player. Vinegar Bend had 90 wins in his career, including 15 shutouts, and an E.R.A. of 3.85 lifetime.

After retiring from baseball, Wilmer and Nancy returned to North Carolina and he took up a new career, that of public service, where he has served as a commissioner and then as a Member of Congress from North Carolina's Fifth District.

Wilmer Mizelle worked as hard in Congress as he did on the baseball field. That is known by his colleagues and by his constituents. He always explained that he saw himself as an advocate for farmers and factory workers and consumers who populated his district.

Vinegar Bend served three terms in this House from 1969 to 1975 and then was appointed Assistant Secretary of Commerce by President Gerald Ford. He returned to North Carolina in 1976 only to be called back by President Reagan to serve as Assistant Secretary of Agriculture and then as a member of President Bush's President's Council on Physical Fitness and Health.

Wilmer then retired from government service, but he never slowed down. I can recall that Vinegar Bend returned to be with us in 1995 in this House in the majority to help give us some advice on our Republican baseball team. He never lost his love for sports.

After the death of his wife Nancy, Wilmer married Ruth Cox, and together they divided their time between their homes in Alexandria, in North Carolina, and in Texas. They spent a great deal of time working in Texas with the Christian Missionary Alliance Church.

Back home in my district, Wilmer Mizelle's reputation was as imposing as his physical stature. He was known as an honest, dedicated representative of the people. He filled his speeches with humor and home spun stories, and he only had to speak a few words before they knew he was from the south.

□ 1445

Wilmer Mizelle's life calls to memory the words of Woodrow Wilson, who said, "There's no cause half so sacred as the cause of people. There is no idea so uplifting as the idea of service of humanity."

Clearly, Wilmer Mizelle proved Leo Durocher wrong when he said, "Nice guys finish last." As a matter of fact, Wilmer Mizelle won before the game ever started.

He is survived by his wife Ruth and sons Danny and David and by four grandchildren. On behalf of the United States Congress and the State of North Carolina, I extend our sympathy to them for this great loss, the life of Vinegar Bend Mizelle.

SUPPORT A NUCLEAR WEAPONS CONVENTION

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today I am introducing a resolution to express the sense of Congress that the United States take the critical first steps toward the negotiation and conclusion of a nuclear weapons convention. Just as conventions exist to abolish both chemical and biological weapons, the world needs a convention for the reduction and elimination of nuclear weapons.

Although the Cold War has ended, U.S. nuclear weapons expenditures remain significant. The United States currently spends $35 billion a year, or 14 percent of the defense budget, on efforts such as the $4.5 billion we plan to spend on the Stockpile Stewardship program. That $4.5 billion is more than what we spent on average each year over the entire Cold War between 1948 and 1991. At that time we spent $3.6 billion a year when we were developing and building hundreds of thousands of new warheads and when we had nuclear testing sites common throughout our Nation.

How much is $35 billion? It is 13 times the budget for the National Cancer Institute. It is 120 times the amount spent annually on domestic violence, battered women's shelters, and runaway youth.

Our current priorities dictate that nuclear weapons are more important than health care and the environment. Of every discretionary dollar that Californians, and all Americans, as a matter of fact, paid in taxes, 7½ cents went to nuclear weapons, 4.7 cents went to health care, and 5 cents went to the environment and energy.

Speaking of health and the environment, we still do not know how nuclear testing is going to affect both. It is estimated that the cleanup of nuclear weapons will eventually cost as much as the total cost of developing and manufacturing actual warheads. That would be $400 billion. That is outrageous.

The money we have spent on nuclear weapons throughout our Nation's history is definitely shocking. From 1940 through 1996 we have spent nearly $5.5 trillion in constant 1996 dollars. We have spent nearly $5.5 trillion in U.S. nuclear weapons activities.

The amount of money spent on nuclear weapons, represented as a stack of $1 bills, would stretch more than 459,000 miles. That would be to the moon and nearly back again. That $5.5 trillion is more than we have spent on any single program, except Social Security, over the same period of time.

Even worse, because of poor management and oversight, hundreds of billions of dollars were wasted on programs that contributed little or nothing to defense and deterrence. In other words, for many of these projects the American taxpayer did not get anything for the money they spent.

For example, the U.S. spent $21.3 billion on the Safeguard Antiballistic Missile System that was ultimately canceled because of high operational costs that eclipsed the limited defense benefits. It took that figure for us to know that the costs outweighed the benefits of this program. Whatever happened to accountability?

We also wasted $12.5 billion on the development of the B–1A bomber which was canceled. On this program we spent $12.5 billion and made a total of four planes, two that crashed.

The Aircraft Nuclear Propulsion Program cost $7 billion only to be canceled due to poor management.

Finally, the Midgetman/Small ICBM cost taxpayers over $5.5 billion, only to be canceled due to lack of need at the end of the Cold War.

Enough is enough. We cannot spend money on unnecessary, unneeded nuclear weapons while we neglect our children. Reducing our nuclear arsenal here at home, or through an international treaty, will save billions of dollars and shift our Nation's priorities to investment in a healthy, safe and well educated Nation. Providing children access to health care, a safe environment, and a quality education is the kind of investment that will truly secure our Nation's future.

That is why I am asking my colleagues to support the Nuclear Weapons Convention resolution that I introduce today urging the President to initiate multilateral negotiations for an early nuclear weapons convention.

IN MEMORY OF OFFICER BEAN, ONE OF SACRAMENTO'S UNSUNG HEROES

(Mr. OSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSE. Mr. Speaker, I come before the House today to note the passing of one of Sacramento's many unsung heroes.

A week ago Officer Bean was buried, the victim of a ridiculous act by one of California's many residents who were out on parole. Officer Bean was a 27-year-old officer in the Sacramento Police Department, unmarried, full-time student, who had set aside his other lifetime goals to contribute to the peace and security of our community. On patrol one night he stopped a car; and, by happenstance, that person had a weapon, took a shot that went underneath his vest, and he is now dead.

I did not want to have any more time pass before noting his passing and the appreciation that each of us have in our respective communities for our unsung heroes.

Men or women, Democrat or Republican, Sacramento is the worse off for what happened, and I just felt it was appropriate to note that.

SUPPORT THE EDUCATION FLEXIBILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, I address the House today to support the Education Flexibility Act, a bill sponsored by the gentleman from Indiana (Mr. ROEMER) and the gentleman from Delaware (Mr. CASTLE). It is a bipartisan bill aimed at giving greater flexibility to local schools to do their job, the important job they do of educating our children.

During the past couple of months I have visited 10 or 12 schools in my district, and visited the school districts there to sort of find out what they think of the Federal role in education. The Federal role in education usually accounts for about 4 to 8 percent of the budgets of the average school district, and I wanted to know if they thought that was helping.

The answer I got back was, yes, the money helps, but there is too much red tape and there is too much regulation. They want greater freedom so that they can exercise their skills and use the teachers and principals and parents and everybody involved in education on the local level. There is too much Federal red tape, and the Education Flexibility Act would target that red tape.

Right now we have a pilot project that allows some 12 States in the country to take advantage of education flexibility. This bill would expand it to all 50 States. And what it would do is give local school districts the ability to get waivers from those Federal regulations.

But the important thing about education flexibility is that it combines flexibility with accountability, which is the way it ought to be done. You can get the waiver, the local school districts can get the waiver from the Federal requirements, but only if they have local standards that they can demonstrate that they are meeting.

The key word in there is local. Not national standards. They can have their own standards, but they have to have that accountability/flexibility mix. The Education Flexibility Act that is being proposed and introduced this week offers that mix and is a key to helping our schools move forward with the important job they do of reforming the education system and educating our children.

I think it is very important that we go further than the Education Flexibility Act. Right now there is far too much red tape and far too many regulations in hundreds of different areas generated from the Federal Government. That does not really help our local schools but only ties them in knots.

I do not want the people working in the schools in my community to spend all of their time filling out forms and justifying their existence to the Federal Government. I want them to be educating the children there and doing the job that really matters. Right now, far too often, they are filling out the forms and trying to qualify for the money and continually justifying what they are doing. We need to change that. We need to shift to local control.

From one end of this country to the other exciting things are going on in States and school districts. They are making the reforms necessary. They are moving toward accountability. And right now the Federal Government is too big of a noose stopping them from making progress on that. We need to make changes like the Education Flexibility Act.

As a Democrat, I have always been a strong supporter of education, and I support my fellow Democrats in supporting spending the money necessary to help with education and supporting public education. Public education is responsible for over 90 percent of the children in this country getting educated. It needs our support.

But we cannot simply spend money on it. We must show that we are willing to move in two other critical directions. One is accountability and the other is flexibility, which means local control. Giving the power back to the individual school districts and the individual schools, and ultimately to the teachers and parents who are closest to the product, closest to our children and closest to educating them and who know best how to do it.

We need to make those changes so that we can have the world class public education system we need. The Education Flexibility Act that we introduce this week, as I mentioned, primarily sponsored by the gentleman from Indiana and the gentleman from Delaware, is a critical step. I urge all of my colleagues to support Ed-Flex, pass it as soon as possible, and then go further to encourage the flexibility and accountability that we need in our local schools.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 669, AMENDING PEACE CORPS ACT TO AUTHORIZE APPROPRIATIONS FOR FY 2000 THROUGH 2003 TO CARRY OUT THAT ACT

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 106–30) on the resolution (H. Res. 83) providing for consideration of the bill (H.R. 669) to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that act, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject matter of my special order regarding the late "Vinegar Bend" Mizelle, as well as the special order of my colleague from North Carolina (Mr. BURR).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

IN MEMORY OF WILMER "VINEGAR BEND" MIZELLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. COBLE) is recognized for 5 minutes.

Mr. COBLE. Mr. Speaker, my good friend from North Carolina (Mr. BURR) has already touched on Vinegar Bend's baseball accolades and accomplishments, and I will not emphasize that in detail.

Mr. Speaker, 8 or 9 years ago a New York Times reporter wrote an article about me, and in that article he identified me as one who portrays or cultivates a country bumpkin image. The implication was that I was a phony, to some extent; that I was not a genuine country bumpkin.

Some days after that New York Times article appeared, a constituent of mine called me in my Greensboro office and she said, "I resent what that New York Times writer wrote about you when he said that you cultivated a country bumpkin image." She said, "You are a country bumpkin."

Now, I am not suggesting, Mr. Speaker, that the late Vinegar Bend Mizelle was a country bumpkin, but he was, indeed, a genuine country boy, and there was no getting around that. And he tried in no way to be deceptive about it. This was he. When you saw Vinegar Bend, you saw a personified country boy.

□ 1500

His folksy charm was endearing. Of course, many attributed that charm to his election. Because he had served as a county commissioner in Davidson County and then to leap from county commissioner to Congress was in the eyes of many a leap that he could not negotiate. "Vinegar Bend could not handle that," I heard some of them say. But he handled it, and he handle it very effectively and very proficiently.

Vinegar Bend leaves behind his wife and two sons, David and Danny. One lives in my district as a football coach at the Andrews High School in High Point. And the second one lives in my former district, as the gentleman from North Carolina (Mr. BURR) knows, that has now been redistricted out of the 6th District and I think is represented by the gentleman from North Carolina (Mr. WATT) now.

But Vinegar Bend, as you will remember, Mr. Speaker, because you were there, came to the weekly Congressional prayer breakfast regularly. In fact, he probably attended that prayer breakfast more consistently than any other former Member, at least to the best of my knowledge. He was indeed a regular at the prayer breakfast.

Mr. BALLENGER. Mr. Speaker, I rise this afternoon to join my colleagues to pay tribute to Wilmer "Vinegar Bend" Mizelle, our former colleague who passed away last weekend. Whether you knew him personally from politics or from professional baseball or whether you knew him only by reputation, Vinegar Bend Mizelle was a tremendous talent and a good and decent man. I think of all the persons I have come to know in my 30 plus years of public service, no one kinder or more genuine than Vinegar Bend Mizelle comes to mind.

Wilmer Mizelle was not a native North Carolinian but born in Mississippi where he grew up playing baseball. In fact, he got the nickname "Vinegar Bend" from the small town of Vinegar Bend, Alabama where he spent much of his early ball-playing days. He joined the St. Louis Cardinals farm system after graduating from high school, playing baseball in Albany, Georgia and Winston-Salem, North Carolina, a city he would later represent in the Congress. While in the farm system he won most popular honors and the reputation as the "strikeout king." In May of 1952, he joined the St. Louis Cardinals and pitched in the 1959 National League All Star team. The following year he was traded to the Pittsburgh Pirates, where he completed the season with a 13–5 record and helped the Pirates win the National League pennant. Vinegar Bend finished his career with the New York Mets expansion team in 1962. During his career he struck out 918 batters. In an interview years later about his baseball career, Wilmer simply summed up his success by saying, "It seems every time I went out, I was pitching good baseball."

After retiring from baseball, Wilmer began a successful career in politics, first as a Davidson County Commissioner and then as a Member of Congress, representing the 5th Congressional district. As a member of this body, Vinegar Bend Mizelle was an advocate for the "average guy" in his district, deriding the Democratic majority for being big spenders and taking too much in taxes out of the pockets of the working men and women of America.

Congressman Mizelle lost his seat in the 1974 elections during the aftermath of the Watergate scandals, when so many Republicans paid for the mistakes of President Nixon with their congressional seats. But even in defeat, Vinegar Bend was magnanimous, saying "Whether you voted for me or not, [you've] still got a friend in Vinegar Bend."

He went on to serve in the Ford, Reagan and Bush Administrations and served with distinction.

With Vinegar Bend's untimely death, we all have lost a friend. I mourn his passing and express my sincere condolences to his wife, Ruth, and his sons. Vinegar Bend will be missed, but not forgotten.

Mr. CRANE. Mr. Speaker, I was saddened today to learn of the death of one of my colleagues from the "Class of '69," Wilmer Mizelle. We served together in the 91st, 92nd and 93rd Congresses.

Popularly known as "Vinegar Bend," he showed the same deep commitment to doing his best for the people of the 5th District of North Carolina as he exhibited in 1960 when he pitched to a 13 and 5 record to help the Pittsburgh Pirates win the National League pennant.

During his tenure in Congress, "Vinegar Bend" was an advocate for the consumer, the farmer and the factory worker. He compiled a conservative voting record that he was very proud of. His slogan, "You've got a friend in Vinegar Bend," was well known around his District.

After his defeat in 1974, in the wake of Watergate, he was appointed Assistant Secretary of Commerce for Economic Development. In 1982, President Reagan appointed him as an Assistant Secretary of Agriculture for Governmental Affairs—effectively sending him back to his friends in the House and Senate as the Administration's leading spokesman on the promotion of its agricultural policies. He served President Bush as Deputy Assistant Secretary of Intergovernmental Affairs at the Department of Veterans Affairs and as Executive Director of the President's Council on Physical Fitness and Sports.

Described as a "real gentleman" and "a class act", Congressman Mizelle was both of those at all times, and I shall miss him. Our prayers are with all his family and friends.

Mr. COBLE. I guess in closing, Mr. Speaker, I can best say that the goal in life, as well as baseball, is to score by going home. Vinegar Bend has circled the bases one final time, and he now rests at home. Good-bye, Vinegar Bend.

ELIMINATION OF MARRIAGE TAX PENALTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. WELLER) is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I represent a very diverse district. I represent part of the City of Chicago in the south suburbs and Cook and Will Counties. And when one represents a diverse district of city and suburbs and country, he listens, he listens for common concerns and common ideas as he works to represent those communities.

And I find one very clear message from the city dwellers and the suburbanites and the farm folk in the district I have the privilege of representing, and that is that the folks back home want those of us who have the privilege in the Congress to work together to solve the challenges that we face and to put forward real solutions.

I am proud in the last 4 years this Congress has responded to that request of finding solutions. And we have some real accomplishments we can all be proud of, accomplishments such as balancing the budget for the first time in 28 years, a balanced budget that is now projected to generate an expected $2.7 trillion surplus of extra tax revenue; a middle-class tax cut, the first middle-class tax cut in 16 years that is now giving three million children a $500 per child tax credit back home in Illinois; welfare reform, the first welfare reform in a generation that has lowered the welfare roles in Illinois by 28 percent; and IRS reforms, taming the tax collector, the first IRS reforms ever that now shift the burden of proof so that a taxpayer is innocent until proven guilty. That is all thanks to this Congress.

The question often asked is, those are pretty good accomplishments, but what are we going to do next? Well, I was home this past week during the President's Day district work period listening to the folks back home. They told me some things. They tell me they want good schools. They tell me they want low taxes. They tell me that they want a secure retirement. And that is really what the agenda of the Republican Congress is. Our agenda is to help our schools and make sure that we put more dollars into the classroom, dollars that are determined how they are spent by local school boards and local teachers and local parents.

Our agenda is to lower the tax burden on the middle class and also to secure retirement by ensuring that our Social Security system is sound and rewarding savings for retirement.

But we also have an another challenge that faces us, and it is really an opportunity, and that is the opportunity that comes from this Congress's probably greatest accomplishment, the first balanced budget in 28 years.

We are now expected to see a $2.7 trillion surplus, a balanced budget bonus, an overpayment of tax revenue, extra money that is burning a hole in the pockets here in Washington. And that is really what the debate will be, what do we do with that surplus? Some want to spend it all. Others want to do other things.

The President says we should use 62 percent of the surplus for saving Social Security and the rest we should spend on new government programs. We on the Republican side say that we agree that 62 percent should go to Social Security.

Last year, we proposed 90 percent so we could do at least 62 percent. But we also want to give the rest back and pay down the national debt and lower the tax burden, particularly for middle-class working families.

Our philosophy is fairly simple. We believe that taxpayers back home in Illinois and back home in America can better spend their hard-earned dollars and their hard-earned salary better back home than we can for them in Washington. That is why we want to give back part of the surplus to pay off the national debt and to lower the tax burden at the same time we save Social Security.

Some say, gee, is there really a need to lower the tax burden on families? Let me share some statistics here. The tax burden on American families is the highest in history, in fact, the highest in peacetime history. In fact, 40 percent of the average Illinois family's income today goes to government at one level, local, State, and Federal taxes. Twenty-one percent of our gross domestic product goes to the Federal Government in taxes. And, since 1992, the amount of taxes collected from individuals has gone up 63 percent.

Clearly, that tax burden is too high, and we need to find ways to help the middle class by lowering the tax burden so they can keep more of what they earn.

I believe that as we look for ways to lower the tax burden on middle-class families that our focus should be on simplifying the Tax Code and bringing fairness to the Tax Code and also eliminating discrimination in the Tax Code. And as we look for those priorities and how best to simplify the Tax Code and eliminate discrimination in the Tax Code, I believe that we should focus on the most discriminating sequence of our Tax Code today, and that is the discrimination in the Code that says that 21 million married working couples pay, on average, $1,400 more in higher taxes just because they are married.

Under our Tax Code, if they get married they pay more than if they stay single; and that is just wrong. And I think it is not right and it is not fair that 21 million married working couples pay, on average, $1,400 more in higher taxes just because they are married.

In the south suburbs of Chicago, $1,400 is one year's tuition at Joliet Junior College. It is 3 months of day care at a local child-care center. It is 6 months worth of car payments. It is a washer and a dryer for a family. It is real money for real people.

I am proud to report to the House today that almost 230 Members, a bipartisan majority of this House, has joined as cosponsors of the Marriage Tax Elimination Act, which would eliminate discrimination in the Tax Code and eliminate the marriage penalty.

As we work to simplify the Tax Code, as we work to lower the tax burden, I hope we can make elimination of the marriage tax penalty our number-one priority.

EDUCATION FLEXIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. ROEMER) is recognized for 5 minutes.

Mr. ROEMER. Mr. Speaker, I rise today to talk about an idea that the gentleman from Delaware (Mr. CASTLE) and I introduced as legislation last year called education flexibility.

The gentleman from Delaware (Mr. CASTLE), a Republican from Delaware, and I, a Democrat from Indiana, have worked on this proposal for 8 months; and we are very excited about the good bipartisan potential, the bold idea that this proposal brings to our schools across this great country.

Also, in addition to being a bipartisan idea, it is also an idea brought forward by the new Democratic coalition. Our new Democratic coalition is a coalition devoted to old values and new ideas.

The old values in this education flexibility bill, the old value is local control, that our schools in Indiana and Colorado, California and New York decide what is taught, decide what action is taken in our schools. So the old value is local control.

The new idea is enhanced flexibility, to try some new things, to boldly and creatively reform our education system and continue to fix public education in this great United States of America.

So we have old values and new ideas. We have a Republican and a Democratic sponsor, and we have the new Democratic coalition working on this.

I support this education flexibility bill that the gentleman from Delaware (Mr. CASTLE) and I have introduced for three reasons. One, because it is a bold, new, creative idea that is working substantively in 12 States. We tried Ed Flex as a pilot program four and a half years ago. It is working in Ohio. It is working in Michigan. It is working in Illinois. It is working in Texas. This idea is working across the United States in 12 States.

How is it working? Let me give my colleagues a couple of examples. In Texas, which currently has this Ed Flex authority, Texas has outlined stringent accountability standards for its local schools. Ed Flex States have been innovative in the use of their waivers, and I think all States should be able to be innovative and have this opportunity.

Secondly, Maryland was able to use Ed Flex and reduce the teacher-student ratio in math and science classes from 25–1 to 12–1 and give more intensive teaching and schooling to those students in math and science programs.

Also, in the State of Kansas, we have seen the Ed Flex have and show the opportunity to better coordinate title I to many of our disadvantaged students and to be there to allow a seamless delivery of services to some of the most at risk, some of the most disadvantaged students in inner city areas, without diminishing the targeting of title I monies.

So one, it is working in 12 States, it is bold, and we should have all 50 States have this opportunity.

Secondly, the second reason I support it, it is not a mandate, it is not new paperwork, it is not handcuffs. It is a string of accountability to one thing, student performance.

And, thirdly, it is bipartisan.

Let us show the United States that we can reach across the aisle, Democrat and Republican alike, on an education issue, a bold new idea like education flexibility, and help reform and fix our great public school network in this United States of America.

I encourage my colleagues to cosponsor the Education Flexibility bill introduced by the gentleman from Delaware (Mr. CASTLE) and myself.

POPE SCOOPED PRESS ON IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, the media entertained then summarily dismissed fantastic "Wag the Dog" analogies to December's missile strike against Iraq. Even now, few have ventured post mortem analyses of the momentous episode sidetracked by historic impeachment coverage.

Billions spent, lives lost and risked, measured against the efficacy of modern warfare have gone virtually unchallenged in America's press, much less the President's ulterior political benefits accumulated throughout the exchange.

His Holiness Pope John Paul II was right to seize the occasion of a St. Louis visit to chastise Bill Clinton's handling of Iraq. More than 2 months having passed since Operation Desert Fox, it remains unclear who stands the victor.

The coincident timing of impeachment-eve air strikes fueled rampant speculation about President Bill Clinton's motives, drawing indignant insistence by the White House U.S. national security was the singular interest. Today, the Pope finds himself among an ever-growing crowd of Americans unconvinced the missile attack was an absolute necessity, and with the settling dust comes clarification of the uneasy truth, Saddam Hussein remains in power.

This fact controverts the December 17, 1998, call by Congress to finish the job. On a near unanimous vote, 221 Republicans, 195 Democrats and one Independent adopted a resolution in support of our troops in Desert Fox. Congress also included in the measure a bold policy statement "to remove the regime headed by Saddam Hussein from power in Iraq and to promote the emergence of a Democratic government to replace that regime."

However, one day into Desert Fox, Defense Secretary Cohen confessed before a closed assembly of this House our plans did not include undermining Saddam's dictatorship. "The objective of the attack," he admitted, "is to go after those chemical, biological or weapons of mass destruction sites to the extent that we can."

□ 1515

A Congressman followed up, "Why not go after him if that's what the problem is?"

Cohen replied, "We have set forth our specific targets, and that's what we intend to carry out." Across the Atlantic, British Defense Minister Robertson delivered the consonant line to members of parliament, "It's not our objective to remove Saddam Hussein from power."

Coupled with the historic record of Clinton's Iraq policy, his eagerness to launch missiles while neglecting chief U.S. objectives adds plausibility to the pontiff's skepticism. The President's stubborn devotion to the failing policy of containment has yielded little more than prolonged hardship for Iraq's 22 million civilians and unneeded strain on precarious international relationships.

Clearly the President's precipitous policy in Iraq obviates the need for it to be replaced by a serious one designed to legitimately achieve genuine U.S. objectives. Meanwhile, the absence of such a policy should compel even tepid curiosity among the media as to what Clinton had hoped to achieve, if not well-established U.S. objectives.

Pundits and editorial writers of virtually every country except the United States have proffered cogent opinions fairly impugning the motives of our Commander in Chief. A day into Desert Fox, one member of Britain's parliament, aligned with Clinton's parallel political party, I might add, even admonished his colleagues in formal session, "After all, we're not being led into battle by Richard the Lion-Hearted but by William the liar."

Here at home, however, it was just too troubling to contemplate another scandal, especially when TV production trucks had already secured their coveted parking spaces outside the Capitol.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Colorado will suspend.

The Chair must caution all Members to abstain from addressing the President in terms or language personally offensive as by applying to him pejorative labels or attributing to him unworthy motives.

The gentleman may continue.

Mr. SCHAFFER. An odd blend of serendipity and irony, the Senate's arraignment of Clinton's folly captivated the media attention so completely as to conceal what may prove the proportionate diversionary scandal of Desert Fox. But with no sex, cigars, stained dresses or Jane Doe's, who could possibly maintain interest for that long?

John Paul II, of course, is not in the business of ratings, advertising, market share, circulation and amusement. His concern is for the truth, human dignity and peace, and that is the reason he scooped the American media on this one.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair again cautions all Members to abstain from addressing the President in terms or language personally offensive as by applying to him pejorative labels or attributing to him unworthy motives.

SPECIAL EDUCATION FUNDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GOODLING) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOODLING. Mr. Speaker, this evening we are taking a special order to talk about the number-one unfunded mandate from the Federal Government to the States and to local school districts.

Twenty-three years ago, the Congress made the historic decision to support children and families with special education needs. In passing the Individuals with Disabilities Education Act, the Congress not only brought Federal aid to children with disabilities but it also brought a 100 percent mandate as to how you will spend that money.

Just 2 years ago, Congress and the administration worked together in true bipartisan fashion to reauthorize the Individuals with Disabilities Education Act or better known as special ed, so children with special needs can have more options and services.

I might add at this point that we are still waiting, 2 years later, for the regulations that are supposed to go with this legislation which certainly would help local school districts to know exactly what is expected of them. Unfortunately, the administration has again backed away from the Federal commitment to adequately fund special education. This is the second year in a row that the administration has cut special education funding in the budget that they have sent up to Capitol Hill. They have a tiny increase, they indicate, but if you talk about the increase in inflation and the 123,000 extra students that come into the program each year, you discover that, as a matter of fact, 2 years in a row, the administration has cut special education.

Now, what was promised by the former majority 23 years ago was that the Federal Government, sending the 100 percent mandate, would send 40 percent of all the money that it would take for excess costs to educate a special needs youngster versus educating another youngster. Let me give my colleagues an example.

If in your district you are spending $8,000 a year per pupil and you are spending, on the other hand, for special need youngsters $16,000 a year, then the difference, of course, would be $8,000. If they got 40 percent of that $8,000 from the Federal Government, they would get $3,200 extra for educating a special needs child. Well, when I became chairman, they were sending 6 percent. In other words, they were sending $480, not $3,200.

And in spite of the fact that the President has, in the budget that has come up, has decreased spending for special ed, the Republican majority in the last 3 years has been able to increase by $2 billion the amount of money that is now going for special education. For the first time this year, local school districts will be able to decrease the amount of money they must spend from their budget in order to fund our mandate from the Federal level. So there is a big gap, a big gap here as to what should be going out from the Federal Government if we were true to our promise of 40 percent of excess cost versus what is going out.

As I said, in our last 3 years with a new leadership, with a Republican leadership in the House, we were able to move that 6 percent up to about 12 percent. Now, what does this mean to a local school district? It means that a local school district has to raise money, generally through property taxes, in order to support the Federal mandate in special education. Let me give my colleagues just one illustration.

The City of York, which is about 49,000 people, at the present time they receive $363,000. If they received their 40 percent of excess cost, they would receive almost $1.5 million. If you want to talk about pupil-teacher ratio, which the administration wants to talk about, if you want to talk about repairing school buildings, which the administration wants to talk about, all of those things are things that, of course, we believe are important as Republicans. But the way to do it is fund special ed. Then they have the money locally to do all of those things. Can you imagine how far school districts have gotten behind in school maintenance because they have had to raise millions of dollars as a matter of fact to fund the mandate from the Federal level?

So I hear things are improving. Yesterday, I was told that the governors made a real point to the administration. The administration seemed to be surprised. They did not realize this problem existed.

Now I have spoken to many members of the administration, including the President, on numerous occasions pointing out this problem. In fact, after we signed the higher ed bill last year, I said to the President, we really have to tackle this special ed problem; and he said, well, we are pouring lots of money into special ed. I said, Mr. President, your budget cut special ed that you have sent up to the Hill. And, of course, it happened again this year.

I have told the Secretary over and over and over again, we have to deal with this. I just learned today that perhaps the minority leader of the House said that this is his number-one priority. It only took me 24 years to get that to be a number-one priority on that side of the aisle. Because for 20 years in the minority, that is all I ever said to them over and over again: Fund this mandate before you send out any more mandates.

So some good things take time. This apparently took 24 years. My hope is that they are serious, because we positively have to get relief back to the local districts so that they, in turn, can do the maintenance things, so that they, in turn, can pour money into all the other students that they have rather than having to raise property taxes in order to fund a Federal mandate.

I noticed we have some others here who I am sure want to talk about this issue. I yield to the gentleman from Georgia (Mr. NORWOOD), a member of our committee who has heard me preach this sermon so many times he is probably tired of hearing it.

Mr. NORWOOD. Mr. Speaker, I thank the gentleman from Pennsylvania for taking time really to hold this public discussion of the Individuals with Disabilities Education Act. Many people at home know it as IDEA. I must say that when I talk to teachers back home and school superintendents back home, this is one of the greatest topics of concern.

In many cases, many of the younger, newer teachers think all of a sudden in the last few years we invented IDEA, which is not the case, of course. It was passed in 1975. When we took, the Republicans took control of Congress, we tried to deal with some of the discipline problems, just 2 years ago, that are occurring in IDEA, so this is sort of new news to youngsters who are just out of college and just started teaching.

Let me begin by stating that I doubt that there can be a more important job in America than teaching our children. I do not know what it would be. This is especially true of our special education teachers. Education for those with disabilities allows all of our children to have the opportunity to learn and succeed. Ensuring that all of our children have a safe and orderly environment in which to learn must be and is a top priority.

Most every teacher I have talked to about IDEA brings up the problem, Mr. Speaker, of classroom discipline. Teachers tell me that there is a great double standard that exists when disciplining disabled students. For instance, a nondisabled student who brings a gun to school can face a much stronger disciplinary action than a disabled child who engages in that very same activity.

Mr. Speaker, we need to make sure that our teachers and students are protected in the classroom while at the same time ensuring that disabled students are fairly treated. This is critical if we are going to make sure that our children, disabled and nondisabled, have a good learning environment, a good order at their schools. Learning will soon become a casualty if it has not already if we do not do this. And soon enough our children will become economic casualties if they do not learn well.

I believe that we should trust our teachers to determine who should be in the classroom. They will know firsthand which students are discipline problems and which students are just having a hard time reading up to their grade level. They will know how to deal compassionately with those students with disabilities who, because of their disability, may be disrupting the classroom experience of others. We can and should provide a good education for all without putting our teachers in this untenable position.

In addition, I want to speak a minute about this unfunded mandate that the gentleman from Pennsylvania was talking about. We have since 1975 mandated to our States that they do certain things at the school districts. The same law that mandated what our special education teachers have to do said we, the Federal Government, will fund that. We will pick up 40 percent of the tab. You at home pick up 60 percent of the tab.

That simply has not been the case. It has been only under the gentleman's leadership over the last 4 years, Mr. Speaker, that we have finally gotten the funding level up to 12 percent. That is a long, long way from 40 percent. Now, what does that mean? That means people at home who are paying property taxes that go to their schools who want to use that money to add new teachers do not have it because they are funding special education.

□ 1530

If we want to use that money for bricks and mortars, which we should do at home to build new schools, we do not have it because it is going to special education, and the Federal Government is just simply not keeping its word, and I will yield back after making one point:

My great State of Georgia, for example, is a perfectly good example. We received almost $54 million as part of this mandated special education money. But had we received what the law required, it would have been over $276 million. We received $54 million. By law, we should have received $276 million.

Mr. Speaker, we can fix a lot of roofs in Georgia, and we can hire a whole lot of teachers back in Georgia if the Federal Government will do what you are trying to get them to do and fund their fair share.

In 1975, Congress passed the Education for All Handicapped Children Act, commonly known as P.L. 94–142. The Act built upon previous legislation to mandate that all States provide a Free Appropriate Public Education (FAPE) to all disabled children by 1978.

P.L. 94–142 established the federal commitment to provide funding aid at 40% of the average per pupil expenditure to assist with the excess costs of educating students with disabilities.

Historically, the appropriations for IDEA have not come close to reaching the 40% level. Federal funding has never risen above 12% of the cost. Going into the 104th Congress, the federal government was only paying about 7% of the average per pupil expenditure.

Since the Republicans took control of the Congress, IDEA appropriations have jumped dramatically. Since 1995, funding for IDEA has risen over 85%. The more than $1.4 billion funding increase since FY1996 demonstrates our continued commitment to help States and school districts provide a free, appropriate public education to children with disabilities.

We are now paying 12% of the average per pupil expenditure.

The Congressional Research Service estimates that over $14 billion would be needed to fully fund Part B of IDEA. The FY1999 appropriation for Part B was $4.3 billion, leaving States and locals with an unfunded mandate of nearly $10 billion.

Local school districts currently spend on average 20 percent of their budgets on special education services. Much of this goes to cover the unpaid Federal share of the mandate.

In my district, the Richmond County School District receives $1,176,260. If IDEA were fully funded, this school district would receive $6,027,156, an increase of $4,850,900.

President Clinton proposes to level fund IDEA for FY2000. Under his budget request, the federal government would cut the Federal contribution to approximately 11 percent in FY 2000.

Considering that the number of children with disabilities is projected to increase by 123,000 from 1999 to 2000, the President's budget request actually cuts funding for children with disabilities from $702 dollars per child in FY1999 to $688 dollars per child in FY2000.

The President continues to ignore this unfunded mandate on States and local school districts by requesting no increase in funds for grants to States for providing assistance to educate children with disabilities.

The President has proposed creating a myriad of new Federal programs, which all do good things.

But I think that before we create new programs out of Washington, the Congress needs to ensure that the Federal government lives up to the promises it made to the students, parents, and schools over two decades ago.

Once the Federal government begins to pay its fair share, local funds will be freed up, allowing local schools to hire and train high-quality teachers, reduce class size, build and renovate classrooms, and invest in technology.

We can both ensure that children with disabilities receive a free and appropriate public education and ensure that all children have the best education possible if we just provide fair Federal funding for special education.

COMPARISON OF SUBSTATE IDEA GRANTS AND MAXIMUM GRANTS[1]—GEORGIA

LEA Name	Reported FY95 grant	Maximum FY95 grant	Difference between reported and maximum grant
School district:			
Appling County	151,600	777,000	625,400
Atkinson County	33,100	169,400	136,300
Atlanta City	1,500,700	7,689,400	6,188,700
Bacon County	84,200	431,300	347,100
Baker County	25,100	128,400	103,300
Baldwin County	237,800	1,218,500	980,700
Banks County	71,100	364,500	293,400
Barrow County	267,200	1,369,100	1,101,900
Bartow County	412,800	2,115,300	1,702,500
Ben Hill County	89,800	460,400	370,600
Berrien County	115,900	593,900	478,000
Bibb County	1,162,900	5,958,500	4,795,600
Bleckley County	100,500	515,100	414,600
Brantley County	143,000	732,500	589,500
Bremen City	61,800	316,600	254,800
Brooks County	111,200	569,900	458,700
Bryan County	130,300	667,500	537,200
Buford City	63,800	326,900	263,100
Bullock County	321,600	1,648,100	1,326,500
Burke County	116,600	597,300	480,700
Butts County	101,200	518,600	417,400
Calhoun City	79,800	409,000	329,200
Calhoun County	50,400	258,400	208,000
Camden County	262,700	1,345,900	1,083,200
Candler County	52,400	268,700	216,300
Carroll County	729,700	3,739,000	3,009,300
Carrollton City	12,300	883,100	710,800
Cartersville City	81,500	417,600	336,100
Catoosa County	253,800	1,300,700	1,046,900
Charlton County	74,800	383,400	308,600
Chatham County	1,337,800	6,854,800	5,517,000
Chattahoochee County	25,700	131,800	106,100
Chattooga County	141,600	725,600	584,000
Cherokee County	802,600	4,112,500	3,309,900
Chickamauga City	33,700	172,900	139,200
Clarke County	484,000	2,479,800	1,995,800
Clay County	16,700	85,600	68,900
Clayton County	2,515,200	12,887,800	10,372,600
Clinch County	76,500	391,900	315,400
Cobb County	2,996,700	15,355,300	12,358,600
Coffee County	323,000	1,654,800	1,331,800
Colquitt County	280,900	1,439,300	1,158,400
Columbia County	404,800	2,074,200	1,669,400
Commerce City	58,500	299,500	241,000
Cook County	107,900	552,800	444,900
Coweta County	517,700	2,652,700	2,135,000
Crawford County	76,500	391,900	315,400
Crisp County	316,700	1,622,700	1,306,000
Dade County	81,200	415,900	334,700
Dalton City	311,700	1,596,900	1,285,200
Dawson County	72,500	371,400	298,900
De Kalb County	3,129,700	16,036,600	12,906,900
Decatur City	127,900	655,500	527,600
Decatur County	196,100	1,004,600	808,500
Dodge County	95,200	487,800	392,600
Dooly County	51,800	265,300	213,500
Dougherty	791,000	4,052,900	3,261,900
Douglas County	665,300	3,409,100	2,743,800
Dublin City	129,600	664,000	534,400
Early County	90,200	462,100	371,900
Echols County	20,000	102,700	82,700
Effingham County	212,100	1,086,700	874,600
Elbert County	142,000	727,400	585,400
Emanuel County	180,400	924,200	743,800
Evans County	69,100	354,300	285,200
Fannin County	108,600	556,200	447,600
Fayette County	534,400	2,738,300	2,203,900
Floyd County	346,700	1,776,400	1,429,700
Forsyth County	320,600	1,643,000	1,322,400
Franklin County	174,000	891,600	717,600
Fulton County	1,798,600	9,216,000	7,417,400
Gainesville City	99,200	508,300	409,100
Gilmer County	84,200	431,300	347,100
Glascock County	22,400	114,700	92,300
Glynn County	583,900	2,991,800	2,407,900
Gordon County	248,200	1,271,600	1,023,400
Grady County	178,000	912,200	734,200
Greene County	118,900	609,300	490,400
Gwinnett County	2,390,100	12,246,900	9,856,800
Habersham County	219,400	1,124,400	905,000
Hall County	636,900	3,263,700	2,626,800
Hancock County	66,800	342,300	275,500
Haralson County	115,200	590,400	475,200
Harris County	126,300	646,900	520,600
Hart County	142,600	730,800	588,200
Heard County	88,800	455,200	366,400
Henry County	435,200	2,229,900	1,794,700
Houston County	592,900	3,037,800	2,444,900
Irwin County	90,200	462,100	371,900
Jackson County	237,500	1,216,800	979,300
Jasper County	79,800	409,000	329,200
Jeff Davis County	89,500	458,700	369,200
Jefferson City	56,100	287,400	231,300
Jefferson County	148,000	758,200	610,200
Jenkins County	56,400	289,200	232,800
Johnson County	66,800	342,300	275,500
Jones County	118,200	605,800	487,600
Lamar County	74,500	381,600	307,100
Lanier County	40,100	205,400	165,300
Laurens County	274,200	1,404,900	1,130,700
Lee County	118,900	609,300	490,400
Liberty County	227,800	1,167,200	939,400
Lincoln County	105,900	542,500	436,600
Long County	41,400	212,200	170,800
Lowndes County	542,200	2,778,300	2,236,100
Lumpkin County	122,200	626,300	504,100
Macon County	67,800	347,400	279,600
Madison County	205,400	1,052,500	847,100
Marietta City	282,900	1,449,600	1,166,700
Marion County	55,100	282,400	227,300
McDuffie County	125,600	643,500	517,900
McIntosh County	43,400	222,500	179,100
Meriwether County	187,000	958,400	771,400
Miller County	42,400	217,300	174,900
Mitchell County	104,500	535,700	431,200
Monroe County	134,600	689,700	555,100
Montgomery County	45,100	231,000	185,900
Morgan County	109,900	563,100	453,200
Murray County	201,400	1,032,000	830,600
Muscogee County	1,281,200	6,564,700	5,283,500
Newton County	421,800	2,161,500	1,739,700
Oconee County	135,300	693,100	557,800
Oglethorpe County	106,500	545,900	439,400
Paulding County	317,600	1,627,600	1,310,000
Peach County	108,200	554,500	446,300
Pelham City	53,800	275,500	221,700
Pickens County	98,500	504,900	406,400
Pierce County	96,200	492,900	396,700
Pike County	54,800	280,700	225,900
Polk County	196,400	1,006,300	809,900
Pulaski County	63,800	326,900	263,100
Putnam County	93,200	477,500	384,300
Quitman County	22,000	113,000	91,000
Rabun County	72,500	371,400	298,900
Randolph County	56,800	290,900	234,100
Richmond County	1,176,300	6,027,200	4,850,900
Rockdale County	396,100	2,029,700	1,633,600
Rome City	192,100	984,100	792,000
Schley County	18,400	94,100	75,700
Screven County	108,200	554,500	446,300
Seminole County	50,400	258,400	208,000
Social Circle City	40,400	207,100	166,700
Spalding County	525,000	2,690,400	2,165,400
Stephens County	148,300	759,900	611,600
Stewart County	26,100	133,500	107,400
Sumter County and Americus City	175,000	896,800	721,800
Sumter County	0	0	0
Talbot County	43,100	220,800	177,700
Taliaferro County	4,700	24,000	19,300
Tattnall County	81,800	419,300	337,500
Taylor County	48,100	246,400	198,300
Telfair County	68,100	349,100	281,000
Terrell County	91,900	470,600	378,700
Thomas County	408,700	2,094,000	1,685,300
Thomasville City	151,000	773,600	622,600
Tift County	300,600	1,540,300	1,239,700
Toombs County	95,200	487,800	392,600
Towns County	36,700	188,300	151,600
Treutlen County	38,100	195,100	157,000
Trion City	31,400	160,900	129,500
Troup County	543,100	2,782,800	2,239,700
Turner County	72,800	373,100	300,300
Twiggs County	40,100	205,400	165,300
Union County	87,800	450,100	362,300
Upson County	157,600	807,800	650,200
Valdosta City	231,100	1,184,300	953,200
Vidalia City	57,400	294,400	237,000
Walker County	309,300	1,584,800	1,275,500
Walton County	269,200	1,379,400	1,110,200
Ware County	294,300	1,507,800	1,213,500
Warren County	72,100	369,700	297,600
Washington County	99,500	510,000	410,500
Wayne County	140,600	720,500	579,900
Webster County	11,400	58,200	46,800
Wheeler County	42,400	217,300	174,900
White County	93,500	479,200	385,700
Whitfield County	320,000	1,639,500	1,319,500
Wilcox County	46,100	236,200	190,100
Wilkes County	102,200	523,700	421,500
Wilkinson County	73,100	374,800	301,700
Worth County	140,900	722,200	581,300
Other:			
Department of Education	1,544,400	7,913,400	6,369,000
Atlanta Area School for the Deaf	64,100	328,600	264,500
Georgia Academy for the Blind	163,700	838,700	675,000
Georgia School for the Deaf	40,100	205,400	165,300
Southwestern Hospital	20,700	106,100	85,400
Brook Run Hospital	7,300	37,700	30,400
Gracewood Hospital	9,700	49,600	39,900
Central State Hospital	26,700	136,900	110,200
Georgia Mental Health Institute	13,400	68,500	55,100
Appalachian Wilderness Camp	7,300	37,700	30,400
F.D. Roosevelt Wilderness Camp	13,400	68,500	55,100
Georgia Regional—Atlanta	8,400	42,800	34,400
Georgia Regional—Savannah	4,700	24,000	19,300
Georgia Regional—Augusta	1,000	5,100	4,100
River's Crossing	5,700	29,100	23,400
Northwest Georgia Regional Hospital	12,400	63,300	50,900
West Central Georgia Regional Hospital	5,300	27,400	22,100
Georgia State University	27,500	140,900	113,400
University of Georgia	73,900	378,600	304,700
Dept. of Corrections	22,700	116,400	93,700
Dept. of Children & Youth Services	25,400	130,100	104,700
Central Savannah River Area Center	132,600	679,400	546,800
Chattahoochee-Flint Reservation	0	0	0
Coastal Plains Reservation	115,900	594,000	478,100

COMPARISON OF SUBSTATE IDEA GRANTS AND MAXIMUM GRANTS[1]—GEORGIA—Continued

LEA Name	Reported FY95 grant	Maximum FY95 grant	Difference between reported and maximum grant
First District Resa	527,300	2,701,900	2,174,600
Griffin Resa	116,000	594,200	478,200
Metro Resa	549,400	2,815,200	2,265,800
Middle Georgia Resa	0	0	0
North Georgia Resa	131,000	671,300	540,300
Northeast Georgia Resa	342,800	1,756,400	1,413,600
Northwest Georgia Resa	424,300	2,174,100	1,749,800
Oconee Resa	248,300	1,272,200	1,023,900
Okefenokee Resa	256,400	1,314,000	1,057,600
Pioneer Resa	726,700	3,723,500	2,996,800
Southwest Georgia Resa	0	0	0
West Georgia Resa	145,000	743,000	598,000
Heart of Georgia Resa	0	0	0
Total	53,920,900	276,291,000	222,370,100

[1] Maximum grants were calculated by multiplying reported grants by 5.124 (rounded to the nearest $100; totals subject to rounding). Data are for FY1995; based on GEPA data.

Source: Prepared by CRS.

IDEA—PART B APPROPRIATIONS

[FY1995–FY2000]

Fiscal year	President's budget request	Final appropriation	Difference—increase under Republican Congress
1997	$2,603,247,000	$3,109,395,000	$506,148,000
1998	3,248,750,000	3,801,000,000	552,250,000
1999	3,810,700,000	4,310,700,000	500,000,000
2000	4,314,000,000		

Mr. GOODLING. Mr. Speaker, I see one of the subcommittee chairs from California is here, and I yield to that subcommittee chair, the gentleman from California (Mr. McKEON), at this particular time.

Mr. McKEON. Mr. Speaker, I would like to commend the gentleman for the leadership that he has shown in bringing this issue to the fore. I think people are now starting to hear, and hopefully we will be able to improve the Federal government's action on this issue. I would like to join with you and my other colleagues in calling for the President to fulfill our obligation to our Nation's neediest children, those with disabilities.

Mr. Speaker, for too long Washington has shirked its responsibility to provide our local school districts with the funds necessary to carry out the expensive Federal mandate created with the enactment of the Individuals with Disabilities Education Act more than two decades ago. Time and again we hear that our States and our schools must sacrifice other educational programs and services in order to serve students with special education needs.

Nationally, on average, local school districts spend 20 percent of their budgets on special education. In my home State of California, the cost of educating an estimated 610,000 children with disabilities is a staggering $3.3 billion. But the Federal Government contributes only $413 million, which translates to only 12½ percent of the total cost.

Even more alarming is the impact of this Federal mandate on our local school districts. For example, the Federal Government picks up only 3 percent of the estimated $7.6 million price tag for educating the nearly 1,200 children with disabilities in the William S. Hart High School District, the district I served on as a member of the school board for 9 years. If they picked up the other 37 percent that they said they would do when they created this mandate, that would mean $2.8 million to that school district. I guarantee you that would go a long way toward building schools and hiring teachers and doing the other things that are now going lacking because of this Federal mandate.

And in the Los Angeles Unified School District, which covers part of my district, if the Federal Government fully funded its IDEA obligation, L.A. Unified would receive about $95 million more. Let me repeat that. They would receive $95 million more.

Since 1995, this Republican Congress has worked hard to fulfill our duty to our schools and our children to provide the 40 percent of the average per pupil expenditure that was promised by the Congress. Prior to the 104th Congress, the Federal Government was only paying 7 percent of the cost. Today, we are paying approximately 12 percent. This represents an 85 percent increase over all in the IDEA funding, but we still have a long way to go.

Last Congress, Mr. Speaker, I cosponsored H. Res. 399 which expressed the sense of the House that fully funding IDEA programs should be given the highest priority when doling out Federal education dollars. I was very pleased when the House unanimously adopted this resolution last summer. The passage of this resolution was important because it symbolized the House's commitment to fund existing education programs at levels the law requires.

In contrast, the President has level funded, which is a cut, and remember how we got beat up on school lunches when we increased the funding over 4 percent? We were accused of killing the school lunch program, and here the President has come up with just level funding, and we know what that refers to in the way of a cut.

I believe before we look at creating new programs with new Washington mandates, we need to ensure that the Federal Government lives up to the promise it made to the students, parents and schools over two decades ago, and I am not the only one who thinks so. In fact, during the recent National Governors' Association Conference here in Washington, Maryland's Democrat Governor, Parris Glendening, stated, and I quote:

> Several of the Governors were urging, I think with great merit, that before we start these new programs, let's make sure that the ones that are on the board, such as special education, are fully funded.

If the President would first fund the special education mandate, our States and local school districts would have the funds to do the things the President proposes such as building new schools, building more computers, ensuring accountability. All of these things could be done without new Federal mandates if we just would live up to the mandates that we have already made. This Congress will continue to provide fair Federal funding for special education so in the end we can improve education for all of our children.

Mr. GOODLING. Mr. Speaker, I think the gentleman from Kansas (Mr. MORAN) is having some of the similar problems back in his district. I yield to the gentleman from Kansas.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman for allowing me the opportunity of raising this issue. It is an important one.

For almost a quarter of a century the Federal Government has assisted in the education of our children with disabilities, and for almost that same quarter of a century the Federal Government has failed to meet its obligations.

The Individuals with Disability Education Act was first enacted in 1975. At that time, Congress promised to help States and local districts pay for special education by funding 40 percent of the national average per pupil expenditures. Unfortunately, the Federal Government has never even been close to meeting this mandate.

Currently, Kansas gets 10 percent from the Federal Government for funding special education. In actual dollar amounts, this means that while combined State and local expenditures for special education equal $420 million, the Federal Government provides the State with only $38 million. If the Federal Government would meet its obligation, Kansas would receive approximately $160 million from the Federal Government level for special education costs. At least $120 million would be freed up by that change on the State and local level, would be freed up on the State and local level for use for other education purposes.

A Kansas school on the average uses 17 percent of it budget for special education. In my own community, the Hays School District receives $146,540 in Federal funds. If IDEA was fully funded, the school district would receive $750,686, an increase of over $600,000. Schools in my area of Kansas cannot afford to put almost one-fifth of their entire budget into this Federal mandate, special education.

Our schools are already financially strapped. Forced to pay the Federal government's share of special education, the burden becomes so great that other programs and needs are pushed aside. Schools are not maintained properly, teachers do not get hired, and classroom materials do not get purchased.

The schools, teachers and administrators in my districts are bending over backwards to assist students with their special needs. They are helping these children, but the Federal Government is not. The Federal Government is not meeting its obligation to these children, nor is it meeting its obligation to all students in elementary and secondary schools across the country.

The funding of special education is important to me. I have lived with this issue during my 8 years as a member of the Kansas State Legislature. For each and every year, we struggle to adequately fund the education of our Kansas children. Every time I meet with principals, teachers and other school administrators, the concern that always comes up is the funding of IDEA. Kansans are skeptical about new Federal education programs, especially since we do not adequately fund the current programs. We do not understand why year after year more and more federally-created initiatives receive funding when already established programs are not adequately funded.

Last year, a resolution was introduced in this House encouraging the President and Congress to work together to fully fund our obligations under IDEA. That legislation passed the House, signaling that Congress is ready to meet those obligations to local school districts and their taxpayers.

The President's budget for the year 2000 provides only a level funding of IDEA. During this same year, the number of children with disabilities is expected to increase 123,000, while this means that the administration's budget will, in reality, be a cut in IDEA from $702 per child in 1999 to $688 in the year 2000.

This is not right, it is not fair, and I call upon my colleagues to meet our obligations to the schoolchildren across the country to fully fund IDEA.

Mr. GOODLING. I thank the gentleman, and I now yield to the chairman of the Committee on International Relations who wants to talk about domestic affairs.

Mr. GILMAN. Mr. Speaker, this is an important domestic affair, and I thank the gentleman for yielding, and I am pleased to rise today in support of the gentleman from Pennsylvania, the chairman of our Committee on Education and the Workforce, Mr. GOODLING, in his efforts to raise awareness about the limited funding for Individuals with Disabilities Act, IDEA.

In passing IDEA back in 1975, the Congress required the Federal, State and local governments to share the cost of educating children with disabilities. When enacted, the Federal Government was intended to assume 40 percent of the national average per pupil expense for such children. While Congress has authorized this amount since 1982, regrettably the appropriation amount has never come close to the stated goal of 40 percent.

Last year, it reached the highest level ever, thanks to the efforts of our good chairman, Mr. GOODLING, highest level ever at 12 percent; and now the President is requesting the program be cut to 11 percent for Fiscal Year 2000. This result has been an enormous unfunded mandate impacting our State and local school systems, requiring them to absorb the cost of educating students with disabilities; and in doing so local school districts have had to divert funding away from other students and other educational activities.

Mr. Speaker, this has had the unfortunate effect of draining school budgets, decreasing the quality of education locally and unfairly burdening our taxpayers. Local school districts are spending as much as 20 percent of their budgets to fund IDEA. Since the Republican party took control of Congress, IDEA appropriations have jumped dramatically. Since 1995, the funding levels have jumped 85 percent over prior funding and have demonstrated our commitment to help the States and local school districts provide public education of children with disabilities.

I say it is now time for Congress to make good on its promise to fully fund IDEA at the promised 40 percent. We can no longer allow the States to try to make up the difference between the funds they have been promised and the funds they actually receive from the Federal Government.

In my own district, the schools are strongly feeling the negative effects of the lack of IDEA funding. East Ramapo School District in Rockland County, New York, should have received $2 million for IDEA, but according to 1995 figures they only receive $398,000, a difference of $1.6 million. Similarly, my own hometown, the Middletown City School District in Orange County, New York, was expecting $1.6 million, but actually only received $316,000, a difference of $1.3 million.

In addition to cutting IDEA funding, the President has refused to recognize this strain on local school districts by not requesting any increase in funds for grants to States for providing assistance to educate children with disabilities. Moreover, the President wants to create new Federal programs which can do some good things for the Nation, but should not we be worrying about the programs we already have but have never fully funded? We cannot continue to underfund IDEA and impose this unfunded mandate on the States at the very same time that we want to introduce new programs.

Mr. Speaker, it is time for the Congress to show that we are truly interested in our Nation's children's education. By fully funding IDEA, Congress will simultaneously ease the burden on our local school budgets while assuring that students with disabilities receive the same quality of education as their nondisabled counterparts. Once the Federal Government begins to pay its fair share, local funds will be available for school districts to be able to hire more teachers, reduce class size, invest in technology and, more importantly, will be able to lower local property taxes for our constituents.

So, in closing, I urge my colleagues to fully support our distinguished education chairman in his efforts to provide full funding for the IDEA program.

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Mr. GOODLING. I thank the gentleman for participating. I realize that the problem is on both sides of the aisle no matter what part of the country they represent, and I am sure the gentleman from Maine (Mr. BALDACCI) can tell us about problems he is faced with on this same issue.

Mr. BALDACCI. Madam Speaker, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding.

Madam Speaker, I want to thank the chairman, the gentleman from Pennsylvania (Mr. GOODLING), and the gentleman from New Hampshire (Mr. BASS) and the other Members for coordinating the hour and for highlighting this issue. It is a very important issue, as we see not only from Maine but throughout the country.

I am a strong supporter of the Individuals with Disabilities Education Act, or IDEA, and I strongly agree that every child deserves the opportunity to benefit from a public education. We must do all we can to ensure that every child reaches his or her fullest potential, but we must also recognize the tremendous cost of this endeavor.

In fact, the cost of educating a disabled student is, on average, more than twice the cost of educating a nondisabled student. If our schools are truly to serve all students, the Federal Government must increase its commitment to IDEA funding.

When IDEA was first enacted, Congress committed to nearly 40 percent of the cost. However, the Federal Government has consistently fallen short of this goal. As special education continues to rise in cost, we fall further behind. Currently we are funding it at a little bit under 12 percent, and it was through the chairman's efforts and the efforts of this Congress to ensure the efforts got to that particular level.

This is having a devastating impact upon our State and local budgets. In Maine, the share of the State of special education funding has skyrocketed over the past decade. For fiscal year 1999, Maine has received approximately $20 million in Federal IDEA funds. This represents a Federal share of only about 13 percent. In fact, the State of Maine would be receiving an additional $39 million if we were meeting our 40 percent funding goal. Rather than sharing 60 percent of the burden, Maine's State and local property taxpayers are shouldering nearly 90 percent of the cost of this program.

As I travel through my district, through one end of the State to the other, this is the issue that is being most raised by parents, by families and by educators and school board members. The things that I am being told that they are cutting are art programs, they are cutting music programs, eliminating field trips and cancelling extracurricular activities in an effort to keep the budget balanced. Property taxpayers simply cannot bear any more, and I know that the situation is similar throughout the rest of the country.

The bottom line is that the Federal Government needs to step up to the plate, to meet its 40 percent commitment of special education costs. I realize that we must act within the constraints of a balanced budget, but I am confident that we can reach this goal. I want to thank the chairman, the gentleman from Pennsylvania (Mr. GOODLING) for his attention to this issue, my colleague and friend from neighboring New Hampshire, the gentleman from New Hampshire (Mr. BASS) for his work, and other Members, on this issue.

This has been through their tireless efforts that we have gotten this funding increase and I appreciate it. I look forward to working with the chairman and other Members.

Mr. GOODLING. Madam Speaker, the gentleman from New Hampshire (Mr. BASS) has been picking up the mantle that I have carried for so many years, and I am sure he can tell us about similar experiences in the area that he represents.

Mr. BASS. Madam Speaker, I thank the chairman for those comments. Nobody has worked harder for educational priorities in this country than the chairman, the gentleman from Pennsylvania (Mr. GOODLING). I am a latecomer to this process but that does not in any way dampen the ardor with which I feel that we should address the issue of full funding of special education.

My good friend, the gentleman from Maine (Mr. BALDACCI) stated it so well when he commented about all the ways that full funding of education can affect our communities, from property taxes to parents to teachers, to school districts, to funding priorities. It will make a tremendous difference.

I am standing here today on this side of the aisle to demonstrate that full funding of special education is not a Republican issue, it is not a liberal issue or a conservative issue. It is not a Democratic issue. It is an issue that every single Member of Congress and every single citizen of this country, most notably property taxpayers, should be concerned with. Indeed, depending upon what school districts decide to do, one can say that fully funding special education can be a form of property tax relief for every property taxpayer in this country.

It returns the decisions for local spending for education to the local level. If we fully fund special education in New Hampshire, the total funding for special ed. will go from $19 million, as it is today by the way, from $17 million, thanks to the efforts of our chairman here, to $64 million. That is an increase of $45 million. That is real money in New Hampshire for education spending. Those are funds that can either be spent on school improvement, it can be spent on hiring of new teachers, it can be spent on building construction, it can be spent on property tax relief, it could be spent on curriculum improvement, depending upon what the local school district in that area wants to do.

Indeed, as has been said by other colleagues of mine, this special ed. issue is the largest unfunded Federal mandate probably in the history of this country. We make 100 percent of the rules here in Washington for special education. Sad to say, we fund 10 percent of the cost. Ten percent is better than 5 percent, where it was 5 years ago.

In New Hampshire now almost 20 percent on average of the funding of every single school district goes into special education. In some school districts, it is more than 50 percent of the total school budget.

Take a small town, if a single family moves into that town, they could take up half of the entire budget of the town of 100 or 150 people. Think of what that does to that poor family. Think of what it does to the relationship between those individuals and the rest of the citizens of the town.

What we are talking about here is a promise that the Federal Government made many years ago and has never fulfilled.

I want to urge my colleagues, as we deal with the budget here this year, as we deal with the appropriations, as we make important and critical decisions with respect to what we do with this cash surplus, I agree that we should reduce the debt, that we should save Social Security, that we have an obligation to meet our defense needs, but we also have an obligation to meet this unfunded Federal mandate and provide these resources to local school districts.

So I want to thank the chairman for having taken the lead in this issue long before I was even in Congress, and I am glad that we have scheduled this special order and I hope we continue to spread this message loud and clear.

Mr. GOODLING. Madam Speaker, the gentleman from California (Mr. CUNNINGHAM) is married to an educator who has to deal with this issue. I think she probably has to deal with this issue every day.

Mr. CUNNINGHAM. Madam Speaker, I thank the chairman for yielding. It is nice to let an appropriator come over and speak.

When I was subcommittee chairman, when the gentleman from Pennsylvania (Mr. GOODLING) was my boss, we worked through this and actually went to the White House and had it signed. It is not just a funding problem. Alan Bersin, who was a Clinton appointee at one time, is now the superintendent of San Diego city schools. I met with Alan Bersin. I think he is trying to do a magnificent job but his number one problem is special education and he is trying to sort it out.

There is a lady named Carolyn Nunes, the director of all special education in San Diego County. She happens to be my sister-in-law, but she said that teachers daily are being brutalized by trial lawyers.

They are teachers. They do not go to court. They do not handle that. Especially when the Department of Education refuses to put out the guidelines, they do not know how to operate, what to do and they are getting brutalized every day, and we are losing those good teachers, those special education teachers, out of the system.

So it is not just funding. It is the trial lawyers. It is the unions, and we need the attack dogs called off so we can get support for our teachers in a normal setting for the special education teachers and the families. The trial lawyers are setting up these cottage organizations and preying on the schools.

It is a united front, both Republican and Democrat. If we want to help the children in all areas, then we need to do something about this.

Mr. GOODLING. Madam Speaker, the gentlewoman from Maryland (Mrs. MORELLA), who lives right next door, has similar problems, I am sure.

Mrs. MORELLA. Madam Speaker, the gentleman is absolutely right, and I thank him for yielding time to me.

Madam Speaker, it is a district that cares very much about education, and they do care about the funding for IDEA. I rise to add my voice in support of increased funding for programs for special need students under the Individuals with Disabilities Education Act, and I thank the gentleman from Pennsylvania (Mr. GOODLING) for his leadership through the years.

In 1975, Congress passed the Education for All Handicapped Children Act, which mandated that all States provide free and appropriate education for disabled children by 1978. This act, commonly referred to as PL 94–142, established a Federal commitment to provide funding aid at 40 percent of the average per pupil expenditure to assist with the excess costs of educating students with disabilities.

Over the last 24 years, Congress has not even come close to funding IDEA at the 40 percent level. When the 104th Congress convened, the Federal Government was only paying about 7 percent of the average per pupil expenditure and I am pleased to say, as some of my colleagues have already mentioned, that since 1995, when the Republicans took control of Congress, funding for IDEA has risen more than 85 percent. Presently we are providing only about 12 percent of the average per pupil expenditure.

The Congressional Research Service estimates that it would take $14 billion to fully fund part B of IDEA. Congress only provided $4.3 billion for part B in the fiscal year 1999 appropriations bill, and this means that States and local school districts are left with an unfunded mandate of about $10 billion. Yet, our President, in his budget for fiscal year 2000, proposes only level funding for IDEA. This means that if President Clinton has his way, the Federal Government would actually cut the Federal share to 11 percent next year. So in no way should we go along with this budget request, especially when the number of students with disabilities is expected to increase by 123,000 by the year 2000.

The President's budget proposal would reduce the Federal contributions for children with disabilities from $702 per child in fiscal year 1999 to $688 per child in fiscal year 2000. Currently, I believe that special education is suffering a backlash in America. Many parents and some educators believe that resources for special education are taking away funding for general education services. Most school districts spend about 20 percent of their budgets on special ed., much of which covers the unfunded Federal mandate.

In my own district, the Montgomery County School System receives a little over $4 million. If IDEA were fully funded, as the chairman would like to see and other Members of this House, Montgomery County schools would receive more than $21 million. That would be an increase of over $17 million. Montgomery County schools could certainly do a lot with $17 million. The school system could concentrate on hiring high quality teachers, training them, putting more technology in the classrooms.

So I would like to commend, again, my colleague, the gentleman from Pennsylvania (Mr. GOODLING), who has been calling for increased funding for IDEA since he became chairman of the Committee on Education and the Workforce. It has been a passion with him and it has become contagious.

Certainly, I have heard his message and agree that if the Federal Government begins to pay its fair share, local funds would be freed up, allowing local schools to use their money for much needed education services.

As a former teacher, I remember the days when only two and a half decades ago that disabled children were unserved and underserved. We cannot go back to that time. Before IDEA, many children with disabilities had no future. IDEA has created a future for these children with real opportunities, has been a success in human terms.

Children with disabilities are part of the American family. IDEA provides children with disabilities the opportunity to fulfill their dreams, to be accepted by everyone in their community, attend school, live and work in regular environments. If we provide fair Federal funding for special ed., we can better ensure that children with disabilities will receive the best education possible.

Mr. GOODLING. Madam Speaker, I yield to the gentleman from Delaware (Mr. CASTLE), the subcommittee chair, who has to deal with elementary secondary issues. He is also a former governor who has raised funds to take care of unfunded mandates that have come from the Federal level.

Mr. CASTLE. Madam Speaker, I thank the chairman very much for yielding. I do want to join him in support of what he is trying to do here and what he has been trying to do for many, many years. He deserves a great deal of congratulations on this.

The chart that the gentleman from Pennsylvania (Mr. GOODLING) has next to him, which shows the percentage funded at about 10 percent now, it has been as high as 12 percent, I believe, when it should be 40 percent. It shows that big gap. That big gap basically is an area that should be filled with Federal dollars and if it is, as has been stated here so well, then we would free up the local dollars to do the very things that we are talking about in Washington and that they are talking about at the States and the local school districts, to hire more teachers in order to get smaller classrooms, to fix up our schools, to move in to the world of technology in the fastest and best way possible and to do all the other things we have to do in education.

I did see this on a local level. Basically, the Federal Government has come along with the courts and they have stated that all States must provide a free and appropriate education to disabled children. That is a very broad classification. The gentleman from New Hampshire (Mr. BASS) and I were just discussing the various cases and some of the expenses we can get into with children with disabilities. Perhaps some of that has not been managed as well as possible but some of it is extraordinarily expensive.

□ 1600

We are expecting our State governments and our local school districts to pick up that cost at a tremendous burden, and well beyond what they should be. Well beyond the 60 percent that they were supposed to deal with, and that is a tremendous burden at the State and local level as they look at these particular problems.

We have simply failed to do what we have to do, I believe, as a Federal Government. And I am not one who believes we can correct it all at once. In fact, I am not sure what those dollars are. Maybe that is the ultimate advocacy policy. But we are now, with the leadership of the gentleman from Pennsylvania, on a trend where we are going up.

Unfortunately, the President has not met this in his budgeting requirements from year to year. In order to supplant what they have to do on a Federal basis, with the gentleman's leadership, we are doing that. We have had broad representation here from all over the country and from both political parties there is a great deal of interest in getting this done.

There is no better way that the Federal Government could help with the local problems of dealing with running of our schools. There is no issue which is more important than education. Once we get beyond health and welfare and security of our country, we need to deal with the education of our young people. And if we were able to do this, we could indeed give them the opportunity to do all of those things that the President and so many educators talk about.

The gentleman from Pennsylvania has hit upon an issue which makes tremendous sense in terms of what we should be doing at the Federal Government level, and for that reason I stand here with him to try to help in this effort to try to do this so that we can help education every way possible.

If I could throw in a good word for education flexibility at the same time, because they are not entirely unrelated, education flexibility is going to have a hearing in our committee tomorrow. It is going to have its markup next week in the committee, and hopefully will be on the floor 2 weeks from now.

That is a program that all 50 governors have endorsed. All 50 governors do not endorse anything as far as I can see. This may be the first time, as far as I know, in the history of the Governors Association that this has happened. This gives the flexibility to take a lot of Federal programs and be able to make decisions on how to spend money. Full-day kindergarten, pre-kindergarten, whatever it may be.

They still have to meet all the commitments and there are all manner of checkbacks to make sure that they are doing their job properly, and the Secretary has to check off, but it enhances their ability to do this. If we were able to supply the money to do this and give them the flexibility to take the existing Federal programs which are out there and be able to tailor it to their own community, those would be two tremendous steps for education. It would take us light years ahead of where we are now.

So, we are up to some very good things in the Committee on Education and the Workforce under the leadership of the gentleman from Pennsylvania going on right now, and I hope that we are all paying attention to it. I hope that Members over in their offices, everybody in the House, is listening to what we are doing here today, because these are two steps that will take education way ahead of where it has been before from a Federal point of view.

Madam Speaker, I thank the gentleman for the opportunity of speaking today and I congratulate him and I hope that we can get these done as soon as possible.

Mr. GOODLING. Madam Speaker, I want to make sure that anyone who is watching the program has heard what almost every Member has said. If we move this red line up to the 40 percent, which is up here at the blue line, property taxes have a good opportunity of going down because property taxes are going up, up, up because the local district has a Federal mandate. But the Federal Government does not put the money there, so the local district has to raise the taxes in order to fund the special education Federal mandate.

Another Member of the committee, another Pennsylvanian also, has the same problems down close to Philly.

Mr. GREENWOOD. Madam Speaker, let me begin by saying that it is the wisdom of the gentleman from Pennsylvania (Chairman GOODLING) that has brought us to this point. I remember 2 years ago on the floor of the House I came up to the gentleman and said, if we could do one thing for education that would really make a difference, what would that be? He said, "Fully fund special education," and I have been a soldier in that army ever since.

Madam Speaker, the times that I feel best about being a Member of Congress are the times when, first off, we take serious actions that actually affect real people in very real ways. And secondly, it is a time when we kind of transcend the usual partisanship that prevails so often in the House. We transcend the notion that for one of us to win our agenda, somebody else has to lose and we have to do battle here for competing interests.

Fully funding special education meets both of those tests. It meets the test of really helping Americans who need it and also we can do it in a win/win fashion. Let me elaborate on that.

We Republicans have a tendency to talk about dollars and cents too much and in trying to figure out how to balance the budget and we forget sometimes to talk about the human impacts. We are talking here about 5.8 million children. Children with mental retardation. Children with learning disabilities who have the heartbreak of going to school and being excited and finding out that no matter how smart they are, they cannot quite read up to speed right away. Children with physical disabilities and children who have difficulty hearing. Children who have difficulties with speech.

Madam Speaker, we have the opportunity and we have the program under IDEA to help change the lives of these precious children. By fully funding IDEA, we get to make sure that the Federal Government and the Congress lives up to its obligation.

But secondly, this is an issue that enables us to transcend the win/lose scenario that often prevails. This is an opportunity for us to share a broad agenda on education so that my colleagues in the City of Philadelphia, who are particularly worried about school construction and think that should be our priority, well, we say to them, just imagine if the Philadelphia School District or the New York School District or the Chicago or the L.A. School District has fully funded from the Federal Government their special education mandate. They would be rolling in millions of dollars to build schools.

My colleagues who want to focus on technology and computers for the classroom, the same thing occurs. All of those extra unbudgeted dollars could go to that. And for those school districts that want to reduce class size, here is the golden opportunity. We take the special ed. burden off of their backs and let them use the surplus for reducing class size. And if communities want to reduce taxes in their district, the opportunity is here to do that.

This is what my kids call a "no-brainer." This is an obvious thing to do. And the question occurs, well, then why would we not all immediately agree and why would the President not agree? When Secretary Riley, the Secretary of Education, was before our committee, I asked the Secretary, "Would you like to see us fully fund special education?" He said, "Yes, I wish we could do that." And I said, "Well, do you advocate that?" He said "No, I do not advocate that we do that." He just wishes that we do it? Why is that?

Madam Speaker, I think the answer is that with a bureaucracy as big as the Federal Department of Education, every little division in there has to have its pet program. And I think the President is at fault to some extent in trying to be all things to all people in the education arena, so that he creates nine new programs, expands the plethora of programs that we have, and now we do too many things with too little effort. We are forcing the school districts to beg for little pots of money, targeted money specialized with all kinds of strings attached, instead of trusting the school districts to take the special education funding and free their budgets up to do what is important in their school district.

I think we can do that. I think we should do that. It is the right thing to do for these children. It is the right thing to do to engender a spirit of bipartisanship across the aisle and to work cooperatively with the President. I hope that my colleagues on both sides of the aisle in the House and the Senate and the President will understand the wisdom of the gentleman from Pennsylvania (Mr. GOODLING) in this regard.

Mr. GOODLING. Madam Speaker, I thank the gentleman from Pennsylvania for his cooperation. And I know that we have the same problems up around West Point, I think, in New York. I recognize the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Madam Speaker, I want to compliment the gentleman from Pennsylvania (Mr. GOODLING) on his leadership, not only on the committee but on this particular issue.

When I first decided to run for Congress, I want to echo my colleague from Pennsylvania who said he asked what we could do for the schools. I called a friend of mine, having been the local president of the local PTA, I called a friend of mine who was active with school boards and I said, "Judy, what do we need to do for the schools?" She said, "Fully fund IDEA. That is the kind of help we truly need."

So, Madam Speaker, today I rise to urge my colleagues in the House to make the 106th Congress the Congress that finally lives up to the commitment to the American people and the students and the taxpayers to fully fund IDEA.

Over 20 years ago, Congress passed a law that pledged that the Federal Government would provide 40 percent of the funding to assist school districts, and we can see it there on the chart, as we can see the big funding gap. We promised we would deliver 40 percent of that funding.

For the last 24 years, the Federal Government has failed to live up to this commitment. It is long past time that we correct this problem, because it represents a major unfunded mandate on our local taxpayers.

Prior to 1995, Congress' commitment to IDEA was only 7 percent, far short of the 40 percent commitment we needed. Since 1995, we have boosted IDEA funding by 85 percent, which is a major step in the right direction, but we still have a lot to do to meet our obligation to the schools.

Unfortunately, the administration's budget tries to derail our progress. According to the budget that was submitted at the beginning of this month, the administration reduces funding for IDEA from the current level of 12 percent to 11 percent, nowhere near the 40 percent that Congress years ago promised our local schools.

As a former teacher, I am well aware of how hard it is for school districts to make the tough choices in their budget. It is estimated that school districts spend approximately 20 percent of their budget to cover the unpaid Federal share of education costs. If we were able to fulfill our obligation, that would leave 20 percent of every school's budget in this Nation to be used for other purposes like staff training, curriculum enhancement, hire more teachers, do the things that we know we need to do to give our children high quality education.

As the gentleman pointed out, there is a possibility that schools can also return that because they have to make that money up in property taxes. The overwhelming amount of their budget comes from local property taxes. By the Federal Government leaving unfunded the three-quarters of the cost of the mandated program, that is a terrible burden on all of us in every school district. With full Federal funding, those local governments can choose.

In my congressional district in New York in one school district, the Peekskill School District, they receive only $148,394. If IDEA were fully funded in Peekskill, the district would receive $760,371. That is a difference of $612,000, a burden that local taxpayers in the City of Peekskill have to bear.

The Congressional Research Service has estimated that $14 billion is needed to fully fund Part B of IDEA. In fiscal year 1999, the appropriation for Part B was $4.3 billion, leaving the State and local governments to make up $10 billion.

Madam Speaker, one of the most important issues for Americans today is education. We all know the importance of a quality education and it is time we do everything in our power to ensure that our students get the best education possible. An unfunded mandate of $10 billion impedes the ability of the individual districts to use their budget for other purposes.

As we move into this year's budget cycle, we have to remember the importance of this program and hold true to the promise, our promise that Congress made so many years ago to fully fund IDEA.

Madam Speaker, I stand 100 percent behind the commitment of the gentleman from Pennsylvania (Mr. GOODLING). I applaud him and I thank him for letting me speak on this important issue.

Mr. GOODLING. Madam Speaker, I know that the New Jersey problems are far greater than 2 minutes, but I hope the gentleman from New Jersey (Mr. FRELINGHUYSEN) can explain most of them in that time.

Mr. FRELINGHUYSEN. Madam Speaker, I thank the gentleman from Pennsylvania for his leadership and for arranging this special order. I met with my congressional colleagues, both Republicans and Democrats, yesterday with New Jersey's governor, Christie Todd Whitman. She noted that if the Federal share of IDEA was fully funded, our State of New Jersey would receive over $300 million more a year than we do now, and New Jersey received approximately $72 million in 1999.

To pay for IDEA, money, I think as we know, has been diverted from other programs. Too often, many of the towns throughout our Nation, most particularly certainly in my State, municipalities have been forced to raise property taxes.

Madam Speaker, I am very pleased to be working with the gentleman from Pennsylvania and the gentleman from New Hampshire (Mr. BASS) and other congressional colleagues to promote full funding of the Federal obligation. I am here today to work towards that effort and to salute the gentleman for his leadership.

Mr. GOODLING. Madam Speaker, I thank all who participated. The message for the President is very clear. Before we talk about any other new programs which may become unfunded mandates in a short matter of time, let us talk about funding the big Federal mandate which is special education.

□ 1615

If you did that, for instance, St. Louis City would receive an extra $8 million; in California, West Contra Coast Unified, $6 million; in Michigan, in Genessee school district, an additional $14 million; New York City District 23, an additional $170 million; and it goes on and on and on.

That means that the local school district must raise the funds to support our Federal mandate for special education. That 40 percent of excess costs means that they must pick up the tab, and, therefore, they cannot do preventative maintenance. They cannot reduce class size. They cannot take care of teacher preparation. They cannot buy the materials and the supplies needed. They cannot introduce modern technology. They cannot do reading readiness program. They must raise the money locally to fund this special education mandate.

So, again, Mr. President, we call on you to help us, help us meet this mandate so that local school districts do not have to continually raise their property taxes and then can only fund a very small percentage of their students because of the Federal mandate.

We have a big job to do. We have come a long way in the last 3 or 4 years, but we have a long way to go. I would call on every Member of Congress. I realize it can become open-ended. I realize that we have to make sure that there is not over identification because there is at the present time. I realize that we have to zero in on what constitutes special education because it could become open-ended and we could never get to the promise land of the 40 percent.

But, boy, we have a long way to go. We have to go from 12 percent to 40 percent just to give the kind of relief that is needed back there so all children, all children can get a quality education.

So I thank everyone who participated today and ask all Members of Congress to join in this crusade that I have carried on for 24 long years, to make sure we put our money where our mandate was.

Mr. BALLENGER. Madam Speaker, I must say that I'm surprised that a President who stresses the importance of strengthening our educational systems has actually proposed through his FY 1999 budget to level fund the only underfunded federal mandate in education—The Individuals with Disabilities in Education Act (IDEA). In fact, considering that the number of children with disabilities is projected to increase by 123,000 from 1999 to 2000, the President's budget request actually cuts funding for children with disabilities from $702 per child in FY 1999 to $688 per child in FY 2000.

Under IDEA, the federal government is to provide funding aid at 40% of the average per pupil expenditure to assist with the excess costs of education students with disabilities. However, the appropriations for IDEA have not come close to reaching the 40% level. Federal funding has never risen above 12% of the cost of educating these children. Before the 104th Congress when Democrats controlled the House, the federal government was only paying about 7% of the average per pupil expenditure. We are now paying 12% of these costs. That means that since Republicans took control of Congress, IDEA appropriations have risen by 85%! Now, we are not up to the 40% promised; however, we are fighting to further increase federal funds for this very important program while the President requests no funding increases.

In his FY 1999 budget, the President does propose creating new federal programs in education. It is my feeling that before we create new programs we must ensure that the federal government lives up to its promises made to students, parents, and schools by increasing funding for a program already on the books that is terribly underfunded. When the federal government begins to pay its fair share of IDEA costs, local funds will be freed up, enabling local schools to hire and train high quality teachers, reduce class size, build and renovate classrooms, and invest in technology.

In my district, the Catawba County schools, for example, receive $712,800 from the federal government for IDEA. If the federal government paid its promised share, this school district would receive $3,652,387, an increase of $2,939,600. This year the state of North Carolina receives $58,238,500 for IDEA. If fully funded, my state would receive $298,416,600, a difference of $240,178,100.

It is imperative that we increase funding for this program. I'm disappointed that the President has not joined with us in this endeavor, however, I hope that he will begin to see that increased funding will not only help IDEA students, but all students who see school resources diminishing daily and the quality of their education being reduced. Let's all work together to fully fund IDEA so that out children are not shortchanged a quality education.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore (Mrs. EMERSON) laid before the House the following resignation as a member of the Committee on Science:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 17, 1999.

Hon. DENNIS HASTERT,
Speaker of the House, The Capitol,
Washington, DC.

DEAR SPEAKER HASTERT: I am writing you today to respectfully request a leave of absence from my position as a member of the House Science Committee.

I am making this request so that I may better concentrate my efforts on my position as a member of the House Transportation and Infrastructure Committee, where I am a ranking subcommittee member. Specifically, I would like my leave of absence to be temporary and to last for the duration of the 106th Congress. I also wish to retain my level of seniority on the Science Committee during my leave of absence. In addition, I have previously notified Minority Leader Gephardt and Ranking Member Brown of my intention to take a leave of absence from the committee.

I want to thank you for your attention to my request, and I hope that you will look upon it favorably. Should you have any concerns about this request, please do not hesitate to let me know.

Respectfully,
JAMES A. TRAFICANT, JR.,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Resources:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 18, 1999.

Hon. J. DENNIS HASTERT,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing to formally express my desire to resign from the House Committee on Resources.

Thank you for your assistance.

Sincerely,
WILLIAM D. DELAHUNT.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

IN MEMORY OF ERVAN N. CHEW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, it is not often that we can rise to the floor of the House with both feelings of joy and deep sadness. I have a particularly unique privilege because I can rise before the American people today and pay tribute to a truly great American, someone who we lost too young and too soon. But the joy I have is in sharing his legacy and his spirit with all of my colleagues, but particularly the young people.

I rise, Madam Speaker, to pay tribute to Ervan Chew, someone who lived on this land and on this earth from 1956 to 1999. But he lived it with vitality and vigorousness and a love for life. In fact, to his very end, his demise was caused because he was doing too much for the community to take care of himself.

Ervan Chew was a bright and shining star in the Houston community throughout the entirety of his too-short life. In a time when role models for our youth are sometimes few and far between, Ervan Chew stood out as a civic leader, not because of his words, but because of his deeds.

He was a tireless volunteer who was willing to give of himself for causes that he believed in. Simply said, Mr. Ervan Chew was the ultimate volunteer and a civil servant of the highest order.

For that reason, Ervan was often sought after by people and groups in need of assistance. Mr. Chew served in multitudes of leadership positions with various nonprofit organizations, often at the same time.

Can you imagine, coming from Houston, Texas, he participated in Leadership Houston, an organization that developed leaders, not for self, but in order to take their leadership and make things better.

He was a good scout. Oh, you say, yes, he was a good Boy Scout. No, he worked for the Girl Scouts and the Boy Scouts. So he took the theme of making your camp better than how you found it truly as part of his creed. He made it better for the Girl Scouts, the Boy Scouts, the Houston Forum Club, the American Leadership Forum, the National Asian Leadership Fellowship, the United Way, the Houston Junior Chamber of Commerce, the Volunteer Center, Save the Children, the Wesley Community Center, the American Red Cross, the Chinese Seniors Association, and the Houston Independent School District. When Ervan Chew took positions with those organizations, he always did more than what was expected of him.

As other civic servants from Houston would be quick to tell us, when one saw Ervan Chew was working alongside of one on a project, one always knew that one's mission would be accomplished. Along with compassion and benevolence, he exuded a quiet patience and determination that, all by itself, could drive any worthwhile project to completion. As those qualities were easily recognizable to his peers, it was only natural that he was recognized officially by those he worked with, and he often was.

During his too-brief life, Ervan Chew earned 57 Boy Scout merit badges and was promoted to Eagle Scout. He was awarded the prestigious Silver Beaver Award in 1986 by former President Gerald Ford, and won the Mayor of Houston's Volunteer Service Award just a few short months before his death.

Although he was showered with awards and accolades fit for but a few great citizens, I believe Ervan Chew truly believed his deeds were fully compensated with warm smiles from the beneficiaries of his good work.

Ervan will always be remembered as someone who was willing to work hard to make his community a better place for all of us. Part of his legacy is that Houston is a better place because of him. But I believe there will be more.

I hope and pray that people will see how rewarding Mr. Chew's life was and will be willing to follow in his footsteps by volunteering for a group or activity or just simply taking up a cause, having a passion about it, being convicted, saying to someone who says "no," saying "yes, we can do this."

I was truly saddened by the loss of this young warrior. Ervan Chew's legacy of altruism and selflessness will live in the hearts of each person he touched through his good deeds.

There was more to Ervan than what he did externally or outside of his home. He had a loving wife, and they loved each other. They loved his native land of China, his father and his mother, his beloved aunt who raised him who I had time to share moments with, his brothers.

For me, Ervan will be deeply and sincerely missed, Madam Speaker. In fact, so many of our hearts are broken, for not because we needed to have Ervan nurture us, but because we knew there was more than he could do. He touched our lives, he touched our hearts, and he flew high where the eagles fly.

Ervan, I tip my hat to you, but I imagine your wings are strong, and I hope that your memory will live on, not in just our minds, but in our deeds. God bless Ervan and God bless his family and God bless America.

Madam Speaker, I insert the following letter into the RECORD:

JANUARY 22, 1999.

To the Family of Ervan Chew:

On behalf of the Eighteenth Congressional District of Texas, I would like to offer you and your family my deepest sympathy on the passing of Mr. Ervan Chew. I was truly saddened to hear of Mr. Chew's passing and wanted to convey to his family my heartfelt condolences.

I hope on this day, however, amidst all the grief, you will feel gratitude for Ervan's magnificent life, determination to carry on his legacy and keep it alive, and the peace of God which takes us to a place beyond all our understanding.

The Bible tells us, "though we weep through the night, joy will come in the morning." Ervan Chew's incredible life force brought us all joy in the morning. No dark night could ever defeat him. And as we remember him, may we always be able to recover his joy. For this man loved life and all the things in it. He loved his wife, his friends, his country, his work, his Chinese-American heritage. A businessman who immersed himself in volunteer work for Houston's children and Houston's Chinese-American community, he loved the difference he was making in the world.

Let us remember these things about Ervan. Let us always have our joy in the morning. Let us be determined to carry on his legacy. Let us always be vigilant, as he was, in remembering that we cannot lift ourselves up by tearing other people down, that we have to go forward together.

In his letter to the Galatians, St. Paul said, "Let us not grow weary in doing good. For in due season we shall reap if we do not lose heart." Our friend, Ervan Chew, never grew weary, he never lost heart. He did so much good, and he is now reaping his reward. He left us sooner than we wanted him to leave, but what a legacy of love and life he left behind.

Again, I send my deepest sympathy and love to his entire family. Today, and in all of our tomorrows, as we remember and love Ervan Chew, we will remember and love you. May God continue to bless and keep you, and let there always be joy in the morning for Ervan Chew.

Sincerely,

SHEILA JACKSON-LEE,
Member of Congress.

SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Louisiana (Mr. JOHN) is recognized for 60 minutes as the designee of the minority leader.

Mr. JOHN. Madam Speaker, it is with true pleasure that I stand up here today to talk about a program that is so important to America, and that is our Social Security program.

I come from southwest Louisiana, Cajun country, bordered on the west by the State of Texas and on the south by the Gulf of Mexico. I have in my district some 100,000 citizens and families and individuals that are receiving some sort of benefits from our Social Security program. They are the disabled, they are the retired, and they are the children who have lost a parent.

The program was established back in 1935. It was established as a response to the economic changes of the Great Depression. Back then, the average life-span was only 61 years old. Today, the average life-span of Americans is 76 years old and steadily rising.

History has shown that deliberate alterations of this program have been very beneficial to our great Social Security program. It is a program that is very popular. It is a program that is going to be around here. Because what it has done for the American people, what it has done for our elderly population has been incredible.

We have the most healthy, the highest quality of life of elderly population, not even arguably, than anywhere else in the world. It is because of the commitment that this Congress should make and other Congresses have made to saving Social Security and taking care of it in times that are just like today that are very good.

It has only been many years since this Social Security program has been around. It seems like so long ago, but it truly has not been. Throughout the 1950s, Congress altered the structure of Social Security to try to meet the needs of the changing American people. They raised the Social Security benefits by some 77 percent throughout the 1950s. They altered means testing and also raised the payroll taxes.

In the 1960s, for the first time, they allowed disabled workers to receive compensation that was only for retirees up to that point in time. The 1980s saw some changes in the fiscal structure of Social Security. Congress passed legislation to gradually, back in the 1980s, increase the minimum age of Social Security and the benefits.

But, clearly, this program has survived time, has survived the challenges that have accompanied and have faced Americans. Because this program is so greatly used and needed for the betterment of the American people, it has risen to those challenges.

One in six Americans today receive some sort of Social Security benefits. Three million children are the beneficiaries of this program.

Currently, Social Security needs to increase its revenues in order to address the financial obligations to the rapid increasing number of retirees, the baby boomers.

If you look at it and look at the demographics of the American people, they are changing dramatically. Today, there are approximately 3.2 workers paying into the Social Security system and only one beneficiary. That is going to change in a few short years as America gets older, as the baby boomers start to retire. That ratio is going to be narrowed to only a two to one margin.

We cannot simply sit back in good economic times that we are seeing today and let this program go unnoticed and let this program run into more financial difficulties, because if you look at the numbers, it is very, very clear that, soon, the revenues that are coming into this program will not be enough to take care of the beneficiaries, not only the increase, but also the larger number of people that are getting into the program.

□ 1630

I believe that it is incumbent upon this Congress to take the surplus that we are experiencing, and have experienced in fiscal year 1998 that has just passed us, to shore up Social Security.

In fact, I will go one step further. Do we really have a surplus? If we look at the numbers this year, fiscal year 1998, America had a $76 billion surplus for the first time in many, many years, through the efforts of a lot of people in this Congress. The balanced budget agreement was the big important piece of legislation that got us there. However, we borrowed $99 billion out of the Social Security Trust Fund to mask that deficit. Should we not ask ourselves, do we truly have a surplus in this country?

I believe every American out there that pays FICA taxes and every employer believes these funds should be put into a Social Security Trust Fund and put back into the very system that it was intended to be in.

Over the past few years we have borrowed somewhere upwards of $600 billion out of this trust fund. It is part of the unified budget. I understand, as a small business owner, I understand in a unified budget, where there are different revenue streams, that they are put all together to make a business run, to make government run. But now is the time to put up Social Security and make sure that we save this important program.

Putting that money back into Social Security is not the only thing needed to help this program. This program is going to need other structural changes, changes that have been talked about. There are several commissions, lots of study groups, task forces and think tanks giving us advice in this Congress to talk about how we go about fixing the structure of the program.

There are some things that are being tossed around. The President talked about investing some money in the stock market, investing some of the money for privatization of it; increasing the taxation benefits; means testing benefits; adjusting the CPI, the Consumer Price Index; also raising the retirement age. All of those things are being considered today as structural changes to save this program.

I believe that while Social Security was never, ever intended to be the sole retirement system and the sole income stream of Americans, it has helped millions and millions of individuals and families from being at or below the poverty line in America.

I hope that my colleagues from both sides of the aisle recognize the need to save Social Security, recognize that, yes, we have a surplus but we need to infuse it back into the very program where the surplus is being generated from. Yes, we want tax cuts. I have voted for them, and I will continue to vote for them, but we must be able to put the money back into Social Security and make sure that we pay for tax cuts from other areas.

I hope my colleagues will join with me in saving this program, because there are over 14,000 children, I repeat, 14,000 children in my district, the 7th district of Louisiana, that are counting on this Congress to make sure that this program is around for the next generations.

As I look up in the audience, they just walked out, but there were a whole host of generation X'ers, the next generation of leaders, the next generation of Members of Congress who were here, who actually have a question about whether their Social Security is going to be there for them when they grow up and enter the work force and then retire. I can say that if this Congress and this gentleman from South Louisiana has anything to do about that, it will not only be there but it will be strengthened, because I think it is important for the quality of life for all of our seniors. The American people deserve it.

Let us save Social Security now, do it the right way, and in a fiscally responsible way.

Madam Speaker, I yield to the gentleman from Arkansas (Mr. MARION BERRY).

Mr. BERRY. Mr. Speaker, I want to thank my colleague from Louisiana and appreciate what the gentleman has said here this afternoon. And, Madam Speaker, I rise today in support of fiscal responsibility and budgetary common sense, which I think we all are in support of.

As this budget debate has begun, and it continues, I am reminded of a fellow that I used to eat breakfast with every morning. For 30 years I ate breakfast in the same little cafe, the Rice Paddy Cafe, there in Gillett, Arkansas, and pretty much the same group of men would sit at the table every morning. I am sure the Speaker has been in cafes like that in her district. They are wonderful places.

I had this friend that, when harvest time would come, well, he would eat breakfast there every morning, and then late in the afternoon, on his way home, he would stop there and get a cup of coffee. And when he would come back in every afternoon to get that cup of coffee, during harvest time, he would have figured all over his pant leg. He would have a ball point pen and he would be calculating on his blue jeans, his pant leg there.

When the combine would make the first round, he would estimate how much grain he had, and then he would start figuring out how much money he was going to have. Sometimes he would figure he was going to have lots of money and he would go buy some expensive item, like a new car or something, before he got his crop harvested and before he sold it. Then, when he would go home that night, well, his wife would wash his blue jeans and the next morning all of his money would be gone.

That is kind of the way I think of this situation we are in right now. I think we need to take a realistic look at our national budget. We keep hearing about this budget surplus, this magical surplus that everyone wants to spend. We all love to spend money, especially if it is someone else's. The fact is there is no surplus. The sad fact is that the taxpayer dollars designated for the Social Security Trust Fund are being used to cover up the true amount of the national deficit.

If we take the Social Security Trust Fund out of the equation, we will have a surplus not until the year 2001. That surplus could be minuscule even then compared to the billions and billions of dollars that we keep hearing about. When we do get a surplus, I personally would rather not count those chickens until they hatch. We still have a matter of $5.6 trillion in debt to contend with. That should be enough money to scare every one of us.

Those who advocate spending these surplus monies on new programs, like tax incentives, should look to the private sector for advice. If we asked our local banker if he had a customer that was $5.6 trillion in debt, and the customer wanted to spend more, what would the banker say to them? Would we want to give them a loan if we were running the bank?

As world leaders, would our country say to an irresponsible nation that was $5.6 trillion in debt, that is okay, what the heck, we will just give them a couple more billion, it will not matter. I do not think that is what we would do if we were going to be responsible. Throwing good money after bad hurts our taxpayers, our economy and our long-term prosperity.

How can we use any future surplus responsibly? First, we can pay off the national debt. Second, we must ensure Social Security's solvency. Just putting more money into the program will not work. We need comprehensive bipartisan reforms. Taking the Social Security Trust Fund off budget is a good first step. Third, we must ensure that the Medicare program is there forever and for all of our seniors.

Like Social Security, Medicare needs some long-term reforms. There is no question that its benefits are outdated, its payment structure is unwieldy, and its reimbursement to rural areas is just plain unfair. Setting aside money for Medicare out of any surplus will not end the program's problems but it will provide a cushion in the event our Medicare beneficiaries need it.

Paying down the debt, shoring up Social Security, and saving Medicare. This is a reasonable thing to do, it is a responsible thing to do, and it is a responsible use of the future surplus. Today I want to urge my colleagues to reject a foolhardy proposal that will spend nonexistent surpluses and create billions of new spending.

Let us do with our national budget what the American people do with theirs. Let us balance it, let us keep it balanced and let us be responsible. And whatever we do, let us do not wake up in the morning to find out that our surplus disappeared when we did the wash last night. I think it is a responsible thing to do, and I urge my colleagues to join me in this effort.

Mr. JOHN. Madam Speaker, I would now like to yield to the gentleman from the panhandle of the Great State of Florida (Mr. ALLEN BOYD).

Mr. BOYD. Madam Speaker, I thank my friend from Louisiana for yielding to me, and I can identify with that story that my friend from Arkansas told about making the circle with the harvesting machine and trying to figure out what the yield was and what kind of return his friend was going to have. I have done that a few times myself. I would tell the gentleman that I do not ever remember writing it on my pant leg, but I used to write it on the palm of my hand. That is something a lot of our Ag people do.

I wanted to take this opportunity today to speak to the Congress and to the people of America about my notion about this country and where we are and where we should be going.

I was listening this morning to one of the local talk shows. I guess it was the C-SPAN Washington Journal. I heard a caller call in and talk about our country and the fact that no major power had ever lasted 300 years. That may be true. The truth is also that no other democracy in this world has ever lasted as long as ours has. None has ever lasted 200 years. And this caller was saying that America is on the brink of demise. Well, I am here today to dispute that.

I think our country is stronger than it has ever been in its history. If we just look at the numbers and look at the facts, we are the strongest and greatest country in the world. Militarily, we are the only true superpower left, with the demise of the Soviet Union. We are truly the greatest country in the world economically, at a time when many countries around the world, Asia, Russia, Central and South America, are going through some very difficult economic times. We are flourishing. Even our Federal Reserve Chairman, Alan Greenspan, says that the economy is doing great and the outlook is superb.

I think that that does not come very easy, though. There has been a lot of hard work on the part of all the American people to make sure that we move forward, to make sure that our economy stays strong, to make sure that each generation has a better quality of life than their parents did.

We are sort of at a crossroads now here in Congress, and I want to talk briefly about that. We are at a crossroads because, for the first time in 30 years, this Congress, after receiving the demand from the American people, has adopted a course of fiscal responsibility. We have come to an era where we are not spending more money than we take in. We have come to an era where we do not talk about $200 billion, $300 billion annual deficits any more. We talk about surpluses.

Just 6 or 7 short years ago, in 1992, this country, or this government that runs this country, spent some $290 billion more than it took in. And last year, in 1998, this Federal Government took in about $60 billion more. So we went from a $290 billion deficit to a $60 billion surplus.

Now, I have heard a lot of people argue about who is responsible for that; whether it was Ronald Reagan, Bill Clinton, or this Congress or that Congress. I think the American people probably had more to do with it. The American worker is more productive. The American capitalist is more ingenious in how he spends his money and uses his money around the world. And I am very proud of that.

□ 1645

And I think the American people should be very proud of that.

I think what I want to do today is bring a warning about the idea of surplus. The so-called $60 billion surplus that this government had last year, of that $60 billion, $100 billion came out of the Social Security Trust Fund. In other words, exclusive of the Social Security program, this government had about a $40 billion deficit last year. And so, we ought not to be talking about how we spend the surplus when we do not really have one.

I know there are people on either side of that aisle over there, and I always wondered when I served in the State legislature where that term "on the other side of the aisle" or "on this side of the aisle" came from and I guess now, Madam Speaker, I know once I have arrived here in Congress, but we will find people on one side of the aisle who want to take the so-called surplus, which I submit to my colleagues is not really a surplus, and spend it on a new program. We find others who want to spend it maybe on tax cuts.

Now, each of these ideas has some merit. But I would submit to my colleagues that with a $5.6 trillion debt that this country owes that we ought to do something else with that surplus. We ought to take it and pay down the debt. We ought to shore up the programs that we have in existence. We ought to make sure that we are able to fulfill the commitments that we have already made. And where are those commitments? A couple of them are in Social Security and Medicare.

Now, I have heard a lot of talk in the last week or so about the President's budget and his plan for Social Security, and I think we all know that what the President has submitted to us is a starting point. He certainly has done a good job in saying to us, to Congress and the American people, in saying that we are not going to spend that money until we make some substantive reforms in Social Security and make sure that it is solid through the year 2075 or 2100. And I think this is a reasonable thing to do.

Now, we all know the President did not make any recommendations on substantive reforms, and that is something that this Congress has to begin to deal with in concert with the President. So I look forward to getting busy on that task of making those substantive reforms.

In the meantime, I think that the proposal to set that money aside is a reasonable proposal. After all, it did come into the Social Security Trust Fund to start with, so it certainly should not be used for something else.

There is another up side to paying down the Federal debt, the public debt, and that is part of what the President has proposed. My colleagues, the money that it costs to service the debt of this Nation is about $215 billion annually, $215 billion. That is almost as much as our national defense budget on an annual basis.

Think of the things that we can do with $215 billion if we had that and we did not have to pay it to our creditors. That money does not buy us one cop on the street, it does not put one new teacher in the classroom, and it does not put one new GI in the field to defend this country. All it does is pay for the excesses of the past. I wish that we had that $215 billion to do something else with, and then we could really have a lively debate about tax cuts or spending programs.

So I think the first thing we ought to do is begin to pay down that debt and reduce that interest bill. It is what any prudent constituent that my colleagues have would do. It is what any prudent businessman would do. It is what any prudent local government, whether it be a county or a school board or a city, would do. If they had extra money and they owed a debt, they would go pay it off. So I think that is a reasonable approach. In the meantime, that works hand in glove with shoring up the Social Security system.

My colleagues, we already have in law that commitment. We have a tremendous unfunded liability in the Social Security system into the 21st century. So there is nothing wrong with setting aside money to cover that unfunded liability.

Now, if we want to change the law and take away that liability, that is a different issue. I do not think that is something the American people are going to stand for.

We need to remember that the Social Security system is one of the programs that has enabled us to advance as a society and each generation become more affluent and live a better quality of life.

I have one statistic that I like to quote from time to time when I speak to my Kiwanis clubs and Lions clubs and that is, in 1963, a year prior to the advent of the Medicare system, over 55 percent of the people in this Nation who reached retirement age, the age of 65, lived in poverty. That is just 36 years ago. Over 55 percent of the folks who reached retirement age lived below the poverty level.

Do my colleagues know what that figure is today, 35 years after the advent of Medicare and 55 to 60 years after the advent of Social Security? That figure is less than 10 percent. Those two programs have been very important to us in our advancement as a society, and I think that they should be on the top of the list in terms of what we do budgetarily.

I want to speak to one other issue before I yield back, if I might, and that is that I talked earlier about the economy and how well it is going. And we really are in a very unusual situation, with unemployment at 4½ percent, the lowest it has been in 25 years. We have got real domestic growth at about almost 4 percent. That is double the 25-year average. We have got inflation at less than 2 percent. There are some real special things going on in this country economically.

But there is a sector of our economy that is not doing well, and that is our agricultural folks. I would like to remind my fellow Members of Congress that the agricultural economy, industry, is very critical to this Nation. It is critical to our food supply, and it is critical to our national security. We never want to put ourselves in a situation where we are totally dependent upon some other country for our food supply.

I would implore this Congress to look seriously at our national agricultural policy. I do not think we have a good national agricultural policy. We had one, and we sort of undid it in 1996.

Mr. JOHN. Madam Speaker, I yield to the gentleman from Alabama (Mr. CRAMER) my friend, the fellow co-chair of the Blue Dog Democrats here in the Congress.

Mr. CRAMER. Madam Speaker, I thank my colleague from Louisiana for yielding.

I want to take some time today to also make points about preserving Social Security. I am, as my colleague indicated, the administrative co-chair of this organization that we refer to as the Blue Dog Coalition of conservative Democrats, along with my colleague from Louisiana, my colleague from Florida, from Arkansas, and the next speaker, expected to be the gentleman from Texas (Mr. TURNER).

We have carried on this year already a vigorous internal debate over the issue of Social Security. We have identified this as a primary issue that we think deserves a lot more discussion. We think protecting Social Security is the most important thing that this 106th Congress could be engaged in. It is our top legislative priority for this session of Congress.

The exploding cost of Social Security threatens to become the greatest financial crisis in American history, so we have got to do something.

More than a financial crisis, the Social Security system is fast becoming the kind of dilemma that could force us to choose between economic opportunity for our children and retirement security for our parents. So we believe that this has got to be a central issue.

Now, one of the ways that we are carrying on our internal debate is to have a series of what we call face-offs to make sure that we explore what is the smart thing to do, how do we really protect and preserve Social Security.

A lot of us are talking about different approaches. We need some evaluation of what will work and what will not work. Because I do not want to leave this place having just window-dressed the issue. I want to have accomplished and I know the Blue Dogs want to have accomplished a comprehensive reform of the Social Security system that addresses the financial challenges of Social Security and improves retirement security for all Americans, without raising taxes, without cutting benefits for current retirees.

I know my colleague from Louisiana has been involved with our group in this very valuable discussion, and it might be important for the Members to know that we have been meeting as a coalition of conservative Democrats once a week. We have established a task force. The gentleman from Tennessee (Mr. TANNER) is heading that task force, who is making sure that we address together the issues that ought to be addressed.

We want to do the fiscally responsible thing to do to take Social Security where it needs to do. If that means taking it off budget, then we want to consider taking it off budget. If that means legislation that requires revenues from Social Security payroll taxes to be used only to fund the retirement program, not to offset debt accumulated elsewhere in the Federal budget, then that is going to be a solution that we want to continue to discuss.

Mr. JOHN. Madam Speaker, if the gentleman would yield for just a second for a question. When he talked about the Blue Dogs' positions that are being formulated today and he talked about taking the Social Security Trust Fund off budget, what exactly does he mean as it relates to that and the other ideas that are being floated around?

Mr. CRAMER. Well, we have got a dilemma in this Congress, and we have discussed this in other Congresses as well, and that is to make sure that we do not commingle over budget issues pools of money that we have available. We do not need to raid the Social Security Trust Fund and allow it to be used as a front for solving the debt situation of this country.

On the other hand, we have got to preserve the integrity of the Social Security system as we know it for the future. We have got baby-boomers that are coming into the system. We have got a date certain when the system as we have known it cannot afford to fund itself the way we have been going.

So I think the best thing that we can do now that we are making the significant progress that we are making and we are crawling out of our debt situation is to make sure that we do not use any surpluses at first for anything other than taking Social Security off budget. I know that that is an issue that we are debating internally, something that we feel like we can accomplish.

Mr. JOHN. I think it is important to note that, as we have been working through the Social Security problem, I think as my colleague gets to understand, of course being a second-termer and a member of the Blue Dog Coalition, we were very important and an integral part of balancing the budget, which I think is one of the most historic pieces of legislation that the past Congress could have done, and I think that is where we have made our mark as being fiscally responsible. And that is the same kind of approach that we intend to take as a coalition in solving the Social Security problem.

Mr. CRAMER. As my colleague points out, whatever reform measure is adopted, it has got to be fiscally responsible, if that means biting the bullet and coming up with legislation. And as my colleague also knows, this needs to be a bipartisan issue. Not one side of the aisle should lay claim to protecting Social Security.

I think we are the kind of centrist group in this 106th Congress that can accomplish this. It can put the issues on the table and invite Members from both sides of the aisle to come to the table. Let us give and take and let us come up with something that makes sense. Let us not come up with some window dressing there.

Mr. JOHN. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I thank the gentleman from Louisiana for yielding.

I would like to share with my friends in the Blue Dog Coalition and the Members of this body that, over the past 10 days, I had 27 town meetings on Social Security; and people recognized throughout rural Minnesota that we really have an obligation to act promptly, that it is much easier if we make the adjustments in the Social Security program over an extended period of time than if we wait, postpone this very difficult decision-making process, and then leave our children and grandchildren holding the bag. And they asked, why is it Congress cannot act? Does it have to be so politicized? And we tried to identify some ways of proceeding.

One thing I would like to suggest to my colleagues is that we consider the base closing commission format that was used in connection with excess military bases and see if we could not have a body that is established quite quickly by the President and the leadership in Congress that would come forth with recommendations to Congress that we would agree to vote on up or down and make these decisions quickly so that we do not leave, like I said earlier, our children and grandchildren holding the bag and continue this process of masking the size of the Federal deficit or claiming that there is a very large Federal surplus when, in fact, all we are doing is playing games with the Social Security Trust Fund.

Mr. CRAMER. Mr. Speaker, if the gentleman would yield, I am like him, I have conducted town meetings in my district and I think overwhelmingly, especially young people, they are afraid that Social Security is not going to exist when they reach that age where they would be eligible for the system.

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They do not trust us to guarantee that we can protect the Social Security system.

How do your constituents react at town meetings to the issue of do you want to save Social Security or what about tax cuts? What about surpluses in the budget? How do they respond to that?

Mr. MINGE. There is a fair amount of cynicism and I would say even despair among young people. They feel they are paying in, it is about 12.4 percent in payroll tax for Social Security and that this is a benefit that is for their parents, their grandparents and it will not be there for them. I have gone through the entire financing arrangement and pointed out that this program has disability benefits that are important now, but we need to do something promptly here to restore the confidence of our younger people.

Mr. CRAMER. In 1940, 7 percent of America was over 65 years of age. In 2025, it is predicted that more than 20 percent of the population will be over the age of 65. So I think while your constituents and my constituents probably do not recognize those numbers, what they are saying to us is that this system is not likely to exist and they are very cynical, as the gentleman says, about our role in preserving it. I think we talk too much about it. We need to put something on the table. It needs to be a give-and-take process. It needs to be a bipartisan process. I know that my colleague has committed himself to participating with us to make sure that happens.

Mr. MINGE. I certainly agree. I hope that we will find that Republicans, Democrats, independents join together and rather than this being sort of the political football that it has been in the past, we find a way to get beyond that. One other thing that came up that I think is important that we should all remind ourselves, that we were elected to make decisions. We were elected to be a part of the process of solving problems. We were not elected to figure out how we could get reelected. What we need to make sure that we do is that we discharge this trust responsibility that we have to the American people to deal with a difficult, some would say an intractable problem. We are not going to come up with some sort of magic bullet here that solves this with no pain. I know there is going to be some unpopularity with whatever kind of proposal ultimately emerges.

Mr. JOHN. Mr. Speaker, I yield to the gentleman from Texas (Mr. TURNER), my colleague to the east.

Mr. TURNER. Mr. Speaker, I appreciate very much the opportunity to be here on the floor with my Blue Dog Democrat colleagues today talking about issues that really form the backbone of the reason that the Blue Dogs exist in this Congress. As each of us here understands, the Blue Dog Democrats have worked for years for fiscal responsibility. I am proud to be here this afternoon and to be able to talk about the budget and some of the issues that are important to helping us preserve Social Security.

As I look at the issues and I think about some of the positions that we have taken in years past, when it comes to budget issues, it seems that there are certain standards and certain principles that we as fiscally responsible Members of this body all believe in. First of all, I think we all believe that the budget must be balanced without using any surplus accumulated in any of our trust accounts. We believe that the Social Security trust fund should be left alone, that the surplus that exists in Social Security belongs to Social Security, and that we should not be taking away from the Social Security trust fund to fund other operations of our Federal Government.

We also believe very strongly that as surpluses begin to materialize in our country, we should reserve those surpluses until we ensure the long-term solvency of both the Social Security trust fund and the Medicare trust fund which is under increasing stress. I come from a rural area in deep east Texas. Many of our rural hospitals operate on very small margins. We know in east Texas that we have got to preserve the Medicare trust fund to be sure that we keep those rural hospitals open to meet the medical needs of the people of east Texas.

Another principle that Blue Dogs believe in very strongly is that we believe that the balanced budget surplus beyond what is needed to save Social Security and to save Medicare should be allocated first to reducing the national debt. We believe it is a priority that this Congress should not forget.

As we reduce that national debt and reduce the amount of interest that we are paying every year out of our budget, they tell me that just a couple of years ago we were paying 17 cents out of every tax dollar collected by the Federal Government from the American people just to cover the interest on the national debt. Next year that number will be down to 12 cents out of every tax dollar to cover the interest. We are making progress. But that is because this Congress and we as Blue Dog Democrats are committed to reducing that national debt.

We also believe that there is room for tax relief for the American people in our overall budget plan. But we believe it ought to be targeted, it ought to be tax relief that is meaningful, tax relief that is needed by middle-class working people to help make their lives better.

We live in an economy today that is booming. We believe that the economy that we have now if it is sustained will allow us to accomplish all of these goals as well as to invest in the legitimate needs that we in America have to improve education, to improve health care, to improve our national defense, to be sure that our military personnel are adequately compensated, and that we remain the world's strongest military power. These things can be done with the projected surpluses that we now see. But we also believe that any additional spending and tax cuts must be paid for through credible and politically feasible spending cuts and tax cuts. We believe that we should not backload tax cuts. That is, we should not pass a tax cut and say it is not effective now, it is just effective later, on down the line. And we believe that when we try to improve education or strengthen Medicare, that those spending decisions should not become effective in the future but we should deal with them on the short term. We do not believe in pushing unrealistic tax cuts into the out years. And we believe very strongly that the budget rules that this Congress has passed, that it is the law of the land, should be honored. We believe the 1997 Budget Act, the pay-go rules, the budget enforcement acts, the caps that we have established is a principle that should be maintained, and that changes in any of those should be approached very, very cautiously.

Finally, we believe that any budget projections should be based on honest, realistic budget projections. We believe that if this Congress will follow these principles and adopt a budget resolution which this Congress failed to do in the 105th Congress, for the first time in the history of this Congress it failed to pass a budget resolution, that if this time, in this 106th Congress, we exercise our responsibility and do what the law requires us to do and pass a budget resolution in a timely way, preserving the principles that I have mentioned, we will keep America on a course of fiscal responsibility and we will preserve the principles that will continue us along the road toward economic prosperity.

Mr. JOHN. I thank the gentleman from Texas. Next I would like to yield to the gentleman from Texas (Mr. STENHOLM), a distinguished member of the Blue Dogs.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Louisiana for yielding and I thank him for taking the time today to allow the Blue Dog Democrats to discuss in quite some detail where we are coming from and will be coming from regarding this year's budget debate.

Our position is pretty simple. We think the primary goal this year should be reducing our debt. In that, we agree with the President very strongly. And strengthening Social Security. To do that, it is awfully important, extremely important for the American people to understand that this year, 1999, there is no surplus other than Social Security surpluses. And next year there is no surplus to be divided other than Social Security surplus.

So any dollars that we spend over and above the budget caps, whether it be for defense, and I am one of those that do believe that we do have a need of taking a good, hard look at our defense capabilities, but I also do it in the same spirit in which I speak today, of saying that in the short term, you will find that the surpluses are in fact Social Security trust funds which we believe very sincerely that we have now a once-in-a-lifetime opportunity to honestly take Social Security off-budget. We have done it many times over the last umpteen years, but we have never meant it.

As one of my colleagues spoke a moment ago, we are elected to make difficult decisions, and this one should not be too difficult today if we can just withstand the temptation of spending the surplus.

Let me remind my colleagues, on both sides of the aisle, that it was not very many years ago that the biggest debate that we had here was whether or not we could have 3-year projections. And then we went to 5-year projections. And then we went to 6 and 7. During the 1980s we had a habit of backend loading, that we would do the easy stuff up-front and we would backend load. As we did that, we saw our debt grow from about $1 trillion in the late 1970s to now $5.5 trillion. That is a significant amount of money. It is one of the reasons why the Blue Dogs say now one of the best things we can do is pay down the debt, and the overwhelming majority of the American people are agreeing with us, so, therefore, that should be the policy that comes out of this Congress.

Mr. Speaker, projections. Today we are now projecting, not 6 years, not 7 years, we are projecting 10- and 15-year surpluses like they are going to happen. No one can predict tomorrow. But for us to do, as some suggest, that now because we have these projected surpluses for the next 15 years, that we should spend them, whether it be for a tax cut, 10 percent straight across the board, or whether it be for any other spending. I do not think that is a very conservative approach. In fact, it can be a very alarming approach.

Our debt today is $5.5 trillion. Let us not for a moment forget, which is being conveniently forgotten and this is an area where I have criticism for our President's budget. He is not doing anything about the $9 trillion unfunded liability of the current Social Security program. I hope that we can in a bipartisan way, and certainly the Blue Dogs will be willing to work, as I have been working with the gentleman from Arizona (Mr. KOLBE) on the other side of the aisle for the last 3 years coming up with a proposal and we hope more of our colleagues will look at that, of something that we can do, that we can deal with the real problems of Social Security, the $9 trillion unfunded liability, the bills that will come due beginning 2010 to 2013 unless we do something additional other than what anybody is talking about today.

The Republicans' agenda focuses on massive tax cuts out of the budget surplus. I hope we can avoid that, and I am glad to hear those voices on the other side beginning to talk about that. Because right now we have a once-in-a-lifetime opportunity to deal with the very serious long-term problem of Social Security.

We should avoid frightening those on Social Security today or those soon to be on it. What we are talking about is our children and grandchildren. I will conclude today by saying this. The reason that I have been as involved in Social Security for the last 3 years, in trying to come up with a plan or plans, of trying to be a part in a constructive, bipartisan way of making some difficult decisions, I have two reasons. It is mine and my wife's 3½-year-old and 1½-year-old grandson. I do not want them to look back 65 years from today and say if only my granddad would have done what in his heart he knew he should have done when he was in the Congress, we would not be in the mess we are in today.

Every one of our colleagues know that unless we can make some difficult decisions now when we have got a chance, we are postponing and we are saying to our children and grandchildren, "We don't give a rip about you, we want ours today." That is not the Blue Dog position.

You are going to see that our input into the budget debate is going to be one of saying, let us pay down the debt, let us truly preserve Social Security. We will be willing to roll up our sleeves and bite some of the tough bullets. We hope that we will see from both sides of the aisle this effort put forward in a very meaningful way.

I thank the gentleman from Louisiana for conducting this special order today. I would love to see, and I will be more than willing to participate in some honest discussion where we have differences of opinion on either side of the aisle as we talk about these specifics, of having some of these special orders where we have an honest discussion when we have got plenty of time to talk about it, and I hope we will see that in the days ahead and you will see us back here.

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Mr. JOHN. Mr. Speaker, I thank the gentleman from Texas for those very candid and concise remarks about the future of Social Security and the position that the Blue Dogs will take.

I yield to my final speaker tonight, the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I am bringing up the rear, I take it.

I am sure we have all heard the extensive dissertation on the surplus, and we will continue to hear it as the days move forward. There is a crisis looming over our Nation. The Medicare trust fund is currently projected to run out within the next 3 years.

However, the Nation is also receiving a great windfall. We have heard about it. This current budget deficit is over, and we now have a projected surplus, and the economists, as was just told by the gentleman from Texas, has forecast to run for the next 15 years. We must use a portion of this windfall to stave off the looming crisis. Let us commit to dedicating 15 percent of the surplus over the next 15 years to saving Medicare, saving and protecting Medicare, not offering meaningless tax cuts that are not going to prove any long-term benefit for our children and grandchildren. Mr. Speaker, this proposal will extend the life of the Medicare program to the year 2020.

I am pleased that my colleagues on the other side of the aisle have agreed with us to use 62 percent of the budget surplus to protect Social Security, and now I hope they will also join us in protecting Medicare. It is a critical component of our retirement security, and I just do not mean ours. I mean the senior range, but there are people who will be currently in the area, in that age area, that are going to be necessitating those services, that are going to be looking for assistance in their retirement.

Saving Social Security alone is not enough to help our seniors cover all the costs and expenses they may have to face. That is why we need to use that 15 percent of the surplus to protect Medicare rather than spend it on these meaningless tax cuts that most citizens do not want, and they tend to favor the rich plus do nothing to strengthen our economy over the long term.

In a 10 percent across-the-board tax cut plan the average working individual making between $20,000 to $30,000 would only see their taxes cut by $146 a year, while those making $200,000 would get $12,874 in tax cuts. This is not only not equitable, it is not fair, and it is also not a responsible way to spend the surplus.

Why do we need to save Medicare? Well, dedicating this 15 percent of this surplus to saving Medicare is the moral and responsible thing to do. If people have spent years paying into the system, the least we can do is ensure, making sure it is there for the time when they need it. According to a CBS/New York Times poll taken recently, the last couple of weeks, 64 percent of our Americans said they believe the surplus should be used for protecting Social Security and Medicare.

While we strengthen Medicare, we can also get serious about paying our national debt. Reducing our national debt will cut the amount we spend on interest payments every year by the millions of dollars. Last year, the government spent $3,644 for every American family to pay interest on our national debt. That is 14 percent of government spending dedicated to retiring our debt, more than was spent on the entire Medicare program that year. As we pay off the national debt, we stop wasting millions on interest payments. This money that we save can then be reinvested in Medicare so we can strengthen it further beyond the year 2020.

In conclusion, I am asking all of us in Congress to commit to saving both Medicare as well as Social Security. We must unite and dedicate that 15 percent surplus towards Medicare and 62 percent towards safeguarding Social Security.

At the same time paying down that national debt is the responsible thing to do, it is what America wants, it is what America needs, and it is what America deserves.

Mr. JOHN. Mr. Speaker, I thank the gentlewoman from California.

I would like to close by also thanking and asking the indulgence of the House for the past hour to give the chance for the Blue Dogs and some of the other types of groups that are coming up to talk about the fiscal position of this country and to also reiterate how important it is in this Congress to face some of those tough choices. I believe, as you have heard over the last hour, that there is nothing more important that we can leave the next generations of Americans than paying off the debt that we have strapped them with in today's economy, and we do that starting today.

I thank the House's time and patience, Mr. Speaker.

OUR BATTLE AGAINST ILLEGAL NARCOTICS IN THIS COUNTRY

The SPEAKER pro tempore (Mr. BASS). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes.

Mr. SOUDER. Mr. Speaker, I and others tonight will be using most of this hour to talk about the drug issue and our battle against illegal narcotics in this country, but I wanted to take a few moments at the beginning here to kind of put some of the other issues in context.

For the last hour we have heard from the Blue Dog coalition, and the gentleman from Texas (Mr. STENHOLM) put an offer on the table that I think we should consider in the weeks and months to come, and that is to use some of this special order time, perhaps each splitting some of our time, to have an honest discussion and frank discussion about how we can actually work through and address some of these Social Security tax cuts and those issues. But I wanted to make a few comments based off of what I have been listening to for the last hour in this debate.

Mr. Speaker, that is, I think, there is still some, and first let me pay tribute to most of the Blue Dog Coalition. It has had a strong track record here of working towards a balanced budget. Sometimes I wonder if they are called the Blue Dogs because they have turned blue holding their breath waiting for the President and most of their party to agree with them. But the bulk, the truth, is that a number of them have joined with the Republicans indeed to have a bipartisan effort since 1995 to rein in what is now an at least annual surplus. It is, as was mentioned by my colleagues across the aisle, an artificial surplus. We really do not have a surplus because we have not accounted for the Social Security Trust Fund.

Former Congressman Neumann, a fellow member of the class of 1994, put a budget in front of this Congress numerous times which many of us voted for that would have taken Social Security off and provided the tax cuts and lived within the balanced budget amendment, but if you make every current program protected and then argue against tax cuts, you are taking a bunch off the table.

Now we have to be able to work through here because part of the reason we finally achieved an annual surplus is because for the first time we actually proved that the Reaganomics theory worked, and that combination is if you cut taxes but slow the growth of spending below the rate of the growth of the economy plus inflation, you, in fact, will at least wind up with annual surpluses.

Now it is a legitimate question of at what point do we replace them out from the Social Security Trust Fund, and how fast, and how do we invest that. Does it go in the market? Does it go back to individuals to invest? Do we put it in certain types of bonds? And we need to work that through because now, because of the combination of controlling spending and the tax cuts that this Congress and the past Congress implemented, we have economic growth without at least targeted tax cuts.

And let me make one other comment here. Sometimes the other side loves straw men. There was a proposal never formally proposed but a number of individuals were debating for 10 percent across the board. It has been stated in the media, and it is certainly the opinion of most of our conference, that that is not going to have enough votes to pass and, in fact, was never adopted by our conference nor put forth as a Republican position. That is a straw man. Perhaps it will be, but we have not had a vote on that yet. It is unlikely that that will be in the budget or a Republican position.

We will probably, however, have some tax cuts. Without tax cuts such as capital gains cuts or other inheritance tax changes or investment tax changes, you will not have the economic growth to sustain the surpluses that keep Social Security going.

If you do not have the economic growth in the high-paying jobs, we will not have the FICA taxes with which to do that. It is both sides of the coin have to work.

How do we keep enough money in investment and in businesses and in individual's hands plus so we stimulate the growth plus control the spending so that there is enough money there when baby boomers like myself, and I am sorry to say, turning 49 this summer, I have no hope right now of seeing Social Security unless we can combine economic growth with spending.

Earlier this afternoon we also heard from the gentleman from Pennsylvania (Mr. GOODLING) on the Committee on Education and the Workforce of which I am a part. There is no question. Not only we are looking at Social Security in tax cuts as a primary problem for this country in sustaining economic growth but how to improve the quality of education. Because if we are going to compete internationally, if we are going to have good jobs in Indiana and Florida and in Texas and all over this country, we need to have the premier education system in the world. How much of that is the Federal role, State role or local role we are going to debate.

I favor ed flex, giving more flexibility to the local levels, but through the gentleman from Pennsylvania (Mr. GOODLING) and the Committee on Education and the Workforce you are going to see innovative proposals coming out as we look at the Elementary and Secondary Education Act and for creative things there.

You have also been hearing over this week and you will hear in the weeks to come about the devastating decline in our national defense, particularly our missile systems, and we are going to have to address that in our budget because we have been wandering around for good humanitarian purposes with our troops all over the world, but that puts a tremendous squeeze on our readiness in our military.

Furthermore, we have not kept up with these terrorist groups, these rogue nations, whether it is Bin Laden, whether it is Iraq, whether it is who knows who with some kind of chemical, biological and nuclear weapon. It is not just the communists any more that we have to worry about with that threat to the United States, it is all sorts of terrorist groups. So we are going to be looking at national defense.

But without a doubt at the grassroots level every single person in this country knows that back home they are facing rising crime and this pressure in crime. Yes, we have had decline in homicides in some cities and up in other cities, but when you are at home and you are on the street, you know that drug and alcohol abuse has put your family at risk, your kids at risk, you at risk driving down the highway, whether it is your kids at school, whether it is trying to go to the mall or go to the parking lot at a mall, regardless where you are in America, whether it is a rural area, whether it is a small town, whether it is a suburban area.

Here on the Washington TV last night we are hearing about a rapist who is out there threatening numbers of people. In my hometown, in Ft. Wayne, we have had numerous articles in the last week on the drug and alcohol abuse related things. There is no question that this problem is everywhere. Let me share you with a few statistics:

From 1993 to 1997 youth ages 12 to 17 that used illegal drugs has more than doubled 120 percent, and there has been a 27 percent increase between 1996 and 1997 alone.

Now the key variable there was youth between 12 and 17, because the drop in crime and the drop in drug uses we are seeing is among older individuals, but we have a rising problem among our younger generation that has not gotten the message on usage. That is from the 1998 National Household Survey.

In 1999, a study shows that over the past 10 years, fueled by illegal drugs and alcohol, the number of abused and neglected children has more than doubled, from 1.4 million in 1986 to more than 3 million in 1997. That is consistent in this study. We hear at every county from the prosecutors, from the sheriffs, that 70 to 85 percent; it varies by county; of all crime including child abuse, including spouse abuse, including neglect as well as traditional drug and alcohol related crimes are related to drug and alcohol.

The 1997 Dawn Report said that between 1992 and 1997 drug related emergency room episodes nationwide increased 25 percent, and they increased 7 percent between 1996 and 1997.

The 1998 National Household Survey said the overall number of past month heroin users increased 378 percent from 1993 to 1997, and we particularly had that heroin risk heightened in certain areas, including the chairman's area we will hear from in a minute in Florida.

One other comment on heroin. When I was in Miami with the Coast Guard, they have machines now that can take your, and usually I do not have a 20, but actually I have a 20 and take your money through and test it to see if there are traces of drugs on this that can be up to 2 years old. They took a 20 from my billfold and, admittedly, even though I got this 20 from an ATM machine in Ft. Wayne, Indiana, it could have come from somewhere else. But they ran it through the machine to see if my $20 bill, and you need to know I have never even smoked or I have inhaled because other people smoke, but I have never even smoked a cigarette, yet alone marijuana, heroin or cocaine, but on my $20 bill from Ft. Wayne they not only found cocaine, they found heroin.

□ 1730

Heroin has soared in every part of the country as a high risk drug.

I see we have also been joined by the chairman of the Committee on International Relations and I will yield to the gentleman from New York (Mr. GILMAN), our distinguished chairman, who has been not only since we have taken the majority a leader in international efforts through drug prevention, through interdiction and eradication but, before that, with the Republican leader on the Narcotics Special Committee and has been a crusader against illegal drugs for his whole career here in Washington, D.C. I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Indiana (Mr. SOUDER) for yielding, and I want to commend him for his continual efforts and commitment to our war on drugs. I want to compliment the gentleman from Florida (Mr. MICA) for taking the time to discuss some recent success stories on fighting drugs.

Too often we hear nothing but the voices of doom and gloom and despair. The other morning, when we were at a meeting that was arranged by the gentleman from Florida (Mr. MICA) and our Senate narcotics caucus committee, Mr. BENNETT was there, our former drug czar, and he leaned over and said what we should be doing is focusing attention on some of the success stories and some of the victories that we have had.

Too often, of course, we hear only the doom and gloom stories and it is time we did focus, and we are making some progress in many areas. We must fight this scourge of narcotics, both on the supply and demand side and we have to do that simultaneously, without emphasis of one to the detriment of the other.

Too many voices that we often hear say nothing can be done, and therefore we should throw in the towel. Why do not we just legalize it? We have all heard that too often. Of course, that is all wrong and that is not the way to go.

The five major battle fronts in the real war on drugs include reduction of supply through eradication at its source and providing alternative crops to replace the illicit coca or opium use for drug production.

Secondly, interdiction of the drugs once they have left the source nation before those drugs can reach our shorelines and destroy our communities and impact our young people.

Third, strong law enforcement, once these drugs reach our shorelines, to be able to arrest, to prosecute and lock up the drug dealers who traffic in these deadly substances.

Then in addition to that, educating to reduce demand as well supply by educating our young people on the dangers of drugs so we can prevent them ever from using drugs in the first place. Teach them that drugs are not just recreational; they are deadly.

Finally, treatment and rehabilitation of those who have become addicted so that we can help restore them as productive members of our society. We have to do all of those at the same time and not neglect one for the other.

When we fought the war on drugs that way, along with President Reagan and the First Lady, Nancy Reagan, she told us just say no, taught us about the just say no policy, between 1985 and 1992 we reduced monthly cocaine use by nearly 80 percent here in our own country, results that very few Federal programs can point to today.

Around the world, things in many places are going equally as well. For example, today in Peru we have a 56 percent reduction in coca leaf production in just 3 years; 56 percent reduction. Poor Peruvian coca farmers are walking away from their coca fields in droves since the price has fallen below the cost of production. Those results flow from a no nonsense policy adopted by the administration in Peru of shooting down planes that carry illicit coca base for coca production in nearby Colombia.

Another example, in Bolivia, the story is the same. A government committed to eliminating coca production in just a few years has cut production by nearly 20 percent.

In Colombia, another one of the Latin American producers of drugs, under the outstanding leadership of General Jose Serrano of the Colombian National Police, nearly 70,000 hectares of coca were eradicated last year, 70,000 hectares eradicated despite the lack of proper equipment, especially helicopters that have been so sorely needed.

In one port city alone, Cartagena, Colombia, the CNP, the drug police, seized 18 tons of cocaine. We used to think a seizure of a few grams was important. Imagine, 18 tons of cocaine, almost more than what the entire country of Mexico seized in the way of cocaine during the same time period. In one city, 18 tons. If that was marketed on the streets of New York, it would inure millions and millions of dollars.

Here at home, where we hurt today, when a no-nonsense approach is taken to crime and drugs, good things can happen as well. Our New York City mayor, Rudy Guiliani testified before the Subcommittee on Criminal Justice, Drug Policy and Human Resources chaired by the gentleman from Florida (Mr. MICA), that getting tough on crime and drugs has reduced murders by nearly 50 percent in the city of New York and overall crime by nearly 70 percent. He reminded us that 70 percent of the prison cells are filled by drug people, who have been criminally charged with drug possession or drug trafficking.

In cities like Baltimore, where those who argue that we ought to take a hands-off approach, the results are exactly the reverse. The mayor of Baltimore for many years has said that we should legalize and not go after the drug people. Murder and crime are soaring in Baltimore and de facto legalization has solved nothing, just made things worse.

One set of figures tells the whole story. While population declined from 950,000 in 1950 to 675,000 in 1996, the heroin addict population went from 300 to 38,000 in 1996, the city of Baltimore. That is what despair and the wrong message can do from city leaders who throw in the towel.

The voices of doom and gloom do not speak from a true understanding of what is going on today and what can be accomplished in most of the world. Yes, we can and we will win this war on drugs if we do it right and if we have the international community working with us. There has to be full cooperation throughout the world.

As Pino Arlacchi, the UNDCP director of the United Nations drug agency, said just a few days ago when he appeared before our committee, we have not lost the war on drugs; we never began to wage one.

So I want to thank the gentleman from Indiana (Mr. SOUDER) and the gentleman from Florida (Mr. MICA) for their continual efforts in this direction.

We cannot say enough to the entire world, that there is an opportunity to do something about this drug situation if we all work together and we focus on what the accomplishments are that have occurred when people work together and put their shoulder behind the wheel.

Mr. SOUDER. Mr. Speaker, I want to again thank the distinguished chairman of the Committee on International Relations because he has frequently been down in these countries that he has complimented and seen firsthand the successful efforts or the progress being made in Peru and Bolivia. Without his help in Colombia, where people are fighting and dying, we would have lost that country and we are going to lose it unless we continue to help them. He has been at the forefront in particular in Colombia and in struggling with these other nations. There are good news stories, as well as more difficult ones.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MICA), the distinguished subcommittee chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources. Just recently he headed a CODEL, a congressional delegation, to Central and South America, and we want to review some of that.

First, partly what we need to understand as Americans, with what the gentleman from New York (Mr. GILMAN) just talked about, what I alluded to, is we are facing on our streets some progress here and there but net as a country, particularly among young people, a terrible threat. To understand why we are focusing on the Indian countries and why we are looking at the problems in Mexico and other places, we have to understand what is happening to us first.

Mr. MICA. Mr. Speaker, first of all, I want to take this opportunity to thank the distinguished gentleman from Indiana (Mr. SOUDER) for yielding. He reserved the time tonight. He has been a tireless worker in the effort to bring to the attention of the Congress and the American people the situation that we face as a nation and communities relating to illegal narcotics.

He has been at the forefront of trying to save our children, trying to save the resources of life that are being drained and sapped by this problem and crisis that we face across this land, the scourge of illegal narcotics, and I salute the gentleman from Indiana (Mr. SOUDER) on his tremendous and tireless effort since he has come to Congress.

I also want to take this opportunity to thank the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN). I had the opportunity to see the gentleman from New York (Mr. GILMAN) when I was a staffer. I worked for the United States Senate back in the early eighties. The gentleman from New York was there when they helped put together the drug programs that we have today. The gentleman from New York was there when drug use among our population was increasing in a dramatic fashion and he helped turn that around and decrease it.

The gentleman from New York was there when they developed an Andean Strategy to stop drugs very cost effectively at their source. The gentleman from New York was there when I worked with him and others to create a certification process by which countries that did not cooperate do not receive foreign assistance, do not receive trade benefits, do not receive international assistance, all benefits of the United States. The gentleman from New York, myself and others said these countries should not receive these benefits if they are not cooperating in stopping drugs and illegal narcotics at their source and also in international trafficking. Again, the gentleman from New York was there.

Again, the gentleman from New York has taken up the cause. I remember when I came as a freshman in 1993 and they would not listen to us. This administration would not listen. The other side of the aisle would not listen, and they controlled the other body, they controlled this House and the White House. What happened is they cut those programs. They slashed the participation of our military in interdiction. They cut dramatically the source country programs. They denuded the programs that stopped the growing of illegal narcotics in these foreign countries.

The Coast Guard was kept from participating as the head in keeping drugs away from our shores in particularly places like Puerto Rico which became a sieve through which the drugs have flowed.

So the gentleman from New York and others, their voices were heard. My voice was not heard then. In 2 years from 1993 to 1995, and I had bipartisan support, Republicans and Democrats signed a request for hearings on a national drug policy that was headed for disaster. One hearing was held; one hearing was held on a drug policy that was leading to disaster.

Let me say the disaster is here. Ladies and gentlemen, we have 1.8 million Americans behind bars. The estimates are somewhere between 60 and 70 percent of those individuals incarcerated in our prisons, in jails across this land, are there because of drug-related offenses. I am not talking about purchasing a small amount of narcotics. I am talking about drug dealing. I am talking about major drug transit. I am talking about murders and heinous crimes committed while under the influence, who were trying to obtain illegal narcotics.

Our entire nation has been devastated and now one can almost ask anywhere, at any level, the inner cities, the affluent, the rich, every family in this country can point to someone who has been involved and a victim of illegal narcotics and narcotics abuse.

What concerns me is this problem has grown from a minor problem to, again, a major problem. Who is it affecting? Well, the apologists would say it is not affecting the adult population. They are sort of leveling out, and maybe those statistics are true but the fact is, this is causing devastation among our young people.

□ 1745

Now listen to this statistic: 14,200 young people, mostly, died in this country from drug overdoses or related effects last year. Over 14,200. That figure has nearly doubled since 1993. The heroin deaths have doubled in a short period of time from 2,000 to 4,000.

Let me talk about the national drug crisis that we have and how it is affecting particularly the most vulnerable in our society, our young people. In 1998, more than three-quarters of our high school teens report that drugs are sold or kept at their schools, a 6 percent increase over 1996. Are drugs increasing with our youth or decreasing?

From 1993 to 1997, youth age 12 to 17 using illegal drugs has more than doubled, 120 percent. And there has been a 27 percent increase between 1996 and 1997 alone. Has drug use and abuse among our young people increased or decreased? That is a 1998 national household survey.

The overall number of past month heroin users increased from 1993 to 1997 by a whopping 378 percent. Between 1993 and 1997, LSD emergency room incidents increased 142 percent. That is a 1997 Dawn report. And during 1997, statistically significant increases in heroin emergency room incidents were observed in Miami, a 77 percent increase; in New Orleans, a 63 percent increase; in Phoenix, a 49 percent increase; and in Chicago, a 47 percent increase. Just a small sampling of dramatic increases in a drug that is deadly and devastating.

These are the hard, cold facts about what has happened. The most astounding figure to me is for kids from 12 to 17, first-time heroin use, first-time heroin use, which is proven to kill so many of these young people, surged a whopping 875 percent from 1992 to 1996.

Mr. Speaker, I come from central Florida. This is the headline from my newspaper. Read this headline. This is a recent headline, the last few days of last year: "Drug deaths top homicides." We are not talking about Detroit. We are not talking about New York City. We are not talking about Los Angeles. We are not talking about some inner city population. No one should die or suffer from illegal narcotics. We are talking about one of the most affluent, one of the most economically advanced, one of the highest educated populations in the State of Florida, and drug deaths top homicides.

Again, what is devastating about this, again what should shock the conscience of everyone in this Nation is most of these deaths are young people.

I was asked to take on the responsibility of chairing a subcommittee to oversee our national drug policy. I inherited that position, was requested to take that position by the Speaker of the House, Mr. HASTERT.

Mr. HASTERT, the gentleman from Indiana (Mr. SOUDER), myself, all served on a subcommittee in the previous Congress that had that responsibility. We did everything we could to put back together the programs that had been taken apart and destroyed during the 1993 to 1995 period. I took on that responsibility because of this headline and because of other headlines in my State. I took on that responsibility because, and maybe for a selfish reason, because of the drug crisis in my State and my community. But I also see what it is doing to our Nation.

In central Florida, I will tell a little bit about what has happened in my area. Heroin killed twice as many people in 1998 as it did in 1997. The death toll is expected to break 50 when the final results are in. And we are just getting those results now from autopsies and other reports.

Sampling of heroin tested in central Florida revealed purity levels ranging from 58 to 92 percent. The national average for heroin has been about 40 percent. High purity levels and increased drug availability is contributing to the increase in heroin deaths in central Florida and across our land.

Now, if young people are listening, if Americans are listening and Members are listening, the heroin that is on our streets, the crack cocaine that is on our streets, even the marijuana that is on our streets, is not the drug that was on our streets 10 or 12 years ago. These are drugs that are deadly. These are drugs that are pure. These are drugs that will kill. And they are killing. They are killing our young people.

Mr. Speaker, what is shocking is that in my area in 1995, there were 1,500 teenagers between the age of 12 and 15 arrested in central Florida for using or selling illegal drugs. This number has doubled over the last 5 years. Now, when we let down our guard, when we stop the eradication programs, when we stop the interdiction programs as they did again from 1993 to 1995, when we take the military and the Coast Guard out of the effort to stop drugs before they reach our shores, what happens?

In 1991, the cost of 1 kilo of heroin was $210,000. In 1997, the cost of one kilo of heroin was $80,000. So what we have done is increased the flow, decreased the price, made it available to our young people.

Let me talk, if I may, a little bit about the pattern of what has taken place with illegal narcotics trafficking. This chart here shows from the 1970s to the 1980s, the flow of illegal narcotics, primarily from Colombia and primarily cocaine. Cocaine or coca is only grown in three countries in the world. It is grown in Peru, it is grown in Bolivia, and it was grown a little bit in Colombia, but most of it came from Peru and Bolivia.

That cocaine came up, some to Miami. As I said back in the 1980s, we had a crisis which the gentleman from New York (Mr. GILMAN) and others addressed through different legislative initiatives, including the Andean Strategy, stopping drugs at their source, and the certification process.

That cocaine and other drugs also went to New York and also to Los Angeles. That was the 1970s and the 1980s. Ronald Reagan and George Bush developed programs, and people like the gentleman from New York (Mr. GILMAN), Senator Hawkins who I worked for, developed programs to stop those drugs, and we saw a decline in the flow of drugs and the use of drugs.

Then look at what has taken place in the 1990s. In the 1990s, we now have Colombia producing more and more cocaine, growing coca. We have a decrease in Peru and Bolivia where we have started and working in cooperation, as we heard just a few minutes ago, we have a cooperative effort, a restart of those Andean eradication and crop substitution programs. A few millions of dollars to again stop drugs at their source. Very cost-effective.

Mr. HASTERT, the Speaker of the House who chaired this responsibility, helped restart those programs; the gentleman from Indiana (Mr. SOUDER); the gentleman from New York (Mr. GILMAN); myself; and others. And we have found dramatic decreases in the production of cocaine and coca in Peru and Bolivia through the cooperation of President Fujimori in Peru, through the courage and cooperation of President Hugo Banzer in Bolivia.

Now Colombia has, for the last several years, become a source. In fact, it is now producing, the statistics we heard when we visited these areas last week, it is now producing more coca and more cocaine than any other region in the world, Colombia.

Now, why did Colombia suddenly become a source of narcotics? What is interesting, again, if we look at the history of what took place, this administration has blocked consistently any assistance to Colombia to eradicate drugs at their source, to go after drug traffickers and to stop the production of drugs. So what has happened is they are now becoming producers.

The gentleman from Indiana (Mr. SOUDER), myself, the gentleman from Illinois (Mr. HASTERT), the previous chair of this responsibility when the Republicans took over the Congress, we went down to Colombia some 4 years ago. Four years ago, there was almost no heroin being produced in Colombia. They told us then, unless the administration freed up the constraints on sending ammunition, helicopters, eradication resources into that country, there would be a flood of poppies and heroin produced. Guess what? That is exactly what has happened. An incredible amount of heroin is now being produced, and it is now flowing from Colombia.

Look at this chart. Into Miami. Some came through Puerto Rico, because the administration cut the Coast Guard's budget. The Coast Guard protects the air around Puerto Rico. They cut that in half. So it came into Puerto Rico, it came into Miami and came into central Florida and also is coming in through a weak link in the chain which is Mexico.

This is the new pattern that we see. Mexico has approximately 60 to 70 percent of the hard narcotics coming into the United States, coming in through Mexico, transiting through Mexico.

Now we have a new development. In addition to a failed policy in Colombia which this administration, over the objections of Congress, the new majority in Congress, we repeatedly sent letters, requests, we passed resolutions, we did everything we could to get them to give General Serrano, the head of the National Colombian Police, and others the resources and ammunition, eradication equipment to do away with drugs at their source. Cost-effective. When they get into our streets, into our schools and law enforcement in this country tries to go after narcotics, that is the most expensive solution to an expensive problem.

Mr. Speaker, the problem is now a quarter of a trillion dollar problem. And that is just the dollars and cents, not the lives lost, the families destroyed, and the terrible scourge, again, of illegal narcotics.

This is the new pattern. Now, what concerns me as chairman of this new subcommittee and with the responsibility given to me by the Speaker is the presentation just over a week ago of the national drug control strategy by this administration. One would think that they would learn. One would think that if we had an experience and had a bad experience, that one would learn from that experience.

What disturbs me, and tomorrow we are going to hear from the national drug czar, and I think General McCaffrey has tried to do a good job. I think the former drug czar, Mr. Brown, did a horrible job. He presided over death and destruction of this land unparalleled, unequal to anything except an attack that we had in Pearl Harbor. But this is the proposal by the administration to deal with the problem.

Now, again, one would think that they would learn. Let me tell what is in this. First of all, they have one of the most clever charts I have ever seen in my life. It is, I guess, Clintonesque in its explanation. But last year this Congress appropriated $17.9 billion for the war on drugs. Now, they managed to develop a chart that showed us going from $17.9 billion to $17.8 billion, a net decrease of $109 million, and show it on a chart as an increase. Now, that is clever in its presentation, but it is disastrous in its effect.

□ 1800

Where do the cuts come in? Let me tell you where these cuts are that disturb me, that concern me. Again, have we not learned? Interdiction has been cut dramatically again. Crop substitution programs cut again. International programs cut again, cut from last year to this year in this proposal.

Mr. SOUDER. Mr. Speaker, reclaiming my time, the gentleman is saying, it is not what passed Congress; this is the administration's proposal coming to Congress that is actually to reduce interdiction and eradication efforts.

Mr. MICA. Mr. Speaker, that is right. The gentleman from Indiana (Mr. SOUDER) and my other colleagues, we requested of the administration to put some specifics in their budget that we know will work, that we know will be effective.

For example, we have been promoting a microherbicide program and research and development because we know we have the technical capability to destroy drugs as a crop. It is a simple process. It can be done. We are making advances in that. We asked for a few dollars to effectively develop the final techniques to make this happen. Is it in the President's budget? No. Is it cost effective? Yes.

Now, the other thing that the administration did back in the 1970s and 1980s and 1990s, in the 1970s and 1980s, as my colleagues heard, we increased our Customs, our air interdiction, our going after drug traffickers.

We must have learned that, from 1993 to 1995, when we decreased that, when this administration, this Congress decreased that, that a mistake was made. Here we go again. Customs interdiction program, funds lacking. We know that is effective. We know it stops drugs before, again, it gets into our streets and our communities.

Counterintelligence. If I have learned nothing else in dealing with this problem, I have learned that the most effective means of stopping drugs, of getting drugs close to their source before they get into our country is counterintelligence. I intend to speak with the gentleman from Florida (Mr. GOSS), who chairs that committee. But, again, they have not learned.

We requested more funds in this area, and they are not in the President's budget; and that disturbs me because it is cost effective. If we have the intelligence, we can get large quantities, we can get the production facilities, we can stop the routing of drugs into our Nation even before they get close to our border. So, again, lacking in this budget, in this proposal is a concrete expenditure or program for counterintelligence.

My colleagues heard about stopping the Coast Guard and cutting their involvement, particularly around Puerto Rico and other places around the United States. The Coast Guard was very actively involved.

I remember working with Admiral Yost and others back in the 1980s who helped develop programs that stopped drugs again before they got to our streets. In this budget, here it is, folks, in this budget, this proposal, the Coast Guard operation and maintenance again not properly funded.

We have the most serious problem facing me as chairman of this subcommittee, the gentleman from Indiana (Mr. SOUDER), the gentleman from New York (Mr. GILMAN) who chairs our Committee on International Relations; and that is the question of Mexico.

Mexico has become the sieve. Look at this. Just take a moment and look at the drugs coming through here. Sixty to 70 percent of all the narcotics, the hard drugs coming into this Nation are coming in through Mexico. Mexico is the tough enchilada in this whole equation.

Mr. SOUDER. Mr. Speaker, reclaiming my time, in addition, when the gentleman earlier focused on cocaine and talked about the shift of cocaine to Colombia, and the gentleman presumably gets into some of this here, too, but we have seen a shift in heroin, because we were getting it from the Golden Triangle, in Asia, and other places. We have now seen this move to Mexican brown in some part of our country.

So while it looks like, and one of the things that we are hearing is that, oh, this Colombian problem is huge and disguising some of the problems in relationship to Mexico, the fact is that, simultaneously, because of a shift from Turkey and Southeast Asia, we have two places that have become the pivotal points.

Mr. MICA. Mr. Speaker, if the gentleman will yield, the gentleman from Indiana (Mr. SOUDER) makes an excellent point in what I was going to lead up to. With this signature heroin program results, we see a dramatic increase in Mexican heroin. This is heroin produced in Mexico. Just a one digit several years ago is now double digits, 14 percent.

We see South American heroin 75 percent, most of it coming from Colombia. But if my colleagues remember the other chart, most of it is flowing through Mexico. Almost all of it is transversing through Mexico.

What does this budget have as far as dealing with the Mexico problem? U.S.-Mexico border security funds, again not adequately provided for.

So do we have in the President's budget a proposal to deal with the problems, to deal with the narcotics, and to deal with it in a cost-effective manner? We can throw money at problems. This Congress is an expert at throwing money at problems. But are we solving the problems? Are we putting the money into it, and sometimes small amounts of money?

The program we started in Peru and Bolivia, those countries in the next several years, will almost totally eliminate cocaine production. Will we start? We need to get our program started back in Colombia. We have a new president there, a new opportunity. We need to get equipment resources and assistance to stop that production there.

So this budget is a little bit scary to me because they have not learned. We have paid a high price. Thousands and thousands of our young people have died. One could not do more damage if one had launched a chemical attack on the United States. Over 14,200 died last year from drug-related deaths. If we add that up, probably since I served in Congress, it is probably close to 100,000 people dead. Most of the narcotics are now coming through Mexico.

That leads up to this past week when the President went to Merida and presented this document. This document is a whitewash of the entire Mexican-United States drug problem. I have read through it. Some of the proposals, some of it, the cooperative efforts are almost laughable.

I stood on this floor, and we debated decertification of Mexico 2 years ago. This House voted to decertify Mexico. We made several minimal requests 2 years ago asking for Mexico's cooperation. What were those items? Let me repeat them if I may.

First of all, we asked Mexico to sign a maritime agreement. Have they signed a maritime agreement? No. We asked Mexico to extradite major drug traffickers. Have they extradited major drug traffickers? No. We have had one minor drug trafficker who actually killed a border patrolman, but not one major cartel trafficker extradited to the United States, despite countless requests.

We asked for the protection of our DEA agents. Why would we do that? I would like to have my colleagues come and read with me sometime the autopsy report of what Mexican drug traffickers did to our agent, Mr. Camarena. It is the most frightening thing that I have ever read.

But our DEA agents asked for the ability to protect themselves, not only with arms, but also insulation in a crime- and corruption-ridden country to have basic minimal protection while they operated.

We have a cap, I cannot talk about the exact number, I do not want to, but it is just a few DEA agents in that country. We have requested additional DEA agents. Only a minimal number have been allowed in. Quite frankly, to allow them in without adequate protection does not make a lot of sense.

Next, again, we passed this here in the House by an overwhelming vote in the decertification 2 years ago. We asked simply that Mexico start to put radar and some protections across its southern border. Have they done that? No. Not until the threat of decertification just a few weeks ago and the President must present his certification proposal in the next few days.

Have we seen any action from Mexico? They are now proposing to do what we asked them to do 2 years ago as far as protecting that southern border where all those drugs are coming through, and we will see even more drugs.

Then we asked them to execute some of the laws that they had passed relating to money laundering and corruption. Money laundering and corruption. What have they done? Last year, United States Custom agents conducted a sting operation in Mexico. They found incredible corruption. We had briefings on it, and it involved hundreds of millions of dollars in corruption throughout the financial institutions.

We went after some of those traffickers. Do you know what Mexico had the nerve to do? They threatened to indict our Customs officials. It was called operation Casa Blanca. The nerve. So instead of enforcing and helping us to go after the drug traffickers, they made our Customs officials the villains.

Only because of the threat of decertification has there been a resolution within the last 30 to 60 days on the matter called Casa Blanca and the threat to indict our officials for doing work to help save their country.

These are some of the items we asked for 2 years ago. This is the report. This report again is almost laughable. It was done with great fanfare. Do you know where it was done? It was done in Merida. I have been to Merida, a beautiful place in Mexico. Merida is located in the Yucatan Peninsula.

Do my colleagues know what we have been told by our Federal agencies and those dealing with intelligence and this whole international drug trafficking situation? They told us that the Yucatan Peninsula in Mexico is lost. It is a narcoterrorist state. They are quivering now whether or not to even arrest the governor of that state who is up to his eyeballs in illegal narcotics trafficking. So the Mexicans have lost the Yucatan to a narcoterrorist state.

Then we found that, in the Baja Peninsula, another cartel has taken the entire Baja Peninsula. Not only have they taken it, they have slaughtered and intimidated. They lined up 22 people just recently, women and children, to create in the Baja Peninsula a narcoterrorist state. They have killed 315 people in the last year and lined up 22 women and children and taken that region.

As we go over the map of Mexico, we see more and more of Mexico that has now been encircled by drug traffickers. So we have a friend, we have a neighbor, we have a trading ally who we have provided financial assistance, who we have provided trading benefits, who is now being taken over by drug trafficking. It is a very, very serious problem.

The gentleman from Indiana (Mr. SOUDER) and I and other members of our subcommittee visited and we met with the president of Colombia, President Pastrana, last week. He is doing and committed to an eradication crop substitution and going after drug traffickers at every turn. He is committed to that.

We met with President Fujimori and President Hugo Banzer who are both not only committed but also have dramatically reduced the production and trafficking of illegal narcotics.

☐ 1815

Now we have the big problem of Mexico. Will the President, will this administration certify a country that is not meeting its responsibility; who has not followed through on the requests of Congress from 2 years ago; who does not have before us any requests or plan to deal with what has happened with their country being taken over by narcoterrorism?

So we are in a very difficult situation. Wall Street will not be happy if we decertify Mexico, because now we are doing business with them. But is it worth it to sell our souls for a few bucks?

We have some very serious questions to answer before us in the next few days and the next few weeks. The President must certify or decertify this major drug trafficking Nation, Mexico, by Monday, March 1, and the Congress has 30 days to act.

I will continue to review the information. I will continue to extend my hand to the Mexican government and officials to come up with a plan that has some measurable objectives on how to deal with this horrible problem. But right now I do not see in this budget a plan to deal with this situation. I do not see in this proposal that was presented in Merida anything concrete to deal with the situation that has grown out of control.

Now, we can whitewash this, we can forget it, or we can address it. The results are going to be pretty dramatic for our young people and for our Nation.

I yield back to the gentleman.

Mr. SOUDER. I would like to conclude, Madam Speaker. We are about out of time here.

If the gentleman could put the one chart up there that had Colombia on it. And let me thank the gentleman for laying out systematically the background of the problems that we have and the immediate pressure that we have in front of us.

Just yesterday, right before I did my 5-minute speech, they delivered a report on the Western Hemisphere Drug Alliance and the President of the United States. It is in yesterday's CONGRESSIONAL RECORD. Not only do they not have the dollars to continue the interdiction efforts, but in this document we are seeing more of what the Speaker, myself, and the gentleman from Arizona (Mr. SHADEGG) heard when we went down to the Summit of the Americas. We heard at that point that the proposal that the President is holding out is a counternarcotics multilateral evaluation mechanism in the hemisphere. Basically, what they want to eliminate is what the gentleman from Florida (Mr. MICA) first developed as a staffer for Senator Hawkins, the drug certification process.

What we have seen in Colombia, Bolivia, Peru, Mexico, and others is that because of this annual review, not of whether or not they are good people, not of whether or not they are a good government, but whether we as the United States should use taxpayer dollars in the United States to invest in their countries, that we have a legitimate review on the part of our country of their policies, because it is our money that we are proposing to deal with, it is our trade policies that we are looking at, and they are trying to, in effect, water this down.

We strongly believe that we do need to work with these countries. We applaud the administration's efforts to work on drug prevention and drug treatment programs around the world and to encourage these countries to engage. That is not the question here. Furthermore, this is not really a question of motives at this point. It is not like what was happening in Colombia, where we saw the narco dollars going directly into the campaign of then President Samper. What we have is a lack of results in Mexico.

When we were down there the last few days we saw lots of plans. Over the next few days we will be looking at those and debating those and trying to see if we can work out something, because we believe that their leadership is, in fact, working towards solutions. What we need to see, however, are some results.

The facts are that all of our intelligence was compromised. The facts are we do not have certain agents in certain parts of the country. We saw many of the things that the gentleman from Florida outlined. So we have a real dilemma in our face. How much do we want the trade dollars versus the ability to use that as a leverage? The fact is that as we used that as a leverage with Colombia, they engaged more aggressively. It enabled those people in Mexico, like those people in Colombia, who are fighting this problem, to have their hand strengthened relative to those who would undermine it.

We are all for drug prevention. The drug czar, Barry McCaffrey, has done an amazing job of getting this administration back engaged. But there is drug prevention in education, drug prevention in treatment, drug prevention in law enforcement, and there is also drug prevention in elimination. Every coca leaf, every lab that we destroy is less drugs coming into Illinois, to Indiana, to Florida, wherever. That is one of the best ways to prevent it, is to keep it from getting there. Similarly with eradication.

One last point here. That map is drawn in a way to show the Colombia-Mexico traffic. But there is actually not blue water between Mexico and Colombia. That is Central America. Next to Colombia is Panama, the Darien Peninsula, which used to be part of Colombia. As we are turning the canal over in less than a year and pulling our troops out, we are in danger of having our trade threatened through the canal.

On the other side of Colombia it is not blue water either. It is Venezuela. Our number one oil supplier. I think it is roughly 18 percent. And Colombia is number two in by-products. We have had money intended for eradication and interdiction diverted to Bosnia. We have had it diverted into all sorts of humanitarian well-sounding goals.

This is a compelling national interest. We can argue whether Kosovo is a compelling national interest, we can argue whether Bosnia is a compelling national interest, we can argue whether Somalia was a compelling national interest, we can argue whether Iraq is a compelling national interest, but this is a compelling national interest. It has drugs coming in to my hometown, my kids' schools. It is threatening our oil and energy. It is threatening our trade in Panama. This is a compelling national interest.

Are we going to help these people fight? Are we going to get them the weapons they need? They are increasingly willing to carry the battle, which is in large part caused by our consumption. But when we went to move Black Hawk helicopters 4 years with the gentleman from New York (Mr. GILMAN) and my colleague with me here tonight, because they could not get to where they were starting to plant the poppy in the higher parts of the Andes, we would not give them the mechanisms to go get it. So now we are shocked that 40 percent of their country is inundated and controlled by terrorist groups.

We have to give them the resources necessary or the danger is they are going to ask us to come in, like other countries throughout the world, to help fix these problems that are clearly in our national interest.

So as we head into these certification processes, we are going to be bringing, in the education bill this year, drug-free school stuff; and we are going to work with education programs to try to figure out how to reach these kids. We will look at the prison population, as the President is talking about, because if we can get people who are heavily addicted off, that will benefit us in the drug war.

But there is only so much the kids can do in our schools and the teachers and the school boards and the police departments when the price drops, when the purity soars, as it did in 1993 through 1995, as the gentleman pointed out. There is only so much they can do on the streets of Fort Wayne when that price is dropped down. It is both ends of supply and demand here that are responsible.

We need to encourage and build up those governments' efforts and also hold them accountable when they are falling behind.

The gentleman from Florida.

Mr. MICA. In closing, I thank the gentleman.

SUPPORT EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Connecticut (Mr. MALONEY) is recognized for 5 minutes.

Mr. MALONEY of Connecticut. Madam Speaker, I rise today in support of the Education Flexibility Partnership Act of 1999, known as Ed-Flex, which was filed today by the gentleman from Delaware (Mr. CASTLE), the gentleman from Indiana (Mr. ROEMER), myself, and a number of other cosponsors. This is critical legislation that helps States and local school districts effectively prepare our children for the 21st Century.

We are, in this Congress, engaged in a number of educational efforts. We are trying, for example, to provide additional teachers so that our class sizes can be reduced. We are fighting to provide school modernization funds so that our facilities can be brought up to standard and can be made ready for the new educational efforts that the new economy and the new technology require.

Now, however, is also the time to take a look at doing better with the funds that we already have. Now is the time to give our schools the flexibility they need to adopt rigorous educational standards, to raise academic achievement levels and empower our children for the challenges of the future.

In exchange for increased accountability for results, the Ed-Flex bill gives States and localities greater flexibility in using Federal education funds to support locally designed comprehensive school improvement efforts. Our Ed-Flex bill expands current law by making all 50 States, including my home State of Connecticut, eligible to apply for Ed-Flex.

Let me take a moment to give some examples of the benefits of Ed-Flex that have already been achieved in the pilot program that we currently have underway.

In Oregon, for example, community colleges and high schools have worked together to improve their professional technical education programs together rather than creating two separate and duplicative programs.

Maryland has used Ed-Flex to reduce student-teacher ratios, for students with the greatest need in math and science, from 25 students to one teacher to 12 students to one teacher. A dramatic improvement in student-teacher ratios.

The State of Kansas has used Ed-Flex to better coordinate Title I and special education services so that there is a consolidated delivery of services. The waiver of Ed-Flex in Kansas has allowed a more integrated approach to education for these students.

In preparing to file this legislation today, I have been in touch with the education officials in my home State of Connecticut, and they have indicated that they would use Ed-Flex authority to provide flexibility on the eligibility of students for remedial services, the kids who need the help the most.

Connecticut, as a matter of State policy, is committed to empowering parents with a variety of options for educating their children; in allowing, for example, various forms of cross district enrollment. But there are times when a child goes from an old district to a new district.

Under the proposal that we have made for education flexibility, the money that is associated with that child, say a Title I child, would accompany the child to the new district. This would, in turn, enhance the new district's ability to provide services to the child. It would also, of course, support the State of Connecticut's efforts to provide public school choice opportunities and, fundamentally and most importantly, to give each child the best education possible.

This Ed-Flex legislation provides accountability for results. It allows education reform, which we in this Congress support, to work from the bottom up instead of enforcing top-down mandates. And the most successful and impressive education experiments and new procedures and new techniques are springing from the local school districts. The Federal Government needs to give those local school districts the flexibility to take advantage of the ideas and energy that they have, in turn equipping our children with the best possible education for their futures.

I urge my colleagues to support this important legislation.

GENERAL LEAVE

Mrs. JONES of Ohio. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order this evening, Black History Month.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

BLACK HISTORY MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes.

Mrs. JONES of Ohio. Madam Speaker, I reserved this time tonight for a special order to allow my colleagues and I to recognize and celebrate contributions of African Americans during Black History Month.

I stand here the 101st African American to serve in the House of Representatives. It is only appropriate that I recognize the two people who are most responsible for my service: My parents, Andrew and Mary Tubbs, residents of my district, the 11th Congressional District of Ohio. I stand upon their legacy of hard work, undying faith and love. Thank you, mom and dad. I love you.

I first want to pay tribute to the founder of Black History Month, Dr. Carter G. Woodson, an historian and educator who pioneered the research and dissemination of African American history. It was his mission to dispel the racist myth about African Americans and their past that the historical writings of scholars promulgated. He asserted, and I quote, "If a race has no history, if it has no worthwhile tradition, it becomes a negligible factor in the thought of the world and it stands in danger of being exterminated."

One of his most enduring achievements is his initiation of Black History Month. In 1926, he launched Negro History Week, a commemoration of black achievement held the second week of February, which marks the birthdays of Frederick Douglass and Abraham Lincoln.

□ 1830

To encourage African-Americans to celebrate Negro History Week, Woodson distributed a kit containing pictures of and stories about notable African-Americans. Negro History Week was changed to Black History Month in the 1960s.

Woodson was a prodigious author, coauthoring 19 books on various aspects of African-American history. He was one of the first scholars to consider slavery from the slave's perspective, to compare slavery in the United States with slavery in Latin America, and to note the African-American cultural influences in new world slave culture.

Perhaps more than any other person, Woodson helped African-American history develop into a widely recognized and respected academic discipline. It was his faith that "the achievements of the Negro properly set forth will crown him as a factor in early human progress and a maker of modern civilization."

Madam Speaker, I yield to the gentlewoman from Florida (Mrs. MEEK) my friend.

Mrs. MEEK of Florida. Madam Speaker, I want to thank my colleague, the gentlewoman from Ohio (Mrs. JONES), for organizing today's Black History Month special order. It is a tribute to her creativity to convene us here today. I think it is Congress's duty to help America understand what black history is all about.

The gentlewoman from Ohio (Mrs. JONES) follows in the footsteps of one of the individuals whom history will surely recall as one of the giants of not only black history but surely the history of this body, the Honorable Louis Stokes, who for 30 years distinguished himself and us as a caring and committed legislator who served his constituents and this Nation with impeccable leadership and integrity.

We are here today not only to celebrate black history but American history as well. Certainly the history of black Americans is interwoven with the history of America. Since the first Americans arrived on what is now American soil in 1619, black Americans have played an important part in the development of this great Nation. Black Americans helped build this country's thriving cities, farmed its fields and settled the West.

Recently, the Allstate Insurance Company of Chicago, Illinois, recognized 12 contemporary African-American leaders at their "From Whence We Came Awards." These leaders were honored as architects of the African-American village for their efforts to help build stronger, safer communities across America. These were contemporary African-American leaders and heroes.

I commend Allstate for its efforts to promote black history and for emphasizing the importance of celebrating the contributions of African-Americans year-round by making available to schoolchildren a black history calendar, commemorative poster and video documentary.

So as we celebrate this Black History Month, I want to pay tribute to some of the more contemporary leaders who history is sure to record as significant figures in black history and the history of this Nation.

If it takes a village to raise a child, then surely some of the individuals I am about to mention who were recently honored by the Allstate Insurance Company can be designated as "architects of the village."

Contemporary black leaders like Dave Bing of the Bing Group of Detroit, Michigan; actor and actress Ossie Davis and Ruby Dee; Tommy Dortch, president of the 100 Black Men of America; George Fraser, author and motivational speaker; William H. Gray, III, president of the United Negro College Fund; Linda Johnson Rice, president of Johnson Publishing Company; Tom Joyner, radio host; Mayor Marc Morial of New Orleans; Dr. Jane Smith, National Council of Negro Women; Sheryl Lee Ralph, actress; and Mother Mary Ann Wright.

Each weekday morning from 6 a.m. to 10 a.m., Tom Joyner entertains and informs the Nation during his live, nationally syndicated radio show.

My colleague, the gentlewoman from Ohio (Mrs. JONES), wants America to understand that these contemporary leaders are leaders in their own right; and history will record them as having contributed quite a bit to African-American history.

A four-time Billboard Magazine award winner, Mr. Joyner's upbeat attitude has helped America understand at this particular point various issues that have come over this radio hall of fame. He has established the Tom Joyner Foundation, and he has funded a United Negro College Fund scholarship, Dollars for Scholars, to help give financial aid to students at black colleges.

Linda Johnson Rice presides over two of the world's largest black-owned companies, Fashion Fair Cosmetics and Johnson Publishing Company. As president and chief operating officer of Chicago-based Johnson Publishing Company, Ms. Johnson Rice manages the largest number one black-owned publishing company in the world, boasting the familiar magazine titles Ebony, Jet, and Ebony South Africa.

Ms. Johnson Rice is also the President of Fashion Fair Cosmetics, the largest black-owned cosmetic company in the world, with more than 2,500 stores in the United States, Africa, Europe, the Caribbean and Canada.

I can go on and on. But I did want my colleagues to understand that these are contemporary African-American leaders who will go down in history as helping America understand and made a contribution and it is a tribute to them to have been named "architects of the village."

Mrs. JONES of Ohio. Madam Speaker, reclaiming my time, I want to thank my colleague, the gentlewoman from Florida (Mrs. MEEK), for her presentation.

Madam Speaker, I yield to my friend, the gentlewoman from the District of Columbia (Ms. NORTON), for a presentation.

Ms. NORTON. Madam Speaker, I thank the gentlewoman from Ohio for yielding; and I thank her, in addition, for keeping alive the tradition of her esteemed predecessor, Congressman Louis Stokes, who retired last year.

The gentlewoman from Ohio (Mrs. JONES) brings precisely the kind of intelligence and dedication that Congressman Stokes was well-known for, and so he has left his seat in the best of hands.

I also congratulate the gentlewoman that she has chosen a subject which allows us to speak on this floor about the contributions of African-Americans. In outlining the history of Negro History Week and Black History Month, she reminds us that the reason for an occasion like this is precisely that black history and the contribution of African-Americans have been obscured, even suppressed.

This floor is an appropriate place to begin to expose Members and our country to these important contributions which have helped build our country. I would like to devote a few minutes to discussing the life of a great American leader who died on December 14 and who contributed much to his country in general and to the Congressional Black Caucus in particular.

I speak of former Judge A. Leon Higginbotham. And may I say that the Congressional Black Caucus will hold a memorial service for Judge Higginbotham on Wednesday, April 14, at 345 Cannon. That, of course, has to do with our own special relationship to Judge Higginbotham, who was counsel to us in the voting rights cases.

I was Judge Higginbotham's law clerk, so I have to confess that for me this is also personal. I remained close to the Judge throughout my professional life. And to the extent that there is anything noteworthy about my life as a lawyer, I owe much of it to the head start I got when I clerked for Judge Higginbotham shortly after I graduated from law school.

Quite apart from how we may view the Judge as a person or any personal relationship the Members may have had with him, I think it fair to say that Judge A. Leon Higginbotham will be evaluated as one of the great Federal judges of the 20th century. I believe that that will be the verdict of his own peers on the bench.

He went to the bench at the age of 36 and became known as a principal judge who was a fine technical lawyer, a man of awesome work habits who enjoyed the most extraordinary reputation among his peers on the bench.

At the same time, he began to teach while he was on the bench, as a number of scholarly Federal judges often do. While he was on the bench, he taught at the University of Pennsylvania, which of course is in Philadelphia, where he served first as a District Court judge and then on the Court of Appeals, finally as the chief judge of the Third Circuit Court of Appeals.

But this extraordinary man managed also to teach at Harvard and Yale and at Stanford and at NYU. His capacity for hard work is itself an example for us all and for young people.

The Judge always planned to leave the bench. Perhaps this was because he was so gifted that it was unthinkable that he would have only one life. He planned to leave the bench and did so in order to pursue the scholarly work that had become such a great part of his life while on the bench.

He wrote two extraordinary books: "In The Matter of Color" and "Shades of Freedom." These books have helped to place Judge Higginbotham in black history and in the history of the United States of America. Because, in these volumes, Judge Higginbotham demonstrated, on the basis of prodigious investigation of the statutes and of the case law, that slavery and discrimination in the United States of America owed their existence to American law. He did this not simply by exclaiming it but by years of investigation into the case laws of the States and of the United States. And there he discovered a real perversion of law.

I do not speak only of the Jim Crow laws, under which some of us lived, I, for one, in the District of Columbia, which had legal segregation, because we all know about those. I speak of law that enmeshed slavery and discrimination into the character and life of this country from the very beginning and without law, it must be said, neither slavery nor discrimination could have either existed or become so thoroughly embedded in the fabric of our country.

It is the painstaking research, it is looking at it statute by statute and State by State that gives the Judge's work on the history of law in discrimination and slavery its credibility.

I would like to give two examples of the kind of discovery, that is the only word for it, "discovery", the Judge made in the complicity of law in the greatest injustices of our country, slavery and discrimination. I refer first to the Declaration of Independence.

There was what the Judge discovered a discarded July 2 draft of the Declaration of Independence, written of course by Mr. Jefferson. Now, listen to this sentence from that discarded draft. This sentence refers to King George. "He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carry them into slavery in another hemisphere or to incur miserable death in their transportation thither."

□ 1845

Here is Jefferson criticizing King George for transporting slaves and for the institution of slavery itself. Well, if that is the case, you would have expected the Declaration of Independence to say something about how there should not be slavery, and, of course, we know there should not be. This is the kind of work that the judge is known for.

Let me give my colleagues one further example of what he discovered. There is, of course, the myth of slavery as a southern institution. We know that it got its worst features perhaps in the South and in how long it remained in the South. But let me quote from Judge Higginbotham. So that we will be at peace with this institution, let us quote from Judge Higginbotham about the State that one least associates with slavery and most associates with abolition, Massachusetts. I quote from "In the Matter of Color":

"Unlike Virginia, for example, which developed a legal framework for slavery in response to societal custom, the Massachusetts Bay and Plymouth colonies statutorily sanctioned slavery as part of the 1641 Body of Liberties a mere 3 years after the first blacks arrived. Thus, Massachusetts was the first colony to authorize slavery by legislative enactment."

We will never rid ourselves of discrimination and its effects unless we come to grips with how it got into our law. And as lawmakers it is particularly important for us to recognize how discrimination and worse can be, and in our case was, imported into the law.

Judge Higginbotham was recognized in virtually every important way, from the Medal of Freedom that he won from the President to the Spingarn Medal which he was granted by the NAACP.

The Congressional Black Caucus is particularly grateful for the role he played in assisting us in the voting rights cases when we were most under attack.

I close by reminding this body that on April 14, there will be a memorial service in 345 Cannon for Judge A. Leon Higginbotham.

I thank the gentlewoman for yielding.

Mrs. JONES of Ohio. Madam Speaker, I would like to thank the gentlewoman from the District of Columbia. She is a historical figure in her own right. I need to remind her that I used to be a lawyer with the Equal Employment Opportunity Commission when she was serving on the commission. I thank the gentlewoman so very much for her comments.

Madam Speaker, I yield to the gentleman from Alabama (Mr. HILLIARD). I have to remind him that my father is a graduate of Parker High School in Birmingham, Alabama.

Mr. HILLIARD. Wonderful.

Madam Speaker, I rise tonight to offer my thoughts on Black History Month which is observed every year during the month of February.

I stand here humble to the reality that many African Americans sacrificed their pride, their joy, their jobs, their dreams and, yes, some their lives so that I and 38 other African-American Members of Congress would be able to stand here today as duly elected officials of the United States House of Representatives.

While I am aware of the specific accomplishments of many African Americans, I do feel that it is important to stress that I do not think that there should be a Black History Month. I understand the motive behind observing and acknowledging the contributions of African Americans to this great country. However, I feel strongly that we must move away from being contained in a box. Every day should be African-American day. Every week should be African-American week. And every month should be African-American month.

Historians for as long as I can recall have written history as they chose. They have made history in many instances a mockery of what actually occurred. They only wrote the version they wanted told. However, historians must have a high duty and a moral responsibility to record history accurately. They should be charged with those responsibilities, and they should be inclusive of all of those things that occur. They definitely should include those persons that made history, the way in which history was made, and there should be no prejudice or bias in recording history. A truthful and accurate account of what happened and who participated should be recorded in American history, and we would not have to have days, months and times set aside for Italian Americans, for Hispanic Americans, or for African Americans.

I truly believe that hopefully in the new millennium, we will have it such, so that we will have a celebration of American history, and that they will truthfully and accurately display and record all of the players regardless of their national origin.

At first glance, most people would assume that this is a given, that historians write history accurately and truthfully. But we know and it is sad, a very sad commentary that that is not the case. We must change.

Madam Speaker, as we move into a new millennium, we must charge those persons who have duties and certain responsibilities to record our history as it is done, as it happened, so that the next generations will not have to deal with the problems of our generation.

I fully urge all historians to include and incorporate all of the deeds of African Americans and all of the other groupings that make up this great country so that its achievements and the achievements of all others will properly and appropriately be recorded.

Yes, I am against what you call African-American Week. I am against the Hispanics having a day. I am against all nationalities having a segment to say something about their contribution to American history. America is a dream land. It is a melting pot. Because it is such, we should only talk about the accomplishments of all of the players of history.

And one day hopefully we will reach the place in our history, we will reach the time in our history when all Americans, no matter how great or how small their contribution to its history, will be fairly portrayed and our history will be accurately recorded.

Mrs. JONES of Ohio. Madam Speaker, I would like to thank my colleague from the great State of Alabama for his comments.

I yield to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Madam Speaker, I thank my distinguished colleague from Ohio for yielding. I rise as a proud person tonight in celebration of black history, because I am indeed a proud recipient of the achievements that we applaud during Black History Month.

I rise today to celebrate black history in a way that was demonstrated by a woman named Rosa Parks who has become affectionately and reverently referred to as the Mother of the Civil Rights Movement.

Rosa Parks in her quiet courage on December 1, 1955, in the proud State that Mr. HILLIARD represents now, in Montgomery, Alabama, launched a new revolution that opened doors a little wider and brought equality a little closer for all Americans in our Nation.

In 1955, Rosa Parks touched off a bus boycott in Montgomery, Alabama, when she was arrested for refusing to yield her seat to a gentleman there who was not of her own race. She was bone weary from a long day at work, she was on her way home, she was sitting in a colored section on the bus. But the law said that African Americans in that section had to yield their seats to people who were not African Americans if no seats were available in the white section for them. This was a visceral symbol to African Americans of their second-class citizenship that was continuing to be reinforced by those blatant segregation laws.

The white section of the bus was full, and a white man demanded that Rosa Parks give up her seat. She refused and was subsequently arrested. Because Rosa Parks sat there with the dignity and the courage that she embraced, she sat there and the whole world stood up. And the name of Dr. Martin Luther King at that point came to the ears and eyes of America as the Montgomery bus boycott was created and launched and came to the ears and eyes of America.

That is why I believe it is important, it is imperative for this body, the United States House of Representatives, to award Mrs. Rosa Parks a Congressional Gold Medal, a bill that I introduced on her 86th birthday, February 4. We have amassed some 127 cosponsors to that effort, and I would love to see all 435 Members join in this effort to ensure that while she yet lives that she will understand that the United States House of Representatives recognizes the achievement in terms of the movement that she created by virtue of the Montgomery bus boycott and that she will still be able to live and receive in person the Congressional Gold Medal.

Mrs. Parks has established, along with her now late husband, an institute for self-development, a training school for Detroit teenagers. The legislation, H.R. 573, would authorize the President to award Mrs. Parks a gold medal on behalf of the Congress and, of course, as gold medals move through, it authorizes the United States Mint to strike and sell duplicates to the public.

This legislation not only is symbolic, it is a very necessary action upon which the United States Congress should engage, because it bespeaks not only the character and the integrity but the courage and the perseverance of an incredibly fine woman. On the eve of the celebration of the International Woman's Year next month, national periodicals and publications across this land have identified Mrs. Parks as being one of clearly the dynamic women, if you will, of the century. I think that it would be extremely befitting for all Members of Congress to join in this noteworthy and vital effort to provide this Congressional Gold Medal.

I appreciate very much your indulgence and your attention to this effort.

When I first heard that Congress has never recognized Rosa Parks' role in the civil rights movement, I was astounded. We have gone 44 years without expressing our gratitude for her leadership.

Rosa Parks is an outstanding American, the type of person for whom the Congressional Gold Medal was created. I urge all my colleagues to join the 122 bi-partisan co-sponsors in supporting this bill.

Mrs. JONES of Ohio. Madam Speaker, I would like to thank my colleague from the great State of Indiana for her presentation and let her know that I truly and wholeheartedly support her effort to have a Congressional Gold Medal awarded to Rosa Parks and have signed on to her resolution and legislation.

Madam Speaker, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, let me first of all thank the gentlewoman from Ohio for not only yielding but also for her leadership and tenacious manner of jumping into the activities of this Congress even though this is her first term in office. While we are all going to miss Mr. Stokes and all of the work that he did from that district, I think those of us who have had the good fortune to interact with his replacement know that Lou Stokes is probably sitting someplace smiling, saying, "I am so glad that this lady was elected to take my spot."

□ 1900

So thank you so very much.

Madam Speaker, I rise today to join with those who are paying tribute to the concept of African American History Month, and it is a time to reflect, it is a time to share, it is a time to appreciate the tremendous ideas of Dr. Carter G. Woodson as we look not only into the past but also to the present and into the future.

But I am going to read a poem that I was asked to read by a gentleman from the State of Utah. He is not from Illinois. He is not from Chicago. As a matter of fact, he lives in Congressman MERRILL COOK's district and, through the Congressman, asked me if I would read this poem that he has written.

Mr. Harris is a 32-year-old teacher at the Salt Lake Community College and also does biomedical research at the school. He is originally from Columbus, Mississippi, and is active in the Salt Lake chapter of the NAACP, and he wrote this poem to commemorate May 14, which was declared African American Creed Day in Mississippi.

He says:

I, the African American, man, woman, child, son and daughter and great grandchild of slaves, descendant of Africa and child of God, no longer have to search to find my place in this world.

I, the African American, have a responsibility, to my forefathers and foremothers whose struggles I must continue to ward off hatred and bigotry.

I, the African American, descendent of Ishmael and Abraham, have a responsibility, to help my brothers and sisters when, and after, they fall by the wayside.

I, the African American, descendent of great kings and queens of Africa, am obligated to teach my children about our ancestors and their customs.

I, the African American, of dark complexion, have a responsibility for keeping my dark beautiful armor shined with Christ-like luster in my daily walk.

I, the African American, whose ancestors were great warriors, must become a great warrior against such things as drugs and gang violence.

I, the African American, come from a race which was so powerful, to cause a nation to change its views on segregation and rethink its views of desegregation.

I, the African American, great grandchild of great chiefs in Africa, have a responsibility to become the head of my family and to raise my children in such a manner that will enable my children to become great leaders.

I, the African American, have come from a race which helped build this country, have a responsibility to keep the talent alive and to build great buildings that will stand alongside the great pyramids of Egypt.

I, the African American, whose forefathers came from a land rich in vegetation and animal life, have a responsibility to preserve that beauty so that my children will have the same opportunities to bathe in the beauty of nature that God has created for all to enjoy.

I, the African American, whose ancestors used as a part of their culture great dances, am obligated to pass this tradition and the history behind the dances on to my children.

I, the African American, come from a race where such powerful men and women laid down their lives so that I may be able to get a fair education. Therefore, I am obligated to attend a school of higher learning.

I, the African American, whose forefathers have been spit upon and smitten, all in the name of equality, just so you and I could stand here today, must be willing to display in return the same equal kindness that we have demanded, not just to men and women of the African American race, but to men and women of all races.

I, the African American, whose fathers and mothers can now become men of science, medicine and law, am obligated to follow in their footsteps ensuring the best possible care, in order to preserve my history.

I, the African American, whose forefathers have died in wars when they were not allowed to drink from the same drinking fountain, yet were equal enough to share the same bullet, but couldn't be buried in the same cemetery, am obligated to become a great general of the Armed Forces and even to become a President of the United States of America.

And so I say, my country tis of thee, sweet land of liberty, let it be known that if any changes are to occur, it must start with me. Of thee I sing. Land where my fathers died, land of every man's pride, from every mountain side, we shall let freedom ring.

And let me just say that I am pleased to have had the opportunity to share this all the way from Salt Lake City, Utah, by way of Mississippi, and I do not represent either one of those, but certainly the thoughts and ideas that have been generated by Mr. Harris are worthy of an entire Nation to consider.

Mrs. JONES of Ohio. Congressman DAVIS, thank you very much.

Madam Speaker, I reclaim my time, and I would like to have a copy of that poem, if the gentleman from Illinois would allow me.

Madam Speaker, I now rise to yield to the gentleman from New York (Mr. OWENS).

Mr. OWENS. I thank the gentlewoman from Ohio and congratulate her for continuing the tradition that was started by her predecessor, Lou Stokes, in guaranteeing that at least once a year the members of the Congressional Caucus should make a special effort to note some achievements in African American history.

There is a lot of talk these days about the fact that it is a little ridiculous to set aside one month a year to pay tribute to African American history, and a lot of people say it is a little silly on the one hand. Others say that it is now being over-commercialized, and companies are exploiting it, and people are trivializing it by running advertisements that say that they support Black History Month, et cetera.

I disagree. I disagree profoundly. I think that only people who are snobbish and people who are elitists and who have lost contact with the masses would come to those kinds of conclusions. There is a great vast body out there of African Americans who are totally ignorant about their own history and who are victimized with low self-esteem and low sense of self-worth because they have to hear from other people lies about their history. They hear from other people that they have no history. Even such great writers as Arnold Toynbee dared to say that, you know, of all the races, the Africans were the only ones who made no contributions to civilization.

You know, since he said that of course there have been many, many diggings in the desert, and African cities have been unearthed, and the whole Kingdom of Cush have been attributed to Africa instead of Egypt, and people have recognized that many of the great kings of Egypt have Negroid features, and on and on it goes. It was a big lie perpetrated, however, by a very high-level British scholar.

I would like to pay particular tribute to one individual that certainly had a great impact on my life in terms of the importance of African American history. It was a little old lady, one of the unsung heroes that very few people ever know about, but she made a contribution, not only an impression on me, but many other people, a little old lady who lived in the community of Brownsville where I got my first assignment when I went to New York City as a professional librarian.

In the local library we have programs of various kinds, and this lady appeared to ask me to have a series of lectures on African American history, and I agreed to do that, and she was going to help me set it up. And during the course of it, of the development of that series of lectures, I got to know her very well. Her name was Mother Rosetta Gaston. They called her Mother because when I met her she was already 88. When she died, she was 99. She was quite a person because she was quite lucid and had all her faculties and quite strong and combative all the way to the time when I went to the hospital to visit her shortly before her death, a very short little black lady who also fascinated me because she is one of the few people I ever met who was born and raised in New York City. Most of the African Americans in New York that I met, they came, like me, from somewhere else. I came from Tennessee. A lot of other people come from North Carolina, South Carolina, all over, but she was born and raised in New York, and that fascinated me.

But the most fascinating thing about Mother Rosetta Gaston was the fact that she actually knew Carter G. Woodson. She had actually met, and she knew Carter G. Woodson, and she adored him. He was kind of like a saint for her.

Carter G. Woodson is a founder of the study of Negro life and history, the Association for Study of Negro Life and History, which later sponsored the first Negro History Week and then later became Negro History Month and Black History Month or African American History Month, whichever way you like to label it.

And Carter G. Woodson was, of course, a scholar. He had a Ph.D. And Carter G. Woodson was interested in dealing with other scholars, trying to straighten out people like Arnold Toynbee who distorted history by saying that Africans had never contributed anything to history, trying to straighten out the people who wrote the textbooks in America, who refused to recognize basic facts about African American history. He wanted to change curriculums and do many kinds of things that needed to be done at the level of scholars and educators.

He was not particularly interested in popularizing it. It was Mother Gaston who influenced him to begin the Negro History Weeks and to start young people's groups called Negro History Clubs throughout the country. And a whole youth movement was developed as a result of Mother Rosetta Gaston pushing the great scholar, Dr. Carter G. Woodson, to popularize African American history.

So it is, you know, most people will find it hard to understand how in school districts and in local schools where 90 percent or 95 percent of the young people attending the school, students, were African Americans, it was hard to get the teachers to acknowledge that there was anything significant that African Americans had ever contributed. It was hard to get them to break away from racist textbooks.

You know, I had textbooks when I was at this school in the south, in Memphis, and they described the Civil War as a disagreement between the States, and there is nothing wrong with slavery according to that textbook. And on and on it goes. Corrections like that Carter G. Woodson was very concerned about, moving to have the curriculum supplemented so that some sense of self-worth, some sense of self-esteem could be communicated by the curriculum.

In a place like New York, a rich history of slavery, most people do not know that New York was the third largest slave port in the country. They think slavery is something totally associated with the south. Unfortunately, that is not the case. There are many streets in Brooklyn named after great slave owners and slave holders, and New York City's early days, when they cleared the forests and built the area from the downtown waterfront upward to Central Park, all of that was done by slave labor. We recently unearthed a burial ground in the building of the Federal building which documented that fact very well.

So there is a whole lot of history that needs to be dealt with at the scholarly level, and all of it in my opinion is filled with the kinds of anecdotes and incidents and facts that should be communicated to the larger population. The larger population needs to know the history, and Mother Rosetta Gaston is one of the heroines of the movement to popularize African American history.

I hope that we will not never fall into the trap of being snobbish and elitist to the point of wanting to get rid of African American History Month.

Mrs. JONES of Ohio. Mr. Speaker, reclaiming my time, I would like to thank my colleague from the great State of New York (Mr. OWENS) for his comments; and at this time I yield to the gentlewoman from the State of Texas, my colleague, Representative SHEILA JACKSON-LEE.

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Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentlewoman from Cleveland, Ohio (Mrs. JONES) for yielding. I thank her for her initiative and for the history of what she brings to this place.

Needless to say that the gentlewoman from Ohio (Mrs. JONES) will be making her own history, but I know that she is gratified by the fact that her predecessor served so ably in this House and as well creates his page in African American history.

That is why I would say that this is such an important special order, because I want to pick up on the theme of my friend, the gentleman from New York (Mr. OWENS). I heard his last words saying that is why we should not engage in debate on the question of whether or not we should have commemoration of African American history.

I think that is an important discussion because, as I understand it, there are several movements around the country where people are rising to express their opposition to months that commemorate Hispanic heritage month or Asian heritage month or black history month, because they say we are one America.

I believe that we can all sing from the same page, but we are tenors and altos and sopranos. We are bass and, therefore, to eliminate the celebration of African American history is, of course, to eliminate the very infrastructure of a nation.

I rise today to thank Carter G. Woodson for his vision. I rise today to acknowledge that we first came to this Nation, African Americans, in the bottom of a belly of a slave boat. Having read extensively the Constitution over the past 13 months, we also were three-fifths of a person when the Constitution was written. So we find that our history is worn but it is wrapped up in challenges. It is wrapped up in people overcoming obstacles.

I think that there is every reason to continue to commemorate. It is important that we acknowledge the most recent of episodes in our history: *Brown* v. *Board of Education*, *Sweatt* v. *Painter*, the Civil Rights Act of 1964, the Voter Rights Act of 1965, landmark decisions all based upon the advocacy and the energy and the excitement of African American warriors and African American challengers to the system.

They used vehicles that were not weapons of war but they were weapons of words. They were similar to the words of why a caged bird sings with Maya Angelou recalling her graduation ceremony in Stamps, Arkansas, the students sang "Lift Every Voice and Sing" the song that has become to be known as the Negro national anthem.

Her expressions were such to give to America the understanding of why those of us of African American heritage are, one, perceived as a caged bird but yet, in being caged, we sung out for freedom and for justice.

It is important that we claim our history and it is important, although we recognize that we have come from different perspectives and that America is one Nation, that it is still very valuable that we talk about being a mosaic.

As I close, let me, Madam Speaker, say just a moment of tribute to home, to Houston, Texas, for there are, again, African leaders, African Americans who have accepted the call, the challenge, to not be turned away by the inequities in the law and the injustices, the segregation, the discrimination, but to stand up. Moses Leroy, one of the first fighters for workers' rights; Luella Harrison, a premier teacher who taught young African American students that they could be anything they desired to be as long as they sought to achieve; Hattie Mae White, the first member of the school board; Erma Leroy; Zollie Scales, who taught us what politics was all about, claiming your constitutional rights; Mack Hannah, our first banker; Reverend Jack Yates, who a school was named after and who a whole community, Freedomstown, was part of; Mickey Leland; Dr. John B. Coleman, a doctor who not only nurtured our sickness but also our community; and finally Dr. C. Anderson Davis, who has founded the emancipation organization that for over the years has helped us understand the emancipation proclamation;

Juneteenth, where Texans learned about our freedom two years later.

Madam Speaker, let me thank the gentlewoman from Ohio (Mrs. JONES) for giving me this opportunity but more importantly let me tip my hat, let me raise my hand, to all of those African Americans who gave to me the opportunity to stand here tonight and let me challenge America that the wrong message is to eliminate this day, this month, but that we should all live a commemoration of African American history in our lives.

Mrs. JONES of Ohio. Madam speaker, I would like to thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her presentation.

Madam Speaker, I yield to the gentleman from the great State of Georgia (Mr. BISHOP).

Mr. BISHOP. Madam Speaker, let me thank the gentlewoman from Ohio (Mrs. JONES) for handling this special order and for her kindness and graciousness in yielding the time to me to speak at this very, very important time.

Madam Speaker, like many of our colleagues, I have been making talks about black history this month at schools, churches and civic organizations throughout my area of middle and south Georgia. It is an honor to participate. I believe that the goals Dr. Carter J. Woodson had in mind when he established this observance 73 years ago are indeed being fulfilled.

As a historian, he wanted to make American history as accurate and as complete as possible. As an African American who worked his way up from poverty to become a renowned teacher, a writer and a scholar, he wanted to give black people, particularly young people, a better sense of their heritage and a more hopeful vision of their future and the country's future.

Today, Americans everywhere recognize the contributions that African Americans have made in science, exploration, business, education, religion, the arts, in politics and government, in entertainment and supports and the military and citizenship and in every field of endeavor that has made our country a beacon of freedom and opportunity throughout the world.

One example from my area of southwest Georgia, Thomasville, is Lieutenant Henry Flipper. Henry Flipper was born a slave, became the first African American to graduate from West Point. After serving with distinction as an officer in the legendary Buffalo Soldiers on the western frontier, he was falsely charged with the disappearance of commissary funds. He was found innocent of these charges but was nevertheless dismissed from the Army on a wrongful charge of conduct unbecoming an officer.

Others might have been defeated by this setback but Henry Flipper never lost his sense of duty and responsibility and he rose to great heights in the years that followed.

As a civilian, he was a pioneer in the oil industry, helped develop the railroad in the west and served as an inventor, surveyor, engineer, author and newspaper editor. He rose to positions of extraordinary influence in government, serving as an assistant to the Secretary of the Interior, a special agent to the U.S. Justice Department and as an advisor to Congress.

Just a few days ago, he was formally pardoned of all charges by President Clinton at a White House ceremony with many of his descendants in attendance. Today his statue can be found on the campus of West Point. A post office is named in his honor in the community where he was born in my district. Efforts are being made to issue a stamp with his portrait. He was truly a hero.

It was not his extraordinary accomplishments that made him such an inspiring figure. What made him special were the personal values and strengths that enabled him to overcome adversity time and time again and continue to live a highly productive life; qualities such as his remarkable courage and sense of discipline, personal dignity, duty, his fighting spirit and his unwavering faith in his country through all of the difficulties and injustices that he had to endure.

During his years at the military academy, Flipper experienced mistreatment and ostracism but he persevered and graduated as one of the academy's better students. In civilian life, he encountered a series of new challenges with the same skills and determination and the duty that characterized his career at West Point and in the military making historic contributions to our country's westward expansion.

In spite of his bitter experiences in the military, when Henry Flipper died in Atlanta in 1940 his death certificate listed the one occupation that he wished recorded: Retired Army officer.

America has produced many heroes. They come from all races, creeds and colors. We find examples of great necessary among all people in the patchwork of cultures that has become the strongest, freest and most productive nation the world has ever known. Black history month gives us an opportunity to learn from their lives.

Mrs. JONES of Ohio. Madam Speaker, I would like to thank my colleague, the gentleman from the great State of Georgia (Mr. BISHOP) for his comments.

It is true that I stand here, and I say, on the shoulders of the great Congressman Louis Stokes of the 11th Congressional District of Ohio. I stand here bringing this special order, part of the tradition he began here in Congress.

I cannot recount in the few remaining minutes all the greatest of Congressman Louis Stokes but it is written in the annals of history. There are not many people who will retire from Congress that have a street named after them, a college technical building, a medical school building, a day care center, a library building, a recreational facility and his name plastered in the hearts and minds of all the people, not only of the State of Ohio but across this country.

I would end this special hour, Madam Speaker, with a poem. All of us have stood here and said we rise. I conclude with a poem by Maya Angelou that reads as follows, entitled, Still I Rise.

You may write me down in history with your bitter twisted lies. You may trod me in the very dirt but still like dust I'll rise.
Does my sassiness upset you? Why are you beset with gloom? 'Cause I walk like I've got oil wells pumping in my living room.
Just like moons and like suns, with the certainty of tides, just like hopes springing high, still I'll rise.
Did you want to see me broken? Bowed head and lowered eyes? Shoulders falling down like teardrops, weakened by my soulful cries.
Does my haughtiness offend you? Don't you take it awful hard 'cause I laugh like I've got gold mines digging in my own back yard.
You may shoot me with your words, you may cut me with your eyes, you may kill me with your hatefulness, but still, like air, I'll rise.
Does my sexiness upset you? Does it come as a surprise that I dance like I've got diamonds at the meeting of my thighs?
Out of the huts of history's shame, I rise. Up from a past that's rooted in pain, I rise. I'm a black ocean, leaping and wide, welling and swelling I bear the tide.
Leaving behind nights of terror and fear, I rise. Into a daybreak that's wondrously clear, I rise. Bringing the gifts that my ancestors gave, I am the dream and the hope of the slave. I rise. I rise. I rise.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in celebration of Black History Month.

This year's proclamation from the President for Black History Month is "Celebrating African-American Leadership Past and Present." My hometown of Dallas and home state of Texas are fortunate to have many prominent African-American leaders of whom I would like to mention just a few.

Dallas Mayor Ron Kirk is a prime example of a successful African-American leader. He was born in Austin where he lived until graduating from the University of Texas School of Law. He later worked in Washington, DC for United States Senator Lloyd Bentsen in the early 1980's. Kirk returned to Dallas to work for the City Attorney's office. In 1994 he was appointed by Governor Ann Richards to be the Secretary of State, prior to his election as Dallas Mayor. As the elected leader of Dallas, Mayor Kirk has effortlessly promoted the city's economic opportunities helping make it one of the nation's top business, tourist and convention centers in the country.

Not only has Mayor Kirk been a strong leader in the public sector, he has also been a tremendous volunteer having been awarded in 1992 the Volunteer of the Year Award from Big Brothers/Big Sisters.

Mayor Kirk has also been a strong proponent of celebrating the legacy of African-American leadership. Last year I worked with Mayor Kirk and the city of Dallas to secure a $14,000 grant from the Corporation For National Service. This grant allowed the city to incorporate youth service into its very successful annual Martin Luther King celebration.

Another standout is singer Charley Pride, the first African-American to perform at the Grand Ole Opry. Though not a native Texan, he has made Dallas his home for the last 30 years. This three-time grammy award winner started his public career in the Negro American baseball league. He later went on to record such song hits as "Snakes Crawl at Night," "Does My Ring Hurt Your Finger" and "I Know One."

Currently, Pride resides in Dallas, Texas, where he is part owner of Cecca Productions.

Bessie Coleman, the first African-American to fly an airplane, was born in Atlanta, Texas in 1892. An exhibition flyer, Bessie earned her nickname "Queen Bess" as she appeared at air shows across the nation performing daring aerial acts with her plane. Rejected from American aviation schools, Coleman went to France to learn to fly where she became the first African-American female to earn an international pilot's license.

Madam Speaker, Texas is proud to have many other African-American leaders who have helped make Texas and especially Dallas world class. Many I have mentioned here before; the late Joseph Lockridge, A. Maceo Smith, George Allen Sr., Dr. Napoleon Lewis, Mrs. Juanita Craft, Clarence Laws, Roosevelt Johnson, the Rev. S.M. Wright and so many others. Without the determination, courage and talent of these individuals many African-American would not be able to achieve their dreams today. I salute the African-American leaders of our past and look forward to the success of the leaders of our future.

This is not to overlook a long string of African Americans who helped to make Texas and especially Dallas world class.

Mr. VISCLOSKY. Madam Speaker, it is with a great sense of honor that I rise to celebrate Black History Month. As we honor the great cultural and historic legacy that African-Americans have left to us and to future generations, we recognize that they led one of the greatest social transformations in the history of the United States: the civil rights movement of the 1950s and 1960s.

The civil rights movement was a period of enormous growth for our country and society. Great African-American leaders such as Dr. Martin Luther King, Jr., Malcolm X, Rosa Parks and others forced us, as a nation, to search our souls and confront the forces of hate and ignorance that were splitting our society.

Today, we continue to confront the forces of hate and ignorance. The fact remains that much still needs to be done before true equality and racial harmony become a fact of life in this country. Now, more than ever, we need strong African-American leadership. We must have leaders who, like the leaders of the civil rights movement, are able to take action and inspire others to confront bigotry.

In the First Congressional District of Indiana, we are blessed with a number of outstanding African-American leaders. But there are 10 specific leaders that I want to recognize today for their devotion to public service and their ability to inspire future generations to achieve all that they can.

Suzette Raggs is the current Deputy Mayor of Gary. She is the first black woman appointed Deputy Mayor in the state of Indiana. She was appointed by Mayor Scott King in 1996. She is President of the Gary City Board of Public Works and Safety, the body that oversees all of the contractual agreements for the city. She is also Co-Chairman of the Harambee African Celebration in the Gary City Council Chambers as part of the Black History Month celebration. She currently sits on the Board of Redevelopment Commission for the Department of Redevelopment.

Sandra Jean Carr Irons has been the President of the Gary Teachers' Union, Local No. 4, since 1971. Her involvement in union activities has taken her all across the nation and the world. She has served in leadership positions with the American Federation of Teachers and the International Federation of Free Trade Unions. She has served on a number of state and local bodies, including the Gary Commission on the Status of Women and the State of Indiana Civil Rights Commission's Employment Advisory Committee. Prior to her service with the Gary Teachers' Union, she had been a mathematics teacher in the Gary Community School Corporation. She holds a B.S. Degree in Mathematics and Chemistry from Kentucky State College and a Masters Degree in Teaching Mathematics from Purdue University. She was also the Valedictorian of her high school class at Rosenwald High School in Harlan, Kentucky.

State Senator Earline Rogers of Gary, Indiana was first elected to the Indiana General Assembly as a State Representative in 1982, after two years as a member of the Gary City Council. In 1990, she became a member of the Indiana State Senate. During her tenure in the legislature, she has severed in several leadership positions and currently serves as Assistant Minority Floor Leader of the Democratic Caucus. As a retired teacher, Senator Rogers has taken a special interest in education reform and has co-authored many of the state's education bills. She is actively involved in many community organizations, including the National Association for the Advancement of Colored People, the Urban League, the Black Professional Women, the American Federal of Teachers, the Indiana State Teachers' Association, the National Council of Negro Women, the YWCA and the Hoosier Boys' Town.

Rudolph Clay is a 13-year member of the Lake County Board of Commissioners. In 1972, he was elected to the State Senate, making him the first black state Senator from Northwest Indiana. During his stay in the State Senate, he earmarked $100,000 in the state budget to recruit and hire minority state troopers. He was also elected to two terms as a member of the Lake County Council, beginning in 1978, and served as Council President. In 1984, he again broke barriers as the first black county recorder. As a member of the Board of Commissioners, he has instituted a major overhual of the county's Affirmative Action policies and practices. Most recently, he was part of the Board that adopted the most comprehensive Equal Employment Opportunity Plan to date.

Bernard A. Carter was appointed to the position of Prosecuting Attorney of Lake County, Indiana, in December 1993 to fill the unexpired term of his predecessor. In May of 1994, he was elected to the position. Prior to being named Prosecutor, he served for three years as the presiding Judge of the Lake County Superior Court, County Division III. He was the first African-American Judge elected in the history of Lake County. Prior to his election, Carter served as a Lake County Deputy Prosecutor for six years. During that time, he successfully tried more than 80 important felony cases and was appointed Supervisor of the County court division of the Lake County Prosecutor's Office.

William A. Smith, Jr. is the Lake County Third District councilman and has held that seat since 1983. In 1999, his peers elected him Vice President of the Lake county council. A graduate of the Lincoln Service Academy in St. Louis, Missouri, Mr. Smith served for 20 years as a firefighter and 12 years as the Gary City Court Administrator. He currently serves as the Deputy Government Liaison for the Calumet Township Trustee's Office.

Lonnie Randolph is the current City Judge of East Chicago, Indiana. He was appointed to that position in August of 1998. He served as an Assistant States Attorney and a Deputy Prosecuting Attorney in Lake County before entering private practice for the past 17 years. In 1992, he was elected to the Indiana State Senate. In addition to his public service, he is involved with a number of community organizations including the East Chicago Lions Club, the East Chicago NAACP, the East Chicago Katherine Boys Club of America and the Hammond YMCA.

Morris W. Carter is the Recorder for Lake County, Indiana and is a former County Councilman. Educated through the Gary Community School system, he attended the Indiana University Northwest School of Public and Environmental Affairs. As a County Councilman, Mr. Carter served on as many as 25 boards and committees throughout Lake County. He has also served in administrative posts throughout city, township and county governments. Over the past 25 years, Mr. Carter has served as mentor for some of the most outstanding leaders in the Gary community and of his generation. Recently, he has devoted much of his time and energy to the Gary Accord and the local Commission on the Status of Black Males, where he serves as a board member.

Troy Montgomery is the current President of the Lake County Council. He has represented the citizens of Gary for seven years. He is also a 33-year employee of U.S. Steel corporation. A disabled veteran, he has been active in the United Steelworkers of America, holding a number of leadership positions, including serving on the International Civil Rights Committee. He has also been active with the NAACP, serving as Chairman of the Gary Branch of the NAACP Labor and Industry Committee and as Chairman of the Indiana State Conference of Branches State Labor and Industry Committee.

Dharathula "Dolly" Millender is a former school librarian and Gary City Councilwoman.

She is currently a member of the Board of Trustees for the Gary Community Schools. She is the author of several books for children, including Martin Luther King, Jr. which is published in both English and Norwegian. She has authored two other books on the childhood and young adulthood of Crispus Attucks and Louis Armstrong. She has also written Yesterday in Gary, a book about Gary's African-American heritage. She is the founder and Chief Executive Officer of the Gary Historical and Cultural Society. She is considered the Historian of Gary, Indiana, and frequently speaks to audiences of children, youths and people of all ages about the history of Gary and Lake County.

Madam Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding African-American leaders and their efforts to build a better society for our country and the citizens of Northwest Indiana.

Mr. CONYERS. Madam Speaker, today I rise to lift up three extraordinary people who have contributed much the Civil Rights Era: Martin Luther King, Jr., John Coltrane and Nelson Mandela.

Dr. King was very much aware of the cultural impact of jazz on the civil rights struggle. He talked while he was in Berlin, Germany about how music is such a great unifying force, in particular jazz, that connects people and enhances cultural development of society. King went on to discuss how jazz evolved from the black churches gospel songs and hymns into a popular art form that has wide appeal across racial and ethnic lines. Coltrane was instrumental in insuring jazz's distinction as a National American treasure. Coltrane once said, "My goal . . . is to uplift people as much as I can, to inspire them to realize capacities for living meaningful lives." Through his boundless music, he like King and Mandela helped to break down the walls of prejudice and intolerance in our nation. Because of Coltrane, jazz has become the music that America is known for around the world. Jazz has such cultural significance that it crosses racial, ethnic, socio-economic, and geographic boundaries. The importance of music cannot be understated in the struggle for African-Americans in this country to gain rights of equality and fair treatment. Coltrane's musical genius acted to soothe the wounds after the harsh, brutal fight, acted as healing salve to bring both black and white, red and brown peoples together. It is Coltrane musical essence that still brings us together today.

President Nelson Mandela is the last name in this trinity that I would like to lift up. It was Mandela who endured 27 years of prison internment only to merge as the leader of the most feared, apartheid ruled, police state in the world. It was Mandela who, in his brilliance organized his people and all South Africans to move toward reconciliation and forgiveness. President Mandela was also acutely aware of the healing power of music to the soul. If you ever listen to African music, to the congo drums, the singing, envision the women and men swaying with the beat, you can hear reminiscences of jazz, you can sense the cultural divide weakening, you can feel the healing in the music. We owe a great deal to King, Coltrane and Mandela and we profoundly thank them for their contribution to our lives.

Ms. LEE. Madam Speaker, I would like to take a moment to thank my colleagues, the gentleman from South Carolina, Mr. CLYBURN, chair of the Black Caucus, and the gentlewoman from Ohio, Ms. TUBBS JONES, for organizing this Black History month special order.

Today I join my colleagues in the Congressional Black Caucus, and our colleagues on both sides of the aisle as we acknowledge the contributions of African American women and men to the building and shaping of this nation.

What began as Negro History week in 1926, expanded to Black History month in 1976. Let me say that one month cannot capture in full the history of a people. It is important that we make efforts to incorporate the contributions and achievements of African Americans to this nation, year round.

As we mark the 1999 observance of Black History month, I do so keeping in mind this year's theme, "The Legacy of African American Leadership for the present and the future." The theme this year gives us an opportunity to draw strength and inspiration from the many African Americans who have gone before us. I would like to use this time to highlight the legacy of African American women's political involvement and participation.

The history of African American women's participation in American politics must recognize our involvement in traditional political acts, such as registering, voting, and holding office, but also those nontraditional activities in which we engaged long before we had access to the ballot. Because African American women are simultaneously members of the two groups that have suffered the nation's most blatant exclusions from politics, African American and women, our political behavior has been largely overlooked.

African American women organized slave revolts, established underground networks, and even sued for the right to be free. Public records reveal that many African American women were involved in the abolition movement and were active participants in the early women's rights movement. African American women's political activity has largely been directed towards altering our disadvantaged status as African Americans and women.

Because African American women have only recently been granted access to the political arena as voters and officeholders in significant numbers, there is a lack of information about them, and even less information about those actions that predated these roles.

Today, we look to African American women holding political office as a recent experience. The First African American women elected to state legislature took office in 1938, the first to sit on a federal bench in 1966, and the first elected to Congress in 1968.

This is the legacy that I follow. I am thrilled to stand here on the House floor as an American, as an African American, and as a woman member of Congress. I stand here as the 171st Woman, the 99th African American, and the 19th African American woman ever to have the privilege of serving in this body. I stand here today because of the legacy of those who have gone before me.

I stand here today because of those African American women who had the courage to be involved in electoral politics, and I stand here today to fulfill my role as an African American leader.

Again, Madam Speaker, I thank so much the gentlewoman from Ohio, and the gentleman from South Carolina for the opportunity to say these words.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Mr. GEPHARDT) for today and for the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. JONES of Ohio) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. DOOLEY of California, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. ROEMER, for 5 minutes, today.

Mr. MALONEY of Connecticut, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

(The following Members (at the request of Mr. NETHERCUTT) to revise and extend their remarks and include extraneous material:)

Mr. BALLENGER, for 5 minutes, today.

Mr. WELLER, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes each, today and February 25.

Ms. PRYCE of Ohio, for 5 minutes, today.

Mr. JONES, for 5 minutes, March 1.

Mr. SCHAFFER, for 5 minutes, today.

ADJOURNMENT

Mrs. JONES. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 28 minutes p.m.) the House adjourned until tomorrow, Thursday, February 25, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

730. A letter from the Secretary of Defense, transmitting a report detailing the security situation in the Taiwan Strait; to the Committee on International Relations.

731. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-1011-385-1 Series Airplanes [Docket No. 98-NM-241-AD; Amendment 39-10994; AD 99-02-05] (RIN: 2120-AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

732. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0100 Series Airplanes [Docket No. 98-NM-250-AD; Amendment 39-10995; AD 99-02-06] (RIN: 2120-AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

733. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company (RHC) Model R22 Helicopters [Docket No. 98-SW-79-AD; Amendment 39-10991; AD 99-02-02] (RIN: 2120-AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

734. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Avions Pierre Robin Model R2160 Airplanes [Docket No. 98-CE-83-AD; Amendment 39-10971; AD 99-01-04] (RIN: 2120-AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

735. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes [Docket No. 96-NM-103-AD; Amendment 39-10992; AD 99-02-03] (RIN: 2120-AA64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

736. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendments to Restricted Areas 6302C, D and E; Fort Hood, TX [Airspace Docket No. 98-ASW-47] (RIN: 2120-AA66) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

737. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Federal Aviation Regulation No. 36, Development of Major Repair Data [Docket No. FAA-1998-4654; Amendment No. SFAR 36-7] (RIN: 2120-AG64) received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

738. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Golden Triangle Regional Airport, MS. [Airspace Docket No. 98-ASO-27] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

739. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes [Docket No. 98-NM-348-AD; Amendment 39-10988; AD 98-25-11 R1] (RIN: 2120-AA64) received August 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

740. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Rockland, ME [Airspace Docket No. 98-ANE-95] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

741. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Perryville, MO [Airspace Docket No. 99-ACE-1] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

742. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Grand Island, NE [Airspace Docket No. 99-ACE-2] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

743. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Riverton, WY [Airspace Docket No. 98-ANM-15] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

744. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Monroe, MI [Airspace Docket No. 98-AGL-55] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

745. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Norwalk, OH [Airspace Docket No. 98-AGL-58] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

746. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Fostoria, OH [Airspace Docket No. 98-AGL-57] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

747. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Sandusky, OH [Airspace Docket No. 98-AGL-59] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

748. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Bellevue, OH [Airspace Docket No. 98-AGL-60] received February 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DIAZ-BALART: Committee on Rules. House Resolution 83. Resolution providing for consideration of the bill (H.R. 669) to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act (Rept. 106-30). Referred to the House Calendar.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 221. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products (Rept. 106-31). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 603. A bill to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents (Rept. 106-32). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WATTS of Oklahoma (for himself, Mr. DAVIS of Illinois, Mr. TALENT, Mr. CLYBURN, Mr. ARMEY, Mr. FROST, Mrs. FOWLER, Mr. ENGLISH, Mr. FORD, Ms. PRYCE of Ohio, Mr. KING of New York, Mr. LIPINSKI, Mrs. BONO, Mr. KOLBE, Mr. DELAY, Mrs. CHRISTIAN-CHRISTENSEN, Mrs. EMERSON, Mr. KNOLLENBERG, Mr. HAYWORTH, Mrs. CUBIN, Mr. HORN, Mr. HILL of Montana, Mr. WELDON of Florida, Mr. TERRY, Mr. SOUDER, Mr. BALLENGER, Mr. CHABOT, Mr. CHAMBLISS, Mr. WELLER, Mr. TANCREDO, Mr. SENSENBRENNER, Mr. NORWOOD, Mr. METCALF, Mr. DICKEY, Mr. GILLMOR, Mr. GREEN of Wisconsin, Mr. HULSHOF, Mr. LARGENT, Mr. SCARBOROUGH, Mr. PITTS, Mr. ROHRABACHER, Mr. BURR of North Carolina, Mr. EHLERS, Mr. BUYER, Mr. LATHAM, Mr. SIMPSON, Mr. MCCOLLUM, Mr. LATOURETTE, Mr. CUNNINGHAM, Mr. COOK, Mr. LEWIS of Kentucky, Mr. BLUNT, Mr. NEY, Mr. GARY MILLER of California, Mr. PICKERING, Mr. NETHERCUTT, Mr. MCHUGH, Ms. GRANGER, Mr. FORBES, Mrs. MYRICK, Mr. SHOWS, Mrs. KELLY, Mr. OWENS, Mr. THOMPSON of Mississippi, and Mr. COBURN):

H.R. 815. A bill to amend the Internal Revenue Code of 1986 to provide for the designation of renewal communities, to provide tax incentives relating to such communities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, Commerce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX:

H.R. 816. A bill to require a parent who is delinquent in child support to include his unpaid obligation in gross income, and to allow custodial parents a bad debt deduction for unpaid child support payments; to the Committee on Ways and Means.

By Mr. EWING (for himself, Mr. MORAN of Kansas, Mr. BOEHNER, Mr. BARRETT of Nebraska, Mr. SMITH of Michigan, Mr. MINGE, Mr. LAHOOD, Mr. WELLER, and Mr. BEREUTER):

H.R. 817. A bill to promote trade in United States agricultural commodities, livestock, and value-added products, and to prepare for future bilateral and multilateral trade negotiations; to the Committee on Ways and Means, and in addition to the Committees on International Relations, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TALENT (for himself, Ms. Velázquez, Mr. Baird, and Ms. Schakowsky):

H.R. 818. A bill to amend the Small Business Act to authorize a pilot program for the implementation of disaster mitigation measures by small businesses; to the Committee on Small Business.

By Mr. SHUSTER (for himself, Mr. Oberstar, Mr. Gilchrest, and Mr. DeFazio):

H.R. 819. A bill to authorize appropriations for the Federal Maritime Commission for fiscal years 2000 and 2001; to the Committee on Transportation and Infrastructure.

By Mr. SHUSTER (for himself, Mr. Oberstar, Mr. Gilchrest, and Mr. DeFazio):

H.R. 820. A bill to authorize appropriations for fiscal years 2000 and 2001 for the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 821. A bill to amend title XIX of the Social Security Act to require Medicaid coverage of disabled children, and individuals who became disabled as children, without regard to income or assets; to the Committee on Commerce.

By Mr. BAKER (for himself and Mr. Kanjorski):

H.R. 822. A bill to modernize and improve the Federal Home Loan Bank System, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BAKER:

H.R. 823. A bill to modernize and improve the financial services industry; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARCIA:

H.R. 824. A bill expressing the sense of the Congress that the Government of Poland should address the claims of Polish-Americans whose homes and properties were wrongfully expropriated under Poland's former totalitarian government; to the Committee on International Relations.

By Mr. BEREUTER (for himself, Mr. Lantos, Mr. Royce, Mr. Berman, Mr. Manzullo, and Mr. Faleomavaega):

H.R. 825. A bill to set forth the policy of the United States with respect to Macau, and for other purposes; to the Committee on International Relations.

By Mr. DAVIS of Virginia (for himself, Mr. Watts of Oklahoma, Mr. King of New York, Mr. Snyder, Mr. Abercrombie, Mr. Moran of Virginia, Mrs. Meek of Florida, Mr. Kucinich, Mrs. Mink of Hawaii, Mr. Frost, and Mr. McNulty):

H.R. 826. A bill to amend title 5, United States Code, to provide for appropriate overtime pay for National Weather Service forecasters performing essential services during severe weather events, and to limit Sunday premium pay for employees of the National Weather Service to hours of service actually performed on Sunday; to the Committee on Government Reform.

By Ms. DEGETTE (for herself, Mrs. Morella, Mr. Waxman, Mr. Brown of Ohio, Mr. Pallone, Mr. Deutsch, Mr. Stupak, Mr. Markey, Mr. Green of Texas, Mr. Strickland, Mrs. Capps, Mr. Barrett of Wisconsin, Mr. Towns, Mr. Boucher, Mr. Gordon, Mr. Klink, Mr. Sawyer, Mr. Wynn, Ms. McCarthy of Missouri, Mr. Luther, Ms. Eshoo, Mr. Hall of Texas, Mr. Gilman, and Mr. Engel):

H.R. 827. A bill to amend titles XIX and XXI of the Social Security Act to improve the coverage of needy children under the State Children's Health Insurance Program (SCHIP) and the Medicaid Program; to the Committee on Commerce.

By Mr. BARCIA (for himself, Mr. Roemer, Mr. Terry, Mr. Frank of Massachusetts, Mr. Ney, Mr. Mascara, Ms. McCarthy of Missouri, Mr. Allen, Mr. Baldacci, and Mr. Dingell):

H.R. 828. A bill to amend the Federal Water Pollution Control Act to require that discharges from combined storm and sanitary sewers conform to the Combined Sewer Overflow Control Policy of the Environmental Protection Agency, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. DEGETTE:

H.R. 829. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. DINGELL (for himself, Mr. Brown of Ohio, Mr. Stupak, Mr. Pallone, Mr. Waxman, Mr. Markey, Mr. Boucher, Mr. Gordon, Mr. Deutsch, Mr. Rush, Mr. Klink, Mr. Wynn, Mr. Green of Texas, Ms. McCarthy of Missouri, Ms. DeGette, Mr. Barrett of Wisconsin, Mrs. Capps, Mr. Bonior, and Mr. Serrano):

H.R. 830. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of food from foreign countries; to the Committee on Commerce.

By Ms. DUNN (for herself and Mr. DeFazio):

H.R. 831. A bill to amend the Incentive Grants for Local Delinquency Prevention Programs Act to authorize appropriations for fiscal years 2000 through 2005, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FRANK of Massachusetts (for himself, Mr. Moakley, Mr. Lewis of Georgia, Ms. Pelosi, Mr. McDermott, Mrs. Emerson, Mr. Dingell, Mr. Frost, Mr. Inslee, Mr. McGovern, Mr. Brown of Ohio, Mr. Reyes, Ms. DeLauro, Mr. Ackerman, Mr. Rahall, Mr. Ford, Mr. Neal of Massachusetts, Mr. Blagojevich, Mr. Filner, Mr. Baldacci, Ms. Lee, Mrs. Mink of Hawaii, Mr. Shows, Mr. Boucher, Ms. Hooley of Oregon, Mr. Costello, Mrs. Jones of Ohio, Mr. Bishop, Mr. Crowley, Mr. Wynn, Mr. Green of Texas, Ms. Rivers, Mr. Rodriguez, Mr. Udall of New Mexico, Mr. Gordon, Mr. Faleomavaega, Mr. Andrews, Mr. McIntosh, Mr. Rothman, Mrs. Maloney of New York, Ms. Kilpatrick, and Mrs. Thurman):

H.R. 832. A bill to restore veterans tobacco-related illness benefits as in effect before the enactment of the Transportation Equity Act for the 21st Century; to the Committee on Veterans' Affairs, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEKAS (for himself, Mr. Boucher, Mr. McCollum, Mr. Moran of Virginia, Mr. Armey, Mr. Frost, Mr. Menendez, Ms. Pryce of Ohio, Mrs. Fowler, Mr. Kennedy of Rhode Island, Mr. Dreier, Mr. Canady of Florida, Mr. Goodlatte, Mr. Chabot, Mr. Bryant, Mr. Rothman, Mrs. Bono, Mr. Andrews, Mr. Baker, Mr. Bereuter, Mr. Cunningham, Mr. Dooley of California, Ms. Dunn, Ms. Hooley of Oregon, Mrs. Kelly, Mr. Largent, Mr. Maloney of Connecticut, Mr. Riley, Mr. Roemer, Mr. Sessions, Mr. Smith of Washington, Mrs. Tauscher, Ms. Velázquez, Mr. Wynn, Mr. Davis of Virginia, Mr. Davis of Florida, and Mr. Hall of Texas):

H.R. 833. A bill to amend title 11 of the United States Code, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY:

H.R. 834. A bill to extend the authorization for the National Historic Preservation Fund, and for other purposes; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Matsui, Mr. Crane, Mr. Coyne, Mr. Houghton, Mr. Levin, Mr. Herger, Mr. Cardin, Mr. Camp, Mr. McDermott, Mr. Ramstad, Mr. Lewis of Georgia, Mr. Sam Johnson of Texas, Mr. Neal of Massachusetts, Ms. Dunn, Mr. Jefferson, Mr. Portman, Mr. Becerra, Mr. English, Mrs. Thurman, Mr. Watkins, Mr. Weller, Mr. Hulshof, Mr. McInnis, Mr. Lewis of Kentucky, Mr. Foley, Mr. Allen, Mr. Baird, Mr. Baldacci, Mr. Blagojevich, Mr. Boehlert, Mr. Bonior, Mr. Campbell, Mr. Chambliss, Mr. Cook, Mr. Cox, Mr. Cunningham, Mr. Davis of Florida, Ms. DeGette, Ms. DeLauro, Mr. Deutsch, Mr. Dixon, Mr. Dooley of California, Mr. Dreier, Mr. Ehlers, Mr. Ehrlich, Ms. Eshoo, Mr. Etheridge, Mr. Faleomavaega, Mr. Farr of California, Mr. Filner, Mr. Frelinghuysen, Mr. Frost, Mr. Gejdenson, Mr. Hall of Texas, Mr. Holt, Ms. Hooley of Oregon, Mr. Inslee, Ms. Eddie Bernice Johnson of Texas, Mr. Kind of Wisconsin, Mr. Kolbe, Mr. Kuykendall, Mr. Larson, Ms. Lofgren, Mr. Lucas of Oklahoma, Mr. Luther, Mrs. Maloney of New York, Mr. Maloney of Connecticut, Mr. Markey, Ms. McCarthy of Missouri, Mr. McKeon, Mr. Metcalf, Mr. Moran of Virginia, Mrs. Morella, Mr. Ney, Mr. Pallone, Ms. Pelosi, Mr. Peterson of Pennsylvania, Mr. Pickering, Mr. Price of North Carolina, Mr. Roemer, Mr. Rogan, Mr. Sandlin, Mr. Sawyer, Mr. Shays, Mr. Sherman, Mr. Shows, Mr. Smith of Washington, Mr. Snyder, Ms. Stabenow, Mrs. Tauscher, Mr. Towns, Mr. Udall of Colorado, Mr. Waxman, Mr. Weldon of Pennsylvania, Mr. Wu, Mr. Wynn, Mr. Walden of Oregon, and Mr. Vento):

H.R. 835. A bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to adjust the alternative incremental credit rates; to the Committee on Ways and Means.

By Mr. LUTHER (for himself and Mr. Ramstad):

H.R. 836. A bill to authorize the Consumer Product Safety Commission to issue a standard for bleacher safety; to the Committee on Commerce.

By Mr. GEORGE MILLER of California (for himself, Ms. Kaptur, Mr. Strickland, Mr. Olver, Mr. Stark, Ms. Pelosi, Ms. Jackson-Lee of Texas, Mr. Green of Texas, Mr. Baldacci, Mr. DeFazio, Mrs. Clayton, Mr. Lewis of Georgia, Mr. McGovern, Ms. Eshoo, Mrs. Christian-Christensen, Ms. Millender-McDonald, Mr. Farr of California, Mr. Filner, Mr. Frost, Mr. Sandlin, Mr. Nadler, Ms. Woolsey, and Mr. Ford):

H.R. 837. A bill to meet the mental health and substance abuse treatment needs of incarcerated children and youth; to the Committee on Education and the Workforce, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Virginia (for himself, Mr. Salmon, Mr. Smith of Washington, Mr. Wolf, Mrs. Maloney of New York, Mr. Conyers, and Mr. Shows):

H.R. 838. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for information technology training expenses paid or incurred by the employer, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 839. A bill to direct the Administrator of the Environmental Protection Agency to carry out a pilot program for restoration of urban watersheds and community environments in the Anacostia River watershed, District of Columbia and Maryland, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 840. A bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. PASTOR (for himself, Mr. Stump, Mr. Hayworth, and Mr. Kolbe):

H.R. 841. A bill to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes; to the Committee on Resources.

By Mr. REGULA (for himself, Mr. LaTourette, Mr. Canady of Florida, Ms. Lofgren, Ms. Ros-Lehtinen, Mr. Manzullo, Mr. Cunningham, Mr. Doyle, Mr. Klink, Mr. Ney, Mr. Skelton, Ms. Kaptur, Mr. Strickland, Mrs. Thurman, Mr. Aderholt, Mr. Whitfield, Ms. DeGette, Mr. Shuster, Mr. Skeen, Mr. Mollohan, Mr. Souder, Mr. Deutsch, and Mr. Spratt):

H.R. 842. A bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions; to the Committee on Ways and Means.

By Ms. RIVERS:

H.R. 843. A bill to amend the Transportation Equity Act for the 21st Century to correct a high priority highway project for Ann Arbor, Michigan; to the Committee on Transportation and Infrastructure.

By Mr. SHAW (for himself, Mr. Thomas, Mr. Lewis of Georgia, Mr. English, Mrs. Thurman, Mr. Sam Johnson of Texas, Mr. Foley, Mr. Weller, and Mr. Canady of Florida):

H.R. 844. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements; to the Committee on Ways and Means.

By Mrs. THURMAN (for herself, Mr. Stark, Mr. Young of Florida, Mr. Kucinich, Mr. Waxman, and Mr. Davis of Florida):

H.R. 845. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require a health insurance issuer to notify participants and beneficiaries of impending termination of coverage resulting from the failure of a group health plan to pay premiums necessary to maintain coverage, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEYGAND (for himself, Mr. Shows, Mr. McDermott, Ms. Waters, Mr. Neal of Massachusetts, and Ms. Schakowsky):

H.R. 846. A bill to establish a child care provider scholarship program; to the Committee on Education and the Workforce.

By Mr. WEYGAND (for himself and Mr. Shows):

H.R. 847. A bill to amend the Internal Revenue Code of 1986 to make the dependent care tax credit refundable and to increase the amount of allowable dependent care expenses; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Mr. Murtha, Mr. Sweeney, Mr. Goodlatte, Mr. Stump, Mr. Latham, Mr. Hill of Montana, Mr. Bachus, Mr. Herger, Mr. Young of Alaska, Mr. Hyde, Mr. Cramer, Mr. Weldon of Pennsylvania, Mr. McHugh, Mr. Boehlert, Mr. Gilman, Mr. Reynolds, Mr. Horn, Mr. Gillmor, Mr. Cox, Mr. Largent, Mr. Doyle, Mr. Rahall, Mr. Pallone, Mr. Walsh, Mr. Oxley, Mr. Frelinghuysen, Mr. Walden of Oregon, Mr. Sununu, Mr. Gibbons, Mr. Metcalf, Mr. Menendez, Mrs. Chenoweth, Mr. Bereuter, Mr. Portman, Mr. Brady of Texas, Mr. Burr of North Carolina, Mr. Skeen, Mrs. Johnson of Connecticut, Mr. Duncan, Mr. Bliley, Mr. Jenkins, Mr. LaTourette, Mrs. Fowler, Mr. Goode, Mrs. Bono, Mr. Hunter, Mr. King of New York, Mr. Norwood, Mr. Baldacci, Mr. Roemer, Ms. Danner, Ms. Kaptur, Mr. Saxton, Mr. Bilirakis, Mr. Condit, Mr. Holden, Mr. Moakley, Mr. Wolf, Mr. Franks of New Jersey, Mr. Hansen, Mr. Kingston, Mr. Bass, Mr. Ramstad, Mr. Weller, Mr. McIntyre, Mr. Chambliss, Mr. Hilleary, Mr. English, Mr. Kuykendall, Mr. Green of Wisconsin, Mr. Ryan of Wisconsin, Mr. Ose, Mr. Sherwood, Mr. Rogan, Mr. Terry, Mr. Hayes, Mr. Fletcher, Mr. DeMint, Mr. Toomey, Mr. Crowley, Mr. John, Mr. Mascara, Mrs. Thurman, Mr. Kildee, Mr. Burton of Indiana, Mr. Lucas of Kentucky, Mr. Istook, Mr. Tancredo, Mrs. Emerson, Mrs. Cubin, Mr. Ney, Mr. Pease, Mr. Taylor of North Carolina, Mr. Nethercutt, Mr. Hinojosa, Mr. Shows, Ms. Pryce of Ohio, Mr. Knollenberg, Mr. Regula, Mr. Lewis of California, Mr. Taylor of Mississippi, Mr. McNulty, Mr. McGovern, Mr. Buyer, Mr. Everett, Mr. Archer, Mr. Spence, Mr. Crane, Mr. Ehrlich, Mr. Cook, Mr. Tiahrt, Mr. Watts of Oklahoma, Mr. Callahan, Mr. Quinn, Mr. Green of Texas, Mr. Hall of Texas, Mr. Coble, Mr. Linder, Mr. Ewing, Mr. Watkins, Mr. Bartlett of Maryland, Mr. Clement, Mr. Turner, Mr. Skelton, Mr. Radanovich, Mr. Reyes, Ms. Granger, Mrs. Myrick, Mr. Goss, Mr. Souder, Mr. Peterson of Pennsylvania, Mr. Boyd, Mr. LaHood, Mr. Combest, Mr. Stearns, Mr. Gutknecht, Mr. Camp, Mr. Diaz-Balart, Mr. Fossella, Mr. Pomeroy, Mr. Barcia, Mr. McIntosh, Mr. Young of Florida, Mr. Kanjorski, Mr. Rothman, Mr. Whitfield, Mr. LoBiondo, Mrs. Kelly, Mr. Kasich, Mr. Hulshof, Mr. Lucas of Oklahoma, Mr. Shimkus, Mr. Smith of Washington, Mr. Ortiz, Mr. Sisisky, Mr. Stenholm, Mr. Bonilla, Mr. Calvert, Mr. Frost, Mr. Salmon, Mr. Bateman, Mr. Smith of New Jersey, Mr. Bryant, Mr. Sanford, Mr. Riley, Mr. Maloney of Connecticut, Mr. Ganske, Mr. McCrery, Mr. Baker, Mr. Foley, Mr. Bishop, Mr. Cooksey, Mr. Deal of Georgia, Mr. McCollum, Mr. Hefley, Mr. Pitts, Mr. Bilbray, Mr. Pascrell, Mr. Davis of Virginia, Mr. Dooley of California, Mr. Traficant, Mr. Forbes, Ms. Ros-Lehtinen, Mrs. Roukema, Mr. Chabot, Mr. McKeon, Mr. Simpson, Mrs. McCarthy of New York, Mr. McInnis, Mr. Gordon, Mr. Barrett of Nebraska, Mr. Hobson, Mr. Coburn, Mr. Hostettler, Mr. Wynn, Mr. Wamp, Mr. Mollohan, Mr. Talent, Mr. Sensenbrenner, Mr. Boehner, Mr. DeLay, Mr. Jefferson, Mr. Ballenger, Mr. Lewis of Kentucky, Mr. Graham, Mr. Gallegly, Mr. Gekas, Mr. Cannon, Mr. Hastings of Washington, Mr. Wicker, Mr. Goodling, Mr. Dickey, Mr. Edwards, Mr. Weldon of Florida, Mr. Rodriguez, Mr. Royce, Mr. Packard, Mr. Schaffer, Mr. Mica, Mr. Campbell, Mr. Pombo, Mr. Shuster, Mr. Manzullo, Mr. Miller of Florida, Mr. Jones of North Carolina, Mr. Pickering, Mr. Blunt, Mr. Lipinski, Mr. Wise, Mr. Sam Johnson of Texas, Mr. Lampson, Mrs. Biggert, Mr. Sessions, Mr. Canady of Florida, Mr. Thompson of Mississippi, Mr. Smith of Michigan, Mr. Barr of Georgia, Ms. Sanchez, Mr. Thornberry, Mr. Smith of Texas, Mr. Upton, Mr. Doolittle, Mr. Hutchinson, Mr. Tauzin, Mr. Nussle, Ms. Stabenow, Mr. Ryun of Kansas, Mr. Bentsen, Mr. Strickland, Mr. Hayworth, Ms. Dunn, Mr. Peterson of Minnesota, Mr. Rogers, Mr. Pickett, Mr. Thune, Mr. Brown of Ohio, Mr. Etheridge, Mr. Houghton, Mr. Towns, Mr. Collins, and Mr. Moran of Virginia):

H.J. Res. 33. A joint resolution proposing an amendment to the Constitution of the

United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, Mr. WOLF, Ms. SLAUGHTER, Mr. PORTER, Mr. CARDIN, Mr. SALMON, and Mr. MARKEY):

H. Con. Res. 37. Concurrent resolution concerning anti-Semitic statements made by members of the Duma of the Russian Federation; to the Committee on International Relations.

By Ms. WOOLSEY (for herself, Ms. RIVERS, Mr. GEORGE MILLER of California, Mr. HINCHEY, Mr. McGOVERN, Mr. STARK, Mr. FALEOMAVAEGA, Mrs. MINK of Hawaii, Mr. MARKEY, Mr. TOWNS, Mr. FRANK of Massachusetts, Ms. KILPATRICK, Mr. DEFAZIO, Ms. ESHOO, Mr. WAXMAN, Mr. HILLIARD, Mr. FILNER, Mr. RUSH, Mr. TIERNEY, Ms. SLAUGHTER, Ms. McKINNEY, and Mr. BLUMENAUER):

H. Res. 82. A resolution recognizing the security interests of the United States in furthering complete nuclear disarmament; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. ISTOOK introduced a bill (H.R. 848) for the relief of Sepandan Farnia and Farbod Farnia; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. KASICH and Mr. BUYER.

H.R. 44: Ms. KILPATRICK, Mrs. MINK of Hawaii, Mr. BEREUTER, Mr. LIPINSKI, Mr. ENGLISH, Mr. OBERSTAR, Mr. SNYDER, Mr. NEY, and Mr. BRYANT.

H.R. 58: Mr. SHOWS and Mr. CRAMER.

H.R. 65: Mr. BEREUTER, Mr. LIPINSKI, Mr. MICA, and Mr. BRYANT.

H.R. 111: Mr. TAUZIN, Mr. DEUTSCH, Mr. WAMP, Mr. GREEN of Texas, Mr. DICKEY, Mr. TIERNEY, Mr. McCOLLUM, Mr. EVANS, Mrs. CHENOWETH, Mr. DOYLE, Mr. HOSTETTLER, Mr. FARR of California, Mr. FOSSELLA, Mr. KANJORSKI, Mr. FROST, and Mr. BLUNT.

H.R. 125: Mr. DAVIS of Illinois, Mr. BROWN of California, Mr. FROST, Mr. KILDEE, and Mr. RANGEL.

H.R. 133: Mr. HYDE, Mr. GOODLING, Mr. PORTMAN, Mr. PETERSON of Pennsylvania, and Mr. NEY.

H.R. 136: Mr. SHADEGG.

H.R. 152: Mr. WATKINS, Mr. LUCAS of Oklahoma, and Mr. SMITH of Washington.

H.R. 163: Mr. WAXMAN, Ms. MILLENDER-McDONALD, Mr. DOYLE, and Mr. INSLEE.

H.R. 192: Mr. LINDER.

H.R. 206: Mr. WEXLER, Mr. FRANK of Massachusetts, and Mr. INSLEE.

H.R. 222: Mr. PHELPS.

H.R. 237: Ms. DANNER, Mr. WHITFIELD, Mr. OXLEY, and Mr. SHOWS.

H.R. 263: Mr. COYNE and Mr. WELLER.

H.R. 303: Mr. BEREUTER, Mr. LIPINSKI, Mr. SMITH of Washington, and Mr. BRYANT.

H.R. 318: Mr. YOUNG of Florida, Mr. HASTINGS of Florida, Mr. CANADY of Florida, and Mrs. FOWLER.

H.R. 323: Ms. LOFGREN, Mr. SANDLIN, Mr. HOLT, Mr. BARRETT of Wisconsin, Mr. BILBRAY, Mr. CLYBURN, Mr. McINNIS, Mr. GARY MILLER of California, Mr. GEORGE MILLER of California, Mrs. THURMAN, Mr. WELLER, and Mr. WOLF.

H.R. 351: Mr. THORNBERRY, Mr. OXLEY, Mr. GORDON, Mr. WOLF, and Mr. ETHERIDGE.

H.R. 352: Mr. DUNCAN, Mr. McINTOSH, Mr. BARRETT of Nebraska, Mr. BAKER, Mr. HYDE, and Mr. LEACH.

H.R. 354: Mr. BERMAN, Mr. FRANK of Massachusetts, Mrs. BONO, Mr. GOODLATTE, Mr. CANADY of Florida, Mr. HALL of Ohio, and Mr. SHOWS.

H.R. 357: Mr. KUCINICH, Mr. FALEOMAVAEGA, Mr. DOOLEY of California, and Mr. THOMPSON of California.

H.R. 371: Mr. HOLDEN, Mr. DELAHUNT, Mr. ROHRABACHER, Ms. LOFGREN, Mr. MATSUI, Mr. WEYGAND, Mr. MEEHAN, Mr. OLVER, Mrs. MINK of Hawaii, Mr. CONDIT, Mr. GUTIERREZ, Mr. BURTON of Indiana, Mr. MINGE, Mr. RAMSTAD, Mr. McDERMOTT, Mr. KILDEE, Mr. ABERCROMBIE, Ms. WOOLSEY, Ms. BROWN of Florida, Ms. KILPATRICK, Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. UNDERWOOD, Ms. WATERS, Mr. BLAGOJEVICH, Mr. CUNNINGHAM, Ms. LEE, Mr. GEKAS, Mr. FROST, Mr. HUTCHINSON, Mr. SOUDER, Mr. GEORGE MILLER of California, and Mr. KLECZKA.

H.R. 372: Mr. FATTAH.

H.R. 384: Mrs. TAUSCHER, Mrs. MALONEY of New York, Mr. DIXON, Mr. BONIOR, Mr. CLEMENT, Mr. MEEKS of New York, Mr. JACKSON of Illinois, and Mr. BURTON of Indiana.

H.R. 408: Mr. LATHAM, Mr. POMBO, Mr. SHOWS, Mr. UDALL of Colorado, Mr. BARCIA, Mr. COSTELLO, Mr. TIERNEY, Mr. JOHN, Mr. TURNER, Ms. LOFGREN, Mr. MICA, Mr. WAXMAN, Mr. CONDIT, Mr. THUNE, Mr. PASTOR, Mr. CRAMER, and Mr. PHELPS.

H.R. 409: Mr. HORN, Mr. TURNER, Mr. SUNUNU, Mr. WEYGAND, Mr. SHOWS, Mr. BAKER, and Mr. DAVIS of Florida.

H.R. 423: Ms. GRANGER.

H.R. 425: Mr. RAMSTAD.

H.R. 430: Mr. FORD, Mr. DAVIS of Florida, Mr. MEEHAN, Mr. SWEENEY, Mr. GOODLATTE, and Mrs. CLAYTON.

H.R. 434: Mr. DELAY, Mr. DAVIS of Florida, and Mr. DOOLITTLE.

H.R. 448: Mrs. MYRICK, Mr. CALVERT, Mr. LATOURETTE, Mr. FOLEY, and Mr. BALLENGER.

H.R. 483: Mr. NADLER, Mr. WYNN, Mr. FORD, and Mr. MICA.

H.R. 500: Mr. CLEMENT.

H.R. 504: Mr. ENGLISH.

H.R. 506: Mr. HINOJOSA, Mr. KLECZKA, Mr. CAPUANO, Mr. MOAKLEY, Mr. NADLER, Mr. PETERSON of Minnesota, Mrs. TAUSCHER, Mr. JENKINS, Mr. LUTHER, Mr. GILMAN, Mr. GOODLING, and Mr. WHITFIELD.

H.R. 516: Mr. SCHAFFER and Mr. LINDER.

H.R. 548: Mr. LEWIS of Georgia and Mr. REYES.

H.R. 555: Mr. LEWIS of Georgia and Mr. THOMPSON of Mississippi.

H.R. 557: Mr. HINCHEY, Ms. SLAUGHTER, and Mr. EHRLICH.

H.R. 566: Mr. SANDLIN, Mrs. LOWEY, and Mr. WU.

H.R. 571: Mr. HOSTETTLER.

H.R. 575: Mr. ISTOOK.

H.R. 576: Mr. REGULA, Mrs. THURMAN, and Mr. FORD.

H.R. 582: Mr. FRANK of Massachusetts and Mr. CUMMINGS.

H.R. 584: Mr. ROMERO-BARCELO, Mr. EHRLICH, and Mr. TRAFICANT.

H.R. 599: Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. EHLERS, Mr. FILNER, Mr. RUSH, Mr. SHOWS, and Mr. TOWNS.

H.R. 612: Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mr. LAMPSON, Mr. SHOWS, Mr. ROTHMAN, and Mr. ALLEN.

H.R. 623: Mr. STEARNS.

H.R. 640: Mr. ETHERIDGE.

H.R. 689: Mr. HAYWORTH and Mr. JEFFERSON.

H.R. 700: Mrs. FOWLER and Mr. McGOVERN.

H.R. 716: Mr. GORDON, Mr. STARK, Mr. NORWOOD, Mr. HAYWORTH, Mr. RAMSTAD, and Mr. BONILLA.

H.R. 718: Mr. GOODLING, Ms. SLAUGHTER, Mr. McGOVERN, Mr. BARRETT of Nebraska, and Mr. PHELPS.

H.R. 728: Mr. WATTS of Oklahoma and Mr. GOODE.

H.R. 732: Mr. GREENWOOD, Mr. STARK, Mr. KLECZKA, Mr. DELAHUNT, and Ms. BALDWIN.

H.R. 750: Mr. DOOLEY of California and Mr. CAMP.

H.R. 756: Mr. SWEENEY and Mr. TIAHRT.

H.R. 766: Mr. NETHERCUTT and Mr. SCHAFFER.

H.R. 767: Mr. NETHERCUTT and Mr. SCHAFFER.

H.R. 775: Mrs. MORELLA, Mr. SUNUNU, Mr. CUNNINGHAM, Mr. GOODE, Mrs. TAUSCHER, Mr. GOODLATTE, Ms. DUNN, Mr. RILEY, Mr. HALL of Texas, Mr. GALLEGLY, Mr. COOK, Mr. JOHN, Mr. CAMPBELL, Mr. HAYES, Mr. ROYCE, Mr. ROGAN, Mrs. BIGGERT, Mr. BURTON of Indiana, Mrs. FOWLER, Mr. CANNON, Mrs. MYRICK, Mr. NEY, Mr. RYUN of Kansas, Mr. HOBSON, Mr. WHITFIELD, Mrs. BONO, Mr. SENSENBRENNER, Mr. BLUNT, and Mr. CHABOT.

H.R. 783: Mr. McNULTY.

H.R. 800: Mr. KOLBE, Mr. BARTON of Texas, Mr. GREEN of Texas, Mr. MALONEY of Connecticut, and Mr. KUYKENDALL.

H.R. 808: Mr. ETHERIDGE, Mr. WATKINS, and Mr. GORDON.

H.J. Res. 1: Mr. LINDER, Mr. DOYLE, Mr. SWEENEY, and Mr. SHOWS.

H.J. Res. 9: Mr. LATOURETTE, Mr. STEARNS, Mr. WELLER, Mr. NEY, and Mr. SCHAFFER.

H.J. Res. 32: Mr. BURTON of Indiana.

H. Res. 35: Ms. VELÁZQUEZ, Ms. SLAUGHTER, Mr. BROWN of California, Mr. MALONEY of Connecticut, Mr. STUPAK, Mr. MENENDEZ, Mr. HILLIARD, Mr. REYES, Mr. PHELPS, Mr. MARKEY, Mr. CROWLEY, Mr. STRICKLAND, Mr. TIERNEY, Mr. KENNEDY of Rhode Island, Mr. TRAFICANT, Mr. SHOWS, Ms. CARSON, Mr. BONIOR, Mrs. NAPOLITANO, Mr. MORAN of Virginia, Mr. HOEFFEL, Mr. RANGEL, Mr. LUTHER, Mr. SANDLIN, Mr. MATSUI, Mr. PALLONE, Mr. LEVIN, Mrs. JONES of Ohio, Mr. ORTIZ, Ms. BALDWIN, Mr. KUCINICH, Mr. WAXMAN, and Mr. THOMPSON of Mississippi.

SENATE—*Wednesday, February 24, 1999*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, we are astonished that You have chosen to do Your work through us and to use prayer to reorient our minds around Your guidance for the issues before this Senate. We exclaim with the psalmist, "You are my rock and my fortress; therefore, for Your name's sake, lead me and guide me."—Psalm 31:3. Suddenly we see our prayer for guidance in a whole new perspective. Prayer is not just for our success, but for Your sake; it is the way You orient us toward Your plans that will glorify Your name. We seek Your strength, not only for what we want, but for guidance to want what You think is best. You shape our thinking, direct our actions, create deeper trust in one another, so we can get on with Your agenda for America. You are the Instigator of prayer, the Inspiration for innovative thinking, the Initiator of boldness, so that we can live and lead with courage. May this day be filled with magnificent moments of turning to You, so that we may move forward for Your glory and not our own. For Your name's sake. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Virginia is recognized.

SCHEDULE

Mr. WARNER. Mr. President, this morning the Senate will resume consideration of S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999. There will be a short period of debate until 9:45 a.m., at which time the Senate will proceed to two back-to-back rollcall votes. The first vote will be on or in relation to a Sarbanes-Warner amendment regarding civilian pay, followed immediately by a vote on or in relation to a Cleland amendment regarding thrift savings.

Following those two votes, the Senate will continue consideration of S. 4, with the intention of completing action on the bill by, I would hope—there is even the possibility, and I would like to have the views of my distinguished ranking member—maybe the middle of the day. We are getting excellent cooperation from all Senators on this matter. We are quickly going through the amendments and I will momentarily address the amendments. I believe it could be done by sometime this afternoon. Therefore, Members should expect rollcall votes throughout the deliberation on this bill.

Again, the first vote is to begin at 9:45.

MEASURE PLACED ON THE CALENDAR—S.J. RES. 11

Mr. WARNER. There is one piece of housekeeping before we begin. There is a joint resolution at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 11) prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

Mr. WARNER. Mr. President, on behalf of the leader, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The joint resolution will be placed on the Calendar.

SOLDIERS', SAILORS', AIRMEN'S AND MARINES' BILL OF RIGHTS ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the bill.

The Senate resumed consideration of the bill.

Pending:

Sarbanes/Warner Amendment No. 19, to express the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

Cleland Amendment No. 6, to permit members of the Ready Reserve to contribute to the Thrift Savings Plan for compensation attributable to their service in the Ready Reserve.

Mr. WARNER. Now, Mr. President, with regard to the amendments, we are working out a number of these amendments. As I said, I am optimistic that this matter can be completed, hopefully by early afternoon.

The possible amendments still remaining are:

An amendment regarding Guard and Reserve participation in the Thrift Savings Plan, by Mr. CLELAND—that is scheduled for a vote, so that will soon be disposed of;

Modify the MGIB to permit reservists to transfer benefits to family members, Mr. JEFFORDS;

Permit RC to receive lump sum GI bill payments for certain courses, Mr. JEFFORDS;

Civilian pay raise of 4.8 percent; that is the Warner-Sarbanes; we will be voting on that momentarily;

Expand use of the MGIB to include prep for college and grad school entrance exams, Mr. ROCKEFELLER;

Make food stamps and WIC available to soldiers overseas—that is, soldiers, sailors, airmen, and marines overseas—Mr. HARKIN;

Sense of the Senate re: 2-month extension of the tax-filing deadline for uniformed services personnel stationed outside the United States, Mr. COVERDELL;

Sense of the Senate regarding processing of claims for veterans benefits, Mr. BINGAMAN;

Sense of the Senate regarding the possibility that provisions of S. 4 may be reconsidered during the authorization or appropriations process by my distinguished colleague, the ranking member here, Mr. LEVIN;

Technical change to section 202, Senators WARNER and ALLARD.

Now, I think that concludes it. There were several amendments by the Senator from Missouri, Mr. ASHCROFT; I have discussed those with him. And another one by Mr. JEFFORDS, and another one by Mr. LEVIN—I will be discussing those amendments. I think it is not likely they will be brought up.

At this time, perhaps my distinguished colleague, the comanager of the bill, will have a few comments?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me share the optimism of my friend from Virginia that we will be able to complete the work on this bill by early afternoon. I see no reason why we should not be able to do that. I hope, in fact, that we can.

We have a little time this morning before we start voting, which we were going to divide between the proponents of the amendments, if they would like some of these few minutes remaining. I know the manager will join me.

Mr. WARNER. The Senator is correct. I see a Member on the floor, a distinguished member of our committee, the Senator from Georgia. At the time he desires recognition, it will be given.

Mr. President, before the Senator from Georgia proceeds to give his remarks, perhaps we could call on another member of the committee, the chairman of the Manpower Subcommittee, Senator ALLARD, in hopes that he can talk a little bit about the hearing that the subcommittee will have today on the very issues that are in this bill.

Mr. LEVIN. I wonder if the Senator will withhold for a moment so we could ask the Senator from Georgia and the Senator from Maryland how much time they might want on their amendments. Since there are only 5 or 6 minutes left, perhaps we could apportion it fairly.

Mr. ALLARD. I am in no hurry to speak.

Mr. LEVIN. I wonder if the Senator from Virginia would agree if we could inquire of the two Senators whether we might divide the remaining 6 minutes between them?

Mr. WARNER. Absolutely. I will just say a word following Mr. SARBANES' remarks.

Mr. LEVIN. What would my colleague propose, three 2-minute opportunities?

Mr. WARNER. Mr. President, I ask unanimous consent that the vote then begin at 9:50, to allow time for our two colleagues to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

AMENDMENT NO. 6

Mr. CLELAND. Mr. President, I am proud to offer this amendment to S. 4, with my colleagues Senator JEFFORDS, Senator BINGAMAN, and Senator LANDRIEU, to give the men and women of the National Guard and Reserve the opportunity to participate in the Thrift Savings Plan.

Members of the Guard and Reserve have been participating at record levels. Nearly 270,000 Reservists and Guardsmen were mobilized during Operations Desert Shield and Desert Storm. Over 17,000 have answered the Nation's call to bring peace to Bosina. Members of the Guard and Reserve have delivered millions of pounds of humanitarian aid all over the world. And, closer to home, they have responded to numerous state and federal emergencies. Thousands of Reservists and Guardsmen are serving in communities across the country and around the world every day.

I firmly believe we should recognize the contributions the Guard and Reserve have made to our defense efforts over the years.

We should recognize those contributions by extending to members of the Guard and Reserve the same savings opportunity we are offering their active duty counterparts under S. 4. The Guard and Reserve are an integral part of our national defense strategy. We can't afford to overlook them.

Mr. JEFFORDS. Mr. President, I wish to discuss the amendment Senator CLELAND and I have proposed. Specifically, we propose allowing our men and women in the Guard and Reserve the opportunity to participate in the Thrift Savings Plan (TSP) in the same manner S. 4 provides to their colleagues on active duty.

Allowing members of the Guard and Reserve to participate in the Federal Employees TSP is long overdue and I strongly support the proposal to make it law. This program is good for federal workers and it would benefit members of the Guard and Reserve financially for them to participate in the TSP. Under this system, they would be the sole contributors to their accounts, much like civil servants who are under the old Civil Service Retirement System. Since there would be no federal match to their accounts the cost would be very low to the branches of the military and to the taxpayers, as well. Additional savings in individual accounts will be important to those individuals who serve our Nation in regular, but temporary capacities. The payroll deduction feature of the TSP is an easy way to save. The accounts are managed prudently by the Thrift Savings Board. Participation in the system is high and satisfaction with it is also very high.

Those of us on the Health, Education, Labor, and Pension Committees have been spending quite a bit of energy trying to encourage Americans to save more money. As a New Englander, I speak for my constituents when I say that we know a lot about thrift. This is a good amendment that will encourage thrift and I hope my colleagues will support it.

Given that our Guard and Reserve are shouldering an increasing share of our world-wide missions, they should have the same savings opportunity that S. 4 gives to the active duty. Now is the time to ensure that our reserve component personnel are not overlooked.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 19

Mr. SARBANES. Mr. President, the amendment that I and Senator WARNER and Senator ROBB and Senator MIKULSKI have offered is before the Senate. This is a very straightforward amendment expressing the sense of the Congress that parity between Federal civilian pay and military pay should be maintained. We should continue that parity. A comparison by CRS of military and civilian pay increases finds that 80 percent of the military and civilian pay increases in the last 25 years have been identical. Disparate treatment goes against established congressional policy that has ensured parity with all those who work to serve our Nation, whether in the Armed Forces or in the civilian workforce.

One of the rationales for the increase for military personnel, which is in this legislation which I support, has been to address the concerns about retention and recruitment problems. We have comparable problems with respect to the civilian service, and I think it is important to note that more and more of graduating classes indicate less interest in the Federal service. A GAO report in 1990 found that low pay was the most cited reason for employees leaving the civil service or refusing to take a Federal position in the first place.

Over the years, particularly in recent years, Federal employees have made significant sacrifices in the name of deficit reduction. The law governing Federal civilian pay has never been fully implemented since 1994. In fact, Federal civilian workers received a reduced annual adjustment. The gap continues to grow, which we are very concerned about. We have been through a downsizing period during which the Federal employees have continued to provide high-quality service. So I strongly urge my colleagues to support this provision. It is an effort to achieve a first-rate public service.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am a principal cosponsor with my good friend and colleague from Maryland. I likewise very strongly urge all Senators to support this measure. We have to keep a parity situation going. It seems the Senator from Maryland and I have worked together two decades on this very point.

Mr. President, I think it will be wise if we yield back all time now and proceed with the vote, if that is agreeable. I hear no objection. So we yield back all time.

Parliamentary inquiry. We have an amendment pending and it is now time to vote. I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

Amendment No. 19 previously proposed by the Senator from Maryland [Mr. SARBANES], for himself, Mr. WARNER, Mr. ROBB and Ms. MIKULSKI.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 6, as follows:

[Rollcall Vote No. 22 Leg.]

YEAS—94

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Chafee

Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—6

Bunning
Graham
Gregg
Kyl
McCain
Smith (NH)

The amendment (No. 19) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 6

Mr. WARNER. Mr. President, I ask for the yeas and nays on the Cleland amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Thurmond
Torricelli
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Voinovich
Warner
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Wellstone
Wyden

The amendment (No. 6) was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REED. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I am joined here by Senator REED. It is our joint intention to first hear from our distinguished colleague, a member of the committee, Senator HUTCHINSON, and then within 10 minutes we will take up, hopefully, the amendment. I think it is agreed to that the Senator from Iowa will have an amendment.

Thank you. I yield the floor.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. HUTCHINSON. I thank the Chair. I thank you for affording me this opportunity to speak on behalf of what I think is very needed legislation. I also applaud his efforts to begin the process of addressing in the committee our readiness needs, and in doing so in the most expeditious way beginning with our work in early January.

I rise in enthusiastic support of the bill of which I am glad to be a cosponsor. I have only been a member of the Senate Armed Services Committee for a short period of time, but it has not taken long to become alarmed by the numerous readiness problems weakening our Armed Forces.

On January 5, during my first hearing as a member of the Committee, the Air Force's Chief of Staff, General Ryan, testified that by fiscal year 2002, the Air Force would be short over 2,000 pilots. Overall readiness rates for the Air Force have fallen 18 percent since 1996, 4 percent in the last quarter alone.

At the same hearing, the Chief of Naval Operations, Admiral Johnson, testified that the Navy had fallen 22,000 sailors short of its fiscal year 1998 recruiting goal.

The Navy's recruiting woes were vividly illustrated in a recent New York Times article. The article described the maiden voyage of the U.S.S. *Harry S. Truman*, the Navy's newest aircraft carrier.

The *Truman* should have left port with a complement of 2,933 sailors. Instead, the Navy was only able to muster 2,543. That is a full 13 percent below what is needed.

The Navy and Air Forces are not the only services experiencing recruiting shortfalls. The Washington Times reported in January that the Army had already fallen 2,300 soldiers short of its recruiting goals for the first 3 months of this fiscal year, 10,000 soldiers short of its congressionally authorized end-strength.

The Army is so concerned about this recruiting shortfall that it is considering lowering its standards, admitting more high school dropouts, and I think this portends serious threats to the future of our readiness capability.

Are Americans being well served when they pay billions of dollars for the finest weapons systems in the world if there aren't enough highly motivated, highly trained soldiers, sailors, airmen, and marines in uniform to operate that fine equipment and fine weapons systems?

How did we arrive at this point? Recruitment and retention shortfalls are squarely to blame, and there are a number of factors that have contributed to today's circumstances. The military-civilian pay gap, I believe, is a major cause. That gap now stands at an estimated 14 percent. That is a huge handicap the military must bear when it competes with the civilian sector for high school graduates.

While America is fortunate to have a robust civilian economy, when it asks its sons and daughters to risk their lives in defense of our Nation, it must be willing to pay a fair wage. S. 4 will go a long way towards paying fair wages, thus eliminating this civilian-military pay gap.

S. 4's 4.8-percent across-the-board pay raise will help in the area of enlisted retention. The targeted pay raises of up to 10.3 percent will help the military retain its midcareer noncommissioned officers and officers who are leaving the services in alarming numbers.

But this bill, Mr. President, isn't just about throwing money at a problem; it is also about fixing the mistakes of the past. S. 4 would restore a 50-percent basic pay retirement benefit at 20 years of service. That benefit, as we all know, was cut to 40 percent in 1986 as part of an effort to actually improve retention.

You see, in the 1980's, too many service men and women were electing to retire right after the 20-year mark, enjoying that 50-percent pension while they were young enough to begin a second career. In what seemed to be a smart move at the time, the Congress instituted the REDUX system, lowering the retirement benefit for 20 years of service to 40 percent. Unfortunately, the legislation, as too often is the case in what we do, has had the opposite effect; the REDUX system's smaller pension has encouraged people to leave the services even earlier.

How ironic that in 1999 the Department of Defense would be thrilled if service men and women left military service after only 20 years. That would mean they had served more than the 12 or 13 years so many of our junior officers are now serving before leaving today.

But this bill does more than just fix some of yesterday's mistakes; it addresses some of today's concerns. For our men and women in uniform, S. 4 is about creating a brighter tomorrow as well. The Montgomery GI bill enhancements contained in this bill, while controversial, will do for military families what the original GI bill did for our soldiers. Increasing the monthly GI plan allowance and allowing service members to transfer their benefits to members of their immediate family will dramatically increase the accessibility of higher education in this country.

Extending Montgomery GI bill benefits will also go a long way towards recognizing the important contributions made by military families. I have spoken to enough husbands and wives, sons and daughters, of service members to know that a military career punctuated by overseas deployments affects more than just the person wearing the uniform. Families of service members are truly part of a larger team, and they deserve more than just a pat on the back and saying thanks.

Then I would add also that opening the Thrift Savings Plan to service members is another very important feature of S. 4. Allowing members to invest up to 5 percent of their income in the same program open to civilians will allow service members greater retirement security. As we have seen, the looming Social Security crisis threatens retirement for many individuals, and we know that individuals must take greater responsibility for those retirement savings.

So as you can see, Mr. President, S. 4, while not a panacea for the readiness shortfalls affecting today's military, will fix some of yesterday's mistakes, help us to address some of the crises we are facing today, and provide a brighter tomorrow for our men and women in the armed services.

So I urge my colleagues to join the members of the Armed Services Committee to pass this much needed legislation.

I once again thank and compliment the chairman of the committee for the outstanding work he has done in moving this legislation forward so expeditiously in this Congress.

I thank you, Mr. President. I yield the floor.

Mr. WARNER. Mr. President, I wish to congratulate our new colleague on the Armed Services Committee for those very insightful and helpful remarks. We are pleased that the Senator elected to join our committee, given all the other options that were open to the Senator. I thank the Senator very much for his cooperation on the bill, for his helpfulness, and we look forward to working with the Senator in the future.

Mr. HUTCHINSON. I thank the Senator. I look forward to that.

Mr. WARNER. Now, Mr. President, I understand the Senator from West Virginia wishes to offer an amendment.

Mr. ROCKEFELLER. I thank my distinguished colleague from the State of Virginia.

AMENDMENT NO. 21

(Purpose: To provide for the availability of Montgomery GI Bill benefits for preparatory courses for college and graduate school admission exams)

Mr. ROCKEFELLER. I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for himself and Mr. BINGAMAN, proposes an amendment numbered 21.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

The amendment is as follows:

On page 46, between the matter following line 5 and line 6, insert the following:

SEC. 305. AVAILABILITY OF MONTGOMERY GI BILL BENEFITS FOR PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

For purposes of section 3002(3) of title 38, United States Code, the term "program of education" shall include the following:

(1) A preparatory course for a test that is required or utilized for admission to an institution of higher education.

(2) A preparatory course for test that is required or utilized for admission to a graduate school.

Mr. ROCKEFELLER. I thank the Chair very much, as I always do, for his uncanny ability to maintain order in the Senate, which is unparalleled.

Mr. President, as Ranking Member of the Committee on Veterans' Affairs, I have an especially strong interest in issues that improve the quality of life for the men and women who now serve and have already served in our Nation's military forces. These brave men and women often face extreme hardships in their service to our country, and later, in their efforts to successfully transition back to civilian life. S. 4, the "Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999," goes far to address some of these hardships.

I believe that a major impetus of S. 4 is to enhance the military's ability to attract and retain the best young men and women to the ranks of America's Armed Forces. But S. 4 also has the collateral effect of improving the lives of servicemembers by providing them with a much-needed pay increase and eliminating the $1,200 contribution that servicemembers must make to the Montgomery GI bill during their first year in service, while their salaries are at their lowest.

S. 4 will also improve these servicemembers' transition to civilian life by increasing the basic monthly allowance of the MGIB from $528 to $600. This 12 percent increase follows on the heels of a 20-percent increase last year. The Congressional Commission on Servicemembers and Veterans Transition Assistance—the "Transition Commission" or "Commission"—recommended such an increase in its report to Congress, last month.

The Commission was inspired by our former colleague, Senator Bob Dole, and provides data and recommendations on ways to improve the transitional period. The Commission's report highlights the fact that costs of tuition and fees for public and private educational institutions rose approximately 90 percent from 1980–1995, while the MGIB benefit rates only increased 42 percent from 1985 to 1995.

The statistics regarding education and employment for veterans are revealing. Despite almost full enrollment in the program by servicemembers, the number of eligible veterans who take advantage of their MGIB benefits is startlingly low, only 48 percent. Less than 20 percent of those who use the MGIB attend private institutions. And the Transition Commission reports that the unemployment rate for veterans ages 20–24 and 35–39 is higher than their non-veteran counterparts. All these are reasons why I believe that there is more that we can and must do.

The Department of Veterans Affairs currently has authority to provide MGIB benefits for post-graduate exam preparatory courses that are required for a particular profession, such as CPA exam or bar review courses. However, it does not have authority to provide for pre-admission preparatory coursework.

The amendment I am offering would correct that disparity by allowing veterans to use their MGIB benefits for preparatory courses for entrance examinations required for college and graduate school admission. It would not increase a veteran's basic entitlement or affect eligibility for benefits.

By giving veterans the opportunity to better their admission test scores, this amendment would expand the choices available to veterans in their course of higher education. It will also improve access to the top educational institutions for veterans who sometimes were not the best students in high school, but are now better focused and committed to their education.

Studies by national consulting companies have shown improvement of over 100 points on the SAT exam and an average improvement of seven points in LSAT scores for students who take exam preparatory courses. At some of the Nation's top schools, scores on entrance exams can count for half of the total application.

An article in the April 13, 1998, New Republic stated, "Thorough, expertly taught preparation can raise a student's ability to cope with, and hence succeed on, a particular exam. In many cases, then, test prep can make the difference between getting into a top-flight law school and settling for the second tier." That is why it is critical that veterans have access to such courses.

However, many of these exam preparatory courses are quite costly. One national provider charges as much as $750 for a two-month, part-time, SAT preparatory course. One educational advocacy group, Fairtest, argues that "[t]he SAT has always favored students who can afford coaching over those who cannot . . ."

The Transition Commission urged Congress to enact legislation that would fully fund a veteran's education at a college of their choice, so that veterans would not be limited by cost, but only by their own abilities. I believe that we should also assist veterans to enlarge the boundaries of their abilities. This is an investment in America's veterans and in America. Data from the VA shows that during the lifetime of the average WWII veteran, the U.S. Treasury received from two to eight times as much in income taxes as it paid out to the veteran in GI Bill benefits. Just imagine the return on investment from this small change in law.

It is simply a matter of common sense. The government provides veterans the opportunity to get a higher education. We should now do what we can to make sure that veterans are getting the best education that they possibly can, by helping them to get into the best school possible.

I am proud to offer this amendment to improve our veterans' ability to transition successfully from military to civilian life, and would like to thank the Chairman and Ranking Member of the Armed Services Committee for their support. I encourage my colleagues to join me in this effort.

Mr. WARNER. Mr. President, we thank the Senator from West Virginia for bringing this to the attention of the committee. The amendment is cleared on this side. It is an excellent piece of legislation. Because our current generation is faced with test after test after test, indeed, they do need some help from time to time. This amendment will facilitate the use of funds which, I think, had it been envisioned at the time the original legislation was written, would have been included. So the Senator has come along to help our veterans a great deal. The amendment is accepted on this side.

Mr. ROCKEFELLER. I thank the Senator.

Mr. REED. Mr. President, we also commend the Senator from West Virginia for his amendment, and I concur with the chairman's remarks. This would not materially increase in any way the costs associated with the Montgomery programs, and it would also provide additional opportunities for service members to pursue higher education. It is something that is consistent with the legislation, and it is an amendment which we support with enthusiasm.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WARNER. I urge adoption, Mr. President.

The PRESIDING OFFICER. If not, the question is on agreeing to the amendment offered by the Senator from West Virginia.

The amendment (No. 21) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REED. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 22

(Purpose: To make certain technical corrections)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of myself and the Senator from Colorado and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. ALLARD, proposes an amendment numbered 22.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 21, line 19, insert "2000," after "JANUARY 1,".

On page 21, line 23, strike out "(1)".

Beginning on page 22, in the table under the heading "COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER", strike out the superscript "4" each place it appears in the column under the heading "Pay Grade".

Beginning on page 27, line 25, strike out "the Secretary of Health and Human Services" and all that follows through "Administration)," on page 28, line 4.

Mr. WARNER. Mr. President, this is a technical correction to section 202 of the bill. When the Armed Services Committee drafted S. 4, it was our intent to permit the enlistment, reenlistment, and the REDUX bonus to be deposited directly into a service member's Thrift Savings account. In order to accomplish this, it was necessary to waive the limit on annual contributions to the Thrift Savings account. S. 4 as reported does not include the waiver. However, after the bill was reported, the Thrift Board, which administers the Thrift Savings Plan, notified the committee that one of the additional statutory requirements was necessary—and that is the purpose of this amendment; it corrects the unintended oversight. Therefore, I believe this amendment is acceptable on both sides.

Mr. REED. Mr. President, we agree this amendment is necessary to accomplish the purposes of the bill, and we support it.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 22) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REED. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I think our distinguished colleague from Iowa desires to speak to the Senate.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 23

(Purpose: To facilitate provision of effective assistance for members of the uniformed services eligible for food stamp assistance)

Mr. HARKIN. Mr. President, I send an amendment to the desk and for myself and Mr. BINGAMAN ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. BINGAMAN, proposes an amendment numbered 23.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, strike lines 10 through 15, and insert the following:

(b)(1), the Secretary concerned shall pay the member a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance, as determined by the Secretary.

"(b) COVERED MEMBERS.—(1) A member referred to subsection (a) is an enlisted member in pay grade E–5 or below.

"(2) For the purposes of this section, a member shall be considered as being eligible to receive food stamp assistance if the household of the member meets the income standards of eligibility established under section 5(c)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(2)), not taking into account the special subsistence allowance that may be payable to the member under this section and any allowance that is payable to the member under section 403 or 404a of this title.

On page 28, between lines 8 and 9, insert the following:

SEC. 104. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) RELATIONSHIP TO WIC PROGRAM.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—For the purpose of providing supplemental foods under the program required under subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense for each of fiscal years 1999 through 2003, out of funds available for such fiscal year pursuant to the authorization of appropriations under section 17(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)), $10,000,000 plus such additional amount as is necessary to provide supplemental foods under the program for such fiscal year. The Secretary of Defense shall use funds available for the Department of Defense to provide nutrition education and to pay for costs for nutrition services and administration under the program.".

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.".

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).".

(f) REPORT.—Not later than March 1, 2001, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the implementation of the special supplemental food program required under section 1060a of title 10, United States Code. The report shall include a discussion of whether the amount required to be provided by the Secretary of Agriculture for supplemental foods under subsection (b) of that section is adequate for the purpose and, if not, an estimate of the amount necessary to provide supplemental foods under the program.

Mr. HARKIN. Mr. President, first I want to most sincerely compliment the distinguished Senator from Virginia, the chairman of the committee, and the ranking member, Senator LEVIN, for bringing this bill to the floor so expeditiously. The pay structure of the military needs to be addressed. We are losing too many good people.

Last summer I happened to find myself up in Iceland, talking to some of the pilots up there who are performing pretty hazardous flying duty. I remember I met in the Oak Club with a bunch of them. They were pilots, highly trained—maybe they had been in 7 or 8 years—and now they are getting out. A lot of them wanted to stay but simply because of the families they had, the pay just wasn't there. We just cannot afford to keep losing that many good people out of the military. So this bill is long overdue, but it is welcome relief for a lot of our military families. I think it will go a long way toward retaining a lot of our qualified people.

I know it is 4.8 percent. Frankly, if it was 5 percent, I would vote for it. If it was 6 percent, I would support it. I know we have budgetary constraints, but with a volunteer force like we have, and with some of the duty these people have to pull now in faraway places for a long period of time, not knowing what is around the corner, we have kind of a different situation than it was when the two of us were in the military some years ago.

I think this is a good shot. It is needed right now. I know the chairman well. I know he feels very deeply about this and about the pay of our armed services personnel. But I hope we have an ongoing process to continue to look at this so we do not have these big gaps and lags in time when we lose a lot of our people. To whatever extent I can be helpful, I look forward to working with the distinguished chairman in this regard as we move ahead.

Mr. WARNER. Mr. President, if the Senator will just yield, our good friend and colleague here has a distinguished career in the Navy, in aviation. As a pilot, he understands the risks that pilots undertake every day. People always think the risks only occur in combat. Those of us who were in training commands many years ago know it is quite different. Indeed, in combat are the aviators over Iraq this morning, enforcing U.N. Security Council resolutions. And pilots are awaiting the instructions with regard to the fighting that is going on in Kosovo. So this is a major piece of legislation to retain those people.

I would just like to rhetorically ask my good friend a question. I know there is great concern among some of our colleagues, genuine concern, that this bill represents an awful lot of money. But I ask my colleagues, what good are the planes and the ships and the other equipment that we buy if there are not qualified people to operate them? Am I not correct, Senator?

Mr. HARKIN. The Senator is absolutely correct. And especially now.

In my time, I thought it was just overwhelming when I was flying a plane that cost $1 million.

Mr. WARNER. For the record, it was a F–4, wasn't it?

Mr. HARKIN. An F–4. I think $1 million or $1.5 million, something like that for the F–4s and F–8s.

Mr. WARNER. I think we had about 7,000 at one time, compared to the aircraft buys of a half dozen or a dozen now.

Mr. HARKIN. And they are up to the hundreds of millions of dollars. You entrust these airplanes to the pilots that are in their twenties. Sometimes I look at these pilots and think: Was I ever that young when I was flying an airplane? And these young men and women take extraordinary risks every day we send them off those catapults and a lot of times into dangerous situations. We just have to keep that in mind.

The Senator is right. We can build the best aircraft, and we do, and they are highly sophisticated now, but unless you have that trained individual, who is not only trained but dedicated and wants to stay there, you are lacking something. That machine does not mean a darned thing. So that is why this bill is so important. Again, I compliment the chairman for taking this and really pushing it through.

There is one thing, I say to my friend from Virginia, that came to my mind a couple of years ago. I am on the Defense Appropriations Committee, I am not on the authorizing committee, but it came to my attention here 2 or 3 years ago when I got on this issue of military people being on food stamps. It is just something about which I had not thought. It never occurred to me. It never hit me.

I am on the Ag Committee, and of course I have been involved in the Food Stamp Program, and it is a good program. The Senator in the chair has been a strong supporter of the Food Stamp Program too, in the past. It is a good thing. But it just hit me as wrong. There is something wrong when our people in uniform qualify for food stamps. For some reason that just did not seem right to me. So I started a process of looking at it and writing letters to the Department of Defense, trying to get as much information as I could on this.

Senator DOMENICI and I put some language in a bill once to get some data on this, as much as we could. We got bits and pieces of it, but we never really got all the information we needed. But we did find out that there were literally thousands of military personnel who, today, are on food stamps and who also get the WIC Program, the Women, Infants and Children Program, because they fall below that level.

Again, to the chairman's great foresight, he did address this in this bill.

Mr. WARNER. Mr. President, if the Senator will yield, I want to make it very clear—people don't try to take credit around here, but I think others should acknowledge that they should receive it, and in this instance Senator McCAIN has been the Senator on our committee who has, time and time again, brought this to the attention of the committee, indeed the Senate as a whole. I have heard him address the American public in many forums on this issue. It was his work, and, indeed, the Presiding Officer had a hand in this issue also, the distinguished Senator from Kansas.

Mr. HARKIN. Again, the Senator from Virginia shows the gentleman that he really is by acknowledging the input of others into this issue, and I appreciate that. But the bill we have before us provides for a $180 bonus payment to any person in the armed services who qualifies for food stamps.

That is a great step. I applaud it. I support it wholeheartedly. But, again, in looking at it, I think there are some areas that maybe need to be addressed further, and that is the purpose of my amendment.

For example, the $180 bonus applies to service people in the country, in the United States, but not to service people overseas. Again, having served in the military and having been stationed overseas, I can tell you a lot of times it is a lot more expensive, especially if you are stationed in Japan or places like that where it is much more costly, much more expensive than it is for the people here in the States. So what my amendment would do would apply the $180 not just to personnel in the United States but to people overseas. It just extends it to them also.

Second, under the bill, the process to get the bonus is they would first have to go to the food stamp office and get some paperwork done and show that they qualify. Then they come back to DOD and give them this documentation. Then they take other documentation back to the USDA. It was kind of a three-step process.

What my amendment says is all they have to do is go to their personnel office, their paymaster for example, and say: Look, you know what my pay is. Here is my pay. You know how many dependents I have. The only thing that is missing is spousal income. So they would just document what their spousal income is. The military already has records on their dependents and their pay. And if they qualify, that is the end of it. They do not have to go through this bureaucratic nightmare of going to the USDA office and back and forth; it would be just a one-step process. So my amendment tries to streamline that.

Third, again—one of these Catch-22 situations we have here—if you live off base and you get a housing allowance, then that is—let me put it this way: It is counted in whether or not you are eligible for the $180.

What my amendment says is if you get housing allowance, that is off the table, that is not counted as part of that, because in a lot of cases, housing allowances are eaten up by housing. It really doesn't add anything to their income. That is the third thing the amendment does.

The last thing my amendment does is under the WIC Program, the Women, Infants and Children Program, if you are overseas—you can get it here, but you can't get it overseas. You would get the money in lieu of that. I am told that the average basic WIC allowance is about $32 a month for food; $10.50—is that right?—for administration. It is about $42 a month. That will be added for people who are overseas. If they were here, they could get WIC, but if they are overseas, they can't get it.

Again, in terms of how much this costs, 2 years ago, we did have an amendment on the bill asking the DOD to give us the numbers on WIC and food stamps, and we have never received those figures from the Department of Defense. I don't know why we can't get them, but we can't get them. I did get a letter last August. I have to tell you, and I say this in all sincerity to my friend from Virginia, this letter disturbed me a little bit.

I am going to read one paragraph of it. It is responding to section 655 of the National Defense Authorization Act for fiscal year 1998. It required the Department of Defense to conduct a study of the members of the Armed Forces and their families who are at, near, or below the poverty line. It was sent to Chairman THURMOND and Senator LEVIN last August 18.

Here is a paragraph that really disturbs me. I quote from the letter:

> Pay raises targeted to junior enlisted grades with the objective of eliminating poverty or food stamp usage are expensive and not consistent with the objectives of military compensation.

Wow. Not consistent with the objectives of military compensation?

> The Department does not support these measures. Nor does the Department support pay raises that provide greater percentage increases in basic pay and/or allowances to junior members. Such a policy will disadvantage the senior enlisted and officer forces relative to their civilian counterparts.

I really don't understand that at all.

> It will also adversely impact retention, morale, and productivity.

Wait a minute, we are going to raise junior enlisted people above the poverty line, give them a bonus in lieu of food stamps here and abroad, and that will adversely impact retention, morale and productivity? I am sorry, I don't understand this.

Mr. WARNER. Will the Senator allow me to state the following? I am personally in favor of your amendment, and we have put a request in to the Department of Defense to update the very facts you are addressing here.

Therefore, pending receipt of that information from the Department of Defense, I respectfully ask that we lay your amendment aside after you, of course, have completed your presentation of the amendment, and then during the course of the next few hours, I will keep you advised with regard to the information that will hopefully be forthcoming, at which time the Senate can address the amendment presumably in a rollcall vote and hopefully sometime this afternoon. That is this Senator's intention.

Mr. HARKIN. That is fine with this Senator.

Mr. WARNER. I assure the Senator, we are diligent in trying to pursue this same information and get an update.

Mr. HARKIN. I appreciate that. I will finish my statement very shortly, Mr. President.

Again, this one paragraph really bothers me. Again, I don't understand how the Department of Defense can say that:

> [It does not] support pay raises that provide greater percentage increases in basic pay and/or allowances to junior members.

I can see in terms of basic pay, but not allowances in terms of food stamps, for example. Then they say it will adversely impact retention, morale and productivity. I wish someone would explain that one to me.

Mr. President, I ask unanimous consent to print in the RECORD the executive summary from which I quoted.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

Military pay is intended to be sufficient to meet the basic needs of all members—this is a fundamental premise of the all-volunteer force. Yet, we find that some military members have pay and allowances that place them at the poverty level or eligible to receive food stamps and other forms of federal assistance. These findings are troublesome to many and raise the question as to the adequacy of military pay. This report responds to a congressional request (P.L. 105–340, sec. 655) that the Secretary of Defense conduct a study of poverty and the military. Specifically, Congress asked that the study include:

An analysis of potential solutions for ensuring that members of the Armed Forces and their families do not have to subsist at, near, or below the poverty level, including potential solutions involving changes in the system of allowances for members.

Identification of the military populations most likely to need income support under Federal Government programs, including: (i) The populations living in areas of the United States where housing costs are notably high; (ii) the populations living outside the United States; and (iii) the number of persons in each identified population.

The desirability of increasing rates of basic pay and allowances for members over a defined period of years by a range of percentages that provides for higher percentage increases for lower ranking than for higher ranking members.

The Department has identified 451 members, less than 3/100th of one percent of the military population, that could potentially be at or below the poverty level. The most junior of these members has a family size of 5 or greater in a grade where 86% of members are single. The average age of this entry grade is 19. For careerists to be below the poverty level requires a family size of at least 8.

Eligibility for food stamps, poverty programs, and other federal assistance is negatively correlated with high housing costs. The Department offsets high housing costs through the basic allowance for housing (BAH) and, before BAH, the variable housing allowance program. Under BAH, members will have exactly the same out of pocket expenditure by grade no matter where in the United States they are stationed. Because members receive higher allowances in high-cost areas while the gross income criterion for eligibility is fixed in CONUS, it is more, rather than less, difficult to receive assistance benefits in high housing cost locations.

Members stationed overseas are not eligible for federal assistance programs such as food stamps. These programs are administered by state agencies within the United States and there is no state sponsor in overseas locations. Overseas housing and cost-of-

> living adjustments are more generous than those in the U.S. The overseas housing allowance (OHA) reimburses housing costs fully up to the 80th percentile. That means that 80% of our members have their full rent and utilities paid by the allowances. Overseas COLAs supplement income to reduce overseas living costs to the U.S. average.
>
> Pay raises targeted to junior enlisted grades with the objective of eliminating poverty or food stamp usage are expensive and not consistent with the objectives of military compensation. The Department does not support these measures. Nor does the Department support pay raises that provide greater percentage increases in basic pay and/or allowances to junior members. Such a policy will disadvantage the senior enlisted and officer forces relative to their civilian counterparts. It will also adversely impact retention, morale, and productivity. Pay compression will be further aggravated by policies that attempt to lower senior enlisted and officer pay relative to junior enlisted.
>
> Other measures such as targeted allowances for large families are also not supported by the Department. Such allowances increase inequities between singles and those with dependents while creating inequities betweeen members with average as opposed to large families.
>
> The Department does support efforts to treat members on- and off-base equitably when applying for federal assistance. Specifically, the Department feels that the value of inkind housing received by members living on base should be included in any calculation of gross income.

Mr. HARKIN. Mr. President, lastly, the chairman, I know, is trying to get some figures from the Department of Defense on how much this costs. We have an estimate right now that the provision in the bill itself that provides for the $180 payment in lieu of food stamps will cost, at most, $26 million a year through the year 2004—$26 million a year through the year 2004.

What Senator BINGAMAN and I are seeking to do is extending this overseas, streamlining the process—that doesn't cost anything—not counting the basic housing allowance and getting the $42 a month in the WIC payments to troops stationed overseas.

Mr. President, I will bet you my bottom dollar and anything I have that it will not even double it. It can't double it. It would be impossible to double it because we have more people in the United States than we have stationed overseas. But even if it did double, we are talking about $52 million a year. I think the DOD budget next year is something like $270 billion. We can't afford $52 million?

I am saying that would be the maximum if you double it. We would have exactly the same number of people overseas in the same pay grade than we have stationed here, and we know that is not so. I await the figures from the Department of Defense to see what they say. Since they have already given us an estimate of $26 million on the provision in the bill, I will be surprised if it comes in anything more than perhaps—oh, I will take a guess—$35 million a year probably, just off the top of my head.

Even if it doubled it, which it can't—there is no way it can—you are talking about $52 million a year. I think that is a small price to pay to make sure that none of our military people are on food stamps and that they are eligible to get the payment through the WIC Program if they are overseas.

Mr. President, I ask unanimous consent to print in the RECORD a letter from Marilyn Sobke, president of the National Military Family Association, in which she states:

> The National Military Family Association strongly supports your amendment that would finally extend the benefits of the [WIC] Program to eligible military families stationed overseas.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> NATIONAL MILITARY
> FAMILY ASSOCIATION,
> *Alexandria, VA, February 19, 1999.*
>
> Hon. TOM HARKIN,
> *U.S. Senate,*
> *Washington, DC.*
>
> DEAR SENATOR HARKIN: The National Military Family Association (NMFA) strongly supports your amendment that would finally extend the benefits of the Women's, Infants' and Children's nutrition program to eligible military families stationed overseas! As you are aware, Senator Harkin, NMFA has long supported a solution to the problem for these families, who lose their WIC benefits simply because their country sends them to overseas duty stations.
>
> The amount of mail NMFA receives from both overseas social agencies and individual families regarding the need for WIC benefits has increased each year, even as the number of families stationed in many of these areas has decreased. We thank you again for your steadfast concern for these military families.
>
> Sincerely,
>
> MARILYN SOBKE,
> *President.*

Mr. HARKIN. Mr. President, as I understand it, we will set my amendment aside and await the figures from the Department of Defense. In the meantime, I hope Senators will support this amendment. It is not going to cost that much, but it has the objective of making sure that no one who puts on the uniform of the United States has to go down and stand in line to get food stamps. If nothing else, we ought to end that. Thank you, Mr. President.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, the amendment is set aside.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Thank you, Mr. President.

I would briefly like to comment on Senator HARKIN's amendment and then make more generalized comments on the bill overall. But first let me speak to Senator HARKIN's amendment.

I commend him for his initiative. He is responding to the needs of the youngest, most junior members of our military forces who need this type of support not only to provide for themselves and their families but to have the mental attitude and the freedom of mind, if you will, to commit themselves to a military career, and to do so from the very beginning of their careers so they start off on the right foot and they develop successfully as professional soldiers, sailors, airmen. All of this is very important. I commend the Senator for his initiative and I hope we can work out the budgetary aspects of this legislation and adopt this amendment.

Now let me turn to the bill in general.

First, let me commend the chairman and all of my colleagues on the committee for recognizing the seriousness of this problem of retention and recruitment. Indeed, it is a very serious problem. And this is a very serious solution, because it not only provides for resources for recruitment and retention, it does raise very legitimate and very significant budgetary issues which I will address as I discuss the issues overall.

Let there be no mistake, there is a retention and recruitment problem within the military services today. Each year, the Department of Defense is responsible for recruiting 200,000 men and women to fill the active ranks of the military forces in the United States.

In fiscal year 1998, the services were only able to recruit 180,000 new soldiers, sailors, airmen, and marines. While the Air Force and Marines were able to achieve their recruiting goals in 1998, the Army fell short by 776 personnel, and the Navy was short by a significant number, 6,892. This is a problem and it is a problem that is getting worse.

In the first 4 months of fiscal year 1999, the Marines again made their recruiting goal, and so did the Navy, but the Army fell short, reaching only 87 percent of its required strength level, and the Air Force only 94 percent of their required strength level.

There is a problem with recruitment. And we know if you do not get good personnel to enter the military forces you cannot keep the strength levels up. There is also the associated problem of retaining these good individuals as they go through their military careers. Every service—and many of my colleagues have pointed this out—is struggling to keep pilots. These are highly skilled positions. These positions are not easily replaced. It takes years not only of training but of experience to develop the kind of combat skills necessary for an effective pilot.

In the Air Force, for example, for every two pilots who enter the service, they are finding that three are leaving. That ratio is going to cause profound problems going forward. As my colleague from Arkansas pointed out, General Ryan in the Air Force estimated by fiscal year 2002 the Air Force would be 2,000 pilots short. That is a serious erosion of our national security posture.

The Navy is experiencing the problems of recruiting and retaining surface warfare officers. This causes them to extend sea duty by months and months and months, putting additional pressure on military personnel. And it is this vicious circle, of fewer people to do the job, causing those who are on active duty to do more and more and more, that is adding additional pressure to the retention problem.

This legislation addresses this problem very directly and with great gusto. There is a 4.8-percent pay increase. And that will not only make the daily lives of military personnel easier—not only give them the resources to provide for their families—it will also be a strong symbolic gesture that will show that this Congress understands the value of our men and women in the military forces. That symbolic, as well as very practical, response is very, very important.

Also, this legislation will reform the pay table so that we can begin to reward more effectively and efficiently those midlevel noncommissioned officers and officers. These are the key people who make our military services the best in the world. They are the squad leaders; they are the platoon sergeants; they are the young officers who are at the front doing the job out on patrol in Bosnia and other places. It is individuals who are so important to our military services. With the new pay tables, we will be able to provide better incentives and we hope provide better retention incentives for these individuals.

There is another measure in this bill which is also very important, and that is extending the Montgomery GI bill benefits not only to individual military personnel but also to their families. I must commend Senator CLELAND, my colleague, whose idea it was. He was the source of this language. It is very powerful language, because when you look at the retention problem, you find you are talking generally about men and women who are in their late twenties, early thirties. They have 12 years of active duty or so. They are also looking at their families and seeing children, 10, 11, 12 years old and beginning to understand really—not just theoretically—but really that they have to do something to put these children through college. And this provision will help them do that by allowing their benefits to be used for their children.

This bill has many commendable components. Again, it stretches the budget dramatically. And that is an issue we have to deal with. But the principles included in this bill are very worthy of support.

Let me suggest also, though, that this issue is not just about pay and compensation. Recruitment and retention are not just about pay and compensation. It is an important part, it might be the most salient issue, the one that we should deal with immediately and directly, but it is not the only issue, because there are many other factors that influence whether an individual will enter the military and, in many, many cases, whether that individual will stay on active duty.

For example, there is the issue of operational tempo. We are stretching our military forces very, very thin. They are deployed in countries around the globe. They are deployed constantly. When they finish one deployment, they come home, they retrain, and suddenly, before expected in many cases, they are out once again in another deployment. This puts tremendous pressure on family life, puts tremendous pressure on the individual service members and their families. That is an issue we have to deal with. And we are not dealing with it simply by raising pay and allowances.

Then there is the issue of readiness. The degree that we take money and put it into the personnel pay side is less money that we will have available for other issues of readiness—frankly, other issues with regard to the equipment that they have and that they believe they must have to do their jobs. That is another issue.

Finally, there is the issue which I alluded to about family concerns. The military is changing. This is not the same military we had 20 years ago or 30 years ago. This military is more a family organization in which it is quite likely that younger military personnel will have family and will have dependents. It is also a situation now where the spouses of military personnel have to work. They have to work because, like so many families in America, they need two paychecks even if we increase the pay.

But in many cases you have spouses who feel that their own professional and personal development require them to work. And it is very difficult, particularly when you reach that 30-year-old mark with someone who is a spouse who has a job, for them to pick up and suddenly move from one post to another. It might be a good change of assignment for the military member, but it could mean the death knell of the career for the spouse. That is another factor.

There are limited opportunities for advancement. The military has gotten smaller. There is also, in this economy, the law of private incentive. We will never be able to pay as much money to a pilot as American Airlines or Delta. So increasing pay is important, but we also have to recognize that there are many, many other forces at work. When you consider these additional factors, you also have to recognize that it is, I think, probably more prudent to try to do this legislation in the context of the overall authorization bill and not separately. And it is also prudent to wait for some information and some analysis that will shortly be forthcoming.

The Department of Defense, CBO, and GAO are studying these problems as we speak. We would be very prudent, I think, to wait for their information.

For example, the GAO report will indicate, we believe, that the biggest complaint among military personnel—this is from a Defense Week article of February 22—is not pay and allowances; it is heavy workloads, job dissatisfaction, and poor health care. So, again, we are moving promptly to address this issue, but a little bit more circumspection might reward us with a better ultimate product.

We are considering this bill today. We should consider this bill today.

We also should be very conscious of the cost factors involved.

We understand that this bill will likely be about $12 billion more than the President's proposal. That proposal has been fully paid for within the budget. We have to ask ourselves sincerely and reasonably, will this additional increment of billions of dollars make a difference in recruitment and retention? Second, where will we get these funds? These are legitimate questions that we have to consider.

Secretary Cohen is acutely sensitive of these issues. In a February 19 letter to Senator LEVIN, he said:

> I am concerned that until there is a budget resolution that sets the defense budget level, this bill constitutes an unfunded requirement on the Department. Absent an increase in the topline for Defense, these items will only displace other key elements of our program. It would be counterproductive and completely contrary to our mutual desire not to undercut our modernization effort and other readiness priorities.

Therefore, as enthusiastic as we are to see that military men and women are rewarded in pay and benefits for their great services to the country, we have to be very, very careful when it comes to this increase in the amount of spending because it could result in cuts in other programs, in modernization programs, in other types of family-like programs which might be equally important to ensure retention of military personnel.

I understand and I support what we are trying to do in concept. I believe that this legislation must be changed, though, ultimately to recognize the severe budgetary constraints before we can accept it as law. I hope that when this bill comes back from conference it will not only have these very, very worthy elements, but it will be within a budget cap that we all agree is appropriate for not only the Department of Defense, but for our overall efforts.

We have a responsibility to our soldiers, our sailors, our airmen, our marines, a responsibility to our taxpayers. We have to discharge both. I hope we pass this legislation, that we bring it back from conference in a much more constrained budgetary form. If we don't do that, I very well may be compelled to oppose it at that point. Today, I support it. I support it because the principles it includes are important. They address the fundamental problem in the military. It will represent, I hope, progress towards a final, more balanced solution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, on behalf of the committee, we welcome the Senators joining our committee this year. Senator REED brings a distinguished background in the military services, having been on active duty himself at one point. It was an excellent statement.

Mr. President, I see another one of our very valued "old-timer" Members seeking recognition, so I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Dana Krupa, a fellow in my office, be allowed floor privileges during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I thank my colleague from Virginia and compliment him and the Senator from Michigan, my good friend, Senator LEVIN, for their leadership in getting this set of issues before the Senate and ensuring quick progress in dealing with the very real issue that faces our military personnel.

AMENDMENT NO. 24

(Purpose: To state the sense of the Senate regarding the processing of claims for veterans' benefits)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and I ask that amendment be reported.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 24.

Mr. BINGAMAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 46, after line 16, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. SENSE OF SENATE REGARDING PROCESSING OF CLAIMS FOR VETERANS' BENEFITS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Despite advances in technology, telecommunications, and training, the Department of Veterans Affairs currently requires 20 percent more time to process claims for veterans' benefits than the Department required to process such claims in 1997.

(2) The Department does not currently process claims for veterans' benefits in a timely manner.

(b) SENSE OF SENATE.—It is the sense of the Senate to urge the Secretary of Veterans Affairs to—

(1) review the program, policies, and procedures of the Veterans Benefits Administration of the Department of Veterans Affairs in order to identify areas in which the Administration does not currently process claims for veterans' benefits in a manner consistent with the objectives set forth in the National Performance Review (including objectives regarding timeliness of Executive branch activities); and

(2) initiate any actions necessary to ensure that the Administration processes claims for such benefits in a manner consistent with such objectives.

(3) report to the Congress by June 1, 1999 on measures taken to improve processing time for veterans' claims.

Mr. BINGAMAN. Mr. President, this is merely a sense-of-the-Senate resolution regarding an element of pay and benefits to service members, and particularly those service men and women who have already served their country or are retired from the military service. In all of our discussions about the need to provide greater incentives for young Americans to serve and to remain in the military, we can't forget how important it is for the Nation to follow through on the promises that we have made to our veterans; to know that the benefits that are promised will be delivered is a very important tool in recruiting and retaining quality personnel in our military.

I have been disturbed, as I am sure some of my colleagues have been, by the recent reports in the press that have indicated that getting claims by our Nation's veterans actually resolved and paid by the Veterans Administration has become an increasing problem. Many veterans are having to wait an unconscionably long period of time before their cases have been resolved. I hear about this in my home State. I was there all last week and heard about it at several points.

I recently read of a case that originated in 1967 that has still not been conclusively resolved. Veterans in my State of New Mexico have complained that the time taken to process individual claims has grown considerably worse over the past year. We have a billboard that has been put up in our State by a veterans group complaining about this issue. We have had picketing at congressional offices to raise awareness of this issue. According to the press, the average VA claim has been pending for 151 days nationwide, while in Albuquerque the average has increased to 161 days.

I tried to look into the situation and from what I can tell, the prospects for improvement are fairly slim. We have significant staff cutbacks—at least in my State, in Albuquerque—that have made the problem worse. But there have been other factors such as limited training and lack of automation in the VA that have contributed to the situation.

Mr. President, this problem is not peculiar to New Mexico. Yesterday, the Washington Post included an article that suggested the problem is being experienced in many States, if not in all. Mr. President, I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VA ENTERS 'DIFFERENT WORLD' OF COMPUTERS—ANTI-PAPER EFFORT TO START LOCALLY

(By Bill McAllister)

Shortly after he arrived in Washington to take charge of the Department of Veterans Affairs' notoriously troubled benefit programs, Joseph Thompson gave Clinton administration officials a succinct assessment. "We're in the 14th year of a seven-year modernization program."

Repeatedly pilloried by Congress, the General Accounting Office and senior VA officials, efforts to improve Thompson's sprawling Veterans Benefits Administration are no joke. His agency, which has offices in every state, has defied numerous efforts to improve the speed with which it handles 2.5 million veterans claims a year.

Today, 15 months after he took office as undersecretary for veterans benefits, Thompson will announce a major initiative to end the VA's dependence on the huge paper files that remain the lifeblood—and the bane—of the VA's claims bureaucracy. With the cooperation of seven high-tech companies, the VA will initiate a pilot program to put all the claims files at its Washington regional office in an electronic database.

Thompson hopes that the program not only will speed the handling of Washington area claims, but that it also will give the VA "a peek into a different world in which we are going to have to live," a world dominated by computers. It also could provide the department with the outline of a national computer claims network, which Thompson says the VA eventually must create.

The former head of the VA's New York benefits office, Thompson acknowledged in an interview yesterday that his ambitious plans face a lot of skepticism from Capitol Hill and from veterans. Congress, which must fund any national system, is demanding proof that his plans will work, Thompson said.

Fifty-seven percent of veterans interviewed by the VA have given Thompson's current benefits programs a thumbs down because claims processing is painfully slow and difficult to deal with. "We know they are unhappy," Thompson said. "If you were seeing those numbers in a private company, you'd be packing your bags."

Thompson, a career VA employee whose work in New York was praised by Vice President Gore and his National Performance Review, won the help of a nonprofit business group called Highway 1 after he pleaded for the support of private industry.

Highway 1, composed of Kodak, Microsoft, IBM, MCI Worldwide, Computer Sciences Corp., Canon and Cicso Systems, was amazed to discover how much paper dominates the claims process.

"It was mind-blowing" said Kimberly Jenkins, the coalition's founder and chairman. "There were stacks and stacks of files, with rubber bands around them and frayed paper, some dating back to the Civil War."

The effort at the Washington regional office is only part of Thompson's efforts to reduce the paper jam in VA benefits programs. He said the agency also will distribute new software designed to help veterans fill out claims applications.

Many of the forms that the VA processes are filled out with varying degrees of completeness on behalf of veterans by local and state government veterans officials and by workers affiliated with the large veterans service organizations, such as the American Legion and Disabled American Veterans. The new software should produce more complete and uniform applications, Thompson said.

Although Congress has repeatedly demanded that the VA reduce the amount of time it takes to process claims, Thompson argues that merely dispatching a claim quickly is not good enough. "You can be fast or you can be slow, but it you don't make the right call, you've done a disservice to the veteran and to the taxpayer," he tells the agency's 11,200 benefits workers.

According to testimony Thompson gave to Congress last year, the VA steadily reduced the amount of time it took to process compensation claims from 213 days in 1994 to 133 days in 1997.

But in 1997 the time jumped back up, and it now takes about 160 days to process new claims. Thompson blames the increase in part on the increasingly complex types of claims that veterans, such as those from the Persian Gulf War, are filing.

The delay, however, is a major challenge for Thompson because the VA has promised Gore's National Performance Review that by fiscal 2000 it hopes to process new compensation claims "in an average of 92 days."

In the past, VA officials could deal with demands that the agency improve by redefining its work. Thompson recalled with a laugh that his first VA boss told him it used to take his office six months to process new claims. "Now we have cut that to 180 days," the official said.

Mr. BINGAMAN. Let me read a portion of the article which I think tells a lot of the story.

> In the past, VA officials could deal with demands that the agency improve by redefining its work. Thompson [this is Joseph Thompson, at the VA administration] recalled with a laugh that his first VA boss told him it used to take his office six months to process new claims. "Now we have cut that to 180 days," the official said.

Although that is semihumorous, I do think that kind of an evasion of the problem has characterized the VA for too many years.

The article pointed out that the Department of Veterans Affairs made significant progress in reducing the time it took to process veterans' claims between the years 1994 and 1997, but since then, the processing time has increased from 133 days on average to the current rate of about 160 days. The administration has called for steps to reduce that, to get it down to an average response time of 92 days, but I am concerned that the erosion of veterans' benefits, the difficulty that our veterans have in seeing those benefits delivered, will weigh against recruitment and retention of the quality personnel that we need in our Armed Forces today.

This amendment states that it is the sense of the Senate the Department of Veterans Affairs should conduct a thorough review of the programs, procedures, and policies that govern this processing of veterans claims for benefits, and by June 1 of this year report to Congress on measures to be taken as a result of such a review.

I hope by that time we can identify the measures that we need to include in the authorization bill and in the appropriations bill to assist in this effort.

My hope is that the result of this review will be that we can reduce this processing time to bring it down to this 92-day average time. This is the administration's goal under the National Performance Review, which has come up with that estimate of the length of time that can be achieved. Obviously, even 92 days is too long. Better training and technology and staffing would allow us to shorten that even more. But, first, let's get to the 92 days.

Mr. President, I have discussed this amendment with colleagues on both sides of the aisle. As far as I know, it is agreeable to all concerned. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WARNER. Mr. President, this amendment is acceptable on this side. I see no need for further debate. We can move to the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 24) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we are continuing to make progress. It is the understanding of the Senator from Virginia that Senator McCAIN is en route to the floor for the purpose of making a statement about the bill and to present an amendment for himself and Senator COVERDELL.

I also urge Senator FEINGOLD to consider coming to the floor following that. Hopefully, it will be mutually convenient.

Seeing no Senator seeking recognition at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I rise today to speak in support of S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights. Since Desert Storm I have been extremely concerned that our military has been losing the cutting edge and their ability to respond to crises or to maintain our superiority throughout the world. We have all watched as our Armed Forces became increasingly unable to retain their most qualified warfighters, fell short of their recruiting goals, and suffered severe morale problems across mission areas of each service. We heard repeatedly from the Department of Defense that they "could do more with less", until last September when the service chiefs came to us and confessed a very bleak picture indeed.

Even as our military has been downsized to a more streamlined force, the Administration has deployed our servicemembers more and more into harm's way. With 6,700 troops still in Bosnia, two years after the original deadline for their withdrawal, we are preparing the ground for the deployment of 4,000 additional soldiers and Marines into Kosovo. And make no mistake, Kosovo is a considerably more complicated situation than existed in Bosnia. The United States does not support the Kosovar Albanian goal of independence, and so recognizes the right of Serbia to maintain control of its territory. At the same time, the brutality and utter ruthlessness with which President Milosevic has and continues to prosecute his campaign against the Albanian population of Kosovo demands the international community take steps to compel a termination of his actions. Slobodan Milosevic represents the personification of a kind of tyranny we had hoped we had seen the last of with the death of Stalin, yet which continues to appear in places like Uganda, Cambodia, and, in the 1990s, Yugoslavia. He must be curtailed through forceful persuasion, not only because objective morality dictates we do so, but because the Kosovar Albanians deserve to know that the more recalcitrant party to the talks and the overwhelmingly greater threat to human rights will be held accountable for his actions.

Toward that end, the President has made a commitment to dispatch U.S. forces to Kosovo. It is with great reluctance that I will not oppose that deployment, as the risks to U.S. national interests should the fighting in Kosovo spread beyond its confines could be substantial, involving our Greek and Turkish allies and other countries threatened with internal dissension. But my support is qualified upon a series of measures that have yet to emerge as part of the Clinton Administration's overall approach to foreign policy and the role of force in support of that policy. Prior to the deployment, there must be a clearly established set of criteria for determining the nature and duration of the operation. There should be an exit strategy for how to withdraw those forces upon the completion of a mission understood by our military commanders in the field as well as by the American public here at home, or to extract them should fighting on the scale of that witnessed over the past year resume.

Under no circumstances should U.S. forces be sent into Kosovo without clearly articulated rules of engagement. Peacekeeping missions are fraught with uncertainties regarding the identity of combatants within civilian populations. Our military personnel must know that they have authority to respond to threats with the requisite degree of force, and without having to go through the kind of bureaucratic and political nightmare that characterized the war in neighboring Bosnia-Herzegovina. There must be no dual-key arrangement. If this is a NATO operation, then NATO alone should dictate when force is used to compel the parties to comply with their obligations. Neither the so-called Contact Group nor the United Nations should be permitted to insert itself into operational aspects of the mission. If these conditions are met, up front, then I will support the deployment, albeit reluctantly.

And, finally, the Administration should take one other step it has been historically reluctant to take: it should indicate how it intends to pay for the operation. It should not, as it has done in the past, provide vague references to future supplemental appropriations bills and then draw the funds from existing, dedicated accounts. It should, even before the deployment begins, work with Congress to provide the requisite funds without depleting operations and maintenance and missile defense accounts.

Skepticism, in this regard, is warranted. A historically high rate of deployments combined with a major reduction in overall force structure has caused readiness problems in the military that threaten our ability to respond to future contingencies in which vital interests are at stake. The Administration ignored this problem for six years, and its fiscal year 2000 budget submission is excessively replete with budget gimmickry that makes me question its commitment to correct near and long-term readiness problems.

Before I leave the issue of Kosovo, let me just state that the events that just took place in France are certainly not the United States' finest hour in diplomacy. The President of the United States said that if two—not one but two—deadlines were reached that the United States would act militarily. They allowed those to pass. Somehow now a period of 3 weeks is supposed to take place while Kosovar Albanians consult with one another to decide whether or not they will abide by certain provisions of a proposed, as yet unseen peace agreement.

Mr. President, the United States squandered a lot of credibility during this period of time, and there were a broad variety of reasons why that happened, including allowing the conduct of these negotiations to be supervised by others rather than the United States. But fundamentally there was a misunderstanding of the problem—a misunderstanding of the motivation of the participants, and very frankly there has been a commensurate erosion of U.S. credibility during this entire series of negotiations. I do not know how it is going to come out, but I think the prospects of further bloodletting have been increased as a result of these negotiations rather than the stated goal of them being decreased.

It is the growth of those problems that brings us to where we are today; that bring us to consideration of the legislation before the Senate.

Mr. President, this bipartisan bill contains a package of benefits for the Armed Forces that would go a very long way to fixing the readiness problems facing all the services. It combines overall pay increases with retirement incentives, exciting new savings plans, and educational benefits. It addresses the issue of service members on food stamps. It is focused and balanced, and directly answers the most pressing needs as stated by the service chiefs and service secretaries.

Military pay, by almost all accounts, has fallen considerably behind civilian pay. Arguments can be made as to the precise pay differential, and at which pay grades and mission ares it is greatest, but there is no credible argument as to whether we need to address the pay gap. This is accomplished by the bill's proposed pay raise of 4.8 percent next year and raises based on the employment cost index plus half a percent thereafter.

The tables that define military base pays for all ranks are archaic and badly in need of reform. Middle leadership positions for both enlisted and officers have to be rewarding. Few service members actually see themselves becoming the Master Sergeant of the Army or the Chief of Naval Operations. Many, however, do aspire to the rank of Army Lieutenant Colonel or Navy Senior Chief. Our legislation proposes a sweeping reform of the pay tables, rewarding service and promotion without over-compensating very senior officers.

The reduced retirement plan implemented in 1986, known as Redux, is a major morale issue with service members. Although no one has retired under this plan, it is a constant reminder that military service is under-appreciated. Even if a service member is not affected by this plan, it is a morale issue because many of his peers and subordinates are. Repealing REDUX across the board is expensive, which is why our legislation gives the service member the choice of switching to the pre-REDUX plan or remaining with REDUX and taking a $30,000 bonus, which can in turn be rolled tax-free into the thrift savings plan. Many service members would choose this alternative in response to the needs of their family in the near term.

Our bill also offers service members an opportunity to save for their future. The new thrift savings plan established in this bill allows members to put aside up to 5 percent of their pay and all special bonuses, tax free, in a plan that does require them to serve a full career of 20 years to earn that "nest egg". Each service is given the discretion of matching these funds up to the full 5 percent.

The legislation also increases the monthly educational benefit of the GI Bill, allows lump sum payments upfront for school tuition, and cancels the servicemember's obligation to contribute the $1200 required to receive full benefits. Most importantly, it allows the transfer of these benefits to immediate family members, a proposal that will be welcomed with open arms by servicemembers struggling to put children through college.

Lastly, S. 4 includes a provision for a special subsistence allowance that will take almost 10,000 service members off food stamps. This benefit will help the most junior and most needy of our hard-working enlisted troops. It will remove the stigma of food stamps from the military family and it will do so fairly,' without aggravating pay discrepancies, and in an honorable manner.

Mr. President, much has been said about this bill that is flat wrong. S. 4, as reported by the Senate Armed Services Committee, is not significantly more expensive than the Administration's proposal, and, in fact, may well be cheaper depending on the number of service members who choose to remain on the reduced retirement plan and take the $30,000 bonus. Seemingly subtle differences between S. 4 and the Administration's proposal are not lost on our bright young fighting men and women. S. 4 offers half a percent higher pay raise next year, no cost-of-living allowance caps, the opportunity for individual thrift svings plans, exciting educational benefits, and a special subsistence allowance that will help those most needy junior military families who today must use food stamps to make ends meet.

I must admit that I have great concern about the potential for "Christmas tree" amendments on this bill that inflate its costs well beyond what has been requested by the Joint Chiefs of Staff and what is clearly necessary to restore morals and personnel readiness. However, I am hopeful that any excessive or irrelevant provisions added during floor debate will be fairly addressed in confrerence with the House.

Mr. President, our bill will have profound and immediate positive effects on morale and retention. In fact, I have heard from several service members over the last month who are deferring their decision to leave their service based on what we do here in Congress. They will not wait forever.

Mr. President our military personnel need and deserve our immediate attention on this critical issue. These are the men and women who defend our nation day and night, 365 days a year, at home and overseas. They need our support and our appreciation. I urge my colleagues to support this bill and to work for a streamlined process that will expeditiously take the benefits of S. 4 to our fighting men and women.

I especially thank the distinguished chairman of the committee, Senator WARNER, who decided last year that this had to be our highest priority. He is keenly aware of the problems of morale and retention that affect our men and women in the military, which was so graphically demonstrated last year when the Joint Chiefs came over.

Have no doubt, have no doubt, that the men and women in the military are watching what we do. I have already heard, as others have heard, this may be delayed; that the administration wants to delay it; some of my colleagues on the other side of the aisle want it delayed; some of my colleagues on this side of the aisle are saying it is too expensive; we should not move forward with it.

Mr. President, what is more outrageous than having 11,000 enlisted families whom we are asking to defend this Nation existing on food stamps? That is an outrage and an insult to all of us as Americans. Don't we care enough about these young men and women that we are willing to do what we can to get them off food stamps, and do it quickly? Aren't we aware that the Chairman of the Joint Chiefs of Staff came over and testified before the Armed Services Committee and said the reason we are not keeping these good men and women, the No. 1 reason, is because of the retirement system?

I read editorials in the Washington Post—I think the chairman said there are two—that this is a bad idea; it affects the retirement system.

What in the world does the Washington Post know? I challenge the editorial writer of the Washington Post to go out to any of these ships, any of these Army units, any Marine or Air Force base, and ask them why they are not staying in; ask them why their morale is at a low that we have not seen since the 1970s; ask them why their subordinates and their peers are not remaining in the military.

They will tell the editorial writers and the skeptics who oppose this legislation, just as the Chairman of the Joint Chiefs of Staff did last September, that is the No. 1 issue. You can run all the computer studies, you can run all these numbers you want, you can say this doesn't really matter, but, Mr. President, it does matter to them. It does matter to them. Ask any of them. And that is what we are trying to face here.

Yes, I want to join my friend, the chairman, in my concern about so much being added to this bill. A lot of these are very good things that are being added with these amendments, and I am sure they will play well with certain constituencies. But I want to tell my colleagues, I have every confidence that when we go to conference we are going to strip a lot out of this, because we cannot have this thing overloaded to the point where it falls of its own weight.

The priorities we have are restoring the morale and retaining the men and women in the military. I would argue that almost any amendment on this bill which does not directly apply to that objective perhaps should be taken up another day, in the normal course of the authorization bill which we will probably bring to the floor sometime this coming summer. In the meantime, we cannot wait. We cannot wait.

I received a letter yesterday from a naval officer who said: If this legislation is passed, then I and many of my colleagues will not make the decision that many of us had already made, and that is to leave the military.

This is an important issue. We are about to send our young men and women into harm's way again in Kosovo, whether the majority of my colleagues happen to agree with that decision or not. Are we supposed to send them immediately into harm's way and tell them, well, we will have to wait on this issue of giving you a decent pay and allowance and a decent retirement system, at least in your view that is badly needed, or are we going to address those problems immediately?

I won't go into it further, but there are times when I am reminded of the old Kipling poem about, "It's Tommy this, an' Tommy that," but when the drums begin to roll, it is, "Mr. Thompson, if you please."

I urge my colleagues to allow us to move forward as rapidly as possible with this legislation. Let's narrow down the amendments. Let's move forward with this, with the assurance to all of our colleagues that many of their worthy amendments should be addressed in a proper process.

I thank the chairman, Senator WARNER, again, along with Senator LEVIN, but especially Senator WARNER whose experience and knowledge of men and women in the service is unequaled by any in this body, including his dedicated service to our Nation in the military, albeit it was in the Spanish-American War.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, I thank my very, very dear friend and colleague. Our association goes back many, many years when at one time, I suppose, you could consider me his boss, but those days when I was his boss ended with his distinguished family of predecessors who have served in our naval service with such distinction for so many generations.

Before the Senator departs, I want to say that earlier, in the context of the Harkin amendment, I made it very clear to the Senate that that important provision on food stamps in our bill originated with the Senator, and it represents a lot of study and commitment that the Senator has made for a number of years on this issue; it just didn't come to mind yesterday. The Senator has spoken on it many times to our committee, to the Senate as a whole, and, indeed, to the Nation as a whole. The Senator has addressed the problems associated with food stamps.

Also, the Senator mentioned the concern he has about NATO. I share a number of those concerns and particularly the relationship to the United Nations. I had a meeting early this morning with the Secretary General of the United Nations, Kofi Annan, and later today I will put into the RECORD some remarks.

Of course, I stressed with him our deep concern about Iraq and the need for greater unity of commitment and understanding in the United Nations on that question. But I also touched on the issue that they are entirely separate organizations, the United Nations and NATO, and there are times when we work together.

And the Senator is quite correct in sending out a clarion call that as we approach the 50th anniversary and decisions relating to the future of NATO, and particularly what we call "out-of-area missions," that again the separability of those two organizations be kept in mind. I hope at some point to more formally address that issue. I have been doing some research on it which I would be happy to share with my good friend and colleague.

On Kosovo, our committee will be holding a hearing tomorrow, and I hope the Senator can schedule time to attend that hearing and, perhaps in his opening remarks in the course of the hearing, address some of the very concerns that the Senator stated here today.

I thank my good friend for bringing to bear on the deliberations of the committee and the Senate as a whole his years of experience in the military. It is very important. Without it, we would be at a great loss. I thank my colleague.

If I might ask one question, there was some thought that the Senator was going to offer an amendment on behalf of Mr. COVERDELL. Could the Senator clarify that?

Mr. McCAIN. It was my understanding that Senator COVERDELL would like to do that.

Mr. WARNER. He is going to do that.

Mr. McCAIN. I thank the Senator.

Mr. WARNER. I thank the Senator.

Mr. McCAIN. If the Senator will yield, I do want to help him in getting these amendments narrowed down. It is time, I tell all my colleagues, to move forward.

Mr. WARNER. We are ready to move this bill, I say to the Senator, but in fairness we have to get some further cost information. The Senator from Arizona brought up his concern about costs. The Senator is a watchdog on that, and we are beginning to get that from the Department of Defense, particularly with the amendment of the Senator from Iowa regarding the extension of food stamps to overseas men and women of the Armed Forces. I don't know whether the Senator has a view he would like to add on that.

Mr. McCAIN. I have not had a chance to examine it, but I would like to do it.

Mr. WARNER. We are keeping the Senator's assistant informed of the information as it comes over.

Mr. McCAIN. I thank the chairman.

Mr. WARNER. I thank the Senator very much.

Mr. President, we are proceeding with this bill apace. We understand the Senator from Wisconsin is going to come to the floor shortly for an amendment. We are anxious to move any others. There are only very few left. I intend to advise the majority leader and the Democratic leader that it is this Senator's objective that this bill can be passed this afternoon, final passage.

Mr. President, I see no other Senator seeking recognition at this time, so, therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I want to address the bill that is presently before the Senate. I begin by congratulating the chairman of the committee, Senator WARNER, and the ranking member, Senator BINGAMAN, for bringing this bill forward in the sense that it has addressed the issue of pay raise for our service people. This is important. I think we all recognize that our ability to attract in a volunteer service first-class folks who are going to be willing to put their lives on the line for us requires, in turn, that we pay them a fair compensation which reflects the gravity of the job that they are doing and the importance of the job that they are doing.

So the pay raise part of this bill, I think, is a very appropriate element of the bill. In addition, I am very supportive of the attempts to address the health care issues, not only of the service men and women, but of their families, which is critical to the quality of life. Of course, housing needs of service individuals is also extremely important.

Those elements of the bill, especially the pay and the health care parts, are, in my opinion, steps forward, and I congratulate the chairman for bringing the bill forward and bringing it so promptly to our attention.

But I do have serious reservations about some other elements of this piece of legislation. There are two areas where I think this legislation either creates a new entitlement, which is inappropriate and extraordinarily expensive, or actually is counterproductive to its overall purpose.

The first place that I have concern is in the area of the new entitlement for children of service individuals to receive, basically, the GI bill benefits. This is a significant expansion of the GI benefit. It has always been a superb benefit and a well-used benefit, but it has only been directed at the military personnel. Now it can be used by the spouses and by the children of military personnel.

The potential costs in the outyears of this are extraordinary because it is an entitlement. They really are not recorded in this bill because this bill only has a 5-year window, and when we get out past that 5 years, this number is going to be extremely high, and I think we will have, in my opinion, expanded this benefit in a way that will put great strain on the Defense Department budgets, which I do not think is the proper way to approach this.

Education is important, but the GI bill has always been focused on the soldier, the sailor, the airman. It is not for the children, unless the soldier, the sailor or airman has died in service.

We do have a large panoply of other types of educational initiatives in our Government that are available for military children, as well as for all other children, for that matter. It would be better to work an additional benefit for military children through those types of already-existing educational programs which are not entitlement oriented but are discretionary oriented. In my opinion, for that reason, this bill has a very serious flaw.

The second problem this bill has, which I really do not understand why the decision was made to go in this direction, is that it reverses the decision we made back in 1986 to drop the 50 percent back to 40 percent, the percentage of pay which a person will get on retirement after 20 years. The reason we did that, and the reason it passed so overwhelmingly back in 1986, was because we were trying to retain people in the military service. That is the reason that decision was made. We saw the purpose of that pension structure, 50 percent of pay upon 20 years of completion of service, as being, essentially, an encouragement to cause people to leave the military, and they were.

So this bill reinstitutes an initiative which makes no sense if our purpose is to attract people and keep them in the military. I understand this bill also has a $30,000 bonus if you stay in the military and take the 40 percent. But the fact is, going back to 50 percent is going to cause a lot of good officers and a lot of our more senior enlisted individuals to leave the service, because their age is usually in the early forties when they hit that 20 years, sometimes younger, but usually in the early forties, and that is the perfect time to go off and find a new career.

If you have an incentive that you are going to get 50 percent of your pay if you go out and find a career, you have a huge incentive to leave the career you are in and go out and find a new career. So it makes much more sense to stay at the 40 percent. I think it would have made a great deal more sense in this bill if we said, rather than bumping it back up to 50 percent, something to the effect that we are going to stay at 40 percent and we are going to give the military, the Defense Department, the flexibility to take the money we would have used to go to 50 percent and use that money to create new programs which will encourage people to stay in the service rather than to leave the service.

For example, the bonus is in this bill, but certainly there are other things that could be done that would encourage people to stay in the service after 20 years if there were a big pool of resources available to the Defense Department to set up educational programs or additional benefit structure programs or even a pay increase incentive program for people who reach that 20 years and are thinking of retiring.

Instead of doing that, we are doing the exact opposite. We are saying we are going to bump your percentage up to 50 percent and encourage you to leave the military. It makes no sense; plus, it is extremely expensive. It is $2 billion and, once again, when we get outside the 5-year window, the cost is very high.

This is an extraordinarily expensive bill. We should not underestimate that it costs $45 million in discretionary money and $14.1 billion in new entitlement spending over the 5-year period. If you were to graph it, it would go up probably horizontally on the entitlements side because of the new entitlements in the education accounts.

I think and I am hopeful that when the extraordinarily high quality leadership, which this committee has, takes a look at this bill again as it heads into conference, they will take a look at these two items, because these two items, in my opinion, create serious flaws in a bill that otherwise is very positive and is very appropriate.

It seems to me that the first one is an expansion of the entitlement, which is inappropriate, and the 50 percent, which is counterproductive to the purposes of the bill. It would be logical if we go back and visit both of those items.

I do have an amendment that I would be willing to offer on the second one, the 50 percent. I am hopeful that this committee, which is so well led—and I do not want to slow up the bill because I think it is a bill, I understand, that the committee wants to move—I am hopeful the committee will take a hard look at this, and if they don't, obviously, I might have to resort to the amendment. But, hopefully, there will be an attempt to take a look at this, at least in the conference stage so we can address what I think are the two flaws in this bill.

I thank the President for his time, and yield back the remainder of my time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my colleague for his remarks. He is a keen observer of the budget process around here. And I recognize that we are going to have to take a look at some of these options. But it is going to send a strong message. And I think it is important.

Mr. GREGG. Thank you, Mr. Chairman.

Mr. WARNER. I thank the Senator.

I wish to advise the Chair and all Senators that we are about to get some other amendments accepted here very quickly. And if we can accept about four amendments, I would hope maybe we can arrange for a break here at the noon hour, and then resume early in the afternoon. But that is a decision that is up to the leadership at this time.

Mr. President, on the amendments, Senator JEFFORDS is on his way to the floor to address two of the three he has. The first one is in relation to what we call a lump-sum payment. And I am of the opinion that the committee is going to accept that. And the second is an extended window of eligibility; that is whereby a person in the service has a period of time, after they depart the service—somewhat extended now—within which to make certain decisions regarding their eligibility under the various GI bill provisions. So I hope that we can accept those two.

Senator FEINGOLD has an amendment. And I think momentarily my colleague, the joint manager of the bill, will address that. That leaves the amendment from the Senator from Iowa, the Harkin amendment. And I think we are very close to closure on that. It is being redrafted in a manner in which I think it can be accepted.

Senator?

Ms. LANDRIEU. Thank you.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President and Mr. Chairman.

AMENDMENT NO. 25

(Purpose: To amend title 37, United States Code, to ensure equitable treatment of members of the National Guard and the other reserve components of the United States with regard to eligibility to receive special duty assignment pay)

Ms. LANDRIEU. If I could, on behalf of Senator FEINGOLD, who is unable to be here because he is in a committee hearing, to offer this amendment on his behalf. I send it to the desk. This amendment would correct special duty assignment pay inequities between the Reserve components and their active duty counterparts.

I understand this is acceptable to you, and the amendment will be accepted.

Mr. WARNER. Mr. President, that is correct.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for Mr. FEINGOLD, proposes an amendment numbered 25.

The PRESIDING OFFICER. If there is no objection, the reading of the amendment is dispensed with.

The amendment is as follows:

On page 28, between lines 8 and 9, insert the following:

SEC. 104. ENTITLEMENT OF RESERVES NOT ON ACTIVE DUTY TO RECEIVE SPECIAL DUTY ASSIGNMENT PAY.

(a) AUTHORITY.—Section 307(a) of title 37, United States Code, is amended by inserting after "is entitled to basic pay" in the first sentence the following: ", or is entitled to compensation under section 206 of this title in the case of a member of a reserve component not on active duty,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

Mr. FEINGOLD. Mr. President, I rise today to offer an amendment that will restore a measure of pay equity for our nation's Guardsmen and Reservists. The men and women who serve in the Guard and Reserves are cornerstones of our national defense and domestic infrastructure and deserve more than a pat on the back.

Mr. President, as I'm certain my colleagues are well aware, the Guard and Reserve are integral parts of overseas missions, including recent and ongoing missions to Iraq and Bosnia. According to statements by DoD officials, guardsmen and reservists will continue to play an increasingly important role in national defense strategy. The National Guard and Reserves deserve the full support they need to carry out their duties.

National Guard and Reserve members are increasingly relied upon to shoulder more of the burden of military operations. We need to compensate our citizen-soldiers for this increasing reliance on the Reserve forces. Mr. President, this boils down to an issue of fairness.

Mr. President, my amendment would correct special duty assignment pay inequities between the Reserve components of our armed forces and their active duty counterparts. These inequities should be corrected to take into account the National Guard and Reserves' increased role in our national security, especially on the front lines. Given the increased use of the Reserve components and DoD's increased reliance on them, Reservists deserve fair pay. My amendment provides that a Reservist who is entitled to basic pay and is performing special duty be paid special duty assignment pay.

Mr. President, right now, Reservists are getting shortchanged despite the vital role they play in our national defense. The special duty assignment pay program ensures readiness by compensating specific soldiers who are assigned to duty positions that demand special training and extraordinary effort to maintain a level of satisfactory performance. The program, as it stands now, effectively reduces the ability of the National Guard and Reserve to retain highly dedicated and specialized soldiers.

The special duty assignment pay program provides an additional monthly financial incentive paid to enlisted soldiers and airmen who are required to perform extremely demanding duties that require an unusual degree of responsibility. These special duty assignments include certain command sergeants major, guidance counselors, retention non-commissioned officers (NCO's), drill sergeants, and members of the Special Forces. These soldiers, however, do not receive special duty assignment pay while in an IDT status (drill weekends).

Between fiscal years 1998 and 1999, spending for the program was cut by $1.6 million, which has placed a fiscal restraint on the number of personnel the Army National Guard is able to provide for under this program. These soldiers deserve better.

Mr. President, these differences in pay and benefits are particularly disturbing since National Guard and Reserve members give up their civilian salaries during the time they are called up or volunteer for active duty.

As I'm sure all my colleagues have heard, the President will propose an enormous boost in defense spending over the next six years; an increase of $12 billion for fiscal year 2000 and about $110 billion over the next six years. I have tremendous reservations about spending hikes of this magnitude, but have no such reservations about supporting this nation's citizen-soldiers in this small but important way. The National Guard and Reserve deserve pay and benefit equity and that means paying them what they're worth.

Mr. President, according to the National Guard, shortfalls in the operations and maintenance account compromise the Guard's readiness levels, capabilities, force structure, and end strength. Failing to fully support these vital areas will have both direct and indirect effects. The shortfall puts the Guard's personnel, schools, training, full-time support, and retention and recruitment at risk. Perhaps more importantly, however, it erodes the morale of our citizen-soldiers.

Over these past years, the Administration has increasingly called on the Guard and Reserves to handle wider-ranging tasks, while simultaneously offering defense budgets with shortfalls of hundreds of millions of dollars. These shortfalls have increasingly greater effect given the guard and reserves' increased operations burdens. This is a result of new missions, increased deployments, and training requirements.

Earlier this year, Charles Cragin, the assistant secretary of defense for reserve affairs, presented DoD's position with regard to the department's working relationship with the National Guard and Reserve. He stated that all branches of the military reserves will be called upon more frequently as the nation pares back the number of soldiers on active duty. This has clearly been DoD's policy for the past few years, but Mr. Cragin went a little further by stating that the reserve units can no longer be considered "weekend warriors" but primary components of national defense.

Mr. President, in the past, DoD viewed the armed forces as a two-pronged system, with active-duty troops being the primary prong, reinforced by the Reserve component. That strategy has changed with the downsizing of active forces. Defense officials now see reserves as part of the "total force" of the military.

The National Guard and Reserves will be called more frequently to active duty for domestic support roles and abroad in various peace-keeping efforts. They will also be vital players on special teams trained to deal with weapons of mass destruction deployed within our own borders. According to many military experts, this represents a more salient threat to the United States than the threat of a ballistic missile attack that many of my colleagues have spent so much time addressing.

Mr. President, I have had the opportunity to see some of these soldiers off as they embarked on these missions and have welcomed them home upon their return, and I have been struck by the courage and professionalism they display. Guardsmen and Reservists have been vital on overseas missions, and here at home. In Wisconsin, the State Guard provides vital support during state emergencies, including floods, ice storms, and train derailments.

Mr. President, we have a duty to honor the service of our National Guardsmen and Reservists. One way to do that is to equitably compensate them for their service. I hope my colleagues agree that our citizen-soldiers serve an invaluable role in our national defense, and their paychecks should reflect their contribution.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. WARNER. I urge adoption of the amendment.

The amendment (No. 25) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Ms. LANDRIEU. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, in the course of deliberations on the floor, there have been a number of amendments to extend benefits to Guard and Reserve forces. And momentarily we will be considering additional amendments. We are operating under a total force concept. I remember very well when I was in the Department of Defense working for then-Secretary Melvin Laird. He really started the concept of what we call "total force."

Yes, we have Reserve and Guard forces active, but it is a total force in a time of need. There have been extraordinary contributions by Reserve and Guard officers, men and women, in the past decade, particularly in connection with the Bosnia deployments.

For example, the air guard have flown, I think, approximately half of the missions involved, and I would like for the RECORD to get the exact figure on that during that period. They are still flying. Each one of us here in the Senate received notice of a detachment from our State that is now being deployed into that theater of operations to help an active duty group in the performance of their duties and perhaps even to relieve an active duty group so they could go back either to the continental United States or to their stations in Europe. So it is really one total force now.

I know that Senators are concerned about the dollars involved in these various pay proposals. For example, this extended window of eligibility—that is only going to cost $5 to $10 million. That is a relatively small sum to accommodate these young people as they return from a period of active duty and then have to sit down and sort out their lives and figure out when they want to take on their education. What are their family responsibilities? Perhaps they want to try a job before they go back to get additional schooling. All of these things is a component, is going to help, in my judgment, to not only induce young people to come in, in the front end, but to keep those in uniform now remaining on active duty so the taxpayer in America can save the enormity of the cost associated with training a new service person.

In the pilot training it goes into the multimillions of dollars to train these individuals to operate the high-performance aircraft, both fixed and rotary wing, that we have today. So bear with us. Those of us who are on the committee, I think, have a great appreciation not only for the budgetary considerations, but for the need to make these improvements at this time. It is absolutely essential that we do so, Mr. President.

I really appreciate the support I have gotten, particularly from the leadership on both sides here, and Members of the Senate who have come up to me. While they have concerns about the budgetary considerations, they know, bottom line, that we have to fix this personnel situation. There is no sense in spending millions and millions—indeed billions—of dollars to buy the new aircraft and ships if we do not have the personnel to operate them.

The ships of the U.S. Navy now on deployment in the gulf region are undermanned because of the inability to retain the skilled personnel. We simply cannot ask those aboard the ship to accept the additional risk and overtime hours aboard that ship without trying to do everything we can back here in the Congress of the United States to straighten out this problem.

Mr. President, I think it is just moments before Senator JEFFORDS appears on the floor. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 12 AND AMENDMENT NO. 13

Mr. JEFFORDS. Mr. President, I have long been a strong advocate for a well-educated American work-force. Vermont's quality of life is related closely to the educational opportunities available to her citizens. Education is a cornerstone of our healthy economy. These same notions apply with similar effect to our men and women in the military. Modern, technologically advanced systems and complex missions depend on the skills and wisdom of well-educated personnel. S. 4 modestly enhances the educational opportunities for our men and women on active duty. It should do the same for the members of our Guard and Reserve.

This bill is appropriately named "Soldiers', Sailors', Airmen's and Marines' Bill of Rights." It is appropriate because use of the term "Bill of Rights" invariably suggests the concepts of fairness and equity.

Perhaps Secretary of Defense William Cohen had this in the back of his mind in September of 1997 when he instructed the Department of Defense to eliminate "all residual barriers, structural and cultural" to effective integration of the Guard, Reserve and Active Components into a "seamless Total Force." Precisely one year later his Deputy, John Hamre, looked back to that day and observed:

> We have made great progress integrating our active and Reserve forces into one team, trained and ready for the 21st century. Our military leaders are getting the message. Structural and cultural barriers that reduce readiness and impede interoperability between active and Reserve personnel are gradually being eliminated. We must now assess the progress we have made, acknowledge those barriers to integration that still exist, and, most importantly, set our plans into motion.

If these wise words are to have full effect we must work to rectify an oversight in S. 4, which, as written, enhances educational benefits for a portion of our seamless Total Force but neglects the remainder. Consequently, to promote parity among all components of our military Senator LANDRIEU and I are offering the following two amendments:

The First: Allow members of the Guard and Reserve the ability to accelerate payments of educational assistance in the same manner currently provided in S. 4 to the Active Duty military.

The Second: Allow members of the Guard and Reserve who have served at least ten years in the Selected Reserve, an eligibility period of five years after separation from the military to use their entitlement to educational benefits. (Active duty military members have a ten year period.)

Just a few weeks ago, four Reserve Component members lost their lives when their KC–135 went down in Germany while flying active duty missions for the Air Force. Death did not discriminate between Active and Reserve Components. Nor should S. 4.

The opportunity to face this ultimate risk will only increase as we place greater demands on our Guard and Reserve units to participate in our global missions. Since Operation Desert Storm the pace of operations has swelled by more than 300% for the Guard alone and is widely expected to climb higher.

We all know the value of the Guard and Reserve for missions close to home. In Vermont they saved our citizens from the drastic effects of record setting ice storms last winter. Recently, other units helped with hurricanes in Florida, North Carolina and South Carolina. They assist our citizens during droughts and blizzards. They enrich our communities with Youth Challenge programs and they conduct an ongoing war on drugs. Just last year we added protection of the U.S. from weapons of mass destruction to that list, and the list keeps growing.

It is now time to bring their educational benefits in balance.

As many of you know, I believe in the value of life-long learning to our society. Access to continuing education has become an essential component to one's advancement through all stages of modern careers. S. 4 modestly improves this access for our brave men and women on active duty. It should do the same for our Guard and Reserves.

I urge my colleagues to help bring parity, equity and fairness to the educational opportunities available to all components of our military. The Guard and Reserve have been called upon increasingly to contribute to the Total Force. They face similar challenges to recruiting and retention. They should have similar access to educational opportunities.

Mr. President, I send two amendments to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for himself, Mr. BINGAMAN, Mr. CLELAND, and Ms. LANDRIEU, proposes amendments numbered 12 and 13 en bloc.

Mr. JEFFORDS. Mr. President, I ask unanimous consent the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 12

(Purpose: To authorize payment on an accelerated basis of educational assistance for members of the Selected Reserve under chapter 1606 of title 10, United States Code)

On page 46, strike lines 6 through 8 and insert the following:

TITLE IV—OTHER EDUCATIONAL BENEFITS

SEC. 401. ACCELERATED PAYMENTS OF CERTAIN EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) Whenever a person entitled to an educational assistance allowance under this chapter so requests and the Secretary concerned, in consultation with the Chief of the reserve component concerned, determines it appropriate, the Secretary may make payments of the educational assistance allowance to the person on an accelerated basis.

"(2) An educational assistance allowance shall be paid to a person on an accelerated basis under this subsection as follows:

"(A) In the case of an allowance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly allowance otherwise payable under this chapter for the quarter, semester, or term, as the case may be, of the course.

"(B) In the case of an allowance for a course other than a course referred to in subparagraph (A)—

"(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the Secretary concerned receives the person's request for payment on an accelerated basis; and

"(ii) in any amount requested by the person up to the aggregate amount of monthly allowance otherwise payable under this chapter for the period of the course.

"(3) If an adjustment in the monthly rate of educational assistance allowances will be made under subsection (b)(2) during a period for which a payment of the allowance is made to a person on an accelerated basis, the Secretary concerned shall—

"(A) pay on an accelerated basis the amount of the allowance otherwise payable for the period without regard to the adjustment under that subsection; and

"(B) pay on the date of the adjustment any additional amount of the allowance that is payable for the period as a result of the adjustment.

"(4) A person's entitlement to an educational assistance allowance under this chapter shall be charged at a rate equal to one month for each month of the period covered by an accelerated payment of the allowance to the person under this subsection.

"(5) The regulations prescribed by the Secretary of Defense and the Secretary of Transportation under subsection (a) shall provide for the payment of an educational assistance allowance on an accelerated basis under this subsection. The regulations shall specify the circumstances under which accelerated payments may be made and the manner of the delivery, receipt, and use of the allowance so paid.

"(6) In this subsection, the term 'Chief of the reserve component concerned' means the following:

"(A) The Chief of the Army Reserve, with respect to members of the Army Reserve.

"(B) The Chief of Naval Reserve, with respect to members of the Naval Reserve.

"(C) The Chief of the Air Force Reserve, with respect to members of the Air Force Reserve.

"(D) The Commander, Marine Reserve Forces, with respect to members of the Marine Corps Reserve.

"(E) The Chief of the National Guard Bureau, with respect to members of the Army National Guard and the Air National Guard.

"(F) The Commandant of the Coast Guard, with respect to members of the Coast Guard Reserve.".

TITLE V—REPORT

SEC. 501. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.

AMENDMENT NO. 13

(Purpose: To modify the time in which certain members of the Selected Reserve may use their entitlement to educational assistance under chapter 1606 of title 10, United States Code)

On page 46, strike lines 6 through 8 and insert the following:

TITLE IV—OTHER EDUCATIONAL BENEFITS

SEC. 401. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF THE SELECTED RESERVE OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE.

Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) In the case of a person who continues to serve as member of the Selected Reserve as of the end of the 10-year period applicable to the person under subsection (a), as extended, if at all, under paragraph (4), the period during which the person may use the person's entitlement shall expire at the end of the 5-year period beginning on the date the person is separated from the Selected Reserve.

"(B) The provisions of paragraph (4) shall apply with respect to any period of active duty of a person referred to in subparagraph (A) during the 5-year period referred to in that subparagraph.".

TITLE V—REPORT

SEC. 501. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.

Ms. LANDRIEU. Mr. President, I spoke with Senator JEFFORDS earlier about being added as a cosponsor to both amendments 12 and 13.

The PRESIDING OFFICER. Without objection, the Senator will be added as a cosponsor.

The question is on agreeing to the amendments en bloc.

The amendments (Nos. 12 and 13) were agreed to.

Mr. WARNER. I move to reconsider the vote.

Ms. LANDRIEU. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Now, I have indicated that this Senator would not accept the question of the transfer of amendment, the third amendment. Do I understand the Senator will not present that amendment?

Mr. JEFFORDS. That is correct. I will not offer that amendment.

Mr. WARNER. That completes all of the amendments of the Senator from Vermont?

Mr. JEFFORDS. That does, and I appreciate your cooperation as well as the cooperation your staff has shown in allowing us to proceed.

Ms. LANDRIEU. I will make a brief comment. First, I thank the Senator from Vermont for bringing these two important amendments for our Guard and Reserve, and I thank the chairman for accepting them.

I will make, just for the record, a comment about the amendment that we are unable to accept because of its fairly high cost—stipulated to be about $900 million.

My staff has informed me and the staff for the committee on our side that this seems to be a very, very important issue to the rank and file. One of the more popular aspects of our bill is the fact that we are now going to allow, at some additional cost, but I, frankly, believe, and I think most Members on both sides believe, it is well worth it to allow this Montgomery GI bill to be transferred to spouses and children—perhaps the most important incentive for people to remain in the military and to be active participants for a longer period of time. I hope we will consider perhaps next year, if not this year, extending the same benefits to the Guard and Reserve.

The retention issues are somewhat different, but let me say that the Guard and Reserve are very, very important components to our military forces as we redesign and reorganize our military and depend more on the Guard and Reserve to step in, particularly in terms of our peacekeeping missions.

It is very important that we maintain good and adequate benefits for the Guard and Reserve. So while we cannot accept that amendment at this time, I wanted to put this statement in the RECORD and ask our chairman to perhaps consider next year that we offer the same benefits to our Guard and Reserve unit.

I thank the Chair.

Mr. WARNER. Mr. President, I, likewise, would like to see this. But I have to do what I have to do to keep the cost of this bill down. It is very large at this time.

Ms. LANDRIEU. I understand that.

Mr. WARNER. Next year, we will take a fresh look. Momentarily, I will advise the Senate on the balance of the amendments that the managers know of. Hopefully, we can get to final passage very early this afternoon.

We still have the amendment of the Senator from Iowa, Mr. HARKIN, and that is, I am certain, going to be accepted on both sides. It relates to the costs. I think we will have a good estimate of the costs now coming in from the Department of Defense before we ask for passage of that amendment.

Senator COVERDELL has an important amendment—a sense of the Senate—to codify some extension of tax filing deadlines for men and women of the Armed Forces.

Mr. LEVIN may have an amendment, which is sort of generic to the entire bill, is my understanding. There is some indication that the Senator from Florida may wish to address an amendment. I have looked at it, and as soon as I have the opportunity to speak with him, I will express my strong concerns regarding that amendment on this bill. I will withhold those comments for now.

Is the Senator finished?

Ms. LANDRIEU. Yes.

MORNING BUSINESS

Mr. WARNER. Mr. President, the leadership has authorized me to say that the bill now will be laid aside until the hour of 2 o'clock. Between now and then, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as the Senator from Colorado, I ask unanimous consent that the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. I now ask unanimous consent that the Senate stand in recess until 2 p.m.

There being no objection, the Senate, at 12:46 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

UNANIMOUS-CONSENT AGREEMENT—S. RES. 45

Mr. LOTT. Mr. President, I have a unanimous-consent request to propound. It has been cleared with the Democratic side of the aisle, and so I would ask unanimous consent that at 11 a.m. on Thursday the Foreign Relations Committee be discharged from further consideration of S. Res. 45 and the Senate proceed to its immediate consideration under the following limitations: 1 hour of debate equally divided between Senators HUTCHINSON and WELLSTONE, no amendment in order to the resolution or preamble; and I further ask unanimous consent that following the conclusion of the debate the Senate proceed to a vote on the adoption of the resolution with no intervening action or debate.

I might say this is expressing the sense of the Senate regarding the human rights situation in the People's Republic of China.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOLDIERS', SAILORS', AIRMEN'S AND MARINES' BILL OF RIGHTS ACT OF 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, I have not spoken on the bill pending before us, so if I need to have time yielded, I would like to speak on this issue.

Mr. President, S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999 is a much needed first step in fixing the problems of a military that I fear has been in a death spiral, quite frankly, after continued years of underfunding by the two previous administrations, both this one and the previous one. It started some 10 years ago, slowly, in the aftermath of the wall coming down and the Soviet Union being broken apart. But it has been a continuing slow process that has really started having a profound impact.

Now, I must say we finally got the title correct—Soldiers', Sailors', Airmen's and Marines' Bill of Rights, because I referred to it early on as the Soldiers' Bill of Rights, and I quickly heard from the marines and the airmen and the others that it is for all of our military personnel. I think this is a very important bill. It addresses key areas that really have negative effects on our military and on retention.

And so right up front I congratulate the chairman of the committee, Senator WARNER, from the great Commonwealth of Virginia, for his leadership. This is a perfect example of one bill that, while we were involved in the impeachment process, we had committees at work having hearings, developing legislation and, yes, in fact reporting bills. This bill was actually reported, I think, about 3 weeks ago, and a lot of thought has been given to it. I know it has bipartisan support. I know that there are Senators, such as the Senator from Georgia, who have had input in this legislation. Senator ALLARD, the chairman of the subcommittee has been involved; Senator ROBERTS has been very supportive of this concept, so I want to commend them all.

Mr. WARNER. Senator MCCAIN.

Mr. LOTT. Senator MCCAIN obviously has been involved, and Senator THURMOND. All of the Armed Services Committee members, and members that are not on the Armed Services Committee, have been following this very closely.

I know there are some who say, well, maybe we should have had more hearings or perhaps in some areas it goes too far. I just have to say I don't agree with that.

Budget considerations are important, always important. Finally, we have gotten to a balanced budget, perhaps to the point where we will have some surplus, and we want to keep it that way. We want to keep moving in that direction. We want to have enough of a surplus that we can return some of the overtax back to the people who earned that money, but we must keep our military strong. If we do not raise the pay for our military men and women, they will not come to the military. They will not volunteer. If we don't fix their pension problems, they will not stay; they will leave. The pilots will leave, but even more dangerously the chiefs will leave and the sergeant majors and the master sergeants, the people who really make the military do its job, not to diminish the administration and the generals or the newly enlisted. But those people who have been in there 10, 15 years, they are going to look at this pension system as it now stands, and they are going to say, It is not worth it; I can't do it to my family, and they will get on out.

This needs to be done. In my opinion, it is overdue. And at a time when we are asking more and more of our military men and women with less and less to do the job, it would be folly—in fact, it would be insanity—for us not to do this bill and do it now. We can work on some of the budget problems as we go along, but there is one thing that takes even a higher priority, in my opinion, than budgets, and that is the defense of our country. If we don't have good military men and women, good equipment, if they can't train properly, they are not going to be able to fulfill these missions that we have sent them off on around the world—the Persian Gulf, Somalia, Haiti, Bosnia, and then, of course, we may be faced with difficult situations involving Iran and North Korea, Kosovo. Who knows. And so this bill will begin doing some of the things that should be done.

It authorizes a 4.8-percent military pay raise. That seems to me to be the minimum we should do for them. It starts closing the 13.5-percent gap between military pay and the private sector wages. It reforms the military pay tables effective July 1, 2000, by targeting midcareer commissioned and noncommissioned officers, skilled specialists considering a move from the military ranks and civilian life after years of training and investment by this country into the military.

Very importantly, I think it revises the military retirement system providing the option upon reaching 15 years of service of reverting to the pre-1986 plan which provided a 50-percent base multiplier and no cost-of-living allowance, COLA caps, or receiving a one-time $30,000 bonus and remaining under the REDUX plan.

Perhaps you think a 50-percent base multiplier is too high. I don't. I don't. What is our own retirement percentage here in the Congress? And so I think this is a solution that will be very important and will be welcomed by our military men and women.

It authorizes active duty military personnel to participate in the Thrift Savings Plan. Once again, we do. Why shouldn't they be able to do that? It encourages savings so that when they do get out, if they don't have enough from their pension, at least they will have this little Thrift Savings that they have benefited from.

It has a special subsistence allowance for service members of the grade E–5, the ones I was referring to a while ago, and below who demonstrate the need for food stamps to support their families. People in America don't believe this. When I go around and I talk to constituents in my own State and tell them that once again we have the situation where we have E–5s and below in the military who are now having to go to food stamps, they don't believe it. They don't want to believe it. They want us to do something about that.

This allowance would provide $180 a month and remove thousands of enlisted families from the food stamp rolls. It revises benefits under the G.V. "Sonny" Montgomery GI bill, eliminating the $1,200 contribution required of members who participate in this program, and other benefits. And we will have to look carefully at the cost and how that is going to be handled. But I think the GI bill, when we got it back in place, meant an awful lot to our military men and women. And when we look at the past half century in this country, talk to the people who really turned this country into the strength or the power that it is, it was so many of those World War II veterans who came out, such as the distinguished Senator here from the Commonwealth of Virginia——

Mr. WARNER. The GI bill.

Mr. LOTT. The GI bill—went to college, got an education and went out and built America. That is a great investment. Any time you encourage people, young people, or military retirees to go get an education, you get your money back manyfold over.

This bill requires an annual report on the impact of these programs on recruitment and retention. We don't want to just do it for the sake of doing it. We have a purpose here. We want to help these military men and women. We want to keep them in the military.

I wrote a letter last summer expressing my great concern about the situation and how dangerous I thought the military readiness was becoming. I wrote that letter to the President. And yet we have continued to have increased deployments with undermanned units, spare parts shortages, recruiting shortfalls, rising accident rates, and a mass exodus of pilots in particular.

So, I was expressing that concern, and hopefully it looks like it has had some impact. Because, while it really does not amount to very much, the administration has indicated they are willing to go along with some improvements, and I hope and believe the President will sign this bill when it gets to his desk.

Also, a hearing that was held last fall, on September 29, before the Armed Services Committee. The distinguished chairman of the Armed Services Committee, Senator THURMOND at that time, had those hearings. The Chiefs came in and they acknowledged it. They gave the stories that really exist. They talked about the readiness shortfalls, about us having to beg and borrow for spare parts, and recruitment problems. So they signaled clearly that we had to do something.

I am not going to give the statistics about what is happening for the Army. They are not meeting their recruiting goals. In my own State we have one of the proudest National Guard activities anywhere in the country, I am sure, yet now the Mississippi National Guard is having to advertise in order to get the recruits into the Mississippi National Guard.

We have pilot shortages. We have ships steaming out—I believe it was the *George Washington* that steamed out to the Persian Gulf last May almost 1,000 sailors short of the 6,000 crew and air group personnel that are normally on board. We cannot allow these types of situations to continue.

In a letter to Senator THURMOND, as chairman of the Armed Services Committee, I also expressed these concerns. A series of hearings on military readiness were undertaken and quickly uncovered the range of problems that the military struggled to contain in an environment of austere budgets. On September 29, we witnessed an unprecedented baring of the collective defense soul, in which every member of the Joint Chiefs of Staff detailed alarming anecdotes about readiness shortfalls, about having to take from readiness and modernization accounts to fund an expanding operational role, the difficulties of recruiting in the present environment, and about the disillusionment and exodus of servicemembers after years of perceived nonsupport.

In an all-volunteer force, if people don't want the job, you have a problem. This country cannot attract, and retain, the people we need to man our military today. Specifically:

The Army reduced fiscal last year's recruiting goal by 12,000, and was still short of its new goal continuing an under manning condition that has existed since 1993. Not only is quantity suffering, but quality also—the Army is well below its 84 percent High School graduate benchmark.

As I said, the Navy was thousands short of its recruiting target, and the aircraft carrier *George Washington* deployed to the Persian Gulf last May was "almost 1,000 sailors short of the nearly 6,000 crew and air group personnel that it normally has."

Retention problems also are occurring in our Officer corps. The Air Force is suffering what some call a "hemorrhaging" of its pilot corps. Air Force pilot shortages will grow to 2341 by fiscal year 2002. Army pilot inventory is approximately 15 percent short of total requirements. Navy Surface Warfare Officer Department Head tours have been extended from 36 to 44 months due to retention shortfalls.

While many would attribute the current manning problems to the robust economy, I believe the situation is much more complex. We have had 3 different reviews of our national security strategy since the end of the cold war, and the end result of all these reviews has been to reduce the size of the force to where it is now—at its lowest level since before the Korean war. These reductions have not been carried out with a similar reduction in the number of missions and deployments. All of the missions performed during the cold war, be they the stationing of forces in Europe or Asia, or routine deployments at sea, are still being performed while we have had a significant growth in contingency operations.

While personnel tempo has increased significantly the pay and benefits to our men and women in uniform have decreased. The pay differential between the private sector and our military has continued to grow—now at 13.5 percent; there are three different retirement systems currently in place with each one providing less than the previous one; and the medical system does not provide medical benefits to all that have earned them.

Mr. President, the U.S. military is out of balance. We need to get the missions, manning, equipping, pay and benefits synchronized to enable us to continue with a quality force into the 21st century.

Today we have a very bright, talented all-volunteer force, yet we cannot attract the number of individuals required to adequately support our Armed Forces. Why? We are out of balance. Too few people are being asked to do more, and spend longer periods of time away from their families.

We also are mortgaging our future modernization efforts to keep readiness up. For example: ten years ago we talked about a 600-ship Navy. Today we are building only 6 to 7 ships per year or enough to keep 150 ships alive. Flying hours, steaming hours, maintenance, and spare parts are all under continued stress because of continued deployments.

It all boils down to the fact that both the personnel and equipment are in a downward spiral. Our quality people are leaving and they are not being replaced. Similarly, the un-replaced worn out equipment is just becoming more worn out. The longer this spiral continues, the worse it becomes.

The problem can be fixed, but the solutions will not be easy and without pain.

First, it requires more discipline on part of the administration and the Congress—this country cannot continue sending our military men and women around the world on every humanitarian/peacekeeping mission—just because someone in the administration thinks it is a good idea. We have to change our approach to using the military as the world's police force. This is a philosophical problem.

Remember, the reason we have a military is to defend our interests around the world—by force of arms, if necessary. Right now, we are sending our military to the four corners of the globe for noble—but wrong—reasons. Passing out food and blankets is fine and good. But what if it costs us the ability to fight and defend our interests in places where it really counts?

In addition to being more disciplined, we need to add money to the defense top line for pay, training, operations, and equipment. In other words, we need a better balance between the missions, the manpower, the equipment and the defense budget than what we have today.

Congress has done—and continues to do—what we can to help solve the problem. The United States is the leader of the world—freedom-wise, economically, and militarily. Our military underwrites all the rest. My concern is that we are underestimating the need for our Armed Forces in today's world and that we are not preparing to deter in tomorrow's world. The answer: increase defense spending, balance short-term needs with long-term investment, and tune today's spending to the needs of the deploying forces. It is essential that we maintain our preeminent military, however, I see it threatened by the current downward spiral in morale, personnel, and equipment that I have described.

When the Founding Fathers wrote the Constitution, their highest priority was the federal government's role in maintaining a strong national defense. They did not put a price tag on America's national security. They knew there was no way to predict future threats and national trends to our country's security.

If you look back at the history of our country, we have drastically reduced the size and strength of our military following a conflict. Each time we cut our defense, another trouble spot emerged and we had to build up to meet the challenge. Unfortunately, we are repeating the past, but this time it is happening on our watch.

So today, I am asking my colleagues, on both sides of the aisle, and the administration, to join me in passing S. 4 quickly. Lets joint together and send our men and women in uniform a message that we care about them. Lets joint together and have S. 4 ready for the President's signature on Memorial Day.

This bill represents substantive efforts to increase military benefits to help the recruitment, retention, and ultimately readiness problems faced by the military. I commend Senator WARNER, the new chairman of the Armed Services Committee, for holding his first hearing on this very important subject. The ongoing efforts by Senators ROBERTS and MCCAIN reflect much of the foundation of this bill. And Senator ALLARD, the newly named chairman of the Armed Services Personnel Subcommittee, has shown his commitment to our uniformed servicemembers through his strong support. Senator CLELAND of Georgia also has provided substantive changes to this bill to make it better.

I've said it earlier and the Joint Chiefs have said it at the Readiness hearings—People form the backbone of the military. We must take care of them first. The Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999 is the first step that the 106th Congress can take to achieving this goal.

So, I just wanted to come to the floor and take advantage of this opportunity to express my concern, to express my support for this legislation. I think this is the right way to begin this year as we look to the issues we want to address, to start off by making sure we are going to have adequate pay for our military men and women, and an adequate pension system, and begin to reduce the readiness shortfall. I think this is the proper thing to do.

Mr. WARNER addressed the Chair.

Mr. LOTT. I am glad to yield to the Senator from Virginia.

Mr. WARNER. Before the distinguished leader leaves the floor, I ask unanimous consent that letter to which he referred be appended to the portion that the Senator is putting into the RECORD. That was the engine that is taking this train over the mountain. It was way back last summer I expressed to him on behalf of the committee, and indeed the Senate, thanks for the leadership the Senator has given from day one on this issue.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 26, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
The White House, Office of the President, Washington, DC.

DEAR MR. PRESIDENT: I am very concerned about the growing inability of our country to man the uniformed services. Not only is there difficulty in recruiting, but also in our ability to retain key personnel. The Army has reduced this year's recruiting mission by 12,000, which will continue an undermanning condition that has existed since 1993; the Navy has recently announced that it will fall 7,200 short of their recruiting target, and on a recent deployment the aircraft carrier George Washington was short over 1,000 sailors; and the Air Force is suffering what some called a "hemorrhaging" of its pilot corps.

While many would attribute the current manning problems to the robust economy, I believe the situation is much more complex. We have had three different reviews of our national strategy since the end of the Cold War, and the end result of all these reviews has been to reduce the size of the force to where it is now, its lowest level since before the Korean War. These reductions have not been balanced out with a similar reduction in the number of missions and deployments. All of the missions performed during the Cold War, be they the stationing of forces in Europe or Asia, or routine deployments at sea, are still being performed while we have had a significant growth in Contingency Operations.

While Personnel Tempo has increased significantly, the pay and benefits to our men and women in uniform have decreased. The pay differential between the private sector and our military has continued to grow, there are three different retirement systems currently in place with each one providing less than the previous one, and the medical system does not provide medical benefits to all that have earned them.

Mr. President, while I believe that more money needs to be allocated to our National Defense, it needs to be done prudently. We need to get the missions, manning, equipping, and pay and benefits synchronized to enable us to continue with a quality force into the 21st century. I urge you to make this a high priority of your fiscal year 2000 budget request.

With kind regards and best wishes, I remain

Sincerely yours,

TRENT LOTT.

Mr. LOTT. I thank the chairman very much.

Mr. WARNER. I think, with the concurrence of the distinguished ranking member, we can represent to the majority leader and Democratic leader we will have final passage here within a matter of a few hours, I hope.

Mr. LOTT. That is good news.

I might conclude by saying I had a good discussion late yesterday afternoon with the Democratic leader, Senator DASCHLE, and he joined me in expressing the feeling this is going to have very broad bipartisan support. I am glad to hear that and I hope we can get it quickly through the other body and to the President for his signature. Thank you for your leadership, Senator WARNER, and I yield the floor.

Mr. WARNER. I thank the leader.

Mr. CLELAND. Mr. President, I am extremely pleased to have this opportunity with my colleagues, Senators WARNER, LEVIN, ALLARD, and others—to support S. 4, The Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999. I strongly agree that this bill represents an excellent step toward providing the men and women of the military a clear signal that we the people of the United States and we the members of the Congress of the United States value their contributions, understand their needs and concerns, and understand our obligations to provide for those who have answered the calling to defend our Nation.

The signal that we send to the people in the military and to the people of the United States should be one of hope and opportunity, and one that understands the critical needs of military members and their families. Twenty-five years ago Americans opted to end the draft and to establish an all-volunteer military force to provide for our national security. That policy carried with it a requirement that we invest the needed resources to bring into existence a competent and professional military. Currently, all services are having various but alarming difficulties in attracting and retaining qualified individuals. Seasoned, well-qualified personnel are leaving in disturbing numbers. Specifically, the Navy is not making its recruiting goals. The Army cites pay and retirement, and overall quality of life as three of the top four reasons soldiers are leaving. For the first time the Air Force is not expecting to make its re-enlistment goals, and the Air Force is currently 850 pilots short. The Marine Corps is hampered by inadequate funding of the pay and retirement and quality of life accounts in meeting its readiness and modernizing needs. All services, including the Guard and Reserve Components, are experiencing similar recruiting and retention problems. These shortfalls must be addressed if our Nation is to continue to have a highly capable, cutting edge military force.

In fact, if we do not address these critical needs correctly, we may well have missed our chance to properly provide for our National Defense in the 21st Century.

In light of our recent successful operations around the world, in the Persian Gulf and elsewhere, we must redouble our efforts to ensure that we continue to recruit, train and retain the best of America to serve in our armed forces, which is the goal of this legislation. Equally important, this bill, for the first time in a long time, addresses the immediate family members of our brave Soldiers, Sailors, Airmen, and Marines. The Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999 addresses the concerns of Secretary of Defense Cohen, the Joint Chiefs of Staff and Congress regarding recruiting a strong, viable military force for the 21st Century. It also significantly assists in retaining the right military personnel for the 21st Century. If we fail today to address these key issues, now when we have the combination of a strong economy, a relatively positive budget outlook, and a world which is largely at peace, we may well have missed a key window of opportunity. The bill we are introducing today goes a long way toward eliminating the deficiencies that we all have recently heard so much about from the Chiefs and a myriad of experts who are greatly concerned about the readiness of our military force, especially as we look a few years ahead.

Military experts, defense journalists, former Secretaries of Defense, former Service Chiefs, former theater Commanders in Chief, research and development specialists and even civilian industry leaders agree: the number one factor undergirding our superpower military status is the people of our Armed Forces. This critical ingredient means something different today than it did on the beaches of Normandy, in the jungles of Vietnam, or in fact even on the deserts of Kuwait. Today, the people of our military are as dedicated, as committed, as patriotic as any force we have ever fielded. They are, in fact, smarter, better trained, and more technically adept than any who we have ever counted upon to defend our Nation. Operation Desert Fox proved this fact. This flawless, but dangerous and stressful, operations involved 40,000 troops from bases virtually around the world. Over 40 ships performed around the clock strikes and support. Six hundred aircraft sorties were flown in four days, and over 300 of these were night strike operations. This massive efforts was carried out without a single loss of American or British life. And, this is but one operation that our military (active and reserve) are successfully conducting worldwide.

In contrast to this and other post-Vietnam successes, consider the problems which face the people in uniform. New global security threats and our strong economy each exert enormous pressures on the people in the military and their families. By some measures the pay for our military personnel lags 13 percent behind the civilian pay raises over the last 20 years. Yet, we ask our military to train on highly technical equipment, to commit themselves in harm's way, to leave their families, and to execute flawless operations. Sometimes these operations are new and different from any past military operations, but they can be just as dangerous. Meanwhile, some of our service members qualify for food stamps, do not have the same educational opportunities as their civilian counterparts, must deal with confusing and changing health benefits and/or can not find affordable housing. Something is badly wrong with this picture, and the Congress and the administration must work together to set things right.

Specifically, we need to recruit good people, continue to train them, and retain them in the military. This is difficult at best with the changes in our society, the rapidly changing threats to our security, and a prosperous economy. As I heard a service member say during a hearing I held at Fort Gordon, GA, last year, we recruit an individual, but we retain a family.

Some of the recruiting and retention problems of today's United States military are well documented. Others need to be more thoroughly explored. They all need to be addressed. The Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999 is but the first step. It is the beginning. I caution my colleagues that today's servicemen and women, and their families, are intelligent and are quick to recognize duplicity in the words and actions of our civilian and military leadership. Our military's most important assets—its people—are leaving the military, and many of America's best are not even considering joining the military. We must proceed expeditiously, with firm purpose and unified non-partisanship if we are to reverse these dangerous trends.

We must act now, but we must consider the time proven process of the United States Senate. We need to make sure that we have the proper hearings and discussions within the proper framework before we over-react to the critical needs facing our military Services.

This bill responds to current data which provide some insight into how we can more effectively respond to today's youth and their service in the military. This 106th Congress has a tremendous opportunity to respond to today's military personnel problems. We must keep our focus on current and future personnel issues, including recognizing and responding to the need to retain a family. This legislation is only a start.

Mr. President, the bill includes all three parts of the Department of Defense's proposed pay and retirement package. It incorporates some of the recommendations made by the congressionally mandated Principi Commission, and it provides some additional innovative ideas for addressing these key personnel issues, now and into the future.

First, the bill provides a 4.8 percent pay raise across the board for all military members, effective January 1, 2000, and carries out the stated objective of Secretary Cohen and the Joint Chiefs of Staff of bringing military pay more in line with private sector wages. This increase raises military pay in FY2000 by one-half a percentage point above the annual increase in the Employment Cost Index (ECI), and represents the largest increase in military pay since 1982. This plan would provide for future annual increase in military pay of one-half percent above the annual increase in the ECI. Although I believe we should support the Department of Defense on this issue, of providing one-half percent above annual increase in the ECI for FY2000 to FY2005, our chairman and others have chose to provide more.

Another of the Joint Chiefs' recommendations included in our legislation is the targeted pay raise for midgrade officers and enlisted personnel, and also for key promotion points. These raises, amounting to between 4.8 percent and 10.3 percent, which includes the January 1, 2000, pay raise and would be effective July 1, 2000. This is a powerful retention tool for our Service Secretaries.

The third part of our legislation is a revision in the Military Retirement Reform Act of 1986, which would provide an option at 15 years of service for a service member to return to the pre-Redux retirement system (50 percent basic pay benefit for military members who retire at 20 years of service) or to elect to receive $30,000 bonus and remain in the Redux retirement.

I am proud to say that in addition to the pay and retirement benefits package proposed by Secretary Cohen and the Joint Chiefs, our legislation includes several key recommendations from the recent report of the Congressional Commission on Service Members and Veterans Transition Assistance, also known as the Principi Commission. These provisions are specifically designed to assist the military services in their recruiting and retention efforts.

Information and data that we are seeing indicate that education benefits are an essential component in attracting young people to enter the armed services. This may be the single most important step this Congress can take in assisting recruitment. Improvements in the Montgomery GI Bill are needed, and our bill represents a vital move in that direction.

In keeping with the Principi Commission, our legislation would increase the basic GI Bill benefit from $528 to $600 per month and eliminate the current requirement for entering service members to contribute $1,200 of their own money in order to participate in the program. These changes should dramatically increase the attractiveness of the GI Bill to potential recruits, and give our Service Secretaries a powerful recruiting incentive.

This legislation also adopts the Principi Commission recommendations to allow service members to transfer their earned GI Bill benefits to one or more immediate family members. Mr. President, this idea is innovative, it is powerful and it sends the right message to both those young people we are trying to attract into the military and those we are trying to retain. CBO estimates that in the long run over 500,000 children of members or former members would use the educational assistance each year but that level would not be reached until about 2013. It is important that we continue to act on this piece of legislation. History tells us that these chances come only once, and this Nation changed drastically under the original GI Bill, and now we have the chance to address future issues with this education piece of this legislation.

This legislation includes a provision that would allow military members to participate in the current Thrift Savings Plan available to Federal civil servants. Under this proposal, which adopts another recommendation of the Congressional Commission on Service Members and Veterans Transition Assistance, military members would be permitted to contribute up to 5 percent of their basic pay, and all or any part of any enlistment or reenlistment bonus, to the Thrift Savings Plan.

Mr. President, based on our initial estimates, it is my understanding that the provisions contained in this legislation will not require us to increase the funding for national defense above the levels in the President's FY2000–2006 Future Years Defense Plan. However, more precise costing will have to be done by the Congressional Budget Office over the next several weeks.

I know that all Members of the United States Senate are committed to the well-being of our service men and women and their families. They are doing their duty with honor and dignity. They are serving our country around the globe. They, along with their families, deserve our commitment. The bill we are introducing today is fair and will ensure that we continue to attract and retain high quality people to serve in our armed forces. It represents the beginning of a process to provide hope and opportunity to those who wear the uniform of our Services. The President has announced a very good plan, as has the distinguished majority leader. We must move forward, together, in addressing these important personnel and readiness issues.

In closing, I want to recognize the leadership of Senator WARNER, and Senator LEVIN, and the other members of the Armed Services Committee who are cosponsoring this legislation. We are all absolutely committed to the welfare of our service men and women and their families. They provide for us, and it is time for us to provide our obligation to them. I look forward to working with Senator LEVIN, Chairman WARNER, and all of our colleagues on the Armed Services Committee in the months ahead so that we can honor those who have honored us.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 26

(Purpose: To amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans)

Mr. ROCKEFELLER. Mr. President, I ask the pending amendment, which I believe is No. 26, which is at the desk, be taken up for immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 26.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. ROCKEFELLER. Mr. President, I am pleased to offer this amendment, which the Senate passed overwhelmingly last year. Senator JEFFORDS and I offered it, and, with the full concurrence of the Senate, we passed this amendment which I now offer to this very excellent bill, S. 4.

The amendment would authorize a pilot project. One of the criticisms of people from my side of the aisle is we try to do everything full scale. I happen to believe if you have something which you think is a good idea but which is not yet necessarily fully tested, that it is a good idea to test it. Therefore, I think the idea of demonstration sites is a very good idea.

My amendment would authorize a pilot project to allow the Veterans Administration to do something which boards and advisory commissions have been advising for years and which many of us have been supporting for years and which the veterans groups all support. That is to allow the Veterans Administration to bill Medicare for health care services provided to certain dual beneficiaries—people who qualify for both.

Senator SPECTER and I are together offering, as chairman and ranking member of the Veterans' Affairs Committee, an amendment. What we basically do in this amendment is authorize a pilot project, as I indicated before, to allow the VA, for the first time, to bill Medicare for health services provided to certain dual beneficiaries.

It is known as the VA Medicare subvention amendment or concept. And it has been around for a very long time, as I indicated. Our services organizations have been for it. Virtually every advisory body that has ever taken a look at the Veterans Administration and its health care has suggested that this has to happen.

In the past, many VA hospitals and clinics have been forced to turn away middle-income Medicare-eligible veterans who sought VA care. Last year we made VA open to everybody. On the other hand, people who have Medicare, if they wanted to go to a VA hospital, they would have to pay out-of-pocket costs because Medicare would not pay for it. So Medicare is paying for them at one place but they are not paying for them at a veterans hospital where they might prefer to go, either for professional reasons, medical reasons, geographic reasons, or whatever.

So these VA hospitals simply did not have the resources to care for them. Now, due to changes in the law, all enrolled veterans will have access to a uniform, comprehensive benefit package. Yet, resources for veterans' health care have not increased and, in fact, in the budget have remained absolutely flat. That is another subject which I will not get into today.

For veterans, approval of this veterans subvention amendment would mean the infusion of new revenue to their health care system—not more cost—because remember that the Medicare which they are now getting is already being paid out. It is being paid out to wherever they are going. But if they choose to go to the VA hospital, it will actually be Medicare, but, as I will explain in a moment, less. It will be Medicare minus about 5 percent. So the cost factor is very favorable.

For the Health Care Financing Administration, HCFA, a VA subvention demonstration project would provide the opportunity to assess the effects of coordination on improving efficiency, access, and quality of care for dual-eligible beneficiaries in a selected number of sites—let's say, 8, 9, 10, 6, whatever it might be.

Congress would receive the results of this test study, this demonstration project. You do it in various States or parts of States, and then you would know, how do veterans react? Do they want to keep their Medicare at the hospital they are going to already, which is not a VA hospital, or now, if we pass this amendment as was passed in the reconciliation bill last year, will they decide, no, we want to go to the veterans hospital because it is closer to our home, we feel more comfortable there, we are among our colleagues there? And Medicare would pay for it. In either event, Medicare is paying. But if they go to the VA hospital, under our demonstration, Medicare would pay 5 percent less in fact.

So Congress would then get the results of this test study, Mr. President. And then, once and for all, it would give us the really necessary data, the experiential data, the medical data, to make rational policy decisions in the future about Medicare and VA's involvement: Are they going to cross fertilize in a useful way or are they not?

In my own State of West Virginia, there are four centers of the Veterans Administration. They spent nearly $5 million caring for middle-income, Medicare-eligible veterans last year. Although this is useful information, I cannot provide my colleagues with the really interesting piece of the story; and that is, the number of these Medicare-eligible veterans who are out there. Remember, there are 27 million of them. And except for about 3.3 million of them, all of them, if they now go to a VA hospital, will have to pay out of pocket; they cannot use Medicare.

That is what this amendment is about. So what we want to find out is, how many veterans are there, who are out there now in this test area, who cannot bring their Medicare coverage with them to the VA hospital because it does not do them any good and therefore they have to pay out of pocket? This demonstration project would encourage, hopefully, these eligible veterans who have not previously received care at VA hospitals to be able to make the decision whether or not that is what they want: Do they want to go to Beckley or Martinsburg or Clarksburg or Huntington to get their health care, or do they want to stay with their present health care situation?

As in years past, this amendment is designed to be budget neutral. To that end, the Veterans Administration will be required to maintain its current level of services to Medicare-eligible veterans already being served and would be effectively limited to reimbursement for additional health care provided to entirely new users.

Payments from Medicare would be, as I said, at a reduced rate—about 5 percent less than their ordinary rate. Disproportionate share hospital adjustments would be excluded from all of this. Graduate medical education payments would be excluded from this, not a part of it. A large percentage of capital-related costs would be excluded from all of this.

So, in effect, the Veterans Administration would be providing health care to Medicare-eligible veterans at a deeply discounted rate. It is a pretty good deal. It is a pretty good deal. The Department of Health and Human Services and the Veterans Administration would have the ability to adjust payment rates, and, frankly, they would have the ability to shrink or in fact to terminate the program if they did not like the direction that Medicare costs were going.

In the event that all of these safeguards included in the proposed amendment fail, an event which the VA does not anticipate will happen, then Senator SPECTER and I, specifically in our amendment, propose caps to all Medicare payments to the VA at $50 million for an entire year.

A HCFA representative testified before the last Congress and stated that the proposal will provide quality service to certain dual-eligible beneficiaries and "at the same time, preserve and protect the Medicare Trust Fund for all Americans."

In 20 minutes I am going to the President's Commission on Medicare. We are very closely looking at all of these kinds of things, although Medicare subvention I do not think is going to be brought up. The VA subvention proposal is a very small effort compared to other recent changes made to the Medicare Program and changes yet to come which may come from the President's Commission. We will see. But it is enormously important for our veterans, Mr. President, and the health care system that they depend upon. Regardless of any policy changes resulting from the President's Commission, an excellent opportunity will remain for VA to test the idea of Medicare subvention.

I want to remind my colleagues that during the first session of the 105th Congress, Senator JEFFORDS and I successfully pushed a similar, precisely similar proposal, virtually similar proposal, through the Senate Finance Committee and the full Senate. Over the last couple of years, I have tried a variety of ways to enact this proposal. We have constantly met resistance. Others who favor the subvention concept have tried to turn this, the narrow concept of Medicare subvention, into some sweeping policy changes for the delivery of VA health care. That is not my goal. My goal is simply to get Medicare subvention without any extraneous amendments and additions.

Again, it is a very easy concept. Let's say there are 24 million veterans out there now who are eligible for Medicare, and they are in effect eligible also to go to a VA hospital but in effect they are really not, because if they go to the VA hospital they are going to have to pay for their health care out of pocket. So they do not go.

So if you want to find out how veterans feel about the hospital that they are at or the VA hospital and the health care that they are receiving, the stimulus that this would cause to happen for all involved—competition in the marketplace is one way of looking at it—Medicare subvention makes an enormous amount of sense to the American taxpayer and an enormous amount of sense to veterans.

This VA proposal is a way to provide quality health care to veterans who are also eligible for Medicare while at the same time, as I say—and I am very aware of this because I am very closely connected to it—protecting the Medicare trust fund.

So let's not delay this any longer. The veterans have wanted this a long time, as I say. No group that has studied this has not suggested this as an easy, obvious solution. It is extremely low budget. It is capped and has all kinds of audits built into it. As I say, Medicare is only going to be reimbursing the VA hospitals at 95 percent of what they would ordinarily reimburse for similar services. I think it is an enormously important proposal. And at the proper time I will ask for the yeas and the nays.

Mr. WARNER. Would the Senator consider asking for the yeas and nays now?

Mr. ROCKEFELLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, I commend my distinguished colleague from West Virginia for this legislation. I support it enthusiastically. I also commend our colleague from Vermont, Senator JEFFORDS, for the work which he has done in this field, as referred to by the Senator from West Virginia.

This amendment would constitute a win-win-win situation. We frequently hear about win-win, but not too often do we hear about win-win-win. It is a three-time winner: First, for the veteran who would have an opportunity to have care at the veterans hospital of his choice when reimbursement is made by the Medicare funds; it would be a win for the Veterans Administration, which is very short of money; and it would be a win for Medicare, because Medicare would get a reduced payment of 95 percent.

Senator ROCKEFELLER is ranking member on the Veterans' Affairs Committee, which I chair. We are enormously concerned about the low level of funding which has been proposed. We have a $17.3 billion budget which is totally insufficient. That has led us to look to other sources of funds.

For example, the insurance premium payments, where a veteran has insurance which we are trying to get paid to the Veterans Administration and to the hospital where he is treated: Here you have the anomalous situation where veterans are entitled to Medicare but they are not getting it, and they cannot go to a veterans hospital without paying for at least a portion of the medical care themselves in many cases. This will give them the opportunity to go to the Veterans Administration hospital of their choice, to be paid for by Medicare.

On a personal note, my father was a veteran of World War I and received medical treatment at the veterans hospital in Wichita, KS. I remember as a youngster riding my bicycle to visit my father when I was 7 years old. One of the added attractions was that they had a pinball machine. It cost 5 cents in the drugstore, at a penny arcade in Wichita it was less expensive, but there was a free pinball machine at the veterans hospital. But I always went there to see my father. That was a long bicycle ride. Now Wichita has extended on the east end all the way to the veterans hospital.

My father in World War II served in the Argonne Forest. He was an immigrant. He walked across Europe with barely a ruble in his pocket, from a small village in Ukraine. The family lived in a one-room dirt-floor house in a village called Batchkurina. My wife Joan and I visited it in 1982. He had a steerage ticket to the United States. He did not know that he had a round-trip ticket to France—not to Paris and the Folies Bergeres, but to the Argonne Forest. He was a doughboy. He rose to the rank of buck private. Next to his family, his greatest pride was serving in the U.S. Army. I have his plaque, which was the equivalent of the Purple Heart in World War I for wounded veterans. I thought it was the Statue of Liberty knighting my father, but I later learned it was a plaque given to the 100,000 veterans who were wounded.

My father was in an accident in 1937 when he was riding in a brand new automobile and the spindle bolt broke. The car rolled over and rolled on to his arm. He was able to receive medical care at the veterans hospital. Had he not had that care, I don't know what would have happened to him because 1937 was a very tough year for Americans generally, but an especially tough year for my immigrant parents who had four young children to support. That experience at the veterans hospital in Wichita has stayed with me as sort of a hallmark of medical care for America's veterans.

I think it is generally recognized that we do not do enough for our veterans. After recognizing it, we don't do very much about it. It is a constant budget struggle. Last year, billions of dollars were taken from the Veterans Administration for the highway fund. Now we are looking at a very, very tight budget.

I have the attention of the distinguished chairman of the Armed Services Committee who may be coming to the Department of Defense for a small loan here for veterans. This Medicare subvention would give the Veterans Administration more money. It makes a lot of sense. They now have it for the Department of Defense. Retirees can go to DOD hospitals and have it paid for by Medicare.

I hope we do not get into a jurisdictional battle with the Finance Committee. The Finance Committee passed this measure in the 105th Congress. It was dropped in conference, for reasons which we think are now solved, with the House of Representatives. The DOD Medicare subvention passed and has become law. We need to get this matter done now on this bill which is, as we express it in the Senate, a vehicle which is moving. We need to have this funding so that when we plan our financing in the Veterans' Committee we know the kind of money we have and the kind of money we may expect for the future.

It is my hope that this matter will move forward with alacrity. We will get it done, provide this funding for the Veterans Administration which is sorely in need of funds, help out the veterans by giving them the choice of where they may get their care, and assist Medicare by having this 5 percent discount.

I ask unanimous consent that a letter from 12 members of the Veterans' Committee, with the lead signators being Senator ROCKEFELLER and myself, be printed in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, February 17, 1998.

Hon. WILLIAM V. ROTH, Jr.,
Hon. DANIEL PATRICK MOYNIHAN,
Committee on Finance, U.S. Senate,
Washington, DC.

DEAR BILL AND PAT: We write to urge the Committee's renewed consideration of a measure that the Committees on Finance and Veterans' Affairs supported last year as part of the Senate's initial consideration of the Balanced Budget Act, S. 947.

For more than five years, Medicare-eligible veterans have called for legislation that would allow them to take advantage of their Medicare eligibility in the VA setting. As you will recall, the Committee on Finance voted to include the VA subvention demonstration measure in its initial BBA package; however, the provision died in conference. The final measure, Public Law 105-33, was silent on this VA provision but did authorize Medicare subvention for military retirees to receive care in Defense health facilities. In discussion with our House colleagues and officials of the Department of Veterans Affairs, we have learned that the reasons for House opposition to the program have been addressed. We understand that the House may be prepared to approve this legislation later this year.

Medicare subvention in VA health care will provide an opportunity to assess the effects of coordination on improving efficiency, access, and quality of care for dual-eligible veterans. Also, the Senate's proposal is budget neutral. To that end, VA would be required to maintain a current level of services to its present patients (including those who are Medicare-eligible) and would be effectively limited to receiving reimbursement for care provided to additional, new Medicare eligibles. Payments from Medicare would be at a reduced rate and would exclude "disproportionate share" adjustments, graduate medical education payments, and a large percentage of capital-related costs. In effect, VA would provide health care to Medicare-eligible veterans at a substantial discount.

We urge that the Committee on Finance act on and report this legislation to the floor at an early date. We look forward to working with you and other Members to achieve this major initiative that will help America's Medicare-eligible veterans receive the care that they have earned.

Sincerely,

Arlen Specter, Chairman; John D. Rockefeller IV, Ranking Member; Strom Thurmond; Frank H. Murkowski; Jim Jeffords; Ben Nighthorse Campbell; Tim Hutchinson; Larry E. Craig; Patty Murray; Paul D. Wellstone; Bob Graham; Daniel K. Akaka.

Mr. SPECTER. I yield the floor.

Mr. WARNER. Mr. President, one of the great rewards in the Senate is hearing stories from your fellow colleagues like we just heard about your distinguished father. I say with great pride that my father also served in France in World War I in the Army as a doctor. He was in the battle of the Argonne Forest.

I am always moved when I hear those stories, and how proud both of us are with what our fathers achieved. How lucky we are.

Mr. SPECTER. If the distinguished Senator will yield for a moment, my father has prevailed to support his family and was in the junk business. Many call it the scrap iron business, but it was the junk business.

Senator ROCKEFELLER and I had our paths cross a bit a few months ago when we were in the Steel Caucus. A man from Texas came in from the scrap business—and they have been very badly hurt by imports of steel, which I will not go into at this moment. It gave me occasion to reflect for less than a minute on my experience cutting down derricks.

The wind would blow through the oil fields in Kansas. We lived in Russell, a small town noted for being the home of Senator Dole. My brother-in-law Arthur Morgenstern and I would go out and cut down the derricks. We would sell the straight pieces of angled iron for two and three quarter cents a pound—price control—and the balance of the junk we loaded on the truck and we would take it over to the railroad and the boxcar and ship it.

When I finished telling the tale of woe—it was a good incentive to become a lawyer—Senator ROCKEFELLER chimed in and said, "I have had a similar experience to ARLEN SPECTER. My family also was in oil and railroads. We owned the oil companies and we owned the railroads."

Mr. WARNER. I thank the Senator. I was waiting to see if they had a junk business on the side. I expect not. I was privileged to know the distinguished father of our colleague from West Virginia.

Mr. President, a little note of history and then I will yield the floor. The Armed Services Committee, when we tried to pass a subvention provision for the DOD, we had it twice, but each time the Finance Committee came in and blocked that language in the Armed Services Committee bill and eventually, of course, the Finance Committee did take it and got it passed for the DOD.

Mr. President, I ask the Chair to recognize the distinguished colleague from West Virginia such that he might make some additional remarks.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I thank the distinguished chairman of the Armed Services Committee and the Presiding Officer.

Just three comments: No. 1, I think it is really important to remember that the Department of Defense now has Medicare subvention. DOD has Medicare subvention. And they have it on a test basis. The VA is asking for Medicare subvention on a test basis.

I ask my colleagues, is it really fair in that this is basically a no-cost item and perhaps a cost savings for the DOD people to have it and for VA not to have it when ultimately this is an enormously important test for the future of veterans' health care policy and where they are going to get it.

Second, the point has been made—not on this floor by the people here but referring to others—that this has not gone through the regular process. This has been through the regular process. Senator JEFFORDS and I introduced this yesterday. And it was introduced last year. It passed through the Finance Committee and the Budget Committee last year, and it went through the reconciliation process last year. This has been through the process. It was dropped in conference. It has been through the process. That needs to be made.

Third, that a veteran ought to have the right to decide where he or she wants to get their health care service with their Medicare dollars—and it is a superb way to find out, in fact, what veterans think of VA and/or their present health care service systems. It has to happen. It is good policy. And it is probably a cost saving policy. When the time comes for the vote, I hope that my colleagues will vote "no" on the motion to table.

We do a lot of talk about supporting veterans, and we do the best we can. But this is a very important basically no-cost health care way to give veterans something they desperately need and deserve.

I thank the Chair. I thank the distinguished Presiding Officer.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, may I ask my colleague from Virginia—I wasn't clear; he was about to table the Rockefeller amendment.

I ask my colleagues whether I could have 2 minutes in support.

Mr. WARNER. Mr. President, we want to accommodate all of our colleagues. I know the Senator from Florida is waiting.

In response to the Senator from West Virginia, he is right on target on all three points. I agree with him. He will have this Senator's support when the time comes. But I must honor the request of the chairman of the committee, on which the Senator from Minnesota serves, the Finance Committee.

Does the Senator from Minnesota wish to speak to this amendment by the Senator from West Virginia?

I make that request in his behalf.

Mr. WELLSTONE. Mr. President, let me thank the Senator from Virginia for his graciousness, and also Senator GRAHAM from Florida.

Let me just say to Senator ROCKEFELLER that I think the time is right for his amendment to authorize a Medicare Subvention pilot project. We have been through this year after year after year. We have a veterans' health care system that is really struggling with a flat-line budget.

My colleague from West Virginia has shown a lot of leadership on a lot of issues that affect the veterans community. Look, we need to at least have this Medicare Subvention on a pilot project basis. We need to think about a stable source of funding for veterans' health care. Give veterans the choice whether to go to VA for their health care. It should be their choice.

We have such a demonstration project within DOD right now. We ought to be able to do this within the Veterans Administration. Veterans organizations feel strongly about this. This is the time to support the Rockefeller amendment because the whole question of recruitment, and whether or not young women and men want to serve in our armed services is directly related to how they feel they are going to be treated when they are no longer in the armed services, when they are veterans. Will there or will there not be support for the veterans' health care system? This Rockefeller amendment is a terribly important step in the direction of making sure we have good veterans health care. And I would like to include my name as an original cosponsor, if that is all right with my colleague.

Mr. ROCKEFELLER. I would also ask unanimous consent that Senator WELLSTONE's name be included, as well as Senator KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. May I ask the distinguished Senator from Virginia, is it appropriate to make some remarks on the amendment on the veterans Medicare subvention amendment?

Mr. WARNER. Mr. President, of course it is appropriate, and I so desire that be done.

Mr. ROTH. Mr. President, I thank the distinguished Senator from Virginia for his comments.

I must say, I rise in opposition to the amendment. As the distinguished Senator from Virginia well knows, the Balanced Budget Act of 1997 requires the Health and Human Services Administration and Veterans Affairs to submit to Congress a detailed implementation plan for a veterans subvention demonstration. This report has not yet been submitted to Congress and is due at the end of this year.

Frankly, a veterans subvention demonstration at this time would be premature. The Department of Defense Medicare subvention demonstration enacted in the Balanced Budget Act of 1997 was carefully crafted in a bipartisan fashion between the committees of jurisdiction in the House and Senate, as well as the administering Secretary to address complex budgetary and design issues.

It is very, very important, Mr. President, that the veterans subvention demonstration should undergo the same process in order to ensure a successful demonstration for all Medicare-eligible veterans.

Finally, as you are aware, the Medicare Part A trust fund is facing an insolvency date of 2008. This is a most serious, critical matter, and the Bipartisan Commission on the Future of Medicare is meeting this afternoon to continue to address the current solvency issue.

I cannot overemphasize how important, in light of this problem of solvency, is careful consideration of the budgetary implication associated with the veterans subvention demonstration in order to prevent the solvency of the trust fund from being further jeopardized.

I will be happy to assure the parties supporting and author of this legislation that we will be glad to work with them in the future in trying to work out legislation that seems appropriate under the circumstances.

As I said, it is critically important that it be carefully crafted because the Medicare legislation is in deep trouble. As I said, it faces insolvency by 2008. We have set up a special commission headed by Senator BREAUX to try to find a solution to assuring the continued solvency of this program. And to add to the difficulty, the complexity of that problem, by including now a new proposal on veterans Medicare subvention makes little or no sense. For that reason, I strongly support the motion to table suggested by the chairman of the defense committee.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I will be very brief. I do have an amendment I want to bring to the floor in a moment, if that is the direction we are going.

Let me just say to my colleague from Delaware, the argument that we ought to wait until we see what happens with this pilot project within DOD is an apples-and-oranges proposition. First of all, it is going to be another year before we know what happens with the DOD pilot, and, second of all, these are two different health care systems. These are two different health care systems.

The point is, we say it is fine to go ahead with DOD and do a Medicare subvention pilot project, but when it comes to our veterans—our veterans—that's another story. I say to my colleagues again, whether or not men and women want to serve in the armed services is directly correlated to how they are going to be treated when they are veterans. When it comes to veterans, we should have done this a year ago.

It just doesn't cut it to say, "Well, we have to wait for another year to see how the pilot works out with DOD." That is a very different health care system. A year ago we should have had this Medicare subvention demonstration model within the Veterans Administration, and we are able to do it now. We want to do it. That is why we bring this to the floor.

Finally, let me point out, on the whole budget problem—Senator ROCKEFELLER said it—this amendment is budget neutral. These are new users of the VA system. Everybody who has talked about Medicare subvention has made it crystal clear that there are no negative financial implications for the Medicare trust fund.

I am sorry, these arguments don't cut it. If colleagues want to vote against this, they can vote against it. I will just tell you, I think a vote to table the Rockefeller amendment, the amendment that Senator JEFFORDS has worked on, the amendment that I am very proud to support—I have to say it this way, and I am not playing politics—it really is a vote against veterans.

In Minnesota, I don't find any topic to be more a topic of discussion among the veterans community than health care. I don't find any greater concern than the concern as to whether or not we are going to have a stable source of funding for veterans' health care. This is just a pilot project that takes us in this direction. I cannot believe my colleagues are going to come out on the floor of the Senate and table this. I hope we get a vote against the tabling motion.

Other than that, Mr. President, I don't feel strongly about it.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, yesterday I introduced legislation, which is, basically, now pending, to allow certain Medicare-eligible veterans to go to Veterans Administration facilities for their care and to allow the Veterans Administration to bill Medicare for those services, just as a private provider would do. Seventeen of my colleagues joined Senator ROCKEFELLER, Senator SPECTER, and myself in introducing the Veterans Equal Access to Medicare Act, S. 445. It is this legislation that Senator ROCKEFELLER now offers as an amendment to this bill, and I support him.

America's veterans and the Veterans Health Administration are eager to launch this demonstration project which establishes up to 10 demonstration sites around the country where this policy would be tested. The Department of Defense is currently running a very similar demonstration project for military retirees, and the Veterans Administration is anxious to do the same for veterans.

Allowing veterans to take their Medicare eligibility to a Veterans Administration building gives them greater flexibility in choosing their care provider. This is good for veterans. It makes good sense, and it would allow the Veterans Administration to get reimbursed for the care it would provide above and beyond those veterans it is currently treating.

This legislation is budget neutral and is limited in scope, capping Medicare trust fund payments to the Veterans Administration at $50 million per year for 3 years, payments that would otherwise go to private-sector providers.

Mr. President, veterans want the option of getting their Medicare-covered care at the VA.

The VA wants the option. And we ought to move expeditiously to get this demonstration project underway. I hope my colleagues will support this amendment.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I have a unanimous consent request.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. On behalf of Senator DORGAN, I ask unanimous consent that Anthony Blaylock, a defense fellow serving in his office, be given floor privileges during the debate on S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I would defer to my colleague. I actually rise for the purpose of offering an amendment, but if my colleague wants to respond to the Rockefeller amendment, I would defer to him.

Mr. ROTH. I just want to say to the distinguished Senator from Minnesota that we are all sympathetic to trying to do something to help the veterans hospitals. We are all interested in assuring that the veterans have the best care possible. But he misunderstood what I said. The fact is, the study that is about to come out, which is to be performed by the Secretaries of Health and Human Services and Veterans Affairs, is to submit a detailed implementation plan for a veterans subvention demonstration. The purpose of it is not to await the results of a defense program and see how it works out. The fact is that there are two different systems, and what may work for defense will not necessarily be efficient or effective as far as the veterans are concerned.

All I was saying is that the Balanced Budget Act of 1997 does require the Secretaries of Health and Human Services and Veterans Affairs to submit a plan, and that we should not act and move forward until we have that report. When we get that report, then we should be in a position to create a demonstration program that meets the necessities, the peculiarities, and the problems that are inherent in the current veterans plan.

So I just wanted to make clear we are not awaiting the results of the Department of Defense intervention program.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I will go forward with this other amendment because I know my colleagues are anxious to move along.

Let me just say to my colleague from Delaware, I have here a memorandum of agreement between the Department of Veterans Affairs and Health and Human Services to go forward with this subvention project. We already have the memorandum of agreement. They are ready to go. All they need is for the U.S. Senate to go on record saying we support it.

One more time, I will just say to my colleagues, sometimes the debate is all civil, but sometimes it is with some strong feeling. I think the veterans community is becoming very impatient with us, and for very good reasons. They have every reason in the world to wonder about VA health care as they look forward to the future. And this amendment is but one small step toward trying to figure out one piece of stable funding. I think it is a terrible mistake to come out here and to move to table this amendment. And the point I made earlier I think still stands.

Mr. WARNER. Mr. President, I commit to my two colleagues and friends here the support of the Senator from Virginia, but I have been asked by the chairman of the Finance Committee, Senator ROTH—on his behalf I move to table, with his commitment to try to move it in that committee.

I move to table.

Mr. NICKLES. Would the Senator withhold?

Mr. WARNER. It all depends on how long that will be.

Mr. NICKLES. I will speak for 5 minutes on the bill, not on the amendment.

Mr. WARNER. We are not going to have a vote right now. I thank the Senator. I move to table the amendment and I ask unanimous consent that the amendment be laid aside. Eventually we will get to the vote. We will stack them after consultation with the leadership.

Is that agreeable?

Mr. ROCKEFELLER. Yes.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I know my colleague, the Senator from Florida, has an amendment. I want to make a few comments on the bill if that accommodates his schedule. I won't be very long.

Mr. President, I wish to compliment my friend and colleague, Senator WARNER, for his stewardship of this bill, for his chairmanship of the Armed Services Committee, and for his dedication to improving our national defense. He has a proven record in national defense, both as a Secretary of the Navy and his service in the Senate. I understand the support that this bill has by colleagues, and certainly I feel supportive of our military and national defense as well. I have always believed that for the Federal Government our

No. 1 priority should be the protection of our people, protection of our country, and the protection of our freedom. This bill will help do this in some ways. So I support those efforts.

I support a lot of what is in this bill, but I don't support everything in this bill. I think it would be less than forthcoming if I didn't express my displeasure with at least two provisions in this bill. Maybe by expressing that displeasure we can remedy that before this bill becomes law. I say that in all sincerity. I want a lot of this bill to become law.

Frankly, when my staff asked me earlier, "Do you want to sponsor S.4, one of our first bills? It improves national defense, increases pay." Well, I have 35,000 to 40,000 troops in my State, and I definitely want to increase their pay. So I support that provision of the bill. When I started reading the summaries of it—and I have a copy of a summary and cost estimate from the Congressional Budget Office, dated February 12, 1999.

I ask unanimous consent that this CBO summary be printed at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. NICKLES. Mr. President, I became concerned about the cost not just of the pay increases, which are handled by appropriation committees every year—in other words, this bill can authorize pay increases of whatever percent, but the appropriators have to come up with the money to do it. They will do that within the budget cycle, and we are going to pass a budget this year. So I am optimistic that will be funded. It will be within the budget and it will be responsible. So, again, I don't have a problem with that portion of the bill, the pay raise. That portion of the bill, I might mention, is $26 billion over the next 10 years. It is about half of this bill. The total cost of this bill is about $55 billion over the next 10 years. So I don't have a problem with the pay raise provision.

I do have a problem with two of the entitlement increases in this bill. I think, with all due respect, they are mistakes. I think increasing the military retirement percentage from 40 to 50 percent is a mistake. Some colleagues say don't raise that. I was in the Congress when we reduced it from 50 to 40. We did that with an overwhelming vote of 92–1. In 1986, we reduced the military retirement schedule from 50 to 40 percent as part of an overall package for entitlement reform in the military. It was overwhelming, 92–1.

Now we are getting ready to do the opposite, increasing it probably from 40 percent to 50 percent. That means that an individual can join at age 18 or 20, serve 20 years, receive retirement pay beginning at age 40 for life, and receive cost-of-living adjustments. That is very expensive. Also, when they are 41 years old, they can seek other employment; I expect that they would do that in most cases. So they would have other employment in addition to the military retirement. It is a very expensive provision. In 1986, changes were made with a lot of work; I think it was work that was well thought out.

I might note that there is a letter from the Concord Coalition, signed by our former colleagues, Senator Rudman and Senator Nunn, which urges us not to do this, saying they worked hard and they were with many of us in the Senate at that time. I will read part of it:

> We understand that it has been tentatively decided to include in the year-end omnibus spending bill a provision substantially repealing the 1986 military pension reforms. We urge you in the strongest possible terms to reject this unwise, expensive, and untimely provision.

They also said:

> Several commissions reported that the old pension system was so generous to personnel in their early 40s with 20 years of service that the pensions worked as incentives to highly skilled personnel to leave the military. One of the objectives of this bill is to get people to stay in the military.

They also say:

> Rolling back the 1986 reforms means returning to a system that encourages military personnel to retire prematurely from the service in their early 40s at half pay, augmented by full COLAs.

Mr. President, I ask unanimous consent to have this entire letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE CONCORD COALITION,
Washington, DC, October 14, 1998.

SAY NO TO REPEALING MILITARY PENSION REFORMS

DEAR COLLEAGUE: We understand that it has been tentatively decided to include in the year-end omnibus spending bill a provision substantially repealing the 1986 military pension reforms. We urge you in the strongest possible terms to reject this unwise, expensive, and untimely provision.

Both of us believe unequivocally in a strong defense and a responsible fiscal policy. Repealing the 1986 military pension reforms will produce neither: it will weaken readiness by taking funds away from more critical defense needs, and it will also create serious budget problems.

This provision is terrible fiscal policy both near term and long term. In the near term, the provision requires appropriating $7.3 billion over the coming decade to pay the "employers' share" (the accrual cost) of increasing military pensions down the road. This $7.3 billion will have to be squeezed out of the very tight level of appropriations allowed under he 1997 discretionary caps. Remember, these caps are already set to tighten spending by about 10 percent in real terms between now and 2002, so finding $7.3 billion will mean stinting on other priorities.

In the long term, by rolling back the 1986 reforms, the provisions eventually would expand the stream of future entitlements by about $8 billion a year. It would affect only service personnel who joined the military after 1986, so its full impact on pension payments would not be felt for several decades.

The 1986 reforms were designed and approved on a bipartisan basis after several years of study and hearings. They reined in excessive costs and overhauled outdated aspects of the pension system. They should not be lightly tossed aside in a last minute omnibus spending bill. If changes of this magnitude are to be made, they should be done only after full consideration by the appropriate committees and full and informed debate by the House and Senate.

Prior to passage of these reforms many experts, including the Pentagon's own Quadrennial Review of Military Compensation, called for change. Former Defense Secretary Les Aspin noted that under the old system most military pension benefits went to people were still working outside the military and were not "retired" in the conventional sense.

Several commissions reported that the old pension system was so generous to personnel in their early 40s with 20 years of service that the pensions worked as incentives to highly skilled personnel to leave the military. With the current need for critical skills in the military, it is absurd to encourage unskilled personnel to retire in their early 40s. Returning to the old system would reduce—not strengthen—the willingness of personnel to remain in the service and therefore, in our opinion, it would reduce retention rates and military readiness. Indeed, there are far better ways the same appropriations dollars could be used that would improve readiness and retention rates.

This provision in no way affects former military personnel who are retired today, or even active duty personnel who joined the service before August, 1986.

Only those who were inducted after July 31, 1986 will be affected. But changing the ground rules mid-stream for them calls into question whether any prospective changes in Social Security or other entitlement programs can ever be credible. Prospective changes are purposely adopted in order to soften the adjustment and give individuals time to plan ahead. But if such significant changes as the 1986 military retirement reforms are rolled back before they even have an impact, why should citizens believe that other prospective entitlement reforms actually will come to pass and make their plans accordingly?

Rolling back the 1986 reforms means returning to a system that encourages military personnel to retire prematurely from the service in their early 40s at half pay, augmented by full COLAs. Why not also roll back the 1984 reforms of the Civil Service pension plan? Is this fair to DoD civilian personnel or other government employees?

At a time when our nation is preparing for the fiscal challenges of an aging population by debating the tough choices involved in Social Security and Medicare reform we can ill afford to undo one of the few tough choices about long-term spending that already has been made.

The 1986 reforms made sense then and still make sense today. But if Congress wishes to reexamine the issue, or to direct appropriations in a way that would change military compensation or increase readiness, it should do so with proper debate and consideration, not through an ill-conceived provision slipped into a mammoth year-end spending bill with little consideration by the House or Senate.

Additional information and background on this issue is available in the entitlement reform section of the Concord Coalition web site at "http://www.concordcoalition.org".

Sincerely,

WARREN B. RUDMAN,
Co-Chair.
SAM NUNN,
Co-Chair.

Mr. NICKLES. Mr. President, I think the pension change—which, I might mention, is an entitlement change—is not paid for in this bill and it costs $14 billion over the next 10 years. So it is not an insignificant provision. There are also provisions in here dealing with a thrift savings plan. I am in favor of that. I don't have a problem with that. We should encourage that for military personnel. Most provisions in here I agree with and some I disagree with. I think changing the retirement percentage is a mistake.

There is another provision in the bill that Senator CLELAND, I think, was talking about. I compliment him. He was able to get this in the bill in the markup. I don't believe they had cost estimates and actually knew how much it would cost during the markup, but it was a provision dealing with the GI bill, providing benefits, educational benefits for GIs. He expanded the benefit to say it could be transferred to spouses and children. What does this mean? The bill itself increases the GI benefit from $528 a month to $600 a month, a nice, generous increase. That means a GI that is in the regular service with a commitment for 3 years can sign up and receive educational benefits totaling $600 per month—a pretty nice benefit. That is $7,200 per year.

This bill is used by a significant number of GIs. This bill eliminates the coshare. They have to pay, right now, $100 a month, or for the first year $1,200. This bill eliminates that. I am not arguing about that as much as I am about the transferability provision in this bill that allows the GI benefits to be transferred to spouses, and also to the kids.

I am all in favor of increasing support for our military, but I question the wisdom of this provision, which is enormously expensive. Enormously. The cost of this provision over the next 10 years—just the transfer of the GI entitlement—is $9.8 billion. Also, I might mention that in the CBO study, the last part of the page, they talk about the transfer of entitlement, and they said:

> CBO estimates that the provision would raise costs by about $110 billion in 2000 and by $2.2 billion over the first 5 years, and $9.8 billion over the 2000 to 2009 period. In the long run, costs will rise to about $3 billion per year.

This is just in the transfer of an entitlement. So this is the creation of a new entitlement, transferring this entitlement to spouses and the kids. This $600, which I believe is indexed for inflation, can get very expensive. So we are talking about a $7,200 benefit being transferred to spouses and kids, and 10 years from now how much will that be? Well, the Congressional Budget Office says it is going to cost about $3 billion a year. I know that cost wasn't known—or at least I don't think it was—when this bill was marked up. We know what the cost is now. I think we have to look at it long and hard.

Is this the right thing to do? Some people have said this doesn't come out of the defense budget, this is not part of the defense bill, this is really part of Veterans Affairs budget. It comes out of the taxpayer bill. I want to take care of veterans, too, but I don't think we have an obligation to veterans' children, to be providing for their education to the tune of $7,200. I think we have to be very cautious when we go about expanding entitlements. Maybe I am alone in this, but these entitlement increases aren't paid for. So there is a real conflict.

Most of us say we believe in a balanced budget. We run back to our States and say we have balanced the budget and we have done a great job. Yet, increasing entitlements to the tune of increasing the percentage from 40 to 50 percent for military retirement, and then also making the GI bill benefits apply not only for GIs, but also for GIs' spouses and for children.

I think that is enormously expensive—very expensive. The cost of this bill over the first 5 years is $17.9 billion. The cost over 10 years is $54.9 billion—almost $55 billion over 10 years. About half of that is pay raise. I don't have a problem with the pay raise provision, with one exception. The pay raise provision that is put in says not only a 4.8 pay raise, which is the most generous that we have done in a long time, and it is probably overdue, but it also says for the foreseeable future we are going to add another half point over whatever the cost-of-living index will be for the military over everybody else. I am not sure we should be making that decision for 10 years from now, or for 8 years from now. The next Congress can decide that. Maybe we should say, "Well, for the next 4 years we will give a half point incremental increase on top of the CPI." I don't think we should say for every military person you will get half a percent more than everybody else. And then we are going to have pressure coming from the civil service, and from all governmental employees saying we want just as much, although we have had some studies done that say they are not making as much as those in the private sector.

I think that provision can be very expensive, or certainly should be sunset or limited. So I encourage the managers of this bill to look at putting the sunset on the incremental cost-of-living increase that is now provided. I urge them to take another look at raising the retirement percentage from 40 to 50 percent. I urge in the strongest language possible to be very, very cautious about expanding the GI bill of rights to spouses and to their children.

If we are going to pass entitlement programs that cost $3 billion a year, we should know it. We should recognize the cost. We should also be thinking about what the spending is going to squeeze out—what area of the military is going to take a hit, or what area of Veterans Affairs. Are we not going to be able to fund veterans' health care as well because that particular provision is in there?

So I think we need to think about it long and hard. I am confident that our colleagues, who will be managing this bill in conference, will look at these issues. I am very hopeful they will be addressed before we see a bill brought back to the Senate floor as a conference bill.

Mr. President, I yield the floor.

EXHIBIT 1

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 4—Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999

Summary: S. 4 would increase various elements of compensation for current and former members of the armed forces. Specifically, it would increase pay for military personnel, provide a special allowance for low-income members, increase retirement benefits for certain members, increase educational benefits, and allow members on active duty to participate in the Thrift Savings Plan.

Assuming appropriation of the necessary amounts, enactment of the bill would raise discretionary spending by about $1.1 billion in 2000 and $13.8 billion over the 2000–2004 period. In 2009, those costs would total about $6.5 billion. Because the increase in retirement benefits would apply only to members who entered the service after July 1986, annual costs would continue to rise for a few years after 2009. Additional benefits earned under the proposal between August 1, 1986, and the effective date would add about $4.5 billion to the unfunded liability of the military retirement trust fund.

Because the bill would affect direct spending and revenues, pay-as-you-go procedures would apply. Increased educational benefits and higher annuities for certain military retirees would increase direct spending by about $765 million a year over the 2000–2004 period. In 2009 direct spending costs would total about $2.6 billion. The annual direct spending costs for military retirement would eventually be about 11 percent higher than spending under current law. Greater use of education benefits under the bill would raise long-run costs by about $3 billion a year. By allowing servicemembers to participate in the Thrift Savings Plan, the bill would lower revenues by $311 over the 2000–2004 period and about $141 million by 2009. Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that are necessary for the national security. That exclusion might apply to the provisions of this bill. In any case, the bill contains no intergovernmental or private-sector mandates.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 4 is shown in Table 1, assuming that the bill-will be enacted by October 1, 1999. Spending from the bill would fall, under budget functions 700 (veteran's benefits and services), 050 (national defense), and 600 (income security).

TABLE 1.—ESTIMATED COSTS OF S. 4, AS REPORTED BY THE SENATE COMMITTEE ON ARMED SERVICES

[By fiscal years, in millions of dollars]

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
DIRECT SPENDING AND REVENUES										
Proposed Changes:										
Estimated Budget Authority	537	599	870	887	927	1,108	1,435	1,940	2,270	2,633
Estimated Outlays	537	599	870	887	927	1,108	1,435	1,940	2,270	2,633
Revenues	−10	−44	−67	−86	−103	−113	−120	−127	−134	−141
SPENDING SUBJECT TO APPROPRIATIONS										
Proposed Changes:										
Estimated Authorization Level	1,089	2,196	3,118	3,505	3,980	4,373	4,852	5,422	5,952	6,548
Estimated Outlays	1,075	2,164	3,103	3,487	3,963	4,354	4,832	5,400	5,928	6,520

Basis of estimate: The budgetary impact of the bill would stem from three sets of provisions: those affecting military retirement programs, pay of current members, and veterans' education. Table 2 shows the costs of provisions affecting military pay and retirement benefits that would raise direct spending, lower revenues, and raise discretionary costs to the Department of Defense (DoD). Table 3 shows the increases in direct spending that would result from provisions raising veterans' education benefits.

TABLE 2.—ESTIMATED COSTS OF PROVISIONS AFFECTING MILITARY COMPENSATION IN S. 4, AS REPORTED BY THE SENATE COMMITTEE ON ARMED FORCES

[Outlays by fiscal years, in millions of dollars]

Category	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
SPENDING SUBJECT TO APPROPRIATION											
Spending Under Current Law for Military Personnel[1]	70,367	73,005	68,472	70,590	70,633	70,633	73,033	70,633	68,233	70,633	70,633
Proposed Changes:											
Retirement Benefits	0	674	862	1,437	1,453	1,541	1,550	1,597	1,709	1,760	1,767
Retention Initiative	0	2	7	15	23	28	31	33	35	37	39
Pay Increases	0	386	1,269	1,625	1,985	2,368	2,773	3,202	3,656	4,131	4,714
Subsistence Allowance	0	13	26	26	26	26	0	0	0	0	0
Subtotal	0	1,075	2,164	3,103	3,487	3,963	4,354	4,832	5,400	5,928	6,520
Spending Under S. 4 for Military Personnel[1]	70,367	74,080	70,636	73,693	74,120	74,596	77,387	75,465	73,633	76,561	77,153
DIRECT SPENDING											
Retirement Annuities											
Spending Under Current Law	31,935	32,884	33,887	34,871	35,956	37,026	38,125	39,233	40,360	41,500	42,657
Proposed Changes	0	1	1	2	2	3	3	5	25	66	125
Spending Under S. 4	31,935	32,885	33,888	34,873	35,958	37,029	38,128	39,238	40,385	41,566	42,782
Food Stamps											
Spending Under Current Law	20,730	21,399	22,431	23,251	23,913	24,629	25,303	26,005	26,715	27,426	28,152
Proposed Changes	0	−3	−5	−5	−5	−5	0	0	0	0	0
Spending Under S. 4	20,730	21,396	22,426	23,246	23,908	24,624	25,303	26,005	26,715	27,426	28,152
REVENUES											
Thrift Savings Plan	0	−10	−44	−67	−86	−103	−113	−120	−127	−134	−141

[1] The 1999 level is the estimated spending from amounts appropriated for 1999 and prior years. The current law amounts for 2000–2009 assume that appropriations remain at the 1999 level. If they are adjusted for inflation, the base amounts would rise by about $2,500 million per year, but the estimated changes would remain as shown.

Sources: Congressional Budget Office and Joint Committee on Taxation.

Retirement benefits

S. 4 contains provisions that would allow current members to participate in the Thrift Savings Plan and increase retirement benefits for members who entered the service after July 31, 1986, and are covered under the system known as REDUX.

Background. The Military Retirement Reform Act of 1986 (REDUX) governs the retirement of military personnel who initially entered the armed forces after July 31, 1986. Under REDUX a retiree's initial annuity ranges from 40 percent to 75 percent of the individual's highest three years of basic pay. Retirees with 20 years of service will receive 40 percent, and the fraction will grow with each additional year of service and reach the maximum at 30 years of service. When the retiree is 62 years old, the annuity is raised in most cases to equal 2.5 percent of the average of the highest 36 months of basic pay for each year of service up to a maximum of 75 percent. Also, under REDUX cost-of-living adjustments (COLAs) equal the change in the Consumer Price Index (CPI) less 1 percentage point. However, when the retiree reaches age 62 the annuity is raised to reflect all of the CPI growth until that point, but thereafter annual COLAs continue to equal the CPI less one percentage point.

Current law provides two different formulas for other individuals who become eligible for a nondisability retirement benefit but are not covered by REDUX. Military personnel who first became members of the armed forces before September 8, 1980, receive retired pay equal to a multiple of their highest amount of basic pay; the multiple is 2.5 percent for every year of service up to 75 percent. Retirees who first became members of the armed forces between September 8, 1980, and July 31, 1986, receive retired pay based on the average of the highest 36 months of basic pay and the multiplier of 2.5 percent for each year of service. Annuities for both of these groups are fully adjusted for changes in the CPI.

Repeal of REDUX/Optional Lump-Sum Bonus. Under section 201, members who under current law would retire under REDUX would face a choice upon reaching 15 years of service. They could elect to receive a lump-sum bonus of $30,000 and retire under the REDUX plan or they could forgo that payment and upon retirement receive annuities under the plan in effect for retirees who first became members of the armed forces between September 8, 1980, and July 31, 1986. CBO estimates that total costs to DoD under the provision would total about $674 million in 2000 and average about $1.4 billion a year through 2009.

Accrual Costs. Prior to 2009 the primary budgetary impact would stem from the payments that DoD would make to the military retirement trust fund. The military retirement system is financed in part by payments from appropriated funds to the military retirement trust fund based on an estimate of the system's accruing liabilities. Repealing REDUX would increase payments from the military personnel accounts to the military retirement fund (a DoD outlay in budget function 050) to finance the increased liability to the fund resulting from additional years of service under a more generous system.

CBO estimates that the resulting increase in discretionary spending from the accrual payments would average about $0.8 billion by 2004 and about $1.0 billion over the next 10 years. The costs to DoD would increase each year because not all military personnel are covered by REDUX. Under current law the percentage of the force covered by REDUX will grow until everyone in the force will have entered military service after July 31, 1986.

Accrual costs depend on many factors, including endstrengths, projected years of service at the time of retirement, grade structure or salary history, and projected rates of military pay raises, inflation, and interest rates. CBO's assumptions are consistent with the ones used recently by DoD's actuaries. The estimates also assume that in the long run annual pay raises are 4.0 percent, changes in the CPI are 3.5 percent a year, and interest rates for the trust fund's holdings of Treasury securities are 6.5 percent annually. CBO's assumptions about how many individuals would choose lump-sum payments instead of a higher retirement annuity are explained in the following paragraph.

Lump-sum Payments. In addition, CBO estimates that DoD would spend about $500 million a year for the lump-sum payments, assuming that 50 percent of enlisted personnel and about 40 percent of officers would elect to receive the lower annuity in retirement. That estimate is based on DoD's experience under two buy-out programs in recent years. The Voluntary Separation Incentive (VSI) and the Special Separation Benefit (SSB) were two programs that DoD used extensively during the 1992–1996 period. VSI was a payment over a period of years, and SSB was a lump sum payment that had a lower present value than VSI. About 86 percent of enlisted personnel selected SSB, and about half of the officers did. Because the present value of forgoing the annuity reduction under REDUX is significantly greater than $30,000 and because that difference tends to be greater than the difference between VSI and SSB, CBO assumes that smaller fractions of officers and enlisted personnel would opt for the lump-sum payment than chose SSB. The members who would be affected by this provision entered service in 1986; thus, they would not be eligible for the lump-sum payment until 2001.

Direct Spending Under Section 201. Section 201 would also increase direct spending from the military retirement trust fund by $1 million in 2000 and by about $233 million over the 2000–2009 period. The outlay impact before 2006 is primarily due to higher cost-of-living allowances for individuals who receive a disability annuity. Starting in 2006 the impact is almost all due to regular retirements. In the long run, direct spending for military retirement would be about 11 percent higher than under current law.

Thrift Savings Plan. Section 202 would allow members of the uniformed services on active duty for a period of more than 30 days to participate in the Thrift Savings Plan (TSP). Contributions would be capped at 5.0 percent of basic pay plus any part of special or incentive pay that a member receives. The Joint Committee on Taxation estimates that the revenue loss caused by deferred income tax payment would total $10 million in 2000, $103 million in 2004, and about $141 million by 2009.

Special Retention Initiative. Under section 203, the Secretary of Defense could make additional contributions to TSP for military personnel in designated occupational specialties or as part of an agreement for an extended term of service. CBO estimates that the discretionary costs from the resulting agency contributions to TSP would total $2 million in 2000 and would increase to $28 million by 2004, based on DoD's use of similar authority to award bonuses for enlistment or reenlistment.

Compensation of military personnel

S. 4 contains two sets of provisions that would affect compensation for those currently serving in the military. One would increase annual pay raises and change the table governing pay according to grade and years of service. The other would increase compensation to members who would otherwise be eligible for food stamps.

Pay Increases. Section 101 and 102 contain provisions that would provide across-the-board and targeted pay raises. Across-the-board pay raises would be a total of 4.8 percent in 2000 and 0.5 percent above the Employment Cost Index (ECI) in future years. Because those raises would be 0.5 percent above the full ECI raise called for in current law, CBO estimates that incremental cost would be about $197 million in 2000 and average about $1.7 billion over the 200–2009 period. The estimate is based on current projections of military strength levels and its distribution by pay grade.

Additional pay raises would be targeted at personnel in specific grades and with certain years of service. The changes to the military pay table would increase basic pay by about $189 million in 2000 and an average of about $860 million annually over the 2000–2009 period, based on the pay schedule and pay raises specified in the bill as well as current projections of military strength levels and its distribution by pay grade.

Special Subsistence Allowance. Section 103 would create a new allowance through 2004 for military personnel who qualify for food stamps. Eligibility for the allowance would terminate if the member no longer qualified for food stamps due to promotions, pay increases, or transfer to a different duty station. In addition, a member would not be eligible for the allowance after receiving it for 12 consecutive months, although they would be able to reapply. CBO estimates that the allowance would increase personnel costs by roughly $13 million in 2000 and $26 million annually through 2004, based on information from DoD on the number of military personnel who currently receive food stamps.

CBO estimates that most of the 11,000 personnel in grades E-5 or below will remain on food stamps and apply for the special subsistence allowance. However, the additional $180 of monthly income would reduce the average household's monthly food stamp benefit by $54, resulting in savings of about $7 million each year in the Food Stamp program over the 2001–2004 period. The special subsistence allowance might also serve as an incentive for eligible but nonparticipating military personnel to apply for food stamps. CBO estimated that 1,500 additional service members would participate in the Food Stamp program in an average month at an annual cost of $2 million. Thus, this provision is estimated to result in a net savings to the Food Stamp program of $3 million in 2000 and $5 million each year over the 2001–2004 period.

Veterans' readjustment benefits

As shown in Table 3, the bill contains four provisions that would raise direct spending for veterans' readjustment benefits, specifically the Montgomery GI Bill (MGIB).

Rates of Assistance. Section 301 would raise the rate of educational assistance to certain veterans with service on active duty. Participating veterans who served at least three years on active duty would receive as much as $600 a month instead of $528 a month as under current law. Similar veterans with at least two years of active duty would be eligible for a maximum benefit of $488 a month, an increase of $59 dollars a month. Under section 301, the cost-of-living allowance scheduled for 2000 would not occur. CBO estimates that this provision would increase direct spending by over $100 million a year over the next 10 years, based on current rates of participation in this program.

Termination of Member Contributions. Section 302 would eliminate the contribution that MGIB participants pay under current law. Unless members elect not to participate in the MGIB, current law requires a contribution of $1,200 toward the program. Based on current rates of participation, which is nearly universal, CBO estimates that this provision would result in forgone receipts of about $195 million a year.

Accelerated Payments. Section 303 would permit veterans to receive a lump-sum payment for benefits they would receive monthly over the term of their training, for example, a semester in college or the period of a course's instruction for other forms of training. CBO estimates that this provision would increase direct spending in 2000 by about $134 million and by about $27 million in 2001. Increased costs would occur initially as payments from one fiscal year are made in the preceding year. There would be no net effect in subsequent years because in a given year payments shifted to the preceding year would be offset by payments shifted from the following year. CBO estimates that about 50 percent of MGIB beneficiaries would elect to receive an accelerated payment in 2000 and that a total of 60 percent would make that election in 2001 and later years. The estimate is also based on current rates of participation in this program.

TABLE 3.—ESTIMATED COSTS OF PROVISIONS AFFECTING VETERANS' READJUSTMENT BENEFITS IN S. 4, AS REPORTED BY THE SENATE COMMITTEE ON ARMED SERVICES

[Outlays by fiscal years, in millions of dollars]

Category	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
DIRECT SPENDING											
Spending Under Current Law for Veterans' Readjustment Benefits	1,374	1,366	1,372	1,385	1,397	1,400	1,405	1,411	1,424	1,446	1,472
Proposed Changes:											
Rates of Assistance	0	98	100	101	103	104	105	106	108	110	113
Member Contributions	0	197	195	195	195	195	195	195	195	195	195
Accelerated payments	0	134	27	0	0	0	0	0	0	0	0
Transfer of Entitlement	0	110	281	577	592	630	805	1,129	1,612	1,899	2,200
Subtotal—Proposed Changes	0	539	603	873	890	929	1,105	1,430	1,915	2,204	2,508
Spending Under S. 4 for Veterans' Readjustment Benefits	1,374	1,905	1,975	2,258	2,287	2,329	2,510	2,841	3,339	3,650	3,980

Transfer of Entitlement. Section 304 would provide DoD with the authority to allow military personnel to transfer their entitlement to MGIB benefits to any combination of spouse and children. CBO expects that DoD would use the authority in 2000 to enhance recruiting and retention and that the benefit would be limited to current members of the armed forces and those who might join for the first time. Over the first five years almost all of the estimated costs would stem from transfers to spouses, who would tend to train on a part-time basis. Transfers to members' children are estimated to begin in 2004, and spending for children's education would account for more than half of the program's cost beginning in 2006. CBO estimates that the provision would raise costs by about $110 million in 2000, about $2.2 billion over the first five years, and about $9.8 billion over the 2000–2009 period. In the long run, costs would rise to about $3 billion a year. If the benefit were awarded to current veterans, CBO estimates that the costs would be a couple of billion dollars higher over the 2000–2009 period.

CBO assumes that about 35 percent of all MGIB participants would transfer their entitlement to their spouses and children. Currently, about half of all MGIB participants do not use their benefits, thus about 70 percent of the remaining half are expected to transfer it. CBO estimates that about a third of the transfers would be to spouses and that eventually about 200,000 spouses each year would receive a benefit for part-time training, averaging about $2,700 in fiscal year 2000. CBO estimates that in the long run over 500,000 children of members or former members would use the educational assistance each year but that level would not be reached until about 2013. Full-time students would receive about $5,400 in 2000 under the bill.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal years, in millions of dollars—										
	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Changes in outlays	0	537	599	870	887	927	1,108	1,435	1,940	2,270	2,633
Changes in receipts	0	−10	−44	−67	−86	−103	−113	−120	−127	−134	−141

Intergovernmental and private-sector impact: Section 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that are necessary for the national security. That exclusion might apply to the provisions of this bill. In any case, the bill contains no intergovernmental or private-sector mandates.

Previous CBO estimate: On September 28, 1998, CBO prepared a cost estimate for a proposal to repeal the Military Retirement Reform Act of 1986 (REDUX). This estimate relies on many of the same actuarial assumptions, models, and estimates from the Office of the Actuary at DoD that CBO used in the earlier estimate. However, this estimate also reflects the provisions of S. 4 that would offer certain members an option to stay under the REDUX system and that would raise the pay base applicable to computing the costs of military retirement.

Estimate prepared by: Federal Cost: The estimates for defense programs were prepared by Jeannette Deshong (military and civilian personnel) and Dawn Sauter (military retirement and veterans' benefits). Valerie Baxter prepared the estimates for food stamps. Impact on State, Local, and Tribal Governments: Leo Lex. Impact on the Private Sector: R. William Thomas.

Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

Mr. NICKLES. Mr. President, I ask unanimous consent to have the cost estimate table printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COST ESTIMATE FOR S. 4

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2000–2004	2000–2009
Spending subject to appropriation:												
Pay increases	386	1,269	1,625	1,985	2,368	2,773	3,202	3,656	4,131	4,714	7,633	26,109
Retirement benefits	674	862	1,437	1,453	1,541	1,550	1,597	1,709	1,760	1,767	5,967	14,350
Other	15	33	41	49	54	31	33	35	37	39	192	367
Total	1,075	2,164	3,103	3,487	3,963	4,354	4,832	5,400	5,928	6,520	13,792	40,826
Mandatory spending & reduced revenues:												
Transfer of GI Bill entitlement	110	281	577	592	630	805	1,129	1,612	1,899	2,200	2,190	9,835
Eliminate GI Bill benefits	197	195	195	195	195	195	195	195	195	195	977	1,952
Increase GI Bill benefits	98	100	101	103	104	105	106	108	110	113	506	1,048
TSP revenue reduction	10	44	67	86	103	113	120	127	134	141	310	945
Other	132	23	(3)	(3)	(2)	3	5	25	66	125	147	371
Total	547	643	937	973	1,030	1,221	1,555	2,067	2,404	2,774	4,130	14,151
Total new spending Authorization	1,622	2,807	4,040	4,460	4,993	5,575	6,387	7,467	8,332	9,294	17,922	54,977

Source: CBO.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, my colleague has acquainted me with his concerns from the very inception about this piece of legislation. In all fairness, he has spoken to us privately, and I think it is appropriate that his constructive criticism be shared with all Senators.

I simply say that this bill is in reaction to two hearings with the chairman of the committee and meetings with the members of the Joint Chiefs. We are trying to do our best.

Also, I think it is important from the historical standpoint to put in a letter from former Secretary of Defense, Caspar Weinberger, dated 15 November 1985, which addresses a number of the issues that my distinguished colleague covered.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, November 15, 1985.

Hon. THOMAS P. O'NEILL, JR.,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: The enclosed report complies with the requirements of section 667 of the Defense Authorization Act for fiscal year 1986. Included in the report are drafts of the two pieces of legislation that would change the military non-disability retirement system. Each would result in a reduction in military retirement accrual funding of $2.9 billion in fiscal year 1986 as mandated by the Congress. This is a 16 percent reduction in military retired pay from the current system and is in addition to the 13 percent reduction that was imposed by the Congress in the high-three-year averaging adjustment in 1980.

Although the Department of Defense has prepared the draft legislation as required by the Congress, I want to make it absolutely clear that such action is not to be construed as support for either of the options for change. To the contrary, the Department of Defense is steadfastly opposed to the significant degradation in future combat readiness that would result from the changes required to achieve the mandated reduction. I am particularly concerned about the potential loss

> of mid-level officers, NCOs and Petty Officers who provide the first-line leadership and technical know-how so vital to the defense mission. Unless offsetting compensation is provided, our models conservatively indicate that our future manning levels in the 10 to 30 year portion of the force would drop below the dismal levels of the late 1970s when aviator shortages and shortfalls in Army NCO and Navy Petty Officer leadership seriously degraded our national security posture.
>
> While the changes we have been required to submit technically affect only future entrants, we expect an insidious and immediate effect on the morale of the current force. No matter how the reduction is packaged, it communicates the same message, i.e., the perception that there is an erosion in support from the American people for the Service men and women whom we call upon to ensure our safety. It says in absolute terms that the unique, dangerous and vital sacrifices they routinely make are not worth the taxpayers' dollars they receive, which is not overly generous. I do not believe the majority of the American people support this view and ask that you consider this in your deliberations on this very crucial issue to our national security.
>
> Sincerely,
>
> CASPAR WEINBERGER.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, before the Senator from Oklahoma leaves, let me commend him for his remarks. I have many of the same concerns that he has expressed. I have tried to figure out the best way to address those concerns. I did not see support for addressing those concerns on the Senate floor, frankly, and, therefore have not attempted to address some of the ones that he mentioned. I hope they can be addressed in conference. I will be speaking to that later on this afternoon and tomorrow, because, in fact, budget points of order lie to many of the matters which have been raised by the Senator from Oklahoma. Yet, we don't have the Budget Committee here raising those points of order that lie. We will be again exploring that in some depth later on this afternoon, and indicating that if this comes back from conference with the same unpaid-for benefits, then points of order would still lie. I hope if it happens that the Budget Committee folks would see fit to raise points of order to lie under the Budget Act against the benefits that are not paid for; and that, if not, I will surely consider raising a point of order. What the Senator from Oklahoma said—I think I might be joining in that kind of an effort.

I thank the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

Mr. President, I have some remarks to make on the bill itself, and I would like to join in commending my good friend, Senator WARNER, for the leadership that he has already provided to raise America's attention to the status of our military, to the demands that are being placed upon it around the world, and the need to be able to recruit and retain the best quality American men and women in order to sustain those missions.

I am pleased that Senator WARNER and his committee, as well as the President, have sent forward proposals to assist us in dealing with this issue. I stand ready to support serious and responsible proposals. Also, I must, however, join in many of the comments that have just been made by our colleague from Oklahoma, Senator NICKLES, about specific components of this proposal which are troubling. But it is to a different set of issues that I want to direct my attention, and that is the issue of fiscal discipline in this legislation because I fear that this bill ignores the budgetary rules and principles of fiscal responsibility which we have relied upon to guide us to this first balanced budget that we have had in over 30 years.

I am concerned that as we take the action that is called for in this bill we would be reverting to a path of history which got this country into very serious trouble. It was in the early 1980s, Mr. President, that we had then a Republican in the White House and we had Democrats in control of the House of Representatives. Both parties decided that they wanted to support a tax cut for the American people. It was very popular. The result was that the Republican President and the Democratic House of Representatives got into a frenzy to see who could one-up the other in terms of the larger tax cut. And the consequence was that we had a tax cut which went beyond what either side had initially thought was prudent and which some 15 years later resulted in the United States having almost a $6 trillion deficit—a $6 trillion national debt.

I hear echoes of that 1980s debate here today as we have the President offering one set of proposals for significant enhancement in military compensation and pension and retirement, and now we have a Congress of another party outbidding the President in those same areas of compensation and pension and retirement. The echoes I hear today are not just from the early 1980s. They are from as recent as last October.

We will recall we adjourned, for all practical purposes, but still with a major piece of undone business in October of 1998, and that undone business was a substantial number of the appropriations bills which had not passed through the normal process of consideration in the two Houses, conference committees, and final vote and signature into law by the President. And so during the days of October when most of us were back in our home States, we had this gigantic, what Senator BYRD has referred to as a monstrosity of an appropriations bill, and inserted into that monstrosity was the most monstrous, in my opinion, of its provisions which was an emergency spending provision.

Emergency spending under the Budget Act has always been given special consideration because we are dealing with a narrow set of unexpected events that had traumatic adverse consequences on some of our people. It might be a flood or a hurricane or an earthquake or other type of disaster. The special provision of that emergency appropriation is unlike all other spending in the Federal Government; it didn't have to meet the rules of fiscal discipline. You didn't have to find an offset, another source of spending to reduce or a tax to increase to pay for emergency spending.

But we have been fairly disciplined in the use of that emergency appropriation provision, and it had served the Nation well until October of 1998 when out of this monstrous appropriations bill comes an emergency spending provision of almost $22 billion—$22 billion of emergency spending, a third to a half of it in items that had never been of the type that had warranted emergency spending designation. But when we came back here for a 1-day session in mid-October we were faced with the prospect of voting up or down on this monstrosity, including the emergency spending, or throwing the Government into fiscal chaos. And so reluctantly many of us, including myself, voted for that provision. We did a very serious error to our Nation's commitment to fiscal responsibility through that legislation and particularly through the emergency appropriation.

What concerns me, Mr. President, is that was the last act of the 105th Congress. Now what is about to be the first act after having completed our role as triers in an impeachment trial, what is our first legislative act of the 106th Congress? It is going to be to pass legislation that is even to a greater degree than that emergency appropriation an unfunded expenditure of the Federal Government. We are proposing to pass a bill which at the time it was introduced had slightly over $14 billion of unfunded direct outlays or reductions in receipts and which now by virtue of amendments adopted in the committee and on the floor has added another $2.5 billion of unfunded costs.

Mr. President, I would read from the report issued by the Congressional Budget Office to Chairman JOHN W. WARNER on February 12, 1999, on page 9 of the report, which I understand has been printed in the RECORD, the section called "Pay-As-You-Go Considerations." I quote:

> Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following tables. For the purposes of enforcing pay as you go

> procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

Mr. President, in that chart it indicates that as the bill was first considered in committee, there was $14.051 billion unfunded outlays or reductions in Federal receipts.

So we have legislation here which carries with it serious historical baggage, and we know exactly where that baggage took us in the 1980s. Frankly, Mr. President, we don't want to go back there again.

There is another consequence, and that is who is going to pay for this baggage in this legislation. It is said, well, we have a surplus now. Let's pay it out of the surplus. Well, the fact is the only surplus we have is the surplus which has been generated by the Social Security trust fund, a trust fund which is generating more in receipts than in outflows.

So, when we talk about paying for this through the surplus, let us understand that we are paying for this by a direct raid against the Social Security system, since it is only through Social Security that any surplus exists.

Mr. President, this is a terrible idea. To pass this legislation without paying for it is irresponsible. It is unfunded spending. It is a raid on Social Security. It is a clear path back to the out-of-control deficits and constant growth in our national debt that we have experienced for the last 20 to 30 years.

This bill is a test at the very beginning of the 106th Congress. Can we be trusted to save Social Security? Can we be trusted to manage, with discipline, the surplus that we have? Are we going to spend every cent that we can get our hands on, and do it in a way that risks the future of Social Security?

This bill violates the very principles of fiscal responsibility that were created to achieve the balanced budget at which we have now so late arrived. Where is the fiscal discipline? Why are we violating the pay-as-you-go principle, which the Congressional Budget Office has so clearly indicated we are—this principle that has kept us in line and allowed us to achieve a balanced budget? Why are we spending the Social Security surplus before we save Social Security first?

The mantra of 1998 was "Save Social Security First," and we understood that what that meant was that we were committed to secure the Social Security system for three generations, so that some of the young people who have just joined us in the gallery, when they get ready to retire, they would have a Social Security system. Why have we so quickly moved away from the principle of a secure Social Security system to the year 2075 before we spend any of the Social Security surplus? Why did we violate that principle in October of 1998? Why are we about to violate that principle again in February of 1999?

We have heard some things about the surplus. We have heard that over the next 15 years we are going to have a surplus of approximately $4.7 trillion, and we have heard that surplus is roughly 62 percent made up of Social Security surpluses, 38 percent made up of general revenue.

Let me tell you a couple of things about those numbers that maybe we have not fully appreciated. First, the $4.7 trillion depends upon a whole set of economic assumptions holding up for 15 years. I would like you to test your confidence in that by going back to the year 1984, and seeing what the projections were to the year 1999 and then test how accurate those projections were.

We have some considerable confidence in the general range of the Social Security surpluses because they are based on a percentage of payroll tax; they are based on outlays to a fairly known and predictable group of American beneficiaries of Social Security. It is the non-Social Security side of the surplus that is the question mark. What we are doing, by spending the Social Security-generated surplus now, is asking every current and future Social Security beneficiary to be willing to take the risk that those estimates of what the general revenue surplus will be 10, 12, 15 years from now will prove out to be accurate. That is a risk that I am not prepared to ask current and future Social Security beneficiaries to assume.

There is a second aspect about those numbers. There is an assumption that this division of 62 percent/38 percent is a fairly consistent allocation. Wrong. If we divide the 15-year period over which this projection has been made into three 5-year components, here is what we find out: In the first 5 years, from 1999 to the year 2003, depending on whether you are using CBO numbers or Treasury estimates, between 90 and 97 percent of that surplus is Social Security—90 to 97 percent in the next 5 years is going to come exclusively from Social Security.

In the next 5 years, from 2004 to 2008, approximately two-thirds of the surplus will be from Social Security. It is only when you get in the years past the year 2009 that Social Security becomes less than half of the source of the surplus. And that occurs largely because, in the year 2013, Social Security goes negative; that is, annual receipts will be less than the annual outlays.

What we are proposing now is, in the very first year, when more than 100 percent of the surplus is Social Security—and that is because we are still running a deficit in our general revenue accounts—we are going to start drawing this surplus down. Just as we did in October of 1998 to pay for non-emergency emergencies, we are now going to be doing it to pay for this unfunded compensation package.

Mr. President, I think there is a responsible thing to do, and that responsible thing to do is to pay for it. If this is an important national issue, if the security of our country is at risk because of deficient compensation, we should recognize that fact. We should not ask our grandparents to pay for it by reducing Social Security; we should all be prepared to pay for it.

Mr. President, it is my intent to offer an amendment which will cover the original unfunded amount of this legislation and the unfunded components that have been added by amendment in committee, and now on the floor. I believe those numbers come to approximately $16.5 billion. I have asked the staff to confirm that those numbers are correct. If they are correct, I will offer an amendment which has three provisions—two of them are extensions of excise taxes which have now lapsed. They are primarily in the Superfund area. And the third is a tax provision which was offered and adopted by Senator COVERDELL, as part of other legislation during the 105th Congress, and relates to the taxation of foreign source income.

Those three provisions would produce the amount of revenue necessary to cover the $16.5 billion over the next 10 years of the unfunded component of this legislation. Once I have verified the correctness of the numbers, I will submit that amendment.

Mr. President, this will give us an opportunity to be responsible in two ways. We would be responsible to our national security by providing the kind of compensation program that would attract and retain the quality Americans that we need in order to defend our Nation and advance our national interests around the world. We would be responsible to this and future generations of Americans by saying we will pay for these costs, not ask that they be added to the already enormous credit card debt that our grandchildren are eventually going to have to be paying as a result of the previous absence of discipline.

So, we have an opportunity to redeem ourselves, and as the first act of the 106th Congress, not to set an example of wasteful lack of discipline, but, rather, of fiscal maturity, of fiscal responsibility, which I believe will be very well received by all of our fellow Americans.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent to allow Mr. Erik Lieberman and Ms. Rebecca Schwalbach to have the privilege of the floor during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, parliamentary inquiry. Has the distinguished Senator from Florida sent his amendment to the desk?

The PRESIDING OFFICER. The Senator has not sent an amendment to the desk.

Mr. GRAHAM. Mr. President, if I may?

Mr. Chairman, it is my intention, as soon as we verify the additional unfunded amendments which we have in committee and on the floor, and therefore have a total of the extent of unfunded outlays under S. 4, to then offer an amendment which will be sufficient to cover the full extent of those unfunded items. I have not yet sent up that amendment.

Mr. ROTH. My understanding is you have not yet sent the amendment to the desk.

Mr. GRAHAM. I have not yet sent up that amendment.

AMENDMENT NO. 27

(Purpose: To amend title 38, United States Code, to expand the list of diseases presumed to be service-connected with respect to radiation-exposed veterans)

Mr. WELLSTONE. Mr. President, I would like to speak about an amendment that I will offer soon. I do so for purposes of moving our deliberations forward in the U.S. Senate. This amendment is identical—although I may make some changes if we are able to reach a compromise—but in its present form, it is identical to S. 1385, the Justice for Atomic Veterans Act, which I introduced in the 105th Congress. An amended version of this bill was reported out of the Veterans' Affairs Committee on July 28, 1998.

This amendment would remove some of the frustrating and infuriating obstacles that have too often kept veterans who were exposed to radiation during military service from getting the disability compensation they deserve. My amendment clears the way for these veterans by adding some radiogenic diseases—we are now negotiating which ones—to the list of diseases that are presumed service-connected. This is, colleagues, the only solution. It is the only way of ensuring that "atomic veterans" have any realistic chance of proving their disability claims. And our treatment of atomic veterans is, Mr. President, a long and sad and shameful history in our country.

Why am I offering this amendment now? The rationale for S. 4 is to recruit young people for service in the military, and retain them by enhancing pay, retirement, and educational benefits.

I hope my colleagues will agree that potential recruits may be influenced by more than just the pay and the benefits. Senator CLELAND's committee amendment certainly recognizes that one important factor in recruitment and retention is the way we treat our veterans after they leave the service.

I very much agree that the way we treat our veterans does send an important message to young people considering service in the military. When veterans of the Persian Gulf war do not get the kind of treatment they deserve, when the VA budget, year after year, does not give veterans a stable source of funding for VA health care, when veterans' benefits claims take years and years to resolve—so people are waiting 3 years for compensation—the message that we are sending to prospective recruits is not a very encouraging one.

Making sure we treat veterans right, is in fact, the philosophy behind the Rockefeller amendment. How can we attract and retain young people in the service when our Government fails to honor its obligation to provide just compensation and health care for those injured during service?

One of the most outrageous examples of our Government's failure to honor its obligation to veterans involves the atomic veterans, patriotic Americans who were exposed to radiation at Hiroshima and Nagasaki and at atmospheric nuclear tests.

I want to say this to my colleagues. Before you consider tabling the amendment—and I hope you do not—and before you consider your vote, please examine this history with me. For more than 50 years, many of these atomic veterans have been denied compensation for diseases that the VA recognizes as being linked to their exposure to radiation—diseases known as radiogenic diseases. Many of these diseases are lethal forms of cancer.

I received my first introduction to the plight of atomic veterans—and there is no issue I feel more strongly about as a Senator—from some first-rate mentors, the members of the Forgotten 216th. The Forgotten 216th was the 216th Chemical Service Company of the U.S. Army which participated in Operation Tumbler Snapper. Operation Tumbler Snapper was a series of eight atmospheric nuclear weapons tests in the Nevada desert in 1952.

About half of the members of the Forgotten 216th were Minnesotans. What have I learned from them and from other atomic veterans? What have I learned from their survivors? And how has this shaped my views as a U.S. Senator?

Five years ago, the Forgotten 216th contacted me after then-Secretary of Energy Hazel O'Leary announced that the U.S. Government had conducted radiation experiments on its own citizens. And for the first time in public, these veterans revealed what happened to them in Nevada during the tests and the tragedies and the traumas that they, their families, and their former buddies have experienced since then.

Because their experiences and problems typify those of atomic veterans nationwide, I would like to tell my colleagues a little more about the Forgotten 216th. In fact, I am proud to talk about them on the floor of the U.S. Senate. I am pleased to take up some time talking about these atomic veterans. When you hear their story, I think you will agree that the Forgotten 216th and other veterans like them must never be forgotten again.

Members of the 216th were sent to measure fallout at or near ground zero immediately after nuclear blasts in Nevada. They were exposed to so much radiation that their Geiger counters went off the scale while they inhaled and ingested radioactive particles. They were given minimal or no protection by the Government. They frequently had no film badges to measure radiation exposure. They were given no information on the perils they faced. And now, 50 years later, we say we don't have the money to provide them compensation.

After all this, they were sworn to secrecy about their participation in the nuclear tests. They were often denied access to their own service medical records and they were provided no medical follow-up.

For decades, atomic veterans have been America's most neglected veterans. They have been deceived and treated shabbily by the Government they so selflessly and unquestioningly served.

If the U.S. Government can't be counted on to honor its obligation to these deserving veterans, and that is what this amendment is about, how can young people interested in military service have any confidence the Government will do any better by them? If we don't finally provide compensation to these veterans, what does that tell young people who are thinking about serving in the armed services?

Mr. President, I believe that the neglect of the atomic veterans should stop here and now. Our Government has a long overdue debt to these patriotic Americans, a debt that we in the Senate can help to repay. And we can repay it now. I urge my colleagues on both sides of the aisle to help repay this debt by supporting this amendment.

This legislation and this amendment have enjoyed the strong support of veterans service organizations. Both the American Legion and the Disabled American Veterans, DAV, provided strong letters of support to the Senate Veterans' Affairs Committee for its April 1998 hearing. They have also written letters of support for this legislation.

Recently, the Independent Budget for fiscal year 2000, which is the budget recommendation issued by AMVETS, DAV, PVA, and the Veterans of Foreign Wars, endorsed adding these radiogenic diseases to the VA's presumptive service-connected list. I ask unanimous consent that at the conclusion of my statement, the American Legion and the DAV letters of support and the relevant excerpt from the fiscal year 2000 Independent Budget be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WELLSTONE. Let me briefly describe the problem that my amendment is intended to address. When atomic veterans try to claim VA compensation for their illness—this is the problem—the VA almost invariably denies their claims. VA tells these veterans that the radiation doses were too low—below 5 rems. But the fact is, we don't really know that, and even if we did, that is no excuse for denying these claims.

The result of this unrealistic standard is that it is almost impossible for these atomic veterans to prove their case. The only solution is to add the conditions in my amendment to the VA presumptive service-connected list. That is what my amendment does. It covers a whole range of cancers that should be a part of these diseases. They should get compensation.

First of all, trying to go back and determine the precise dosage each of these veterans was exposed to is a futile undertaking. Scientists agree that the dose reconstruction performed by the VA is notoriously unreliable.

The General Accounting Office itself has noted the inherent uncertainties of dose reconstruction. Even the VA scientific personnel have conceded its unreliability. And in a memo to VA Secretary Togo West, VA Under Secretary for Health Ken Kizer—and I thank Dr. Kizer for his courage—has recommended that the VA reconsider its opposition to S. 1385, in part based upon the unreliability of dose reconstruction.

Mr. President I ask unanimous consent that the text of Dr. Kizer's memo be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. WELLSTONE. In addition, none of the scientific experts who testified at the Senate Veterans' Affairs Committee on S. 1385 on April 21, 1998, supported the use of dose reconstruction to determine eligibility for VA benefits.

Let me tell you why dose reconstruction is so difficult. Dr. Marty Gensler on my staff has researched this issue for over 5 years. This is what he has found.

Many atomic veterans were sent to ground zero immediately after a nuclear test with no protection, no information on the known dangers they faced, no badges or other monitoring equipment, and no medical follow up.

As early as 1946, ranking military and civilian personnel responsible for nuclear testing anticipated claims for service-connected disability and sought to ensure that—quote—no successful suits could be brought on account of radiological hazards. Unquote.

That quotation comes from documents declassified by the President's Advisory Committee on Human Radiation Experiments.

The VA, during this period, maintained classified records—quote—essential—unquote—to evaluating atomic veterans' claims, but these records were unavailable to veterans themselves.

Atomic veterans were sworn to secrecy and were denied access to their own service and medical records for many years, effectively barring pursuit of compensation claims.

It's partly as a result of these missing or incomplete records that so many people have doubts about the validity of dose reconstructions for atomic veterans, some of which are performed more than fifty years after exposure.

Even if these veteran's exposure was less than 5 rems, which is the standard used by VA, this standard is not based on uncontested science. In 1994, for example, GAO stated: "A low level dose has been estimated to be somewhere below 10 rems [but] it is not known for certain whether doses below this level are detrimental to public health."

Despite persistent doubts about VA's and DoD's dose reconstruction, and despite doubts about the science on which VA's 5 rem standard is based, these dose reconstructions are used to bar veterans from compensation for disabling radiogenic conditions.

The effects of this standard have been devastating. A little over two years ago the VA estimated that less than 50 claims for non-presumptive diseases had been approved out of over 18,000 radiation claims filed.

Atomic veterans might as well not even bother. Their chances of obtaining compensation are negligible.

It is impossible for many atomic veterans and their survivors to be given "the benefit of the doubt" by the VA while their claims hinges on the dubious accuracy and reliability of dose reconstruction and the health effect of exposure to low-level ionizing radiation remain uncertain.

This problem can be fixed. The reason atomic veterans have to go through this reconstruction at all is that the 10 diseases listed in my amendment are not presumed to be service-connected. That's the real problem.

VA already has a list of service-connected diseases that are presumed service-connected, but these 10 are not on it.

This makes no sense. Scientists agree that there is at least as strong a link between radiation exposure and these 10 diseases as there is to the other diseases on that VA list.

The President's Advisory Committee on Human Radiation Experiments agreed in 1995 that VA's current list should be expanded. The Committee cited concerns that "the listing of diseases for which relief is automatically provided—the presumptive diseases provided for by the 1988 law—is incomplete and inadequate" and that "the standard of proof for those without presumptive disease is impossible to meet and, give the questionable condition of the exposure records retained by the government, inappropriate." The President's Advisory Committee urged Congress to address the concerns of atomic veterans and their families "promptly."

The unfair treatment of atomic veterans becomes especially clear when compared to both Agent Orange and Persian Gulf veterans. In recommending that the Administration support S. 1385, Under Secretary for Health Kenneth Kizer cited the indefensibility of denying presumptive service connection for atomic veterans in light of the presumption for Persian Gulf War veterans and Agent Orange veterans.

In 1993, the VA decided to make lung cancer presumptively service-connected for Agent Orange veterans. That decision was based on a National Academy of Sciences study that had found a link only where Agent Orange exposures were "high and prolonged," but pointed out there was only a "limited" capability to determine individual exposures.

For atomic veterans, however, lung cancer continues to be non-presumptive. In short, the issue of exposure levels poses an almost insurmountable obstacle to approval of claim by atomic veterans, while the same problem is ignored for Agent Orange veterans.

Persian Gulf War veterans can receive compensation for symptoms, or illnesses that may be linked to their service in the Persian Gulf, at least until scientists reach definitive conclusions about the etiology of their health problems. Unfortunately, atomic veterans aren't given the same consideration or benefit of the doubt.

Mr. President, I believe this state of affairs is outrageous and unjust. The struggle of atomic veterans for justice has been long, hard, and frustrating. But these patriotic, dedicated and deserving veterans have persevered. My amendment would finally provide them the justice that they so much deserve.

Mr. President, I urge my colleagues from both sides of the aisle to join me in helping atomic veterans win their struggle by supporting my amendment.

EXHIBIT 1

THE AMERICAN LEGION,
Washington, DC, June 25, 1998.

DEAR SENATOR: The American Legion encourages you to cosponsor S. 1385, the Justice for Atomic Veterans Act of 1997, introduced by Senator Paul Wellstone.

The American Legion fully supports S. 1385. It grants the benefit of the doubt to sick and dying veterans of the cold war, and it rights the wrong of our government ignoring these veterans for so many decades.

The Department of Veterans Affairs (VA) and the United States General Accounting

Office both admit that the radiation dose that veterans were exposed to when assigned to atomic weapon's tests is impossible to determine. Yet VA has granted only 80 disability compensation claims out of over 18,000 filed for service connected illnesses caused by radiation exposure. S. 1385 would reverse this trend.

Senator Wellstone's bill is short and simple. It adds to the list of diseases presumed to be service connected for radiation-exposed veterans. Under this bill, specific cancers and other diseases known to be caused by radiation exposure would become service connected for veterans exposed to radiation.

Thank you for your continued support of America's veterans and their families. Please support and cosponsor S. 1385, the Justice for Atomic Veterans Act of 1997.

Sincerely,

JOHN F. SOMMER, Jr.,
Executive Director.

DISABLED AMERICAN VETERANS,
Washington, DC, February 22, 1999.

Hon. PAUL DAVID WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: I write you today regarding a matter of utmost importance to the more than one million members of the Disabled American Veterans (DAV), the expansion of the list of presumptive service-connected disabilities for atomic veterans. Last Congress, you introduced S. 1385, the "Justice for Atomic Veterans Act," to expand the list of presumptive disabilities for atomic veterans. The DAV strongly supported the passage of this legislation.

It is our understanding that you intend to introduce an amendment on the Senate floor on February 23, 1999, to add ten radiogenic disabilities to the presumptive list, as originally contained in S. 1385. Again, the DAV strongly supports your efforts.

The DAV has a long-standing resolution calling for legislation to provide presumptive service connection to atomic veterans for all recognized radiogenic diseases. I have enclosed a copy of Resolution No. 006, passed by the delegates at our National Convention in Las Vegas, Nevada, August 23-27, 1998.

Your amendment would provide for a measure of fairness, equity and justice too long withheld from atomic veterans, their dependents and survivors. It is shameful that our Government has failed to adequately address the needs of atomic veterans, their families and survivors. Your amendment would correct that oversight.

We hope that your colleagues in the Senate will support this long overdue legislation. Thank you for your efforts on behalf of sick and disabled veterans.

Sincerely,

ANDREW A. KISTLER,
National Commander.

Enclosure.

RESOLUTION NO. 006—TO SUPPORT LEGISLATION AUTHORIZING PRESUMPTIVE SERVICE CONNECTION FOR ALL RADIOGENIC DISEASES

Whereas, members of the United States Armed Services have participated in test detonation of nuclear devices and served in Hiroshima or Nagasaki, Japan following the detonation of nuclear bombs; and

Whereas, the United States government knew or should have known of the potential harm to the health and well-being of these military members; and

Whereas, atomic veterans served their country with honor, courage, and devotion to duty; and

Whereas, remedial legislation passed by Congress in 1984 has not been effective in providing compensation to those atomic veterans suffering from radiogenic diseases; and

Whereas, by the VA's own admission, approximately no more than 50 claimants have obtained disability compensation or dependency indemnity compensation pursuant to Public Law 98-542; and

Whereas, the government has spent tens of millions of dollars to provide dose reconstruction estimates which do not accurately reflect actual radiation dose exposure; Now, therefore, be it

Resolved, That the Disabled American Veterans in National Convention assembled in Las Vegas, Nevada, August 23-27, 1998, supports legislation to provide presumptive service connection to atomic veterans for all recognized radiogenic diseases.

PRESUMPTION OF SERVICE CONNECTION FOR RADIATION-RELATED DISABILITIES

Despite scientific recognition that the diseases named under 38 C.F.R. §3.311 (1998) may be induced by ionizing radiation, VA almost invariably denies veterans' claims for service connection of such diseases, and legislation is therefore needed to create a statutory presumption of service connection for these "radiogenic" diseases.

In 1984, Congress enacted the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, Pub. L. No. 98-542, out of concern that deserving veterans were not receiving compensation for disabilities related to dioxin and radiation exposure. In accordance with that law, VA issued a regulation to govern the standards for determination of service connection for radiation-related disabilities. That regulation, what is now §3.311, includes special procedures for determining service connection for diseases recognized as radiogenic. Out of thousands of claims considered under these procedures, only a negligible number have been allowed.

The available records on levels of radiation exposure incredibly suggest that almost no members of the Armed Forces who participated in nuclear weapons testing or the occupation of Nagasaki or Hiroshima were exposed to levels of radiation sufficient to cause disease. These records are controversial and subject to widespread suspicion regarding their accuracy. Congress has partially remedied this unfair situation by enacting a statutory presumption of service connection for certain of these disabilities.

Under the presumption, these dubious exposure records and dose estimates for test participants and members of the occupation forces are not an impediment to service connection because Congress excluded the level of radiation exposure from consideration. Veterans with the same exposures, but whose radiogenic diseases are not included in the presumption statute, are still virtually certain to be denied compensation, however, on the basis that the level of radiation to which they were exposed was too low to be responsible for their disease.

The presumption statute, 38 U.S.C.A. §1112(c) (West 1991 & Supp. 1998), does not include the following diseases, although they are recognized as radiogenic: lung cancer; bone cancer; skin cancer; colon cancer; posterior subcapsular cataracts; nonmalignant thyroid nodular disease; ovarian cancer; parathyroid adenoma; tumors of the brain and central nervous system; and rectal cancer.

Accordingly, these radiogenic diseases should be included under §1112(c).

RECOMMENDATION

Congress should enact legislation to include in the statutory presumption for service connection of radiation-related disabilities lung cancer, bone cancer, skin cancer, colon cancer, posterior subcapsular cataracts, nonmalignant thyroid nodular disease, ovarian cancer, parathyroid adenoma, tumors of the brain and central nervous system, and rectal cancer.

EXHIBIT 2

DEPARTMENT OF VETERANS AFFAIRS,
Washington, DC, April 21, 1998.

MEMORANDUM

From: Under Secretary for Health (10).

Subject: Request for reconsideration of the department's position on S. 1385 (Wellstone).

To: Secretary (00).

1. I request that you reconsider the Department's position on S. 1385 (Wellstone), which would add a number of conditions as presumptive service-connected conditions for atomic veterans to those already prescribed by law. I only learned that the Department was opposing this measure last night on reading the Department's prepare testimony for today's hearing; I had no input into that testimony. Indeed, my views on this bill have not been obtained. I would strongly support this bill as a matter of equity and fairness.

2. I do not think the Department's current opposition to S. 1385 is defensible in view of the Administration's position on presumed service-connection for Gulf War veterans, as well as its position on Agent Orange and Vietnam veterans.

3. While the scientific methodology that is the basis for adjudicating radiation exposure cases may be sound, the problem is that the exposure cannot be reliably determined for many individuals, and it never will be able to be determined in my judgment. Thus, no matter how good the method is, if the input is not valid then the determination will be suspect.

4. I ask that we formally reconsider and change the Department's position on S. 1385. I feel the proper and prudent position for the Department is to support S. 1385.

KENNETH W. KIZER, M.D., M.P.H.

Mr. WELLSTONE. Does my colleague from Virginia have a question?

Mr. WARNER. I think we are ready to clear the Senator's amendment if we can move along. We are anxious to get a unanimous consent so we can complete this bill. I don't want to cut the Senator off. He has my support.

Mr. WELLSTONE. Mr. President, I will tell you, I have been in the U.S. Senate now for 8 years, and I love to speak when it is an issue that is so important to me and so important to veterans. But if my colleagues are supporting my amendment, I thank them for their support.

Mr. WARNER. Would the Senator send that amendment to the desk so we can examine the final form? I have been involved in these issues for some years myself, and I am delighted to see he is helping these veterans.

Mr. WELLSTONE. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 27.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. WARNER. We need to know, Mr. President, what is in the amendment.

The PRESIDING OFFICER. The clerk will continue reading.

The bill clerk continued with the reading, as follows:

On page 46, after line 16, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS.

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following:

"(P) Lung cancer.

"(Q) Bone cancer.

"(R) Skin cancer.

"(S) Colon cancer.

"(T) Posterior subcapsular cataracts.

"(U) Non-malignant thyroid nodular disease.

"(V) Ovarian cancer.

"(W) Parathyroid adenoma.

"(X) Tumors of the brain and central nervous system.

"(Y) Rectal cancer.".

AMENDMENT NO. 27, AS MODIFIED

Mr. WELLSTONE. Mr. President, I see the confusion. I have the other amendment based upon what I think is in negotiation that we have had. Let's listen to that amendment.

Mr. WARNER. Does the Senator wish to substitute this amendment for the one that is at the desk?

Mr. WELLSTONE. I do. I thought I would see whether my colleagues were alert.

The PRESIDING OFFICER. Without objection, the amendment will be modified with the new amendment which has just been submitted to the desk.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The clerk will report the new amendment.

The bill clerk read the amendment (No. 27), as modified, as follows:

On page 46, after line 16, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS.

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following:

"(P) Lung cancer.

"(Q) Colon cancer.

"(R) Tumors of the brain and central nervous system.

Mr. WARNER. Mr. President, that amendment will be acceptable on both sides.

Mr. LEVIN. I want to commend the Senator from Minnesota for his tenacity in this and I congratulate him for the effort.

Mr. WARNER. I join my colleague, Senator LEVIN, likewise.

Mr. WELLSTONE. I thank the Senator.

Please help me get this done.

Mr. WARNER. Senator, we are going to make it happen.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 27), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I ask unanimous consent that Senator FRIST be added as a cosponsor to S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 28

(Purpose: To express the sense of the Senate that members of the uniformed services who are on duty outside the United States and privileged to an automatic 2-month extension of the deadline for filing tax returns should not be penalized by the Internal Revenue Service for using such extension)

Mr. WARNER. On behalf of Senator COVERDELL, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COVERDELL, for himself and Mr. MCCAIN, proposes an amendment numbered 28.

Mr. WARNER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

The amendment is as follows:

On page 28, between lines 8 and 9, insert the following:

SEC. 104. SENSE OF THE SENATE REGARDING USE OF EXTENSION OF TIME TO FILE TAX RETURNS FOR MEMBERS OF UNIFORMED SERVICES ON DUTY ABROAD.

(a) FINDINGS.—The Senate finds that—

(1) the Internal Revenue Service provides a 2-month extension of the deadline for filing tax returns for members of the uniformed services who are in an area outside the United States or the Commonwealth of Puerto Rico for a tour of duty which includes the date for filing tax returns;

(2) any taxpayer using this 2-month extension who owes additional tax must pay the tax on or before the regular filing deadline;

(3) those who use the 2-month extension and wait to pay the additional tax at the time of filing are charged interest from the regular filing deadline, and may also be required to pay a penalty; and

(4) it is fundamentally unfair to members of the uniformed services who make use of this extension to require them to pay penalties and interest on the additional tax owed.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the 2-month extension of the deadline for filing tax returns for certain members of the uniformed services provided in Internal Revenue Service regulations should be codified; and

(2) eligible members of the uniformed services should be able to make use of the extension without accumulating interest or penalties.

Mr. COVERDELL. Mr. President, American soldiers in the modern military operate under a great deal of strain. Forced to work harder with fewer resources, our men and women in uniform bear a heavy burden defending our nation. This is especially true for those deployed overseas. Not only must these troops defend American interests, but they also live under constant threat of attack and must spend months away from their homes and their families.

In addition to their duty to protect our nation's security, American servicemen and women still must fulfill obligations back home, such as paying their taxes. However, in an incredible cart-before-the-horse scheme that could only be found in our nation's tax code, the federal government extends for our troops abroad the deadline for filing income tax forms by two months, but requires that servicemen and women still pay interest and penalties during the extension period. In other words, they must pay their tax bill before they are required to file their tax bill. Mr. President, this is unconscionable.

This sense of the Senate on uniformed services filing fairness, which I propose today with Senator MCCAIN, is simple. It puts the Senate on record calling for the codification of the current two-month extension period available to our uniformed personnel and for the elimination of the interest and penalties that would otherwise be charged. The Joint Committee on Taxation estimates the cost of this common-sense correction at just $4 million over ten years. Mr. President, how can we not afford to move forward on this matter?

We must show our nation's soldiers that we support them through concrete action. The amendment I introduce puts the Senate on the path toward making the lives of soldiers stationed overseas a little easier. I hope my colleagues will join me in this simple, inexpensive correction of an unfair tax law.

Mr. MCCAIN. Mr. President, I rise today in support of Senator COVERDELL's sense-of-the-Senate amendment to S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights expressing support for legislation to provide a two-month interest- and penalty-free extension to file Federal taxes for U.S. military personnel who are on duty abroad.

I recently supported this concept as an original cosponsor of S. 308, the Uniformed Services Filing Fairness Act, which provided a two-month interest- and penalty-free extension to file Federal taxes for U.S. military personnel who are on duty abroad. This simple fix to an isolated section of our overly complex tax code is very straightforward and would only cost $2 million over 5 years.

Current Treasury regulations allow military personnel to file Federal tax forms on June 15 rather than April 15. However, filers who elect to use this exception are still subject to interest and penalties during that two-month grace period.

S. 308 codifies the existing Treasury regulations and adds a waiver of the interest and penalties that could be charged during the two-month grace period against military personnel who elect to take the filing exception.

Military personnel serving their country overseas are often isolated from the resources necessary to prepare their tax returns. The Internal Revenue Service and the Department of the Treasury recognized this reality and provided our Nation's military personnel with a much-needed two-month grace period to file their taxes.

However, it is inconsistent to grant a grace period for filers, and then penalize those who take it. These brave men and women have not committed any wrongdoing; all they are doing is serving their country.

Travel to remove regions is inherent to military service. In 1998 alone, the United States had approximately 37,000 men and women deployed to the Persian Gulf region, preparing to go into combat, if so ordered. There were also 8,000 American troops deployed in Bosnia, and another 70,000 U.S. military personnel deployed in support of other commitments worldwide. That is a total of 108,000 women and men deployed outside of the United States, away from their primary home, protecting and furthering the freedoms we Americans hold so dear.

We cannot afford to discourage military service by penalizing military personnel with interest and penalties merely because the unique characteristics of their job makes it difficult to file their taxes on time. Military service entails sacrifice, such as long periods of time away from friends and family and the constant threat of mobilization into hostile territory. We must not use the tax code to heap additional burdens upon our women and men in uniform.

S. 308 will restore equity and consistency to this tax provision, and, at the same time, provide a small measure of tax relief to our men and women in the military.

I urge my colleagues to join Senator COVERDELL, and myself to support this much-needed sense of the Senate amendment to S. 4, and to work to enact S. 308.

Mr. WARNER. It is my understanding that this is cleared on the other side.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side. I think there is broad support for this amendment. What it would do is to permit people who are overseas in contingencies to file late income tax returns. I think that is the only fair way to do it.

It is a sense-of-the-Senate resolution. I am proud to cosponsor this.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 28) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, every Senator supports our men and women in uniform, and we all have heard the troubling retention and recruiting reports coming from the military. The Administration and Congress need to address these problems. Many items in this bill build on the President's initiative to improve compensation for our military personnel. The Armed Services Committee has added other provisions that will enhance our Nation's ability to attract and retain high-quality personnel.

However, it should concern us, just as it should concern our personnel in uniform, that this bill has not yet been provided for in the budget. The plain fact is that this bill is being considered at the wrong time. We should have waited until the Senate completed its annual work on a comprehensive budget framework. Social Security, Medicare, retirement of the national debt, discretionary spending and tax cuts are all issues that need to be considered at the time that we decide to commit billions to defense or any other spending program. This bill should have been considered in conjunction with the rest of the defense authorization bill, because under the currently structured budget caps, the new spending in this bill will have to be offset by other cuts in defense to pay for it, and this is an enormously expensive bill.

Much of this bill is warranted. I will vote for it because the effectiveness of our military depends on the quality of its personnel. This bill will improve the quality of our military, but with little regard for fiscal concerns. I hope that this does not become a trend in the 106th Congress and I expect the final concerns to be addressed in conference.

Mr. SHELBY. Mr. President, I rise today in support of the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999.

The Joint Chiefs of Staff and many members of this body have expressed concern over the state of our military forces. One of the most serious problems identified by the Joint Chiefs is the recruitment and retention of dedicated and highly trained personnel. This legislation begins the process of rectifying that situation. Our Armed Forces must not only be able to fight and win on the battlefield, they must be able to compete for high quality personnel against robust private sector employers. I am proud to say that this bill gives our military a much more equitable chance to recruit and retain the best persons this country has to offer.

This legislation authorizes a significant and long overdue military pay raise. It enhances two long time staples of recruitment and retention; the military retirement system and the Montgomery G.I. bill. It authorizes a subsistence allowance for enlisted personnel so that no military member will be forced to live on food stamps. Finally, I am very pleased that this bill includes an authorization for military personnel to participate in a Thrift Savings Plan similar to the plans afforded other non-uniformed Federal employees.

Mr. President, the bill which I stand in support of today should be considered as a beginning. Congress has an explicit constitutional duty to see that the Armed Forces are equipped and maintained. Their unique task is daunting and at times life threatening. The Congress and this administration should not treat military service as just another job. This bill represents the Senate's view that the personnel of America's Armed Forces are worth a significant investment. I urge my colleagues to support this legislation.

To every member of our Armed Forces, whether afloat, ashore or airborne, wherever they are in the world, I say thank you and well done!

Ms. MIKULSKI. Mr. President: I am proud to support the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights. This legislation fulfills the promises made to the men and women of our armed forces.

Our men and women in uniform stand for everything that is good about our country—patriotism, courage, loyalty, duty and honor. They deserve our full support—not just with words but with actions.

I am alarmed about the problems of recruitment and retention facing our military. Improved pay and benefits are essential to recruiting and retaining the best people to serve our country. We are all concerned about the problems the services are having in meeting their recruitment goals. We're also troubled that so many of the highest skilled military choose to retire early.

This legislation will address these problems. By providing a 4.8 percent pay increase, we will help to close the gap between military and civilian pay. We will provide special incentives to those serving in critical specialties. We will also improve educational benefits and health care for our active military and retirees.

I am pleased that the Senate has amended this bill to improve benefits for the National Guard and Reserves. They are our nation's 911—always ready in time of emergency at home or abroad. They deserve recognition for their important role.

This bill also includes the Sarbanes/Warner/Mikulski amendment that puts the Senate on record on behalf of our federal employees. Our civilian workforce is essential—whether they work at our defense bases, at the National Institutes of Health or at any other federal facility. They have the same patriotism, honor and dedication as our military—and they can't be left behind on pay or benefits.

I share my colleagues concerns about the cost of this legislation. It will require tough choices and it may require some changes in conference. I hope that these issues will be considered in the context of our entire defense budget.

Mr. President, if we are to maintain the world's best military, we need to invest more in our most important national security resource—the men and women of our armed forces. This legislation will show that we support our American military—both with our words and our actions.

Mr. CRAIG. Mr. President, I would like to take this opportunity to speak about S. 4, the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999.

For too long, Idahoans have been contacting me to express their concerns about quality-of-life issues for service members. I am pleased that this bill is a step to address some of the most urgent quality-of-life needs of the men and women in uniform, and their families. It contains a much needed pay raise, and reforms the current military pay tables. It also provides more options for retirement benefits, and increases educational benefits through changes to the Montgomery G.I. Bill. These quality-of-life improvements will help to ensure that we are able to recruit and retain the best personnel.

However, despite my support for this bill, it is important to keep in mind that this bill will do nothing to change one of the factors driving so many of the best and the brightest away from service. This legislation will not decrease the operational tempo of our troops.

In the last five years the President has sent U.S. forces abroad in major engagements some 50 times in comparison to 18 times during the Reagan Administration and 14 times during the Bush Administration. To exacerbate the problem, the number of men and women in uniform has been significantly reduced over the last decade. Simultaneously, the number of deployed missions has nearly quadrupled. Not only are U.S. soldiers forced to work longer and harder than ever before, they are also sent on deployment for a longer period of time than before.

We continue to enforce the so-called "peace" in Bosnia, maintain a presence in Haiti, and in recent days President Clinton has virtually promised to deploy, on a moments notice, 4,000 soldiers again to make peace in Kosovo.

Frankly, I find the Administration's eagerness to engage in non-traditional military missions such as humanitarian and peacekeeping endeavors not only a dangerous foreign policy proposition, but extremely detrimental to doing the very thing S. 4 is trying to accomplish—ensuring real quality-of-life for service men and women. I would be willing to bet that a number of soldiers might consider foregoing a pay raise if it meant that he or she wouldn't miss another Thanksgiving or Christmas away from home and loved-ones.

Let me close by saying, I am pleased that the Senate has made this important legislation the first item of business in the new session of Congress. I certainly believe that the young men and women of Idaho's 366th Wing at the Mountain Home Air Force Base deserve a raise, better retirement benefits, and better options for educational opportunities through the Montgomery GI Bill. However, the President must also carefully consider the impact of the current operational tempo on our troops, and work to better this tremendous impediment to true quality-of-life.

Mr. LAUTENBERG. Mr. President, I strongly support the goals of this legislation, to improve recruitment and retention rates. Those rates have sagged in the last year to 18 months, and we need to do something about that. After all, our nation's security depends on ensuring that the military is able to recruit and retain high quality personnel.

President Clinton agrees with that. He's proposing to increase the defense budget by $112 billion over 6 years, and he's allocated $35 billion to meet the challenges of recruitment and retirement. The President's budget provides an across-the-board pay raise of 4.4 percent, reforms the pay table to reward personnel for high performance, and modifies the current retirement system.

President Clinton is proposing these initiatives within a comprehensive and balanced plan that enhances troop readiness and increases the pace of our force's modernization. He also does it as part of a budget that reserves the surplus to shore up Social Security and Medicare, pays down the debt, and provides tax relief to average Americans.

S. 4, on the other hand, provides a more generous pay raise, more aggressively changes the military retirement system, creates a Thrift Savings Plan for military personnel, and increases GI bill benefits. Based on data from CBO staff, this bill will cost $7.5 billion more than the President's initiatives over the next 6 years, and $19 billion more over the next 10 years.

Mr. President, given my support for the underlying goals of this legislation, I'm reluctant to oppose it. But I do have real concerns about the way we're proceeding.

First, the Armed Services Committee hasn't held a single hearing to analyze the causes of the current recruitment and retention problems, or to evaluate remedies. Many argue that increasing pay and retirement benefits won't really solve the problem. GAO, CBO, and Rand are all conducting studies on these issues and are due to issue reports in the next few months.

In addition, the committee has failed to say where the additional funding will come from. If it comes out of other defense programs, Secretary Cohen fears we could end up compromising our troops' readiness and DOD's modernization program. If it comes out of other programs, what will that mean for programs like Social Security and Medicare?

Unfortunately, we're considering this legislation before the Budget Committee has even begun consideration of a budget resolution. And that's a mistake. In my view, before we approve any bill that commits ourselves to significant new spending, we need to reach agreement on a broader fiscal framework. We need to figure out how to save Social Security, strengthen Medicare, provide tax relief for ordinary Americans, and make needed commitments to education and other needs.

Mr. President, I understand that this legislation is not likely to move in the House of Representatives any time soon. And so it probably won't be sent to the President until after the broader budget debate is concluded. With that understanding, I am not inclined to oppose the legislation, which will send a needed signal that Congress is serious about dealing with military recruitment and retention.

Still, Mr. President, we need to put a lot more thought into this before sending it to the President. We need to be sure we're promoting recruitment and retention in a cost-effective way. And, more importantly, we need to figure out how we're going to pay for this.

As it is, Mr. President, we're putting the cart before the horse. And that, in my view, is a poor way to legislate.

Mr. VOINOVICH. Mr. President, let me begin by commending the work of

Secretary Cohen, General Shelton, and the rest of the Joint Chiefs of Staff for recognizing the serious issues of recruitment and retention that S. 4 is written to address. Let me also thank Chairman WARNER, Ranking Member LEVIN, Personnel Subcommittee Chairman ALLARD and his Ranking Member CLELAND, as well as the other members of the Armed Services Committee. This legislation is a tremendous effort to address one of the most critical issues currently facing our men and women in uniform.

While I support much of the content of S. 4, I have some real problems with the process we are pursuing to meet the requirements of our armed forces. Specifically, why are we considering this legislation now before a budget resolution has been passed? Are we not tying the hands of both the Budget Committee as well as the Appropriations Committee with this legislation? Why did we take the pay and pension provisions out of the defense authorization bill? Passing this legislation would commit the Senate to spending an additional $55 billion between fiscal year 2000 and fiscal year 2009. Is this a step we are ready to take? Let me point out that these concerns are not limited to this legislation alone. I will apply the same scrutiny to any bill, no matter how well-intentioned, in the future as well.

Which leads me to my second main concern about S. 4—its cost. $55 billion is a significant amount of money, even in Washington, D.C. Nevertheless, we have taken the opportunity during the course of debate on this bill to add a number of costly amendments. While I have supported some of these efforts, they have been added to this legislation in an ad hoc manner without any discipline. I understand that this is often the nature of debate in this body, but I have a great fear we are forgetting our commitments to the budget caps, paying down the national debt and general fiscal responsibility.

The $55 billion cost for the base text of the bill, plus the costs of all the adopted amendments, must come from somewhere which begs the question—from where? The answer I have been getting from my colleagues supporting this bill is that the money will come from somewhere and the details will be worked out. I am not willing to accept that explanation at this point—I need to know details, the framework for moving ahead with this kind of spending before I would be ready to support it. Do we plan on increasing the allocation in the budget resolution for military spending? Further, once an allocation level has been established, will this effort force us to put other readiness and modernization efforts aside? These questions have not been answered. I understand that Secretary Cohen has echoed these concerns. They should and must be addressed before I can support this measure.

Let me be clear. I strongly support the intent of this bill and would like to support its content in a different package down the road. However, now is not the time to make these type of spending decisions. Regrettably, I will join several of my colleagues in voting against S. 4 for budgetary reasons.

Mr. KENNEDY. Mr. President, the men and women in the Army, Navy, Air Force, and Marine Corps continue to perform their duties superbly in the defense of our nation. Today, as our nation prepares for the possibility of sending 4,000 marines and Army troops as part of a peacekeeping force for Kosovo, we must do all we can to support all our forces who sacrifice so much to serve and protect this country.

Our service men and women deserve a pay raise, and they deserve fair retirement benefits. If we don't make significant improvements in these two areas, we will continue to fail to recruit and retain the forces needed to maintain our nation's military readiness and protect our national security.

I voted to report S. 4 out of the Armed Services Committee, and I support this legislation. I remain concerned, however, that we are moving too quickly, without adequately considering the budget impact or the best means to recruit and retain our talented service men and women. Clearly, action by Congress is needed to meet the needs of our soldiers, sailors, airmen and Marines, but we have not yet adequately considered the full impact, including the long-term impact of these policy changes on our troops and our defense budget.

The Chairman of the Joint Chiefs of Staff and the Joint Chiefs, themselves, have testified about the need for reforms in military retirement plans, and they have expressed their support for a significant and much-needed pay raise. But, we have not held any hearings at all on the specifics of this bill.

Secretary Cohen expressed his concerns about the overall impact of this legislation in a letter to Senator LEVIN last Friday. The Secretary said he appreciated the Senate's attention to this critical issue, but he also emphasized his concern about the high cost of this legislation and about the lack of hearings to discuss the bill's impact on our service men and women.

Our Armed Forces are facing complex challenges. Military recruiting has tremendous difficulties. In the last few months, the Army and Navy have announced they must reduce their recruiting standards in order to meet their recruiting goals. The Air Force, facing an unusual drop-off in new recruits, announced that for the first time it will use national television advertising in its recruiting.

Our Armed Forces are having increasing difficulty retaining highly-skilled personnel. Retention of mid-level officers and enlisted personnel is the lowest it has been in many years. These mid-grade personnel are the backbone of our Armed Forces. They lead and train new service members. They provide critical continuity between high-level commanders and individual soldiers, sailors, airmen, and Marines. We cannot afford to lose these irreplaceable leaders.

Recruiting and retention are in critical condition. Our margin for error is gone, and we must ensure that the policies we enact are the best ones. That is why many of us have serious reservations about how we are proceeding. We have too little information about whether these proposals are cost-effective or will do enough to boost morale, increase retention, or improve recruiting.

We are all concerned about the readiness of our Armed Forces. But further consideration of these far-reaching proposals is essential. Before this bill reaches the President's desk, we need a far better understanding of this bill's impact on our service men and women and on the overall budget.

Mr. ABRAHAM. Mr. President, I rise to address an issue crucial to the well-being of our troops, and crucial to the defense of our nation. For too long, this administration has ignored the needs of the brave men and women who defend our interests and our shores. This is unfair, and in my view it is unwise.

It is unfair that, as our colleague Senator MCCAIN has found, 11,000 military families are currently forced to rely on food stamps to make ends meet. When people put themselves in harm's way for their country, they should not have to go on public assistance to feed their families.

It is unwise because it ignores the well-being of our troops. Well-trained, properly motivated troops are the single most important factor in maintaining our national security. Without them we will not be able to achieve and maintain military readiness. We will not be able, as a nation, to fight and win.

Under current conditions, Mr. President, we cannot expect to maintain the levels of re-enlistment, expertise and morale we need to maintain an effective military force. Military pay is simply too low. It is not competitive with civilian pay. And this military-civilian pay gap is driving away the people we need to defend our nation.

For example, we lost 626 trained pilots in 1997 alone. Overall re-enlistments have been dropping fast. In 1997 fewer than half our troops completing their first tour of duty chose to re-enlist.

Mr. President, we cannot fly planes without pilots, just as we cannot deploy ships or tanks or any other military hardware without the soldiers and sailors who make them work. And if we cannot keep well-trained pilots, soldiers and sailors, we will face increased danger to our troops, or weaponry and our interests in any conflict.

Mr. President, our men and women in uniform have a history of making do, but we soon will not have enough of them to do the job of defending our nation and our interests in a dangerous world.

It is time to give our troops a raise. President Clinton has made a modest proposal on this issue but frankly it is too modest. It is, as they say, a day late and a dollar short.

That is why I was happy to join with Senator WARNER and 23 other Republicans in introducing the "Soldiers', Sailors', Airmen's, and Marines' Bill Of Rights" (S. 4). This measure is key to re-establishing the morale, experience and re-enlistment figures we need in our armed forces.

This legislation will increase FY 2000 pay by 4.8%. It will further increase pay in those grades where retention is critical. And it will provide a monthly allowance of $180 to all members of the uniformed services eligible for food stamps, eliminating their need to go on public assistance.

This legislation also will restore traditional military retirement pay and set up civilian-style thrift savings plans to encourage more men and women to make the military their career.

Finally, this legislation will address the increasing trouble our troops face in taking advantage of their GI Bill education benefits. The cost of higher education has skyrocketed, Mr. President, and GI Bill benefits have not kept pace. Thus a growing number of veterans are not making use of their education benefit, even though they have paid $1,200 to get it.

To address this situation, S.4 will eliminate the $1,200 contribution requirement. It also will increase the monthly GI Bill benefit from $528 to $600 for members who serve at least 3 years, and from $429 to $488 for those serving less than 3 years.

We still have the greatest military in the world, Mr. President. I believe that it is time to pay a decent wage and provide decent benefits to the people who keep it that way.

This legislation includes a requirement that the Defense Department report annually on the impact of these programs on recruiting and retention, assuring that we can keep track of the needs of our troops. In doing so I am sure they in turn will be better able to see to the needs of their families and of their country.

I urge my colleagues to support this important legislation.

Mr. LIEBERMAN. Mr. President, S. 4 is a worthy attempt to address the growing problem the military is encountering in attracting and retaining the right men and women in the right numbers. As the challenges facing us demonstrate, the effectiveness of our military, and its readiness to act immediately to protect our national interests, must always be a priority concern of Congress. The outstanding performance of our forces in Desert Fox shows that the American military remains more than equal to any task and may in fact be the best force the United States has ever fielded. Even at the height of the cold war, with the largest military budgets ever, it is difficult to imagine those units routinely coping with the range of complex military operations accomplished by our military today.

Nonetheless, our military faces readiness problems including falling recruitment and retention in critical skill areas; aging equipment that costs more to keep operating at acceptable levels of reliability; a need for more support services for a force with a high percentage of married personnel; and frequent deployments. The Department of Defense deserves credit for highlighting these problems, the administration deserves credit for increasing the budget to address them and, our colleagues, who have crafted this bill, deserve credit for bringing these issues into clear focus.

This legislation is commendable in its attempt to increase resources to address and solve the myriad problems facing today's military forces, specifically pay and benefits. However, we should not do something in a hurry that we will have cause to regret at leisure. The many detailed provisions in this proposed legislation have not been fully vetted by the services, the Joint Staff, the Secretary of Defense or this body. What we spend money on, is as important, as how much money we spend. We must have a plan to spend available funds wisely.

I believe this legislation is premature, and I will vote against it at this time for three reasons. First, there is no doubt that adequately compensating our most valuable resource, our service men and women, is the wisest use of our defense dollars. But we must also ensure we have a sensible and executable procurement strategy for today and tomorrow. We must find the right balance given finite resources. Therefore, I believe more analysis is needed on the most favorable, most cost efficient way to compensate today's force. This bill would add more money, but I am not yet convinced we have a good idea of where more money will work best. A case in point, historically, pilot retention has been difficult, and the numbers of pilots for our future force is projected to be considerably less than required. This problem was highlighted specifically in the recent readiness hearings. However, even as we prepare to redo the pay scale and improve the retirement pay, the take rate for pilot bonuses is reportedly increasing. So, where is the best place for additional funds—redux, improved pay scale, further bonuses, better quality of life advancements—what makes the most sense? Furthermore, we need to discuss and examine the impact of this proposed legislation on other government workers. What about the recruitment and retention of our dedicated civilian force?

Next, as we prepare to spend money to ensure our force is compensated and ready, we must ask: "ready for what?" Which men and women do we most need to recruit and retain, and are we ready for them now? If we spend more than we must for people and less than we should for the tools they need, we will create new problems. For instance, we need more pilots, but we do not yet have an adequate number of aircraft to train them. Should we recruit them and then keep them "grounded" because we haven't funded the equipment to allow them to fly. Readiness in 1999 will not necessarily be readiness in the future. We must ensure our forces are ready to address challenges in the near term as well to challenges that emerge over the longer term.

Finally, besides deciding how best to spend the available funds, we must find the available funds. We do not know what this bill will actually cost. Before we act, we should know more clearly what the cost will be, and where the funds will come from. Many of the provisions offered in this legislation differ from the Pentagon's request, adding costs that must be absorbed from other programs. As the Administration, and Secretary Cohen have pointed out, the money projected to be added to the defense budget, or any foreseeable increase, will not be enough to completely cover current readiness increases and meet the modernization requirements of all the services. With the proposed pay raises, higher cost-of-living adjustments and other miscellaneous items it is estimated that S. 4 will cost an additional $7 billion in discretionary funding through FY 2005, and absent an increase in the topline for Defense, these items will only displace other key elements of the Defense program.

Furthermore, while searching for the appropriate amount of money, we must demand 100% cost effectiveness, and the elimination of waste and redundancy. We must do the appropriate analysis and make the tough choices, to include examining the possibility of closing down military facilities that don't make military-economic sense any more. The Secretary of Defense and the Joint Chiefs must be allowed to evaluate this legislation, its cost and, then ask where they would choose to take the risk if it comes to that.

Major studies on military pay and pension issues by the Congressional Budget Office, the Government Accounting Organization, and the Defense

Department are nearing completion, with all reports expected to be released by late spring. Upon release and examination of these reports, we will be better able to judge the needs in these areas and how best to respond to them. I urge that instead of deciding on this legislation today, we expeditiously arrange appropriate hearings to analyze these ideas in the context of the entire defense authorization bill. This bill is a great point of departure, it is not a final product. We have not yet done the critical analysis to know where the priority should go within the broad category of pay and allowances to most effectively attract and retain the right people. We do not know how a separate bill of this type will impact the authorization process for other programs, ultimately affecting the hard questions of long-term readiness.

So, though I strongly favor increases in pay and benefits for our military, this bill is premature and therefore I will reluctantly vote against it.

Mr. DEWINE. Mr President, over the course of the last year, we have heard more and more evidence that the readiness of our nation's military force is slipping. It became a key issue when our military leadership began to warn of shortages of personnel in key specialties, gaps in weapons maintenance, disparities between military and civilian pay, and a high pace of military operations. These and other similar issues have a serious effect on our ability to respond quickly and effectively to military conflicts. In my view, the time has come to restore our nation's military readiness, starting with the morale of our troops.

When the military talks about readiness, it is referring in part to the weapons, equipment, bases and support infrastructure needed to carry out its missions. A declining defense budget since 1989 is the prime source of today's problem; it forces our military commanders to make some tough choices. For example, underfunding of real property maintenance and facility operations has often led commanders to reallocate funds meant for training to meet urgent repair needs. Weapons maintenance requirements have also been underestimated on a regular basis. Finally, our continued presence in the Persian Gulf, Bosnia, and potential new responsibilities in Kosovo, to name just a few, have stretched our military forces and our military budget even further.

But readiness isn't just about hardware and property. It's about manpower and morale. The men and women who make up our armed forces represent the best fighting force ever assembled in human history. But shortfalls in personnel recruitment and retention have made it increasingly difficult to ensure full manning of deployed units. Reversing these negative trends in military pay, retirement benefits, and recruitment must be a top priority in the 106th Congress.

Fortunately, the U.S. Senate is off to a good start. One of the first bills we will pass this year is S. 4, the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act which was offered by my friend and colleague from Virginia, Senator WARNER, the Chairman of the Senate Armed Services Committee. I am proud to be a cosponsor of this bill.

The purpose of S. 4 is simple: to improve the readiness and morale of the troops who so selflessly defend our country. The first, and most needed, reform included in this bill is a pay raise of 4.8% beginning January 1st, 2000. The bill also would institute an annual pay raise equal to the Employment Cost Index plus 0.5%. This will help close a military to civilian pay gap of over 13 percent.

Amazingly, there are members of our military whose paycheck is so low they qualify for food stamps. For them, S. 4 would provide a monthly "special subsistence allowance" of $180. This initiative is designed to dramatically improve the "quality of life" for the youngest and most economically vulnerable military families.

Mr. President, when I visit Wright-Patterson Air Force Base, I often hear concerns about "eroding benefits," especially concerning retirement pay. Currently, our military personnel fall under several separate retirement plans depending upon the date they initially entered active service. The original military retirement plan called for retirement pay, after 20 years of service, of 50 percent of their basic pay per month. This percentage would then increase by 2.5 percent for each additional year of service up to a maximum of 75 percent of basic pay at 30 years of service.

However, in 1986, a new retirement plan was adopted that was intended to increase the incentive for our troops to remain longer on active duty. This plan, commonly called "Redux", lowered the percentage from 50 percent after 20 years to 40 percent, but increased the yearly increases for years of service above 20 years, from 2.5 percent to 3.5 percent per year up to a maximum of 75 percent after 30 years of service.

The "Redux" retirement plan is very unpopular among our military personnel. S. 4 would try another approach. It would give military personnel on "Redux" the opportunity of accepting a one-time bonus of $30,000 to remain on the "Redux" retirement plan, or to elect to revert to the original retirement system.

Finally, S. 4 would create a Thrift Savings Plan. This plan allows for a "before tax" contribution of up to 5 percent of the member's basic pay. The member can also elect to add any part of any special or incentive pay to their Thrift Saving Plan. In addition, the Service Secretaries would be authorized to make contributions to a member's Thrift Savings Plan if that member serves in a specialty designated as critical to the service. These contributions require the member to remain on active service for an additional six years.

Mr. President, since the end of the Cold War, our military forces have been stretched to the limit, having to manage their resources and mission with an ever tightening budget. Our single most important resource always has been our troops, and like any resource, we have to continue to invest in them. I would like to commend the Chairman of the Armed Services Committee, Senator WARNER, for bringing S. 4 before the Senate. It is bipartisan legislation. It is legislation that literally puts people first; in this case I'm referring to the men and women in our military. The Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act represents a much-needed, long-overdue investment in the people who are asked to do so much for our country and make such dramatic sacrifices while defending our country. I plan to see that Congress makes good on this vital readiness investment in 1999 by working to ensure enactment of this important legislation.

Mr. BIDEN. Mr. President, I support the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999. Like many of my colleagues, I am very aware of the strains on America's military personnel. I have only to look at the pace of operations at Dover Air Force Base, in my home state of Delaware. Dover's strategic airlift and air cargo terminal support every single ongoing operation and new troop and equipment movement to Europe, Southwest Asia, and Africa. A quick look around the world today shows that Dover personnel are working hard, alongside their colleagues throughout the force, and need to be recognized with adequate pay and benefits. America's military is doing an exceptional job defending vital American interests in Bosnia, Iraq, and South Korea. Our troops are also using their incredible logistics skills to assist our Central American neighbors who have been devastated by hurricane damage. These are just a few examples among many of the United States' military working every day to create a more stable and safe world for all of us. In today's dynamic world, the military's task is a demanding one.

With this bill, we make it clear that we understand those demands and that we will continually strive to take better care of our troops. I have long been concerned that we have not always adequately addressed the compensation needs of our military, nor have we always provided for pay equity. For that reason, last year I amended the Defense authorization bill to include an increase in hazardous duty incentive pay for mid- and senior level enlisted aircrews. I am pleased that this year we have a comprehensive bill addressing the critical issue of compensation and equity. I have said it before and I will say it again, the patriotic men and women who serve in our military do not do so to become rich, but that does not change the very real needs they and their families have for adequate recompense.

The bill enhances the President's request for a pay raise, pay table reform, and changes to the military retirement system. The Joint Chiefs have said repeatedly that these three steps are their top priority this year. The 4.8 percent basic pay raise and the decision to increase future year raises by 0.5 percent more than the civilian raise index is an important step toward closing the pay gap between military and civilian employees. The pay table reform, which is identical to that suggested by the President, will make the pay structure more equitable and focused on performance.

Another important equity issue for the past thirteen years has been the military retirement system. The changes made in the summer of 1986 created an inequity in the retirement benefits for members of the armed services who chose to retire after 20 years. The end result was that experienced service members decided that the reward was too small to stay in the service for 20 years, compared to the benefits offered in the private sector and the needs of their families. This bill corrects that inequity by allowing personnel to revert back to the pre-1986 system of receiving 50 percent of their base pay. It also provides an option to stay with the post-1986 system of receiving 40 percent of base pay along with a $30,000 bonus. This sends an important message to our troops that their service and experience today are just as valuable and important as they were before 1986.

I want to compliment the committee, and the leadership of Senator CLELAND, for including enhancements to the Montgomery G.I. bill. The original bill was written in World War II and needed to be adapted to the challenges that face members of today's military. Increasing the actual benefits and providing more flexibility in how they are used makes it easier for service members to attain their educational goals for themselves and their immediate family. In an era where education is increasingly vital and expensive, these changes are long overdue.

I am also pleased that this bill was amended to include important reforms of TRICARE, the military health care benefits system. The bill will help the Department of Defense provide better services, reduce the bureaucratic hassle of obtaining those services, and make sure benefits are tranportable to different TRICARE regions. It also provides the necessary authority to increase the amount TRICARE reimburses providers in areas where such increases are needed to keep an adequate number of qualified health care providers available. Military health care systems must be able to compete with private health care systems for the services of quality providers. In addition, the bill will help the military better utilize its facilities by allowing TRICARE facilities to be reimbursed by other insurance agencies. It is my hope that this legislation will make it easier for American servicemen and women to get the quality health care they and their families deserve.

Finally, Mr. President, I share with my colleagues a concern that we need to be careful in our allocation of limited resources before we have adopted a budget. It is imperative that this bill actually help our troops and not create new resource problems in other areas. For that reason, I am also very pleased to see the requirement for the Secretary of Defense provide an annual report on how this bill impacts recruiting and retention. This requirement will allow us to measure the effectiveness of the bill and make sure that we have chosen the right mix of incentives for the brave men and women who work so hard in defense of all of us.

Overall, I believe this bill is an important step in support of our troops. It improves pay equity and overall compensation levels. It also addresses inequities in the retirement system and it enhances the benefit system, including military health care benefits. I support the bill and urge my colleagues to do the same.

Mr. KERREY. Mr. President, I welcome a discussion in the Senate about military pay and retirement benefits. Review of these and other quality of life issues in today's military is long overdue. The defense debate in recent years has centered on equipment procurement, readiness issues, and the wisdom of our nation's troop deployments and foreign policy. This year we should turn to consider the men and women who dedicate their lives to keeping our nation safe.

Military service requires valor and sacrifice. It attracts a certain type of individual, a person with the character to lead, the resolve to complete a task however difficult and demanding, and the willingness to sacrifice his or her life for fellow soldiers and country. For those reasons, the decision to join the military has always been unlike the decision to join any other profession.

The unparalleled strength of our economy in recent years, and the growth of new technologies and industries, further complicate the decision to serve in the military. Just as our society has entered a new age of technological change, the United States Military has also entered a new era of digital warfare, where the machinery of battle is more reliant upon silicon chips than hard steel. To keep these processors and equipment running, our military needs to attract and retain highly skilled, intelligent men and women.

Today, our Defense Department must also compete for recruits with Microsoft and Price Waterhouse Coopers as well as companies in more traditional industries. The Defense Department cannot do that by offering a second-tier pay scale which lags significantly behind the private sector. If we want the best and the brightest, we have to be willing to pay them accordingly.

I welcome the Administration's decisions to increase military pay by 4.4% and to renew the retirement program that offers benefits of fifty percent military pay for twenty years service. These policies seek to restore equity in compensation for military personnel, and properly reward those who have committed twenty years of their lives to protect our nation. Yet, I do not believe the Administration's military pay proposal goes far enough to resolve the inequity. Therefore, I support S. 4, the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999, because this legislation does more to provide financial security to our uniformed men and women.

My colleagues understand that the nature of pay and benefits in the United States military is unlike pay considerations within our private sector and compensation practices in other nations' militaries. Within our private sector, the issue of compensation is the primary focus for the vast majority of Americans when deciding between competing job offers. In other nations that lack strong democratic principles and a tradition of rule of law, foreign leaders use relatively high pay for soldiers to assure military support for their government.

But in the United States, pay is not the primary reason people join the military. Some join for the experience of military service, for the mental and physical challenges that our Army, Navy, Air Force, and Marines place upon young men and women, and the sense of accomplishment that comes from meeting those challenges. Some join as a means to an education, to partake of the G.I. Bill and other post-service education benefits. Yet, while not always the primary motivating factor, the men and women who serve our country always do so out of a sense of patriotism. They choose to commit the time and effort of their youth, join organizations with unique cultures distinct from contemporary institutions, forego at least temporarily the chance for greater wealth, and risk physical harm and possibly death, to repay our nation for the freedoms and opportunities they as citizens enjoy.

Money never has been and never will be the primary deciding factor for people seeking to join, or deciding whether to stay, in the U.S. military. But, on the margin—the always important margin—the size of a military paycheck does make a difference. S. 4 may not fully correct the deficiency in military pay, but it is at least a significant step along the way.

I understand the concerns raised by many of my colleagues about the budgetary ramifications of this bill. S. 4 provides a rise in pay of 4.8% for fiscal year 2000, a substantial increase from the Administration's proposed 4.4% pay raise. Either of these increases will have ramifications on military procurement, on research and development, on operations and maintenance accounts that support readiness, and other areas of the defense budget as well. Similarly, S. 4 provides a pay raise for fiscal year 2001 and beyond of one percent above the level of the Employment Cost Index. This is a statutory commitment whose cost we cannot today determine with any suitable degree of accuracy. While we may decide to accept these increases, the consequences of these policies need to be reviewed and resolved within the context of the entire defense budget.

Also, there are currently three studies underway examining military pay and pension issues, conducted by the Congressional Budget Office, the General Accounting Office, and the Department of Defense. These studies are examining how factors other than pay such as high operations tempo, lack of essential material and equipment, declining state of readiness, concern over military health care services, job dissatisfaction, and a booming civilian economy may affect the decision to join and remain in the military. Once we receive the conclusions and recommendations of these studies, we should again revisit the issues surrounding military retention and recruitment.

Already, as a consequence of amendments which have been attached to this bill, the Senate has accepted an unfunded liability of approximately $16.5 billion. Currently, there are no offsets in the legislation to address this liability. It is my sincere desire that this issue is addressed and offsets are determined when the bill goes into conference with the House. If these costs remain outstanding when the bill returns to the Senate, I will have strong reservations about voting for unfunded liabilities a second time. The tight caps and fiscal discipline I have supported throughout this decade do not start creating real on-budget surpluses until FY2001. This year's surplus is created entirely by excess payroll taxes and interest on the Social Security Trust Funds. So I am concerned that the Senate is considering legislation that may bust the cap so early in the legislative season. I encourage my colleagues to maintain our recent tradition of fiscal discipline and seek ways to pay for this bill within the current budget caps.

Nevertheless, our military is only as secure as the people that operate the guns, ships, planes, and terminals that help keep our nation safe. The men and women in our Army, Navy, Air Force, and Marines are the strength of our military, not the equipment which they utilize. If providing some level of monetary security to our military personnel means we must forsake some weapons or postpone some research, I believe this tradeoff will actually enhance our national security far more than the alternative.

S. 4 goes a long way towards putting our military pay scale on the same footing as private sector wages. It improves the retirement and educational benefits available to our military personnel. For those reasons, I support the passage of this legislation.

Mr. ASHCROFT. Mr. President, I rise today in strong support of S. 4, The Soldiers', Sailors', Airmen's, and Marines' (SSAM) Bill of Rights Act of 1999. This bill addresses critical personnel and retention issues in our nation's armed forces and hopefully will arrest the accelerating decline in military readiness. I commend the distinguished chairman of the Senate Armed Services Committee, Senator WARNER, and the Committee as a whole for reporting this legislation.

I have been concerned for quite some time with declining defense budgets and increased deployments overseas. Those who defend the United States often are the first casualties of budget cuts here at home, even as they have been deployed overseas more frequently than ever before. Declining morale in our armed forces and diminished military readiness are national security legacies this Administration is leaving, legacies I hope the Senate will begin reversing with the passage of S. 4.

Our military is hemorrhaging due to poor morale, plentiful private sector opportunities in a robust economy, and burdensome deployment schedules. The pay and benefit provisions in S. 4 will be critical to arrest declining morale and diminished readiness. As General Hugh Shelton, Chairman of the Joint Chiefs, stated before the Senate Armed Services Committee last September, ". . . we must act soon to send a clear signal to the backbone of our military, our mid-grade commissioned and noncommissioned officers, that their leadership and this Congress recognize the value of their service and their sacrifices and that we have not lost sight of our commitment to the success of the all-volunteer force."

Mr. President, the Administration has taken too long to address the morale and retention problems undermining the readiness of our armed forces. Senior Pentagon officials downplayed evidence of growing personnel and readiness problems for months, but finally began addressing these issues squarely before the Senate Armed Services Committee last September. General Shelton stated that ". . . our forces are showing increasing signs of serious wear. Anecdotal initially, and now measurable, evidence indicates that our readiness is fraying and that the long-term health of the total force is in jeopardy."

A cursory survey of declining defense budgets and increased operations around the world certainly provides the factual background to support General Shelton's statement. For many leaving the forces today, military compensation and benefits simply do not justify extended deployments away from home.

Our military is doing more with less. Defense spending has declined in real terms by 27 percent since 1990. Military procurement spending has declined by a staggering 54 percent during that same time period. In the midst of this dramatic downsizing, the pace of operations abroad has risen dramatically. In the 1990s, operational missions increased 300 percent while the force structure for the Army and Air Force was reduced by 45 percent each, the Navy by approximately 40 percent, and the Marines by over 10 percent. President Reagan deployed U.S. forces 17 times during his eight year term. During his four-year term, President Bush deployed U.S. forces 14 times. During the six year tenure of President Clinton, however, the U.S. armed forces have been deployed over 46 times. Contingency operations during this Administration have exacted a heavy cost (in real terms): $8.1 billion in Bosnia; $1.1 billion in Haiti; $6.1 billion in Iraq.

Diminished resources, inadequate benefits, and increased deployments are taking a serious toll on the health of our armed forces. Our Air Force pilots defeat Iraq's forces soundly on the battlefield, but Saddam is winning a war of attrition when it comes to pilot retention. The Air Force has experienced a 14 percent decline in readiness since 1996 and ended 1998 with a 700 pilot shortfall that could grow to 2,000 pilots by 2002. Air Force second-term reenlistment rates have dropped 13% in the last 5 years.

The Navy was 7,000 recruits short in 1998 and reports diminished deployed readiness due to personnel shortages, such as a 9% shortfall in junior Surface Warfare Officers. The non-deployed readiness of carrier air wings is at its lowest level in a decade.

Retention rates for critical personnel in all services is suffering. Declines in retention of critical personnel since 1995 are very troubling: Air Force enlisted aircrew with 7 years service declined from 83 to 55 percent; Air Force

AWAC personnel with 5–8 years service declined from 56 to 35 percent; Army aircraft armament personnel with 8 years service declined from 72 to 47 percent; Army chemical operations specialists with 5–8 years service declined from 69 to 51 percent; Marine aircraft avionics technicians with 9–12 years service declined from 76 to 63 percent; and Navy electronic technicians with 9–12 years service declined from 77 to 63 percent.

The Soldiers', Sailors', Airmen's, and Marines' (SSAM) Bill of Rights Act of 1999 addresses these problems on several fronts. The legislation contains important provisions to address immediate needs and establishes longer-term mechanisms to improve retention of military personnel. The bill provides for an across the board pay increase of 4.8 percent. The pay table is reformed to benefit critical mid-career personnel the most. Retirement system reform gives military personnel with 15 years of service the option of remaining in the Redux retirement plan and taking a $30,000 cash bonus or returning to a pre-Redux system with retirement at 50 percent of base pay and no COLA caps.

Retirement opportunities also are enhanced by allowing military personnel to contribute 5 percent of their base pay tax-free to a Thrift Savings Plan (TSP). A special retention initiative is also provided where the Secretary of Defense can choose to offer 5 percent matching TSP contributions to critical personnel for six years in return for a six year commitment. Finally, there is a special subsistence allowance to address the intolerable condition of 12,000 military personnel on food stamps. In the U.S. military, the finest fighting force in the world, there should never be families who are so poorly provided for as to need food stamps. The monthly subsistence allowance in this legislation, in addition to other pay reforms, will help end this disgraceful treatment of thousands of military personnel.

The need for this legislation cannot be more obvious. Our troops maintain a constant presence in the Persian Gulf, East Asia, and Europe. Now in Bosnia two years past the original deadline, American soldiers could face yet another prolonged nation-building exercise in Kosovo if this Administration has its way. These troops have been asked to achieve more missions with fewer resources and less manpower, and the signs of fraying readiness and declining morale are mounting.

In addressing current readiness and funding problems, Administration officials repeatedly have said personnel issues were their first priority. General Shelton testified last September: ". . . if I had to choose the area of greatest concern to me, I would say that we need to put additional dollars into taking care of our most important resource, the uniformed members of the armed forces."

General Shelton is right to place the highest priority on our military personnel. The defense of this country, in the final analysis, is essentially a personnel issue. Admiral Chester Nimitz stated in 1950: "Our armaments must be adequate to the needs, but our faith is not primarily in these machines of defense but in ourselves." General Shelton seems to concur with that statement when he says: "The best tanks, the best planes, the best ships in the world are not what makes our military the superb force that it is today . . . Advanced technology and modern weapons are important . . . But even the finest high-tech equipment will never be the determining factor on the battlefield. The most critical factor for both current and future readiness are our men and women . . . in uniform today."

Our military personnel are our greatest resource, and our failure to take care of them our greatest oversight. No soldier should have to worry about feeding his family as he defends his country. No military family should be repeatedly divided by constant deployments.

We entrust our soldiers, sailors, airmen, and marines with the responsibility given to our nation as a whole: the defense of liberty. How we provide for those men and women in uniform reflects on how seriously we take that mission, on how seriously we safeguard the blessings of liberty. I urge passage of this legislation to improve much-needed benefits for those who defend the United States and the cause of freedom abroad.

Mr. FEINGOLD. Mr. President, I rise today to make a few remarks concerning S. 4, the military pay and benefits bill. Senator WARNER, the esteemed new chairman of the Armed Service Committee, has begun what I'm sure will be a distinguished tenure by addressing an issue of critical importance. I don't know if there is a more vital resource in this nation than its men and women in uniform.

Without question, certain services have a recruiting and retention problem. For a variety of reasons, officers and enlisted members are leaving the Army, Navy, and Air Force in droves, and these services are having problems bringing new people on board. Serious questions remain unresolved about the cause of this problem, or its best solution, yet we will probably vote out the bill this week without those answers, and with little concern for its fiscal impact.

I am extremely concerned that this bill came out of the Armed Services Committee without the benefit of a single hearing and with little understanding of its effects on the budget. The rush to pass this bill is perplexing. We would normally address military pay raises, retirement reform, and the other bill provisions during consideration of the annual defense authorization bill. This course only makes more sense given the uncertainty we face regarding the budget impact of this bill. It would give the Senate ample opportunity to answer the myriad questions surrounding the bill's cost and budget implications.

Mr. President, there are some significant budget concerns raised by this bill. It increases both discretionary spending and entitlement costs, and all of its costs are heavily back loaded.

According to CBO, S. 4 increases discretionary spending by $40.8 billion over the next 10 years. In addition, the bill's costs rise each year, reaching $6.5 billion by 2009, and would continue to rise for a number of years after that.

The bill increases entitlement costs by $13.2 billion over the next 10 years. Again, this figure does not fully reflect the eventual price tag as costs rise over time. CBO estimates that when the provisions of S. 4 are fully phased in, the entitlement costs for pensions would result in increased costs of $5 billion a year. Similarly, the additional costs for so-called readjustment benefits, essentially education benefits, would rise, and by 2009 would increase by $2.5 billion per year.

According to the Center for Budget and Policy Priorities, when fully in effect, the bill as a whole would cost at least $15 billion per year, and possibly more. Most notably, none, let me repeat that, Mr. President, none of this is offset.

Due to these effects on the budget, the bill is subject to not one, but three 60-vote points of order: (1) It exceeds the Armed Services Committee's allocation for entitlement spending for fiscal years 1999 through fiscal year 2003; (2) It breaches the revenue floor by decreasing income tax revenues from the Thrift Savings Program provision; and (3) It has PAYGO problems because none of the new mandatory spending and tax revenue losses are offset.

Mr. President, strictly from a budget point of view, regardless of the pay and pension policies in the bill, this can be fairly characterized as a budget buster. An eventual cost of $15 billion per year is large, and at the very least should be considered as part of an overall budget, not rushed through before we have passed a budget resolution.

There are other concerns, Mr. President. The biggest question is whether this bill will actually improve recruitment and retention. Just this week, the General Accounting Office offered preliminary data on a study showing that money has been overstated as a factor affecting decisions to stay in or leave the military. Instead, GAO found, in a survey of more than 700 service members, that issues like a lack of spare parts; concerns with the health care system; increased deployments;

and dissatisfaction with military leaders have at least as much effect on retention, if not more, than money. GAO is expected to finish the report in June.

Not only that. The Defense Department and the Congressional Budget Office are expected to have their own reports in the coming weeks and months. Why not wait until then? Let's make sure we're doing the right things to maintain the world's best armed forces.

Mr. President, I'd like to address some specific provisions in the bill. As we are all now well aware, the military pension system was changed in 1986. At the time, many, including those in President Reagan's Defense Department, argued that the pension system encouraged many of our servicemembers to leave the services early. They had the benefit of several years of study and hearings to reach that conclusion.

My late colleague from Wisconsin, the former Secretary of Defense Les Aspin, devoted much of his career to shaping the world's best and most feared military. At the time we changed the military pension system, he voiced considerable concern that the pension benefits were so generous to those with 20 years of service, and still at a relatively young age, that they provided incentive to leave for the private sector, rather than stay in the service.

Our former Armed Services Committee Chairman, Sam Nunn, stated that "returning to the old system would reduce—not strengthen—the willingness of personnel to remain in the service." That is a heady statement from a colleague whose judgment on defense issues is still widely respected by those serving in this body today.

Just back in October, then-Chairman THURMOND and Senator LEVIN, the committee's ranking member, proclaimed that any change to the pension system should be subject to "careful analysis." As yet, I haven't seen one. And I would like to see that careful analysis before moving forward with this bill.

I have heard from the men and women out on the front lines. According to what I've heard, they are leaving because of ever-increasing deployments to uncertain destinations, ever-widening time away from their families, and dwindling advancement opportunities. Like anyone else, they want to see a better quality of life.

I won't disagree with the view that many servicemembers need a raise. And I firmly believe that they should receive one, especially the enlisted folks, many of whom could be getting more money by flipping burgers at the closest fast food joint. These men and women have chosen to represent our country. They deserve to be paid adequately.

Ultimately, though, Mr. President, too many questions about this bill remain unanswered. I, and I hope many of my colleagues, would like to know how this bill will affect our budget now and in the future. We just extricated ourselves from a budget quagmire. Shouldn't we have all the answers about a bill that will cost $55 billion over the next 10 years before we vote on it? I just seems like common sense to me. If we were to find that this bill won't harm Social Security and other important programs, and it will actually improve recruitment and retention, I would support it fully. Short of those answers, I cannot support putting our nation's budget on the precipice of disaster.

Mr. President, we have time this year to hold hearings; to hear from officers and enlisted men and women; to hear from service chiefs; to receive expert studies. There is no reason to rush this important legislation.

I yield the floor.

Mr. BYRD. Mr. President, there is no question that America's armed forces are the best in the world. The men and women who serve in our military demonstrate their courage and dedication every day, from the fighter pilots who are making life-threatening raids into Iraq to contain the deadly forces of Saddam Hussein, to the soldiers who are maintaining peace in the war-weary towns of Bosnia, to the countless sailors, soldiers, and airmen on lonely patrol throughout the world, enduring hardship and homesickness to protect their fellow Americans. It is vital to our national security that we maintain the level of excellence that these troops represent.

Of the many factors that contribute to the robustness of our military, none is more basic than the ability to recruit and retain qualified, talented individuals. Without enough people to operate them, our mightiest weapons are worthless. Without enough people to execute them, our best planned strategies are useless. Without enough people in uniform to defend it, our nation is at risk.

We ask much of the men and women who serve in our military, and of their families as well. Yet, as we have learned from the Joint Chiefs of Staff, pay and benefit levels for members of the armed services have been slipping behind those of their civilian counterparts. Today, we are facing a personnel shortfall of alarming proportions. The need for the legislation before us is acute. According to recent published reports, the Army fell 2,300 short of its recruiting goal—approximately a 20 percent deficit—in the first quarter of fiscal year 1999. The Navy missed its recruitment target by almost 7,000 last year. The Air Force, which has suffered a hemorrhage of pilots over the past several years, fell 400 short of its first quarter goal.

Many factors are contributing to the current recruitment and retention problems of the services, but military leaders across the services and up and down the chain of command have identified pay and benefits as major culprits. We need to come to grips with this problem. In my state of West Virginia, approximately 9,000 men and women serve around the world in the active and reserve armed forces. They are subject to being called away at a moment's notice to some of the most dangerous trouble spots on earth. The least we can do for them in return is to make sure that their families will be able to make ends meet while they are deployed away from home. The least we can do is strive to ensure that the monthly paychecks we issue to our men and women in uniform are comparable to that of their civilian counterparts.

Improving the pay and benefits of the men and women who serve in our military is an obvious first step to help reverse the downward spiral in recruitment and retention, and I applaud the Chairman of the Senate Armed Services Committee, Senator WARNER, for moving quickly to address this situation. Likewise, I applaud Senator LEVIN, the Ranking Member of the Committee, for insisting that the benchmarks of prudence and careful consideration be met in the bill before us. This legislation is not the place for grandstanding or political one-upmanship. I am hopeful that as we debate this bill over the coming days, we will work for the common good of our military and our nation, and come up with a balanced, commonsense bill.

I hope, also, that we will be mindful, as we consider this bill, that monetary compensation is only *one* factor affecting recruiting and retention levels in the military. Plainly put, we cannot buy the finest military in the world. To rise to the level of excellence that the United States military has achieved requires an uncommon degree of dedication, self-sacrifice, and patriotism—qualities that can be inspired and nurtured but not bought. By all means, let us work together to improve the compensation of our men and women in uniform. But let us also work together to preserve and enhance the intangible compensations of military service—the honor, respect, and sense of accomplishment—that form the true foundation of military service.

Mr. DASCHLE. Mr. President, I believe we must significantly boost compensation for the men and women of our armed forces who serve this nation so tirelessly and effectively. The end of the Cold War has meant that the numbers and types of overseas missions we ask these people to perform has grown. The rising number of military operations abroad coupled with an extremely vibrant U.S. economy has meant the military services are having a harder time attracting and keeping highly skilled personnel.

The Secretary of Defense and the Joint Chiefs recognized this troubling development last year in testimony before the Congress and began making the case for addressing the military's recruitment and retention problems. The examples they cited were troubling. The Air Force is experiencing serious shortfalls in retaining its pilots. The Navy is having difficulty manning its ships. The Army finds itself coming up short in filling out its units. Only the Marine Corps appears to be faring well at the moment.

The President listened to our senior military officials, and he responded. The President proposed a $23 billion personnel initiative in his FY2000 budget to improve the military's pay and retirement benefits. The President's budget would provide the men and women of our armed services with the largest pay raise since 1982. In addition, it would reform military pay tables to reward performance, increase specialty pay and bonuses to address retention issues, and restore retirement benefits. Just as important as this list of benefits is the fact that the President made these proposals while remaining faithful to his pledge to Save Social Security First. The President was able to accommodate these proposed increases without spending any of the surplus in FY2000. In short, the President's proposal is fully paid for.

Like numerous members of Congress from both political parties, I have gone on record in the last several months in support of the Defense Department's argument that military pay and retirement benefits need to be enhanced if we are to continue to field a well-trained, highly capable military. That is why, along with Senator LEVIN, Senator CLELAND, and many other Democratic Senators, I introduced the Military Recruiting and Retention Improvement Act of 1999—a bill to increase pay and retirement benefits for members of the Armed Services. I am pleased that many provisions of this legislation were included in S. 4. Although the initial Democratic and Republican proposals were slightly different, I think we can all agree that people are the military's most important asset.

To see why, you need look no further than my home state of South Dakota and the more than 3,000 active-duty personnel stationed at Ellsworth Air Force Base. Like their counterparts at military installations around the county and throughout the world, the men and women at Ellsworth Air Force Base serve their country with pride and distinction every day. Most recently, crews flying and maintaining B-1B bombers from Ellsworth participated in Operation Desert Fox. This was the first time that B-1Bs were used in combat, and the fact that B-1B crews from Ellsworth were so successful in hitting their targets is a credit to their enormous commitment and dedication.

With dedicated people like those we see at Ellsworth and other military installations around the world, it is easy to see why all of us—President Clinton, Defense Secretary Cohen, Joint Chiefs Chairman Shelton, Democrats, and Republicans—agree that something must be done. Therefore, a key issue before the Senate today is how best to accomplish this end, how best to ensure that some of this nation's best and brightest continue to pursue a career in the military?

However, it is not the only issue. Those who are concerned about having a well balanced, fiscally responsible defense plan must also ask another question. What is the best way to provide military personnel with the pay and retirement benefits they so richly deserve while remaining true to our other defense and domestic priorities and staying within the tight fiscal constraints we find ourselves operating under? Indeed, this may be the most important question we face today: how do we do right by our military personnel, our other defense and domestic priorities, and our obligation to be fiscally responsible?

The bill before us today provides only a partial answer to this critical question, as it spends $12 billion beyond the President's proposal without providing offsets for the additional spending. As I said earlier, I wholeheartedly support providing additional benefits to our troops, and I will vote for this bill today. What troubles me about S. 4, however, is that its authors have chosen to stay strangely silent on how they will pay for the additional $12 billion in benefits.

Mr. President, I believe that when it comes to something as important as the pay and retirement benefits of our military, Congress should leave no questions unanswered. Fortunately, the action we take today in the Senate on S. 4 is the first step in a multi-step process. The House must develop its version of this bill, and differences between the House and Senate versions must be resolved in a conference. I urge the House and Senate members who participate in this process to fill in the blanks contained in S. 4. Our troops deserve additional pay and benefits. We owe it to both the troops and the American people to show how we will pay for them. I will be working hard with my colleagues on both sides of the aisle to provide this answer and produce a military pay and retirement bill of which we can all be proud.

AMENDMENT NO. 26

Mr. WELLSTONE. Mr. President, on the Rockefeller amendment, I ask unanimous consent that Senator GRAMS of Minnesota and Senator ASHCROFT be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, with my colleague from Michigan, and with the consent of the leadership of the Senate, we would like to place before the Senate at this time a unanimous consent request, which I will not make—I repeat, place—in the hopes that we can bring this bill to a conclusion.

In the future, I will ask unanimous consent that at the hour of 5 o'clock today there be 10 minutes of debate with respect to the Rockefeller-Specter amendment No. 26, with 5 minutes under the control of Senator ROCKEFELLER and 5 minutes under the control of the Senator from Virginia. I will further ask consent that following that debate, the Senate proceed to a vote on a motion to table the Rockefeller amendment, to be followed by a vote on or in relation to the Harkin amendment No. 23, to be followed by a vote on or in relation to the Graham amendment, which again would be a tabling amendment by the Senator from Virginia. That amendment, as yet, has not been sent to the desk.

I will further ask that there be 5 minutes for explanation between each vote, to be equally divided in the usual form.

Further, I will ask unanimous consent that my distinguished colleague, the Senator from Michigan, the ranking member of this committee, be recognized for up to 15 minutes for general debate on the bill.

Finally, I will ask that following the votes listed above, the Senate proceed to third reading and final passage, all to occur without any intervening action or debate.

I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, hopefully, we will soon be voting on final passage of S. 4, the military pay and benefits bill. This bill would significantly improve the pay and benefits available to our troops and help address the military recruitment and retention problems identified by the Joint Chiefs of Staff.

The bill includes an across-the-board increase in military salaries, targeted pay raises to reward performance, enhanced military retirement benefits for service members who entered after 1986, enhanced education benefits for service members under the GI bill, and numerous other benefits. These changes should help provide fairer compensation to our men and women in uniform, and I think we would all like to see them enacted into law.

As I pointed out previously, this is an extremely expensive bill, and it has not been paid for. This bill has not been paid for. When the bill came to the floor, it included provisions that would cost roughly $35 billion more than current law over the 6-year course of the future year defense plan, the so-called FYDP. These costs include close to $24 billion in pay and benefits enhancements that were funded in the administration budget but almost $12 billion more in enhancements that were added by the Armed Services Committee.

Since the bill has been in the Chamber, it has become even more expensive, with the addition of many amendments increasing the benefits for our men and women in uniform. These include provisions eliminating the prohibition on dual compensation, authorizing participation in the Thrift Savings Plan by members of the National Guard and Reserves, extending enhanced GI bill benefits to members of the National Guard and Reserves, expanding the use of GI bill benefits to cover preparation for college and graduate school entrance exams, and expanding the number of soldiers eligible for the $180 per month special subsistence allowance.

Moreover, we have adopted an amendment offered by the Senators from Maryland and Virginia expressing the sense of the Congress that we should extend the pay increases provided in this bill for members of the armed services to the Federal civilian employees as well. If we were to act in accordance with just that one provision, we would add an additional $3 billion in defense spending and an additional $7 billion in nondefense spending, for a total of almost $10 billion of Governmentwide spending over the next 6 years.

Now, these are worthwhile provisions which would provide real benefits to the men and women who so loyally serve our country every day, but they have real costs attached to them, some in the hundreds of millions of dollars every year. Yet we have not said how we intend to pay for them.

Do we intend to revise the budget agreement to pay for the bill before us? If the defense budget is not substantially increased, for instance, we would then be faced with making deep cuts in the readiness and modernization accounts to pay for the changes proposed in this bill. Such cuts are coming at a time when our senior military leadership has already expressed concerns that our readiness could have a serious impact on our national security. For this reason, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff stated that they would support the increased benefits contained in this bill only if the additional money does not come out of other defense programs.

For this reason, the Secretary of Defense wrote the Armed Services Committee last week to express strong concerns about the cost of this bill and how it would be paid for. Secretary Cohen wrote:

> S. 4 proposes even larger pay raises, higher cost-of-living adjustments, and other items which are not in the budget I submitted . . . I am concerned that until there is a budget resolution that sets the defense budget level, this bill constitutes an unfunded requirement on the Department. Absent an increase in the topline for Defense, [he wrote] these items will only displace other key elements of our program. It could be counterproductive and completely contrary to our mutual desire not to undercut our modernization effort and other readiness priorities. For these reasons, it is imperative to proceed within the regular authorization process and after we have agreement on a budget topline.

Secretary Cohen's letter went on to say the following:

> I appreciate the Committee's intent to address the legitimate needs of servicemembers regarding pay and retirement. However, I am concerned that S. 4 could have the opposite effect by raising hopes that cannot be fulfilled until the final budget number is set. Resolving these questions within the normal authorization and budget processes is by far the most desirable approach.

Similarly, when Secretary Cohen and General Shelton testified before the Armed Services Committee on February 3, the Secretary stated that any further increases to military pay and benefits should be considered in conjunction with the defense authorization bill. This is what the Secretary said:

> [W]e do have to propose this as a package, because if we raise expectations unrealistically and we cannot fulfill them, we have done a disservice to our troops. Secondly, if we are going to take it out of the readiness accounts and procurement, we have also done a disservice. So the package that we have put together we think makes sense and we hope that any variation will be paid for, period.

Now, the package that they put together is in this bill and is paid for. But the bill goes way beyond the package that is paid for and way beyond the package which the Defense Department and the administration sent to the Congress. The bottom line is that every Member of this body would like to support the improved pay and benefits in this bill. At least I believe so. But at some point we are going to have to consider the question of how to pay for these improvements.

When this bill was brought to the floor, I noted that a number of points of order could be brought against it under the Budget Act, based on many provisions of the bill which would either exceed mandatory spending allocations or reduce revenues or increase the deficit. Since that time, we have added even more provisions which would violate the Budget Act, providing the basis for even more points of order.

At this time I would like to make some parliamentary inquiries of the Presiding Officer. My first parliamentary inquiry is as follows:

Is it correct that the bill that we are debating now, S. 4, is subject to a point of order under the Budget Act because the bill exceeds the Armed Services Committee's allocation for direct spending?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Is it correct, Mr. President, that S. 4 is subject to a point of order under the Budget Act because the bill reduces revenues by decreasing income tax revenues in fiscal year 2000?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Is it correct, Mr. President, that S. 4 is subject to a budget point of order because it increases the deficit in the first 5 years of the current budget resolution and in the 5 years that follow, and therefore violates the pay-as-you-go, or PAYGO rule, by increasing direct spending and reducing revenues without offsets?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. And is it correct that the amendment that we adopted yesterday repealing the reduction in military retired pay for civilian employees of the Federal Government was subject to a budget point of order because it increases the deficit and violates the pay-as-you-go rule by increasing spending without an offset?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. And is it correct, Mr. President, that the amendment that we adopted earlier today to allow members of the Reserve components to participate in the Thrift Savings Plan was subject to a budget point of order because it would decrease income tax revenues in fiscal year 2000?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. And is it correct, Mr. President, that the amendment we adopted earlier today to extend the window of availability of GI bill benefits for the National Guard and Reserve was subject to a budget point of order because it would increase direct spending without providing offsets?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. And finally, Mr. President, is it accurate that all of these budget points of order, if made, could only be waived by a so-called supermajority of the Senate; that is, by a vote of 60 Senators?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. I thank the Chair for the responses to those inquiries.

The fact that this bill violates the Budget Act in so many different ways helps to demonstrate the stark fact that there could be serious consequences from taking up this bill as we have, outside of the normal legislative cycle. Now, Mr. President, I share the desire of, I hope, all of our colleagues to do what we can to provide fairer compensation to our men and women in uniform, and to address the serious recruiting and retention problems which are faced by the services. However, if the House acts on this measure and it is brought back to the Senate floor following a conference without paying for the benefits in this bill, many of the same points of order under the Budget Act would still apply. And so, if the Budget Committee members at that point fail to raise points of order which would be available to such a conference report if it comes back to the floor without being paid for, I would reserve the right at that time to raise those points of order.

I think it is very important that before this bill comes back to either House in the form of a conference report, that any benefits in this bill be paid for. No matter how much we want to enact these important provisions into law, at some point we are going to have to pay for them. That time needs to come before final passage of any conference report on this bill. So I want to alert my good friend from Virginia that although the points of order were not raised here—the Budget Committee members determined, apparently, not to raise such points of order even though the Budget Act is, in the first instance at least, theirs to enforce—any of us can enforce it.

Any member of the Budget Committee, I would think, would have a special responsibility to make sure that we comply with the Budget Act. Each one of us has our own reasons for not raising a point of order. Each one of us could do so at this time.

I am willing to vote to permit this bill to take its next step without raising a point of order. However, if this bill is passed by the House, goes to conference, and comes back with benefits not being paid for, it would then be my intention at that time to consider raising points of order, and hopefully the Budget Committee would consider whether or not, in fact, the Budget Act maintenance doesn't require such points of order to be made before this bill actually is sent to the President.

I thank the Chair for his rulings and for his cooperation in response to my question. Again, I thank my good friend from Virginia for all of his effort on this bill. Even though we do have some problems with having a bill with such a large amount of money in it that is not paid for, nonetheless, I, as one Senator and ranking member, am willing to have it proceed to the House with the caveat I have just shared with my colleagues.

Mr. WARNER. Mr. President, I appreciate the comments of my distinguished ranking member. I am going to take it to heart, and I am confident this bill can be worked, hopefully, to your satisfaction.

Mr. President, I note the presence on the floor of the distinguished Senator from Florida who earlier addressed an amendment. I yield the floor for such purpose.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 29

(Purpose: To provide various revenue provisions)

Mr. GRAHAM. Mr. President, earlier this afternoon I made some remarks consistent with those that have just been made by the Senator from Michigan concerning the fact that we were, as the first legislative action of the 106th Congress, about to pass a bill that was substantially unfunded, therefore creating not only the risk to the surplus, which today is a 100-percent Social Security surplus, but also establishing a dangerous precedent for future actions. Having so recently arrived at a balanced budget, we should not fritter that away the first opportunity that we have in this Congress.

There are a number of ways we can pay for this. We can pay for it by an amendment that would take funding from some other sources of the Federal Government, reduce those in the amount equivalent to balance the expenditure in this proposal. There has been no such amendment offered.

Another way is to raise taxes to a level sufficient to offset the additional spending. Mr. President, I indicated that it was my intention to offer such an amendment. I now send that amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 29.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end add the following:

TITLE V—REVENUES

SEC. 501. EXTENSION OF HAZARDOUS SUBSTANCE SUPERFUND TAXES.

(a) EXTENSION OF TAXES.—

(1) ENVIRONMENTAL TAX.—Section 59A(e) of the Internal Revenue Code of 1986 is amended to read as follows:

"(e) APPLICATION OF TAX.—The tax imposed by this section shall apply to taxable years beginning after December 31, 1986, and before January 1, 1996, and to taxable years beginning after June 30, 1999."

(2) EXCISE TAXES.—Section 4611(e) of such Code is amended to read as follows:

"(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund financing rate under this section shall apply after December 31, 1986, and before January 1, 1996, and after June 30, 1999."

(b) EFFECTIVE DATES.—

(1) INCOME TAX.—The amendment made by subsection (a)(1) shall apply to taxable years beginning after June 30, 1999.

(2) EXCISE TAX.—The amendment made by subsection (a)(2) shall take effect on July 1, 1999.

SEC. 502. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) of the Internal Revenue Code of 1986 (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year,", and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 1998.

SEC. 503. EXTENSION OF OIL SPILL LIABILITY TAXES.

(a) IN GENERAL.—Section 4611(f)(1) (relating to application of oil spill liability trust fund financing rate) is amended by striking "after December 31, 1989, and before January 1, 1995" and inserting "after the date of the enactment of the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999 and before October 1, 2008".

(b) INCREASE IN UNOBLIGATED BALANCE WHICH ENDS TAX.—Section 4611(f)(2) (relating to no tax if unobligated balance in fund exceeds $1,000,000,000) is amended by striking "$1,000,000,000" each place it appears in the text and heading thereof and inserting "$5,000,000,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Mr. GRAHAM. Mr. President, the reason for the delay is an attempt to get as close a verification as possible as to just what is the unfunded amount in this legislation.

The best number available to us through the staffs of the majority and minority of the committee is $16.5 billion over the next 10 years. The amendment I am offering will raise $17.9 billion over that period. It consists of four items.

The first is a reinstatement of the environmental tax imposed on corporate taxable income and deposited in the hazardous substance Superfund. This was a tax that was in effect up until 3 years ago, when it lapsed. There have been proposals to reestablish this tax as part of a Superfund reform bill.

The controversy has been more on what the nature of that reform bill will be than the extension of the tax itself. So I am proposing that we extend this tax and, frankly, hope that before this Congress is over the committee upon which the Presiding Officer and the chairman of the Armed Services Committee sit will in fact produce a reformed Superfund bill.

The second item is a reinstatement of the excise taxes which also lapsed and which would, but for that, have been deposited in the hazardous substance Superfund bill. Both of those would be reinstated as of June 30, 1999.

The third item is a modification of the foreign tax credit carry-over. This was the provision the Senate adopted last year in legislation that was offered by Senator COVERDELL of Georgia. It did not become law.

Under the current law, if a corporation has a tax credit based on payment of taxes in a third country, the company can get a 3-year carry-back—that is, can apply that foreign tax credit for 3 past corporate tax years—or can carry it forward for 5 years. This would adjust that by providing there would only be a 1-year carry-back but would give a 7-year carry-forward.

The third is a reinstatement of the oil spill liability trust fund excise tax with an increase in the trust fund ceiling to $5 billion. This would be through September 30 of the year 2009.

Those four measures, as I indicated, over the 10-year period from 1999 through 2008, would raise a total of $17.979 billion and would fully cover the projected cost of this legislation.

I urge the adoption of this amendment so that we can achieve the dual purpose of seeing that we provide the compensation for our service personnel while at the same time maintain the fiscal discipline which we are so proud and pleased has brought us to the first balanced budget in 30 years, an objective that we do not want to frivolously lose.

Mr. President, I ask unanimous consent to have printed in the RECORD a table reflecting the estimated revenue effects of possible revenue offsets for this bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ESTIMATED REVENUE EFFECTS OF POSSIBLE REVENUE OFFSETS FOR S. 4. THE "SOLDIERS' BILL OF RIGHTS"

[Fiscal years 1999–2008 in millions of dollars]

Provision	Effective	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	1999–2003	1999–2008
1. Reinstate environmental tax imposed on corporate taxable income and deposited in the Hazardous Substance Superfund	tyba 6/30/99	61	424	559	571	584	602	631	663	690	716	2,199	5,501
2. Reinstate excise taxes deposited in the Hazardous Substance Superfund	tyba 6/30/99	173	703	709	716	721	724	731	739	749	754	3,022	6,718
3. Modify foreign tax credit carryover	(1)	84	546	487	454	424	394	271	267	263	259	1,995	3,449
4. Reinstate Oil Spill Liability Trust Fund excise tax and increase trust fund ceiling to $5 billion (through 9/30/09).	DOE	9	247	249	252	254	255	257	260	263	265	1,011	2,311
Net total		327	1,920	2,004	1,993	1,983	1,975	1,890	1,929	1,965	1,994	8,227	17,979

[1] Effective for credits arising in taxable years beginning after 12/31/98.

Note.—Details may not add to totals due to rounding.

Legend for "Effective" column: DOE=date of enactment, tyba=taxable years beginning after.

Source: Joint Committee on Taxation.

Mrs. LINCOLN. Mr. President, I rise today in support of the amendment being offered by my friend from Florida. I appreciate my colleague's commitment to the fiscal responsibility that we have worked so hard to instill in Congress. This is only my second month serving in the United States Senate, but I certainly hope that the process we have followed in considering this legislation does not set a precedent for future debates. I am disappointed that this bill and the amendments have not been considered in hearings before the Armed Services Committee. And I am disappointed that we are circumventing the appropriations process by considering this legislation now.

Certainly I believe that the pay increase and other benefits for the men and women who are serving our country are warranted, but I think we're going about this all wrong. I spent four years in the House of Representatives where I made tough decisions to reign in our federal deficit because I believe that we ought to run our country like most people with common sense run their families. I thought—and still think—that we should not spend money that we do not have. Have we already forgotten the lessons that we learned when the debt soared past $4 trillion? Do we really want to take credit for helping our veterans and the people who continue to serve our country without making the tough, but responsible choices on how to pay for these programs?

When I first came to Congress in 1992, our country faced a $300 billion annual operating deficit. We have worked hard and made difficult decisions to balance the budget and today we are blessed with a surplus. If today's process is any indication of our future actions, we seem poised to squander away the surplus without taking the time to make responsible choices. If we were following the rules we wouldn't be in this situation. The PAYGO provision enacted in 1990 set the framework to discipline Congress when we wanted to spend money without deciding where to get it. And now it appears that we are going to violate that provision because we won't make tough choices.

While I am very proud of the men and women who serve our country in the armed forces and while I am pleased to vote in favor of programs to support them adequately, I am disappointed in this body for failing to follow procedures we have set for ourselves.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. WARNER. Mr. President, if I may add, I would like to ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York has been recognized.

Mr. MOYNIHAN. Mr. President, I rise briefly to state my support for the amendment offered by my distinguished friend and fellow member of the Committee on Finance and simply to inform the Senate that the figures he gave amounting to $17.9 billion over a 10-year period have been formally provided to the Committee on Finance by the Joint Committee on Taxation. These are the final arbiters of our calculations in tax matters. So we are talking about real revenue which we can get simply by passing legislation, which we have already passed, and all of which has been proposed by the President's budget at one point or another.

Characteristically, Senator GRAHAM has had the good sense to advance an elemental but important proposition: this bill ought to be paid for. As Senator GRAHAM argued a short while ago, it would be a shame if the first bill passed by the Senate in the 106th Congress were to commence a reversal of the fiscal discipline that produced the first Federal budget surplus in three decades.

Perhaps memory is beginning to fail us. Thankfully, this Senator can still recall standing on this floor in 1993, during debate on the Omnibus Budget Reconciliation Act of that year. It was not easy getting that great deficit reduction measure enacted, but it was the right thing to do. Its cumulative deficit reduction effect was some $1.2 trillion over five years—twice what we expected when it was enacted.

We did the right thing then, and the right thing to do today is what the Senator from Florida has proposed. The offsets in his amendment are straightforward and ought to be noncontroversial. The first would extend Superfund taxes; the second would reduce the carryback period for the foreign tax credit (a measure that passed the Senate in 1997 and again in 1998), and the third would reinstate the oil spill excise tax—which wants to be done in any event. All told these offsets total about $17 billion, enough to fully offset the costs of the bill.

We grant that adoption of this amendment would create procedural difficulties, but surely these can be overcome on a piece of legislation that enjoys such broad support. In any event what is important here is the principle. I thank the Senator from Florida for pointing it out to us.

I thank the Chair, my friend, and the managers for allowing this intervention.

Mr. WARNER. Mr. President, earlier today the distinguished chairman of the Finance Committee, of which my good friend and colleague from New York is the ranking member, came to the floor and asked that I interpose a motion to table on behalf of Chairman ROTH. Therefore, Mr. President, I now move to table the amendment. Mr. President, I ask that the vote be stacked in accordance with, I hope, what will be a UC request which I will pose as soon as I can get some clearance from my colleagues.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me first thank the Senator from Florida for the determination which he has always shown to pay our bills, not to create additional burdens, debt burdens on our children and grandchildren, to protect the Social Security surplus, and to do what is right in terms of fiscal responsibility.

His amendment is an important amendment. It would make this bill much sounder in terms of paying for the benefits that we have in this bill. I commend him for that vision and for his determination. I hope that his amendment is not tabled. But I just want to commend him for putting, in very specific amendment form, a way in which we can pay for these benefits now instead of just expressing the hope that they will be paid for later.

If we follow that course, of course, the points of order which were referred to before would not be in order, which would be just fine with me. It also would guarantee that the benefits which we now say we want to provide to the men and women in service—in fact, are not guaranteed, but make it more likely to guarantee that those benefits would, in fact, flow down the road. And it is because of that additional assurance which would be given the men and women through the passage of that amendment that I strongly support the amendment of the Senator from Florida.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, if the plan is to stack this and other amendments, could we have a period of 3 or 4 minutes prior to the vote on those stacked amendments to review them with our colleagues before they vote?

Mr. WARNER. I advise my colleague that there is provision for that in the order which is before the Senate at the moment but not yet agreed to. It will be in there.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 23, AS MODIFIED

Mr. LEVIN. Mr. President, I send to the desk, on behalf of Senator HARKIN, a modification to the amendment which he previously sent to the desk.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

On page 28, between lines 8 and 9, insert the following:

SEC. 104. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) RELATIONSHIP TO WIC PROGRAM.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—For the purpose of providing supplemental foods under the program required under subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense for each of fiscal years 1999 through 2003, out of funds available for such fiscal year pursuant to the authorization of appropriations under section 17(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)), $10,000,000 plus such additional amount as is necessary to provide supplemental foods under the program for such fiscal year. The Secretary of Defense shall use funds available for the Department of Defense to provide nutrition education and to pay for costs for nutrition services and administration under the program.".

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.".

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).".

(f) REPORT.—Not later than March 1, 2001, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the implementation of the special supplemental food program required under section 1060a of title 10, United States Code. The report shall include a discussion of whether the amount required to be provided by the Secretary of Agriculture for supplemental foods under subsection (b) of that section is adequate for the purpose and, if not, an estimate of the amount necessary to provide supplemental foods under the program.

On page 25, strike lines 10 through 15, and insert the following:

(b)(1), the Secretary concerned shall pay the member a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance, as determined by the Secretary.

"(b) COVERED MEMBERS.—(1) A member referred to subsection (a) is an enlisted member in pay grade E–5 or below.

"(2) For the purposes of this section, a member shall be considered as being eligible to receive food stamp assistance if the household of the member meets the income standards of eligibility established under section 5(c)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(2)), not taking into account the special subsistence allowance that may be payable to the member under this section and any allowance that is payable to the member under section 403 or 404a of this title.

UNANIMOUS-CONSENT AGREEMENT

Mr. WARNER. Mr. President, I wish to propound a unanimous consent request. I ask unanimous consent that at the hour of 5:15 today there be 10 minutes of debate with respect to the Rockefeller-Specter amendment No. 26, with 5 minutes under the control of Senator ROCKEFELLER, 5 minutes under the control of the Senator from Virginia. I further ask consent that following the debate, the Senate proceed to a vote on the motion to table the Rockefeller-Specter amendment, followed by a vote on or in relation to the Harkin amendment No. 23, to be followed by a vote on or in relation to the motion by the Senator from Virginia to table the Graham amendment No. 29. I further ask consent that there be 5 minutes for explanation between each vote, to be equally divided in the usual form. Finally, I ask consent that following the votes listed above, the Senate proceed to third reading, and final passage occur, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

AMENDMENT NO. 26

Mr. WARNER. Mr. President, would the Chair address the Senate with regard to the order placed.

The PRESIDING OFFICER. There is now going to be 10 minutes of debate, equally divided, on amendment No. 26 by the Senator from West Virginia.

Mr. WARNER. I see my distinguished colleague who has 5 minutes to present his case.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I understand there are 5 minutes equally divided. I just came from the Medicare commission. What I would prefer to do, in that I am offering the amendment and I was not here when the chairman gave his comments about it, is to be able to respond to the 5 minutes and therefore be the closing speaker.

Mr. WARNER. Mr. President, I have under my control some time. But I say to my good friend and colleague that, acting on behalf of the chairman of the Finance Committee, who did address the Senate, I yield back my time. Does he want to take a few minutes and examine the RECORD as to what he said? I would hate to delay this vote.

Mr. ROCKEFELLER. There is no reason to do that. Let me make a few comments and maybe the Senator can expedite the business of the Senate and we can go to the vote.

I want to bring up one matter, Mr. President. The Senator from West Virginia wishes to bring up one matter which was, in fact, not discussed, but which is of some aggravation to me since it comes from the Congressional Budget Office, and it was addressed to me, but I never got it. I had to go to the Finance Committee staff to get it. In that, they sort of attacked the whole idea of what this was going to cost and all the rest of it. I want to respond to that.

This is the cost estimate that Senator ROTH was able to get from CBO just 1 hour ago. In fairly strong terms, I want to say that CBO ought to be embarrassed by their efforts, they ought to be ashamed, and I want to tell you why.

First, my amendment is not based on a more costly House bill, as the CBO estimate claims.

It is based on the DOD subvention bill that Congress enacted and that DOD beneficiaries are already enjoying. So it is already out there. It is also based on a subvention proposal which moved through the Finance Committee, moved through the Senate, and then was killed in conference by presumably the House, dropped in conference by the House.

Second, the Congressional Budget Office claims that my amendment does not attempt to limit the erosion of what VA is paying now. That is not true. They cannot be allowed to get away with that. The VA currently carries a substantial burden for caring for medical-eligible veterans. There are substantial provisions in my amendment with Senator SPECTER, Senator KENNEDY and others that they will continue to do so. Every possible safeguard is littered throughout our amendment—for example, to protect the Medicare trust fund; to be selected as a pilot site. That is what I am suggesting in this amendment—only a pilot program, not full scale; just a pilot.

If the veterans who have Medicare took it to the VA system right now for health care, they would have to pay out of pocket because they can't get reimbursed under Medicare law. What I am trying to do is let them make the decision if they want to stay where they are or if they want to go to the VA hospital; let them make the decision. It is budget neutral.

But to get back, to be selected as a pilot site—I am not talking about the whole program; just a pilot site.

VA hospitals must receive certification that they have reliable cost-accounting systems in place to ensure that the VA will know that their current level of effort to provide health care to Medicare-eligible veterans is good. HHS can come in and squash it.

We also have exactly the same datamatch requirement in my amendment that is in the DOD bill, which is in effect. Maybe the Congressional Budget Office didn't read this.

Also, just as a final backup position, in case in some way I am wrong, we have specifically in this amendment that Medicare payments to the VA are capped at $50 million a year. Medicare spent $207 billion a year last year. It will spend $470 billion 10 years from now, if we don't do something in the commission, which I just had to leave. But they are wrong to suggest what they do. That has to go on the Record.

I will simply conclude. I also say to the distinguished ranking member and the chairman that this has been through the process. This is a very, very good amendment, which everybody in my 15 years of experience in this body, all the Medicare commissions, all the VA commissions, all the future health commissions that are replete—that have looked at this problem have all suggested we do Medicare subvention to give the veterans the choice of where they want to take their health care. Since they are already getting paid Medicare anyway at a private hospital, if perchance they were to go to a veterans hospital, that would be fine, because it might be geographically or more collegially helpful. Medicare would be paying 5 percent less to that VA hospital than they would be to wherever they are going now.

You tell me how we lose on that in the Medicare trust fund. We do nothing but win in terms of veterans. We have been discussing this for years. We discussed it in the past before the chairman of the committee corrected me on the year. He is quite right. I was quite wrong. But it was 2 years ago—not last year. DOD is doing this. I would simply ask that my colleagues vote against the amendment to table, because I think this is a truly significant amendment.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia has 4 minutes remaining.

Mr. WARNER. Thank you, Mr. President.

PRIVILEGE OF THE FLOOR

First, I ask unanimous consent that John Bradley, a detailee to the Committee on Veterans' Affairs be granted floor privileges for the duration of the Senate's consideration of S. 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I find myself in a very awkward position in that I am going to support that—not today but eventually if this motion of the Senator from Virginia prevails. Then the committee of jurisdiction, the Finance Committee, presumably will take up this subject, and hopefully enact legislation, if not identical to those of the Senator from West Virginia, certainly to achieve the same goals.

What the Senator from Virginia is doing is very simple at this moment. That is, the Senate conducts business in a certain way. We respect the jurisdiction of our several committees. We respect the chairman of those committees to ask a fellow chairman such as myself to protect the jurisdiction of that committee and to allow the Finance Committee in this instance to do the legislation. That is the sole purpose of my motion to table, because someday the Senator from Virginia will cast a vote to achieve the goals that the Senator from West Virginia, I think, has very properly raised today as a matter of great need to our veterans.

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Mr. President, will the distinguished Senator yield to me for a moment?

Mr. WARNER. Indeed.

Mr. ROCKEFELLER. Mr. President, I understand what the distinguished chairman is saying. I would only counter that in the veterans committee we are rather accustomed to having our jurisdiction violated. And although, it has caused me to lose some sleep at night, I tend to make that a little less important as to what is happening to the veteran, in which case I think this is enormous consideration. I further point out that in this DOD bill already the VA and the veterans committee are already substantially compromised. I am not objecting to that, because there are substantial VA things in it. I think this is a powerfully important piece of legislation.

I appreciate the Senator's forbearance.

Mr. WARNER. Mr. President, I thank the Senator for those comments, my good friend and colleague. It is just that, indeed, Chairman SPECTER, and the Senator from West Virginia as ranking members have come over to address the issue. You made the decision. Chairman ROTH, likewise, examined this amendment, came over, and took a different position as chairman. Therefore, out of respect to him and the way that we try to accord jurisdiction to the committees, I continue to adhere to the motion to table, and ask Senators to support that motion.

I yield the time, and, Mr. President, I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Virginia to lay on the table the amendment of the Senator from West Virginia. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 0, nays 100, as follows:

[Rollcall Vote No. 24 Leg.]

NAYS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The motion to lay on the table the amendment (No. 26) was rejected.

Mr. WARNER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will come to order. The Senate will please come to order.

Mr. WARNER. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 26) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 23, AS MODIFIED

Mr. WARNER. Mr. President, it is the understanding of the Senator from Virginia that we are now to have a vote on the Harkin amendment No. 23, and there is 5 minutes reserved for the proponent and opponent, equally divided.

The PRESIDING OFFICER. The Senator from Virginia is correct. There is 5 minutes for debate, equally divided. The Senate is not in order, so I ask the Senator from Iowa to please withhold until the Senate comes to order.

The Senator from Iowa.

Mr. HARKIN. I thank the Chair.

Mr. President, in the bill there is an important provision that allows for $180 to be given to help the enlisted personnel who are on food stamps. We have people in uniform today who are eligible for food stamps. There is a $180 special allowance for military personnel in the bill, if they are eligible for food stamps.

All my amendment does is the following. I allows military personnel stationed overseas to receive the same $180 special allowance as those living in the United States. The bill only gives the allowance to people stationed here in the United States. It also streamlines the application process. Right now, if a soldier is eligible for food stamps, they have to go to the food stamp office and get a certification, come back to the military personnel office and then go back to the food stamp office. My amendment allows for a one-step process. With my amendment, all they have to do is go to the military to get certified.

Secondly, my amendment allows service people living off base to have the same $180 special allowance eligibility as those living on base, in other words, it disregards the housing allowance when determining eligibility.

Next, it allows eligible military families to receive the WIC Program if they are overseas. Right now they can get the WIC Program only if they are stationed in the United States.

Mr. WELLSTONE. Mr. President, could we have order in the Chamber.

The PRESIDING OFFICER (Mr. BROWNBACK). Order in the Chamber.

The Senator from Iowa may proceed.

Mr. HARKIN. Mr. President, I heard some people say I am harming the WIC Program. I disagree. You tell me how fair it is for young soldiers here under the current rules. Military families living in the United States are eligible for WIC, and their wives are pregnant, they have kids, and they are getting the WIC Program, and all of a sudden they are sent overseas. Once they get overseas, they are no longer eligible for the WIC Program. Is that fair? They still have the same needs. All my amendment says is if they are eligible for the WIC Program here in America, they are eligible if they are shipped overseas. The DOD estimates maybe $10 or $20 million more per year in costs.

So that is all my amendment does, these modest but important improvements to the underlying bill. It says that if you are a member of the armed forces eligible for a $180 special allowance while stationed in America, you are eligible overseas. That is all it says. If you are eligible for WIC here, you are eligible overseas. It also makes the process streamlined so you do not have to go down to the food stamp office, back to the military, and back to the food stamp office just to qualify for the special allowance. And it treats military housing allowances, as far as eligibility, in a more fair manner. Under the current bill, if you are living on the base you would be eligible for the special subsistence allowance, but if you live off base you may not be eligible because you have the housing allowance. But you use that all up for rent, anyway. This is simply not fair.

I think this amendment, again, is one that tries to help people in the military in a fair way. I think it is embarrassing that we have people in the military who have to get food stamps. What this amendment does is end that once and for all, for all military personnel, who should be eligible for some special benefits.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Mr. President, the Senator from Virginia intends to support the amendment. If there is any Senator desiring to use the time that I have remaining, which is 2 minutes, I would be happy to yield to that Senator.

Hearing no Senator, I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on the amendment.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. LEVIN. He does not need a rollcall.

Mr. WARNER. Mr. President, may I inquire of the proponents? Do you desire a rollcall or not? You told me earlier you did.

Mr. HARKIN. No.

Mr. WARNER. Voice vote. Mr. President, proceed.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 23), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, may we have order.

The PRESIDING OFFICER. The Senate will please be in order.

AMENDMENT NO. 29

Mr. WARNER. The next vote is on or in relation to the Graham amendment, Mr. President. I do ask for the yeas and nays on this.

The PRESIDING OFFICER. Is the Senator requesting yeas and nays on the motion to table?

Mr. WARNER. That is correct, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second on this motion?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I ask unanimous consent that this be a 10-minute vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I yield my time to the distinguished chairman of the Finance Committee, Mr. ROTH.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 2½ minutes.

Mr. ROTH. Mr. President, I reluctantly rise to oppose the amendment offered by Senator GRAHAM. I say reluctantly because I strongly agree with the premise that it is important to pay for this important bill, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999.

However, Senator GRAHAM's amendment is not the way to do it. This is an authorization bill. It is not a tax bill. And if we adopt Senator GRAHAM's amendment, we turn the bill into a revenue bill. Neither Senator GRAHAM's amendment nor any other potential amendments will have come through the Finance Committee, which is the appropriate committee to review all tax legislation in the Senate.

But most importantly, adoption of the amendment would subject the entire bill to a blue slip from the House of Representatives, effectively dooming the important policies embodied in S. 4. So I say to those of you who support this important piece of legislation—and I do—I think it is important that we kill this amendment; otherwise, as I say, it becomes a tax bill and will be blue-slipped on the House side.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield such time as I have remaining to the distinguished Senator from Texas.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has 45 seconds.

Mr. GRAMM. Mr. President, I assume that there is going to be a vote on this amendment. Having listened to the Senator from Delaware, and recognizing that the Constitution says all revenue bills shall originate in the House, I make a constitutional point of order against this amendment.

The PRESIDING OFFICER. The point of order will have to wait until the Senator from Florida has used or yielded back all of his time.

Mr. GRAMM. All right. Fine.

The PRESIDING OFFICER. At which time the said point of order can be made.

Mr. GRAMM. OK.

The PRESIDING OFFICER. The Senator from Florida is recognized for 2 minutes 30 seconds.

Mr. GRAHAM. Mr. President, we are about to take our first legislative action of the 106th Congress. Many of us who ran for election or reelection last November said that one of our greatest sources of pride was that after 30 years of deficits and a Federal debt which had reached close to $6 trillion, that we had finally exercised the fiscal discipline to achieve a balanced Federal budget.

What are we about to do with the first vote of this 106th Congress? We are about to pass a bill which will have an unfunded liability of $16.5 billion. That is $16.5 billion not subject to appropriations. That is $16.5 billion of direct authorized spending in this legislation plus revenue reductions that are incident to this legislation.

Mr. President, that is not the message that we want to send to the American people—that we are going to add a further indebtedness to the Federal Government, that we are going to start down the slippery slope to more deficits and more additions to our national debt.

We do not want to tell our service men and women that we have given them these benefits, which we need to do, but that we were unwilling to pay for them, so that for every dollar we give them, 34 cents is unfunded. That is not fair either to the taxpayers or to the service men and women who we are trying to convince that we are going to substantially improve their service conditions so that they will join up and stay and serve the Nation.

Mr. President, what I have proposed is a simple proposition. If we are going to make this offer to our service personnel, let's pay for it. I have proposed a payment of four items. Three are tax measures which have been passed by this Congress and which have lapsed. This would renew those measures. Two of them relate to the Superfund Program, one of them to the oilspill liability, the fourth is a measure which was included in a bill that Senator COVERDELL brought to us last year, which passed the Senate, which makes a change in the carry-over provision for foreign tax credit.

Those four items together will raise the funds necessary to convert this blank check into a fully funded check, be responsible to the American taxpayers, to the service men and women and, particularly, be responsible to the American people who are looking to us to see if we can maintain the fiscal discipline that we so recently acquired. This is a test of this Congress.

Mr. WARNER. I yield to the Senator from Texas.

Mr. GRAMM. Mr. President, the amendment before us contains several major changes to the Tax Code, changes that affect the competitiveness of America in the world market, changes that represent fundamental modifications to the Tax Code.

I realize that we have taken a holiday from reality here in spending billions and billions of dollars, but to come to the floor of the Senate in violation of the Constitution and to start rewriting the Tax Code when the Constitution says that tax bills shall originate in the House is taking this whole process too far.

CONSTITUTIONAL POINT OF ORDER

Mr. GRAMM. Mr. President, I make a constitutional point of order against this amendment in that it violates the Constitution, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the Senate's precedents, a constitutional point of order must be submitted to the Senate. The question is, Is the point of order well taken?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 80, nays 20, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—80

Abraham
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reid
Roberts
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NAYS—20

Akaka
Bayh
Bryan
Daschle
Feingold
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kohl

Levin
Lincoln
Moynihan
Reed
Robb
Rockefeller
Torricelli
Wellstone

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 20. The constitutional point of order is well-taken; therefore, the amendment falls.

Mr. WARNER. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAHAM. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. GRAHAM. The specific nature of a constitutional point of order was that the amendment that I had offered would have effected taxation and therefore required that this measure be originated in the House of Representatives, is that correct?

The PRESIDING OFFICER. Would the Senator from Texas care to clarify his point of order?

Mr. GRAMM. The point of order was a constitutional point of order made under the provisions of article I, which require that revenue bills originate in the House. The Senator's amendment changed three provisions of the Tax Code and therefore violated the Constitution. As the Chair ruled, under precedent, the Chair does not rule as to whether order stands. Therefore, we voted 80–20 to sustain that point of order.

Mr. GRAHAM. Mr. President, further inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRAHAM. Would that indicate that if there were in the underlying bill that is now before the Senate also measures which effected revenues that the bill would similarly be subject to a constitutional point of order?

The PRESIDING OFFICER. The point of order is just against the amendment and not against the entire bill. That is why the amendment fails. It doesn't apply to the rest of the bill. The order was raised against the amendment.

Mr. GRAHAM. Mr. President, the question I asked was, would a constitutional point of order be available against the bill because of provisions which effected revenue?

Mr. WARNER. Mr. President, I would like to be heard on that.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I addressed that question to the chairman of the Finance Committee, Senator ROTH. He assured me that it did not have any provision in there that would be subject to that question.

Mr. GRAHAM. Mr. President, I have a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRAHAM. The letter from the Congressional Budget Office, submitted to Chairman WARNER on February 12, 1999, on page 9, indicates that there has been an effect in the change of receipts as a result of provisions which are in the underlying bill. The question is, would that make the underlying bill subject to the same constitutional point of order as effecting revenue?

The PRESIDING OFFICER. I am advised by the Parliamentarian that, under the previous order, we are at the point of third reading and passage of the bill without intervening action at this point in time, which would bar a point of order being raised at this point in time.

Mr. GRAHAM. Point of order, Mr. President. There was also, I believe, no provision in the unanimous-consent agreement we accepted that would have sanctioned the constitutional point of order against the amendment.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the question has been placed to the Chair, and I understand the Chair is ready to rule.

The PRESIDING OFFICER. Yes. Under the previous agreement that was in existence, the point of order was allowed for and was not barred against the amendments. The previous order provided that there would not be intervening action between the vote on the final amendment and final passage. Therefore, the point of order at this point in time will not be allowed, and it was in order for the prior time during the amendment.

Mr. GRAHAM. Further parliamentary inquiry, Mr. President. Would a motion asking unanimous consent that a constitutional point of order be available be in order?

The PRESIDING OFFICER. If the Senator wishes to ask unanimous consent for such a point of order, it would be in order.

Mr. GRAHAM. Mr. President, I ask unanimous consent that I be allowed to raise a constitutional point of order.

Mr. WARNER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Regular order.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on passage of the bill, as amended.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on passage of the bill, as amended. The yeas and nays have been ordered. The Clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote "aye."

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—91

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—8

Dodd
Durbin
Feingold
Graham
Gregg
Lieberman
Nickles
Voinovich

NOT VOTING—1

Moynihan

The bill (S. 4), as amended, was passed, as follows:

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999".

TITLE I—PAY AND ALLOWANCES

SEC. 101. FISCAL YEAR 2000 INCREASE AND RESTRUCTURING OF BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services by section 203(a) of such title to become effective during fiscal year 2000 shall not be made.

(b) JANUARY 1, 2000, INCREASE IN BASIC PAY.—Effective on January 1, 2000, the rates of monthly basic pay for members of the uniformed services shall be increased by 4.8 percent.

(c) BASIC PAY REFORM.—Effective on July 1, 2000, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS[1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
O-9	0.00	0.00	0.00	0.00	0.00
O-8	6,594.30	6,810.30	6,953.10	6,993.30	7,171.80
O-7	5,479.50	5,851.80	5,851.50	5,894.40	6,114.60
O-6	4,061.10	4,461.60	4,754.40	4,754.40	4,772.40
O-5	3,248.40	3,813.90	4,077.90	4,127.70	4,291.80
O-4	2,737.80	3,333.90	3,556.20	3,606.04	3,812.40
O-3[3]	2,544.00	2,884.20	3,112.80	3,364.80	3,525.90
O-2[3]	2,218.80	2,527.20	2,910.90	3,000.00	3,071.10
O-1[3]	1,926.30	2,004.90	2,423.10	2,423.10	2,423.10

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
O-10[2]	$0.00	$0.00	$0.00	$0.00	$0.00
O-9	0.00	0.00	0.00	0.00	0.00
O-8	7,471.50	7,540.80	7,824.60	7,906.20	8,150.10
O-7	6,282.00	6,475.80	6,669.00	6,863.10	7,471.50
O-6	4,976.70	5,004.00	5,004.00	5,169.30	5,791.20
O-5	4,291.80	4,420.80	4,659.30	4,971.90	5,286.00
O-4	3,980.40	4,251.50	4,464.00	4,611.00	4,758.90
O-3[3]	3,702.60	3,850.20	4,040.40	4,139.10	4,139.10
O-2[3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
O-1[3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
O-10[2]	$0.00	$10,655.10	$10,707.60	$10,930.20	$11,318.40
O-9	0.00	9,319.50	9,453.60	9,647.70	9,986.40
O-8	8,503.80	8,830.20	9,048.00	9,048.00	9,048.00
O-7	7,985.40	7,985.40	7,985.40	7,985.40	8,025.60
O-6	6,086.10	6,381.30	6,549.00	6,719.10	7,049.10
O-5	5,436.00	5,583.60	5,751.90	5,751.90	5,751.90
O-4	4,808.70	4,808.70	4,808.70	4,808.70	4,808.70
O-3[3]	4,139.10	4,139.10	4,139.10	4,139.10	4,139.10
O-2[3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
O-1[3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

[1] Basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

[2] While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be $12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule.

[3] Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E	$0.00	$0.00	$0.00	$3,364.80	$3,525.90
O-2E	0.00	0.00	0.00	3,009.00	3,071.10
O-1E	0.00	0.00	0.00	2,423.10	2,588.40

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E	$3,702.60	$3,850.20	$4,040.40	$4,200.30	$4,291.80
O-2E	3,168.60	3,333.90	3,461.40	3,556.20	3,556.20
O-1E	2,683.80	2,781.30	2,877.60	3,009.00	3,009.00

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
O-3E	$4,416.90	$4,416.90	$4,416.90	$4,416.90	$4,416.90
O-2E	3,556.20	3,556.20	3,556.20	3,556.20	3,556.20
O-1E	3,009.00	3,009.00	3,009.00	3,009.00	3,009.00

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5	$0.00	$0.00	$0.00	$0.00	$0.00
W-4	2,592.00	2,788.50	2,868.60	2,947.50	3,083.40
W-3	2,355.90	2,555.40	2,555.40	2,588.40	2,694.30
W-2	2,063.40	2,232.60	2,232.60	2,305.80	2,423.10
W-1	1,719.00	1,971.00	1,971.00	2,135.70	2,232.60

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
W-5	$0.00	$0.00	$0.00	$0.00	$0.00
W-4	3,217.20	3,352.80	3,485.10	3,622.20	3,753.60
W-3	2,814.90	2,974.20	3,071.10	3,177.00	3,298.20
W-2	2,555.40	2,852.60	2,749.80	2,844.30	2,949.00
W-1	2,332.80	2,433.30	2,533.20	2,634.00	2,734.80

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
W-5	$0.00	$4,475.10	$4,628.70	$4,782.90	$4,937.40
W-4	3,888.00	4,019.00	4,155.60	4,289.70	4,427.10
W-3	3,418.50	3,539.10	3,659.40	3,780.00	3,900.90

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–2	3,058.40	3,163.80	3,270.90	3,378.30	3,378.30
W–1	2,835.00	2,910.90	2,910.90	2,910.90	2,910.90

ENLISTED MEMBERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–9[4]	$0.00	$0.00	$0.00	$0.00	$0.00
E–8	0.00	0.00	0.00	0.00	0.00
E–7	1,765.80	1,927.80	2,001.00	2,073.00	2,147.70
E–6	1,518.90	1,678.20	1,752.60	1,824.30	1,899.30
E–5	1,332.60	1,494.00	1,566.00	1,640.40	1,714.50
E–4	1,242.90	1,373.10	1,447.20	1,520.10	1,593.90
E–3	1,171.50	1,260.60	1,334.10	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E–1	[5] 1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

Pay Grade	Over 8	Over 10	Over 12	Over 14	Over 16
E–9[4]	$0.00	$3,015.30	$3,083.40	$3,169.80	$3,271.50
E–8	2,528.40	2,601.60	2,669.70	2,751.60	2,840.10
E–7	2,220.90	2,294.10	2,367.30	2,439.30	2,514.00
E–6	1,973.10	2,047.20	2,118.60	2,191.50	2,244.60
E–5	1,789.50	1,861.50	1,936.20	1,936.20	1,936.20
E–4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E–3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E–1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

Pay Grade	Over 18	Over 20	Over 22	Over 24	Over 26
E–9[4]	$3,373.20	$3,473.40	$3,609.30	$3,744.00	$3,915.80
E–8	2,932.50	3,026.10	3,161.10	3,295.50	3,483.60
E–7	2,588.10	2,660.40	2,787.60	2,926.20	3,134.40
E–6	2,283.30	2,283.30	2,285.70	2,285.70	2,285.70
E–5	1,936.20	1,936.20	1,936.20	1,936.20	1,936.20
E–4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E–3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,123.20	1,127.40
E–1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

[4] While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[5] In the case of members in the grade E–1 who have served less than 4 months on active duty, basic pay is $930.30.

SEC. 102. PAY INCREASES FOR FISCAL YEARS AFTER FISCAL YEAR 2000.

(a) ECI+0.5 PERCENT INCREASE FOR ALL MEMBERS.—Section 1009(c) of title 37, United States Code, is amended to read as follows:

"(c) ECI+0.5 PERCENT INCREASE FOR ALL MEMBERS.—Subject to subsection (d), an adjustment taking effect under this section during a fiscal year shall provide all eligible members with an increase in the monthly basic pay by the percentage equal to the sum of one percent plus the percentage calculated as provided under section 5303(a) of title 5 (without regard to whether rates of pay under the statutory pay systems are actually increased during such fiscal year under that section by the percentage so calculated).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2000.

SEC. 103. SPECIAL SUBSISTENCE ALLOWANCE.

(a) ALLOWANCE.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:

"§ 402a. Special subsistence allowance

"(a) ENTITLEMENT.—Upon the application of an eligible member of a uniformed service described in subsection (b)(1), the Secretary concerned shall pay the member a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance, as determined by the Secretary.

"(b) COVERED MEMBERS.—(1) A member referred to subsection (a) is an enlisted member in pay grade E–5 or below.

"(2) For the purposes of this section, a member shall be considered as being eligible to receive food stamp assistance if the household of the member meets the income standards of eligibility established under section 5(c)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(2)), not taking into account the special subsistence allowance that may be payable to the member under this section and any allowance that is payable to the member under section 403 or 404a of this title.

"(c) TERMINATION OF ENTITLEMENT.—The entitlement of a member to receive payment of a special subsistence allowance terminates upon the occurrence of any of the following events:

"(1) Termination of eligibility for food stamp assistance.

"(2) Payment of the special subsistence allowance for 12 consecutive months.

"(3) Promotion of the member to a higher grade.

"(4) Transfer of the member in a permanent change of station.

"(d) REESTABLISHED ENTITLEMENT.—(1) After a termination of a member's entitlement to the special subsistence allowance under subsection (c), the Secretary concerned shall resume payment of the special subsistence allowance to the member if the Secretary determines, upon further application of the member, that the member is eligible to receive food stamps.

"(2) Payments resumed under this subsection shall terminate under subsection (c) upon the occurrence of an event described in that subsection after the resumption of the payments.

"(3) The number of times that payments are resumed under this subsection is unlimited.

"(e) DOCUMENTATION OF ELIGIBILITY.—A member of the uniformed services applying for the special subsistence allowance under this section shall furnish the Secretary concerned with such evidence of the member's eligibility for food stamp assistance as the Secretary may require in connection with the application.

"(f) AMOUNT OF ALLOWANCE.—The monthly amount of the special subsistence allowance under this section is $180.

"(g) RELATIONSHIP TO BASIC ALLOWANCE FOR SUBSISTENCE.—The special subsistence allowance under this section is in addition to the basic allowance for subsistence under section 402 of this title.

"(h) FOOD STAMP ASSISTANCE DEFINED.—In this section, the term 'food stamp assistance' means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

"(i) TERMINATION OF AUTHORITY.—No special subsistence allowance may be made under this section for any month beginning after September 30, 2004.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:

"402a. Special subsistence allowance.".

(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, shall take effect on the first day of the first month that begins not less than 180 days after the date of the enactment of this Act.

(c) ANNUAL REPORT.—(1) Not later than March 1 of each year after 1999, the Secretary of Defense shall submit to Congress a report setting forth the number of members of the uniformed services who are eligible for assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(2) In preparing the report, the Secretary shall consult with the Secretary of Transportation (with respect to the Coast Guard), who shall provide the Secretary of Defense with any information that the Secretary determines necessary to prepare the report.

(3) No report is required under this section after March 1, 2004.

SEC. 104. INCREASED TUITION ASSISTANCE FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION OR SIMILAR OPERATION.

(a) Inapplicability of Limitation on Amount.—Section 2007(a) of title 10, United States Code, is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by adding at the end the following:

“(4) in the case of a member deployed outside the United States in support of a contingency operation or similar operation, all of the charges may be paid while the member is so deployed.”.

(b) Increased Authority Subject to Appropriations.—The authority to pay additional tuition assistance under paragraph (4) of section 2007(a) of title 10, United States Code, as added by subsection (a), may be exercised only to the extent provided for in appropriations Acts.

SEC. 105. INCREASE IN RATE OF DIVING DUTY SPECIAL PAY.

(a) Increase.—Section 304(b) of title 37, United States Code, is amended—

(1) by striking “$200” and inserting “$240”; and

(2) by striking “$300” and inserting “$340”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to special pay paid under section 304 of title 37, United States Code, for months beginning on or after that date.

SEC. 106. INCREASE IN MAXIMUM AMOUNT AUTHORIZED FOR REENLISTMENT BONUS FOR ACTIVE MEMBERS.

(a) Increase in Maximum Amount.—Section 308(a)(2)(B) of title 37, United States Code, is amended by striking “$45,000” and inserting “$60,000”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to reenlistments and extensions of enlistments taking effect on or after that date.

SEC. 107. INCREASE IN ENLISTMENT BONUS FOR MEMBERS WITH CRITICAL SKILLS.

(a) Increase.—Section 308a(a) of title 37, United States Code, is amended in the first sentence by striking “$12,000” and inserting “$20,000”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect enlistments and extensions of enlistments taking effect on or after that date.

SEC. 108. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.

(a) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(a) of title 37, United States Code, is amended by striking “$15,000” and inserting “$25,000”.

(b) Nuclear Career Accession Bonus.—Section 312b(a)(1) of title 37, United States Code, is amended by striking “$10,000” and inserting “$20,000”.

(c) Nuclear Career Annual Incentive Bonuses.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking “$12,000” and inserting “$22,000”; and

(2) in subsection (b)(1), by striking “$5,500” and inserting “$10,000”.

(d) Effective Date.—(1) The amendments made by this section shall take effect on October 1, 1999.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under section 312(a) and 312b(a), respectively, of title 37, United States Code, on or after October 1, 1999.

(3) The amendments made by subsection (c) shall apply with respect to nuclear service years beginning on or after October 1, 1999.

SEC. 109. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR FOREIGN LANGUAGE PROFICIENCY PAY.

(a) Increase in Maximum Monthly Rate.—Section 316(b) of title 37, United States Code, is amended by striking “$100” and inserting “$300”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to foreign language proficiency pay paid under section 316 of title 37, United States Code, for months beginning on or after that date.

SEC. 110. CAREER ENLISTED FLYER INCENTIVE PAY.

(a) Incentive Pay Authorized.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section 301f:

“§ 301f. Incentive pay: career enlisted flyers

“(a) Pay Authorized.—An enlisted member described in subsection (b) may be paid career enlisted flyer incentive pay as provided in this section.

“(b) Eligible Members.—An enlisted member referred to in subsection (a) is an enlisted member of the armed forces who—

“(1) is entitled to basic pay under section 204 of this title or is entitled to compensation under paragraph (1) or (2) of section 206(a) of this title;

“(2) holds a military occupational specialty or military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned in regulations prescribed under subsection (f) and continues to be proficient in the skills required for that specialty or rating, or is in training leading to the award of such a specialty or rating; and

“(3) is qualified for aviation service.

“(c) Monthly Payment.—(1) Career enlisted flyer incentive pay may be paid a member referred to in subsection (b) for each month in which the member performs aviation service that involves frequent and regular performance of operational flying duty by the member.

“(2)(A) Career enlisted flyer incentive pay may be paid a member referred to in subsection (b) for each month in which the member performs service, without regard to whether or the extent to which the member performs operational flying duty during the month, as follows:

“(i) In the case of a member who has performed at least 6, and not more than 15, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 72 months if the member so performed in at least that number of months before completing the member's first 10 years of performance of aviation service.

“(ii) In the case of a member who has performed more than 15, and not more than 20, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 108 months if the member so performed in at least that number of months before completing the member's first 15 years of performance of aviation service.

“(iii) In the case of a member who has performed more than 20, and not more than 25, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 168 months if the member so performed in at least that number of months before completing the member's first 20 years of performance of aviation service.

“(B) The Secretary concerned, or a designee of the Secretary concerned not below the level of personnel chief of the armed force concerned, may reduce the minimum number of months of frequent and regular performance of operational flying duty applicable in the case of a particular member under—

“(i) subparagraph (A)(i) to 60 months;

“(ii) subparagraph (A)(ii) to 96 months; or

“(iii) subparagraph (A)(iii) to 144 months.

“(C) A member may not be paid career enlisted flyer incentive pay in the manner provided under subparagraph (A) after the member has completed 25 years of aviation service.

“(d) Monthly Rates.—(1) The monthly rate of any career enlisted flyer incentive pay paid under this section to a member on active duty shall be prescribed by the Secretary concerned, but may not exceed the following:

“Years of aviation service	Monthly rate
4 or less	$150
Over 4	$225
Over 8	$350
Over 14	$400.

“(2) The monthly rate of any career enlisted flyer incentive pay paid under this section to a member of a reserve component for each period of inactive-duty training during which aviation service is performed shall be equal to $\frac{1}{30}$ of the monthly rate of career enlisted flyer incentive pay provided under paragraph (1) for a member on active duty with the same number of years of aviation service.

“(e) Nonapplicability to Members Receiving Hazardous Duty Incentive Pay or Special Pay for Diving Duty.—A member receiving incentive pay under section 301(a) of this title or special pay under section 304 of this title may not be paid special pay under this section for the same period of service.

“(f) Regulations.—The Secretary concerned shall prescribe regulations for the administration of this section. The regulations shall include the following:

“(1) Definitions of the terms ‘aviation service’ and ‘frequently and regularly performed operational flying duty’ for purposes of this section.

“(2) The military occupational specialties or military rating, as the case may be, that are designated as career enlisted flyer specialties or ratings, respectively, for purposes of this section.

“(g) Definition.—In this section, the term ‘operational flying duty’ means—

“(1) flying performed under competent orders while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned; and

“(2) flying performed by members in training that leads to the award of a military occupational specialty or rating referred to in subsection (b)(2).”.

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 301e the following new item:

"301f. Incentive pay; career enlisted flyers.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1999.

(c) Save Pay Provision.—In the case of an enlisted member of a uniformed service who is a designated career enlisted flyer entitled to receive hazardous duty incentive pay under section 301(b) or 301(c)(2)(A) of title 37, United States Code, as of October 1, 1999, the member shall be entitled from that date to payment of incentive pay at the monthly rate that is the higher of—

(1) the monthly rate of incentive pay authorized by such section 301(b) or 301(c)(2)(A) as of September 30, 1999; or

(2) the monthly rate of incentive pay authorized by section 301f of title 37, United States Code, as added by subsection (a).

SEC. 111. RETENTION BONUS FOR SPECIAL WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) Bonus Authorized.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301f, as added by section 110(a) of this Act, the following new section:

"§ 301g. Special pay: special warfare officers extending period of active duty

"(a) Bonus Authorized.—A special warfare officer described in subsection (b) who executes a written agreement to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

"(b) Covered Officers.—A special warfare officer referred to in subsection (a) is an officer of a uniformed service who—

"(1) is qualified for a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator and is serving in a position for which that specialty or designator is authorized;

"(2) is in pay grade O–3, or is in pay grade O–4 and is not on a list of officers recommended for promotion, at the time the officer applies for an agreement under this section;

"(3) has completed at least 6, but not more than 14, years of active commissioned service; and

"(4) has completed any service commitment incurred to be commissioned as an officer.

"(c) Amount of Bonus.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the written agreement.

"(d) Proration.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 14 years of active commissioned service.

"(e) Payment.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid—

"(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary concerned followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

"(2) in graduated annual payments under regulations prescribed by the Secretary concerned with the first payment being payable at the time the agreement is accepted by the Secretary concerned and subsequent payments being payable on the anniversaries of the acceptance of the agreement.

"(f) Additional Pay.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(g) Repayment.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty in special warfare service as specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid the officer under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(h) Regulations.—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term 'special warfare service' for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, as amended by section 110(a) of this Act, is amended by inserting after the item relating to section 301f the following new item:

"301g. Special pay: special warfare officers extending period of active duty.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 112. RETENTION BONUS FOR SURFACE WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) Bonus Authorized.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301g, as added by section 111(a) of this Act, the following new section:

"§ 301h. Special pay: surface warfare officers extending period of active duty

"(a) Special Pay Authorized.—(1) A surface warfare officer described in subsection (b) who executes a written agreement described in paragraph (2) may, upon the acceptance of the agreement by the Secretary of the Navy, be paid a retention bonus as provided in this section.

"(2) An agreement referred to in paragraph (1) is an agreement in which the officer concerned agrees—

"(A) to remain on active duty for at least two years and through the tenth year of active commissioned service; and

"(B) to complete tours of duty to which the officer may be ordered during the period covered by subparagraph (A) as a department head afloat.

"(b) Covered Officers.—A surface warfare officer referred to in subsection (a) is an officer of the Regular Navy or Naval Reserve on active duty who—

"(1) is designated and serving as a surface warfare officer;

"(2) is in pay grade O–3 at the time the officer applies for an agreement under this section;

"(3) has been selected for assignment as a department head on a surface ship;

"(4) has completed at least four, but not more than eight, years of active commissioned service; and

"(5) has completed any service commitment incurred to be commissioned as an officer.

"(c) Amount of Bonus.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the written agreement.

"(d) Proration.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 10 years of active commissioned service.

"(e) Payment.—Upon acceptance of a written agreement under subsection (a) by the Secretary of the Navy, the total amount payable pursuant to the agreement becomes fixed and may be paid—

"(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

"(2) in equal annual payments with the first payment being payable at the time the agreement is accepted by the Secretary and subsequent payments being payable on the anniversaries of the acceptance of the agreement.

"(f) Additional Pay.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

"(g) Repayment.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary of the Navy may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

"(h) Regulations.—The Secretary of the Navy shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 301g, as added by section 111(a) of this Act, the following new item:

"301h. Special pay: surface warfare officers extending period of active duty.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 113. AVIATION CAREER OFFICER SPECIAL PAY.

(a) PERIOD OF AUTHORITY.—Subsection (a) of section 301b of title 37, United States Code, is amended—

(1) by inserting "(1)" after "AUTHORIZED.—";

(2) by striking "during the period beginning on January 1, 1989, and ending on December 31, 1999," and inserting "during the period described in paragraph (2),"; and

(3) adding at the end the following:

"(2) Paragraph (1) applies with respect to agreements executed during the period beginning on the first day of the first month that begins on or after the date of the enactment of the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999 and ending on December 31, 2004.".

(b) REPEAL OF LIMITATION TO CERTAIN YEARS OF CAREER AVIATION SERVICE.—Subsection (b) of such section is amended—

(1) by striking paragraph (5);

(2) by inserting "and" at the end of paragraph (4); and

(3) by redesignating paragraph (6) as paragraph (5).

(c) REPEAL OF LOWER ALTERNATIVE AMOUNT FOR AGREEMENT TO SERVE FOR 3 OR FEWER YEARS.—Subsection (c) of such section is amended by striking "than—" and all that follows and inserting "than $25,000 for each year covered by the written agreement to remain on active duty.".

(d) PRORATION AUTHORITY FOR COVERAGE OF INCREASED PERIOD OF ELIGIBILITY.—Subsection (d) of such section is amended by striking "14 years of commissioned service" and inserting "25 years of aviation service".

(e) TERMINOLOGY.—Such section is further amended—

(1) in subsection (f), by striking "A retention bonus" and inserting "Any amount"; and

(2) in subsection (i)(1), by striking "retention bonuses" in the first sentence and inserting "special pay under this section".

(f) REPEAL OF CONTENT REQUIREMENTS FOR ANNUAL REPORT.—Subsection (i)(1) of such section is further amended by striking the second sentence.

(g) TECHNICAL AMENDMENT.—Subsection (g)(3) of such section if amended by striking the second sentence.

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 114. THREE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 1999," and inserting "December 31, 2002,".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(c) ENLISTMENT BONUSES FOR MEMBERS WITH CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking "December 31, 1999" and inserting "December 31, 2002".

(d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(f) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking "any fiscal year beginning before October 1, 1998, and the 15-month period beginning on that date and ending on December 31, 1999" and inserting "the 15-month period beginning on October 1, 1998, and ending on December 31, 1999, and any year beginning after December 31, 1999, and ending before January 1, 2003".

SEC. 115. THREE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking "January 1, 2000" and inserting in lieu thereof "January 1, 2003".

SEC. 116. THREE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting "December 31, 2002".

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking "December 31, 1999" and inserting in lieu thereof "December 31, 2002".

SEC. 117. SENSE OF CONGRESS REGARDING PARITY BETWEEN ADJUSTMENTS IN MILITARY AND CIVIL SERVICE PAY.

(a) FINDINGS.—Congress makes the following findings:

(1) Members of the uniformed services of the United States and civilian employees of the United States make significant contributions to the general welfare of the United States.

(2) Increases in the levels of pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall levels of pay of workers in the private sector so that there is now up to a 30 percent gap between the compensation levels of Federal civilian employees and the compensation levels of private sector workers and a 9 to 14 percent gap between the compensation levels of members of the uniformed services and the compensation levels of private sector workers.

(3) In almost every year of the past two decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

SEC. 118. ENTITLEMENT OF RESERVES NOT ON ACTIVE DUTY TO RECEIVE SPECIAL DUTY ASSIGNMENT PAY.

(a) AUTHORITY.—Section 307(a) of title 37, United States Code, is amended by inserting after "is entitled to basic pay" in the first sentence the following: ", or is entitled to compensation under section 206 of this title in the case of a member of a reserve component not on active duty,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 119. SENSE OF THE SENATE REGARDING USE OF EXTENSION OF TIME TO FILE TAX RETURNS FOR MEMBERS OF UNIFORMED SERVICES ON DUTY ABROAD.

(a) FINDINGS.—The Senate finds that—

(1) the Internal Revenue Service provides a 2-month extension of the deadline for filing tax returns for members of the uniformed services who are in an area outside the United States or the Commonwealth of Puerto Rico for a tour of duty which includes the date for filing tax returns;

(2) any taxpayer using this 2-month extension who owes additional tax must pay the tax on or before the regular filing deadline;

(3) those who use the 2-month extension and wait to pay the additional tax at the time of filing are charged interest from the regular filing deadline, and may also be required to pay a penalty; and

(4) it is fundamentally unfair to members of the uniformed services who make use of this extension to require them to pay penalties and interest on the additional tax owed.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the 2-month extension of the deadline for filing tax returns for certain members of the uniformed services provided in Internal Revenue Service regulations should be codified; and

(2) eligible members of the uniformed services should be able to make use of the extension without accumulating interest or penalties.

SEC. 120. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) RELATIONSHIP TO WIC PROGRAM.—Subsection (b) of such section is amended to read as follows:

"(b) FEDERAL PAYMENTS.—For the purpose of providing supplemental foods under the program required under subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense for each of fiscal years 1999 through 2003, out of funds available for such fiscal year pursuant to the authorization of appropriations under section 17(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)), $10,000,000 plus such additional amount as is necessary to provide supplemental foods under the program for such fiscal year. The Secretary of Defense shall use funds available for the Department of Defense to provide nutrition education and to pay for costs for nutrition services and administration under the program.".

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.".

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).".

(f) REPORT.—Not later than March 1, 2001, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the implementation of the special supplemental food program required under section 1060a of title 10, United States Code. The report shall include a discussion of whether the amount required to be provided by the Secretary of Agriculture for supplemental foods under subsection (b) of that section is adequate for the purpose and, if not, an estimate of the amount necessary to provide supplemental foods under the program.

TITLE II—RETIREMENT BENEFITS

SEC. 201. RETIRED PAY OPTIONS FOR PERSONNEL ENTERING UNIFORMED SERVICES ON OR AFTER AUGUST 1, 1986.

(a) REDUCED RETIRED PAY ONLY FOR MEMBERS ELECTING 15-YEAR SERVICE BONUS.—(1) Paragraph (2) of section 1409(b) of title 10, United States Code, is amended by inserting after "July 31, 1986," the following: "has elected to receive a bonus under section 318 of title 37,".

(2)(A) Paragraph (2)(A) of section 1401a(b) of title 10, United States Code, is amended by striking "The Secretary shall increase the retired pay of each member and former member who first became a member of a uniformed service before August 1, 1986," and inserting "Except as otherwise provided in this subsection, the Secretary shall increase the retired pay of each member and former member".

(B) Paragraph (3) of such section 1401a(b) is amended by inserting after "August 1, 1986," the following: "and has elected to receive a bonus under section 318 of title 37,".

(3) Section 1410 of title 10, United States Code, is amended by inserting after "August 1, 1986," the following: "who has elected to receive a bonus under section 318 of title 37,".

(b) OPTIONAL LUMP-SUM BONUS AT 15 YEARS OF SERVICE.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 318. Special pay: 15-year service bonus elected by members entering on or after August 1, 1986

"(a) PAYMENT OF BONUS.—The Secretary concerned shall pay a bonus to a member of a uniformed service who is eligible and elects to receive the bonus under this section.

"(b) ELIGIBILITY FOR BONUS.—A member of a uniformed service serving on active duty is eligible to receive a bonus under this section if the member—

"(1) first became a member of a uniformed service on or after August 1, 1986;

"(2) has completed 15 years of active duty in the uniformed services; and

"(3) if not already obligated to remain on active duty for a period that would result in at least 20 years of active-duty service, executes a written agreement (prescribed by the Secretary concerned) to remain continuously on active duty for five years after the date of the completion of 15 years of active-duty service.

"(c) ELECTION.—(1) A member eligible to receive a bonus under this section may elect to receive the bonus. The election shall be made in such form and within such period as the Secretary concerned requires.

"(2) An election made under this subsection is irrevocable.

"(d) NOTIFICATION OF ELIGIBILITY.—The Secretary concerned shall transmit a written notification of the opportunity to elect to receive a bonus under this section to each member who is eligible (or upon execution of an agreement described in subsection (b)(3), would be eligible) to receive the bonus. The Secretary shall complete the notification within 180 days after the date on which the member completes 15 years of active duty. The notification shall include the procedures for electing to receive the bonus and an explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay which the member may become eligible to receive.

"(e) FORM AND AMOUNT OF BONUS.—A bonus under this section shall be paid in one lump sum of $30,000.

"(f) TIME FOR PAYMENT.—Payment of a bonus to a member electing to receive the bonus under this section shall be made not later than the first month that begins on or after the date that is 60 days after the Secretary concerned receives from the member an election that satisfies the requirements imposed under subsection (c).

"(g) REPAYMENT OF BONUS.—(1) If a person paid a bonus under this section fails to complete the total period of active duty specified in the agreement entered into under subsection (b)(3), the person shall refund to the United States the amount that bears the same ratio to the amount of the bonus payment as the unserved part of that total period bears to the total period.

"(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under the agreement or this subsection.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"318. Special pay: 15-year service bonus elected by members entering on or after August 1, 1986.".

(c) CONFORMING AMENDMENTS TO SURVIVOR BENEFIT PLAN PROVISIONS.—(1) Section 1451(h)(3) of title 10, United States Code, is amended by inserting "OF CERTAIN MEMBERS" after "RETIREMENT".

(2) Section 1452(i) of such title is amended by striking "When the retired pay" and inserting "Whenever the retired pay".

(d) RELATED TECHNICAL AMENDMENTS.—(1) Section 1401a(b) of title 10, United States Code, is amended—

(A) by striking the heading for paragraph (1) and inserting "INCREASE REQUIRED.—";

(B) by striking the heading for paragraph (2) and inserting "PERCENTAGE INCREASE.—"; and

(C) by striking the heading for paragraph (3) and inserting "REDUCED PERCENTAGE FOR CERTAIN POST-AUGUST 1, 1986 MEMBERS.—".

(2) Section 1409(b)(2) of title 10, United States Code, is amended by inserting "CERTAIN" after "REDUCTION APPLICABLE TO" in the paragraph heading.

(3)(A) The heading of section 1410 of such title is amended by inserting "**certain**" before "**members**".

(B) The item relating to such section in the table of sections at the beginning of chapter 71 of title 10, United States Code, is amended by inserting "certain" before "members".

SEC. 202. PARTICIPATION IN THRIFT SAVINGS PLAN.

(a) PARTICIPATION AUTHORITY.—(1)(A) Chapter 3 of title 37, United States Code, is amended by adding at the end the following:

"§ 211. Participation in Thrift Savings Plan

"(a) AUTHORITY.—A member of the uniformed services serving on active duty and a member of the Ready Reserve in any pay status may participate in the Thrift Savings Plan in accordance with section 8440e of title 5.

"(b) RULE OF CONSTRUCTION REGARDING SEPARATION.—For the purposes of section 8440e of title 5, the following actions shall be considered separation of a member of the uniformed services from Government employment:

"(1) Release of the member from active-duty service (not followed by a resumption of active-duty service within 30 days after the effective date of the release).

"(2) Transfer of the member by the Secretary concerned to a retired list maintained by the Secretary.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"211. Participation in Thrift Savings Plan.".

(2)(A) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following:

"§ 8440e. Members of the uniformed services: members on active duty; members of the Ready Reserve

"(a) PARTICIPATION AUTHORIZED.—(1) A member of the uniformed services authorized to participate in the Thrift Savings Plan under section 211(a) of title 37 may contribute to the Thrift Savings Fund.

"(2) An election to contribute to the Thrift Savings Fund under paragraph (1) may be made only during a period provided under section 8432(b) for individuals subject to this chapter.

"(b) APPLICABILITY OF THRIFT SAVINGS PLAN PROVISIONS.—Except as otherwise provided in this section, the provisions of this subchapter and subchapter VII of this chapter shall apply with respect to members of the uniformed services making contributions to the Thrift Savings Fund as if such members were employees within the meaning of section 8401(11).

"(c) MAXIMUM CONTRIBUTION.—(1) The amount contributed by a member of the uniformed services for any pay period out of basic pay may not exceed 5 percent of such member's basic pay for such pay period.

"(2)(A) Subject to subparagraph (B), the amount contributed by a member of the Ready Reserve for any pay period for any compensation received under section 206 of title 37 may not exceed 5 percent of such member's compensation for such pay period.

"(B) Notwithstanding any other provision of this subchapter, no contribution may be made under this paragraph for a member of the Ready Reserve for any year to the extent that such contribution, when added to prior contributions for such member for such year under this subchapter, exceeds any limitation under section 415 of the Internal Revenue Code of 1986.

"(d) OTHER MEMBER CONTRIBUTIONS.—A member of the uniformed services making contributions to the Thrift Savings Fund out of basic pay, or out of compensation under section 206 of title 37, may also contribute (by direct transfer to the Fund) any part of any special or incentive pay that the member receives under section 308, 308a through 308h, or 318 of title 37. No contribution made under this subsection shall be subject to, or taken into account for purposes of, the first sentence of section 8432(d), relating to the applicability of any limitation under section 415 of the Internal Revenue Code of 1986.

"(e) AGENCY CONTRIBUTIONS GENERALLY PROHIBITED.—Except as provided in section 211(c) of title 37, no contribution under section 8432(c) of this title may be made for the benefit of a member of the uniformed services making contributions to the Thrift Savings Fund under subsection (a).

"(f) BENEFITS AND ELECTIONS OF BENEFITS.—In applying section 8433 to a member of the uniformed services who has an account balance in the Thrift Savings Fund—

"(1) any reference in such section to separation from Government employment shall be construed to refer to an action described in section 211(b) of title 37; and

"(2) the reference in section 8433(g)(1) to contributions made under section 8432(a) shall be treated as being a reference to contributions made to the Fund by the member, whether made under section 8351, 8432(a), or this section.

"(g) BASIC PAY DEFINED.—For purposes of this section, the term 'basic pay' means basic pay that is payable under section 204 of title 37.".

(B) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by adding after the item relating to section 8440d the following:

"8440e. Members of the uniformed services: members on active duty; members of the Ready Reserve

(3) Section 8432b(b) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking "Each employee" and inserting "Except as provided in paragraph (4), each employee";

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph (4):

"(4) No contribution may be made under this section for a period for which an employee made a contribution under section 8440e.".

(4) Section 8473 of title 5, United States Code, is amended—

(A) in subsection (a), by striking "14 members" and inserting "15 members"; and

(B) in subsection (b)—

(i) by striking "14 members" and inserting "15 members";

(ii) by striking "and" at the end of paragraph (8);

(iii) by striking the period at the end of paragraph (9) and inserting "; and"; and

(iv) by adding at the end the following:

"(10) 1 shall be appointed to represent participants (under section 8440e) who are members of the uniformed services.".

(5) Paragraph (11) of section 8351(b) of title 5, United States Code, is redesignated as paragraph (8).

(b) APPLICABILITY.—The authority of members of the uniformed services to participate in the Thrift Savings Plan under section 211 of title 37, United States Code (as added by subsection (a)(1)), shall take effect on July 1, 2000.

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Executive Director appointed by the Federal Thrift Retirement Investment Board shall issue regulations to implement section 8440e of title 5, United States Code (as added by subsection (a)(2)) and section 211 of title 37, United States Code (as added by subsection (a)(1)).

SEC. 203. SPECIAL RETENTION INITIATIVE.

Section 211 of title 37, United States Code, as added by section 202, is amended by adding at the end the following:

"(c) AGENCY CONTRIBUTIONS FOR RETENTION IN CRITICAL SPECIALTIES.—(1) The Secretary concerned may enter into an agreement with a member to make contributions to the Thrift Savings Fund for the benefit of the member if the member—

"(A) is in a specialty designated by the Secretary as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

"(B) commits in such agreement to continue to serve on active duty in that specialty for a period of six years.

"(2) Under any agreement entered into with a member under paragraph (1), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the 6-year period of the agreement for which the member makes a contribution out of basic pay to the Fund under this section. Paragraph (2) of section 8432(c) applies to the Secretary's obligation to make contributions under this paragraph, except that the reference in such paragraph to contributions under paragraph (1) of such section does not apply.".

SEC. 204. REPEAL OF REDUCTION IN RETIRED PAY FOR CIVILIAN EMPLOYEES.

(a) REPEAL.—(1) Section 5532 of title 5, United States Code, is repealed.

(2) The chapter analysis at the beginning of chapter 55 of such title is amended by striking out the item relating to section 5532.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

TITLE III—MONTGOMERY GI BILL BENEFITS

SEC. 301. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE FOR FULL-TIME EDUCATION.

(a) INCREASE.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a)(1), by striking "$528" and inserting "$600"; and

(2) in subsection (b)(1), by striking "$429" and inserting "$488".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to educational assistance allowances paid for months after September 1999. However, no adjustment in rates of educational assistance shall be made under subsection (g) of section 3015 of title 38, United States Code, for fiscal year 2000.

SEC. 302. TERMINATION OF REDUCTIONS OF BASIC PAY.

(a) REPEALS.—(1) Section 3011 of title 38, United States Code, is amended by striking subsection (b).

(2) Section 3012 of such title is amended by striking subsection (c).

(3) The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act and shall apply to individuals whose initial obligated period of active duty under section 3011 or 3012 of title 38, United States Code, as the case may be, begins on or after such date.

(b) TERMINATION OF REDUCTIONS IN PROGRESS.—Any reduction in the basic pay of an individual referred to in section 3011(b) of title 38, United States Code, by reason of such section 3011(b), or of any individual referred to in section 3012(c) of such title by reason of such section 3012(c), as of the date of the enactment of this Act shall cease commencing with the first month beginning after such date, and any obligation of such individual under such section 3011(b) or 3012(c), as the case may be, as of the day before such date shall be deemed to be fully satisfied as of such date.

(c) CONFORMING AMENDMENT.—Section 3034(e)(1) of title 38, United States Code, is amended in the second sentence by striking "as soon as practicable" and all that follows through "such additional times" and inserting "at such times".

SEC. 303. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE.

Section 3014 of title 38, United States Code, is amended—

(1) by inserting "(a)" before "The Secretary shall pay"; and

(2) by adding at the end the following new subsection (b):

"(b)(1) When the Secretary determines that it is appropriate to accelerate payments under the regulations prescribed pursuant to paragraph (6), the Secretary may make payments of basic educational assistance allowance under this subchapter on an accelerated basis.

"(2) The Secretary may pay a basic educational assistance allowance on an accelerated basis only to an individual entitled to payment of the allowance under this subchapter who has made a request for payment of the allowance on an accelerated basis.

“(3) In the event an adjustment under section 3015(g) of this title in the monthly rate of basic educational assistance will occur during a period for which a payment of an allowance is made on an accelerated basis under this subsection, the Secretary shall—

“(A) pay on an accelerated basis the amount the allowance otherwise payable under this subchapter for the period without regard to the adjustment under that section; and

“(B) pay on the date of the adjustment any additional amount of the allowance that is payable for the period as a result of the adjustment.

“(4) The entitlement to a basic educational assistance allowance under this subchapter of an individual who is paid an allowance on an accelerated basis under this subsection shall be charged at a rate equal to one month for each month of the period covered by the accelerated payment of the allowance.

“(5) A basic educational assistance allowance shall be paid on an accelerated basis under this subsection as follows:

“(A) In the case of an allowance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly allowance otherwise payable under this subchapter for the quarter, semester, or term, as the case may be, of the course.

“(B) In the case of an allowance for a course other than a course referred to in subparagraph (A)—

“(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the request for payment by the individual concerned; and

“(ii) in any amount requested by the individual concerned up to the aggregate amount of monthly allowance otherwise payable under this subchapter for the period of the course.

“(6) The Secretary shall prescribe regulations for purposes of making payments of basic educational allowance on an accelerated basis under this subsection. Such regulations shall specify the circumstances under which accelerated payments should be made and include requirements relating to the request for, making and delivery of, and receipt and use of such payments.”.

SEC. 304. TRANSFER OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) AUTHORITY TO TRANSFER TO FAMILY MEMBER.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 3020. Transfer of entitlement to basic educational assistance

“(a) The Secretary may, for the purpose of enhancing recruiting and retention, and at the Secretary's sole discretion, permit an individual entitled to educational assistance under this subchapter to elect to transfer such individual's entitlement to such assistance, in whole or in part, to the individuals specified in subsection (b).

“(b) An individual's entitlement to educational assistance may be transferred when authorized under subsection (a) as follows:

“(1) To the individual's spouse.

“(2) To one or more of the individual's children.

“(3) To a combination of the individuals referred to in paragraphs (1) and (2).

“(c)(1) An individual electing to transfer an entitlement to educational assistance under this section shall—

“(A) designate the individual or individuals to whom such entitlement is being transferred and the percentage of such entitlement to be transferred to each such individual; and

“(B) specify the period for which the transfer shall be effective for each individual designated under subparagraph (A).

“(2) The aggregate amount of the entitlement transferable by an individual under this section may not exceed the aggregate amount of the entitlement of such individual to educational assistance under this subchapter.

“(3) An individual electing to transfer an entitlement under this section may elect to modify or revoke the transfer at any time before the use of the transferred entitlement. An individual shall make the election by submitting written notice of such election to the Secretary.

“(d)(1) The use of any entitlement transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.

“(2) Except as provided in paragraph (3), an individual using entitlement transferred under this section shall be subject to the provisions of this chapter in such use as if such individual were entitled to the educational assistance covered by the transferred entitlement in the individual's own right.

“(3) Notwithstanding section 3031 of this title, a child shall complete the use of any entitlement transferred to the child under this section before the child attains the age of 26 years.

“(e) In the event of an overpayment of educational assistance with respect to an individual to whom entitlement is transferred under this section, such individual and the individual making the transfer under this section shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685 of this title.

“(f) The Secretary shall prescribe regulations for purposes of this section. Such regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (c)(3).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3019 the following new item:

“3020. Transfer of entitlement to basic educational assistance.”.

SEC. 305. AVAILABILITY OF MONTGOMERY GI BILL BENEFITS FOR PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

For purposes of section 3002(3) of title 38, United States Code, the term “program of education” shall include the following:

(1) A preparatory course for a test that is required or utilized for admission to an institution of higher education.

(2) A preparatory course for test that is required or utilized for admission to a graduate school.

TITLE IV—OTHER EDUCATIONAL BENEFITS

SEC. 401. ACCELERATED PAYMENTS OF CERTAIN EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j)(1) Whenever a person entitled to an educational assistance allowance under this chapter so requests and the Secretary concerned, in consultation with the Chief of the reserve component concerned, determines it appropriate, the Secretary may make payments of the educational assistance allowance to the person on an accelerated basis.

“(2) An educational assistance allowance shall be paid to a person on an accelerated basis under this subsection as follows:

“(A) In the case of an allowance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly allowance otherwise payable under this chapter for the quarter, semester, or term, as the case may be, of the course.

“(B) In the case of an allowance for a course other than a course referred to in subparagraph (A)—

“(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the Secretary concerned receives the person's request for payment on an accelerated basis; and

“(ii) in any amount requested by the person up to the aggregate amount of monthly allowance otherwise payable under this chapter for the period of the course.

“(3) If an adjustment in the monthly rate of educational assistance allowances will be made under subsection (b)(2) during a period for which a payment of the allowance is made to a person on an accelerated basis, the Secretary concerned shall—

“(A) pay on an accelerated basis the amount of the allowance otherwise payable for the period without regard to the adjustment under that subsection; and

“(B) pay on the date of the adjustment any additional amount of the allowance that is payable for the period as a result of the adjustment.

“(4) A person's entitlement to an educational assistance allowance under this chapter shall be charged at a rate equal to one month for each month of the period covered by an accelerated payment of the allowance to the person under this subsection.

“(5) The regulations prescribed by the Secretary of Defense and the Secretary of Transportation under subsection (a) shall provide for the payment of an educational assistance allowance on an accelerated basis under this subsection. The regulations shall specify the circumstances under which accelerated payments may be made and the manner of the delivery, receipt, and use of the allowance so paid

“(6) In this subsection, the term ‘Chief of the reserve component concerned’ means the following:

“(A) The Chief of the Army Reserve, with respect to members of the Army Reserve.

“(B) The Chief of Naval Reserve, with respect to members of the Naval Reserve.

“(C) The Chief of the Air Force Reserve, with respect to members of the Air Force Reserve.

“(D) The Commander, Marine Reserve Forces, with respect to members of the Marine Corps Reserve.

“(E) The Chief of the National Guard Bureau, with respect to members of the Army National Guard and the Air National Guard.

“(F) The Commandant of the Coast Guard, with respect to members of the Coast Guard Reserve.”.

SEC. 402. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF THE SELECTED RESERVE OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE.

Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5)(A) In the case of a person who continues to serve as member of the Selected Reserve as of the end of the 10-year period applicable to the person under subsection (a), as extended, if at all, under paragraph (4), the period during which the person may use the person's entitlement shall expire at the end of the 5-year period beginning on the date the person is separated from the Selected Reserve.

"(B) The provisions of paragraph (4) shall apply with respect to any period of active duty of a person referred to in subparagraph (A) during the 5-year period referred to in that subparagraph.".

TITLE V—REPORT

SEC. 501. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.

(a) REQUIREMENT FOR REPORT.—On December 1 of each year, the Secretary of Defense shall submit to Congress a report that sets forth the Secretary's assessment of the effects that the provisions of this Act and the amendments made by the Act are having on recruitment and retention of personnel for the Armed Forces.

(b) FIRST REPORT.—The first report under this section shall be submitted not later than December 1, 2000.

SEC. 502. REPORT AND REGULATIONS ON DEPARTMENT OF DEFENSE POLICIES ON PROTECTING THE CONFIDENTIALITY OF COMMUNICATIONS WITH PROFESSIONALS PROVIDING THERAPEUTIC OR RELATED SERVICES REGARDING SEXUAL OR DOMESTIC ABUSE.

(a) REQUIREMENT FOR STUDY.—(1) The Comptroller General shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(A) a dependent of a member of the Armed Forces who—

(i) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(ii) has engaged in such misconduct; and

(B) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.

(2) The Comptroller General shall conclude the study and submit to the Secretary of Defense a report on the results of the study within such period as is necessary to enable the Secretary to satisfy the reporting requirement under subsection (d).

(b) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the policies and procedures that the Secretary considers necessary to provide the maximum possible protections for the confidentiality of communications described in subsection (a) relating to misconduct described in that subsection, consistent with—

(1) the findings of the Comptroller General;

(2) the standards of confidentiality and ethical standards issued by relevant professional organizations;

(3) applicable requirements of Federal and State law;

(4) the best interest of victims of sexual harassment, sexual assault, or intrafamily abuse; and

(5) such other factors as the Secretary, in consultation with the Attorney General, may consider appropriate.

TITLE VI—MISCELLANEOUS

SEC. 601. IMPROVEMENT OF TRICARE PROGRAM.

(a) IMPROVEMENT OF TRICARE PROGRAM.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1097a the following new section:

"§ 1097b. TRICARE: comparability of benefits with benefits under Federal Employees Health Benefits program; other requirements and authorities

"(a) COMPARABILITY OF BENEFITS.—The Secretary of Defense shall, to the maximum extent practicable, ensure that the health care coverage available through the TRICARE program is substantially similar to the health care coverage available under similar health benefits plans offered under the Federal Employees Health Benefits program established under chapter 89 of title 5.

"(b) PORTABILITY OF BENEFITS.—The Secretary of Defense shall provide that any covered beneficiary enrolled in the TRICARE program may receive benefits under that program at facilities that provide benefits under that program throughout the various regions of that program.

"(c) PATIENT MANAGEMENT.—(1) The Secretary of Defense shall, to the maximum extent practicable, minimize the authorization or certification requirements imposed upon covered beneficiaries under the TRICARE program as a condition of access to benefits under that program.

"(2) The Secretary of Defense shall, to the maximum extent practicable, utilize practices for processing claims under the TRICARE program that are similar to the best industry practices for processing claims for health care services in a simplified and expedited manner. To the maximum extent practicable, such practices shall include electronic processing of claims.

"(d) REIMBURSEMENT OF HEALTH CARE PROVIDERS.—(1) Subject to paragraph (2), the Secretary of Defense may increase the reimbursement provided to health care providers under the TRICARE program above the reimbursement otherwise authorized such providers under that program if the Secretary determines that such increase is necessary in order to ensure the availability of an adequate number of qualified health care providers under that program.

"(2) The amount of reimbursement provided under paragraph (1) with respect to a health care service may not exceed the lesser of—

"(A) the amount equal to the local usual and customary charge for the service in the service area (as determined by the Secretary) in which the service is provided; or

"(B) the amount equal to 115 per cent of the CHAMPUS maximum allowable charge for the service.

"(e) AUTHORITY FOR CERTAIN THIRD-PARTY COLLECTIONS.—(1) A medical treatment facility of the uniformed services under the TRICARE program may collect from a third-party payer the reasonable charges for health care services described in paragraph (2) that are incurred by the facility on behalf of a covered beneficiary under that program to the extent that the beneficiary would be eligible to receive reimbursement or indemnification from the third-party payer if the beneficiary were to incur such charges on the beneficiary's own behalf.

"(2) The reasonable charges described in this paragraph are reasonable charges for services or care covered by the medicare program under title XVIII of the Social Security Act.

"(3) The collection of charges, and the utilization of amounts collected, under this subsection shall be subject to the provisions of section 1095 of this title. The term 'reasonable costs', as used in that section shall be deemed for purposes of the application of that section to this subsection to refer to the reasonable charges described in paragraph (2).

"(f) CONSULTATION.—The Secretary of Defense shall carry out any actions under this section after consultation with the other administering Secretaries.".

(2) The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1097a the following new item:

"1097b. TRICARE: comparability of benefits with benefits under Federal Employees Health Benefits program; other requirements and authorities.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

(c) REPORT ON IMPLEMENTATION.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the other administering Secretaries, shall submit to Congress a report assessing the effects of the implementation of the requirements and authorities set forth in section 1097b of title 10, United States Code (as added by subsection (a)).

(2) The report shall include the following:

(A) An assessment of the cost of the implementation of such requirements and authorities.

(B) An assessment whether or not the implementation of any such requirements and authorities will result in the utilization by the TRICARE program of the best industry practices with respect to the matters covered by such requirements and authorities.

(3) In this subsection, the term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

(d) INAPPLICABILITY OF REPORTING REQUIREMENTS.—The reports required by section 501 shall not address the amendments made by subsection (a).

SEC. 602. SENSE OF SENATE REGARDING PROCESSING OF CLAIMS FOR VETERANS' BENEFITS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Despite advances in technology, telecommunications, and training, the Department of Veterans Affairs currently requires 20 percent more time to process claims for veterans' benefits than the Department required to process such claims in 1997.

(2) The Department does not currently process claims for veterans' benefits in a timely manner.

(b) SENSE OF SENATE.—It is the sense of the Senate to urge the Secretary of Veterans Affairs to—

(1) review the program, policies, and procedures of the Veterans Benefits Administration of the Department of Veterans Affairs in order to identify areas in which the Administration does not currently process claims for veterans' benefits in a manner consistent with the objectives set forth in the National Performance Review (including objectives regarding timeliness of Executive branch activities);

(2) initiate any actions necessary to ensure that the Administration processes claims for such benefits in a manner consistent with such objectives; and

(3) report to the Congress by June 1, 1999, on measures taken to improve processing time for veterans' claims.

SEC. 603. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS.

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following:

"(P) Lung cancer.

"(Q) Colon cancer.

"(R) Tumors of the brain and central nervous system.".

SEC. 604. MEDICARE SUBVENTION DEMONSTRATION PROJECT FOR VETERANS.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following:

"MEDICARE SUBVENTION DEMONSTRATION PROJECT FOR VETERANS

"Sec. 1897. (a) Definitions.—In this section:

"(1) Administering secretaries.—The term 'administering Secretaries' means the Secretary and the Secretary of Veterans Affairs acting jointly.

"(2) Demonstration project; project.—The terms 'demonstration project' and 'project' mean the demonstration project carried out under this section.

"(3) Demonstration site.—The term 'demonstration site' means a Veterans Affairs medical facility, including a group of Veterans Affairs medical facilities that provide hospital care or medical services as part of a service network or similar organization.

"(4) Military retiree.—The term 'military retiree' means a member or former member of the Armed Forces who is entitled to retired pay.

"(5) Targeted medicare-eligible veteran.—The term 'targeted medicare-eligible veteran' means an individual who—

"(A) is a veteran (as defined in section 101(2) of title 38, United States Code) and is described in section 1710(a)(3) of title 38, United States Code;

"(B) has attained age 65;

"(C) is entitled to benefits under part A of this title; and

"(D)(i) is enrolled for benefits under part B of this title; and

"(ii) if such individual attained age 65 before the date of enactment of the Veterans' Equal Access to Medicare Act, was so enrolled on such date.

"(6) Trust funds.—The term 'trust funds' means the Federal Hospital Insurance Trust Fund established in section 1817 and the Federal Supplementary Medical Insurance Trust Fund established in section 1841.

"(7) Veterans affairs medical facility.—The term 'Veterans Affairs medical facility' means a medical facility as defined in section 8101 of title 38, United States Code.

"(b) Demonstration Project.—

"(1) In general.—

"(A) Establishment.—The administering Secretaries are authorized to establish a demonstration project (under an agreement entered into by the administering Secretaries) under which the Secretary shall reimburse the Secretary of Veterans Affairs, from the trust funds, for medicare health care services furnished to certain targeted medicare-eligible veterans at a demonstration site.

"(B) Agreement.—The agreement entered into under subparagraph (A) shall include at a minimum—

"(i) a description of the benefits to be provided to the participants in the demonstration project established under this section;

"(ii) a description of the eligibility rules for participation in the demonstration project, including any terms and conditions established under subparagraph (C) and any cost-sharing required under subparagraph (D);

"(iii) a description of how the demonstration project will satisfy the requirements under this title (including beneficiary protections and quality assurance mechanisms);

"(iv) a description of the demonstration sites selected under paragraph (2);

"(v) a description of how reimbursement and maintenance of effort requirements under subsection (h) will be implemented in the demonstration project;

"(vi) a statement that the Secretary shall have access to all data of the Department of Veterans Affairs that the Secretary determines is necessary to conduct independent estimates and audits of the maintenance of effort requirement, the annual reconciliation, and related matters required under the demonstration project;

"(vii) a description of any requirement that the Secretary waives pursuant to subsection (d); and

"(viii) a certification, provided after review by the administering Secretaries, that any entity that is receiving payments by reason of the demonstration project has sufficient—

"(I) resources and expertise to provide, consistent with payments under subsection (h), the full range of benefits required to be provided to beneficiaries under the project; and

"(II) information and billing systems in place to ensure the accurate and timely submission of claims for benefits and to ensure that providers of services, physicians, and other health care professionals are reimbursed by the entity in a timely and accurate manner.

"(C) Voluntary participation.—Participation of targeted medicare-eligible veterans in the demonstration project shall be voluntary, subject to the capacity of participating demonstration sites and the funding limitations specified in subsection (h), and shall be subject to such terms and conditions as the administering Secretaries may establish. In the case of a demonstration site described in paragraph (2)(C)(i), targeted medicare-eligible veterans who are military retirees shall be given preference for participating in the project conducted at that site.

"(D) Cost-sharing.—The Secretary of Veterans Affairs may establish cost-sharing requirements for veterans participating in the demonstration project. If such cost-sharing requirements are established, those requirements shall be the same as the requirements that apply to targeted medicare-eligible patients at medical centers that are not Veterans Affairs medical facilities.

"(E) Data match.—

"(i) Establishment of data matching program.—The administering Secretaries shall establish a data matching program under which there is an exchange of information of the Department of Veterans Affairs and of the Department of Health and Human Services as is necessary to identify veterans (as defined in section 101(2) of title 38, United States Code) who are entitled to benefits under part A or enrolled under part B, or both, in order to carry out this section. The provisions of section 552a of title 5, United States Code, shall apply with respect to such matching program only to the extent the administering Secretaries find it feasible and appropriate in carrying out this section in a timely and efficient manner.

"(ii) Performance of data match.—The administering Secretaries, using the data matching program established under clause (i), shall perform a comparison in order to identify veterans who are entitled to benefits under part A or enrolled under part B, or both. To the extent such Secretaries deem appropriate to carry out this section, the comparison and identification may distinguish among such veterans by category of veterans, by entitlement to benefits under this title, or by other characteristics.

"(iii) Deadline for first data match.—Not later than October 31, 1999, the administering Secretaries shall first perform a comparison under clause (ii).

"(iv) Certification by inspector general.—

"(I) In general.—The administering Secretaries may not conduct the program unless the Inspector General of the Department of Health and Human Services certifies to Congress that the administering Secretaries have established the data matching program under clause (i) and have performed a comparison under clause (ii).

"(II) Deadline for certification.—Not later than December 15, 1999, the Inspector General of the Department of Health and Human Services shall submit a report to Congress containing the certification under subclause (I) or the denial of such certification.

"(2) Number of demonstration sites.—

"(A) In general.—Subject to subparagraphs (B) and (C), and subsection (g)(1)(D)(ii), the administering Secretaries shall establish a plan for the selection of up to 10 demonstration sites located in geographically dispersed locations to participate in the project.

"(B) Criteria.—The administering Secretaries shall favor selection of those demonstration sites that consideration of the following factors indicate are suited to serve targeted medicare-eligible veterans:

"(i) There is a high potential demand by targeted medicare-eligible veterans for the services to be provided at the demonstration site.

"(ii) The demonstration site has sufficient capability in billing and accounting to participate in the project.

"(iii) The demonstration site can demonstrate favorable indicators of quality of care, including patient satisfaction.

"(iv) The demonstration site delivers a range of services required by targeted medicare-eligible veterans.

"(v) The demonstration site meets other relevant factors identified in the plan.

"(C) Required demonstration sites.—At least 1 of each of the following demonstration sites shall be selected for inclusion in the demonstration project:

"(i) Demonstration site near closed base.—A demonstration site that is in the same catchment area as a military treatment facility referred to in section 1074(a) of title 10, United States Code, which was closed pursuant to either—

"(I) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); or

"(II) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(ii) Demonstration site in a rural area.—A demonstration site that serves a predominantly rural population.

"(3) Restriction.—No new buildings may be built or existing buildings expanded with funds from the demonstration project.

"(4) Duration.—The administering Secretaries shall conduct the demonstration project during the 3-year period beginning on January 1, 2000.

"(c) Crediting of Payments.—A payment received by the Secretary of Veterans Affairs under the demonstration project shall be credited to the applicable Department of Veterans Affairs medical appropriation and (within that appropriation) to funds that have been allotted to the demonstration site that furnished the services for which the payment is made. Any such payment received during a fiscal year for services provided during a prior fiscal year may be obligated by the Secretary of Veterans Affairs during the fiscal year during which the payment is received.

"(d) AUTHORITY TO WAIVE CERTAIN MEDICARE REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may, to the extent necessary to carry out the demonstration project, waive any requirement under this title.

"(2) BENEFICIARY PROTECTIONS FOR MANAGED CARE PLANS.—In the case of a managed care plan established by the Secretary of Veterans Affairs pursuant to subsection (g), such plan shall comply with the requirements of part C of this title that relate to beneficiary protections and other matters, including such requirements relating to the following areas:

"(A) Enrollment and disenrollment.

"(B) Nondiscrimination.

"(C) Information provided to beneficiaries.

"(D) Cost-sharing limitations.

"(E) Appeal and grievance procedures.

"(F) Provider participation.

"(G) Access to services.

"(H) Quality assurance and external review.

"(I) Advance directives.

"(J) Other areas of beneficiary protections that the Secretary determines are applicable to such project.

"(3) DESCRIPTION OF WAIVER.—If the Secretary waives any requirement pursuant to paragraph (1), the Secretary shall include a description of such waiver in the agreement described in subsection (b)(1)(B).

"(e) INSPECTOR GENERAL.—Nothing in the agreement entered into under subsection (b) shall limit the Inspector General of the Department of Health and Human Services from investigating any matters regarding the expenditure of funds under this title for the demonstration project, including compliance with the provisions of this title and all other relevant laws.

"(f) REPORT.—At least 60 days prior to the commencement of the demonstration project, the administering Secretaries shall submit a copy of the agreement entered into under subsection (b) to the committees of jurisdiction in Congress.

"(g) MANAGED HEALTH CARE.—

"(1) MANAGED HEALTH CARE PLANS.—

"(A) IN GENERAL.—The Secretary of Veterans Affairs may establish and operate managed health care plans at demonstration sites.

"(B) REQUIREMENTS.—Any managed health care plan established in accordance with subparagraph (A) shall be operated by or through a Veterans Affairs medical facility, or a group of Veterans Affairs medical facilities, and may include the provision of health care services by public and private entities under arrangements made between the Department of Veterans Affairs and the other public or private entity concerned. Any such managed health care plan shall be established and operated in conformance with standards prescribed by the administering Secretaries.

"(C) MINIMUM BENEFITS.—The administering Secretaries shall prescribe the minimum health care benefits to be provided under a managed health care plan to veterans enrolled in the plan, which benefits shall include at least all health care services covered under the medicare program under this title.

"(D) INCLUSION IN NUMBER OF DEMONSTRATION SITES.—

"(i) IN GENERAL.—Subject to clause (ii), if the Secretary of Veterans Affairs elects to establish a managed health care plan under this section, the establishment of such plan is a selected demonstration site for purposes of applying the numerical limitation under subsection (b)(2).

"(ii) LIMITATION.—The Secretary of Veterans Affairs shall not establish more than 4 managed health care plans under this section.

"(2) DEMONSTRATION SITE REQUIREMENTS.—The Secretary of Veterans Affairs may establish a managed health care plan under paragraph (1) using 1 or more demonstration sites and other public or private entities only after the Secretary of Veterans Affairs submits to Congress a report setting forth a plan for the use of such sites and entities. The plan may not be implemented until the Secretary of Veterans Affairs has received from the Inspector General of the Department of Veterans Affairs, and has forwarded to Congress, certification of each of the following:

"(A) The cost accounting system of the Veterans Health Administration (currently known as the Decision Support System) is operational and is providing reliable cost information on care delivered on an inpatient and outpatient basis at such sites and entities.

"(B) The demonstration sites and entities have developed a credible plan (on the basis of market surveys, data from the Decision Support System, actuarial analysis, or other appropriate methods and taking into account the level of payment under subsection (h) and the costs of providing covered services at the sites and entities) to minimize, to the extent feasible, the risk that appropriated funds allocated to the sites and entities will be required to meet the obligation of the sites and entities to targeted medicare-eligible veterans under the demonstration project.

"(C) The demonstration sites and entities collectively have available capacity to provide the contracted benefits package to a sufficient number of targeted medicare-eligible veterans.

"(D) The Veterans Affairs medical facility administering the health plan has sufficient systems and safeguards in place to minimize any risk that instituting the managed care model will result in reducing the quality of care delivered to participants in the demonstration project or to other veterans receiving care under paragraph (1) or (2) of section 1710(a) of title 38, United States Code.

"(3) RESERVES.—The Secretary of Veterans Affairs shall maintain such reserves as may be necessary to ensure against the risk that appropriated funds, allocated to demonstration sites and public or private entities participating in the demonstration project through a managed health care plan under this section, will be required to meet the obligations of those sites and entities to targeted medicare-eligible veterans.

"(h) PAYMENTS BASED ON REGULAR MEDICARE PAYMENT RATES.—

"(1) PAYMENTS.—

"(A) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary shall reimburse the Secretary of Veterans Affairs for services provided under the demonstration project at the following rates:

"(i) NONCAPITATION.—Except as provided in clause (ii) and subject to subparagraphs (B) and (D), at a rate equal to 95 percent of the amounts that otherwise would be payable under this title on a noncapitated basis for such services if the demonstration site was not part of this demonstration project, was participating in the medicare program, and imposed charges for such services.

"(ii) CAPITATION.—Subject to subparagraphs (B) and (D), in the case of services provided to an enrollee under a managed health care plan established under subsection (g), at a rate equal to 95 percent of the amount paid to a Medicare+Choice organization under part C with respect to such an enrollee.

"(iii) OTHER CASES.—In cases in which a payment amount may not otherwise be readily computed under clauses (i) or (ii), the Secretaries shall establish rules for computing equivalent or comparable payment amounts.

"(B) EXCLUSION OF CERTAIN AMOUNTS.—In computing the amount of payment under subparagraph (A), the following shall be excluded:

"(i) DISPROPORTIONATE SHARE HOSPITAL ADJUSTMENT.—Any amount attributable to an adjustment under section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)).

"(ii) DIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.—Any amount attributable to a payment under subsection (h) of such section.

"(iii) PERCENTAGE OF INDIRECT MEDICAL EDUCATION ADJUSTMENT.—40 percent of any amount attributable to the adjustment under subsection (d)(5)(B) of such section.

"(iv) PERCENTAGE OF CAPITAL PAYMENTS.—67 percent of any amounts attributable to payments for capital-related costs under subsection (g) of such section.

"(C) PERIODIC PAYMENTS FROM MEDICARE TRUST FUNDS.—Payments under this subsection shall be made—

"(i) on a periodic basis consistent with the periodicity of payments under this title; and

"(ii) in appropriate part, as determined by the Secretary, from the trust funds.

"(D) ANNUAL LIMIT ON MEDICARE PAYMENTS.—The amount paid to the Department of Veterans Affairs under this subsection for any year for the demonstration project may not exceed $50,000,000.

"(2) REDUCTION IN PAYMENT FOR VA FAILURE TO MAINTAIN EFFORT.—

"(A) IN GENERAL.—To avoid shifting onto the medicare program under this title costs previously assumed by the Department of Veterans Affairs for the provision of medicare-covered services to targeted medicare-eligible veterans, the payment amount under this subsection for the project for a fiscal year shall be reduced by the amount (if any) by which—

"(i) the amount of the VA effort level for targeted veterans (as defined in subparagraph (B)) for the fiscal year ending in such year, is less than

"(ii) the amount of the VA effort level for targeted veterans for fiscal year 1998.

"(B) VA EFFORT LEVEL FOR TARGETED VETERANS DEFINED.—For purposes of subparagraph (A), the term 'VA effort level for targeted veterans' means, for a fiscal year, the amount, as estimated by the administering Secretaries, that would have been expended under the medicare program under this title for VA-provided medicare-covered services for targeted veterans (as defined in subparagraph (C)) for that fiscal year if benefits were available under the medicare program for those services. Such amount does not include expenditures attributable to services for which reimbursement is made under the demonstration project.

"(C) VA-PROVIDED MEDICARE-COVERED SERVICES FOR TARGETED VETERANS.—For purposes of subparagraph (B), the term 'VA-provided medicare-covered services for targeted veterans' means, for a fiscal year, items and services—

"(i) that are provided during the fiscal year by the Department of Veterans Affairs to targeted medicare-eligible veterans;

"(ii) that constitute hospital care and medical services under chapter 17 of title 38, United States Code; and

"(iii) for which benefits would be available under the medicare program under this title if they were provided other than by a Federal provider of services that does not charge for those services.

"(3) ASSURING NO INCREASE IN COST TO MEDICARE PROGRAM.—

"(A) MONITORING EFFECT OF DEMONSTRATION PROGRAM ON COSTS TO MEDICARE PROGRAM.—

"(i) IN GENERAL.—The Secretaries, in consultation with the Comptroller General, shall closely monitor the expenditures made under the medicare program for targeted medicare-eligible veterans during the period of the demonstration project compared to the expenditures that would have been made for such veterans during that period if the demonstration project had not been conducted.

"(ii) ANNUAL REPORT BY THE COMPTROLLER GENERAL.—Not later than December 31 of each year during which the demonstration project is conducted, the Comptroller General shall submit to the Secretaries and the appropriate committees of Congress a report on the extent, if any, to which the costs of the Secretary under the medicare program under this title increased during the preceding fiscal year as a result of the demonstration project.

"(B) REQUIRED RESPONSE IN CASE OF INCREASE IN COSTS.—

"(i) IN GENERAL.—If the administering Secretaries find, based on subparagraph (A), that the expenditures under the medicare program under this title increased (or are expected to increase) during a fiscal year because of the demonstration project, the administering Secretaries shall take such steps as may be needed—

"(I) to recoup for the medicare program the amount of such increase in expenditures; and

"(II) to prevent any such increase in the future.

"(ii) STEPS.—Such steps—

"(I) under clause (i)(I), shall include payment of the amount of such increased expenditures by the Secretary of Veterans Affairs from the current medical care appropriation of the Department of Veterans Affairs to the trust funds; and

"(II) under clause (i)(II), shall include suspending or terminating the demonstration project (in whole or in part) or lowering the amount of payment under paragraph (1)(A).

"(i) EVALUATION AND REPORTS.—

"(1) INDEPENDENT EVALUATION.—

"(A) IN GENERAL.—The administering Secretaries shall arrange for an independent entity with expertise in the evaluation of health care services to conduct an evaluation of the demonstration project.

"(B) CONTENTS.—The evaluation conducted under subparagraph (A) shall include an assessment, based on the agreement entered into under subsection (b), of the following:

"(i) The cost to the Department of Veterans Affairs of providing care to veterans under the project.

"(ii) Compliance of participating demonstration sites with applicable measures of quality of care, compared to such compliance for other medicare-participating medical centers that are not Veterans Affairs medical facilities.

"(iii) A comparison of the costs of participation of the demonstration sites in the program with the reimbursements provided for services of such sites.

"(iv) Any savings or costs to the medicare program under this title from the project.

"(v) Any change in access to care or quality of care for targeted medicare-eligible veterans participating in the project.

"(vi) Any effect of the project on the access to care and quality of care for targeted medicare-eligible veterans not participating in the project and other veterans not participating in the project.

"(vii) The provision of services under managed health care plans under subsection (g), including the circumstances (if any) under which the Secretary of Veterans Affairs uses reserves described in paragraph (3) of such subsection and the Secretary of Veterans Affairs' response to such circumstances (including the termination of managed health care plans requiring the use of such reserves).

"(viii) Any effect that the demonstration project has on the enrollment in Medicare+Choice plans offered by Medicare+Choice organizations under part C of this title in the established site areas.

"(ix) Any additional elements that the independent entity determines is appropriate to assess regarding the demonstration project.

"(C) ANNUAL REPORTS.—The independent entity conducting the evaluation under subparagraph (A) shall submit reports on such evaluation to the administering Secretaries and to the committees of jurisdiction in the Congress as follows:

"(i) INITIAL REPORT.—The entity shall submit the initial report not later than 12 months after the date on which the demonstration project begins operation.

"(ii) SECOND ANNUAL REPORT.—The entity shall submit the second annual report not later than 30 months after the date on which the demonstration project begins operation.

"(iii) FINAL REPORT.—The entity shall submit the final report not later than 3½ years after the date on which the demonstration project begins operation.

"(2) REPORT ON EXTENSION AND EXPANSION OF DEMONSTRATION PROJECT.—Not later than 3½ years after the date on which the demonstration project begins operation, the administering Secretaries shall submit to Congress a report containing—

"(A) their recommendation as to—

"(i) whether to extend the demonstration project or make the project permanent;

"(ii) whether to expand the project to cover additional demonstration sites and to increase the maximum amount of reimbursement (or the maximum amount of reimbursement permitted for managed health care plans under this section) under the project in any year; and

"(iii) whether the terms and conditions of the project should be continued (or modified) if the project is extended or expanded; and

"(B) a detailed description of any costs associated with their recommendation made pursuant to clauses (i) and (ii) of subparagraph (A).".

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I want to express my profound gratitude to the staffs of both the majority and minority, and to all Senators for their cooperation. I think we learned a lesson in constitutional history, thanks to Senator GRAMM.

Mr. DODD. Mr. President, I feel compelled to explain the reasons for my vote against this bill in spite of my strong support for the goals for which this bill strives. Clearly, our armed forces personnel deserve the best pay and benefits that this nation can provide for them. I am aware of the recruiting and retention problems being faced by the services, and I know that the Armed Services Committee had those problems in mind as they drafted this legislation. I do believe, however, that we need to look more closely at how we can solve the military recruitment and retention problems. That question has not been adequately studied. Perhaps a pay raise will stem the tide of personnel leaving the military. Maybe people are leaving simply because this nation has enjoyed several years of a strong economy. The reduced pension could be the reason that people are leaving. The point I make is that we are not really sure why the military is having difficulty meeting its recruitment and retention goals, and this bill seems to be a shotgun approach to solving that problem.

The President's Fiscal Year 2000 budget makes allowances for the problems that the armed services are facing. The proposed budget would increase military pay across the board by 4.4%, there would be greater increases for mid-career personnel and military pensions would be increased from 40% to 50%. These changes are not minor. They will cost billions of dollars over the next six years, and I applaud the Administration for offering these additions to our military pay and benefits programs. The difference between the President's proposal and this bill is that the President's proposal is paid for in the budget. This bill, on the other hand, is not funded. No one has any idea where the funding will come from to pay for this bill's generous provisions.

I read the Congressional Budget Office's report on this legislation. That report has been entered in the CONGRESSIONAL RECORD, and it estimates that enactment of the bill would raise discretionary spending by $1.1 billion in 2000 and $13.8 billion from 2000 to 2004. According to statements from several Senators on the floor, the amendments that were added to this bill would increase the cost by a couple of billion more over the next several years. To spend that amount of money when we do not have a source of funding is irresponsible. To fund this bill, we will have to find offsets in the defense budget, use surplus funds, or raid domestic spending. I oppose all of those means.

Several of my colleagues have expressed concern about the cost of this bill. They assume, I suppose, that this bill will become more reasonable in conference. Perhaps they plan to oppose this bill if, after conference, there is still no means to fund it. I, however, cannot in good conscience vote to send this bill to conference in the hope that it will somehow emerge vastly improved and worthy of my support.

Beyond the funding problems inherent in this legislation, there are a few other problems I would like to address. First, the Secretary of Defense does not support this bill. In a letter to the Armed Services Committee, Secretary Cohen stated that this bill "could raise hopes that cannot be fulfilled until the final budget number is set." Like the Secretary, I would like to support this bill, but it would not be right to support this expanded package of pay and benefits for military personnel now, and then, later, to decide that we are not willing to fund the entire package. This amounts to an authorization bill. The check for these funds is not written. Again, no one knows how we are going to appropriate money to pay for this.

Unfortunately, there have been no hearings on this bill. I would think that a $16 billion unfunded mandate deserved at least a hearing or two. I would have liked to have known what the Joint Chiefs of Staff thought of this bill's provisions. I would have liked to have seen the studies that show the effect that each of these provisions has on recruitment and retention. There was no testimony, and there were no studies. There was just a rush to "do something," and what we have done here is irresponsible. The first legislation to pass through the Senate in the 106th Congress is a $16 billion, budget-busting, unfunded mandate.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Members permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNET INFORMATION POSTING

Mr. LOTT. Mr. President, currently the House Commerce Committee is examining whether legislation is necessary to minimize the threat that a national, searchable electronic database of thousands of industrial "worst-case accident scenarios" will be posted on the Internet, available for searching from anywhere in the world. This information would be, as House Commerce Committee Chairman BLILEY put it, a blueprint for destruction. The FBI and other public safety agencies believe that allowing this information to be posted in a national electronic database would pave the way for terrorists seeking to attack buildings in American cities.

EPA has agreed not to post this data on the Internet and that private parties should not post the data, either. The issue is not whether this information is public: it is, and the FBI has suggested way to provide Americans with the information while minimizing the terrorist threat. The issue is selecting an information distribution system that does not create a targeting tool that terrorists can use to disastrous and tragic ends. However, environmental groups have threatened to use the Freedom of Information Act to obtain the publicize the national database. Congress may have to act swiftly in order to address this issue before EPA receives the worst-case scenarios by the June 21 filing date.

Mr. President, this is not a environmental or right-to-know issue. This is an issue of national safety, and we must treat it as just that. Congress cannot be responsible for facilitating terrorist attacks on American cities. The safety of the American people should always be Congress' top priority.

MEETING WITH U.N. SECRETARY GENERAL

Mr. WARNER. Mr. President, this morning I had the opportunity to confer with U.N. Secretary General Kofi Annan, who is in Washington, D.C. holding extensive meetings. He will be meeting with the Speaker and other members of the Congressional leadership before returning to New York.

This morning, we had a very broad range of discussions about the many threats that face the world today, primarily weapons of mass destruction. I expressed my concern about the situation in Iraq and the continued failure of Saddam Hussein to abide by the many U.N. Security Council Resolutions which require the continuing destruction of Iraq's weapons of mass destruction, as well as the capability to manufacture such weapons and their delivery systems. I stressed to the Secretary General the urgency of the situation and the need for the Security Council to act to ensure compliance with its resolutions. In my view, the future credibility of the Security Council is on the line.

Mr. President, yesterday the Secretary General spoke at Georgetown University on, "The Future of United Nations Peacekeeping." I found the Secretary General's remarks to be very timely and thought-provoking. I ask unanimous consent that the text of his speech be printed in the RECORD. I urge my colleagues to review this speech.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE SECRETARY-GENERAL—"THE FUTURE OF UNITED NATIONS PEACEKEEPING"

Thank you, Don, and Father O'Donovan, for those very kind words.

I am greatly flattered by what you have said, and greatly honoured to become the 18th recipient of the Jit Trainor award

Ladies and Gentlemen, I am more than happy to speak to you this evening about United Nations peacekeeping.

As Don has mentioned, I was head of the UN's Department of Peacekeeping Operations for four years before I became Secretary-General. It was a very evicting time, and on the whole a very inspiring one. So the subject has remained close to my heart.

The United Nations can, I think, fairly claim to have invented both the word and the concept of peacekeeping, but it did to by improvising in response to specific situations and events. Not surprisingly, therefore, peacekeeping has evolved over time, and has taken different forms as it adapted to different circumstances.

Since the end of the cold war our operations have become more ambitious and more complex. Almost without exception, the new conflicts which have erupted since 1991 have been civil ones. Although often there is outside interference, the main battle is between people who are, or were, citizens of the same State. This has obliged the United Nations to re-define the tasks that peacekeeping involves.

Instead of maintaining a cease-fire while waiting for a political solution to be negotiated, we are now more often deployed as part of an agreed process, to help implement a fledgling political settlement. This involves us in such activities as collecting weapons, disarming and demobilising militias, supervising elections, and monitoring—sometimes even training—police forces.

Putting a war-torn society back together is never easy, and one can seldom say with real confidence that the point of no return has been achieved. But we can claim some success stories. Not all the wounds of conflict have yet healed, but Namibia, Mozambique, El Salvador, even Cambodia are countries which have now lived several years without war, and which have at least a fair chance of lasting peace, thanks to the hard work of United Nations peacekeepers in the late 1980s and early 90s.

To some extent we have been victims of our own success. In the early 90s expectations ran very high, and some of the assignments we were given were ones which could only have been carried out successfully by much larger forces, armed with heavier equipment and above all with clearer mandates.

The international community has drawn lessons from these sad experiences, but perhaps not always the right ones.

In Africa, the effect was to make external powers more reluctant to expose their forces. Indeed, the tragedy of Rwanda was caused, in part, by fear of repeating the experience of Somalia, which haunted some members of the Security Council.

In Europe, thankfully, a different lesson was drawn. External powers especially the United States, became more involved, not less. We saw diplomatic skill and military muscle combined—late in the day, but with great effect—to produce the Dayton agreement.

The Implementation Force in Bosnia, and the Stabilisation Force which has succeeded it, have to my mind been model peacekeeping forces. Heavily armed, and authorised to use their arms if challenged, they have in practice hardly used them at all because their authority has not been challenged.

But, although authorised by the Security Council, they are not United Nations peacekeeping forces, in the sense that they do not wear blue helmets. As you know, they are under NATO leadership.

But another success was the parallel operation in Eastern Slavonia.

There too a force was deployed strong enough to intimidate the local parties, so that the Transitional Authority was able to see off early challenges and fulfill its mandate without being dragged into combat. But this was a United Nations operation in the full sense of the term. It brought together a broad range of international responses—military, political, and humanitarian—under the authority of a Special Representative of the Secretary-General, who happened to be a very distinguished American, Jacques Paul Klein.

The result was an integrated strategy, and the force was able to withdraw on time, without leaving renewed bloodshed behind it.

But peacekeeping is not, and must not become, an arena of rivalry between the UN and NATO.

There is plenty of work for us both to do. We work best when we respect each other's competence and avoid getting in each other's way. In fact the UN Charter explicitly encourages regional arrangements and agencies, like NATO, to deal with regional problems, provided they do so in a manner consistent with the Purposes and Principles of the United Nations. So I welcome NATO's role, as I welcome that of other regional organizations in other parts of the world.

But few others have, or would claim to have, the same operational capacity that NATO has. It is therefore unfortunate that in recent years the Security Council has been reluctant to authorise new United Nations peacekeeping operations, and has often left regional or sub-regional organizations to struggle with local conflicts on their own.

That puts an unfair burden on the organizations in question. It is also a waste of the expertise in peacekeeping which the United Nations has developed over the years.

As a result, the number of United Nations peacekeepers fell precipitately between 1994 and 1998. If only that meant there had been a drop in the need for peacekeeping, we could all rejoice. But that is far from the case. If fact the overall number of peacekeepers deployed around the world remains roughly constant. It is only the proportion of them wearing blue berets that has declined.

Ironically this happened just when the United Nations, with the support of its Member States, was developing a sound infrastructure for directing and supporting peacekeeping operations.

It is a paradox that, in technical terms, we are better equipped now that we have only fourteen thousand soldiers in the field than we were five years ago when we had nearly eighty thousand. And if our capacity continues to be under-utilised there is an obvious risk that Member States will not longer give us the resources we need to sustain it.

This would not matter if the peace around the world were being successfully kept. But the truth is that the role played by NATO in Bosnia has proved very hard for regional arrangements or defence alliances to reproduce elsewhere.

In Africa especially, I find that local powers, and indeed regional organizations, are turning more and more to the United Nations for help. We must not dismantle the capacity that can provide that help.

Of course we must be careful to avoid the mistakes of the past. We must never again send a UN force, just for the sake of it, to keep a non-existent peace, or one to which the parties themselves show no sense of commitment.

That, perhaps, is the lesson of Angola, where as you know civil war is now raging once again, and I have had to recommend the withdrawal of the United Nations force.

But let us not forget the positive lesson of Mozambique, which ten years ago seemed quite as tragic and hopeless a case as Angola.

There, the presence of 7,000 United Nations troops had a calming effect, helping to reassure vulnerable parties and people, and to deter disruptions of the peace.

Conflict was successfully channelled into legitimate political institutions, so that interests no longer had to be pursued at the point of a gun.

This required working with the parties to strengthen national institutions and broaden their base. And to ensure that the parties could make use of the new institutions, we had to help them—especially the guerrilla opposition—to transform themselves from an army into a political party.

Had we not done that, the opposition leaders would quickly have become disillusioned with the political process and would have been tempted to return to the battlefield.

We also provided incentives for individual combatants, many of whom had been pressed into service as children, had come of age as fighters, and knew no other way of life.

And so, with a little help from the United Nations, the parties in Mozambique were able to make peace. What was once a violent and ruthless rebel movement has become a constructive and peaceful opposition party.

No doubt we got some things right in Mozambique which we got wrong in Angola, but surely the main difference lies in the behavior of the political leaders, on both sides, in the two countries.

So yes, we have to be cautious about taking on new mandates in countries where many different interests and ethnic animosities are involved.

But let us not nurture any illusions that regional or sub-regional bodies will be able to handle these problems on their own, without help from the United Nations.

You only have to list the countries which might make up a "regional force" in the Democratic Republic of Congo, for instance, to realize that many of them are already involved in the hostilities on one side or the other.

Indeed, the experience of decades has shown that peacekeeping is often best done by people from outside the region, who are more easily accepted as truly detached and impartial.

So I think we must be prepared for a conclusion which many African leaders have already reached: that if a peacekeeping force is required in the Congo, the United Nations would probably have to be involved.

But equally we must be prepared to insist that no such force can be deployed unless it is given sufficient strength and firepower to carry out its assignment, and assured of the full backing of the Security Council when it has to use that power.

I see no need for it to include American troops. But I think in other aspects the Bosnian model is just as relevant to Africa as it is to Europe.

Ladies and Gentlemen, increasingly, we find that peacekeeping cannot be treated as a distinct task, complete in itself. It has to be seen as part of a continuum, stretching from prevention to conflict resolution and "peace-building."

And these things cannot be done in a neat sequence. You have to start building peace while the conflict is still going on.

It is essentially a political task, but one which is part and parcel of a peacekeeping role. More than ever, the distinctions between political and military aspects of our work are becoming blurred.

I have no doubt that in future we will need to be even more adaptable.

The future of peacekeeping, I suspect, will depend in large part on whether we succeed in mobilizing new forms of leverage to bring parties towards a settlement.

In the past, when a peacekeeping operation ran into trouble, the most effective response was to report this to the Security Council, whose Permanent Members would then put pressure on their respective proxies, mainly by extending or reducing economic and military aid.

In today's conflicts that kind of government-to-government aid is less important. Conflicting parties now finance their armies with hard currency earned by exporting the commodities they control.

How do we obtain leverage over those sources of income? It may involve a new kind of relationship with the private sector, where the foreign customers and backers of the parties are to be found.

Also, given the civil nature of today's conflicts, which are always in some degree a battle for hearts and minds, we may need to engage on a broader front with the civilian population. At the very least, we must ensure that they have access to reliable and objective information, so that they are not an easy prey for artificially fanned fear and hatred.

Ladies and Gentlemen, it is sadly clear that the need for United Nations peacekeeping will continue, and indeed will probably grow. And it is very much in America's national interest to support an international response to conflicts—even those which seem remote—because, in today's interconnected world, they seldom remain confined in one country or even one region.

Take Rwanda, for example. The failure of the international community to respond effectively led not only to genocide in Rwanda itself, but also to the exodus of refugees and combatants across the borders.

Because we failed to act in time, seven countries are now fighting each other in a mineral-rich region which should have been a prime area for investment and development. Is this something the U.S. can afford to ignore?

Personally, I shall always be haunted by our failure to prevent or halt the genocide in Rwanda until nearly a million people had been killed. The peacekeeping force was withdrawn at the very moment that it should have been reinforced.

But whether we express remorse or outrage, or both, our words are of little value—unless we are sure that next time we will act differently.

Which means that next time we will not hide behind the complexities and dangers of the situation. Next time we must not wait for hindsight to tell us the wisest course.

Nor must we set impossible conditions, thereby ensuring that the Security Council takes no decision until too late.

We must be prepared to act while things are still unclear and uncertain, but in time to make a difference.

We must do so with sufficient resources—including credible military strength when a deterrent is necessary—to ensure the mission's success and the peacekeepers' safety.

And once the Council has authorised an operation, everyone—but especially those Council members who voted for it—must pay their share of the cost, promptly and in full.

Only if we approach our work in that spirit, Ladies and Gentlemen, can we dare hope that peacekeeping in the twenty-first century will build on the achievements of the twentieth.

Thank you very much.

HIGH MARKS FOR MAYOR MENINO

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to Mayor Tom Menino of the City of Boston and the extraordinary effort he has made over the past year to bring the Democratic National Convention to Boston in 2000.

Regardless of the outcome of this effort, all of Boston is proud of the brilliant job that Mayor Menino has done in bringing the business community and the neighborhoods of Boston together to make our city one of the most attractive and dynamic cities in the world. Mayor Menino deserves enormous credit for highlighting Boston's great strengths—its diverse heritage, its proud history, its cultural attractions, its convention facilities, its transportation infrastructure, its technological capabilities and its renowned world leadership in education, health care and many other impressive attributes.

Boston has proven itself time and again in recent years in its unique ability to host major national and international events. And thanks in great part to Mayor Menino's outstanding efforts, Boston is in the top rank of cities throughout the world.

An editorial last Friday in the Boston Globe entitled "An A for Menino's Effort" pays eloquent tribute to the Mayor's leadership and achievements, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From The Boston Globe, February 19, 1999]

AN A FOR MENINO'S EFFORT

Mayor Menino banged drums, crashed symbols, and sounded trumpets in his attempt to attract the 2000 Democratic National Convention. But in the end the political symphony will take place elsewhere, probably Los Angeles.

Give the mayor credit on this one. Boston suffered from a dearth of hotel rooms, no previous experience with national political conventions, and the huge Central Artery disruption. But Menino brought Boston to the final three among 28 applicants. In the process, he blended the skills of corporate giants, upstart entrepreneurs, local and regional public officials, and technical experts.

BankBoston, Fleet Financial, and Bell Atlantic deserve special recognition for supporting the mayor's efforts when few thought Boston could contend. These partners can be called on again to attract major business and professional meetings to a new convention center.

Boston's bid failed due to conditions beyond its control. California's 54 electoral votes outrank Massachusetts' 12. Equally important, the Democrats need to shore up the West Coast firmly and quickly in order to allocate money and muscle to Michigan, New Jersey, Pennsylvania, and other key states if they hope to hold the presidency. No amount of showmanship, corporate support, or creativity by Boston's boosters could solve that problem of political calculus.

A frustrated Menino jumped ahead of the DNC when he announced that Boston's bid had failed. The official decision is not expected until early March. That gaffe might disqualify Menino for the deportment prize. But the mayor's reaction is understandable to all, including the outgoing Democratic national chairman, Steven Grossman.

"Menino threw his heart and soul into this thing," says Grossman, a Newton businessman. "That's what leadership is all about."

The mayor exhausted his political and inner resources in this unsuccessful bid of the convention. But he energized Boston in the process.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, February 23, 1999, the federal debt stood at $5,619,947,525,857.17 (Five trillion, six hundred nineteen billion, nine hundred forty-seven million, five hundred twenty-five thousand, eight hundred fifty-seven dollars and seventeen cents).

One year ago, February 23, 1998, the federal debt stood at $5,519,493,000,000 (Five trillion, five hundred nineteen billion, four hundred ninety-three million).

Five years ago, February 23, 1994, the federal debt stood at $4,541,171,000,000 (Four trillion, five hundred forty-one billion, one hundred seventy-one million).

Ten years ago, February 23, 1989, the federal debt stood at $2,722,096,000,000 (Two trillion, seven hundred twenty-two billion, ninety-six million).

Fifteen years ago, February 23, 1984, the federal debt stood at $1,455,152,000,000 (One trillion, four hundred fifty-five billion, one hundred fifty-two million) which reflects a debt increase of more than $4 trillion—$4,164,795,525,857.17 (Four trillion, one hundred sixty-four billion, seven hundred ninety-five million, five hundred twenty-five thousand, eight hundred fifty-seven dollars and seventeen cents) during the past 15 years.

30TH ANNIVERSARY COMMEMORATION

Mr. ASHCROFT. Mr. President, I rise today to congratulate Pastor Jack and Anna Hayford as they celebrate 30 years of service to The Church On The Way in Van Nuys, California. It is with great honor and distinction that I commend the Hayfords for their long and outstanding service to their congregation and people of faith throughout this nation and literally around the world.

Pastor Jack and Anna have been faithful teachers of God's Word, inspiring millions in their relationship with God. Their personal sacrifices over the past 30 years of service are exemplified by their relentless pursuit to minister to others. Pastor Jack has helped bring pastors and church leaders together at new levels of unity. His tireless and selfless pursuit to build bridges within the Body of Christ across racial divisions is to be commended.

Anna Hayford, a wife and mother, serves as a role-model to women in ministry on how to balance the duties of home and church and the demands of marriage and family. She is a faithful source of strength and encouragement to many through her teaching and counseling ministry.

Over the past 30 years, the Hayfords have been on a mission to bring understanding, repentance, and healing to the pain that has separated black and white churches in America. As our nation looks increasingly for guidance in this period of moral decay, the Hayfords provide a spiritual path for others to follow.

I wish Pastor Jack and Anna Hayford a memorable celebration of their commitment to the redemptive mission of Christ. May God bless them and protect them in their future endeavors.

DRAFT Y2K LIABILITY LEGISLATION

Mr. MCCAIN. Mr. President, the Senior Senator from Washington state, SLADE GORTON, and I have committed to working on legislation to address liability issues arising out of Y2K problems. To this end, I introduced S. 96. As Senator GORTON and I agreed before the bill was filed, we have been listening to concerns and views of the varied constituencies interested in limiting wasteful litigation and encouraging prevention and timely remediation of Y2K problems. I am very pleased that today we are offering into the record a revised working draft for additional input and discussion.

Mr. GORTON. Mr. President, the Y2K problem should not be underestimated. Before the session began, Senator MCCAIN and I committed to working on legislation that will allow entities to focus their efforts on remediation and prevent unproductive litigation. We have solicited and obtained input from sources representing both potential plaintiffs and potential defendants in Y2K actions. We want to continue listening and working on this issue, but do not have much time—the countdown had begun. The draft measure that we are putting on the record today reflects principally the measure proposed by a large coalition of business groups including the Chamber of Commerce, the National Association of Manufacturers, the National Federation of Independent Business, and many others. The draft will, I hope, invite more feedback, and focus the efforts of all interested parties. I invite our colleagues and all interested parties to continue to provide us with comments and suggestions so that we can improve the measure before it is marked up by the Commerce Committee on March 3.

Mr. McCAIN. I intend to mark up Y2K liability legislation in the Commerce Committee next week so that it can be considered by the full Senate as soon as possible. If the bill is to serve the needs for which it is designed, it must be passed expeditiously. We cannot have the intended effect of encouraging businesses to be proactive in preventing Y2K failures if we delay action on this bill until later in the session. This bill addresses an immediate need, and the Senate must act on it accordingly. I ask unanimous consent that the draft measure be printed in the CONGRESSIONAL RECORD.

There being no objection, the draft was ordered to be printed in the RECORD, as follows:

AMENDMENT—

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Y2K Act".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Punitive damages limitations.

TITLE I—OPPORTUNITY TO RESOLVE Y2K PROBLEMS

Sec. 101. Pre-filing notice.
Sec. 102. Pleading requirements.
Sec. 103. Duty to mitigate.
Sec. 104. Proportionate liability.

TITLE II—Y2K ACTIONS INVOLVING CONTRACT-RELATED CLAIMS

Sec. 201. Contracts enforced.
Sec. 202. Defenses.
Sec. 203. Damages limitation.
Sec. 204. Mixed actions.

TITLE III—Y2K ACTIONS INVOLVING TORT CLAIMS

Sec. 301. Damages in tort claims.
Sec. 302. Certain defenses.
Sec. 303. Liability of officers and directors.

TITLE IV—Y2K CLASS ACTIONS

Sec. 401. Minimum injury requirement.
Sec. 402. Notification.
Sec. 403. Forum for Y2K class actions.

SEC. 2. FINDINGS AND PURPOSES.

The Congress finds that:

(1) The majority of responsible business enterprises in the United States are committed to working in cooperation with their contracting partners towards the timely and cost-effective resolution of the many technological, business, and legal issues associated with the Y2K date change.

(2) Congress seeks to encourage businesses to concentrate their attention and resources in short time remaining before January 1, 2000, on addressing, assessing, remediating, and testing their Y2K problems, and to minimize any possible business disruptions associated with the Y2K issues.

(3) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(4) Y2K issues will potentially affect practically all business enterprises to at least some degree, giving rise possibly to a large number of disputes.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses, particularly small businesses, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with the Y2K date change, and work against the successful resolution of those difficulties.

(7) Congress recognizes that every business in the United States should be concerned that widespread and protracted Y2K litigation may threaten the network of valued and trusted business relationships that are so important to the effective functioning of the world economy, and which may put unbearable strains on an overburdened and sometime ineffective judicial system.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTION.—The term "Y2K action" means a civil action commenced in any Federal or State court in which the plaintiff's alleged harm or injury resulted directly or indirectly from an actual or potential Y2K failure, or a claim or defense of a defendant is related directly or indirectly to an actual or potential Y2K failure.

(2) Y2K FAILURE.—The term "Y2K failure" means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) ACTUAL DAMAGES.—The term "actual damages" means direct damages for injury to tangible property, and the cost of repairing or replacing products that have a material defect.

(4) ECONOMIC LOSS.—Except as otherwise specifically provided in a written contract between the plaintiff and the defendant in a Y2K action (and subject to applicable State law), the term "economic loss"—

(A) means amounts awarded to compensate an injured party for any loss other than for personal injury or damage to tangible property (other than property that is the subject of the contract); and

(B) includes amounts awarded for—

(i) lost profits or sales;

(ii) business interruption;

(iii) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(iv) losses that arise because of the claims of third parties;

(v) losses that must be pleaded as special damages; and

(vi) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law); but

(C) does not include actual damages.

(5) MATERIAL DEFECT.—The term "material defect" means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or intended. The term "material defect" does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only on a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(6) PERSONAL INJURY.—The term "personal injury"—

(A) means any physical injury to a natural person, including death of the person; but

(B) does not include mental suffering, emotional distress, or like elements of injury that do not constitute physical harm to a natural person.

(7) STATE.—The term "State" means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(8) CONTRACT.—The term "contract" means a contract, tariff, license, or warranty.

(9) PERSON.—

(A) IN GENERAL.—The term "person" has the meaning given to that term by section 1 of title 1, United States Code.

(B) GOVERNMENT ENTITIES.—The term "person" includes an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities) when that agency, instrumentality, or other entity is a plaintiff or a defendant in a Y2K action.

(10) ALTERNATIVE DISPUTE RESOLUTION.—The term "alternative dispute resolution" means any process or proceeding, other than adjudication by a court or administrative proceeding, in which a neutral third party participates to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) GENERAL RULE.—This Act applies to any Y2K action brought in a State or Federal court after February 22, 1999.

(b) NO NEW CAUSE OF ACTION CREATED.—Nothing in this Act creates a new cause of action under Federal or State law.

(c) ACTIONS FOR PERSONAL INJURY OR WRONGFUL DEATH EXCLUDED.—This Act does not apply to a claim for personal injury or for wrongful death.

(d) WRITTEN CONTRACT CONTROLS.—The provisions of this Act do not supersede a valid, enforceable written contract between a plaintiff and a defendant in a Y2K action.

(e) PREEMPTION OF STATE LAW.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law.

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) IN GENERAL.—In any Y2K action in which punitive damages may be awarded under applicable State law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the defendant acted with conscious and flagrant disregard for the rights and property of others.

(b) CAPS ON PUNITIVE DAMAGES.—

(1) IN GENERAL.—Punitive damages against a defendant in such a Y2K action may not exceed the larger of—

(A) 3 times the amount awarded for actual damages; or

(B) $250,000.

(2) SPECIAL RULE.—In the case of a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees,

paragraph (1) shall be applied by substituting "smaller" for "larger".

(c) GOVERNMENT ENTITIES.—Punitive damages in such a Y2K action may not be awarded against a person described in section 3(8)(B).

TITLE I—OPPORTUNITY TO RESOLVE Y2K PROBLEMS

SEC. 101. PRE-FILING NOTICE.

(a) IN GENERAL.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall serve on each prospective defendant in that action a written notice that identifies with particularity—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) the remedy sought by the prospective plaintiff;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) DELAY OF ACTION.—Except as provided in subsection (d), a prospective plaintiff may not commence a Y2K action in Federal or State court until the expiration of 90 days from the date of service of the notice required by subsection (a).

(c) RESPONSE TO NOTICE.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall serve on each prospective plaintiff a written statement acknowledging receipt of the notice, and proposing the actions it has taken or will take to address the problem identified by the prospective plaintiff. The written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(d) FAILURE TO RESPOND.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c); or

(2) does not describe the action, if any, the prospective defendant will take to address the problem identified by the prospective plaintiff, then the 90-day period specified in subsection (a) will terminate at the end of the 30-day period at to that prospective defendant and the prospective plaintiff may commence its action against that prospective defendant.

(e) FAILURE TO PROVIDE NOTICE.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) and without awaiting the expirations of the 90-day period specified in subsection (a), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for 90 days after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during this 90-day period.

(f) EFFECT OF CONTRACTUAL WAITING PERIODS.—In cases in which a contract requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided in the contract is controlling over the waiting period specified in subsections (a) and (e).

(g) STATE LAW CONTROLS ALTERNATIVE METHODS.—Noting in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

SEC. 102. PLEADING REQUIREMENTS.

(A) NATURE AND AMOUNT OF DAMAGES.—In all Y2K actions in which damages are requested, the complaint shall provide specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(b) MATERIAL DEFECTS.—In any Y2K action in which the plaintiff alleges that a product or service defective, the complaint shall contain specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(c) REQUIRED STATE OF MIND.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, the complaint shall, with respect to each element of that claim, state with particularity the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 103. DUTY TO MITIGATE.

Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably could have been, aware, including reasonable efforts made by a defendant to make information available to purchasers or users of the defendant's product or services concerning means of remedying or avoiding Y2K failure.

SEC. 104. PROPORTIONATE LIABILITY.

(a) IN GENERAL.—A person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional liability of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) SEVERAL LIABILITY.—Liability in a Y2K action shall be several but not joint.

TITLE II—Y2K ACTIONS INVOLVING CONTRACT-RELATED CLAIMS

SEC. 201. CONTRACTS ENFORCED.

In any Y2K action, any written term or condition of a valid and enforceable contract between the plaintiff and the defendant, including limitations or exclusions of liability and disclaimers of warranty, is fully enforceable, unless the court determines that the contract as a whole is unenforceable. If the contract is silent with respect to any matter, the interpretation of the contract with respect to that matter shall be determined by applicable law in force at the time the contract was executed.

SEC. 202. DEFENSES.

(a) REASONABLE EFFORTS.—In any Y2K action in which breach of contract is alleged, in addition to any other rights provided by applicable law, the party against whom the claim of breach is asserted shall be allowed to offer evidence that its implementation of the contract, or its efforts to implement the contract, were reasonable in light of the circumstances for the purpose of limiting or eliminating the defendant's liability.

(b) IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY.—In any Y2K action in which breach of contract is alleged, applicability of the doctrines of impossibility and commercial impracticability shall be determined by applicable law in existence on January 1, 1999, and nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 203. DAMAGES LIMITATION.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, consequential or punitive damages unless such damages are allowed—

(1) by the express terms of the contract; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was executed or by operation of Federal law.

SEC. 204. MIXED ACTIONS.

If a Y2K action includes claims based on breach of contract and tort or other noncontract claims, then this title shall apply to the contract-related claims and title III shall apply to the tort or other noncontract claims.

TITLE III—Y2K ACTIONS INVOLVING TORT CLAIMS

SEC. 301. DAMAGES IN TORT CLAIMS.

A party to a Y2K action making a tort claim may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party;

(2) such losses result directly from a personal injury claim resulting from the Y2K failure; or

(3) such losses result directly from damage to tangible property caused by the Y2K failure (other than damage to property that is the subject of the contract),

and such damages are permitted under applicable Federal or State law.

SEC. 302. CERTAIN DEFENSES.

(a) GOOD FAITH; REASONABLE EFFORTS.—In any Y2K action except an action for breach or repudiation of contract, the party against whom the claim is asserted shall be entitled to establish, as a complete defense to any claim for damages, that it acted in good faith and took measures that were reasonable under the circumstances to prevent the Y2K failure from occurring or from causing the damages upon which the claim is based.

(b) DEFENDANT'S STATE OF MIND.—In a Y2K action making a claim for money damages in which the defendant's actual or constructive awareness of an actual or potential a Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves by clear and convincing evidence that the defendant knew, or recklessly disregarded a known and substantial risk, that the failure would occur in the specific facts and circumstances of the claim.

(c) FORESEEABILITY.—In a Y2K action making a claim for money damages, the defendant is not liable unless the plaintiff proves by clear and convincing evidence, in addition to all other requisite elements of the claim, that the defendant knew, or should have known, that the defendant's action or failure to act would cause harm to the plaintiff in the specific facts and circumstances of the claim.

(d) CONTROL NOT DETERMINATIVE OF LIABILITY.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was within the control of the party against whom a claim for money damages is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action.

(e) PRESERVATION OF EXISTING LAW.—The provisions of this section are in addition to, and not in lieu of, any requirement under applicable law as to burdens of proof and elements necessary for prevailing in a claim for money damages.

SEC. 303. LIABILITY OF OFFICERS AND DIRECTORS.

(a) IN GENERAL.—A director, officer, trustee, or employee of a business or other organization (including a corporation, unincorporated association, partnership, or nonprofit organization) shall not be personally liable in any Y2K action making a tort or other noncontract claim in that person's capacity as a director, officer, trustee, or employee of the business or organization for more than the greater of—

(1) $100,000; or

(2) the amount of pre-tax compensation received by the director, officer, trustee, or employee from the business or organization during the 12 months immediately preceding the act or omission for which liability was imposed.

(b) EXCEPTION.—Subsection (a) does not apply in any Y2K action in which it is found by clear and convincing evidence that the director, officer, trustee, or employee—

(1) intentionally made misleading statements regarding any actual or potential year 2000 problem; or

(2) intentionally withheld from the public significant information there was a legal duty to disclose to the public regarding any actual or potential year 2000 problem of that business or organization which would likely result in actionable Y2K failure.

(c) STATE LAW, CHARTER, OR BYLAWS.—Nothing in this section supersedes any provision of State law, charter, or a bylaw authorized by State law, in existence on January 1, 1999, that establishes lower limits on the liability of a director, officer, trustee, or employee of such a business or organization.

TITLE IV—Y2K CLASS ACTIONS

SEC. 401. MINIMUM INJURY REQUIREMENT.

In any Y2K action involving a claim that a product or service is defective, the action may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law or applicable rules of civil procedure; and

(2) the court finds that the alleged defect in a product or service is material as to the majority of the members of the class.

SEC. 402. NOTIFICATION.

(a) NOTICE BY MAIL.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class by United States mail, return receipt requested. Persons whose receipt of the notice is not verified by the court or by counsel for one of the parties shall be excluded from the class unless those persons inform the court in writing, on a date no later than the commencement of trial or entry of judgment, that they wish to join the class.

(b) CONTENTS OF NOTICE.—In addition to any information required by applicable Federal or State law, the notice described in this subsection shall—

(1) concisely and clearly describe the nature of the action;

(2) identify the jurisdiction where the case is pending; and

(3) describe the fee arrangement of class counsel.

SEC. 403. FORUM FOR Y2K CLASS ACTIONS.

(a) JURISDICTION.—The District Courts of the United States have original jurisdiction of any Y2K action, without regard to the sum or value of the matter in controversy involved, that is brought as a class action if—

(1) any member of the proposed plaintiff class is a citizen of a State different from the State of which any defendant is a citizen;

(2) any member of the proposed plaintiff class is a foreign Nation or a citizen of a foreign Nation and any defendant is a citizen or lawful permanent resident of the United States; or

(3) any member of the proposed plaintiff class is a citizen or lawful permanent resident of the United States and any defendant is a citizen or lawful permanent resident of a foreign Nation.

(b) PREDOMINANT STATE INTEREST.—A United States District Court in an action described in subsection (a) may abstain from hearing the action if—

(1) a substantial majority of the members of all proposed plaintiff classes are citizens of a single State;

(2) the primary defendants are citizens of that State; and

(3) the claims asserted will be governed primarily by the laws of that State.

(c) LIMITED CONTROVERSIES.—A United States District Court in an action described in subsection (a) may abstain from hearing the action if—

(1) the value of all matters in controversy asserted by the individual members of all proposed plaintiff classes in the aggregate does not exceed $1,000,000, exclusive of interest and costs;

(2) the number of members of all proposed plaintiff classes in the aggregate in less than 100; or

(3) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief.

(d) DIVERSITY DETERMINATION.—For purposes of applying section 1322(b) of title 28, United States Code, to actions described in subsection (a) of this section, a member of a proposed class is deemed to be a citizen of a State different from a corporation that is a defendant if that member is a citizen of a State different from each State of which that corporation is deemed a citizen.

(e) REMOVAL.—

(1) IN GENERAL.—A class action described in subsection (a) may be removed to a district court of the United States in accordance with chapter 89 of title 28, United States Code, except that the action may be removed—

(A) by any defendant without the consent of all defendants; or

(B) any plaintiff class member who is not a named or representative class member of the action for which removal is sought, without the consent of all members of the class.

(2) TIMING.—This subsection applies to any class before or after the entry of any order certifying a class.

(3) PROCEDURE.—

(A) IN GENERAL.—Section 1446(a) of title 28, United States Code, shall be applied to a plaintiff removing a case under this section by treating the 30-day filing period as met if a plaintiff class member who is not a named or representative class member of the action for which removal is sought files notice of removal within 30 days after receipt by such class member of the initial written notice of the class action provided at the trial court's direction.

(B) APPLICATION OF SECTION 1446.—Section 1446 of title 28, United States Code, shall be applied—

(i) to the removal of a case by a plaintiff under this section by substituting the term "plaintiff" for the term "defendant" each place it appears; and

(ii) to the removal of a case by a plaintiff or a defendant under this section—

(I) by inserting the phrase "by exercising due diligence" after "ascertained" in the second paragraph of subsection (b); and

(II) by treating the reference to "jurisdiction conferred by section 1332 of this title" as a reference to subsection (a) of this section.

(f) APPLICATION OF SUBSTANTIVE STATE LAW.—Nothing in this section alters the substantive law applicable to an action described in subsection (a).

(g) PROCEDURE AFTER REMOVAL.—If, after removal, the court determines that no aspect of an action that is subject to its jurisdiction solely under the provisions of section 1332(b) of title 28, United States Code, may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, the court shall strike the class allegations from the action and remand the action to the State court. Upon remand of the action, the period of limitations for any claim that was asserted in the action on behalf of any named or unnamed member of any proposed class shall be deemed tolled to the full extent provided under Federal law.

TRIAL OF PRESIDENT WILLIAM JEFFERSON CLINTON

Mr. REED. Mr. President, I ask unanimous consent that my opinion memorandum relating to the impeachment of President Clinton be printed in the RECORD.

There being no objection, the opinion memorandum was ordered to be printed in the RECORD, as follows:

[In the Senate of the United States sitting as a Court of Impeachment]

OPINION MEMORANDUM OF UNITED STATES SENATOR JOHN F. REED, FEBRUARY 12, 1999

I. CONCLUSION

Based on the evidence in the record, the arguments of the House Managers and the arguments of counsels for the President, I conclude as follows: The President has disgraced himself and dishonored his office. He has offended the justified expectations of the American people that the Presidency be above the sordid episodes revealed in the record before us. However, the House Managers have failed to prove that the President's conduct amounts to the Constitutional standard of "other high Crimes and Misdemeanors" subjecting him to removal from office.

II. STATEMENT OF THE CASE

On December 19, 1998, the United States House of Representatives passed H. Res. 611,[1] "Impeaching William Jefferson Clinton, President of the United States, for high Crimes and Misdemeanors." The House Resolution contains two Articles of Impeachment declaring that, first, the President committed perjury before a Federal Grand Jury on August 17, 1998, and, second, the President obstructed justice in connection with the civil litigation of Paula Jones.[2]

Pursuant to Article I, Section 3 of the United States Constitution, the United States Senate convened a Court of Impeachment on January 9, 1999, and each Senator took an oath to render "fair and impartial justice."[3] As Alexander Hamilton stated in *Federalist No. 65*, "what other body would be likely to feel *confidence enough in its own situation* to preserve, unawed and uninfluenced, the necessary impartiality between an *individual* accused and the *representatives of the people, his accusers*?"[4]

The obligation of the Senate is to accord the President, as the accused, the right to conduct his defense fairly and, while respecting the House's exclusive Constitutional prerogative to bring Articles of Impeachment, to put the House to the proof of its case. At the core of our task is the fundamental understanding that our system of government recognizes the rights of defendants and the responsibilities of the prosecution to prove its case. Such a basic tenet of our law and our experience as a free people does not evaporate in the rarified atmosphere of a Court of Impeachment simply because the accused is the President and the accusers are the House of Representatives.

The House of Representatives submitted a certified, written record of over 6,000 pages. By unanimously adopting S. Res. 16, on January 8, 1999, the Senate agreed to proceed with the Court of Impeachment based on "the record which will consist of those publicly available materials that have been submitted." The Senate Resolution also provided that, following the presentations of the House managers, the response of the President's attorneys, and a period of questions by Senators, it would be in order to consider a Motion to Dismiss and a Motion to Depose Witnesses.

On January 27, 1999, the Senate voted 56 to 44, against dismissing the Articles of Impeachment. On the same day, by the same margin, the Senate passed a resolution, S. Res. 30, allowing the Managers to depose three witnesses: Ms. Monica S. Lewinsky, Mr. Vernon E. Jordan, Jr., and Mr. Sidney Blumenthal. These depositions were taken on February 1, 2, and 3, 1999, respectively.

After Senators were provided an opportunity to view the videotaped depositions, the Senate reconvened as a Trial of Impeachment on February 4, 1999. At that time a motion by the House Managers to call Ms. Lewinsky to the floor of the Senate as a witness was rejected by a vote of 30 to 70. Voting 62 to 38, the Senate agreed to permit portions of the video to be used on the floor of the Senate during both a six-hour "evidentiary" session and for closing arguments. The White House declined to offer a motion to call witnesses. The Senate then rejected a motion by Democratic Leader Daschle to proceed directly to a vote on the Articles of Impeachment.

On Saturday, February 6, 1999, the Senate heard six hours of presentation, evenly divided, concerning the evidence obtained in the three depositions. On Monday, February 8, 1999, the Senate heard closing arguments from the House Managers and Counsel for the President. The following day, the Senate voted on a motion to open deliberations to the public. That motion received 59 votes, several short of the supermajority required to change Senate Impeachment Rules. The Senate then voted to adjourn to closed deliberations. A final vote was taken on the Articles on Friday, February 12, 1999.

III. THE CONSTITUTIONAL STANDARD

"The Senate shall have the sole Power to try all Impeachments."[5] With these few words, the Framers of the Constitution entrusted the Senate with the most awesome power within a democratic society. We are the final arbiters of whether the conscious and free choice of the American people in selecting their President will stand.

1. "Other High Crimes and Misdemeanors"

The Constitutional grounds for Impeachment indicate both the severity of the offenses necessary for removal and the essential political character of these offenses. "The President, Vice President and all civil Officers of the United States shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."[6] The clarity of "Treason" and "Bribery" is without doubt. No more heinous example of an offense against the Constitutional order exists than betrayal of the nation to an enemy or betrayal of duty for personal enrichment. With these offenses as predicate, it follows that "other high Crimes and Misdemeanors" must likewise be restricted to serious offenses that strike at the heart of the Constitutional order.

Certainly, this is the view of Alexander Hamilton, one of the trio of authors of the *Federalist Papers*, the most respected and authoritative interpretation of the Constitution. In *Federalist No. 65*, Hamilton describes impeachable offenses as "those offenses which proceed from the misconduct of public men, or, in other words, from the abuse or violation of some public trust. They are of a nature which may with peculiar propriety be denominated POLITICAL, as they relate chiefly to injuries done immediately to the society itself."[7]

This view is sustained with remarkable consistency by other contemporaries of Hamilton. George Mason, a delegate to the Federal Constitutional Convention, declared that "high Crimes and Misdemeanors" refer to "great and dangerous offenses" or "attempts to subvert the Constitution."[8] James Iredell served as a delegate to the North Carolina Convention that ratified the Constitution, and he later served as a Justice of the United States Supreme Court. During the Convention debates, Iredell stated:

"The power of impeachment is given by this Constitution, to bring great offenders to punishment. . . . This power is lodged in those who represent the great body of the people, because the occasion for its exercise will arise from *acts of great injury to the community*, and the objects of it may be such as cannot be easily reached by an ordinary tribunal."[9]

Iredell's understanding sustains the view that an impeachable offense must cause "great injury to the community." Private wrongdoing, without a significant, adverse effect upon the nation, cannot constitute an impeachable offense. James Wilson, a delegate to the Federal Constitutional Convention and, like Iredell, later a Supreme Court Justice, wrote that Impeachments are "proceedings of a political nature . . . confined to political characters, to political crimes and misdemeanors, and to political punishments."[10]

Later commentators expressed similar views. In 1833, Justice Story quoted favorably from the scholarship of William Rawle in which Rawle concluded that the "legitimate causes of impeachment . . . can have reference only to public character, and official duty . . . In general, those offenses, which may be committed equally by a private person, as a public officer, are not the subject of impeachment."[11]

This line of reasoning is buttressed by the careful and thoughtful work of the House of Representatives during the Watergate proceedings. The Democratic staff of the House Judiciary Committee concluded that: "[b]ecause impeachment of a President is a grave step for the nation, it is to be predicated only upon conduct seriously incompatible with either the constitutional form and principles of our government or the proper performance of constitutional duties of president office."[12]

This view was echoed by many on the Republican side. Minority members of the Judiciary Committee declared: "the Framers . . . were concerned with preserving the government from being overthrown by the treachery or corruption of one man. . . . [I]t is our judgment, based upon this constitutional history, that the Framers of the United States Constitution intended that the President should be removable by the legislative branch only for serious misconduct dangerous to the system of government."[13]

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[1] H. Res. 611, 105th Cong., 2d Sess., (1998) (enacted).

[2] In the course of deliberations in the House, no witnesses to the underlying events were called. The House Judiciary Committee held four hearings and called only one material witness, the Independent Counsel, Kenneth Starr. Mr. Starr testified that he was not present when any of the witnesses testified before the Grand Jury. The President's attorneys were allowed two days to present their defense, and they called a series of expert witnesses.

[3] Rule XXV, *Procedure and Guidelines for Impeachment Trials in the United States Senate*, Prepared by Floyd Riddick and Robert Dove, 99th Cong., 2d Sess., S. Doc. 99-33 (August 15, 1986) at 6.

[4] *The Federalist No. 65*, at 398 (Alexander Hamilton) (Clinton Rossiter, ed., 1961) (Emphasis in original).

[5] U.S. Const., art. I, §3, cl. 7.

[6] U.S. Const., art. II, §4.

[7] *The Federalist No. 65*, at 396 (emphasis in original).

[8] Max Farrand, ed., *The Records of the Federal Convention of 1787*, at 550 (1966).

[9] Jonathon Elliot, *Debates on the Adoption of the Federal Constitution* at 113 (1974).

[10] Michael J. Gerhardt, *The Federal Impeachment Process: A Constitutional and Historical Analysis* at 21 (1996).

[11] 2 Joseph Story, Commentaries on the Constitution §799 at 269-70 quoting William Rawle, A View of the Constitution of the United States at 213 (2d ed. 1829).

[12] Constitutional Grounds for Presidential Impeachment, Report by the Staff of the Impeachment Inquiry, House Comm. on Judiciary, 93rd Cong., 2d Sess. at 26 (1974).

2. The Constitutional Debates

Adding impressive support to these consistent views of the meaning of the term, "high Crimes and Misdemeanors," is the history of the deliberations of the Constitutional Convention. This history demonstrates a conscious movement to narrow the terminology as a means of raising the threshold for the Impeachment process.

Early in the debate on the issue of Presidential Impeachment in July of 1787, it was suggested that impeachment and removal could be founded on a showing of "malpractice," "neglect of duty" or "corruption."[14] By September of 1787, the issue of Presidential Impeachment had been referred to the Committee of Eleven, which was created to resolve the most contentious issues. The Committee of Eleven proposed that the grounds for Impeachment be "treason or bribery."[15] This was significantly more restricted than the amorphous standard of "malpractice," too restricted, in fact, for some delegates. George Mason objected and suggested that "maladministration" be added to "treason and bribery."[16] This suggestion was opposed by Madison as returning to the vague, initial standard. Mason responded by further refining his suggestion and offered the term "other high Crimes and Misdemeanors against the State."[17] The Mason language was a clear reference to the English legal history of Impeachment. And, it is instructive to note that Mason explicitly narrowed these offenses to those "against the State." The Convention itself further clarified the standard by replacing "State" with the "United States."[18]

At the conclusion of the substantive deliberations on the Constitutional standard of Impeachment, it was obvious that only serious offenses against the governmental system would justify Impeachment and subsequent removal from office. However, the final stylistic touches to the Constitution were applied by the Committee of Style. This Committee has no authority to alter the meaning of the carefully debated language, but could only impose a stylistic consistency through, among other things, the elimination of redundancy. In their zeal to streamline the text, the words "against the United States" were eliminated as unnecessary to the meaning of the passage.[19]

The weight of both authoritative commentary and the history of the Constitutional Convention combines to provide convincing proof that the Impeachment process was reserved for serious breaches of the Constitutional order which threaten the country in a direct and immediate manner.

3. The Independence of Impeachment and Criminal Liability

Article One, Section three of the United States Constitution provides that "[j]udgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office or honor, Trust or Profit under the United States: *but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law*."[20] As James Wilson wrote, "[i]mpeachments, and offenses and offenders impeachable, [do not] come . . . within the sphere of ordinary jurisprudence. They are founded on different principles; are governed by different maxims; and are directed to different objects; for this reason, the trial and punishment of an offense on an impeachment, is no bar to a trial and punishment of the same offence at common law."[21] The independence of the Impeachment process from the prosecution of crimes underscores the function of Impeachment as a means to remove a President from office, not because of criminal behavior, but because the President poses a threat to the Constitutional order. Criminal behavior is not irrelevant to an Impeachment, but it only becomes decisive if that behavior imperils the balance of power established in the Constitution.

4. Conclusion

Authoritative commentary on the Constitution, together with the structure of the Constitution allowing independent consideration of criminal charges, makes it clear that the term, "other high Crimes and Misdemeanors," encompasses conduct that involves the President in the impermissible exercise of the powers of his office to upset the Constitutional order. Moreover, since the essence of Impeachment is removal from office rather than punishment for offenses, there is a strong inference that the improper conduct must represent a continuing threat to the people and the Constitution. It cannot be an episode that either can be dealt with in the Courts or raises no generalized concerns about the continued service of the President.

IV. JUDICIAL IMPEACHMENTS

The House Managers urge that the standards applied to judges must also be applied identically to the President. Their argument finds particular urgency with respect to Article I and its allegations of perjury. Several judges have been removed for perjury, and the House Managers suggest that this experience transforms perjury into a per se impeachable offense.[22]

This reasoning disregards the unique position of the President. Unlike Federal judges, the President is elected by popular vote for a fixed term. Popular elections are the most obvious and compelling checks on Presidential conduct. No such "popular check" is imposed on the Judiciary. Federal judges are deliberately insulated from the public pressures of the moment to ensure their independence to follow the law rather than a changeable public mood. As such, Impeachment is the only means of removing a judge. Moreover, the removal of one of the 839 Federal judges can never have the traumatic effect of the removal of the President. To suggest that a Presidential Impeachment and a judicial Impeachment should be treated identically strains credulity.

There is an additional Constitutional factor to consider. The Constitution requires that judicial service be conditioned on "good Behavior."[23] This adds a further dimension to the consideration of the removal of a judge from office. Although "good Behavior" is not a separate grounds for Impeachment, this Constitutional standard thoroughly permeates any evaluation of judicial conduct.

We expect judges to be above politics. We expect them to be inherently fair. We expect their judgment to be unimpeded by personal considerations. And, we demand that their conduct, both public and private, reflect these lofty expectations. Judges are subject to the most exacting code of conduct in both their public life and their private life.[24] Without diminishing the expectations of Presidential conduct, it is fair to say that we expect and demand a more scrupulous standard of conduct, particularly personal conduct, from judges. A large part of these heightened expectations for judges emerges directly from their particular role in our government. They immediately and critically determine the rights of individual citizens. The fates and lives of individual Americans are literally in their hands. They personify more dramatically than anyone, including the President, the fairness and reasonableness of the law. Should they falter, the foundation of "equal justice under law" is more seriously strained than the failings of any other citizen.

The differences between a Presidential Impeachment and a judicial Impeachment are not merely theoretical. The Senate treats a Presidential Impeachment differently from a judicial Impeachment in both procedure and substance. The Senate routinely allows a select committee to receive testimony in the trial of a judge.[25] Such a delegation of responsibility would be unthinkable in the trial of a President. But of even more telling effect are the substantive differences between Presidential and judicial Impeachments. For example, Judge Harry Claiborne was Impeached and removed subsequent to his criminal conviction for filing a false income tax return.[26] In contrast, the inquiry into the Watergate break-in disclosed similar violations of the Federal Tax Code by President Nixon. Yet, the Judiciary Committee of the House of Representatives declined to approve an Article of Impeachment with respect to President Nixon's apparent violation of the Internal Revenue Code. A major factor in declining to press this Article was the widespread feeling that such private misconduct was not relevant to a Presidential Impeachment. According to Representative Ray Thornton (D–AR), "there [had] been a breach of faith with the American people with regard to incorrect income tax returns . . . But . . . these charges may be reached in due course in the regular process of law. This committee is not a tax court nor should it endeavor to become one."[27] Republican Representative Tom Railsback (R–IL) pointed out that there was "a serious question as to whether something involving [the President's] personal tax liability has anything to do with his conduct of the office of the President."[28]

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[13] Impeachment of Richard M. Nixon, President of the United States, Report of the House Comm. on the Judiciary, 93rd Cong., 2d Sess., H. Rep 93–1305 at 364-65 (Aug. 20, 1974) (Minority Views of Messrs. Hutchinson, Smith, Sandman, Wiggins, Dennis, Mayne, Lott, Moorhead, Maraziti and Latta).

[14] 2 Farrand, The Records of the Federal Convention of 1787, at 64–69.

[15] Id.

[16] Id.

[17] Id. (emphasis added).

[18] Id.

[19] Id.

[20] U.S. Const., art. I §3, cl. 7 (emphasis added).

[21] James D. Andrews, ed., *The Works of James Wilson* at 408 (1896).

[22] For example, both Judge Walter L. Nixon, Jr. and Judge Alcee L. Hastings were convicted on charges based in perjury.

[23] "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior . . ." U.S. Const., art. III, §1.

[24] The Judicial Conference of the United States publishes a Code of Conduct for United States Judges, as prepared by the Administrative Office of the United States Courts. Cannon 2 of the Code requires federal judges to "avoid impropriety and the appearance of impropriety in all activities." (March, 1997). This Cannon requires a Judge to act at all times in "a manner that promotes public confidence in the integrity and impartiality of the judiciary." Perceived violations of the Code could result in a complaint to the Judicial Conference, which can make referrals to the House Judiciary Committee.

[25] Rule XI, Procedure and Guidelines for Impeachment Trials in the United States Senate, Prepared by Floyd Riddick and Robert Dove, 99th Cong., 2d Sess., S. Doc. 99–33 (August 15, 1986) at 4.

[26] Proceedings of the United States Senate in the Impeachment Trial of Harry E. Claiborne, A Judge of the United States District Court for the District of Nevada, 99th Cong., 2d Sess., S. Doc. No. 99–48 (1986) at 291–98.

The reconciliation of this disparate treatment is found by once again recalling the Constitution and not by simply adopting the facile notion that if Impeachment applies to judges then it must apply identically to the President. The function of Impeachment is to remove a "civil officer" who so abuses the particular duties and responsibilities of his office that he poses a threat to the Constitutional order. Furthermore, the Constitution provides an additional condition on the performance of judges with the "good Behavior" standard. The particular duties of the Judiciary together with their obligation to demonstrate "good Behavior," renders comparison with the President inexact at best.[29]

The Managers' argument is ultimately unpersuasive. Rather than reflexively importing prior decisions dealing with judicial Impeachments, we are obliged to consider the President's behavior in the context of his unique Constitutional duties and without the condition to his tenure of "good Behavior."

V. THE STANDARD OF PROOF

Judicial proceedings, by definition, resolve an issue in dispute. A party seeks an outcome, provided for by the rule of law, and petitions for that result. The petitioning party has the burden of producing evidence. After hearing the evidence, the trier of fact, to some degree of certainty, reaches a conclusion. The critical factor is often the degree of certainty necessary.

American jurisprudence utilizes three standards of certainty: evidence beyond a reasonable doubt, clear and convincing evidence, and a preponderance of the evidence. The standard is determined by the gravity of the issue in dispute and the degree of harm resulting from an incorrect decision.

Generally, proof beyond a reasonable doubt, or to a moral certainty, is required to convict an individual of a criminal offense. *Black's Law Dictionary* defines reasonable doubt as "a doubt as would cause prudent men to hesitate before acting in matters of importance to themselves."[30] Sample federal jury instructions provide that "[a] reasonable doubt is a doubt based upon reason and common sense—the kind of doubt that would make a reasonable person hesitate to act. Proof beyond a reasonable doubt, must, therefore, be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it in the most important of his or her own affairs."[31]

Clear and convincing evidence is utilized in cases involving a deprivation of individual rights not rising to criminal offenses, such as the termination of parental rights. Finally, general civil cases, which pit private parties against each other, are adjudicated on the preponderance of the evidence, i.e., more likely than not. Frequently the burden of proof is determinative of the outcome.

In an Impeachment Trial, each Senator has the obligation to establish the burden of proof he or she deems proper. The Founding Fathers believed maximum discretion was critical for Senators confronting the gravest of constitutional choices. Differentiating Impeachment from criminal trials, Alexander Hamilton argued, in *Federalist No. 65*, that Impeachments "can never be tied down by such strict rules . . . as in common cases serve to limit the discretion of courts in favor of personal security."[32] In this regard, Hamilton also recognized that an Impeached official would be subject to the comprehensive rules of criminal prosecution after Impeachment.[33]

Senate precedent maintains this discretion. In the 1986 Impeachment Trial of Judge Claiborne, the Senate overwhelmingly rejected a motion by the Judge to adopt "beyond a reasonable doubt" as the standard of proof necessary to convict and remove.[34] That vote has been interpreted by subsequent courts of Impeachment as "a precedent confirming each Senator's freedom to adopt whatever standard of proof he or she preferred."[35]

The constitutional gravity of an Impeachment trial suggests that the evidentiary bar be high. As I have discussed previously, the Founders viewed Impeachment as a remedy to be utilized only in the gravest of circumstances by a supermajority of Senators. The Constitution gives to the people the right to remove a President through the electoral process every four years. Only in the most extreme of examples, when the constitutional order is threatened, is Congress to intervene and remove our only nationally elected representative. Nullification of a popularly elected President is a grave action only to be taken with high certainty.

Constitutional analysis strongly suggests that in a Presidential Impeachment trial a burden of proof at least equivalent to "clear and convincing evidence" and more likely equal to "beyond a reasonable doubt" must be employed.[36] Had the charges of this case involved threats to our constitutional order not readily characterized by criminal charges, I would have been forced to further parse an exact standard. However, for all practical purposes, the Managers have themselves established the burden of proof in this case.[37]

The Articles, embodied in H. Res. 611, accuse the President of perjury and obstruction of justice. This allegation of specific criminal wrongdoing is repeated in their Trial Brief.[38] Indeed, in their presentation, the Managers have stated, "none of us, would argue . . . that the President should be removed from the office unless you conclude he committed the crimes that he is alleged to have committed. . . ."[39] The House Managers invited the Senate to arrive at a conclusion beyond a reasonable doubt before voting to convict the President. I take them at their word.

After reading their Trial Brief, listening to their presentation of the evidence, viewing depositions, and considering their closing argument, I conclude that the President is not guilty of any of the allegations beyond a reasonable doubt. I reach this conclusion mindful of the admonishment of the Founders that Impeachment is not a punitive, but rather a constitutional remedy. Having concluded that the charges, even if proven, do not rise to the level of "high Crimes and Misdemeanors" an analysis of the specific charges is unnecessary. However, given the gravity of the charges alleged, an explanation is appropriate.

VI. PERJURY ALLEGATIONS OF ARTICLE I

Article I alleges that the President committed perjury before a federal Grand Jury on August 17, 1998. The charge must be measured against the fact that the full House of Representatives rejected an article of Impeachment charging the President with perjury in a civil deposition. House Judiciary Committee Republicans, citing case law, have asserted that "perjury in a civil proceeding is just as pernicious as perjury in criminal proceedings."[40] The Article before the Senate is further undercut by the fact that the Article fails to cite, with specificity, testimony alleged to be false.

Perjury is a statutory crime, set forth in the U.S. Code at 18 U.S.C. §1621, §1623. It requires proof that an individual has, while under the oath of an official proceeding, knowingly made a false statement about facts material to the proceeding. As seasoned federal prosecutors testified before the House Judiciary Committee, perjury is a specific intent crime requiring proof of the defendant's state of mind, i.e., the charge cannot be based solely upon unresponsive, misleading, or evasive answers.[41] Both the House

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[27] The Evidentiary Record of the Impeachment of President William Jefferson Clinton, [hereinafter The Record] S. Doc. 106-3, 106th Cong., 1st Sess., Vol. XVII, at 10 (January 8, 1999) (quoting Hearings Before the House Comm. on the Judiciary Pursuant to H. Res. 803, 93d Cong., 2d Sess. 549 (1974) (Statement of Congressman Ray Thornton)).

[28] Id. (Statement of Congressman Railsback).

[29] Various legal scholars and authoritative commentary make this point. In support of the "Judicial Integrity and Independence Act," which would have established a non-Impeachment procedure for removing judges, Senator Lott submitted an article by conservative legal scholars Bruce Fein and William Bradford Reynolds. Messrs. Fein and Reynolds concluded "federal judges are also subject to Article III §4, which stipulates that judges shall serve only during 'good Behavior.' This is a stricter standard of conduct than the Impeachment standard. . . ." 135 Cong. Rec. S15269 (daily ed. July 19, 1989) (*quoting* Fein and Reynolds, *Judges on Trial: Improving Impeachment*, Legal Times, October 30, 1989.) Senator Lott also submitted a statement, by then Assistant Attorney General William Rehnquist, supporting similar legislation in 1970, which stated that "the terms 'treason, bribery and other high Crimes and Misdemeanors' are narrower than the malfeasance in office and failure to perform the duties of the office, which may be grounds for forfeiture of office held during good behavior." 135 Cong. Rec. S 15270 (daily ed. July 19, 1989) (*quoting The Judicial Reform Act: Hearings on S. 1506 Before the Subcomm. on Improvements in Judicial Machinery of the Comm. on the Judiciary*, 91st Congress, 2d Sess. (April 9, 1970) (Statement of Asst. Attorney General William H. Rehnquist, Office of Legal Counsel)).

[30] *Black's Law Dictionary* at 1265 (6th ed. 1990) (*citing U.S.* v. *Chas. Pfizer & Co., Inc.*, 367 F.Supp. 91, 101(S.D. N.Y. 1973)).

[31] Edward J. Devitt, Charles B. Blackmar, Michael A. Wolff, Kevin F. O'Maley, *Federal Jury Practice and Instructions*, §12.10 Presumption of Innocence, Burden of Proof, and Reasonable Doubt (West 1992).

[32] *The Federalist No. 65*, at 398.

[33] *Id.* at 399.

[34] 132 Cong. Rec. S15507 (daily ed. October 7, 1986).

[35] Gerhardt, *The Federal Impeachment Process: A Constitutional and Historical Analysis*, at 42 (1996).

[36] See Charles L. Black, Jr., Impeachment: A Handbook, at 14–19 (1974)

[37] The adoption of a standard of "beyond a reasonable doubt" in this matter should not be construed as implying that the same standard must be utilized in each and every Impeachment proceeding. Conduct of "civil officers" in the performance of their official duties might pose such an immediate threat to the Constitution that a less exacting standard could properly be used. Any choice of a standard of proof must, at a minimum, consider the nature of the allegations and the impact of the alleged behavior on the operation of the government.

[38] Trial Memorandum of the United States House of Representatives, In Re Impeachment of President William Jefferson Clinton, [hereinafter HMTB] (Submitted pursuant to S. Res. 16) at 1.

[39] 145 Cong. Rec. S260 (daily ed. Jan. 15, 1999) (Statement of Mr. Manager McCollum).

[40] Impeachment of William Jefferson Clinton, President of the United States, Report of the Comm. on the Judiciary, 105th Cong. 2d Sess., H. Rep. 105-830 (December 15, 1998) at 118 [hereafter Clinton Report].

[41] The Record, supra note 27, Volume X at 284 (Statement of Thomas P. Sullivan, Former U.S. Attorney, Northern District of Illinois).

Managers and Counsel for the President have referred to the statutes referenced above and agree on the elements necessary to convict on a charge of perjury.

I find it hard to accept the proposition by the President's Counsel that Mr. Clinton "testified truthfully before the Grand Jury."[42] Rather than truthful, his testimony appears to be motivated by a desire not to commit perjury, i.e., making intentionally false statements about material facts. This dance with the law is not what one expects of a President. However, it is important to realize that in beginning his Grand Jury testimony, the President read a statement in which he admitted being "alone" with Ms. Lewinsky and engaging in "inappropriate intimate"[43] contact with her. Thus, unlike the testimony he provided in the *Jones* civil deposition, the President admitted an improper, consensual relationship with Ms. Lewinsky. It is against this backdrop that the House Mangers allege perjury.

The Managers allege in H. Res. 611, which reported the Articles of Impeachment to the Senate, that the President "willfully provided perjurious . . . testimony . . . concerning one or more of the following: (1) the nature and details of his relationship with" Ms. Lewinsky; (2) "prior perjurious . . . testimony" given in the Jones deposition; (3) "prior false and misleading statements he allowed his attorney to make" in the Jones deposition; and (4) "his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence" in Jones. The facts refute some of these charges, while legal analysis, precedent and common sense preclude pursuit of the others.

1. The Nature and Details of the Clinton/Lewinsky Relationship

With regard to the first charge of perjury, the Managers fail to cite specific perjurious language in the Article; however, their Trial Brief provides several allegations. It asserts that the President's denial that he touched Ms. Lewinsky in certain areas with a specific intent is "patently false."[44]

The most troubling evidence that the President lied in this instance is Ms. Lewinsky's testimony to the contrary. While Ms. Lewinsky has more credibility than the President concerning the intimacies of their relationship, experienced prosecutors, appointed by both Democrats and Republicans, have testified that conflicting testimony of this type would not be prosecuted for two reasons. First, "he said, she said" discrepancies regarding perjury are difficult to prove beyond a reasonable doubt without third party corroboration.[45] This is particularly true in this case, where first Independent Counsel Starr and now the House Managers choose to believe Ms. Lewinsky when she helps their case, but impugn her testimony when she refutes their accusations. Second, testimony concerning sex in a civil proceeding would not normally warrant criminal prosecution.[46] Indeed, in her Senate deposition, Ms. Lewinsky was unwilling to portray the President's testimony as untruthful.[47]

In further support of the perjury allegation regarding the "nature and details" of the Clinton-Lewinsky relationship, the Managers also alleged that the President's Grand Jury testimony concerning his relationship with Ms. Lewinsky was perjurious because (1) his recollection of when the approximately two-year affair began differs from Ms. Lewinsky's by a few months; (2) he admitted to occasionally having inappropriate banter on the phone with Ms. Lewinsky when it occurred as many as seventeen times; and (3) he described his relationship with Ms. Lewinsky as beginning as a "friendship."[48]

Disregarding the futility of attempting to judge the veracity of these statements, they appear to be totally immaterial to the Grand Jury given that the President admitted an affair with Ms. Lewinsky. Indeed, the triviality of these charges are indicative of the inability of the House Managers to utilize any sense of proportionality in adjudicating the unacceptable behavior of the President. This weakness is magnified by the fact that the House Managers have asserted that conviction on any one of their allegations of perjury warrant conviction.[49]

It is difficult to believe that anyone would charge an individual with perjury, never mind advocate the removal of a popularly-elected President, based upon an interpretation of the words "occasionally" or "friendship." It is staggering that the Managers, after forcing Ms. Lewinsky to testify under oath during this trial, would press her on the details and timing of her first intimate contacts with the President in order to "prove" the relationship did not begin as a "friendship."[50] As demonstrated by the frustration of the American people with this line of inquiry, the resources, both human and financial, expended by the Managers were not warranted by the substance of the charge.

2. Perjury Concerning the President's Deposition Testimony in Jones

The Managers' second charge of perjury is that before the Grand Jury the President repeated false testimony he gave in the Jones deposition. This argument appears to be an attempt to convict the President for lies he told in his Jones deposition, an Article which the full House of Representatives rejected. Ultimately, this subsection of Article I collapses on itself.

In their Trial Brief the Managers also assert that the President reaffirmed or adopted his entire deposition testimony before the Grand Jury. This is simply not true. To make this assertion the Managers use the President's Grand Jury testimony that "I was determined to walk through the mine field of this deposition without violating the law, and I believe I did."[51] Before the Grand Jury the President refuted his deposition testimony that he was never alone with Ms. Lewinsky.[52] In addition to being inaccurate, these charges were rejected by the full House. Not even Independent Prosecutor Starr alleged that the President committed perjury concerning this issue.

3. Perjury With Respect to Mr. Bennett's Offer of the Lewinsky Affidavit

The third charge asserted by the Managers to substantiate Article I is that the President lied before the Grand Jury when he testified that "I'm not even sure I paid attention to what he [Mr. Bennett] was saying."[53] The President made this statement to the Grand Jury after being asked about Mr. Bennett's representation to the Jones court that Ms. Lewinsky's deposition verified that there was "no sex of any kind in any manner" between her and the President.

On page 62 of their Trial Brief the Managers assert that this testimony is perjurious because "it defied common sense" and the fact that the video of the deposition "shows the President looking directly at Mr. Bennett." This evidence fails to provide any insight on the President's state of mind and thus cannot meet the standard of proof that the President knowingly made a false statement.

4. Perjury in Denying the Obstruction of Justice Charges

Finally, in subpart four of Article I, the Managers allege that the President lied when he denied both tampering with witnesses and impeding discovery in the Jones case. This allegation bootstraps every allegation made in Article II into an additional charge of perjury.

First, the Managers charge that the President lied when he told the Grand Jury that he instructed Ms. Lewinsky that if gifts were subpoenaed they would have to be turned over. I will address Article II's charge of obstruction later. With regard to the charge that he committed perjury, Ms. Lewinsky provided testimony in her Senate deposition which requires rejection of the allegation. Ms. Lewinsky has testified that when she asked the President if she should give the subpoenaed gifts to someone, "maybe Betty," the President either failed to reply or said "I don't know," or "let me think about that."[54] However, after the President's Grand Jury testimony, Ms. Lewinsky was pressed on the issue. When a FBI agent asked if she recalled the President telling her that she must turn over gifts in her possession should they be subpoenaed by the Jones attorneys, Ms. Lewinsky said, "You know, that sounds a little bit familiar to me."[55] On its face, Ms. Lewinsky's testimony would seem to make it more likely than not that the President told her to turn over whatever gifts she had.

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[42] Trial Memorandum of President William Jefferson Clinton, In Re Impeachment of President William Jefferson Clinton, [hereinafter PCTB] (Submitted January 13, 1999, pursuant to S. Res. 16) at 38.

[43] The full text of the President's statement before the Grand Jury can be found in The Record, supra note 27, Volume III, Part 1 of 2, at 460–62; See also PCTB, supra note 42, at 39; See also HMTB, supra note 38, at 52–60.

[44] HMTB, supra note 38, at 53.

[45] The Trial Brief of the House Managers states that the President's testimony is "directly contradicted by the corroborated testimony of Monica Lewinsky." Id. By "corroborated" the Managers refer to the fact that the Office of Independent Counsel (OIC) was extremely thorough in questioning all of Ms. Lewinsky's friends and associates to whom she described the intimate details of her contact with the President. Legally, the fact that Ms. Lewinsky relayed her recollection of the facts to various third parties does not provide additional, independent evidence of the nature of her contact with the President.

[46] The Record, supra note 27, Volume X at 284 (Statement of Thomas P. Sullivan, Former U.S. Attorney, Northern District of Illinois); see also Id. at 325, 332, 333 (testimony of Ronald K. Noble and William F. Weld).

[47] During her Senate deposition, Manager Bryant asked Ms. Lewinsky if, contrary to his defense, the President's contact with her fit into that described in the Jones deposition. In response Ms. Lewinsky said, "I'm not trying to be difficult, but there is a portion of . . . [the] definition [used in the Jones deposition] that says, you know, with intent, and I don't feel comfortable characterizing what someone else's intent was. I can tell you that I—my memory of this relationship and what I remember happened fell within that definition . . . but I'm just not comfortable commenting on someone else's intent or state of mind or what they thought." 145 Cong. Rec. S1221 (daily ed. Feb. 4, 1999) (Senate deposition of Ms. Lewinsky).

[48] See HMTB, supra note 38, at 57; see also Clinton Report, supra note 40 at 34.

[49] H. Res. 611.

[50] 145 Cong. Rec. S1213 (daily ed. Feb. 4, 1999) (Transcript of Lewinsky Deposition in which Mr. Manager Bryant is questioning Ms. Lewinsky about the timing and intimate details of her relationship).

[51] HMTB, supra note 38, at 60.

[52] In his opening statement before the Grand Jury the President began, "When I was alone with Ms. Lewinsky. . . ." The Independent Counsel followed-up and asked if he was alone with Ms. Lewinsky. The President answered, "yes." The Record, supra note 43 at 460–62, 481.

[53] HMTB, supra note 38, at 62.

[54] HMTB, supra note 38, at 64 (quoting Grand Jury testimony of Ms. Lewinsky).

There are two remaining allegations in the final subpart of Article I. First, it is alleged that the President committed perjury when he told the Grand Jury that on January 18, 1998, he made statements to Ms. Currie to "refresh his memory." Second, the Managers allege that he lied when he testified to the Grand Jury that facts he relayed to his aides in denying an affair were "true" but "misleading."

I am troubled by the inability of the President to be completely forthright concerning both his relationship with Ms. Lewinsky and subsequent attempts to conceal this affair from his family, friends, staff, constituents, and Ms. Jones. In no way do I condone this behavior. However, seasoned federal prosecutors have made it known that the statements of this type, made by the President or an average citizen, would not, indeed should not, be prosecuted as perjury. The power and prestige of the federal government should not be brought to bear on a citizen regarding testimony in a civil case pertaining to an improper sexual affair. The Impeachment Trial has borne this out. Discrepancies in testimony between two individuals, and only those two, seldom satisfy the standard of proof beyond a reasonable doubt (or by preponderance of the evidence, for that matter.) Moreover, citizens are uncomfortable with such a role for government.

The Managers have alleged that a failure to convict the President on perjury grounds will destroy civil rights jurisprudence and allow any future President to lie with impunity. Both the Managers and our government weathered untruths during both the Iran-Contra investigation and the ethics investigation of former Speaker Gingrich. Citizens may well lack confidence in the ability of President Clinton to be honest about his personal life, this is not, however, a threat to our government. The President, as a citizen, remains subject to both criminal and civil sanctions. The Managers have failed to meet the burden of proof they set regarding the perjury charges brought against President William Jefferson Clinton.

VII. OBSTRUCTION ALLEGATIONS OF ARTICLE II

Article II alleges that the President obstructed justice by engaging "personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding."[56] The focal point of these allegations is the *Jones* litigation. Article II outlines seven specific "acts" that the President used to implement this "course of conduct or scheme." These "acts" will be analyzed to determine if they established a foundation for a finding of "high Crimes and Misdemeanors."

As an initial point, it is necessary to set out the elements of the crime of obstruction of justice, as set forth at 18 U.S.C. §1503. The components of the offense include: (1) there existed a pending judicial proceeding; (2) the accused knew of the proceeding; and (3) the defendant acted "corruptly" with the specific intent to obstruct and interfere with the proceeding or due administration of justice.[57]

The critical question in regard to the allegations is whether the President acted with the specific intent to interfere with the administration of justice. Absent a demonstrable "act" coupled with a demonstrable "specific intent," no crime occurs. The House Managers point to the seven following acts as the basis of their claim.

1. The Lewinsky Affidavit

The Article alleges that "[o]n or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false and misleading."[58] The allegations go to the Affidavit prepared by Monica Lewinsky in conjunction with the *Jones* litigation.

The best evidence of the President's involvement in this affidavit is the testimony of Monica Lewinsky. Ms. Lewinsky has repeatedly and consistently stated that no one asked her or instructed her to lie.

"[N]o one ever asked me to lie and I was never promised a job for my silence."[59]

"Neither the Pres[ident] nor Mr. Jordan (or anyone on their behalf) asked or encouraged Ms. L[ewinsky] to lie."[60]

"Neither the President or JORDAN ever told LEWINSKY that she had to lie."[61]

"Neither the President nor anyone ever directed LEWINSKY to say anything or to lie . . ."[62]

Despite these repeated denials, the House Managers persist in arguing that the President influenced Ms. Lewinsky to file a false affidavit in a early morning phone call on December 17, 1997. They hang their case on a portion of the conversation that involved a discussion of the filing of an affidavit in response to a subpoena from the *Jones* lawyers and another portion of the conversation that dealt with the "cover story" that both the President and Ms. Lewinsky had been using to disguise their affair. Ms. Lewinsky has testified that, in a call on December 17, 1997, the President said "Well, maybe you can sign an affidavit."[63] The House Managers argue that this statement alone must convict because both the President and Ms. Lewinsky knew that a truthful affidavit could never be filed given the clandestine nature of their relationship.[64] This theory disregards the testimony of both the President and Ms. Lewinsky.[65]

Any lingering doubt about the nature of the telephone conversation on December 17, 1997, was erased by the videotaped testimony of Ms. Lewinsky before the Senate. The House Managers repeatedly argued that the President not only influenced the content of her affidavit, but that the President was knowledgeable of these contents. In a response to Mr. Manager Bryant's question, however, Ms. Lewinsky unequivocally stated that "[h]e didn't discuss the content of my affidavit with me at all, ever."[66] The House Mangers argued that the telephone call on December 17, 1997, was a deliberate attempt by the President to compel Ms. Lewinsky to submit an affidavit that would explicitly encompass their pre-existing cover story. Again, in response to Mr. Manager Bryant's questions, Ms. Lewinsky stated:

"Q: Now, you have testified in the Grand Jury. I think your closing comments was that no one ever asked you to lie, but yet in that very conversation of December 17th, 1997, when the President told you that you were on the witness list, he also suggested that you could sign an affidavit and use misleading cover stories. Isn't that correct?

"A: Uh—well, I—I guess in my mind, I separated necessarily signing affidavit and using misleading cover stories. So, does——

"Q: Well, those two——

"A: Those three events occurred, but they don't—they weren't linked for me."[67]

The House Managers argued that Ms. Lewinsky could have only filed the affidavit as a result of pressure from the President. They reasoned that only the President could benefit from Ms. Lewinsky's affidavit. Ms. Lewinsky totally refuted their view. Again, in another exchange with Mr. Manager Bryant, Ms. Lewinsky stated:

"Q: But you didn't file the affidavit for your best interest, did you?

"A: Uh, actually, I did.

"Q: To avoid testifying.

"A: Yes.

"Q: Why—why didn't you want to testify? Why would not you—why would you have wanted to avoid testifying?

"A: First of all, I thought it was nobody's business. Second of all, I didn't want to have anything to do with Paula Jones or her case. And—I guess those two reasons."[68]

After Ms. Lewinsky's videotaped testimony, it is clear that she filed the affidavit of her own volition to satisfy her own needs. The President did not influence the content of the affidavit. His remark in the December 17, 1997, conversation was, at the most, a terse response to her request rather than a elaborate directive to Ms. Lewinsky. There is no credible evidence that the President orchestrated an attempt to file a false affidavit.

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[55] 145 Cong. Rec. S1228 (daily ed. February 6, 1999) (Senate Deposition Testimony of Ms. Lewinsky).

[56] H. Res. 611.

[57] 18 U.S.C. §1503. The House Managers periodically urge that the President is guilty of witness tampering. The crime of witness tampering is set forth at 18 U.S.C. §1512. This statute requires proof that a defendant knowingly engaged in intimidation, physical force, threats, misleading conduct, or corrupt persuasion with the specific intent to influence, delay, or prevent testimony or cause any person to withhold objects or documents from an official proceeding. Like the obstruction of justice charge, witness tampering requires proof of a specific intent to interfere with a witness.

[58] H. Res. 611.

[59] *The Record*, *supra* note 27, Volume III, Part 1 at 1161 (Lewinsky Grand Jury testimony 8/20/98).

[60] *Id*. at 718 (handwritten proffer of Lewinsky, given to OIC 2/1/98).

[61] *Id*. at 1398 (FBI Interview with Lewinsky 7/27/98).

[62] *Id*. at 1400.

[63] *Id*. (Grand Jury Testimony of Ms. Lewinsky on 8/6/98) (*quoted in HMTB*, *supra* note 38, at 22.)

[64] "Both parties knew that the Affidavit would need to be false and misleading to accomplish the desired result." *HMTB*, *supra* note 38, at 22.

[65] The President testified that "I've already told you that I felt strongly that she could issue, that she could execute an affidavit that would be factually truthful, that might get her out of having to testify. . . . And did I hope she'd be able to get out of testifying on an affidavit? Absolutely. Did I want her to execute a false affidavit? No, I did not." *The Record*, *supra* note 27, Volume X at 571.

Ms. Lewinsky testified to the Grand Jury on 8/6/98, that "I thought that signing an affidavit could range from anywhere—the point of it would be to deter or to prevent me from being deposed and so that that could range from anywhere between maybe just somehow mentioning, you know, innocuous things or going as far as maybe having to deny any kind of relationship." *Id*. at 844. In her Senate Deposition Mr. Manager Bryant asked Ms. Lewinsky, "The night of the phone call, he's [the President is] suggesting you could file an affidavit. Did you appreciate the implications of filing a false affidavit with the court?" Ms. Lewinsky replied, "I don't think I necessarily thought at that point it would have to be false, so, no, probably not." 145 Cong. Rec. at S1218 (daily ed. February 4, 1999).

[66] 145 Cong. Rec. at S1307 (daily ed. February 6, 1999).

[67] *Id*. at. S1306.

[68] *Id*.

2. The Lewinsky Testimony

The House Managers assert that during that same early morning telephone conversation on December 17, 1997, the President "corruptly" encouraged Ms. Lewinsky to give "perjurious, false and misleading testimony if and when called to testify personally in that proceeding."[69]

Once again, this allegation completely fails to consider the sworn testimony of Ms. Lewinsky that "no one ever asked me to lie and I was never promised a job for my silence."[70] Moreover, Ms. Lewinsky's videotaped testimony before the Senate provides even more detail to her previous statements.

The House Managers suggest that the "cover story" developed by Ms. Lewinsky and the President to disguise their relationship was explicitly urged upon Ms. Lewinsky by the President in response to the subpoena. There is little evidence to support this view. Indeed, the available evidence undermines the position of the House Managers. The following Grand Jury testimony of Ms. Lewinsky indicates that there was no explicit linkage between their ongoing denials of a relationship and the *Jones* litigation.

"Q [JUROR]: It is possible that you also had these discussions [about denying the relationship] after you learned that you were a witness in the Paula Jones case?

"A: I don't believe so. No.

"Q: Can you exclude that possibility?

"A: I pretty much can. I really don't remember it. I mean, it would be very surprising for me to be confronted with something that would show me different but I—it was 2:30 in the—I mean, the conversation I'm thinking of mainly would have been December 17th, which was——

"Q: The telephone call.

"A: Right. And it was—you know, 2:00, 2:30 in the morning. I remember the gist of it and I—I really don't think so.

"Q: Thank you."[71]

The House Managers have presented no credible evidence to overcome the sworn testimony of the parties.

3. Concealment of Gifts

The Articles alleges that "[o]n or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him." The allegation refers to the transfer of gifts from Ms. Lewinsky to Betty Currie on December 28, 1997.

The House Managers argue that the President directed Ms. Currie to contact Ms. Lewinsky and arrange for the collection of personal gifts that he gave Ms. Lewinsky and for their subsequent concealment in Ms. Currie's home. There is conflicting evidence whether Ms. Currie or Ms. Lewinsky arranged for the pick-up of gifts. Regardless of who initiated the gift transfer, however, there is insufficient evidence that the President was involved in the transfer.

The chain of events leading to the transfer of gifts began with a meeting between the President and Ms. Lewinsky on December 28, 1997. Ms. Lewinsky indicated in one of her Grand Jury appearances that in the course of the meeting she raised the topic of the numerous personal gifts that the President had given her in light of the *Jones* subpoena. According to her Grand Jury testimony, Ms. Lewinsky recalled: "[A]t some point I said to him, 'Well, you know, should I—maybe I should put the gifts away outside my house somewhere or give them to someone, maybe Betty.' And he sort of said—I think he responded, 'I don't know' or 'Let me think about that.' And left that topic."[72]

The next link in the chain is the most confusing. There is no question that Betty Currie picked up a box of gifts from Monica Lewinsky on the afternoon of December 28, 1997. However, there is still an unresolved dispute concerning who initiated this activity. Both Ms. Currie and the President denied ever having any conversation in which the President instructed Ms. Currie to retrieve the gifts from Ms. Lewinsky. Ms. Currie has repeatedly testified that it was Ms. Lewinsky who contacted her about the gifts. On the other hand, Ms. Lewinsky testified that Ms. Currie called her to initiate the transfer.

The Managers and the Committee Report cited the following passage from Ms. Lewinsky's Grand Jury testimony.

"Q: What did [Betty Currie] say?

"A: She said, "I understand you have something to give me." Or, "The President said you have something to give me." Along those lines. . . .

"Q: When she said something along the lines of "I understand you have something to give me," or, "The President says you have something for me," what did you understand her to mean?

"A: The gifts.[73]

The uncontradicted evidence is that the President and Ms. Currie did not discuss the gifts. The uncontradicted evidence is that the President did not initiate the discussion of gifts with Ms. Lewinsky and made no substantive response to her discussion of the gifts. The unresolved issue is whether Ms. Lewinsky or Ms. Currie initiated the transfer of gifts. Ms. Lewinsky's videotaped testimony before the Senate does not resolve the issue of who initiated the gift transfer. It does, however, add critical details that suggest that Ms. Lewinsky, of her own volition, decided to surrender certain "innocuous" items to the *Jones* lawyers, while concealing other gifts. First, Ms. Lewinsky had already decided *before* the meeting with the President, on December 28, 1997, to conceal items from the *Jones* lawyers. As she told House Manager Bryant in Senate deposition testimony: on December 22, 1997, six days before her meeting with the President, she brought the gifts that she was willing to surrender to a meeting with Vernon Jordan.

"Q: Did, uh, you bring with you to the meeting with Mr. Jordan, and for the purpose of carrying it, I guess, to Mr. Carter, items in response to this request for production?

"A: Yes.

"Q: Did you discuss these items with Mr. Jordan?

"A: I think I showed them to him. . . .

"Q: Okay. How did you select those items?

"A: Uh, actually, kind of in an obnoxious way, I guess . . . they were innocuous. . . .

"Q: In other words, it wouldn't give away any kind of special relationship?

"A: Exactly.

"Q: And was that your intent?

"A: Yes.

"Q: Did you discuss how you selected those items with anybody?

"A: No.[74]

Not only did Ms. Lewinsky decide unilaterally to withhold certain gifts, she also decided unilaterally to conceal these gifts, not at the behest of the President, but out of her own concern for privacy. In response to a question posed by Mr. Manager Bryant, Ms. Lewinsky stated, "I was worried someone might break into my house or concerned that they actually existed, but I wasn't concerned about turning them over because I knew I wasn't going to, for the reason you stated."[75]

The final detail added by Ms. Lewinsky's videotaped testimony may be the most significant. The President testified to the Grand Jury that Ms. Lewinsky raised the issue of gifts he responded: "You have to give them whatever you have."[76] When questioned by an FBI agent after the President's testimony, Ms. Lewinsky said that the words in the President's testimony, "sounds [sic] a little bit familiar to me."[77]

4. The Lewinsky Job Search

The Article alleges that "[b]eginning on or about December 7, 1997, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action against him in order to corruptly prevent the truthful testimony of that witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him."[78]

This allegation focuses on the efforts to find employment for Ms. Lewinsky. Of critical importance is the undisputed fact that these efforts began long before Ms. Lewinsky was identified as a potential witness in the *Jones* case. Ms. Lewinsky herself initiated the search for employment based on her dissatisfaction with her job at the Pentagon and her perception that she would not be able to return to work in the White House. Ms. Lewinsky suggested that Vernon Jordan be enlisted to aid her, and his involvement was obtained at Ms. Lewinsky's request by Mr. Jordan's long-time friend Betty Currie.[79]

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[69] H. Res. 611.

[70] *The Record, supra* note 27, Volume X at 1161 (quoting Ms. Lewinky's Grand Jury testimony on 8/20/98). *See also PCTB, supra* note 42, at 56–57.

[71] *The Record, supra* note 27, Volume X at 1119–90 (quoting Ms. Lewinsky's Grand Jury testimony on 8/20/98).

[72] *Id.* Volume III, Part 1 at 872 (Lewinsky Grand Jury testimony 8/6/98). Ms. Lewinsky discussed this exchange with the President at least ten different times during her multiple interviews and appearances as a witness. In a subsequent appearance before the Grand Jury on August 20, 1998, she again recalled this discussion and stated "And he—I don't remember his response. I think it was something like, "I don't know, or 'Hmm,' or—*there really was no response.*" *Id.* at 1122 (emphasis added). It is clear from her testimony that there was no discussion of the concealment of gifts with the President.

[73] *Clinton Report, supra* note 40 at 67–68 (*quoting The Record, supra* note 27, Volume III at 874–75 (Lewinsky Grand Jury testimony 8/6/98); *see also HMTB, supra* note 38, at 32–33. However, Ms. Lewinsky's recollection of references to the President in this conversation were later cast in doubt by her subsequent testimony. In her Grand Jury testimony, Ms. Lewinsky was quoted as:

Q: [Juror]: Do you remember Betty Currie saying that the President had told her to call?

A: Right now, I don't. I don't remember. . . .

The Record, supra note 27, Volume III at 1141 (Lewinsky Grand Jury testimony 8/20/98).

[74] 145 Cong. Rec. S1222 (daily ed. February 4, 1999) (deposition of Ms. Lewinsky).

[75] 145 Cong. Rec. S1309 (daily ed. February 6, 1999) (deposition of Ms. Lewinsky as replayed during the trial). Manager Bryant's question is compound and slightly confusing, Ms. Lewinsky's response, combined with her testimony that she avoided testifying for reasons in her own best interest, makes clear that she had come to an independent conclusion not to provide gifts to the *Jones* attorneys.

[76] This statement has been dismissed by the House Managers as self-serving at best. However, Ms. Lewinsky's Senate Deposition testimony lends significant collaboration to the President's claim. *See supra*, note 55, p. 23.

[77] *Id.*

[78] H. Res. 611.

The allegation of the House Managers crashes on the same unshakable and uncontradicted statement that has bedeviled them from the start. Monica Lewinsky's unchallenged statement is that "no one ever asked me to lie and I was never promised a job for my silence."[80]

Unable to refute her statement, the House Managers attempted to weave a pattern of circumstantial evidence. Each attempt of the House Managers rapidly unraveled.

Mr. Manager Hutchinson argued with great force and skill in his opening presentation that December 11, 1997, was the critical date in the case against the President. It was on that date that Judge Wright ordered the President to answer certain questions about "other women." As Mr. Manager Hutchinson argued on the Floor: "And so, what triggered—let's look at the chain of events. The judge—the witness list came in, the judge's order came in, that triggered the President into action and the President triggered Vernon Jordan into action. That chain reaction here is what moved the job search along . . . . Remember what else happened on the day [December 11] again. That was the same day that Judge Wright ruled that the questions about other relationships could be asked by the *Jones* attorneys.[81]

The thrust of the House Managers' argument is that the President learned that Ms. Lewinsky was on the witness list on December 6, 1997. He met with Mr. Jordan on December 7, 1997, to enlist Mr. Jordan in the Lewinsky job search, and, with the Judge's order on December 11, 1997, making Ms. Lewinsky's testimony more likely, Mr. Jordan "intensified" what had been a dormant record of assistance. This scenario is demonstrably false.

The House Judiciary Committee Report acknowledges that the meeting between the President and Mr. Jordan on December 7, 1997, had nothing to do with Ms. Lewinsky.[82] Because of this lack of interest by the President and Mr. Jordan in Ms. Lewinsky's job search, the House Managers had to seize an event that could plausibly trigger the "intensification" of the job search which allegedly occurred on December 11, 1997.

Although December 11, 1997, was the date of a meeting between Mr. Jordan and Ms. Lewinsky, the record shows that this meeting was arranged prior to that date without the participation of the President. As early Thanksgiving, Mr. Jordan and Ms. Lewinsky had a conversation in which Mr. Jordan told her that "he was working on her job search" and asked her to contact him again" around the first week of December."[83] In response to a request from Ms. Lewinsky, Betty Currie called Vernon Jordan on December 5, 1997, to request a meeting. (This was one day before the President became aware of the appearance of Ms. Lewinsky's name on the witness list.) Mr. Jordan told Ms. Currie to have Ms. Lewinsky call him to arrange a meeting. Ms. Lewinsky did so on December 8, 1997, confirming a meeting with Mr. Jordan on December 11, 1997.

Since the appearance of Ms. Lewinsky on the witness list did not prompt any accelerated action on the job search and since the meeting of Ms. Lewinsky and Mr. Jordan was contemplated and initiated before the release of the witness list, the House Managers were forced to grasp for some other triggering event. Unwisely, as clearly stated in Mr. Manager Hutchinson's remarks, they chose the issuance of Judge Wright's order.

Judge Wright initiated a conference call with lawyers in the *Jones* case at 6:33 pm (EST) on December 11, 1997. At 7:50 pm (EST), she concluded the conference by informing the parties that she would issue an "order to compel" testimony about "other women." At that moment, Vernon Jordan was somewhere over the Atlantic Ocean on United flight 946 bound for Amsterdam. His meeting with Ms. Lewinsky had concluded hours before. Obviously, the meeting with Ms. Lewinsky, the calls on her behalf, the "intensification" of the job search, had nothing to do with Judge Wright's order.

Nothing so illustrates the fragility of the House Managers' case as this dubious and discredited attempt to characterize Judge Wright's order as a catalyst for an illegal job search. Forced to beat a hasty retreat by the revelation of this attempted legal slight of hand, the House Managers reversed course and argued, unconvincingly, that they always saw the triggering event as the release of the witness list on December 5, 1997, or the President's receipt of the list on December 6, 1997.[84]

This assertion, however, contradicts the evidence that there was no discussion about Ms. Lewinsky during the meeting between the President and Mr. Jordan on December 7, 1997, and the evidence that the December 11, 1997, meeting was arranged by Ms. Lewinsky and Mr. Jordan without knowledge of the witness list or Judge Wright's order and without the assistance of the President.

Ms. Lewinsky received the active assistance of Mr. Jordan to obtain interviews and favorable recommendations with three prominent New York firms. She succeeded in obtaining a job at one of these firms, Revlon. According to representatives of these firms, they felt no pressure to hire Ms. Lewinsky.[85] (Behavior that undercuts the suggestions of the House Managers that Mr. Jordan was engaged in a high stakes effort to find Ms. Lewinsky a job at all costs.)

Mr. Jordan emphatically denied that he acted to silence Ms. Lewinsky. "Unequivocally, indubitably, no."[86] The President denied that he attempted to buy her silence. "I was not trying to buy her silence or get Vernon Jordan to buy her silence."[87] But, Ms. Lewinsky said it best: "I was never promised a job for my silence."[88]

5. Allowing False Statements by his Attorneys

The Article alleges that the President "corruptly allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit . . ."[89] This allegation rests on the President's silence during the *Jones* deposition while his attorney, Mr. Robert Bennett, cited the Lewinsky affidavit to Judge Wright as a representation that "there is no sex of any kind in any manner, shape or form."[90]

There is no doubt about the President's silence. There is, however, doubt about the President's state of mind; whether he was aware of the interchange between his counsel and Judge Wright; and whether he formed the specific intent to use his silence to allow a falsehood to be advanced.

The President consistently denied his awareness of this exchange and testified that he was concentrating on his testimony:

"I'm not even sure I paid much attention to what he was saying. I was thinking, I was ready to get on with my testimony here and they were having these constant discussions all through the deposition. . . ."

* * * * *

"I was not paying a great deal of attention to this exchange. I was focusing on my own testimony. . . ."

* * * * *

"I'm quite sure that I didn't follow all the interchanges between the lawyers all that carefully. . . ."

* * * * *

"I am not even sure that when Mr. Bennett made that statement that I was concentrating on the exact words he used. . . ."

* * * * *

"When I was there, I didn't think about my lawyers. I was, frankly, thinking about myself and my testimony and trying to answer the questions. . . ."

* * * * *

"I didn't pay any attention to this colloquy that went on. I was waiting for my instructions as a witness to go forward. I was worried about my own testimony."[91]

The President's statements are clearly self-serving. The only evidence introduced by the House Managers to refute the President's assertions is an invitation to the Senate to look at the videotape of the President's deposition in the *Jones* case and "read his mind," and an affidavit from Barry W. Ward, Judge Wright's clerk. Mr. Ward confirms what may be inferred from the tape. "From my position at the conference table, I observed President Clinton looking directly at Mr. Bennett while this statement was being made."[92] But, Mr. Ward's "mind reading" abilities are probably on a par with the Senate's. As he indicated in an article in the Legal Times after the date of his Affidavit,

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[79] In one of the more unusual aspects of this case, it appears that the idea to enlist Mr. Jordan's assistance came from Linda Tripp's "advice" to Ms. Lewinsky. *See PCTB, supra* note 42, note 103, at 78.

[80] *Supra*, note 70 at 29.

[81] 145 Cong. Rec. S234 (daily ed Jan. 14, 1999) (presentation of Manager Hutchinson).

[82] *Clinton Report, supra* note 40, at 11. This fact alone casts serious doubt on the theory of the House Managers. If Ms. Lewinsky's appearance on the witness list was disturbing to the President, and he was participating in the job search to silence Ms. Lewinsky, why would he avoid discussing this matter with Mr. Jordan?

[83] *The Record, supra* note 27, Volume III at 1465 (Lewinsky OIC interview 7/31/98).

[84] It is interesting to note that the Article alleges that the incriminating events began on December 7, 1997, and continued thereafter until January 14, 1998. Once again, these constantly shifting dates illustrate the ad hoc nature of this argument.

[85] The FBI investigators working for Mr. Starr recorded the following testimony of representatives of Revlon, American Express and Young and Rubicam: "On December 11, 1997, HALPERIN received a telephone call from VERNON JORDAN [who recommended Ms. Lewinsky]. . . . There was no implied time constraint for fast action. HALPERIN did not think there was anything unusual about Jordan's request." The Record, supra note 27, Volume IV, Part 1 at 1286 (FBI Interview with Richard Halperin, Executive VP and Special Counsel, Mac Andrews & Forbes (holding company for Revlon) 3/27/98); "Fairbairn said . . . there was no perceived pressure exerted by JORDAN." Id. at 1087 (FBI Interview with Ursula Fairbairn, Executive Vice President, Human Resources and Quality, American Express, 2/4/98). "JORDAN did not engage in a 'sales pitch' about LEWINSKY." Id. at 1222 (FBI Interview with Peter Georgescu, CEO of Young and Rubicam, 3/25/98).

[86] The Record, supra note 27, Volume IV, Part 2 at 1827 (Jordan Grand Jury testimony on 5/5/98).

[87] Id., Volume III, part 1 at 576 (Clinton Grand Jury testimony on 8/17/98).

[88] Id. at 1161 (Lewinsky Grand Jury testimony 8/20/98).

[89] H. Res. 611.

[90] Clinton Report, supra note 40, at 72.

[91] The Record, supra note 27, Volume III, Part 1 at 476-513 (Clinton Grand Jury testimony on 8/17/98).

[92] Ward Affidavit.

Mr. Ward concluded, "I have no idea if he was paying attention. He could have been thinking about policy initiatives, for all I know."[93] The House Managers have not presented sufficient evidence to sustain the burden of proof with respect to this allegation.

6. The Conversations with Betty Currie

The Article alleges that "[o]n or about January 18 and January 20–21, 1998, William Jefferson Clinton related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding. . . ."[94] This allegation embraces two conversations between the President and Betty Currie, his executive secretary. On January 18, 1998, the day after his deposition in the *Jones* case, the President met with Ms. Currie and asked her a series of leading questions that he promptly answered himself by declaring "Right?"[95] He had a similar conversation on January 20, 1998.

The House Managers argue that the President knew that these rhetorical questions were false and the only purpose for raising these questions was to influence the testimony of Ms. Currie.[96]

What is clear from the evidence is the fact that Ms. Currie was not influenced by the President's statements. Ms. Currie testified to that effect to the Grand Jury on July 22, 1998.

"Q: Now, back again to the four statements that you testified the President made to you that were presented as statements, did you feel pressured when he told you those statements?

"A: None whatsoever.

"Q: What did you think, or what was going through your mind about what he was doing?

"A: At the time I felt that he was—I want to use the word shocked or surprised that this was an issue, and he was just talking."[97]

Ms. Currie added in her testimony:

"Q: That was your impression, that he wanted you to say—because he would end each of the statements with "Right?", with a question.

"A: I do not remember that he wanted me to say "Right." He would say, "Right?" and I could have said, "Wrong."

"Q: But he would end each of those questions with a "Right?" and you could either say whether it was true or not true.

"A: Correct.

"Q: Did you feel any pressure to agree with your boss?

"A: None."[98]

What is unclear from the evidence is the President's intent in making these statements. The President has testified: "I do not remember how many times I talked to Betty Currie or when. I don't. I can't possibly remember that. I do remember, when I first heard about this story breaking, trying to ascertain what the facts were, trying to ascertain what Betty's perception was. I remember that I was highly agitated, understandably, I think.[99]

The President's assertion is not without plausibility. He initiated the conversation after the *Jones* deposition where he learned that all of the details of his relationship with Monica Lewinsky were known by the *Jones* lawyers and shortly would be public knowledge. He faced an immediate public and political disaster. Although he knew what went on, he had to know what Betty Currie knew, not to influence her testimony but to determine the potential gaps in this story. Ms. Currie was the key "go-between" with Ms. Lewinsky and her recollection had to be confirmed. More precisely, the President had to know if his story would be contradicted by Ms. Currie.

Given the facts, the President's explanation is as plausible as that advanced by the House Managers. They have not established beyond a reasonable doubt that the President had the specific intent to transform these events into the crimes of obstruction of justice or witness tampering.

7. The Corruption of Potential Grand Jury Witnesses

The final subpart of the second Article of Impeachment states that "[o]n or about January 21, 23, and 26, 1998, William Jefferson Clinton made false and misleading statements to potential witnesses in a Federal Grand Jury proceeding in order to corruptly influence the testimony of those witness." The Managers have alleged that this caused the Grand Jury to receive "false and misleading information."

In his Referral, Independent Counsel Starr outlines denials about an affair with Ms. Lewinsky that the President made to members of his senior staff: John Podesta, Erskine Bowles, Sidney Blumenthal, and Harold Ickes.[100] The lies that the President told ranged from immaterial[101] to despicable.[102] These lies call into question the President's character and judgment regarding this personal affair, but they most certainly do not rise to the level of criminal behavior.

In order to constitute obstruction of justice, the President would have had to specifically intended these individuals to go before the Grand Jury and lie. It is just as plausible, if not more plausible, that the President was simply trying to conceal and deny the affair from the public at large. The President spoke to his staff because of the appearance of press articles; their conversations had nothing whatsoever to do with the Grand Jury. As the Democratic Minority of the House Judiciary Committee pointed out: "does anyone really think the President would have admitted to this relationship . . . if no Grand Jury had been sitting?"[103] Independent Counsel Starr called senior aides to the President before the Grand Jury because his prosecutors knew that the President, in furtherance of the public denials he was making, would have lied to his aides. Under the OIC and House Manager's theory, by publically denying the affair, the President tampered with all the grand jurors, who must have known of his denials. This simply cannot be the case. The President is dishonorable for lying to his aides and putting them in legal jeopardy in this way, but he is not a criminal.

MESSAGES FROM THE HOUSE

At 12:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 92. An act to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as "Hiram H. Ward Federal Building and United States Courthouse."

H.R. 149. An act to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to parks and public lands.

H.R. 158. An act to designate the United States courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin United States Courthouse."

H.R. 171. An act to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes;

H.R. 193. An act to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System.

H.R. 233. An act to designate the Federal building at 700 East San Antonio Street in El Paso, Texas, as the "Richard C. White Federal Building."

H.R. 396. An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building."

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 92. An act to designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North California, as "Hiram H. Ward Federal Building and United States Courthouse"; to the Committee on Energy and Natural Resources.

H.R. 149. An act to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996 and to other laws related to the parks and public lands; to the Committee on Energy and Natural Resources.

H.R. 158. An act to designate the United States courthouse located at 316 North 26th Street in Billings, Montana, as the "James F. Battin United States Courthouse"; to the Committee on Enrvironment and Public Works.

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[93] Legal Times, February 1, 1999.

[94] H. Res. 611.

[95] HMTB, supra note 38, at 65.

[96] Ms. Currie was not a witness in the *Jones* proceeding at the time of these conversations. House Managers argue that the President knew she would be called as a witness because of his constant references to Ms. Currie in his *Jones* deposition. Moreover, Ms. Currie became a witness on January 23, 1998, when the *Jones* lawyers added her to their witness list. White House counsels argue that Ms. Currie's addition to the witness list was not prompted by the President's testimony, but by information secretly provided to the *Jones* lawyers by Linda Tripp. They further add that it cannot be reasonably assumed that the President was aware that Ms. Currie was likely to be called as a witness. Obstruction and witness tampering statutes require knowledge that the individual is or will be a witness. This argument remains unresolved, but a lack of resolution injects further uncertainty as to the allegations.

[97] *The Record, supra* note 27, Volume III, Part 1 at 668 (Currie Grand Jury testimony on 7/22/98).

[98] *Id.*

[99] *The Record, supra* note 27, Volume III, Part 1 at 593 (Clinton Grand Jury testimony on 8/17/98).

[100] *Referral from Independent Counsel Kenneth W. Starr to the House of Representatives*, House Doc. 105-310, at 198–203 (September 11, 1998).

[101] Mr. Podesta testified that the President told him that after Ms. Lewinsky left the White House (to work at the Department of Defense), she returned to visit Ms. Currie and that Ms. Currie was with them at all times. *Id.* at 88 (*quoting* Podesta Grand Jury Testimony of 6/16/98).

[102] In his Senate Deposition Testimony Mr. Blumenthal testified that he related to the Grand Jury that on 1/21/98 the President told him that Ms. Lewinsky had "come on to" him, he [the President] had "rebuffed" her, and that Ms. Lewinsky then "threatened" him with telling people that the two had an affair. *See* 145 Cong. Rec. S1248 (daily ed. February 4, 1999).

[103] *Clinton Report, supra* note 40, at 385 (Minority Views).

H.R. 171. An act to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 193. An act to designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

H.R. 233. An act to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the "Richard C. White Federal Building"; to the Committee on Environment and Public Works.

H.R. 396. An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building"; to the Committee on Environment and Public Works.

MEASURE PLACED ON THE CALENDAR

The following joint resolution was read the second time and placed on the calendar:

S.J. Res. 11. Joint resolution prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1900. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of Modafinil Into Schedule IV" (DEA–17F) received on February 17, 1999; to the Committee on the Judiciary.

EC–1901. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's report on the National Intelligent Transportation Systems (ITS) Program for calendar year 1997; to the Committee on Environment and Public Works.

EC–1902. A communication from the Director of the Office of Government Ethics, transmitting, a draft of proposed legislation to authorize activities of the Office of Government Ethics for Fiscal Years 2000 through 2007; to the Committee on Governmental Affairs.

EC–1903. A communication from the Chief of the Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Differential Earnings Rate for Mutual Life Insurance Companies" (Notice 99–13) received on February 18, 1999; to the Committee on Finance.

EC–1904. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Bureau for International Narcotics and Law Enforcement Affairs; Prohibition on Assistance to Drug Traffickers" (Notice 2840) received on February 17, 1999; to the Committee on Foreign Relations.

EC–1905. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation T: Credit by Brokers and Dealers; List of Foreign Margin Stocks" received on February 18, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1906. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Formic Acid; Tolerance Exemptions" (FRL5600–4) received on February 17, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1907. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Implementation of Preferred Lender Program and Streamlining of Guaranteed Loan Regulations" (RIN0560–AF38) received on February 18, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1908. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone off Alaska; Vessels Greater Than 99 feet LOA Catching Pollock for Processing by the Inshore Component in the Bering Sea" (I.D. 021199A) received on February 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1909. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Federal Aviation Administration Authorization Act"; to the Committee on Commerce, Science, and Transportation.

EC–1910. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Uniform Criteria for State Observational Surveys of Seat Belt Use" (Docket NHTSA–98–4280) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1911. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Transport Category Airplanes Equipped with Day-Ray Products, Inc., Fluorescent Light Ballasts" (Docket 96–NM–163–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1912. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; International Aero Engines AG (IAE) V2500–A5/–D5 Series Turbofan Engines" (Docket 98–ANE–08–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1913. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney JT9D Series Turbofan Engines" (Docket 98–ANE–28–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1914. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes" (Docket 98–NM–373–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1915. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglass Model MD–90–30 Series Airplanes" (Docket 98–NM–269–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1916. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C–212 Series Airplanes" (Docket 98–NM–141–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1917. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Textron Lycoming Reciprocating Engines IO–540 and O–540 Engines Equipped With Slick Aircraft Products Magnetos" (Docket 98–ANE–81–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1918. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class D and Class E Airspace; St. Joseph, MO" (Docket 98–ACE–49) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1919. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Griffin, GA" (Docket 98–ASO–26) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1920. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Burlington, KS" (Docket 98–ACE–45) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1921. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29463) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1922. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29464) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1923. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments" (Docket 29465) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1924. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation and Establishment of Restricted Areas; NV" (Docket 98–AWP–27) received on February 18, 1999;

to the Committee on Commerce, Science, and Transportation.

EC–1925. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 727, 727–100, 727–200, 727C, 727–100C, and 727–200F Series Airplanes" (Docket 99–NM–16–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1926. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214ST Helicopters" (Docket 98–SW–27–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1927. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Model A109K2 Helicopters" (Docket 97–SW–57–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1928. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class E Airspace; Anaconda, MT" (Docket 98–ANM–16) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1929. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Model S–76C Helicopters" (Docket 98–SW–81–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1930. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Schweizer Aircraft Corporation Model 269C–1 Helicopters" (Docket 98–SW–39–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1931. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Helicopter Systems Model 369D, 369E, 369FF, 369H, MD500N, and MD600N Helicopters" (Docket 97–SW–61–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1932. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Model A109C, A109E, and A109K2 Helicopters" (Docket 98–SW–40–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1933. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Mexico, MO" (Docket 99–ACE–4) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1934. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Lawrenceville, GA" (Docket 98–ASO–20) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1935. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class C Airspace and Revocation of Class D Airspace, Austin Bergstrom International Airport, TX; and Revocation of Robert Mueller Municipal Airport Class C Airport; TX" (Docket 97–AWA–4) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1936. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–600, –700, and –800 Series Airplanes" (Docket 98–NM–258–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1937. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Limited Dart Series Turboprop Engines" (Docket 98–ANE–46–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1938. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes" (Docket 98–CE–66–AD) received on February 18, 1999; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BOND, from the Committee on Small Business:

Phyllis K. Fong, of Maryland, to be Inspector General, Small Business Administration.

(The above nomination was reported with the recommendation that she be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE:

S. 448. A bill for the relief of Ricke Kaname Fujino; to the Committee on the Judiciary.

By Mr. THOMAS (for himself and Mr. Enzi):

S. 449. A bill to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 450. A bill to amend title 37, United States Code, to authorize additional special pay for board certified veterinarians in the Armed Forces and the Public Health Service; to the Committee on Armed Services.

By Mr. HATCH:

S. 451. A bill for the relief of Saeed Rezai; to the Committee on the Judiciary.

S. 452. A bill for the relief of Belinda McGregor; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S. 453. A bill to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the "Hurff A. Saunders Federal Building"; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself and Ms. Mikulski):

S. 454. A bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges for the judicial district of Maryland; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Mrs. Hutchison):

S. 455. A bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas; to the Committee on the Judiciary.

By Mr. CONRAD (for himself, Mrs. Feinstein, Mr. Daschle, Mr. Johnson, Mr. Reid, Mr. Sarbanes, Mrs. Boxer, Ms. Snowe, Mr. Robb, Mrs. Murray, and Mr. Rockefeller):

S. 456. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for information technology training expenses paid or incurred by the employer, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. Chafee, Mr. Schumer, Mr. Lautenberg, Mr. Torricelli, Mr. Reed, Mrs. Boxer, and Mr. Dodd):

S. 457. A bill to amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes; to the Committee on the Judiciary.

By Mr. HAGEL (for himself, Mr. Bayh, Mr. Lott, Mr. Bennett, Mr. Grams, Mr. Kerrey, Mr. Johnson, Mr. DeWine, Mr. Conrad, Mr. Inhofe, Mr. Murkowski, Mr. Brownback, Mr. Bryan, Mr. Roberts, and Mr. Burns):

S. 458. A bill to modernize and improve the Federal Home Loan Bank System, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX (for himself and Mr. Hatch):

S. 459. A bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds; to the Committee on Finance.

By Mr. LUGAR:

S. 460. A bill to designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the "Robert K. Rodibaugh United States Bankruptcy Courthouse"; to the Committee on Environment and Public Works.

By Mr. HATCH (for himself, Mrs. Feinstein, and Mr. McConnell):

S. 461. A bill to assure that innocent users and businesses gain access to solutions to the year 2000 problem-related failures through fostering an incentive to settle year 2000 lawsuits that may disrupt significant sectors of the American economy; to the Committee on the Judiciary.

By Mr. DeWINE (for himself, Mr. Cochran, and Mr. Voinovich):

S. 462. A bill to amend the Internal Revenue Code of 1986, the Social Security Act, the Wagner-Peyser Act, and the Federal-State Extended Unemployment Compensation Act of 1970 to improve the method by which Federal unemployment taxes are collected and to improve the method by which funds are provided from Federal unemployemnt tax revenue for employment security administration, and for other purposes; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. LIEBERMAN, Mr. COVERDELL, and Mr. SANTORUM):

S. 463. A bill to amend the Internal Revenue Code of 1986 to provide for the designation of renewal communities, to provide tax incentives relating to such communities, and for other purposes; to the Committee on Finance.

By Mr. WELLSTONE (for himself, Mr. KENNEDY, and Ms. LANDRIEU):

S. 464. A bill to meet the mental health and substance abuse treatment needs of incarcerated children and youth; to the Committee on Health, Education, Labor, and Pensions.

S. 465. A bill to meet the mental health substance abuse treatment needs of incarcerated children and youth; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself and Mr. DODD):

S. Res. 49. A resolution authorizing expenditures by committees of the Senate for the period March 1, 1999 through September 30, 1999; considered and agreed to.

By Mr. ALLARD:

S. Con. Res. 13. A bill authorizing the use of the Capitol Grounds for the opening ceremonies of Sunrayce 99; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself and Mr. ENZI):

S. 449. A bill to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property; to the Committee on Energy and Natural Resources.

LEGISLATION TO TRANSFER PROPERTY IN BIG HORN COUNTY, WYOMING

Mr. THOMAS. Mr. President, I rise today to introduce legislation which was passed by the Senate during the 105th Congress and unfortunately was not passed by the House of Representatives. This measure, which would return a family farm in Big Horn County, WY, to its rightful owners, has also gained the Administration's full support.

The family of Fred Steffens lost ownership of the property where they lived and prospered for almost 70 years, as a result of a misrepresentation by the original property owners. Mr. Steffens' relatives have explored every avenue to regain the title to their property, and are left with no other option than to seek congressional assistance. I stand before you today, on behalf of my constituents, to request help in providing a timely solution to this problem. It is my hope that in doing so, this wrong can be righted.

Upon the death of Fred Steffens on January 20, 1995, his sister Marie Wambeke was appointed personal representative of the 80-acre Steffens Estate. In February 1996, Ms. Wambeke learned from the Bureau of Land Management (BLM) that she did not have a clear title to her brother's property, and she submitted a Color-of-Title application. Shortly thereafter, Ms. Wambeke was informed that her brother's property was never patented, so her application was rejected.

The injustice of this situation is that when Mr. Steffens purchased this property in 1928, he did receive a Warranty Deed with Release of Homestead from the former owners. Unfortunately, these individuals did not have a reclamation entry to assign to Mr. Steffens. In fact, 2 years before selling the property, the original owners had been informed that the land they occupied was withdrawn by the Bureau of Reclamation for the Shoshone Reclamation Project. At the same time, they were notified that they had never truly owned the property.

Unethically, this did not stop them from selling the land to Mr. Steffens in 1928. In good faith Mr. Steffens purchased the property, paid taxes on the property from the time of purchase, and is on record at the Big Horn County Assessor's office as owner of this property. Due to the dishonesty of others, his family now faces the sobering reality of losing this land unless a title transfer can be effected legislatively.

Mr. President, the legislation I am introducing today would transfer the land from Fred Steffens' Estate to his sister Marie. This property has been in their family since 1928. Through no fault of their own, these folks are being forced to relinquish rights not only to their land, but to a part of their heritage and a legacy to their future generations. I hope we can expedite this matter by turning this land over the Marie Wambeke's ownership.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF STEFFENS FAMILY PROPERTY.

(a) CONVEYANCE.—Subject to subsection (b) and valid existing rights, the Secretary of the Interior shall issue, without consideration, a quitclaim deed to Marie Wambeke of Big Horn County, Wyoming, the personal representative of the estate of Fred Steffens, to the land described in subsection (c).

(b) RESERVATION OF MINERALS.—All minerals underlying the land described in subsection (c) are reserved to the United States.

(c) LAND DESCRIPTION.—The land described in this subsection is the parcel comprising approximately 80 acres and known as "Farm Unit C" in the E½NW¼ of Section 27 in Township 57 North, Range 97 West, 6th Principal Meridian, Wyoming.

(d) REVOCATION OF WITHDRAWAL.—The withdrawal for the Shoshone Reclamation Project made by the Bureau of Reclamation under Secretarial Order dated October 21, 1913, is revoked with respect to the land described in subsection (c).

By Mr. HATCH:

S. 451. A bill for the relief of Saeed Rezai; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

Mr. HATCH. Mr. President, I rise today to introduce private relief legislation on behalf of my constituents, Mr. Saeed Rezai, and his wife, Mrs. Julie Rezai.

As my colleagues are aware, those immigration cases that warrant private legislation are extremely rare, but are warranted in some cases. I am introducing a bill for the relief of Saeed Rezai. I had hoped that this case would not require congressional intervention. Unfortunately, it is clear that private legislation is the only means remaining to ensure that the equities of Mr. and Mrs. Rezai's case are heard and that a number of unresolved questions are answered without imposing a terrible hardship on Mr. and Mrs. Rezai and on their marriage.

I wish to take a moment, Mr. President, to provide something by way of background to this somewhat complicated case and to explain the urgency of this legislation. Mr. Rezai first came to the United States in 1986. On June 15, 1991, he married his current wife, Julie, who is a U.S. citizen. Shortly thereafter, she filed an immigrant visa petition on his behalf. Approval of this petition has been blocked, however, by the application of 204(c) of the Immigration and Nationality Act. Section 204(c) precludes the approval of a visa petition for anyone who entered, or conspired to enter, into a fraudulent marriage. The Immigration and Naturalization Service [INS] applied this provision in Mr. Rezai's case because his previous marriage ended in divorce before his 2-year period of conditional residence had expired. In immigration proceedings following the divorce, the judge heard testimony from witness on behalf of Mr. Rezai and his former wife. After considering that testimony, he found there was insufficient evidence to warrant lifting the conditions on Mr. Rezai's permanent residency and, in the absence of a qualifying marriage, granted

Mr. Rezai voluntary departure from the United States. The judge was very careful to mention, however, that there was no proof of false testimony by Mr. Rezai, and he granted voluntary departure rather than ordering deportation because, in his words, Mr. Rezai 'may be eligible for a visa in the future.'

Despite these comments by the immigration judge, who clearly did not anticipate the future application of the 204(c) exclusion to Mr. Rezai's case, the INS has refused to approve Mrs. Rezai's petition for permanent residence on behalf of her husband based on that very exclusion. In the meantime, Mr. Rezai appealed the initial termination of his lawful permanent resident status in 1990. In August 1995, the 10th Circuit Court of Appeals denied this appeal and reinstated the voluntary departure order. Under current law, there is no provision to stay Mr. Rezai's deportation pending the BIA's consideration of Mrs. Rezai's current immigrant visa petition.

Mr. President, there is no question that Mr. Rezai deportation will create extraordinary hardship for both Mr. and Mrs. Rezai. Throughout all the proceedings of the past 6 years, not a single person that I know of—including the INS—has questioned the validity of Mr. and Mrs. Rezai's marriage. In fact, many that I have heard from have emphatically told me that Mr. and Mrs. Rezai's marriage is as strong as any they have seen. Given the prevailing political and cultural climate in Iran, I would not expect that Mrs. Rezia will choose to make her home there. Thus, Mr. Rezai's deportation will result in either the breakup of a legitimate family or the forced removal of a U.S. citizen and her husband to a third country foreign to both of them.

It should also be noted that Mr. Rezai has been present in the United States for more than a decade. During this time he has assimilated to American culture and has become a contributing member of his community. He has been placed in a responsible position of employment as the security field supervisor at Westminster College where he has gained the respect and admiration of both his peers and his supervisors. In fact, I received a letter from the interim president of Westminister College, signed by close to 150 of Mr. Rezai's associates, attesting to his many contributions to the college and the community. This is just one of the many, many letters and phone calls I have received from members of our community. Mr. Rezai's forced departure in light of these considerations would both unduly limit his own opportunities and deprive the community of his continued contributions.

By Mr. HATCH:

S. 452. A bill for the relief of Belinda McGregor; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

Mr. HATCH. Mr. President, I am today introducing a private relief bill on behalf of Belinda McGregor, the beloved sister of one of my constituents, Rosalinda Burton.

Mistakes are made every day, Mr. President, and when innocent people suffer severe consequences as a result of these mistakes, something ought to be done to remedy the situation.

In the particular case of Ms. Belinda McGregor, the federal bureaucracy made a mistake—a mistake which cost Ms. McGregor dearly and it is now time to correct this mistake. Unfortunately, the only way to provide relief is through Congressional action.

Belinda McGregor, a citizen of the United Kingdom, filed an application for the 1995 Diversity Visa program. Her husband, a citizen of Ireland, filed a separate application at the same time. Ms. McGregor's application was among those selected to receive a diversity visa. When the handling clerk at the National Visa Center received the application, however, the clerk erroneously replaced Ms. McGregor's name in the computer with that of her husband.

As a result, Ms. McGregor was never informed that she had been selected and never provided the requisite information. The mistake with respect to Ms. McGregor's husband was caught, but not in time for Ms. McGregor to meet the September, 1995 deadline. Her visa number was given to another applicant.

In short, Ms. McGregor was unfairly denied the 1995 diversity visa that was rightfully hers due to a series of errors by the National Visa Center. As far as I know, these facts are not disputed.

Unfortunately, the Center does not have the legal authority to rectify its own mistake by simply granting Ms. McGregor a visa out of a subsequent year's allotment. Thus, a private relief bill is needed in order to see that Ms. McGregor gets the visa to which she was clearly entitled to in 1995.

Mr. President, I have received a very compelling letter from Rosalinda Burton of Cedar Hills, UT, which I am placing in the RECORD. Ms. Burton is Ms. McGregor's sister and she described to me the strong relationship that she and her sister have and the care that her sister provided when Ms. Burton was seriously injured in a 1993 car accident.

I hope that the Senate can move forward on this bill expeditiously. Ms. McGregor was the victim of a simple and admitted bureaucratic snafu. The Senate ought to move swiftly to correct this injustice.

Mr. President, I am also including in the RECORD additional relevant correspondence which documents the background of this case.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CEDAR HILLS, UT,
September 23, 1997.

Hon. ORRIN HATCH,
U.S. Senate.

DEAR SENATOR HATCH: This is one of the many endless attempts to seek fairness and justification regarding a very unique and still unresolved case pertaining to the future of my beloved sister, Belinda McGregor.

This is a plea on my part for you to please allow me the opportunity to humbly express in this letter, my deepest concern which is also personally shared by Senator Edward Kennedy.

It would be a challenge to explain what once started as "the dream come true" for my sister, Belinda, on to paper, but I hope you will grant me a moment of your time to read this attempt to seek your help, as my Senator.

Towards the end of 1993 I was the victim of a very serious car accident and I could not have coped without the support of my church and the tremendous help of my beloved sister, Belinda, after which she expressed a strong desire to come and live in Utah, to be close to me, her only sister. In 1994, therefore, a dream came true when, after applying for the DVI Program, which is held yearly, my sister's husband David, was informed by the National Visa Center, that he was selected in the 1995 Diversity Visa Lottery Program. Finally, my sister had a chance to live near her family and friends, Belinda, who is Austrian/British, then working for the "United Nations Drug Control Programme" (UNDCP) at the UN Headquarters in Vienna, Austria, was so thrilled to be informed of the good news. Therefore, all the necessary documents were provided to the National Visa Center in New Hampshire.

* * * * *

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 454. A bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges for the judicial district of Maryland, to the Committee on the Judiciary.

BANKRUPTCY JUDGESHIPS FOR THE DISTRICT OF MARYLAND

• Mr. SARBANES. Mr. President, I rise today on behalf of myself and my colleague from Maryland, Senator MIKULSKI, to introduce legislation that is absolutely critical to the administration of justice and the economy in our State of Maryland. This legislation provides for four additional bankruptcy judges for the federal judicial District of Maryland.

This bill represents only the most recent of our efforts to strengthen Maryland's federal bankruptcy court. Early in the 105th Congress, we introduced legislation adding two additional bankruptcy judges for the District of Maryland, in line with the then-pending request of the Judicial Conference. The House of Representatives followed suit in summer 1997, passing legislation that authorized these two judges, in addition to other new bankruptcy judgeships throughout the country.

Last year, the Senate overwhelmingly passed bankruptcy reform legislation that, among other things, authorized these two judgeships, though under the Senate bill the judges were of temporary, rather than permanent, status. This legislation ultimately was not enacted into law, however, and with such inaction the problem facing Maryland's sitting bankruptcy judges has only grown. Maryland remains without the additional judgeships it so desperately needs to make our bankruptcy system work.

Our State's need for additional bankruptcy judges has long since passed the critical stage. Since November 1993, when Maryland last received an additional bankruptcy judge, the number of bankruptcy filings in the State has more than doubled. While the entire Nation has witnessed a surge in bankruptcy filings over the past several years, the increase in Maryland has dwarfed the national average increase. Bankruptcy filings in Maryland in the second quarter of 1998 grew at eight times the national rate of increase for that period; for the 12-month period ending June 30, 1998, the rate of increase in Maryland was the tenth greatest of the 90 federal judicial districts in the Nation. The District of Maryland ranks first among federal judicial districts in filings per judge. As noted earlier, each House of Congress authorized two additional bankruptcy judges for Maryland during the 105th Congress. Simply put, however, the problem has outpaced this solution.

The need for the four additional judgeships sought in this legislation becomes even more evident when one considers it in the context of the case-weighting system adopted by the Judicial Conference in 1991 to assess requests for additional bankruptcy judges. Under this system, different types of bankruptcy cases are assigned different degrees of difficulty and overall weighted case-hour goals are established for the judges.

The Judicial Conference begins to consider requests for additional judges when a district's per-judge weighted caseload reaches 1500 hours. The average United States Bankruptcy Judge had a weighted case-hour load of 1429 hours per year for the 12-month period ending June 30, 1998. For that same period, Maryland's bankruptcy judges averaged a weighted case-hour load of 3020 hours—an astounding 211 percent of the national average. Not only do the Maryland figures dwarf the national average; they also dwarf the prior Maryland figures which led to legislation passed by each Houses of Congress authorizing additional judgeships. Indeed, Maryland's overall weighted case load for the 12-month period ending June 30, 1998, represented a 25% increase over its load for the prior 12-month period alone.

I ask my colleagues to consider these telling statistics:

If Maryland were to receive two additional judgeships tomorrow, its per-judge weighted caseload would still be 2013 hours—41 percent greater than the national average last year, and 34 percent greater than the 1500-hour benchmark used by the Judicial Conference to evaluate requests for additional judgeships.

If Maryland were to receive three additional judgeships tomorrow, its per-judge weighted caseload would still be 1725 hours—21 percent more than the national average, and 15 percent greater than the Judicial Conference benchmark.

Only if Maryland were to receive four additional judgeships, as requested in this bill, would the per-judge caseload in Maryland approximate the national average. And even then each Maryland judge would have a caseload of 1510 case-weighted hours—still above the 1429-hour national average, and still above the 1500-hour Judicial Conference benchmark.

The additional judgeships sought in this bill are essential not only for effective judicial administration, but also for Maryland's economy. Bankruptcy laws foster orderly, constructive relationships between debtors and creditors during times of economic difficulty. Their effective and expeditious implementation results in businesses being reorganized, jobs (provided by creditors and debtors) preserved, and debts managed fairly. Overworked bankruptcy courts have a destabilizing effect on this system, and the inevitable delays occasioned by the lack of judges harm creditors and debtors, imperiling Maryland's businesses and the people they employ.

It is expected that bankruptcy reform legislation will be one of the first items on the Senate's agenda now that it has resumed legislative business. Adding judgeships in Maryland's and other bankruptcy courts in need of relief is an essential component of any such reform, given that the legislation we are contemplating will not only not ease the burdens on these courts, but in fact will increase these burdens by imposing new responsibilities on our Nation's bankruptcy judges. And even if comprehensive bankruptcy reform fails or is delayed, the current state of affairs facing Maryland's bankruptcy court requires immediate action in the form of adding judges to that court.

In closing let me once again commend the efforts of Maryland's four sitting bankruptcy judges—Chief Judge Paul Mannes and Judges Duncan Keir, James Schneider, and Steve Derby. Their dedication to the administration of justice is especially impressive given the extraordinary burdens placed on them—burdens which the Senate ought to ease at the earliest possible instance.●

By Mr. DURBIN (for himself and Mrs. HUTCHISON):

S. 455. A bill to amend the Immigration and Nationality Act with Respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas; to the Committee on the Judiciary.

NURSING RELIEF FOR DISADVANTAGED AREAS ACT OF 1999

Mr. DURBIN. Mr. President, I rise today with by colleague, Senator KAY BAILEY HUTCHISON to introduce the Nursing Relief for Disadvantaged Areas Act of 1999. Today, some of our Nation's poorest rural and inner-city communities face a crisis—they may soon have inadequate or no hospital healthcare because nurses are unwilling to work in these neighborhoods. The Nursing Relief for Disadvantaged Areas Act of 1999 will ensure that hospitals located in these desperately underserved areas can continue to provide adequate healthcare to our most needy communities.

Hospitals located in underprivileged areas often experience severe difficulty in attracting nurses. These hospitals operate in the middle of some of the harshest poverty and crime in our country. The employees of these hospitals often treat the worst and most troubling cases.

The condition of the surrounding area imperils the ability of these hospitals to recruit and maintain an adequate nursing staff. These circumstances have pushed some hospitals into a financial crisis, threatening the quality of healthcare to those most in need.

For the past eight years, this problem has been addressed by the H(1)(a) visa program which has allowed these hospitals to hire nonimmigrant nurses. Unfortunately, the H(1)(a) visa program sunset in 1997, and so once again such hospitals are in crisis. By replacing the H(1)(a) visa, the Nursing Relief Act will alleviate this crisis.

The true beneficiary of this program will not be the hospitals, but the underprivileged communities which rely on the hospitals' services. Let me tell you a story about the role that this program can play in the health of a community. The story is about the St. Bernard Hospital on the South Side of Chicago.

St. Bernard Hospital is the only remaining hospital in the Englewood community, which serves over 100,000 people. It is located in one of the poorest and most crime ridden neighborhoods in the country. Over the years, St. Bernard has become indispensable to its community. Even though it has not been designated as a trauma center, St. Bernard receives the second highest number of ambulance runs from the Chicago Fire Department. St. Bernard also provides free vision exams and free screening for blood pressure, cholesterol, diabetes, and sickle cell anemia. In addition, schoolchildren receive free physicals and inoculations.

St. Bernard Hospital also offers a great number of outreach and community services. A food pantry is stocked, and clothes are made available for patients in need. St. Bernard is sponsoring a project for affordable housing in the community. The hospital has opened four family clinics in Englewood to provide safe and easy access to healthcare for community residents. Physicians from St. Bernard visit senior housing facilities on a regular basis, and the hospital has been recognized by Catholic Charities for its work with senior housing and healthcare.

In addition, St. Bernard is by far the largest employer in the Englewood area. When the hospital faces a crisis, many jobs in the community are placed at risk.

Even though the health of Englewood relies on this hospital, St. Bernard almost had to close its doors in 1992. After aggressive recruitment efforts, the hospital was unable to attract enough healthcare professionals to maintain its services. The hospital was especially in need of registered nurses.

The problem had been solved in part by hiring foreign nurses through the H(1)(a) visa program. The hospital had gone through great lengths to hire domestic nurses, and was using the H(1)(a) program only as a last alternative to closing its doors.

In the first half of 1997, for example, the hospital placed want ads in the Chicago Tribune and received approximately 200 responses. However, almost 75 percent of the responses declined to interview when they learned where the hospital was located. St. Bernard has also tried to hire nurses through nurse registries. However, the rates of the registries would cost the hospital more than $2 million a year, an unsustainable expense for an already financially burdened hospital.

Clearly, the H(1)(a) visa program had been offering St. Bernard a way to maintain its service to the community when no other option was available. In 1997, even that option was eliminated.

The Nursing Relief for Disadvantaged Areas Act will ensure that hospitals like St. Bernard can keep their doors open to the public and continue to support their community. In addition, however, the bill has been designed to protect the jobs of domestic nurses and to ensure that hospitals use the visa program faithfully and only as a last resort solution.

This bill is more narrowly targeted than the old H(1)(a) visa program. The measure ensures that nurses can only be brought into the United States by hospitals that have no alternative. In short, we have made every effort to ensure that no American nurse will lose his or her job as a result of this bill. While we want to assure that these hospitals have an adequate nursing staff, we must also guarantee that foreign nurses are not taking away jobs from domestic nurses.

Let me tell you what this bill does:

It establishes a nonimmigrant classification for nurses in health professional shortage areas. The program provides nonimmigrant visas for 500 nurses each year to work in hospitals where there are severe nursing shortages.

The Nursing Relief Act protects the jobs of domestic nurses in three separate ways:

First, the measure requires that a hospital must certify that it has gone through great lengths to hire and retain domestic nurses before it can use this visa program to hire nonimmigrant nurses.

Second, the measure requires that nonimmigrant nurses must be paid the same wages and work under the same conditions as domestic nurses. In addition, nonimmigrant nurses cannot be hired in order to disrupt the activities of labor unions. These provisions ensure that hospitals cannot undercut the working conditions of domestic nurses.

And third, the measure limits the number of nonimmigrant nurses who may enter the United States in any given year. The Act provides spaces for only 500 nonimmigrants each year, and it caps the number of nurses who may enter each state.

In addition, the Nursing Relief Act provides for serious penalties for abuse, thus ensuring that hospitals will not misuse this new visa category. Moreover, the bill guarantees that hospitals use this program faithfully by narrowly defining the hospitals which are eligible. In order to hire nonimmigrant nurses through this visa program, hospitals must fulfill four strict requirements.

First, the hospital must be located in an area which has been defined by the Department of Health and Human Services as having a shortage of health care professionals.

Second, the hospital must have at least 190 acute care beds.

Third, the hospital must have at least 35 percent of its in-patient days reimbursed by Medicare.

Fourth, the hospital must have at least 28 percent of its in-patient days reimbursed by Medicaid.

All of these measures ensure that the Nursing Relief Act will serve as a relief to our communities rather than a loophole in the immigration laws.

Thank you, Mr. President, for the opportunity to introduce this important and very timely initiative. I hope that my colleagues will join me and support the Nursing Relief for Disadvantaged Areas Act of 1999 so that every hospital can maintain an adequate nursing staff regardless of its location.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nursing Relief for Disadvantaged Areas Act of 1999".

SEC. 2. REQUIREMENTS FOR ADMISSION OF NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS DURING 4-YEAR PERIOD.

(a) ESTABLISHMENT OF A NEW NONIMMIGRANT CLASSIFICATION FOR NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 101(a)(15)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended by striking "; or" at the end and inserting the following: ", or (c) who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in section 212(m)(1), and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under section 212(m)(2) for the facility (as defined in section 212(m)(6)) for which the alien will perform the services; or".

(b) REQUIREMENTS.—Section 212(m) of the Immigration and Nationality Act (8 U.S.C. 1182(m)) is amended to read as follows:

"(m)(1) The qualifications referred to in section 101(a)(15)(H)(i)(c), with respect to an alien who is coming to the United States to perform nursing services for a facility, are that the alien—

"(A) has obtained a full and unrestricted license to practice professional nursing in the country where the alien obtained nursing education or has received nursing education in the United States;

"(B) has passed an appropriate examination (recognized in regulations promulgated in consultation with the Secretary of Health and Human Services) or has a full and unrestricted license under State law to practice professional nursing in the State of intended employment; and

"(C) is fully qualified and eligible under the laws (including such temporary or interim licensing requirements which authorize the nurse to be employed) governing the place of intended employment to engage in the practice of professional nursing as a registered nurse immediately upon admission to the United States and is authorized under such laws to be employed by the facility.

"(2)(A) The attestation referred to in section 101(a)(15)(H)(i)(c), with respect to a facility for which an alien will perform services, is an attestation as to the following:

"(i) The facility meets all the requirements of paragraph (6).

"(ii) The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed.

"(iii) The alien employed by the facility will be paid the wage rate for registered nurses similarly employed by the facility.

"(iv) The facility has taken and is taking timely and significant steps designed to recruit and retain sufficient registered nurses who are United States citizens or immigrants who are authorized to perform nursing services, in order to remove as quickly as reasonably possible the dependence of the facility on nonimmigrant registered nurses.

"(v) There is not a strike or lockout in the course of a labor dispute, the facility did not lay off and will not lay off a registered nurse employed by the facility within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition, and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

"(vi) At the time of the filing of the petition for registered nurses under section 101(a)(15)(H)(i)(c), notice of the filing has been provided by the facility to the bargaining representative of the registered nurses at the facility or, where there is no such bargaining representative, notice of the filing has been provided to the registered nurses employed at the facility through posting in conspicuous locations.

"(vii) The facility will not, at any time, employ a number of aliens issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c) that exceeds 33 percent of the total number of registered nurses employed by the facility.

"(viii) The facility will not, with respect to any alien issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c)—

"(I) authorize the alien to perform nursing services at any worksite other than a worksite controlled by the facility; or

"(II) transfer the place of employment of the alien from one worksite to another.

Nothing in clause (iv) shall be construed as requiring a facility to have taken significant steps described in such clause before the date of the enactment of the Nursing Relief for Disadvantaged Areas Act of 1999. A copy of the attestation shall be provided, within 30 days of the date of filing, to registered nurses employed at the facility on the date of filing.

"(B) For purposes of subparagraph (A)(iv), each of the following shall be considered a significant step reasonably designed to recruit and retain registered nurses:

"(i) Operating a training program for registered nurses at the facility or financing (or providing participation in) a training program for registered nurses elsewhere.

"(ii) Providing career development programs and other methods of facilitating health care workers to become registered nurses.

"(iii) Paying registered nurses wages at a rate higher than currently being paid to registered nurses similarly employed in the geographic area.

"(iv) Providing reasonable opportunities for meaningful salary advancement by registered nurses.

The steps described in this subparagraph shall not be considered to be an exclusive list of the significant steps that may be taken to meet the conditions of subparagraph (A)(iv). Nothing in this subparagraph shall require a facility to take more than one step if the facility can demonstrate that taking a second step is not reasonable.

"(C) Subject to subparagraph (E), an attestation under subparagraph (A)—

"(i) shall expire on the date that is the later of—

"(I) the end of the one-year period beginning on the date of its filing with the Secretary of Labor; or

"(II) the end of the period of admission under section 101(a)(15)(H)(i)(c) of the last alien with respect to whose admission it was applied (in accordance with clause (ii)); and

"(ii) shall apply to petitions filed during the one-year period beginning on the date of its filing with the Secretary of Labor if the facility states in each such petition that it continues to comply with the conditions in the attestation.

"(D) A facility may meet the requirements under this paragraph with respect to more than one registered nurse in a single petition.

"(E)(i) The Secretary of Labor shall compile and make available for public examination in a timely manner in Washington, D.C., a list identifying facilities which have filed petitions for nonimmigrants under section 101(a)(15)(H)(i)(c) and, for each such facility, a copy of the facility's attestation under subparagraph (A) (and accompanying documentation) and each such petition filed by the facility.

"(ii) The Secretary of Labor shall establish a process, including reasonable time limits, for the receipt, investigation, and disposition of complaints respecting a facility's failure to meet conditions attested to or a facility's misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (including bargaining representatives, associations deemed appropriate by the Secretary, and other aggrieved parties as determined under regulations of the Secretary). The Secretary shall conduct an investigation under this clause if there is reasonable cause to believe that a facility fails to meet conditions attested to. Subject to the time limits established under this clause, this subparagraph shall apply regardless of whether an attestation is expired or unexpired at the time a complaint is filed.

"(iii) Under such process, the Secretary shall provide, within 180 days after the date such a complaint is filed, for a determination as to whether or not a basis exists to make a finding described in clause (iv). If the Secretary determines that such a basis exists, the Secretary shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint within 60 days of the date of the determination.

"(iv) If the Secretary of Labor finds, after notice and opportunity for a hearing, that a facility (for which an attestation is made) has failed to meet a condition attested to or that there was a misrepresentation of material fact in the attestation, the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per nurse per violation, with the total penalty not to exceed $10,000 per violation) as the Secretary determines to be appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

"(v) In addition to the sanctions provided for under clause (iv), if the Secretary of Labor finds, after notice and an opportunity for a hearing, that a facility has violated the condition attested to under subparagraph (A)(iii) (relating to payment of registered nurses at the prevailing wage rate), the Secretary shall order the facility to provide for payment of such amounts of back pay as may be required to comply with such condition.

"(F)(i) The Secretary of Labor shall impose on a facility filing an attestation under subparagraph (A) a filing fee, in an amount prescribed by the Secretary based on the costs of carrying out the Secretary's duties under this subsection, but not exceeding $250.

"(ii) Fees collected under this subparagraph shall be deposited in a fund established for this purpose in the Treasury of the United States.

"(iii) The collected fees in the fund shall be available to the Secretary of Labor, to the extent and in such amounts as may be provided in appropriations Acts, to cover the costs described in clause (i), in addition to any other funds that are available to the Secretary to cover such costs.

"(3) The period of admission of an alien under section 101(a)(15)(H)(i)(c) shall be 3 years.

"(4) The total number of nonimmigrant visas issued pursuant to petitions granted under section 101(a)(15)(H)(i)(c) in each fiscal year shall not exceed 500. The number of such visas issued for employment in each State in each fiscal year shall not exceed the following:

"(A) For States with populations of less than 9,000,000, based upon the 1990 decennial census of population, 25 visas.

"(B) For States with populations of 9,000,000 or more, based upon the 1990 decennial census of population, 50 visas.

"(C) If the total number of visas available under this paragraph for a fiscal year quarter exceeds the number of qualified nonimmigrants who may be issued such visas during those quarters, the visas made available under this paragraph shall be issued without regard to the numerical limitation under subparagraph (A) or (B) of this paragraph during the last fiscal year quarter.

"(5) A facility that has filed a petition under section 101(a)(15)(H)(i)(c) to employ a nonimmigrant to perform nursing services for the facility—

"(A) shall provide the nonimmigrant a wage rate and working conditions commensurate with those of nurses similarly employed by the facility;

"(B) shall require the nonimmigrant to work hours commensurate with those of nurses similarly employed by the facility; and

"(C) shall not interfere with the right of the nonimmigrant to join or organize a union.

"(6) For purposes of this subsection and section 101(a)(15)(H)(i)(c), the term 'facility' means a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) that meets the following requirements:

"(A) As of March 31, 1997, the hospital was located in a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)).

"(B) Based on its settled cost report filed under title XVIII of the Social Security Act for its cost reporting period beginning during fiscal year 1994—

"(i) the hospital has not less than 190 licensed acute care beds;

"(ii) the number of the hospital's inpatient days for such period which were made up of patients who (for such days) were entitled to benefits under part A of such title is not less than 35 percent of the total number of such hospital's acute care inpatient days for such period; and

"(iii) the number of the hospital's inpatient days for such period which were made up of patients who (for such days) were eligible for medical assistance under a State plan approved under title XIX of the Social Security Act, is not less than 28 percent of the total number of such hospital's acute care inpatient days for such period.

"(7) For purposes of paragraph (2)(A)(v), the term 'lay off', with respect to a worker—

"(A) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

"(B) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

Nothing in this paragraph is intended to limit an employee's or an employer's rights under a collective bargaining agreement or other employment contract.".

(c) REPEALER.—Clause (i) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended by striking subclause (a).

(d) IMPLEMENTATION.—Not later than 90 days after the date of enactment of this Act, the Secretary of Labor (in consultation, to the extent required, with the Secretary of Health and Human Services) and the Attorney General shall promulgate final or interim final regulations to carry out section 212(m) of the Immigration and Nationality Act (as amended by subsection (b)).

(e) LIMITING APPLICATION OF NONIMMIGRANT CHANGES TO 4-YEAR PERIOD.—The amendments made by this section shall apply to classification petitions filed for nonimmigrant status only during the 4-year period beginning on the date that interim or final regulations are first promulgated under subsection (d).

SEC. 3. RECOMMENDATIONS FOR ALTERNATIVE REMEDY FOR NURSING SHORTAGE.

Not later than the last day of the 4-year period described in section 2(e), the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit to the Congress recommendations (including legislative specifications) with respect to the following:

(1) A program to eliminate the dependence of facilities described in section 212(m)(6) of the Immigration and Nationality Act (as amended by section 2(b)) on nonimmigrant registered nurses by providing for a permanent solution to the shortage of registered nurses who are United States citizens or aliens lawfully admitted for permanent residence.

(2) A method of enforcing the requirements imposed on facilities under sections 101(a)(15)(H)(i)(c) and 212(m) of the Immigration and Nationality Act (as amended by section 2) that would be more effective than the process described in section 212(m)(2)(E) of such Act (as so amended).

SEC. 4. CERTIFICATION FOR CERTAIN ALIEN NURSES.

(a) IN GENERAL.—

(1) Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following new subsection:

"(r) Subsection (a)(5)(C) shall not apply to an alien who seeks to enter the United States for the purpose of performing labor as a nurse who presents to the consular officer (or in the case of an adjustment of status, the Attorney General) a certified statement from the Commission on Graduates of Foreign Nursing Schools (or an equivalent independent credentialing organization approved for the certification of nurses under subsection (a)(5)(C) by the Attorney General in consultation with the Secretary of Health and Human Services) that—

"(1) the alien has a valid and unrestricted license as a nurse in a State where the alien intends to be employed and such State verifies that the foreign licenses of alien nurses are authentic and unencumbered;

"(2) the alien has passed the National Council Licensure Examination (NCLEX);

"(3) the alien is a graduate of a nursing program—

"(A) in which the language of instruction was English;

"(B) located in a country—

"(i) designated by such commission not later than 30 days after the date of the enactment of the Nursing Relief for Disadvantaged Areas Act of 1999, based on such commission's assessment that the quality of nursing education in that country, and the English language proficiency of those who complete such programs in that country, justify the country's designation; or

"(ii) designated on the basis of such an assessment by unanimous agreement of such commission and any equivalent credentialing organizations which have been approved under subsection (a)(5)(C) for the certification of nurses under this subsection; and

"(C)(i) which was in operation on or before the date of the enactment of the Nursing Relief for Disadvantaged Areas Act of 1999; or

"(ii) has been approved by unanimous agreement of such commission and any equivalent credentialing organizations which have been approved under subsection (a)(5)(C) for the certification of nurses under this subsection.".

(2) Section 212(a)(5)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(C)) is amended by striking "Any alien who seeks" and inserting "Subject to subsection (r), any alien who seeks".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(c) ISSUANCE OF CERTIFIED STATEMENTS.—The Commission on Graduates of Foreign Nursing Schools, or any approved equivalent independent credentialing organization, shall issue certified statements pursuant to the amendment under subsection (a) not more than 35 days after the receipt of a complete application for such a statement.

By Mr. CONRAD (for himself, Mrs. FEINSTEIN, Mr. DASCHLE, Mr. JOHNSON, Mr. REID, Mr. SARBANES, Mrs. BOXER, Ms. SNOWE, Mr. ROBB, Mrs. MURRAY, and Mr. ROCKEFELLER):

S. 456. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for information technology training expenses paid or incurred by the employer, and for other purposes; to the Committee on Finance.

INFORMATION TECHNOLOGY TRAINING ACT

Mr. CONRAD. Mr. President, throughout the 105th Congress, the Administration and the Congress focused considerable attention on information technology (IT) issues, particularly the difficulties that many American companies are experiencing in recruiting skilled workers to fill key positions in information technology.

The Department of Commerce, early in the 105th Congress, released a study, "America's New Deficit: The Shortage of Information Technology Workers," alerting us to the severe shortage of information technology workers. This report was supported by a study from the Information Technology Association of America, "Help Wanted 1998: A Call for Collaborative Action For the New Millennium," which estimated that there are more than 340,000 highly skilled positions in information technology that are not filled. Moreover, the Department of Labor projected that our economy will require more than 130,000 information technology jobs in three fields—systems analysts, computer scientists and engineers, and computer programmers—every year for the next 10 years.

Mr. President, the shortage of skilled high-tech workers is not unique to any one region of the country—Silicon Valley, Dallas, Atlanta, or Northern Virginia. It is a matter of urgent concern across the country. The shortage affects every State, every sector of the economy, and its impact was documented during a conference of more than 350 educators, State officials, and business community leaders that I hosted last fall in Bismarck, North Dakota. The conference was scheduled to examine the challenges and opportunities of information technology in the 21st century.

Without question, the shortage of skilled IT workers is a major concern for State officials and the North Dakota business community. During the conference, many North Dakota business leaders from firms, including Great Plains Software, Gateway, U.S. West, and North Central Data Co-op, confirmed the difficulties they are having in recruiting employees with qualified information technology skills. The business community and educators, representing all levels of education, emphasized the importance of expanding opportunities in information technology training and education.

Last year, during the closing days of the 105th Congress, we took the first step to respond to the concern over the shortage of skilled high-tech workers by increasing the annual cap on H1–B visas for foreign workers recruited to work in U.S. high-tech industries. As important as this first step is, the increase in H1–B visas by itself will not adequately respond to the shortage of skilled workers in the U.S. Nor is it acceptable to authorize an increase in the number of foreign workers coming to the U.S. to fill IT vacancies without taking steps to ensure that American workers and students have opportunities to train and qualify for these excellent opportunities.

Mr. President, that is why, during consideration of the American Competitiveness Act last year, I introduced legislation, S. 2089, to allow employers an income tax credit for information technology training expenses paid on behalf of employees or other individuals who are entering information technology careers. I believe it is essential that we provide every opportunity to American workers and individuals to become aware of opportunities in information technology, and to ensure that training and education is available at all levels. I regret that we did not adopt this important initiative during the 105th Congress.

Today, I am introducing this legislation to provide employers a tax credit for information technology training. I am very pleased that Senators FEINSTEIN, JOHNSON, DASCHLE, SARBANES, BOXER, SNOWE, MURRAY, REID, and ROBB are cosponsoring this important initiative. This legislation is also endorsed by the Information Technology Association of America, the Software and Information Industry Association, the Computing Technology Industry Association, the Information Technology Training Association, and the American Society For Training and Development.

Under this legislation, the tax credit would be an amount equal to 20 percent of information technology training program expenses, not to exceed $6,000 in a taxable year. The value of the credit would increase by 5 percent if the IT training program is operated in an Empowerment Zone, Enterprise Community, Rural Economic Area Partnership (REAP) zone, in a school district in which at least 50 percent of the students in the school district participate in the school lunch program, in an area designated as a disaster zone by the President or Secretary of Agriculture, or associated with a small business with no more than 200 employees.

Mr. President, last year we responded to the IT worker shortage by increasing the opportunities for skilled high-tech workers from other countries to come to the U.S. to work in the information technology field. Now we have an obligation to make certain that the same exciting opportunities in information technology are available to American workers and other individuals interested in information technology careers. I welcome additional cosponsors of this legislation, and I strongly urge my colleagues to incorporate this important bill in the tax legislation that we are expected to consider in the 106th Congress.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following:

"SEC. 45D. INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an employer, the information technology training program credit determined under this section is an amount equal to 20 percent of information technology training program expenses paid or incurred by the taxpayer during the taxable year.

"(b) ADDITIONAL CREDIT PERCENTAGE FOR CERTAIN PROGRAMS.—The percentage under subsection (a) shall be increased by 5 percentage points for information technology training program expenses paid or incurred—

"(1) by the taxpayer with respect to a program operated in—

"(A) an empowerment zone or enterprise community designated under part I of subchapter U,

"(B) a school district in which at least 50 percent of the students attending schools in such district are eligible for free or reduced-cost lunches under the school lunch program established under the National School Lunch Act,

"(C) an area designated as a disaster area by the Secretary of Agriculture or by the President under the Disaster Relief and Emergency Assistance Act in the taxable year or the 4 preceding taxable years,

"(D) a rural enterprise community designated under section 766 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, or

"(E) an area designated by the Secretary of Agriculture as a Rural Economic Area Partnership Zone, or

"(2) by a small employer.

"(c) LIMITATION.—The amount of information technology training program expenses with respect to an individual which may be taken into account under subsection (a) for the taxable year shall not exceed $6,000.

"(d) INFORMATION TECHNOLOGY TRAINING PROGRAM EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'information technology training program expenses' means expenses paid or incurred by reason of the participation of the employer in any information technology training program.

"(2) INFORMATION TECHNOLOGY TRAINING PROGRAM.—The term 'information technology training program' means a program—

"(A) for the training of computer programmers, systems analysts, and computer scientists or engineers (as such occupations are defined by the Bureau of Labor Statistics),

"(B) involving a partnership of—

"(i) employers, and

"(ii) State training programs, school districts, university systems, or certified commercial information technology training providers, and

"(C) at least 50 percent of the costs of which is paid or incurred by the employers.

"(3) CERTIFIED COMMERCIAL INFORMATION TECHNOLOGY TRAINING PROVIDER.—The term 'certified commercial information technology training providers' means a private sector provider of educational products and services utilized for training in information technology which is certified with respect to—

"(A) the curriculum that is used for the training, or

"(B) the technical knowledge of the instructors of such provider,

by 1 or more software publishers or hardware manufacturers the products of which are a subject of the training.

"(e) SMALL EMPLOYER.—For purposes of this section, the term 'small employer' means, with respect to any calendar year, any employer if such employer employed 200 or fewer employees on each business day in each of 20 or more calendar weeks in such year or the preceding calendar year.

"(f) DENIAL OF DOUBLE BENEFIT.—No deduction or credit under any other provision of this chapter shall be allowed with respect to information technology training program expenses (determined without regard to the limitation under subsection (c)).

"(g) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 45A(e)(2) and subsections (c), (d), and (e) of section 52 shall apply."

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 (relating to current year business credit) is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following:

"(13) the information technology training program credit determined under section 45D."

(c) NO CARRYBACKS.—Subsection (d) of section 39 of the Internal Revenue Code of 1986 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

"(9) NO CARRYBACK OF SECTION 45D CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the information technology training program credit determined under section 45D may be carried back to a taxable year ending before the date of the enactment of section 45D."

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Sec. 45D. Information technology training program expenses."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of enactment of this Act in taxable years ending after such date.

INFORMATION TECHNOLOGY
ASSOCIATION OF AMERICA,
Arlington, VA, February 5, 1999.
Hon. KENT CONRAD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CONRAD: The Information Technology Association of America (ITAA) and our member companies strongly support tax credits for information technology (IT) training. With over 346,000 IT jobs currently vacant in the United States, American industry faces a severe shortage of trained IT professionals. Filling these positions is imperative to the growth of our national economy and securing our place as a leader in the global marketplace.

In order to grow the nation's IT workforce, we must provide educational opportunities for all Americans that will allow them to enter to this high-growth, high-wage industry Training is readily available at both public institutions of higher education and private training facilities, but many cannot afford to take advantage of them.

ITAA and our members urge you to cosponsor Senator Conrad's proposed legislation that would amend the Internal Revenue

Code of 1986 allowing employers a credit against income tax for IT training expenses paid or incurred. It is critical that we do everything we can to provide affordable access to IT training for all Americans. If you need any additional information, please contact me at 703–284–5340 or *hmiller@itaa.org* or Bob Foust with Senator Conrad at 202–224–2043.

Sincerely,

HARRIS N. MILLER,
President.

SOFTWARE INFORMATION
INDUSTRY ASSOCIATION
Washington, DC, February 18, 1999.

Re endorsement of information technology training tax credit legislation.

Hon. KENT CONRAD,
U.S. Senator,
Washington, DC 20510.

DEAR SENATOR CONRAD: Recognizing that increasing the supply of highly qualified information sector workers is an essential cornerstone for sustaining U.S. economic prosperity, the Software & Information Industry Association (SIIA) is pleased to endorse your legislative proposal to encourage greater business investment in workforce skills training.

SIIA is the principal trade association of the software and information industry, representing 1,400 leading high-tech companies that develop and market software and electronic content for business, education, entertainment and the Internet. SIIA was formed Jan. 1, 1999, as a result of a merger between the Software Publishers Association and Information Industry Association.

To meet the demands of the Information Age, virtually every business in every economic sector is undergoing a transformation that requires its workers to use modern workplace technologies to achieve higher levels of productivity. Unfortunately, not enough of these "high-performance" workers exist to meet increasing demand. As the Department of Commerce has estimated, hundreds of thousands of positions will continue to go unfilled in the next decade unless we improve our ability to build and sustain a modern, high-tech workforce.

Your proposal offers an important opportunity to focus national attention on this problem. It would amend the Internal Revenue Code to allow employers a credit against income tax for information technology training expenses paid or incurred by the employer. The credit would be an amount equal to 20 percent of training program expenses up to $6,000 a year. The credit would increase by five percent for expenses paid or incurred in programs operated in specific underserved locations.

The proposal complements bills enacted in 1998 that seek to improve the technical skills of high school students and adult learners, provide better training opportunities for incumbent and dislocated workers and ease immediate high-tech worker shortages by increasing the number of foreign workers allowed in the U.S. on a temporary basis. We strongly believe that passage of this legislation will signal a continued national commitment to creating new opportunities for American workers while addressing the urgent need to alleviate the undersupply of technology-proficient workers.

We look forward to working with you and your Senate colleagues to gain swift passage.

Sincerely,

KENNETH A. WASCH,
President.

AMERICAN SOCIETY FOR
TRAINING & DEVELOPMENT,
February 2, 1999.

Hon. KENT CONRAD,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR CONRAD: On behalf of the American Society for Training & Development (ASTD), I want to thank you for introducing legislation in the 106th Congress, that would offer employers income tax credits that can be used to offset IT training expenses.

ASTD is the largest professional association in the field of workplace learning and performance with 70,000 members who work in more than 15,000 multinational corporations, small and medium-sized business, government agencies, colleges and universities. ASTD works with the federal government as well as the business, labor and education communities to support public policies and programs that encourage continuous learning opportunities for all segments of the working population.

ASTD is a supporter of efforts to address the high-tech job shortage. This legislation will serve as a significant incentive for employer investment in continuing education while providing employees with an opportunity to maintain and improve skills in this rapidly advancing industry.

ASTD appreciates your support for this important tax credit. We look forward to working with you to move a bill forward.

Sincerely,

LAURA LISWOOD,
President and CEO.

INFORMATION TECHNOLOGY TRAINING
ASSOCIATION, INC.,
Austin, TX, February 22, 1999.

Hon. KENT CONRAD,
U.S. Senate,
Washington, DC.

Hon. JIM MORAN,
House of Representatives,
Washington, DC.

DEAR SENATOR CONRAD AND REPRESENTATIVE MORAN: The Information Technology Training Association (ITTA) congratulates and thanks both of you for introducing information technology training tax credit legislation in the U.S. Senate and House of Representatives. In 1999 alone, our 380 member companies will train over 5,000,000 U.S. workers on various IT topics. While most of our members are responsible for providing the actual training to corporations, we also represent various Fortune 1000 companies that conduct their own internal IT Training. More than ever, we know that the value of trained and skilled IT workers is crucial to the continued growth of the United States in their high-tech arena. Many of our members cite this as the number one problem facing their businesses today.

Our nation's most important asset is our people. It is important for the nation's economy to invest in the future of its citizens and businesses. The most productive and cost effective way to achieve that objective is to concentrate the federal investment in incentives that most effectively help citizens enter existing high-paying jobs. For that reason directing this incentive to areas where jobs already exist is a prudent decision. Industry studies have revealed that at least 340,000 high paying jobs are currently available. Since those receiving training will find jobs waiting for them when they finish their training, the country will immediately begin recouping its investment in the form of additional personal and corporate income taxes that would otherwise not be generated.

Tax credits are an efficient way to deliver incentives to small and medium-sized businesses, which typically are unable to afford the costs of IT training and lack the resources to keep up with paperwork required for other support programs. There is also a shortage of industry workers with technical/vocational IT skills. Many economically disadvantaged students and displaced workers enter the industry after completing single courses or series of technical courses in order to acquire the skills needed to become certified.

We also want to acknowledge our support for your decision to include the private-sector IT Training providers in this legislation. Due to the rapidly changing nature of technology, the private sector has led the way in developing successful training programs on the latest and most current technologies. Many of these companies have also partnered with software and hardware vendors to ensure that the training on their products is accurate and of a high quality. We believe that the only way to have an impact on the IT worker shortage is to include all providers of training: private and public.

Your legislation is a prudent, cost-effective, and user-friendly tool that will simultaneously help economically disadvantaged students and displaced workers, the companies in our industry, U.S. competitiveness, and our trade balance. We thank you for your leadership on this important issue.

Sincerely,

PETER SQUIER,
President.

COMPTIA PUBLIC POLICY COMMITTEE,
Arlington, VA, February 22, 1999.

Hon. KENT CONRAD,
U.S. Senate,
Washington, DC.

Hon. JIM MORAN,
House of Representatives,
Washington, DC.

DEAR SENATOR CONRAD AND REPRESENTATIVE MORAN: The Computing Technology Industry Association (CompTIA) congratulates and thanks both of you for introducing technology training tax credit legislation in the US Senate and House of Representatives. CompTIA represents 7,800 computer and semiconductor manufacturers, distributors, software publishers, resellers, retailers, Internet, long distance training and other service companies. We believe that productive investment in education and training are critical to maintaining US economic strength.

Our nation's most important asset is our people. It is important for the nation's economy to invest in the future of its citizens and businesses. The most productive and cost effective way to achieve that objective is to concentrate the federal investment in incentives that most effectively help citizens enter existing high-paying jobs. For that reason directing this incentive to areas where jobs already exist is a prudent decision. Industry studies have revealed that at least 340,000 high paying jobs are currently available. Since those receiving training will find jobs waiting for them when they finish their training, the country will immediately begin recouping its investment in the form of additional personal and corporate income taxes that would otherwise not be generated.

Tax credits are an efficient way to deliver incentives to small businesses, which typically are unable to afford the high costs of technology training and lack the manpower to keep up with paperwork required to qualify for other support programs. There is also a shortage of industry workers with technical/vocational IT skills. Many economically disadvantaged students and displaced workers enter the industry after completing single courses or series of technical courses in order to acquire the skills needed to become certified. CompTIA is currently assisting in school-to-work programs in over 100 high schools and assisting the Head Start program at the Department of Labor develop introductory IT certifications for their constituents.

Your legislation is a prudent, cost-effective, and user-friendly tool that will simultaneously help economically disadvantaged students and displaced workers, the companies in our industry, US competitiveness, and our trade balance. We thank you for your leadership on this important issue.

Sincerely,

ALAN P. HALD,
Chairman, CompTIA Public Policy Committee.

SUNDOG INTERACTIVE, INC.,
Fargo, ND, February 24, 1999.

PROPOSED LEGISLATION WOULD HELP HIGH-TECH STARTUPS

FARGO, N.D.—A shortage of high-tech employees has eclipsed job creation as one of the most pressing economic issues in many areas of the country, especially in rural states like North Dakota. A bill to be introduced by Sen. Kent Conrad would help high-tech startups train and retain highly-skilled information technology (IT) workers.

In North Dakota, the farm crisis is driving many young people out of the state, and economic conditions make it more difficult for companies to compete for top talent.

One company that has seen firsthand how difficult it can be to find and keep skilled IT workers is Fargo-based new media and software developer Sundog Interactive. As a high-tech startup in the heart of America's breadbasket, Sundog is forced to compete with much larger firms on a national level, not only for clients but also for talent.

"From the outside, Fargo might not seem like an ideal location to start a high-tech company," explains Brent Teiken, Sundog Interactive's cofounder and president. "But our community has three major colleges and universities and a large technical college, so we produce a high level of educated, skilled and motivated young people. Unfortunately, many of these bright minds leave the area after graduation because employers in larger metropolitan areas can offer higher salaries and better benefits. The tax credit legislation Senator Conrad is proposing should help level the playing field."

Sen. Conrad's bill would allow high-tech companies like Sundog Interactive to earn tax credits on the information technology training they provide employees.

"In the long run, everybody would win," Teiken says. "We already rely on our area universities for qualified interns. This legislation would provide an incentive to keep doing that—and the working capital to grow our company and offer more competitive salaries as a result. Students would gain real-world knowledge and experience they could take with them wherever they go. And more students would consider remaining in the state after graduation, since employers here would be able to afford better wages."

Teiken is scheduled to appear with Sen. Conrad at his press conference on Wednesday, February 24, 1999, in Washington, D.C., in support of the senator's proposed legislation. Teiken is also a member of the North Dakota Information Technology Council, a group Sen. Conrad helped organize to address IT concerns in the state.

To learn more about Sundog Interactive, visit the company's Web site at http://www.sundoginteractive.com. The News section of the site includes a feature story which provides Teiken's perspective on the future of information technology in the state.

CISCO SYSTEMS CEO CHAMBERS: HIGH-TECH TRAINING KEY TO PROSPERITY IN THE INTERNET ECONOMY

BI-PARTISAN SENATE BILL DEMONSTRATES U.S. LEADERSHIP

WASHINGTON, DC.—February 24, 1999—Cisco Systems CEO and President John Chambers today hailed a bi-partisan effort in the Senate to focus on high-tech job-training and education programs.

"As the Internet Economy takes shape, there is a critical need to prepare our workers for the jobs of tomorrow. There is already a shortage of skilled high-tech workers and more than 1.8 million new jobs will be created as the Internet Economy transforms our economy," said Chambers.

With these challenges ahead, Chambers praised lawmakers for ensuring that policymakers will address the pressing need for training and education.

"I salute Sen. Kent Conrad—along with Sen. Olympia Snowe, Sen. Dianne Feinstein, Sen. Barbara Boxer and others—for highlighting the need for the government and the private sector to partner to train workers for the Internet Economy," he added.

Cisco Systems, the worldwide leader in networking for the Internet, has already worked with Sen. Conrad on a number of high-tech initiatives, including the establishment of a Cisco Networking Academy in the State of North Dakota. The Cisco Networking Academy program, currently in 1,200 high schools across the country, teaches high-tech skills to students.

About 17,000 students are currently in the Networking Academy program and Cisco expects more than 2,000 students to graduate in 1999.

"The kind of training Sen. Conrad and his colleagues are encouraging through this legislation will allow students to learn skills needed for jobs in high-technology companies and help current employees to be retrained to meet the needs of 21st Century jobs," said Chambers.

GREAT PLAINS SOFTWARE,
Fargo, ND, February 23, 1999.

Re tax credit for information technology training expenses.

Senator KENT CONRAD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CONRAD: We have reviewed the legislation drafted and sponsored by yourself, along with Senators Feinstein, Boxer, Johnson, Daschle and Sarbanes which would provide tax credits to businesses that train workers in information technology skills. As the largest technology-based employer in North Dakota, we support this legislation. While benefit to our Company may be modest, smaller, start-up technology companies, especially those in rural areas of our state, should see substantial benefits.

As you know, American industry faces a severe shortage of information training (IT) professionals. Any legislation which addresses this issue is welcome.

Please feel free to note our Company's support of your legislation publicly.

Very truly yours,

DOUGLAS R. HERMAN,
General Counsel.

Mrs. FEINSTEIN. Mr. President, I rise today alongside my colleague from North Dakota in support of S. 456, the Information Technology Tax Credit bill, which provides employers with a tax credit for information technology training for their employees.

The purpose of this legislation is quite simple: To assist American companies which are having difficulty in recruiting skilled workers to fill positions in the information technology field.

Information technology—including computer programmers, systems analysts, computer scientists and engineers—is a critical ingredient in the growth of the U.S. economy as well as the economy of California. A field that barely existed a few decades ago, information technologies are now among the most important emerging technologies in the world.

Information technology now accounts for more than $500 billion a year to U.S. economy, and one-third of all new jobs created since 1992 are in computers, semiconductors, software, and communications equipment.

According to recent studies, "e-commerce" is projected to grow from $2.6 billion in 1996 to over $220 billion in 2001—explosive growth that will generate countless additional jobs.

And, just as important, many information technology jobs tend to be high value added, high-wage.

Last year California alone was responsible for sales of approximately $125 billion in high-tech production—almost than double 1992's $64 billion in sales.

Computer services—just one sector of the IT economy—have created 100,000 jobs in California in the past five years. There are now over 400,000 people in California employed directly in high-tech manufacturing jobs. When information technology business service jobs are added into the mix, there are currently over 700,000 information technology jobs in California, according to the Center for the Continuing Study of the California Economy.

And yet, despite this explosive growth—or perhaps because of it—America is simply not producing enough skilled and able workers to meet the needs of the information technology field.

Last year the Information Technology Association of America releases a study which estimated that there are more than 340,000 high skilled positions in the information technology field that are not filled.

And the Department of Labor has projected that our economy will require more than 130,000 information technology jobs in just three fields—computer scientists and engineers, systems analysts, and computer programmers—every year for the next decade.

One of the most sobering experiences of my Senate career occurred last year when I was told point blank by the CEO's of several large California high-tech companies that the United States is simply not producing a sufficient number of skilled and educated workers to fill the information technology positions that their companies need to fill if they were to be able to continue to grow and successfully compete in the international economy.

To meet the needs of these companies, last year Congress had to revise the cap on H1B visas to allow foreign professional and skilled workers who had the education and skills to fill these information technology positions to come to the United States.

While raising the H1B visa cap may meet the short term needs of these companies and of the economy, it is not a long-term solution to this problem.

To avoid the danger of a "hollowing out" the U.S. workforce we must invest more in the education and training of American workers so that they have the education and skills needed for the information technology jobs which make up the backbone of the new high-tech economy.

We must make sure that new workers entering the workforce have the skills they need to match with the jobs they want to be able to get. We must focus on retraining unemployed, older, and displaced workers, and encourage new partnerships between the IT industry and educational institutions. And we must reach out to those who have been left out to make sure that they have the training they need to join in our current economic prosperity.

To meet these needs, this legislation provides a tax credit for employers who offer information technology training for individuals, equal to 20 percent of the information technology training program expense, capped to $6,000 in a calendar year.

And, to help those who may have been excluded from the economy of today take their place in the economy of tomorrow, it provides a 5 percent increase in the value of the credit as an additional incentive for training in empowerment zones or enterprise communities.

The current strength of U.S. information technology industry comes, in large part, from a long and successful partnership between government, educational institutions, and industry.

This legislation builds on that partnership to both meet our current needs and to train the next generation of information technology workers, and to maintain the U.S. economy's strength and leadership in the twenty-first century.

By Mr. DURBIN (for himself, Mr. CHAFEE, Mr. SCHUMER, Mr. LAUTENBERG, Mr. TORRICELLI, Mr. REED, Mrs. BOXER, and Mr. DODD):

S. 457. A bill to amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes; to the Committee on the Judiciary.

THE PERMANENT BRADY WAITING PERIOD ACT OF 1999

Mr. DURBIN. Mr. President, I rise today with my colleagues Senators CHAFEE, SCHUMER, LAUTENBERG, TORRICELLI, REED, BOXER, and DODD to introduce the "Permanent Brady Waiting Period Act of 1999." It is vital that we enact this measure if we are to ensure Americans that the popular Brady Bill will continue to be one hundred percent effective.

Five years ago, Congress passed the Brady Bill. That law contained a provision that required a 5-day waiting period before a person can buy a gun. Unfortunately last November, the waiting period was eliminated when we begin using the national instant check system for gun purchasers.

I fully support the use of an instant check system to determine if a putative firearm purchaser is legally barred from owning a gun because of a criminal record. But I believe that it must be coupled with a cooling off period.

Let me briefly explain what this legislation would do. It would require that anyone who wishes to buy a handgun must wait three days. There are two exceptions to this requirement. First, if a prospective purchaser presents a written statement from his or her local chief law enforcement officer stating that the handgun is needed immediately because of a threat to that person's life or that of his family, then the cooling off period will not apply. Second, if a prospective purchaser lives in a state that has a licensing requirement—and there are 27 such states—then the federal cooling off period will not apply.

I think both of these are common sense exceptions. Obviously people who have a legitimate and immediate need of a handgun for self-defense should be able to buy one. And in the states that have licensing or permit systems, the process of getting a permit acts as a state cooling off period.

This measure also requires that when a person applies to buy a gun that the gun shop owner send a copy of the application to the local chief law enforcement officer. In addition, it alters the amount of time that the state or federal government has to investigate a potential purchaser who has an arrest record. Under the law that will go into effect on the first of December this year, if a person with an arrest record applies for a gun, law enforcement will have three days to determine if that arrest resulted in a conviction. The measure we introduce today would give law enforcement five days.

Mr. President, let me walk you through the process of buying a gun if this law were in place.

If you are in a state that does not have a permit system in place, then you go into a store and fill out a purchase form. A copy of that form will be sent to the Insta-Check point of contact for your state and a copy will also be sent to the chief law enforcement officer for where you live. You will then need to wait three days whereupon, assuming that you do not have a criminal record or any of the other disqualifying characteristics, you will be able to pick up your gun.

If on the other hand, when the Insta-Check is run, the FBI learns that you were arrested, then you will have to wait at least 5 days. That five days will be used to determine if the arrest resulted in a conviction. If it did not, then after 5 days you can get your gun. If you were arrested and convicted then you cannot get your gun and may be prosecuted.

Enacting this law is only sensible. A cooling off period may be the only barrier between a woman and her abusive husband whose local restraining order doesn't show up on a computer check or the only obstacle in the way of a troubled person planning to commit suicide and take others with them. A cooling off period will prevent crimes of passion and spontaneous suicides. The list of people who have bought guns and used them within a few hours or a day to kill themselves or others is far too long.

A recent study by the Center to Prevent Handgun Violence demonstrates a disturbing trend that reinforces the need for a cooling off period. Normally, 4 to 5 percent of all crime guns traced by the police were used in murders. But the study found that 20 percent of all guns traced within 7 days of purchase were used in murders. That is a startlingly high incidence of guns being bought and used very soon thereafter to commit a murder.

But this measure has a second, equally important justification.

That the Insta-Check system is in very good shape, but it will never be perfect. For example, it will not have a lot of mental health records. And it is unlikely to have information like restraining orders entered in domestic violence cases. Letting local law enforcement know about a potential gun purchase is a good idea—the local sheriff may know that a person trying to buy a gun has a restraining order while the FBI's Insta-check computer might not. In short, then, this bill will help serve as a fail safe mechanism for the Insta-Check system. I for one do not want to learn a year from now that someone got a gun and used it to harm someone else when a simple check of local records in addition to the Insta-Check would have revealed that the purchaser had a history of mental instability.

Making the Brady waiting period permanent is not about more government. It's about fewer gun crime victims. I hope that we can all agree on this goal. Thank you.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Permanent Brady Waiting Period Act of 1999".

SEC. 2. ESTABLISHMENT OF MINIMUM 72-HOUR HANDGUN PURCHASE WAITING PERIOD.

Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "before the completion of the transfer, the licensee" and inserting "after the most recent proposal of the transfer by the transferee, the licensee, as expeditiously as is feasible,"; and

(ii) by inserting "and the chief law enforcement officer of the place of residence of the transferee" after "Act";

(B) in subparagraph (B)(ii)—

(i) by striking "3" and inserting "5"; and

(ii) by striking "and" at the end;

(C) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(D) if the firearm is a handgun—

"(i) not less than 72 hours have elapsed since the licensee contacted the system;

"(ii) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of a member of the household of the transferee; or

"(iii) the law of the State in which the proposed transfer will occur requires, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, that an authorized State or local official verify that the information available to the official does not indicate that possession of a handgun by the transferee would be in violation of the law, and the authorized State or local official has provided such verification in accordance with that law."; and

(2) by adding at the end the following:

"(7) In this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer of a law enforcement agency, or the designee of any such officer.

"(8) A chief law enforcement officer who is contacted under paragraph (1)(A) with respect to the proposed transfer of a firearm shall, not later than 20 business days after the date on which the contact occurs, destroy any statement or other record containing information derived from the contact, unless the chief law enforcement officer determines that the transfer would violate Federal, State, or local law.

"(9) The Secretary of the Treasury shall promulgate regulations regarding the manner in which information shall be transmitted by licensees to the national instant criminal background check system under paragraph (1)(A).".

Mr. CHAFEE. Mr. President, today, Senator DURBIN and I are introducing "Permanent Brady," which would establish a mandatory three-day cooling off period before the purchase of a handgun.

I am under no illusion that Permanent Brady will cure the problem of handgun violence. But I do believe a waiting period helps. Prior to enactment of the Brady law, in some States, an individual could walk into a gun store and walk out with a handgun a few minutes later. Sure, the individual had to fill out a form certifying that he or she had not been convicted of a felony and is not mentally incompetent. But that form was meaningless until the police had a chance to check to see if the information provided was accurate. Now, the FBI has instituted an insta-check system, which is working well. But a permanent three-day waiting period gives local police the chance to conduct a check that could turn up information not known to the FBI. For example, local police could be aware of a restraining order against an individual for domestic violence, or could be aware of a potential gun purchaser's mental instability.

A waiting period also can help prevent people temporarily under the influence of powerful emotions, drugs, or alcohol from obtaining a handgun on impulse, thereby giving them a time to "cool off" and reconsider before they do something rash.

Last November the five-day waiting period established by the Brady Law was phased out and replaced with the NICS—National Instant Check System. Establishment of a nationwide instant background check is a good step, but I do not believe that an instant check renders a waiting period unnecessary. The bill we are introducing today would restore the waiting period.

By Mr. HAGEL (for himself, Mr. BAYH, Mr. LOTT, Mr. BENNETT, Mr. GRAMS, Mr. KERREY, Mr. JOHNSON, Mr. DEWINE, Mr. CONRAD, Mr. INHOFE, Mr. MURKOWSKI, Mr. BROWNBACK, Mr. BRYAN, Mr. ROBERTS, and Mr. BURNS):

S. 458. A bill to modernize and improve the Federal Home Loan Bank System, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FEDERAL HOME LOAN BANK SYSTEM MODERNIZATION ACT OF 1999

● Mr. HAGEL. Mr. President, I rise today to introduce the Federal Home Loan Bank System Modernization Act of 1999. I am joined in this effort by my distinguished colleagues Senators BAYH, LOTT, BENNETT, GRAMS, KERREY, JOHNSON, DEWINE, CONRAD, INHOFE, MURKOWSKI, BROWNBACK, BRYAN, ROBERTS, and BURNS. While we've made a few improvements, this is essentially the same legislation I introduced during the 105th Congress.

The bill has the formal support of the American Bankers Association, the Independent Bankers Association of America, America's Community Bankers, the Council of Federal Home Loan Banks, and the National Association of Home Builders. Equally important, we have the support of the regulator, the Federal Housing Finance Board.

The bill's main objective is to strengthen local community banks that are vital to the economic growth and viability of our communities. The Federal Home Loan Bank System Modernization Act of 1999 would ensure that, in an era of banking megamergers, smaller banks are able to compete effectively and continue to serve their customers' lending needs.

Community banks are finding that, for a variety of reasons, their funding sources are shrinking. This makes it more difficult to fund the loan demands in their communities. During the 1980s in my state of Nebraska—as in much of America—many community banks and thrifts closed. As local credit dried up, local economies stagnated. Small businesses, our greatest engines for job growth, were the first to feel the crunch.

The Federal Home Loan Bank System Modernization Act of 1999 strengthens community banks in order to avoid a repeat of the 1980s. By ensuring the viability of the community bank and thrift, our bill will keep credit flowing to small businesses, farmers, and potential homeowners—and help our local communities to thrive as we enter the 21st Century.

There is plenty of evidence that small banks are facing growing deposit pressures. This problem has two causes: First, banks and thrifts are competing for deposits with brokerage firms and mutual funds—and local institutions are losing. That means that deposits that used to go to local institutions and were used for local lending are now going to major financial institutions outside the community.

Second, we have an aging population in many rural communities. When a farmer dies, his inheritance goes to his children—who often have left the community. That means money flows out of the community—out of local financial institutions—and is no longer available for local economic development.

These two factors mean less deposits in local banks. That means less local capital available for local loans. Less economic development. Less opportunity. And this problem won't fix itself—most of these local institutions are too small to go to the capital markets on their own.

This is where the Federal Home Loan Banks can make a real difference. The

Home Loan Banks can be a critical source of liquidity for community banks and thrifts. I tend to focus on rural America because that is where I come from—but liquidity problems can be equally serious in urban areas. The Federal Home Loan Banks are an important tool for providing credit to consumers no matter where they live.

A related problem our bill addresses is government subsidized competition with the private sector. Commercial banks compete with credit unions that pay no taxes and, therefore, have a lower cost of funding. The same can be said of the Farm Credit System. Its connection to the federal government gives it a funding advantage over commercial banks. The purpose of this legislation is not to drive the Farm Credit Banks or credit unions out of business—they play a vital role in our country. The purpose is to allow the Federal Home Loan Banks to help level the playing field for commercial banks and thrifts that must compete with these entities.

I want to provide you with a real world example: the case of Commercial State Bank in Wausa, Nebraska. Commercial has served northeast Nebraska as an agricultural and business lender for more than 70 years.

Now, with a growing economy in the region, the bank is growing as well. In the small community of 600 people, deposits can't keep pace with the growing demand for loans—and that means the bank's liquidity is declining. With less liquidity, there just isn't as much money available for lending as the community demands.

This bill would help banks like Commercial and communities like Wausa. As Doug Johnson, president of Commercial State Bank, wrote to me about this legislation:

> If banks like Commercial State Bank were able to access the Federal Home Loan Bank, our customers would be better able to be serviced with a consistent and competitive source of funding. Denying credit to qualified borrowers is not productive for Nebraska or the Midwest. Unfortunately, those borrowers may miss the opportunities available to them at this time to improve their economic prosperity.

Mr. President, that's what this bill is all about—helping communities to better secure their economic futures.

The Federal Home Loan Bank system was established in 1932, primarily to provide a source of credit to savings and loan institutions for home lending. Now, a majority of the members in the FHLB system are commercial banks. We should update this system to recognize this change in its membership.

Not since 1989 has significant Federal Home Loan Bank legislation become law. The system is working well, but I believe Congress can make it better. It's time for Congress to act.

This legislation has five main components:

First, our legislation would ease membership requirements for smaller community banks and thrifts that are vital sources of credit in their local communities. It would allow the FHLB System to be more easily accessed as an important source of liquidity for community lenders. These institutions would be permitted to post different types of collateral for various kinds of lending. This critical change will facilitate more small business, rural development, agricultural, and low-income community development lending in rural and urban communities.

The second main component of this bill is an issue of basic fairness. Federally chartered savings associations, or thrifts as they are called today, are required to be members of the Federal Home Loan Bank system. Commercial banks, on the other hand, are voluntary members. This disparity is unfair.

Our legislation allows federally chartered thrifts to become voluntary members. This is important to these institutions, which are large stockholders in the Federal Home Loan Bank System. It is critical that all member financial institutions have the ability to choose whether Federal Home Loan Bank membership is appropriate or not. As a result of this action, we also equalize stock purchase requirements for all member institutions. We do this in a way that maintains and enhances the safety and soundness of the FHLB system.

The third component of this legislation fixes an imbalance in the system's annual REFCORP obligation. Currently, the 12 FHLBanks must collectively pay a fixed $300 million obligation to service the REFCORP bonds that were issued to help pay for the S&L bailout. This fixed obligation has driven the banks to increase their levels of non-mission-related investments.

Under our legislation each FHLBank would be required to pay 20.75 percent of its earnings to service the REFCORP debt. Freeing the FHLBanks of the obligation to generate a specific dollar figure would allow them to concentrate on their primary mission of housing finance and community lending. The Congressional Budget Office has indicated this change could bring in an additional $795 million over ten years to the U.S. Treasury. In other words, we have protected the taxpayer from picking up any additional cost of the S&L bailout.

Fourth, the legislation addresses the issue of devolution of management functions from the Finance Board to the FHLBanks. On issues of day-to-day management, the FHLBanks should be able to govern themselves independently of their regulator. The function of the Finance Board should be mission regulation and safety-and-soundness regulation. The provisions of the legislation that accomplish this goal are non-controversial and enjoy broad support. In fact, they follow the recommendations of a recent General Accounting Office study.

Finally, this legislation reforms the capital structure of the Federal Home Loan Bank system. Current law (established in 1932) dictates that the level of FHLBank capital is determined by the size and mix of a FHLBank's member assets, not by any rational capital standards. The result is the FHLBanks' capital levels don't reflect the risk profile of their lending activities. Furthermore, the FHLBanks' capital lacks permanence because it is withdrawable by members upon termination of their membership.

Our bill changes the existing capital rules to include a risk-based capital requirement and a permanent capital requirement which ensures the FHLBanks maintain capital levels appropriate to the risk of their business activities. The new plan also encourages the FHLBanks to build up their retained earnings which act as an additional buffer and protection to the U.S. taxpayer.

Mr. President, it's time to modernize the Federal Home Loan Bank System. The landscape of the financial services industry is rapidly evolving. The Federal Home Loan Banks should be allowed to modernize to keep pace with these changes. I am grateful to Senator BAYH, the principal cosponsor of the legislation, for his help in this endeavor. I am also grateful to the other cosponsors who have lent their names to this effort. Today, Congressmen BAKER and KANJORSKI are introducing the companion bill in the House of Representatives. Both are tireless proponents for Federal Home Loan Bank modernization and their help in the formulation of this legislation was critical.

I sincerely hope the Senate Banking Committee and the full Senate will have the chance to consider this important legislation, and I encourage my colleagues to support it.•

• Mr. BAYH. Mr. President, I rise this afternoon to join with my colleague Senator HAGEL to introduce the Federal Home Loan Bank System Modernization Act of 1999. We are joined in this endeavor by Senators LOTT, KERREY, BENNETT, BRYAN, JOHNSON, GRAMS, CONRAD, BURNS, BROWNBACK, DEWINE, MURKOWSKI, ROBERTS, and INHOFE.

Let me begin by expressing my thanks and appreciation to Senator HAGEL for spearheading this reform effort over the past two years. The Home Loan Bank System is not something that is on the lips of every Senator or every constituent and I commend him for mastering this difficult subject and for devising some changes that will allow this somewhat-obscure system to have a tangible positive impact upon the lives of people who might not even be aware that the system exists.

Mr. President, the core element of our legislative proposal today would be to allow community banks—defined as those institutions with assets of less than $500 million—to access the low cost capital of the Home Loan Bank System in order to make loans to small businesses, farmers and other types of loans that benefit their community.

These small banks generally serve rural communities and small cities. The plain fact is that while, overall, the national economy is robust, there is still demand for credit and capital in rural communities that cannot be met by the existing financial structure. These communities, unfortunately, do not always attract the attention of the large banks and securities firms that have come to dominate the financial landscape. And since the community banks that serve these communities are constrained in the amount of lending they can do by the amount of deposits that they can raise from a limited geographic area, fueling economic growth requires us to develop additional sources of private sector funding.

By opening up the Home Loan Bank System to these small, community banks, this legislation will, hopefully, not only allow the banks to meet the loan demand of their town or small city, but will also have the added effect of keeping interest rates down—or even lowering those rates—for these kind of loans.

Let me also emphasize, Mr. President, that these benefits will accrue to these communities without a single dime of taxpayer money. Making these changes to the Home Loan Bank System frees up access to capital using existing private sector mechanisms.

Mr. President, let me briefly outline why it is necessary for Congress to modernize the Federal Home Loan Bank System, and why opening up the system to these small banks is consistent with the mission that Congress endowed the system with in 1932.

The Federal Home Loan Bank System was created in 1932 to serve as a public/private mechanism that would both regulate the thrift (S&L) industry and would help the industry obtain low-cost capital for the purpose of making home mortgages (at the time, the primary mission of Savings & Loans). Borrowing by the individual home loan banks is backed by the full faith and credit of the U.S. Government, thus allowing them to borrow at the lowest possible rates. In turn, the bank makes that money available to its members in the form of "advances."

In 1989, as part of the clean-up of the S&L crisis, the Home Loan Bank System was dramatically changed. It was stripped of its regulatory authority (which was transferred to the newly created Office of Thrift Supervision) and of its authority to administer the deposit insurance fund (called FSLIC at the time and which was transferred to the FDIC which now administers the SAIF). The banks retained authority to provide low-cost capital to the thrift industry, though membership was also opened up to commercial banks. A Federal Housing Finance Board was created specifically to make sure that the activities of the 12 banks—which were still controlled by their members—conformed to safety and soundness regulations.

The Banks were also required to buy REFCORP bonds. As a result, the banks must pay a total of $300 million each year out of their earnings. The banks must also pay $100 million each year as part of the Affordable Housing Program. The REFCORP formula required a payment of a certain percentage of each banks annual earnings; if that failed to meet the annual $300 million payment, a further allocation system went into place with the heaviest burden placed on those banks with the greatest number of S&L failures.

This legislation keeps in place all of the safety and soundness regulations put into place by FIRREA and FDICIA. But it would reform some of the basic management of the individual banks so that basic administrative decisions are placed in the hands of the men and women running the bank, rather than emanating from the Finance Board here in Washington. The bill also seeks to rationalize the capital structure of the individual banks so that the need to engage in non-advance investments is reduced and so that banks' capital reserves are secured by permanent—rather than tradeable—stock.

With the rise of the secondary mortgage market—primarily driven by Fannie Mae and Freddie Mac—and the entry of other entities like mortgage brokers into the mortgage market, many people have been looking for ways to allow the banks to play a more relevant role in today's society. Expanding the Home Loan Banks ability to provide low-cost capital to the smallest banks in principally rural areas is both a benefit to the banks and to communities that are still experiencing a credit crunch.

In 1932, Congress correctly surmised that creating funding for housing was the cornerstone of rebuilding towns, villages and cities gripped in the vise of the Great Depression. Today, with the housing market flush with capital, it is appropriate for Congress to use this longstanding tool of community development—the Federal Home Loan Bank System—to address the pressing and serious capital needs of rural America.

I urge my colleagues to join with Senator HAGEL and myself to work towards enactment of this important legislation.●

By Mr. BREAUX (for himself and Mr. HATCH):

S. 459. A bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds; to the Committee on Finance.

THE STATE AND LOCAL INVESTMENT OPPORTUNITY ACT OF 1999

● Mr. BREAUX. Mr. President, I am pleased to introduce today with my colleague, Senator HATCH, an important bill that will assist states and localities in working with private industry to foster economic development and provide home ownership opportunities to low-income Americans. Specifically, our bill will increase the private activity tax-exempt bond cap to $75 per capita or $250 million, if greater, and index the cap to inflation.

Congress created the private activity tax-exempt bond decades ago to apply to mortgage revenue bonds and other bonds for multifamily housing, redevelopment of blighted areas, student loans, manufacturing, and hazardous waste disposal facilities. However, Congress unintentionally restricted the growth of this program by imposing a cap on the bond volume of $50 per capita or $150 million that was not indexed to inflation. The resulting erosion in purchasing power has crippled the ability of states to meet the growing demand for these bonds.

Congress took an important step to correct this problem in the Fiscal Year 1999 Omnibus Appropriations bill by approving a partial, phased-in increase in each state's bond cap. The bond cap will be increased by $5 per capita beginning in 2003. The volume limit will reach $70 per capita, or $210 million if greater, in 2006. Unfortunately, inflation will have reduced the purchasing power of these bonds by nearly thirty-three percent by the time the volume cap increase is fully phased in.

Tax-exempt bonds are issued by state and local governments to provide below market interest rates to fund authorized programs and projects. Revenue bond investors accept lower interest from these bonds because the interest income is tax-exempt. For example, mortgage revenue bonds are issued to help lower income working families buy their first homes. These low interest loans significantly lower the cost of owning a home.

In my own state, the Louisiana Housing Finance Agency has issued over $1.1 billion in mortgage revenue bonds for almost 16,000 affordable home mortgages since the program began. In 1996 alone, the agency issued over $112 million in mortgage revenue bonds for nearly 1,200 home loans. That's 1,200 Louisiana families who now know the pride of owning their own home—Louisiana families that earned, on average, less than $28,000 last year. The Louisiana Housing Finance Agency estimates that it could have put another $50 million in bond authority to good use. Nationwide, states could have used an additional $7 billion in bond cap for mortgage revenue bonds, student loan bonds, industrial revenue bonds, pollution control bonds and other worthy investments.

Student loan bonds are also issued to raise a pool of money at tax-exempt interest rates resulting in lower interest rate college loans. In my state, the Louisiana Public Facilities Authority has issued $745 million in student loan bonds since 1984. These bonds have funded over 80,000 college loans for deserving Louisiana students—students who otherwise might not have been able to afford to attend college.

In Louisiana, the roughly $40 million of remaining 1997 volume cap will not come close to fulfilling the $330 million of demand for these bonds. The total 1997 volume cap for Louisiana was $217,500,000. After funding minimal housing and student loan needs, little volume cap remains available for industrial development bonds for manufacturing purposes. Many of the industrial and manufacturing facilities create substantial employment opportunities. Unfortunately, a deficiency in volume cap limits these opportunities.

Our bill will correct this woeful situation and improve the ability of states and localities to provide home ownership opportunities to low-income families throughout the United States, to help fund student loans for college students and to help finance industrial and manufacturing facilities. These facilities will, in turn, increase employment and the tax base of local governments. I urge my colleagues to join me and Senator HATCH in this effort.●

Mr. HATCH. Mr. President, I am pleased to introduce with my good friend Senator BREAUX the "State and Local Investment Opportunity Act of 1999." This legislation would first, raise the annual limit on States' authority to issue their own tax-exempt "Private Activity" Bonds to the greater of $75 times population or $225 million and, second, index the limit to inflation.

Tax-exempt Private Activity Bonds finance much needed municipal services, student loans, affordable housing, and economic development.

In my home State, the Utah Housing Finance Agency has financed first-time homes for nearly 41,000 working families with Mortgage Revenue Bonds. In addition, multifamily housing bonds have financed almost 3,300 affordable apartments. Both of these bonds are subject to the cap.

However, many more Utah families still need the housing help that these bonds provide. According to the National Council of State Housing Agencies, demand in Utah for these bonds and other Private Activity Bonds more than doubled supply. Nationwide, demand for bond authority exceeded supply by almost 50 percent in 1997.

The current bond limit is the greater of $50 times population or $150 million. Cap growth is restricted by State population growth, which has been less than 5 percent nationwide over the past decade. During the same period, inflation has sliced bond purchasing power nearly in half, as measured by the Consumer Price Index.

Last year's Omnibus Appropriations Act included a partial, phased-in bond restoration among its limited tax provisions. However, the increase will not become effective until 2007. By then, nearly one-third of the purchasing power of Private Activity Bonds will have been lost even with the phase-in.

Bond restoration has strong bipartisan support. A majority of the Senate, and nearly three quarters of the House, cosponsored full restoration and indexation in the 105th Congress. Furthermore, three-quarters of the House, including nearly three-quarters of the Ways and Means Committee, cosponsored identical House legislation.

The Nation's governors and mayors, along with other State and local groups, and the public finance community strongly support full bond cap restoration.

I encourage my colleagues to cosponsor the "State and Local Investment Opportunity Act of 1999," so that their States can continue to make vital investments in their citizens and communities.

S. 460

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF ROBERT K. RODIBAUGH UNITED STATES BANKRUPTCY COURTHOUSE.

The United States courthouse located at 401 South Michigan Street in South Bend, Indiana, shall be known and designated as the "Robert K. Rodibaugh United States Bankruptcy Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert K. Rodibaugh United States Bankruptcy Courthouse".

By Mr. HATCH (for himself, Mrs. FEINSTEIN, and Mr. MCCONNELL):

S. 461. A bill to assure that innocent users and businesses gain access to solutions to the year 2000 problem-related failures through fostering an incentive to settle year 2000 lawsuits that may disrupt significant sectors of the American economy; to the Committee on the Judiciary.

YEAR 2000 FAIRNESS AND RESPONSIBILITY ACT

Mr. HATCH. Mr. President, I am pleased to introduce the "Year 2000 Fairness and Responsibility Act." This bill addresses what is popularly known as the "Y2K Problem" or the "Millennium Bug." It is supported by over 85 industry organizations and is important to the state of Utah, our nation's fastest growing high-tech state.

Due to a simple decision years ago to save space on computer punch cards, many computers and electronic devices around the world still express years in only two digits. As a result, these computers will be incapable of making a smooth transition to the next millennium. Technicians and economists have predicted that this problem, if not corrected in time, could result in either a recession or at least serious economic dislocation.

Over the last several years, the U.S. government and the private sector have made great strides in aggressively targeting the technology side of the Y2K problem. Although there remains much to do, many critical areas have already been addressed.

Last year, a unanimous Congress passed a bipartisan Senate Judiciary Committee-reported bill that unleashed the genius of the American private sector by fostering the sharing of remedial information on the Y2K problem. Prior to the bill's passage, various businesses were fearful of being sued if they shared corrective and other information concerning the Y2K problem. In essence, the bill insulates statements about Y2K information and solutions from being used as admissions in a court of law. This legislation has spurred solutions to the Y2K problem by increasing the amount of information available to address the Y2K challenge.

But while this first step was important, additional reforms are needed to aid innocent users and manufacturers and to nurture an environment where solutions to the Y2K problem will be forged. Last year's advances are threatened by frivolous Y2K lawsuits—which will disrupt and perhaps even cripple our courts, our high-tech industry, and thousands of businesses, large and small, around our nation. Indeed, one respected analyst recently estimated that the world-wide cost of Y2K-related litigation would be a staggering one trillion dollars.

The anticipated flood of lawsuits from those affected by the Y2K crisis may very well impede the progress we have been making in solving the problem. Companies of every variety will be forced to devote precious resources to litigation rather than to repairing and preventing computer problems, and many of these companies may even go bankrupt as a result. Our courts could very well be deluged with lawsuits, clogging the arteries of justice. These consequences must be addressed.

The legislation introduced today will ameliorate the Y2K dilemma in a fair and reasonable manner. One of the main features of this new Y2K bill is that it provides for a problem-solving, cooling off period before Y2K-related litigation may commence. The problem-solving period is designed to allow prospective plaintiffs an opportunity to describe the nature of the problem of which they seek legal remedy and give the prospective defendants an opportunity to respond and, if necessary, correct any material Y2K defect.

The parties may be able to resolve their disputes during the mediation period, thus forestalling the need for costly and time-consuming litigation. Correspondingly, the bill establishes an alternative dispute resolution mechanism to resolve private disputes and avoid litigation.

Of particular significance is the bill's limitations on damages. The bill limits punitive damages in Y2K-related suits to three times economic damages or $250,000, whichever is greater, or, if a small business is a defendant, whichever is lesser. This and other provisions will prevent frivolous lawsuits while preserving the ability of the truly injured to recover damages and to deter future abuses.

The bill also remediates potential problems arising out of Y2K-related class suits. Class action cases are currently a source of abuse, and this bill seeks to limit such abuses by allowing class actions to proceed only if a majority of class members' claims involve material defects relating to Y2K problems. Thus, as a practical matter, specious class action suits are barred.

The purpose of our bill is clear—to promote and increase the chances that innocent users and businesses gain access to solutions to the Y2K problem. And while the purpose is clear, we recognize that the solution is not simple, We have worked to produce a fair, reasoned bill that preserves the rights of all parties to settle disputes, but will help avert the potential disasters awaiting us if we choose not to act.

This bill reflects the high levels of cooperation and broad consensus that large manufacturers, small businesses, the telecommunications industry, the information technology industry, electric utilities, and professional associations have been able to achieve. They are all to be commended for their efforts in supporting this vitally important legislation.

Let me explain the bill in more detail.

I. PURPOSE OF THE BILL

The bill's main purpose is to promote Y2K readiness and problem-solving by discouraging a wasteful diversion of resources that would otherwise support readiness and problem-solving toward Y2K-related litigation. Such a costly diversion of resources could exacerbate the risk of nationwide economic dislocation that the Y2K problem poses. Accordingly, the bill aims to prohibit Y2K-related litigation but to impose a slight delay in its commencement so as to promote resolution of Y2K problems and disputes without resort to litigation. I believe this will benefit plaintiffs, defendants, consumers, businesses, and innocent users. We want to create an environment when people think, "Let's try to solve it" before they say, "Let's sue them."

II. SUMMARY OF THE BILL'S PROVISIONS

Pre-litigation Remediation Period (§101):

If a person aggrieved by a year-2000-related (Y2K-related) problem wants to file a lawsuit based on that problem, he must first provide the prospective defendant, at least 90 days before filing suit, with notice regarding how the Y2K defect manifests itself, what injury he suffered or risk he bore as a result, and what relief he seeks. The only exception to this mandatory 90-day remediation period is if the prospective plaintiff is party to a contract that provides for a period of delay before suit for breach of contract may commence. In that case, the contract's waiting period prevails over the bill's.

If the prospective plaintiff fails to give notice to the prospective defendant, as outlined above, and sues anyway, the defendant can treat the plaintiff's lawsuit itself as a substitute notice, thus triggering the 90-day remediation period. If the 90-day remediation period is triggered by an actual lawsuit (instead of the notice) all discovery will be stayed and pleading deadlines will be tolled for the duration of the period.

The bill imposes responsibilities on prospective defendants as well as plaintiffs. If a defendant has been given notice, as outlined above, he must respond to this notice within 30 days of receiving it. In this response, the prospective defendant must state in writing his acknowledgement of receipt of the notice and what actions he will take or has taken to address the Y2K problem identified in the plaintiff's notice. Even if the plaintiff has not given notice and the defendant treats his actual lawsuit as substitute notice, the defendant must still respond to that notice within 30 days with all required particulars.

If the defendant fails to respond to the plaintiff's notice, then the remediation period terminates at the expiration of the defendant's 30-day response deadline; the lawsuit can then proceed.

Also of particular significance, the 90-day remediation period may be extended as part of mutual agreement of the parties to engage in alternative dispute resolution. See §102(a).

Pleading Requirements (§103):

The bill requires all Y2K plaintiffs seeking money damages to make a detailed statement in their lawsuits of the nature and amount of the damages they seek to recover, specific facts that form the basis for calculating those damages, and how material Y2K defects manifest themselves. In addition, if the claim being pursued requires proof that the defendant acted with a particular state of mind, the plaintiff must "state in detail the facts giving rise to a strong inference that the defendant acted with the required state of mind."

The bill allows the court to dismiss a Y2K lawsuit that fails to meet the above pleading requirements. However, the plaintiff can re-file his lawsuit with the required detailed statements and still get a chance to pursue his claim.

Duty to Mitigate (§104):

This provision codifies the common-law rule that bars recovery of damages for injuries that the plaintiff could reasonably have been avoided.

Evidence of Reasonable Efforts and Contract Defenses (§202(a)):

This provision allows a defendant, "for the purpose of limiting or eliminating the defendant's liability," for breach of contract to offer evidence that his performance was "reasonable in light of the circumstances." This would overcome any objection, based on Federal or State rules of evidence, that evidence of such reasonable-efforts performance is irrelevant to the issue of breach. Also, this provision expressly preserves the common-law and Uniform Commercial Code defenses of impossibility and impracticability.

Contract Damages Limit (§203):

Contract damages are limited either to those provided for in a liquidated damages clause or by operation of law that governed the contract's interpretation at the time of contract formation. This does not alter present-day contract law. Rather, it is designed to preempt any State's attempt to change its contract law relating to Y2K problems after the contract that is the subject of the lawsuit was entered into.

Proportionate Liability in Tort Cases (§301(b)):

This provision essentially codifies the tort doctrine of pure comparative negligence in that it requires the court to assign a percent share of liability to each person determined to have caused or contributed to the plaintiff's loss in proportion to the relative fault of each. Personal injury cases are exempt from this provision.

State of Mind and Foreseeability Requirements in Tort Cases (§302):

This provision establishes a heightened state-of-mind element for three types of lawsuits: For fraud and negligent misrepresentation cases, the plaintiff must, in addition to proving all other elements of the claim, prove by clear and convincing evidence that the defendant "actually knew, or recklessly disregarded a known and substantial risk, that [a Y2K] failure would occur." For cases that require proof of gross negligence or recklessness, the plaintiff must, in addition to proving all other elements of the claim, prove by clear and convincing evidence that the defendant "actually knew, or recklessly disregarded a known and substantial risk, that plaintiff would suffer [actual or potential] harm. For ordinary negligence cases, the plaintiff must, in addition to proving all other elements of the claim, prove by clear and convincing evidence that the defendant "knew or reasonably should have known that its actions would cause harm to the plaintiff."

Reasonable Efforts Defense in Tort Cases (§303):

Under this provision, a plaintiff may not recover simply by showing that a Y2K failure occurred in something that was under the control of the defendant. This is intended to avoid a defendant being held strictly liable for harm caused by a Y2K failure. Also, the bill provides the defendant with a complete defense to liability if he can show that he took reasonable efforts under the circumstances to prevent the Y2K failure or its attendant damages. Breach of contract cases are exempt from this provision.

Tort Punitive Damages Limit (§304):

This provision limits punitive damages to either: (1) lesser of three times actual damages or $250,000 for individuals whose net worth is $500,000 or less and for small businesses; or (2) the greater of three times actual damages or $250,000 for all other defendants.

Limit on Economic Loss Recovery in Tort Cases (§305):

This provision essentially codifies the common-law economic loss doctrine found in section 766C of the Restatement of Torts. Accordingly, the provision allows recovery of economic losses only when permitted by statute or judicial decision and (1) where permitted under a contract to which the plaintiff is a party; (2) where permitted under applicable law that governed interpretation of the contract at the time of contract formation; (3) when they are incidental to a Y2K-related personal injury claim; or (4) when they are incidental to a Y2K-related property damage claim.

Liability of Officers and Directors (§306):

This provision limits the personal liability of corporate officers and directors to the greater of $100,000 or the amount of cash compensation such officer or director received in the year preceding the act or omission for which he was found liable. This limitation on personal liability does not apply where it is proven by clear and convincing evidence that the officer or director specifically intended to harm the plaintiff by (1) intentionally making materially misleading statements on which the plaintiff relied or (2) intentionally withholding material information regarding a Y2K failure that he had a duty to disclose. This provision expressly does not pre-empt State law on liability of officers and directors.

Class Action Requirements:

Regarding Y2K-related class suits, the bill allows these actions to proceed only if a majority of class members' claims involve material Y2K defects. Also, only those individuals who have actual notice, as certified by the court, of the suit are entitled to join the class, unless they inform the court in writing prior to commencement of trial or entry of judgment of their desire to join the class.

Finally, the bill changes the requirements of Federal jurisdiction for Y2K-related actions in three respects: (1) there is no amount in controversy requirement for Federal diversity jurisdiction; (2) diversity of citizenship can be established as to any member of the class, not just the named members; and (3) plaintiffs as well as defendants can remove Y2K-related actions from state court to Federal court.

In conclusion, Mr. President, I want to emphasize that the Y2K problem is not a partisan issue. This is a bipartisan, fair bill. We must all work together—now—to ensure that a rush to the courts does not cripple the ability of American businesses to solve the Y2K problem swiftly, efficiently, and without unnecessary distractions. The real beneficiaries of this bill will be individual consumers and businesses, the engine of the American economy. I ask my colleagues to support this worthwhile legislation.

I ask unanimous consent that the bill in its entirety be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Year 2000 Fairness and Responsibility Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings, purposes, and scope.
Sec. 3. Definitions.

TITLE I—PRELITIGATION PROCEDURES FOR YEAR 2000 CIVIL ACTIONS

Sec. 101. Pre-trial notice.
Sec. 102. Alternative dispute resolution.
Sec. 103. Pleading requirements.
Sec. 104. Duty to mitigate.

TITLE II—YEAR 2000 CIVIL ACTIONS INVOLVING CONTRACTS

Sec. 201. Contract preservation.
Sec. 202. Evidence of reasonable efforts and defenses.
Sec. 203. Damages limitation.

TITLE III—YEAR 2000 CIVIL ACTIONS INVOLVING TORT AND OTHER NONCONTRACTUAL CLAIMS

Sec. 301. Proportionate liability.
Sec. 302. State of mind and foreseeability.
Sec. 303. Reasonable efforts defense.
Sec. 304. Damages limitation.
Sec. 305. Economic losses.
Sec. 306. Liability of officers and directors.

TITLE IV—CLASS ACTIONS INVOLVING YEAR 2000 CLAIMS

Sec. 401. Minimum injury requirement.
Sec. 402. Notification.
Sec. 403. Dismissal prior to certification.
Sec. 404. Federal jurisdiction in class actions involving year 2000 claims.

TITLE V—EFFECTIVE DATE

Sec. 501. Effective date.

SEC. 2. FINDINGS, PURPOSES, AND SCOPE.

(a) FINDINGS.—Congress finds the following:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process those dates.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(v) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(b) PURPOSES.—Based upon the power contained in article I, section 8, clause 3 of the Constitution of the United States, the purposes of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve year 2000 computer date-change problems before they develop;

(2) to encourage the resolution of year 2000 computer date-change disputes involving economic damages without recourse to unnecessary, time consuming, and wasteful litigation; and

(3) to lessen burdens on interstate commerce by discouraging insubstantial lawsuits, while also preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

(c) SCOPE.—Nothing in this Act affects claims for personal injury.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACTUAL DAMAGES.—The term "actual damages"—

(A) means damages for physical injury to any person or property; and

(B) includes the cost of repairing or replacing a product that has a material defect.

(2) CONTRACT.—The term "contract" means a contract, tariff, license, or warranty.

(3) DEFENDANT.—The term "defendant" means any person against whom a year 2000 claim is asserted.

(4) ECONOMIC LOSS.—The term "economic loss"—

(A) means any damages other than damages arising out of personal injury or damage to tangible property; and

(B) includes damages for—

(i) lost profits or sales;

(ii) business interruption;

(iii) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(iv) losses that arise because of the claims of third parties;

(v) losses that are required to be pleaded as special damages; or

(vi) items defined as consequential damages in the Uniform Commercial Code or an analogous State commercial law.

(5) MATERIAL DEFECT.—

(A) IN GENERAL.—The term "material defect" means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or intended.

(B) EXCLUSIONS.—The term does not include any defect that—

(i) has an insignificant or de minimis effect on the operation or functioning of an item;

(ii) affects only a component of an item that, as a whole, substantially operates or functions as designed; or

(iii) has an insignificant or de minimis effect on the efficacy of the service provided.

(6) PERSON.—The term "person" means any natural person and any entity, organization, or enterprise, including any corporation, company (including any joint stock company), association, partnership, trust, or governmental entity.

(7) PERSONAL INJURY.—

(A) IN GENERAL.—The term "personal injury" means any physical injury to a natural person, including death of the person.

(B) EXCLUSIONS.—The term does not include mental suffering, emotional distress, or like elements of injury that do not constitute physical harm to a natural person.

(8) PLAINTIFF.—The term "plaintiff" means any person who asserts a year 2000 claim.

(9) PUNITIVE DAMAGES.—The term "punitive damages" means damages, other than compensatory damages, that, in whole or in part, are awarded against any person—

(A) to punish that person; or

(B) to deter that person, or other persons, from engaging in similar behavior.

(10) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(11) YEAR 2000 CIVIL ACTION.—The term "year 2000 civil action" means any civil action of any kind brought in any court under Federal, State, or foreign law, in which—

(A) a year 2000 claim is asserted; or

(B) any claim or defense is related, directly or indirectly, to an actual or potential year 2000 failure.

(12) YEAR 2000 CLAIM.—The term "year 2000 claim" means any claim or cause of action of any kind, whether asserted by way of claim, counterclaim, cross-claim, third-party claim, or otherwise, in which the plaintiff's alleged loss or harm resulted, directly or indirectly, from an actual or potential year 2000 failure.

(13) YEAR 2000 FAILURE.—The term "year 2000 failure" means any failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions, however constructed, in processing, calculating, comparing, sequencing, displaying, storing, transmitting, or receiving date-related data, including—

(A) the failure to accurately administer or account for transitions or comparisons from, into, and between the 20th and 21st centuries, and between 1999 and 2000; or

(B) the failure to recognize or accurately process any specific date, and the failure accurately to account for the status of the year 2000 as a leap year.

TITLE I—PRELITIGATION PROCEDURES FOR YEAR 2000 CIVIL ACTIONS

SEC. 101. PRE-TRIAL NOTICE.

(a) NOTIFICATION PERIOD.—

(1) IN GENERAL.—Before filing a year 2000 claim, except an action for a claim that seeks only injunctive relief, a prospective plaintiff shall be required to provide to each prospective defendant a written notice that identifies and describes with particularity—

(A) any manifestation of a material defect alleged to have caused injury;

(B) the injury allegedly suffered or reasonably risked by the prospective plaintiff; and

(C) the relief or action sought by the prospective plaintiff.

(2) COMMENCEMENT OF ACTION.—Except as provided in subsections (c) and (e), a prospective plaintiff shall not file a year 2000 claim in Federal or State court until the expiration of the 90-day period beginning on the date on which the prospective plaintiff provides notice under paragraph (1).

(b) RESPONSE TO NOTICE.—Not later than 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall provide each prospective plaintiff a written statement that—

(1) acknowledges receipt of the notice; and

(2) describes any actions that the defendant will take, or has taken, to address the defect or injury identified by the prospective plaintiff in the notice.

(c) FAILURE TO RESPOND.—If a prospective defendant fails to respond to a notice provided under subsection (a)(1) during the 30-day period prescribed in subsection (b) or does not include in the response a description of actions referred to in subsection (b)(2)—

(1) the 90-day waiting period identified in subsection (a) shall terminate at the expiration of the 30-day period specified in subsection (b) with respect to that prospective defendant; and

(2) the prospective plaintiff may commence a year 2000 civil action against such prospective defendant immediately upon the termination of that waiting period.

(d) FAILURE TO PROVIDE NOTICE.—

(1) IN GENERAL.—Subject to subsections (c) and (e), a defendant may treat a complaint filed by the plaintiff as a notice required under subsection (a) by so informing the court and the plaintiff if the defendant determines that a plaintiff has commenced a year 2000 civil action—

(A) without providing the notice specified in subsection (a); or

(B) before the expiration of the 90-day waiting period specified in subsection (a).

(2) STAY.—If a defendant elects under paragraph (1) to treat a complaint as a notice—

(A) the court shall stay all discovery and other proceedings in the action for a period of 90 days beginning on the date of filing of the complaint; and

(B) the time for filing answers and all other pleadings shall be tolled during this 90-day period.

(e) EFFECT OF CONTRACTUAL WAITING PERIODS.—In any case in which a contract requires notice of nonperformance and provides for a period of delay before the initiation of suit for breach or repudiation of contract, the contractual period of delay controls and shall apply in lieu of the waiting period specified in subsections (a) and (d).

(f) SANCTION FOR FRIVOLOUS INVOCATION OF THE STAY PROVISION.—If a defendant acts under subsection (d) to stay an action, and the court subsequently finds that the assertion by the defendant that the action is a year 2000 civil action was frivolous and made for the purpose of causing unnecessary delay, the court may impose a sanction, including an order to make payments to opposing parties in accordance with Rule 11 of the Federal Rules of Civil Procedure.

(g) COMPUTATION OF TIME.—For purposes of this section, the rules regarding computation of time shall be governed by the applicable Federal or State rules of civil procedure.

SEC. 102. ALTERNATIVE DISPUTE RESOLUTION.

(a) REQUESTS MADE DURING NOTIFICATION PERIOD.—At any time during the 90-day notification period under section 101(a), either party may request the other party to use alternative dispute resolution. If, based upon that request, the parties enter into an agreement to use alternative dispute resolution, the parties may also agree to an extension of that 90-day period.

(b) REQUEST MADE AFTER NOTIFICATION PERIOD.—At any time after expiration of the 90-day notification period under section 101(a), whether before or after the filing of a complaint, either party may request the other party to use alternative dispute resolution.

(c) PAYMENT DATE.—If a dispute that is the subject of the complaint or responsive pleading is resolved through alternative dispute resolution as provided in subsection (a) or (b), the defendant shall pay any amount of funds that the defendant is required to pay the plaintiff under the settlement not later than 30 days after the date on which the parties settle the dispute, and all other terms shall be implemented as promptly as possible based upon the agreement of the parties, unless another period of time is agreed to by the parties or established by contract between the parties.

SEC. 103. PLEADING REQUIREMENTS.

(a) NATURE AND AMOUNT OF DAMAGES.—In any year 2000 civil action in which a plaintiff seeks an award of money damages, the complaint shall state with particularity with regard to each year 2000 claim—

(1) the nature and amount of each element of damages; and

(2) the factual basis for the calculation of the damages.

(b) MATERIAL DEFECTS.—In any year 2000 civil action in which the plaintiff alleges that a product or service was defective, the complaint shall, with respect to each year 2000 claim—

(1) identify with particularity the manifestations of the material defects; and

(2) state with particularity the facts supporting the conclusion that the defects were material.

(c) Required State of Mind.—In any year 2000 civil action in which a year 2000 claim is asserted with respect to which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, the complaint shall, with respect to each element of the claim, state in detail the facts giving rise to a strong inference that the defendant acted with the required state of mind.

(d) Motion To Dismiss; Stay of Discovery.—

(1) Dismissal for failure to meet pleading requirements.—In any year 2000 civil action, the court shall, on the motion of any defendant, dismiss without prejudice any year 2000 claim asserted in the complaint if any of the requirements under subsection (a), (b), or (c) is not met with respect to the claim.

(2) Stay of discovery.—In any year 2000 civil action, all discovery and other proceedings shall be stayed during the pendency of any motion to dismiss, unless the court finds upon the motion of any party that particularized discovery is necessary to preserve evidence or prevent undue prejudice to that party.

(3) Preservation of evidence.—

(A) In general.—

(i) Treatment of evidence.—During the pendency of any stay of discovery entered under this paragraph, unless otherwise ordered by the court, any party to the action with actual notice of the allegations contained in the complaint shall treat the items described in clause (ii) as if they were a subject of a continuing request for production of documents from an opposing party under applicable Federal or State rules of civil procedure.

(ii) Items.—The items described in this clause are all documents, data compilations (including electronically stored or recorded data), and tangible objects that—

(I) are in the custody or control of the party described in clause (i); and

(II) relevant to the allegations.

(B) Sanction for willful violation.—A party aggrieved by the willful failure of an opposing party to comply with clause (A) may apply to the court for an order awarding appropriate sanctions.

SEC. 104. DUTY TO MITIGATE.

(a) In General.—There shall be no recovery for any year 2000 claim on account of injury that the plaintiff could reasonably have avoided in light of any disclosure or other information with respect to which the plaintiff was, or reasonably could have been, aware.

(b) Damages.—The damages awarded for any claim described in subsection (a) shall exclude any amount that the plaintiff reasonably could have avoided in light of any disclosure or information described in that subsection.

TITLE II—YEAR 2000 CIVIL ACTIONS INVOLVING CONTRACTS

SEC. 201. CONTRACT PRESERVATION.

(a) In General.—Subject to subsections (b) and (c), notwithstanding any other provision of Federal or State statutory or case law, in any action in which a year 2000 claim is advanced, in resolving that claim all written contractual terms, including limitations or exclusions of liability or disclaimers of warranty, shall be fully enforceable.

(b) Interpretation of Contract.—In any case in which a contract is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time that the contract was entered into.

(c) Unenforceable Contracts.—Subsection (a) does not apply in any case in which a court determines that the contract as a whole is unenforceable due to an infirmity in the formation of the contract under applicable law in effect at the time the contract was entered into.

SEC. 202. EVIDENCE OF REASONABLE EFFORTS AND DEFENSES.

(a) Reasonable Efforts.—In any action in which a year 2000 claim is advanced and in which a breach of contract or related claim is alleged, in the resolution of that claim, in addition to any other rights provided by applicable law, the party against whom the claim of breach is asserted shall be allowed, for the purpose of limiting or eliminating the defendant's liability, to offer evidence that the implementation of the contract by that party, or the efforts made by that party to implement the contract, were reasonable in light of the circumstances.

(b) Impossibility or Commercial Impracticability.—

(1) In general.—In any action in which a year 2000 claim is advanced and in which a breach of contract or related claim is alleged, in resolving that claim applicability of the doctrines of impossibility and commercial impracticability shall be determined by applicable law in existence on January 1, 1999.

(2) Rule of construction.—Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon the doctrines referred to in paragraph (1).

SEC. 203. DAMAGES LIMITATION.

In any action in which a year 2000 claim is advanced and that involves a breach of contract, warranty, or related claim, in resolving that claim the court shall not award any damages—

(1) unless those damages are provided for by the express terms of the contract; or

(2) if the contract is silent on those damages, by operation of the applicable Federal or State law that governed interpretation of the contract at the time the contract was entered into.

TITLE III—YEAR 2000 CIVIL ACTIONS INVOLVING TORT AND OTHER NONCONTRACTUAL CLAIMS

SEC. 301. PROPORTIONATE LIABILITY.

(a) In General.—Except in cases involving personal injury, a person against whom a final judgment is entered on a year 2000 claim shall be liable solely for the portion of the judgment that corresponds to the percentage of responsibility of that person, as determined under subsection (b).

(b) Determination of Responsibility.—

(1) In general.—As to any year 2000 claim, the court shall instruct the jury to answer special interrogatories, or if there is no jury, make findings, with respect to each defendant and plaintiff, and each of the other persons claimed by any of the parties to have caused or contributed to the loss incurred by the plaintiff, including persons who have entered into settlements with the plaintiff or plaintiffs, concerning the percentage of responsibility of that person, measured as a percentage of the total fault of all persons who caused or contributed to the total loss incurred by the plaintiff.

(2) Contents of special interrogatories or findings.—The responses to interrogatories, or findings, as appropriate, under paragraph (1) shall specify—

(A) the total amount of damages that the plaintiff is entitled to recover; and

(B) the percentage of responsibility of each person found to have caused or contributed to the loss incurred by the plaintiff or plaintiffs.

(3) Factors for consideration.—In determining the percentage of responsibility under this paragraph, the trier of fact shall consider—

(A) the nature of the conduct of each person alleged to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each such person and the damages incurred by the plaintiff or plaintiffs.

(4) Nondisclosure to jury.—The standard for allocation of damages under paragraph (1) shall not be disclosed to members of the jury.

SEC. 302. STATE OF MIND AND FORESEEABILITY.

(a) Defendant's State of Mind as to Year 2000 Failure.—With respect to any year 2000 claim for money damages in which the defendant's actual or constructive awareness of an actual or potential year 2000 failure is an element of the claim under applicable law, the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves by clear and convincing evidence that the defendant actually knew, or recklessly disregarded a known and substantial risk, that the failure would occur.

(b) Injury to Plaintiff.—With respect to any year 2000 claim for money damages in which the defendant's actual or constructive awareness of actual or potential harm to plaintiff is greater than the standard for negligence in subsection (c) and is an element of the claim under applicable law, the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves by clear and convincing evidence that the defendant actually knew, or recklessly disregarded a known and substantial risk, that plaintiff would suffer that harm.

(c) Negligence.—With respect to any year 2000 claim for money damages, the defendant shall not be liable unless the plaintiff establishes by clear and convincing evidence, in addition to all other requisite elements of the claim, that the defendant knew or should have known that the actions of the defendant created an unreasonable risk of harm to the plaintiff.

(d) Preservation of Existing Law.—Nothing in subsection (a), (b), or (c) shall be deemed to create any year 2000 claim or to relieve the plaintiff in any year 2000 civil action of the obligation of that plaintiff to establish any element of the cause of action of that plaintiff under applicable law.

SEC. 303. REASONABLE EFFORTS DEFENSE.

Except for breach or repudiation of contract claims, as to any year 2000 claim seeking money damages—

(1) the fact that a year 2000 failure occurred in an entity, facility, system, product, or component that was within the control of the party against whom the claim is asserted shall not constitute the sole basis for recovery; and

(2) the party against whom the claim is asserted shall be entitled to establish, as a complete defense to the claim, that the party took measures that were reasonable under the circumstances to prevent the year 2000 failure from occurring or from causing the damages upon which the claim is based.

SEC. 304. DAMAGES LIMITATION.

(a) In General.—As to any year 2000 claim in which punitive damages may be awarded under applicable law and in which a defendant is found liable for punitive damages, the amount of punitive damages that may be awarded to a claimant shall not exceed the greater of—

(1) 3 times the amount awarded to the claimant for actual damages; or

(2) $250,000.

(b) SPECIAL RULE.—

(1) RULE.—

(A) IN GENERAL.—Notwithstanding subsection (a), as to any year 2000 claim in which the defendant is found liable for punitive damages and the defendant is an individual described in subparagraph (B), the amount of punitive damages shall not exceed the lesser of—

(i) 3 times the amount awarded to the claimant for actual damages; or

(ii) $250,000.

(B) DESCRIPTION OF INDIVIDUAL.—An individual described in this clause is an individual whose net worth does not exceed $500,000, is an owner of an unincorporated business that has fewer than 25 full-time employees, or is any partnership, corporation, association, unit of local government, or organization that has fewer than 25 full-time employees.

(2) APPLICABILITY.—For purposes of determining the applicability of this subsection to a corporation, the number of employees of a subsidiary of a wholly owned corporation shall include all employees of a parent corporation or any subsidiary of that parent corporation.

(c) APPLICATION OF LIMITATIONS BY THE COURT.—The limitations contained in subsection (a) or (b) shall be applied by the court and shall not be disclosed to the jury.

SEC. 305. ECONOMIC LOSSES.

(a) IN GENERAL.—Subject to subsection (b), a party to a year 2000 civil action may not recover economic losses for a year 2000 claim based on tort unless the party is able to show that at least one of the following circumstances exists:

(1) The recovery of these losses is provided for in the contract to which the party seeking to recover such losses is a party.

(2) If the contract is silent on those losses, and the application of the applicable Federal or State law that governed interpretation of the contract at the time the contract was entered into would allow recovery of such losses.

(3) These losses are incidental to a claim in the year 2000 civil action based on personal injury caused by a year 2000 failure.

(4) These losses are incidental to a claim in the year 2000 civil action based on damage to tangible property caused by a year 2000 failure.

(b) TREATMENT OF ECONOMIC LOSSES.—Economic losses shall be recoverable in a year 2000 civil action only if applicable Federal law, or applicable State law embodied in statute or controlling judicial precedent as of January 1, 1999, permits the recovery of such losses in the action.

SEC. 306. LIABILITY OF OFFICERS AND DIRECTORS.

(a) IN GENERAL.—A director, officer, or trustee of a business or other organization (including a corporation, unincorporated association, partnership, or non-profit organization) shall not be personally liable as to any year 2000 claim in the capacity of that individual as a director or officer of the business or organization for an aggregate amount greater than the greater of—

(1) $100,000; or

(2) the amount of cash compensation received by the director or officer from the business or organization during the 12-month period immediately preceding the act or omission for which liability was imposed.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to any claim in which it is found by clear and convincing evidence that the director or officer, with specific intent to cause harm to the plaintiff—

(1) intentionally made materially misleading statements relied upon by the plaintiff regarding any actual or potential year 2000 problem; or

(2) intentionally withheld material information regarding any actual or potential year 2000 problem of the business or organization that the director or officer had a duty to disclose.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be deemed to impose, or to permit the imposition of, personal liability on any director, officer, or trustee in excess of the aggregate amount of liability to which such director, officer, or trustee would be subject under applicable State law in existence on January 1, 1999 (including any charter or bylaw authorized by that State law).

TITLE IV—CLASS ACTIONS INVOLVING YEAR 2000 CLAIMS

SEC. 401. MINIMUM INJURY REQUIREMENT.

(a) IN GENERAL.—In any action involving a year 2000 claim that a product or service is defective, the action may be maintained as a class action in Federal or State court with respect to that claim only if—

(1) the claim satisfies all other prerequisites established by applicable Federal or State law; and

(2) the court finds that the alleged defect in the product or service was a material defect with respect to a majority of the members of the class.

(b) DETERMINATION BY COURT.—

(1) IN GENERAL.—As soon as practicable after the commencement of an action involving a year 2000 claim that a product or service is defective and that is brought as a class action, the court shall determine by order whether the requirement stated in paragraph (1) is satisfied.

(2) ORDERS.—An order under this subsection may be—

(A) conditional; and

(B) altered or amended before the decision on the merits.

SEC. 402. NOTIFICATION.

(a) NOTICE BY MAIL.—

(1) IN GENERAL.—In any year 2000 civil action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class by United States mail, return receipt requested.

(2) EXCLUSION OF CERTAIN PERSONS.—Any person whose actual receipt of the notice is not verified by the court or by counsel for 1 of the parties shall be excluded from the class unless that person informs the court in writing, on a date no later than the commencement of trial or entry of judgment, that the person wishes wish to join the class.

(b) CONTENTS OF NOTICE.—In addition to any information required by applicable Federal or State law, the notice described in this subsection shall—

(1) concisely and clearly describe the nature of the action;

(2) identify the jurisdiction whose law will govern the action;

(3) identify any potential claims that class counsel chose not to pursue so that the action would satisfy class certification requirements; and

(4) describe the fee arrangement of class counsel.

SEC. 403. DISMISSAL PRIOR TO CERTIFICATION.

Before determining whether to certify a class in a year 2000 civil action, the court may decide a motion to dismiss or for summary judgment made by any party if the court concludes that decision will—

(1) promote the fair and efficient adjudication of the controversy; and

(2) not cause undue delay.

SEC. 404. FEDERAL JURISDICTION IN CLASS ACTIONS INVOLVING YEAR 2000 CLAIMS.

(a) DIVERSITY JURISDICTION.—Section 1332 of title 28, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following:

"(b)(1)(A) The district courts shall, regardless of the sum or value of the matter in controversy therein, have original jurisdiction of any year 2000 civil action which is brought as a class action and in which—

"(i) any member of a proposed plaintiff class is a citizen of a State different from any defendant;

"(ii) any member of a proposed plaintiff class is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

"(iii) any member of a proposed plaintiff class is a citizen of a State and any defendant is a citizen or subject of a foreign state.

"(B) As used in this paragraph, the term 'foreign state' has the meaning given that term in section 1603(a).

"(2)(A) The district court may, in its discretion, abstain from hearing such action in a year 2000 civil action described in paragraph (1) in which—

"(i) the substantial majority of the members of all proposed plaintiff classes are citizens of a single State of which the primary defendants are also citizens; and

"(ii) the claims asserted will be governed primarily by the laws of that State, the district court should abstain from hearing such action.

"(B) The district court may, in its discretion, abstain from hearing such action in a year 2000 civil action described in paragraph (1) in which—

"(i) all matters in controversy asserted by the individual members of all proposed plaintiff classes in the aggregate do not exceed the sum or value of $1,000,000, exclusive of interest and costs;

"(ii) the number of members of all proposed plaintiff classes in the aggregate is less than 100; or

"(iii) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief, the district court may, in its discretion, abstain from hearing such action.

"(3)(A) Paragraph (1) and section 1453 shall not apply to any class action that is brought under the Securities Act of 1933 (15 U.S.C. 77a et seq.).

"(B) Paragraph (1) and section 1453 shall not apply to a class action described in subparagraph (C) that is based upon the statutory or common law of the State in which the issuer concerned is incorporated (in the case of a corporation) or organized (in the case of any other entity).

"(C) A class action is described in this subparagraph if it involves—

"(i) the purchase or sale of securities by an issuer or an affiliate of an issuer exclusively from or to holders of equity securities of the issuer; or

"(ii) any recommendation, position, or other communication with respect to the sale of securities of an issuer that—

"(I) is made by or on behalf of the issuer or an affiliate of the issuer to holders of equity securities of the issuer; and

"(II) concerns decisions of those equity holders with respect to voting their securities, acting in response to a tender or exchange offer, or exercising dissenters' or appraisal rights.

"(D) As used in this paragraph, the terms 'issuer', 'security', and 'equity security' have the meanings given those terms in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).".

(b) Conforming Amendment.—Section 1332(c) of title 281 United States Code, (as redesignated by this section) is amended by inserting after "pursuant to subsection (a)" after "Federal courts".

(c) Determination of Diversity.—Section 1332, as amended by this section, is further amended by adding at the end the following:

"(f) For purposes of subsection (b), a member of a proposed class shall be deemed to be a citizen of a State different from a defendant corporation only if that member is a citizen of a State different from all States of which the defendant corporation is deemed a citizen.".

(d) Removal of Class Actions.—Chapter 89 of title 28, United States Code is amended by adding at the end the following:

"§ 1453. Removal of class actions

"(a) In General.—A year 2000 civil action that is brought as a class action may be removed to a district court of the United States in accordance with this chapter, except that such action may be removed—

"(1) by any defendant without the consent of all defendants; or

"(2) by any plaintiff class member who is not a named or representative class member of the action for which removal is sought, without the consent of all members of such class.

"(b) When Removable.—This section shall apply to any year 2000 civil action that is brought as a class action before or after the entry of any order certifying a class.

"(c) Procedure for Removal.—

"(1) In general.—The provisions of section 1446(a) relating to a defendant removing a case shall apply to a plaintiff removing a case under this section.

"(2) Application.—With respect to the application of section 1446(b), the requirement relating to the 30-day filing period shall be met if a plaintiff class member who is not a named or representative class member of the action for which removal is sought files notice of removal within 30 days after receipt by such class member, through service or otherwise, of the initial written notice of the class action provided at the trial court's direction.".

(e) Removal Limitations.—Section 1446(b) is amended in the second undesignated paragraph—

(1) by inserting ", by exercising due diligence," after "ascertained"; and

(2) by striking "section 1332" and inserting "section".

(f) Technical and Conforming Amendments.—The table of sections for chapter 89 of title 28, United States Code, is amended by adding after the item relating to section 1452 the following:

"1453. Removal of class actions.".

(g) Procedure After Removal.—Section 1447 of title 28, United States Code, is amended by adding at the end the following:

"(f)(1) If, after removal, the court determines that no aspect of an action that is subject to its jurisdiction solely under the provisions of section 1332(b) may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, the court shall strike the class allegations from the action and remand the action to the State court.

"(2) Upon remand of the action, the period of limitations for any claim that was asserted in the action on behalf of any named or unnamed member of any proposed class shall be deemed tolled to the full extent provided under Federal law.".

(h) Application of Substantive State Law.—Nothing in the amendments made by this section shall alter the substantive law applicable to an action to which such amendments apply.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on January 1, 1999.

Mrs. FEINSTEIN. Mr. President, I rise along with my colleague from Utah, Senator Hatch, to introduce the Year 2000 Fairness and Responsibility Act. This bill, supported by more than 80 industry organizations, is especially important to California, where over 20 percent of the nation's high-tech jobs are located.

The genesis of the bill was a request by several industry groups—including the Semiconductor Industry Association (SIA), the National Association of Manufacturers (NAM), the Chamber of Commerce and the Information Technology Association of America—to develop legislation to prevent frivolous and baseless lawsuits that could jeopardize companies actually solving Y2K problems.

In concert with Senator Hatch and industry groups, a bill has been drafted that is narrow in focus and moderate in application. In developing this legislation, we have sought to solve an important problem and feel we have worked to develop a fair bill. We remain willing to address concerns with this legislation. It is a starting point, not a final piece of legislation.

This bill is a bill that will prevent frivolous and baseless litigation, but will not restrict an individual's right to sue to mitigate real damages.

Let me outline a few key provisions of the legislation.

First, this bill provides a 90-day "cooling off period," during which no Y2K lawsuit may be filed and a three-step process must be followed:

A. Anyone alleging harm due to a Y2K failure must first provide written notice to the potential defendant of the problem.

B. The defendant then has 3 days to respond in writing.

C. The defendant also has 60 additional days to fix the problem.

This cooling off period is important because it allows companies to concentrate on solving the problem before suits are filed and hopefully, it will eliminate the rush to litigation that many anticipate.

Obviously, the hope is that if a company is given an opportunity to solve a Y2K problem, that company will proceed to do so with dispatch. Therefore, there will be fewer injured parties, ergo, fewer will need to file suit.

Second, the bill limits punitive damages to $250,000 or three times economic loss, whichever is greater. However, for individuals whose net worth does not exceed $500,000 or for small businesses, of fewer that 25 full-time employees, punitive damages would be limited to the lesser of $250,000 or three times economic damages.

Third, this bill provides for proportionate liability, so that a defendant would be limited to the percentage proportion of that defendant's fault in causing the alleged harm. In other words, "no deep pockets."

Fourth, the bill establishes requirements that the plaintiffs must allege specific harm and damages when filing suit, including the factual basis for the calculation of damages.

The bill also provides either party the opportunity to request Alternative Dispute Resolution at any time during the 90-day cooling off period provided for in this bill. If the parties agree to use Alternative Dispute Resolution and the dispute is settled, the defendant must pay the settlement in 30 days unless other arrangements are agreed to.

Sixth, the bill provides that if a contract specifically limits liability for actions that would include a Y2K action, no recovery is available beyond the contract terms. Recovery, however, is available if the contract does not mention liability limitations. Recovery is also available for any contract entered into without a true "meeting of the minds." This would include contracts, for instance, between large companies and ordinary consumers. Even if the terms of use within a product box state a limit on liability, courts can award Y2K damages.

The bill also sets minimum injury requirements for class action lawsuits to prevent attorneys from gathering large numbers of plaintiffs that have not really even been harmed by a given Y2K defect.

Additionally, the bill requires that all potential class members be notified of a Y2K class action by U.S. mail, return receipt requested. That notice must include information about the nature of the action, the jurisdiction, claims that are not being pursued, and the arrangement for attorneys fees.

Ninth, the bill provides federal courts with jurisdiction over Y2K lawsuits so long as any member of the class is a citizen of a State different from the defendant (or is a citizen of a foreign country). Current law states that if any class representative of the class action is a citizen of the State in which the business is located, the federal courts have no diversity jurisdiction. This makes it easy for the attorneys filing a class action to have it heard in state court.

However, the bill does allow a federal court to abstain from exerting jurisdiction in cases where most class members are in the same State as the defendant and the case will be governed primarily by that State's law, or if the class is small or the amount in controversy is less than $1 million.

In summary, it is clear that there are consumers and businesses that have been and will be harmed by Y2K defects. For these companies and individuals impacted by Y2K problems, the Hatch-Feinstein bill preserves the right to sue and to recover damages, and actually increases their chances of finding a quick solution to their problems.

But the bill also prevents the kind of litigation nightmares that would distract from Y2K solutions and drain resources from already burdened companies throughout the country.

Mr. President, we believe that this bill represents a fair and reasoned approach to what is surely a real problem. But as I have said, this bill also represents a starting point, not an ending point. I look forward to working with my colleagues on both sides of the aisle to continue developing a fair bill that can pass in the near future. We must give businesses the reasonable protections they require to solve Y2K problems efficiently, quickly and without unnecessary distractions. I thank Senator HATCH for working with me on this issue, I urge my colleagues to contact us and to work towards a bipartisan, reasonable solution to this problem.

By Mr. DEWINE (for himself, Mr. COCHRAN, and Mr. VOINOVICH):

S. 462. A bill to amend the Internal Revenue Code of 1986, the Social Security Act, the Wagner-Peyser Act, and the Federal-State Extended Unemployment Compensation Act of 1970 to improve the method by which Federal unemployment taxes are collected and to improve the method by which funds are provided from Federal unemployment tax revenue for employment security administration, and for other purposes; to the Committee on Finance.

THE EMPLOYMENT SECURITY FINANCING ACT OF 1999

Mr. DEWINE. Mr. President, I rise today, on behalf of myself and Senators COCHRAN and VOINOVICH, to introduce the "Employment Security Financing Act of 1999."

As you may know, our nation's employment security system was established as a federal-state partnership more than 60 years ago. This system has not undergone major restructuring since its inception; however, a "temporary" .2% surtax was enacted in the 1970's. Today, this system overtaxes and overburdens employers, shortchanges states, and, most importantly, underserves those who need it most—the involuntarily unemployed.

Two separate payroll taxes fund the employment security system. The most onerous and inefficient of these is the FUTA (Federal Unemployment Tax Act) tax. FUTA is a payroll tax collected by the IRS, dedicated to provide administrative funding for states through allocation from the Department of Labor (DOL). Unfortunately, FUTA taxes sent to Washington rarely find their way back to the states. In Fiscal Year 1997, DOL estimated that states sent more than $6 billion in FUTA taxes to Washington, but received only $3.1 billion in return.

Mr. President, reform of the unemployment insurance program is essential to a state like Ohio, which receives less than 39 cents of each employer FUTA dollar. This shortfall in funding has led to the closing of 22 local employment service offices during the last four years. In order to make up for the shortfall of FUTA dollars, the Ohio legislature has appropriated more than $50 million during the last four years to pay for the administration of employment services, something that should be funded by FUTA taxes. This appropriation of state tax dollars forces Ohio taxpayers to pay twice to fund these services.

Ohio is not alone. Since 1990, less than 59 cents of every FUTA dollar has been sent back to the states. In fact, in 1997, states received a paltry 52% return on their FUTA tax dollars. As a result, many states are being forced to make up the shortfall from their own general funds, and cut back on other services provided to the unemployed.

For businesses, the system's consequences are equally severe. Employers are forced to pay two separate taxes. The current FUTA net tax rate is .8%, or a maximum of $56 per employee. In addition, employers must pay a similar state payroll tax to finance unemployment benefits. It is estimated that the nation's 6 million FUTA-paying employers spend a total of $1 billion annually simply complying with FUTA reporting requirments.

Mr. President, the Employment Security Financing Act is designed to address the problems the current system has imposed on the states and FUTA taxpayers. Specifically, it would: reduce the tax burden by repealing the "temporary" .2% FUTA surtax; streamline filings by transferring responsibility for collection of the FUTA tax from the IRS to the states; improve administration by ensuring that states get a greater return on their employers' FUTA tax dollars; improve services with an emphasis on reemployment; and combat fraud and abuse.

This is an important issue that Congress needs to consider. I look forward to working with others on legislation that can meet the budget rules, yet still achieve necessary reform of the unemployment insurance program.

I ask unanimous consent that letters of support from the National Federation of Independent Business, and Strategic Services on Unemployment & Workers' Compensation be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STRATEGIC SERVICES ON
UNEMPLOYMENT & WORKERS'
COMPENSATION,
Washington, DC, February 19, 1999.
Hon. MIKE DEWINE,
U.S. Senate, Washington, DC.

DEAR SENATOR DEWINE: On behalf of the business community, UWC enthusiastically endorses your proposal, the Employment Security Financing Reform Act, which will save employers $4 billion in unemployment tax and claim costs each year and provide a permanent fix for the chronic under-funding of state unemployment insurance (UI) and employment service agencies. UWC is the only national association specializing exclusively in unemployment and workers' compensation issues on behalf of business. Our members include large and small employers and national and state business organizations around the country. Enactment of your proposal is a top priority for UWC.

Only 50 cents out of each dollar now collected from employers under the Federal Unemployment Tax (FUTA) is used as intended for administering the state UI program. The balance of FUTA revenue is effectively diverted to other programs, disguising the true deficit in federal general revenues and accumulating IOU's in a sham Unemployment "Trust Fund" whose apparent buildup will later be used to justify higher unemployment benefits—all at employer expense. This charade would end under your proposal, which is a win/win/win for workers, business, and government. It will save money for employers and make government more efficient and responsive to local needs and conditions. The proposal achieves these results by reducing the FUTA rate and allowing states to fund their agencies at a level closer to the amount actually needed to administer unemployment benefits and help match jobless workers with employers eager to fill widespread job vacancies. It cuts paperwork for employers by eliminating the separate FUTA tax forms; gives each state rather than Washington responsibility to determine how much it needs to administer its unemployment and employment services agencies; and puts 100% of FUTA funds to work reducing state unemployment taxes on business.

As a business organization, UWC supports adequate but not excessive FUTA taxes. It is inexcusable that the federal government collects more under FUTA than is needed for sound UI administration and yet under-finances the agencies which are responsible for efforts to move UI claimants off the unemployment rolls and match workers with jobs. This under-funding directly inflates the cost of state unemployment benefits, which are financed through business payroll taxes at the state level. It has also caused the states to impose $200 million in additional state taxes to make up for the shortfall in FUTA funds doled out by the federal government. It's long past time to fix this problem, and we heartily applaud your leadership in seeking permanent FUTA reform.

Sincerely,

ERIC J. OXFELD,
President.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, February 22, 1999.
Hon. MIKE DEWINE,
U.S. Senate, Washington, DC.

DEAR SENATOR DEWINE: On behalf of the 600,000 small business owners of the National Federation of Independent Business (NFIB), I want to commend you for introducing "The Employment Security Financing Act of 1999." One of our top legislative priorities this year is to encourage Congress to cut payroll taxes and return the unemployment system to the states. Your legislation will ease the burden of unemployment taxes on small business and overhaul an inefficient and duplicative system.

Small businesses tend to be labor intensive, so they are disproportionately affected by taxes on labor. And unlike income taxes, payroll taxes must be paid whether a business makes a profit or loss. Most of our members survive on a thin margin of positive cash flow. Payroll taxes make that margin even thinner.

Importantly, your legislation takes steps to begin reducing the burden of one payroll tax—the Federal Unemployment Tax Act (FUTA). Specifically, it repeals the "temporary" FUTA surtax put in place in 1976 in order to repay loans from the federal unemployment trust fund. Even though this money was fully repaid in 1987, Congress has extended this temporary tax four times, imposing an annual $1.4 billion tax burden on America's employers and employees. Repeal of the surtax is long overdue.

As this legislation progresses through Congress, we hope that you will look for opportunities to further reduce FUTA taxes. Even with the elimination of the surtax, FUTA taxes collect far more than is needed for the program. In FY 1997, the Department of Labor estimates that states received only $3.1 billion of the $6 billion in FUTA taxes sent to Washington. Permanent FUTA taxes should be cut to reflect the lower costs of the program.

Finally, we support language in your legislation that transfers responsibility for collecting the FUTA tax from the IRS to the states. This will provide a much needed paperwork reduction boost for small business owners who currently have to fill our separate state and federal unemployment tax forms.

We thank you for introducing this important legislation and look forward to working with you in the coming months to enact it into law.

Sincerely,

DAN DANNER,
Vice President, Federal Public Policy.

By Mr. WELLSTONE (for himself, Mr. KENNEDY, and Ms. LANDRIEU):

S. 465. A bill to meet the mental health substance abuse treatment needs of incarcerated children and youth; to the Committee on the Judiciary.

THE MENTAL HEALTH JUVENILE JUSTICE ACT

Mr. WELLSTONE. Mr. President, today, I am introducing legislation that outlines a comprehensive strategy for providing federal assistance to states and localities, to better serve children in need of mental health services who come in contact with our nation's juvenile justice system. I am pleased to be joined by Senators KENNEDY and LANDRIEU in this effort. The bill has received the strong support of over forty organizations including the American Bar Association, the American Psychiatric Association, the Children's Defense Fund, the United Church of Christ, and from states judges, probation and police officers.

Elie Wiesel once said: "More than anything—more than hatred and torture—more than pain—do I fear indifference." We must be vigilant not to allow ourselves and our country to be indifferent to children's misery, particularly those children who may be sick, difficult, and test our patience, understanding, and compassion.

Yet, today, throughout America, I fear that we have become deeply indifferent to how we treat juveniles in the justice system who live in the shadow of mental illness.

Each year, more than one million youth come in contact with the juvenile justice system, and more than 100,000 of these youth are detained in some type of jail or prison. These children are overwhelmingly poor and a disproportionate number of children of color.

By the time many of these children are arrested and incarcerated, they have a long history of problems in their short lives. As many as two-thirds suffer from a mental or emotional disturbance. One in five has a serious disorder. Many have substance abuse problems and learning disabilities. Most come from troubled homes.

The 'crimes' of these children vary. While some have committed violent crimes, some have committed petty theft or skipped school. Still others have simply run away from home to escape physical or sexual abuse from parents or other adults.

Despite popular opinion, most of the children who are locked up are not violent. Justice Department studies show that only one in twenty youth in the juvenile system have committed violent offenses.

Jails and juvenile detention centers often find themselves unprepared to deal with the mentally ill. For instance, medication may not be given or properly monitored. Or, guards may not know, for example, how to respond to disturbed youth who simply is not capable of standing in an orderly line for meals. A common result is that these kids are disciplined and put in solitary confinement.

What is happening to these troubled children is national tragedy. Across the country, we are dumping emotionally disturbed kids into juvenile prisons.

Why do so many youth with mental illness end up in the justice system? Children with mental disorders often behave in ways that bring them into conflict with family members, authority figures, and peers. Over the last ten years, the public attitude toward juvenile crime has grown tougher. Consequently, the juvenile justice system is casting a wider net. A growing fear and intolerance of children who misbehave or commit nonviolent offenses have pushed children into the juvenile system who would not have ended up there in earlier times.

At the same time, our country has failed to invest adequately in services and programs that could reduce the need for incarceration. These include mental health services. The warning signs for delinquency are well known—school failure, drug and alcohol abuse, family violence and abuse, and poverty. Yet, we have failed to put in place community prevention, screening, and early intervention services for those children most at risk. Proper mental health treatment can prevent or reduce offending. But many communities don't have adequate treatment services for children and their families.

For example, a recent report by Louisiana state officials acknowledged that secure facilities held many children who had been "discarded" from the educational, child welfare and other systems of care. I have heard that social workers in a number of states have been even instructed desperate parents to have their children arrested in order to get services because community health services are so scarce.

Last July, I went with the National Mental Health Association to the Tallulah Correctional Center for Youth, a privately-owned correctional facility for over 600 youth in northeast Louisiana, to see firsthand the shocking civil rights violations cited by the U.S. Department of Justice. I left with vivid and disturbing images of how we are dealing with youth with mental and emotional problems in this country.

While in Tallulah, I saw one hallucinating and suicidal child in isolation for observation, yet his transfer to an appropriate mental health facility was uncertain. Another child I met was taking three different types of powerful psychiatric medications, but had only seen a psychiatrist twice in the last eight months. The Justice Department reports chronicled instances where boys were being repeatedly sexually and physically abused, and children with mental illnesses were being housed with youths who have committed violent crimes. Mentally ill children received no therapy, and when they were having symptoms, they were isolated or punished for their illness.

Tallulah is not the only offending facility, however. The Justice Department has exposed gross abuses in Georgia, Kentucky, and other juvenile facilities in Louisiana. Other states are also experiencing similar problems. Investigators found extreme cases of physical abuse and neglect of mental health needs, including unwarranted and prolonged isolation of suicidal children, hog-tie and chemical restraints used on youth with serious emotional disturbances, forced medication and even denial of medication. Children with extensive psychiatric histories who are prone to self-mutilation (e.g., cutting themselves with glass) never even saw a psychiatrist.

In some cases, abusive treatment of these children results directly from their being emotionally disturbed. Staff in juvenile facilities fail to recognize, and in fact punish them for, the symptom of their disorders. Children have been punished for requesting treatment or put in isolation when they refused to accept treatment. One child in a boot camp was punished for making involuntary noises that were symptoms of his Tourette's syndrome. Mental disorders are being handled almost solely through discipline, isolation, and restraints according to investigations by the US Justice Department and human rights groups.

A recent survey by the California Youth Authority found that 35 percent of boys in its custody and 73 percent of girls need treatment. One reason for the higher percentage of young people with mental illness in jail, specialists say, is that many states have cut budgets for adolescent psychiatric care, even more than those for adults.

If a child had a broken leg, would any institution leave that leg unattended? Why then, in America, are we dumping children with mental health problems in institutions without treatment, and under conditions which can only worsen their illnesses?

Our current system fails mentally ill children. How? The screening and treatment of mental and emotional disorders are inadequate or nonexistent at correctional facilities. Mental illness is often addressed solely through discipline, isolation, and restraint. At Tallulah, children told us that they were beaten and were put in isolation for long periods, even months—echoing in painful detail what had been revealed in the Justice Department reports.

The tragedy of this situation is that we know what works—treatment—but our current system for children with mental illness favors punishment over treatment. For children, we know that family-focused, individualized treatment delivered in the child's community can improve children's mental health and prevent them from offending in the first place. It is proven that integrating these mental health and substance abuse services with schools and child welfare agencies produces even greater success. In fact, linked community services have been shown to reduce contact with the juvenile justice system by 46 percent.

My legislation would help states provide critical assistance to these children who suffer from mental disorders. It focuses on providing appropriate services that can both prevent them from committing delinquent offenses and from reoffending, and it is structured so that services are planned and integrated at the local level.

First, it provides funds to train juvenile justice personnel on the identification and appropriate treatment of mental illness in kids, and on the use of community-based alternatives to incarceration. Currently, juvenile justice system personnel lack routine training to deal with mentally ill youth, many of whose low risk factors make them good candidates for alternative treatment programs in the community.

Second, it authorizes a new treatment and diversion block grant program to state and localities. Despite studies showing large numbers of incarcerated children having psychiatric disorders, we know that screening, assessment and treatment for children's mental disorders is grossly inadequate. Further, many of these kids have multiple problems before they are locked-up, and are involved with several different child agencies and systems. Typically, these agencies shift the care and costs for serving a child back and forth. The result is that the child and the family never receive the services they need. States will be able to access the new block grant funds to develop and implement integrated treatment and diversion programs for juveniles who come up against the police and the courts.

Third, it will establish training and technical assistance centers. Now, States do not have the information and technical assistance they need to provide appropriate services for youth with mental health disorders. Further, it will establish a federal council which will report to Congress on recommendations to improve the treatment of mentally ill children who come into contact with the justice system.

Next, it will give States the choice whether to use their federal prison construction funds for treatment of incarcerated mentally ill and children.

Finally, it will amend the Prison Litigation Reform Act, by restoring to federal courts the authority to remedy abuse conditions in juvenile justice facilities. Congress passed the act in 1996 largely to reduce frivolous pro se lawsuits by prisoners, and nothing in my bill would affect those provisions of the PLRA. Yet, the PLRA has had a devastating effect on the conditions in which juvenile offenders and mentally ill prisoners are held. My provision would not repeal the PLRA or adversely effect the crackdown on frivolous lawsuits. Instead, it would carve out a narrow exception to the PLRA restrictions in limited circumstances, involving children and the mentally ill, for it has been shown again and again that they are particularly vulnerable to abuse and neglect in state institutions.

We can no longer be indifferent to this national tragedy. What I saw in Tallulah, and what is happening in countless facilities across this country, is a disgrace. The wholesale neglect of juveniles with mental illness in our prisons must end. We as a society have the moral obligation to see they get the help they need. Treating young people with mental disorders in dehumanizing ways is not the answer to questions of crime prevention and public safety. And it's not the way to make children productive, law abiding, and caring citizens. I urge my colleagues to support this important legislation.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mental Health Juvenile Justice Act".

SEC. 2. TRAINING OF JUSTICE SYSTEM PERSONNEL.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by adding at the end the following:

"PART K—ACCESS TO MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT

"SEC. 299AA. GRANTS FOR TRAINING OF JUSTICE SYSTEM PERSONNEL.

"(a) In General.—The Administrator shall make grants to State and local juvenile justice agencies in collaboration with State and local mental health agencies, for purposes of training the officers and employees of the State juvenile justice system (including employees of facilities that are contracted for operation by State and local juvenile authorities) regarding appropriate access to mental health and substance abuse treatment programs and services in the State for juveniles who come into contact with the State juvenile justice system who have mental health or substance abuse problems.

"(b) Use of Funds.—A State or local juvenile justice agency that receives a grant under this section may use the grant for purposes of—

"(1) providing cross-training, jointly with the public mental health system, for State juvenile court judges, public defenders, and mental health and substance abuse agency representatives with respect to the appropriate use of effective, community-based alternatives to juvenile justice or mental health system institutional placements; or

"(2) providing training for State juvenile probation officers and community mental health and substance abuse program representatives on appropriate linkages between probation programs and mental health community programs, specifically focusing on the identification of mental disorders and substance abuse addiction in juveniles on probation, effective treatment interventions for those disorders, and making appropriate contact with mental health and substance abuse case managers and programs in the community, in order to ensure that juveniles on probation receive appropriate access to mental health and substance abuse treatment programs and services.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund, $50,000,000 for fiscal years 1999, 2000, 2001, 2002, and 2003 to carry out this section.".

SEC. 3. BLOCK GRANT FUNDING FOR TREATMENT AND DIVERSION PROGRAMS.

Part K of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by adding at the end the following:

"SEC. 299BB. GRANTS FOR STATE PARTNERSHIPS.

"(a) IN GENERAL.—The Attorney General and the Secretary of Health and Human Services shall make grants to partnerships between State and local/county juvenile justice agencies and State and local mental health authorities (or appropriate children service agencies) in accordance with this section.

"(b) USE OF FUNDS.—A partnership described in subsection (a) that receives a grant under this section shall use such amounts for the establishment and implementation of programs that address the service needs of juveniles who come into contact with the justice system (including facilities contracted for operation by State or local juvenile authorities) who have mental health or substance abuse problems, by requiring the following:

"(1) DIVERSION.—Appropriate diversion of those juveniles from incarceration—

"(A) at imminent risk of being taken into custody;

"(B) at the time they are initially taken into custody;

"(C) after they are charged with an offense or act of juvenile delinquency;

"(D) after they are adjudicated delinquent but prior to case disposition; and

"(E) after they are released from a juvenile facility, for the purposes of attending aftercare programs.

"(2) TREATMENT.—

"(A) SCREENING AND ASSESSMENT OF JUVENILES.—

"(i) IN GENERAL.—Initial mental health screening shall be completed for all juveniles immediately upon entering the juvenile justice system or a juvenile facility. Screening shall be conducted by qualified health and mental health professionals or by staff who have been trained by qualified health, mental health, and substance abuse professionals. In the case of a screening by staff, the screening results should be reviewed by qualified health, mental health professionals not later than 24 hours after the screening.

"(ii) ACUTE MENTAL ILLNESS.—Juveniles who suffer from acute mental disorders, who are suicidal, or in need of detoxification shall be placed in or immediately transferred to an appropriate medical or mental health facility. They shall be admitted to a secure correctional facility only with written medical clearance.

"(iii) COMPREHENSIVE ASSESSMENT.—All juveniles entering the juvenile justice system shall have a comprehensive assessment conducted and an individualized treatment plan written and implemented within 2 weeks. This assessment shall be conducted within 1 week for juveniles incarcerated in secure facilities. Assessments shall be completed by qualified health, mental health, and substance abuse professionals.

"(B) TREATMENT.—

"(i) IN GENERAL.—If the need for treatment is indicated by the assessment of a juvenile, the juvenile shall be referred to or treated by a qualified professional. A juvenile who is currently receiving treatment for a mental or emotional disorder shall have treatment continued.

"(ii) PERIOD.—Treatment shall continue until additional mental health assessment determines that the juvenile is no longer in need of treatment. Treatment plans shall be reevaluated at least every 30 days.

"(iii) DISCHARGE PLAN.—An incarcerated juvenile shall have a discharge plan prepared when the juvenile enters the correctional facility in order to integrate the juvenile back into the family or the community. This plan shall be updated in consultation with the juvenile's family or guardian before the juvenile leaves the facility. Discharge plans shall address the provision of aftercare services.

"(iv) MEDICATION.—Any juvenile receiving psychotropic medications shall be under the care of a licensed psychiatrist. Psychotropic medications shall be monitored regularly by trained staff for their efficacy and side effects.

"(v) SPECIALIZED TREATMENT.—Specialized treatment and services shall be continually available to a juvenile who—

"(I) has a history of mental health problems or treatment;

"(II) has a documented history of sexual abuse or offenses, as victim or as perpetrator;

"(III) has substance abuse problems, health problems, learning disabilities, or histories of family abuse or violence; or

"(IV) has developmental disabilities.

"(C) MEDICAL AND MENTAL HEALTH EMERGENCIES.—All correctional facilities shall have written policies and procedures on suicide prevention. All staff working in correctional facilities shall be trained and certified annually in suicide prevention. Facilities shall have written arrangements with a hospital or other facility for providing emergency medical and mental health care. Physical and mental health services shall be available to an incarcerated juvenile 24 hours per day, 7 days per week.

"(D) CLASSIFICATION OF JUVENILES.—

"(i) IN GENERAL.—Juvenile facilities shall classify and house juveniles in living units according to a plan that includes age, gender, offense, special medical or mental health condition, size, and vulnerability to victimization. Younger, smaller, weaker, and more vulnerable juveniles shall not be placed in housing units with older, more aggressive juveniles.

"(ii) BOOT CAMPS.—Juveniles who are under 13 years old or who have serious medical conditions or mental illness shall not be placed in paramilitary boot camps.

"(E) CONFIDENTIALITY OF RECORDS.—Mental health and substance abuse treatment records of juveniles shall be treated as confidential and shall be excluded from the records that States require to be routinely released to other correctional authorities and school officials.

"(F) MANDATORY REPORTING.—States shall keep records of the incidence and types of mental health and substance abuse disorders in their juvenile justice populations, the range and scope of services provided, and barriers to service. The State shall submit an analysis of this information yearly to the Department of Justice.

"(G) STAFF RATIOS FOR CORRECTIONAL FACILITIES.—Each secure correctional facility shall have a minimum ratio of no fewer than 1 mental health counselor to every 50 juveniles. Mental health counselors shall be professionally trained and certified or licensed. Each secure correctional facility shall have a minimum ratio of 1 clinical psychologist for every 100 juveniles. Each secure correctional facility shall have a minimum ratio of 1 licensed psychiatrist for every 100 juveniles receiving psychiatric care.

"(H) USE OF FORCE.—

"(i) WRITTEN GUIDELINES.—All juvenile facilities shall have a written behavioral management system based on incentives and rewards to reduce misconduct and to decrease the use of restraints and seclusion by staff.

"(ii) LIMITATIONS ON RESTRAINT.—Control techniques such as restraint, seclusion, chemical sprays, and room confinement shall be used only in response to extreme threats to life or safety. Use of these techniques shall be approved by the facility superintendent or chief medical officer and documented in the juvenile's file along with the justification for use and the failure of less restrictive alternatives.

"(iii) LIMITATION ON ISOLATION.—Isolation and seclusion shall be used only for immediate and short-term security or safety reasons. No juvenile shall be placed in isolation without approval of the facility superintendent or chief medical officer or their official staff designee. All cases shall be documented in the juvenile's file along with the justification. A juvenile shall be in isolation only the amount of time necessary to achieve security and safety of the juvenile and staff. Staff shall monitor each juvenile in isolation once every 15 minutes and conduct a professional review of the need for isolation at least every 4 hours. Any juvenile held in seclusion for 24 hours shall be examined by a physician or licensed psychologist.

"(I) IDEA AND REHABILITATION ACT.—All juvenile facilities shall abide by all mandatory requirements and time lines set forth under the Individuals with Disabilities Education Act and section 504 of the Rehabilitation Act of 1973.

"(J) ADVOCACY ASSISTANCE.—

"(i) IN GENERAL.—The Secretary of Health and Human Services shall make grants to the systems established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) to monitor the mental health and special education services provided by grantees to juveniles under paragraph (2) (A), (B), (C), (H), and (I) of this section, and to advocate on behalf of juveniles to assure that such services are properly provided.

"(ii) APPROPRIATION.—The Secretary of Health and Human Services will reserve no less than 3 percent of the funds appropriated under this section for the purposes set forth in paragraph (2)(J)(i).

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund, $500,000,000 for fiscal years 1999, 2000, 2001, 2002, and 2003 to carry out this section.

"(2) ALLOCATION.—Of amounts appropriated under paragraph (1)—

"(A) 35 percent shall be used for diversion programs under subsection (b)(1); and

"(B) 65 percent shall be used for treatment programs under subsection (b)(2).

"(3) INCENTIVES.—The Attorney General and the Secretary of Health and Human Services shall give preference under subsection (b)(2) to partnerships that integrate treatment programs to serve juveniles with co-occurring mental health and substance abuse disorders.

"(4) WAIVERS.—The Attorney General and the Secretary of Health and Human Services may grant a waiver of requirements under subsection (b)(2) for good cause.

"SEC. 299CC. GRANTS FOR PARTNERSHIPS.

"(a) IN GENERAL.—Any partnership desiring to receive a grant under this part shall submit an application at such time, in such manner, and containing such information as the Attorney General and the Secretary of Health and Human Services may prescribe.

“(b) Contents.—In accordance with guidelines established by the Attorney General and the Secretary of Health and Human Services, each application submitted under subsection (a) shall—

“(1) set forth a program or activity for carrying out one or more of the purposes specified in section 299BB(b) and specifically identify each such purpose such program or activity is designed to carry out;

“(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

“(3) provide for the proper and efficient administration of such program or activity;

“(4) provide for regular evaluation of such program or activity;

“(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community; and

“(6) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds receiving under this part.”.

SEC. 4. INITIATIVE FOR COMPREHENSIVE, INTERSYSTEM PROGRAMS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by adding at the end the following:

“SEC. 520C. INITIATIVE FOR COMPREHENSIVE, INTERSYSTEM PROGRAMS.

“(a) In General.—The Attorney General and the Secretary, acting through the Director of the Center for Mental Health Services, shall award competitive grants to eligible entities for programs that address the service needs of juveniles and juveniles with serious mental illnesses by requiring the State or local juvenile justice system, the mental health system, and the substance abuse treatment system to work collaboratively to ensure—

“(1) the appropriate diversion of such juveniles and juveniles from incarceration;

“(2) the provision of appropriate mental health and substance abuse services as an alternative to incarceration and for those juveniles on probation or parole; and

“(3) the provision of followup services for juveniles who are discharged from the juvenile justice system.

“(b) Eligibility.—To be eligible to receive a grant under this section an entity shall—

“(1) be a State or local juvenile justice agency, mental health agency, or substance abuse agency (including community diversion programs);

“(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

“(A) an assurance that the applicant has the consent of all entities described in paragraph (1) in carrying out and coordinating activities under the grant; and

“(B) with respect to services for juveniles, an assurance that the applicant has collaborated with the State or local educational agency and the State or local welfare agency in carrying out and coordinating activities under the grant;

“(3) be given priority if it is a joint application between juvenile justice and substance abuse or mental health agencies; and

“(4) ensure that funds from non-Federal sources are available to match amounts provided under the grant in an amount that is not less than—

“(A) with respect to the first 3 years under the grant, 25 percent of the amount provided under the grant; and

“(B) with respect to the fourth and fifth years under the grant, 50 percent of the amount provided under the grant.

“(c) Use of Funds.—

“(1) Initial year.—An entity that receives a grant under this section shall, in the first fiscal year in which amounts are provided under the grant, use such amounts to develop a collaborative plan—

“(A) for how the guarantee will institute a system to provide intensive community services—

“(i) to prevent high-risk juveniles from coming in contact with the justice system; and

“(ii) to meet the mental health and substance abuse treatment needs of juveniles on probation or recently discharged from the justice system; and

“(B) providing for the exchange by agencies of information to enhance the provision of mental health or substance abuse services to juveniles.

“(2) 2–5th years.—With respect to the second through fifth fiscal years in which amounts are provided under the grant, the grantee shall use amounts provided under the grant—

“(A) to furnish services, such as assertive community treatment, wrap-around services for juveniles, multisystemic therapy, outreach, integrated mental health and substance abuse treatment, case management, health care, education and job training, assistance in securing stable housing, finding a job or obtaining income support, other benefits, access to appropriate school-based services, transitional and independent living services, mentoring programs, home-based services, and provision of appropriate after school and summer programing;

“(B) to establish a network of boundary spanners to conduct regular meetings with judges, provide liaison with mental health and substance abuse workers, share and distribute information, and coordinate with mental health and substance abuse treatment providers, and probation or parole officers concerning provision of appropriate mental health and drug and alcohol addiction services for individuals on probation or parole;

“(C) to provide cross-system training among police, corrections, and mental health and substance abuse providers with the purpose of enhancing collaboration and the effectiveness of all systems;

“(D) to provide coordinated and effective aftercare programs for juveniles with emotional or mental disorders who are discharged from jail, prison, or juvenile facilities;

“(E) to purchase technical assistance to achieve the grant project's goals; and

“(F) to furnish services, to train personnel in collaborative approaches, and to enhance intersystem collaboration.

“(3) Definition.—In paragraph (2)(B), the term ‘boundary spanners’ means professionals who act as case managers for juveniles with mental disorders and substance abuse addictions, within both justice agency facilities and community mental health programs and who have full authority from both systems to act as problem-solvers and advocates on behalf of individuals targeted for service under this program.

“(d) Area Served by the Project.—An entity receiving a grant under this section shall conduct activities under the grant to serve at least a single political jurisdiction.

“(e) Authorization of Appropriations.—There shall be made available to carry out the section, not less than 10 percent of the amount appropriated under section 1935(a) for each of the fiscal years 1999 through 2003.”.

SEC. 5. INTERAGENCY RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTERS.

(a) Grants or Contracts.—The Secretary of Health and Human Services, acting through the Substance Abuse and Mental Health Services Administration and in consultation with the Juvenile Justice and Delinquency Prevention Office and the Justice Assistance Bureau, shall award grants and contracts for the establishment of 4 research, training, and technical assistance centers to carry out the activities described in subsection (c).

(b) Eligibility.—To be eligible to receive a grant or contract under subsection (a), an entity shall—

(1) be a public or nonprofit private entity; and

(2) prepare and submit to the Secretary of Health and Human Services an application, at such time, in such manner, and containing such information as the Secretary may require.

(c) Activities.—A center established under a grant or contract under subsection (a) shall—

(1) provide training with respect to state-of-the-art mental health and justice-related services and successful mental health and substance abuse-justice collaborations, to public policymakers, law enforcement administrators, public defenders, police, probation officers, judges, parole officials, jail administrators and mental health and substance abuse providers and administrators;

(2) engage in research and evaluations concerning State and local justice and mental health systems, including system redesign initiatives, and disseminate information concerning the results of such evaluations;

(3) provide direct technical assistance, including assistance provided through toll-free telephone numbers, concerning issues such as how to accommodate individuals who are being processed through the courts under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), what types of mental health or substance abuse service approaches are effective within the judicial system, and how community-based mental health or substance abuse services can be more effective, including relevant regional, ethnic, and gender-related considerations; and

(4) provide information, training, and technical assistance to State and local governmental officials to enhance the capacity of such officials to provide appropriate services relating to mental health or substance abuse.

(d) Authorization of Appropriations.—There is authorized to be appropriated, $4,000,000 for each fiscal year to carry out this section.

SEC. 6. FEDERAL COORDINATING COUNCIL ON THE CRIMINALIZATION OF JUVENILES WITH MENTAL DISORDERS.

(a) Establishment.—There is established a Federal Coordinating Council on Criminalization of Juveniles With Mental Disorders as an interdepartmental council to study and coordinate the criminal and juvenile justice and mental health and substance abuse activities of the Federal Government and to report to Congress on proposed new legislation to improve the treatment of mentally ill juveniles who come in contact with the juvenile justice system.

(b) MEMBERSHIP.—The Council shall include representatives from—

(1) the appropriate Federal agencies, as determined by the President, including, at a minimum—

(A) the Office of the Secretary of Health and Human Services;

(B) the Office for Juvenile Justice and Delinquency Prevention;

(C) the National Institute of Mental Health;

(D) the Social Security Administration;

(E) the Department of Education; and

(F) the Substance Abuse and Mental Health Services Administration; and

(2) children's mental health advocacy groups.

(c) DUTIES.—The Council shall—

(1) review Federal policies that hinder or facilitate coordination at the State and local level between the mental health and substance abuse systems on the one hand and the juvenile justice and corrections system on the other;

(2) study the possibilities for improving collaboration at the Federal, State, and local level among these systems; and

(3) recommend to Congress any appropriate new initiatives which require legislative action.

(d) FINAL REPORT.—The Council shall submit—

(1) an interim report on current coordination and collaboration, or lack thereof, 18 months after the Council is established; and

(2) recommendations for new initiatives in improving coordination and collaboration in a final report to Congress 2 years after the Council is established.

(e) EXPIRATION.—The Council shall expire 2 years after the Council is established.

SEC. 7. MENTAL HEALTH SCREENING AND TREATMENT FOR PRISONERS.

(a) ADDITIONAL REQUIREMENTS FOR THE USE OF FUNDS UNDER THE VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-SENTENCING GRANTS PROGRAM.—Section 20105(b) of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"(b) ADDITIONAL REQUIREMENTS.—

"(1) ELIGIBILITY FOR GRANT.—To be eligible to receive a grant under section 20103 or 20104, a State shall, not later than January 1, 2001, have a program of mental health screening and treatment for appropriate categories of juvenile and other offenders during periods of incarceration and juvenile and criminal justice supervision, that is consistent with guidelines issued by the Attorney General.

"(2) USE OF FUNDS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, amounts made available to a State under section 20103 or 20104, may be applied to the costs of programs described in paragraph (1), consistent with guidelines issued by the Attorney General.

"(B) ADDITIONAL USE.—In addition to being used as specified in subparagraph (A), the funds referred to in that subparagraph may be used by a State to pay the costs of providing to the Attorney General a baseline study on the mental health problems of juvenile offenders and prisoners in the State, which study shall be consistent with guidelines issued by the Attorney General.".

SEC. 8. INAPPLICABILITY OF AMENDMENTS.

Section 3626 of title 18 is amended by adding at the end the following:

"(h) INAPPLICABILITY OF AMENDMENTS.—A civil action that seeks to remedy conditions which pose a threat to the health of individuals who are—

"(1) under the age of 16; or

"(2) mentally ill;

shall be governed by the terms of this section, as in effect on the day before the date of enactment of the Prison Litigation Reform Act of 1995 and the amendments made by that Act (18 U.S.C. 3601 note).".

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. WARNER, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 4, a bill to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

At the request of Mr. DOMENICI, his name was added as a cosponsor of S. 4, supra.

S. 61

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 77

At the request of Mr. LUGAR, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 77, a bill to increase the unified estate and gift tax credit to exempt small businesses and farmers from estate taxes.

S. 92

At the request of Mr. DOMENICI, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 92, a bill to provide for biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 98

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 170

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 170, a bill to permit revocation by members of the clergy of their exemption from Social Security coverage.

S. 171

At the request of Mr. MOYNIHAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 174

At the request of Mr. MOYNIHAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 174, a bill to provide funding for States to correct Y2K problems in computers that are used to administer State and local government programs.

S. 211

At the request of Mr. MOYNIHAN, the names of the Senator from Connecticut (Mr. DODD), the Senator from Wyoming (Mr. ENZI), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 211, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 213

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 213, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation of the cover over of tax on distilled spirits, and for other purposes.

S. 217

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was withdrawn as a cosponsor of S. 217, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of charitable transfers of collections of personal papers with a separate right to control access.

S. 227

At the request of Mr. COVERDELL, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 227, a bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

S. 261

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 261, a bill to amend the Trade Act of 1974, and for other purposes.

S. 271

At the request of Mr. FRIST, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 271, a bill to provide for education flexibility partnerships.

S. 279

At the request of Mr. MCCAIN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. COVERDELL), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 280

At the request of Mr. FRIST, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 280, a bill to provide for education flexibility partnerships.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of

S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 296

At the request of Mr. FRIST, the names of the Senator from Maine (Ms. SNOWE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 314

At the request of Mr. BOND, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. COVERDELL), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 314, a bill to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

S. 322

At the request of Mr. CAMPBELL, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 322, a bill to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 327

At the request of Mr. HAGEL, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD), and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 383

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 383, a bill to establish a national policy of basic consumer fair treatment for airline passengers.

S. 393

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 393, a bill to provide Internet access to certain Congressional documents, including certain Congressional Research Service publications, Senate lobbying and gift report filings, and Senate and Joint Committee documents.

S. 395

At the request of Mr. ROCKEFELLER, the names of the Senator from New Jersey (Mr. TORRICELLI), the Senator from Ohio (Mr. DEWINE), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 395, a bill to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997.

S. 447

At the request of Mr. BURNS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 447, a bill to deem as timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payments for fiscal year 1999.

SENATE JOINT RESOLUTION 1

At the request of Mr. THURMOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 3

At the request of Mr. KYL, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Minnesota (Mr. GRAMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from South Carolina (Mr. THURMOND), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Michigan (Mr. LEVIN), the Senator from Tennessee (Mr. FRIST), the Senator from Kansas (Mr. ROBERTS), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Resolution 22, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of Senate Resolution 26, a resolution relating to Taiwan's participation in the World Health Organization.

SENATE RESOLUTION 47

At the request of Mr. MURKOWSKI, the names of the Senator from Utah (Mr. HATCH), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 47, a resolution designating the week of March 21 through March 27, 1999, as "National Inhalants and Poisons Awareness Week".

SENATE RESOLUTION 48

At the request of Mrs. HUTCHISON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of Senate Resolution 48, a resolution designating the week beginning March 7, 1999, as "National Girl Scout Week".

SENATE RESOLUTION 49—AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIOD MARCH 1, 1999 THROUGH SEPTEMBER 30, 1999

Mr. MCCONNELL (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 49

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions of the Senate under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1999, through September 30, 1999, in the aggregate of $28,632,851, in accordance with the provisions of this resolution, for all Standing Committees of the Senate, for the Committee on Indian Affairs, the Special Committee on Aging, and the Select Committee on Intelligence.

(b) REPORTING LEGISLATION.—Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than September 30, 1999.

(c) EXPENSES OF COMMITTEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required—

(A) for the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, Department of Telecommunications;

(C) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate;

(D) for payments to the Postmaster, United States Senate;

(E) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate; or

(F) for the payment of Senate Recording and Photographic Services.

(d) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1999, through September 30, 1999, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,091,991, of which amount—

(1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,693,175 of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,784,395, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,945,784, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $2,157,797, of which amount—

(1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,650,792.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,518,386, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,892,206, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,697,074, of which amount—

(1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 11. COMMITTEE ON GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $2,836,961, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of the committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1999, through September 30, 1999, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 54, agreed to February 13, 1997 (105th Congress) are authorized to continue.

SEC. 12. COMMITTEE ON THE JUDICIARY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $2,733,379, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 13. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $2,574,140, of which amount—

(1) not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $929,755, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 15. COMMITTEE ON SMALL BUSINESS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $677,992, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $703,242, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $3,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out the duties and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977, (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable

basis, the services of personnel of any such department or agency.

(b) Expenses.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $708,185, of which amount not to exceed $15,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i)of the Legislative Reorganization Act of 1946).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) General Authority.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of that resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of that resolution, the Select Committee on Intelligence is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) Expenses.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,325,017, of which amount not to exceed $35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) General Authority.—In carrying out the duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (Ninety-fifth Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) Expenses.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $712,580, of which amount not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

SEC. 20. SPECIAL RESERVES.

(a) In General.—

(1) Establishment.—Of the funds authorized for the Senate committees listed in sections 3 through 21 by S. Res. 54, agreed to February 13, 1997 (105th Congress), for the funding period ending on the last day of February 1999, any unexpended balances remaining shall be transferred to a special reserve which shall, on the basis of a special need and at the request of a Chairman and Ranking Member of any such committee, and with the approval of the Chairman and Ranking Member of the Committee on Rules and Administration, be available to any committee for the purposes provided in subsection (b).

(2) Payment of incurred obligations.—During March 1999, obligations incurred but not paid by February 28, 1999, shall be paid from the unexpended balances of committees before transfer to the special reserves and any obligations so paid shall be deducted from the unexpended balances of committees before being transferred to the special reserves.

(b) Purposes.—The reserves established in subsection (a) shall be available for the period commencing March 1, 1999, and ending with the close of September 30, 1999, for the purpose of—

(1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1999, and which were not deducted from the unexpended balances under subsection (a); and

(2) meeting expenses incurred after such last day and prior to the close of September 30, 1999.

AMENDMENTS SUBMITTED

SOLDIERS', SAILORS', AIRMEN'S, AND MARINES' BILL OF RIGHTS ACT OF 1999

BOND AMENDMENT NO. 20

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill (S. 4) to improve pay and retirement equity for members of the Armed Forces; and for other purposes; as follows:

On page 46, after line 16, add the following:

TITLE V—OTHER BENEFITS

SECTION 501. MEDICARE PART B SPECIAL ENROLLMENT PERIOD AND WAIVER OF PART B LATE ENROLLMENT PENALTY AND MEDIGAP SPECIAL OPEN ENROLLMENT PERIOD FOR CERTAIN MILITARY RETIREES AND DEPENDENTS.

(a) Medicare Part B Special Enrollment Period; Waiver of Part B Penalty for Late Enrollment.—

(1) In general.—In the case of any eligible individual (as defined in subsection (c)), the Secretary of Health and Human Services shall provide for a special enrollment period during which the individual may enroll under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.). Such period shall be for a period of 6 months and shall begin with the first month that begins at least 45 days after the date of enactment of this Act.

(2) Coverage period.—In the case of an eligible individual who enrolls during the special enrollment period provided under paragraph (1), the coverage period under part B of title XVIII of the Social Security Act shall begin on the first day of the month following the month in which the individual enrolls.

(3) Waiver of part B late enrollment penalty.—In the case of an eligible individual who enrolls during the special enrollment period provided under paragraph (1), there shall be no increase pursuant to section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) in the monthly premium under part B of title XVIII of such Act.

(b) Medigap Special Open Enrollment Period.—Notwithstanding any other provision of law, an issuer of a medicare supplemental policy (as defined in section 1882(g) of the Social Security Act (42 U.S.C. 1395ss))—

(1) may not deny or condition the issuance or effectiveness of a medicare supplemental policy; and

(2) may not discriminate in the pricing of the policy on the basis of the individual's health status, medical condition (including both physical and mental illnesses), claims experience, receipt of health care, medical history, genetic information, evidence of insurability (including conditions arising out of acts of domestic violence), or disability;

in the case of an eligible individual who seeks to enroll during the 6-month period described in subsection (a)(1).

(c) Eligible Individual Defined.—In this section, the term "eligible individual" means an individual—

(1) who, as of the date of the enactment of this Act, has attained 65 years of age and was eligible to enroll under part B of title XVIII of the Social Security Act, and

(2) who at the time the individual first satisfied paragraph (1) or (2) of section 1836 of the Social Security Act (42 U.S.C. 1395o)—

(A) was a covered beneficiary (as defined in section 1072(5) of title 10, United States Code), and

(B) did not elect to enroll (or to be deemed enrolled) under section 1837 of the Social Security Act (42 U.S.C. 1395p) during the individual's initial enrollment period.

The Secretary of Health and Human Services shall consult with the Secretary of Defense in the identification of eligible individuals.

ROCKEFELLER (AND BINGAMAN) AMENDMENT NO. 21

Mr. ROCKEFELLER (for himself and Mr. Bingaman) proposed an amendment to the bill, S. 4, supra; as follows:

On page 46, between the matter following line 5 and line 6, insert the following:

SEC. 305. AVAILABILITY OF MONTGOMERY GI BILL BENEFITS FOR PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

For purposes of section 3002(3) of title 38, United States Code, the term "program of education" shall include the following:

(1) A preparatory course for a test that is required or utilized for admission to an institution of higher education.

(2) A preparatory course for test that is required or utilized for admission to a graduate school.

WARNER (AND ALLARD) AMENDMENT NO. 22

Mr. WARNER (for himself and Mr. Allard) proposed an amendment to the bill, S. 4, supra; as follows:

On page 21, line 19, insert "2000," after "January 1,".

On page 21, line 23, strike out "(1)".

Beginning on page 22, in the table under the heading "COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER", strike out the superscript "^{4}" each place it appears in the column under the heading "Pay Grade".

Beginning on page 27, line 25, strike out "the Secretary of Health and Human Services" and all that follows through "Administration)," on page 28, line 4.

HARKIN (AND BINGAMAN) AMENDMENT NO. 23

Mr. HARKIN (for himself and Mr. Bingaman) proposed an amendment to the bill, S. 4, supra; as follows:

On page 25, strike lines 10 through 15, and insert the following:

(b)(1), the Secretary concerned shall pay the member a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance, as determined by the Secretary.

"(b) Covered Members.—(1) A member referred to subsection (a) is an enlisted member in pay grade E–5 or below.

"(2) For the purposes of this section, a member shall be considered as being eligible to receive food stamp assistance if the household of the member meets the income standards of eligibility established under section 5(c)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(2)), not taking into account the special subsistence allowance that may be payable to the member under this section and any allowance that is payable to the member under section 403 or 404a of this title.

On page 28, between lines 8 and 9, insert the following:

SEC. 104. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) Clarification of Benefits Responsibility.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking "may carry out a program to provide special supplemental food benefits" and inserting "shall carry out a program to provide supplemental foods and nutrition education".

(b) Relationship to WIC Program.—Subsection (b) of such section is amended to read as follows:

"(b) Federal Payments.—For the purpose of providing supplemental foods under the program required under subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense for each of fiscal years 1999 through 2003, out of funds available for such fiscal year pursuant to the authorization of appropriations under section 17(g)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(1)), $10,000,000 plus such additional amount as is necessary to provide supplemental foods under the program for such fiscal year. The Secretary of Defense shall use funds available for the Department of Defense to provide nutrition education and to pay for costs for nutrition services and administration under the program.".

(c) Program Administration.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.".

(d) Nutritional Risk Standards.—Subsection (c)(1)(B) of such section is amended by inserting "and nutritional risk standards" after "income eligibility standards".

(e) Definitions.—Subsection (f) of such section is amended by adding at the end the following:

"(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).".

(f) Report.—Not later than March 1, 2001, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the implementation of the special supplemental food program required under section 1060a of title 10, United States Code. The report shall include a discussion of whether the amount required to be provided by the Secretary of Agriculture for supplemental foods under subsection (b) of that section is adequate for the purpose and, if not, an estimate of the amount necessary to provide supplemental foods under the program.

BINGAMAN AMENDMENT NO. 24

Mr. BINGAMAN proposed an amendment to the bill, S. 4, supra; as follows:

On page 46, after line 16, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. SENSE OF SENATE REGARDING PROCESSING OF CLAIMS FOR VETERANS' BENEFITS.

(a) Findings.—The Senate makes the following findings:

(1) Despite advances in technology, telecommunications, and training, the Department of Veterans Affairs currently requires 20 percent more time to process claims for veterans' benefits than the Department required to process such claims in 1997.

(2) The Department does not currently process claims for veterans' benefits in a timely manner.

(b) Sense of Senate.—It is the sense of the Senate to urge the Secretary of Veterans Affairs to—

(1) review the program, policies, and procedures of the Veterans Benefits Administration of the Department of Veterans Affairs in order to identify areas in which the Administration does not currently process claims for veterans' benefits in a manner consistent with the objectives set forth in the National Performance Review (including objectives regarding timeliness of Executive branch activities); and

(2) initiate any actions necessary to ensure that the Administration processes claims for such benefits in a manner consistent with such objectives.

(3) report to the Congress by June 1, 1999 on measures taken to improve processing time for veterans' claims.

FEINGOLD AMENDMENT NO. 25

Ms. LANDRIEU (for Mr. Feingold) proposed an amendment to the bill, S. 4, supra; as follows:

On page 28, between lines 8 and 9, insert the following:

SEC. 104. ENTITLEMENT OF RESERVES NOT ON ACTIVE DUTY TO RECEIVE SPECIAL DUTY ASSIGNMENT PAY.

(a) Authority.—Section 307(a) of title 37, United States Code, is amended by inserting after "is entitled to basic pay" in the first sentence the following: ", or is entitled to compensation under section 206 of this title in the case of a member of a reserve component not on active duty,".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 26

Mr. ROCKEFELLER (for himself, Mr. Wellstone, Mr. Kennedy, Mr. Grams, Mr. Ashcroft, Mr. Reid, Mr. Kerry, Mr. Specter, Mr. Jeffords, and Mr. Daschle) proposed an amendment to the bill, S. 4, supra; as follows:

On page 46, after line 16, add the following:

SEC. . MEDICARE SUBVENTION DEMONSTRATION PROJECT FOR VETERANS.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following:

"MEDICARE SUBVENTION DEMONSTRATION PROJECT FOR VETERANS

"Sec. 1897. (a) Definitions.—In this section:

"(1) Administering Secretaries.—The term 'administering Secretaries' means the Secretary and the Secretary of Veterans Affairs acting jointly.

"(2) Demonstration project; project.—The terms 'demonstration project' and 'project' mean the demonstration project carried out under this section.

"(3) Demonstration site.—The term 'demonstration site' means a Veterans Affairs medical facility, including a group of Veterans Affairs medical facilities that provide hospital care or medical services as part of a service network or similar organization.

"(4) Military retiree.—The term 'military retiree' means a member or former member of the Armed Forces who is entitled to retired pay.

"(5) Targeted medicare-eligible veteran.—The term 'targeted medicare-eligible veteran' means an individual who—

"(A) is a veteran (as defined in section 101(2) of title 38, United States Code) and is described in section 1710(a)(3) of title 38, United States Code;

"(B) has attained age 65;

"(C) is entitled to benefits under part A of this title; and

"(D)(i) is enrolled for benefits under part B of this title; and

"(ii) if such individual attained age 65 before the date of enactment of the Veterans' Equal Access to Medicare Act, was so enrolled on such date.

"(6) Trust funds.—The term 'trust funds' means the Federal Hospital Insurance Trust Fund established in section 1817 and the Federal Supplementary Medical Insurance Trust Fund established in section 1841.

"(7) Veterans affairs medical facility.—The term 'Veterans Affairs medical facility' means a medical facility as defined in section 8101 of title 38, United States Code.

"(b) Demonstration Project.—

"(1) In general.—

"(A) Establishment.—The administering Secretaries are authorized to establish a demonstration project (under an agreement entered into by the administering Secretaries) under which the Secretary shall reimburse the Secretary of Veterans Affairs, from the trust funds, for medicare health care services furnished to certain targeted medicare-eligible veterans at a demonstration site.

"(B) Agreement.—The agreement entered into under subparagraph (A) shall include at a minimum—

"(i) a description of the benefits to be provided to the participants in the demonstration project established under this section;

"(ii) a description of the eligibility rules for participation in the demonstration project, including any terms and conditions established under subparagraph (C) and any cost-sharing required under subparagraph (D);

"(iii) a description of how the demonstration project will satisfy the requirements under this title (including beneficiary protections and quality assurance mechanisms);

"(iv) a description of the demonstration sites selected under paragraph (2);

"(v) a description of how reimbursement and maintenance of effort requirements under subsection (h) will be implemented in the demonstration project;

"(vi) a statement that the Secretary shall have access to all data of the Department of Veterans Affairs that the Secretary determines is necessary to conduct independent estimates and audits of the maintenance of effort requirement, the annual reconciliation, and related matters required under the demonstration project;

"(vii) a description of any requirement that the Secretary waives pursuant to subsection (d); and

"(viii) a certification, provided after review by the administering Secretaries, that any entity that is receiving payments by reason of the demonstration project has sufficient—

"(I) resources and expertise to provide, consistent with payments under subsection (h), the full range of benefits required to be provided to beneficiaries under the project; and

"(II) information and billing systems in place to ensure the accurate and timely submission of claims for benefits and to ensure that providers of services, physicians, and other health care professionals are reimbursed by the entity in a timely and accurate manner.

"(C) VOLUNTARY PARTICIPATION.—Participation of targeted medicare-eligible veterans in the demonstration project shall be voluntary, subject to the capacity of participating demonstration sites and the funding limitations specified in subsection (h), and shall be subject to such terms and conditions as the administering Secretaries may establish. In the case of a demonstration site described in paragraph (2)(C)(i), targeted medicare-eligible veterans who are military retirees shall be given preference for participating in the project conducted at that site.

"(D) COST-SHARING.—The Secretary of Veterans Affairs may establish cost-sharing requirements for veterans participating in the demonstration project. If such cost-sharing requirements are established, those requirements shall be the same as the requirements that apply to targeted medicare-eligible patients at medical centers that are not Veterans Affairs medical facilities.

"(E) DATA MATCH.—

"(i) ESTABLISHMENT OF DATA MATCHING PROGRAM.—The administering Secretaries shall establish a data matching program under which there is an exchange of information of the Department of Veterans Affairs and of the Department of Health and Human Services as is necessary to identify veterans (as defined in section 101(2) of title 38, United States Code) who are entitled to benefits under part A or enrolled under part B, or both, in order to carry out this section. The provisions of section 552a of title 5, United States Code, shall apply with respect to such matching program only to the extent the administering Secretaries find it feasible and appropriate in carrying out this section in a timely and efficient manner.

"(ii) PERFORMANCE OF DATA MATCH.—The administering Secretaries, using the data matching program established under clause (i), shall perform a comparison in order to identify veterans who are entitled to benefits under part A or enrolled under part B, or both. To the extent such Secretaries deem appropriate to carry out this section, the comparison and identification may distinguish among such veterans by category of veterans, by entitlement to benefits under this title, or by other characteristics.

"(iii) DEADLINE FOR FIRST DATA MATCH.—Not later than October 31, 1999, the administering Secretaries shall first perform a comparison under clause (ii).

"(iv) CERTIFICATION BY INSPECTOR GENERAL.—

"(I) IN GENERAL.—The administering Secretaries may not conduct the program unless the Inspector General of the Department of Health and Human Services certifies to Congress that the administering Secretaries have established the data matching program under clause (i) and have performed a comparison under clause (ii).

"(II) DEADLINE FOR CERTIFICATION.—Not later than December 15, 1999, the Inspector General of the Department of Health and Human Services shall submit a report to Congress containing the certification under subclause (I) or the denial of such certification.

"(2) NUMBER OF DEMONSTRATION SITES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), and subsection (g)(1)(D)(ii), the administering Secretaries shall establish a plan for the selection of up to 10 demonstration sites located in geographically dispersed locations to participate in the project.

"(B) CRITERIA.—The administering Secretaries shall favor selection of those demonstration sites that consideration of the following factors indicate are suited to serve targeted medicare-eligible veterans:

"(i) There is a high potential demand by targeted medicare-eligible veterans for the services to be provided at the demonstration site.

"(ii) The demonstration site has sufficient capability in billing and accounting to participate in the project.

"(iii) The demonstration site can demonstrate favorable indicators of quality of care, including patient satisfaction.

"(iv) The demonstration site delivers a range of services required by targeted medicare-eligible veterans.

"(v) The demonstration site meets other relevant factors identified in the plan.

"(C) REQUIRED DEMONSTRATION SITES.—At least 1 of each of the following demonstration sites shall be selected for inclusion in the demonstration project:

"(i) DEMONSTRATION SITE NEAR CLOSED BASE.—A demonstration site that is in the same catchment area as a military treatment facility referred to in section 1074(a) of title 10, United States Code, which was closed pursuant to either—

"(I) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); or

"(II) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(ii) DEMONSTRATION SITE IN A RURAL AREA.—A demonstration site that serves a predominantly rural population.

"(3) RESTRICTION.—No new buildings may be built or existing buildings expanded with funds from the demonstration project.

"(4) DURATION.—The administering Secretaries shall conduct the demonstration project during the 3-year period beginning on January 1, 2000.

"(c) CREDITING OF PAYMENTS.—A payment received by the Secretary of Veterans Affairs under the demonstration project shall be credited to the applicable Department of Veterans Affairs medical appropriation and (within that appropriation) to funds that have been allotted to the demonstration site that furnished the services for which the payment is made. Any such payment received during a fiscal year for services provided during a prior fiscal year may be obligated by the Secretary of Veterans Affairs during the fiscal year during which the payment is received.

"(d) AUTHORITY TO WAIVE CERTAIN MEDICARE REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may, to the extent necessary to carry out the demonstration project, waive any requirement under this title.

"(2) BENEFICIARY PROTECTIONS FOR MANAGED CARE PLANS.—In the case of a managed care plan established by the Secretary of Veterans Affairs pursuant to subsection (g), such plan shall comply with the requirements of part C of this title that relate to beneficiary protections and other matters, including such requirements relating to the following areas:

"(A) Enrollment and disenrollment.

"(B) Nondiscrimination.

"(C) Information provided to beneficiaries.

"(D) Cost-sharing limitations.

"(E) Appeal and grievance procedures.

"(F) Provider participation.

"(G) Access to services.

"(H) Quality assurance and external review.

"(I) Advance directives.

"(J) Other areas of beneficiary protections that the Secretary determines are applicable to such project.

"(3) DESCRIPTION OF WAIVER.—If the Secretary waives any requirement pursuant to paragraph (1), the Secretary shall include a description of such waiver in the agreement described in subsection (b)(1)(B).

"(e) INSPECTOR GENERAL.—Nothing in the agreement entered into under subsection (b) shall limit the Inspector General of the Department of Health and Human Services from investigating any matters regarding the expenditure of funds under this title for the demonstration project, including compliance with the provisions of this title and all other relevant laws.

"(f) REPORT.—At least 60 days prior to the commencement of the demonstration project, the administering Secretaries shall submit a copy of the agreement entered into under subsection (b) to the committees of jurisdiction in Congress.

"(g) MANAGED HEALTH CARE.—

"(1) MANAGED HEALTH CARE PLANS.—

"(A) IN GENERAL.—The Secretary of Veterans Affairs may establish and operate managed health care plans at demonstration sites.

"(B) REQUIREMENTS.—Any managed health care plan established in accordance with subparagraph (A) shall be operated by or through a Veterans Affairs medical facility, or a group of Veterans Affairs medical facilities, and may include the provision of health care services by public and private entities under arrangements made between the Department of Veterans Affairs and the other public or private entity concerned. Any such managed health care plan shall be established and operated in conformance with standards prescribed by the administering Secretaries.

"(C) MINIMUM BENEFITS.—The administering Secretaries shall prescribe the minimum health care benefits to be provided under a managed health care plan to veterans enrolled in the plan, which benefits shall include at least all health care services covered under the medicare program under this title.

"(D) INCLUSION IN NUMBER OF DEMONSTRATION SITES.—

"(i) In general.—Subject to clause (ii), if the Secretary of Veterans Affairs elects to establish a managed health care plan under this section, the establishment of such plan is a selected demonstration site for purposes of applying the numerical limitation under subsection (b)(2).

"(ii) Limitation.—The Secretary of Veterans Affairs shall not establish more than 4 managed health care plans under this section.

"(2) Demonstration site requirements.—The Secretary of Veterans Affairs may establish a managed health care plan under paragraph (1) using 1 or more demonstration sites and other public or private entities only after the Secretary of Veterans Affairs submits to Congress a report setting forth a plan for the use of such sites and entities. The plan may not be implemented until the Secretary of Veterans Affairs has received from the Inspector General of the Department of Veterans Affairs, and has forwarded to Congress, certification of each of the following:

"(A) The cost accounting system of the Veterans Health Administration (currently known as the Decision Support System) is operational and is providing reliable cost information on care delivered on an inpatient and outpatient basis at such sites and entities.

"(B) The demonstration sites and entities have developed a credible plan (on the basis of market surveys, data from the Decision Support System, actuarial analysis, or other appropriate methods and taking into account the level of payment under subsection (h) and the costs of providing covered services at the sites and entities) to minimize, to the extent feasible, the risk that appropriated funds allocated to the sites and entities will be required to meet the obligation of the sites and entities to targeted medicare-eligible veterans under the demonstration project.

"(C) The demonstration sites and entities collectively have available capacity to provide the contracted benefits package to a sufficient number of targeted medicare-eligible veterans.

"(D) The Veterans Affairs medical facility administering the health plan has sufficient systems and safeguards in place to minimize any risk that instituting the managed care model will result in reducing the quality of care delivered to participants in the demonstration project or to other veterans receiving care under paragraph (1) or (2) of section 1710(a) of title 38, United States Code.

"(3) Reserves.—The Secretary of Veterans Affairs shall maintain such reserves as may be necessary to ensure against the risk that appropriated funds, allocated to demonstration sites and public or private entities participating in the demonstration project through a managed health care plan under this section, will be required to meet the obligations of those sites and entities to targeted medicare-eligible veterans.

"(h) Payments Based on Regular Medicare Payment Rates.—

"(1) Payments.—

"(A) In general.—Subject to the succeeding provisions of this subsection, the Secretary shall reimburse the Secretary of Veterans Affairs for services provided under the demonstration project at the following rates:

"(i) Noncapitation.—Except as provided in clause (ii) and subject to subparagraphs (B) and (D), at a rate equal to 95 percent of the amounts that otherwise would be payable under this title on a noncapitated basis for such services if the demonstration site was not part of this demonstration project, was participating in the medicare program, and imposed charges for such services.

"(ii) Capitation.—Subject to subparagraphs (B) and (D), in the case of services provided to an enrollee under a managed health care plan established under subsection (g), at a rate equal to 95 percent of the amount paid to a Medicare+Choice organization under part C with respect to such an enrollee.

"(iii) Other cases.—In cases in which a payment amount may not otherwise be readily computed under clauses (i) or (ii), the Secretaries shall establish rules for computing equivalent or comparable payment amounts.

"(B) Exclusion of certain amounts.—In computing the amount of payment under subparagraph (A), the following shall be excluded:

"(i) Disproportionate share hospital adjustment.—Any amount attributable to an adjustment under section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)).

"(ii) Direct graduate medical education payments.—Any amount attributable to a payment under subsection (h) of such section.

"(iii) Percentage of indirect medical education adjustment.—40 percent of any amount attributable to the adjustment under subsection (d)(5)(B) of such section.

"(iv) Percentage of capital payments.—67 percent of any amounts attributable to payments for capital-related costs under subsection (g) of such section.

"(C) Periodic payments from medicare trust funds.—Payments under this subsection shall be made—

"(i) on a periodic basis consistent with the periodicity of payments under this title; and

"(ii) in appropriate part, as determined by the Secretary, from the trust funds.

"(D) Annual limit on medicare payments.—The amount paid to the Department of Veterans Affairs under this subsection for any year for the demonstration project may not exceed $50,000,000.

"(2) Reduction in payment for VA failure to maintain effort.—

"(A) In general.—To avoid shifting onto the medicare program under this title costs previously assumed by the Department of Veterans Affairs for the provision of medicare-covered services to targeted medicare-eligible veterans, the payment amount under this subsection for the project for a fiscal year shall be reduced by the amount (if any) by which—

"(i) the amount of the VA effort level for targeted veterans (as defined in subparagraph (B)) for the fiscal year ending in such year, is less than

"(ii) the amount of the VA effort level for targeted veterans for fiscal year 1998.

"(B) VA effort level for targeted veterans defined.—For purposes of subparagraph (A), the term 'VA effort level for targeted veterans' means, for a fiscal year, the amount, as estimated by the administering Secretaries, that would have been expended under the medicare program under this title for VA-provided medicare-covered services for targeted veterans (as defined in subparagraph (C)) for that fiscal year if benefits were available under the medicare program for those services. Such amount does not include expenditures attributable to services for which reimbursement is made under the demonstration project.

"(C) VA-provided medicare-covered services for targeted veterans.—For purposes of subparagraph (B), the term 'VA-provided medicare-covered services for targeted veterans' means, for a fiscal year, items and services—

"(i) that are provided during the fiscal year by the Department of Veterans Affairs to targeted medicare-eligible veterans;

"(ii) that constitute hospital care and medical services under chapter 17 of title 38, United States Code; and

"(iii) for which benefits would be available under the medicare program under this title if they were provided other than by a Federal provider of services that does not charge for those services.

"(3) Assuring no increase in cost to medicare program.—

"(A) Monitoring effect of demonstration program on costs to medicare program.—

"(i) In general.—The Secretaries, in consultation with the Comptroller General, shall closely monitor the expenditures made under the medicare program for targeted medicare-eligible veterans during the period of the demonstration project compared to the expenditures that would have been made for such veterans during that period if the demonstration project had not been conducted.

"(ii) Annual report by the Comptroller General.—Not later than December 31 of each year during which the demonstration project is conducted, the Comptroller General shall submit to the Secretaries and the appropriate committees of Congress a report on the extent, if any, to which the costs of the Secretary under the medicare program under this title increased during the preceding fiscal year as a result of the demonstration project.

"(B) Required response in case of increase in costs.—

"(i) In general.—If the administering Secretaries find, based on subparagraph (A), that the expenditures under the medicare program under this title increased (or are expected to increase) during a fiscal year because of the demonstration project, the administering Secretaries shall take such steps as may be needed—

"(I) to recoup for the medicare program the amount of such increase in expenditures; and

"(II) to prevent any such increase in the future.

"(ii) Steps.—Such steps—

"(I) under clause (i)(I), shall include payment of the amount of such increased expenditures by the Secretary of Veterans Affairs from the current medical care appropriation of the Department of Veterans Affairs to the trust funds; and

"(II) under clause (i)(II), shall include suspending or terminating the demonstration project (in whole or in part) or lowering the amount of payment under paragraph (1)(A).

"(i) Evaluation and Reports.—

"(1) Independent evaluation.—

"(A) In general.—The administering Secretaries shall arrange for an independent entity with expertise in the evaluation of health care services to conduct an evaluation of the demonstration project.

"(B) Contents.—The evaluation conducted under subparagraph (A) shall include an assessment, based on the agreement entered into under subsection (b), of the following:

"(i) The cost to the Department of Veterans Affairs of providing care to veterans under the project.

"(ii) Compliance of participating demonstration sites with applicable measures of quality of care, compared to such compliance for other medicare-participating medical centers that are not Veterans Affairs medical facilities.

"(iii) A comparison of the costs of participation of the demonstration sites in the program with the reimbursements provided for services of such sites.

"(iv) Any savings or costs to the medicare program under this title from the project.

"(v) Any change in access to care or quality of care for targeted medicare-eligible veterans participating in the project.

"(vi) Any effect of the project on the access to care and quality of care for targeted medicare-eligible veterans not participating in the project and other veterans not participating in the project.

"(vii) The provision of services under managed health care plans under subsection (g), including the circumstances (if any) under which the Secretary of Veterans Affairs uses reserves described in paragraph (3) of such subsection and the Secretary of Veterans Affairs' response to such circumstances (including the termination of managed health care plans requiring the use of such reserves).

"(viii) Any effect that the demonstration project has on the enrollment in Medicare+Choice plans offered by Medicare+Choice organizations under part C of this title in the established site areas.

"(ix) Any additional elements that the independent entity determines is appropriate to assess regarding the demonstration project.

"(C) ANNUAL REPORTS.—The independent entity conducting the evaluation under subparagraph (A) shall submit reports on such evaluation to the administering Secretaries and to the committees of jurisdiction in the Congress as follows:

"(i) INITIAL REPORT.—The entity shall submit the initial report not later than 12 months after the date on which the demonstration project begins operation.

"(ii) SECOND ANNUAL REPORT.—The entity shall submit the second annual report not later than 30 months after the date on which the demonstration project begins operation.

"(iii) FINAL REPORT.—The entity shall submit the final report not later than 3½ years after the date on which the demonstration project begins operation.

"(2) REPORT ON EXTENSION AND EXPANSION OF DEMONSTRATION PROJECT.—Not later than 3½ years after the date on which the demonstration project begins operation, the administering Secretaries shall submit to Congress a report containing—

"(A) their recommendation as to—

"(i) whether to extend the demonstration project or make the project permanent;

"(ii) whether to expand the project to cover additional demonstration sites and to increase the maximum amount of reimbursement (or the maximum amount of reimbursement permitted for managed health care plans under this section) under the project in any year; and

"(iii) whether the terms and conditions of the project should be continued (or modified) if the project is extended or expanded; and

"(B) a detailed description of any costs associated with their recommendation made pursuant to clauses (i) and (ii) of subparagraph (A).".

WELLSTONE AMENDMENT NO. 27

Mr. WELLSTONE proposed an amendment to the bill, S. 4, supra; as follows:

On page 46, after line 16, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS.

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following:

"(P) Lung cancer.

"(Q) Bone cancer.

"(R) Skin cancer.

"(S) Colon cancer.

"(T) Posterior subcapsular cataracts.

"(U) Non-malignant thyroid nodular disease.

"(V) Ovarian cancer.

"(W) Parathyroid adenoma.

"(X) Tumors of the brain and central nervous system.

"(Y) Rectal cancer.".

COVERDELL (AND McCAIN) AMENDMENT NO. 28

Mr. WARNER (for Mr. COVERDELL for himself, Mr. McCAIN, and Mr. LEVIN) proposed an amendment to the bill, S. 4, supra; as follows:

On page 28, between lines 8 and 9, insert the following:

SEC. 104. SENSE OF THE SENATE REGARDING USE OF EXTENSION OF TIME TO FILE TAX RETURNS FOR MEMBERS OF UNIFORMED SERVICES ON DUTY ABROAD.

(a) FINDINGS.—The Senate finds that—

(1) the Internal Revenue Service provides a 2-month extension of the deadline for filing tax returns for members of the uniformed services who are in an area outside the United States or the Commonwealth of Puerto Rico for a tour of duty which includes the date for filing tax returns;

(2) any taxpayer using this 2-month extension who owes additional tax must pay the tax on or before the regular filing deadline;

(3) those who use the 2-month extension and wait to pay the additional tax at the time of filing are charged interest from the regular filing deadline, and may also be required to pay a penalty; and

(4) it is fundamentally unfair to members of the uniformed services who make use of this extension to require them to pay penalties and interest on the additional tax owed.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the 2-month extension of the deadline for filing tax returns for certain members of the uniformed services provided in Internal Revenue Service regulations should be codified; and

(2) eligible members of the uniformed services should be able to make use of the extension without accumulating interest or penalties.

GRAHAM AMENDMENT NO. 29

Mr. GRAHAM proposed an amendment to the bill, S. 4, supra; as follows:

At the end add the following:

TITLE V—REVENUES

SEC. 501. EXTENSION OF HAZARDOUS SUBSTANCE SUPERFUND TAXES.

(a) EXTENSION OF TAXES.—

(1) ENVIRONMENTAL TAX.—Section 59A(e) of the Internal Revenue Code of 1986 is amended to read as follows:

"(e) APPLICATION OF TAX.—The tax imposed by this section shall apply to taxable years beginning after December 31, 1986, and before January 1, 1996, and to taxable years beginning after June 30, 1999."

(2) EXCISE TAXES.—Section 4611(e) of such Code is amended to read as follows:

"(e) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING RATE.—The Hazardous Substance Superfund financing rate under this section shall apply after December 31, 1986, and before January 1, 1996, and after June 30, 1999."

(b) EFFECTIVE DATES.—

(1) INCOME TAX.—The amendment made by subsection (a)(1) shall apply to taxable years beginning after June 30, 1999.

(2) EXCISE TAX.—The amendment made by subsection (a)(2) shall take effect on July 1, 1999.

SEC. 502. MODIFICATION TO FOREIGN TAX CREDIT CARRYBACK AND CARRYOVER PERIODS.

(a) IN GENERAL.—Section 904(c) of the Internal Revenue Code of 1986 (relating to limitation on credit) is amended—

(1) by striking "in the second preceding taxable year,", and

(2) by striking "or fifth" and inserting "fifth, sixth, or seventh".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to credits arising in taxable years beginning after December 31, 1998.

SEC. 503. EXTENSION OF OIL SPILL LIABILITY TAXES.

(a) IN GENERAL.—Section 4611(f)(1) (relating to application of oil spill liability trust fund financing rate) is amended by striking "after December 31, 1989, and before January 1, 1995" and inserting "after the date of the enactment of the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999 and before October 1, 2008".

(b) INCREASE IN UNOBLIGATED BALANCE WHICH ENDS TAX.—Section 4611(f)(2) (relating to no tax if unobligated balance in fund exceeds $1,000,000,000) is amended by striking "$1,000,000,000" each place it appears in the text and heading thereof and inserting "$5,000,000,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, February 24, 1999. The purpose of this meeting will be for oversight of the U.S. Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Strategic Subcommittee of the Committee on Armed Services be authorized to meet on Wednesday, February 24, 1999, at 2:00 p.m. in open session, to receive testimony on National Missile Defense Programs and Policies, in Review of the Defense Authorization Request for Fiscal Year 2000 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 24, 1999, to conduct a hearing on financial services legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Wednesday, February 24, 1999, at 2:30 p.m. on Coast Guard budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WARNER. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing to receive testimony from Carol M. Browner, Administrator, Environmental Protection Agency, on the proposed FY 2000 EPA budget Wednesday, February 24, 9:00 a.m., Hearing Room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, February 24, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 24, 1999 at 11:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, February 24, 1999, at 10:00 a.m. for a hearing on the Independent Counsel Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Privacy Under a Microscope: Balancing the Needs of Research and Confidentiality during the session of the Senate on Wednesday, February 24, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, February 24, 1999, at 9:30 a.m. to conduct a Hearing on the President's Budget Request for FY 2000 for Indian programs. The hearing will be held in room 485 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 24, 1999, at 11:00 a.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct the afternoon session of a joint hearing with the Armed Services Subcommittee on Readiness on potential year 2000 issues Wednesday, February 24, 2:15 p.m., Hart Hearing Facility (SH–216).

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs be authorized to meet during the session of the Senate on Wednesday, February 24, 1999 at 2:00 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, February 24, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this oversight hearing is to consider the President's proposed budget for FY2000 for National Park Service programs and operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet on Wednesday, February 24, 1999, at 2:00 p.m. in open session, to receive testimony on Recruiting and Retention Policies within the Department of Defense and the Military Services in Review of the Defense Authorization Request for Fiscal Year 2000 and the Future Years Defense Programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, February 24, 1999, in open session, to review the National Security Ramifications of the Year 2000 Computer Problem.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO A TRUE AMERICAN HERO: MR. EDGAR NOLLNER

● Mr. MURKOWSKI. Mr. President, I rise today to pay tribute to Mr. Edgar Nollner Sr., a distinguished Alaskan and notable American hero who passed away recently at his home in Galena, Alaska at the age of 94.

While Edgar Nollner is not a household name, many Americans may recall his heroic story of courage, teamwork and selflessness.

In the winter of 1925, the Gold Rush town of Nome, Alaska was in the midst of a deadly diphtheria epidemic. Several cases of the contagious, bacterial disease had struck the small predominately Native population, some 1,400 of the towns residents.

On January 21, an emergency Morse code message was transmitted from Nome pleading for a supply of diphtheria antitoxin serum. Twenty pounds of serum was found at an Anchorage hospital, but territorial governor Scot Bone would not risk flying the precious viles of serum from Anchorage to Fairbanks due to hazardous weather conditions. In fact, it is noted that the governor said he was willing to let the pilots risk their lives, but he would not risk the serum. Officials then determined that the serum would be shipped to Nenana via railroad; the serum arrived in the interior Alaska town six days after the initial plea was sent. It was from Nenana that the infamous 674 mile Serum Run Relay began, a race not for glory or riches, but a race to save the residents of Nome.

Nome typically received most of its winter supplies by dog sled with deliveries taking a single musher 15 to 20 days to make a trip. Instead of a solo run, 20 dog-sled mushers, including Edgar Nollner, prepared to tackle the 70 degree below zero temperatures, frozen tundra and gale-force winds blowing up to 75 miles and hour. The mushers and dog teams were thus divided into shorter sprint segments to quicken the trip.

Edgar Nollner was scheduled to run the 10th leg of the relay, 42 miles, but his younger brother, George, begged him to let him drive the last 18 miles of his leg. Edgar ran at night, covering the 24 miles from Whiskey Point to Galena in 3 hours. He reported that winds were so fierce, causing so much blowing snow, that he could not see his dogs or anything around him. His lead sled dog and trusted friend, Dixie, knew the trail and never faltered.

The frozen serum arrived safely in Nome on February 2, 1925, in a mere 5 days and 7 hours; the epidemic was soon over. The brave men and scores of dogs were all hailed heroes. But for all the acclaim it received, the serum run marked the end of an era. With the increase of better airplanes, better schedules, and the insurgence of snow machines, the need for dog sleds was no longer essential. If the fear of diphtheria now seems antiquated, it is only because the Serum Run brought an end to the disease as a serious health threat in the United States.

Edgar Nollner was just 20 years old when he left his trapper and fisherman lifestyle to selflessly join the others on the Serun Run. He was the son of a Missouri man who came to Alaska for the 1890's Gold Rush, and an Athabaskan mother, who made their home along the Yukon River in Galena. As the last surviving member of the serum-run relay mushers who risked their lives so that others may live, Edgar Nollner was truly a twentieth century hero.

The townspeople in Galena are mourning Edgar's passing but his legacy remains. Records show that Mr. Nollner married twice, fathered 24 children and has more than 200 grandchildren and great grandchildren. Mr. President, I believe there can be no greater gift.

To honor these brave men, the famous Serum Run Relay was reenacted in 1973, in an event know known as the Iditarod Trail Sled Dog Race. The modern-day Iditarod covers more than 1,000 miles of frozen tundra from Anchorage to Nome and is now run annually in March.

Edgar Nollner was both a hero and legend. I salute this rugged Alaskan who risked his life so that others could live—he epitomizes the true spirit of all Alaskans. His spirit, along with the 19 other brave Serum Run mushers will continue to run strong in every Iditarod. The final chapter of this dramatic saga is closed, but not forgotten.•

PROHIBITION OF THE IMPLEMENTATION OF THE "KNOW YOUR CUSTOMER" REGULATIONS

• Mr. BROWNBACK. Mr. President, I wish to make a few remarks in support of Senator ALLARD's bill that would prohibit the implementation of the "Know Your Customer" (KYC) regulations by the four federal banking agencies (Office of Comptroller of the Currency, Office of Thrift Supervision, the Federal Reserve, and the Federal Deposit Insurance Corporation). As a cosponsor of this legislation, I am concerned that this proposal would bring a regulatory imbalance to banks and their competitors, increase regulatory burdens on the banking industry and potentially violate the privacy of consumers. Once again the federal government has prescribed regulations that are costly to businesses and intrusive to citizens.

These regulations would put the banking industry at a disadvantage with their nonbank financial service competitors because many of them are not required to develop and maintain "Know Your Customer" programs under the proposal. Many bank customers would correctly view this as an intrusion of their privacy and might elect to conduct their banking business at other financial institutions.

Current criminal reporting requirements already mandate that financial institutions report violations of federal law to the Treasury Department after uncovering potential money laundering, insider abuse, or any violation of federal law. Ironically, under the proposed regulations by the federal banking agencies, a financial institution would not be required to report a violation after it has occurred. The proposed regulations create more burdensome and invasive regulations by requiring banks to investigate all customers activity to see if any violation of federal law has taken place, not just those suspected of criminal activity. This could be time consuming and extremely costly for banks.

The proposed regulations have generated many concerns from both consumers and the banking industry. A proposal that requires bankers to analyze all customer transactions would violate the public's trust and confidence in the banking industry. The financial service sector has been very effective in reporting possible violations of the law, while at the same time protecting customer information. The proposed regulations do little to increase the ability to curtail illegal activity and would severely harm America's financial institutions and the customers they serve. I encourage the four federal banking agencies to reconsider their proposed regulations and withdraw them.•

ELECTRIC UTILITY RESTRUCTURING

• Mr. KERREY. Mr. President, last year, Senator GORTON and I introduced a bill that addressed a growing problem faced by local governments in the new era of state electric utility restructuring. That bill had the bipartisan cosponsorship of almost a dozen Senators.

On February 6, we reintroduced this legislation as the Bond Fairness and Protection Act. This bill will ensure Nebraskans continue to benefit from the publicly-owned power they currently receive. Nebraska has 154 not-for-profit community-based public power systems. It is the only state which relies entirely on public power for electricity. This system has served my state well as Nebraskans enjoy some of the lowest rates in the nation.

Approximately 18 states have already moved toward permitting new competition in the electric industry. However, the federal tax rules governing municipal bond financing did not anticipate the new era of electric utility restructuring when they were crafted more than a decade ago. If Congress does not act, public power systems that open their transmission lines to privately owned utilities can jeopardize the status of their outstanding tax-exempt bonds. The legislation my colleagues and I introduced is an equitable solution to the problem.

Under this legislation, local governments determine how their future municipal power debt will be treated. According to the US Department of Energy, my own state had over $2.2 billion in outstanding municipal power bond debt in 1996. Our bill protects local governments that issued public power bond debt in the past, yet gives them the flexibility to issue new, but fully taxable debt if they choose to build any new power generation facilities in the future.

Specifically, our legislation provides them with an option: they may either choose to operate under current, so called "private use" rules in our tax code. Or if they prefer, they can choose to make a one-time irrevocable election that will allow them to build new power generation facilities if they want, but only using fully taxable bonds instead of tax-exempt financing.

It is important we recognize and respect local governments may face unique situations in public power financing issues as the electricity market changes, and we give them reasonable and fair choices.

Congress may or may not choose to move forward this year on the larger and more complex issues involved in restructuring the electricity marketplace. But I feel we must act to solve this special problem this year. Our local governments should not face unfair retroactive bond taxation triggered by old federal tax rules in conflict with the new state-mandated laws or regulations.

This legislation weighs the interests of local governments, bondholders, consumers, and public and private utilities. It will enable Nebraska public power systems to make decisions in the best interests of their consumers and protect the reliable, affordable electric service that Nebraska currently enjoys.•

TRIBUTE TO UNIVERSITY OF TENNESSEE'S CHAMIQUE HOLDSCLAW

• Mr. THOMPSON. Mr. President, I rise today to honor and recognize an outstanding University of Tennessee Lady Volunteers basketball player, senior Chamique Holdsclaw.

Last week, Chamique Holdsclaw was recognized as the outstanding amateur athlete in the nation when she was awarded the 1998 James E. Sullivan Memorial Award. Chamique is the first female basketball player—and only the third basketball player, male or female—to win the award in its 69-year history.

It comes as no surprise to those of us from Tennessee that Chamique, the second University of Tennessee athlete in two years to take the honor, follows former Volunteer quarterback Peyton Manning. Other winners of this prestigious award include Bill Walton, Bill Bradley, Bonnie Blair, Florence Griffith-Joyner and Bruce Jenner.

Mr. President, Chamique Holdsclaw is one of the finest college basketball players in America, who time after time has displayed grace under pressure, sinking last-minute, game-winning shots. She has led both her high school and college teams to national basketball championships. And of course we all remember last year when she led the Lady Volunteers to a 39–0 record and a third straight national title. Chamique has Tennessee on track for a fourth straight title this season.

To measure the impact this Tennessee senior has had on women's sports over the past four years, you did not have to look any farther than across from the Lady Vols bench last week, where former Sullivan winner Jackie Joyner-Kersee sat. After meeting Chamique at an awards ceremony two weeks ago, Joyner-Kersee was so impressed that she flew in from St. Louis for Chamique's final regular-season home game, in which she scored 25 points and pulled down 11 rebounds.

Regardless of what greatness Chamique Holdsclaw achieves in her pro career, her time at Tennessee has clearly changed the game. Though plenty of women's college basketball legends came before her, Chamique became her sport's first national superstar. She took hold of that spotlight, thrived under the pressure it brought with it, and made history.

Mr. President, the Sullivan Award recognizes athletes who have excelled in competition while exhibiting leadership, character and sportsmanship. Chamique Holdsclaw embodies each of these qualities and is the kind of person we should encourage all our young people to emulate. Her determination and dedication to excellence remind us that we each have the power to make a positive difference.•

TRIBUTE TO JOUSHUA HEWITT AND DANA WALSH

• Mr. SCHUMER. Mr. President, I am pleased to have the opportunity today to recognize two young students from my state who have achieved national recognition for exemplary volunteer service in their communities. Joushua Hewitt of Perry, NY, and Dana Walsh of Oceanside, NY, have been named State Honorees in the 1999 Prudential Spirit of Community Awards program. Each year this program honors students who have demonstrated outstanding community service.

These two fine students have given back to their communities in many ways. Mr. Hewitt is being recognized for his efforts in staging a simulated traffic accident to graphically demonstrate the horrors of drunk driving to his classmates. Ms. Walsh is being recognized for coordinating a fund-raising drive at her school, which raised $3,000 for the Cystic Fibrosis Foundation. These two students are excellent examples of young adults who are working hard to make their communities better and they deserve to be honored.

Mr. Hewitt and Ms. Walsh should be extremely proud to have been singled out from a group of dedicated volunteers from across the country. As part of their recognition, they will come here to the Capitol in May for several days of special events, including a Congressional breakfast reception. While in Washington, 10 of the 1999 Spirit of Community honorees will be selected as America's top youth volunteers. I commend all of those who have been nominated.

It is my honor to congratulate these young people who have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world. They deserve our sincere admiration and respect. Their actions show that young Americans can—and do—play important roles in their communities, and that America's community spirit continues to hold tremendous promise for the future.•

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

• Mr. DODD. Mr. President, I ask that a statement I submitted to the Committee on Health, Education, Labor, and Pensions on the committee's markup of S. 280, the Education Flexibility Partnership Act of 1999, be printed in the Record.

The statement follows:

Mr. Chairman, improving our nation's schools is clearly a crucial task and one deserving of the committee's time and attention. However, I regret that the committee has chosen to proceed with the consideration of Senator Frist's Ed Flex bill today, just a scant hour after two of this century's most important Senate votes.

The Senate is currently engaged in the conduct of our most serious constitutional duty—the impeachment trial of the President. Rightfully, this undertaking has engaged all of our time and energy. Beyond our required attendance on the Senate floor, we have also each been engaged in party conferences, smaller group discussions with our colleagues and other meetings crucial to the Senate's consideration. Today, in particular, was a crucial moment in this proceeding, with two historic votes on continuing the trial. These votes necessitated further discussions and meetings in search of a consensus on how to proceed.

And yet, in the midst of this turmoil, the committee chose to go forward with this mark up. I believe this step was both inappropriate and unwise. Education and the other issues before our committee are too important to move forward without our full attention and involvement. We need the opportunity to thoughtfully examine Ed Flex and other proposals, consider changes and discuss these issues with each other and our staffs. Without this level of involvement, the chances for moving strong, bipartisan legislation with any hope of passage diminish significantly.

I recognize that putting these matters aside until the impeachment trial is a settled matter is particularly difficult when discussing education. We all care a great deal about education and improving our schools. And we all know, contrary to what we have all been doing since we got here in January, education is the work we were sent here to do by our constituents.

In addition, the measure before the committee today, the Education Flexibility Partnership bill, is one that we all spent a great deal of time on last year. I personally offered three amendments and worked cooperatively and extensively with Senator Frist to improve the underlying language of the bill throughout the committee's consideration. Ultimately, I voted for the bill, but had significant reservations, which I expressed in my additional views to the committee report.

Unfortunately, nothing in these intervening months has happened to allay my concerns. We have had no hearing on this demonstration program or this bill. There continues to be basically no data on gains in student achievement—the central goal of the Ed Flex program. We continue to consider this legislation outside of the context of the Elementary and Secondary Education Act, where it rightly belongs. We have had two GAO reports raising fundamental issues about the Ed Flex program. We have yet to consider other significant proposals for reform in our schools. And, yet, in moving forward today, the committee is clearly intent on proceeding without addressing or considering these concerns.

Mr. Chairman. I remain convinced that you and Senator Frist are committed to working in a bipartisan fashion on this bill and in developing strong education policy generally. It is clear this is only path by which we can get things done. But bipartisanship is hard work that demands substantive engagement by members. In my view, there was clearly not the time or opportunity to do so, today, with the Senate so rightfully occupied with impeachment.

I look forward to the days, hopefully in the near future, where we can turn our full attention to this bill and our committee's full agenda.●

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

● **Mr. HELMS.** Mr. President, pursuant to the requirements of paragraph 2 of Senate Rule XXVI, I ask to have printed in the RECORD the rules of the Committee on Foreign Relations for the 106th Congress adopted by the Committee on February 12, 1999.

RULES OF THE COMMITTEE ON FOREIGN RELATIONS

(Adopted February 12, 1999)

RULE 1—JURISDICTION

(a) SUBSTANTIVE.—In accordance with Senate Rule XXV.1(j)(1), the jurisdiction of the Committee shall extend to all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).
11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Ocean and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

The Committee is also mandated by Senate Rule XXV.1(j)(2) to study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

(b) OVERSIGHT.—The Committee also has a responsibility under Senate Rule XXVI.8, which provides that ". . . each standing Committee . . . shall review and study, on a continuing basis, the application, administration, and execution of those laws or parts of laws, the subject matter of which is within the jurisdiction of the Committee."

(c) "ADVICE AND CONSENT" CLAUSES.—The Committee has a special responsibility to assist the Senate in its constitutional function of providing "advice and consent" to all treaties entered into by the United States and all nominations to the principal executive branch positions in the field of foreign policy and diplomacy.

RULE 2—SUBCOMMITTEES

(a) CREATION.—Unless otherwise authorized by law or Senate resolution, subcommittees shall be created by majority vote of the Committee and shall deal with such legislation and oversight of programs and policies as the Committee directs. Legislative measures or other matters may be referred to a subcommittee for consideration in the discretion of the Chairman or by vote of a majority of the Committee. If the principal subject matter of a measure or matter to be referred falls within the jurisdiction of more than one subcommittee the Chairman or the Committee may refer the matter to two or more subcommittees for joint consideration.

(b) ASSIGNMENTS.—Assignments of members to subcommittees shall be made in an equitable fashion. No member of the Committee may receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignments to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

No member of the Committee may serve on more than four subcommittees at any one time.

The Chairman and Ranking Minority Member of the Committee shall be ex officio members, without vote, of each subcommittee.

(c) MEETINGS.—Except when funds have been specifically made available by the Senate for a subcommittee purpose, no subcommittee of the Committee on Foreign Relations shall hold hearings involving expenses without prior approval of the Chairman of the full Committee or by decision of the full Committee. Meetings of subcommittees shall be scheduled after consultation with the Chairman of the Committee with a view toward avoiding conflicts with meetings of other subcommittees insofar as possible. Meetings of subcommittees shall not be scheduled to conflict with meetings of the full Committee.

The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

RULE 3—MEETINGS

(a) REGULAR MEETING DAY.—The regular meeting day of the Committee on Foreign Relations for the transaction of Committee business shall be on Tuesday of each week, unless otherwise directed by the Chairman.

(b) ADDITIONAL MEETINGS.—Additional meetings and hearings of the Committee may be called by the Chairman as he may deem necessary. If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Immediately upon filing of the request, the Chief Clerk of the Committee shall notify the Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour of that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk shall notify all members of the Committee that such special meeting will be held and inform them of its date and hour.

(c) MINORITY REQUEST.—Whenever any hearing is conducted by the Committee or a subcommittee upon any measure or matter, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

(d) PUBLIC ANNOUNCEMENT.—The Committee, or any subcommittee thereof, shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearings, unless the Chairman of the Committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date.

(e) PROCEDURE.—Insofar as possible, proceedings of the Committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the Chairman, in consultation with the Ranking Minority Member. The Chairman, in consultation with the Ranking Minority Member, may also propose special procedures to govern the consideration of particular matters by the Committee.

(f) CLOSED SESSIONS.—Each meeting of the Committee on Foreign Relations, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in paragraphs (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct; to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person, or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

A closed meeting may be opened by a majority vote of the Committee.

(g) STAFF ATTENDANCE.—A member of the Committee may have one member of his or her personal staff, for whom that member assumes personal responsibility, accompany and be seated nearby at Committee meetings.

Each member of the Committee may designate members of his or her personal staff, who hold a Top Secret security clearance, for the purpose of their eligibility to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14.

In addition, the Majority Leader and the Minority Leader of the Senate, if they are not otherwise members of the Committee, may designate one member of their staff with a Top Secret security clearance to attend closed sessions of the Committee, subject to the same conditions set forth for Committee staff under Rules 12, 13, and 14. Staff of other Senators who are not members of the Committee may not attend closed sessions of the Committee.

Attendance of Committee staff at meetings shall be limited to those designated by the Staff Director or the Minority Staff Director.

The Committee, by majority vote, or the Chairman, with the concurrence of the Ranking Minority Member, may limit staff attendance at specified meetings.

RULE 4—QUORUMS

(a) TESTIMONY.—For the purpose of taking sworn or unsworn testimony at any duly scheduled meeting a quorum of the Committee and each subcommittee thereof shall consist of one member.

(b) BUSINESS.—A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

(c) REPORTING.—A majority of the membership of the Committee shall constitute a quorum for reporting any measure or recommendation to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 5—PROXIES

Proxies must be in writing with the signature of the absent member. Subject to the requirements of Rule 4 for the physical presence of a quorum to report a matter, proxy voting shall be allowed on all measures and matters before the Committee. However, proxies shall not be voted on a measure or matter except when the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he or she be so recorded.

RULE 6—WITNESSES

(a) GENERAL.—The Committee on Foreign Relations will consider requests to testify on any matter or measure pending before the Committee.

(b) PRESENTATION.—If the Chairman so determines, the oral presentation of witnesses shall be limited to 10 minutes. However, written statements of reasonable length may be submitted by witnesses and other interested persons who are unable to testify in person.

(c) FILING OF STATEMENTS.—A witness appearing before the Committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least 48 hours prior to his appearance, unless this requirement is waived by the Chairman and the Ranking Minority Member following their determination that there is good cause for failure to file such a statement.

(d) EXPENSES.—Only the Chairman may authorize expenditures for funds for the expenses of witnesses appearing before the Committee or its subcommittees.

(e) REQUESTS.—Any witness called for a hearing may submit a written request to the Chairman no later than 24 hours in advance for his testimony to be in closed or open session, or for any other unusual procedure. The Chairman shall determine whether to grant any such request and shall notify the Committee members of the request and of his decision.

RULE 7—SUBPOENAS

(a) AUTHORIZATION.—The Chairman or any other member of the Committee, when authorized by a majority vote of the Committee at a meeting or by proxies, shall have authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials. When the Committee authorizes a subpoena, it may be issued upon the signature of the Chairman or any other member designated by the Committee.

(b) RETURN.—A subpoena, or a request to an agency, for documents may be issued whose return shall occur at a time and place other than that of a scheduled Committee meeting. A return on such a subpoena or request which is incomplete or accompanied by an objection constitutes good cause for a hearing on shortened notice. Upon such a return, the Chairman or any other member designated by him may convene a hearing by giving 2 hours notice by telephone to all other members. One member shall constitute a quorum for such a hearing. The sole purpose of such a hearing shall be to elucidate further information about the return and to rule on the objection.

(c) DEPOSITIONS.—At the direction of the Committee, staff is authorized to take depositions from witnesses.

RULE 8—REPORTS

(a) FILING.—When the Committee has ordered a measure or recommendation reported, the report thereon shall be filed in the Senate at the earliest practicable time.

(b) SUPPLEMENTAL, MINORITY AND ADDITIONAL VIEWS.—A member of the Committee who gives notice of his intentions to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the Chief Clerk of the Committee, with the 3 days to begin at 11:00 p.m. on the same day that the Committee has ordered a measure or matter reported. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Committee report may be filed and printed immediately without such laws.

(c) ROLLCALL VOTES.—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee.

RULE 9—TREATIES

(a) The Committee is the only Committee of the Senate with jurisdiction to review and report to the Senate on treaties submitted by the President for Senate advice and consent. Because the House of Representatives has no role in the approval of treaties, the Committee is therefore the only congressional committee with responsibility for treaties.

(b) Once submitted by the President for advice and consent, each treaty is referred to the Committee and remains on its calendar from Congress to Congress until the Committee takes action to report it to the Senate or recommend its return to the President, or until the Committee is discharged of the treaty by the Senate.

(c) In accordance with Senate Rule XXX.2, treaties which have been reported to the Senate but not acted on before the end of a Congress "shall be resumed at the commencement of the next Congress as if no proceedings had previously been had thereon."

(d) Insofar as possible, the Committee should conduct a public hearing on each treaty as soon as possible after its submission by the President. Except as extraordinary circumstances, treaties reported to the Senate shall be accompanied by a written report.

RULE 10—NOMINATIONS

(a) WAITING REQUIREMENT.—Unless otherwise directed by the Chairman and the Ranking Minority Member, the Committee on Foreign Relations shall not consider any nomination until 6 calendar days after it has been formally submitted to the Senate.

(b) PUBLIC CONSIDERATION.—Nominees for any post who are invited to appear before the Committee shall be heard in public session, unless a majority of the Committee decrees otherwise.

(c) REQUIRED DATA.—No nomination shall be reported to the Senate unless (1) the nominee has been accorded a security clearance on the basis of a thorough investigation by executive branch agencies; (2) in appropriate cases, the nominee has filed a financial disclosure report and a confidential statement with the Committee; (3) the Committee has been assured that the nominee does not have any interests which could conflict with the interests of the government in the exercise of the nominee's proposed responsibilities; (4) for persons nominated to be chief of mission, ambassador-at-large, or minister, the Committee has received a complete list of any contributions made by the nominee or members of his immediate family to any Federal election campaign during the year of his or her nomination and for the 4 preceding years; and (5) for persons nominated to be chiefs of mission, a report on the demonstrated competence of that nominee to perform the duties of the position to which he or she has been nominated.

RULE 11—TRAVEL

(a) FOREIGN TRAVEL.—No member of the Committee on Foreign Relations or its staff shall travel abroad on Committee business unless specifically authorized by the Chairman, who is required by law to approve vouchers and report expenditures of foreign currencies, and the Ranking Minority Member. Requests for authorization of such travel shall state the purpose and, when completed, a full substantive and financial report shall be filed with the Committee within 30 days. This report shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee. Except in extraordinary circumstances, staff travel shall not be approved unless the reporting requirements have been fulfilled for all prior trips. Except for travel that is strictly personal, travel funded by non-U.S. Government sources is subject to the same approval and substantive reporting requirements as U.S. Government-funded travel. In addition, members and staff are reminded of Senate Rule XXXV.4 requiring a determination by the Senate Ethics Committee in the case of foreign-sponsored travel. Any proposed travel by Committee staff for a subcommittee purpose must be approved by the subcommittee chairman and ranking minority member prior to submission of the request to the Chairman and Ranking Minority Member of the full Committee. When the Chairman and the Ranking Minority Member approve the foreign travel of a member of the staff of the committee not accompanying a member of the Committee, all members of the Committee shall be advised, prior to the commencement of such travel of its extent, nature, and purpose.

(b) DOMESTIC TRAVEL.—All official travel in the United States by the Committee staff shall be approved in advance by the Staff Director, or in the case of minority staff, by the Minority Staff Director.

(c) PERSONAL STAFF.—As a general rule, no more than one member of the personal staff of a member of the Committee may travel with that member with the approval of the Chairman and the Ranking Minority Member of the Committee. During such travel, the personal staff member shall be considered to be an employee of the Committee.

(d) PERSONAL REPRESENTATIVES OF THE MEMBER (PRM).—For the purposes of Rule 11 as regards staff foreign travel, the officially-designated personal representative of the member (PRM) shall be deemed to have the same rights, duties, and responsibilities as members of the staff of the Committee on Foreign Relations. Furthermore, for the purposes of this section, each Member of the Committee may designate one personal staff member as the "Personal Representative of the Member."

RULE 12—TRANSCRIPTS

(a) GENERAL.—The Committee on Foreign Relations shall keep verbatim transcripts of all Committee and subcommittee meetings and such transcripts shall remain in the custody of the Committee, unless a majority of the Committee decides otherwise. Transcripts of public hearings by the Committee shall be published unless the Chairman, with the concurrence of the Ranking Minority Member, determines otherwise.

(b) CLASSIFIED OR RESTRICTED TRANSCRIPTS.—

(1) The Chief Clerk of the Committee shall have responsibility for the maintenance and security of classified or restricted transcripts.

(2) A record shall be maintained of each use of classified or restricted transcripts.

(3) Classified or restricted transcripts shall be kept in locked combination safes in the Committee offices except when in active use by authorized persons for a period not to exceed 2 weeks. Extensions of this period may be granted as necessary by the Chief Clerk. They must never be left unattended and shall be returned to the Chief Clerk promptly when no longer needed.

(4) Except as provided in paragraph 7 below, transcripts classified secret or higher may not leave the Committee offices except for the purpose of declassification.

(5) Classified transcripts other than those classified secret or higher may leave the Committee offices in the possession of authorized persons with the approval of the Chairman. Delivery and return shall be made only by authorized persons. Such transcripts may not leave Washington, DC, unless adequate assurances for their security are made to the Chairman.

(6) Extreme care shall be exercised to avoid taking notes or quotes from classified transcripts. Their contents may not be divulged to any unauthorized person.

(7) Subject to any additional restrictions imposed by the Chairman with the concurrence of the Ranking Minority Member, only the following persons are authorized to have access to classified or restricted transcripts.

(i) Members and staff of the Committee in the Committee rooms;

(ii) Designated personal representatives of members of the Committee, and of the Majority and Minority Leaders, with appropriate security clerances, in the Committee's Capitol office;

(iii) Senators not members of the Committee, by permission of the Chairman in the Committee rooms; and

(iv) Members of the executive departments involved in the meeting, in the Committee's Capitol office, or, with the permission of the Chairman, in the offices of the officials who took part in the meeting, but in either case, only for a specified and limited period of time, and only after reliable assurances against further reproduction or dissemination have been given.

(8) Any restrictions imposed upon access to a meeting of the Committee shall also apply to the transcript of such meeting, except by special permission of the Chairman and notice to the other members of the Committee. Each transcript of a closed session of the Committee shall include on its cover a description of the restrictions imposed upon access, as well as any applicable restrictions upon photocopying, note-taking or other dissemination.

(9) In addition to restrictions resulting from the inclusion of any classified information in the transcript of a Committee meeting, members and staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Chairman, the Ranking Minority Member, or in the case of staff, by the Staff Director or Minority Staff Director. A record shall be kept of all such authorizations.

(c) DECLASSIFICATION.—

(1) All restricted transcripts and classified Committee reports shall be declassified on a date twelve years after their origination unless the Committee by majority vote decides against such declassification, and provided that the executive departments involved and all former Committee members who participated directly in the sessions or reports concerned have been consulted in advance and given a reasonable opportunity to raise objections to such declassification.

(2) Any transcript or classified Committee report, or any portion thereof, may be declassified fewer than twelve years after their origination if:

(i) the Chairman originates such action or receives a written request for such action, and notifies the other members of the Committee;

(ii) the Chairman, Ranking Minority Member, and each member of former member who participated directly in such meeting or report give their approval, except that the Committee by majority vote may overrule any objections thereby raised to early declassification; and

(iii) the executive departments and all former Committee members are consulted in advance and have a reasonable opportunity to object to early declassification.

RULE 13—CLASSIFIED MATERIAL

(a) All classified material received or originated by the Committee shall be logged in at the Committee's offices in the Dirksen Senate Office Building, and except for material classified as "Top Secret" shall be filed in the Dirksen Senate Building offices for Committee use and safekeeping.

(b) Each such piece of classified material received or originated shall be card indexed and serially numbered, and where requiring onward distribution shall be distributed by means of an attached indexed form approved by the Chairman. If such material is to be distributed outside the Committee offices, it shall, in addition to the attached form, be accompanied also by an approved signature sheet to show onward receipt.

(c) Distribution of classified material among offices shall be by Committee members or authorized staff only. All classified material sent to members' offices, and that distributed within the working offices of the Committee, shall be returned to the offices designated by the Chief Clerk. No classified material is to be removed from the offices of the members or of the Committee without permission of the Chairman. Such classified material will be afforded safe handling and safe storage at all times.

(d) Material classified "Top Secret," after being indexed and numbered shall be sent to the Committee's Capitol office for use by the members and authorized staff in that office only or in such other secure Committee offices as may be authorized by the Chairman or Staff Director.

(e) In general, members and staff undertake to confine their access to classified information on the basis of a "need to know" such information related to their Committee responsibilities.

(f) The Staff Director is authorized to make such administrative regulations as may be necessary to carry out the provisions of these regulations.

RULE 14—STAFF

(a) RESPONSIBILITIES.—

(1) The staff works for the Committee as a whole, under the general supervision of the Chairman of the Committee, and the immediate direction of the Staff Director; provided, however, that such part of the staff as

is designated Minority Staff, shall be under the general supervision of the Ranking Minority Member and under the immediate direction of the Minority Staff Director.

(2) Any member of the Committee should feel free to call upon the staff at any time for assistance in connection with Committee business. Members of the Senate not members of the Committee who call upon the staff for assistance from time to time should be given assistance subject to the overriding responsibility of the staff to the Committee.

(3) The staff's primary responsibility is with respect to bills, resolutions, treaties, and nominations.

In addition to carrying out assignments from the Committee and its individual members, the staff has a responsibility to originate suggestions for Committee or subcommittee consideration. The staff also has a responsibility to make suggestions to individual members regarding matters of special interest to such members.

(4) It is part of the staff's duty to keep itself as well informed as possible in regard to developments affecting foreign relations and in regard to the administration of foreign programs of the United States. Significant trends or developments which might otherwise escape notice should be called to the attention of the Committee, or of individual Senators with particular interests.

(5) The staff shall pay due regard to the constitutional separation of powers between the Senate and the executive branch. It therefore has a responsibility to help the Committee bring to bear an independent, objective judgment of proposals by the executive branch and when appropriate to originate sound proposals of its own. At the same time, the staff shall avoid impinging upon the day-to-day conduct of foreign affairs.

(6) In those instances when Committee action requires the expression of minority views, the staff shall assist the minority as fully as the majority to the end that all points of view may be fully considered by members of the Committee and of the Senate. The staff shall bear in mind that under our constitutional system it is the responsibility of the elected Members of the Senate to determine legislative issues in the light of as full and fair a presentation of the facts as the staff may be able to obtain.

(b) RESTRICTIONS.—

(1) The staff shall regard its relationship to the Committee as a privileged one, in the nature of the relationship of a lawyer to a client. In order to protect this relationship and the mutual confidence which must prevail if the Committee-staff relationship is to be a satisfactory and fruitful one, the following criteria shall apply:

(i) members of the staff shall not be identified with any special interest group in the field of foreign relations or allow their names to be used by any such group;

(ii) members of the staff shall not accept public speaking engagements or write for publication in the field of foreign relations without specific advance permission from the Staff Director, or, in the case of minority staff, from the Minority Staff Director. In the case of the Staff Director and the Minority Staff Director, such advance permission shall be obtained from the Chairman or the Ranking Minority Member, as appropriate. In any event, such public statements should avoid the expression of personal views and should not contain predictions of future, or interpretations of past, Committee action; and

(iii) staff shall not discuss their private conversations with members of the Committee without specific advance permission from the Senator or Senators concerned.

(2) The staff shall not discuss with anyone the proceedings of the Committee in closed session or reveal information conveyed or discussed in such a session unless that person would have been permitted to attend the session itself, or unless such communication is specifically authorized by the Staff Director or Minority Staff Director. Unauthorized disclosure of information from a closed session or of classified information shall be cause for immediate dismissal and may, in the case of some kinds of information, be grounds for criminal prosecution.

RULE 15—STATUS AND AMENDMENT OF RULES

(a) STATUS.—In addition to the foregoing, the Committee on Foreign Relations is governed by the Standing Rules of the Senate which shall take precedence in the event of a clear inconsistency. In addition, the jurisdiction and responsibilities of the Committee with respect to certain matters, as well as the timing and procedure for their consideration in Committee, may be governed by statute.

(b) AMENDMENT.—These Rules may be modified, amended, or repealed by a majority of the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. However, Rules of the Committee which are based upon Senate Rules may not be superseded by Committee vote alone.•

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, appoints the following Senators as members of the United States Senate Caucus on International Narcotics Control:

The Senator from Iowa (Mr. GRASSLEY), Chairman;

The Senator from Ohio (Mr. DEWINE); The Senator from Michigan (Mr. ABRAHAM); and

The Senator from Alabama (Mr. SESSIONS).

ORDER FOR STAR PRINT—S. RES. 45

Mr. WARNER. Mr. President, on behalf of Senator HUTCHINSON, I ask unanimous consent that S. Res. 45 be star printed with the changes which are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF DAVID WILLIAMS

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent that the Governmental Affairs Committee be allowed to continue consideration until March 17 of the nomination of David Williams to be inspector general for tax administration. I further ask consent that if the nomination is not reported by March 17, that the nomination be automatically discharged and placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SEQUENTIAL REFERRAL—ROSE EILENE GOTTEMOELLER

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent that when the Energy Committee reports the nomination of Rose Eilene Gottemoeller to be Assistant Secretary of Energy for Nonproliferation and National Security, the nomination be sequentially referred to the Armed Services Committee for a period not to exceed 30 days. I further ask consent that if the committee has not reported the nomination at the end of this period, the nomination be automatically discharged and placed on the Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, FEBRUARY 25, 1999

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Thursday, February 25. I further ask consent that on Thursday, immediately following the prayer, the Journal of Proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin consideration of S. Res. 45 regarding human rights in China, under the provisions of the consent agreement reached earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I further ask consent that following the vote on adoption of S. Res. 45, the Senate begin a period of morning business with Senators permitted to speak up to 5 minutes each, with the following exceptions:

Senator COVERDELL or his designee in control of the first 45 minutes; Senator VOINOVICH, 10 minutes; Senator HUTCHINSON, 10 minutes; Senator DURBIN or designee, 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. For the information of all Senators, the Senate will reconvene tomorrow at 11 a.m. and begin consideration of S. Res. 45, regarding human rights violations in China. Under the previous order, there will be 1 hour for debate on the resolution to be followed by a vote on adoption. That 1 hour is to be equally divided, Mr. President. After that vote, which is expected at approximately 12 noon, the Senate will begin a period of morning business to allow Senators to make statements and introduce legislation.

AUTHORIZING EXPENDITURES BY COMMITTEES OF THE SENATE FOR THE PERIOD MARCH 1, 1999, THROUGH SEPTEMBER 30, 1999

Mr. WARNER. Mr. President, there is another item just handed me, S. Res. 49. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 49, submitted by Senators MCCONNELL and DODD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 49) authorizing expenditures by committees of the Senate for the period March 1, 1999 through September 30, 1999.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, since 1989 the Rules Committee has reported out biennial funding authorizations for committees of the Senate for the two funding periods beginning on March 1. This policy has been strongly supported by the Senate's committee chairmen and ranking members. Before the Senate today is a resolution which authorizes committee expenditures for the remaining seven months of Fiscal Year 1999 at the 1998 salary baseline plus the January 1999 cost of living adjustment (COLA) of 3.1%, as authorized by the President pro tempore. Committees had been previously authorized from October 1st through February 28th by S. Res. 54, in the 105th Congress.

This resolution follows on the heels of one that Senator DODD, Ranking Member of the Rules Committee, and I submitted and which was passed on February 12, 1999, which suspended the requirements of paragraph 9 of rule XXVI of the Standing Rules of the Senate and authorized a seven-year continuing resolution such as is before the Senate at this time.

As we informed committees in a joint letter on January 22, Y2K concerns had prompted the Senate's recent adoption of the new Financial Management Information System (FMIS). This new financial management system, which is designed to conform to the Federal Government's fiscal year that runs from October 1, to September 30, requires that we consider adjustments in the committee funding system. To allow all due deliberation, we determined that the wisest course was to authorize the committees through the balance of this fiscal year and use that time to carefully design a committee funding procedure in light of the new FMIS. To that end, the Rules Committee will be conducting hearings and seeking the input of the various Senate committees on these questions. And, of course, we invite the committees to make recommendations on baseline funding, full-time employee levels and other concerns related to authorizing the balance of the biennium.

The interim funding resolution also authorizes the use of unexpended committee funds, as has been done in some form since 1989. Section 20 of this resolution authorizes the use of Special Reserves on a committee-by-committee basis. It also provides a mechanism to make unexpended funds as of the close of business on February 28, 1999, available to cover non-recurring needs for committees through September 30.

It should be noted that all of the unexpended funds represent previously authorized funds which have not been spent. They are not new authorized funds. This policy has successfully served as an incentive to reduce spending. Without it, the policy would effectively be to spend it or lose it with a predictable outcome that more money would be spent.

Mr. President, let me also add that this interim resolution does not increase FTE positions and reiterate that it provides for special reserves funding as needed. Further, this resolution keeps the total authorized amount within the appropriations previously authorized in the Fiscal Year 1999 Legislative Branch Appropriations Bill for "Inquiries and Investigations."

I urge the Senate to adopt this resolution, and I yield the floor.

Mr. DODD. Mr. President: I am pleased to join with my distinguished colleague, the Chairman of the Committee on Rules and Administration, Senator MCCONNELL, in introducing this resolution to provide for funding for the standing committees of the Senate. This resolution authorizes committee expenditures for the remaining seven months of Fiscal Year 1999. This resolution is being enacted pursuant to S. Res. 38, adopted on February 12, 1999.

Since 1989, the Committee has provided funding for the committees on a biennial basis. This has proved to be an effective management tool for assuring continuity of funding throughout a Congress. The Committee does not intend that this short-term funding resolution signal a departure from that tradition. Instead, this seven-month continuing resolution will allow the Rules Committee to consider the impact of changes in the Senate's financial management and accounting systems, which have been necessitated by Year 2000 (Y2K) concerns, on the committee funding cycle.

Under normal procedures, each committee would have reported its biennial funding resolution to the Senate by January 31, and the Rules Committee would have then acted to report an omnibus committee biennial funding resolution providing funding for the period March 1, 1999 through February 28, 2001. The Rules Committee will initiate that process in late spring, so that each committee will have the opportunity to present its budget to the Rules Committee for action prior to enactment of a funding resolution for the remainder of the biennial period. During this period, the Committee will also seek input from the chairmen and ranking members of the standing committees with regard to changes in committee funding which may be required to conform to the Senate's new Y2K compliant financial system.

This resolution funds committees at the current baseline level, increased by a 3.1% salary cost-of-living adjustment (COLA). This resolution also authorizes the use of Special Reserves, which are the reprogrammed funds remaining in the appropriations account at the end of the committee funding cycle on February 28. These funds are made available to committees to meet unforeseen, non-recurring expenses. These funds are accessed by the joint request of the chairman and ranking member of the committee, and the joint approval of the chairman and ranking member of the Rules Committee.

I commend my colleague, the Chairman, for his efforts to bring this resolution to the Senate floor today. By adopting this resolution, we are ensuring continued funding for committees while at the same time allowing the Rules Committee to fully review the impact on committees of changes in the Senate financial management and accounting system.

I urge my colleagues to adopt this resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that S. Res. 49 be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 49) was agreed to, as follows:

S. RES. 49

SECTION 1. AGGREGATE AUTHORIZATION.

(a) IN GENERAL.—For purposes of carrying out the powers, duties, and functions of the Senate under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1999, through September 30, 1999, in the aggregate of $28,632,851, in accordance with the provisions of this resolution, for all Standing Committees of the Senate, for the Committee on Indian Affairs, the Special Committee on Aging, and the Select Committee on Intelligence.

(b) REPORTING LEGISLATION.—Each committee referred to in subsection (a) shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than September 30, 1999.

(c) EXPENSES OF COMMITTEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), any expenses of a committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required—

(A) for the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, Department of Telecommunications;

(C) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate;

(D) for payments to the Postmaster, United States Senate;

(E) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate; or

(F) for the payment of Senate Recording and Photographic Services.

(d) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1999, through September 30, 1999, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

SEC. 2. COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,091,991, of which amount—

(1) not to exceed $4,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. COMMITTEE ON ARMED SERVICES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,693,175 of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 4. COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing and Urban Affairs is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,784,395, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 5. COMMITTEE ON THE BUDGET.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,945,784, of which amount—

(1) not to exceed $20,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 6. COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $2,157,797, of which amount—

(1) not to exceed $14,572, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 7. COMMITTEE ON ENERGY AND NATURAL RESOURCES.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,650,792.

SEC. 8. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,518,386, of which amount—

(1) not to exceed $8,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 9. COMMITTEE ON FINANCE.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,892,206, of which amount—

(1) not to exceed $30,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 10. COMMITTEE ON FOREIGN RELATIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,697,074, of which amount—

(1) not to exceed $45,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 11. COMMITTEE ON GOVERNMENTAL AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Governmental Affairs is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $2,836,961, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) INVESTIGATIONS.—

(1) IN GENERAL.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of the committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1999, through September 30, 1999, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittees authorized under S. Res. 54, agreed to February 13, 1997 (105th Congress) are authorized to continue.

SEC. 12. COMMITTEE ON THE JUDICIARY.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $2,733,379, of which amount—

(1) not to exceed $60,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 13. COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $2,574,140, of which amount—

(1) not to exceed $22,500, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $12,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 14. COMMITTEE ON RULES AND ADMINISTRATION.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $929,755, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 15. COMMITTEE ON SMALL BUSINESS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $677,992, of which amount—

(1) not to exceed $10,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $5,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 16. COMMITTEE ON VETERANS' AFFAIRS.

(a) GENERAL AUTHORITY.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $703,242, of which amount—

(1) not to exceed $50,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $3,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202 (j) of the Legislative Reorganization Act of 1946).

SEC. 17. SPECIAL COMMITTEE ON AGING.

(a) GENERAL AUTHORITY.—In carrying out the duties and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977, (Ninety-fifth Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) EXPENSES.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $708,185, of which amount not to exceed $15,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i)of the Legislative Reorganization Act of 1946).

SEC. 18. SELECT COMMITTEE ON INTELLIGENCE.

(a) General Authority.—In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of that resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of that resolution, the Select Committee on Intelligence is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) Expenses.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $1,325,017, of which amount not to exceed $35,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

SEC. 19. COMMITTEE ON INDIAN AFFAIRS.

(a) General Authority.—In carrying out the duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (Ninety-fifth Congress), and in exercising the authority conferred on it by that section, the Committee on Indian Affairs is authorized from March 1, 1999, through September 30, 1999, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration to use, on a reimbursable or nonreimbursable basis, the services of personnel of any such department or agency.

(b) Expenses.—The expenses of the committee for the period March 1, 1999, through September 30, 1999, under this section shall not exceed $712,580, of which amount not to exceed $40,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946).

SEC. 20. SPECIAL RESERVES.

(a) In General.—

(1) Establishment.—Of the funds authorized for the Senate committees listed in sections 3 through 21 by S. Res. 54, agreed to February 13, 1997 (105th Congress), for the funding period ending on the last day of February 1999, any unexpended balances remaining shall be transferred to a special reserve which shall, on the basis of a special need and at the request of a Chairman and Ranking Member of any such committee, and with the approval of the Chairman and Ranking Member of the Committee on Rules and Administration, be available to any committee for the purposes provided in subsection (b).

(2) Payment of Incurred Obligations.—During March 1999, obligations incurred but not paid by February 28, 1999, shall be paid from the unexpended balances of committees before transfer to the special reserves and any obligations so paid shall be deducted from the unexpended balances of committees before being transferred to the special reserves.

(b) Purposes.—The reserves established in subsection (a) shall be available for the period commencing March 1, 1999, and ending with the close of September 30, 1999, for the purpose of—

(1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1999, and which were not deducted from the unexpended balances under subsection (a); and

(2) meeting expenses incurred after such last day and prior to the close of September 30, 1999.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. WARNER. Mr. President, if there be no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:55 p.m., adjourned until Thursday, February 25, 1999, at 11 a.m.

EXTENSIONS OF REMARKS

FLAG PROTECTION AMENDMENT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. PACKARD. Mr. Speaker, I rise today in support of the Flag Protection Amendment, introduced by Congressman DUKE CUNNINGHAM (R–CA) and Congressman JOHN MURTHA (D–PA). This bill will ensure that our flag receives the utmost respect and Constitutional protection it deserves.

I strongly believe flag desecration is a slap in the face to all those who fought and died for our freedom. This symbol is more then a simple matter of pride, the flag binds us together as a nation. We pledge our allegiance to it, many people are buried with the flag draping their casket, the least we can do is protect it.

According to a national survey conducted by the Gallup Organization, three out of four Americans favor passage of the Flag Protection Amendment. We owe the passage of this Amendment to every American. What better way to do the business of the people, than to protect our symbol of national unity.

Mr. Speaker, this bipartisan Amendment is highly valued by a clear majority of Americans. Forty-nine states have petitioned Congress for a Flag Protection Amendment. The fact is Americans want our flag protected.

The American flag is a national treasure. It is the ultimate symbol of freedom, equal opportunity and religious tolerance. Amending our Constitution to protect the flag is a necessity.

TRIBUTE TO THE LOIL ELLISON, JR. FAMILY

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. DIXON. Mr. Speaker, Merriam Webster's Collegiate Dictionary, Tenth Edition, defines family as "a group of persons of common ancestry; a people or group of peoples regarded as deriving from a common stock." I am proud today to recognize a group of individuals who embody, in a very special manner, the principles inherent in Webster's definition of family. The extended family of my friend Loil Ellison, Jr. traces its history back nearly 174 years and counts amongst its members more than 350 descendants of George Brown and Josephine Britton Brown.

It is especially fitting that this tribute to the Ellison, Brown, Kyle, Brawley, Baker, Wright, Watson, Boyd, Callaghan, Hughes, and Hubbard families comes during the month of February, that time of the year traditionally set aside when Americans honor the rich contributions made to this country by distinguished African Americans. It is a proud time for our nation and although we traditionally reserve the accolades for those African Americans who have gained public distinction and acclaim, I would like to pause today to honor this wonderful family for its greatness as a family, one that is richly steeped in tradition and which defines, better than most, the true meaning of family.

Loil, who has lived in Los Angeles since 1987 where he is one of the top car salesmen in the industry for Mike Miller Toyota, has shared with me an authoritative and comprehensive manuscript compiled by his niece and president of the Brown Family Reunion, Marion Joann Thomas. In it, Marion has chronicled the history of the Brown family beginning with the births of great, great, great, great-grandparents George, born in May 1839, and Josephine, born in February 1840. So impressive is From Generation to Generation, 1825–1998 The Legacy of George Brown and Josephine Britton that a copy of the document is catalogued in the Institute of Texas Cultures Library and the Carver Library in San Antonio, Texas. A copy is also on record with the Historical Society of Caldwell County Library in Luling, Texas.

Loil Ellison, Jr.'s extended family come from all over the United States. Last summer, on July 17, 1998, the family held its annual reunion, which drew more than 350 family members. For three days, family members participated in a range of activities celebrating their rich heritage. They held a reception and dinner dance, a family picnic, and joined in a family worship service held at Trinity Baptist Church. What a glorious sight it must have been to witness the group, 350 plus strong, marching into the church as they prepared to give thanks for the spiritual blessings and legacies bestowed by their ancestors George and Josephine.

Mr. Speaker, the history of George Brown and Josephine Britton Brown, as told through the eyes of Marion Joann Thomas, is a poignant and inspirational story of love of family. It is a rich narrative of a people filled with hope and a determined spirit to achieve as a legacy to their ancestors George and Josephine Britton Brown. I commend Loil and his niece, Marion, for sharing their history with me and convey my wishes that their future will be as rich as their past.

CELEBRATING NATIONAL TRIO DAY

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. BALDACCI. Mr. Speaker, I rise to bring my colleagues' attention the celebration of National TRIO Day. National TRIO Day was designated by concurrent resolution on February 24, 1986 by the 99th Congress. National TRIO Day is celebrated on the last Saturday of February each year as a day of recognition for the Federal TRIO Program.

The TRIO programs are Upward Bound, Upward Bound Math/Science, Veterans Upward Bound, Talent Search, Student Support Services, Educational Opportunity Centers and the Ronald E. McNair Postbaccalaureate Achievement Program. These programs, established over the past 30 years, provide services to low-income and potential first generation college students and help them overcome class, social, cultural and physical barriers to higher education.

Currently 2,000 colleges, universities and community agencies throughout our nation sponsor TRIO programs. Over 780,000 middle school and high school students and adults benefit from their services. Most of these students represent the highest aspirations and best hope for the American dream. By lifting these students out of poverty, the nation is lifted to new heights.

There are 15 TRIO programs in my State which serve 6,000 aspiring students and adults annually. I know these programs work. For example, last year I met Mark Crosby, a First Vice-President for Personnel for one of Maine's most successful and fastest-growing employers, MBNA America Bank. Mark was a student in the University of Maine Upward Bound Program which he credits for his success in completing high school, college and graduate school. As he told me, "I went to college. My brother, who did not go to Upward Bound, went to jail".

TRIO graduates can be found in every occupation; doctor, lawyer, astronaut, television reporter, actor, professional athlete, state senator and Member of Congress. In fact, some of our colleagues today are graduates of TRIO programs. The TRIO programs are a cost-effective investment in our nation's future. They help to ensure that no child will be left behind, his or her aspirations unrealized.

In closing, I would like to encourage my colleagues to visit the TRIO Programs in their districts and learn for themselves how valuable these programs are to our nation. I also want to say a warm hello to all of the Maine students currently participating in TRIO programs and to remind them to keep reaching for their dreams.

KATE MULLAY—350 EIGHTH STREET, TROY, NY

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. McNULTY. Mr. Speaker, John F. Kennedy once said: "A nation reveals itself not

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

only by the men it produces, but by the men it honors, the men it remembers."

Today I honor the life and work of a great woman.

Down the hall, in the Rotunda of this magnificent building—an incredible tribute to democracy—there is a statue of three great women, all American pioneers. Most historians will agree that Elizabeth Cady Stanton, Susan B. Anthony, and Lucretia Mott—because of their lifelong struggle for equality—deserve that place of honor, in our Rotunda, with the statues ot George Washington, Thomas Jefferson, Andrew Jackson and Dr. Martin Luther King, Jr.; where John Kennedy, Abraham Lincoln and the Unknown Soldiers were laid in State.

I urge my colleagues, and all my fellow Americans, to help me honor another pioneering woman who lived at the same time as these three women suffragists.

Mr. Speaker, this woman also was a leader in the struggle for equality. She was an Irish immigrant who toiled as a laundress for the collar and cuff industry in the late 19th century.

Mr. Speaker, this woman was 19 years old when she formed the first female labor union in the country, the Collar Laundry Union and successfully led a strike of over 200 laundresses. As a result, the union won wage increases of 25%.

Mr. Speaker, this woman helped organize workers around the country and helped unions outside of the laundry industry. She became the first female ever appointed to a national labor office when she was appointed Assistant Secretary of the then-National Labor Union.

Mr. Speaker, this woman's name was Kate Mullany and she lived in Troy, New York.

Kate Mullany's home, located at 350 Eighth Street in Troy, is the last surviving structure associated with her life and work.

While her years of work and efforts on behalf of American workers might merit her inclusion in the Rotunda of this Capitol, the least we should do is preserve her house and use it as an educational tool to tell the story of her life and the development of the American labor movement—which has strong roots in the Capital Region of New York State.

That is why I have introduced H.R. 641, the "Kate Mullany National Historic Site Act", which would make the house a unit of the National Park Service.

Last year, Secretary of the Interior Bruce Babbitt designated the Mullany House as a National Historic Landmark and First Lady Hillary Rodham Clinton included the house as a stop on her "Save America's Treasures" tour. I appreciate their involvement and their support.

Mr. Speaker, for too long, important stories and legacies left by people who were the fabric of American life—those who worked for a living—have been overlooked. America was built on the backs of laborers and they deserve recognition.

The National Labor Theme Study Act, which I wrote, the Congress passed, and the President signed in 1991, sought to correct this wrong and has identified the Kate Mullany House as a prominent site worth preserving to tell the story of American laborers and the American labor movement.

I ask that my colleagues in the House support H.R. 641. This is important legislation which would properly honor and remember Kate Mullany's work and pay tribute to the significant contributions made by her and her fellow laborers to the history of this great nation.

Mr. Speaker, we are all active participants in telling the history of America. The responsibility of telling the stories of heroes like Kate Mullany is on our shoulders.

TRIBUTE TO FIGURE SKATING ATHLETES

HON. STEVEN KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to pay tribute to all of the outstanding figure skating athletes who participated in the 1999 State Farm United States Figure Skating Championship, held in Salt Lake City, Utah on February 13, 1999. I particularly wish to recognize the athletic achievement of several of my young constituents.

Ms. Michelle Kwan of Torrance, claimed her third National title at the U.S. State Farm Figure Skating Championship. Just 18 years of age, Ms. Kwan has already had an illustrious career, setting the bar high for all athletes following in her footsteps. Ms. Kwan's career accomplishments include winning the world championship twice, and earning a silver medal from the 1998 Olympics. Ms. Kwan will now lead the United States team that will compete in the World Championship in Helsinki, Finland, March 21–28. I admire Ms. Kwan's commitment and desire to compete as an amateur. I wish her luck in obtaining the one achievement that has been elusive thus far, winning the Olympic gold medal.

Ms. Angela Nikodinov of San Pedro, claimed the bronze medal in the championship and will be a proud member of the United States World Team for the first time this year. Currently, Angela is 18 years of age and attends Monte Vista High School.

Ms. Amber Corwin, at age 21, finished seventh in the overall senior ladies competition and is originally from Hermosa Beach. She is currently a student at California State University, Long Beach, where she is majoring in communications.

Mr. Trifun Zivanovic of Los Angeles, finished second in the overall men's competition. He is a graduate of Beverly Hills High School in 1994 and at age 24, currently enjoys teaching youngsters the art of figure skating. Mr. Zivanovic will be traveling to Halifax, Canada later this month for the Four Continents Championships and then to Helsinki, Finland for the World Championship in March.

Mr. Johnnie Stiegler and Ms. Tiffany Stiegler of Manhattan Beach, finished fourth in the U.S. State Farm Figure Skating Championship pairs competition. This was their first senior competition. This brother and sister duo attends Rim High School. Tiffany and Johnnie, 15 and 16 respectively, have a bright future in figure skating.

It is with great honor that I recognize these athletes. Their commitment, dedication, determination, and discipline to excel in figure skating should be admired by all. I wish all of them well and look forward to cheering for them in all their future endeavors!

TRIBUTE TO JUSTICE BERNARD S. JEFFERSON

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. DIXON. Mr. Speaker, it is a special honor to pay tribute today to retired California Court of Appeal Justice Bernard S. Jefferson, who after a celebrated career spanning more than half a century, will be honored on March 25, 1999, at a dinner in his honor at the Beverly Hilton Hotel in Beverly Hills, California. The dinner is being hosted by the faculty and board of the University of West Los Angeles. One of the most distinguished and acclaimed jurist in the nation, it is a particular pleasure to publicly commend Justice Jefferson for his contributions to the court, to the University of West Los Angeles, and to the citizens of the great state of California and the nation.

Born July 29, 1910, in Coffeeville, Mississippi, Justice Jefferson graduated Phi Beta Kappa from UCLA in 1931. He received his law degree Cum Laude from Harvard Law School in 1934, and his S.J.D. from Harvard in 1943. Following his graduation, Justice Jefferson served for several years as a Professor of Law at Howard University. He served two years as an Assistant General Counsel in the Office of Price Administration, and prior to his appointment to the bench, spent ten years in private practice, where he worked alongside such legendary legal scholars as the late Supreme Court Justice Thurgood Marshall on several, significant civil rights cases.

In 1959, then-California Governor Edmond G. Brown, Sr. appointed Bernard to the Municipal Court. One year later, he was elevated to the Los Angeles Superior Court, and in 1975 was elevated to the Second District Court of Appeal, Division One. He became the Presiding Justice of Division One in 1980. During his long and distinguished career, he served a short time as a pro tem appointee on the California Supreme Court, and authored the California judiciary's best known and most authoritative and frequently cited evidence book, "The California Evidence Benchbook." Known throughout the California judicial system as the "Bible" of evidence for judges, the "Benchbook" has been cited in nearly 300 appellate cases.

A judge's judge, and an individual of impeccable integrity and character, Justice Jefferson is an erudite and brilliant jurist whose legacy to the court remains legend throughout California courtrooms today.

When Justice Jefferson retired from the court in 1980, be began still another career as the Associate Dean for Academic Affairs for the University of West Los Angeles. Unable to stay away from the classroom, he also taught Evidence and Criminal Procedure. He was selected as President of the institution in 1982 and retired in 1994; he remains President Emeritus of the University.

In addition to his many contributions to the court, Justice Jefferson is also a founder of the California Judges College which trains newly appointed judges. He has published numerous articles for myriad legal journals, including the prestigious Harvard Law Review and the Columbia Law Review, as well as the Boston University Law Review. He has been recognized with innumerable awards and accolades for his extraordinary contributions to the legal profession, and is the recipient of the Appellate Justice of the Year award, presented to him in 1977 by the Los Angeles Lawyers Club.

Mr. Speaker, paraphrasing an old Chinese proverb, "one generation plants the trees; another sits in their shade. Here's to you, [Justice Bernard Jefferson,] for planting those trees." For nearly six decades, Justice Jefferson has dedicated himself to planting and nurturing the tree of excellence. Excellence as a student, excellence as an attorney, excellence as a jurist, and excellence as a university professor and administrator. He has helped to shape some of the finest legal minds practicing law today. His legacy is secure for the ages. He is revered by his peers, respected by his students, and held in the highest esteem by those of us who have been witness to a career that parallels few in the annals of the judiciary. I am proud to know him and I deem it a high honor to have this opportunity to publicly thank him on behalf of this nation for his legendary and distinguished contributions to the system of jurisprudence.

MR. BEREUTER GIVES SPEECH BEFORE THE HERITAGE FOUNDATION

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. ROYCE. Mr. Speaker, I would like to share with my colleagues a thoughtful speech given before the Heritage Foundation by my distinguished colleague, Mr. BEREUTER of Nebraska, on U.S. policy toward Asia.

As Chairman of the Asia and Pacific Subcommittee, on which I am honored to serve, DOUG BEREUTER has been a leader in shaping U.S. policy toward this critical region. Mr. BEREUTER's views, as expressed here, are a significant contribution to our understanding of the challenges and opportunities facing our country in Asia. I encourage my colleagues to review this important speech.

Mr. Speaker, I submit the full text of Mr. BEREUTER's address before the Heritage Foundation's Asia Roundtable to be inserted at this point in the RECORD.

REMARKS DELIVERED AT THE HERITAGE FOUNDATION, THE HONORABLE DOUG BEREUTER, CHAIRMAN, SUBCOMMITTEE ON ASIA AND THE PACIFIC, FEBRUARY 9, 1999

I. INTRODUCTION

I am honored to be invited back, for a fifth year, to participate in the Asia Roundtable sponsored by the Heritage Foundation, and to share my Congressional perspective on U.S. foreign policy objectives in Asia. Seeing many familiar faces here today, I am encouraged that so many "old hands" (many of them young)—individuals with wide-ranging experience and expertise—remain committed to studying Asian affairs. No region is more dynamic, or more crucial to the future of America, as we stand on the threshold of the 21st century.

In my role as Chairman of the Asia and Pacific Subcommittee, a position which I have held since January 1995, I have found that your questions and related comments have been helpful in offering some different issues, and I hope that today's session will also have that benefit. I will keep my remarks fairly brief to afford maximum time for dialogue. Thus, I propose:

First, to very briefly reiterate the set of principles that have guided my approach to the Asia-Pacific region.

Second, to highlight key challenges that we face when viewing the Asian landscape through the larger prism of U.S. "grand strategy"—even if it isn't clear that our government has one.

Third, to offer my thoughts on appropriate Congressional responses to achieve our security objectives in Asia.

II. PRINCIPLES TO GUIDE FOREIGN POLICY

Soon after I assumed Chairmanship of the Asia and Pacific Subcommittee, I established a set of principles to guide goals and initiatives regarding Asia. I believe these principles remain valid today. These include:

first, Maintaining regional stability and security—particularly with respect to potential flashpoints on the Korean peninsula, the Asian subcontinent, and Taiwan—by sustaining our regional security commitments. The presence of American forces strategically forward-positioned in Asia promotes stability, deters aggression and the rise of hegemonic forces, and ensures our strategic agility—the ability to rapidly and flexibly respond to crises. Our forces must remain engaged in Asia to bolster alliances and friendships, build new bonds of trust, and strengthen the joint commitment of the U.S. and regional nations to peace and stability. An increasingly important aspect of the U.S. security responsibility concerns the proliferation and export of weapons of mass destruction and ballistic missiles. Given recent events on the Korean Peninsula, this priority has become increasingly important.

the second principle, Opening and expanding Asian markets, and leading systemic and structural reforms that contribute to long-term Asian economic health and prosperity. Asia's recent financial crisis underscores the need for this dual-track approach. We have engaged economically, for example, by applying public and private resources to our financial and commercial relationships in Asia, and by implementing business strategies that expand our trade and marketing potential. However, we also should provide more leadership in a drive for reforming the economic architecture in Asia. This includes direct assistance in the form of counsel and targeted, limited aid to beleaguered nations, and insistence on appropriate support from multilateral organizations, such as the IMF, and international fora. This integrated approach should help put Asian nations back on their feet and keep them on the path to the robust growth needed for their, and global, economic health.

the third principle, Promoting democracy & Protecting human rights. We cannot neglect our historic commitment to the fundamental principles of democracy, pluralism, and respect for human rights. Any Congressional policy based strictly on realpolitik and devoid of moral substance will lose the support of the American people.

In these three areas, then, Congress must seek and seize the initiative so that we can now, and amid the uncertainties of the new millennium, shape, prepare effectively for, and respond appropriately to, the challenges and opportunities in Asia.

Now, secondly, to move to the challenges, I start with . . .

III. DEFENSE ISSUES

A more detailed look at the region shows that the post-Cold War period has not ended threats to a peaceful, stable Asia. Threats to U.S. vital interests abound. Relatedly, I believe that maintaining our 100,000 forward-deployed troops is the responsible, prudent course of action now more than ever. That force is a cornerstone of our security strategy and has both symbolic and real value to our allies, and it should to us as well. It represents our tangible commitment to the region—our sacrifice for the common good that deters aggression and defends U.S. and allied interests in crisis or conflict. The 1998 Defense Authorization Bill included-language, which I authored, reaffirmed both Congressional support for the 100,000 troop level, and explains why this troop commitment is crucial to peace and security in Asia. Indeed, I believe the presence of forward-based U.S. troops is welcomed by everyone in the region . . . . with the notable exception of North Korea.

As to North Korea, I remain convinced, as I was in 1995, that there is no more volatile and dangerous spot in Asia, and perhaps the world, than North Korea. The situation on the Korean Peninsula currently is fragile. As you know, the North maintains a huge, standing, million-man army, the bulk of which is forward-deployed within 75 miles of the DMZ. Its nuclear and ballistic missile capabilities may threaten South Korea and Japan and, as demonstrated by Pyongyang's August '98 missile test, they potentially threaten even American soil—yes, the 48 states too. This test launch, coupled with uncertainty over the North's adherence to the 1994 nuclear framework agreement (generated by its continuing refusal to permit U.S. access to a suspected nuclear-related underground facility at Kumchang-ni) has renewed grave questions about Pyongyang's military intentions.

The North should realize, but may not, that it now stands at a crossroads and must choose whether to continue its march toward economic and social collapse or to embrace America's exchange of food aid, heavy fuel, and assistance in developing safe nuclear energy for a verifiable commitment that it has not continued—and will not continue—its nuclear weapons program. The Administration's high risk bargaining tactics on this issue require careful oversight; much hangs in the balance—potential war or peace on the Peninsula, large-scale proliferation or its containment. Ultimately, the longer term balance of power and regional stability is at risk. I referred to the Administration's high risk bargaining tactics because the questions we all must ask are:

What is the Administration's strategy with regard to North Korea? Why is there no linkage among the Administration's individual initiatives to stem the North's ballistic missile proliferation, to halt its nuclear program, and to forge any peace settlement? Have we substituted individual tactical maneuvers for an overarching strategy, a set of disjointed processes for an integrated policy and real progress?

The implications of North Korea's test launch of a three-stage ballistic missile reach far beyond the Peninsula. Tokyo, recognizing the implicit threat, has appeared increasingly receptive to overtures to work with the U.S. to develop a regional missile defense network. Prime Minister Obuchi's hand also has been strengthened in gaining Diet approval for the revised defense guidelines. Once ratified, these guidelines will permit Japan to provide broader and more flexibility non-combat logistical support to U.S. forces in a regional contingency.

As a nuclear weapons state, a leading regional military power, and a global player with a permanent U.N. Security Council seat, China, too, has a crucial role in building lasting security in the Asia region. Thus, another key security objective in Asia must be to build a firm foundation for a long-term relationship with China based on comprehensive engagement. Clearly, divergent and sometimes conflicting policies on a variety of issues complicate relations. Continuing concerns regarding China's acquisition and possible proliferation of sophisticated technology with military applications poses challenges to improving relations. As you may know, I served recently on the Congressional Select Committee charged with investigating Chinese acquisition of sensitive U.S. military technologies. Our findings, which I will broadly review with you when I turn to proliferation challenges, almost certainly will strain U.S./China relations over the near-term once the maximum amount of the report is released.

Another weighty U.S. security objective in Asia is to contain the proliferation of weapons of mass destruction in South Asia. Indian's and Pakistan's recent nuclear tests, and their continued development of ballistic missiles, have fundamentally changed the strategic balance and increased the risk of nuclear exchange. As you know, the U.S. imposed mandatory unilateral sanctions on these countries following their tests. Major elements of these sanctions have subsequently been waived. We need to specifically examine whether to continue the President's waiver on Arms Export Control Administration (AECA) economic sanctions, which were based on a number of conditions, including both countries signing the CTBT, halting nuclear testing, and ceasing deployment and testing of missiles and nuclear weapons. It is to say the least, unclear whether those conditions will be met.

I have included proliferation issues in a number of my subcommittee's past hearings and, during the 106th Congress, I anticipate re-examining some of these concerns and Administration responses. Certainly we will review Presidential certifications on the North's nuclear program as required by the last Congress, and their impact on the KEDO light water reactor project under he Nuclear Framework agreement.

It also is clear that Congress will carefully review U.S. export and security policies dealing with sensitive military-related technologies. As I mentioned earlier, I serve on the House Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, which produced what is commonly referred to as the Cox Report. While the findings of the Select Committee remain highly classified, I can say that we found that the transfer of sensitive U.S. technology to China extends beyond the widely publicized Hughes Electronics and Loral cases, to grave and extraordinary losses and severe damage to Amerca's national security through Chinese espionage because of lax security measures. At this point, I cannot provide details as the report is undergoing declassification review. Suffice it to say at this time, however, that the United States must thoroughly, dramatically, and energetically revise its security procedures—no failures to follow-through this time and no half-way, half-hearted efforts are acceptable.

IV. ECONOMIC ISSUES

Now let's look at Asia's economic security challenges.

Over the course of the financial crisis, five Asian economies have contracted by at least 6 percent: Thailand, South Korea, Indonesia, Malaysia, and Hong Kong. During a recent visit to Asia, I heard leading Hong Kong business-men, who once were supremely confident of Hong Kong's continued prosperity, now admit they are in a depression—no, I didn't say recession. I also had the opportunity to visit Indonesia, and witness first-hand the very real difficulties that important nation faces in pursuing economic recovery. Other nations are in recession or close to it. I believe the U.S. now has a more palpable respect for the possibility of economic undertow because of the Asian crisis. We were "strategically surprised," to borrow a military analogy, and "strategic surprise" frequently results in tremendous confusion and very bad results. We can't afford to have this happen in the global economy.

We need to bolster our economic "defenses" now by expanding private and public U.S. economic engagement and leadership in the region, and by paying closer attention to "indications and warning" of financial instability. In retrospect, these signs were evident as the crisis built—and even before that if you look at the architectural problems that drove it—but their potential individual and cumulative impact clearly were insufficiently addressed.

U.S. economic growth of about 2–3 percent in 1999 has been widely projected—down from about 4 percent 1998 and attributable, in large measure, to the economic problems ignited in Asia. In late '98 the strong U.S. economy was, overall, able to more than compensate for the slump in Asian and other markets. Yet the Asian and other global impacts still are not all played out, and more Asia tides may still await us. To date, the rising U.S. trade deficit, largely resulting from the sizable fall in exports to Asia, has been offset in significant part by capital inflows seeking safe harbor in America and by the Federal Reserve three times lowering interest rates. Nonetheless, the impact of the Asian crisis has been weighty and, as I said, it's certainly not over: Asia's recession has cost U.S. industry $30B in lost exports and resulted in manufacturing lay-offs and shrinking farm income. In addition, despite large IMF bailouts to some Asian nations, continuing financial setbacks in the region are shockingly projected to increase the 1999 U.S. trade deficit another $50-60B deep because of Tokyo's role as the world's second largest economy and a U.S. ally. Japan has been America's largest overseas market for agricultural products. Japan has ranked as the third largest, single-market country for U.S. exports; it also has been the second largest supplier of U.S. imports.

Japan's economy has been anemic, and often in decline, for most of the past seven years, and it is now in recession, with nothing encouraging in sight. Recent trends indicate that, barring major shifts in government policies and global economic conditions, Japan's economic growth will be sluggish for at least the near-team. Problematically, the U.S. trade deficit with Japan in fall '98 was $58.2B and nearing its all-time high of $65.7B, which was reached in 1994. Large trade deficits will increase political calls for protectionism. Indeed, we have seen the first shots over the bow on this subject already: The Administration has threatened to file a suit under Section 301 of US trade law against Tokyo unless its steel imports show substantial declines.

Politically, that instinct is hard to resist, but such a response has adverse consequences, forcing Americans to pay more for products and lowering their standard of living. Protectionism also can seriously damage Asian economic recovery efforts, which will pose longer-term risks for U.S. products, services, jobs, and industry. The trick is finding the line between protectionism and appropriate leverage to demand a fair shake in foreign markets.

Despite Japan's continuing economic problems, it admittedly has provided financial assistance, structural adjustment loans, and export/import credits to the IMF countries to help contain the financial crisis. Such generosity is to Tokyo's credit, but it is an adequate alternative to restoring a strong Japanese economy. Underlying Japan's market access problems and low productivity in some economic sectors are an abundance of rigid government regulations. While recent governments have promised to undertake deregulation, Tokyo still appears to be ill-prepared to make fundamental changes.

Although I have viewed Japan as the economic engine that could pull East Asia back to economic recovery, provide insurance against a worldwide recession and reinforce regional stability and security, this prospect is dimming. Last year, I introduced H. Res. 392, which was passed, calling on Japan to more effectively address its internal economic and financial difficulties, and to open its markets by eliminating regulatory, trade, and investment barriers. Japan must act now to stimulate its fiscal economy and make a decisive break with the regulatory webs and closed markets that slow growth. If Japanese markets aren't open—or opened—Asian countries will rely that much more on U.S. markets for their exports, American exports to Asia will decline, our trade deficits will be pushed even higher, and calls for protectionism will escalate.

U.S.-China Trade is part of our larger comprehensive engagement policy with that nation and reinforces our economic security objectives in Asia at large. The 106th Congress, like those previously, probably may once again, after heated debate, extend normal trade relations status to China; however, the renewal process likely will trigger consideration of other trade-related issues. These may include conditioning China's entry into the World Trade Organization (WTO), possibly linking WTO access with permanent NTR status, and taking a variety of initiatives to reverse the increasing U.S.-China trade deficit. Incredibly, WTO negotiations with China are in their 13th year; however, China's formal trade barriers remain high, and some very recently have been placed even higher. Key service sectors, such as distribution, finance, and telecommunications—the infrastructure of a 21st century economy—remain closed. Moreover, the rule of law, which permits enterprises to grow and flourish, remains severely underdeveloped. The Administration still has no effective plan to induce China to make the changes and commitments necessary for WTO eligibility despite our phenomenal trade deficit with that country, which grows by $1B per week! I am convinced that the U.S. must use, in effect, a "carrot and stick" approach to push China on WTO membership. the "carrot" is permanent NTR; the "stick" is snap-back tariffs. This year, I plan to more energetically push the Bereuter-Ewing-Pickering legislation—H.R. 1712: The China Market Access and Export Opportunities Act. It offers a strategic plan that includes snap-back tariffs to compel Beijing to join the WTO. Equally important, unlike repealing NTR, my approach does not invoke the impossible, severe, wide-ranging set of sanctions that would adversely impact American jobs and industry. Neither does it ease, as China has urged, WTO accession restrictions, which could seriously undermine support for free trade. Now to the final category of challenges for the U.S. in the region:

V. HUMAN RIGHTS & DEMOCRACY

There can be no serious discussion of U.S. policy toward Asia—or of challenges and opportunities in that region—without addressing U.S. democracy and human rights objectives. As you all know, last year was the 50th anniversary of the signing of the Universal Declaration of Human Rights. In looking back at that half century, an impressive body of international law has been enacted, and the ranks of committed individuals, organizations, and countries have swelled as has their power to command world attention in promoting and protecting the dignity and freedom of all people.

It should be noted that in 1998, for example, Beijing signed the International Covenant on Civil and Political Rights. In 1998, the U.N. Human Rights Commission and 36 Asian-Pacific nations—representing about one-half the world's people—also signed in 1998 the framework for an agreement on technical cooperation in human rights, which commits them to work together to strengthen national human rights strategies, plans, institutions, and education. Strides have been made, but we must do more to translate the legal instruments—the words—that guarantee human rights into actions that transform the daily lives of those citizenries that still live under oppression.

Competing ideologies on the role of democracy versus authoritarian rule in building Asian stability and economic prosperity have impaired the strengthening of democratic institutions and individual freedoms. The Asian economic crisis brought simmering political tensions to a boil, and amplified regional—indeed, worldwide—calls for government accountability and profound social and political change. If equitable recovery measures are not adopted in 1999, the cycles of violence witnessed last year, and for much of history, well may be repeated.

Nowhere is that more true than in Indonesia. The widespread protests that brought an end to President Suharto's regime have not abated. President Habibie has lifted some restrictions on freedom of expression and political parties, but sources of political, ethnic, and economic unrest continue to abound. The June '99 parliamentary election process is a key test for democracy and government legitimacy. With political parties blossoming and competing for seats in what hopefully will be the first real election in over three decades, the stakes are very high. Moreover, another important watershed event may be on the horizon: Recently, the Indonesian government announced that it may be willing to consider East Timor's autonomy, perhaps even independence if the East Timorese deem the autonomy plan unacceptable. The jailed rebel leader, Xanana Gusmao, who I visited last month, appears destined for early release. I am told that U.N. Special Envoy Marker has redoubled his efforts to devise a formula that is acceptable to all parties. Portugal and Indonesia must be told it is time to find an acceptable agreement *now*. The door is opening for an end to this 23 year old violent controversy.

In another Southeast Asian example, Cambodia's recent electoral history has been bloody. After the violent July 1997 coup, in which scores of Cambodians were executed, Hun Sen delivered a devastating "body blow" to the democratic aspirations of the Cambodian people. Following a very difficult year, where Hun Sen was ostracized from the international community, elections were held last July. These elections resulted in a small majority for the Cambodian People's Party, led by Premier Hun Sen. Extra-judicial killings, co-opting and coercion of political opponents, human rights abuses, and media censorship that led up to the election tarnished the process at large while allegations of election improprieties undercut claims of a democratic process.

Moreover, the current power sharing arrangement between Hun Sen and Prince Ranarridh is tenuous at best, and rumors of special deals with Khmer Rouge leaders who recently surrendered have fed additional suspicions. This small, long-suffering country has far to go before Western observers will be convinced it is on the way to democratization. I was the author of an amendment that was passed in the foreign operations appropriation bill that barred aid to the government of Cambodia until democracy is restored. I remain unconvinced that this has occurred.

And, finally, as for China, despite its signing of the U.N. Covenant on Civil and Political Rights, it has yet to be ratified. China's desire for improved relations with the West contributed to the release of some high profile political prisoners and slight loosening of limits on public expression in early 1998; however, the crackdown on the newly formed Chinese Democratic Party and other unregistered pro-democracy groups has demonstrated the continuing closed nature of the political system.

I want to emphasize here that I continue to support the excellent work of Mr. John Kamm, who has done much to learn the fate, and push for the release, of long-forgotten political prisoners. The physical and psychological lives of these prisoners, and of many other victims of Chinese human rights abuses, hang in the balance. We must continue to vigorously press Beijing to live up to both the letter and spirit of the international agreements it has signed. To this end, the first hearing this year in the House International Relations Committee concerned the recent crackdown on democracy movement leaders; a second hearing already has been held, and more are likely to be scheduled.

VI. CONCLUSION

I have reviewed a fraction—although a substantial and important fraction—of challenges and opportunities that will face the United States and Congress in Asia as we move into the 21st century. What I do I recommend, as both a Member of Congress and Chairman of the Asia and Pacific Subcommittee to my colleagues and to the Administration? A few bottom lines:

Vigorously promote regional security. In addition to maintaining our forward-deployed forces and strengthening our web of security Alliances, we need to explain the requirement for, promote, and collaboratively develop a regional missile defense system, as well as a limited national defense system at home.

Push the Administration to develop an effective, long-term strategy for dealing with Pyongyang in concert with our regional Allies. Such a strategy must hold the North to its commitment to the framework agreement if we are to release any of the $35M pledged. Further, it must link the nuclear initiative with other U.S. security objectives related to ballistic missile proliferation and discussions on peace and stability in Korea and in the region. Most importantly, we must replace the reaction stance our actions and policy have become. They are too much like paying blackmail to avoid North Korean aggression or to delay facing a growing threat of weapons of mass destruction.

Actively assist Asian countries' recovery plans where possible and appropriate and strengthen U.S. leadership of systemic and structural reform. To do this, we must remain engaged in Asian markets and avoid protectionism, and exert more leadership in pressing for IMF reforms. We also must provide private and public sector expertise for reforming the Asian economic architecture.

Adopt the Bereuter-Ewing-Pickering plan for Chinese accession to the WTO through snap-back tariff legislation. Engaging China now, on our terms, in a free market economy, is a key means to encourage it toward responsible domestic and international behavior.

Energetically promote the advancement of democracy and freedom throughout Asia. The United States, for example, should support the Indonesian elections in June—free, fair, and transparent elections are too important for the U.S. not to get involved. We also should support the rule of law and village election assistance in the PRC, and not let a few of our misguided colleagues block the effort and discourage further Administration initiatives. While the costs of such programs are minimal, they can make a significant contribution to the evolution of democratic institutions in Asia.

Thank you very much for your attention.

CRISIS IN THE HORN OF AFRICA

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. SAXTON. Mr. Speaker, I spoke on February 9, 1999, to remark that it was essential that we act to help stop the escalation of the crisis in the Horn of Africa, and particularly the Ethiopia-Eritrean war, if the region was not to slide further into chaos. Since then, the anticipated war between Ethiopia and Eritrea has erupted and it keeps escalating. The war has already long-term and dire ramifications for both countries—beyond the impact of the growing numbers of casualties on both sides. The war is largely a low-tech and fairly static war of attrition along long miles of rugged and inhospitable terrain. The new offensive just launched by the Ethiopians is yet to alter the overall character of the war. However, both sides have embarked on an intense effort to acquire high quality air power in order to break the deadlock. Both countries not only purchased several late model combat aircraft and helicopters from states of the former Soviet Union but also engaged a large number of air crews and technicians to fly and maintain them. This effort, that is yet to impact the situation on the front line, is rapidly exhausting the hard currency holdings of these already impoverished states, thus further reducing their chance of economic recovery and development.

Dire as the situation in the Horn of Africa is, and as much as the casualties are lamentable, it is a valid question to ask: Why should we—the United States—care about yet another debilitating war in a remote part of Africa? Fortunately, the war has so far had little impact on the civilian population, there were no massacres, and there is no famine. Hence, there is no humanitarian catastrophe to attract our attention. Hence, I repeat, why should we care?

The reason we should pay close attention to the mounting crisis and escalating war is the vital strategic importance of the Horn of Africa to the United States and its close allies. The geo-strategic position of Ethiopia is central to several mega-dynamics stretching all the way from the Middle East to East Africa. Thus, the impact of instability and war reverberates directly to the heart of such areas commonly accepted as vital interests of the United States as Israel or the oil producing states of the Persian Gulf. Here are several major strategic factors in the region, demonstrating its great importance to the security interests of the United States:

1. The security of the Red Sea/Suez Canal Sea Lane of Communication (SLOC), which vitally affects East-West trade (not just the oil trade) between Europe and Asia, including particularly Japan and Australia. Within this context, the ability of Israel and Jordan to maintain adequate maritime access to the Red Sea (and therefore world trade) is significant.

2. The containment of the spread of Islamist radicalism and terrorism—a process currently sponsored by Sudan's National Islamic Front (NIF) Government with the assistance of Iran. The hub of international terrorism in Sudan supports subversion throughout the Arab world and East Africa. A personal patron of Osama bin Laden, Hassan al-Turabi, Sudan's spiritual leader, was instrumental in inspiring and sponsoring the bombing of the U.S. Embassies in Kenya and Tanzania. Having sponsored the eviction of the United States from Somalia, Khartoum is now trying to capitalize on the crisis in the Horn of Africa in order to evict the United States from the rest of this strategically critical area. Toward this end, the Islamists support several Islamist separatist movements in both Eritrea and Ethiopia, most notably the support for the radical separatist Oromo forces designed to break up Ethiopia still further.

3. The management of the Nile waters is critical to the stability, prosperity and growth of Sudan and Egypt, and therefore the stability of the entire Middle East. Egypt is completely dependent on the Nile water for its very existence and Cairo will therefore do anything to ensure the Nile's uninterrupted flow—including joining the radicals of the Muslim world, turning on the United States, Saudi Arabia, and Israel, etc. Sudan is also the driving force behind and key sponsor of the destabilization of Egypt. Gaining a foothold in Ethiopia will provide Khartoum with the possibility to manipulate the Nile's flow without direct implications.

Thus, stability in the Horn of Africa, and especially the existence of a unified and pro-Western Ethiopia, is of crucial importance to the national security of the United States. We must care and worry about the escalation of the Ethiopia-Eritrea war and the Sudan-sponsored Islamist forces exploiting it. This position is shared by the Ethiopia Crown Council. In my previous comments, I urged that we help reinforce the position of Prince Ermias SahleSelassie, the President of the Crown Council of Ethiopia, who is attempting to restore a policy of unity and moderation on Ethiopia and the region. Recently, Prince Ermias has written an excellent analysis of the crisis for the Defense & Foreign Affairs: Strategic Policy, the journal of the respected International Strategic Studies Association. In this overview, he urges that we see the Eritrea-Ethiopia conflict in the context of the broader regional strategic situation, to ensure that radicalization of the region. Prince Ermias stresses the dire ramifications of the deteriorating situation in Ethiopia:

> "What we see now [in Ethiopia] is far less democracy and opportunity and prosperity than was being created under the Constitutional Monarchy of Haile Selassie. What we are witnessing today is a society led by people who arrived on the scene by accident; who are mired in divisive, petty squabbling. The result is that the region is divided and at risk. And the risk is one shared by the entire world: a further breakdown in the region could lead to the collapse of the pivotal powers, and a total disruption of the trade routes and the Middle Eastern oil trade. But worse than this, by not seeing the Ethiopia-Eritrea dispute in the broader context and acting accordingly, the world may be condemning the peoples of the region, including those of Egypt and North Africa, Arabia and the Northern Tier, to many more years of despair."

I share the view and the anguish. I add that the strategic posture of the United States is adversely affected by the reverberations from, and impact of, the continued war in the Horn of Africa. This is why we should not only pay attention to events there, but also act to bring an end to the war. However, any negotiated settlement that would leave the regional strategic posture unchanged would only be a short term and temporary solution. Ultimately, it is imperative that long-term solutions are attained—nation building and economic revitalization under condition conducive for flow of private funds, not just hand outs of humanitarian assistance.

What makes the situation in the Horn of Africa so unique is that there is no need for a U.S. military intervention in order to establish such stability. There are indigenous forces in Ethiopia that, if properly supported, can help their own country and the entire region. I'm talking about the Ethiopian Crown Council. Constitutional monarchy, as was the case in the days of Emperor Haile Selassie, provides the best opportunity for Ethiopia. Mr. Speaker, it is clear that in Prince Ermias we have someone who understands, and can help stabilize the entire Horn of Africa. The situation is now becoming critical, and we must find ways to support him in the process of reunifying Ethiopia, which cannot be allowed to be dismembered, and in helping to bring about regional reconciliation—thus protecting and furthering national security interests of the United States and its close allies.

AFRICAN AMERICANS WHO HAVE MADE A VITAL ROLE IN SHAPING OUR NATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. MORAN of Virginia. Mr. Speaker, I rise to pay tribute to the many African Americans who, through personal sacrifice and unyielding perseverance, have had a vital role in shaping our nation. African Americans have made countless contributions throughout the history of the United States in the arts, sciences, literature, politics and in the military. They have made these achievements while working under extremely adverse conditions. In Virginia, we have a special appreciation for Black History Month and for the contributions of African-Americans to our state and nation.

Dr. Carter G. Woodson, considered the father of black history, was born in 1875 in Buckingham County, Virginia. Dr. Woodson originally conceived Negro History Week in 1926 as a celebration of African American achievement. This week of African American recognition later became Black History Month. Dr. Woodson was the youngest of nine children to former slaves. He was largely self taught due to the long hours required of him on his family's farm. Throughout his young adulthood, Dr. Woodson worked to support himself while studying. His hard work and discipline culminated in his becoming only the second African-American to earn his doctorate at Harvard. In 1915, Dr. Woodson established the Association for the Study of Negro Life and History to highlight African American contributions to American history and culture. Beginning in 1916, Dr. Woodson began publishing books and information on the African American experience in America. He held teaching positions at both Howard University and Virginia State College. At the end of his life in 1950, Dr. Woodson was working on an Encyclopedia Africana. Dr. Woodson is just one of many remarkable African Americans from Virginia.

Other black Virginians have been similarly distinguished. Tennis great Arthur Ashe learned to play tennis on segregated courts in Richmond and went on to become, not only a legend in the sport but also an international human rights leader. Mary Elizabeth Bowser spied for the Union army during the Civil War while a servant in the Confederate White House in Richmond. Henry "Box" Brown shipped himself to freedom in 1849 and then went on to become an outspoken advocate for the abolition of slavery. Virginia has contemporary African American heroes as well. Jazz legend Ella Fitzgerald was born in 1918 in Newport News Virginia. Samuel Lee Garvey, Jr. of Richmond became the first African American Navy Admiral in 1962. Samuel Dewitt Proctor, from Norfolk, who passed away in 1997, was a distinguished educator, preacher and speaker. Booker T. Washington was born in 1856 in Franklin County and became the founder of Tuskegee University in Alabama. And I am proud to say that Virginia was the first state in American history to elect an African American as Governor. With the election of Doug Wilder in 1989, our state made great strides toward healing the painful past for all Virginians.

Black History month is a wonderful opportunity to reflect on the many contributions African Americans have made to the United States. Looking back over the history of Virginia and realizing the great things that have been accomplished often under harrowing conditions, I am hopeful for the future. Virginians and Americans can do much more for the greatness of our state and country if we take time to find out about one another and then more forward with respect to achieve greatness together. The Association for the Study of Afro-American Life and History has chosen Black History Month 1999 to be time to reflect on the theme "The Legacy of African American Leadership, for the Present and Future." Virginia has a rich history of Black leadership that I am positive will portend a future of continued excellence.

TRIBUTE TO KING HUSSEIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. WAXMAN. Mr. Speaker, I rise today to honor King Hussein ibn Talal al Hashem, a courageous leader and close U.S. ally who lent his stature as the Middle East's longest-serving leader to the service of peace. A wondrous achievement for any man, but even greater because it was accomplished after decades of struggle and at great risk to his standing among his neighbors and his own people. His death from cancer lost to Jordan a beloved king who brought stability in the face of great obstacles and lost to the world a man who in his final years worked tirelessly to leave behind a legacy of peace in his region.

When King Hussein was crowned in 1953, the Hashemite Kingdom of Jordan was a collection of Bedouin tribes—today it stands as a model of stability in the region with democratic freedoms unknown to most of the Arab world. His 46 year reign was an astonishing feat of survival. King Hussein dodged at least five assassination attempts, numerous coups, the loss of a significant portion of his land, and, at critical points during his reign, miscalculations that sparked the ire of his Arab neighbors and the Western world. Yet he emerged in his later years as a wise voice for moderation in the region, using his wealth of experience and status as elder statesman to prod Israel and the Palestinians towards the ultimate goal of peace: a process which he had seen as necessary for the survival of his country and the region as a whole.

King Hussein had come to realize that his country's survival was inextricably linked to the fate of the State of Israel. His years of secret talks with Israeli leaders facilitated what would eventually become the first "warm" peace between Israel and an Arab country. I had the opportunity to participate in the White House signing of the 1994 peace agreement between Jordan and Israel, and was struck by King Hussein's courage in signing the agreement in the face of opposition by his Arab allies. The warmth of the handshake between the King and Prime Minister Yitzhak Rabin illustrated the genuine friendship that had grown between these two great leaders, and launched a relationship that should serve as a model for relations between Israel and her other Arab neighbors.

Since 1994, King Hussein spent enormous amounts of energy to broaden the peace by bringing a settlement to the Israel-Palestinian peace process. During the Hebron negotiations in 1997 and again at Wye Plantation in 1998, the King's presence made the difference between success and failure. While undergoing cancer treatment last fall, the King put his health at risk by traveling from the Mayo Clinic to the Wye Plantation at the request of President Clinton, who knew that only the King could inject that strong dose of reality necessary to remind the negotiators of their purpose. Cajoling, and sometimes scolding, the participants, he urged them to look beyond their petty differences and accept the compromises that would bring a brighter future to the region.

King Hussein will be remembered throughout the world as a man of honor, a man of wisdom, and a man of peace. I would like to express my sincere condolences to the family of King Hussein and the people of Jordan—your loss will be felt worldwide. I would also like to reaffirm our commitment to close relations between the U.S. and Jordan, and send my best wishes to King Abdullah, who has the strong support of Congress and the American people as he embarks on the leadership of his country and builds on the legacy of his father.

THE REINTRODUCTION OF THE NATIONAL URBAN WATERSHED MODEL RESTORATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Ms. NORTON. Mr. Speaker, today, I reintroduce the National Urban Watershed Model Restoration Act, a bill to establish a new approach to restoring urban waters. This pilot program, to be administered by the Environmental Protection Agency (EPA), will serve as a national model for the restoration of urban watersheds and community environments. The Anacostia River has been chosen as the pilot river because it is an especially polluted urban river located in the nation's capital that has drawn national attention and thus can lead the way for community-involved cleanup approaches that can be modeled and taken up nationally.

To achieve more focused and rapid action, the new program will integrate the various regulatory and non-regulatory programs of the EPA with other federal, state, and local programs to restore and protect the Anacostia River and promote community risk reduction. EPA is to coordinate its efforts with other federal partners, particularly the U.S. Army Corps of Engineers. In addition to addressing a major local environmental concern, this model program will provide a framework for urban communities around the nation to work towards sustainable community redevelopment and to meet national environmental goals.

Under the new program, EPA shall allocate a total of $750,000 per year over the next 4 fiscal years to implement the provisions of the Model Program. EPA may authorize no less than $400,000 annually in the form of grants, which are to be matched on a 75–25 basis with other federal funds and state, local, and private contributions.

The Anacostia River has been my top environmental priority since coming to Congress in 1991. In the 104th Congress, I worked through the Subcommittee on Water Resources and Environment to authorize $12 million of construction projects to help clean up and restore wetlands along the Anacostia watershed. I am pleased that the Administration has proposed over $4 million in the Army Corps of Engineers' FY 2000 budget for Anacostia projects that springs from the original $12 million authorization.

I am committed to whatever time and effort it takes to restore the river that runs through the neighborhoods of the nation's capital. The bill that I introduce today marks a renewed effort, as well as an innovative approach, to advancing this top environmental priority.

IN COMMEMORATION OF FEBRUARY 24

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. DIAZ-BALART. Mr. Speaker, on February 24th the people of Cuba commemorate a glorious and tragic date in the history of their country. The 1895 war of independence began exactly 104 years ago; the Cry of Baire constitutes one of the most heroic acts of the Cuban people. Intimately connected with this date is the heroism of Marti, Gomez and Maceo and the thousands of freedom fighters known as mambises who shall forever ennoble the Cuban nationality.

Tragically, February 24th will also be forever connected with the murders which took place on that date in 1996. The Cuban tyrant, ultimately insulted by the courage demonstrated by the Brothers to the Rescue when they dropped pamphlets and other pieces of paper over Havana with pro-democracy slogans and copies of the Universal Declaration of Human Rights a few months back, ordered the murder of all the men and women who were going to fly on February 24th in civilian planes carrying out humanitarian missions for Brothers to the Rescue.

The Cuban tyrant prepared his murders well. An agent of his by the name of Roque, who had occasionally flown for the Brothers to the Rescue organization, was ordered to return the day before to Cuba. Roque was going to publicly declare after the murders of February 24th that he was a survivor from the mission and that the humanitarian group's planes were taking arms to "Concilio Cubano", a coalition of dissident organizations inside Cuba which had announced its intention to host a public meeting in Havana on February 24th and whose membership was brutally repressed by the dictatorship. Roque would also announce that the planes had been shot down over Cuban waters.

Additionally, the Clinton Administration ordered that on February 24th, the U.S. Air Force not protect the planes of Brothers to the Rescue.

We all know that Pablo Morales, Armando Alejandre Jr., Mario de la Pena and Carlos Costa were brutally murdered on February 24, 1996. I am sure that those four martyrs of peace and patriotism will be duly memorialized in the democratic Cuba of tomorrow, as they are in South Florida today.

The intervention of the imponderable, of destiny, saved the third Brothers to the Rescue plane which flew on February 24, 1996, the plane flown by Jose Basulto. That intervention of the imponderable made it possible for the world and for history to know that the planes were shot down over international waters, while engaged in a peaceful and humanitarian mission. Roque had to remain quiet and the Clinton Administration as well as the Castro dictatorship had to accept the Helms-Burton Law (with the codification of the embargo, codification being something which neither the Clinton Administration nor Castro ever expected was going to be part of the Helms-Burton Law).

After the murders, there are two obvious questions which need to be answered.

First, why was the order given on February 24, 1996 to the U.S. Air Force that it not protect the planes of the Brothers to the Rescue? In effect, the White House had to have issued a counter order for that day, since a standing order exists requiring the U.S. Air Force to intercept every plane that is detected coming toward the United States from Cuba.

And secondly, why has Castro not been prosecuted for his cold blooded murders of February 24, 1996, even after he admitted to the international press that he himself ordered the murders?

IN MEMORY OF OFFICER STEVEN MICHAEL JERMAN

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. PETERSON of Pennsylvania. Mr. Speaker, like many communities in my district, Kane, Pennsylvania is a town of less than 6,000. It is a quaint and quiet community where residents share similar values, beliefs and a strong work ethic. Sadly however, Kane residents must now share in their pain, sorrow, and sense of loss.

Last weekend, Kane lost one of its finest individuals. Kane Police Officer Steven Michael Jerman was killed in the line of duty. Officer Jerman was a 23-year veteran of the small-town police force and was regarded with the utmost of respect by all who knew him. He devoted his career to helping youngsters by steering them away from the destructive path of drugs and alcohol. Officer Jerman ran a drug-prevention program which is credited for saving the lives and livelihoods of dozens of teens in the Kane area.

Ironically, it would be the issue about which he had the most passion that would take the life of Officer Jerman. He was shot and killed by a teenager who got drunk, got behind a wheel and became violent—the very behavior he fought so hard to stop.

This incident, which has devastated the community, is an eerie reminder that drug and alcohol abuse by our nation's youth is all too prevalent. I believe the best way to honor the life of Officer Jerman is for the community, police force, and for family and friends of Jerman to carry out his legacy by continuing the fight against drugs and alcohol among our youth.

My wife Sandy and I offer our heartfelt and sincere sympathy to Jerman's wife and two children for this tragic loss. We also share in the sorrow of the town of Kane and entire Commonwealth.

SPECIAL RECOGNITION OF JOHN H. KELLER, SR., OF LIMA, OH UPON HIS 90TH BIRTHDAY

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. OXLEY. Mr. Speaker, I rise to honor a true public servant and model citizen on the occasion of his 90th birthday.

On March 12, 1909, John H. Keller, Sr., was born in Lima, OH. In 1927, John graduated from Lima Central High School, where he was president of the Allen County Wheelman—a group of bicycling enthusiasts. He went on to Bluffton College, where he graduated on June 10, 1931. He received further instruction at Northwestern University's Garrett Theological Seminary in Chicago. He married Charlotte Mary Basinger in 1936.

John Keller is above all else a tireless civic participant. He has committed himself to witness and take part in countless governmental meetings which deliberate for the public good and he has served as a board member for agencies such as the city of Lima Tree Commission among others.

From 1941 through 1974, John worked as a brakeman and conductor on the Nickel Plate Road and on the Norfolk & Western Railway. He was an officer of Local No. 457 of the United Transportation Union, and past-president and legislative representative (1950–1974) of Lodge No. 200 of the Brotherhood of Railroad Trainmen.

Mr. Keller has recently retired from the board of trustees of the Allen County Historical Society after five decades of service. Mr. Keller is recognized as a respected expert on railroads. The Allen County Historical Museum's impressive collection of railroad artifacts, records, and memorabilia, reported to be one of the best in the Nation and named the John H. Keller Collection, is a direct result of Mr. Keller's outstanding reputation in his field.

Besides being able to recount much of Allen County's history, John Keller, has been an active participant in shaping much of it for over 80 years. It gives me great pleasure to congratulate him on his 90th birthday and wish him many, many more.

IN HONOR OF MR. BILL WRIGHT—DONIPHAN, MO 1999 CITIZEN OF THE YEAR

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mrs. EMERSON. Mr. Speaker, on Saturday, February 20, 1999, Mr. Bill Wright of Doniphan, Missouri was honored by the local Chamber of Commerce as the 1999 Citizen of the Year. More specifically, Bill was nominated for this recognition by his community because of his lifetime commitment to the Town of Doniphan—which makes this honor that much sweeter.

Bill is well known in his community. He has been a life-long resident of Doniphan which is a small rural community located just outside the Mark Twain National Forest in Ripley County, Missouri. In fact, Bill has not only lived in the same town all of his life, but his home is on the very same spot of the original house in which he was born in 1917. Bill's family history in Doniphan is well established with one of the local parks, the Wright Park along Bill's beloved Current River, was named after his forefathers. Bill graduated from Doniphan High School in 1935 and attended Westminister College in Fulton, Missouri from 1935 to 1937. Having played basketball in high school, Bill continues to be an avid fan of the sport. He is a regular spectator of the Doniphan High School "Don" and "Donettes" basketball. The morning after every game Bill can be heard on the local radio recapping the events. According to Bill, his continued ties to the high school have allowed him to "keep in touch with more school students than he could have otherwise," and he has made bonds that have lasted through the generations.

In addition to his love of basketball, Bill is a husband, a father and a grandfather. He has been married to Louise—who shares his love of basketball—for 33 years, and they have a daughter and a son and six grandchildren. Bill is a lifetime member of the United Methodist Church, where he served several years as the church secretary and where he just finished a year term as president of the church men's organization. He also served 4 years in the Army, where he served a tour of duty in Europe.

I know from personal experience that Bill is a very active and energetic member of his community, and his positive contribution to his community is reflected through the Doniphan townsfolk's nominating Bill for Citizen of the Year. I think that Doniphan Chamber of Commerce President Russ O'Neil best sums up the essence of Bill Wright when he said that Bill "could be counted on for a friendly smile, a handshake and a kind word. [Bill] has been actively involved in Doniphan and the community for many years and has chosen to support activities that would have positive affects on the people who call Doniphan home." Congratulations, Bill. May you, your loved ones, and the people of Doniphan be blessed with many more years of your thoughtful dedication to family, community and country.

LEASEHOLD IMPROVEMENTS ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. SHAW. Mr. Speaker, as a Member of Congress, I am continually seeking sound policy changes that will make and keep our economy productive, create jobs and improve the overall quality of life for Americans. It is my belief that an important element of a productive economy is modern, efficient and environmentally responsible space for Americans to work, shop and recreate. In order to create and maintain such space, a building owner must regularly change, reconfigure or somehow improve office, retail and commercial space to meet the needs of new and existing tenants.

I believe that the Internal Revenue Code's cost recovery rules associated with leasehold improvements are an impediment for building owners needing to make such improvements. Therefore, I am pleased to introduce this legislation to change the cost recovery rules associated with leasehold improvements.

Simply stated, this legislation would allow building owners to depreciate specified building improvements using a 10-year depreciable life, rather than the 39 years required by current law, thereby matching more closely the expenses incurred to construct these improvements with the income the improvements generate under the lease.

To qualify under the legislation, the improvement must be constructed by a lessor or lessee in the tenant-occupied space. In an effort to ensure that the legislation is as cost efficient as possible, improvements constructed in common areas of a building, such as elevators, escalators and lobbies, would not qualify; nor would improvements made to new buildings.

Office, retail, or other commercial rental real estate is typically reconfigured, changed or somehow improved on a regular basis to meet the needs of new and existing tenants. Internal walls, ceilings, partitions, plumbing, lighting and finish each are elements that might be the type of improvement made within a building to accommodate a tenant's requirements, and thereby ensure that the work or shopping space is a modern, efficient, and environmentally responsible as possible.

Unfortunately, today's depreciation rules do not differentiate between the economic useful life of a building improvement—which typically corresponds with a tenant's lease-term—and the life of the overall building structure. The result is that current tax law dictates a depreciable life for leasehold improvements of 39 years—the depreciable life for the entire building—even though most commercial leases typically run for a period of 7 to 10 years. As a result, after-tax cost of reconfiguring, or building out, office, retail, or other commercial space to accommodate new tenants or modernizing workplaces is artificially high. This hinders urban reinvestment and construction job opportunities as improvements are delayed or not undertaken at all.

Additionally, a widespread shift to more energy-efficient, environmentally sound building elements is discouraged by the current tax system because of their typically higher expense. For example, the Natural Resources Defense Council notes that commercial lighting alone consumes more than one-third of the electrical energy produced in the United States. If a greater conservation potential of energy-efficient lighting were to be realized, the demand for the equivalent of one hundred 1,000-megawatt powerplants could be eliminated, with corresponding reductions in air pollution and global warming.

Reform of the cost recovery rules for leasehold improvements has been long overdue but we are making progress. A few years ago, Congress enacted legislation I sponsored, along with my colleague Mr. RANGEL, that would clarify that building owners are permitted to fully deduct and close out any unrecovered leasehold improvement expenses remaining at the time a lease expires and the improvements are demolished. Resolution of the "close-out" issue was an important reform step. Modifying the recovery period for improvements is the logical and reasonable next step in the reform process.

This legislation should be enacted this year. This would acknowledge the fact that improvements constructed for one tenant are rarely suitable for another, and that when a tenant leaves, the space is typically built-out over again for a new tenant. It is important to note that prior to 1981 our tax laws allowed these improvement costs to be deducted over the life of the lease. Subsequent legislation, however, abandoned this policy as part of a move to simplify and shorten building depreciation rules in general to 15 years. Given that buildings are now required to be depreciated over 39 years, it is time to face economic reality and reinstate a separate depreciation period for building improvements to tenant occupied space.

Mr. Speaker, I urge my fellow members to review and support this important job producing, urban revitalization legislation. I look forward to working with my colleagues on the Ways and Means Committee to enact this bill.

RECOGNITION OF JOHN F. DEERING MIDDLE SCHOOL AWARD WINNERS

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. WEYGAND. Mr. Speaker, I rise today to recognize a group of students who attend John F. Deering Middle School in West Warwick, Rhode Island. These exceptional young people recently participated in several different academic contests in Rhode Island.

Eight seventh-grade students—Michael Casey, Michael Petrarca, Daniel Politelli, Robert Caires, and Ali Shihadeh—were statewide award winners of "The Best Research Skills Award" in the portfolio segment of the Providence Journal Stock Market Game Fall Competition. The group had the good fortune to be coached by Marcelline Zambudo and Tamara Casimiro, two dedicated teachers at Deering Middle School. Five other Deering students—Alyssa Lavallee, Kristin Capaldo, Colleen Pigott, Anthony Politelli, and Jarred Trouve—were award winners in a statewide writing contest in Rhode Island, and they were honored by having their writing samples and artwork displayed in the published book Mysteries, Monsters, Memories and more.

In addition to these outstanding achievements, three other students—Dannielle Vanesse, Danielle Crowe, and Danielle DeRosa—won the school's annual spelling bee for the respective classes. These three young women will now have the honor to represent Deering Middle School in the Regional Spelling Bee to be held March 6. Finally, of the forty-eight students from Deering who participated in the National Geographic Geography Bee, three finalists remained after nine rounds of double elimination. Michael Petrarca won first place while representing the 7 Platinum Team; Jarred Trouve received second place with 8 Orange Team; and Anthony Politelli came in third place with 8 Black Team. These young men benefited from the hard work and commitment of their teachers, Greg Kortick, Joseph Lancellotta, and Tamara Casimiro.

We spend a lot of time in these chambers discussing the problems facing the youth and students of America, but I stand today to applaud and support the positive accomplishments of these young people and their teachers. Each of these students and teachers is a positive and important resource to West Warwick, and it is vital that we continue to recognize and build on the assets of our educational system. I thank these students and their teachers from Deering Middle School for their dedication and commitment to their academic pursuits, and I ask my colleagues to join me in congratulating each of them on their impressive accomplishments.

INTRODUCTION OF THE MENTAL HEALTH JUVENILE JUSTICE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased today to join my colleagues Representatives KAPTUR and STRICKLAND, and our other cosponsors, in introducing the Mental Health Juvenile Justice Act.

Our nation's juvenile justice facilities are increasingly overcrowded, unsafe, and inadequately staffed. We need to reform our juvenile justice system to ensure that it preserves the basic rights and human dignity of the children and youth housed in its facilities and that it does not become a dumping ground for youth who would be better served in mental health and substance abuse treatment programs.

Too many young people are being punished—rather than treated—for their troubles. Treatment and other services simply are not available when they should be, and as a result children are literally churned up inside the juvenile justice system.

The particular characteristics of criminal acts of individual juveniles require us to have a range of appropriate responses. Alternatives to incarceration will not work for all youth. But we need to ensure that even those youth who do serve time in correctional facilities are safe from abuse and have access to appropriate medical and psychiatric treatment.

Unfortunately, this is not currently the case.

Each year, more than one million children come in contact in some way with the juvenile justice system. Over 100,000 of these youth are detained in a correctional facility.

The rate of mental disorders is significantly higher among the juvenile justice population than among youths in the general population. Federal studies suggest that as many as 60% of incarcerated youth have some mental health disorder and 20% have a severe disorder. In my home state of California, a recent study by the California Youth Authority found that 35% of boys in its custody and 73% of girls need mental health or substance abuse treatment.

In an article published in March of last year, reporter Fox Butterfield wrote in The New York Times that "jails and prisons have become the nation's new mental hospitals." In the article, Dr. Linda Reyes, a psychologist and assistant executive director of the Texas Youth Commission called the incarceration of adolescents with mental disorders "tragic and absurd." "The system we have created is totally ineffective," said Dr. Reyes.

Many youngsters in the juvenile justice system have committed minor, non-violent offenses or status offenses. The incarceration of these youngsters is often the result of inadequate local mental health services. These youngsters, their families, and society, could be better served if we made available appropriate local mental health, substance abuse, and educational services as an alternative to incarceration, particularly for first offenders and non-violent offenses.

Such services have proven more effective than incarceration in preventing troubled young people from re-offending and are less expensive than prison. In the long run, they are even more cost-effective to us as a society, because they increase the odds that a young person will become a responsible, productive, taxpaying citizen rather than a permanent ward of the state.

Last November, Amnesty International released a report indicating an increasing problem of youthful offenders being subjected to physical abuse and a lack of appropriate services. The report documents incidents in which youth were shackled, sprayed with chemicals, over-medicated, and even punished with electro-shock devices.

Amnesty International also found that 38 states housed juveniles in adult prisons with no special programs or educational services. Youth in these adult facilities are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and eight times more likely to commit suicide than children in juvenile facilities.

One incident in Amnesty's report involved a youth from California named Nicholaus Contreraz. At last count, the California Youth Authority's correctional institutions held 25% more youth than their specified capacity; but the state also sends hundreds of children to out-of-state facilities which would not be licensed under California's own state laws and which receive very little oversight from the authorities responsible for placing children in them.

Nicholaus Contreraz died in March of last year at one such facility, while staff forced him to do "push-ups," despite clear signs of his poor physical health. His body was found with 71 cuts, bruises, and abrasions.

California has since stopped sending children to this facility and action has been taken by the state of Arizona against the individuals responsible. Perhaps if we had clearer rules and better oversight, however, conditions like those that contributed to Nicholaus' death would never occur, or at least would be corrected before they resulted in fatalities. Tragically, however, no such system is now in place.

The bill we are introducing today, the Mental Health Juvenile Justice Act, would help create alternatives to incarceration, particularly for first-time non-violent offenders, and improve conditions in youth correctional institutions by:

Providing funds to train juvenile justice personnel on the identification and need for appropriate treatment of mental disorders and substance abuse, and on the use of community-based alternatives to placement in juvenile correctional facilities.

Providing block grant funds and competitive grants to states and localities to develop local mental health diversion programs for children who come into contact with the justice system and broaden access to mental health and substances abuse treatment programs for incarcerated children with emotional disorders.

Establishing a Federal Council to report to Congress on recommendations to improve the treatment of youth with serious emotional and behaviorial disorders who come into contact with the justice system.

Strengthening federal courts' ability to remedy abusive conditions in state facilities under which juvenile offenders and prisoners with mental illness are being held.

Our bill addresses important issues in the lives of our nation's young people and for all of our society. As Michael Faenza, President of the National Mental Health Association has said, "Treating young people, with or without mental disorders, in dehumanizing ways is not the answer to question of crime prevention and public safety. And it's not the way to make children productive, law-abiding, and caring citizens."

I look forward to working with my colleagues in enacting this legislation.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. SANDERS. Mr. Speaker, I rise today to call the attention of my colleagues to a resolution on the Universal Declaration of Human Rights. The following resolution was unanimously approved by 150 people from Vermont and New Hampshire who gathered at two events commemorating the fiftieth anniversary of the Universal Declaration of Human Rights. I agree with their statement that "human rights, as articulated in the Declaration, will be best assured when all nations work in concert to promote and protect them."

I call the attention of my colleagues to this resolution and ask that it be printed in the CONGRESSIONAL RECORD for their benefit:

RESOLUTION CALLING ON THE UNITED STATES GOVERNMENT TO FULLY IMPLEMENT THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

We call upon the United States government to ensure that the laws, actions, programs and policies of the United States, both foreign and domestic, including government import, export, business and development policies affecting the welfare of all of the peoples of the world, be consistent with the Universal Declaration of Human Rights and its two implementing International Covenants of 1966;

Further, we urge the United States government to:

Ratify the 1966 Covenant on Economic, Social and Cultural Rights, the 1979 Convention on the Elimination of Discrimination Against Women, the 1992 Convention on the Rights of the Child, as well as the 1998 Rome Statute of the International Criminal Court;

Satisfy all of its obligations under the Charter of the United Nations, including the Statute of the International Court of Justice with a declaration under Article 36 which recognizes that Statute as compulsory;

Abide by Article 6 of the United States Constitution, which states that all treaties signed and ratified by the United States government are the law of the land;

Acknowledge that the United Nations was created by international treaty and therefore payment of UN dues without conditions is an obligation with the force of American law.

We also call on the governments of all nations to mandate in every school under their jurisdiction, the teaching of the principles and methods of non-violent social change, the history of the Universal Declaration of Human Rights and how people throughout the world have struggled and continue to struggle to make it a lived reality in the life of every person, everywhere.

Unanimously approved by 150 residents of Vermont and New Hampshire who gathered at two events commemorating the fiftieth anniversary of the Universal Declaration of Human Rights.

Further endorsed by the American Friends Service Committee (Vermont), the United Nations Association (Vermont), the World Federalist Association (New Hampshire and Vermont) and Amnesty International (Hanover, NH).

CONGRESSIONAL RESOLUTION CONDEMNING ANTI-SEMITIC STATEMENTS BY MEMBERS OF THE RUSSIAN DUMA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. SMITH of New Jersey. Mr. Speaker, racism, ethnic hatred, and xenophobia are the bane of any civilized society. Our own country has had to battle with these phenomena in the past and continues to do so today.

In Europe, with the end of the Cold War, we have unfortunately seen a resurrection of racist attitudes and activities that had not been eradicated with the defeat of Nazism, just driven underground.

In Russia, a nation whose past has seen terrible instances of anti-Semitism both in the Tsarist and Communist eras, anti-Semitism had seemingly been exiled to the pages of rabidly nationalistic newspapers catering only to the political fringes. Unfortunately, anti-Semitism has now come in out of the cold into more comfortable confines—specifically into the halls of the Russian State Duma, the lower house of the Russian Parliament. In fairness, I should say that anti-Semitism has found refuge in the ranks of one particular political party in the Duma—the Communist Party. Last October, at two public rallies, a Communist Party member of the Duma, Albert Makashov, threatened "the Yids" and other "reformers and democrats" with physical retribution for allegedly causing Russia's current problems.

Incidentally, I have seen films of Mr. Makashov's performance. It is quite sobering.

When conscientious members of the Duma attempted to censure Mr. Makashov, the Communist Party majority voted down the resolution, and substituted a watered down resolution condemning ethnic hatred in general.

In early December, at hearings in the Duma, Communist Party member and chairman of the Defense Committee, Victor Ilyukhin blamed President Yeltsin's "Jewish entourage" for alleged "genocide against the Russian people." In response to the public outcry, both in Russia and abroad, Communist Party chairman Zyuganov explained that the Party had nothing against "Jews," just "Zionism."

Mr. Speaker, it would be hypocritical for me or any other member of this body to pretend that racism and anti-Semitism do not occasionally rear their ugly heads in our own political process. However, the leadership of the two major American political parties consistently rejects racist or anti-Semitic individuals as officeholders or candidates for office. For instance, the national Republican Party leadership has disassociated itself from a former member of the Ku Klux Klan running for office on the Republican Party ballot in Louisiana. Similarly, when a local Klan leader in California ran for Congress on the Democratic Party ticket a few years ago, the national party leadership repudiated his candidacy and refused to support him. That is why it is so disappointing to see the leadership of the Communist Party in Russia attempt to rationalize anti-Semitic statements made by its members.

Incidentally, I should add that since these incidents Mr. Makashov and Mr. Ilyukhin have stated that in the next parliamentary elections they will run on a ticket separate from the Communist Party.

In any event, I believe the Congress should unequivocally condemn the anti-Semitic statements made by members of the Russian Duma. With this in mind, today I am introducing, along with Mr. HOYER, Mr. WOLF, Ms. SLAUGHTER, Mr. PORTER, Mr. CARDIN, Mr. MARKEY, and Mr. SALMON, a resolution which condemns anti-Semitic statements made by members of the Russian Duma while commending actions taken by fair-minded members of the Duma to censure the purveyors of anti-Semitism within their ranks. In addition, this resolution commends President Yeltsin and other members of the Russian Government for their forceful rejection of such statements. Finally, this resolution reiterates the firm belief of the Congress that peace and justice cannot be achieved as long as governments and legislatures promote policies based upon anti-Semitism, racism, and xenophobia.

Mr. Speaker, I urge all my colleagues to join us in support of this resolution.

THE CARE GIVERS TAX REDUCTION ACT

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. WEYGAND. Mr. Speaker, today, I rise to introduce the Care Givers Tax Reduction Act, which will update the Dependent Care Tax Credit to more accurately reflect the costs of providing care to loved ones.

A great deal has happened in this country since 1982, including the price working families pay to care for their children or aging parents. While the cost of quality care has dramatically increased, the amount families can take as a tax credit has eroded during the past seventeen years. In fact, inflation has eroded 60 percent of the value of the current credit since it was last adjusted. It is time for Congress to update the tax credit to more accurately reflect the true costs of providing care for families in our districts.

Our workforce is rapidly changing and middle aged adults are becoming members of the sandwich generation—providing care for both their children and their aging parents. Currently, the federal tax credit available to provide financial assistance for care is the Dependent Care Tax Credit. This credit is currently non-refundable so families with no tax liability are not able to benefit from the dependent care tax credit.

The tax credit has not been adjusted for inflation since 1982. Currently, the tax credit only allows taxpayers to use the first $2,400 of expenses for one child or dependent and the first $4,800 of expenses for two or more children or dependents. These levels are woefully low and do not reflect the real costs in our districts. The Care Givers Tax Reduction Act of 1999 will update this credit and raise the levels to more accurately reflect the cost of providing care—$4,000 for one child or dependent and $8,000 for two or more children or dependents. Finally, my legislation ties future amounts of the tax credit to inflation.

Furthermore, my legislation would allow the maximum tax credit of 30% to families with an adjusted gross income of $18,000. For every $3,000 more of adjusted gross income, the percentage of the tax credit would be reduced by one. The phaseout would end at 12% for families earning over $69,000 in adjusted gross income. Under my proposal, a family of four with two children in child care earning $32,000 will see their taxes reduced by $2,000. My legislation would not diminish any credit a family currently receives but would allow low and middle income families to receive more for providing care to their children and aging parents.

This legislation will provide much needed financial assistance to working families for their child care needs. For example, Elaine, a single mother in Rhode Island, earns $28,000 a year as a clerk for a local utility company. Her salary puts her just above the amount with which she would be eligible for assistance from the state to help pay for the child care needs of her two children. Unfortunately, the weekly cost for quality care for her two children amounts to more than $200. Assuming her children are in day care for 52 weeks of the year, her child care costs would amount to over $10,000. This situation occurs far too frequently, with parents earning too much to qualify for assistance but not enough to afford quality child care without any assistance.

Currently, Elaine would receive the maximum tax credit of $1,440 to help her pay for child care expenses. However, if she had no tax liability, which is often the case with lower income workers, she would not be able to receive a refund for her expenses. Under my legislation, Elaine would be eligible for a refundable tax credit of $2,080.

This legislation will make child care more affordable for Elaine's family and other working families of our country. I ask my colleagues to join with me in support of updating this tax credit so more families can benefit.

EAGLE SCOUTS HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, twenty-seven outstanding young individuals from the 3rd Congressional District of Illinois, who have completed a major goal in their scouting career.

The following young men of the 3rd Congressional District of Illinois have earned the high rank of Eagle Scout in the past months: Christopher Jesionowski, Gerald Reid, Jr., Charles R. Dattilo, David W. Kurzawski, Kenneth R. Cechura, Matthew J. Tiffy, Carl Marcanti, Adam Ramm, Daniel David Grabacki, Brian T. Meyer, James Joseph Pesavento, Andrew Paul Marhoul, Corey G. Zadlo, Joshua S. Anderson, Jacob P. Anderson, William (Bill) Skobutt, Gregory Prawdzik, Mark Tatara, Jason M. Wolff, Richard J. Michals, Matthew A. Nemchausky, Tomasz Sokolowski, William F. Urso, Eric Michael Dusik, Paul Mervine, Prenston Gale, and Keith Klikas. These young men have demonstrated their commitment to their communities, and have perpetuated the principles of scouting. It is important to note that less than two percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities.

In light of the commendable leadership and courageous activities performed by these fine young men, I ask my colleagues to join me in honoring the above scouts for attaining the highest honor in Scouting—the Rank of Eagle.

Let us wish them the very best in all of their future endeavors.

INTRODUCTION OF THE SCHOOLYARD SAFETY ACT

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Ms. DUNN. Mr. Speaker, in May 1998, Kip Kinkel of Hillsborough, Oregon showed up on his school grounds with a firearm, was expelled and sent home. He was not detained for a psychological evaluation or placed in custody to protect his innocent classmates. The following day he showed up at school again with a gun, shot several students, and returned home where he killed his parents. Three years ago, a Moses Lake, Washington middle school student brought a gun to school and killed two students and a teacher. Weeks ago, a student showed up at Stanwood High School in Washington with a loaded weapon, where fortunately there were no injuries to fellow students.

These tragic stories demonstrate the need for our schools and communities to have in place a policy to protect our children from gun violence in our schools. Expelling youths once they have brought a gun onto school grounds is not enough, as the tragic story of Kip Kinkel illustrates. Who knows how the outcome might have been different had Kip been detained in protective custody or given a psychological evaluation to determine whether he was indeed a threat to the community? Our laws are very clear with respect to possession of firearms. It is a crime under both State and Federal laws to have firearms on school grounds. However we have failed to address the underlying issue—many of our youths have serious problems and are a danger to themselves and others. When an adolescent disobeys the law or threatens the safety of other students, it is our responsibility to help that child before he or she commits any further crimes and to minimize risks to the community. These youths must be detained and their crime must be taken seriously.

For this reason, Representative PETER DEFAZIO and I are reintroducing the Schoolyard Safety Act, our legislation from last year encouraging states to pass measures holding juveniles for at least 24 hours if they bring guns onto school grounds. Rather than create further burdensome regulations or mandates, we leave the authority and accountability in the hands of those closest to the situation, while providing the funding necessary for states to implement these protective programs. This funding could help pay for holding centers, psychological evaluations, or other preventative measures decided on by those closest to the danger—teachers and school officials whose primary responsibility is educating our children, and who have been forced to take on the role of providing for their physical safety instead.

The people of Springfield, Oregon know all too well how easily crime can break the heart of a community. Every man, woman, and child in that town had the right to expect to live on a safe street and send their children to safe schools. Children who learn in fear are learning the wrong lessons. It is our responsibility to do whatever we can to prevent a horrible tragedy like this from happening again.

WELLTON-MOHAWK PROJECT TRANSFER

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. PASTOR. Mr. Speaker, today I am introducing legislation to transfer title to the Wellton-Mohawk Irrigation and Drainage District in Yuma, Arizona from the Federal Government to the project beneficiaries. It pleases me to say that I am supported in this effort by my Arizona colleagues, Congressmen STUMP, KOLBE, and HAYWORTH and that Arizona Senator JON KYL has introduced identical legislation in the other body.

Last Congress, similar legislation was passed by the Senate, but it failed to receive the consideration of this chamber, Senator KYL and I continued our work with representatives of the Wellton-Mohawk Irrigation and Drainage District and the Bureau of Reclamation, and this bill is a product of that effort. It is in accordance with the administration's policy framework for such title transfers.

I urge my colleagues on the House Resources Committee to act favorably on this measure early on in this first session, so we can move forward with the project transfer.

THE CHILD CARE WORKER INCENTIVE ACT OF 1999

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. WEYGAND. Mr. Speaker, today I am introducing the Child Care Worker Incentive Act, which will create educational opportunities for those who are for our youngest children—our child care workers.

Quality and affordable child care is extremely important for the healthy development of all children. An increasing amount of research confirms that responsive child care is essential to the positive development of the brain. In fact, recent studies by the University of Chicago show that a child's intelligence develops equally as much during the first four years of his or her life as it does between the ages of four and eighteen.

In order to ensure quality in child care we need dedicated and well-educated child care workers. Unfortunately, the field has historically had a significant problem attracting and retaining these quality workers. Nationally, child care teachers earn an average of $6.89 per hour or $12,058 per year, only 18 percent of child care centers offer fully paid health coverage for teaching staff and one-third of all child care teachers leave their centers each year.

I was honored to join President Clinton, Vice President GORE and First Lady Hillary Clinton at the White House Conference on Child Care in October of 1997. At the conference, we discussed many innovative approaches to improving quality child care for the children of our country. One of the programs highlighted at the conference was the T.E.A.C.H. (Teacher Education and Compensation Helps) Early Childhood Project in North Carolina.

Shortly thereafter, I visited Kidworks, a child care center in North Carolina where several child care workers have been involved in the T.E.A.C.H. Project. I can attest to the success of this program in raising the education levels of child care workers in North Carolina and, by doing so, has improved the quality of child care for countless children in that state. The T.E.A.C.H. Project provides scholarships to child care workers in return for a commitment from the teacher that they will remain in the child care field for a certain amount of time. Scholarship costs are based on a partnership and are shared by the T.E.A.C.H. Project, the child care center and the teacher. Because of the increased education, the children in the care of T.E.A.C.H. Project participants receive better quality child care. If they complete their educational goal, participants receive a salary increase, through either a raise or bonus.

There have been great results with this program. Over 2,200 child care providers have completed their state's Early Childhood Education Credential on a scholarship from the T.E.A.C.H. Project which translates into a better educated workforce. Participants in the associate's degree program have received, on average, a 30% increase in compensation at the end of the four years of participation as a T.E.A.C.H. associate's degree scholarship, which means a better paid workforce. In addition, participants in the associate's degree program have less than a 10% turnover rate per year, as opposed to the statewide turnover rate of 42%. Of those participants in the bachelor's degree program, there has been a 0% turnover rate. This low rate means less tumultuous adjustment for children and thus, better quality child care. All indicators point that the T.E.A.C.H. Project has made a difference to increasing the educational levels of child care workers, increasing their pay and lowering turbulent turnover rates.

Last year, I visited a day care center in Rhode Island where I met with Judy Victor. Judy is a day care provider who expressed to me her concerns with the rapid turnover among her employees. She said, "You must be able to afford good people. If you get someone good, the low pay drives them out."

After hearing Judy's thoughts and after viewing the success of the T.E.A.C.H. Project, I have introduced the Child Care Worker Incentive Act. This legislation would create similar scholarship programs throughout the nation. These child care scholarships will provide tuition assistance to child care workers who have a demonstrated commitment to children and a career in child care. The legislation provides great flexibility to states to design programs which most appropriately fit the needs of the children in their state.

Among other provisions, the legislation requires each state's scholarship program to have the following components.

Demonstrated Commitment by a Child Care Worker—The individual applying for the scholarship assistance must be employed by a licensed or registered child care provider or have a commitment for employment from a licensed or registered child care provider. The individual must agree to continue to be employed in the field of child care for at least one year after receiving the training for which the assistance is provided.

Demonstrated Commitment from a Child Care Employer—In exchange for a commitment from a child care worker to obtain further education and thus provide better quality child care to the children within the center, the child care center must agree to pay a share of the cost of the education or training. In addition, the employer must agree to provide increased financial incentives to the child care worker, such as a salary increase or bonus when the individual completes the education or training.

The legislative language is very similar to the language proposed in the Affordable and Quality Child Care Act of 1998 from the 105th Congress (H.R. 4030), which garnered the support of 132 members. If our nation is serious about improving child care, we need to improve the education and salary of those who are charged with caring for our children. I urge my colleagues to support this legislation.

IN HONOR OF WILLIAM L. PECK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to William L. Peck, a man distinguished by his 37-year dedication to our system of jurisprudence and, particularly, his service on the bench of the Ventura County Superior Court.

Judge Peck retired last month. His passion, wisdom and outspokenness in defense of the law will be missed within the Ventura County Hall of Justice.

Judge Peck graduated from Boalt Law School at the University of California in Berkeley in 1961, and joined the Ventura County District Attorney's Office in 1962. In 1965, he went into private practice, where he remained until his appointment to the Ventura County Superior Court bench in 1980.

He served in many capacities during his judicial service, including presiding judge in 1985 and 1986. During his tenure he also served as presiding judge of the Appellate Department of the Court, and retired as supervising judge of the Civil Trial Judges of the Superior Court.

Judge Peck believes the justice system fails when a civil case goes to trial, and worked tirelessly over the years to bring parties to agreement. His efforts are credited with greatly reducing the court's calendar.

The law was equally important in Judge Peck's work outside the courtroom. He served in several capacities on the Ventura County Bar Association, including president in 1972. For several years he served on the Conference of Delegates for the State Bar of California. He served on the California Judges Association Board of Directors. In addition, Judge Peck held memberships in the Ventura County Criminal Defense Bar Association, Ventura County Trial Lawyers Association and the American Bar Association.

He also shared his love of the law with schoolchildren by participating as a judge for several years at the Mock Trials Competition for Ventura County High Schools. He supported the education of our youth as a member of the Ventura County School District Board of Education, the Ventura County School Boards Association, the Ventura County Committee on School District Organization and the California School Boards Association.

Judge Peck also served on a myriad of other community committees and boards throughout his distinguished career. His service was also recognized through numerous awards, including his selection as Citizen of the Year by the Ventura Junior Chamber of Commerce in 1983; and the Petit Award for Outstanding Community Service in 1980 from the Ventura Chamber of Commerce.

When not accepting assignments as a retired jurist, Judge Peck will share his retirement with his wife, Laura. They have two children, Eric and Adair.

Mr. Speaker, I know my colleagues will join me in recognizing William Peck for his decades of service and wish him and his family Godspeed in his retirement.

HONORING WACO, TEXAS ON ITS 150TH BIRTHDAY

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. EDWARDS. Mr. Speaker, I rise today to offer my congratulations to the City of Waco on its 150th birthday. A dedicated and hard-working breed of Texan has taken Waco from a sleepy pioneer village settled in the 1840s to a bustling business and commercial hub ready to move into the 21st century. For a century and a half, Waco has taken the best and made it better, faced the worst and never retreated but always, always moved forward.

Waco has seen its fair share of boom times and depression, war and peace, hot summers and freezing winters. Waco has always shown an amazing ability to adapt, and to always remain true to the spirit of the first settlers who put down roots on the banks of the Brazos River.

The first settlers and those who followed in their footsteps would be amazed by how Waco has grown and prospered over the past 150 years. They would see that the famous Chisolm Trail where millions of cattle were driven to northern rail heads is now replaced with an Interstate Highway. Interstate 35 is the new concrete and asphalt Chisolm Trail that streams with goods going to market and people traveling to the four points of the compass.

The settlers would also see that several bridges now span the great Brazos River. A century ago the only way to cross the river was by ferry or on a single suspension bridge. These days, Waco has moved from ferry rides to family vans and four-wheel drives that easily cross the river on steel and concrete bridges.

The settlers would also see that the Bosque River, has been dammed and a glittering lake now provides a stable supply of clean water to thousands of Central Texas families. The settlers would also be amazed to see mile after mile of homes, schools, hospitals and churches that have sprung up in the past 150 years. The settlers would see that the clothes are different, the homes are nicer, the people are healthier and life is safer.

What would not amaze those settlers are the people who now call Waco home. The early settlers would see in the 21st century Wacoan a strength handed down through the generations—a strength reinforced by faith and family. What is clear to me is that the settlers of yesterday and Wacoans of today share traits that will hold the future citizens in good stead for the next 150 years. Those traits includes a devotion to family and faith, a willingness to work, a strong streak of independence and an ingenuity and doggedness to overcome any obstacle.

I ask members to join me in congratulating the people of Waco on 150 years. I also want to extend my best wishes and every wish for success to Waco—a city with a proud past and a promising future.

HONORING THE 1998 FAIRFAX CENTRAL CHAMBER OF COMMERCE PUBLIC SAFETY AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure today to rise and bring to the attention of my colleagues some very special Public Safety personnel in Fairfax City in the Eleventh Congressional District of Virginia. Every year the Fairfax Central Chamber of Commerce honors police officers, fire fighters, and dispatchers who have shown the highest level of dedication to their noble duties. These individuals who are role models to others in their profession will be honored this afternoon at the 1998 Public Safety Awards Luncheon.

The 1998 awards recipients are:

Career Firefighter of the Year: Technician John C. Henderson: Technician Henderson is being recognized with this prestigious award for his continued exemplary commitment to the accomplishment of Department goals and objectives. Technician Henderson's performance is characterized by unselfishness, teamwork, commitment to the improvement of City services, and support of the Fairfax Volunteer Fire Department (FVFD). Most notable among Technician Henderson's performance indicators for 1998 is his involvement with training new members of the Department. Technician Henderson spent many hours working with new employees and new members of the FVFD to ensure that they possessed the skills necessary to perform essential tasks in a safe and effective manner.

Volunteer Fire Fighter/Paramedic of the Year: Fire Fighter Tara Duffy: Fire Fighter

Duffy is recognized for this award due to her involvement and attributes in a number of areas; including training, physical fitness, emergency scene conduct, attitude, and riding time. During the Fall 1998, when the Department was acclimating four new employees and working to certify them for minimum staffing roles, Fire Fighter Duffy used a week of vacation time to assist with this essential activity. Additionally, she spent many hours assisting several new volunteer members of the Department with gaining their Fire Fighter I and II certification. Fire Fighter Duffy also sacrificed her regular compensation and free time to be part of the Department contingence that was deployed to Ormond Beach, Florida this past summer to assist with fighting wildland fires.

Police Officer of the Year: PFC Carl R. Pardiny: During 1998, K–9 Officer, PFC Pardiny was recognized on numerous occasions for his outstanding performance of duty and initiatives in developing a more coordinated K–9 unit. An example of his outstanding performance involving a very difficult K–9 case occurred on March 9, 1998. This case was particularly difficult due to the rainy weather conditions, which affects the tracking ability, and the location of the suspect's hideaway. In order to have a more coordinated and effective K–9 unit, he drafted a canine operating procedure and developed a record system for documentation of all formal and informal canine training.

Dispatcher of the Year: Dispatcher Betty I. Powers: During 1998, Dispatcher Powers was commended more than once for her high level of professionalism and expertise while working in the Communication's Section. In particular, this recommendation was based on her professional handling of three serious felony incidents, two of which occurred almost simultaneously. Throughout all of these incidents, Dispatcher Powers was working alone and unassisted.

I am deeply impressed by the caliber of services that these fine public servants provide with admirable distinction. It takes a special calling and extraordinary commitment to choose public service as your life's work. I congratulate each award winner for their momentous recognition and extend my gratitude to you for your selfless dedication to the safety and well-being of the citizens of Fairfax City.

RECOGNITION OF HARMONY FIRE DEPARTMENT'S 75 YEARS OF SERVICE

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. WEYGAND. Mr. Speaker, I rise today to recognize the volunteer fire department of Harmony, Rhode Island on the occasion of its 75th anniversary.

Founded in 1924, the Harmony Fire Department has provided an invaluable service to the citizens of the Harmony area. For three-quarters of a century, the dedicated volunteers have risked their lives for the sake of their neighbors. These men and women, the firefighters and emergency medical technicians of the force, donate their own time and resources for the community good. When the alarm bell rings, or, more appropriate to modern living, when the pager beeps, the volunteers leave the comfort of their homes and families, forgetting their own problems and concerns, with one singular goal in mind: helping others in need. Whether this service comes in the form of fighting fires, saving lives or providing comfort to the distressed, the Harmony volunteers always give to their fullest extent. In recent years, the demands on the department have steadily increased, straining the limited resources of the force. Nonetheless, the volunteers have risen to the occasion, redoubling their efforts and meeting new challenges.

Generally the goal of firefighters is to maintain the order and stability of the community around them. The Harmony force has taken its involvement one step further by providing a special service to the area. In preparation for the 75th anniversary celebration, the 28 volunteers have joined with other community members to compile a pictorial history of the Harmony Fire Department. By collecting pictures of the organization's past, the citizens of Harmony will be able to relive special moments and events in their collective history, thus fostering a better sense of community among them.

I laud the volunteering spirit of the Harmony Fire Department members as well as their understanding of community spirit. The bravery and steadfastness of the volunteers are greatly appreciated by both the residents of Harmony and myself. I congratulate them on 75 years of dedicated service and wish them many more years of success.

PERSONAL EXPLANATION

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. TAYLOR of Mississippi. Mr. Speaker, on February 11, as a result of a hostage crisis that took place in my congressional district which required my direct intercession, I missed the final vote of the day, rollcall vote 21. After several hours of tense negotiations and through the fine work of the local, state and federal law enforcement officials, I am pleased to report that the hostages were all rescued without any loss of life or injury. Had I been present, I would have voted "yea" on rollcall vote 21.

In addition, Mr. Speaker, earlier today, February 23, 1999, I missed rollcall votes 22 and 23. Today, I received a briefing from the Vice Commander of United States Southern Command that ran longer than expected. As a result, my departure from the Headquarters of the U.S. Southern Command in Miami was delayed. I unfortunately did not arrive back in Washington in time to vote on the two suspension bills, H.R. 193 and H.R. 171. Had I been present at the time the votes were called, I would have voted "yea" on rollcall vote 22 and "yea" on rollcall 23.

THE IMPORTED FOOD SAFETY ACT OF 1999

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. DINGELL. Mr. Speaker, almost a year ago a number of my colleagues and I introduced legislation aimed at improving the safety of the imported food consumed by Americans. The Congress failed to act. Regrettably, consumers continue to become sick, and in too many cases die, from eating contaminated food. These tragedies are avoidable. We have the means to arm FDA with sufficient authority and resources to protect our food supply. There are exciting advances in technology that may make tests for microbial and pesticide contamination easy to perform and affordable.

The bill we are introducing today is virtually the same as the one we introduced last year. To its critics, including many of my colleagues in the majority, I say, let us see your proposals. Let's do the people's business and improve the safety of our food supply. I challenge the majority to at least hold a hearing on the subject of food safety. Let's hear from consumers, public health experts, and all others with an interest in this matter. I am confident that none will dare defend the status quo.

The General Accounting Office (GAO) has reported that as many as 81 million cases of foodborne illness occur each year. Perhaps as many as 9,100 of these cases result in death. Under our current food import program there is virtually no preventive testing. Food shows up on the dock. Less than one percent of fresh fruit and vegetable are tested. The tests take a week or more to yield results. In the meantime the food is long gone, by then consumed. Let me repeat that point. The Food and Drug Administration (FDA) too often waits for consumers to get sick or die before it tries to determine whether the food supply contains pathogenic contaminants. The outrageous and wholly intolerable conclusion one must draw is that American consumers are being used as guinea pigs.

There are special problems with imports. FDA lacks authority and resources to "trace back" the source of foodborne illness beyond the border. Furthermore, imported food inspected by FDA fails to meet certain government health standards nearly three times more often than domestically produced food. Any preventive detection FDA might attempt would be futile, because FDA lacks adequate tests to detect pathogens on imported food in a timely manner. Finally, FDA cannot even account for what happens to imported fruits and vegetables that are adulterated.

The Imported Food Safety Act of 1999 is critically important from a public health standpoint. It is also consistent with the international trade obligations of the United States. The World Trade Organization's Agreement on the Applications of Sanitary and Phytosanitary Measures reaffirmed that health and safety considerations take priority over trade. Member countries may, for justifiable health and safety reasons, impose more stringent requirements on imported products such as food than they require of domestic goods. This legislation is consistent with this exception.

Imports now account for approximately 38 percent of all the fruit and 12 percent of all the vegetables Americans consume each year. The volume of food imported into the U.S. has almost doubled over the last 5 years, yet the frequency of FDA inspections has declined sharply during the same period of time. FDA acknowledges that it is "in danger of being overwhelmed by the volume of products reaching U.S. ports."

Even if FDA could perform more inspections, FDA does not have the tests it needs to detect E. coli, salmonella, and other pathogens in imported fruits and vegetables. As recently as 1997, all of the microbiological samples that FDA collected and tested were in response to foodborne illness. None were for preventive detection. There has been little improvement since then.

GAO has studied this situation and has concluded that the federal government cannot ensure that imported foods are safe. In response to this crisis, the President has said FDA needs increased resources, more authority, and improved research and technology. The Imported Food Safety Act of 1999 addresses each of these points. The legislation provides additional resources in the form of a modest user fee on imported foods, and a "Manhattan Project" to develop "real time" tests that yield results within 60 minutes to detect E. coli, salmonella, and other microbial and pesticide contaminants in food. Finally, the legislation gives FDA authority, comparable to that of the U.S. Department of Agriculture with respect to imported poultry and meat, to stop unsafe food at the border and to assure that its ultimate disposition is not America's dinner table.

I would also note that the FY 2000 budget for the President's food safety initiative contains a modest funding increase over previous funding levels. Even under the most optimistic funding and allocation scenarios, the amount requested is inadequate to meet the resources needed to ensure that Americans have healthy food on their dinner table.

A TRIBUTE FOR FORMER MICHIGAN ATTORNEY GENERAL FRANK KELLEY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. STUPAK. Mr. Speaker, a distinguished public servant recently stepped down from a lifetime working on behalf of the people of Michigan. In fact, Mr. Speaker, when one considers the fact that Frank Kelley served 37 years as Michigan's attorney general, one might almost say it was two lifetimes worth of work, not one, that Kelley spent in his effort to bring economic and environmental justice to the lives of the working men and women of Michigan.

A Democrat, Frank Kelley served with five Michigan governors, Republicans George Romney, Bill Milliken and John Engler, and fellow Democrats John Swainson, who originally appointed Kelley to fill a vacancy, and Jim Blanchard, who gave him the nickname the Eternal General.

Let me quote from a Detroit Free Press editorial of December 27, which spotlighted the fighting spirit of Frank Kelley and summed up—if such a summation is really possible—the 37-year career of this law enforcement legend.

"Kelley likes to say that he was a consumer champion before anyone heard of Ralph Nader, and that he had an environmental division, 'when most people didn't know whether it was spelled with an e or an i.' He regularly went after Michigan utilities in rate-hike cases like a pit bull after sirloin.

"He was outraged by charities that pocketed more money than they spent on good works, by retailers whose price at the scanner didn't match the price on the shelf, and by all the quick-buck ways unscrupulous and uncaring promoters could scam the poor and the unwary.

"He understood that the small ways in which people are cheated, stiffed, disappointed and betrayed add up to something big and corrosive. He knew that by protecting the common folk against such frauds, maybe you could keep people believing in the possibilities of justice and good government."

That is a powerful theme for a life's work, Mr. Speaker. We can glimpse in a few words a man who understood the deceptions that can be perpetrated on the elderly in their homes with fraudulent mailings or on housewives in grocery stores, and he claimed that consumer fraud cost Michigan residents more money than other crime.

Public service certainly isn't over for Frank Kelley. He has already joined a new law firm in Lansing, that of Kelley, Cawthorne and Ralls, and he has been appointed by Governor John Engler to a post on the Mackinac Island State Park Commission.

This 103-year-old civic body oversees the park land and the historic attractions on Mackinac Island, which make up about 83 percent of the island. The commission also oversees Colonial Michilimackinac in nearby Mackinaw City and Historic Mill Creek near Cheboygan on the Lake Huron shore.

Frank Kelley's love for this beautiful island is made clear by the fact that he has already purchased his burial site there, right next to the burial site of the late Sen. Phil Hart and across the road from the grave of the late Gov. G. Mennen "Soapy" Williams.

But that's in the future as far as a re-energized Frank Kelley, fresh from heart bypass surgery, is concerned. Right now there is new work, new challenges, in fact, new careers.

Whatever he undertakes, it's certain the people of Michigan will benefit from his endeavors.

I am proud to call him a friend, a constituent, a mentor and—most of all—the "Eternal General."

AN UNCOMMON HERO

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. CANNON. Mr. Speaker, many individuals have been recognized for their courage and valor during war time, but it is not often that individuals are remembered for their compassion and generosity under the same circumstances. As part of the ongoing celebration of the 50th Anniversary of the Berlin Airlift, I rise today to honor just such a generous man. I am proud to be able to say that he is a constituent of mine, living in Provo, in the Third District of Utah which I represent.

United States Air Force Col. Gail S. Halvorsen was one of many who participated in the joint American and British effort to deliver relief to the people stranded in Berlin after World War II. In total, over 277,000 drops were made and 2.3 million tons of relief supplies were delivered. Col. Halvorsen's contribution, however, did more than feed empty stomachs. It fed empty souls as well.

One morning, (then) Lieutenant Halvorsen was talking with a group of children gathered to watch the planes take off near the Tempelhof Airport in West Berlin. When it was time for him to leave, he realized how long it must have been since these children had enjoyed something sweet, like a piece of gum or candy. He reached into his pocket and produced two sticks of gum, which he gave to the children. Soon Lieut. Halvorsen began dropping small bags of candy, for all the children, over Berlin, attached to white handkerchiefs designed to act as parachutes.

Soon, this small gesture was adopted by the military, and became known as Operation Little Vittles. Shortly thereafter, Lieut. Halvorsen appeared on television to promote the effort, and then thousands of candy donations poured into the program from all over America, as generous families gave to the cause. Col. Halvorsen's effort is universally recognized as one of the keys to the success of the Berlin Airlift, one of America's greatest humanitarian efforts.

Often we read the newspaper or watch the television and question if there are any heroes left; people we truly want to imitate. By honoring Col. Gail Halvorsen today, we are reminded that there surely *are* still heroes in our midst.

HONORING THE LIFE AND LEGACY OF KING HUSSEIN IBN TALAL AL-HASHEM

SPEECH OF

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 10, 1999

Mr. LUTHER. Mr. Speaker, King Hussein's death marks the passing of a truly visionary leader. His reasoned, thoughtful approach toward achieving Middle East peace inspired all of us. We Minnesotans are especially honored that the King received the best possible care in the world from our wonderful Mayo Medical Center. Our deepest sympathies to the family of the King, and all of the people of Jordan and the world.

TRIBUTE TO FORMER MICHIGAN STATE REPRESENTATIVE PAT GAGLIARDI

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. STUPAK. Mr. Speaker, I would like to pay tribute today to Pat Gagliardi, a former representative to the Michigan House of Representatives from the 107th Representative District, which is comprised of four counties in my congressional district.

First elected to the House in 1982, Pat Gagliardi has just concluded his service in that body because of the Michigan term limits law. This law was enacted at the will of the voters of Michigan, but I have to confess that in this case I believe the law has turned an excellent public servant out of office.

The only downside of Pat's political career was his misfortune in being stuck with the nickname "Gags." He was respected by his fellow legislators, Democrats and Republicans alike. He kept in touch with his constituents and he served them well. He was of great assistance to me when I was elected to the Michigan House in 1988, and he has been of great assistance to me in our respective offices in Lansing and Washington.

In his role as Majority Floor Leader, Pat helped set the legislative agenda for Michigan in the House, and as a northern Michigan representative he fought tirelessly to make sure that his district received its fair share of funding.

Throughout our careers, I have never failed to remind Pat that his hair was getting thinner, just as he has never failed to remind me that mine was getting grayer. I will always remember this banter as a symbol of our friendly cooperation, as we worked together on issues of national importance.

Much of our legislative cooperation focused on issues relating to the Great Lakes. Just as my district touches three of the five Great Lakes—Lake Michigan, Lake Huron and Lake Superior—so too did Pat's district touch the same three bodies of water.

This meant that issues vital to United States commerce, such as the Soo Locks, and issues of national heritage, such as Great Lakes shipwrecks, were likely to bring Pat and I, representing northern Michigan in the Michigan House and the U.S. House, into lockstep.

This cooperation bore fruit. For example, in 1995, when a Michigan diver and entrepreneur announced he would market videos of the most famous shipwreck, the *Edmund Fitzgerald*, and when we learned that those tapes would contain footage of the bodies of seamen who died in that tragedy, Pat joined me in expressing outrage on behalf of the families still trying to reconcile themselves to the loss of their loved ones.

When my legislation banning this kind of videotaping stalled in Washington, it was Pat Gagliardi who won approval for such legislation in the Michigan legislature.

He is and has been a friend, a mentor, a fellow legislator and a Democratic Party leader. He has my deep respect and friendship.

The people of Michigan were well-served by "Gags." They will miss him. I will miss him.

HONORING DEBORAH JEAN TRUDEAU

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated herself to her craft and to educating others. On November 19, 1998, Mrs. Deborah Jean Trudeau was honored as family, friends, and colleagues gather to celebrate her receiving the American Culinary Federation National Chef Professionalism Award.

Deborah Jean Trudeau received baccalaureate and post baccalaureate degrees from Ferris State University, as well as a degree in Applied Science from Macomb Community College. Over the years, she honed her skills as a baker, lab technician, and restaurant manager, among others. In 1989, Deborah was appointed Lead Instructor and Coordinator of the culinary arts program at the northwest campus of the Oakland Technical Center, located in Clarkston, Michigan.

A self-described "jack of all culinary trades," Deborah has also excelled as an educator. She has worked with a variety of students, ranging from high school seniors to senior citizens, assisting them in food preparation, bakery, and front-of-house training. She has made great strides in enhancing her students' education through the use of guest speakers, demonstrations, and student competitions, of which her students are regularly found among the list of winners.

A member of the American Culinary Federation's Flint/Saginaw Chapter and its Central Region, Deborah has previously been recognized as her chapter's Chef of the Year. Her recent award is very special because she is the first from the region to receive the Chef Professionalism Award, and the first woman ever to receive the award.

As a national award recipient, Deborah has received an honorarium, which she used to create scholarships at Oakland and Macomb Community Colleges, institutions she credits with providing invaluable support.

Mr. Speaker, Deborah Jean Trudeau's colleagues and students have placed her in very high regard, describing her as an exemplary educator, instructor, and counselor. Due to her teachings, many establishments throughout my district have staffs of exceptional quality. As a former teacher, I am very appreciative of her commitment to her students and to the community. I ask my colleagues in the 106th Congress to join me in acknowledging the accomplishments of Deborah Jean Trudeau.

TRIBUTE TO DR. GERRY HOUSE, AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS, NATIONAL SUPERINTENDENT OF THE YEAR

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. FORD. Mr. Speaker, I rise to pay tribute to the Superintendent of Memphis City Schools, Dr. N. Gerry House.

On February 19, 1999, Dr. House was named the National Superintendent of the Year by the American Association of School Administrators. Dr. House's commitment to education placed her at the top of a distinguished list of national superintendent finalists, a list which also included nominees from Brazil and Germany. I might add that Dr. House is the first African-American woman to receive this prestigious award.

Dr. House's success may be attributed to many factors: hard work, perseverance and leadership skills. But perhaps most instrumental to her success is Dr. House's dedication to education reform. As Daniel Domenech, the President of the American Association of School Administrators (AASA) stated: "America needs leaders who will guide our schools into the next millennium—strong visionaries who will help shape the future of generations to come." Dr. House has that vision.

Under the leadership of Dr. House, Memphis has received a substantial grant from the National Science Foundation; a $3.6 million grant for after-school learning centers in eight schools; and was selected as one of 11 districts to implement the new American Schools redesign models. A recent study of the first 25 schools to undergo school wide reform found that the reform schools boasted a 7.5% greater achievement gain on state standardized tests than students nationwide, and 14.5% more than comparable Memphis City Schools. These outstanding results serve as a testimony to Dr. House's vision and commitment to education.

Dr. House serves on various national and state educational improvement boards, including the executive board of the Council of the Great City Schools, the Board of Directors of NEA's National Foundation for the Improvement of Education, and the National Science Foundation's Directorate for Education and Human Resources.

America needs more leaders like Dr. House, men and women committed to academic excellence. Please join me in honoring Dr. House and all of the other educational leaders in the country for their commitment to improving education for all Americans.

24TH ANNUAL CAPITAL PRIDE FESTIVAL, JUNE 5–13, 1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Ms. NORTON. Mr. Speaker, I rise to pay tribute to the 24th Annual Capital Pride Festival, a celebration of and for the National Capital Area's lesbian, gay, bisexual, and transgendered communities and their friends.

Since its inception in 1975, the Capital Pride Festival has grown from a small block party into a 9-day series of events which culminate in a downtown parade and Pennsylvania Avenue street fair on Sunday, June 13th. Last year over 3,000 people marched in the parade and participated as exhibitors, entertainers, or volunteers at the street fair. More than 175,000 people attended this annual celebration.

It has been 35 years since the passage of the Civil Rights Act of 1964 and gays and lesbians are still not covered by its protections. We must fight to make sure that not another 35 years or 10 years or even 1 year more passes without this Nation recognizing sexual orientation as a protected class in the United States. Congress must pass the Employment Non-Discrimination Act (ENDA), and I will do my best to make sure that it is passed in this Congress.

This year, the Capital Pride Festival organizers and sponsors, the Whitman-Walker Clinic and One-in-Ten, have selected "Unite, Celebrate, Remember" for the Festival's theme. Let's take that theme to heart and unite to achieve our goal of eliminating discrimination based on sexual orientation, celebrate our accomplishments, and remember those, like Matthew Shepherd, who we have lost because hatred and discrimination against gays, lesbians, bisexuals, and transgendered Americans still exist.

Mr. Speaker, I ask the House to join me in saluting the 24th Annual Capital Pride Festival, its organizers, and the volunteers who make it possible.

TRIBUTE TO FORMER MICHIGAN STATE REPRESENTATIVE DAVID ANTHONY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. STUPAK. Mr. Speaker, I would like to pay tribute today to Dave Anthony, a former representative to the Michigan House of Representatives from the 108th Representative District, which is comprised of three counties in my congressional district.

First elected to the House in 1990, Dave Anthony has just concluded his service in that body because of the Michigan term limits law. This law was enacted at the will of the voters of Michigan, but I have to confess that in this case I believe the law has turned an excellent public servant out of office.

Dave succeeded me in the 108th District seat, and he has represented both the community where I grew up and the community where I and my family now live. Dave and I have always enjoyed a special relationship personally and professionally.

Whether the issue was timber or roads, Dave was always ready to jump into the political and legislative arena, and he was a tireless worker for the "Yoopers," those special residents of Michigan that live in the state's Upper Peninsula, the U.P.

Dave's experience in politics and in constituent service was shaped by his work as the Upper Peninsula representative of Sen. CARL LEVIN. It should be clear from my remarks, Mr. Speaker, that Dave Anthony has spent much of his adult life in public service.

Because I made the same trip so many times, I know how many long hours Dave had to log on Michigan highways, not just holding office hours within his district but also in the drive between his home community of Escanaba and the state capital of Lansing.

This seven-hour sojourn served as an excellent metaphor for the physical isolation of the Upper Peninsula from the state house, and it made clear the special burden of U.P. legislators in speaking on behalf of a region that many House colleagues knew only in news stories and travel brochures.

Dave, usually accompanied by his children—son Robbie and daughter Courtney—always "light up" political or legislative events. This summer Susie will be added to the Anthony family and will contribute mightily to the fine reputation of public service the Anthony family has given to us "Yoopers."

I will miss working with Dave, and the residents of northern Michigan will miss him. Dave will have a little extra time now for his favorite pastime—fly fishing—but, with his experience and commitment, I believe the people of Michigan haven't heard the last of Dave Anthony.

HONORING CHARLES MELTON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 24, 1999

Mr. KILDEE. Mr. Speaker, it is a great honor to rise before you today to pay tribute to a loyal friend and a tireless advocate of America's workers, who was taken from this Earth too soon. On Thursday, February 25, members and friends of Local 653 of the United Automobile, Aerospace, and Agricultural Implement Workers of America have decided to go forth with their plans to honor the accomplishments of Mr. Charles J. Melton of Pontiac, Michigan, who died January 31.

It has been said that "death ends a life, not a relationship," and this is certainly the case with those who have ever come into contact with Charlie Melton and have benefitted from his influence. A lifelong Pontiac resident, Army veteran, and a committed labor activist, Charlie's association with the UAW began in 1952. Within two years, he became a committeeman, and spent the following 30 years serving his fellow colleagues as union representative, benefit representative, vice president, and ultimately president of Local 653. Early on, Charlie had a fervent desire to help people in any way possible and do whatever he could to ensure that a strong, equitable, and positive environment existed in the workplace and throughout the community.

Upon his retirement from General Motors in 1983, after 31 years, Charlie continued to work on behalf of his peers through the Local's Retiree chapter, where he served as chairman for many years. He also served as recording secretary for the UAW Region 1 Retirees Council. He was always found within the halls of the union planning everything from meetings to fishing trips.

Charlie's ability to make a difference was a trait shared by his wonderful wife, Bonnie, and they both instilled these values in their son, Tim. One of Charlie's greatest joys was to recently see his son elected as the youngest member ever of Oakland County's Board of Commissioners. The strides that Tim will make as he begins his career as a public servant will serve to continue the legacy of his father.

Mr. Speaker, Charles J. Melton was not just a constituent, but a very good friend. It is with a heavy heart that I stand before you today, however it is also with great pride that I do so. It is people like Charlie, who make it their life's work to improve the quality and dignity of life for us all that continue to inspire us to greater efforts. I, along with Charlie's family, and his UAW extended family will truly miss him a great deal. I ask my colleagues to join me in honoring the life of a great man.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 25, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 1

8:30 a.m.
YEAR 2000 TECHNOLOGY PROBLEM
To hold hearings on certain Year 2000 issues.
Room to be announced
10 a.m.
Judiciary
To hold hearings on proposed legislation relating to Year 2000 computer problems.
SD–226

1 p.m.

Aging

To hold hearings to examine the impact of the President's Social Security reform proposal on the income of American workers and retirees.

SD–628

MARCH 2

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

Health, Education, Labor, and Pensions

To hold hearings on medical theory and practice issues.

SD–430

Energy and Natural Resources

To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Department of the Interior.

SD–366

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2000 for the Department of Agriculture.

SD–138

10 a.m.

Environment and Public Works

To hold hearings on the nomination of Gary S. Guzy, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency.

SD–406

2 p.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings on proposed legislation authorizing funds for the Surface Transportation Board, Department of Transportation.

SR–253

3 p.m.

Foreign Relations

Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee

To hold hearings on United States relief efforts in response to Hurricane Mitch.

SD–419

MARCH 3

9 a.m.

Environment and Public Works

Fisheries, Wildlife, and Drinking Water Subcommittee

To hold oversight hearings on on the Environmental Protection Agency's implementation of the 1996 amendments to the Safe Drinking Water Act.

SD–406

9:30 a.m.

Commerce, Science, and Transportation

Business meeting to markup pending calendar business.

SR–253

Health, Education, Labor, and Pensions

Aging Subcommittee

To hold oversight hearings on the implementation of the Older Americans Act.

SD–430

Indian Affairs

Energy and Natural Resources

To hold joint hearings on American Indian trust management practices in the Department of the Interior.

SD–366

10 a.m.

Budget

To hold hearings on the President's proposed budget for fiscal year 2000.

SD–608

Armed Services

Personnel Subcommittee

To continue hearings on the Department of Defense recommendations pertaining to military retirement, pay and compensationas they relate to the Defense Authorization Request for Fiscal Year 2000 and the Future Years Defense Program and S.4, to improve pay and retirement equity for members of the Armed Forces (pending on Senate calendar).

SR–222

2 p.m.

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold hearings on the commercial viability of a Caspian Sea export energy pipeline.

SD–419

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on the President's propsed budget request for fiscal year 2000 for the Bureau of Recalmation, Department of the Interior, and the Power Marketing Administrations, Department of Energy.

SD–366

MARCH 4

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of World War I of the USA, Non-Commissioned Officers Association, Paralyzed Veterans of America, Jewish War Veterans, and the Blinded Veterans Association.

345 Cannon Building

Commerce, Science, and Transportation

To hold hearings on internet filtering.

SR–253

10 a.m.

Governmental Affairs

To hold hearings on proposed budget reform measures.

SD–342

MARCH 8

9:30 a.m.

Governmental Affairs

Investigations Subcommittee

To hold hearings on S.335, to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter.

SD–342

MARCH 9

9:30 a.m.

Governmental Affairs

Investigations Subcommittee

To hold hearings on S.335, to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter.

SD–342

MARCH 10

9:30 a.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on the condtion of the services' infrastructure and real property maintenance programs for fiscal year 2000.

SR–222

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on the condition of the service's infrastructure and real property maintenance programs for fiscal year 2000.

SR–236

MARCH 11

2 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.

SD–628

MARCH 16

2 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To resume oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.

SD–366

MARCH 17

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

MARCH 24

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.

345 Cannon Building

SEPTEMBER 28

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

345 Cannon Building

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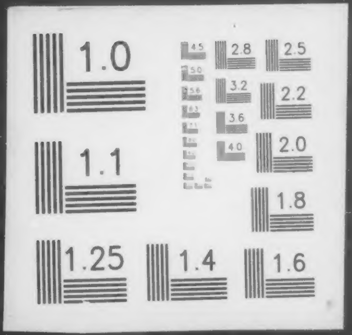
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